



**TO:** Land Use, Transportation, & Infrastructure Committee  
**FROM:** Elizabeth Weigle, AICP, Senior City Planner  
**DATE:** September 27, 2018  
**RE:** Official Zoning Map Amendment Application #2017I-00156

## Staff Report and Recommendation

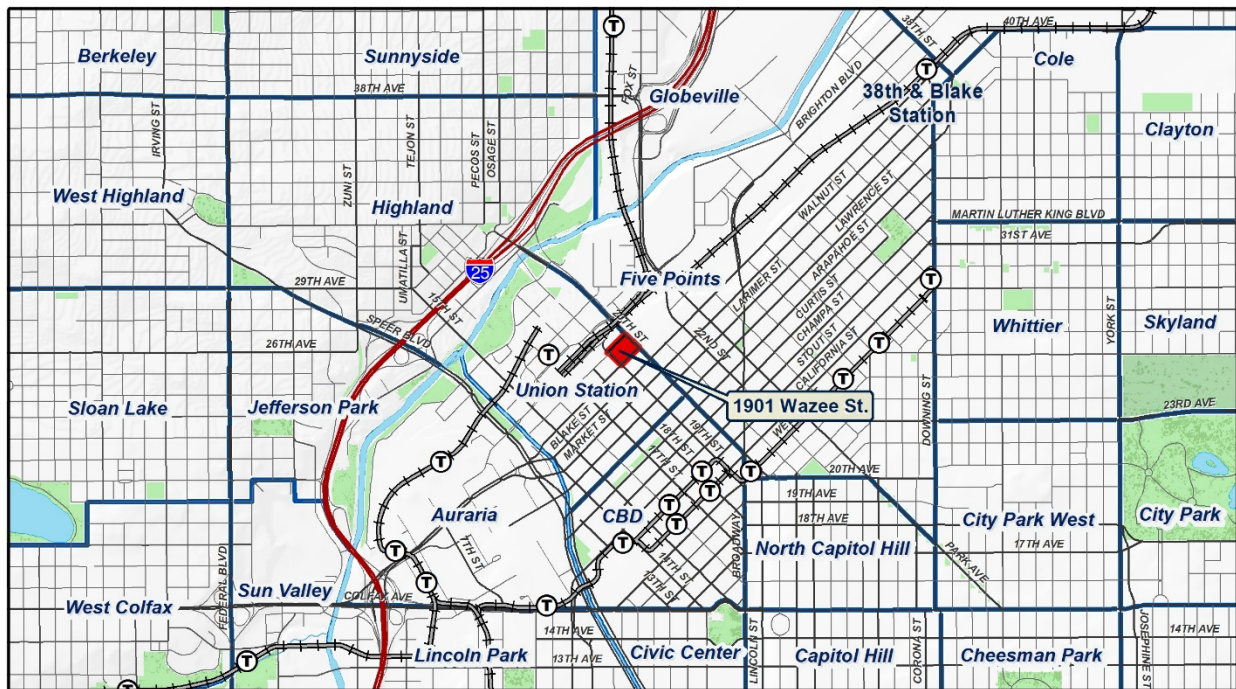
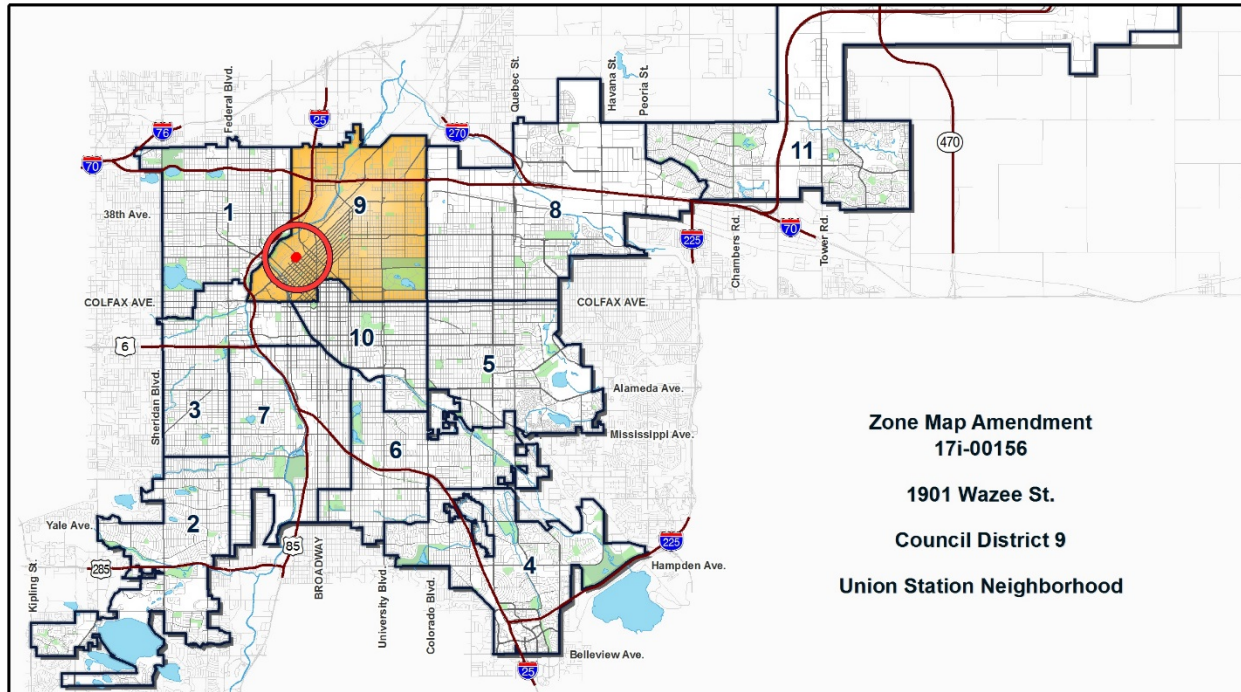
Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, & Infrastructure committee move Application #2017I-00156 forward for consideration by the full City Council.

## Request for Rezoning

Address:	1901 Wazee Street
Neighborhood/Council District:	Union Station Neighborhood / Council District 9
RNOs:	Rio Norte; Center City Denver Residents Organization; Inter-Neighborhood Cooperation (INC); UCAN; Lower Downtown Neighborhood Association; Union Station Advocates; Ballpark Collective; LoDo District, Inc.; The Central Platte Valley – Auraria District RNO; Downtown Denver Business Improvement District
Area of Property:	Approximately 131,694 square feet or 3.023 acres
Current Zoning:	I-MX-8 UO-2
Proposed Zoning:	PUD-G 19
Property Owner(s):	Denver Metropolitan Major League Baseball Stadium District
Owner Representative:	Colorado Rockies Baseball Club

## Summary of Rezoning Request

- The subject property is located in the Union Station neighborhood and occupies the eastern half of the block bounded by 19<sup>th</sup> Street, Wazee Street, 20<sup>th</sup> Street, and the RTD commuter rail line.
- The subject property is currently occupied by a parking lot and a walkway (herein referenced as Wynkoop Promenade) that connects 19<sup>th</sup> Street to the bridge over 20<sup>th</sup> Street and Coors Field (the Colorado Rockies Baseball Stadium). Wynkoop Promenade is not a public right-of-way.
- The proposed rezoning will allow for the property owner to redevelop the property with mixed uses and open space.
- The applicant is requesting a Planned Unit Development (PUD) based on the D-AS-12+ zone district, with variations that address the site's location within the Downtown context; its adjacency to Lower Downtown and Coors Field; and its unique site configuration, including the lack of an extension of Wynkoop Street through the site and the significant grade change on 20<sup>th</sup> Street.



### Existing Context

The subject property is located in the Union Station neighborhood and occupies the eastern half of the block bounded by 19<sup>th</sup> Street, Wazee Street, 20<sup>th</sup> Street, and the RTD commuter rail line. The surrounding area includes a mix of uses, including Coors Field, multi-unit residential, office, retail, hotel,

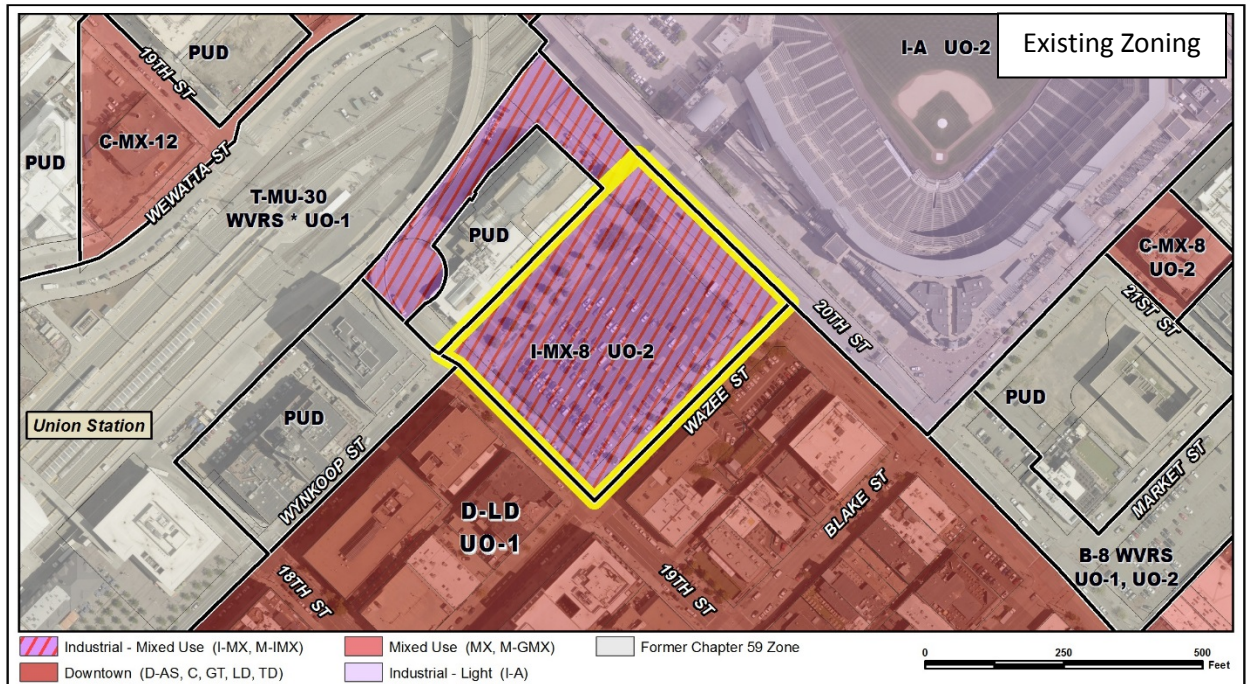
parking, and rail uses. Union Station is one block to the south along Wynkoop Street, providing substantial transit access. The Free MetroRide with connections to Civic Center Station also operates to the south and east of the site on 18<sup>th</sup> and 19<sup>th</sup> Streets.



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	I-MX-8 UO-2	Surface Parking and Wynkoop Promenade	n/a	The surrounding neighborhood generally consists of a regular pattern of rectangular block shapes in an orthogonal grid with alley access. The street grid connectivity is interrupted by rail lines, the lack of a through connection on Wynkoop Street between 19 <sup>th</sup> and 20 <sup>th</sup> Streets, and Coors Field.
North (across 20 <sup>th</sup> Street)	I-A UO-2	Baseball Stadium	The baseball stadium and associated parking. The stadium reaches a height of approximately 130-145'	
South (across 19 <sup>th</sup> Street)	D-LD UO-1; PUD	Mixed use and multi-unit residential	Six to nine-story buildings with large footprints	
East (across Wazee Street)	D-LD UO-1	Commercial, office, and parking	Three-story building and surface parking	
West (adjacent to Wynkoop Promenade and the west zone lot line)	PUD	Mixed use and multi-unit residential	Two-story building on the eastern portion of the property, and seven-story building at the northwestern portion of the property	

## 1. Existing Zoning

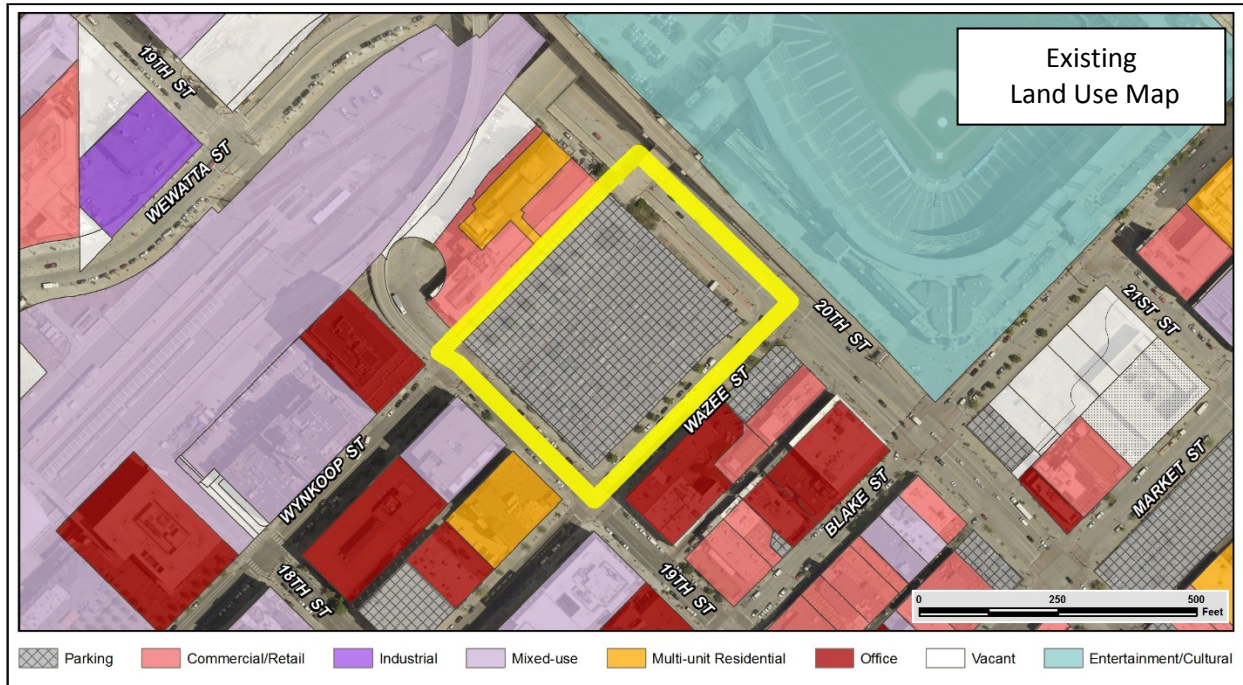


The subject site is currently zoned I-MX-8 UO-2. The I-MX-8 zone district is an industrial mixed used district that allows industrial, commercial, civic and residential uses. The district is intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active street level. It is also intended to provide a transition between I-A or I-B and mixed use areas.

The UO-2 is the Billboard Use Overlay allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.

The subject site is bordered by D-LD UO-1, which is the Lower Downtown District with the Adult Use Overlay. The Lower Downtown District is intended to encourage the preservation and vitality of older areas, and its boundary correlates with that of the Lower Downtown Historic District. To the north of the property, Coors Field is zoned as I-A UO-2, which is a light industrial district with the Billboard Use Overlay. To the west and southwest, there are two PUDs, which permit the multi-story commercial and residential buildings on those sites.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale

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



Aerial view of the subject site, looking southeast.

View of the subject site at the intersection of 19<sup>th</sup> Street and Wynkoop Street, looking northeast



Properties to the west of the subject site, looking northwest



Properties to the south of the site at the intersection of 19<sup>th</sup> Street and Wynkoop Street, looking south



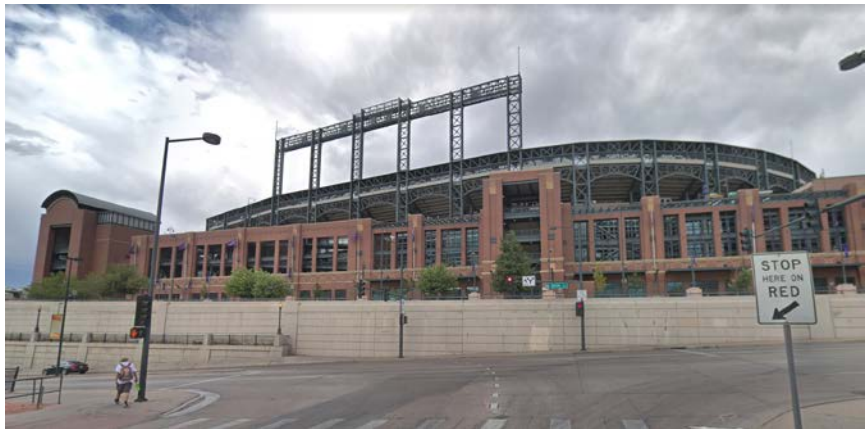
Properties to the east of the site across Wazee Street, looking east



Properties to the south of the site at the intersection of 19<sup>th</sup> and Wazee Streets, looking south



View of Coors Field to the north of the subject site across 20<sup>th</sup> Street



### Summary of PUD Request

The applicant requests to rezone to PUD-G 19 per DZC Section 9.6.1. The purpose of a PUD district is to provide an alternative to conventional land use regulations, combining use, density, site plan, and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in the Code. The PUD District is intended to respond to unique and

extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

The intent of the proposed PUD is to allow mixed use development that contributes to the vibrancy of Downtown and the surrounding neighborhoods; facilitate compatible development through the use of appropriate building form and design standards and guidelines; encourage pedestrian-activated public spaces; create a key pedestrian and bicycle connection through the site between 19<sup>th</sup> and 20<sup>th</sup> Streets, referred to as Wynkoop Promenade; ensure quality, human-scaled building design; provide a scale and building form transition from the Lower Downtown Historic District to 20<sup>th</sup> Street; and address the unique conditions of the site, including the lack of a through street connection along the Wynkoop Street alignment. Given the subject site's unique conditions, the proposed PUD uses D-AS-12+ as the base district, with tailoring and incorporation of C-MX-12 regulations as appropriate. Key elements of the PUD include:

- *Tailored primary building form standards, alternatives, and exceptions*  
The PUD's Primary Building Form Standards are primarily based on the D-AS-12+ General with Height Incentive building form, with deviations to apply standards to the west zone lot line (Wynkoop Promenade), side street provisions (largely taken from C-MX-12 general building form provisions), a 20% private open space requirement, varied height requirements, and upper story setback requirements
- *Establishment of Primary and Side Street zone lot lines*  
The PUD designates primary and side street zone lot lines for the application of building form standards. Wazee and 19<sup>th</sup> Streets, as well as the west zone lot line (Wynkoop Promenade), are designated as primary streets. 20<sup>th</sup> Street is designated as a side street.
- *Provision of Wynkoop Promenade*  
Wynkoop Street does not currently extend as a public right-of-way through the site between 19<sup>th</sup> and 20<sup>th</sup> Street. The PUD proposes to treat that portion of the site similarly to a public street, by requiring a 15-foot wide pedestrian walkway and, as mentioned above, by applying Primary Street build-to, transparency, and street level active use requirements.
- *Provision of 20% Private Open Space*  
The PUD requires 20% of the zone district area as Private Open Space, subject to the design element standards of DZC Section 13.1.6.1.B as tailored through the PUD to address the site conditions. The PUD also incorporates design standards and guidelines to guide the design of the open space so that it promotes public use and activity.
- *Design Standards and Guidelines*  
The PUD proposes administrative design standards and guidelines, based largely on the Arapahoe Square Design Standards and Guidelines and tailored to address Lower Downtown compatibility, the required private open space on the site, and other unique conditions of the subject site.
- *Maximum Vehicle Parking*  
The PUD proposes to limit the vehicle parking on the site to no more than 475 parking spaces. The maximum is proposed based on maximum parking ratios for anticipated uses on the site, calibrated to the currently proposed site plan for the site. The ratios used to calculate the maximum include .8 spaces per residential unit, .25 spaces per guest room for lodging accommodations, 1.25 spaces per 1,000 square feet for office uses, and 1 space per 1,000 square feet for other commercial uses.



## 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:

**Public Works – City Surveyor:** Approved with comments.

- The property description is good.

**Development Services – Transportation:** Approved no comments.

**Public Health and Environment (DDPHE):** Approved with comments.

- Notes. The Denver Department of Public Health and Environment (DDPHE) concurs with the zoning request; however, DDPHE has information documenting a past petroleum release(s) from an underground fuel storage tank system(s) near the site. DDPHE also has information to suggest a historical gas station(s) may have been located near the site. If encountered during construction, contaminated soils, groundwater, and underground storage tanks should be properly managed and disposed in accordance with applicable regulations.
- 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:** DEH 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.

Department of Parks & Recreation, Development Services – Wastewater, CPD Development Services – Project Coordination, or Development Services – Fire Prevention did not provide a formal response to the referral, and, therefore, approved the rezoning application.

### Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	6/15/18
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:	8/20/18
Planning Board public hearing, voted to recommend approval by a vote of 7 in favor and 1 opposed, with the following condition: The PUD Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes made necessary by such edits.	9/5/18
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:	9/17/18
Land Use, Transportation and Infrastructure Committee of the City Council:	10/2/18
Property legally posted for a period of 21 days and CPD written notice of the City Council	TBD

public hearing sent to all affected members of City Council and registered neighborhood organizations:	
City Council Public Hearing (tentative):	11/13/18

- **Registered Neighborhood Organizations**
  - The RNOs identified on page 1 of this report were notified of this application. The Lower Downtown Neighborhood Association and the Downtown Denver Partnership have submitted letters of support, which are attached to this staff report.
- **Planning Board**
  - Planning Board voted to recommend approval of the application by a vote of 7 in favor and 1 opposed, with the following condition: The PUD Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes made necessary by such edits.
  - Six members of the public spoke at the Planning Board hearing. Five of the speakers spoke in favor, including representatives from Lower Downtown Neighborhood Association, Downtown Denver Partnership, One Wynkoop Plaza, and Rocky Mountain Warehouse Lofts Homeowners Association. One speaker, who is a neighbor of the property, signed up to speak against the application due to concerns about height, but during his comments he said he was now in support.
  - The public speaker representing the Rocky Mountain Warehouse Lofts Homeowners Association also submitted a copy of a Memorandum of Understanding between the Colorado Rockies Baseball Club, the Lower Downtown Neighborhood Association, and the Rocky Mountain Warehouse Lofts Association. The submitted document is attached to this staff report.
- **Other Public Comment**
  - One letter in support of the rezoning was submitted by the One Wynkoop Plaza Condominium Homeowners Association. The letter is attached to this staff report.

### Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Sections 12.4.10.7, 12.4.10.8, and 12.4.10.9 as follows:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
  - a. 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;
  - b. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;

- c. 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;
- d. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- e. The PUD District and 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.

### **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Downtown Area Plan (2007)
- Central Platte Valley Comprehensive Plan Amendment (1991)

#### **Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan objectives, strategies, and recommendations, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes.* (p. 39)
- Environmental Sustainability Strategy 4-A – *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.* (p. 41)
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.* (p. 60)
- Land Use Strategy 3-D – *Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist.* (p. 60)
- Land Use Strategy 4-A – *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.* (p. 60)
- Mobility Strategy 4-B – *Encourage the use of travel demand management (TDM) to improve the effectiveness of the transportation system and reduce trips by single-occupant vehicles.* (p. 78)
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.* (p. 78)
- Mobility Strategy 9-D – *For areas near transit stations, evaluate parking management strategies, such as reducing parking requirements and granting neighborhood parking permits.* (p. 81)

- Denver’s Legacies 1-B – *Promote standards and incentives for design that enhance the quality and character of the city, including the preservation of significant historic structures and features.* (p. 98)
- Denver’s Legacies 2-A – *Establish development standards to encourage positive change and diversity while protecting Denver’s traditional character.* (p. 98)
- Economic Activity Strategy 2-B – *Reinforce and maintain Denver’s attractive quality of life as an economic asset. Denver’s natural environment, climate and outdoor activities; well-maintained and architecturally diverse neighborhoods; professional sports, recreation, cultural and arts activities; post-secondary education; and real and perceived public safety all contribute to Denver’s attractiveness to businesses as well as residents. Expanding housing uses in Downtown and other urban centers supports other uses and extends hours of activity* (p. 132)
- Economic Activity Strategy 4-A – *Ensure Downtown’s future as Denver’s preeminent center for business, tourism and entertainment, and as a focal point for the growth of information technology companies. To support Downtown economic development, the City should:*
  - *Support business development efforts focused on software and telecommunications, tourism and conventions, business and financial services, retail that responds to an increasingly diverse market mix, and entertainment and hospitality businesses.*
  - *Enhance pedestrian connections among Downtown’s attractions and amenities by extending the 16th Street Mall to the Central Platte Valley, creating pedestrian links between Downtown and close-in neighborhoods, reactivating 14th and 15th Streets, and connecting destinations within Downtown.*
  - *Continue to support development of high-density residential units in and around Downtown.*

The proposed rezoning is consistent with Comprehensive Plan 2000 for the following reasons:

- The proposed rezoning will promote infill development in Downtown, supporting goals for Downtown and focusing density at a site where services and infrastructure are already in place.
- The proposed rezoning will promote the creation of a mix of uses, affording residents opportunities to live, work, and play in their neighborhood.
- The proposed rezoning will ensure compatible development through building form standards and design standards and guidelines.
- The proposed rezoning will provide a key pedestrian connection on Wynkoop Promenade.
- The proposed rezoning utilizes the TDM strategy of maximum parking requirements to encourage multi-modal transportation and discourage drawing more vehicles to the site than necessary.

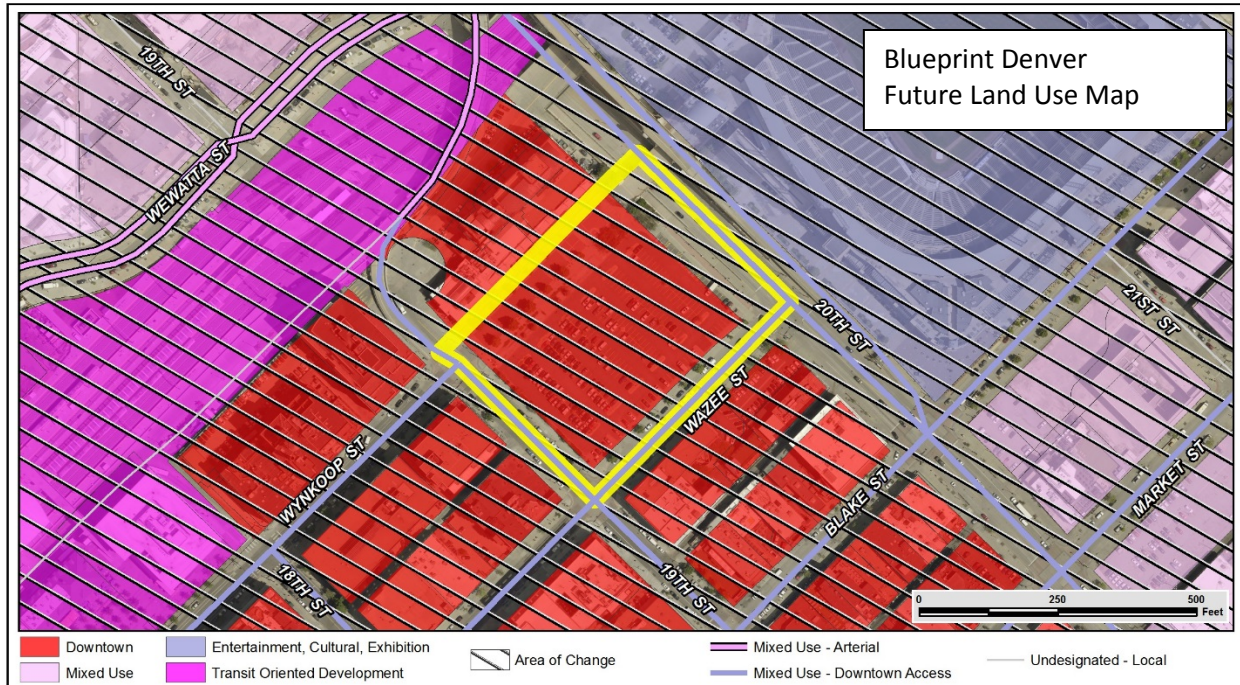
### **Blueprint Denver (2002)**

Blueprint Denver, Denver’s integrated land use and transportation plan adopted by City Council in 2002, identifies the subject site as within an “Area of Change” with the concept land use of “Downtown.”

### **Future Land Use**

Blueprint Denver recognizes Downtown as “the centerpiece of the City and region with the highest intensity of uses in Colorado” (p. 39). Blueprint Denver further states that Downtown “has the most intense land-use development and transportation systems,” and the vision is to “to continue more of the same types of high quality office, hotel, retail, residential and mixed-use development” (p. 134).

Recommended strategies for Downtown include: infill and redevelopment of vacant and underused properties; compatibility between new and existing development; parking reduction strategies such as shared parking and transportation management associations; and adequate parks and open space (p. 20). Blueprint further states that Downtown has special design standards to address architectural form and site design due to the complex nature of Downtown, including skyscrapers, unique civic structures, and the concentration of historic buildings (p. 39).



### **Area of Change**

Blueprint Denver states, “The purpose of Areas of Change is to channel growth to 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” (p. 127). It further goes on to state that “a major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop” (p. 127). In the Downtown Area of Change, Blueprint states that all areas of Downtown should “emphasize high-quality urban design, pedestrian-friendly design and multi-modal transportation” (p. 134).

### **Street Classifications**

In Blueprint Denver, 19<sup>th</sup> Street, Wazee Street, and 20<sup>th</sup> Street are all identified as Mixed Use Downtown Access streets. Downtown Access streets provide a high degree of access to the highly intense mixed land uses located within Downtown (p. 52). These streets are intended to serve as multi-modal streets to accommodate a complex transportation network and support travel by alternative modes to vehicular travel (p. 52). The Mixed Use designation indicates that the streets are located in high-intensity mixed-use areas with substantial pedestrian activity.

The proposed rezoning is consistent with Blueprint Denver guidance as the PUD district will encourage redevelopment of an underutilized site in the Downtown Area Change, facilitating a mix of uses that are compatible with surrounding uses, enhanced pedestrian connectivity, quality open space, limited vehicular parking demand, and pedestrian-friendly, compatible building form and urban design.

### **Use of Planned Unit Development (PUD)**

Blueprint Denver provides the following policy guidance regarding the use of PUD zoning (p. 82-83):

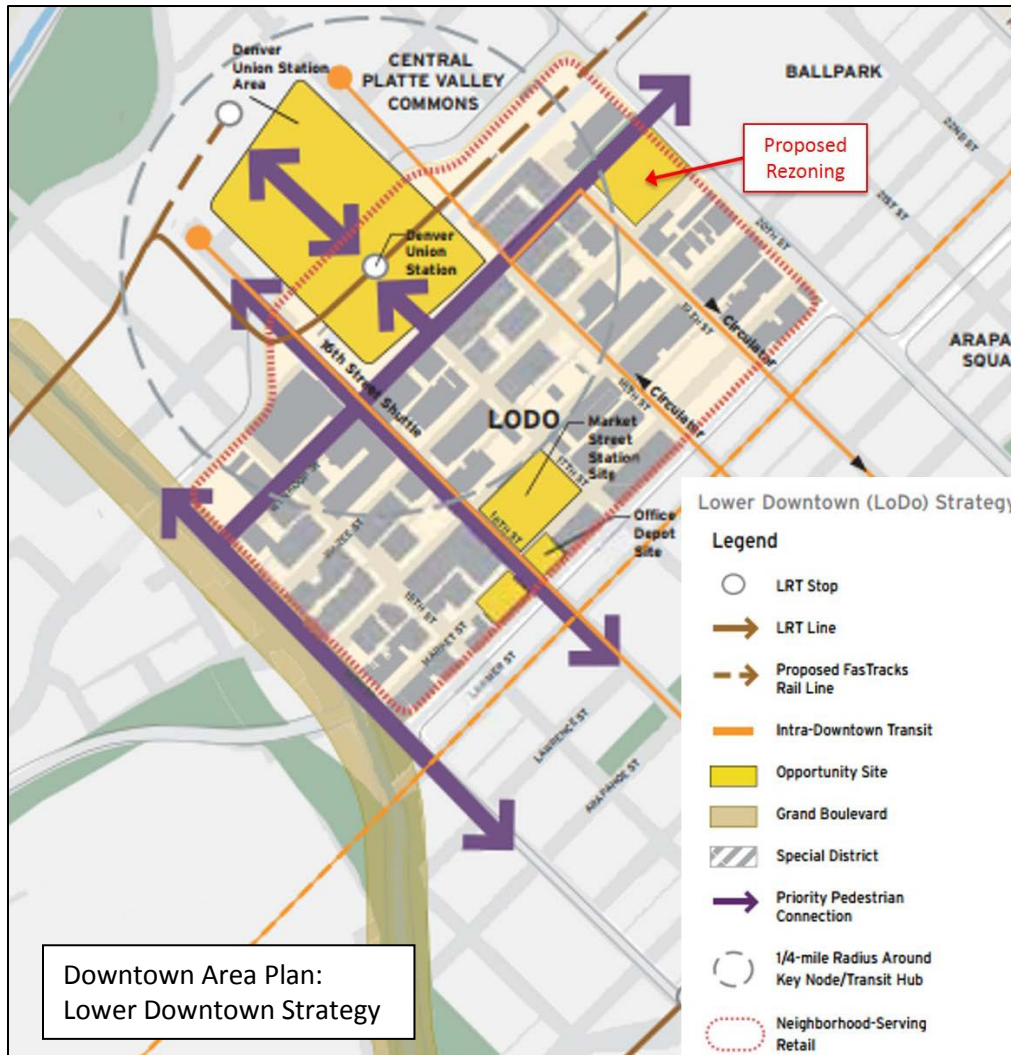
*“Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes perform poorly and inflexibly once the PUD has been adopted....to limit the future excess of PUDs, the city should reserve them for special situations and should provide tighter standards that define what type and scale of development will qualify for this zone definition.”*

Consistent with this adopted plan direction, CPD has, with the 2010 Denver Zoning Code, put into place stricter zoning standards that limit the use of PUDs to unique and extraordinary circumstances. CPD also changed the way PUDs are written. PUDs are now based on the zoning standards in a specific DZC zone district, with any specific exceptions to the zoning standards listed within the PUD. In this way, PUD standards are tightened to now conform to existing zoning standards apart from specific alterations. The proposed rezoning is consistent with this Blueprint Denver plan direction for PUDs. The PUD uses D-AS-12+ as a base district, with alterations to address the site’s unique location within the Downtown context; its adjacency to Lower Downtown and Coors Field; and its site configuration, including the lack of an extension of Wynkoop Street through the site and the significant grade change on 20<sup>th</sup> Street.

### **Downtown Area Plan (2007)**

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

As specified within the Downtown Area Plan, the subject site is located within the Lower Downtown district. Lower Downtown is generally defined in the Downtown Area Plan as the area encompassing west of the alley between Larimer Street and Market Street, east of the RTD commuter rail line, south of 20<sup>th</sup> Street, and north of 14<sup>th</sup> Street (as shown on the map below). The boundary roughly aligns with the Lower Downtown Historic District, while also capturing the subject site, Union Station, and sites on the west side of Wynkoop between 18<sup>th</sup> and 20<sup>th</sup> Streets. The description of the district largely focuses on the character of the historic district as a mixed-use hub of housing, retail, office and entertainment that predominantly consists of two-to-six story buildings with ground floor commercial uses and office or residential above. The subject site is identified as an opportunity site, and a priority pedestrian connection is shown extending through the site generally following the alignment of Wynkoop Street. The plan states that these high quality pedestrian connections are essential to linking the Downtown core to the rest of the study area (p. 10).



The Downtown Area Plan also generally recommends prioritizing pedestrians, strengthening connections to surrounding neighborhoods, encouraging neighborhood-serving retail and active ground floor uses, and expanded housing opportunities. The plan also recommends using features such as transit stations, changes in grid, terminating vistas, grand boulevards, character of existing buildings, and relationship to adjacent districts and neighborhoods to influence zone district form requirements including the intensity of development, height of buildings, ground floor activity, and mix of uses (p. 33). The plan's open space strategy includes a goal of enhancing the public realm to provide venues for outdoor activity and Wynkoop Promenade is shown as a green connection through the subject site (p. 37).

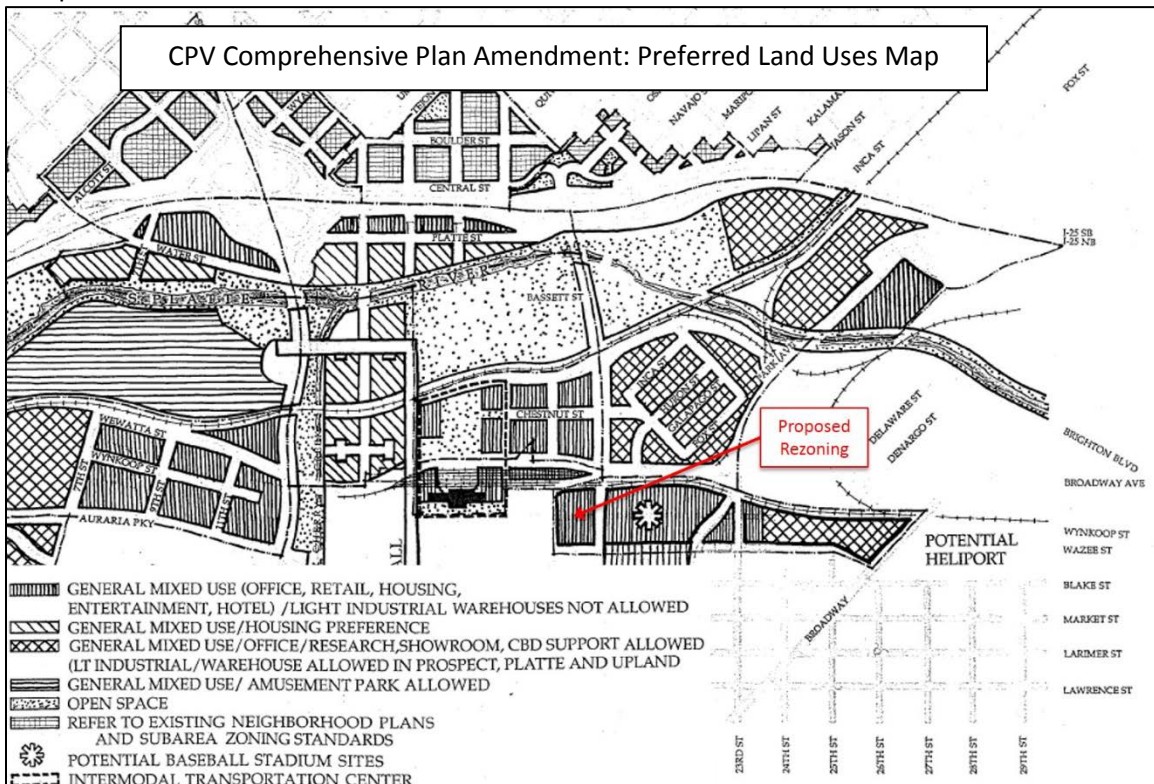
The proposed rezoning is consistent with the Downtown Area Plan as it will encourage redevelopment of an opportunity site with mixed uses, a key pedestrian connection, building form and design that is pedestrian-friendly and transitions appropriately from Lower Downtown, and open space that is designed to support public use and activity.

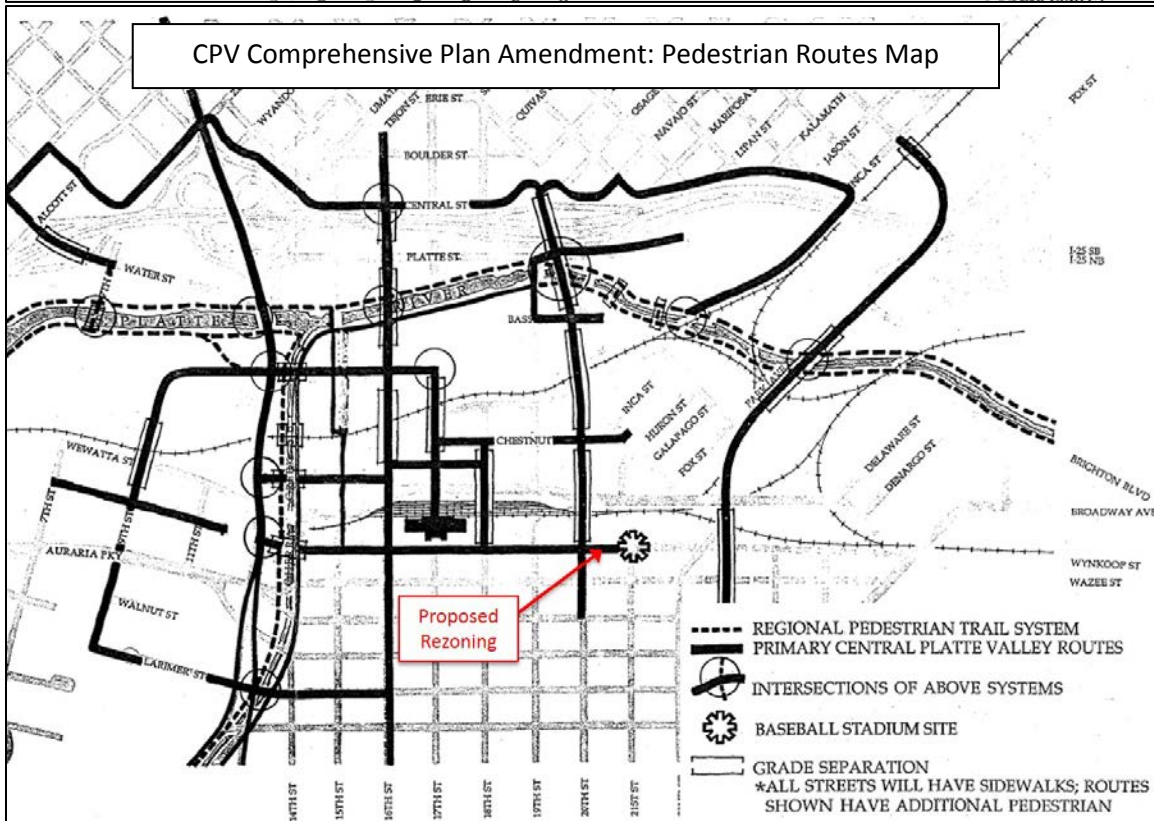
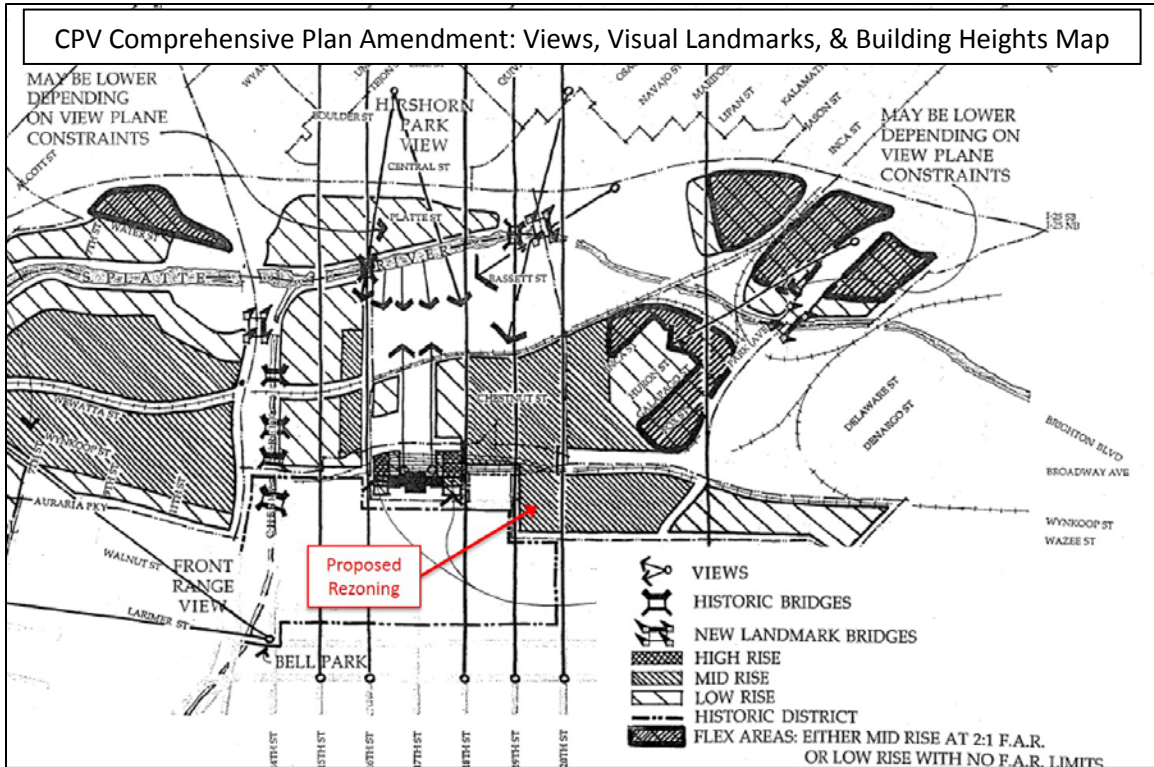


**Central Platte Valley Comprehensive Plan Amendment (1991)**

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

The subject site is identified in the preferred land uses plan as General Mixed Use, which includes office, retail, housing, entertainment, and hotel while specifically stating that light industrial uses are not allowed. Further, the plan recommends “mid rise” building heights as appropriate for the area in which the subject site is located. Mid-rise heights are not defined in the plan; instead the plan references an appendix where height values assumed by the Steering Committee during the plan process are provided. The appendix states that the Steering Committee assumed a height of about 140 feet for mid-rise areas. Further, the plan identifies a primary pedestrian route across the site at the location of Wynkoop Promenade.





The plan also provides guidance for sub-areas. The subject site is within the Upland Sub-Area between Wewatta and Wazee Streets, Union Station, and Broadway. Guidelines for this sub-area include:

- The UP Head-house, the scale and character of Lower Downtown, and other historic buildings adjacent to this sub-area set a precedent for the scale and quality of future development.
- Pedestrian and bicycle access to Lower Downtown should be provided by extension of Wynkoop at or near grade over depressed 20<sup>th</sup> Street.
- A small public open space should be identified and dedicated at a location convenient for most future occupants.
- Property between 19<sup>th</sup> and 20<sup>th</sup> Street should be developed for uses which complement and strengthen the prevailing Lower Downtown mix of office, retail, housing and galleries.
- If a baseball stadium is sited in this area, a set of additional guidelines should be followed. These guidelines should include pedestrian access between Lower Downtown and the stadium should be provided along Wynkoop, Wazee, and Blake Streets.

The proposed rezoning is consistent with the Central Platte Valley Comprehensive Plan Amendment for the following reasons:

- The uses allowed by the PUD district implement the land uses recommended in the plan;
- The PUD will facilitate compatible building form and design as recommended in the plan;
- The PUD provides a height transition from 110' to 165', which is generally consistent with the mid-rise height envisioned in the plan;
- The PUD requires the pedestrian connection recommended in the plan; and
- The 20% open space requirement in the PUD, coupled with the design standards and guidelines, will ensure quality open space.

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

The proposed map amendment will result in the uniform application of the zone district building form, use and design regulations across the site. The PUD is based on the D-AS-12+ zone district, with customization to address the unique location and features of site.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City by implementing the City's adopted land use plans. Additionally, it furthers public health, safety, and general welfare by establishing building form and site design requirements that enhance walkability and by creating additional open space amenities. The use list allowed by the proposed PUD better furthers safety and welfare in this location.

## **4. Justifying Circumstances**

This application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest." The Union Station neighborhood has evolved significantly since the I-MX-8 zone district was put in place in 2010, reflecting the use of the subject site as a surface parking lot for Coors Field. Since that time, Union Station

Terminal and accompanying Wynkoop Plaza were built and a number of new office and residential buildings have been constructed. Most recently, the Dairy Block development opened to the southeast of the subject site at the corner of Wazee and 19<sup>th</sup> Streets. The changes are in keeping with the adopted policy guidance for the area. These are appropriate justifying circumstances for the proposed rezoning.

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

The requested zone district is PUD-G 19, which is based on the D-AS-12+ zone district. The requested zone district is in the Downtown Neighborhood Context, which is primarily characterized by a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. The context consists of a regular pattern of block shapes, and buildings typically have shallow front setbacks or build-to lines and vary in height depending on the district. Streets are multi-modal and priority is given to pedestrians.

PUD-G 19 is consistent with the Downtown Neighborhood context because it uses the D-AS-12+ zone district as a base, providing for a pedestrian-activated building form, upper story setbacks, and minimizing the visual impacts of parking areas. The tailoring in the PUD ensures that development will be consistent with the neighborhood context and appropriately transition from the adjacent D-LD district. For analysis on consistency of this rezoning with the PUD zone district purpose and intent statements, see below.

## **6. Additional Review Criteria for Rezoning to a PUD District (12.4.10.9)**

### ***A. 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.***

- Denver Zoning Code Section 9.6.1.1 states that the general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections. A PUD is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

PUD-G 19 is consistent with the intent and purpose of PUD districts because the subject site has special locational and physical characteristics. The subject site is at the northwest edge of Downtown and serves as a transition point between Lower Downtown and Coors Field. The site is within the Downtown context in Blueprint Denver and within the boundary of the Downtown Area Plan. However, there is not an appropriate Downtown zone district to apply to this site. DZC Section 12.4.10.3 prohibits rezoning to a Downtown zone district when the site is not adjacent to the same zone district. The site is adjacent to the D-LD zone district to the south and east, but it is not within the Lower Downtown Historic District and, therefore, this is not an appropriate zone district for the site. Based on this context and the DZC requirements, C-MX-12 would be the closest fit in terms of an appropriate zone district for the site.

However, the C-MX-12 zone district would not address some of the unique conditions of the site, including:

- The lack of a public right-of-way through the site as an extension of Wynkoop Street
- The site's location within Downtown and the regulations in place in other downtown districts, such as those for parking, uses, and design standards and guidelines.
- The site's immediate context of the Lower Downtown Historic District and Coors Field
- The lack of an alley and the significant grade change along 20<sup>th</sup> Street that limits service and parking access to the site

To address the unique circumstances, the proposed PUD district uses the D-AS-12+ zone district as a base zone district while also using some C-MX-12 regulations (e.g., side street provisions). Thereby, the PUD utilizes DZC's most modern Downtown regulations (created since the update of the Denver Zoning Code in 2010) together with Urban Center regulations as appropriate to address the site's unique features.

- DZC Section 9.6.1.1.C states that a PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development's economic feasibility.

PUD-G 19 is consistent with the Downtown neighborhood context and character as noted above. The PUD is intended as a mechanism to ensure that development is consistent with adopted plans, not as a vehicle to enhance a proposed development's economic feasibility.

- According to DZC Section 9.6.1.1.D., in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

The PUD District provides significant public benefit not achievable through application of a standard zone district, including:

- Provision of Wynkoop Promenade, which is prioritized as a pedestrian connection in both the Downtown Area Plan and the Central Platte Valley Comprehensive Plan Amendment but is not a public right-of-way. The PUD requires a minimum 15-foot pedestrian walkway and treats Wynkoop as a primary street in terms of build-to, transparency, and street level active uses.

- A height transition from 19<sup>th</sup> Street adjacent to Lower Downtown towards 20<sup>th</sup> Street and Coors Field. This is consistent with the Central Platte Valley Comprehensive Plan Amendment recommendation that new buildings should complement and strengthen Lower Downtown and the historic building context.
- Pedestrian-friendly design and building forms compatible with Downtown generally and Lower Downtown specifically, achieved through building form standards and administrative design guidelines and standards. This is also consistent with the Central Platte Valley Comprehensive Plan Amendment recommendation that new buildings should complement and strengthen Lower Downtown and the historic building context. Further, it supports the pedestrian activation recommendations of the Downtown Area Plan and Blueprint guidance regarding the use of supplemental design standards and guidelines in Downtown.
- The provision of 20% private open space, subject to administrative design standards and guidelines that will ensure the spaces are pedestrian-friendly, activated and support year-round use. This is consistent with the Downtown Area Plan recommendation to enhance the public realm to provide venues for more outdoor activity.
- Maximum vehicle parking requirements, consistent with adopted plan guidance to promote transit-supportive development, encourage alternative travel modes, and discourage vehicle trips.

***B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6***

The PUD District complies with all standards and criteria stated in Division 9.6.

***C. 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***

The PUD District is necessary because there is no standard zone district available that applies Downtown-appropriate standards to this unique location or addresses the site's unique configuration with regard to Wynkoop Promenade and 20<sup>th</sup> Street. An unreasonable number of variances or waivers and conditions would be required to achieve the tailored approach in the PUD.

***D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property***

The PUD District establishes permitted uses in accordance with the D-AS-12+ zone district, with no use-related changes proposed. The D-AS-12+ zone district allows a mix of office, residential, and retail uses, consistent with the Downtown context.

***E. The PUD District and 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.)***

The PUD provides tailored building form standards, largely based on the D-AS-12+ General with Height Incentive Building Form and C-MX-12 General Building Form, with tailoring to vary the heights from 19<sup>th</sup> Street to 20<sup>th</sup> Street and apply standards to the west zone lot line (the Wynkoop Promenade). Further, the PUD incorporates administrative design standards and guidelines, based on the Arapahoe Square Design Standards and Guidelines for buildings and site design and tailored to address the subject site's adjacency to Lower Downtown, Wynkoop Promenade, and the open space requirement. The PUD therefore establishes permitted building forms that are compatible with adjacent existing building forms through appropriate transitions and design standards and guidelines.

## Attachments

1. Application
2. Draft PUD-G 19
3. Public Comment