



DENVER
THE MILE HIGH CITY

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TO: Denver Planning Board, Kenneth Ho, Chair
FROM: Theresa Lucero, Senior City Planner
DATE: November 13, 2013
RE: Zoning Map Amendment #2013I-00038
7800 East 53rd Place, and 8130 and 8900 East 56th Avenue (F45),
Rezoning from M-RH-3 / OS-B to M-RX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2013I-00038 for a rezoning from M-RH-3 / OS-B to M-RX-5

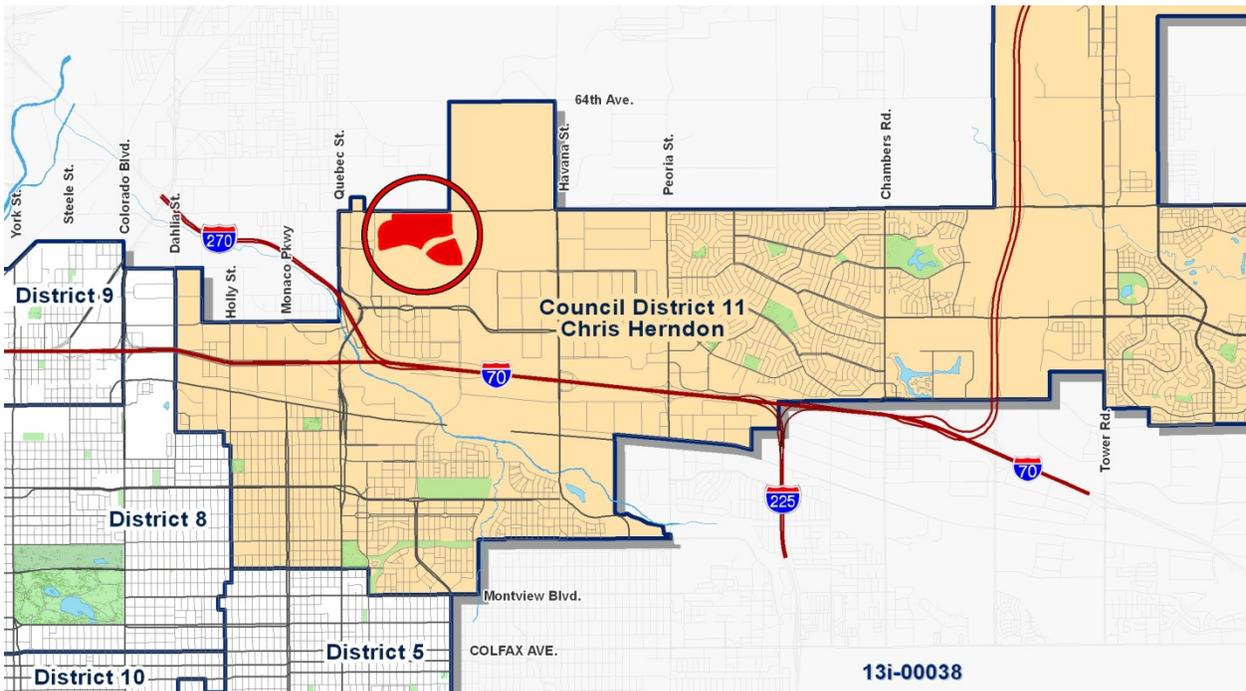
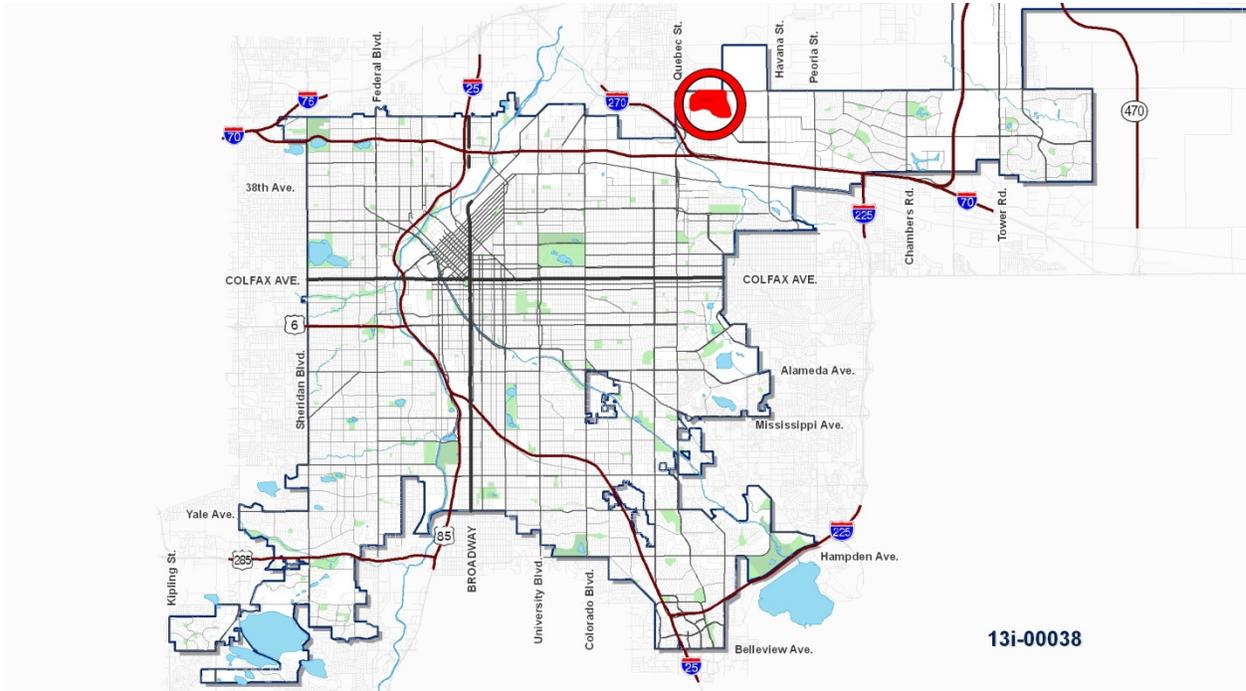
Request for Rezoning

Application: #2013I-00038
Address: 7800 East 53rd Place, and 8130 and 8900 East 56th Avenue (F45)
Neighborhood/Council District: Stapleton Statistical Neighborhood / City Council District #11
RNOs: Northern Airport Corridor Association, Stapleton Master Community Association, Stapleton United Neighbors and Inter-Neighborhood Cooperation
Area of Property: 5,311,706 Square Feet, 121.94 acres
Current Zoning: M-RH-3/OS-B
Proposed Zoning: M-RX-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, north of 51st Avenue, South of 56th Avenue, between Central Park Boulevard and Spruce Street.
- The subject property is vacant. South of the property is Stapleton subdivision Filing 36, a residential subdivision containing a new Elementary/Middle school. North is Commerce City, with a vacant area directly north of 56th Avenue and Dick's Sporting Goods Park north of the vacant area. East is of the subject property is Stapleton subdivision Filing 41 a residential subdivision containing the site of a new high school. West of the property is open space, a City Facilities Warehouse for Fire. Police and Public Works vehicle maintenance. The planned land uses for the property are predominately residential.
- The proposed M-RX-5 zone district stands for **M**aster Planned Context, **R**esidential **M**ixed Use with a **5**-story height limit. The M-RX-5 zone district is intended to promote development of new primarily residential neighborhoods up to 5 stories in height, while allowing complimentary non-residential land uses such as office and retail uses when

located on corners of collector or arterial streets. Further details of the zone districts can be found in Article 9 of the Denver Zoning Code (DZC).





Existing Context

The property is located on the northern boundary of the City with Adams County and Commerce City, north of Interstate 70 and of the Northfield Shopping District, and southeast of the Rocky Mountain Arsenal. In the vicinity are existing 1-2-story industrial structures to the southeast, a new residential subdivision to the south and further south, the Northfield Shopping District on the south side of Northfield Boulevard. West of the site is a City facilities warehouse and a post office. The immediate area surrounding the subject property is vacant with utilities under construction and with new residential construction in the subdivision to the south. The surrounding 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:

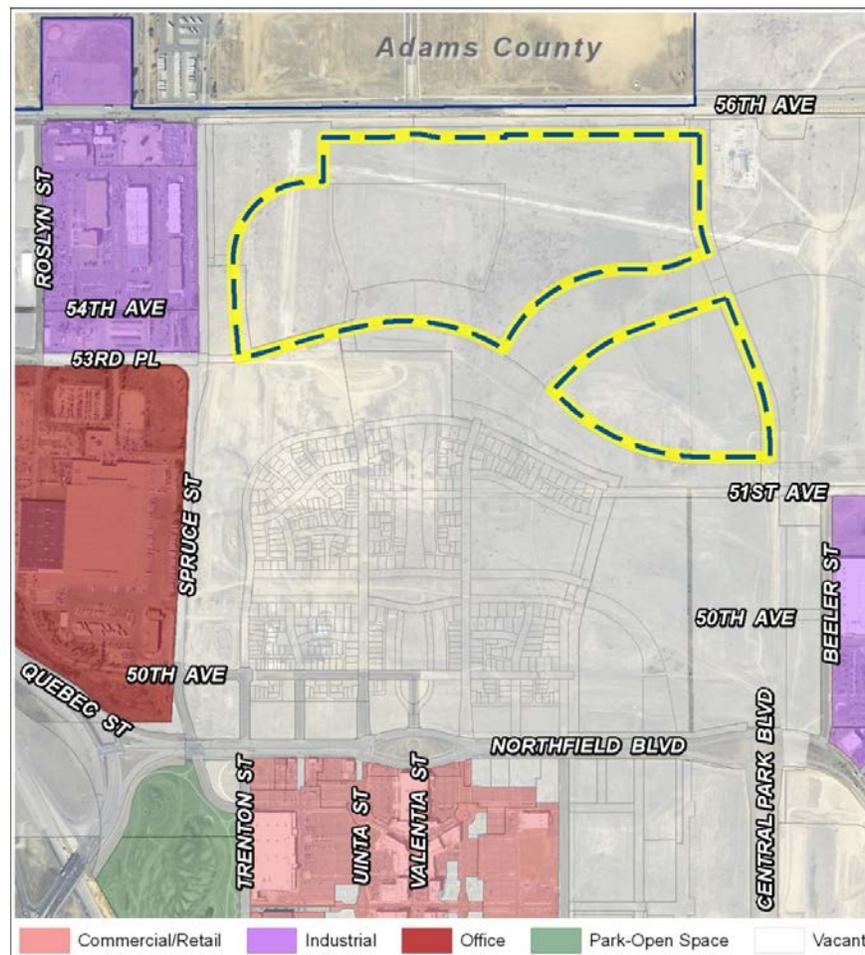
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	M-RH-3/OS-B	Vacant with Utilities Work Underway	N/A	Generally regular grid or modified grid street patterns with some residential alleys present. Large commercial block sizes and shapes are consistent and rectangular, and smaller residential blocks north of Northfield Boulevard.
North	N/A (Adams County)	Vacant/Sports Arena	Sports Arena	
South	M-RX-5	Single Unit and Multi-unit Residential	1-5-story Residential	
East	M-RX-5/OS-B	Vacant	N/A	
West	I-B/UO-2	Warehouse and Post Office	1-2 story Industrial Structures	

1. Existing Zoning



The existing zoning of the subject property is M-RH-3/OS-B, or **M**aster Planned context, **R**ow **H**ouse district with a **3**-story height limit, and OS-B, or **O**pen **S**pace context, Open Space Recreation District. The allowed building forms range from Urban House to Row House building forms, with limited non-residential forms, allowed on collector or arterial streets. The maximum height limit for residential structures in the district is 40 feet for lower density residential structures and 55 feet for Row House building forms. The minimum front setback is 10 feet, and the side setbacks vary between 5 feet and 10 feet depending on adjacency to a street. The minimum rear setback is 0 feet, and the building coverage on the zone lot for an Urban House on a standard 3,000 square feet lot is 75%. A variety of residential and civic land uses are allowed, but commercial, industrial and agricultural land use allowances are more limited. For additional details of the zone district, see DZC Section 9.

2. Existing Land Use Map



Existing Land Use



1. Existing Building Form and Scale



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected City agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approve, no comments.

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

Development Services – Transportation: Approved.

Public Works – City Surveyor: Approved, provided that the two legal descriptions used are the ones Stamped/Signed/Dated 7/1/13 by Dave Johnson of URS.

Public Review Process

Planning Board

- The property has been legally posted for a period of 15 days announcing the November 20, 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.

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:

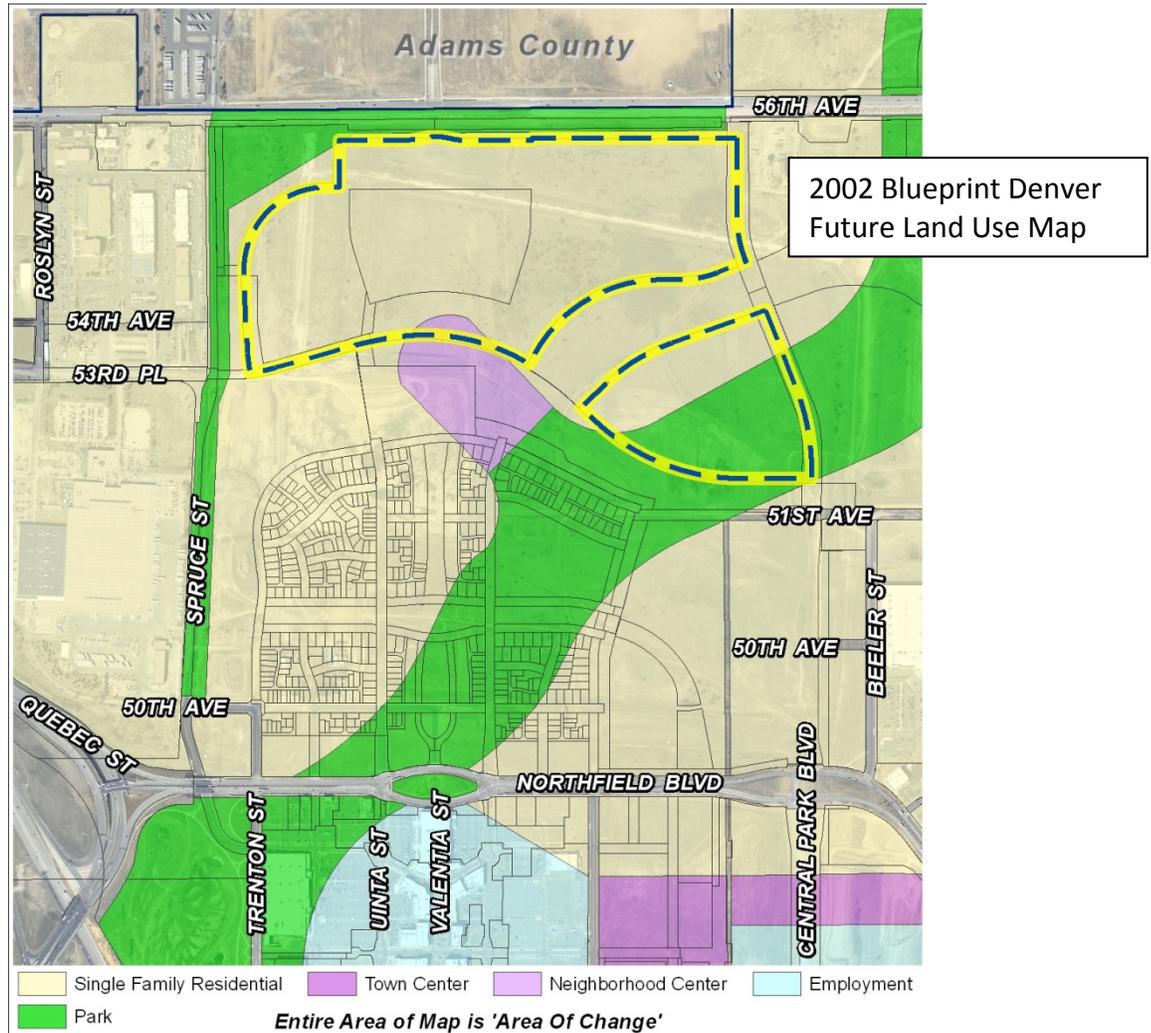
- **Land Use Strategy 1-B** – Ensure that the *Citywide Land Use and Transportation Plan* reinforces the city's character by **building on a legacy of high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining 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**.
- **Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated.**

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

Blueprint Denver

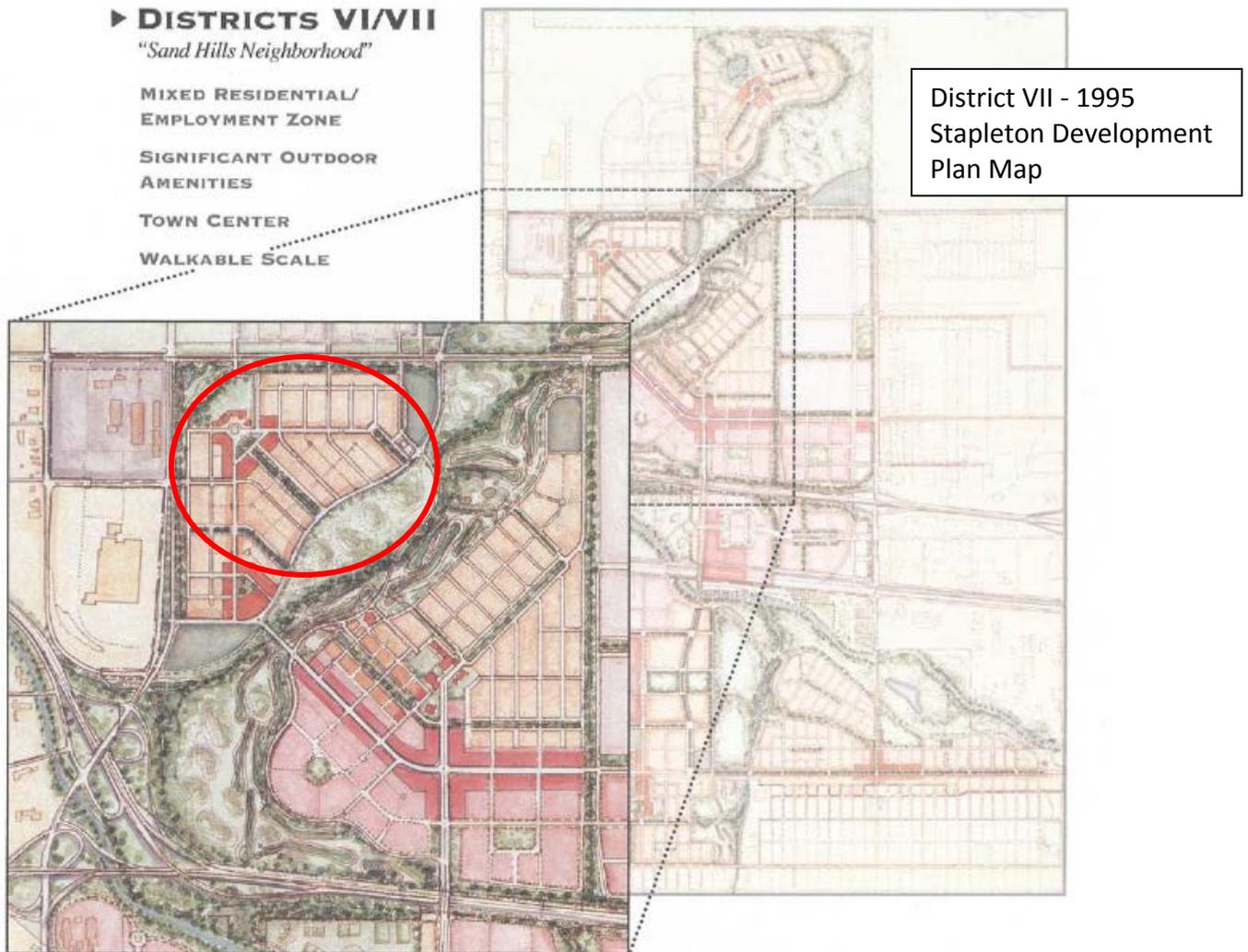
The Blueprint Denver future land use designation for the subject property is Single Family Residential with a small area of Neighborhood Center. The area is also an Area of Change. The Blueprint Denver future street classifications identified near the subject property are Mixed Use Arterial for 56th Avenue and Undesignated Local for Spruce Street.

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...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 rezoning of the subject property will enable the continued redevelopment of the former Stapleton Airport into a new residential mixed use neighborhood.



Stapleton Development Plan

The applicable neighborhood plan for the property is the Stapleton Development Plan, which was adopted in March, 1995. On the Development Plan map the subject property is in District VII. Key elements of the Development Plan for this area are 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 Plan vision and will provide the regulatory basis for development of these key elements.



North Stapleton General Development Plan

The North Stapleton General Development Plan approved in 2012 designates the subject property as Residential Mixed Use. The Residential Mixed Use land use category in the North Stapleton General Development Plan allows a variety of low- to high density residential land uses. The M-RX-5 zone district is consistent with this planned land use concept in the GDP.

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

A Denver Zoning Code criterion is that the proposed official map amendment should be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. The Master Planned Context is intended for areas that will redevelop in phases, over a period of time, such as the former Stapleton Airport. 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-RX-5 zone district is to promote development of new residential mixed use neighborhoods. Land use in the district is intended to be primarily residential with some non-residential uses allowed at the intersections of collector or arterial streets. The proposed rezoning is consistent with the Master Planned Context and the intent of the M-RX-5 zone district.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 7800 East 53rd Place, and 8130 and 8900 East 56th Avenue (F45) to an M-RX-5 zone district meets the requisite review criteria. Accordingly, staff recommends **approval**.

Rezoning Application #2013I-00038
7800 East 53rd Place, and 8130 and 8900 East 56th Avenue (F45)
November 13, 2013
Page 13

Attachments

1. Application
2. Approved Legal Description



Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Forest City Stapleton II, LLC
Address	7351 East 29th Avenue, Suite 300
City, State, Zip	Denver, Colorado 80238
Telephone	303 382-1800
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>	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Robert J. Gollick, Inc.
Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80209
Telephone	303 722-8771
Email	bgollick@comcast.net
<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</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.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	7800 East 53rd Place and 8130 & 8900 East 56th Avenue (Filing 45)
Assessor's Parcel Numbers:	PIN: 163897927, 163605284 and 163897633
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:	121.94± acres or 5,311,706.40± square feet
Current Zone District(s):	M-RH-3 and OS-B
PROPOSAL	
Proposed Zone District:	M-RX-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>	<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</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 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.</p> <p><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>
<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> <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 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</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 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.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

ATTACHMENTS

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

Please list any additional attachments:

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 & C))
 Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A & B))
 Exhibit "C": Property Descriptions and Survey
 Exhibit "D": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative
 Exhibit "E": Proof of Ownership, Assessors Record



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
Forest City Stapleton II, LLC	7351 East 29th Avenue, Suite 300 Denver, Colorado 80238 303 382-1800 bgollick@comcast.net	100%	<i>[Signature]</i>	7-11-13	A	Yes

September 18, 2013

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

7800 East 53rd Place and 8130 & 8900 East 56th Avenue (Filing 45)

Application No. 2013I-00038

Current Zoning: M-RH-3 and OS-B

Proposed Zoning: M-RX-5

Property Owner of 8500, 8130 and 8900 East 56th Avenue

PINs: 163897927, 163605284, 163897633 and portions of 163897935 and 163897996

Forest City Stapleton II, LLC

7351 East 29th 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.

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 residential development. The proposed zoning will permit a mix of commercial services and amenities along with residential products that will be more responsive to the changing needs of the area. 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. 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.

Residential Areas and Neighborhoods: (page 41)

- A neighborhood is an area that consists primarily of residential land uses.
- 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.
- Historical, cultural or ethnic amenities, such as a collection of historic homes, art galleries, or ethnic or specialty shops and restaurants, should be accentuated to help neighborhoods develop a niche within the city.
- Easily identifiable borders help distinguish each neighborhood.
- Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses.
- Typical neighborhoods are 500 to 1,000 acres, but higher density neighborhoods may be much smaller.
- There are several different types of residential areas, and neighborhoods often have more than one type within them.

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. There is a need for housing near transit to the Central Business District; this need will continue to grow. People need a place to live near where they work, play and can take advantage of transit. The North Area is ideal for residential 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 MRX5 rezoning will be the catalyst to implement the development concept adopted in the North Area GDP as well as the Greenbook. The North Area neighborhoods will become woven into 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-RX-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 two parcels that combined total 122± acres of undeveloped land in the quadrant that is along the south side of 56th Avenue and east of Spruce Street and 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 MRX5 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-RX-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 residential dwelling units 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-RX-5 zone district. The RX 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-RX-5 is a multi unit district allowing a varied palette of building forms. The tallest building form has a maximum height of five stories.

As stated in the Zoning Code, the **General Purpose** of the M-RX-5 district is as follows: 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-5 is a residential mixed-use district intended to promote development of **new neighborhoods** up to 5 stories in height. Single and two unit-building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. Multi-unit building forms may be built directly at the sidewalk edge and general building forms may be located on corner sites. Buildings are oriented either towards a primary street or to internal courtyard.

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: Description and Graphic Exhibit
The subject property consists of two parcels.
The following 5 pages describe Parcel 1.

Parcel 1
Proposed Zoning (M-RX-5)
Description

A part of the Northwest Quarter of Section 15 and a part of the North Half 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 Northeast Corner of said Section 16;
thence South 20°23'41" East a distance of 228.12 feet to the intersection of the centerline of proposed Central Park Blvd. and the easterly extension of the southerly line of a parcel of land for proposed Open Space and the **POINT OF BEGINNING**;

thence along the centerline of proposed Central Park Blvd. the following three (3) courses:

- 1.) South 00°00'00" East a distance of 542.73 feet to a point of curve;
- 2.) along the arc of a curve to the left having a radius of 800.00 feet, a central angle of 21°28'40", an arc length of 299.89 feet and whose chord bears South 10°44'20" East a distance of 298.13 feet;
- 3.) South 21°28'40" East a distance of 17.36 feet to the intersection with the centerline of proposed 54th Ave.;

thence along said centerline of proposed 54th Ave. and along the centerline of proposed Wabash Way the following five (5) courses:

- 1.) South 68°31'20" West a distance of 209.21 feet to a point of curve;
- 2.) along the arc of a curve to the right having a radius of 700.00 feet, a central angle of 21°28'40", an arc length of 262.40 feet and whose chord bears South 79°15'40" West a distance of 260.87 feet;
- 3.) North 90°00'00" West a distance of 132.05 feet to a point of curve;
- 4.) along the arc of a curve to the left having a radius of 1000.00 feet, a central angle of 60°51'00", an arc length of 1062.03 feet and whose chord bears South 59°34'30" West a distance of 1012.82 feet;
- 5.) South 29°09'00" West a distance of 81.19 feet to the intersection with the centerline of proposed 53rd Ave. and a point of non-tangent curve;

thence along said centerline of proposed 53rd Ave. the following four (4) courses:

- 1.) along the arc of a curve to the left having a radius of 1375.00 feet, a central angle of 41°41'15", an arc length of 1000.43 feet and whose chord bears North 79°26'30" West a distance of 978.51 feet to a point of compound curve;
- 2.) along the arc of a curve to the left having a radius of 4000.00 feet, a central angle of 5°38'34", an arc length of 393.95 feet and whose chord bears South 76°53'35" West a distance of 393.79 feet;
- 3.) South 74°04'17" West a distance of 421.11 feet to a point of curve;
- 4.) along the arc of a curve to the right having a radius of 1000.00 feet, a central angle of 10°22'43", an arc length of 181.14 feet and whose chord bears South 79°15'39" West a distance of 180.89 feet to the intersection with the centerline of proposed Trenton St.;

thence along said centerline of proposed Trenton St. and the centerline of proposed 55th Ave. the following five (5) courses:

- 1.) North 05°33'00" West a distance of 135.25 feet to a point of curve;
- 2.) along the arc of a curve to the right having a radius of 4000.00 feet, a central angle of 3°15'51", an arc length of 227.88 feet and whose chord bears North 03°55'04" West a distance of 227.85 feet;
- 3.) North 02°17'09" West a distance of 326.51 feet to a point of curve;
- 4.) along the arc of a curve to the right having a radius of 570.00 feet, a central angle of 92°17'09", an arc length of 918.09 feet and whose chord bears North 43°51'26" East a distance of 822.02 feet;
- 5.) North 90°00'00" East a distance of 88.83 feet to the intersection with the centerline of proposed Uinta St.;

thence North 00°00'00" West, along said centerline of proposed Uinta St., a distance of 323.20 feet to the intersection with the centerline of proposed 55th Pl.;

thence along said centerline of proposed 55th Pl. the following five (5) courses:

- 1.) North 90°00'00" East a distance of 456.81 feet to a point of curve;
- 2.) along the arc of a curve to the left having a radius of 500.00 feet, a central angle of 12°41'23", an arc length of 110.74 feet and whose chord bears North 83°39'18" East a distance of 110.51 feet to a point of reverse curve;
- 3.) along the arc of a curve to the right having a radius of 450.00 feet, a central angle of 25°22'47", an arc length of 199.33 feet and whose chord bears North 90°00'00" East a distance of 197.71 feet to a point of reverse curve;
- 4.) along the arc of a curve to the left having a radius of 500.00 feet, a central angle of 12°41'23", an arc length of 110.74 feet and whose chord bears South 83°39'18" East a distance of 110.51 feet;
- 5.) North 90°00'00" East a distance of 456.81 feet to the intersection with the centerline of proposed Wabash St.;

thence North 00°00'00" East, along said centerline of proposed Wabash St., a distance of 16.01 feet to the westerly extension of said southerly line of a parcel of land for proposed Open Space;

thence South 89°59'57" East, along said westerly extension, said southerly line, and said easterly extension of the southerly line of a parcel of land for proposed Open Space, a distance of 1414.46 feet to the **POINT OF BEGINNING**.

Containing 4,098,526 square feet or 94.089 acres, more or less.

BASIS OF BEARING: Bearings are based on the east line of the Northeast Quarter of Section 16, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, bearing South 00°24'42" East based on NAD 83/92 Colorado Central Zone State Plane Coordinates. The Northeast Corner of said Section 16 is a 3" brass cap stamped PLS 16398 in a range box. The East Quarter Corner of said Section 16 is a 3 ½" aluminum cap stamped PLS 1145.

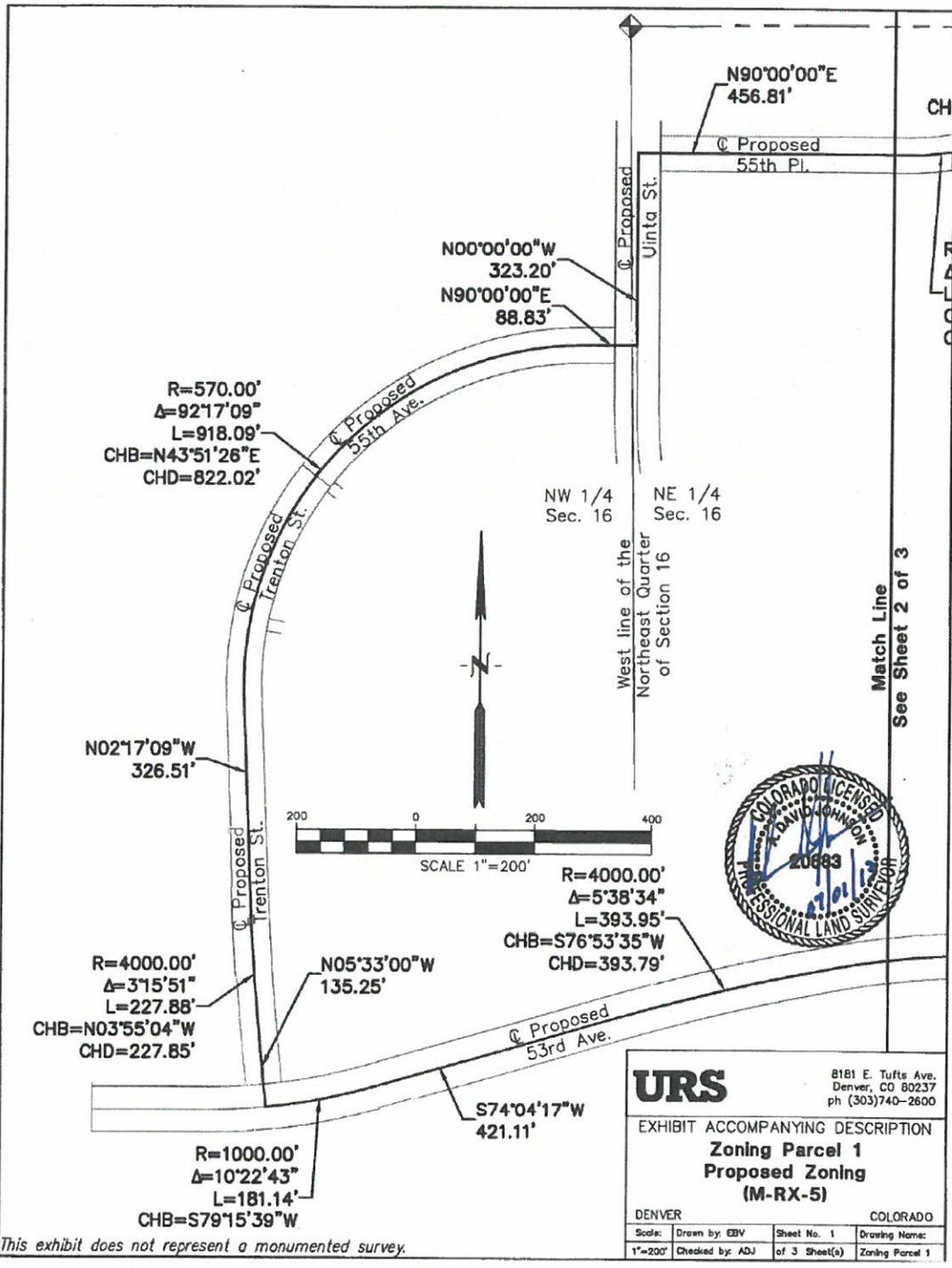
A. David Johnson, P.L.S. 20683
For and on behalf of URS Corporation
8181 E. Tufts Ave.,
Denver, CO 80237
ph 303.740.2647

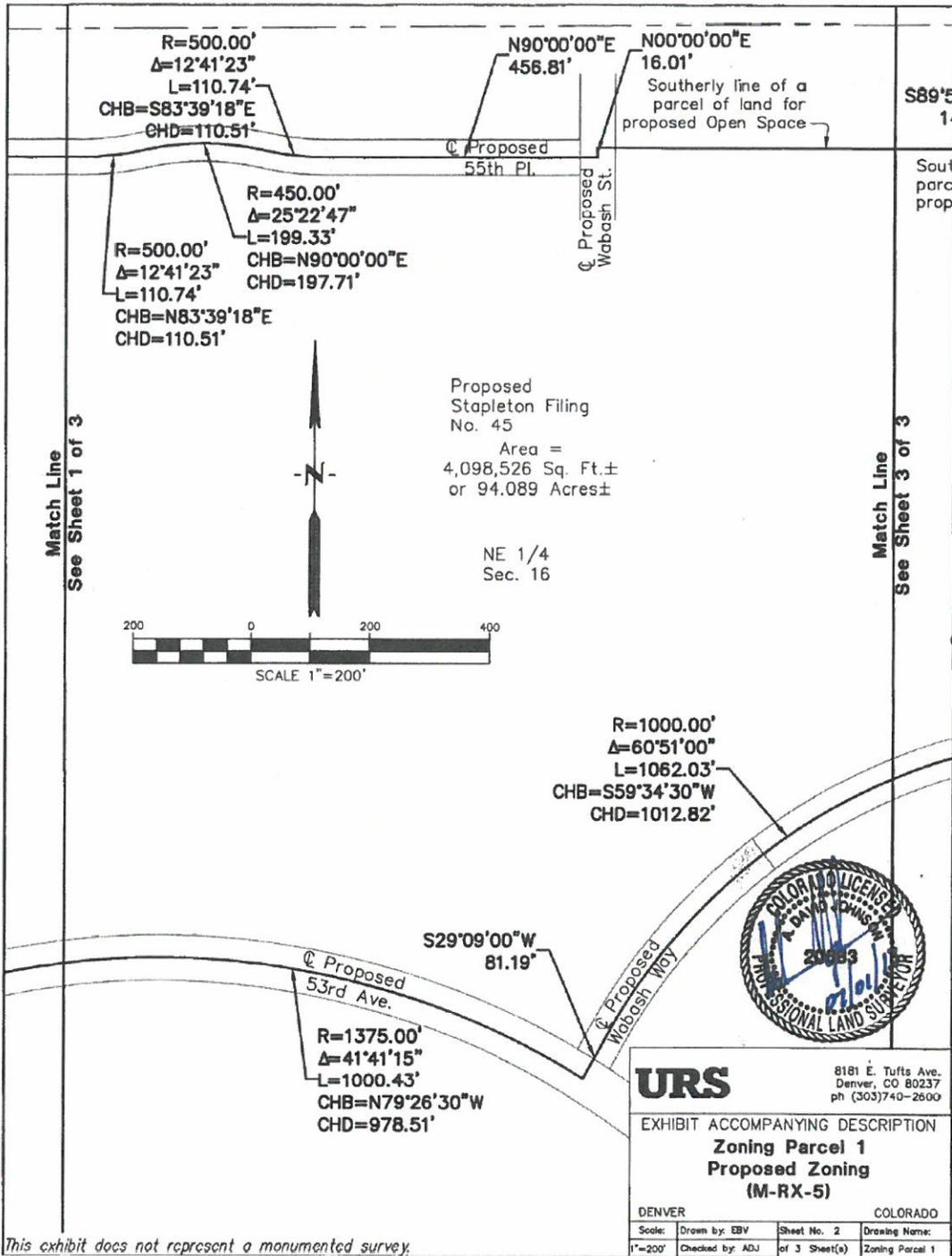


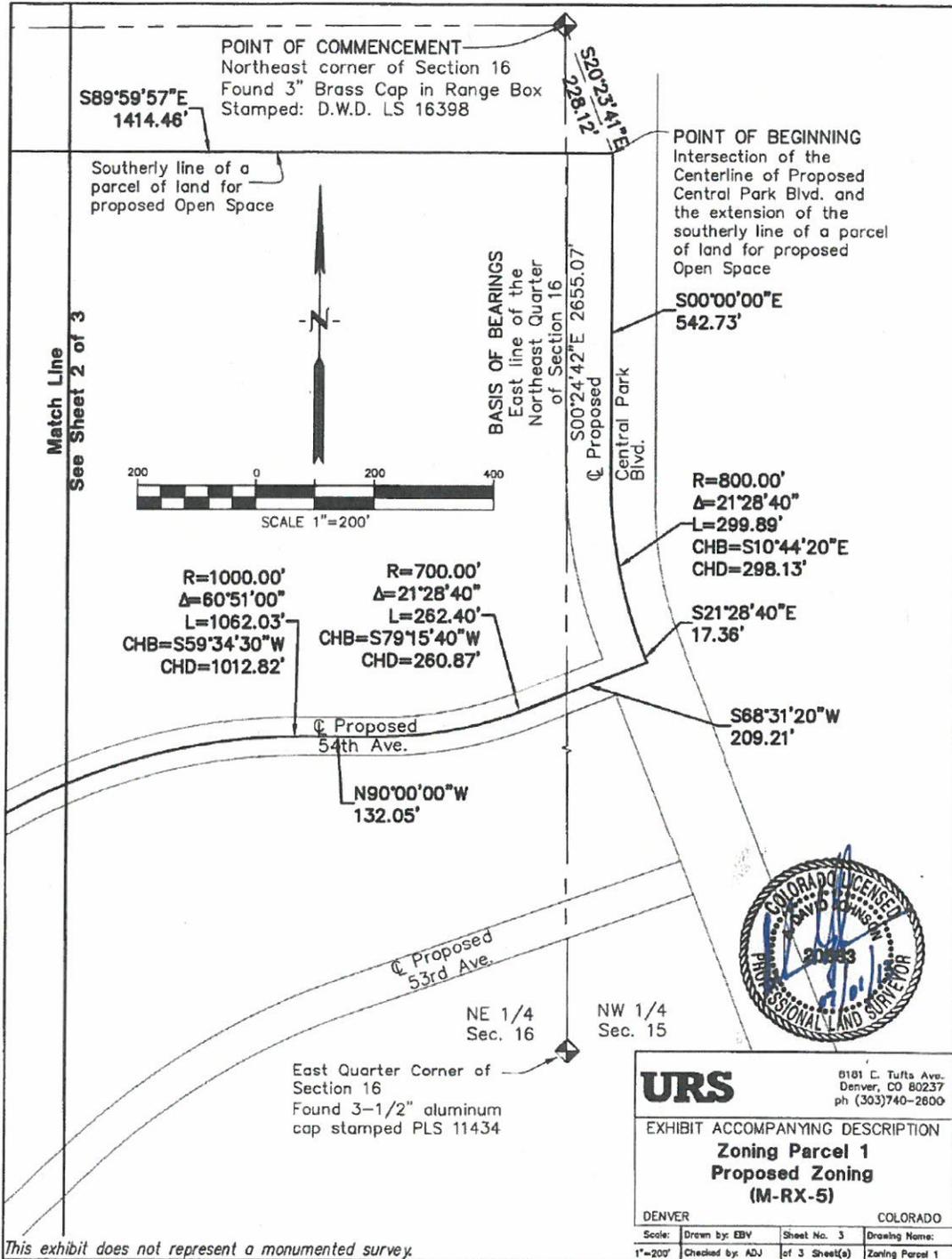
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Parcel 1 - 45.rtf

Page 2 of 2







This exhibit does not represent a monumented survey.

Parcel 2: Description and Graphic Exhibit

**The subject property consists of two parcels.
The following 3 pages describe Parcel 2.**

Parcel 2
Proposed Zoning (M-RX-5)
Description

A part of the Northwest Quarter of Section 15 and a part of the Northeast 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 Northeast Corner of said Section 16;
thence South $11^{\circ}03'23''$ East a distance of 1429.53 feet to the intersection of the centerline of proposed Central Park Blvd. and the centerline of proposed 53rd Ave. and the **POINT OF BEGINNING**;

thence along the centerline of proposed Central Park Blvd. the following three (3) courses:

- 1.) South $21^{\circ}28'40''$ East a distance of 567.69 feet to a point of curve;
- 2.) along the arc of a curve to the right having a radius of 1600.00 feet, a central angle of $21^{\circ}28'40''$, an arc length of 599.77 feet and whose chord bears South $10^{\circ}44'20''$ East a distance of 596.27 feet;
- 3.) South $00^{\circ}00'00''$ East a distance of 47.18 feet to the intersection with the centerline of proposed 51st Dr.;

thence along said centerline of proposed 51st Dr. the following two (2) courses:

- 1.) North $90^{\circ}00'00''$ West a distance of 492.81 feet to a point of curve;
- 2.) along the arc of a curve to the right having a radius of 1450.00 feet, a central angle of $43^{\circ}30'53''$, an arc length of 1101.24 feet and whose chord bears North $68^{\circ}14'34''$ West a distance of 1074.96 feet;

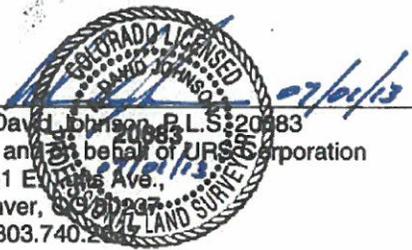
thence North $46^{\circ}29'07''$ West, along said centerline of proposed 51st Dr. and along the centerline of proposed Wabash Way, a distance of 134.79 feet to the intersection with the centerline of proposed 53rd Ave.;

thence along said centerline of proposed 53rd Ave. the following three (3) courses:

- 1.) North $46^{\circ}10'48''$ East a distance of 240.87 feet to a point of curve;
- 2.) along the arc of a curve to the right having a radius of 1250.00 feet, a central angle of $24^{\circ}31'37''$, an arc length of 535.09 feet and whose chord bears North $58^{\circ}26'37''$ East a distance of 531.02 feet;
- 3.) North $70^{\circ}42'25''$ East a distance of 681.99 feet to the **POINT OF BEGINNING**.

Containing 1,213,209 square feet or 27.851 acres, more or less.

BASIS OF BEARING: Bearings are based on the east line of the Northeast Quarter of Section 16, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, bearing South 00°24'42" East based on NAD 83/92 Colorado Central Zone State Plane Coordinates. The Northeast Corner of said Section 16 is a 3" brass cap stamped PLS 16398 in a range box. The East Quarter Corner of said Section 16 is a 3 ½" aluminum cap stamped PLS 11434.


A. David Johnson, P.L.S. 20083
For and on behalf of URS Corporation
8181 E. Yale Ave.,
Denver, CO 80231
ph 303.740.2

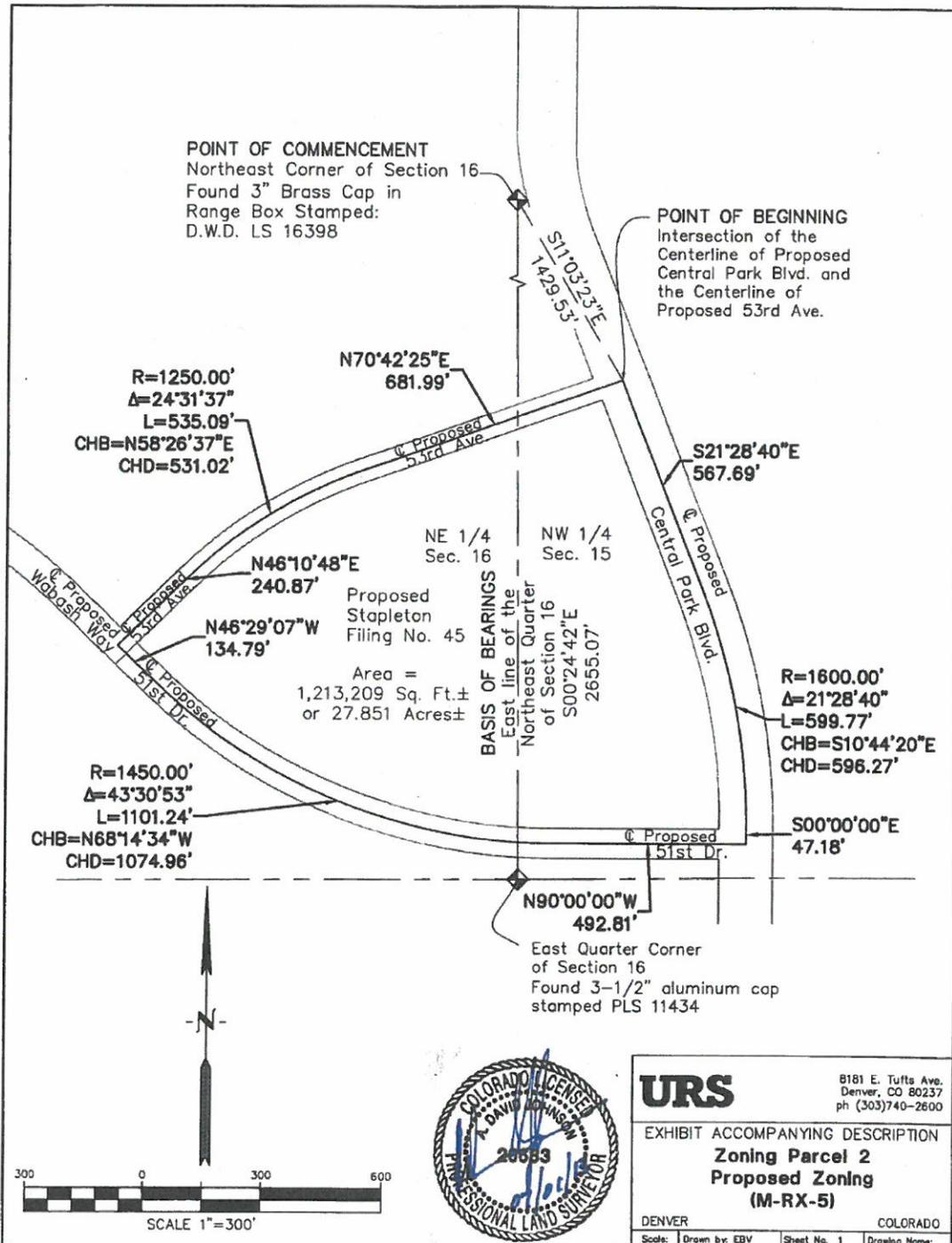
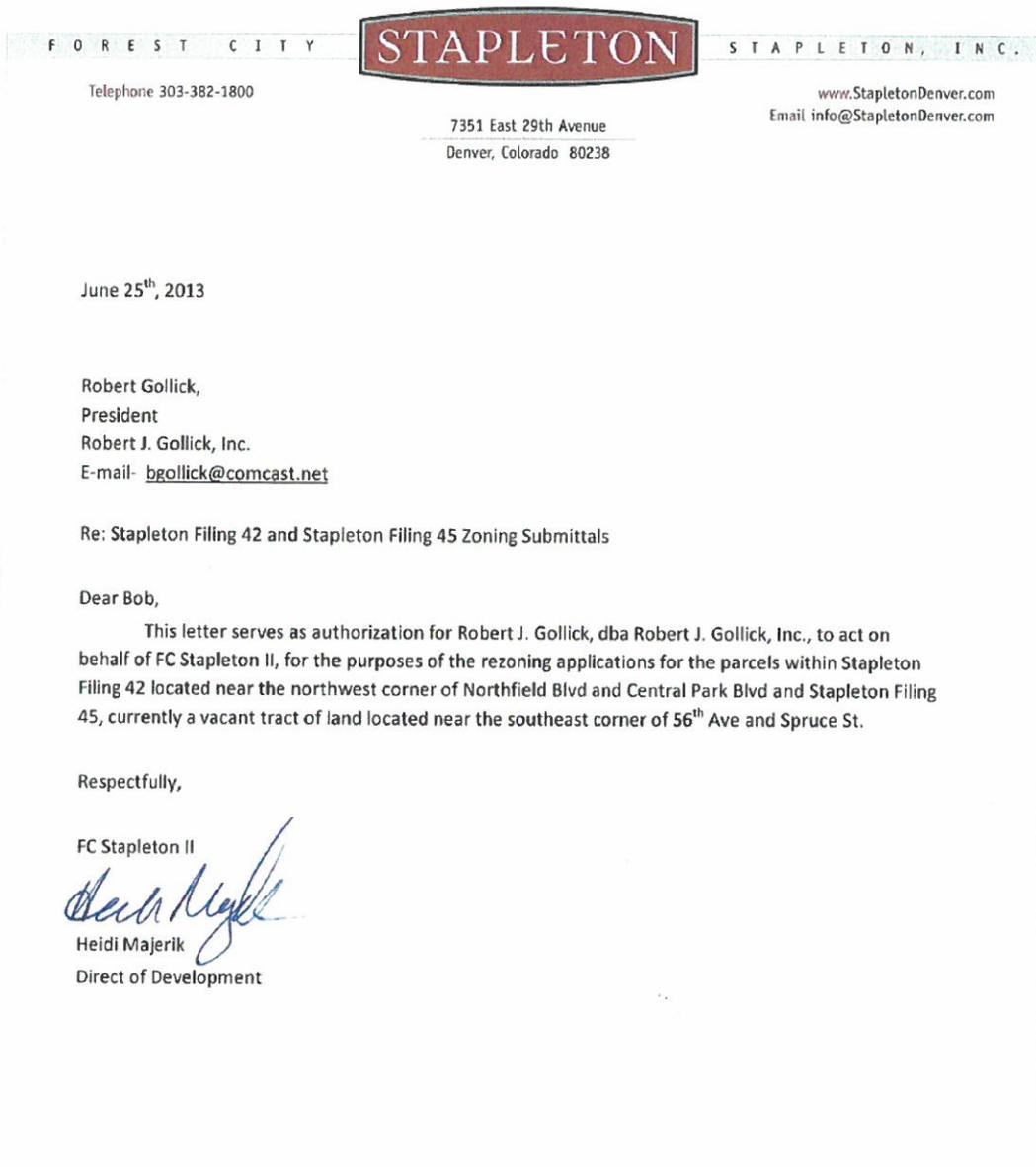


Exhibit "D": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative



June 25th, 2013

Robert Gollick,
President
Robert J. Gollick, Inc.
E-mail- 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 56th Ave and Spruce St.

Respectfully,

FC Stapleton II

A handwritten signature in blue ink, appearing to read "Heidi Majerik", is written over the typed name.

Heidi Majerik
Direct of Development