



**TO:** Denver Land Use, Transportation and Infrastructure Committee  
**FROM:** Libby Kaiser, Principal City Planner  
**DATE:** January 26, 2023  
**RE:** Official Zoning Map Amendment Application #2021I-00280

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00280.

### Request for Rezoning

Address: 6298 N. Argonne Street  
Neighborhood/Council District and CM: DIA Neighborhood / Council District 11, CM Stacie Gilmore  
RNOs: Master Homeowners Association for Green Valley Ranch, Montbello 20/20, Green Valley Ranch Citizens Advisory Board, Inter-Neighborhood Cooperation (INC)  
Area of Property: 272,960 square feet or 6.27 acres  
Current Zoning: C-MU-20 w/ Waivers and Conditions, Airport Influence Overlay (AIO) and C-MU-30 w/ Waivers and Conditions, UO-1, AIO  
Proposed Zoning: S-MX-3 AIO  
Property Owner(s): 64<sup>th</sup> and Tower LLC  
Owner Representative: Kristin Dean

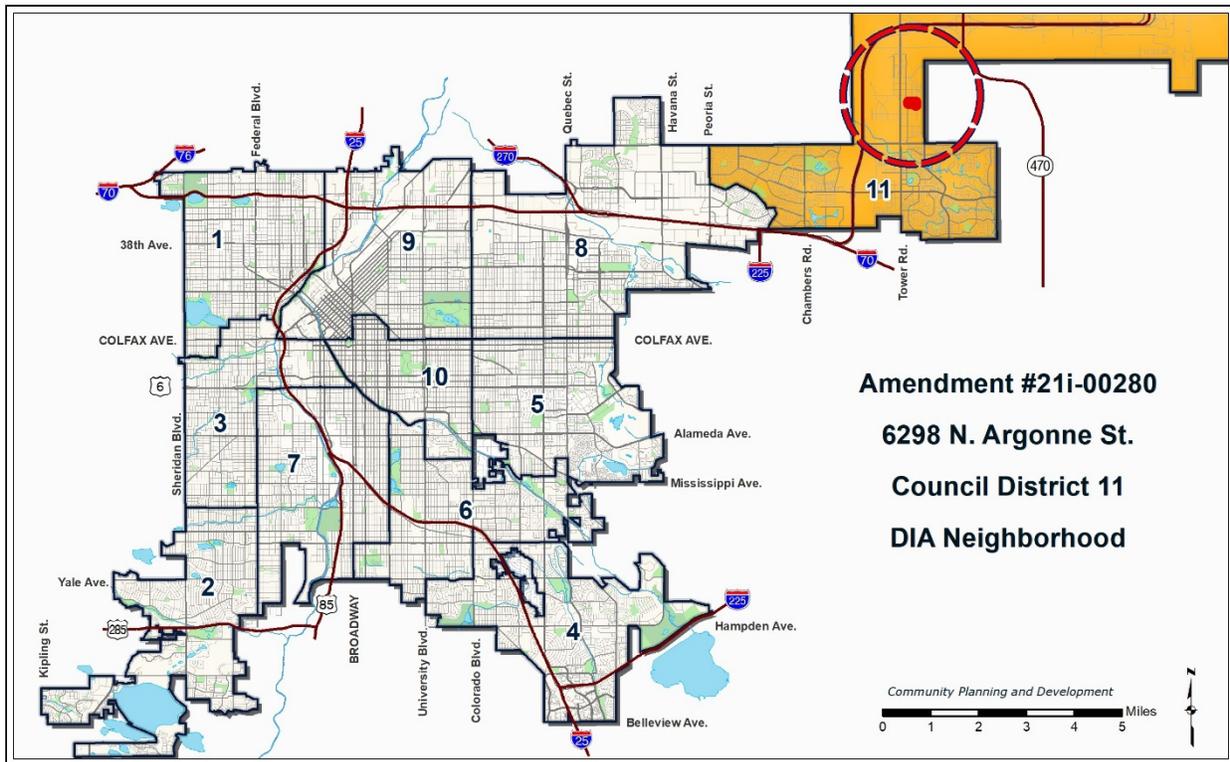
### Summary of Rezoning Request

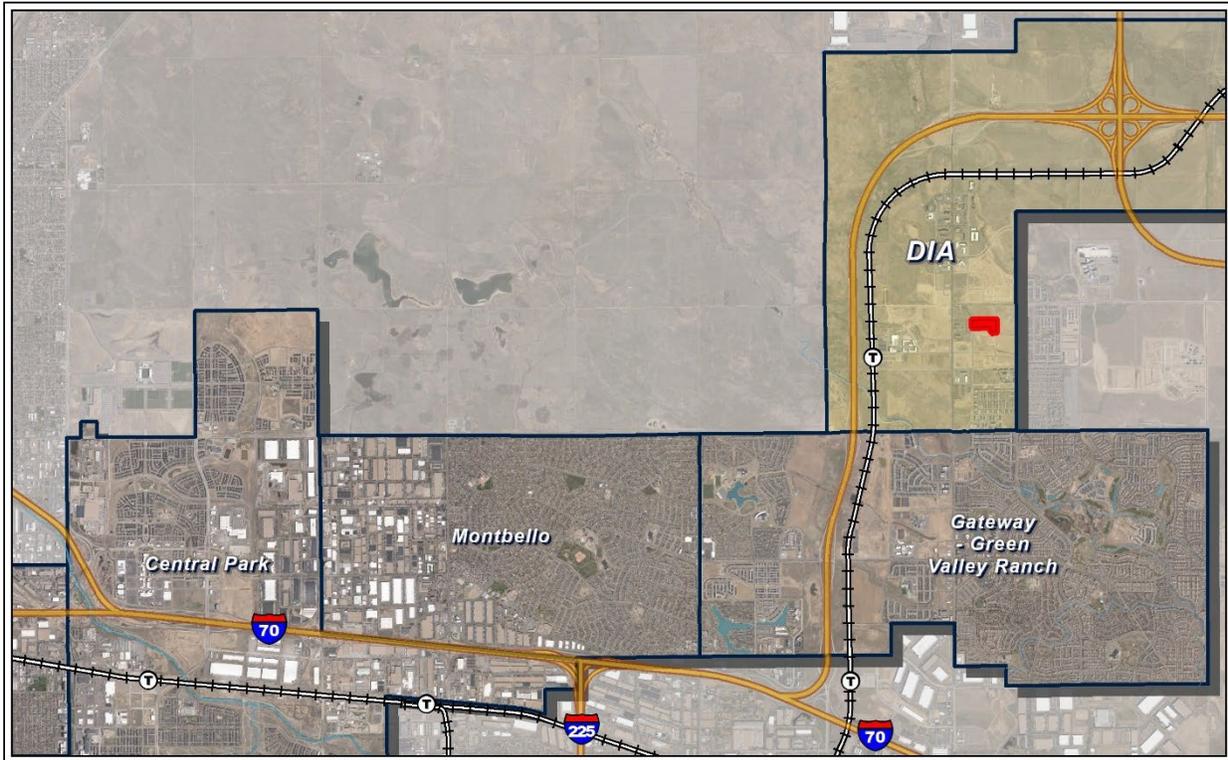
- The subject property is located in the DIA Neighborhood bounded by Argonne Street, the future 63<sup>rd</sup> Avenue, the future Ceylon Street, and a stormwater detention facility to the south.
- The property, owned by 64<sup>th</sup> and Tower LLC, is currently vacant and the street network is incomplete.
- The property is currently zoned C-MU-20 w/ Waivers and Conditions, Airport Influence Overlay (AIO) and C-MU-30 w/ Waivers and Conditions, UO-1, AIO. C-MU-20 is a Former Chapter 59 commercial mixed-use district, and the waivers and conditions prohibit residential uses and require an air rights covenant and avigation easement. C-MU-30 is also a Former Chapter 59 commercial mixed-use district, and the waivers and conditions prohibit residential uses, as well as some commercial and industrial uses, and require an air rights covenant and avigation easement. The Adult Use Overlay District, UO-1, permits adult business uses. The AIO is mapped but does not apply to Former Chapter 59 zoned properties.
- The applicant is requesting this rezoning to enable the intended development of approximately 95 two-story rental attached dwellings.
- The proposed zone district, S-MX-3 AIO, can be summarized as follows:
  - The S-MX-3 zone district stands for **Suburban, Mixed Use**, with a maximum height of **3** stories, or 45 feet, and applies to areas or intersections served primarily by local or collector streets. S-MX zone districts allow a mix of residential, civic, commercial, and

industrial uses and are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.

- The AIO district is an overlay district that prohibits single unit and two unit dwellings throughout the overlay.
- Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

## Existing Context



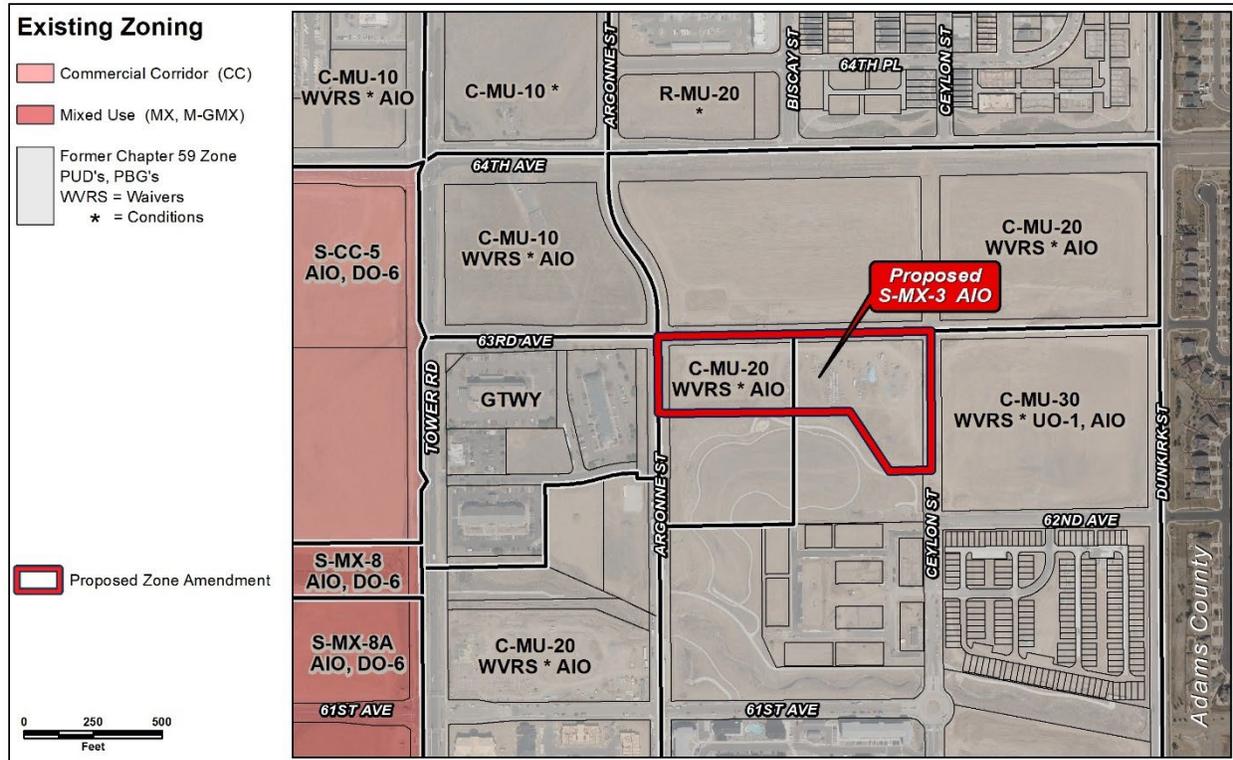


The subject property is located in the DIA Neighborhood bounded by Argonne Street, the future 63<sup>rd</sup> Avenue, the future Ceylon Street, and a stormwater detention facility to the south. Much of the surrounding area is undeveloped, but there are hotels and a diner west of the site and residential development is proposed to the north. Bus Route 169L traverses Tower Road with a bus stop approximately 1,000 feet from the subject property and the 61<sup>st</sup> and Pena light rail station is approximately one mile from the site. Bike lanes are planned along Argonne Street.

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	C-MU-20 w/ Waivers and Conditions, AIO; C-MU-30 w/ Waivers and Conditions, UO-1, AIO	Vacant	NA	The street pattern is generally orthogonal though the network is incomplete. Block sizes, shapes, building setbacks, and street orientation are varied. There are several super blocks and the stormwater detention facility to the south further inhibits connectivity.
North	C-MU-20 w/ Waivers and Conditions, AIO	Vacant	NA	
South	C-MU-20 w/ Waivers and Conditions, AIO and C-MU-30 w/ Waivers and Conditions, UO-1, AIO	Stormwater detention facility	NA	
East	C-MU-30 w/ Waivers and Conditions, UO-1, AIO	Vacant	NA	
West	GTWY	Mixed use	3-story hotel	

## 1. Existing Zoning



The ordinances for the existing C-MU-20 with Waivers and Conditions and C-MU-30 with Waivers and Conditions UO-1 zone districts were approved in 2000. The waivers and conditions prohibit residential uses in both districts as well as some commercial and industrial uses in C-MU-30. Both districts require an air rights covenant and avigation easement. C-MU-20 is described in Former Chapter 59 (FC59) Section 301(a)(5) as providing for “a mix of commercial, residential, and industrial uses along or near arterials or other high travel streets.” C-MU-30 is described in Former Chapter 59 (FC59) Section 301(a)(6) as providing for “a wide range of commercial, office, retail, industrial, and residential uses that allow property owners the flexibility to respond to the long-term evolution of development trends.” The C-MU-30 district also includes the Adult Use Overlay District, UO-1, which permits adult business uses. The amount of development in both zone districts is controlled by an allowed floor area ratio of 1.0. There is no maximum height and no required front setback, except for one and two unit residential structures, which have a 10 foot minimum front setback.

The DIA Influence Area Overlay Zone, or AIO, is also mapped on the site. The overlay prohibits single unit and two unit dwellings. In addition, “Multi-unit dwellings, live/work dwellings, all uses categorized as congregate living and residential care uses in this Code, hospitals, bed and breakfasts, and all educational uses that include residential accommodations are not permitted in the DIA Influence Area Overlay Zone District north of 64th Avenue,” according to the Denver Zoning Code Section 9.5.3.3. The AIO is mapped but does not apply to Former Chapter 59 zoned properties.

## **2. Urban Design Standards & Guidelines**

The Design Guidelines for Denver Gateway (UDSGs) were adopted in 1999 and updated in 2013 and apply to a large area between 40<sup>th</sup> Avenue and 72<sup>nd</sup> Avenue and between Chambers Road and Piccadilly Road, including the subject property. The UDSGs are intended to promote four notable attributes of the area: “magnificent views of the front range; the legacy of high plains agriculture; the contrasting riparian environment of First Creek and the West Fork of Second Creek; and the heritage of Denver’s park and parkway system.” The standards and guidelines are enforced by Community Planning and Development through the development review process. They will apply to this property regardless of whether this rezoning application is approved.

## **3. Status of Development Services Review**

The applicant attended a Concept Review meeting with Development Services on March 1, 2022, and the applicant’s most recent Site Development Plan (SDP) submittal occurred on December 19, 2022. On June 6, 2022, City Council approved the Expanding Housing Affordability (EHA) policy requiring new residential development of 10 units or more to designate 8% to 12% (or more in some cases) of the units as affordable, regardless of whether the development is for rent or for sale. The policy also includes an option to pay a fee-in-lieu of providing the affordable units on-site. For residential developments of 9 or fewer units and all non-residential development, the policy increased the affordable housing linkage fee compared to the fees in place prior to the policy update. While the policy went into effect on July 1, 2022, it provided a grace period for existing projects to move through development permitting under the previous regulations and linkage fee schedules. Development approval for this site would likely be granted within the grace period such that the project wouldn’t have to comply with EHA; however, the applicant is opting into an Affordable Housing Plan equal to the EHA requirements.

## **4. Large Development Review**

The Development Review Committee reviewed this rezoning application to determine if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code. After review, it was determined the project would require a Large Development Framework (LDF), which is intended to:

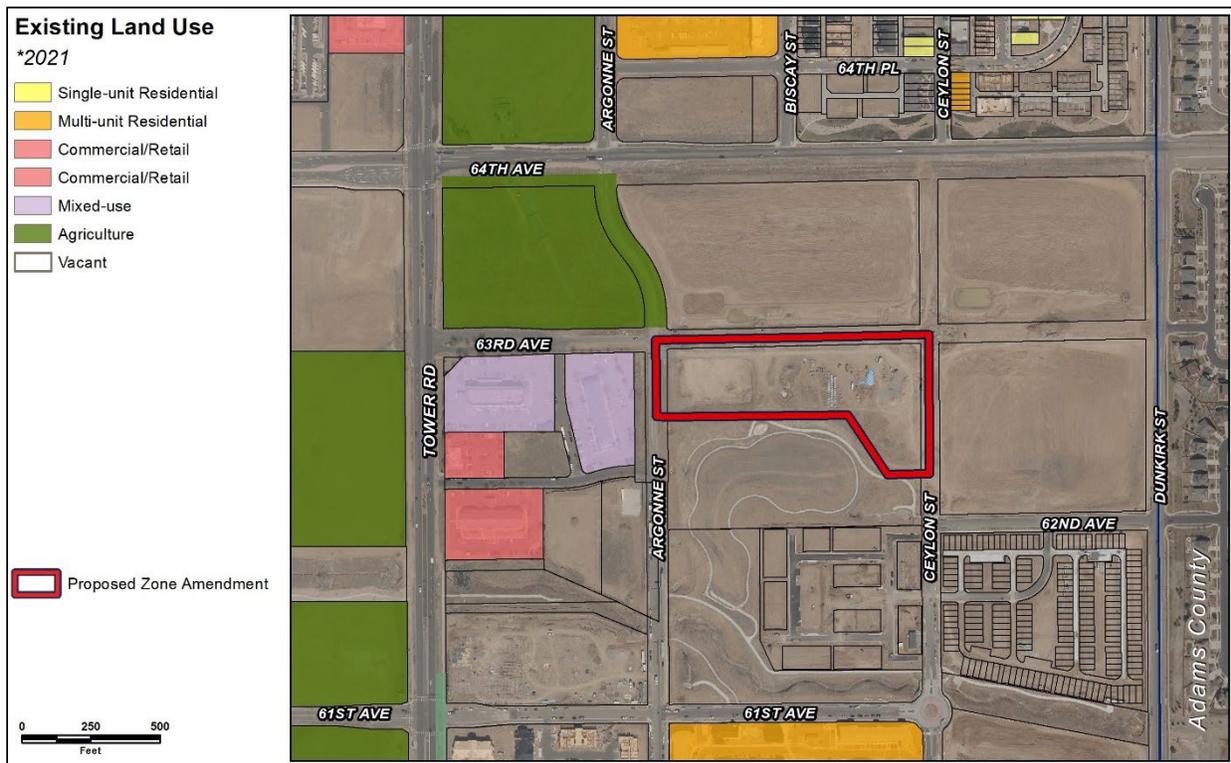
- Document the project as initially proposed.
- Document initial feedback from the community on the proposed project.
- Provide for the coordinated assessment of general land development proposals by the City and other interested public agencies.
- Ensure that development in the LDR area is consistent with City Council adopted plans.
- Ensure that development in the LDR area will implement adopted plan policies related to infrastructure, open space, and public parks, as applicable, by establishing the appropriate timing and requirements for subsequent regulatory steps, submittals and approvals.
- Establish known project requirements based upon the scope of the development proposal.

The attached LDF outlines specific regulatory steps required for implementation of development on this site, including rezoning approval, a Development Agreement, and approval of various site development applications. The Development Agreement, which is expected to be finalized prior to the City Council

hearing, was partially influenced by an Equity Analysis completed by staff and further described near the end of this report. The agreement includes contributions of park land for a Neighborhood Park and a Major Park and payment in lieu of park land, per the Gateway Subdivision Rules and Regulations. The agreement also includes park improvements to help address some of the identified gaps in the Equity Analysis, including a playground, shelter, park benches, and pedestrian connections. Separate from the Development Agreement, the applicant is working on an Affordable Housing Plan with the Department of Housing Stability and intends to provide 8% of units at 60% Area Median Income; the plan will be finalized prior to the City Council hearing.

As required by the LDR process, the applicant team held a required Community Information Meeting virtually on January 11, 2022. District 11 Council Aide Melissa Sotelo was the only attendee outside city staff and representatives of the applicant team.

### 5. Existing Land Use Map



**6. Existing Building Form and Scale (Source: Google Maps)**



**Site** - *Looking east from Argonne Street*



**North** - *Looking east from Argonne Street*



**East** - *Looking west from Dunkirk Street*



**South** - Looking east from Argonne Street



**West** - Looking west from Argonne Street

### **Proposed Zoning**

The proposed zone district is S-MX-3 AIO. The general purpose of the S-MX zone districts is “to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 3.2.4.1.A.). The specific intent of the requested S-MX-3 zone district “applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.” (DZC Section 3.2.4.2.D.).

The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height is 45’ with allowable encroachments. The minimum Primary Street Setback is 0’ for all allowed Primary Building Forms, but other standards range considerably depending on the building form. For example, the Primary Street Build-To is 0% for Drive Thru Services and 75% for Shopfront. The minimum vehicle parking requirement for Multi-Unit Dwellings is 1.25 parking spaces per unit. For additional details regarding building form standards in the S-MX-3 zone district, see DZC Section 3.3.3.

The DIA Influence Area Overlay Zone, or AIO, would continue to apply to the site and prohibits single unit and two unit dwellings. In addition, “Multi-unit dwellings, live/work dwellings, all uses categorized as congregate living and residential care uses in this Code, hospitals, bed and breakfasts, and all educational uses that include residential accommodations are not permitted in the DIA Influence Area Overlay Zone District north of 64th Avenue,” according to the Denver Zoning Code Section 9.5.3.3. The

subject site is south of 64th Avenue so this additional prohibition will not apply. The applicant is not proposing to maintain the UO-1 overlay on the site.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	C-MU-20 w/ Waivers and Conditions, AIO; C-MU-30 w/ Waivers and Conditions, UO-1, AIO (Existing)	S-MX-3, AIO (Proposed)
Primary Building Forms Allowed	NA	General, Shopfront, Drive Thru Services, Drive Thru Restaurants
Height in Stories/Feet (max)	NA	3/45', **
Primary Street Build-To Percentages (min)	NA	0-75%*
Primary Street Build-To Ranges	NA	0' to 150'*
Primary Street Setbacks (min)	0' Front Setback	0'
Surface Parking Between Building and Primary Street/Side Street	Allowed	Allowed or Not Allowed*
Transparency, Primary Street (min)	NA	30-60%*

\*Standard varies between building forms

\*\* The S-MX-3 zone district enables developments committing to an enhanced level of affordability to access additional height, up to 4 stories or 55 feet in this zone district. In order to utilize this additional height, the applicant would need to follow the city's recently adopted affordable housing regulations.

### Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Assessor:** Approved – No Response.

**Asset Management:** Approved – No Comments.

**Denver Public Schools:** Approved – No Response.

**Department of Public Health and Environment:** Approved – No Comments.

**Denver Parks and Recreation:** Approved – See Comments Below.

The rezoning is approved pending execution of the Development Agreement (2022-DA-0000002 / 2021-PROJMSTR-0000449).

**Department of Transportation and Infrastructure - Surveyor:** Approved – No Comments.

**Development Services – Project Coordination:** Approved – No Response.

**Development Services – Transportation:** Approved – See Comments Below.

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

**Development Services – Wastewater:** Approved – No Response.

**Development Services – Fire Protection:** Approved – No Response.

**Public Review Process**

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>4/4/2022</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>1/3/2023</b>
Planning Board public hearing (unanimously recommended approval):	<b>1/18/2023</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	<b>1/17/2023</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>1/31/2023</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>2/20/2023 (tentative)</b>
City Council Public Hearing:	<b>3/13/2023 (tentative)</b>

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**  
 The RNOs identified on page 1 were notified of this application. To date, staff has received no official letters from RNOs.
  - **General Public Comments**
    - To date, staff has received zero public comments.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

#### 1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Far Northeast Area Plan* (2019)

#### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with several of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning will facilitate the development of a range of uses, including residential, within a 20-minute walk of the 61<sup>st</sup> and Pena light rail station. In addition, the Development Agreement commits to shoring up certain equity gaps and ensures the integration of amenities that appeal to a range of ages, while an Affordable Housing Plan will commit to a minimum percentage of income-restricted units. Thus, the rezoning is consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments.
- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 3 – Develop housing that is affordable to residents of all income levels.
- Equitable, Affordable and Inclusive Goal 6 – Integrate equity considerations into city policies, processes and plans.
- Equitable, Affordable and Inclusive Goal 7, Strategy A – Encourage the integration of age-friendly community features into public and private development.

The proposed rezoning would add vitality to a currently vacant lot near commercial corridors and improve multimodal connectivity near transit and future services, consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

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

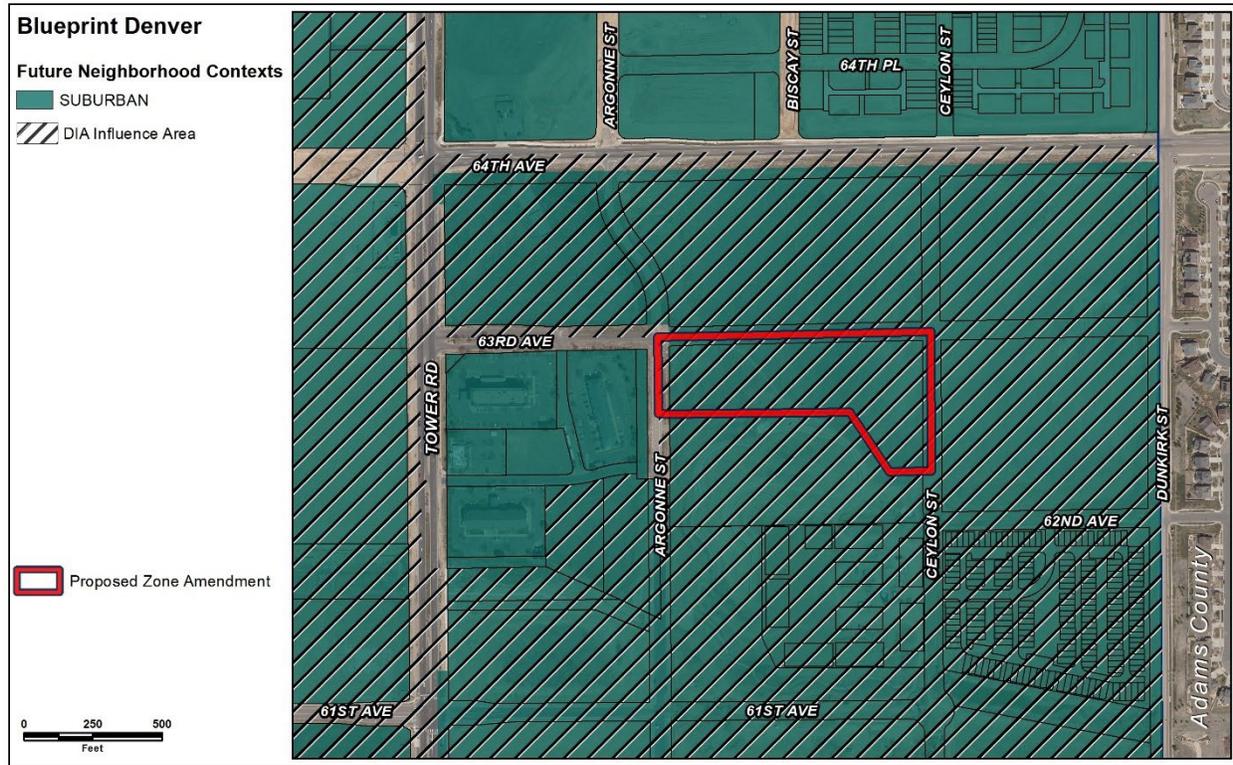
The proposed map amendment would also allow for compatible infill development in an area envisioned for medium-intensity land uses served by transit and planned street connections with sidewalks and bike lanes, and adequate water, sewer, and stormwater capacity, consistent with the following strategy from the Environmentally Resilient vision element:

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

### ***Blueprint Denver***

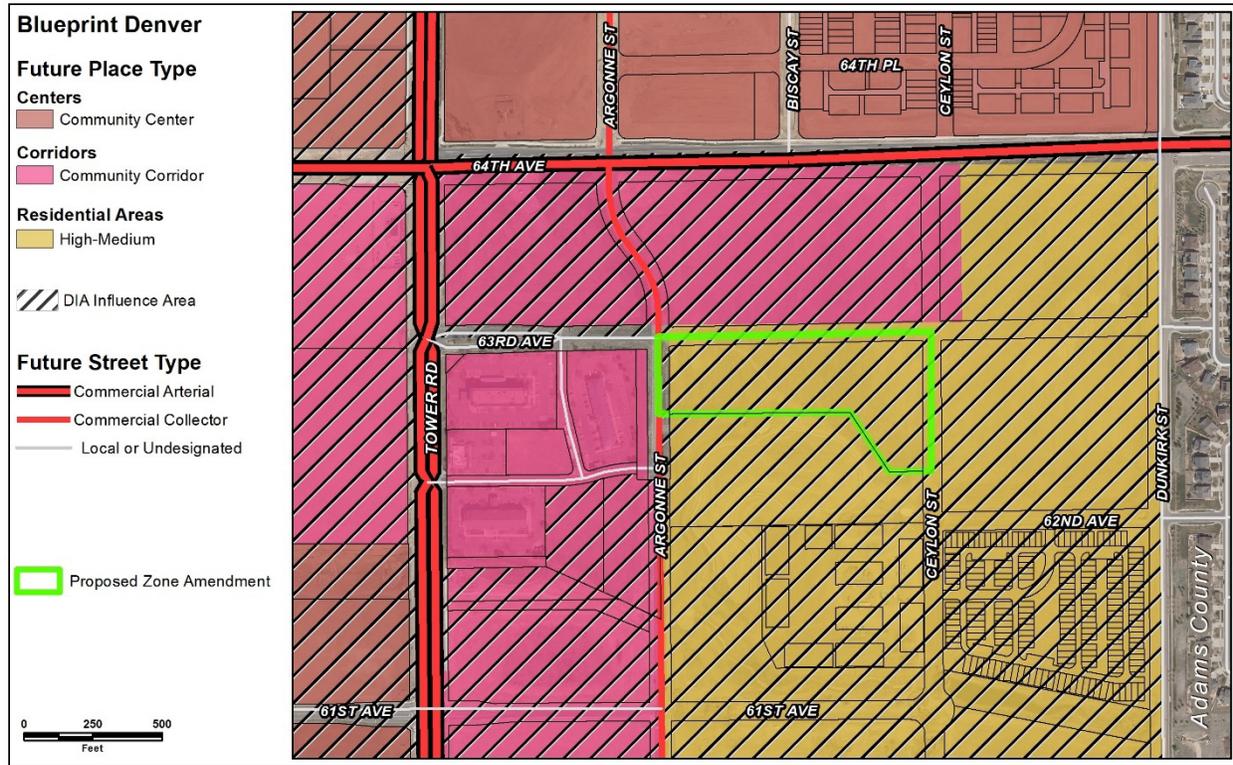
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of the Residential High-Medium place type within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

**Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Suburban Neighborhood Context. “Many suburban context areas are single-unit residential, but multi-unit also occurs. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity.” (p. 190). The proposed S-MX-3 AIO zone district is part of the Suburban context and “applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.” (DZC Section 3.2.4.2.D.). Since the proposed district is within the Suburban context and allows a mix of uses, the proposed rezoning is appropriate and consistent with the plan.

### **Blueprint Denver Future Place and Future Street Types**



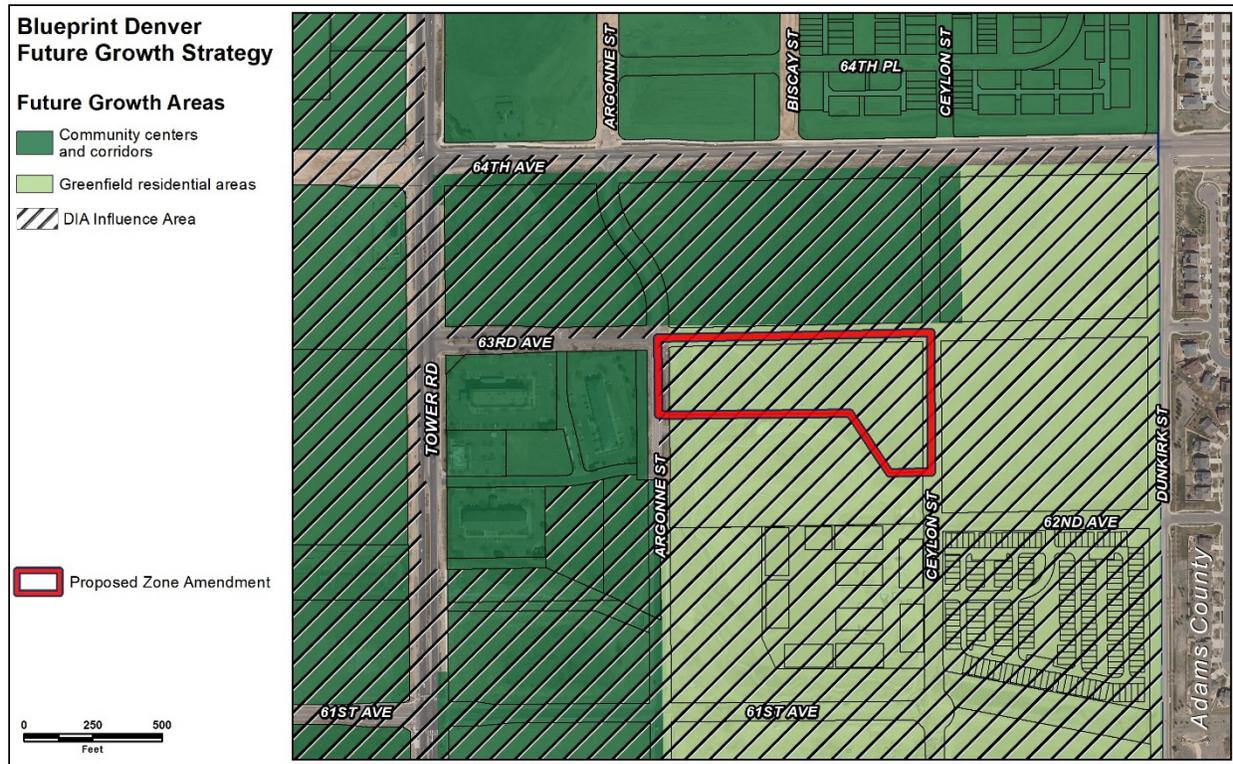
The Future Places Map designates the subject property as part of the Residential High-Medium place type. *Blueprint Denver* describes the aspirational characteristics of Residential High-Medium in the Suburban context as, “a mix of medium-scale, multi-unit residential types and can accommodate compatible commercial/retail uses. Buildings are generally up to 5 stories in height.” (p. 201). The subject property is also within the DIA Influence Area. According to *Blueprint Denver*, “These regulations impose additional requirements and prohibit some uses that would otherwise be allowed under existing zoning. The additional regulations are intended to ensure that new development remains compatible with nearby airport operations” (p. 290).

The proposed S-MX-3 AIO district is consistent with the Residential High-Medium future place type as it would allow medium-scale residential and commercial/retail uses with a maximum height of 3 stories. Furthermore, the AIO overlay will prevent the development of uses that are incompatible with the airport.

In *Blueprint Denver*, street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Argonne Street, which runs along the western boundary of the site, as a Commercial Collector. According to the plan, “Commercial streets typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with on-site parking” (p. 159). 63rd Avenue and Ceylon Street are classified as local, or undesignated, streets, “which can vary in their land

uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed S-MX-3 AIO zone district is consistent with these street types as it would allow a range of moderately-intense uses, including residential; and the S-MX-3 district is intended to be applied to “areas or intersections served primarily by local or collector streets.” (DZC Section 3.2.4.2.D.).

### **Blueprint Denver Future Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the growth area categorized as “Greenfield residential areas”, which are anticipated to attract 0% of new jobs and 5% of new households. The subject property is also within the DIA Influence Area, and *Blueprint Denver* acknowledges the DIA Influence Area Overlay Zone prohibits some uses that would otherwise be allowed under existing zoning. The proposed S-MX-3 zone district is consistent with these growth areas as it allows a variety of moderately-intense development while the AIO zone district will prohibit single unit and two unit dwellings that aren't compatible in proximity to the airport.

### **Blueprint Denver Strategies**

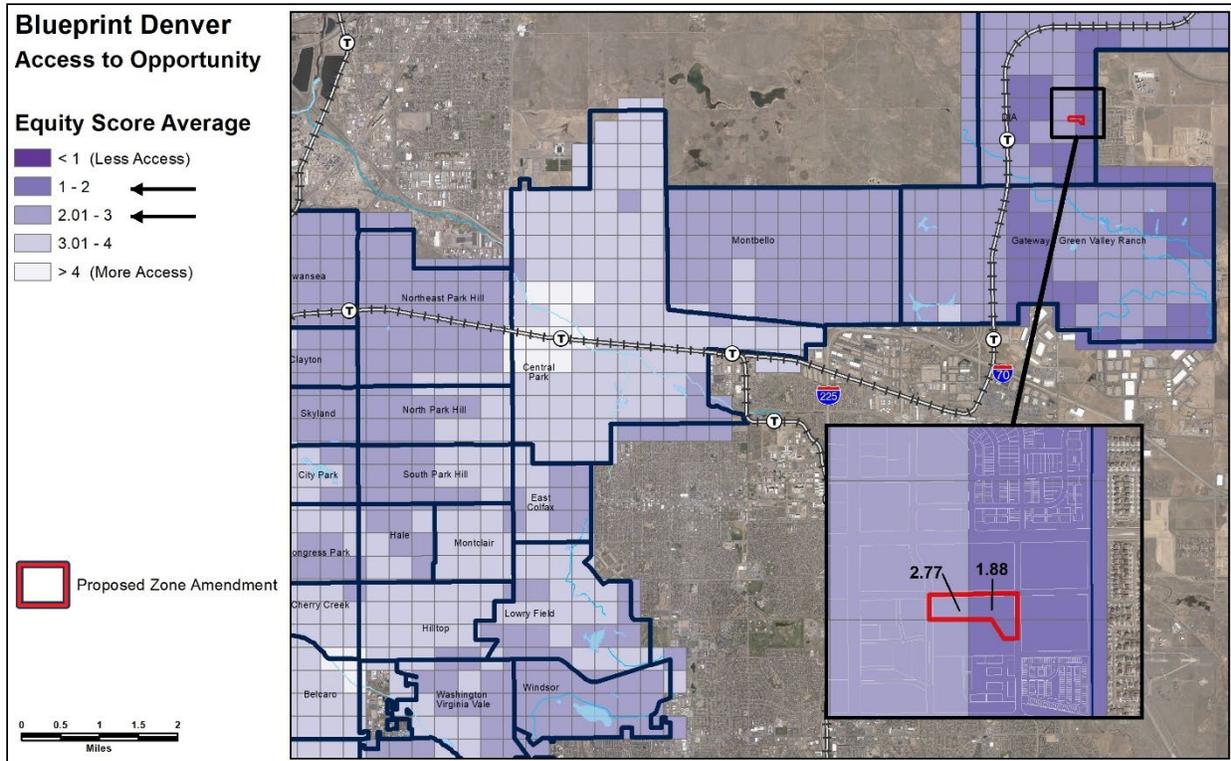
The proposed rezoning also helps further the following policy regarding rezoning properties into the current Denver Zoning Code.

- Land Use & Built Form: General – 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. (p. 73).

### **Blueprint Denver Equity Concepts & Analysis**

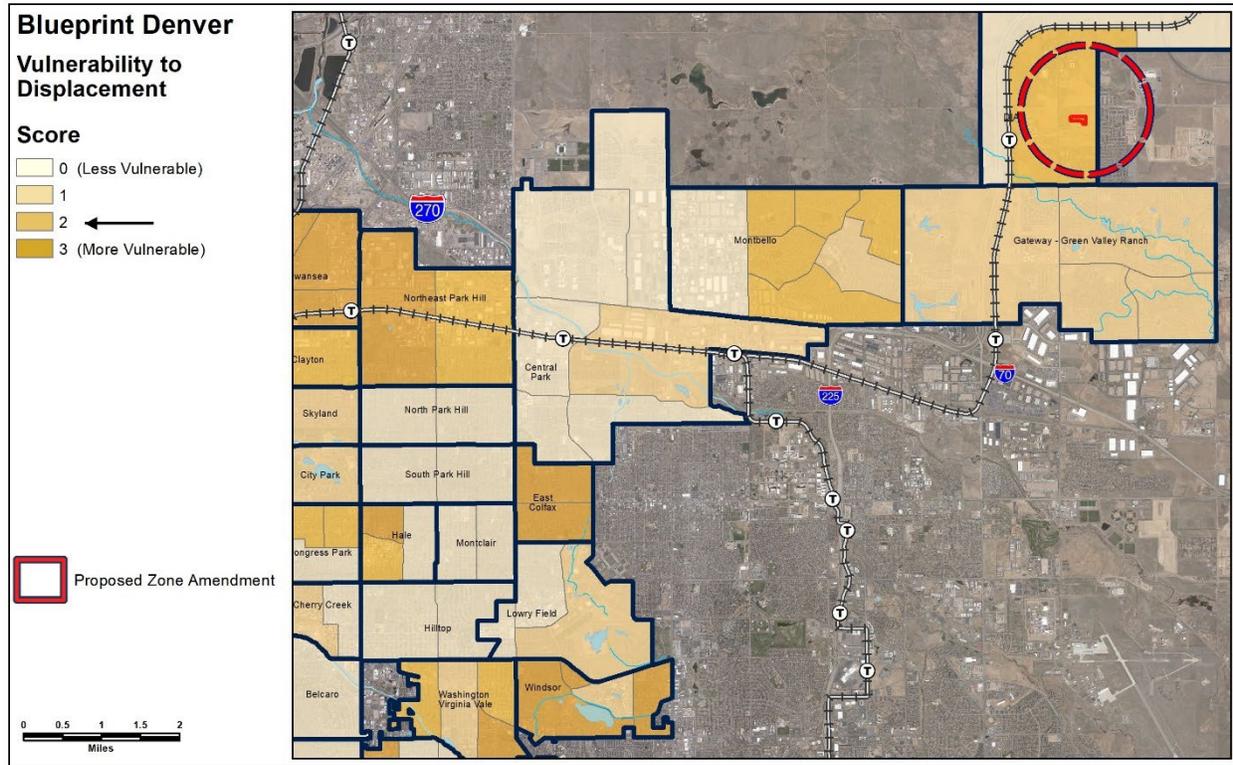
*Blueprint Denver* provides three equity concepts to consider for planning and implementation: improving access to opportunity, reducing vulnerability to displacement, and expanding housing and jobs diversity. These concepts and supplemental data are used to evaluate large area rezonings, such as this one at approximately 6 acres, with the goal of improving equity in the surrounding area. This evaluation, also known as an Equity Analysis, identifies gaps related to equity that should be considered and addressed as part of the Large Development Review and/or rezoning processes. The Equity Analysis is presented to the applicant at the pre-application phase after which an Equity Brief is provided for the applicant to respond to and incorporate into their application narrative. The Equity Brief, including the applicant's response, is attached to the Large Development Framework that accompanies this report.

### Access to Opportunity



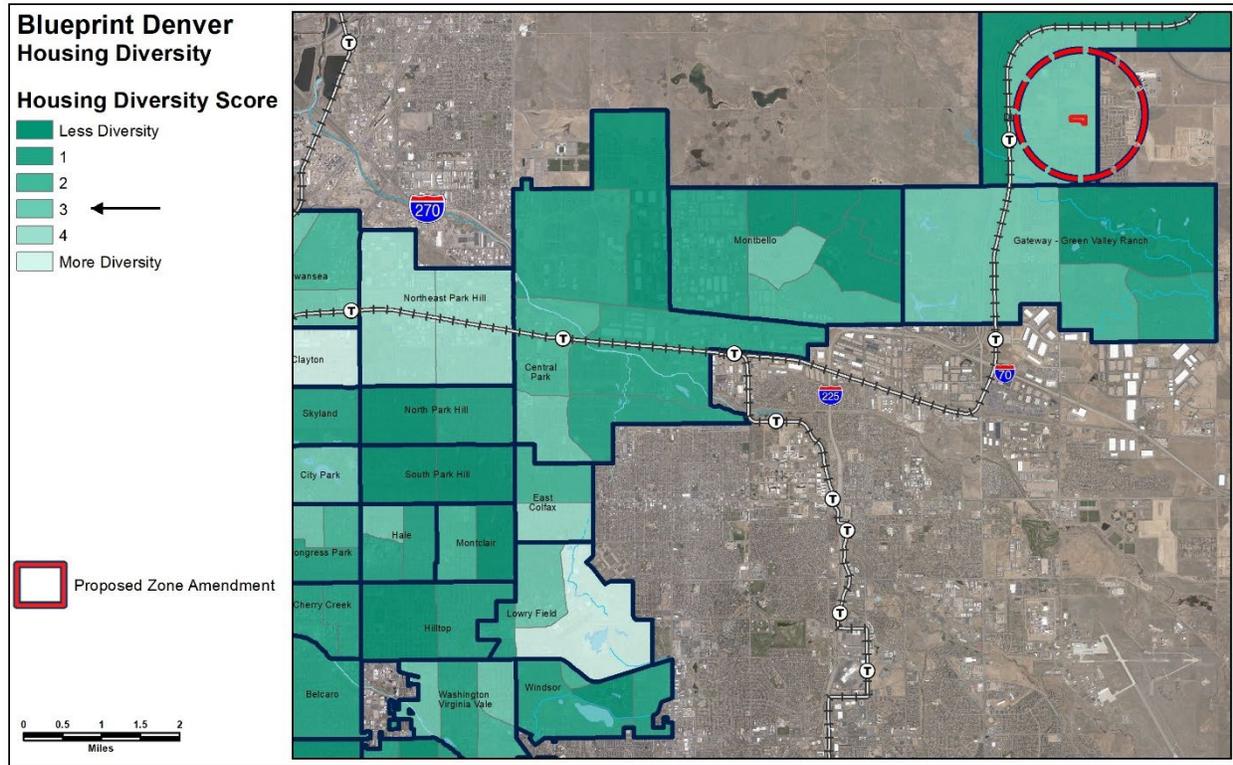
The subject property is in an area with low to moderate access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Analyzing this metric helps us measure our progress towards achieving the vision for complete neighborhoods across the city. The subject area has low scores in Built Environment (both access to parks and fresh food score low), Child Obesity, and Access to Transit. In response to the Equity Analysis, and affirmed in the Development Agreement, the applicant will provide parks and open space as required by the Gateway Subdivision Rules and Regulations, as well as a playground, shelter, park benches, and pedestrian connections. This will help address the Access to Opportunity metric in this area.

### Vulnerability to Involuntary Displacement

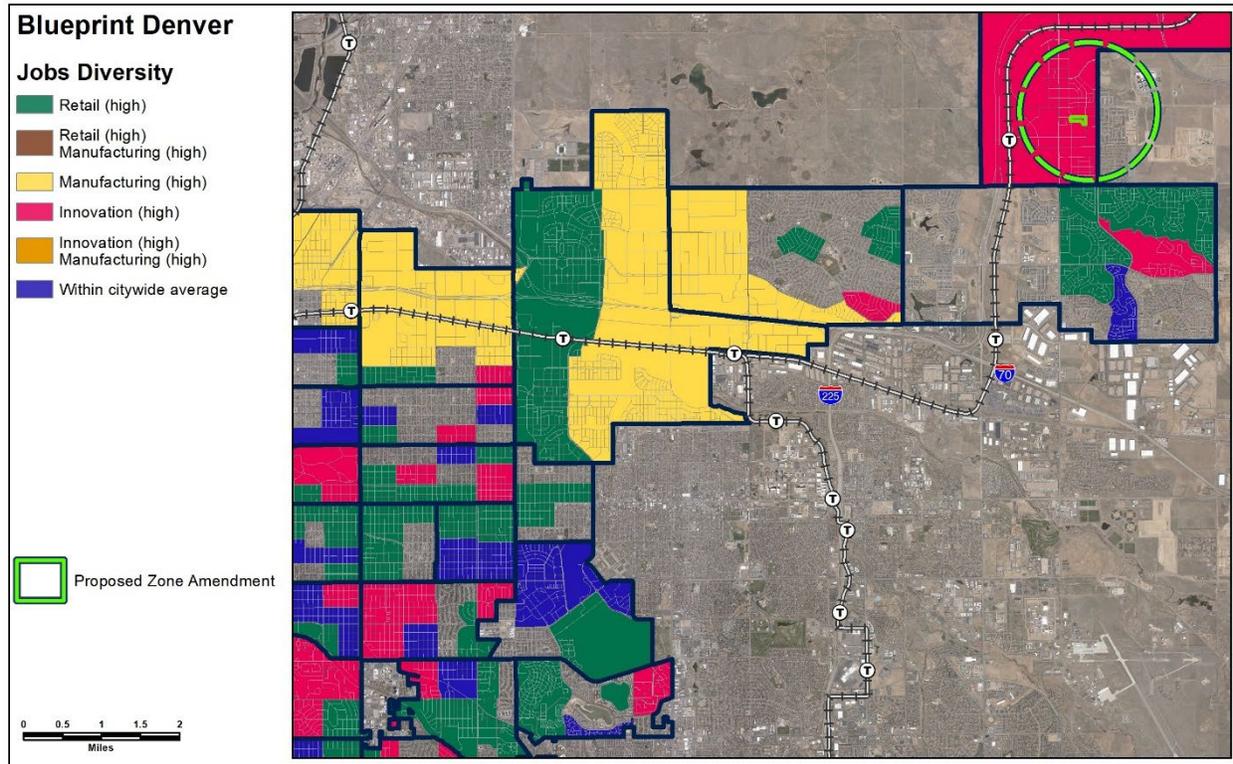


The subject property is in an area that has medium vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver’s Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in median household income and educational attainment, and there is also some vulnerability in the nearby neighborhoods of Gateway-Green Valley Ranch and Montbello. In areas experiencing vulnerability to involuntary displacement, it is important to increase affordable housing options so that residents of all income levels can continue to live in these neighborhoods. Development of this property will be required to comply with an Affordable Housing Plan that meets the city’s recently adopted affordable housing requirements as described earlier in this report, which will contribute to addressing this equity measure.

### Expanding Housing and Jobs Diversity



The subject property is in an area that has moderate housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. According to the data, the area has a fair amount of middle-density housing, diverse home sizes, and more income-restricted units than the citywide average. However, the subject area is not diverse in terms of the percentage of owners to renters and housing costs. Even in areas with a moderate level of housing diversity it is important to increase the number of affordable housing units alongside natural growth in market-rate housing. As mentioned, development of this property will be required to comply with an Affordable Housing Plan that meets the city’s recently adopted affordable housing requirements as described earlier in this report, which will contribute to addressing this equity measure.



The map above shows the mix of jobs in the city with the dominant industry depicted by color. With a greater emphasis on innovation jobs in the DIA neighborhood, the subject property has a mix of jobs that is dissimilar to the city’s overall mix of job types. The subject property and surrounding area have 86% innovation jobs, 14% retail jobs, and less than 1% manufacturing jobs. Innovation jobs are significantly higher than city wide average of 36%. The total number of jobs are 22,345 with 0.83 jobs per acre. The proposed S-MX-3 AIO district will allow a mix of uses, including office and commercial/retail. Thereby, it provides the opportunity for more diverse jobs in the area.

### **Far Northeast Area Plan**

The *Far Northeast Area Plan* (FNE Plan) was adopted by City Council in 2019 and applies to the subject property. The format of the plan includes framework plan recommendations that apply throughout the planning area and neighborhood recommendations that apply in individual neighborhoods.

The future context and place type recommendations of the FNE Plan match those of *Blueprint Denver* described above. The FNE Plan describes the Suburban context as locations where “commercial development is focused along main corridors and centers bordering residential areas” (p. 31). The future place type of High-Medium Residential is “where the predominate use is residential. Although they are primarily residential, they are supported by a variety of embedded uses needed for a complete neighborhood including schools, recreation and nodes of commercial and retail uses” (p. 33). The plan also identifies maximum building heights of 5 stories.

The growth area strategy also matches *Blueprint Denver*, as do the future street types. Argonne Street is a Commercial Collector. “Collector Streets serve medium distance trips with moderate speeds, moving a moderate volume of traffic with medium-distance trips. There are a moderate number of access points and connections with other routes through a moderate number of travel lanes” (p. 77). Additionally, a bike lane is planned on Argonne Street.

The proposed S-MX-3 AIO zone district is consistent with the FNE Plan’s future context, places, height guidance, growth area strategy, and street types as it is a suburban district that allows for a mix of uses, including medium-intensity residential, in buildings with a maximum height of 3 stories. As mentioned previously, the S-MX-3 district is intended to be applied to “areas or intersections served primarily by local or collector streets.” (DZC Section 3.2.4.2.D.), which is consistent with the streets surrounding the property.



*Future Neighborhood Context: Suburban*



*Future Place Types: High-Medium Residential with DIA Influence Area*



*Maximum Building Heights: 5 Stories*



*Growth Area Strategy: Greenfield Residential Districts*



*Future Street Types: Commercial Collector on Argonne St. and Local Streets on 63<sup>rd</sup> Ave. & Ceylon St.*



*Proposed Bike Lane on Argonne St.*

The proposed S-MX-3 AIO zone district, together with the associated draft Development Agreement, is also consistent with the following land use recommendations in the FNE Plan as it will facilitate creation of new public spaces and street connections while rezoning the site from Former Chapter 59 properties into the Denver Zoning Code.

- Recommendation LU-5.4. Create a variety of public spaces for recreational and social interaction, such as plazas, parks, playgrounds and community gardens (p. 44).
- Recommendation LU-16.1.a. Connect to existing streets and extend existing street grids into greenfield developments to create a street network and connect to abutting neighborhoods (p. 48).
- Recommendation LU-18. Rezone Former Chapter 59 properties into the Denver Zoning Code (p. 59).

- Recommendation LU-23.a. Projects should include community benefits such as parks, open space, community-focused amenities, and multimodal infrastructure and connectivity (p. 67).

Additionally, the rezoning and associated draft Development Agreement are consistent with the following mobility recommendation as it will facilitate development of the site, including planned street connections and sidewalks, improving connectivity to the 61<sup>st</sup> and Peña Station.

- Recommendation MOB-7.b. Complete missing sidewalks in the DIA neighborhood as development occurs. Connections to the 61st and Peña Station, and along Tower Road should be prioritized (p. 89).

The rezoning and associated draft Development agreement also support the following quality of life recommendation as future development will include a neighborhood park and other amenities.

- Recommendation QOL-7.1. Maintain a high level of park service and access in Far Northeast by growing the park system, including new parks, open space (p. 115).

Finally, the rezoning supports the following recommendation for the DIA neighborhood as it will diversify the housing stock by allowing multi unit housing in an area dominated by single unit homes where current zoning prohibits all residential uses.

- Recommendation DIA-6.1.b. Diversify the housing stock of Far Northeast by providing attached and multi-unit residential, where allowed by zoning. (p. 188).
- Recommendation LU-24.2. Evaluate rezonings on their ability to create housing affordability through increased density and building form diversity, (including Accessory Dwelling Units) along with the rezoning criteria required by the Denver Zoning Code. (p. 68).

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to S-MX-3 AIO will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans. The proposed rezoning would allow increased development intensity and a mix of uses, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup> Additionally, the rezoning would allow development of a residential community with affordable and market-rate rental homes in an area lacking rental housing. The site's proximity to a bus stop and planned bike lanes will also facilitate active transportation.

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<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

#### 4. Justifying Circumstance

Per the DZC Section 12.4.10.8, City Council may approve a rezoning if it meets one of several Justifying Circumstances, which include the following circumstance applicable to this particular request: “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 a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The existing zoning of C-MU-20 with Waivers and Conditions, AIO and C-MU-30 with Waivers and Conditions, UO-1, AIO is from Former Chapter 59 and therefore meets the Justifying Circumstances criteria. Further, *Blueprint Denver* and the *Far Northeast Area Plan* were adopted after the existing zone district was put in place. The plans recommend more intense uses and better design outcomes than the current district. Therefore, the adoption of *Blueprint Denver* and the *Far Northeast Area Plan* is also an appropriate justifying circumstance.

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

The requested S-MX-3 AIO zone district is within the Suburban Neighborhood Context, which “is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks...Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Multi-unit residential and commercial uses are primarily located along arterial and collector streets.” (DZC Section 3.1.1). The general purpose of the S-MX zone districts is “to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 3.2.4.1.A). The specific intent of the requested S-MX-3 zone district “applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.” (DZC Section 3.2.4.2.D.). The intent of the AIO is to reduce exposure of lower intensity residential and other sensitive land uses to airport operations and associated noise impacts in the DIA Influence Area. The inclusion of the AIO will allow a mix of commercial and multi-unit residential land uses that are compatible with the airport. The proposed rezoning to S-MX-3 AIO would allow moderately intense development along Argonne Street, a commercial collector, in a location consistent with the neighborhood context description, zone district purpose and intent.

#### Attachments

1. Application
2. C-MU-20 with Waivers and Conditions, C-MU-30 with Waivers and Conditions
3. Large Development Framework, including Equity Brief and Response from Applicant