

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>			
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>	<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.</p> <p>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.</p> <p><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.</p> <p><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>
<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> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><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.</p> <p><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.</p> <p><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> <p>Please provide an attachment describing the justifying circumstance.</p> <p><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.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<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	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
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 (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
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. 51st 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 A
 Tract AL

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
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. 51st 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 PIN 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
-----------------------------	---------	-----------------	-------------	-----

No comparables available for this property.