



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 Design Overlay District, DO-4. (Case# 2015I-00070)
(B) Denver Zoning Code – Map Amendment for rezoning from U-TU-B; U-TU-B2; U-RH-2.5 to U-TU-B, DO-4; U-TU-B2, DO-4; U-RH-2.5, DO-4. (Case# 2015I-00060)

I. CPD Recommendation

A. *Text Amendment*

Based on the review criteria for a text amendment stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), CPD staff recommends that the Planning Board recommend to the City Council approval of the Side Interior Setback Design Overlay, DO-4 Denver Zoning Code Text Amendment.

B. *Map Amendment*

Based on the review criteria for a map amendment stated in the Denver Zoning Code (DZC), Section 12.4.10 (Map Amendment), CPD staff recommends that the Planning Board recommend to the City Council approval of the Side Interior Setback Design Overlay, DO-4 Denver Zoning Code Map Amendment for rezoning from U-TU-B; U-TU-B2; U-RH-2.5 to the proposed U-TU-B, DO-4; U-TU-B2, DO-4; U-RH-2.5, DO-4 within the Highland Neighborhood.

II. Summary and Purpose

A. *Text Amendment*

Councilwoman Judy Montero is sponsoring a text amendment to the Denver Zoning Code to create a new Design Overlay to apply to portions of the Highland Neighborhood.

DZC Section 9.4.5.1 states that Design Overlay Districts are intended to provide a vehicle to implement land use and urban design recommendations and standards set forth in neighborhood or small area plans; to provide uniformity in the design standards applicable to arterial street or river corridors, for example, having varied underlying zoning; and to reinforce the desired character for newly redeveloping areas.

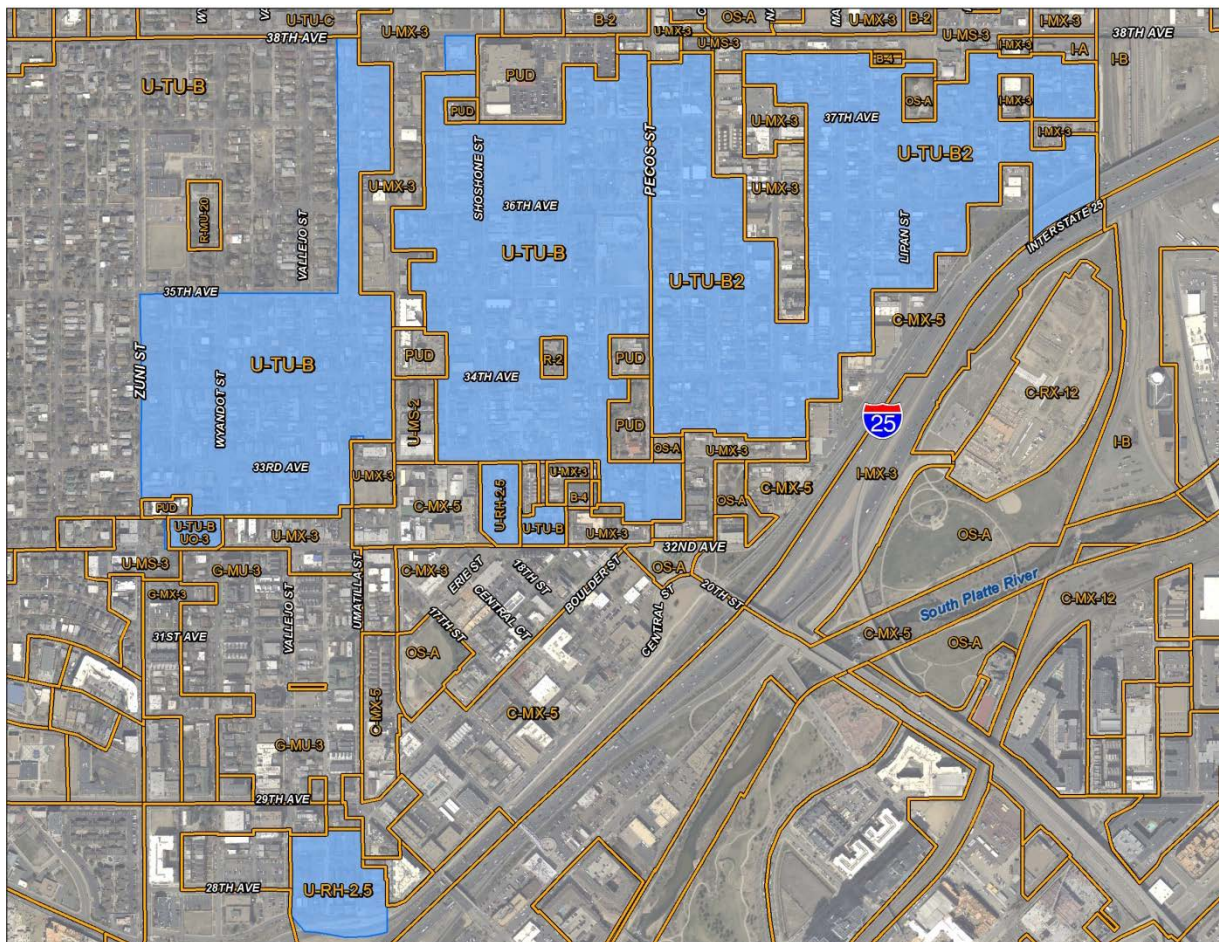
The proposed Side Interior Setback Design Overlay, DO-4 Denver Zoning Code text amendment, if approved by City Council, will modify underlying zone district building form standards by allowing narrower setbacks. A summary of the proposed text amendment is provided in the following table (See proposed text amendment enclosed).

Summary of Denver Zoning Code Text Amendment	
Code Location	Proposed New Design Overlay Text
Article 9 – Special Contexts and Districts Division 9.4.5.3 – Design Overlay Districts Established	Primary building form standards: <ul style="list-style-type: none"> • 3 foot minimum side interior setback Accessory building form standards: <ul style="list-style-type: none"> • 0 foot minimum side interior setback.

B. Map Amendment

Councilwoman Judy Montero is also sponsoring a map amendment to map the proposed DO-4, rezoning U-TU-B; U-TU-B2; U-RH-2.5 to U-TU-B, DO-4; U-TU-B2, DO-4; U-RH-2.5, DO-4 within the Highland Neighborhood.

If City Council approves this map amendment, DO-4 will ensure that development within the Highland Neighborhood where DO-4 applies will be 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 Highland Neighborhood. (see the map below)



III. Existing Context

The area to be rezoned contains multiple properties located throughout the Highland neighborhood. The area to be rezoned is composed of primarily residential land use, including single family, two unit and multi family dwellings. The rezoning area is currently zoned U-TU-B, U-TU-B2, and U-RH-2.5. The majority of the area was developed 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
Site	U-TU-B; U-TU-B2; U-RH-2.5	Medium to low density residential	Area of Stability Single Family Residential/Single Family Duplex
North	Various – reference map on page 2 of this staff report	Medium to low density residential	Area of Stability and Area of Change Single Family Residential and neighborhood Center
South	Various – reference map on page 2 of this staff report	Multiple uses including office, retail, and residential	Area of Change and Area of Stability Mixed Use, Single Family Duplex
East	Various – reference map on page 2 of this staff report	Multiple uses including office, retail, and residential	Area of Change and Area of Stability Mixed Use, Single Family Duplex
West	Various – reference map on page 2 of this staff report	Medium to low density residential	Area of Change and Area of Stability Mixed Use, Single Family Duplex

Public Process

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

- October 2013** Highland United Neighbors, Inc (HUNI) submitted an initial proposal to CPD. Proposal contained problem statements, photos, graphics, maps, and proposed overlay language.
- 2013-2015** Additional discussions took place with HUNI, CPD and Judy Montero’s office.
- November 11, 2014** HUNI hosted a public meeting in the Highland neighborhood to present and seek input on zoning overlays.
- December 11, 2014** HUNI hosted a follow-up public meeting in the Highland neighborhood to seek additional input on zoning overlays.
- January 9, 2015** Denver City Councilwoman Judy Montero initiated the proposed text amendment.

January -March	CPD drafts proposed Design Overlay language based upon approved West Colfax Plan and Sloan’s Lake General Development Plan height concepts.
February 10, 2015	CPD attended the HUNI PCD meeting to discuss initial zoning text.
February 28, 2015	CPD presented a summary of the amendments to Inter-Neighborhood Cooperation Zoning and Planning committee.
March 30, 2015	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.
April 14, 2015	CPD attended the HUNI PCD meeting to discuss comments on the public draft zoning text
April 14, 2015	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.
April 29, 2015	Planning Board public hearing (see below)
May 13, 2015	Neighborhoods and Planning Committee
June 1, 2015	City Council First Reading
June 22, 2015	City Council Public Hearing

Text Amendment

Planning Board unanimously recommended approval with the following conditions:

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.

IV. Criteria for Review and CPD Staff Evaluation

Design 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 Side Interior Setback Design Overlay, DO-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.

A. Text Amendment

1. 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

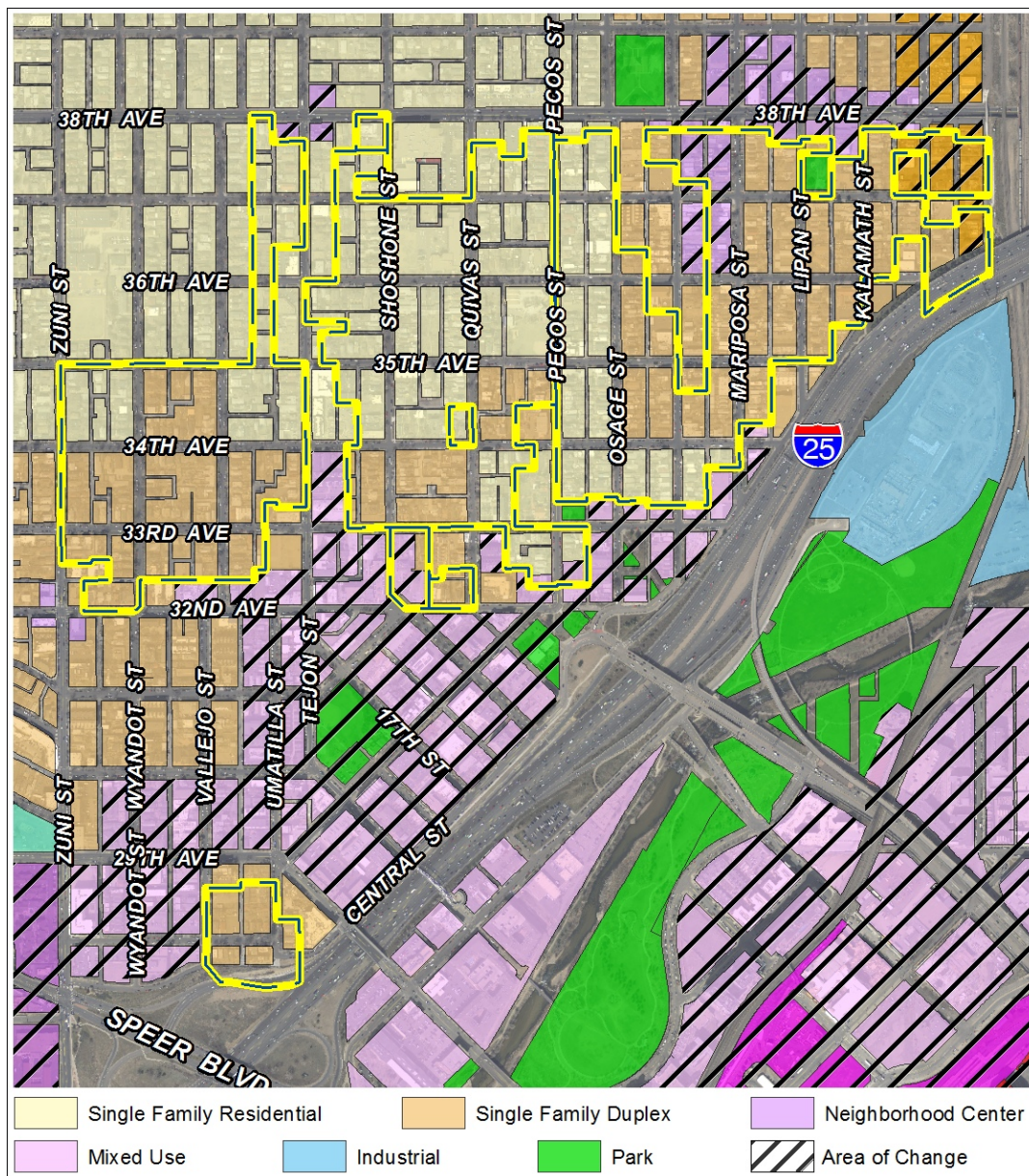
The subject site is designated as a Single Family Residential and Single Family Duplex. The entire area to be rezoned is designated as an Area of Stability.

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 DO-4 alters the underlying zoning to better maintain the character of the Highland Neighborhood.

“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) DO-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) DO-4 introduces additional standards that address narrower setbacks that recognize and reinforce the established character specific to the Highland Neighborhood.

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 DO-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.

2. 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.

3. 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 DO-4.

B. Map Amendment

4. The proposed Map Amendment is Consistent with the City’s Adopted Plans

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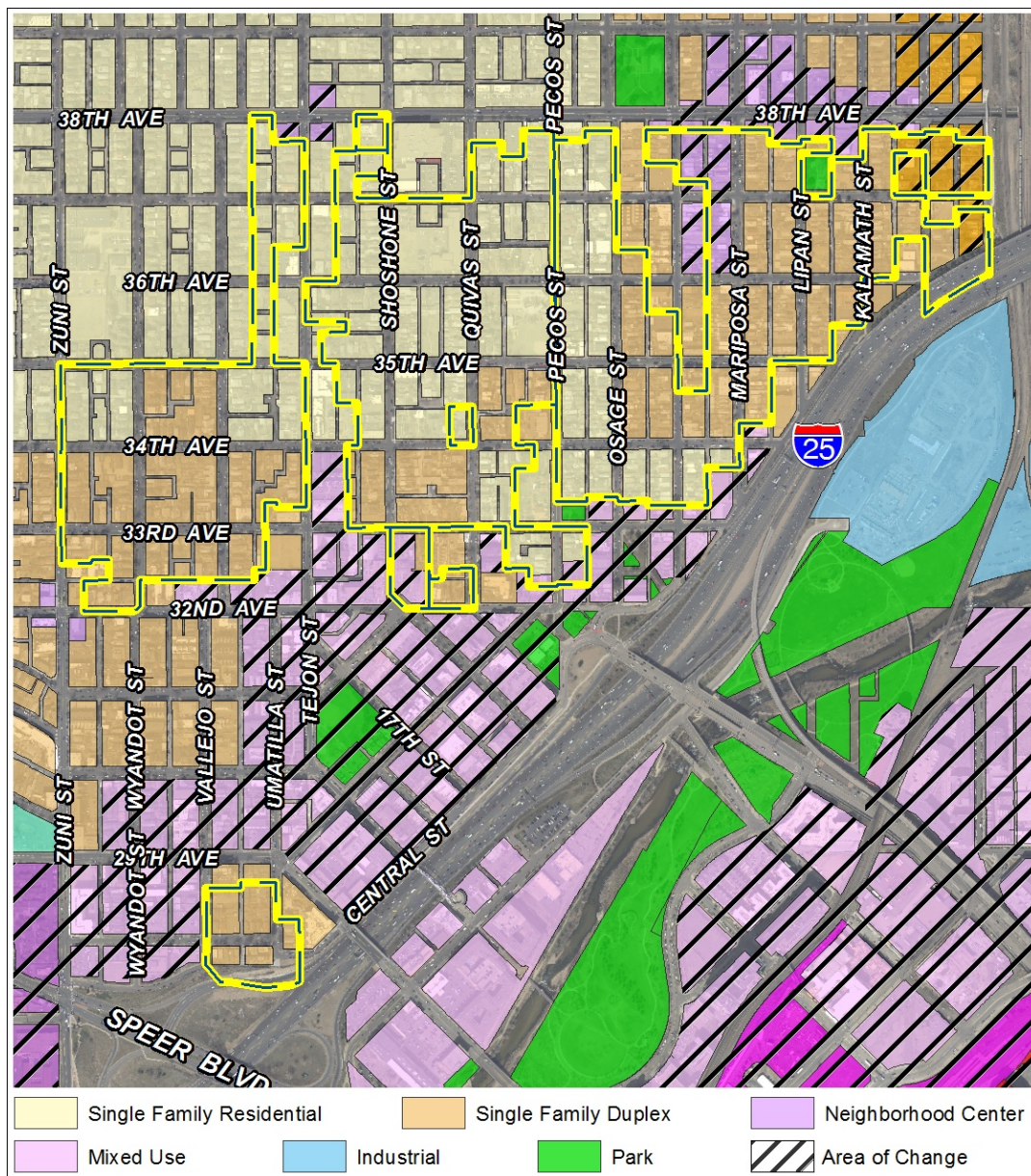
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VI. Attachments

1. Proposed Side Interior Setback Design Overlay Proposed Text Amendment (DO-4)