



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, April 09, 2013

10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Vice-Chair; Brown; Lehmann; López; Shepherd

Committee Staff: Gretchen Williams

Council Members Present: Brown, Lehmann, Lopez, Montero, Robb, Shepherd, Brooks, Susman

Members Absent: None

Bill Requests

BR13-0208 Changes the zoning classification from OS-A [Open Space, public park] to C-MX-5 [Urban Center, Mixed Use, max. 5 stories] of 2121 Children's Museum Drive in Council District 1.

Michelle Pyle & David Gaspers, Community Planning & Development

This 0.6-acre site is in the Jefferson Park Neighborhood adjacent to the Children's Museum. The land was recently acquired in order for the Museum to expand with two wings for new exhibition and classroom space.

Staff found that the application is consistent with adopted City plans, including Comprehensive Plan 2000, Blueprint Denver and the Jefferson Park Neighborhood Plan. Justifying circumstances include that several adopted plans for the area recommend enhancement and expansion of the cultural uses as a focal point.

Staff received no communications from any registered neighborhood organizations.

Following a public hearing, the Planning Board voted unanimously on March 23 to

recommend approval to City Council.

The museum is currently fund-raising for the expansion project and completing the schematic designs. Opening is anticipated in late 2015 or early 2016.

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

- AYES: Susman, Brown, Lehmann, Robb, Shepherd(5)
- NAYS: (None)
- ABSENT: Lopez, Montero(2)
- ABSTAIN: (None)

BR13-0226 Changes the zoning classification from E-CC-3x [Edge Context, Commercial Corridor, max. 3 stories, less intense uses] to E-MX-3A [Edge Context, Mixed Use, max. 3 stories] at 5042 Federal in Council District 1.

Theresa Lucero, Community Planning & Development

This 6,070 square foot site is in the Chaffee Park Neighborhood on the east side of Federal Blvd. just north of I-70 in the middle of a small commercial strip. Surrounding uses are commercial, parking, residential and education. The building is currently used as a barber shop. The owner wants to add body art services (tattoo parlor), which is not allowed in the current zoning classification. The proposed zoning is intended for arterial streets where pedestrian-scaled mixed-use is desirable. It emphasizes the importance of street presence with build-to requirements, ground story activity and parking lot screening.

Staff found that the application is consistent with adopted City plans, including Comprehensive Plan 2000, Blueprint Denver and the Federal Blvd. Corridor Plan. The proposed mixed-use zone district complies with Blueprint Denver. The Federal plan speaks to neighborhood uses, transitions, buffers and screenings. That plan also recommends not adding any more right-of-way to Federal.

Justifying circumstances include changing economy of the last few years that caused the need for the owner to expand his business into other services.

Following a public hearing on March 20, the Planning Board voted 7 to 1 to recommend approval to City Council. The opposing vote was due to

concern about zoning one property rather than the entire block.

Staff received no communications from registered neighborhood organizations.

Ms. Lucero responded to questions from Committee:

- The Zoning Code does restrict body art to two such establishments within 1000 feet of each other.
- She has spoken to Neighborhood Inspection Services about the signage on this property, which is not in code compliance.

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

AYES: Susman, Brown, Lehmann, Lopez, Robb, Shepherd(6)
 NAYS: (None)
 ABSENT: Montero(1)
 ABSTAIN: (None)

BR13-0227 Extends the CO-2 [Curtis Park Conservation Overlay District] regarding some building coverage allowances to all RH [Row House] zone districts within the Curtis Park H Historic District in Council District 8.

Steve Nalley, Community Planning & Development

This zoning map amendment is for a portion of the Curtis Park Neighborhood. It would expand the extent of the Conservation Overlay District on the RH (Row House) zoned properties within Curtis Park H Historic District.

Joel Nobel, representing the Curtis Park Neighborhood, presented the history of development and zoning in this neighborhood. The 1950 zoning was for much higher density than the existing neighborhood; most of the neighborhood did not redevelop under that code.

Larger older homes built on smaller lots used most of the allowed lot coverage prohibiting adding a garage or an accessory dwelling unit (ADU), as is generally allowed in the neighborhood. These conditions were particular to Curtis Park, with historic residential areas of very small lots.

As the new zoning code was being drafted, there were provisions developed for the area that allowed a garage or ADU even if it exceeded the lot coverage up to 650 square feet in order to help conserve the historic structures, only in the RH zoning. During the new zoning process, various parts of the Curtis Park Neighborhood were being designated as Historic Districts (A through G). The last landmark district had

not been completed by the time the new zoning code was adopted. Curtis Park H Historic District has now been approved. The proposed zoning change will extend the same ability to this area of the neighborhood.

Councilman Brown expressed concern that this change is not easy to explain and he thought it might be too confusing to property owners.

Councilman Brooks and Mr. Noble explained the outreach and explanations provided through the years. This was a topic at neighborhood meetings, and several of the neighborhood’s newsletters have addressed it. Mr. Noble said he would be surprised if there is any objection.

Council adopted a Resolution in January, 2003, directing Community Planning & Development (CPD) to prepare a zoning application making this amendment. On March 20, the Planning Board unanimously recommended approval.

Four adopted City plans apply to this area, and the proposal conforms to all of them: Comprehensive Plan 2000, Blueprint Denver, Northeast Downtown Neighborhood Plan (“replicate existing development”; “historic preservation”); the Curtis Park Plan (“preserve and maintain uses and structures”. This is in an Area of Stability, and Blueprint Denver recommends maintaining its residential character.

Mr. Noble explained that this Conservation Overlay District does not cover all of the properties in the Curtis Park H Historic District, so it will not be applied – or even available to - the rest of the community. The Conservation Overlay is structured only for properties with the Row House zoning. Mr. Nalley added that the other areas of the neighborhood are zoned MX (mixed use) and do not have a lot coverage, so this is not an issue for the owners.

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

- AYES: Susman, Brown, Lehmann, Lopez, Robb, Shepherd(6)
- NAYS: (None)
- ABSENT: Montero(1)
- ABSTAIN: (None)

BR13-0229 Changes the zoning classification from S-SU-D [Suburban Context, Single-Unit, min. 6000 sq. ft. lot] to PUD-G [Planning Unit Development] at 1683-1695 E. Cedar Ave. in Council District 6.
Deirdre Oss, Community Planning & Development

This amendment corrects an error in the 2010 Citywide rezoning.

This property is in the Washington Park Statistical Neighborhood. It contains six houses and a shared swimming pool. The entire property has a Planning Building Group (PBG) filed on it that is very specific about the structures. When the 2010 Citywide zoning was adopted, it not only zoned this property S-SU-D; it negated the PBG, putting all of the houses on one single lot.

Therefore, all of the buildings are now non-conforming. The owners cannot get a building permit to make any changes or improvements to their properties. The City needs to recognize the PBG, and the PUD-G will reflect the same requirements as the Cedar Terrace PBG.

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

AYES: Susman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(7)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)