



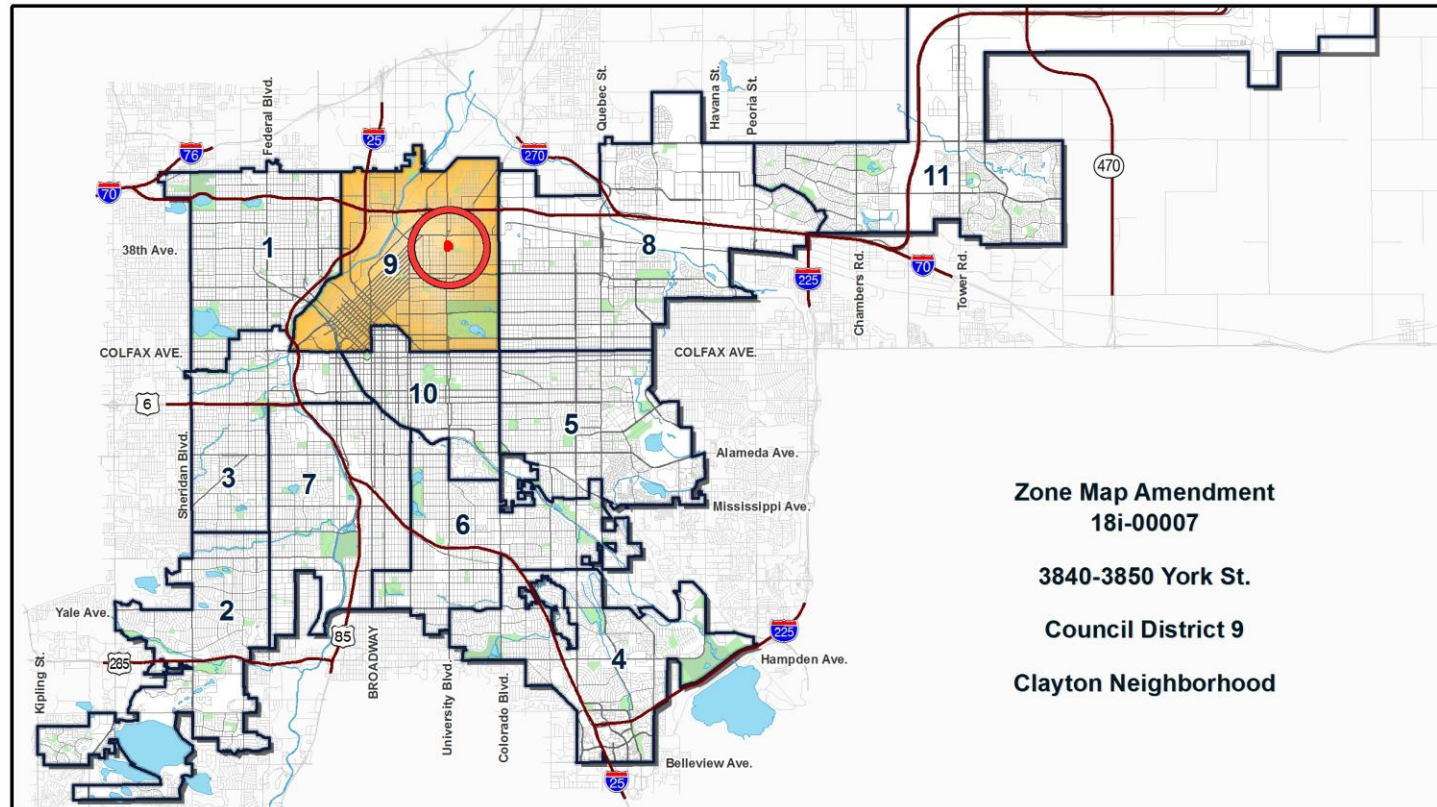
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# 3740-3850 York St

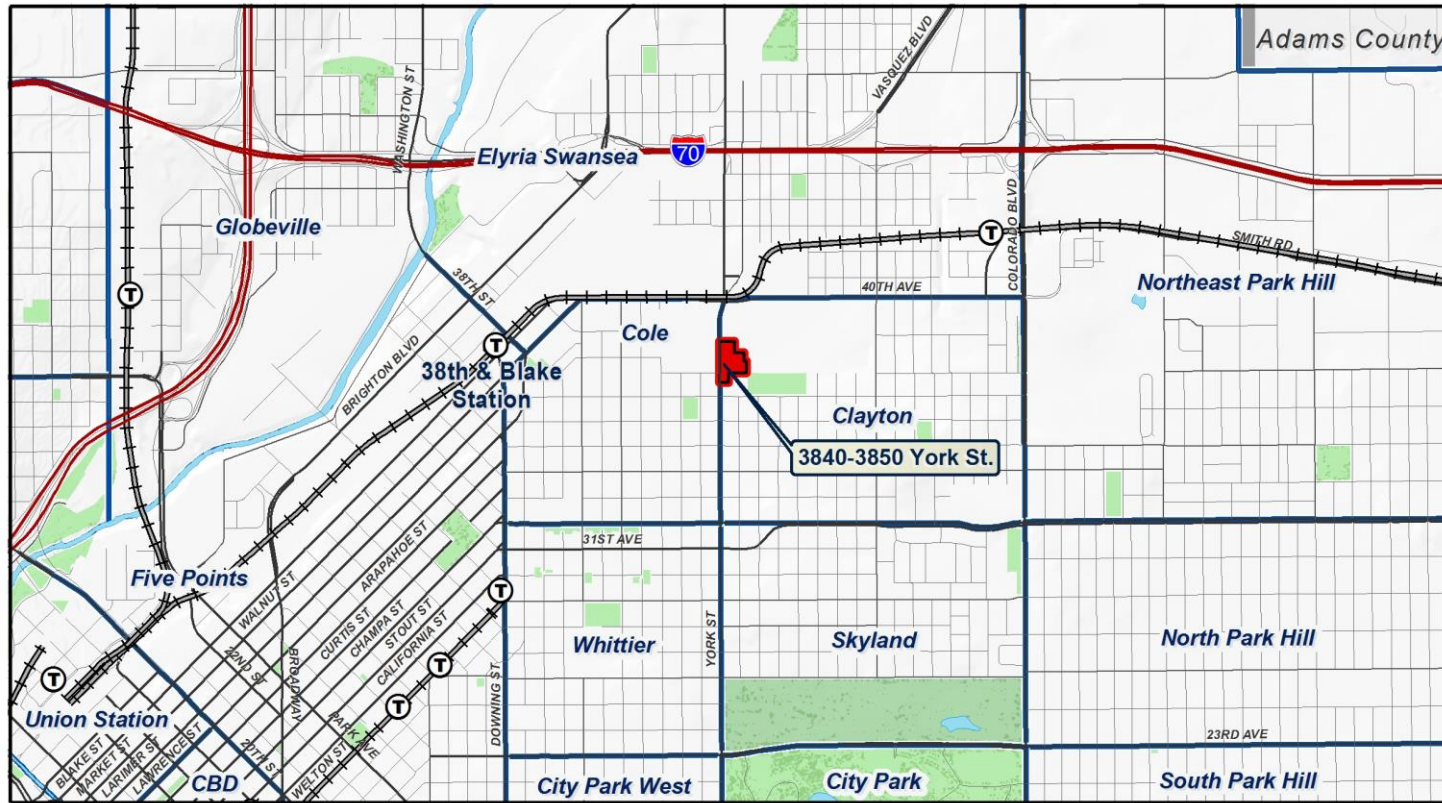
Rezoning from B-2 w/waivers & conditions, U-MX-3  
to PUD-G #20

Date: 09/05/2018

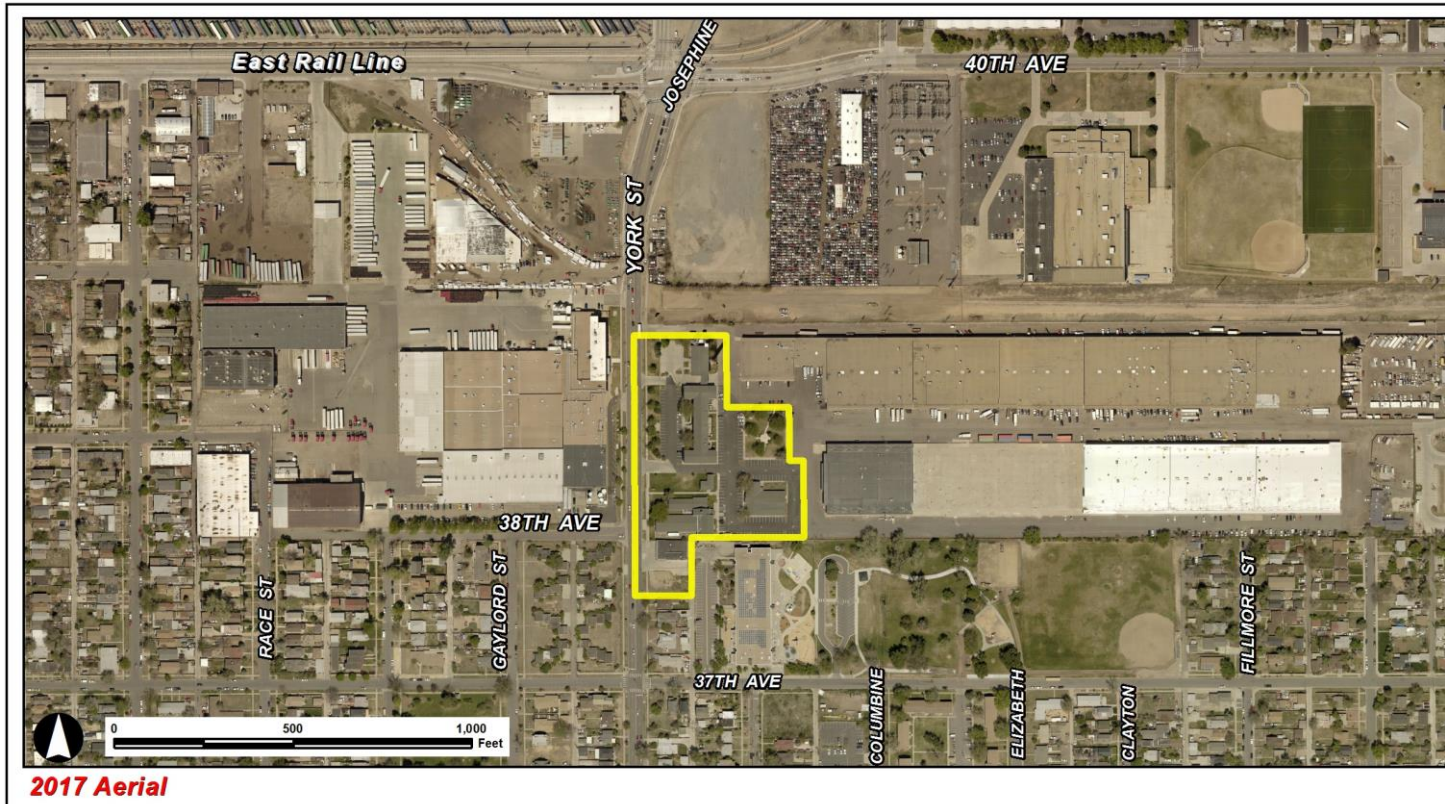
# Council District 9



# Clayton Neighborhood

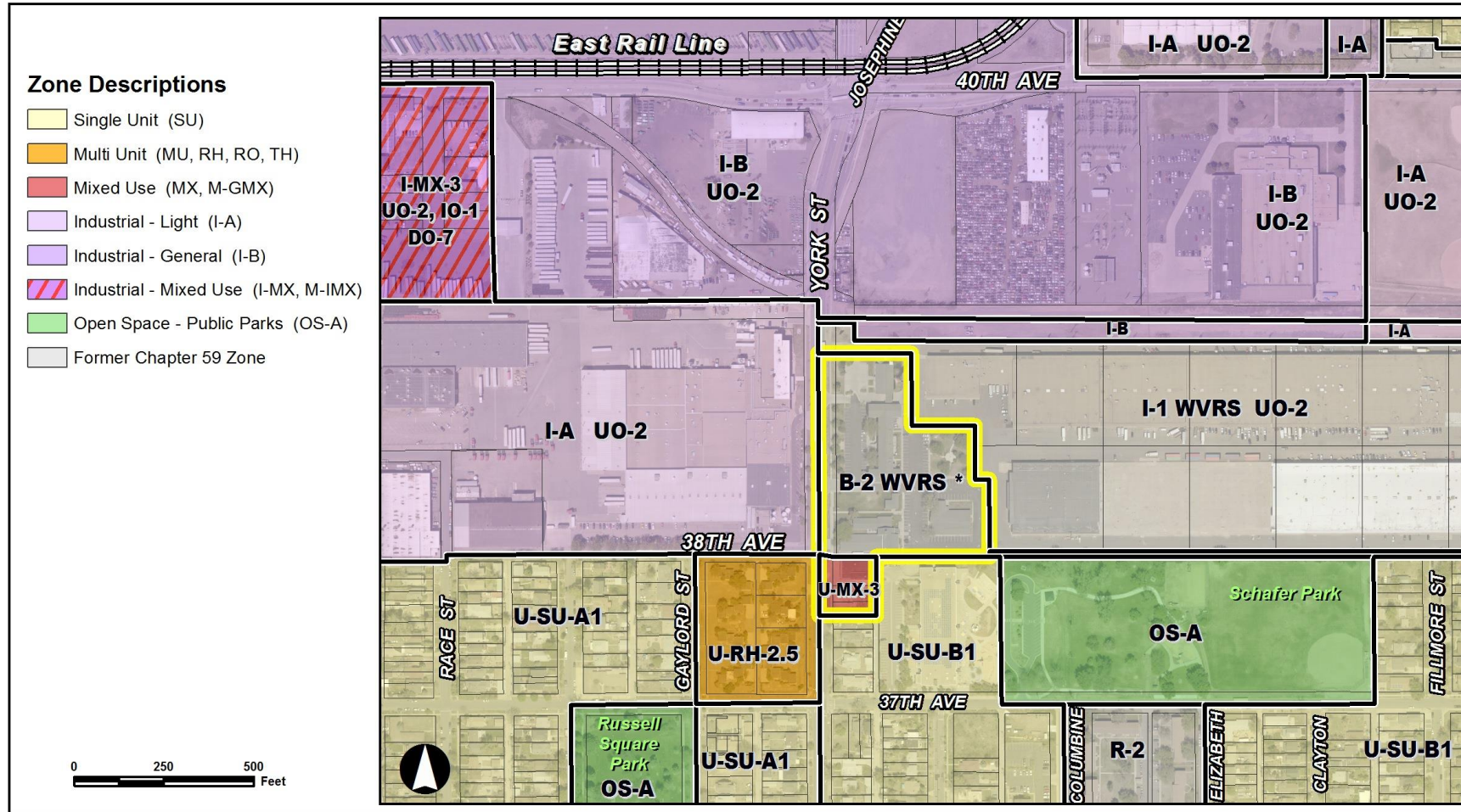


# Request: B-2 w/waivers & conditions, U-MX-3 to PUD-G 20

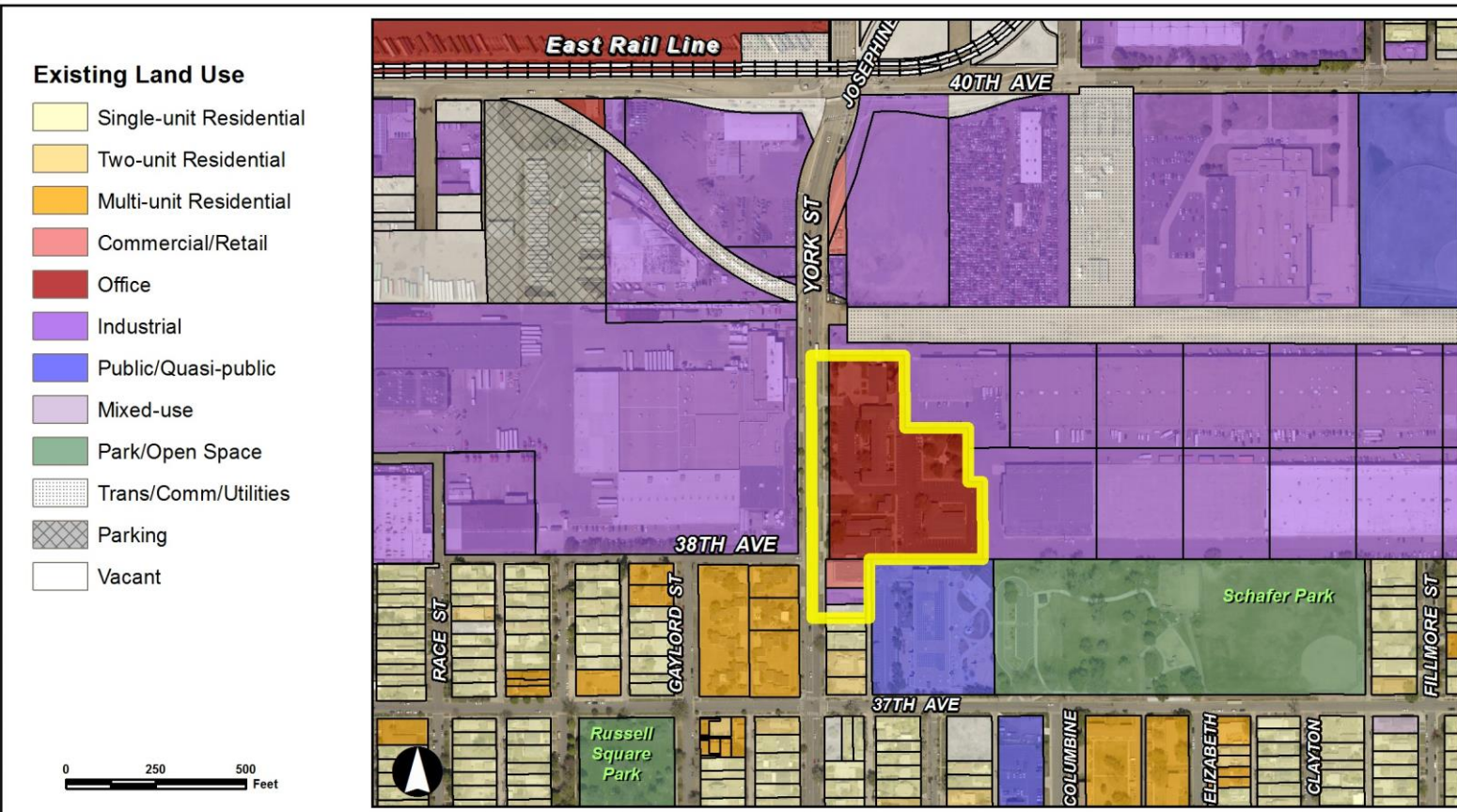


- Proposed PUD based on I-MX-3 and U-MX-3 to facilitate the reuse of existing character buildings and future additional development.
- Requirements to provide public amenities, including open space

# Existing Context – Zoning

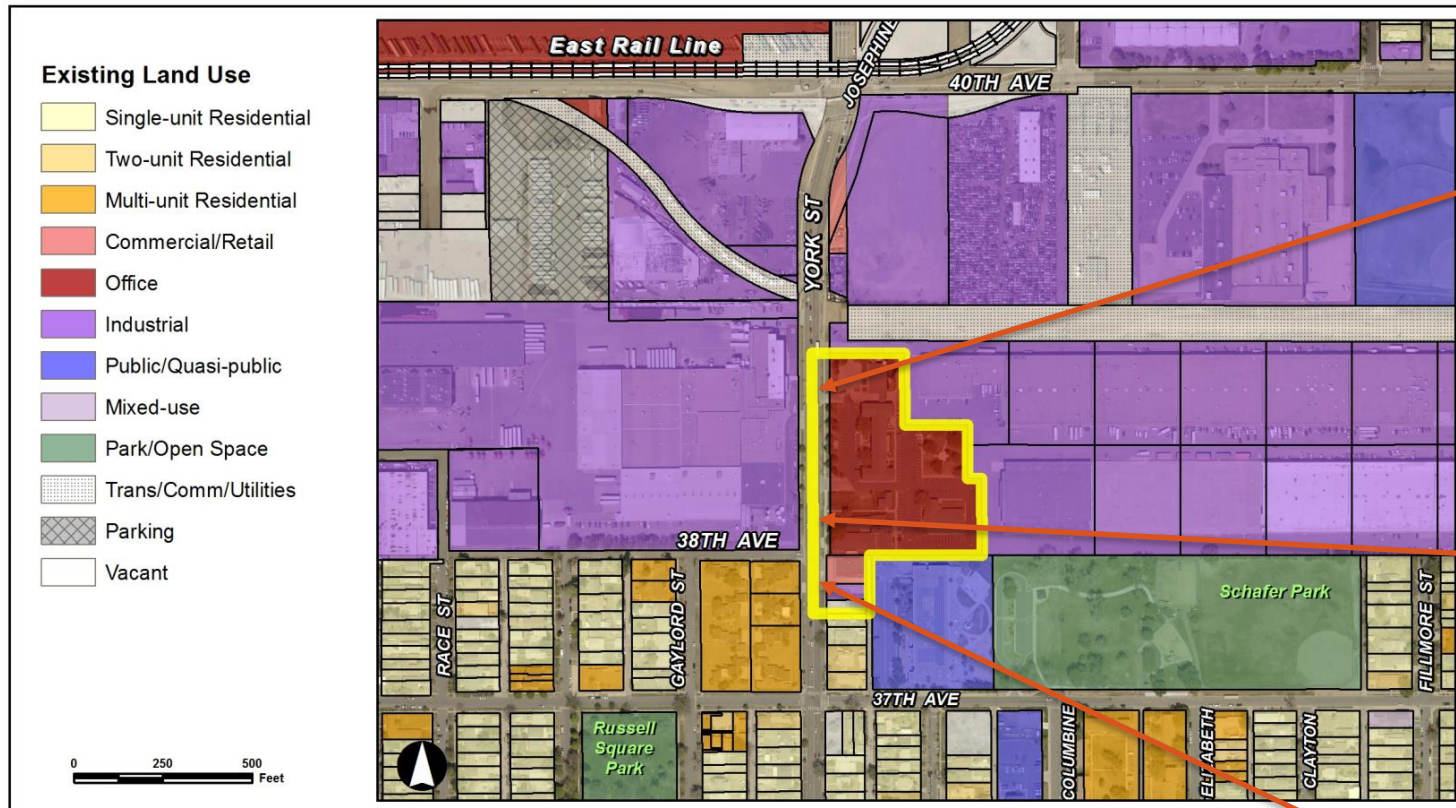


# Existing Context – Land Use

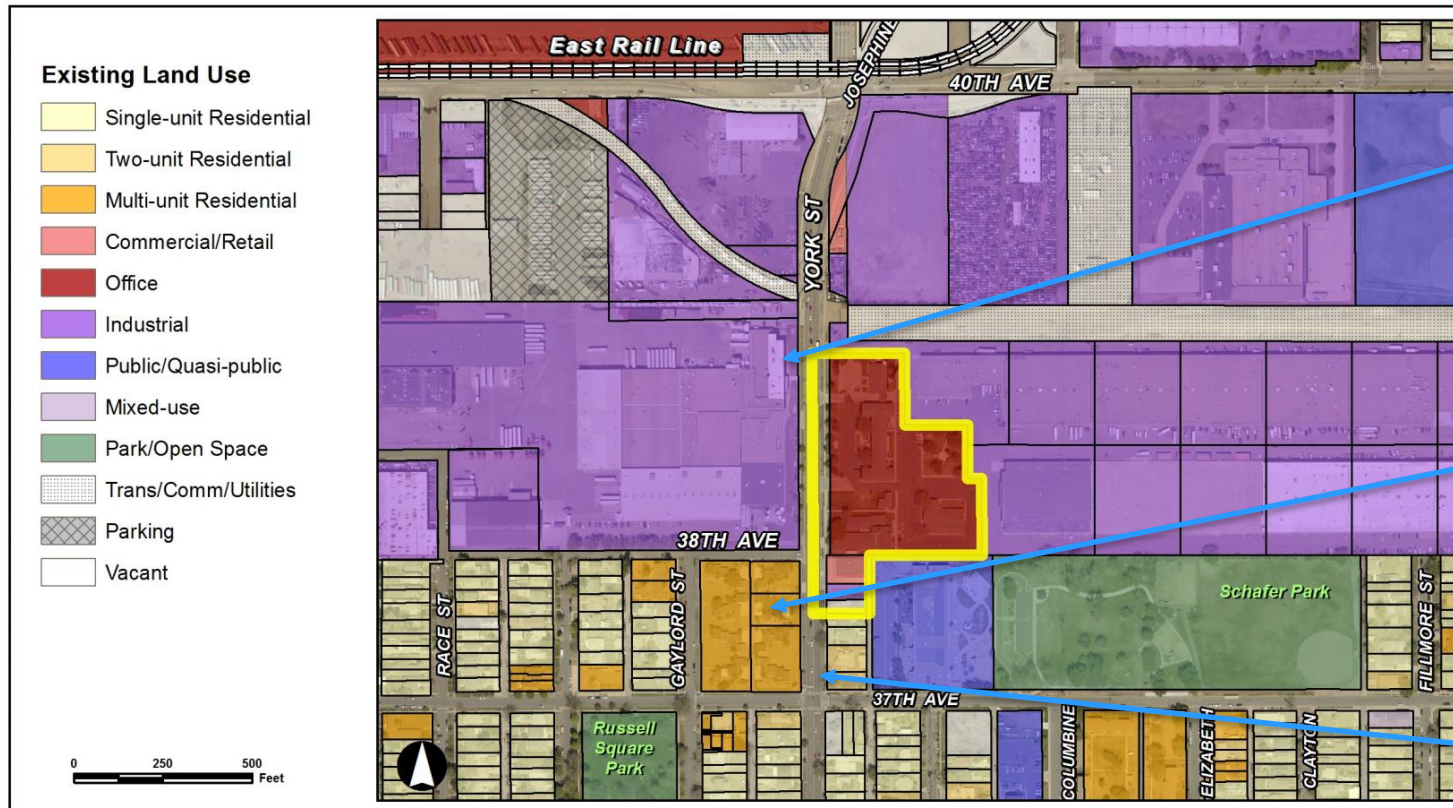


- Existing Uses: Mix of offices, Commercial and Industrial
- Industrial uses to the west, north, and east
- Residential uses to the south, southeast and southwest

# Existing Context – Building Form/Scale



# Existing Context – Building Form/Scale





# Proposal: PUD-G 20

## Purpose of PUDs (Denver Zoning Code Sec. 9.6.1)

- To provide an alternative set of regulations in unique and extraordinary circumstances
- More flexible zoning than what is achievable in standard zone district without multiple variances, waivers, and conditions

# Proposal: PUD-G 20

PUD-G 20 is proposed to address several unique circumstances, including:

- Location adjacent to major city infrastructure project
- Unique structures that would be difficult to repurpose without customization due to location on site

# Proposed PUD Standards

- Subarea A: Based on I-MX-3
  - Flexibility in phased development reserve area
  - Require 1,500 sq ft of publicly accessible open space
  - Allow build-to measured from required open space
- Subarea B: Based on U-MX-3
  - Require highest amount of transparency, regardless of building form
  - Flexibility in phased development reserve area
  - Requirements for additional amenities in parking lot screening
  - Flexibility in the demolition of Compliant structures

# Process

Planning Board –9/5

Land Use, Transportation and Infrastructure Committee –10/3

City Council – Tentative for 11/13

Public Outreach

- Notification signs posted on property 8/20
- 15 Letters of support from individuals
- Letter of support from Clayton RNO
- Letter of support from Mile High Ministries
- Statement of Support from Cole RNO
- Letter of support from nearby International Academy
- Letter of support from neighboring property owner

Registered Neighborhood Organizations

- UCAN
- The Points Historical Redevelopment Cop.
- Five Points Business District
- Clayton United
- Opportunity Corridor Coalition of United Residents
- Cole Neighborhood Association
- Denver Arts and Culture Initiative
- Inter-Neighborhood Cooperation

# Review Criteria

## Denver Zoning Code Review Criteria

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

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- *Comprehensive Plan 2000*
- *Blueprint Denver: A Land Use and Transportation Plan (2002)*
- *Elyria & Swansea Neighborhoods Plan (2015)*

### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

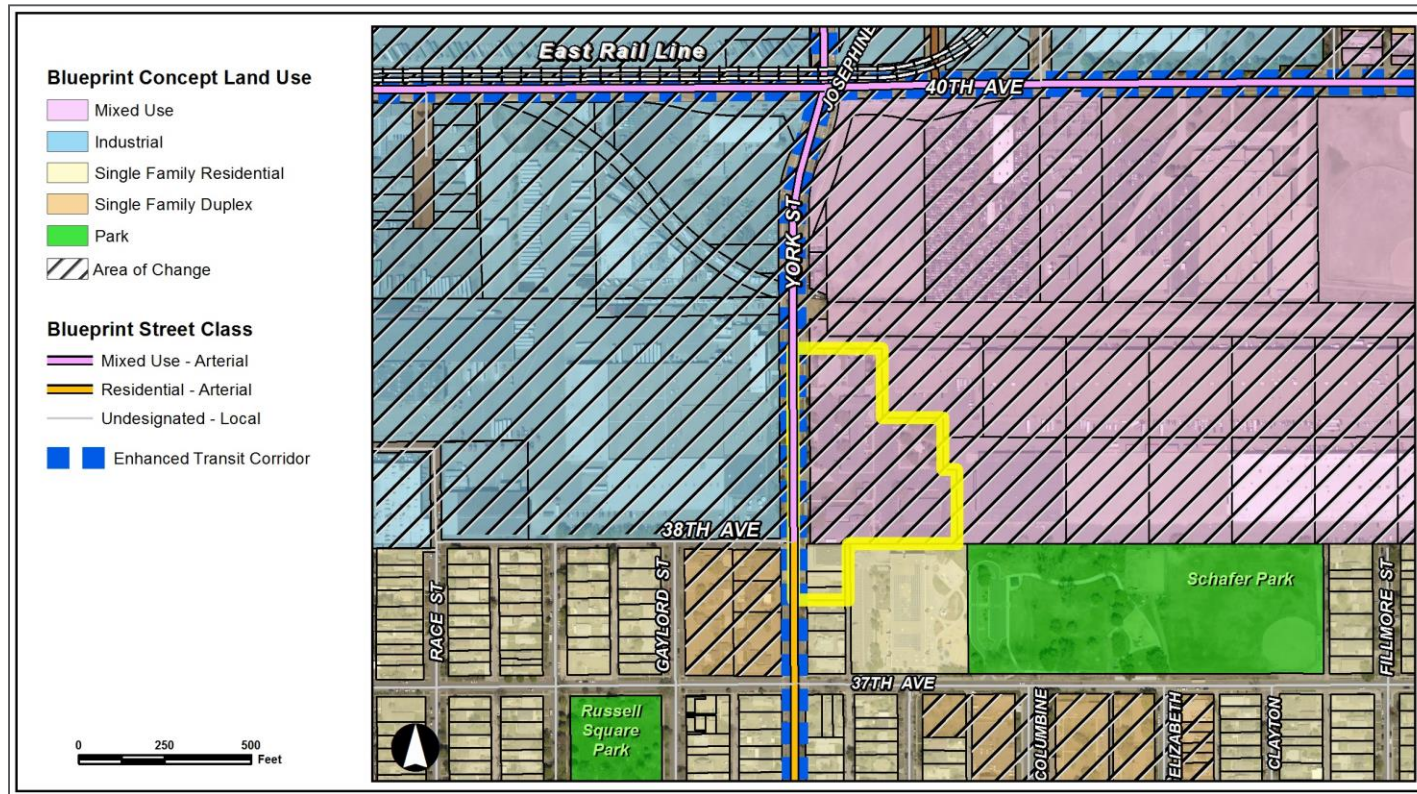
### 5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria: Consistency with Adopted Plans

## Comprehensive Plan 2000

- Environmental Sustainability Strategy 2-E: “*Conserve raw materials by: [...] Promoting efforts to adapt existing buildings for new uses, rather than destroying them*”
- Environmental Sustainability Strategy 2-F – “*Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place*”
- 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*”
- Land Use Strategy 3-D – “*Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist*”
- Legacies Strategy 9-B – “*Integrate sufficient open space and recreational amenities, including small urban parks, into large-scale development plans*”

# Review Criteria: Consistency with Adopted Plans



## Blueprint Denver (2002)

- Land Use Concept:
  - Mixed Use & Single Family Residential
    - “in some cases it may be appropriate to change the zoning in an area to create a better match between existing land uses and the zoning.”
  - Area of Change and Area of Stability



# Blueprint Denver (2002)

- Use of PUD

*“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.” (p. 82-83)*

# Review Criteria: Consistency with Adopted Plans



## Elyria & Swansea Plan (2015)

- Mixed use concept land use
  - These areas have both a sizable employment base as well as a variety of mid-to high-density housing options. Intensity is higher in mixed-use areas than in predominantly residential areas.
- 3 Story maximum height recommended

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- Comprehensive Plan 2000
- Blueprint Denver: A Land Use and Transportation Plan (2002)
- Small Area Plans
- Others, as applicable: e.g., General Development Plan

### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

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

# Review Criteria

## Denver Zoning Code Review Criteria

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

# Review Criteria

## Denver Zoning Code Review Criteria

- The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
- The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
- 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 and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- 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.

# PUD Review Criteria

## A. The PUD is consistent with the intent and purpose of PUDs stated in Article 9, Division 9.6.

- Unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, and waivers can be avoided
- Not intended solely as a vehicle to develop a site inconsistent with the applicable neighborhood context or to enhance economic feasibility
- Significant public benefit

# PUD Review Criteria

- **Unique and extraordinary circumstances**
  - Adjacent to major city investment of new 39<sup>th</sup> Avenue right-of-way and 39<sup>th</sup> Avenue Greenway project
  - Desire for re-use of structures, but difficulty doing additional development on the site when those structures do not meet build-to requirements
- **Not intended solely as a vehicle to develop a site inconsistent with the applicable neighborhood context or enhance economic feasibility**
  - PUD-G 20 is consistent with the surrounding Industrial and Urban neighborhood contexts and character.
  - PUD-G 20 is intended as a mechanism to ensure that development is consistent with adopted plans.
- **Significant public benefit**
  - Privately owned, publicly accessible open space requirement
  - Higher standard of street level activation through transparency
  - Additional requirements for parking lot screening with amenities to enhance the pedestrian character along York St.

# Review Criteria

## Denver Zoning Code Review Criteria

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# CPD Recommendation

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

## Standard Rezoning Criteria

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

## PUD-Specific Rezoning Criteria

- A. The PUD is consistent with the intent and purpose of PUDs;
- B. The PUD complies with all applicable standards and criteria for PUDs;
- 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 establishes permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD establishes permitted building forms that are compatible with adjacent existing building forms.