



TO: Denver City Council
FROM: Jeff Hirt, Senior City Planner
DATE: March 9, 2017
RE: Official Zoning Map Amendment Application #2016I-00072
10200 Smith Road, 9507 E. 35th Avenue
Rezoning from OS-B to OS-A

Staff Report and Recommendation

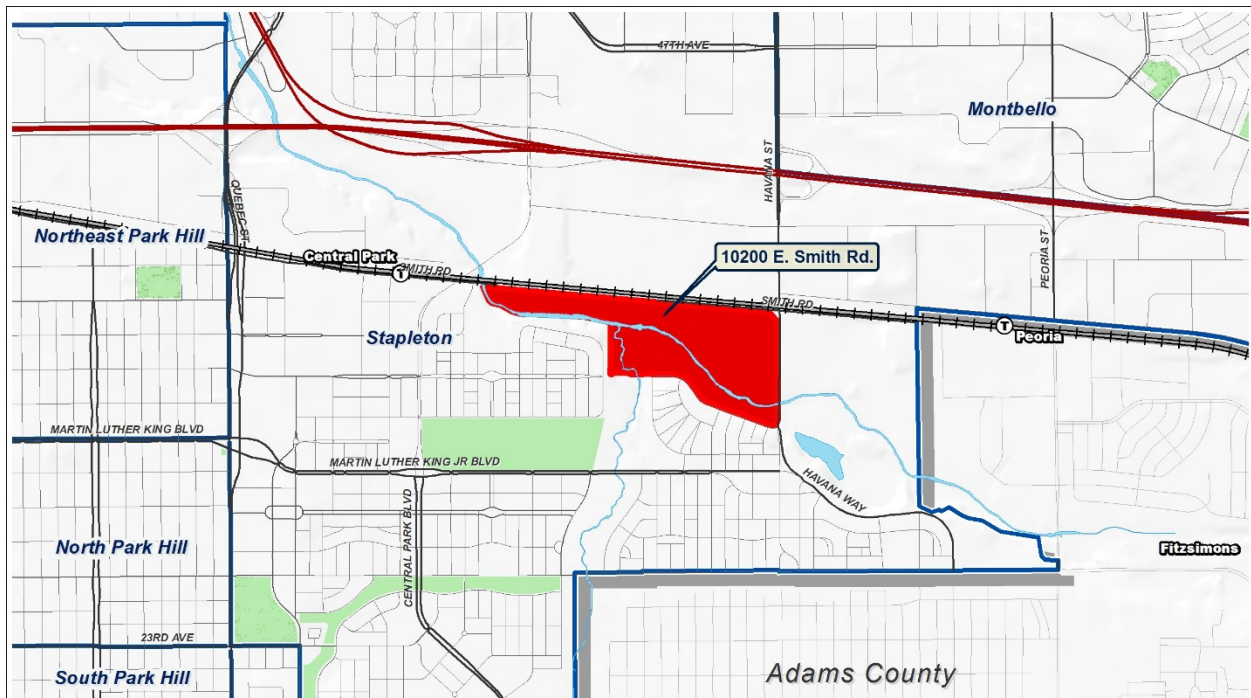
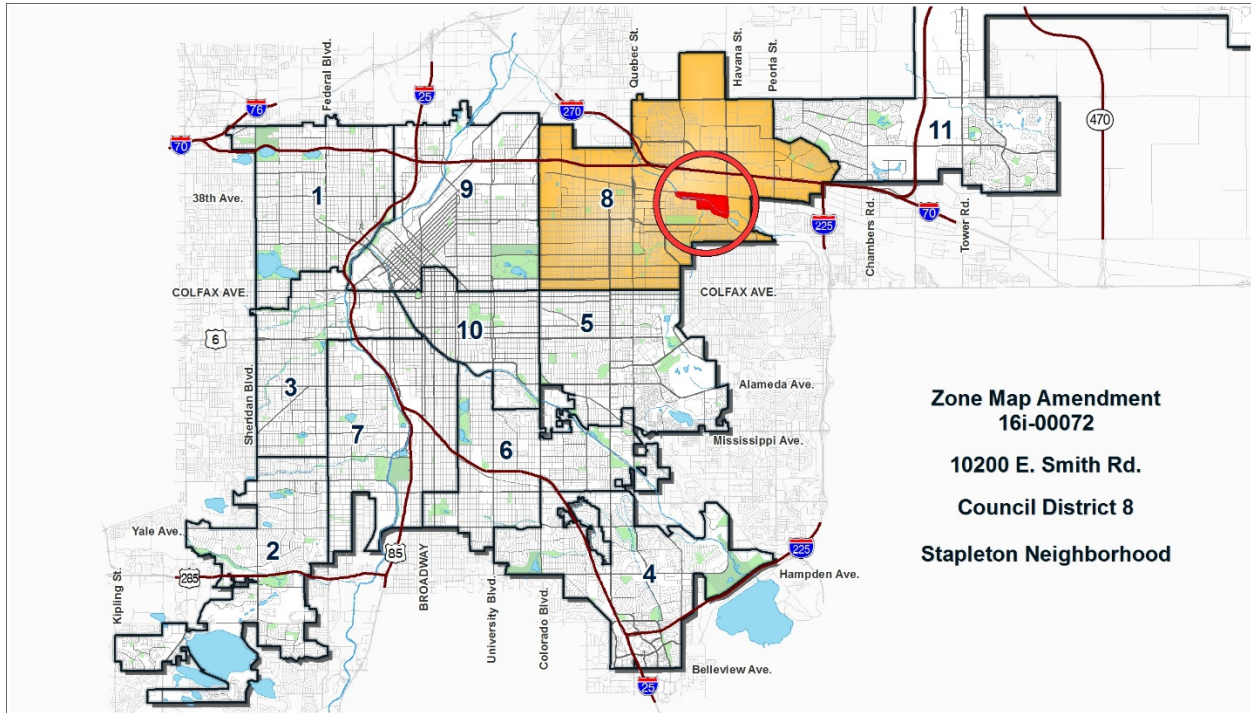
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2016I-00072 for a rezoning from OS-B to OS-A.

Request for Rezoning

Application:	#2016I-00072
Address:	10200 Smith Road, 9507 E. 35 th Avenue
Neighborhood/Council District:	Stapleton / Council District 8
RNOs:	Stapleton Master Community Association, Stapleton United Neighbors, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	10200 Smith Road: 4,492,976 SF (103 acres); 9507 E. 35 th Avenue: 1,983,314 SF (46 acres)
Current Zoning:	OS-B
Proposed Zoning:	OS-A
Property Owner(s):	City and County of Denver Parks and Recreation
Owner Representative:	Mark Tabor/Courtney Levingston, Denver Parks and Recreation

Summary of Rezoning Request

- The subject properties are located in the Stapleton neighborhood and are part of the Sand Creek open space corridor.
- The subject properties are currently used for open space, recreation, City Parks and Recreation Forestry services, and the Urban Farm at Stapleton, which has been in operation since 1993.
- The City Parks and Recreation Department acquired the subject properties from the Stapleton Development Corporation in November 2015.
- The OS-B zone district is intended for open space and parks not owned or operated by the City. The subject properties' current zoning reflects the previous ownership by the Stapleton Development Corporation.
- The OS-A zone district that the applicant is requesting is intended for public parks owned, operated, or leased by the City and managed by the City's Department of Parks and Recreation.



Proposed Rezoning

The applicant is requesting to rezone to the OS-A district, which stands for Open Space Public Parks District. The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking.

The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation for park purposes. The OS-B district is intended to protect and promote open space and parks not otherwise owned, operated or leased by the City (DZC 9.3.1, 9.3.2.1).

Primary Building form standards for some structures in the OS-A zone district are subject to final approval by City Council according to D.R.M.C., Chapter 39 (Parks and Recreation). For all other buildings or structures, the Manager of Parks and Recreation shall determine all applicable building form standards. The permitted uses, number of uses and applicable use limitations in the OS-A zone district shall be determined by the manager of Parks and Recreation.

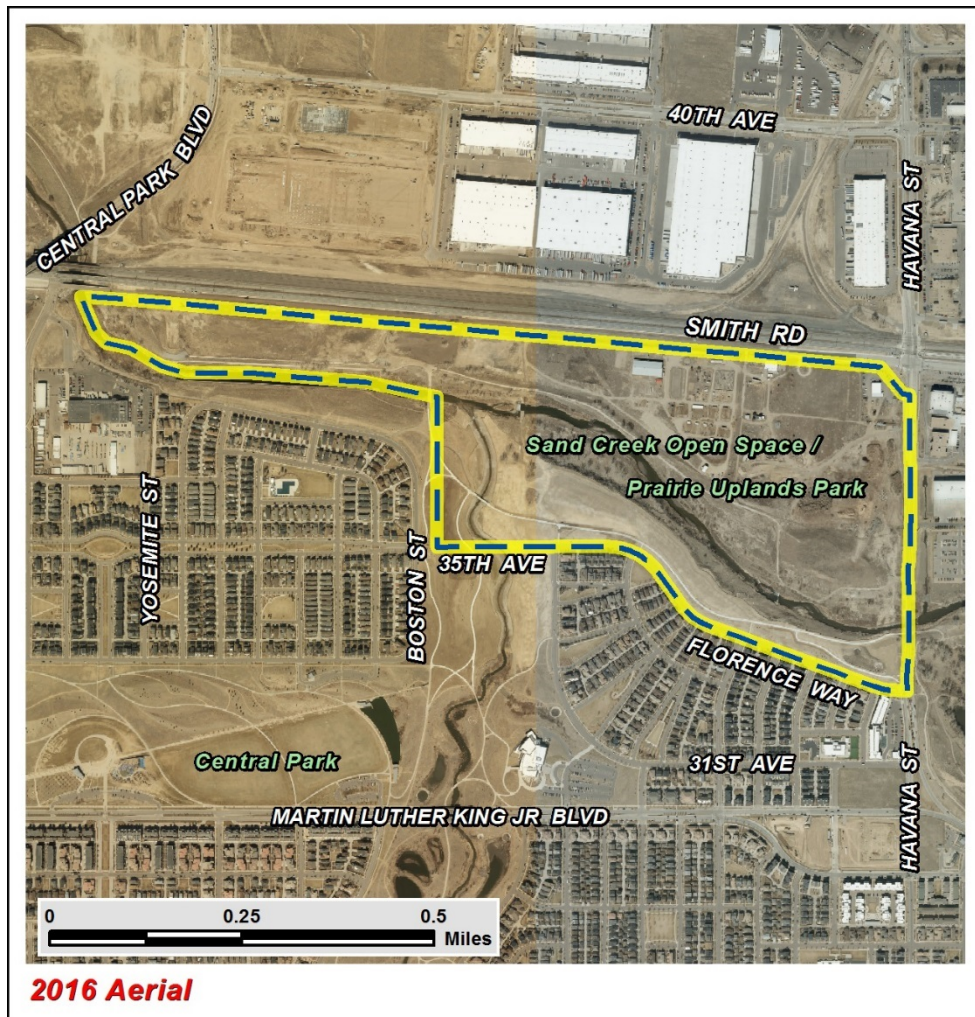
Details on the proposed zone district can be found in Article 9 of the Denver Zoning Code (DZC).



Existing Context

The subject properties are part of the Sand Creek open space corridor and straddle both sides of Sand Creek. 9507 East 35th Avenue is the area south of Sand Creek that consists of open space and trails connecting to the residential area to the south. 10200 Smith Road is the parcel north of Sand Creek extending from Havana Street west to the edge of the city ownership. 10200 Smith Road has a combination of open space, trails, Denver Forestry facilities, and the Urban Farm at Stapleton. Several warehouse buildings and other detached accessory structures support these operations.

The area to the south is primarily residential, with areas to the north and east having a variety of industrial and institutional uses that reflect the proximity to the I-70 corridor and railroad tracks. Vehicular access to the site is limited to Smith Road from Havana Street, which only connects through part of the site and is a dead end. The rest of the site is publicly accessible only to pedestrians and bicyclists.

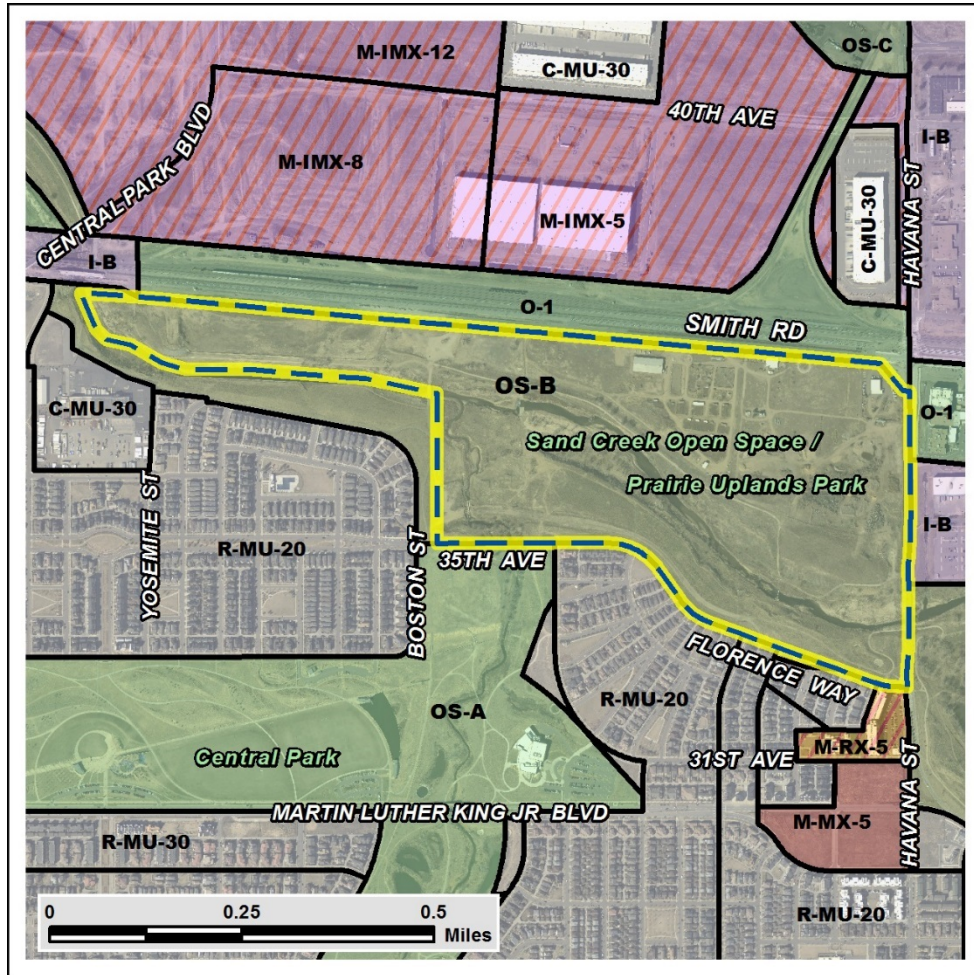


The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	OS-B	Warehouse, Urban Garden, Open Space	The majority of the approximately 150-acre site is both active and passive open space. The northeast corner of the site contains a warehouse building and variety of detached accessory buildings and storage used by Denver Parks and Recreation forestry services. Central portions of the site contain additional warehouse and office buildings, along with an urban garden that has several related structures like greenhouses and storage buildings. The rest of the site, including areas south of Sand Creek and west of the urban garden is open space with passive and active recreation facilities.	The subject properties follow the large lot pattern common along open space corridors like Sand Creek. To the east across Havana Street and to the north across Smith Road and the Railroad tracks, there are larger lots and street patterns suited for a variety of industrial and institutional uses. To the south is the Stapleton neighborhood grid for predominately single family residential uses.
North	O-1	Smith Road and railroad right-of-way	Railroad tracks	
South	OS-A, OS-1, R-MU-20 with waivers, R-MU-20 with waivers and conditions, M-RX-5, C-MU-30 UO-1	Single family, multifamily residential, heavy industrial	Detached single family residential, attached multifamily residential, industrial warehouse	
East	I-B, O-1	Correctional facility, warehouse	Correctional facility, warehouse	
West	R-MU-20 with waivers and conditions, C-MU-30 UO-1	Industrial, warehouse	Industrial, warehouse	

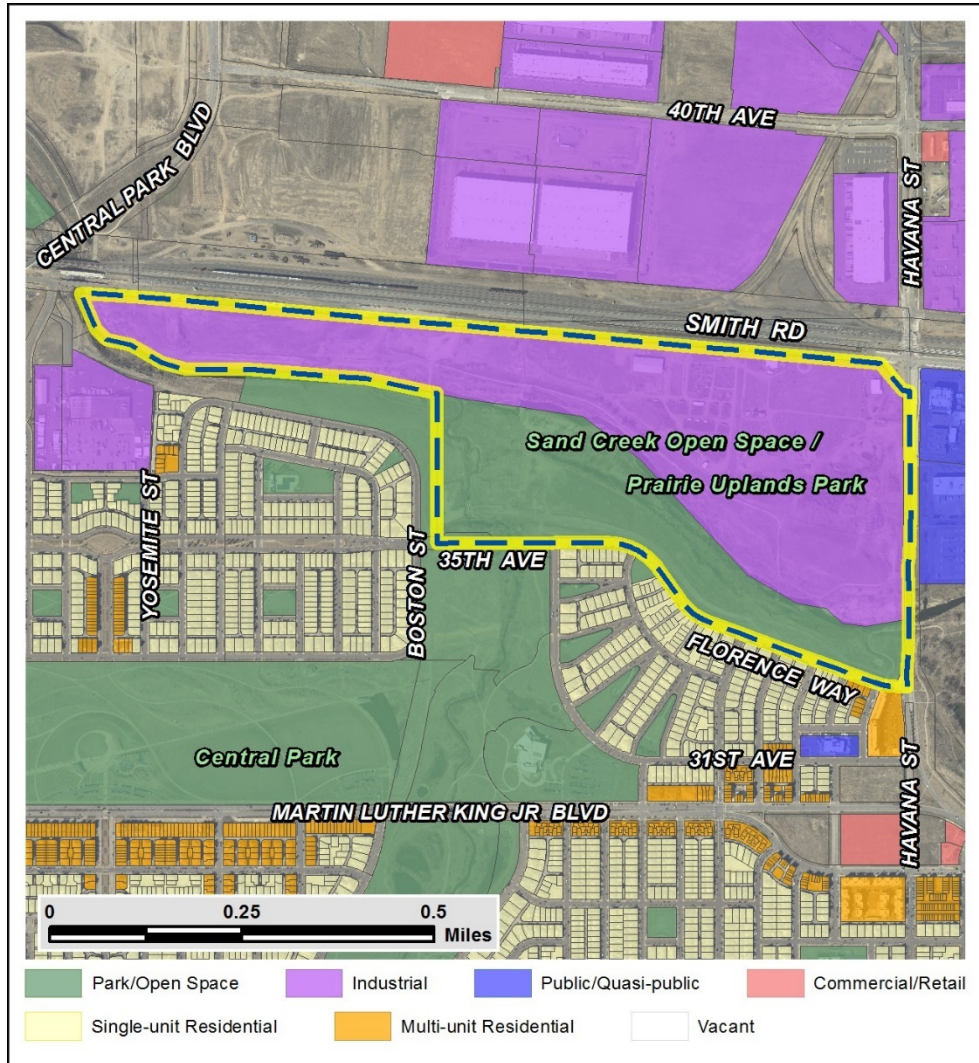
Existing Zoning

The existing zoning on the subject property is OS-B, which stands for Open Space Recreation District. The OS-B zone district is intended to protect and promote open space and parks not owned, operated or leased by the City. The allowed uses are limited to those that provide some type of public service or amenity, or are related to parks, recreation, and open space functions. Residential, retail, office, and industrial uses are generally prohibited (DZC Section 9.3.4.5). DZC Section 9.3.3.2 sets forth the Primary Building Form standards for the OS-B zone district.



Existing Land Use Map

10200 Smith Road is classified as an Industrial Warehouse land use. 9507 East 35th Avenue is classified as Vacant. Properties to the north are classified as Vacant (which includes the railroad right-of-way). Properties to the south across Florence Way/35th Avenue are classified primarily as Single Family, with some Rowhouse and other Vacant existing land use classifications. Properties to the east across Havana Street are classified as Public. Properties to the west are Vacant and Warehouse existing land use classifications.



Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images below.



View of the subject property, looking southwest with the intersection of Havana Street and Smith Road in the foreground.



View of the subject property from the corner of Smith Road and Havana Road, looking west.



View of the subject property from Havana Road, looking west.



View of the subject property and entrance to the Urban Farm at Stapleton, looking south from Smith Road



View of the subject property and Sand Creek open space, looking north from Florence Way



View of one of the warehouse buildings on the subject property, looking south from Smith Road

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:

Public Works – Surveyor: Approved with minor corrections to legal description.

Environmental Health: Approved - See Comments Below

DEH does not object to the rezoning request; however, recent trail work near the Smith Road Bridge over Sand Creek revealed the presence of regulated asbestos contaminated soil (RACS). Future developments of the property should take into account the possibility of encountering RACS. DEH can assist with future projects and management of RACS.

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.

Asset Management: Approved – No Comments

Public Review Process

The public process for the proposed rezoning is summarized below:

- **Informational Notice-** CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on August 30, 2016.
- **Planning Board-** The property was posted for a period of 15 days announcing the January 4, 2017 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **Planning Board recommended approval of the proposed rezoning by a vote of 7-0.**
- **Land Use, Transportation, and Infrastructure Committee-** Following Planning Board review, the rezoning application was referred to the Land Use, Transportation, and Infrastructure (LUTI) Committee of the City Council for review at a public meeting on January 24, 2017. Following LUTI review, the rezoning application was referred to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this application.
- As of the date of this staff report, no comments have 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)*
- *Parks Game Plan (2003)*
- *Blueprint Denver (2002)*
- *Stapleton Development Plan (1995)*
- *Central Park Boulevard Station Area Plan (2012)*

Denver Comprehensive Plan (2000)

The proposal is consistent with several Denver Comprehensive Plan strategies. The OS-B zone district is explicitly for non-city owned parks and open space properties. Now that the subject properties are city-owned, the OS-A zone district will ensure their continued use for parks, recreation, and related uses.

Specific relevant strategies from the Comprehensive Plan include:

- Environmental Sustainability Strategy 2-G - Preserve and restore, wherever possible, natural habitat for wildlife and plants native to the region. (p. 40)
- Environmental Sustainability Strategy 4-B - Respect, conserve and expand wildlife habitat, watersheds, open space and other natural resources. (p. 41)
- Denver's Legacies Strategy 9-B - Integrate sufficient open space and recreational amenities into large-scale development plans. (p. 102)
- Denver's Legacies Strategy 9-C - Protect and expand the network of parkways and trails connecting Denver's parks to the regional system. (p. 102)

Denver Parks Game Plan (2003)

The proposal is consistent with the Denver Parks Game Plan vision for safe, accessible and flexible open spaces located within ½ mile of every home (page 31). The Game Plan describes a number of amenities that could be in the city's open spaces, which include active and passive recreation and community gardens. With a zoning of OS-A, the subject properties will have more flexibility to make improvements that support the open space and parks use since they are now owned by the city.

Blueprint Denver (2002)

According to *Blueprint Denver*, the subject properties have a concept land use of Park and Open Space and are located within an Area of Stability.

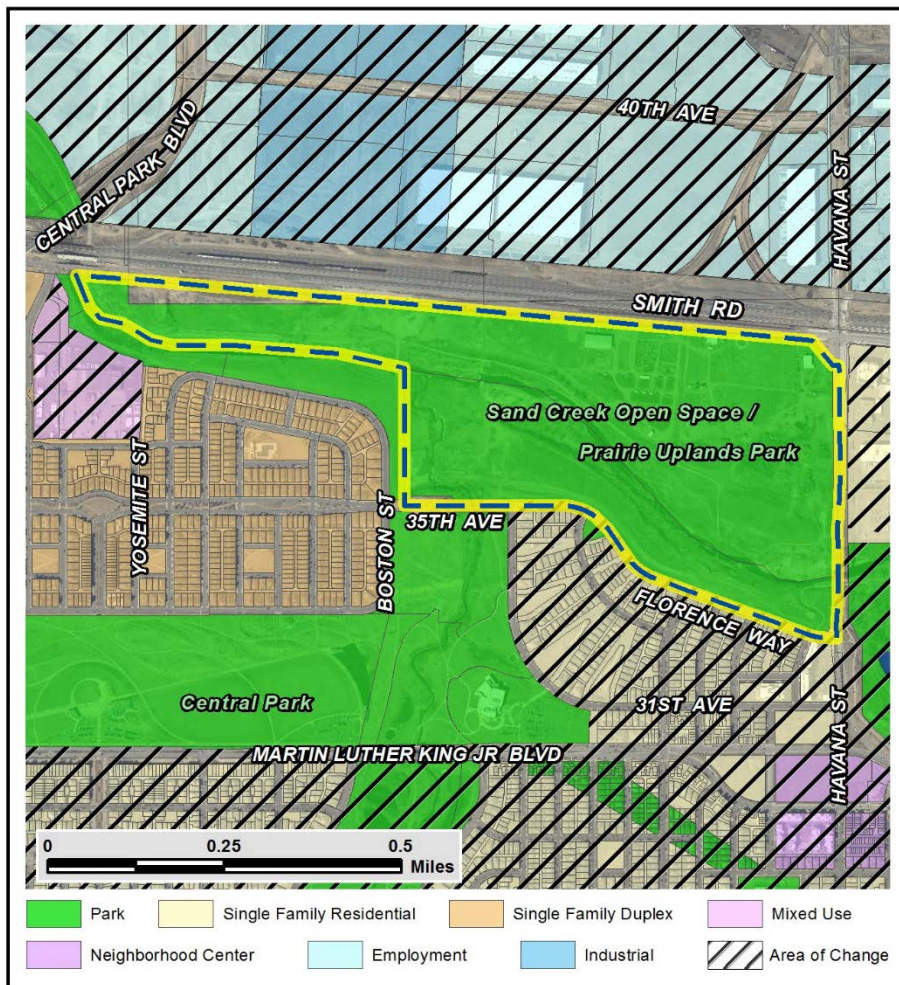
Future Land Use

Blueprint Denver describes Parks and Open Space as public spaces, ranging from our historic, traditional parks to natural areas along the waterways (p. 40). Parks and open spaces range from active neighborhood and community parks with recreation fields and centers to larger preserves of natural

open areas that provide space for wildlife habitat. The proposed map amendment supports the Blueprint Denver Parks and Open Space concept land use designation by enabling continued use of the property for active recreation, preservation of natural areas along the Sand Creek open space, and the urban garden.

Area of Stability

The subject properties are in an Area of Stability. The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment. In some cases, it may be appropriate to change the zoning in an Area of Stability to create a better match between existing land uses and the zoning (page 124). The map amendment application is consistent with the Blueprint Denver Area of Stability recommendations because it will create a better match between the existing city-owned park and open space land use and the zoning, whereas the current OS-B zoning on the subject property is inconsistent with current conditions relative to ownership.



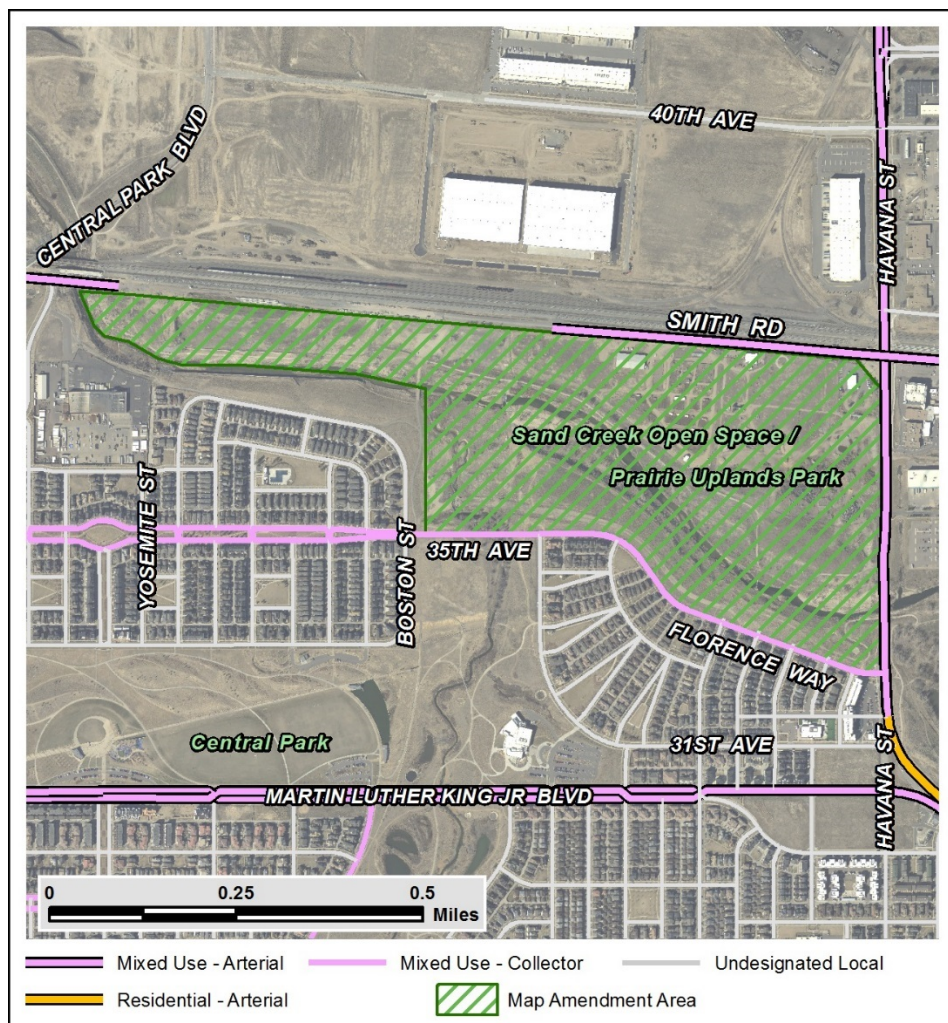
Street Classifications

Both Smith Road and Havana Street are identified in Blueprint Denver as Mixed Use – Arterial streets. Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to,

from, and within urban areas. Denver’s arterial system interconnects major urban elements such as the central business district, employment centers, large urban and suburban commercial centers and residential neighborhoods. (p. 51)

Both Florence Way and 35th Avenue are identified in Blueprint Denver as Mixed Use – Collector streets. Collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings. Posted speed limits on collector streets generally range from 25 to 35 miles per hour. (p. 51)

The Map Amendment application will not result in a change in the use of the property nor any changes to the impacts to any adjacent streets.



Stapleton Development Plan (1995)

The proposal is consistent with several Stapleton Development Plan objectives and guiding principles, including:

- Community Objectives– restore the health of natural systems on site and make important regional connections. (p. 4-3)

- Environmentally Responsible Guiding Principle 4— restore and enhance existing natural systems to achieve optimal health and viability. (p. 4-4)
- Physical Design Guiding Principle 3 program the Stapleton open space system to serve multiple needs. (p. 4-6)
- Parks, Recreation, and Open Space Guiding Principles 1-6 – generally, these guiding principles address the desire for an extensive, connected systems of parks, recreation, and open space throughout the Stapleton neighborhood. Specifically, Guiding Principle 7 states that the open space system, its development, and management structure should be designed to be supportable over time. (p. 4-8)
- Development Plan— an urban agriculture center and equestrian facility are accommodated on the north side of Sand Creek just west of Havana Street (p. 5-6). The Development Plan also identifies 10200 Smith Road as a community farm, market, garden area, composting yards, and nursery. (p 5-14, 5-54).

The map amendment application is consistent with the Stapleton Development Plan because the OS-A zone district will better facilitate the continuation of existing uses that include open space and recreation, community farm, garden area, and city forestry facilities.

Central Park Boulevard Station Area Plan (2012)

The Central Park Boulevard Station Area Plan primarily focuses on the area within ½ mile of the Central Park Boulevard commuter rail station. A small portion of the subject properties overlap with this ½ mile radius. The future land use designation is Park, which is described as public spaces, ranging from highly programmed parks to natural areas along the waterways. The rezoning to OS-A is consistent with this plan recommendation.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to OS-A will result in the uniform application of zone district building form, use, and design regulations and make the subject properties consistent with the purpose of the OS-A zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by making the subject properties consistent with the purpose of the OS-A zone district. OS-A zoning on the subject properties will better enable maintenance and enhancements for current uses that include an urban garden, city forestry facilities, and other parks and recreation facilities than the OS-B zone district does with the recent transfer of ownership to the City.

4. Justifying Circumstances

The application identifies changed or changing conditions as a 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.”

The changed condition is that in November 2015, the City acquired the subject properties from the Stapleton Development Corporation. By doing this, the subject properties became inconsistent with the current zoning of OS-B, which is explicitly intended for open space and parks not owned, operated, or

leased by the City per Section 9.3.2.1.B. The OS-A zone district that the applicant is requesting is explicitly intended for open space and parks owned, operated, or leased by the City and managed by the City's Department of Parks and Recreation.

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

The requested zone district is within the Open Space Context, which consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking. Within this context, the OS-A zone district is intended to protect and preserve public parks owned, operated, or leased by the City and managed by the City's Department of Parks and Recreation for park purposes (DZC 9.3.1, 9.3.2).

The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent because the requested zoning will make the property consistent with existing city ownership of the subject properties which will include continued operation for various parks and open space uses.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 10200 Smith Road and 9507 East 35th Avenue (#2016I-00072) to the proposed OS-A zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Rezoning application

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	City and County of Denver	Representative Name	Scott Gilmore, Courtney Levingston
Address	201 W. Colfax Ave.	Address	201 W Colfax Ave
City, State, Zip	Denver, CO 80202	City, State, Zip	Denver, CO 80202
Telephone	720/913-0665	Telephone	720-913-0623
Email	scott.gilmore@denvergov.org	Email	courtney.levingston@live.com
*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.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	10200 E Smith Rd., 9507 E 35th Ave.		
Assessor's Parcel Numbers:	163267184, 163267214		
Area in Acres or Square Feet:	4,492,976 sq ft, 1,983,314sq ft		
Current Zone District(s):	OSB		
PROPOSAL			
Proposed Zone District:	OSA		
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	

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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. 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.
	<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.
	<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>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> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <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. <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>Please provide an attachment describing the justifying circumstance.</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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

Return completed form to rezoning@denvergov.org

Last updated: February 4, 2015

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
Scott Gilmore	201 W. Colfax Ave Denver, CO 80202	100%	<i>Scott Gilmore</i>	7/25/14		N/A



DENVER
THE MILE HIGH CITY

Denver Parks and Recreation

Manager's Office

201 W. Colfax Ave. Dept. 601

Denver, CO 80202

p: 720.913.0741

f: 720.913.0784

www.denvergov.org/parksandrec

July 27, 2016

To Whom It May Concern:

The subject properties were transferred from Stapleton Development Corporation to the City and County of Denver in late 2015.

It is requested that the subject properties be rezoned from OSB to OSA. The OSB district is intended to protect and promote **open space and parks not otherwise owned, operated or leased by the City**, and generally intended for active or passive recreation use. The OSA district is intended to protect and preserve **open space and public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR")**.

As the property has been transferred from private to public, this rezoning request is simply needed to reflect current ownership and for consistency with the code. There are no proposed changes in use associated with this application.

Sincerely,

Courtney Livingston
Senior City Planner, Park Planning, Design and Construction
Denver Parks and Recreation



General Review Criteria 1: Consistency with Adopted Plans

Background

The subject properties are located at 102000 E Smith Road on the corner of N. Havana Street and E. Smith Road located in the Stapleton neighborhood.

Comprehensive Plan, 2000

The goals of Comprehensive Plan 2000 include preservation and enhancement of Denver's natural environment and using the best of Denver's architectural and landscape legacies to guide the future. The Parks and Recreation Game Plan and Blueprint Denver are detailed plans to supplement the Comprehensive Plan.

Blueprint Denver, 2002

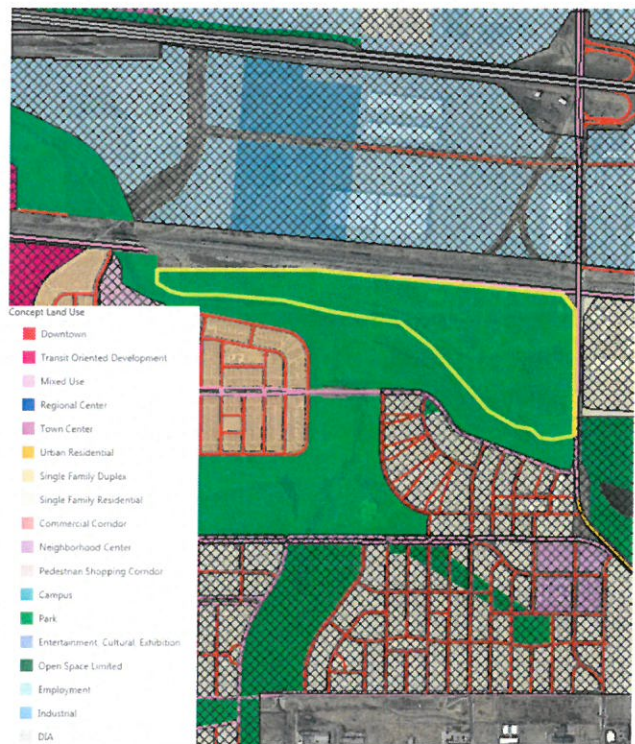
According to the plan, the land use concept is indicated as both a park and an Area of Stability. Neighboring future street classifications include Mixed Use Arterial for the surrounding area on N. Havana Street and E. Smith Road.

Mixed-Use Streets emphasize a variety of travel choices such as pedestrian, bicycle and transit use. Mixed-use streets are located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Mixed-parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. On-street parking, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street.

Arterial Streets are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Denver's arterial system interconnects major urban elements such as the central business district, employment centers, large urban and suburban commercial centers and residential neighborhoods. Movement of people and goods, also known as "mobility," rather than access, is the primary function of an arterial street. Arterial streets serve a city-wide function and are, therefore, designated using a broader city-wide perspective.

Stapleton Development Plan, 1995

The neighborhood of Stapleton envisions that the Stapleton site will be a network of urban villages, employment centers and **significant open spaces**, all linked by a commitment to the protection of natural resources and the development of human resources.



The Development Plan created for Stapleton is a direct response to the project's community context and the adopted principles. Stapleton will be a unique mixed-use community capable of supporting more than 30,000 jobs and 25,000 residents. **More than one third of the property will be managed for parks, recreation and open space purposes.** Developed portions of the site will provide an integrated mix of employment, housing, recreation and access to public transportation. Stapleton's reuse will support the health of surrounding neighborhoods, and provide strong ties to the adjacent Rocky Mountain Arsenal National Wildlife Refuge and the Lowry education campus.

The Stapleton open space system includes more than 1,600 acres of parks, trails, recreation facilities and natural areas. The principle trail corridors are along Sand Creek, Westerly Creek and the newly created open space corridor connecting Sand Creek with the Rocky Mountain Arsenal National Wildlife Area. The system includes a championship golf course above I-70 and a nine-hole learning course along Westerly Creek. A major ballfield and outdoor recreation complex is located between Sand Creek and I-70 west of Yosemite Parkway. **An urban agriculture center and equestrian facility are accommodated on the north side of Sand Creek just west of Havana Street.** A major urban park is provided at the confluence of Sand and Westerly Creeks, as well as a number of smaller scale parks and public spaces. Parkways and landscaped drainage ways connect neighborhoods to each other and to the major components of the open space system. Significant areas of prairie and riparian corridor restoration, particularly in the northern half of the site, will dramatically increase the wildlife habitat provided by the site. A 365-acre Prairie Park in the far northern portion of the site, primarily above 56th Avenue, will be the centerpiece of these restoration efforts.

Stapleton Parks, Recreation and Open Space strives to utilize portions of the Stapleton site to dramatically alter the identity of the site, create value and add significant new park, recreation and open space resources to the City and County's system. Explore new open space types, designs and management systems and their relationship to urban development.

PRINCIPLE 4: Use natural features and the **pre-existing environment as a basis for the design of the park system.**

PRINCIPLE 5: In addition to the prairie park, natural areas, and stream corridors, the open space system **should also provide at least one new major urban park.**

PRINCIPLE 7: Ensure that the open space system and its development and management structure are all **designed to be supportable over time.**

The natural systems and land form of the Stapleton site will be heavily influenced by the process of reclamation and the establishment of a series of highly related systems. Critical systems and features include regional storm drainage, wildlife habitat corridors, **active and passive recreation areas**, transportation, recycling and regrading of runway areas, and soil and groundwater remediation. **A comprehensive open space system** can accommodate a wide variety of uses and serve multiple functions.

PRINCIPLE 3: Program the Stapleton open space system to serve multiple needs, including: storm drainage, water treatment, wildlife habitats, **active and passive recreation** and the creation of superior sites for institutional uses.

General Review Criteria 2: Uniformity of District Regulations

Section 9.3.2.1: Purpose

A. Open Space Public Parks District (OS-A)

The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes.

B. Open Space Recreation District (OS-B)

The OS-B district is intended to protect and promote open space and parks not otherwise owned, operated or leased by the City, and generally intended for active or passive recreation use. The district allows more building coverage and a variety of active recreational facilities than in the OS-C district.

C. Open Space Conservation District (OS-C)

To allow for conservation of open space and natural areas, regardless of ownership, which are not intended for development. Limited passive recreation is allowed, and only limited structures incidental to and supportive of the conservation purpose of the Zone District, such as visitor's/educational center, are allowed.

Section 9.3.3: Primary Building Form Standards

9.3.3.1. Open Space Public Parks District (OS-A)

A. In the OS-A Zone District, the City Council shall have final approval authority over the form of certain building according to D.R.M.C., Chapter 39 (Parks). For all other buildings or structures, the Manager of Parks and Recreation shall determine all applicable building form standards.

B. Design and development standards governing structures in the OS-A Zone District, including but not limited to landscaping, parking, and signage, shall be determined by either the City Council according to their authority in D.R.M.C., Chapter 39 (Parks) or by the Manager of Parks and Recreation.

General Review Criteria 3: Public Health, Safety, and General Welfare

Rezoning this property to OS-A would serve to implement the land use and improved park space recommendations in adopted plans that document goals to improve public health, safety and welfare.

Additional Justifying Circumstances:

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.

The property has changed ownership from private to public and as such it is in the public interest to recognize the changed character of the area.

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the state purpose and intent of the proposed Zone District.

Open Space Context

The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking.

OS-A is consistent with the description of the open space context as these properties are now owned by the City

A. Open Space Public Parks District (OS-A)

The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes.

OS-A is consistent with the purpose of the district as these properties are now owned by the City.



11/06/2015 04:27 PM
City & County of Denver
Electronically Recorded

R \$46.00

WD

D \$0.00

After Recording, Return to:
Lisa Lumley
Division of Real Estate
City and County of Denver
201 W. Colfax Avenue Dept. 1010
Denver, CO 80202

SPECIAL WARRANTY DEED

Stapleton Sand Creek Parcels III & IV - Trunk Open Space

THIS DEED ("Deed") is made this 10th day of November, 2015 by the STAPLETON DEVELOPMENT CORPORATION, a Colorado nonprofit corporation, whose address is 7350 E. 29th Avenue, Suite 200, Denver, CO 80238 ("Grantor") to CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("Grantee") whose address is 1437 Bannock Street, Denver, Colorado 80202

No Doc Fee Required: Both parties are Tax Exempt

WITNESSETH, the Grantor, for and in consideration of less than Five Hundred Dollars (500.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does hereby grant, bargain, sell, convey and confirm, unto the Grantee and its successors and assigns forever, the real property, together with all improvements thereon owned by Grantor, if any, situate, lying and being in the City and County of Denver, State of Colorado, more particularly described as follows (the "Property"):

Stapleton Sand Creek Parcels III & IV - Trunk Open Space

One parcel of land identified herein as Sand Creek Parcels III & IV, being more particularly described on Exhibit A (consisting of 3 pages) as attached hereto and incorporated herein by this reference.

RESERVING, HOWEVER, unto Grantor, its successors and assigns any and all minerals, oil, gas and other hydrocarbon substances on and under the Property, to the extent owned by Grantor.

TOGETHER WITH all rights, privileges and easements appurtenant to the Property, if any, including without limitation, any and all development rights, air rights, appurtenant to the Property.

TO HAVE AND TO HOLD the said Property above bargained and described with the appurtenances, unto the Grantee, and its successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above bargained Property in the quiet and peaceable possession of the Grantee, and its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor, except as to those Permitted Exceptions set forth on Exhibit "B" (consisting of 2 pages), as attached hereto and incorporated by this reference.

H0415702

HTC

EXHIBIT A**PROPERTY LEGAL DESCRIPTION**

(Attached to and made a part of Special Warranty Deed - Stapleton Sand Creek Parcels III & IV – Trunk Open Space — between Stapleton Development Corporation “Grantor” and City of County of Denver “Grantee” dated November 6, 2015).

[SEE THE FOLLOWING 3 PAGES]

Exhibit A**LEGAL DESCRIPTION**

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 21, THE SOUTHWEST ONE-QUARTER OF SECTION 22, THE NORTH ONE-HALF OF SECTION 27 AND THE NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°28'34"W, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 27, A DISTANCE OF 574.52 FEET; THENCE S89°31'26"W, A DISTANCE OF 50.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HAVANA STREET AS ACQUIRED ON FEBRUARY 19, 1942 IN BOOK 276 AT PAGE 560, COUNTY OF ADAMS RECORDS, SAID POINT OF BEING ON THE CENTERLINE OF SAND CREEK, BEING THE POINT OF BEGINNING;

1. THENCE ALONG THE CENTERLINE OF SAND CREEK THE FOLLOWING SIXTEEN (16) COURSES:

- 1a. THENCE S79°53'32"W, A DISTANCE OF 263.42 FEET;
- 1b. THENCE N82°42'51"W, A DISTANCE OF 162.12 FEET;
- 1c. THENCE N48°11'03"W, A DISTANCE OF 147.63 FEET;
- 1d. THENCE N80°12'16"W, A DISTANCE OF 208.73 FEET;
- 1e. THENCE N60°46'17"W, A DISTANCE OF 394.25 FEET;
- 1f. THENCE N42°46'20"W, A DISTANCE OF 1082.12 FEET;
- 1g. THENCE N52°59'22"W, A DISTANCE OF 495.16 FEET;
- 1h. THENCE N81°44'53"W, A DISTANCE OF 846.46 FEET;
- 1i. THENCE N77°48'48"W, A DISTANCE OF 667.28 FEET;
- 1j. THENCE N85°28'38"W, A DISTANCE OF 782.17 FEET;
- 1k. THENCE N89°16'41"W, A DISTANCE OF 445.06 FEET;
- 1l. THENCE N75°51'49"W, A DISTANCE OF 179.88 FEET;
- 1m. THENCE N59°50'14"W, A DISTANCE OF 245.86 FEET;
- 1n. THENCE N77°26'47"W, A DISTANCE OF 170.51 FEET;

1o. THENCE N44°24'10"W, A DISTANCE OF 109.51 FEET;

1p. THENCE N22°25'55"W A DISTANCE OF 269.59 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SMITH ROAD AS ESTABLISHED BY PERPETUAL EASEMENT RECORDED ON SEPTEMBER 16, 1954 IN BOOK 7538 AT PAGE 476, CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE;

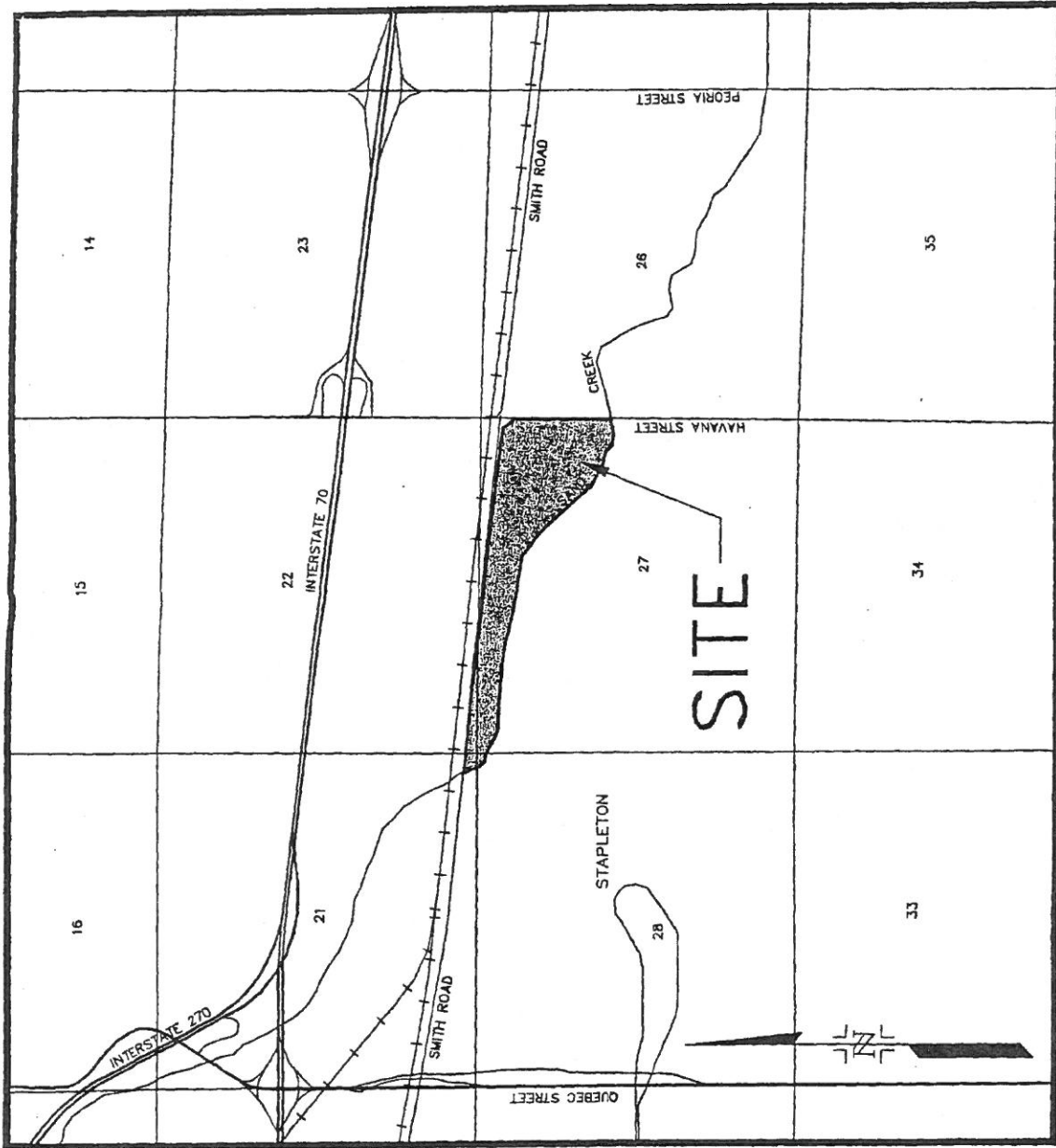
2. THENCE S84°51'15"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5515.88 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID HAVANA STREET;

3. THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

3a. THENCE S39°27'35"E, A DISTANCE OF 237.64 FEET;

3b. THENCE S00°28'34"E, A DISTANCE OF 1576.64 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 4,492,976 SQUARE FEET OR 103.1445 ACRES, MORE OR LESS.



VICINITY MAP
NOT TO SCALE

MONUMENTATION

FOUND PIN & CAP AS

LEGEND

STORM MANHOLE

EXHIBIT B
PERMITTED EXCEPTIONS

(Attached to and made a part of Special Warranty Deed Stapleton Sand Creek Parcels III & IV – Trunk Open Space between the Stapleton Development Corporation “Grantor” and City and County of Denver “Grantee” dated November 6th, 2015)

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Intentionally Deleted.
3. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
4. Intentionally Deleted.
5. Intentionally Deleted.
6. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
7. Intentionally Deleted.
8. Any existing leases or tenancies.
9. Terms, conditions, provisions, agreements and obligations contained in the Zoning Ordinances recorded January 8, 1999 at Reception No. 9900004127 and December 17, 1999 at Reception No. 9900212775.
10. Terms, conditions, provisions, agreements and obligations contained in the Stapleton Redevelopment General Development Plan – South Area recorded March 26, 2001 at Reception No. 2001043010.
11. Intentionally Deleted.
12. Intentionally Deleted.
13. Those terms, conditions, reservations and restrictions set forth in Bill of Sale by and between the City and County of Denver, Department of Aviation and the City and County of Denver, acting by and through its Board of Water Commissioners, recorded January 20, 2000 at Reception No. 2000009941.

14. Terms, conditions, provisions, agreements and obligations contained in the Resolution Laying out and Opening a City street (Havana Street) by the City and County of Denver No. CR13-0370, Series of 2013, recorded June 20, 2013 at Reception No. 2013089829.
15. Terms, conditions, provisions, agreements and obligations contained in the City and County of Denver Ordinance No. 140, Council Bill No. 279, Series of 1994 concerning a change in zoning, recorded March 14, 1995 at Reception No. 9500028637.
16. Terms, conditions, provisions, agreements and obligations contained in the License Agreement by and among Stapleton Development Corporation and the City and County of Denver, acting by and through its Board of Water Commissioners, recorded August 15, 2011 at Reception No. 2011089849.
17. Intentionally Deleted.
18. Intentionally Deleted.
19. Terms, conditions, provisions, agreements and obligations contained in the Development Agreement recorded May 8, 2002 at Reception No. 200284111 and as Corrected June 20, 2002 at Reception No. 2002110446.
20. Terms, conditions, provisions, agreements and obligations contained in the Easement for Construction and Maintenance of Sewer Lines, by and between the City and County of Denver and Metro Wastewater Reclamation District recorded March 2, 1998 at Reception No. 9800030125.
21. Those terms, conditions, reservations and restrictions set forth in Bill of Sale by and between the City and County of Denver, Department of Aviation and the City and County of Denver, acting by and through its Board of Water Commissioners, recorded May 18, 2005 at Reception No. 2005082546.
22. Any assessment or lien of Westerly Creek Metropolitan District, as disclosed by the instrument recorded August 6, 2003 at Reception No. 2003160598.
23. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement by and among Stapleton Development Corporation and the City and County of Denver, acting by and through its Board of Water Commissioners, recorded March 7, 2003 at Reception No. 2003037250.
24. Terms, conditions, provisions, agreements and obligations contained in the Recordings of Waivers of Certain Rights and/or Reasonable Conditions recorded March 29, 1995 at Reception Nos. 9500035125, at Reception No. 9500035124 and at Reception No. 9500035123.

Parcel 1

A parcel of land located in the North Half of Section 27, Township 3 South, Range 67 West of the 6th P.M., City and County of Denver, State of Colorado, and being more particularly described as follows:

All the land lying:

Southerly of Reception Number 2002134334;

And easterly of Reception Number 2011028771;

And northerly of Reception Numbers 2002112960, 2004079027, 2004252198 and 2004176006;

And westerly of Havana Street;

All in the records of the City and County of Denver Clerk and Recorder's Office, City and County of Denver, State of Colorado.

Said parcel contains 1983313.85 square feet or 45.531 acres, more or less.

This Property Description was prepared by:

Diana E. Askew, PLS 31928

URS

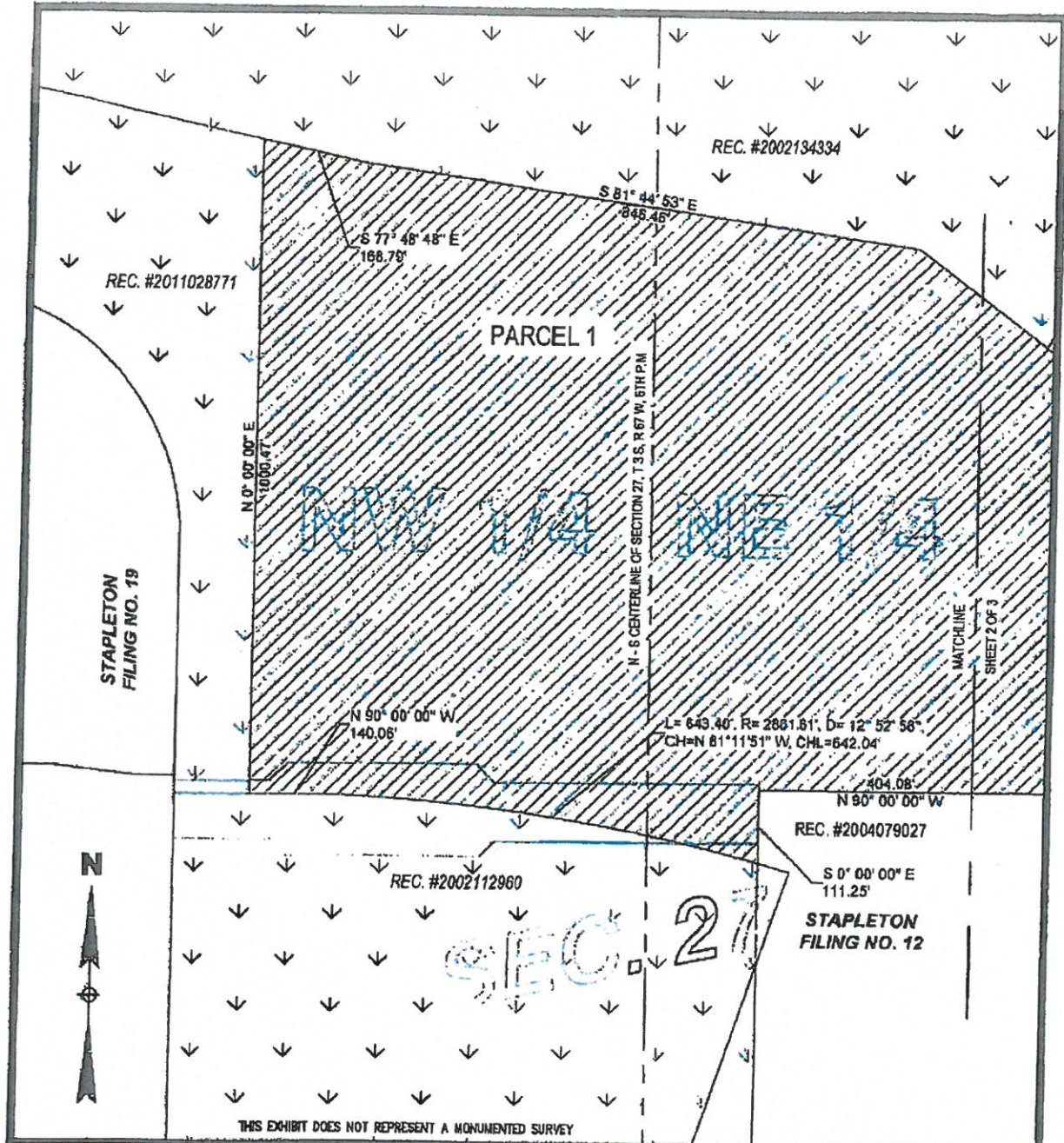
7125 Jefferson Ave, #400

Lakewood, CO 80235

Direct Phone: 720-377-9385

S:\Project Files\DIA\22242970 Property Transfer Support\Mapping\Survey\Property Descriptions\Property Description Sand Creek OS.docx





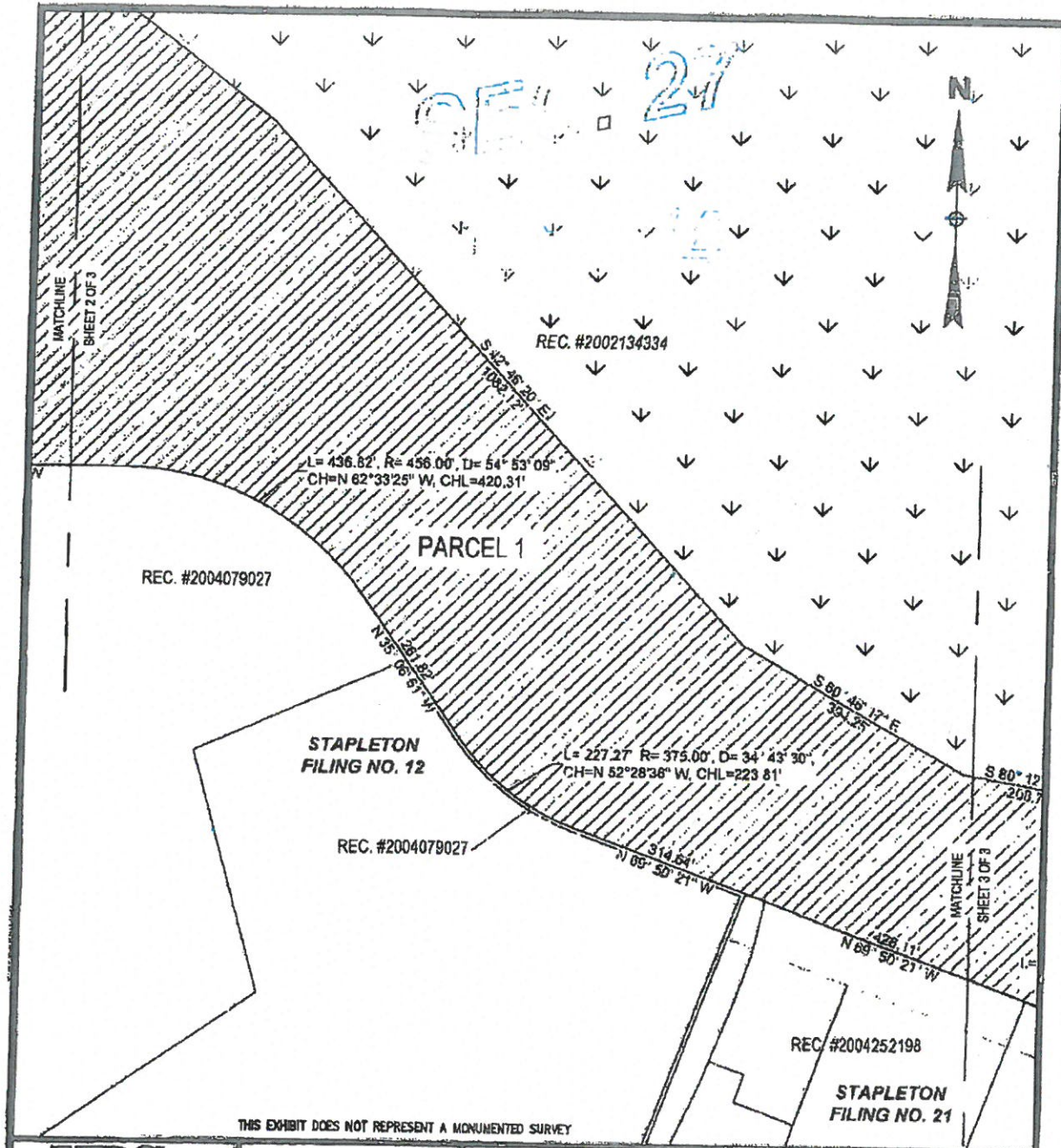
URS
 7125 W Jefferson Ave, Ste 400
 Lakewood, CO 80235
 303 949 4928

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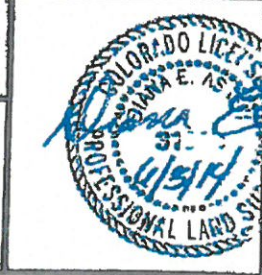
STAPLETON REDEVELOPMENT

EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTION SHEET 1 OF 3			
COLORADO			
CITY & COUNTY OF DENVER	DATE DRAWN 06/03/14	SCALE 1" = 200'	PROJ. NO. 22232870
DRAWN BY DEA	PREPARED BY DEA	CHECKED BY GG	DWG. NO. 2970-1800-001
			REVISION A



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY

URS
 7125 W Jefferson Ave., Ste 400
 Lakewood, CO 80235
 303-949-0223



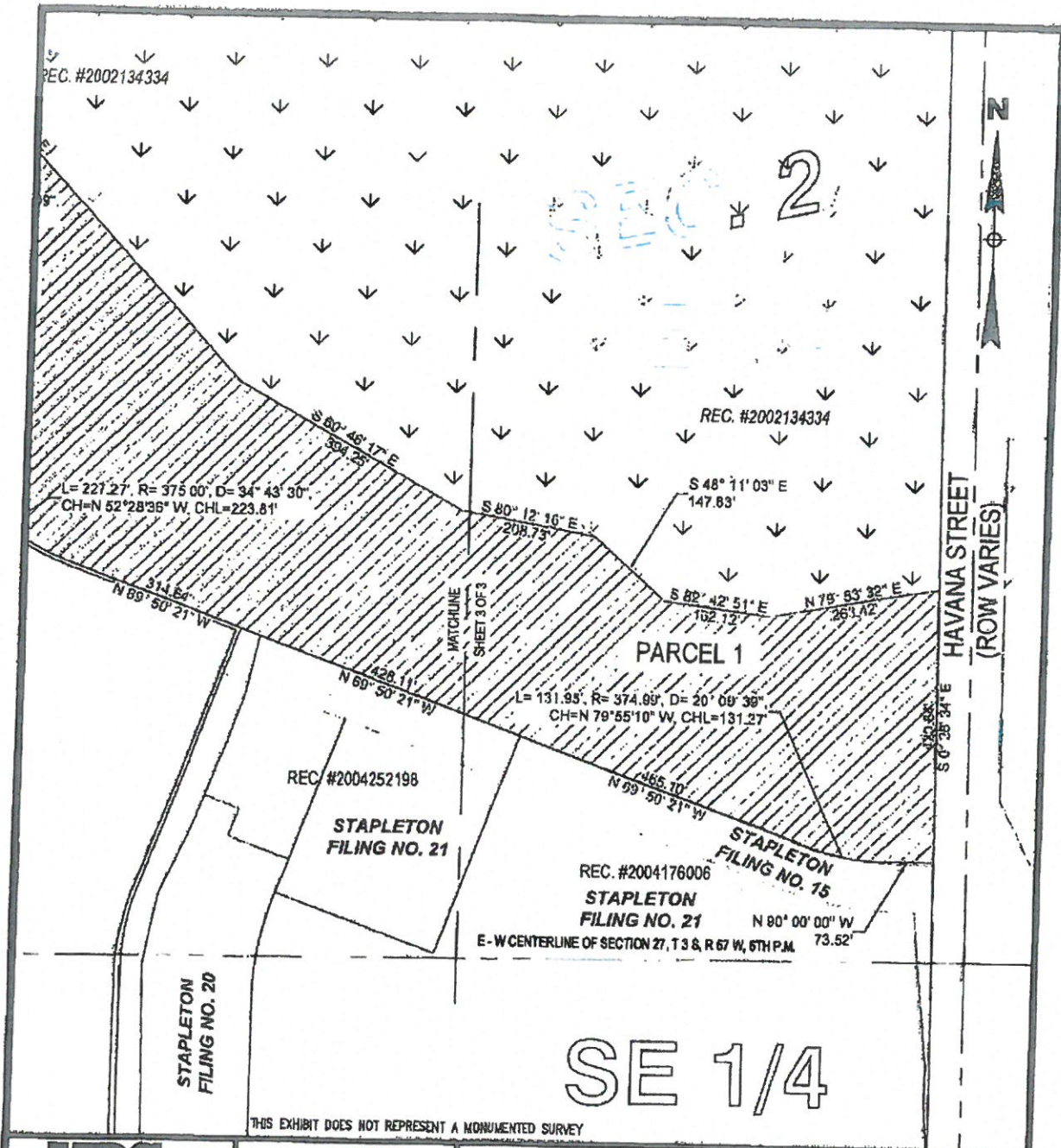
STAPLETON REDEVELOPMENT

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EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTION SHEET 2 OF 3

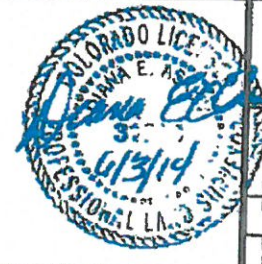
CITY & COUNTY OF DENVER		COLORADO	
DATE DRAWN	SCALE	PROJ. NO.	DWS. NO.
06/03/14	1" = 200'	22232970	
DRAWN BY	PREPARED BY	CHECKED BY	REV
DEA	DEA	CC	

2970-1800-001 A



URS
 7125 W Jefferson Ave., Ste 410
 Lakewood, CO 80235
 303-967-0223

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STAPLETON REDEVELOPMENT

EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTION SHEET 3 OF 3

CITY & COUNTY OF DENVER		COLORADO	
DATE DRAWN 08/03/14	SCALE 1" = 200'	PROJ. NO. 22232870	DWG. NO. 2970-1800-001
DRAWN BY DEA	PREPARED BY DEA	CHECKED BY GG	REV A



Department of Aviation
Airport Office Building
8500 Peña Boulevard
Denver, Colorado 80249
(303) 342-2206
www.flydenver.com



MEMORADUM

TO: Lauri Dannemiller
Executive Director, Denver Parks and Recreation

DATE: December 24, 2014

RE: North Westerly Creek Trunk Open Space Book Transfer

I have received your Memorandum dated October 29, 2014, requesting a book transfer/journal voucher of certain DIA-managed property at Stapleton. The property, called "North Westerly Creek Trunk Open Space," is located at the confluence of Sand Creek and Westerly Creek. The property will be developed as a regional park.

DIA and Parks staff have prepared all the necessary paperwork for the transfer, including the attached legal description. Both SDC and Forest City have waived their contractual rights to acquire the property.

I approve the transfer, and have instructed staff to complete the journal voucher.

Sincerely,

Kim Day
Chief Executive Officer
Denver International Airport