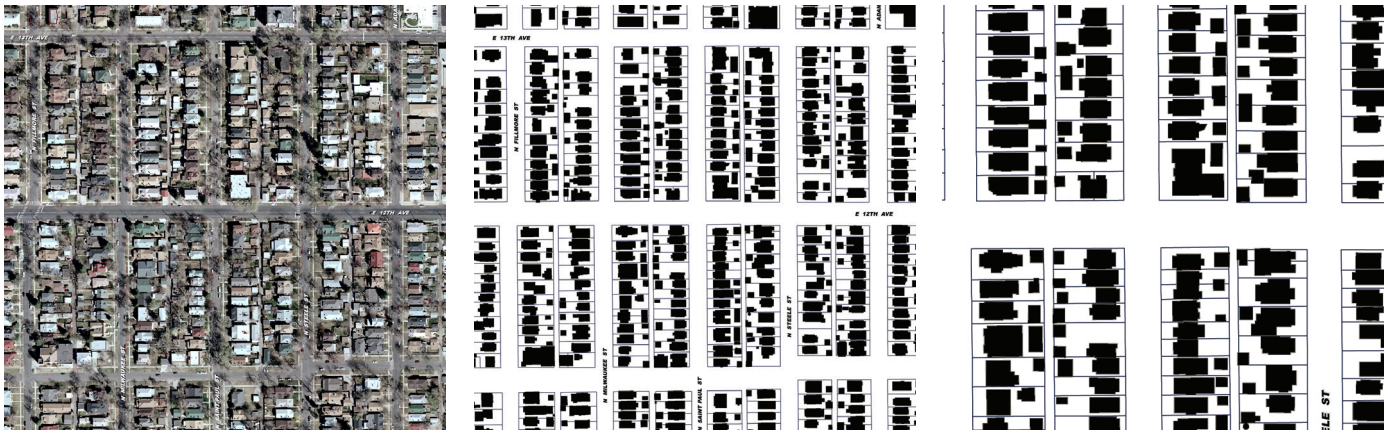
PUD-G 35 - DRAFT



3800 through 3850 York St.
2023I-00202

May 8, 2024

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PUD-G 35

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 35 ESTABLISHED

The provisions of this PUD-G 35 apply to the land depicted on the Official Zoning Map with the label PUD-G 35, and more generally described as approximately 4.49 acres of land in Section 24, Township 3 South Range 68 West, City and County of Denver.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 35 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

A. Subarea A Legal Description

3840 York St & 3844 York St

The following real estate located in the city and county of Denver, Colorado:
A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, city and county of Denver, state of Colorado, being more particularly described as follows:
Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said southeast ¼ and which point is also on the east line of York Street;
Thence north 00"07'00" west parallel with and 47.94 feet west of the east line of the southeast ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet to the true point of beginning;
Thence north 89"56'24" east, a distance of 46.57 feet:
Thence south 75'42'55" east, a distance of 46.50 feet;
Thence north 89'56'24" east, a distance of 136.23 feet;
Thence south 00'07'00" east, a distance of 17.00 feet;
Thence north 89"56'24" east, a distance of 197.17 feet;
Thence north 00"07'00" west, a distance of 29.24 feet;
Thence south 89'56'24" west, a distance of 40.00 feet;
Thence north 00'07'00" west, a distance of 150.00 feet;
Thence south 89'56'24" west, a distance of 175.00 feet;
Thence north 00"07'00" west, a distance of 64.60 feet;
Thence south 89'56'24" west, a distance of 117.15 feet;
Thence north 00'07'00" west, a distance of 19.99 feet;
Thence south 89'56'24" west, a distance of 92.85 feet to the east line of york street;
Thence south 00'07'00" east along the east line of York Street, a distance of 235.31 feet to the true point of beginning,
City and County of Denver, State of Colorado,

Excepting the portion described:

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the City of Denver, which point is on the south line of the southeast 1/4 of said section 23, 47.94 feet west of the southeast corner of said southeast 1/4 and which point is also on the east line of York Street;
Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the southeast 1/4 of said section 23 and along the east line of York Street (said east line being the basis of bearings for all bearings stated herein), a distance of 225.69 feet;
Thence north 89°56'24" east, a distance of 46.57 feet;
Thence south 75°42'55" east, a distance of 46.50 feet;
Thence north 89°56'24" east, a distance of 136.23 feet;
Thence south 00°07'00" east, a distance of 17.00 feet;
Thence north 89°56'24" east, a distance of 197.17 feet;
Thence north 00°07'00" west, a distance of 29.24 feet;
Thence south 89°56'24" west, a distance of 40.00 feet to the true point of beginning;

Thence north 00°07'00" west, a distance of 150.00 feet;
Thence south 89°56'24" west, a distance of 122.00 feet;
Thence south 00°03'34" east, a distance of 150.00 feet;
Thence north 89°56'24" east, a distance of 122.15 feet to the true point of beginning,
City and County of Denver, State of Colorado.

The described contains 62,618 sq. Ft.

Together with:

3850 York St.

The following real estate located in the city and county of Denver, Colorado:
A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest One-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver, state of Colorado, being more particularly described as follows:
Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said Southeast ¼ and which point is also on the east line of York Street:
Thence north 00'07'00" west parallel with and 47.94 feet west of the east line of the Southeast ¼ of said section 23 and along the east line of York street, a distance of 461.00 feet to the true point of beginning: thence north 89'56'24" east, a distance of 92.85 feet;
Thence south 00'07'00" east, a distance of 19.99 feet;
Thence north 89"56'24" east, a distance of 117.15 feet;
Thence north 00"07'00" west, a distance of 135.40 feet;
Thence south 89"56'24" west, a distance of 210.00 feet to the east line of York Street;
Thence south 00'07'00" east along the east line of York Street, a distance of 115.41 feet to the true point of beginning,
City and county of Denver, State of Colorado.
The described contains 26,578 sq. Ft. Or 0.6101 acres, more or less.;

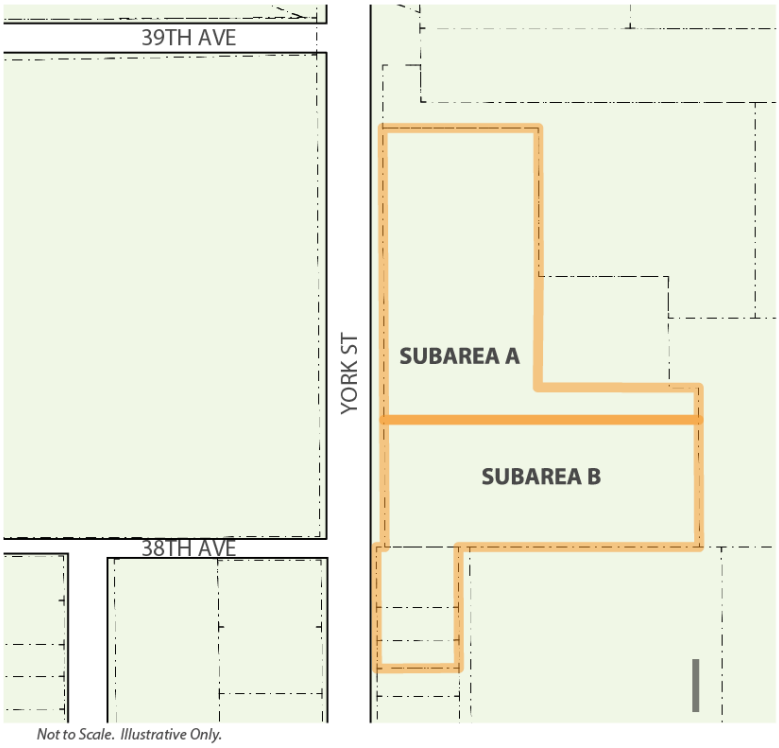

Figure 1-1. Subareas Established within PUD-G 35

B. Subarea B Legal Description

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver. State of Colorado, being more particularly described as follows:
Beginning at the northwest corner of lot 1, block 1, Cheesman and Moffat's Addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said southeast ¼ and which point is also on the east line of York street;
Thence north 00"07'00" west parallel with and 47.94 feet west of the east line of the southeast ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet;
Thence north 89"56'24" east, a distance of 46.57 feet;
Thence south 75'42'55" east, a distance of 46.50 feet;
Thence north 89"56'24" east, a distance of 136.23 feet;
Thence south 00"07'00" east, a distance of 17.00 feet;
Thence north 89"56'24" east, a distance of 197.17 feet;
Thence south 00'07'00" east, a distance of 196.22 feet to a point on the south line of the southwest ¼ of said section 24;
Thence south 89"48'42" west along the south line of the southwest ¼ of said section 24, a distance of 425.00 feet, more or less, to the point of beginning,
City and county of Denver, State of Colorado.
The described contains 88,265 sq. Ft. Or 2.0263 acres, more or less.

Together With:

Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Cheesman and Moffat's Addition to the City of Denver, and Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Lessig Addition, City and County of Denver, State of Colorado.

SECTION 1.2 PUD-G 35 GENERAL PURPOSE

The general purpose of PUD-G 35 is to:

1.2.1 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.

1.2.2 Provide 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.

SECTION 1.3 PUD-G 35 SPECIFIC INTENT

More specifically, PUD-G 35 is intended to:

1.3.1 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.

1.3.2 Facilitate compatible development through the use of appropriate building form and design standards and guidelines.

1.3.3 Allow for flexibility to encourage ongoing use and adaptive reuse of a complex of World War II-era Army supply depot administrative structures,

1.3.4 Allow flexibility for phased redevelopment of underutilized portions of the site.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 2.1 INDUSTRIAL CONTEXT DESCRIPTION

All development in Subarea A of PUD-G 35 shall conform to the Denver Zoning Code Division 9.1, Section 9.1.1, Industrial Context Description, as amended from time to time, except as modified in this PUD-G 35.

SECTION 2.2 URBAN CONTEXT DESCRIPTION

All development in Subarea B of this PUD-G 35 shall conform to the Denver Zoning Code Division 5.1 Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 35.

CHAPTER 3. DISTRICTS

SECTION 3.1 I-MX-5 DISTRICT

All development in Subarea A of this PUD-G 35 shall conform to the Denver Zoning Code, Section 9.1.2, Districts Established, as specifically applicable to the I-MX-5 Zone District, as amended from time to time, except as expressly modified in this PUD-G 35.

SECTION 3.2 U-MX-3 DISTRICT

All development in Subarea B of this PUD-G 35 shall conform to the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-MX-3 Zone District, as amended from time to time, except as expressely modified in this PUD-G 35.

CHAPTER 4. DESIGN STANDARDS

SECTION 4.1 DESIGN STANDARDS FOR SUBAREA A

All development in Subarea A of this PUD-G 35 shall conform to the Denver Zoning Code, Section 9.1.3, Design Standards, as specifically applicable to the I-MX-5 Zone District, as amended from time to time.

4.1.1 Height - Primary Building Form Standards

A. Maximum Building Height – Town House Building Form

The maximum permitted building height standards for the Town House building form stated in Section 9.1.3.3 A shall apply in Subarea A.

B. Maximum Building Height – General Building Forms

The maximum permitted building height of 7 stories with incentives pursuant to Section 9.1.3.3.B (General building form) in the Denver Zoning Code shall not apply. Instead, the following shall apply in Subarea A:

1. **Maximum Building Height in Stories and Feet**
   No primary structure erected on the subject property according to the General building forms shall exceed 5 stories and 70 feet in building heights.
2. **Applicability of Height Incentives**
   Additional building height according to Section 10.12.1 (Height Incentives) is not applicable in Subarea A.
3. **Exceptions for Height**
   Height exception shall be allowed according to Section 9.1.7.1 (Height Exceptions) as applicable to the I-MX-5 zone district.

C. Maximum Building Height – Industrial Building Form

The maximum permitted building height standards for the Industrial building form stated in Section 9.1.3.3 C shall apply in Subarea A.

SECTION 4.2 DESIGN STANDARDS FOR SUBAREA B

All development in Subarea B of this PUD-G 35 shall conform to the Denver Zoning Code, Division 5.3, Design Standards as specifically applicable to the U-MX-3 Zone District, as amended from time to time, with the following modifications:

4.2.1 Primary Building Form Standards

Development in Subarea B of this PUD-G 35 shall comply with the form standards in Section 5.3.3, Primary Building Form Standards, as amended from time to time, with the exceptions and modifications set forth below.

A. Design Elements

1. **Intent**
   To provide pedestrian-friendly building design by requiring Street Level Activation through transparency, while allowing greater setbacks from the Primary Street.
2. **Standards**
   The following Primary Building Form Standards shall apply and shall replace the transparency requirements of any Primary Building Form used:

DESIGN ELEMENTS	Subarea B
STREET LEVEL ACTIVATION	
Transparency, Primary Street (min)	Shall comply with the Transparency, Primary Street (min) requirements as specified in Sec. 5.3.3.4.J, Shopfront building form
Transparency Alternatives	Allowed per alternative standards for U-MX zone district in DZC Section 5.3.6.2 Transparency Alternatives

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

5.2.1 Uses and Required Minimum Parking for Subarea A

All development in Subarea A of this PUD-G 35 shall conform to the Denver Zoning Code, Section 9.1.4, Uses and Required Minimum Parking, as specifically applicable to the I-MX-5 Zone District, as amended from time to time.

5.2.2 Uses and Required Minimum Parking for Subarea B

All development in Subarea B of this PUD-G 35 shall conform to the Denver Zoning Code, Division 5.4, Uses and Required Minimum Parking, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 35 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 35 shall conform to Article 9, Special Districts of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Amendments to Approved PUD District Plans

This PUD District Plan may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in Denver Zoning Code, Section 9.6.1.4, Amendments to Approved PUD District Plans.

SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

6.3.1 Applicability in Subarea A

Development in Subarea A of this PUD-G 35 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the I-MX-5 Zone District and as amended from time to time, with the following exceptions:

A. Exception for Phased Development

Development in Subarea A of this PUD-G 35 shall conform to Section 10.3.3.3, Exception for Phased Development, except that parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area.

B. Open Space

1. Intent

To provide Publicly Accessible Open Space that draws attention to the adjacent 39th Avenue Greenway and which fosters a "sense of place" and enhances the pedestrian environment. Construction of the feature is intended to correspond with the completion of the new 39th Avenue Greenway and new 39th Avenue roadway.

2. Requirements

a. A minimum of 1500 square feet of the total area of Subarea A, located at the northwestern corner of the property and oriented along York Street, shall be included at Site Development Plan approval as open space, for which the property owner shall execute a permanent non-exclusive easement granting access to the City and the general public, or a warranty deed acceptable to and approved by the City, or a combination of a permanent non-exclusive easement and a warranty deed.

b. A Site Development Plan application for the required open space shall be submitted concurrently with the first zoning application for development in Subarea A. Construction of the open space shall be completed within 18 months of Site Development Plan approval;

c. The open space shall be Publicly Accessible Open Space, as that term is defined by the Denver Zoning Code, Article 13, Division 13.3. The owner may establish, post and enforce reasonable rules for the use of the open space, including reasonable opening hours for the open space; and

d. The open space shall include, at a minimum: 80% permeable surface, 60% live landscape material, one tree per 35' of York Street frontage to be located anywhere within the open space, 1 seating area, and a pedestrian pathway at least 3' in width.

6.3.2 Applicability in Subarea B

Development in Subarea B of this PUD-G 35 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the U-MX-3 Zone District and as amended from time to time, with the following exceptions:

A. Exception for Phased Development

Development in Subarea B of this PUD-G 35 shall conform to Section 10.3.3.3, Exception for Phased Development, except that:

1. Parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area; and

2. The reserved area shall not be required to provide landscaping as specified in Section 10.3.3.3.D.

B. Additional Requirements for Surface Parking Lot Garden Wall

Surface Parking shall meet all requirements of Sec. 10.5.4.4, Perimeter Surface Parking Lot Landscaping Standards, as applicable to the Urban Neighborhood Context, including the required garden wall, with the following additional requirement:

1. The garden wall shall include at least one of the following treatments for a total of at least 50’ in width, measured parallel to York Street:
   a. Garden Wall with Covered Seating for Pedestrians which shall comply with DZC Section 13.1.5.7.E.3, and/or
   b. Pergola which shall comply with DZC Section 13.1.5.7.E.4.

SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE

6.4.1 Applicability in Subarea A

Development in Subarea A of this PUD-G 35 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the I-MX-5 Zone District, as amended from time to time.

6.4.2 Applicability in Subarea B

Development in Subarea B of this PUD-G 35 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE

6.5.1 Applicability in Subarea A

Development in this PUD-G 35 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Site Development Plan Review

Site development plan review shall not be required for development of a single-unit or two-unit dwelling use.

6.5.2 Applicability in Subarea B

Development in this PUD-G 35 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Exception for Voluntary Demolition of Compliant Structures

A Compliant Structure may be allowed to deviate from the standards in Section 12.6.3.2, Expansions, Alterations, Englargements to Compliant Structures, in that it may be voluntarily demolished in its entirety, even if doing so would reduce the amount of the existing facade meeting the build-to requirement.

SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE

6.6.1 Applicability

Development in this PUD-G 35 shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as expressly amended from time to time, with the following exceptions:

A. Required Build-To

Development in this PUD-G 35 shall conform to Section 13.1.5.7, Required Built-To, except that, additionally, where open space meeting the requirements of 6.3.1.B of this PUD-G 35 abuts the public street right-of-way, a required Build-to shall be measured from that Permanent Nonexclusive Easement for open space rather than the zone lot line, as illustrated in the rule of measurement in Denver Zoning Code 13.1.5.7.C.1, Min/Max Range.

CHAPTER 7. RULES OF INTERPRETATION

Subject to Chapter 8 of this PUD-G 35 whenever a section of the Denver Zoning Code is referred to in this PUD-G 35 that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 35, this PUD-G 35 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 35 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 35 The property rights vested through approval of this PUD-G 35 shall remain vested for a period of 3 years and shall include the right to commence and complete developm^{e}nt of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G 35.