



**TO:** Neighborhoods and Planning Committee  
**FROM:** Steve Nalley, Senior City Planner  
**DATE:** May 7, 2015  
**RE:** (A) Denver Zoning Code – Text Amendment to create a Conservation Overlay District applicable to the Potter Highlands, CO-4. (Case# 2015I-00069)  
(B) Denver Zoning Code – Map Amendment for rezoning from U-TU-B; U-TU-B2; U-TU-B, UO-3 to U-TU-B, CO-4; U-TU-B2, CO-4; U-TU-B, UO-3, CO-4. (Case# 2015I-00059)

## I. CPD Recommendation

### A. *Text Amendment*

Based on the review criteria for conservation overlays and text amendments stated in the Denver Zoning Code (DZC), Sections 9.4.3.2.C (Review Criteria for Approval of Conservation Overlay District) and 12.4.11 (Text Amendment), CPD staff recommends that the Planning Board recommend to the City Council approval of the Potter Highlands Conservation Overlay, CO-4 Denver Zoning Code Text Amendment.

### B. *Map Amendment*

Based on the review criteria for conservation overlays and map amendments stated in the Denver Zoning Code (DZC), Sections 9.4.3.2.C (Review Criteria for Approval of Conservation Overlay District) and 12.4.10 (Map Amendment), CPD staff recommends that the Planning Board recommend to the City Council approval of the Potter Highlands Conservation Overlay, CO-4 Denver Zoning Code Map Amendment for rezoning from U-TU-B; U-TU-B2; U-TU-B, UO-3 to the proposed U-TU-B, CO-4; U-TU-B2, CO-4; U-TU-B, UO-3, CO-4.

## II. Summary and Purpose

### A. *Text Amendment*

Councilwoman Judy Montero is sponsoring a text amendment to the Denver Zoning Code to create a new conservation overlay for the Potter Highlands.

DZC Section 9.4.3.1 states that Conservation Overlay Districts are intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of specific areas within Denver possessing distinctive features, identity, or character worthy of retention and enhancement.

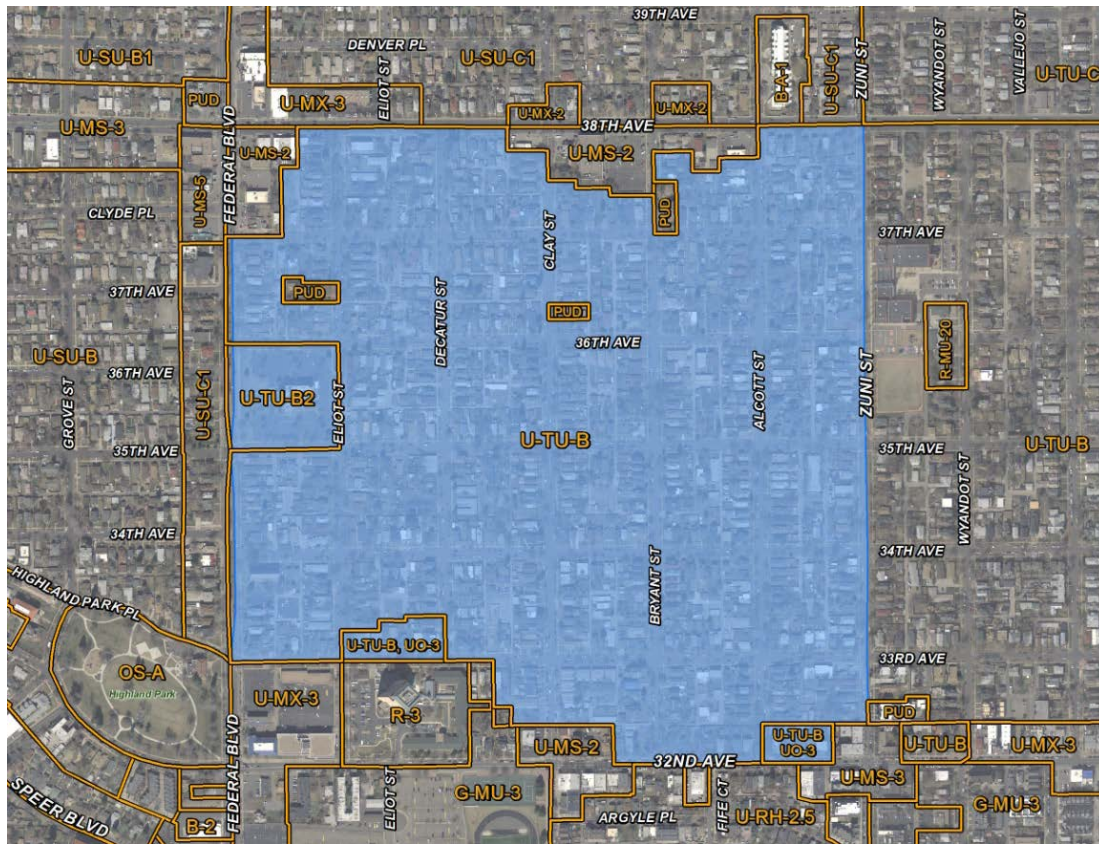
The proposed Potter Highlands Conservation Overlay, CO-4 Denver Zoning Code text amendment, if approved by City Council, will modify underlying zone district building form standards by requiring additional standards, summarized in the following table. (See proposed text amendment enclosed).

Summary of Denver Zoning Code Text Amendment	
Code Location	Proposed New Conservation Overlay Text
<p><b>Article 9 – Special Contexts and Districts</b>                      Division 9.4.3.4 – Conservation Overlay Districts Established</p>	<p>Primary building form standards:</p> <ul style="list-style-type: none"> <li>• 5 foot minimum side interior setback for lots greater than 30 feet in width as opposed to 3 feet one side/10 feet combined.</li> <li>• Reduced bulk plane height calibrated to zone lot width. Instead of a 17 foot vertical bulk plane height limit, lots 30 feet or less in width have a 15 foot vertical bulk plane height limit and lots greater than 30 feet in width have a 13 foot vertical bulk plane height limit.</li> <li>• Rooftop decks limited to roof of ground story.</li> <li>• Flat roofs height limited to a maximum of 25 feet and bulk plane exception.</li> <li>• Bulk plane exception to allow side facing dormers.</li> <li>• New two unit dwelling uses must have a minimum zone lot size of 5500 sf and 50 feet of width as opposed to the underlying zone district minimum of 4500 sf. and 35 feet.</li> </ul> <p>Accessory building form standards:</p> <ul style="list-style-type: none"> <li>• 0 foot minimum side interior setback.</li> </ul>

**B. Map Amendment**

Councilwoman Judy Montero is also sponsoring a map amendment to map the proposed CO-4, rezoning U-TU-B; U-TU-B2; U-TU-B, UO-3 to U-TU-B, CO-4; U-TU-B2, CO-4; U-TU-B, UO-3, CO-4 within the Potter Highlands area of the Highland Neighborhood. The majority of the proposed map amendment is within the Potter Highlands Historic District.

If City Council approves this map amendment, CO-4 will ensure that development within the Potter Highlands is consistent with the late 1800’s building form pattern. These standards will implement the Highland Neighborhood Plan (1986), Comprehensive Plan 2000, and Blueprint Denver (2002), promote the public health, safety and welfare, provide uniform standards for conservation of the distinctive features, identity and character of the Potter Highlands area. (see the map below)



### III. Existing Context

The area to be rezoned contains multiple properties that are generally bounded by 38<sup>th</sup> Avenue, Federal Blvd, 32<sup>nd</sup> Avenue and Zuni Street in the Highland neighborhood. The area to be rezoned is composed of primarily residential land use, including single family, two unit dwellings. The rezoning area is currently zoned U-TU-B; U-TU-B2; and U-TU-B, UO-3. The Potter Highlands area has two distinct periods of development: the first beginning in 1874 and the second from the 1896 annexation of the area to Denver until the mid 1940s. North-south and east-west streets on a grid create unique large square block with alleys running north-south and east-west.



**Existing Building Form and Scale**



	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	U-TU-B; U-TU-B2; U-TU-B, UO-3	Low density residential	Area of Stability Single Family Residential/Single Family Duplex
<b>North</b>	U-TU-C, U-SU-C1, U-MS-2, U-MX-2	Low density residential some commercial along 38 <sup>th</sup> Ave.	Area of Stability and Area of Change Single Family Residential and neighborhood Center
<b>South</b>	U-MS-2, U-MS-3, U-RH-2.5, G-MU-3	Multiple uses including office, retail, and residential	Area of Change and Area of Stability Mixed Use, Campus, Single Family Duplex
<b>East</b>	U-TU-B	Low density residential	Area of Stability Single Family Residential/Single Family Duplex
<b>West</b>	U-SU-C1, U-SU-B	Low density residential	Area of Stability Single Family Residential/Single Family Duplex

## IV. Public Process

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

<b>October 2013</b>	Highland United Neighbors, Inc (HUNI) submitted an initial proposal to CPD. Proposal contained problem statements, photos, graphics, maps, and proposed overlay language.
<b>2013-2015</b>	Additional discussions took place with HUNI, CPD and Judy Montero’s office.
<b>November 11, 2014</b>	HUNI hosted a public meeting in the Highland neighborhood to present and seek input on zoning overlays.
<b>December 11, 2014</b>	HUNI hosted a follow-up public meeting in the Highland neighborhood to seek additional input on zoning overlays.
<b>January 9, 2015</b>	Denver City Councilwoman Judy Montero initiated the proposed text amendment.
<b>January -March</b>	CPD drafts proposed conservation overlay language based upon approved West Colfax Plan and Sloan’s Lake General Development Plan height concepts.
<b>February 10, 2015</b>	CPD attended the HUNI PCD meeting to discuss initial zoning text.
<b>February 28, 2015</b>	CPD presented a summary of the amendments to Inter-Neighborhood Cooperation Zoning and Planning committee.
<b>March 30, 2015</b>	Draft of DZC text and map amendment posted to CPD website for public and City agency review; Email notice to all Registered Neighborhood Organizations (RNOs) of scheduled Planning Board public hearing, with link to updated draft and summary.
<b>April 14, 2015</b>	CPD attended the HUNI PCD meeting to discuss comments on the public draft zoning text
<b>April 14, 2015</b>	Public Notification sent for April 29, 2015 Planning Board Public hearing. Notice emailed to all RNOs and signs were posted throughout subject map amendment area.
<b>April 29, 2015</b>	Planning Board public hearing (see below)
<b>May 13, 2015</b>	Neighborhoods and Planning Committee
<b>June 1, 2015</b>	City Council First Reading
<b>June 22, 2015</b>	City Council Public Hearing

### Text Amendment

Planning Board unanimously recommended approval with the following condition:

1. That the Planning Board Review Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the Planning Board Review Draft made necessary by such edits.

### Map Amendment

Planning Board unanimously recommended approval of the map amendment.

## V. Criteria for Review and CPD Staff Evaluation

### A. Text Amendment

#### 1. The proposed Text Amendment is Consistent with the Conservation Overlay Review Criteria

Section 9.4.3.2.C establishes review criteria for approval of a Conservation Overlay District, which states a Conservation Overlay District shall meet one or more of the following criteria:

1. The district contains distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material; and/or
2. The district contains distinctive site planning and natural features, such as lot platting, building lot coverage, street layout, setbacks, alleyways, sidewalks, creek beds, parks and gardens.

The proposed Potter Highlands Conservation Overlay, CO-4 creates size, scale and mass standards to be more consistent with the existing and distinct building features by requiring a reduced size, scale, and mass than the standards of the underlying zone district.

In addition to the review criteria above, Conservation Overlay Districts are considered zoning text amendments and map amendments and are subject to the review criteria found in Section 12.4.11 and 12.4.10 respectively. Accordingly, CPD analyzed the proposed Potter Highlands Conservation Overlay, CO-4 Denver Zoning Code text amendment and map amendment for compliance with the review criteria (restated below) and finds that the proposed text amendment and map amendment meet each of the criteria.

#### 2. The proposed Text Amendment is Consistent with the City's Adopted Plans

The Text Amendment is consistent with the City's following adopted plans:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Highland Neighborhood Plan (1986)

##### **Denver Comprehensive Plan 2000**

Denver's planning foundation is built on the acknowledgement that the combination of new development and traditional Denver form must blend to provide attractive, appropriately scaled urban places. Highland, one of Denver's most popular and desirable neighborhoods, is experiencing intense development pressure. Altering zoning standards to better recognize the existing character of the neighborhood is consistent with the guidance of Comp Plan 2000, highlighted below:

"Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses." (pg. 60)

"Sustaining excellent urban design requires Denver to use its best legacies to guide the future. While new development need not conform to precise historical or architectural particulars, it must reflect the fine qualities of design and use of materials inherent in Denver's unique natural setting and urban character. This applies to Downtown, smaller commercial areas, residential neighborhoods, commercial and industrial corridors, and both new construction and rehabilitation. It also applies to infrastructure — streets, bridges and drainage ways — as well as to both public and private buildings." (pg. 89)

"Promote standards and incentives for design that enhance the quality and character of the city, including the preservation of significant historic structures and features." (pg. 98)

“Identify community design and development issues, and target specific concerns with appropriate controls and incentives.” (pg. 98)

“Ensure that the Zoning Code reinforces quality urban design.” (pg. 99)

### **Blueprint Denver – 2002**

The majority of the subject site is designated as a Single Family Residential and with a small portion designated as Single Family Duplex. The entire area to be rezoned is designated as an Area of Stability.

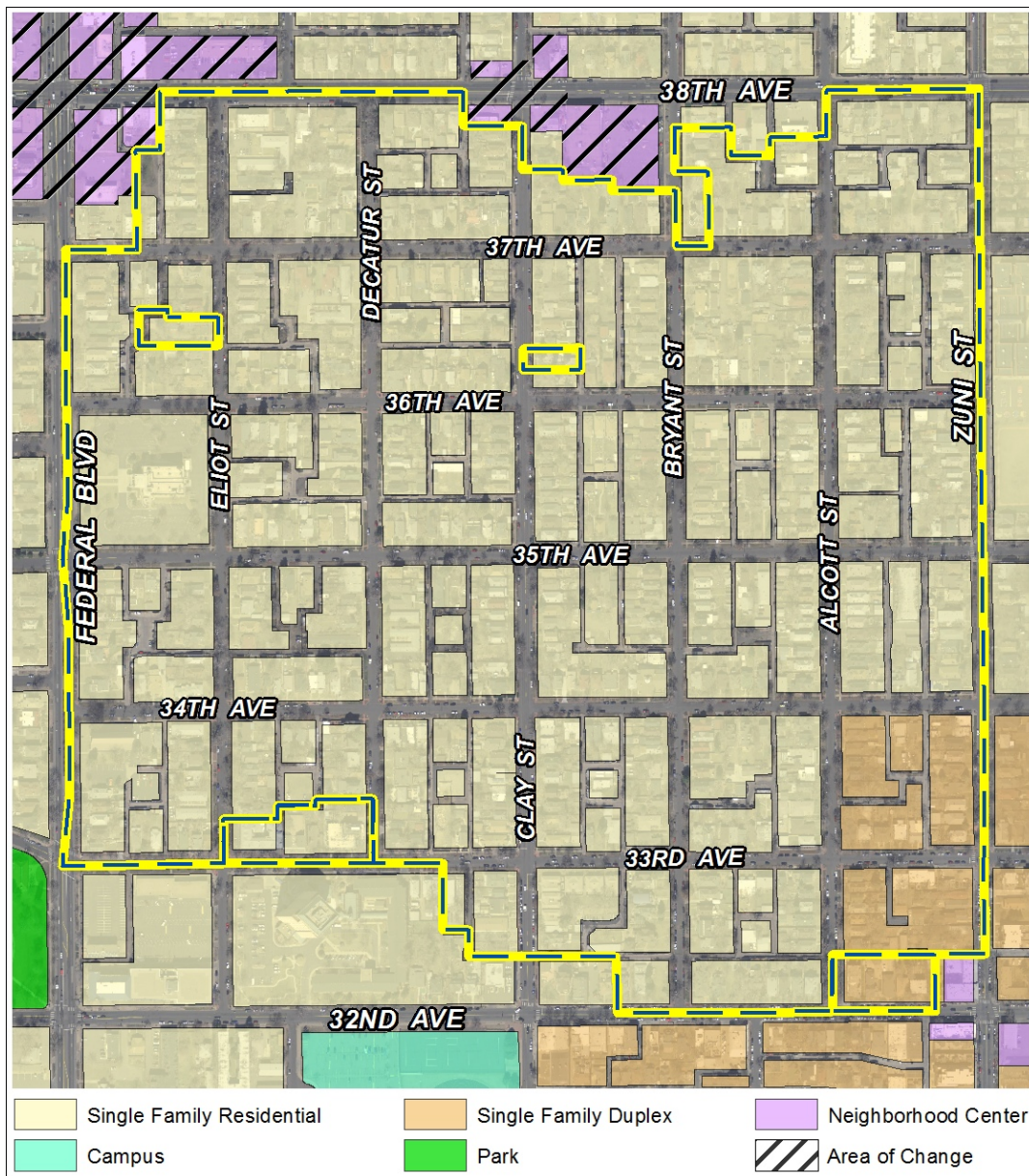
The goal for Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment.” (pg. 120) The proposed CO-4 alters the underlying zoning to better maintain the character of the Potter Highlands area.

“Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Single-family homes are the predominant residential type.” (pg. 42) “Single family duplex residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. However, the employment-base is minor compared to the housing base. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings.” (pg. 41) CO-4 does not change the allowed uses or housing types of the underlying zone district, but instead requires the housing types to be more consistent with the defining character of the area.

Blueprint Denver also recognizes the need for overlay zone districts stating “this type of zoning can apply to areas where there are similar objectives but where the base zoning varies or where additional standards are needed to reinforce a certain character.” (pg. 125) CO-4 introduces additional standards that address size, scale, mass, and site features that recognize and reinforce the established character specific to the Potter Highlands.



**Blueprint Denver Map**



**Highland neighborhood Plan – 1986**

The Highland Neighborhood Plan is “intended to promote patterns of land use, urban design, circulation and services which encourage and contribute to the economic, social, and physical health, safety and welfare of the people who live and work in the neighborhood.” (pg. 1) The Highland neighborhood has changed drastically since the adoption of the plan. Many of the strategies and recommendations of the plan have been implemented. A major focus of the plan is to heighten the sense of neighborhood pride, revitalize the housing stock and maintain and stabilize the character of the neighborhood. The



proposed CO-4 further implements the strategies the Highland neighborhood plan by acknowledging and reinforcing the development patterns that are part of the neighborhood’s distinct character.

**3. The proposed Text Amendment Furthers the Public Health, Safety and Welfare**

This text amendment furthers the public health, safety, and general welfare of Denver residents as they provide for context-sensitive and character reinforcing standards that further stabilize the established neighborhood.

**4. The proposed Text Amendment Results in Regulations that are Uniform Across the District**

This text amendment will result in uniform regulations applicable to all new buildings within land mapped CO-4.

***B. Map Amendment***

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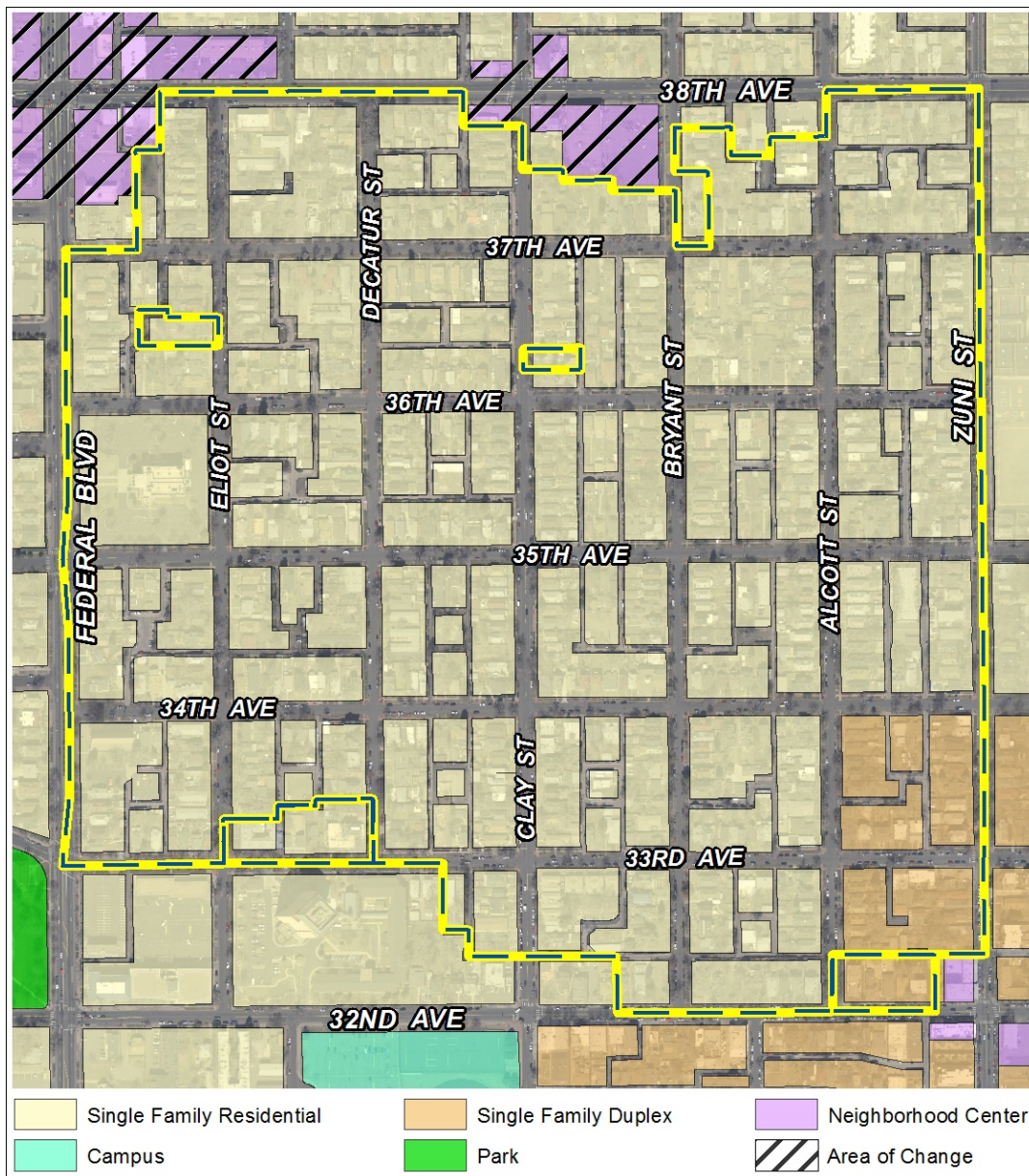
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## **VII. Attachments**

1. Proposed Potter Highlands Conservation Overlay Proposed Text Amendment (CO-4)