



**DENVER**  
THE MILE HIGH CITY

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**TO:** Denver City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** August 30, 2011  
**RE:** **Official Map Amendment - 5200 North Federal Boulevard  
Rezoning from R-MU-30 w/waivers to R-MU-30 w/waivers**

**Staff Report and Recommendation**

Based on the review criteria for official map amendments stated in Denver Zoning Code, Section 12.4.10, CPD staff recommends approval of the proposed rezoning of the property located at 5200 North Federal Boulevard (Marycrest Campus). This rezoning corrects an error in the wording of a previously approved waiver attached to the property’s R-MU-30 zoning; no other changes are proposed in the requested rezoning.

**I. Scope of Rezoning**

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Address: 5200 North Federal Boulevard  
Neighborhood/Council Dist.: Chaffee Park; Council District #1  
RNO’s: Chaffee Park Neighborhood Association, Berkeley Neighborhood Association; Berkeley Regis United Neighbors, Inc.; Federal Boulevard Corridor Improvement Partnership; Inter-Neighborhood Cooperation; Northwest Neighbors Coalition, Northwest Quadrant Association  
Area of Property: 25.87 acres  
Current Zoning: R-MU-30 w/ waivers  
Proposed Zoning: **R-MU-30 w/ waivers**  
Ordinance Sponsor: Councilwoman Susan Shepherd  
Contact Person: Teresa St. Peter

**II. Summary of Proposal**

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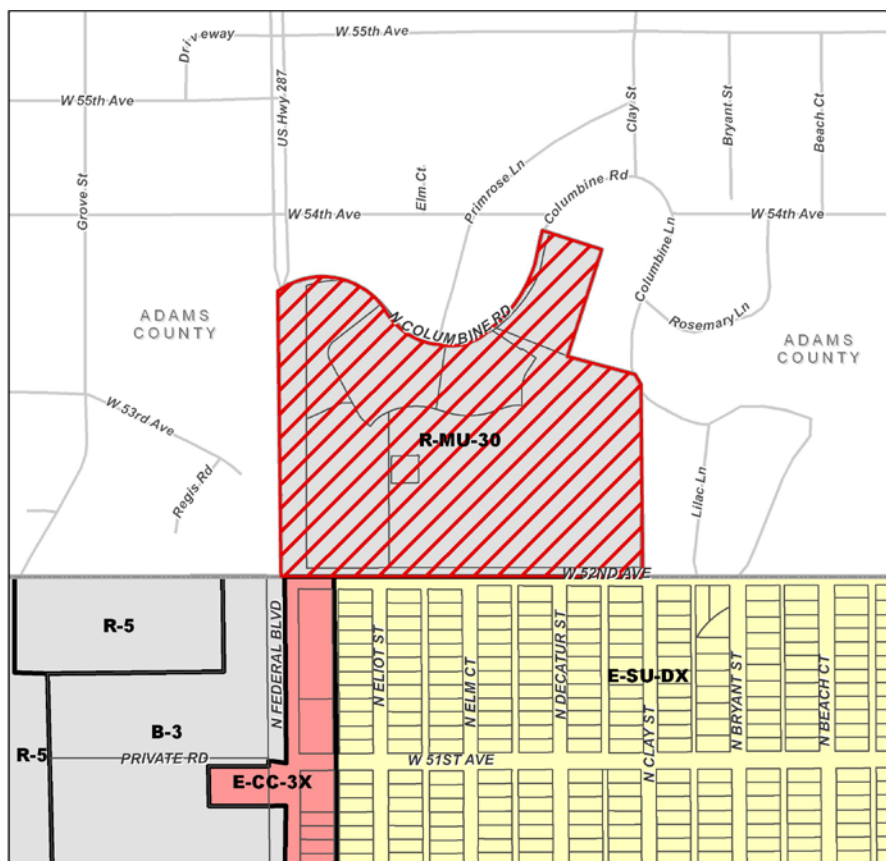
The subject site, known as the Marycrest Campus, is located at the northeast corner of 52<sup>nd</sup> Avenue and Federal Boulevard, with Columbine Road and the Adams County boundary line to the north, 52<sup>nd</sup> Avenue on the south and Federal Boulevard to the west. The property was rezoned for redevelopment in 2008 to R-MU-30 with waivers. The 2008 ordinance approving the new zone district contained a language error in one of the waivers stating “minimum building height” where it should have stated “maximum building height;” a maximum building height standards was clearly requested in the property owners’ original rezoning application and waiver request. The property owners, the Sisters of St. Francis, are in the process of selling portions of the property and the sale is on hold pending the correction of the zoning waiver language. This rezoning proposal, sponsored by Councilwoman Shepherd, will correct the 2008 ordinance language.

**III. Justification for Rezoning**

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The 2008 ordinance approving the official map amendment for the property to R-MU-30 with waivers contained a language error setting a *minimum* building height where it should have

been drafted to state a **maximum** building height. A request for a maximum height has been part of the property owners' original rezoning application and had been described as a "maximum" in all public presentations and CPD staff reports. Under D.R.M.C., Section 59-3, land retaining a Former Chapter 59 zoning with waivers and/or conditions (in this case, R-MU-30 with waivers) may be rezoned under the Former Chapter 59 only to the extent that waivers and/or conditions are eliminated or modified. In this case, the rezoning request is intended solely to modify the height waiver attached to the already approved R-MU-30 zoning.



Current and Proposed Zoning

#### IV. Existing Context

	Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	R-MU-30 w/waivers	Convent/residential/assisted living	Area of Stability Single Family Residential
<b>North</b>	Adams County	Residential	Adams County-NA
<b>South</b>	E-SU-DX, and E- CC-3X	Across 52 <sup>nd</sup> Ave-residential, Federal Boulevard – Commercial	Area of Stability Single Family Residential/

	Zoning	Existing Land Use	Blueprint Denver
			Neighborhood Center along Federal Boulevard
<b>East</b>	Adams County	Warehouse	Adams County-NA
<b>West</b>	Adams County	Adams County/State Highway/SW-Regis University	Adams County-NA/SW-Neighborhood Center/Campus

**V. Summary of Agency Referral Responses**

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The request for rezoning has been reviewed for compliance with the Denver Zoning Code and with other applicable City Codes as utilized by the referral agencies listed below:

Asset Management:	Approve – No Comment
Fire Department:	Approve - No Comment
Denver Parks:	Approved - No Comment
DES-Transportation:	Approved for rezoning
DES-Dev't. Services:	Approve – No Comment
DES Wastewater:	No Comment Received
DES-Surveyor	No Comment Received

**VI. Summary of Legal Notice and Public Process**

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The rezoning of this property was posted and noticed for 21 days as required for the City Council public hearing. All affected registered neighborhood associations received electronic notification of the public hearing. A rezoning application sponsored by a city council member does not require Planning Board consideration; see Denver Zoning Code Section 12.4.10.6.B.

**VII. Community Response**

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No response as of the date of this staff report.

**VIII. Criteria for Review**

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The Denver Zoning Code, Section 12.4.10.3, states the general review criteria applicable to all Official Map Amendments.

**A. Consistency with Adopted Plans**

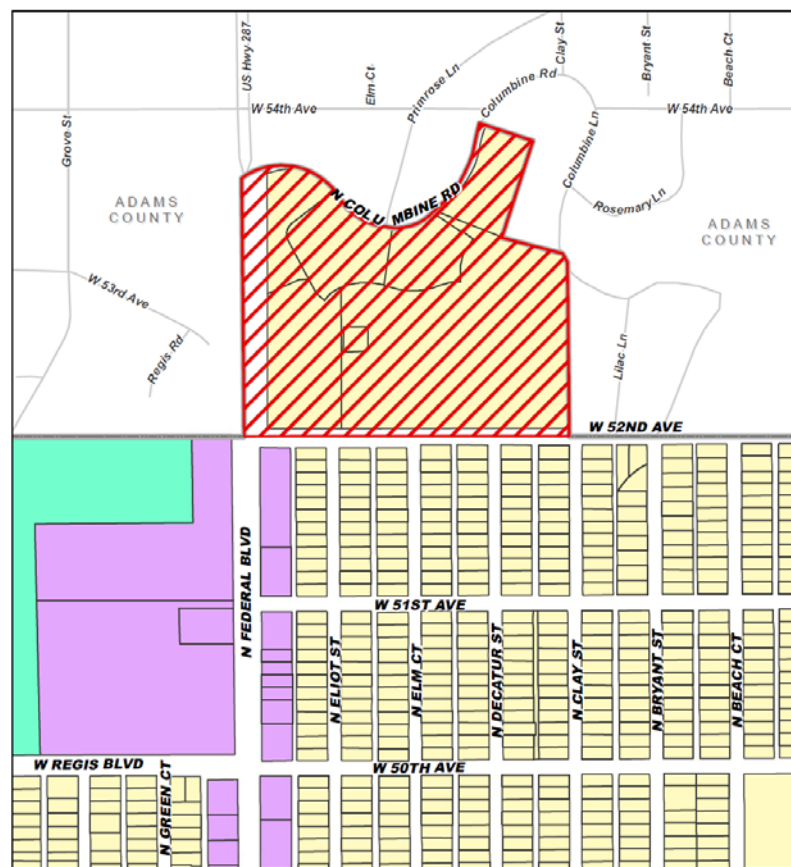
As previously found in the city's approval of the original R-MU-30 zoning in 2008, the proposed rezoning to correct the height waiver is consistent with city's adopted Comprehensive Plan and Blueprint Denver Plan, as summarized below.

- o *Denver Comprehensive Plan*

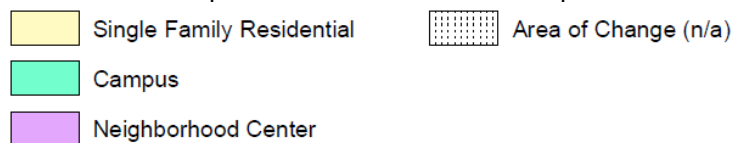
Land Use Objective 2: Clarify and update Denver's Zoning Ordinance and related ordinances, regulations and procedures to be consistent with the goals and objectives of Denver's Citywide Land Use and Transportation Plan.

- o *Blueprint Denver: An Integrated Land Use and Transportation Plan*  
*Area of Stability – Single Family Residential*

The redevelopment of the site includes a land use mix of residential uses, which are compatible with the surrounding neighborhood, and a mix of neighborhood-serving commercial uses at the corner of 52<sup>nd</sup> and Federal.



Blueprint Denver Land Use Concept



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

The proposed R-MU-30 rezoning, with the attached waivers, results in the uniform treatment of buildings and properties within the R-MU-30 zone district.

## **C. Public Health Safety and General Welfare**

The proposed rezoning furthers the public health, safety and general welfare of the City by correcting an error in the zone district consistent with the original planning objectives and intent of the Marycrest Campus' 2008 rezoning to R-MU-30.

## **IX. STAFF RECOMMENDATION**

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Based on the criteria for review as defined above, CPD staff recommends **Approval** of Councilwoman Shepherd's request for rezoning 5200 North Federal Boulevard to R-MU-30 with waivers.

### **Attachments:**

Request for Official Map Amendment by Councilwoman Shepherd  
Map Series – Aerial, Zoning, Blueprint Denver



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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**APPLICATION FOR ZONE MAP AMENDMENT**

<b>Application #</b>	2011I-00035	<b>Date Submitted</b>	July 25, 2011	<b>Fee Required</b>	None	<b>Fee Paid</b>	None
<b>APPLICANT INFORMATION</b>				<b>CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)</b>			
<b>Applicant Name</b>	Susan Shepherd			<b>Contact Name</b>	Teresa St. Peter		
<b>Address</b>	1437 Bannock			<b>Address</b>	Same		
<b>City, State, Zip</b>	Denver, CO 80202			<b>City, State, Zip</b>	Same		
<b>Telephone / Fax</b>	303-337-7701			<b>Telephone / Fax</b>	Same		
<b>Email</b>	Susan.Shepherd@denvergov.org			<b>Email</b>	Teresa.StPeter@denvergov.org		
<b>Subject Property Location [Please Include Assessor's Parcel Number(s)]</b>							
Approximately 5200 north Federal Boulevard							
<b>Legal Description of Subject Property</b>							
See attachment.							
<b>Area of Subject Property (Acres/Sq Ft)</b>		<b>Present Zone District</b>		<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>			
25.87 Acres		R-MU-30 w/waivers		R-MU-30 w/waivers			
<b>Describe the nature and effect of the proposed Zone Map Amendment</b>							
Legislative map amendment to correct a language error in the ordinance #433-2008 which approved the R-MU-30 w/waivers zoning in August, 2008.							
<b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>				<b>Error in the map as approved by City Council</b>			<input checked="" type="checkbox"/>
				<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>			<input type="checkbox"/>
Correction of a language error in ordinance #433-2008.							
<b>State the land use and the development proposed for the subject property. Include the time schedule (if any) for development</b>							
A mix of housing types and neighborhood supporting commercial development.							
<b>Required Exhibits</b>				<b>Additional Exhibits</b>			
<b>Applicant &amp; Owner Information Sheet</b>				<input type="checkbox"/>			
<b>Maps – Required for Final Submissions</b>				<input checked="" type="checkbox"/>			
<b>Case Manager</b>	Theresa Lucero						
<b>Signature</b>						<b>Date</b>	
						7/25/11	

## APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name

**Property Address(es)**

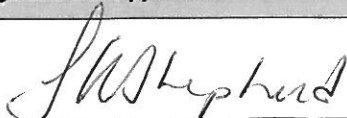
**Applicant's Address**

**NOTE:** If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

<b>Fee Title Owner (Has Deed of Ownership)</b>	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
<b>Contract Owner</b>	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
<b>Holder of a Security Interest</b>	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Signature of Applicant	Date Signed
	7/25/11

BY AUTHORITY

ORDINANCE NO. *433*  
SERIES OF 2008

COUNCIL BILL NO. *368*

COMMITTEE OF REFERENCE:  
**Blueprint Denver**

A BILL

**For an ordinance changing the zoning classification, with waivers, for 2851 West 52<sup>nd</sup> Avenue.**

**WHEREAS**, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is in accordance with the Comprehensive Plan, is justified either by changed or changing conditions or to correct manifest error in the prior zoning and is necessary to promote the public health, safety and general welfare;

**NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as R-5;

2. That the owner proposes that the land area hereinafter described be changed to R-MU-30 with reasonable waivers it has approved;

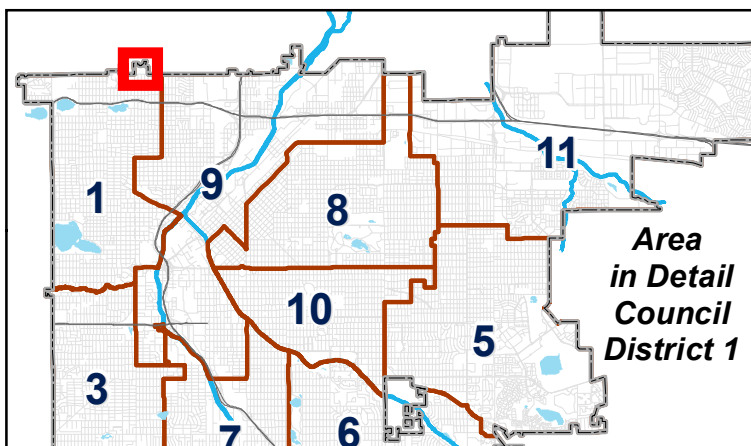
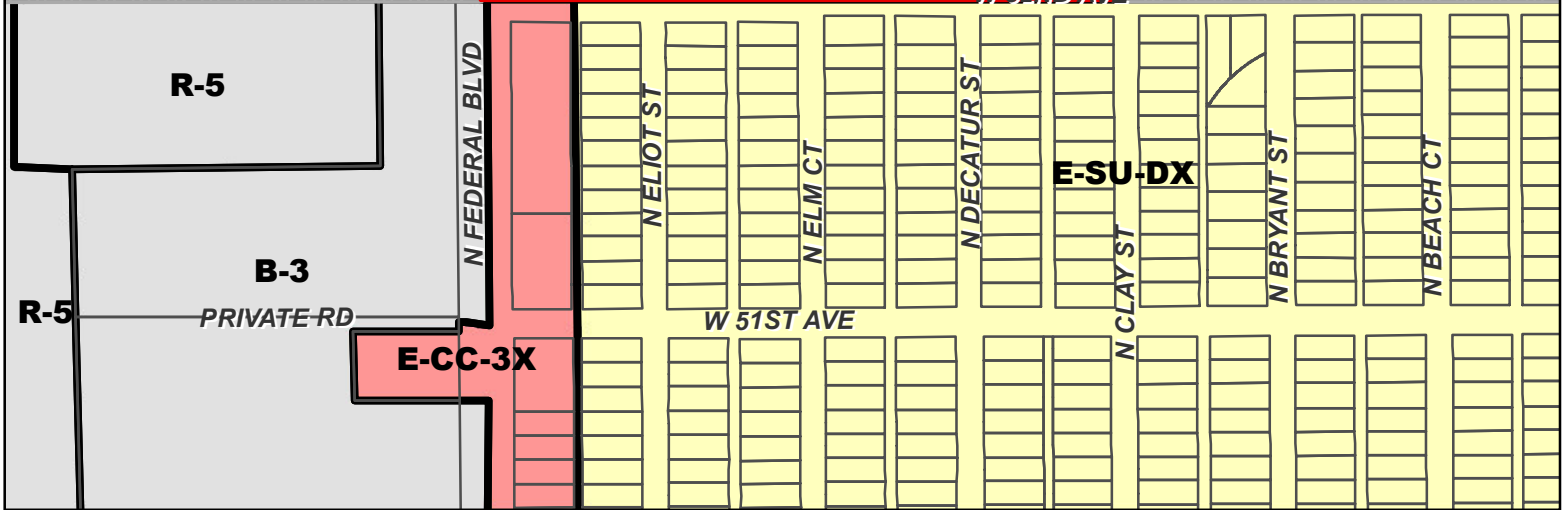
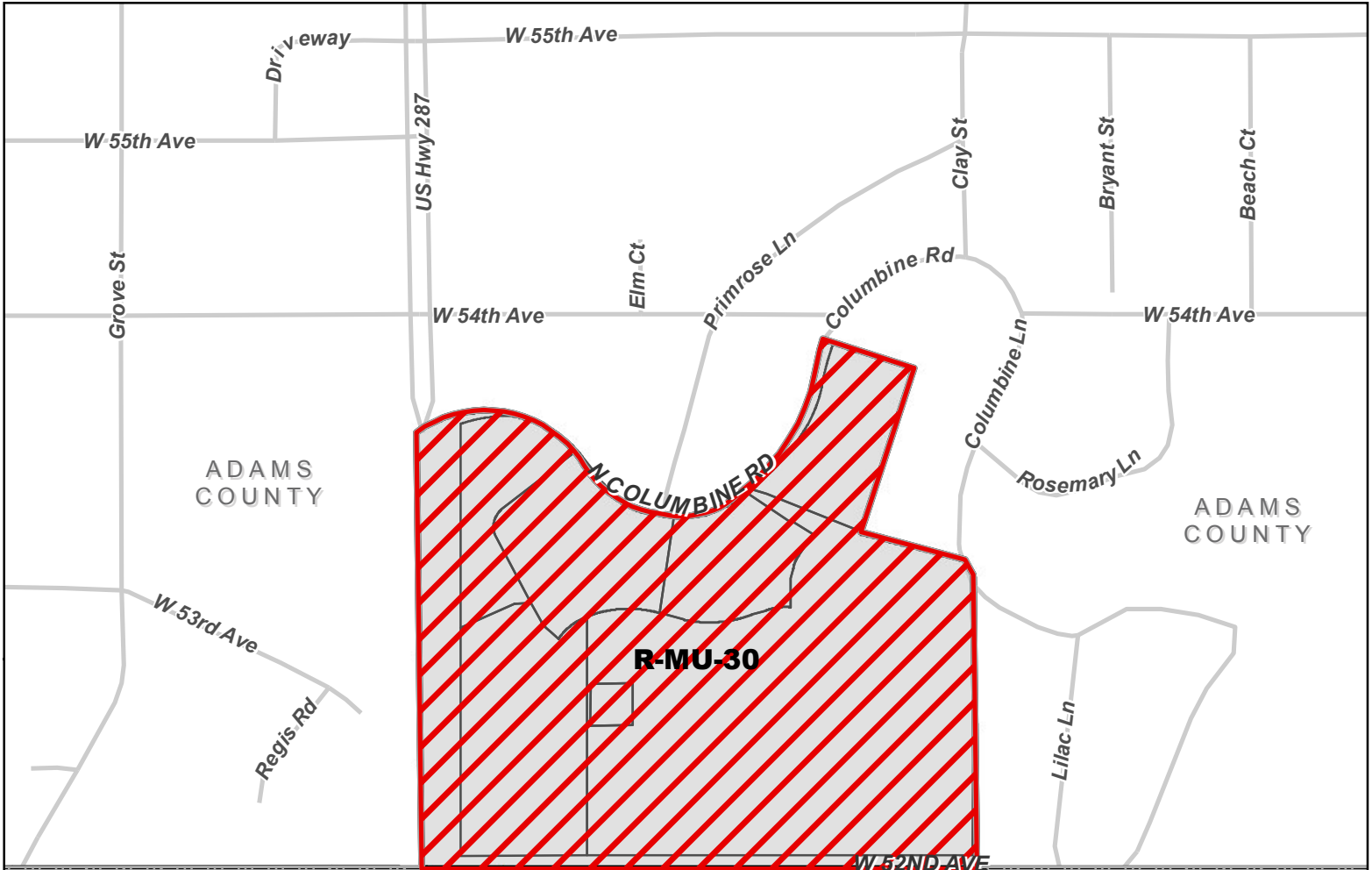
3. That in the application the owner has represented that if the zoning classification is changed pursuant to the application, the owner will and hereby does:

(i) Waive the right to a ~~minimum~~<sup>maximum</sup> building height regardless of use(s), adjacent use(s), and/or adjacent zone districts as required under Section 59-312(7) of the Denver Revised Municipal Code for all structures and instead, within three hundred fifty (350) feet of the Federal Boulevard right-of-way, the ~~minimum~~<sup>maximum</sup> permitted building height shall be seventy-five (75) feet. Further, for the remainder of the zone lot, the maximum permitted building height shall be fifty-five (55) feet.

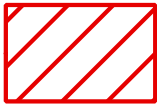
(ii) Waive the right to setbacks for "structures abutting residential zone districts" regardless of use(s), adjacent use(s), and/or adjacent zone districts as required under Section 59-312(3)a of the Denver Revised Municipal Code for all structures and shall instead comply with the following setbacks table below:




# Pending Zone Map Amendment #2011I-00035



**Application #2011I-00035**  
**Location: 2851 W. 52nd Ave.**

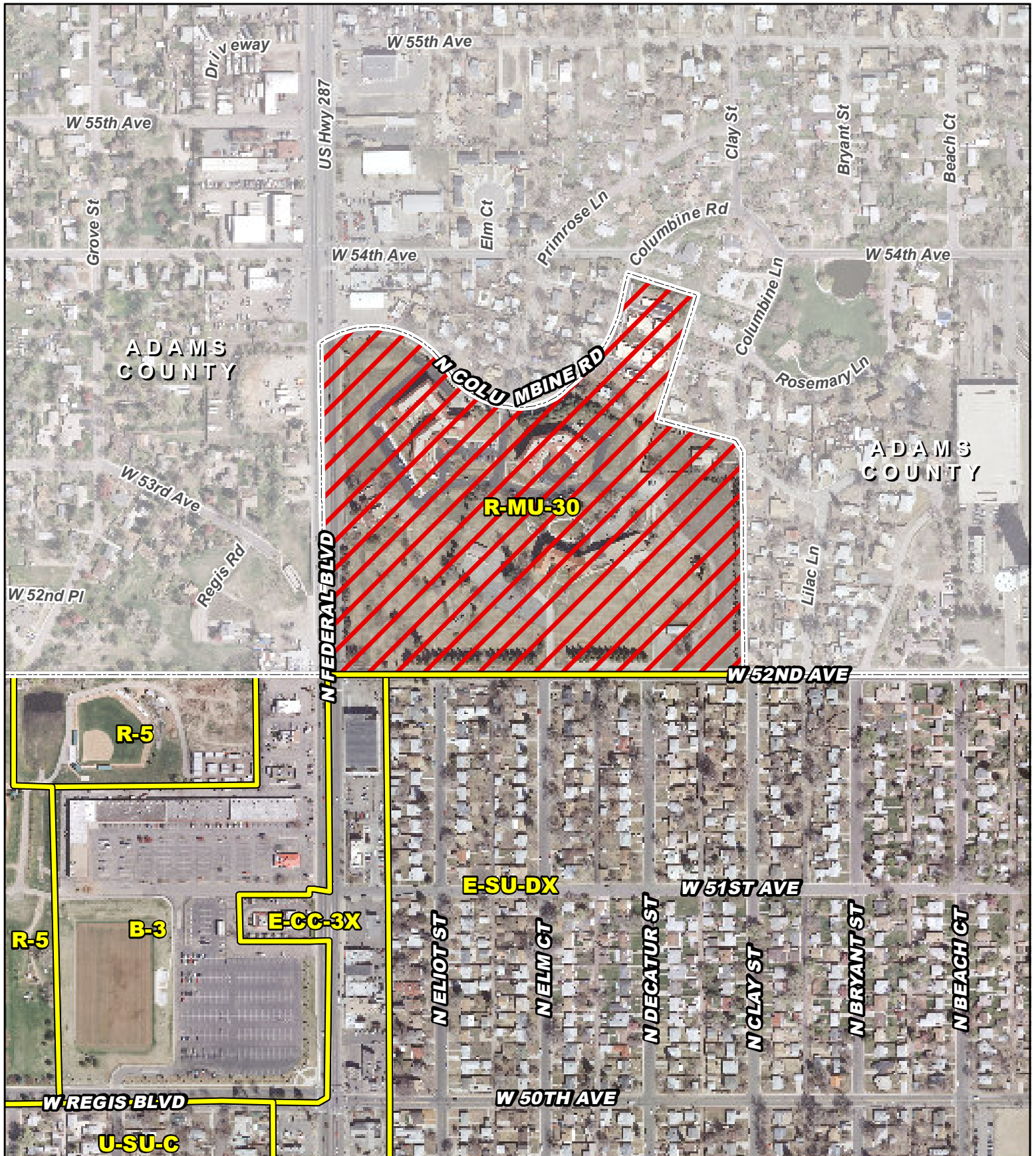
 **Proposed Rezoning**  
**From: R-MU-30 WVRs**  
**To: R-MU-30 WVRs**

 0 200 400 800  
 Feet

**Map Date: 8/22/11**

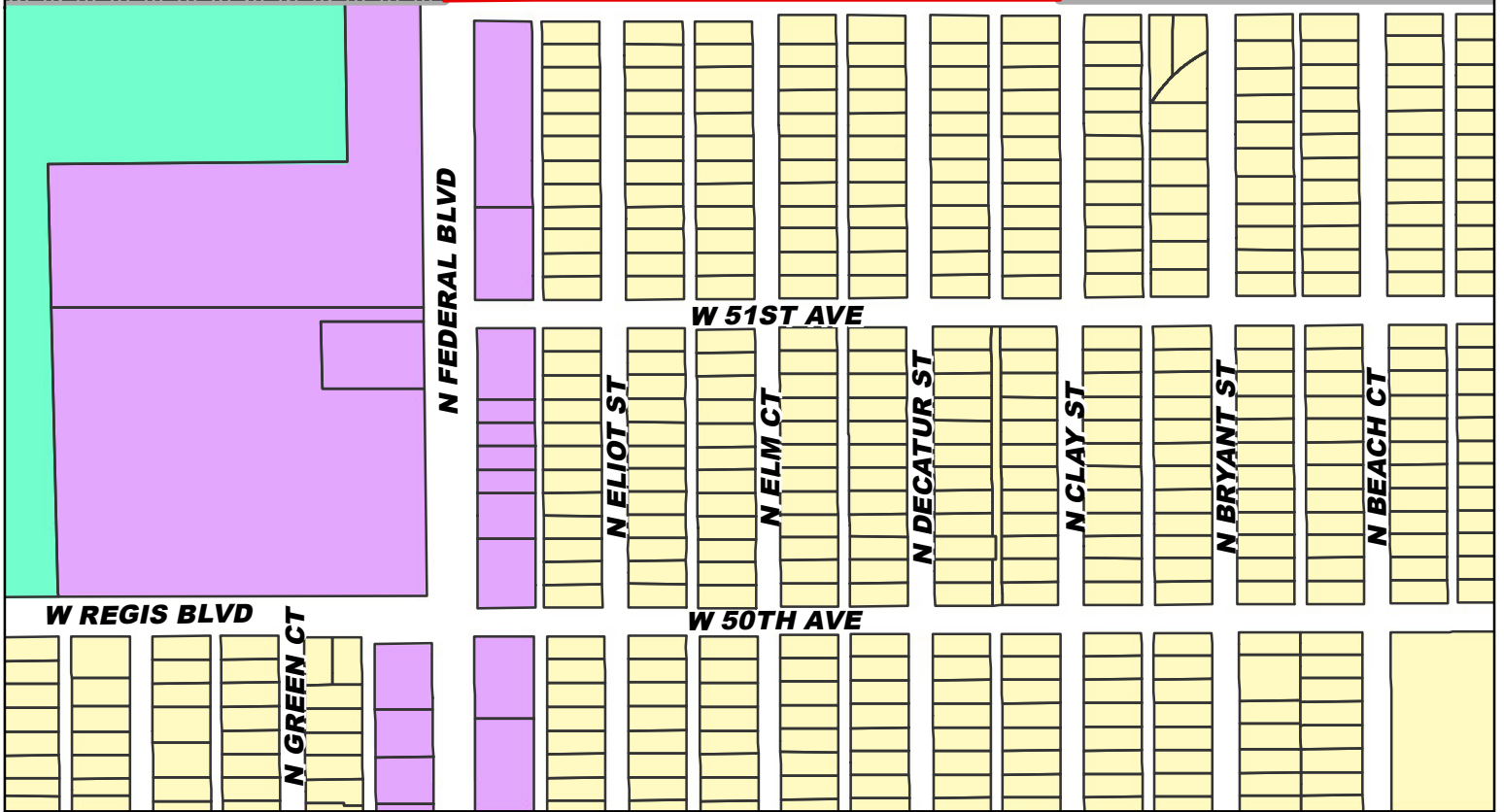
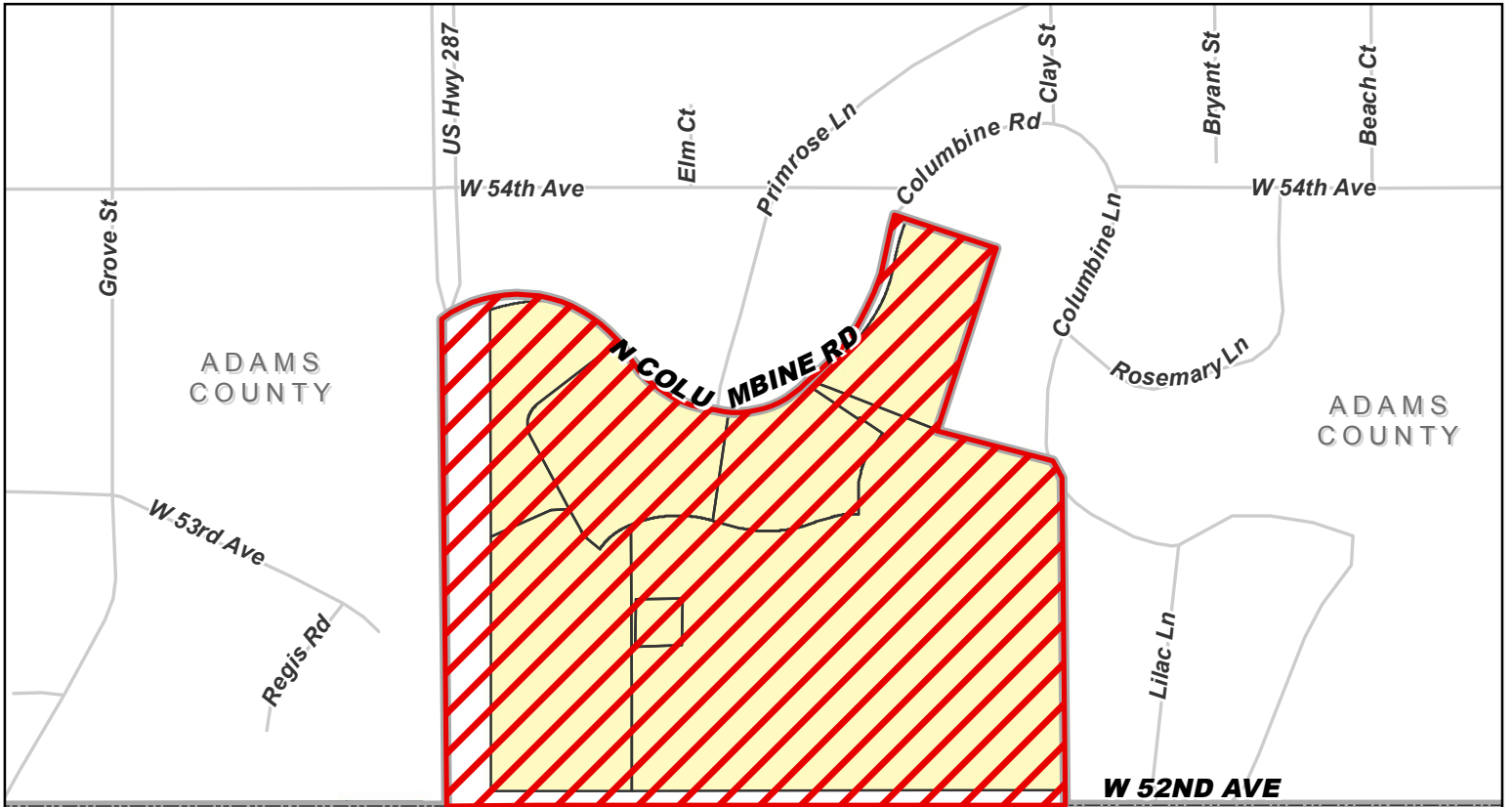
# Pending Zone Map Amendment - Aerial & Zoning Overlay





 Application #2011-00035



# Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2011I-00035



-  Single Family Residential
-  Campus
-  Neighborhood Center
-  Area of Change (n/a)

0 200 400 800 Feet



Map Date: 8/22/11