



TO: Denver City Council – Land Use Transportation and Infrastructure Committee
FROM: Tony Lechuga, Senior City Planner
DATE: November 24, 2022
RE: Official Zoning Map Amendment Application #2022I-00073

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00073.

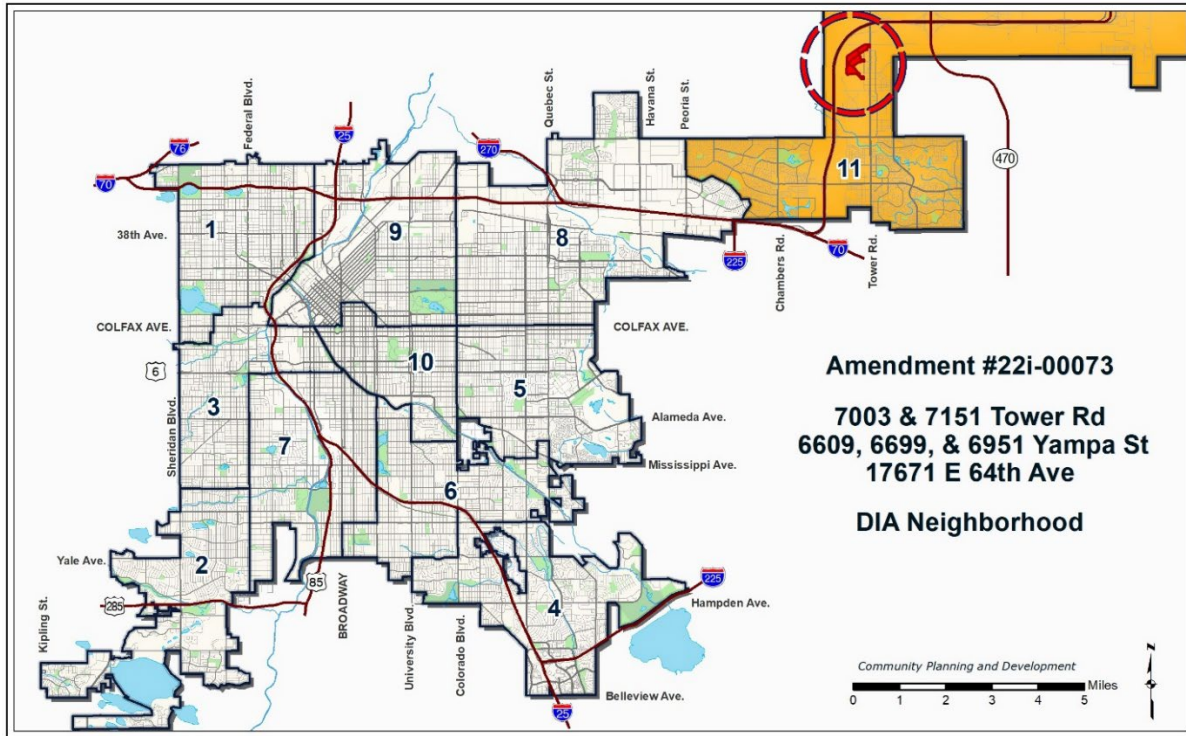
Request for Rezoning

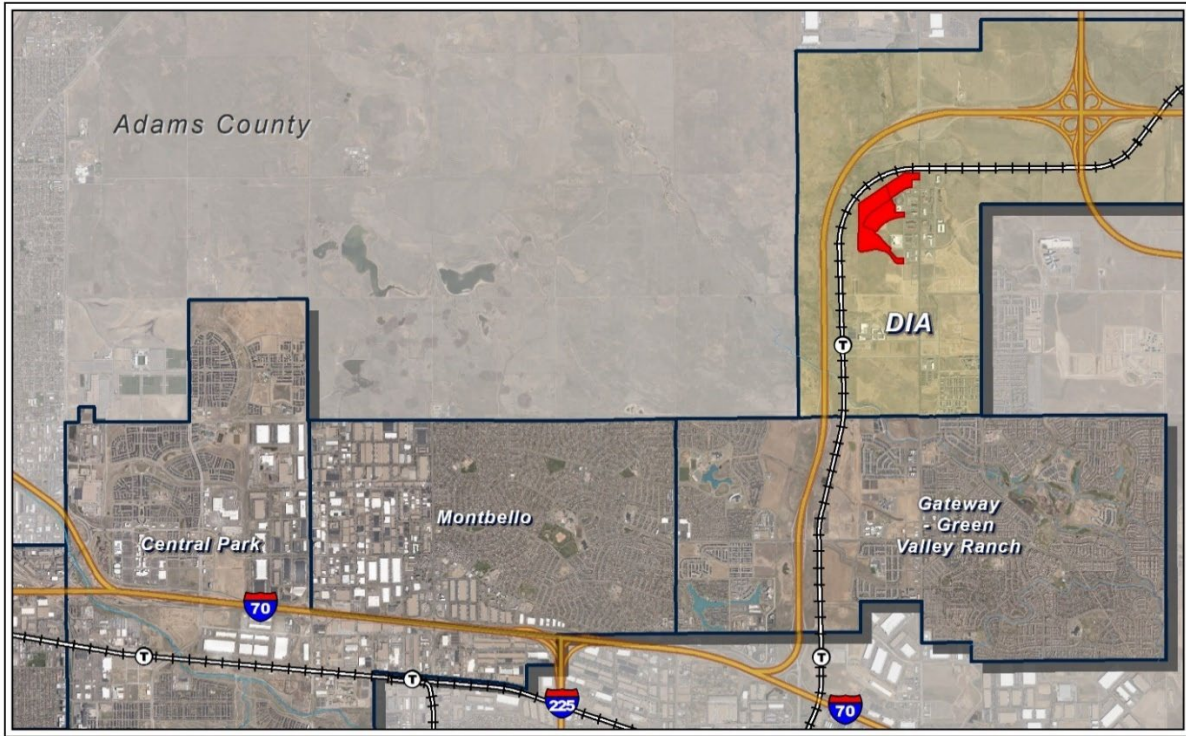
Address: 7003 North Tower Road and multiple associated parcels
Neighborhood/Council District and CM: DIA Neighborhood / Council District 11, CM Gilmore
RNOs: Master Homeowners Association for Green Valley Ranch, Green Valley Ranch Citizens Advisory Board, Montbello 20/20, Inter-Neighborhood Cooperation
Area of Property: ~93 acres
Current Zoning: C-MU-10 with waivers and conditions, AIO; C-MU-20 with waivers and conditions, AIO; and C-MU-30 with waivers and conditions, UO-1 AIO
Proposed Zoning: S-MX-8, AIO and S-MX-8A, AIO
Property Owner(s): DIBC Hotel Conference, LLC; DIBC Commercial, LLC; and Denver International Business Center Metropolitan District No. 1
Owner Representative: Mark Throckmorton

Summary of Rezoning Request

- The property is a large area located in the DIA statistical neighborhood to the west of North Tower Road and North Yampa Streets between East 67th Avenue and East 72nd Avenue.
- All of the property is currently vacant. The requested rezoning would allow for a similar mix of uses as the current zoning but allow the property to conform to the Denver Zoning Code as recommended in the *Far Northeast Area Plan*.
- The **S-MX-8**, **Suburban**, **Mixed Use**, **8**, and **S-MX-8A**, **Suburban**, **Mixed Use**, **8A** allow residential and non-residential uses in a building scale of up to 8 stories, or 110 feet. The **Airport Influence Overlay** is designed to ensure new development remains compatible with nearby airport operations, and, thereby, does not allow residential uses in this area. S-MX-8 allows the Shopfront, General, Drive Thru Services, and Drive Thru Restaurant primary building forms. S-MX-8A allows the Shopfront and General primary building forms. Further details of the S-MX-8 and S-MX-8A zone districts can be found in Article 3 of the Denver Zoning Code and of the AIO overlay can be found in Article 9 of the Denver Zoning Code.
- The site is currently zoned C-MU-10, C-MU-20, and C-MU-30, UO-1 all with waivers and conditions, AIO. C-MU-10, 20, and 30 are Former Chapter 59 commercial mixed-use districts,

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.





Existing Context

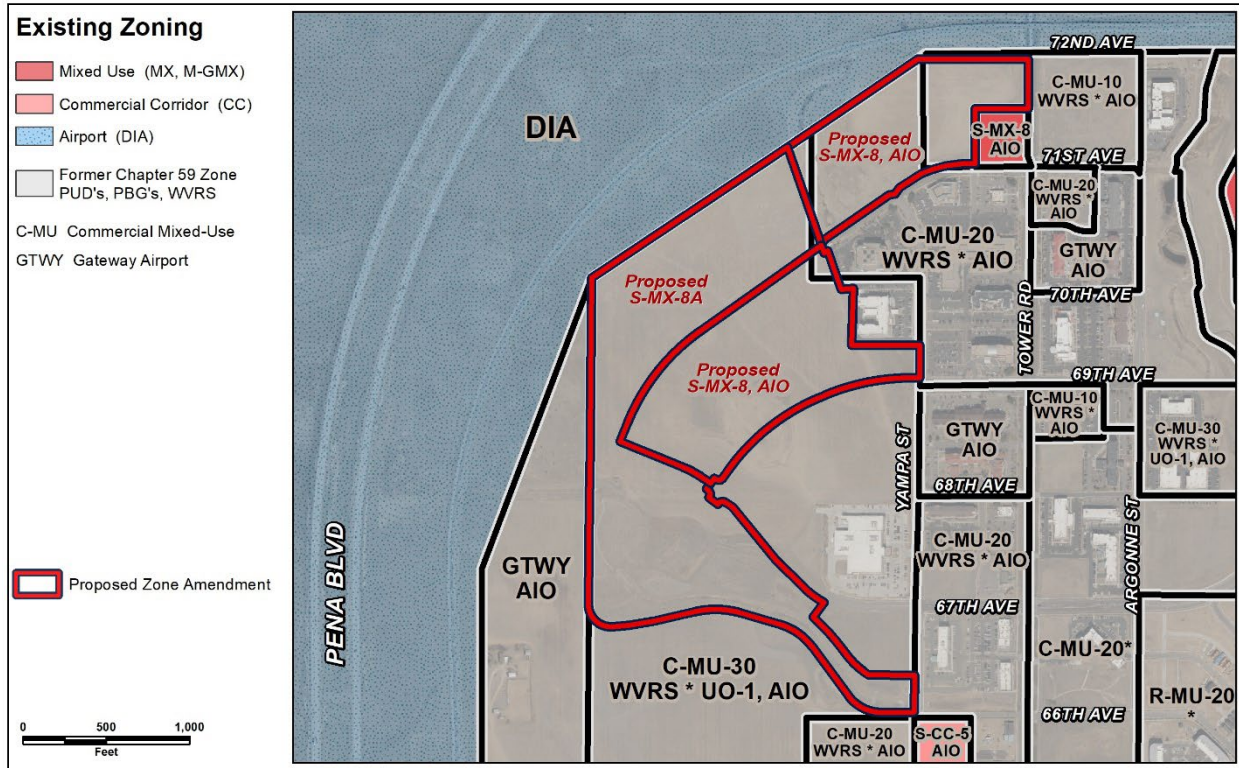


The subject property is located in the DIA statistical neighborhood west of North Tower Road and North Yampa Road between East 66th Avenue and East 72nd Avenue. In the general vicinity are other commercial uses and undeveloped land. Denver International Airport is approximately 7 miles northeast, Peña Boulevard is ¼ mile north of the northern edge of the property, and the 61st & Peña Station on the University of Colorado A Line is 1-2 miles southwest.

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-10 with waivers and conditions, AIO; C-MU-20 with waivers and conditions, AIO; C-MU-30 with waivers and conditions, UO-1, AIO	Agriculture	None	Block sizes and street connections vary. Sidewalks are generally present on developed parcels, and there are no existing alleys. Surface parking is common.
North	DIA	Vacant	None	
South	C-MU-20, AIO with waivers and conditions	Agriculture	None	
East	S-MX-8, AIO; C-MU-20, AIO with waivers and conditions; GTWY, AIO; S-CC-5, AIO	Commercial/Retail, Office, Mixed-Use, Vacant	1-story gas station, multiple hotels up to 8-stories, multiple 1-3 story office buildings, multiple 1-story restaurants	
West	DIA; GTWY, AIO	Right-of-way, Vacant, Dry Farm Land	Two 1-story homes, various 1-story farm buildings	

1. Existing Zoning



The existing zoning is C-MU-10, C-MU-20, and C-MU-30, UO-1 all with waivers and conditions and AIO, DIA Influence Area Overlay Zone. C-MU is a Former Chapter 59 commercial mixed-use zone district that allows commercial uses appropriate for high-visibility locations such as employment centers and the intersections of arterial streets. The purpose of the district is to concentrate higher intensity commercial uses, spatially define streets, encourage higher site standards, and create a more attractive pedestrian environment. The waivers prohibit residential uses, automobiles sales, leasing, or rental, the parking of vehicles, and most industrial uses. The proposed zoning will continue to prohibit residential uses, heavy automotive services, surface parking, and waste-related industrial services. The condition associated with the zoning requires an air rights covenant and avigation easement. The Airport Influence Overlay (AIO) will retain the same air rights and avigation easement.

The AIO is a Denver Zoning Code zone district. It does not currently apply to the site because the site retains Former Chapter 59 zoning. It will apply to the site when rezoned to the Denver Zoning Code.

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 40th Avenue and 72nd 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. Gateway Subdivision Rules and Regulations

The Gateway Subdivision Rules and Regulations were adopted by the Planning Board in February of 2020 and apply to the subject property. The rules and regulations outline land dedication for parks, trails, open spaces, and schools.

4. Denver International Business Center General Development Plan

The General Development Plan (GDP) outlines conceptual plans for the future development of the area including proposed street locations, right-of-way, drainage, land use. The proposed rezoning is consistent with land uses in the GDP. Through the large development review process, it was recommended that GDP be repealed concurrent with the creation of an infrastructure master plan that will outline street connections currently shown in the GDP and adopted plans.

5. Large Development Review

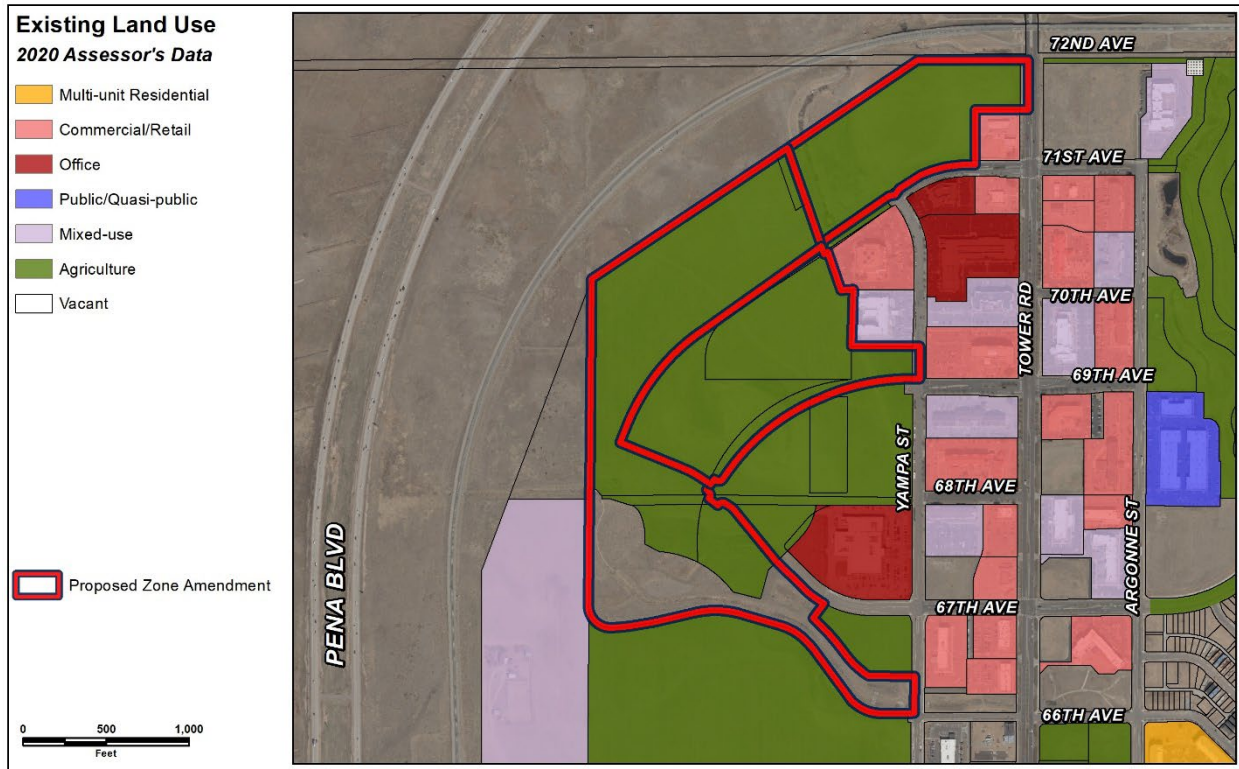
The Development Review Committee reviewed this rezoning application to determine if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code. After review, it was determined the project would require a Large Development Framework (LDF)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

- Adopted plan recommendation in the *Far Northeast Area Plan* for the use of the LDR process.
- The proposed development application is larger than five acres.
- The development, open space, and infrastructure issues cannot be adequately resolved through other regulatory processes, such as site development plan review.
- The area is part of the DIBC General Development Plan No. 1; however, the plan lacks specificity.

The attached LDF outlines specific regulatory steps required for implementation of development on this site, including rezoning approval, a development agreement as necessary, and Infrastructure Master Plan (IMP), repeal of the General Development Plan (GDP) concurrently with the IMP which will implement the proposed infrastructure of the GDP and the *Far Northeast Area Plan* as the plan guidance incorporated the street grid from the GDP, a subdivision plat, and Site Development Plans (SDP).

As required by the LDR process, the applicant team held a required Community Information Meeting virtually on Wednesday, March 9, 2022, from 6 to 7 p.m. via Zoom. The meeting was attended by 28 members of the community, City staff, and representatives of the project team. The project team shared updated plans for the LDR application, answered questions from neighbors, and shared their contact information for future correspondence. A summary of the neighborhood meeting and questions asked is included in the attached LDF.

6. Existing Land Use Map



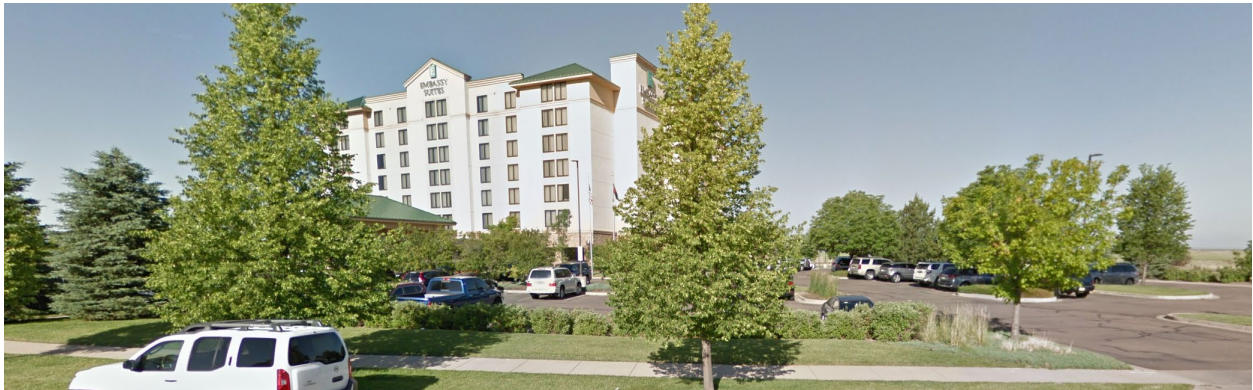
7. Existing Building Form and Scale



Aerial view of the subject property, looking north (Source: Google Maps)



View of the subject property, looking southwest (Source: Google Maps)



View of a hotel to the east of the subject property, looking west (Source: Google Maps)



View of a hotel to the east of the subject property, looking east (Source: Google Maps)



View southwest of the subject property, looking southwest (Source: Google Maps)

Proposed Zoning

The requested S-MX-8 has a maximum height of 110 feet and allows the General, Shopfront, Drive Thru Services, and Drive Thru Restaurant primary building forms. The requested S-MX-8A has a maximum height of 110 feet and allows the General and Shopfront primary building forms. In both districts a variety of residential, civic, commercial and industrial land uses are allowed. The Denver International Airport Influence Overlay Zone (AIO) is intended to reduce exposure of residential and other sensitive land uses to airport operations and to minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area. The proposed AIO overlay will prohibit residential uses, hospitals, beds and breakfasts, and surface parking as a primary use on the subject site. The proposed boundaries of the S-MX-8 and S-MX-8A districts will align with the envisioned street network in the adopted plans. The S-MX-8A will require buildings to front closer to streets and have a limited number of building forms, both of which implement plan guidance further explained in this report.

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

Design Standards	C-MU-10 Waiver & Conditions, AIO (Existing)	C-MU-20 Waiver & Conditions, AIO (Existing)	C-MU-30 Waiver & Conditions, UO-1, AIO (Existing)	S-MX-8, AIO*,** (Proposed)	S-MX-8A, AIO*,** (Proposed)
Primary Building Forms Allowed	N/A	N/A	N/A	General, Shopfront, Drive Thru Services, Drive Thru Restaurant	General, Shopfront
Stories/Heights (max)	N/A; Basic maximum gross floor area is equal to two (2) times the area of the zone lot on which the structures are located (2:1)	N/A; Basic maximum gross floor area is equal to one (1) times the area of the zone lot on which the structures are located (1:1)	N/A; Basic maximum gross floor area is equal to one (1) times the area of the zone lot on which the structures are located (1:1)	8 stories, 110 feet**	8 stories, 110 feet**
Primary Build-To Percentages (min)	N/A	N/A	N/A	50-75%	60-75%
Primary Build-To Ranges	N/A	N/A	N/A	0-150'	0-20'
Primary Setbacks (min)	0' (For ground floor commercial with 4 or more stories)	0' (For ground floor commercial with 4 or more stories)	0' (For ground floor commercial with 4 or more stories)	0'	0'

*Standard varies between building forms

** The zone districts enable developments committing to an enhanced level of affordability to access additional height, up to 12 stories or 150 feet for the general and shopfront 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: Approve Rezoning Only - Will require additional information at Site Plan Review. See Comments Below:

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – No Comments

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. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services – Wastewater: Approved – No Response

Development Services – Project Coordination: Approved – No Comments

Development Services – Fire Prevention: Approved – No Response

Zoning Administration: Approved – No Comments

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:	8/3/22
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:	10/18/22
Planning Board voted 7-0 at a public hearing to recommend approval to the City Council:	11/2/22
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:	11/19/22
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	11/29/22
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:	12/27/22 (tentative)
City Council Public Hearing:	1/17/22 (tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 To date, staff has received no comment letters from RNOs.
 - **General Public Comments**
 To date, staff has received no other 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 many of the *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning will allow for more commercial amenities and employment opportunities in the DIA neighborhood. It is therefore consistent with the following strategy in the Equitable, Affordable, and Inclusive vision element:

- Equitable, Affordable, and Inclusive Goal 1, Strategy C: *“Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts”* (p. 28).

The requested S-MX-8 and S-MX-8A zone districts broaden the mix of retail services and employment and it is therefore consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *“Build a network of well-connected, vibrant, mixed-use centers and corridors”* (p.34).

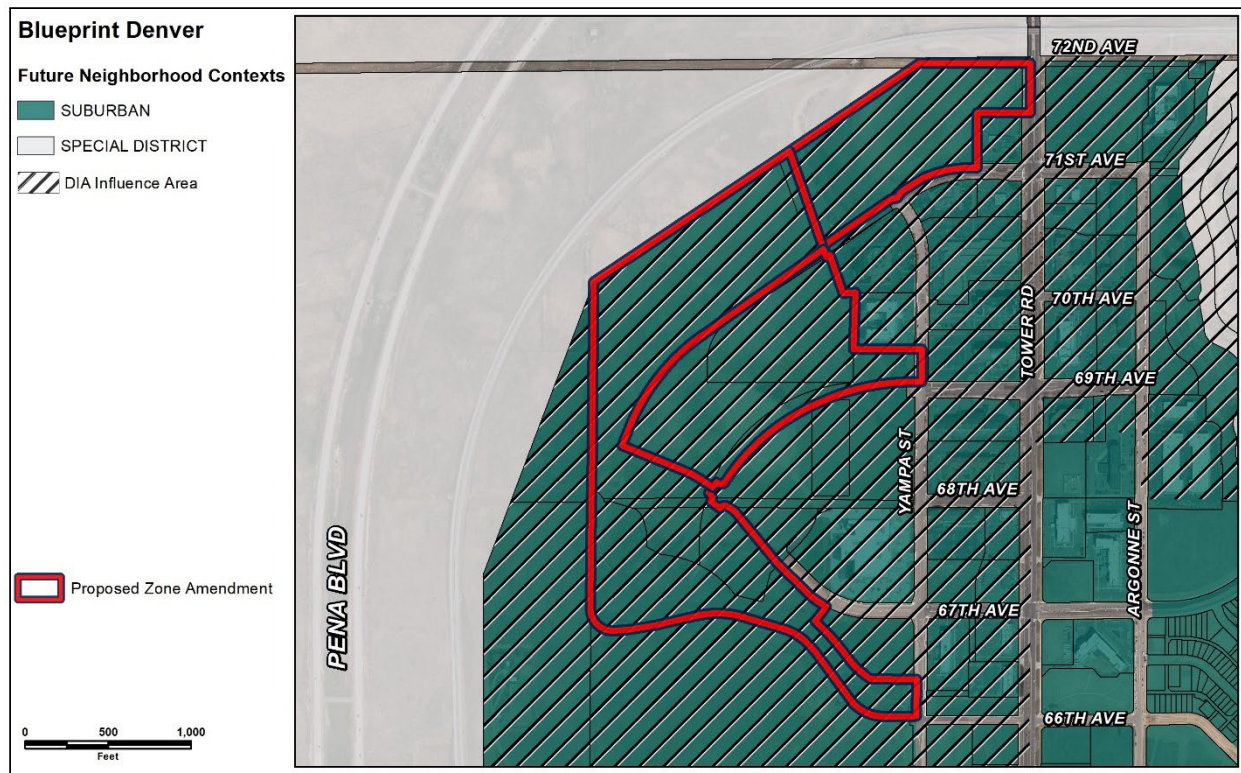
The proposed rezoning will allow for development of commercial and employment uses that are compatible with airport operations. Therefore, it is consistent with the following strategies in the Economically Diverse and Vibrant vision element:

- Economically Diverse and Vibrant Goal 2, Strategy B – *“Facilitate the growth of a diverse business sector that serves as the foundation for a global, innovative economy”* (p. 46).
- Economically Diverse and Vibrant Goal 5, Strategy C – *“Promote Denver International Airport as the gateway between Denver and the world”* (p. 47).

Blueprint Denver

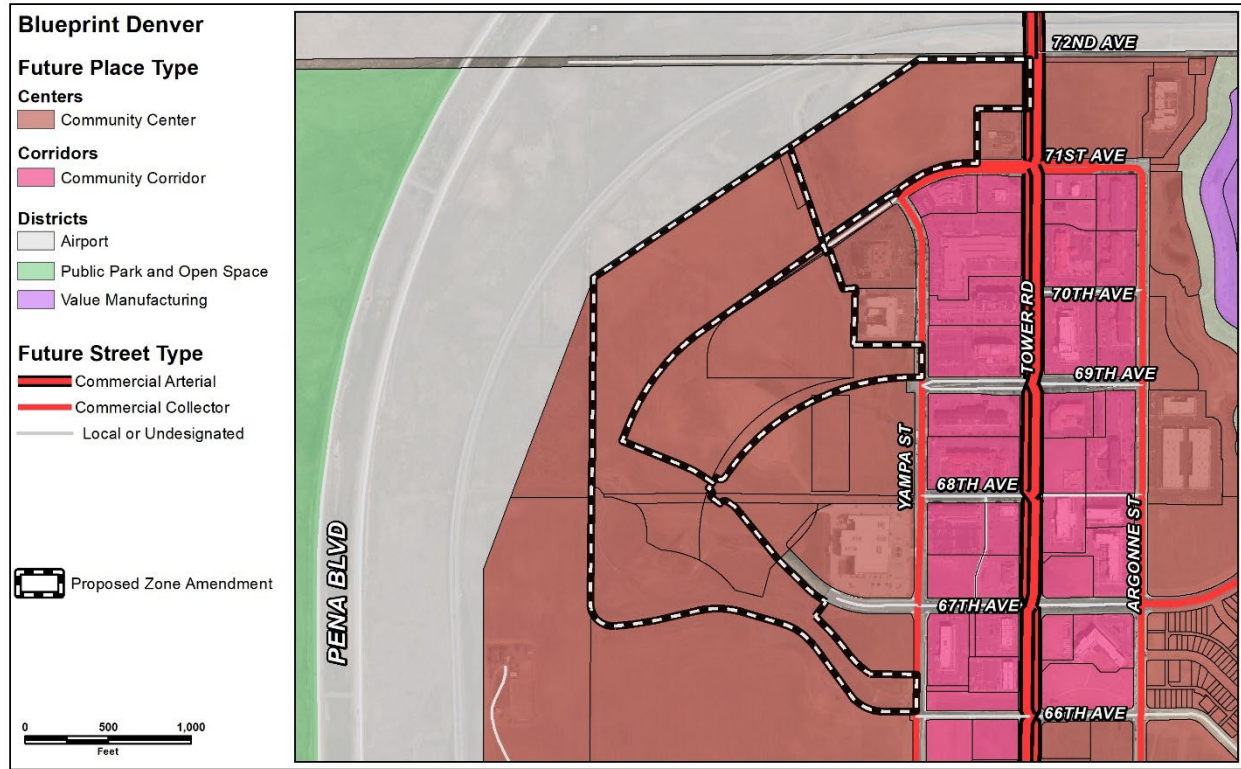
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as a Community Center within the Suburban Neighborhood Context and the DIA Influence Area. The plan also provides guidance from the future growth strategy for the City.

Blueprint Denver Future Neighborhood Context



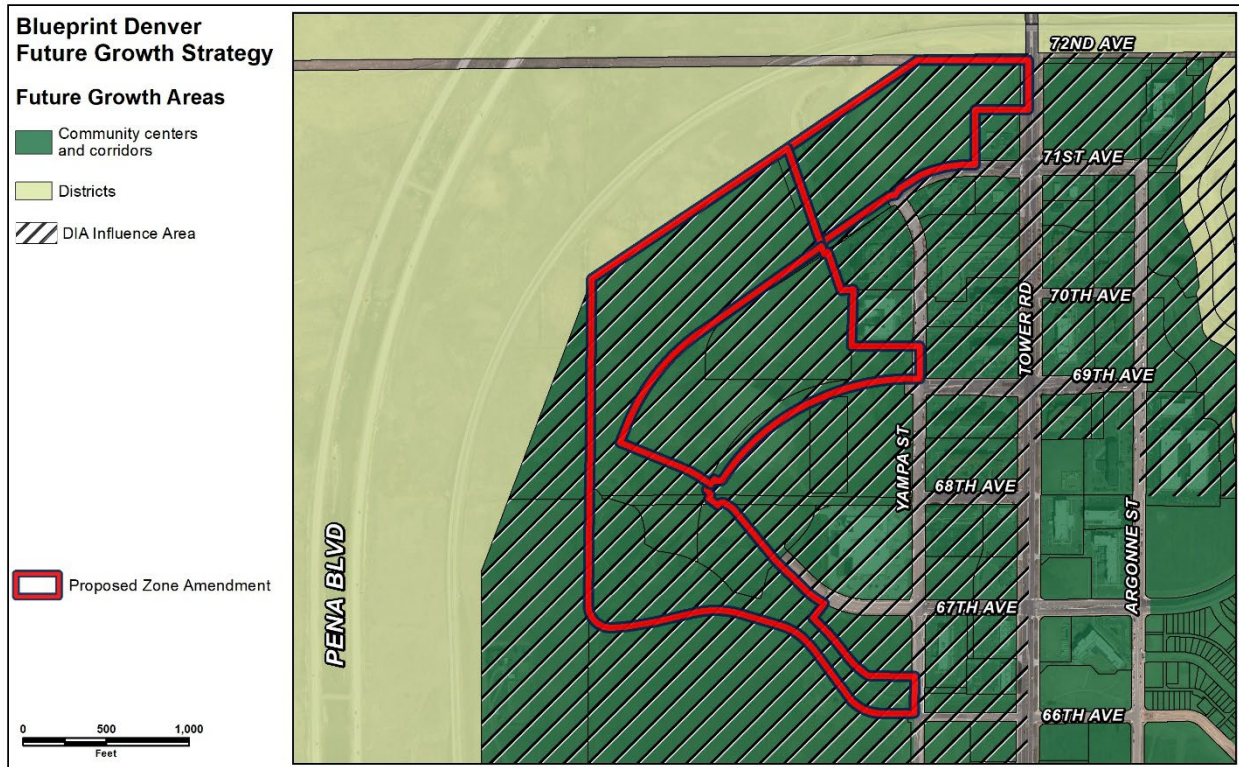
The subject property is within the Suburban Neighborhood Context. “The suburban context represents the most varied development in Denver’s neighborhoods. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity” (p. 185). The proposed rezoning is consistent with the neighborhood context guidance in *Blueprint Denver*.

Blueprint Denver Future Places



The Future Places map designates the subject property as a Community Center. A Community Center “typically provides some medium 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 vary depending on the type and mix of uses. A mix of larger and smaller scale buildings, some setback from the street to accommodate parking. Heights are generally up to 5 stories. Transitions gradually within the center out to the surrounding residential uses” (p. 194). The S-MX-8, AIO and S-MX-8A, AIO zone district standards allow a mix of office, commercial and limited industrial land uses appropriate for a commercial corridor near an airport and a maximum allowed height of 8 stories. Although *Blueprint Denver* recommends 5 stories, Blueprint’s height guidance suggests that “small area plans will provide more certain height guidance through maps of proposed building height” (p. 66). The *Far Northeast Area Plan*, as described later in this report, provides guidance that heights up to 8 stories are appropriate in this area. The proposed zone district will allow for development consistent with the place description, while the AIO district will ensure that development is compatible with the airport.

Growth Strategy



The subject property is shown on the Growth Strategy map as within “Community centers and corridors.” These types of places are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). “The future growth area percentages indicate the projected number of new jobs or new housing across all areas of the city with that place designation. Each place may have a unique ratio of jobs and housing different than what the place designation captures across the entire city. For example, some centers and corridors may only have new jobs – and no new housing – due to market conditions or existing land use regulations, such as the airport influence overlay zone near DEN” (p. 51). This site is located with DIA Influence Area, where *Blueprint Denver* notes that “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 AIO overlay will restrict residential uses and inclusion of the AIO overlay with the zoning is consistent with the plan guidance. By allowing building height and additional uses, the proposed map amendment to S-MX-8, AIO and S-MX-8A, AIO will allow for job growth in a Community Center in character with the existing area.

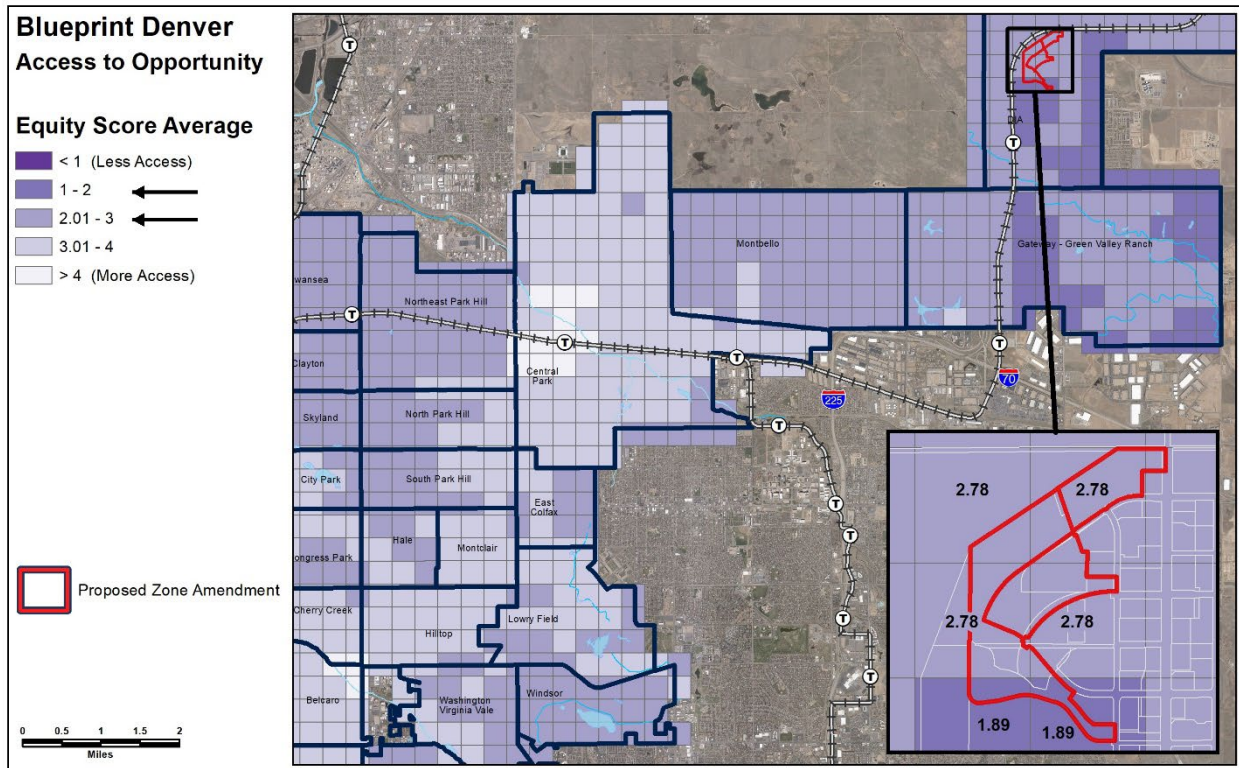
Blueprint Denver Strategies

Blueprint Denver recommends “rezo[n]g properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC...” (p.73). The proposed rezoning from Former Chapter 59 zone district to a DZC zone district is consistent with *Blueprint Denver’s* recommendations.

Blueprint Denver Equity Concepts

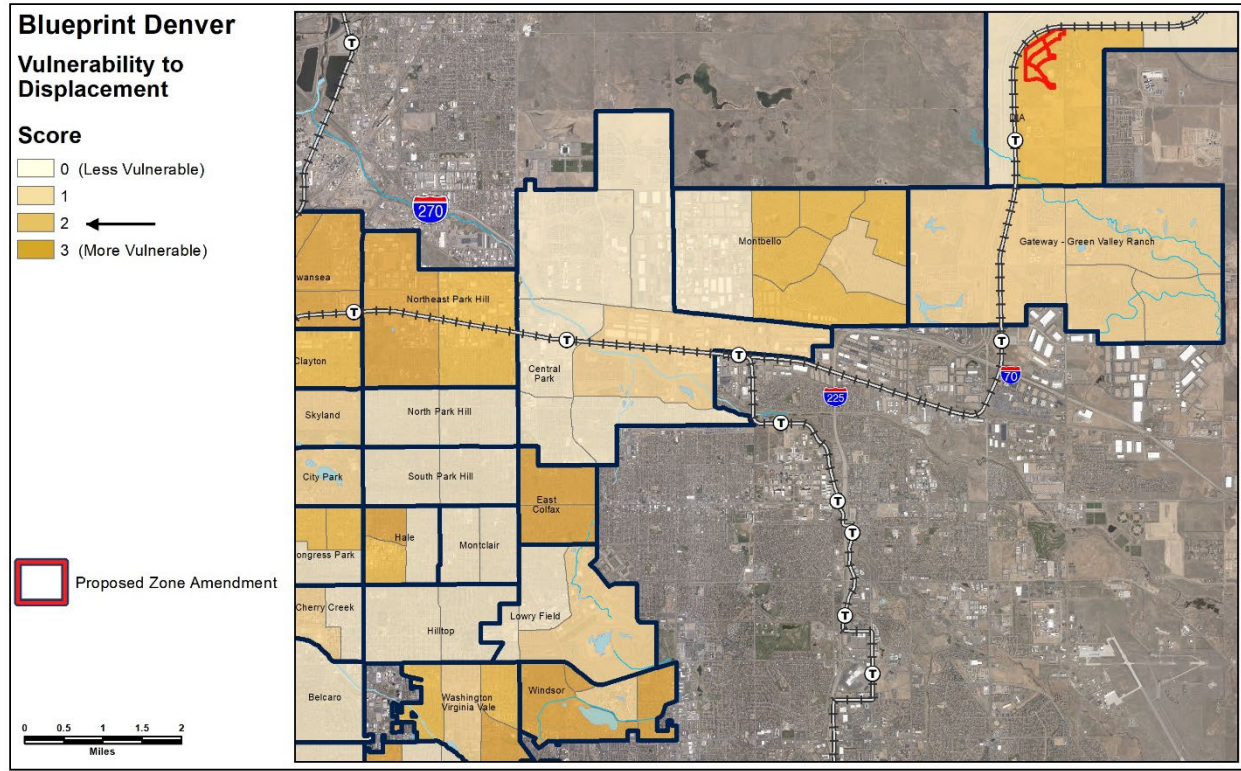
Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

I. Access to Opportunity



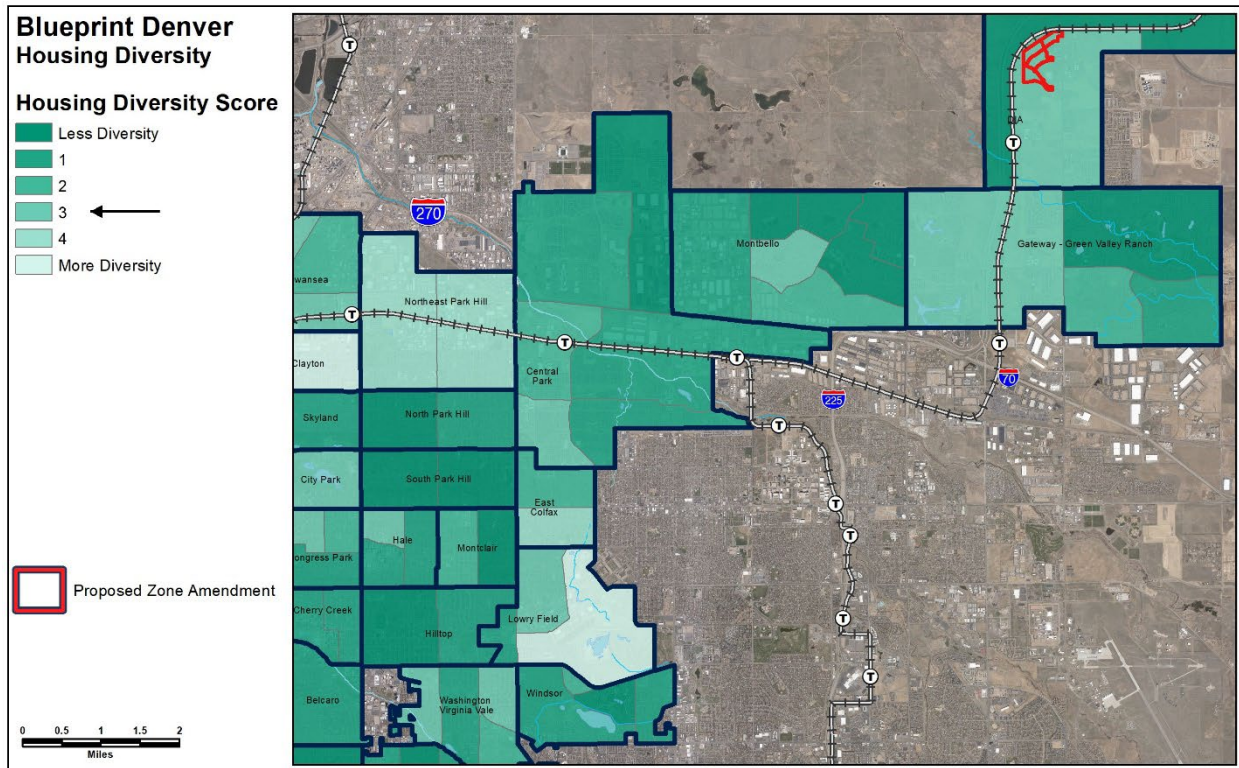
The subject property is in an area with low-to-moderate access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. This area scored particularly low on Access to Parks, Access to Fresh Food, and Access to Transit. The proposed zone districts will allow for a variety of commercial uses that could increase access to fresh foods. Additionally, the associated LDF outlines proposed open space allocations and the creation of park space, particularly along Dogwood Gulch at the southern end of the subject property.

II. Vulnerability to Involuntary Displacement

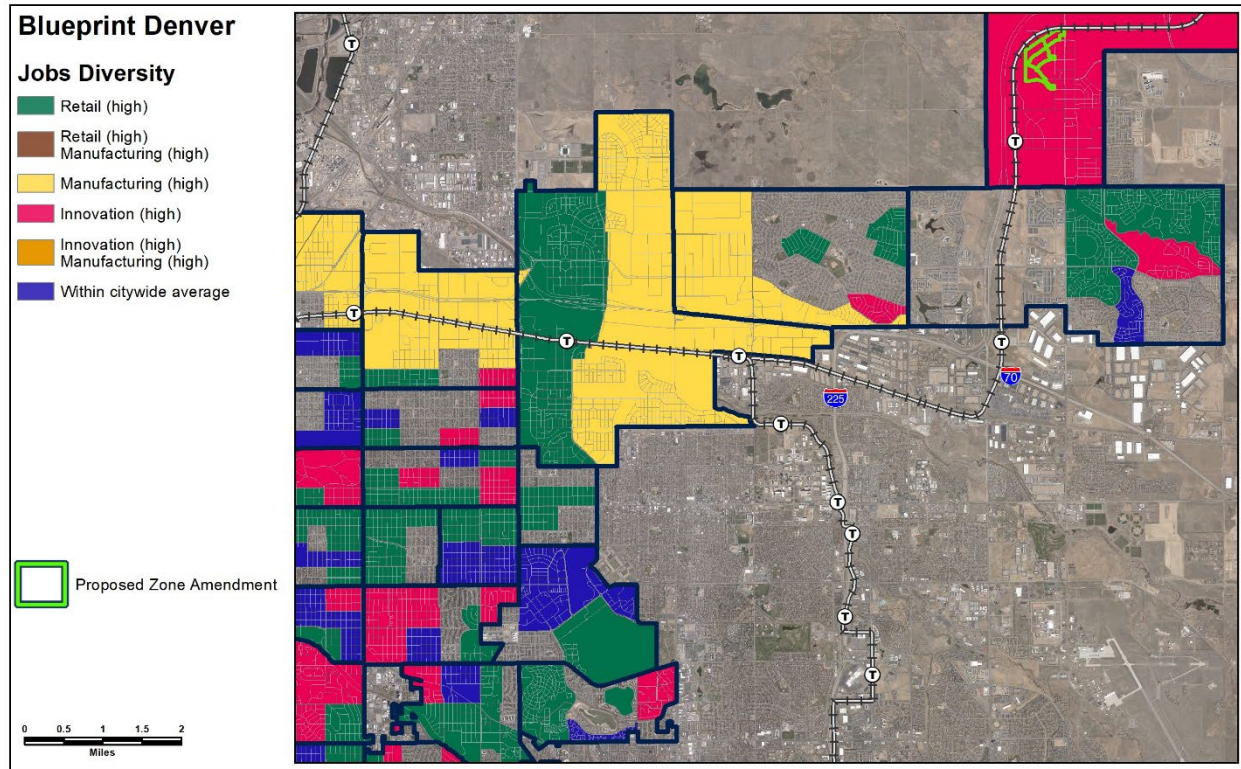


The subject property is in an area that has moderate vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. This area scored as vulnerable on two metrics, Educational Attainment and Median Household Income. It should be noted that since residential uses are not allowed in the immediate area these scores may be slightly skewed; however, future educational facilities are planned for the area through the Gateway Subdivision Rules and Regulations.

III. 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. In areas with a moderate level of housing diversity, increase the number of affordable housing units. As previously mentioned, housing is not allowed in the rezoning area so any proposed development would not have an effect on these metrics.



The area which the subject property is within has a higher-than-average number of innovation jobs. The proposed zone district allows for various commercial, office and retail jobs and increasing access to a range of many quality jobs enables people of different incomes and education levels to find employment and wealth-building opportunities.

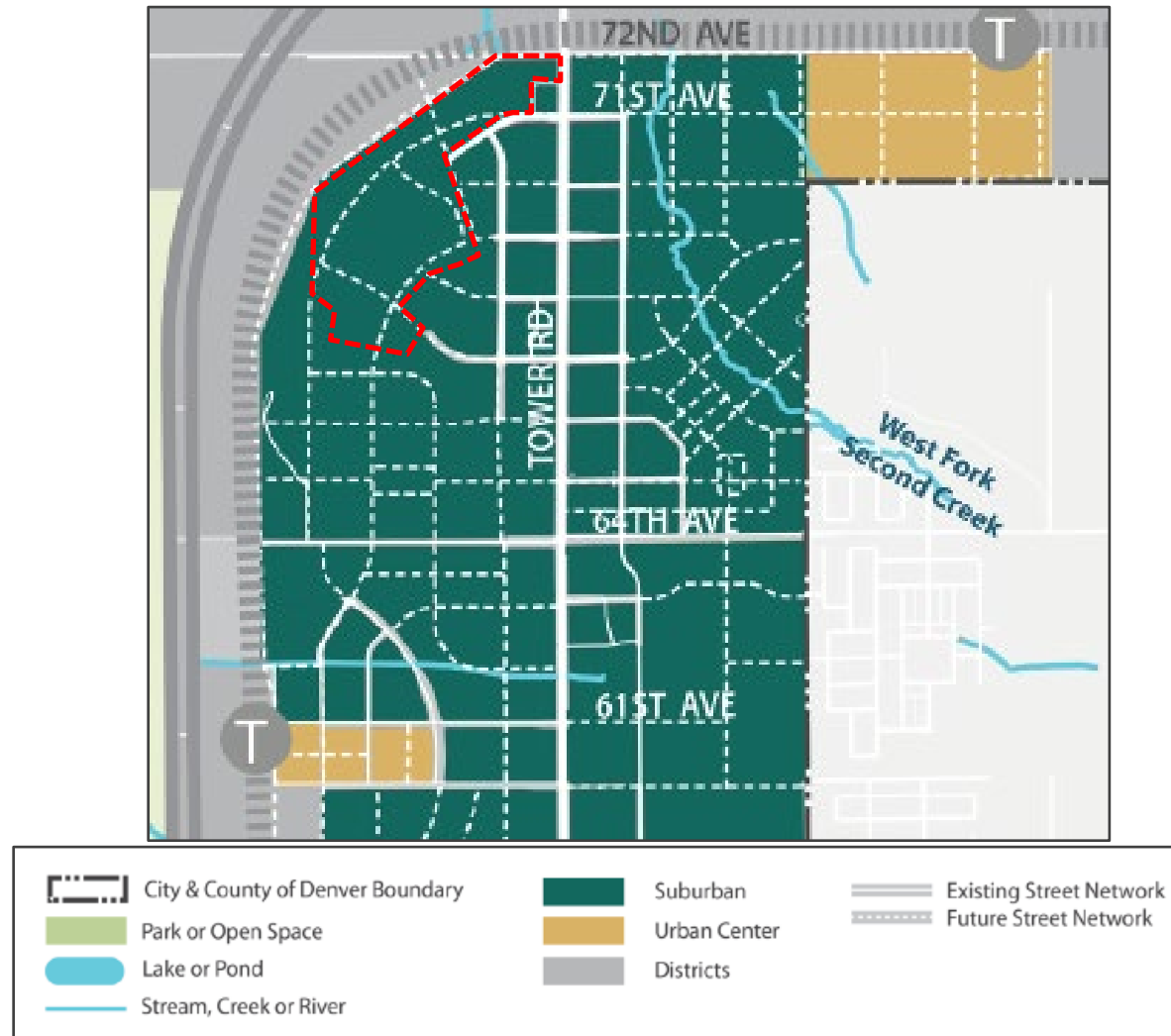
Small Area Plan: *Far Northeast Area Plan (2019)*

The *Far Northeast Area Plan* contains a framework plan for the entire plan area and recommendations for smaller neighborhood areas. Within the *Far Northeast Area Plan* the subject property is within the Suburban Neighborhood Context, is in a Community Center future place, and is recommended for a maximum building height of 8 stories. See the Future Neighborhood Context map, the Future Places map, the Growth Strategy map and the Recommended Maximum Building Heights Maps below.

The plan identified the need to achieve the following objectives:

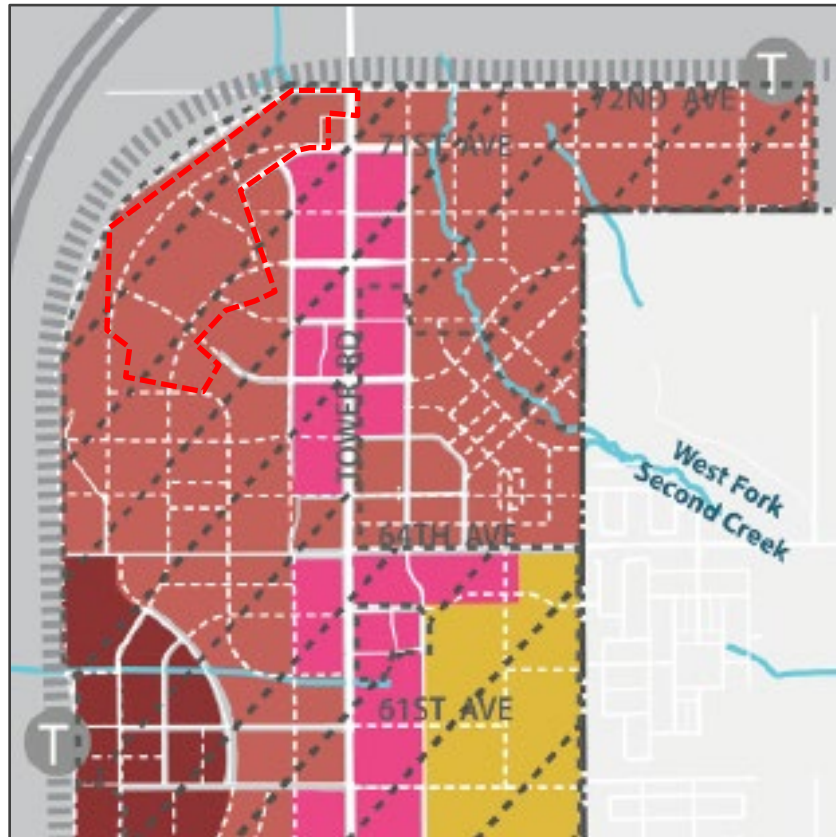
- Ensure the adequate provision of park and open space in underserved areas (Section 2.3.5)
- Ensure that future street connections recommended by the plan are completed (Section 2.2.3)
- Promote high quality design in undeveloped or redeveloping areas (Sections 2.1.4, 2.1.7, and Chapter 3)
- Achieve community benefits to address and improve equity outcomes (Section 1.2)

Far Northeast Area Plan Neighborhood Context



The *Far Northeast Area Plan* designates the subject property as within the Suburban Neighborhood context and describes the context as “largely single-unit but can also include higher intensity residential. 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 multi-modal connectivity” (p. 31). The proposed S-MX-8, AIO and S-MX-8A, AIO districts will allow mixed-use development west of the Tower Road corridor in conformance with the Suburban Neighborhood Context.

Far Northeast Area Plan Future Places



FUTURE PLACES

- City & County of Denver Boundary
- Park or Open Space
- Lake or Pond
- Stream, Creek or River
- Existing Street Network
- Future Street Network

- CENTERS & CORRIDORS**
- Local Center
 - Community Center
 - Regional Center
 - Community Corridor

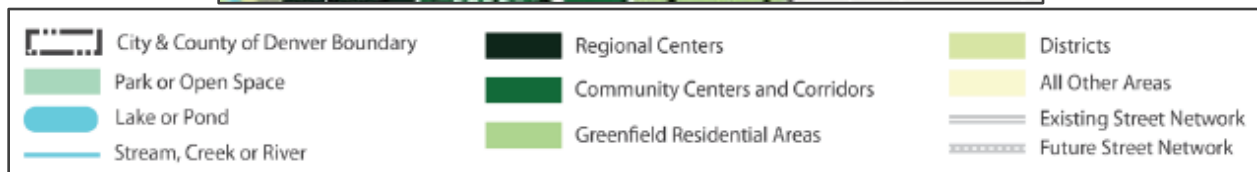
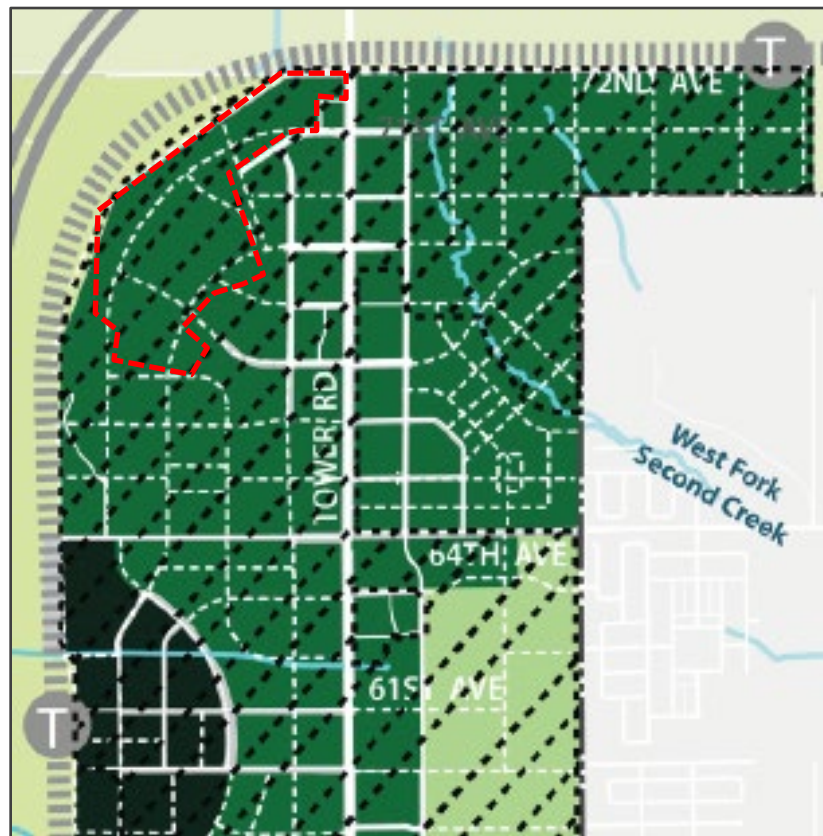
- RESIDENTIAL AREAS**
- Low: Single Unit
 - Low
 - Low-Medium: Row House
 - Low-Medium
 - High-Medium

- DIA Influence Area
Land Use and other regulatory restrictions apply within the DIA Influence Area. Refer to Section 3.3.3 for more details

The *Far Northeast Area Plan* designates the subject property as within a Community Center future place. The plan describes centers as “a mix of office, retail, eating and drinking establishments, commercial services, and multi-unit residential uses” (p. 35). The plan recommends that community centers provide community serving amenities and pedestrian-friendly designs. Land Use and Built Form Policy LU.4.c states that community centers should include community-serving amenities, minimize setbacks, and include pedestrian-friendly elements, such as ground story activation, transparency and pedestrian entrances (p. 38). The S-MX-8 and S-MX-8A zone districts allows for a mix of uses and are intended to promote safe, active, pedestrian-scaled areas with building form standards that balance the importance of street presence and the provision of adequate parking. The proposed S-MX-8A zone district helps meet the urban design considerations of the *Far Northeast Area Plan* to “promote an

urban street relationship by locating buildings close to the street, particularly along centers and corridors” (p. 43). The S-MX-8A also implements design considerations to “avoid locating parking spaces between the sidewalk and building edge at local and community centers and community corridors” (p. 44) through stricter build-to requirements and elimination of the drive-thru building form. The AIO is outlined in the plan as a means of continuing the waivers and conditions of Former Chapter 59 Zone Districts to limit residential uses and provide aviation easements concurrent with rezoning and site development (p. 181). The street network outlined in the plan is derived from the GDP and the concept illustrated in the associated LDF aligns with that proposed street network. As such, the proposed S-MX-8, AIO and S-MX-8A, AIO zone districts are consistent with the Community Center place description and proposed street types.

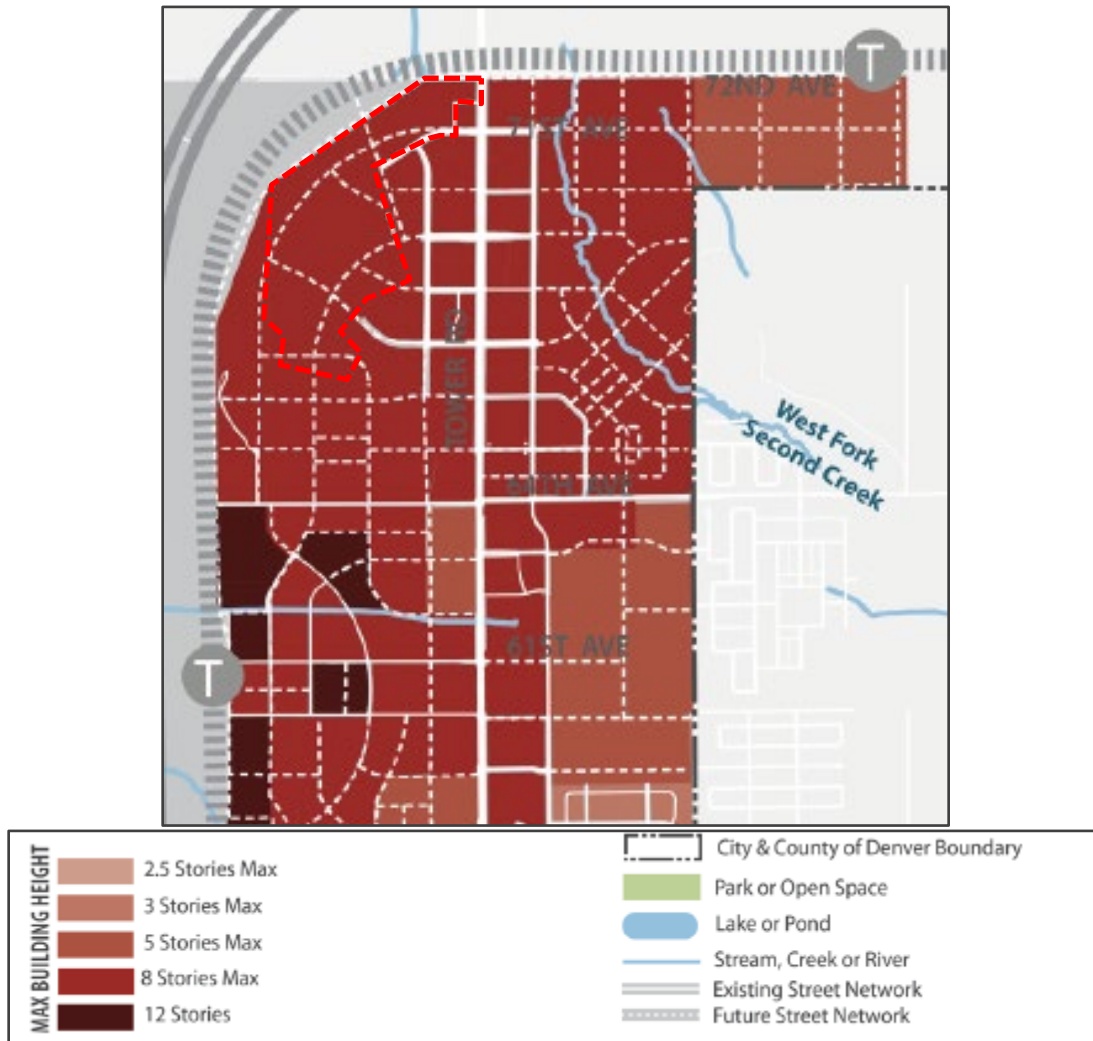
Far Northeast Area Plan Growth Strategy



Within the *Far Northeast Area Plan* the growth strategy for the subject property is “Community Centers and Corridors.” The plan states that “most change is expected to occur in greenfield areas, that are currently underdeveloped...In addition to the significant growth opportunity on

undeveloped land, growth is also expected in existing community centers and corridors through reinvestment and redevelopment” (p. 41). The S-MX-8 and S-MX-8A zone districts will allow the property to be redeveloped with commercial development while the AIO will ensure the land uses are compatible with DEN airport operations.

Far Northeast Area Plan Recommended Maximum Building Heights



The *Far Northeast Area Plan* also recommends maximum building heights. For the subject property the recommended maximum building height is 8 stories. The S-MX-8 and S-MX-8A proposed zone districts are consistent with the height guidance.

Far Northeast Area Plan Denver International Airport Neighborhood Guidance

The *Far Northeast Area Plan* includes additional guidance for individual neighborhoods. The subject property is within the DIA neighborhood where the plan identifies various character areas. The plan states that “because the vast majority of this area consists of undeveloped land, these character areas are broad and will take shape over the course of many years as the DIA neighborhood develops according to the guidance of this plan” (p. 183). The plan also recognizes the existing land use regulations that are in place to ensure development is compatible with airport operations, and that the plan guidance largely reflects adopted General Development Plans in this area.

Recommendations for the area include the following:

- “Create a variety of centers throughout the DIA neighborhood:
 - North of 64th Avenue at Peña Station North (west of Tower Road) and High Point (east of Tower Road). This area has the capacity to support an additional 1,180,000 square feet of commercial development which would generate over 3,800 new jobs” (p. 187).
- “Consider tools to achieve the denser development vision for this area, including encouraging properties with Former Chapter 59 zoning to rezone into the Denver Zoning Code as a strategy to promote design outcomes” (p. 188).

The proposed rezoning to S-MX-8 and S-MX-8A of the subject property implements these recommendations directly by rezoning to a DZC zone district which will enable more jobs with better design outcomes, so the application is consistent with the guidance for the DIA neighborhood.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-8, AIO and S-MX-8A, 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 by allowing development consistent with the desired character as described by the city’s adopted land use plans. Further, the proposed S-MX-8 and S-MX-8A districts will provide more predictable and modern building form standards than the current Former Chapter 59 zone districts. The AIO district promotes the public welfare by ensuring new development does not impact the operations of the airport.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4.c., “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 city adopted plan, and that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The subject property is currently zoned under Former Chapter

59. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Further, *Blueprint Denver* and the *Far Northeast Area Plan* were adopted after the existing zone district was put in place. The plan recommends 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 proposed map amendment is consistent with the Suburban Neighborhood Context. The Denver Zoning Code describes the Suburban Context as 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. Block patterns in the Suburban Context are irregular and shaped by curvilinear streets and modified grid streets.

The Suburban mixed use zone districts 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.” They are “appropriate along corridors, for larger sites and at major intersections.” They include “building form standards that balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening” (DZC Section 3.2.4.1). The S-MX-8 zone district intent is that “it applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.” (DZC Section 3.2.4.2.H). The S-MX-8A zone district intent is that “it applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.” (DZC Section 3.2.4.2.I). The proposed zone district will provide predictable building forms, allow for reinvestment, and accommodate future development that furthers the district’s purpose and intent.

The intent of the AIO is to reduce exposure of residential and other sensitive land uses to airport operations and to minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area. The inclusion of the AIO will allow a mix of non-residential land uses that are compatible with the airport.

Attachments

1. Application
2. C-MU-10 with waivers and conditions; C-MU-20 with waivers and conditions; and C-MU-30 with waivers and conditions
3. Large Development Framework, including Equity Brief and Response from Applicant