



DENVER
THE MILE HIGH CITY

**Community Planning and Development
Planning Services**

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Denver, CO 80202
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TO: LUTI
FROM: Steve Nalley, Senior City Planner
DATE: August 20, 2013
RE: Zoning Map Amendment #2013I-00030
3345, 3403, 3457 Brighton Blvd - Rezoning from **C-MX-8, UO-2** to **PUD-G, UO-2**

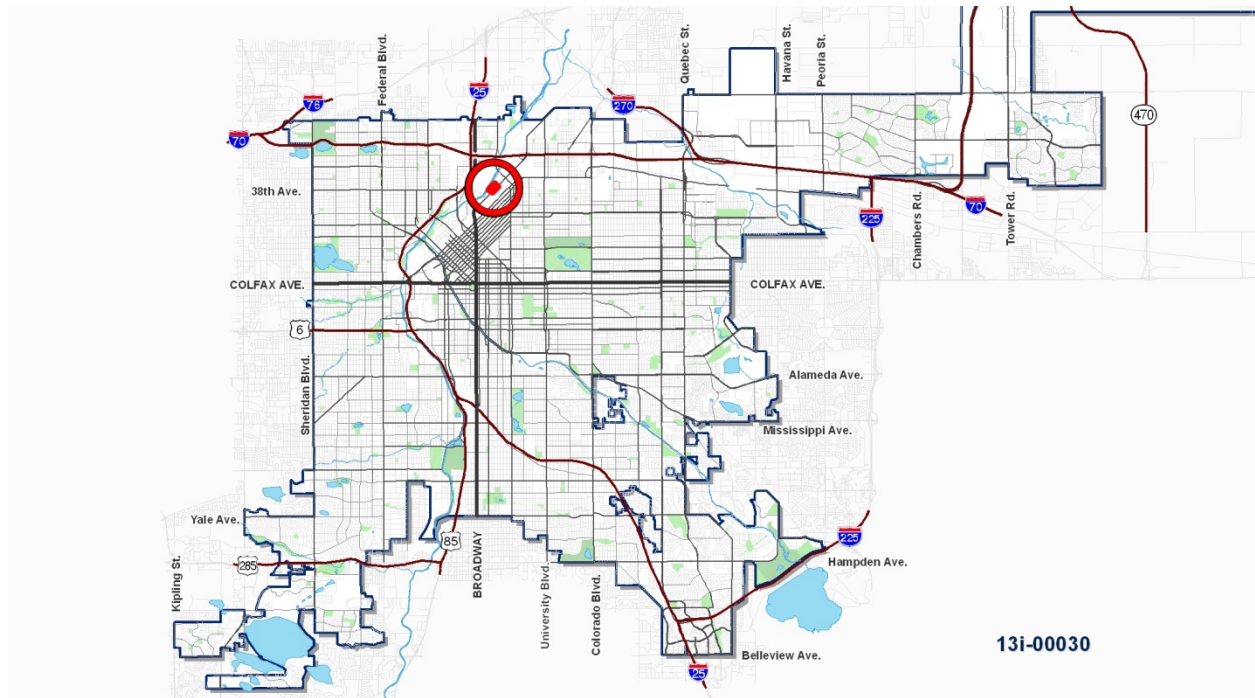
Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for proposed map amendment #2013I-00030 for a rezoning from C-MX-8, UO-2 to PUD-G, UO-2.

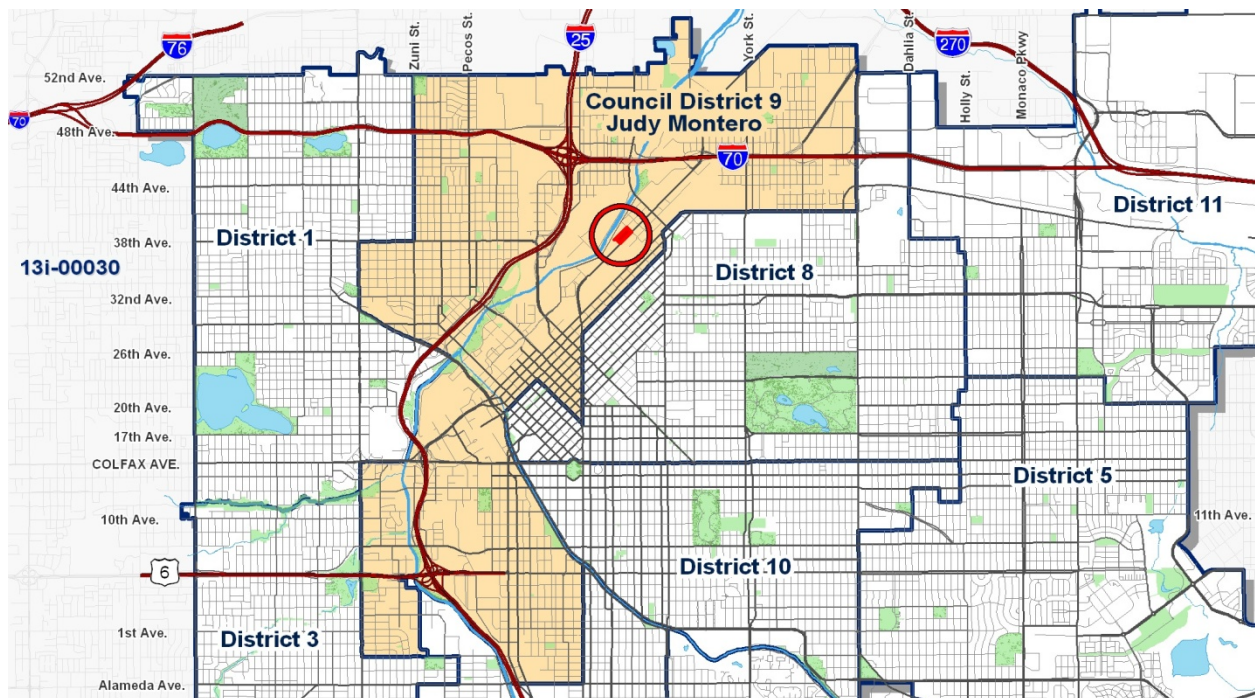
Request for Rezoning

Proposed map amendment:	#2013I-00030
Address:	3345, 3403, 3457 Brighton Blvd
Neighborhood/Council District:	Five Points / Council District #9
RNOs:	River North Denargo Brighton Blvd Association, United Community Action Network Inc., Elyria Swansea/Globeville Business Association, RiNo - River North Art District, RiNo Neighbors, North Community Congress for Education, Denver Neighborhood Association Inc., Inter-Neighborhood Cooperation
Area of property:	5.1 acres
Current zoning:	C-MX-8, UO-2
Proposed zoning:	PUD-G, UO-2
Property owner:	Brian Dunn – Great Divide Brewing Company
Contact person:	Brian Dunn

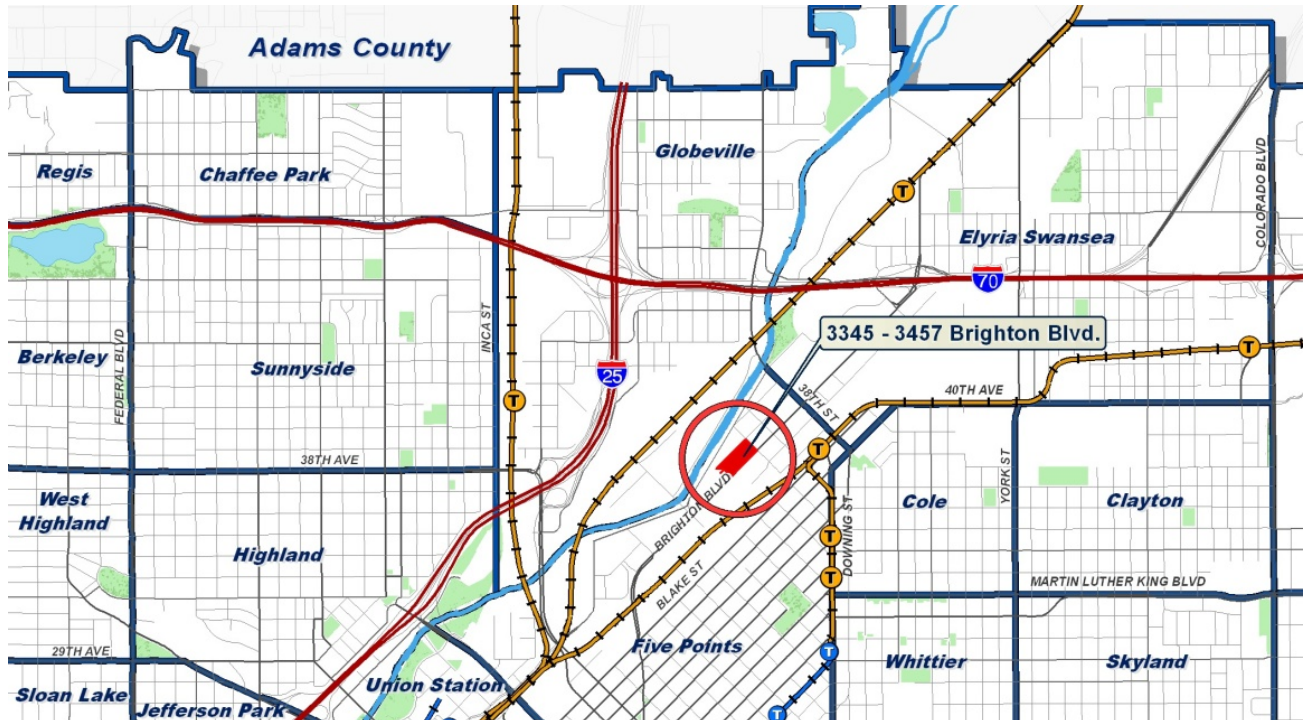
Citywide map – subject site represented in red.



Council district map – the subject site is located in Council District #9 and is represented in red.



Neighborhood map – the subject site is located in the Five Points neighborhood and is represented in red.



Summary of Rezoning Request

The properties proposed for rezoning are generally located between what would be 33rd St. and 35th St. along the north west side of Brighton Blvd. The site is made up of multiple property owners and uses.



The corner of 35th and Brighton is an industrial use, Rocky Mountain Retinning. See image below.



Image source: Google, image date: August 2011

Moving south along Brighton is an auto recycling use, Central Foreign Auto Parts. See image below.



Image source: Google, image date: August 2011

Continuing south along Brighton Blvd. is an automobile services use, Eagle Tires.



Image source: Google, image date: August 2011

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

- allow the I-MX-8 zone district uses with a modification of limitations on brewing, malt beverage, wines, brandy, distilled and blended spirits manufacturing uses;
- utilize the Urban Center Neighborhood Context and the C-MX-8 Zone District building form standards; and
- establish additional building form standards to anticipate planned infrastructure improvements surrounding the PUD-G site, such as a future park space along the South Platte River, Arkins Court street realignment, and a potential new connection along 35th St. (See map below for additional details).

The map below highlights City projects immediately adjacent to the site. These projects include a planned future park; a realigned Arkins Ct.; 35th St. as an improved connection to the 38th and Blake station and across the S. Platte River; a new outfall and a potential street at 33rd; and a new Brighton Blvd street cross section. These projects have varying timeframes, planning, level of design and funding sources. The proposed PUD-G requires a high level of ground story activation, creating a pedestrian friendly environment along a realigned Arkins Ct., 35th St and along Brighton Blvd. See the attached Draft PUD-G for specific standards.



Existing Context

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

	Existing Zoning	Existing Land Use	Blueprint Denver	Existing Block, Lot, Street Pattern
Site	C-MX-8, UO-2	Industrial	Mixed Use – Area of Change	Incomplete grid of streets; Block sizes and shapes are inconsistent, but mostly rectangular. Vehicle parking is in the front, rear or side of buildings with mixed alley access.
North east	C-MX-12, UO-2	Retail/industrial/office	Mixed Use – Area of Change	
South west	C-MX-12, UO-2	Industrial	Mixed Use – Area of Change	
South east	I-MX-8, UO-2	Industrial	Mixed Use – Area of Change	
North west	I-MX-5, UO-2	Vacant – owned by the city for future planned park space/Bicycle impound	Mixed Use – Area of Change	

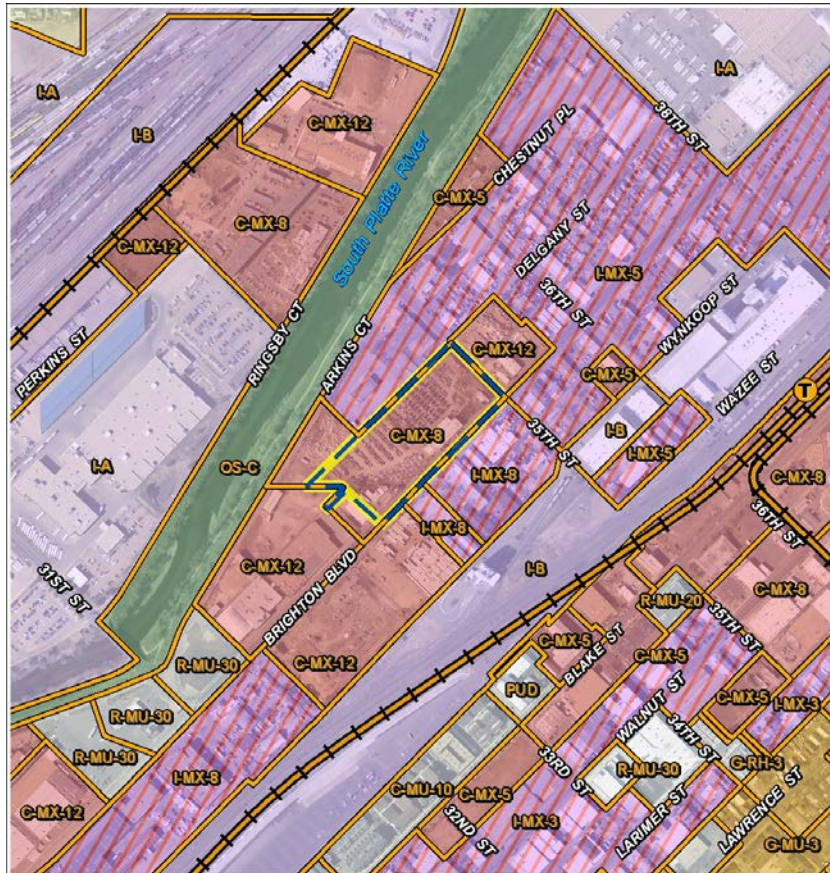
1. Existing Zoning

The existing zoning for the site is C-MX-8, UO-2, approved in 2010 as part of the new zoning code effort. Prior to the new code, the site was zoned I-2, heavy industrial. The current zoning allows mixed use development up to 8 stories and requires a high level of ground story activation, but allows very few industrial uses. The UO-2 portion of the zone district is a use overlay allowing billboards.

2. Existing Land Use Map

The existing land use of the subject site is industrial. The uses on site range from automobile services, warehouse, auto recycling, and fabrication. Transition from predominately industrial uses to mixed-use and creative spaces has ensued in River North over the past decade, with the addition of art galleries, multifamily residential development and commercial office space. The transition also incorporates a healthy mix of existing and new industrial uses.

Existing
Zoning Map



Existing
Land use Map



3. Existing Building Form and Scale

Looking south west along Brighton Blvd.



Image source: Google, image date: August 2011

Looking north east along Brighton Blvd.



Image source: Google, image date: August 2011

Looking north west along 35th St.



Image source: Google, image date: August 2011

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

- **Asset Management:** Approve – No comments.
- **Denver Fire Department:** Approve Rezoning Only – will require additional information at site plan review.
- **Development Services – Wastewater:** Approved – DS Wastewater has no objection to the rezone; however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.
- **Development Services – Project Coordinator:** Conditional – Please continue to work through the site planning process.
- **Development Services – Transportation:** Approved – DS Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.
- **Denver Parks and Recreation:** Approved – Forestry Comments 7-2-13 - Rezoning is approved. As site is redeveloped; refer to Landscape Planning Checklist for formal submittal landscape plan requirements. Checklist can be accessed via Forestry website:
(<http://www.denvergov.org/dpr/DenverParksandRecreation/TreesNaturalResources/ForestryTrees/LandDeveloperResources/tabid/443717/Default.aspx>).
- **Public Works – City Surveyor:** Approved – No comment

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on July 23, 2013.
- Planning Board notification process
 - The property was legally posted for a period of 15 days announcing the August 7, 2013 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- LUTI notification process:

- Written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

Criteria for Review / Staff Evaluation

The criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.13, as follows:

DZC Section 12.4.10.13

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.14

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

DZC Section 12.4.10.15

6. Additional review criteria for rezoning to PUD District

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (adopted in 2002)
- River North Plan (adopted in 2003)
- 38th and Blake St (adopted in 2009)

Denver Comprehensive Plan 2000

The Denver Comprehensive Plan (2000) provides goals, policies and objectives to support future development in the City. This rezoning proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – “Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.”
- Land Use chapter, Strategy 3-B is to “Encourage quality infill development that is consistent with the character of the surrounding neighborhood...”
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services.

The proposed map amendment would enable the option for mixed-use development on an infill location where services and infrastructure are already in place. The proposed PUD-G

broadens the variety of allowed uses. The rezoning is consistent with Comp Plan 2000 recommendations.

Blueprint Denver (adopted in 2002)

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

Future Land Use

Mixed use areas have a sizeable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block but are mixed within walking distance of each other.

Area of Change / Area of Stability

"The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial"

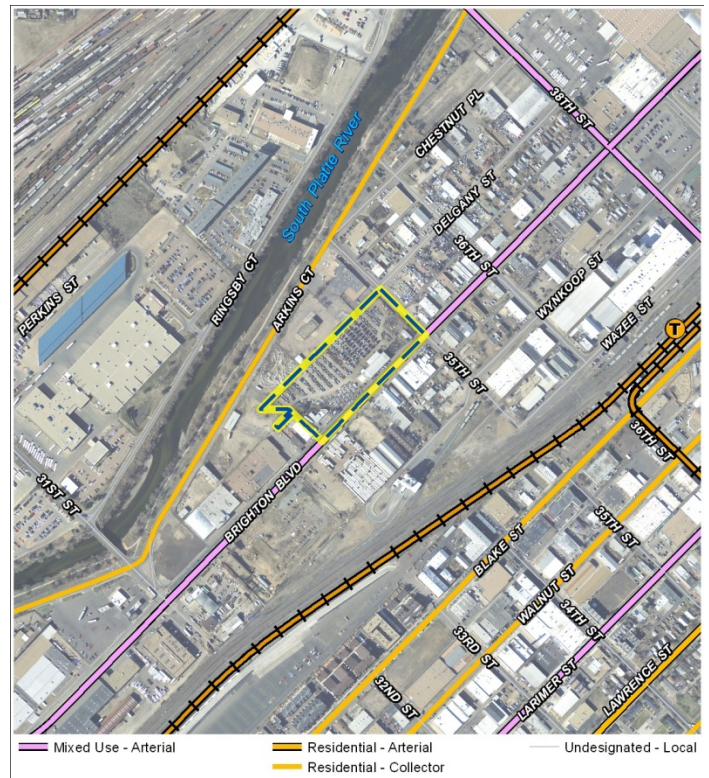
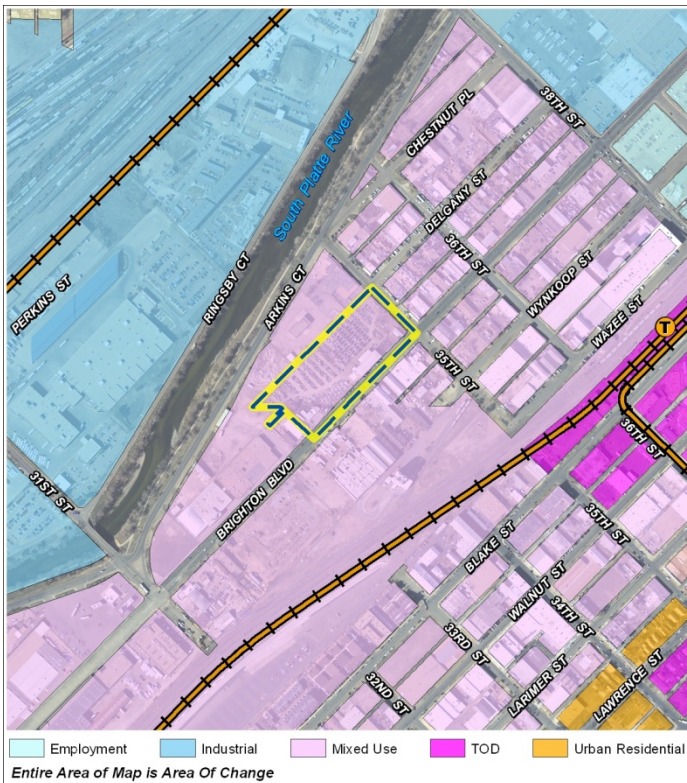
Blueprint identifies Brighton Blvd as an area of change with considerable potential for development and states "...a mixture of housing, retail services and office development is ideally suited for redeveloping this sub-area [Brighton Blvd]. However, some warehousing and distribution uses may remain. This also will entail converting this industrial street to a mixed-use street. Brighton's role as an entry to downtown, as well as its proximity to neighborhoods and its interstate access, creates considerable potential for back office services, neighborhood serving retail and a variety of housing types. The proximity of the Platte River greenway to the Brighton sub-area will provide opportunities to enhance the greenway edges, locate development along it, and use it as a major bicycle and pedestrian connection to downtown."

Street Classifications

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

The proposed rezoning to PUD-G broadens the variety of allowed uses and requires pedestrian friendly, active ground story development to relate to Brighton as the gateway onto downtown. The rezoning is consistent Blueprint Denver recommendations.

Blueprint Denver maps:



Small Area Plan: River North Area Plan (adopted in 2003)

Two key chapters of the River North Plan apply to the subject site, Corridors and the Land Use Concept.

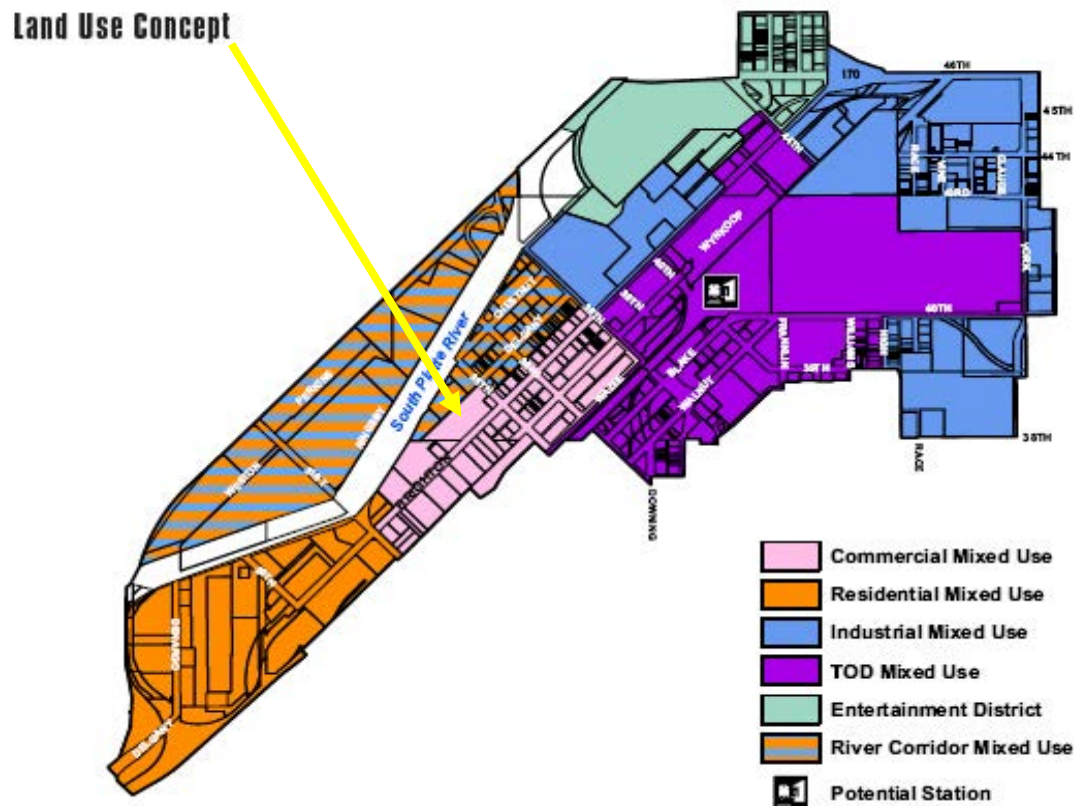
Corridors

Brighton Boulevard forms one of two central spines for the River North neighborhood – the other being the Platte River. This plan’s vision for Brighton is to “become an attractive gateway to Downtown Denver from I-70 and the North Denver neighborhoods.” A mix of business uses especially retail and office uses but including some auto oriented uses and some industrial uses is envisioned, but in such a way that the buildings are oriented to Brighton Boulevard.

Land Use Concept

The River North Plan reinforces the Blueprint Denver vision, by designating the subject site as Commercial Mixed Use. This designation calls for a healthy mix of uses and strong zoning design standards to create an active, pedestrian friendly and visually appealing development.

By expanding the allowed mix of uses and requiring stronger form standards, this rezoning is consistent with River North Plan recommendations.



Small Area Plan: 38th and Blake Station Area Plan (adopted in 2009)

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

The 38th & Blake Station Area Plan (2009) places strong emphasis on the potential of 36th St. for station access, inter-neighborhood connectivity, redevelopment, and placemaking. The plan identifies 36th St. as a primary pedestrian route to the station, and advocates for the RTD pedestrian bridge at 38th St. to be relocated to 36th Street, going so far as to identify this move as the single most important recommendation in the plan.

In coordinated moves, the plan further recommends:

- Creating a TOD node at 36th and Brighton
- Adding a traffic signal at 36th and Brighton to facilitate crossing along this pedestrian route
- Locating a pedestrian bridge over the South Platte River on the 36th St. alignment.

The plan's emphasis of the importance of 36th extends from an assumption that only one bridge over the UPRR tracks would be constructed. The plan does not anticipate a scenario where two pedestrian bridges are constructed, which is the City's current strategy in this station area. Under a two bridge scenario, one bridge is constructed at 38th St, and a second bridge is constructed to the south, likely at 35th street. If constructed at 35th, the coordinated moves outlined above would need to be re-evaluated and likely re-located to the 35th Street alignment, as there is a high value associated with providing pedestrians with a singular, navigable "straight shot" across the various barriers in this area, as was done with great success along the 16th Street alignment in the Central Platte Valley.

The mix of uses allowed and the strong building form standards required in the proposed PUD-G are consistent with the 38th and Blake Station Area Plan recommendations.

2. Uniformity of District Regulations and Restrictions

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

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plan.

4. Justifying Circumstances

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As mentioned above, this site is designated as an Area of Change in Blueprint Denver. The changes and new investment occurring in the area justify zoning that will encourage redevelopment. In addition, the proposed zoning recognizes the vision established in the River North Plan and the 38th and Blake Station Area Plan.

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

The proposed PUD-G rezoning would lead to development that is consistent with the Urban Center Neighborhood Context description, and the purpose and intent of the C-MX-8 Zone District.

6. Additional review criteria for rezoning to PUD District

- The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code

- The proposed scale and timing of the development project demands a more customized zoning approach to achieve a successful, phased development. The manufacturing use, allowed by the PUD-G may expand overtime to accommodate future production. In addition, the City has planned improvements on all sides of the subject site, including a future Brighton Blvd. cross section, potential Arkins Ct. realignment and associated park, and future outfall projects. To anticipate these infrastructure improvements, a customized zoning approach is needed.
- The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6
 - The General PUD complies with all standards and criteria stated in Division 9.6.
- The development proposed on the subject property is not feasible under any other zone district and would require an unreasonable number of variances or waivers and conditions
 - The General PUD District is necessary because there is no zone district available that allows this use and also requires ground story activation consistent with adopted plans. In addition, no zone district requires ground story activation along a planned street and/or park, only existing streets.
- The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property
 - The General PUD District utilizes the C-MX-8 building forms and the I-MX-8 use list to ensure land uses, height, siting, and ground story activation are compatible with the surrounding properties.
 - In addition, the City is anticipating updates to the Denver Zoning Code to allow for brewery operations to expand and reinvest in themselves within the City of Denver.
- The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan
 - The General PUD District utilizes modified building forms and standards to achieve the vision established in adopted plans.

Planning Board

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

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning for the property at 3345, 3403, 3457 Brighton Blvd to PUD-G, UO-2 meets the requisite review criteria. Accordingly, staff recommends approval.

Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Big Eagle Enterprises Inc	Representative Name	Brian Dunn
Address	3345 Brighton Blvd	Address	2201 Arapahoe St
City, State, Zip	Denver, CO	City, State, Zip	Denver, CO 80205
Telephone	720.936.4407	Telephone	303.296.9460 ext 22
Email	eagletires@yahoo.com	Email	brian@greatdivide.com
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3345 Brighton Blvd		
Assessor's Parcel Numbers:	0227100020000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please see attachment		
Area in Acres or Square Feet:	20,000 SF		
Current Zone District(s):	CMX-8		
PROPOSAL			
Proposed Zone District	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Intent of PUD:	Please see attachment		
Standard Zone District: Please list the zone district(s) on which the PUD will be based.	Please see attachment		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation	Why deviation is necessary	
	Please see attachment		

www.denvergov.org/rezoning

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.15</p>	<p><input checked="" type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6.</p> <p><input checked="" type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>

Intent of PUD:

This PUD is intended to allow for brewing or malt beverage manufacturing of over 60,000 barrels per year while contributing to the planned vision of transitioning the River North neighborhood and Brighton Boulevard corridor from a predominantly industrial area to a vibrant mixed use corridor.

Base Zone District:

I-MX-8 use list and the C-MX-8 building form standards (We'll elaborate/finesse this as we draft the PUD itself).

Deviation:

"Malt beverage manufacturing of over sixty thousand (60,000) barrels per year," a sub type of the specific use type "Manufacturing, Fabrication & Assembly, Heavy" as defined in Article 11 of the Denver Zoning Code, shall be allowed as a "Permitted Use with Limitations – Zoning Permit" or "L-ZP" and the following limitations shall apply:

1. Shall not produce malted barley

We'll discuss/elaborate/finesse parking, screening, outdoor storage, additional ground story activation requirements, especially associated with future streets and the park, additional uses like wines, brandy and brandy spirits, distilled and blended liquors.

Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Silver Holdings, LLC	Representative Name	Brian Dunn
Address	10154 Meade Ct.	Address	2201 Arapahoe Street
City, State, Zip	Westminster, CO 80031	City, State, Zip	Denver, CO 80205
Telephone	303-882-4979	Telephone	303.296.9460 ext 22
Email	ben@centralforeign.com	Email	brian@greatdivide.com
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3403 Brighton Blvd		
Assessor's Parcel Numbers:	0227123013000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please see attachment		
Area in Acres or Square Feet:	190,539 SF		
Current Zone District(s):	CMX-8		
PROPOSAL			
Proposed Zone District	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Intent of PUD:	Please see attachment		
Standard Zone District: Please list the zone district(s) on which the PUD will be based.	Please see attachment		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation	Why deviation is necessary	
	Please see attachment		

www.denvergov.org/rezoning

Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

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<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Gundega Undiks	Representative Name	Brian Dunn
Address	3457 Brighton Blvd	Address	2201 Arapahoe St
City, State, Zip	Denver, CO 80216	City, State, Zip	Denver, CO 80205
Telephone	303.295.0462	Telephone	303.296.9460 ext 22
Email	rockymantin@q.com	Email	brian@greatdivide.com
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3457 Brighton Blvd		
Assessor's Parcel Numbers:	0227123012000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please see attached		
Area in Acres or Square Feet:	9,975 SF		
Current Zone District(s):	CMX-8		
PROPOSAL			
Proposed Zone District	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Intent of PUD:	Please see attachment		
Standard Zone District: Please list the zone district(s) on which the PUD will be based.	Please see attachment		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation	Why deviation is necessary	
	Please see attachment		

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201 W. Colfax Ave., Dept. 205

Denver, CO 80202

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DENVER
THE MILE HIGH CITY

COMMUNITY PLANNING & DEVELOPMENT

CUSTOMER GUIDE

Appendix Page 1

Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

PROPERTY OWNER INFORMATION*

☐ CHECK IF POINT OF CONTACT FOR APPLICATION

Property Owner Name	Silver, Larry
Address	3403 Brighton Blvd
City, State, Zip	Denver, CO 80216
Telephone	
Email	

*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.

PROPERTY OWNER(S) REPRESENTATIVE**

☒ CHECK IF POINT OF CONTACT FOR APPLICATION

Representative Name	Brian Dunn
Address	2201 Arapahoe St
City, State, Zip	Denver, CO 80205
Telephone	303.296.9460 ext 22
Email	brain@greatdivide.com

**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.

Please attach Proof of Ownership acceptable to the Manager for all property owners, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.

SUBJECT PROPERTY INFORMATION

Location (address and/or boundary description):	Please see attached
Assessor's Parcel Numbers:	0227100018000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please see attached
Area in Acres or Square Feet:	1,871 SF
Current Zone District(s):	C-MX-8, UO-2

PROPOSAL

Proposed Zone District	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD
Proposing SubAreas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Intent of PUD:	Please see attached	
Standard Zone District: Please list the zone district(s) on which the PUD will be based.	Please see attached	
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation	Why deviation is necessary
	Please see attached	

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Appendix Page 3

ATTACHMENTS

Please check any attachments provided with this application:

- ☒ Authorization for Representative
- ☒ Proof of Ownership Document(s)
- ☒ Legal Description
- ☒ Deviations
- ☒ Review Criteria

Please list any additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as ap- proved	Property owner repre- sentative written authori- zation? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Josie Q. Smith	01/01/12	(A)	NO
Silver Holdings, LLC	10154 Meade Ct. Westminster, CO 80031 303-882-4979 ben@centralforeign.com	85.7%	<i>[Signature]</i>	6/4/13	Quit Claim Deed	YES
Big Eagle Enterprises, LLC	3345 Brighton Blvd Denver, CO 80216 720.936.4407 eaglefires@yahoo.com	9.0%	<i>[Signature]</i>	6/4/13	Deed of Trust	YES
Gundega Undiks	3457 Brighton Blvd Denver, CO 80216 303.295.0462 rockymantin@q.com	4.5%	<i>[Signature]</i>	6/4/13	Quit Claim Deed	YES
Larry Silver	10154 Meade Ct. Westminster, CO 80031 720-333-4908 beckyesilver@mac.com	0.8%	<i>[Signature]</i>	7-18-13	Vesting Deed	YES

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PUD-G



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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G # ESTABLISHED

The provisions of this PUD-G # apply to the land depicted on the Official Zoning Map with the label PUD-G #, 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 # is a single area with no subareas established.

SECTION 1.2 PUD-G # GENERAL PURPOSE

The general purpose of PUD-G # 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 # SPECIFIC INTENT

PUD-G # 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 this PUD-G # 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 # 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 # 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 # 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 #. (See Chapter 6, Section 6.5, for designation of all zone lot lines within this PUD-G #.)

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

SECTION 5.1 USES

- 5.1.1 Primary, accessory and temporary uses allowed in this PUD-G # 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 # 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 # 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 # 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 # 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 # 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 #.

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# 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 # 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 # 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 # 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:

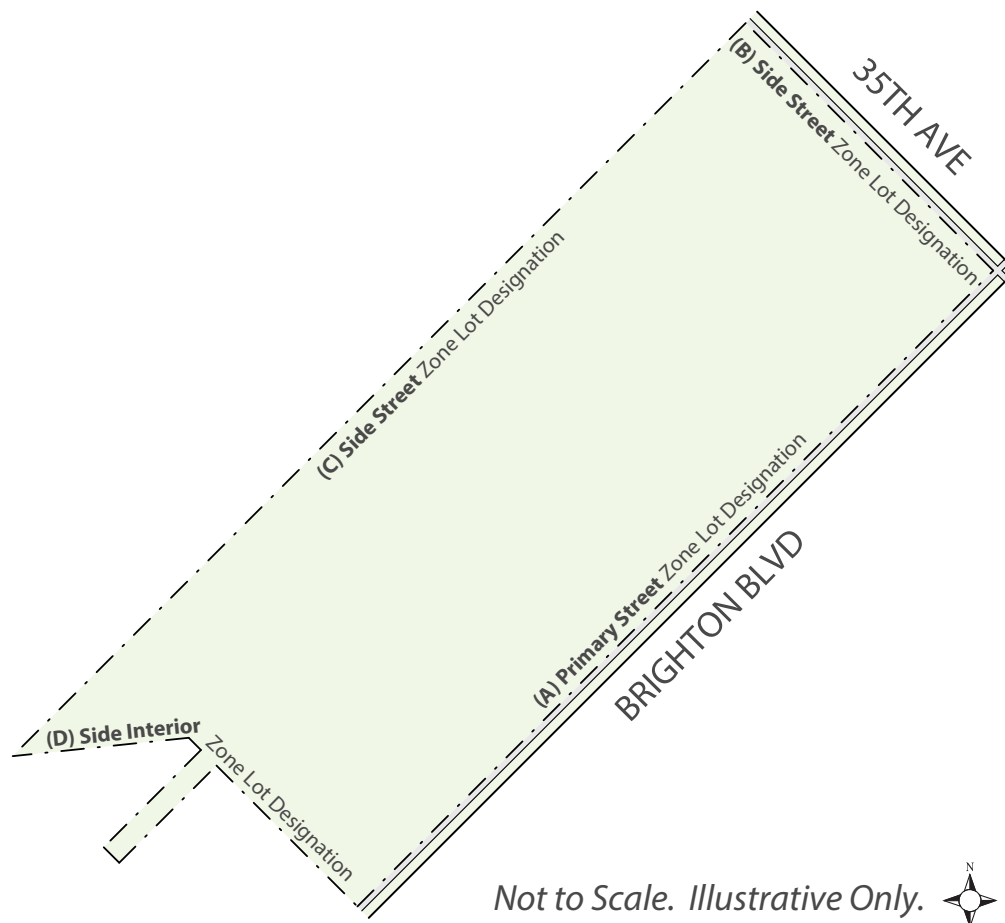
A. Definitions

This PUD-G # 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 #. Accordingly, the following zone lot line determinations shall apply to development within PUD-G #, 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.



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