Community Planning and Development
Planning Services

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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

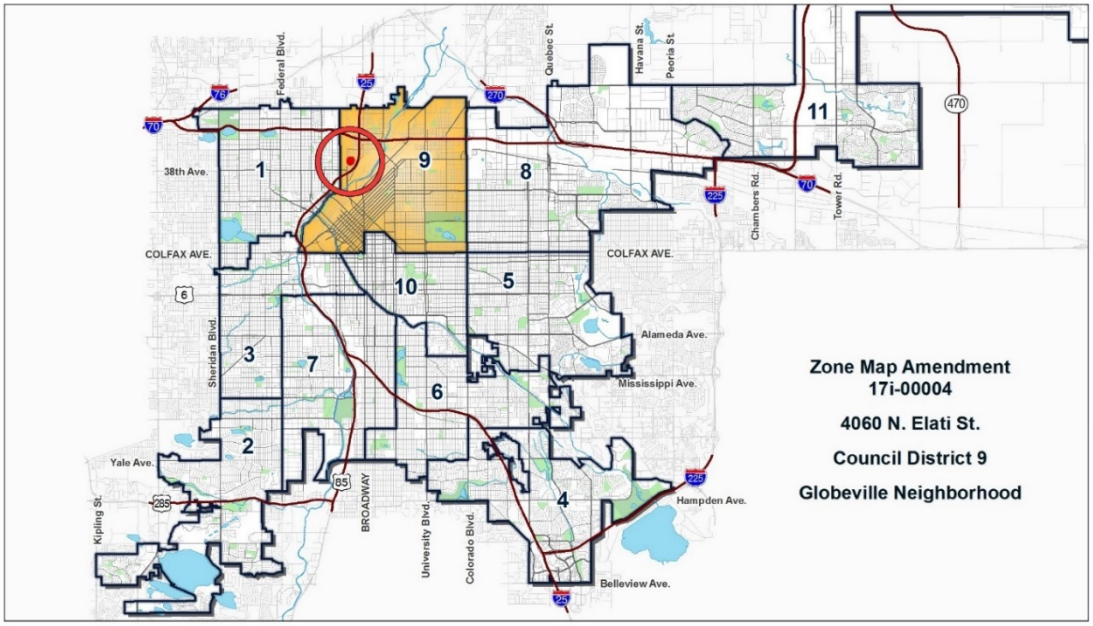
Address:	4060 N. Elati St.
Neighborhood/Council District:	Globeville/Council District 9
RNOs:	Globeville Civic Partners, Globeville Civic Association #2, North Neighborhoods Democratic Council, North Highlands Neighbors Association, Comunidades Unidades Globeville Elyria & Swansea, United Community Action 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

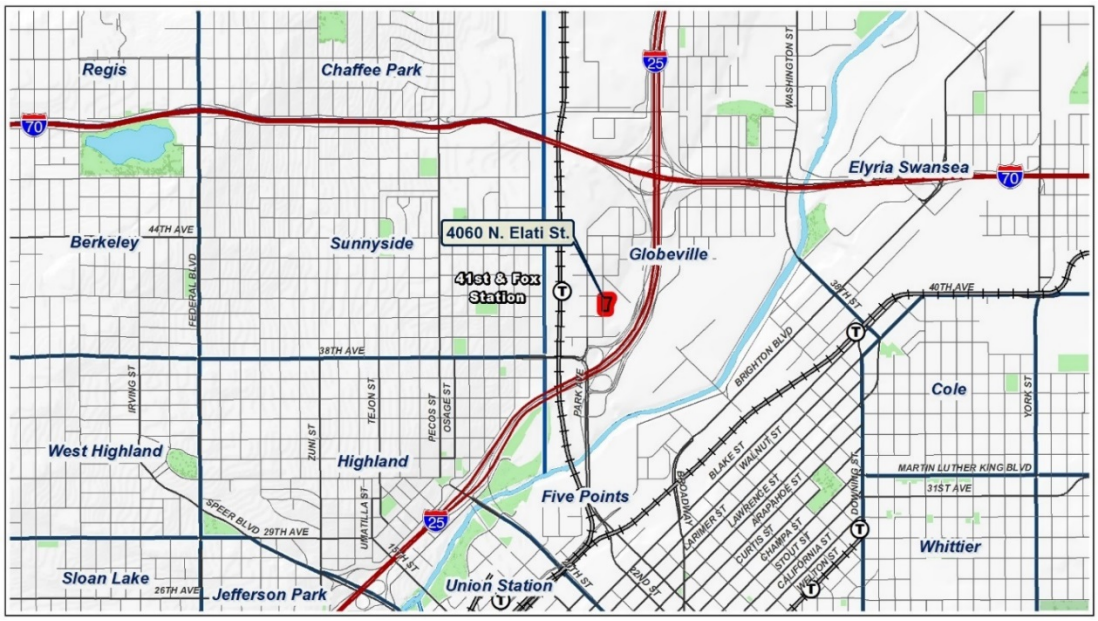
Summary of Rezoning Request

- 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.

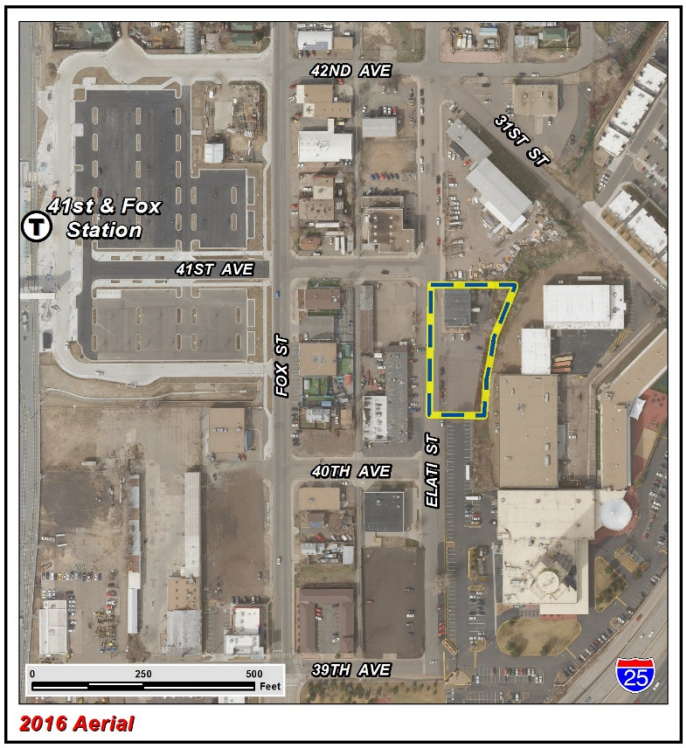
- The property owners are requesting a rezoning from I-A UO-2 to C-RX-12 to change the mix of uses allowed on the site and facilitate redevelopment. Though a rezoning request does not approve a specific development, the property owner has indicated they want to make the parcel more attractive for redevelopment in the future as the area changes.

- The requested C-RX-12 zone district is in the Urban **C**enter Neighborhood Context, allowing **R**esidential Mi**x**ed-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



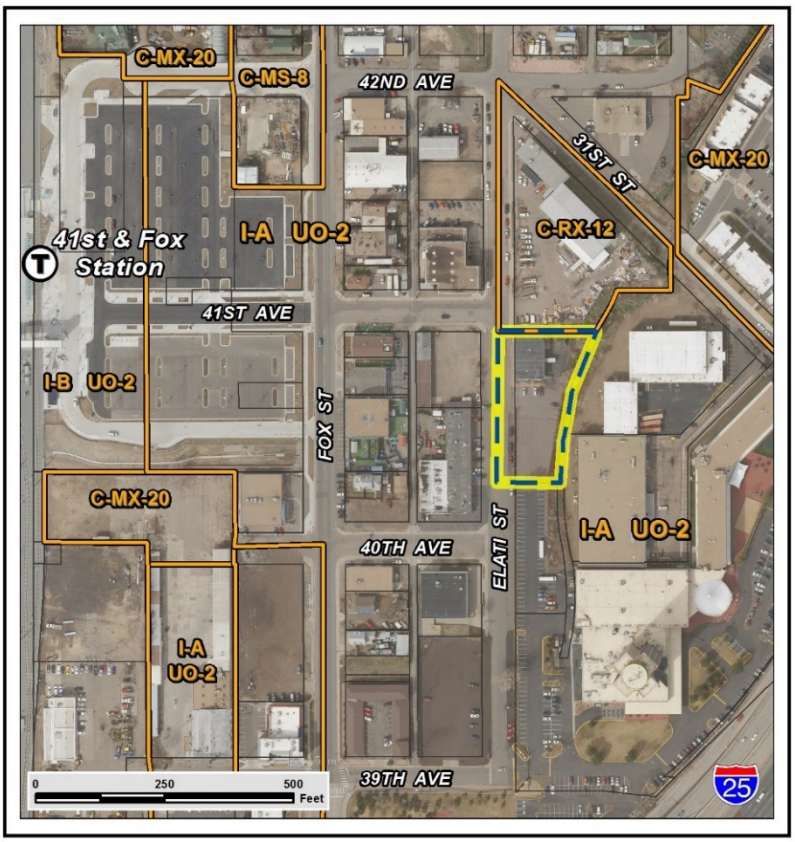
The site is located on the east side of North Elati Street, near the intersection of North Elati and 41st Avenue. It is part of an approximately 166-acre portion of the Globeville Neighborhood that is separated from other parts of Globeville and other nearby neighborhoods by Interstates 25 and 70 to 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 by44th 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. Irregular blocks to the east abutting
North	C-RX-12	Industrial	2-3 story, industrial warehouse building aligned with 31st Street to	

	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



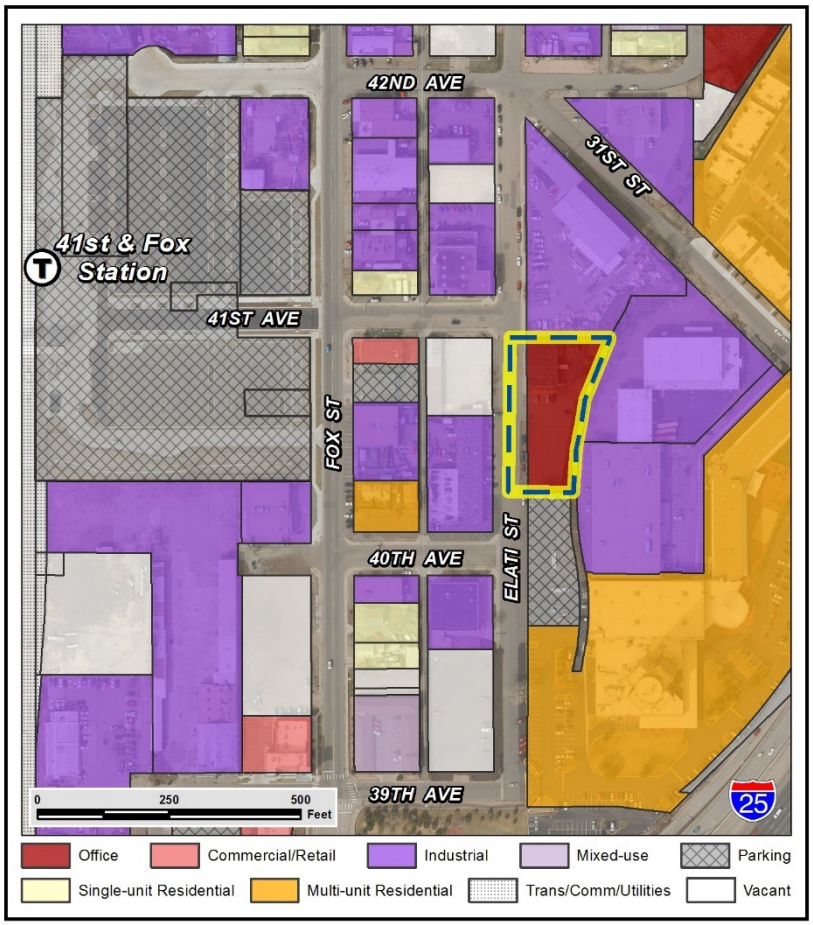
The zoning currently applied to this site and much of the surrounding area is I-A UO-2. This Light Industrial neighborhood context zone district permits office, business and light industrial uses. Residential uses are only permitted where a residential structure existed prior to July 1, 2004. The I-A 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.

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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)

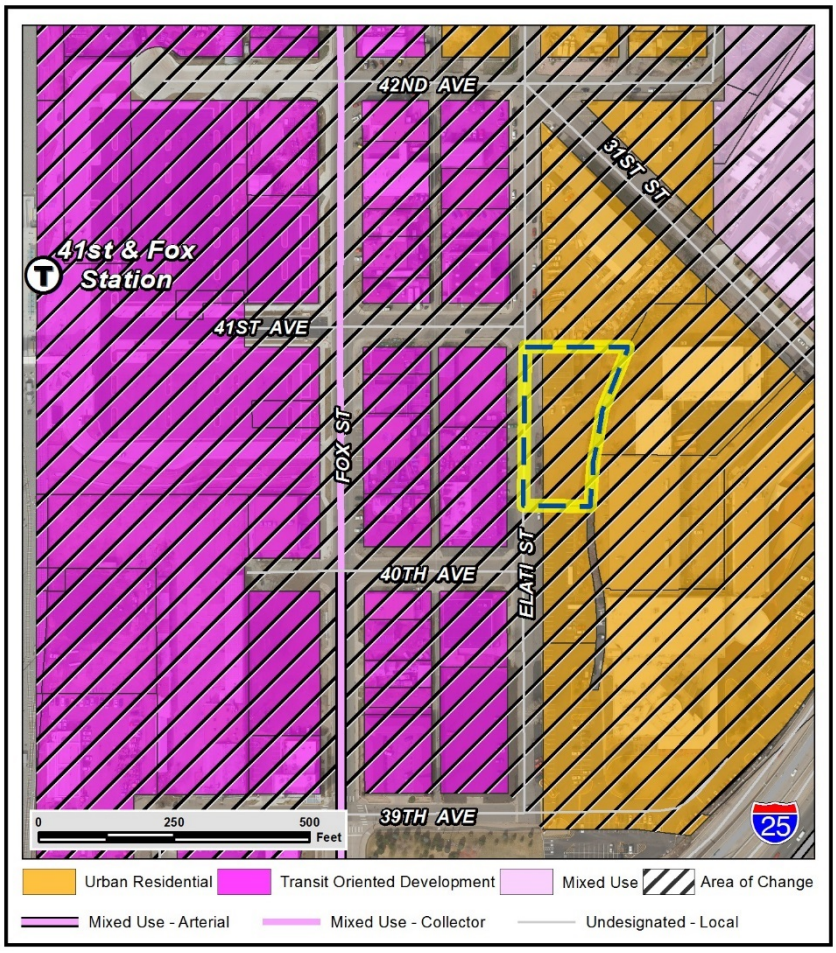
The proposed C-RX-12 zone district would enable residential mixed-use development at an infill location in an area that is showing signs of redevelopment centered around a new RTD Light Rail station, and in which services and infrastructure are already present. This rezoning would enable the development 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

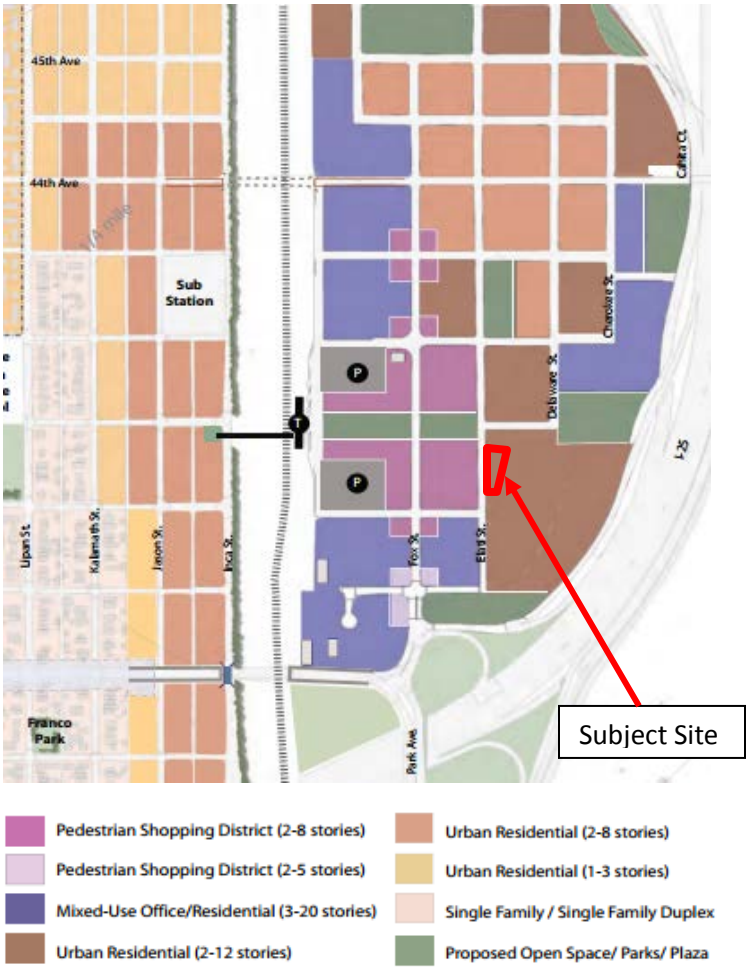
Blueprint Denver designates the Subject Site and the immediately surrounding neighborhood as an Area of Change. The overarching goal of the Blueprint Plan is to direct growth toward Areas of Change, "where it will be beneficial and can best improve access to jobs, housing and services with fewer and 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

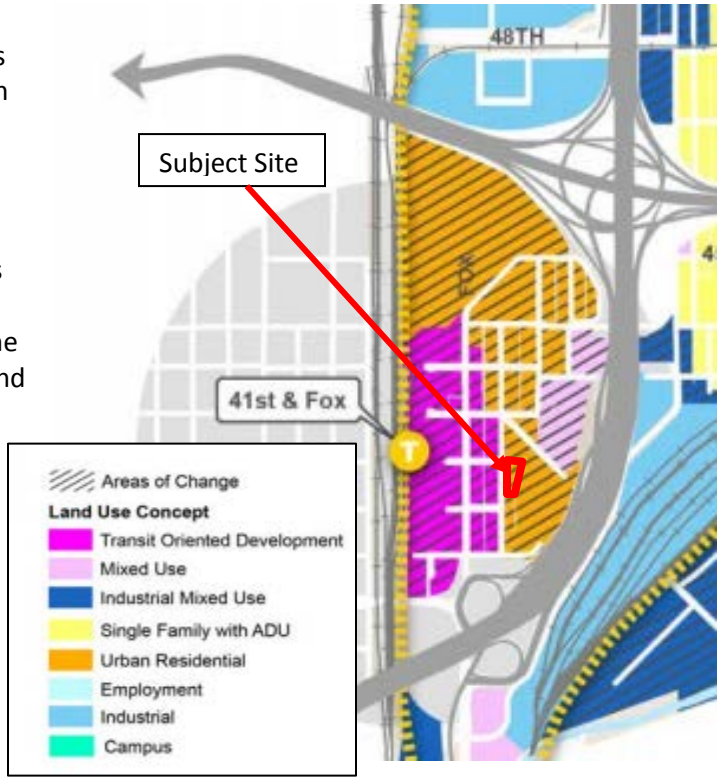
Blueprint Denver classifies both North Elati Street and nearby intersecting east-west streets as Undesignated Locals. According to Blueprint Denver, "The design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets 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.



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.

Land Use, Transportation and Infrastructure Committee

During a hearing held on Tuesday, July 11, the LUTI Committee voted to recommend approval of this rezoning application.

Attachments

1. Rezoning Application