



**TO:** Denver City Council  
**FROM:** Steve Nalley, Neighborhood Planning Supervisor  
**DATE:** April 11, 2016  
**RE:** Official Zoning Map Amendment Application #2015I-00141  
3200 Walnut St., 3220 Walnut St., 3254 Walnut St., and 3235 Larimer St.  
**Rezoning from I-MX-3, UO-2 to C-MX-5 and C-MX-3**

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends approval for Application #2015I-00141 for a rezoning from I-MX-3, UO-2 to C-MX-5 on the northwest portion of the site and C-MX-3 along the Larimer edge or the southeast portion of the site.

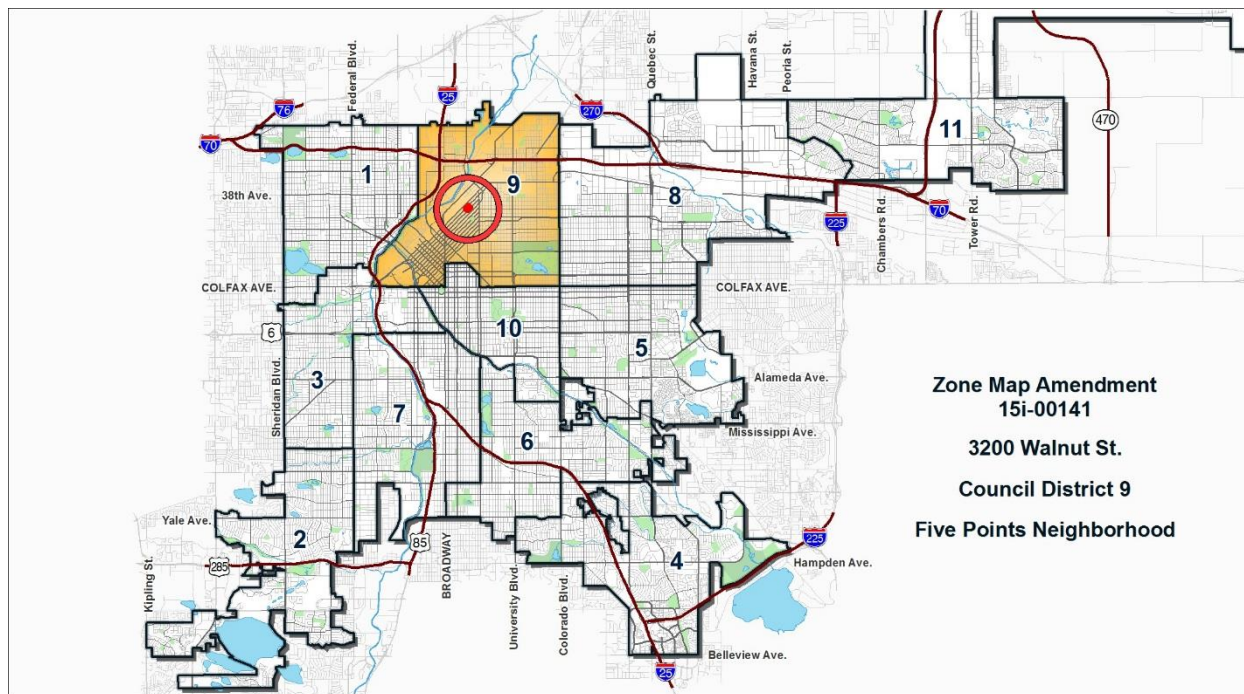
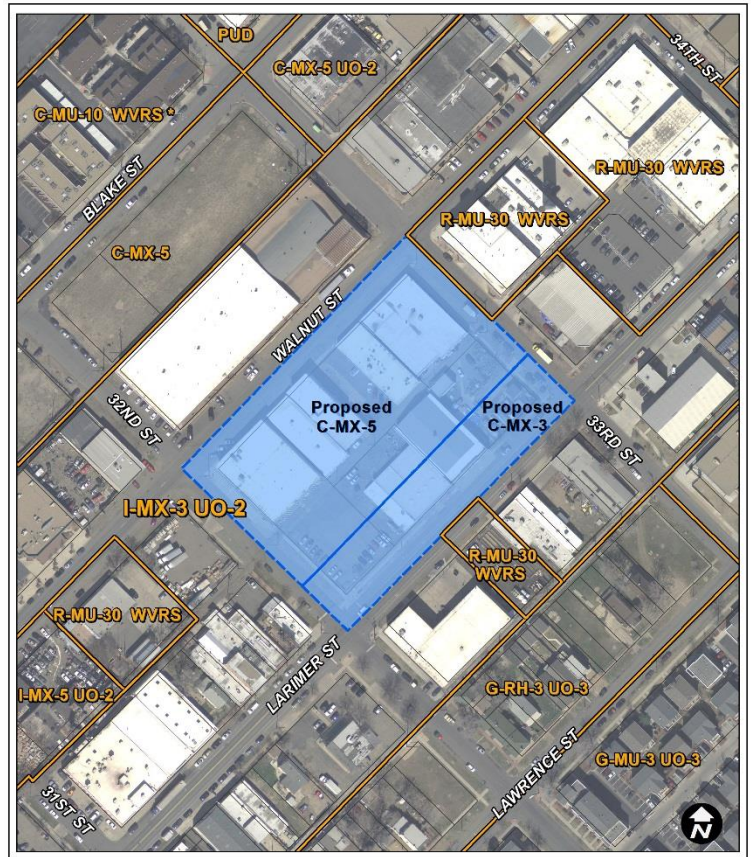
### Request for Rezoning

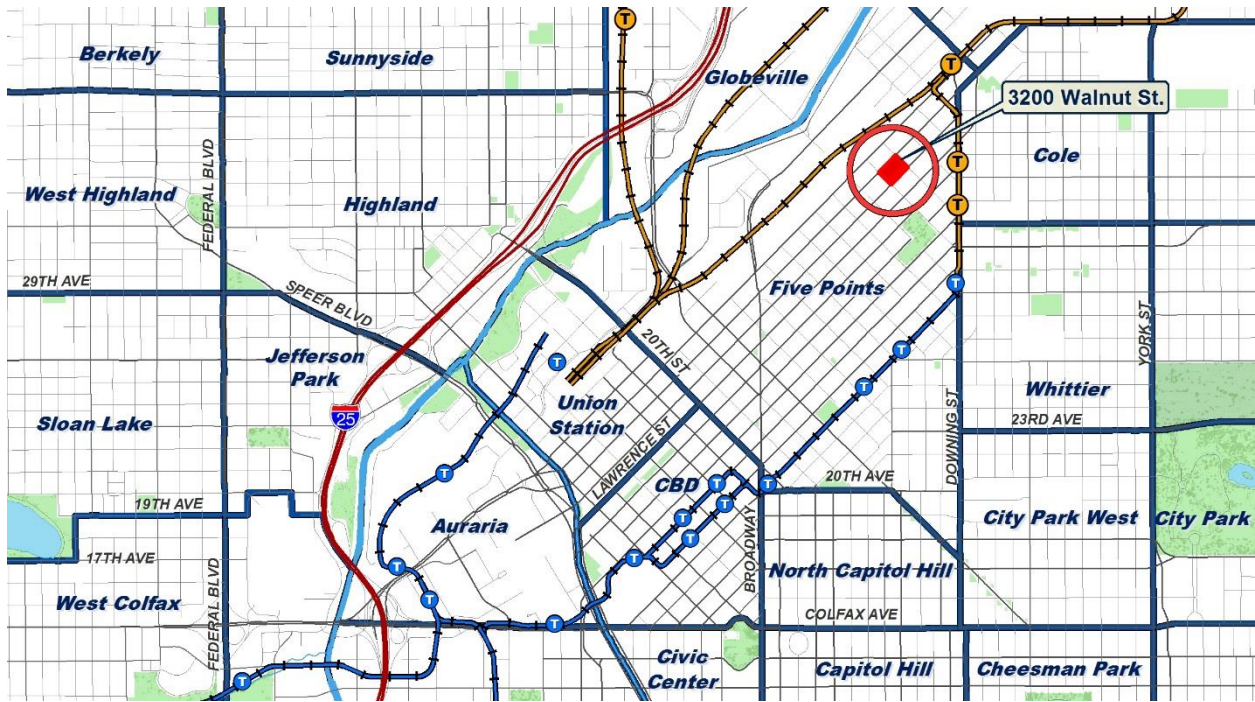
Application: #2015I-00141  
Address: 3200 Walnut St., 3220 Walnut St., 3254 Walnut St., and 3235 Larimer St.  
Neighborhood/Council District: Five Points (RiNo)/ Council District 9  
RNOs: RiNo, River North Art District; Five Points Business District; Elyria Swansea/Globeville Business Association; Rio Norte; United Community Action Network Inc.; Curtis Park Neighbors; Denver Neighborhood Association, Inc.; Denver Urban Resident Association; Inter-Neighborhood Cooperation  
Area of Property: 2.4 acres  
Current Zoning: I-MX-3, UO-2  
Proposed Zoning: C-MX-5 and C-MX-3  
Property Owner(s): Kaatz Associates II LLLP  
Owner Representative: Jared Carlon, Norris Design

### Summary of Rezoning Request

- The subject property is a full city block located in the Five Points Statistical Neighborhood, generally located between Walnut St. and Larimer St., and between 32<sup>nd</sup> St. and 33<sup>rd</sup> St. The site is currently owned by Kaatz Associates II LLLP. The site contains warehouse uses, namely Denver Hardware.
- The site is within a half mile walk from the 38<sup>th</sup> and Blake commuter rail station.
- The site is currently zoned I-MX-3 with the UO-2 Billboard Use Overlay.

- The property owners are requesting a rezoning to C-MX-5 and C-MX-3 in order to develop the site consistent with the recommendations in the adopted plans. Though a rezoning request does not approve a specific development or permit a specific use, the property owners' intent through this rezoning is to allow mixed-use development up to 5 stories along Walnut St. and 3 stories along Larimer St.
- The requested C-MX-3 and C-MX-5 zone districts are in the Urban Center context, allowing Mixed uses, generally up to 3 and 5 stories respectively in height; Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).
- The applicant requested to remove the UO-2 Billboard Use Overlay.





**Existing Context**

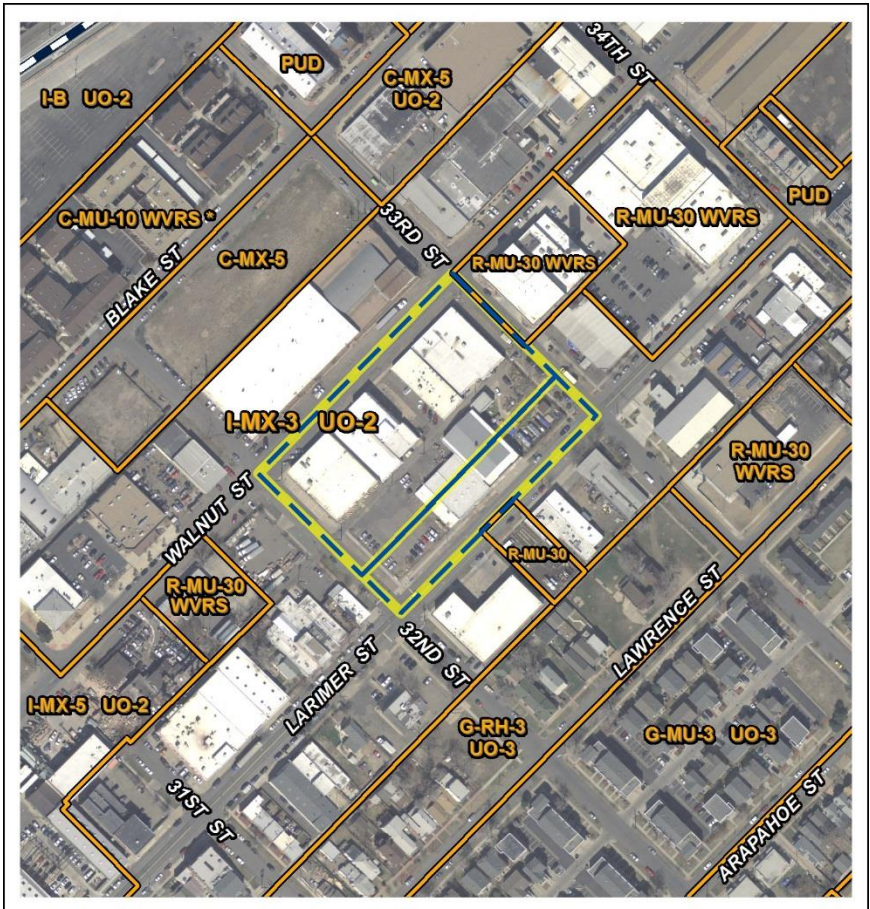
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-MX-3, UO-2	Industrial, warehouse, commercial	One and two story warehouse and commercial structures oriented to the street	Consistent oblong block on the downtown street grid. Public alleys exist on most blocks throughout the area. The alley through the subject site was vacated in 1973.
North east	R-MU-30 w/ waivers and I-MX-3, UO-2	Commercial, retail, office, art gallery, warehouse and surface parking	One and two story commercial, retail, and office structures oriented to the street	
North west	I-MX-3, UO-2 and C-MX-5	Warehouse, ministorage	One and two story warehouse, commercial and mini-storage	
South west	I-MX-3, UO-2 and R-MU-30 w/ waivers	Commercial, warehouse, retail, auto recycling, office, residential,	One and two-story commercial buildings; One single family home	
South east	I-MX-3, UO-2; R-MU-30 w/ wvrs; G-RH-3. UO-3	Warehouse, commercial, retail, residential	One and two story commercial structures; urban house and row house forms	

## 1. Existing Zoning

The site is currently zoned I-MX-3, UO-2, which is intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts and accommodate a variety of industrial, commercial, civic and residential uses. The maximum height in the I-MX-3, UO-2 zone district is 3 stories and 45 feet. The I-MX-3 zone district allows the General and Industrial building forms. The General building form includes a build-to requirement, transparency requirement, entrance requirement, but does not include street level active use standards, and surface parking is permitted between the building and side streets. The Industrial building form is only allowed when the following uses are established: Vehicle/Equipment Sales, Rentals, Service & Repair Use Category Uses and Industrial, Manufacturing & Wholesale Primary Use Classification Uses. The Industrial building form does not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.

The UO-2 Billboard Use Overlay permits "outdoor general advertising device" signs, also known as "billboards," within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements apply. Currently, no billboards exist on the subject site.



## 2. Existing Land Use Map

As seen in the Existing Land Use Map at right, the area to the northeast, northwest and southwest includes mixed-use and industrial uses with mostly large warehouse structures. There are mid-rise multi-family uses along the Coors Field parking area adjacent to the freight and commuter rail line. Smaller commercial, retail and mixed use properties are located southeast of the subject site with predominately single family and low-rise multi-family located in the Curtis Park neighborhood.



## 3. Existing Building Form and Scale



Subject site looking northeast along Walnut St.

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Warehouse to the northwest of the site along Walnut.



Retail/commercial use southeast of the site along Larimer St.

### 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:

**Asset Management:** Approved – No Comments

**Development Services – Project Coordination:** Approved – No Comments

**Denver Fire Department:** Approved – No Comments

**Development Services – Wastewater:** Approved – No Comments

**Parks and Recreation:** Approved – No Comments

**Public Works – City Surveyor:** Approved – minor typo comments addressed in resubmittal.

**Environmental Health:** Approved – Notes: DEH concurs with the proposed zoning change.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Development Services – Transportation:** Approved – No Comments

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on December 16, 2015.
- The property was legally posted for a period of 15 days announcing the February 17, 2016, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Planning Board recommended approval of this map amendment with a 5-3 vote. There was deliberation about if 55 feet of C-MX-3 transitioning to C-MX-5 achieved the intent of the guidance from adopted plans. There was also deliberation about the possibility of setting a precedent for surrounding sites.
- Written notice for PLAN Committee meeting was sent to all affected registered neighborhood organizations and City Council members on February 23, 2016.
- Neighborhoods and Planning Committee took place on March 2, 2016.
- Notice was sent to all affected registered neighborhood organizations and City Council members and signs were posted on the property on March 21, 2016 announcing the City Council Public Hearing scheduled for April 11, 2016.
- At the time of this staff report, one letter of support from the Rino Art District was received. One letter requesting a delay was received. Both letters are attached at the end of this staff report. In summary, the letter requesting a delay states that there was misinformation provided during the process and that there should be more time to discuss three stories along Larimer Street.

## 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 2000*



- *Blueprint Denver (2002)*
- *38th and Blake Station Area Plan (2009)*
- *Northeast Downtown Neighborhoods Plan (2011)*

## **Denver Comprehensive Plan 2000**

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The C-MX-3 and C-MX-5 map amendment application is consistent with these "Vision[s] of Success" through the enabling of compact, mixed-use, pedestrian-oriented development at an appropriate location:

**Compact development** ■ Compact urban centers will meet the needs of 21st-century living while reinforcing the valued characteristics of Denver's neighborhoods. Development and redevelopment of urban centers presents opportunities to concentrate population and land uses within a limited geographic space. Compact development will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (pg 55)

**Density and diversity** ■ Exciting new mixed-use and pedestrian-oriented areas will develop, offering a higher concentration of housing, retail, services, employment and transportation, all within walking distance. (pg 96)

The proposal is consistent with many *Denver Comprehensive Plan 2000* strategies, including:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development with Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. Creating more density at transit nodes. (pg 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (pg 41)
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (pg 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (pg 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg 78)
- Denver's Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (pg 99)

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already provided and where transit-oriented development investment is taking

place within a half mile of a commuter rail station, consistent with Comprehensive Plan 2000. The C-MX-3 and C-MX-5 zone districts allow a variety of uses and allows for increased density appropriate for this infill site. The rezoning is consistent with these Plan recommendations.

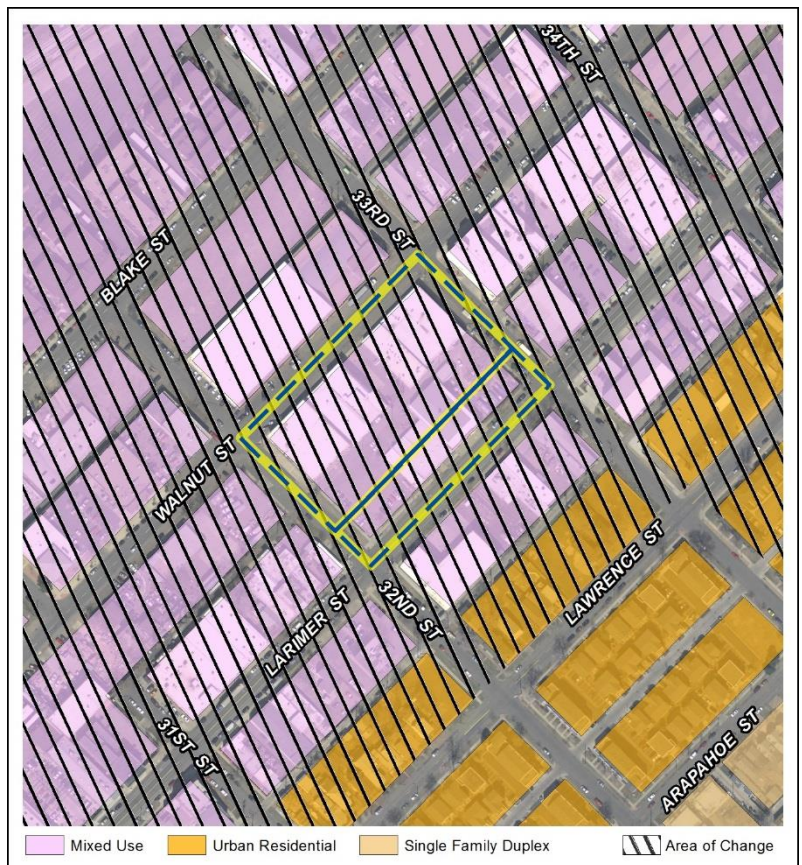
### Blueprint Denver

According to the *Blueprint Denver* plan map, the concept land use recommendation for this site is Mixed-Use, Area of Change.

### Future Land Use

Mixed use areas have a sizeable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block but are mixed within walking distance of each other.

The proposed map amendment supports the *Blueprint Denver* mixed use concept land use designation in the surrounding area by allowing for a mix of uses at intensities sufficient enough to serve several neighborhoods. The General building form within the C-MX zone districts includes build-to, transparency, entrance, and Street Level active use standards and prohibits the location of surface parking between the building and the primary and side streets, implementing the design recommendations stated in *Blueprint Denver* for a pedestrian-friendly mixed use area within close proximity of transit.



**Blueprint Denver Future Land Use Map**

### Area of Change / Area of Stability

The subject site is within an Area of Change. In general, “the goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg 127).

Overall, the rezoning application is consistent with the *Blueprint Denver* Area of Change recommendation by allowing for mixed-use redevelopment at an appropriate, transit-oriented location, improving access to jobs, housing, and services. The redevelopment of the subject site will be critical in achieving this *Blueprint Denver* vision for appropriate growth.

**Street Classifications**

*Blueprint Denver* classifies Larimer St. as a Mixed Use - Arterial. Arterial streets are “designed to provide a high degree of mobility and generally serve longer vehicle trips to, from and within urban areas” (pg 51). According to *Blueprint Denver*, Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns” (pg 57). Walnut is designated as a Residential – Collector. Collector streets are “designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings.” (pg 51). “As collectors... residential streets are designed to emphasize walking, bicycling and land access over mobility... residential streets tend to be more pedestrian oriented than commercial streets, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes.”

The C-MX-3 and C-MX-5 zone districts proposed for the subject site are appropriate zone districts for this mixed-use and residential, arterial and collector street classification through the allowance of higher intensity, mixed-use development coupled with the pedestrian-oriented design standards contemplated in *Blueprint Denver*.

32<sup>nd</sup> and 33<sup>rd</sup> street are undesignated local streets.



## Blueprint Denver Future Street Classification Map

### Small Area Plan: 38<sup>th</sup> and Blake Station Area Plan

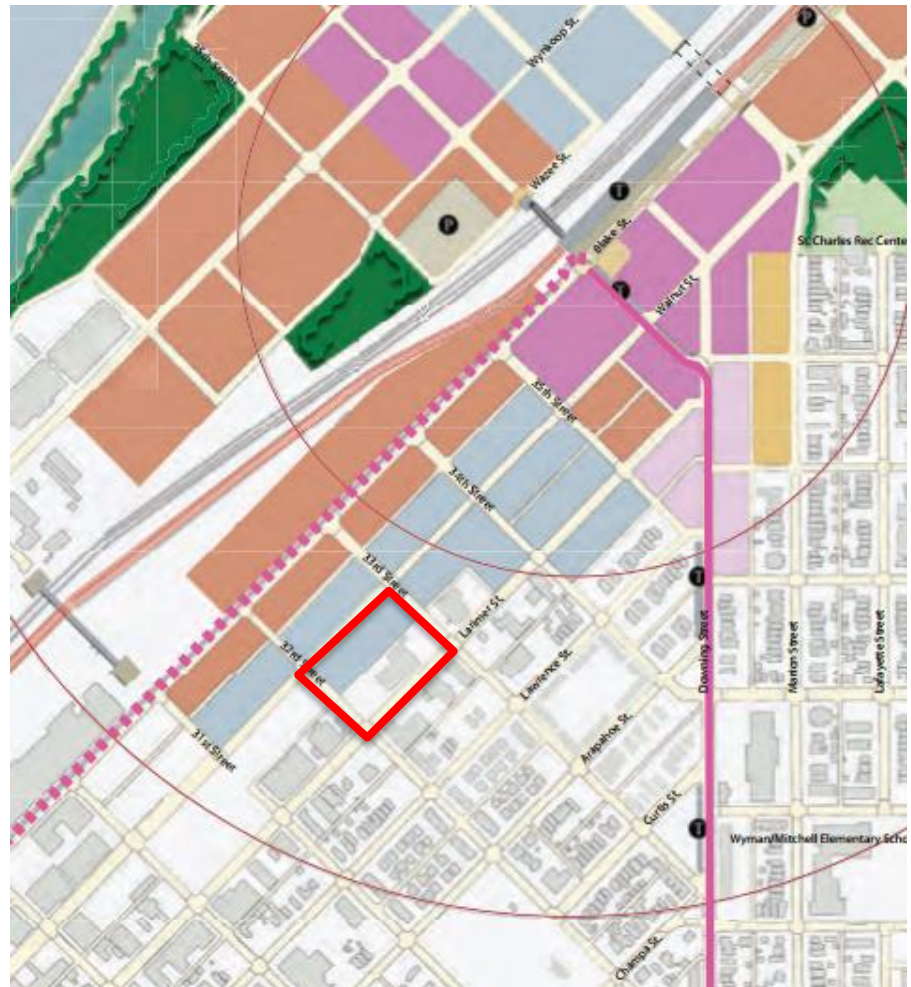
The 38<sup>th</sup> and Blake Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The Plan sets forth a goal to “utilize the station investment to strengthen existing diverse neighborhoods and create a new center for the community” and contains the following objectives:

- Accommodate a compatible mix of industrial, commercial, and residential land uses within the study area;
- Promote a unique sense of place by requiring development to respect the context of the area’s diverse urban form characteristics; and
- Promote infill with the station area to create development that supports transit ridership, residential, and neighborhood-serving retail and services.

The rezoning request to C-MX-3 and C-MX-5 is consistent with these objectives though the allowance of compatible, mixed-use, infill development that supports transit ridership. The proposed rezoning will allow for neighborhood-serving amenities and requires a higher level of pedestrian-friendly urban form than the current I-MX-3, UO-2 zoning.

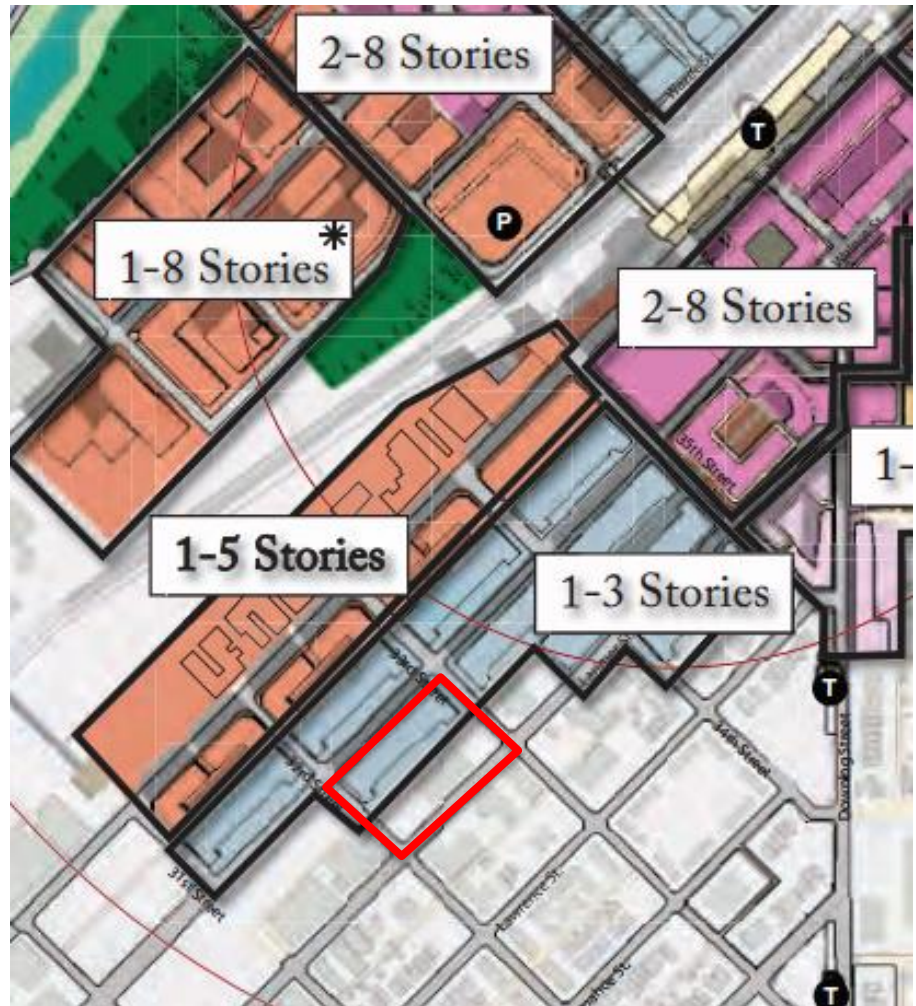
In addition, the 38<sup>th</sup> and Blake Station Area Plan recommends a Mixed-Use Employment Concept Land Use for a portion of this site. The land use recommendation encourages employment opportunities, a mix of warehouse, retail, research/development, office, arts/culture and residential uses. The plan does not include a land use recommendation for the southeast portion of the site, but does acknowledge the alley between Lawrence St. and Larimer St. as the dividing line between industrial and residential uses, separating Upper Larimer from Curtis Park.

Additionally, Recommended Building Heights as depicted on the next page include 1-3 stories along Walnut corridor,



1-5 Stories along the Blake corridor and 2-8 Stories adjacent to the 38<sup>th</sup> and Blake Station.

The proposed rezoning to C-MX-3 and C-MX-5 fulfills the recommendations of the *38<sup>th</sup> and Blake Station Area Plan* by allowing a broad range of uses, including light industrial, and by requiring more street level activation standards while transitioning height from 5 stories down to 3 stories at Larimer St. The two half blocks facing Larimer St. (from the alley between Walnut St. and Larimer St. to the alley between Larimer St. and Lawrence St.) act as the transition between the established residential Curtis Park neighborhood and the higher intensity nature of Blake St. and Walnut St. The height map recommends up to 3 stories for the portion of the site that is proposed to go to C-MX-5, 5 stories. However, the *Northeast Downtown Neighborhoods Plan*, adopted more recently in 2011, and detailed in the next section of this staff report, supports 5 stories along Walnut St.



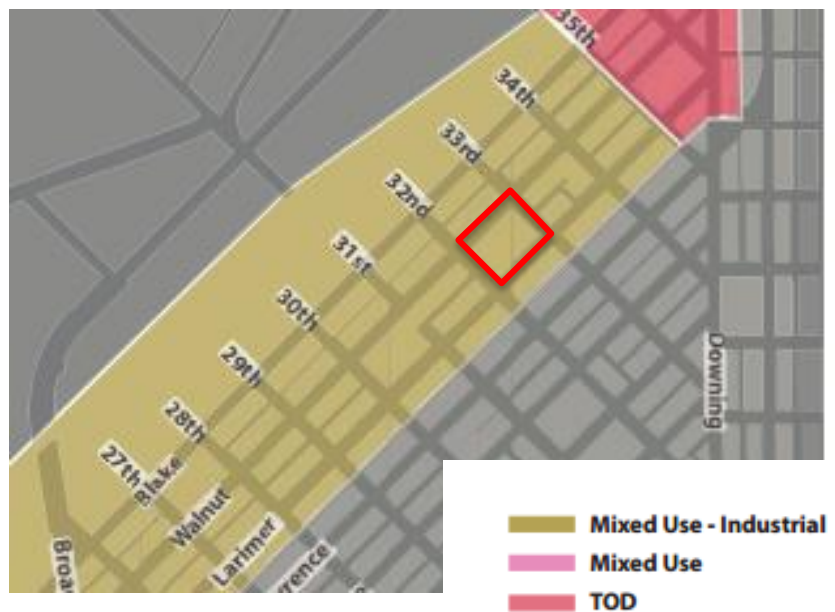
### Small Area Plan: Northeast Downtown Neighborhoods Plan

The *Northeast Downtown Neighborhoods Plan* was adopted by City Council in 2011 and overlaps with the boundaries of the *38<sup>th</sup> and Blake Station Area Plan* on the subject site. The format of the Plan includes a strategy framework, plan recommendations that apply throughout the planning area, and more specific recommendations by sub-area.

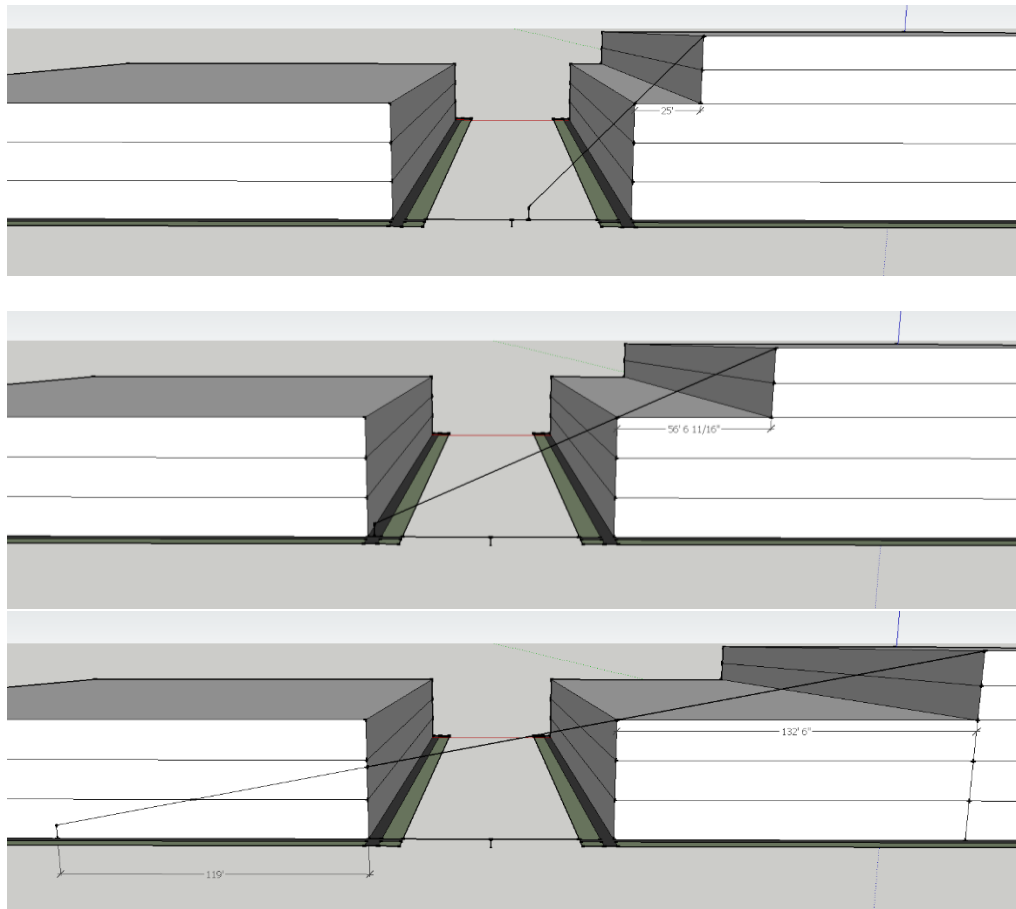
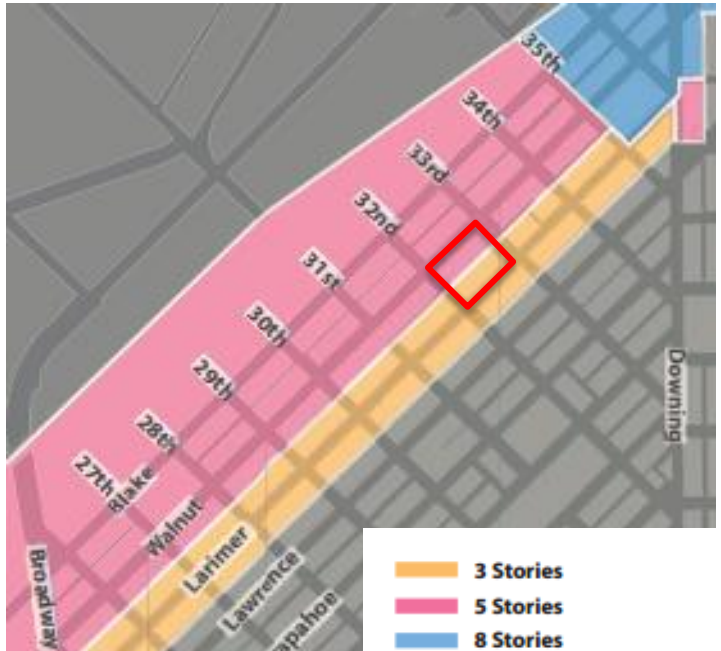
The proposed rezoning is consistent with many of the strategy framework recommendations including:

- Moderate intensity development transitioning to residential neighborhoods.
  - “Where higher intensity development transition to residential neighborhoods, and along main street corridors (Welton... and Larimer):”
    - “Allow a moderate and mixed scale of general, shopfront, apartment and rowhouse building forms;”
    - “Site building forms in a context sensitive manner with emphasis on orienting to the street with parking and access in the rear/off the alley;”
    - “Promote the use of design elements that link the building directly to the street environment, such as ground story activation, transparent windows openings and doorways at the street;”
    - “Allow a mix of uses within the area and within buildings;” and
    - “Encourage TOD along transit corridors with sensible transitions to adjacent residential neighborhoods.”
- Promote economic and housing diversity
  - “In areas of change, a wider variety of multiple unit building forms should be encouraged as part of these mixed-use neighborhoods. Future zoning should support varied residential forms...”
- Encourage housing density

In addition, the *Northeast Downtown Neighborhoods Plan* contains Land Use, and Building Height recommendations to advance the vision of the neighborhoods. The subject site is designated as Mixed Use – Industrial land use concept where the Plan recognizes that light industrial uses, such as light manufacturing and smaller warehouses are compatible with urban residential housing types.



The Plan recommends a maximum building height of 5 stories along Walnut St. and 3 stories along Larimer St. The plan states “the three and five story areas are located generally between 24<sup>th</sup> and 35<sup>th</sup>, with Blake and Walnut supporting 5 stories and Larimer supporting three to aid in the transition between RiNo and Curtis Park.” The transition from 5 stories to 3 stories is generally depicted on the height map between Walnut St. and Larimer St. Much of the discussion prior to receipt of an application was where this transition actually occurs. The alley on this site was vacated in 1973, and ever since has operated as one large site. In order to meet the intent of the plan direction, 3D models were created to assist in determining the best height transition point.



25' transition from C-MX-3 to C-MX-5

~55' transition C-MX-3 to C-MX-5

Centerline of the alley (132.5') transition between C-MX-3 and C-MX-5

25 feet of C-MX-3 with the rest of the site as C-MX-5 would allow for five stories to be perceived from Larimer St. and especially from the opposite side of Larimer St. Only 25 feet did not meet the transition recommendation in the Plan. 55 feet of C-MX-3 with the rest of the site at C-MX-5 allows for an averaged height pedestrian to not perceive the five stories from the opposite side of Larimer St. Transitioning at the centerline of the vacated alley between Walnut St. and Larimer St. exceedingly aids in the transition from 5 stories down to 3 stories, but was deemed unnecessary, since the 5 stories cannot be perceived from the opposite side of Larimer St. with a just a 55 foot transition.

The requested C-MX-5 and C-MX-3 rezoning, with a depth of 55 feet along Larimer St., is consistent with the recommendations of the *Northeast Downtown Neighborhoods Plan*. The Mixed-use – Industrial recommendation is met, as light industrial uses are allowed in the C-MX zone districts. Also, the recommended building form standards are better met through C-MX zone districts than the current I-MX-3, UO-2 zoning.

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

The proposed rezoning to C-MX-5 and C-MX-3 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 primarily through implementation of the City's adopted land use plans including *Comprehensive Plan 2000*, *Blueprint Denver*, *38<sup>th</sup> and Blake Station Area Plan*, and *Northeast Downtown Neighborhoods Plan*.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "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."

Several changed or changing conditions apply to the site and surrounding area. As discussed above, several adopted plan recommendations state that redevelopment of the area is desired, and the adopted plans recognize that the character of the area is evolving into a transit-oriented area. Individual redevelopment projects occurring in the area are signaling an evolution in the surrounding environs, the long-term progression from heavy industrial uses to mixed-use, pedestrian-oriented development envisioned by the adopted plans.

Additionally, the University of Colorado A line and the 38<sup>th</sup> and Blake station is opening this year; the nearby National Western Center has long term plans and initial funding to reimagine itself at its current location; a preferred alternative for I-70 has been announced in the FEIS, providing more certainty for its location and configuration; and the RiNo area continues to experience rapid transformation as the City's areas of change continue to grow.



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

### Neighborhood Context Description

The proposed C-MX-5 and C-MX-3 zone districts are within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location through the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-MX-5 and C-MX-3 will lead to development that is consistent with the neighborhood context description.

### Zone District Purpose and Intent

According to DZC 7.2.3.1.A, the general purpose of the C-MX zone districts is to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. District standards 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. C-MX districts are intended for broad application at the neighborhood scale. The rezoning to C-MX-5 and C-MX-3 is consistent with the zone district general purpose, and resulting development will be consistent with the general purpose statement through the application of the C-MX-5 and C-MX-3 zone district standards.

C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. C-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. The subject site is served by arterial, collector, and local streets. Additionally, adopted plans identify this site as appropriate for 5 and 3 story development, and the C-MX-5 and C-MX-3 zone districts fulfill this requirement. The street classifications and desired building heights in this area are consistent with this intent statement.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3200 Walnut St., 3220 Walnut St., 3254 Walnut St., and 3235 Larimer St. (#2015I-00141) to the C-MX-5 and C-MX-3 zone districts meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

### **Attachments**

1. Application
2. Letter of support from Rino Art District
3. Letter requesting a delay from property owner

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Kaatz Associates II LLLP	Representative Name	Jared Carlon, Norris Design
Address	3200 Walnut Street	Address	1101 Bannock Street
City, State, Zip	Denver, CO 80205-2329	City, State, Zip	Denver, CO 80204
Telephone	303-292-3550	Telephone	303-892-1166
Email	dikaatz@yahoo.com	Email	jcarlon@norris-design.com
<p>*If More Than One Property Owner:            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	City block between 32nd and 33rd Street and Walnut and Larimer Street. (3200 Walnut St., 3220 Walnut St., 3254 Walnut St., 3235 Larimer St.)		
Assessor's Parcel Numbers:	0227501017000, 0227501020000, 0227501021000, 0227501018000		
Area in Acres or Square Feet:	2.4 Acres		
Current Zone District(s):	I-MX-3 , UO-2		
PROPOSAL			
Proposed Zone District:	C-MX 3, C-MX-5		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>		(A)	NO
Daniel Kaatz  Kaatz Associates II LLP & Kaatz Associates III LLP	3200 Walnut Street Denver, CO 80205 303-292-3550 dlkaatz@yahoo.com	100%	<i>[Signature]</i> <i>[Signature]</i>	11/30/15	A	YES

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

1101 Bannock Street  
Denver, Colorado 80204  
303.892.1166



October 20, 2015

City and County of Denver  
Attn: Ryan Winterberg-Lipp  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

I, Daniel Kaatz, General Partner in the Ownership Entities of the properties at 3200 Walnut Street, 3220 Walnut Street, 3254 Walnut Street, and 3235 Larimer Street, authorize Norris Design as well as Camden USA, Inc. as representatives to my interest throughout the rezoning request submitted on October 20, 2015.

Dated: 10-20-15

By:   
Daniel Kaatz  
General Partner, Kaatz Associates II LLLP  
General Partner, Kaatz Associates III LLLP

(LEGAL DESCRIPTION: REMAINDER PARCEL PROPOSED ZONING C-MX-5)

A PARCEL OF LAND BEING A PART OF LOTS 1 THROUGH 32 AND THE ALLEY VACATED BY ORDINANCE 161 SERIES 1973, BLOCK 22, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, EXCEPTING THEREFORM THE SOUTH 55 FEET OF SAID BLOCK 22, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST CORNER OF SAID LOT 16;  
THENCE NORTH 44°57'29" EAST ALONG THE NORTHWEST LINE OF SAID BLOCK 22, A DISTANCE OF 399.78 FEET TO THE NORTH CORNER OF SAID LOT 1;  
THENCE SOUTH 45°02'14" EAST ALONG THE NORTHWEST LINE OF SAID BLOCK 22, A DISTANCE OF 211.11 FEET TO A POINT ON THE NORTHEAST LINE OF SAID BLOCK 22 BEING 55.00 FEET NORTHWEST OF THE EAST CORNER OF SAID LOT 32;  
THENCE SOUTH 44°58'03" WEST PARALLEL WITH THE SOUTHEAST LINE OF SAID BLOCK 22, A DISTANCE OF 400.01 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID BLOCK 22 BEING 55.00 FEET NORTHWEST OF THE SOUTH CORNER OF SAID LOT 17;  
THENCE NORTH 44°58'26" WEST ALONG THE SOUTHWEST LINE OF SAID BLOCK 22, A DISTANCE OF 211.02 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 84,409 SQUARE FEET OR 1.94 ACRES, MORE OR LESS

BEARINGS ARE BASED ON NORTHWEST LINE OF BLOCK 22, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, ASSUMED TO BEAR NORTH 44°57'29" EAST.

A PARCEL OF LAND BEING THE SOUTH 55 FEET OF LOTS 17 THROUGH 32, BLOCK 22, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF SAID LOT 17;  
THENCE NORTH 44°58'26" WEST ALONG THE SOUTHWEST LINE OF SAID BLOCK 22, A DISTANCE OF 55.00 FEET;  
THENCE NORTH 44°58'03" EAST PARALLEL WITH THE SOUTHEAST LINE OF SAID BLOCK 22, A DISTANCE OF 400.01 FEET TO A POINT ON THE NORTHEAST LINE OF SAID BLOCK 22;  
THENCE SOUTH 45°02'14" EAST ALONG SAID NORTHEAST LINE, A DISTANCE OF 55.00 FEET TO THE EAST CORNER OF SAID LOT 32;  
THENCE SOUTH 44°58'03" WEST ALONG THE SOUTHEAST LINE OF SAID BLOCK 22, A DISTANCE OF 400.07 FEET TO THE POINT OF BEGINNING

PARCEL CONTAINS 22,002 SQUARE FEET OR 0.51 ACRES, MORE OR LESS

BEARING ARE BASED ON SOUTHEAST LINE OF BLOCK 22, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, ASSUMED TO BEAR SOUTH 44°58'03" WEST.

PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300

Denver Property Assessment and Taxation System (3.2.3)

# 3200 WALNUT ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
KAATZ ASSOCIATES II LLLP 3200 WALNUT ST DENVER , CO 80205-2329	0227501017000 PIN 160829218	L 13 TO 20 INC & ALL VAC ALLEYADJ BLK 22 CASE & EBERTS ADD	INDUSTRIAL - WAREHOUSE	474B

## Summary

<b>Style:</b>	OTHER	<b>Reception No:</b>	2003248001	<b>Year Built:</b>	1973
<b>Recording Date:</b>	11/26/2003	<b>Building Sqr. Foot:</b>	11880	<b>Document Type:</b>	BG
<b>Bedrooms:</b>		<b>Sale Price:</b>	000000010	<b>Baths Full/Half:</b>	0/0
<b>Mill Levy:</b>	.000	<b>Basement/Finish:</b>	0/0	<b>Zoning Used for Valuation:</b>	IMX
<b>Lot Size:</b>	26,570				

Note: Valuation zoning may be different from City's new zoning code.

## Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$1,195,700	\$346,750	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$1,196,700</b>	<b>\$347,040</b>	
Prior Year			
Land	\$631,000	\$182,990	\$0
Improvements	\$200,600	\$58,170	
<b>Total</b>	<b>\$831,600</b>	<b>\$241,160</b>	



Denver Property Assessment and Taxation System (3.2.3)

# 3220 WALNUT ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
KAATZ ASSOCIATES II LLLP 3200 WALNUT ST DENVER , CO 80205-2329	0227501020000 <b>PIN</b> 163347072	CASE & EBERTS ADD B22 L5 TO 12& L26 TO 32 & VAC ALY ADJ TO L5 TO 12	INDUSTRIAL - FACTORY	474B

## Summary

<b>Style:</b>	OTHER	<b>Reception No:</b>	2003248000	<b>Year Built:</b>	1958
<b>Recording Date:</b>	11/26/2003	<b>Building Sqr. Foot:</b>	29432	<b>Document Type:</b>	BG
<b>Bedrooms:</b>		<b>Sale Price:</b>	000000010	<b>Baths Full/Half:</b>	0/0
<b>Mill Levy:</b>	.000	<b>Basement/Finish:</b>	0/0	<b>Zoning Used for Valuation:</b>	IMX
<b>Lot Size:</b>	50,025				

Note: Valuation zoning may be different from City's new zoning code.

## Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$2,251,100	\$652,820	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$2,252,100</b>	<b>\$653,110</b>	
Prior Year			
Land	\$1,250,600	\$362,670	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$1,251,600</b>	<b>\$362,960</b>	

Denver Property Assessment and Taxation System (3.2.3)

# 3235 LARIMER ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
KAATZ ASSOCIATES II LLLP 3200 WALNUT ST DENVER , CO 80205-2329	0227501018000 <b>PIN</b> 160829226	CASE & EBERTS ADD B22 02275 L 21 TO 25	INDUSTRIAL - WAREHOUSE	474B

## Summary

<b>Style:</b>	OTHER	<b>Reception No:</b>	2003248000	<b>Year Built:</b>	1928
<b>Recording Date:</b>	11/26/2003	<b>Building Sq. Foot:</b>	8368	<b>Document Type:</b>	BG
<b>Bedrooms:</b>		<b>Sale Price:</b>	000000000	<b>Baths Full/Half:</b>	0/0
<b>Mill Levy:</b>	.000	<b>Basement/Finish:</b>	0/0	<b>Zoning Used for Valuation:</b>	IMX
<b>Lot Size:</b>	15,610				

Note: Valuation zoning may be different from City's new zoning code.

## Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$702,500	\$203,730	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$703,500</b>	<b>\$204,020</b>	
Prior Year			
Land	\$351,200	\$101,850	\$0
Improvements	\$31,100	\$9,020	
<b>Total</b>	<b>\$382,300</b>	<b>\$110,870</b>	

Denver Property Assessment and Taxation System (3.2.3)

# 3254 WALNUT ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
KAATZ ASSOCIATES III LLLP 2608 S EUDORA PL DENVER , CO 80222-6124	0227501021000 <b>PIN</b> 163347081	CASE & EBERTS ADD B22 L1 TO 4 VAC ALY ADJ TO L1 TO 4	INDUSTRIAL - WAREHOUSE	474B

## Summary

<b>Style:</b>	OTHER	<b>Reception No:</b>	2006064651	<b>Year Built:</b>	1913
<b>Recording Date:</b>	4/25/2006	<b>Building Sqr. Foot:</b>	11676	<b>Document Type:</b>	PR
<b>Bedrooms:</b>		<b>Sale Price:</b>	000000000	<b>Baths Full/Half:</b>	0/0
<b>Mill Levy:</b>	.000	<b>Basement/Finish:</b>	0/0	<b>Zoning Used for Valuation:</b>	IMX
<b>Lot Size:</b>	14,086				

Note: Valuation zoning may be different from City's new zoning code.

## Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$633,900	\$183,830	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$634,900</b>	<b>\$184,120</b>	
Prior Year			
Land	\$352,200	\$102,140	\$0
Improvements	\$20,000	\$5,800	
<b>Total</b>	<b>\$372,200</b>	<b>\$107,940</b>	



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- FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	KAATZ ASSOCIATES II LLLP		
<b>Status</b>	Good Standing	<b>Formation date</b>	07/01/2003
<b>ID number</b>	20031212311	<b>Form</b>	Limited Liability Limited Partnership
<b>Periodic report month</b>	July	<b>Jurisdiction</b>	Colorado
		<b>Term of duration</b>	Perpetual
<b>Principal office street address</b>	3200 walnut st, denver, CO 80205, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	D Lewis KAATZ
<b>Street address</b>	3200 WALNUT ST, DENVER, CO 80205, United States
<b>Mailing address</b>	n/a

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## Summary

Details			
<b>Name</b>	Kaatz Associates III LLLP		
<b>Status</b>	Good Standing	<b>Formation date</b>	04/13/2006
<b>ID number</b>	20061159019	<b>Form</b>	Limited Liability Limited Partnership
<b>Periodic report month</b>	April	<b>Jurisdiction</b>	Colorado
		<b>Term of duration</b>	Perpetual
<b>Principal office street address</b>	2608 S. Eudora Place, Denver, CO 80222, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	D Lewis Kaatz
<b>Street address</b>	2608 S. Eudora Place, Denver, CO 80222, United States
<b>Mailing address</b>	n/a

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December 9, 2015

Mr. Steve Nalley  
**City of Denver Planning Services**  
201 West Colfax  
Denver, CO 80202

**Re: Denver Hardware Rezoning – Application Attachment**

Dear Mr. Nalley

Norris Design, on behalf of Camden USA, Inc., respectfully requests the City to consider the rezoning of the Denver Hardware property located in River North from I-MX-3 to split zoning of C-MX-5 and C-MX-3. Please find below information related to the site context, proposed development, conformance with applicable area plans and justifying circumstances for the proposed rezoning.

The proposed site is located between 32nd and 33rd Streets and between Walnut and Larimer Streets in northeast downtown Denver. The subject property is comprised of 4 parcels (all under the same ownership), totaling 2.4 acres. The proposed development will consist of primarily residential uses along with a mixed use component on the ground floor. Following an approved rezoning of this parcel to C-MX-3 and C-MX-5, a Site Development Plan will be submitted to redevelop the property with a split 5/3-story apartment building wrapped around a 6-story parking structure. The 5-story portion of the development will be located along Walnut Street and will transition down to 3-stories with a 55 foot depth parallel to Larimer Street.

**Proposed Zoning**

The proposed development best aligns to the C-MX-5 zone district's regulations and intent. The general purpose of the C-MX-5 zone district identifies the following: "The mixed use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge". Additionally, while the Industrial building form that is allowed in the I-MX-3 zone district places little emphasis on street level activation with no transparency requirements, the C-MX-5 zone district requires much more stringent design criteria intended to provide a high level of streetscape and design that is attentive to the public realm. The zone district is also intended to ensure new development contributes positively to established residential neighborhoods and character while improving the transition between commercial development and adjacent residential neighborhoods. As stated above, the subject site sits between an established single family residential area as well as many commercial amenities that are valued by residential developments, such as employment opportunities, restaurants, galleries, etc. It is the goal of this proposal to provide a high quality development that acts as a transitional use as well as physical form between the commercial and industrial uses to the north and west and the stable residential land uses to the south and east. This transition can be accomplished by utilizing a stepped building form (specifically, a 3-story height allowance on the eastern 55 feet of the property, adjacent to Larimer Street) that creates a transition in height from the more intensive commercial and industrial uses found north and west of the subject property and the single family residential use to the south and east. The proposed building will be 3 stories in height along Larimer Street and then will step back 55 feet and increase to 5 stories for the remainder of the building. Two legal descriptions are proposed in order to obtain separate zoning allowances on each parcel, one with a 5 story height allowance and the other allowing only 3 stories.

Furthermore, the design of the proposed development will match the building form intent required by the zone district in order to provide a development that supports the “evolving nodes of mixed-use, pedestrian and transit activities” that are present in the area. The C-MX-5 zone district allows a height up to 5 stories; this height allowance will be utilized on the western portion of the site in order to feasibly allow for the incorporation of structured parking, as is recommended by the zone district. Lastly, Larimer Street is identified as a mixed-use arterial street, and Walnut is identified as a collector street. The C-MX-5 district is intended to apply to areas or intersections that are served primarily by collector or arterial streets with a desired building height of 1 to 5 stories.

### **Area Context**

The existing land use on the site is industrial and is currently occupied by the Denver Hardware Company. The site shares adjacency with similar industrial uses to the northwest, several cultural and restaurant uses to the northeast and southwest, and single family residential to the southeast. There are examples of building heights located around this parcel that are similar to the proposed 5-story height:

- between 30<sup>th</sup> Street and 31<sup>st</sup> Street the 5-story height extends to Larimer Street
- two parcels of land located between Larimer Street and Lawrence Street and between 32<sup>nd</sup> Street and 34<sup>th</sup> Street are zoned as R-MU-30 with waivers, allowing heights up to 55'
- directly to the north two additional parcels of land between 33<sup>rd</sup> Street and 34<sup>th</sup> Street and between Walnut Street and Larimer Street are also zoned as R-MU-30 with waivers, allowing heights up to 55'
- most of the Larimer Street frontage between 34<sup>th</sup> Street and 35<sup>th</sup> Street is zoned C-MX-5

### **Consistency with Adopted Plans**

Several land use plans include this property, including the Denver Blueprint plan (2002), the 38<sup>th</sup> and Blake Station Area Plan (2009), and the Northeast Downtown Neighborhoods Plan (2011). This request to rezone also contemplates the unparalleled recent growth and development within the River North (RiNo) area of Denver.

### **Blueprint Denver**

The subject property is identified by the Blueprint Denver plan as an ‘Area of Change’, intended to “channel growth and development where it is beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips”. The plan further recommends the site be designated for mixed-use development. The proposed development will consist of primarily residential uses, with a potential mixed-use component on the ground floor. The plan allows for a mix of uses within the same building, development, block, or within walking distance. As this site is within close proximity to a variety of uses, including retail, restaurant, industrial employment bases, etc., the intent of the mixed use designation is met with this proposal. Blueprint Denver further identifies the following:

- “New development within Areas of Change can improve the economic base, provide jobs, and enhance the visual quality of buildings, streets and neighborhoods, thereby positively affecting the quality of life in both the areas of change and in the surrounding neighborhoods.”

The proposed development will improve greatly the visual quality of the entire city block, including the construction of a complete street system with sidewalks, which are currently lacking on this site and throughout the area. These improvements will not only be beneficial to the new residents, but

also to the residents in the existing neighborhoods who may pass through this site to gain access to public transit.

- “The vision of the plan focuses on retaining high-quality housing stock, while encouraging reinvestment through infill . . . .”

The River North area is identified as one of the last expansion areas for new development within central Denver; as the “Gateway to the City,” sites like these are prime locations for redevelopment to serve the demand for high density housing within the metro area.

### 38<sup>th</sup> and Blake Station Area Plan

A portion of the subject property is within the 38th and Blake Station Area Plan. The goal of this plan is to make the area a unique destination district that provides safe and comfortable multi-modal access from the surrounding communities to the rail station. Future development is recommended for new residential to provide enough housing to make non-auto travel modes those of choice and provide living opportunities for people of all incomes, ages and backgrounds. The plan recommends Mixed-Use Employment as the land use designation, which **“encourages employment opportunities and allows for a mix of uses including warehouse, retail, research and development, creative services, offices, incubator business, arts/cultural uses and compatible recreational uses. New infill development should be compatible with other recommended uses near the station area. It is meant to attract and accommodate cutting-edge industries and transition over time to include opportunities for a unique and inviting plan to live and work - residential uses are allowable”**. This site, if developed for residential uses, could provide an exceptional opportunity for residents to easily and conveniently utilize Denver’s rapidly expanding public transit system, which aligns with the main intent and goal of the station area plan. The 38<sup>th</sup> and Blake Station Area Plan further identifies the following:

- “Promote infill within the station area to create development that supports transit ridership, residential and neighborhood-serving retail and services.”

A high density housing development located in such close proximity to the new station will provide a large ridership base that has convenient access to the station and therefore the entire regional transit system. The new residential development will also help bolster the new retail and other services that are rapidly locating in the area.

- Foundation of TOD Principles: In order to succeed, TOD should address these guiding principles:
  - Place-making: Create safe, comfortable, varied and attractive station areas with a distinct identity.
  - Rich Mix of Choices: Provide housing, employment, transportation and shopping choices for people of all ages, household types, incomes and lifestyles.
  - Location Efficiency: Place homes, jobs, shopping, entertainment, parks and other amenities close to the station to promote walking, biking and transit use.
  - Value Capture: Encourage all stakeholders – residents, business owners, RTD and the City – to take full economic advantage of the amenity of enhanced transit services.
  - Portal to the Region: understand and maximize the station’s role as an entry to the regional transit network and as a safe and pleasant place to live.



As noted above, the overall intent of this plan is to make the area a unique destination district that provides safe and comfortable multi-modal access from the surrounding community. The proposed rezoning makes redevelopment of the site more feasible and redevelopment helps promote these TOD principles by:

- creating a sense of place through architectural design and street activation;
- providing additional housing options that can help bring additional jobs; and
- enhancing the usability of the station with additional residents and pedestrian connections.

### Northeast Downtown Neighborhoods Plan

The site was further studied in the 2011 Northeast Downtown Neighborhoods Plan. The future land use plan designates this site as Mixed Use-Industrial. This land use category is defined as similar to Mixed Use (which includes a variety of mid to high density housing options), but includes light industrial uses as compatible with urban residential housing types. It further states that **"land uses can be, but are not necessarily, mixed in each building, development or block"**. A conceptual height map shows two conceptual building heights for the site with 5-stories on the northwest half of the site and 3-stories on the northeast half of the site. This planned stepping of height at the alley between Walnut Street and Larimer Street extends north and south, but actual rezoning reflects some additional height along Larimer Street and to the east. As stated above, the plan for this site is to utilize a split story structure with 5 stories along Walnut Street and 3 stories along Larimer Street with an upper story setback depth of one residential unit. A number of nearby parcels have zoning greater than the 3 stories contemplated east of the alley between Walnut and Larimer Streets, as summarized above. The plan further notes **"additional housing development is desired in the community, and care should be taken to ensure that the type and intensity of future residential development complements the existing and emerging businesses, industrial uses and arts-related activities"**.

- The plan has four evaluation criteria that act as an organizing element and an evaluation tool. One of these criteria is **"Economic and Development Opportunity: Encouraging new investment by attracting new businesses, supporting the growth of existing businesses, encouraging the reuse of existing structures, attracting new development, and increasing employment opportunities. Housing development opportunities should expand the range of housing types and price ranges."**

The proposed development provides additional housing opportunities, which play a significant role in encouraging additional new investment, attracting new businesses, supporting the growth of existing businesses, attracting new development and increasing employment opportunities. Businesses looking to expand or move to the area rely on high quality residential options for their employees in places their employees want to live.

- The plan includes recommendations for building form and siting, such as promoting urban character with a build-to line, minimizing the visual impacts of parking by structuring it within the development and supporting pedestrian activity with the addition of sidewalks.

The proposed development will take advantage of design strategies intended to activate the public realm; this could include ground level transparency and other improvements to the site including sidewalks, street trees, etc. The proposed rezoning provides additional requirements to ensure

these building form and character goals are met. No specific design standards are noted in the existing zone district (I-MX-3 Section 9.1.3 Design Standards) compared to the proposed zone district (C-MX-5 Section 7.3 Design Standards), which cites several examples that promote this urban character:

7.3.1.4: Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods;

7.3.1.5: Arrange building density, uses, heights, and scaling devices to reinforce the public transit center and corridors, and to transition to adjoining areas;

7.3.1.6: Give prominence to pedestrian realm as a defining element of neighborhood character;

7.3.1.7: Spatially design public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community;

7.3.1.8: Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials;

7.3.2.2: A required build-to provides a consistent street edge to enhance character of the context, defines streets to promote pedestrian activity and sense of place and reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street;

7.3.2.2.C.1: Minimize the visual impacts of parking areas on streets and adjoining properties;

7.3.2.3.A.4: Arrange building heights, and scaling devices to provide transitions to adjoin areas;

7.3.2.3.B.1: Maximize transparency of windows at Street Level to activate the street;

7.3.2.3.C.1: Give prominence to pedestrian realm as a defining element of neighborhood character.

- The character of the development is further explored and specifically noted as a concept and recommendation: ***“A.2: Moderate Intensity Development Transitioning to Residential Neighborhoods Promote the use of design elements that link the building directly to the street environment, such as ground story activation, transparent window openings and doorways at the street. Make use of design elements, such as upper story setbacks, as necessary to minimize massing adjacent to residential areas.”***

As noted above, the proposed zoning requires additional ground story activation compared to the existing zone district. The proposed one-unit deep upper story setback supports the goal of higher density while maintaining a transition to the adjacent residential area.

- The plan encourages housing density as one of the Framework Concepts and Recommendations. It states that this higher density housing requires structured parking and notes that this is a costly component of any building.

The stepping of the building form from 5 stories along Walnut Street to 3 stories on Larimer Street not only creates a physical transition in design that is more interesting than a consistent height throughout the building, but also allows for the development to be economically feasible with the inclusion structured parking, as contemplated by the plan.

### Justifying Circumstances

As discussed above, the proposal conforms with many of the plan recommendations of Blueprint Denver, the 38<sup>th</sup> and Blake Area Station plan and the Northeast Downtown Neighborhoods plan. However, the site's location in the heart of the River North (RiNo) redevelopment area is potentially the most significant factor to consider. As a justifying circumstance, ***“the land and its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.”*** In just a few years, the area has experienced significant growth and change through public and private sector investment and exploded with the construction of a variety of quality projects ranging from multi-family residential to commercial office to culture and arts-related infill. As noted in a June 11, 2015 Denver Business Journal Article sales of properties within River North have amounted to \$365 million worth of real estate transactions representing 130 assets in the past two years as compared to the 50 assets for a total of \$43 million between 2009 and 2011 when the latest plan was written and the zoning was changed as part of the overall zoning code update. The Source as well as the newly proposed Source Hotel and Market Hall, the Great Divide Brewery, the Drive and Drive 2 mixed use office buildings, the Taxi development and several well received multi-family projects such as the Yards at Denargo Market, Larimer Row, and the Broadstone RiNo are all examples to the rapid development within this area.

A high density residential development not only fits within the recommendations of the above listed plans, but also complements the rapid growth in commercial and retail development that exists in RiNo, as well as the expansion of the east light rail line from Union Station to Denver International Airport.

In summary, rezoning of this property will allow a split 5-story/3-story mixed use apartment community consistent with the goals of the applicable land development plans and compatible with, and similar to, existing and allowed heights and residential uses in the immediate surrounding area. We look forward to working with the City and County of Denver on this exciting opportunity.

Sincerely,  
**Norris Design**



Jared Carlon, PLA  
Principal

Cc. Todd Triggs, Vice President of Real Estate Investments, Camden USA  
Kimberly Martin, Otten Johnson Robinson Neff + Ragonetti PC

1101 Bannock Street  
Denver, Colorado 80204  
303.892.1166





February 17, 2016

Camden USA, Inc.  
Todd Triggs  
Vice President Real Estate Investments

Re: Denver Hardware Rezoning

RiNo Art District  
3535 Larimer St.  
Denver, Colorado 80205

303.308.9345

The RiNo Art District is a  
Non-Profit Organization

*Board of Directors:*

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Andrew Feinstein – Co-Chair  
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*Creative Director:*

Tracy Weil

*Events + Programs Director:*

Marina Chotzinoff

*Membership Director:*

Eva Zimmerman

*Communications Director:*

Alye Sharp

Dear Todd,

On behalf of the RiNo Art District, we want to thank you for taking the opportunity to meet with us several times over the past few months in regard to your proposal for the Denver Hardware property located between Walnut and Larimer Streets, and 32<sup>nd</sup> and 33<sup>rd</sup> Streets in the RiNo neighborhood.

We are extremely appreciative of the work you have done to revise your proposed site plan to better address the concerns of the neighborhood and to create a truly interesting, activated, multi-use development that brings much-needed residential dwellings to RiNo while also providing an activated ground-level experience on Larimer and Walnut Streets, opportunities for artists to enjoy work/live space and spaces to support business development. We have pushed for these changes because we recognize that active first floors are critical to the success of a neighborhood. As RiNo welcomes higher-density projects, the impact of residents living here 24/7 will be significant. Ground-floor space brings the opportunity for more local businesses to support this demand, and provides opportunity for those in the neighborhood to utilize services by foot or bike rather than by adding more vehicular traffic and congestion to the streets. While we realize that the goods, services and amenities provided within this development won't single-handedly provide for the needs of the 230+ residents who will live in your particular development, we believe that together active, responsible developments create a critical people-centric (rather than car-centric) ecosystem throughout the district. That ecosystem is already partially built along the district's primary streets and will get exponentially better with each good development. As the guardians of the RiNo neighborhood, we have heard loud and clear the desire of stakeholders to eliminate "dead blocks."

Per our discussions, and your subsequent letter to us dated February 1, 2016, we are very supportive of the following elements that you have committed to incorporating into your design:

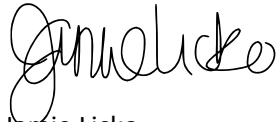
- Integration of multifamily apartments, live-work units, retail, gallery and flex space in your design to help activate the street and create a true mixed use development on this site
- Location of ground level retail/gallery/flex-space and the work-live units along Larimer Street and Walnut Street to keep an activated presence on the main pedestrian thoroughfares
- Provision of meaningful retail spaces that are consistent with the types of small retail boutiques, galleries and small food service establishments that are found throughout RiNo
- Addition of a ten work/live units on Walnut Streets at a price that can accommodate our RiNo artists and give them a place to remain in the RiNo

neighborhood

- Appropriate design to improve the transition between RiNo's commercial development and our adjacent residential neighborhoods
- Interesting activation of the streetscape and public realm surrounding and within your development
- Design that is consistent with the RiNo aesthetic utilizing high-quality building materials and a well-articulated façade, and hopefully integrating reuse of some of the existing historical materials from the Denver Hardware block

We acknowledge that you are a long-term owner of your sites and desire to create a development that is well regarded and sets the example for re-development within RiNo. To that end, and because of your commitment to build responsible development, the RiNo Art District is pleased to support Camden's request for upzoning for this site. We look forward to a continued working relationship with you, and to the energy that your development brings to the neighborhood.

Regards,

A handwritten signature in black ink, appearing to read "Jamie Licko". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jamie Licko

RiNo Art District | Executive Director

[Jamie@rinoartdistrict.org](mailto:Jamie@rinoartdistrict.org)

April 6<sup>th</sup>, 2016

Denver City Council  
Denver, Colorado

RE: Zoning Application and Public Hearing(s) 20151-00141

Dear City Council and Council Person Rafael Espinoza,

We are writing to inform you that even though we made timely inquiries to ensure zoning height requirements were met concerning this application, that we encountered some misinformation delivered by the zoning representative assigned to this matter. I personally reached out to the zoning representative in response to the first zoning application hearing posted and was assured that the zoning height limitations were being met by the applicant – three stories on Larimer and 5 stories on Walnut. On April 3<sup>rd</sup> while visiting with a neighbor we were informed that the Zoning Dept. had considered allowing the applicant to infringe on the zoned height requirements – allowing and in fact endorsing a compromise that is contrary to the zoning height requirement of 3 stories on the Larimer side to the alley division as currently set by the zoning master plan. I phoned on Sunday leaving a message for the Zoning representative, asking for an update on this news. I stated in the message that he had informed he would inform me of any changes to the contrary. I received no call back on Monday April 4<sup>th</sup> or Tuesday April 5<sup>th</sup> and therefore appeared in person on Tuesday so to meet the legal challenge requirements; only to be advised that in fact this Zoning representative had endorsed a zoning height infringement from the beginning of this application. He stated it was a compromise to the developer's request for 5 stories on Larimer. This was not mentioned to me in my original inquiry.

These events that included incomplete information, that were requested in timely matter have led to this letter directed towards City Council for the upcoming hearing on April 11<sup>th</sup> in this matter.

The height restrictions for Larimer were set and considered in the rezoning configuration master plan that is current and embodies an intent of and to preserve and develop areas with current and historic considerations as well as wishes of neighborhood associations. The zoning representative stated in the above in person conversation, on April 5<sup>th</sup> 2016, he was not employed by the City at the time of these conversations of the Upper Larimer Neighborhood Association and that he was not aware of them in conjunction with his recommendations to City Council. Larimer Street and the Upper Larimer area are and have been historically significant and historically have been home to small retail and businesses under 7000 square feet. This current application is for an entire city block. The developer has not provided input on how it intends to maintain the historic significance or use relating to Larimer Street. The current trend on Larimer embodies that historic past with entrepreneurial young investors opening hip and chick businesses in small footprint occupancies. Infringing upon the zoning plan is contrary to fostering that main street small business vibe compatible with walking traffic and small businesses retail/food and beverage establishments. Walnut is compatible with 5 story developments as it is a one way through street that was serviced by trucks and dock high access.

We ask that the City Council delay their decision in this matter do to the misinformation provided. This will allow the zoning representative time to investigate the neighborhood associations desires and intent. It will also allow the Zoning Dept. to revisit the historical significance and historic use of Larimer Street and the Upper Larimer area to fully understand the three story limitations importance in preserving and fostering a renewed walkability of the street and to foster the small retail and entrepreneurial approach being applied along Larimer. Infringing upon the set height limitation now, is an endorsement for further applications contrary to intent of the neighborhood and the zoning guidelines.

We ask that City Council please provide Zoning the time to consider the original discussions, intent, historic use of the street and historical significance of maintaining a street sympathetic to small retail, creative uses and generating sales tax revenue.

Sincerely,

Laura and Carl Rogers  
Zihuatanejo LLC  
3240 Larimer St.  
Denver, CO  
303-641-3472