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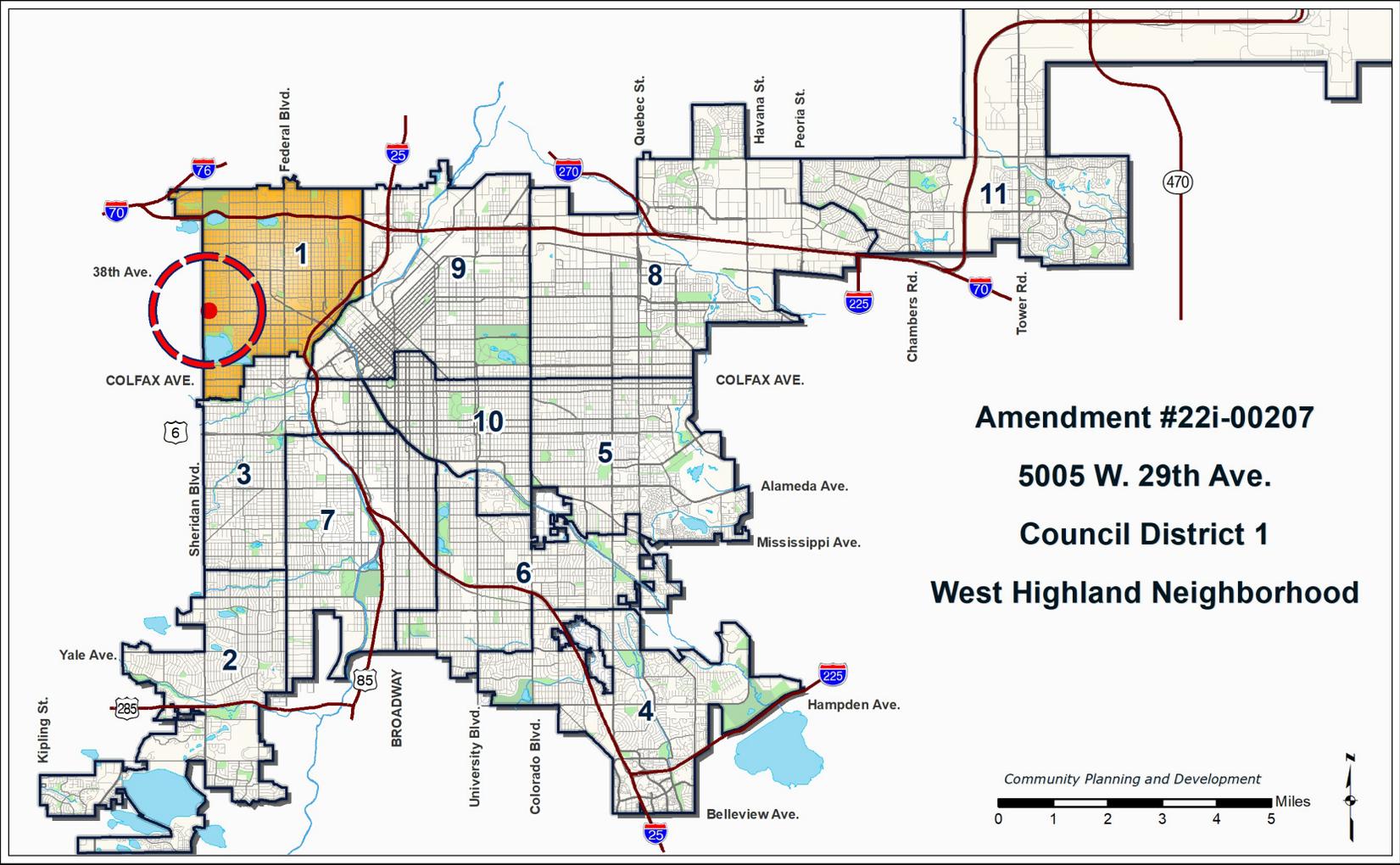
# 5005 W 29<sup>th</sup> Avenue

Request: PUD-83 to U-MX-3

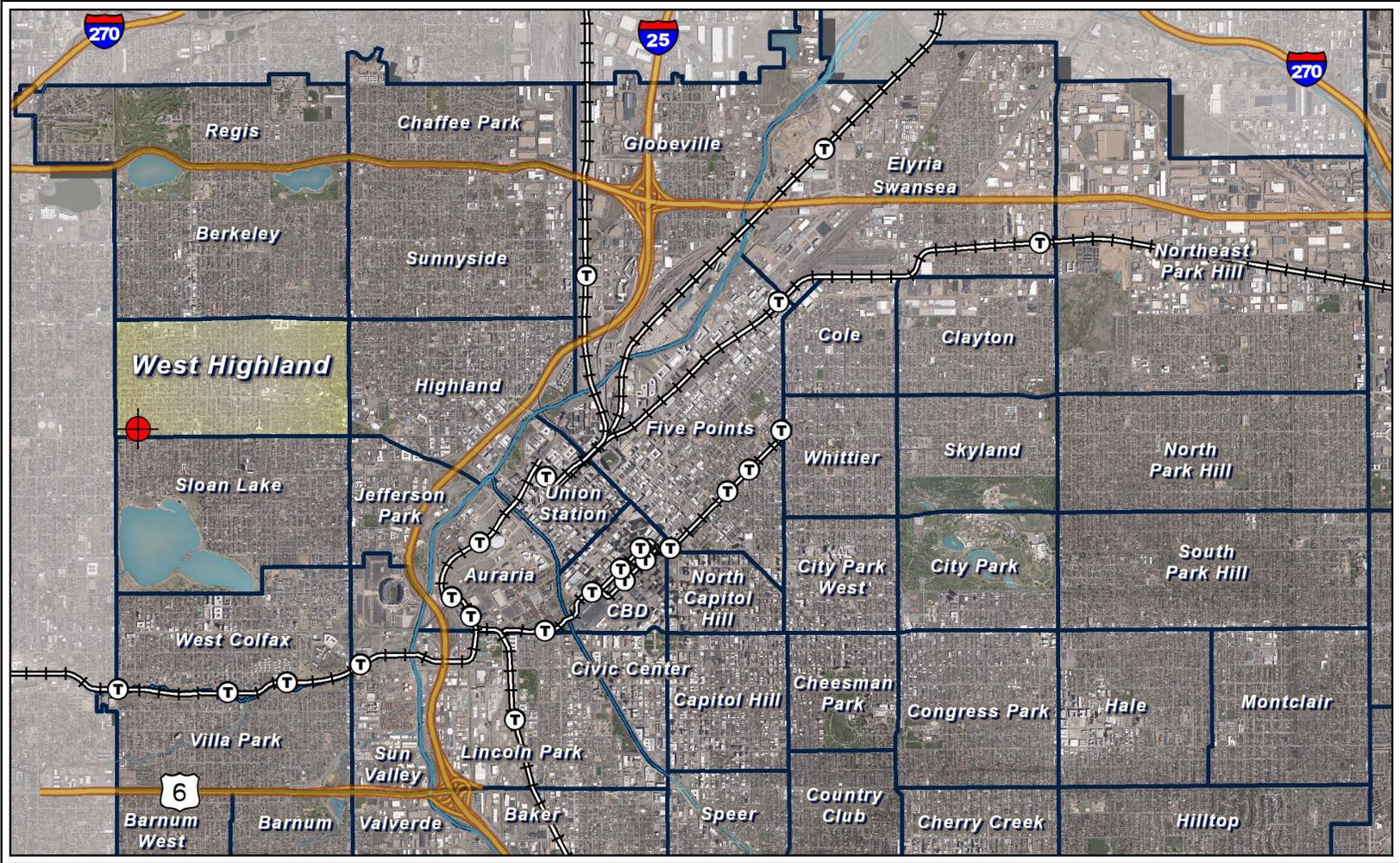
Denver City Council Meeting: 5/1/2023

2022I-00207

# Council District 1 – Councilmember Sandoval



# Statistical Neighborhood – West Highland

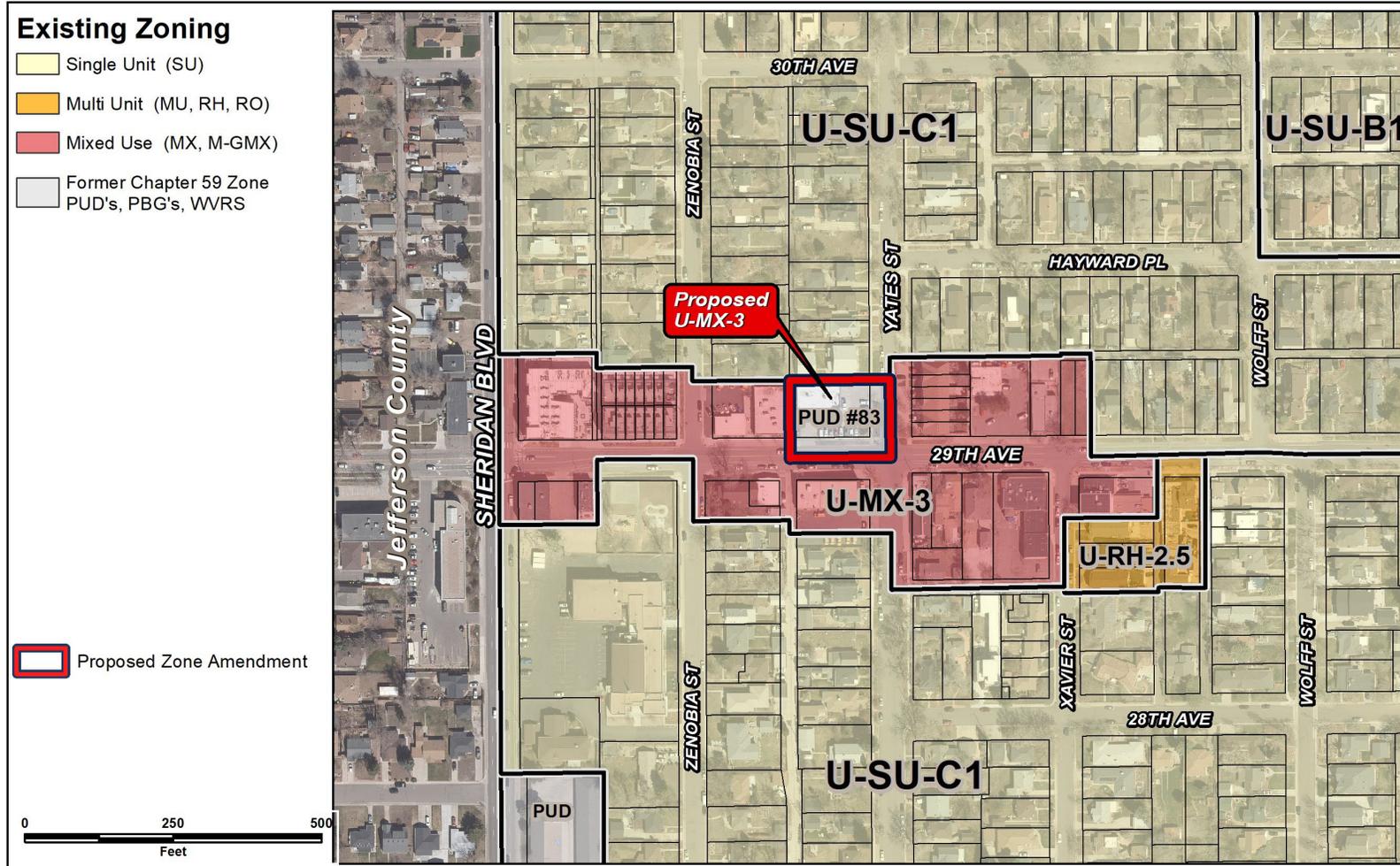


# Request: U-MX-3



*Reminder: Approval of a rezoning is not approval of a proposed specific development project*

# Existing Zoning



## Current Zoning: PUD-83

- Planned Unit Development – 83

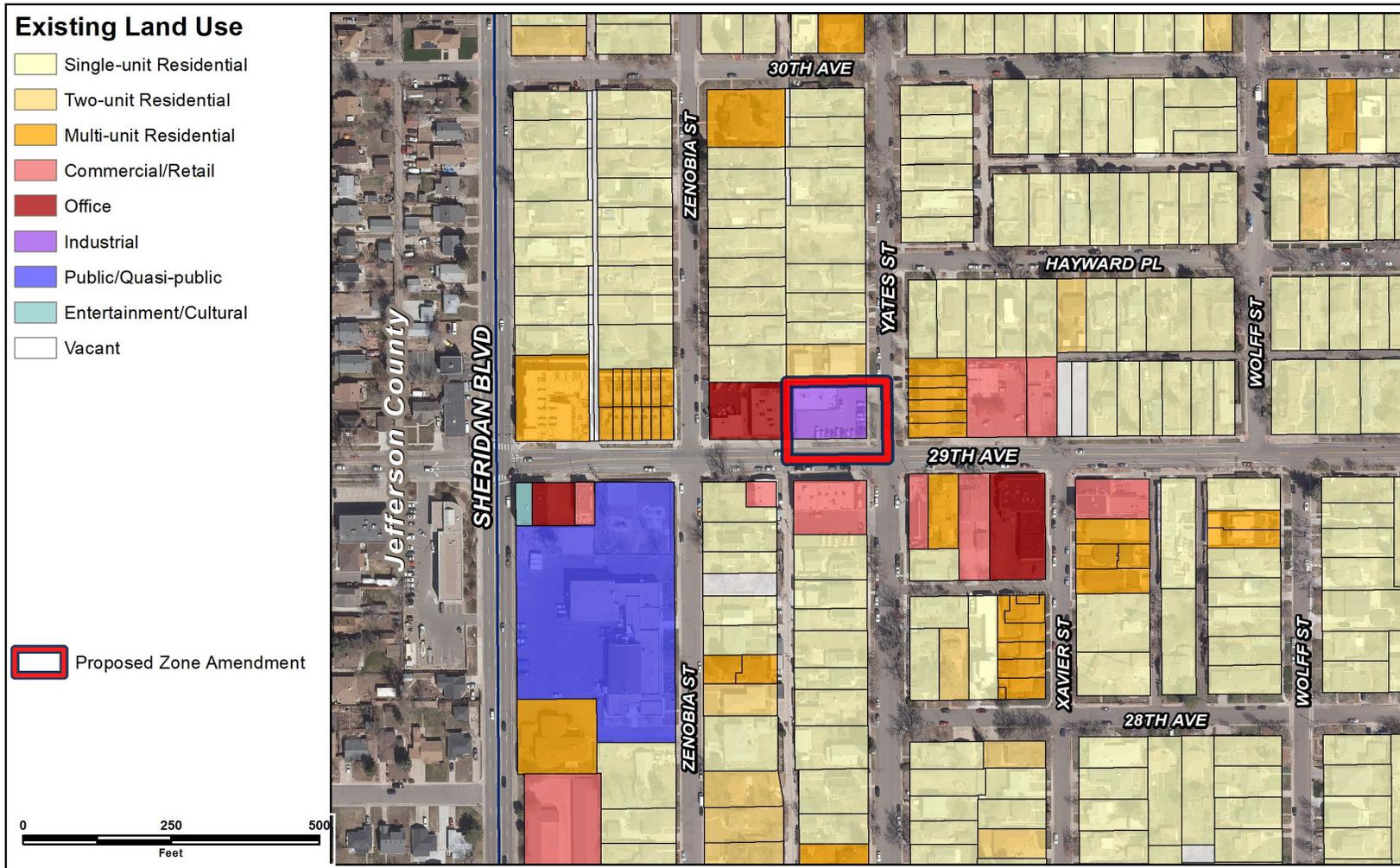
- Former Chapter 59 Zone District
- Allows for a transmission repair shop use
- PUD-83 dictates the exact building and site layout as it currently exists

## Proposed Zoning: U-MX-3

### Urban – Mixed Use – 3 - Story Max

- Allows for a mix of uses
- Allows for General, Shopfront, Town House, and Drive Thru Building Forms
- Max. building height 45 feet, or 3 stories

# Existing Land Use



## Subject property:

- Industrial – Transmission Repair

## Surrounding Land Uses:

- Two-Unit Residential
- Office
- Multi-Unit Residential
- Commercial/Retail

# Existing Context – Building Form/Scale



**Existing Land Use**

- Single-unit Residential
- Two-unit Residential
- Multi-unit Residential
- Commercial/Retail
- Office
- Industrial
- Public/Quasi-public
- Entertainment/Cultural
- Vacant

Proposed Zone Amendment

0 250 500  
Feet



# Process

- Informational Notice: 1/05/2023
- Planning Board Notice Posted: 02/13/2023
- Planning Board Public Hearing: 03/01/2023

## *Forwarding Recommendation of Approval*

- LUTI Committee: 03/21/23
- City Council Public Hearing: 05/01/23

# Public Comment

- Public comment is in opposition to the rezoning request
- Comments highlight concerns about the use expanding off the zone lot, and commercial vehicles parking on public rights-of-way
- Opposition comments detail potential zoning violations
- In response to the public comment, CPD opened a Zoning Violation case, completed an inspection, and issued a Notice of Violation to the applicant.



# Requested Zone District – U-MX-3

Urban (U-) Neighborhood Context Zone Districts		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures per Zone Lot*		1	1	1	2	No Maximum							
RESIDENTIAL ZONE DISTRICTS													
Single Unit (SU)	U-SU-A, -B, -C, -E, -H		■		●								
	U-SU-A1, B1, C1, E1, H1		■		●								
	U-SU-A2, -B2, -C2		■	□	□								
Two Unit (TU)	U-TU-B, -C		■	■	■								
	U-TU-B2		■	■	■	□							
Row House (RH)	U-RH-2.5		■	■	■	■							
	U-RH-3A		■	■	■	■		□					
COMMERCIAL MIXED USE ZONE DISTRICTS													
Residential Mixed Use (RX)	U-RX-3, -5							■				■	
Mixed Use (MX)	U-MX-2x							■				■	■
	U-MX-2, -3							■	□	□	■	■	
Main Street (MS)	U-MS-2x							■				■	
	U-MS-2, -3, -5							■	□	□		■	

## Building Form Standards 5.3.3.2.

- 10' Side Interior Setback
- 25' Upper Story Setback above 27' when adjacent to Protected Districts

# 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*

### 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 2040

## Strong and Authentic Neighborhoods

- Goal 1, Strategy A: Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).
- Goal 1, Strategy D: Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p.34).

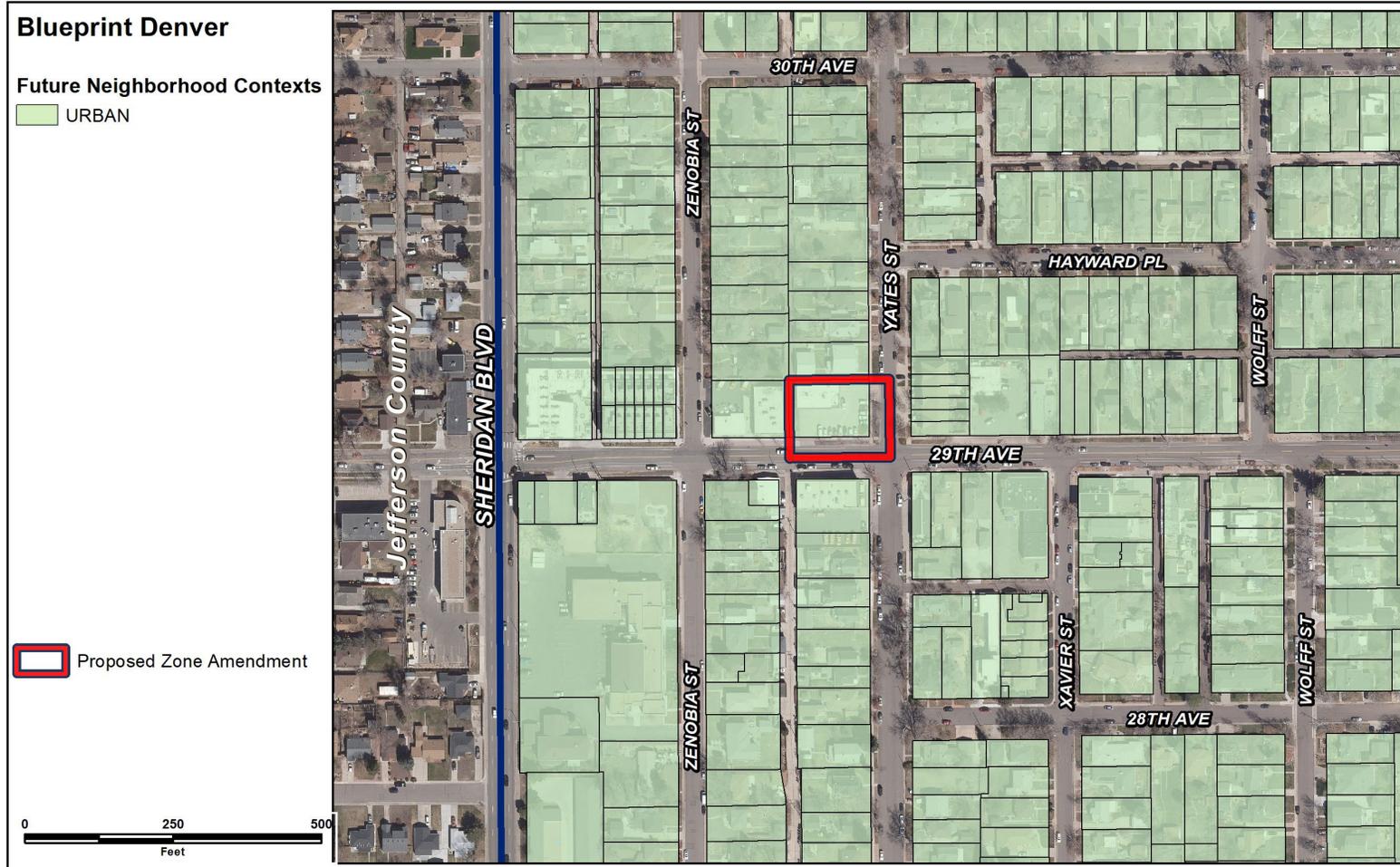


## Climate

- Environmentally Resilient Goal 8, Strategy A: Promote infill development where infrastructure and services are already in place (p. 54).



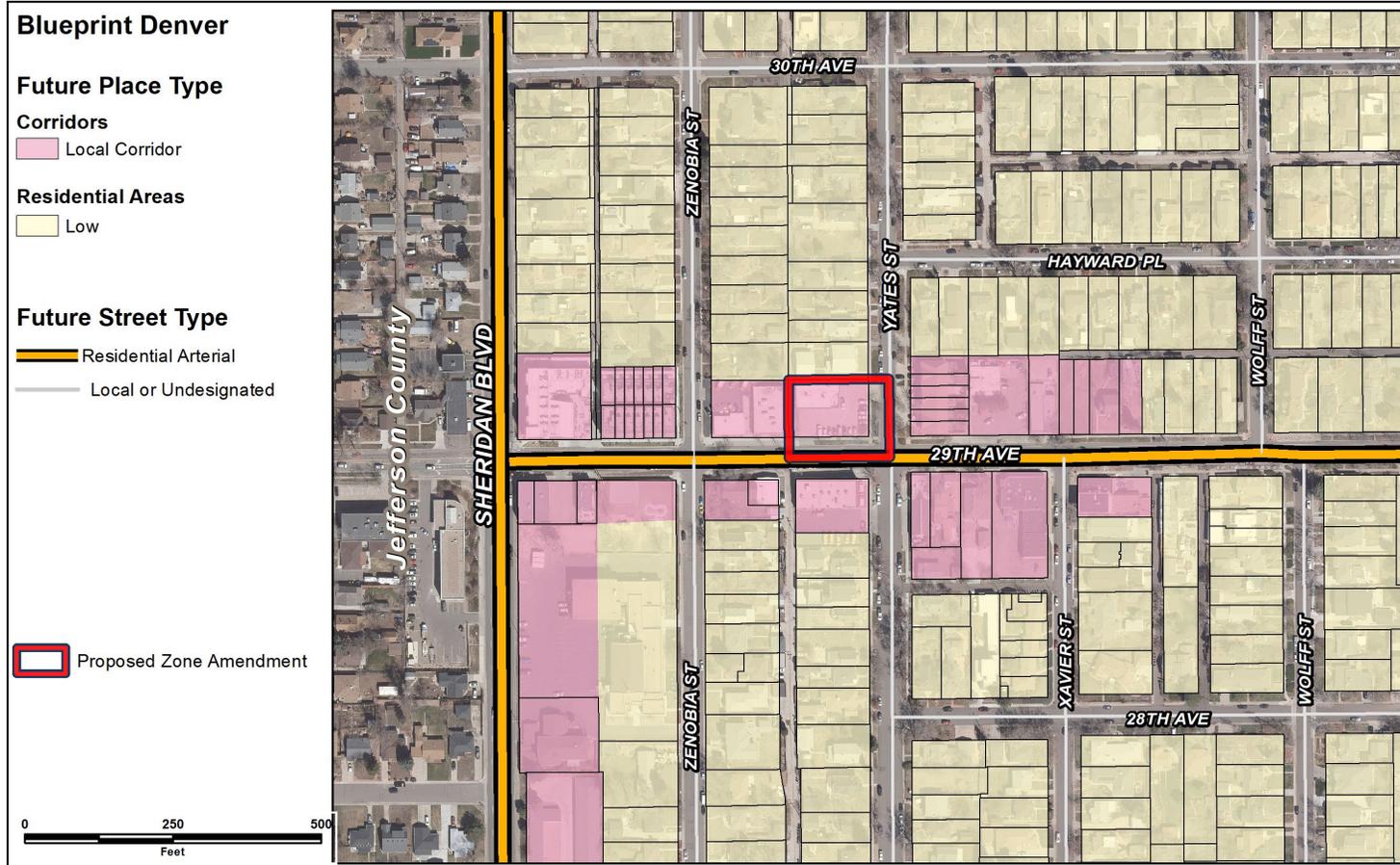
# Consistency with Adopted Plans: Blueprint Denver 2019



## Urban

- Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas.
- Block patterns are a regular grid with consistent alley access.
- Where they occur, multi-unit buildings are low-scale.
- Mixed-use buildings are sited in a pedestrian-friendly manner near the street.

# Consistency with Adopted Plans: Blueprint Denver 2019



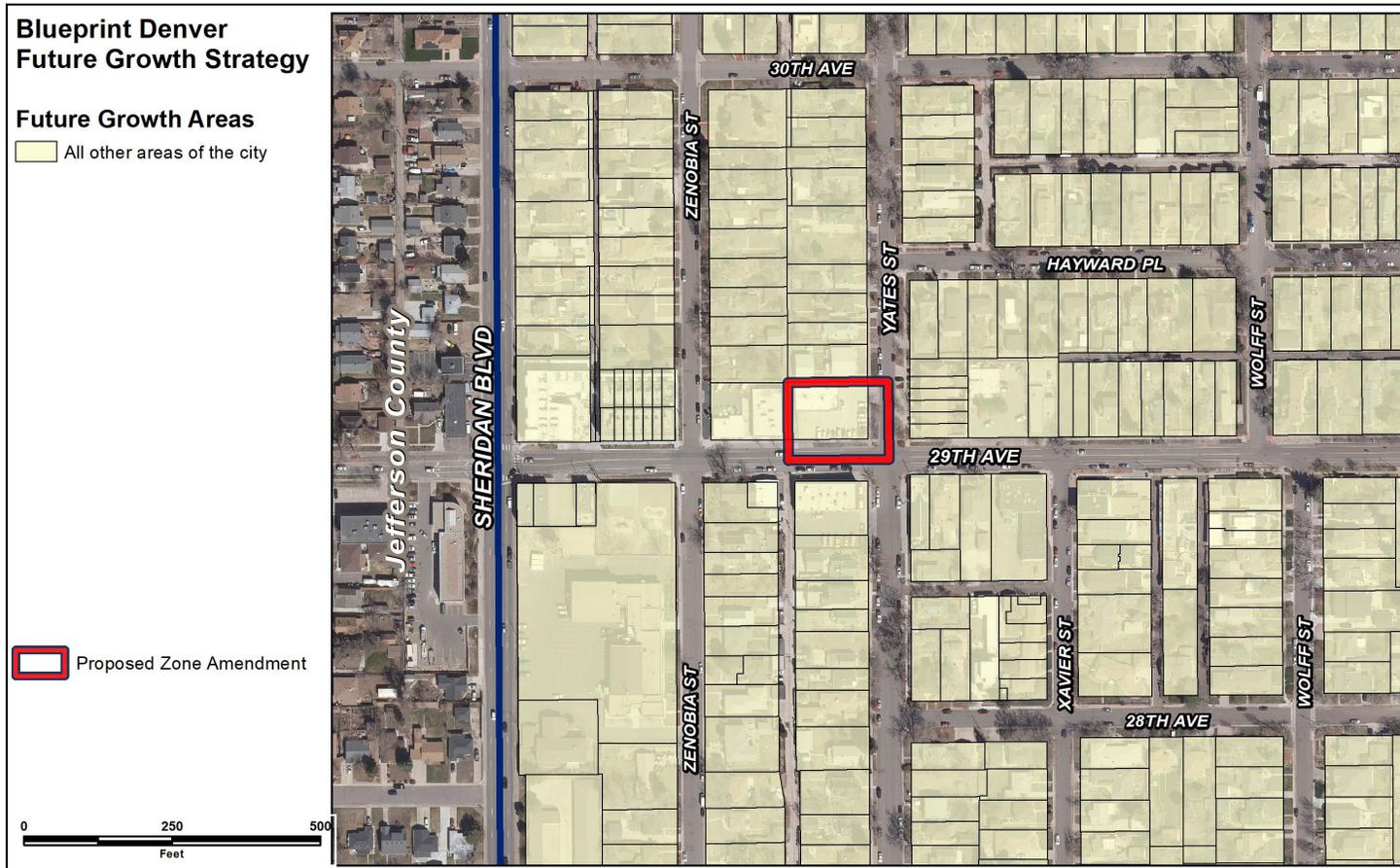
## Low Residential Future Place Type

- Primarily provides options for dining, entertainment and shopping.
- May also include some residential and employment uses.
- Heights are generally up to 3 stories.
- Although generally well integrated into the surrounding neighborhood, a limited transition may be needed.

## Future Street Type

- 29<sup>th</sup> Ave: Residential Arterial
- Yates Street: Local or Undesignated

# Consistency with Adopted Plans: Blueprint Denver



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

# 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
- Provides an additional housing unit that is compatibly integrated into the surrounding neighborhood

### 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

- Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
  - a) Changed or changing conditions in a particular area, or in the city generally; or,
  - b) A City adopted plan; or,
  - 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

- 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 statements

# CPD Recommendation

Staff recommends that the Denver City Council Approve application #2022i-00207 based on a review of the applicable review criteria.