

# 4201 E. Arkansas Avenue

## Rezoning Application

### Review Criteria Narrative

May 2018

Project Location: 4201 E. Arkansas Avenue  
Denver, CO 80222

Submittal to: City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Prepared for: KRF Arkansas, LLC  
1509 York St., Suite 201  
Denver, CO 80206  
[www.kentrogroup.com](http://www.kentrogroup.com)

Prepared by: Norris Design  
1101 Bannock St.  
Denver, CO 80205  
[www.norris-design.com](http://www.norris-design.com)

May 11, 2018

Andrew Webb  
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

## **RE: 4201 E. ARKANSAS AVENUE REZONING APPLICATION**

Dear Andrew Webb:

Norris Design, on behalf of KRF Arkansas, LLC (Kentro Group), respectfully requests the City and County of Denver (City) to consider the rezoning of three parcels: 4040 E. Louisiana Avenue (Parcel B, Assessor Number 06192-15-018-000), 4380 E. Louisiana Avenue (Parcel A, Assessor Number 06192-14-003-000), and 1380 S. Birch Street (Parcel C, Assessor Number 06192-13-025-000), collectively identified by the address 4201 E. Arkansas Avenue. All three parcels are under the same ownership and total approximately 13.2 acres, or about 575,000 square feet. The 4201 E. Arkansas Avenue property is located on the east side of the S. Colorado Boulevard corridor near the intersection of S. Colorado Boulevard and E. Arkansas Avenue in the Virginia Village neighborhood. The main property area (Parcel A & B) is bound by E. Louisiana Avenue on the north, E. Arkansas Avenue on the south, and S. Birch Street on the east. A smaller parcel (Parcel C) of the Property is located east of S. Birch Street, on the corner of S. Birch Street and E. Arkansas Avenue (collectively, the Property).

### **Introduction**

The Property is currently zoned CMP-EI2 and S-MX-5 (UO-1, UO-2), and is currently used for the Colorado Department of Transportation (CDOT) Headquarters. This application proposes a rezoning to the zone districts as follows: S-MX-12 (UO-2)(northwest portion of the Property adjacent to Colorado Boulevard); S-MX-8 (central portion of the Property); S-MX-5 (northeast portion of the Property and a portion of the south); S-MX-3 (southeast portion of the Property); and S-MU-3 (portion of the Property east of S. Birch Street) for the purpose of redeveloping the Property following CDOT's relocation of its Headquarters to a new location. For further clarification, see the Proposed Zoning Map. The configuration of Suburban Mixed-Use zone districts establish a framework for a mix of development formats with an appropriate transition into the existing neighborhood. The proposed development intends to provide a walkable, inviting

and desired community asset. One way the public realm will be enhanced is through a street connection either at S. Bellaire Street north of the Property to S. Bellaire Street south of the Property or S. Ash Street. This will create a public place for gathering and community interaction and help to prohibit traffic from cutting through the community. In developing this proposed zoning configuration, the project team was guided by community improvements and connections, extensive research, thorough analysis, and numerous meetings with the community and City staff towards identifying S-MX (Suburban Mixed Use) zone districts as the most appropriate zone districts to serve as the land use framework for the majority of the Property. The parcel east of S. Birch Street (Parcel C) is proposed as S-MU-3 (Suburban Multi Unit 3-stories). The proposed zone districts result in a general downzoning from the existing CMP-EI2 zone district comprising the property.

The proposed zoning districts are consistent with both future opportunity and the existing context. The existing surrounding zoning and the general character of the neighborhood weighed heavily in the decision to propose a Suburban Neighborhood Context, and the arrangement of the proposed zone districts - as they pertain to building form and scale - was crafted through the community meetings and public outreach processes. The S-MX zone districts will allow the redevelopment to realize the City's vision for the future of Denver, and align the project (and its overall character) back to the existing surrounding land uses within the community.

This application meets the applicable justifying circumstance criteria (DZC Section 12.4.10.8.A.40 of the Official Map Amendment (Rezoning) which states **“the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”** Additionally, the purchase and sale agreement for the Property between the City and KRF Arkansas, LLC requires a rezoning submittal. The central location of the 13.2-acre site in Denver is supported by significant existing public infrastructure and therefore is an appropriate and responsible location for redevelopment.

The following sections establish the factors and the degree the land or its surrounding environs has changed or is changing demonstrating it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area. The Property presents a unique opportunity to develop appropriate uses to benefit the community and the entire Denver area.

The proposed rezoning strives to leverage the redevelopment potential of the site while considering the potential impacts that may affect residents currently living in the adjacent Virginia Village neighborhoods. The proposed zoning districts aspire to positively contribute to the City's goals for the Virginia Village neighborhoods by creating flexibility through a mixed-use development program to provide much-needed housing, access to daily goods and services, engaging spaces, and destinations for the neighborhood. Furthermore, the proposed zoning will establish the framework to provide a welcoming, accessible, and centrally located community development in Southeast Denver.

## PROPERTY BACKGROUND AND AREA CONTEXT

The Property has served as the CDOT Headquarters for approximately 65 years. However, CDOT is consolidating its operations and relocating to a new building near Colfax Avenue and Federal Boulevard. CDOT is currently under contract to sell the Property to the City. Colorado state law requires properties owned by the State of Colorado to be offered to local government entities first, before the may be offered for sale to a private purchaser. The City competed with other agencies and was the successful bidder for both 4201 E. Arkansas Avenue and 2000 S. Holly Street (the Holly property is not included as part of this application). After being selected, the City selected Kentro Group (KRF Arkansas, LLC) to develop the properties based on Kentro Group's experience in delivering projects beneficial to the community. The City then entered into a purchase and sale agreement with Kentro Group for both properties. Refer to Exhibit No. 1, (P.5) for examples of other redevelopment projects delivered by Kentro Group.

The PSA between the City and KRF Arkansas, LLC for 4201 E. Arkansas Avenue stipulates the following:

- o Contract Timing for Due Diligence/ Governmental Approval - 150 days with three (3) Thirty-(30) day extension options for a total of 240 days from mutual execution of contract
  - Effective Date: February 21, 2018
  - Government Approval Expiration: July 23, 2018
  - Extension 1: August 22, 2018
  - Extension 2: September 21, 2018
  - Extension 3: October 22, 2018
- o Contract Timing for Closing - later of (i) thirty (30) days after expiration of the Governmental Approval Period (as may be extended hereunder); (ii) five (5) days after CDOT vacates the Property; or (iii) on a date as otherwise agreed by the Parties in writing - Currently November 19, 2018
- o Requires a public rezoning process
- o Requires construction of 150 for-rent apartment units at 60% AMI in the City and County of Denver or pay a contribution to the City and County of Denver Affordable Housing Fund
- o Requires 150,000 square feet of commercial space and 200 permanent jobs on-site or pay a contribution to the City and County of Denver
- o The communication tower on the east side of the Property is not included in the acquisition and the State of Colorado will retain ownership

## Exhibit No. 1 | Kentro Group Portfolio Projects: Colfax Collection

**BEFORE**



**AFTER**



**BEFORE**



**AFTER**





## Existing Uses

CDOT currently employs 650 people on-site, and the Property has the following uses: CDOT Headquarters office space, printing facility, vehicle maintenance facility, water quality training facility, material storage, and surface vehicle parking. Parcel A is comprised of three main buildings, ranging from one to four stories and totaling 187,971 square feet in floor area. Parcel B is used as a water quality training facility. Parcel C is used for vehicle parking. The existing site is vehicle oriented with eight points of vehicular access and a vast amount of surface parking; 505 parking stalls (459 parking stalls on Parcel A and 46 parking stalls on Parcel C).

The Communication Tower on the eastern edge of the site is not included in the disposition, but it is included within this rezoning application. CDOT will continue to own and maintain the tower, the building, and the land beneath it.

The northeast corner of Parcel A contains CDOT's Materials Testing Laboratory (MTL), which utilized solvents for testing of highway materials. These solvents leaked into the ground and contaminated the groundwater and soils underneath the MTL. The contaminants of concern are trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), 1,1,1-trichloroethane (1,1,1-TCA), 1,2,3-trichlorobenzene, and bromodichloromethane (BDCM). The primary groundwater COCs are TCE, 1,1,1-TCA, 1,1-DCE, benzene, methylene chloride, and 1,4 dioxane. The plume of contamination flows northeast and away from the Property.

The Colorado Department of Public Health & Environment (CDPHE) has overseen the remediation of the contamination since approximately 1994. CDOT will continue to actively remediate the contaminated parcel, and any development will ensure there is adequate access to continue testing and remediation. The ownership structure and KRF Arkansas, LLC's development rights on the area of the Property of source contamination are unknown and active discussions are ongoing between CDOT, CDPHE and KRF Arkansas, LLC.

## Exhibit No. 2 | Existing Site



## Existing Zoning

The majority of the Property is currently zoned Campus-Education/ Institution 2 (CMP-EI2). This Special District within the Denver Zoning Code is intended for education institutions and large scale civic, public, and institutional uses (Denver Zoning Code, 9.2-9).

Parcel B, located in the northwest corner of the Property, is currently zoned Suburban Mixed Use 5 (S-MX-5) with Use Overlay 1 and Use Overlay 2 (UO-1, UO-2). Suburban Mixed Use 5 allows for buildings of up to five (5) stories with a mix of uses. The mixed-use zoning districts are meant to contribute positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods.

Use Overlay 1 is the Adult Use Overlay that allows for adult oriented businesses. Use Overlay 2 is the Billboard Use Overlay District which allows for outdoor general advertising devices also known as “billboards.”

This project intends to maintain the Use Overlay 2 district on the portion of the existing site currently zoned as S-MX-5. The applicant does not intend to maintain the Use Overlay 1 Adult Use district on the site.

## Summary of the Existing Zoning

### CMP-EI2:

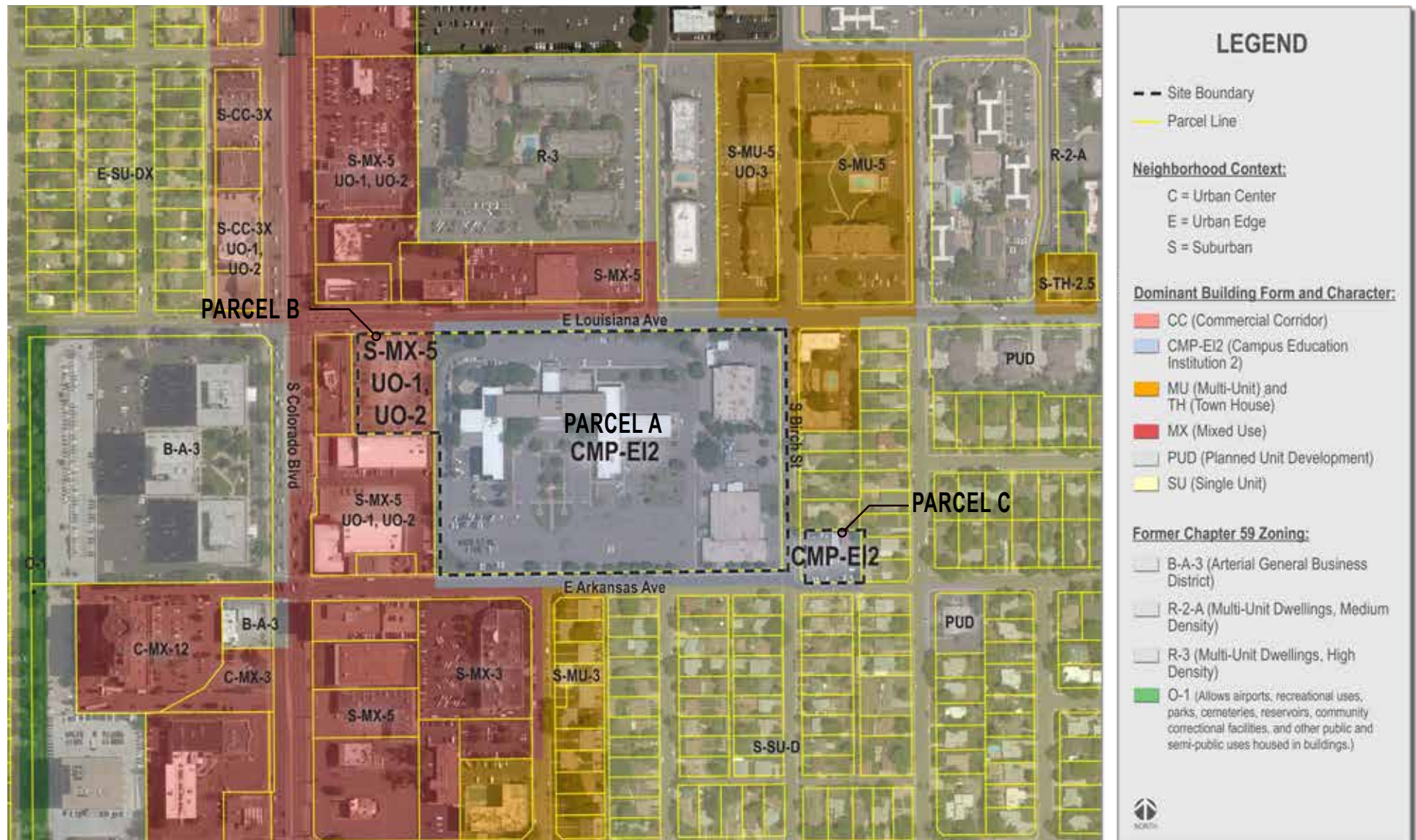
- o Approximately 12.1 acres of the site is zoned CMP-EI2 (Parcels A & C)
- o Allows a building height up to 12 stories
- o 150 feet maximum height allowed
- o Requires a 45-degree bulk plane slope to guide building form
- o Setbacks:
  - 20-foot setback from the primary streets
  - 7.5-foot setback from the side streets and side interiors
- o 75 feet maximum height within 175 feet of a protected district
- o Retail uses are not permitted

### S-MX-5 (UO-1, UO-2):

- o Parcel B is zoned S-MX-5 (UO-1, UO-2)
- o Allows a building height up to 5 stories
- o 70 feet maximum height allowed
- o Setbacks are 0 foot
- o Requires 50% build-to on primary streets
- o UO-1 overlay district allows for Adult Uses
- o UO-2 overlay district allows for Billboards



## Exhibit No. 3 | Existing Zoning



SOURCE: CITY AND COUNTY OF DENVER ZONING MAP

## Regional Context

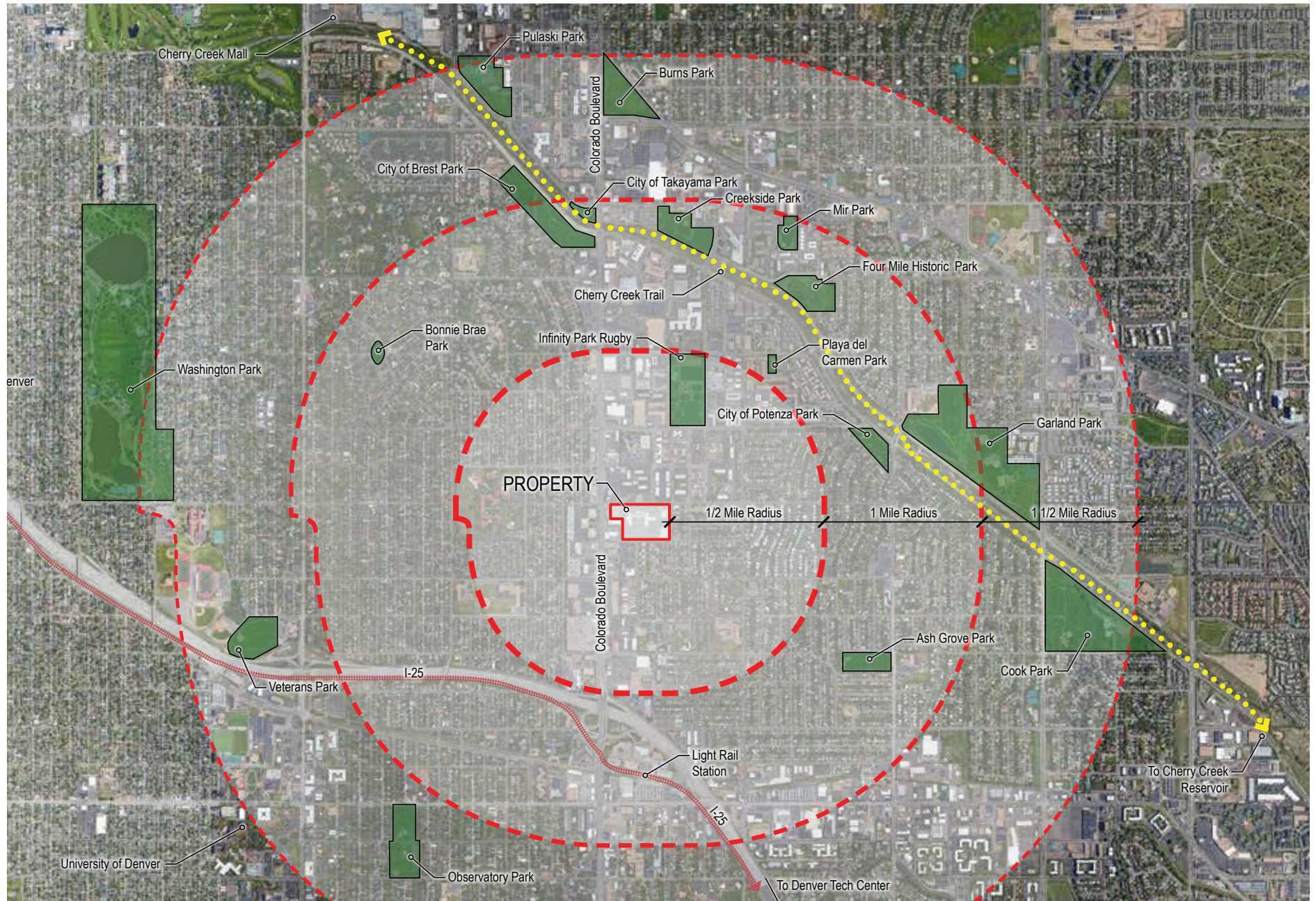
This site is accessible by a variety of transportation modes and has significant existing transportation infrastructure. The Property is centrally located in Denver and offers convenient transportation access to large, regional employment areas including Downtown Denver and Denver Tech Center. More specifically, the Property is located along S. Colorado Boulevard near the intersection of S. Colorado Boulevard and E. Arkansas Avenue, about one mile south of the Cherry Creek & the Cherry Creek Trail and half of a mile north of I-25. This location and the nearby transportation infrastructure support a variety of transportation options. S. Colorado Boulevard is one of the most highly traveled roadways in Denver and has an annual average daily traffic number of 58,000 (all-day, total traffic volume data for the period of 2008-2016; Denver Regional Council of Governments). The 40 and 46 bus lines have stops on the site or across the street; the 40 bus line provides a connection to Southmoor Station (Denver) and 60th & Dahlia (Commerce City), and the 46 bus line provides connection to Ulster & Tufts (Denver) and 1st & Milwaukee (Denver). Additionally, both bus lines provide access to the Denver Light Rail at Colorado Station, about one mile to the south of the site. At Colorado Station, the E-, F-, and H- Light Rail lines provide connections to Lincoln Station (Parker), Union Station (Denver), 18th & California (Denver), and Florida Station (Aurora).

## Distance From Site To:

I-25 Access	.6 Miles
Light Rail Station (Colorado & I-25 Station)	1.0 Mile
University of Denver	2.0 Miles
Cherry Creek Mall / Cherry Creek North	2.9 Miles
Denver Tech Center	6.1 Miles
Denver Union Station (Downtown)	6.4 Miles
Denver International Airport	24.4 Miles



## Exhibit No. 4 | Regional Context Map





Surrounding Zoning

The Property is surrounded by a variety of zone districts. Adjacent zone districts include:

North:	S-MX-5 (UO-1, UO-2); S-MX-5; R-3 (UO-3); S-MU-5 (UO-3); S-MU-5
East:	S-MU-5; S-SU-D
South:	S-MX-5; S-MX-3; S-MU-3; S-SU-D
West:	S-MX-5 (UO-1, UO-2)

Suburban Mixed Use zone districts surround the Property on the northwest, west, and southwest. The southeast portion of the Property is surrounded by a Suburban Single Unit zone district. Suburban Multi Unit zone districts fill-in most of the areas between the Suburban Mixed Use and Suburban Single Unit zone districts.



SOURCE: CITY AND COUNTY OF DENVER ZONING MAP

Surrounding Land Uses

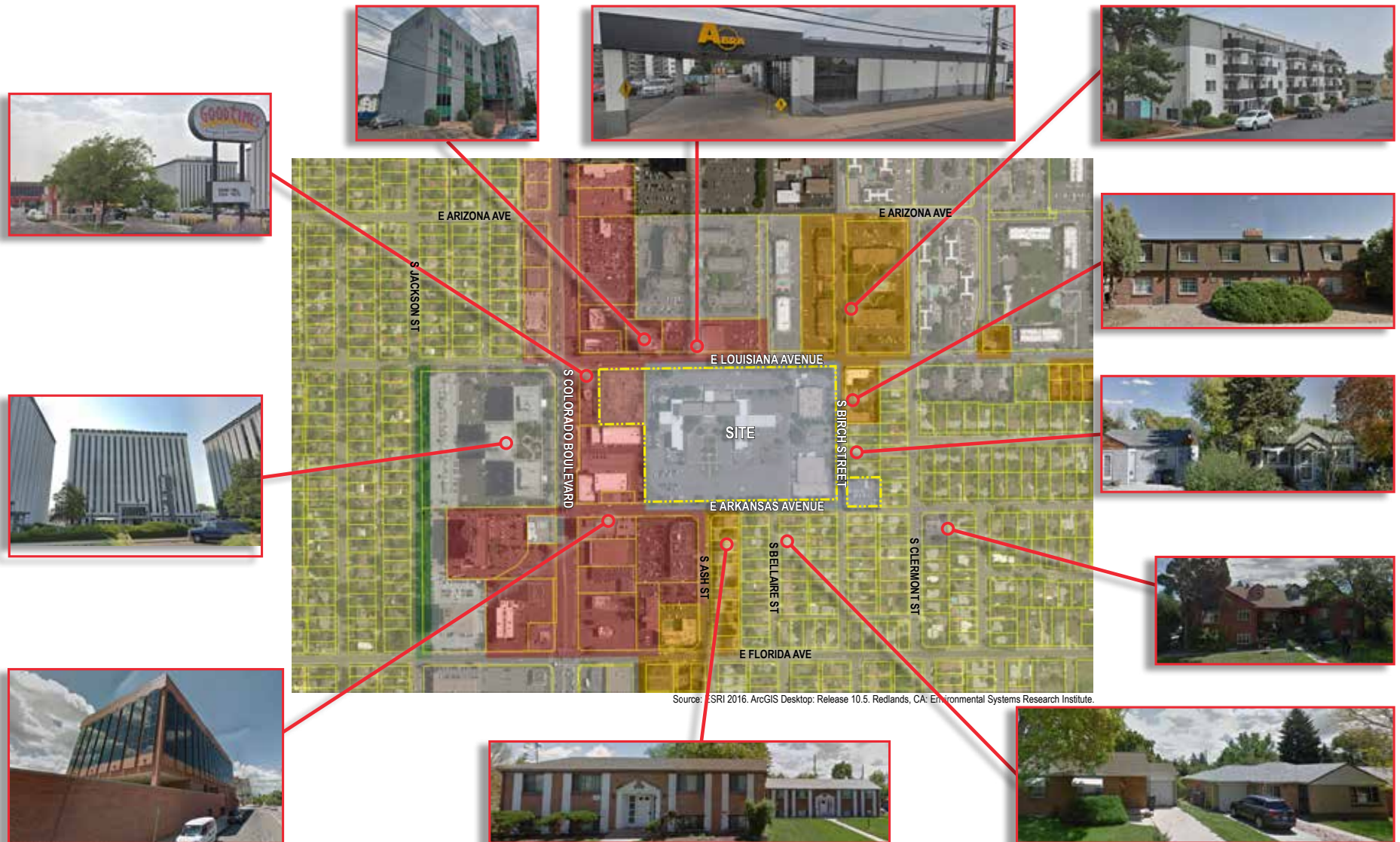
The land uses surrounding the Property vary, but generally the land uses transition from commercial uses to the west along S. Colorado Boulevard to residential uses to the east and south. Located between the commercial and single family uses is an area of multi-family uses. These areas located to the northeast, east, and south of the Property include a variety of multi-unit and multi-family buildings ranging from two to five stories in height. Approximately 68% of the surrounding land uses around the perimeter of the Property are existing commercial, multi-unit and multi-family uses.

The Property is in the Virginia Village neighborhood, which is in the Near Southeast planning area of Denver’s Neighborhood Planning Initiative. This neighborhood is bound by E. Mississippi Avenue to the north, Evans Avenue to the south, S. Colorado Boulevard to the west, and Cherry Creek or Quebec Street to the east. Virginia Village is characterized by a Mid-Century Modern architectural design style seen throughout the community.

Exhibit No. 5 | Existing Zoning



## Exhibit No. 6 | Surrounding Land Uses



Source: SRI 2016. ArcGIS Desktop: Release 10.5. Redlands, CA: Environmental Systems Research Institute.

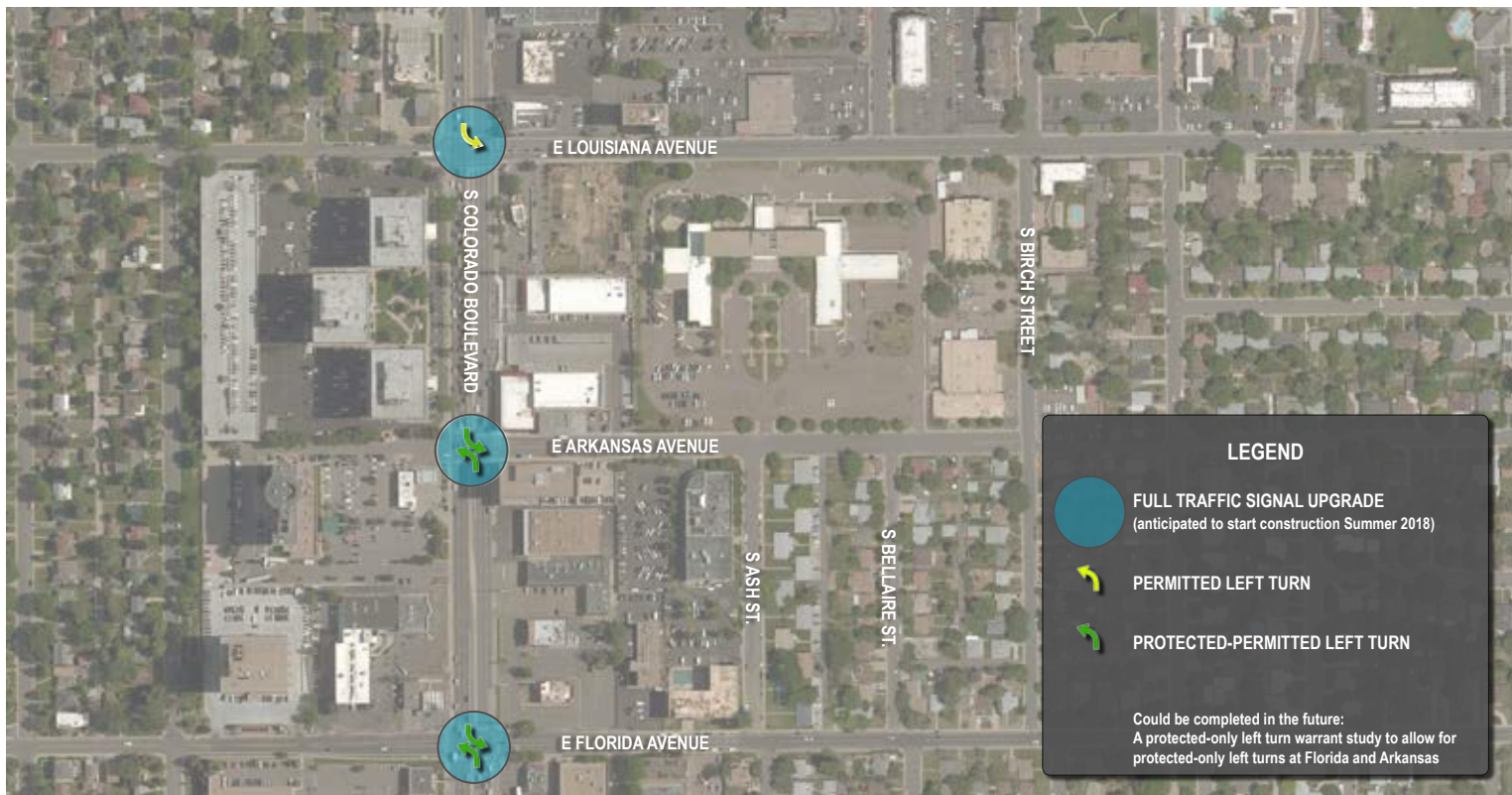
Photograph Source: Google, "Streetview," digital images, Google Maps (<http://maps.google.com>). Accessed December 2017.

## Existing Transportation Infrastructure

Kimley-Horn is conducting a traffic study as part of the redevelopment process, including an analysis of existing traffic conditions and capacity of the existing street network surrounding the Property. In response to issues identified through community meetings, the area of the study has been expanded to address neighborhood concerns regarding existing infrastructure. The development team is continuing to coordinate with Denver Public Works to coordinate regarding future circulation needs in the area.

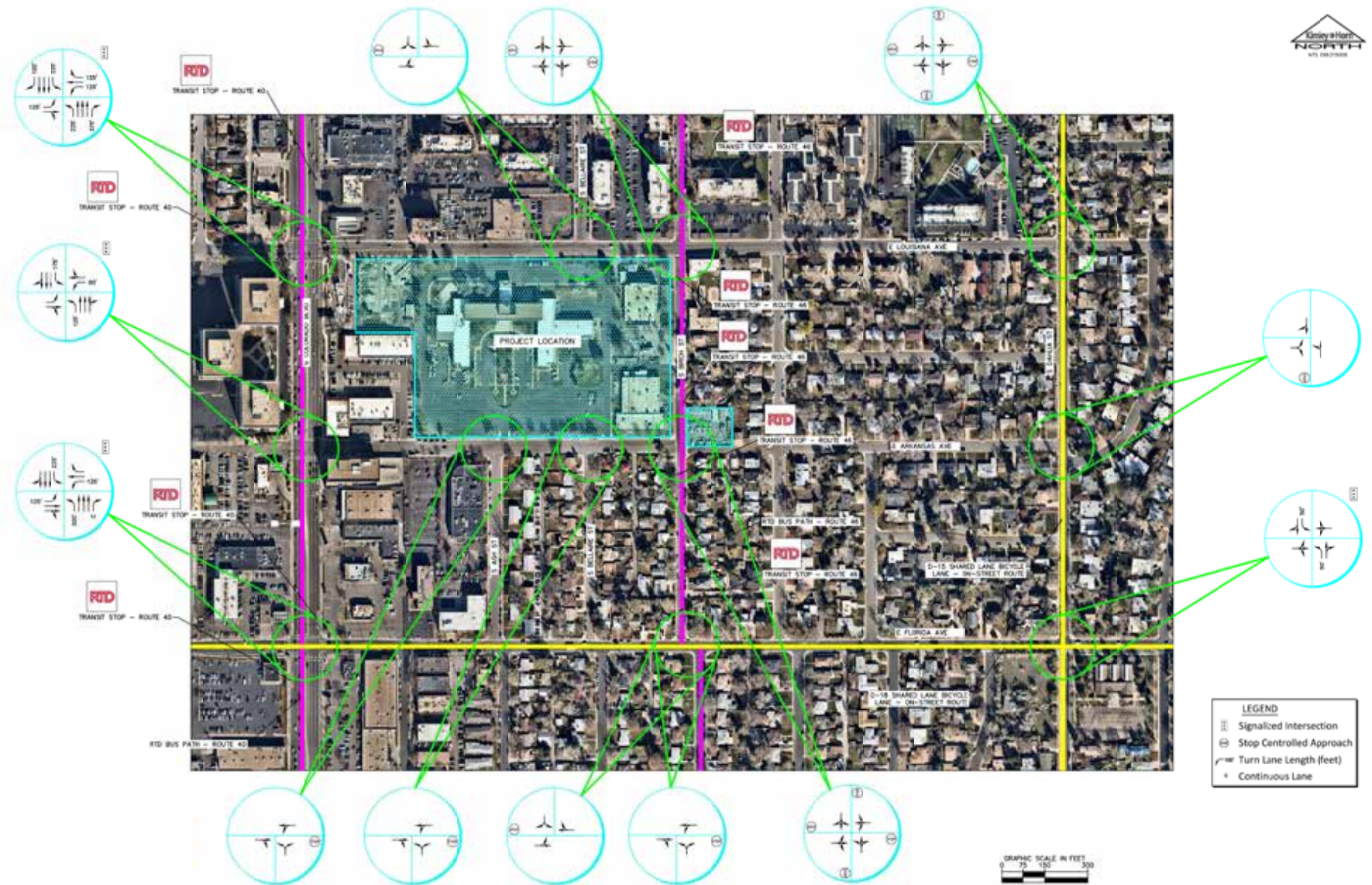
Preliminary analysis indicates the existing street network can support new vehicle trips generated by the proposed development. Additionally, Public Works will be improving the traffic signals at three intersections along S. Colorado Boulevard near the Property. The traffic signal improvements will include a permitted left turn from southbound S. Colorado Boulevard onto E. Louisiana Avenue, protected-permitted left turns from northbound and southbound S. Colorado Boulevard onto E. Arkansas Avenue, and protected-permitted left turns from northbound and southbound S. Colorado Boulevard onto E. Florida Avenue. Construction of the traffic signal upgrades is planned to start in Summer 2018.

## Exhibit No. 7 | Denver Public Works Traffic Signal Improvements





## Exhibit No. 8 | Existing Circulation Exhibit

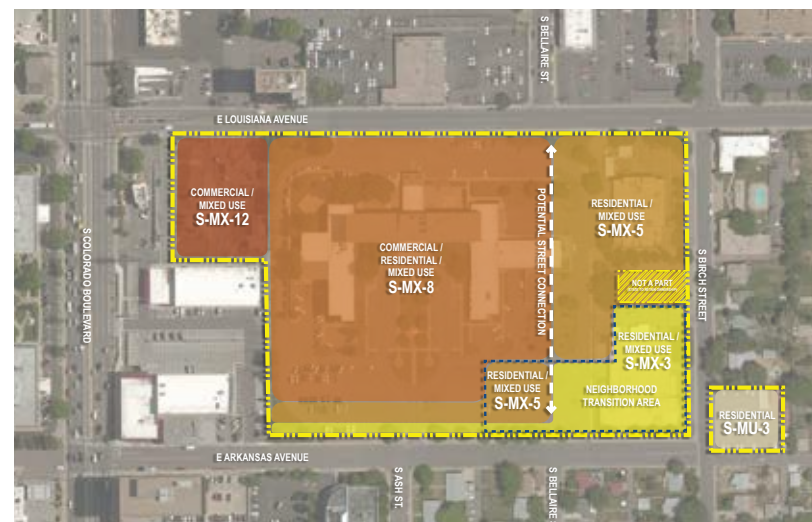


## Proposed Zoning

The proposed redevelopment recognizes the potential of the Property to positively contribute to the City while considering the impacts of redevelopment for residents in the Virginia Village neighborhoods and adjacent neighborhoods. The proposed zoning provides the flexibility for a mixed-use development program to provide services, residential units, engaging spaces, and destinations for the neighborhood. Furthermore, it establishes the framework to provide a welcoming, accessible, and centrally located community development in Southeast Denver.

This application proposes a rezoning to the zone districts as follows: S-MX-12 (Zone Lot 1, northwest portion of the Property adjacent to Colorado Boulevard); S-MX-8 (Zone Lot 2, central portion of the Property); S-MX-5 (Zone Lot 3, northeast portion and southern portion of the Property); S-MX-3 (Zone Lot 4, southeast portion of the Property); and S-MU-3 (Zone Lot 5, Parcel C). For further clarification on the zoning district boundaries, refer to the Proposed Zoning Map.

The Denver Zoning Code standards, regulations, and intents of the Suburban Mixed Use (S-MX) zone districts support this zone district proposal. The Denver Zoning Code explicitly states, “The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections” (Denver Zoning Code, 3.2-4). The Property is located near S. Colorado Boulevard, a prominent commercial corridor and Commercial Arterial. Additionally, the Property is one of the larger redevelopment sites in the area at 13.2 acres. The Denver Zoning Code also states, “The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way.” The proposed development recognizes the existing context of the suburban area with a higher reliance on the automobile in comparison to an urban neighborhood context, but also provides access to pedestrian, bicycle, and bus facilities. The proposed development aims to provide walkable, inviting, and activating spaces.



## Exhibit No. 9 | Proposed Zone Districts



Parcel C, located at the northeast corner of Birch Street and Arkansas Avenue, is proposed to be zoned Suburban Multi Unit 3 (S-MU-3). The regulations and intents of Suburban Multi Unit zone district allows for multi-unit development that will complement the character of the residential neighborhood. The proposed development intends to provide residential uses on this portion of the Property. The proposed residential development will be in context with the multi unit development in the area.

The proposed zoning for the Property has evolved into the current configuration through a process that include extensive and ongoing community engagement. In particular, building form and scale in relation to the surrounding context was a primary consideration throughout the community outreach and neighborhood meetings. Some residents of the neighborhood expressed concern about building heights greater than three stories across the street from their homes located south of E. Arkansas Avenue or east of S. Birch Street, but neighborhood meeting attendees were open to the proposed twelve, eight, and five story building heights. In the end, the proposal aims to meet the needs of Denver's growing population in a context-sensitive manner.

As part of the dialogue with the community, the rezoning integrates a mix of zone districts along the Arkansas Avenue frontage and a portion of Birch Street to establish building form and scale for the transition from the existing residential neighborhood. The S-MX-3 and S-MX-5 zone districts guide the heights with a maximum of 45' or three (3) stories and 70' or five (5) stories, respectively. The zone districts are equivalent to upper story building

setbacks for zone district adjacent to protected districts. The Property is on a primary street so the adjacent protected district tools provided in code are not available in this configuration. As a result, the rezoning establishes the zone districts to function accordingly as an upper story setback for a protected district, specifically in the neighborhood transition zone area. The neighborhood transition zone reflects the original building form guidance for a maximum height adjacent to a projected district, 75 feet for the CMP-EI2 zone district. The proposed zone districts are significantly reduced from this maximum height with a majority of this zone as 45' or three (3) stories and a small portion of 70' or five (5) stories.

The Suburban Mixed Use zone district guides general building form for the required build-to along streetscapes. The minimum standard requires fifty percent (50%) of a development to be within 0 feet to 80 feet from the property line. The design criteria suggest a diversity of options for the streetscape frontage as part of the rezoning. Ultimate development plans may have scenarios that address the street whereas other scenarios may be configured with design elements between the property line and building.

The rezoning requests heights that align with the current allowances under the CMP-EI2 zone district or are a reduction from the current maximum height of 150 feet. A majority of the Property, approximately 65%, is proposed to reduce the overall height from the allowances for the CMP-EI2 zone district. This is a benefit to the neighborhood to guide building form and scale while balancing the needs of the project to accommodate a marketable development. Building heights directly affect the redevelopment options because higher permitted

building heights will accommodate more flexibility and provide a platform to deliver both market rate and affordable housing units. The proposed building heights will support affordable housing goals, while recognizing that building height has an impact on the surrounding areas and the public realm. For these reasons and after extensive community input, the proposed zoning transitions from twelve stories on the west side of the Property along the Colorado Boulevard corridor to eight and five stories in the central part of the Property to three stories south edge of the Property along E. Arkansas Avenue and at the southeast corner along S. Birch Street. Additionally, the proposal carefully addresses height limitations to address the concerns of some neighborhood residents regarding the height of building on the southeast portion of the site. This area referred to as the “neighborhood transition area” is proposed to address the priorities of the neighborhood residents and enhance the contextual experience of the public realm.

Parcel C, located at the northeast corner of S. Birch Street and E. Arkansas Avenue and currently zoned CMP-EI2, is proposed to be rezoned to Suburban Multi Unit 3 (S-MU-3). The proposed Multi Unit zone district will reduce the allowed maximum height from five stories to three stories as well as limit the allowed use to residential.

The rezoning aims to provide a high-quality development and an active neighborhood center that acts as an appropriate intermediate physical form between the high-intensity uses to the west, northwest, and southeast and the low-density land uses to the east, northeast, and southeast. As the Property is located between S. Colorado Boulevard (a Commercial Arterial and identified Commercial Corridor) lined with large

commercial businesses and an established multi- and single-family residential neighborhood, the team articulated the arrangement of zone districts and the maximum allowed heights to balance the opportunities for the redevelopment of the site with the input from the community. The proposed zone districts transition from greater building heights on the northwest portion of the site to lower building heights on the southeast portion of the site. Suburban Mixed Use (S-MX) zone districts will allow the development to realize the city’s vision for the future of Denver and relate to the existing surrounding land uses.

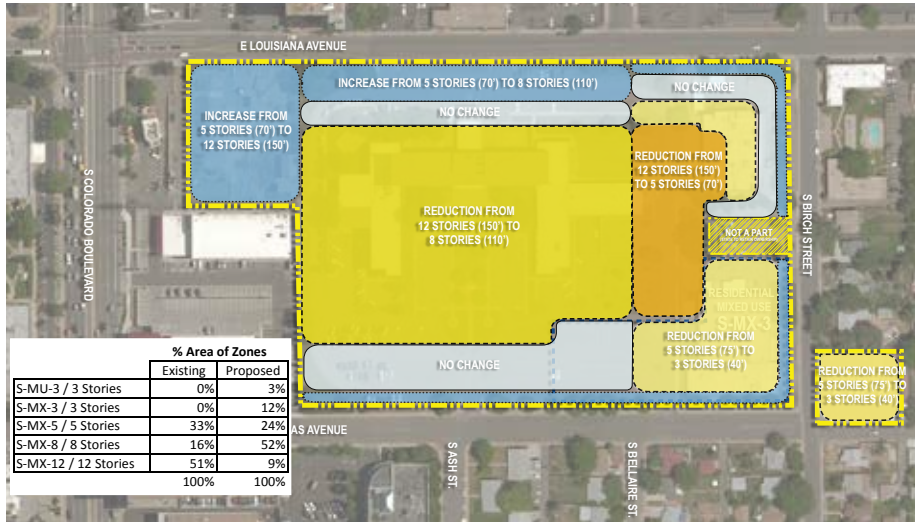
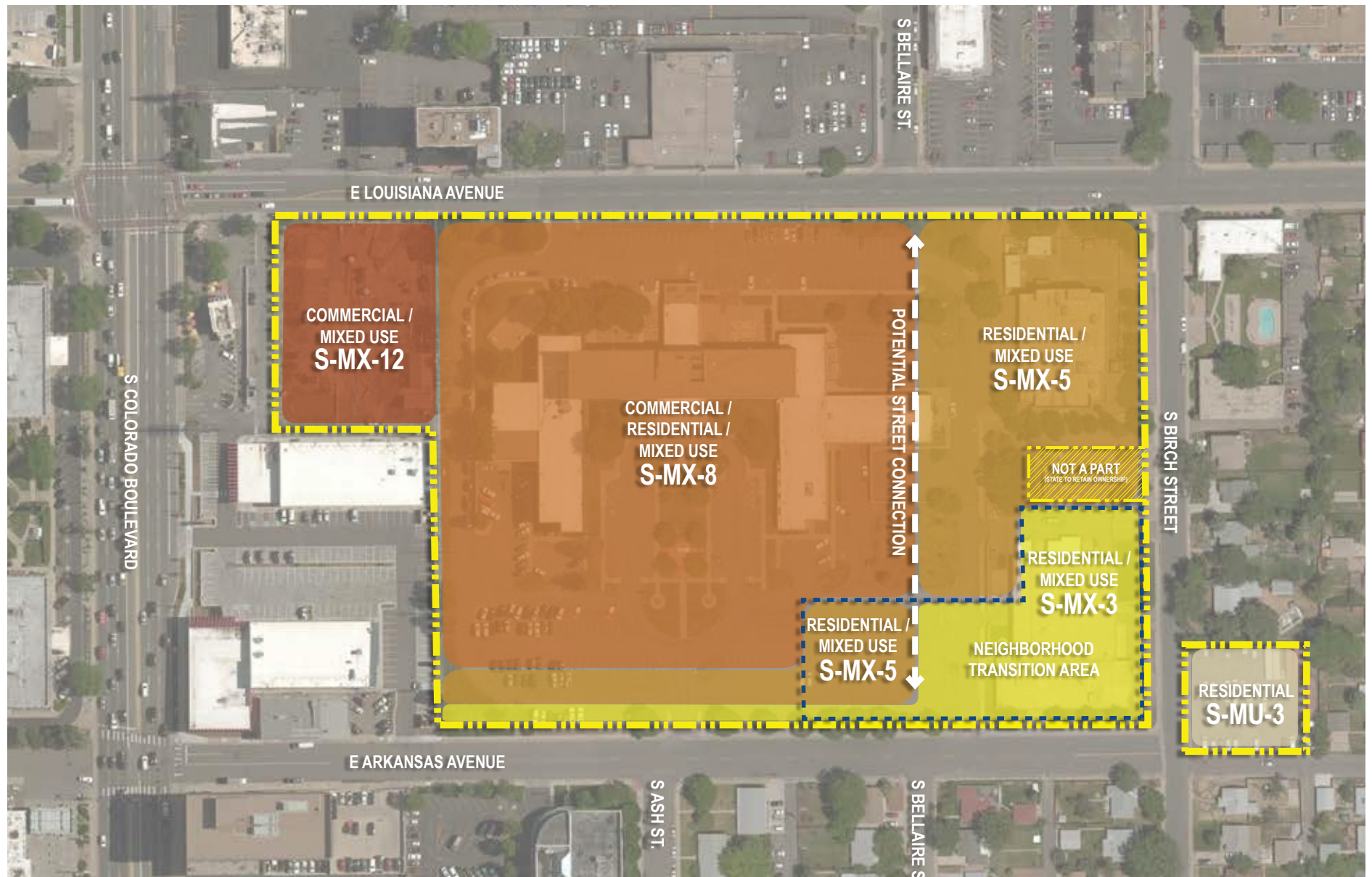


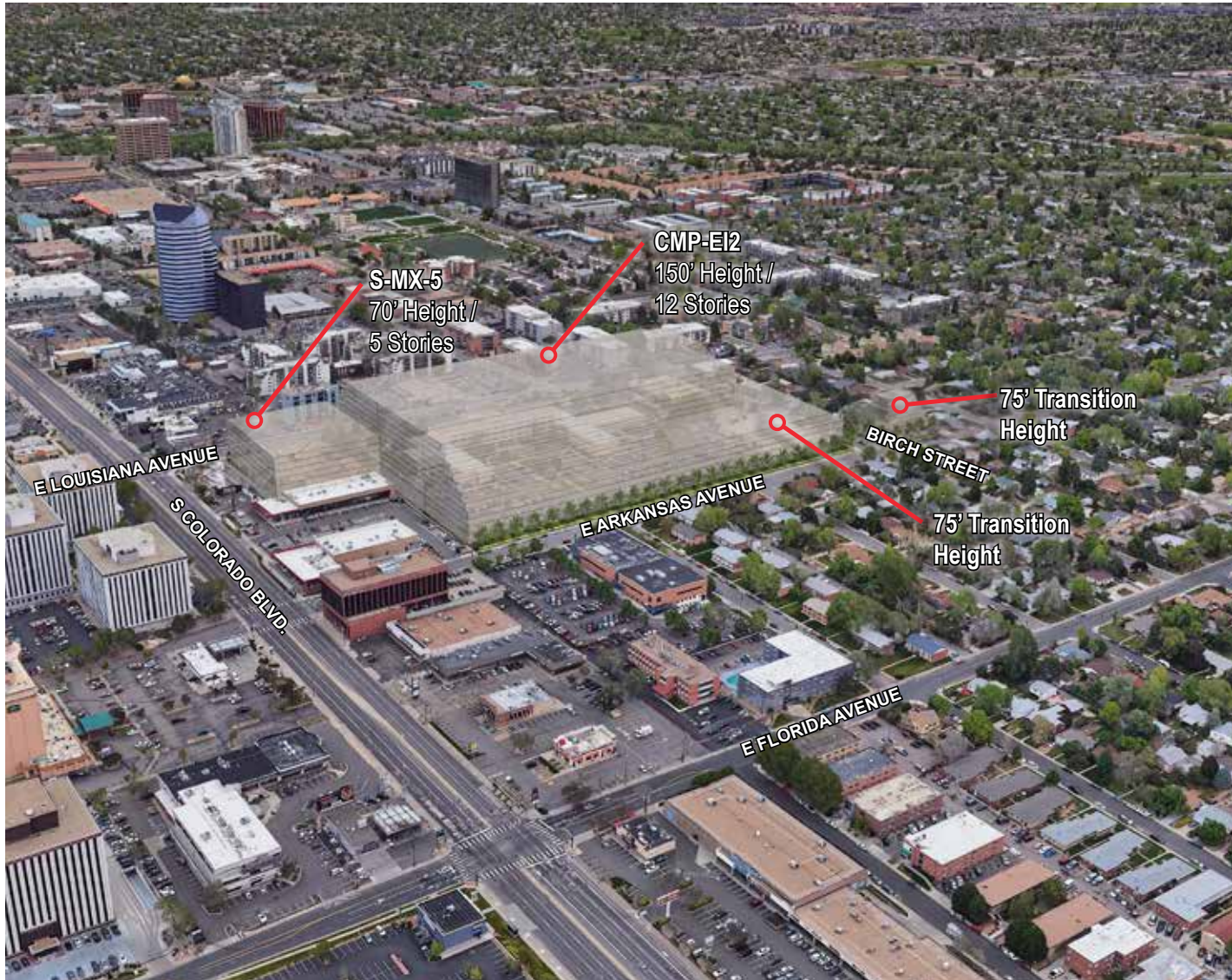
Exhibit No. 10 | Height Reduction Exhibit

## Exhibit No. 11 | Proposed Zone Districts Map





## Exhibit No. 12 | CMP-EI2 & S-MX-5 Building Envelope Study 1



### CMP-EI2 & S-MX-5 BUILDING ENVELOPE

#### EXISTING ZONING

- CMP-EI2
  - S-MX-5
- 
- 12 Stories
  - 150' Max Height
  - 75' Transition Height
  - 20' Setbacks
  - 60% Building Coverage
  - Bulk Plane Angle:  
45-degrees from streets



## Exhibit No. 13 | CMP-EI2 & S-MX-5 Building Envelope Study 2



### 12, 8, AND 5 STORY BUILDING ENVELOPE COMPARISON

#### EXISTING ZONING

- CMP-EI2
- S-MX-5
- 12 Stories
- 150' Max Height
- 75' Transition Height
- 20' Setbacks
- 60% Building Coverage
- Bulk Plane Angle:  
45-degrees from streets



## Exhibit No. 14 | S-MX & S-MU Building Envelope Study



### PROPOSED ZONE DISTRICTS BUILDING ENVELOPE STUDY

- S-MX-12
- S-MX-8
- S-MX-5
- S-MX-3
- S-MU-3

Per Zoning Criteria:

- 0' Setbacks at Streets
- Height Varies per Zone Districts Identified

Design Standards:

- Streetscape Character & Landscape
- Public Realm
- Building Form
  - Height
  - Setbacks
  - Parking Location
- Design Elements
  - Building Configuration
  - Transparency
  - Entrances

## Key Proposed Redevelopment Elements

The public engagement process has yielded constructive community input. In response to the community input, the rezoning request includes additional key redevelopment elements to enhance the overall development of the Property. In order to document the following elements, the development team will prepare a development agreement to integrate these elements into the future development of the Property.

The proposal realizes streets can be the most dominant public spaces in a neighborhood and is intentional about providing safe and accessible public spaces that emphasize the pedestrian experience. In acknowledgment of this reality, the proposed development intends to implement a north-south connection. While the precise location for this connection has not been finalized, possible locations for this connection could be 1) from S. Bellaire Street north of the Property to S. Bellaire Street south of the Property or 2) as an extension from S. Ash Street south of the Property to E Louisiana Avenue. These options are being explored to provide a walkable, inviting, public space and desired community asset. Streetscape and sidewalk improvements will be incorporated regardless of the selected location and will enhance the public realm.

All phases of the redevelopment process will be completed in an appropriate time line and meet the City's requirements. The infrastructure improvements necessary to serve future development have been identified and will be provided with a concurrent process as approved through subsequent regulatory processes including

plans to provide drainage, sewage, and water systems. Additionally, the redevelopment process will bring the site's infrastructure including stormwater drainage and streetscape into conformance with current City standards.

The proposed development will integrate at least ten percent (10%) of the total area of the Property as open space. High-quality open space will be an amenity for the neighborhood and will enhance the pedestrian environment and the public realm. Residents in the neighborhood have expressed a strong desire for public gathering places that are comfortable for families. The redevelopment of the Property will result in streetscape improvements to the entire frontage of the Property for E. Arkansas Avenue, S. Birch Street and E. Louisiana Avenue. The improvements will include an updated curbway/tree lawn and sidewalk. The streetscape improvements will improve pedestrian connectivity and establish improved routes for the neighborhoods.



## REZONING REVIEW CRITERIA

This rezoning complies with all of the application general review criteria including: providing for an unanticipated community need (discussed in greater detail in the section, “Justifying Circumstances”); a uniformity of district regulations and restrictions; and furthering the public health safety, and general welfare of the city. (Code Sec. 12.4.10.7)

### Consistency with Adopted Plans

(Code Sec. 12.4.10.7.A.)

Blueprint Denver: A Land Use and Transportation Plan is the only adopted policy in effect that applies to the Property. This plan, adopted in 2002, recommends a land use of single-unit residential for the majority of the Property (all but the northwest portion). As the City is again carefully considering its plan to shape the future of Denver, this 16-year-old plan is in the process of being updated as the Comprehensive Plan 2040 through an ongoing process.

Blueprint Denver defines “Areas of Stability” as being either Committed Areas or Reinvestment Areas. As Blueprint states “reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area.” The Property may be considered a reinvestment area because of CDOT’s relocation, leaving this site vacant. This development proposes to meet the need for one of the challenges listed as an example in which reinvestment would be beneficial to the community,

maintaining affordable housing stock. This site may also be deemed a Reinvestment Area because it proposes redeveloping underutilized land to provide needed neighborhood services. Alternatively, because of the CDOT’s vacation, this area is in flux and it could be deemed that it is no longer an “Area of Stability,” but is now an “Area of Change.”

The properties to the north and south are also depicted as Single-Unit residential and an “Area of Stability”, even though they are currently zoned for mixed use and multi-unit residential; uses that match these zoning designations exist today.

The Virginia Village Plan was adopted in 1973, but was not adopted as supplement to Comprehensive Plan 2000. This plan recommended (but did not describe) that Parcels A & B should be “Intensive Multiple Uses.” Parcel C was recommended for “Medium Density Multi-Unit” uses. The proposed Suburban Mixed-Use and Suburban Multi Unit zoning is consistent with these land use designations.

Recently, the Denveright team has recommended “High-Medium” for this area. Denveright’s proposed Change Category (an update/expansion of the current Areas of Change/Areas of Stability framework in the current Blueprint) is “Transform,” which anticipates “significant character change.” Although the new plan recommended by Denveright has not yet been adopted by the City, this recommendation more appropriately reflects the current status of the area than the binary designations in Blueprint Denver.



## **Uniformity of District Regulations and Restrictions**

(Code Sec. 12.4.10.7.B.)

The proposed rezoning will result in uniform regulations and design elements for buildings throughout each district. To accommodate a variety of planning scenarios on the Property, defined zone districts are proposed on the Property. Applicable regulations and restrictions will be respected in each zone district.

## **Public Health, Safety, and General Welfare**

(Code Sec. 12.4.10.7.C.)

The proposed development strives to meet the quality of life, economic, health, and environmental goals of the City and the surrounding communities.

The proposed mixed-use zone districts will allow for services to be located within walking distance of neighborhood residents and future residents. Neighborhood services within walking distance of residents will allow nearby residents and future residents to access these services without needing to depend on a car—thereby providing a more accessible and equitable development. The proposed development will also support walking, biking, and multi-modal transportation through design and infrastructure. The option to walk and bike for day-to-day activities whether it's a commute to work or for running errands and grocery shopping will have a positive impact on public health. Active transportation can reduce obesity rates and associated health complications. Walking and biking are also proven to reduce human stress levels. Furthermore, people

walking, biking, or riding mass transit are more likely to interact to other community members on a regular basis and regular interactions strengthen communities. Additionally, a walkable development has the potential to reduce the number of vehicular miles traveled and thereby reduce the amount of pollution and greenhouse gas emissions. Walking and biking are emission-free forms of transportation, and even modest increases in physical activity have been shown to have beneficial health impacts.

The mixed-use zone districts will allow for commercial uses, residential uses, and public spaces to be located on the Property. The variety of uses will support each other and contribute to the creation of an appealing place and destination. The commercial components of the development will provide valuable services and act as an attraction for both residents in the neighborhood and future residents. The residential components will provide much needed housing. Residents on site will also increase the size of the community with invested interest in the area and will increase the number of people present during hours outside of the standard 40-hour workday. Both of these factors will support inhabited, safe, and interactive spaces.

The community has expressed concern about a vacant site, and the time line of this proposed development considers the community's safety concerns. This redevelopment process will ensure the site is redeveloped according to an appropriate time line and will prevent the site from being vacant for an extended amount of time.

## COMMUNITY SUPPORT FOR SUBURBAN MIXED-USE

### General Community Vision for Redevelopment of the Site

Four community meetings to discuss the project have been held, and extensive community input has been gathered through the community meetings and task force meetings. Throughout the community outreach process, the topics of primary focus for community aspirations as expressed by the community include: high-quality design, gathering places, “a destination,” a high-quality public realm with vegetation, and pedestrian & bicycle access.

In the first community meeting, community members expressed excitement about a development reminiscent of a S. Colorado Boulevard in the 1970s and 1980s. Celebrity Sports Center and Cooper Theatre, two places that existed on S. Colorado Boulevard, were mentioned repeatedly. The community expressed a strong desire to celebrate history and the character of the neighborhood. In fact, design was the topic mentioned the most at the “Community Aspirations” breakout session. Design as defined by the community included architectural style, and the community has expressed a strong desire for Mid-Century Modern architecture style of high-quality materials.

In the second and third community meeting, community input on preferred land uses and character was gathered through land use surveys and a collection of images on which community members could place a sticker to indicate they “liked” the image. The land use surveys

indicated the community has a strong desire for a retail grocery and housing. A large number of community members supported higher density if residential units were included in the development in the event that affordable housing was provided.

In the fourth community meeting, community members posed questions to the redevelopment team on the topics of: vehicle traffic; definition of affordable housing; proposed building heights; existing environmental contamination on the site and remediation efforts (performed by CDOT); difference between Mixed Use and Multi Unit zone districts; including commercial uses; if closure of E. Arkansas Avenue east of S. Birch Street is possible; open space; number of affordable housing units anticipated to be located on site; Site Development Process; Home Owners Association or Metro District; for-sale housing; and drainage improvements. Community input has dramatically shaped the proposed zoning.

### Formal Public Outreach and Participation

Community involvement and input are vital components of this rezoning and redevelopment process. The redevelopment team has held four interactive public community meetings: January 25, 2018; March 8, 2018; April 5, 2018; and May 3, 2018. These meetings were held near the Property at Ellis Elementary School, a Denver Public School. The meetings were conducted in the evening at 6:00pm to garner wide community attendance. Representatives from the entire team, Kentro Group; Norris Design; CRL; Kimley-Horn; and additional team members as necessary, were in attendance at each of the meetings and were available to answer questions.



The general structure of the first three meetings involved a presentation by the redevelopment team followed by breakout sessions. During the breakout sessions, community members were invited to participate at each station staffed by two to three redevelopment team members. The topics of the sessions included: land uses; existing conditions; community aspirations; community concerns; zoning; transportation; character; rezoning plan and proposed zoning. The small group setup allowed community members to ask questions, provide input, and discuss freely. The community input was gathered and collected in a variety of ways: note taking; open discussion with note-taking on a large tablet; stickers to indicate preferences and desires on a collection of images; and a land use survey.

The fourth community meeting, on May 3, 2018, included a summary of the information presented in previous meetings, an update on the proposed zoning, and a panel discussion. For the panel discussion, six members of the redevelopment team were available to any and all questions from the audience. The panel members included: Jimmy Balafas (Kentro Group), Chris Viscardi (Kentro Group), Stacey Weaks (Norris Design), Sean Maley (CRL), Curtis Rowe (Kimley-Horn), and John Yerton (Essential Management Solutions, LLC).

In an effort to reach and involve even more community members, prior to the fourth community meeting, KRF Arkansas, LLC paid for signs and fliers with the upcoming meeting information that were posted on the Property and distributed throughout the neighborhood. These fliers presented the meeting information in English, Spanish, and Arabic. Translators were provided at the meetings as well.

In addition to the community meetings, a group of dedicated neighborhood residents formed a Neighborhood Task Force that met regularly on Monday evenings. When invited, the redevelopment team attended and met with the task force. The Neighborhood Task Force requests and concerns were considered in great detail and to great lengths and have had a strong influence on this redevelopment process.

A zoning discussion was a critical component of each community meeting and the proposed zoning evolved through this process. From the beginning of the redevelopment process, the redevelopment team maintained open communication channels and made themselves available to discuss the redevelopment process with community members and any interested parties. Additionally, the Kentro Group website published a webpage specifically for this 4201 E. Arkansas Avenue project ([www.kentrogroup.com/Arkansas](http://www.kentrogroup.com/Arkansas)) and made the project information easily accessible to the public. The entire redevelopment process, including this rezoning application, has been shaped by community input.

## JUSTIFYING CIRCUMSTANCES

The rezoning of the Property is justified per the applicable justifying circumstance criteria (DZC Section 12.4.10.8.A.40 of the Official Map Amendment (Rezoning) which states **“the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”**

Denver has experienced more rapid population growth in the past five years than the city has ever experienced, and this population growth is expected to continue (Denverright Community Profile, p. 5). “Denver is now on pace to grow by 150,000 new residents in a ten-year period” (Denverright Community Profile, p. 5).

Just as Denver has changed in the last sixteen years, the needs of Denver have changed since 2002 when Blueprint Denver was adopted.

In line with Denver’s goals to “improve connectivity, economic opportunity and quality of life for everyone,” the proposed development intends to meet residents’ daily needs by providing daily goods and services within walking distance (Denver’s Mobility Action Plan, p. 3).

The demand, prices, and rents for housing have increased dramatically, and Denver’s workforce and vulnerable communities are struggling to find and maintain housing. The proposed development intends to provide much needed affordable housing. In fact, the PSA requires 150 for-rent units of sixty percent (60%) area median income (AMI) housing to be built on this site,

another site in the City, or payment of a large fee-in-lieu. The project’s intent is to build the affordable units on site.

The contract also stipulates that 150,000 square feet of commercial needs to be built on site and provide 200 jobs. Under the current zoning CMP-EI2 zoning, it is difficult to meet this contractual requirement because retail is not allowed.

The proposed development strives to meet the quality of life, economic, health, and environmental goals of Denver and the surrounding communities. To this point, community involvement and input were and continue to be vital components of the rezoning and redevelopment process. The proposal has evolved and adapted to its current form to create an opportunity to provide a desired and valued development.

4201 E. Arkansas Avenue is an appropriate location to direct growth and will offer current and future Denver residents options in housing and community type. The proposed development aims to achieve Denver’s goals and vision for future developments and will contribute positively to the community. As Denver continues to grow, this proposed development recognizes the potential benefits of providing housing and services in the neighborhood. The rezoning of the Property is imperative because of the redevelopment opportunity this site presents to support the City’s goal to grow responsibly.



## **Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statement**

The S-MX (Suburban Mixed Use) zone districts are the most appropriate zone districts to serve as the land use framework for the majority of the Property in conjunction with the S-MU-3 (Suburban Multi Unit 3-stories) for the parcel east of S. Birch Street. The proposed zone districts consider both future opportunity and the existing context. The existing surrounding zoning and the general character of the neighborhood specifically weighed heavily in the decision to propose a Suburban Neighborhood Context, and the arrangement of the proposed zone districts - as they pertain to building form and scale - was crafted through the community meetings and public outreach processes. The proposed S-MX zone districts will allow the development to realize the City's vision for the future of Denver, and align the project (and its overall character) back to the existing surrounding land uses within the community.

The Denver Zoning Code standards, regulations, and intents of the Suburban Mixed Use (S-MX) zone districts support this zone district proposal. The Denver Zoning Code explicitly states, "The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections" (Denver Zoning Code, 3.2-4). The Property is located near S. Colorado Boulevard, a prominent commercial corridor and Commercial Arterial. Additionally, the Property is one of the larger redevelopment sites in the area at 13.2 acres.

The Denver Zoning Code also states, "The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening along the right of way." The proposed development recognizes the existing context of the suburban area which has a higher reliance on the automobile in comparison to an urban neighborhood context, but the proposed development also provides access to pedestrian, bicycle, and bus facilities. The proposed development aims to provide a walkable, inviting and activating spaces.

This rezoning proposes a graduated arrangement of zone districts to present viable opportunities for the redevelopment of the Property while balancing the input from the community. The proposed zone districts transition from a comparable scale of development adjacent to S. Colorado Boulevard (a Commercial Arterial and identified Commercial Corridor) lined with large commercial businesses to a compatible scale of development for the E. Arkansas Avenue and S. Birch Street frontages across the street from an established multi and single-family residential neighborhood. The Suburban Mixed Use (S-MX) zone districts will allow the development to realize the City's vision for the future of Denver and relate to the existing surrounding land uses. Ultimately, the proposed zoning provides the flexibility for a mixed-use development program to provide services, residential units, engaging spaces, and destinations for the neighborhood.