

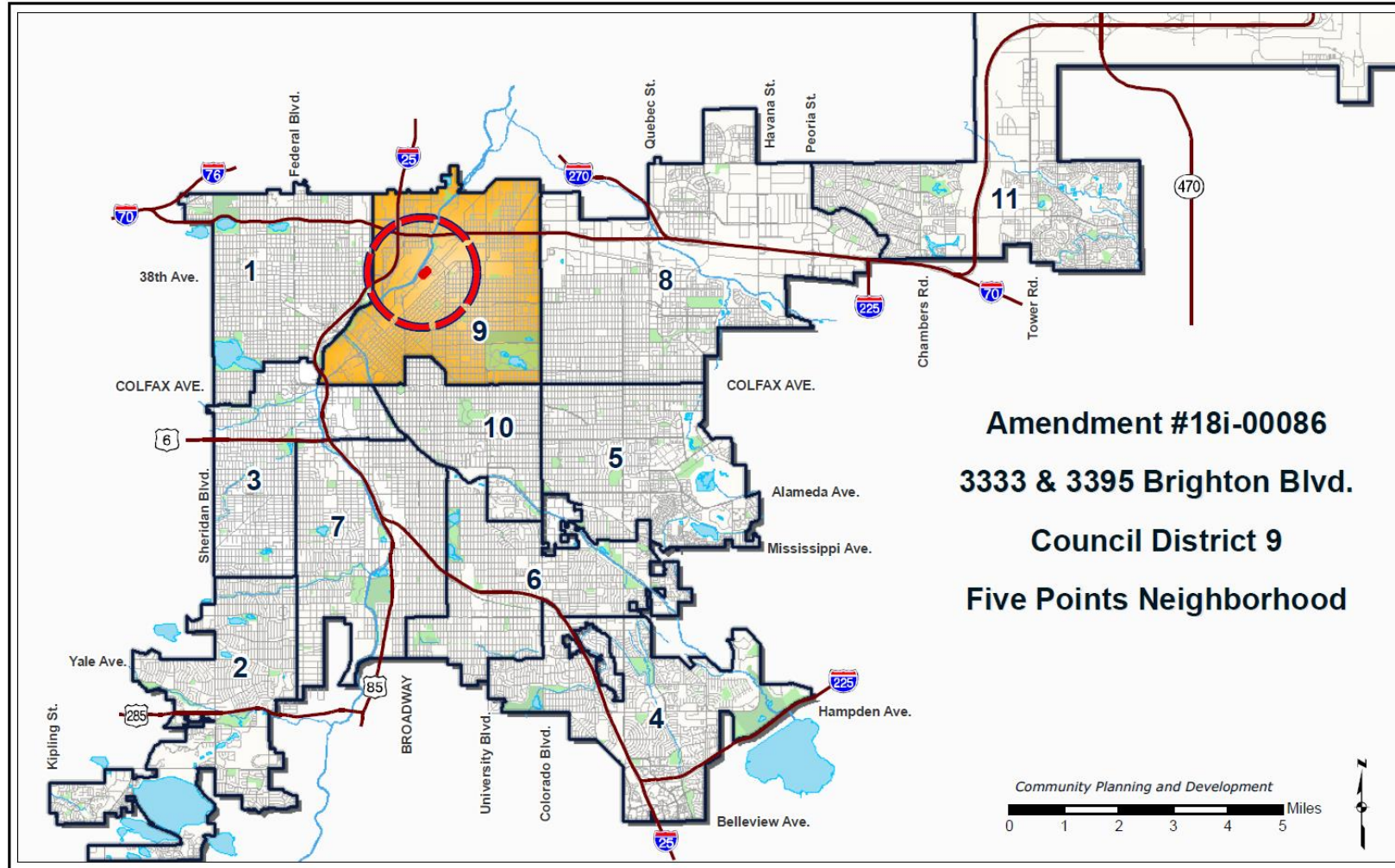


3333 & 3395 Brighton Blvd

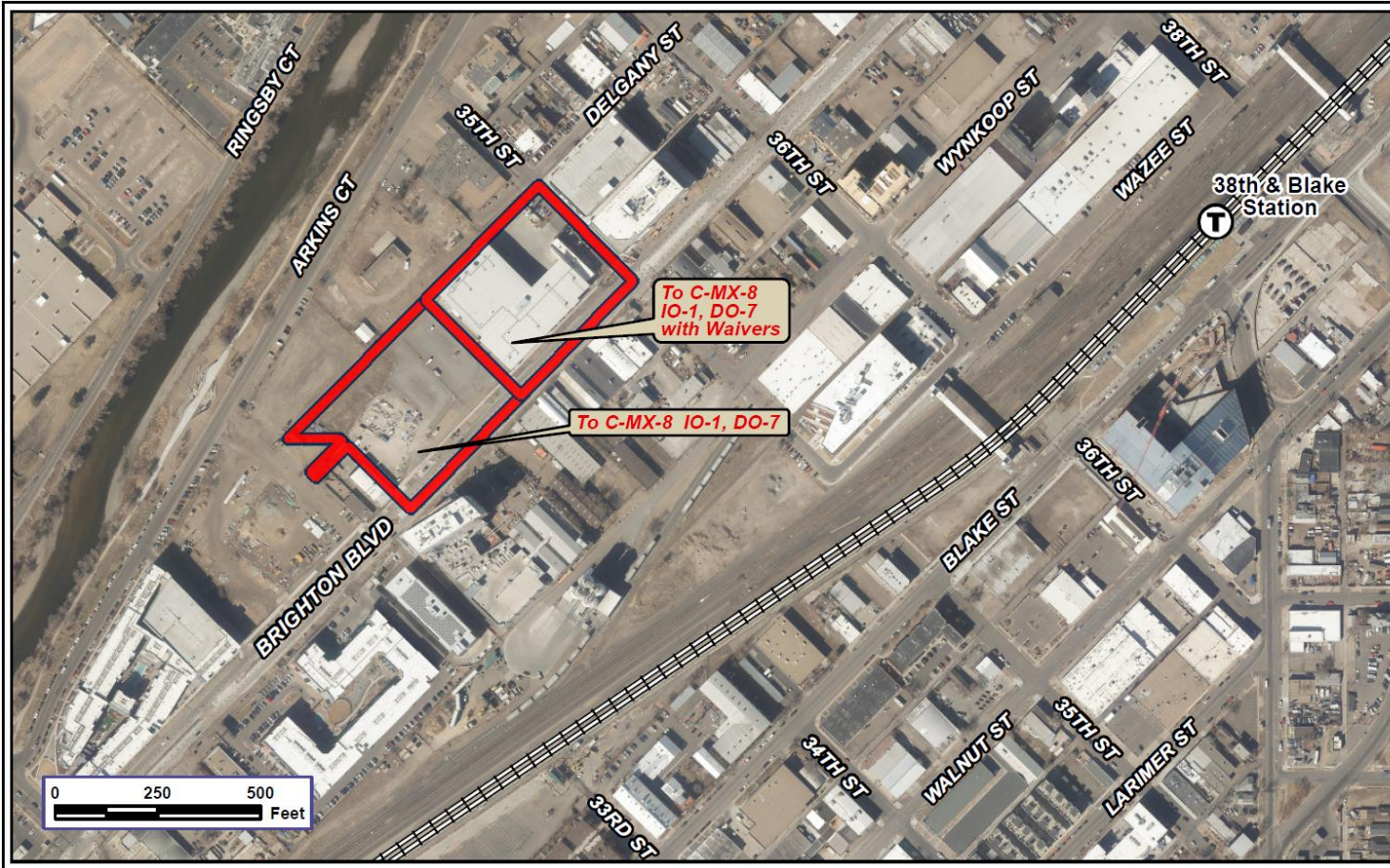
Request: PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and
C-MX-8, IO-1, DO-7 with waivers

Date: 09/24/2019

Council District 9, Five Points Neighborhood

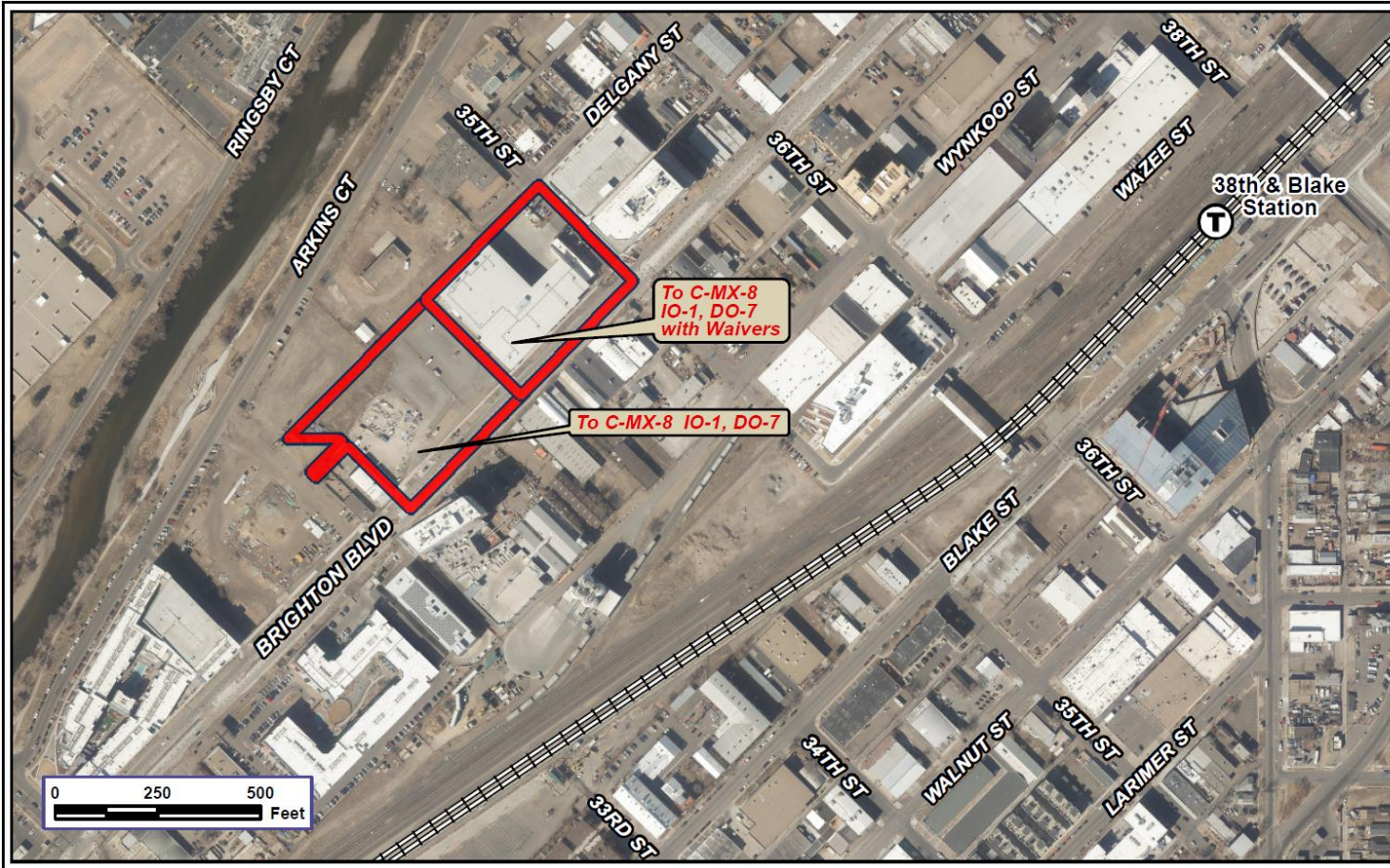


Request: C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers



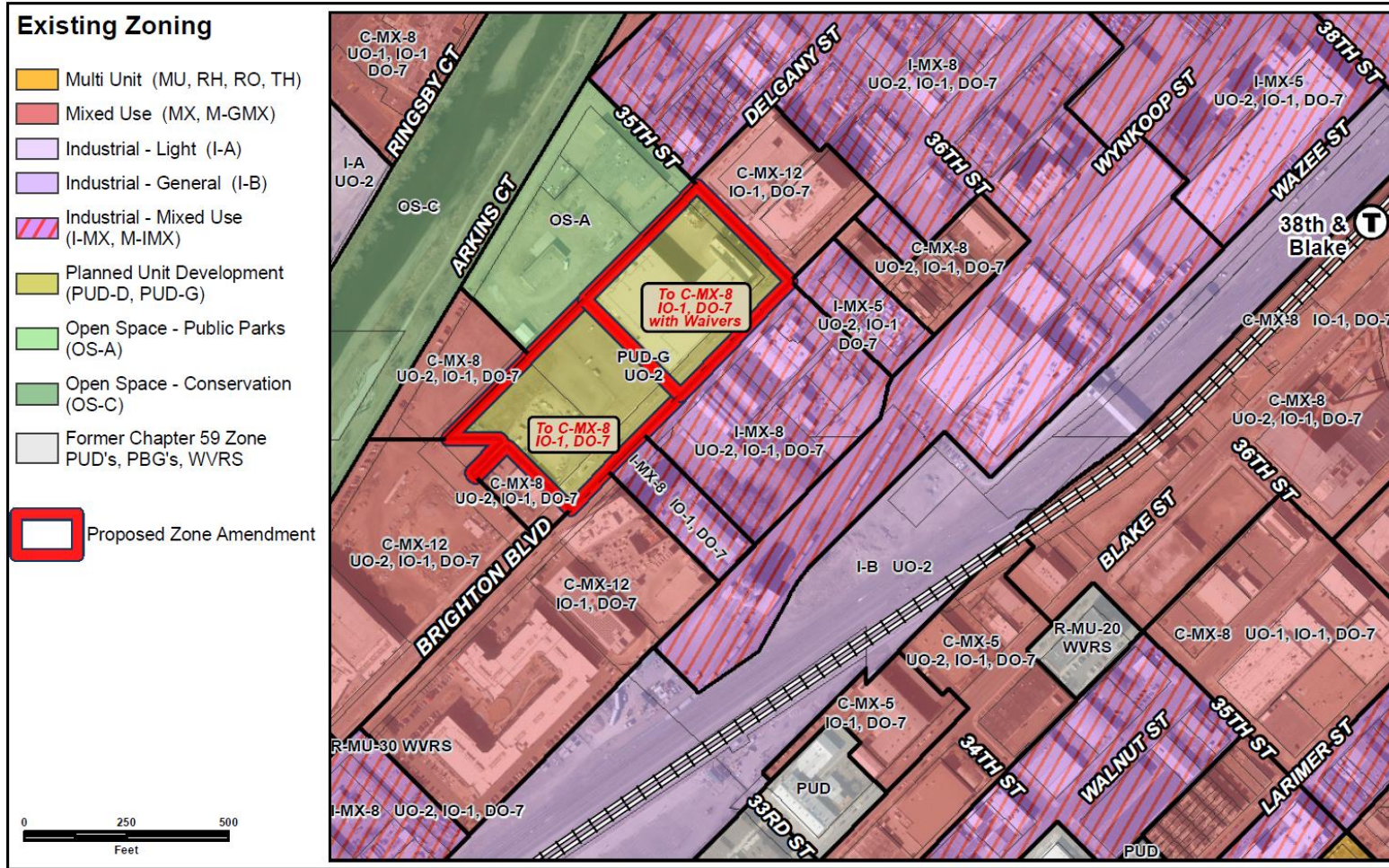
- **Location:**
 - Approx. 4.7 acres
 - Industrial/Vacant
- **Proposal:**
 - Rezoning to C-MX-8 with overlays to allow for the redevelopment of southern portion of the site

Request: C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers



- **Location:**
 - Approx. 4.7 acres
 - Industrial/Vacant
- **Proposal:**
 - Rezoning to C-MX-8 with overlays to allow for the redevelopment of southern portion of the site

Existing Zoning



Current zoning: PUD-G#7, UO-2

Adjacent zoning: C-MX-12, IO-1, DO-7; I-MX-5, UO-2, IO-1, DO-7; I-MX-8, UO-2, IO-1, DO-7, I-MX-8, IO-1, DO-7; C-MX-8, UO-2, IO-1, DO-7; OS-A

Existing Zoning

CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 7 ESTABLISHED

The provisions of this PUD-G 7 apply to the land depicted on the Official Zoning Map with the label PUD-G 7, which is approximately a 5-acre property located within a portion of the southeast ¼ of Section 22, Township 3 south, Range 69 west of the 6th P.M. The PUD-G 7 is a single area with no subareas established.

SECTION 1.2 PUD-G 7 GENERAL PURPOSE

The general purpose of PUD-G 7 is to allow for an expanded mix of uses in a building form that contributes to the planned vision for the River North neighborhood and the Brighton Boulevard corridor.

SECTION 1.3 PUD-G 7 SPECIFIC INTENT

PUD-G 7 is intended to:

1.3.1 Allow I-MX-8 zone district uses with a modification of limitations on brewing, malt beverage, wines, brandy, distilled and blended spirits manufacturing uses.

1.3.2 Utilize the Urban Center Neighborhood Context and the C-MX-8 Zone District building form standards.

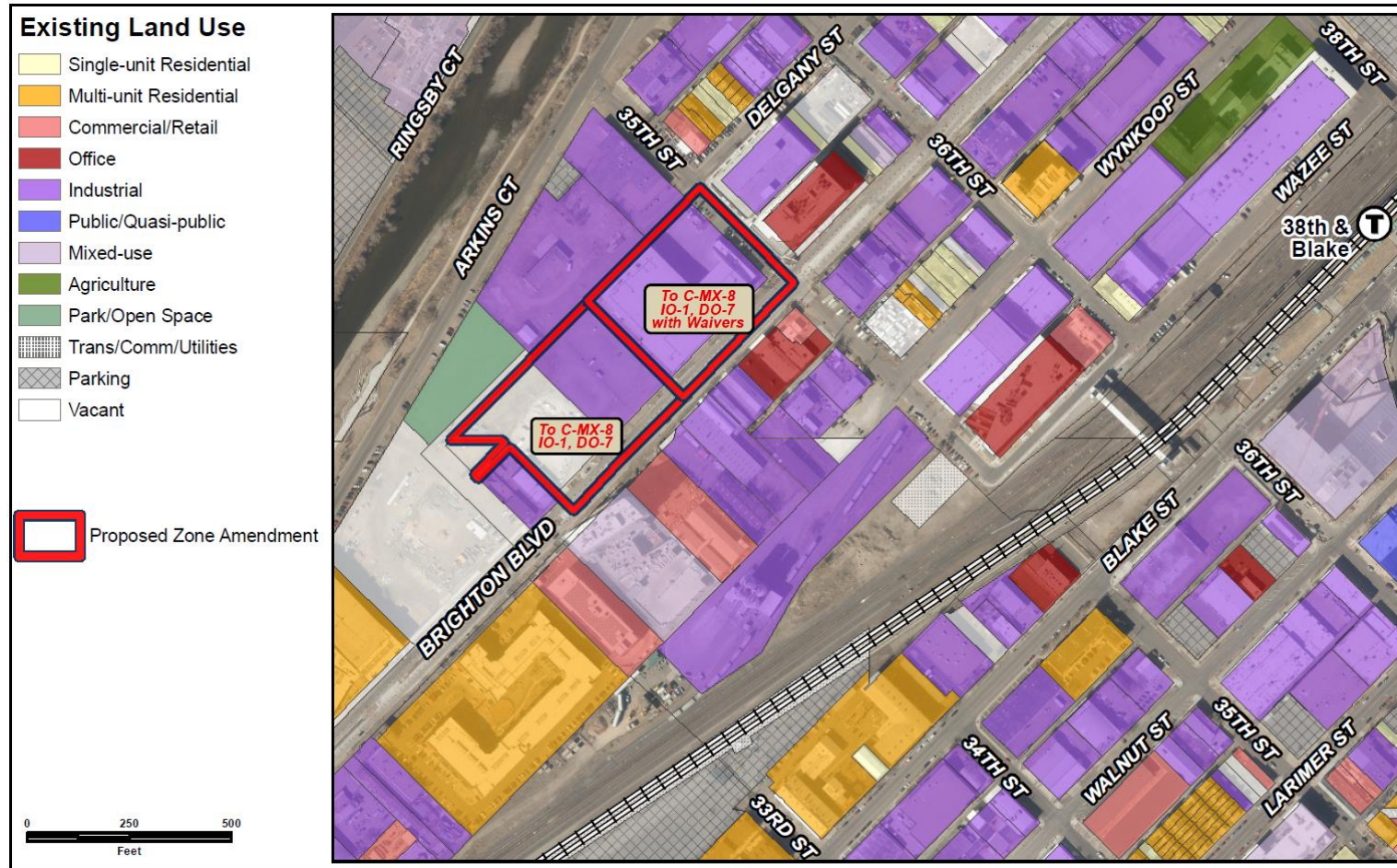
1.3.3 Establish additional building form standards to anticipate planned infrastructure improvements surrounding the PUD-G 7 site, such as a future park space along the South Platte River, Arkins Court street realignment, storm water improvements and reconfiguration of Brighton Boulevard.

SECTION 5.1 USES

5.1.1 Primary, accessory and temporary uses allowed in this PUD-G 7 shall be those same uses allowed in the I-MX-8 Zone District, as stated in the Denver Zoning Code, Section 9.1.4, Uses and Required Minimum Parking, as amended from time to time, with the addition of the following primary uses, which shall be allowed:

- A. Manufacturing, Fabrication & Assembly, Heavy, but limited to the following specific use sub-types only as defined in the Denver Zoning Code, Article 11, Division 11.12, Use Definitions:
 - 1. SIC Code 2082 - "Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;"
 - 2. SIC Code 2084 - "Wines, brandy and brandy spirits," and
 - 3. SIC Code 2085 - "Distilled and blended liquors."
- B. The specific Manufacturing, Fabrication and Assembly, Heavy, uses listed in subsection 5.1.1.A. above are allowed subject to the following limitations and review procedure:
 - 1. The uses must be established, operated and maintained within a completely enclosed structure, except that the following closed equipment used directly in the manufacture of malt beverages shall be considered completely enclosed structures and not outdoor storage subject to section 6.2.4 of this PUD-G 7 District:
 - a. tanks for conditioning, brightening, CO₂, and/or fermentation
 - b. grain silos, and
 - c. similar closed equipment.
 - 2. Malted barley shall not be produced on site.
 - 3. The uses are allowed only if reviewed and approved according to the zoning permit process requirements stated in Denver Zoning Code, Section 12.4.1, Zoning Permit Review.

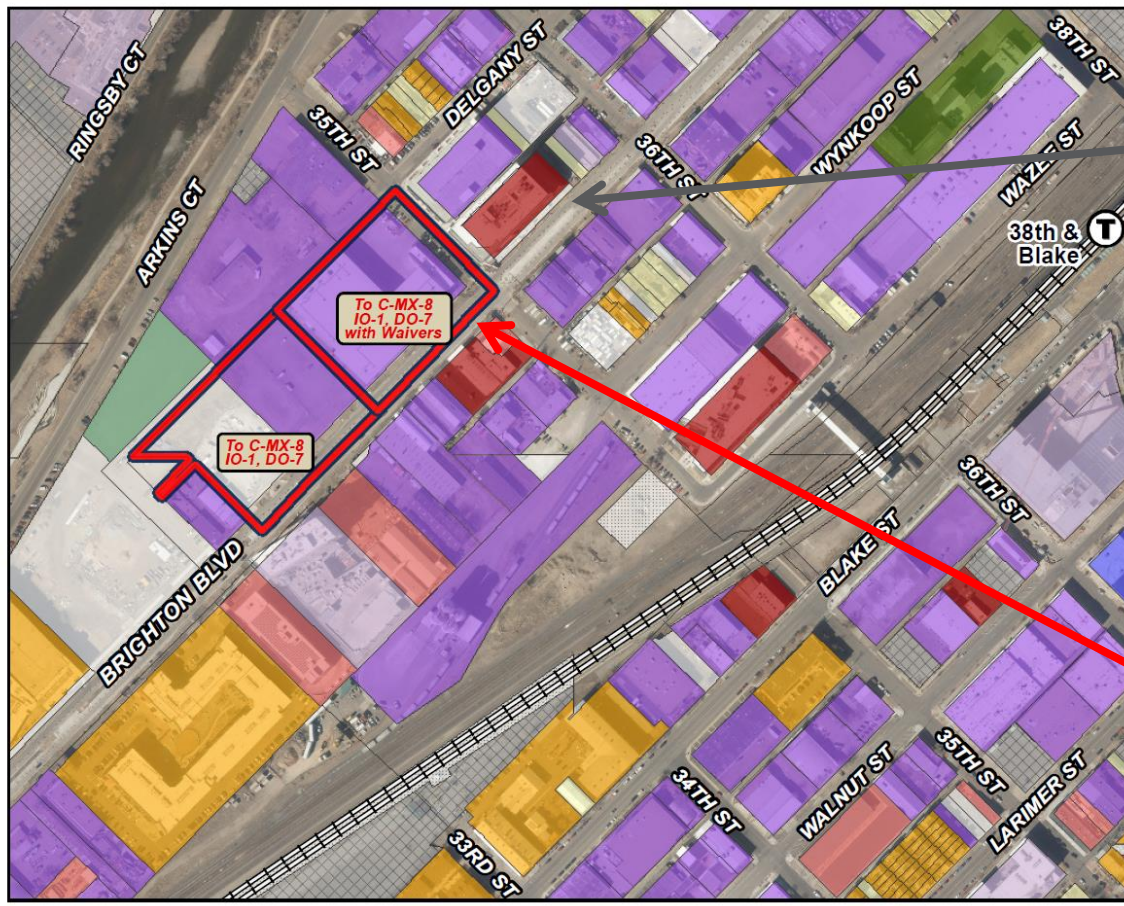
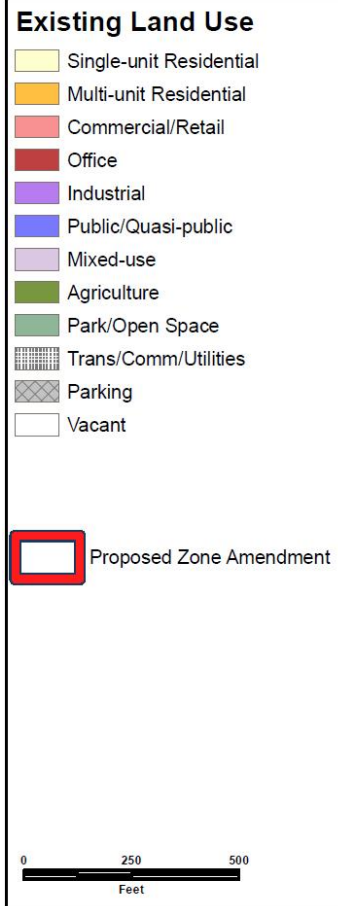
Existing Land Use



Current land uses:
Warehouse for industrial
uses and vacant

Adjacent land uses:
industrial, office,
commercial/retail,
park/open space, mixed-
use

Existing Context – Building Form/Scale



Requested Zone Districts

Urban Center Mixed Use 8 Stories

Building Heights: 8 stories, 110'

Build To Requirements:

Primary Street: 70% of buildings between 0'-15'

Side Street: None

Transparency Requirements

Primary Street: 40% ground level

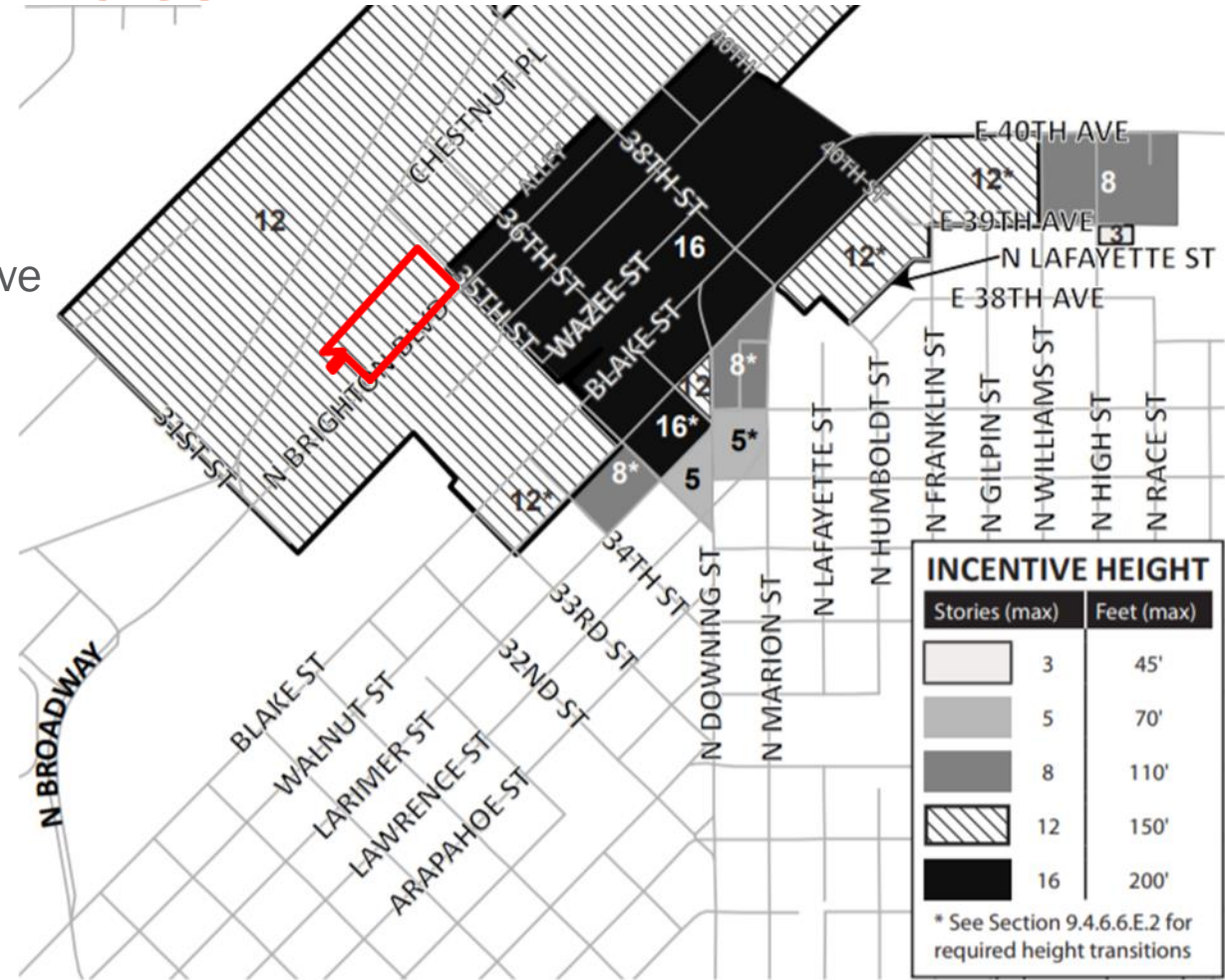
Side Street: 25% ground level

Street Level Active Use Requirements

Requested Zone Districts

Incentive Overlay 1

Requires affordable housing and other community benefits when buildings exceed base heights. The maximum incentive height for the subject property is 12 stories or 150'.



Requested Zone Districts

RiNo Design Overlay 7

- 16-foot minimum street level height
- 50% transparency along primary streets (compared to 40% in the C-MX zone districts) and
- 40% transparency along side streets (compared to 25% in the C-MX zone districts); and
- For lots over 18,750 square feet in area or wider than 150 feet, 70% of all street level building frontages on Primary Streets must be occupied by street level nonresidential active uses. DZC Section 9.4.5.11.F.3 of the DO-7 overlay district defines street level nonresidential active uses by prohibiting several uses including all types of residential, Light Automobile Services, Mini-Storage Facilities, and Light Wholesale Trade or Storage.

Proposed Waivers

Re: Use Waivers for the property located at 3395 Brighton Blvd. (Great Divide Brewing Company)

Per Denver Zoning Code Section 12.4.10.6, Waivers of Rights and Obligations and Approval of Reasonable Conditions, I, the undersigned applicant for the property under application for the rezoning referenced herein, request that the C-MX-8 zoning classification of the land described herein include the following waivers:

1. Waive “NP” (Not Permitted) for the Manufacturing, Fabrication & Assembly, General specific use type, and instead shall be “L-ZP” (Permitted Use with Limitations; Zoning Permit Review) and parking requirements shall be:

Vehicle: No requirement

Bicycle: No requirement

2. Waive Manufacturing, Fabrication & Assembly, General use definition as stated in section 11.12.5.3.B.2 in the Denver Zoning Code, and instead shall be:

General Manufacturing, Fabrication & Assembly uses are defined as establishments that fall into one of the following SIC groups, provided the operations are consistent with section 11.12.5.3.B.2.a in the Denver Zoning Code:

- i. SIC Group 2082 – Malt beverage manufacturing not otherwise defined as a “Custom” or “Heavy” Manufacturing, Fabrication and Assembly use;
- ii. SIC Group 2084 – Wines, brandy and brandy spirits manufacturing not otherwise defined as a “Custom” or “Heavy” Manufacturing, Fabrication and Assembly use, and provided: (a) wine manufacturing uses shall be limited to no more than 100,000 gallons per year, or a manufacturing operation licensed by the State of Colorado as a “Limited Winery”; and (b) brandy and brandy spirits manufacturing uses shall be subject to the same limits on flammable liquids applicable to SIC Code 2085 (Distilled and Blended Liquor) uses in the paragraph below.
- iii. SIC Group 2085 – Distilled and blended liquors manufacturing not otherwise defined as a “Custom” or “Heavy” Manufacturing, Fabrication and Assembly use, and provided no more than 960 gallons of Class 1B Flammable Liquids (ethanol) with an alcohol by volume (ABV) content of greater than 19% may be produced or utilized in production within a single building at any point in time, including bulk storage for the purposes of aging or awaiting shipment. Bottled distilled spirits and blended liquors are excluded from this limitation.

3. Waive “NP” (Not Permitted) for the Outdoor Storage, General use type, and instead shall be “L-ZP” (Permitted Use with Limitations; Zoning Permit Review).

4. Waive “unenclosed outdoor storage is prohibited” from the use limitations for Manufacturing, Fabrication, and Assembly, General in section 11.5.9.2.3.b in the Denver Zoning Code and instead shall be:

Unenclosed outdoor storage is prohibited except that products and/or materials used in and/or customary to the manufacture of malt beverage, wines, brandy and brandy spirits, and distilled and blended liquors, including, but not limited to, pallets, kegs, raw materials and equipment, may be unenclosed subject to the General Outdoor Storage use limitations in section 11.10.16 in the Denver Zoning Code.

Process

- Informational Notice: 11/21/2018
- Revised Application: 7/29/2019
- Planning Board Notice: 8/19/2019
- Planning Board Public Hearing: 9/4/2019 (voted 6-0 in favor)
- LUTI Committee: 9/24/2019
- City Council Public Hearing: 11/4/2019 (tentative)
- Public Comment
 - As of present, 4 letters have been received

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*
- *Housing an Inclusive Denver*
- *River North Area Plan*
- *38th & Blake Station Area Plan*
- *Elyria & Swansea Neighborhoods Plan*
- *38th & Blake Station Area Height Amendments*

2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

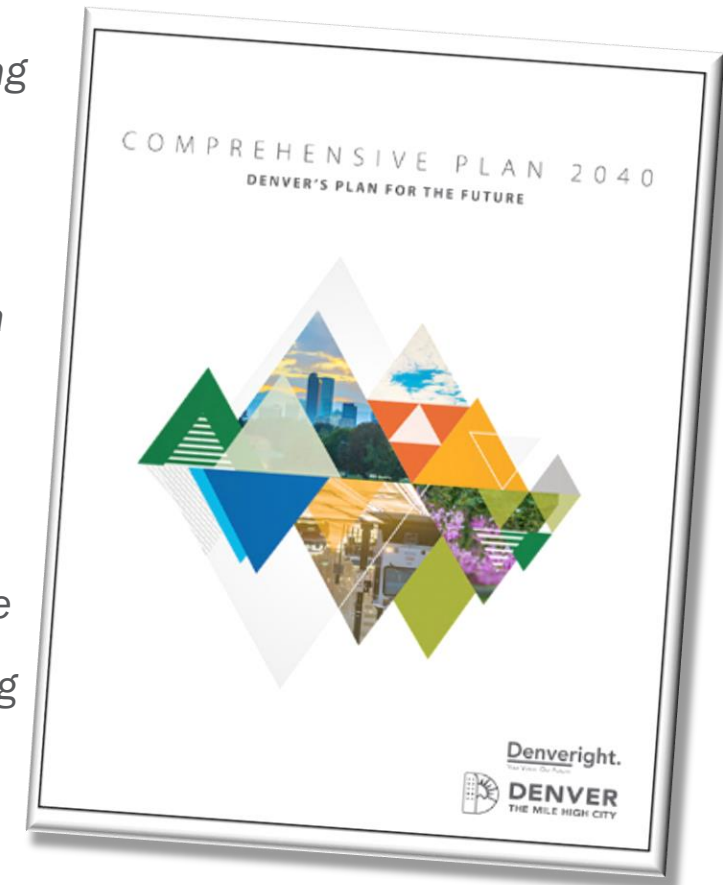
4. Justifying Circumstances

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

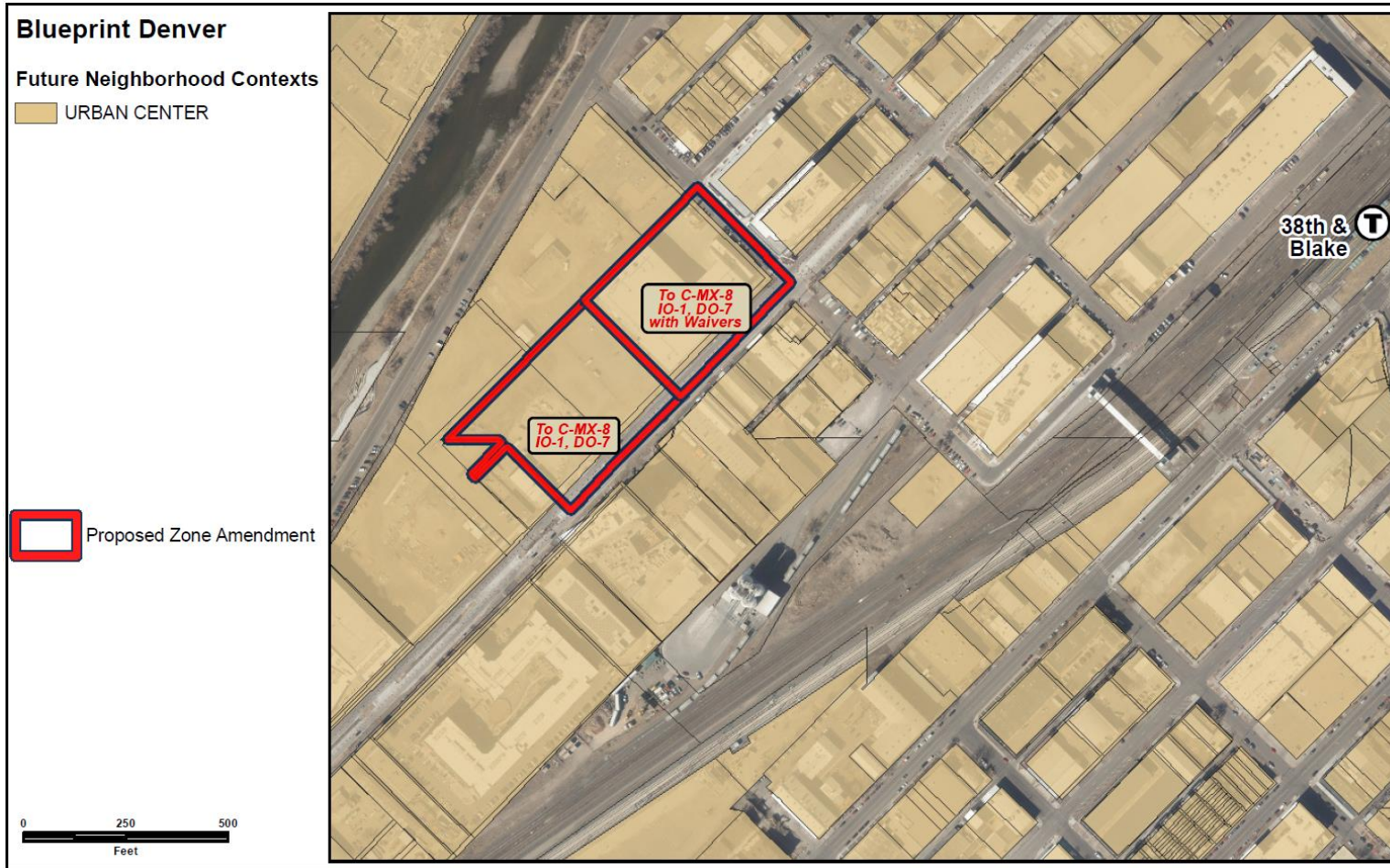
Review Criteria: Consistency with Adopted Plans

Comprehensive Plan 2040

- *Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).*
- *Equitable, Affordable and Inclusive Goal 2 Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*
- *Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*
- *Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*
- *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).*
- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p.54).*
- *Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).*
- *Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).*

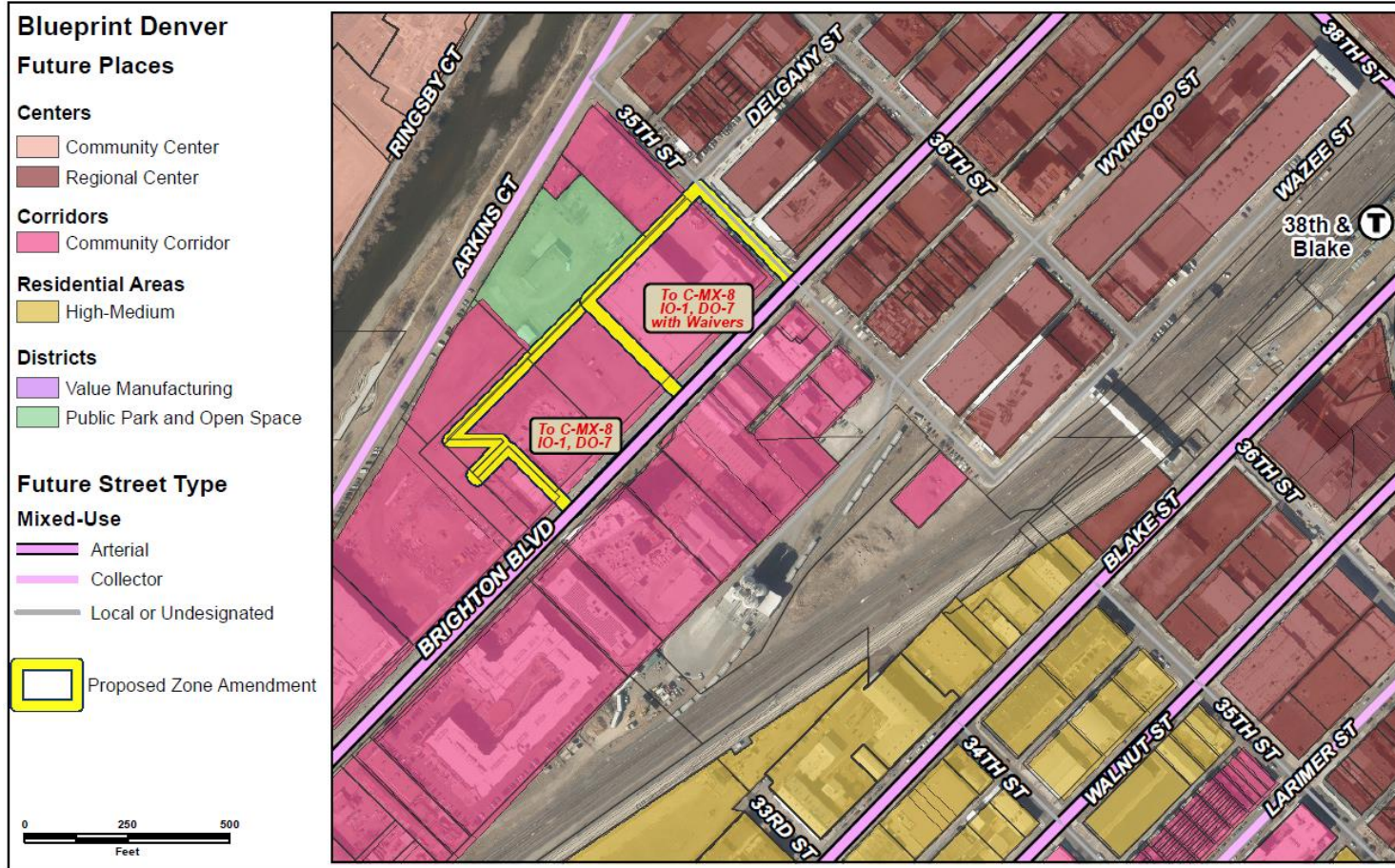


Consistency with Adopted Plans: Blueprint Denver



- **Urban Center Neighborhood Context**
 - High intensity residential and significant employment areas
 - Development typically contains a substantial mix of uses, with good street activation and connectivity

Consistency with Adopted Plans: Blueprint Denver



- **Community Corridor Future Place**
 - A mix of office, commercial and residential uses
 - Wide customer draw both of residents from surrounding neighborhoods and from other parts of the city
 - Buildings have a distinctly linear pattern along the street
- **Street types**
 - 35th Street: Undesignated local
 - Brighton Boulevard : Mixed-use arterial

Reminder: Evaluating whether the proposed zone district is consistent with the Future Street Classification, but not to assess the traffic impacts of a specific development proposal.

Consistency with Adopted Plans: Blueprint Denver



Growth Area Strategy: Community centers and corridors

- 25% of new housing
- 20% of new employment

Most growth is guided to regional centers, community centers and corridors, select districts and high and medium-high intensity residential areas. Other areas of the city are still expected to see some growth, however more limited.

Consistency with Plans: Housing an Inclusive Denver

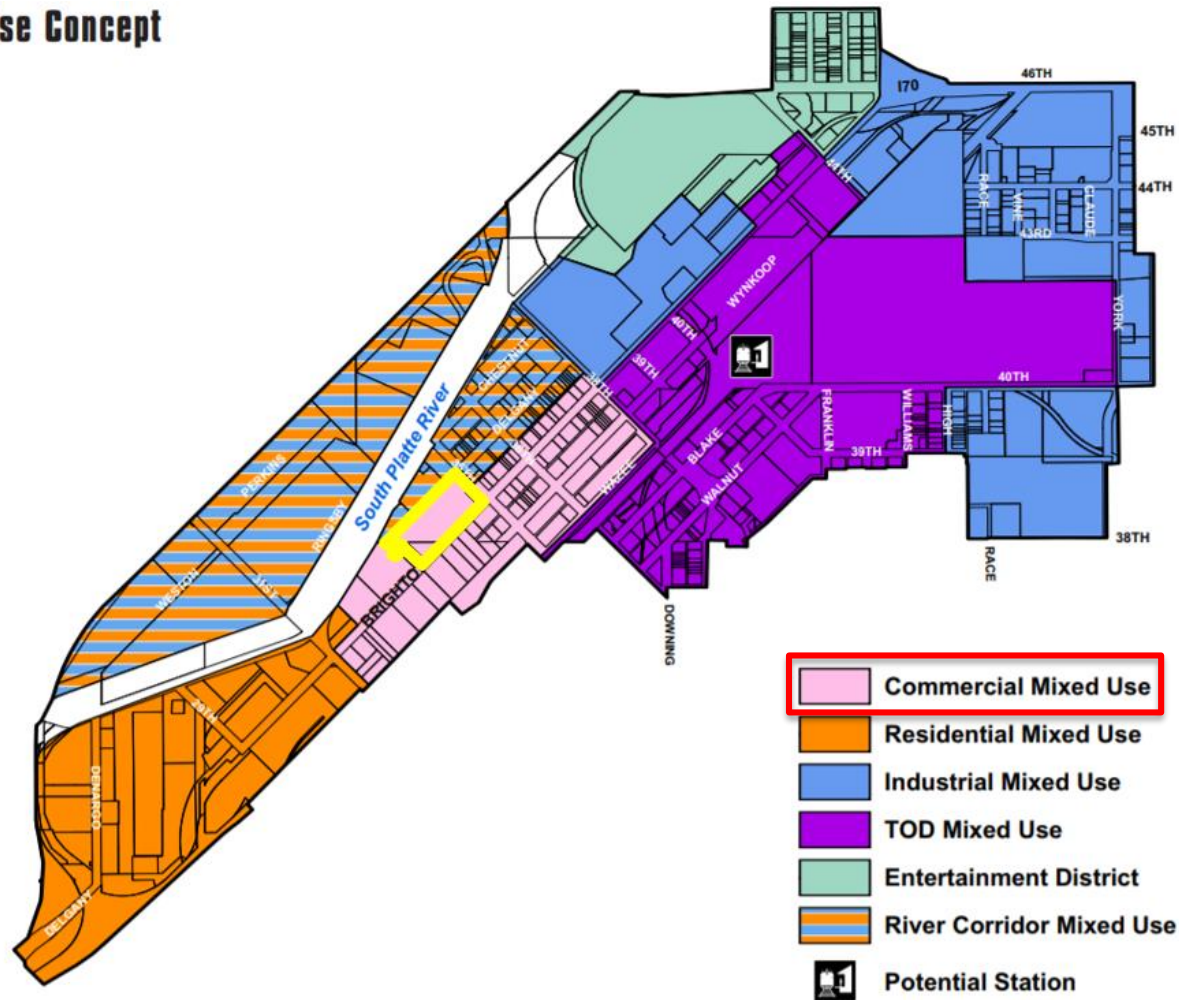
Legislative and Regulatory Priorities, Recommendation 2: “Expand and strengthen land use regulations for affordable and mixed-income housing (p. 47).”

Affordable and Workforce Rental Housing, Recommendation 5: “Promote development of new affordable, mixed-income and mixed-use housing” (p. 13)

The proposed map amendment to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers is consistent with these *Housing an Inclusive Denver* recommendations because **it promotes mixed-use and mixed-income housing** at this location through the inclusion of incentives and heightened design standards.

Review Criteria: Consistency with Adopted Plans

Land Use Concept



River North Plan (2003)

- Key elements of the plan concept include the following
 - Rezoning portions of the area to mixed-use
 - Create a variety of housing options including affordable housing
- Commercial Mixed Use
 - New heavy industrial uses are discouraged

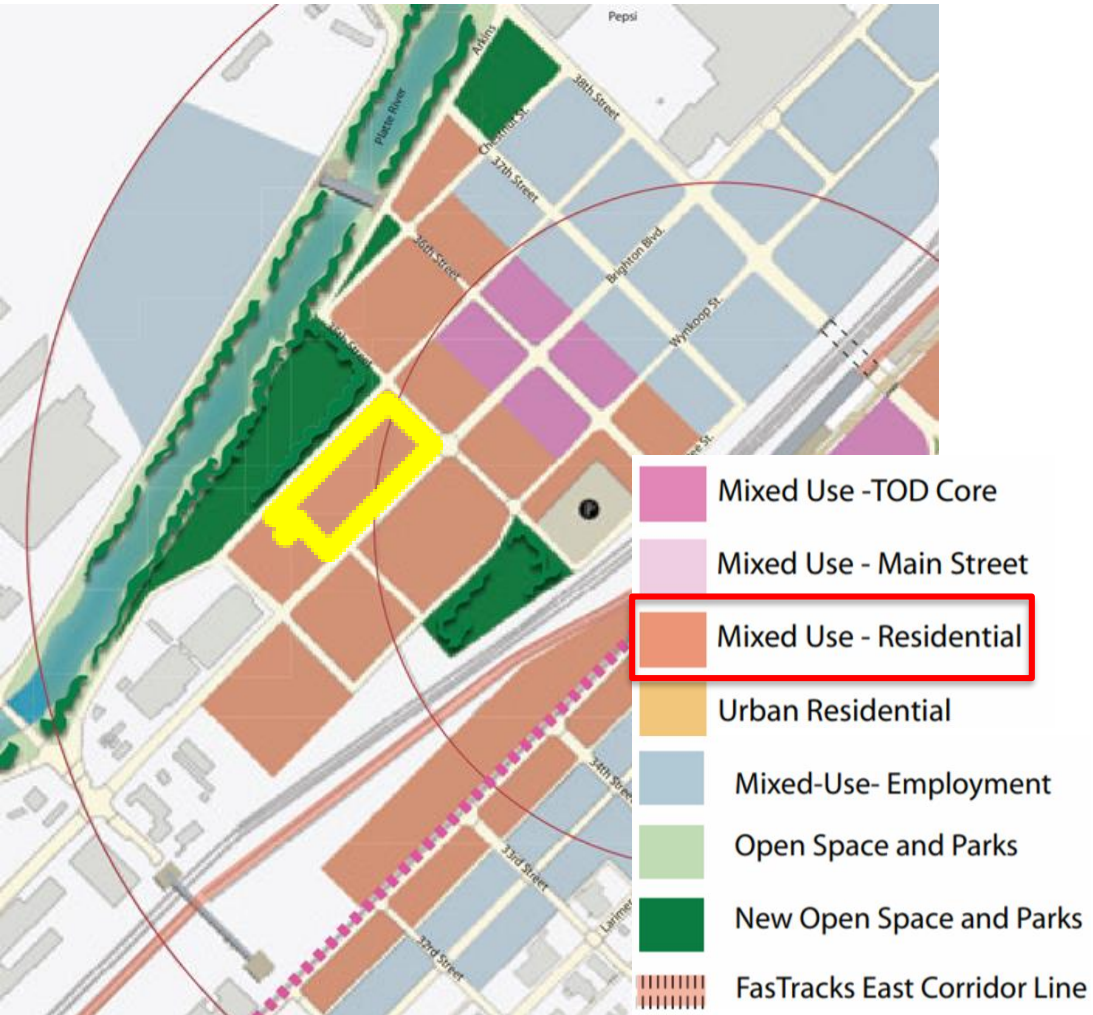
Review Criteria: Consistency with Adopted Plans



Elyria & Swansea Neighborhoods Plan (2015)

- Vision
 - Mixed-use development near 38th and Blake should include higher density housing, services and employment opportunities
- Enhanced Regulatory Tools
 - Safe and convenient access to transit along pedestrian activated streets
 - Discussion and collaboration with the community and neighborhood associations to consider taller heights nearest the station

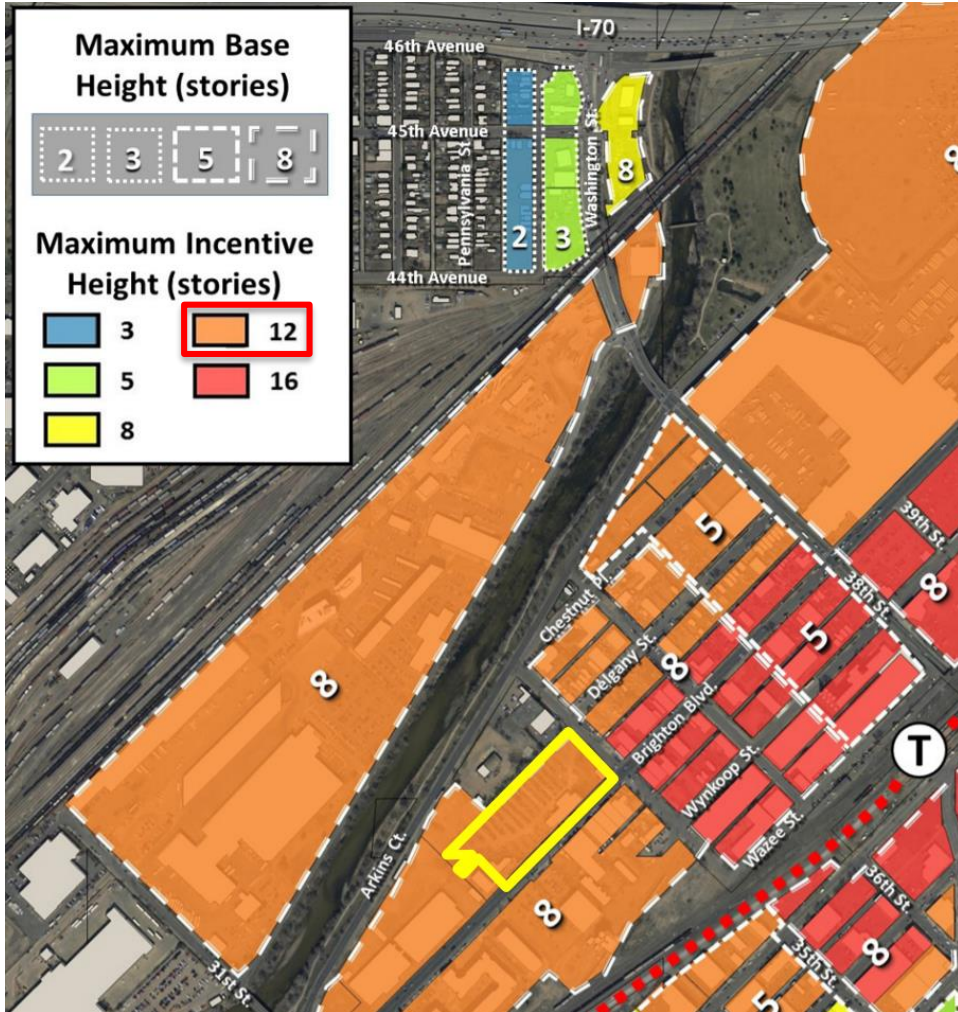
Review Criteria: Consistency with Adopted Plans



38th & Blake Station Area Plan (2009)

- Vision
 - Increase the population of residents living near transit through adaptive reuse or construction of new buildings along Brighton Boulevard
- Building Heights
 - Specific building heights were modified by the 38th and Blake Height Amendments
 - Maximum buildings heights at the subject site should be higher than building heights on the other side of the railroad tracks

Review Criteria: Consistency with Adopted Plans



38th & Blake Station Area Height Amendments (2016)

- Vision
 - Make clear the vision for building height
 - Respond to changing conditions and public investment
 - Support appropriate and desired growth patterns, including building form standards and mixed-income housing
- Building Heights
 - Base height of 8-stories with a maximum incentive height of 12 stories

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
 - Implementation of adopted plans
 - Facilitate increased housing density and a mix of uses adjacent to transit
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
 - Changed or changing conditions
 - 38th & Blake Station/35th Street pedestrian bridge/Reconstruction of Brighton Blvd.
 - Nearby development and redevelopment
 - A City adopted plan
 - 38th & Blake Station Area Height Amendments
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

CPD Recommendation

CPD recommends approval based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent