



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, September 11, 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, Lehmann, Lopez, Montero, Robb, Shepherd, Sussman
Members Absent: Nevitt

Bill Requests

BR12-0627 Changes the zoning classification of 700 W, 39th Ave. from I-A, UO-2 (Light industrial, billboards allowed overlay) to C-MS-12 (Urban Center context, Main Street, max. 12 stories) in Council District 9.

Deirdre Oss, Community Planning & Development

This 1.5-acre site is two blocks from the future 41st & Fox transit station in an area that is currently generally industrial but is transforming in anticipation of the station opening in 2016. The site currently is occupied by an office building. The proposed zoning allows for commercial, office and residential mixed uses with a maximum of 12 stories.

Staff found that the proposed zoning is consistent with adopted plans, including Comprehensive Plan 2000; Blueprint Denver (which identifies the site as in an Area of Change); and the 41st & Fox Station Area Plan. CPD has received no letters from individuals nor registered neighborhood organizations regarding this application.

The legal justification is changed and changing conditions in the area of the site.

The Planning Board unanimously recommended approval at its meeting on Aug. 15.

Councilwoman Lehmann expressed concern about the loss of industrial land and employment opportunities for people moving into new residences in these transitioning areas. Ms. Oss indicated that the proposed zoning does allow for development of employment uses as well as residential. She added that the area just north of this site has larger blocks of land more suitable for industrial development. The proposed zoning does reflect the station area plan.

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

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

BR12-0671 Changes the zoning classification from OS-A [open space, City-owned] to E-TU-B [Urban Edge context, two-unit] for 1200-1220 Grove in Council District 3.

Theresa Lucero, Community Planning & Development

This is a legislative rezoning, based on the need to correct an error in the zoning map.

The site is on the northwest corner of 12th and Grove and is adjacent to City park land on its north and west side. The property contains two single-unit houses and one duplex, all occupied residences. The site was zoned R-2 before 2010; the site was erroneously zoned as City open space during the 2010 citywide rezoning due to its adjacency to the park land.

This map amendment is required in order to return the properties to a residential zoning classification so that the property owners are not hindered by the zoning. Community Planning & Development (CPD) determined that the E-TU-B classification was the most appropriate.

The owner of the duplex, who resides in one of the units, wanted CPD to change it to a zone district that would allow him to move his business into the other unit, but due to the other two residential properties, the proposed zoning was chosen. Of the other two owners, one is neutral and one

supports the rezoning. Letters of support have been received from the Villa Park Neighborhood Association and the West Colfax Association of Neighbors.

Staff determined that the proposed correction is consistent with Comprehensive Plan 2000, Blueprint Denver, and the Villa Park Neighborhood Plan. The Planning Board recommended approval.

Councilwoman Robb asked why the recommendation is for a two-unit classification when there are single-unit districts that do allow duplexes.

Ms. Lucero replied it is a compromise. The site is across the alley from commercial properties fronting on Federal, and the residential zoning to the south across 12th Ave. of this site allows for accessory units. The site is within a Transit-Oriented Development area due to proximity to the future rail line, as well as the bus line on Federal Blvd. The two-unit classification is more appropriate than single unit.

Councilman Lopez added that the area is mixed and the density allowed to the south and east make the higher-density classification appropriate.

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

AYES: Sussman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(7)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

BR12-0669 Amends Chapter 30 regarding the Lower Downtown Design Review Board.

Barbara Stocklin-Steely, Landmark Preservation Commission

The Lower Downtown Design Review Board (LDDRB) was formed after the Lower Downtown Historic District was designated in 1988. The seven members are appointed by the Mayor, and all seats represent specified disciplines, such as architecture.

The Board has a list of amendments to the ordinance it would like Council to approve.

1. Clarify that protests of the LDDRB design review decisions go directly to court and are not appealable to the Landmark Preservation Commission

(LPC).

2. Add a clear definition of "residential use" that includes sleeping accommodations such as hotels.
3. Clarify that in the Special Review Districts for buildings up to 130 feet in height, the only exceptions to this height limit are stair enclosures and elevator overruns.
4. Clarify that when additional height is obtained due to inclusion of residential uses, those uses must be built out as part of the initial construction.
5. Authorize the LDDRB to adopt design guidelines, rules and policies in accordance with City processes without approval of the LPC.
6. Authorize the LDDRB rather than the LPC to make recommendations to City Council regarding contributing/non-contributing status of buildings within the Lower Downtown Historic District.

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

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

BR12-0672 Designates 999 S. Broadway, Gates Rubber Company, as a structure for preservation in Council District 7.

Barbara Stocklin-Steely, Landmark Preservation Commission

The application, submitted by Eugene Elliott, is to designate three buildings, Units 10, 11 and 13, on the former Gates Rubber Company site as structures for preservation. Eugene Elliott submitted the application in response to an application for Certificate of Non-Historic Status submitted by the Gates Corporation, the property owner. The site was posted regarding that application.

On Sept. 4, the Landmark Preservation Commission (LPC) held a public hearing on the application, at which speakers both in support and in opposition addressed the body. The LPC had a lengthy and involved discussion and determined that while

the buildings do meet the necessary criteria for designation, there are concerns about the capability of reuse due to the low preservation potential, advanced deterioration of the buildings and the extent of hazardous materials in the buildings. The LPC voted unanimously to recommend that City Council not approve the designation.

Gates has committed to preserving the water tower, hopefully on-site, as part of the redevelopment and to leave Unit 11 until the last phase of demolition since it has the most reuse potential and the least hazardous material issues. Potentially, some reuse may be found for the building. Unit 13 also has some potential reuse potential. Gates has committed to preparing historical documentation and creating an on-site interpretive display.

On Sept. 5, the Planning Board reviewed the application with respect to its consistency with adopted plans and found that preservation of Unit 10 does not conform to the approved Cherokee General Development Plan.

LPC staff recommends denial, citing findings of fact outlined in the staff report dated Sept. 11, 2012, and the findings of the LPC and the Planning Board.

Councilwoman Robb announced that due to confusion around notification of a public comment period, Ms. Victoria Cornell signed up to speak in opposition to the proposal. However, there is no public comment on this proposal, but Ms. Cornell's opposition will be recorded.

Councilman Nevitt said the neighborhoods around the Gates site have been working on this project for a decade. This is a very diverse group of neighborhoods and they are unanimously and solidly opposed to this designation. The concern is to have appropriate acknowledgement of the historic character of the site without further delaying reasonable redevelopment.

Councilman Lopez said the same is true of the neighborhoods to the west in his District. This blighted site needs to be redeveloped. It is not doing anything good for the neighborhoods, and it needs to be redeveloped.

Councilman Robb noted that this case highlights some of the process issues with the current language of the code, and this Committee will be reviewing proposed amendments to that language in the near future.

Councilman Brown thanked the LPC for making a common-sense decision. He also thanked the Gates Corporation for its generous commitment to limited preservation. He said demolition is the only way to get to the poison in the ground, and he recommended that the committee kill this bill request now.

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

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