

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Colorado Motor Carriers Assn	Representative Name	Patricia Gillette
Address	4060 Elati Street	Address	4060 Elati Street
City, State, Zip	Denver, CO 80216	City, State, Zip	Denver, CO 80216
Telephone	303.433.3375	Telephone	303-433-3375, ext. 104
Email	patti@cmca.com	Email	patti@cmca.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4060 Elati Street, Denver, CO 80216		
Assessor's Parcel Numbers:	0222300027000		
Area in Acres or Square Feet:	30,852		
Current Zone District(s):	I-A, UO-2		
PROPOSAL			
Proposed Zone District:	C-RX-12		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Last updated: September 29, 2015

 Return completed form to rezoning@denvergov.org
311 | FOR INFORMATION & CITY SERVICES

For Office Use Only:

Date _____ Fee _____

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • rezoning@denvergov.org

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Gregory D. Fulton	4060 Elati Street Denver, CO 80216 303-433-3375 patti@cmca.com	100%	<i>Gregory D. Fulton</i>	<i>2/20/17</i>	<i>warranty deed</i>	No

Last updated: September 29, 2015

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FAQs, Glossary and Information

Summary

Details			
Name	COLORADO MOTOR CARRIERS' ASSOCIATION		
Status	Good Standing	Formation date	12/14/1939
ID number	19871104783	Form	Nonprofit Corporation
Periodic report month	December	Jurisdiction	Colorado
Principal office street address	4060 ELATI ST, DENVER, CO 80216 , United States		
Principal office mailing address	n/a		

Registered Agent	
Name	GREGORY D FULTON
Street address	4060 ELATI ST, DENVER, CO 80216, United States
Mailing address	n/a

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COLORADO MOTOR CARRIERS ASSOCIATION

An Affiliate of the American Trucking Associations, Inc.

4060 Elati Street ▲ Denver, Colorado 80216 ▲ Phone: 303-433-3375 ▲ Fax: 303-477-6977 ▲ Web Site: www.cmca.com

March 13, 2017

Morgan Gardner
Operations Assistant
City & County of Denver
Community Planning and Development – Planning Services

Re: Zoning Map Amendment – 4060 Elati Street, Denver, CO 80216

To Whom It May Concern:

I hereby make Patricia Gillette, Vice President of the Colorado Motor Carriers Association, the authorized representative to act on behalf of the Colorado Motor Carriers Association for all matters concerning the rezoning of 4060 Elati Street, Denver, Colorado, 80216.

Her contact information is below.

Patricia (Patti) Gillette
Vice President
Colorado Motor Carriers Association
4060 Elati Street
Denver, CO 80216
303-433-3375, ext. 104
patti@cmca.com

Sincerely,


Gregory D. Fulton
President

4060 ELATI ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
COLORADO MOTOR CARRIERS 4060 ELATI ST DENVER, CO 80216-4814	0222300027000	T3 R68 S22 SW/4 DIF BOOK 7802-375	COMMERCIAL - OFFICE BUILDING	DENV

[Property Summary](#) [Property Map](#)

Assessment

Property

Actual Value Year 2016	Actual Value:	\$741,600	Year Built:	1956	Square Footage:	6696
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Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price
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No comparables available for this property.

68047

Recorded at JAN -9 1959 M.
Reception No.

7802 375
68047

Recorder
OF DENVER
RECORDS OFFICE

THIS DEED, Made this 6th day of January

in the year of our Lord one thousand nine hundred and fifty-six
between ANGELINA VINNOLA

of the City and
County of Denver and State of Colorado, of the first part, and
COLORADO MOTOR CARRIERS' ASSOCIATION, a Colorado
Corporation, not for pecuniary profit
of the City and County of Denver and

State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) and other good and valuable consideration - DOLLARS, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot s or parcel s of land, situate, lying and being in the City and County of Denver and State of Colorado, to-wit:

Part of the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 3 South, Range 68 West, 6th P.M. described as follows:

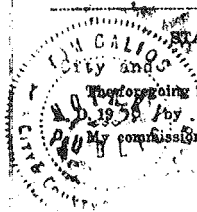
BEGINNING at the point of intersection of the South line of West 41st Avenue and the East line of Elati Street as platted in Viaduct Addition to Denver; thence South 00° 02' West along the East line of Elati Street a distance of 295.0 feet; thence South 89° 56' East, a distance of 77.5 feet to a point on the West right-of-way line of the Farmers and Gardeners Hitch; thence North 03° 26' 30" West, along said West right-of-way line, a distance of 82.89 feet; thence North 21° 39' 30" East along said West right-of-way line, a distance of 101.52 feet; thence North 10° 51' East, along said West right-of-way line, a distance of 74.4 feet; thence North 31° 21' East, along said West right-of-way line, a distance of 52.28 feet to a point on the East line of West 41st Avenue; thence North 89° 56' West, along the South line of West 41st Avenue, a distance of 151.1 feet more or less to the point of beginning.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said party of the first part, for her self, her heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the encasing and delivery of these presents, she is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever, except 1956 General and Moffat Tunnel taxes and subsequent Moffat Tunnel Taxes.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.
IN WITNESS WHEREOF, the said party of the first part has hereunto set hand and seal the day and year first above written.

Angelina Vinnola (SEAL)
Angelina Vinnola (SEAL)
(SEAL)



STATE OF COLORADO
County of Denver } ss.
The foregoing instrument was acknowledged before me this 6th day of January

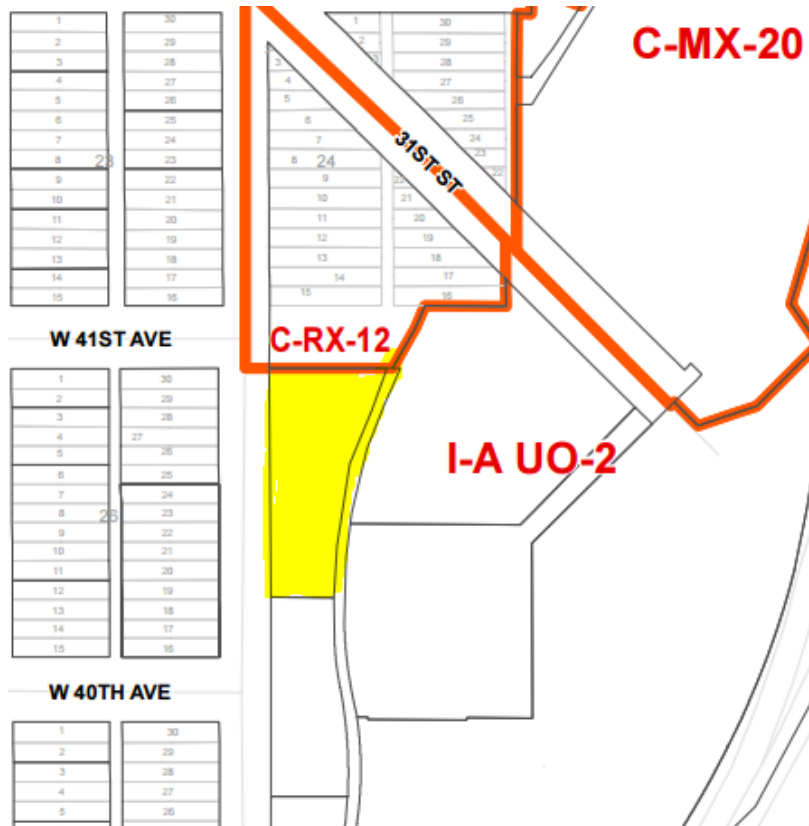
1959 by Angelina Vinnola
My commission expires November 14, 1959. Witness my hand and official seal.
Tom Galio
Notary Public.

Rezoning Application
4060 Elati Street, Denver, CO 80216
Review Criteria

Legal Description

A Parcel recorded in Book 7802 at Page 375 in the Clerk and Recorder's Office of the City and County of Denver, located in a part of the southwest ¼ of Section 22, Township 3 South, Range 68 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the point of intersection of the South line of West 41st Avenue and the East line of Elati Street as platted in Viaduct Addition to Denver; thence South 0° 02' 00" West along the East line of Elati Street a distance of 295.0 feet; thence South 89° 56' 00" East, a distance of 77.5 feet to a point on the West right-of-way line of the Farmers and Gardeners Ditch; thence North 03° 26' 30" West, along said West right-of-way line, a distance of 82.89 feet; thence North 21° 39' 30" East along said West right-of-way line, a distance of 101.52 feet; thence North 10° 51' East along said West right-of-way line a distance of 74.4 feet; thence North 31° 21' 00" East along said West right-of-way line, a distance of 52.28 feet to a point on the East line of West 41st Avenue; thence North 89° 56' 00" West, along the South line of West 41st Avenue, a distance of 151.1 feet more or less to the point of beginning.



City and County of Denver Zoning Map / Quarter Section Northwest 029





Colorado Motor Carriers Association

Elati St

Elati St

Elati St

Elati St

Auto Body Inc

Rezoning Application
4060 Elati Street, Denver, CO 80216
Review Criteria

Consistency with Adopted Plans

1. Blueprint Denver (2002)
 - a. This property is located on Elati Street, one block east of the Fox Street corridor within an area of change next to the developing rail station and other properties positioned for redevelopment in the Globeville neighborhood. The proposed map amendment from I-A, UO-2 to C-RX-12 will provide a mix of uses that are appropriate for this urban station area setting. This zone map amendment will permit development of primarily residential and minor commercial uses consistent with the Blueprint Denver map. The proposed zone change will allow for residential and commercial growth as the expansion of the Gold Line commuter rail and other forms of travel increase the desire for business owners and developers to locate in the region, creating a new urban center for business and residential purposes.
 - b. The Blueprint Denver Plan identifies this area as an “Area of Change”, and highlights the changing neighborhood from industrial to urban residential. The proposed map amendment is aligned with this portion of the Plan as well. The proposed map amendment also fits the 12 story maximum height represented in the Plan.
2. Globeville Neighborhood Plan (2014)
 - a. The Globeville Plan was recently approved by the neighborhood and ratified by the City Council. The Globeville Plan calls for Main Street and Commercial Mixed Use with density surrounding the 41st and Fox Street light rail station. By creating an urban center around high use transportation depot, new economic growth and activity will be pulled into an area requiring new life. The new zoning we seek will allow for quick, intelligent and reasonable growth in the area to help spur other elements of the neighborhood to also grow.
 - b. The Globeville Neighborhood Plan identifies this area as an “Area of Change” as well, and highlights the changing neighborhood from industrial to urban residential. The proposed map amendment is aligned with this portion of the Plan as well. The proposed map amendment also fits the 12 story maximum height represented in the Plan.
3. 41st and Fox Station Area Plan (2009)
 - a. The 41st and Fox Station Area plan is the most recently approved development plan and reinforces the plans previously mentioned. This plan is particularly important to the property because of its proximity to the Light Rail Station. By allowing for high-density residential developments, the area will become a central hub for economic activity that will stretch throughout the residual areas. By increasing availability for 12 stories for

residential or other commercial uses, we are creating more room for new generations of families to setup and continue to grow the region. The plan calls for the Fox Street corridor to be an urban mall region, and residential development near Fox Street and the light rail station.

- b. The Fox Station Plan identifies this area as an “Area of Change” as well, and highlights the changing neighborhood from industrial to urban residential. The proposed map amendment is aligned with this portion of the Plan as well. The proposed map amendment also fits the 12 story maximum height represented in the Plan.

**Rezoning Application
4060 Elati Street, Denver, CO 80216
Review Criteria**

**Uniformity of District Regulations and Restrictions
and
Public Health, Safety and General Welfare**

Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-12 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 of the City primarily through the implementation of the City's adopted land use plans.

Rezoning Application
4060 Elati Street, Denver, CO 80216
Review Criteria

Justifying Circumstances

The most applicable Justifying Circumstance for this proposed map amendment is the following: *“The land or its surrounding have changed or are changing to such a degree that rezoning the site is in the Public Interest to encourage a redevelopment of the area to recognize the changed character of the area”*.

As identified previously, several adopted plan recommendations state that redevelopment of the area is desired and that the character of the area is changing. Specifically, the Concept Land Use and Areas of Change map from the recently-adopted Globeville Neighborhood Plan (2014) identifies the 41st and Fox Station area as an Area of Change. This is an appropriate Justifying Circumstance for the proposed rezoning.

Of significance is the soon-to-be-operational Fox Street Station. This station, the first to the North of Denver Union Station, is directly connected to and adjacent to the subject properties. The Fox Street Station is part of the Regional Transportation District’s Gold Line commuter rail project, which will open in 2017. The proximity of the subject property to the location is strong justification for a change of zone district to permit appropriate mixed-use development at an urban density. Further, the city’s new zoning code and recent mixed-use developments in the area provide even further context for the zoning change as Globeville continues to transform.

Changing Conditions to the land and its surroundings include the following:

- a. Adopted plans for the station area including the 41st Avenue and Fox Street (Fox Street Station) plan in 2009, and the Globeville Neighborhood Plan in 2014.
- b. The commuter rail station construction has been completed, with a projected opening date in 2017.
- c. Other properties surrounding the station have successfully completed and / or continue to pursue rezoning for future transit oriented development, including properties to the north and east of this proposed map amendment parcel.
- d. Recent Regency Student Housing built at 42nd Avenue and Elati Street, and adjacent new retail built at 39th Avenue and Fox Street.

Although neighborhood context today is generally industrial (current I-A and I-B zoning), these proposed zone districts will allow the station area to evolve into its intended neighborhood character as described in adopted plans. The C-RX-12 zone district meets the intent of the future desired neighborhood context as a vibrant, walkable and compact mixed-use transit-oriented development area.

Rezoning Application

4060 Elati Street, Denver, CO 80216

Review Criteria

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

C-RX-12 is an Urban Center, Residential Mixed Use Zone District that is intended to promote safe, active and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public realm. This District is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods, and are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods.

The neighborhood context around the 41st and Fox Street Station today is a mix of legacy industrial zoning along with recently rezoned mixed use and mainstreet zoning in anticipation of higher-density mixed-use development and greater street activation proximate to the light rail station. The proposed zone district of C-RX-12 for the subject property will allow the station area to continue to evolve into the intended Urban Center as envisioned in adopted city plans, and meet the intent of this future, desired neighborhood context as a vibrant, walkable transit-oriented development area.

According to the zone district intent stated in the Denver Zoning Code, C-RX-12 applies to residentially-dominated areas served primarily arterial streets where a building scale of 2 to 12 stories is desired. The site has access on Elati Street, a residential collector street, and just one block from the Fox Street Station.



TO: Land Use, Transportation, & Infrastructure Committee
FROM: Andrew Webb, Senior Planner
DATE: July 11, 2017
RE: Official Zoning Map Amendment Application #2017I-00004
4060 N. Elati Street
Rezoning from I-A UO-2 to C-RX-12

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-0004.

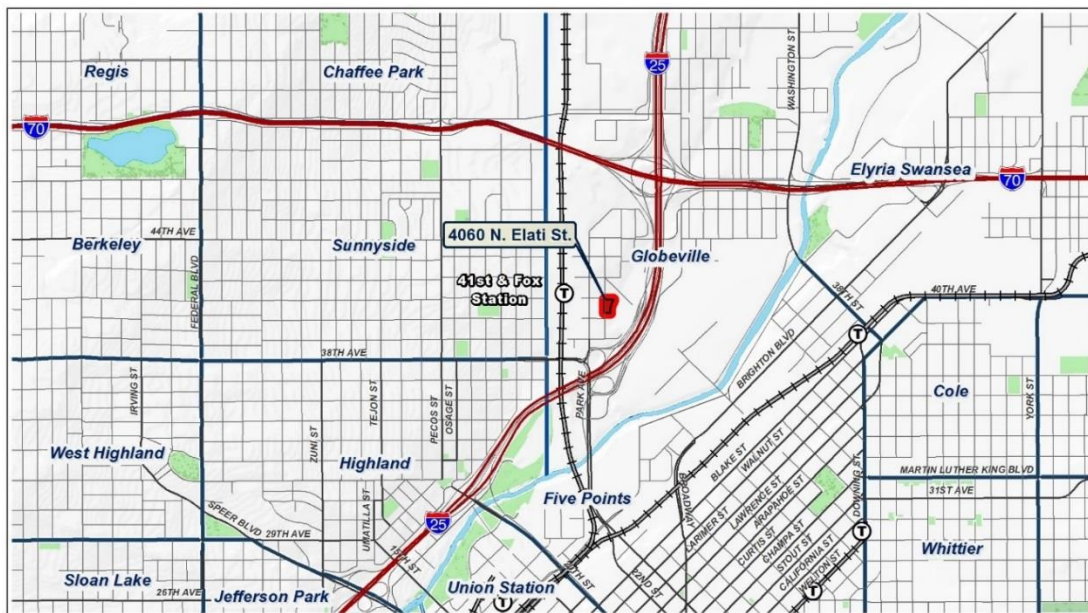
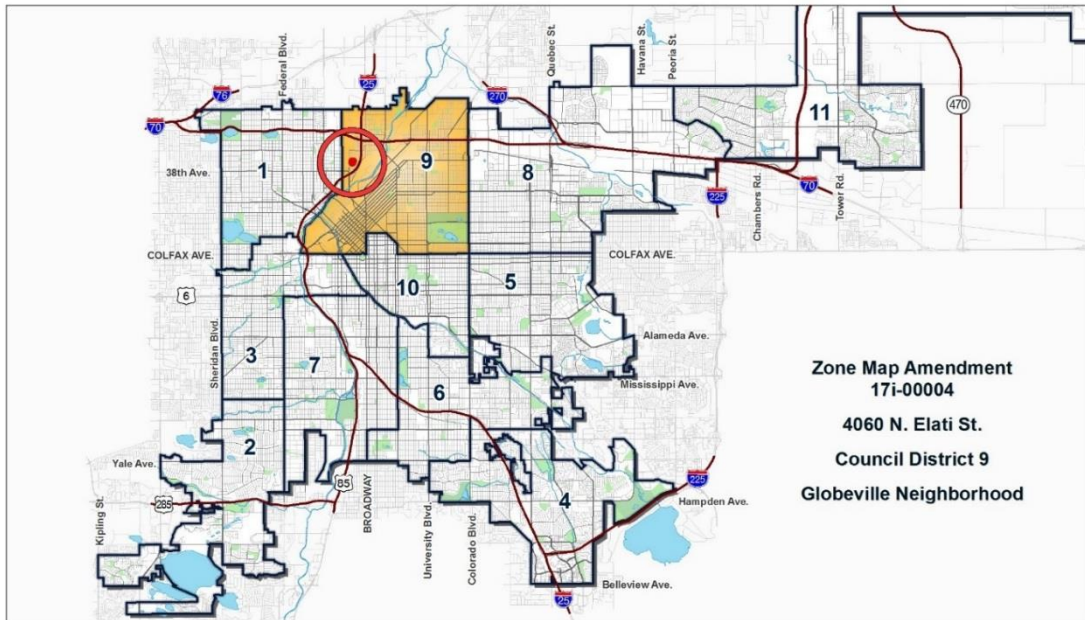
Request for Rezoning

Address:	4060 N. Elati St.
Neighborhood/Council District:	Globeville/Council District 9
RNOs:	Globeville Civic Partners, Globeville Civic Association #2, North Neighborhoods Democratic Council, North Highlands Neighbors Association, Comunidades Unidas Globeville Elyria & Swansea, United Community Action Network Inc., Inter-Neighborhood Cooperation (INC), Elyria Swansea/Globeville Business Association, Denver Neighborhood Association, Inc., Globeville K.A.R.E.S.
Area of Property:	30,852 square feet or .71 acres
Current Zoning:	I-A UO-2
Proposed Zoning:	C-RX-12
Property Owner(s):	Colorado Motor Carriers Association
Owner Representative:	Patricia Gillette

Summary of Rezoning Request

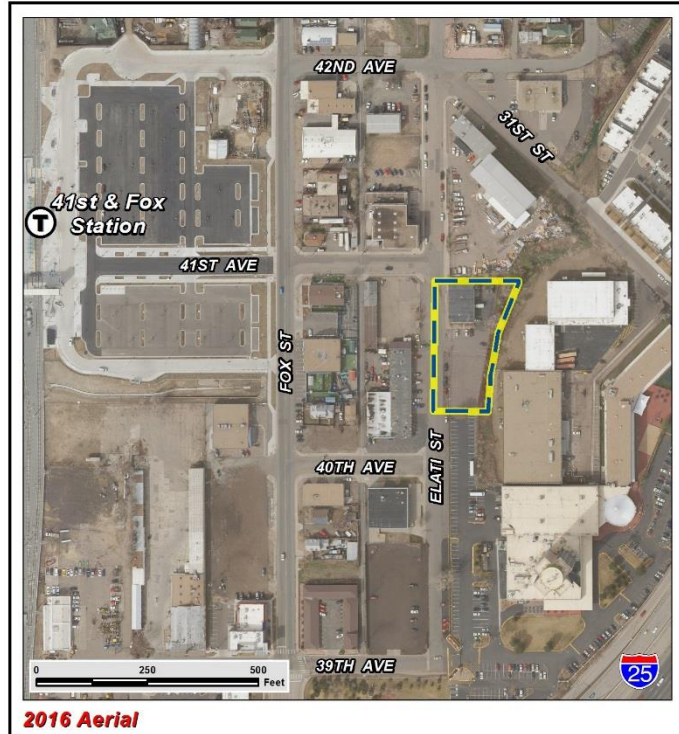
- The subject property is located in the Globeville Statistical Neighborhood, near the intersection of North Elati Street and 41st Avenue. The site is currently occupied by a single-story office structure and a parking lot. The office building houses the offices of its owner, a nonprofit organization representing the trucking industry.
- The property owners are requesting a rezoning from I-A UO-2 to C-RX-12 to change the mix of uses allowed on the site and facilitate redevelopment. Though a rezoning request does not approve a specific development, the property owner has indicated they want to make the parcel more attractive for redevelopment in the future as the area changes.

- The requested C-RX-12 zone district is in the Urban Center Neighborhood Context, allowing Residential Mixed-uses, generally up to 12 stories in height. The zone district allows retail and other commercial uses on the ground story, but only allows residential or lodging uses above the ground story. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC). The rezoning request does not maintain the UO-2 Billboard Use Overlay.



Existing Context

The site is located on the east side of North Elati Street, near the intersection of North Elati and 41st Avenue. It is part of an approximately 166-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, rail facilities (BNSF and RTD) to the west. Recent rezonings suggest this area is transitioning from an industrial to an urban center context. Multimodal access to other parts of Globeville east of I-25 is provided by 44th Avenue, and to the south of I-25 by Park Avenue. 38th Street and a recently-constructed pedestrian bridge over the railroad yard provide access to the Sunnyside and Highland neighborhoods to the west. The subject site is located less than a quarter mile from the future 41st and Fox station to be served by the G Line beginning in 2017. The immediate surrounding blocks include single-family and multi-family structures and a mix of light industrial, warehouse, commercial structures and vacant properties. The block immediately to the west contains a fine-grained mix of smaller light industrial, commercial and multifamily uses. Uses intensify to larger manufacturing and distribution sites further to the west toward the Burlington Northern and RTD rail lines. Most existing structures in the area are 1 to 3 stories, with the exception of an 18-story former hotel to the east that was converted to housing for students of Auraria Campus institutions in 2005. Street frontages in the area are characterized by parking that sometimes directly abuts the street right-of-way without a clear transition and an intermittent absence of curbs, gutters and sidewalks.



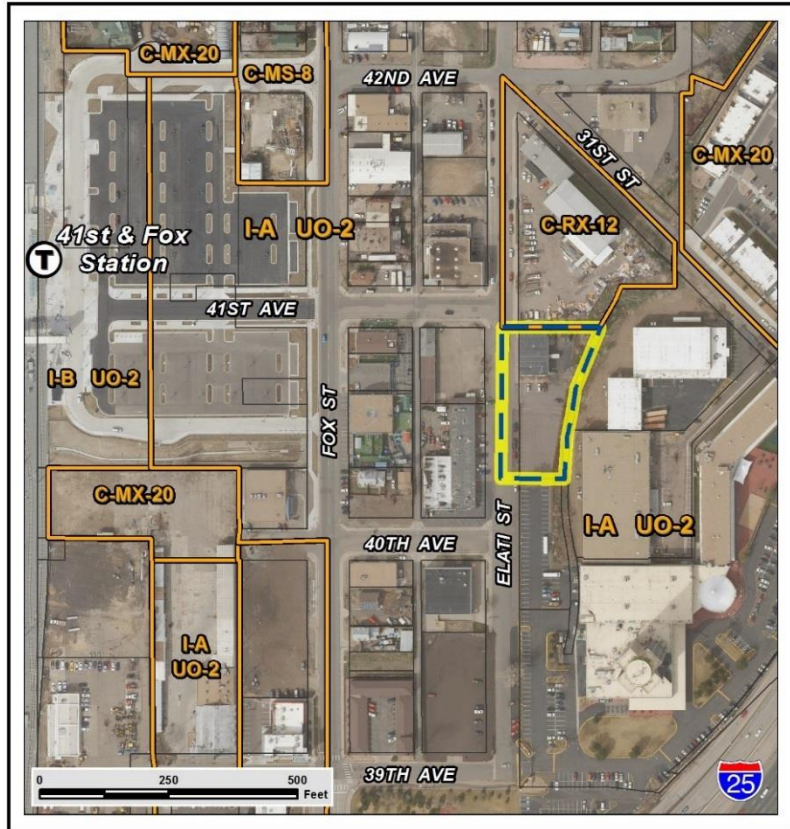
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A UO-2	Office, accessory surface parking	Single-story office structure, approx. 4' landscaped setback from Elati.	Rectangular blocks to the north and west served by orthogonal street grid and alleys in most blocks.
North	C-RX-12	Industrial	2-3 story, industrial warehouse building aligned with 31 st Street to	Irregular blocks to the east abutting

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			the east (set at an angle to Elati).	Interstate 25, primarily served by private drive aisles. Freeway and frontage roads to the south.
South	I-A UO-2	Surface parking	Surface parking only, no structures	
East	I-A UO-2	Industrial and multifamily residential	Three 1-2 story commercial/industrial structures, 3-story multifamily structure and residential tower. Lots shaped on east side by freeway that curves to the southwest.	
West	I-A UO-2	Industrial, Commercial and single-family residential	Mix of 1- and 2-story single-family buildings, smaller one-story industrial and commercial buildings. Setbacks vary, parking between most buildings and street ROW.	

1. Existing Zoning

The zoning currently applied to this site and much of the surrounding area is I-A UO-2. This Light Industrial neighborhood context zone district permits office, business and light industrial uses. Residential uses are only permitted where a residential structure existed prior to July 1, 2004. The I-A zone allows the General and Industrial building forms and regulates building mass with a maximum Floor Area Ratio of 2.0. The I-A zone district does not specify a maximum building height except that when a site is within 175' of a Protected District, the maximum permitted building height is 75' (not applicable for this subject site). Building forms within the I-A zone district do not include a build-to requirement, transparency requirement or street-level activation standards; and surface parking is permitted between buildings and primary and side streets.

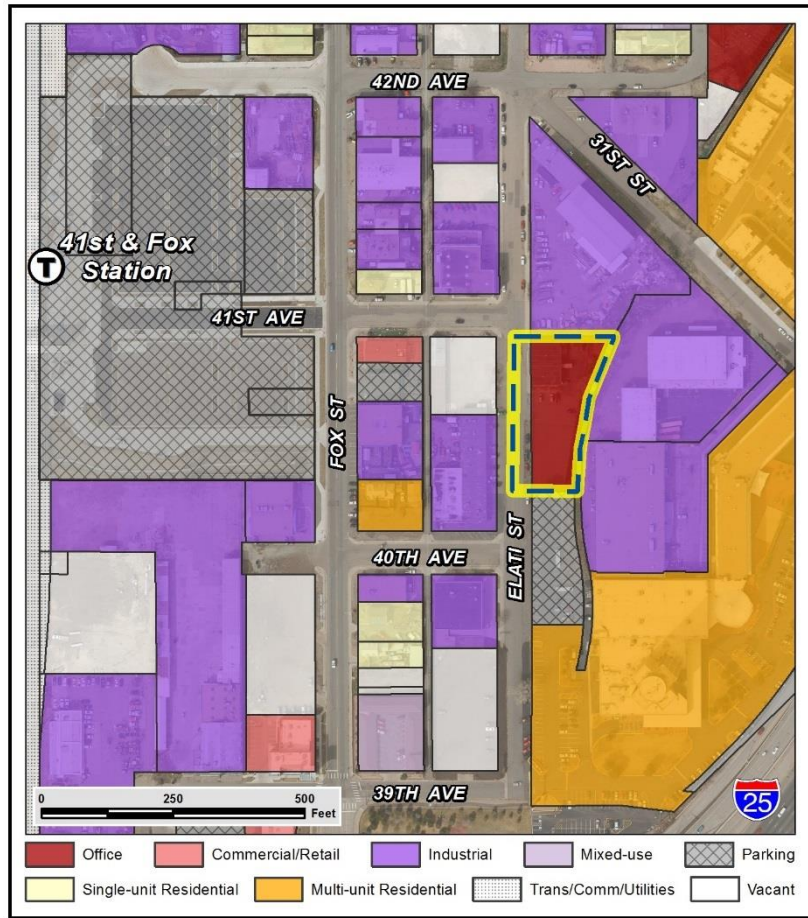


The UO-2 Billboard Use Overlay permits “outdoor general advertising device” signs, also known as “billboards,” within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements apply. There are no billboards currently on the subject site.

The property immediately to the north of the subject site was rezoned in 2016 to C-RX-12 (the same zone district proposed for this site) and several other properties in the immediate vicinity have been rezoned in recent years to Urban Center zone districts including C-RX (Residential Mixed-Use), C-MX (Mixed Use) and C-MS (Main Street), with varying maximum building heights.

2. Existing Land Uses

As shown in the Existing Land Use Map, blocks immediately surrounding the subject site are characterized by a mix of industrial, commercial and residential (multifamily and single-family) uses to the west, as well as several large lots recently developed as parking for the 41st and Fox RTD station. To the east are a mix of industrial and higher-density residential uses.



3. Existing Building Form and Scale (source: Google Maps)



Subject Site, looking northeast



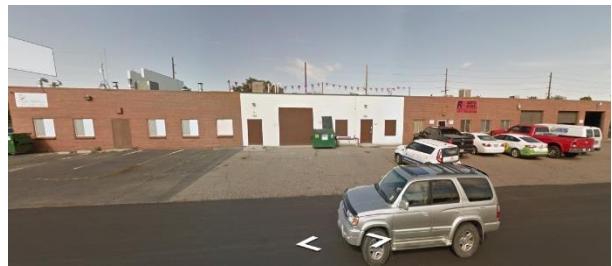
Subject Site, looking southeast



Two-story industrial structure to the north, looking northeast.



Vacant Lot across street from Subject Site, looking southwest



Industrial site across street from Subject Site (has some retail uses), looking west.



Aerial of immediate vicinity

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:

Environmental Health: Approved. DEH does not object to the rezoning request; however, the property is adjacent to the historical locations of leaking underground storage tanks and is within the footprint of the Vasquez Boulevard and I-70 Superfund Site. Proper materials management protocol should be followed during redevelopment activities.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks.

Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Asset Management: Approved, no comments.

Public Works – City Surveyor: Approved, no comments.

Public Review Process

	Date
CPD provided informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations.	3/15/2017
The property has been legally posted for a period of 15 days announcing the June 21, 2017 Denver Planning Board Public Hearing and CPD written notice has been sent to all affected members of City Council and registered neighborhood organizations.	6/5/2017
Planning Board public hearing	6/21/2017

- **Registered Neighborhood Organizations (RNOs)**
 - The RNOs identified on Page 1 were notified of this application. At the time of this staff report, no RNO correspondence had been received.
- **Other Public Comment**
 - At the time of this staff report, no further public comment had been received.

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 2000
- Blueprint Denver (2002)
- 41st and Fox Station Area Plan (2009)
- Globeville Neighborhood Plan (2014)

Denver Comprehensive Plan 2000

The proposed rezoning is consistent with many Denver Comprehensive Plan 2000 strategies, including:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. Creating more density at transit nodes. (pg 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (pg 41)
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (pg 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (pg 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg 78)
- Denver’s Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (pg 99)
- Neighborhoods Strategy 1-F -- Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks. (pg 150)

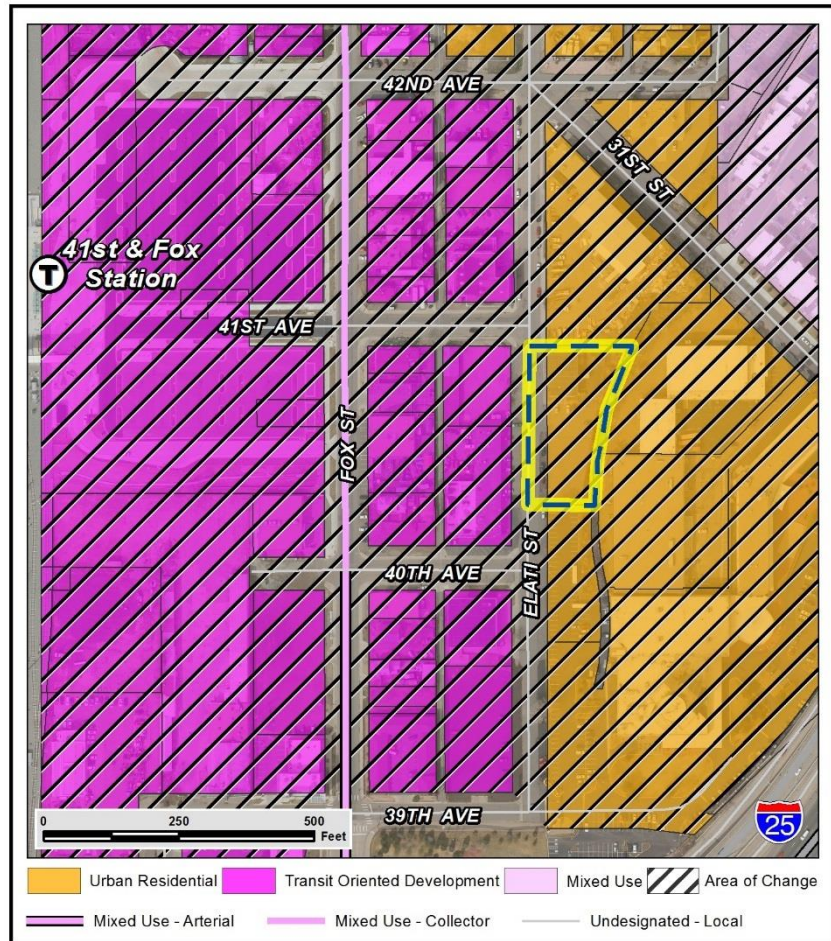
The proposed C-RX-12 zone district would enable residential mixed-use development at an infill location in an area that is showing signs of redevelopment centered around a new RTD Light Rail station, and in which services and infrastructure are already present. This rezoning would enable the development of compact, mixed-use, pedestrian-oriented development in an appropriate location, making it consistent with Denver Comprehensive Plan 2000 “Vision of Success” principles of Compact Development, Density and Diversity, Transit-Oriented Development, among others.

Blueprint Denver

The 2002 Plan Map adopted in Blueprint Denver and subsequent small area plans established a concept land use of “Urban Residential” for this area, and designated all developable land (that is not a right-of-way) in the area of Globeville between Interstate 25, Interstate 70 and the railroad tracks as an Area of Change.

Future Land Use

Blueprint Denver describes the concept land use of Urban Residential as “higher density and primarily residential,” with some complementary commercial uses. New housing in such neighborhoods “tends to be mid- to high-rise structures” mixed with existing single-family homes, small multi-family apartment structures and other housing types (pg. 41-42). Blueprint Denver’s Recommended Design Standards for Urban Residential neighborhoods include “Pedestrian-scaled facades and contextual design,” “window transparency,” “prominent street facing entries,” and in some cases, “retail or similar active uses on the main floor.



2002 Blueprint Denver Future Land Use Map

This proposed map amendment supports the Blueprint Denver Urban Residential concept land use designation by allowing for higher-density residential uses and limited non-residential uses. The General building form within the C-RX zone districts includes build-to, transparency, entrance and upper story setback standards and prohibits the location of surface parking between the building and the primary and side streets, which will help implement Blueprint Denver’s Urban Residential design recommendations. Finally, the proposed C-RX-12 zone district would permit the range of housing options envisioned by the Blueprint Denver concept land use for this area. New residential uses are not permitted in the Subject Site’s current I-A UO-2 zone district.

Area of Change / Area of Stability

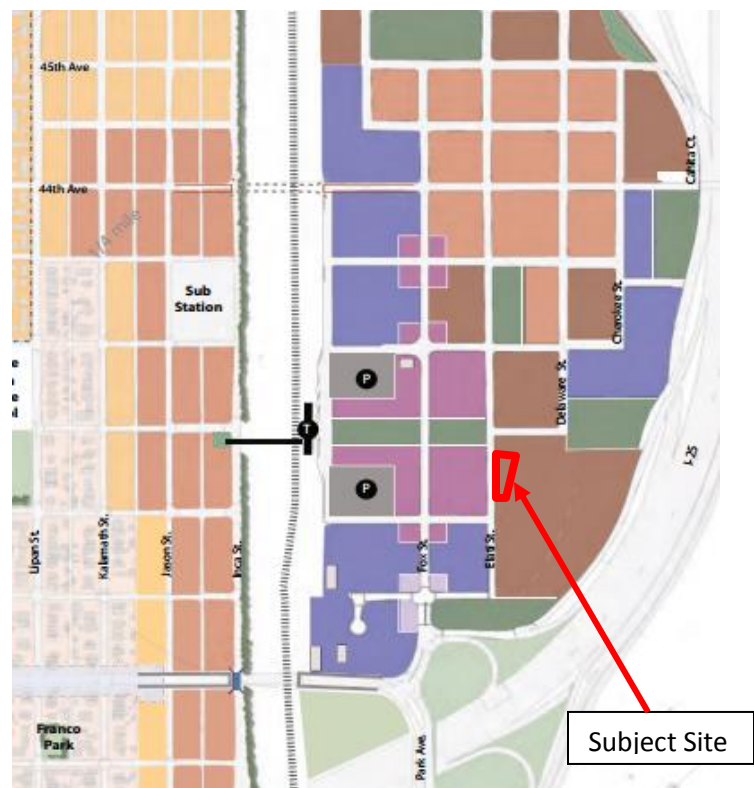
Blueprint Denver designates the Subject Site and the immediately surrounding neighborhood as an Area of Change. The overarching goal of the Blueprint Plan is to direct growth toward Areas of Change, “where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (pg. 127). This proposed rezoning is consistent with the Areas of Change intent, as it will allow for residential-focused mixed-use in an appropriate, transit-served location, improving access to jobs, housing and services.

Street Classifications

Blueprint Denver classifies both North Elati Street and nearby intersecting east-west streets as Undesignated Locals. According to Blueprint Denver, “The design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.” Undesignated Local streets will serve future development enabled by the C-RX-12 zone district and provide access to Fox Street one block to the west, which is designated as the key Mixed-Use Collector/Arterial street for the area (Fox is classified as an arterial from 40th Ave south to 38th, and a collector from 40th north to 44th Ave). Fox Street connects two major routes in and out of the neighborhood (38th/Park Avenue to the south and west, 44th Ave. to the east). The proposed amendment to C-RX-12 will enable continued growth in this area and may also bring needed pedestrian improvements on a project-by-project basis to support the transition from an industrial to an urban center context.

Small Area Plan: 41st and Fox Station Area Plan

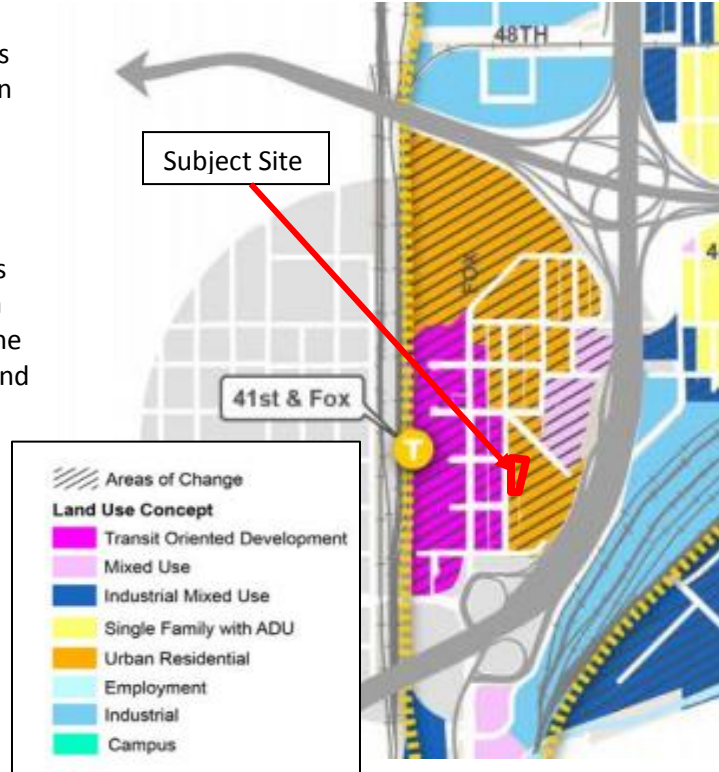
The 41st and Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan focuses on the long-term redevelopment of the area east of the railroad tracks “to create a complete, transit-friendly neighborhood” that would include pedestrian shopping corridors and high-intensity mixed use development, especially in the vicinity of the RTD station. Over time, the Plan envisions the area redeveloping into an “Urban Center” typology that capitalizes on proximity to and views of Downtown. The subject site for this proposed rezoning is located within this envisioned Urban Center typology area. The Plan recommends building heights of up to 12 stories, with primarily residential uses that would support an envisioned shopping district along Fox Street and commercial and office uses near the transit station. The proposed C-RX-12 Zone District is consistent with these building height and land-use recommendations.



- Pedestrian Shopping District (2-8 stories)
- Urban Residential (2-8 stories)
- Pedestrian Shopping District (2-5 stories)
- Urban Residential (1-3 stories)
- Mixed-Use Office/Residential (3-20 stories)
- Single Family / Single Family Duplex
- Urban Residential (2-12 stories)
- Proposed Open Space/ Parks/ Plaza

Small Area Plan: Globeville Neighborhood Plan

The Globeville Neighborhood Plan was adopted by City Council in 2014 and overlaps with the boundary of the 41st and Fox Station Area Plan on the subject site. The Globeville Neighborhood Plan reinforces the land use and building height recommendations established in the 41st and Fox Station Area Plan. It sets forth the following vision for this area of Globeville: “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. Many new residents and businesses will be drawn to the convenient location close to downtown and near some of Denver’s most vibrant urban neighborhoods” (Pg. 15). The Globeville Plan specifies that it aims to reinforce the recommendations of the 41st and Fox Station Area Plan and that both should be used to inform decision affect the subject site area (Pg. 4). For example, its Concept Land Use and Areas of Change Map recommends TOD development with commercial mixed uses in the blocks west of Elati and closest to the station, with Urban Residential uses to the east and north, and building heights up to 12 stories in the blocks west of Elati, closes to I-25. As is the case with the 41st and Fox Station Area Plan, this proposed rezoning to the C-RX-12 Zone District is consistent with the Globeville Neighborhood Plan’s vision for development near the future G Line station by promoting a full range of residential uses and an appropriate, limited mix of non-residential uses.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-12 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety and general welfare of the City by implementing adopted land use plans, including the Comprehensive Plan 2000, Blueprint Denver, the 41st and Fox Station Area Plan and the Globeville Neighborhood Plan. The rezoning would allow the redevelopment of underutilized land into a new, safe, walkable, pedestrian-friendly environment.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4., “the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”

Several changed or changing conditions apply to the site and the surrounding area. These include the completion and expected opening in 2017 of the new 41st and Fox commuter rail station, which will help support higher-density mixed-use development in the area; and recent rezoning of nearby properties to similar zone districts, signaling new market interest in development. Two significant recent infrastructure improvements have also been made to improve connectivity to this part of Globeville: the Inca Street Multi-Use Path over 38th Ave. and into Downtown, and the pedestrian bridge between this area and Sunnyside that was completed with the commuter rail station. Finally, as discussed above, multiple adopted plans for this area state that redevelopment is desired and set forth a vision for a transition of this part of Globeville from industrial to Urban Center uses and typologies to capitalize on recent transportation investments.

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

Neighborhood Context Description

The proposed C-RX-12 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed use commercial strips and commercial centers and a regular pattern of block shapes surrounded by an orthogonal street grid. It is characterized by moderate to high building heights to promote a dense urban character and high levels of travel mode share (bicycle, pedestrian, transit, etc.). The Urban Center Neighborhood Context’s Residential Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public realm (DZC, 7.2.3.1). The C-RX-12 zone district applies to residentially-dominated areas served primarily by arterial streets where a building scale of 2 to 12 stories is desired.

Zone District Purpose and Intent

The requested zone district is consistent with the neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for residential mixed use development at a maximum height of 12 stories. Although the subject site does not directly abut an arterial, it is a block away from Fox Street, which is classified as an arterial to the south and collector to the north of 40th Avenue, and is located in an area designated for residential development up to 12 stories.

Planning Board

During a hearing held on Wednesday, June 21, the Planning Board voted unanimously to recommend approval of this rezoning application.

Attachments

1. Rezoning Application

Rezoning Application #2017I-00004
4060 N. Elati Street
July 11, 2017
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