

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

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. Please provide an attachment describing the justifying circumstance.
	<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:	
<input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity	
Please list any additional attachments:	

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	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	Has the owner authorized a representative in writing? (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)	YES
Brad Buchanan, Executive Director, Community Planning and Development, City and County of Denver	201 W. Colfax Ave. Denver, CO 80202	100%	<i>Brad Buchanan</i>	<i>5-7-18</i>	A & B	yes

LEGAL DESCRIPTION

A part of Lot 7, Block 1, Koll Peoria Center Filing No. 1, being a subdivision situated in the Northwest Quarter of Section 24, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, according to the plat thereof recorded in the City and County of Denver Clerk and Recorder's Office at Reception Number 9900000721, more particularly described as follows:

Commencing at a range point in Albrook Drive, being on a 20 foot range line, as monumented by a recovered 3-1/4" aluminum cap in a range box, stamped, "PLS 37993", whence a range point in said Albrook Drive, Being on a 20 foot range line and a point of curvature, as monumented by a recovered #8 rebar in a range box, bears S68°00'00"E, a distance of 414.81 feet, forming the basis of bearing used in this description with all bearings being relative thereto:

Thence departing and perpendicular to said 20 foot range line, S22°00'00"W, a distance of 50.00 feet to a point on the southerly right-of-way line of Albrook Drive, said point also being the most northerly boundary corner of said Lot 7;

Thence along said southerly right-of-way line, also being the northerly boundary of said Lot 7, being 50.00 feet southwesterly of and parallel with said 20 foot range line, the following two courses:

- 1) S68°00'00"E, a distance of 414.81 feet to a point of curvature;
- 2) Along a tangent curve to the right having a central angle of 00°31'43", a radius of 965.00 feet and an arc length of 8.90 feet to the Point of Beginning;

Thence continuing along the last described course being a tangent curve to the right having a central angle of 11°34'03", a radius of 965.00 feet and an arc length of 194.83 feet to the northeast boundary corner of said Lot 7;

Thence departing said southerly right-of-way line and along the exterior boundary of said Lot 7 the following eight courses:

- 1) S40°30'09"W, a distance of 150.00 feet;
- 2) S52°05'31"E, a distance of 133.14 feet;
- 3) S49°30'02"E, a distance of 125.00 feet;
- 4) S40°29'58"W, a distance of 60.00 feet;
- 5) S29°59'56"W, a distance of 98.77 feet;
- 6) S40°29'58"W, a distance of 9.00 feet to a point of curvature;
- 7) Along a tangent curve to the right having a central angle of 49°30'00", a radius of 245.00 feet and an arc length of 211.66 feet;
- 8) S90°00'00"W, a distance of 441.91 feet to the southwest boundary corner of said Lot 7;

Thence along a westerly boundary line of said Lot 7, N00°00'00"E, a distance of 275.67 feet;

Thence departing and perpendicular to the last described course, S90°00'00"E, a distance of 283.86 feet;

Thence N22°00'00"E, a distance of 124.39 feet;

Thence perpendicular to the last described course, S68°00'00"E, a distance of 33.70 feet;

Thence perpendicular to the last described course, N22°00'00"E, a distance of 231.67 feet to the Point of Beginning,

City and County of Denver,
State of Colorado.



12/16/2014 03:07 PM
City & County of Denver
Electronically Recorded

R \$21.00

WD

D \$0.00

PROPERTY DEED
(Special Warranty Deed)

The TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation authorized to do business in Colorado, with an address of 1410 Grant Street, #D210, Denver, Colorado 80203-1846 ("Grantor"), for the consideration of One Million One Hundred Thirteen Thousand Dollars (\$1,113,000.00), and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, sells and conveys to the CITY AND COUNTY OF DENVER, a Colorado municipal corporation whose address is 1437 Bannock Street, Room 350, Denver, Colorado 80202 ("Grantee"), the following real property in the City and County of Denver, State of Colorado, to wit:

A part of Lot 7, Block 1, Koll Peoria Center Filing No. 1, being a subdivision situated in the Northwest Quarter of Section 24, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, according to the plat thereof recorded in the City and County of Denver Clerk and Recorder's Office at Reception Number 9900000721, more particularly described as follows:

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- 1) S68°00'00"E, a distance of 414.81 feet to a point of curvature;
- 2) Along a tangent curve to the right having a central angle of 00°31'43", a radius of 965.00 feet and an arc length of 8.90 feet to the Point of Beginning; Thence continuing along the last described course being a tangent curve to the right having a central angle of 11°34'03", a radius of 965.00 feet and an arc length of 194.83 feet to the northeast boundary corner of said Lot 7;

Thence departing said southerly right-of-way line and along the exterior boundary of said Lot 7 the following eight courses:

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 - 3) S49°30'02"E, a distance of 125.00 feet;
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 - 5) S29°59'56"W, a distance of 98.77 feet;
 - 6) S40°29'58"W, a distance of 9.00 feet to a point of curvature;
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 - 8) S90°00'00"W, a distance of 441.91 feet to the southwest boundary corner of said Lot 7;
- Thence along a westerly boundary line of said Lot 7, N00°00'00"E, a distance of 275.67 feet;
 Thence departing and perpendicular to the last described course, S90°00'00"E, a distance of 283.86 feet;
 Thence N22°00'00"E, a distance of 124.39 feet;
 Thence perpendicular to the last described course, S68°00'00"E, a distance of 33.70 feet;
 Thence perpendicular to the last described course, N22°00'00"E, a distance of 231.67 feet to the Point of Beginning,

City and County of Denver,
State of Colorado (referred to herein below as the "Property").

558398-3

No Documentary Fee
per C.R.S. 39-13-104(b)

EXHIBIT 1
TO SPECIAL WARRANTY DEED
(Title Encumbrances)

1. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded October 6, 1866 in Book 274 at Page 100.
2. Covenants, conditions, restrictions and provisions as set forth in Declaration of Restrictive Covenant recorded March 21, 1984 in Book 3049 at Page 518, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin, and any and all amendments, assignments or annexations thereto.
3. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Indemnity Agreement recorded October 29, 1998 at Reception No. 9800181257.
4. Easement, notes, covenant, restrictions and rights-of-way as shown on the plat of Koll Peoria Center Filing No. 1, recorded January 4, 1999 at Reception No. 9900000721.
5. Terms, conditions, provisions, obligations and agreements as set forth in the Detention Pond Covenant and Permit recorded February 19, 1999 at Reception No. 9900029989.
6. An easement for utility lines and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded March 26, 1999 at Reception No. 9900054701.
7. Terms, conditions and provisions set forth in Denver Assessor's Parcel Reconfiguration Form recorded December 17, 2009 at Reception No. 2009162834.
8. Terms, conditions, provisions, obligations and agreements as set forth in the Grant of Easement and Right of Use Agreement recorded December 17, 2009 at Reception No. 2009162836.
9. Terms, conditions, provisions, obligations and agreements as set forth in the Storm Water and Detention Facility Easement recorded December 17, 2009 at Reception No. 2009162837.
10. Terms, conditions, provisions, obligations and agreements as set forth in the Drainage Facilities Management and Access Easement recorded December 17, 2009 at Reception No. 2009162838.
11. Any rights, interests, or claims which may exist or arise by reason of the following facts show on the ALTA/ACSM Land Title Survey dated October 23, 2012 and last revised November 4, 2013, prepared by Flatirons, Inc., as Job Number 12-60,482:
 - a. Dirt footpaths

May 7, 2018

Dear CPD Executive Director:

I am writing to request the initiation of an official map amendment on the behalf of Parks and Recreation to rezone 12680 E. Albrook Drive from S-MX-12 to OS-A district.

The property was acquired by the City and County of Denver in 2014 from The Trust for Public Land with the intent for a future open space park and education/community center for and leased by the Environmental Learning for Kids (ELK) nonprofit organization. Construction for this future use is already occurring under the current S-MX-12 zoning.

As you know, the Montbello community faces many barriers including high rates of poverty and unemployment, low graduation rates and limited access to support services and open space. This site will provide essential assets for STEM education, environmental health and stewardship, public health, workforce readiness and career opportunities in environmental sciences. Denver Parks and Recreation is partnering with ELK in support of park purposes. Moreover, this partnership project will create space to house ELK's programs and operations, as well as provide a community center and a natural open space that is accessible and free to the public and activated by youth programming furthering DPR's goals as stated in the *Game Plan*.

Please contact Mark Tabor at mark.tabor@denvergov.org if there are any questions or additional clarification is required. He will be your point of contact regarding this request. If he becomes unavailable, at that time I will designate another individual as a point-of-contact for this map amendment request.

Sincerely,

Allegra "Happy" Haynes

Executive Director, Denver Parks and Recreation

CC: Scott Gilmore

Gordon Robertson

Mark Tabor

Review Criteria Analysis

1. Consistency with Adopted Plans

The following adopted plans apply to the map amendment request located at 12680 E. Albrook Drive:

- *Denver Comprehensive Plan (2000)*
- *The Game Plan (2003)*
- *Blueprint Denver (2002)*
- *Montbello/Green Valley Ranch Neighborhood Plan (1991)*

Denver Comprehensive Plan (2000)

This request is consistent with several *Denver Comprehensive Plan* strategies. As the subject property is now city owned, OS-A zone district will ensure their continued use for parks, recreation, and related uses. Relevant strategies from the *Denver 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).
- “Preserve and enhance Denver’s livable urban environment through development and maintenance of parks” (p. 55).
- Denver’s Legacies Strategy 9-B – “Integrate sufficient open space and recreational amenities into large-scale development plans” (p. 102).
- Environmental Stewardship Strategy 12-B – “Continue to encourage residents’ sense of stewardship for their parks through environmental education and volunteer maintenance programs, with special emphasis on youth” (p. 104).
- Recreation Strategy 13-B – “Coordinate with DPS and community-based organizations to expand recreation opportunities and after-school programs throughout the city” (p. 104).

The Game Plan (2003)

The Game Plan is the strategic master plan for Denver Parks and Recreation and is an adopted supplement to the Denver Comprehensive Plan. The request to rezone the property to the OS-A district is consistent with *The Game Plan*’s vision, policies and strategies, including:

- “Safe, accessible and flexible open spaces located within ½ mile of every home” (p. 32). *The Game Plan* describes a number of amenities that could be in the city’s open spaces, which include passive recreation, learning landscapes, natural open space with opportunities for wildlife.
- “Encourage a variety of public spaces so residents have choices” (p. 36).
- “Strengthen partnerships with nonprofits working to increase types and availability of open space” (p. 42).
- “Reach more people and create efficiencies through innovative partnerships with other recreation providers” (p. 48).

- “Increase Denver Parks and Recreation’s ability to provide more programs “outside the walls” by strengthening existing programs, such as community recreation, outdoor recreation, special needs and service-based learning. Expanding recreation programs to park-based education, cultural and social programs” (p. 48).
- “Engage the public, increase stewardship and volunteerism, build partnerships that encourage advocacy and additional financial resources and respond to diverse community needs” (p. 104).

By rezoning to OS-A, the subject property will have the flexibility to support the nonprofit partnership with Environmental Learning for Kids (ELK), ELK’s education and community center as well as the open space use on city owned property and consistently support *The Game Plan’s* vision, policies, recommendations and strategies.

Blueprint Denver (2002)

According to *Blueprint Denver*, the subject property has a concept land use of Town Center and is located within an Area of Stability.

Future Land Use

Blueprint Denver describes Town Centers as “similar to neighborhood centers but meet a larger variety of shopping, entertainment, service and employment needs and are large enough to serve several neighborhoods...Urban design features such as plazas, landscaping, small parks and civic features contribute to making these places focal points of community activity” (pg. 43). The subject property is part of the larger area all designated as a town center. The proposed map amendment supports the *Blueprint Denver* Town Center concept land use designation by integrating a park with community center activity into the larger town center.

Area of Stability

The subject property is 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 (pp. 124). The map amendment application is consistent with the *Blueprint Denver* Area of Stability strategies because it will create a better match between the existing city-owned park and open space land use and the zoning, whereas the current S-MX-12 zoning on the subject property is inconsistent with current conditions relative to ownership.

Street Classifications

E. Albrook Drive is identified in *Blueprint Denver* as a Mixed Use – Collector street. 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).

E. 46th Avenue is identified in *Blueprint Denver* as an Undesignated-Local street. *Blueprint Denver* states “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” (p. 51). The educational and community center and open space park allowed by OS-A can be suitable along such streets, so the proposed rezoning is consistent with the Blueprint Denver street classification. Moreover, the education and community center as well as the park is already under construction under the S-MX-12 zone district. The proposed map amendment to OS-A will not result in any additional impacts over and above what is already allowed by to any adjacent streets.

Montbello/Green Valley Ranch Neighborhood Plan (1991)

In 1991 Denver City Council adopted the *Montbello/Green Valley Ranch Neighborhood Plan* which still applies to the subject property. The plan provides limited guidance for the requested map amendment, but does contain policies supporting community services, parks and open space. The future land use map encourages rezoning the area to B-4. Recommendation LZM-1 states, “prohibit vehicle sales, adult businesses. Billboards and uses inappropriate at this major entry point to the residential neighborhood. Encourage neighborhood serving retail shops and attractive landscaping along Albrook Drive street frontage” (p. 8). The *Montbello/Green Valley Ranch Neighborhood Plan* does not specifically preclude park uses as part of a vibrant commercial area and rezoning to OS-A will ensure attractive landscaping along Albrook Drive. The rezoning to OS-A is not inconsistent with this plan.

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 property 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 furthering adopted plans and making the subject properties consistent with the purpose of the OS-A zone district. OS-A zoning on the subject property will provide flexibility and better enable maintenance and enhancements for of the open space park and associated uses than the S-MX-12 zone district does with the transfer of ownership to the City.

4. Justifying Circumstances

The rezoning is justified 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 December 2014, the City acquired the subject property from The Trust for Public Land and construction for the open space park and education/community center is underway. The OS-A zone district requested 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 athletic fields, while passive areas focus on resource protection, trails, walking. 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, and current plans underway for, the subject property which will include continued operation for various parks and open space uses for park purposes.