



**TO:** Denver City Council  
**FROM:** Fran Penafiel, Principal City Planner  
**DATE:** May 29, 2025  
**RE:** Official Zoning Map Amendment Proposal #2025I-00016

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, staff recommends map amendment #2025I-00016, to rezone the Park Hill Park to OS-A, move forward for full City Council consideration.

### **Proposal for Rezoning**

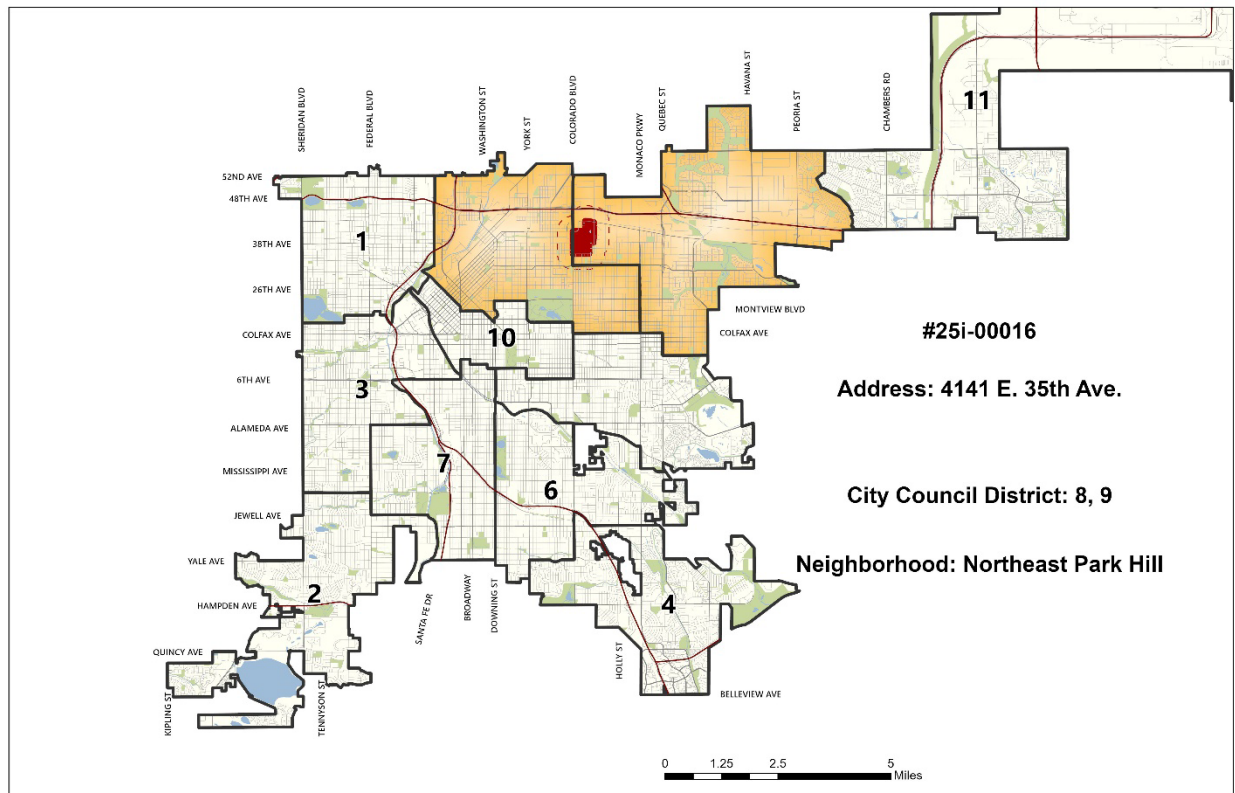
Address: 4141 E. 35<sup>th</sup> Ave.  
Neighborhood/Council District and CM: Northeast Park Hill / Council District 8, CM Lewis  
RNOs: Northeast Park Hill Coalition, Inter-Neighborhood Cooperation (INC), United Community Action Network, Overlook at Park Hill RNO, Denver North Business Association, Greater Park Hill Community Inc, Opportunity Corridor Coalition of United Residents, Elyria Swansea Neighborhood Association, Clayton United, East Denver Residents Council  
Area of Property: 6,729,836 square feet or approx. 154.5 acres  
Current Zoning: OS-B  
Proposed Zoning: OS-A  
Property Owner(s): ACM Park Hill JV VII LLC  
Rezoning Initiated By: Councilmember Lewis and Council President Sandoval

### **Summary of Rezoning Proposal:**

- Pursuant to the Denver Zoning Code section 12.4.10.4.A.2.a.i and the City Charter section 3.2.9, Council President Sandoval and Councilmember Lewis are proposing to rezone the property at 4141 E. 35th Ave, the land that was formerly the Park Hill Golf course, to facilitate the use of the property as a public park.
- The property remains subject to a conservation easement, which restricts the subject property's use to a privately-owned, 18-hole daily fee public golf course and certain ancillary uses if those uses don't prevent the land from being used as a golf course.
- In December 2022, the *Park Hill Golf Course Area Plan* was adopted after a two-year community process to bring together a vision for the property that reflected the needs and desires of the surrounding communities.
- In January 2023, a rezoning from OS-B to OS-A and multiple mixed-use districts was approved.
- On April 4<sup>th</sup> 2023, the citywide ballot measure to extinguish the conservation easement on the subject property failed.
- On June 20<sup>th</sup> 2023, City Council approved a rezoning of the subject property back to OS-B. ACM Park Hill JV VII LLC and the City and County of Denver are participating in a land swap that will result in the City acquiring the subject property. Upon closing of the acquisition of the property by the City, the conservation easement will be merged and extinguished by operation of law.

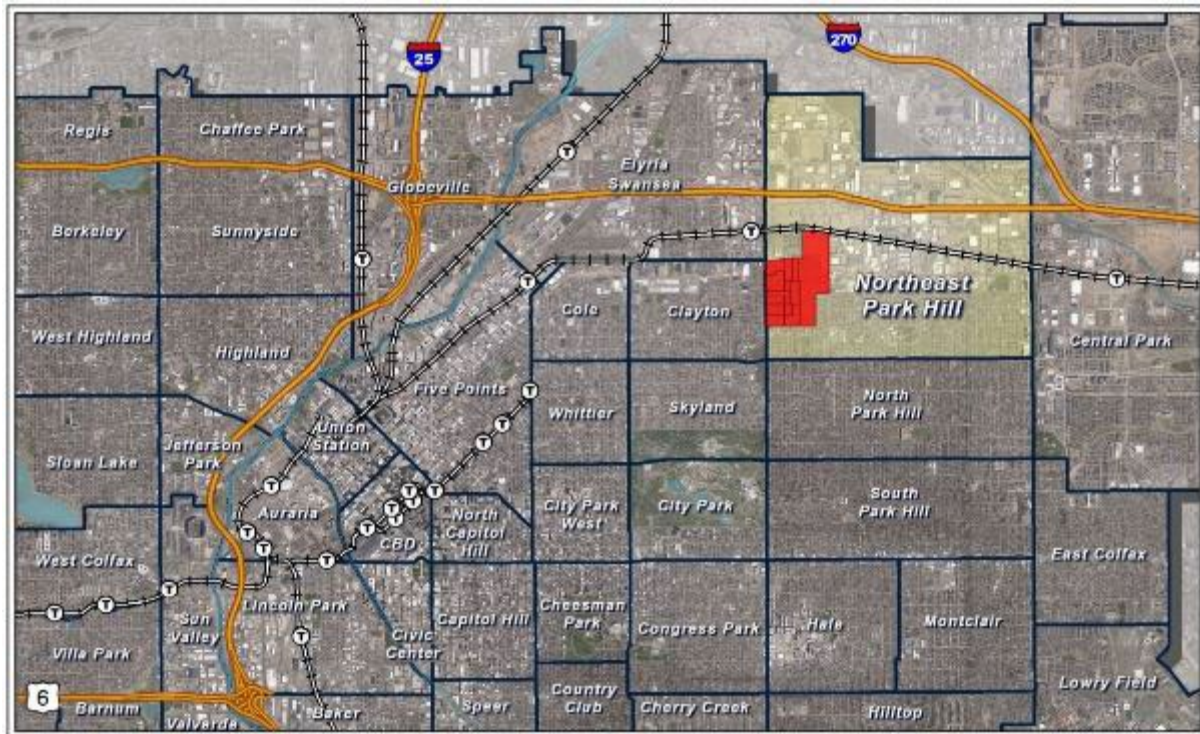
- The current OS-B district is intended to protect and promote open space and parks that are not owned, operated or leased by the City, and generally intended for active or passive recreation use. The proposed OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purpose. Further details of the proposed district can be found in Article 9 of the Denver Zoning Code.
- If for some reason the City does not gain title to the land, it can be rezoned back to OS-B.

## City Location





## Neighborhood Location – Northeast Park Hill



## Existing Context



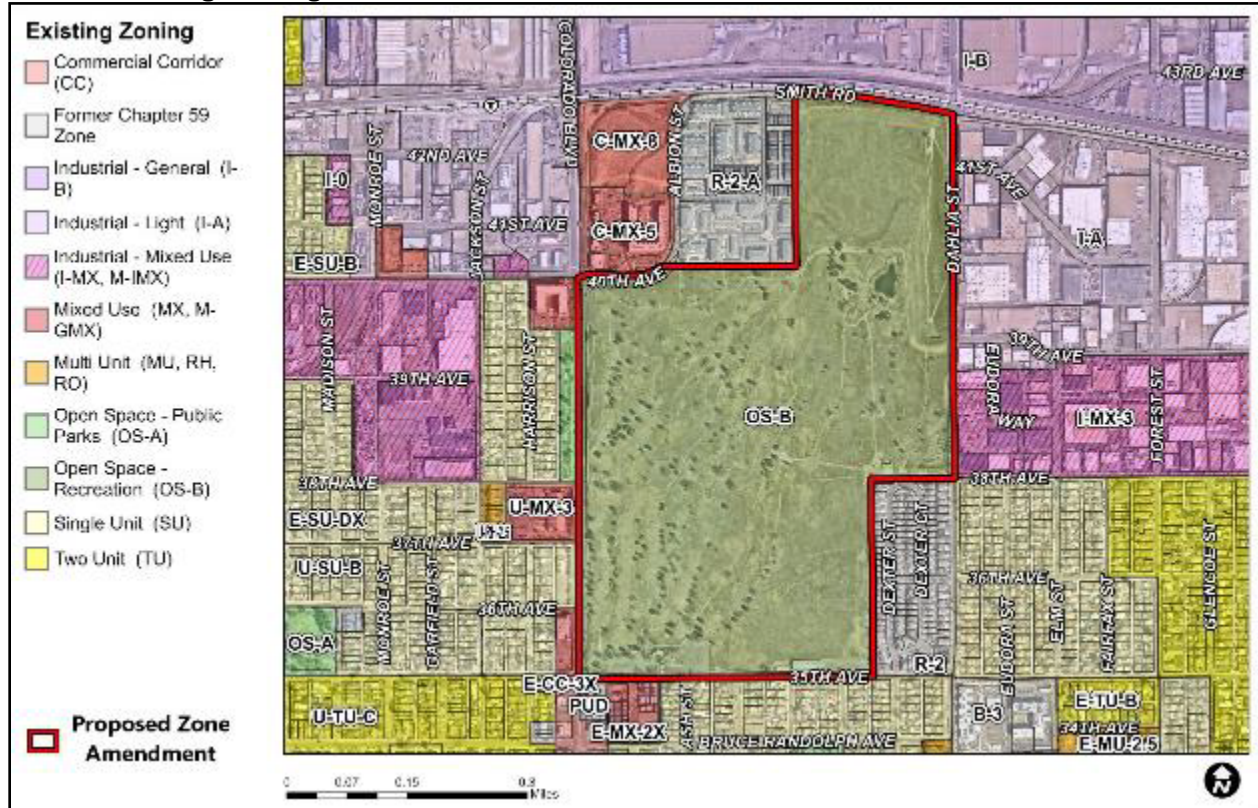
The subject property is in the Northeast Park Hill neighborhood, south of interstate 70 and east of Colorado Blvd. The RTD A line route bounds the north end of the property with the nearest stop at the 40<sup>th</sup> and Colorado Station, less than a half mile from the property.

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  | OS-B                                      | Vacant golf course   | 1 story club house and vacant golf course  | There is generally a pattern of rectangular blocks and orthogonal street south of 38 <sup>th</sup> Ave. North of 38 <sup>th</sup> Ave is mostly large industrial sites with curvilinear streets and irregular block patterns. |
| North | I-B, UO-2, C-MX-5, and R-2-A w/conditions | Industrial, multi-unit residential, commercial/retail                                  | RTD A Line tracks, 3 and 4 story apartment buildings, 1 story drive-thru restaurants   |   |
| South | E-SU-Dx and E-MX-2x, and PUD 22           | Single- and two-, and multi-unit residential, commercial/retail                        | 1 and 2 story homes with attached sidewalks, 1 story gas station with convenience store  |   |
| East  | R-2 w/waivers, I-MX-3, and I-A, UO-2      | Single-unit residential, Industrial  | 2 story homes with detached sidewalks and curb cuts, 1 story industrial warehouses and outdoor storage                             |   |
| West  | C-MX-5, OS-A, U-MX-3, and E-SU-Dx         | Multi-unit residential, public park/open space, public/quasi-public, commercial/retail | 4 story apartment building, Colorado Boulevard Park, 1 and 2 story churches, and 1 story retail structure with surface parking lot |   |



## 1. Existing Zoning



The subject property is currently zoned OS-B, which is a district intended to protect and promote open space and parks that are not owned, operated or leased by the City, and generally intended for active or passive recreation use.

## 2. Parkway

Colorado Boulevard is a designated parkway from the south city limits at Hampden Ave. to Dartmouth and then from Interstate 25 to 44<sup>th</sup> Ave (Denver Revised Municipal Code Section 49-16). Any proposed structure on the subject property will be required to have a 20-foot setback from the property line on Colorado Boulevard.

## 3. Large Development Review

The intent of the Large Development Review process is to provide guidance for large development projects based on adopted plan guidance. A Large Development Framework was completed for the subject property in November 2022. Based on the proposed rezoning to OS-A and the intention to develop a park on the site with no vertical development, additional LDR review is not necessary at this time.

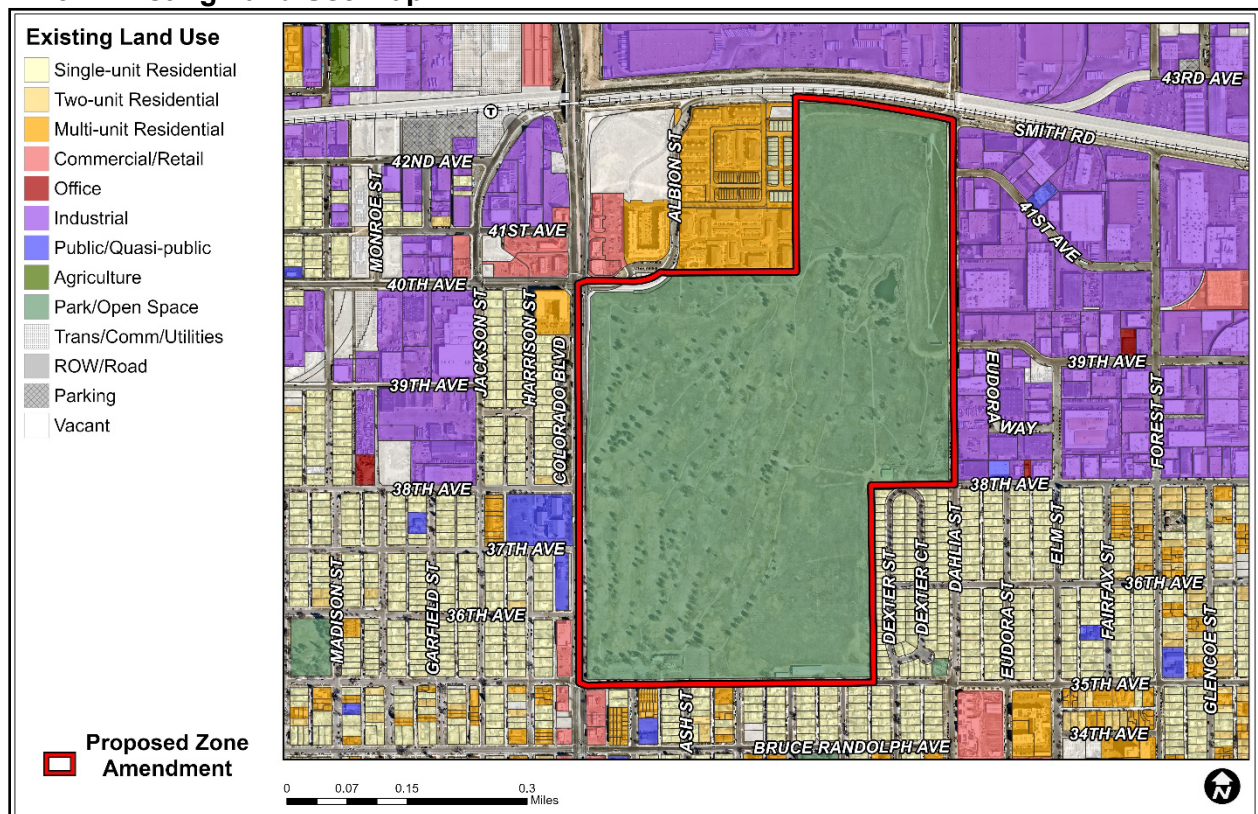
## 4. Conservation Easement

In 1997, the city paid The George W. Clayton Trust (the golf course's owner at that time) \$2 million to acquire a set of use restrictions on the Park Hill Golf Course limiting the use of that land to a regulation-length 18-hole public golf course with a daily fee. To the extent that any

other uses are permitted, under the conservation easement such uses must be either (1) accessory or incidental to the golf-related use, or (2) unrelated recreational uses which cannot be detrimental to the golf-related use. The use restrictions represent a private restrictive covenant and a real property interest owned by the city.

Upon closing of the acquisition of the property by the City, the conservation easement will be merged and extinguished by operation of law.

## 5. Existing Land Use Map



Until 2018, the site was used as a private golf course. There is no current use on the property.



**6. Existing Building Form and Scale** (images from Google)



**View of the subject property looking east from Colorado Boulevard**



**View of the subject property looking north from East 35th Avenue.**



**Multi-unit residential directly north of subject property, looking north from the internal private roadway serving the development.**



Industrial warehouses east of subject property, looking east.



Single-unit homes directly east of the subject property, looking west.

## **Proposed Zoning**

The requested Open Space Public Parks District (OS-A) zone district is intended to protect and preserve public parks owned, operated, or leased by the City and managed by the City's Department of Parks and Recreation for park purposes. Building form standards, design, and development standards in the OS-A zone district are determined by either the City Council or by the Manager of Parks and Recreation. Permitted uses, number of uses, and applicable use limitations are determined by the Manager of Parks and Recreation.

For additional details of the zone district, see DZC Section 9.3.3.1.



## Public Review Process

Councilmember Shontel Lewis and Council President Amanda Sandoval are moving this proposal forward under the Council Powers provisions outlined in the Charter(Section3.2.9 of the Charter of the City and County of Denver). In terms of notification and process, the Denver Zoning Code states,

“The City Council or individual City Council member may, but is not required to, follow the public notice or procedures in Section 12.4.10.4. However, the City Council or any City Council member shall comply with the public notice and process provisions required by the Charter for an official map amendment (rezoning)” (DZC 12.4.10.4.A.2.a).

The DRMC requires written notification to all registered neighborhood organizations (RNOs) within 200 feet of the property upon receipt of the proposed action (DRMC 12-96) and the Charter requires that the City Council public hearing time and date be published in an official publication of the City and County of Denver (Sec. 3.2.9 of the Charter of the City and County of Denver). The compliance with the requirements is outlined below:

|  | Date    |
|--|---------|
| Ordinance Request Filed with City Council Offices  | 4/18/25 |
| CPD informational notice of the receipt of proposed action to all registered neighborhood organizations within 200’ of the subject property (DRMC 12-96) | 4/25/25 |
| Land Use, Transportation and Infrastructure Committee of the City Council:   | 4/29/25 |
| City Council First Reading   | 5/5/25  |
| Hearing date and time published at least 15 days prior in the Daily Journal, an official publication in the City and County of Denver (DRMC 3.2.9)       | 5/18/25 |
| City Council Public Hearing  | 6/2/25  |

## **Denver Zoning Code Review Criteria effective 2/25/25 / Staff Evaluation**

Staff has reviewed the proposed rezoning according to the criteria found in DZC, Sections 12.4.10.7 as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Public Interest
3. 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 2040* (2019)
- *Blueprint Denver* (2019 and updated through adoption of the Park Hill Golf Course Area Plan in 2022)
- *Park Hill Golf Course Small Area Plan* (2022)

#### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

The proposed OS-A allows for park and recreation uses in an area where access to recreation opportunities are more limited. Therefore, rezoning to OS-A will improve access to resources that will improve the quality of life for neighboring residents, consistent with the following strategy from the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts” (p. 28).

The proposed map amendment would allow for a public park and open space use, consistent with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 6, Strategy C – Maintain and expand the citywide tree canopy (p. 54).
- Environmentally Resilient Goal 6, Strategy A – Recognize parks, public space, trees and plans as vital elements of green infrastructure and ensure that the provision of these elements keeps pace with Denver’s growth (p. 54).

The proposed rezoning would allow for a public park and open space use, consistent with the following strategy in the Health and Active vision element:

- Healthy and Active Goal 2, Strategy C – Expand the supply of parks, recreational facilities and programs relative to Denver’s population growth (p. 58).

The proposed OS-A district allows for a public park, open space and recreational use options consistent with the strategies in *Comprehensive Plan 2040*.

## ***Blueprint Denver***

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. With the adoption of the *Park Hill Golf Course Small Area Plan* in December 2022, the *Blueprint Denver* future context, place, growth strategy, and street type designations for the subject property identified in the small area plan updated *Blueprint Denver*. The subject property is designated as the Urban Center, General Urban, and Districts contexts and Community Center, Residential High-Medium, and Regional Park place types. *Blueprint Denver* acknowledges the presence of parks and open space throughout all contexts and places as described below; therefore, the proposed OS-A district is consistent with plan guidance.

## **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The future neighborhood context for the subject property was updated with the adoption of the *Park Hill Golf Course Small Area Plan*. The subject property is shown on the context map as Districts, General Urban, and Urban Center.

The OS-A zone district is consistent with the District, General Urban and Urban Center contexts because the zone district allows for a variety of uses, including City owned open spaces and recreational uses, that can be found in all neighborhood contexts.



### Districts Neighborhood Context

The future context for the eastern portion of the subject property is the Districts future context. This context includes “A range of parks and quasi-public outdoor spaces with flexible open space and hardscaped plazas.” (p. 137). “Regional park districts serve the primary purpose of providing large-scale public open space, recreation and event space. Regional park districts may also contain specialty uses such as zoos, museums, or water-related activities.” (p.293). The proposed OS-A district will allow for parks and open space use consistent with the Districts context purpose because it serves a specific purpose.

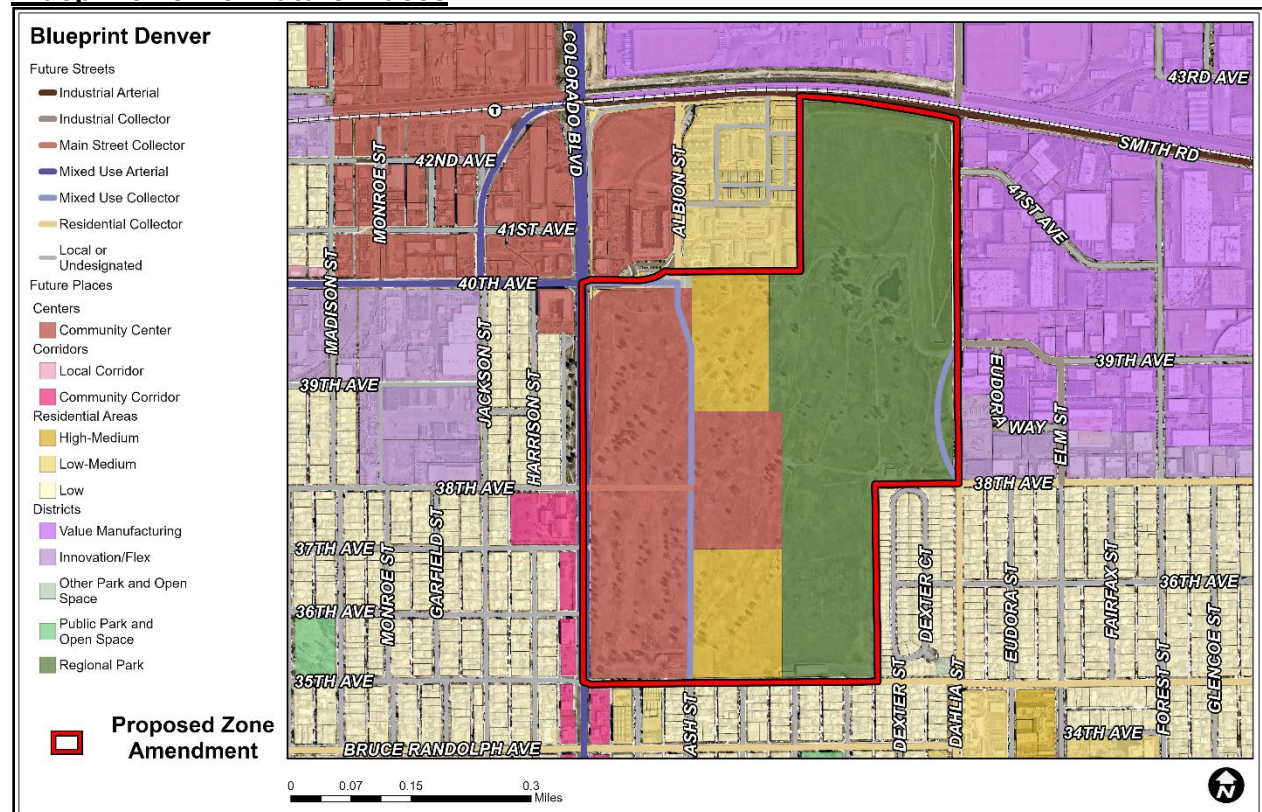
### Urban Center Neighborhood Context

The future context for the western portion of the subject property is the Urban Center context. This context includes “smaller public parks and privately owned, publicly accessible outdoor spaces and plazas” (p. 137). The proposed OS-A district is consistent with the Urban Center future context because this district allows for parks and outdoor space.

### General Urban Neighborhood Context

The future context of the northern and southern sections of the central portion of the subject property is General Urban. This context includes “parks of various sizes and privately owned publicly accessible outdoor spaces and plazas.” (p. 136). The proposed OS-A is consistent with the proposed General Urban future context because it will allow for parks and outdoor space.

## **Blueprint Denver Future Places**



The Future Places Map shows the subject property as Community Center, High-Medium Residential, and Regional Park future place.

#### Regional Park Future Place

The future place for the eastern portion of the site is Regional Park. In *Blueprint Denver*, the Regional Park place type “individual and group recreation activities occur on most days throughout the year. Specific uses include zoos, museums, golf courses recreation centers and water related activities” (p. 293). The proposed rezoning of the eastern portion to OS-A is consistent with the Regional Park future place because it will allow for the use of parks and open space.

#### Community Center Future Place

The future place for the western portion of the site is identified as Community Center. Community Centers within the Urban Center context is described as, “Provides a mix of office, commercial and residential uses....Open spaces promote social interaction and respond to the distinct uses within the center. Green Infrastructure includes trees and often serves the needs of larger areas. Public spaces are flexible to benefit different types of users and daily activities throughout the year.” (p. 256). The proposed OS-A district is consistent with the Community Center future place because it allows for community-serving recreational and open space uses.

#### High Medium Residential Future Place

The future place designation for the central and southern portions is High Medium Residential. The High-Medium Residential place type in the General Urban context has “access to parks and outdoor spaces of various sizes” (p. 246). The proposed OS-A district will allow for access to outdoor spaces consistent with the future place.

## **Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The growth strategy shows the property as having districts, community centers and corridors and all other areas of the city growth strategy. The future growth area percentages indicate the projected number of new jobs or new housing across all areas in the city with that place designation. Each place may have a unique ratio of new jobs and housing different than what the place designation captures across the entire city (p. 51). The OS-A zone district allows for a variety of community and public serving uses and recreational and open space uses. Some of these uses could create employment opportunities. As such, the OS-A zone district is consistent with the intent of the growth strategy map.

## **Blueprint Denver Future Street Types**

In *Blueprint Denver* street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Colorado Blvd. as a Mixed-Use Arterial and Smith Rd. as an Industrial Arterial. "Arterial streets are designed for the highest degree of property access and the lowest amount of through movement" (p. 154). East 35<sup>th</sup> Ave. and Albion St. (north of 40<sup>th</sup> Ave.) are classified as a Residential Collectors and Dahlia St., E. 40<sup>th</sup> Ave., and a new street connection between Ash and Albion are classified as Mixed-Use Collectors, and a new connection at East 38<sup>th</sup> Ave. is classified as a Main Street Collector. "Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets" (p.159). Mixed-use streets include a "varied mix of uses including retail, office, residential and restaurants." (p. 159). *Blueprint Denver* describes Industrial streets as "characterized by manufacturing but may contain



other uses” (p. 160). Conversely, Residential streets are “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 160).



The surrounding street types can support and are consistent with the proposed OS-A district’s allowed uses.

## Climate

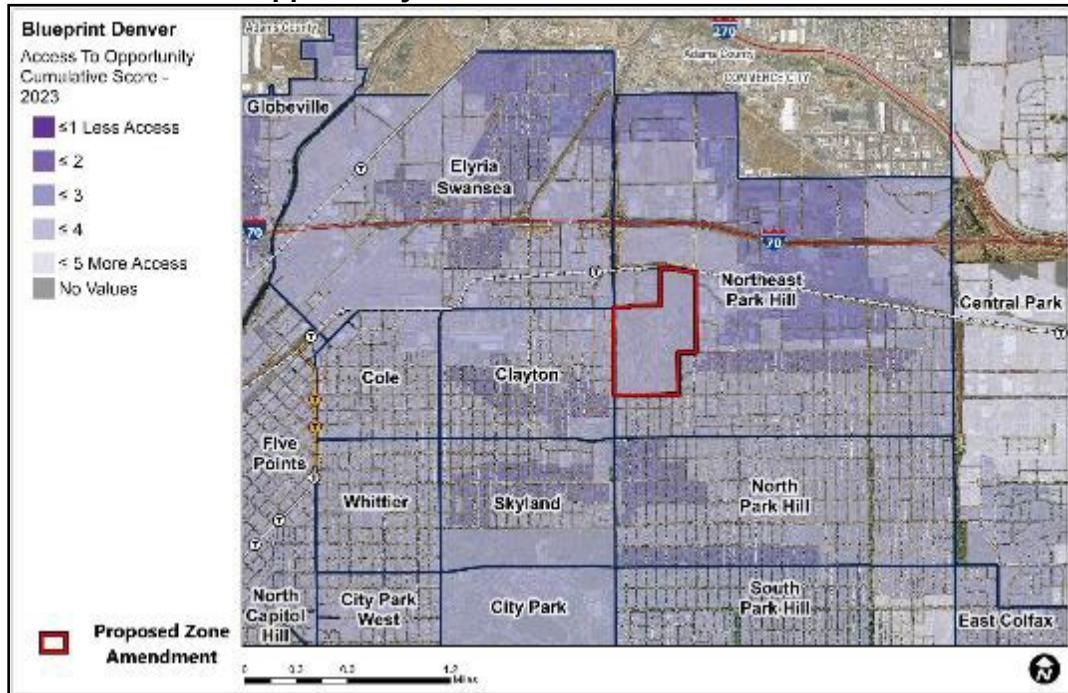
This rezoning supports the city’s goals to reduce climate impacts by enabling a public park on a vacant lot. This rezoning is also consistent with Quality-of-Life Infrastructure Recommendations: Policy 02, “Protect and expand Denver’s tree canopy on both public and private property. Includes recommendation to require tree planting and irrigation requirements for new development on private property” and Policy 04, “Promote environmentally friendly development strategies in the public and private realms. This includes incentives and requirements for green infrastructure and tree planting, limiting impervious surfaces, preserving existing trees in the public ROW” (p.116).

Rezoning to OS-A will allow more park and recreation opportunities in the Northeast Park Hill neighborhood, which will contribute to a complete neighborhood.

## **Blueprint Denver Equity Concepts**

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

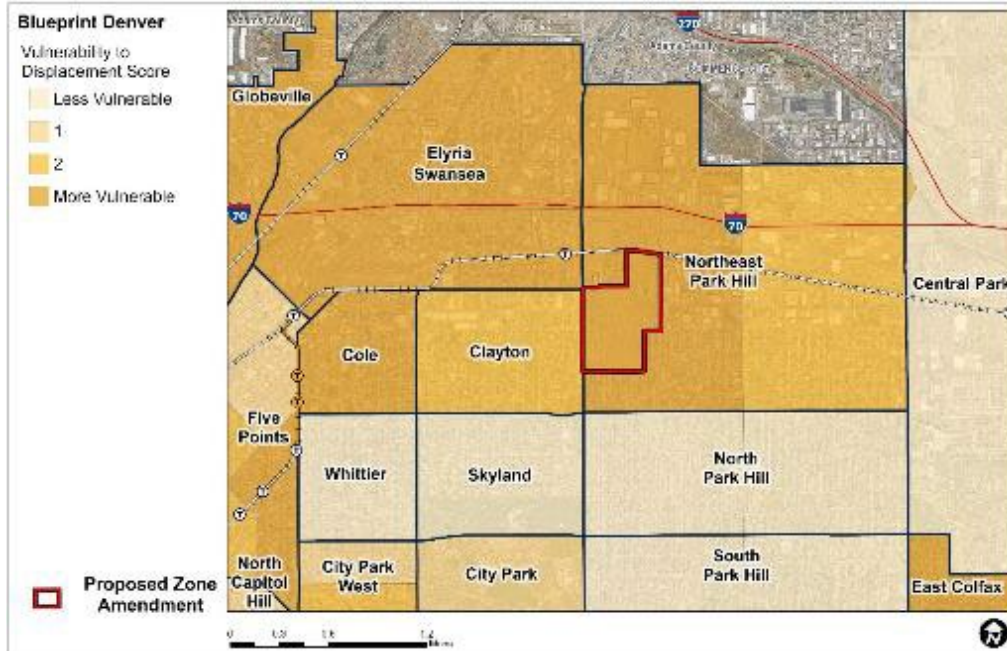
### **I. Access to Opportunity**



**Improving access to opportunity** includes several metrics, including “the proximity of an amenity (including...parks...), the affordability of that amenity, and the safety and ease of access to that amenity” (p. 32). Therefore, preserving existing parks and facilitating the development of new parks supports this equity concept and may, in some cases, improve this metric for some locations.

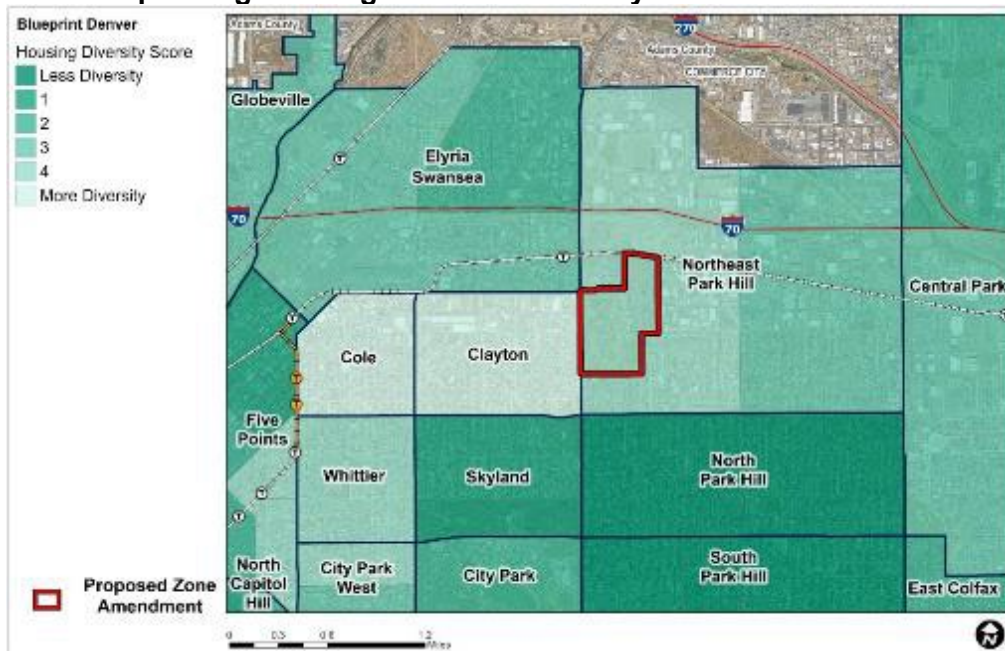


## II. Vulnerability to Involuntary Displacement

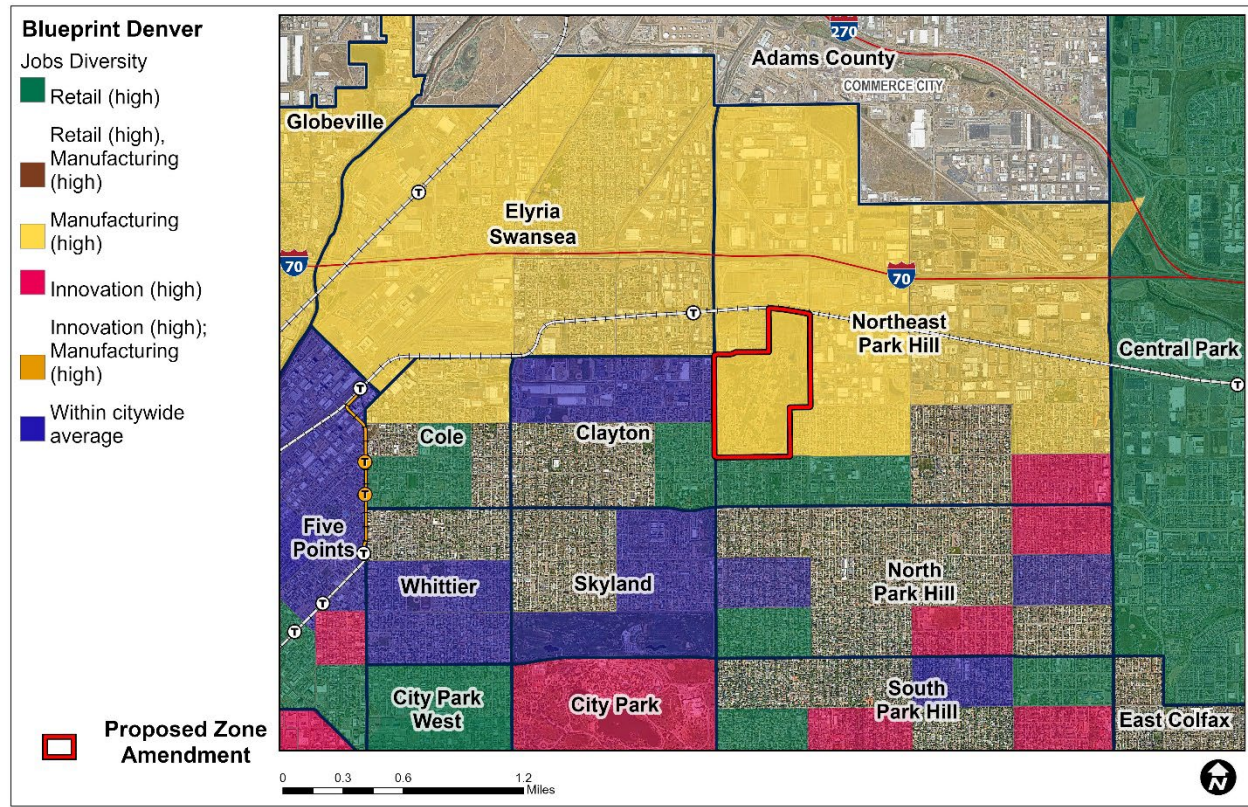


**Reducing vulnerability to displacement** focuses on “stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents” (p. 37). Measures include characteristics of housing stock and the people living in a particular area. The rezoning is not expected to directly impact these measures since both existing and proposed districts would facilitate recreation and open space uses.

## III. Expanding Housing and Jobs Diversity





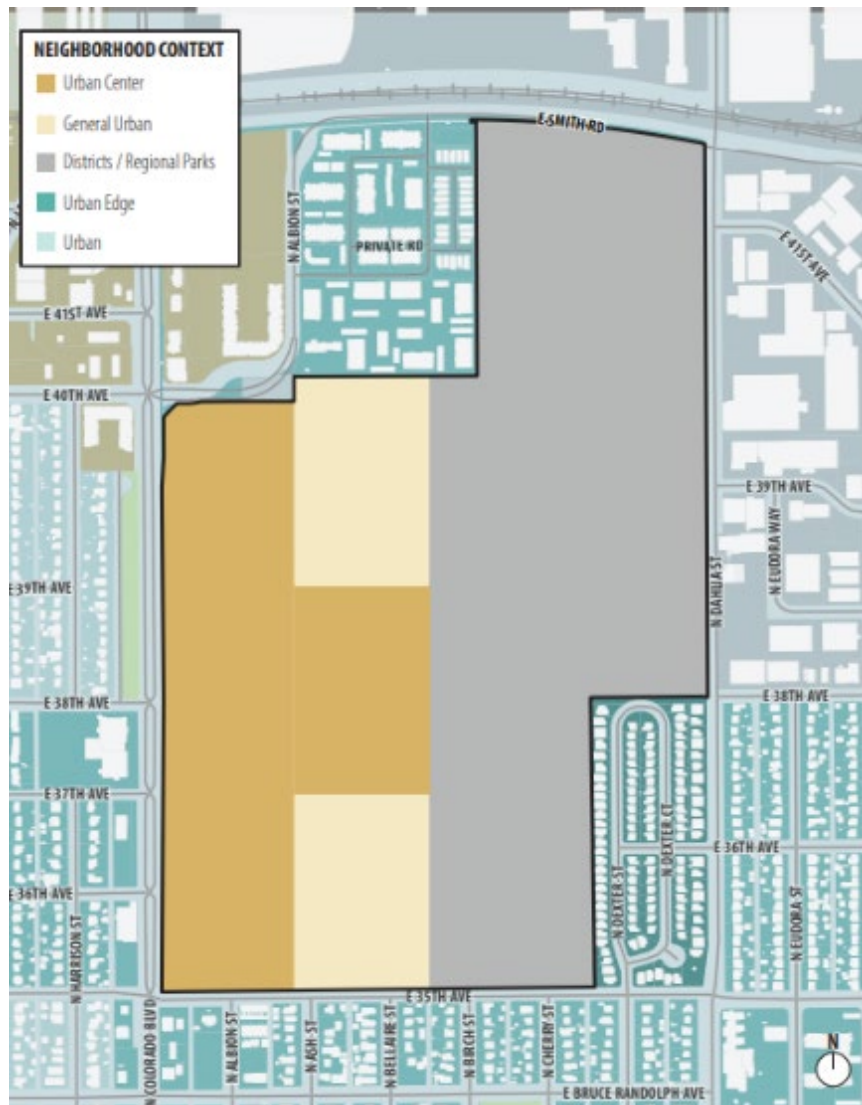


**Expanding housing and jobs diversity** is measured through metrics based on characteristics of housing stock and job density and types. Expanding the park system necessitates employees for park maintenance. Once this property is owned and maintained by Denver Parks and Recreation it may create additional local job expansion for ongoing and seasonal maintenance work.

### ***Park Hill Golf Course Small Area Plan***

The *Park Hill Golf Course Small Area Plan (PHGC Area Plan)* was adopted in December 2022 and furthers many citywide goals and policies.

### **Future Neighborhood Context**



The neighborhood context designation is Urban Center, General Urban, and Districts. In addition to the guidance for contexts in *Blueprint Denver* described above, the *PHGC Area Plan* provides additional guidance for the contexts.

### Districts Neighborhood Context

The *PHGC Area Plan* describes the Districts context as an area with “a specifically designed purpose, such as regional parks or industrial areas. Although they have a strong primary purpose, these places can offer a diverse range of amenities and complementary services to support the district’s primary function” (p. 40). The OS-A district will allow for park and open space use and is consistent with the district context.

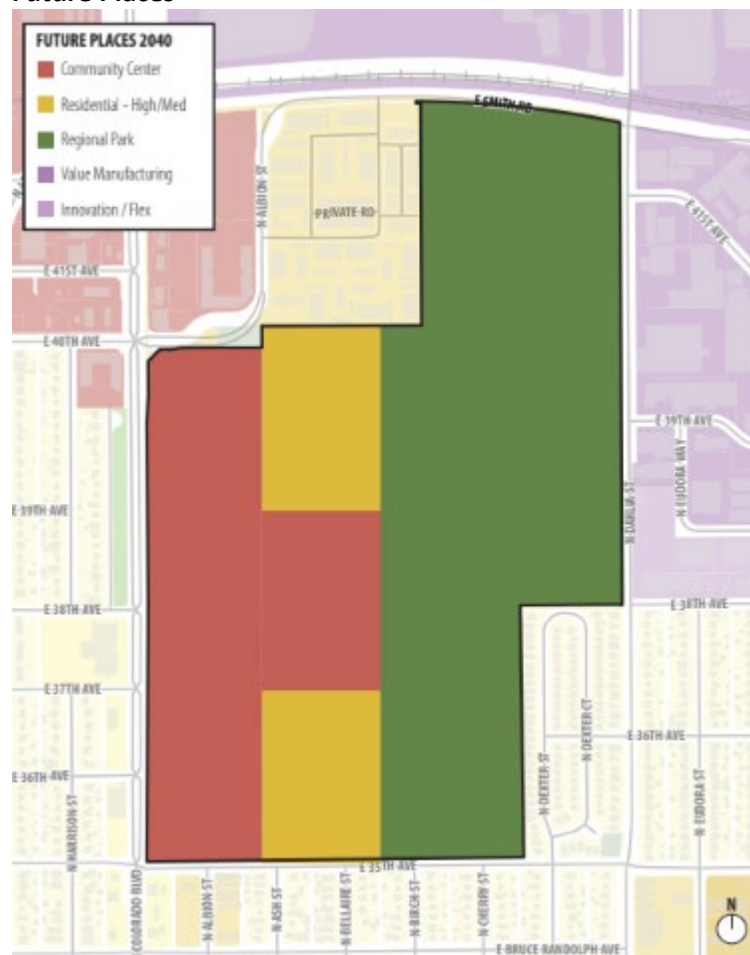
### Urban Center Neighborhood Context

The *PHGC Area Plan* describes the Urban Center context as “featur[ing] a high mix of uses where the highest densities are planned on the Park Hill Golf Course site.” (p. 40). Parks and open spaces can be found in all contexts, and, therefore, the proposed OS-A zone district is consistent with plan guidance.

### General Urban Neighborhood Context

The *PHGC Area Plan* describes the General Urban context as “consist[ing] of higher-density development like larger multi-story residential buildings. This context serves as a transition between the urban center and district context” (p. 42). Parks and open spaces can be found in all contexts, and, therefore, the proposed OS-A zone district is consistent with plan guidance.

### **Future Places**





The future places map in the *PHGC Area Plan* identifies three future places for the subject site: Community Center, Residential – High/Medium, and Regional Park place type.

#### Regional Park Future Place

The *PHGC Area Plan* describes this place as areas “provide large scale public open space, recreation and event locations” (p. 42), which is consistent with the proposed OS-A zone district.

#### Community Center Future Place

“Community Centers are mixed-use places typically oriented around a shared space or set of spaces. People often go to centers to engage in social activities and entertainment...” (p. 42). The OS-A zone district will allow for public park and open space that could be used for social activities, recreation, and entertainment, therefore supporting a use envisioned in the Community Centers Place.

#### Residential Areas

The *PHGC Area Plan* describes the Residential High/Medium areas as “the predominant use is residential. This includes other uses needed for a complete neighborhood such as parks, recreation and nodes of commercial/retail uses” (p. 42). The OS-A zone district will allow for public park and open space, therefore supporting a use envisioned in the residential areas.

#### **Maximum Buildings Heights**



The *PHGC Area Plan* recommends maximum building heights for the property. In the OS-A zone district the City Council shall have final approval authority over the form of certain building according to D.R.M.C., Chapter 39 (Parks). For all other buildings or structures, the Manager of Parks and Recreation shall determine all applicable building form standards. These provisions will ensure structures are appropriate for a regional park.

The area-wide framework recommendations of the *Park Hill Golf Course Small Area Plan* are grouped under three main topics: Quality of Life, Land Use and Built Form, and Mobility. The proposed OS-A district would facilitate the restoration of a public park and open space and further Policy Q2: “Include a variety of active recreational opportunities for the community” (p. 34).

On balance, OS-A will be consistent with the contexts, place and framework recommendations of the *Park Hill Golf Course Small Area Plan*.

## **2. Public Interest**

The proposed official map amendment furthers the public interest of the city by furthering adopted plans and facilitating the creation of a public park on the subject property. According to the Centers for Disease Control and Prevention “having access to places for physical activity, such as parks and trails, encourages community residents to participate in physical activity and do so more often” (Parks, Trails and Health: <https://www.cdc.gov/healthyplaces/healthtopics/parks.htm>).

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

The requested OS-A zone district is within the Open Space Context, which “consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking” (DZC 9.3.1). The OS-A zone district allows for active and passive recreation opportunities and is consistent with the Open Space context.

Open Space Public Park District (OS-A) “is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City’s Department of Parks and Recreation (“DPR”) for park purposes” (DZC 9.3.2.1.A). The property is owned by the City and is consistent with the OS-A purpose and intent statement.