



**TO:** Land Use, Transportation, and Infrastructure Committee of the Denver City Council  
**FROM:** Scott Robinson, Senior City Planner  
**DATE:** March 24, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00016

### **Staff Report and Recommendation**

Staff's recommendation is contingent on a separate action item that proposes to amend the Far Northeast Area Plan. If that amendment is approved, based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00016, as evaluated under the amended Far Northeast Area Plan.

If the proposed Far Northeast Area Plan amendment is not approved, based on the criteria for review in the Denver Zoning Code, Staff recommends denial for Application #2021I-00016, as evaluated under the unamended Far Northeast Area Plan.

### **Request for Rezoning**

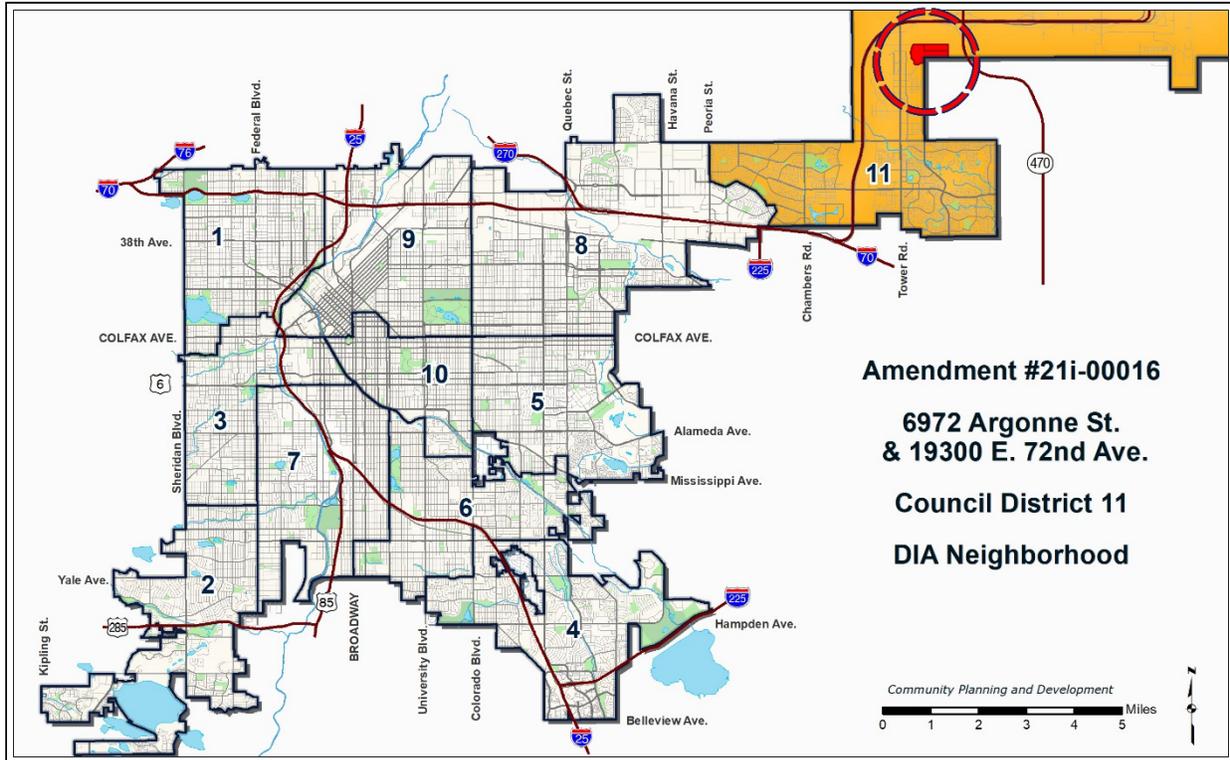
**Address:** 6972 Argonne St. & 19300 72<sup>nd</sup> Ave.  
**Neighborhood/Council District and CM:** DIA / Council District 11 , CM Gilmore  
**RNOs:** Inter-Neighborhood Cooperation (INC); Master Homeowners Association for Green Valley Ranch; Montbello 20/20; Green Valley Ranch Citizens Advisory Board  
**Area of Property:** 149.6 acres  
**Current Zoning:** C-MU-10 w/waivers AIO; C-MU-30 w/waivers UO-1 AIO; C-MU-30 w/waivers & conditions UO-1 AIO  
**Proposed Zoning:** I-MX-8 w/waiver UO-1 AIO; I-MX-8 w/waiver AIO  
**Property Owner(s):** ACM High Point VI C LLC  
**Owner Representative:** Brian J. Connolly

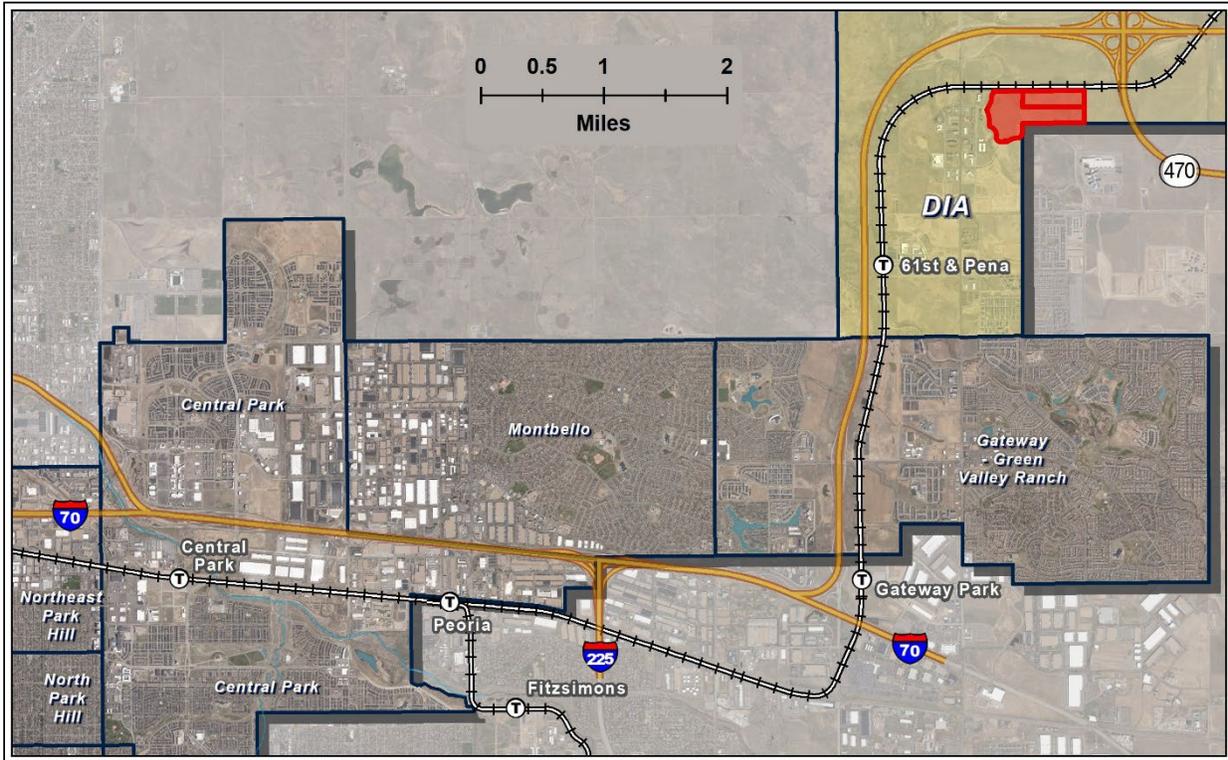
### **Summary of Rezoning Request**

- The subject property is in the DIA neighborhood, south of Pena Boulevard and the RTD A Line tracks and east of Tower Road.
- The site is currently vacant, surrounded by mostly vacant land with hotels and other commercial uses to the west and the Gaylord Hotel to the southeast in Adams County and the airport to the northeast.
- The applicant is requesting the rezoning to build a new Pepsi bottling and distribution facility.
- The applicant is requesting I-MX-8 (Industrial Mixed-use 8-story) zoning, which allows industrial, commercial, and residential uses in the townhouse, general, and industrial building forms up to eight stories. The proposed waiver would remove the requirement for a Zoning Permit with Special Exception Review (ZPSE) for Manufacturing, Fabrication, and Assembly – General uses. The Use Overlay 1 (UO-1) is the adult use overlay, allowing certain adult uses. The DIA Influence Area Overlay (AIO) prohibits residential uses and parking primary uses on the property. Further

details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in the Denver Zoning Code (DZC).

## Existing Context



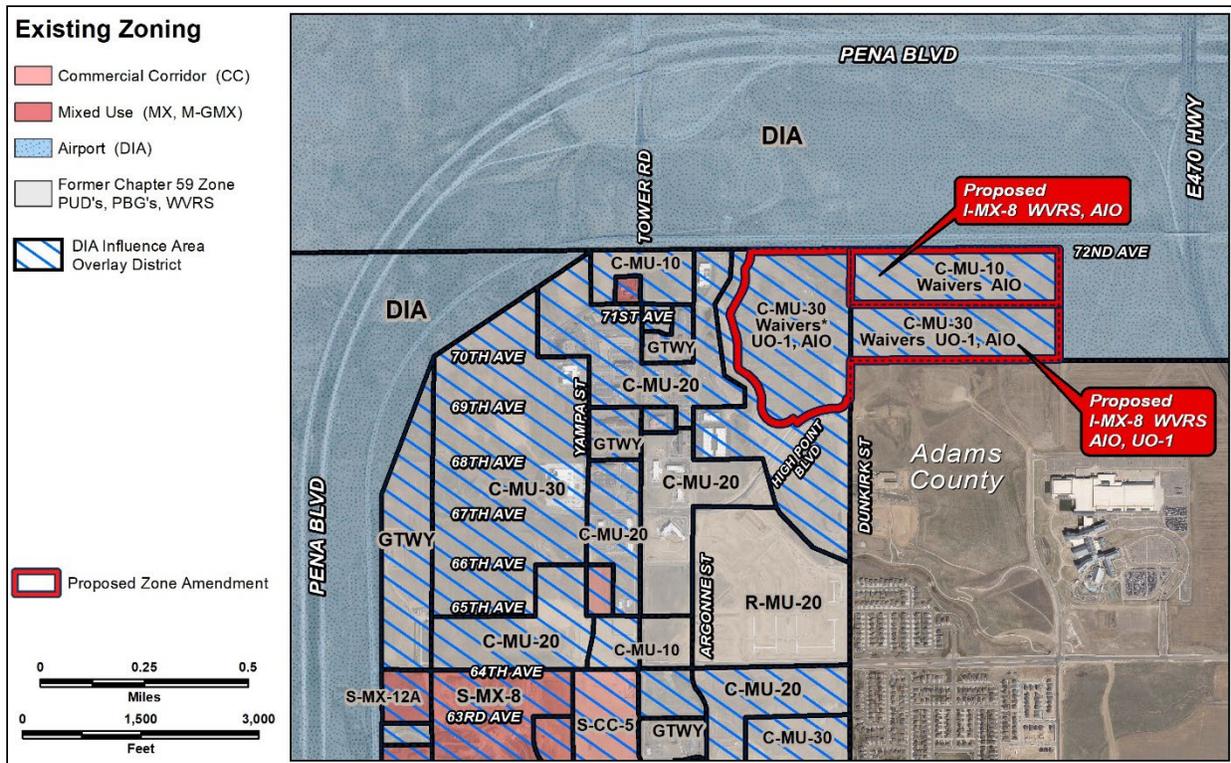


The subject property is in the DIA neighborhood, south of Pena Boulevard and east of Tower Road, adjacent to Adams County to the south and east. The tracks for the RTD A Line are on the north side of the property, but the nearest stop is at Pena Station to the southwest. There is RTD bus service on Tower Road. The West Fork of Second Creek is on the west side of the property. Denver International Airport is to the northeast.

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 w/waivers AIO; C-MU-30 w/waivers UO-1 AIO; C-MU-30 w/waivers & conditions UO-1 AIO	Vacant	None	There are no streets on the subject property. High Point Boulevard and Dunkirk Street dead end on the south side of the property. There is a developing street grid pattern around Tower Boulevard to the west.
North	DIA	Vacant	None	
South	C-MU-30 w/waivers and conditions UO-1 AIO; Adams County	Vacant	None	
East	DIA	Vacant	None	
West	C-MU-20 w/waivers and conditions AIO	Hotel, commercial, industrial flex	3-5 story hotels, 1-story commercial buildings and industrial flex buildings	

## 1. Existing Zoning



The subject property is zoned C-MU-10 with waivers AIO, C-MU-30 with waivers UO-1 AIO, and C-MU-30 with waivers and conditions UO-1 AIO, all of which are Former Chapter 59 (FC59) zone districts. C-MU-10 is a commercial mixed-use zone district that is intended for higher-intensity commercial areas. It allows retail, office, and multi-unit residential uses, but does not allow auto-oriented, industrial, or single-family residential uses. The zone district allows a maximum floor area ratio (FAR) of 2:1 and required setbacks range from zero to 10 feet. There is no maximum height. The waiver on the C-MU-10 zoning prohibits all residential uses on the property.

C-MU-30 is also a commercial mixed-use zone district that provides more flexibility and allows for a wide range of commercial, residential, and industrial uses. The maximum FAR is 1:1 and required setbacks range from zero to 10 feet. There is no maximum height. On the portion of the property that just has a waiver, the waiver prohibits all residential uses. On the portion that has a waiver and a condition, the waiver prohibits residential uses and certain commercial and industrial uses such as auto-oriented uses and heavy manufacturing and the condition requires the execution of an air rights covenant and avigation easement to the benefit of DIA.

The DIA Influence Area Overlay (AIO) prohibits residential uses and surface parking as a primary use, and also requires the granting of avigation easements for development in the area. The Adult Use Overlay (UO-1) allows certain adult uses such as adult bookstores and adult theaters. Because the AIO and UO-1 are part of the Denver Zoning Code (DZC) and the underlying zoning

is FC59, the overlays do not currently have any effect and serve as placeholders to ensure the AIO and UO-1 are applied to the property when it is brought into the DZC.

## **2. Existing GDP**

The subject property is within the High Point General Development Plan (GDP), which covers 338 acres between 64<sup>th</sup> Avenue and the RTD A Line tracks and between Tower Road and Himalaya Street. The GDP lays out the locations of future streets and open spaces and calls for a mix of office, retail, and residential uses. The intended use for the subject site is given as “office/mixed-use.” The GDP calls for a street network running through the subject site and open space and a trail along the West Fork of Second Creek on the west side of the property. The GDP also includes design intent statements, which are further articulated in the Denver Gateway Urban Design Standards and Guidelines, described below.

As part of the Large Development Review described below, the GDP is being amended to address the revised development proposal of the applicant. The proposed amended GDP calls for industrial uses on the subject property and modifies the future street network to accommodate the large footprint of the proposed use.

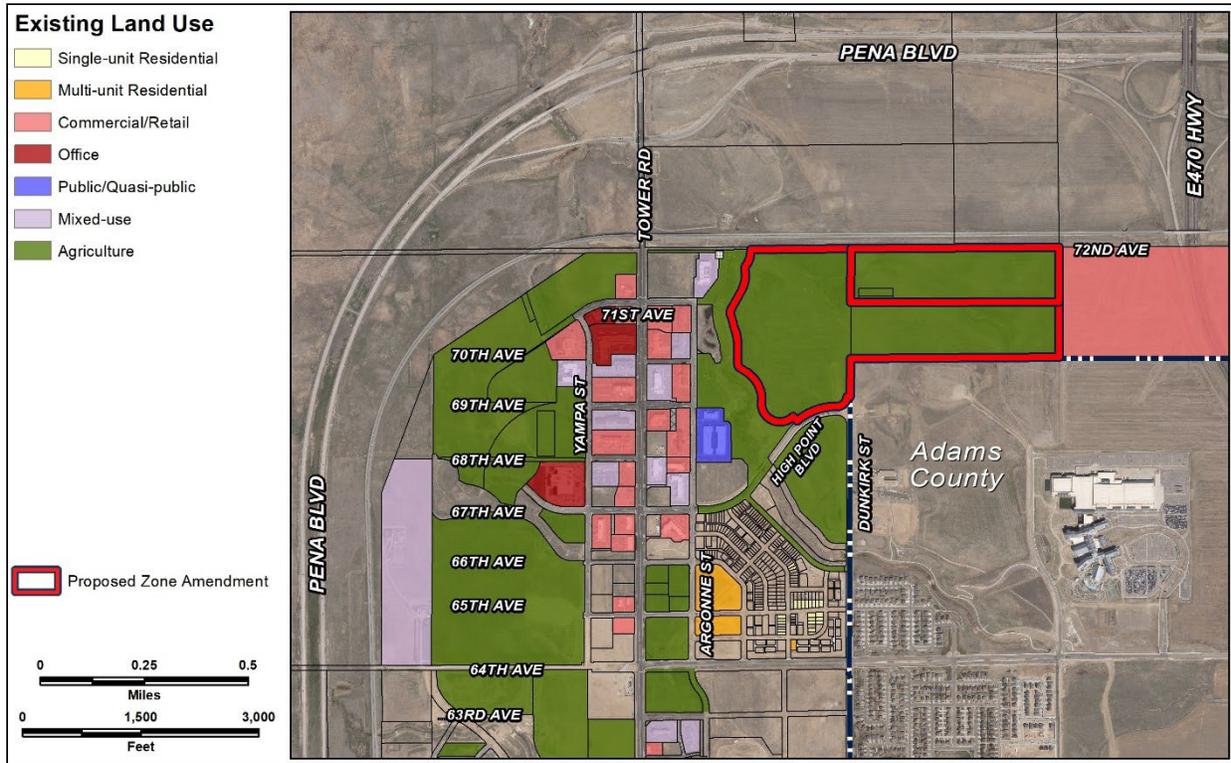
## **3. Urban Design Standards & Guidelines**

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

## **4. Large Development Review**

The subject property went through the Large Development Review (LDR) process in 2021. The resulting Large Development Framework (LDF) identified the need for the proposed amendment to the Far Northeast Area Plan, along with the GDP amendment, this rezoning, and a mobility study. These are prerequisites for the site development plan and infrastructure plans also called for in the LDF.

### 5. Existing Land Use Map



### 6. Existing Building Form and Scale



Site – from Argonne St.



Northwest – from Argonne St.  
 Source: Google Maps

Southwest – from Argonne St.

### Proposed Zoning

The applicant has requested zoning of I-MX-8 with waiver AIO and I-MX-8 with waiver UO-1 AIO. The I-MX-8 zone district allows a variety of industrial, commercial, civic, and residential uses in the town house, general, and industrial buildings forms. However, the AIO would prohibit residential uses on the property, as described above, and therefore eliminate the town house building form. The general and industrial building forms would be allowed up to eight stories and 110 feet in height with primary setbacks of zero feet. The general building form requires 50% of buildings to be built within zero to 10 feet of the primary frontage, but the industrial building form does not include a build-to requirement.

The proposed waiver would remove the I-MX-8 zone district’s requirement for a Zoning Permit with Special Exception Review (ZPSE) for Manufacturing, Fabrication, and Assembly – General uses on properties larger than 60,000 square feet or that operate between 10 p.m. and 5 a.m. Under the waiver, a Manufacturing, Fabrication, and Assembly – General use could operate on properties larger than 60,000 square feet and between 10 p.m. and 5 a.m. with a standard zoning permit instead of a ZPSE.

The UO-1 would allow certain adult uses and the AIO would prohibit residential and parking primary uses, as described above.

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

Design Standards	C-MU-10 & C-MU-30 (FC59)	C-MX-5 (Proposed)
Primary Building Forms Allowed	N/A	Town House*; General; Industrial
Stories/Heights (max)	N/A	8/110’
Primary Build-To Percentages (min)	N/A	50%-N/A**
Primary Build-To Ranges	N/A	0’ to 10’-N/A**
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	0’-10’	0’
Building Coverages	N/A	N/A

\*Building form not allowed within the AIO

\*\*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

**Denver International Airport:** Approved – No comments

**Department of Public Health and Environment:** Approved – No comments

**Denver Parks and Recreation:** Approved – No comments

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

**Development Services - Transportation:** Approved– see comments:

- 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 response

**Development Services – Fire Prevention:** 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:	10/7/21
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	2/25/22

City Council, registered neighborhood organizations, and property owners:	
Planning Board recommended approval unanimously:	3/16/22
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:	3/15/22
Land Use, Transportation and Infrastructure Committee of the City Council review:	3/29/22
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 (tentative):	4/25/22
City Council Public Hearing (tentative):	5/16/22

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - As of the date of this staff report, no comment from RNOs has been received.
  - **General Public Comments**
    - As of the date of this staff report, staff has received three comments in opposition to the rezoning, citing concerns about potential traffic, noise, and pollution.

### **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, amendment anticipated 2022)

### 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 additional employment options and access to services and amenities in Far Northeast, 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 proposed map amendment would allow for mixed-use development with appropriate mobility connections and improved design outcomes, consistent with the following strategies 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).
- Strong and Authentic Neighborhoods Goal 1, Strategy C - Ensure neighborhoods are safe, accessible and well-connected for all modes (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D - Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).

The proposed map amendment would facilitate building out a multimodal network, including streets and trails, in a mixed-use area, consistent with the following strategies from the Connected, Safe, and Accessible Places vision element:

- Connected, Safe, and Accessible Places Goal 3, Strategy A - Create streets to foster economic activity, contribute to great urban design and accommodate green infrastructure, including street trees (p. 40).
- Connected, Safe, and Accessible Places Goal 6, Strategy A - Create a citywide network for bicycling, walking and rolling that is safe and accessible to people of all ages and abilities (p. 41).
- Connected, Safe, and Accessible Places Goal 8, Strategy A - Improve multimodal connections within and between mixed-use centers including downtown, Denver International Airport and major urban centers (p. 42).

The proposed map amendment would allow for business and employment expansion in Far Northeast, consistent with the following strategies from the Economically Diverse and Vibrant vision element:

- Economically Diverse and Vibrant Goal 1, Strategy C - Support business development and grow the talent necessary to compete in the global economy (p. 46).
- 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 proposed map amendment would allow for compatible development in an area near existing infrastructure and transit, consistent with the following strategies 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).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The proposed map amendment would facilitate the creation of additional park space and trails, consistent with the following strategies from the Healthy and Active vision element:

- Healthy and Active Goal 1, Strategy A - Promote walking, rolling and biking through the development of a safe and interconnected multimodal network (p. 58).
- Healthy and Active Goal 2, Strategy C - Expand the supply of parks, recreational facilities and programs relative to Denver’s population growth (p. 58).

The proposed map amendment would promote growth near Denver International Airport, capitalizing on its connections to support the local economy, consistent with the following strategy from the Denver and the Region section:

- Denver and the Region Goal 4, Strategy C - Promote Denver International Airport as a vibrant, well-connected economic center and leverage its national and international connections to strengthen the regional economy (p. 65).

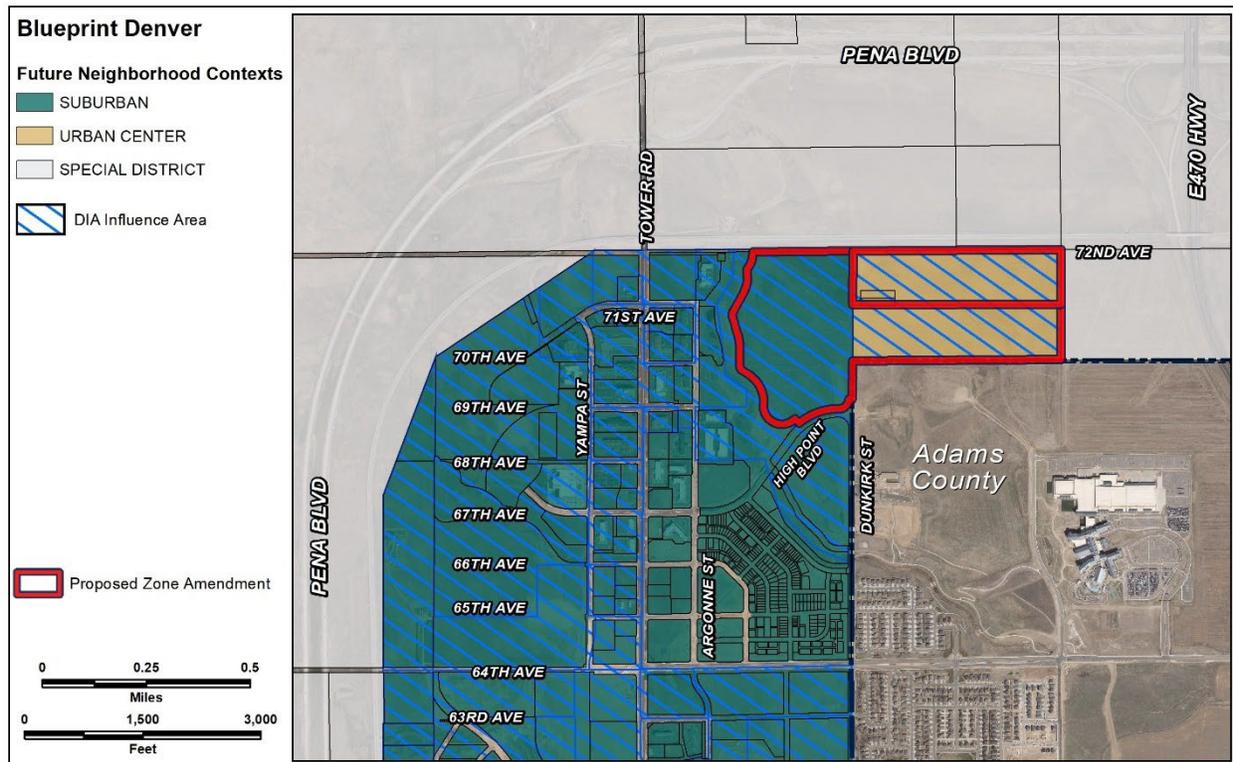
The requested map amendment will promote business and employment growth in an appropriate area and facilitate new parks and trails. The proposed I-MX-8 zone district allows a variety of employment, office, and retail uses, and the associated GDP will require the creation of new open space, consistent with the recommendations of Comprehensive Plan 2040.

## **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 a Community Center place within the Urban Center and Suburban Neighborhood Contexts and provides guidance from the future growth strategy for the city. However, if the proposed amendment to the Far Northeast Area Plan is adopted, it will update the future context, place, growth strategy, and street type designations for the subject property. Under the proposed Far Northeast Area Plan amendment, the subject property would be in the District context and Value Manufacturing place type. See below for more detail or the Far Northeast Area Plan and the proposed amendment.

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

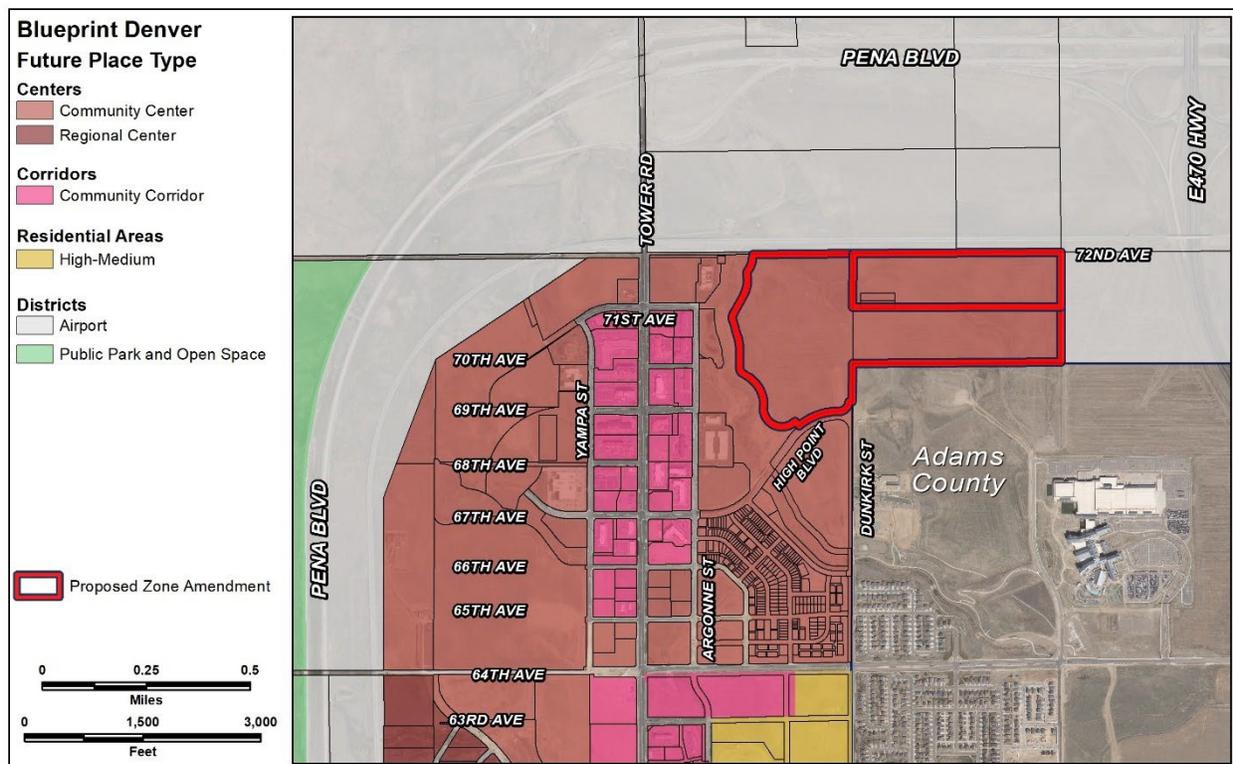


In Blueprint Denver, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Urban Center context on the eastern side and Suburban context on the western side. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban Center neighborhood context is described as containing “high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The Suburban neighborhood context is described as locations where “commercial and mixed-use are usually located along corridors or in larger centers, with the opportunity for new embedded neighborhood-serving uses as redevelopment occurs” (p. 190). The proposed I-MX-8 zone district is part of the Industrial context and is “intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level” and “accommodate a variety of industrial, commercial, civic and residential uses” (DZC 9.1.2.1). While the

pattern and scale of the I-MX-8 zone district could be compatible with the Urban Center and Suburban contexts, the allowed uses, including industrial, are less so.

If the Far Northeast Area Plan amendment is adopted, the future context designation of the subject property will change to District. The District context is for “areas with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas” and “many districts are important job centers providing a wide variety of middle and high skill employment opportunities” (p. 280). The proposed I-MX-8 zone district would allow a range of employment and industrial uses, consistent with the District context designation.

### **Blueprint Denver Future Places**

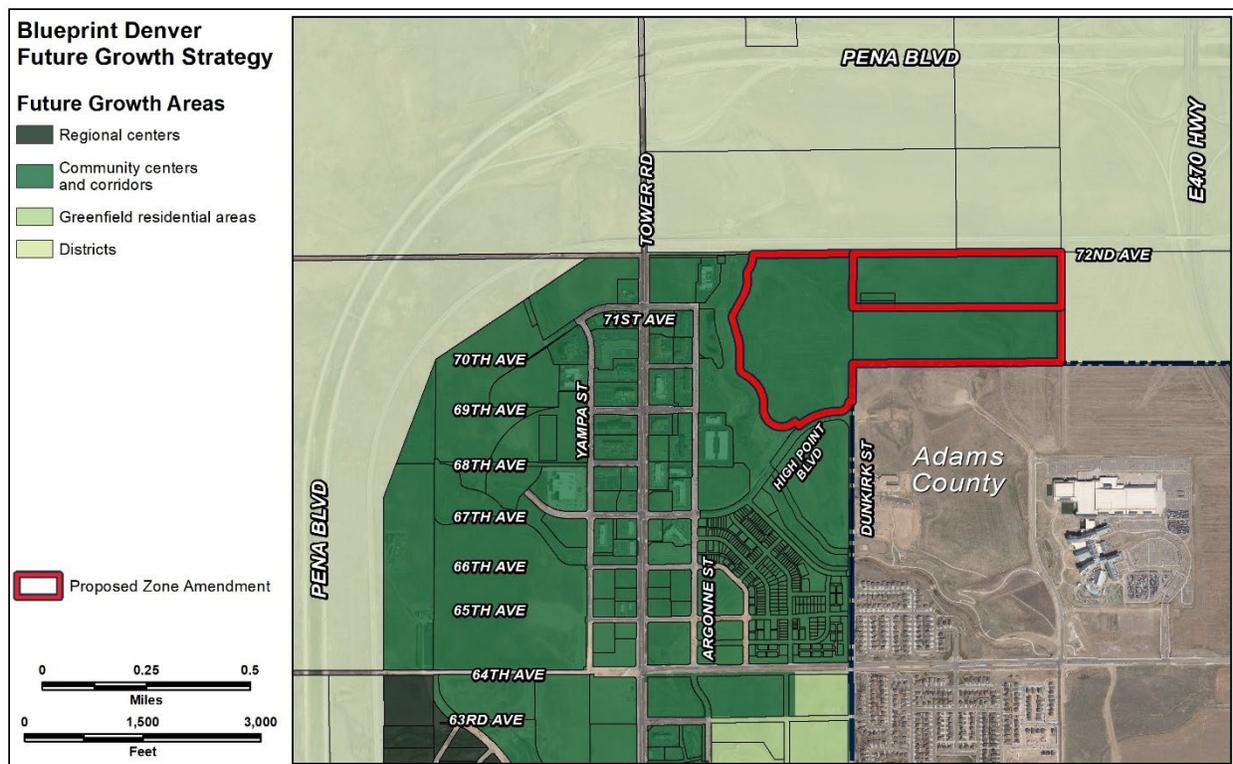


The neighborhood context of Urban Center provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Community Center. Blueprint Denver describes the aspirational characteristics of Community Centers in the Urban Center context as “a mix of office, commercial and residential uses” where “buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages and distinct streetscape elements that define the public realm. Heights can be generally up to 12 stories” (p. 256). The characteristics of Community Centers in the Suburban context include “some medium mix of office, commercial and residential uses” where there is “a mix of larger and smaller scale buildings, some setback from the street to accommodate parking. Heights are generally up to 5 stories” (p. 194). The proposed district of I-MX-8 allows a wide range and mix of uses, including industrial and flexible building forms that would not be required to provide the level of

urbanism expected in Community Centers. The future proposed height of up to 8 stories is appropriate for Urban Center context, but not the Suburban context.

If the Far Northeast Area Plan amendment is adopted, the future place designation for the subject property will change to Value Manufacturing. Blueprint Denver says “value manufacturing districts serve the primary purpose of light manufacturing, wholesale trade, transportation and warehousing” and uses are “often located in business parks or on extra large blocks” (p.285). The proposed I-MX-8 zone district would allow manufacturing, wholesaling, and warehouse uses in flexible building forms, consistent with the Value Manufacturing place type.

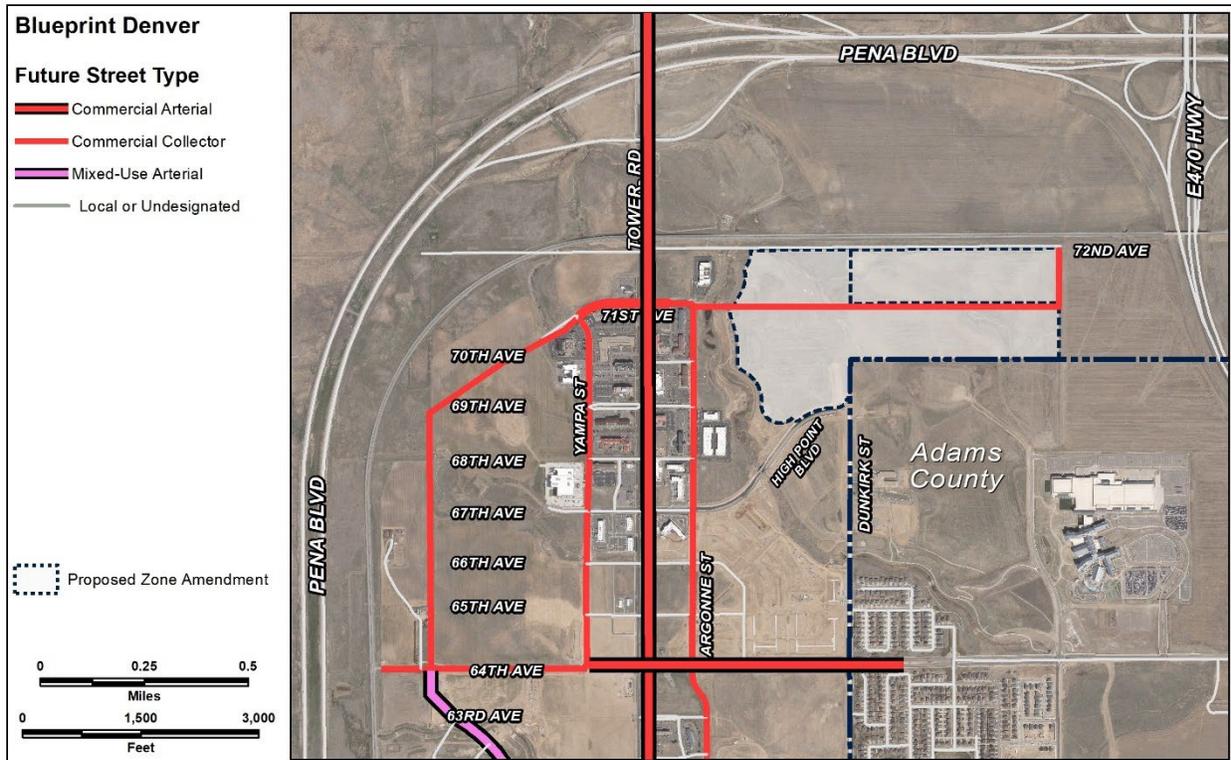
## Growth Strategy



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 a Community Center. Community Centers and Corridors are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). According to the plan, “focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to I-MX-8 would focus employment growth to a Community Center where it has been determined to be appropriate. Access to jobs and services can improve in the industrial mixed-use zone district, and this site has access to multiple bus and other mobility options.

If the Near Southeast Area Plan amendment is adopted, the future growth strategy will change to Districts, which are anticipated to see 5% of new housing growth and 15% of new employment growth by 2040 (p. 51). The proposed I-MX-8 zone district would allow employment growth on the property, consistent with the growth strategy.

### **Blueprint Denver Street Types**



In Blueprint Denver, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). Blueprint Denver classifies 71<sup>st</sup> Avenue as a Commercial Collector, saying “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p.159). The plan also says “Commercial streets typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with onsite parking” (p.159). 72<sup>nd</sup> Avenue is classified as a Local street, which “can vary in their land uses and are found in all neighborhood contexts” (p. 161). The proposed I-MX-8 district is intended to be applied to “industrially-dominated areas served primarily by collector or arterial streets” (DZC Section 9.1.2.1.A.4). The proposed zoning is consistent with the collector designation of 71<sup>st</sup> Avenue, but not the commercial designation.

If the Far Northeast Area Plan amendment is adopted, 71<sup>st</sup> Avenue would be removed from the future street network on the site, and 72<sup>nd</sup> Avenue would remain a Local, connecting to nearby Commercial Collectors and Arterials. The Local designation is consistent with the proposed I-MX-8 zone district as the site is near collectors and arterials.

## **Blueprint Denver Strategies**

Blueprint Denver provides additional recommendations relating to Former Chapter 59 and custom zoning:

- Land Use and 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).
- Land Use and Built Form: General Policy 3, Strategy B - Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area (p. 73).

The proposed map amendment would bring the property out of FC59 and into the DZC, consistent with strategy A above. However, the applicant is also requesting a waiver to allow for manufacturing on the property to operate overnight with a standard Zoning Permit instead of a Zoning Permit with Special Exception Review, which would require review and approval by the Board of Adjustment. While Blueprint Denver generally discourages custom zoning, the proposed waiver is appropriate here because it is supported by the proposed amendment to the Far Northeast Area Plan, which calls explicitly for allowing manufacturing uses on the subject property without additional review and will serve as a bridge to a future text amendment (see below for further discussion).

Blueprint Denver also includes recommendations about development near DIA:

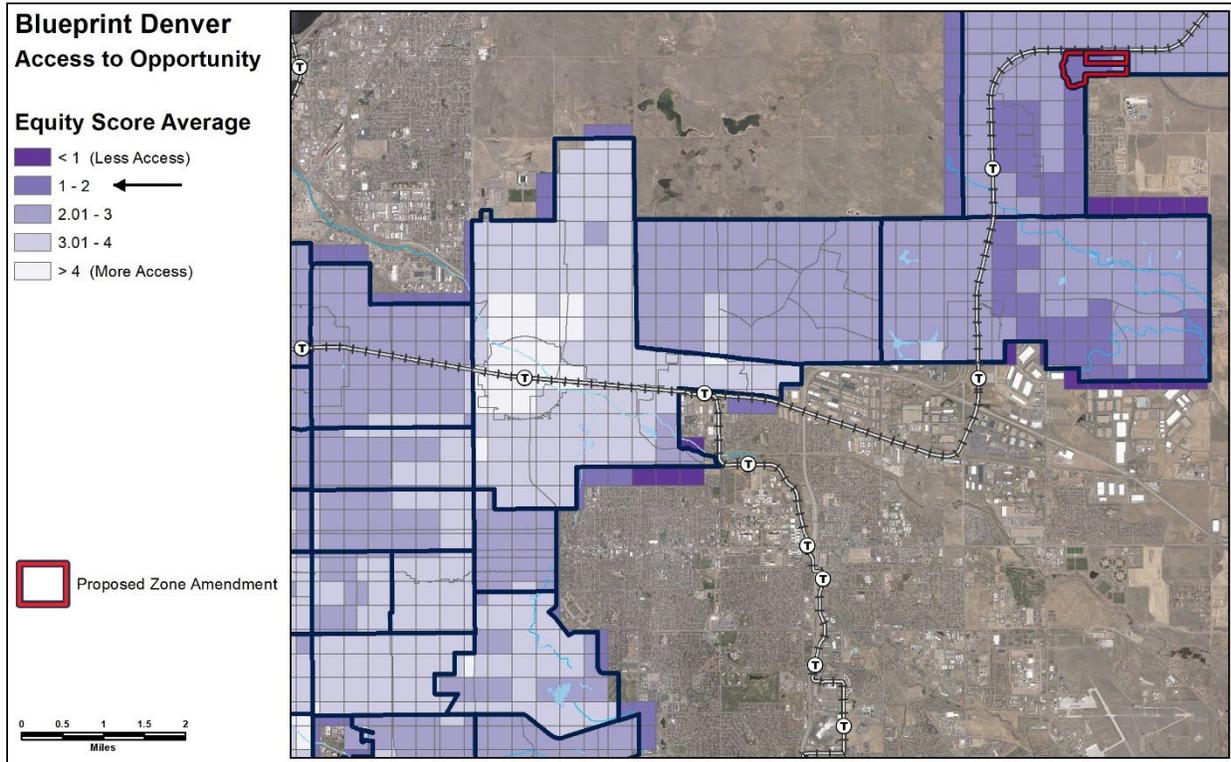
- Land Use and Built Form: Economics Policy 7, Strategy B - Maintain existing zoning regulations that limit the type and location of residential uses allowed north of 56th Avenue as needed. If any new or existing regulatory tools need consideration, a city-led process with community input should occur (p. 93).

The proposed map amendment retains the AIO overlay, which prohibits residential uses on the subject property, consistent with the Blueprint Denver recommendations.

## **Blueprint Denver Equity Concepts**

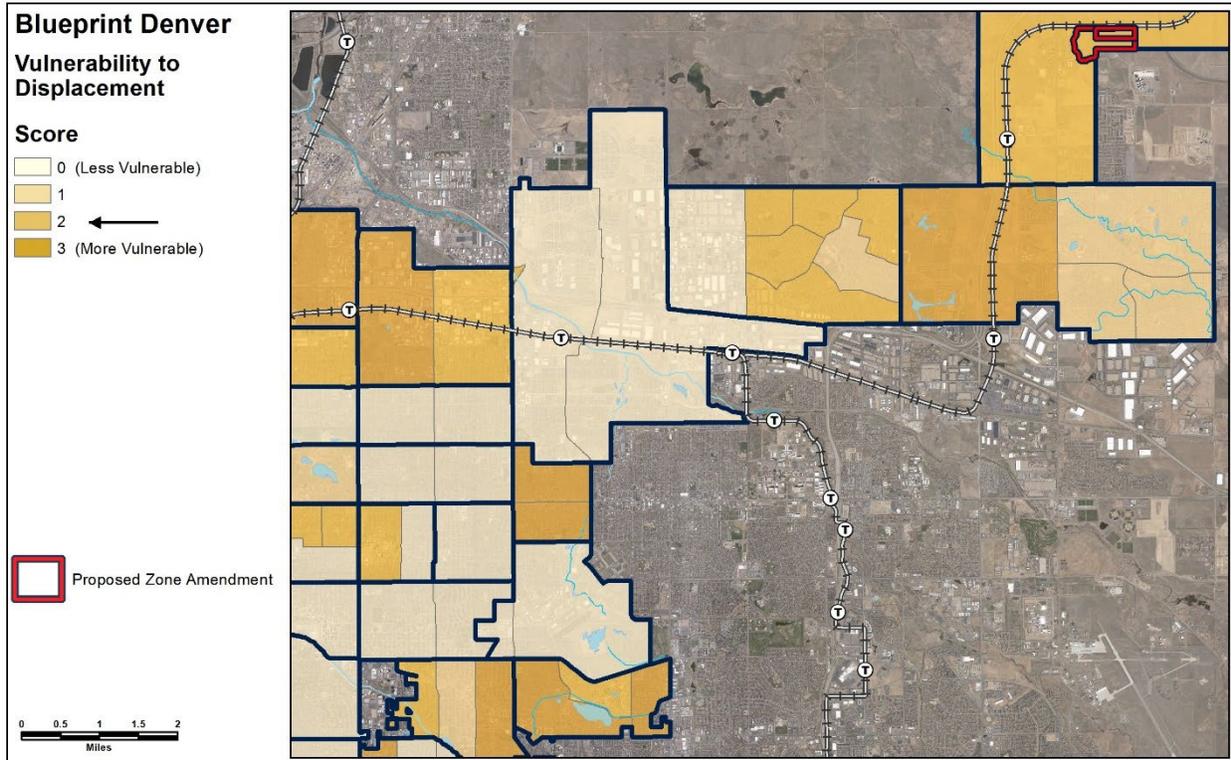
Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

### I. Access to Opportunity



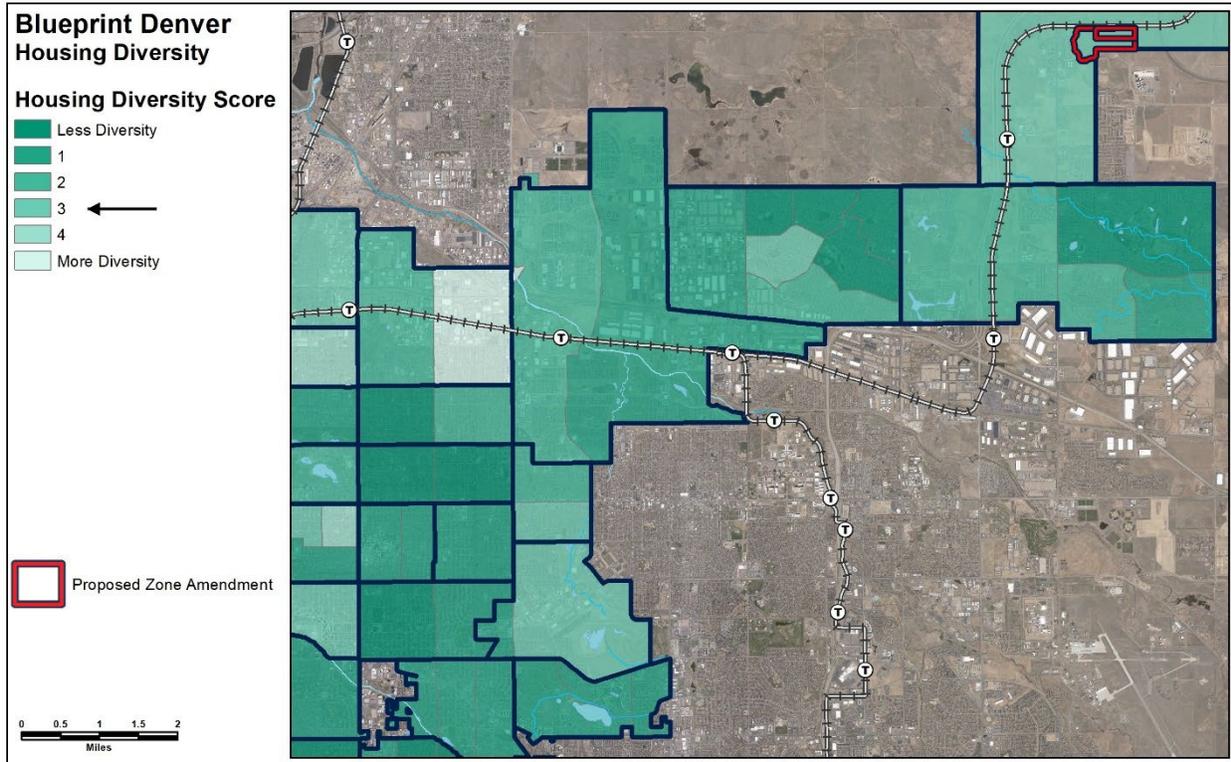
The subject property is in an area with less access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. In areas with lower access to opportunity, it is important to improve mobility options to increase access. The subject property scores low on access to opportunity because, as an undeveloped site, there is no mobility network to provide access. The proposed rezoning will facilitate the development of the site, including the construction of roads, sidewalks, and trails, to connect the property to the adjacent centers and corridors, improving access to opportunity.

## II. Vulnerability to Involuntary Displacement

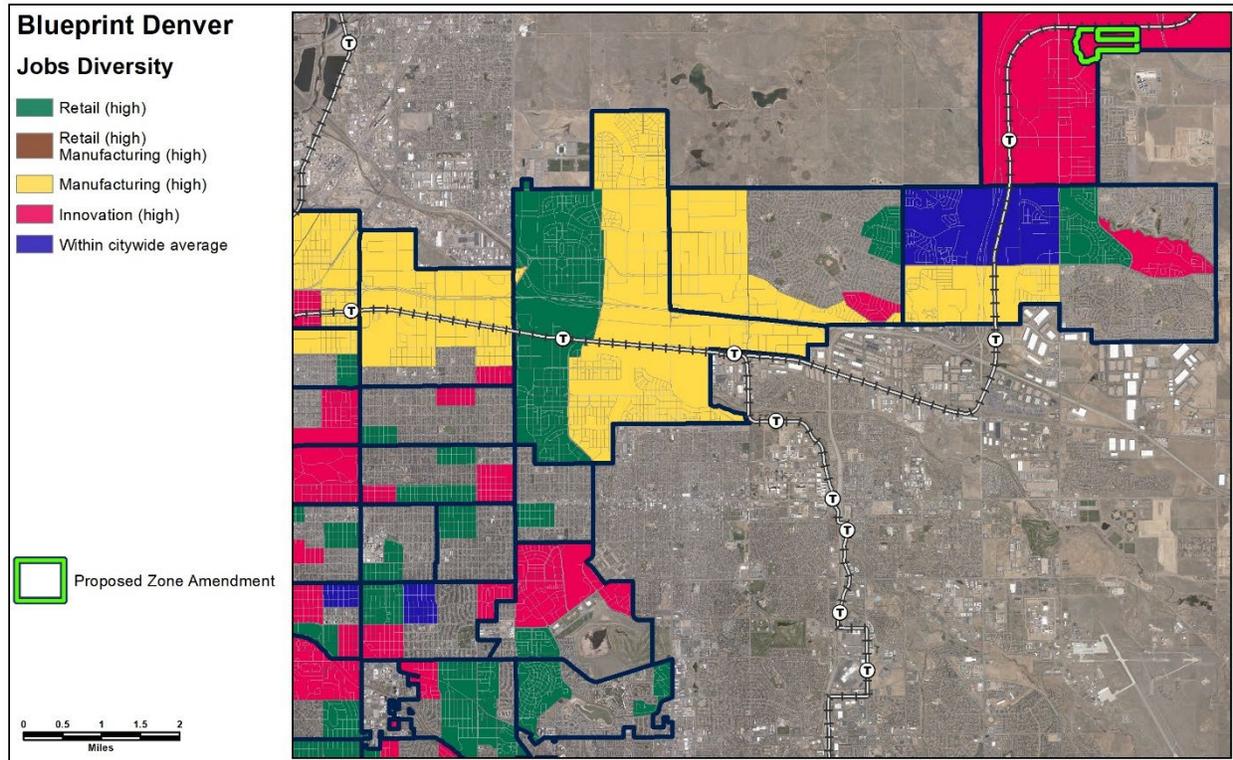


The subject property is in an area that has moderate vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. In areas with moderate vulnerability to involuntary displacement, it is usually important to increase affordable housing options so that residents of all income levels can continue to live in these neighborhoods. However, as described above, residential uses are not allowed on the subject property. The proposed I-MX-8 zoning will allow for a variety of employment options at varying skill and income levels, improving access to jobs for residents in the DIA neighborhood and reducing vulnerability to involuntary displacement in the parts of the neighborhood that allow residential uses.

### 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, it is usually important to increase the number of affordable housing units. However, as described above, residential uses are not allowed on the subject property. Therefore the proposed rezoning will not have an effect on housing diversity.



The jobs diversity map shows the mix jobs in the area depicted by color. The subject property is in an area that has a mix of jobs that is skewed towards innovation relative to the citywide average. The proposed zone district allows for various industrial and commercial jobs, which would help to rebalance the jobs mix closer to the city average.

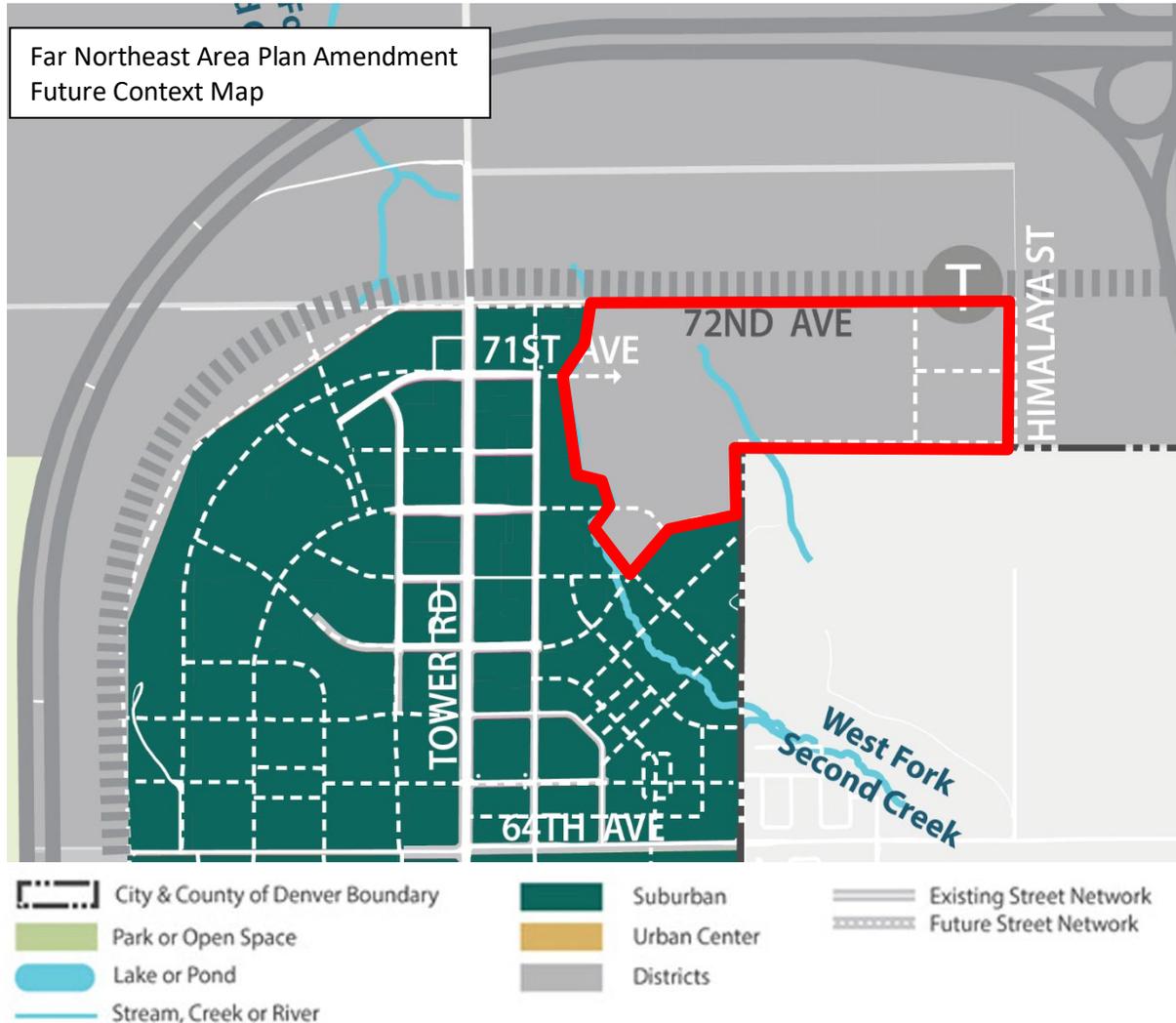
The proposed rezoning to I-MX-8 is not consistent with Blueprint Denver context, place, and street type designations as they currently are. However, the proposed Far Northeast Area Plan amendment described below would update those designations if adopted, and the proposed map amendment would be consistent with the context, place, street type, and other recommendations of Blueprint Denver.

### 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. An amendment to the FNE Plan is proposed that would change many of the recommendations that apply to the subject property.

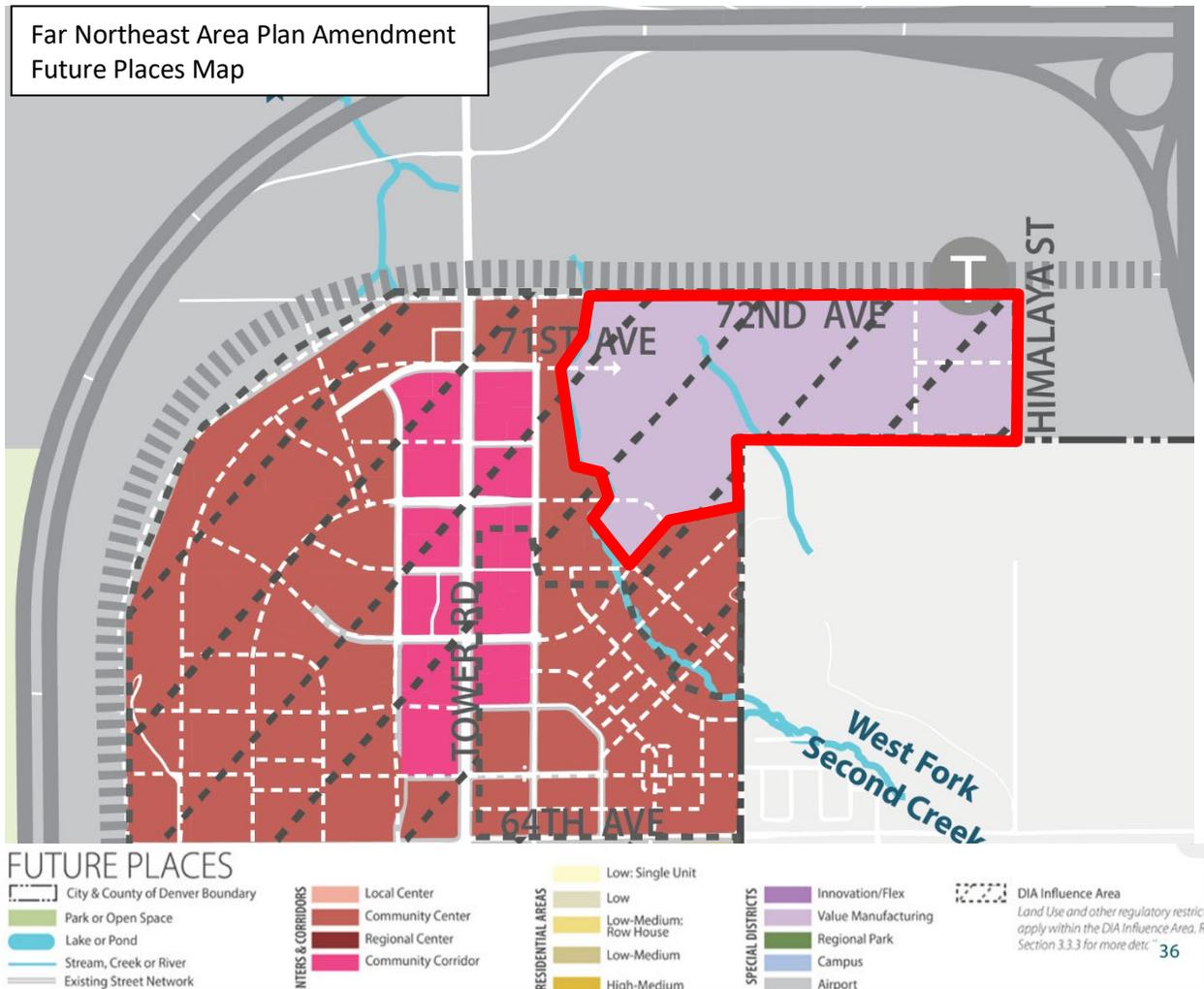
The future context, place, growth strategy, and street type recommendations of the FNE Plan match those of Blueprint Denver described above. The FNE Plan describes the Urban Center context as “dense and vibrant areas that support residents and visitors” (p. 31) and the Suburban context as locations where “commercial development is focused along main corridors and centers bordering residential areas” (p. 31). Urban Center Community Centers “typically provide some mix of office, commercial and

residential uses” and have a “strong degree of urbanism with mostly continuous building frontages to define the public realm” (p. 35) while Suburban Community Centers have “a mix of office, retail, eating and drinking establishments, commercial services and multi-unit residential uses” (p. 35). The proposed I-MX-8 zone district would allow office, retail, and industrial uses but would not require pedestrian-oriented urban development pattern called for in the FNE Plan.



If the proposed FNE Plan amendment is adopted, the context and place designations for the subject property would become District and Value Manufacturing, respectively. The amended plan describes Districts as “areas that serve a specific purpose, usually highly-specific based on uses, such as education, industry or health care” where “block patterns, urban design and mobility connections vary based on the specific use” (p. 31). Value Manufacturing places are intended for “manufacturing, R&D labs, robotics, tech and flex spaces” that are “typically located in business parks or on large blocks” (p. 35). The proposed I-MX-8 zone district would allow industrial, office, and flex spaces and flexible

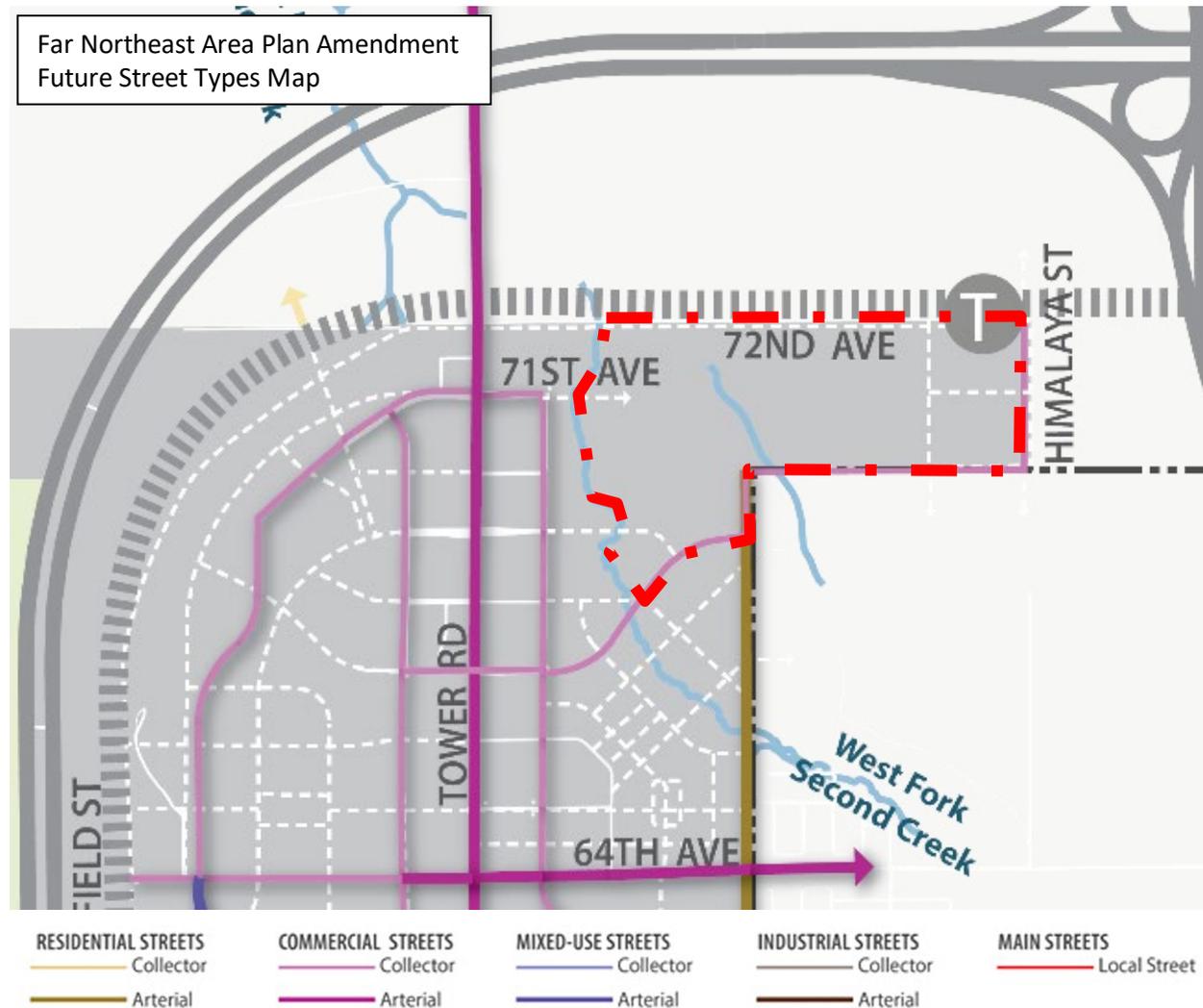
development standards consistent with the District and Value Manufacturing context and place designations.



The FNE Plan also includes recommended maximum building heights, which are eight stories for the Suburban context portion of the property on the west and five stories for the Urban Center context portion on the east (p. 40). The proposed I-MX-8 zone district would allow buildings up to eight stories, taller than the recommended maximum for the eastern portion of the property.

If the proposed FNE Plan amendment is adopted, the recommended maximum building height for the entire subject property would be eight stories, consistent with the allowed height of the proposed I-MX-8 zone district.

The future growth strategy for the subject property in the FNE Plan is Community Centers and Corridors, which would change to Districts under the plan amendment. The growth strategy descriptions in the FNE Plan match those in Blueprint Denver described above, and the proposed I-MX-8 zone district would be consistent with both.



The FNE Plan shows a future street network on the subject property, with the future street type for 71<sup>st</sup> Avenue as Commercial Collector and several future Local streets on the property. The FNE Plan amendment would remove 71<sup>st</sup> Avenue and most of the future Local streets running through the property, with Commercial Collectors on the south side of the property and Local streets on the north and east sides. Collector streets are intended to “serve medium distance trips with moderate speeds, moving a moderate volume of traffic with medium-distance trips” and Commercial streets “connect local residential streets to retail centers and corridors, office and employment centers” (p. 77). Local streets “provide the shortest trips, at the lowest speeds, with the lowest volume of traffic, and with the lowest degree of through-travel” (p. 77). The proposed I-MX-8 zone district allows office and employment uses, so would be compatible the Commercial Collectors and Local streets connecting the site to the corridor along Tower Road.

The FNE Plan also addresses equity, looking at the Access to Opportunity, Vulnerability to Involuntary Displacement, and Housing and Jobs Diversity measures. However, the plan notes that the limited

development in the DIA neighborhood makes accurately measuring equity in the area difficult, though this will change as the area continues to build out (p. 22). Following the plan's recommendations for development in the area will ensure that it evolves into an equitable neighborhood.

The area-wide framework recommendations of the FNE Plan are grouped under three main topics: Land Use and Built Form, Mobility, and Quality of Life Infrastructure. Relevant recommendations include:

- Strategy LU-4.1.B - Create new community centers in presently undeveloped areas including the Gateway area (generally south of 56th Avenue and east and west of the Peña scenic buffer), portions of the 61st and Peña Station Area not otherwise identified as regional center, High Point, Peña Station North, and key intersections on Tower Road as identified by the future places map (p. 38).
- Strategy LU-5.2 - Promote an urban street relationship by locating buildings close to the street, particularly along centers and corridors (p. 43).
- Policy LU-16 - Rezone Former Chapter 59 properties into the Denver Zoning Code (p. 59).
- Policy LU-17 - Support employment growth in Far Northeast (p. 64).

The proposed I-MX-8 zone district would support employment growth and bring the subject property into the DZC, however it would not be consistent with the urban design goals for future community centers, including locating buildings close to the street. The proposed FNE Plan amendment includes some new recommendations that would be relevant:

- Policy LU-2 – Maintain and expand light industrial uses in areas identified as value manufacturing (p. 37).
- Strategy LU-2.3 - Encourage new industrial employment centers in the DIA Neighborhood, especially adjacent to DEN's projected manufacturing and industrial uses along the future 72nd Ave, adjacent to the A-Line (p. 37 – new in amended plan).
- Strategy LU-3.2.C - Encourage a mix of uses including industrial and manufacturing uses north of 64th street (p. 38 – new in amended plan).
- Strategy LU-18.4 - Support rezoning efforts that will result in the development of significant job opportunities and expansion of employment sectors (p. 59 – new in amended plan).

With the change in place type to value manufacturing, the proposed I-MX-8 zone district would be consistent with the amended FNE Plan recommendations to support new industrial centers at designated locations to create employment opportunities.

The FNE Plan also includes recommendations specific to the DIA neighborhood, including developing a community center around a potential future transit station on the RTD A Line at 72<sup>nd</sup> Avenue and Himalaya Street, at the northeast corner of the subject property:

- Strategy DIA-6.1 - Leverage the availability of undeveloped land in this area to attract desired uses (p. 188).
- Strategy DIA-6.2.A - Encourage properties with Former Chapter 59 zoning to rezone into the Denver Zoning Code as a strategy for promoting improved design outcomes (p. 188).

- Strategy DIA-6.3.B - Support the expansion of modern research and development uses adjacent to Panasonic’s Smart City, in undeveloped areas west of Tower Road between 64th Avenue and 72nd Avenue, and in the vicinity of the future transit station at 72nd and Himalaya (p. 188).

The proposed I-MX-8 zone district would bring the subject property into the DZC and allow desired uses like research and development but would not otherwise meet the urban design goals for creating a walkable center around the potential 72<sup>nd</sup> & Himalaya station. The proposed FNE Plan amendment includes additional recommendations that would be relevant:

- Strategy DIA-5.2.D - Allow for large scale employment and manufacturing centers to be accommodated in atypical block sizes at value manufacturing and innovation flex districts (p. 188 – new in amended plan).
- Strategy DIA-6.3.D – Support development of manufacturing centers appropriate for value manufacturing and innovation flex districts north of 64<sup>th</sup> Avenue without requiring additional review for large manufacturing uses (p. 188 – new in amended plan).

The FNE Plan amendment also modifies the proposed transformative project around the potential 72<sup>nd</sup> & Himalaya station to an employment center, providing “an opportunity for Denver to retain employment centers that require large footprints for operational needs and ample additional space for expansion” and “to support manufacturing and/or innovation-flex” (p. 200). The proposed I-MX-8 zone district would facilitate the development of an employment center with manufacturing and innovation-flex uses on the subject property, consistent with the plan recommendations if amended. The requested waiver to remove the requirement for a ZPSE for large manufacturing uses operating overnight is consistent with the FNE Plan amendment’s direction to support those uses on the subject site without additional review. The plan amendment’s recommendation ultimately be implemented through a text amendment to the DZC, meaning the waiver would serve as a bridge to that future text amendment.

The proposed rezoning to I-MX-8 is not consistent with FNE Plan context, place, and framework recommendations as they currently are. However, the proposed FNE Plan amendment would update those designations and recommendations if adopted, and the proposed map amendment would be consistent with the context, place, street type, and framework and neighborhood recommendations of the amended Far Northeast Area Plan.

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

The proposed rezoning to I-MX-8 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 does not further the public health, safety, and general welfare of the City because it would not implement the city’s adopted land use plan. If the Far Northeast Area Plan is adopted, the proposed official map amendment would further the public

health, safety, and general welfare of the city by implementing the city's adopted land use plan and fostering the creation of a new employment center.

#### **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8, "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:... a city adopted plan; or that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." As discussed above, the Far Northeast Area Plan was adopted in 2019, providing new guidance for the subject property. If the Far Northeast Area Plan amendment is adopted, that will update that guidance, providing additional justification for the rezoning. The property has also retained Former Chapter 59 zoning and the proposed rezoning would bring the property into the Denver Zoning Code. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested I-MX-8 zone district is within the Industrial Neighborhood Context. The neighborhood context generally consists of areas of light industrial, heavy industrial and general industrial areas, as well as areas subject to transitions from industrial to mixed-use (DZC, Division 9.1.1). The subject site is in an undeveloped area, suitable for development into an industrial context. The proposed rezoning to I-MX-8 is consistent with the neighborhood context description.

The general purpose of the I-MX zone districts is to "accommodate a variety of industrial, commercial, civic and residential uses" (DZC Section 9.1.2.1.A). The proposed rezoning would allow for a variety of industrial, commercial, and civic uses in an appropriate location, consistent with the general purpose of the I-MX zone districts.

According to the zone district intent stated in the Denver Zoning Code, the I-MX-8 district "applies to industrially-dominated areas served primarily by collector or arterial streets with a maximum building height of 8 stories" (DZC Section 9.1.2.1.A). The site does not currently have streets, but plans call for the creation of collector streets to connect the site to Tower Road, which is an arterial. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

#### **Attachments**

1. Application
2. Public comments