



TO: Denver City Council
FROM: Jason Morrison, AICP, Associate City Planner
DATE: June 14, 2018
RE: Denver Zoning Code – Mailed Rezoning Notice Text Amendment #1

Staff Report and Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), Community Planning and Development (CPD) staff recommend the Denver City Council approve the Mailed Rezoning Text Amendment #1 to the Denver Zoning Code. A redline of the proposed text amendment is available on the CPD website (please see link below) and is also included as a supplement to this staff report. The proposed text amendment to the Denver Zoning Code is sponsored by Councilman Rafael Espinoza.

Summary and Purpose

In keeping with the CPD goals of transparency and outreach, the proposed Mailed Rezoning Notice Text Amendment #1 adds a requirement for mailed notice to be sent to property owners within a 200-foot radius of a property to be rezoned (including those properties to be rezoned). Currently, when CPD receives a complete rezoning application, staff send notification to the following parties, first at the time the application is received and again ahead of the Planning Board public hearing on the rezoning:

1. The city council members in whose district the subject property is located
2. The at-large city council members
3. Registered neighborhood organizations registered according to the Denver Revised Municipal Code (D.R.M.C.) Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed rezoning

This proposal, if approved, would require CPD to also notify by mail all real property owners within 200 feet of the proposed rezoning (including those properties to be rezoned), both at the time the application is received and again at least 15 days before the Planning Board public hearing on the rezoning.

<http://www.denvergov.org/textamendments>

Public Process

Below is a summary of the public process for the proposed Mailed Rezoning Notice Text Amendment #1:

February 15 th , 2018	CPD updated website with a summary of proposed text amendment and provides direction on where to submit comments/questions during the process
February 24 th , 2018	CPD attended Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing with the sponsor
March 19 th , 2018	Summary of text amendment and redline draft of text amendment posted to CPD website for public review and email notice sent to all Registered Neighborhood Organizations and all Denver City Councilmembers
April 2 nd , 2018	CPD written notice of the Planning Board public hearing sent to all members of City Council and registered neighborhood organizations
April 18 th , 2018	Planning Board voted 9 to 0 at the public hearing to recommend approval to City Council with the following condition: <ol style="list-style-type: none"> 1. 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
May 8 th , 2018	Land Use, Transportation, and Infrastructure Committee (LUTI) of the Denver City Council meeting recommended the committee move the bill forward for consideration by full City Council
June 18 th , 2018	City Council public hearing

As of the date of this staff report, CPD has received five public comment emails:

- One email is in support of the amendment from the INC Full Delegation
- One email is in support of the amendment from the Overland Park Registered Neighborhood Organization
- One email is in support of the amendment from the Capitol Hill United Neighborhoods Registered Neighborhood Organization
- One email is in support of the amendment from the Highland United Neighbors, Inc. Registered Neighborhood Organization
- One email is in support of the amendment from a private property owner residing in Denver

Review Criteria and CPD Staff Evaluation

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the review criteria:

A. Text Amendment is Consistent with the City’s Adopted Plans

The proposed Mailed Rezoning Text Amendment is consistent with the City’s following adopted plans, strategies and policies:

- Denver Comprehensive Plan 2000
- Blueprint Denver

Denver Comprehensive Plan 2000

The following strategies from Denver Comprehensive Plan 2000 apply to the proposed text amendment:

Land Use

- Strategy 2-A: “Initiate comprehensive review and detailed revision of the Denver Zoning Ordinance and related components of the land-use regulatory system. The process should balance the perspectives of citizens, neighborhoods, businesses, developers and City agencies. The proposed revisions should ensure that the Denver Zoning Ordinance will be responsive to the needs for timely communication with parties affected by zoning procedures.”

Neighborhoods

- Strategy 2-A: “Develop and implement a comprehensive communications plan that outlines roles and responsibilities of City agencies, neighborhood organizations, residents, community institutions and businesses potentially affected by proposed actions.”
- Strategy 2-B: “Take a leadership role in developing a mutually responsive communications network among City agencies, neighborhood groups, citizens, community institutions and businesses to identify neighborhood concerns and to address them openly, thoughtfully and fairly.”
- Strategy 2-C: “Enable citizens to share information and interact with City agencies by using up-to-date communication technologies. Ensure on-line access to City services and information for people without computers by making interactive communications technology available at libraries, schools and other public places.”

The Mailed Rezoning Notice Text Amendment #1 is consistent with the Comprehensive Plan as the proposed language enhances communication between the City and those parties potentially affected by this type of zoning procedure. More importantly, this Text Amendment establishes those lines of communication early in the process, therefore reinforcing transparency and improving outreach to address concerns and feedback in an open, thoughtful and fair manner.

Blueprint Denver 2002

Blueprint Denver acknowledges that in some cases it may be appropriate to change the zoning in an area to create a better match between existing land uses and the zoning. The plan also stresses the importance of integrating a thoughtful public involvement strategy into the planning process. Further, Blueprint Denver stresses that, “[a] successful public involvement strategy includes a wide range of mechanisms for people to share their ideas, questions and concerns...[and] should inform a broad

variety of citizens, provide ample opportunities for participants to provide feedback, and give more involved citizens an opportunity to interact directly in the process.” (p. 148)

As proposed, this text amendment introduces another opportunity for interested community members to provide feedback and encourages citizen involvement during the early stages of the rezoning process, which implement plans. As proposed, the text amendment will improve citizen engagement in an efficient, effective and timely manner.

B. Text Amendment Furthers the Public Health, Safety and General Welfare

The proposed text amendment furthers the public health, safety, and welfare of Denver residents, land owners, and businesses by reinforcing transparency and encouraging active citizen participation in the rezoning process.

C. Text Amendment Results in Regulations that are Uniform with Each Zone District

The mailed notice that property owners will receive as a result of this proposed text amendment is uniform across each zone district. Moreover, the proposed text amendment is an improvement to encourage citizen involvement during the early stages of the rezoning process regardless of which zone district the subject property is located.

Attachments

1. Redline Draft of Mailed Rezoning Notice Text Amendment #1
2. Public Comment Received To-Date



Mailed Rezoning Notice Text Amendment #1 City Council Review Redline Draft 05/17/2018

This document contains a redlined draft of the Proposed Mailed Rezoning Notice Text Amendment #1 which was released for public comment on 03/19/2018. The proposed Text Amendment #1 adds a requirement for mailed notice to be sent to property owners within a 200-foot radius of a property to be rezoned, both at the time the application is received and again ahead of the Planning Board public hearing on the rezoning. The goal of the proposed Text Amendment is to improve notification for neighbors during the rezoning process.

Redline Draft Conventions:

- Text to be deleted is shown in ~~red strikethrough~~
- Text to be added is shown in red underline
- Additional pages with no proposed changes are included in the Public Review Draft to provide relevant context to the proposed amendments.
- Items related to page numbers, page headers, graphics, cross references, figure numbers and other related items may be incorrect and will be corrected when the final amendment is “cleaned” for filing. Please do not focus your comments on correcting these matters.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments.

For more information on the proposed text amendment, please visit www.denvergov.org/textamendments

Please send all questions and comments to PlanningServices@denvergov.org.

Planning Services
Community Planning and Development
201 W. Colfax Ave., Dept. 205 | Denver, CO 80202
www.denvergov.org/CPD
p. 720.865.2983

12.3.4.2 Types of Public Notice

There are two types of public notice addressed by this Section:

A. Notice of Public Hearings

When required by Section 12.2.9, Summary Table of Authority and Notice, “Notice of Public Hearings” provides the public with advance notice of a required hearing at which a review- or decision-making body will take action on an application under this Code. Such notice may be provided in writing (mailed), by posting (signs), or by publication.

B. Informational Notice

When required by Section 12.2.9, Summary Table of Authority and Notice, “Informational Notice” provides the public with notice of Community Planning and Development's receipt of an application for review (e.g., a zoning permit or site development plan), and/or the approving authority's final decision on such application and available avenues for appeal. Such notice may be provided in writing (mailed) and/or by posting (signs).

12.3.4.3 Public Notice – When Required

Required public notices are summarized in the table shown in Section 12.2.9, Summary Table of Authority and Notice. More detailed information may be included with each specific zoning procedure described in Division 4 of this Article 12.

12.3.4.4 Notice of Public Hearing

A. Written Notice of Public Hearings

When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of a public hearing shall be provided in compliance with the following standards:

1. Official Map Amendment (Rezoning) - Written Notice of Planning Board Public Hearings

- a. No later than 15 days before a required Planning Board public hearing on a proposed official map amendment (rezoning), the Manager shall notify the following parties:
 - i. The city council members in whose district the subject property is located.
 - ii. The at-large city council members.
 - iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).
 - iv. The owners of any real property located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

2. All Other Applications - Written Notice of Planning Board Public Hearings

- a. Except for an official map amendment (rezoning) application, No later than 15 days before a required Planning Board public hearing on an application, the Manager shall notify the following parties:
 - i. ~~The~~ The city council members in whose district the subject property is located,
 - ii. ~~and the~~ The at-large city council members.
 - iii. ~~In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.~~ Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed application.

1. Official Map Amendment (Rezoning) - Timing of Notice

For an official map amendment (rezoning) application, Community Planning and Development shall cause written informational notice to be provided no later than 10 days after the determination that a complete application has been received in accordance with Section 12.3.3.8, Determination of Complete Application. Community Planning and Development shall cause written informational notice to be sent to the following parties:

- a. The city council members in whose district the subject property is located;
- b. ~~to~~ The at-large city council members;
- c. ~~and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).~~
- d. The owners of any real property located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

2. All Other Applications - Timing of Notice

Except for an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the city council members in whose district the subject property is located, to the at-large city council members, and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development.

3. Notice to Landmark Preservation Commission

If the subject property falls within an area designated as a structure or district for preservation according to the D.R.M.C., Chapter 30 (Landmark Preservation), Community Planning and Development shall notify the Denver Landmark Preservation Commission regarding the application within the same time periods specified in paragraphs 1 and 2 above.

4. General Rules

- a. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- b. Notification shall include the location and general description of the application and proposed action; and the process to be followed, including the date, time and place of any related public meeting or hearing, if such has been scheduled; and information concerning, as applicable, when and where written comments may be submitted.
- c. The failure of any real property owner or a registered neighborhood organization, for whatever reason, to receive a notification required hereunder shall not invalidate any final action by the city.

B. Posted Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of receipt of an application shall be provided in compliance with the following standards:

1. No later than 10 days after receipt of a complete application, the applicant shall post the subject property in a conspicuous location for 10 days with a sign or sign template provided by Community Planning and Development. The start of the 10-day period shall be the first day of the posting of the sign.
2. Such sign shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the beginning of the posting

Morrison, Jason P. - CPD PS Neighborhood Planning

From: Aguirre, Anne <aaguirre@law.du.edu>
Sent: Friday, March 09, 2018 11:58 AM
To: Morrison, Jason P. - CPD PS Neighborhood Planning
Subject: SUPPORT FOR REZONING NOTIFICATION TEXT AMENDMENT

I am a registered voter and property owner in three Denver districts – I support the expanded and modified notification amendment proposed by Councilman Espinoza

Anne Aguirre
1715 S Downing St, Denver 80210
1578 Jackson St, Denver 80206
1995 S Fairfax St, Denver 80222

From: [Hock, Analiese M. - CPD PS Neighborhood Planning](#)
To: [george mayl](#)
Cc: [eanzapinc@gmail.com](#); [joel@joelnoble.net](#); [Morrison, Jason P. - CPD PS Neighborhood Planning](#)
Subject: RE: Notification
Date: Friday, March 16, 2018 1:27:13 PM

Hi George,

I am not the case manager for the proposed text amendment, however I will forward on to Jason Morrison who is leading this effort for inclusion in the staff report. Thank you,

Analiese Hock | Senior City Planner
Community Planning and Development | City and County of Denver
p: (720) 865-2607 | Analiese.hock@denvergov.org
DenverGov.org/CPD | [@DenverCPD](#) | [Take our Survey](#)



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From: george mayl <comayl@aol.com>
Sent: Friday, March 16, 2018 1:14 PM
To: Hock, Analiese M. - CPD PS Neighborhood Planning <Analiese.Hock@denvergov.org>
Cc: eanzapinc@gmail.com; joel@joelnoble.net
Subject: Notification

Analiese,

On Saturday March 10 2018, the Delegates of the Inter Neighborhood Cooperation voted to support Councilman Espinoza's Re-Zoning Notification Amendment. For your information, the vote was 54 for, 2 abstentions and no oppositions.

Regards,

George E Mayl
President, INC

**CITY AND COUNTY OF DENVER, COLORADO
REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to rezoning@denvergov.org. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2974.

Application Number	<input type="text"/>
Location	<input type="text"/>
Registered Neighborhood Organization Name	<input type="text"/>
Registered Contact Name	<input type="text"/>
Contact Address	<input type="text"/>
Contact E-Mail Address	<input type="text"/>
Date Submitted	<input type="text"/>

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on , with members in attendance.

With a total of members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application # .

Comments:



1290 Williams St, Ste 102
Denver, CO 80218
303.830.1651
chun@chundenver.org
www.chundenver.org



April 24, 2018

The Hon. Michael B. Hancock, Mayor;
Members of the Denver City Council
Rafael Espinoza, Kevin Flynn, Paul Lopez, Kendra Black, Mary Beth Susman
Paul Kashmann, Jolon Clark, Christopher Herndon, Albus Brooks, Wayne New
Stacie Gilmore, Robin Kniech, Debbie Ortega;
Brad Buchanan, Exec. Dir., Dept. of Community Planning and Development

Dear Ladies and Gentlemen:

Capitol Hill United Neighborhoods (CHUN) is a Denver registered neighborhood organization, bounded by Broadway, Colorado Blvd., 22nd Ave. and 1st Ave. Our mission is preserving the past, improving the present and planning for the future of Greater Capitol Hill.

At the April CHUN Board of Delegates meeting a vote was held on the following motion forwarded from the Land Use, Zoning, Transportation and Licensing Committee:

**MOTION TO SUPPORT
“MAILED REZONING NOTICE TEXT AMENDMENT”**

WHEREAS, currently Section 12.3.4 of the Denver Zoning Code (Public Notice Requirements) provides that written notice of public hearings regarding zoning changes be sent to only (a) City Council members, and (b) Registered Neighborhood Organizations whose boundaries are within, or within 200 feet, of the area subject to rezoning.

WHEREAS, a proposal will soon be considered by City Council that would require written notice of public hearings regarding zoning changes also be sent to “The owners of any real property located in whole or in part within, or within 200 feet of, the proposed office map amendment (rezoning)” (hereinafter the “Mailed Rezoning Notice Text Amendment”).

WHEREAS, the Mailed Rezoning Notice Text Amendment would ensure that owners of those properties that would be most affected by proposed zoning changes would receive timely notice.

WHEREAS, this issue was presented to the CHUN Zoning Committee at its regularly scheduled meeting held on April 4, 2018, at which time those presented voted to support the proposed Mailed Rezoning Notice Text Amendment by a vote of yes- 20; no – 0; abstain – 1.

THEREFORE, it is moved that CHUN support the enactment of the Mailed Rezoning Notice Text Amendment, and that this position be communicated to the appropriate City officials, including members of City Council and the Mayor.

The Board of Delegates voted in favor of the resolution: 27-0 with one abstention.

Respectfully,

A handwritten signature in black ink, appearing to read "Travis Leiker", with a horizontal line extending to the right.

Travis Leiker
President, Board of Delegates
Capitol Hill United Neighborhoods

Highland United Neighbors, Inc.

P.O. Box 11235, Denver, Colorado 80211

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Authorized by the Board of Directors to represent HUNI in all zoning and planning matters.

May 20, 2018

Denver City Council
City and County of Denver
City and County Building
1437 Bannock St., Rm. 451
Denver, CO 80202

Re: Denver Zoning Code Rezoning Notification Text Amendment

Dear Council Members:

The Planning and Community Development (PCD) Committee of Highland United Neighbors, Inc. (HUNI), met on May 8, 2018, to review the proposed Text Amendment dealing with notification of property owners within 200 feet of a proposed rezoning. This committee voted 6-0 that evening to support this important text amendment.

The PCD Committee is authorized by the HUNI Board of Directors to represent HUNI in all zoning, land use, and planning matters. Membership in HUNI is open to all residents and businesses in the Highland Neighborhood, which is bounded by West 38th Avenue, Federal Boulevard, Speer Boulevard, and Interstate 25. There are approximately 7000 households within the HUNI boundaries and roughly 300 paying members of HUNI. 3-6 mailings go out per year to these households and email newsletters are sent out twice a month to those who have opted in. These emails and many of the mailings contain information regarding notices of meetings with detailed agendas. There were approximately 20 people in attendance at this meeting.

We believe that notification of nearby property owners will greatly improve citizen involvement and awareness of proposed rezoning applications. Currently, neighbors must first see posted signs and then reach out to the City to understand what is being proposed. This text amendment will ensure better understanding of proposed changes and their potential impacts on neighboring properties.

Again, Highland United Neighbors, Inc., supports this text amendment fully. Thank you for this opportunity to offer our opinion.

Sincerely,

HIGHLAND UNITED NEIGHBORS, INC.

A handwritten signature in black ink that reads "Timothy C. Boers". The signature is written in a cursive style with a large, prominent 'T' and 'B'.

Timothy C. Boers, AIA
Chair, Planning and Community Development Committee

Cc: HUNI Board President
Committee Members
Councilman Rafael Espinoza
Jason Morrison