



**Community Planning and Development**  
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**TO:** Land Use, Transportation and Infrastructure Committee of City Council  
**FROM:** Courtney Levingston, AICP, Senior City Planner  
**DATE:** October 10, 2019  
**RE:** Official Zoning Map Amendment Application #2018I-00099  
2975 Huron Street  
Rezoning from R-MU-30 with waivers to C-MX-12

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends the Land Use, Transportation and Infrastructure Committee move Application #2018I-00099 forward for consideration by the full City Council.

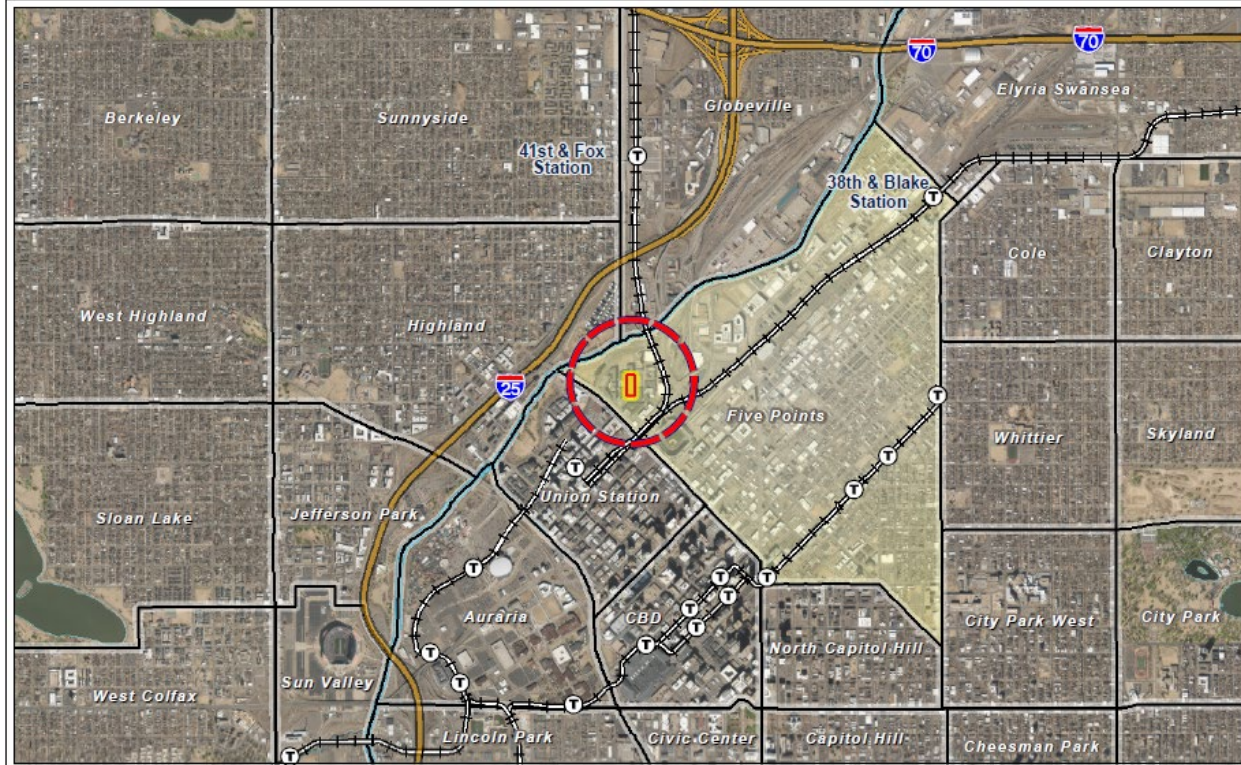
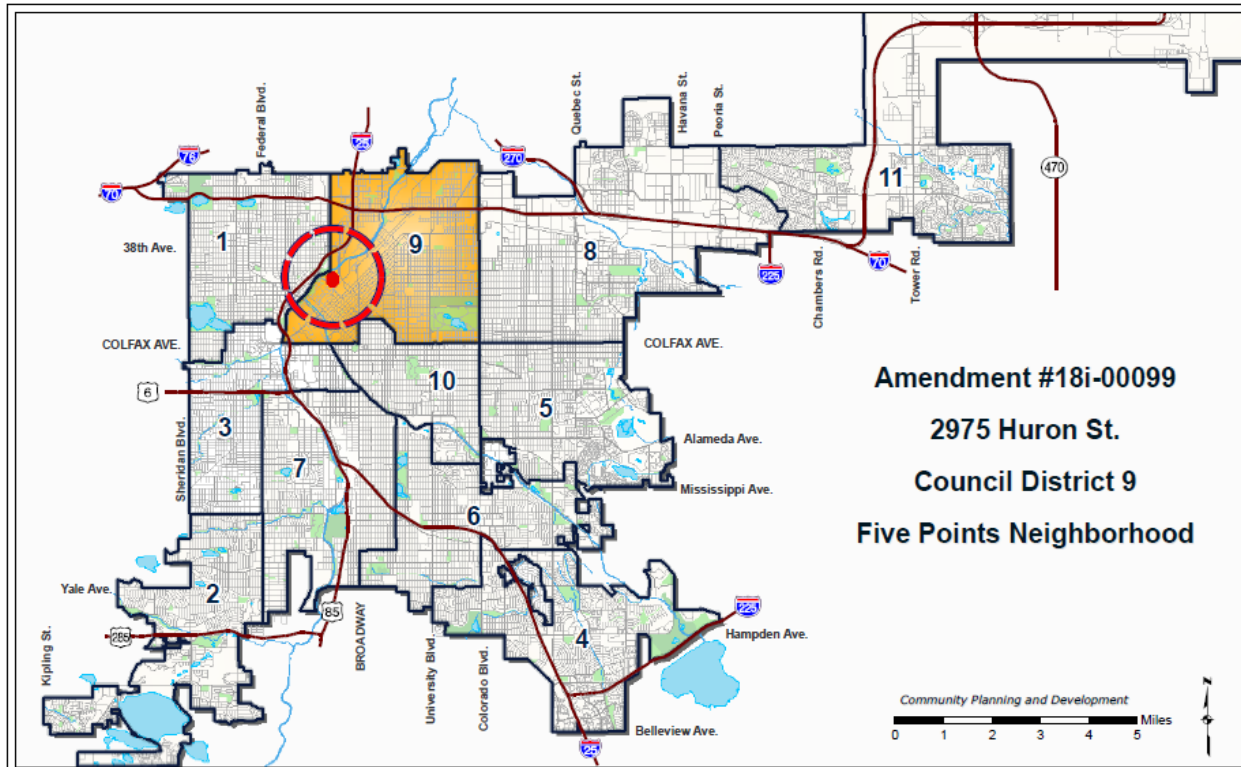
### Request for Rezoning

Address: 2975 Huron Street  
Neighborhood/Council District: Five Points Neighborhood / Council District 9  
RNOs: Inter-Neighborhood Cooperation (INC), Ballpark Collective, Center City Denver Residents Organization, Rio Norte, UCAN, Union Station North  
Area of Rezoning: 67,726 square feet or 1.55 acres  
Current Zoning: R-MU-30 with waivers  
Proposed Zoning: C-MX-12  
Property Owner(s): 2975 Huron, LLC  
Owner Representative: Caitlin Quander, Esq.

### Summary of Rezoning Request

- The subject site is in the western portion of the Five Points Statistical Neighborhood, within the CPV-Prospect neighborhood area. The subject site is on the west side of Huron Street, north of W. 29 Avenue.
- The request is to rezone the southern 2/3rd portion of the property (1.55 acres) to C-MX-12 to match the existing zoning on the northern 1/3rd of the property.
- The whole property contains a single existing 5 story, multi-unit residential building which was constructed in 2013 under the R-MU-30 with waivers zoning. The property owner does not have any plans to redevelop or sell the subject site or larger property.
- The proposed C-MX-12 (Urban Center – Mixed Use– 12 Stories) zone district generally applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 12 stories is desired. Further details about the C-MX-12 zone district can be found in Article 7 of the Denver Zoning Code (DZC).

Rezoning Application #2018I-00099  
2975 Huron Street  
October 10, 2019





### Existing Context

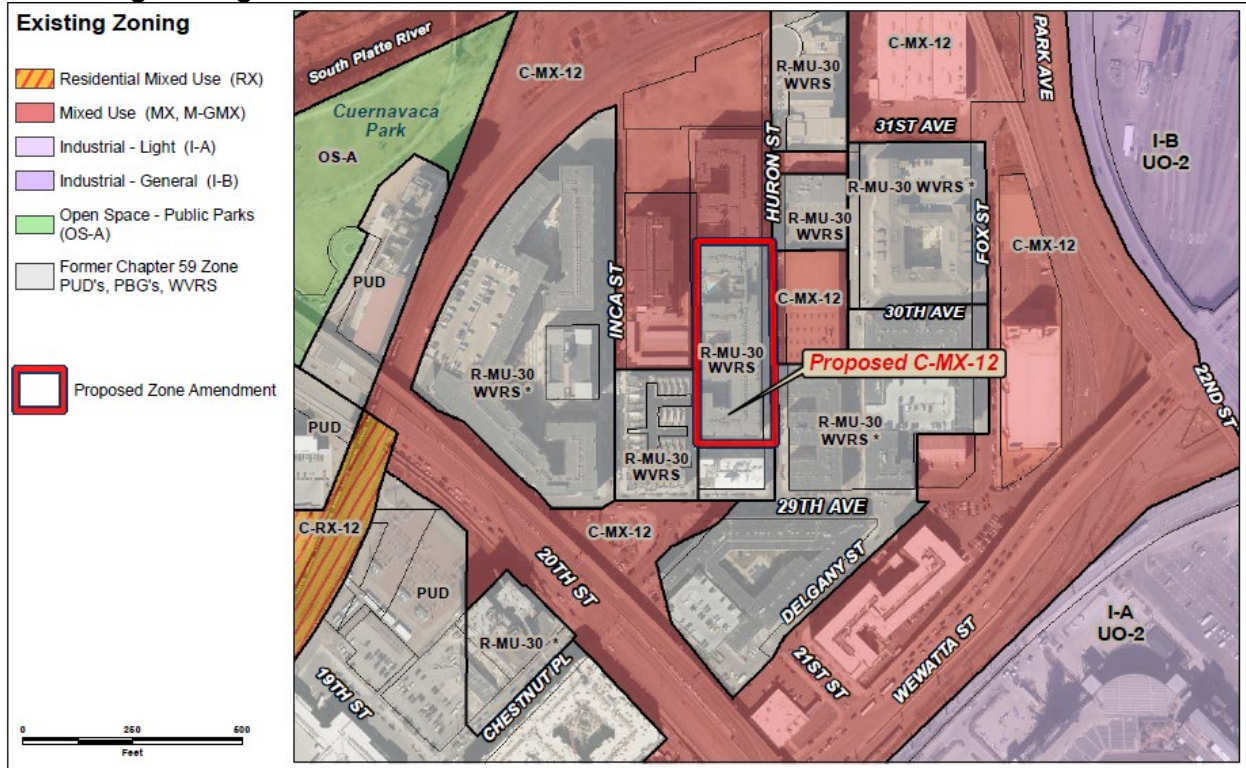


The subject property is in the “Prospect neighborhood”, just a half mile east of Union Station. The area is bounded by railroad tracks on three sides- west, north and east. The area can be accessed by vehicles via Chestnut Street to the southwest or 21<sup>st</sup> Street to the southeast. Bike facilities are provided on both 20<sup>th</sup> Street and Park Avenue West.

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  | R-MU-30 with waivers             | Multi-Unit Residential                        | 5-story apartment building   | A limited orthogonal grid extends along W. 29 <sup>th</sup> Avenue from Inca St. to Fox St. The grid is limited by the rail corridors to the west, north and east and southeast and internally by the block pattern. The area has access from Chestnut Pl. and Wewatta St. Blocks are somewhat irregular. |
| North | C-MX-12                          | Multi-Unit Residential;<br>Vacant beyond      | 5-story apartment building   |   |
| South | R-MU-30 with waivers,<br>C-MX-12 | Office; Industrial;<br>Multi-Unit Residential | 2.5 -story building  |   |
| East  | C-MX-12,<br>R-MU-30 with waivers | Multi-Unit Residential                        | 7-story brick apartment building; 3 story brick apartment building |   |
| West  | R-MU-30 with waivers;<br>C-MX-12 | Multi-Unit Residential                        | 6-story brick apartment building                                   |   |

### 1. Existing Zoning



The portion of the property that is the subject of this rezoning is currently zoned R-MU-30 with waivers. The R-MU-30 zone district is described in Former Chapter 59 (FC59) Section 301(a)(3) as a “primarily residential district allowing higher density multiple unit dwellings of a density appropriate to the center-city and other activity centers such as light rail transit stations. Supporting commercial development, such as consumer retail and service uses and small-scale office uses, is encouraged to create a truly mixed-use environment. No maximum residential density is prescribed.” The maximum height allowed under the base zoning is 140 feet, and there are no required front setbacks, except for one and two unit residential structures, which have a 10 foot required front setback. The minimum required amount of open space varies between zero and 35 percent of the lot area, depending on use.

The property was rezoned to R-MU-30 with waivers in 2006. The waivers included waiving all open space requirements and waiving minimum front, rear, and side setbacks.

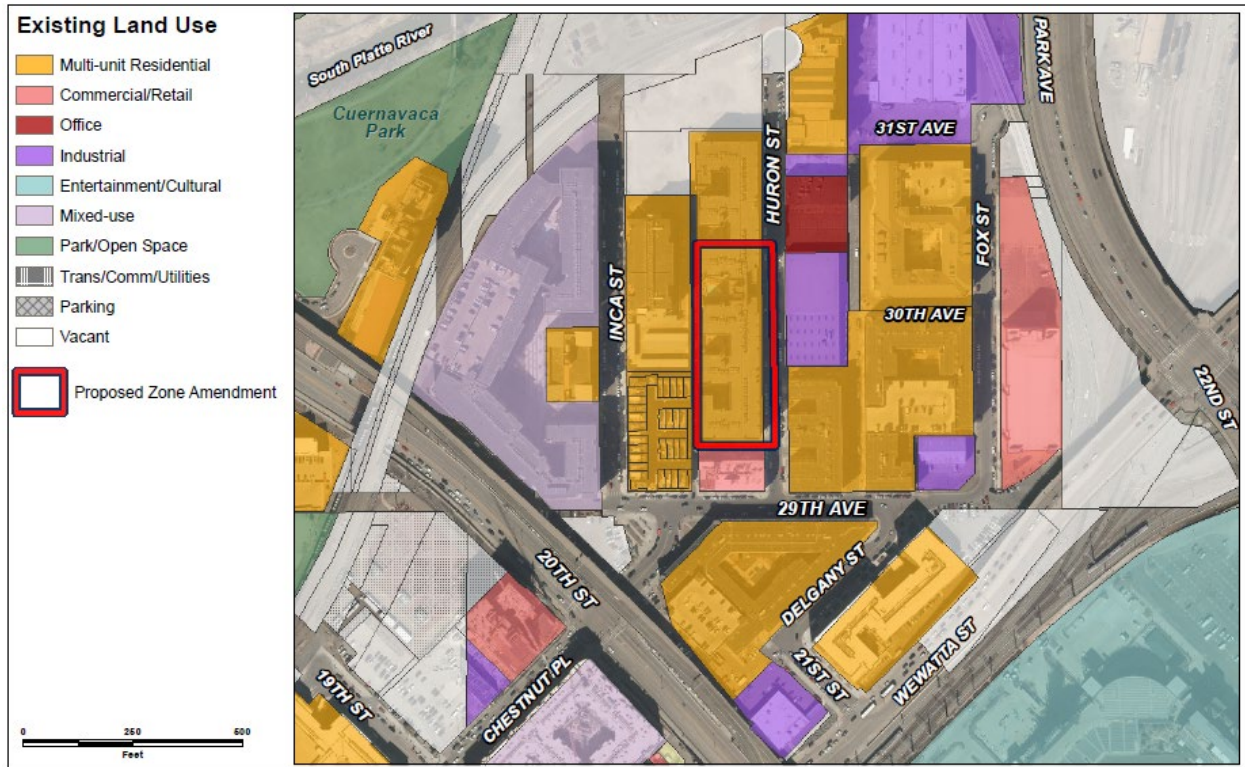


## 2. Coors Field View Plane



A portion of the subject site is within the Coors Field View Plane. The view plane was enacted in 2009 to maintain and protect mountain views from upper deck stadium seats. The view plane limits building height on a portion of the subject site to a maximum of 73 feet in height.

### 3. Existing Land Use Map





**4. Existing Building Form and Scale**

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages. (Image Source: Google Maps)



Aerial view of subject site, looking north.



View of subject site from Huron Street, looking northwest.



Rezoning Application #2018I-00099  
2975 Huron Street  
October 10, 2019



View of property to the south, looking northwest.



View of property to the southeast from the intersection W. 29<sup>th</sup> and Huron Street, looking northeast.



Rezoning Application #2018I-00099  
2975 Huron Street  
October 10, 2019



View of property directly to the east (zoned C-MX-12), looking north.



View of the property to the west (also zoned C-MX-12), from Inca Street, looking north. This building is 84' in height.

**Proposed Zoning**

The application is requesting to rezone the property to C-MX-12. Surface parking between building and the primary and side streets are not allowed.

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

| Design Standards                                 | R-MU-30 with waivers<br>(Existing Zone District) | C-MX-12 (Proposed Zone District)                           |
|--|--|--|
| <b>Primary Building Forms Allowed</b>            | N/A  | Town House;<br>General; Drive Thru<br>Services/Restaurant* |
| <b>Height in Stories/Feet (max)</b>              | 140'   | 12 stories/ 150' – General                                 |
| <b>Primary Street Build-To Percentages (min)</b> | N/A  | 70%  |
| <b>Primary Street Build-To Ranges (min/max)</b>  | N/A  | 10' to 15'- Town House<br>0' to 10' – General **           |
| <b>Primary Street Setbacks (min)</b>             | 0' (waiver)                                      | 10' – Town House<br>0' – General                           |
| <b>Side Street Setbacks (min)</b>                | 0' (waiver)                                      | 7.5' – Town House<br>0' – General                          |

\*\*Standard varies between residential only buildings. \* allowed subject to geographic limitations

**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:** Approved – No Response

**Asset Management:** Approved – No Comments

**Denver Public Schools:** Approved – No Response

**Department of Environmental Health:** Approved. See Comments Below:  
 DDPHE concurs with the rezoning and has no information to suggest that current environmental conditions would impact the proposed rezoning.

**Parks and Recreation:** Approved – No Response.

**Public Works – ROW - City Surveyor:** Approved – No Comments

**Development Services - Transportation:** Approved – No Response

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

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

**Development Services – Fire Prevention:** Approved – No Response



**Public Review Process**

|   |                              |
|---|------------------------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:  | <b>6/25/2019</b>             |
| Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:         | <b>9/17/2019</b>             |
| Planning Board public hearing Approval (6-0)  | <b>10/2/2019</b>             |
| CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting: | <b>9/30/2019</b>             |
| Land Use, Transportation and Infrastructure Committee of the City Council:  | <b>10/15/2019</b>            |
| Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:                             | <b>TBD</b>                   |
| City Council Public Hearing:  | <b>12/2/2019 (tentative)</b> |

**Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**  
 As of the date of this report, staff has not received any written comments from RNOs pertaining to this application. The Applicant has reported reaching out and meeting with a representative from Union Station North RNO (George Pacienza). No comments have been received.
- **Other Public Comment**  
 As of the date of this report, Staff has not received any written comment pertaining to this application.

## 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:

- *Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Downtown Area Plan (2007)*
- *Central Platte Valley Comprehensive Plan Amendment (1991)*

### **Comprehensive Plan 2040**

The application notes that it is consistent with several *Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p.28).*
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).*
- Connected, Safe and Accessible Places Goal 8, Strategy B – *Promote transit-oriented development and encourage higher density development. Including affordable housing, near transit to support ridership (p. 42).*
- Environmentally Resilient Goal 6, Strategy A – *Recognize parks, public space, trees and plants as vital elements of green infrastructure and ensure that the provision of these elements keeps pace with Denver’s growth (p. 54).*
- Environmentally Resilient Goal 7, Strategy A – *Increase Denver’s solid waste diversion rate through increase composting and recycling, including multifamily and commercial sectors (p. 54).*

The application asserts that the rezoning to C-MX-12 would “provide clarity around the application of the code to the property and help ensure that the existing multi-family residential at the property remains. This preserves residential development near transit.” Additionally, when the property was redeveloped in 2013, it provided new landscaping and 18 new trees, in line with Comprehensive Plan 2040’s Environmentally Resilient Goal 6. The existing multi-unit building also encourages recycling and other solid waste diversion which is consistent with Environmentally Resilient Goal 7. Moreover, the C-MX-12 district would allow for an existing building to remain, preventing additional solid waste from demolition. Overall,

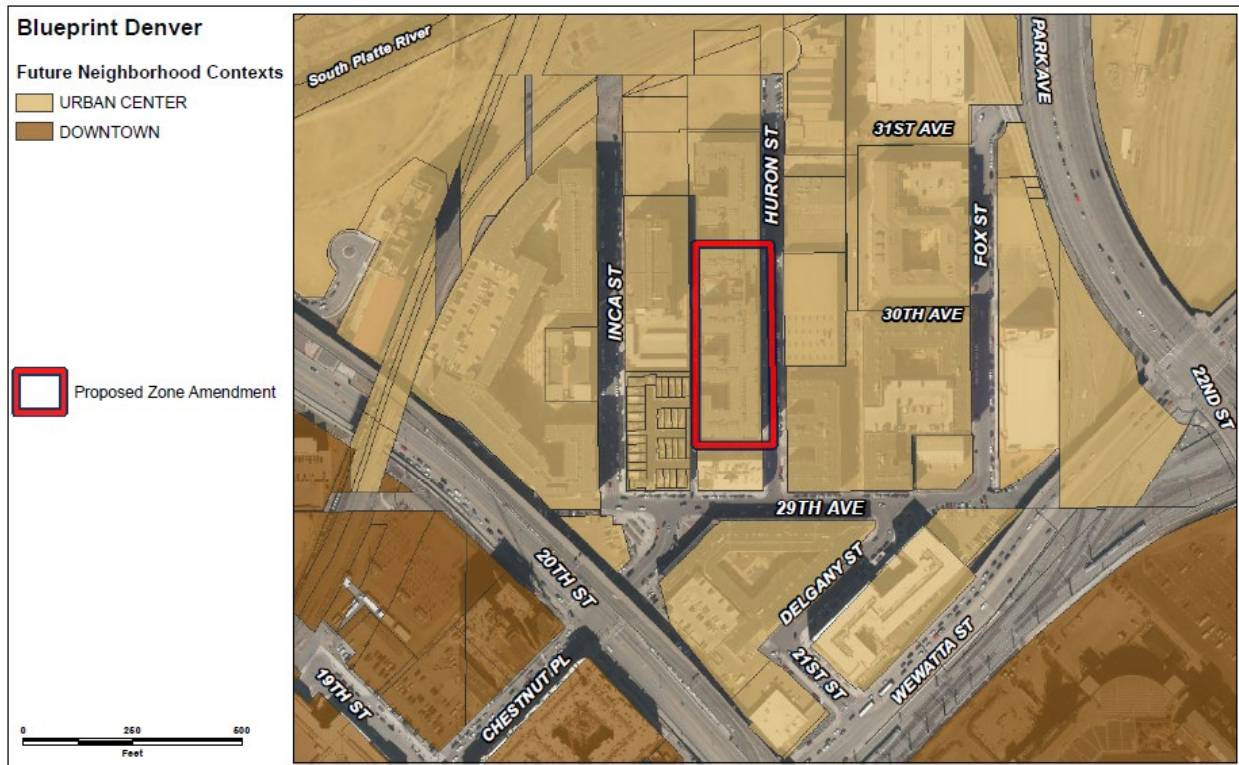


the proposed C-MX-12 zoning would help to maintain existing residential development consistent with the desire for dense, walkable, mixed-use neighborhoods close to transit as expressed in *Comprehensive Plan 2040*.

### **Blueprint Denver**

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

### **Future Neighborhood Context**

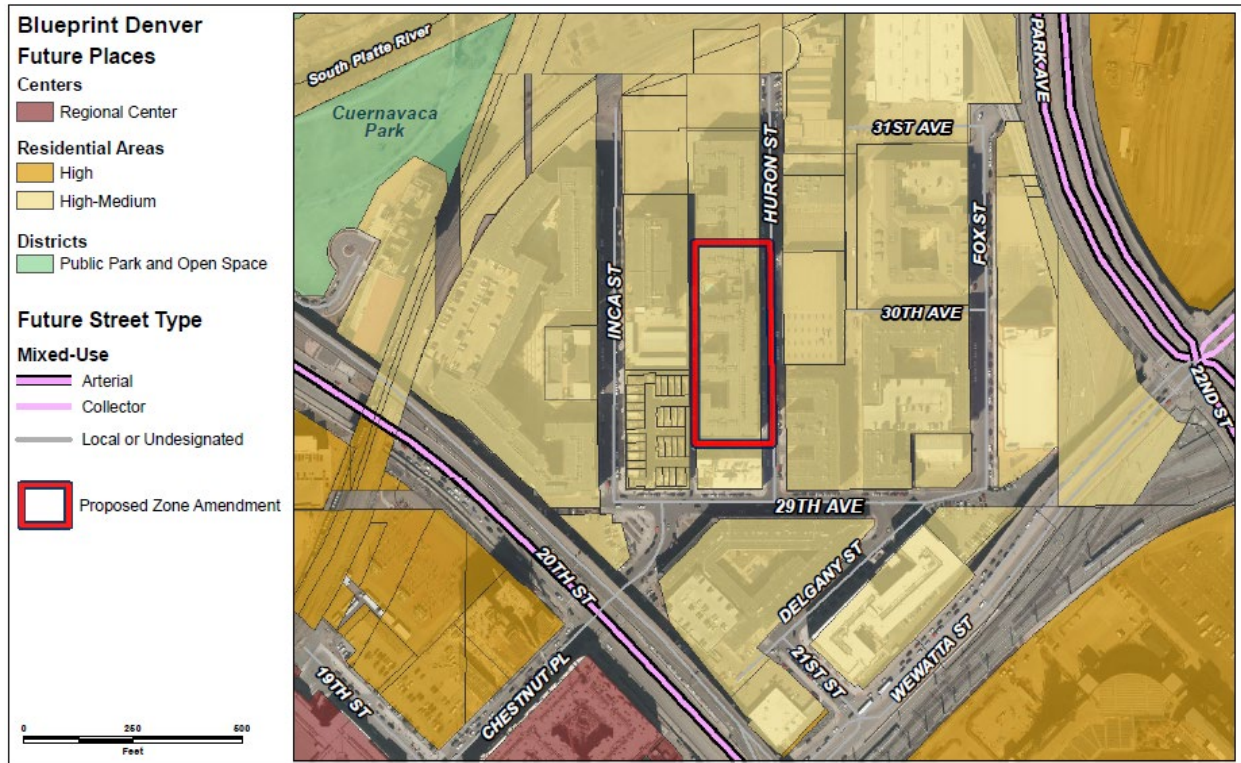


In *Blueprint Denver*, future neighborhood contexts are used to understand differences across land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban Center Neighborhood Context. *Blueprint* states that, "This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity" (p. 252). The proposed C-MX zone district is part of the Urban Center context and is "intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street realm" and "the Mixed Use zone 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." (DZC 7.2.3.1). Since the proposed district allows for a mix of uses at higher intensities and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is consistent with the plan.

Rezoning Application #2018I-00099  
2975 Huron Street  
October 10, 2019



### Future Places



The neighborhood context of Urban Center provides nuance to the aspirations of the individual places on the map. Future Places map shows the subject property as part of a High-Medium residential area. *Blueprint Denver* describes the aspirational characteristics of these places in the Urban Center context as, “A mix of uses, including multi-unit residential...Heights are generally up to 8 stories. There is high lot coverage and shallow setbacks” (p. 260). *Blueprint Denver* also states that “the building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. For example, there may be times when building heights taller than specified are appropriate, such as a site immediately adjacent to a transit station. Factors to consider when applying *Blueprint Denver* building height guidance may include: surrounding context, including existing and planned building heights...adjacency to transit, especially mobility hubs” (p. 66).

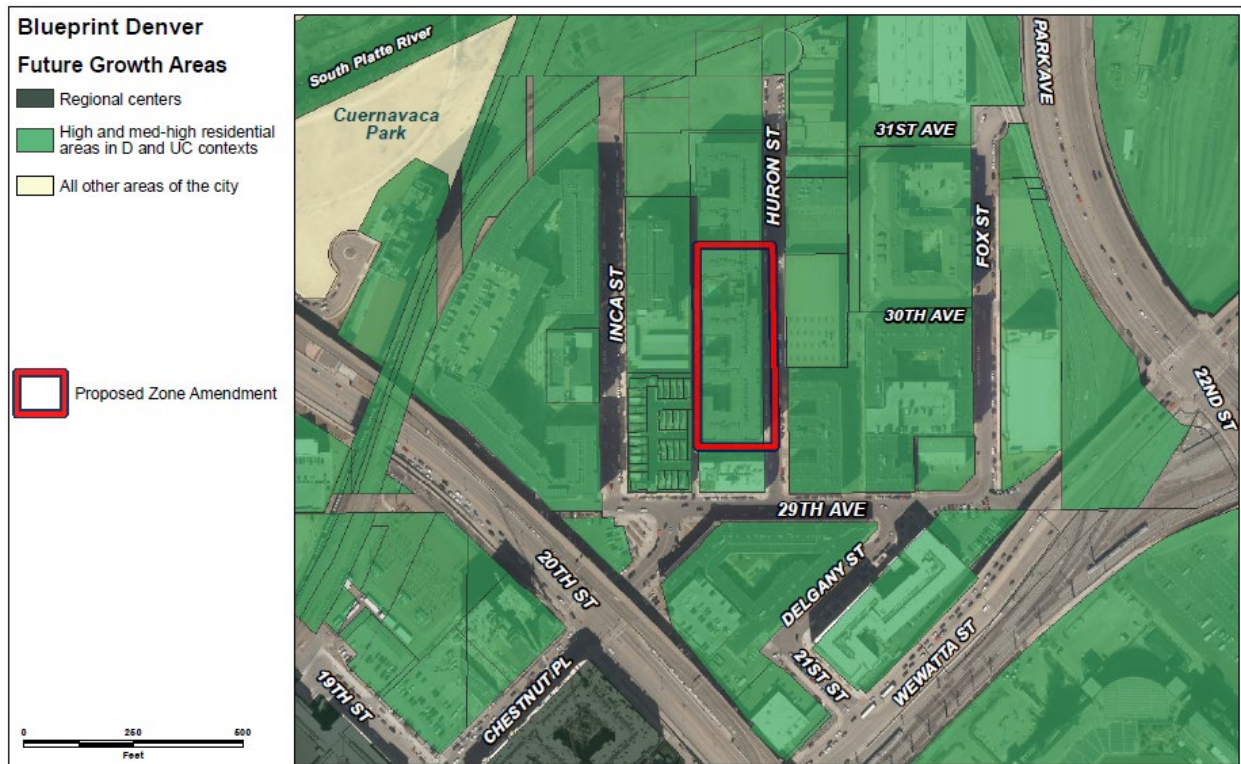
The request for the subject site to be rezoned to C-MX-12 (12 stories maximum) is to be consistent with the existing C-MX-12 zoning of the northern portion of the property. The existing adjacent and nearby zoning of C-MX-12 and R-MU-30, which allow for similar building heights, in tandem with the close proximity to Union Station, which is a mobility hub providing strong transit access, make the proposed C-MX-12 district appropriate and consistent with *Blueprint Denver*.

Additionally, it should be noted that the Coors Field View Plane limits the height in the bottom third of the subject site to approximately 73 feet. The Application asserts, “while the request for C-MX-12 zoning for consistency and clarity to remedy a zoning discrepancy and have one zone district apply equally across the Property made up of one building, as a practical matter, the height of the Property is actually limited to less than 8 stories. And, as detailed above, the current building was recently constructed in 2013 and is 5 stories in height” (Application, p. 10).

### Street Types

In *Blueprint Denver*, “street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development” (p. 67). *Blueprint Denver* classifies Huron Street as an undesignated local street. A half block to the south is 20<sup>th</sup> Street, which is a mixed-use arterial that serves the site. The map amendment application is generally consistent with *Blueprint Denver’s* street type recommendations.

### Growth Strategy



*Blueprint Denver’s* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of a High-Medium residential area. Citywide, these areas are anticipated to see around 30% of new housing growth and 5% of new employment growth by 2040” (p. 51). The proposed map amendment to C-MX-12 helps support the housing growth anticipated by *Blueprint Denver*.

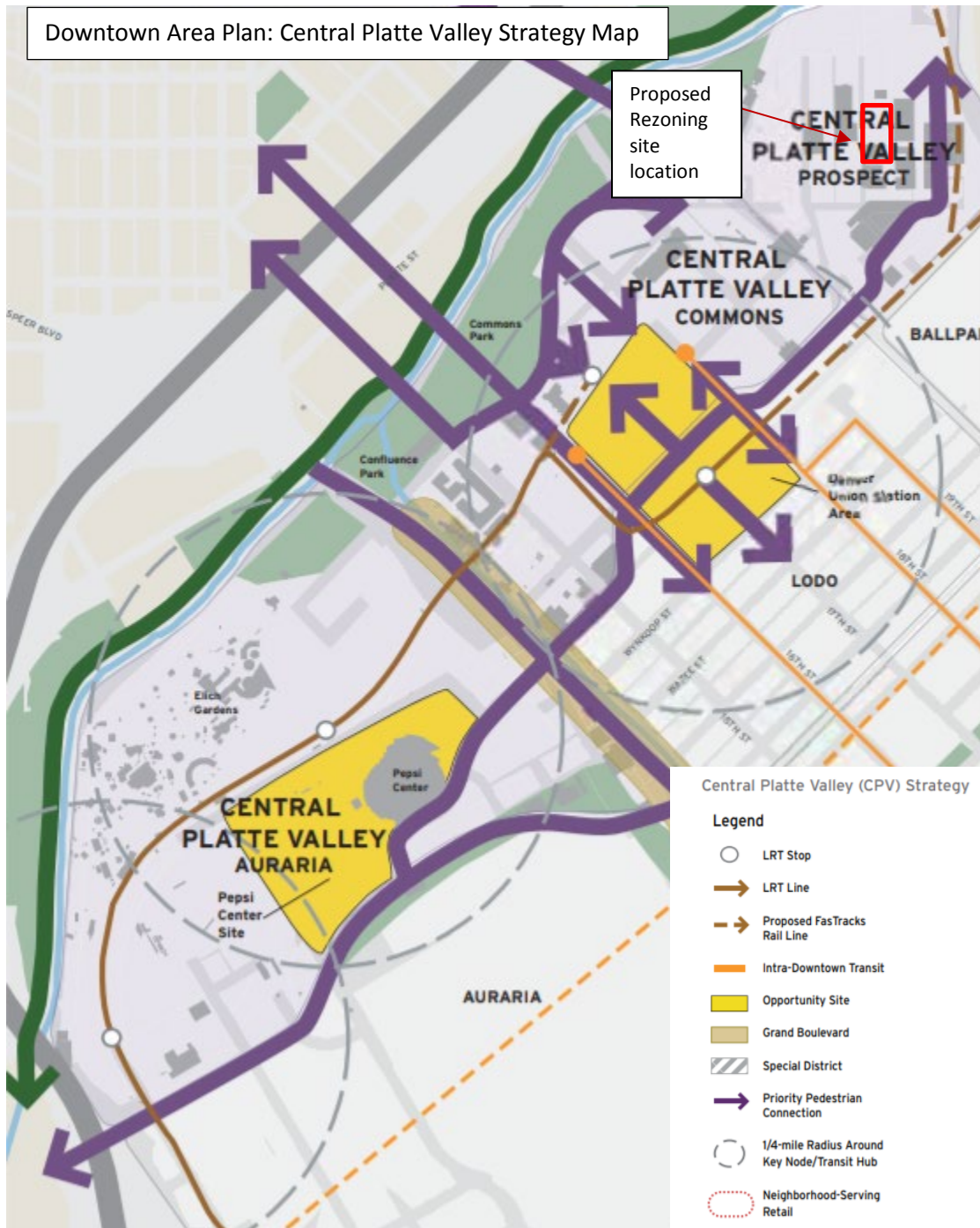
### Downtown Area Plan (2007)

The Downtown Area Plan was adopted by City Council in 2007 and applies to the subject property. The Downtown Area Plan identifies several strategies and objectives to serve as a “tool to help community leaders, decision makers, and citizens build upon Downtown’s assets and guide future development” (page 1). The long-term vision seeks to “achieve a vibrant, economically healthy, growing and vital downtown through a sustained effort in each of these elements: Prosperous, Walkable, Diverse, Distinctive and Green” (page 12).

As specified within the Downtown Area Plan, the subject site is located within the Central Platte Valley district. The plan divides the Central Platte Valley district into 3 sub-districts: Prospect, Commons and



Auraria. The subject site is within the Prospect sub-district (as shown on the map below). There is no specific discussion in the plan related to future land use or building heights. The plan states, "Prospect sub-district is a compact area bounded by 20th Street, Park Avenue, Coors Field, and the CML. It is a mixed-use area with residential, restaurant, office, industrial and some new retail" (p. 52). The proposed rezoning is consistent with the plan as it will allow for the mixed uses recommended by the plan.

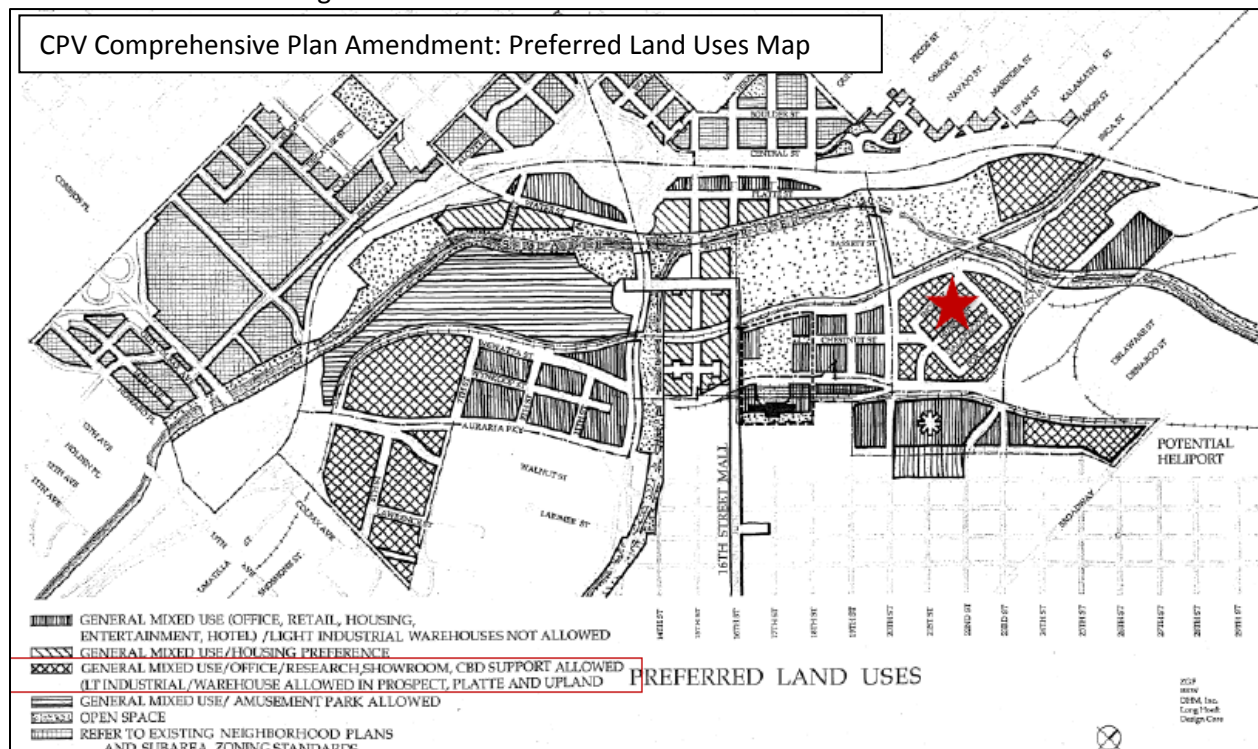


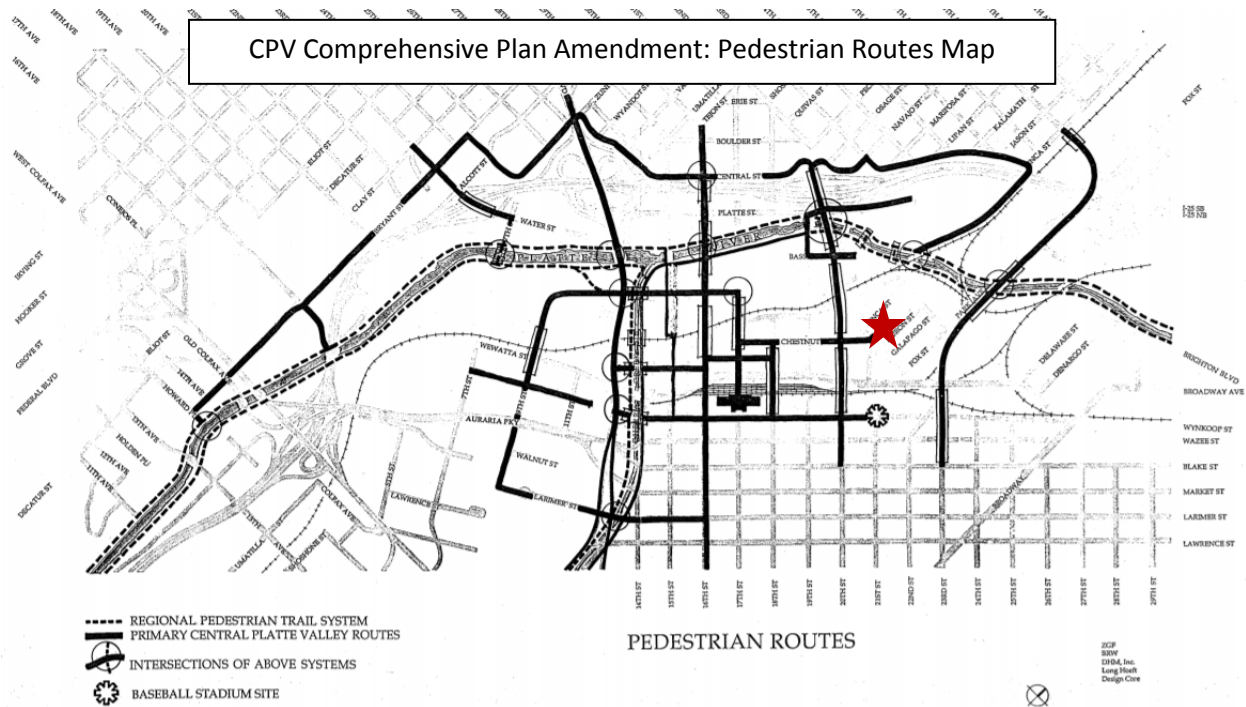


### Central Platte Valley Comprehensive Plan Amendment (1991)

The Central Platte Valley (CPV) Comprehensive Plan Amendment was adopted in 1991 and guides redevelopment of the valley into a neighborhood with a mix of uses; open space and pedestrian network; strong connections to downtown; and a unique character that complements downtown. It further provides policy direction to guide the transformation of Union Station.

The subject site is identified in the preferred land uses plan as “general mixed use” which allows office, housing, research, showroom, light industrial and warehouse uses. Further, the plan recommends “low rise” building heights as appropriate for the area in which the subject site is located. Low-rise heights are not defined in the plan; instead the plan references an appendix where height values assumed by the Steering Committee during the plan process are provided. The appendix states that the Steering Committee assumed a height of about 80 feet for low-rise areas.





The CPV plan also provides guidance for sub-areas. The subject site is within the Prospect Sub-Area and guidelines for this sub-area include, “A broad mix of uses should be encouraged in the area using renovation and infill development to enable loft residences and studios, showroom and specialty retail, office and entertainment activities to coexist with light industrial and warehouse uses.” and “Pedestrian, bicycle and local vehicular access between Prospect, Commons and Upland sub-areas should be safe and convenient so that facilities in each may be mutually supportive” (p. 43).

The proposed rezoning is consistent with the Central Platte Valley Comprehensive Plan Amendment as the uses allowed by C-MX-12 implement the land uses recommended in the plan and help support and reinforce the pedestrian connections outlined in the plan. However, the C-MX-12 zone district, as with all other existing zoning in the subarea, allows more midrise heights rather than low-rise as recommended by the plan. This is mitigated by the view plane and more recent plan guidance in the area, as discussed above. Therefore, on balance staff finds the application to be generally consistent with the adopted plan.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-12 will result in the uniform application of zone district building form, use and design regulations.

## 3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through the implementation of the City’s adopted plans by responding to changes in the general character of the area and by supporting density in appropriate locations, including housing types and building forms that enhance the pedestrian environment and walkability of this area. The proposed rezoning would support the existing housing density and a mix of uses, which have been linked to increased physical

activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup> It allows for a relatively new existing multi-unit building to remain.

Additionally, bringing the southern portion of the property currently zoned R-MU-30 with waivers out of the Former Chapter 59 code into the new Denver Zoning Code furthers the general welfare of the city as properties that retain FC 59 zoning present challenges to consistent and efficient administration (*Blueprint Denver*, p.73).

#### **4. Justifying Circumstance**

In addition to the foregoing criteria, in order for a map amendment to be approved, it must meet one of the five justifying circumstance criteria provided in DZC Section 12.4.10.8. The code criteria states that, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: c. the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning" (DZC 12.4.10.8.A.4.c). The current Former Chapter 59 R-MU-30 with waivers zone district was put into place in 2006 which satisfies this criterion.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of multi-unit residential and mixed-use commercial strips and commercial centers with high levels of bike and pedestrian access to transit (DZC 7.1.1). The proposed zone district would support the existing multi-unit residential with convenient bike and pedestrian access to Union Station, consistent with the Urban Center context description.

The Urban Center Mixed Use districts general purpose statements include "enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods" (DZC 7.2.2.1.B). The existing site is close to Union Station and downtown and aligns with the desire of ease of convenience, ease and enjoyment of those amenities.

The Denver Zoning Code states the C-MX-12 zone district applies to "areas or intersections served primarily by major arterial streets where a building scale of 3-12 stories is desired." (DZC 7.2.2.2). While the subject site is abutted by Huron St. and W. 29<sup>th</sup> St. which are both local streets, it is more generally served by 20<sup>th</sup> street which is a mixed use arterial. Additionally, the proximity to Union Station makes it appropriate for the site. The existing building is five stories, within the desired building heights range. Looking at the criteria as a whole, with the sites high level of access to transit, on balance the map amendment is consistent with the zone district purpose and intent statements.

#### **Attachments**

1. Rezoning Application
2. Ordinance number 784, series 2006 (existing R-MU-30 with waivers)

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<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.