



TO: Denver City Council
FROM: Ella Stueve, Senior City Planner
DATE: July 22, 2021
RE: Official Zoning Map Amendment Application #2020I-00180

Staff Report and Recommendation

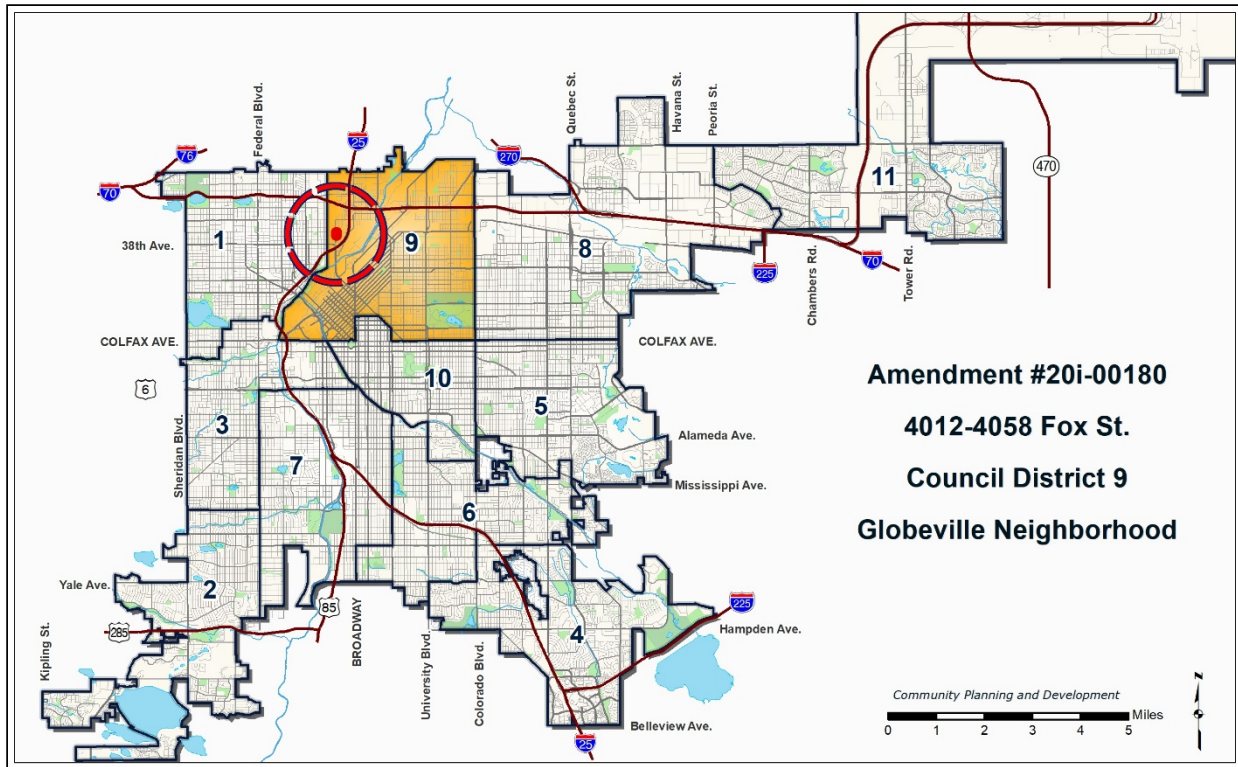
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00180.

Request for Rezoning

Address: 4012, 4040, 4046, and 4058 Fox Street
Neighborhood/Council District and CM: Globeville / Council District 9, CM CdeBaca
RNOs: Globeville First, Elyria Swansea/Globeville Business Association, UCAN, Northeast Denver Friends and Neighbors (NEDFANS), Globeville Civic Partners, Unite North Metro Denver, and Inter-Neighborhood Cooperation (INC)
Area of Property: 46,859 square feet or 1.076 acres
Current Zoning: I-A UO-2
Proposed Zoning: C-MS-8
Property Owner(s): Isiah Salazar
Owner Representative: Mike Francone

Summary of Rezoning Request

- The subject site is located in the Globeville Neighborhood in the 41st and Fox station east area. It is on the east side of Fox Street between 40th Avenue and 41st Avenue.
- The property is owned by 4040 Fox Street, LLC and currently contains the U Lucky Dog daycare for dogs, parking, and a single-unit residential property.
- The proposed rezoning is intended to reflect the intended transit-oriented development character of the area, reflecting the new 41st and Fox light rail station.
- The requested C-MS-8 zone district (Urban Center – Main Street – 8 Stories) zone district is typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets. It should be applied where active street level retail is desired or within larger mixed-use areas to promote street level retail activity. C-MX-8 applies where a building scale of 2 to 8 stories is desired. Further details about the C-MS-8 zone district can be found in Article 7 of the Denver Zoning Code (DZC).





Existing Context

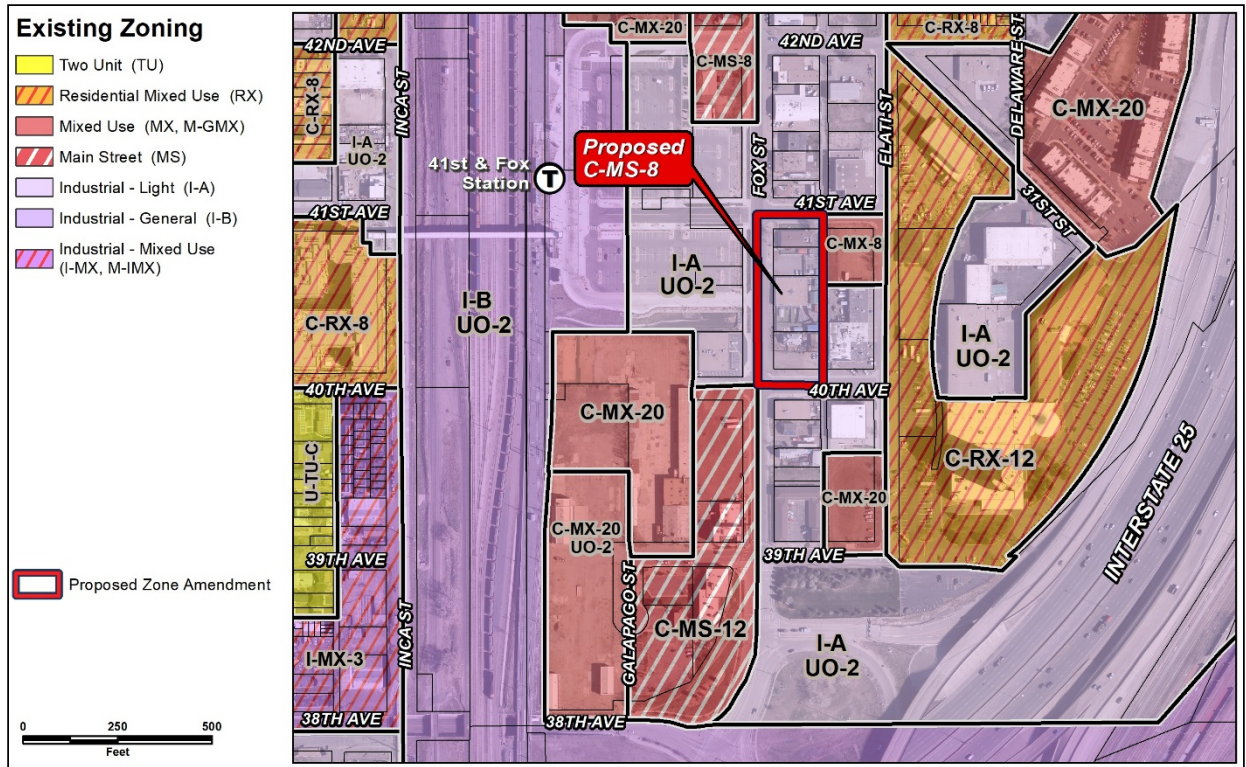
The subject property is in the Globeville neighborhood, in the 41st and Fox station area. It is part of an approximately 164-acre portion of the Globeville neighborhood that is separated from other parts of Globeville and other nearby neighborhoods by Interstates 25 and 70 to the north, east and south, and rail facilities (BNSF and RTD) to the west. Recent rezonings suggest this area is transitioning from an industrial context to an urban center neighborhood context consistent with the Station Area Plan vision, adopted in 2009. The site can be accessed by vehicles via 38th Avenue and Fox Street or West 44th Avenue to the east. In addition, a recently-constructed bridge provides bicycle and pedestrian access to the Sunnyside neighborhood with a multi-use path along Inca Street connecting into the South Platte River Trail. The subject property is located across the street from the 41st and Fox station parking lot, less than a quarter mile from the station platform, which is served by the G and B Lines providing access to Union Station, Westminster, Arvada, and Wheat Ridge.

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-A UO-2	Industrial, single-unit residential, parking	1.5-story residential with moderate setback and no sidewalk, 1-story industrial buildings with	A limited orthogonal grid extends along Fox Street from 38th Ave. to 44th Ave. The grid

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			moderate setback, detached sidewalk, and parking lot	is limited by the rail corridor to the west, I-25 to the south and east, and by large industrial sites and I-70 to the north. The area has limited access from other neighborhoods, including 44th Ave. from the southeast portion of Globeville, 38th Ave. from the Sunnyside neighborhood (west), and Fox Street to Park Avenue that provides direct access to downtown.
North	I-A UO-2	Single-unit residential, industrial	1-story residential and industrial buildings with small setback, attached or no sidewalk	
South	I-A UO-2	Industrial, single-unit residential, mixed-use	1-story industrial building with small setback, no sidewalk	
East	C-MX-8, I-A UO-2	Industrial, vacant	1-story industrial building with small setback, no sidewalk	
West	I-A UO-2	Industrial, parking	Surface parking lot with landscaping, detached sidewalk	

1. Existing Zoning



The existing zoning on the subject property is I-A, UO-2. I-A is a light industrial zone district in the Industrial Context. It allows office, business, and light industrial uses. Residential uses are only permitted where a residential structure existed prior to July 1, 2004. The General and Industrial building forms are allowed in the I-A zone district, and building mass is regulated by a maximum Floor Area Ratio of 2.0. No maximum building height is specified for the zone district except for when a site is within 175 feet of a Protected District, in which case the maximum permitted building height is 75 feet. There are no build-to requirements, transparency requirements, or street level activation standards in the I-A zone district. Surface parking is permitted between the building and primary and side streets. For additional details on the zone district, see DZC Division 9.1.

The UO-2 Billboard Use Overlay allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is proposing to eliminate the UO-2 overlay on the property. For additional details on the overlay, see DZC Section 9.4.4.7.

Several other properties in the immediate vicinity have been rezoned in recent years to Urban Center zone districts. Properties along Fox Street have been rezoned to C-MS (Main Street) districts, with varying maximum building heights.

2. Development Services Review

The subject property is within the area governed by the 41st & Fox Station – East Rules & Regulations (see Attachment 2). These Rules & Regulations were adopted in 2018 by the Department of Transportation & Infrastructure (DOTI) and Community Planning and Development (CPD) to manage development and trip generation in the Fox Station area. The limited vehicular access to the area poses a challenge to providing adequate emergency service operations, particularly as density increases in the area. Therefore, the Rules & Regulations limit new development to ensure that vehicle trip generation does not exceed the existing roadway capacity in the area. Projects in the area are required to implement transportation demand management (TDM) plans to minimize vehicle trip generation from new development. Through the permitting process, projects submit an analysis estimating their vehicle trip generation, and then they reserve these expected vehicle trips from the remaining vehicle capacity. These Rules & Regulations dictate that without investment to the vehicle infrastructure to expand vehicle capacity, permits for additional development will not be approved once the remaining trip capacity has been reserved and allocated.

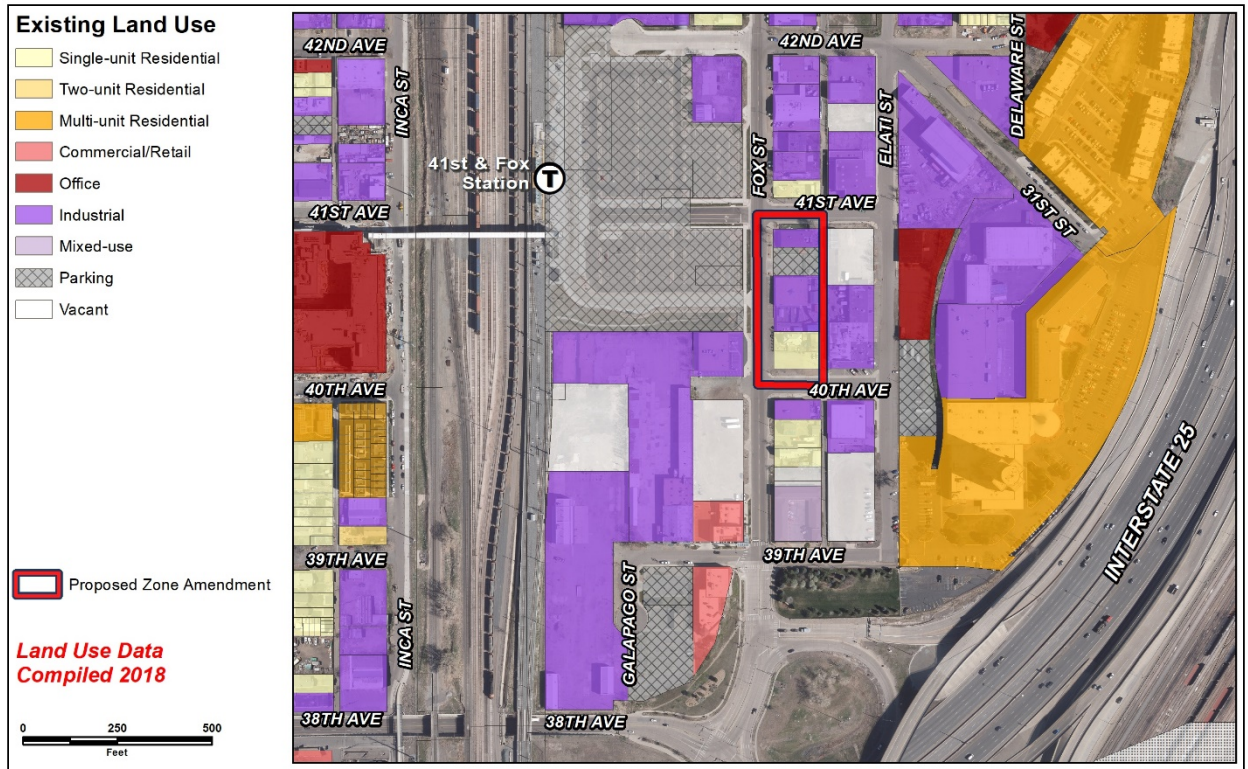
Given the limited development capacity under current policy, CPD recommends that applicants for rezonings in the area governed by these Rules & Regulations complete the transportation analysis and reserve their trips concurrent with the rezoning process. The applicant for this proposed rezoning has completed the Concept Review with Development Services, including submitting a TDM plan to reduce vehicle trip generation from the proposed development. Based on a plan for an eight-story development with 6,000 sf of retail/business uses and approximately 220 residential units, the applicant has reserved 854 daily vehicle trips under the Rules & Regulations. For more information about this system for reserving trips, see the Small Area Plan: 41st and Fox Station Area Plan discussion starting on page 17 of this staff report.

3. Affordable Housing Agreement

Concurrent with the rezoning, the applicant is working with HOST staff to formalize voluntary affordable housing agreement as a build alternative. Commitments of the agreement-in-principle include a minimum of 20 income-restricted rental units (IRU's) serving households earning up to 80% of the Area Median Income (AMI) for a covenant length of 60 years. This includes seven studio units, nine one-bedroom units, and four two-bedroom units.

Approval of the map amendment application is for the requested district and not an approval of a site-specific development plan.

4. Existing Land Use Map



5. Existing Building Form and Scale

All images are from Google Streetview.



View of the subject property looking northeast from the corner of Fox Street and 40th Avenue



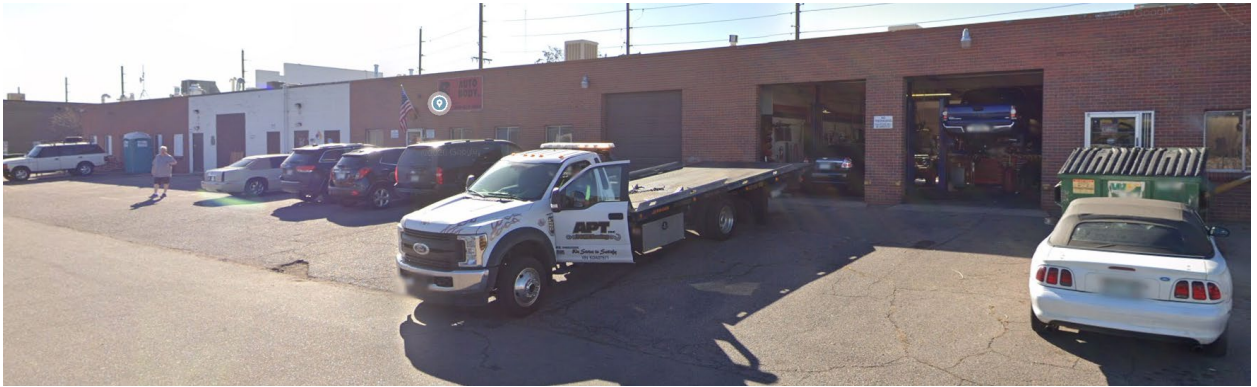
View of subject property looking southeast from the corner of Fox Street and 41st Avenue



View of the RTD parking lot and 41st and Fox station directly west of the subject property, looking west from Fox Street between 40th Avenue and 41st Avenue



View of the one-story residential and industrial building forms directly north of the subject property, looking northeast from the corner of Fox Street and 41st Avenue



View of single-story industrial buildings directly east of the subject property, looking west from Elati Street between 40th Avenue and 41st Avenue



View of single-story industrial building directly south of the subject property, looking south from 40th Avenue between Fox Street and Elati Street

Proposed Zoning

The requested C-MS-8 zone district has a maximum height of eight stories or 110' with allowable encroachments. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and commercial uses are allowed. Minimum vehicle parking requirements in the C-MS-8 zone district are generally the same or lower than the minimum vehicle parking requirements in the existing I-A zone district. For additional details of the requested zone district, see DZC Article 7.

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

Design Standards	I-A UO-2 (Existing)	C-MS-8 (Proposed)
Primary Building Forms Allowed	General, Industrial	Town House; Drive Thru Services*; Drive Thru Restaurant*; Shopfront

Stories/Heights (max)	N/A (75' within 175' of a Protected District)	8/110' to 5/70'**
Primary Build-To Percentages (min)	N/A	70% to 75%**
Primary Build-To Ranges	N/A	0' to 5', 10' to 15'**
Primary Setbacks (min)	20'	0', 10'**
Building Coverages	2.0 FAR	N/A
Primary Transparency	N/A	40% to 60%**

*Building form not allowed within a ¼ mile of a transit station platform

**Standard varies between building forms

Summary of City Agency Referral Comments

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

Assessor: Approved – No response.

Asset Management: Approved – No comments.

Denver Public Schools: Approved – No response.

Department of Public Health and Environment: Approved – No Response.

Denver Parks and Recreation: Approved – No response.

Public Works – R.O.W. - City Surveyor: Approved – Provided corrected legal description which was approved by applicant.

Development Services - Transportation: Approved – No response.

Development Services – Wastewater: Approved – See comments below.

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No response.

Development Services – Fire Prevention: Approved – No comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/19/21
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 City Council, registered neighborhood organizations, and property owners:	4/20/21
Planning Board voted 7 to 0 at the public hearing to recommend approval to City Council:	5/5/21
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:	2/27/21
Land Use, Transportation and Infrastructure Committee of the City Council:	5/11/21
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:	7/5/21
City Council Public Hearing:	7/26/21

As detailed in the application, the applicant contacted the RNOs and neighborhood groups in the area. As of the time of this staff report, no comments have been received on this application.

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)
- *41st and Fox Station Area Plan* (2009)
- *Globeville Neighborhood Plan* (2014)

Denver Comprehensive Plan 2040

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

The proposed rezoning would allow for housing options near transit and near other mixed-use developments, which is consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).

The proposed rezoning would facilitate transforming Fox Street into a mixed-use center by allowing a mix of housing and services, including neighborhood-serving businesses, through pedestrian-oriented infill, which is 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 B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (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).
- Strong and Authentic Neighborhoods, Goal 4, Strategy A – *Grow and support neighborhood-serving businesses* (p. 35).

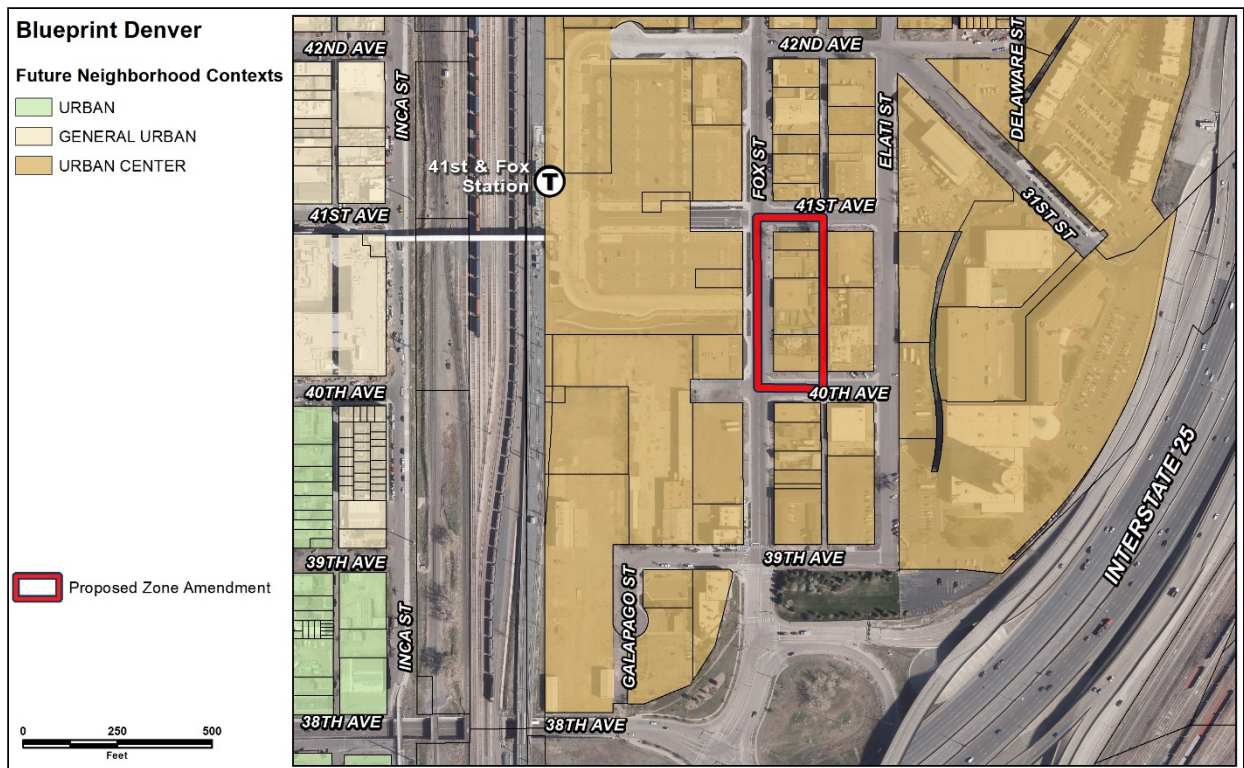
The proposed map amendment would allow for mixed-use infill development near transit, consistent with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p.54).
- Environmentally Resilient Goal 8, Strategy 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).

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 within the Urban Center Neighborhood Context and provides guidance from the future growth strategy for the city.

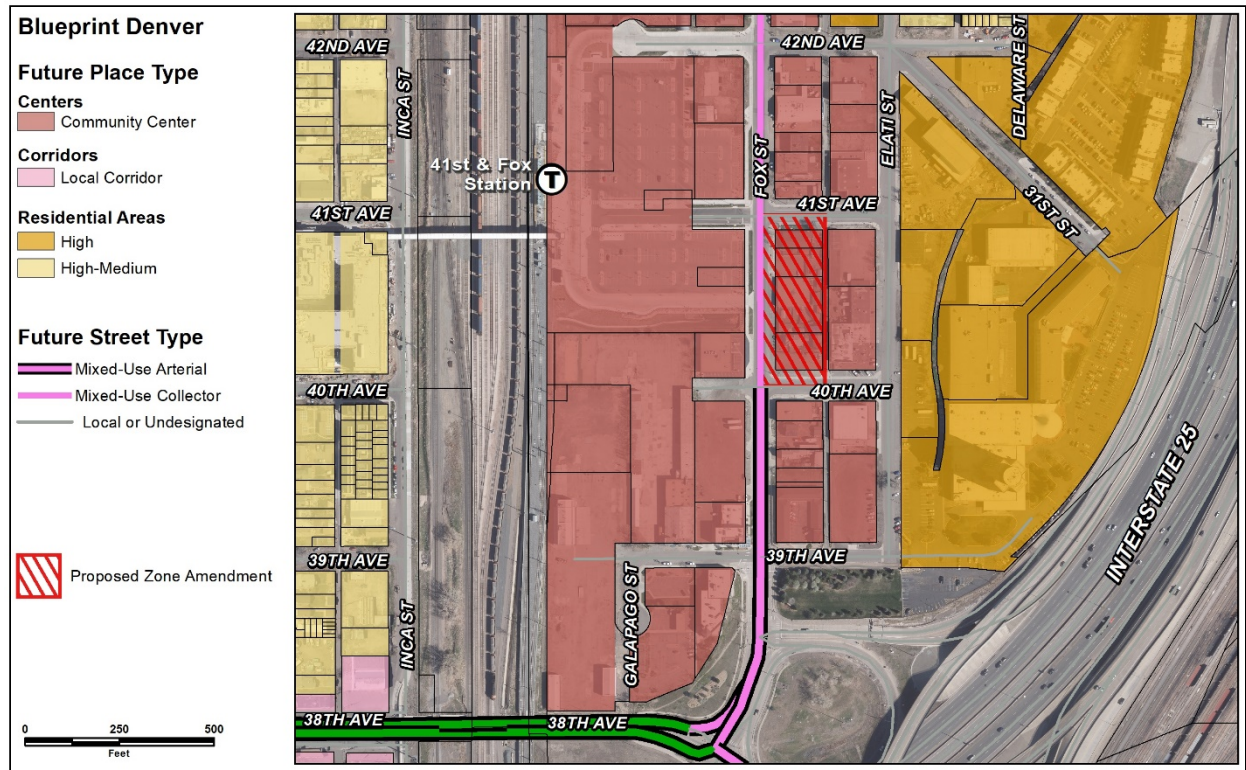
Blueprint Denver Future Neighborhood Context



The subject property is within the Urban Center Neighborhood Context. “This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed C-MS-8 zone district is part of the Urban Center 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 edge”

(DZC 7.2.4.1). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

Blueprint Denver Future Places



The Future Places Map shows the subject property as part of a Community Center. *Blueprint Denver* describes Community Centers in the Urban Center context as a place that “Provides a mix of office, commercial and residential uses...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 in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas” (p. 256). The proposed C-MS-8 zone district provides a wide range and mix of uses within the recommended 12-story maximum height and is therefore consistent with the Community Center place type description.

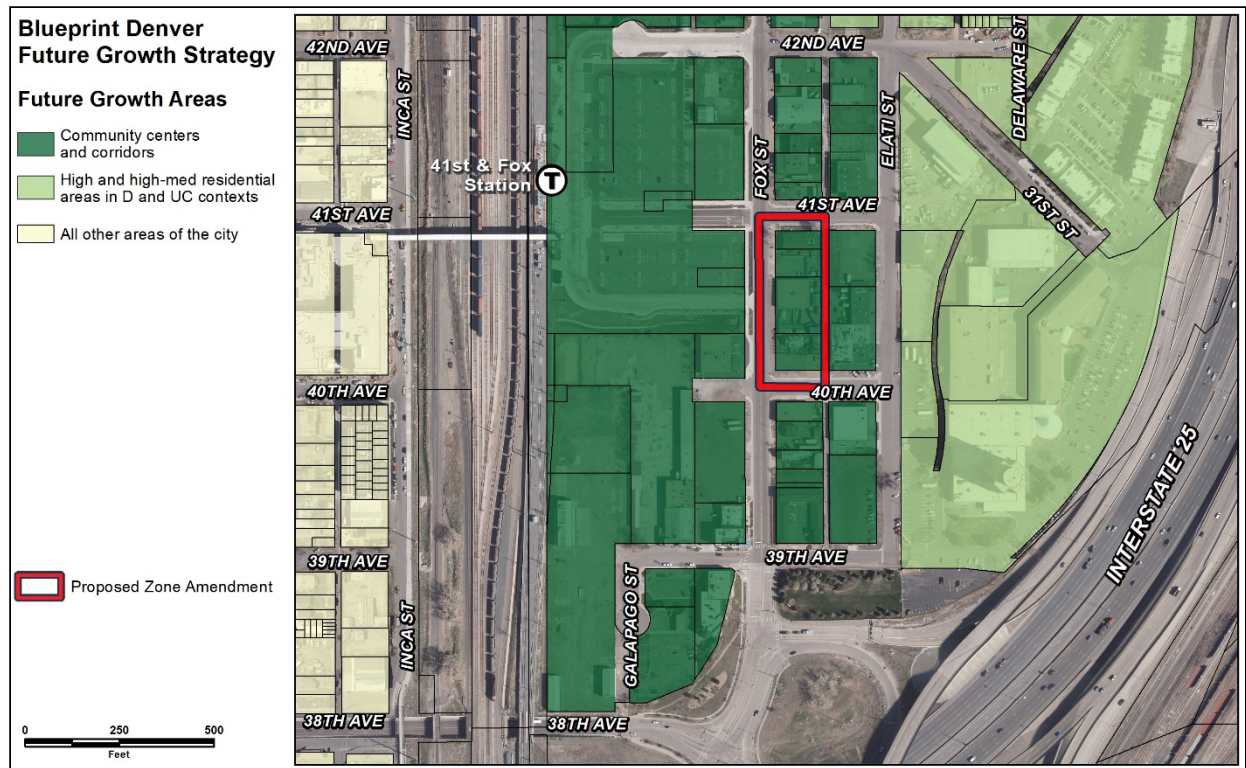
Blueprint Denver Street Types

Blueprint Denver classifies Fox Street as a Mixed-Use collector adjacent to the site, transitioning from a Mixed-Use Arterial south of 40th Avenue. “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.154).

The use and built form characteristics of Mixed-Use streets is described as, “Varied uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback” (p.159). The proposed C-MS-8 “applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area” (DZC, 7.2.4.2).

The street grid in this portion of the city is interrupted in three directions (by 38th Ave. and I-25 to the south, freight rail tracks to the east, and I-70 to the north). Most streets do not connect across these barriers, and as a result provide primarily local access. However, the pedestrian/bike bridge and the Inca Street Multi-Use Path both cross these barriers. The proposed C-MS-8 district is consistent with the *Blueprint Denver* street type guidance due to the subject site’s proximity to the station platform and the recently-completed Inca Street Multi-Use Path as well as by being adjacent to a Mixed-Use Collector as it transitions from a Mixed-Use Arterial.

Growth Strategy

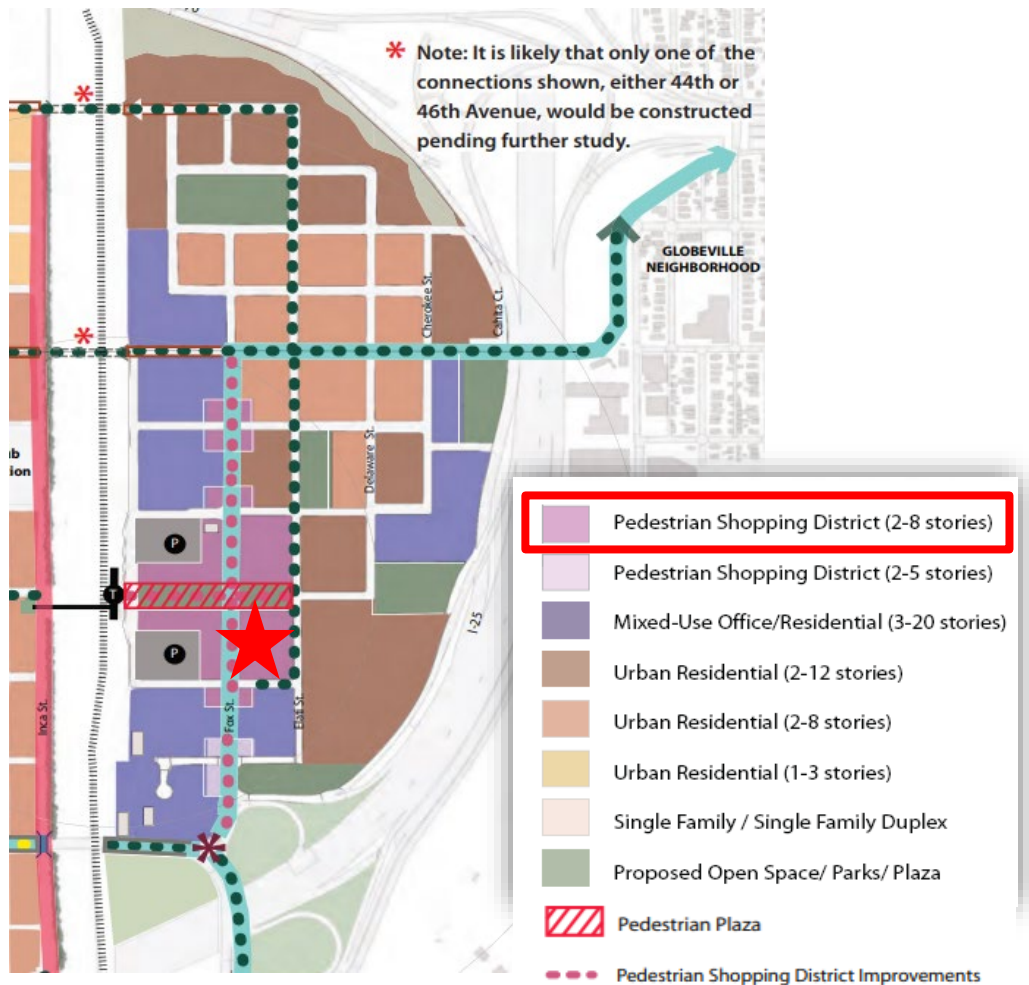


The subject property is part of the Community centers and corridors growth area. These areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed map amendment to C-MS-8 will focus mixed-use growth to an area where it has been determined to be most appropriate. Therefore, the requested zone district is consistent with the Growth Strategy.

Small Area Plan: 41st and Fox Station Area Plan

The 41st and Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan focuses on the long-term redevelopment of the area east of the railroad tracks “to create a complete, transit-friendly neighborhood” (p. viii).

The subject property is designated as Pedestrian Shopping District (2-8 stories), which “is centered on the intersection of 41st Avenue and Fox Street in close proximity to the transit station. Ground floor uses include a wide variety of shopping, entertainment, and services with residential, employment or expanded commercial uses on the upper floors... Urban design features such as continuous street frontages with sidewalk entrances, ground floor windows, awnings, pedestrian oriented signs and lighting are important to creating the necessary building forms” (p. 15).



The 41st and Fox Station Area Plan also includes urban design recommendations, including that “the ground floors of buildings in all areas should contain the following elements: prominent, street facing

entries, extensive ground floor windows and frequent entrances, pedestrian scaled facades, awnings to protect pedestrians and mark entrances, and building entrances that meet the sidewalk” (p. 18). The plan also calls for building edges to be “brought to the sidewalk with minimal setbacks” (p. 18).

The proposed C-MS-8 zoning only allows the Shopfront and Town House building forms at the subject site, which is within a quarter mile of the rail platform. The Shopfront building form requires that 75% of the building façade be within 5 feet of the street (10 feet for residential only buildings). It also requires a minimum of 60 percent of the street-facing façade to be transparent (40 percent for residential only buildings). The proposed C-MS-8 zoning would allow mixed-use development with a maximum height of 8 stories and an emphasis on street level activation, consistent with the plan guidance for the area.

The plan includes mobility infrastructure recommendations intended to ensure the area can accommodate the growth called for in the plan (p. 20). Some of these recommendations have been completed, such as the RTD G Line opening, the multi-use path connecting across 38th Avenue to the South Platte River Trail, and the new pedestrian bridge over the railroad tracks at the station. Some recommendations have not been completed, such as the proposed new street connection across the railroad tracks at 44th Avenue or 46th Avenue. While the vision of this area is for many of the trips generated by development to be by transit, walking, or bicycle, some portion of new trips will be by car. The recommended infrastructure investments that have not been constructed are needed to accommodate both these new car trips as well as emergency access to the area.

As detailed in the Development Services Review section of this report, the 41st & Fox – East Rules & Regulations (see Attachment 2) were adopted to ensure that the new vehicle trips generated by development do not exceed capacity. Any potential development on this site is subject to these Rules & Regulations. The applicant has submitted a Concept Plan that is consistent with this proposed rezoning, including a TDM plan for the proposed development. As part of that Concept Review for an 8-story mixed-use project, the applicant has reserved 854 daily vehicle trips. When the Rules & Regulations were adopted, staff determined that there were 12,995 daily trips of remaining capacity that could be assigned until further investments are made to expand capacity. As of April 2, 2021, 12,867 daily trips had been reserved by potential projects, including the proposed development on this site, leaving 128 trips remaining to be reserved.

The proposed C-MS-8 zoning would allow mixed-use development with a maximum height of 8 stories and an emphasis on street level activation, and the applicant has ensured that the expected impact of this rezoning can be accommodated by the existing transportation network since the mobility improvements recommended by this plan have not yet been completed. Therefore, this proposed rezoning is consistent with the *41st and Fox Station Area Plan*.

Small Area Plan: Globeville Neighborhood Plan

The Globeville Neighborhood Plan was adopted by City Council in 2014 and includes the subject site. The Globeville Neighborhood Plan reinforces the land use recommendations established in the 41st and Fox Station Area Plan. It defines the vision for this area of Globeville, stating that, “The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive, and environmentally sustainable urban center.” (p. 15). In the “Strong” section of the Plan, the 41st and Fox

Station area is identified as an opportunity site to “create a broad base of new jobs in diverse economic sectors by redeveloping opportunity sites throughout the neighborhood” (p. 44).

The site is mapped as Transit-Oriented Development, which is defined as areas that have “land uses with a direct correlation to the function of a mass transit system. These development sites are typically located within a half mile walking distance of a transit station. Transit-oriented developments provide housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access” (p. 30-31). The site is also mapped as an “Area of Change,” which is an area where the purpose is, “to channel growth where it is desirable and would be the most beneficial” (p. 30).



The proposed C-RX-12 zone district is consistent with the recommendations of the Globeville Neighborhood Plan, which reinforce the 41st and Fox Station Area Plan. The proposed rezoning would facilitate the redevelopment of the subject site and allow a variety of residential and commercial uses, consistent with the Globeville Neighborhood Plan recommendations.

Housing an Inclusive Denver

Housing an Inclusive Denver is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council in 2018. The proposed rezoning and associated voluntary affordable housing agreement are consistent with many of the *Housing and Inclusive Denver* recommendations, including:

- Recommendation 2: “Expand and strengthen land-use regulations for affordable and mixed income housing. Through Blueprint Denver and supplemental implementation actions such as

zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing” (p. 9)

- Recommendation 5: “Promote development of new affordable, mixed-income and mixed-use housing.” (p. 83).

The proposed rezoning and an associated voluntary affordable housing agreement will enable the development of new affordable, mixed-income housing on the site. The concurrent development agreement commits this site to the provision of affordable housing. Given this commitment, the proposed rezoning would facilitate additional affordable housing opportunities in a vulnerable neighborhood consistent with the goals and strategies of *Housing an Inclusive Denver*. The requested zone district meets the consistency with adopted plans criterion without additional support from Housing an Inclusive Denver and the inclusion of a voluntary affordable housing agreement. These items further strengthen an already fully consistent application.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MS-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 furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans.

The rezoning would allow redevelopment of the site in a zone district that is “intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge” (DZC 7.2.4.1). Compared to the current industrial zoning, the proposed zone district would enable (and even require) more pedestrian-friendly building forms, which encourages walking and activates public spaces. The rezoning would also allow an increase in density and a broader mix of uses, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

4. Justifying Circumstance

The proposed official map amendment is in an area with changed and changing conditions. DZC Section 12.4.10.8.A.4. states that “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...Changed or changing conditions in a particular area, or in the city generally.” Changed conditions include the introduction of the 41st & Fox commuter rail station and the associated pedestrian bridge that provides a new connection across the railroad tracks to Globeville. Another

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

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

relevant infrastructure improvement is the recently-completed Inca Street Multi-Use Path which connects to a bridge over 38th Avenue, providing a multi-modal direct link from this area to downtown and other activity centers along the South Platte River Trail. These improvements have created a shift in transportation opportunity that supports higher-intensity, mixed use development.

Additionally, several nearby properties have pursued rezoning for future transit-oriented redevelopment, and some of these, such as the shops in the northwest corner of Fox Street and 39th Avenue and the Villas at the Regency at 2551-2559 31st Street, have already developed, signaling new market interest in development. These changes are appropriate justifying circumstances for the proposed rezoning.

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

The requested zone district is within the Urban Center Neighborhood Context, which generally consists of multi-unit residential and mixed-use commercial strips and commercial centers in an orthogonal street grid with high levels of bike and pedestrian access to transit (DZC 7.1). Given the surrounding context and the adopted plan guidance, Urban Center is an appropriate Neighborhood Context for this site.

Within the Urban Center context, the general purpose of the Main Street Zone Districts is to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge (DZC 7.2.4.1). These districts “should be applied where active Street Level retail is desired” (DZC 7.2.4.1). The purpose of the Main Street Zone Districts is appropriate for a site in an area envisioned as a transit-oriented development along a street that is intended to anchor the economic activity of that area as a pedestrian shopping district.

The specific intent specifies that the C-MS-8 zone district “applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 8 stories is desired” (DZC 7.2.4.2.B). The proposed C-MS-8 zone district would allow mixed-use development in pedestrian-scaled building forms up to 8 stories. The subject site is adjacent to Fox Street as the street transitions between arterial and collector. Therefore, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements of the proposed C-MS-8 zone district.

Attachments

1. Application
2. 41st & Fox Station – East Rules & Regulations