



TO: Denver City Council
FROM: Steve Nalley, Senior City Planner
DATE: September 30, 2013
RE: Zoning Map Amendment #2013I-00030
3345, 3403, 3457 Brighton Blvd - Rezoning from **C-MX-8, UO-2** to **PUD-G, UO-2**

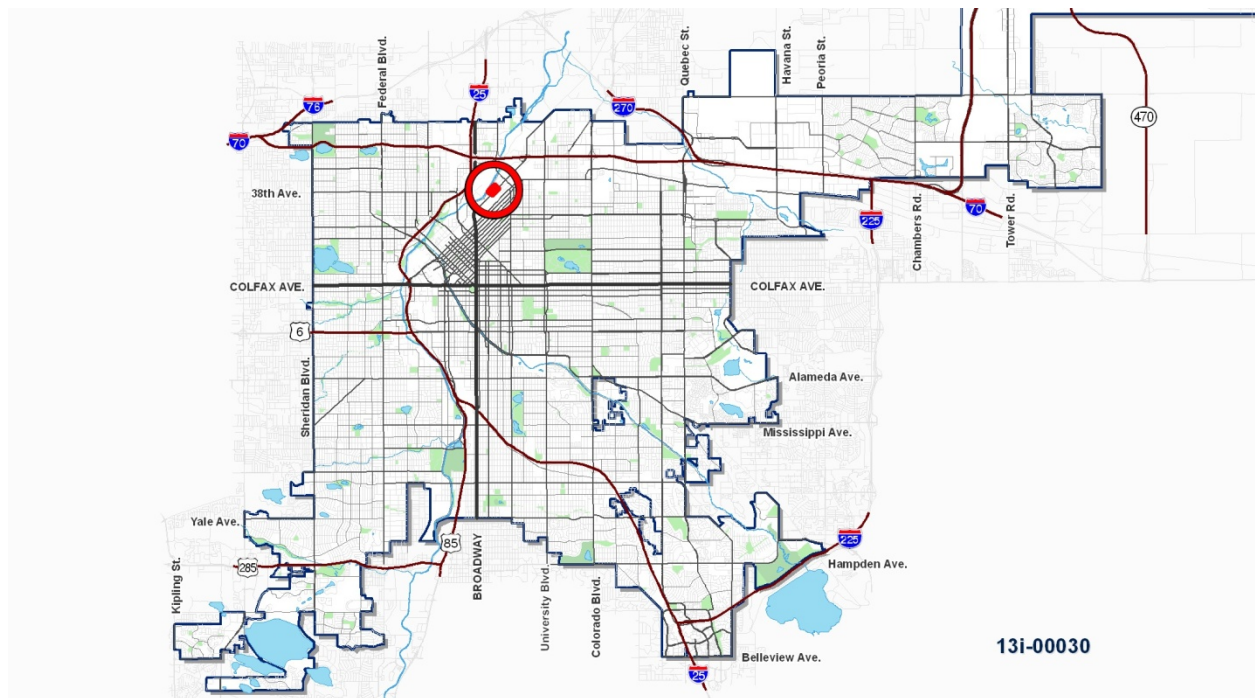
Staff Report and Recommendation

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.

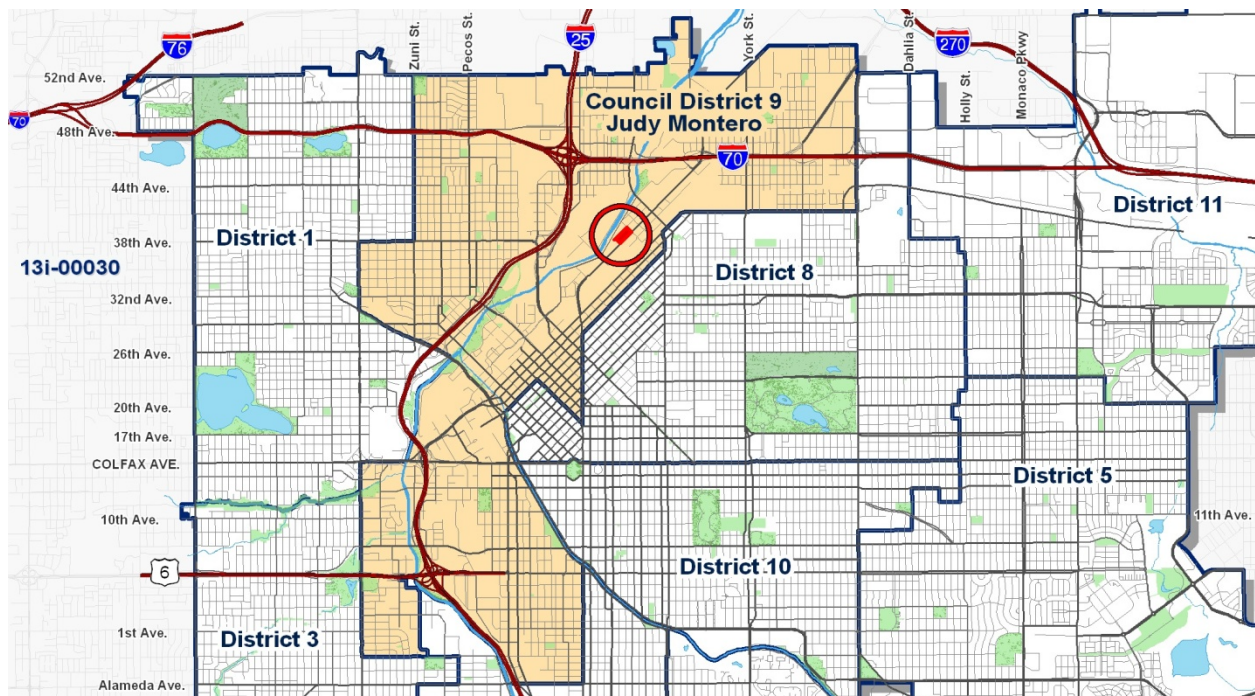
Request for Rezoning

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

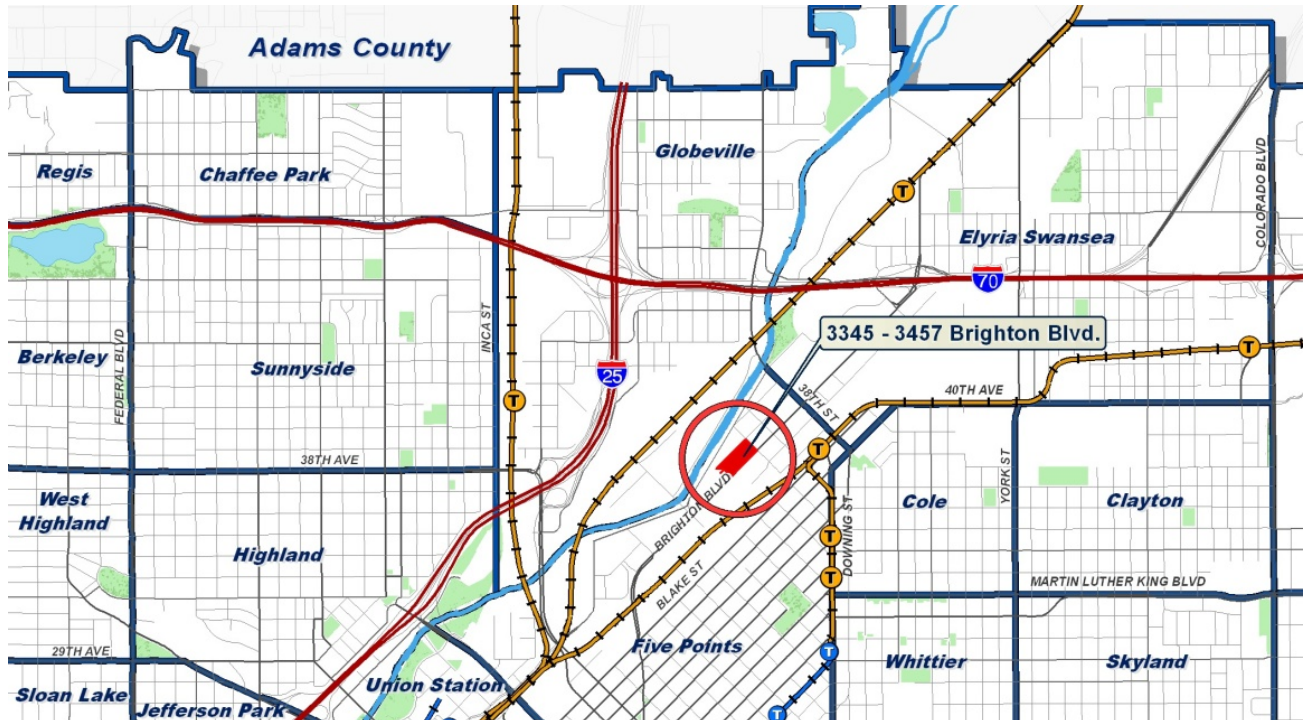
Citywide map – subject site represented in red.



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	

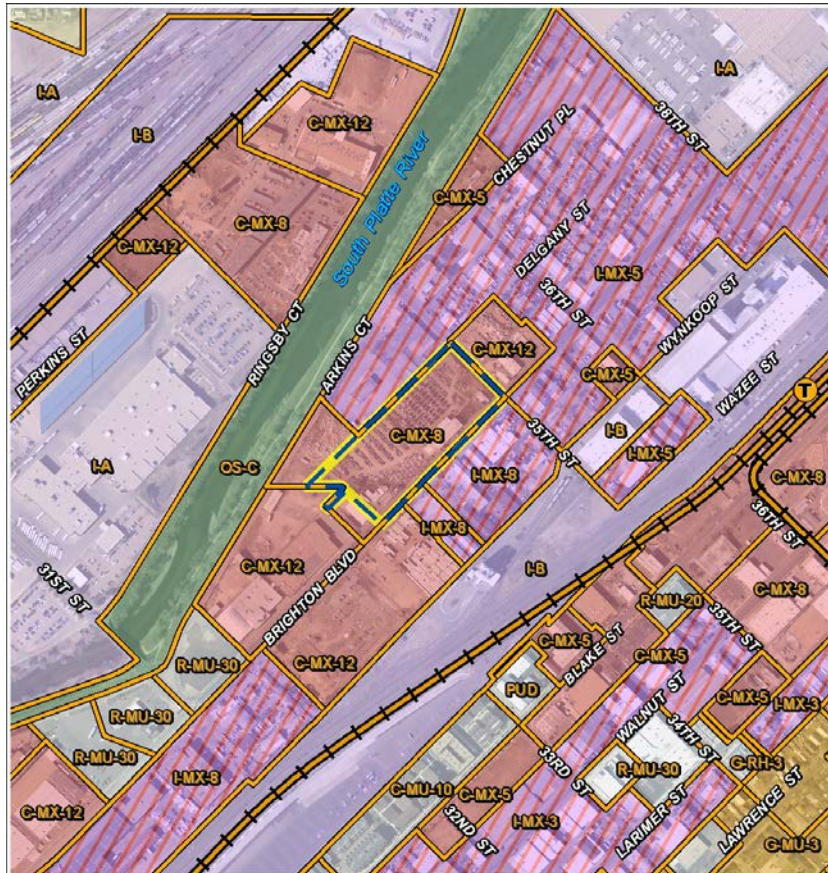
1. Existing Zoning

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.
- City Council notification process:
 - The property was legally posted for a period of 21 days announcing the September 30, 2013 City Council public hearing, and 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”

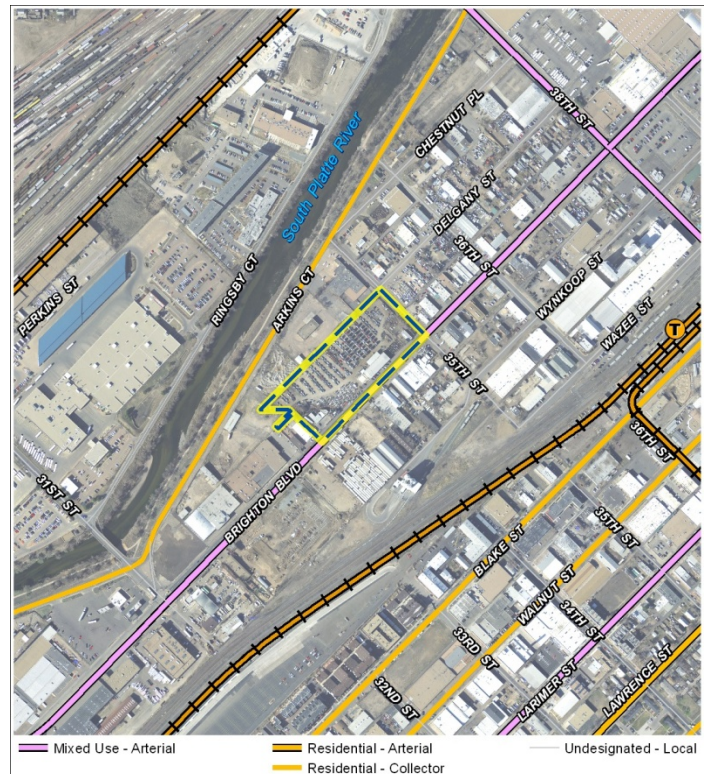
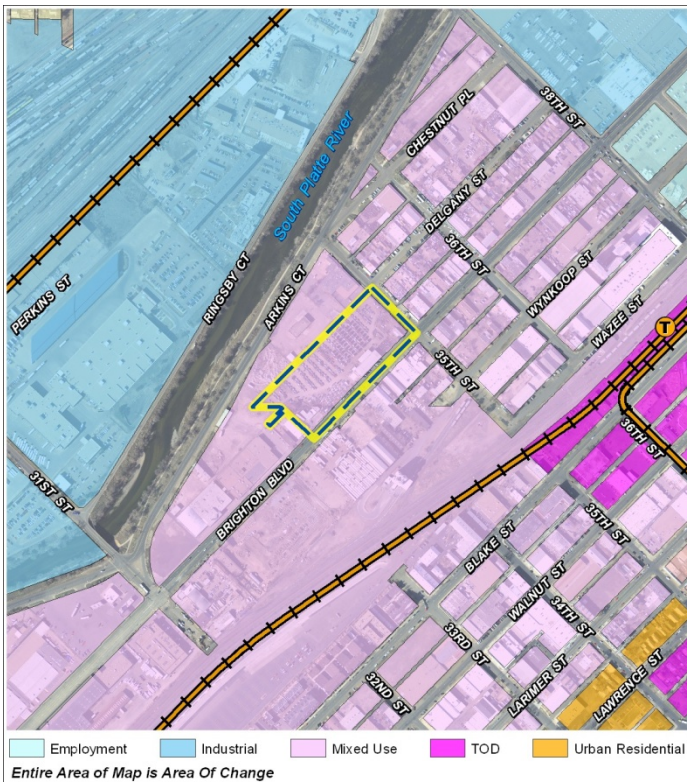
Blueprint identifies Brighton Blvd as an area of change with considerable potential for development and states “...a mixture of housing, retail services and office development is ideally suited for redeveloping this sub-area [Brighton Blvd]. However, some warehousing and distribution uses may remain. 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.

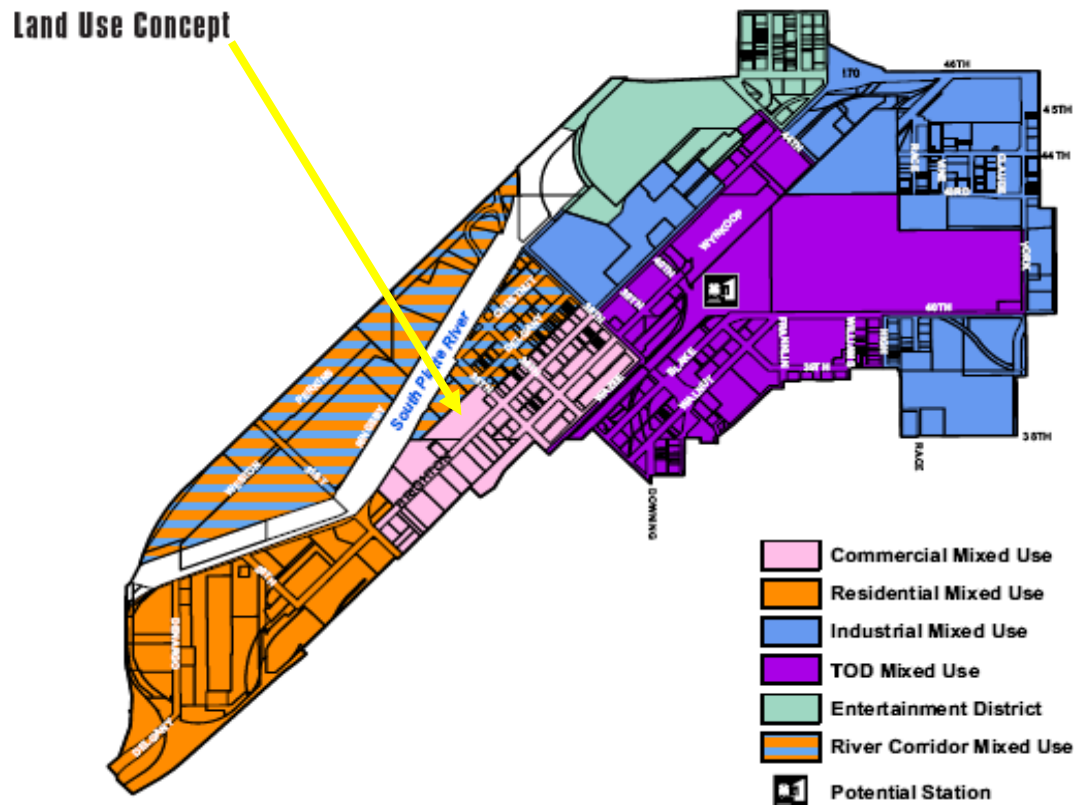
Corridors

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.