



**TO:** Denver Planning Board  
**FROM:** Edson Ibañez, Senior City Planner  
**DATE:** May 10, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00250

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00250.

### Request for Rezoning

Address:	3740-3850 York St.
Neighborhood/Council District:	Clayton / City Council District 9
RNOs:	UCAN; Clayton United; Opportunity Corridor Coalition of United Residents; Reclaim the Eastside; Unite North Metro Denver; East Denver Residents Council; Strong Denver; and Inter-Neighborhood Cooperation
Area of Property:	212,974 square feet or 4.89 acres
Current Zoning:	PUD G-20
Proposed Zoning:	PUD-G 32
Property Owner(s):	Multiple, see application
Owner Representative:	Frederick D. Glick

### Summary of Rezoning Request

- The properties are located on the east side of York Street, north of 37<sup>th</sup> Avenue and in the northwest portion of the Clayton neighborhood.
- The property contains several structures used in the World War II-era as army supply depot offices and currently contains a mix of office uses. The property owners propose to rezone the property for redevelopment that includes the reuse of those older structures.
- The property owner seeks custom zoning to allow for flexibility in accommodating development while preserving the existing World War II-era buildings.
- The request to a new PUD will change the base zone district for Subarea A from I-MX-3 to I-MX-5. All regulations for Subarea B will remain the same as stated in PUD G-20. The property owner seeks custom zoning to allow for flexibility in accommodating a new 5 story affordable senior housing development specifically for LGBTQ+ individuals.
- This application has been accepted into the Affordable Housing Review Team. The dedicated Affordable Housing Review Team was created to prioritize affordable housing projects that meet a specific criterion to reduce the overall time it takes to permit them.

The proposed **PUD-G 32** is based upon the **I-MX-5** (Industrial-Mixed Use, 5-story) zone district in Subarea A and the **U-MX-3** (Urban-Mixed Use, 3-story) zone district in Subarea B.

The proposed redevelopment of the subject property in Subarea A would be subject to the I-MX-5 zone district standards with several exceptions. Those deviations include:

- Flexibility in the reserved area of a phased development in order to allow additions to existing buildings and development of new buildings to the rear without complying with the typical reserved area for future development along the primary street,
- Public open space shall be required to provide significant public benefit, and
- The build-to may be measured from the required open space.

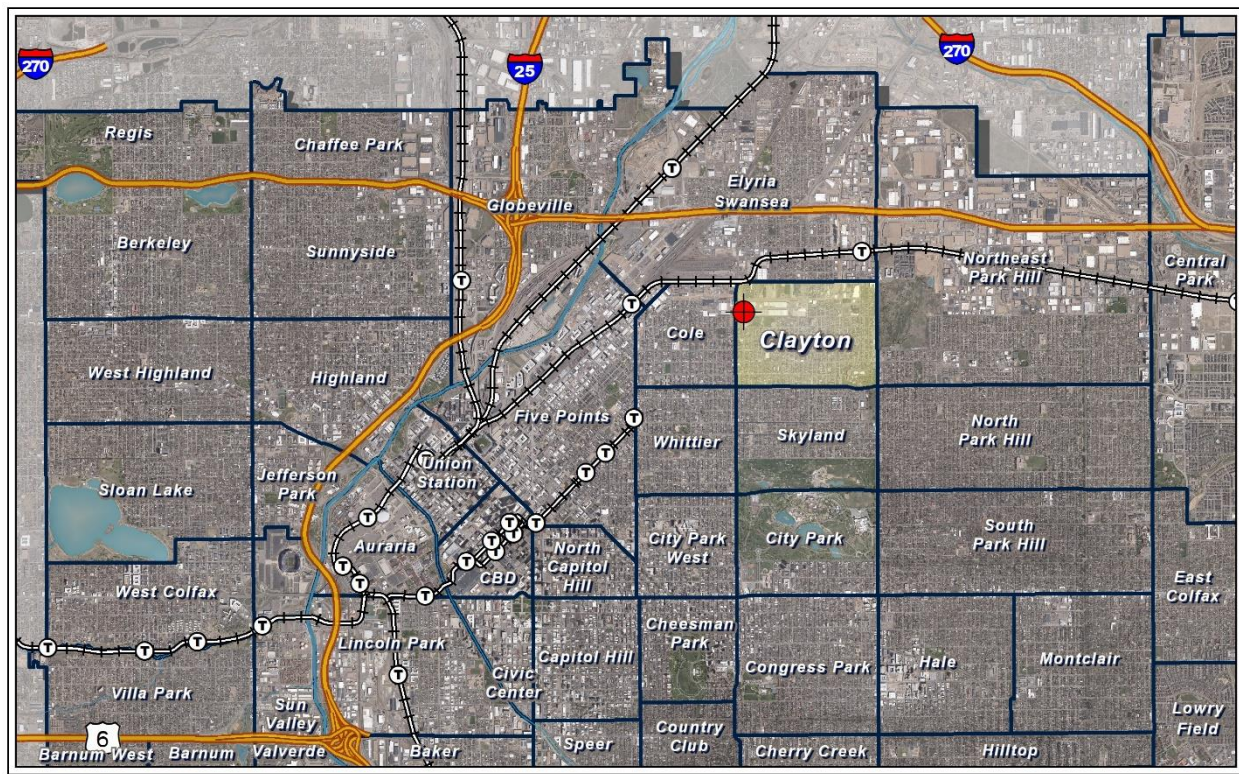
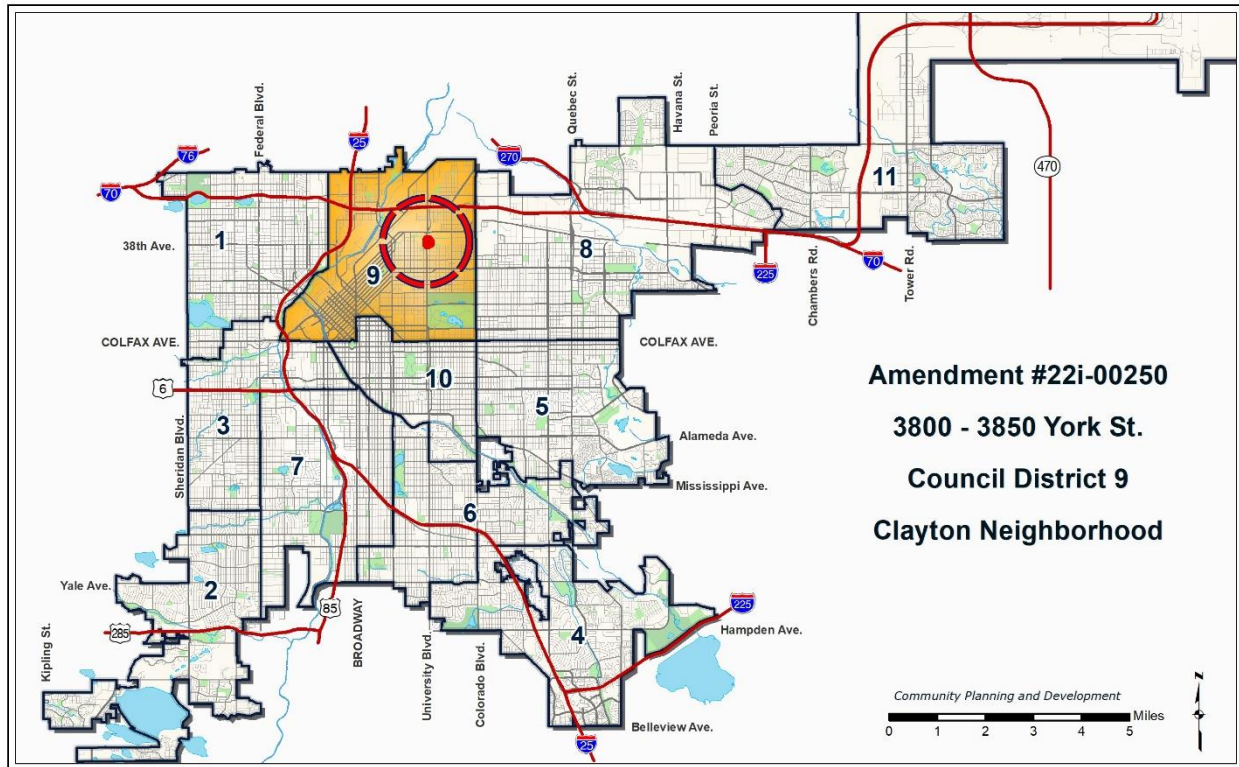
The proposed redevelopment of the subject property in Subarea B would be subject to the U-MX-3 zone district standards with several exceptions. Those deviations include:

- Flexibility in the reserved area of a phased development, which typically requires reserving area along the primary street for future development with no parking or stormwater detention, and
- Flexibility in the modification of compliant structures.

In exchange for such flexibility, the deviations also include:

- A higher standard for Street Level activation, and
- Higher standards for perimeter surface parking lot landscaping.
- This section is not changing from PUD G-20

Mixed use districts in the Denver Zoning Code are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms with uses that clearly define and activate the public street edge. Further details of the base zone districts can be found in Articles 5 (Urban) and 9 (Special Contexts) of the Denver Zoning Code (DZC); customized zoning details are found in the attached PUD G-32.







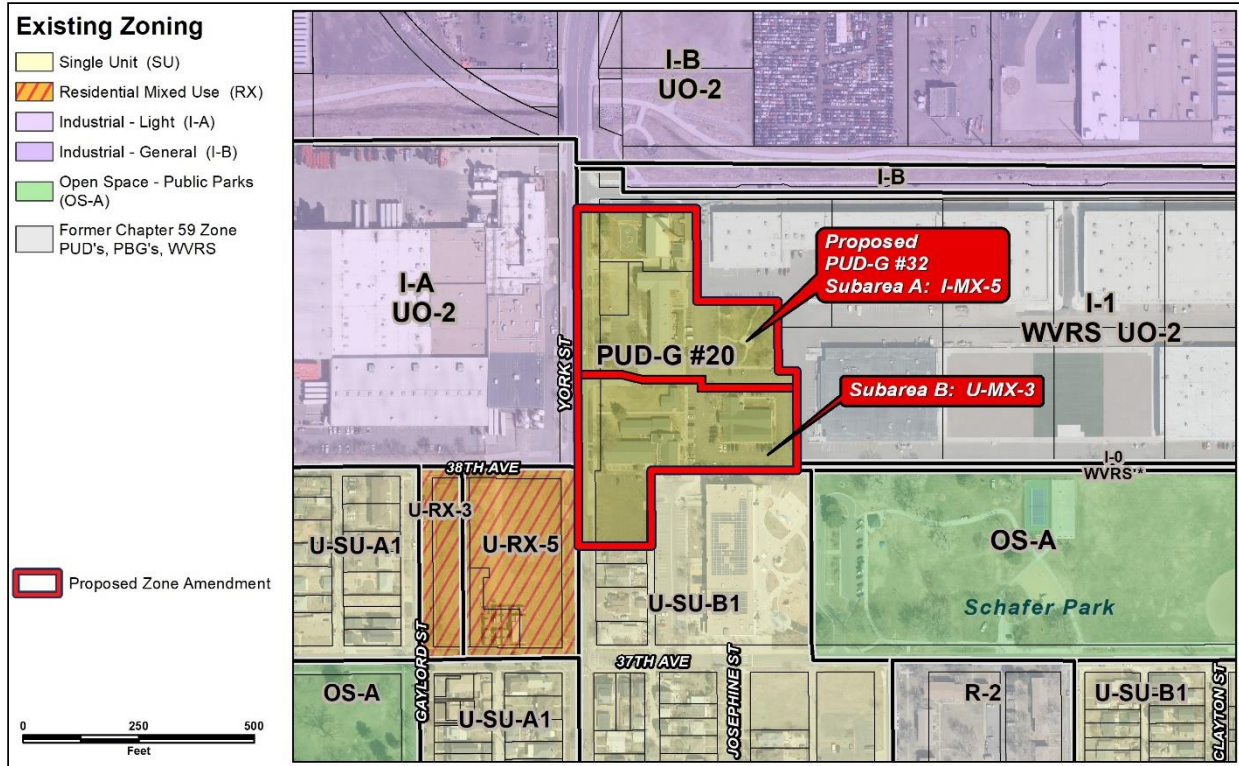
## Existing Context

The subject property is located on the northwestern edge of Clayton neighborhood on the east side of York Street, south of the 39<sup>th</sup> Avenue right-of-way and greenway. The Clayton neighborhood is generally characterized by single family development in the southern portion, and industrial development along the northern edge. The built environment around the subject property includes a Coca-Cola bottling plant to the west, single family homes to the south, a vacant lot to the southwest that is planned for future housing development, industrial warehouses to the north and east and Harrington Elementary School to the southeast. In the vicinity are Schafer Park, east of Harrington Elementary School, and Russell Square Park, one block south and west.

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	PUD G-20	Mix of office uses, Single Family Homes, and health clinic	1-3 story office buildings and one 2-story single family residence	The local block pattern south of 38th Avenue consists primarily of traditional rectilinear blocks shaped by a grid street pattern with alleys and detached sidewalks. The block patterns north of 38th Avenue are larger industrial lots of varying size, typically with no sidewalks and alleys.
North	I-1 with Waivers, I-B	Junkyard	No Structures immediately north	
South	U-SU-B1	Single unit residential	1-2 story Single unit residential structures	
East	I-1 with waivers, U-SU-B1	Mix of industrial uses with some commercial, single unit residential	1 story industrial warehouses, 1-2 story Single unit residential structures	
West	I-A UO-2, U-RX-5	Bottling plant, multi-unit residential	2-3 story industrial warehouses, Vacant 1 story multi-unit residential structures	

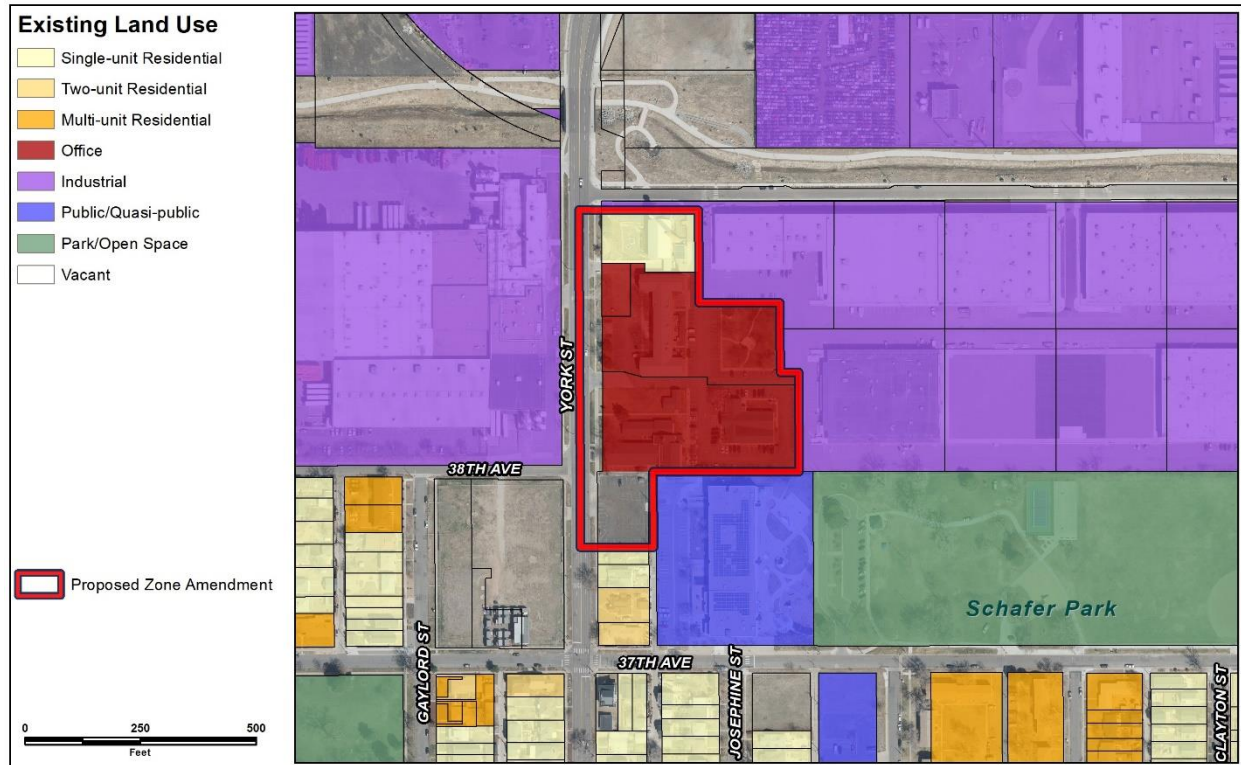
## 1. Existing Zoning



PUD G-20 was adopted in 2018. The PUD has two subareas. Subarea A conforms with I-MX-3 and Subarea B conforms with U-MX-3, with some tailoring to the standards for each. The PUD facilitates the continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south. It provides flexibility in urban design in exchange for outcomes that contribute to the vibrancy of the York Street corridor, including improved surface parking screening and the significant public benefit of a gateway landscaping and pocket park feature that draws the attention of pedestrians to the access of the proposed 39th Avenue Greenway.

PUD G-20 is attached to this staff report.

## 2. Existing Land Use Map





### 3. Existing Building Form and Scale



*Northern portion of Subject Property*



*Inner City Health Center on subject property*



*View of Subject Property at south end*



*Single Family Residential south of subject property*



*Vacant land west of subject property.*



*Bottling plant west of Subject Property*



### **Affordable Housing Plan**

The applicant is pursuing an Affordable Housing Plan (AHP) concurrent with the proposed rezoning. The AHP would commit the site to the minimum, on-site Enhance Housing Affordability standard as defined by the Mandatory Affordable Housing Ordinance at the time of development. It is anticipated that the AHP will be executed by the applicant by the City Council hearing, and subsequently countersigned and recorded by the City should Council approve the rezoning.

### **Summary of PUD Request**

The applicant is requesting to rezone to PUD-G 32 per Denver Zoning Code Section 9.6.1. The purpose of the proposed PUD District “facilitate continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south.” 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.

Consistent with this purpose, the proposed PUD, if adopted, would Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use and residential areas to the south and Industrial Districts to the north. The proposed PUD is changing base zone district of Subarea A from I-MX-3 to I-MX-5. Subarea B will remain the same with no changes from PUD G-20.

### **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 Comment

**Denver Public Schools:** Approved – No Response

**GIS:** Approved – No Response

**Environmental Health (Victoria Sanderson):** Approved - See Comments

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) is aware that the property was included in the Voluntary Cleanup and Redevelopment Program (VCUP), with the Colorado Department of Public Health and Environment (CDPHE) (Refer to CDPHERM External ID: RV220222-1). The Voluntary Cleanup Program Application for 3844 York St., Denver, CO identified elevated levels of tetrachloroethene (PCE) in the shallow groundwater aquifer, likely due to historical dry cleaning operations in the area. Elevated PCE levels pose a vapor intrusion risk to any future structures on

the property. If the applicant would like more information about the Voluntary Cleanup Plan, they should contact the CDPHE Hazardous Materials and Waste Management Division at 303-692-3300.

EQ will further evaluate the property once a Site Development Plan is submitted.

EQ does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

**Parks and Recreation:** Approved – No Comment

**Public Works – ROW – Surveyor:** Approved

**Public Works – Wastewater:** Approved – No Comment

**Development Services – Project Coordination:** Approved – Rezoning only – Will require additional information at Site Plan Review.

- 1) Sub-area B of PUD-G-20 is currently in an SDP review process. However, that process is expected to wrap up in the next few weeks, prior to the anticipated LIHTC application dates and prior to the rezoning request going to City Council for review and potential approval.
- 2) Any new construction and modifications to existing structures and uses will need zoning and building permit approvals through an SDP process.
- 3) The proposed LIHTC-funded project will need to work directly with the AHRT team for zoning and building permit approvals.

**Development Services - Fire:** Approved – No Comments

**Office of Economic Development:** Approved – No Response

## 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:	4/18/2023
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:	5/2/2023
Planning Board Public Hearing:	5/17/2023
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:	6/3/2023
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	6/13/2023
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:	TBA
City Council Public Hearing:	7/31/2023

### Public Outreach and Input

As described in the applicant's narrative, the applicant conducted several on-site visits to multiple community groups, RNOs, non-profit leaders, and members of the community.

### Registered Neighborhood Organizations (RNOs)

- As of the date of this staff report, CPD has received a letter of support from the Clayton United RNO, Cole Neighborhood association, Mile High Ministries, Light House Writers Workshop.

### Other Public Comment

- To date, CPD has received 3 letters in support of the rezoning. The letters of support are 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:

- Consistency with Adopted Plans
- Uniformity of District Regulations and Restrictions
- Public Health, Safety and General Welfare
- 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 apply to this property:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)
- Elyria & Swansea Neighborhoods Plan (2015)
- Housing an Inclusive Denver (2018-2023)

#### ***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 expanding the PUD from I-MX-3 to I-MX-5, the proposed rezoning would provide affordable housing within the neighborhood, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families.* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy D – *Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.* (p. 28).
- Equitable, Affordable and Inclusive Goal 5, Strategy B – *Stabilize residents and businesses at risk of displacement through programs and policies that help them to stay in their existing community.* (p. 29).
- Equitable, Affordable and Inclusive Goal 8, Strategy D – *Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place.* (p. 30).

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 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 buildings, and is consistent with the following strategies in the Environmentally Resilient vision elements:

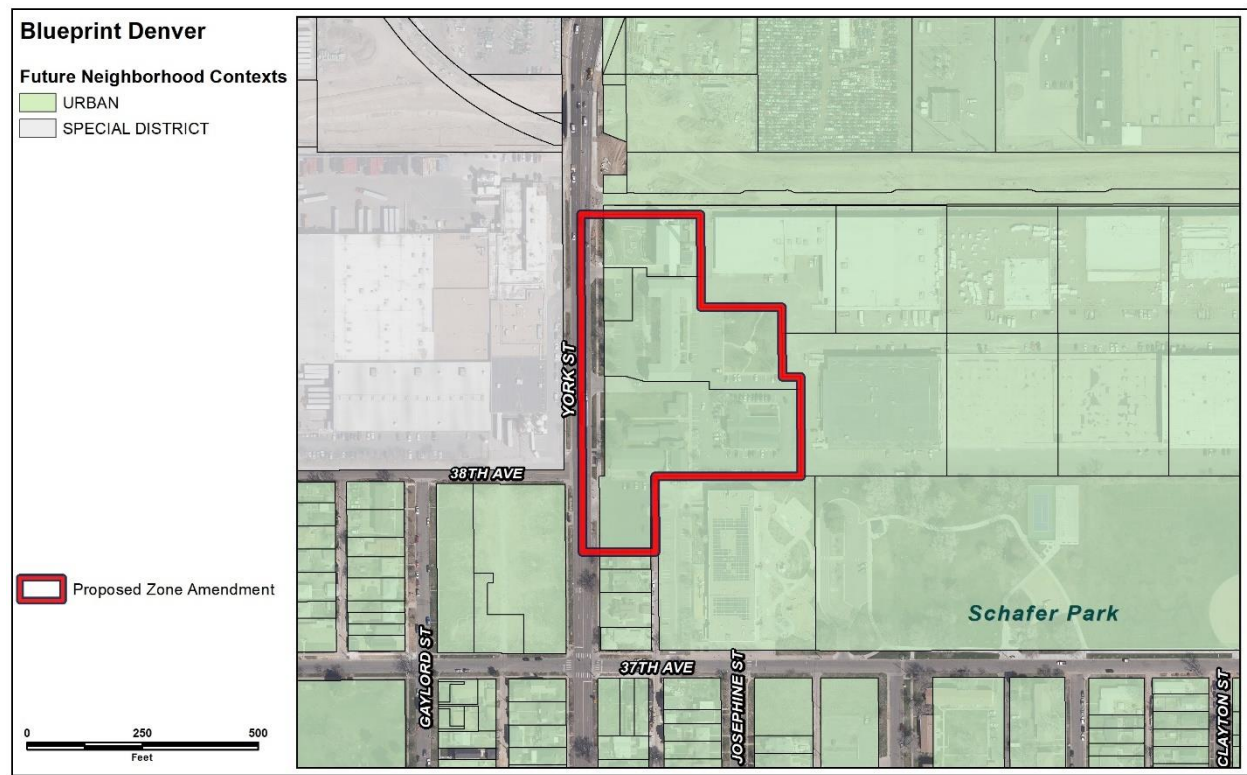
- Environmentally Resilient Goal 7, Strategy C – *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play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

The rezoning is consistent with the Comprehensive Plan policies that encourage infill development where services and infrastructure are already in place, where the infill development is in character with the existing neighborhood, and promoting open space.

### ***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***



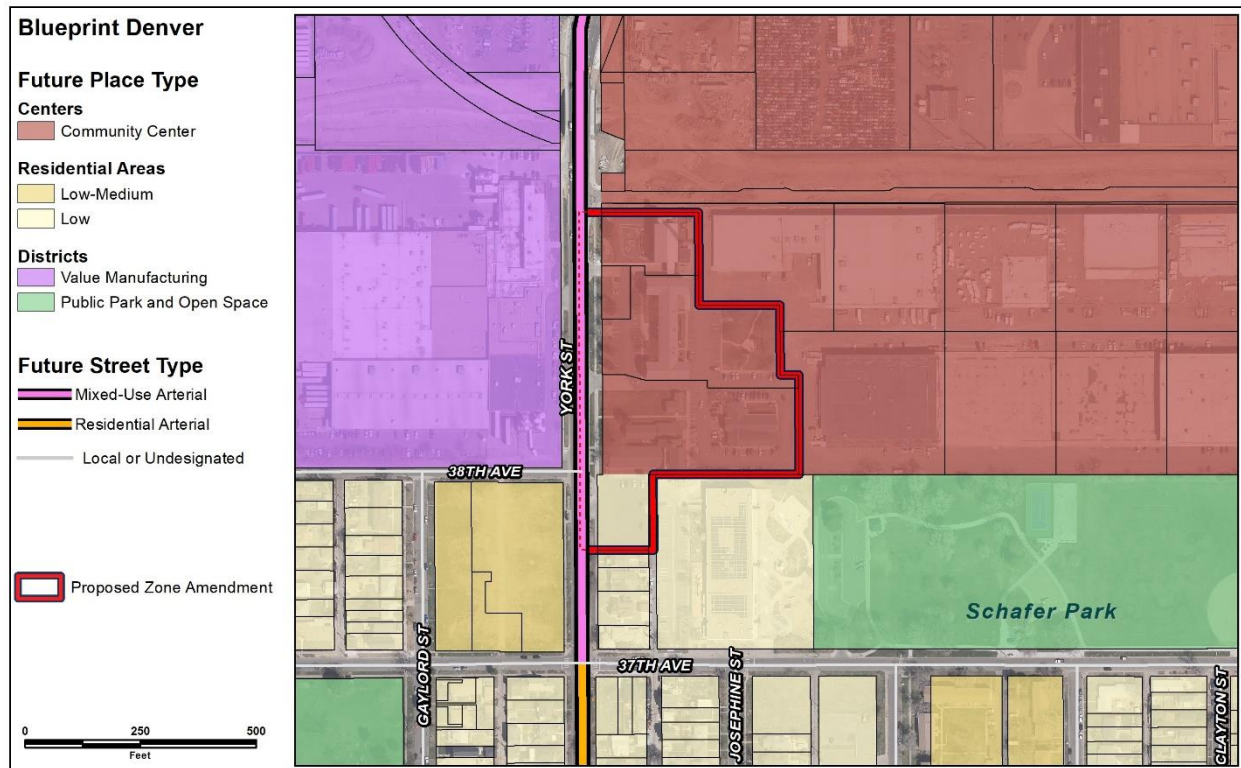
In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate 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 requested PUD rezoning is shown on the context map as Urban although the neighborhood context for the PUD for Subarea A is Industrial and Subarea B is Urban. *Blueprint Denver* provides additional applicable guidance on how to apply plan direction on neighborhood context to rezonings stating, “The mapping of neighborhood context is at the citywide scale, so the boundaries of the context may be interpreted with limited flexibility if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the neighborhood context map” (p. 66). The context map is aspirational in nature and intended to provide a high-level of understanding as to the differences in land use and built form, mobility options and quality-of-life infrastructure between different neighborhoods (p. 139). For this application, the proposed Industrial context for subarea A helps realize the goal of “ensuring all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities” (p. 22) by allowing additional height for the construction of an affordable senior housing for LGBTQ+ individuals. The I-MX-5 zone district standards serve as a transition from the more intense



industrial uses along the northern side into the lower density residential neighborhood along the southern side.

### **Blueprint Denver Future Places**



### **Future Places**

A small portion of the site 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 majority of the site is categorized as Community Center Future Place Type with a land use and built form defined by *Blueprint Denver* as “provides some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels will vary depending on the type and mix of uses. Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages to define the public realm. Heights are generally up to 5 stories. Intensity should transition within the center to the surrounding residential areas” (p.227). Facilitating the reuse of the existing buildings further contributes to preserving neighborhood character while accommodating

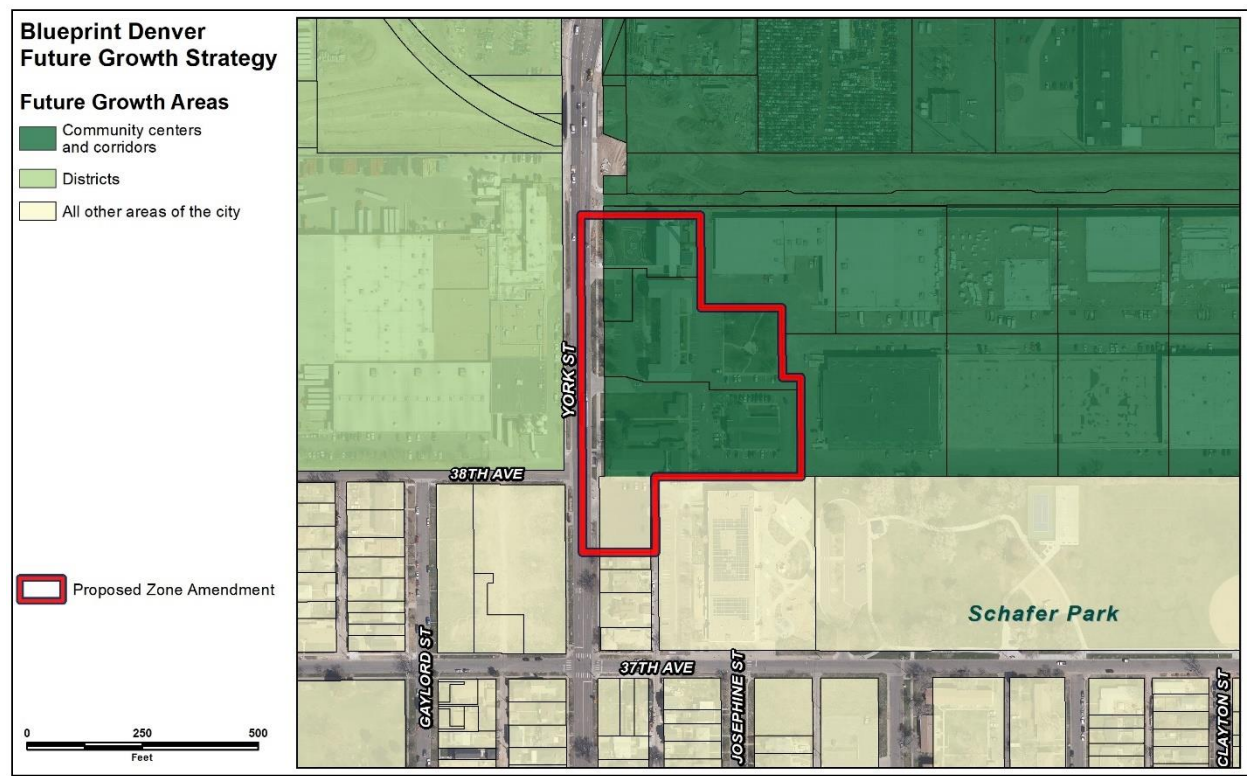
change. The small portion of the site that is designated as Single Family Residential has historically contained a commercial use and currently has non-residential zoning, and is therefore appropriate to continue the mixed-use allowance.

The proposed PUD would allow in increase from three stories to five stories within Subarea A. The height recommendation within blueprint is consistent with the recommended heights of five stories. The proposed PUD is consistent with the base zone districts of I-MX-5 and U-MX-3.

### **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 N York Street as a Mixed-Use Arterial Future Street Type, which “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback.” (p. 159). The proposed PUD is consistent with this street type as it allows for the mix of uses.

### **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 has a portion in 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 majority of the subject property is in the “Community Centers and Corridors” growth area. These areas anticipate approximately 25 percent of new housing growth and 20 percent of new employment growth by 2040 (p. 51). The proposed PUD allowing the base zone district within subarea A will increase from 3 stories to 5 stories is appropriate in this growth area as Subarea is within the “Community Centers and Corridors” growth area.

### **Additional Blueprint Denver Recommendations**

The proposed rezoning also helps further the following *Blueprint Denver* policy related to the continued use of the primary uses:

- Land Use & Built Form: General Policy 6: *Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities*
- Land Use & Built Form: General Policy 7: *Expand family-friendly housing throughout the city.*
  - Strategy A under Policy 7 further states that “Implement tools to require and/or incentivize the development of family-friendly housing. This could include bonuses for affordable large units (those with three or more bedrooms), especially in multifamily developments.” (p. 85).

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 building stories in Subarea A which would allow for a new construction of a five-story affordable housing development.

### **Custom Zoning**

*Blueprint Denver* provides the following direction for 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.

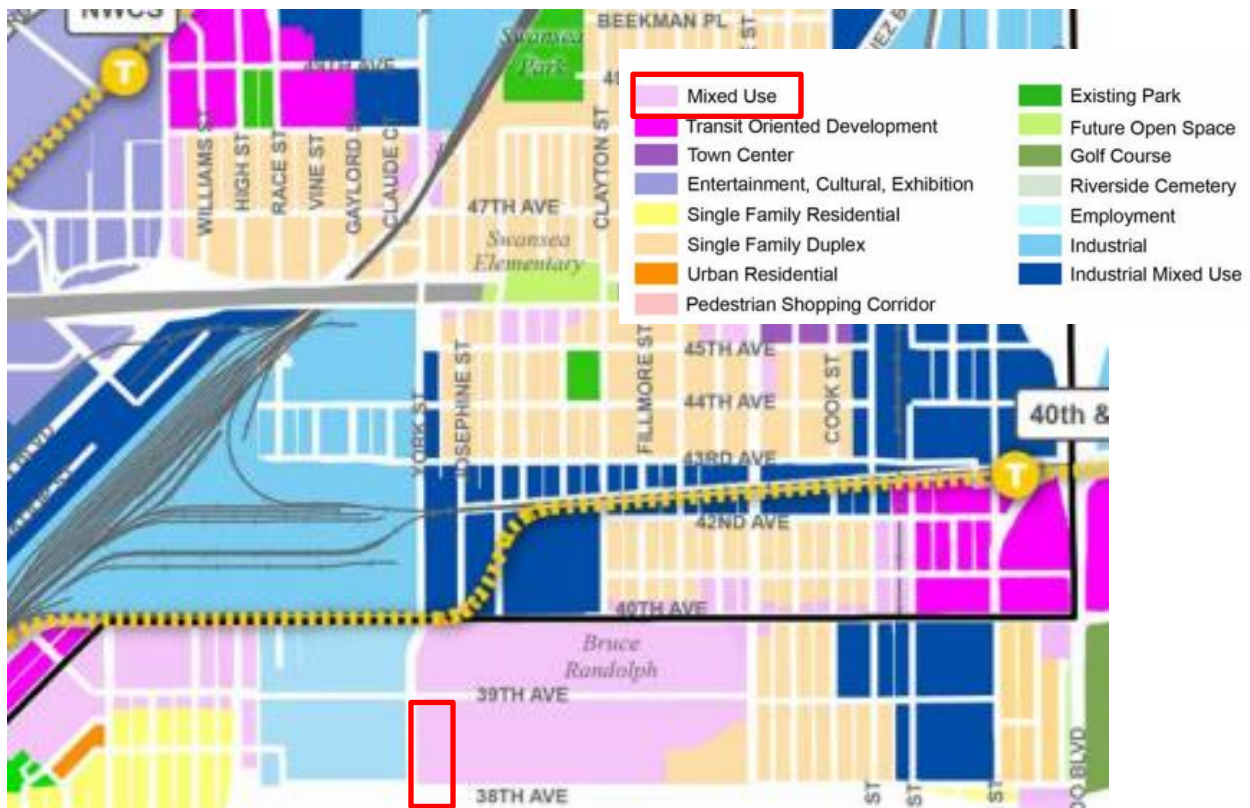
Consistent with this adopted plan direction, CPD has put into place stricter zoning standards that limit the use of PUDs to unique and extraordinary circumstances. CPD also changed the way PUDs are written. PUDs are now based on the zoning standards in a specific DZC zone district, with any specific 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 very specific alterations. The proposed PUD is



consistent with this Blueprint Denver plan direction, as it meets the requirement for PUDs only to be used in exceptional situations.

### **Elyria & Swansea Neighborhoods Plan (2015)**

The Elyria & Swansea Neighborhoods Plan was adopted by City Council in 2015 and includes recommendations for parts of the area of the subject property, which is on the edge of the plan. The subject property is designated Mixed Use in the concept land use map. The plan states “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.” (p. 26). The plan also designates maximum heights of 3 stories across the subject property.



*Elyria & Swansea Neighborhoods Plan Concept Land Use Map*

The proposed PUD based on I-MX-5 and U-MX-3 would allow a mix of commercial, office, residential and commercial uses. The map amendment would facilitate infill development on an interior parcel while supporting the ongoing use of existing structures. The PUD would allow new buildings in the general, and industrial forms up to 5 stories and 70 feet in Subarea A. The maximum building height in Subarea B would remain 3 stories, as established in the previous PUD, consistent with the plan guidance of a maximum height of 3 stories. For Subarea A, the maximum height of 5 stories is consistent with the Area Plan’s recommendation to “improving transition between industrial and residential uses” (p. 50), as it enables the construction of new housing units in taller building forms at the north end of the PUD boundary, which is adjacent to industrial and transportation uses to the north of the property, while the lower heights allowed in Subarea B enforce a transition toward the school and lower-scale residential

uses to the south. Evaluating and balancing all the Elyria & Swansea Neighborhoods Plan goals, the proposed map amendment is consistent with the plan recommendations.

### ***Housing an Inclusive Denver (2018-2023)***

The rezoning request will support the following goals and policy recommendations:

- Support housing as a continuum that serves residents across a range of incomes, including residents experiencing homelessness, those earning low wages or living on fixed incomes such as seniors or residents with a disability, and working families. (P.7).
- Promote equitable and accessible housing options by supporting programs and policies that help residents across the housing continuum access affordable housing (P.17).
- Stabilize residents at risk of involuntary displacement by supporting programs and policies that help a resident maintain their existing housing or stay in their community (P.17).

Staff determines the proposed PUD is consistent with the *Housing an Inclusive Denver Plan*.

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

The proposed PUD-G 32 rezoning will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the I-MX-5 and U-MX-3 zone districts with appropriate customized elements in support of the unique reuse, development, and open space opportunities on the site.

## **3. Public Health, Safety and 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 plans, and will also further public welfare through the creation of additional public open space.

## **4. Justifying Circumstances**

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: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

Since the approval of the existing zone district, the City has adopted the Comprehensive Plan 2040, and Blueprint Denver 2019. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The zoning standards in the proposed PUD district are based upon the Urban neighborhood context and the Industrial neighborhood context. The Urban context is "*characterized by small-scale single-unit and two-unit residential uses. Multi-unit residential uses and commercial areas are typically embedded in residential areas. Commercial uses are located along mixed-use arterial or main streets.*" (DZC p. 5.1-1). The Urban context consists of a regular pattern of blocks formed by a grid street system. The Industrial

Context *“consists of areas of light industrial, heavy industrial and general industrial areas, as well as areas subject to transitions from industrial to mixed-use.”* (DZC p. 9.1-1) While the Industrial context consists of a more irregular block pattern, *“The Industrial Mixed Use Districts have a more urban context with a rectangular street grid and alley access.”*

The PUD’s U-MX-3 district zoning standards are *“intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.”* (DZC p. 5.2-4). The PUD’s I-MX-5 zoning standards are *“intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.”* (DZC p. 9.1-2) The 3- and 5-story maximum height allowed by both base zone districts is consistent with the adjacent Urban neighborhood to the south and provides a transition to the Industrial context to the north.

#### **1. 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 the Zoning Code;***

- 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 to respond to “Unique and extraordinary circumstances”.
  - The unique and extraordinary circumstances of the subject site are its location adjacent to the major city investment of the 39<sup>th</sup> Avenue right-of-way and greenway, as well as unique structures that would be difficult to repurpose without customization due to their location on the site.
- According to 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:
  - Requirement to provide privately owned and operated but publicly accessible open space. The required open space will serve as a gateway into the 39<sup>th</sup> Avenue Greenway from the Clayton and Cole neighborhoods.
  - Requirements for a higher amount of street level activation than would otherwise be required for building forms other than Shopfront and additional requirements for parking lot screening and landscaping in Subarea B will ensure pedestrian-friendly development.

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

- As stated in item A above, the PUD District complies with 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 zone district available that would allow modifications to compliant structures under the existing site configuration which does not meet the reserved area requirement for phased development, or that would require the applicant to provide open space.
- D. The PUD District establishes permitted uses that are compatible with existing land uses adjacent to the subject property;***
- The PUD District proposes uses consistent with those allowed in U-MX-3, which is already zoned for part of the area, and the uses allowed in I-MX-5. These uses are compatible and appropriate to transition from the industrial uses to the north into the residential area to the south.
- E. The PUD District establishes 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 PUD District allows building heights and building forms that are compatible with the surrounding neighborhoods, especially serving as a transition from intense industrial development to low-density residential neighborhoods.

## **Attachments**

1. Rezoning application + Comments
2. Additional Comment
3. PUD-G 20
4. PUD-G 32