



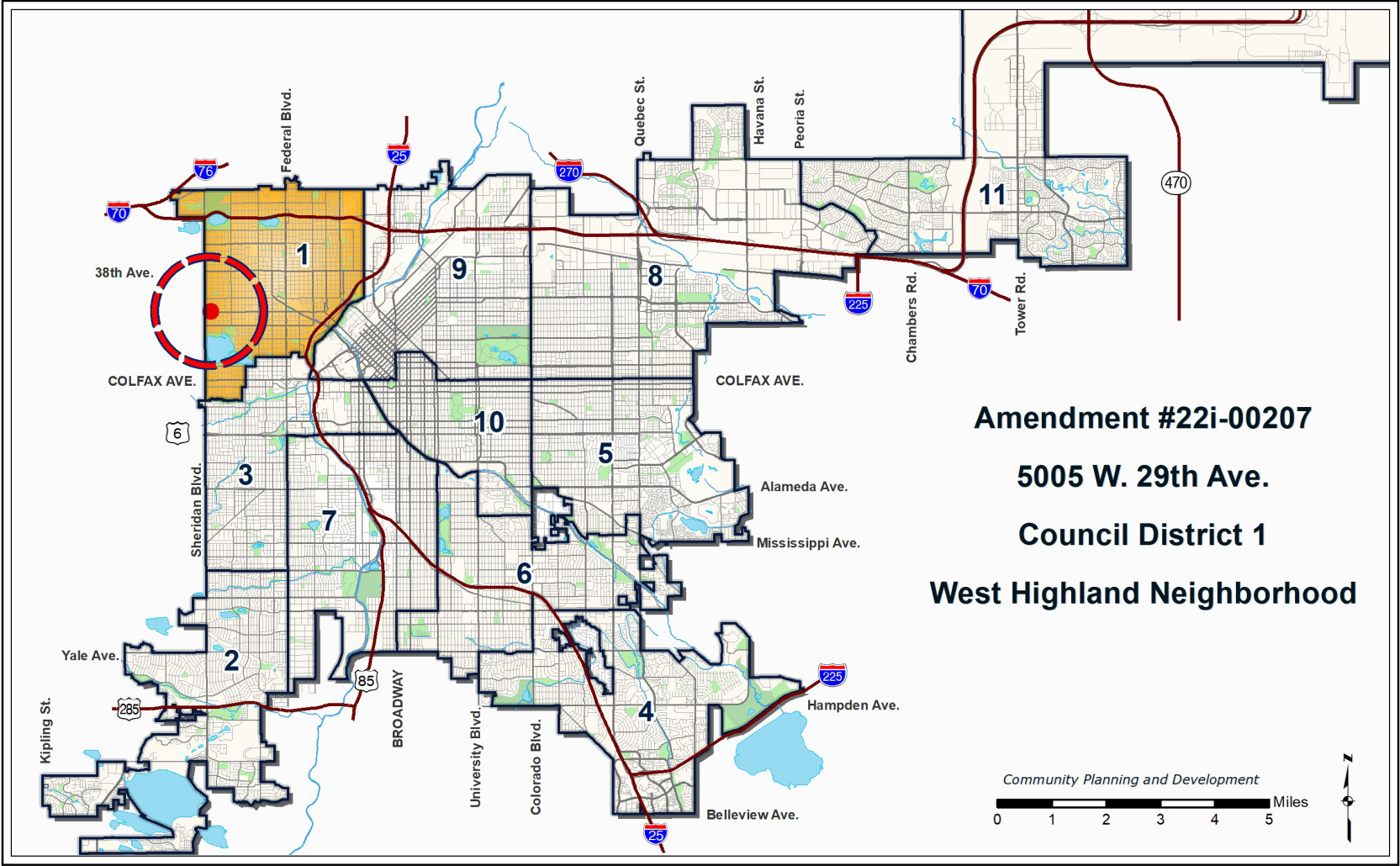
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# 5005 W 29<sup>th</sup> Avenue

Request: PUD-83 to U-MX-3

Land Use Transportation and  
Infrastructure Meeting Date: 3/21/2023  
2022I-00207

# Council District 1 – Councilmember Sandoval

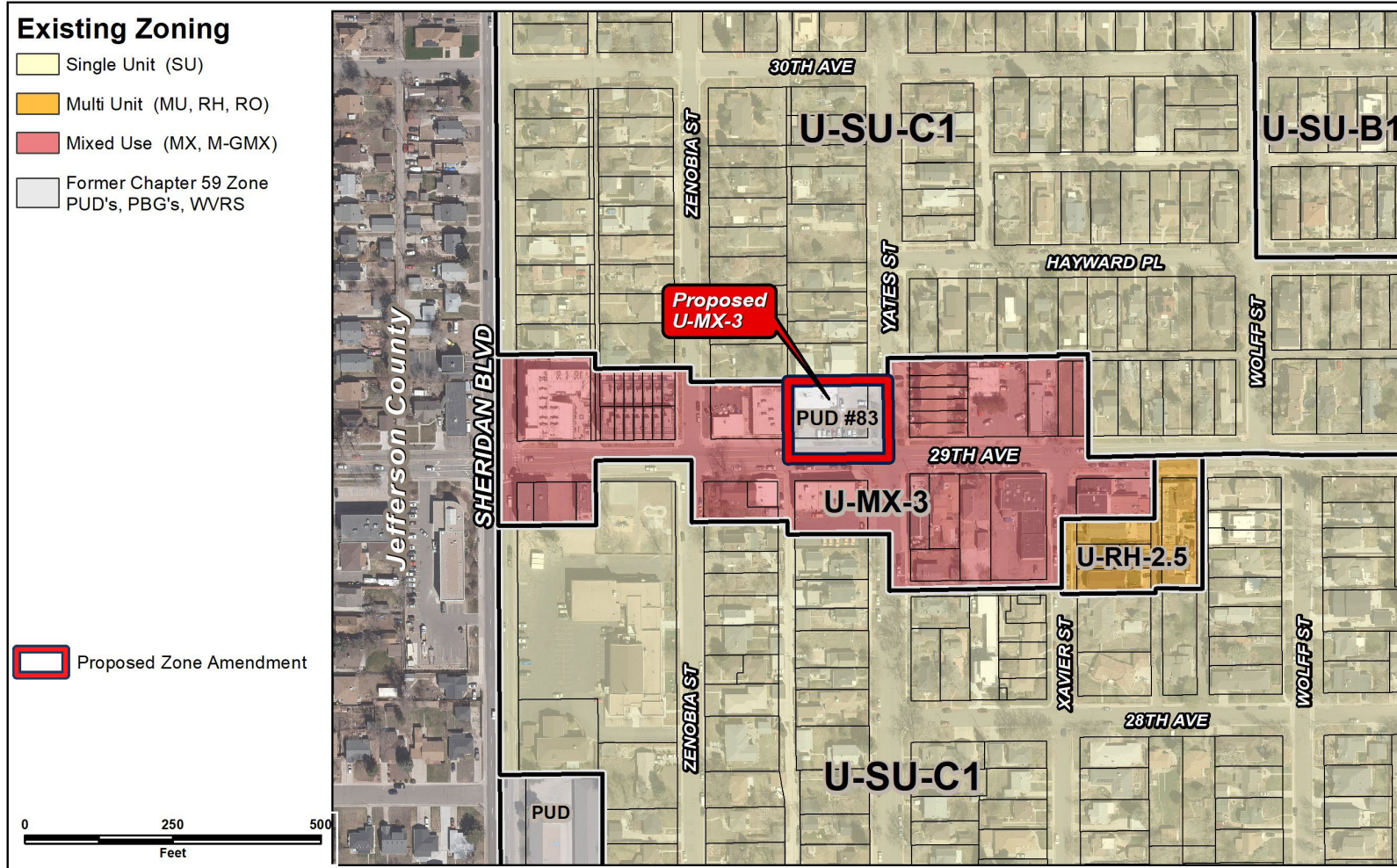


# Request: U-MX-3



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

# Existing Zoning



## Current Zoning: PUD-83

- Planned Unit Development – 83

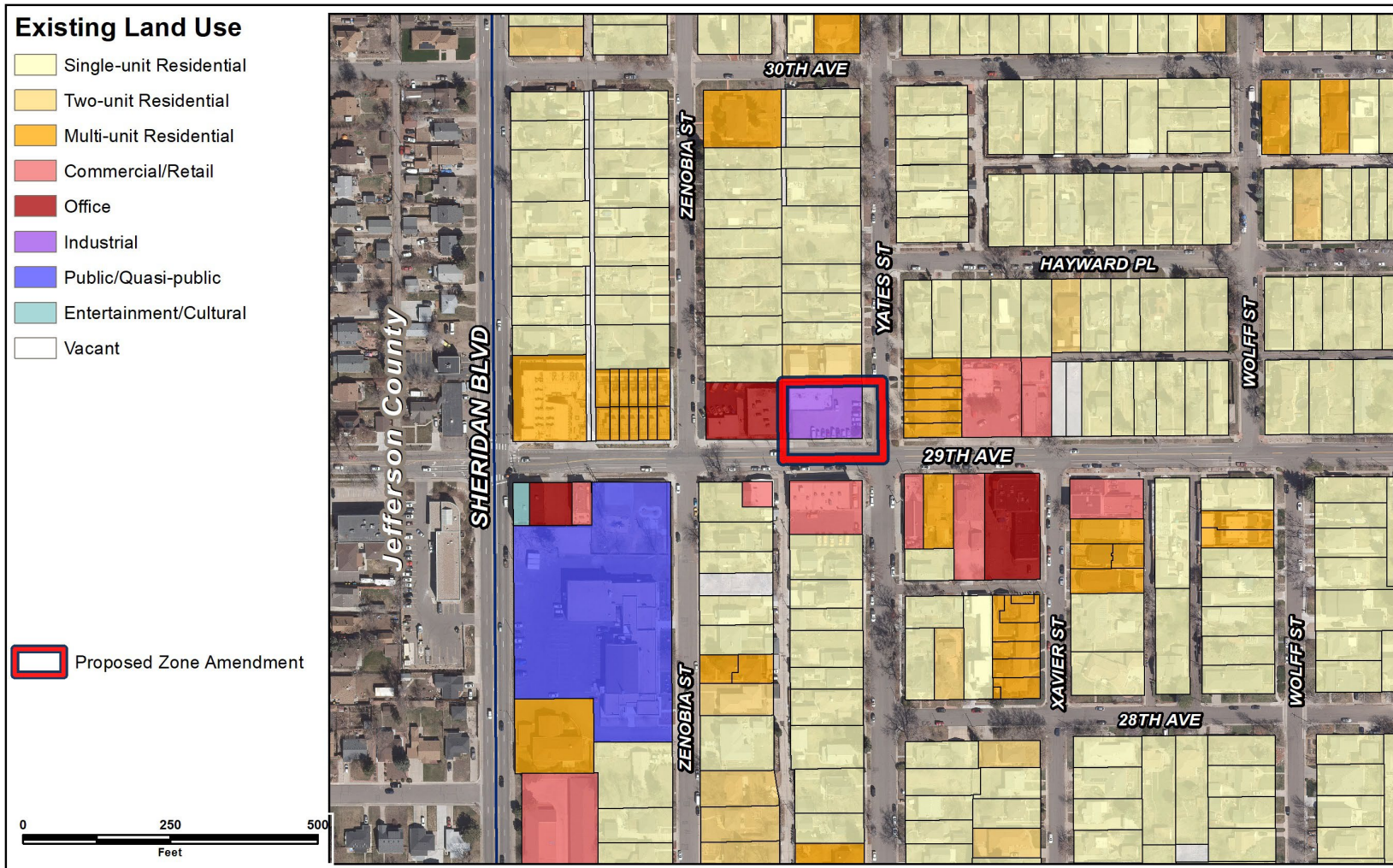
- Former Chapter 59 Zone District
- Allows for a transmission repair shop use
- PUD-83 dictates the exact building and site layout as it currently exists

## 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:

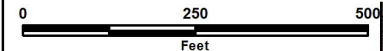
- Two-Unit Residential
- Office
- Multi-Unit Residential
- Commercial/Retail

# 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



# 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: 03/21/22
  - City Council Public Hearing: 05/01/22 (Tentative)

# 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.



# Existing Zoning – PUD 83

## 2. Written description

- a. The maximum gross floor area including the existing structure and the proposed addition shall not exceed 3900 square feet. The proposed use will be an auto transmission repair shop. The interim use will be the same as the present use.
- b. The maximum height of the structure shall not exceed 20'-0".
- c. Parking requirements are based on 1 parking space for each 300 square feet of gross floor area; thus 3900 divided by 300= 13 spaces required. Parking space dimensions will be 9'x18'. Off street parking areas shall be maintained as required by code.
- d. Building lines shall be located on the West and North property lines; namely 75'-2" along the North property line and 52'-4" along the West property line. Building setback from Yates Street (East) property line is 49'-10" and building setback from West 29th Avenue (South) property line is 45'-8".
- e. Building area (new and existing) is 3879.16 square feet.(32%) The existing structure comprises 1170.36 square feet (9.5%) of the total area. The total lot area (98x125) is 12,250 square feet. A low permeable area (342s. f.) (2.5%) will be provided at the Southeast corner of the property. By calculation, the remaining impervious (asphalt paving) area equals 8028.84 feet. (65.5%).

## Existing Zoning: PUD 83

- Limits floor area to 3,900 sf
- Limits use to auto transmission repair shop

# 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).

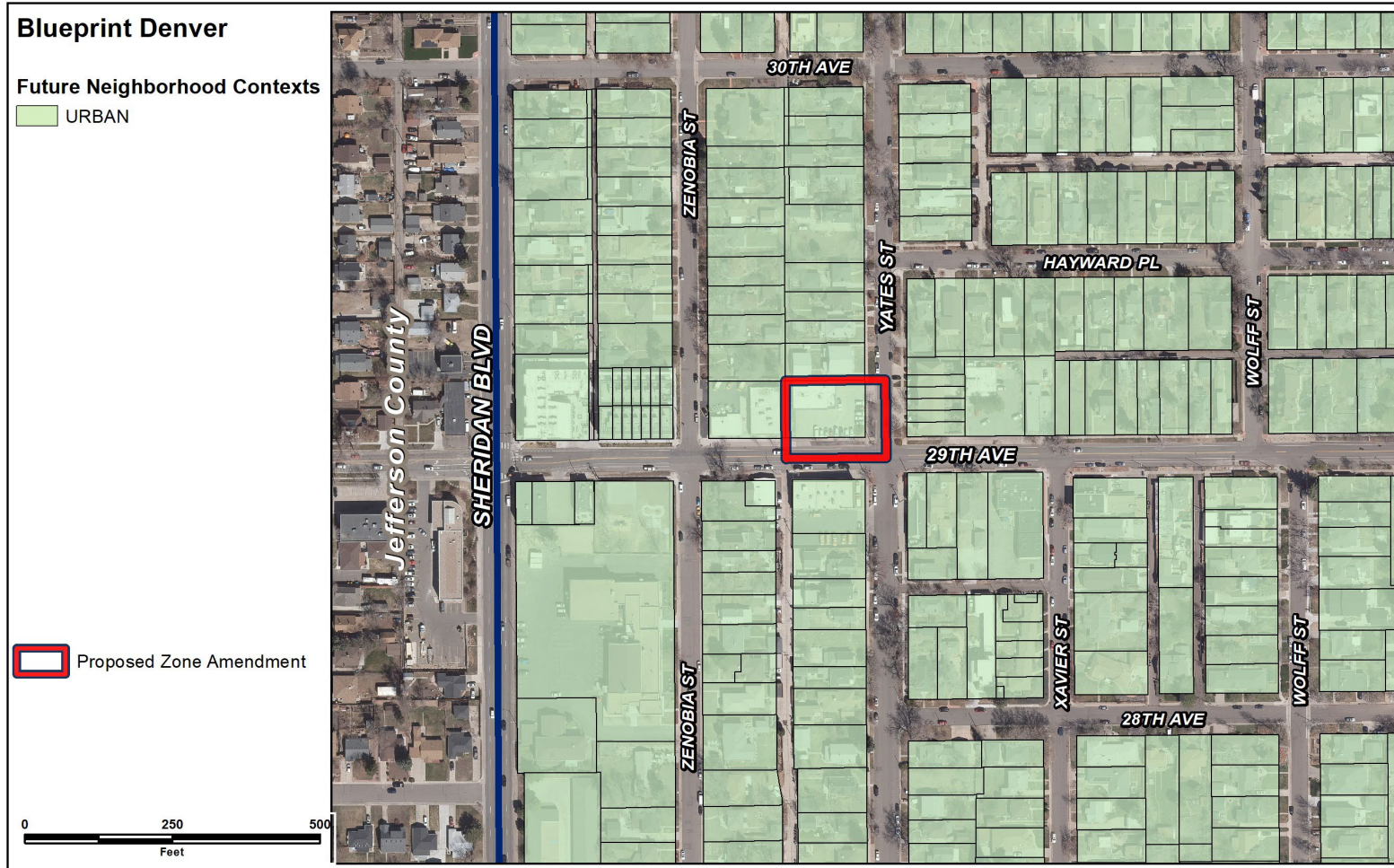


## Climate

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



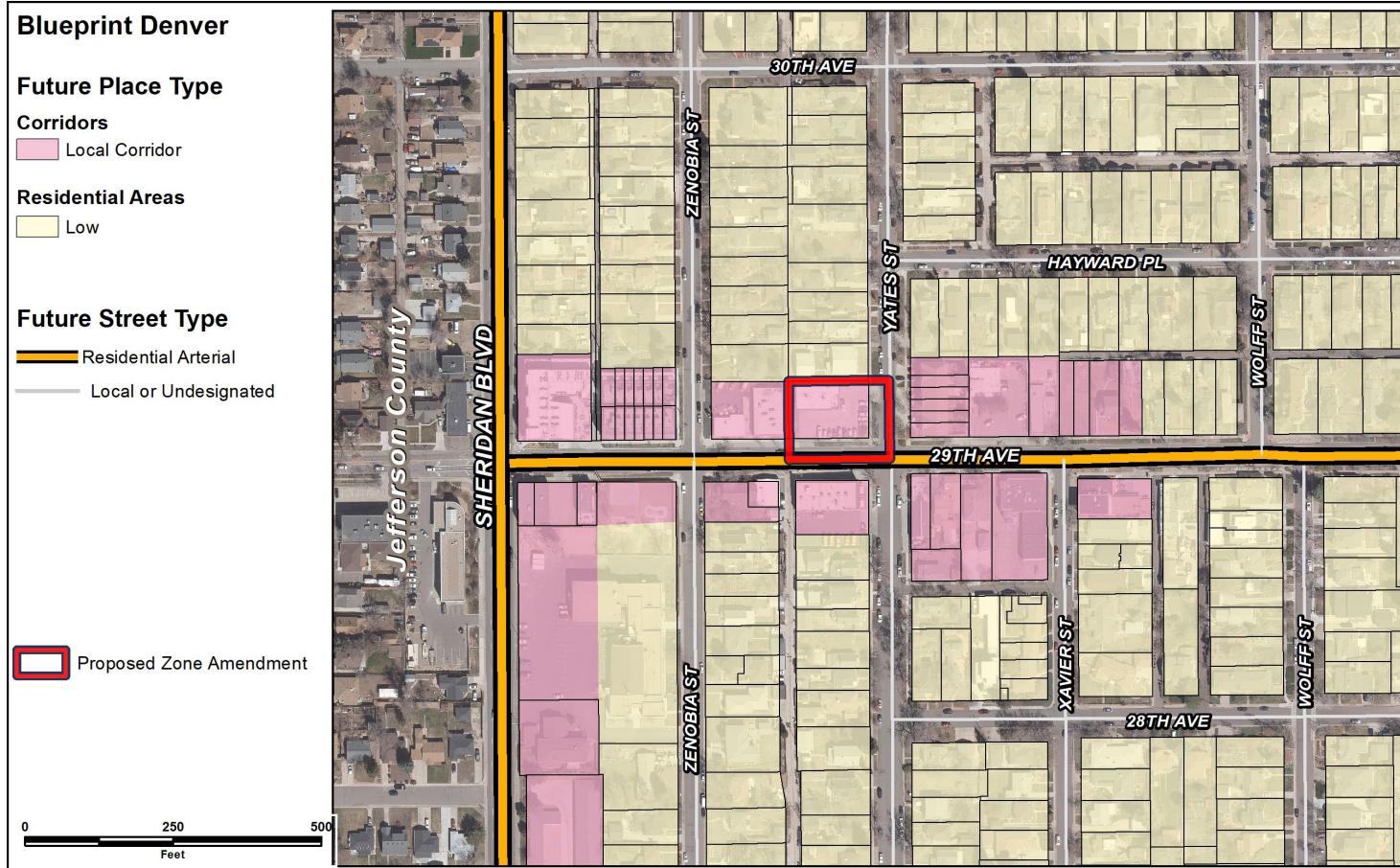
# Consistency with Adopted Plans: Blueprint Denver 2019



## 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



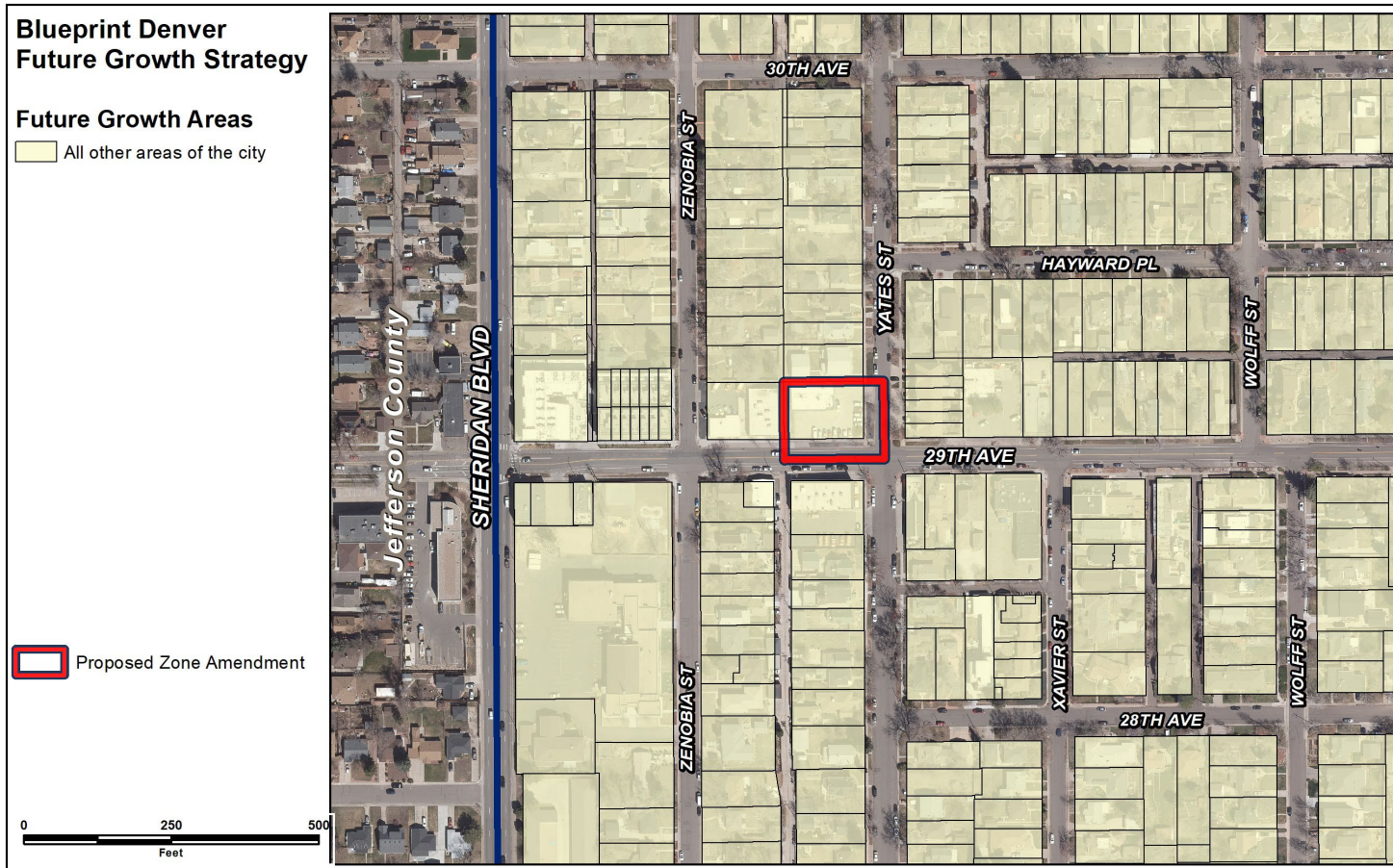
## Low Residential Future Place Type

- 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 Land Use, Transportation and Infrastructure Committee move application #2022i-00207 forward for consideration by the full City Council.