

## 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.
	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 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)
<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 Josie Q. Smith</i>	01/01/12	(A)	NO
F C Stapleton II, LLC	8504 E. Martin Luther King Jr. Blvd. Denver, CO 80238	76.5%	<i>[Signature]</i>	2-9-17	A	
Park Creek Metropolitan District	2962 N. Central Park Blvd. Denver, CO 80238	23.5%	<i>[Signature]</i>	2-9-17	A	

Last updated: February 4, 2015

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

## **List of Exhibits**

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

**EXHIBIT A**  
**Property Legal Description**

Stapleton Filing No. 51 located in a part of the Southeast Quarter of Section 28, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado

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

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

1. Denver Comprehensive Plan 2000
2. Blueprint Denver (2002)
3. Stapleton Development Plan (1995)

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

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

From Land 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.”

***Mobility Strategy 4-E:*** “Continue to promote mixed-use development, which enables people to live near work, retail and services.”

***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 Single Family Residential. The Property is also located in an Area of Change.

**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.”

**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 largely 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 roadways and school sites. Denver International Airport and Established service and employment centers in and around Stapleton.
- 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

New M-RX-5A 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, such as moderate sized offices or retail. The uses can be either mixed in the same building or in separate buildings near each other.”

New M-RX-5A zoning for the Property will allow this **Blueprint Denver** goal to be implemented.

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 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 III. Key elements of the Development Plan for this area urban neighborhood with moderate density.

The proposed M-RX-5A zone district is consistent with this Plan vision and will help to provide the regulatory framework for implementation of these Plan goals and objectives.

## EXHIBIT C

### 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 3 acre Stapleton Property to be rezoned to M-RX-5A is located in a part of Denver undergoing tremendous and positive transformation. The Stapleton master planned community is nearing its final phases, and this rezoning is needed to rezone one of the last undeveloped infill section of Stapleton in a manner that is consistent with the surrounding developed neighborhoods.

The Property consists of undeveloped land that can be efficiently served by existing infrastructure. The existing zoning on the Property of C-MU-20 utilizes the FAR calculation to determine density. Under the revised, current zoning code, density is determined on a Form basis, allowing for controlled development of the area. The existing zoning does not have a height limitation for commercial properties while the proposed zoning to M-RX-5A limits development to five stories, with responsible density limitations and is therefore better suited for the neighboring properties.

The existing zoning also permits various uses by right that are inconsistent with the developed character of the neighborhood. Permitted uses such as emissions testing stations, recycling collection centers and utilities would be at odds with the neighborhood feel of the adjacent properties.

This rezoning will be an implementation step of the policy, land use and transportation goals identified in the aforementioned Plans. Once rezoned, the Property can accommodate the urban densities and mix of uses prescribed in the plans. This rezoning is necessary for the following reasons:

1. Conformance with the existing Zoning Code and its form based density regulations.
2. The ability to meet demand for additional uses and dwelling units on the Property.
3. Further implementation of Blueprint Denver and the Stapleton Development Plan.
4. Integration of a more thoughtful land use plan that integrates with the Stapleton master plan and the needs of the Stapleton community.

Mixed use development throughout Stapleton over the last 20 years has transformed the former airport into the nation's premier large scale mixed use urban infill community. The proposed Zone Districts provide the form based context to enable what the market, ForestCity

and the community desire for the furtherance of the development of Stapleton that is consistent with the expectations of the City. Design elements imbedded in the zoning such as building height and orientation, and quality parking solutions will help create a quality community the City and its residents will be proud of.

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

This map amendment application requests approval of the M-RX-5A Zone District for the Property. The “M” Zone Districts are appropriate because the intended for use in master planned communities such as Stapleton. These Districts allow a variety of building forms to encourage a diverse and interesting built environment rather than bland monotony.

The Denver Zoning Code states that the General Purpose of the “M” Zone Districts is that the intent of Zone Districts within the Master Planned Context is to provide flexibility for master planned development of large sites to respond to evolving market opportunities over time. The Zone District regulations support phased mixed-use development and allow for a wide variety of uses and building forms. As development proceeds, the allowed uses and building forms are further defined to provide clarity and predictable development outcomes.

**M-RX-5A** is a residential mixed-use district intended to promote development of new neighborhoods up to 5 stories high. Single and two unit buildings can be located on small lots with shallow setbacks. Buildings are often oriented towards the primary street.

The **General Intent** for this rezoning to M-RX-5A is:

1. To Implement the Denver Comprehensive Plan and its supplements.
2. Take advantage of proximity to transit (there is an RTD bus stop currently located at the Property).
3. Foster strong neighborhood character and community attributes by reinforcing the importance of the public realm through urban design including safe, attractive and convenient bicycle and pedestrian connectivity.
4. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
5. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.
6. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

**REVIEW CRITERION DZC § 12.4.10.7.C - 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.**

Future development of the Property will result in uniformity of M-RX-5A district regulations and restrictions.

**REVIEW CRITERION-The proposed official map amendment furthers the public health, safety, and general welfare of the City.**

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City's adopted plans.

**EXHIBIT D**

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

Telephone 303-382-1800

7351 East 29th Avenue  
Denver, Colorado 80238www.StapletonDenver.com  
Email info@StapletonDenver.com

August 29th, 2016

Mr. Bruce O'Donnell  
President  
STARBOARD Realty Group, LLC  
Email- [bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)

Dear Bruce,

This letter serves as authorization for Bruce O'Donnell, dba 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 located at the southeast corner of Central Park Boulevard and Martin Luther King Boulevard, known as Stapleton Filing 51 and located within the Stapleton General Development Plan boundary.

Sincerely,

Park Creek Metropolitan District



Jim Chrisman  
Board Member  
Park Creek Metropolitan District

**Park Creek Metropolitan District  
7350 E. 29<sup>th</sup> Avenue, Suite 200  
Denver, CO 80238**

August 29th, 2016

Mr. Bruce O'Donnell  
President  
STARBOARD Realty Group, LLC  
Email- [bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)

Dear Bruce,

This letter serves as authorization for Bruce O'Donnell, dba 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 located at the southeast corner of Central Park Boulevard and Martin Luther King Boulevard, known as Stapleton Filing 51 and located within the Stapleton General Development Plan boundary.

Sincerely,

Park Creek Metropolitan District



Jim Chrisman  
Board Member  
Park Creek Metropolitan District

**EXHIBIT E**  
**Proof of Ownership, Assessor's Record**



Real Property Records

Date last updated: Tuesday, February 14, 2017

◀ Real Property Records Search

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this](#)

[property](#)

[Link to comparable sales information for this](#)

[property](#)

[Link to chain of title information for this property](#)

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[Link to map/historic district listing for this](#)

[Property](#)

**The property description shown is data from the Assessor's active, in-progress 2016 file. The "current year" values are from the 2016 tax year for real property tax due in 2017. These values are based on the property's physical status as of January 1, 2016.**

PROPERTY INFORMATION

Property Type: VACANT LAND

Parcel: 0128423006000

Name and Address Information

Legal Description

FC STAPLETON II LLC

STAPLETON FLG #9 B5 L1 EXC  
DIF

50 PUBLIC SQUARE 1410

RCP #2006054945 RCD 4/10/2006

CLEVELAND, OH 44113

\*

Property Address: 2973 CENTRAL PARK BLVD

Tax District 425I

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	2147600	622800		
Improvements	0	0		
Total	2147600	622800	0	622800
Prior Year				
Land	2147600	622800		
Improvements	0	0		
Total	2147600	622800	0	622800

Style: Other

Reception No.:

Year Built:

Recording Date: //

Building Sqr. Foot: 0

Document Type:

Bedrooms:

Sale Price:

Baths Full/Half: 0/0

Mill Levy: 138.446

Basement/Finished: 0/0

Lot Size: 113,033

[Click here for current zoning](#)

Zoning Used for Valuation: CMX

*Note: Valuation zoning maybe different from City's new zoning code.*

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Real Property Records

Date last updated: Tuesday, February 14, 2017

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PROPERTY INFORMATION

Property Type: VACANT LAND

Parcel: 0128423002000

Name and Address Information

Legal Description

FC STAPLETON II LLC

50 PUBLIC SQUARE 1410

CLEVELAND, OH 44113

STAPLETON FLG #9 B5 L2

Property Address: 2951 WILLOW ST

Tax District 425I

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	261400	75810		
Improvements	0	0		
Total	261400	75810	0	75810
Prior Year				
Land	261400	75810		
Improvements	0	0		
Total	261400	75810	0	75810

Style: Other

Reception No.: 0000129946

Year Built:

Recording Date: 06/30/03

Building Sqr. Foot: 0

Document Type: Bargain & Sale

Bedrooms:

Sale Price: 832100

Baths Full/Half: 0/0

Mill Levy: 138.446

Basement/Finished: 0/0

Lot Size: 13,756

[Click here for current zoning](#)

Zoning Used for Valuation: CMX

*Note: Valuation zoning maybe different from City's new zoning code.*

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Real Property Records

Date last updated: Tuesday, February 14, 2017

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PROPERTY INFORMATION

Property Type: VACANT LAND

Parcel: 0128423003000

Name and Address Information

Legal Description

PARK CREEK METROPOLITAN

7350 E 29TH AVE 200

DENVER, CO 80238-2721

STAPLETON FLG #9

TRACT AF

Property Address: 8583 E 29TH PL MISC

Tax District 425I

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	107200	31090		
Improvements	0	0		
Total	107200	31090	31090	0
Prior Year				
Land	107200	31090		
Improvements	0	0		
Total	107200	31090	31090	0

Style: Other

Reception No.: 2004154426

Year Built:

Recording Date: 07/22/04

Building Sqr. Foot: 0

Document Type: Special Warranty

Bedrooms:

Sale Price:

Baths Full/Half: 0/0

Mill Levy: 138.446

Basement/Finished: 0/0

Lot Size: 5,644

[Click here for current zoning](#)

Zoning Used for Valuation: CMX

*Note: Valuation zoning maybe different from City's new zoning code.*

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**EXHIBIT F**  
**Request to use Credit for Rezoning Fee**

Telephone 303-382-1800

7351 East 29th Avenue  
Denver, Colorado 80238

[www.StapletonDenver.com](http://www.StapletonDenver.com)  
Email [info@StapletonDenver.com](mailto:info@StapletonDenver.com)

February 9th, 2017

Ms. Jill Jennings-Gollich  
Community Planning and Development  
201 W. Colfax Ave  
Dept. 205  
Denver, CO 80202

Dear Ms. Jennings-Gollich,

Forest City Stapleton has submitted our application for rezoning of the southwest corner of Central Park Boulevard and Martin Luther King Boulevard also known as Stapleton Filing 51. Forest City currently has a credit on balance with the City and County of Denver in the amount of \$5667.00. Please use this letter as authorization to collect the rezoning submittal fees of \$2000.00 from this balance for payment to the city for the rezoning of Stapleton Filing 51.

Thank you very much and please let me know if you have any questions,



Forrest Hancock  
Development Manager  
Forest City Stapleton



February 14, 2017

Forrest Hancock  
Development Manager  
Forest City Stapleton, Inc.  
7351 East 29<sup>th</sup> Avenue  
Denver, Colorado 80238

Dear Mr. Hancock:

I'm writing in response to your February 9, 2017, letter requesting to use your outstanding credit to pay the fee for map amendment application number 2016I-00112 for approximately 8504 E. Martin Luther King Jr. Blvd., in Stapleton. The map amendment application was submitted on February 9, 2017. The area subject to the proposed map amendment is 3.04 acres.

As you know, with the Stapleton Section 10 GDP fee paid in May, 2014, there was an overpayment of \$10,667. In a June 16, 2014, letter I agreed to apply the overpayment to subsequent map amendment applications within North Stapleton. However, the credit was not applied to the first map amendment application in Section 10 of North Stapleton, application number 2015I-00079, and Forest City paid a processing fee of \$2,500 (reduced from \$50,000), leaving the \$10,667 credit in place.

On January 23, 2017, I approved the use of a portion of the credit to pay the processing fee for map amendment application number 2016-00113. The fee was \$5,000 (reduced from \$50,000), leaving a balance of \$5,667 on the credit.

The fee for the current map amendment application, number 2016I-00112, is \$2,000. Deducting the \$2,000 fee from the \$5,667 credit leaves an ongoing credit of \$3,667 for use on future map amendment applications. So, with the credit from the GDP fee there is no fee required for map amendment application number 2016I-00112, and an ongoing credit of \$3,667 remains in place to be applied to future Stapleton map amendments.

Thank you for your patience and if you have any questions or concerns about this determination, please don't hesitate to contact me.

Sincerely,

Evelyn Baker  
Deputy Director

Office of the Manager | Community Planning and Development  
201 W. Colfax Ave., Dept. 205 | Denver, CO 80202  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)  
p. 720.865.2915

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