



DENVER
THE MILE HIGH CITY

**Community Planning and Development
Planning Services**

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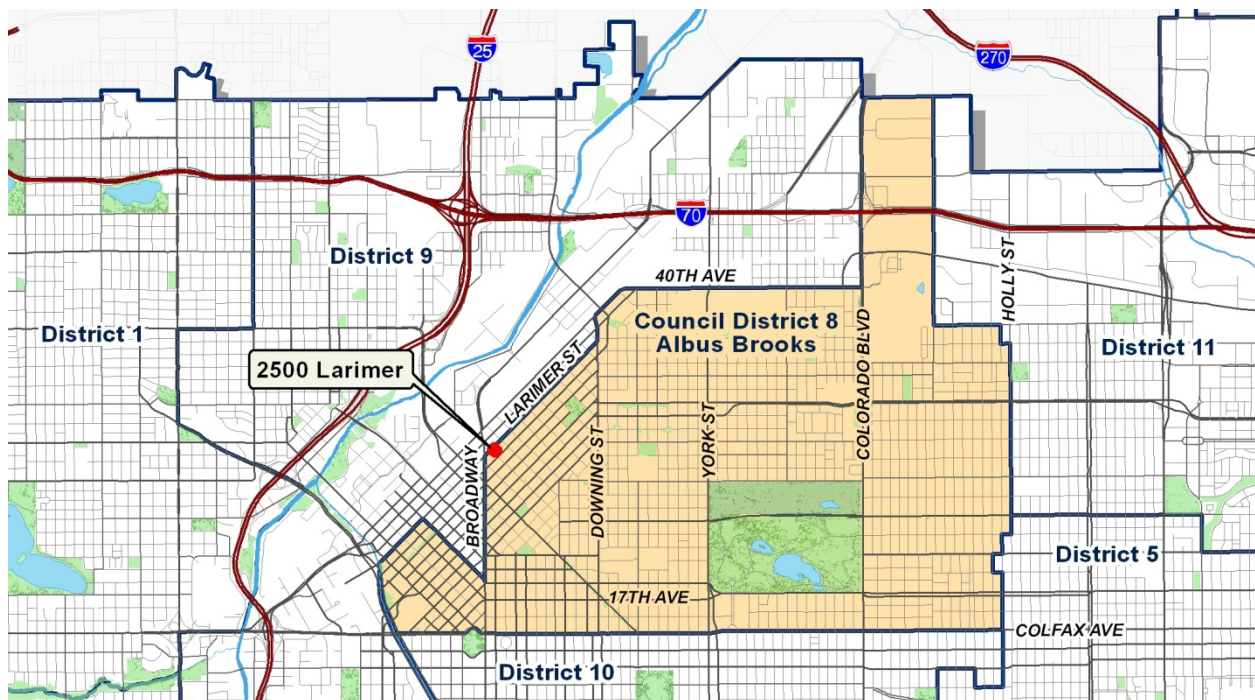
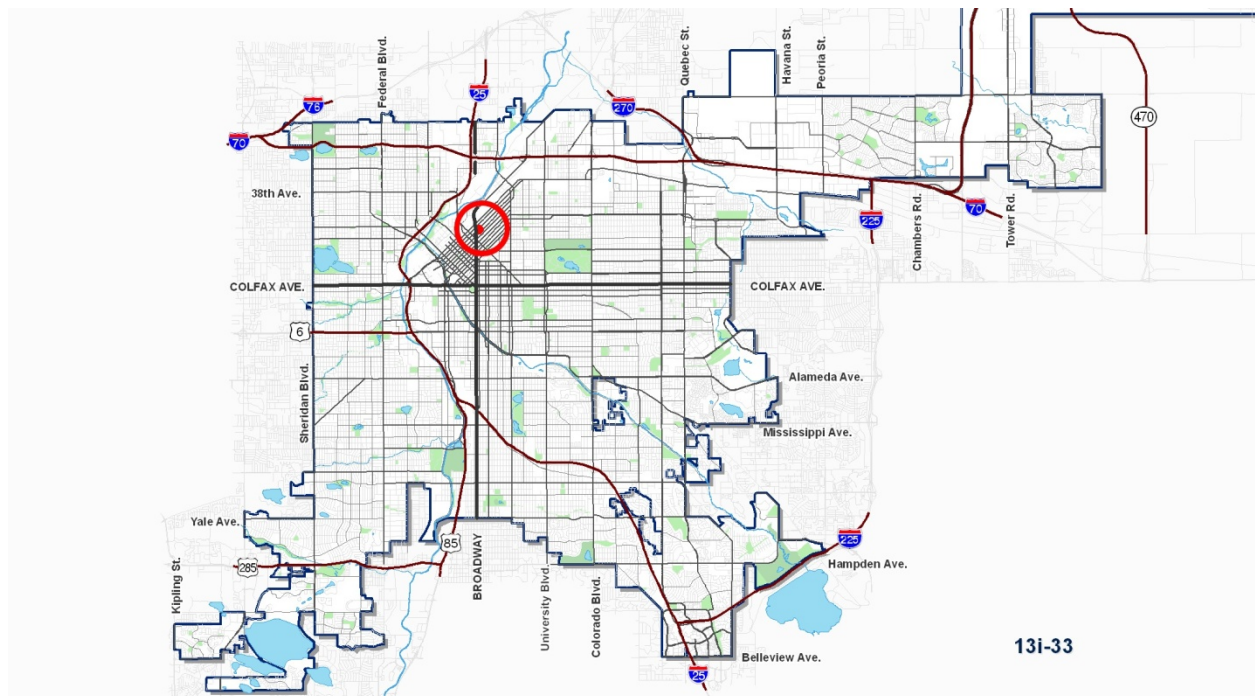
TO: Denver City Council
FROM: Steve Nalley, Senior City Planner
DATE: October 7, 2013
RE: Zoning Map Amendment #2013I-00033
2500 Larimer Street - Rezoning from **R-MU-30 with one waiver** to **I-MX-3**

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for proposed map amendment #2013I-00033 for a rezoning from R-MU-30 with one waiver to I-MX-3.

Request for Rezoning

Proposed map amendment:	#2013I-00033
Address:	2500 Larimer Street
Neighborhood/Council District:	Five Points / Council District #8
RNOs:	Curtis Park Neighbors, United Community Action Network Inc., Arapahoe Square Neighborhood Association, RiNo - River North Art District, Curtis Park Preservation Council, Ballpark Neighborhood Association, RiNo Neighbors, Upper Downtown Development Organization, Northeast Community Congress for Education, Five Points Business District, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of property:	.28 acre / 12,578 square feet
Current Zoning:	R-MU-30 with one waiver limiting building height to 65 ft.
Proposed Zoning:	I-MX-3
Property Owner:	Ryan Diggins – Gravitas 2500 Larimer LLC
Contact Person:	Kevin Logan, Studio Completiva





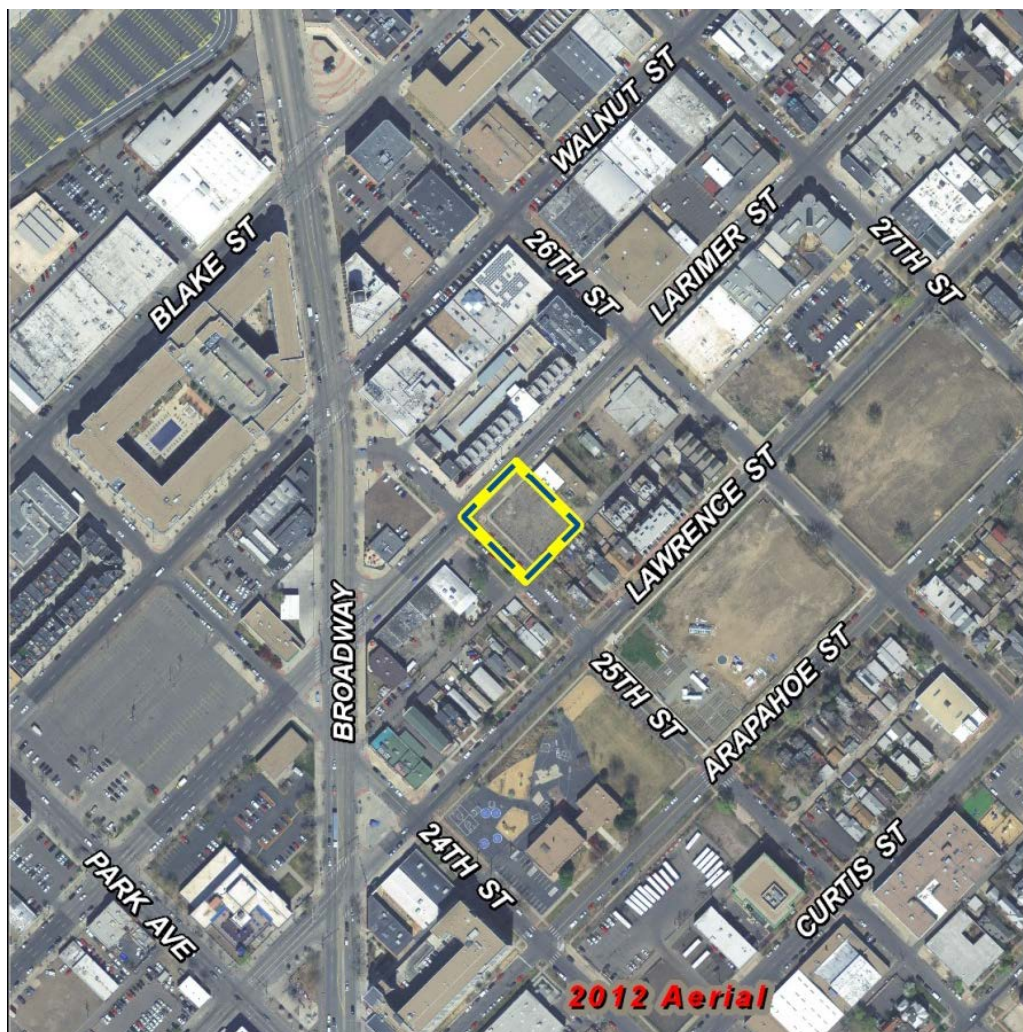
Summary of Rezoning Request

The property proposed for rezoning is located on the north east corner of Larimer St. and 25th St. The site is currently vacant and is surrounded by a chain link fence. The existing zoning for the site is R-MU-30 with a height waiver limited to 65 feet, which was approved in 2007. The requested zoning for the site is I-MX-3 in the Industrial Neighborhood Context. Details of the zone district can be found in Article 9 of the Denver Zoning Code (DZC). The property owner seeks an updated zone district, from the (old) Former Chpt. 59 Code, R-MU-30 zone district, to the (new) DZC, I-MX-3 zone district. This rezoning would also eliminate the need for shared parking agreements with adjacent properties and increases the future marketability and flexibility of the site.



Image source: Google, image date: August 2011

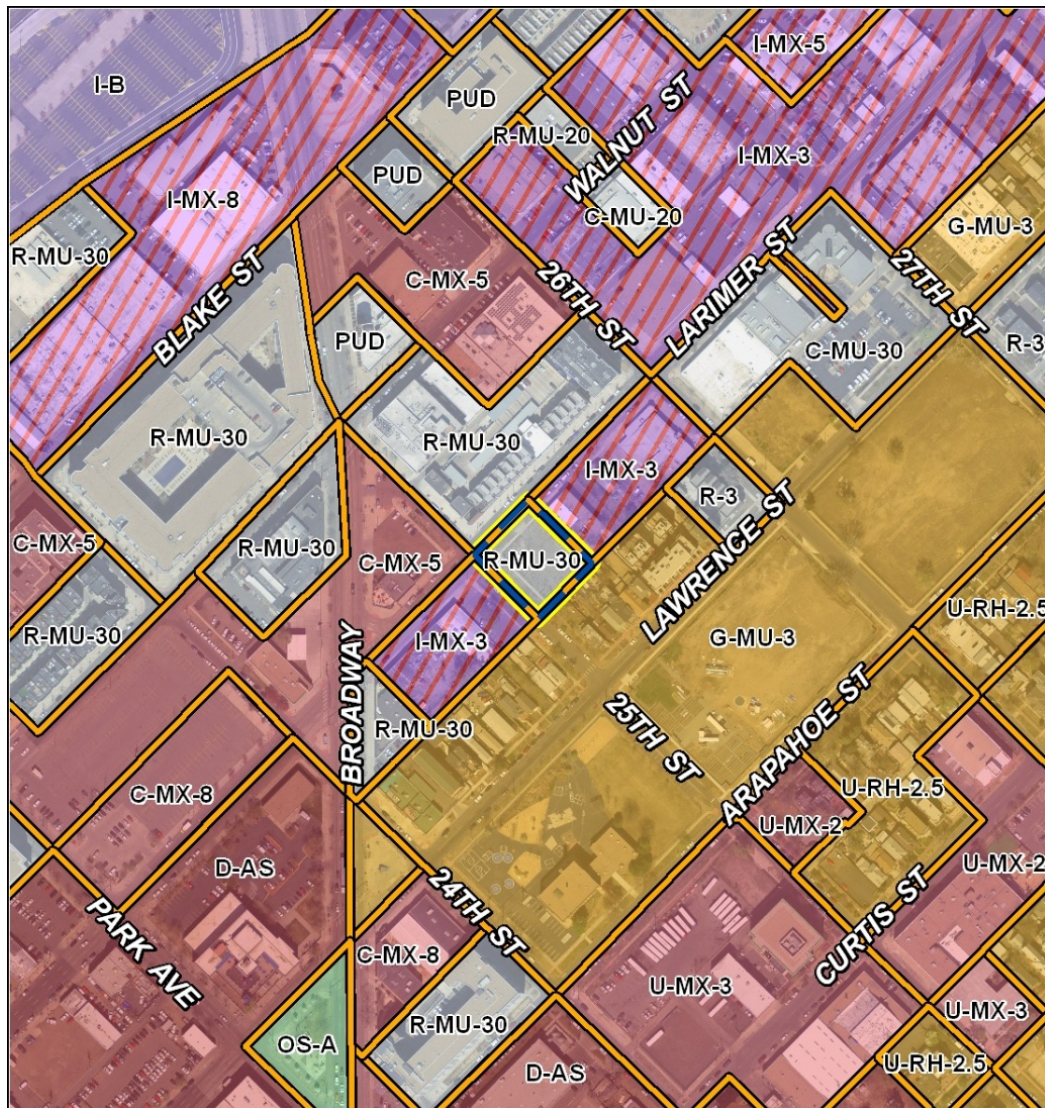
Existing Context



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

	Existing Zoning	Existing Land Use	Blueprint Denver	Existing Block, Lot, Street Pattern
Site	R-MU-30 w/ waiver	Vacant	Mixed Use – Area of Change	Regular (Denver downtown) grid of streets; Block sizes and shapes are consistent and rectangular except those bisected by Broadway. Vehicle parking to the rear or side of buildings (alley access).
North	I-MX-3, UO-2	Warehouse/retail	Mixed Use – Area of Change	
South	I-MX-3, UO-2	Office, surface parking	Mixed Use – Area of Change	
East	G-MU-3	Residential - single and two unit	Urban Residential – Area of Change	
West	R-MU-30 w/ waivers and conditions	Retail/residential	Mixed Use – Area of Change	

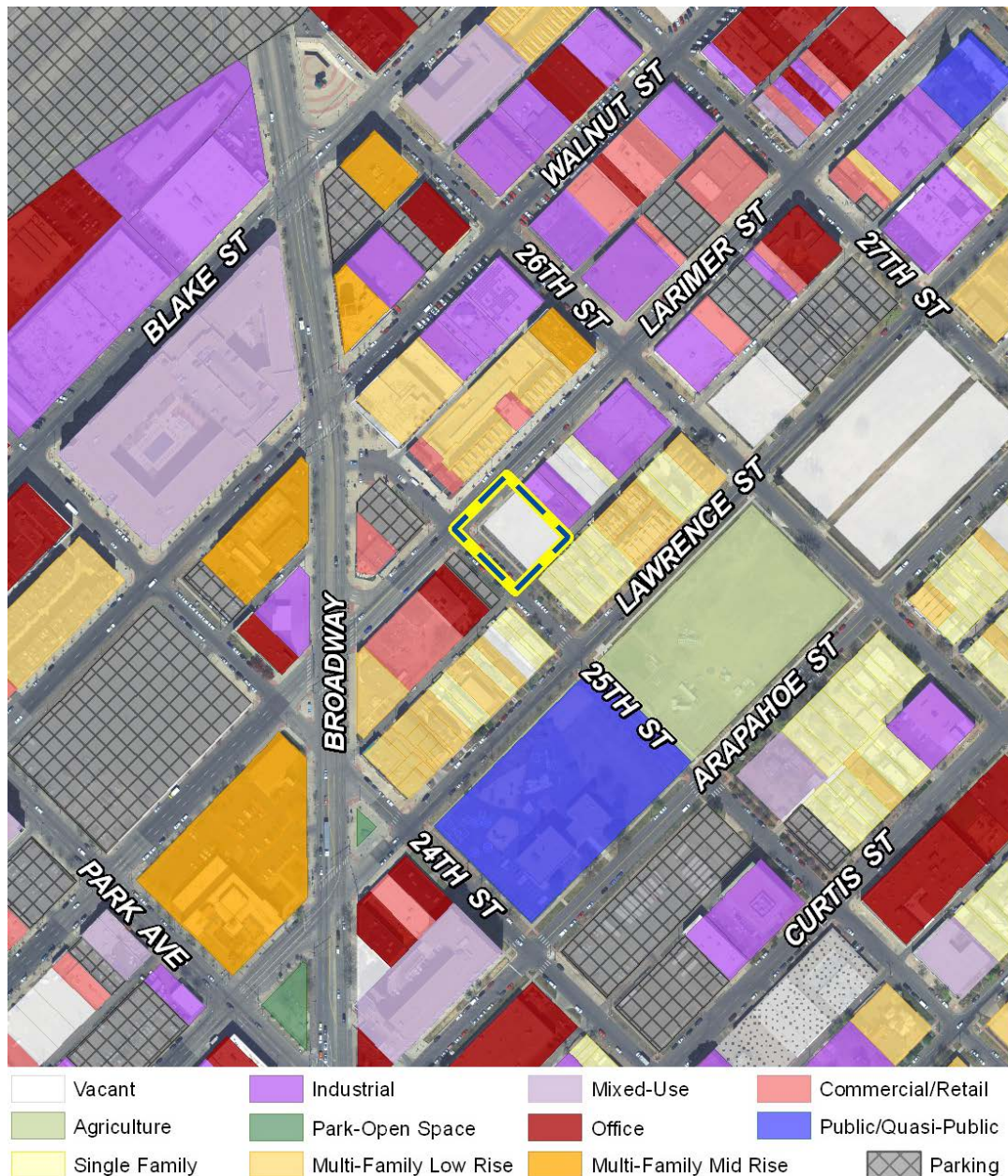
1. Existing Zoning



The existing R-MU-30 is a residential mixed use zone district from Former Chapter 59. This is a primarily residential district allowing higher density, multiple unit dwellings. This district also supports commercial development, such as consumer retail and service uses and small-scale office uses. The existing zone district has a waiver limiting building height to 65 feet.

The proposed zone district, I-MX-3 would allow for a maximum building height of 3 stories within 45 feet. I-MX-3 has an expansive use, ranging from single-unit residential to commercial to light industrial uses. For more information see Article 9 of the DZC.

2. Existing Land Use Map



The existing land use of the subject site is vacant. The surrounding land use is very mixed, especially along Larimer St. Land use to the east of the subject site is part of the Curtis Park neighborhood and is predominately residential. Land use to the north, south and west of the subject site is mixed, ranging from industrial, commercial/retail, office, residential and stand alone surface parking.

3. Existing Building Form and Scale

Looking south along Larimer St



Image source: Google, image date: August 2011

Looking north along Larimer St.



Image source: Google, image date: August 2011

Looking East along 25th St.



Image source: Google, image date: August 2011

The building forms range from 1 to 3 stories and are located at the sidewalk, with parking located between buildings and side streets or in the rear.

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: Approve – No comments.

Denver Fire Department: Approve Rezoning Only – will require additional information at site plan review.

Development Services – Wastewater: Approve - Development Services Wastewater has no objection to the proposed re-zoning, however there is no assurance that storm or sanitary capacity is available for such development.

Development Services – Project Coordinator: Approve – This rezoning request is consistent with the current, approved site plan and creates a more sensible solution for parking.

Development Services – Transportation: Approved – No comment

Public Works – City Surveyor: Approved – No comment

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on July 19, 2013.
- Planning Board notification process
 - The property was legally posted for a period of 15 days announcing the August 7, 2013 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- LUTI notification process:
 - Written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- City Council notification process
 - The property was legally posted for a period of 21 days announcing the October 7, 2013 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

Criteria for Review / Staff Evaluation

The criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.13, 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
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Northeast Downtown Neighborhoods Plan (2011)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan 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.”
- Land Use chapter, Strategy 3-B is to “Encourage quality infill development that is consistent with the character of the surrounding neighborhood...”
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services.

The proposed map amendment would enable the option for mixed-use development on an infill location where services and infrastructure are already in place. The proposed I-MX-3 zone district broadens the variety of allowed uses. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, the site has a concept land use of **Mixed Use** and is located in an **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.

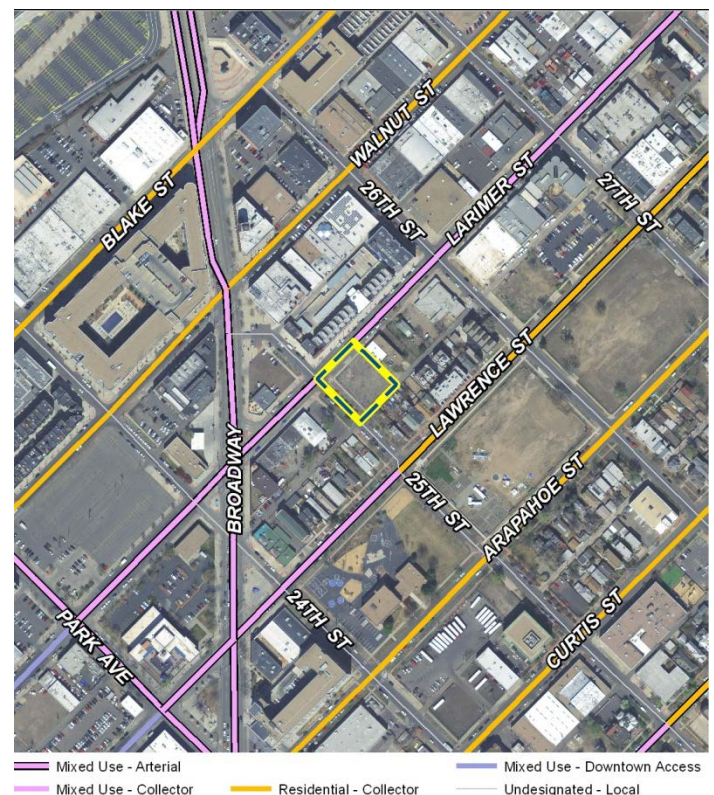
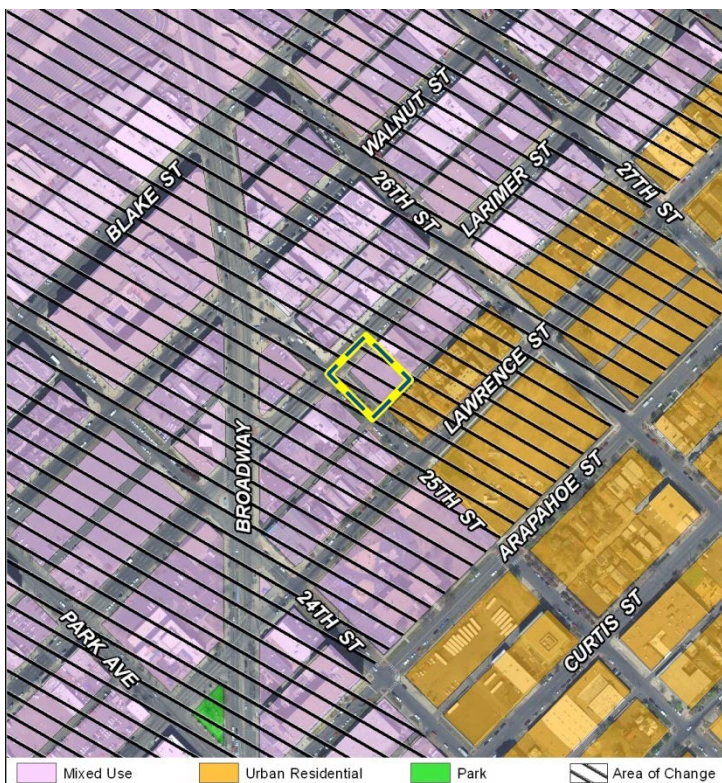
Area of Change / Area of Stability

"The purpose of 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 short auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial"

Street Clasifications

According to Blueprint Denver, Larimer Street has a concept street classification of Mixed Use - Arterial. Arterial streets are designed for a high degree of mobility connecting major points throughout commercial and residential developments.

The proposed I-MX-3 zone district broadens the variety of allowed uses and enables the option for mixed-use development that relates to Larimer as the primary street. The rezoning is consistent with these plan recommendations.



Small Area Plan: Northeast Downtown Neighborhoods Plan

The Northeast Downtown Neighborhoods Plan (NEDN) was adopted by City Council in May of 2011 and applies to the subject site. The format of the NEDN includes framework plan recommendations that apply throughout the planning area and subarea recommendations that apply in smaller subareas.

NEDN Framework Plan Recommendations:

The land use designation for the subject site is described as: “similar to Mixed Use, but with recognition that light industrial uses, such as light manufacturing and smaller warehouses are compatible with urban residential housing types. These areas have both a sizable employment base as well as a variety of mid-to-high density housing options. Land uses can be, but are not necessarily, mixed in each building, development, or block. Pedestrian access is of importance within the area, with residential and non-residential uses always within walking distance of one another.”

NEDN Ballpark, River North Subarea Recommendations:

Building form recommendations:

- **Height:** “...The three and five story areas are located generally between 24th and 35th, with Blake and Walnut supporting 5 stories and Larimer supporting three to aid in the transition between RiNo and Curtis Park.”
- **Siting:** “Promote urban character with a build-to line to provide a consistent street edge and to support pedestrian activity. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation, and access to the street...”
- **Design Elements:** “Give prominence to the pedestrian realm as a defining element of neighborhood character. Maintain required ground story activation such a window transparency and street facing entrances.”

The proposed I-MX-3 zone district broadens the variety of allowed uses and requires height, siting and design elements that are consistent with these plan recommendations.

Northeast Downtown Neighborhoods Plan maps:



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-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 plan.

4. Justifying Circumstances

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.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." As mentioned above, this site is designated as an Area of Change in Blueprint Denver. The changes and new investment occurring in the area justify updated zoning that will encourage redevelopment. In addition, the proposed zoning recognizes the vision established in Blueprint Denver and the Northeast Downtown Neighborhoods Plan. Finally, the current R-MU-30 zoning was left in place during the 2010

Denver Zoning Code (DZC) update while adjacent sites were mapped into the new code. Updated zoning will encourage uniform application of the new DZC along in this area.

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

According to the zone district intent stated in the Denver Zoning Code, the I-MX-3 district

- The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and active an ground story.
- The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.
- The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses. (DZC Section 9.1.2.1).

The proposed rezoning would lead to development that is consistent with the neighborhood context description, zone district purpose and intent.

Planning Board

At its regular meeting held August 7, 2013, the Denver Planning Board unanimously recommended **approval** of this map amendment.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning for the property at 2500 Larimer St. to an I-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☐ CHECK IF POINT OF CONTACT FOR APPLICATION		☒ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Ryan Diggins	Representative Name	Kevin Logan
Address	2450 Larimer St.	Address	3000 Zuni St
City, State, Zip	Denver, CO 80205	City, State, Zip	Denver, CO 80211
Telephone	720.335.6105	Telephone	303.477.9156x15
Email	rdiggins@gravitasdev.com	Email	kevin@studiocompletiva.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 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):	2500 Larimer		
Assessor's Parcel Numbers:	0234207009000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	L 13 TO 16 INC BLK 59 CURTIS & CLARKES ADD		
Area in Acres or Square Feet:	12,578 sqft		
Current Zone District(s):	R-MU-30		
PROPOSAL			
Proposed Zone District:	I-MX-3		

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:

ALTA survey with title
Blueprint Denver Zone Map
Neighborhood Outreach Letter



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COMMUNITY PLANNING & DEVELOPMENT

CUSTOMER GUIDE

Appendix Page 3

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
Ryan Diggins	2450 Larimer St. Denver, CO 80205 720.335.6105 rdiggins@gravitasdev.com	100%	Gravitas - 2500 Larimer, LLC 	06/11/13	(D)	yes

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June 10, 2013

Steve Nalley | Senior City Planner
Community Planning and Development | City and County of Denver
720.865.2921 Phone
Steve.Nalley@denvergov.org

Regarding – Rezoning 2500 Larimer Parcel

This letter is to inform property owners in the vicinity of 2500 Larimer about a proposed zoning change for the parcel located at the Northeast corner of the intersection of 25th and Larimer. Currently owned by Gravitas Development Group, the parcel is now zoned R-MU-30 under jurisdiction of the old Denver zoning code. Our request is to update the zoning to I-MX-3, industrial mixed use under the current 2011 adopted Denver zoning code.

Blueprint Denver and the Denver Comprehensive Plan 2000 have labeled this neighborhood an Area of Change. In Denver's effort to phase out the old code, the adjacent parcels have been established as I-MX-3 zoning. The rezoning proposal to I-MX 3 for this site will eliminate the need for shared parking agreements that are currently needed with the adjacent site as part of the old R-MU-30, thus increasing future marketability through enhanced flexibility of the site.

Gravitas has approached this development with a neighborhood first attitude using local and established branding professionals in creating the appropriate mix of tenants with the intention of benefiting the community. Our investment in the parcel is meant to infuse more population and economic activity in the neighborhood which in turn will benefit the development of the area.

Sincerely

A handwritten signature in cursive script that reads "Kevin Logan".

Kevin Logan,
Project Manager
Studio Completiva, Inc.
3000 Zuni Street
Denver Colorado
303-477-9156