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CITY AND COUNTY OF DENVER

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29 September 2006

AG Spanos Companies
Attn: Jim Norman
1011 Trinity Parkway, 5th Floor
Stockton, California 95219

RE: Rezoning Application #487
Address: 2150 Bryant
First Submittal Staff Comments

Dear Mr. Norman,

Staff has completed a preliminary review of the application for rezoning of the above-referenced property from PRV to Planned Unit Development (P.U.D). Incorporated herein are detailed comments specific to the rezoning application and related materials, the proposed language for the P.U.D, and specific comments as identified during preliminary review by the Planning Division or other City agencies.

This letter is considered preliminary and in response to the first submittal of this application. In order to ensure timely processing of this application, City of Denver Staff may, at any time during review of the zone map amendment, request additional information from the applicant to address specific issues identified in this correspondence.

Comments on the following elements are presented within this correspondence, in the order below, to inform the applicant of requested changes to the application to be revised and submitted following a meeting with Staff:

1. Intent of P.U.D. Zoning at 2150 Bryant
2. Application for Zone Map Amendment Criteria
3. Item 17 regarding the Denver Comprehensive Plan and related documents, specifically the Jefferson Park Neighborhood Plan
4. Legal Description and Map Exhibit
5. P.U.D. Specifications
6. District Plan
7. Additional Issues
8. Conclusion and Next Steps

These comments have been developed using criteria outlined in Section 59-515 pertaining to development of P.U.D. zoning. Further, these comments may reference other sections of the Denver Zoning Code, including Section 59-301, 59-312, and 59-313, to indicate specific elements of the proposed P.U.D. base zoning of R-MU-30.

1. Intent of the P.U.D. Zoning at 2150 Bryant

Staff comments throughout this letter address the application's ability to meet criteria presented in Section 59-515 for P.U.D., and more specifically, identify the topics that are appropriate for inclusion in the P.U.D., and how they are to be incorporated into the P.U.D. language. The proposed P.U.D. with R-MU-30 base zoning, is intended to create a predictable regulatory environment, responsive to community concerns expressed over the past year, for the development of a predominantly residential mid-high density community in the Jefferson Park neighborhood. Further, the proposed P.U.D. is intended to identify amendments to the base zoning of R-MU-30 without the requirement for substantial waivers and conditions.

Designated as an Area of Change in Blueprint Denver, Jefferson Park has experienced many positive changes in the realm of redevelopment and reinvestment of the neighborhoods older and vacant properties. JPUN has been heavily involved in pre-application discussions over the past year, and has identified several issues appropriate for inclusion in the P.U.D. Other issues have been identified as those with potential for inclusion in a separate development agreement between the neighborhood and the developer. These issues include specific identification of quality building materials, affordable housing requirements, and designation of specific "public open space areas."

Due to the extended pre-application discussions during the past year between the applicant, JPUN, and Planning Staff, it is expected that the applicant will continue to address JPUN at their formal or informal neighborhood meetings, as agreed to between the applicant the neighborhood group, regarding evolution of this application as it moves through the Staff review process, and then through the formal Planning Board and City Council hearings.

SPECIFIC STAFF COMMENTS

2. **ZONE MAP AMENDMENT APPLICATION AND OWNERSHIP INFORMATION**

- a. #4, APPLICANT: Please revise the Ownership Information Sheet for the AG Spanos Companies to reflect AG Spanos Companies at the bottom of the sheet, in place of Colorado Department of Transportation.
- b. #4 APPLICANT: Please add an Ownership Information Sheet for Specialty Restaurants and Denver Freeway Restaurants Corporation to reflect the actually current owner of the property.

3. **APPLICATION ITEM #17, BASIS FOR PROPOSAL**

- a. Organization of this section should be identified within the context of the following headings:
 - i. **Zoning**
 - ii. **Comprehensive Plans**

Please review the attached redlines for amendments to the discussion on the application's compliance with the Denver Comprehensive Plan.
 - iii. **Neighborhood Plans**

This section of the application describes the project's compliance within the context of the Jefferson Park Neighborhood Plan which provides substantial guidance for future development in the Jefferson Park Neighborhood. This section is critical to understanding the basis for many of the proposed P.U.D. regulations. However, the text is poorly organized and presents similar subject matter in several places, creating redundant arguments that would be better served if consolidated within this discussion according to subject matter. Staff suggests creating **bold** headings for each topical area, to address how the proposed development meets the intent of the Jefferson Park Plan to address:

- **Vision**
- **Buffering**
- **View Corridors**
- **Land Use/Zoning/Density**
- **Urban Form**
- **Traffic Management and Parking**, and other subjects as appropriate.

4. **Section IV LEGAL DESCRIPTION AND MAP EXHIBIT**

- a. Please submit an ALTA survey to properly identify and verify location of existing easements and ownership boundaries, with labels for each owner and identification of the Colorado Department of Transportation parcel included in this application on the east side of the property.
- b. The current Map Exhibit is identified as *Pinnacle at Diamond Hill*. Please remove this title, and replace the exhibit with a reduced version of the ALTA Survey.

5. **P.U.D SPECIFICATIONS**

Comments herein are fairly detailed, yet are designed to reflect the City’s preliminary response to this first rezoning application submittal. Staff may request additional revisions throughout City review as revised applications are submitted and prior to public hearings on this application. In order of appearance in the P.U.D. Specifications, Staff comments are as follows, and should be coordinated with the attached redlines to the District Plan:

1. **SCHEDULE**

- a. Please add a submittal date for a REVISED application.

2. **DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)**

Please eliminate “directional” language at the end of the Intent paragraph, *“Attach additional sheets if necessary.”*

a. **Maximum Gross Floor Area for Each Proposed Use**

- i. The proposed maximum of 38,000 SF of all non-residential development is acceptable. However, Staff requests the applicant include a MINIMUM GFA of at least 12,000 SF be identified to ensure the mixed-use nature of this important addition to the Jefferson park neighborhood. Additional language should correlate with the physical areas on the District Plan identified for nonresidential development.
- ii. Live/Work: The proposed live/work concept is innovative, and deserves further consideration as a separate item within the Use Chart in this subsection “a”. Please delineate uses proposed for this site, with corresponding gross square feet, as follows:
 - Multiple-Unit Dwelling
 - Artist Studio, Live/Work Residential
 - Community Center, Banking, and Financial Services
 - Child Care Center
 - Consumer Retail
 - Small-Scale Consumer Service
 - Small-Scale Eating Place
 - Small-Scale Food Sales or Market

- iii. **Maximum Floor Area Ratio (F.A.R. 1.7:1)**
The application states that land area dedicated for public streets is not included in the area of the zone lot. Since further dedication of public right-of-way (ROW) is not known at this time, how is this FAR established? Please clarify, in this section, what the total area of the zone lot is (the application states 281,833 SF), and as Staff identifies further down in Section V, identify the proposed public dedication areas on the District Plan.
- iv. **Maximum Number of Dwelling Units: 360 and Maximum Number of Dwelling Units per Acre 57 DU/AC**
Via calculation of 57 DU/acre, the resulting total dwelling units is 368. Please address this discrepancy, and revise as appropriate.

b. Land Coverage By Buildings and Impervious Surfaces

Please revise the *statement as follows: Impervious surface areas shall be provided as per R-MU-30 design review in Development Review Phase under Section 59-312 for permitted Structures and 59-313(5) pertaining to R-MU-30 site plan review.

c. Landscaped and/or Permeable Areas

Please revise the *statement as follows: Impervious surface areas shall be provided as per R-MU-30 design review in Development Review Phase under Section 59-312 for permitted Structures and 59-313(5) pertaining to R-MU-30 site plan review.

d. Project Area Totals

The total site area, as identified on Page 1 of the Map Amendment Application, should be identified in this section. In addition, please revise the *statement as follows: Impervious surface areas shall be provided as per R-MU-30 design review in Development Review Phase under Section 59-312 for permitted Structures and 59-313(5) pertaining to R-MU-30 site plan review.

e. Setbacks

Please refer to the District Plan for reference to building envelopes. Also, please add a notation to describe that there may be additional setbacks, as required during the Development Review Phase, for buildings adjacent to existing residential development, to be consistent with or more restrictive than those build-to or setback amounts as identified on the District Plan.

Minimum Spacing Between Buildings

Please reference the District Plan for the physical notation of building separation between buildings. In accordance with this request, please revise this language as follows:

The minimum spacing between buildings shall be determined as shown on the District Plan, and coordinated with the 2003 International Building Code (IBC) and 2004 International Fire Code requirements.

Add View Corridors as Subsection to Setbacks

Spacing Between Buildings and View Corridors: Please ensure that, throughout the P.U.D., careful attention is paid to the correlation between building separation and the proposed view corridors south of Front View Crescent Drive and River Drive. In addition, please identify all proposed encroachments in the identified view planes for River Drive and Front View Crescent Drive.

The two identified view corridors shall be aligned with the existing width and locations of River Drive and Front View Crescent Drive.

f. Maximum Heights of Structures

The proposed specifications identify both building heights and a maximum elevation Above Sea Level (ASL). While either reference will suffice to address maximum permitted building height, it is suggested that the maximum ASL elevation be used in this case, to account for final grading variability that may result in building heights that deviate more than five feet for each building, as allowed in 59-518(e)(4).

View Corridors and Height of Structures: In order to accurately reflect building restrictions to respect view corridors identified on the District Plan, **please provide further information concerning the elevation used to calculate the project's response to the proposed Jefferson Park View Plane.** It is not clear yet that 5,330 feet is the correct reference for a building height restriction calculation. Below are known elements of the proposed view plane that may be included in the P.U.D. for reference and ease of calculation during the Development Review phase.

Reference Point in Jefferson park = 5,280

Proposed Rise/Run = 1.15 feet rise for every 100-foot run in distance from the reference point to the site.

Bulk Plane regulations:

Please remove the exclamation points (“!!”) from the end of this paragraph.

Please address the proposed treatment along Front View Crescent Drive for building 5, with respect to bulk plane effects on the typical street block in Jefferson Park.

While THE Building envelopes for Buildings 1-4 are all less than 250' in length along street frontage, the envelope for Building 5 exceeds this by roughly twenty-five feet (25') for a general length along Front View Crescent Drive of 275'. Building 5 has a particular affect on the single-family character of homes along River Drive. In this subsection of the P.U.D. specifications, please address potential options for the Building envelope for the proposed development along Front View Crescent to compliment the neighborhood in two structures, rather than one longer building.

g. Off-Street Parking

Please remove references to specific phone numbers (i.e. City Bicycle Planner.)

h. Off-Street Loading

No Comment.

i. Surface Drainage

Please remove references to specific phone numbers (i.e. Wastewater Management Division.)

Please add the following language to this subsection: *Wastewater Management requirements will be identified during the Development Review PUD Site Plan phase.*

j. Interior Streets, Drives, Parking Areas and Pedestrian Walkways

Please add the following language to this subsection: *General location of streets, drives, alleys, and pedestrian walkways is herein identified on the District Plan, as amended. Final location of privately managed rights-of-way, public rights-of-way, and pedestrian areas will be identified during the PUD Site Plan phase.*

Additional Pedestrian Walkways

Please identify on the District Plan, and in subsection (i) of the P.U.D., the intent to create pedestrian connections between Front View Crescent and 23rd Avenue, and between Clay Street and the pedestrian walkway east of the site.

k. Easements

Please add to this section known easements that will remain as part of the redevelopment. Also, please add the following language: *Future additional easements may be identified and finalized at the PUD Site Plan phase, pursuant to Section 59-313.*

l. Landscaping and Buffering

Please identify the number of existing trees on the site, and plans for preservation where appropriate.

m. Boat, Camper, Trailer, and Recreational Vehicle Storage

No Comment.

n. Dedications and Improvements

Please add the following language: *Redevelopment of this site may require drainage studies and improvements, sanitary sewer studies and improvements,, as well as traffic studies and right-of-way improvements. These items may necessitate right-of-way dedications or easements to the City. In addition, please note on the District Plan that all required improvements, studies, easements, and/or right-of-way requirements will be determined during the site plan process for this re-development.*

o. External Effects

Reflective glass **MAY NOT** be used.

p. Natural Terrain

No Comment.

q. Utilities

Please identify whether there are any utilities along Clay Street. Also, please simply address the listed utilities as follows: *The Denver Water Board, Qwest, Xcel Energy, and Wastewater Management may require additional easements for new or relocated utilities as part of the PUD Site Plan process, pursuant to Section 59-313.*

r. Signs

Please revise language in the portion referring to Maximum height of projecting signs, to reflect that applicable criteria will be applied by the City of Denver **Community Planning and Development Urban Design Staff**, not a Design Advisory Board. Also, please expand on the discussion regarding a Comprehensive Sign Plan explaining who will review the plan and if it will be done through Community Planning and Development (CPD).

In addition, following are items for correction/consideration:

- General comment: The more illustrated figures to this section, the easier it will be to understand.
- 2.r.1 Consider eliminating pedestal signs from permitted sign types.

- 2.r.1.a "...nor shall the total permitted sign area of any single use by right exceed *four hundred* (400)..."
- 2.r.2.b "Ground signs: Five (5) feet"
- 2.r.3 "Shall be set in at least five (5) feet..."
- 2.r.9.d Reference is to "illustrative Figure 6 below" which is missing. Add this figure.
- 2.r.12 Add a prohibition on the use of illuminated boxes.
- 2.r.13 Add a requirement that banners must be mounted a minimum of 8'-0" above the ground and may project out no more than 4'-6".

s. Outdoor Storage

No Comment.

t. Transportation

Please add the following language: *Transportation improvements, including additional right-of-way, traffic studies, and improvements, may be identified and required during the PUD site plan review phase.*

u. Schools

Please note that this application will be referred to the Denver Public School District for comment at the time the completed application is submitted.

v. Home Occupations

Please eliminate the redundant language *Home occupations allowed*.

w. Uses by Temporary Permit

Please revise the language as follows: *Uses by temporary permit are allowed, pursuant to Section 59-86.*

x. Accessory Uses

Accessory Uses are allowed, pursuant to Section 59-87.

y. Interim Uses

No Comment.

z. Phasing

Please add a subtitle **PUD Site Plan**, following the Anticipated Completion Date.

3. WRITTEN STATEMENT

Please check this text to eliminate the direction language provided for preparation of a PUD application.

Please add to the Intent Statement at the beginning of the PUD specifications, the following:

- Market which this development is intended to serve
- How the PUD serves to implement the Denver Comprehensive Plan and related documents
- How the PUD address its relationship with the surrounding neighborhood

4. EXISTING CONDITIONS MAP

Please overlay existing ownership boundaries on this map. Also, please verify there are no existing easements along River Drive or Front View Crescent Drive that may be affected by the proposed development.

5. DISTRICT PLAN (See comments on Section V, District Plan)

Please add to the District Plan, in **11 x 17 format**, a more comprehensive intent statement, and revisions to all of the PUD Specifications, as itemized in this correspondence.

Building Orientation Site Plan:

- The property line on this site plan appears to conflict with the colored aerials showing the location of the site. Revise to be consistent.
- Clarify proposed Open Space Area and how they relate to the inter-connections between buildings throughout the site.

6. ACKNOWLEDGEMENT

No Comment.

Additional Issues for Consideration and Action

This project will require additional information at Site Plan Review to verify compliance with the PUD document in the following areas:

- Parking garage screening
- Alignment along Front View Crescent
- Confirm that quality materials are used
- Confirm that design incorporates ground floor active uses along street frontages
- Confirm land coverage by buildings, impervious surfaces, landscaped and/or permeable areas
- Confirm setbacks
- Landscaping and Buffering
- Design review consistent with RMU-30 design guidelines

Parking Structure Orientation: Confirm that all structures are Below Grade Parking Structures.

Appendices

In addition to the issues addressed herein, please revise the P.U.D. application to incorporate the following sections:

Appendix A: View Plane Calculation as Applied to Site Elevations

Appendix B: Design Guidelines Addressing materials that reflect the character and architectural history of the Jefferson park neighborhood.

Legal Description

Please see the attached information concerning the legal description. Staff expects corrections will be made for the next iteration of this application.

Conclusion

Thank you for submitting this application for preliminary review. Comments herein are preliminary in nature, and Staff may require additional information in subsequent submittals. Staff understands there has been a great deal of effort on the part of the applicant and the Jefferson Park Neighborhood Group, and

we expect continued open communication to be pursued during the course of review by the City Planning Staff and other internal agencies during future referral periods.

Once you have had a chance to review this correspondence, please contact me to schedule a meeting to review these comments and discuss any comments or concerns you may have. Following our meeting, please submit **15** copies of the application for a second review.

Neighborhood Interaction

While the applicant has worked with the Jefferson Park United Neighbors (JPUN) for the past year, there are other registered neighborhood organizations that will be notified at the time of Planning Board. Please take steps to ensure you have contacted these groups to discuss the proposed P.U.D. and to hear comments from other groups.

Interaction with JPUN

As this application progresses toward a formal review and as your groups considers revisions proposed herein, please contact the JPUN to present progress on the proposal. JPUN support is crucial to the success of this application. Staff is happy to attend these meetings to address process-related questions as the application moves through the City review process.

The JPUN leadership offers the following dates already established for neighborhood meetings:

General Membership Meetings -- Oct. 3rd and Nov. 7th (Election Day, so it will likely be postponed to Nov 14th.)

Land Use Committee Meetings: Oct. 5th and Oct. 26th

OD-9 Open House: November 11th

Please consider these dates as opportunities for additional outreach with JPUN as this application progresses.

Regards,

Deirdre M. Oss, AICP
Senior City Planner
720-865-2950

Cc: Bruce O'Donnell
Molly Urbina
Tyler Gibbs
Ken Brewer