

## **Summary of INC Zoning and Planning Committee February 28, 2015 meeting**

The INC ZAP (Zoning and Planning Committee) met on February 28, 2015 for a long meeting from 9:30 am to 12:45 pm, at 1201 Williams meeting room. CPD senior planners Kyle Dalton and Steve Nalley attended the meeting.

The Committee discussed the following topics: 1) the City's proposed bundle #1 of zoning text amendments; 2) current plans for the National Western Center; 3) proposed zoning text and map amendments for Highland Overlay Districts; and 4) current issues with non-licensed marijuana growing in Denver. In addition, the Committee passed a motion concerning short-term rentals in Denver residential neighborhoods.

### **Denver zoning code text amendments: Bundle #1**

CPD senior planner Kyle Dalton began with a description of text amendments, which change the text of the Denver Zoning Code—the body of law that City Council has adopted to govern Denver zoning. Text amendments can only be initiated by City Council members, department or agency heads, or the Mayor—not individual private applicants. Text amendments can affect a small area or have city-wide effects. All text amendments are supposed to implement adopted plans.

In the past CPD has presented “omnibus” text amendments to address a variety of issues. The last omnibus text amendment was passed in April 2014. CPD is now calling these omnibus amendments “bundles” and is presenting its Bundle #1 for public comment and City Council approval during the first half of 2015.

Dalton explained that an “overlay district” involves both a text and map amendment. The overlay amends the Zoning Code text to create a district, but a map amendment then maps the overlay to a geographic area of the City. In some cases, the overlay tweaks the base zoning classifications.

Dalton described some of the key points for CPD's proposed Bundle #1 and provided detailed handouts that will be posted soon on the CPD website:

- Zoning Code usability and clarifications: correcting errors, improving graphics, and codifying Zoning Administrator Code Interpretations that have been posted on CPD website.
- Substantive changes:
  - Codify recent CPD practice adopted by Brad Buchanan of notifying RNOs of rezoning applications once the application is deemed complete.
  - Address changes required by marijuana legalization.
  - Adjust bicycle parking standards for religious assembly and civic uses and hotel uses.
  - Reduce minimum vehicle parking for mini-storage facilities to correct a mistake in the 2010 code.
  - Parking structure design: allow more parking levels within a fixed building height based on how the ground story or exterior wrap of a parking structure is used.

- Ground story activation: improve existing design standards that seek to improve the pedestrian experience from a building's ground story.

During the discussion with Dalton, committee members noted:

- Neighborhoods are frustrated because comments on rezoning applications have seemed pointless because CPD has already made up its mind on an application when it circulates it. Dalton responded that CPD is seeking earlier public comment with earlier notice about applications.
- In describing the reason for some text amendments, Dalton mentioned that some applicants are using a zoning alternative without fulfilling the intent. One member mentioned that she sees many instances in other contexts when applicants fail to meet the Zoning Code's intent.
- It would be helpful if CPD gathers evidence to show that features in the Zoning Code are having the desired impact. Dalton mentioned in response that the City recently did a baseline count of the type of pedestrians using the 16<sup>th</sup> Street Mall so it can monitor future trends.

#### National Western Center proposed text and map amendment

CPD senior planner Steve Nalley described proposed zoning text and map amendments to facilitate current plans for redeveloping the area around the National Western Stock Show site. The amendments create a new zone district, but will only be mapped to property owned by the National Western Association or the City. A drawing showing proposed site elements is available at the CPD website.

In discussing the proposed changes, Nalley noted:

- The National Western site is unique, so the City's plan has unique zoning elements that resemble zoning for a campus context. The mixed uses include: agricultural, educational, entertainment, residential and commercial.
- The National Western Center Partners that will have a presence on the future campus along with the City of Denver include: CSU, History Colorado. National Western and the Museum of Nature and Science. Community partners include the dedicated residents of the neighborhood and business owners referred to as National Western Center Advisory Committee "NWCAC."
- The plan includes open space for an outdoor event facility along the Platte River. This facility could become a future event venue in place of some events currently in City parks.
- The plan contemplates 46 acres of new open space – about 26% of the site, including space along the river.
- The trade show exhibition hall is large enough to hold a speed skating area if Denver bids again to host a future winter Olympic competition.
- The new arena will have 10,000 seats compared to 8,500 seats in the current Coliseum, which will help attract some events.
- The plan is to have multiple multi-modal entrances to the new campus, with the main entrance at either 47<sup>th</sup> and Brighton, or 44<sup>th</sup>, which will be re-named Betty Kram Drive in honor of the 92-year old Swansea community activist who has sought to preserve neighborhoods in this area.
- The Heron Pond site will be converted from contaminated space to a future destination.
- Pending changes for I-70 will be east of this area, so I-70 will remain elevated here.

- The plan contemplates net-zero waste including conversion of animal waste to energy on-site.

During the discussion with Nalley, committee members noted:

- It would be helpful if the City enters into a memorandum of understanding with the surrounding neighborhoods, who would like to see additional elements including a marketplace. Those neighborhoods have been seeking zoning changes to implement their new small area plans, while a land grab by private developers is underway in Globeville, Swansea, and Elyria.
- Tom Anthony asked City representatives to provide more support for Garden Place Elementary School, which is near the intersection of I-25 and I-70, at the same time the National Western Center is redeveloped. Anthony cited concerns after he raised questions about salaries of National Western executives despite a lack of money to fix existing buildings. He said he began receiving building inspections on his home and art studio. He noted that the City Council asked him to stop talking at a recent public hearing when he raised questions about a conflict for a Council member whose husband is a lobbyist.

#### Highland Overlay Districts

Steve Nalley also provided a brief overview of a new text and map amendment for a conservation and design overlay for the Highland neighborhood. In explaining these changes he noted:

- An overlay zone district is intended in special cases to supplement generally applicable zone district standards with additional standards or allowances.
- The Highland neighborhood is an older, stable area developed in the late 19<sup>th</sup> Century with some unique building forms and small lot sizes.
- Working with the neighborhood, the City proposes a conservation overlay for certain residential building forms in the Potter Highlands area (a six-by-six block area between 32<sup>nd</sup> and 38<sup>th</sup>, and Federal and Zuni).
- The Scottish Village conservation overlay addresses the very small lots in that area in the northeast part of Highland.
- The City also proposes a Side Interior Setback Design Overlay for Highland to require a minimum 3-foot setback on lots less than 40 feet, and allow an accessory dwelling unit to follow the same setback as a detached garage.

#### Non-licensed marijuana growing issues

Ashley Kilroy, who is overseeing marijuana policy for the Mayor's office, and Stacie Loucks, Director of Excise and Licenses, discussed and sought feedback on certain issues with non-licensed marijuana growing facilities in Denver. Kilroy is available as a speaker for community groups who would like to discuss impacts of marijuana legalization. Contact her at:

[Ashley.kilroy@denvergov.org](mailto:Ashley.kilroy@denvergov.org)

Ashley and Loucks noted that the City has been focused on marijuana health and safety issues during the first year of legalization. The City worked to pass a ban on a certain dangerous hash oil extraction process after multiple explosions in Denver and elsewhere in the state.

Kilroy explained that the City is starting to see very large non-licensed grow facilities, with 1,000 to 2,000 plants in one location, when the City limits grows in individual homes to 12 plants. The City Council will review a proposal on March 3 to limit non-licensed growing operations outside a home to only 36 plants. Larger facilities would need to register for a license and meet certain health and safety requirements. Kilroy encouraged residents to call 311 if they want to check whether a nearby grow facility is licensed.

Kilroy also noted the City is considering whether to expand the allowed hours for retail marijuana facilities from 10 am to 7 pm, to allow for a later closing time like 10 pm (to match Aurora) or midnight (to match the State's limit). Some committee members expressed willingness to allow later hours for a facility in an industrial area, while others indicated the hours for facilities in residential areas should not be extended. One member noted the large number of retail facilities in the Sunnyside neighborhood and the hope some of those will go out of business. Another member noted that the largest grow facility in the country is near the stock show facility.

The committee took a straw poll vote on whether to support limiting Denver non-licensed grow facilities to 36 plants. Members expressed unanimous support for that limitation.

#### Approved motion on short-term rentals

Finally the committee quickly discussed revisions to a motion it passed in December 2014 about short-term rentals in residential neighborhoods. The revised motion urges the Denver City Council to:

- enforce the current prohibition on short-rentals;
- consider a variety of options for regulating such rentals including taxation and licensing/permitting with limitations on density and locations, and adequate enforcement to protect neighborhoods when violations are reported;
- include representatives of the INC ZAP committee on the City's Sharing Economy Task Force to give neighborhoods a voice in the solution and process; and
- televise or record the Task Force meetings so residents can see what is discussed there.

The Committee unanimously approved this motion with two abstaining votes, and will present the motion to the INC Delegation at the March meeting.

#### Next ZAP meeting:

The next ZAP meeting will be on Saturday, March 28, 2015 at the meeting room at 1201 Williams Street, 19th floor.

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