



DENVER
THE MILE HIGH CITY

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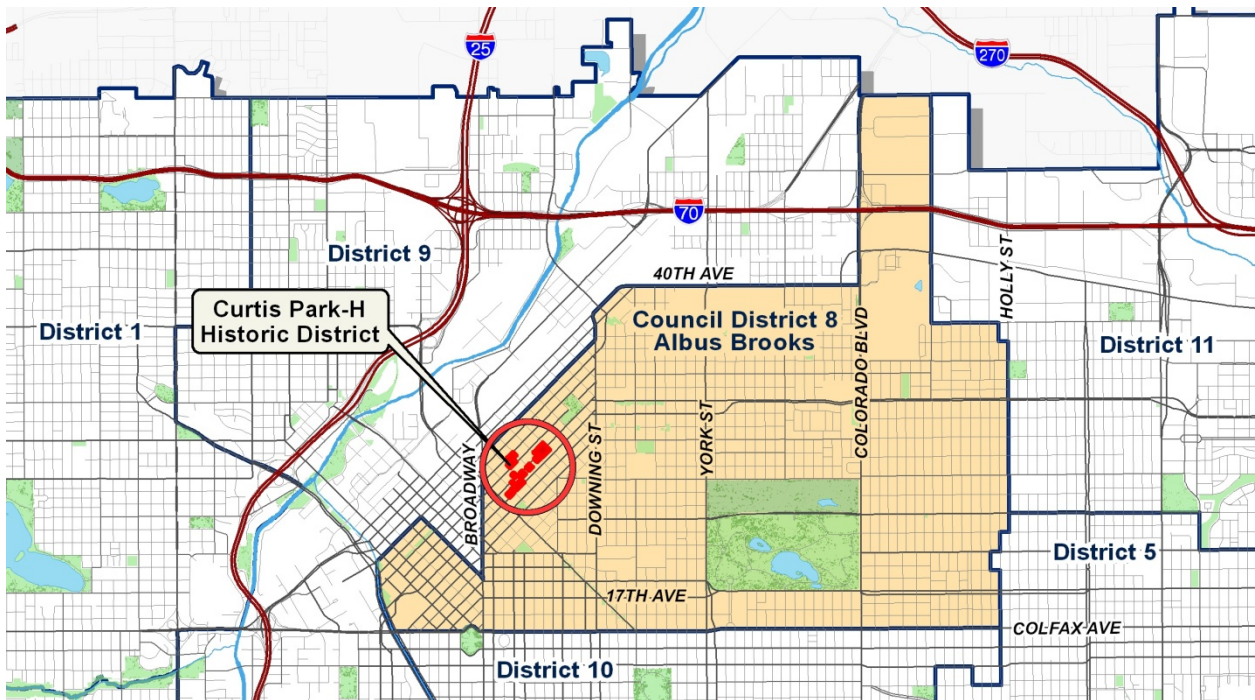
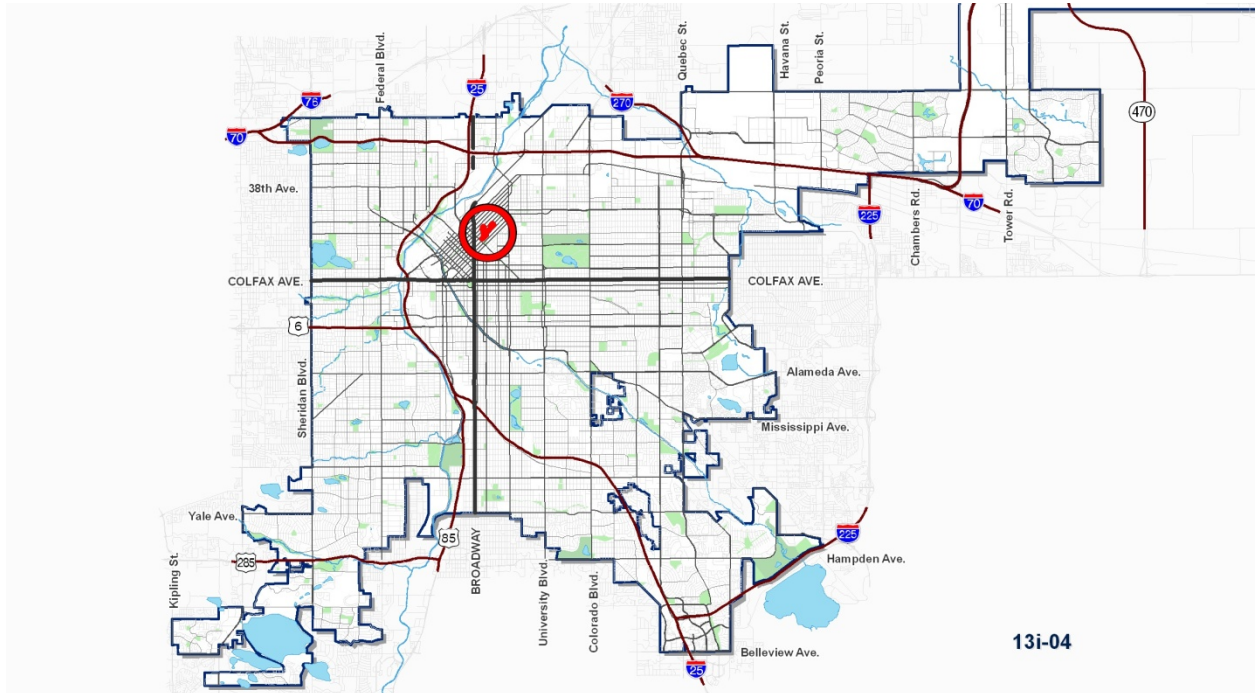
TO: LUTI
FROM: Steve Nalley, Senior City Planner
DATE: April 9, 2013
RE: Legislative Zoning Map Amendment #2013I-00004
Multiple properties: All properties currently zoned U-RH-2.5 within the Curtis Park H Historic District. Rezoning from **U-RH-2.5** to **U-RH-2.5, CO-2**

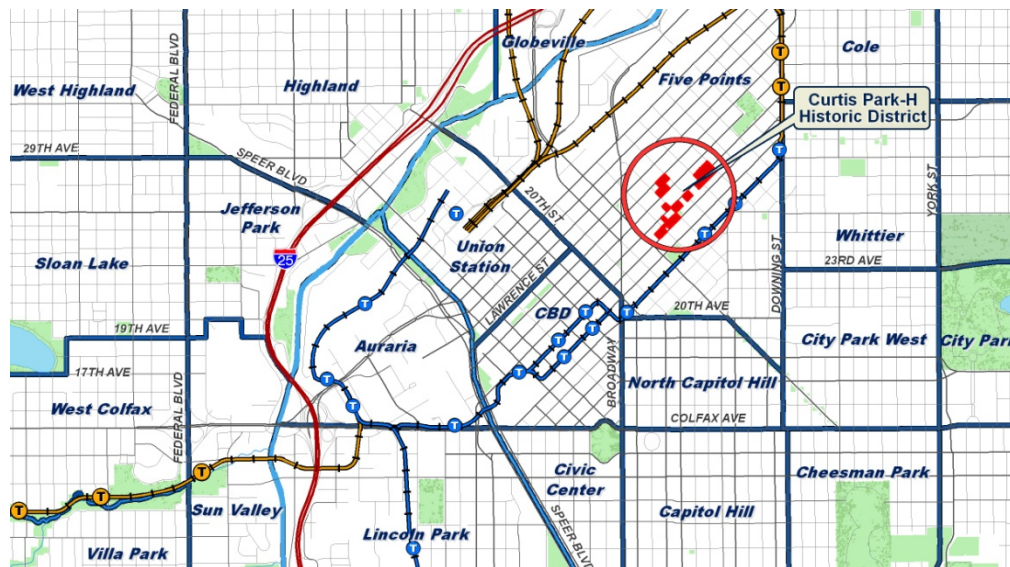
Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for proposed map amendment #2013I-00004 for a rezoning from U-RH-2.5 to U-RH-2.5, CO-2.

Request for Rezoning

Proposed map amendment:	#2013I-00004
Affected Properties:	U-RH-2.5 zoning within the Curtis Park H Historic District
Neighborhood/Council District:	Five Points / Council District #8
RNOs:	Curtis Park Neighbors, United Community Action Network Inc., Arapahoe Square Neighborhood Association, RiNo, River North Art District, Curtis Park Preservation Council, Five Points Historic Association, Enterprise Hill, Homeowners Association, Ballpark Neighborhood Association, Upper Downtown Development Organization, Northeast Community Congress for Education, Points Historical Redevelopment Corp, Five Points Business District, Welton Corridor Property Owners Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of proposed rezoning:	12.16 acres including right-of-way
Current Zoning:	U-RH-2.5 (with various use overlay districts)
Proposed Zoning:	U-RH-2.5, CO-2 (with various use overlay districts)
Resolution from City Council:	Resolution No. CR12-0954 – directing the Department of Community Planning & Development to prepare a zone map amendment to expand the Curtis Park Conservation Overlay District to all Row House (RH) Zone Districts within the Curtis Park H Historic District.
Neighborhood Representative:	Joel Noble, President, Curtis Park Neighbors





Summary of Rezoning Request

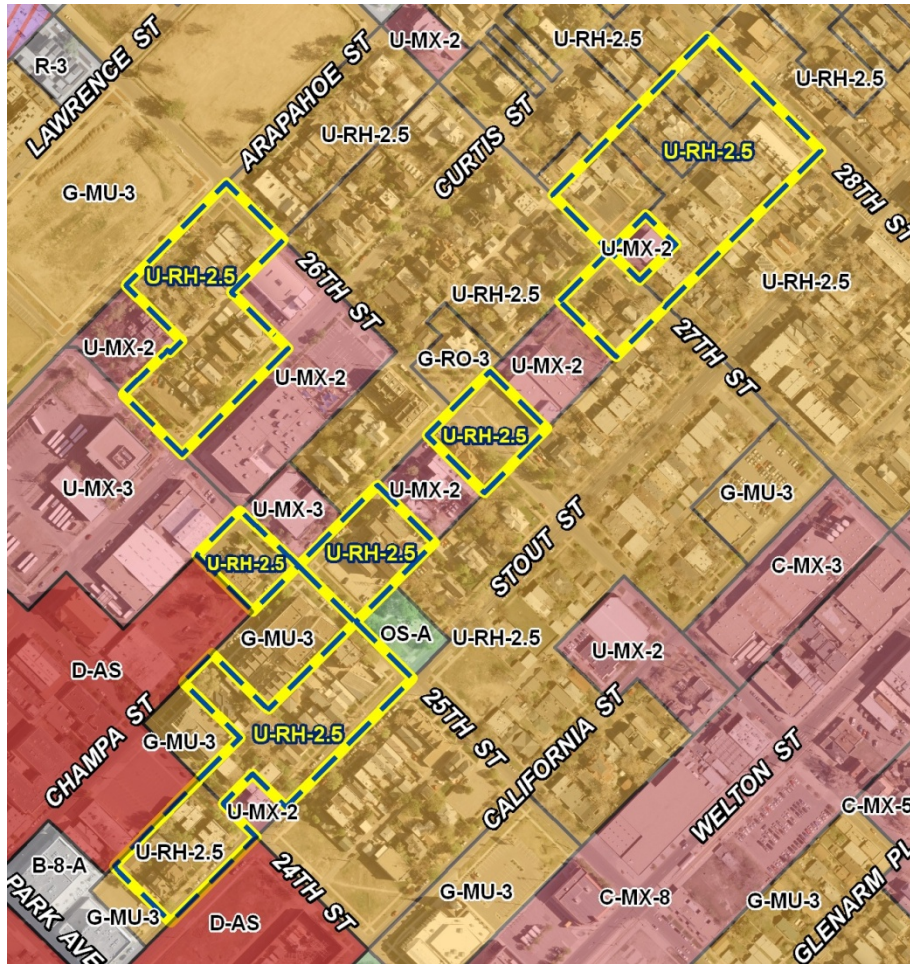
- The Curtis Park Conservation Overlay District (CO-2) currently applies to all Row House (RH) Zone Districts within the Curtis Park historic districts A through G, but excludes the Curtis Park H historic district. CO-2 was not expanded to the Curtis Park H historic district because the Denver Zoning Code was adopted on June 25, 2010, prior to enacting the Curtis Park H historic district, adopted by City Council on June 20, 2011. This proposed rezoning will expand CO-2 to the U-RH-2.5 Zone District mapped within the Curtis Park H historic district in order to meet the intent of the CO-2 District, to accommodate detached accessory structures in a manner that respects the character of the Curtis Park neighborhood.
- CO-2 allows the Detached Garage and/or the Detached Accessory Dwelling Unit building forms to exceed the maximum building coverage provision of the underlying U-RH-2.5 Zone District, provided:
 - The zone lot is occupied by a “historic structure,” defined as designated structures for preservation or contributing structures in districts designated for preservation under the provisions of the D.R.M.C., Chapter 30.
 - The building footprint is no greater than 650 square feet.
 - The building is located on the rear one-half of the zone lot.
- Additional details about the Curtis Park Conservation Overlay can be found in Article 9, of the Denver Zoning Code (DZC).
- Additional overlays (UO-1 and UO-2) exist throughout the proposed rezoning area, but will not be changed through this rezoning proposal.

Existing Context

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Sites	U-RH-2.5	Residential	Urban House, Duplex, Rowhouse up to 2.5 stories	Regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the rear of buildings (alley access).
South of Curtis Park H	D-AS	Mixed-use, office, residential, commercial, surface parking	General building forms ranging from 1 to 5 stories	
North of Curtis Park H	U-RH-2.5, CO-2	Residential	Urban House, Duplex, Rowhouse up to 2.5 stories	
East of Curtis Park H	U-RH-2.5, CO-2 and U-MX-2	Residential, commercial	Urban House, Duplex, Rowhouse up to 2.5 stories and general building up to 2 stories	
West of Curtis Park H	G-MU-3	Residential, vacant	Urban House, Duplex, Rowhouse, apartment up to 3 stories	

1. Existing Zoning

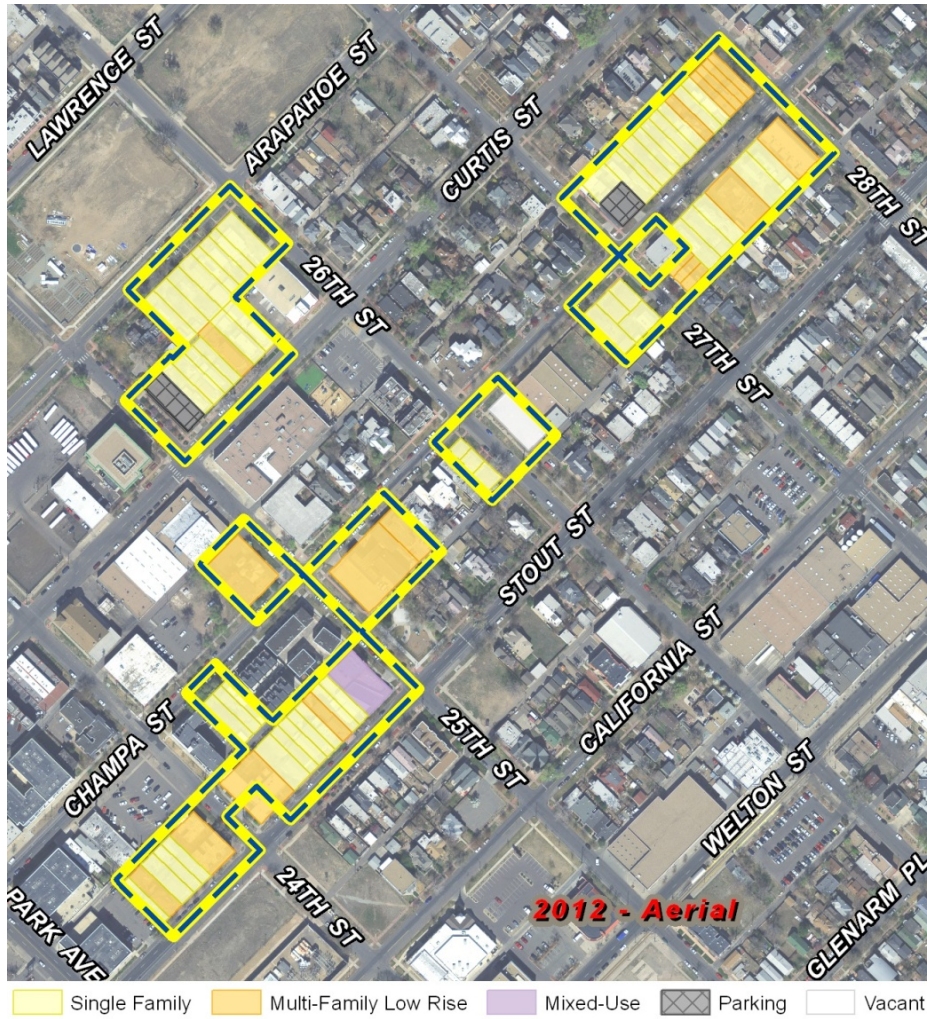


The existing U-RH-2.5 is a multi-unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building form.

2. Historic District or Structures

Curtis Park has some of the oldest residential structures and is one of Denver's oldest neighborhoods located in the heart of the Five Points statistical neighborhood. Curtis Park is designated by several landmark districts, which helps preserve the existing character elements of the neighborhood.

3. Existing Land Use Map



4. Existing Building Form and Scale



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approve – No comments.

Denver Fire Department: Approve Rezoning Only – will require additional information at site plan review.

Denver Parks and Rec: Approved – No comment

Development Services – Wastewater: Approve - Development Services Wastewater has no objection to the proposed re-zoning, however there is no assurance that storm or sanitary capacity is available for such development

Development Services – Project Coordinator: Approve – No comments.

Development Services – Transportation: Approved – No comment

Public Works – City Surveyor: Approve Rezoning Only - Will require additional information at Site Plan Review

Public Review Process

- Curtis Park Neighbors, in collaboration with CPD and Councilman Albus Brooks, sent a letter notifying all (87) affected property owners of this proposed zoning change. The letter described the details of the overlay expansion, process, planning board public hearing date, and listed contact information for questions. See attached letter for more information.
- Planning Board notification process:
 - In addition to the letter to all property owners, CPD posted six signs adjacent to U-RH-2.5 properties throughout Curtis Park H. The signs included a map of the properties to be rezoned and announced the March 20, 2013 Planning Board public hearing.
 - Written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- LUTI notification process:
 - Written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.

Criteria for Review / Staff Evaluation

The criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.13, as follows:

DZC Section 12.4.10.13

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Northeast Downtown Neighborhoods Plan (2011)
- Curtis Park Neighborhood Plan (1987 – re-adopted in 2000)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Land Use chapter, Strategy 3-B is to “Encourage quality infill development that is consistent with the character of the surrounding neighborhood... (p.60).
- Housing chapter, Objective 2 to “Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods...” (p.114).
- Housing chapter, Strategy 6 B “Continue to support mixed income housing that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines.” (p.117).

The proposed map amendment will enable infill and encourages preservation and modernization of housing stock in the established Curtis Park neighborhood. CO-2 allows detached accessory dwelling units, an affordable rental option, to exceed the maximum building coverage of U-RH-2.5. Without CO-2, this affordable housing option may not be possible. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, the majority of the site has a concept land use of Urban Neighborhood and is located in an Area of Stability.

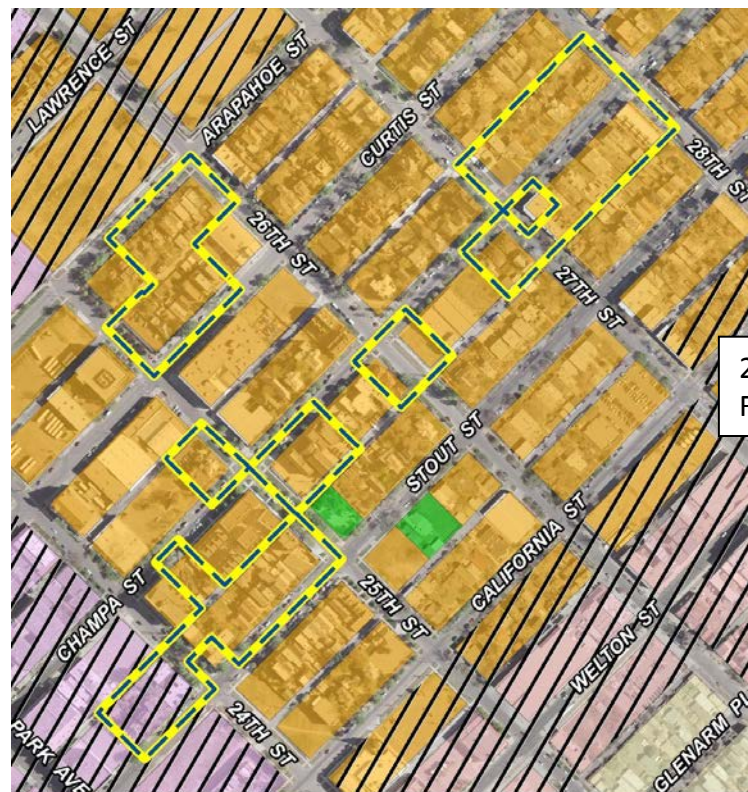
Future Land Use

The Urban Residential Land Use Building Block indicates “urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures” (p. 42).

Area of Change / Area of Stability

As noted, the majority of the site is in an Area of Stability. In general, the goal of Areas of Stability is to maintain the character of an area while accommodating some new development and redevelopment.

The rezoning proposal is consistent with the Urban Residential and Area of Stability designation, maintaining the character through a mixture of residential structures.



2002 Blueprint Denver Future Land Use Map



Small Area Plan: Northeast Downtown Neighborhoods Plan

The Northeast Downtown Neighborhoods Plan (NEDN) was adopted by City Council in May of 2011 and applies to the subject properties. The format of the NEDN includes framework plan recommendations that apply throughout the planning area and subarea recommendations that apply in smaller subareas.

NEDN Framework Plan Recommendations:

In areas with established residential neighborhood character, including Curtis Park, San Rafael, and the neighborhood edge east of Downing Street (Cole and Whittier): Maintain the current mix of low scale building forms such as urban house, duplex and rowhouse. Allow new development to replicate existing development patterns, including small lots, shallow setbacks and high building coverage with parking and access in the rear/off the alley.

NEDN Curtis Park Subarea Recommendations:

One of Curtis Park's highest priorities for neighborhood enhancement is historic preservation. This section also advocates for the continuation of existing land use patterns, building forms, and development densities.

By allowing detached accessory structures to exceed the maximum building coverage provision in the underlying U-RH-2.5 zone district, CO-2 preserves the historic character, existing land use patterns, building forms and development densities.

Small Area Plan: Curtis Park Neighborhood Plan

The Curtis Park Neighborhood Plan was adopted by City Council in June of 1986 (re-adopted by Comp Plan 2000) and includes multiple recommendations that apply to the subject properties. Recommendations: Curtis Park Core, "preserve and maintain this area for predominantly residential use... Protect Curtis Park's historic character by improving and maintaining all existing historic buildings and through quality design of new development.

This rezoning proposal is consistent with the Curtis Park Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-RH-2.5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City [*optional*: “primarily through implementation of the city’s adopted land use plan”].

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the proposal for rezoning the RH zone districts within Curtis park H meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Proposal
2. Resolution No CR12-0954
3. Letter to all affected property owners

Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Multiple owners - see location below	Representative Name	Albus Brooks - legislative rezoning
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	All properties zoned U-RH-2.5 within the Curtis Park H historic district		
Assessor's Parcel Numbers:	Multiple - see legal		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Attached		
Area in Acres or Square Feet:	See legal		
Current Zone District(s):	U-RH-2.5		
PROPOSAL			
Proposed Zone District:	U-RH-2.5, CO-2 (Curtis Park Conservation Overlay District)		

A bill for an ordinance to legislatively rezone all parcels currently zoned U-RH-2.5 to U-RH-2.5 with Use Overlay "CO-2" within the following described boundaries:

Two (2) parcels of land in the SE 1/4 of Section 27 and the NE 1/4 of Section 34, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

PARCEL 1:

BEGINNING at the intersection of Park Avenue West and the alley between Arapahoe and Curtis Streets; thence southeasterly along the centerline of Park Avenue West to the intersection with the centerline of California Street; thence northeasterly along said centerline of California Street to the intersection with the centerline of 24th Street; thence northwesterly along said centerline of 24th Street to the intersection with the centerline of Stout Street; thence northeasterly along said centerline of Stout Street to intersection with the centerline of 25th Street; thence northwesterly along said centerline of 25th Street to the intersection with the extended centerline of the alley between Stout and Champa Streets; thence northeasterly along said extended centerline of the alley between Stout and Champa Streets to the intersection with the centerline of 28th Street; thence northwesterly along said centerline of 28th Street to the intersection with the extended centerline line of the alley between Champa and Curtis Streets; thence southwesterly along said extended centerline of the alley between Champa and Curtis Streets to the intersection with the centerline of 27th Street; thence southeasterly along said centerline of 27th Street to the intersection with the centerline of Champa Street; thence southwesterly along said centerline of Champa Street to the intersection with the centerline of 25th Street; thence northwesterly along said centerline of 25th Street to the intersection with the extended centerline of the alley between Champa and Curtis Streets; thence southwesterly along said extended centerline of the alley between Champa and Curtis Streets to the centerline of 24th Street; thence northwesterly to the intersection of the extended centerline of the alley between Arapahoe and Curtis Streets; thence southwesterly along said centerline of the alley between Arapahoe and Curtis Streets to the POINT OF BEGINNING.

PARCEL 2:

BEGINNING at the intersection of Arapahoe Street and 25th Street: thence southeasterly along said centerline of 25th Street to the intersection of the extended centerline of the alley between Curtis and Champa Streets; thence northeasterly along said extended centerline of the alley between Curtis and Champa Streets to the centerline of 26th Street; thence northwesterly along said centerline of said 26th Street to the intersection of Arapahoe Street; thence southwesterly along said centerline of Arapahoe Street to the POINT OF BEGINNING.

1 BY AUTHORITY

2
3 RESOLUTION NO. CR12-0954
4 SERIES OF 2012

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5
6 **A RESOLUTION**

7 **Directing the Department of Community Planning & Development to prepare**
8 **a zoning map amendment to expand the Curtis Park Conservation Overlay**
9 **District to all Row House (RH) Zone Districts within the Curtis Park H Historic**
10 **District.**

11
12 **Whereas,** the Curtis Park Conservation Overlay District currently applies to all
13 Row House (RH) Zone Districts within the Curtis Park historic districts A through G,
14 but excludes the Curtis Park H historic district; and

15
16 **Whereas,** the Curtis Park Conservation Overlay District was not expanded to
17 the Curtis Park H historic district because the Denver Zoning Code was adopted on
18 June 25, 2010, prior to enacting the Curtis Park H historic district, adopted by City
19 Council on June 20, 2011; and

20
21 **Whereas,** the Curtis Park Conservation Overlay should be expanded to any Row
22 House (RH) Zone District within the Curtis Park H historic district in order to meet the
23 intent of the Curtis Park Conservation Overlay District, to accommodate detached
24 accessory structures in a manner that respects the character of the Curtis Park
25 neighborhood; and

26
27 **Whereas,** the Council, in consultation with the Department of Community
28 Planning and Development, desires to ensure all affected property owners and
29 registered neighborhood organizations have sufficient notification and time to consider
30 the map amendment.

31
32 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY**
33 **OF DENVER:**

34 **Section 1.** The Council hereby directs the Department of Community Planning and
35 Development to complete these efforts set forth herein:

- 36
37 A. Follow the Public Notice Requirements, applicable to all zone map amendments,
38 defined in the Denver Zoning Code, section 12.3.4.
39 B. Create a staff report, establishing a recommendation, including the review
40 applicable to all zone map amendments as defined in the Denver Zoning Code,
41 sections 12.4.10.7 and 12.4.10.13.

42 **Section 2.** The Council hereby expresses its intention that the proposed official map

1 amendment be considered for formal adoption by the City Council in accordance with
2 the following procedures:

- 3
- 4 A. The Planning Board will hold a public hearing and forward a recommendation to
- 5 City Council as defined in the Denver Zoning Code, section 12.4.10.8.
- 6 B. The Land Use, Transportation and Infrastructure Council Committee will consider
- 7 the map amendment as defined in the Denver Zoning Code, section 12.4.10.9.
- 8 C. City Council will hold a public hearing and make a final decision as defined in the
- 9 Denver Zoning Code, section 12.4.10.10.

10
11 COMMITTEE APPROVAL DATE: Dec. 18, 2012

12 MAYOR-COUNCIL DATE: NA

13 PASSED BY THE COUNCIL January 7

14 2013

15 Christopher J. Henderson - PRESIDENT ~~PRO-TEM~~

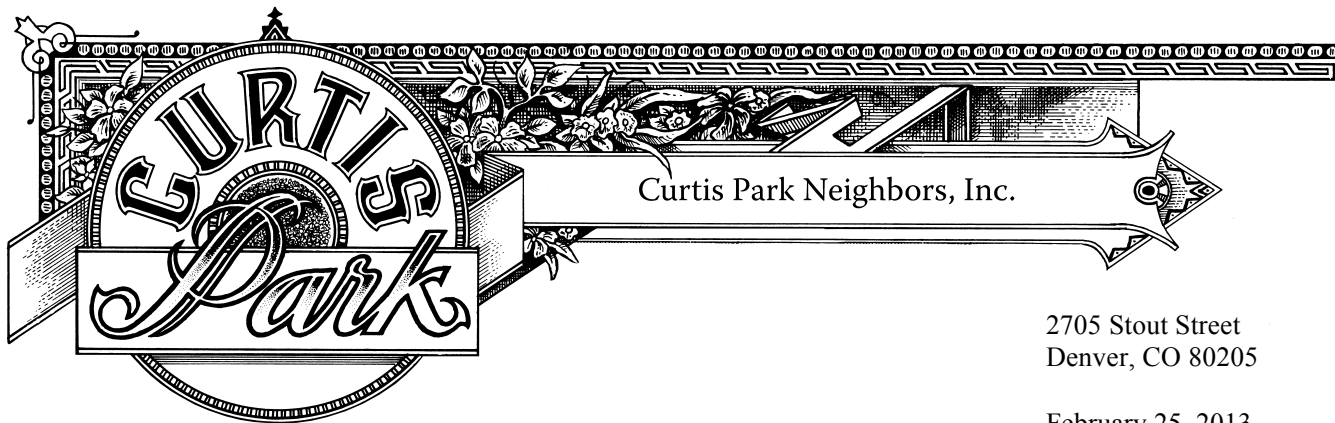
16
17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER

20
21 PREPARED BY: Steve Nalley, Community Planning & Development DATE: Dec. 12,
22 2012

23 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the
24 office of the City Attorney. We find no irregularity as to form, and have no legal objection
25 to the proposed resolution. The proposed resolution is not submitted to the City Council
26 for approval pursuant to § 3.2.6 of the Charter.

27
28 Douglas J. Friednash, Denver City Attorney

29 BY: [Signature], Assistant City Attorney DATE: 3 Jan, 2012



2705 Stout Street
Denver, CO 80205

February 25, 2013



Proposed Zoning Overlay Change to Fix Garage and ADU Allowances in Curtis Park

The City of Denver will be considering the expansion of a zoning overlay that already applies to most properties in Curtis Park. The expansion will include additional properties, including your property at [REDACTED]. This change will restore flexibility for building accessory structures, such as garages, that was inadvertently lost in the city-wide zoning code update.

This zoning overlay, called “Curtis Park Conservation Overlay District” or “CO-2,” was created at the same time as the city-wide zoning code update, in response to neighborhood input, to preserve the ability for historic structures to add detached “accessory” structures such as garages and accessory dwelling units (ADUs). This was necessary because some of the larger historic residences in the neighborhood are at or near the “lot coverage maximum” introduced in the new zoning, and so would not be able to add garages or ADUs. The City agreed that preventing garages and ADUs from being built would be a bad unintended outcome, and so created this overlay which modifies the zoning rules to allow historic structures in our area to build garages and ADUs, beyond what the lot-coverage rules would normally allow.

Nothing in this zoning overlay reduces or limits what a property owner can do with his or her property in any way; it only expands the flexibility for building accessory structures (garages and ADUs) as described above.

Because your property is located in the final “Curtis Park H” landmark district, which was created after the zoning code update, it wasn’t in an area considered “historic” by Denver at the time this overlay was created. Now, with the support of Councilman Brooks, we hope to remedy this omission by extending the overlay to include all of the applicable historic area within Curtis Park, so that the unintended limits on garages and ADUs are removed.

If you have any questions about this proposal, the way the overlay works, or the process for this change, please contact me any time at jnoble@frii.net or 303-332-8640. Our contact at the City’s Community Planning and Development (CPD) department is Steve Nalley, who can be reached at Steve.Nalley@denvergov.org or 720-865-2921. There will be a public hearing at Planning Board on March 20, 2013 at 3 p.m. at the Webb Municipal Office Building, 201 W. Colfax Ave., Room 4.F.6. Following the Planning Board hearing, a presentation and vote at City Council will be scheduled. Additional information such as CPD’s staff report and the date of the City Council public hearing will be posted at www.denvergov.org/rezoning under “pending map amendments.” The case number for this change is #2013I-00004.

Joel Noble
President, Curtis Park Neighbors
jnoble@frii.net / 303-332-8640