Community Planning and Development
Planning Services

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TO: City Council
FROM: Edson Ibañez, Senior City Planner
DATE: June 13th, 2024
RE: Official Zoning Map Amendment Application #2024I-00027

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2024I-00027.

Request for Rezoning

Address:	4340-4350 S Monaco Street
Neighborhood/Council District:	Southmoor Park / Council District 4
RNOs:	Strong Denver and Inter-Neighborhood Cooperation
Area of Property:	548,613 square feet or 12.58 acres
Current Zoning:	B-4 with Waivers and Conditions, UO-1 UO-2
Proposed Zoning:	PUD-G 34
Property Owner(s):	Orion Denver CO LLC
Owner Representative:	Shea Properties Management Company, Inc. (Eric Hecox)

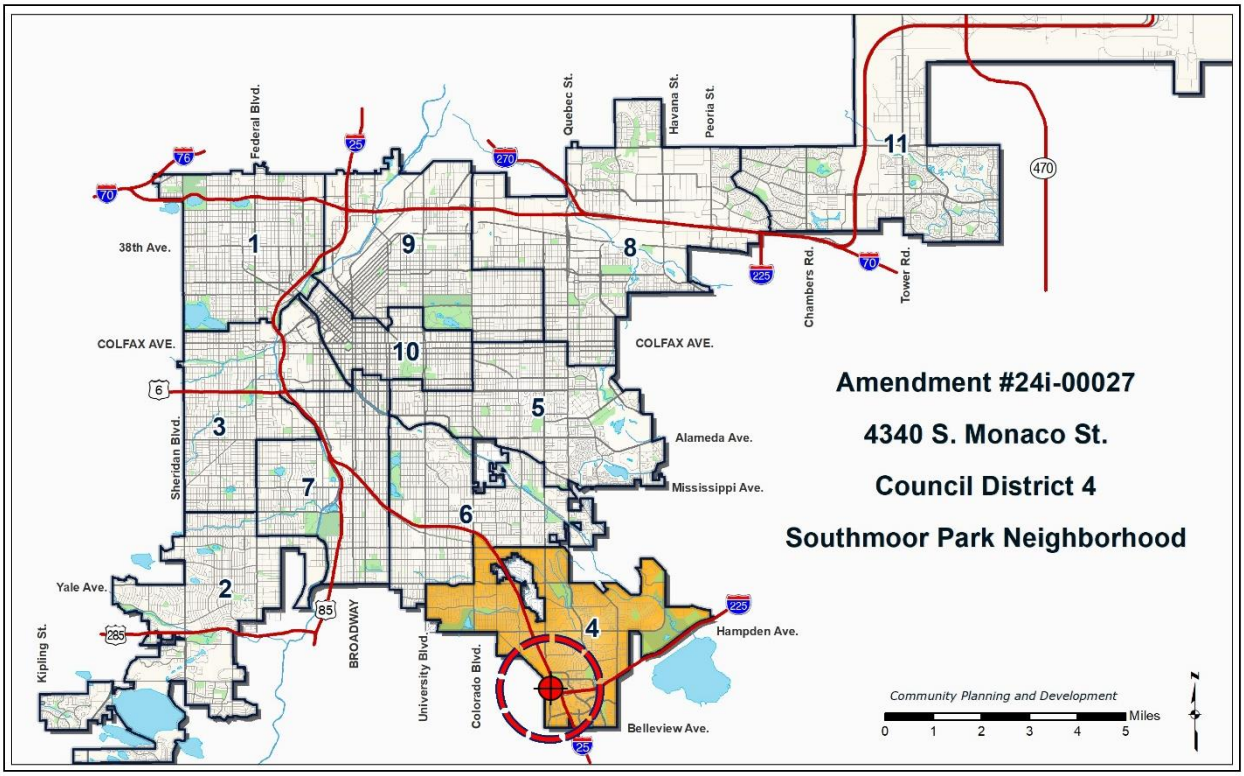
Summary of Rezoning Request

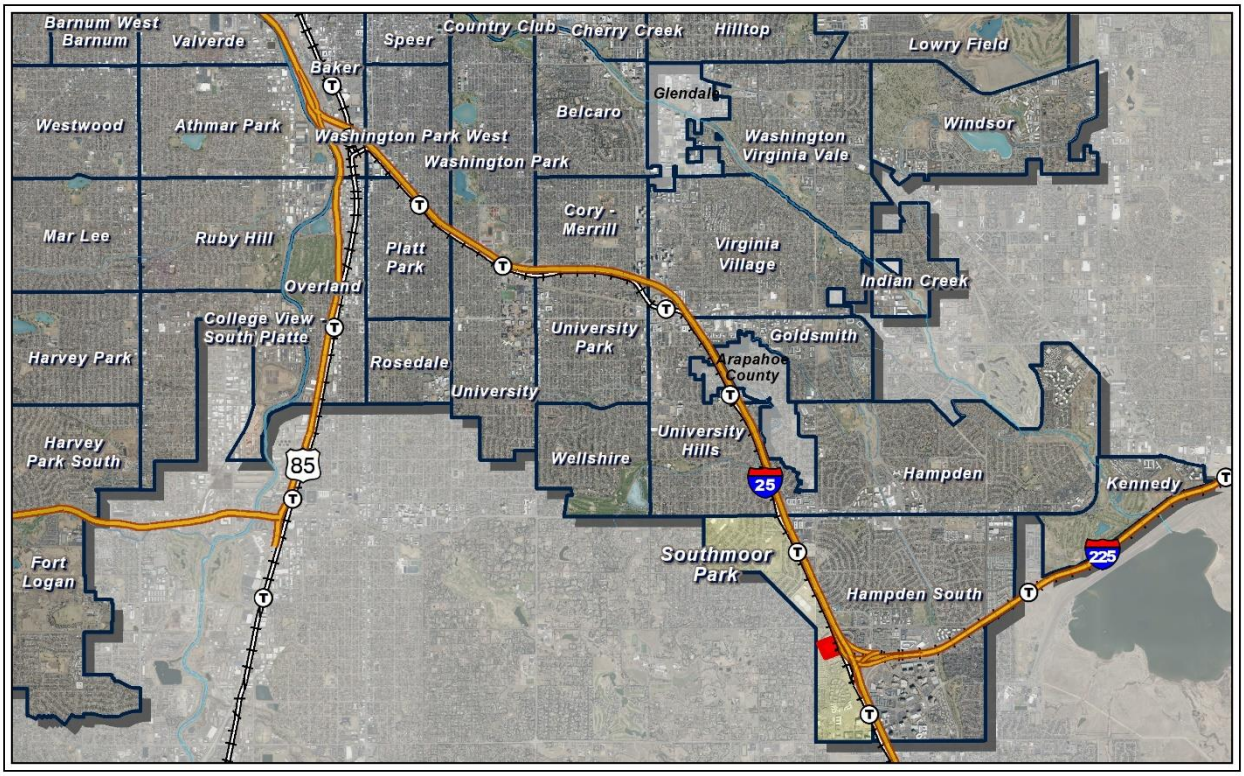
- The property is located on the east side of South Monaco Street, South of East Quincy Avenue and in the southern portion of the Southmoor Park neighborhood.
- The current zoning is B-4 with waivers, UO-1, UO-2. B-4 is a Former Chapter 59 zone district intended for "commercial uses adjacent to arterial streets" that allows moderate-intensity commercial and residential uses." The UO-1 (use overlay) district allows adult uses, while the UO-2 overlay allows billboard signs. The waiver affecting this property precludes adult uses which would otherwise be allowed by the UO-1 overlay. There are no billboard signs on the site.
- The current zoning restricts building heights to 80', with some additional land use limitations including a limitation on the amount of residential uses on the site.
- The site contains two office buildings and a three-story parking garage.
- The property owner seeks custom zoning to allow for adaptive reuse of the northernmost office building for approximately 140 affordable apartment units including a mix of unit sizes from studios to 4-bedrooms.
- This application has been accepted for support by Denver Community Planning and Development's Affordable Housing Review Team. The dedicated Affordable Housing Review Team was created to prioritize affordable housing projects that meet specific criteria to and help guide those projects through the review process.
- The Denver Office of Housing Stability (HOST) has tentatively approved funding to assist with acquisition of the property for affordable housing
- The proposed PUD-G 34 is based upon the **S**-**MX**-**5** (**S**uburban-**M**ixed **U**se, **5**-story) zone district, and any new development would be required to meet the standards of that district. The existing

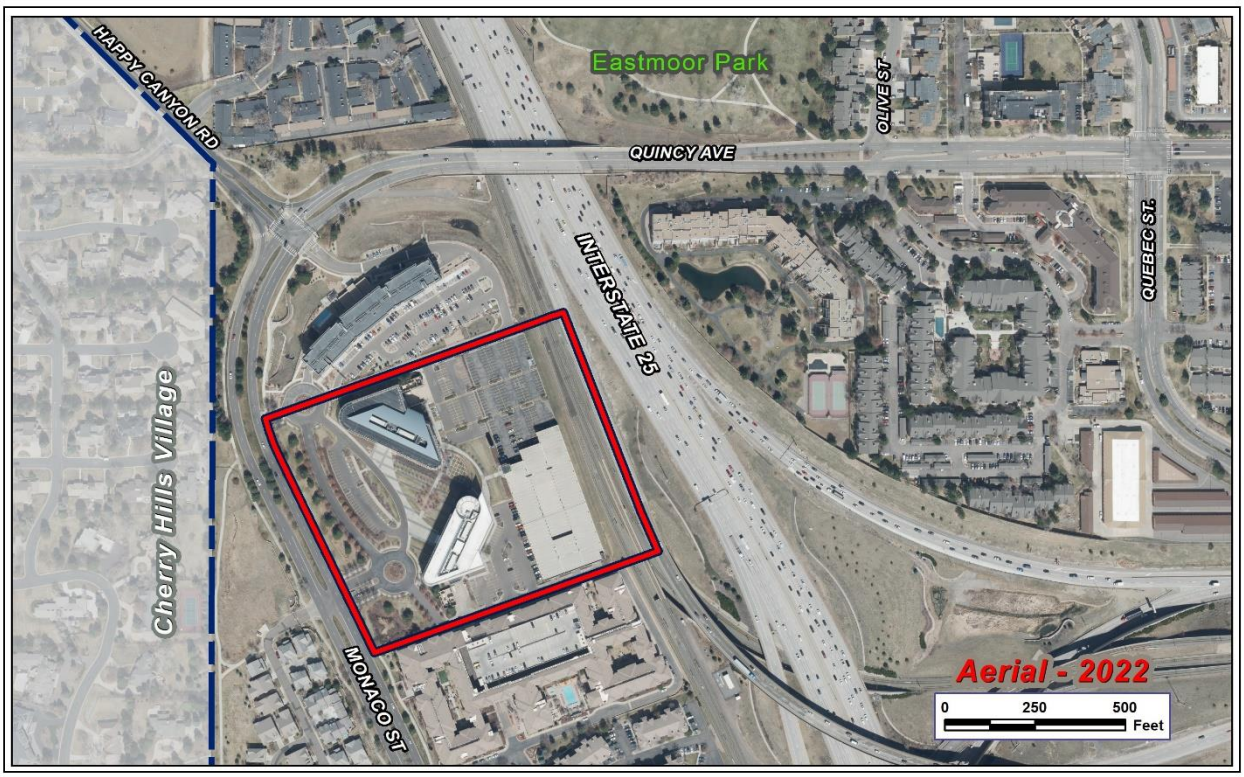
structures of the subject property would be subject to the S-CC-5 General Building Form standards with several exceptions. Those deviations include:

- Flexibility in height and stories
- Flexibility in interior setbacks

Existing Context




Barnum West
Barnum
Valverde
Speer
Country Club
Cherry Creek
Hilltop
Lowry Field
Baker
Glendale
Westwood
Athmar Park
Belcaro
Windsor
Washington Park West
Washington Park
Washington Virginia Vale
Mar Lee
Ruby Hill
Cory - Merrill
Platt Park
Virginia Village
Overland
Indian Creek
College View - South Platte
University Park
Goldsmith
Harvey Park
Rosedale
Arapahoe County
University
University Hills
Harvey Park South
Wellshire
Hampden
Kennedy
85
25
225
Fort Logan
Southmoor Park
Hampden South

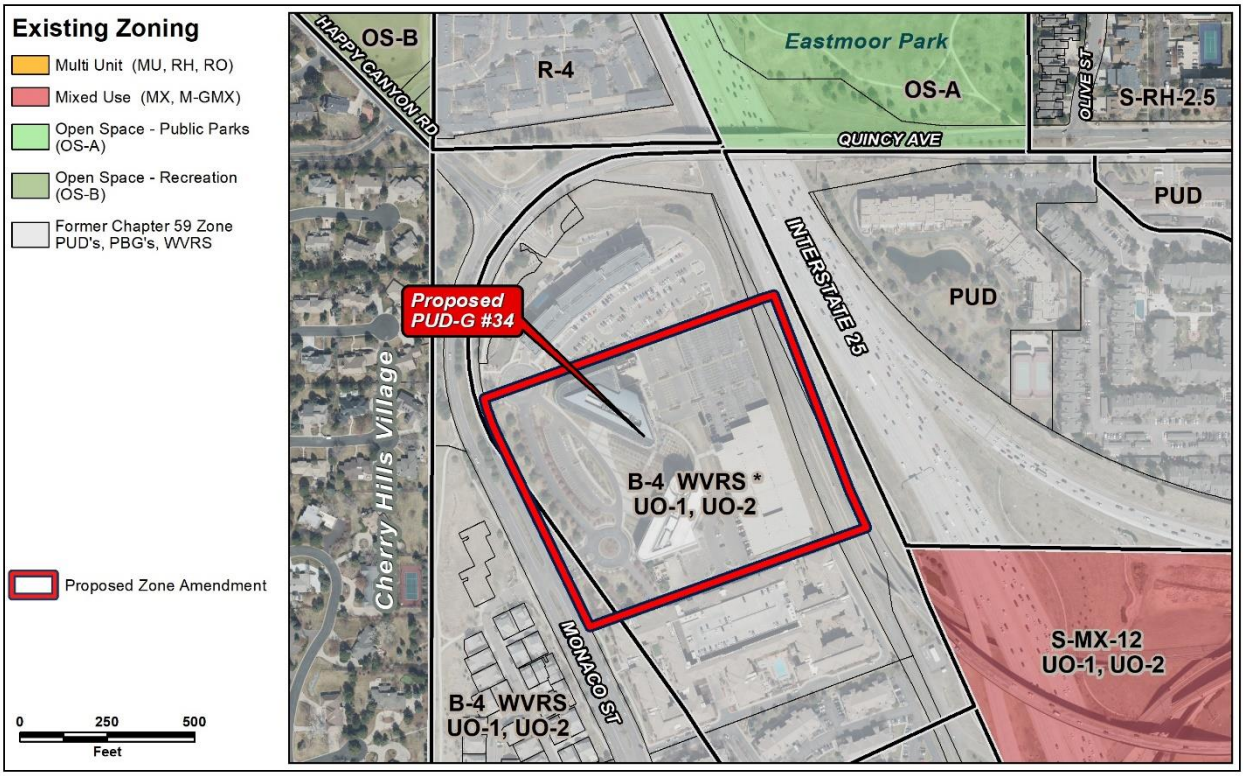

HAPPY CANYON RD
Eastmoor Park
OLIVE ST
QUINCY AVE
INTERSTATE 25
QUEBEC ST.
Cherry Hills Village
MONACO ST
Aerial - 2022
0
250
500
Feet

The subject site is in the Southmoor Park neighborhood near the Denver Tech Center. The site is situated west of the I-25 and I-225 interchange in the southern portion of the City and is bounded by East Quincy Avenue to the north, South Monaco Street to the west, East Union Avenue to the south, and I-25 to the east. The subject site contains an approximately 124,000 square foot, four-story office building located at the north end of the site, and an approximately 155,200 square foot, six-story office building located on the south half of the site. The northern office structure has been vacant for several years according to the applicant, while the southern office building remains in use. The subject site also contains approximately 1,034 parking spaces provided on surface lots and within an existing three-story parking garage. Cherry Hills Village is to the west of the site. The Belleview Station transit station is approximately one mile to the south, which serves both RTD bus and light rail. The nearest Denver Park is Eastmoor Park, about 0.12-miles to the northeast.

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	B-4 with waivers and conditions UO-1, UO-2	Office and parking	There are three structures on site. Two office buildings consisting of four and six stories. The third structure is a three-story parking garage. Curb cut entrance off Monaco Street.	An improved grid network of streets that was completed in the mid-2000's for development of the area surrounding the Belleview Station light rail platform; Interstate 25 interrupts the street grid immediately to the east of the subject property.
North	B-4 with waivers, UO-1, UO-2	Multi-unit residential	6 Story Multi-Unit Residential Structure with curb cut entrance off Monaco Street.	
South	B-4 with waivers, UO-1, UO-2	Multi-unit residential	4 Story Multi-Unit Residential Structure with curb cut entrance off Monaco Street.	
East	Interstate 25/RTD Light Rail	None	No structures immediately east	
West	B-4 with waivers, UO-1, UO-2	Vacant/Single Unit Residential	1-2 story Single-Unit residences and Vacant lot with curb cut entrance off Monaco Street.	

1. Existing Zoning



The current zoning is B-4 with waivers and conditions, UO-1, UO-2. B-4 is a Former Chapter 59 zone district intended for "commercial uses adjacent to arterial streets" that allows moderate-intensity commercial and residential uses. The UO-1 (use overlay) district allows adult uses, while the UO-2 overlay allows "outdoor general advertising devices," or billboard signs. The waiver affecting this property precludes adult uses which would otherwise be allowed by the UO-1 overlay. There are no billboard signs on the site, and the applicant does not propose to retain either overlay as part of the rezoning. The existing waivers limits the amount of residential uses therefore the applicant is pursuing to rezone the subject property to allow for the conversion of the northern office building to a residential building. A copy of the existing waivers and conditions are attached to this report.

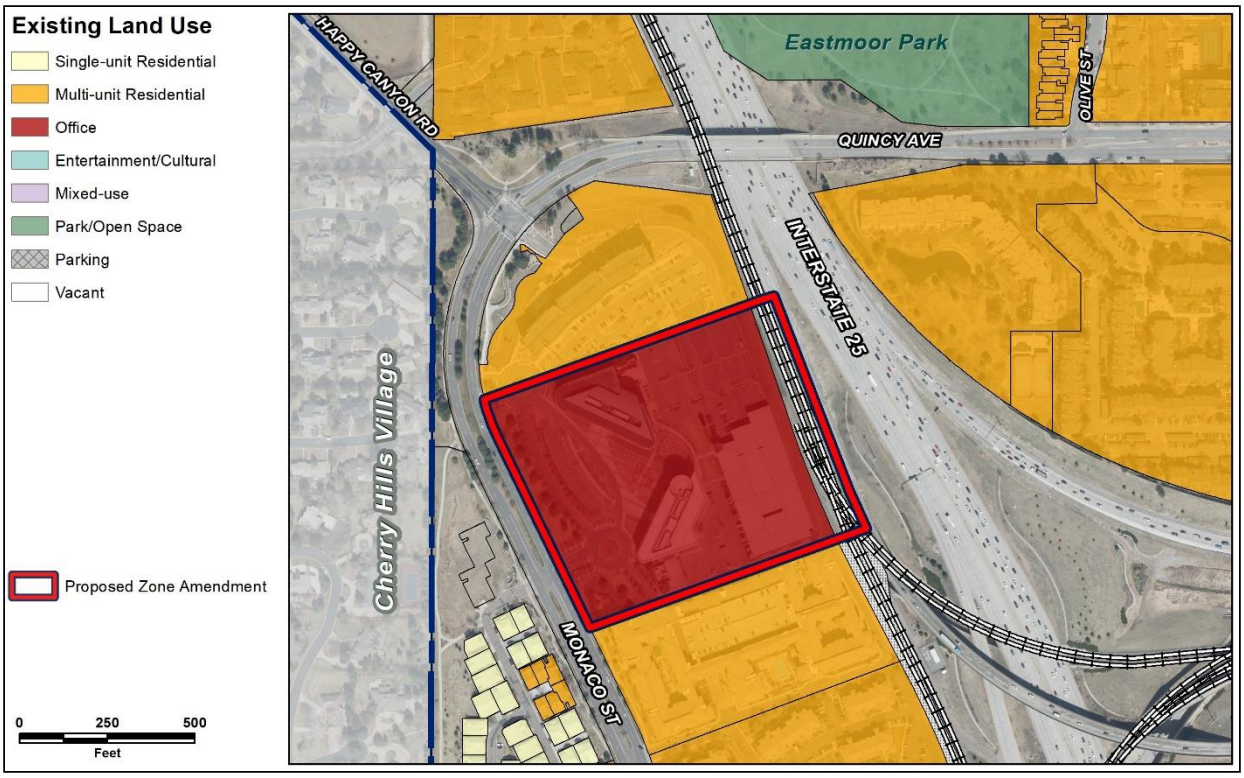
2. Existing Planned Building Group

The Invesco Funds Headquarters Planning Development Group Plan was approved in 2001. The plan provides a regulatory framework that includes elevations, landscape plans, and site plan. The plan provides detail descriptions of the three existing structures currently present on the subject property. The plan mentions the waivers which are specified in Ordinance Number 655-1981. The applicant is in the process of removing the Planned Building Group and will working with Development Services on a new Site Development Plan for the subject property.

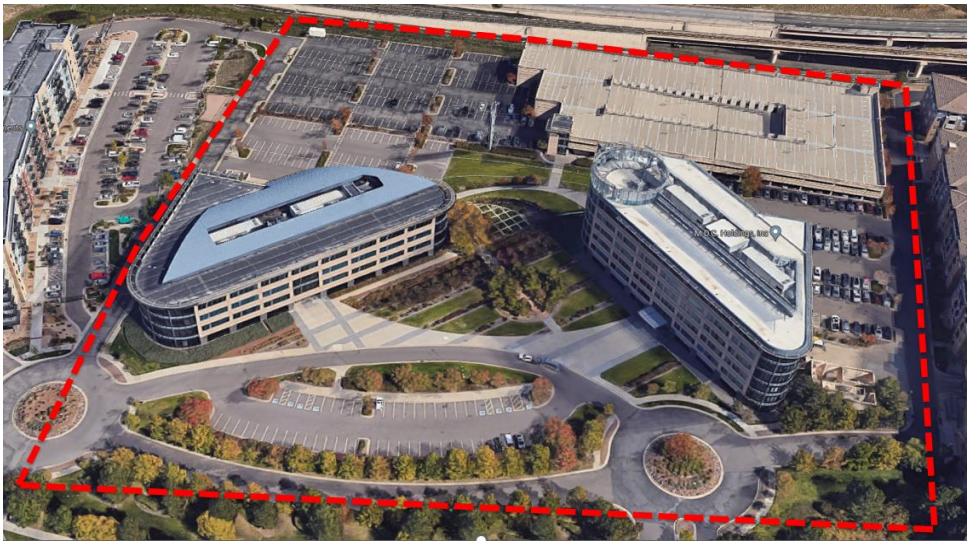
3. Large Development Review

Given the size of the site, the property was reviewed for Large Development Review applicability. Through a detailed analysis conducted by Development Services LDR reviewers, LDR was deem not applicable in this case as there is no plans to physically change this site or develop the site at this time and a letter of inapplicability was sent to the applicant. The applicability of LDR will be revalidated if the property owners plan to redevelop the site.

4. Existing Land Use Map



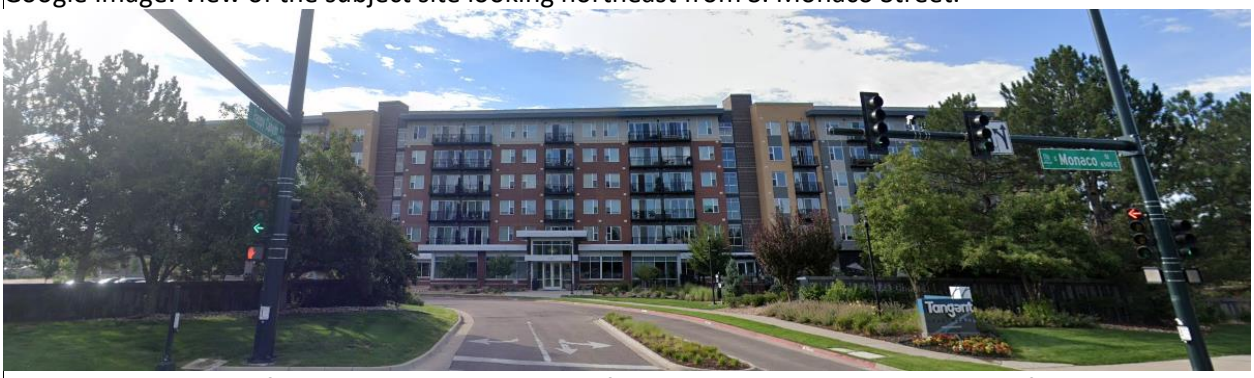
5. Existing Building Form and Scale



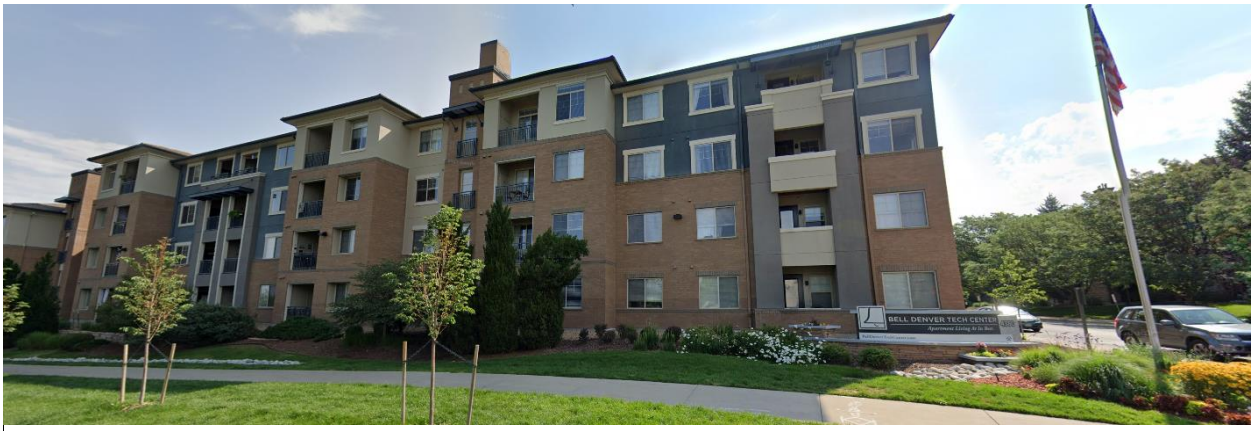
Google Image: Aerial View of the subject Site looking east.

Google Image: View of the subject site looking southeast from S. Monaco Street.

Google Image: View of the subject site looking northeast from S. Monaco Street.



Google Image: View of the property to the north of the subject site looking southeast from S. Monaco Street.



Google Image: View of the property to the south of the subject site looking east from S. Monaco Street.

Google Image: View of the low density residential properties to the west of the subject site looking west from S. Monaco Street.

Summary of PUD Request

The applicant is requesting to rezone to PUD-G 34 per Denver Zoning Code Section 9.6.1. The purpose of the proposed PUD District "facilitate continued use and adaptive reuse of Existing Structures compatible with Suburban Neighborhood Context zoning standards while allowing the continued use and modification of the Existing Structures, whichdo not fully comply with the S-MX-5 building form standards." 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 for the conversion of one of the office buildings to affordable housing and the existing office building to follow the General Building Form of S-CC-5 (Suburban- Community Corridor – Heights up to 5 stories) zone district with some deviations. New construction would follow the S-MX-5 (Suburban- Mixed Use – Heights up to 5 stories) zone district. The proposed PUD-G 34 will contribute to the vibrancy of the surrounding neighborhood.

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: Approved - See Comments

EQD 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. EQD 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. EQD 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 Response

Development Services – Project Coordination: Approved – No response.

Development Services - Fire: Approved – No Comments

Development Services - Zoning: 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:	**3/29/2024**
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:	**4/16/2024**
Planning Board Public Hearing:	**5/1/2024**
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:	**4/26/2024**
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	**5/7/2024**
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:	**5/26/2024**
City Council Public Hearing:	**6/17/2024**

Public Outreach and Input
As described in the applicant's narrative, the applicant conducted one community engagement event.

Registered Neighborhood Organizations (RNOs)

- As of the date of this staff report, CPD has received no comments.

Other Public Comment

- To date, CPD has received four public comments in support. One of the letters of support is from former Council member Kendra Black. All letters are attached to this staff report.
- CPD received two letters of opposition to proceeding with this application from the Mayors of Cherry Hills Village and Greenwood Village. Both letters stated public noticing concerns and requested the application be corrected to allow for public comment and due process. Additionally, the letters stated concerns over the PUD rezoning, proximity to low density housing and transit. These letters are attached to the staff report.

Criteria for Review / Staff Evaluation

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

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
    a. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
    b. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
    c. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
    d. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
    e. The PUD District and the PUD District Plan establish permitted building forms that are compatible with 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)
- HOST Five-Year Strategic Plan (2021)

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.

The proposed rezoning would facilitate the provision of additional housing options and affordable housing within the neighborhood, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments. (p. 28).
- 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 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit. (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 neighborhood 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. (p.34)

Finally, the proposed rezoning would encourage reuse of an existing buildings, and is consistent with the following strategies in the Environmentally Resilient vision elements:

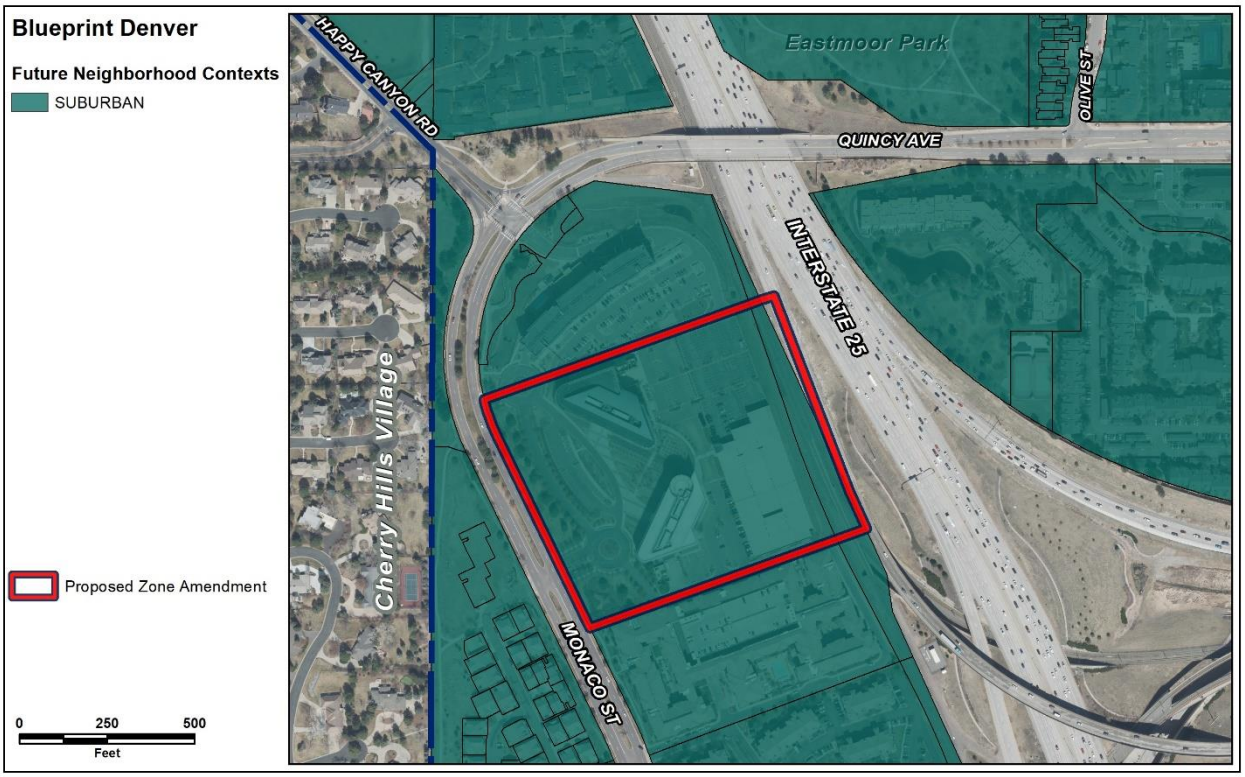
- Environmentally Resilient Goal 7, Strategy C – Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play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

***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 Community Center place within the Suburban Neighborhood Context and provides guidance on the future growth strategy for the city.

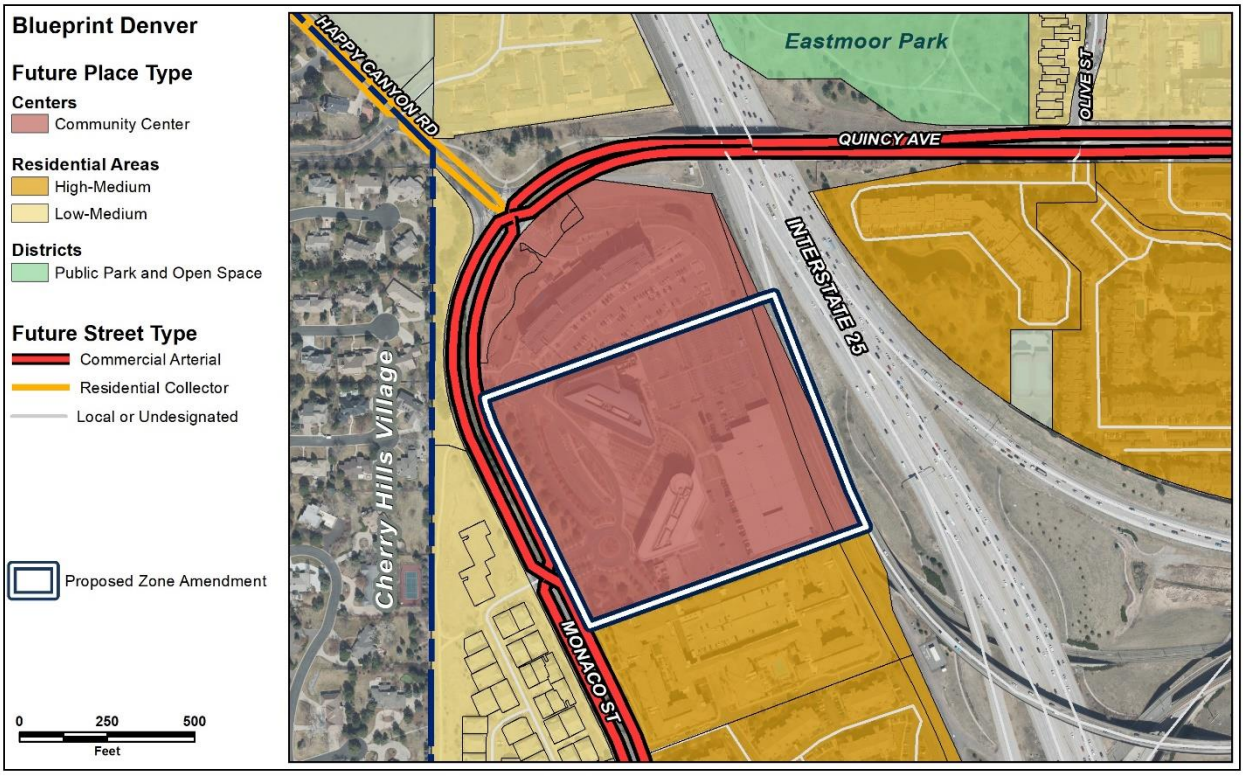
***Blueprint Denver* Future Neighborhood Context**



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 a Suburban 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 Suburban Neighborhood Context as follows: "Homes in this context are largely single unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto oriented than others, there should still be quality multimodal connectivity" (p. 189).

The intent of the proposed PUD's base zone district of S-MX-5 is to "promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods" (DZC, Section 3.2.4.1.A). The proposed rezoning is appropriate and consistent with the Suburban context plan direction, as it will allow for redevelopment of an appropriately scaled mixed use node along a commercial arterial street and embedded in a moderate residential area.

Blueprint Denver **Future Places**



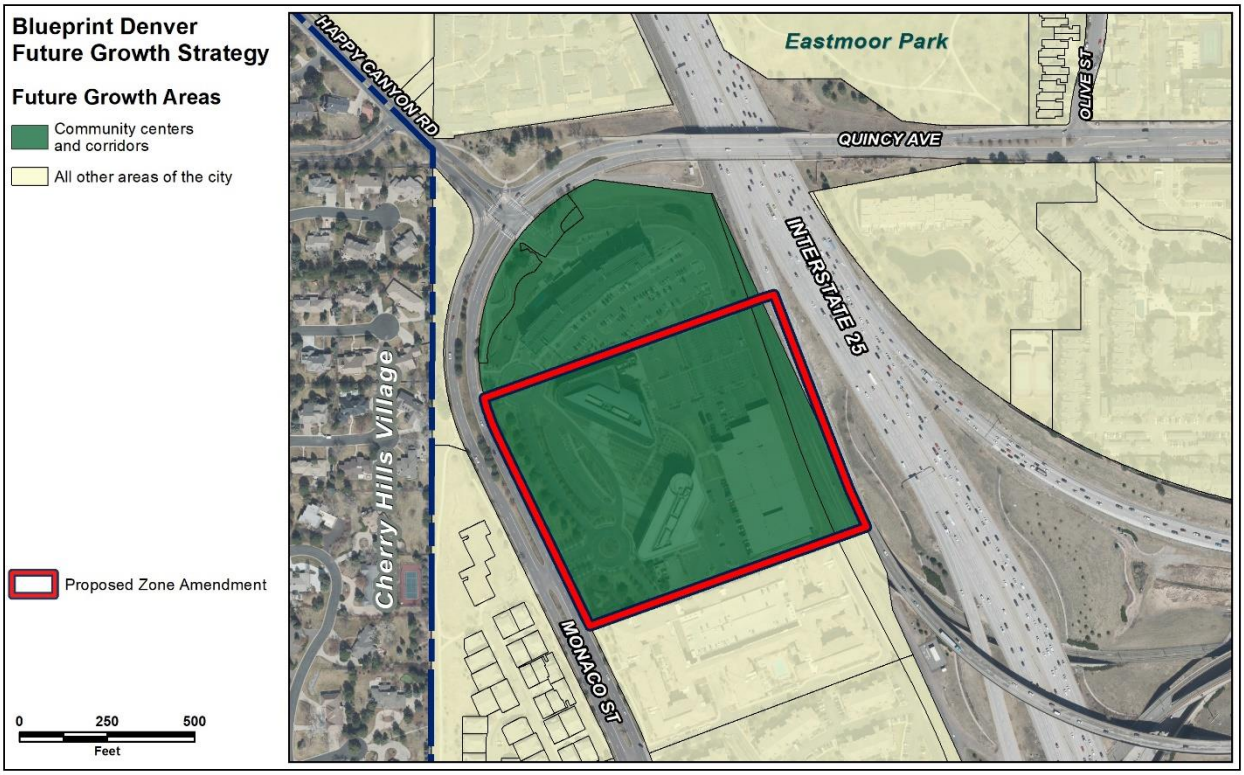
Future Places

The subject property is categorized as Community Center Future Place with a land use and built form defined by *Blueprint Denver* as "Typically provides some medium 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 vary depending on the type and mix of uses. A mix of larger and smaller scale buildings, some setback from the street to accommodate parking. Heights are generally up to 5 stories." (p.194). This proposed PUD acknowledges allows ongoing use of existing structures, while setting forth opportunities for future redevelopment that is consistent with the Community Center plan direction and will foster a better balance of residential and employment uses than the current zoning with waivers allows.

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 South Monaco Street as a Commercial Arterial Future Street Type, which "typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with onsite parking." (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 is located within the "Community centers and corridors" growth area, these areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed PUD is consistent with the "Community centers and corridors" growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this 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

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 the adaptive reuse of a vacant office building for affordable housing.

Custom Zoning

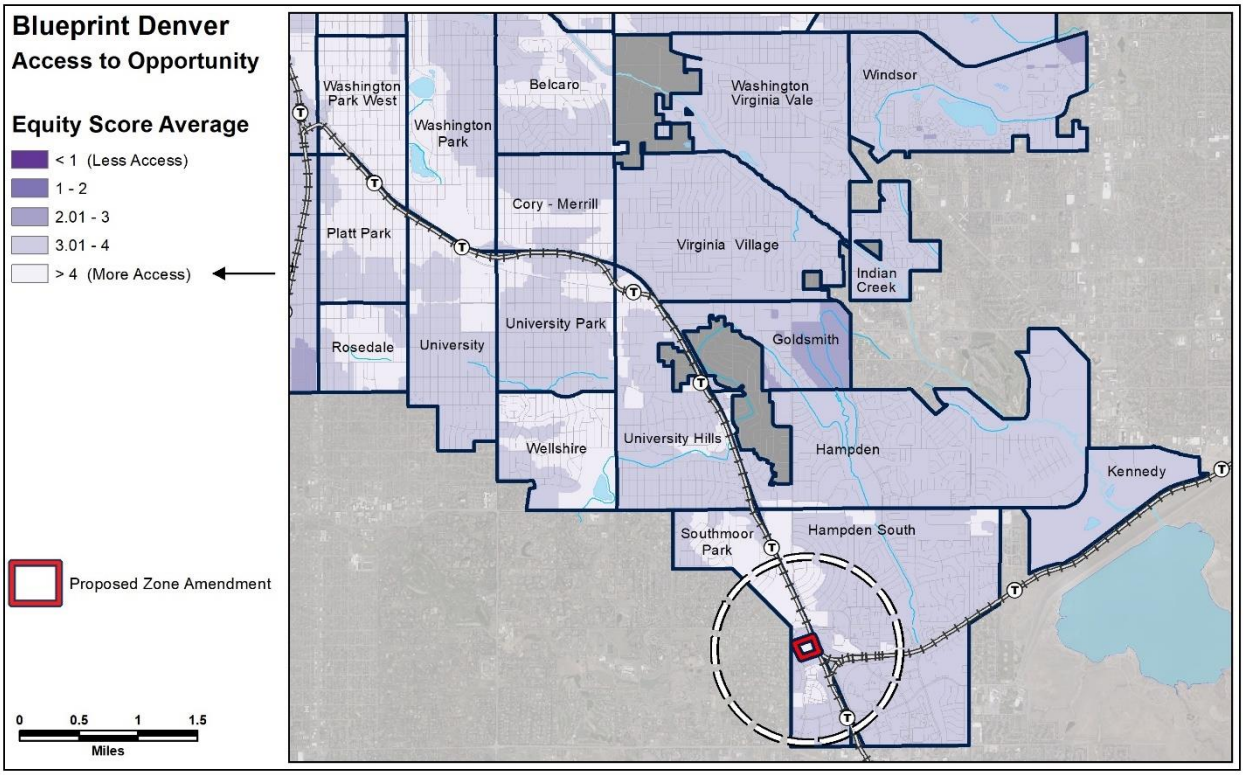
Blueprint Denver provides the following direction for the use of custom zoning including PUDs: "Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone 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.

This proposed PUD-G 34 is consistent with this plan guidance in that it applies some tailoring zoning regulations to enable adaptive reuse of existing structures, while also setting the stage for future development that is consistent with plan guidance for this site.

***Blueprint Denver* Equity Concepts**

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that help inform implementation actions through large rezonings along with other implementation actions. Given the size of the subject site an equity analysis is included in this staff report. The applicant's equity response is attached is this staff report.

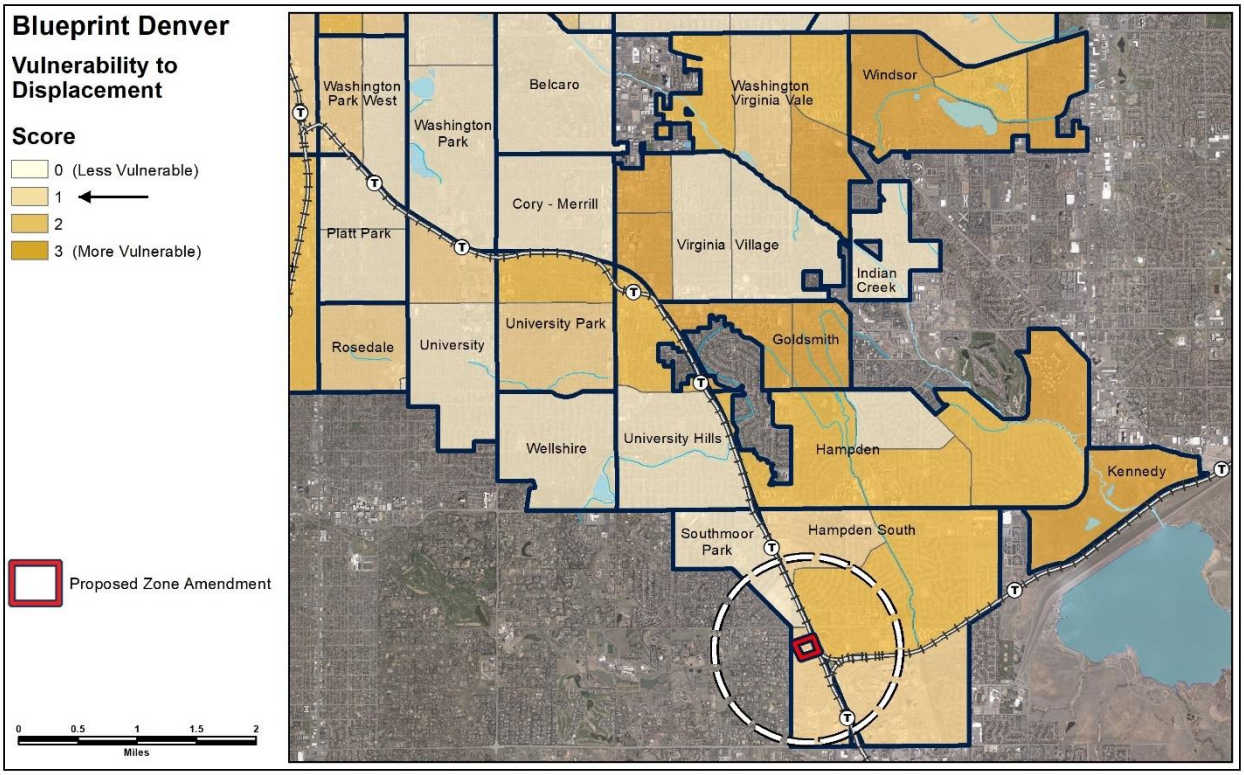
I. Access to Opportunity



The subject property is in an area with high access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. The metric did show less access to parks and fresh foods in the immediate vicinity than the city as a whole.

The proposed district will facilitate adaptive reuse structure for affordable housing, thereby increasing the opportunity for people to live close to services in an area. In the equity response, the applicant has noted their intention to help address this measure through supportive services that are integral to the new affordable residential use that is planned for the site and on-site open space and recreation equipment. Further, they intend to provide on-site bike and scooter share services to allow for easy access to nearby parks and Cherry Creek Reservoir, and the many recreational amenities they offer. The site is approximately one mile from the People + Produce Farmer's Market located at Belleview Station.

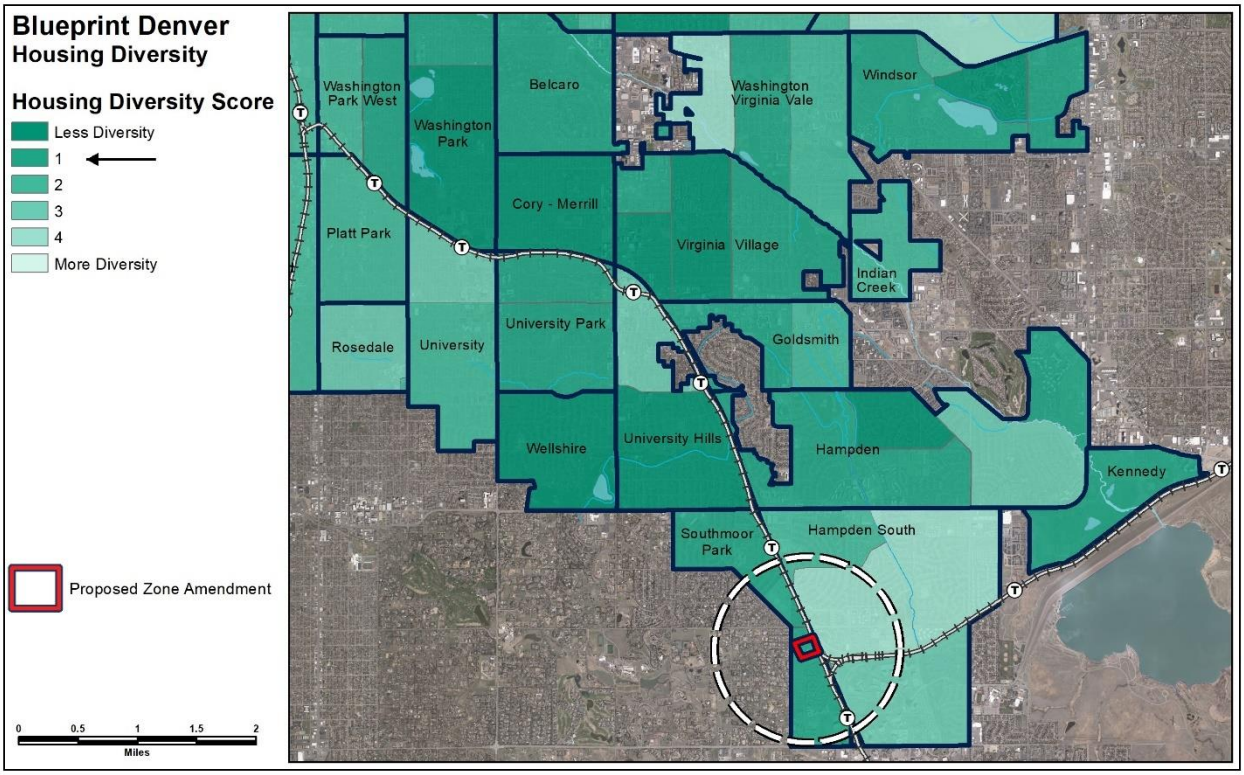
II. Vulnerability to Involuntary Displacement



The subject property is in an area that has low vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in one category. In areas with vulnerability to involuntary displacement, it is important to increase pathways to affordable housing options so that residents of all income levels can continue to live in these neighborhoods.

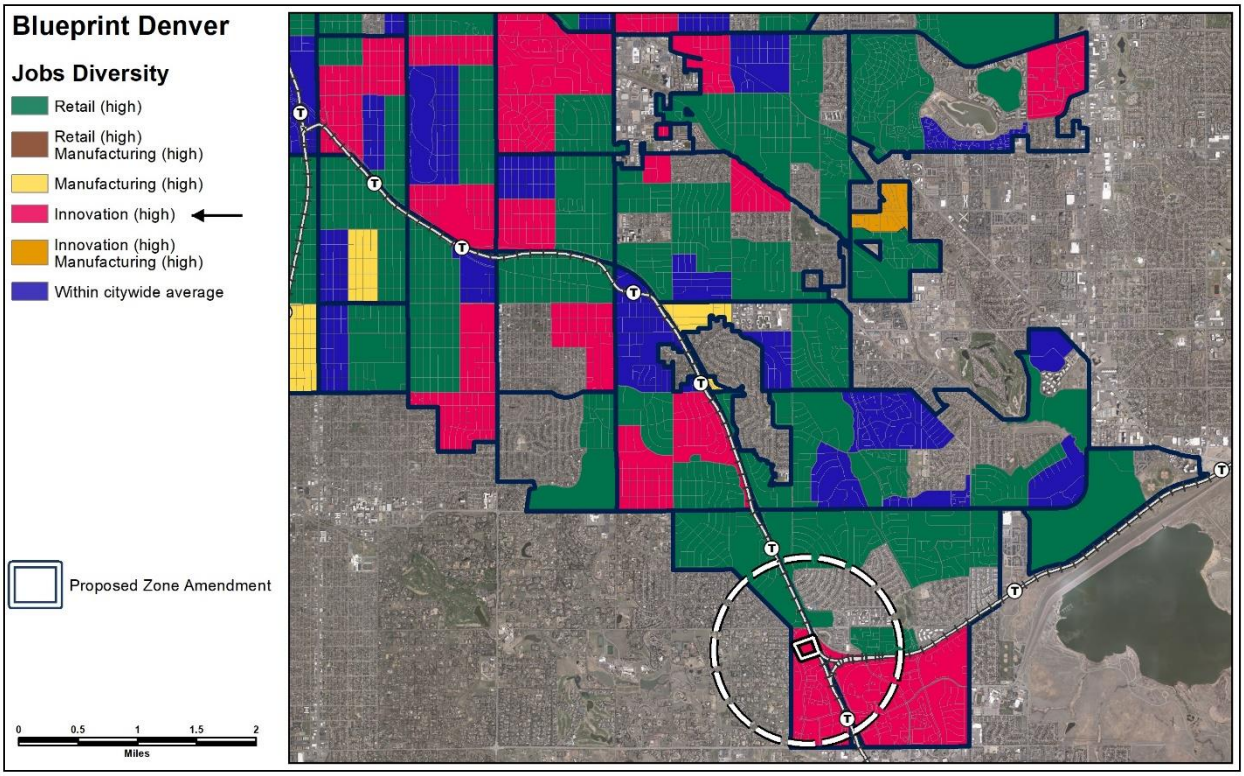
As discussed earlier in the report, the rezoning will facilitate additional housing units. The applicant is intending to provide approximately 143 income restricted units, ranging in size from studios to four bedrooms.

III. Expanding Housing and Jobs Diversity



The subject property is in an area that has low housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. The subject area is not diverse in terms of housing costs. In areas with a any level of housing diversity it is important to increase the number of affordable housing units alongside natural growth in market-rate housing and provide programs for individuals to access these units.

The rezoning will facilitate additional housing opportunities on this site. The applicant is intending to convert 4340 S. Monaco (a vacant office building) to approximately 143 affordable apartment units, including a mix of unit sizes from studios to four-bedroom units to accommodate households of varying sizes, ages and needs.



The map above shows the mix of jobs in areas of the city (dominant industry depicted by color). With a greater emphasis on innovation jobs in the Southmoor Park neighborhood. Southmoor Park has 32% Retail jobs, 68 % innovation Jobs and 8% Manufacturing Jobs. Innovation Jobs is significantly higher than city wide average of .58%. The total number of jobs are 2,748 with 11.26 jobs per acre.

The proposed district could enable residents with different incomes and education levels to live in a neighborhood with greater access to a variety of innovation jobs and wealth-building opportunities. The property is located at the far southern point of City boundaries and directly adjacent to the Denver Tech Center, each of which being areas that provide significant employment opportunities to Denver residents and residents in the surrounding region. By facilitating additional housing opportunities near employment centers, the rezoning will support those existing employment regions, including local businesses, restaurants, and retailers.

***HOST Five-Year Strategic Plan* (2021)**

The rezoning request will support the following goal and policy recommendation:

- Goal 1: Expand access to affordable housing opportunities (P.31)
- Land acquisition and preservation Strategy: Pursue strategic acquisition of hotels and/or commercial properties for conversion/redevelopment into affordable housing (P.32).

Staff determines the proposed PUD is consistent with the *HOST Five-Year Strategic Plan*.

2. Uniformity of District Regulations and Restrictions

The proposed PUD-G 34 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 S-MX-5 and S-CC-5 zone districts with appropriate customized elements in support of the unique reuse and development 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 affordable housing units in a vacant office building.

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."

As discussed above, the property was not rezoned with the adoption of the Denver Zoning Code in 2010 and retained Former Chapter 59 zoning. Rezoning the property into a Denver Zoning Code zone district is in the public interest to ensure more consistent and higher quality development outcomes, justifying the proposed rezoning. 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 Suburban neighborhood context. The Suburban context is "characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Multi-unit building forms are typically separated from single-unit residential and consist of Row House and occasional mid- and high-rise Apartment building forms. Multi-unit residential and commercial uses are primarily located along arterial and collector streets." (DZC Section 3.1.1).

The PUD's S-MX-5 and S-CC-5 district zoning standards are "intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods." (DZC Section 3.2.3.1.D and 3.2.4.1.D). The PUD is consistent with the Neighborhoods Context Description, Zone District Purpose and Intent Statements.

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 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".
    - Consistent with Section 9.6.1.1.D, "Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development".
    - The rezoning will facilitate brining the site into the Denver Zoning Code while also allowing for a unique adaptive reuse to renovate an existing structure into affordable multi-unit housing. Adaptive reuse of the structures requires slight deviations from zoning code standards as outlined previously in this staff report.

- 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:
    - More efficient use of land and energy: The proposed PUD-G 34 will allow additional affordable housing residential uses on this site and facilitate adaptive reuse of an existing building, which is a much more efficient use of land and energy than demolition and development of a new structure.
    - The proposed rezoning will also bring this site out of Former Chapter 59 and into the Denver Zoning Code, meeting key plan guidance to apply modern zoning standards on the site. New development will follow the S-MX-5 zone standards.

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 6.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 the current zoning is restrictive on the amount of residential uses and there is a need for more of a mix of districts and standards on the site that ensure adapted reuse of the existing structures and new development that follows S-MX-5.

D. The PUD District establishes permitted uses that are compatible with existing land uses adjacent to the subject property;

- The proposed PUD-G 34 would allow uses that are allowed in S-MX-5 in the Denver Zoning Code. The existing Former Chapter 59 zoning does not allow for any additional residential uses on the site. The proposed rezoning would allow for residential use of

the property compatible with the permitted uses of the surrounding properties, which include several multi-story apartment and residential units and buildings.

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.
- The proposed PUD-G 34 will utilize the S-CC-5 General building form for the existing site plan and S-MX-5 for future development, which are compatible with the building forms used in the neighboring area. The majority of the surrounding area is currently in the B-4 zone district, which permits multiple unit dwellings and other uses. Further, the surrounding area includes several multi-story apartment and residential units and buildings. The proposed rezoning proposes deviations from the S-MX and S-CC building form standards to facilitate adaptive reuse, as stated above, but will be compatible with the adjacent existing buildings.

Attachments

1. Rezoning application + Equity Response
2. Outreach and Public Comment
3. Waivers and Conditions
4. PUD-G 34
5. CHFA Notice of Intent