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## Land Use, Transportation & Infrastructure Committee Summary Minutes

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**Tuesday, December 17, 2013 10:30 AM City & County Building, Room 391**

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

**Committee Staff:** Gretchen Williams

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**Council Members Present:** Brown, Lehmann, Montero, Robb, Shepherd, Ortega, Susman

**Members Absent:** Lopez

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### Bill Requests

**BR13-0950 Adopts the 61st and Pena Station Area Plan as a supplement to the Comprehensive Plan.**

*David Gaspers, Community Planning & Development*

David Gaspers addressed the concerns expressed earlier over language concerning the design of the bike lane on 60th Ave. at the Committee's Nov. 12 meeting. Since that meeting, he has discussed the issue with the property owners, Councilman Herndon, and Crissy Fanganello and Emily Snyder of the Public Works Department. All parties discussed agreed on the following language to be inserted at the top of page 20 of the Station Area Plan:

"Evaluate opportunities for enhanced bicycle facilities (cycle tracks, protected bike lanes, buffered bike lanes, bicycle boulevards) on the identified on-street bicycle routes and future roadway connections to provide high ease of use bicycle network throughout the area."

Ms. Fanganello said the City should not have "one size fits all" solutions. Our toolbox is flexible enough to address different contexts, and it is not

appropriate to specify a certain solution in this plan.

Councilwomen Susman said she and Shepherd met with Emily Snyder, Public Works Bicycle Planner, to discuss this issue. Ms. Snyder and Ms. Fanganello reviewed this particular situation with them, explaining that the street classification here is not for high-speed, high-volume traffic. The bike lane on 60th Ave., a mixed-use collector street, will be highly visible and there should be few conflicts. The City is working with the property owner on the General Development Plan, and the right-of-way for 60th Ave. has been established, and a protected bike lane would require more right-of-way than is already established. The planned street called Aviation Place, just north of 60th Ave., will be very pedestrian-oriented, providing more opportunities.

Councilwoman Susman asked a theoretical question: if the City had not already made a promise to the developer about this right-of-way, would we have a protected bike lane here? Ms. Fanganello said not necessarily because the context is as or more important than the right-of-way width. Determining bike lane design is an iterative process, and rights-of-way could change over time. She said Public Works is pleased that Council is supporting bike infrastructure planning and looks forward to working on future projects.

Ferd Belz, the master developer for Fulenwider on this project, said his team has spent a lot of time with staff to access the pedestrian and bike areas. The team is trying to create a pedestrian and bike friendly community. The sidewalks will be wider than usual in most places.

Councilwoman Robb asked if there will be more specifics in the General Development Plan. Mr. Gaspers said there would be some more specific details.

The goal is to have the vertical development open, or at least under construction, by the time the rail line opens in 2016.

Councilman Herndon said that after he was elected to represent District 11, one of his first meetings was with the Fulenwider Group to discuss this project. They are committed to the same principles as the City, and it will be pedestrian and bike friendly neighborhood.

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

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

## **Presentations**

**1 Information item: Sale of 1150 Logan Street.**  
*John Lucero and Mielissa Stirdivant, Office of Economic  
Development*

Councilwoman Robb said this item, the sale and use of 1150 Logan Street, is here as information although it is formally on the Government & Finance Committee Consent agenda this week.

John Lucero, Office of Economic Development (OED), and James Gillespie and Bob Dorshimer of Mile High Council on Substance Abuse (MHCSA), the purchasers. The intent is to sell the property to MHCSA, and that entity will operate a purely residential facility (no on-site treatment).

Under the Goebel Settlement of 1983, Denver had to provide 250 housing units for people with "serious and persistent mental illness" (SPMI) with the State providing services until 2003. Del Norte took over operation of this property as a 9-unit home for mentally ill men between 1990 and 2012 when the State terminated the program.

The property was quitclaimed to the City in early 2012 after the State canceled its contract with Del Norte, and the property has been vacant. OED has been searching for a tenant for a long time, and Facilities Management has been trying to maintain it, expending more than \$5,000. The zoning allowing for a group home was negated due to the length of time it has been vacant. Part of OED's mission is to address the housing and service needs of SPMI populations, so they have been involved in this project to retain the units to serve those populations.

James Gillespie and Bob Dorshimer said the property will be purchased, renovated and restored as a lovely Victorian home. It is to be occupied by eight single women and one staff member. The women are part of Denver's Road Home. No treatment will be provided at the home; that is at 6<sup>th</sup> and Broadway six days a week. The purpose is only to provide safe housing for the clients and a place for visitation with their children. Residents will have strict rules about conduct in and outside of the house. After they complete the program, Denver Housing Authority will work with them to find more permanent housing.

Councilwoman Robb noted that a meeting is being scheduled with Capital Hill United Neighborhoods (CHUN) for discussion of the plans. This meeting needs to

take place before the bill is on second reading at Council.

Melissa Stirdivant, OED, said the City is transferring the property with a 30-year deed restriction with stipulations regarding the condition and maintenance of the property as well as the operations. If these are not met, the City may purchase the property back for \$10.

## **2 Introduction of Zoning Code Text Amendment No. 16 continued from Dec. 10**

*Tina Axelrad, Michelle Pyle, Michael O'Flaherty and Steve Gordon,  
Community Planning & Development*

Tina Axelrad picked up the conversation from last week on the package of proposed zoning amendments known as Zoning Code Text Amendment No. 16, starting with Group 4 of the handout. The summary of all proposed amendments is attached to this meeting summary. This is a huge group of amendments that cuts across all articles of the code.

The proposed package was posted with public notice in November. The current schedule calls for being at Council for adoption in February 2014.

Group 4 concerns uses and involves the use tables and use limitations. One item involves the nonresidential uses in existing business structures. The proposed is to more specifically define what a business structure is and is not. Church structures are not included as a business structure, and modification/enlargement of the business structure is not allowed

The code does not presently address the growing manufacturing segment of small-scale beer brewing and wineries. These are being added in definitions with added limitations for these small-scale manufacturing uses. There are limits on hours and outdoor patios if near protected residential districts.

A new home-based business, "food preparation" as a home occupation (with no direct sales from the home) needs to be added as well. Councilwoman Shepherd asked if this food preparation piece has been presented to the Sustainable Food Policy Council. Councilwoman Robb asked if Environmental Health know about this. Ms. Axelrad responded that the staff will be working with both of these groups.

Group 5 is parking requirements for schools, separating out high schools from middle and elementary schools. Artist studio has been combined with more intensive uses, requiring more parking. That use is being reverted back to a less intensive use group.

Group 6 concerns zoning procedures in Article 12. Most of these are minor and/or organizational in nature. But there are a couple of specific items that need

discussion.

One that impacts Council is clarification that Council does not have to adopt a resolution directing CPD to prepare a zoning application for a legislative rezoning. Any Council member may bring through a zoning map amendment. This was a misinterpretation during the drafting of the new code. Councilwoman Robb noted that it may still be a good idea when Council is initiating a large-scale rezoning, such as the Main Street zoning.

Another procedure being changed involves the “administrative adjustment” procedure for historic structures. If these are justified on the basis of neighborhood compatibility, the Zoning Administrator will defer to the Landmark Preservation Commission (LPC) findings as a basis for approval. The LPC is not reviewing zoning consistency. If there is a zoning violation, the applicant has to go to Zoning. The hardship requirement for a variance can be met by the LPC saying it is necessary to maintain the integrity of the historic nature of the block or the neighborhood.

Another proposal is to eliminate the minimum land area requirement for any rezoning request that would change zoning from any Former Chapter 59 zone to any Denver Zoning Code district.

Another is to reduce or eliminate minimum land area requirements for zoning applications in certain circumstances regarding Denver Zoning Code districts. For example, the proposal would eliminate the minimum area in the DIA zone if the request is initiated by the DIA Manager.

Proposed changes to the General Development Plan (GDP) process were thoroughly discussed, especially the method of calculating open space requirements and the character of the open space. The proposal is to clarify that the 10% required open space calculation is based on net acreage. Net acreage is gross acreage less the proposed and existing public right-of-way and existing city parks. This provision dates back to approximately 2003 when the R-MU and T-MU districts were developed and adopted.

Another proposed procedural change would delete the notice for expansions of any non-compliant side setback in a residential district. For example, if a side wall is closer to the side lot line than currently allowed in the code, the owner would be able to apply to extend that side wall without the current review notification.

Group 7 deals with some zone lot requirements, specifically related to “flag lots” – unusually deep lots with limited street frontage. Most of these are in southwest Denver. The change would specify that these are intended for lots at least 160 feet deep.

