

Called the "Good Neighbor Amendment", Denver City Council Bill I-1147 was passed unanimously on October 23, 2007.

This ordinance was drafted by Feldmann Nagel, LLC attorney Daniel B. Markofsky in collaboration with and under the sponsorship of Denver City Councilman Charlie Brown. Mr. Markofsky and Councilman Brown saw the need and took action.

North Denver

Season's Greetings **Tribune**

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Set like a luxury liner, Ocean Prime serves seafood and steaks in a setting appropriate for James Bond and the

Exploring rezone options

by Elisa Cohen

WEST HIGHLANDS – How did a group of parcels in the middle of North Denver end up with 5-story zoning rights? More importantly they asked, "how do citizens go about changing the zoning so that new structures built on these parcels better reflects the character of the neighborhood?" City staff provided answers to these questions at a meeting held on December 6, 2011. And Councilwoman Susan Shepherd told attendees that they should contact her at districtcomments@denvergov.org by December 16 to let her know how to proceed.

City planners explained the history and then outlined the potential ways concerned residents could lobby their elected officials to halt the project: a moratoria, an overlay rezoning, or a council person initiated rezoning. City Attorney Kerry Buckley explained the limitations and requirements of these lengthy legislative processes.

A moratoria could temporarily halt the project while a fix to the problem is being sought. But if the solution is a rezoning, then the rezoning should be attempted rather than a moratorium. A problem with the moratoria Kerry says is that its use must not be discriminatory against a single property owner. Kerry used the example of counties establishing moratoriums over marijuana grow facilities until the state and federal

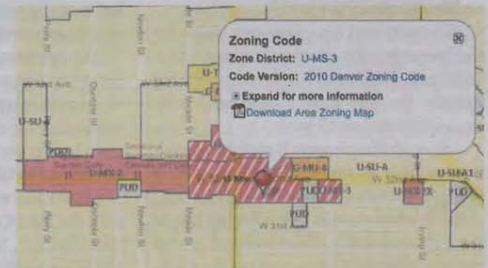
laws become more clear. These moratoriums did not discriminate on just one grow operation.

A city council member could initiate the down-zoning of this particular parcel. The council member who brings this application forward would not be able to vote on this matter. Also, the property owners may file a legal protest to the rezoning. If they do that, then the city council would need to have a super majority of votes - 10 of 12 members would need to approve the rezoning.

Citizens may no longer rezone someone else's property. Property owners must represent at least 51 percent of the land being rezoned to file an application for rezoning. Jude Aiello suggested that this ordinance should be changed to allow citizens to once again rezone their neighbors property.

An overlay rezoning is also a rezoning that requires the majority of city council votes. To be citizen initiated over 51 percent of the property owners must agree to the more restrictive rules.

From Meade Street to Julian St. along 32nd Avenue the commercial properties



This zoning map shows the potential transformation of 32nd Avenue into three story and five story structures according to the rezone that took place in 2010.

have the right with the current zoning to build up to three stories. Residential property owners along Moncrieff and Meade could potentially band together to create a residential overlay district for their properties to include the parcels currently zoned U-MS-5.

At the December 6 meeting, city planners shared how they had determined the new U-MS-5 zoning for the parcels. It appeared that the previous entitlements for the land prevailed over context and current use.

Audience members took offense to the use of Nanci Kerr as the moderator given her website's claim that she "founded Sky to Ground out of a desire to improve the entitlement process."

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Stadium signs to change views

by Elisa Cohen