Community Planning and Development
Planning Services

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www.denvergov.org/CPD

TO: Land Use, Transportation and Infrastructure Committee
FROM: Libby Kaiser, Senior City Planner
DATE: June 16, 2022
RE: Official Zoning Map Amendment Application #2020i-00141
1001 & 1003 S. Pearl St.
Rezoning from U-SU-B to PUD-G 29

Staff Report and Recommendation

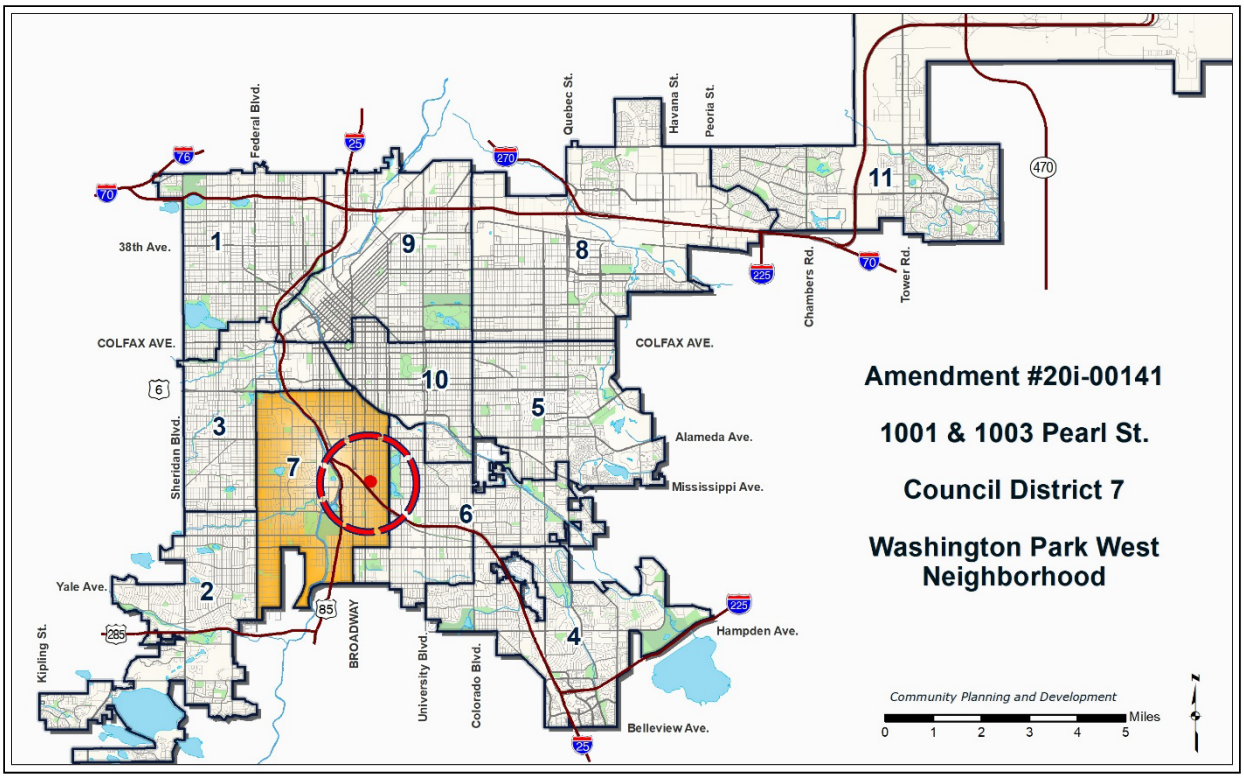
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020i-00141.

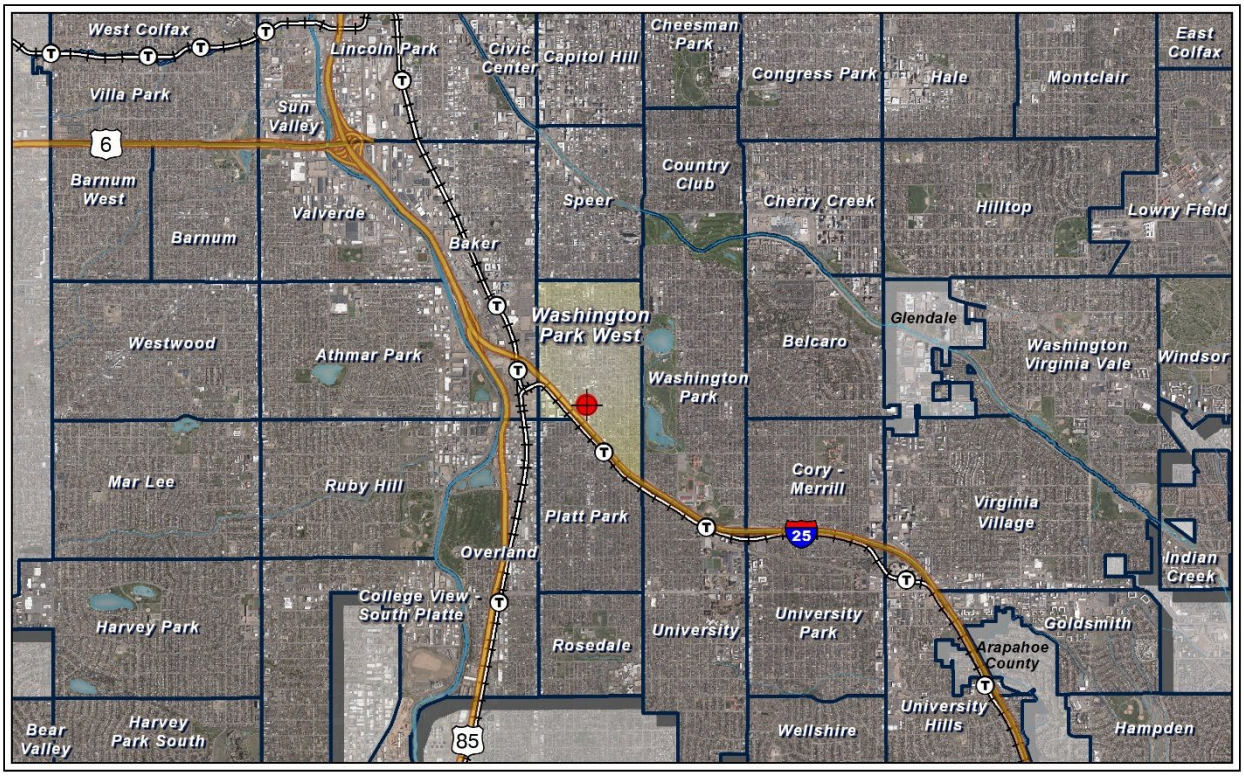
Request for Rezoning

Address:	1001 & 1003 S. Pearl St.
Neighborhood/Council District:	Washington Park West / Council District 7, Jolon Clark
RNOs:	West Washington Park Neighborhood Association, Inter-Neighborhood Cooperation (INC)
Area of Property:	9,370 square feet or 0.22 acres
Current Zoning:	U-SU-B
Proposed Zoning:	PUD-G 29
Property Owner(s):	Farfel LLC
Owner Representative:	Peter Wall, The Wall Group

Summary of Rezoning Request

- The subject property is located in the Washington Park West neighborhood on the southwest corner of S. Pearl Street and N. Tennessee Avenue, less than one-half mile west of Washington Park.
- The property is currently occupied by a 2-story building housing a church, with adjacent vehicular surface parking spaces, surrounded by single-unit and two-unit dwellings.
- The site is currently zoned U-SU-B (Urban-Single Unit-4,500 SF) and the applicant is requesting a General Planned Unit Development (PUD-G) to add limited commercial uses within the existing building.
- The intent of the proposed PUD is to facilitate reuse of the church.
- If the existing building is voluntarily demolished, subsequent redevelopment could only occur according to the standards of the current U-SU-B zone district and all related regulations.
- *Blueprint Denver* includes policies that encourage the reuse or redevelopment of vacant institutional uses that are already embedded in residential areas as well as the preservation of buildings that add to the character of a neighborhood even if they are not historic landmarks.


Amendment #20i-00141
1001 & 1003 Pearl St.
Council District 7
Washington Park West Neighborhood
Community Planning and Development
Miles
0 1 2 3 4 5
COLFAX AVE.
38th Ave.
Yale Ave.
Alameda Ave.
Mississippi Ave.
Hampden Ave.
Belleview Ave.
Federal Blvd.
Sheridan Blvd.
Kipling St.
BROADWAY
University Blvd.
Colorado Blvd.
Quebec St.
Havana St.
Peoria St.
Chambers Rd.
Tower Rd.
1
2
3
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5
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11


West Colfax
Villa Park
Lincoln Park
Civic Center
Capitol Hill
Cheesman Park
Congress Park
Hale
Montclair
East Colfax
Sun Valley
Barnum West
Barnum
Valverde
Baker
Speer
Country Club
Cherry Creek
Hilltop
Lowry Field
Westwood
Athmar Park
Washington Park West
Belcaro
Glendale
Washington Virginia Vale
Windsor
Washington Park
Mar Lee
Ruby Hill
Platt Park
Cory - Merrill
Virginia Village
Overland
Indian Creek
College View - South Platte
Harvey Park
Rosedale
University
University Park
Goldsmith
Arapahoe County
Bear Valley
Harvey Park South
Wellshire
University Hills
Hampden



Existing Context

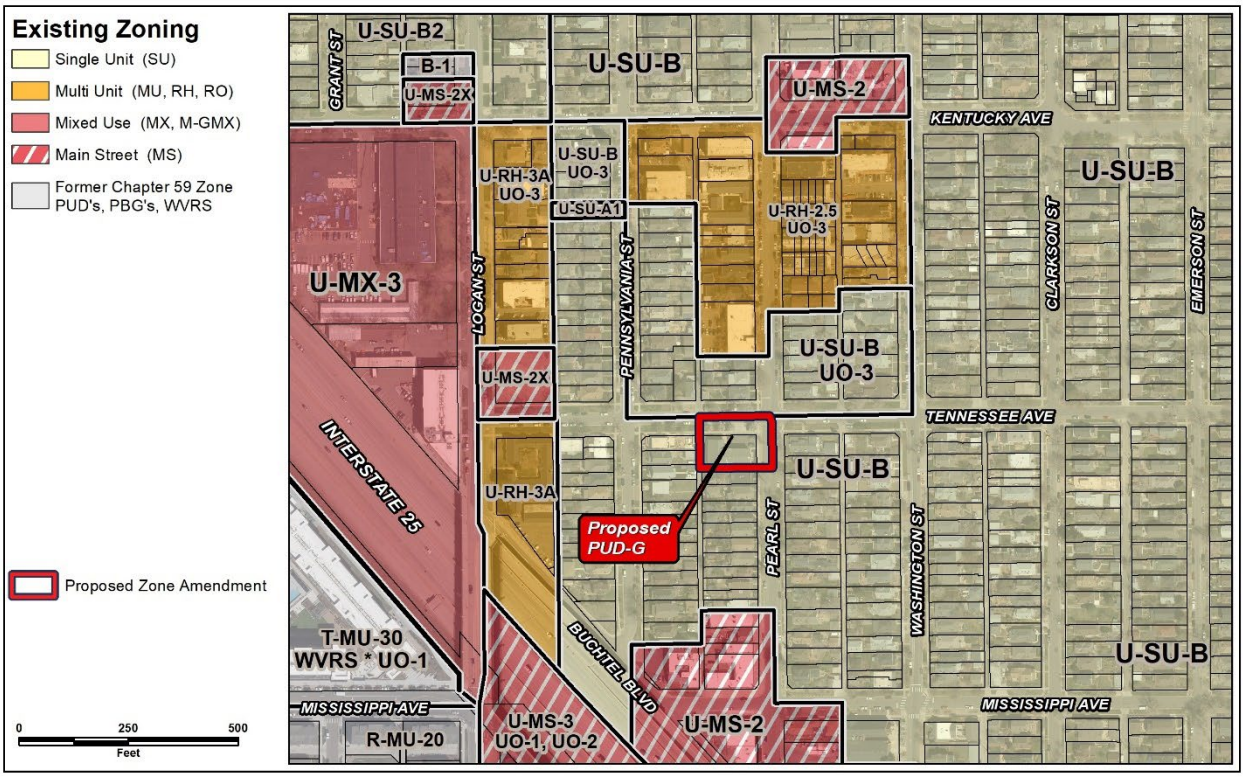
The subject property is located in the Washington Park West statistical neighborhood on the southwest corner of S. Pearl Street and N. Tennessee Avenue, less than one-half mile west of Washington Park. The property is currently occupied by a 2-story church with a dwelling unit on the second floor and a surface parking lot surrounded by single-unit and two-unit dwellings. Various commercial businesses front S. Pearl Street south of the property with a Whole Foods Market 900 feet away adjacent to Interstate 25. The Southeast Corridor light rail line runs along the interstate with the Louisiana-Pearl station within one-half mile of the subject property. A bike lane on W. Washington Street facilitates southward connectivity across the interstate to the light rail station, while a neighborhood bikeway is proposed to facilitate northbound travel on S. Pearl Street north of E. Tennessee Avenue. The nearest bus routes traverse Broadway to the west and S. Downing Street to the east.

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	U-SU-B	Church, surface parking lot	2-story commercial building with a parking lot between the building and E. Tennessee Street	The surrounding neighborhood generally consists of a regular pattern of rectangular
North	U-SU-B	Single-unit residential	2-story dwelling with a detached garage	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-B	Single-unit residential	2-story dwelling with a detached garage	blocks that are orthogonally oriented north/south with alleys. Garages are generally rear-loaded with on-street vehicular parking. Sidewalks in the immediate area are detached.
South	U-SU-B	Two-unit residential	1-story duplex with a detached garage	
West	U-SU-B	Single-unit residential	2-story dwelling with a detached garage	

1. Existing Zoning



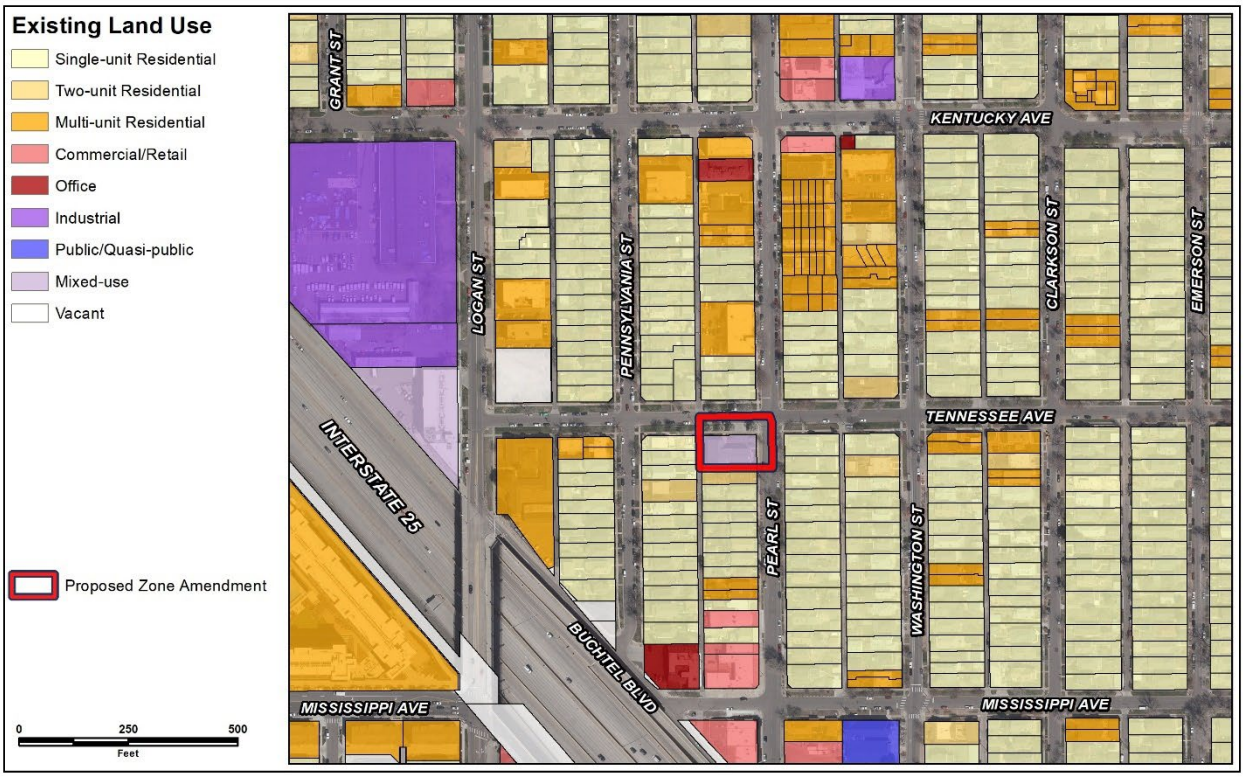
The U-SU-B zone is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 4,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65 percent of the zone lot and 1 story / 17 to 19 feet in the rear 35 percent of the zone lot. The maximum building coverage per zone lot, including all accessory structures, is 37.5 percent with allowed

exceptions. The district allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings.

2. View Planes

The subject property is within the Washington Park View Plane, which is intended to preserve westward mountain views from Washington Park and limits building height on the subject property to approximately 80 feet.

3. Existing Land Use Map



4. Existing Building Form and Scale (Source: Google Maps)



Site (center-right side of photo) – *from S. Pearl Street looking west*



North – *from the corner of S. Pearl Street and E. Tennessee Avenue looking northwest*



East – *from S. Pearl Street looking east*



South Side of S. Pearl Street Block – *from S. Pearl Street looking southwest*



West – *from S. Pennsylvania Street looking east*

Summary of PUD Request

The applicant is requesting to rezone to PUD-G 29 per Denver Zoning Code 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 submitting procedural protections for the more prescriptive requirements in the Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more restrictive or flexible zoning than what is achievable

through a standard zone district is desirable, and where multiple variances, waivers and conditions can be avoided."

Compliant with this purpose, the intent of the proposed PUD is to facilitate adaptive reuse of a church building. As such, the PUD defines a limited range of commercial uses beyond what is allowed in the existing U-SU-B district, yet is more restrictive than a standard mixed use or main street district in the Urban Neighborhood Context. Specifically, the PUD allows all the uses permitted in the U-SU-B district, including an existing dwelling unit on the second floor of the church building, as well as the following:

- A subset of uses in the Arts, Recreation and Entertainment Services, Indoor category, including: Art Gallery; Artist Studio; Fitness and Recreational Sports Center; Personal Instruction Studio; and Professional Studio
- Office
- Dental / Medical Office or Clinic

To help facilitate reuse of the church, the PUD includes the following customized standards:

- Building Form standards that define the existing building's maximum height, location of surface parking between the building and the Primary and Side streets, and minimum street level transparency on the Primary and Side streets
- Vehicular parking space requirements that reflect the limitations of the existing surface parking lot while requiring one accessible parking space and improving the drive aisle to current standards
- A requirement of 2 bicycle parking spaces, rather than the 1 space that would be required based on existing standards, to help compensate for the reduction of vehicular spaces and encourage multi-modal transportation
- Exceptions to perimeter surface parking lot landscaping design standards

Finally, the PUD prevents increasing the existing building footprint, and if the existing building is voluntarily demolished, subsequent redevelopment of the zone lot shall comply with all standards in the U-SU-B zone district. These provisions ensure the PUD only allows reuse of the existing building while redevelopment would be limited to the Urban House building form per U-SU-B.

Summary of City Agency Referral Comments

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

Assessor: Approved – No response

Asset Management: Approved – No response

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – No comments

Denver Parks and Recreation: Approved – No comments

Department of Transportation and Infrastructure – Surveyor: Approved – No comments

Development Services – Project Coordination: Approved – No comments; Project must follow the proposed PUD and any related DZC requirements.

Development Services – Approved – No comments

Development Services – Approved – No comments

Development Services – Wastewater: Approved - See Comments Below
DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	3/2/2022
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:	5/17/2022
Planning Board Public Hearing (unanimously recommended approval):	6/1/2022
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 (tentative):	6/7/2022
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	6/21/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	*7/26/2022*
City Council Public Hearing (tentative):	*8/15/2022*

Public Outreach and Input
As described in the applicant's narrative, they conducted extensive public outreach with the West Washington Park Neighborhood Association (WWPNA), beginning in May 2020. The applicant also met

with adjacent neighbors on several occasions and Councilman Clark's office to discuss a potential PUD and the types of uses that might be allowed in the church building. At one of those meetings, city staff presented an overview of PUDs, their purpose and intent, and the additional review criteria that would be considered when rezoning to a PUD. The applicant continued to meet with neighbors to refine the list of allowed uses and presented their proposal to the WWPNA Zoning Committee in March 2021. The applicant also provided an initial draft of the PUD to WWPNA residents in January 2022.

- **Registered Neighborhood Organizations (RNOs)**
  As of the date of this report, staff has not received letters of support or opposition from the WWPNA nor any other RNO.
- **Other Public Comment**
  As of the date of this report, staff has received three letters and one presentation from nearby homeowners opposed to the rezoning as they question the need for new commercial uses to be allowed in the church building, especially considering the prevalence of existing commercial businesses in the surrounding neighborhood. Staff has also received eleven support letters advocating for reuse of the church by the limited commercial uses proposed.

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 the adjacent 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 currently apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver* (2019)
- *West Washington Park Neighborhood Plan (1991)*

Denver Comprehensive Plan 2040
The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

By increasing the uses allowed in the church, the proposed rezoning could improve access to arts and culture, fitness, and health care within the neighborhood, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy C – *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food, and the arts.* (p. 28).

The proposed rezoning could also contribute to an increased mix of services and amenities that are neighborhood serving while supporting the reuse of an existing building. The request is, therefore, consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 3, Strategy E – *Support the stewardship and reuse of existing buildings, including city properties.*
- Strong and Authentic Neighborhoods Goal 4, Strategy A – *Grow and support neighborhood-serving businesses.*

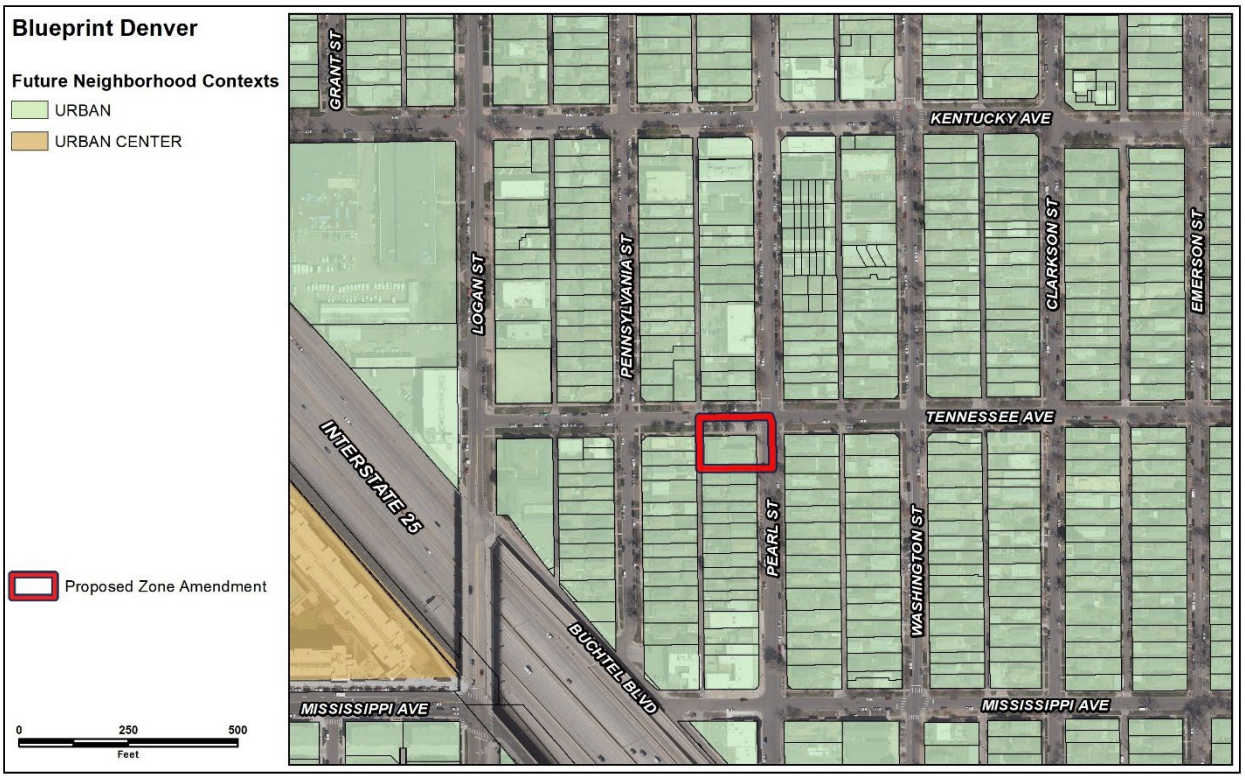
Finally, the proposed rezoning could encourage reuse of an existing building in a mixed-use community near transit, and is consistent with the following strategies in the Environmentally Resilient vision elements:

- Environmentally Resilient Goal 7, Strategy C – *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures (p. 54).*
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high and medium-capacity transit corridors* (p. 54).

***Blueprint Denver* (2019)**
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies

the subject property as part of a Residential Low place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

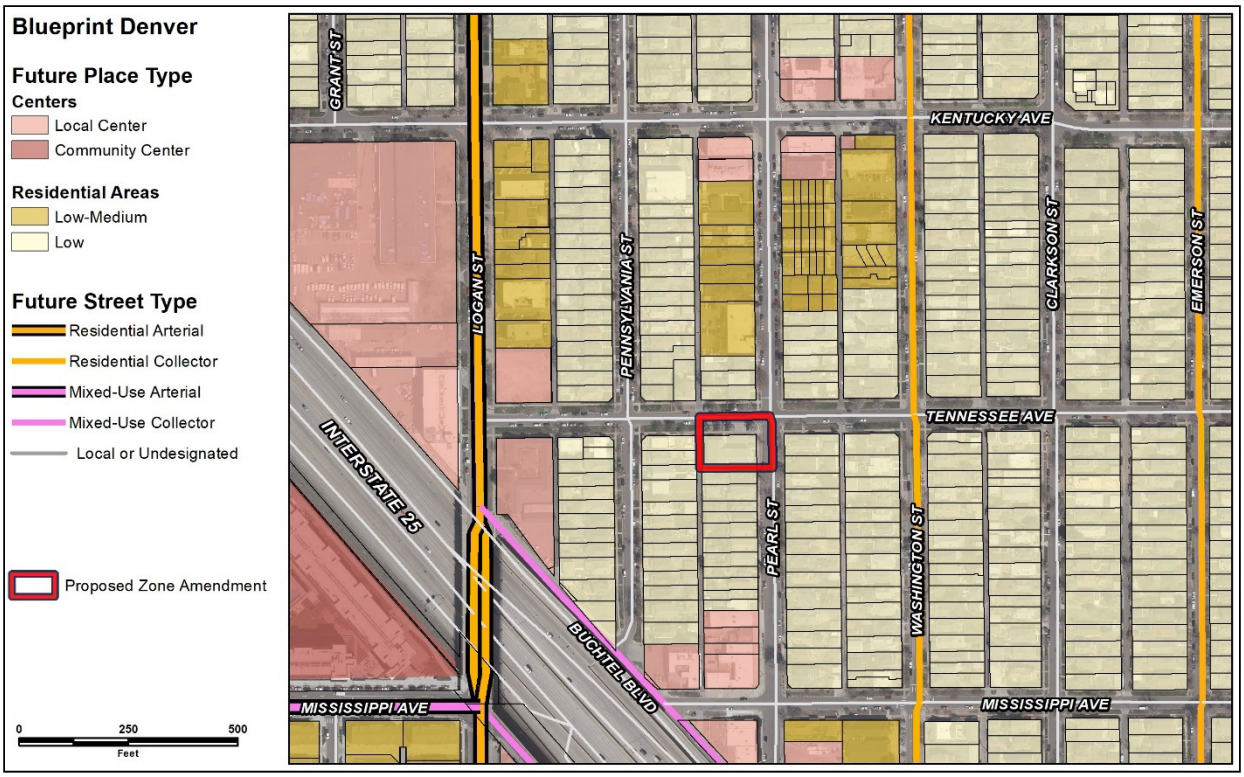
***Blueprint Denver* Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: "Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street" (p. 222).

The proposed PUD is consistent with *Blueprint Denver's* future neighborhood context of Urban as it will allow a limited range of low-intensity, commercial uses in a 2-story, low-scale building that has been embedded in and compatible with the surrounding single-unit and two-unit residential area for over 60 years. The existing building's primary entrance faces E. Pearl Street, serviced by a walkway from the curb. While a surface parking lot exists on the northwest corner of the zone lot, a metal fence with masonry piers helps delineate the parking lot from the sidewalk and enhances the pedestrian realm.

Blueprint Denver **Future Places**



Future Places

Within the Urban Neighborhood Context, the subject property is categorized as a Residential Low Future Place Type with a land use and built form defined by *Blueprint Denver* as "predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building coverage. Buildings are generally up to 2.5 stories in height" (p. 214).

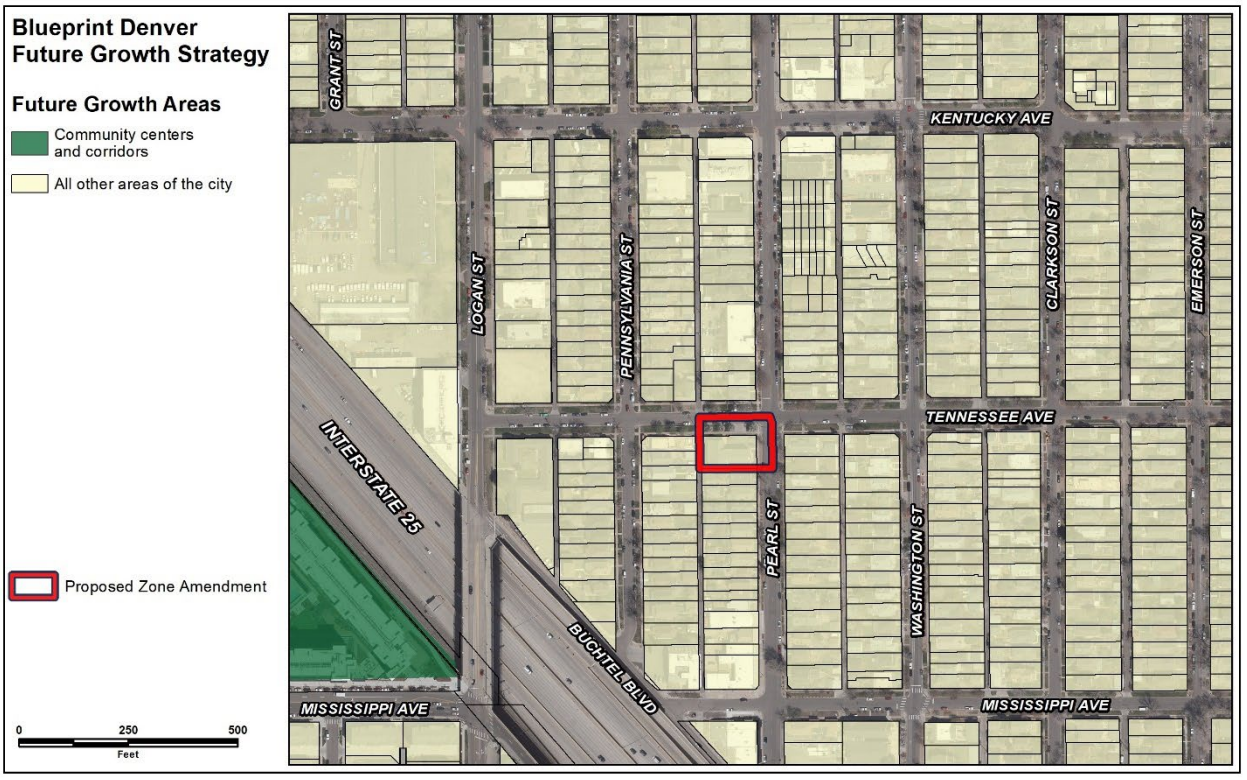
The PUD allows a limited range of commercial uses, in addition to the residential and civic uses included in the current U-SU-B district, on a corner lot where an institutional use has existed since 1960, and it is consistent with this Future Place Type.

Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies both S. Pearl Street and E. Tennessee Avenue as a Local or Undesignated Future Street Type, which "can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses."

(p. 161). The proposed PUD is consistent with this street type as it allows for residential and civic uses, as well as low-intensity commercial businesses.

***Blueprint Denver* Growth Strategy**



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed PUD allowing a slight increase in employment opportunities via low-intensity commercial uses is appropriate in this growth area as it will minimally contribute to buildout in the neighborhood while maintaining the area's single-unit and two-unit residential character.

Additional *Blueprint Denver* Recommendations

The proposed rezoning also helps further the following *Blueprint Denver* policy related to redeveloping churches that are no longer hosting congregations as it will allow for more uses on a site that is no longer viable as an institutional use:

- Land Use & Built Form: General Policy 6: *Implement zoning code revisions to facilitate compatible redevelopment of institutional sites within neighborhoods.*
    - *Blueprint Denver* says*, "Institutional uses, such as schools and places of worship, are typically embedded in residential areas and provide key services to surrounding residents. This also may include areas of privately-owned open space. When these uses leave a neighborhood, it leaves a site that previously housed a non-residential use in the middle of a residential neighborhood. These sites have the potential to provide additional neighborhood services and/or more diverse housing options without displacing existing residents." (p. 75).*
    - Strategy C under Policy 6 further states that *"Until a citywide approach is implemented, individual rezonings of these sites may be an opportunity for more intense residential uses or limited neighborhood services to be provided if done in a way that minimizes impacts to surrounding character." (p. 75).*

Likewise, the proposed PUD supports the following policy regarding building preservation regardless of historic status:

- Land Use & Built Form: Design Quality and Preservation Policy 6: *Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts.*

Based on these policies, the proposed rezoning is consistent with *Blueprint Denver* as the PUD would allow for additional neighborhood services on a site that has contained a church since 1960. This non-residential building has been embedded in the middle of a residential neighborhood for decades, and this individual rezoning will enable its preservation and compatible reuse while respecting the surrounding residential character.

Custom Zoning

Blueprint Denver provides the following direction on how to limit the use of custom zoning including PUDs: "Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area" (p. 73). More detail on the challenges of custom zoning is provided on page 73 of the plan.

While a standard mixed use or main street zone district, such as U-MX-2x or U-MS-2x, would also facilitate reuse of the church, the full range of uses allowed in those districts could result in a higher-intensity use than would be appropriate on a local street adjacent to single-unit and two-unit residences. In addition, rezoning to the U-MX-2x or U-MS-2x districts would allow for the

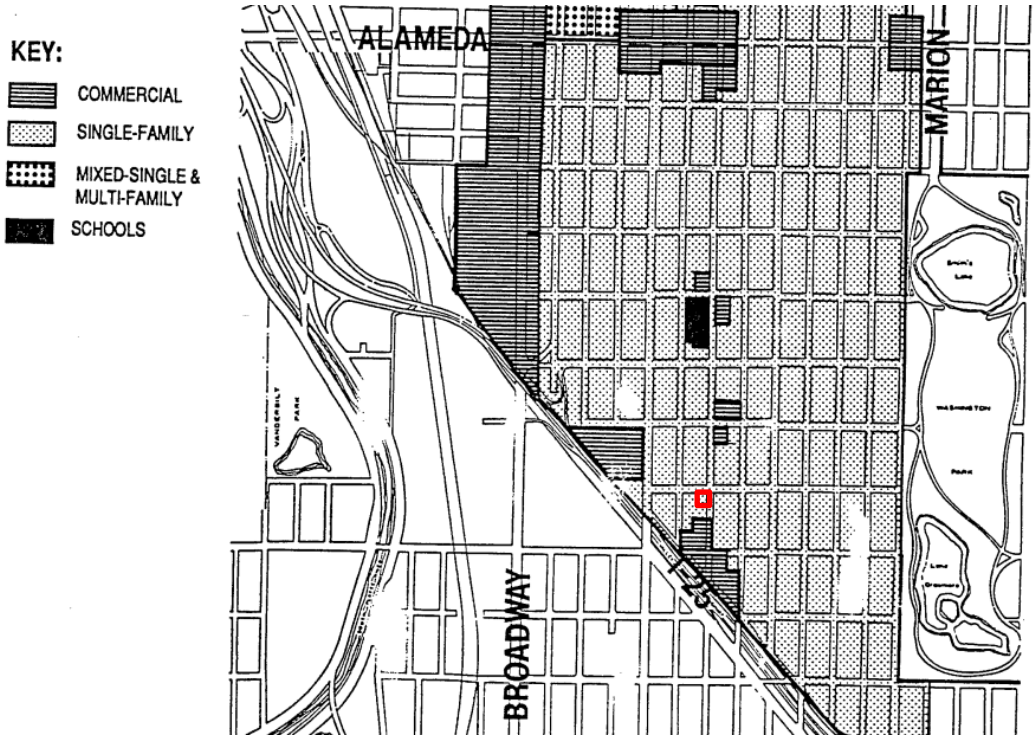
redevelopment of the site within the General or Shopfront building forms which could be less compatible with the surrounding residential character, whereas the PUD either allows for reuse of the existing building or redevelopment within the Urban House building form.

***West Washington Park Neighborhood Plan* (1991)**
Approved in 1991, the *West Washington Park Neighborhood Plan* is significantly out of sync with the current Denver Zoning Code, which was updated in 2010. The plan's recommendations don't directly address the subject property, which was zoned R-2 when the plan was drafted. The Former Chapter 59 R-2 district is intended for multi-unit dwellings of moderate intensity. However, the plan's Existing Land Use map (p. 10) indicates the subject property is within a Single-Family area, and the plan says that "more than 75% of the R-2 or duplex zone areas contain single-family detached residences" that are encouraged to remain (p. 16).

The plan's Residential Land Use Recommendations include downzoning the subject property and others south of Cedar Avenue and east of Pennsylvania Street to R-1, intended for single-unit detached dwellings of low density, which was generally achieved with the rezoning update in 2010 that designated the property U-SU-B. The plan also says these areas should "maintain and improve existing residential uses and all historic and architecturally significant structures" (p. 18). Built in 1960, the church on the subject property could be considered historic although it isn't a designated landmark. The plan also acknowledges the neighborhood is served by several churches, among other Public Facilities and Parks, stating, "For the most part, these uses are integrated well into the neighborhood's residential fabric" (p. 25).

While the plan doesn't foresee reusing historic churches, one could presume the plan intended to maintain such structures as features contributing to the neighborhood's character. Therefore, staff determines the proposed PUD is consistent with the *West Washington Park Neighborhood Plan*.

West Washington Park Neighborhood Plan **Existing Land Use**



2. Uniformity of District Regulations and Restrictions

The proposed map amendment will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the U-SU-B zone district, with customization to facilitate reuse of the church.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plan. Additionally, it furthers public health, safety and general welfare by facilitating the reuse of an existing building, thereby preventing the release of embodied carbon emissions associated with the "extraction, fabrication and transportation of building materials… Studies indicate that reusing a building avoids 50-75 percent of the embodied carbon emissions that an identical new building would generate."[1] Thus, the rezoning could help meet the city's climate action goals. The rezoning could also help revitalize an underutilized site by broadening the

[1] Combating climate change: A study of embodied carbon, by Clark Brockman and Lindsey Naganuma. November 8, 2021. GreenBiz.com.

range of potential uses embedded in a residential community in proximity to transit and bike lanes, which has been linked to increased physical activity,[2] decreased obesity,[3] and decreased driving.[4]

4. Justifying Circumstance

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, "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. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan…"

In this case, the rezoning is justified as the changing conditions affecting this particular area and the city generally reflect a national trend of declining congregations and closing churches. *Blueprint Denver* further justifies the rezoning with its policies related to the reuse or redevelopment of underutilized institutional uses and the preservation of buildings that contribute to neighborhood character.

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

The requested zone district of PUD-G 29 is based on the U-SU-B zone district within the Urban Neighborhood Context, which "is primarily characterized by single-unit and two-unit residential uses…Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas…Commercial buildings are typically the Shop front and General building forms that may contain a mixture of uses within the same building…Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets." (DZC, Division 5.1). PUD-G 29 is consistent with the Urban Neighborhood Context because it uses the U-SU-B zone district as a base and would allow small-scale commercial uses embedded in a residential area at the intersection of local streets.

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

[2] Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." Journal of the American Planning Association 76 (3): 265-94

[3] Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." American Journal of Health Promotion 18: 47-57.

[4] Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

PUD-G 29 is consistent with the intent and purpose of PUD Districts because the subject site containing a church presents a unique opportunity to reuse a long-standing, nonresidential building embedded in a residential neighborhood. The PUD represents a thoughtful expansion of allowable uses that are more sensitive and less impactful than rezoning to a standard mixed use or main street zone district that allows a much broader range of uses allowed, such as Eating and Drinking Establishments; Food Sales; and Retail Sales, Service and Repair, Outdoor that would likely operate for longer hours, contribute more noise, and generate more traffic than the uses proposed in the PUD.

In addition, the intent of PUD-G 29 is limited to reuse of the existing building or redevelopment within the Urban House building form applicable to the U-SU-B zone district and all related standards. In contrast, rezoning to a mixed use or main street district within the Urban Neighborhood Context would allow for the redevelopment of the site within the General or Shopfront building forms which could be less compatible with the surrounding residential character.

- 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 29 is consistent with the Urban Neighborhood Context and character as noted throughout this report. 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:

  - The diversification of land uses – the PUD expands the uses that are allowed in the existing building beyond the uses that are allowed within the existing U-SU-B district but doesn't include the full range of uses that would be

allowed in a standard mixed use or main street district, including uses that could negatively impact the adjacent single-unit and two-unit residences.

- More efficient use of land and energy – the PUD increases the feasibility of adaptively reusing a building that has been singularly used as a church since 1960. Without this PUD, the building would likely continue to be underutilized as it no longer fully functions as a congregation. Alternatively, the church could be redeveloped with the zone lot potentially split to contain two Urban Houses occupied by residential uses, which would require significantly more energy due to new construction vs. reuse. In addition, the PUD helps to gently incorporate more commercial uses into a predominantly residential neighborhood thus promoting alternative modes of transportation that are more energy efficient than single-occupancy vehicular transportation.
- Development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan – the PUD ensures that future use of the church retains the building's contribution to the existing fabric of the neighborhood in line with adopted plan recommendations.

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 is specifically intended to allow reuse of this particular vacant institutional site in a manner that is most compatible with surrounding residential uses, while also ensuring that voluntary demolition of the existing building and subsequent redevelopment revert to the standards within the existing U-SU-B district. An unreasonable number of variances or waivers and conditions would be required to achieve a similarly tailored approach as is proposed 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***

As mentioned throughout this report, the intent of the PUD District is to allow a carefully curated list of additional uses in the church that are compatible with adjacent residential properties; these uses build upon those already allowed in the existing U-SU-B district while not being as permissive as the full extent of uses allowed in a standard mixed use or main street district.

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.)
As the PUD is intended to facilitate reuse of the existing structure on the zone lot, the PUD doesn't prescribe a Building Form defined within the Denver Zoning Code, but rather defines key building form standards related to the existing building, including a 2-story maximum height, surface parking allowed between the building and the Primary and Side streets, and minimum street level transparency on the Primary and Side streets that matches current conditions. The existing building established in 1960 is already compatible with adjacent residential buildings that vary in height from 1 to 2 stories. While the location of surface parking between the building and the Primary Street would not be allowed in a building form associated with a mixed use or main street district as defined today, and the existing street level transparencies are less than the General and Shopfront building forms, the PUD necessarily defaults to existing conditions to ensure feasible reuse without costly modifications. The PUD also allows exemptions from current landscaping standards around existing surface parking that, if required, could significantly reduce the vehicular parking spaces provided onsite. Most importantly, the standards embodied in the PUD acknowledge the time and place that the existing building was established, appreciate its long-standing history and compatibility in the immediate area, and seek to enable its longevity while avoiding significant reconstruction.

Attachments

1. Rezoning application
2. PUD-G 29
3. Public comments