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TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Tony Lechuga, Senior City Planner
DATE: January 2, 2025
RE: Official Zoning Map Amendment Application #2023I-00226

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023-00226.

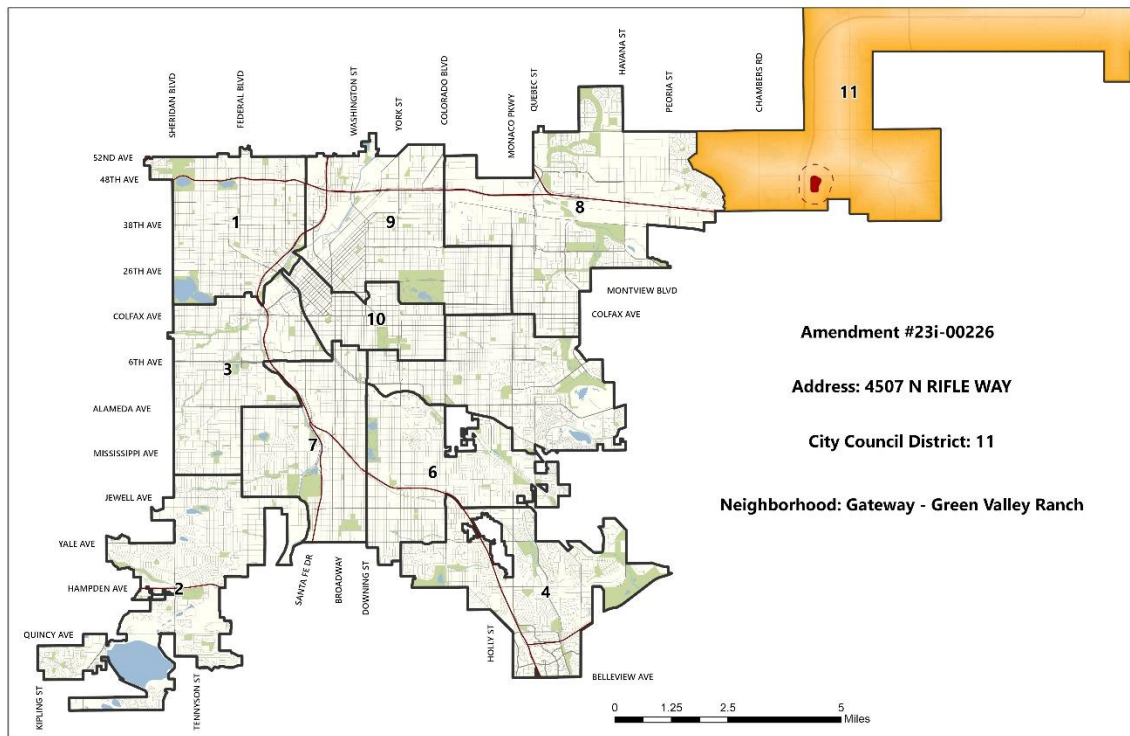
Request for Rezoning

Address: 4507 Rifle Way
Neighborhood/Council District and CM: Gateway – Green Valley Ranch / Council District 11, Council Member Gilmore
RNOs: Opportunity Corridor of United Residents, Master Homeowners Association for Green Valley Ranch, Montbello 2020, East Denver United Neighbors, Inter-Neighborhood Cooperation, Strong Denver
Area of Property: ~12 acres (534,376 sq. ft.)
Current Zoning: Planned Unit Development (PUD) 319
Proposed Zoning: Suburban – Mixed Use - 5 (S-MX-5)
Property Owner(s): Evergreen – Green Valley Ranch & Telluride Land, LLC
Owner Representative: Tyler Carlson

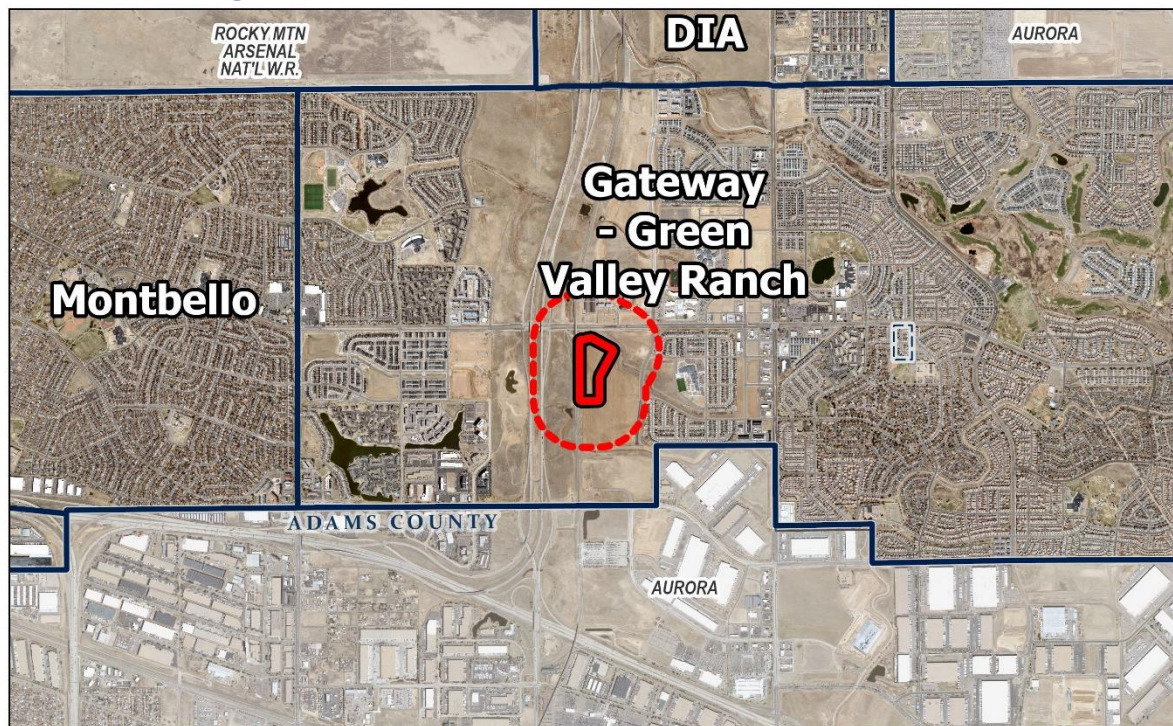
Summary of Rezoning Request

- The subject property is a vacant greenfield site south of Green Valley Ranch Boulevard and the Derby Canal to the west of Rifle Way and east of Peña Boulevard.
- The applicant is requesting this rezoning to remove the property from the Former Chapter 59 PUD to establish a mixed-use development on the site.
- The proposed S-MX-5, Suburban, Mixed Use, 5 stories zone district is intended for use in the Suburban Neighborhood Context. This context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. The proposed zone district allows for the Drive Thru Services, Drive Thru Restaurant, General, and Shopfront building form. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

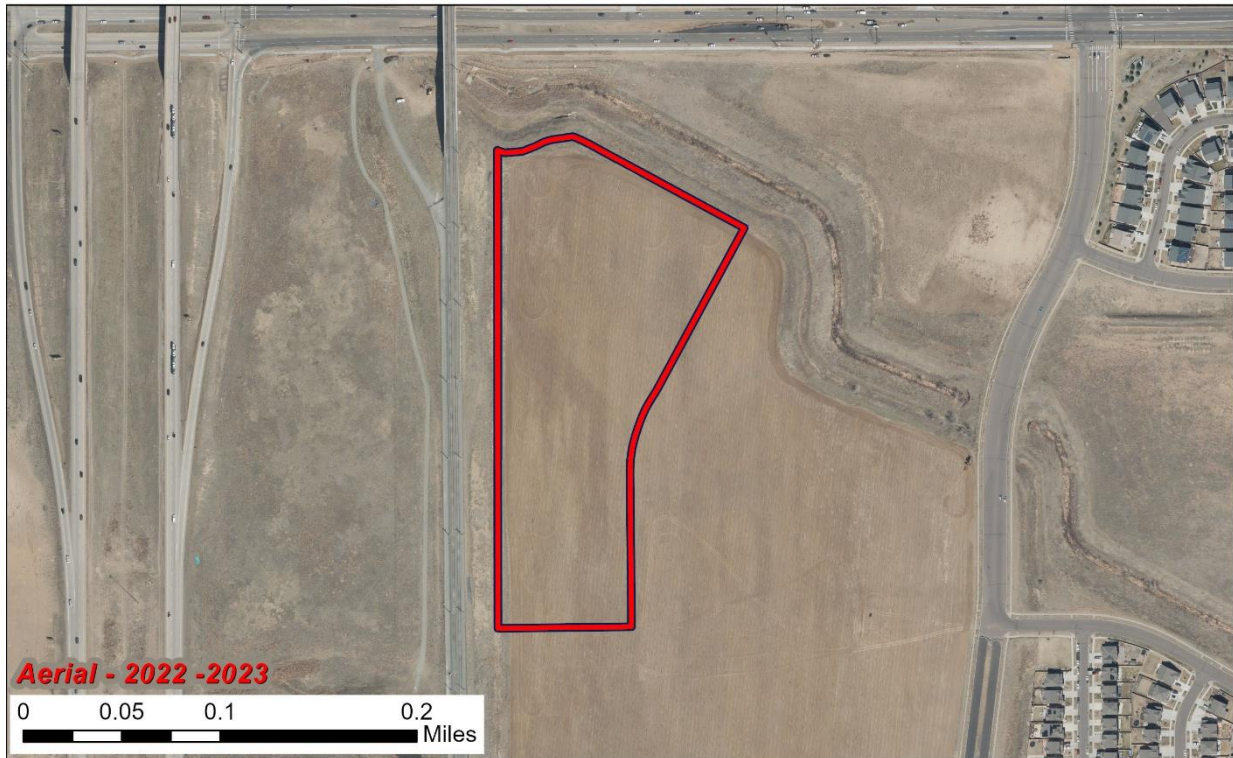
Council District



Statistical Neighborhood



Existing Context

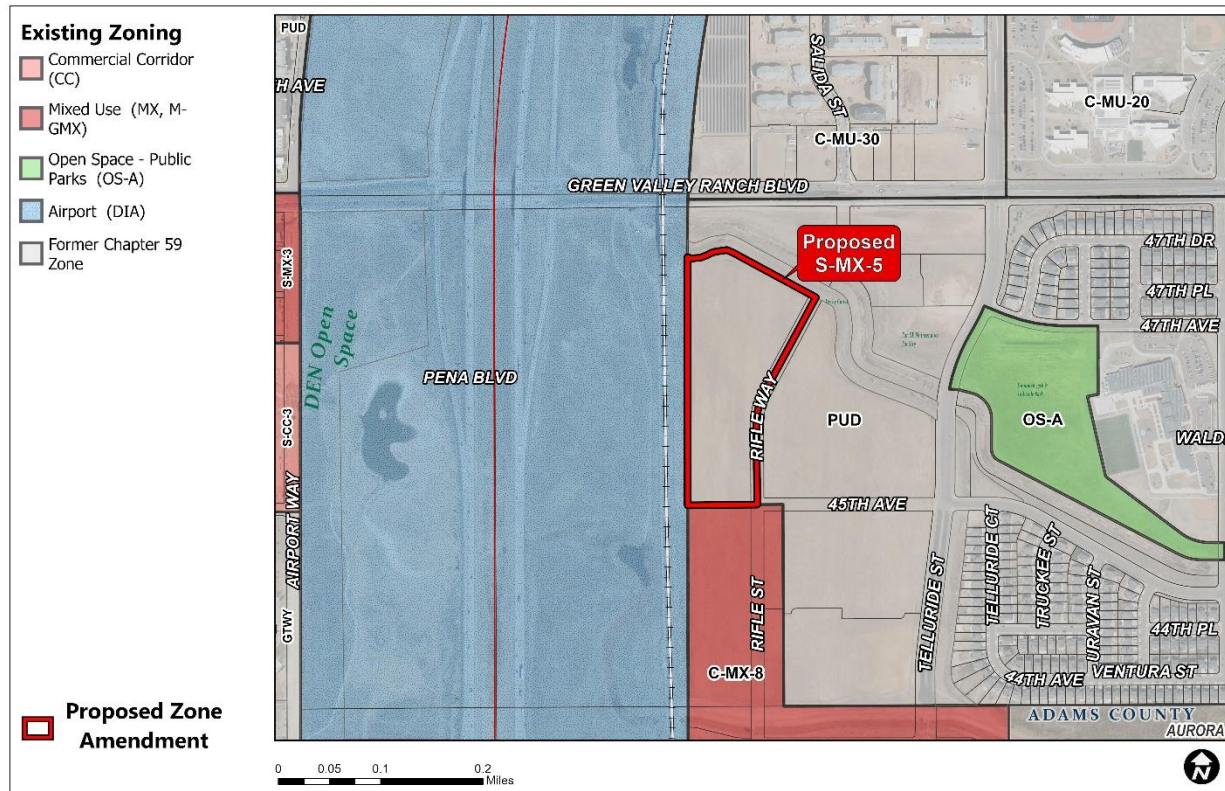


The subject property is in the Gateway – Green Valley Ranch statistical neighborhood, which is characterized primarily by single-unit and multi-unit residential with some commercial uses along main corridors. Generally, there is a pattern of irregular blocks with curvilinear streets with no alley access. The subject site is accessible by the newly created Rifle Way which runs north-south between Green Valley Ranch Boulevard and East 41st Avenue. The site is near KIPP Northeast Denver Middle School across Telluride Street, as well as DSST: Green Valley Ranch Middle School, Vista Academy, SOAR Elementary, and Rocky Mountain Prep Green Valley Ranch all to the northeast at the intersection of Telluride Street and Green Valley Ranch Boulevard. The site is not currently served by any nearby public transit service but is less than 1 mile north of the 40th/Airport – Gateway Park Station which serves as a stop for multiple RTD bus lines as well as the A Line train.

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 319	Agriculture	None	Generally irregular grid of streets. Block sizes and shapes are inconsistent with large non-residential blocks. Vehicle parking between the building and the street.
North	PUD 319	Agriculture	None	
South	C-MX-8	Agriculture	None	
East	PUD 319	Agriculture	None	
West	DIA	Right of Way	Peña Boulevard	

Existing Zoning



The existing zoning on the subject property, approved in 1992, is PUD 319. This custom zoning is tailored to specific uses on certain sites within the development, like most PUDs written before the adoption of the Denver Zoning Code. This PUD is divided into 15 superblocks, which each allow for certain uses outlined within the PUD. Most of the superblocks that are designated as residential have been constructed, but the properties allowing for commercial and a mix of uses have remained undeveloped. The PUD allows up to 2,150 residential units or a ratio of 7.9 units per acre, and a maximum Floor Area Ratio (FAR) of 0.5:1 for non-residential uses. Additionally, there is a maximum gross floor area for buildings for each superblock. This site is located within Superblock H in the PUD, which allows for a diversity of residential, commercial, and civic uses. A maximum of 1,001,880 square feet of gross floor area is permitted in Superblock H. Superblock H may not contain more than 291 residential units at a maximum density of 30 dwelling units per acre. The western portion of Superblock H, which includes the subject property, allows for a series FAR bonuses of up to 1.5:1 and a maximum building height of up to 150 feet.

1. Gateway Subdivision Rules and Regulations

The Gateway Subdivision Rules and Regulations were adopted by the Planning Board in February of 2020 and apply to the subject property. The rules and regulations outline land dedication for parks, trails, open spaces, and schools.

2. Large Development Review

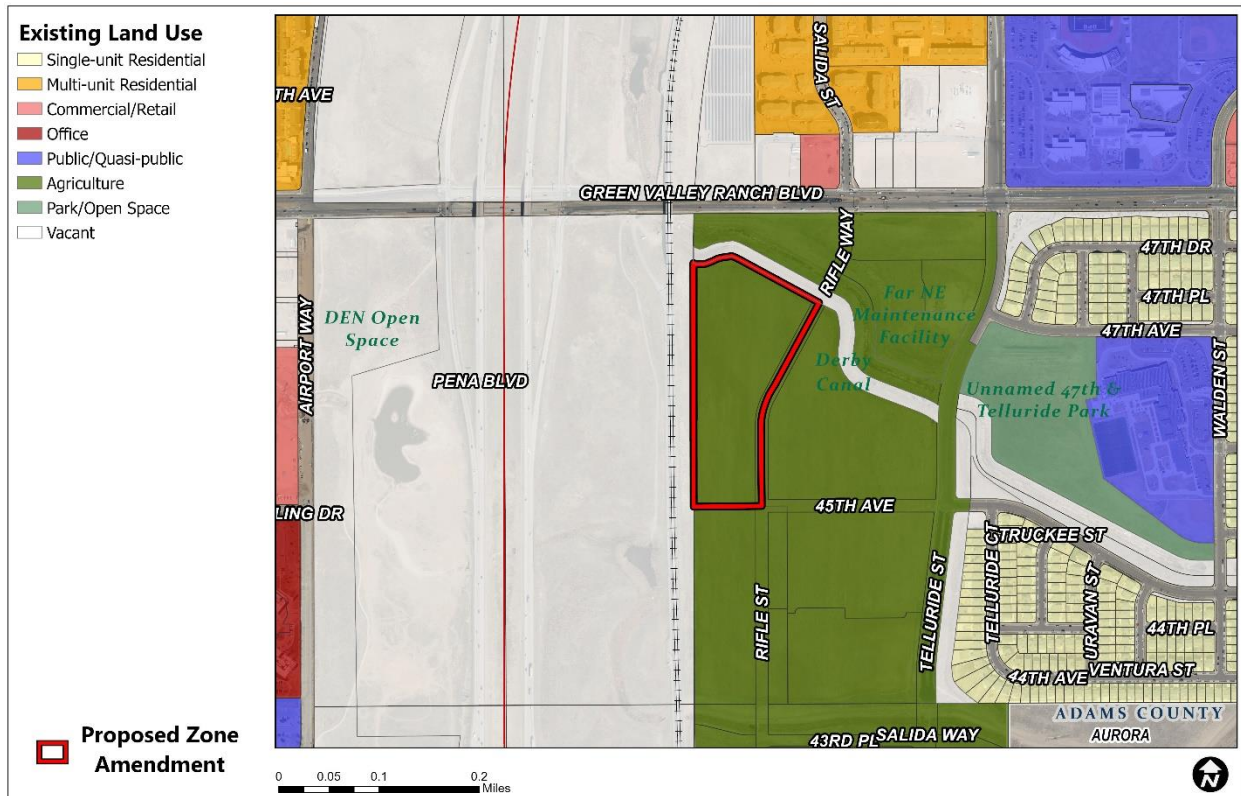
The Development Review Committee reviewed this rezoning application to determine if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code. After review, it was determined the LDR process was not required for the following reasons:

- Infrastructure planning has occurred through the PUD, master drainage study, and Transportation Engineering Plan
- Land use, development standards, and urban design can be adequately addressed through standard review processes
- Public outreach will be a necessary requirement with the rezoning application and High Impact Development Compliance Plan

3. High Impact Development Compliance Plan

The Department of Housing Stability (HOST) determined that this property would be subject to a HIDCP because of the size and use of Metropolitan District financing. Because the property owner is developing a larger site than the rezoning area, HOST is concurrently working with the applicant to complete a HIDCP for the larger area of Superblock H.

Existing Land Use Map



Existing Building Form and Scale (Source: Google Maps)



View of the subject property with Peña Boulevard to the right, looking south.



View of the subject property with Peña Boulevard toward the background, looking west.



View of open space, school, and residential development to the east, looking east.

Proposed Zoning

The requested S-MX-5 has a maximum height of 70 feet, or 95 feet with incentives, and allows the General, Shopfront, Drive Thru Services, and Drive Thru Restaurant primary building forms. The district allows for a variety of residential, civic, commercial, and industrial land uses. Compared to PUD 319, S-MX-5 district includes design standards and height maximums instead of maximum building coverage and Floor Area Ratios. While PUD-319 allows for a diversity of uses it sets maximum floor areas, densities, or unit counts for various uses. Specifically, PUD 319 allows for a total of 291 dwelling units across all of Superblock H while the S-MX-5 would allow for a higher density or residential on this portion of Superblock H. For additional details of the requested zone district, see DZC Sections 3.2.4, 3.3 and 3.4.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	PUD 319 (Existing)	S-MX-5 (Proposed)
Primary Building Forms Allowed	N/A	Drive Thru Services*; Drive Thru Restaurant*; General; Shopfront
Stories/Heights (max) or FAR	FAR 0.5:1 up to 150'	5/70'
Primary Build-To Percentages (min)	N/A	N/A (Drive Thru Services); 50% (Drive Thru Restaurant, General**); 75% (Shopfront)
Primary Build-To Ranges	N/A	N/A (Drive Thru Services); 0'-80' (Drive Thru Restaurant, General**), 0'/5' (Shopfront)
Primary Setbacks (min)	5'	0'
Surface Parking between building Primary Street/Side Street	Not Allowed/ Not Allowed	Allowed/Allowed
Building Coverages	Maximum 686,079 square feet gross floor area	N/A
Transparency, Primary Street	N/A	40% (Drive Thrus, General); 60% (Shopfront)
Pedestrian Access, Primary Street	N/A	Pedestrian Connection (Drive Thrus, General); Entrance (Shopfront)

*Building form not allowed within a ¼ mile of a transit station platform

**The second option for the build-to for General building form is 50% within 0'/150' of the primary street.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – No Response

Denver Parks and Recreation: Approved – No Response

Department of Transportation and Infrastructure – R.O.W.- City Surveyor: Approved – No Comments

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approve Rezoning Only – Will require additional information at Site Plan Review

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	09/10/24
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	11/19/24
Planning Board Public Hearing	12/04/24
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	12/24/24 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	01/07/25
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	02/03/25 (tentative)
City Council Public Hearing:	02/24/25 (tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 As of the date of this staff report, CPD has received no letters from RNOs.
 - **General Public Comments**
 As of the date of this staff report, CPD has received no public comments.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Far Northeast Area Plan* (2019)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning will allow for a higher density of commercial amenities, employment opportunities, and residential in the Gateway – Green Valley Ranch neighborhood. It is therefore consistent with the following strategy in the Equitable, Affordable, and Inclusive vision element:

- Goal 1, Strategy C: *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts* (p. 28).

The requested S-MX-5 zone district broadens the mix of retail services, employment, and housing types and densities and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Goal 1, Strategy A – *Build a network of well-connected, vibrant, mixed-use centers and corridors* (p.34).
- Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhood and offer opportunities for increased amenities* (p. 34).

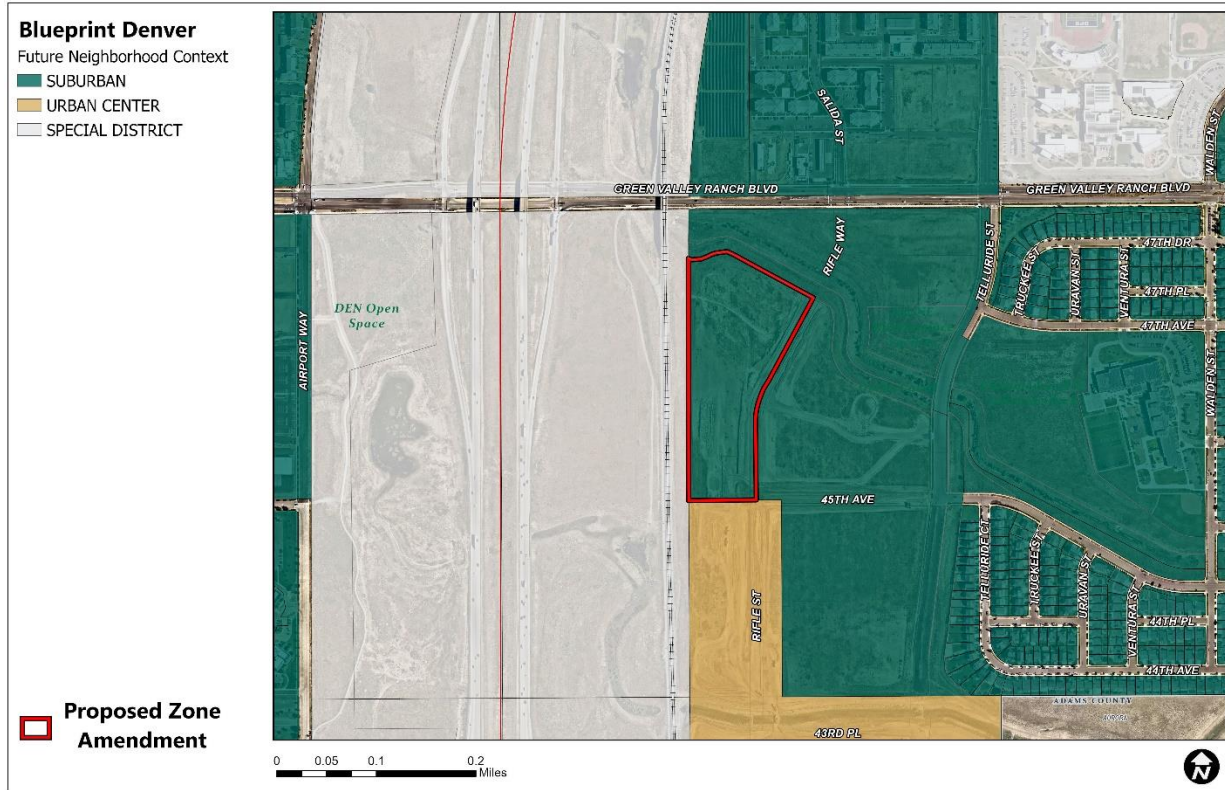
The requested S-MX-5 expands the permitted uses and densities on the site which could lead to an increase in amenities that create a complete neighborhood, consistent with the following strategy in the Environmentally Resilient vision element:

- Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods* (p. 54).

Blueprint Denver

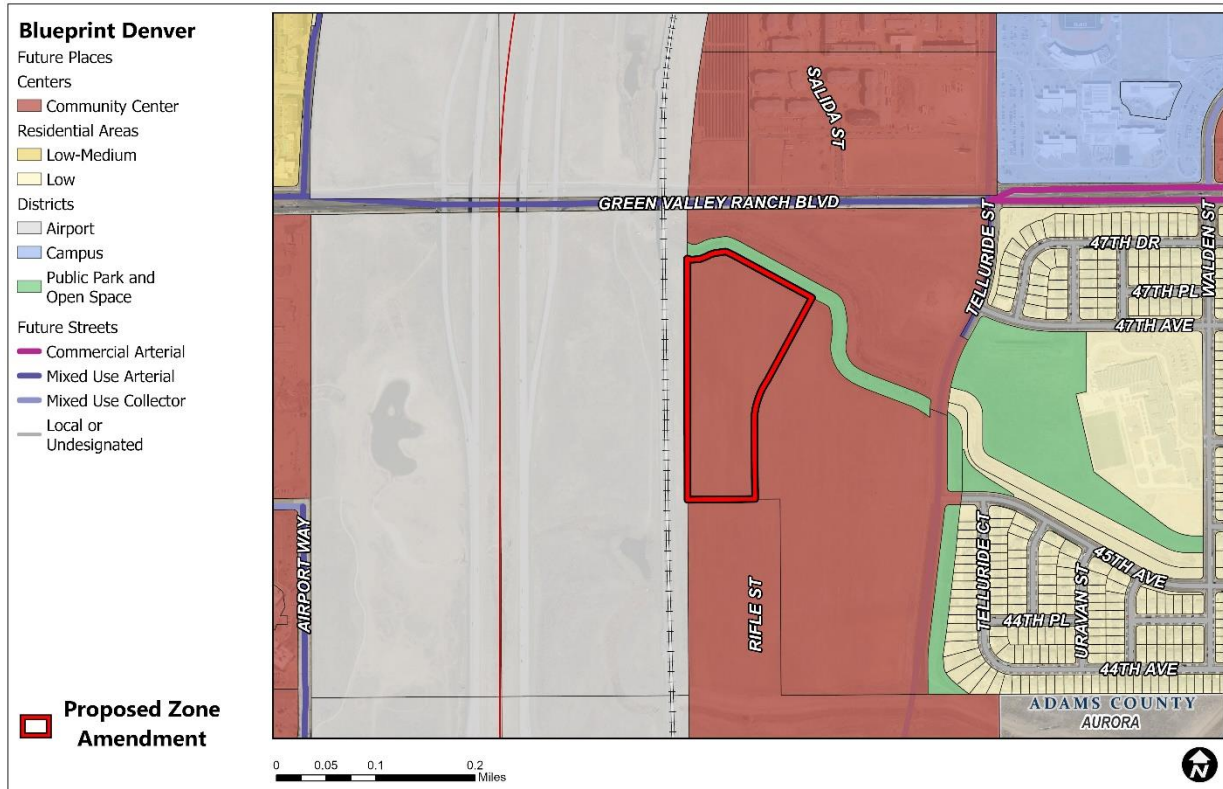
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center place within the Urban Center Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Suburban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Suburban neighborhood context is described as a “range of uses from single-unit and multi-unit residential to commercial corridors and centers” with irregular block patterns with curvilinear streets (p. 136). Suburban areas are also “walkable and bikeable with access to transit but still mostly reliant on cars” (p. 136). S-MX-5 is a zone district within the Suburban neighborhood context and is “intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods” (DZC 3.2.4.1). S-MX-5 is consistent with the Blueprint future neighborhood context of Suburban because it will promote areas that can be accessed by pedestrians, bikes, and transit while also providing vehicular access.

Blueprint Denver Future Places

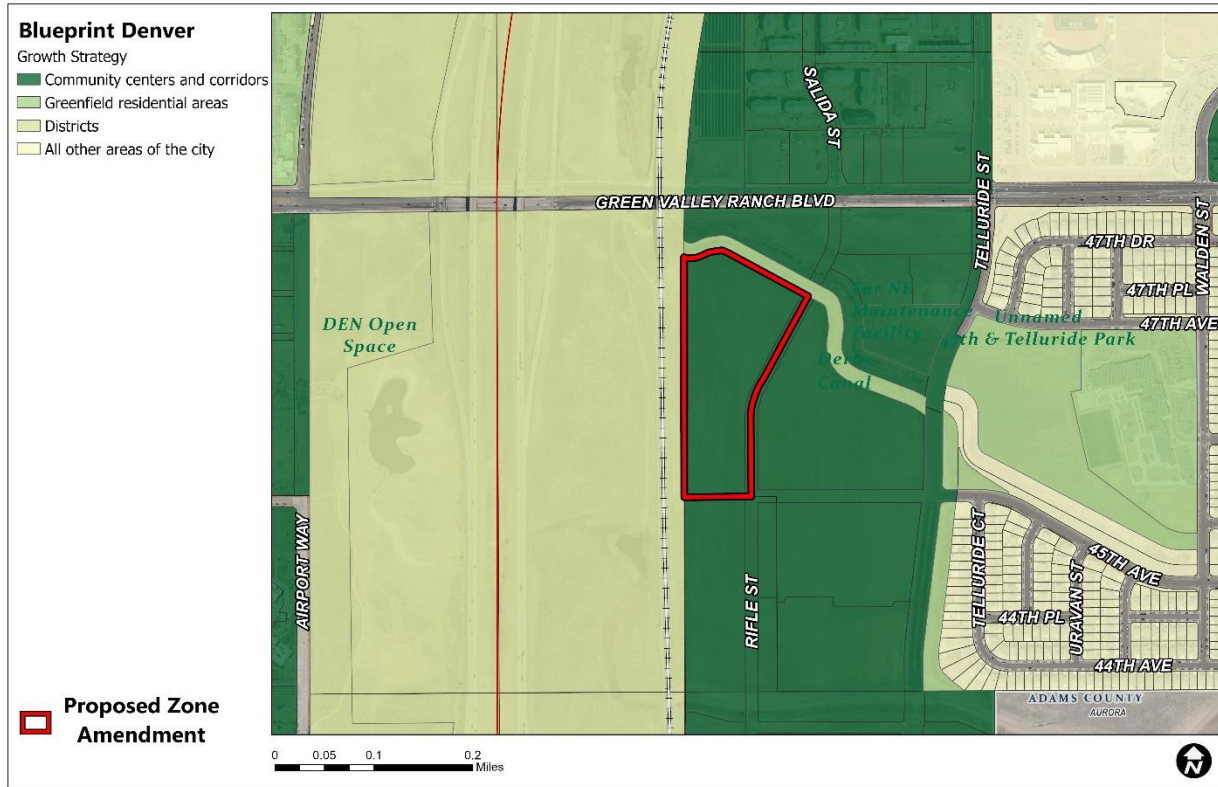


The Future Places map provides nuance to the aspirations of the individual places shown on the map. The subject site is designated within a Community Center future place type on the *Blueprint Denver* Future Places map. This place type “typically provides some medium mix of office, commercial and residential uses” with a wide customer draw and heights up to 5 stories (p. 194). S-MX-5 is a mixed-use district which allows for office, commercial, and residential uses and a maximum height of 5 stories, consistent with the future place type.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). This site is served by an emerging network of streets in a range of street types. *Blueprint Denver* classifies Green Valley Ranch Boulevard and Telluride Street as Mixed-Use Arterials. Arterials “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Rifle Way was not anticipated by *Blueprint Denver* and so has no street type classification. As built, it reflects the nature of nearby Mixed-Use Arterials. As described above, the subject site is served by an emerging network of streets and the types of development allowed by this zone district is consistent with *Blueprint’s* vision for those street types.

Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "Community Centers and Corridors" growth area. These areas anticipate experiencing around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). This growth area is "where underutilized infill redevelopment sites can be repurposed" (p. 49). The proposed map amendment to S-MX-5 will allow greater density than what is currently permitted, consistent with the growth area strategy.

Blueprint Denver Strategies

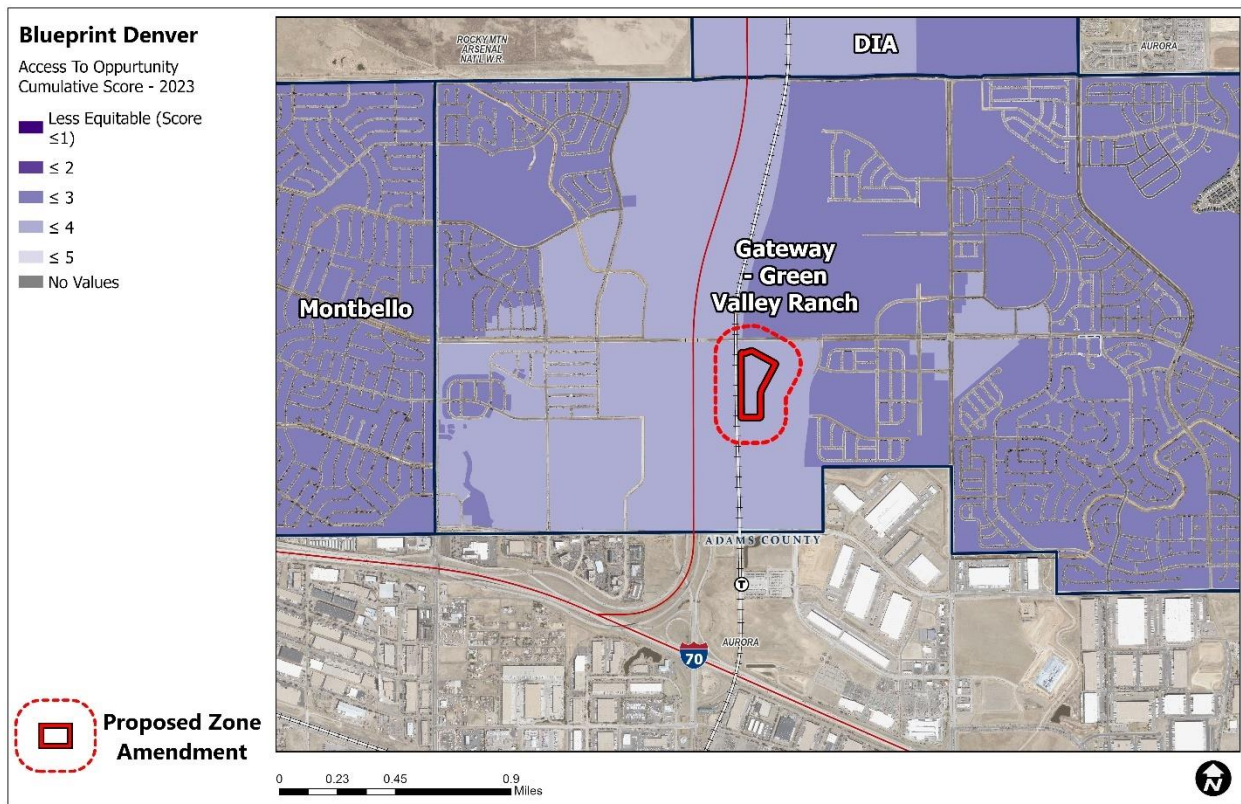
Blueprint Denver provides a recommendation related to rezoning property out of Former Chapter 59. Land Use & Built Form General, Policy 3 Strategy A. says, "Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code" (p. 73).

Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

I. Access to Opportunity

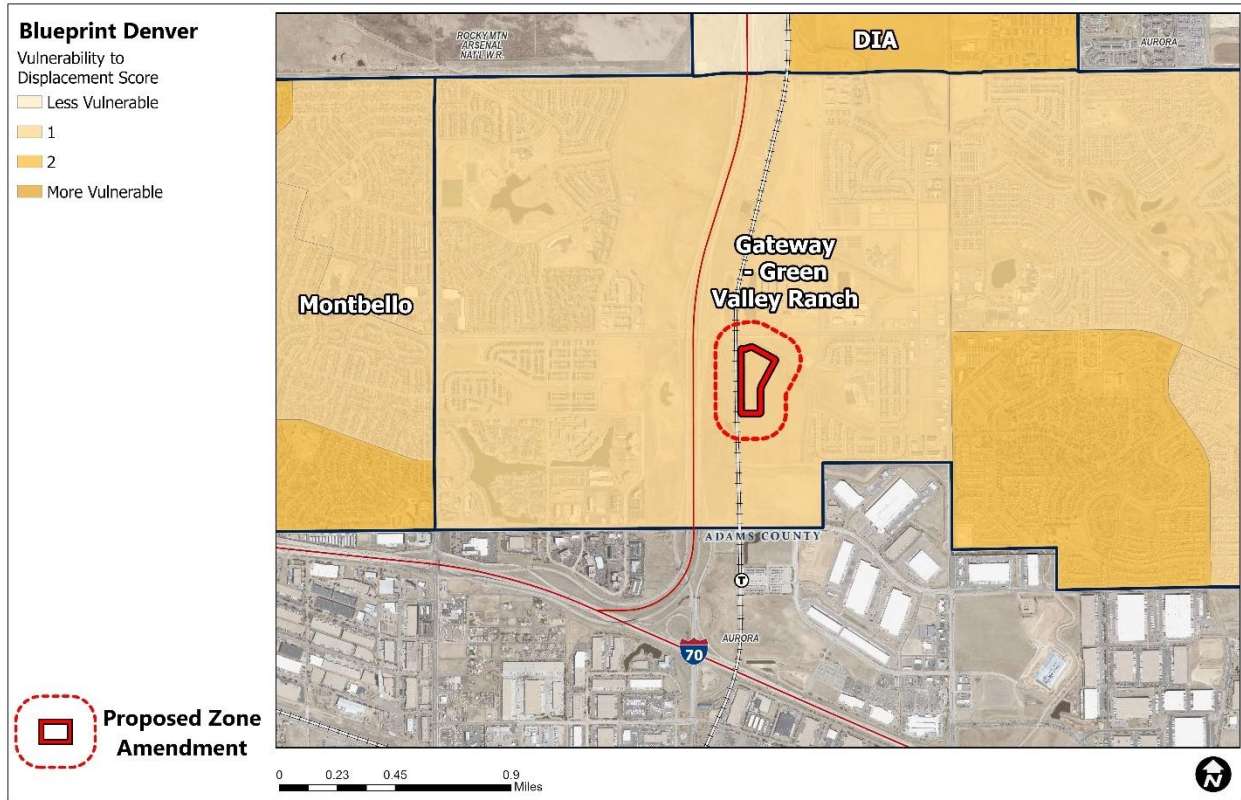
The access to opportunity score is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. This equity concept helps the city consider if it’s making progress towards achieving the vision for complete neighborhoods citywide.



The subject property is in an area with average access to opportunity. However, it’s worth noting that many of the scores, such as social determinants of health, access to healthcare, child obesity, and life expectancy are influenced by the residential population which surrounding this site is extremely low. New development would be required to provide additional open space around the site. The proposed zone district would allow for a higher density of residential and commercial development which would have potential to ensure that a complete neighborhood emerges from any new development on this site.

II. Vulnerability to Involuntary Displacement

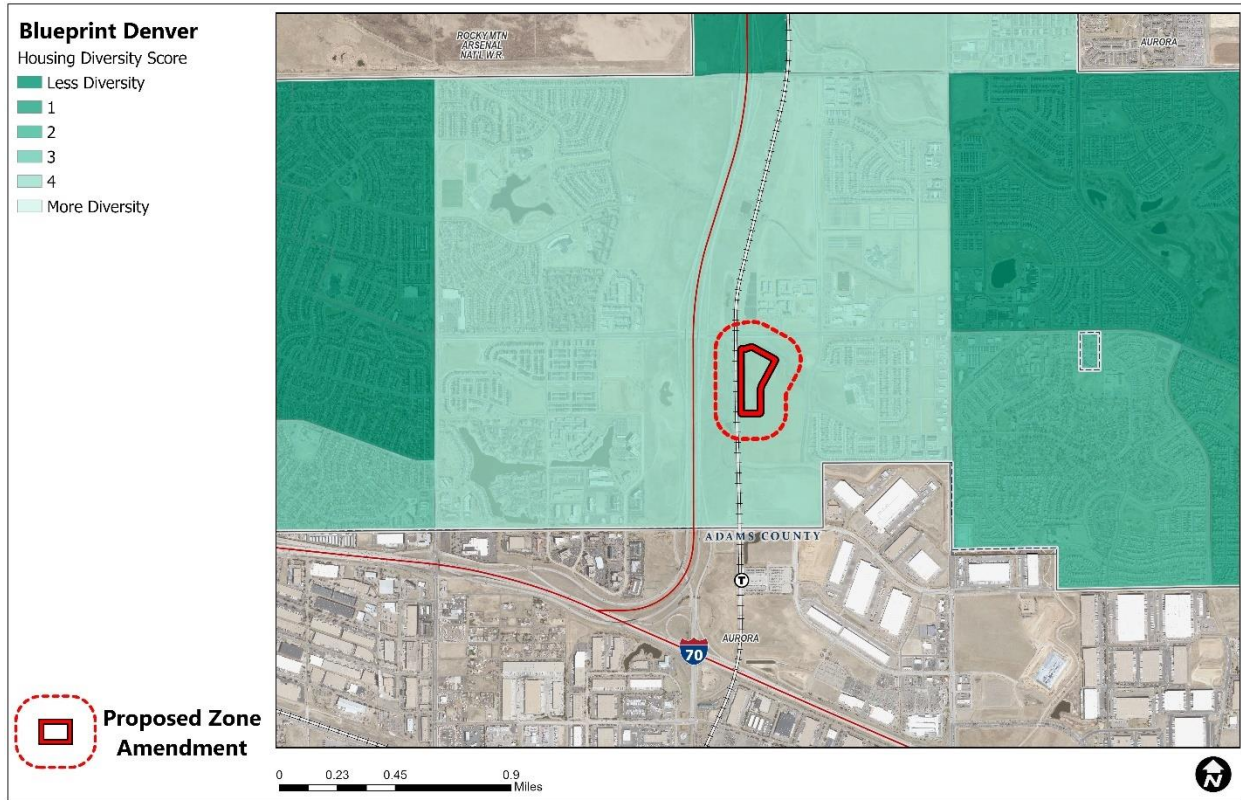
The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by the Department of Housing Stability. This combines U.S. Census data from median household income, percent of renter-occupied units, and percent of residents with less than a college degree.



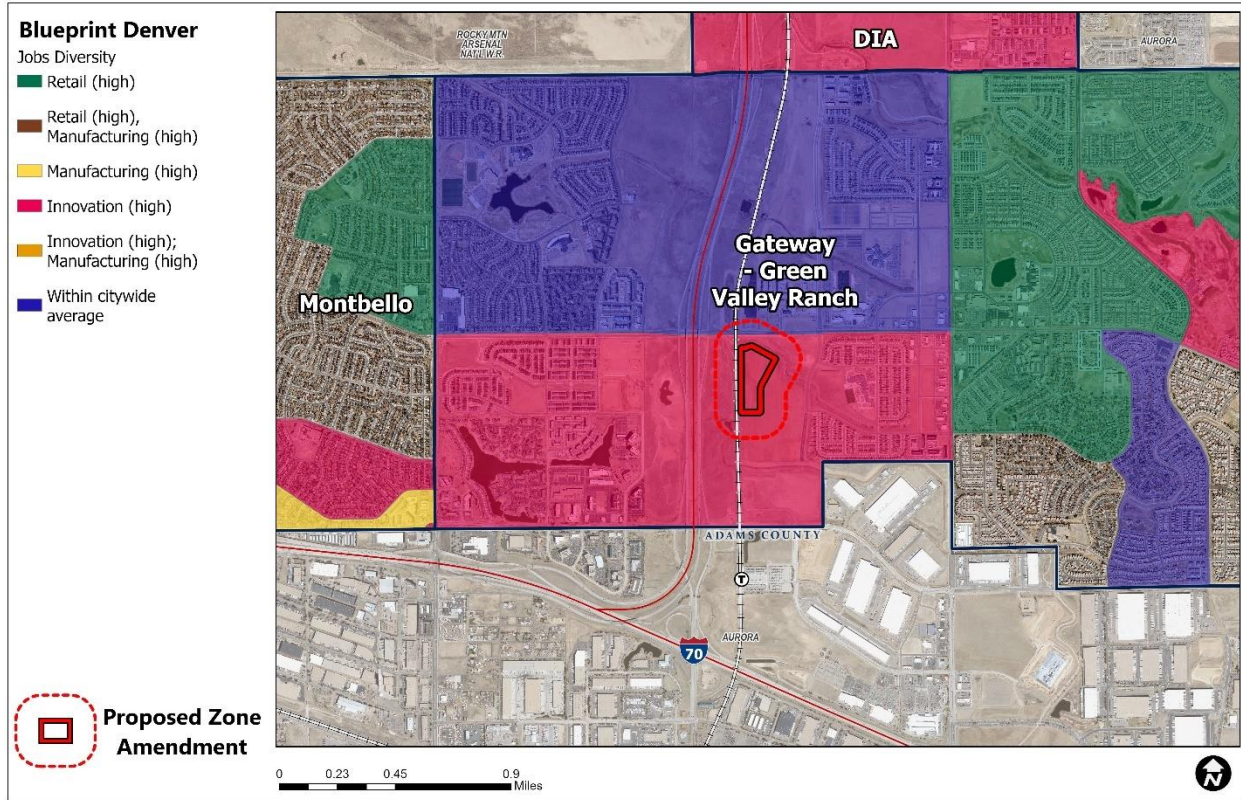
The subject property only scored as vulnerable on one of three metrics, educational attainment. This metric is also influenced by the total residential population and a low residential population, especially of individuals over the age of 25, can have a disproportionate influence on the score. The proposed zone district would allow for a higher density of residential and commercial development which would have the potential to provide a diversity of housing options at a range of prices as well as a diversity of jobs.

III. Expanding Housing and Jobs Diversity

The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership versus rental, housing costs, and the number of income-restricted units.



The subject property is in an area that has moderate housing diversity and scores as diverse on four of the five metrics (diversity of bedroom counts per unit, home ownership compared to rental, housing costs, and income restricted units). The only metric scored as not diverse is missing middle housing which measure the percent of housing with 2-19 units. This area scored as having 19% of units as between 2-19 units and the city considers a score of 20% as diverse. While extremely close to meeting the desired threshold, the proposed zoning would allow for dense housing in the form of rental or for-sale multi-unit buildings that would improve on this metric.

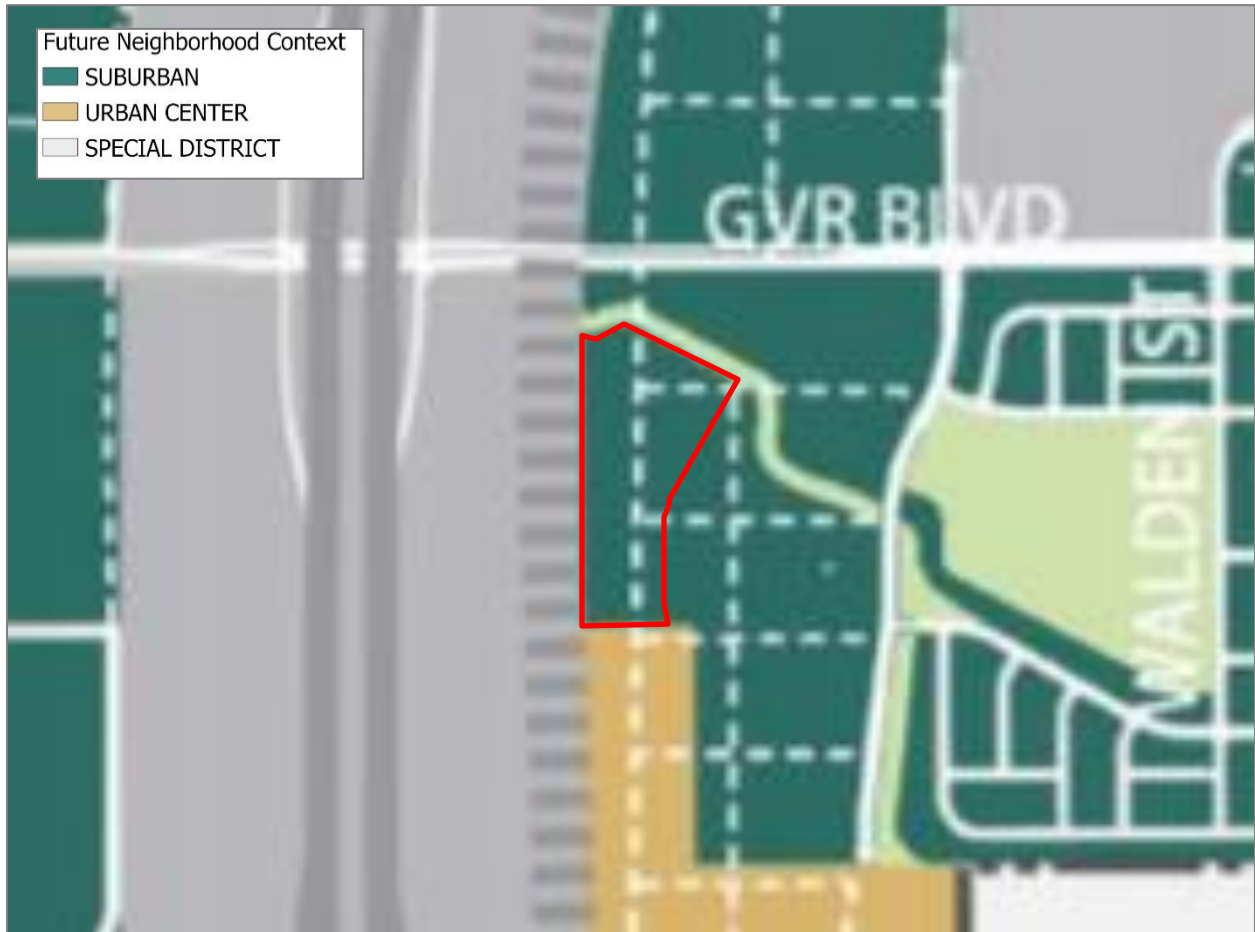


The subject property is within an area that has a higher-than-average number of innovation jobs. The proposed zone district allows for various commercial, office and retail jobs and increasing access to a range of many quality jobs enables people of different incomes and education levels to find employment and wealth-building opportunities.

Far Northeast Area Plan (2019)

The *Far Northeast Area Plan* contains a framework plan for the entire plan area and recommendations for smaller neighborhood areas. Within the *Far Northeast Area Plan* the subject property is within the Suburban Neighborhood Context, is in a Community Center future place, and is recommended for a maximum building height of 8 stories. See the Future Neighborhood Context map, the Future Places map, the Growth Strategy map and the Recommended Maximum Building Heights Maps below.

Far Northeast Area Plan Neighborhood Context



The Far Northeast Area Plan designates the subject property as within the Suburban Neighborhood context, which is “largely single-unit, but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity” (p. 31). The proposed S-MX-5 district will allow mixed-use and commercial development off Rifle Way, a newly constructed north-south main corridor in the Gateway-Green Valley Ranch neighborhood.

Far Northeast Area Plan Future Places



The *Far Northeast Area Plan* designates the subject property as within a Community Center future place. The plan describes centers as “a mix of office, retail, eating and drinking establishments, commercial services, and multi-unit residential uses” (p. 35). The plan recommends that community centers provide community serving amenities and pedestrian-friendly designs. Land Use and Built Form Policy LU.4.b encourages the creation of “new community centers in presently undeveloped areas including the Gateway area (generally south of 56th Avenue and east and west of Pena scenic buffer)” (p. 38). Additionally, LU.4.c. states that development in these areas should provide community-serving amenities, extend the existing street grid, create a pedestrian-oriented environment, and provide ground story activation (p. 38). The proposed rezoning would enable a moderately dense residential and commercial area on a currently undeveloped site within the Gateway area. Furthermore, the S-MX-5 zone district is intended to promote safe, active, pedestrian-scaled areas with building form standards that balance the importance of street presence and the provision of adequate parking. The proposed S-MX-5 zone district is consistent with the Community Center place description.

Far Northeast Area Plan Growth Strategy



Within the *Far Northeast Area Plan* the growth strategy for the subject property is "Community Centers and Corridors." The plan states that "most change is expected to occur in greenfield areas, that are currently underdeveloped" (p. 41). The subject site is a greenfield area, and the proposed S-MX-5 district will allow the property to be developed with commercial and mixed-use development with the potential to create more jobs and housing for the area.

Far Northeast Area Plan Recommended Maximum Building Heights



The *Far Northeast Area Plan* recommends maximum building height of eight stories for the subject property. The S-MX-5 district allows up to five stories in height, less than the proposed maximum height guidance.

Far Northeast Area Plan Gateway – Green Valley Ranch Neighborhood Guidance

The *Far Northeast Area Plan* includes additional guidance for individual neighborhoods. The subject property is within the Gateway – Green Valley Ranch neighborhood where the plan identifies various character areas. The plan states that “there has been an increase in development activity in recent years, especially along Tower Road and Green Valley Ranch Boulevard. Additional road infrastructure is needed off of these main arterials in order for much of the remaining land in the Gateway to be developed” (p. 160). Recommendations for the area include the following:

- Create and enhance Community Centers:
 - *Peña Boulevard Area – Create new community centers on undeveloped land in the Gateway on either side of the Peña scenic buffer to maximize remaining opportunities to create destination areas and introduce new retail, jobs, and housing (p. 163).*

- Gateway – Green Valley Ranch, Recommendation 6: Peña Boulevard Area: community centers – land use
 - *Support a mixture of uses throughout this area including commercial, retail, office, employment, and residential (p. 172).*
 - *Encourage properties with Former Chapter 59 zoning to rezone into the Denver Zoning Code as a strategy for promoting improved design outcomes (p. 172).*

The proposed rezoning of the subject property to S-MX-5 implements these recommendations directly by rezoning to a DZC zone district and allowing the creation of a community center on undeveloped land, which will enable more jobs with better design outcomes. Therefore, the application is consistent with the guidance for the neighborhood.

Far Northeast Area Plan Policy Recommendations

- Land Use & Built Form Policy LU.16.2 – “Strategically use large-scale rezonings as a tool for bringing Former Chapter 59 properties into the DZC” (p. 59).

This property is currently within the Former Chapter 59 Zoning Code, and the applicants are proposing to rezone this 12-acre site into the Denver Zoning Code, which is consistent with the above policy.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city’s adopted land use plan which recommends “rezon[ing] properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC” (p. 73). Compared to the current PUD 319, a mixed-use district such as S-MX-5 facilitates increased density and a greater mix of uses. The improved design standards found in the S-MX-5 district may lead to improved design outcomes with stronger build-to and decreased minimum setback standards.

Additionally, rezoning a single property out of PUD 319 will not have a negative effect on the properties remaining in the PUD. While the PUD has maximum Floor Area Ratios (FAR, removing one portion of one of the 15 superblocks will not greatly increase the density in the remaining superblocks because there is a maximum gross floor area for each superblock.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* and the *Far Northeast Area Plan* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

The current zoning of PUD 319 is a Former Chapter 59 zone district and rezoning to S-MX-5 will bring the property under the regulations of the Denver Zoning Code. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The requested S-MX-5 zone district is within the Suburban Neighborhood Context. This neighborhood context is “characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks” and “commercial buildings are typically separated from residential and consist of Shopfront and General forms” (DZC, Division 3.1.1). These areas consist of “an irregular pattern of block shapes surrounded by curvilinear streets within a modified non-existent grid, with cul-de-sacs and typically no alleys” (DZC, Section 3.2.1). The Gateway – Green Valley Ranch neighborhood consists of a variety of uses in mostly irregular blocks. The proposed rezoning to S-MX-5 is consistent with the neighborhood context description.

Denver Zoning Code Section 3.2.4 states the general purpose of the Mixed Use zone districts as “promot[ing] safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” These districts are also “intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC, Section 3.2.4). The proposed S-MX-5 will create a more pedestrian-oriented mixed-use environment for future development.

The specific intent of the S-MX-5 zone district “applies to areas or intersection served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired” (DZC 3.2.4.2.F). The subject site is in an area served by current and future local, collector, and arterial streets where buildings up to 8 stories is desired in the *Far Northeast Area Plan*. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public Engagement Outline