



**DENVER**  
THE MILE HIGH CITY

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**TO:** City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** December 30, 2013  
**RE:** **Zoning Map Amendment #2013I-00037,**  
**Approximately 8822 Beekman Place (AKA 4936 Verbena Street),**  
**Rezoning from M-RX-5 to M-MX-5**

### Staff Report and Recommendation

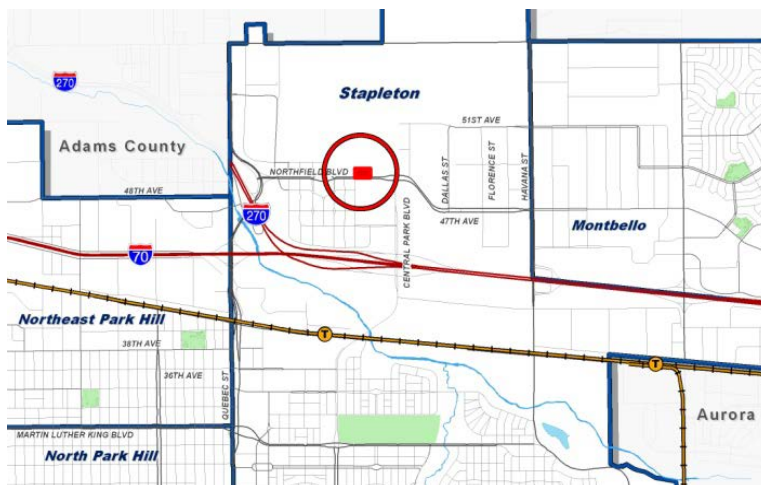
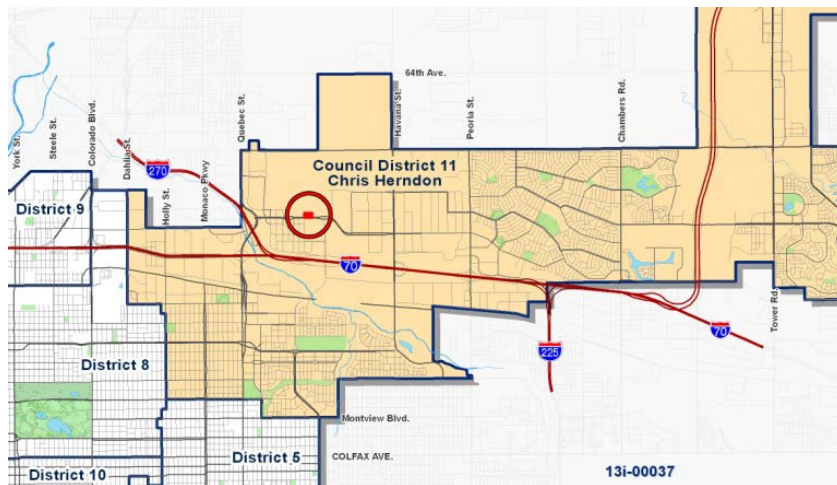
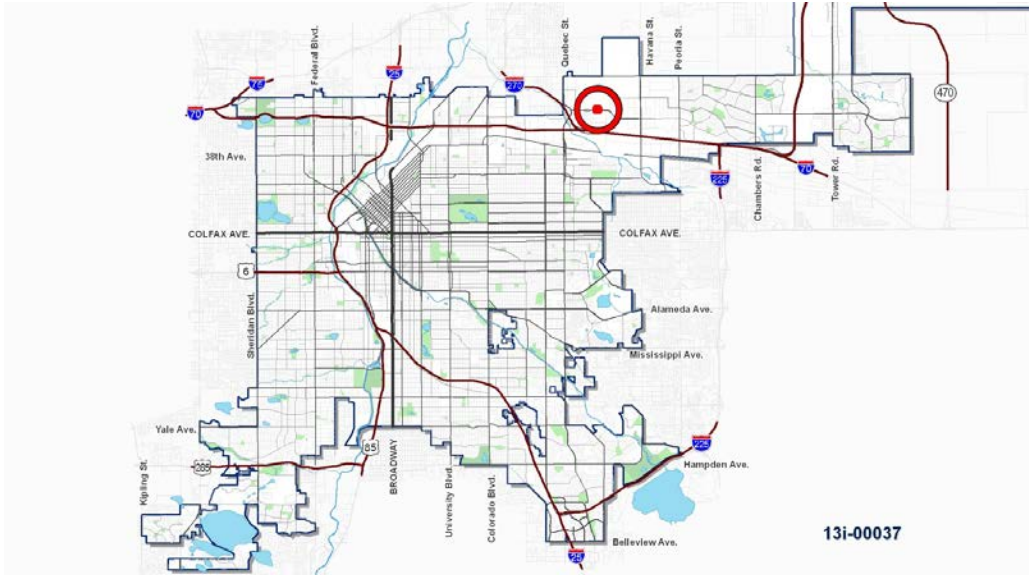
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2013I-00037 for a rezoning from M-RX-5 to M-MX-5

### Request for Rezoning

Application:	#2013I-00037
Address:	Approx. 8822 Beekman Place (AKA 4936 Verbena Street)
Neighborhood/Council District:	Stapleton / Council District #11
RNOs:	Northern Airport Corridor Association, Stapleton Master Community Association, Stapleton United Neighbors and Inter-Neighborhood Cooperation
Area of Property:	176,018 square feet, 4.041 acres
Current Zoning:	M-RX-5
Proposed Zoning:	M-MX-5
Property Owner(s):	Forest City Stapleton II, LLC
Owner Representative:	Bob Gollick

### Summary of Rezoning Request

- The property is located in northeast Denver, in City Council District 11, within the Stapleton Statistical Neighborhood, at the northwest corner of North Willow Street and Northfield Boulevard.
- The subject property is vacant. Southwest of the property is the Northfield Shopping District; northwest is Stapleton Filing 42, a predominately residential subdivision containing a planned Elementary School location, directly south of the property is a 3-story apartment development and half a mile to the east is the Nobel Sysco Warehouse. The planned land uses for the property are commercial.
- The M-MX-5 zone district stands for **M**aster Planned Context, **Mi**xed Use with a **5**-story height limit. The M-MX-5 zone district is intended to promote development of new town centers and mixed use neighborhoods up to 5 stories in height. Further details of the zone districts can be found in Article 9 of the Denver Zoning Code (DZC).





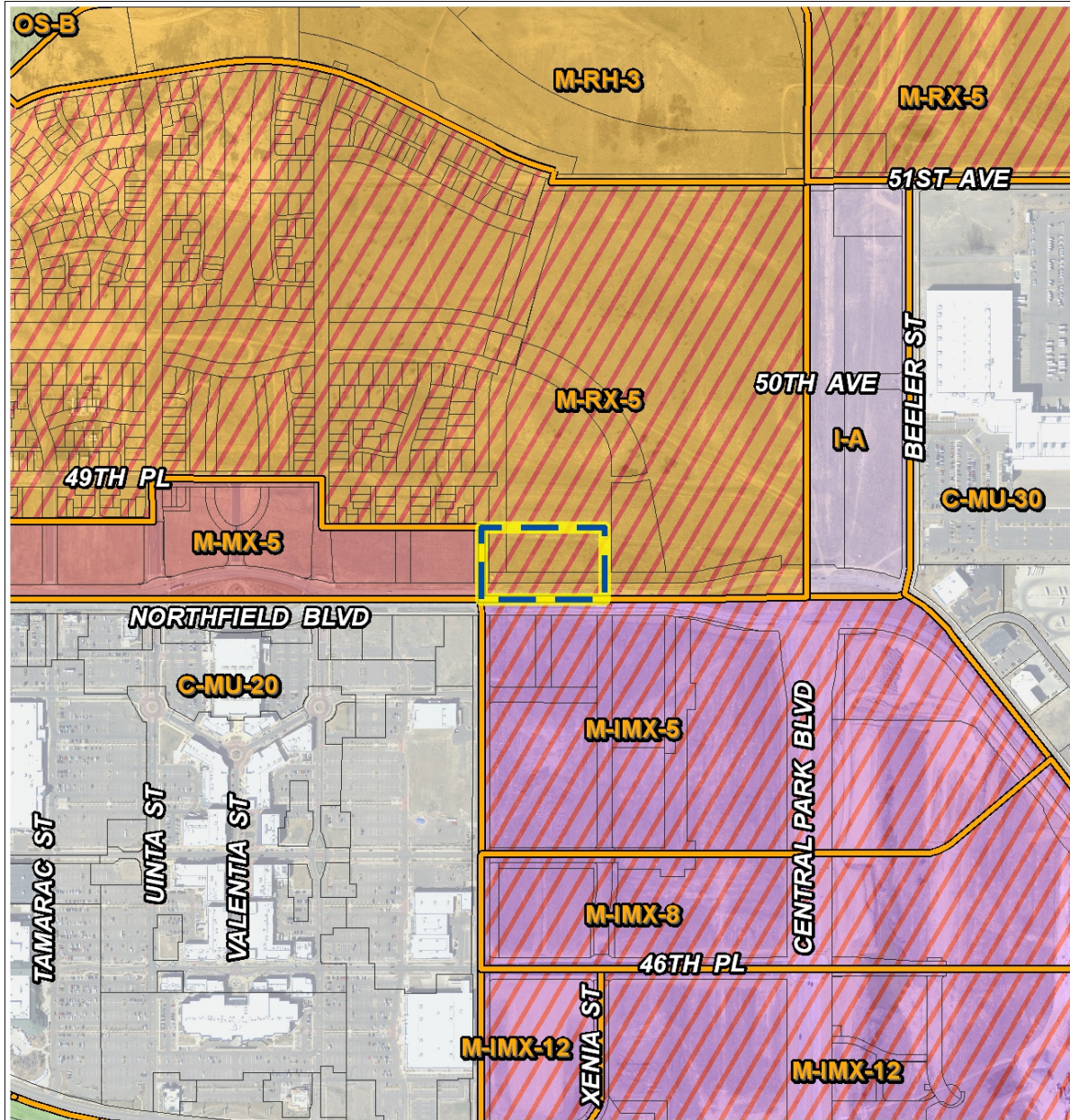
### Existing Context

The property is located northeast of the Northfield Shopping District, north of Interstate 70. In the vicinity are the northern extension of Central Park Boulevard, existing 1-2-story industrial or commercial structures to the east and southwest and a new residential subdivision to the northwest of the site. The immediate area surrounding the subject property is vacant except for a 3-story apartment development under construction south of the site. The block pattern is a mix of a grid and modified grid pattern with alleys present in the planned residential subdivision.

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 with some residential alleys present. Large commercial block sizes and shapes are consistent and rectangular, and smaller residential blocks north of Northfield Boulevard.
North	M-RX-5	Vacant	N/A	
South	M-IMX-5/C-MU-20	3-story Multi-unit / Northfield Shopping District	3-story Residential / 1-2-story Commercial Structures	
East	M-RX-5	Vacant	N/A	
West	M-MX-5	Vacant	N/A	

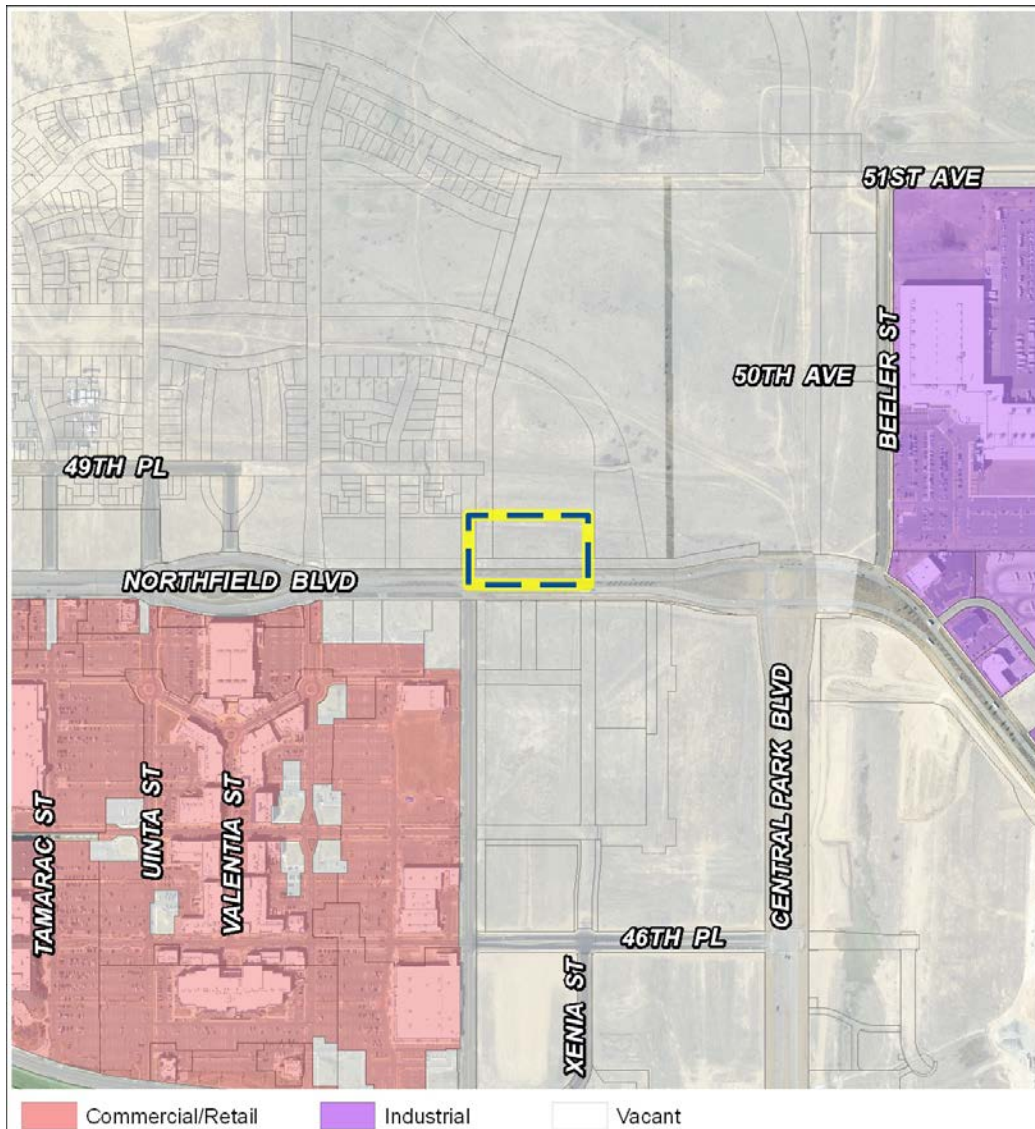
### 1. Existing Zoning



The existing zoning of the subject property is M-RX-5, or Master Planned context, Residential Mixed Use with a 5-story height limit. The allowed building forms range from Urban House to Apartment forms, with General, non-residential building forms, allowed only on corners where one of the intersecting streets is either an arterial or collector street. The maximum height limit for residential structures in the district is 40 feet for lower density residential structures and 70 feet for Row House and Apartment building forms. Upper story setback requirements apply to Row House and Apartment building forms where they are

adjacent in the rear and side to Protected Districts. The minimum front setback is 0 to 10 feet, and the side setbacks vary between 0 feet and 10 feet depending on adjacency to a Protected District. The rear setback is 0 feet, or between 5 and 10 feet if adjacent to a Protected District. And the building coverage on the zone lot for an Urban House on a standard 3,000 square foot lot is 75%. A variety of residential, civic and commercial land uses are allowed, but industrial and agricultural land use allowances are more restricted. For additional details of the zone district, see DZC Section 9.

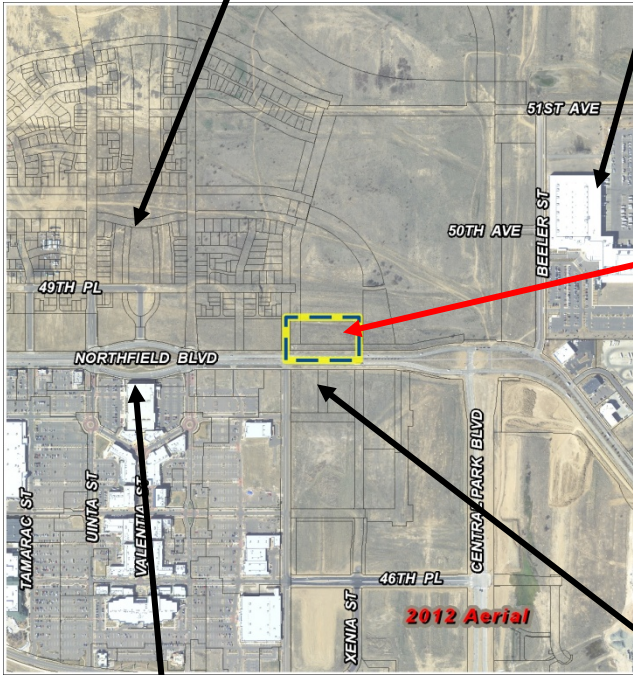
## 2. Existing Land Use Map



Existing Land Use

## 1. Existing Building Form and Scale

Rezoning Application #2013I-00037  
Approx. 8822 Beekman Place (formerly 4936 Verbena Street)  
December 30, 2013  
Page 6



## 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:** Approve, no comments.

**Development Services – Fire:** Approve rezoning only, will require additional information at Site Plan Review.

**Development Services – Transportation:** Transportation approves the rezoning only.

**Public Works – City Surveyor:** Approve legal description.

## Public Review Process

### Planning Board

- The property was legally posted for a period of 15 days announcing the October 16, 2013, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members. Planning Board unanimously recommended approval of the map amendment.

### Land Use and Transportation Committee

- Electronic notice of the meeting will be sent to all affected registered neighborhood organizations and City Council members.

### City Council Public Hearing

- The property will be been legally posted for a period of 21 days announcing the City Council public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- **Registered Neighborhood Organizations (RNOs)** – To date no public comment has been received.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

### DZC Section 12.4.10.13

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### DZC Section 12.4.10.14

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 (2012)

### Denver Comprehensive Plan 2000

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

- **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.
- **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**.
- **Economic Activity Strategy 4-B** – **Enhance existing business centers and establish new business centers** in a manner **that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs**.

The proposed map amendment will enable the continued mixed use development of North Stapleton. The proposed M-MX-5 zone district allows a wide variety of residential and commercial lands uses. The rezoning is consistent with these plan recommendations.

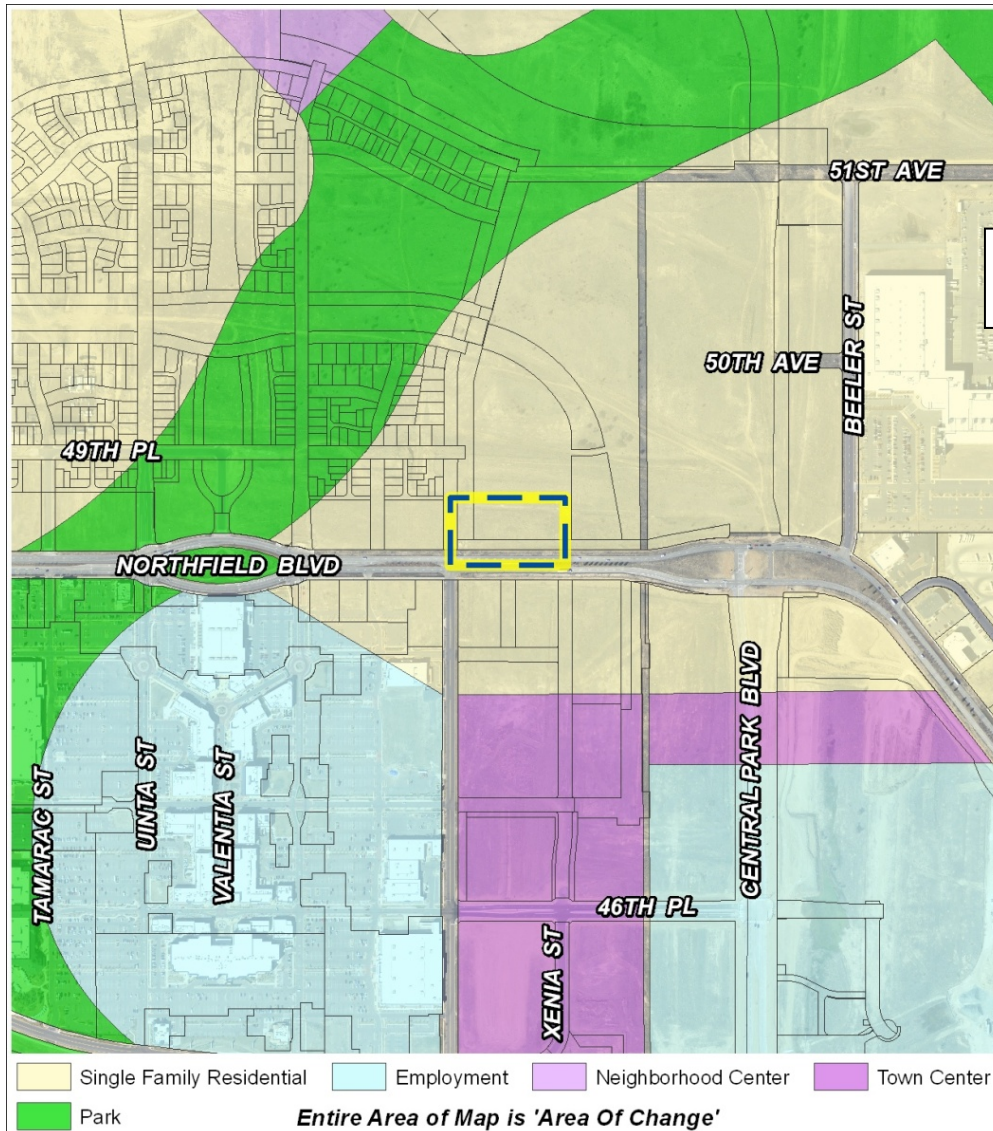
### Blueprint Denver/North Stapleton General Development Plan

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single-Family Residential and is located in an Area of Change. The North Stapleton General Development Plan designates the subject property as Residential Mixed Use.

#### Future Land Use – Blueprint Denver

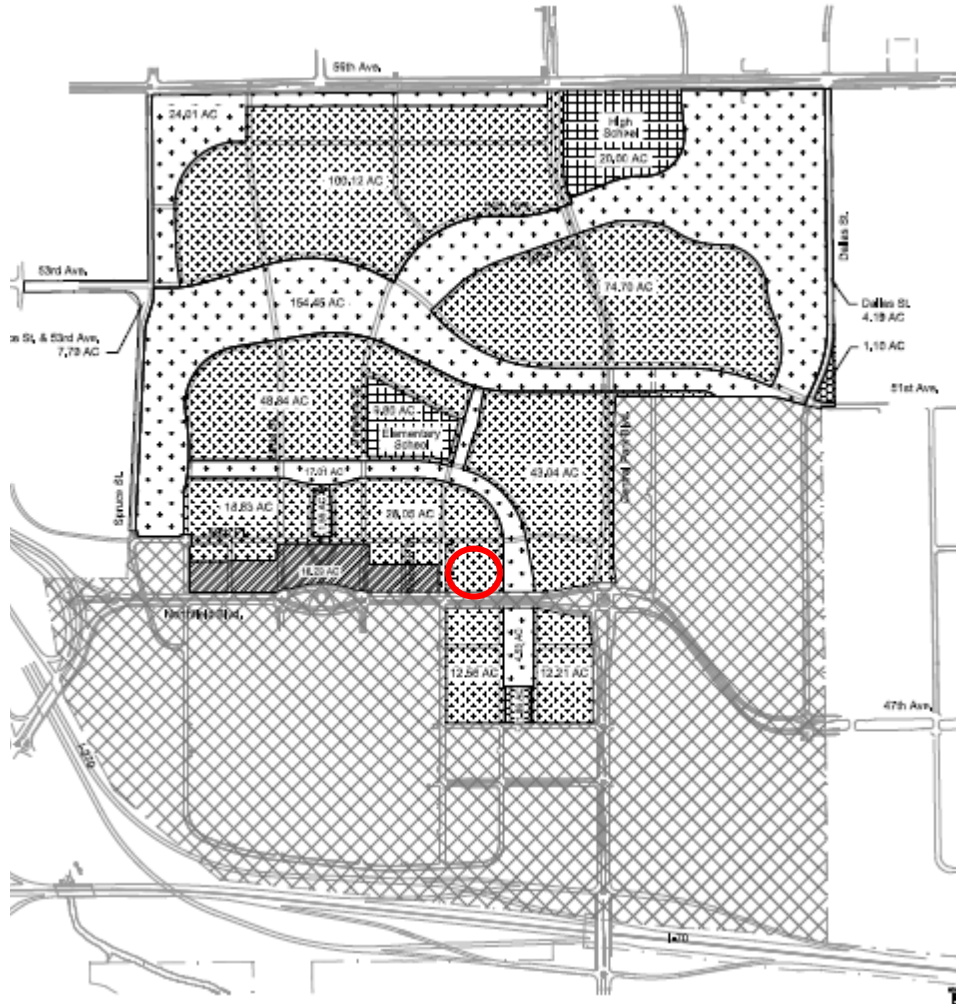
The site is located in a vacant and redeveloping area in the northern portion of the Stapleton Neighborhood. The Blueprint Denver future land use designation for the subject property is Single Family Residential. Blueprint Denver describes Single-Family Residential neighborhoods “that consist primarily 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.” Further that “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 rezoning of the subject property will enable the development of land uses that complement the larger North Stapleton residential neighborhood.





**Future Land Use – General Development Plan**

The Residential Mixed Use land use category in the North Stapleton General Development Plan allows a variety of residential and commercial land uses. Nonresidential uses within an area planned for “Residential/Mixed Use” land uses should be located to minimize impacts on adjacent, lower-intensity residential uses. In this case, the subject properties are bounded by a major arterial street – Northfield Boulevard – and two collector streets – Willow and Xenia Streets, which would allow heavier traffic volumes to access permitted nonresidential uses without using local streets, and – more important – without passing or cutting through planned residential neighborhoods to the north. The location of the subject property on a 6-lane arterial street makes the property a good location for a mixture of higher intensity commercial land uses.



2012 North Stapleton  
GDP Land Use Map

LEGEND

	Intended Land Use	Anticipated Zoning*	Anticipated Density
	Excluded from Major Amendment No. 2		
	Existing Development		
	City	M-RO-8	
	Residential - Mixed-Use	M-RM-6	5 to 25 dwelling units / acre
	Town Center / Mixed-Use	M-MIX-6	Up to 25 dwelling units / acre
	Trunk Open Space	M-RO-8	
	In-Tract Open Space**	M-RO-8	

**Area of Change / Area of Stability - Blueprint Denver**

The site is designated as an Area of Change in Blueprint Denver. Areas of Change are where “land uses or intensity of land uses are envisioned to change.” The Stapleton mixed

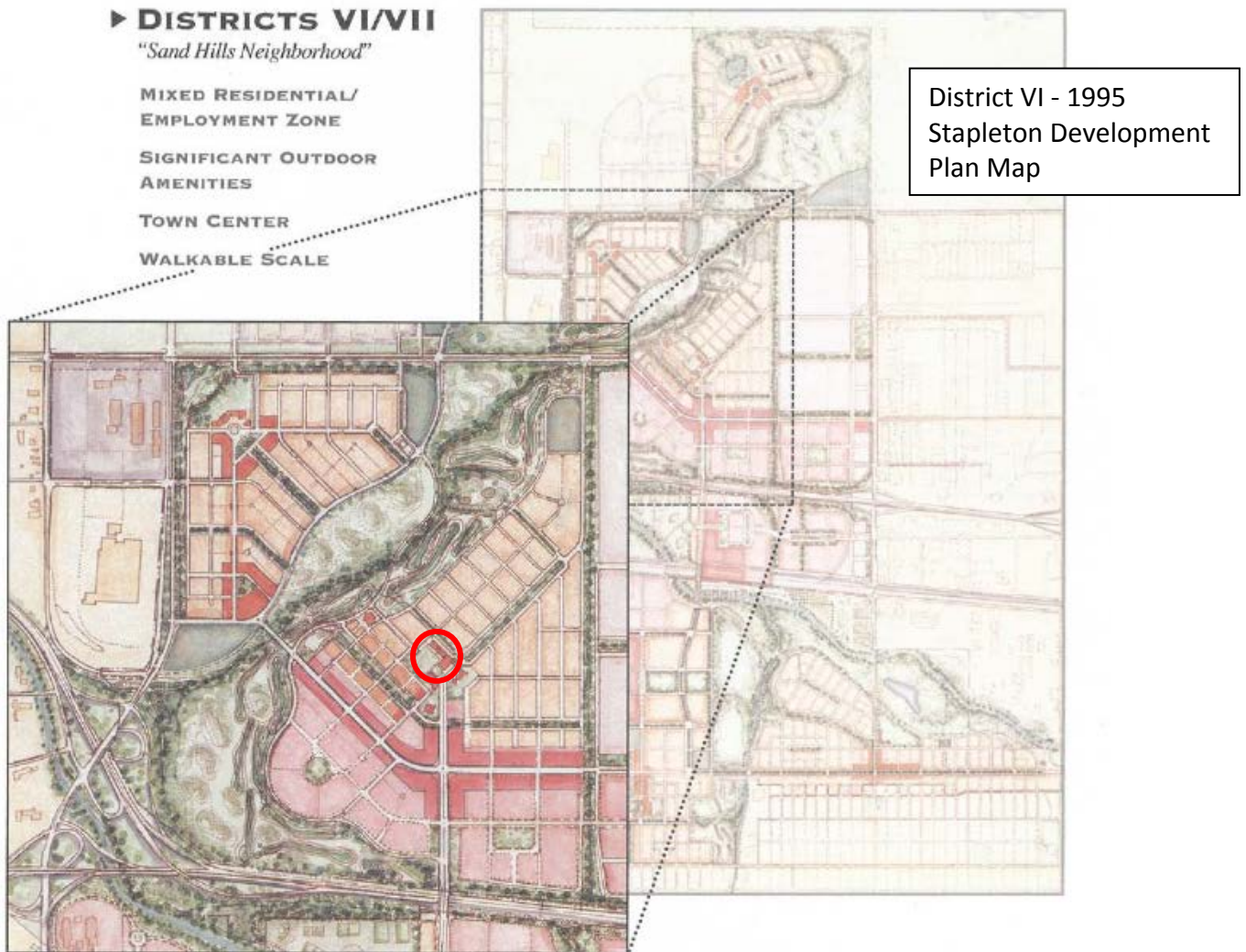
use district is described by Blueprint Denver as an area being redeveloped into several neighborhoods where the “neighborhoods will consist of a network of urban villages with employment centers, parks and open space.”. The zone change from M-RX-5, a primarily residential mixed use zone district to M-MX-5, a zone district that promotes the development of new town centers and mixed use neighborhoods will allow more flexibility to the redevelopment of the subject property. The rezoning application is consistent with the Blueprint Denver Area of Change designation.

#### **Street Classifications – Blueprint Denver / North Stapleton General Development Plan**

Blueprint Denver classifies Northfield Boulevard as an Undesignated Local Street, although in subsequent General Development Plans for the North Stapleton area the Boulevard has been planned and later built as a 6-lane, median-divided arterial street. The street functions as the primary entrance to the Northfield Shopping District and is a primary east-west arterial between Interstate 70 and North 56<sup>th</sup> Avenue. In addition, there is no street classification in Blueprint Denver for proposed Xenia and Willow Streets, the eastern and western boundaries of the subject property. The North Stapleton General Development Plan envisions both streets developing as Collector Streets. According to Blueprint Denver, “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” and “Collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” The location of a higher intensity zone district, the M-MX-5 zone district, on collector and an arterial street is correct. The zone change is consistent with the North Stapleton General Development Plan street network.

#### **Stapleton Development Plan**

The applicable neighborhood plan is the Stapleton Development Plan, which was adopted in March, 1995. On the Development Plan map the subject property is in District VI. Key Development Plan elements of this area is a mix of residential and employment land uses, a commercial center, transportation improvements, integrated parks and school sites. The proposed M-MX-5 zone district is consistent with this vision and will provide the regulatory basis for development of these key elements.



## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to M-MX-5 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 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to

encourage a redevelopment of the area or to recognize the changed character of the area. The desire to continue to redevelop the property into a new mixed use neighborhood is an appropriate justifying circumstance for the proposed rezoning.

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

Denver Zoning Code Criteria 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 Master Planned Context is intended for areas that will redevelop in phases, over a period of time, such as the Stapleton neighborhood. Development may consist of a variety of residential densities, mixed use centers embedded in residential areas, larger town centers, high density transit oriented developments, as well as commercial office and mixed-use industrial employment centers. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial streets but may be located at or between intersections of local streets. Office, research and industrial parks are primarily located near arterials and major highways.

The purpose and intent of the M-MX-5 zone district is to promote development of new town centers and mixed use neighborhoods. The district is intended to be primarily commercial. The proposed rezoning is consistent with the Master Planned Context and the intent of the M-MX-5 zone district.

#### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at approximately 8822 Beekman Place to an M-MX-5 zone district meets the requisite review criteria. Accordingly, staff recommends ***approval***.

#### **Attachments**

1. Application
2. Approved Legal Description



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## Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	FC Stapleton, II, LLC	Representative Name	Robert J. Gollick, Inc.
Address	7351 East 29th Avenue, Suite 300	Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80238	City, State, Zip	Denver, Colorado 80209
Telephone	303 382-1800	Telephone	303 722-8771
Email	bgollick@comcast.net	Email	bgollick@comcast.net
<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):	8822 Beekman Place (Filing 42)		
Assessor's Parcel Numbers:	PIN: A Portion of 163885171		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See Exhibit "C": Descriptions and Graphic Exhibits		
Area in Acres or Square Feet:	4.041± acres or 176, 018± square feet		
Current Zone District(s):	M-RX-5		
PROPOSAL			
Proposed Zone District:	M-MX-5		



REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan  Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.
	<input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning 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.
	<p>Please provide an attachment describing the justifying circumstance.</p>
	<input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.  Please provide an attachment describing how the above criterion is met.

ATTACHMENTS
Please check any attachments provided with this application:
<input checked="" type="checkbox"/> Authorization for Representative <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Legal Description <input checked="" type="checkbox"/> Review Criteria
Please list any additional attachments:
<p>Please Refer to the Addendum Pages for all Exhibits            Exhibit "A": Description of Consistency with Adopted City Plans (DRMC 12.4.10.13(A, B &amp; C))            Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A &amp; B))            Exhibit "C": Property Descriptions and Survey            Exhibit "D": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative</p>



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**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
FC Stapleton, II, LLC	7351 East 29th Avenue, Suite 300 Denver, Colorado 80238 303 382-1800 bgollick@comcast.net	100%	<i>[Signature]</i>	9-19-13	A	Yes

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**September 18, 2013**

**Addendum Pages to the proposed Official Zone Map Amendment Application for:**

8822 Beekman Place (Filing 42)

Application No. 2013I-00037

Current Zoning: M-RX-5

Proposed Zoning: M-MX-5

**Property Owner**

**Forest City Stapleton II, LLC**

**PIN: A portion of 163885171**

7351 East 29<sup>th</sup> Avenue, Suite 300

Denver, Colorado 80238

**Authorized Representative:**

Robert J. Gollick, Inc. (Bob Gollick)

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

bgollick@comcast.net

**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,**
- 3. GDP – North Area Major Amendment, combined with**
- 4. Stapleton Development Plan.**

**Review Criteria 1. Denver Comprehensive Plan 2000**

**LAND USE CHAPTER**

Objective 1: Citywide Land Use and Transportation Plan

**Strategy 1-B:**

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities 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.

**Objective 3: Residential Neighborhoods and Business Centers**

## **Accommodating New Development**

### **Objective 4 Land Use and Transportation**

**Strategy 1-C:** Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for **Stapleton**, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. **(North Area GDP adopted by the City in August of 2012)**

**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.

**Strategy 4-A:** Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

**Strategy 4-B:** Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

### ***Mobility Chapter***

Objective 4: Changing Travel Behavior

#### **Strategy 4-E**

Continue to promote mixed-use development, which enables people to live near work, retail and services.

### ***Legacies Chapter***

#### **Objective 2 New Development, Traditional Character**

##### **Strategy 2-E**

Ensure that the Zoning Code reinforces quality urban design.

#### **Objective 3 Compact Urban Development**

##### **Strategy 3-A**

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

### **Economic Activity Chapter**

#### **Objective 3: Expand Economic Opportunity**

**Strategy 3-B.** Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.

**Business Centers 4-B** Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:

**Strategy 5-A** Support small-scale economic development in neighborhoods using the following key strategies:

- Incorporate neighborhood-based business development into the City's neighborhood planning process.
- Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.

### ***Environmental Sustainability Chapter***

**Strategy 2-F** Conserve land by:

- Promoting infill development within Denver at sites where services and infrastructure are already in place.
- Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

**Strategy 4-A** Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, **providing opportunities for people to live where they work.**

### **Review Criteria 2. Blueprint Denver**

#### **Blueprint Denver: An Integrated Land Use and Transportation Plan**

In Blueprint Denver, the City has designated this area as an "Area of Change" which will be transformed from the former aviation uses to a mixed-use neighborhood with an emphasis on commercial development. The proposed zoning will permit a mix of commercial services that will be more responsive to the changing needs of the residential areas nearby. Such a development pattern ensures that residents can find goods, services and employment close to home and may help reduce the number and length of trips taken. 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. Areas of Change are parts of the city

where most people agree that development or redevelopment would be beneficial”. The proposed map amendment meets the stated Blueprint Denver goals and concepts. Blueprint Denver supports new and infill development for Areas of Change. Areas of Change are thought to focus development in a way that is of benefit to the surrounding area as well as the City as a whole. To accomplish this, Blueprint Denver contains strategies for areas of change, a few are listed below:

- Change zoning to coordinate between existing and new development
- Balance of uses with increased economic opportunity

Further, as noted earlier, *Blueprint Denver* states (page 41) that the subject property has a concept land use of Residential in an Area of Change. These types of areas have a sizable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block. But within the neighborhood, residential and non-residential uses are within walking distance of one another. That is the case with the subject parcel. Additionally, page 127 of *Blueprint* further explains that 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.

Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the city as a whole. Future residents and workers in these areas will have excellent access to efficient forms of transportation that include walking, biking, buses and light rail.

The Blueprint Denver Map arranges the City into building blocks. (page 37) This is done to illustrate Denver’s desired future. The Plan Map identifies areas where the land uses or intensity of uses is envisioned to change (generally the Areas of Change), as well as areas where land uses should be maintained and improved in their existing state (generally the Areas of Stability). **For instance, new neighborhood centers are identified in Stapleton.**

**“An ideal place to direct development is vacant land near downtown”.** This statement is taken from *Blueprint Denver*, page 23, and is even truer today than it was when *Blueprint* was adopted. People need a place to live near where they **work**, play and can take advantage of transit. The North Area is ideal for mixed-use development.

**Review Criteria 3. Adopted 2012 GDP – North Area Major Amendment (GDP) and Review Criteria 4. Stapleton Development Plan (The Greenbook)**

The North Area GDP and the Stapleton Development Plan are so connected in the vision and principles they endorse, this application combines the two for the purpose of this dialogue.

The development concept for the North Stapleton GDP (adopted in August of 2012) is based on the guiding principles of the Stapleton Development Plan. Specifically, the Plan for North Stapleton supports the guiding principles of the Greenbook, such as:

The amendment was done to implement a more efficient land uses concept and maximize the guiding principles of the Stapleton Development Plan which include:

- Facilitate a mix of housing types encompassing affordable housing as well as provide housing to attract middle and upper income families to the North Area.
- Create neighborhoods that will incorporate multiple use areas, transit access, live near work opportunities, public amenities as well as public spaces.
- Better utilization of Stapleton open space to incorporate wildlife habitats as well as create active and passive open space opportunities.
  
- North Stapleton will contain several neighborhoods that will be defined by the trunk open space and include related town and neighborhood centers. The focal point for community life will include town center shopping, restaurants, events and services located within walking distance of the neighborhoods.

The proposed MMX5 rezoning will be the catalyst to implement the development concept adopted in the North Area GDP as well as the Greenbook. The commercial development in the North Area neighborhoods will become an integral part of the urban fabric that has defined Stapleton for the past 15 years.

**Exhibit "B":****Section "A" Description of Justifying Circumstances**

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 proposed M-MX-5 map amendment is in response to the changed and changing conditions in this area.

The property proposed for rezoning within this application consists of undeveloped parcel of 4± acres of land located a few hundred feet south of 49<sup>th</sup> Place and east of Willow Street and west of Xenia Street is a portion of the former Stapleton International Airport, which was closed in 1995. As a result of the closure of the airport, the goal of converting the property to a mixed-use community and thus private ownership, conditions have changed significantly, providing the legal basis for this change of zone request. This application for a change of zone district(s) will be the catalyst to implement the goals and objectives that are stated in the Stapleton Development Plan, also known as "The Green Book". Approval of the proposed rezoning will result in a more appropriate development of this property with an urban density and unit type and thus meeting the public interest goals.

The proposed map amendment is necessary for the following reasons:

- Conformance to the 2012 North Area Stapleton General Plan,
- Revisions to parcel configurations,
- A need for additional uses and residential units in the subject area,
- Further implementation of the *Stapleton Development Plan*, and
- Development of a more responsive land use plan that meets the community needs.

Over the years, residential developments along with commercial and retail projects have transformed the former airport into one of the nation's most successful emerging neighborhoods in which to live and work. The existing zoning cannot meet the development needs of Forest City or provide the City and area residents the quality and assurances that are necessary that the M-MX-5 a "form-based" zone district can provide. Thus one of the changed conditions that justify this map amendment is the adoption of a "new" zoning code by the City and County of Denver in 2010. The new code provides the M-MX-5 zone district which being "form based", as well as master planned, provides the assurance that future development will meet the expectations of the area residents and the City. Design elements such as how buildings will relate to the street, the maximum height, maximum build to lines as well as parking controls

provide assurances of a quality community.

Additional examples of the changed conditions, which support and justify this request, are as follows:

- Adoption of the 2012 North Area GDP,
- The adoption by City Council of “Blueprint Denver”,
- Approval of the site as an “**Area of Change**” within “Blueprint Denver”,
- The ongoing development of commercial uses in the Northfield,
- The completion of the Central Park/I-70 fly-over highway ramp, and
- The need for additional commercial services is consistent with the development patterns that Forest City Stapleton has experienced.

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, employment opportunities and residential development necessary for positive planned growth to occur.

Conditions have further changed with regard to the type of development proposed on the subject property. Specifically, the adoption of the Denver Comprehensive Plan 2000, and the desire to implement the applicable City policies on this property and its proposed development and providing additional legal basis for this proposed map amendment. These policies and recommendations are detailed further earlier in this document.

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur.

### **Section “B” Neighborhood Context**

This proposed map amendment request approval of the M-MX-5 zone district. The MX designated zone districts are multi use districts and the M zone districts are especially appropriate since they are all intended for use in Master Planned communities such as Stapleton. More specifically, the M-MX-5 is a multi use district allowing a varied palette of building forms. The tallest building form has a maximum height of five stories.

General Character: The Master Planned Context is intended for developing areas that will develop or redevelop in phases over an extended period of time into entirely new residential and mixed use neighborhoods covering multiple blocks. Examples of areas in Denver that may be appropriately zoned within the Master Planned Context are the **Stapleton** and Gateway neighborhoods.

As stated in the Zoning Code, the **General Purpose** of the M-MX-5 is a mixed-use district intended to promote development of **new town centers and mixed-use neighborhoods** up to 5 stories in height. The district is intended to be primarily commercial. Complementary uses may be embedded within the district and primarily residential uses may be located near district boundaries. Buildings are often built to the sidewalk edge, but some commercial buildings may be set back with parking located between the building and the street.

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.

The General Intent is to:

1. Implement the Denver Comprehensive Plan.
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, open space, and transit.
3. Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
4. Arrange building density, uses, heights, and scaling devices to reinforce the **public transit centers** and corridors, and to transition to adjoining areas.
5. Give equal prominence to pedestrian realm as a defining element of neighborhood character.
6. 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, **a sense of security and community**.



**Parcel 1  
Proposed Zoning (M-MX-5)  
Description**

A part of Tract E (Northfield Blvd.), Stapleton Filing No. 14 as recorded at Reception Number 2004244314 in the Clerk and Recorder's Office of the City and Country of Denver and a part of Tract AM (Future R.O.W. for Willow St.), Stapleton Filing No. 36 as recorded at Reception Number 2012143494 in said Clerk and Recorder's Office, together with a part of the Southeast Quarter of Section 16, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the East Quarter Corner of said Section 16;  
thence South 24°32'51" West a distance of 2240.03 feet to the intersection of the centerline of said Tract AM (Future R.O.W. for Willow St.) and the centerline of said Tract E (Northfield Blvd.) and the **POINT OF BEGINNING**;

thence North 00°00'00" East, along said centerline of Tract AM (Future R.O.W. for Willow St.), a distance of 321.20 feet;

thence North 90°00'00" East, a distance of 548.00 feet to the centerline of proposed Xenia St.;

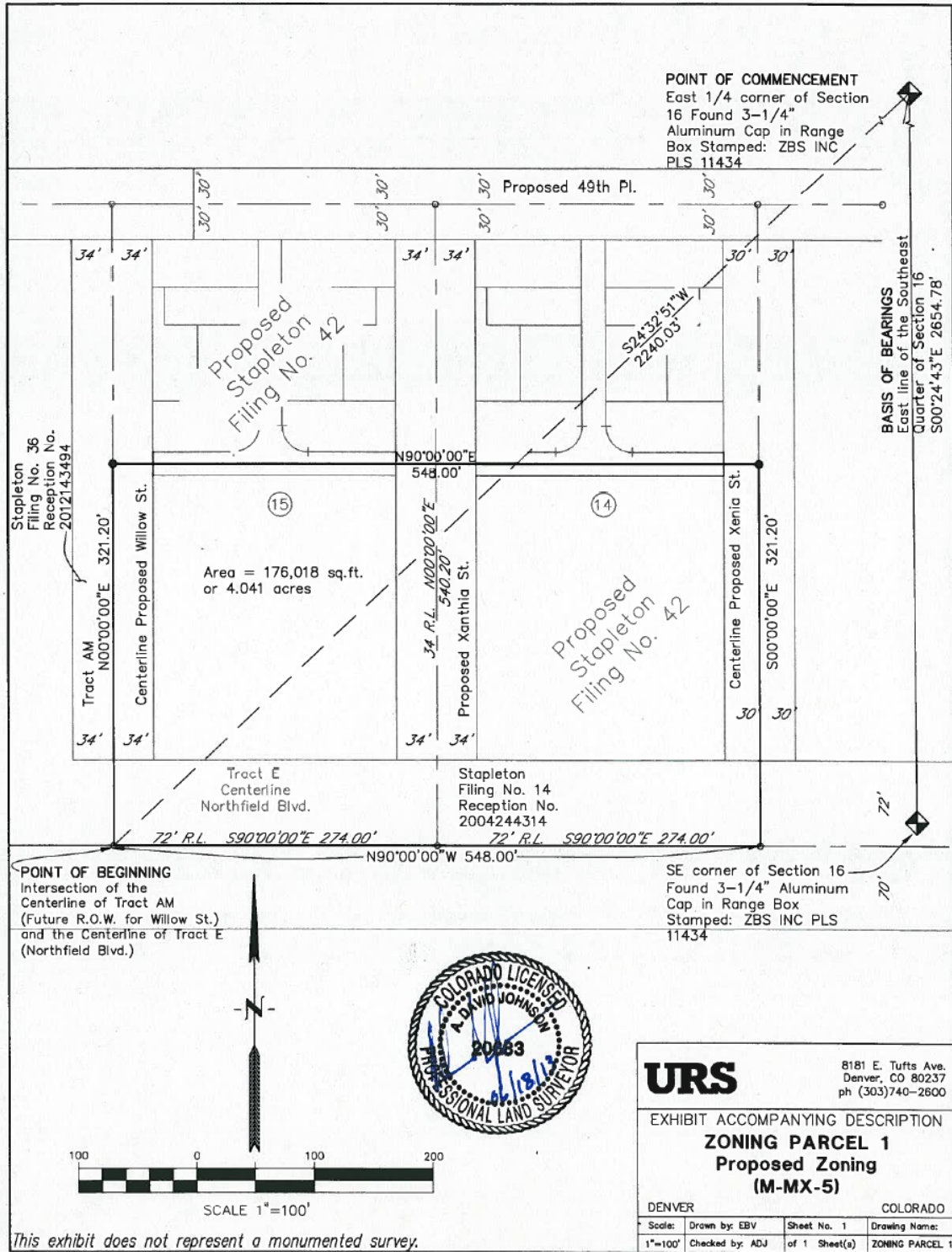
thence South 00°00'00" East, along said centerline proposed Xenia St., a distance of 321.20 feet to said centerline of Tract E (Northfield Blvd.);

thence North 90°00'00" West, along said centerline of Tract E (Northfield Blvd.), a distance of 548.00 feet to the **POINT OF BEGINNING**.


Containing 176,018 square feet or 4.041 acres, more or less.

**BASIS OF BEARING:** Bearings are based on the East line of the Southeast Quarter of Section 16, Township 3 South, Range 67 West of the Sixth Principal Meridian, State of Colorado, bearing North 00°24'43" West based on NAD 83/92 Colorado Central Zone State Plane Coordinates. The East Quarter corner of said Section 16 and the Southeast corner of said Section 16 are both found 3-1/4" aluminum caps stamped: ZBS INC PLS 11434.

 06/18/13  
A. David Johnson, P.L.S. #21683  
For and on behalf of UPS Corporation  
8181 E. Trout Ave  
Denver, CO 80231  
ph 303.740.2647



**Exhibit "D": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative**

F O R E S T C I T Y		S T A P L E T O N , I N C .
Telephone 303-382-1800	7351 East 29th Avenue Denver, Colorado 80238	www.StapletonDenver.com Email info@StapletonDenver.com

June 25<sup>th</sup>, 2013


Robert Gollick,  
President  
Robert J. Gollick, Inc.  
E-mail- [bgollick@comcast.net](mailto:bgollick@comcast.net)

Re: Stapleton Filing 42 and Stapleton Filing 45 Zoning Submittals

Dear Bob,

This letter serves as authorization for Robert J. Gollick, dba Robert J. Gollick, Inc., to act on behalf of FC Stapleton II, for the purposes of the rezoning applications for the parcels within Stapleton Filing 42 located near the northwest corner of Northfield Blvd and Central Park Blvd and Stapleton Filing 45, currently a vacant tract of land located near the southeast corner of 56<sup>th</sup> Ave and Spruce St.

Respectfully,

FC Stapleton II  
  
Heidi Majerik  
Direct of Development

### Exhibit "E": Proof of Ownership

◀ 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](#)

[Link to property sales information for this neighborhood](#)

[Back to Property List](#)

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

[Link to property sales information for all Denver neighborhoods](#)

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

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

#### PROPERTY INFORMATION

Property Type: VACANT LAND

Parcel: 0116400036000

#### Name and Address Information

#### Legal Description

FC STAPLETON II

T3S R67W PT SE/4 SEC 16 &  
STAPLETON FLG #13 B 1 L 1 &  
B2 L 1 & TRACT C DIF RCP  
2013054930 RCD 04/17/2013

7350 E 29TH AVE 300

"PARCEL 1"  
STAPLETON FLG #42 TAKEDOWN

DENVER, CO 80238-2722

Property Address: 8822 BEEKMAN PL

Tax District 425I

#### Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	13069600	3790180		