



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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**TO: Denver City Council**  
**Land Use and Transportation Committee (LUTI)**  
**Jeanne Robb, Chair**

**FROM:** Deirdre Oss, AICP, Senior City Planner

**DATE:** March 7, 2012

**RE: Zoning Map Amendment Application #2011I-00064**  
**3350 Brighton Boulevard from R-MU-30 w/waivers to I-MX-8**

**I. Scope of Rezoning**

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|                             |  |
|-----------------------------|--|
| Application:                | <b>#2011I-00064</b>  |
| Address:                    | <b>3350 Brighton Boulevard</b>   |
| Neighborhood/Council Dist.: | Five Points (Council District #9)  |
| RNO's:                      | River North Denargo Brighton Blvd. Association; United Community Action Network Inc.; Elyria Swansea/Globeville Business Association; Rino, River North Art District; RiNo Neighbors; Northeast Community Congress for Education; Inter-Neighborhood Cooperation |
| Area of Property:           | 41,686 SF  |
| Current Zoning:             | R-MU-30 w/waivers (Ord. 206, Series of 2006)   |
| Proposed Zoning:            | <b>I-MX-8</b>  |
| Applicants/Owners:          | Brighton Ironworks, LLC/3330 Brighton Boulevard, LLC   |
| Contact Person:             | Kyle Zeppelin  |

**II. Summary of Proposal**

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The property owner proposes a change to zoning from R-MU-30 w/waivers to I-MX-8 to allow for an expanded list of lighter industrial uses that still meet the intent expressed in the vision for the River North neighborhood and Brighton Boulevard corridor. Transition from industrial uses to mixed-use and creative spaces has ensued in River North over the past decade, with the addition of art galleries, multifamily residential development and commercial office space. The transition still incorporates a healthy mix of industrial along with adaptation of old industrial buildings for new uses, indicating a need for flexible zoning that meets the intent of the City's vision.

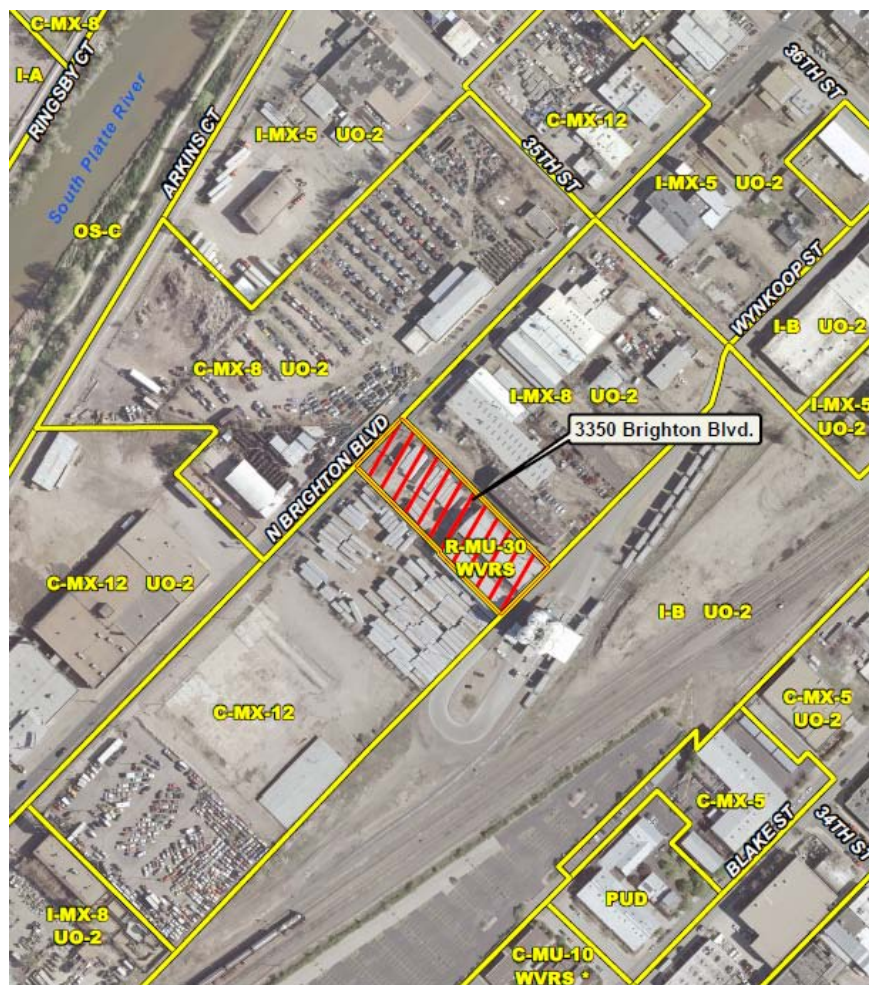
**III. Legal Justification for Rezoning**

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The application identified changed conditions as justification for this zone map amendment - (see Denver Zoning Code Section 12.4.10.14.A.4) that 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. In this instance, the zoning on this property was amended in 2006 from I-2 to R-MU-30 to allow for mixed-use development. The applicant has reviewed the provisions of R-MU-30 and determined that desired uses and adaption of the existing building for food and beverage production and distribution is more aligned with mixed-uses as allowed in the I-MX with less focus on residential.

#### IV. Existing Context

This site is located on the south side of Brighton Boulevard and is occupied by a vacant warehouse, more popularly known as Bud's Warehouse. It is bound to the south by railroad tracks hosting the future East Line Fastracks corridor and is approximately two blocks from the future 36<sup>th</sup> and Blake transit station. Land uses in this area are still largely industrial with long setbacks from the primary streets, parking in the front of the lot, and viable industrial uses and storage lots. Brighton Boulevard at this location is substandard with no curb and gutter, with improvements anticipated as part of future site-by-site development. Zoning along the corridor has largely been converted to Denver Zoning Code mixed-use districts from Former Chapter 59 industrial zoning, although some industrial zoning is in place to the south of the subject property adjacent to the railroad corridor.



Current zoning on the site is R-MU-30 with waivers which allows for 140 feet in height and minimum primary street and side setbacks of zero feet. The residential mixed-use zoning completed in 2006 has not resulted in new development on the site. The current property owner proposes the I-MX-8 zoning as a more transitional mixed-use zoning to allow for re-use of the existing building for light industrial uses.



|              | Zoning            | Existing Land Use  | Blueprint Denver and River North Plan                |
|--------------|-------------------|--|--|
| <b>Site</b>  | R-MU-30 w/waivers | Bud's Warehouse-warehouse building-vacant                    | Area of Change/<br>Mixed Use<br>Commercial Mixed Use |
| <b>North</b> | I-MX-8/UO-2       | Industrial lot/storage                                       | Area of Change/<br>Mixed Use<br>Commercial Mixed Use |
| <b>South</b> | C-MX-12           | Industrial lot/storage                                       | Area of Change/<br>Mixed Use<br>Commercial Mixed Use |
| <b>East</b>  | I-B/UO-2          | Cement company and Union Pacific Railroad/FasTracks corridor | Area of Change/<br>Mixed Use<br>Commercial Mixed Use |
| <b>West</b>  | C-MX-8/UO-2       | Auto service across Brighton Boulevard                       | Area of Change/<br>Mixed Use<br>Commercial Mixed Use |
|              |                   |  |  |

**V. Summary of Legal Notice and Public Process**

The property has been legally posted for a period of 21 days announcing the Denver City Council public meeting, and written notification of the hearing has been sent to all affected registered neighborhood organizations for both Planning Board and City Council.

**VI. Summary of Agency Referral Responses**

These rezonings have been reviewed concurrently within the context the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

|                     |   |
|---------------------|---|
| Assessor:           | Approved.   |
| Denver Parks:       | Approved-No comment.  |
| DES-Transportation: | Approved for rezoning only-additional information may be required with future site plans. |
| DES-Wastewater:     | Approved for rezoning only-additional information may be required with future site plans. |
| DES-Surveyor        | Approved.   |

## **VII. Notice, Public Process and Public Comment**

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There have been no official responses received from registered neighborhood organizations by Community Planning and Development.

## **VIII. Criteria for Review/Staff Evaluation**

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Pursuant to the Denver Zoning Code, Section 12.4.10.13 and 12.4.10.13, there are three criteria for review of all map amendments and two additional review criteria applied to non-legislative map amendments. The first three include Consistency with Adopted Plans; Uniformity of District Regulations and Restrictions; and Public Health, Safety and General Welfare.

These are explained in the following sections. The remaining two criteria include (*Justifying Circumstances* (explained in Section III above) and *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* (elements of the Denver Zoning Code). These are explained below.

- Neighborhood Context: The Industrial Context is characterized by light industrial, warehouse and heavy industrial areas as well as areas subject to transitions from industrial to mixed-use such as River North (Denver Zoning Code Division 9.1) Building forms are often multistory buildings mixed with single-story buildings fronted with loading dock bays as well as parking between the street and the building. New development within the Industrial Mixed Use zones will, over time, be expected to be closer to the street than forms in straight industrial zones. However, development of lighter mixed use industrial uses can still present design challenges that should be reviewed during site plan to ensure the expectations along Brighton Boulevard for mixed-use development can also include attractive street-facing design elements.
- Zone District Purpose and Intent Statements: Industrial mixed-use zone districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and active in a ground story. They are designed to provide a transition between mixed-use areas and heavier industrial districts. This is the case for the subject property as it is south of an urban center mixed use district and north of I-B industrial district. The existing warehouse building on the site may be developed in its current form, with any future site plan changes expected to be approved as part of a subsequent site development plan process.
- I-MX-8 will allow for eight stories (110') and either a general or industrial building form. Primary and side setbacks are set to 0' minimum, similar to the current R-MU-30 zoning. This allows land uses that require larger warehouse spaces to either adapt existing industrial buildings or build new structures that meet the intent of a transitional mixed-use district, yet does not require large parking fields in front if not desired as part of the development. Transparency/ground story activation standards are also in place for the I-MX-8 district.

## 1. Consistency with Adopted Plans

Applicable plans are as follows:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*
- *River North Plan*
- *38<sup>th</sup> and Blake Station Area Plan*

### **Denver Comprehensive Plan 2000**

The Denver Comprehensive Plan (2000) provides goals, policies and objectives to support future development in the City, including:

- a. Environmental Sustainability chapter, Strategy 2F is to *Conserve Land by 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; and creating more density at transit nodes* (p. 39) and Strategy 4A *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.*
- b. **Land Use** 1-B *Ensure the Citywide Land Use and Transportation Plan reinforces the city's character by building on a legacy of high quality urban design and stable, attractive neighborhoods, encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system;* 3-B *Encourage quality infill that is consistent with the surrounding neighborhood, offers opportunities for increased density and more amenities and that broadens the variety of compatible land uses, and* 3-D *Identify and enhance existing focal points in neighborhoods and encourage development of focal points where none exist.* To the extent that Bud's Warehouse has been an iconic industrial form on Brighton Boulevard, future adaptation of the building for artisanal food vendors or restaurants as allowed in I-MX-8 will present an opportunity for a focal point on Brighton as the transition in River North continues.
- c. **Mobility** 4-E *continue to promote mixed-use development, which enables people to live near work, retail and services.*
- d. **Legacies** 3-A *Identify areas in which increased density and new uses are desirable and can be accommodated.* The adaptation of the
- e. **Housing** 2-F, *Explore opportunities for housing in all proposed development and redevelopment projects, including commercial and retail projects.* The I-MX-8 district allows for residential development and 6-A;
- f. **Neighborhoods** 1-B *Establish priorities for small-area planning based on the following criteria, focusing first on neighborhoods characterized by elements such as anticipated change, disinvestment, opportunities for infill, and development near a transit station.* For these reasons, two small area plans have been completed that address needs along the Brighton Corridor including the 2003 River North Plan and the 2008 38<sup>th</sup> and Blake Station Area Plan.
- g. **Arts and Culture**, Objective 3 encourages enhancement of the capacity of arts and culture to act as an economic generator. Creative space uses are a highly

desired use that fits within the flexibility required for I-MX-8 zoning. Creative spaces often require combined live-work environments. This proposed zoning allows for a great variety of office and industrial uses but also allows for residential development that typically takes place in combined office/condominium and live/work or artist loft developments.

### **Consistency with Blueprint Denver**

The **Blueprint Denver Plan** is the City's land use and transportation plan and identifies future desired land use categories within areas expected to remain stable or to change more significantly over time. The Plan identifies these areas within the context of the City's transportation network, identifying future street classifications that include arterial, commercial, local, and transit corridors.

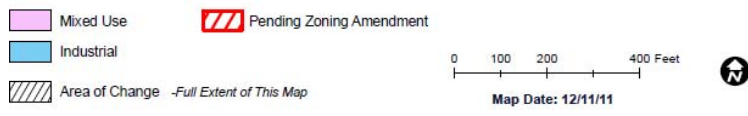
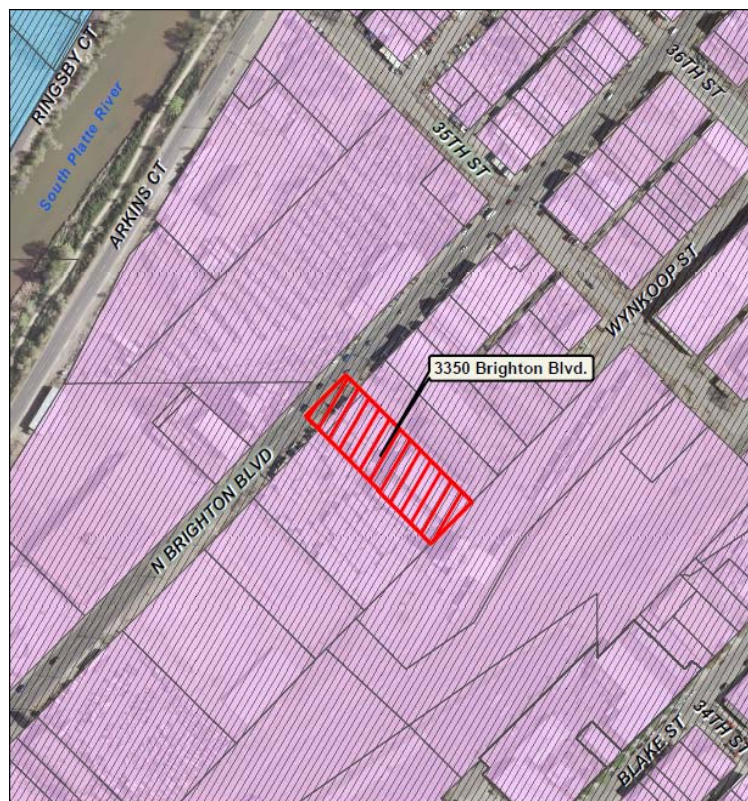
The concept land use identified on the Blueprint Denver Plan map for this site is **Mixed Use Area of Change**.

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. (p. 41).

"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" (p.127).

Brighton Boulevard is described as a Mixed Use Neighborhood with the sub-area incorporating one to two blocks on either side of Brighton from Downtown to I-70. A mixture of housing, retail services, and office development is ideally suited for redeveloping this sub-area although some warehousing and distribution may remain.

Over time as development occurs, Brighton will be converted from an industrial street that lacks safe pedestrian zones to a mixed use street, highlighting the corridor's entry from and to downtown. Brighton's proximity to the Platte River greenway to the



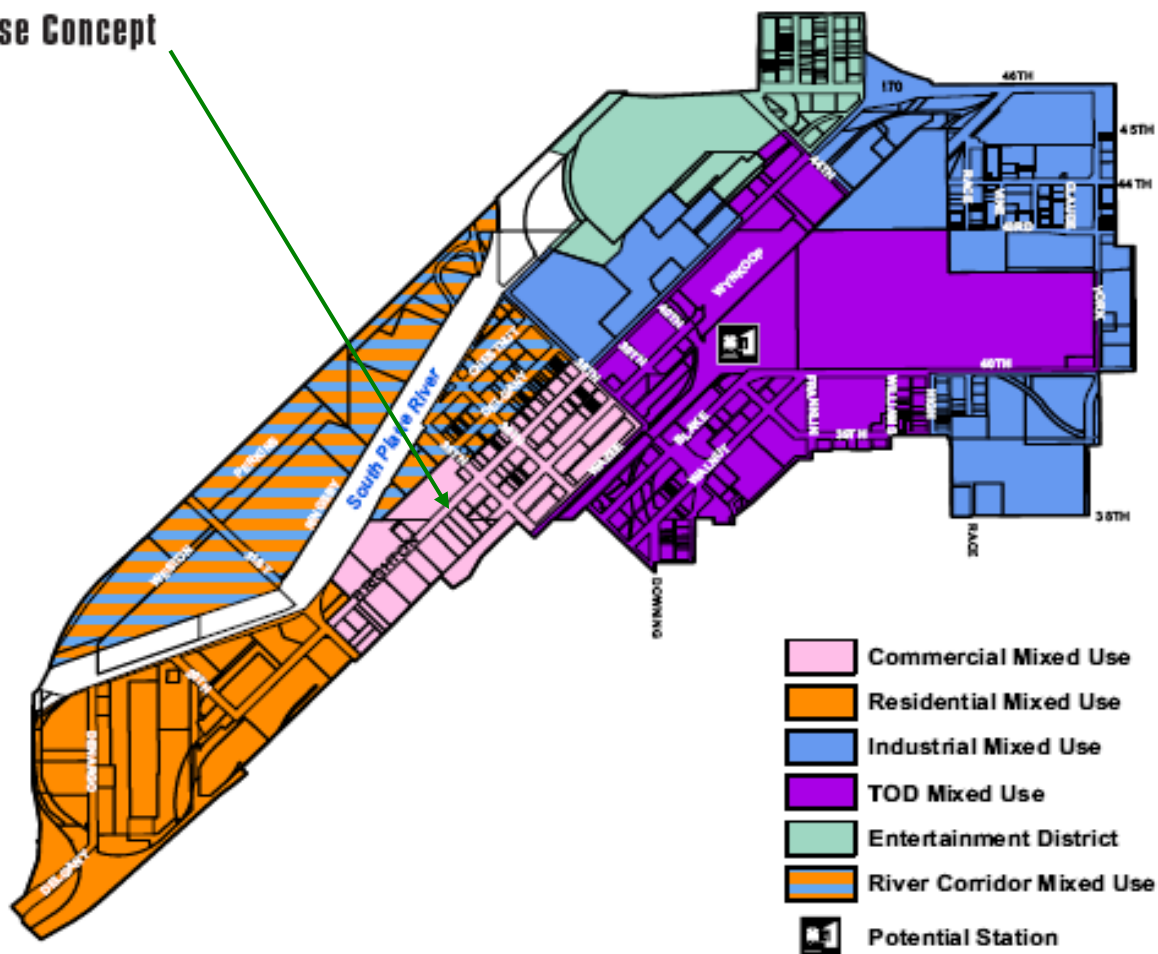
northwest of the subject property is also an amenity for pedestrians and bicyclists that will create a strong focal point for businesses along this corridor. (p. 136)

According to Blueprint Denver, Brighton Boulevard 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. While today Brighton serves as a gateway to and from downtown to DIA, Brighton is intended to evolve as a mixed-use street that will emphasize travel choices including pedestrian, bike and transit uses (p.57). Today the street exists as a narrow industrial corridor without sidewalks or tree lawns. Improvements to develop a pedestrian-friendly streetscape will occur over time with new development.

### **Consistency with the 2003 River North Plan**

Brighton Boulevard forms one of two central spines for the River North neighborhood – the other being the Platte River. The River North Plan reinforces the idea of Commercial Mixed Use along the southeast side of Brighton between 31<sup>st</sup> and 38<sup>th</sup> Streets.

### **Land Use Concept**



**Consistency with the 38<sup>th</sup> and Blake Station Area Plan**

The subject property is within the 38<sup>th</sup> and Blake TOD Influence area, providing added benefit when the East Corridor line opens in 2016. The 38<sup>th</sup> and Blake Station Area Plan indicated mixed use residential for this area, a concept still supported by the I-MX district although a different emphasis than in the River North Plan.

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

The proposed rezoning to I-MX-8 will result in the uniform application of zone district building form, use and design regulations to all buildings within the subject area.

**3. Public Health, Safety and General Welfare**

The proposed rezoning to I-MX-8 will continue to meet the intent of the City's adopted plans, developed in the interest of improving public health, safety and welfare of the general public.

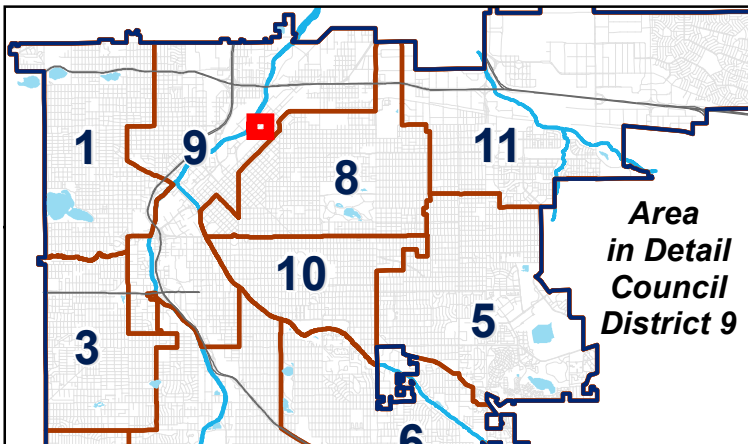
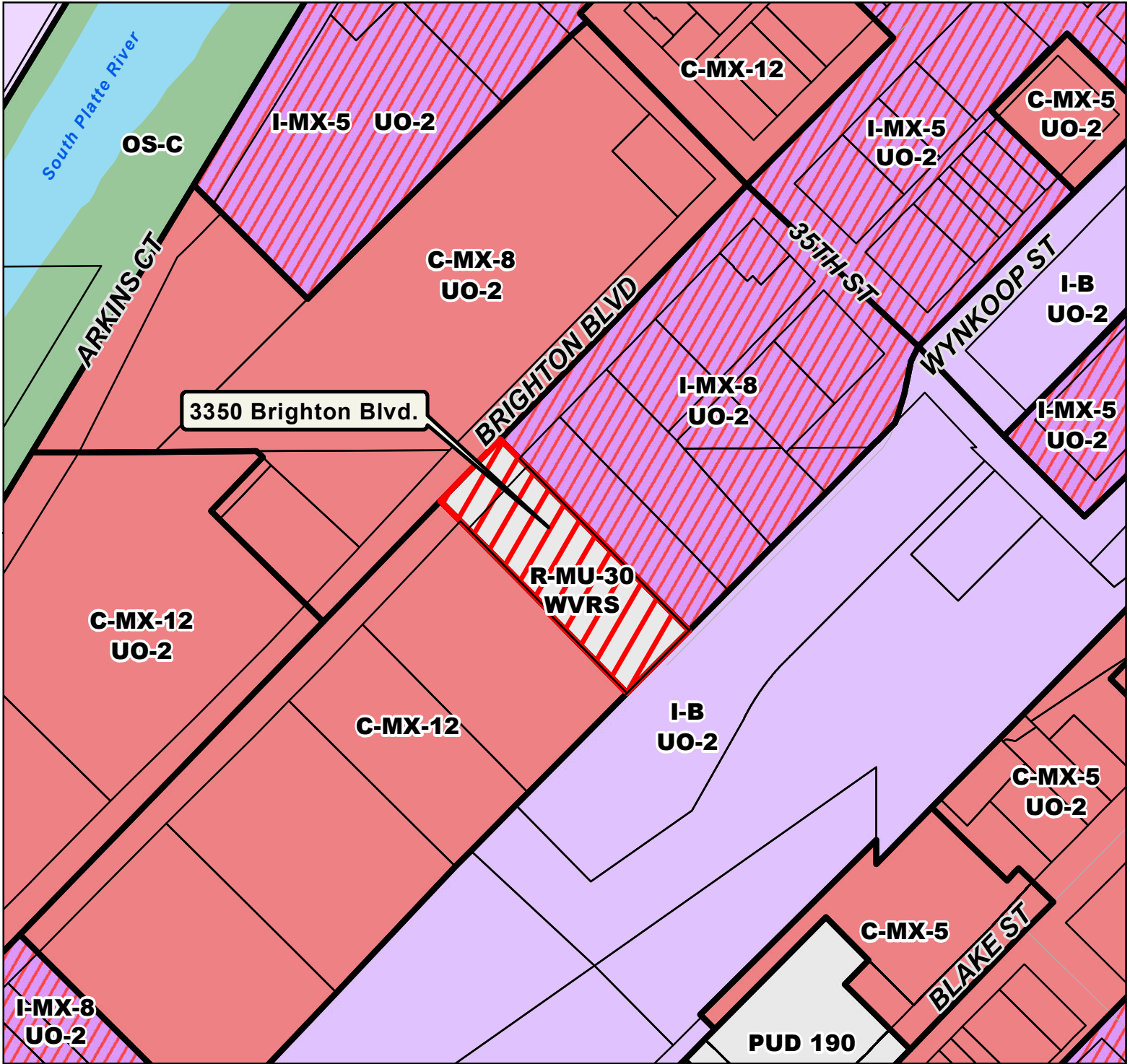
**IX. STAFF RECOMMENDATION TO DENVER CITY COUNCIL**

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Based on the criteria for review as defined above, Staff recommends approval for Application #2011100064 for I-MX-8 as the most appropriate zoning for the site and anticipated land uses. The Denver Planning Board recommended approval of this map amendment as a Consent Item at their regular meeting of January 18, 2012.



# Pending Zone Map Amendment #2011I-00064



Application #2011I-00064  
Location: 3350 Brighton Blvd.

 Proposed Rezoning  
From: R-MU-30 WVRS  
To: I-MX-12

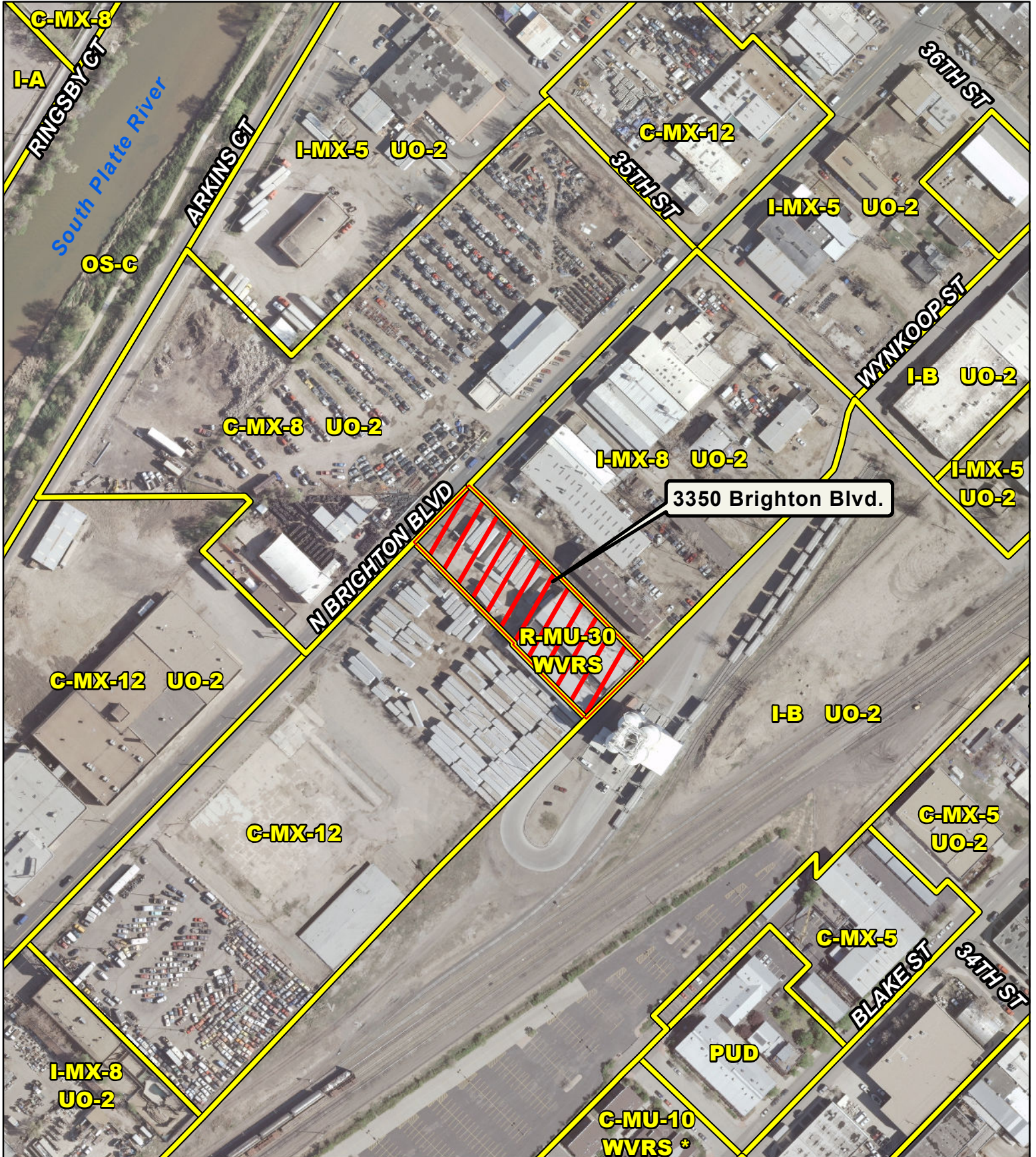


0 100 200 400  
Feet

Map Date: 12/11/11

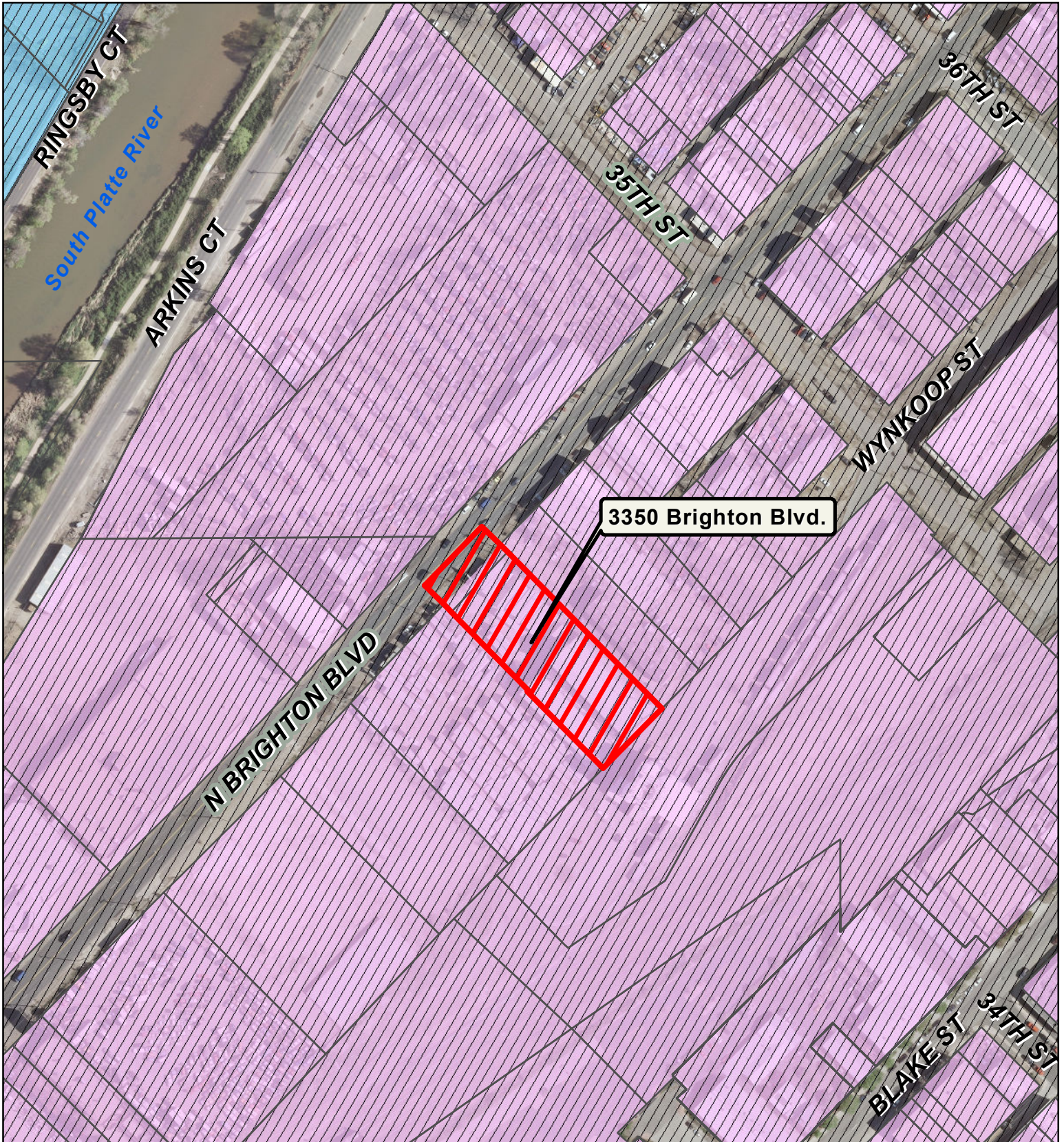
# Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2011-00064




# Pending Zone Map Amendment - Blueprint Denver Overlay

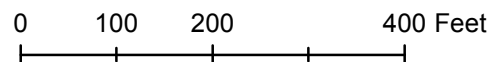
 Application #2011I-00064



 Mixed Use       Pending Zoning Amendment

 Industrial

 Area of Change -Full Extent of This Map



Map Date: 12/11/11





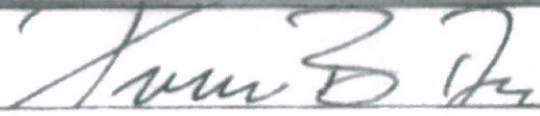
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|  |                              |                              |         |   |               |          |                                     |
|--|------------------------------|------------------------------|---------|---|---------------|----------|-------------------------------------|
| 2011I-00064 APPLICATION FOR ZONE MAP AMENDMENT   |                              |                              |         |   |               | \$1000   |                                     |
| Application #  | 2011-00064                   | Date Submitted               | 12-8-11 | Fee Required  | 1000          | Fee Paid | 1000                                |
| <b>APPLICANT INFORMATION</b>   |                              |                              |         | <b>CONTACT INFORMATION (Same as Applicant?)</b> <input checked="" type="checkbox"/> |               |          |                                     |
| Applicant Name   | Brighton Ironworks, LLC      |                              |         | Contact Name  | Kyle Zeppelin |          |                                     |
| Address  | 3455 Ringsby Court           |                              |         | Address   |               |          |                                     |
| City, State, Zip   | Denver                       |                              |         | City, State, Zip  |               |          |                                     |
| Telephone / Fax  | 303-573-0781X12/303-573-0224 |                              |         | Telephone / Fax   | /             |          |                                     |
| Email  | kzeppelin@zeppelinplaces.com |                              |         | Email   |               |          |                                     |
| <b>Subject Property Location [Please Include Assessor's Parcel Number(s)]</b>  |                              |                              |         |   |               |          |                                     |
| 3350 Brighton Boulevard 0227100037000  |                              |                              |         |   |               |          |                                     |
| <b>Legal Description of Subject Property</b>   |                              |                              |         |   |               |          |                                     |
| CASE & EBERTS B89 BEG SE LINE<br>BRIGHTON BV 275FT NE OF NE LI<br>33RD ST TH SE 182.05FT SW 2.6<br>FT SE 164.05FT NE 127.6FT NW<br>346FT SW 125FT TO POB EXC WLY<br>16FT TO CITY   |                              |                              |         |   |               |          |                                     |
| <b>Area of Subject Property (Acres/Sq Ft)</b>  |                              | <b>Present Zone District</b> |         | <b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>        |               |          |                                     |
| GIS shows 41660 sf - assessor's record shows 41686 sf  |                              | R-MU-30 w/ waivers           |         | IMX 8   |               |          |                                     |
| <b>Describe the nature and effect of the proposed Zone Map Amendment</b>   |                              |                              |         |   |               |          |                                     |
| The Zone Map amendment will allow the existing structure to be enhanced  |                              |                              |         |   |               |          |                                     |
| <b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>   |                              |                              |         | <b>Error in the map as approved by City Council</b>                                 |               |          | <input type="checkbox"/>            |
|  |                              |                              |         | <b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>      |               |          | <input checked="" type="checkbox"/> |
| The proposed zone map amendment will allow the uses consistent with the existing neighborhood plans as well as the character of the neighborhood. The River North plan recognizes the importance of mixed-use and retail functions along Brighton. The project has also received extensive supports for production uses that draw on the neighborhoods industrial history while relating it to the modern mix of uses. In this case, the purpose of the project is to combine multiple food producers who are all highly accomplished, as part of a collaborative project that will attract a broader audience for each of them. The production uses provide consumers with a hands on experience that cannot exist in other more residential areas of the city. The increased exposure and existence of this outlet for small independent businesses to connect directly to an audience certainly leads to more job creation and heightened pedestrian activity—that will provide a catalytic influence to start to realize the River North Plan's vision for Brighton Blvd as an active, multi modal arterial. |                              |                              |         |   |               |          |                                     |
| <b>State the land use and the development proposed for the subject property. Include the time schedule (if any) for development</b>  |                              |                              |         |   |               |          |                                     |

The proposed development is an adaptive re-use of the existing industrial building. The uses will be wine production, cured meats production, coffee roasting and bakery. There is potential for accessory café to serve the building. Anticipated timeframe for occupancy is 6/1/12 with 4-6 months construction prior.

| Required Exhibits   |                          | Additional Exhibits |  |
|---|--------------------------|---------------------|--|
| Applicant & Owner Information Sheet   | <input type="checkbox"/> | Site plan           |  |
| Maps -- Required for Final Submissions  | <input type="checkbox"/> |                     |  |
| Case Manager  | Deirdre Oss              |                     |  |
| Signature   |                          | Date                |  |
|  |                          | 12/5/11             |  |
|   |                          |                     |  |
|   |                          |                     |  |
|   |                          |                     |  |

### APPLICANT & OWNER INFORMATION SHEET

[1] Section 29-649(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

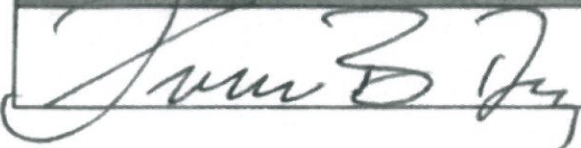
[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

| Application Number   | Applicant's Name                        |
|--|---|
| 2011I-00064  | Brighton Ironworks, LLC                 |
| Property Address(es)   |   |
| 3350 Brighton Boulevard  |   |
| Applicant's Address  |   |
| 3455 Ringsby Court, Denver, CO. 80216  |   |
| NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner. |   |
| Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.  |   |
| Fee Title Owner (Has Deed of Ownership) Brighton Ironworks LLC   | All <input checked="" type="checkbox"/> |
|  | A Portion <input type="checkbox"/>      |

|  |                  |                                     |
|--|------------------|-------------------------------------|
| <b>Contract Owner Zeppelin Development</b> | <b>All</b>       | <input checked="" type="checkbox"/> |
|  | <b>A Portion</b> | <input type="checkbox"/>            |
| <b>Holder of a Security Interest</b>       | <b>All</b>       | <input type="checkbox"/>            |
|  | <b>A Portion</b> | <input type="checkbox"/>            |

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

3330 BRIGHTON BOULEVARD, LLC  
 by DAY FAMILY IRREVOCABLE TRUST, Manager  
 by Frank B. Day, Trustee

| Signature of Applicant   | Date Signed |
|--|-------------|
|  | 12/5/11     |

**Power of Attorney**

That BRIGHTON IRONWORKS, LLC, owner of the property located at 3350 Brighton Blvd, Denver, CO hereby make, constitute, and appoint

---

INDIVIDUAL ACTING AS ATTORNEY

For and in my name, place, and stead, to file a rezoning application for \_\_\_\_\_ zone  
ZONE DISTRICT  
district in the City and County of Denver, concerning the real property known as:

3350 Brighton Blvd, Denver, CO

---

ADDRESS OF SUBJECT PROPERTY

Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or appropriate to be done in and about the premises in the rezoning as fully to all intents and purposes as I might or could do if I personally made the application, hereby ratifying all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

---

DAY FAMILY IRREVOCABLE TRUST, manager

By: \_\_\_\_\_

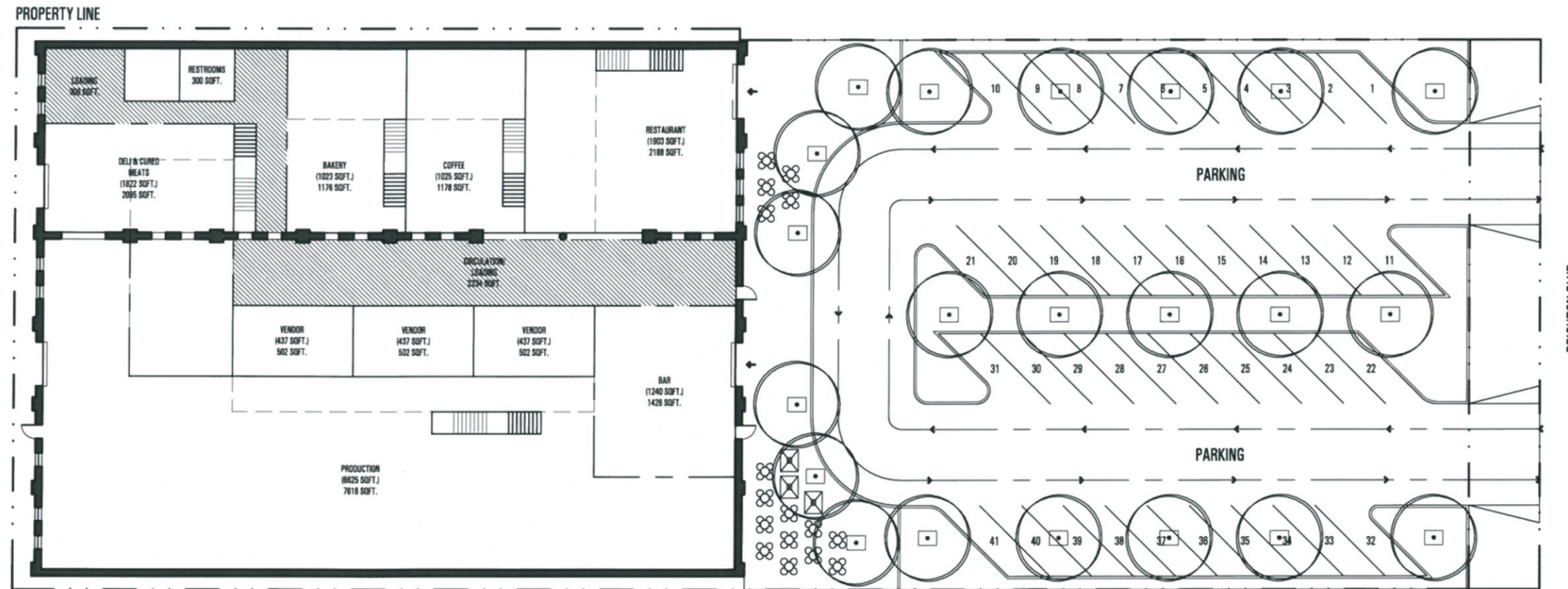
Frank B. Day, Trustee

11/30/11  
Date

If representing a corporation, please submit a resolution of the board indicating the







**1** SITE PLAN  
1/32" = 1'-0"

CMX  
COMMERCIAL MEDIUM  
VEHICLE PARKING: 1.25/1,000 SQFT.  
BIKE PARKING: 1/7,500 SQFT. (20/180)



| ISSUED FOR | DATE |
|------------|------|
|            |      |

| PROJECT NO. | DATE     |
|-------------|----------|
|             | 08.05.11 |
| DRAWN       | CHECKED  |
| HT          |          |

SHEET TITLE  
SITE PLAN  
SHEET NO.

**A1.1**

December 8, 2011