



**TO:** Denver City Council  
**FROM:** Libby Kaiser, Senior City Planner  
**DATE:** January 5, 2023  
**RE:** Official Zoning Map Amendment Application #2021I-00260

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00260.

### Request for Rezoning

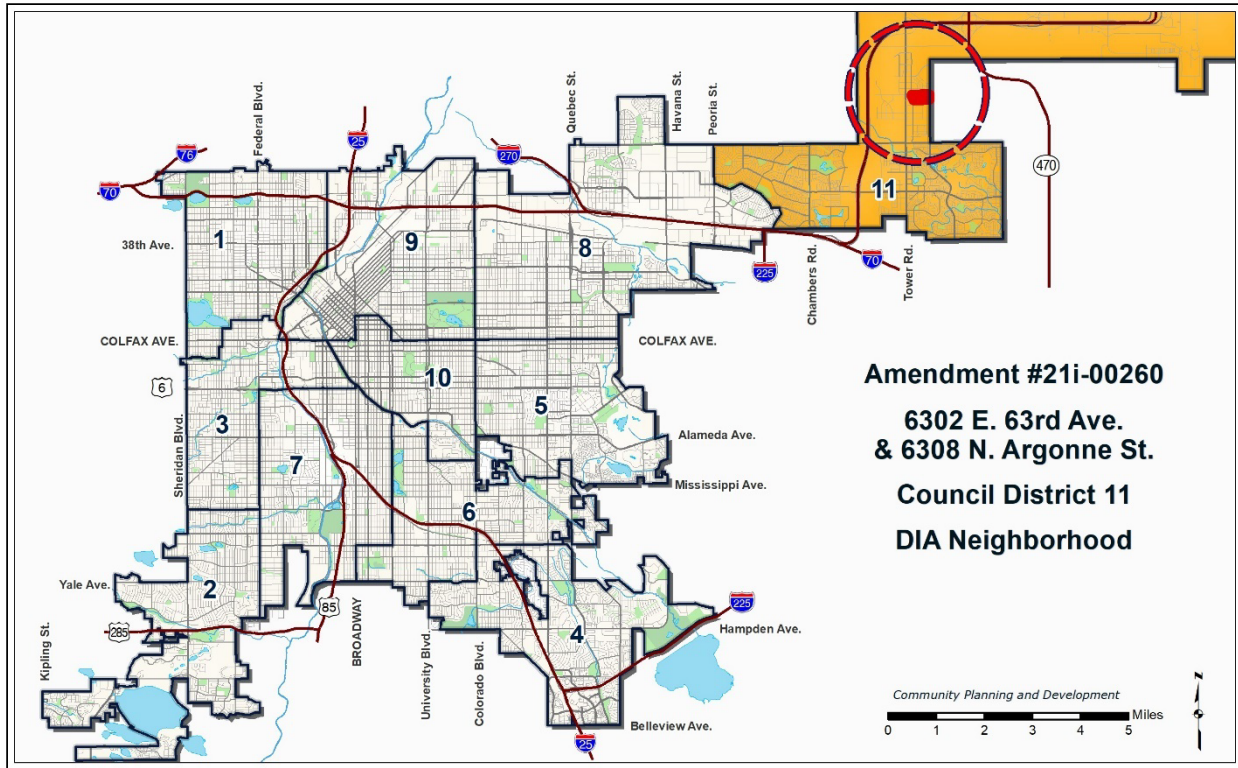
Address: 6302 E. 63rd Avenue and 6308 N. Argonne Street  
Neighborhood/Council District and CM: DIA Neighborhood / Council District 11, CM Stacie Gilmore  
RNOs: Master Homeowners Association for Green Valley Ranch, Montbello 20/20, Green Valley Ranch Citizens Advisory Board, Inter-Neighborhood Cooperation (INC)  
Area of Property: 917,165 square feet or 21.06 acres  
Current Zoning: C-MU-20 w/ Waivers and Conditions, Airport Influence Overlay (AIO)  
Proposed Zoning: S-MX-5 AIO  
Property Owner(s): Gateway North LLC  
Owner Representative: Meaghan McGee

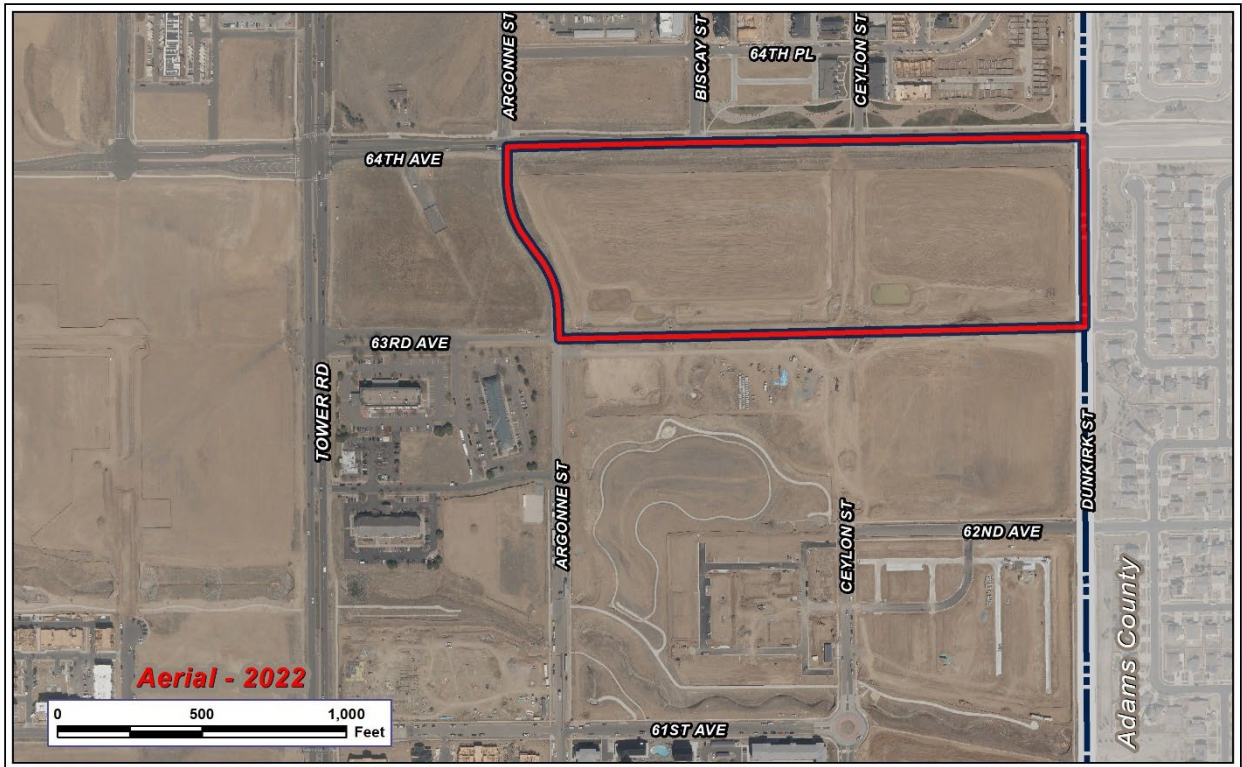
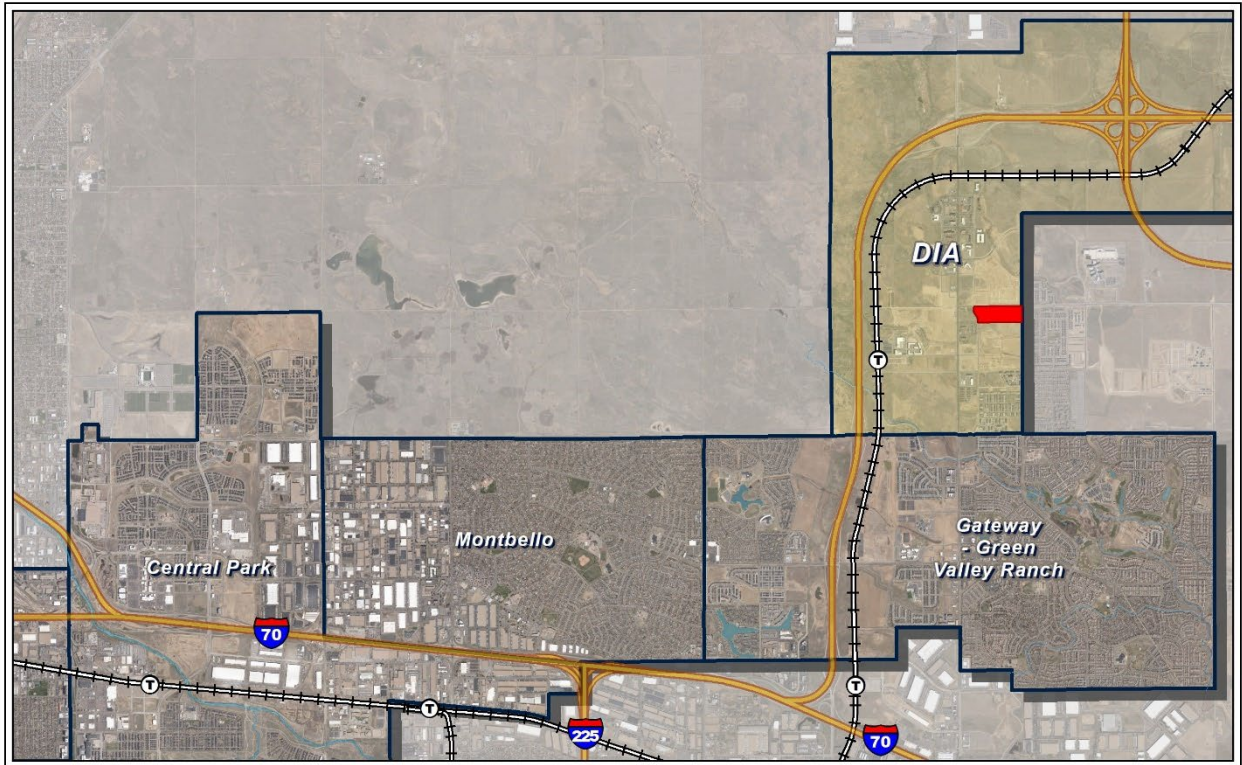
### Summary of Rezoning Request

- The subject property is located in the DIA Neighborhood bounded by 63<sup>rd</sup> Avenue, 64<sup>th</sup> Avenue, Argonne Street, and Dunkirk Street.
- The property, owned by Gateway North 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). 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. The AIO is mapped but does not apply to Former Chapter 59 zoned properties.
- The applicant is requesting this rezoning to enable multi unit residential buildings with approximately 578 units and associated amenities as well as commercial development.
- The proposed zone district, S-MX-5 AIO, can be summarized as follows:
  - The S-MX-5 zone district stands for **Suburban, Mixed Use**, with a maximum height of 5 stories, or 70 feet, and applies to areas or intersections served primarily by collector or arterial 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



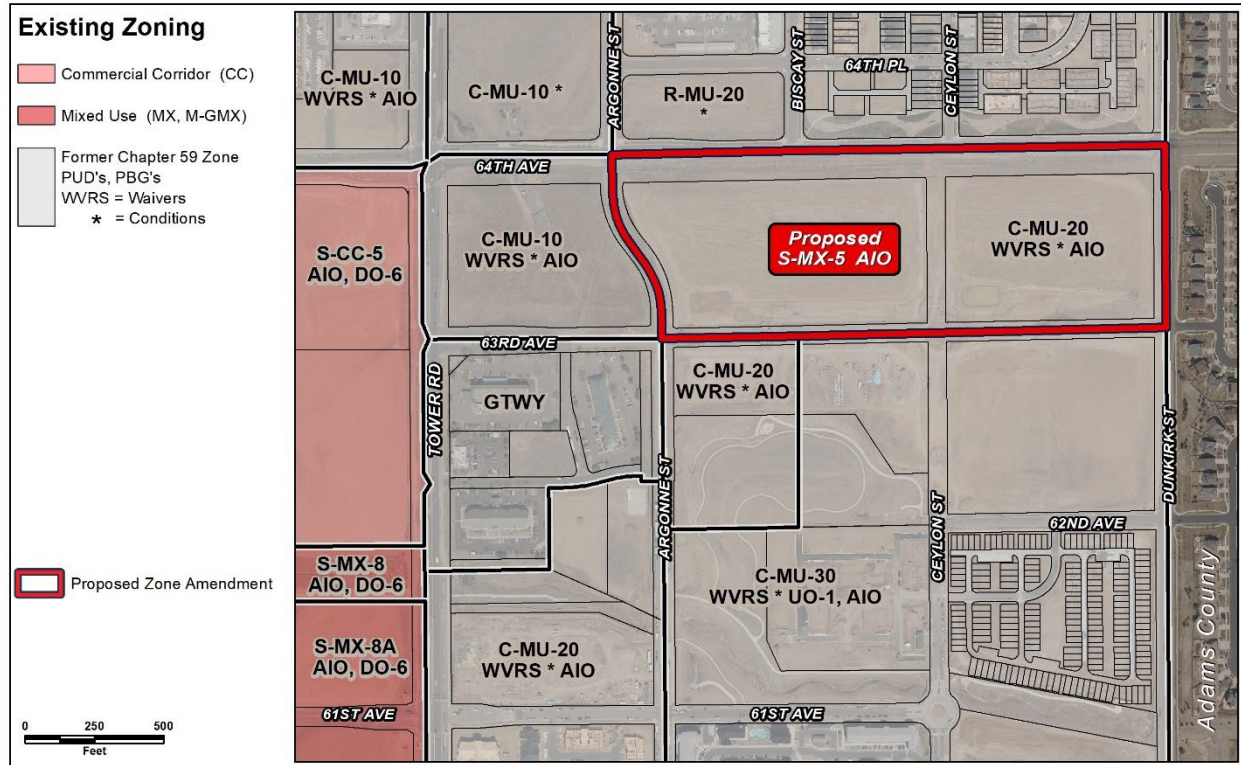


The subject property is located in the DIA Neighborhood bounded by 63<sup>rd</sup> Avenue, 64<sup>th</sup> Avenue, Argonne Street, and Dunkirk Street. Much of the surrounding area is undeveloped, but there are hotels and a diner southwest of the site and a residential neighborhood is being developed to the north. A residential neighborhood in Aurora is immediately east of the site. Bus Route 169L traverses Tower Road with a bus stop approximately 800 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	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 yet the development to the north will include alleys.
North	R-MU-20	Vacant and multi-unit residential	2-story townhomes	
South	C-MU-20 w/ Waivers and Conditions, AIO and C-MU-30 w/ Waivers and Conditions, UO-1, AIO	Vacant	NA	
East	R-2 (Aurora)	Single-unit residential	2-story houses	
West	C-MU-10 w/ Waivers and Conditions, AIO	Agriculture	NA	

## 1. Existing Zoning



The ordinance for the existing C-MU-20 with Waivers and Conditions zone district was approved in 2000. The waivers and conditions prohibit residential uses and require an air rights covenant and aviation 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.” The amount of development 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 required front setback. The DIA Influence Area Overlay Zone, or AIO, also applies 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 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 USGS 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. Large Development Review**

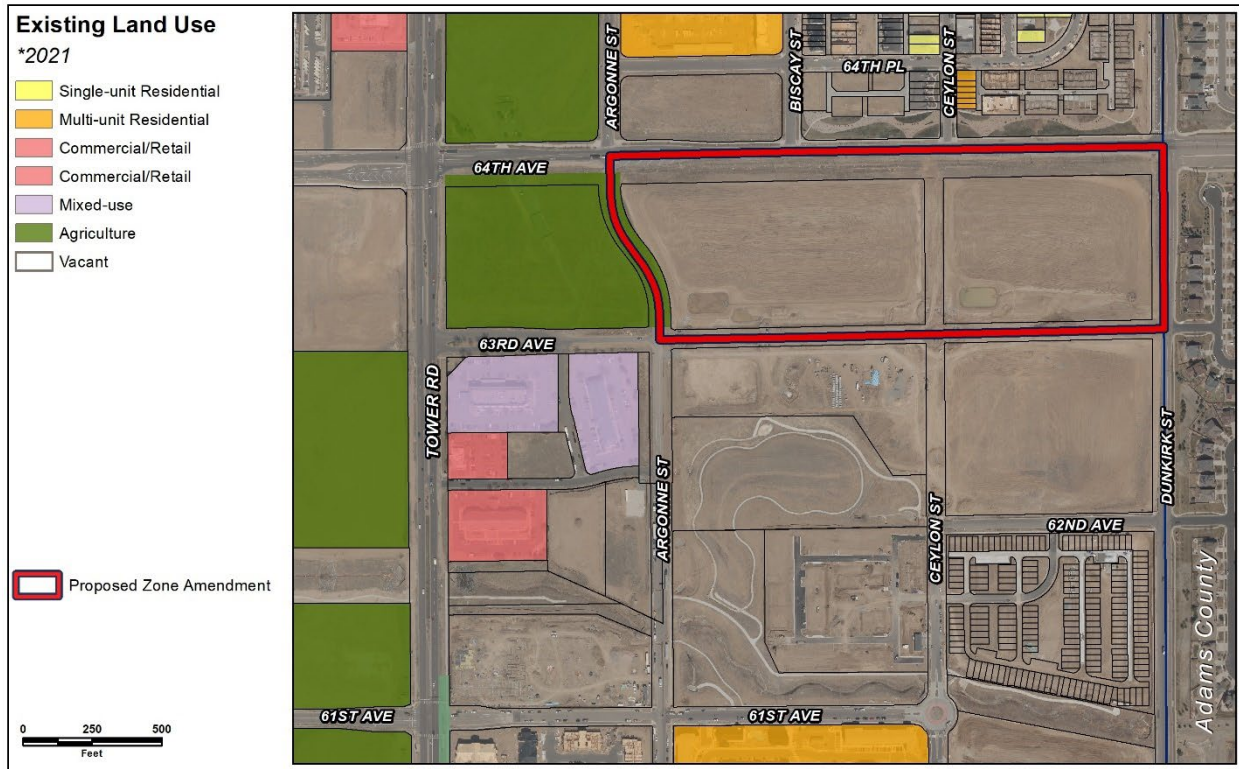
The Development Review Committee reviewed this rezoning application to determine if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code. After review, it was determined the project would require a Large Development Framework (LDF)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

- The proposed development application is larger than five acres.
- Rezoning to the current Denver Zoning Code is required as rezoning to Former Chapter 59 is not allowed by ordinance.
- Specific circumstances warrant a coordinated master framework process to guide the future development.
- The development, open space, housing and infrastructure issues cannot be adequately resolved through other regulatory processes, such as site development plan review.
- The subject area is not part of a General Development Plan (GDP) that established a coordinated master framework process for the site.

The attached LDF outlines specific regulatory steps required for implementation of development on this site, including rezoning approval, an agreed upon Development Agreement, and approval of a Site Development Plan. The Development Agreement is near completion and includes commitments to comply with the city’s recently adopted affordable housing policy; satisfaction of Major Park, Open Space, and Trail Network requirements and satisfaction of Neighborhood Park requirements, per the Gateway Subdivision Rules and Regulations; and improvements to help address identified gaps in the Equity Brief, including dog parks, a pickleball court, a native garden path, and bicycle facilities.

As required by the LDR process, the applicant team held a required Community Information Meeting virtually on Thursday, October 14th from 6 to 7 p.m. via Zoom. The meeting was attended by two members of the community, City staff, and representatives of the applicant team. Staff and the applicant team shared updated plans for the LDR application, answered questions from the public, and shared contact information for future correspondence. A summary of the neighborhood meeting and questions asked is included in the attached LDF.

#### 4. Existing Land Use Map



#### 5. Existing Building Form and Scale (Source: Google Maps)



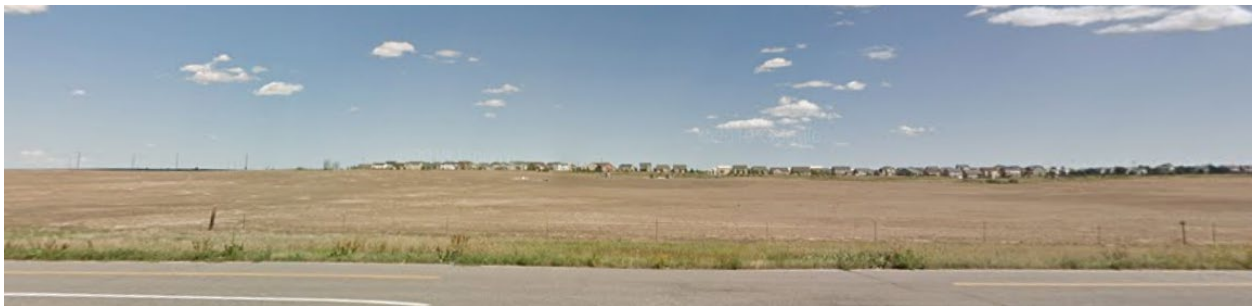
Site - Looking south from 64<sup>th</sup> Avenue



**North** - Looking north from 64<sup>th</sup> Avenue



**East** - Looking east from Dunkirk Street



**South** - Looking east from Argonne Street





**West** - Looking south from Argonne Street

### Proposed Zoning

The proposed zone district is S-MX-5 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-5 AIO zone district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.” (DZC Section 3.2.4.2.F.).

The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height is 70’ 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-5 zone district, see DZC Section 3.3.3.4.

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 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 (Existing)	S-MX-5, AIO (Proposed)
Primary Building Forms Allowed	NA	General, Shopfront, Drive Thru Services, Drive Thru Restaurants
Height in Stories/Feet (max)	NA	5/70’**

Design Standards	C-MU-20 w/ Waivers and Conditions, AIO (Existing)	S-MX-5, AIO (Proposed)
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

### 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, contingent upon the Applicant and CCD executing and fulfilling a Development Agreement to account for and satisfy the difference between the major park land dedication and/or associated fee-in-lieu paid at the time of subdivision under the commercial assumption, with the Gateway requirements as applied to the proposed residential development program. The neighborhood park requirement of approximately 2 acres is proposed to be satisfied on-site. Based on the most recently reviewed concept plan submittal:

- Neighborhood park requirement: 2 acres (being satisfied on-site.)
- Major park requirement: 7 acres (equivalent fee-in-lieu of approximately \$2.75 million)

**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**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>4/11/2022</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>10/18/2022</b>
Planning Board public hearing (unanimously recommended approval):	<b>11/2/2022</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>11/1/2022</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>11/15/2022</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>12/19/2022</b>
City Council Public Hearing:	<b>1/9/2023</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 housing within a 5-minute walk of bus route 169L along Tower Road and within a 20-minute walk of the 61<sup>st</sup> and Pena light rail station. A mix of lodging and retail uses are planned just west of Argonne Street and the development itself will comply with the city's recently adopted affordable housing policy. 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. 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 adjacent to future 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

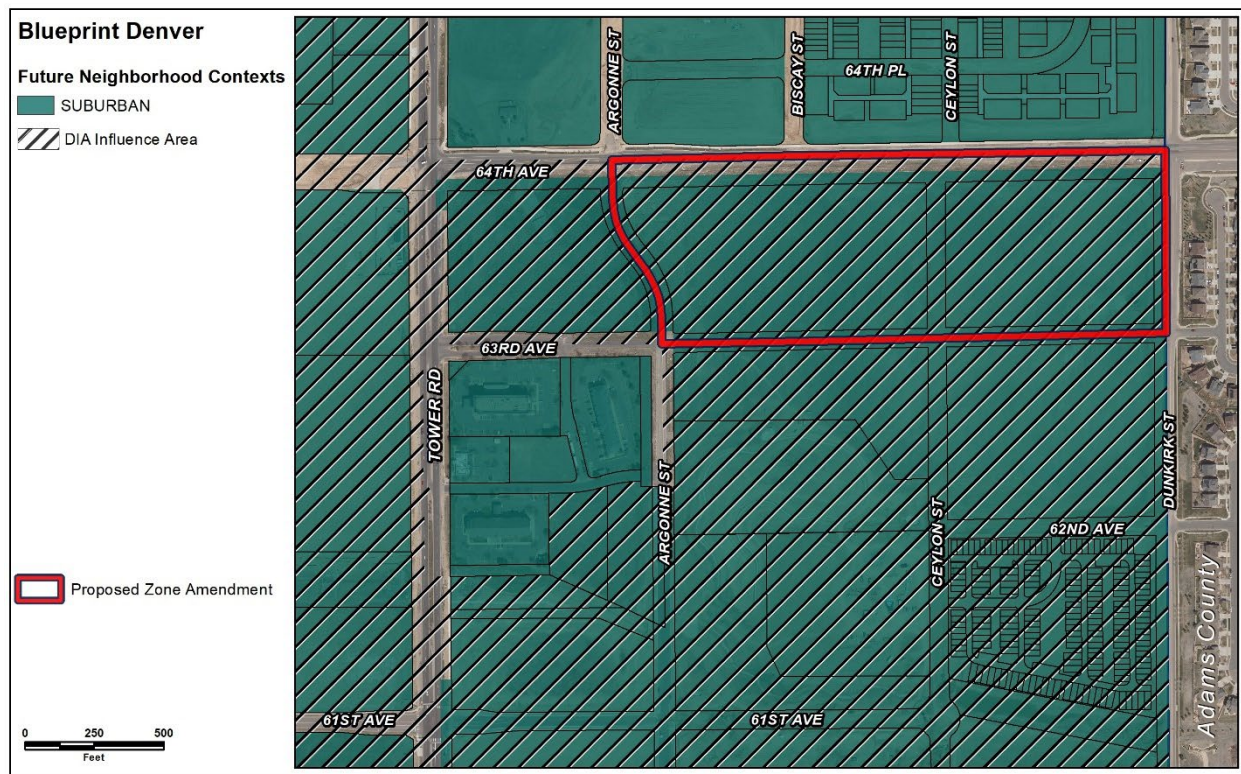
sidewalks and bike lanes, and adequate water, sewer, and stormwater capacity, consistent with the following strategy from the Environmentally Resilient vision element:

- 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 Community Corridor and Residential High-Medium place types within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

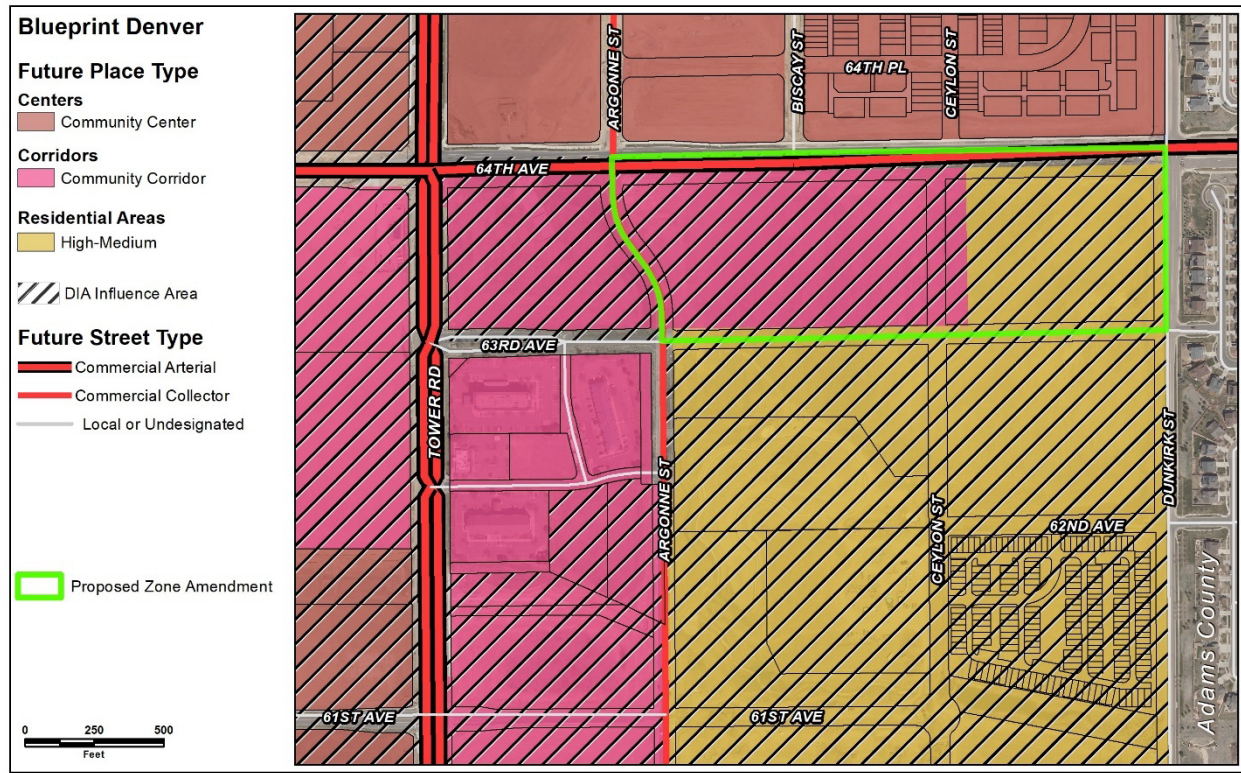
### **Blueprint Denver Future Neighborhood Context**



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-5 AIO zone district is part of the Suburban context and “applies to areas or intersections served primarily by collector or arterial

streets where a building scale of 1 to 5 stories is desired.” (DZC Section 3.2.4.2.F.). 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**



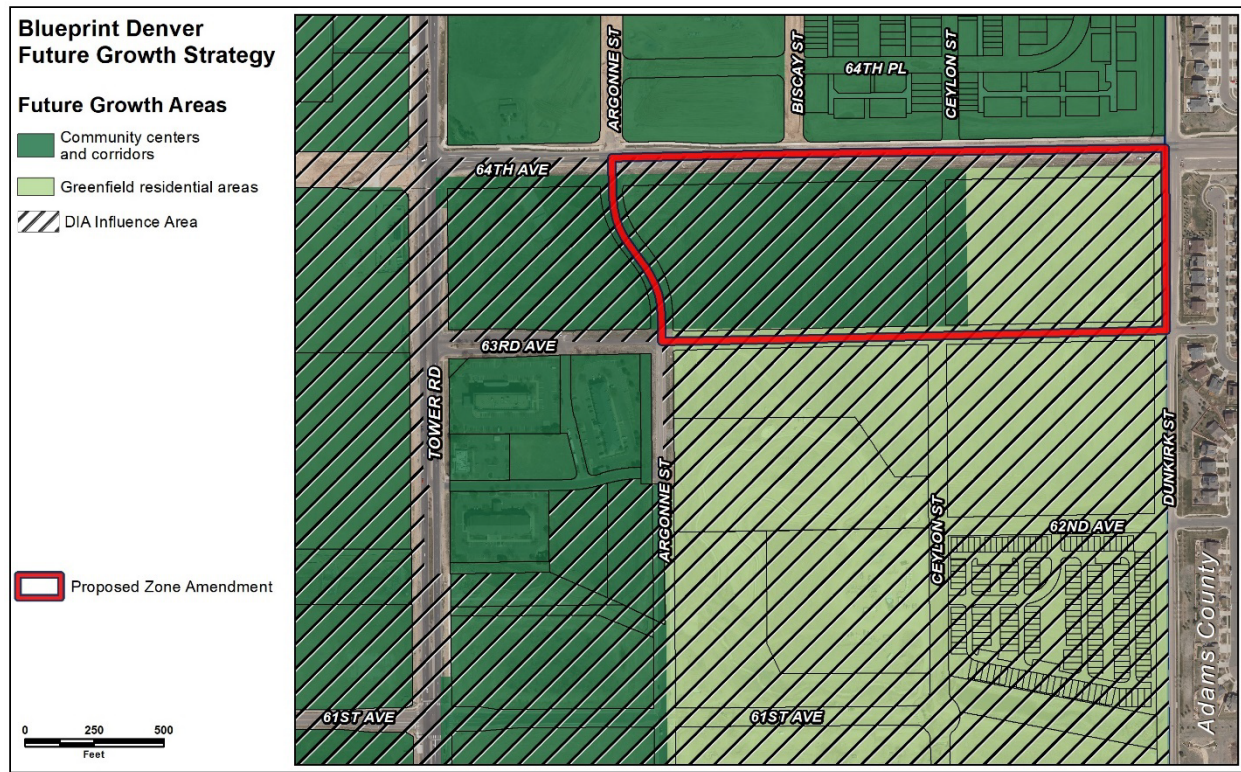
The Future Places Map designates the subject property as part of the Community Corridor and Residential High-Medium place types. *Blueprint Denver* describes the aspirational characteristics of Community Corridor in the Suburban context as, “some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels during different times of the day will vary depending on the type and mix of uses. Buildings have a distinctly linear orientation, but may provide an opportunity for infill in large setbacks that are a result of historic suburban development. Heights are generally up to 5 stories.” (p. 196). *Blueprint Denver* also 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-5 AIO district is consistent with the Community Corridor and Residential High-Medium future place types as it would allow office, commercial, and higher-intensity residential uses with a maximum height of 5 stories. In addition, building form standards will ensure future development has a linear orientation and clearly defines the street. 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 64th Avenue as a Commercial Arterial and Argonne Street is 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, Ceylon Street and Dunkirk 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-5 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-5 district is intended to be applied to “areas or intersections served primarily by collector or arterial streets.” (DZC Section 3.2.4.2.F.).

### **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 “Community centers and corridors”, which are anticipated to attract 20% of new jobs and 25% of new

households by 2040, as well 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, which *Blueprint Denver* acknowledges the DIA Influence Area Overlay Zone that prohibit some uses that would otherwise be allowed under existing zoning. The proposed S-MX-5 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.

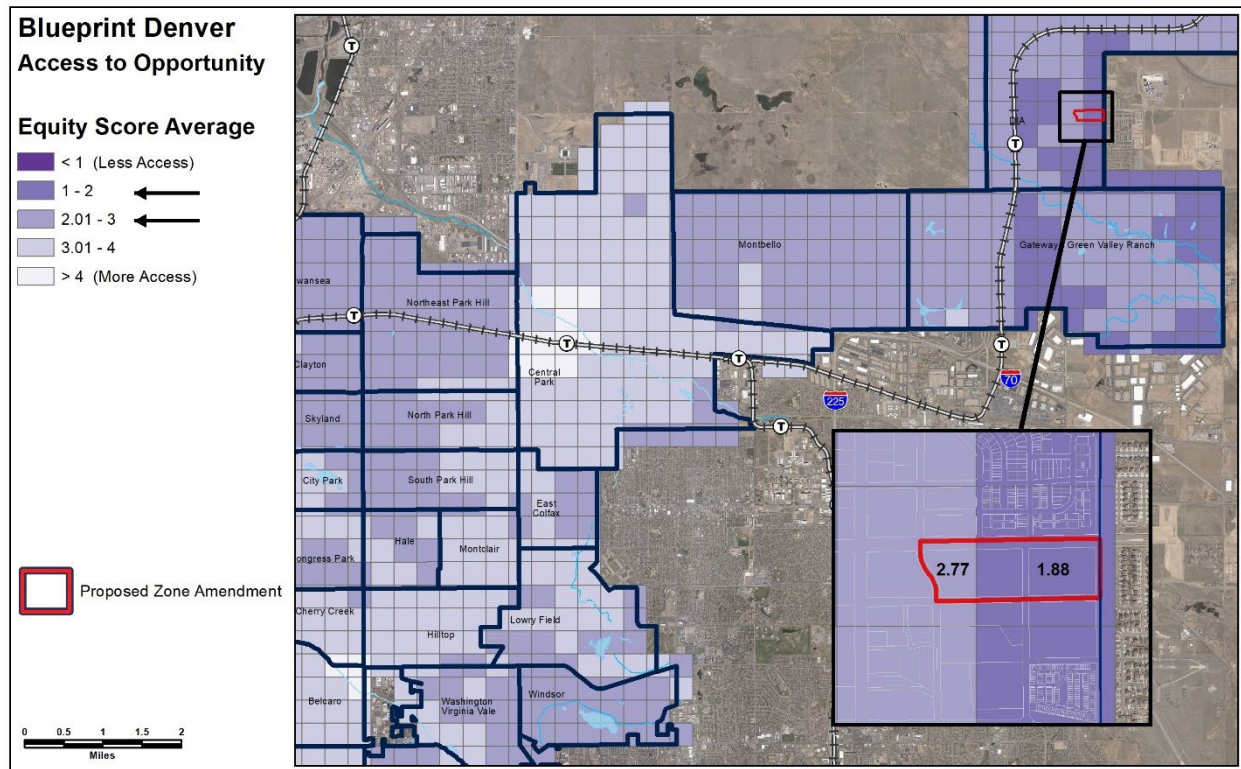
- Land Use & Built Form: General – Policy 3, Strategy A: Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code. (p. 73).

### **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 21 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 staff report.

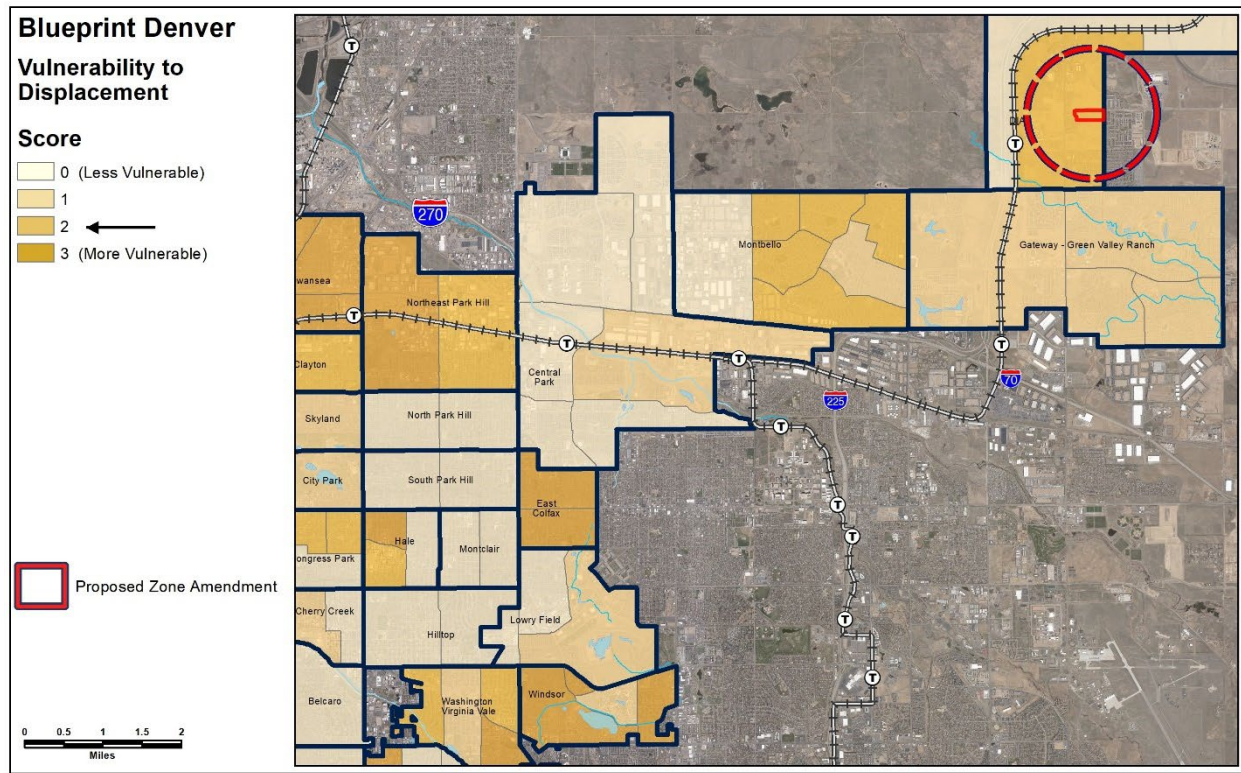


### Access to Opportunity



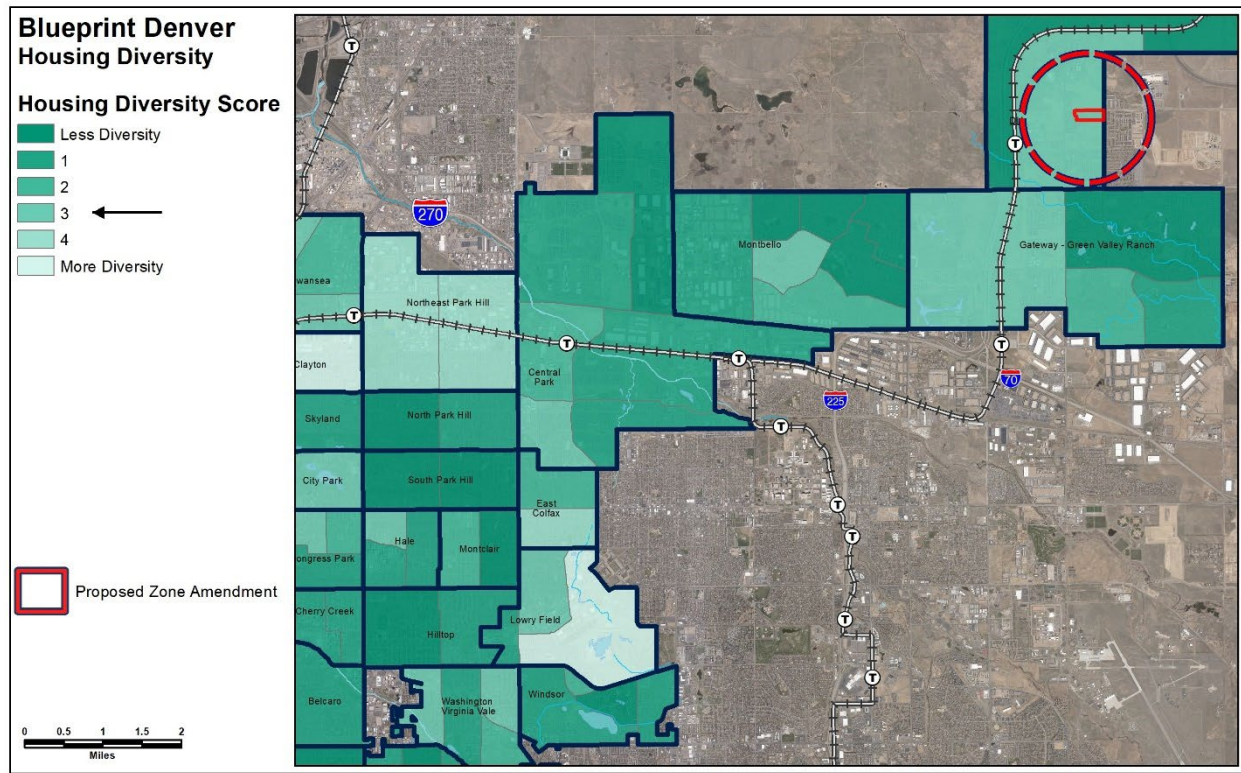
The subject property is in an area with low to moderate access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to 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 draft Development Agreement, the applicant will provide parks and open space as required by the Gateway Subdivision Rules and Regulations, as well as dog parks, a pickleball court, a native garden path, and bicycle facilities. This will help address the Access to Opportunity metric in this area.

### Vulnerability to Involuntary Displacement

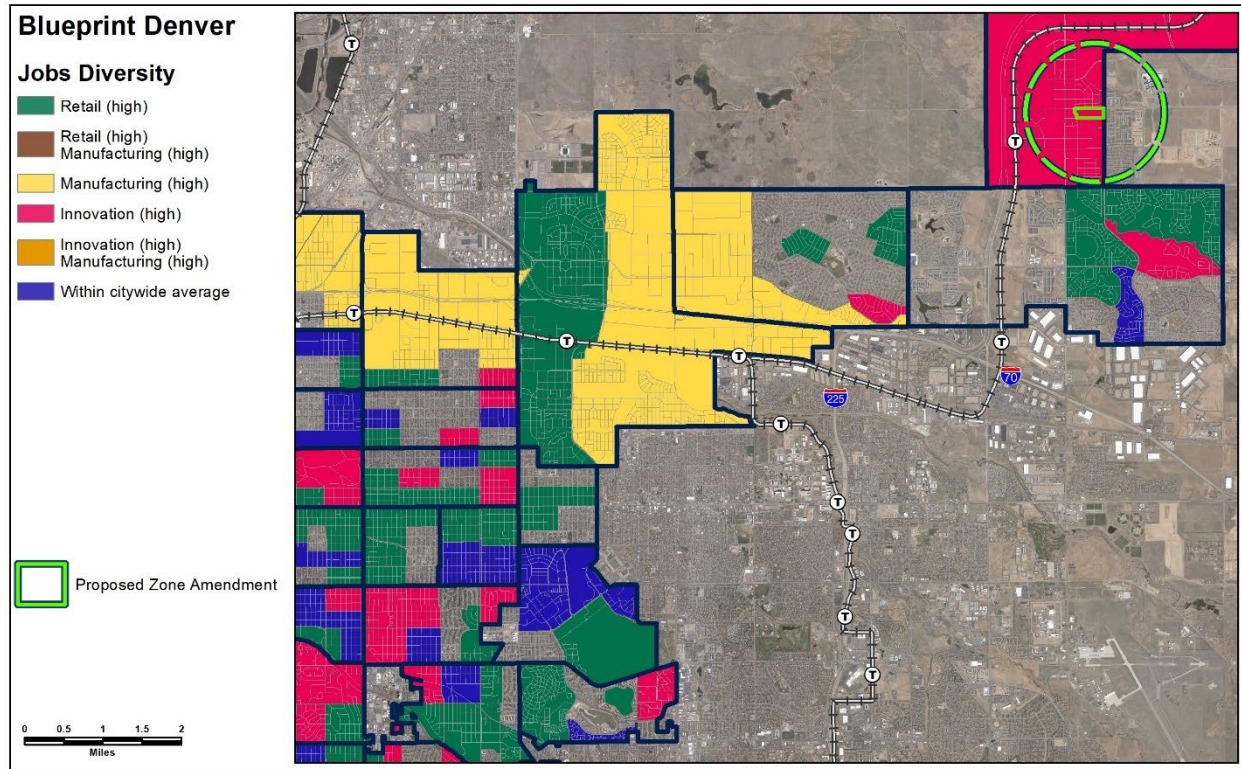


The subject property is in an area that has medium vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver’s Economic Development and Opportunity office. This combines data from 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. In areas with high 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 the city’s recently adopted affordable housing policy 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. The subject area is not diverse in terms of the percentage of owners to renters and housing costs. 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 the city’s recently adopted affordable housing policy, 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-5 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 of Community Corridor is described as “mixed-use places of different scales (local and community) oriented along a street. They provide spaces for people to engage in social activities and entertainment, such as shopping and dining. Corridors are often embedded in neighborhoods and serve nearby residents” (p. 33). High-medium Residential areas are “where the predominate use is residential. Although they are primarily residential, they are supported by a variety of embedded uses needed for a

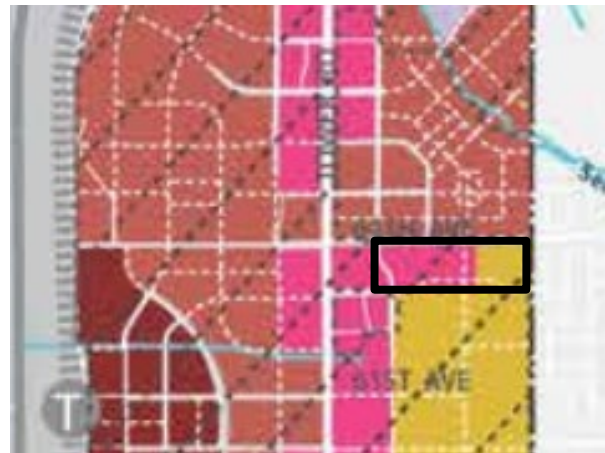
complete neighborhood including schools, recreation and nodes of commercial and retail uses” (p. 33). The plan also identifies maximum building heights, with 8 stories specified on the western half of the site and 5 stories on the eastern half of the site.

The growth area strategy also matches *Blueprint Denver*, as do the future street types. 64<sup>th</sup> Avenue is categorized as a Commercial Arterial. “Arterial Streets serve the longest types of trips at the highest speeds. Arterials move the maximum number of people over the longest distances. There are few access points and additional lanes to move large traffic volumes at faster speeds” (p. 77). 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-5 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 higher-intensity residential, in buildings with a maximum height of 5 stories. As mentioned previously, the S-MX-5 district is intended to be applied to “areas or intersections served primarily by collector or arterial streets.” (DZC Section 3.2.4.2.F.), which is consistent with the streets surrounding the property.



*Future Neighborhood Context: Suburban*



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



*Maximum Building Heights: 5 and 8 Stories*



*Growth Area Strategy: Community Centers & Corridors and Greenfield Residential Districts*



*Future Street Types: Commercial Arterial on 64<sup>th</sup> & Commercial Collector on Argonne St.*



*Proposed Bike Lane on Argonne St.*

The proposed S-MX-5 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).

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

The proposed rezoning to S-MX-5 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, 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-5 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-5 zone district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.” (DZC Section 3.2.4.2.F.). 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-5 AIO would allow more intense development along 64<sup>th</sup> Avenue, a commercial arterial, and 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
3. Large Development Framework, including Equity Brief and Response from Applicant