



West Highland Neighborhood Association Meeting 12.06.11

Disclaimer: *This is a copy of a PowerPoint presentation presented to the West Highland Neighborhood Association on December 6, 2011 by the City and County of Denver Community Planning and Development Department and City Attorney's Office.*

The content of the slides provide summary information only, and does not reflect the details of the oral presentation or discussion during either the December meeting or the New Code process.

Agenda



- Facilitator Introduction (10 min)
- Councilwoman Shepherd Introduction (10 min)
- Community Planning and Development (CPD) and City Attorney's Office (CAO) Overview (20 min)
 - History of the New Code
 - Rezoning Process
 - Permitting Process
- Facilitated Q&A (45 min)
- Councilwoman Shepherd Next Steps (10 min)

Facilitator Introduction (10min)



□ Ground Rules

- Present yourself in a positive manner
- Talk one at a time and wait to be recognized by the Moderator
- Actively listen while others speak and do not interrupt them
- Limit side conversations
- Cell Phone Reminder
- Set to silent
- Take Calls outside
- Respectfully challenge an idea, not the person

Facilitator Introduction (10min)

□ White Question Cards

- Write Your Questions and Your Contact Information
- Staff will collect during the presentation
- Facilitator will read questions and staff will address technical questions first

□ Yellow Comment Cards

- Write your comment and your contact information
- Place in one of the two boxes set out at the end of the meeting
- Councilwoman Shepherd to collect and review

Councilwoman Shepherd Introduction (10 min)



- Welcome
- Tonight's Purpose
- Be sure to fill out white question cards
- Be sure to fill out yellow comment cards;
or email me after the meeting:

district1comments@denvergov.org

CPD and CAO Overview (20 min)



- History of the New Zoning Code
- Rezoning Process
- Permitting Process

History of the New Zoning Code

2005 - 2006

Phase 1: Analysis and Problem Definition

Listening Sessions
Focus Groups
ZCTF Meetings
Diagnostic Report
Problem Statements

2006 - 2007

Phase 2: Alternative Approaches

Residential Work Sessions
ZCTF Meetings
Residential Typologies
Context and Form Based Approach
Annotated Outline

2007- 2009

Phase 3: Drafting and Review

Multi-departmental Review Team
ZCTF Review
CAG Review
City Council Review
Meetings by council district on ***draft code and draft maps***

2009 - 2010

Phase 4: Review and Adoption

Continue Review
Planning Board Recommendation
City Council Adoption

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Phase 4: Review and Adoption

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Phase 3: Drafting and Review

Public Engagement

2009


Feb	April	May	Jun	Jul	Aug	Nov
Launched new interactive website	Kick-off Community Forum	5 public meetings throughout City	1 st draft map work session by Council District		2 nd draft map work session by Council District	Four Office Hour sessions with City staff
	April 19 th Council District 1	May 14 th NW Denver	June 19 th in Council District 1		August 7 th in Council District 1	Joint City Council and Planning Board Listening Session

Phase 3: Drafting and Review

Public Engagement

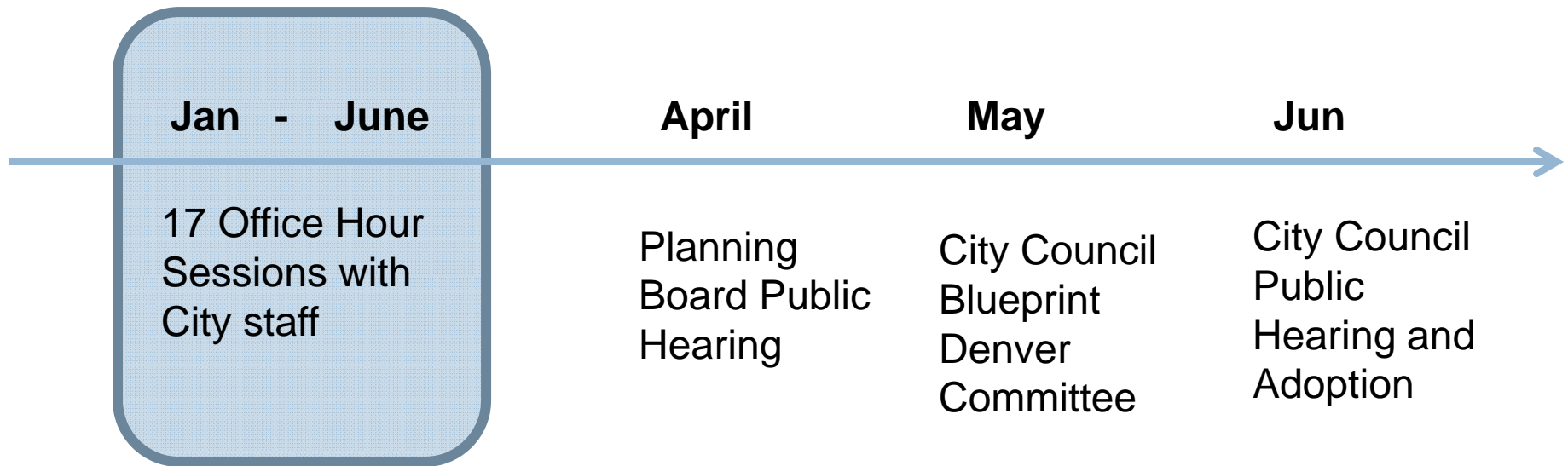
2009



 Public Comment regarding subject property

Phase 4: Review and Adoption Public Engagement

2010



Questions About a Mapping Error



- A “mapping error” is when the zoning was put in place by accident
 - E.g. when there is clear evidence that a different zone district was applied than agreed upon; or was applied in the wrong location
- The proposed district for the subject site was available publicly for several months, discussed and confirmed as adopted
- Therefore, it is not considered a mapping error

Mapping the New Zone Districts



- 3 Primary Criteria

- **Existing Conditions**

- Existing Neighborhood Context, Use, Form & Scale

- **Current Zoning**

- Property's entitlement for uses, height, FAR, development potential

- **Plan Recommendations**

- Policy guidance from Blueprint Denver, Small Area Plans, General Development Plans

Mapping the New Zone Districts – The Subject Sites

Existing Conditions

- **Urban Neighborhood** Context
- 2 Story church, 1 story commercial structure and surface parking
- **Mixed use** to the south and residential to the north
- Buildings at the street; **pedestrian-friendly** environment

Previous Zoning – R-4

- Allows residential, office, hotel and very limited commercial (e.g. art gallery, health club, bank, pharmacy)
- 4 to1 Floor Area Ratio
- Max height of **75ft/6 stories** (Residential Protection)

Plan Recommendations

- Blueprint Area of Stability
- Identify and **maintain the valued attributes** of the neighborhood while accommodating some new development and redevelopment

Mapping the New Zone Districts – U-MS-5



*A balance that responds to the **urban neighborhood**, provides greater certainty in an **area of stability in a pedestrian-friendly environment** in the area of 32nd, Lowell and Meade, and offers **somewhat comparable entitlement** for the property owner*

Rezoning Process



- A rezoning is a change from one zone district to another zone district (also referred to as a zone map amendment) such as:
 - ▣ Standard zone district
 - ▣ Overlay district
- Rezoning is an action that requires at least a majority of City Council vote for approval
- There are two applicable procedures
 - ▣ Typical Applicant
 - ▣ City Council Applicant

Rezoning Process – Typical Applicant



- Initiation: Code requires land owners of 51% of the area rezoned

- Process (typically 6-8 months):
 - Pre-Application, discuss zone district options
 - Application submittal
 - Review and Referral, public notice to RNOs of application

Rezoning Process – Typical Applicant



- ▣ Planning Board Public Hearing and Recommendation
 - Includes sign posting and RNO notice of hearing
- ▣ City Council Land Use, Transportation and Infrastructure Committee
 - Includes RNO notice of meeting
- ▣ City Council 1st Reading
- ▣ City Council Public Hearing and Action
 - Includes sign posting and RNO notice of hearing
 - If a legal protest: A minimum of 10 votes required to approve

Rezoning Process – City Councilperson Applicant

- Initiation: City Council person

- Process (typically 6-8 months):
 - Pre-Application, discuss zone district options
 - Application submittal
 - Review and Referral, public notice to RNOs of application

Rezoning Process – City Councilperson Applicant

- Planning Board Public Hearing and Recommendation
 - Includes sign posting and RNO notice of hearing
- City Council Land Use, Transportation and Infrastructure Committee
 - Includes RNO notice of meeting
- City Council 1st Reading
 - Requires 7 votes to order published (Councilperson cannot vote)
- City Council Public Hearing and Action
 - Includes sign posting and RNO notice of hearing
 - Councilperson as the applicant cannot vote
 - If a legal protest: A minimum of 10 votes required to approve

Permitting Process



□ Administrative Process

- Property owner exercising rights of zoning to develop their property
- Application goes through a technical city agency review for compliance with regulations
- Does not require public engagement component
 - NOTE: This developer is currently engaging a group to obtain feedback on the project as it goes through the permitting process
- As administrative, it is illegal for a Council person or city staff to halt the issuance of any permits requested for development if those permits meet the required standards

Permitting - Moratorium



- What is a moratorium?
 - ▣ Puts “hold” on something authorized under the law for some period of time and for a defined area
- Process
 - ▣ Create an ordinance
 - ▣ File the ordinance
 - City Council Moratorium starts when the bill is filed
 - ▣ Two weeks for City Council First Reading and Second Reading – public hearing (optional)

Permitting - Moratorium



□ Criteria

- Is there a perceived problem/issue?; and
- Is it amenable to an immediate solution or is study required?; and
- Can it be resolved in a reasonable amount of time?; and
- Is it non-discriminatory?

□ City Council Action

- Requires minimum of 7 votes to approve

□ Effect

- Temporary for time specified

CPD and CAO Overview



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Facilitator Q&A (45min)

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Councilwoman Shepherd Next Steps (10 min)



- Thank you!

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