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TO: Denver City Council
FROM: Rob Haigh, Senior City Planner
DATE: July 24, 2025
RE: Official Zoning Map Amendment Application #2024I-00045
4235 N Columbine Street and 2535 E 40th Avenue
Rezoning from I-A and I-B to I-MX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2024I-00045.

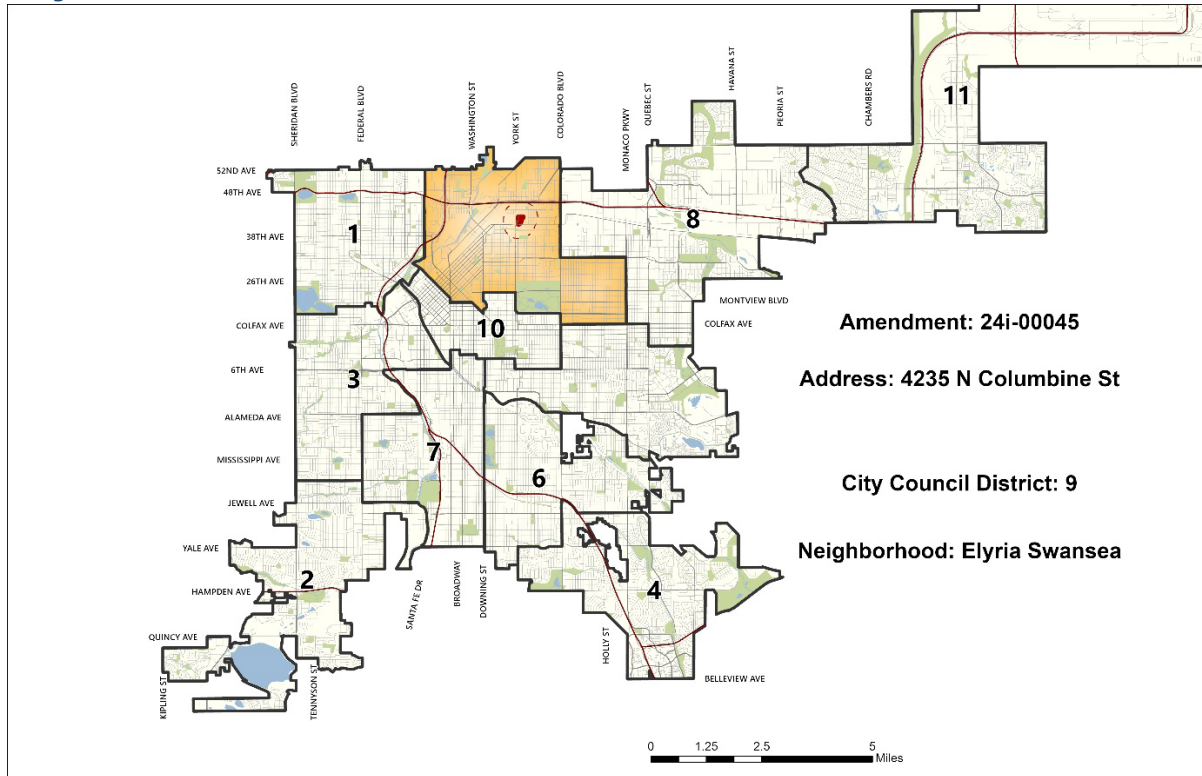
Request for Rezoning

Address:	4235 N Columbine Street and 2535 E 40 th Avenue
Neighborhood/Council District:	Elyria Swansea / Council District 9
RNOs:	Inter-Neighborhood Cooperation (INC), United Community Action Network, Denver North Business Association, Clayton United, East Denver Residents Council, and Opportunity Corridor Coalition of United Residents
Area of Property:	4.57 acres or 198,902 square feet
Current Zoning:	I-A and I-B
Proposed Zoning:	I-MX-3
Property Owner(s):	Claudrey, LLC
Owner Representative:	Jennifer Carpenter, LAI Design Group

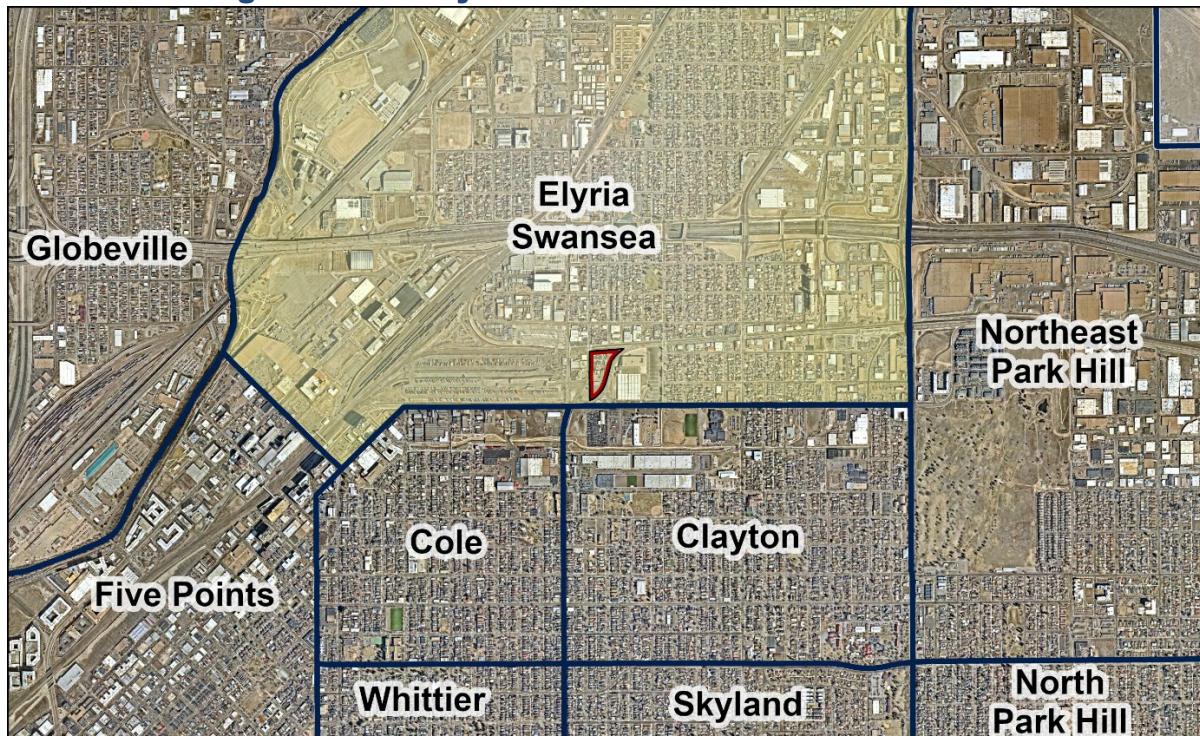
Summary of Rezoning Request

- The property is in the Elyria Swansea statistical neighborhood on the east side of Josephine Street, north of E 40th Avenue.
- The property is mostly vacant with some small accessory structures and fences.
- The rezoning could allow for industrial, commercial, and residential uses.
- The current zoning is I-A and I-B which are light and general industrial zone districts that allow for a range of industrial and commercial uses.
- The proposed I-MX-3 zone district stands for Industrial, Mixed Use, with a maximum height of 3 stories. The I-MX zone district is a mixed-use zone district that allows a wide range of light industrial, residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The I-MX-3 zone district allows up to 3 stories and 45 feet in building height for the General and Industrial building forms and 38 feet for the Town House building form. Further details of the zone district can be found in Division 9.1 of the Denver Zoning Code (DZC).

City Council District 9



Statistical Neighborhood: Elyria Swansea



Aerial View

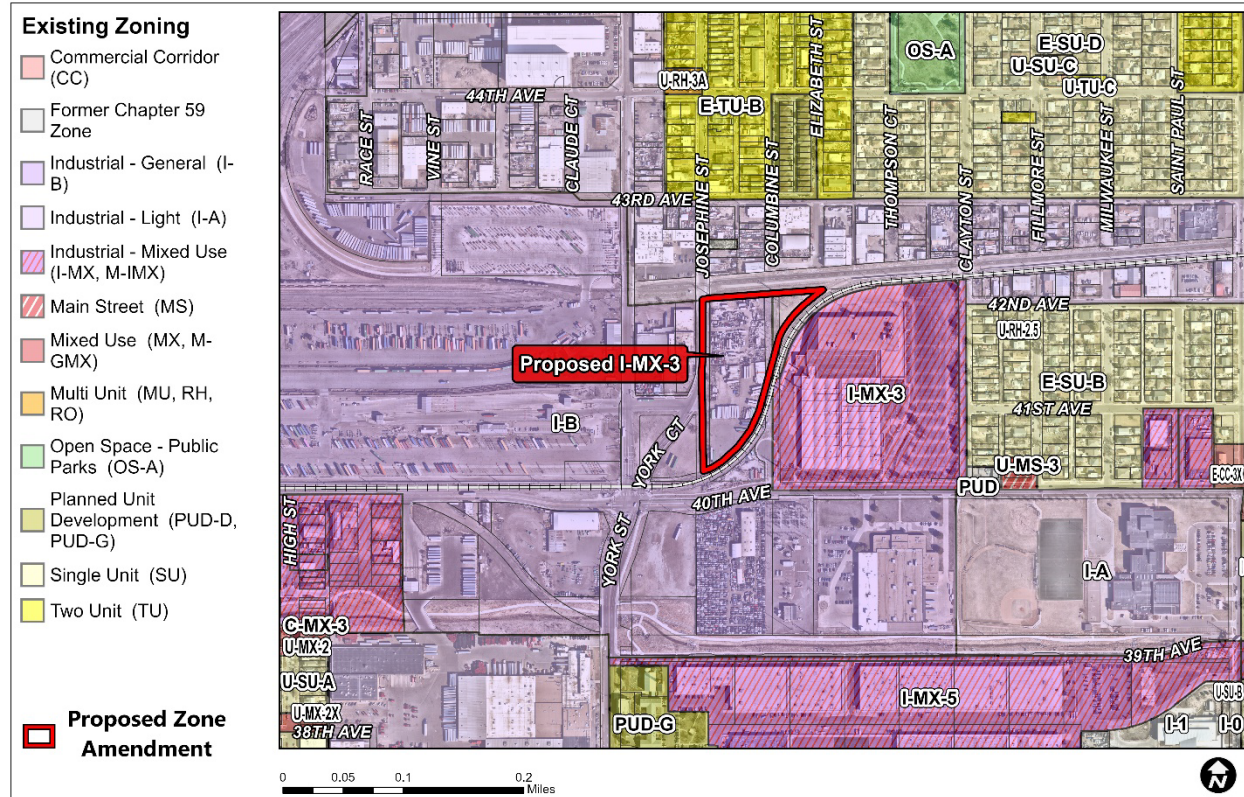


The subject property is located within the Elyria Swansea neighborhood, east of Josephine Street, north of East 40th Avenue, and south of the Union Pacific rail line. The property is bound on the north and east by railroad tracks for the Union Pacific freight rail and RTD commuter rail and includes a vacated portion of Columbine Street. The RTD ART Bus line also stops adjacent to the property along Josephine Street with one hour headways. The property is vacant aside from a few small disused accessory structures that were part of the previous industrial use. The property is located at the edge of an industrial area anchored by Union Pacific Intermodal Terminal to the west of the subject property. To the north and east, the land uses transition from industrial to single unit residential. The subject property is also within a half-mile of the Bruce Randolph School and less than a quarter-mile from the 39th Avenue Greenway.

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

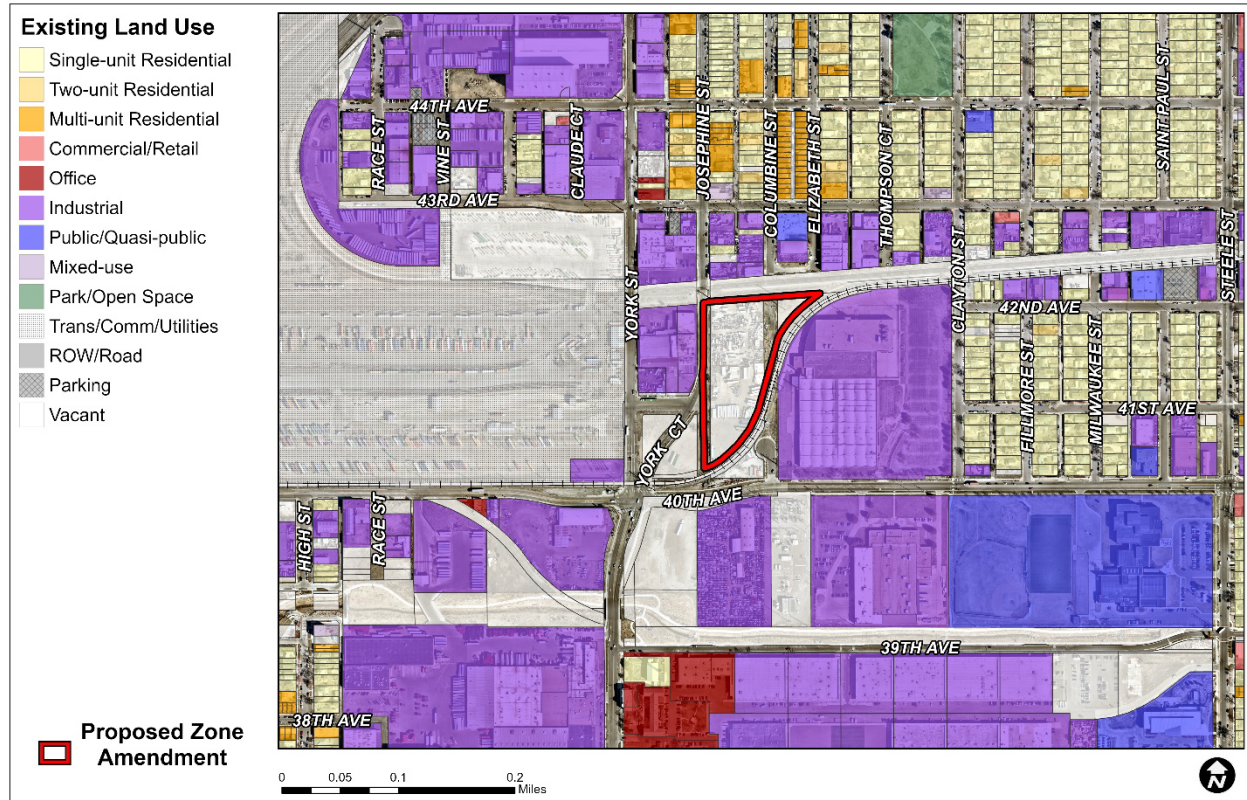
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-B & I-A	Vacant	Small accessory structures and fencing	The area is generally served by the Denver cardinal street grid and block pattern is regular with mixed alley access except where it is interrupted by the railroad tracks running east to west. The subject property and the immediately surrounding properties are larger industrial sites without alleys.
North	I-A	Industrial	One-story industrial building across the Union Pacific rail line	
South	I-B	Vacant	Vacant parcel across the RTD Commuter Rail line	
East	I-MX-3	Industrial	Vacant industrial building undergoing Site Development Plan review for a new mixed use development	
West	I-B	Industrial	One- and two-story industrial buildings	

Existing Zoning



The existing zoning on the majority of the subject property is I-B, which is “intended to be an employment area containing industrial uses that are generally more intensive than uses permitted in the I-A zone district. The overall purpose of the district is to promote industrial development and economic activity. No new residential uses may be established in the I-B zone district in order to promote and continue a stable employment base for the city.” A smaller portion of the property is zoned I-A, which is a Light Industrial Zone District which is “intended to be an employment area containing offices, business and light industrial uses that are generally compatible with adjacent Residential or Mixed Use Commercial Zone Districts.”

Existing Land Use Map



Existing Building Form and Scale (Source: Google Maps)



Site - Aerial view, looking northeast



Site - View of the subject property, looking northeast from North Josephine Street.



North – View of the property to the north, looking northwest from North Josephine Street



West – View of the property to the west, looking northeast from North Josephine Street



South – View of property to south, looking southwest from North Columbine Street



East – View of the property to the west, looking northeast from North Columbine Street

Proposed Zoning

I-MX-3 Zone District

The requested I-MX-3 zone district has a maximum height of 3 stories or 45 feet for the General and Industrial building forms, and 38 feet for the Town House building form. A variety of residential, commercial and industrial uses are allowed, with limitations. The most significant difference between the existing and proposed zone districts is that I-MX-3 allows for residential uses, and the I-A and I-B districts do not. Under the general building form, the requested district does not allow surface parking between the building and primary street, where the zone lot line is located within 65 feet of the building façade. For additional details regarding building form standards in the I-MX-3 zone district, see DZC Section 9.1.3.

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

Design Standards	I-A & I-B (Existing)	I-MX-3 (Proposed)
Primary Building Forms Allowed	General, Industrial	General, Industrial, Town House
Maximum Height in Stories/Feet,	No Maximum Height	General: 3 stories / 45'* Industrial: 3 stories / 45' Town House: 3 stories / 38'
Primary Street Setback	20'	Town House: 10' General, Industrial: 0'
Side Street Setback (Min.)	10'	Town House: 7.5' General, Industrial: 0'
Side Interior Setback (Min.)	0'	Town House: 5' (10' when adjacent to Protected District) General, Industrial: 0' (10' when adjacent to Protected District)
Rear Setback Alley / No Alley	0'/0'	Town House: 5'/10' General, Industrial: 5'/10'
Transparency, Primary Street / Side Street (min)	N/A	Town House, General: 40% / 25% Industrial: None

*The maximum building height is 4 stories and 55 feet with incentives for affordable housing.

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

DDPHE will comment on potential site environmental concerns during the Site Development Plan process.

Denver Parks and Recreation: Approved – No Response

Public Works – R.O.W.- City Surveyor: Approve Rezoning Only - Will require additional information at Site Plan Review

Legal Description matches ZLAM, but does not have the recording info for the included Vacated parcel as this process has not been completed.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review

1. The rezoning application provided by the applicant includes the possibility of numerous non-residential uses on the property. The application also indicates commitment to providing certain percentages of income restricted units on site at specific AMI levels and specific percentages of ground-floor, commercial, retail, and community spaces uses. However, the application does not indicate the specific percentages that the developer is committing to. Additionally, the various uses listed typically require different floor plates and space requirements that are not always interchangeable with other uses.

While the rezoning process focuses on the zone district for the property, allowing for future building and use flexibility to be later determined at formal SDP application, and the flexible nature of the numerous potential uses listed in the application allow for greater response to market conditions, the large variety of possible uses and vaguely defined commitments create a difficult path to honor said commitments as the building plans develop.

Commitments discussed in the rezoning application should focus on aspects that can feasibly be delivered upon site build-out.

2. Future development on the property will be subject to the Concept / SDP review process with the SDND team for zoning entitlements.
3. An executed Affordable Housing Plan (AHP) citing specific affordable housing commitments will be required at first formal SDP submittal.
4. The available building forms in I-MX-3 are General, Industrial, and Town House forms.
5. The site has limited frontage on Josephine on a portion of one zone lot side that limits the ability to have any Town House frontage on a public street.
6. A zone lot amendment is needed as the Columbine and Josephine vacations have been approved. The ZLAM application is in review and needs a final submittal with vacation reception numbers.
7. The project should consider inclusion of three and four-bedroom units to provide a larger diversity of housing options. Three and four-bedroom units are an identified need in the City that is currently under-provided.

As information:

8. The I-MX-3 zone district allows three building forms to be used: a) Townhouse - uses are limited to Two Unit Dwellings and Dwelling, Multi-unit with three units or more. Intention is for units within a specific proximity of streets to face the street to provide street activation; b) General - all allowed uses permitted; c) Industrial - uses limited to Vehicle/Equipment Sales, Rentals, Service & Repair Use Category Uses and Industrial, Manufacturing & Wholesale only.

Development Services - Fire Protection: Approve Rezoning Only - Will require additional information at Site Plan Review

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: 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:	10/11/24 (Original Application) & 3/7/25 (Current Application)
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:	5/6/25
Planning Board Public Hearing: (Unanimous Recommendation of Approval)	5/21/25
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 working days before the meeting (tentative):	5/30/25
Land Use Transportation and Infrastructure meeting (tentative):	6/10/25
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:	7/7/25
City Council Public Hearing:	7/28/25

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has received position statements from the Cole Neighborhood Association, Denver North Business Association, Clayton United RNO, and United Community Action Network in support of the rezoning request.
- **Other Public Comment**
 As of the date of this report, staff has received one written comment in support of the rezoning request indicating the I-MX-3 aligns with plan guidance and would help advance the revitalization of the area.

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. Public Interest
3. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Elyria & Swansea Neighborhoods Plan (2015)*

Denver Comprehensive Plan 2040

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

The proposed rezoning would allow for mixed-use development, including the allowance of residential uses where they are not currently allowed. The property is less than a quarter mile from amenities including the 39th Avenue Greenway and the York Street Yards development and is located along the commuter rail line with additional access to the RTD ART bus line. The proposed I-MX-3 zone district also allows a greater variety of housing options when compared to the surrounding residential areas that are primarily single-unit residential districts. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).
- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- 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).

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed I-MX-3 zoning designation would allow for a broader variety of uses including housing, industrial, and service uses along the North Josephine. Therefore, the consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

Similarly, the land use pattern detailed in the previous paragraphs is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high and medium-capacity transit corridors (p. 54).

Denver Comprehensive Plan 2040 also recommends furthering the economy and job opportunities as highlighted in the strategies. The proposed rezoning would continue to allow for industrial and commercial uses while also allowing for new residential uses. The I-MX-3 district allows for 100% residential uses as compared to the existing zoning that does not allow residential. This could result in a lack of industrial and commercial uses on this site in the future, which does not directly further the following strategies.

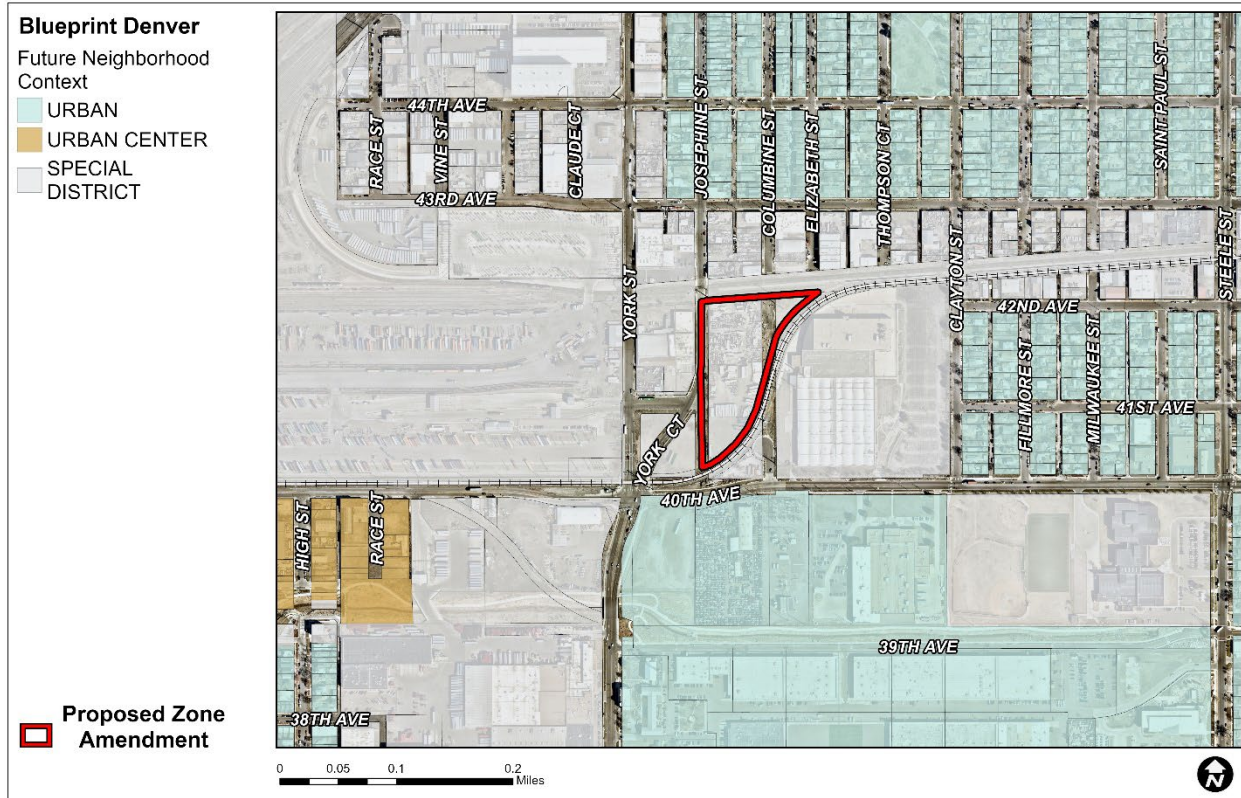
- Strong and Authentic Neighborhoods Goal 4 – “Ensure every neighborhood is economically strong and dynamic.” (p.35)
- Economically Diverse and Vibrant Goal 2, Strategy B – “Facilitate the growth of a diverse business sector that serves as the foundation for a global, innovative economy.” (p. 46)
- Economically Diverse and Vibrant Goal 2, Strategy D – “Ensure a broad range of jobs to align with the skills and interests of local residents.” (p. 46)

The requested map amendment will enable industrial mixed-use development at an infill location where infrastructure is already in place. On balance, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

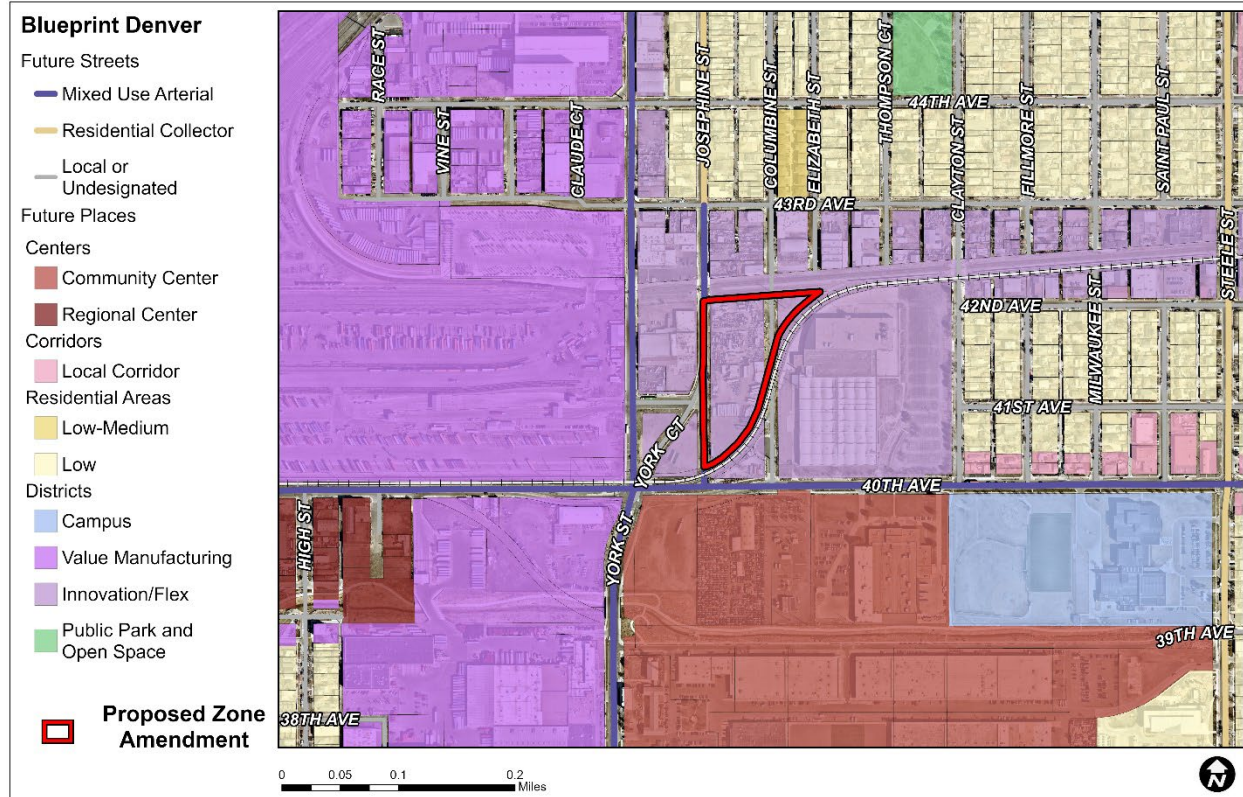
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of an Innovation-Flex future place within the District Context and 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 land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Districts Context. *Blueprint* states, “Districts are areas with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas. Residential uses are largely limited to the campus and innovation/flex districts” (p. 280). The proposed I-MX-3 zone district is appropriate for the Districts context as “The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses and encourage affordable housing.” (DZC 9.1.2.1). Since the proposed I-MX-3 zone district allows for a mix of uses and allowable building forms that contribute to street activation in an area that provides a transition between residential and industrial areas, the proposed rezoning to I-MX-3 is consistent with the district context designation.

Blueprint Denver Future Places



Blueprint Denver describes the Innovation/Flex district in the Districts context as “an ideal location for businesses that need to mix research/design, manufacturing and logistics with an area that has more urban amenities, a greater mix of uses and strong transit connections” (p. 284). Additionally, “multi-unit residential is compatible” in Innovation/Flex areas, which are characterized by a “reduced intensity of use and the desire to create more vibrant urban places” (p. 284). As mentioned in the Land Use & Built Form: Economics Policy 1 Strategy A, “residential uses are appropriate in innovation/flex districts” (p. 91). Strategy D continues, “Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts” (p. 91).

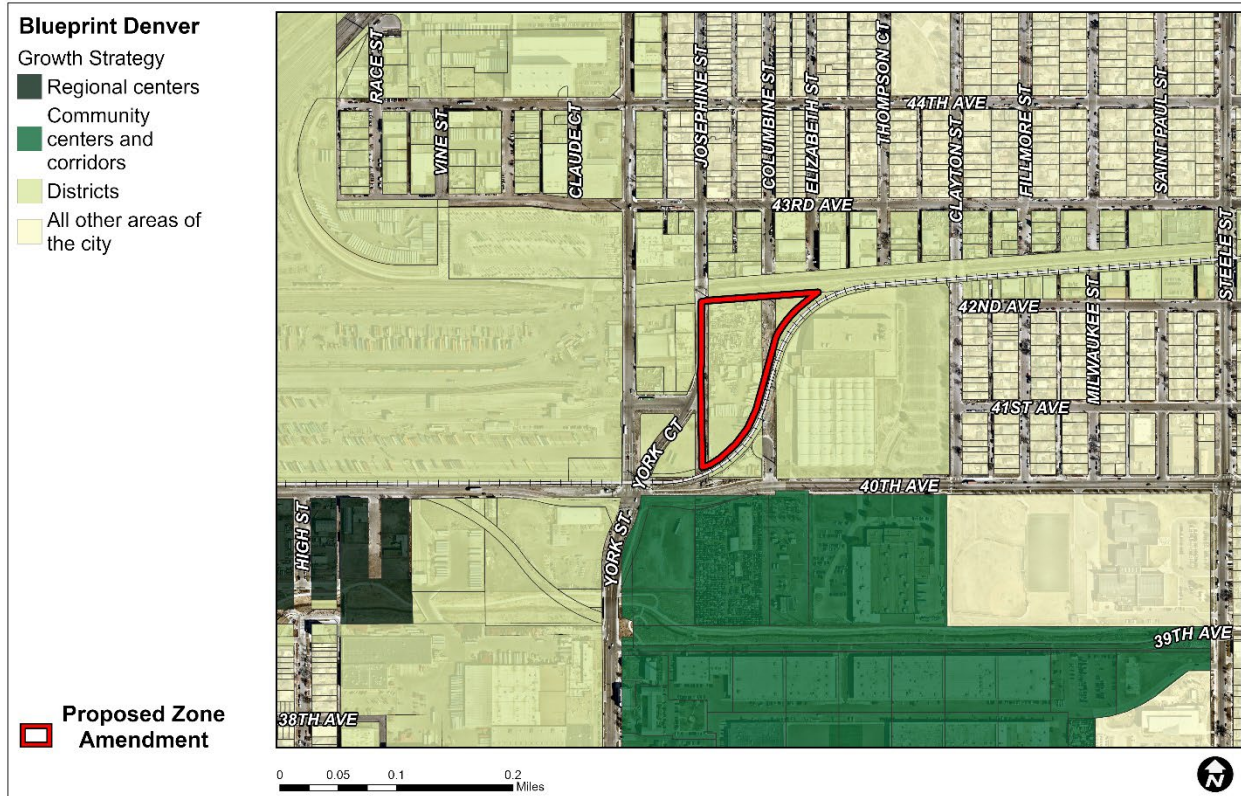
The proposed I-MX-3 zone district allows for a variety of industrial, commercial and residential uses in a pedestrian-oriented pattern with an active street level. *Blueprint Denver* notes that in Innovation/Flex areas, “building scale varies greatly, and can be dependent upon the surrounding context and character” (p. 285). The surrounding buildings are currently lower than the three-story maximum height allowed under I-MX-3, but the current entitlement for these buildings potentially allows buildings in similar scale to surrounding industrial buildings to the north and west. Therefore I-MX-3 is appropriate for an Innovation/Flex location.

The subject property is not located within a Manufacturing Preservation Area that are mapped throughout the city to preserve the ability to continue and expand manufacturing uses. The property’s location outside of a Manufacturing Preservation Area may indicate that this property should be allowed to convert to other uses that are allowed under the I-MX-3 district.

Street Types

Blueprint Denver classifies North Josephine Street as a Mixed Use Collector. Mixed Use streets are intended to serve a “varied mix of uses including retail, office, residential and restaurants (p. 159) The proposed I-MX-3 zone district allows a mix of uses that aligns with the aspirational description of the adjacent street type. (DZC Section 9.1.2.1.A.3).

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 districts area. Citywide, districts are anticipated to see around 5% of new housing growth and 15% of new employment growth by 2040 (p. 51). *Blueprint* notes that “Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver’s future housing stock” (p.49). The proposed map amendment to I-MX-3 will allow mixed-use growth in an Innovation/Flex district, which is an intended location for this kind of growth and helps to support the future employment and housing growth anticipated by *Blueprint Denver*. Therefore, this proposed rezoning is consistent with the growth strategy area.

Additional Applicable Strategies

In addition to the place, context, and growth guidance highlighted above, *Blueprint Denver* provides additional recommendations related to this proposed rezoning as follows.

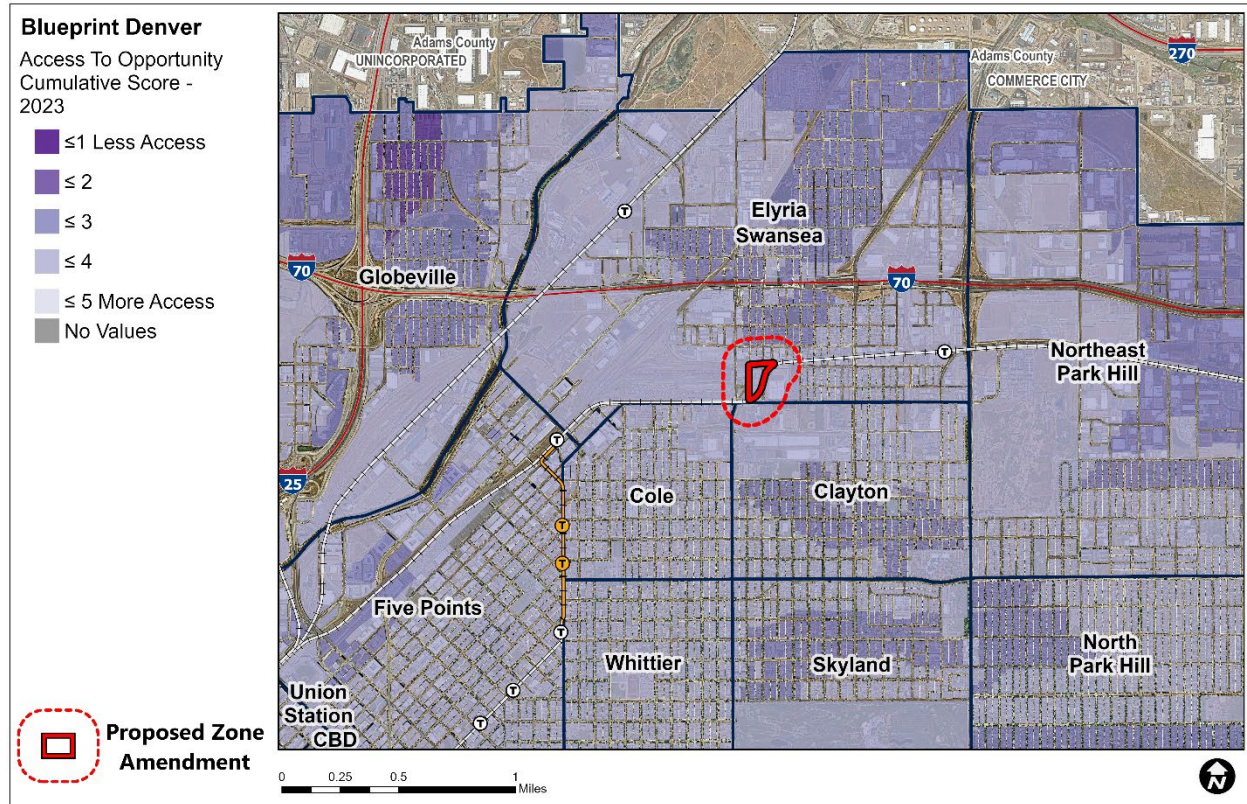
- Land Use and Built Form – Economics Policy 3, Strategy D – Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts (p. 91).
- ***Land Use & Built Form: Economics Policy 3, Strategy E: Study and implement changes to the zoning code to ensure appropriate zone district(s) to implement the innovation/flex district desired uses and building forms.***

It is important to note that the change from an industrial district that does not allow residential uses to a district that does allow residential uses could result in the loss of this land for industrial development. While the I-MX-3 allows for a mix of uses, it could result in 100% residential development. *Blueprint Denver* recommends that changes are needed to the I-MX districts given that their outcomes do not fully meet plan guidance. Retaining industrial land and job opportunities is a priority highlighted throughout *Blueprint Denver*. However, when evaluating the current adopted plan guidance for this property and the proposed standard district, CPD finds that the policies on balance support an industrial mixed-use zone district in this location.

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.

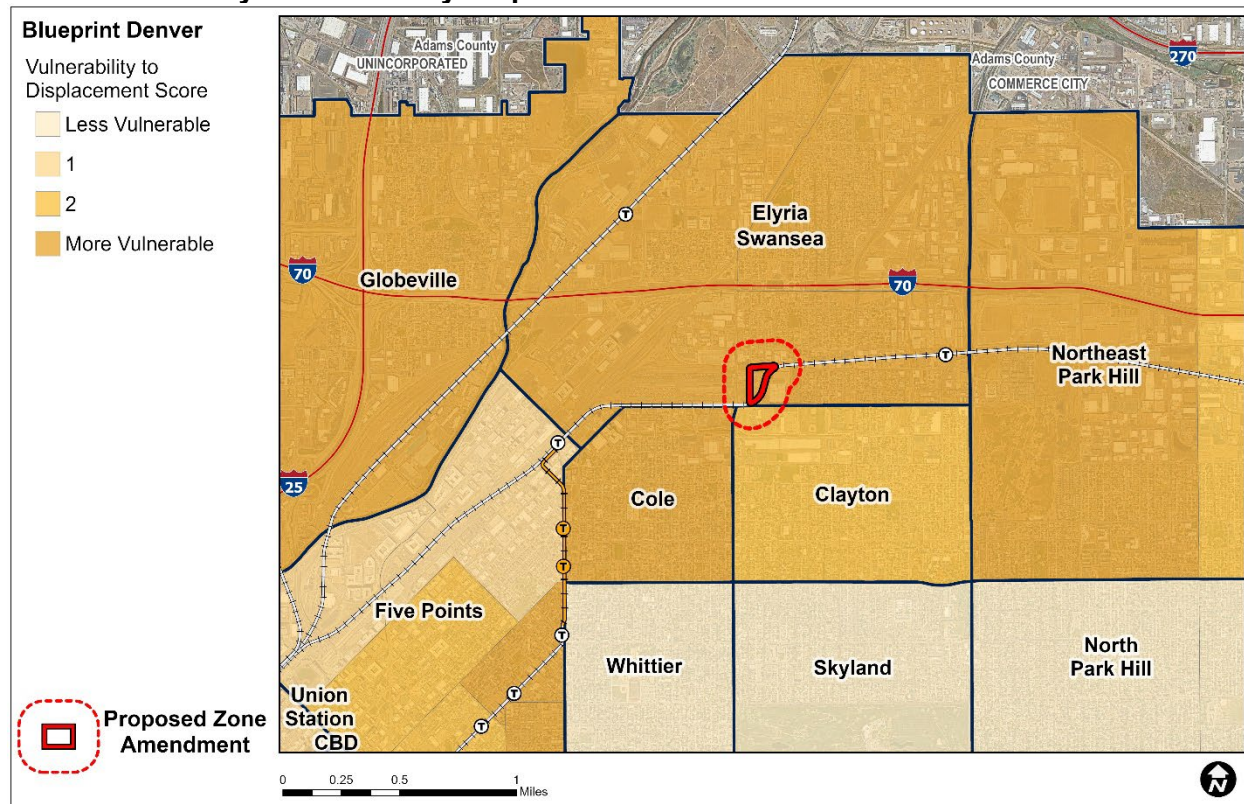
I. Access to Opportunity



The subject property is in an area with more access to opportunity (3.22/5). 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. In areas with more access to opportunity, it is important to increase the range of affordable housing options so that residents of all income levels can live in these neighborhoods.

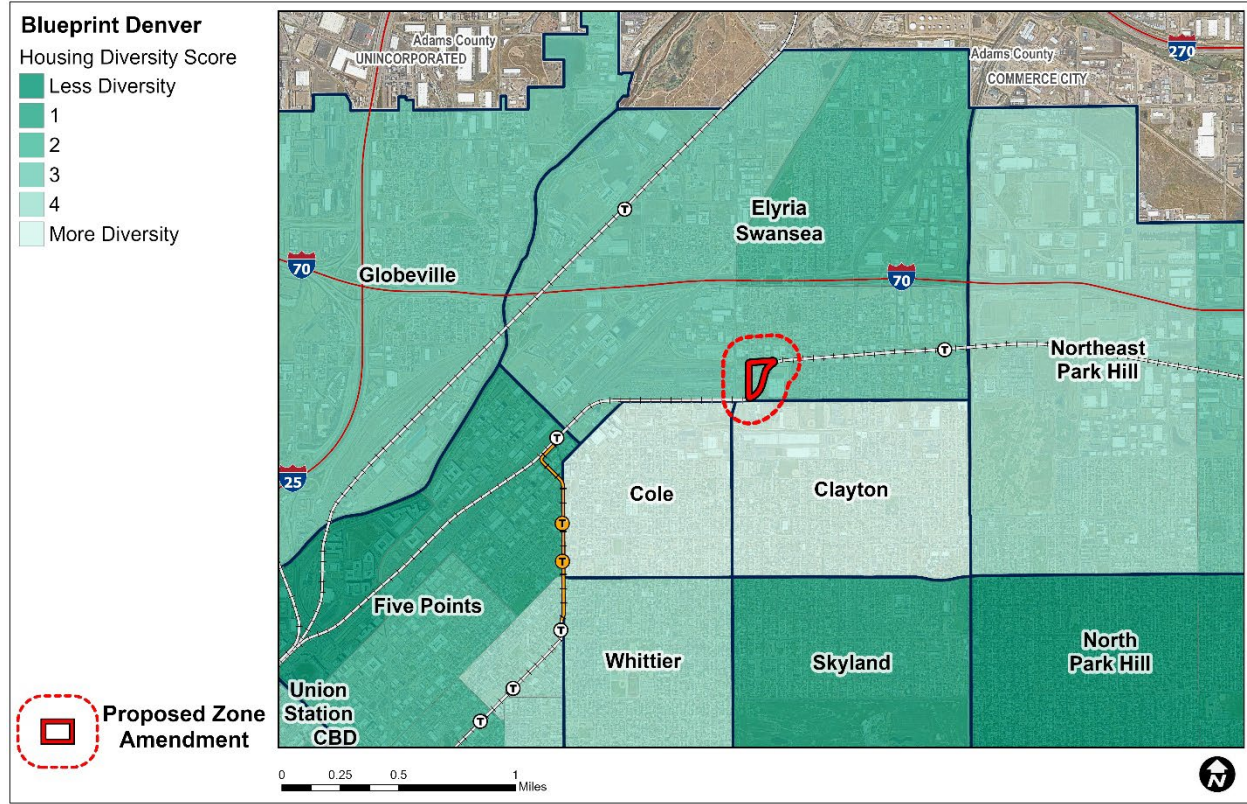
The proposed I-MX-3 rezoning would enable the development of residential units where they are not currently allowed. Any new residential development at this location would have good access to transit, parks, and the Bruce Randolph School. The area's lowest score in the access to opportunity metrics is access to fresh food. While not required, the I-MX-3 zone district allows for uses that could potentially improve this score.

II. Vulnerability to Involuntary Displacement

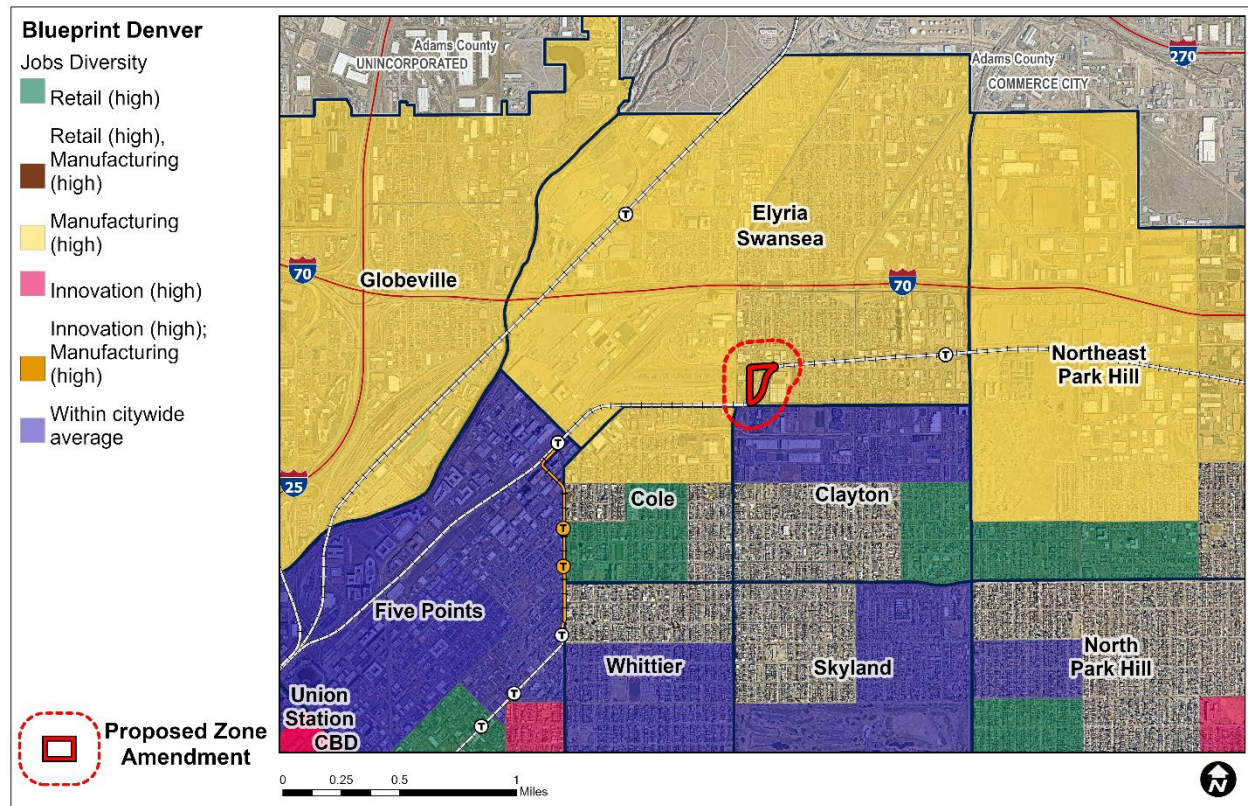


The subject property is in an area that is more vulnerable to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. In areas with more 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. The proposed I-MX-3 zone district will introduce an allowance for multi-unit residential development at this property. This allowance has the potential to add additional housing units without directly displacing any existing residents. Additionally, any new development will need to comply with the city's mandatory affordable housing requirements which will add affordable units on site or help fund additional units on other properties in the city.

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. The proposed I-MX-3 allows for residential uses where they are not currently permitted. This could result in the development of additional housing units and types that would improve the housing supply and diversity in the area.



The map shows two measurements: the mix jobs (depicted by color) density of jobs (shown by the intensity of the color). The area which the subject property is within has a mix of jobs with more manufacturing jobs when compared to the city's overall mix of job types. The proposed zone district allows for various industrial, commercial, office and retail jobs. The proposed I-MX-3 zone district also enables additional residential uses that could enable easier access to the jobs that already exist in the area.

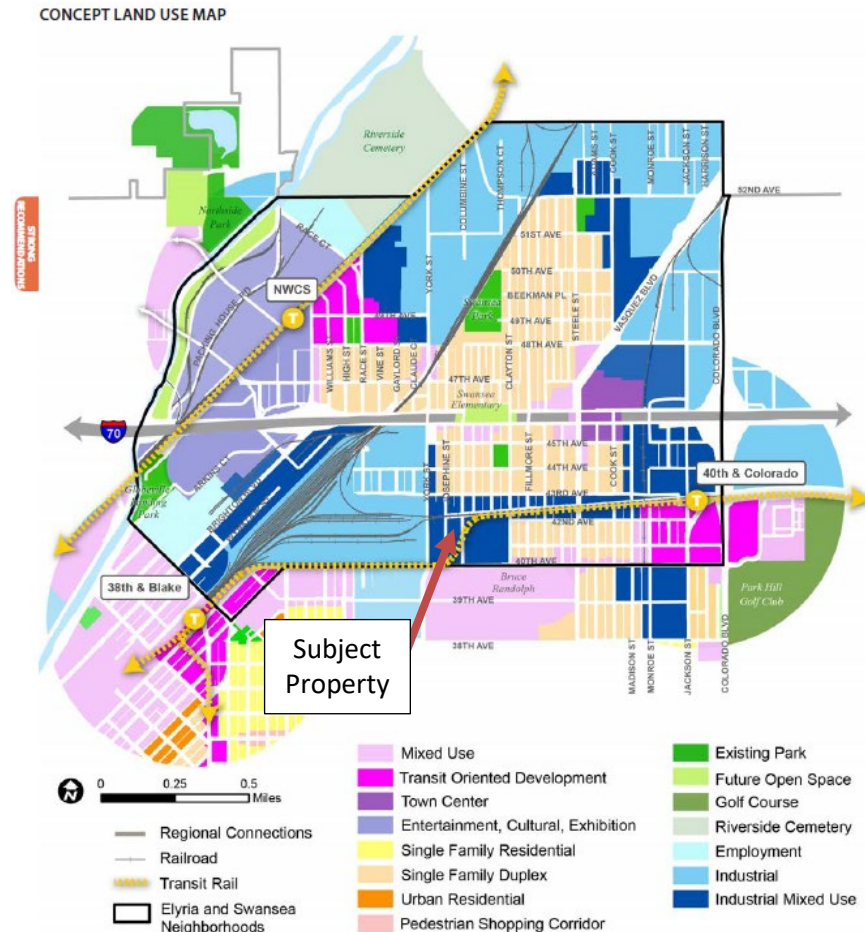
Climate

The proposed rezoning supports the city's goals to reduce climate impacts by enabling additional multi-unit housing along a transit corridor and in biking or walking distance to amenities like the 39th Avenue Greenway and the York Street Yards development. Because many transportation options are available, these areas are less auto-dependent, which can reduce greenhouse gas emissions from transportation. Also, mixed use and multi-unit buildings are more energy efficient than low density residential development types. This energy efficiency will advance Denver's goals to reduce greenhouse gas emissions from buildings, which contribute to a warming climate.

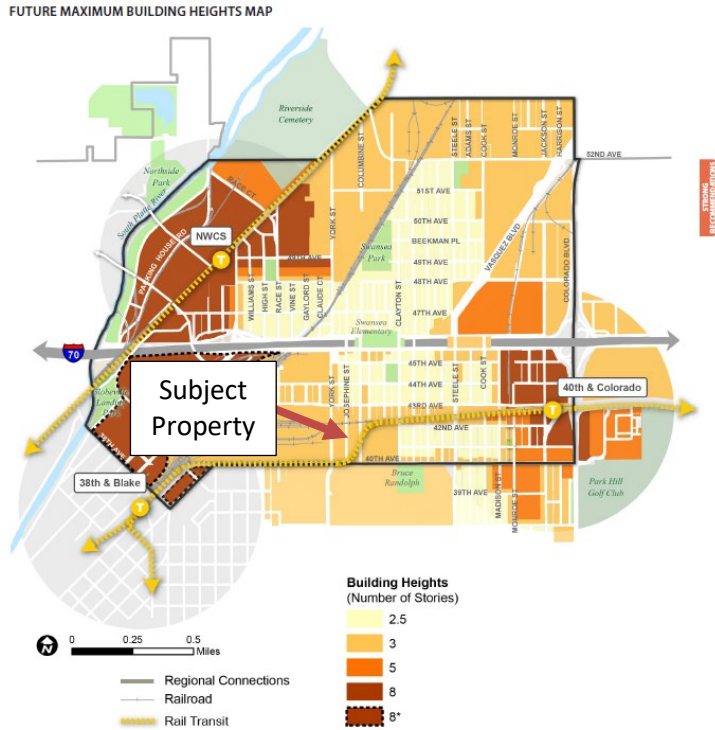
Elyria and Swansea Neighborhoods Plan (2015)

The subject property and proposed rezoning are located in the plan area of the Elyria and Swansea Neighborhoods Plan. The plan includes policy guidance and recommendations for how the area should evolve and includes specific guidance for the subject property. In addition, recommendation B4 in the

neighborhood plan is to “Diversify and Increase Employment Opportunities in Mixed Use and Industrial Areas” (p. 29). As previously stated above, rezoning this site to I-MX-3 may result in 100% residential uses on this site, thereby not furthering this plan guidance. That being said, on balance, this rezoning request is supported by the guidance in the Elyria and Swansea Neighborhoods Plan.



The Concept Land Use Map identifies the subject property as an Industrial Mixed Use. These areas are described as having sizeable employment options, as well as mid- to high-density residential uses while recognizing the appropriateness of industrial uses also being integrated in these areas (pg. 27). The I-MX-3 zone district allows for the range of uses that are described in the Land Use Strategy section of the plan. As noted previously in this is staff report, the I-MX-3 district would allow for 100% residential and does not guarantee a mix of uses. Despite this, the I-MX-3 is on-balance consistent with the plan guidance.



The Future Maximum Building Heights Map identifies the maximum height for the subject property as 3 stories, which aligns with the I-MX-3 maximum heights.

2. Public Interest

The proposed official map amendment furthers the public Interest through implementation of the city's adopted land use plan.

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

The I-MX-3 zone district falls within the industrial context description set forth in the Code, meaning that the approval of the rezoning will not impact the consistency with the applicable neighborhood context description. It is important to note, in any event, that the industrial context specifically contemplates and includes “areas subject to transitions from industrial to mixed use,” which, as noted above, describes the mixed-use nature of the area in the vicinity of the subject property.

The general purpose of the industrial mixed-use districts, which includes I-MX-3, is to “accommodate a variety of industrial, commercial, civic, and residential uses” and to “provide a transition between mixed-use areas and I-A or I-B Industrial Districts.” (DZC Section 9.1.2.1.A.1.B.–C). The I-MX-3 district zoning will allow the subject property to serve both purposes. As noted above, the mixed-use zoning allows for a smoother transition and visual buffer between the industrial area to the east and the residential neighborhood to the west. The third purpose statement for the industrial mixed-use districts encourages development in a “pedestrian-oriented pattern, with buildings built up to the street and an active street level.” (DZC Section 9.1.2.1.A.1.a).

The I-MX-3 purpose statement provides that the district is appropriate for “industrially dominated areas served primarily by local or collector streets.” (DZC Section 9.1.2.1.A.2). Therefore, the proposed rezoning is consistent with the stated purpose and intent of the I-MX-3 district.

Attachments

1. Rezoning application
2. Comment letters