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Department of

Reference: North Main Study Area

To: Mayor Kenneth J. Kreutzer and Members of City Council
Chairman Chris Maslanik and Members of Planning Commission

Through: Holly Prather, AICP, Community Development Director
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PURPOSE

To consider a city-initiated rezoning for the North Main Study Area. This staff report contains a summary of the study area, the existing zoning conflicts, and an analysis of potential staff actions for consideration.

BACKGROUND

The North Main Study Area (Study Area) consists of fifty-six (56) properties located on the north side of downtown. Refer to the attached map for a visual diagram of the study area. As depicted on the map, the area has been divided into two phases: Phase I begins at the zoning line between the DT (Downtown) and I-1 (Light Industrial) zone districts, and captures the properties along both sides of Main Street up to Denver Street as the northern boundary. Phase II, includes the remaining properties west of the alley behind Main Street which lay between Denver Street and Longs Peak Street until reaching Great Western Road as the western boundary.

The properties within the North Main Study Area have a long history, and a majority of the structures pre-date the incorporation of the City of Brighton. Based on county records and historic documents, a large number of the homes and commercial buildings within the Study Area were built between 1900 and 1925. The land in this area was first platted for

development through the Brighton Park Subdivision through Arapahoe County in 1889, and while the plat and development of the area was originally in the county, it was likely driven by the development of downtown Brighton (to the south), and the Sugar Factory (to the north). It wasn't until later subdivisions such as Sherley's Addition in 1919, the Davis and Riggs Addition in 1926, and the Montview Subdivision in 1923 that the area began to incorporate into the city limits. A slow stream of infill development has continued throughout the area since this time, which was primarily for the purpose of new commercial and industrial uses within the area.

Perhaps the most influencing factor on the growth and change of the Study Area is the zoning history of the property. In today's planning practice, a property is typically annexed and zoned for its future intended use. If an area is developed in the county and then annexed into the city (such as this Study Area), it is typically zoned to either match the existing use, or zoned for redevelopment to a new use. In this case, we see that much of the development was residential with some commercial upon annexation into the city; the 1936 zoning map depicts Phase I of the area as Commercial, and Phase II as Residential. However, the 1963 zoning map categorizes the entire area to Industrial. One could deduce that the City may have planned redevelopment of the area for an industrial purpose based on the zoning of the area. However, staff has not found city record which would indicate a historic intention for redevelopment of the property. If a new industrial development was indeed the historic vision for the area, it certainly never came to fruition. As a result, the industrial zoning has created an ongoing burden for the historic residential and commercial uses, and encouraged heavier commercial and light industrial uses which conflict with the adjacent residential neighborhood and do not fit within the existing pattern of development.

Existing Condition Conflicts:

For existing residents, the current zoning creates a complex set of issues. First, there is the issue of being a non-conforming use (a use not permitted within the current zoning regulations). While there are regulations which protect the use and allow it to remain, they often have difficulty refinancing or obtaining loans with the non-conforming use. In general, banks consider non-conforming uses to be a risk, and working to make sense of this can take additional time and be difficult. Second, redevelopment threats or changes in use for adjacent properties create uncertainty for residents or future home buyers. A majority of uses within the I-1 zone district are inappropriately adjacent to a single family residential home, especially if not designed properly to address impacts to their property. The I-1 zone district and Industrial Design Standards (IDS) are not sufficient to address this type of infill development and do not adequately address the area.

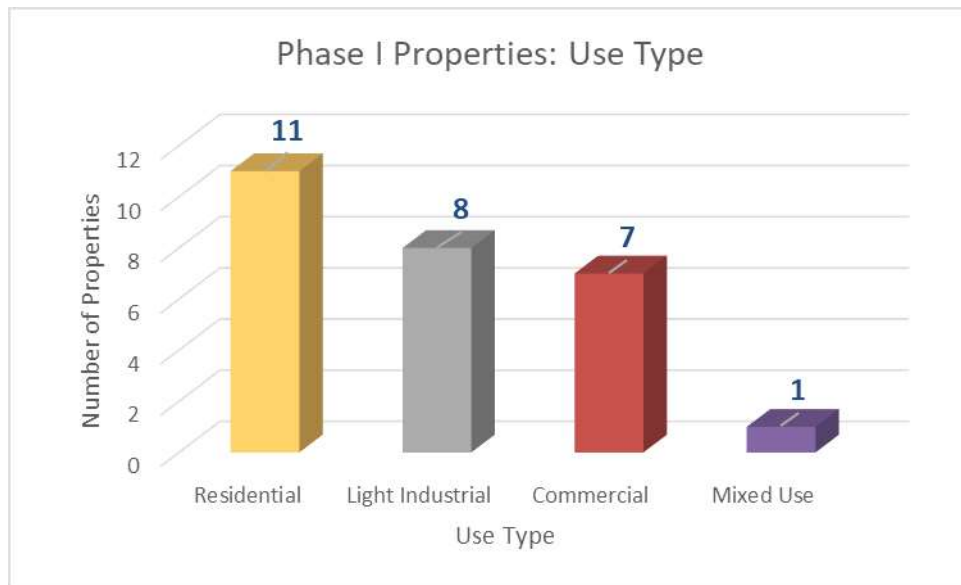
For business owners in the area, the I-1 zoning also creates challenges. Because much of this property was subdivided for urban city-lot residential and commercial development, most of the uses that are appropriate for the development pattern and scale in the area are not permitted by the I-1 zoning. Conversely, uses which are permitted within the current zoning district are typically too large for the lot and structure sizes that exist within the study area. Additionally, the I-1 zone district is set up to require large lots and large setbacks, making almost all of the existing properties non-conforming.

For the city as a whole, there is also a conflict regarding the future of the area and the community vision for the area. During the recent update to the Comprehensive Plan, Be Brighton, it was confirmed that the future plan for this area is not industrial (and has not been for a long time). As Brighton's historic downtown grows and thrives, it is natural that we will see a mix of commercial and higher density residential uses extend to the Phase I Study Area along Main Street. However, that development will need to be respectful of the existing lot and structure pattern within the area, which is outlined within the Comprehensive Plan.

In summary, the existing zoning of the area has forced nearly all of the properties to be non-conforming by either use or standard (such as setback or lot size). This leaves both the property owners and staff incapable of respectful and appropriate change to the area.

STAFF ANALYSIS

In order to better understand the situation, staff has examined the Study Area to learn more about the location and surrounding area, existing uses and structures within the area, and the existing degree of non-conformities. Refer to the Current Property Use attachment for a map of the current use of each property within the study area.



Phase I consists of 33 properties; 27 of them contain one or more structures and 6 of them are either vacant or parking lots. Under the current zoning, 15 of the properties within Phase I are conforming uses, and 12 of them are non-conforming uses (refer to the “Conforming Uses Under I-1 Zoning” attachment). In other words, nearly half of the uses are not permitted by the current zone district. The physical zoning requirements of setback and lot size are in even greater conflict; none of the lots meet the minimum lot size and only one of the 27 structures meet setback requirements (refer to the “Non-Conforming Setbacks” attachment).



Phase II has retained much of its historic use and primarily remains a residential neighborhood. 23 properties within this phase are currently residential uses. However, an I-1 zone district is understandably in conflict with that use, so all residential uses within this phase are considered non-conforming uses (refer to the “Conforming Uses Under I-1 Zoning” attachment).

Although there is a higher number of non-conforming uses within Phase II, staff has prioritized Phase I for initial study for the following reasons: 1) the non-conforming regulations have several provisions which still permit reasonable expansion and continued use for non-conforming residential properties, and 2) the

properties along Main Street have a higher degree of complexity and need for a new zoning solution.

Zoning Options for Phase I:

The property data makes it clear that there is a zoning conflict with the properties in the Study Area. However, finding an appropriate new zone district is as complex as the uses within the Study Area. The DT zone district allows a greater mix of uses, provides greater flexibility in dimensional requirements such as setbacks and lot size, and meets the goals of the Comprehensive Plan, Be Brighton. Most significantly, a rezoning to DT would allow the existing properties and setbacks to meet dimensional zoning requirements such as lot size and setback standards. However, auto-oriented and certain residential uses are restricted within the DT district, and a rezoning of the area would create a greater number of non-conforming uses. In fact, only 8 of the current uses within Phase I would be allowed by the DT zone district, and 19 properties would now have non-conforming uses (refer to the “Non-Conforming Uses Under DT Zoning” attachment). Another drawback to using the DT zone district is that the regulations can be too flexible and provide little to no design guidance to the mixing of uses and adjacent residential properties.

Generally, the DT zone district would open up options for new development or modifications to the existing properties, but would also create conflict with the existing uses. Therefore, staff would like to propose another unique zoning solution which is known as a zoning overlay. An overlay zone keeps the existing I-1 zone district in place while also approving a new *optional* zoning that “floats” above the existing I-1 zone district. Because an overlay is optional, it would give property owners the ability to continue with their current zoning until a time that they desire to change their property. An overlay zone would allow us to use the pieces of the Downtown zone district that work (such as the uses), but also include regulations to better address the needs of the area. (e.g., building style, adjacent uses and structures, height limitations, etc.)

REQUESTED DIRECTION

In summary, staff is asking for direction as to whether or not they should move forward with an overlay zoning starting with Phase I of the study area.

ATTACHMENTS

- Current Property Use Map
- Non-Conforming Setbacks Map
- Conforming Uses Under I-1 Zoning Map
- Conforming Uses Under DT Rezoning Map
- Study Session Presentation