



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, June 05, 2012

10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Co-Chair; Lehmann; López; Shepherd; Susman

Committee Staff: Gretchen Williams

Members Present: Lehmann, Montero, Robb, Shepherd, Susman, Brooks

Members Absent: Lopez

Bill Requests

BR12-0440 Changes the zoning classification from B-2 with waivers (Business, low-medium intensity) to G-MS-3 (General Urban context, Main Street, 3-story max.) at 1550 E 17th Ave. and 1661 Franklin in Council District 8.

Steve Nalley, Community Planning & Development

This site is in the City Park West Neighborhood on the southwest corner of Franklin and 17th Ave. It is currently vacate, and the proposed rezoning will allow for mixed-use development consistent with other uses in the area.

The zoning on the site was not updated in the 2010 remapping because it contains waivers.

Blueprint Denver identifies E. 17th Ave. as a main street corridor and the area as Pedestrian Shopping Corridor with a diversity of small scale commercial and residential uses in an Area of Stability. The proposed zoning allows for new development that will conform to the existing uses and help maintain the area's stability.

The proposed zoning is also consistent with the Uptown Neighborhood Plan, adopted in 1986,

which recommended making the B-2 zoning more compatible with the residential mixed-use character of the neighborhood.

Councilwoman Shepherd asked the developer, Patrick Henry, about proposed development. Mr. Henry is in the process of purchasing the site, which is a portion of a townhome project that did not come together and ended up back in hands of the lender. He plans 22 apartment units on floors 2 and 3 with 5000 square feet of retail on the first floor, including a 3500 square foot restaurant, a lobby for the apartments, and bike storage. He is talking to several other small retail/service users about the rest of the space.

Councilwoman Robb asked about the waivers. Mr. Nalley said they waived out liquor stores and any type of drive-up facility.

Councilman Brooks asked if there were any letters of opposition. Mr. Nalley replied he had a couple of calls with concerns about a curb cut, unrelated to the zoning. No other comments or position statements have been received.

Planning Board unanimously recommended approval on May 16, as does Community Planning & Development, based on the proposal’s consistency with adopted plans and the changing conditions those portend.

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, to file the bill carried by the following vote:

- AYES: Lehmann, Montero, Robb, Shepherd, Susman(5)
- NAYS: (None)
- ABSENT: Lopez(1)
- ABSTAIN: (None)

BR12-0441 Changes the zoning classification from B-2 (Business, low-medium intensity) to S-MX-3 (Suburban context, mixed use, 3-stories) at 4155 N Picadilly in Council District 11.
Steve Nalley, Community Planning & Development

This site is in the Green Valley Ranch neighborhood on the west side of Picadilly Road, across the street from Adams County. It is separated from residential development to the west by a large greenbelt area running through Green Valley Ranch (GVR). To the north is a RV parking facility. The current use is a small landscape company, which is not allowed in the B-2 zone district.

The site had been vacant and was a target of illegal dumping and other undesirable activities. The owner, affiliated with Oakwood Homes, developer of GVR, was receiving lots of complaints about the vacant property. Green Valley Landscaping was located on the site in 2010 to help mitigate conditions, as well as to service the growing residential neighborhood.

Unfortunately, this is not an allowed use in B-2. The proposed new zoning will allow the business to continue.

The Planning Board on May 16 unanimously recommended approval. Community Planning & Development also recommends approval based on consistency with adopted plan, including Blueprint Denver and the Montbello & Green Valley Ranch Neighborhood Plan. The zoning will encourage reinvestment as the area builds-out over the next several years, as recommended along Picadilly in the neighborhood plan.

Councilwoman Lehmann said she was glad that the proposed zoning will allow for new types of development over time as the area changes.

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Susman, to file the bill carried by the following vote:

- AYES: Lehmann, Montero, Robb, Shepherd, Susman(5)
- NAYS: (None)
- ABSENT: Lopez(1)
- ABSTAIN: (None)

BR12-0425 Approves Text Amendment No. 12 to the Denver Zoning Code allowing opportunity for correction of code violations prior to termination of non-conforming, on-premises signs.
Tina Axelrad, Community Planning & Development

Zoning Code Text Amendment No. 12, proposed by Councilwoman Montero, is intended to provide a reasonable, one-time opportunity to correct a violation of the Code related to non-conforming, on-premise signs (not billboards). Currently, any code violation, no matter how minor, regarding one of these signs results in an order to remove the sign. Non-conformity can relate to sign size, total square footage of all signs, type of sign (animation or movement), or placement. Several signs in Denver, some historic, are non-conforming. This, however, does not apply to billboards, which are subject to a different set of criteria.

The proposal allows an owner to either correct the violation within 15 days or, if correction will take longer, submit a plan including specific timeframes for correction to the Zoning Administrator within 15 days.

This change is consistent with the removal of several other "one strike, you're out" provisions from the code in the 2010 update. At that time, we took the entire sign code and moved it into the new Zoning Code, even though it was over 30 years over.

Planning Board held a public hearing on May 16, at which no one testified in opposition or in favor to the amendment. The Board unanimously recommended approval.

Community Planning & Development recommends approval of this text amendment, finding that it meets all of the criteria for review.

Councilwoman Shepherd asked how this issue was identified. Ms. Axelrad said CPD was aware of it, but then the National Western Stock Show animated one of its rooftop signs, from which it derives a good bit on income. The animation is illegal, and that case is now in front of the Board of Adjustment. In the meantime, the Stock Show turned off the animation, which corrected the violation. Councilwoman Montero wanted to pursue a text amendment to prevent this situation in future.

Councilwoman Lehmann asked if there were any plans to adopt similar language regarding billboards, to which Ms. Axelrad replied no.

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, to file the bill carried by the following vote:

- AYES: Lehmann, Montero, Robb, Shepherd, Susman(5)
- NAYS: (None)
- ABSENT: Lopez(1)
- ABSTAIN: (None)