



TO: Denver City Council
FROM: Brandon A. Shaver, Senior City Planner
DATE: October 31, 2019
RE: Official Zoning Map Amendment Application #2018I-00086
3333 & 3395 Brighton Boulevard
Rezoning from PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with
waivers

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00086.

Request for Rezoning

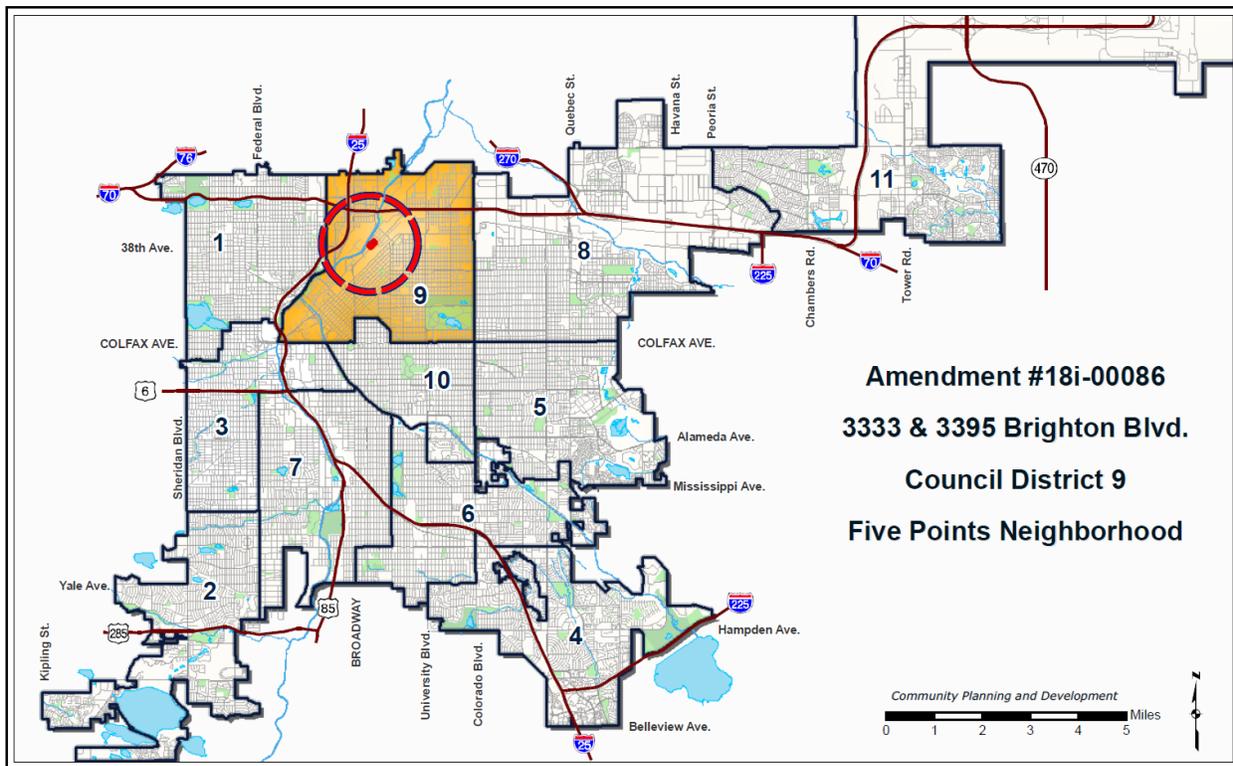
Address:	3333 & 3395 Brighton Blvd
Neighborhood/Council District:	Five Points / Council District 9
RNOs:	Inter-Neighborhood Cooperation (INC), Center City Denver Residents Organization, Denver Arts and Culture Initiative, Elyria Swansea/Globeville Business Association, RiNo Art District, Rio Norte, UCAN, Unite North Metro Denver
Area of Properties:	206,474 square feet or 4.74 acres
Current Zoning:	PUD-G#7, UO-2
Proposed Zoning:	C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers
Property Owner(s):	3403 Brighton LLC
Owner Representative:	Bryan Sleeks and Kirsty Greer

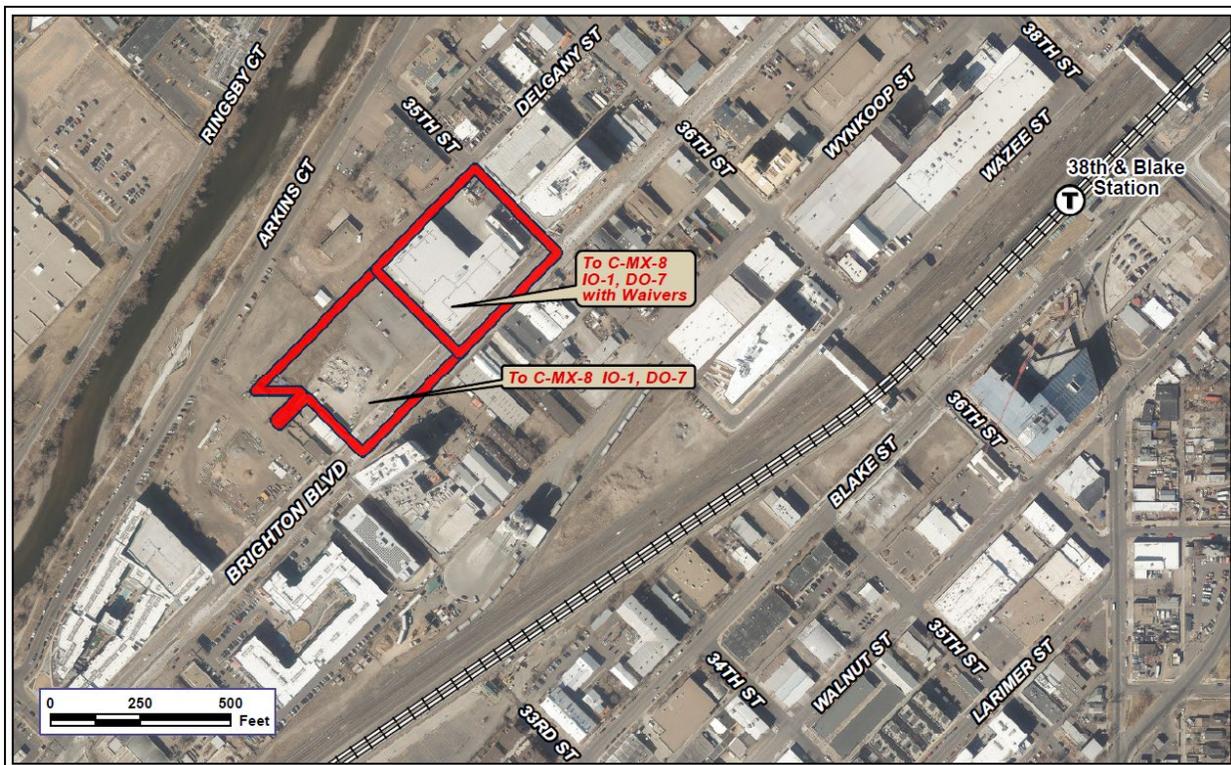
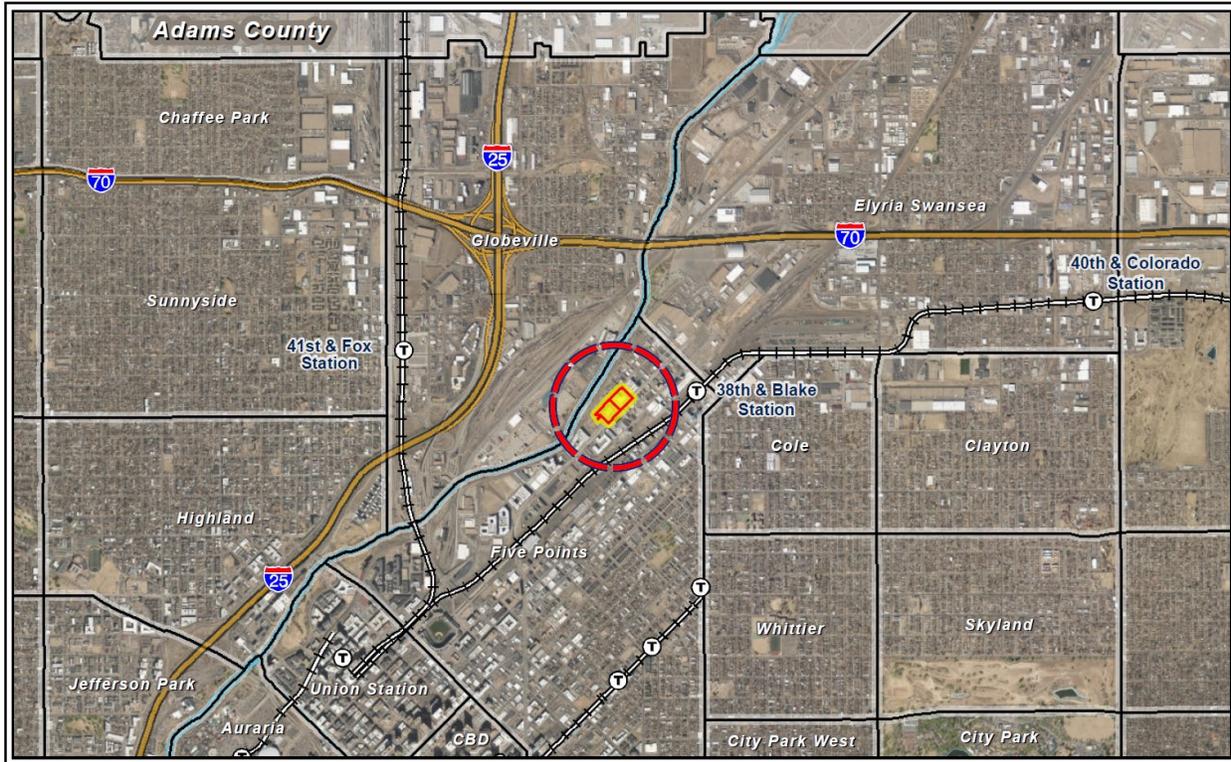
Summary of Rezoning Request

- The property is in the Five Points statistical neighborhood at the southwest corner of Brighton Boulevard and 35th Street.
- The property, owned by 3403 Brighton LLC, is occupied by one building which houses brewing and distilling operations for Great Divide Brewing Company.
- The applicant is requesting this rezoning to sell a portion of the property for a mixed-use development and continue the current use.
- The proposed zone districts, C-MX-8, IO-1, DO-7, and waivers can be summarized as follows (see map below illustrating proposed zone districts):
 - The C-MX-8 zone district stands for Urban **C**enter, **M**ixed Use, with a maximum height of **8** stories. The C-MX zone districts are mixed-use zone districts that allow a wide range of residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The C-MX-8 zone district allows up to 8 stories and 110 feet in building height.
 - The city adopted the 38th and Blake Incentive Overlay (IO-1) in 2018 to implement the 38th and Blake Station Area Height Amendments (2016) by requiring affordable housing

- and other community benefits for development that exceeds defined base building heights. The IO-1 overlay would apply to the entire area to be rezoned.
- The River North Design Overlay (DO-7) is intended to promote high quality design, a human scale that promotes vibrant pedestrian-oriented streets, and multi-modal transportation options. These design standards mandate a higher design quality and street level activation than the C-MX base zone district and the overlay would apply to entire subject site.
 - The proposed waivers allow for uses tied to Great Divide Brewing Company's current operations. These uses include Manufacturing, Fabrication & Assembly, General and Outdoor Storage, General. The waivers would only be applied to the northern parcel where Great Divide Brewing Company currently operates.
 - Further details of the requested zone districts and waivers can be found in the proposed zone district section of the staff report (below) and in Articles 7, 9, and 11 of the Denver Zoning Code (DZC).

Existing Context





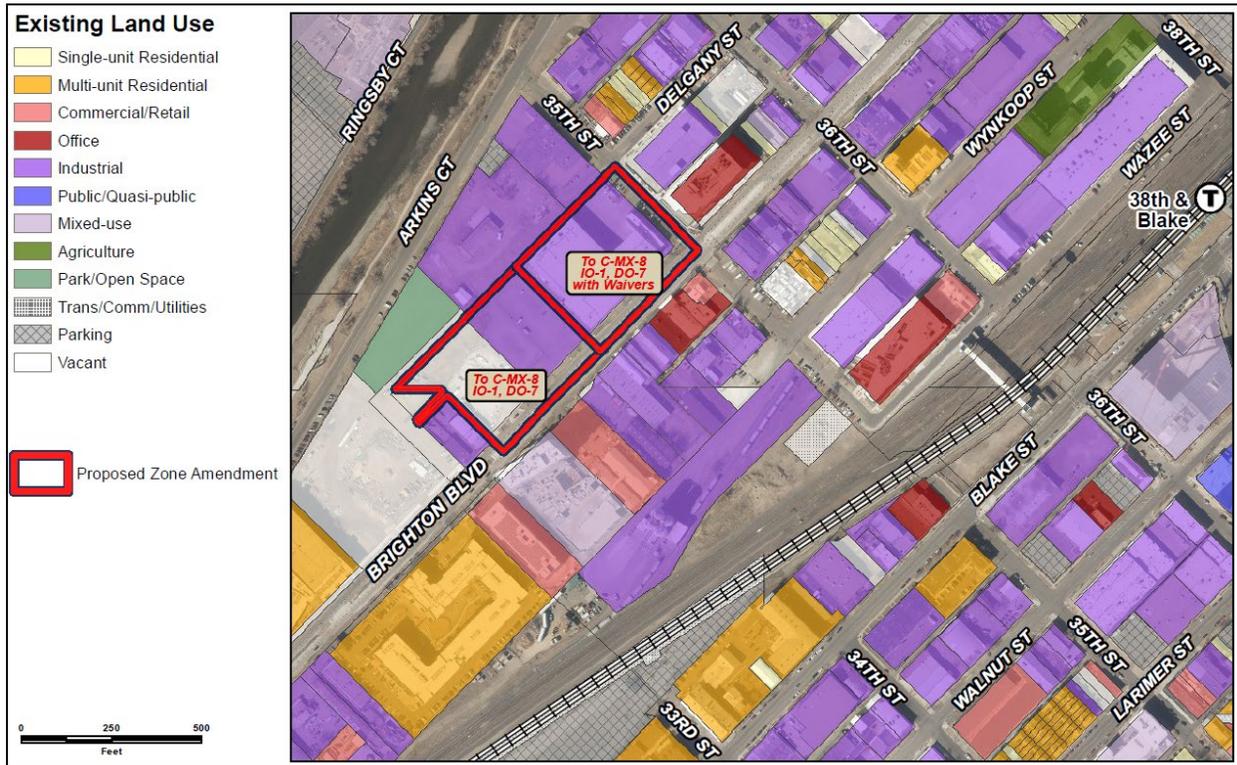
The subject property is in the Five Points neighborhood, within the 38th and Blake station area. Significant public investment, recent map and text amendments and the opening of the rail transit station suggest this area is transitioning from an industrial context to an urban center neighborhood context. The subject site is approximately two blocks long on the northwestern side of Brighton Boulevard from roughly 33rd Street to 35th Street. It is the equivalent of one city block in width, reaching to Delgany Street from Brighton Boulevard. It can be accessed by vehicles via Brighton Boulevard and 35th Street. In addition, a bridge near 36th and Wazee Streets provides bicycle and pedestrian access to the subject property from the 38th and Blake station. This station is served by RTD's University of Colorado A-Line which provides access to Union Station and Denver International Airport.

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

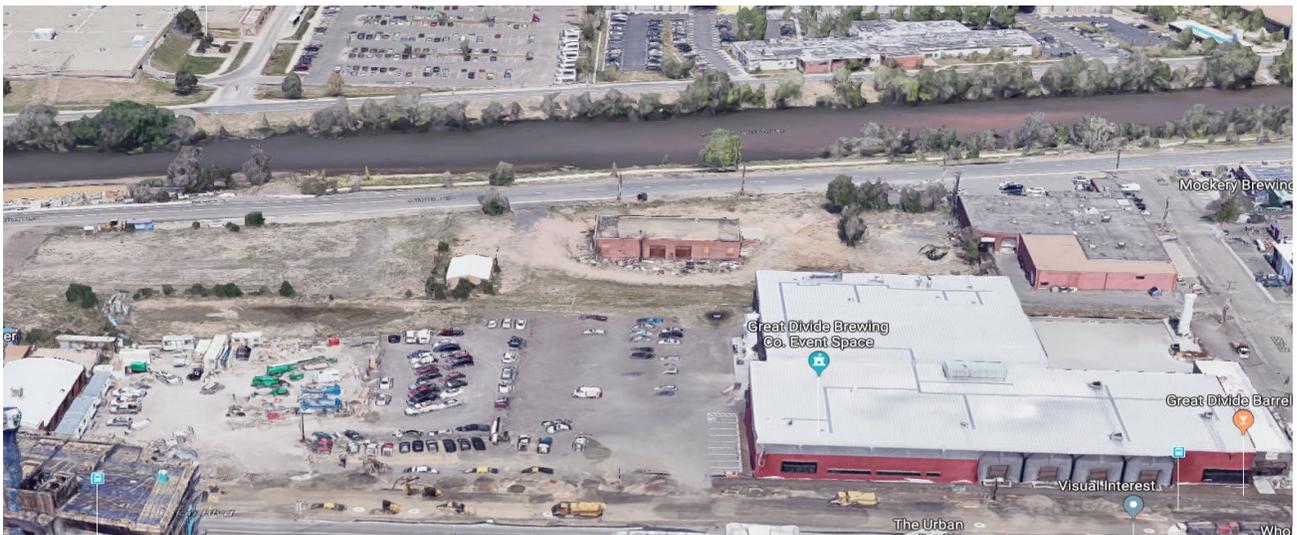
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD-G#7, UO-2	Industrial and vacant	1-story industrial building at corner of 35 th and Brighton built to property line and storage yard	The area is served by the original diagonal Denver street grid interrupted by commuter and freight rail tracks to the south and east of the subject site and by the South Platte River to the north and west.
North	C-MX-12, IO-1, DO-7	Office and industrial	7-story office building and 5-story parking structure both built to property line with high build-to ranges	
South	C-MX-8, UO-2, IO-1, DO-7 and C-MX-12, UO-2, IO-1, DO-7	Industrial and vacant	2-story industrial building and vacant land	
East	I-MX-8, UO-2, IO-1, DO-7 and C-MX-12, UO-2, IO-1, DO-7	Office, commercial/retail and industrial	1-2 story industrial and commercial buildings built to property lines	
West	OS-A and C-MX-8, UO-2, IO-1, DO-7	Park (under construction)	1-story industrial building to be repurposed into amenity for RiNo Park	

Planned Unit Development (PUD), the overlays were unable to be added through the legislative rezoning.

2. Existing Land Use Map



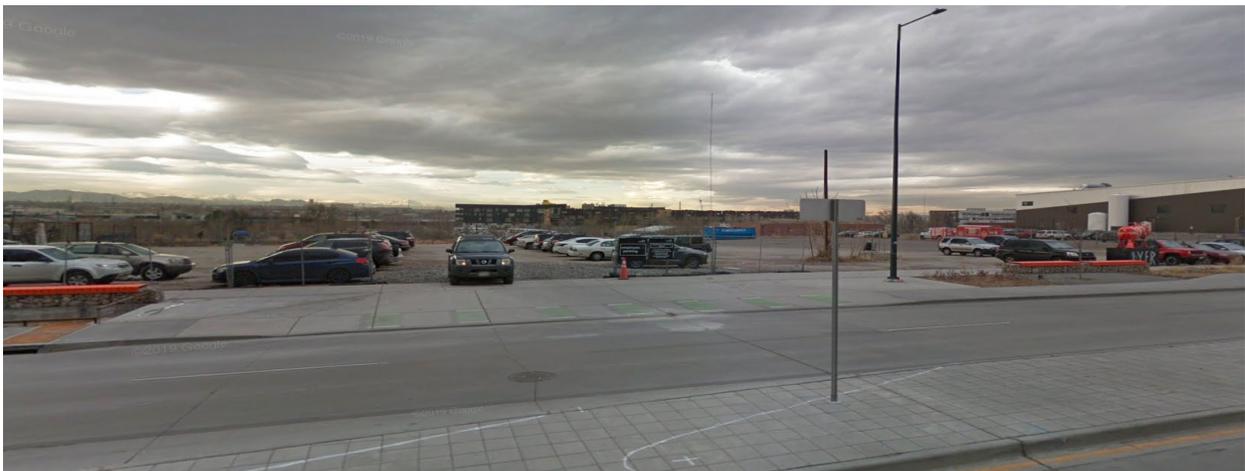
3. Existing Building Form and Scale



Aerial view of the subject property looking northwest from above Brighton Blvd. (Source: Google Maps)



North of the subject site looking southwest from 35th St. (Source: Google Maps)



East of the subject site looking northwest from Brighton Blvd. (Source: Google Maps)



North of the subject site looking southeast from 35th St. (Source: Google Maps)

Proposed Zoning

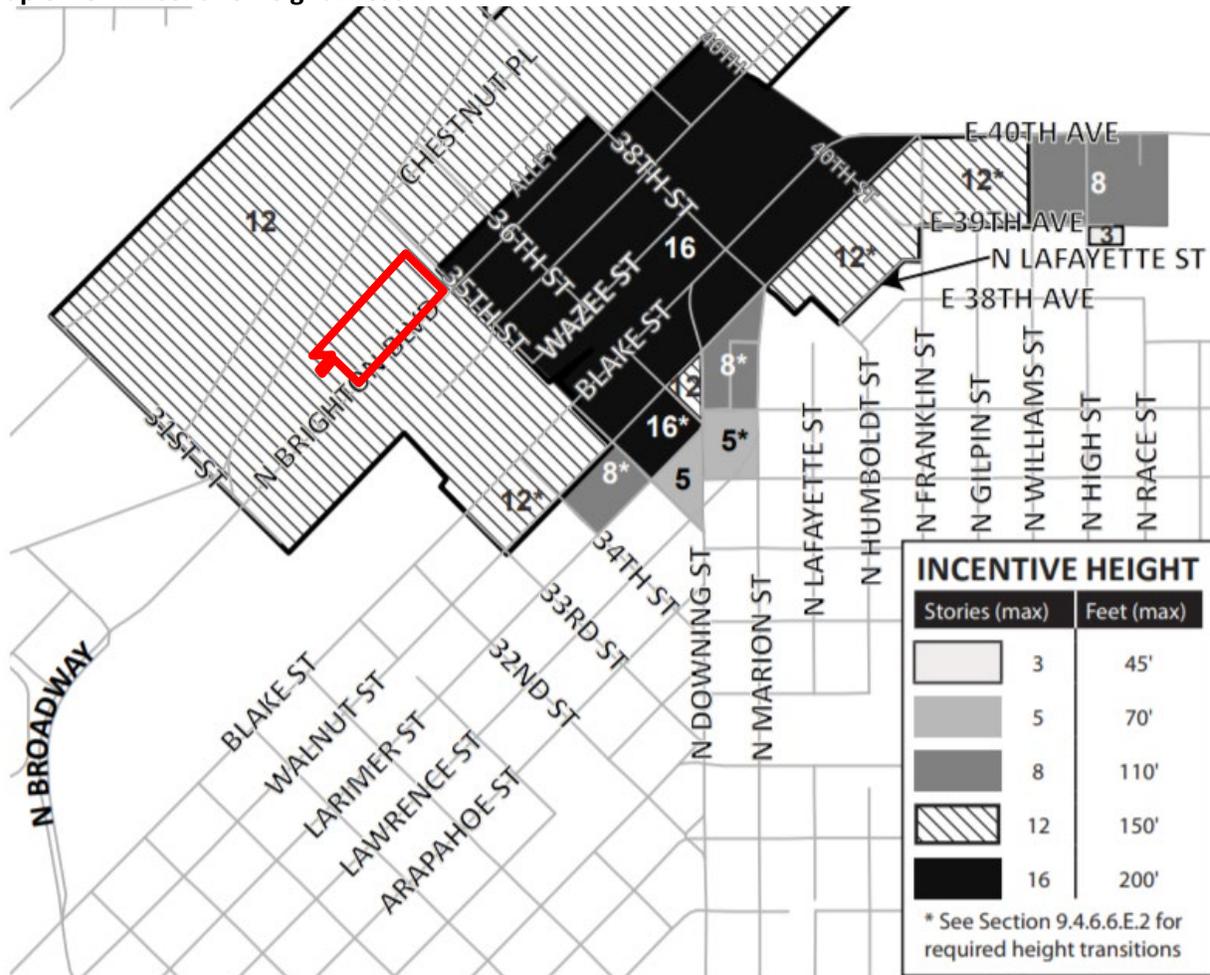
C-MX-8 Zone District

The requested C-MX-8 zone district has a maximum height, in feet, of 110 feet with allowable encroachments. The minimum primary street setback is 0', except for the town house building form which has a 10' minimum primary street setback. It also requires a minimum build-to of 70% with 40% transparency on primary streets. A variety of mixed residential and commercial uses are allowed. For additional details regarding building form standards in the C-MX-8 zone district, see DZC Section 7.3.3.4.

IO-1 (38th and Blake Incentive Overlay)

The 38th and Blake Station Area Incentive Overlay district was established in 2018. The purpose of the overlay district is to implement the 38th and Blake Station Area Height Amendments (2016) by requiring affordable housing and other community benefits for development that exceeds defined base building heights. DZC Section 9.4.6.6 establishes that no overlay-based affordable housing or community benefit requirements apply to buildings that do not exceed the maximum building height set forth in the base zone district. The overlay district establishes a map-based maximum incentive height framework (see map below). The IO-1 map in the DZC sets forth a maximum incentive building height of 12 stories for the subject property. See Section 9.4.6 for more details on the IO-1 zone district.

Map of IO-1 Incentive Height Areas



DO-7 (River North Design Overlay)

The River North (RiNo) Design Overlay addresses a variety of urban design objectives. Per DZC Section 9.4.5.11, the purpose of the overlay district is to promote high quality design, a human scale that promotes vibrant pedestrian-oriented streets, and multi-modal transportation options. Specifically, the overlay addresses build-to requirements, residential setbacks, parking location and access, and building design such as mass reduction and transparency. The DO-7 sets forth the following requirements in addition to any base DZC zone district:

- A 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.

See DZC Section 9.4.5.11 for more details on the DO-7 zone district.

Waivers

Section 12.4.10.6 of the Denver Zoning Code enables official map amendment applicants to request a waiver of certain rights or obligations under the proposed zone district. This application includes a request for four waivers, as outlined in the attached application. The waivers are as follows:

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.

The proposed waivers are to be applied only to the northern parcel of the subject site. These waivers will continue to allow brewing and distilling operations where they currently exist. These operations coupled with the need for increased design standards adjacent to RiNo Park necessitated the creation of the PUD in 2013. However, with the creation of the River North Design Overlay in 2017, a PUD was no longer needed and the provisions for brewing and distilling operations can be carried forward in the form of waivers.

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

Design Standards	PUD-G#7 (Existing)	C-MX-8, IO-1, DO-7 (Proposed)
Primary Building Forms Allowed	Town House; General; Shopfront	Town House; General; Shopfront
Height in Stories/Feet (max)	8/110'	12/150'
Primary Build-To Percentages (min)	70-75%*	70-75%*
Primary Build-To Ranges	0' to 15'*	0' to 15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	0' to 10'*	0' to 10'*
Building Coverages	N/A	N/A

*Standard varies between building forms

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 Comments

Asset Management: Approved – No comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See Comments

DDPHE concurs with the proposed rezoning; however, there are environmental conditions historically associated with the site including leaking underground storage tanks and the potential for elevated concentrations of polynuclear aromatic hydrocarbons in soil. The applicant should confirm site conditions are appropriate for the proposed future use.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DDPHE performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Legal is approved

Development Services - Transportation: Approved – No comments

Development Services – Wastewater: Approved – See Comments

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction

documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No comments

Development Services – Fire Prevention: Approved – No comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	11/21/18
Applicant revised and resubmitted application after amending the site development plan and completing a zone lot amendment:	6/11/19
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:	8/20/19
Planning Board public hearing (voted 6-0 in favor)	9/4/19
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:	9/9/19
Land Use, Transportation and Infrastructure Committee of the City Council meeting (voted 4-3 in favor)	9/24/19
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	10/14/19
City Council Public Hearing (tentative)	11/4/19

- **Registered Neighborhood Organizations (RNOs)**
 - The RiNo Arts District, a registered neighborhood organization, submitted a letter recommending support of the application.
- **Other Public Comment**

As of the date of this staff report, 7 letters were received expressing support for the application. The letters were supportive of the rezoning as it would bring more uniformity of district regulations and restrictions via the River North Design Overlay (DO-7).

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Housing an Inclusive Denver (2018)*
- *River North Area Plan (2003)*
- *38th & Blake Station Area Plan (2009)*
- *Elyria & Swansea Neighborhoods Plan (2015)*
- *38th & Blake Station Area Height Amendments (2016)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 29).*
- Economically Diverse and Vibrant Goal 3, Strategy A – *Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver (p. 46).*
- 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).*
- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*
- Healthy and Active Goal 2, Strategy A – *Ensure equitable access to parks and recreation amenities for all residents (p. 58).*

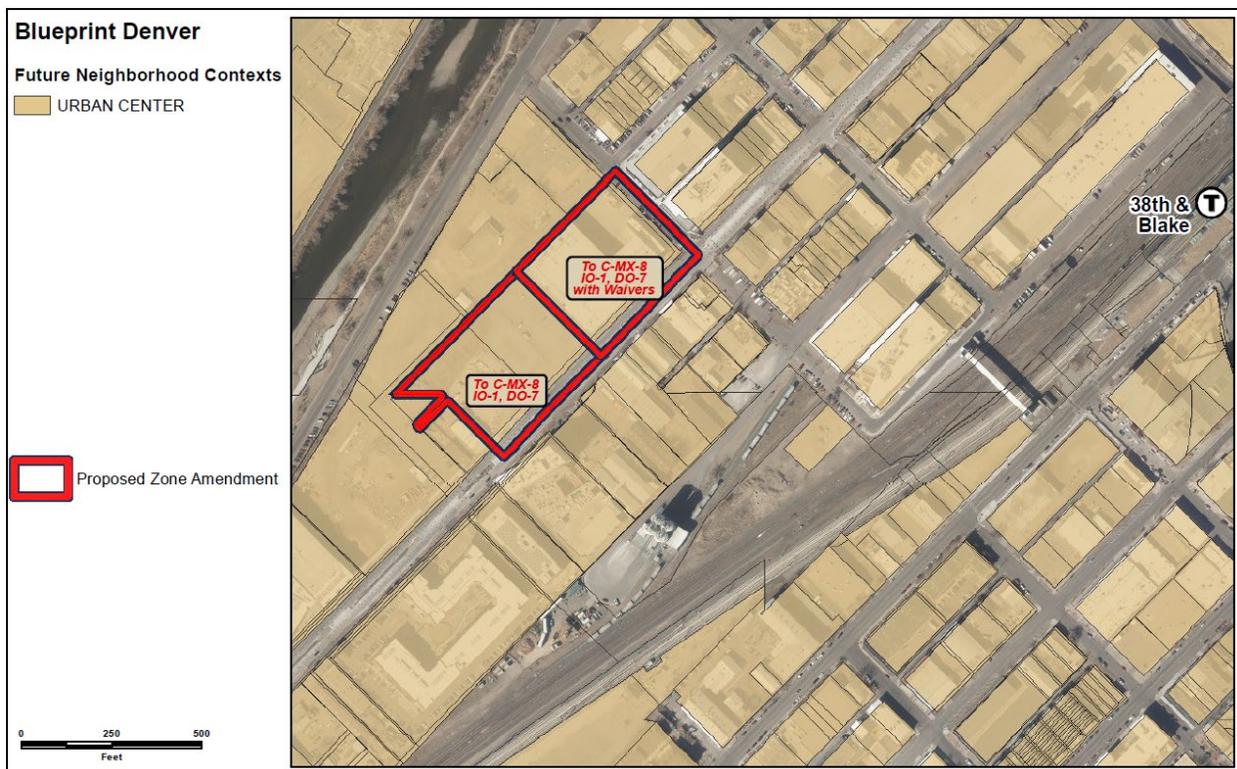
The requested map amendment will enable mixed-use development at a high-frequency transit adjacent infill location where infrastructure is already in place. The requested C-MX zone district broadens the

variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

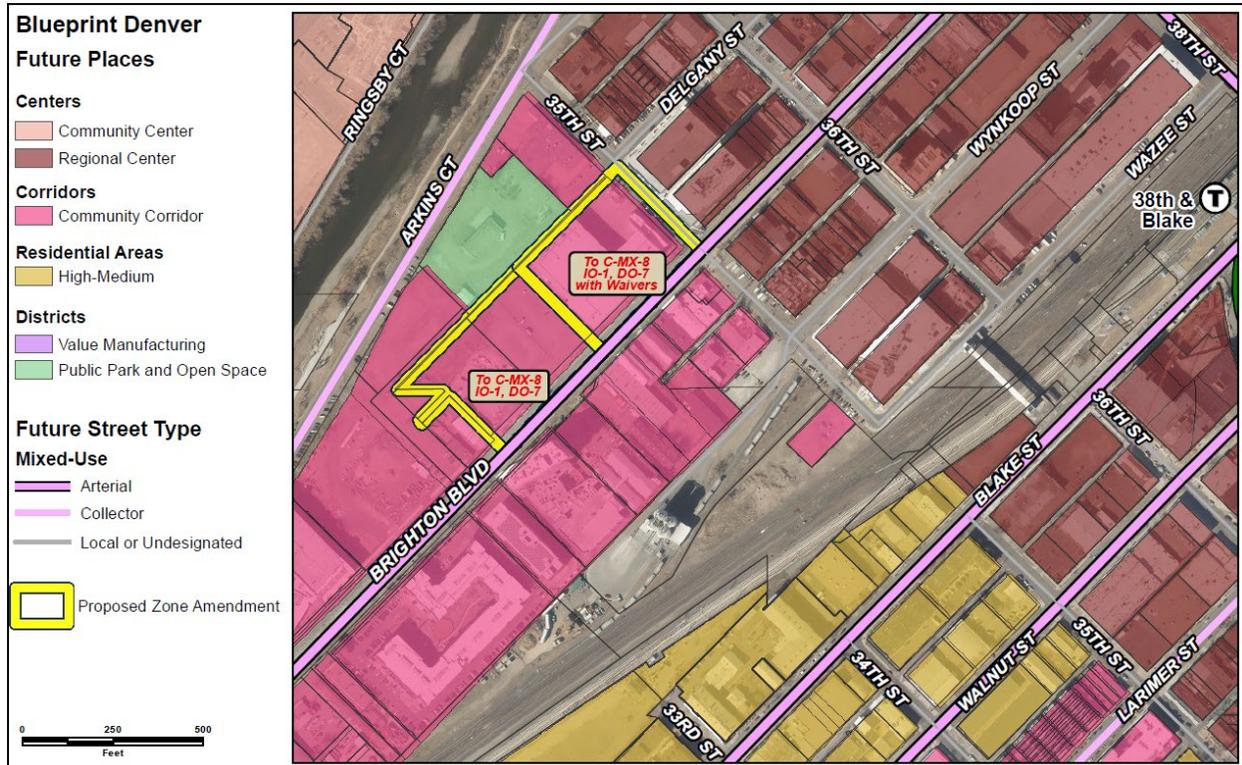
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Community Corridor place within the Urban Center Neighborhood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

Blueprint Denver Future Neighborhood Context



The subject property is within the Urban Center Neighborhood Context. “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-8 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 edge” and “the Mixed-Use districts are focused on creating mixed, diverse neighborhoods” (DZC 7.2.2.1). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

Blueprint Denver Future Places



The Future Places map designates the subject property as Community Corridor. Blueprint Denver describes the aspirational characteristics of Community Corridors in the Urban Center context as “provid[ing] a mix of office, commercial and residential land uses... A wide customer draw both of residents from surrounding neighborhoods and from other parts of the city...Buildings have a distinctly linear orientation along the street...Heights are generally up to 8 stories” (p. 258). Consistent with this guidance, the proposed C-MX-8 district provides for a mix of uses and stringent building form standards that create an active street level presence. The 8-story district height is consistent with the surrounding context and appropriate for the Community Corridor in this location.

Street Types

Blueprint Denver 2019 classifies Brighton Boulevard as a Mixed-Use Arterial street and 35th Street is an undesignated local street. “Mixed-use streets are anticipated to have a variety of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback” (p. 159). Arterial streets are designed for the highest degree of through movement. Residential streets have “Primarily residential uses, but may include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback” (p. 160). Local streets have the best property access. The proposed C-MX-8 zone district allows a broad range of residential and commercial land uses with a shallow front setback. Therefore, the districts are consistent with the mixed-use

arterial and residential street types at this site.

Growth Strategy



Blueprint Denver designates the subject property is part of a Community Corridor. Community Corridors are anticipated to see 25% of new housing growth and 20% of new employment growth by 2040 (p. 50-51). Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to C-MX-8 will allow for mixed-use growth in a Community Corridor where it has been determined to be most appropriate. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

Strategies

Blueprint Denver recommends limiting the use of customized zoning tools only to circumstances “when a standard zone district does not exist to implement the adopted plans of an area” (Land Use & Built Form General, Policy 3 Strategy B p. 73). The 38th and Blake Station Height Amendments, mentioned later in the staff report, support a new regulatory approach to achieve greater building design standards and recommends the integration of affordable housing and mixed income development within the station area.

Blueprint Denver also recommends incentivizing land in parts of the city with access to transit. “Allow increased density in exchange for desired outcomes, such as affordable housing, especially in transit-rich areas” (Land Use & Built Form General, Policy 2 Strategy C p. 72).

Blueprint Denver contains additional policies and strategies that are geared toward creating incentives using zoning tools, such as the overlays proposed in this map amendment. “Incentivize affordable housing through zoning, especially in regional centers, community centers and community corridors adjacent to transit” (Land Use and Built Form Housing, Policy 6 Strategy A p. 85).

Blueprint Denver also speaks to the need for better design outcomes and the application of design overlays in high-profile areas of the city. “Use design overlays in limited areas to direct new development towards a desired design character unique to that area that cannot be achieved through other tools” (Land Use & Built Form Design Quality and Preservation, Policy 3 Strategy D p. 102).

The proposed rezoning from a PUD zone district to a standard DZC zone district with incentive and design overlays, coupled with the limited use of waivers is consistent with Blueprint Denver’s recommendations.

Housing an Inclusive Denver

Adopted in 2018, the Housing an Inclusive Denver plan was not adopted as a supplement to the Comprehensive Plan but can be considered an “adopted plan” for this map amendment review criterion when relevant. The Plan includes citywide guidance for using Blueprint Denver and other partnerships to reduce regulatory barriers to development of affordable housing and supporting mixed-income communities. Some of its recommendations can be applied to individual map amendments that propose incentive overlays. In this case, the following plan goals are applicable:

- Legislative and Regulatory Priorities, Recommendation 2: “Expand and strengthen land use regulations for affordable and mixed-income housing (p. 47).
- The City and its partners should implement and evaluate the success of the incentive overlay and explore expanding the program to other areas where increased density may be appropriate, such as near transit” (p. 49).
- Affordable and Workforce Rental Housing, Recommendation 5: “Promote development of new affordable, mixed-income and mixed-use housing” (p. 13)

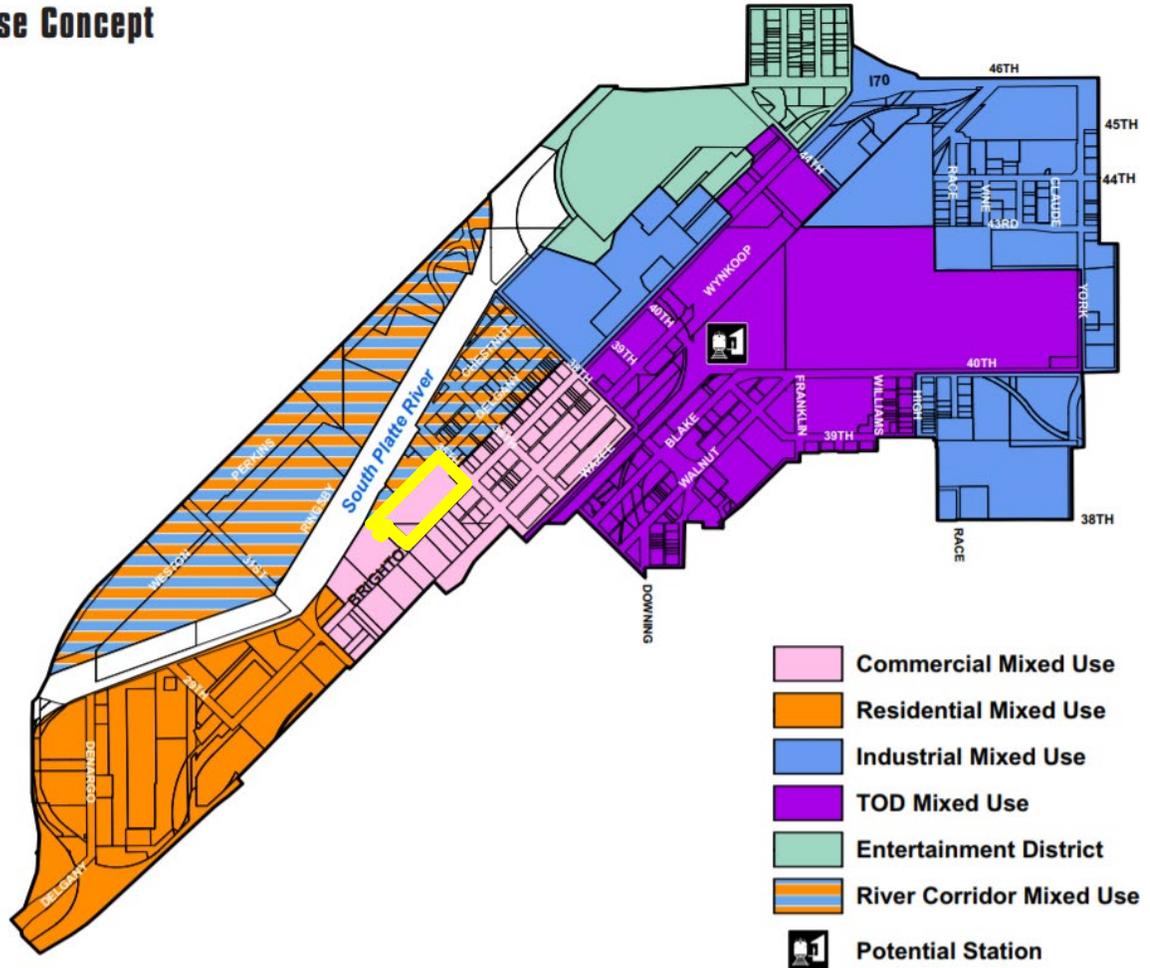
The proposed map amendment overlay to IO-1 is consistent with these Housing an Inclusive Denver recommendations because it will expand the availability and allow the development of affordable and mixed-income units utilizing height incentives at this transit-rich location.

River North Plan

The River North Plan was adopted by City Council in 2003 and applies to the subject property. It designates the area Commercial Mixed-Use and includes recommendations along Brighton Boulevard

such as ensuring "Brighton Boulevard is a gateway to downtown and offers a great opportunity for services, neighborhood-serving retail and a variety of other uses.

Land Use Concept

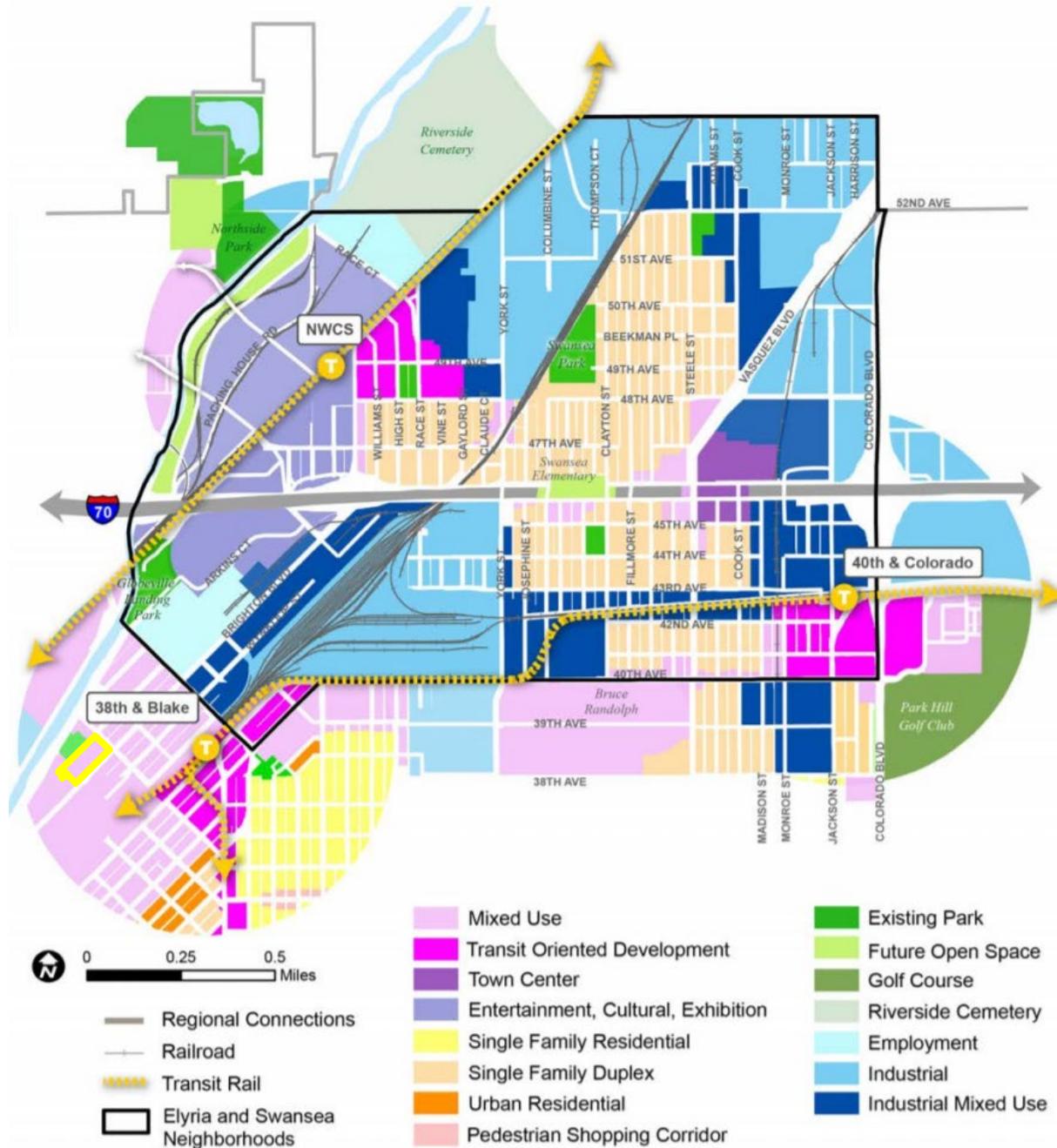


Many of the goals and objectives identified in the River North Plan have been addressed since 2003, but a few of the goals and objectives still to be accomplished include: (1) rezoning portions of the area to mixed-use zone districts (which has been accomplished generally on an area wide basis, but the subject property was not included in the legislative map amendment because of the existing PUD zoning designation), (2) promote economic activity in the neighborhood, and (3) create a variety of housing options including affordable housing. The proposed C-MX-8 zone district combined with the incentive and design overlays would be consistent with the recommendations of the River North Plan by allowing a mix of residential, office, and retail uses in a pedestrian-friendly form that contributes to urban fabric of the district.

Elyria & Swansea Neighborhoods Plan

The Elyria & Swansea Neighborhoods Plan was adopted by City Council in 2015 and applies to the subject property as it is within the 38th & Blake Station area. The plan categorizes the subject property as mixed-use which are “areas that have both a sizeable employment base as well as a variety of mid-to high-density housing options”.

CONCEPT LAND USE MAP

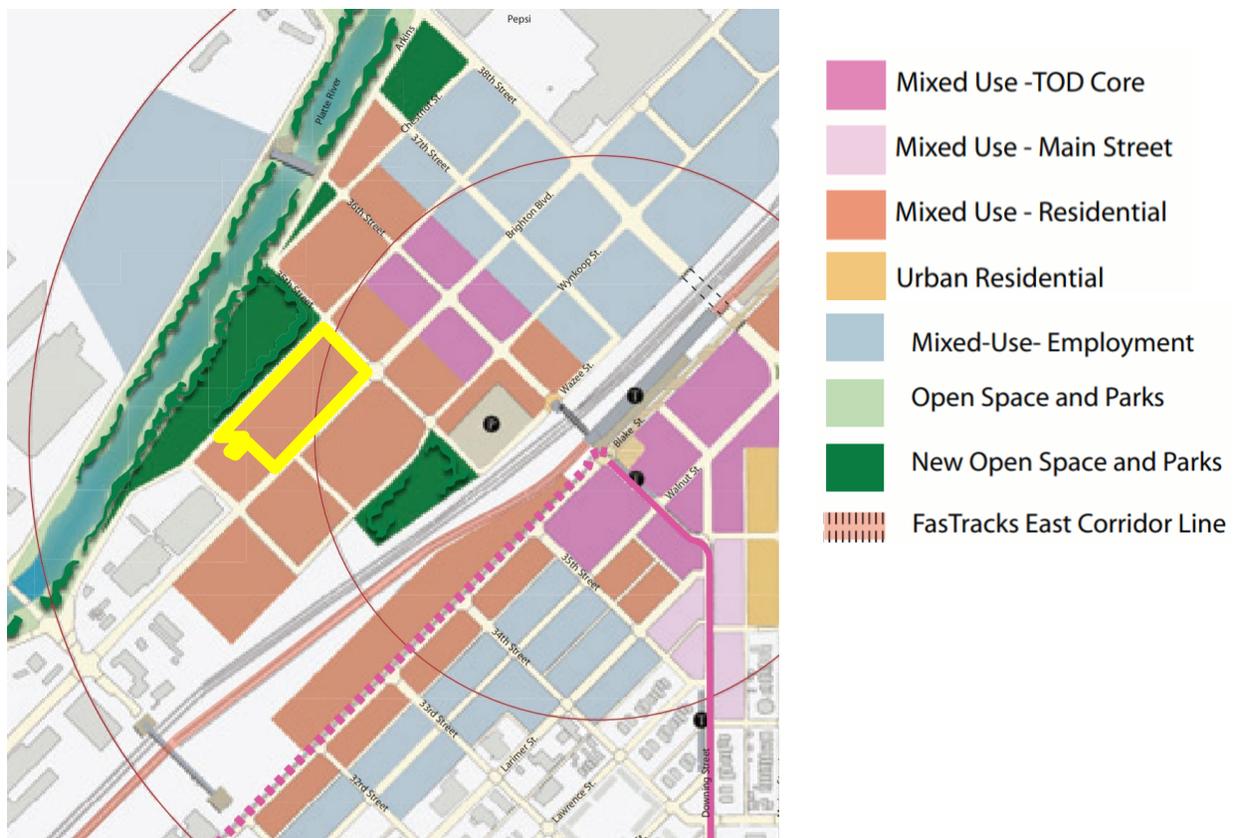


- Future land use recommendation for transit-oriented development near the 38th & Blake RTD Station, including “higher density housing, services and employment opportunities near rail stations to provide for a diverse population with safe and convenient pedestrian access to rail transit.”
- Recommendations for “discussion and collaboration with the community and applicable neighborhood associations to consider whether taller heights may be appropriate nearest the 38th and Blake RTD Station (page 31).

The proposed map amendment is consistent with the goals and objectives of the Elyria & Swansea Neighborhoods Plan as it will allow for variety of housing options and will offer the opportunity for increasing the employment base of the area.

38th & Blake Station Area Plan

The 38th & Blake Station Area Plan was adopted in August 2009 and provides further land use and policy guidance for the subject property. The Plan divides the study area into five distinct categories of land use designation, and the one assigned to this property is Mixed-Use Residential.

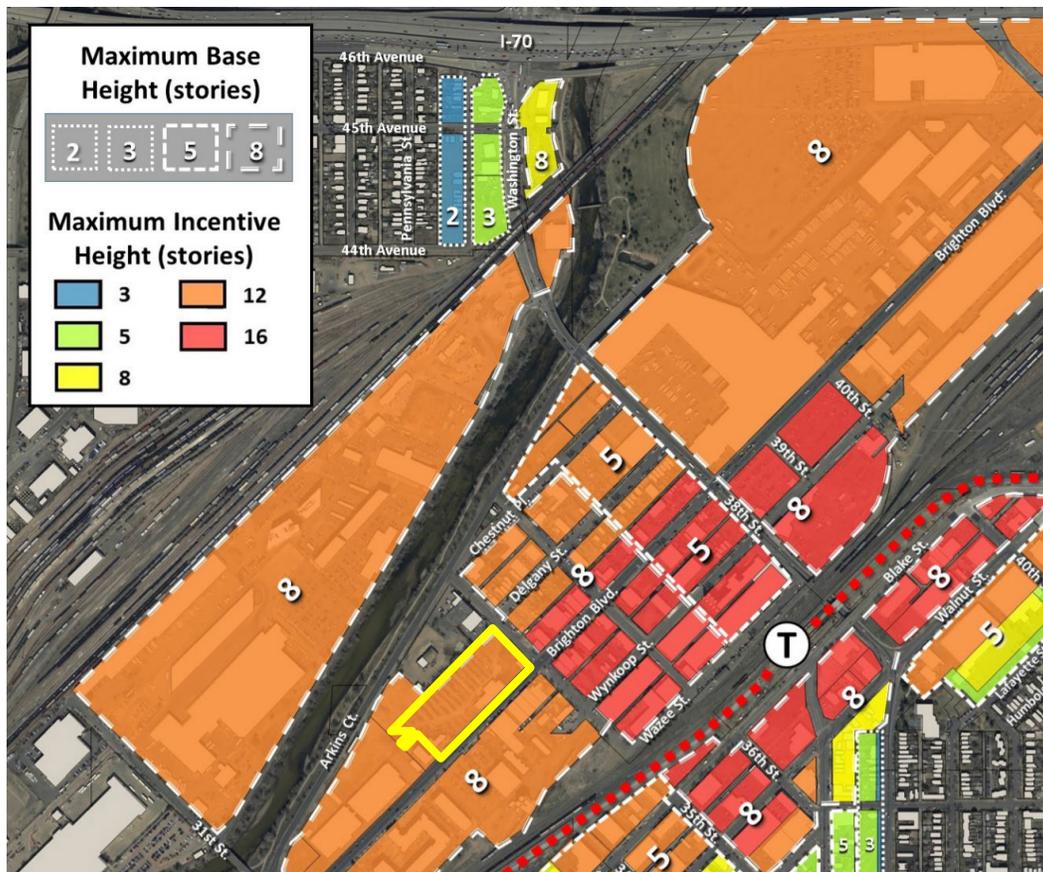


The 38th & Blake Station Area Plan further divides the study area into different subareas that each have their own function and character within the larger plan. The subject property falls within subarea C, Mixed-Use Residential Infill and Redevelopment. The recommendation for this subarea is to increase

the population of residents living near transit through the adaptive reuse of existing buildings or construction of new residential buildings along Brighton Boulevard and encourage mixed-use residential along Brighton Boulevard to create a residential base around the 36th Street and Brighton node and continue southwest along Brighton Boulevard towards Denargo Market. While the specific building heights reflected in the plan were modified by the 38th & Blake Height Amendment (discussed below), the 38th & Blake Station Area Plan does state that maximum building heights in this area should be higher than the building heights southeast of the railroad tracks.

38th & Blake Station Area Height Amendments

In September 2016, the 38th & Blake Station Area Height Amendments Plan was adopted which updated each of the three existing Small Area Plans referenced above. The recommendations in the 38th & Blake Height Amendment aim to (1) make clear the vision for building height, (2) respond to changing conditions and public investment affecting the 38th & Blake Station Area and the surrounding NDCC area, and (3) support appropriate and desired growth patterns, including building form standards, and mixed income housing opportunities associated with greater density and height within the overall 38th & Blake Station Area.



The subject property is mapped as having a base height of 8-stories with a maximum incentive height of 12-stories. As part of ongoing efforts to implement the 38th & Blake Height Amendment, text and map

amendments to the Zoning Code were implemented, creating the DO-7 and IO-1 overlay zone districts. The proposed map amendment to IO-1 will result in a maximum incentive height of 12 stories applied to this site. Therefore, the proposed rezoning to C-MX-8, IO-1, DO-7 is consistent with the 38th & Blake Station Area Height Amendments and all other adopted plans which it amended.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8, IO-1, DO-7 will result in the uniform application of zone district building form, use and design regulations. The proposed rezoning to C-MX-8, IO-1, DO-7 with waivers creates a unique zone district in which the building form, use and design regulations will be applied uniformly within the area proposed to be rezoned with waivers with the written consent of the owner.

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 land use plan and fostering the creation of a pedestrian friendly, mixed-use area near high-frequency transit. More specifically, the introduction of the incentive overlay will enable more height if affordable housing or community benefits are provided, and these benefits promote the general welfare. The design overlay will create a better, more walkable and pleasant pedestrian-level outcome which drives better public health outcomes and high-quality place-making. Lastly, the proposed map amendment will allow for a mix of housing and greater employment opportunities, greatly contributing the general welfare of current and future residents.

4. Justifying Circumstances

The application cites justifying circumstance DZC section 12.4.10.8.A.4.a., that "[s]ince 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 change may include: Changed or changing conditions in a particular area, or in the city generally." Brighton Boulevard has undergone tremendous change since the Property was originally zoned PUD in 2013. Examples of new development projects that have been added to the surrounding neighborhood under the same or similar zoning as the requested Rezoning are as follows:

- The Edison RiNo, or Industry Denver Apartments, at 3063 Brighton Boulevard is a nearby (.4 miles) multifamily tower completed in 2018. This development is in a R-MU-30 zone district but is 95 feet tall above the base plane. Though the zoning is different than the subject rezone application, the uses and height are similar to what is contemplated for the subject property.
- Directly across Brighton Boulevard from the Property is the Source Hotel. This development, located within an I-MX-8 zone district, is 8 stories in height and a mixed-use development containing hotel and retail. The underlying zoning requested in the subject application would allow for a similar mass, height and use to the Source Hotel.
- The developers of "Drivetrain" recently submitted drawings to the city for site plan review. This parcel, at Brighton and 33rd Street, just to the south of the Property, is zoned C-MX-12. The site

plan will be high density apartments up to 7 stories with ground floor retail. The requested rezoning at hand will allow for a development project similar to this one.

In addition, there has been a change since the date of the approval of the existing zone district of a City-adopted plan, as included in DZC section 12.4.10.8.A.4.b. The property is subject to the adopted plan guidance in the 38th & Blake Height Amendment, which was adopted in 2016. As discussed above, the rezoning would accomplish the goals of the 38th & Blake Height Amendments by including the subject property in the map amendment area intended to be covered by the DO-7 and IO-1 overlay zone districts, thereby removing the property from the existing PUD zoning designation, and is otherwise consistent with the City's adopted plans which were not in effect at the time the property was originally zoned PUD, specifically Comprehensive Plan 2040, Blueprint Denver, and the 38th & Blake Height Amendments.

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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-) district will include "multi-unit residential and mixed-use commercial strips and commercial centers." It is also described as follows: "Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets." As has been described in the staff report, this rezoning request is to bring the subject Property's zoning into conformance with the zoning that already exists in the surrounding neighborhood, i.e. mostly a mix of C-MX- 8 and C-MX-12.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-8 district "applies to areas or intersections primarily served by arterial streets where a building scale of 2 to 8 stories is desired" (DZC Section 7.2.2.2.C). The site is served by an arterial street with transit service and bike lanes. Thus, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

The purpose of the IO-1 overlay district in the Denver Zoning Code is to "ensure that higher-intensity development compliments public transit investments providing specific community-benefits as recommended by the adopted plan" (DZC Section 9.4.6.6.B). The subject property owner is committed to providing community-benefits such as mixed-income and affordable housing on-site in exchange for greater building height. Thus, the proposed map amendment is consistent with the purpose statements of the incentive overlay district.

The River North Design Overlay (DO-7) has many purposes including "implement adopted plans; promote creative, high-quality, design in the general area covered by the adopted 38th and Blake Station Area Height Amendments and the RiNo Business Improvement District; provide flexibility to support the diverse design traditions of RiNo; activate the South Platte River frontage to promote the river as a neighborhood asset; maintain human scale and access to daylight as heights and densities increase throughout the district; promote vibrant pedestrian street frontages with active uses and street-fronting building entries; provide transitions between residential frontages and mixed-use streets; ensure that

buildings are designed to adapt to new uses as the district changes and evolves; promote active transportation options, such as walking and biking; minimize potential conflict points between pedestrians and motor vehicles; minimize the visibility of surface and structured parking areas for vehicles; and encourage small, privately-owned, open spaces to increase design diversity along the street frontage and support pedestrian activity.” (DZC Section 9.4.5.11.B). The site, with its proximity to the South Platte river and adjacency to the newly constructed Brighton Boulevards warrants special attention to detail to activation, building entries and other human scaled elements. Thus, the proposed map amendment is consistent with the purpose statements of the design overlay district.

Attachments

1. PUD-G#7
2. Public comments

PUD-G 7



Contents

PUD-G 7

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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.

CHAPTER 2. URBAN CENTER NEIGHBORHOOD CONTEXT DESCRIPTION

All development within this PUD-G 7 shall conform to the Denver Zoning Code, Division 7.1, Neighborhood Context Description, as amended from time to time.

CHAPTER 3. DISTRICTS

Development in this PUD-G 7 shall conform to the Denver Zoning Code, Division 7.2, Districts, as specifically applicable to the C-MX-8 Zone District, as amended from time to time.

CHAPTER 4. DESIGN STANDARDS

Development in this PUD-G 7 shall comply with the Denver Zoning Code, Division 7.3, Design Standards, as specifically applicable to the C-MX-8 Zone District, and as amended from time to time, with the following exception:

- A. The Required Build-To standard applicable to a designated Side Street Zone Lot line shall be 50% within 0' minimum and 15' maximum. This Required Build-To shall apply regardless of building form applied to a development within PUD-G 7. (See Chapter 6, Section 6.5, for designation of all zone lot lines within this PUD-G 7.)

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

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.

SECTION 5.2 REQUIRED MINIMUM PARKING

- 5.2.1 All new uses established in this PUD-G 7 shall comply with the Denver Zoning Code, Section 9.1.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to uses allowed in the I-MX-8 zone district, except the manufacture of malt beverage, wines, brandy and brandy spirits, and distilled and blended liquors uses shall comply with the parking standards required for these same uses in the I-A zone district.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 7 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 10 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 7 shall comply with the Denver Zoning, Code Article 10, General Design Standards, as specifically applicable to the C-MX-8 Zone District, as amended from time to time.

6.2.2 Minimum Spacing Between Buildings

Development of multiple buildings on the same zone lot in this PUD-G 7 shall be exempt from the Denver Zoning Code, Section 10.3.5, Minimum Spacing Between Buildings, as amended from time to time.

6.2.3 Compliance with Build-to Ground Story Activation Standards

Denver Zoning Code Section 10.3.3.2.A.2, regarding surface parking location on a zone lot with multiple buildings, as amended from time to time, shall apply to this PUD-G 7.

6.2.4 Outdoor Storage

Outdoor and unenclosed storage of products, materials, and/or equipment 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 and kegs, shall be considered "Limited Outdoor Storage," and not "General Outdoor Storage" as defined by the Denver Zoning Code in Section 10.8.4.2, as amended from time to time.

SECTION 6.3 ARTICLE 11 OF THE DENVER ZONING CODE

6.3.1 Applicability

Establishment of uses in this PUD-G 7 shall comply with the Denver Zoning Code, Article 11, Use Limitations and Definitions, as specifically applicable to the I-MX-8 Zone District, as amended from time to time.

SECTION 6.4 ARTICLE 12 OF THE DENVER ZONING CODE

6.4.1 Applicability

All development in this PUD-G 7 shall comply with the Denver Zoning Code, Article 12, Procedures and Enforcement, as amended from time to time, with the following exceptions/additions:

A. Official Map Amendment

This PUD-G 7 may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in the Denver Zoning Code, Section 9.6.1.4, Amendment to Approved PUD District Plans.

SECTION 6.5 ARTICLE 13 OF THE DENVER ZONING CODE

6.5.1 Applicability

Development in this PUD-G 7 shall comply with the Denver Zoning Code, Article 13, Rules of Measurement and Definitions, as amended from time to time, with the following modifications and additions:

A. Definitions

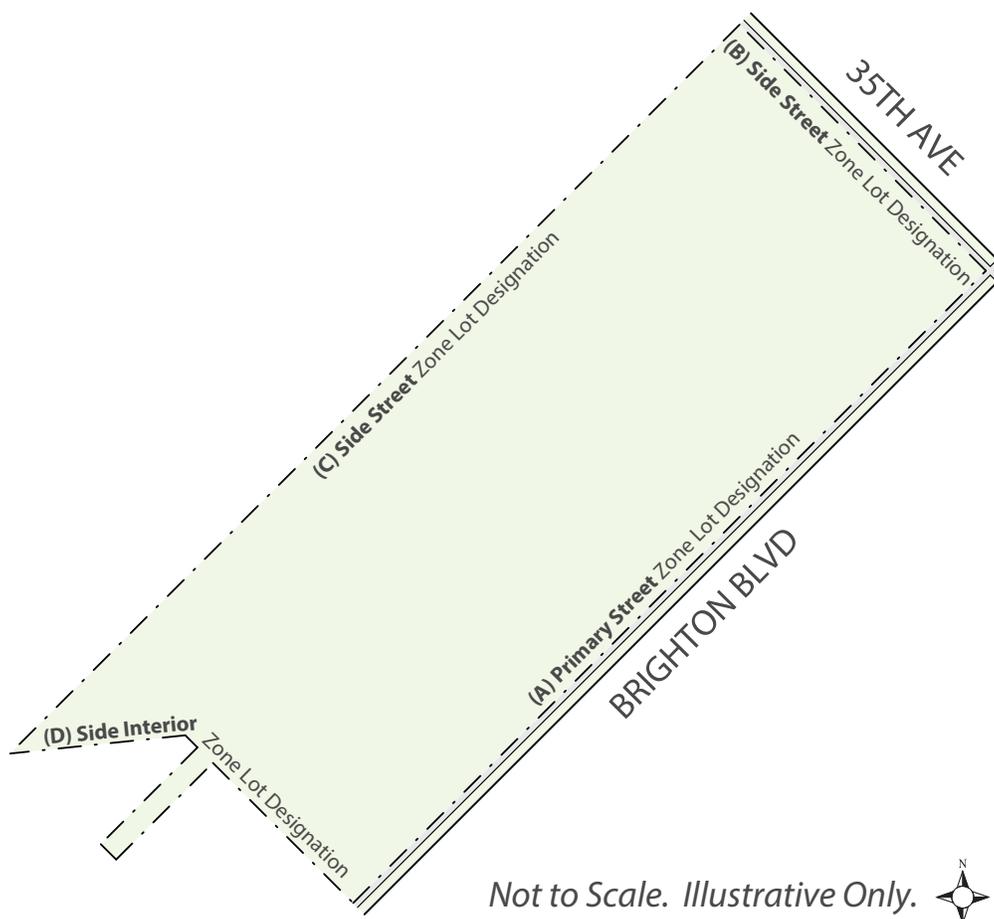
This PUD-G 7 zone district shall be considered a “Mixed Use Commercial Zone District,” as defined in Article 13, as amended from time to time.

B. Siting Form Standards

1. Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line and Side Interior Zone Lot Line

Determination of zone lot lines provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Transparency), as referenced in Chapter 4 of this PUD-G 7. Accordingly, the following zone lot line determinations shall apply to development within PUD-G 7, and administrative adjustments or variances to such determinations are not allowed:

- a. The south eastern zone lot line ((A) on the reference graphic), abutting Brighton Boulevard, is designated a Primary Street zone lot line.
- b. The north eastern zone lot line ((B) on the reference graphic), abutting 35th Ave, is designated a Side Street zone lot line.
- c. The north western zone lot line ((C) on the reference graphic), abutting land anticipated for a future public park, is designated as a Side Street zone lot line.
- d. All of the zone lot lines on the south western portion of the zone lot ((D) on the reference graphic), abutting neighboring private property, are designated as Side Interior zone lot lines.



Not to Scale. Illustrative Only. 

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October 30, 2019

City Council
City and County of Denver
City and County Building
1437 Bannock Street, Room 451
Denver, Colorado 80202

Re: Joint Application for Rezoning (No. 2018i-000086)

City Council Members:

Great Divide and McWhinney, as joint applicants in the subject rezoning application, would like an opportunity to respond to the issues and questions that were raised by members of City Council's LUTI committee during its meeting on September 24th, 2019.

1. OED / DEDO Loan to Great Divide

In 2013, Denver's Office of Economic Development offered Great Divide, along with several other small business owners expanding into the RiNo neighborhood, HUD (CDBG) loans. The \$1,000,000 loan with a term until 2033 was secured with a deed of trust on Great Divide's property. The loan has accrued at an interest rate of 4% annually since its inception. Great Divide has paid the City approximately \$191,000 in interest and paid down approximately \$191,000 of principal. Per direction given to Great Divide by DEDO, Great Divide will be paying back another \$350,000 of that loan upon the sale of a portion of their land to McWhinney. DEDO staff members should be able to corroborate the facts surrounding the loan as described above. Since 2013, Great Divide has been responsible for economic benefits in the neighborhood, as they were one of the first to provide retail activation on Brighton Boulevard with their tap room and have employed roughly 29 people in their RiNo facility.

2. 2013 PUD

At the time of its expansion into RiNo, Great Divide worked closely with Denver's Community Planning and Development (CPD) department on the development of their existing brewing and tap room facility (that is now operating within the subject parcel). The zoning in RiNo at the time necessitated a modification that would allow uses from an industrial mixed-use zone district but with limitations on brewing size and scope and additional design restrictions. **Consequently, CPD directed Great Divide to apply for a PUD.**

The existing PUD and associated waivers precluded Great Divide from opting in to the 2016 legislative rezoning implementing the 38th & Blake Station Area Height Amendments. From that perspective, the current applicant driven rezoning request is the optimal vehicle to reduce customized zoning within RiNo and to execute upon the City's vision in the 38th & Blake Station Area Height Amendments.

Since the initial development of its RiNo facility through the PUD, Great Divide has partnered with the City to provide community benefit to the neighborhood in a number of ways:

- Great Divide provided for a stormwater drainage system to the Platte River that was sized to convey the runoff not only from their site but also from the City's future RiNo Park;
- Great Divide conveyed 4' of its land to the City for the future Festival Street along RiNo Park;

- Great Divide conveyed 15' of its land to the City for the Brighton Boulevard improvements;
- Great Divide granted a temporary construction easement to the City for the grading needed for Festival Street.

3. Justifying Circumstances

During the LUTI meeting, a member of council raised concerns about the justifying circumstances used for the current pending rezone request. As the Applicant, our perspective is that the justifying circumstances for the pending rezoning are as follows:

- **Since City Council approved the PUD in 2013, the City adopted the 38th & Blake Station Area Height Amendments. Adoption of this plan in September of 2016 changed the zoning of the area surrounding the subject parcel to a significant degree. Because the Great Divide land was in a PUD at the time of the adoption of the height amendment, it was not included in the Plan Amendments.** Approving the pending rezone will insure consistency throughout the neighborhood in the implementation of the adopted height amendments.
- In addition to the change in adopted plan guidance, **conditions in the area surrounding the subject parcels have changed substantially due to private and public investment.** Many private developments have been completed or are underway in the immediate vicinity including the Source Hotel, Catalyst, Carmel Drivetrain, Revolution 360, Ride at Rino, and Zeppelin Station. The 38th & Blake Station is now complete and fully operational. The improvements along Brighton Boulevard are complete. Construction has commenced at the RiNo Park and Promenade project. Plans are in the advanced stages of development for the National Western Complex, which is just over 1 mile from the subject site.
- Notwithstanding the recent investment in RiNo, **the business environment for a medium-scale local brewery has changed substantially since 2013.** Great Divide had plans for a major expansion in 2014, which necessitated the 2013 PUD. Since that time the brewery business has changed, competition is significant and the growth of the business has slowed. As a result, the customized zoning Great Divide was advised to seek in 2013 is no longer needed nor is it the most appropriate zoning for the balance of the site.

4. "More Entitlements"

A member of the committee raised concerns during the LUTI meeting that Great Divide had been given the HUD (CDBG) loan from OED, was granted a PUD in 2013 as a result and is now coming back seeking "more entitlements" from the City. We would like to reiterate a few important facts about the current rezoning request:

- **The Applicant is seeking a rezone from PUD-G7 to CMX-8, DO-7, IO-7 based on direct guidance from CPD.** The Applicant initially asked if CPD would consider imposing the IO-1 and DO-7 overlay on top of the PUD but CPD denied that request. The Applicant is seeking waivers for a portion of the subject property, which has been constructed, is operational and is contributing to the mixed-use character of RiNo and Brighton Boulevard, based on direct guidance from CPD.
- **The existing Great Divide operation and redevelopment of a portion of the land for a mixed-use development can continue/proceed without the City's approval of the rezoning. However, if the City approves the rezoning, the following benefits will be realized for the City and the neighborhood:**
 - o **Zoning for the property would be consistent with neighboring properties;**
 - o **Opportunity for increase of density in exchange for affordable housing;**
 - o **Implementation of additional design restrictions including mass reduction and setback requirements.**

5. Waivers

One of the City Council members at LUTI asked for an explanation of the reasoning behind the need for waivers as a part of the rezone. The Applicant is seeking waivers on a portion of the site only, i.e. the portion of the site with the existing and operational Great Divide facility, based on direct guidance from CPD. Maintaining these waivers allows Great Divide to continue to operate its brewery and taproom. Per CPD's guidance, utilizing waivers on the subject property helps to limit the amount of the full Great Divide site subject to a zoning exception, i.e. waivers, and allows for a truly mixed-use neighborhood integrating uses such as light manufacturing, light industrial, office, retail, residential and hotel within in the same area.

Thank you for the opportunity to clarify the questions and concerns raised during the LUTI meeting of September 24th. Both Great Divide and McWhinney have willingly and enthusiastically followed the guidance outlined for us by the City of Denver throughout this site's long planning history. We would be happy to provide any further information or clarification if needed.

Signed,



Peter Lauener
McWhinney



Brian Dunn
Great Divide



9/1/2019

RiNo Art District

3525 Walnut Street STE 40
Denver, Colorado 80205

City & County of Denver
1437 Bannock Street
Denver, CO 80202

Re: Letter of support for 3333 & 3395 Brighton Blvd. Rezoning application #2018I-00086
(from PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers

To Whom It May Concern:

This letter is to express my support for the proposed rezoning application referenced above. The proposed zoning change conforms with the existing condition of the neighborhood. In addition, this zoning change would bring more uniformity of district regulations and restrictions (i.e. the 38th & Blake Station Area Height Amendments Plan, which was adopted in September 2016 and the River North Design Overlay, DO-7).

The rezone would allow for the type of redevelopment that would be beneficial to both the neighborhood and City.

Sincerely,

Tracy Weil
President
RiNo Art District

Tracy Weil
3611 Chestnut Place
Denver, CO 80216

10/29/2019

Denver City Council
1437 Bannock St #451,
Denver, CO 80202

Dear Council Members,

As a 20-year resident, artist and small business owner in the neighborhood, I am writing this letter of support for Great Divide's application to remove the PUD and rezone the entire site located at 3395 Brighton Blvd. in Denver, Colorado to CM-X-8, DO-7, IO-1 with the use waiver for Great Divide's specific site. This is in line with other properties in the district.

The use of this waiver would allow local small businesses, including artists to remain and continue to make a positive impact in the RiNo Art District and Five Points neighborhood. This re-zone falls in line with existing and adopted neighborhood plans that call for design guidelines and height incentives that can spur additional affordable housing opportunities and low-cost commercial spaces.

I'm also the co-founder and one of the community organizers of the RiNo Art District. I serve as President of this organization. Great Divide has been a stellar neighbor and business in the district for several years now. They have been active in our community from the start and very supportive of the artists and galleries in the district. They've sponsored several creative events and initiatives both financially and as participants and have always been champions of our vibrant community.

Great Divide is one of the largest employers in our district and has provided active ground floor retail on the corner of Brighton Blvd. and 35th. They were supportive from the beginning of the formation of the General Improvement District and Business Improvement District and active participants in helping the district residents and small businesses thrive.

I am unable to attend the Council meeting to speak in support of this rezone. Please know they have my full support and I would encourage Council to pass this rezoning. Great Divide has been nothing but supportive of our neighborhood and a great asset to our community as a whole.

Thank you for your consideration in this matter,



Tracy Weil
Weilworks, LLC
3611 Chestnut Place – Denver, CO



Plinth Gallery•3520 Brighton Blvd•Denver CO•80216 (303) 295-0717 www.plinthgallery.com

Dear City Council Members:

I am writing in support of Great Divide Brewery and their application to remove the PUD and rezone the entire site to CM-X-8, DO-7, IO-1 with a use waiver for the Great Divide specific site.

This rezone proposal falls in line with the existing and adopted neighborhood plans that call for design guidelines and height incentives that provide additional affordable housing. In addition, the use waiver would allow a local small business such as Great Divide to remain and continue to make a positive impact on our neighborhood.

Great Divide relocated to the corner of Brighton Blvd and 35th St in 2013 and have been a very positive asset to the River North neighborhood. Through job creation, activation of ground floor retail at their location, their early support and participation of the BID/GID process, participation on the BID Board, Great Divide is an integral part of RiNo and the Brighton Blvd corridor. In addition, they have also been a financial and in-kind sponsor and charitable donator to the neighborhood.

I have been involved with the RiNo neighborhood since 2006 when I repurposed an old warehouse into a live/work space and opened Plinth Gallery at 3520 Brighton Blvd. I have served on the RiNo Art District Board since it was created as well as the GID Board and after 13 years living here, I have seen the positive impact that Great Divide has brought to this area. It has been a pleasure to have them as neighbors.

I fully support their application to remove the PUD and rezone the entire site to CM-X8, DO-7, IO-1 with a use waiver for the Great Divide specific site. It just makes sense.

A handwritten signature in black ink that reads 'Jonathan Kaplan'.

Jonathan Kaplan
RiNo resident and business owner
10/30/19

- Emphasize the fact you are the President and co-founder of RiNo Arts District, but also an artist and resident that has lived in RiNo for _____ years.
- It has been a pleasure working alongside local businesses and property owners like Great Divide as the neighborhood evolved
- Great Divide has been an asset to the neighborhood since locating in 2013
 - Job creation
 - Ground floor retail activation on the corner of 35th and Brighton (entrance to the future park)
 - Supporter and early participant in the BID/GID process
 - Current participation on the BID board
 - Financial and in-kind sponsor and charitable donator to the neighborhood
- Re-zone proposed falls in line with existing and adopted neighborhood plans that call for design guidelines and height incentives that provide additional affordable housing
- Use waiver would allow a local small business to remain and continue to make a positive impact on the neighborhood
- As such fully support the application to remove the PUD and re-zone the entire site to CM-X-8, DO-7, IO-1 with a use waiver for the Great Divide specific site

City & County of Denver
1437 Bannock Street
Denver, CO 80202

August 29, 2019

Re: Letter of support for 3333 & 3395 Brighton Blvd. Rezoning application #2018I-00086 (from PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers

To whom it may concern:

This letter is to express my support for the proposed rezoning application referenced above. The proposed zoning change conforms with the existing condition of the neighborhood. In addition, this zoning change would bring more uniformity of district regulations and restrictions (i.e. the 38th & Blake Station Area Height Amendments Plan, which was adopted in September 2016 and the River North Design Overlay, DO-7).

The rezone would allow for the type of redevelopment that would be beneficial to both the neighborhood and City.

Sincerely,

A handwritten signature in black ink, appearing to read "Edee Anesi", written over a horizontal line.

Edee Anesi

Property Owner: 3500 Chestnut Pl

Koelbel and Company



5291 East Yale Avenue
Denver, CO 80222

303-758-3500 Tel
www.koelbelco.com/

City & County of Denver
1437 Bannock Street
Denver, CO 80202

September 13, 2019

Re: Letter of support for 3333 & 3395 Brighton Blvd. Rezoning application #2018I-00086 (from PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers

To whom it may concern:

This letter is to express my support for the proposed rezoning application referenced above. The proposed zoning change conforms with the existing condition of the neighborhood. In addition, this zoning change would bring more uniformity of district regulations and restrictions (i.e. the 38th & Blake Station Area Height Amendments Plan, which was adopted in September 2016 and the River North Design Overlay, DO-7).

The rezone would allow for the type of redevelopment that would be beneficial to both the neighborhood and City.

Sincerely,

A handwritten signature in black ink that reads "Dean Koelbel".

Dean Koelbel

Catalyst RiNo LLC
Property Owner: 3515 Brighton Blvd. and 3508 Delgany St.

City & County of Denver
1437 Bannock Street
Denver, CO 80202

August 29, 2019

Re: Letter of support for 3333 & 3395 Brighton Blvd. Rezoning application #2018I-00086 (from PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers

To whom it may concern:

This letter is to express my support for the proposed rezoning application referenced above. The proposed zoning change conforms with the existing condition of the neighborhood. In addition, this zoning change would bring more uniformity of district regulations and restrictions (i.e. the 38th & Blake Station Area Height Amendments Plan, which was adopted in September 2016 and the River North Design Overlay, DO-7).

The rezone would allow for the type of redevelopment that would be beneficial to both the neighborhood and City.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel E. Rabun".

Rachel Rabun

Mockery Brewing
Property Owner: 3501 Delgany Street



McWHINNEY

September 19, 2019

City Council
City and County of Denver
City and County Building
1437 Bannock Street, Room 451
Denver, Colorado 80202

Re: Joint Application for Rezoning (No. 2018i-000086)

City Council Members:

This letter is submitted to request your approval of the joint rezoning application (the “**Rezoning Request**”) for the approximately 4.75 acre property generally located at the southwest corner of 35th Street and Brighton Boulevard (the “**Property**”). The Rezoning Request, submitted jointly by Great Divide Brewing Company (“**Great Divide**”), an affiliate of the current property owner, and McWhinney Real Estate Services, Inc. (“**McWhinney**” and together with Great Divide, the “**Applicant**”), as contract purchaser for approximately 2.6 acres of the Property (“**McWhinney Property**”), is to rezone the Property from PUD-G7, UO-2 to C-MX-8, IO-1, DO-7.

At this time, the specific development program for the McWhinney Property is still in planning. The vision for the McWhinney Property could include a combination of residential, office and retail uses. While some of the concept designs developed during early planning do not require a rezone of the Property, i.e. the uses, height and density would be allowable “by right” under the existing PUD, the Applicant is seeking a rezone. This is based on direction from the City’s Community Planning and Development staff and McWhinney’s ongoing commitment to provide affordable housing in exchange for increased density in the IO-1 district. **Council approval of this Rezoning Request will allow McWhinney to provide higher density and additional affordable housing within the RiNo neighborhood.**

In addition to the foregoing, McWhinney respectfully requests that City Council approve the Rezoning Request for the following reasons:

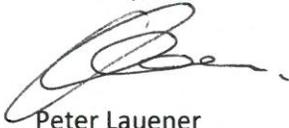
- As set forth in detail in (i) that certain letter from Brownstein Hyatt Farber Schreck LLP dated August 28, 2019, and (ii) the Staff Report prepared by Community Planning and Development, the Rezoning Request **meets or exceeds all of the criteria** for rezoning set forth in applicable law.
- Approval of the Rezoning Request will **remove the Property from the customized PUD zoning designation.** Instead it will be subject to the zoning designations prescribed by

the current Comprehensive Plan, Blueprint Denver and the applicable small area and neighborhood plans.

- The Rezoning Request **reduces the total square footage of the Property subject to the waivers** included in the current zoning related to brewing uses.
- Imposition of the IO-1 zone district overlay allows for the **opportunity to introduce community benefits to RiNo** in exchange for additional height – as supported by Denver City Council in early 2018.
- Imposition of the requested design overlay (DO-7) will subject the Property to **enhanced design review** and requirements – equal to or more stringent than what is included in the current zoning.
- The Applicant has conducted community outreach and has received **significant support from nearby property owners** for the Rezoning Request.
- McWhinney is typically a **long term holder** of real estate, committed to creating **great public places** – which are inclusive, vibrant and community oriented (i.e., Union Station and Dairy Block), with a **demonstrated commitment in RiNo to constructing affordable housing** on site in exchange for additional height (i.e., 38th & Blake/Foundry).

On behalf of the Applicant, McWhinney would like to thank Community Planning and Development staff for their hard work in connection with the Rezoning Request.

Sincerely,



Peter Lauener

President

Bring Your Dream

1800 Wazee Street
Suite 200
Denver, CO 80202
p: 720-360-4700
f: 720-360-4695

mcwhinney.com

Sonia Danielsen
soniadanielsen@mac.com

To Whom It May Concern:

I have been a commercial property owner in the RiNo neighborhood for the past 50 years, a business owner and a resident. Currently I am the Treasurer of the RiNo BID and the CO-Chair of the RiNo Art District Board.

Throughout my years in the neighborhood, I have had the pleasure of working with many amazing businesses including Great Divide.

Great Divide has been an asset to the neighborhood since relocating here in 2013. Great Divide has provided

- Job creation
- Ground floor activation
- Supporter and early participant in the BID/GID process
- Current participation on BID board
- Financial and in-kind support and sponsorship in charitable causes of the neighborhood
- Member of neighborhood marketing group DRiNk RiNo

The proposed re-zone falls in line with the existing and adopted neighborhood plans that call for design guidelines and height incentives that provide additional affordable housing.

A use waiver would allow a local small business to remain in the neighborhood and continue to make a positive impact on the community.

I fully support Great Divide's application to remove the PUD and re-zone the entire site to CM-X-8, DO-7, IO-1 with a use waiver for the Great Divide specific site.

Sincerely,



Sonia Danielsen

[INSERT LETTERHEAD, IF APPLICABLE]

City & County of Denver
1437 Bannock Street
Denver, CO 80202

August 29, 2019

Re: Letter of support for 3333 & 3395 Brighton Blvd. Rezoning application #2018I-00086 (from PUD-G#7, UO-2 to C-MX-8, IO-1, DO-7 and C-MX-8, IO-1, DO-7 with waivers

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The rezone would allow for the type of redevelopment that would be beneficial to both the neighborhood and City.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hill", written over a horizontal line.

Scott Hill

Principal
Visual Interest
Property Owner: 3440 Brighton Blvd.