

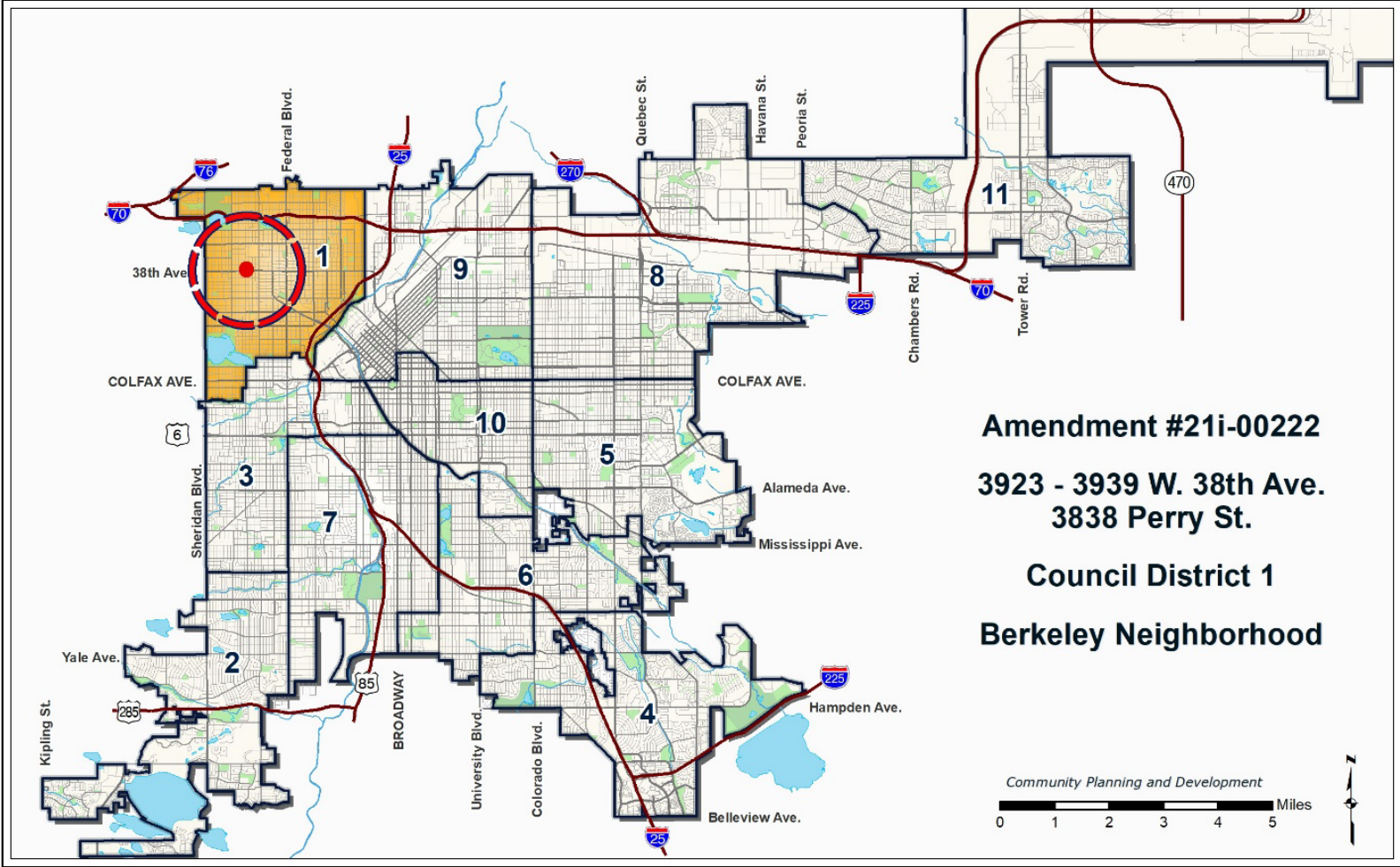
3923 & 3929 W. 38<sup>th</sup> Avenue  
and 3838 N. Perry Street

2021I-00222

Request: PUD 456 to U-MS-3

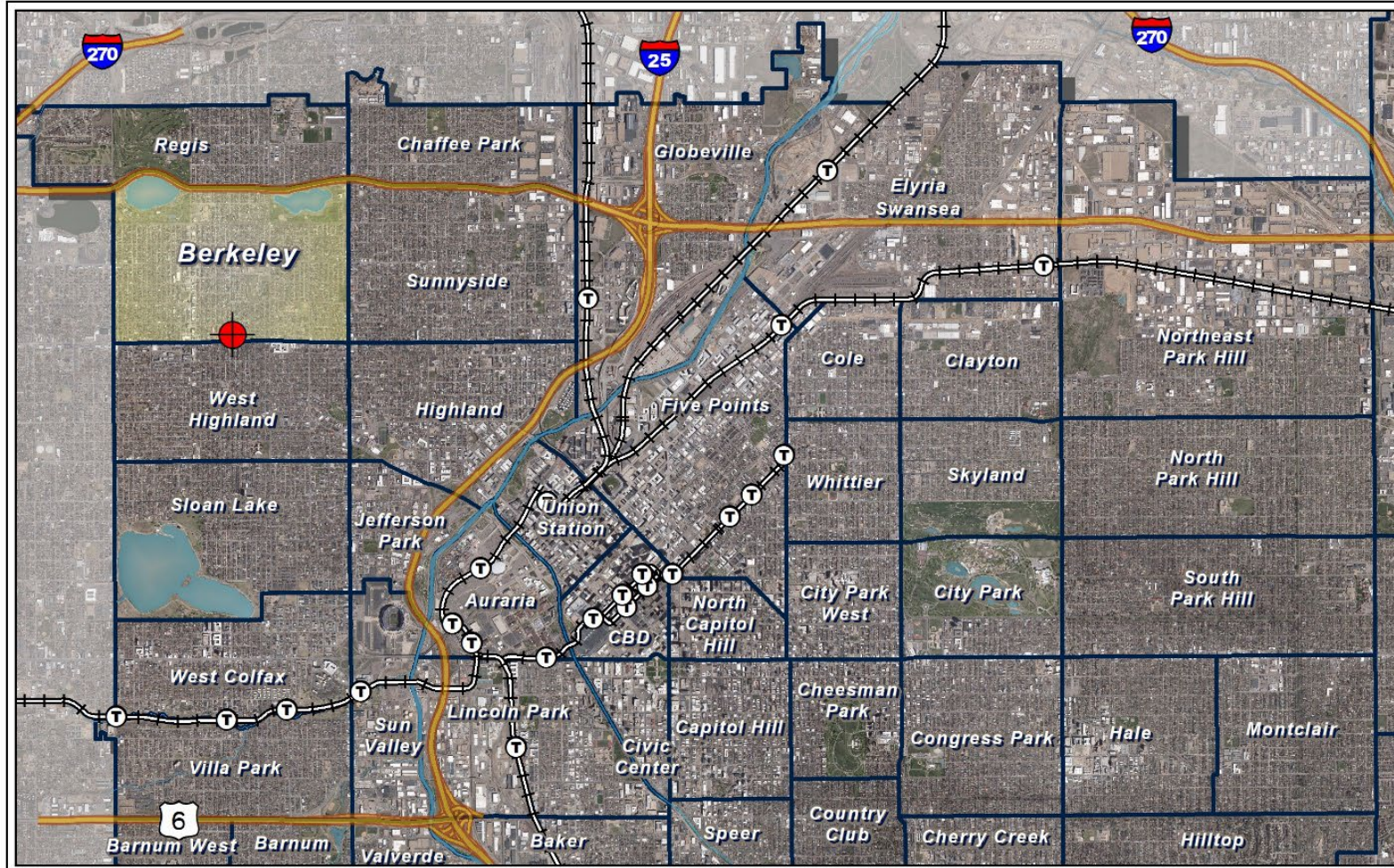
July 19<sup>th</sup>, 2022

# Council District 1 – Councilperson Sandoval





# Berkeley Neighborhood





# Request: U-MS-3



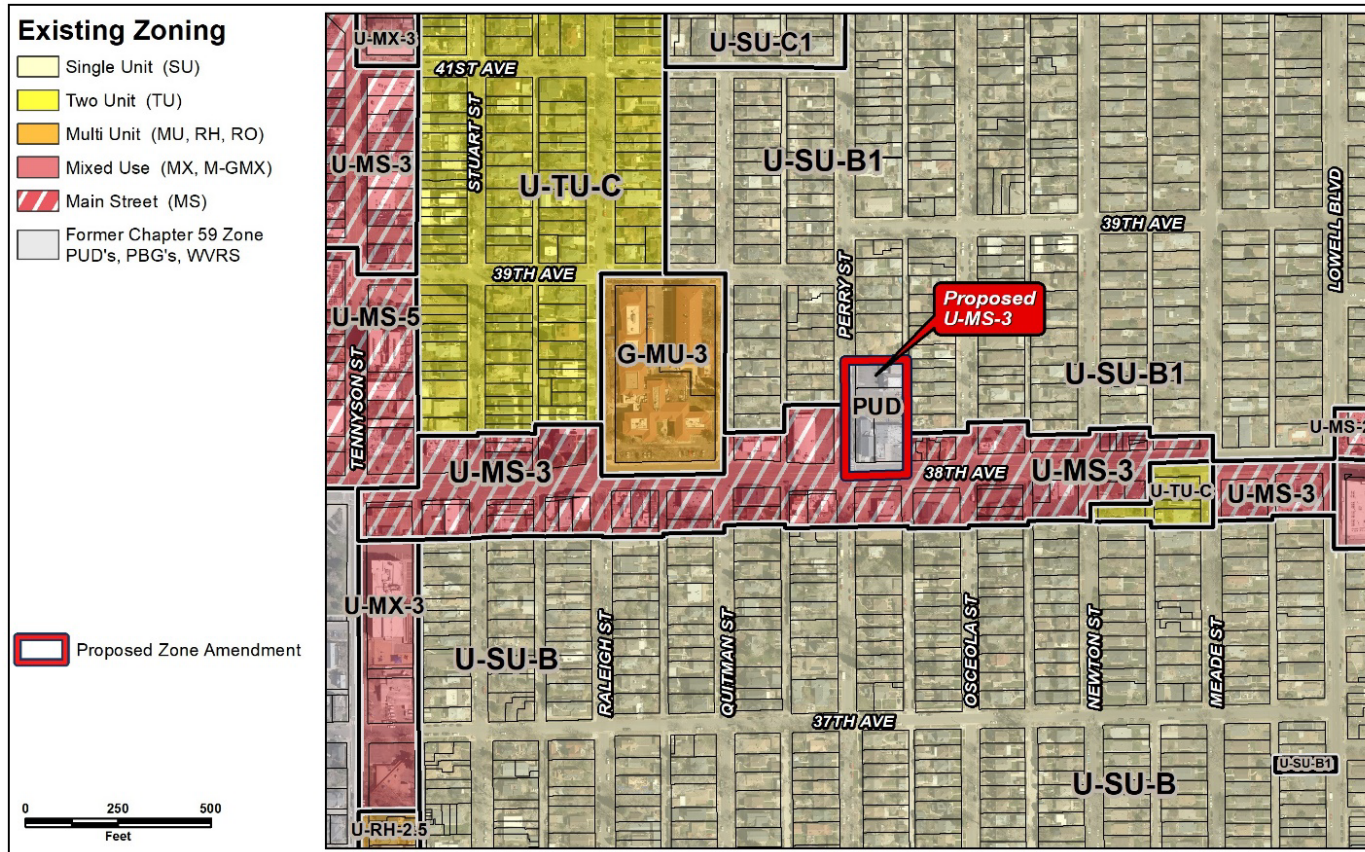
- Location
  - Approx. 34,770 square feet or 0.80 acres
  - Three parcels containing two commercial structures

## Proposal

- Rezoning from PUD 456 to U-MS-3
  - Urbane Neighborhood Context – Main Street – 3 stories
  - 38’-45’ maximum building height
  - Allows Townhouse, Drive Thru Services, Drive Thru Restaurant and Shopfront building forms

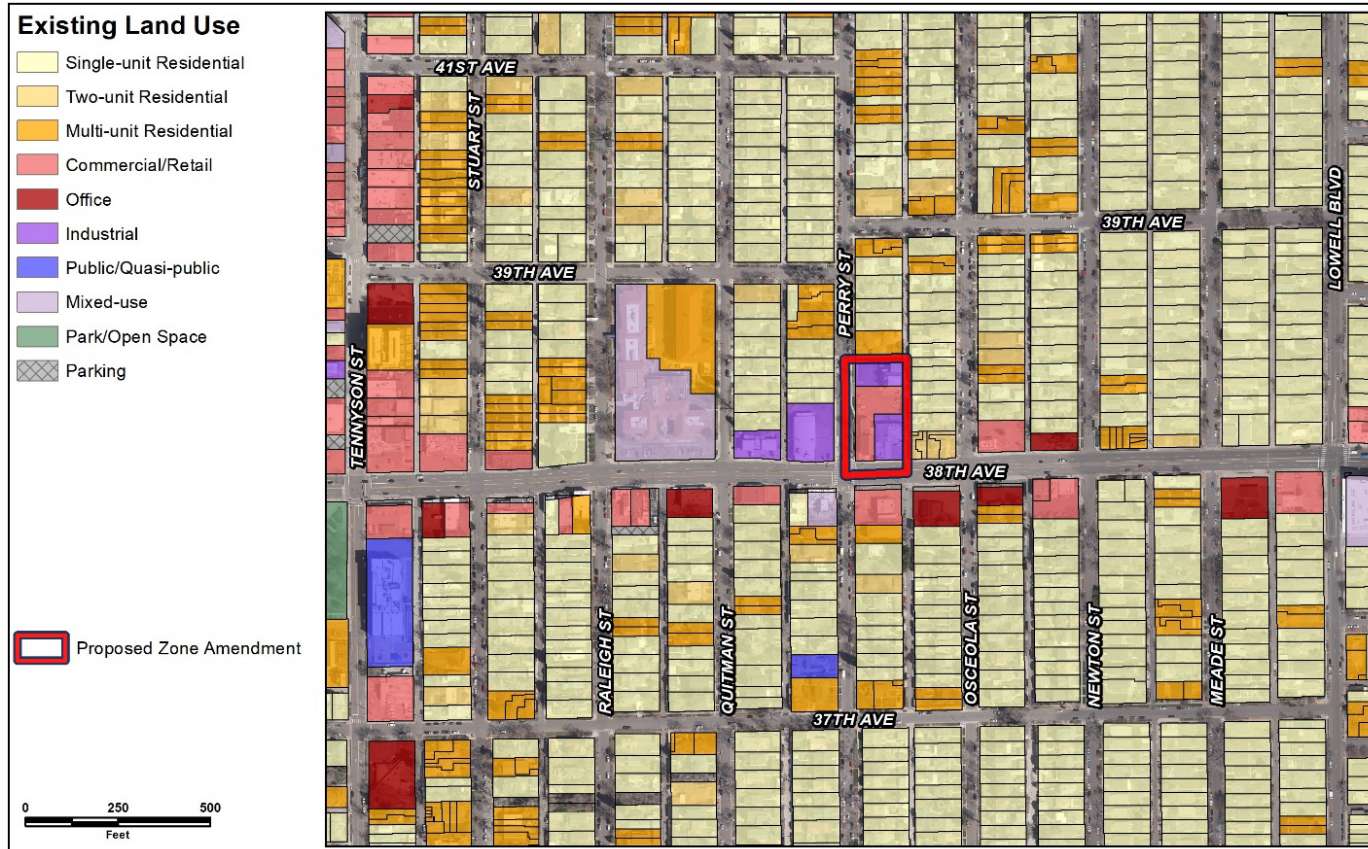


# Existing Zoning



- **Current Zoning: PUD 456**
  - Former Chapter 59 custom zone district allows for retail sales and the installation and storage of automotive accessories
  - Maximum building height of 2 stories or 25 feet
  - Setbacks and encroachments conform to B-2 and R-2 zone district
- **Surrounding Zoning:**
  - U-MS-3
  - U-SU-B1 (protected residential district)
  - G-MU-3

# Existing Land Use



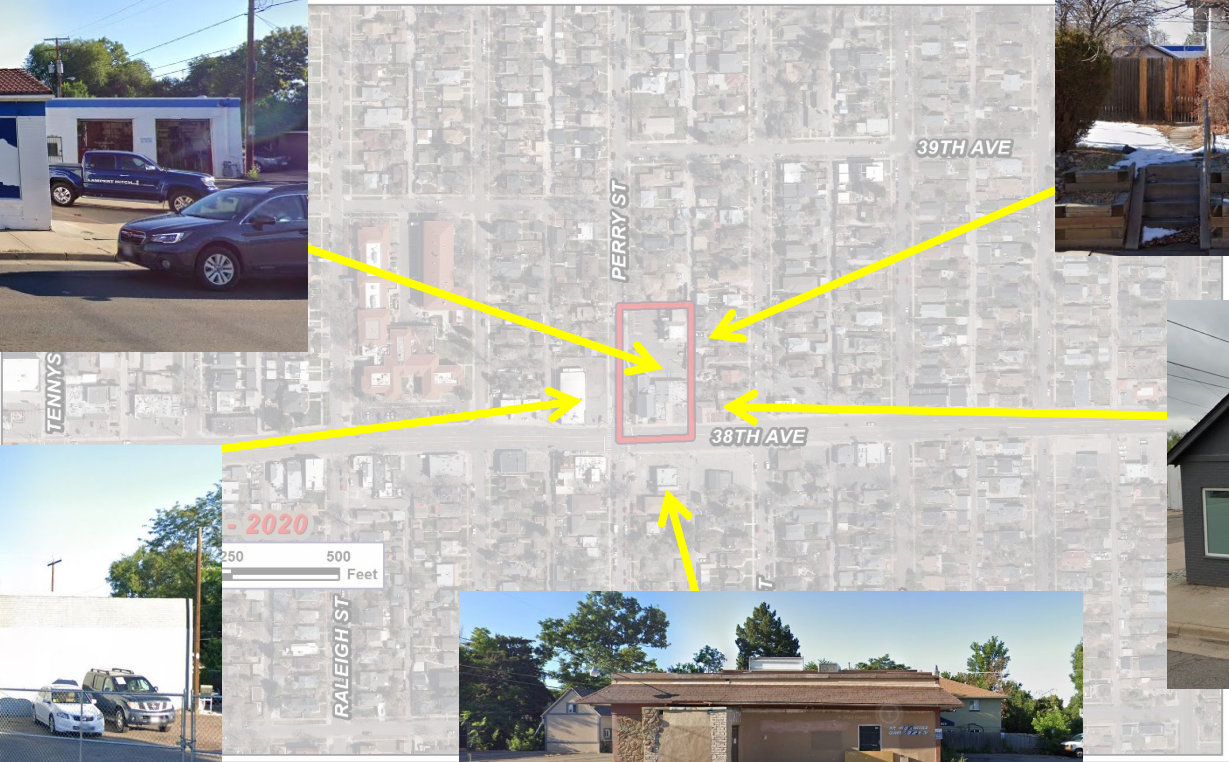
**Land Use:**  
Commercial/Retail & Industrial

**Surrounding Land Uses:**

- Single-, Two- and Multi-unit Residential
- Office
- Mixed-use
- Commercial/Retail
- Industrial



# Existing Building Form/Scale



# Process

- Informational Notice: **4/4/2022**
- Planning Board Notice: **6/20/2022**
- Planning Board Public Hearing: **7/6/2022**
- LUTI Committee: **7/19/2022**
- City Council Public Hearing (tentative): **8/29/2022**
- Public Comment
  - **Nine letters of support**
  - **One letter of opposition (BRUN)**



# Review Criteria

## 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

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver: A Land Use and Transportation Plan (2019)*

### 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



# Consistency with Adopted Plans: Comprehensive Plan



- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy B – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

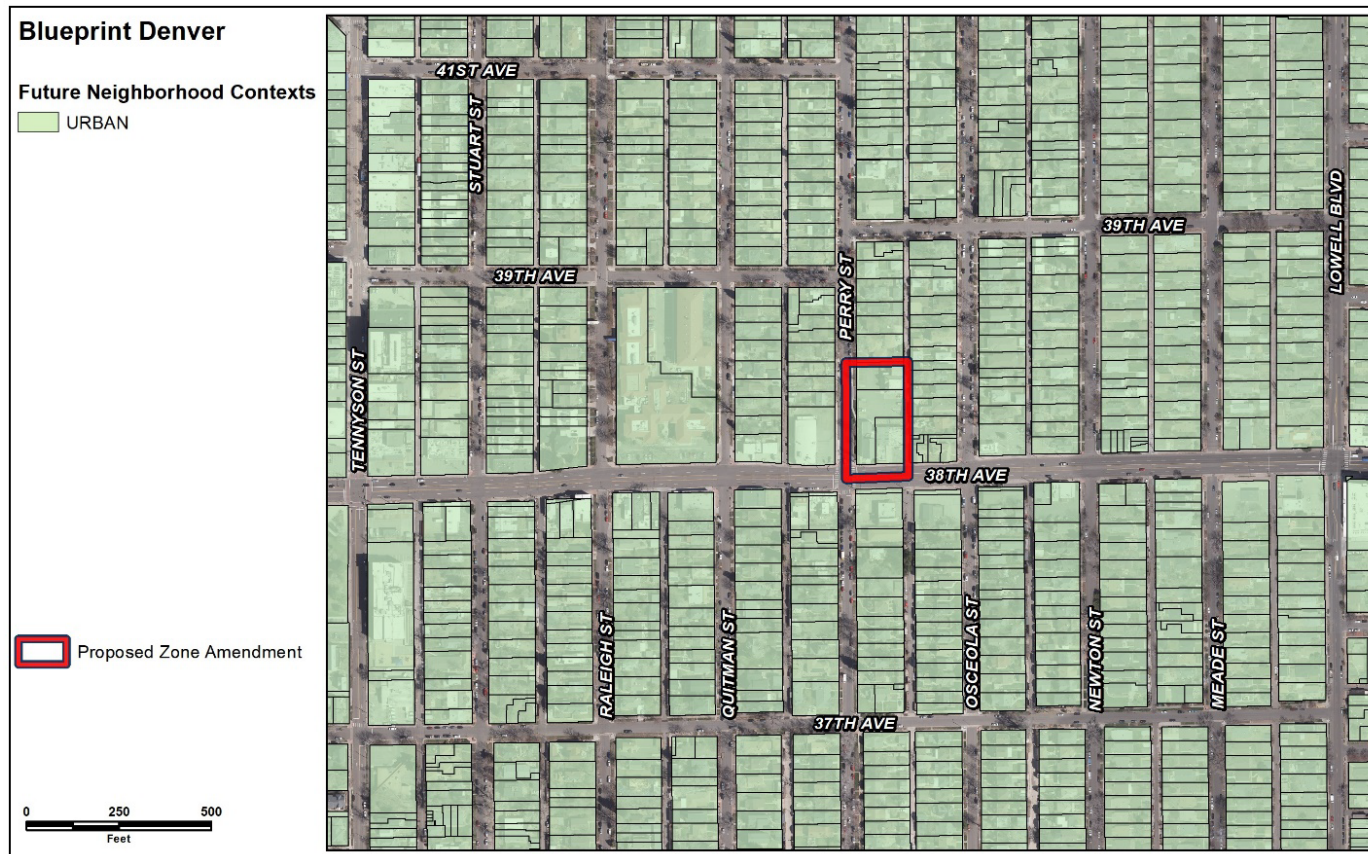


- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).



- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

# Consistency with Adopted Plans: *Blueprint* Denver 2019

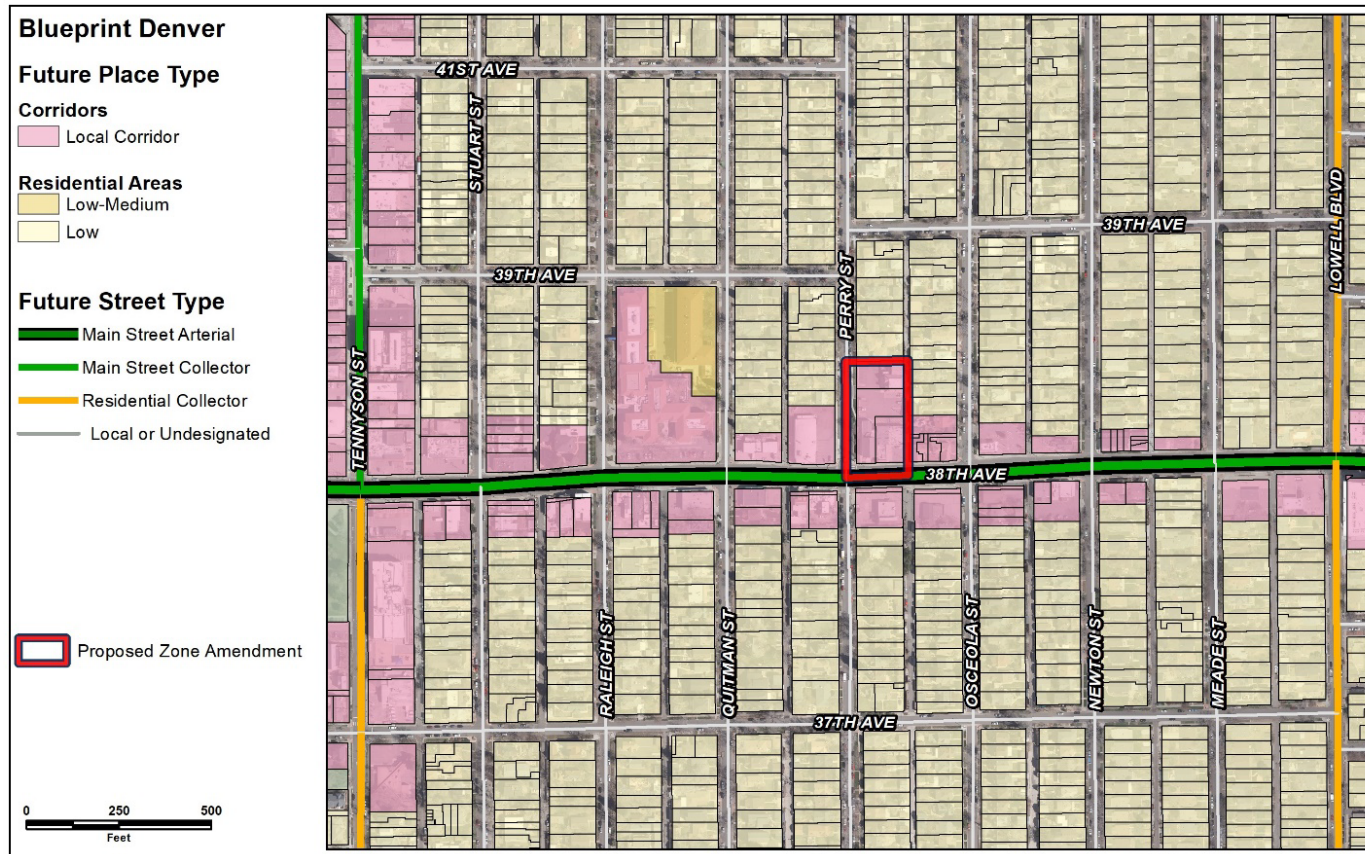


- **Urban (U-)**

- Contains elements of the suburban and urban contexts.
- Small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas.
- Block patterns are generally regular with a mix of alley access. Buildings are lower scale and generally set back farther from the street.

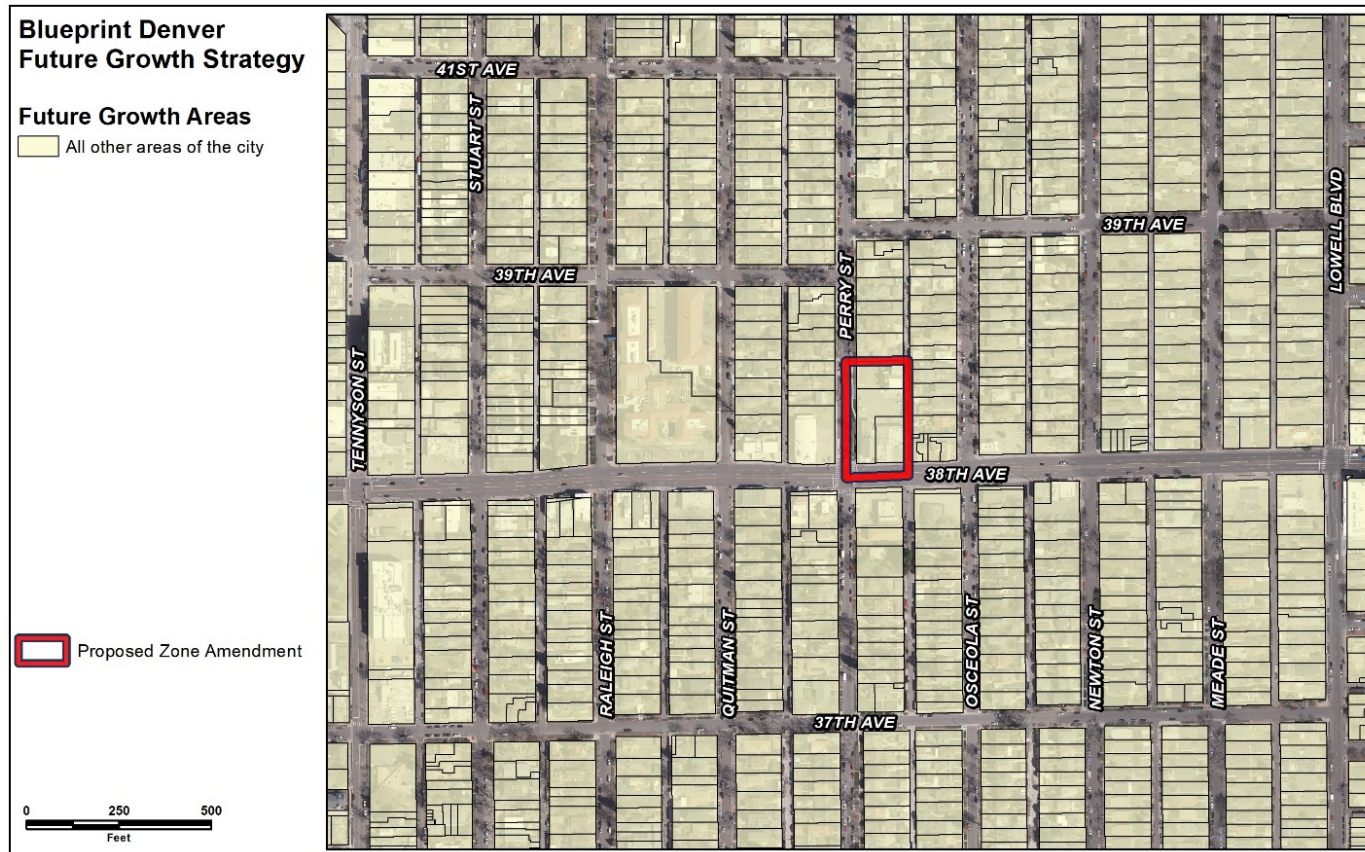


# Consistency with Adopted Plans: *Blueprint Denver 2019*



- **Local Corridor**
  - Mix of low- to mid-scale multi-unit residential options
  - Limited mixed-use along arterial and collector streets
  - Buildings are generally up to 3 stories or less in height

# Consistency with Adopted Plans: *Blueprint* Denver 2019



- Growth Areas Strategy:  
All other areas of the city
  - 10% jobs by 2040
  - 20% housing by 2040

# Consistency with Adopted Plans: *Blueprint Denver 2019*

## Land Use & Built Form: General section, Policy 3

- Strategy A: *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.*
- Strategy B: *Limit the use of site-specific, customized zoning tools—such as ...waivers/conditions...*



# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

### 2. Uniformity of District Regulations

- Proposed rezoning will result in uniform application of zone district building form, use and design regulations

### 3. Further Public Health, Safety and Welfare

- Implements adopted plans
- Facilitate housing density near a mix of uses and transit amenities

### 4. Justifying Circumstances

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

# Review Criteria

## 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
  - 12.4.10.8.A.4.c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning
5. Consistency with Neighborhood Context, Zone District Purpose and Intent



# Review Criteria

## 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

# CPD Recommendation

CPD recommends approval, based on finding all review criteria have been met

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