



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, December 18, 2012 10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Vice-Chair; Brown; Lehmann; López; Shepherd

Committee Staff: Gretchen Williams

Council Members Present: Brown, Lopez, Montero, Robb, Shepherd, Susman

Members Absent: Lehmann

Bill Requests

BR12-0953 Changes the zoning classification from U-SU-A-1 (Urban context, single unit, minimum lot of 3,000 sq. ft.) to U-MX-3 (Urban context, mixed use, maximum 3 stories) for property at 1239 Bruce Randolph Ave. in Council District 8.
Deirdre Oss, Community Planning & Development

This site is in the Cole Neighborhood on the northwest corner of Bruce Randolph Ave. and Marion. The requested change of zoning would allow for a business use by the owner of the existing residential structure. There are residential structures occupied by retail and office uses in the U-MX-3 district to the east across Marion. Commercial development exists along Bruce Randolph.

The proposed zoning is in conformance with several adopted plans, including Comprehensive Plan 2000; Blueprint Denver; Northeast Downtown Plan;

and the 38th and Blake Station Area Plan. Blueprint Denver identifies the site as in a Transit Oriented Development (TOD) - Area of Change, due to its proximity to the Downing-Welton light rail corridor and within blocks of the future 38th and Blake Station.

The justifying circumstance for this rezoning is the changing conditions in the area, as well as the recommendation in adopted plans that redevelopment of the area is desired.

The Cole Neighborhood Association submitted a letter of support. Property owners did outreach before this application was submitted, and there seems to be much support.

Community Planning & Development (CPD) staff recommends approval. On December 5, the Planning Board unanimously voted to recommend approval of the rezoning to City Council.

Councilman Brooks said the larger area around this site should also be rezoned. He asked if CPD would work to get the area rezoned. Ms. Oss said all along Bruce Randolph is a changing area, but CPD will not force any rezoning. It appears to be changing and redeveloping. CPD will certainly seriously consider any rezoning applications submitted.

Councilman Brooks said RTD has to do something in this area, either implement a street car or extend the light rail line. We are behind on planning, and there are no plans to support the activity that will happen. We need to get the neighborhood involved and get a vision for the area.

A motion offered by Councilmember Lopez, duly seconded by Councilmember Susman, to file the bill carried by the following vote:

AYES: Susman, Brown, Lopez, Montero, Robb, Shepherd(6)
NAYS: (None)

ABSENT: Lehmann(1)
ABSTAIN: (None)

**RR12-
0954**

A resolution directing the Department of Community Planning & Development to prepare a zoning map amendment to expand the Curtis Park Conservation Overlay District to all Row House (RH) Zone Districts within the Curtis Park H Historic District.

Councilman Brooks; Steve Nalley, Community Planning & Development

This is a Council resolution directing Community Planning & Development (CPD) to process a zoning map amendment including about 90 properties. Due to the scale, it is reasonable to do this as a legislative rezoning rather than the more typical owner-applicant rezoning.

The purposes of requiring this type of resolution for a legislative rezoning are to start the process in a public way and to ensure that every property owner in the area is notified (see fourth "whereas clause" of the proposed resolution). In this case, most of the property owners have already been involved in the planning.

Councilman Brown pointed out that a legislative zoning requires no application fees. If the community were the applicant, it would require a minimum of 51% of the property owners to be applicants.

Councilman Brooks explained that this involves the Curtis Park H Historic District, which did not exist in 2010 when the citywide map amendment was adopted. The proposed overlay district will provide more flexibility to property owners in terms of allowing modifications to existing accessory structures (mostly garages), such as constructing accessory units above the garages.

Mr. Nalley said the proposal is to adopt a conservation overlay on about 90 properties. An overlay is a zone district, so this is a rezoning process. An overlay supplements the underlying zoning standards, making the zoning

either more or less restrictive.

A Conservation Overlay is intended for conservation of specific areas within the city possessing distinctive features and with identifying character worthy of retention and enhancement.

The Conservation Overlay District in parts of the Curtis Park Historic District (CO-2) allows detached accessory structures (i.e., garages, mostly) to exceed the maximum building coverage provision of the underlying zoning. Curtis Park H Historic District was adopted in June 2011, after the major citywide map amendment in 2010. The proposed action will conform the H portion of Curtis Park Historic District to the other portions.

Required public notice for this type of rezoning involves notifying the Registered Neighborhood Organizations (RNOs) within 200 feet of the subject properties. The code does not require that the properties be posted with a sign, as is required in the usual type of rezoning case.

Councilman Brooks said the property owners in the area came to him and said the current zoning is too restrictive. The neighborhood association has committed to deliver letters to each one of the property owners affected.

Councilwoman Shepherd expressed concern about the process and asked if this the best way to do this rather than changing the underlying zone district.

Mr. Nalley replied that the purpose of an overlay district is to address unique circumstances. If the underlying zone district were changed, it would impact properties across the city. This overlay will only apply to detached accessory structures, and only in the Row House zoning districts. The allowed lot coverage on these 25-foot-wide lots is only 37 percent, which does not leave much room for expansion. The CO-2 will give the owners more flexibility and opportunity to build more space, including accessory

dwelling units over the detached garage.

Councilwoman Robb stated that this is only the request to let the resolution go to Council. The entire map amendment process will then follow, and Mr. Nalley will be back in front of the Committee several months from now with the actual zoning change request. Or possibly something else if further analysis indicates a different approach would be better.

A motion offered by Councilmember Brown, duly seconded by Councilmember Susman, to file the bill carried by the following vote:

- AYES: Susman, Brown, Lopez, Montero, Robb, Shepherd(6)
- NAYS: (None)
- ABSENT: Lehmann(1)
- ABSTAIN: (None)