



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, November 29, 2011 10:30 AM City & County Building, Room 391

Members Present: Lehmann, Lopez, Montero, Robb, Shepherd, Susman

Members Absent: None

**Other Council
Present:**

Committee Staff: Gretchen Williams

Bill Requests

BR11-0896 Rezones property at 4239 Tejon St. from U-MS-2 (urban, main street, 2-story) to U-TU-C (urban, 2-unit, min. lot 5500 sf) in Council District 9.

Theresa Lucero, Community Planning & Development

The site is on the west side of Tejon, mid-block between 42nd and 43rd avenues, in an Area of Stability. Uses in the area are single and two-unit residences. The only commercial uses in the area are south of 42nd Ave.

No changes to the existing land use, an 1891 single-unit residential structure, nor to the zone lot is proposed. The purpose of the application is to remove the property from the Main Street commercial zoning and make its zoning consistent with the U-TU-C zoning surrounding it on three sides.

This lot and the properties south of it were rezoned from R-2 to B-2 in 1956. When the new Denver Zoning Code was adopted in 2010, most B-2 properties across the city were changed to MS-2 zoning, the most similar to B-2 in the new menu of zone districts.

When the Sunnyside United Neighborhood Assoc. reviewed the application

at its meeting on Nov. 7, the owner of the property immediately south of the site spoke against the rezoning. The official position of the association is neutral. The applicant collected 32 signatures of support from nearby neighbors.

According to the applicant, many people did not know they were zoned Main Street. The application was filed because the property to south (zoned Main Street) was put on the market. If it were to be redeveloped to Main Street rights, the subject property, as Main Street, would have no protection. Zoned U-TU-C, the subject property would be afforded more protection in terms of setbacks and bulk.

On November 16, the Planning Board voted 6 to 2 to recommend denial, citing failure to find changed conditions and the fact that the subject zone lot (5,075 sf) is under the required minimum lot size in the U-TU-C district (5,500 sf).

Community Planning & Development (CPD) found that the proposed rezoning is consistent with adopted plans, including Blueprint Denver and the 1992 Sunnyside Neighborhood Plan, which was re-adopted in 2000 as a supplement to the Denver Comprehensive Plan 2000. That neighborhood plan recommended not allowing commercial and industrial expansion into residential zones except in cases of deterioration of the residential areas.

CPD recommends approval because the U-TU-C zoning will affirm the 55 year history of residential nature of the site as well as the surrounding area. The B-2 zoning did not result in commercial development on this block, and had this block been more closely scrutinized at the time of the revision, the zoning probably would have been changed to residential.

CPD finds that the proposed TU zoning matches the existing Urban-Two Unit context. The TU zone district contains and allows both single and two-unit residential structures. Not all properties comply with the minimum lot size requirement. The minimum size standards are intended to capture the predominant lot size patterns in a neighborhood, but there are often smaller and larger lots.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lopez to file the bill carried by the following vote:

AYES: Lehmann, Lopez, Montero, Robb, Shepherd, Susman(6)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

