



TO: Denver City Council
Neighborhoods and Planning Committee
Mary Beth Susman, Chair

FROM: Tim Watkins, AICP, Senior City Planner

DATE: August, 14 2014

RE: Official Zoning Map Amendment Application #2014I-00039
2728 Zuni Street & 2751 Wyandot Street
From PUD 437 to C-MX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2014I-00039 for a rezoning from PUD 437 to C-MX-5.

Request for Rezoning

Application: #2014I-00039
Address: 2728 Zuni Street & 2751 Wyandot Street
Neighborhood/Council District: Highland / Council District #9

RNOs & other Interested Groups: Jefferson Park United Neighbors
Highland United Neighbors, Inc.
Northwest Quadrant Association
Denver Neighborhood Association, Inc.
Inter-Neighborhood Cooperation

Area of Property: 34,342 SF or 0.79 acres
Current Zoning: PUD 437
Proposed Zoning: C-MX-5
Property Owner(s): Luxury Inn Downtown LLC
Owner Representative: Kevin Sullivan

Summary of Rezoning Request

This property is located at the gateway of the Highland neighborhood from I-25 and Downtown Denver. Situated at Zuni between 27th and 28th Avenues, the site is comprised of two parcels that contain an existing four story hotel and surface parking area.

The applicant requests rezoning to C-MX-5 primarily to allow for an additional story to be added to the hotel. The applicant may also pursue redevelopment of the surface parking area through a form based and context based zone district that will 1) Maintain the mixed use character of the area, and 2) improve Zuni as a major gateway into the Highland area. C-MX-5 would apply an appropriate scale and mix of uses for additional development where mixed use residential, retail and office uses are envisioned. C-MX-5 zoning provides a variety of uses and form standards to complement the mixed use gateway vision contained in the Highland neighborhood plan and Blueprint Denver.

The requested zone district title 'C-MX-5' is defined as the Urban Center Neighborhood Context – Mixed Uses (up to five stories). Mixed uses in the Denver Zoning Code are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms with uses that clearly define and activate the public street edge. Further details of the zone districts can be found in Article 7.2.2 of the Denver Zoning Code (DZC).

Existing Context

- Zuni Street is an important collector street that connects the Highland neighborhood to I-25, Speer Boulevard and Downtown Denver to the east.
- Land uses in this area have predominantly been retail, lodging, office, residential and surface parking, with recent additions of residential row houses and mid-rise condominiums.
- Zuni Street and the Highland neighborhood is served by bus Route 28 which connects Lakewood – Wadsworth Station (west) to downtown and further east to the Stapleton Park n Ride.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 437	Hotel Lodging, Surface Parking	4 story hotel and surface parking	The site is located along Zuni Street between 27 th and 28 th Ave. The street and blocks pattern to the north is an orthogonal grid that abuts the Speer Boulevard and I-25 interchange area to the south. 15 th Street is only 3 blocks to the east and the 16 th pathway are both available for convenient bike/ped access to downtown.
North	C-MX-5, C-MX-3	Residential apartments and row house	5 story, 2 story	
South	C-MX-5	Speer Boulevard, vacant site	n/a	
East	C-MX-5	Vacant site, office	1-3 Story	
West	C-MX-5	Retail and Lodging	1-2 Story	

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View from the subject property across Zuni Street to the west of a 2 story hospitality Inn complex.



View from the subject property at the intersection of Zuni, 27th Ave / Speer to the northeast along Speer Boulevard. New 5 story mixed use development is currently under construction at this location.



View along 27th Ave to the west, with the subject property to the left (south). To the right (north) is 2 story residential in the foreground that is zoned C-MX-3, and a new 5 story residential project in the background at Zuni and 27th Ave.



An existing 1 to three story office building faces the property along Wyandot Street to the east.

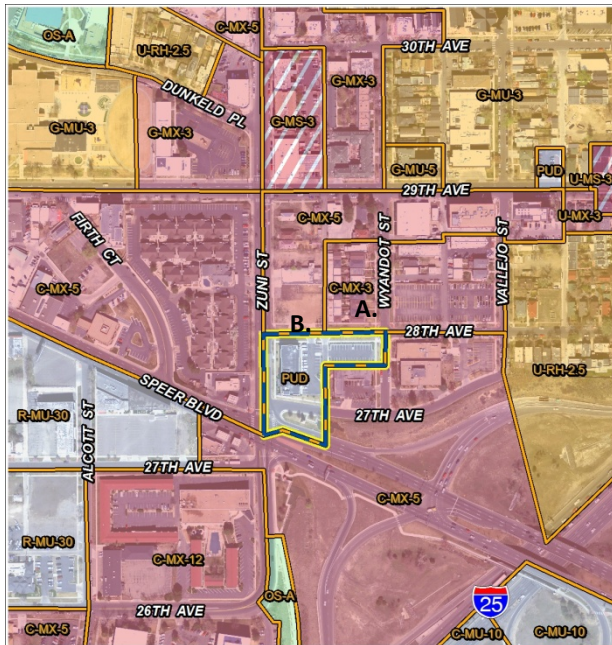
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Existing Zoning



PUD 437 defines the exact parameters for the existing 4-story hotel with surface parking. Residential single family and multiple unit dwelling uses are also permitted.

Existing Land Use Map



1. Existing Building Form and Scale



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:

Assessor: No Comments

Asset Management: Approved – No Comments.

Denver Parks and Recreation: No Comments

Denver Public Schools: No comments

Development Services – Project Coordinator: Approved

Development Services – Transportation: Zoning-ONLY approved

Development Services – Wastewater: There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may results in a

requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Denver Fire Prevention Bureau: No Comments

Public Works – DES – Surveyor: Revisions to property legal description requested

Public Review Process

Planning Board Notification Process

The property was legally posted for a period of 15 days announcing the August 6th, 2014 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.

Registered Neighborhood Organizations (RNOs)

The applicant has attended Highland United Neighbors Inc. meetings to describe development goals and to discuss the rezoning intent and how it relates to specific development and intended uses. RNOs as listed at the top of this staff report have been advised of this application.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

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

1. Consistency with Adopted Plans

The applicable adopted plans for this site are Comprehensive Plan 2000, Blueprint Denver and the Highland Neighborhood Plan.

Comprehensive Plan 2000

Comprehensive Plan 2000 recognizes continued market demand to live in the City's core and the associated development opportunities.

Environmental Sustainability Strategies:

- 2-F: Promoting infill development within 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.

Land Use Strategies:

- 1-C: Incorporate relevant recommendations from neighborhood corridor and area plans
- 1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents
- 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.
- 4-B: Ensure that land use policies and decisions support a variety of mobility choices (per Blue Print Denver land use and transportation vision, referenced below).

Legacies Strategies:

- 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated.

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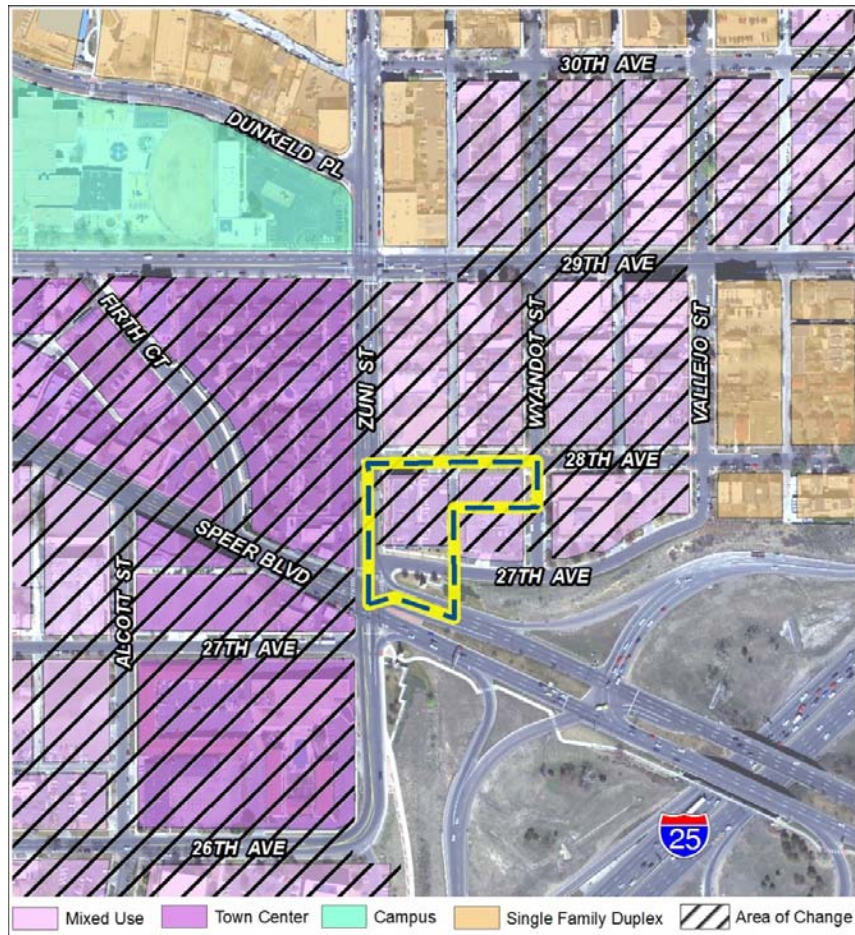
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Blueprint Denver

The Blueprint Denver map shows the subject site as a Mixed Use concept land use area within an area of change. Blueprint Denver defines mixed use areas as having a sizable employment base as well as housing, with uses that are within walking distance of one another.

Blueprint Denver Future Land Use**Street Classifications**

Blueprint Denver classifies Zuni Street as a Residential Collector, and 27th Ave, 28th Ave and Wyandot Street as undesignated – local streets. A Residential Collector Street provides greater balance between mobility and land access within residential, commercial or mixed use areas. Residential streets serve to balance transportation choices with land access while providing mobility. Collectors are designed to emphasize walking, biking over mobility.

Highland Neighborhood Plan (1986)

Provides guidance for patterns of land use, urban design, circulation and services which encourage and contribute to the economic, social, and physical health of the neighborhood.

Sub-Area 5 Character Area (p. 37-38)

- Mixed use residential, office and retail.
- Goals: Maintain as a mixed use area
- Improve as a major gateway into the Highland Area

Suggested Bulk Plane (p. 76)

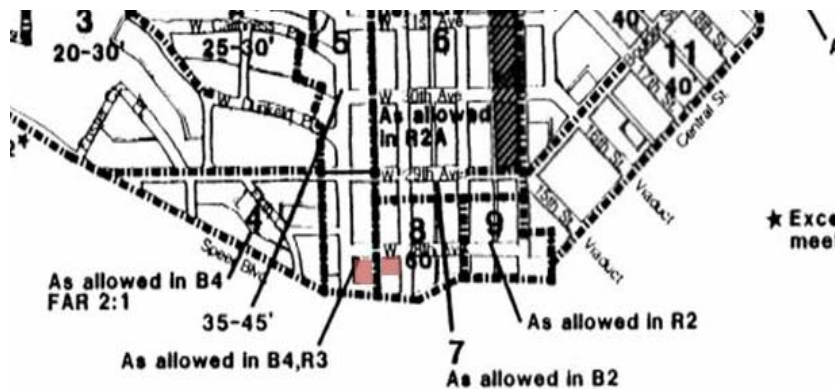
- **Height**– same as allowed in B-4 and R-3 zoning regulations.
- **Density** – F.A.R. of 2:1

Sub-Area 8 Character Area (p. 41)

- Mixed use residential, office and retail.

Suggested Bulk Plane (p. 76)

- **Height**– 60 ft with sensitivity to views north of 29th Ave.
- Note: 60 ft is a height typical for a 5 story building



2. Uniformity of District Regulations and Restrictions

The proposed C-MX-5 and C-MX-8 zone districts 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.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.2, “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.”

This site is located at the intersection of Zuni and 27th Ave / Speer Boulevard – a gateway to the Highland neighborhood where mixed use infill and redevelopment are occurring on nearby sites. The proposed C-MX-5 zoning will replace a former Chapter 59 PUD that limits the use of the property to its current use, form and parking arrangement. C-MX-5 zoning supports land use goals and in adopted plans, and provides for implementation of pedestrian friendly, walkable development, fitting for the vision of mixed use development for this area.

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

According to the zone district intent stated in the Denver Zoning Code, the C-MX-5 district applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired (DZC Section 7.2.2.2). The site’s primary frontage is along Zuni Street, a residential collector street with a vision for an enhanced gateway to the Highland Neighborhood with mixed residential, office and commercial uses. The intersection of Zuni and 27th Ave also connects to Speer Boulevard, a mixed use arterial. These street classifications, building heights and mixed land uses in this area are consistent with the zone district purpose and intent statements.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 2728 Zuni Street & 2751 Wyandot Street to a C-MX-5 district, meets the requisite review criteria. Accordingly, staff recommends *approval of this application*.

Planning Board Recommendation

Denver Planning Board heard this application on August 6th 2014, and unanimously recommended approval of the application.

Attachments

1. Letter of Support
 - Highland United Neighbors, Inc.
2. Application

Highland United Neighbors, Inc.

P.O. Box 11235, Denver, Colorado 80211

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Authorized by the Board of Directors to represent HUNI in all zoning and planning matters.

July 19, 2014

City and County of Denver
Planning Services
Denver Community Planning and Development
201 West Colfax Avenue
Department 205
Denver, CO 80202

Re: Proposed Rezoning
2728 Zuni Street

To Whom It May Concern:

The Planning and Community Development (PCD) Committee of Highland United Neighbors, Inc. (HUNI), met with the Applicant on June 10, 2014 and July 8, 2014, to review the proposed rezoning from PUD to C-MX-5. The PCD Committee is authorized by the HUNI Board of Directors to represent HUNI in all zoning and planning matters. Membership in HUNI is open to all residents and businesses in the Highland Neighborhood, which is bounded by West 38th Avenue, Federal Boulevard, Speer Boulevard, and Interstate 25. There are approximately 300 paying members of HUNI, and the bi-monthly newsletter has a mailing list of over 3000 households and businesses. Notices of meetings with detailed agendas reach an email list of nearly 1000 members.

The committee heard from adjacent neighbors, both residential and commercial. After reviewing the plans and considering the comments from neighbors the committee voted unanimously to support the rezoning request. We believe the new zoning will be consistent with the adjacent sites along Zuni and 27th Avenue. The increased parking will support the increased floor area. We do note the concerns of neighbors regarding parking and traffic in this area. We also note the acknowledgement of many of them that the future traffic and parking problems everyone is concerned about will come primarily from developments other than this one.

Thank you for this opportunity to review this zoning amendment application and to offer our comments.

Sincerely,

HIGHLAND UNITED NEIGHBORS, INC.

A handwritten signature in black ink that reads "Timothy C Boers". The signature is written in a cursive, slightly slanted style.

Timothy C. Boers, AIA
Chair, Planning and Community Development Committee

Cc: Applicant
HUNI Board President
Committee Members
Councilwoman Judy Montero



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CUSTOMER GUIDE

Appendix Page 1

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION	
☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Luxury Inn Downtown Mr. David Amin
Address	2728 Zuni Street
City, State, Zip	Denver, CO 80211
Telephone	303 455 4588
Email	Davidamin@usa.com
*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.	

PROPERTY OWNER(S) REPRESENTATIVE	
☒ CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Mr. Kevin Sullivan
Address	820 Santa Fe. Drive
City, State, Zip	Denver, CO 80204
Telephone	303 293 9206
Email	ksullivan@Wsarchitect.com
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

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.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	2728 Zuni & 2751 Wyandot Street Denver, CO 80211
Assessor's Parcel Numbers:	0228328018000, 0228328012000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lots 1-6 incl., and the North 1h of Lot 7; and lots 26-28 incl., Block 2 re-subdivision of Blocks 2,3,4 and 5, Casement's Addition to Denver, Colorado.
Area in Acres or Square Feet:	.788 AC. (34,342 SQ. Feet)
Current Zone District(s):	PUD 437

PROPOSAL	
Proposed Zone District:	C-MX-5

www.denvergov.org/rezoning

REVIEW CRITERIA	
General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13	☒ 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 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. ☒ 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. ☒ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error. ☐ The existing zoning of the land was based on a mistake of fact. ☐ 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. ☒ The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area ☐ 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. Please provide an attachment describing the justifying circumstance. ☒ 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. Please provide an attachment describing how the above criterion is met.
ATTACHMENTS	
Please check any attachments provided with this application: ☒ Authorization for Representative ☒ Proof of Ownership Document(s) ☒ Legal Description ☒ Review Criteria	
Please list any additional attachments:	



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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)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Josie Q. Smith	01/01/12	(A)	NO
David Amin managing member Luxury Inn Downtown LLC.	2728 Zuni St Denver, CO 80211 3 455 4588	100%		5/27/14	A	Y

www.denvergov.org/rezoning



2728 Zuni St. Denver, CO 80211 (303) 455 4588

Hello Tim:

Please accept this letter as a request to appoint Mr. Kevin Sullivan as my agent for the rezoning application for 2728 Zuni St. and 2751 Wyandot St.

A handwritten signature in black ink, appearing to read "David Amin", is written over a horizontal line.

David Amin

Luxury Inn Downtown LLC (Managing Member)



2728 Zuni St. Denver CO 80211

REVIEW CRITERIA

1. Consistency with Adopted plans:

Blue Print Denver shows the subject property and surrounding area as an area of change. The future land use recommendation is Mixed Use, with Zuni classified as a Residential – Collector Street and 28th Avenue as a Local Street.

The Highlands neighborhood plan encourages mixed use residential, office and retail with the goal of maintaining a mixed use area and gateway into the Highland area along Zuni Street, or Sub-Area 5 (pgs 37 – 38). Revitalization of Zuni Street as a main thoroughfare and gateway into Highland should be coordinated, and remain as mixed use (Economic Development Section, pg 21). Mixed use development is also encouraged between 27th Ave and 29th Ave from Vallejo Street to the alley between Zuni and Wyandot Streets (Sub-Area 8). The suggested maximum height for Sub-Area 8 is 60 ft, which is tall enough to support 5-story development (pg 41).

2. Justifying Circumstance:

The land or its surroundings has changed or is changing to such a degree that rezoning it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area:

Surrounding properties were rezoned to C-MX-5 and C-MX-3 as part of the comprehensive rezoning process in 2010, and new development is occurring on some of these sites. This reflects the current market demand in the highlands neighborhood that has matured significantly since PUD 437 was approved in 1997. This location is ripe for additional investment to provide for the urban lifestyle near downtown Denver in the Highlands neighborhood. Another sign of change are restaurants in the Highlands district that generate better revenue per sq. foot than most eateries in core downtown. The addition of the Hampton Inn in 1997 helped to improve the gateway entry to the Highlands area prior to this trend of neighborhood reinvestment. A high quality business attracts other high quality businesses and that combined with its location and the mix of people has helped to establish the Highlands as an area of high demand in Denver.

3. Consistency with the description of the applicable neighborhood:

- 1) The general character of this site and its surroundings are mixed uses with low to moderate building heights.
- 2) Buildings relate to the street with a block and access pattern that encourages safe, active and pedestrian-scaled areas.
- 3) The building height requested of five floors is consistent with the adopted plans, which call for moderate to high buildings that are consistent with the surrounding urban character.

These defining characteristics are consistent with the urban center neighborhood context. Finally, I believe that a stronger presence of a well respected brand like Hampton Inn & Suites will reflect very positively on the overall neighborhood character.

2728 Zuni Legal Description:

ALL OF LOTS 1 THRU 6 INCLUSIVE AND THE NORTH ONE-HALF OF LOT 7 AND LOTS 26 THRU 28 INCLUSIVE, BLOCK 2 RE-SUBDIVISION OF BLOCKS 2, 3, 4, AND 5, CASEMENT'S ADDITION TO DENVER, STATE OF COLORADO.

BY AUTHORITY

ORDINANCE NO. 533

COUNCIL BILL NO. 472

SERIES OF 1997

COMMITTEE OF REFERENCE:

9700111622 1997/08/22 11:12:27 1/ 2 ORD
DENVER COUNTY CLERK AND RECORDER .00 .00 ALW

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY DESCRIBED AS 2728 ZUNI STREET AND 2751 WYANDOT STREET, TO A PLANNED UNIT DEVELOPMENT DISTRICT (PUD), ADOPTING AND APPROVING THE DISTRICT PLAN FOR SAID PLANNED UNIT DEVELOPMENT DISTRICT (PUD), AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE AND SAID DISTRICT PLAN.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the zoning classification for the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from PRV to Planned Unit Development District (PUD):

Lots 1-6 incl., and the North ½ of Lot 7; and lots 26-28 incl., Block 2 re-subdivision of Blocks 2,3,4 and 5, Casement's Addition to Denver, Colorado.

in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 2. The complete application with such supporting material as designated by the Zoning Committee of the City Council filed in the Office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 16th day of July, 1997, Filing No. 97-613, be and hereby is adopted and approved as the District Plan for the development of the land area hereinabove described.

Section 3. Said District Plan together with a Site Plan, as provided in Section 59-517. and Section 59-518. of the Revised Municipal Code, shall regulate the use and development of the land area hereinabove described.

Section 4. None of the land area hereinabove described shall be used or occupied and

1 no structure or structures shall be designed, erected, altered, used or occupied thereon except in
2 conformity with all provisions of said District Plan and a Site Plan, as provided in Section 59-517.
3 and Section 59-518. of the Revised Municipal Code, and except upon performance of all conditions
4 therein set forth.

5 **Section 5.** This Ordinance together with a copy of said District Plan shall be recorded by
6 the Department of Zoning Administration among the records of the Clerk and Recorder of the City
7 and County of Denver.

8 PASSED BY THE COUNCIL August 18 1997

9 Cathy Berens - PRESIDENT

10 APPROVED: Robert M. Kelly - MAYOR AUG 19 1997

11 ATTEST: Francesca B. Jones - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 PUBLISHED IN THE ROCKY MOUNTAIN NEWS Jul. 25, 1997 Aug. 22, 1997

15 PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 7/16/97

16 REVIEWED BY: Robert M. Kelly CITY ATTORNEY 7/16 1997

17 SPONSORED BY COUNCIL MEMBER(S) _____

