



TO: Denver City Council
FROM: Ella Stueve, Senior City Planner
DATE: October 17, 2019
RE: Official Zoning Map Amendment Application #2018I-00151

Staff Report and Recommendation

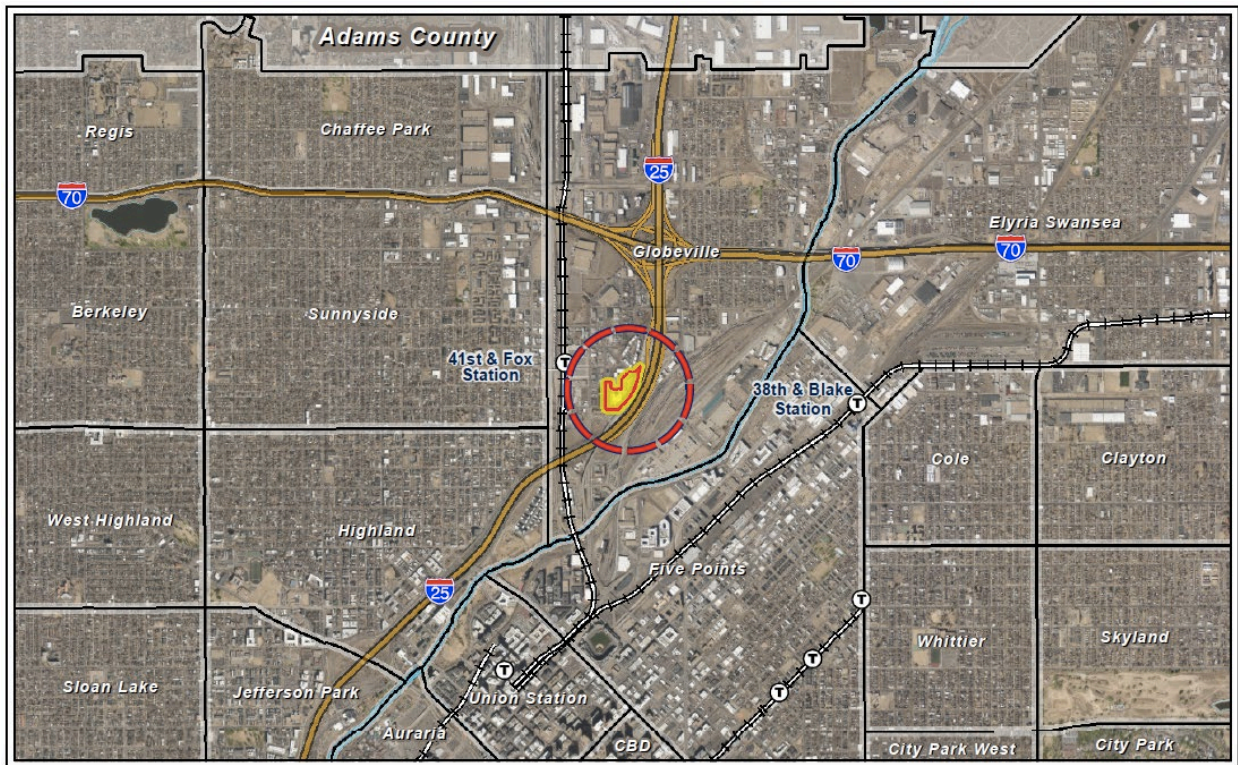
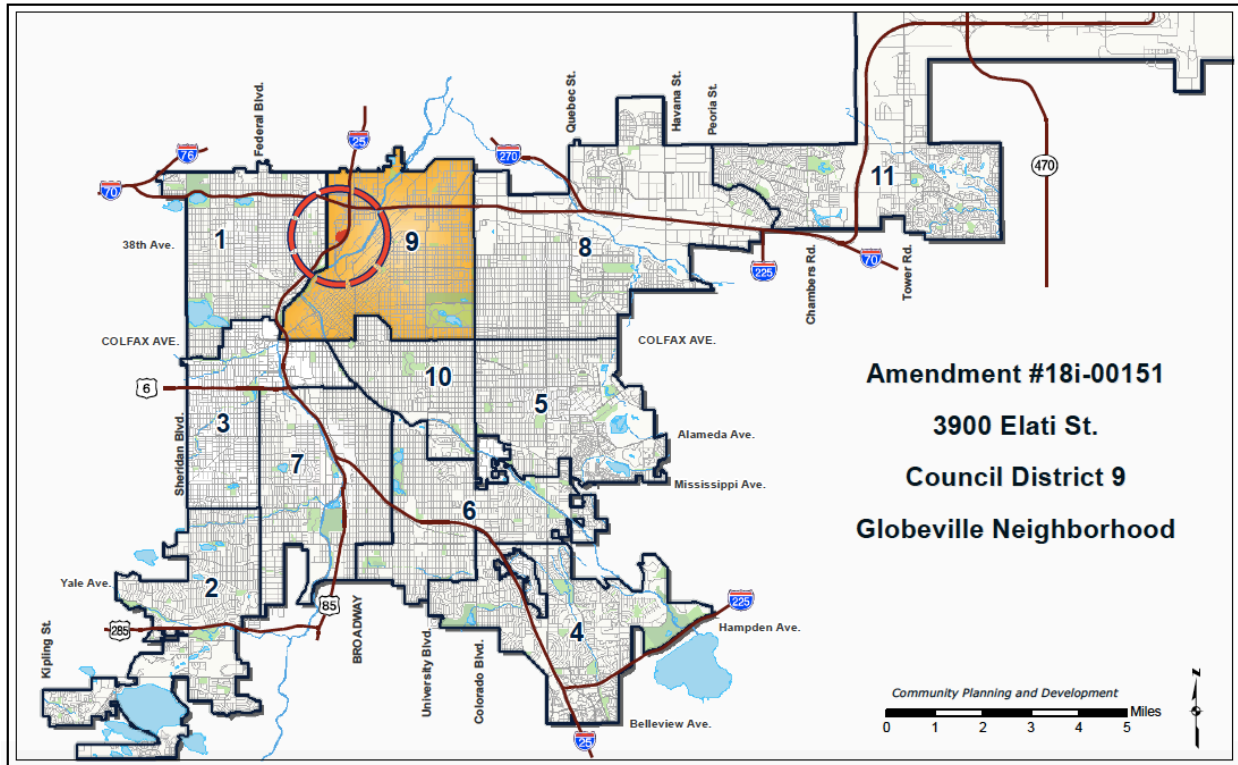
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2018I-00151.

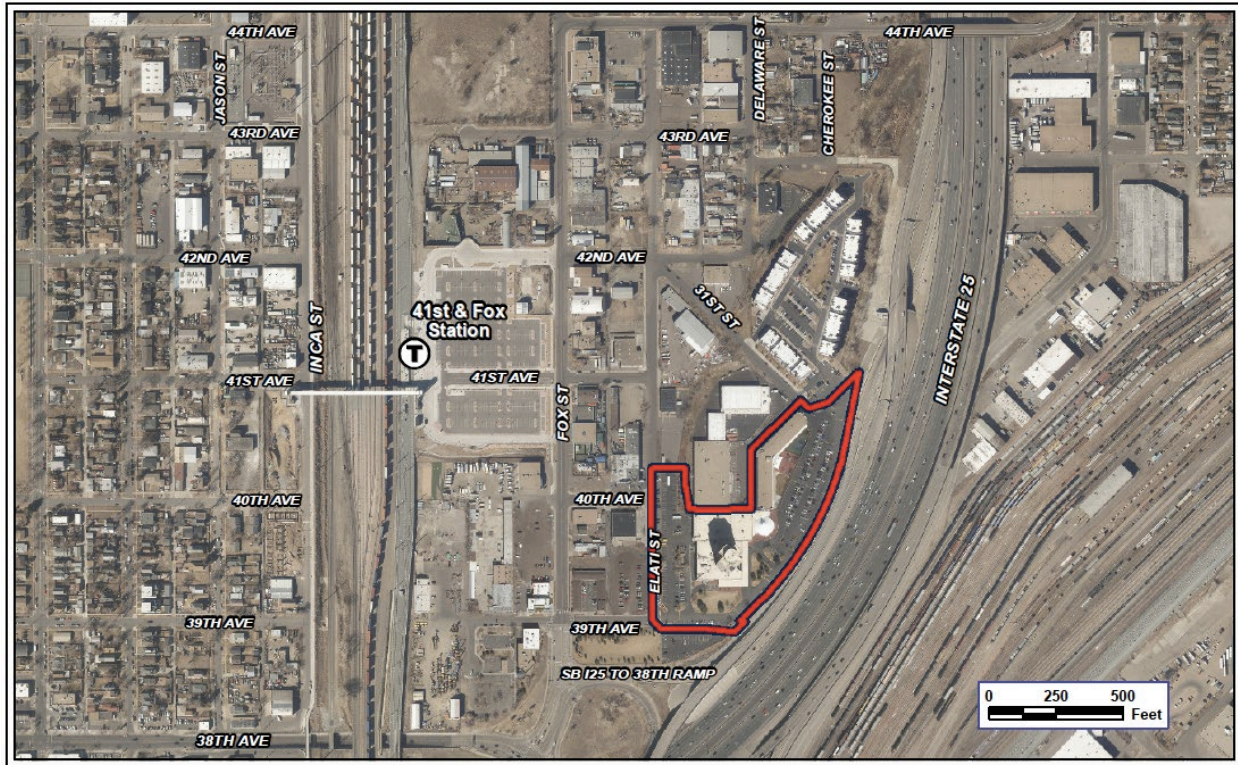
Request for Rezoning

| | |
|--------------------------------|--|
| Address: | 3900 Elati Street, 3958 Elati Street |
| Neighborhood/Council District: | Globeville / Council District 9 |
| RNOs: | RiNo Art District, Globeville Civic Association #2, Elyria Swansea/Globeville Business Association, Rio Norte, United North Metro Denver, UCAN, Globeville Civic Partners, Globeville K.A.R.E.S., Denver Arts and Culture Initiative, Inter-Neighborhood Cooperation (INC) |
| Area of Property: | 323,511 square feet or 7.4 acres |
| Current Zoning: | I-A UO-2 |
| Proposed Zoning: | C-RX-12 |
| Property Owner(s): | Regency Realty Investors, LLC |
| Owner Representative: | Isiah Salazar |

Summary of Rezoning Request

- The subject site is located in the Globeville Neighborhood in the 41st and Fox station area, on the east side of Elati Street north of 39th Avenue.
- The property is owned by Regency Realty Investors, LLC and currently contains a 2- to 5-story buildings with a 17-story tower being operated as residential housing. The owner wishes to rezone the property to reflect the changing character of the area to a more urban, transit-oriented development.
- The proposed C-RX-12 (Urban Center – Residential Mixed Use – 12 Stories) zone district generally applies to residentially-dominated areas served primarily by arterial streets where a building scale of 2 to 12 stories is desired. Further details about the C-RX-12 zone district can be found in Article 7 of the Denver Zoning Code (DZC).





Existing Context

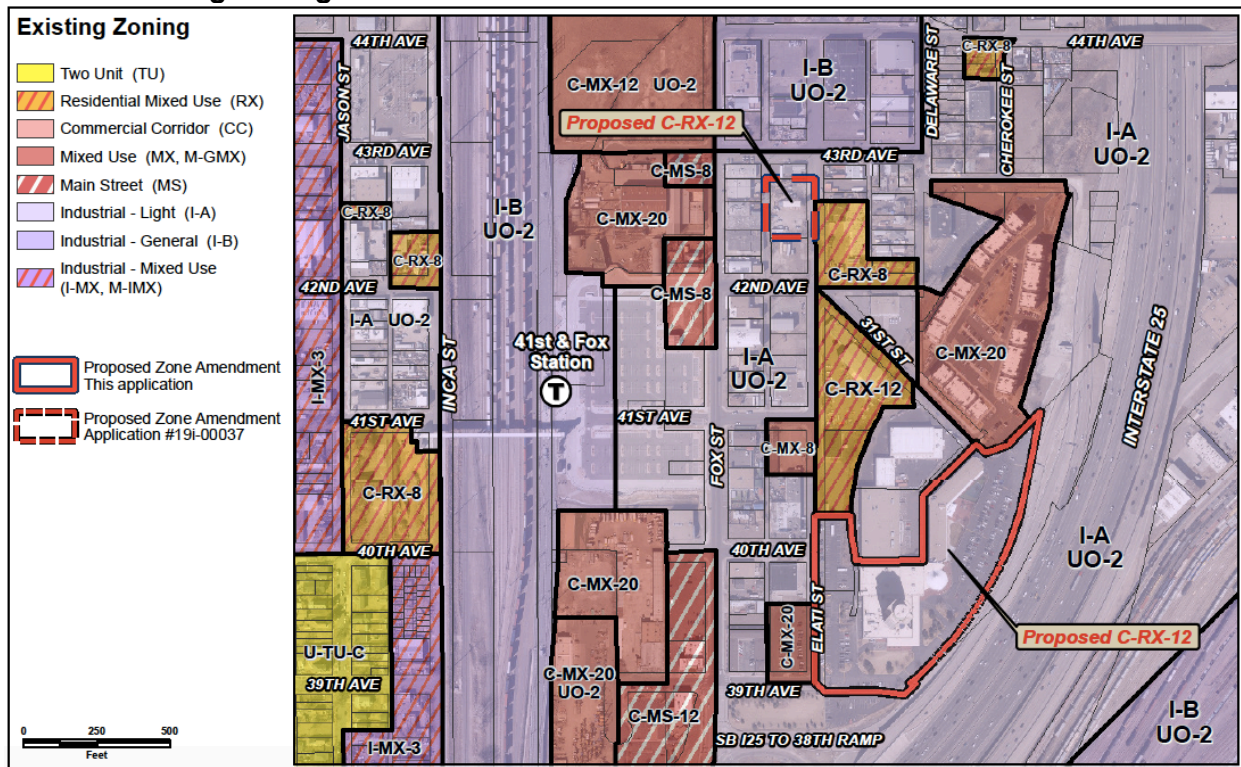
The subject property is in the Globeville neighborhood, in the 41st and Fox station area. It is part of an approximately 164-acre portion of the Globeville neighborhood that is separated from other parts of Globeville and other nearby neighborhoods by Interstates 25 and 70 to the north, east and south, 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 less than a half mile from the 41st and Fox station, 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 | Multi-unit residential | Single large building with portions ranging from 2- to 5-stories with a 17-story tower, large setbacks with parking | A limited orthogonal grid extends along Fox Street from 38th Ave. to 44th Ave. The grid is limited by the rail |

| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|-------|---------------------------|--|--|---|
| North | I-A UO-2, C-RX-8, C-MX-20 | Office, industrial, multi-unit residential | 31 st Avenue – 3-story townhouses with a tree lawn and sidewalks; 1-story industrial building with larger setback and vehicle parking | 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. |
| South | I-A UO-2 | Surface parking, I-25 | n/a | |
| East | I-A UO-2 | I-25 | n/a | |
| West | I-A UO-2, C-MX-20 | Industrial, vacant | 1-story industrial buildings with larger setbacks, parking between the building and the streets | |

1. Existing Zoning

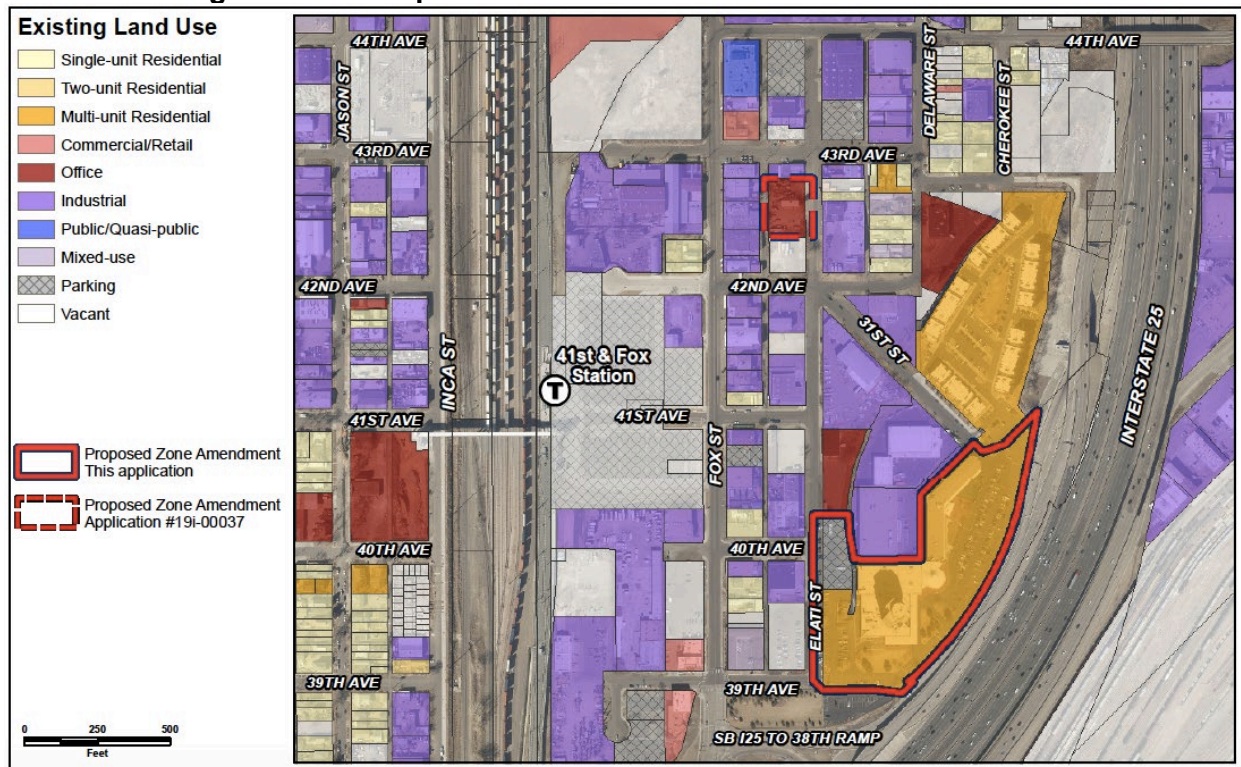


The existing zoning on the subject property is I-A, UO-2. I-A is a light industrial zone district in the Industrial Context. It allows office, business, and light industrial uses. Residential uses are only permitted where a residential structure existed prior to July 1, 2004. The General and Industrial 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.

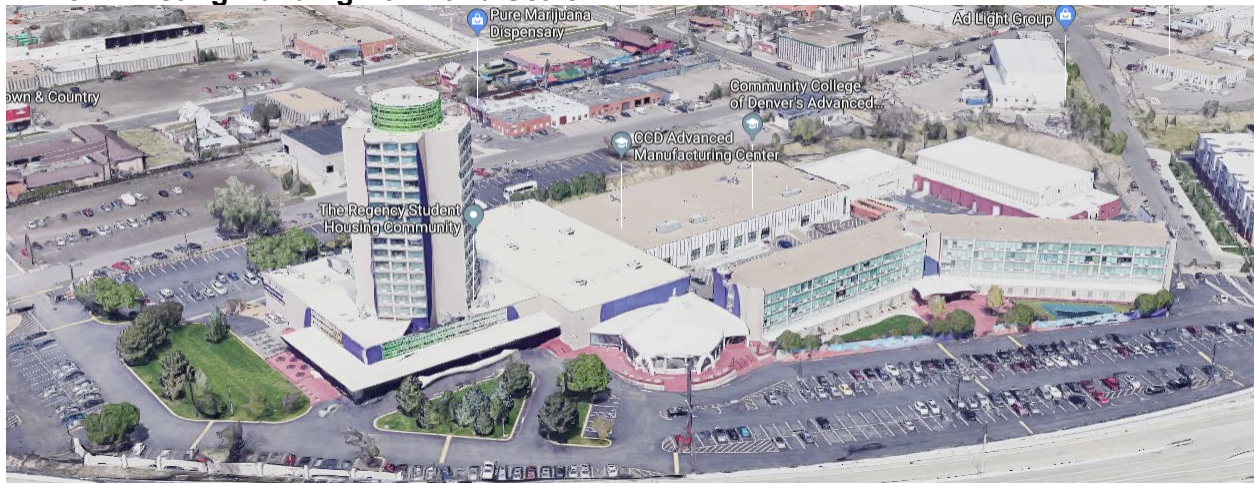
The UO-2 Billboard Use Overlay allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant 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 including variations of C-RX (Residential Mixed-Use), C-MX (Mixed Use) and C-MS (Main Street), with varying maximum building heights.

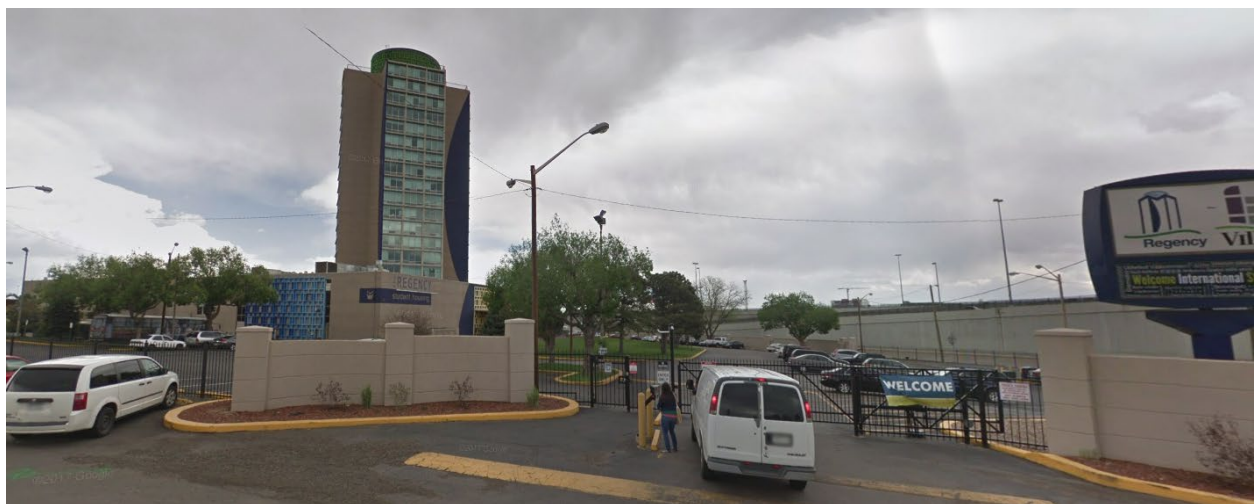
2. Existing Land Use Map



3. Existing Building Form and Scale



Aerial view of the subject property looking northwest from above Interstate 25 (Source: Google maps)



View of the subject property looking east from Elati Street and 39th Avenue (Source: Google maps)



North of the subject site looking north from 31st Avenue (Source: Google maps)



North of the subject site looking south from 31st Avenue (Source: Google maps)



West of the subject site looking northwest from Elati Street and 39th Avenue (Source: Google maps)

4. Large Development Review

The city established a Large Development Review (LDR) process to allow city agencies to better serve large developments and their surrounding communities and to improve coordination of major elements including open space, area plans, and affordable housing at an early stage of development planning.

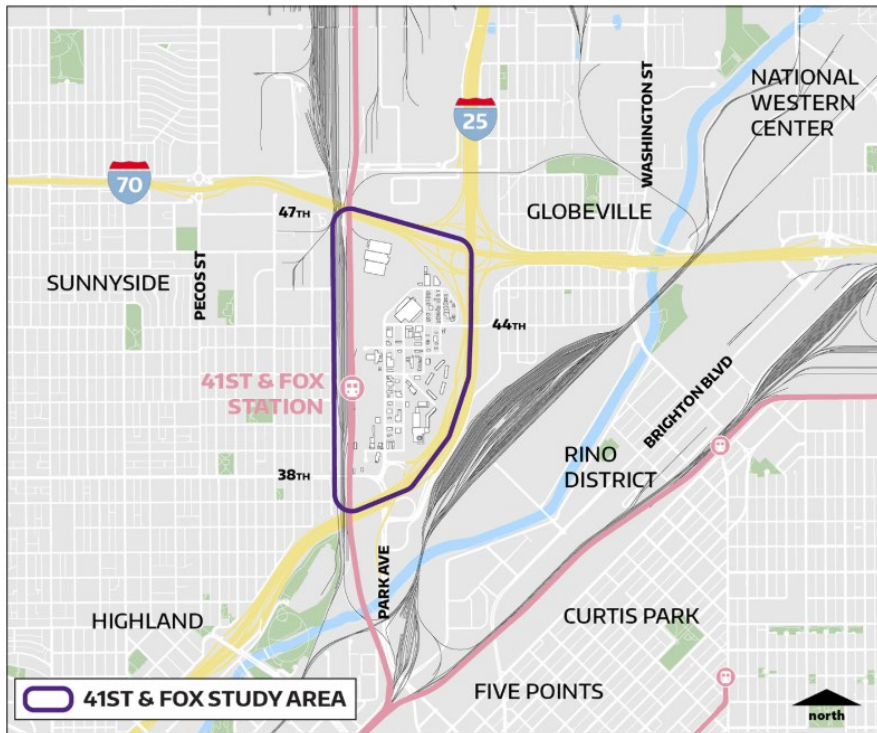
This rezoning application was submitted on April 11, 2019, and all applicable application fees were paid before the adoption of the text amendment that enabled the LDR process on July 8, 2019. Therefore, according to the terms of the LDR enacting ordinance, this rezoning is exempt from completing the LDR process at the time of rezoning. However, an LDR process may still be required at subsequent development steps such as site development plan.

5. Rules and Regulations

The Executive Director of Community Planning and Development and the Executive Director of Public Works adopted Rules and Regulations in November of 2018 that apply to the area bounded by I-70 to the north, I-25 to the east and south, and the freight and passenger rail tracks to the west. The intent of the Rules and Regulations is to manage and to effectively and efficiently allocate the currently available roadway infrastructure resources in the area. All development projects requiring review through the Site Development Plan Process within this area will be administered in the City's development process through the Rules and Regulations.

The City established a remaining vehicle trip capacity in the area based on the constrained roadway infrastructure at the time of adoption of the Rules and Regulations. Site Development Plan submittals in this area must include a traffic impact study or traffic memorandum for review and utilization in the City's determination of trips allocated to each project. Site Development Plans cannot be approved if there is not adequate remaining vehicle trip capacity for the planned project. The trip capacity can be re-evaluated after July 1, 2023.

6. 41st and Fox Next Steps Study



Community Planning and Development, Denver Public Works, and the North Denver Cornerstone Collaborative are currently working on the 41st and Fox Next Steps Study to recommend major infrastructure improvements in the 41st and Fox station area. The goals of the Next Steps Study are to identify key multi-modal infrastructure and roadway improvements, support the transit-oriented development vision in the study area, and address neighborhood connectivity and traffic congestion. The study began in the spring of 2019. Draft recommendations and a finance plan are scheduled to be released by the end of 2019, and costing, phasing, and a final report are scheduled for winter of 2020.

Proposed Zoning

The requested C-RX-12 zone district has a maximum height in feet of 150' with allowable encroachments. The minimum primary street 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, but second story and above are limited to residential or lodging accommodation uses only (unless the building gross floor area is no more than 10,000 square feet). Minimum vehicle parking requirements in the C-RX-12 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 Sections 7.2.3, 7.3, and 7.4.

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-RX-12 (Proposed) |
|---|---------------------|---------------------|
| Primary Building Forms Allowed | General, Industrial | Town House, General |
| Height in stories/Height in feet (max) | N/A (FAR 2.0) | 12/150' |
| Primary Street Build-To Percentages (min) | N/A | 70% |
| Primary Build-To Ranges | N/A | 0' to 15'* |
| Minimum Zone Lot Size/Width | N/A | N/A |
| Primary Setbacks (min) | 20' | 0' to 10'* |
| Building Coverages | N/A | N/A |

*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 – See comments

Notes. DDPHE concurs with the rezoning but has information to indicate that there was a past petroleum release(s) from an underground fuel storage tank upgradient and in the vicinity of the Site. If encountered during future construction, contaminated soil, groundwater, or underground storage tanks should be properly managed and disposed in accordance with applicable regulations.

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.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

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.

Denver Parks and Recreation: Approved – See comments.

Would be interested in exploring park/open space land dedication potential for higher density rezone

Public Works – R.O.W. - City Surveyor: Legal is approved.

Development Services - Transportation: Approved – see comments below.

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services – Wastewater: Approved – see comments below.

DS 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 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: | 4/25/2019 |
| 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: | 8/5/2019 |
| Planning Board unanimously recommended approval: | 8/21/2019 |
| 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: | 8/13/2019 |
| Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward: | 8/27/2019 |
| 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: | 9/30/2019 |
| City Council Public Hearing: | 10/21/2019 |

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *41st and Fox Station Area Plan (2009)*
- *Globeville Neighborhood Plan (2014)*

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, near the new 41st and Fox station for the RTD G and B Lines, which provide high-quality transit service to downtown Denver, Westminster, Arvada, and Wheat Ridge. It is therefore consistent with the following strategies 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).*
- 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, including the 41st and Fox station, are already in place. The proposed C-RX-12 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods around transit, and it is therefore 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).

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

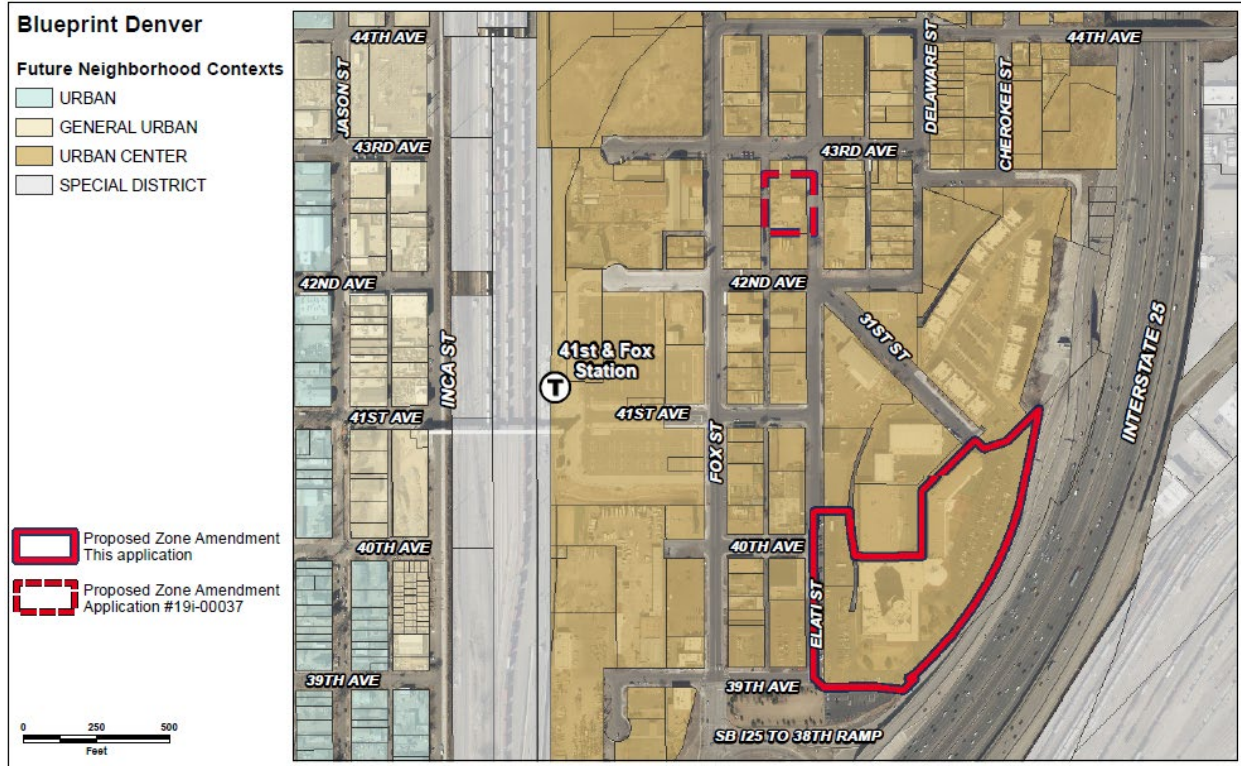
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p.54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
-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

The proposed C-RX-12 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods around transit expressed in Comprehensive Plan 2040.

Blueprint Denver (2019)

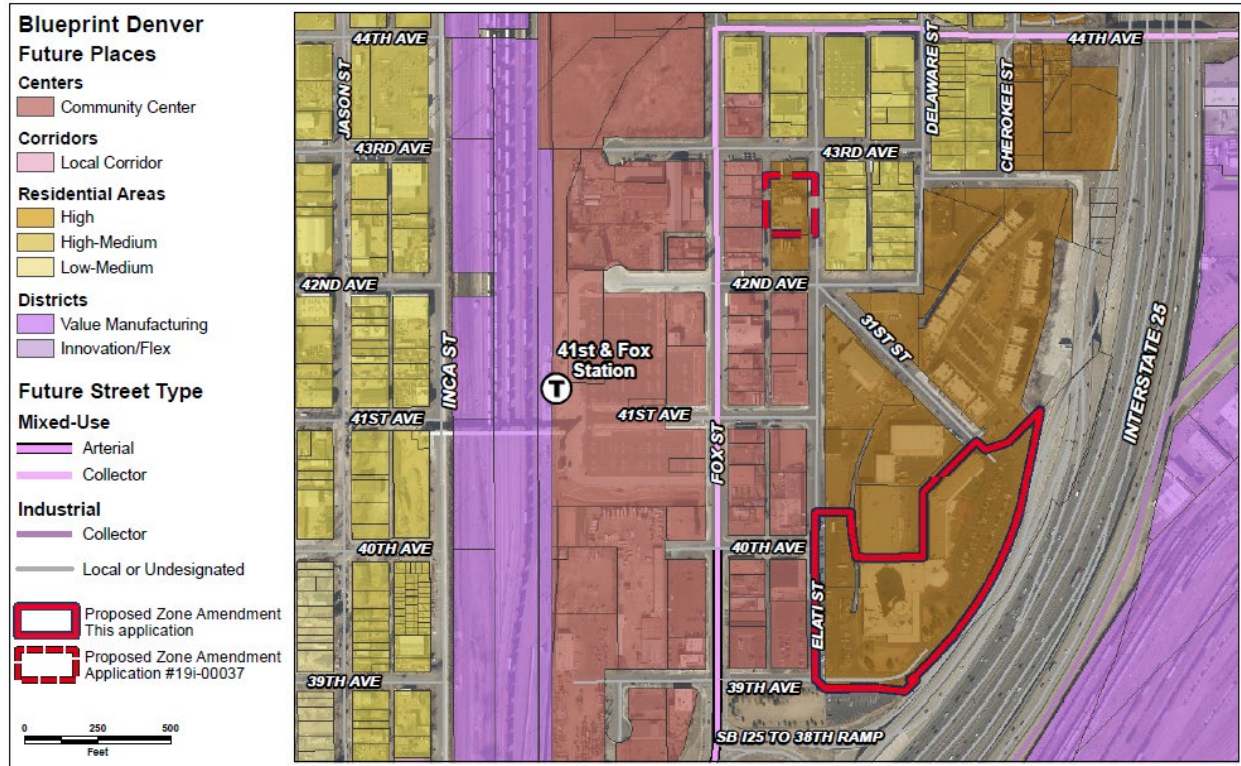
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a High residential place within the Urban Center Neighborhood Context 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-RX-12 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 realm” and “the Residential 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 7.2.3.1). 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 High residential area. *Blueprint Denver* describes the aspirational characteristics of these places in the Urban Center context as, “A high mix of uses throughout, including many large scale multi-unit residential uses. Commercial uses are prevalent. Buildings are generally the tallest of the residential places in this context. There is high lot coverage and shallow setbacks” (p. 260). The proposed district of C-RX-12 provides a mix of uses with a residential focus. The future proposed height of up to 12 stories is appropriate for this location.

Street Types

Blueprint Denver classifies Elati Street, 39th Avenue, and 40th Avenue as undesignated local streets. One block west, Fox Street is classified as a Mixed-Use collector, which the site would be primarily served by. “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 usual at maximum building coverage with a shallow front setback” (p.159).

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 intensity of the proposed C-RX-12 district is justified more by the subject site’s proximity to the station platform and the recently-completed Inca Street

Multi-Use Path than by the street classifications of the adjacent road network. The map amendment application is consistent with *Blueprint Denver's* street type recommendations, as the site's pedestrian connectivity to the station offsets the lack of arterial streets that might otherwise be necessary to accommodate the proposed development densities, and the immediate vicinity of the site is served by such streets. Therefore, the proposed zone district is consistent with the Blueprint Street Type designations.

Growth Strategy



According to the Blueprint Growth Strategy, the subject property is part of a High-Medium residential area. These areas are anticipated to see around 30% of new housing growth and 5% of new employment growth by 2040 (p. 51). The proposed map amendment to C-RX-12 will focus residentially-focused mixed-use growth to an area where it has been determined to be most appropriate. Access to jobs, housing, and services can improve in the mixed-use zone districts, and this site has access to multiple bus transit lines. Therefore, the requested zone district is consistent with the Blueprint 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). Primary goals for the station area include (p. vii):

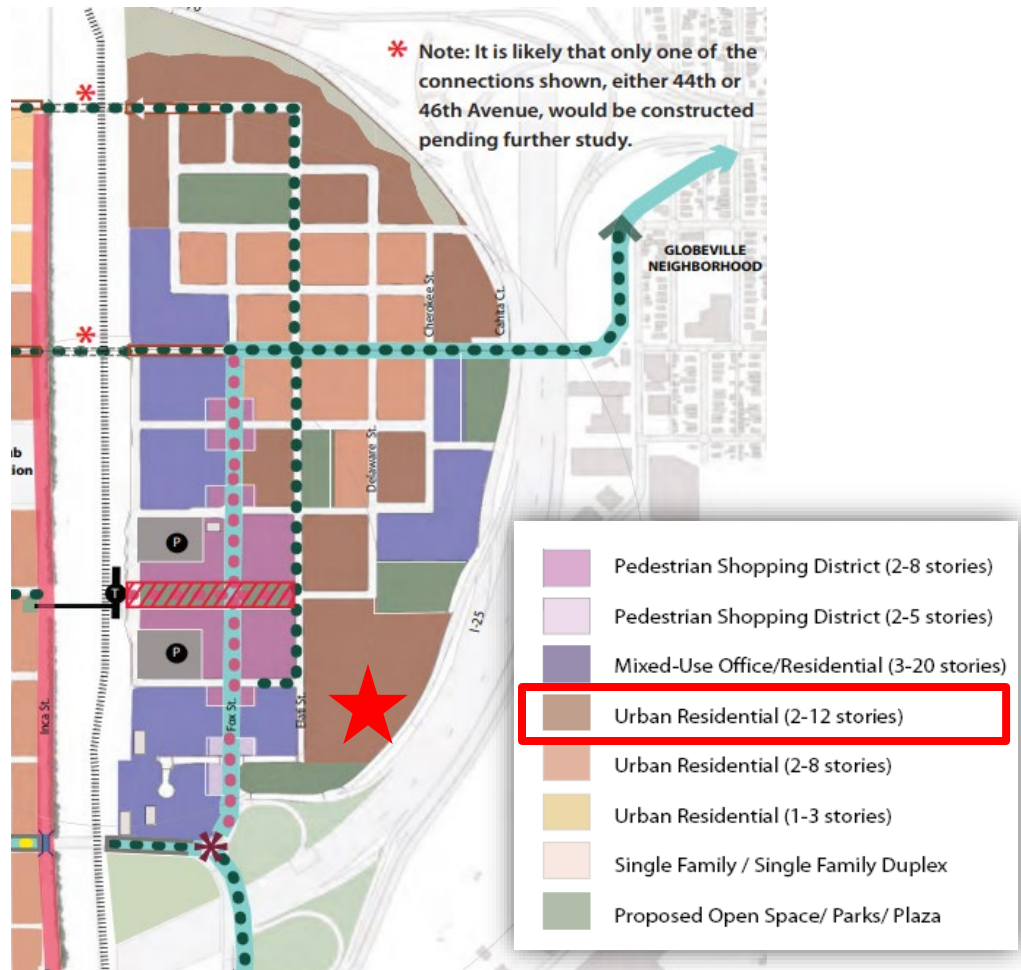
- Improve pedestrian connections to the station, between neighborhoods, and along major corridors
- Create opportunities to add more housing, jobs and services to the station area
- Capitalize on the station area's proximity to Downtown and location on the Gold Line and Northwest Rail corridors
- Balance the needs of new development and existing uses

Key elements of the plan concept include the following (p. viii):

- Development of a high intensity activity node close to the station on the east side
- Capture views of Downtown and buffer the station area by locating taller structures along I-25 and I-70

The subject property is designated as Urban Residential (2-12 stories), which “contain the highest population density in the station area. Uses are primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be mid- to high-rise structures... Urban design features that reinforce the pedestrian environment while still providing for privacy of ground floor residents are important” (p. 16).

The proposed C-RX-12 zoning would allow predominately residential development with a maximum height of 12 stories, consistent with the plan guidance for the area. This would facilitate the addition of new housing at an appropriate scale to support the desired commercial uses in the area.



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).

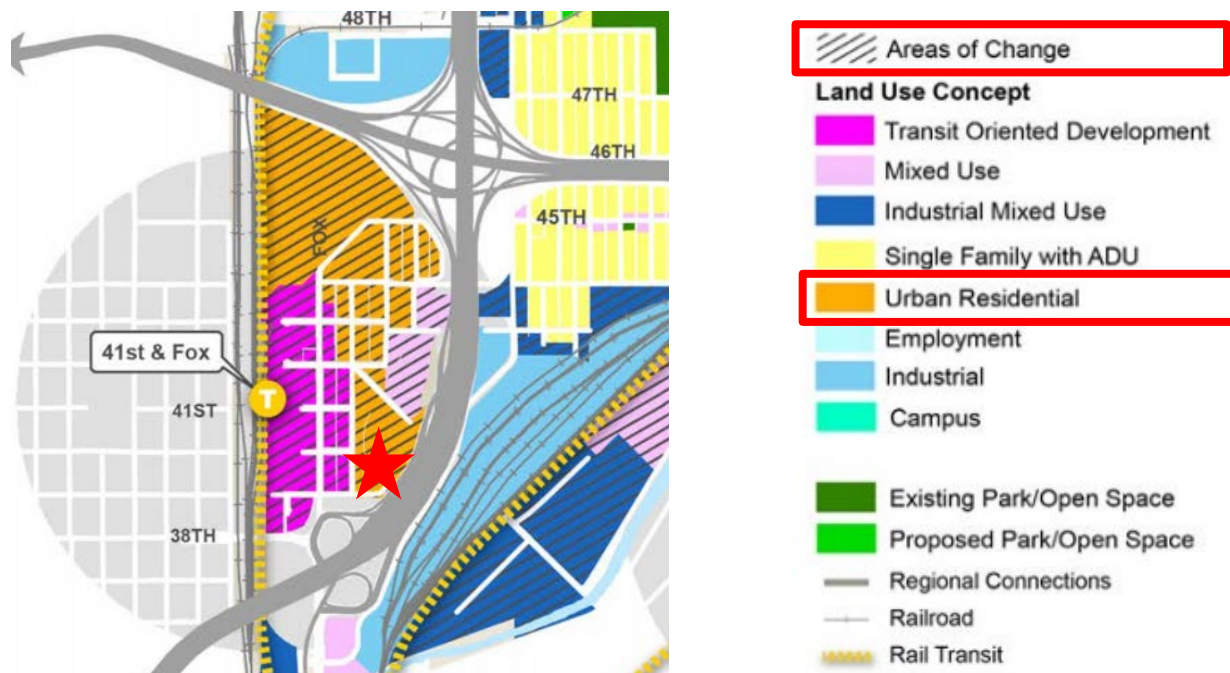
The proposed C-RX-12 zoning only allows the General and Town House building forms, which require that 70 percent of the building façade be within 10 feet of the street (15 feet for residential only buildings). They also require a minimum of 40 percent of the street-facing façade be transparent (30 percent for residential only buildings) and pedestrian access from the street. The proposed C-RX-12 zoning meets the land use, intensity, and design intent of the 41st and Fox Station Area Plan.

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. Any potential development from the proposed C-RX-12 zone district would be evaluated against the Rules & Regulations limiting trip generation to ensure it would be adequately accommodated by the transportation network. Because there are a limited number of remaining vehicle trips allowed, it is possible that the development program for this site may not be able to reach the full capacity possible under the proposed C-RX-12. The ongoing Next Steps Study is evaluating the feasibility of the unbuilt transportation infrastructure recommended in the Station Area Plan, and findings from that study may inform future evaluation of the trip generation limit in the Rules & Regulations.

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. 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” (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 Urban Residential, which is defined as “higher density and primarily residential but may include complementary commercial uses. A mixture of housing types is present, including signal family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures” (p. 30). 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, strengthening the economy of the area consistent with the Globeville Neighborhood Plan recommendations.

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 primarily through the implementation of the City's adopted plans. The rezoning would allow redevelopment of an underutilized site into a new, safe, walkable, pedestrian-friendly environment in close proximity to a commuter rail station. The proposed rezoning would facilitate increased housing density and a 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 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 site 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 directly north of the site, have already developed, signaling new market interest in development. These changes are appropriate justifying circumstances for the proposed rezoning.

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.

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 (DZC 7.1.1). Within this context, the 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 (DZC 7.2.3.2.C).

The requested rezoning 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 is not adjacent to arterial streets, the broader area is served by arterial streets, is located in an area that is recommended by an adopted station area plan for 12 story development.

Attachments

1. Map Attachments
2. Application