

Business and Retail Working Group (BRWG) Zoning Code Recommendations Document

BRWG Objective: To further understand, identify improvements, problems, and solutions to the new Denver zoning code

Overview of the engagement approach

The Business and Retail Working Group (BRWG) was formed to discuss business and commercial concerns with the new Denver Zoning Code. Initially, the Denver Downtown Partnership (DDP) convened a group of approximately 50 interested business and commercial leaders to discuss these concerns. Based on the feedback, the City of Denver, Planning Board, The Zoning Code Task Force, and City Council supported an extension of the adoption process and the formation of the BRWG. The attached timeline was communicated broadly based on this change.

In addition to the BRWG, Denver's Community Planning and Development (CPD) team conducted 1-to-1 discussions with many of Denver's retail community; including Safeway, King Soopers, McDonalds, Seven Eleven, the Colorado Bankers Association, the Colorado Wyoming Petroleum Marketers Association, Denver Health, etc. During these smaller meetings, issues and solutions were discussed, which shaped the BRWG discussions and recommendations.

This document is intended to summarize the key discussions and to state recommendations to the Zoning Code Task Force, Planning Board, City Council, and Mayor Hickenlooper in their consideration of the new code. While this document does not represent a 100% review of the New Code, it addresses the key issues raised by the business and retail community. The BRWG understands that these recommendations do not necessarily reflect a negotiated agreement, but rather a point-of-view from Denver's business, retail and commercial community in shaping the new zoning code to work for Denver.

Throughout the meetings and discussions, the BRWG arrived at recommendations that they believe will have credibility and general acceptance by the ZCTF, Planning Board and City Council. The recommendations included in this document are not the ultimate wish of the BRWG, but rather, the result of discussion and compromise.

Going forward, the BRWG members have asked to continue this forum after conclusion of the BRWG recommendations document to (1) discuss / educate people on the new code as it moves through adoption and (2) provide a forum for new code feedback during the six month transition period, and (3) discuss the City's approach to development policy and process. The City will convene the BRWG twice in April, twice in May and monthly after June 1st.

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Topic / Issue	Acceptable Recommendation (contingent on review of new code language)
<i>1. Compliant Structures: Definition of Compliant</i>	✓
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1. Compliant Structures: Definition of Compliant

- Overview of the Issue:
The BRWG discussed the definition of compliant in Draft #4 in response to concern and confusion regarding the difference between conforming, compliant, and nonconforming.
- Discussion Points
 - The BRWG discussed the principle that the new code should not create any new nonconforming structures.
 - The BRWG discussed the conditions that would lead to a structure being compliant under the new code.
 - The BRWG discussed the specific regulations that might make a currently conforming structure non-conforming under the new code
 - The BRWG discussed adding four additional exceptions to address situations where structures that are conforming under the current code become non-conforming under the new code. The BRWG discussed how to change the compliant definition to address this concern.
 - CPD clarified that landscaping does not affect the status (conforming, compliant, or nonconforming) of a structure
 - CPD and Galloway & Co under contract to DMCAR conducted sampling to understand how many structures go from conforming to conforming, conforming to compliant, conforming to non-conforming, non-conforming to non-conforming, non-conforming to compliant, and non-conforming to conforming under the new code. The sampling of 618 parcels showed 1% of those parcels are conforming under the current code and would become nonconforming under the new code. Please see Attachment A for a summary of this sampling.
 - The BRWG discussed changing the term from “compliant” to “conforming” to recognize that compliant and conforming structures have the same rights under the new code. The group decided that this change would be confusing in that it would create two classes of conforming structures. The term “compliant” is recommended to remain to describe these situations.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends that any structure that is conforming under the current code be, at minimum, compliant under the new code. Specifically, the BRWG recommends that CPD staff add clarifications regarding maximum setback and surface parking location. The BRWG also recommends adding maximum height, minimum setbacks, overall structure length, and upper story setback to the compliant definition list (please refer to the “Draft Code Language” attachment for the corresponding legal definition of compliant). Furthermore, the BRWG recommends that CPD include a “safety net” clause that stipulates that structures that are conforming under the current code be, at minimum, compliant under the new code. In administering this provision, applicant would either demonstrate that they meet the new code with the new code listed exceptions OR demonstrate conformity under the current code (as the exception).
- Reference Section in Draft 4.1: See Article 13, Division 13.3 – Page 13-51

2. Compliant Structures: Rights after Voluntary Demolition

- Overview of the Issue:
The BRWG discussed amendments to the Draft 4 language related to conforming, compliant and non-conforming structures. Specifically, it was suggested that structures that are conforming under the current code and become compliant in the new code might lose value if they cannot be rebuilt as they existed if voluntarily demolished.
- Discussion Points
 - CPD conducted sampling to understand how many structures go from conforming to conforming, conforming to compliant, conforming to non-conforming, non-conforming to non-conforming, non-conforming to compliant, and non-conforming to conforming. The sampling of 618 parcels showed 19% of those parcels are conforming under the current code and would become compliant under the new code (see Attachment A for a summary of this sampling).
 - The BRWG expressed concerns that necessary improvements might not be made to older structures that become non-conforming after enactment of new zoning regulations and that compliant status might have the same result.
 - It was suggested that there are certain circumstances where the new building forms will not support rebuild of existing businesses and therefore jeopardize loans, operating agreements, and/or franchise agreements
 - Owner would lose the right to rebuild “as-was” if their use was abandoned for more than 1 year or if, after demolition, a zoning permit was not acquired within one year.
 - There was some discussion about the “as-was” provision applying to structures that were non-conforming under the current code and become compliant under the new code.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends that a change be made to compliant structure rights. Where structures are currently conforming under the current code and become compliant under the new code, these structures be allowed to be rebuilt as they existed on the date the new code is adopted with the following requirements: (1) provide documentation of the existing structure that describes the size and location of the building on a site plan/survey, building elevations, and height dimensions (2) upgrade to new code standards for landscaping and garden wall at build-to with administrative flexibility to allow solutions that meet the intent of the standards but cannot meet all street edge standards (3) In order to carry this right, the owner would need to obtain a zoning permit for the replacement structure within a year of demolition and the use could not be abandoned for more than one year. The BRWG recommends that there *not* be additional PIN or variance processes required to obtain permission to rebuild “as was.”

The BRWG would also recommend adding specific details to the “as was” provision including; the compliant structure could be rebuilt “as was” multiple times; the applicant can add / expand an “as was” rebuilt structure (as described in #3 below); any addition / expansion (as described in #3 below) that occurs after the “date the new code is adopted” could not be rebuilt “as-was.”

- Reference Section in Draft 4.1: See Article 12, Division 12.6 – Page 12-71

3. Compliant Structures: Additions / Expansions

- Overview of the Issue:
The BRWG discussed amendments to the Draft 4 language related to conforming, compliant, and non-conforming structures. Specifically, it was suggested that compliant structures be allowed to expand using either the current code or new code; as opposed to using only the new code as stipulated in Draft 4.
- Discussion Points
 - There was concern that additions to compliant structures under the new code will limit the rights of these compliant structures; which may have been conforming structures under the current code
 - CPD presented diagrams that illustrate the options for compliant structure additions under the new code to demonstrate existing structures do not have to come into full compliance with (1) minimum building height, (2) build-to, (3) maximum setback, (4) ground story activation, (5) location of surface parking for vehicles. (Please see Attachment B for the draft diagrams that will be included in the next version of the code.)
 - The flexibility for additions/expansions for existing structures as presented by CPD was deemed acceptable for compliant structure additions, and therefore, allowing the current code for additions to compliant structures would not be needed.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends that these diagrams be included in the new code to provide greater clarity.
- Reference Section in Draft 4.1: See Article 12, Division 12.6 – Pages 12-69 and 12-70

4. Large and Midsize Format Retail: Mapping CC, MX, and MS Zone Districts

- Overview of the Issue:
There is concern that mid/large format retailers will not be able to develop in their typical formats in the proposed MS and MX districts. CC is recognized as a viable district but others are perceived as prohibitive. The BRWG believes that more S-CC should be mapped to allow for mid/large format retailers to be built these typical formats. The BRWG created a smaller break-out session to discuss this topic in more detail. The discussion points below reflect the larger BRWG and this smaller break-out.
- Discussion Points
 - S-CC and E-CC were discussed. The BRWG is mostly comfortable with these districts although the group recommends a change to ground story activation where the structure is setback far from the street (see topic 5)
 - Zoning changes/establishing PUDs remain possible under the new code. It was recognized that similar to today, assembling enough land to support a mid to large sized retail development would likely require vacation of street and/or alley right-of ways and rezoning.

- The BRWG discussed compromising on changes to the retail zone districts; thus allowing developers to choose from the zone district menu rather than going through the complex and time-consuming PUD process.
 - After discussion, E-MX with three options (A, B, and C) are acceptable districts for large format retail – assuming some changes to build-to and GSA alternatives
 - After discussion, G-MX, U-MX, and C-MX are also acceptable districts for this type of retail – assuming some changes to build-to and GSA alternatives.
 - During this discussion, the group talked about build-to and ground story activation alternatives that would make retail more viable on the MX sites
 - The BRWG discussed the concern with MS along Colfax and Broadway and the difficulty of building a large format retail (such as the Home Depot at Colfax and Wadsworth in Lakewood).
 - There is a belief by the BRWG that large to mid-sized retail would not work in Main Street (MS) districts but the BRWG is not recommending a change to mapping along (for example) South Gaylord, 32nd and Lowell, and Santa Fe to address this. The BRWG also understands the strong sense of ownership of the MS mapping by community members and members of Council along Colfax and Broadway, but still believe there has been over-mapping of the MS district.
 - There are also concerns relative to over-mapping of C-MX. The mapping is acceptable if some changes to build-to, ground story activation, entrance requirements, and ability to choose primary vs. secondary streets are made to the menu of options. Please refer to ground story, build-to alternative, entrance requirements, and primary/secondary street topics covered later in this recommendations document.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends adjusting the S-CC, E-CC and S-MX zone district language in three ways; (1) creating a additional zone district option for both S-CC and E-CC to restrict “uses” to those allowed in the S-MX and E-MX zone districts; (2) for S-MX where buildings are greater than 20K square feet – allow two double-loaded rows of parking between the building and primary street and extend the primary street build-to to 50% within 0’/150;’ and (3) for E-CC where buildings are greater than 20K square feet – allow unlimited parking between the building and primary street. Please refer to the appendices for these recommendations in table format.

The BRWG also recommends that CPD staff and City Council consider remapping sections of Denver to S-CC (either option) where they are S-MX today – specifically along Colorado Boulevard, Federal and Hampden.

- Reference Section in Draft 4.1: See page 3-37 for S-MX option that allows 150’ of parking in between building and Primary Street for ground story 20,000 or more. See page 4-43 for E-CC option that allows no limit of parking in between building and Primary Street for ground story 20,000 or more. There has also been some re-mapping.

5. Large Format Retail: Ground Story Activation for S-CC Zone Districts

- Overview of the Issue:
The BRWG discussed the necessity of primary street and side street ground story activation requirements in S-CC zone districts where there are no build-to requirements and structures are allowed to have deep setbacks from the street.
- Discussion Points
 - CPD presented the objective of ground story activation - to provide a safe and engaging environment for pedestrians along streets.
 - It was determined that it would be difficult to achieve this activation objective in a zone district that allows buildings to be setback far from the street.
 - The group discussed the situations where the owner may choose to site the structure closer to the street, in which case the activation goal could be met
 - The BRWG discussed extending this principle to other areas where ground story activation and structure sites were discussed
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends eliminating the ground story activation requirement in the S-CC zone district where the structure is setback beyond 80 feet.
- Reference Section in Draft 4.1: See Article 3, Division 3.3 – Page 3-37. Also, this has been expanded to include S-MX and E-CC.

6. Ground Story Activation Alternatives

- Overview of the Issue:
Although Draft 4 describes transparency alternatives, the BRWG discussed expansion of those alternatives on primary and secondary streets.
- Discussion Points
 - CPD presented the objective of ground story activation - to provide a safe and engaging environment for pedestrians along streets.
 - The BRWG discussed the difficulty of having “multiple” store fronts – toward the primary street, the side street and the parking area and the impact that required transparency could have on internal store functions (such as storage, refrigeration, loading, etc.) that would limit or restrict feasible store layout.
 - The BRWG discussed the current transparency alternatives in Draft 4: (1) windows outside zone of transparency, (2) display cases, (3) automated teller / ticket machines, (4) wall design (includes planter walls/green screen), and (5) Outdoor dining / seating.
 - The BRWG discussed that if an alternative is allowed to count toward 100% of the base requirement for windows, the alternative should have to meet a greater standard.
 - The BRWG discussed looking at additional alternatives and identified additions to the Draft 4 alternatives – see recommendation.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
On primary and side streets, the BRWG recommends including graphics as an alternative to transparency. On side streets, the BRWG recommends allowing

the wall design alternative in Draft 4 to count toward 100% so long as the entire wall meets the wall design alternative (i.e. the entire wall is considered architecturally) in the CC and MX zone districts. Additionally, the BRWG recommends incorporating general language into wall design alternative to include other elements such as water features/water walls, art, and unique architectural design.

- Reference Section in Draft 4.1: See pages 3-51, 4-60, 5-56, 6-52 and 7-41

7. Build-To Alternatives

- Overview of the Issue:
The BRWG discussed providing more flexibility in build-to requirements.
- Discussion Points
 - The BRWG discussed the difficulty of achieving the build-to requirement if there are conflicting utility easements and/or onsite water quality requirements.
 - The BRWG discussed possible difficulties of meeting build-to requirements when the building program is small relative to the site.
 - The BRWG identified a need to address phasing for the pad sites
 - CPD clarified that the build-to and maximum setback is measured from the back of any existing easements rather than the property line. This provision is in Draft #4.
 - A breakout group was held to further discuss these items. The business community wants more flexibility with regard to meeting the build-to requirements – such as garden walls being allowed to meet the requirements up to 100%.
 - The BRWG expressed concerns regarding conflicts with water quality and detention facilities. The placement of these facilities is dictated by the topography of the site.
 - The working group is concerned that engineering site plan issues, such as storm drainage, finished floor height, access and internal traffic circulation have not been fully examined and that Development Services and Public Works need to be engaged with the group to insure that the proposed code will not overly limit development based on site engineering.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG has three recommendations related to build-to alternatives. (1) The BRWG recommends that garden walls (as defined Draft 4 of the code) be allowed to meet the build-to requirements for 25% of the build-to requirement (as opposed to the 20% in Draft 4). (2) The BRWG recommends that pad site be allowed for development after the initial large format building. The BRWG is willing to reserve these pad sites for future development and provide landscaping in the interim – i.e. no parking. (3) The BRWG recommends that as part of the site development plan process, the zoning administrator may provide administrative exceptions for build-to and maximum setback standards to accommodate water quality and/or detention/retention facilities.

- Reference Section in Draft 4.1: (1) See pages 3-50, 4-59, 5-55, 6-51, 7-40, (2) See Article 10, Division 10.2, Section 10.2.3.2(B) – Page 10-8, (3) See Article 12, Division 12.4, Section 12.4.5.3(A) - Page 12-37, second row down

8. Maximum Setback and Alternatives

- Overview of the Issue:
The BRWG discussed the maximum setback calibration at 70' and identified a need for an alternative to the maximum setback. This limit was viewed as prohibitive to landscape and sidewalk options for buildings set close to the right-of-way. Also, larger retailers need to be sited further from the street, with deep parking field while maintaining visibility from the street.
- Discussion Points
 - CPD presented the purpose of the maximum setback at 70' to allow for one double-loaded bay of parking
 - It was determined that it could be difficult to meet the 70' with a landscape area at the street, parking bay and adequate sidewalk along the building.
 - The BRWG suggested an 80 or 90 foot maximum setback to allow for landscaping, double-loaded parking, and wider store-front sidewalks.
 - The BRWG discussed how pad buildings and combination of garden wall could be utilized at street edge to meet the build-to requirement while allowing larger structures to be set back farther than 70'. The BRWG expressed concern regarding the requirements for pad buildings on smaller sites. Requiring these pad buildings could significantly increase the size of site necessary to develop mid to large format retail.
 - CPD clarified that the build-to and maximum setback is measured from the back of any existing easements rather than the property line. This provision is in Draft #4.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends changing the maximum setback in S-MX, E-CC, and E-MX (Option 3) to 80 feet. Additionally, the BRWG recommends that the setback be allowed to extend to 90 feet where the applicant includes outdoor dining / seating in front of the building. The BRWG recommends adding an option to S-MX and E-CC with a required build-to of 50% within 0'/80'. This would allow the multiple building provisions to be utilized for larger site retail options. The BRWG recommends that as part of the site development plan process, the zoning administrator may provide administrative exceptions for build-to and maximum setback standards to accommodate water quality and/or detention/retention facilities. Independent of the code adoption timeline, the BRWG recommends engaging public works and development services to understand the implications of the siting and design elements in the proposed code to site engineering.
- Reference Section in Draft 4.1: S-MX, E-CC, and E-MX Option C have been re-written as Build-To rather than Maximum Setback (all max setbacks have been removed from V4.1). The range has increased from 70' to 80' but the exception for 90' was inadvertently missed but will be included in the next draft and/or as a recommendation to Planning Board. See pages 3-37, 4-43, and 4-45. For all other, see Number 7 above

9. Store Entrance Location

- Overview of the Issue:
The BRWG discussed the store entrance location during the retail format discussions. The BRWG requested flexibility in choosing the store entrance location.
- Discussion Points
 - The BRWG discussed alternative to the store entrance facing the primary street and CPD presented adjustments included in V4.1 of the new code.
 - The BRWG discussed the definition of “pedestrian connection” as a walkway from primary street, thru parking field, to the setback building entrance allowing the door to face in any direction.
 - The BRWG discussed the definition of “entrance” as the entry facing the primary street or, if not facing the primary street, being within 15 feet of the primary street.
 - The BRWG discussed the definition of “alternative entrance” as architectural elements and walkways that connect the primary street to the building entrance that may be set behind the required build-to
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends adopting the store entrance alternatives presented by CPD staff on April 8, 2010. Specifically, the BRWG recommends that a “pedestrian connection” be allowed in all S-CC, S-MX, E-CC, and E-MX Option C and that the “entrance” and “alternative entrance” options be allowed in E-MX Option A, E-MX Option B, U-MX, G-MX, and C-MX. The BRWG understand that the “entrance” option is the only choice for the MS zone districts. The BRWG would like to review the specific code language over the next week. Please refer to the appendices for this recommendation in table format.

10. Parking Location

- Overview of the Issue:
The BRWG questioned why surface parking location is restricted in the E-MX, U-MX, G-MX and C-MX districts and believes these types of restrictions will limit the types of retail and commercial development that build in Denver.
- Discussion Points
 - CPD presented the parking options in the E-MX, U-MX and G-MX districts. CPD clarified that surface parking is allowed between the building and the Side Street AND that, in these districts, the applicant may choose which street is designated as the primary street and which street is designated as the side street – where the zone lot faces two streets.
 - The BRWG discussed the need to provide more flexibility for lots with more than two street frontages. The group discussed clarifying the Zoning Administrator criteria in an effort to provide more predictability for the business community as to the likely outcome.
 - CPD clarified that the applicant can choose primary vs. secondary street in C-MX for corner lots. CPD clarified that for properties with more than two street frontages the zoning administrator shall determine primary and secondary streets.

- Members of the BRWG have expressed the desire to allow a double-loaded row of parking between the building and the primary and secondary streets in all zone districts except MS.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends clarifying the requirements in E-MX, U-MX, and G-MX zone districts for sites with multiple street frontages. Also, the BRWG recommends that CPD clarify that in E-MX, U-MX and G-MX zone districts, the applicant may choose which street is “primary” and which street is “side”.
- Reference Section in Draft 4.1: See Article 13, Division 13.1, Section 13.1.2.3(B) and (E) – pages 13-16 and 13-14.

11. Primary and Side Street: Multiple Street Frontages

- Overview of the Issue:
There are many cases where business and retail establishments are located on zone lots with multiple street frontages. The new code proposes regulations tied to the “primary” and “side” streets and, as a result, it is important to understand how the primary and side street are determined.
- Discussion Points
 - The BRWG wanted better clarity on how the primary and side street are designated.
 - CPD presented an overview of E-MX, U-MX and G-MX districts AND that, in these districts, the applicant may choose which street is designated as the primary street and which street is designated as the side street – where the zone lot faces two streets.
 - The BRWG discussed zone lots that have >2 street frontages. CPD presented the criteria that the Zoning Administrator uses to determine which streets are primary and side.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
For zone lots with multiple street frontages, the BRWG recommends that CPD prioritize the Zoning Administrator criteria for determining primary and side street in order to clarify which criteria are most important in this determination. Specifically, the BRWG recommends that the Zoning Administrator use existing site-specific GDP, regulating plans, or urban design standards and guidelines to determine primary and side streets. If these site-specific documents do not exist, the BRWG recommends that CPD limit the number of possible primary streets – calibrated by zoning context. Specifically, the BRWG recommends that in all E-MX, E-CC, S-MX, and S-CC zone districts there be a maximum of one primary street and all other streets shall be designated as side street(s). In the U-MX and G-MX zone districts there be a maximum of two primary streets and all other streets shall be designated as side street(s). In the C-MX zone district there shall be a maximum of two primary streets required to meet the primary street requirements, while other primary street(s) meet the primary street requirements except be allowed to meet the transparency requirement by treating 100% of the wall with transparency alternatives. Please refer to the appendix for a summary table.

12. Drive Thru Services Building Form

- Overview of the Issue
The BRWG discussed some of the calibrations for the new Drive Thru Services building form and questioned which options were allowed/not allowed in the different zone districts.
- Discussion Points
 - Through 1-on-1 meetings some of the Option B standards were identified as issues with drive thru service form as they could result in impractical enlargement of canopies and limited options for customer parking
 - It was discussed that the Option A layout for gas stations is not desirable as it may negatively impact the overall store performance. Option B is more desirable as visibility of fuel dispensers and having building placed back from the street is important for overall store performance.
 - For both Option A and B versions of the Drive Thru Services building form BRWG discussed options for the garden wall and canopy not being within the build-to range.
 - For Option B of the Drive Thru Services building form, BRWG discussed that parking be allowed between the building and the canopy, similar to multiple building provision that allows parking between building set back and the building at the street that is being used for the build-to requirement.
 - BRWG and in particular, members from the Colorado Wyoming Petroleum Marketers Association (CWPMA), desired Option B in all zone districts (including Main Street and Urban Center), but compromised in a BRWG recommendation that Option B for Drive Thru Services building form be allowed in the E-MX, U-MX, and G-MX zone districts.
 - BRWG discussed adding an administrative adjustment for existing sites whose current tank locations and the impracticality of moving the tanks prevents them from meeting a build-to requirement.
 - During the conversation, it was suggested that the B Option may be more appealing to adjacent residences; as it provides a buffer between the neighborhood and the cars, lighting, and service trucks. Option A pushes the cars and lighting to the back of the lot.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends the following changes to the drive-thru services building forms:
 - Champion the “as-was” provision as described in the latest BRWG Recommendations Document
 - Add Option B to E-MX-2A and 3A, U-MX zone districts for gas station uses only
 - Compromise to accept option A only in G-MX and all MS districts
 - Recommend the additional red items on the drive-thru services table (please see appendices)
 - Adding an administrative adjustment for existing sites whose current tank locations and the impracticality of moving the tanks prevents them from meeting a build-to requirement.
- Reference Section in Draft 4.1: See pages 3-30 – 3-31; 4-36 – 4-37; 5-34 – 5-35; 6-32 – 6-33; 7-28 – 7-29

13. Drive Thru Restaurant Building Form

- Overview of the Issue:
The BRWG discussed the new restaurant building form included in Draft 4.
- Discussion Points
 - It was discussed that a certain pedestrian count is needed in order to support a drive-thru located on the back of the site rather than the front of the site
 - In 1-on-1 meetings, the drive-thru restaurant community stated their preference to allow Option B in all zone districts except C-MX and C-MS
 - The group discussed the feedback received from other groups who are concerned with allowing Option B in Main Street as it may not meet intent of Main Street
 - The BRWG discussed changing the Primary Street range to 0'/35' and the Side Street range to 0'/18' for Option B in E-MX, U-MX, G-MX
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends the following changes to the drive-thru restaurant building forms:
 - Champion the “as-was” provision as described in the latest BRWG Recommendations Document
 - Keep Option B in S-MS, E-MS zone districts
 - Compromise to remove B in U-MS and G-MS
 - Recommend the additional red items on the drive-thru restaurants table (please see attached).
- Reference Section in Draft 4.1: See pages 3-32 – 3-3-35; 4-38 – 4-41; 5-36 – 5-39; 6-34 – 6-35; 7-30 – 7-31

14. Industrial Zones

- Overview of the Issue:
During the BRWG meeting, questions arose about industrial zone districts rights and mapping.
- Discussion Points
 - CPD presented that the industrial zone districts follow current code: I-1 become I-A, I-2 becomes I-B, etc.
 - The BRWG discussed that the 20' setback requirement in industrial zone districts could be reduced to 0'; except where adjacent to residential zone districts.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG does not have any recommendations regarding Industrial zones.
- Reference Section in Draft 4.1: I-MX changes, see page 9-11

15. Zoning Processes: Planned Building Group (PBG)/Site Development Plan(SDP) Creation and Administration

- Overview of the Issue:
When multiple buildings (and potentially owners) come together to meet zoning requirements on a zone lot, a PBG is developed under the current code. The BRWG discussed how the process works under the new code – both in how PBGs would be established and how they would be administered.
- Discussion Points
 - CPD presented the Site Development Plan approach in the new zoning code, which takes the place of the PBG process in the current code
 - CPD stated that the SDP could be developed during the development review process, rather than the exception process required for PBGs
 - The obligations and right established under an SDP would function as PBGs do under the current code. For example, should ownership of specific building change, new owners would still be required to meet the obligations of the established SDP.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG does not have any recommendations regarding the PBG / SDP process.

16. Zoning Processes: Planned Unit Developments (PUDs)

- Overview of the Issue:
The BRWG discussed how PUDs would be established and administered under the new zoning code.
- Discussion Points
 - The BRWG discussed how PUDs would work under the new zoning code
 - PUDs can be established under the new zoning code as they were under the current zoning code. But PUD applicants would have to use new code zone districts as the starting point.
 - There was interest in convening a break-out discussion to review a couple existing PUDs to understand how they could change under the new zoning code. CPD will setup this break-out session.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG does not have any recommendations regarding the PUDs.

17. Land Assessment

- Overview of the Issue:
The BRWG requested an overview of how the land assessment process would be affected by the new zoning code.
- Discussion Points
 - Denver's Assessor joined the meeting on 03/11/10 to present how commercial land assessment works

- The assessment process is market driven; based on market comps, income or cost bases – i.e. the new zoning code will have an indirect (i.e. through market transactions) rather than direct impact on assessed value.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG did not have any recommendations related to land assessment.

18. Post Adoption Process: Language and Mapping

- Overview of the Issue:
The BRWG discussed the importance of creating a post-adoption process that addresses errors in the new code as they are identified post adoption.
- Discussion Points
 - CPD presented to BRWG on 3.17.10 three potential ways for post adoption changes to language and map: (1) Fast fix for “errata” in language or map for mistakes (no policy implications) that would eliminate the planning board public hearing (2) Administrative allowance for “alternatives” to building form standards if the alternative leads to better result and a “PIN” process is followed in order to notify City Council and neighboring residents/property owners (3) Amendments to the language and the code (non-errata) could follow a consecutive week process for Planning Board and Blueprint Denver thereby saving 2 weeks in the process.
- Recommendations to ZCTF, Planning Board, City Council & Mayor Hickenlooper
The BRWG recommends that for a period of six months, with a Council option for a second six months, that the Zoning Code Technical Committee have authority to allow administrative adjustments to existing building forms based on the following criteria. The Zoning Code Technical Committee could grant adjustment if they find that the adjustment have (1) broad applicability and (2) either impacts the engineering of the building form or the change would create greater compatibility with the existing context. Also the BRWG recommends that Council include a rapid “errata” process to handle clear and obvious errors in text or map.
- Reference Section in Draft 4.1: (1) See Article 12, page 12-52 for map errors and 12-58 for text errors, (2) Ongoing discussion, (3) Policy, code change not required

Appendices:

A: Adoption Schedule

B: Sampling Matrix

C: Draft Compliant Structure Addition Diagrams

D: Summary Tables

- Large and midsize format retail - districts overview table (topic 4)
- Store entrance location – overview table (topic 9)
- Parking location – overview table (topic 10)
- Primary and side street: multiple street frontages – overview table (topic 11)
- Drive thru services – overview table (topic 12)
- Drive thru restaurants – overview table (topic 13)

E: Zoning Process Tables

Members and Participants of the BRWG: In addition to the initial members, many other people have participated in the BRWG. The following list represents people who have participated in any of the BRWG larger and break-out meetings. [DRAFTING NOTE: Review sign-up lists and add all attendees to this list]

Name	Company/Organization
Asfaw, Geta	Ababa and Company (McDonalds)
Basey, Jim	Home Basey
Belz, Ferd	Real Estate Generation, LLC
Bertoli, Bennett	Sunflower Farmers Market
Bowes, Peter	Bowes and Company
Buchanan, Brad	Planning Board Chair/ZCTF
Chrisman, Jim	Forest City Stapleton, Inc.
Delanoy, Rich	Planning Board Member
Fergot, Jeff	Safeway, Inc.
Fox, Jack	Fox Company
Gallagher, Bill	Offen Petroleum
Garcia-Berry, Maria	CRL Associates
Goldberg, Mark	Goldberg Properties
Gollick, Bob	Consultant
Gougeon, Tom	Continuum Partners
Gueting, Dave	Galloway- Planning Architecture Engineering
Henry, Michael	Neighborhood INC – ZC Chair/ZCTF
Howes, Chris	The Howes Group, LLC
Johnson, Jim	J.G. Johnson Architects
Kaplan, Steve	Kaplan Kirsch & Rockwell, LLP/ZCTF
Kucera, Kim	CRL Associates
Maley, Sean	CRL Associates
Makovsky, Evan	Shames – Makovsky Realty Company
McCormick, Mike	McCormick Equities, Inc.
McNeive, Lynda	Brownstein Hyatt Farber Schreck (NAIOP)
Meersman, Pete	Colorado Restaurant Association
Mosher, Bill	Trammell Crow Company
Mueller, Marcia	DMCAR
Mulhern, Mike	The Mulhern Group
Nelson, Britt	New City Development LLC
Nelson, Grant	Goldberg Properties
Nevitt, Chris	Council District # 7
Oliver, Stephen	7-Eleven, Inc.
Ragonetti, Tom	Otten Johnson Robinson Neff & Ragonetti
Rau, Bruce	Oakwood
Robb, Jeanne	Council District #10

Roberts, David	Office of the Mayor
Schmid, Robert	AIA Denver Urban Design Committee ZCWG Chair
Stovall, Cyndi	Sherman and Howard
Tilton, Ron	1 st Bank
Vasbinder, Jim	Etkin Johnson Group (Industrial)
Waller, Jenifer	Colorado Bankers Association
Weeder, Jeff	Galloway- Planning Architecture Engineering
Workman, Phil	Consultant