



TO: Denver Planning Board
FROM: Rob Haigh, Senior City Planner
DATE: January 29, 2025
RE: Official Zoning Map Amendment Application #2024I-00091
627 South Lipan Street
Rezoning from E-SU-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-00091.

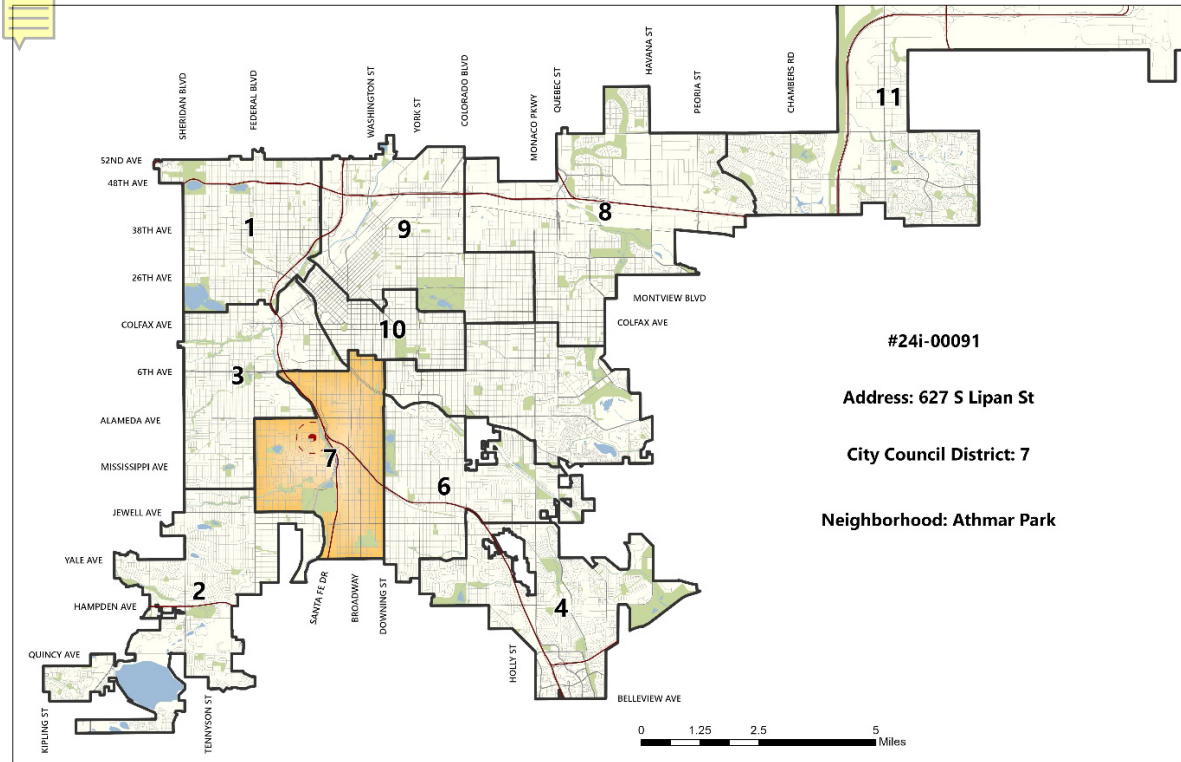
Request for Rezoning

Address:	627 South Lipan Street
Neighborhood/Council District:	Athmar Park / Council District 7
RNOs:	Inter-Neighborhood Cooperation (INC), Athmar Park Neighborhood Association, and Strong Denver
Area of Property:	28,125 square feet
Current Zoning:	E-SU-B
Proposed Zoning:	I-MX-3
Property Owner(s):	Madrid, Joe Trust; Madrid, Jane Trust
Owner Representative:	RedT Homes, Alec Sowers

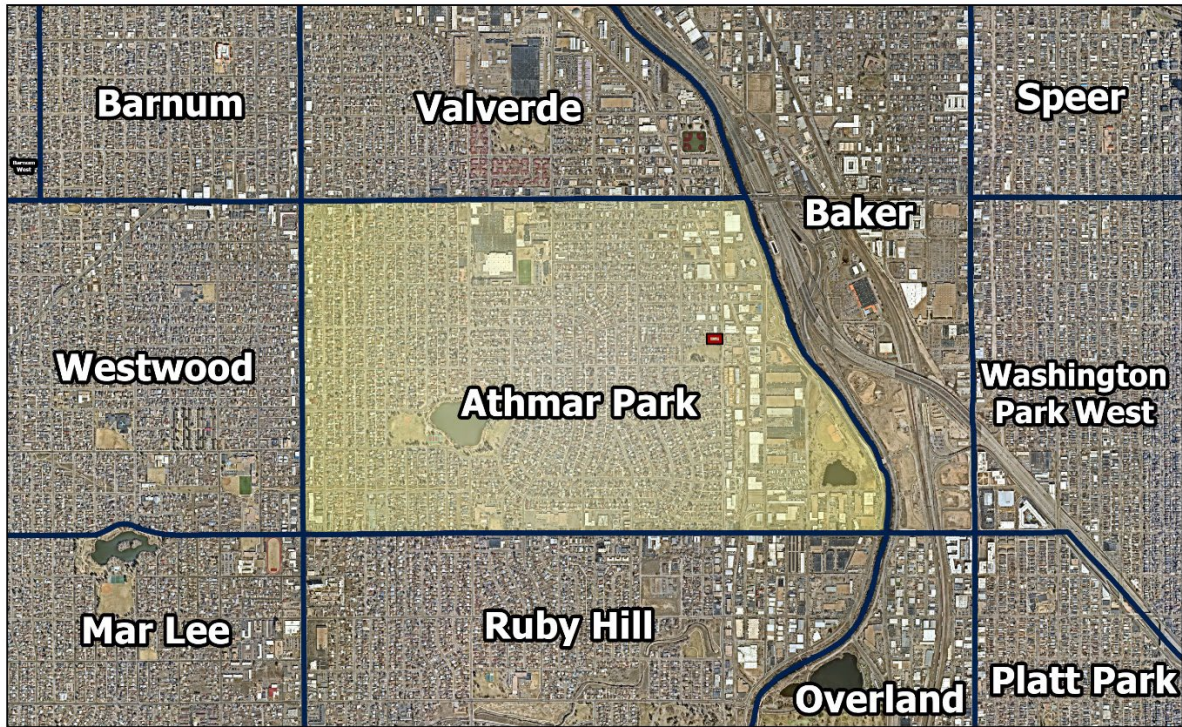
Summary of Rezoning Request

- The property is in the Athmar Park statistical neighborhood on the west side of South Lipan Street and north of West Gill Place.
- The property is mostly vacant with some small accessory structures that were previously part of the residential use to the west of the subject property.
- The rezoning could allow for a mix of industrial, commercial, and residential uses.
- The current zoning is E-SU-B, which is a single-unit residential zone district in the Urban Edge neighborhood context.
- The proposed I-MX-3 zone district stands for **I**ndustrial, **M**ixed 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).
- The Advancing Equity in Rezoning text amendment is anticipated to be approved by City Council at a public hearing on February 3, 2025. If adopted, it would be effective on February 24, 2025. Because this rezoning would be considered by City Council after February 24, 2025, the staff report includes analysis of both the current rezoning criteria and the proposed rezoning criteria.

City Council District 7



Statistical Neighborhood: Athmar Park



Aerial View

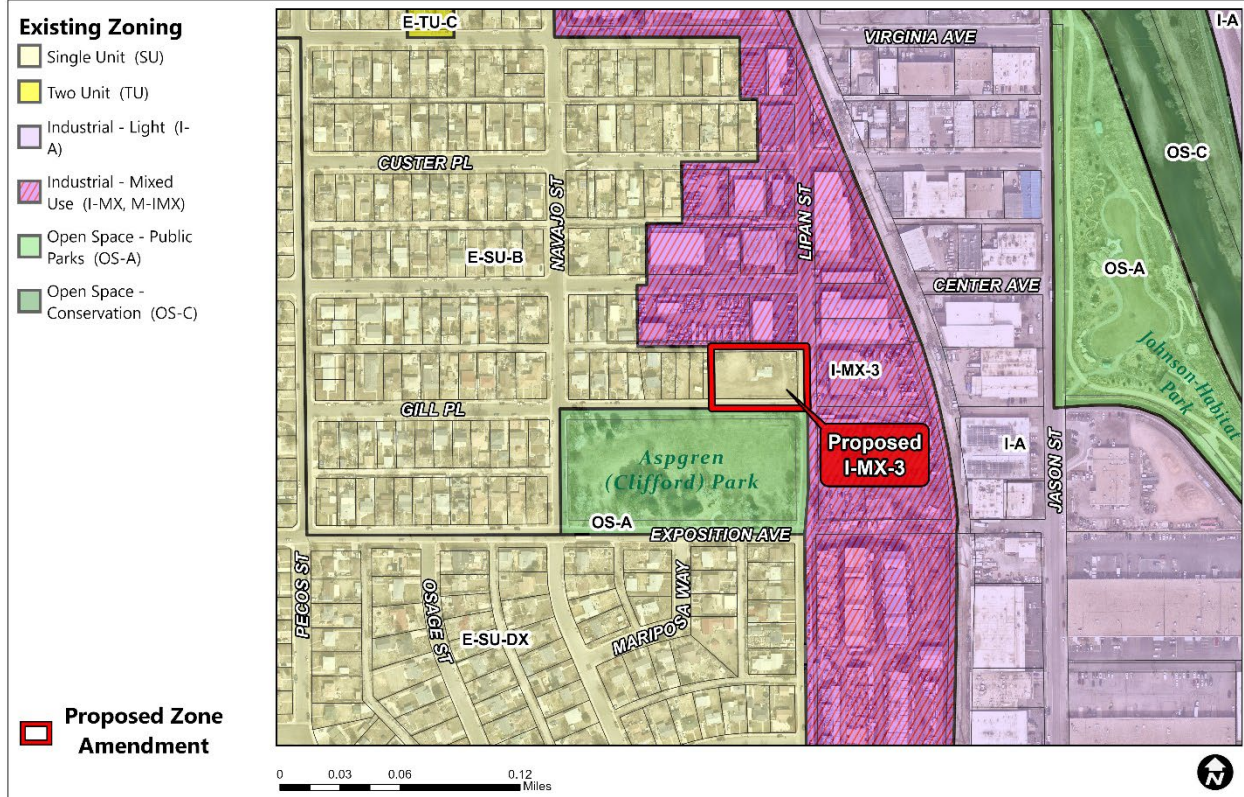


The subject property is located within the Athmar Park neighborhood, at the northwest corner of South Lipan Street and West Gill Place. There are several small disused accessory structures on the subject property that were previously a part of the residential use to the west of the subject property. The property is at the boundary of an industrial and residential area immediately north of the Clifford Aspgrén Park. The subject property is also less than a quarter mile from the South Platte River, the Johnson-Habitat Park, and the South Platte River Trail. The subject property is in close proximity to RTD bus route 11 that runs along South Lipan Street and West Exposition Avenue.

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	E-SU-B	Residential/Vacant	Small accessory structures and sheds	The area is served by the Denver cardinal street grid and block pattern is regular with alley access except where it is interrupted by the South Platte River and the railroad tracks running southwest/northeast. Some areas to the south and west have curvilinear street pattern but maintain alley access.
North	I-MX-3	Industrial	One-story industrial building	
South	OS-A	Open Space	Clifford Aspgrén Park	
East	I-MX-3	Industrial	Two-story industrial building	
West	E-SU-B	Single-Unit Residential	Two-story house and detached garage	

Existing Zoning



The existing zoning on the subject property is E-SU-B, which is a single-unit residential district allowing only the Urban House primary building form on a minimum zone lot of 4,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 to 19 feet in the rear 35% of the zone lot. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

Existing Land Use Map



Existing Building Form and Scale



Site - Aerial view, looking northwest (Source: Google Maps)



Site - View of the subject property, looking northeast from West Gill Place. (Source: Google Maps)



North – View of the property to the north, looking north from the alley (Source: Google Maps)



East – View of the property to the east, looking east from South Lipan Street (Source: Google Maps)



South – View of Clifford Aspgren Park, looking south from West Gill Place (Source: Google Maps)



West – View of the property to the west, looking northwest from West Gill Place (Source: Google Maps)

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. 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	E-SU-B (Existing)	I-MX-3 (Proposed)
Primary Building Forms Allowed	Urban House	General, Industrial, Town House
Maximum Height in Stories/Feet,	Front 65% - 2.5 stories / 35' Rear 35% - 1 story / 19'	General: 3 stories / 45' Industrial: 3 stories / 45' Town House: 3 stories / 38'
Zone Lot (Min.)	4,500 square feet	N/A
Zone Lot Width (Min.)	35 feet	N/A
Primary Street Block Sensitive Setback Required / If not	Yes / 20'	Town House: No/ 10' General, Industrial: No / 0
Side Street Setback (Min.)	5'	Town House: 7.5' General, Industrial: 0'
Side Interior Setback (Min.)	5'	Town House: 5' (10' when adjacent to Protected District) General, Industrial: 0' (10' when adjacent to Protected District)
Rear Alley / No Alley	12' / 20'	Town House: 5'/10' General, Industrial: 5'/10'
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5%	N/A
Upper Story Setback Above 27', adjacent to Protected District: alley/no alley and Side Interior (min)	N/A	All Forms: 20'/25'
Transparency, Primary Street / Side Street (min)	N/A	Town House, General: 40% / 25% Industrial: None

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – No Comments

Denver Parks and Recreation: Approved – No Response

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

Development Services – Project Coordination: Approved – See Comments Below

- 1) The property is currently in the review process for a simultaneous zone lot amendment (ZLAM) (2023-ZLAM-0000117) and concept review (2023-Concept-0000137 / 2023-PROJMSTR-0000256) as the current zone lots are being divided into more than 2 new zone lots.
- 2) Stipulations on the ZLAM application require that the ZLAM be approved before the rezoning can be approved as rezoning in advance of ZLAM approval will make the ZLAM not able to be approved due to the protected district designations on part of the ZLAM area of interest.
- 3) The ZLAM approval is contingent on several sub-applications being completed and approved.

Development Services - Fire Protection: Approved – 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:	9/13/24
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:	1/21/25
Planning Board Public Hearing:	2/5/25
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):	2/4/25
South Platte River Committee of the City Council meeting (tentative):	2/12/25
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 (tentative):	3/11/25
City Council Public Hearing (tentative):	4/1/25

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has received a position statement from the Athmar Park RNO in opposition to the rezoning request due to the ongoing Southwest Area Plan.
- **Other Public Comment**
 As of the date of this report, staff has received two written comments highlighting concerns about the potential number of dwelling units and displacement.

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

Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Athmar Park Neighborhood Perimeter Plan (2000)*

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 an increase in allowed housing density, while also enabling additional housing units close to services and amenities like Clifford Aspgren Park. 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 South Lipan Street at the edge of a residential neighborhood. Therefore, the 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 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 paragraph 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).

The requested map amendment will enable industrial mixed-use development at an infill location where infrastructure is already in place. The requested zone districts broaden the variety of uses allowing residents to live, work and play in the area. Therefore, 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 District 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 District context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street realm” and “the Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods.” (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 at the border between residential and industrial neighborhood, 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 District 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 east, and residential development to the west. Therefore I-MX-3 is appropriate for an Innovation/Flex location.

Street Types

Blueprint Denver classifies South Lipan Street and West Gill Place as local or undesignated streets. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160). One block to the south, West Exposition Avenue is designated as a Residential Collector. The proposed I-MX-3 zone district is intended for industrial-dominated areas served primarily by local and collector streets (DZC Section 9.1.2.1.A.3). The subject property is served by local and collector streets and the I-MX-3 zone district is consistent with this guidance.

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

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 1 – *Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets* (p. 72).
- 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).

Athmar Park Neighborhood Perimeter Plan (2000)

The subject property and proposed rezoning are located in the plan area of the Athmar Park Neighborhood Perimeter Plan. The plan does not include significant relevant guidance as it is nearly 25 years old and is somewhat outdated. However, there are still plan goals that are relevant to this rezoning:

- Overall Plan Goal 1: Promote Neighborhood stability, support preservation of the neighborhood character and create a sense of place.
- Overall Plan Goal 2: Encourage business growth, revitalization, and development in the commercial areas along the Athmar Park neighborhood edges and in the industrial area.

The proposed rezoning is located at the transition between the industrial and residential areas of Athmar Park. The subject property is currently underutilized and does not include active residential or industrial uses. The proposed I-MX-3 zone district provides flexibility in future development that is appropriate along this transition and maintains the continuity of character of both adjacent areas of the neighborhood.

Uniformity of District Regulations and Restrictions

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

Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plan.

Justifying Circumstances

The application identifies several changed or changing conditions and a change in plan direction as the justifying circumstances under DZC Section 12.4.10.8.A.4, "*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.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan...*"

The City has adopted the *Comprehensive Plan 2040* and *Blueprint Denver* since the approval of the existing E-SU-B zone district. As stated throughout this report, the proposed rezoning meets the intent of these plans.

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). As discussed above in conjunction with adopted plans, this property is near frequent bus service along South Lipan Street and is served by local streets and nearby Exposition Avenue, which is a Residential Collector. Therefore, the proposed rezoning is consistent with the stated purpose and intent of the I-MX-3 district.

Criteria for Review / Staff Evaluation (Proposed criteria effective February 24, 2025, pending adoption of Advancing Equity in Rezoning text amendment)

This section evaluates the proposed rezoning proposal using the criteria that is proposed in the Advancing Equity in Rezoning text amendment. The text amendment, if approved by City Council, is anticipated to be effective on February 24, 2025. Since this rezoning proposal is anticipated to be considered by City Council in March 2025, evaluation of the proposed criteria is included in the staff report.

DZC Section 12.4.107

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

This proposed criterion remains the same as the current criteria. Therefore, the analysis for this criterion can be found under the first criterion in the currently adopted criteria on pages xx-xx above.

2. Public Interest

The proposed rezoning is in the public interest because it directly implements adopted policy from *Comprehensive Plan 2040*, *Blueprint Denver* and the *Athmar Park Neighborhood Perimeter Plan* which all have recommendations based on significant community feedback. Additionally, rezoning this site to I-MX-3 will allow for provision of amenities and services to nearby residents. It will also promote mixed use development which has been found to increase physical activity¹ and support overall health².

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

This proposed criterion remains the same as the current criteria. Therefore, the analysis for this criterion can be found under the fifth criterion in the currently adopted criteria on pages xx-xx above.

Attachments

1. Rezoning application
2. Comment letters

1. ¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94 (via Making Healthy Place*).

2. APA report on Health in the Development Review Process: : https://planning-org-uploaded-media.s3.amazonaws.com/legacy_resources/nationalcenters/health/toolsforhealth/pdf/devreviewguidelines.pdf