• This presentation will take a deep dive into Denver’s rezoning process.
• We will walk through the entire typical rezoning process, and we will do this by using an example of a rezoning case to understand the review criteria.
• And we will review the steps of all those involved, including the steps for applicants, neighbors, City staff, Planning Board, and City Council.
• As a reminder, a rezoning is the process of changing the zone district of a property.
• For example, this property that’s zoned to allow a residential duplex could rezone to...
• Allow a three-story building with retail on the first floor and office on the upper floors.
• We will discuss how someone like you would travel through the process of changing the zone district for a property.
• If you are considering a rezoning, it’s good to know the resources available.
• The city’s website has information where you can learn about the rezoning process, active rezonings, ways to contact staff to start an application, as well as ways to submit comments about a rezoning.
• The website also has materials available for download, such as the application form to request a rezoning.
• If you would like to look up a zone district for a property, the city’s website also has a resource for that.
• There is a webpage that has an interactive zoning map where you can enter an address, or zoom in on a property, to find its zone district.
• So, let’s dive into the rezoning process.
• I’d like to point out that I’ll share what the typical rezoning process is like, but some rezonings may have other elements involved, such as custom zoning, mediation, development agreements, or protest petitions.
• The property outlined in red is a previous rezoning case that has already been rezoned.
• We will use this as an example as we walk through the rezoning process.
• The first step is to submit a pre-application review request form.
• This application will ask you to write in the existing zoning of your property, as well as potential zone districts for discussion with city staff.
• The existing zoning for our example property is I-A, UO-2.
• What does that mean again?
• If you saw the presentation on zoning, you should have learned that the zoning code is broken down into different sections and there are acronyms and numbers that represent zone districts.
• In the case of our property here, if we scroll through the zoning code, we will find that I-A means it’s a Light Industrial District.
• And UO-2, means there is a billboard use overlay district.
• A use overlay, essentially allows different uses than the base zone district.
• Now that you know your existing zone district, you can explore what’s allowed within it.
• If your current zone district doesn’t allow what you have envisioned for your property, then you can explore what other zone districts allow.
• In the case of our property, let’s say we would like to rezone it to allow residential uses.
• After doing research on the existing zone district, we would find that residential uses are not allowed.
• But the zone district of C-MX-8 does allow residential uses.
• So, we select that as our proposed zone district for the pre-application and discussion with city staff.
• After you’ve filled out the pre-application, then you submit it!
Once you submit your pre-application review request form, City staff will reach out to you to schedule a required pre-application meeting. At this meeting you will learn all about the rezoning process and the criteria that’s used to evaluate the rezoning request. Next, I’m going to walk you through what is discussed at the pre-application meeting.
At this point, we are going to hit pause on going through the steps to the rezoning process to take time to go through the review criteria and other important information.
Request: C-MX-8

Location:
– Approx. 82,430 square feet or 1.89 acres
– Industrial warehouse

Proposal:
– Rezoning to C-MX-8 to allow residential uses

• Now let’s talk through the example we have along W Evans Avenue, which we are requesting to rezone from I-A, UO-2 to C-MX-8.
• During the pre-application meeting, city staff will confirm the location of the property, what buildings or uses are currently on it, and the rezoning proposal.
Existing Zoning

Current zoning:
- I-A, UO-2

Adjacent zoning:
- I-A, UO-2
- C-RX-8
- U-RH-2.5
- G-MU-3

- City staff will then identify the surrounding context, starting with discussing the surrounding zoning.
Existing Land Use

Current land use:
• Industrial

Adjacent land uses:
• Industrial
• Single-unit Residential
• Office
• Public/Quasi-public

• Then City staff will point out the existing land uses.
• City staff will also talk through what’s allowed in the existing zone district and what’s allowed in the proposed zone district.
• This includes discussing things like uses and the building form standards, such as building height.
Denver Zoning Code Review Criteria:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

• The next thing that is discussed during this meeting are the Review Criteria.
• The Review Criteria are a very important piece to the rezoning process.
• They are defined in the Denver Zoning Code and the Review Criteria are what City staff, Planning Board, and City Council use to evaluate a rezoning request.
• This evaluation includes determining whether the rezoning request meets all five of the Review Criteria.
• Also, I’d like to mention that when a rezoning request is evaluated, it is evaluated based on the proposed zone district and not a specific development plan.
• City staff will also let you know that if you move forward and submit an application, you will need to write a narrative that explains why you feel the application meets the review criteria.
Review Criteria

1. Consistency with Adopted Plans
   - Comprehensive Plan 2040
   - Blueprint Denver
   - Evans Station Area Plan
   - Shattuck District Plan
   - Overland Neighborhood Plan

- Let’s start with the first review criteria and talk about how the example rezoning case meets the criteria.
- The first criteria is consistency with adopted plans.
- Typically, plans have a geographic boundary they cover.
- If you need to look up plans that apply to a property, there is a list of all completed plans on the city’s webpage.
Review Criteria

1. Consistency with Adopted Plans
   - Comprehensive Plan 2040
   - Blueprint Denver
   - Evans Station Area Plan
   - Shattuck District Plan
   - Overland Neighborhood Plan

   Compare requested zone district with recommendations in each of these plans

- For our example along W Evans Avenue, there are five plans that cover the property.
- Each plan will have recommendations for land use.
- The requested zone district should be compared to those recommendations and should be consistent with them.
1. Consistency with Adopted Plans

- Comprehensive Plan 2040
- Blueprint Denver
- Evans Station Area Plan
- Shattuck District Plan
- Overland Neighborhood Plan

- The Comprehensive Plan 2040 and Blueprint Denver are citywide plans, so their recommendations apply to all rezonings.
• These plans also have equity guidance that City staff consider in every rezoning.
Blueprint Denver Contains Three Major Equity Concepts

Integrating these concepts into planning and implementation will help to create a more equitable Denver.

- In addition to that, City staff have integrated additional analysis related to the three equity concepts identified in Blueprint Denver.
- This analysis has been integrated into larger rezonings and those in vulnerable neighborhoods, which have led to outcomes such as voluntary affordable housing agreements.
- This presentation won’t go into the purpose of this analysis, but just wanted to let you know this can be part of the rezoning process.
Review Criteria

1. Consistency with Adopted Plans
   - Comprehensive Plan 2040
   - Blueprint Denver
   - Evans Station Area Plan
   - Shattuck District Plan
   - Overland Neighborhood Plan

- Some areas will have additional guidance from a neighborhood plan or small area plan.
- In this case, there are three neighborhood or small area plans that apply to our property.
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<th>Review Criteria</th>
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<tbody>
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- To keep it simple, we will use examples from these two plans to discuss how the rezoning request meets the first review criteria.
• I’ll discuss a few main elements of the citywide plan, Blueprint Denver, that are used to evaluate rezonings.
• This plan has a section where it identifies the future neighborhood contexts for areas.
• These neighborhood contexts correlate to the ones in the Denver Zoning Code.
• For our property, Blueprint Denver identifies the future neighborhood context as Urban Center.
• The plan describes this context has having a high mix of uses with good street activation.
• And that buildings are usually multi-story with a high degree of lot coverage.
• When considering if the rezoning request meets this recommendation, we should look to see if the proposed zone district is aligned with the Urban Center neighborhood context.
• In this case, the zone district C-MX-8 is within the Urban Center neighborhood context within the zoning code and is aligned with this recommendation of an Urban Center neighborhood context.

Future Neighborhood Context: Urban Center

– High mix of uses throughout with good street activation
– Buildings are usually multi-story with a high degree of lot coverage

*Neighborhood Context for proposed zone district should align
• Blueprint Denver also has a section where it identifies future place types, which are essentially the aspirational vision for the future places of Denver.
• For our property, the Future Place Type is Community Center.
• The plan describes this place type as typically providing a mix of office, commercial and residential uses.
• And that building footprints are typically larger, and heights are generally up to 12 stories.
• When considering if the rezoning request meets this recommendation, we look to see if the proposed zone district has uses and building form standards that are consistent with the description of the Community Center future place type.
• The proposed zone district of C-MX-8 is consistent with this recommendation because it will allow a mix of uses and a building height of eight stories.
• In addition to the future neighborhood context and place type, there may be written strategies in Blueprint Denver that are also aligned with what the proposed zone district allows.
**Advancing Equity in Rezoning**

**Task Force Orientation**

**Land Use: Mixed-Use Residential**

- Primary use is intended to be residential, but office and retail may also be supported.

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**Consistency with Adopted Plans:**

**Evans Station Area Plan (2009)**

- Moving on to the Evans Station Area Plan, which provides a vision for transit-oriented development around the Evans Light Rail Station.
- This small area plan will provide additional guidance on land use.
- This plan states that our property should have a land use of mixed-use residential with the primary use being residential, but office and retail may also be supported.
- Our proposed zone district is aligned with this recommendation because it would allow a mixture of uses including residential, office, and retail uses.
Review Criteria

2. Uniformity of District Regulations

- The second review criteria is Uniformity of District Regulations.
- This means that the proposed zone district will result in regulations and restrictions that are uniform for each kind of building throughout the district.
- In the case of our example, we can say that there will be uniformity of district regulations.
• The third criteria is Public Health, Safety and General Welfare.
• This criteria is asking whether the proposed zone district of C-MX-8 furthers the public health, safety, and general welfare of the City.
Review Criteria

3. Public Health, Safety and General Welfare
   • Facilitate increased housing density near amenities and transit
   • Foster creation of mixed-use, urban, walkable areas

• In this case, we can say the proposed rezoning will help facilitate an increase in housing density near amenities and transit.
• And that it will foster the creation of mixed-use, urban, walkable areas.
• So yes, our proposed zone district will meet this criteria.
Review Criteria

4. Justifying Circumstances (*summarized*)

- Existing zoning was an error
- Existing zoning was based on a mistake
- Existing zoning didn’t consider development constraints
- There has been a change such as: changing conditions, a city adopted plan, or the property has old code zoning

- The fourth criteria is called Justifying Circumstances.
- This criteria has a few different circumstances that are called out that can justify the rezoning.
- Only one of the circumstances needs to be met, and they are:
4. Justifying Circumstances (*summarized*)

- **Existing zoning was an error**
- Existing zoning was based on a mistake
- Existing zoning didn’t consider development constraints
- There has been a change such as: changing conditions, a city adopted plan, or the property has old code zoning

- The existing zoning of the land was the result of an error;
Review Criteria

4. Justifying Circumstances *(summarized)*

- Existing zoning was an error
- **Existing zoning was based on a mistake**
- Existing zoning didn’t consider development constraints
- There has been a change such as: changing conditions, a city adopted plan, or the property has old code zoning

- The existing zoning of the land was based on a mistake of fact;
4. Justifying Circumstances *(summarized)*

- Existing zoning was an error
- Existing zoning was based on a mistake
- **Existing zoning didn’t consider physical development constraints**
- There has been a change such as: changing conditions, a city adopted plan, or the property has old code zoning

- The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, such as, steep slopes, floodplain, unstable soils, and inadequate drainage;
Review Criteria

4. Justifying Circumstances *(summarized)*

- Existing zoning was an error
- Existing zoning was based on a mistake
- Existing zoning didn’t consider development constraints
- **There has been a change such as:** changing conditions, a city adopted plan, or the property has old code zoning

- And, since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
  - Changed or changing conditions in a particular area, or in the city generally; or
  - A City adopted plan; or
  - That the City adopted the Denver Zoning Code and the property retained the Former Chapter 59 zoning.
- For our property, we can use Blueprint Denver as a justifying circumstance since it is a recently City adopted plan and calls for a change in the area, such as going from industrial to mixed-use.
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

- And finally, the last review criteria is consistency with the Neighborhood Context, Zone District Purpose and Intent Statements.
- In the Denver Zoning Code, there is a description for each Neighborhood Context.
- There is also a description of the general purpose and intent of each zone district.
- This criteria means that the proposed zoning, and what it allows, should be consistent with all those descriptions.
Review Criteria

5. Consistency with Neighborhood Context, Zone District Purpose and Intent

- Mixed-use zone districts are focused on creating mixed, diverse neighborhoods
- Zone district should apply to areas or intersections served primarily by arterial streets where a building scale of 2-8 stories is desired

- In the case of our example, the proposed zoning of C-MX-8 is consistent because it meets the descriptions.
- In summary, mixed-use zone districts are described as zone districts that are focused on creating mixed, diverse neighborhoods, and can improve the transition between commercial and residential neighborhoods.
- And the C-MX-8 zone district should apply to areas or intersections served primarily by arterial streets where a building scale of two to eight stories is desired.
- The proposed rezoning meets this review criteria because it will allow a mixture of uses contributing to a diverse neighborhood and the property is adjacent to W Evans Avenue, an arterial street, and the property is also located at the intersection of two streets.
• That was a lot of information!
• Essentially, the purpose of the pre-application meeting is to ensure the applicant understands the rezoning process and the review criteria that’s used to evaluate a rezoning request.
• At this point, City staff only explain these things and don’t make any recommendations on zone districts that could be applied for or how they meet the review criteria.
• At this meeting there will be one more thing discussed.
• City staff will encourage you to do your own informal public outreach.
• We will encourage you to connect with Registered Neighborhood Organizations, your District Council Member, and any other organizations or community members that should be made aware of the rezoning request.
• After the pre-application meeting with City staff, the applicant would do informal outreach.
• This is something that’s not required but highly encouraged.
• The next step is to submit an actual rezoning application.
• This application asks for a variety of information, including a description, or narrative, of how the requested zone district meets the five review criteria.
• Once a complete application is submitted and a rezoning fee is paid, City staff send email public notification to registered neighborhood organizations within 200 feet of the property and the At-Large and District council members.
• A postcard public notification is sent to property owners within 200 feet of the property.
• And the application is posted to the city’s active rezonings webpage.
• At this point, staff will collect any written public comments received to be a part of the application and will eventually get shared with planning board and city council.
• City staff will then send out the application for review.
• City departments and other agencies provide any comments they have on the application.
• Depending on comments the applicant receives, there may be additional submittals needed to address those comments.
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<th>Step</th>
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<td>Submit Pre-Application Review Request Form</td>
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<td>Attend Pre-Application Meeting</td>
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<td>Informal Public Outreach</td>
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<td>Submit Application</td>
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<td>City/Agency Review</td>
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<tr>
<td>Planning Board Public Hearing</td>
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- Once the application looks good to go, then City staff will schedule you to go through the adoption process.
- The first stop, is the Planning Board public hearing.
- However, there are several different steps that occur prior to and during the planning board public hearing.
• 15 days prior to the public hearing, the applicant needs to post signage on the property.
• An example of the sign is on the right.
• This sign explains the rezoning request, when the public hearing is, and how to attend the hearing or submit comments.
• Then, 15 days prior to the public hearing, city staff sends an email public notification to registered neighborhood organizations within 200 feet of the property and the At-Large and District council members.
• A postcard public notification is sent to property owners within 200 feet of the property.
• Then a staff report is created with a staff recommendation based on the review criteria and sent to Planning Board along with the application and any written public comments received.
Then finally, the Planning Board reviews the rezoning request and staff report and holds a public hearing.

Let’s talk about the components of the public hearing.
• At the public hearing, City staff will present findings on how the application does, or does not, meet the review criteria.
• Then, community members may speak regarding the application.
• Then finally, Planning Board deliberates on whether the application meets the review criteria and votes to make a recommendation to City Council.
• For reference, these are the main steps that involve the public:
  • When signage is posted on the property, when public notification is sent, when comments are received and sent to Planning Board, and when there is an opportunity for people to speak at the public hearing.
• If Planning Board votes to move the application forward, then the application moves to the Land Use, Transportation, and Infrastructure committee, or LUTI, which is one of City Council’s committees.

• Staff typically send a courtesy, but not required, email public notification prior to the meeting.

• Then the staff report and application is sent to the committee.

• During the meeting, staff presents the application, and the committee deliberates and votes on whether the application is ready to move to the full City Council.

• If the application gets the ‘ok’ to proceed, then it moves on to...
• The City Council public hearing.
• There are several things that occur prior to and during the City Council public hearing.
• A lot of these steps you will recognize from the Planning Board public hearing process.
• 21 days prior to the public hearing, the applicant posts signage on the property.
• This sign looks the same as the one that gets posted for the Planning Board public hearing but has details for the City Council public hearing.
• Then, 21 days prior to the public hearing, City staff sends an email public notification to registered neighborhood organizations within 200 feet of the property and the At-Large and District council members.
Then city staff send the staff report to City Council along with the application and any written public comments received.
• Then finally, City Council reviews the rezoning request and staff report, and holds a public hearing.

• Let’s talk about the components of the public hearing.
- At the public hearing, City staff will present findings on how the application does, or does not, meet the review criteria.
Then, community members may speak regarding the application.
• Then finally, City Council deliberates on whether the application meets the review criteria and votes to either approve or deny the application.
• Again, for reference, these are the main steps that involve the public:
• When signage is posted on the property, when public notification is sent, when comments are received and sent to City Council, and when there is an opportunity for people to speak at the public hearing.
• If City Council approves the application, then there is a final mayoral signature required before the zoning change goes into effect.
• After that, the applicant would still need to proceed to building permits and other city-related processes before moving forward with any development.
• And that completes the summary of Denver’s typical rezoning process.