



TO: Denver City Council
FROM: Steve Nalley, Senior City Planner
DATE: July 6, 2015
RE: 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

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 City Council approve the Potter Highlands Conservation Overlay, CO-4 Denver Zoning Code Map Amendment, 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. The text of the CO-4 is subject to change until the final approval by City Council (see staff report case number 2015I-00069).

II. Summary and Purpose

The Potter Highlands 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. The Potter Highlands is a local Landmark Historic District. Councilwoman Judy Montero initiated this map amendment to map the proposed CO-4 conservation overlay district by 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 within Potter Highlands to better align the zoning with the unique and historic character that exists in the Potter Highlands.

If City Council approves this map amendment, CO-4 conservation overlay district will ensure that development within the Potter Highlands is consistent with the 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 proposed map amendment area on the following page).

(RNOs) noticing the 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 amendment.

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 amendment area.

April 29, 2015 Planning Board public hearing Planning Board unanimously recommended approval of this map amendment.

May 13, 2015 Neighborhoods and Planning Committee

June 1, 2015 City Council First Reading

June 8, 2015 City Council amended bill for proposed text amendment and postponed public hearing on proposed text amendment until July 6, 2015.

July 6, 2015 City Council Public Hearing

IV. Existing Context

The area to be rezoned contains multiple properties that are generally bounded by 38th Avenue, Federal Blvd, 32nd 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.

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	U-TU-B; U-TU-B2; U-TU-B, UO-3	Low density residential	Area of Stability Single Family Residential/Single Family Duplex
North	U-TU-C, U-SU-C1, U-MS-2, U-MX-2	Low density residential some commercial along 38 th Ave.	Area of Stability and Area of Change Single Family Residential and neighborhood Center
South	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
East	U-TU-B	Low density residential	Area of Stability Single Family Residential/Single Family Duplex
West	U-SU-C1, U-SU-B	Low density residential	Area of Stability Single Family Residential/Single Family Duplex



V. Criteria for Review and CPD Staff Evaluation

1. The proposed Map 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 meets one review criterion by creating size, scale and mass standards to be more consistent with the existing and distinct building features through 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. The review criteria compliance for a map amendment is detailed below. The review criteria compliance for a text amendment is detailed in a separate staff report, case number 2015I-00069.

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

The Map 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 proposed map amendment area is designated as Single Family Residential and with a small portion designated as Single Family Duplex. The entire proposed map amendment area is designated as an Area of Stability.

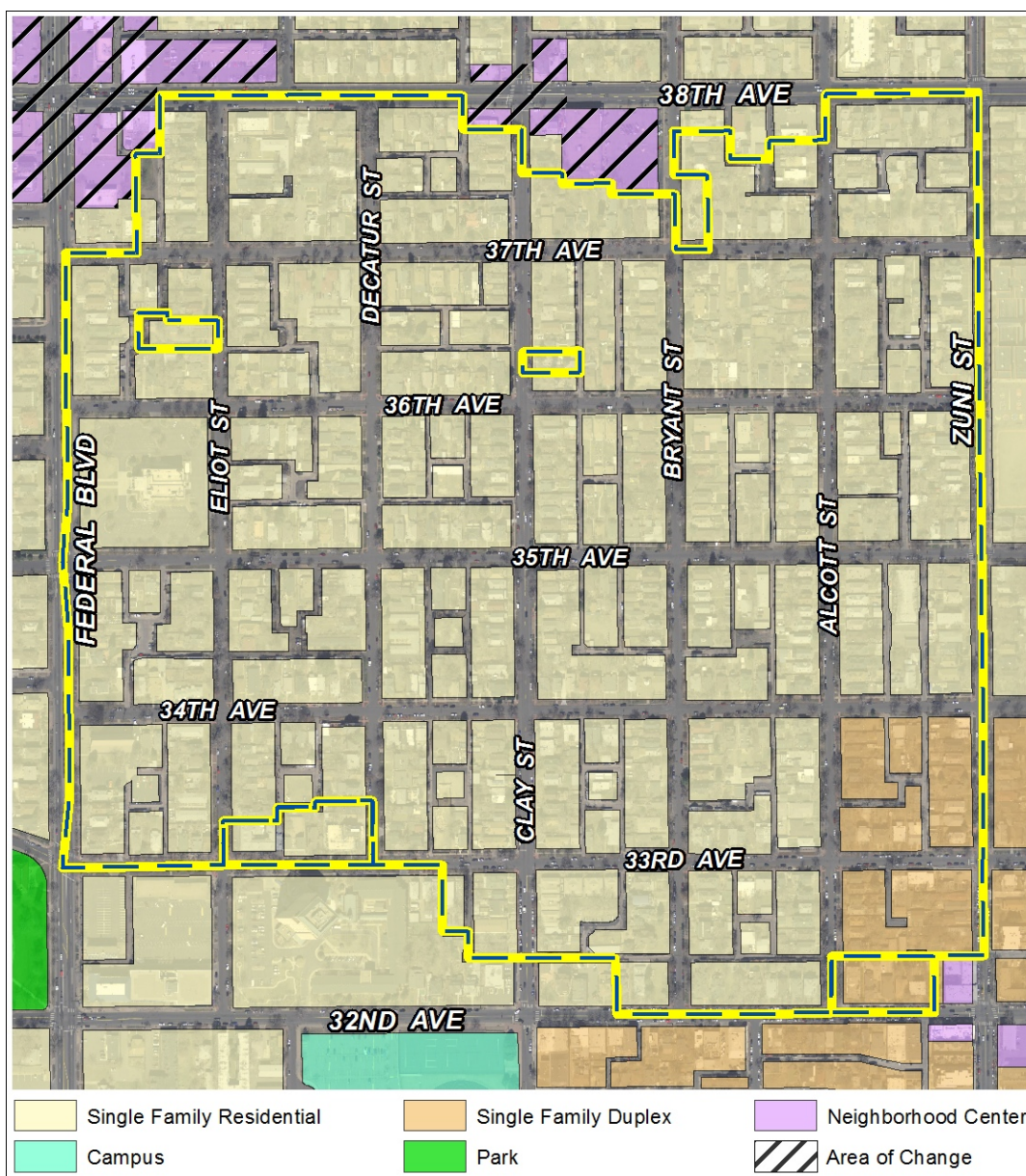
The goal for Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment.” (pg. 120) The proposed CO-4 conservation overlay district map amendment alters the underlying zoning to better maintain the character of the Potter Highlands 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) The proposed CO-4 conservation overlay district map amendment 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) The proposed CO-4 conservation overlay district map amendment 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 conservation overlay district map amendment 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 Map Amendment Results in Regulations that are Uniform Across the District

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

4. The proposed Map Amendment Furthers the Public Health, Safety and Welfare

This map 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.

VI. CPD Recommendation

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 City Council approve the Potter Highlands Conservation Overlay, CO-4 Denver Zoning Code Map Amendment, 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. The text of the CO-4 is subject to change until the final approval by City Council (see staff report case number 2015I-00069).

VII. Attachments

1. Proposed map of the Potter Highlands Conservation Overlay (CO-4) Map Amendment.

