



**TO:** Denver City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** May 19, 2016  
**RE:** Zoning Map Amendment #2015I-00150  
5104 Dallas Street  
Rezoning from M-RX-5 to I-MX-3

### Staff Report and Recommendation

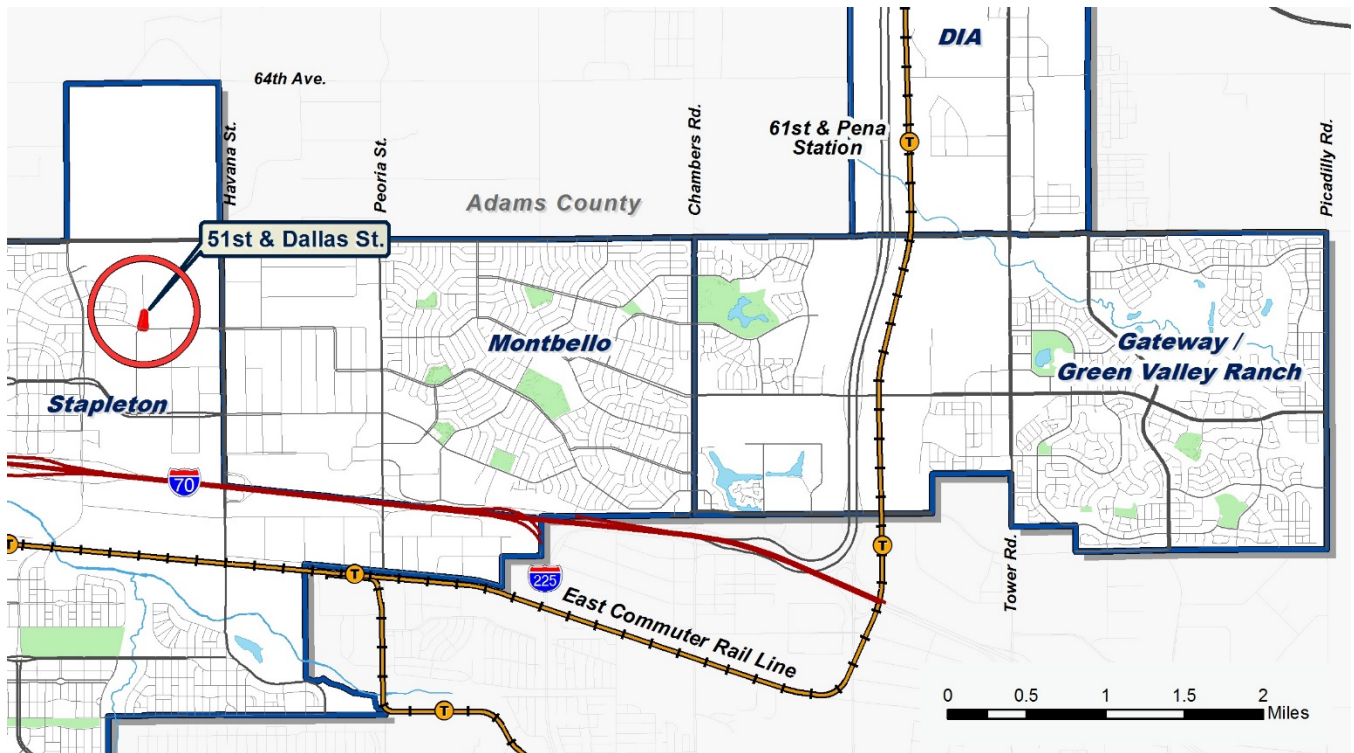
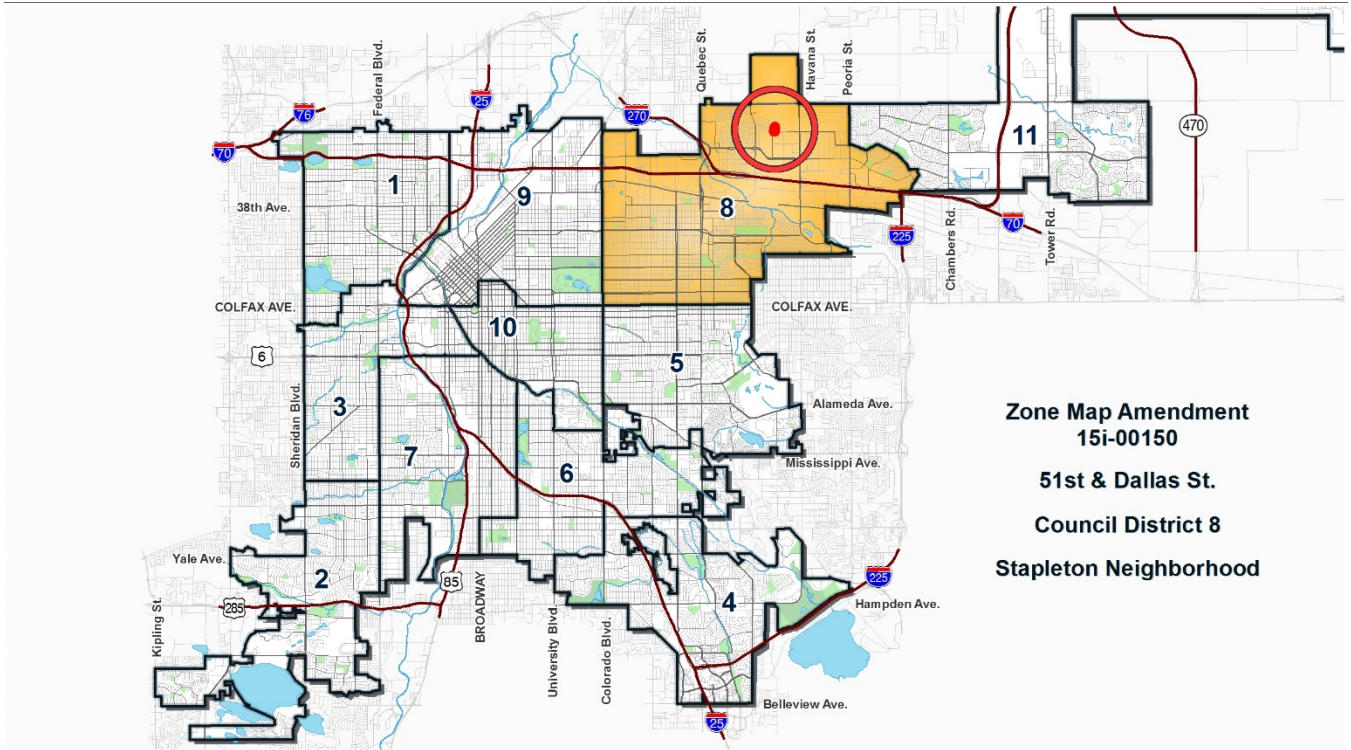
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2015I-00150 for a rezoning from M-RX-5 to I-MX-3.

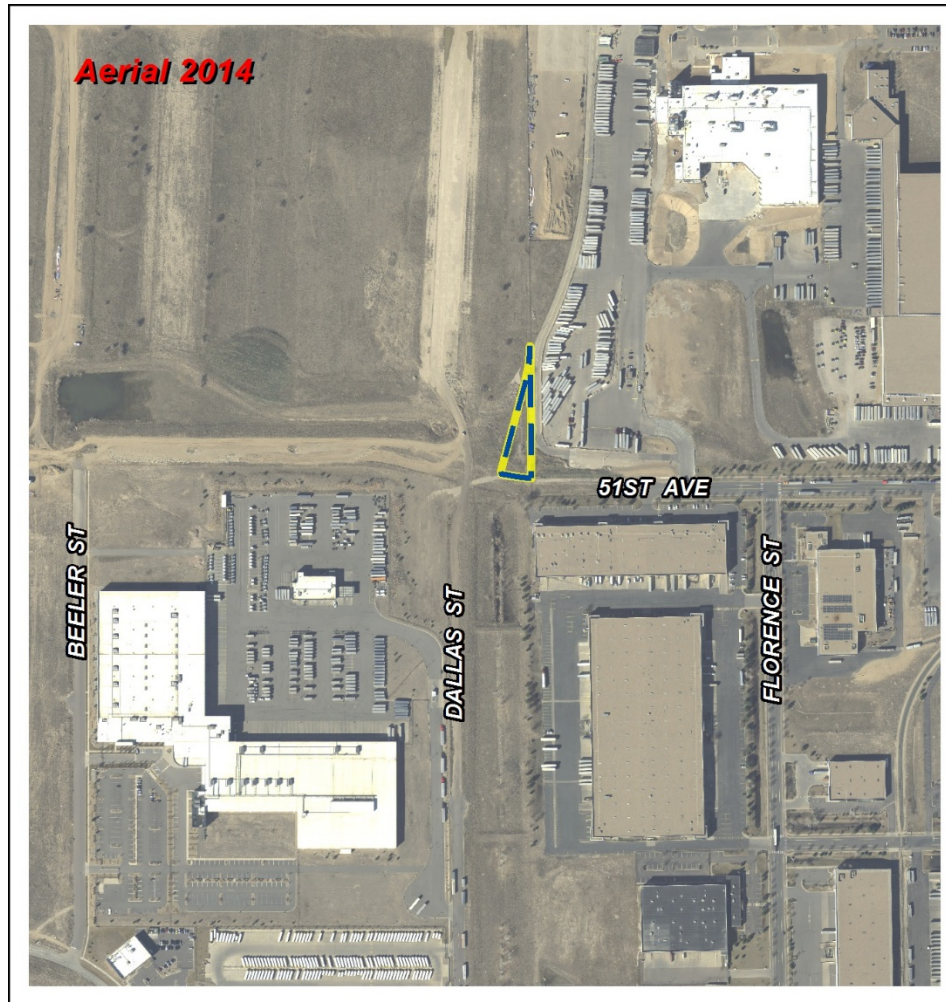
### Request for Rezoning

Application:	#2015I-00150
Address:	5104 Dallas Street
Neighborhood/Council District:	Stapleton Statistical Neighborhood / City Council District #8
RNOs:	Northern Airport Corridor Association, Stapleton Master Community Association, Stapleton United Neighbors and. Inter-Neighborhood Cooperation
Area of Property:	24,269 Square Feet, 0.56 acres
Current Zoning:	M-RX-5
Proposed Zoning:	I-MX-3
Property Owner(s):	Park Creek Metropolitan District
Owner Representative:	Bruce O'Donnell

### Summary of Rezoning Request

- The subject property is vacant and is located at the northeast corner of future Dallas Street and 51<sup>st</sup> Avenue. (This intersection is not constructed, though the intersection has been engineered in an adopted subdivision, Stapleton Filing Number 47, resolution number 594-2015).
- The applicant proposes to use the property for a maintenance facility to service north Stapleton local and regional open space. This is not an allowed use in the current M-RX-5 zone district because of the need for outdoor storage.
- The proposed I-MX-3 zone district stands for **I**ndustrial Context, **M**ixed Use with a **3**-story height limit. The I-MX-3 zone district is intended to promote pedestrian-oriented areas that activate the street level while providing a transition between mixed use areas and industrial areas. The I-MX-3 zone district occurs in areas served primarily by collector streets where a height limit of 3 stories is desired. Further details of the zone districts can be found in Article 9 of the Denver Zoning Code (DZC).





### Existing Context

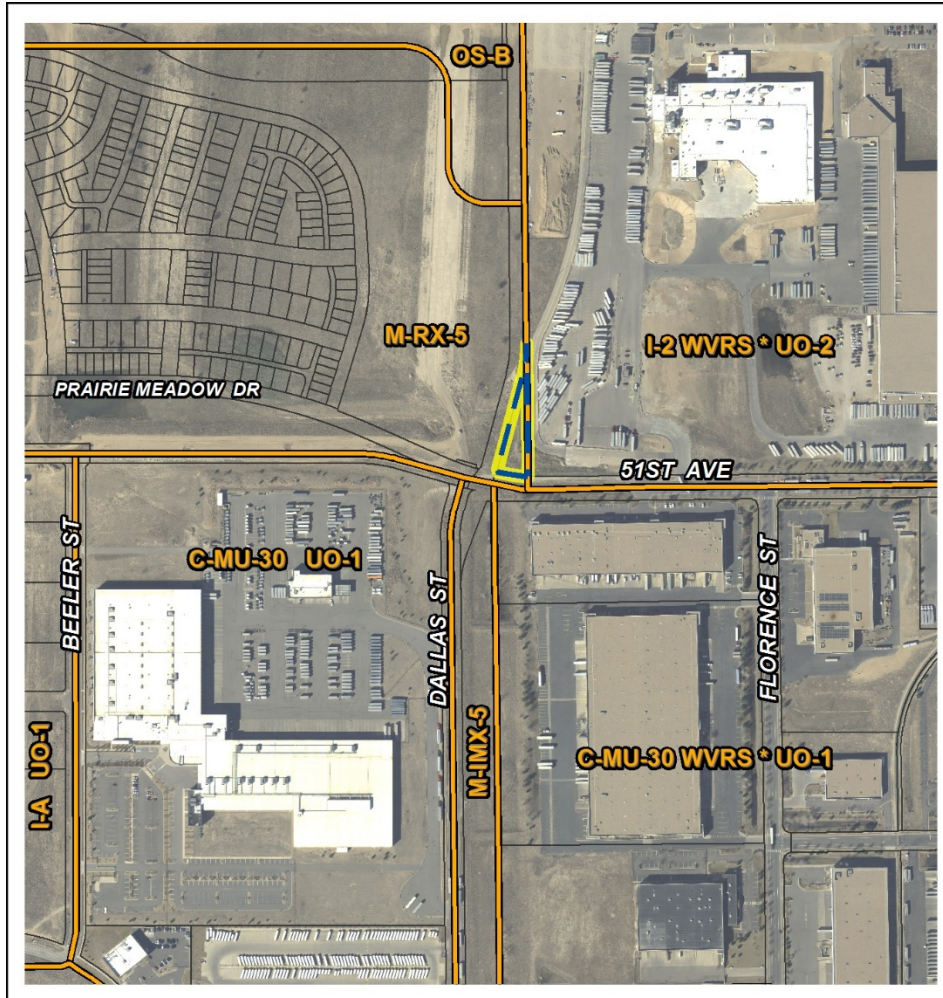
The property is located in the northeast portion of the Stapleton neighborhood, north of Interstate 70, south of 56<sup>th</sup> Avenue, between Havana Street and Central Park Boulevard. The property is surrounded on three sides (east, south and southwest) by industrial land uses, mainly in the form of 1-2-story warehouses. The area immediately west of the property, across future Dallas Street, is planned for open space that lines a residential subdivision and Northfield High School is located to the northeast. In the general vicinity are the Rocky Mountain Arsenal to the far northeast, Dicks Sporting Goods Park to the far northwest and the Shops at Northfield Stapleton to the far southwest of the property. The surrounding block pattern is a mix of a grid and modified grid pattern with varied lot sizes tied to the industrial or residential land uses.

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	M-RX-5	Vacant	N/A	Generally regular grid or modified grid street patterns. Large industrial block sizes and shapes are consistent and rectangular, and smaller residential blocks vary in size with the modified street grid pattern.
North	M-RX-5	Industrial	1-2 story warehouse	
South	C-MU-30 with waivers/VO-1 and M-IMX-5	Industrial	1-2 story warehouse	
East	I-2 with waivers/VO-2	Industrial	1-2 story warehouse	
West	M-RX-5	Vacant	N/A	

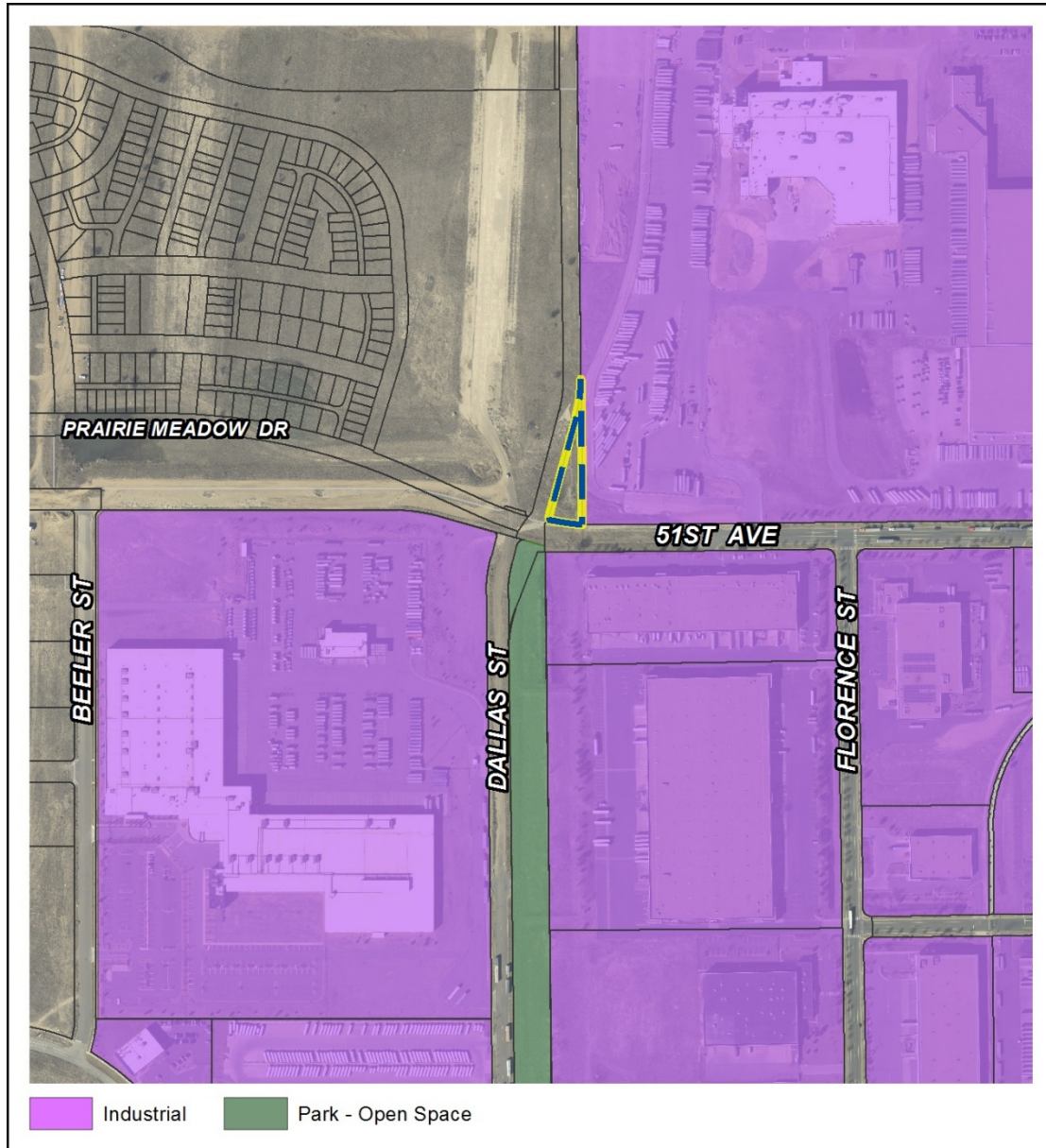


### 1. Existing Zoning



The existing zoning of the subject property is M-RX-5, or **M**aster Planned context, **R**esidential **M**ixed Use district with a **5**-story height limit. The low-density residential building forms in this district are allowed a maximum height of 42 feet, and the commercial/mixed use buildings are allowed a maximum height of 70 feet. A variety of residential and civic land uses are allowed, but commercial, industrial and agricultural land use allowances are more limited. For additional details of the zone district, see DZC Section 9.

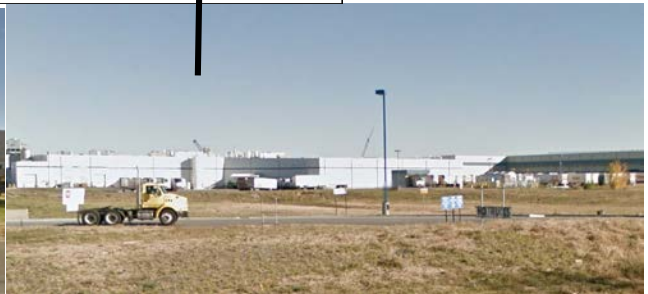
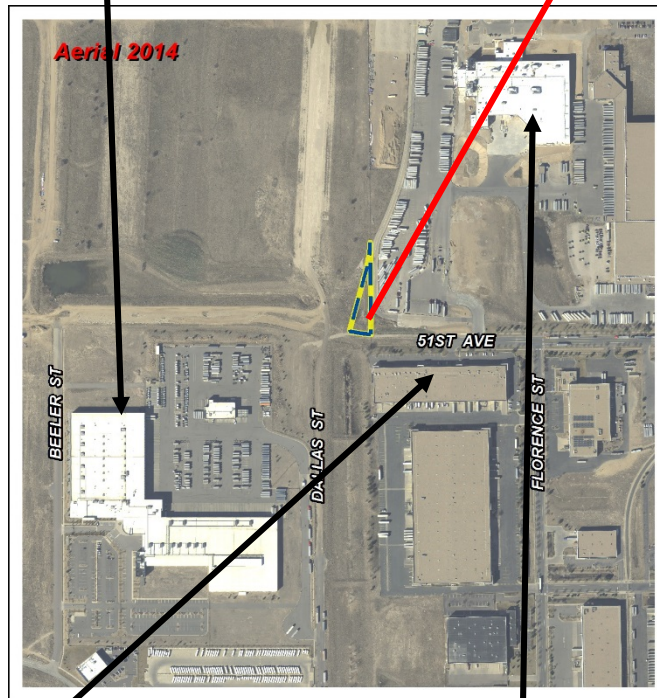
## 2. Existing Land Use Map



Existing Land Use



### 3. Existing Building Form and Scale



## 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:

**Asset Management:** Approved, no comments.

**Environmental Health:** Approved with the following comments. 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.

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.

**Public Works – City Surveyor:** Approved, no comments.

**Parks and Recreation:** Approved

## Public Review Process

### Informational Notice

- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and Registered Neighborhood Organizations on November 21, 2015.

### Planning Board

- The property was legally posted for a period of 15 days announcing the March 16 2016, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. At the meeting the Planning Board voted unanimously to recommend approval of the rezoning application.

### Neighborhoods and Planning Committee

- Following Planning Board review the rezoning application was referred to the Neighborhoods and Planning (PLAN) Committee of the City Council for review at a public meeting. The PLAN Committee meeting was scheduled for April 6, 2016. Electronic notice of the meeting was sent to all affected Registered Neighborhood Organizations 10 days in advance of the meeting. At the meeting Committee members voted to move the application forward to a public hearing before the full City Council.

### City Council

- Following PLAN Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing. The City Council public hearing is scheduled for May 23, 2016. Electronic notice of the public hearing was sent to all affected Registered Neighborhood Associations and notification signs were be posted on the property 21 days in advance of the hearing.



### **Registered Neighborhood Organizations (RNOs)**

- To date, CPD has received no comment letter from a Registered Neighborhood Organization.

### **Other Public Comment**

To date, no other public 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
- Blueprint Denver (2002)
- Stapleton Development Plan (1995)
- North Stapleton General Development Plan, Major Amendment No.2 (2012)

### **Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- **Environmental Sustainability Strategy 4-C** –“*Respect, conserve and expand wildlife habitat, watersheds, open space and other natural resources when planning, designing and building new projects*” (P. 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*” (p. 60).
- **Legacies Strategy 9-B** – “*Integrate sufficient open space and recreational amenities, including small urban parks, into large-scale development plans*” (p. 102).

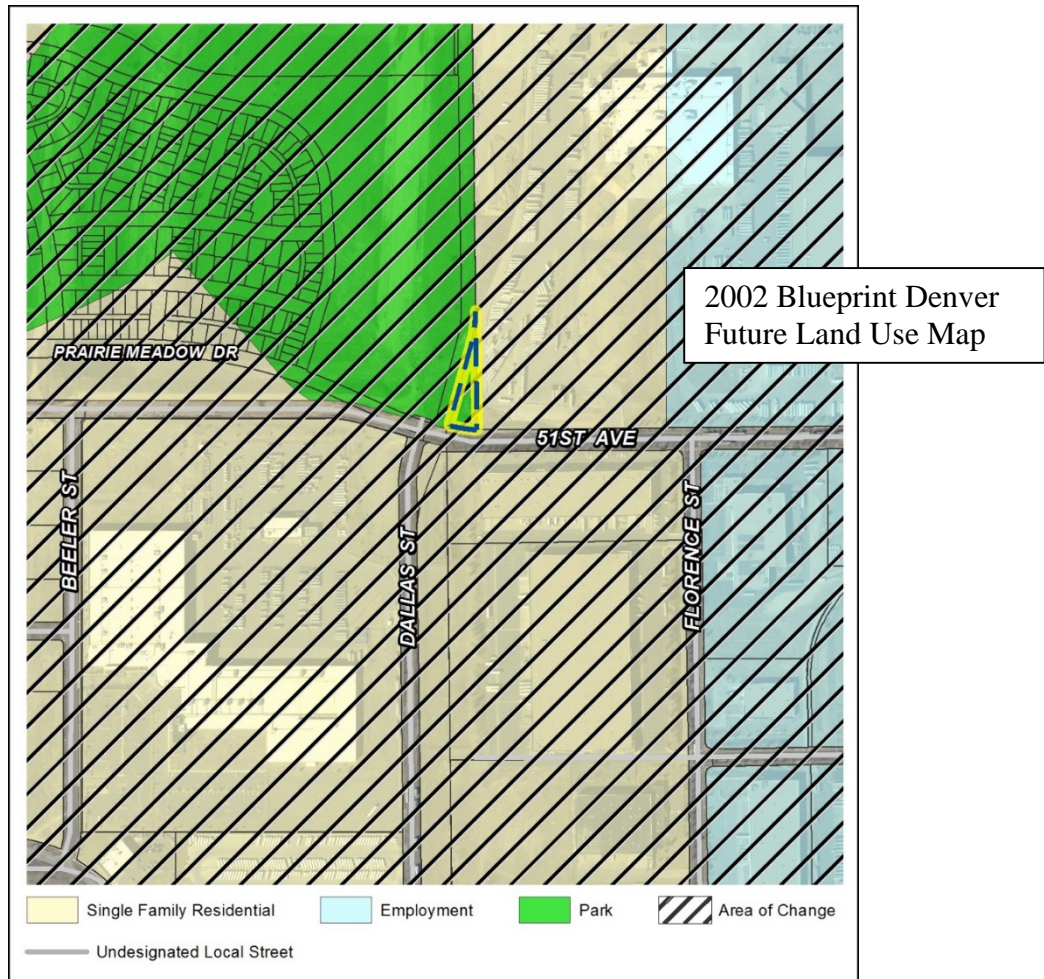
The proposed map amendment will allow the development of a maintenance facility to service open space in North Stapleton. This facility contributes to the provision of the open space and to the quality of Stapleton development. The proposed I-MX-3 zone district allows a wide variety of residential, civic, commercial and limited industrial lands uses. The rezoning is consistent with these plan recommendations.

### **Blueprint Denver**

The Blueprint Denver future land use designation for the subject property is Park and the property is in an Area of Change. The Blueprint Denver future street classifications identified near the subject property are Undesignated Local Streets.

Blueprint Denver describes Parks and Open Space as “*public spaces ranging from historic traditional parks to natural areas along the waterways. They provide a welcome respite from the intensity of urban living. Parks and open spaces range from active neighborhood and community parks and recreation fields and centers to larger preserves of natural open areas that provide space for wildlife habitat*” (p. 40). “*The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips*” (p. 127).

The rezoning of the subject property will enable the continued redevelopment of the former Stapleton Airport into a new residential mixed use neighborhood which provides the envisioned jobs, housing and services, including parks and open space. In the Stapleton area Blueprint Denver applied broad land use categories before the area was platted. Due to the existing alignment of the streets to be constructed, the property east of Dallas Street, and this remnant parcel, are more appropriately treated like the industrial parcels to the east. These parcels have single family residential and employment designation on the Blueprint Map but as Stapleton developed, and more specific General Development Plans were approved, the parcels have been zoned and developed as industrial. The I-MX-3 zone district will allow the property to be used either for the outdoor storage needed in the maintenance facility for the regional and local open space or for open space. It also allows for the property to be used as a transition between the existing industrial and uses east of Dallas Street and the regional open space and residential development west of Dallas Street. If the proposed land use were located on the west side of Dallas Street it would be approved as an accessory use to the regional open space. Because the property is separated into a separate zone lot the rezoning is necessary. Staff believes that because the I-MX-3 zone district allows open space it is consistent with the Blueprint land use designation of Park.



### Stapleton Development Plan (1995)

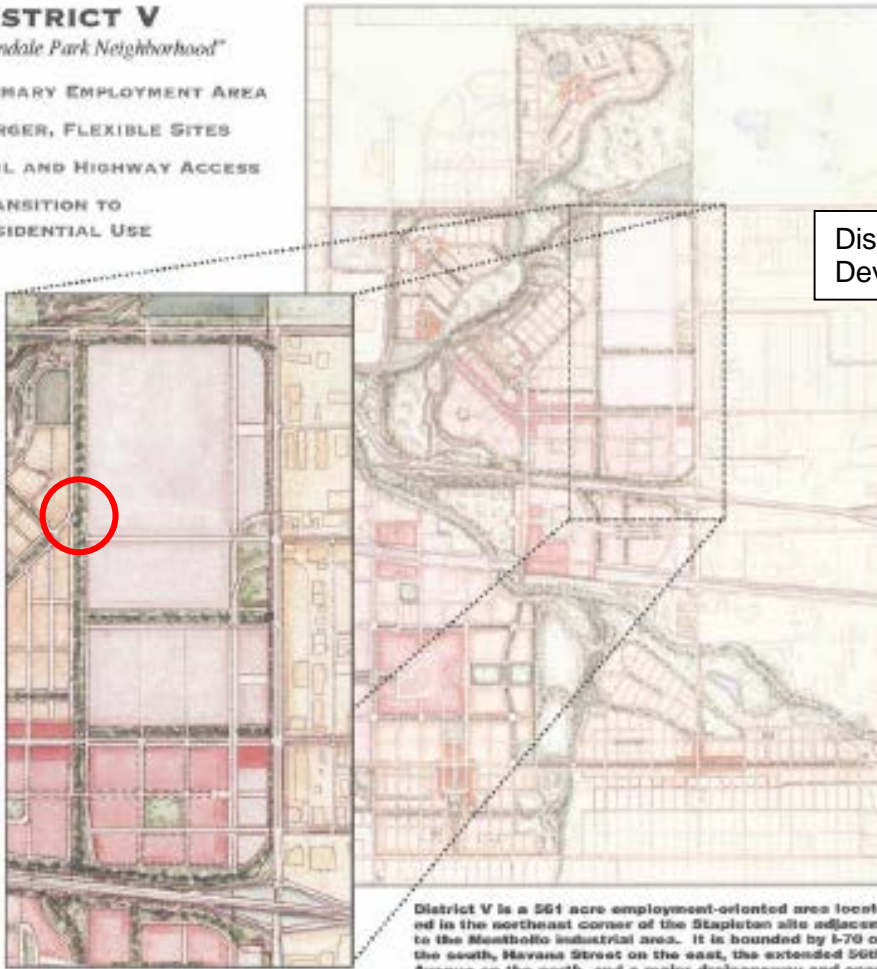
The applicable neighborhood plan for the property is the Stapleton Development Plan, which was adopted in March, 1995. On the Development Plan map the subject property is in District V. The District is bounded by 56<sup>th</sup> Avenue on the north, Interstate 70 on the south, Havana Street on the east and a major drainageway and open space on the west. Key elements of the Development Plan for this area are a predominance of “*employment land uses including manufacturing, assembly, distribution, office and research and development; a district commercial center serving employees; transportation improvements, and drainage corridors serving as public parks with trails, landscape buffering and habitat*” (p. 5-56). The proposed I-MX-3 zone district is consistent with this Plan vision and will provide the regulatory basis for the maintenance facility for the area open space.



► **DISTRICT V**

*"Irondale Park Neighborhood"*

- PRIMARY EMPLOYMENT AREA
- LARGER, FLEXIBLE SITES
- RAIL AND HIGHWAY ACCESS
- TRANSITION TO RESIDENTIAL USE



District V - Stapleton Development Plan Map

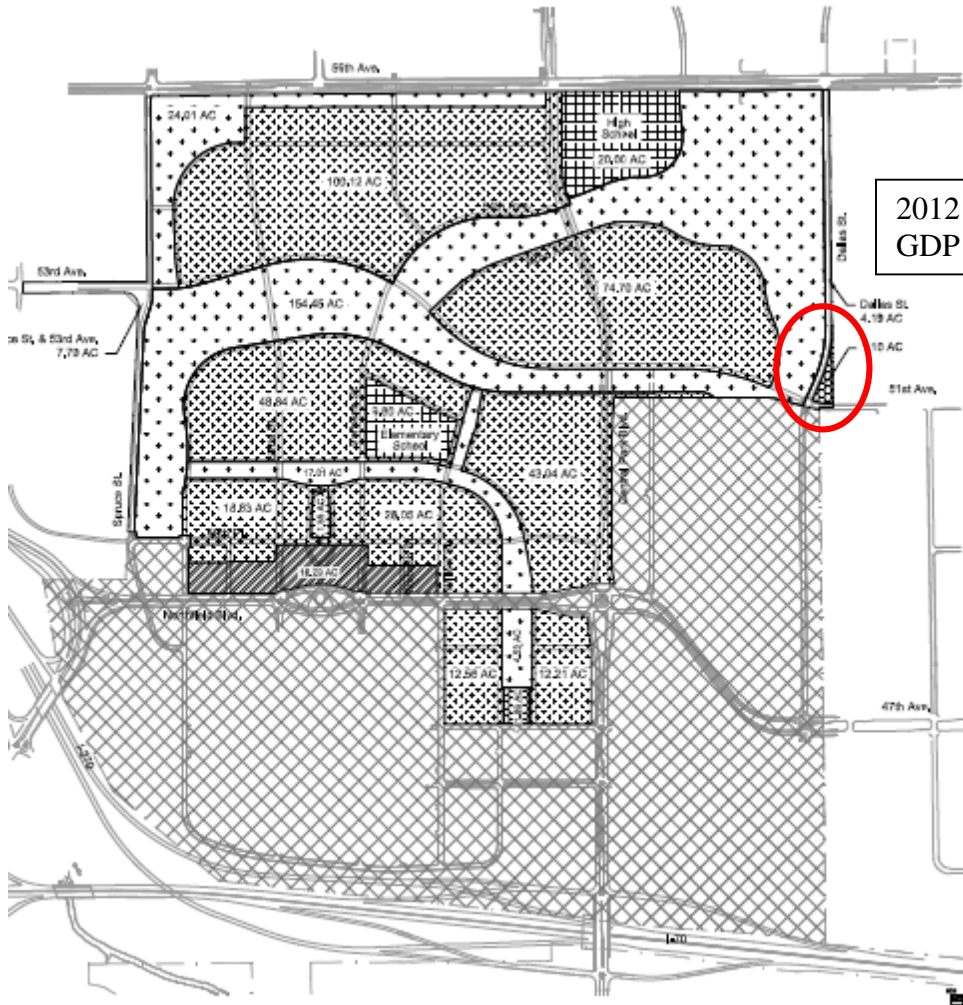
District V is a 561 acre employment-oriented area located in the northeast corner of the Stapleton site adjacent to the Westhollo industrial area. It is bounded by I-70 on the south, Havana Street on the east, the extended 56th Avenue on the north, and a major drainageway and open space area to the west.

### **North Stapleton General Development Plan**

The North Stapleton General Development Plan (GDP) approved in 2012 designates the subject property as In-Tract Open Space. The In-Tract Open Space land use category in the North Stapleton General Development Plan is envisioned as useable parks and open space to serve local Stapleton residents as development occurs. On the GDP land use map In-Tract Open Space on the subject property is across future Dallas Street from the regional (Trunk) open space. The map shows the anticipated zone district as M-RX-5, the existing zone district. Staff believes the M-RX-5 zone district was anticipated because the district does allow open space land uses. The notes on the GDP proposed land use sheet also state that the In-Tract open space on the subject property will not be specifically programmed until the subdivision process.

On the Filing Number 47 recorded subdivision plat it states that the subject property will be owned and maintained by the Park Creek Metropolitan District. In the process of specifically programming the In-Tract open space on the subject property, the District identified the subject property as a good location for a maintenance yard to serve both the In-Tract and Trunk open space in north Stapleton. In subsequent discussions with CPD zoning staff it was determined that the existing M-RX-5 zone district does not allow the outdoor storage needed to establish a maintenance facility as a primary use on the property, and the I-MX-3 zone district is a district that would allow both the open space use and the outdoor storage needed for a maintenance facility.

The General Development Plan also established a hierarchy of street types for the north Stapleton area. On the GDP Roadway Design Criteria sheet it states that both Dallas and 51<sup>st</sup> Avenue are collector streets. Because the subject property is located on collector streets, is located adjacent to existing industrial land uses, the proposed I-MX-3 zone district allows both the open space land use and a land use that allows outdoor storage and the establishment of the maintenance yard on the subject property will serve the area regional open space, staff believes the I-MX-3 zone district is consistent with this planned land use concept in the GDP.



2012 North Stapleton  
 GDP Land Use Map

**LEGEND**

	Intended Land Use	Anticipated Zoning*	Anticipated Density
	Excluded from Major Amendment No. 2		
	Existing Development		
	C/Mc	M-RX-5	
	Residential - Mixed-Use	M-RX-5	5 to 25 dwelling units / acre
	Town Center / Mixed-Use	M-MX-5	Up to 25 dwelling units / acre
	Trunk Open Space	M-RX-5	
	In-Tract Open Space**	M-RX-5	



## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to I-MX-3 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.

## **4. Justifying Circumstance**

The application identifies the changing condition of the redevelopment of the Stapleton area as the Justifying Circumstance under DZC Section 12.4.10.8, "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 ongoing redevelopment of north Stapleton, the completion of major regional infrastructure improvements, and the development of additional residential dwelling units needing quality parks and open space are cited by the applicant as the justifying circumstance. Staff concurs that these are appropriate justifying circumstances for the proposed rezoning.

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

A Denver Zoning Code criterion is that the proposed official map amendment should be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. The Industrial Context consists of areas of light industrial, warehouse and heavy industrial areas, as well as areas subject to transitions from industrial to mixed-use. The Industrial Context includes parts of the city where outdoor uses and activities are accommodated, with appropriate screening, including outdoor storage, heavy commercial services, and waste services. Building forms are often tall single-story buildings or multi-story buildings with tall ceilings that accommodate industrial processes, loading bays, and specialized equipment.

The Industrial Context consists of an irregular pattern of large blocks. Vehicle access is typically a drive from the street to a surface parking lot. Truck access, loading, and parking are important attributes. The Industrial Mixed Use Districts have a more urban context with a rectangular street grid and alley access. Industrial buildings are typically placed to accommodate the specific activity, often with parking surrounding the building. In many cases, the Industrial Context incorporates existing buildings with raised loading docks presenting particular access and parking challenges. Building placement in the Industrial Mixed Use districts is closer to the street with parking, loading and access in the rear of the site.

Building heights range from 1-8 stories which utilize simple forms to maximize open floor space to accommodate warehousing, although older industrial areas include multi-story warehouse buildings, manufacturing uses, adaptive re-use of industrial structures, and multi-storied mixed use buildings. The Industrial Context has typically had a relatively low level of access to the multi-modal transit system, although many areas are adjacent to transitioning Areas of Change associated with new or existing rail transit lines.

The purpose and intent of the I-MX-3 zone district is to promote development of a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and Industrial Districts. Land use in the district area a variety of industrial, commercial civic and residential uses. The proposed I-MX-3 zone district applies to areas served primarily by local or collector streets with a maximum building height of 3 stories.

The subject property is located at the intersection of two collector streets and is adjacent to existing established industrial land uses. The I-MX-3 zone district could serve as a transition between the existing industrial land uses east of Dallas Street and the regional open space located west of Dallas Street. Staff believes the proposed the I-MX-3 zone district is consistent with the existing adjacent industrial land uses, and with the intent of the Industrial Context and with the I-MX-3 zone district to serve as a transition between a mixture of land uses.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 5104 Dallas Street to an I-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends ***approval***.

### **Attachments**

1. Application
2. Approved Legal Description

## 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><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input 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 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 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 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><b>Justifying Circumstances - One of the following circumstances exists:</b></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 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 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.
	<p><b>REQUIRED ATTACHMENTS</b></p> <p>Please ensure the following required attachments are submitted with this application:</p> <input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria
<p><b>ADDITIONAL ATTACHMENTS</b></p> <p>Please identify any additional attachments provided with this application:</p> <input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
<p>Please list any additional attachments:</p>  	

**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)
<b>EXAMPLE</b> 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
Park Creek Metropolitan District 7350 E. 29th Ave. Unit 200 Denver, CO 80238	5104 Dallas St. Denver, CO 80238 303-382-1800 forresthancock@forestcity.net	100%	<i>Ann Chuma</i> <u>Secretary</u>	10/27/15	A	YES
					A	
					A	
					A	
					A	

## **List of Exhibits**

- Exhibit A:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.13 (A, B & C))
- Exhibit B:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14 (A&B))
- Exhibit C:** Property Legal Description and Map Exhibit
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record

**EXHIBIT A**  
**Description of Consistency with Adopted City Plans**

**REVIEW CRITERIA** - The proposed map amendment is consistent with the following four adopted plans:

1. Denver Comprehensive Plan 2000
2. Blueprint Denver (2002)
3. Stapleton Development Plan (1995)
4. North Stapleton General Development Plan (2012)

**Statement of Consistency with Adopted City Plans:**

1. The proposed map amendment is consistent with many objectives of ***Denver Comprehensive Plan 2000*** including:

From and Use Strategy 1-B: “Ensure that the *Citywide Land Use and Transportation Plan* reinforces the city’s character by building on a legacy of high-quality urban design and stable, attractive neighborhoods; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways and open space system.”

From 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.” As well as: “Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.”

***Legacies Strategy 3-A:*** “Identify areas in which increased density and new uses are desirable and can be accommodated.”

The proposed map amendment will also contribute to preserving and enhance the individuality, diversity and livability of Denver’s neighborhoods by fostering the following Plan objectives:

***Congruency of land use and zoning:*** “...a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas.”

***Compact development:*** “...improved neighborhood cohesion, reduced urban sprawl and residents more directly connected to services and amenities within their immediate living environment.”

2. The proposed map amendment is consistent with many objectives of ***Blueprint Denver*** including:

The ***Blueprint Denver*** future land use designation for the subject property is Park. The Property is also located in an Area of Change. As Denver’s parks, open spaces and landscaped rights of way require ongoing maintenance, this site being the home of the Stapleton Parks Maintenance Facility is consistent with this ***Blueprint Denver*** designation.



**Blueprint Denver** describes Single-Family Residential neighborhoods “that consist primarily of residential land uses” and states that “There are several different types of residential areas and neighborhoods often have more than one type of land use within them.” And: “A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents.” The emphasis on housing and parks necessitates the addition of this Stapleton Parks Maintenance Facility, which is ideally located to serve Parks maintenance needs.

**Blueprint Denver** also states that “Areas of Change are areas where growth will be beneficial and can best improve access to jobs, housing and services with fewer auto trips.”

The **Blueprint Denver** Plan Strategy: Direct Growth to Areas of Change – the Property is in a **Blueprint Denver** identified Area of Change and also meets the following **Blueprint Denver** Areas of Change criteria, goals and objectives:

- Certain features of the Property characterize an Area of Change, such as:
  - The Property is entirely underutilized land
  - The Property is in an area undergoing positive change that is expected to continue
- The Property is adjacent to areas with special opportunities such as where major public or private investments are planned, including the new major parks, roadways and school sites, Denver International Airport and Established service and employment centers in and around Stapleton.
- The ongoing growth in this northern part of Stapleton will require additional Park improvements that will come with ongoing operational and maintenance responsibilities that can be accommodated at the Property.
  
- The Property also provides opportunities for the following **Blueprint Denver** Strategies including:
  - Infill and redevelop vacant and underused properties
  - Compatibility between new and existing development
  - Balanced mix of uses
  - Economic activity—business retention, expansion and creation
  - Housing, including affordable housing

I-MX-3 zoning for the Property will allow these **Blueprint Denver** goals to be implemented.

**Blueprint Denver** also is relevant to the Property and positively informs the rezoning request at follows:

**“Mixed-Use Zoning:** Mixed-use zoning provides a mixture of uses to enable residents to shop and work in the same area. Mixed-use zoning allows or encourages residential use with commercial use...”

New I-MX-3 zoning for the Property will allow this **Blueprint Denver** goal to be implemented while also not allowing more intense industrial uses or marijuana uses proximate to residential and park land uses.

The rezoning of the subject property will enable the continued redevelopment of the former Stapleton Airport into a vibrant new residential mixed use neighborhood proximate to a variety of housing opportunities, jobs, services and multimodal transportation corridors.

3. The proposed map amendment is consistent with many objectives of the **Stapleton Development Plan** including:

The applicable neighborhood plan for the property is the **Stapleton Development Plan**, which was adopted in March, 1995. On the Development Plan map the Property is in District V. Key elements of the Development Plan for this area include locating commercial / industrial and employment activities east of Dallas St. and utilizing Dallas St. and adjacent open space to buffer residential properties from such uses. Locating the Stapleton Master Community Association Open Space Maintenance Yard at this location accomplishes these Plan objectives.

4. The proposed map amendment is consistent with and helps to implement the approved **North Stapleton General Development Plan**. Specifically, Sheet 7 of the GDP, the Proposed Land Use Sheet identifies future land use for this site as In-Tract Open Space.

As such, the approved **Stapleton Section 10 General Development Plan** informs and provides specific plan direction for the exact land use contemplated in this rezoning.

#### **Narrative on proposed Land Use:**

The Stapleton Master Community Association intends to use this site as the Stapleton Master Community Association Open Space Maintenance Yard for the purposes of accepting deliveries of and stage for distribution certain landscape materials routinely used throughout the parks, open space corridors and landscaped rights of way within Stapleton that are required for the proper ongoing maintenance of Parks and Open Space. This would include but not be limited to: Trees, Perennials, Annuals, Sod, Landscape Mulch, Landscape Rock, Crushed Granite for trail restoration, Playground Mulch and amended soils. In addition to the storage of landscape materials, the MCA would locate trash "roll off" used for the collection of trash and organic debris generated through the daily operation of the Stapleton Parks the MCA is responsible to maintain. The only equipment that would be stored on site would be a small "bobcat" and truck to move landscaping materials to the necessary parks during normal parks operation.

This use is consistent with the GDP direction in that such a facility is needed to maintain and operate open space throughout Stapleton.

Given this description the Zoning Administrator has determined that "Contractors, Special Trade - Heavy / Contractor Yard" is the best use available in the Denver Zoning Code. This is an allowed use in the I-MX-3 Zone District.

## **EXHIBIT B**

### **Description of Justifying Circumstances and Neighborhood Context**

#### **Justifying Circumstances - One of the following circumstances exists:**

1. 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.
2. 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.

#### **Statement of Justifying Circumstances:**

The proposed I-MX-3 map amendment is in response to the changed and changing conditions in this area.

The Property proposed for rezoning consists of less than one acre of undeveloped land at the northeast corner of E. 51<sup>st</sup> Ave. and Dallas St. within the former Stapleton airport. As a result of the airport closure, Stapleton has been converting to mixed use development and private ownership, providing the legal basis for this rezoning. The Property is surrounded by existing industrial, distribution and warehouse properties to the east and south, and to dedicated parks and open space land to the west. The rezoning of the Property will be a catalyst for positive change and will implement goals and objectives of *Blueprint Denver*, the Green Book and the North Stapleton GDP by fostering quality place making and providing the ability for Stapleton to better meet its ongoing public realm and landscaping obligations, thereby meeting public interest goals.

The existing zoning cannot meet the existing and future development, community, public realm, and parks & open maintenance space needs. The residents of Stapleton, the City of Denver and Forest City need to know there is a viable site providing a way for parks maintenance operations obligations to be satisfied. Rezoning to I-MX-3 will provide the assurance that the expectations of the residents and the City will be met with regard to parks maintenance, and that the elements of the form based code will assure a quality facility.

#### **Additional examples of changed conditions that support and justify this rezoning include:**

1. Adoption of the 2013 North Stapleton GDP
2. Adoption of *Blueprint Denver* identifying the Property as an Area of Changes
3. Ongoing development throughout Stapleton, including completion of major regional infrastructure improvements
4. The growth of additional residential dwelling units necessitating quality parks and open space

Conditions within Stapleton have changed substantially, providing the legal basis for this rezoning and making the proposed rezoning reasonable and necessary for the promotion of the public health, safety and welfare by providing an enhanced ability for the operations and maintenance of public spaces, parks and rights of way throughout Stapleton.

## **Statement of Consistency with Neighborhood Context and General Purpose of Zone Districts:**

This map amendment application requests approval of the I-MX-3 Zone District for the Property. The Context and Purpose of the Industrial Mixed Use Districts are:

- A. Industrial Mixed Use Districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active ground story.
- B. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.
- C. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, Civic and residential uses.

I-MX-3 specifically applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.

### **The General Intent of this application is to:**

- 1. Implement the Denver Comprehensive Plan, including its supplements such as *Blueprint Denver*, The Green Book and the North Stapleton GDP.
- 2. To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks and convenient access to parks and open space.
- 3. Improve compatibility with and respect for the existing character and contest of Denver and its established neighborhoods.
- 4. Spatially define public streets and their associated open space as positive, usable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity and a sense of security and community.



**EXHIBIT C**

**Property Legal Description and Map Exhibit**

# EXHIBIT - C

## Description

Tract AJ, Stapleton Filing No. 47 as recorded at Reception Number 2015130371 in the Clerk and Recorder's Office of the City and County of Denver, State of Colorado.

Containing 24,269 square feet or 0.557 acres, more or less.

  
A. David Johnson, P.L.S. 20683  
For and on behalf of AECOM  
8181 E. Johns Ave.  
Denver, CO 80231  
303.740.2647  
dave.johnson@aecom.com

10/27/15

# EXHIBIT-C

N

R=451.00'  
 $\Delta=15^{\circ}47'59''$   
 L=124.37'  
 CHB=N07°12'01"E  
 CHD=123.97'



SCALE 1"=100'

N15°06'00"E  
 345.68'

S00°41'59"E  
 483.02'

N08°20'37"W  
 10.45'

Tract P  
 Future R.O.W. for Dallas St.

Tract AJ

24,269 s.f.±  
 or 0.557 Acres±

Stapleton Filing  
 No. 47

Future R.O.W. for Prairie Meadow Dr.

Tract AL  
 Tract A

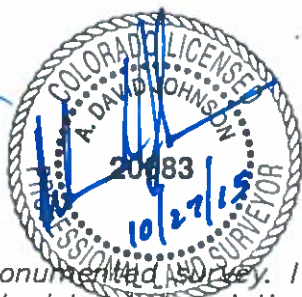
S89°28'34"W  
 8.45'

R=961.00'  
 $\Delta=6^{\circ}07'49''$

L=102.82'

CHB=N81°03'10"W  
 CHD=102.77'

Tract Q  
 Future R.O.W. for  
 51st Ave.



**AECOM**

8181 E. Tufts Ave.  
 Denver, CO 80237  
 Tel: 303-740-2600  
 Fax: 303-694-3946  
 dave.johnson@aecom.com

EXHIBIT ACCOMPANYING DESCRIPTION

Tract AJ

Stapleton Filing No. 47  
 City and County of Denver

DENVER State of Colorado COLORADO

Scale:	Drawn by: JKB	Sheet No. 1	Drawing Name:
1"=100'	Checked by: ADJ	of 1 Sheet(s)	Tract AJ SFN47

*This exhibit does not represent a monumental survey. It is intended only to depict the attached legal description.*

**EXHIBIT D**

**Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative**



**Park Creek Metropolitan District**

7350 E. 29th Ave., Suite 300  
Denver, CO 80238

(303) 393-7700 main  
(303) 393-6805 fax

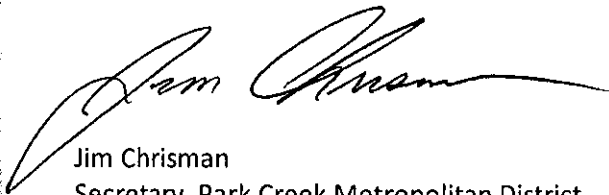
November 11th, 2015

Mr. Bruce O'Donnell  
STARBOARD Realty Group, LLC  
44 cook Street, Suite 1000  
Denver, CO 80206  
[bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)  
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent FC Stapleton II and the Park Creek Metropolitan District for the purpose of submitting and processing the rezoning application for a tract of vacant land generally located at the northeast corner of E. 51<sup>st</sup> Avenue and Dallas Street, on property located within the North Stapleton General Development Plan boundary in Stapleton.

Sincerely,



Jim Chrisman  
Secretary, Park Creek Metropolitan District

**EXHIBIT E**

**Proof of Ownership, Assessors Record**

Denver Property Assessment and Taxation System (3.2.3)

# 5104 DALLAS ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
PARK CREEK METROPOLITAN DIST 7350 E 29TH AVE 200 DENVER , CO 80238-2721	0115200122000 <b>PIN</b> 164039139	STAPLETON FLG 47 TR-AJ	VACANT LAND	4251

### Assessment

Actual Value Year: 2015 Actual Value: \$100

### Property

Year Built: 0 Square Footage: 0

### Comparables

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

## EXHIBIT - C

### Description

Tract AJ, Stapleton Filing No. 47 as recorded at Reception Number 2015130371 in the Clerk and Recorder's Office of the City and County of Denver, State of Colorado.

Containing 24,269 square feet or 0.557 acres, more or less.

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For and on behalf of AECOM  
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