

Meeting Objective:

- Clarify Status of, and Expected Changes to, the Rezoning Application
- Explore Questions, Concerns, Hopes for the Site
- Clarify the Objective Standards for City Council’s Quasi-Judicial Rezoning Decisions and Explore the Objective Criteria that Should Apply to a Review of the Application in this Case
- Explore Next Steps for the Civic Association

I. Announcement - Expected Change to the Rezoning Application

Councilwoman Mary Beth Susman shared a message her office received from the applicant expressing his intention to change the rezoning application. The e-mail indicated that he will change the application and request a rezoning to G-RH-3, a residential zone district that allows five building forms: detached housing, a detached accessory unit (carriage house), duplex, garden court, or row house.

II. What is G-RH-3?

Theresa Lucero, Senior Planner, Community Planning and Development helped the group examine the details of the G-RH-3 zone. The essential details are summarized below in a comparison to the existing zoning.

| Standard | Existing Zoning - E-SU-D | Proposed Zoning - G-RH-3 |
|----------------------|--|---|
| Parking Requirement | SU - None | MU - 1/unit |
| Max. Building Height | 2.5 stories (30* feet) front 65% /1 story (17 feet) rear 35% * 1 feet for every 5 feet increase in lot width over 50 feet up to a maximum height of 35 feet | 3 stories (30* feet) front 80%/1 story (19 feet) rear 20% * 1 feet for every 5 feet increase in lot width over 50 feet up to a maximum height of 35 feet |

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|--|----------------------------------|---|
| Upper Story Setback (Flat Roof, Above 25 feet, Side Interior & Side Street min.) | N/A | 15 feet |
| Siting | | |
| Zone Lot (min. size/width) | 6,000 ft ² /50 feet | 3,000 ft ² /25 feet (Urban House, Duplex) 6,000 ft ² /50 feet (Garden Court, Row House) |
| Primary Street Build-To (Min. % w/in min/max range) | Block Sensitive Setback Required | 20 feet |
| Setbacks | | |
| Primary Street (mon.) (Colo. Blvd.) | Block Sensitive | 20 feet |
| Side Street (min.) (Ellsworth & Bayaud.) | 5 feet | 3 feet (zone lots 30' wide or less) (Urban House, Duplex) 5 feet all other lot widths (All Building Forms) |
| Side Interior (min.) | 5 feet | Urban House, Duplex: <ul style="list-style-type: none"> • 3 feet (zone lots 30' wide or less) • 3 feet one side/10 feet combined (zone lots greater than 30' and up to 40') • 5 feet (zone lots greater than 40' and less than 75') • 7.5 feet (zone lots 75 ' or greater) Garden Court, Row House: 5 feet |

| | | |
|--|-----------------|---|
| Rear (alley/no alley min.) | 12 feet/20 feet | 12 feet/20 feet |
| Building Coverage (per zone lot) | 37.5% | 50% (Urban House, Duplex) N/A (Garden Court, Row House) |
| Required Separation Between Primary Structures | N/A | 10 feet (Garden Court) N/A (All Others) |
| Pedestrian Access - Primary Street | Entry Feature | Each Dwelling Unit has a street level access. A minimum of two entrances face the Primary Street and all other dwelling units face an interior courtyard (Garden Court) |
| Building Forms | Urban House | Urban House, Detached Accessory Dwelling Unit, Duplex, Garden Court, Row House, |

III. Discussion - Priorities, Questions, Concerns, Hopes for the Site

Although the property owner has not filed the change to the application and no details are available about his intentions, other than what we know from Theresa's summary of the G-RH-3 zone, the neighbors discussed the possibilities and their questions/concerns/hopes for the site.

- Density
 - It is essential to ascertain a reliable number of units that could be built on the site under G-RH-3 zoning
 - Density is one of the central questions - number of units drives other issues - traffic, parking demand, etc.
 - While we need to know how many units the owner intends to build, we also need to do our own analysis of the highest number that could reasonably be built on the site, given that zoning approval and site plan approval are not concurrent
 - There are questions about the percent of lot coverage and how densely developed the site could be under the five different forms allowed in G-RH-3

- Transportation
 - Road Network and Access - Because the site is significantly constrained by the narrowness of the Bayaud, the private alley, the complex intersection at Leetsdale/Colorado/Bayaud, the volume of traffic on Leetsdale and Colorado, and the access limitations for those traveling southbound on Colorado, it is essential to know where access points would be and how the residents would access the site for every direction
 - Pedestrian Safety - It is important to determine what public works would require for sidewalks and pedestrian access and to sort out how pedestrian access on this site relates to the pedestrian patterns in the surrounding neighborhood where many properties have no sidewalks and neighbors walk in the street
 - Traffic Volumes and Speed - Although no traffic study is required at the zoning stage, it is important to the neighbors to understand the number of trips generated by the owner's proposal and by a development scenario of the highest likely density under G-RH-3 and the implications of adding these trips to the neighborhood road network
 - Parking - The neighbors recognize that while the zone district requires one parking space/residential unit, developers often build more in response to the demand from potential buyers/tenants. It is important to the neighbors that the development provide adequate parking for residents and guests and there are concerns that the development may not include sufficient parking

- Setbacks and Stepbacks
 - Given that the alley is privately owned, there are questions about setback distance for the buildings closest to the alley
 - It is important to understand how setback and and stepback requirements vary with the five different building forms

- Compatibility and Community Character
 - Some expressed satisfaction that their efforts to raise concerns about the application for the apartment zoning had produced this change in the application
 - They indicated that row houses or garden court development would be right for this site (This confirms what was expressed in many of the more than 100 letters the Civic Association received in response to the original application - that row houses or town houses are appropriate for the site)
 - A couple of participants suggested that the only compatible use for this site is single-family housing and that the community should continue to advocate for only single-family housing
 - Theresa distributed the applicable text from Blue Print Denver that describes this as an area of change and indicates that duplex housing is appropriate for this location; she reminded the neighbors that one of the criteria for rezoning is whether the rezoning application is congruent with Blue Print Denver
 - Some expressed support for excluding commercial uses from any redevelopment
 - Transition in density - some suggested that there should be a transition to higher density, but that the change should not be a drastic one and that we should assess whether the developer's plan is twice the density of the existing neighborhood, three-times the density, etc.

- Process
 - We believe that the owner intends to amend the application on March 11 in order to preserve the March 30th Planning Board hearing date
 - Mike Hughes agreed to sort out whether the amendment is filed

- Community Planning and Development will have to review the revised application for completeness before we would receive it
- Councilwoman Susman described the rezoning process and the points at which the residents could speak to the Planning Board and Council beginning with the March 30th; Theresa described the objective criteria that the City Council has to apply to rezoning requests. They are:
 - Is the rezoning consistent with completed plans?
 - Does the rezoning further public health, safety and welfare?
 - Are there circumstances that justify the rezoning?
 - Is the rezoning consistent with the neighborhood context?
 - Does the rezoning align with the zone district's purpose and intent?
 - Would it result in consistent regulations for each property with the same zoning designation citywide?
- Supermajority Requirement
 - The neighbors discussed the process for filing a protest petition
 - If neighbors inform the city of the intent to file a protest petition, staff will provide the names and contact information for all property owners within 200' of the property boundary
 - A petition of those with 200' would raise the level for approval of rezoning from a simple majority to a super majority
 - The petition process fits between first reading at City Council and the second reading/public hearing at City Council

IV. Next Steps

- Mike Hughes agreed to produce this meeting summary by March 11 and to ensure that it is posted to the Civic Association web site and distributed to Sue and to her e-mail list
- The neighbors thanked Sue for her work to keep neighbors informed and involved in the rezoning process and asked that the Civic Association continue to build on her efforts; Mike agreed to stay in contact with Sue
- Mike agreed to find out whether the application amendment is filed on March 11
- Mike will call the owner to relay the concerns and questions from this meeting
- Next steps depend on whether the application is amended, whether the Planning Board hearing on March 30 stays in place and what the owner intends to do
- The Civic Association will continue to post information to the Hilltop website and to consider how to represent this discussion and future discussions/reactions to Planning Board and City Council; the Civic Association's efforts are intended to augment the individual efforts and not replace them; individual neighbors should continue to stay engaged and participate in the rezoning process hearings