



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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**TO: Denver City Council - Land Use, Transportation & Infrastructure Committee**  
**FROM: Tina Axelrad, Principal City Planner; Michelle Pyle, Associate City Planner**  
**DATE: May 26, 2011**  
**RE: Denver Zoning Code Text Amendment #8: Process for Amending Approved General Development Plans**

### **Staff Report and Recommendation**

Text Amendment 8 to the Denver Zoning Code addresses the process for amending approved General Development Plans and is sponsored by Councilman Hancock. The LUTI Committee will review Text Amendment 8 to the Denver Zoning Code at its regularly scheduled meeting on May 31, 2011, and determine whether the amendment should be forwarded to the whole City Council for a public hearing and final decision.

Based on the review criteria for text amendments stated in the Denver Zoning Code (“DZC”), Section 12.4.11 (Text Amendment), CPD staff recommends that the LUTI Committee forward to the whole City Council this Amendment 8 to the Denver Zoning Code.

### **I. Summary and Purpose**

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Text Amendment 8 will revise the process for amending an approved General Development Plan (“GDP”). The purpose of this amendment is to correct an error, improve clarity and provide a more reasonable way to amend a portion of a GDP when there are multiple property owners, while maintaining communication to property owners through notification. To accomplish these purposes, this text amendment encompasses several changes, summarized below. The entire proposed text amendment is provided as a “redline” and attached to this staff report for your review.

1. Minor clarifications and reorganization so that the process for amending an approved GDP is in one location
2. Add review criteria to confirm that the GDP amendment will not result in any adverse effects on the remainder of the approved GDP
3. Clarify that vested rights granted in the originally approved GDP are not affected by an amendment unless the amendment so states
4. Changes to initiation and notification to property owners, as summarized below:

### **GDP Amendment - Initiation by Property Owners**

For property owners to initiate a GDP amendment, the DZC requires the following:

- Applicant to be all property owners within the approved GDP
- 100% written consent from all property owners within the entire approved GDP area

This was an unintentional change made in the adoption of the DZC. The former Rules and Regulations process did not require the applicant to be all property owners and did not require 100% consent from all property owners. To correct this error, Text Amendment 8 would allow one (or more) property owners within the GDP area being amended to initiate the GDP amendment and would not require written consent from other property owners.

### **GDP Amendment - Notification to Property Owners**

For property owners to amend a GDP, the DZC requires the following notification to property owners:

- For the GDP Public Meeting (a meeting required at the beginning of the review process), written notification to all property owners within the approved GDP area and to all owners of property within 200' of the approved GDP area
- For the Planning Board public hearing, written notification to all property owners within the approved GDP area and to all owners of property within 200' of the approved GDP area.

The proposed amendment would instead require written notification to all property owners ***within the GDP area being amended and within 200' of the GDP area being amended.*** All other property owners within the entire approved GDP area will be notified and offered an opportunity to engage in the public process through the following existing requirements:

- An on-site sign posting with notice of the Planning Board public hearing
- Notification of both the public meeting and Planning Board public hearing to all Registered Neighborhood Organizations (RNOs) within the approved GDP area
- Notification of both the public meeting and Planning Board public hearing to all RNOs within 200 feet of the approved GDP area
- Notification of both the public meeting and Planning Board public hearing to all applicable City Council Districts and at-large offices

A summary of the initiation and notification changes are in the following table.

	<b>Currently in Denver Zoning Code</b>	<b>Proposed Text Amendment 8</b>
<b>Initiation of a GDP Amendment</b>	All property owners within the <u>approved GDP area</u> and their written consent	One or more property owners within the <u>GDP area being amended</u>
<b>Public Meeting Written Notification to Property Owners</b>	All property owners within the <u>approved GDP</u> and within 200' of the <u>approved GDP</u>	All property owners within the <u>GDP area being amended</u> and within 200' of the <u>GDP area being amended</u>
<b>Public Meeting Written Notification to Others</b>	<ol style="list-style-type: none"> <li>1. RNOs within the approved GDP and within 200' of the approved GDP</li> <li>2. City Council districts within the approved GDP and At Large</li> </ol>	No change
<b>Planning Board Public Hearing Written Notification to Property Owners</b>	All property owners within the <u>approved GDP</u> and within 200' of the approved GDP	All property owners within the <u>GDP area being amended</u> and within 200' of the <u>GDP area being amended</u>
<b>Planning Board Public Hearing Written Notification to Others</b>	<ol style="list-style-type: none"> <li>1. RNOs within the approved GDP and within 200' of the approved GDP</li> <li>2. City Council within the approved GDP and At Large</li> </ol>	No change
<b>On-Site Sign Posting for Notice of Planning Board Public Hearing</b>	Required	No change

## **II. Criteria for Review and CPD Analysis**

The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the Denver Zoning Code. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed Amendment 8 satisfies each of the criteria.

### **A. Text Amendment is Consistent with the City's Adopted Plans and Policies**

Text Amendment 8 is consistent with the city's adopted plans and policies in the following ways:

#### Denver Comprehensive Plan 2000:

##### Land Use

- Strategy 2-A: (*paraphrased*) [P]roposed revisions to the Denver Zoning Ordinance should be responsive to the needs for timely communication with

parties affected by zoning procedures and enforceable through swift and fair procedures.

#### Economic Activity

- Strategy 2-A: Improve the regulatory climate in City government by focusing on customer service and accountability. Components should include streamlining the development process to ensure that it is fair, quick and includes an appeal process.

### **B. Text Amendment Furthers the Public Health, Safety, and General Welfare**

Text Amendment 8 furthers the general welfare of Denver by providing further clarity and streamlining in the city's zoning procedures.

### **C. The Text Amendment Results in Regulations that are Uniform within Each Zone District**

Text Amendment 8 will result in the uniform regulation of amendments to General Development Plan in each of the zone districts as the process is applicable to all zone districts.

## **III. Public Outreach and Comments**

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Below is a summary of the public outreach for this amendment.

- *April 23, 2011:* CPD presented summary of amendment to INC Zoning and Planning Committee
- *April 28, 2011:* CPD notified by email all Registered Neighborhood Organizations about the Planning Board hearing on May 18<sup>th</sup>. A summary of the text amendment was included in the RNO notification.
- *May 11, 2011:* CPD posted online the redline changes of Text Amendment 8
- *May 18, 2011:* received two letters from the public:
  - WWPNA
  - One Denver resident
- *May 18, 2011:* Planning Board public hearing

## **IV. Planning Board Recommendation**

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On May 18, 2011, after testimony at a public hearing, the Planning Board unanimously recommended **approval** of Text Amendment 8 to the City Council.

## **IV. CPD Staff Recommendation**

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Based on the criteria for review as described above, CPD Staff recommends **approval** of Text Amendment 8 to the Denver Zoning Code.

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From: President, WWPNA <president@wwpna.org>

To: Hancock, Michael B. - City Council Dist. #11

Cc: abaldyga@msn.com <abaldyga@msn.com>; anna@pumaworldhq.com <anna@pumaworldhq.com>; bbuchanan@bygroup.com <bbuchanan@bygroup.com>; bmorris303@gmail.com <bmorris303@gmail.com>; dj-jl-webster@att.net <dj-jl-webster@att.net>; jamarhar@msn.com <jamarhar@msn.com>; kho@regenllc.com <kho@regenllc.com>; aldrete@pbworld.com <aldrete@pbworld.com>; rdelanoy@earthlink.net <rdelanoy@earthlink.net>; shannon@gifford.net <shannon@gifford.net>; srunnally@gmail.com <srunnally@gmail.com>; Wenzara, Caryn - Community Planning and Development

Sent: Tue May 17 21:52:41 2011

Subject: Request to delay Text Amendment 8

Councilman Hancock,

This is a formal request to delay Text Amendment 8 by 30 days in order to give RNOs a chance to review and respond to this legislation.

You mentioned at the Mayoral Forum on May 14th that RNOs should have 30 days to review legislation, so the perfect place to start this timeframe would be with this legislation.

Additionally, INC unanimously voted on May 14th to support the following motion:

“Inter-Neighborhood Cooperation should write to Peter Park, the Manager of the Denver Community Planning and Development Department (CPD), with copies to the members of the Planning Board and City Council, to encourage CPD to give 30 days notice to registered neighborhood organizations and other citizens of the text of zoning text amendments before the date when such amendments will be considered by the Planning Board. Currently, CPD only gives 7 days notice of the text before consideration by the Planning Board, which does not allow neighborhood groups adequate time to analyze the text and, if necessary, have a meeting to discuss whether the neighborhood wishes to take a position and communicate its position to Planning Board. A summary of the amendment does not adequately inform RNOs, particularly when the text amendment is lengthy and complex, such as Text Amendments 6 and 7. The Planning Board should be able to hear the considered opinions of RNOs before deliberating on its recommendation to City Council.”

Charlie Busch  
President, WWPNA  
303-722-6220

To: Denver Planning Board  
From: Christine O'Connor  
Date: May 17, 2011  
Re: Text Amendment 8

This memo addresses the Text Amendment introduced May 11, 2011<sup>i</sup>, in order to change the process of initiating amendments to General Development Plans.

I do not believe this Text Amendment should be entertained. It is unnecessary and does not advance the welfare of Denver. The current amendment process is sufficient and should not be relaxed. It has far reaching implications that have not been addressed.

Text Amendment 8 does not satisfy the language or spirit of Section 12.4.11.1:

- There is no manifest error being corrected, nor does CPD demonstrate error in the Code. The New Code was worked on at length and the language regarding GDPs and amending GDPs is clear.
- Changing conditions do not require this amendment.
- Current amendment process serves as a check on too many changes within a GDP.
- This text amendment goes beyond the request in the Councilman's letter, and is a substantive change to the Code, not a clarification to the Code.
- Clarity and predictability will be eroded if separate parcel owners can amend sections without consent of all owners.
- The Staff Report states this amendment furthers the general welfare by providing further clarity in the procedures. In fact, it makes substantive changes the GDP process and may decrease clarity.
- The Staff Report accompanying the text amendment does not state that this was an error in typing the new Code, or an omission or mistake. It assumes the requirement of consent by all owners was unintentional, without support for this statement.
- The Staff Report chart does not identify all the changes in this amendment.
- The amendment significantly affects what Initial owners of the GDP parcel will be able to offer potential buyers. The conceptual framework of the GDP will not bind new owners to the same extent as current Code provides, because owners will be able to amend pursuant to this new language without consent of all owners.
- Is the Board aware on whose this text amendment was really written? What prompted this? Is it necessary to satisfy every request for a text amendment, especially when it is not really clarifying, but changing, the Code?

Regarding specifics in the text amendments, there are many sections that should be read carefully, but I want to note the following for starters:

- Section 12.3.7.2.A will no longer apply to GDPs. It references Section 12.4.12.17, which is contains new language. Significant provisions are removed and substantively changed. (See below 12.4.12.17.A)
- Section 12.3.7.2.C is moved and inserted in 12.4.12.17.2, which contains new language allowing the DRC to decide if proposed changes fall into the five categories of amendments, where previously these five changes were considered amendments. This is not a "clarification." This removes the mandatory language regarding what constitutes amendments to GDPs.

- Section 12.4.12.16.B changes prior language providing that rights vested until a GDP was amended, superseded or rescinded. Amendments to GDPs shall no longer affect vested rights unless expressly stated in the amendment.
- Section 12.4.12.17.A contains new language enlarging the intent language in the Code regarding GDPs. This new language provides that the intent of a GDP is “To allow for GDPs to change over time as needed and to establish appropriate procedures including initiation and communication to property owners and the general public.” This new “intent” language is not addressed in CDP’s memo or the Councilman’s letter but is being inserted merely to provide statutory support for the amendment it is part of - - language which is not currently in the code.
- Section 12.4.12.17.A.3 is also new language providing for concurrent review of an amendment to an approved GDP with other applications.
- Section 12.4.12.17.A.3 does several things:
  - Provides for review pursuant to 12.4.12. 1 and 12.4.12.4-16.
  - Removes from the procedure for amendments the requirement of the payment of fees as if it were a new application.
  - The language specifically requiring the entire land area of the original GDP shall be included is deleted.
  - May be initiated by “one or more property owners or their authorized agent(s) within the area being amended
  - DRC approval of minor deviations can now occur anytime.
  - DRC approval of minor deviations shall be recorded in Recorder’s office, but see no similar requirement for amendments (since it was removed in 12.4.12.17.A.3.a.
  - If Public Meeting/Notice section b. applies to amendments, it should be corrected, as it currently reads in text amendment (line 3 of 12.4.11.17.A.3.b that this is for preliminary GDP review.”
  - Notice to other owners within the GDP is eliminated unless they are within 200’ of the GDP area being amended. This deserves some discussion!

I am fully aware that CPD retained notice to RNOs within the approved GDP and within 200’ of the GDP. However, notice is not the only concern of citizens. The whittling away of a process in order to reduce the burden on owners of portions of General Development Plans who may not wish to pay the fee and obtain consent of all owners severely undermines the existing Code language. I urge the Board not merely skim over this purportedly “minor” amendment, but thoughtfully consider what the implications might be for other GDP owners and residents going forward.

Thank you.

Christine O’Connor  
 144 S. Ulster St.  
 Denver, CO 80230

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<sup>i</sup> It should also be noted that notice on May 11<sup>th</sup> of the language of this text amendment does not allow time for study by an RNO. I was present when CPD presented a few words about this amendment to the ZAP committee of Inter-Neighborhood Cooperation, but the CPD representative had little information and the text only became available May 11.

## **SECTION 12.3.6 LAPSE OF APPROVAL PROVISIONS AND EXTENSION OF APPROVAL PERIOD**

### **12.3.6.1 In General - Lapse of Approved Applications, Plans and Permits**

An application, site development plan, or zoning permit approved under this Code may lapse if certain actions related to the approved application are not taken within a specified time period as set forth in Division 12.4, Zoning Application and Review Procedures. Specific actions that must be taken with regard to each application, plan or permit to avoid lapsing of the approval are set forth in Division 4 of this Article for each type of zoning application.

### **12.3.6.2 Beginning of Approval Period - General Rule**

Unless otherwise specified in Division 4 of this Article 12, the approval period of an approved application, plan or permit, after which lapse will occur, shall begin on the date of the decision-making body's final action, which shall be interpreted to mean:

- A. For approved plans or permits that this Code requires to be recorded: the date of recordation.
- B. For all other approved applications, plans or permits: the date of the decision-making body's final action, which shall be affixed to all approved applications, plans or permits.

### **12.3.6.3 Extension of Approval Period**

- A. The Zoning Administrator may grant an extension of an approval period up to 12 months for good cause, including but not limited to a showing that development was delayed by economic or physical problems beyond the applicant's or property owners' control.
- B. In no case shall the Zoning Administrator grant an extension if, since the date of the original approval, the subject property's zoning designation has changed or the applicant proposes an amendment to the approved application, plan or permit with the request for extension. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, below.
- C. All requests for extensions shall be submitted to Community Planning and Development in writing at least 30 days before the expiration of the approval period. An extension request shall include:
  1. Payment of any required fee for the extension review; and
  2. A narrative stating the reasons for the applicant's or owner's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since the original approval date and that affect the subject development, and the anticipated time schedule for completing the development.
- D. Additional review of the application, permit or plan may result in additional conditions placed on the extended approval, application, permit or plan, as applicable.
- E. If the extension is denied, the applicant may re-submit a new application, subject to the fees, standards, and regulations in effect at the time of re-submittal, for the same project.

## **SECTION 12.3.7 MODIFICATION OR AMENDMENT OF APPLICATIONS, PLANS AND PERMITS**

### **12.3.7.1 Modifications to Pending or Approved Applications, Plans or Permits**

[This Section 12.3.7.1 shall not apply to modifications to GDPs. See Section 12.4.12.17.](#)

The following types of minor modifications, changes, removal, or release of either (1) the Code standards applicable to a pending application; or (2) the Code provisions applicable to, or the conditions attached to, an approved application, plan or permit, shall be treated as "modifications"



rather than "amendments," and may be approved administratively by the Zoning Administrator according to this Section.

**A. Modifications to Regulating Plans, Site Development Plans or Zoning Permits**

1. Modifications to a pending or approved regulating plan, site development plan or zoning permit application that are expressly allowed as "administrative adjustments" under Section 12.4.5 (Administrative Adjustments) of this Code, may be approved by the Zoning Administrator according to the procedures and criteria in Section 12.4.5.
2. The Zoning Administrator may allow minor changes in the location of structures shown on an approved regulating plan, site development plan or zoning permit provided such minor changes do not constitute an "amendment" under Section 12.3.7.2.B, "Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits," below.
3. All modifications to an approved regulating plan, site development plan or zoning permit shall be submitted to the Zoning Administrator as "redline" edits to the previously approved plan or permit documents. After approval, the Zoning Administrator shall record a modified regulating plan or site development plan in the records of the Denver County Clerk and Recorder's Office, and shall register a modified zoning permit in the records of Community Planning and Development.

~~Minor Deviations from Previously Approved GDP Plans (All of B Moved)~~

~~The DRC may authorize minor deviations from a previously approved General Development Plan (GDP) during the site development plan review. Minor deviations are allowed provided such deviation does not constitute an "amendment" to a GDP under Section 12.3.7.2.C, Amendments to Approved General Development Plans. All modifications to a GDP approved by the DRC shall be submitted as "redline" edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder's Office.~~

**B. Other Modifications to Approved Applications, Plans, or Permits**

Changes, modifications, removal, or release of all or some of the provisions of an approved application, plan or permit, which do not otherwise qualify as "modifications" under Section 12.3.7.1.A above, ~~or a minor deviation from a previously approved GDP under Section 12.3.7.B above~~, or as an "amendment" under Section 12.3.7.2, Amendment to Approved Applications, Plans and Permits, below, may be approved by the Manager, using the same review process and criteria applicable to Administrative Adjustments stated in Section 12.4.5 of this Code.

**12.3.7.2 Amendments to Approved Applications, Plans and Permits**

~~This Section 12.3.7.2 shall not apply to amendments to GDPs. See Section 12.4.12.17.~~

**A. Procedure for Amendments**

1. An "amendment" to an approved application, plan or permit shall be reviewed according to the same procedures and subject to the same limitations and requirements, including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board.
2. Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies.
3. The Manager shall record all amendments to a site development plan or to a GDP approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

**B. Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits**

1. All changes to all or some of the provisions of an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), which do not qualify as a “modification” under Section 12.3.7.1 above, shall be considered amendments subject to this Section 12.3.7.2.
2. In addition, any of the following changes to an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), shall be considered amendments subject to this Section 12.3.7.2:
  - a. An increase in overall project density;
  - b. An increase in the maximum height of any building by more than 5 feet or 5 percent, whichever is less;
  - c. An increase in the floor area ratio (FAR) by greater than 10 percent as calculated on a total project basis;
  - d. A change to the permitted uses or mix of uses if the proposed uses are more intensive than the approved uses, as determined by the Zoning Administrator according to the criteria in Section 12.4.6 (Code Interpretations and Determination of Unlisted Uses);
  - e. A change to the location of permitted land uses that would substantially change the development's character or impacts on surrounding property, as determined by the Zoning Administrator;
  - f. A reduction in required minimum setbacks from zone lot lines;
  - g. An increase in required build-to location from zone lot lines;
  - h. An increase in permitted building coverage, including coverage by surface parking;
  - i. A reduction by more than 5 percent in the land area designated for landscaping;
  - j. A reduction in the ratio of parking or loading spaces to overall gross floor area or dwelling units;
  - k. A change in the permitted number, size or lighting of signs;
  - l. Changing the vehicle access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the approved plan or permit;
  - m. Changing or negating a condition of approval; or
  - n. Modifying any other element of an approved application, plan or permit, including but not limited to architectural concepts, building elevations, facade treatments, and exterior building materials, which would substantially change its character or impacts on surrounding property, as determined by the Manager.

**C. Amendments to Approved General Development Plans (All of C Moved)**

~~Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section 12.3.7.2:~~

- ~~1. Significantly modifying or reallocating the allowable height, mix of uses, or density of development;~~
- ~~2. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;~~

3. ~~Substantially moving or altering the vehicle access and circulation to or within the development;~~
4. ~~Changing or negating a condition of approval; or~~
5. ~~Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager.~~

### **SECTION 12.3.8 WITHDRAWAL OF RECORDED SITE DEVELOPMENT PLANS AND GENERAL DEVELOPMENT PLANS**

Pursuant to the same procedure and subject to the same limitations and requirements by which such site development plans or General Development Plans (GDPs) were approved and recorded, all site development plans and GDPs recorded under this Code may be withdrawn, either partially or completely, if all land and structures remaining under such site development plans can be made to comply with all regulations established by this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

#### **12.4.11.9 Review Criteria**

**A. Consistency With Adopted Plans**

All text amendments shall be consistent with the City's adopted plans, or the proposed text amendment is necessary to provide for a community need that was not anticipated at the time of the adoption of the Comprehensive Plan.

**B. Public Health, Safety and General Welfare**

All text amendments shall further the public health, safety and general welfare of the City.

**C. Uniformity of District Regulations and Restrictions**

A text amendment to this Code shall result in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

#### **12.4.11.10 Appeal**

A decision on a text amendment may be appealed to District Court.

### **SECTION 12.4.12 GENERAL DEVELOPMENT PLAN**

#### **12.4.12.1 Intent**

**A. General Intent**

A General Development Plan (GDP) establishes a framework for future land use and development and resulting public infrastructure. The GDP provides an opportunity to identify issues and the development's relationship with significant public infrastructure improvements such as major multi-modal facilities and connections thereto, major utility facilities, and publicly accessible parks and open spaces. An approved GDP provides a master plan for coordinating development, infrastructure improvements, and regulatory decisions as development proceeds within the subject area. An approved GDP also constitutes a master plan that is a prerequisite to zoning within the Master Plan neighborhood context, as described in Division 9.7, Master Planned Context, of this Code.

**B. Intent of the GDP Review Process**

The review process for a GDP is intended to:

1. Provide for the coordinated assessment of general land development proposals by the City and other interested public agencies;
2. Ensure that the GDP is consistent with the Comprehensive Plan;
3. Identify subsequent regulatory steps, submittals, and approvals in order to determine the appropriate type and level of detail that may be needed in addition to the basic submittal requirements for the GDP; and
4. Provide for the notification and appropriate input from the public on the proposed GDP;
5. Identify the type and scope of any required technical studies, plans and documents necessary to achieve the intent of a GDP, and coordinate review of such studies, plans, and documents.

#### **12.4.12.2 When Required**

**A. Mandatory GDP**

Preparation of a GDP is mandatory when the Manager determines (1) the specific circumstances warrant a coordinated master framework plan to guide future development; and (2) land use, development, and infrastructure issues related to future development cannot be adequately resolved through other regulatory processes, such as subdivision or site development

plan review. In determining whether circumstances warrant preparation of a GDP, all relevant factors shall be considered, including but not limited to the following:

- 1. Adopted Plan Recommendation**  
A citywide land use, or small area plan, adopted by City Council as a supplement to the Comprehensive Plan, recommends preparation of a GDP for all or portions of the plan area.
- 2. Large-Scale Development**  
The GDP area either: (a) is more than 10 acres, (b) is anticipated to be developed in phases; or (c) is owned by more than one person or entity.
- 3. Infrastructure Network or System Improvements**  
Future development in the GDP area anticipates any of the following infrastructure improvements:
  - a. Establishing, extending, expanding, or otherwise changing the arterial or collector street grid; or
  - b. Establishing, extending, expanding, or otherwise changing an existing regional stormwater system; or
  - c. Establishing, extending, expanding, or otherwise changing publicly accessible park and open space.
- 4. Development Adjacent to Major River or Trail Corridors**  
Development within 100 feet from the Cherry Creek corridor or the South Platte River corridor, where publicly-accessible open space, pedestrian connections, or bike connections to such corridors is anticipated.

The Manager shall inform the applicant in writing when preparation of a GDP is mandatory.

**B. Optional GDP**

An owner may elect to submit a GDP for the property in order to establish a coordinated master plan for the property.

**12.4.12.3 Timing of GDP Review**

When preparation of a GDP is mandatory, the GDP shall be approved before final approval of the following, unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications:

- A. Official Map Amendment
- B. Subdivision under D.R.M.C., Chapter 50.

**12.4.12.4 Initiation**

- A. A GDP may be initiated by any one or combination of the following parties:
  1. The owner or owners of the entire subject property;
  2. The owner(s)'s authorized agent(s);
  3. The Manager;
  4. The manager of Parks and Recreation; or
  5. The manager of Public Works.
- B. The Manager shall be a co-applicant whenever a GDP includes a Secondary Area and/or when the owner or owners of the entire subject property are not applicants.

#### **12.4.12.5 Minimum Open Space Requirements for a GDP**

All applications for a General Development Plan shall comply with the following open space standards:

##### **A. Minimum Amount Required**

A minimum of 10% of the total GDP area (including the Primary Area plus any Secondary Areas) shall be included in the GDP as open space.

##### **B. Design Criteria**

1. The required open space shall be provided in one (1) or more areas.
2. The required open space shall remain publicly accessible and usable.
3. The required open space shall result in one or more of the following public benefits:
  - a. Enhanced connections to transit facilities, plazas, or streets;
  - b. Enhanced pedestrian environments; and/or
  - c. Enhances or creates public spaces.

#### **12.4.12.6 Development Review Committee – Final Approval Authority**

The Development Review Committee (“DRC”) shall have the authority to approve, approve with conditions, or deny a GDP application, after consideration of the recommendation from the Planning Board.

#### **12.4.12.7 Pre-Application Conference**

- A. A pre-application conference is mandatory prior to the start of the concept GDP review and preliminary GDP review required under this Section. See 12.3.2, Pre-Application Conference/Concept Plan Review.
- B. The DRC shall attend the pre-application conference, at which the applicant shall present the land use and development concept for the subject property and identify the existing or desired neighborhood context. The DRC, as part of the pre-application conference, shall identify the necessary regulatory processes applicable to development of the subject property, and on this basis confirm the need for and establish the contents of the GDP submittal.

#### **12.4.12.8 Application and Fees**

All applications for concept review, preliminary, and final GDP review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

#### **12.4.12.9 Concept GDP Review**

Before a preliminary GDP application is submitted, the applicant shall submit a concept GDP for review. During this concept GDP review, the DRC and the applicant shall agree upon the parameters for the preliminary GDP submittal, including, at a minimum, the following:

- A. GDP area boundaries, including designation of a Primary Area and one or more Secondary Areas, as applicable.
- B. Required community outreach and public participation.
- C. Technical studies required, as applicable.
- D. General development concepts for the following elements, as applicable:
  1. Land use
  2. Building scale and density ranges anticipated

3. Pedestrian environment
4. Existing and future street network; as part of this element, the applicant may designate Primary Streets (as defined and regulated by this Code). If Primary Streets are not designated as part of the GDP, submittal of a Regulating Plan according to Section 12.4.13 will be required prior to site development.
5. Existing and future publicly accessible open space and parks
6. Existing and future public facilities.

#### **12.4.12.10 Preliminary GDP Review**

##### **A. Timing After Concept GDP Review**

The applicant shall submit an application for preliminary GDP review within 180 days after completion of the concept GDP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180 day filing period expires, and is not otherwise extended, the applicant shall be required to submit a new application for concept GDP review and pay all required fees.

##### **B. Submittal**

The preliminary GDP application shall contain all items and elements required through the concept GDP review above.

##### **C. Public Meeting, Notice, and Public Comment Period**

###### **1. Public Meeting and Public Notice**

Upon the Manager's determination that the application for preliminary GDP review is complete (see Section 12.3.3.8, Determination of Complete Applications), and at least 21 days prior to such meeting, the applicant shall schedule a public meeting to take place 21 to 45 days hence and send written notice of submittal of the preliminary GDP application and public meeting to:

- a. The City Council member(s) in whose district the GDP is located and the at-large Council members;
- b. All property owners within the defined GDP boundaries who are not co-applicants for the GDP;
- c. All property owners within 200 feet of the GDP boundary;
- d. Denver Public Schools if the GDP anticipates residential development;
- e. Any special districts of which any part of the district's boundaries is included in the GDP boundaries; and
- f. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the GDP boundary.

###### **2. Conduct of Public Meeting**

At the public meeting, the applicant shall present the substantive content of the preliminary GDP application, record public comment, and submit a written report of such recorded comments to Community Planning and Development by no later than 7 days after the public meeting date. Such report shall be forwarded to the DRC for consideration.

###### **3. Public Comment Period**

Members of the public and anyone receiving notice of the preliminary GDP application may provide written comments on the application to the Manager up to 15 days after the date of the public meeting. Such written comments shall be forwarded to the DRC for consideration during review of the preliminary GDP.

**D. Review and Referral by Manager**

The Manager shall refer the GDP application to the DRC and to all affected or interested agencies and departments for review and comment. The Manager shall provide the applicant with a written compilation of all agency and department comments.

**E. Revisions by Applicant**

The applicant shall respond in writing to all comments received and submit a revised GDP as necessary. Subsequent rounds of DRC review and applicant revisions may follow until the DRC determines the application is ready for final GDP review, as described below.

**12.4.12.11 Final GDP Review**

**A. Determination by DRC**

When the DRC determines review of the preliminary GDP is complete, the preliminary GDP application is deemed to be the Final GDP application and ready for Planning Board recommendation and final DRC decision.

**B. Planning Board Review and Recommendation**

1. When the Final GDP application is ready for Planning Board recommendation, the Manager shall schedule the GDP application for the Planning Board's consideration at a public hearing. The Manager shall make a written recommendation to the Planning Board for its consideration.
2. Written and posted notice of the Planning Board public hearing shall be provided according to Section 12.3,4, Public Notice Requirements, and such written notice shall also be sent to the following:
  - a. All owners of land included in the boundaries of the Final GDP other than the applicant;
  - b. Owners of real property located within 200 feet of the boundary of the Final GDP area, including any Secondary Area, as applicable;
  - c. The City Council members in whose districts the Final GDP area is located, and the at-large Council persons;
  - d. Any neighboring municipality or county which is contiguous to any boundary of the Final GDP;
  - e. Denver Public Schools if the Final GDP anticipates residential development.
  - f. Any special district of which any part of the district's boundaries is included in the GDP boundaries; and
  - g. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the GDP boundary.
3. The Planning Board shall hold a public hearing on the Final GDP application and shall consider the recommendations of the Manager and the Managers of Parks and Recreation and Public Works, any comments received, and the review criteria below in making its recommendation to the DRC.
4. The Planning Board's recommendation shall be forwarded to the DRC for action within 30 days after the public hearing is closed, unless the applicant requests an extension of such time.

**C. DRC Final Decision**

The DRC shall make all final decisions on a Final GDP after consideration of information received from the public hearing and otherwise and the recommendation by the Planning Board. The DRC shall approve, approve with conditions, or deny the Final GDP application based on



the review criteria set forth below. The applicant shall revise the application as required, and submit a final GDP for execution and recording required herein.

#### **12.4.12.12 Review Criteria**

The DRC shall approve a Final GDP application only if the DRC finds:

- A. The Final GDP is consistent with applicable city plans;
- B. The pedestrian, transit, and street pattern is appropriate to serve the final GDP area and provide connectivity to surrounding properties, as applicable, and promotes and accommodates multi-modal transportation;
- C. The final GDP contains an adequate master plan for provision of drainage, sewage, and water systems through subsequent regulatory process;
- D. Unique natural resource features and sensitive areas can be adequately protected and accommodated through subsequent regulatory process;
- E. The Final GDP contains an adequate master plan for the provision of publicly accessible and usable open space that enhances the connection to transit facilities, plazas or streets, and the pedestrian environment through subsequent regulatory process; and
- F. The Final GDP provides an adequate master plan to ensure that all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development as further approved through subsequent regulatory processes.

#### **12.4.12.13 Appeals**

The final decision of the DRC on a GDP application may be appealed to the District Court.

#### **12.4.12.14 Execution and Recording**

- A. The applicant shall submit an electronic file of the final approved GDP for recording, which shall include an electronic copy of the original GDP mylar cover sheet signed by all owners of the subject property and by the managers of Community Planning and Development, Public Works, and Parks and Recreation.
- B. Following execution of the final GDP, the Manager shall record the electronic GDP in the records of the Denver County Clerk and Recorder's Office.

#### **12.4.12.15 Effect of Approved GDPs**

- A. A recorded GDP, ~~including any subsequently recorded amendments~~, shall be in full force and effect until and unless such time as the GDP is ~~either superseded or rescinded amended or replaced by a new GDP for the same location according to this Section 12.4.12's procedures~~.
- B. The City Council may approve an official map amendment (rezoning) application for property located within an approved GDP area, taking into consideration the approved GDP.
- C. The City may issue subdivision approvals, site development plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved GDP.

#### **12.4.12.16 Vested Property Rights**

##### **A. Certain General Development Plans Eligible for Vested Rights**

- 1. A GDP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments

(rezoning) to implement the GDP, shall result in vested rights, provided the GDP contains the specificity stated in Section 12.4.12.16.A.3 below.

2. A GDP approved prior to or concurrent with the City Council's approval of one or more official map amendment (rezonings) to implement the GDP may be amended after approval of the official map amendment(s) to obtain vested rights, provided the GDP contains the specificity stated in Section 12.4.12.16.A.3 below. All GDP amendments seeking the addition of vested rights shall be processed according to the same procedure and criteria applicable to stated in Section 12.4.12.17, Amendments and Minor Deviations to an Approved GDP. ~~the original application for approval of the GDP.~~
3. Any GDP eligible for vested rights according to this subsection may be afforded vested rights only if the GDP provides specificity regarding:
  - a. The location and intensity of permitted land uses;
  - b. Building scale (heights) anticipated, including building height transitions to adjacent properties, as applicable;
  - c. The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the GDP area and to adjacent development or public amenities/facilities such as schools, parks, and open space.
  - d. The location and functional classification of the future street network within the GDP area, as applicable;
  - e. The designation of Primary Streets to guide future development in compliance with this Code;
  - f. The location of future publicly accessible open space and parks; and
  - g. The location of future public facilities, as applicable.
4. The vested rights in an approved GDP are directly proportional to the level of detail and specificity approved in the plan.

#### **B. Vesting Period**

Rights vested through approval of a General Development Plan shall remain vested until such time as the General Development Plan is either ~~amended~~, superseded; or rescinded. Amendments to GDPs shall not affect vested rights unless expressly stated otherwise in the amendment.

### **12.4.12.17 Amendments and Minor Deviations to an Approved GDP**

~~One or more owners of property within the GDP area may initiate an amendment to the approved GDP, but only with the written consent of all owners of property in the GDP area. An approved GDP may be amended at any time using the process set out in this Section, and may be amended simultaneously with the processing of a site development plan application. The DRC shall decide whether a proposed change to the GDP is a "modification," which may be approved by the DRC through submitted redlines to the previously approved GDP plan documents, or an "amendment" according to Section 12.3.7, Modification and Amendments to Approved Applications, Plans or Permits.~~

#### **A. Amendments to an Approved GDP**

##### **1. Intent**

In addition to Section 12.4.12.1, Intent, the amendment process is intended to allow for GDPs to change over time as needed and to establish appropriate procedures, including property owner initiation of applications and communication to property owners and the general public.

**2. Applicability**

~~(Moved from 12.3.7.2.C)~~

Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section ~~12.4.12.17.A, 12.3.7.2~~: The DRC shall decide if the proposed change falls within any of the following:

- a. Significantly modifying or reallocating the allowable height, mix of uses, or density of development;
- b. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;
- c. Substantially moving or altering the vehicle access and circulation to or within the development;
- d. Changing or negating a condition of approval; or
- e. Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager.

**3. Procedure for Amendments (Moved from 12.3.7.2.A)**

An amendment to an approved GDP may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications. An "amendment" to an approved ~~GDP application, plan or permit~~ shall be reviewed according to the same procedures and subject to the same limitations and requirements; ~~contained in Section 12.4.12.1 and Sections 12.4.12.4 through 12.4.12.16, with the following exceptions: including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board,~~

**a. Initiation**

~~In place of Section 12.4.12.4, a GDP Amendment may be initiated by any one or combination of the following parties:~~

~~The owner or owners of the entire subject property;~~

- i. ~~One or more property owners or their authorized agent(s) within the area being amended;~~

~~The owner(s)'s authorized agent(s);~~

- ii. The Manager;
- iii. The manager of Parks and Recreation; or
- iv. The manager of Public Works.

~~The Manager shall be a co-applicant whenever a GDP includes a Secondary Area and/or when the owner or owners of the entire subject property are not applicants.~~

~~Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies. (From Section 12.3.7.A.2)~~

~~The Manager shall record all amendments to a site development plan or to a GDP approved according to this Section in the records of the Denver County Clerk and Recorder's Office. (From Section 12.3.7.2.A.3)~~

**b. Public Meeting and Public Notice**

~~In place of Section 12.4.12.10.C.1, upon the Manager's determination that the application for preliminary GDP review of the GDP amendment is complete (see Section 12.3.3.8, Determination of Complete Applications), and at least 21 days prior to such meeting, the applicant shall schedule a public meeting to take place 21 to 45 days hence and send written notice of submittal of the preliminary GDP amendment application and public meeting to:~~

- i. The City Council member(s) in whose district the approved GDP is located and the at-large Council members;
  - ii. All property owners within the defined GDP area being amended GDP boundaries who are not co-applicants for the GDP;
  - iii. All property owners within 200 feet of the GDP area being amended GDP boundary;
  - iv. Denver Public Schools if the approved GDP anticipates residential development;
  - v. Any special districts of which any part of the district's boundaries is included in the approved GDP boundaries; and
  - vi. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the approved GDP boundary.
- c. **Planning Board Meeting Notice**  
In place of Section 12.4.12.11.B.2, written and posted notice of the Planning Board public hearing shall be provided according to Section 12.3.4, Public Notice Requirements, and such written notice shall also be sent to the following:
- i. All owners of land included in the boundaries of the area being amended Final GDP other than the applicant;
  - ii. Owners of real property located within 200 feet of the area being amended boundary of the Final GDP area, including any Secondary Area, as applicable;
  - iii. The City Council members in whose districts the Final approved GDP area is located, and the at-large Council persons;
  - iv. Any neighboring municipality or county which is contiguous to any boundary of the Final approved GDP;
  - v. Denver Public Schools if the Final approved GDP anticipates residential development.
  - vi. Any special district of which any part of the district's boundaries is included in the approved GDP boundaries; and
  - vii. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the approved GDP boundary.
- d. **Review Criteria**  
In addition to the review criteria in Section 12.4.12.12, the DRC shall approve the GDP amendment only if the DRC finds the Amendment will not result in any material adverse effects on the remainder of the approved GDP.

**B. Minor Deviations from Previously to an Approved GDP Plans (Moved from 12.3.7.1.B)**

The DRC may authorize minor deviations from a previously approved General Development Plan (GDP) during the site development plan review. Minor deviations are allowed provided such deviation does not constitute an "amendment" to a GDP under Section 12.4.12.17.A, Amendments. Section 12.3.7.2.C, Amendments to Approved General Development Plans. All modifications minor deviations to a GDP approved by the DRC shall be submitted as "redline" edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder's Office.

## SECTION 12.4.13 REGULATING PLAN

### 12.4.13.1 Intent

**A. General Intent of a Regulating Plan**

A Regulating Plan is used to apply allowed building types, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a Zone District. A Regu-