



**TO:** Denver City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** July 5, 2018  
**RE:** Official Map Amendment #2016I-00113  
Rezoning from M-RH-3 and OS-B to M-RX-5

### Staff Report and Recommendation

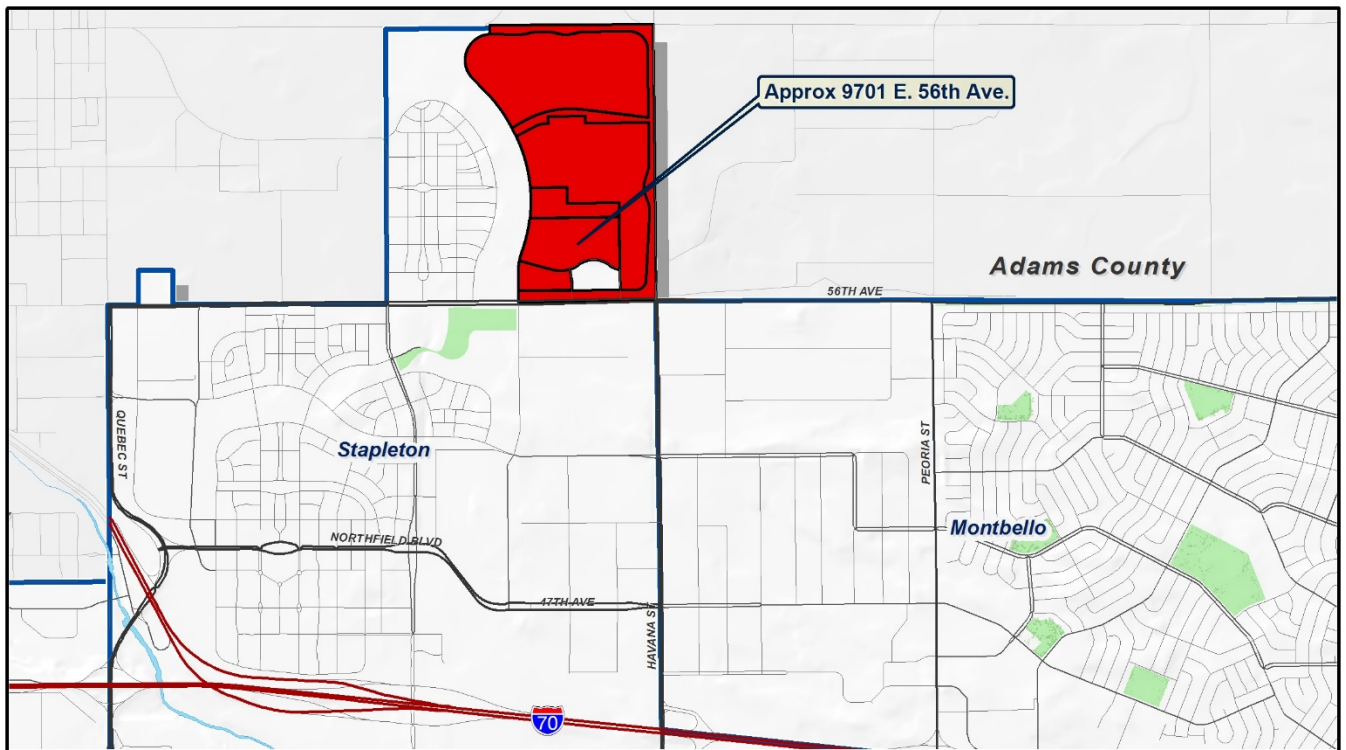
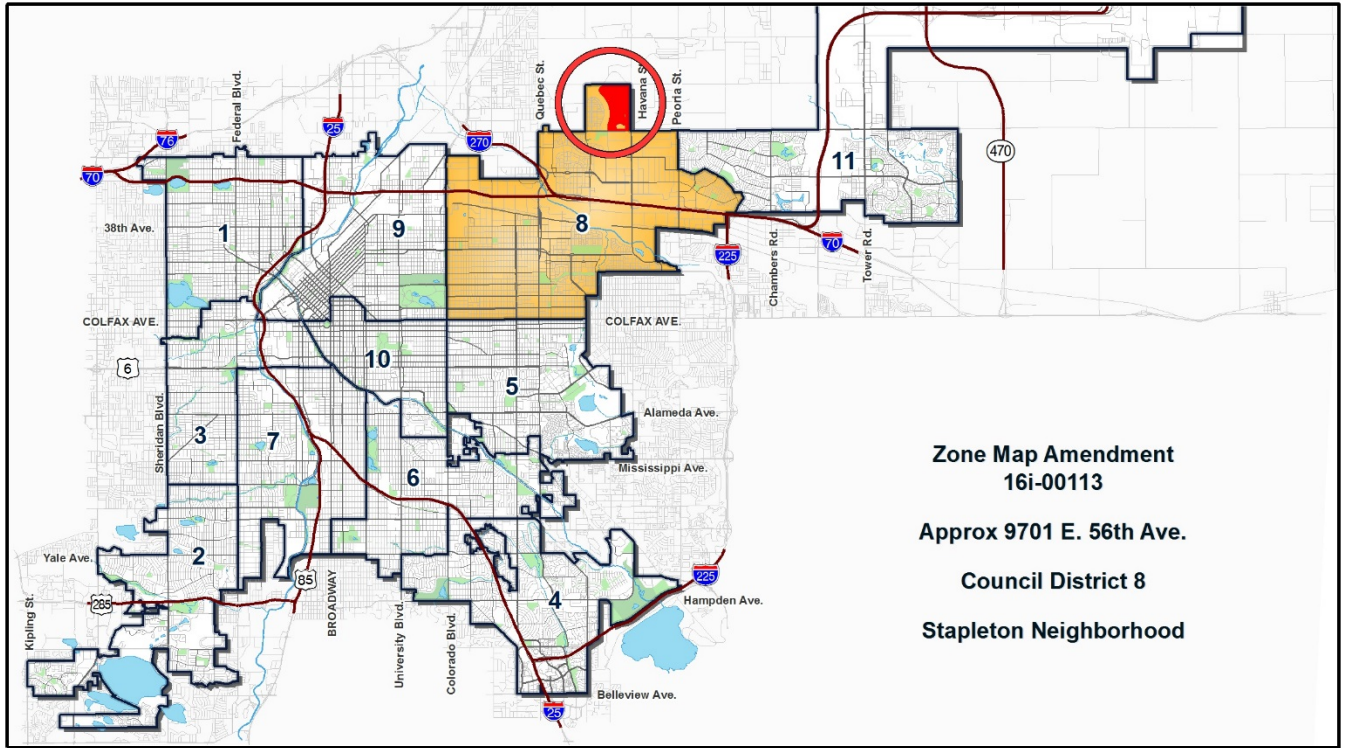
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2016I-00113.

### Request for Rezoning

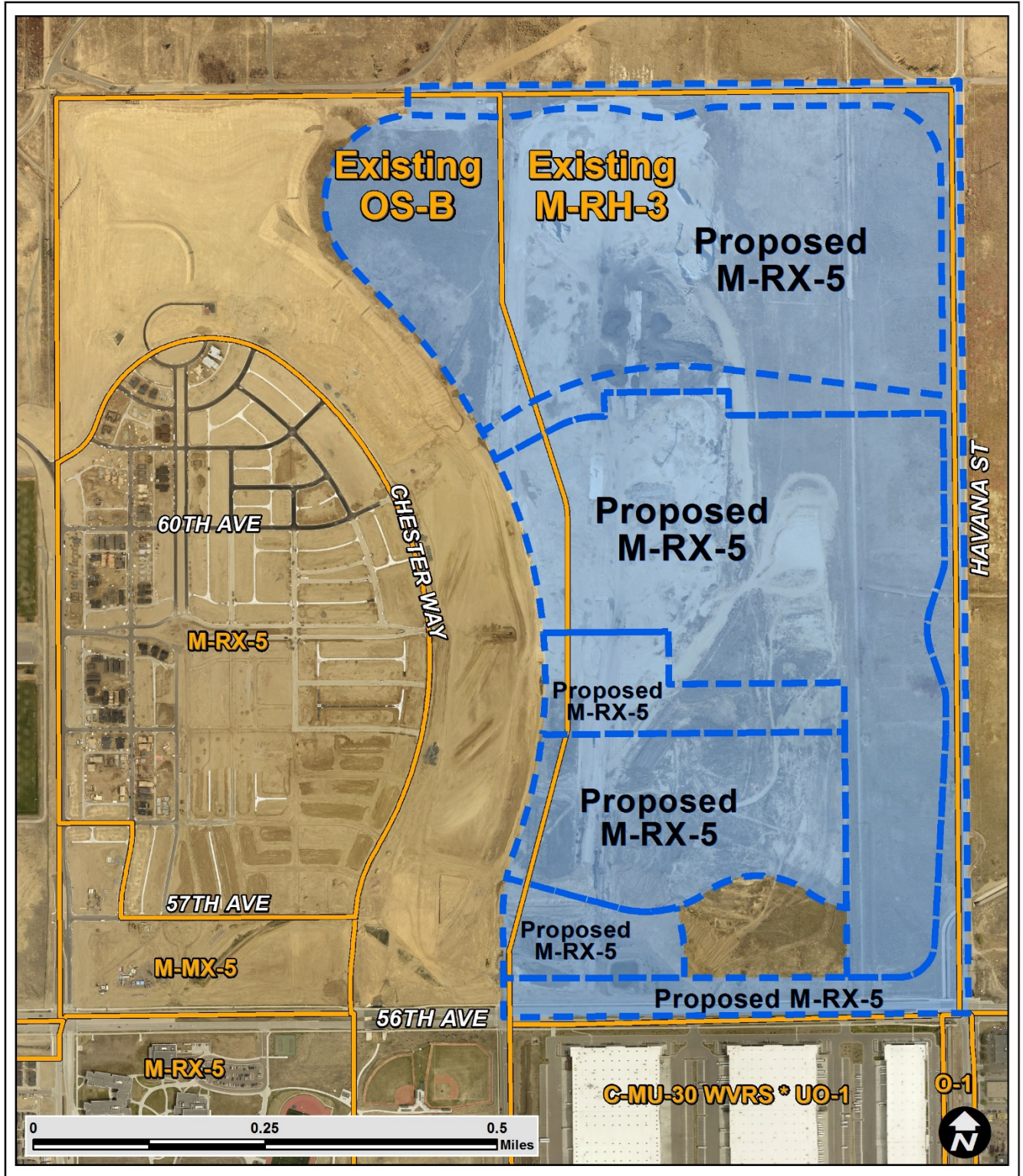
Address:	Approximately 9701 East 56 <sup>th</sup> Avenue
Neighborhood/Council District:	Stapleton Statistical Neighborhood / City Council District 8
RNOs:	Stapleton Master Community Association; Stapleton United Neighbors; Far Northeast Neighbors; Montebello 20/20; Northern Corridor Coalition; Opportunity Corridor Coalition of United Residents; Inter-Neighborhood Cooperation (INC)
Area of Property:	14,455,921 SF, 331.86 acres
Current Zoning:	M-RH-3 AND OS-B
Proposed Zoning:	M-RX-5
Property Owner(s):	Park Creek Metropolitan District
Owner Representative:	Bruce O'Donnell

### Summary of Rezoning Request

- The subject property is vacant and is located at the northwest corner of Havana Street and 56<sup>th</sup> Avenue. The Rocky Mountain Arsenal is adjacent to the property on the north and east, and Stapleton Filing 49 subdivision is adjacent to the property on the west.
- The applicant proposes to rezone the property for redevelopment.
- The proposed M-RX-5 zone district stands for **M**aster Planned Context, **R**esidential **M**ixed Use with a **5**-story height limit (42 to 70 feet). The M-RX-5 zone district is a residential zone district intended to promote development of new neighborhoods with zoning standards that support all residential densities and a mixture of residential, civic and commercial land uses. In this district the Urban House, Duplex and General primary building forms are allowed. Single and two-unit building forms are often located on small lots and all building forms have relatively shallow setbacks and high building coverage. Multi-unit forms may be built directly at the sidewalk edge and General building forms may be located on corner sites. Buildings are oriented either to a street, to an internal courtyard, or to an open space area. Further details of the zone district can be found in Article 9 of the Denver Zoning Code (DZC).







**Existing Context**

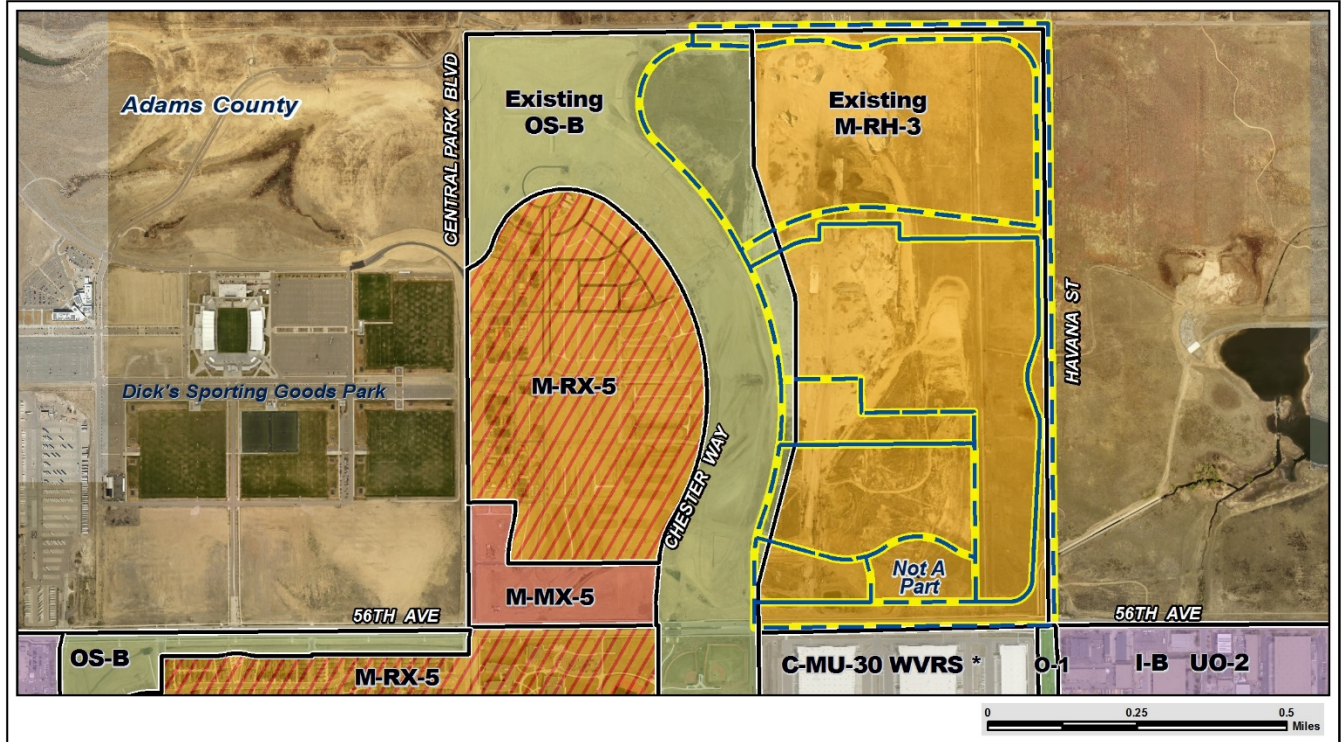
The property is located on the northeast edge of the Stapleton neighborhood, north of 56<sup>th</sup> Avenue and west of Havana Street. The property is across 56<sup>th</sup> Avenue and northeast of Northfield High School and Athletic Complex. Five blocks west of the subject property, across Central Park Boulevard, is Commerce City and Dick’s Sporting Goods Park. Directly north and east of the subject property is the Rocky Mountain Arsenal National Wildlife Refuge, which is in Adams County. Directly south across 56<sup>th</sup> Avenue are various industrial land uses. Within Filing 49, west of the subject property, the block pattern is a mix of a grid and modified grid pattern with varied lot sizes tied to residential, commercial or open space land uses.

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	N/A	No existing Lots, Blocks or Streets.
North	Adams County – Agricultural Zoning	Wildlife Refuge	N/A	
South	C-MU-30 w/waivers & UO-1	Industrial	2-story General Building Form	
East	Adams County – Agricultural Zoning	Wildlife Refuge	N/A	
West	OS-B, M-RX-5 & M-MX-5	Vacant and under development	N/A	



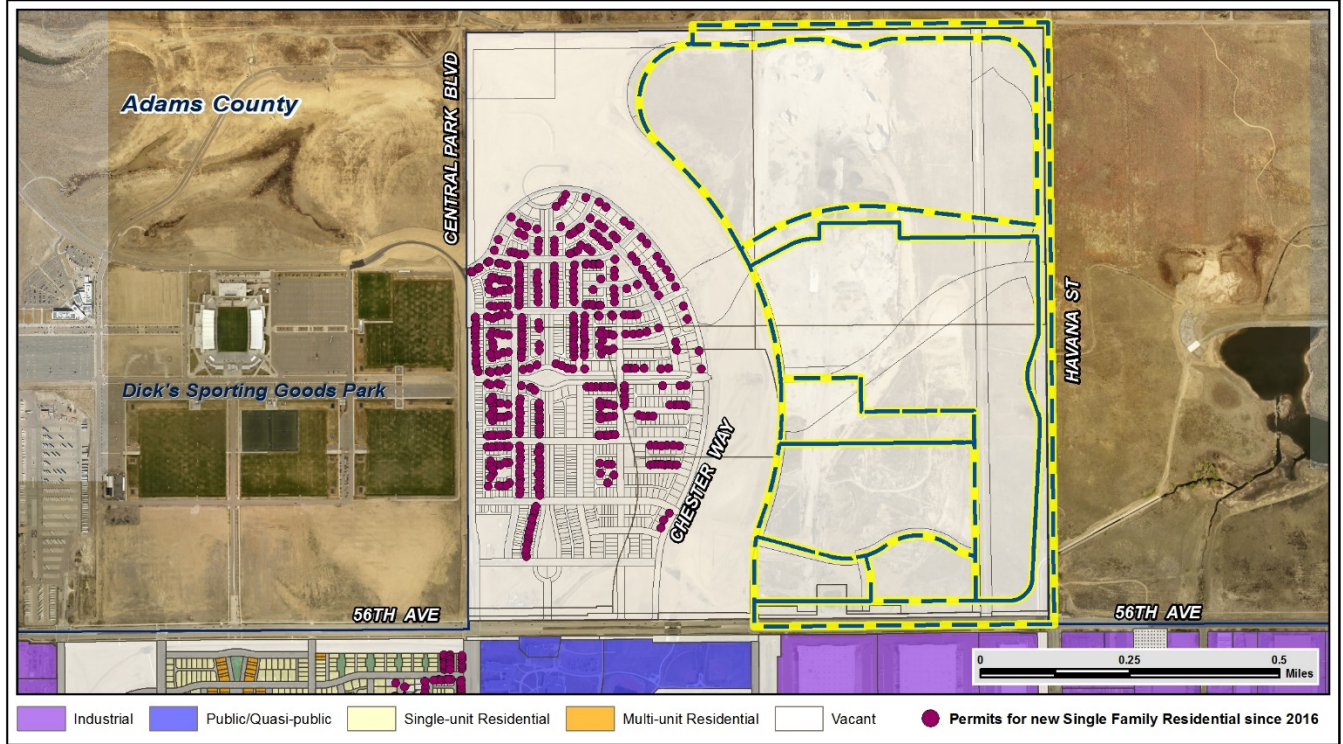
### Existing Zoning



Existing Zoning

The existing zoning of the subject property is M-RH-3 and OS-B, or **M**aster Planned Context, **R**ow **H**ouse, with a 3-story height limit, and **O**pen **S**pace Recreation District, or privately owned and operated open space. The M-RH-3 district allows residential and civic land uses. The scale of structures is 2.5 to 3-stories, or a maximum height of 42 to 55 feet. The building forms allowed are Urban House, Duplex, Garden Court and Row House. For additional details of the M-RH-3 and OS-B zone districts, see Article 9.

### 1. Existing Land Use Map



Existing Land Use



## 2. 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:** Approved – No Comments.

**Public Works – City Surveyor:** Approved.

**Development Services – Project Coordination:** Approved – No Comments.

**Development Services – Wastewater:** Approved with the following comments. Public Works DES Wastewater approves this Zone Map Amendment. The applicant should note that this approval is for zoning change only, and development of this site may require additional engineering, drainage/sanitary studies, storm/sanitary sewer construction plans, etc. The extent of the required design and improvements will be determined during the development review process.



**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	<b>01/25/17</b>
CPD written notice of the April 5, 2017, Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>03/20/2017</b>
CPD notice of withdrawal from the April 5, 2017, Planning Board agenda sent to all affected City Councilmembers and registered neighborhood organizations, and postponement at the applicant's request:	<b>03/28/2017</b>
CPD informational notice of receipt of the REVISED rezoning application to all affected members of City Council and registered neighborhood organizations:	<b>11/16/17</b>
CPD informational notice of receipt of the REVISED rezoning application to all affected members of City Council and registered neighborhood organizations:	<b>01/12/18</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>04/03/18</b>
Planning Board public hearing. The Board unanimously (8-0) recommended approval.:	<b>04/18/18</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	<b>05/01/18</b>

Land Use, Transportation and Infrastructure Committee of the City Council:	<b>05/15/18</b>
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>06/17/18</b>
City Council Public Hearing:	<b>07/09/18</b>

**Registered Neighborhood Organizations (RNOs)**

- To date, CPD has received no comment letter from a Registered Neighborhood Organization.

**Other Public Comment**

To date, no other public comments have been received.

**Criteria for Review / Staff Evaluation**

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

**DZC Section 12.4.10.7**

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

**DZC Section 12.4.10.8**

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)

**Denver Comprehensive Plan 2000**

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

- **Environmental Sustainability 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.*” (p. 41).
- **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*” (p. 60).

- **Mobility Strategy 4-E** – “**Continue to promote mixed-use development**, which enables people to live near work, retail and services” (p. 78).
- **Legacies Strategy 3-A** – “**Identify areas in which increased density and new uses are desirable and can be accommodated**” (p. 99).
- **Legacies Objective 11** – “**Strengthen Denver’s system of “green” connections: trails, bicycle routes, parkways, greenways and watercourses**” (p. 103).
- **Housing Strategy 2-F** – “**Explore opportunities for housing in all proposed development and redevelopment projects, including commercial and retail projects**” (p. 114).

The proposed map amendment will contribute to the redevelopment of the former Stapleton Airport with a new neighborhood. The proposed residential mixed-use land uses contribute to the mixture of land uses in the new development. The proposed M-RX-5 zone district allows a wide variety of residential, civic, and commercial lands uses. The rezoning is consistent with these Plan recommendations of sustainable development, quality infill development with a variety of amenities, a mixture of land uses, allowing for green connections and opportunities for new housing in all proposed development.

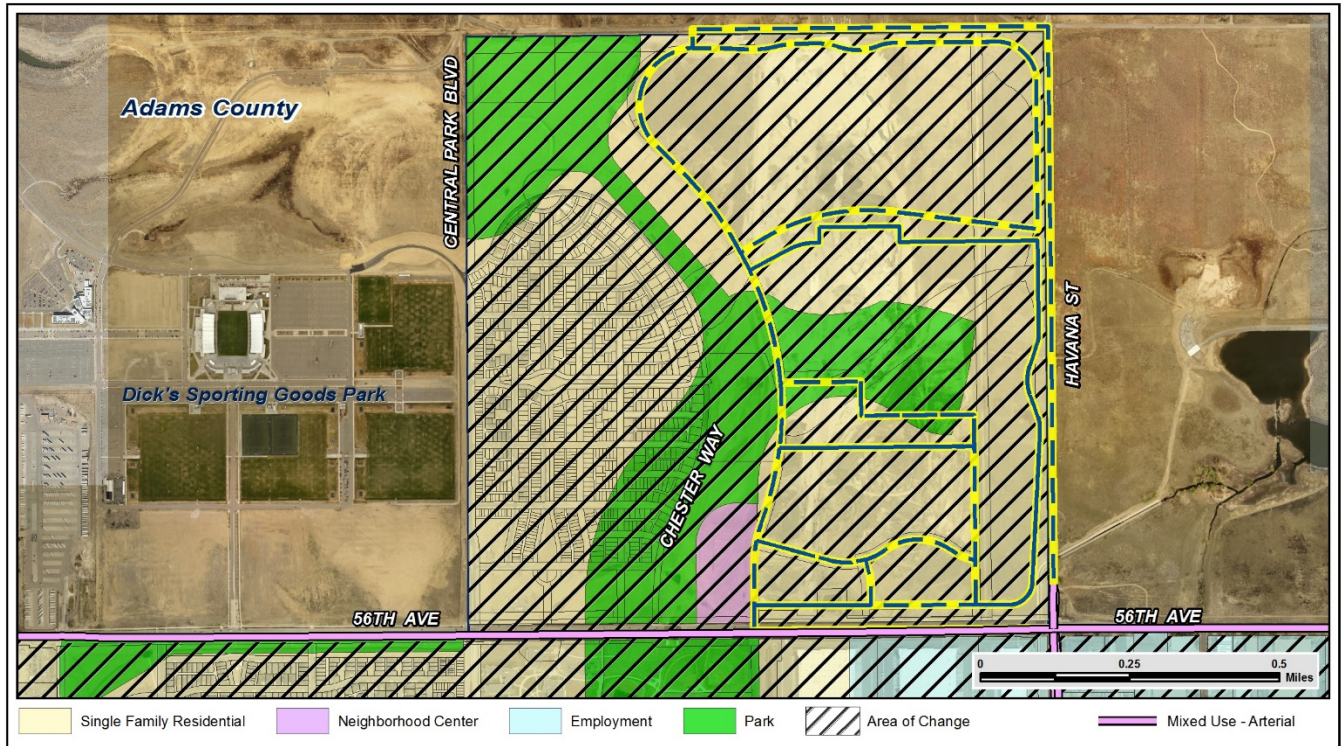
### **Blueprint Denver (2002)**

The Blueprint Denver future land use designation for the subject property is Single Family Residential and Park and the property is in an Area of Change.

### **Future Land Use**

Blueprint Denver describes Single Family Residential as “*Neighborhoods of single family houses*” ...where “*densities are fewer than 10 units per acre...and the employment base is significantly smaller than the housing base*” (p. 42). “*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*” (p. 41). On the Blueprint Denver Map the location of the subject property is northwest of the intersection of 56<sup>th</sup> Avenue and Havana Street. The subject property is directly north of existing industrial development south of 56<sup>th</sup> Avenue. The proposed M-RX-5 zone district conforms to the Blueprint Denver Single Family Residential and Park land use concept because the zone district will allow a mix of residential uses with complementary commercial and civic land uses to serve the new Stapleton residential development.





2002 Blueprint Denver Future Land Use Map

### Area of Change / Area of Stability

*"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" (p. 127). "One of Denver's unique characteristics is the presence of these large vacant development sites. These sites were created when the Air Force Base at Lowry and the former Stapleton Airport closed and also when land was annexed for the new Denver Airport, creating the Gateway District. These sites offer the potential to create new neighborhoods that embody the best characteristics of Denver's traditional residential areas. The Blueprint Denver scenario calls for a level of local retail, services and jobs to support the needs of residents who will occupy future housing on these sites. 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" (p. 22). Strategies for Stapleton, Gateway and Lowry Areas of Change include:*

- Coordinated master planning
- Urban character
- Pedestrian and transit supportive design and development standards
- Mixed land uses – retail and employment near residential neighborhoods
- Diversity of housing type, size and cost
- Multi-modal streets
- Street grid/connectivity
- Extension of Denver's urban legacies
- Adequate parks and open spaces

The rezoning of the subject property will enable the continued redevelopment of the former Stapleton Airport into a new residential mixed-use neighborhood which provides the envisioned jobs, housing, services and open spaces. The subject property has a Single Family Residential and Parks land use concept and Area of Change designation on the Blueprint Map. The M-RX-5 zone district will allow the property to continue to be used in the same mixed-use manner as the earlier Stapleton development. Staff believes that the M-RX-5 zone conforms to the long-established Stapleton land use concept of residential paired with neighborhood serving non-residential uses.

### **Street Classifications**

The Blueprint Denver future street classifications identified 56th Avenue as a Mixed-Use Arterial and no other internal streets have been constructed. Havana Street at 56<sup>th</sup> Avenue is a Mixed-Use Arterial, but it transitions to an Undesignated Local street for most of its length adjacent to the subject property. The requested mixed-use zone district is appropriate along a designated Mixed Use Arterial street.

### **Stapleton Development Plan (1995)**

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 VIII. The District is bounded by the Rocky Mountain Arsenal on the north and east, 56<sup>th</sup> Avenue on the south, and Central Park Boulevard on the west. Key elements of the Development Plan for this area are:

- a predominance of *“residential land uses with opportunities for corporate and institutional land uses,*
- *a district center in the middle,*
- *transportation, including 56<sup>th</sup> Avenue as a limited access parkway with landscaped median through the site,*
- *significant restoration of sand hills character of parks and open space,*
- *special sites for institutional or corporate use, and*
- *joint planning with Commerce City and the National Wildlife refuge” (p. 5-64).*

The proposed M-RX-5 zone district is consistent with this Plan vision and will provide the regulatory basis for the mixture of residential and neighborhood-serving land uses envisioned in the Plan.

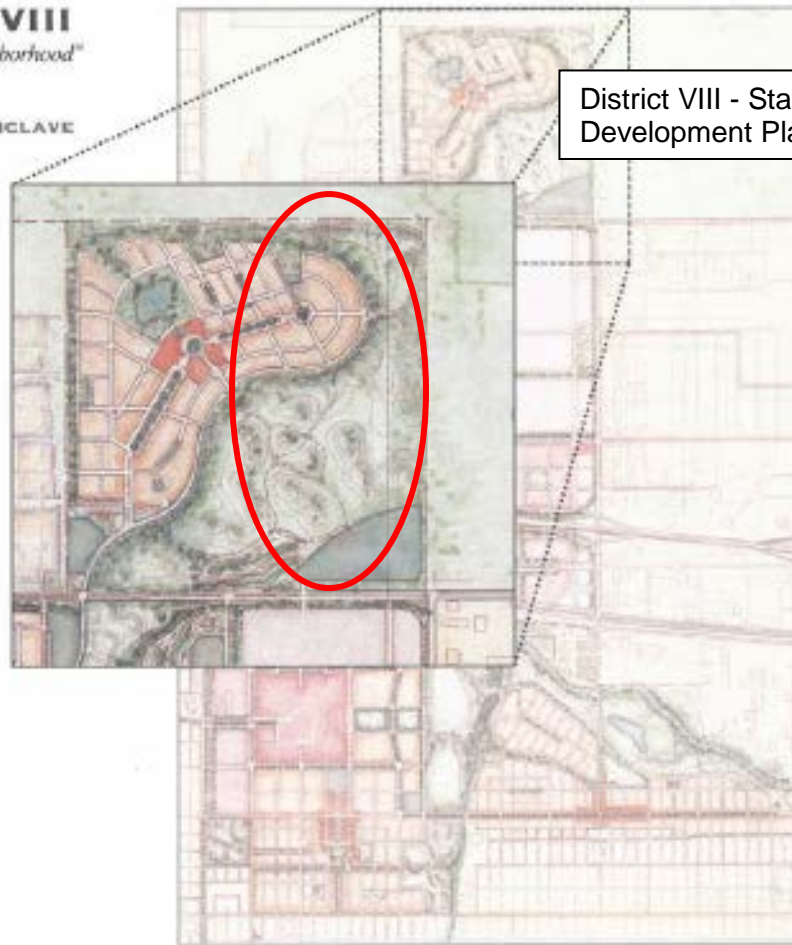
**DISTRICT VIII**  
*"Prairie Park Neighborhood"*

RESIDENTIAL/  
EMPLOYMENT ENCLAVE

MODERATE  
DENSITY

REFUGE AND  
PRAIRIE PARK

SENSITIVE  
ENVIRONMENT



District VIII - Stapleton  
Development Plan Map

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to M-RX-5 will result in the uniform application of zone district building form, use and design regulations.

## 3. Public Health, Safety and General Welfare

By implementing the adopted Plans for the redevelopment of the Stapleton area, 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 12.4.10.8, "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 ongoing redevelopment of the former Stapleton Airport, the completion of major regional infrastructure improvements, and the



continuing development of additional residential dwelling units are cited by the applicant as the justifying circumstance. Staff concurs that these are appropriate justifying circumstances for the proposed rezoning.

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

A Denver Zoning Code review 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 developing areas that will develop or redevelop in phases over an extended period 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. Development may consist of single-unit, two-unit and multi-unit residential uses, 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 Master Planned Context consists of a variety of block shapes and patterns, often dependent upon the intended land use. In all cases, there is a high degree of vehicle and pedestrian connection through this context. In residential neighborhoods and town centers, blocks are sized to promote circulation and include detached sidewalks, tree lawns and/or streetscape elements, street and surface parking. Commercial development in town centers and transit-oriented developments is typically built up to the street on at least one side of the block with buildings on other sides of the block sometimes having parking located between the building and the street. Commercial development in office, research or industrial parks may be set back from the street with parking or landscape areas between the building and the street.

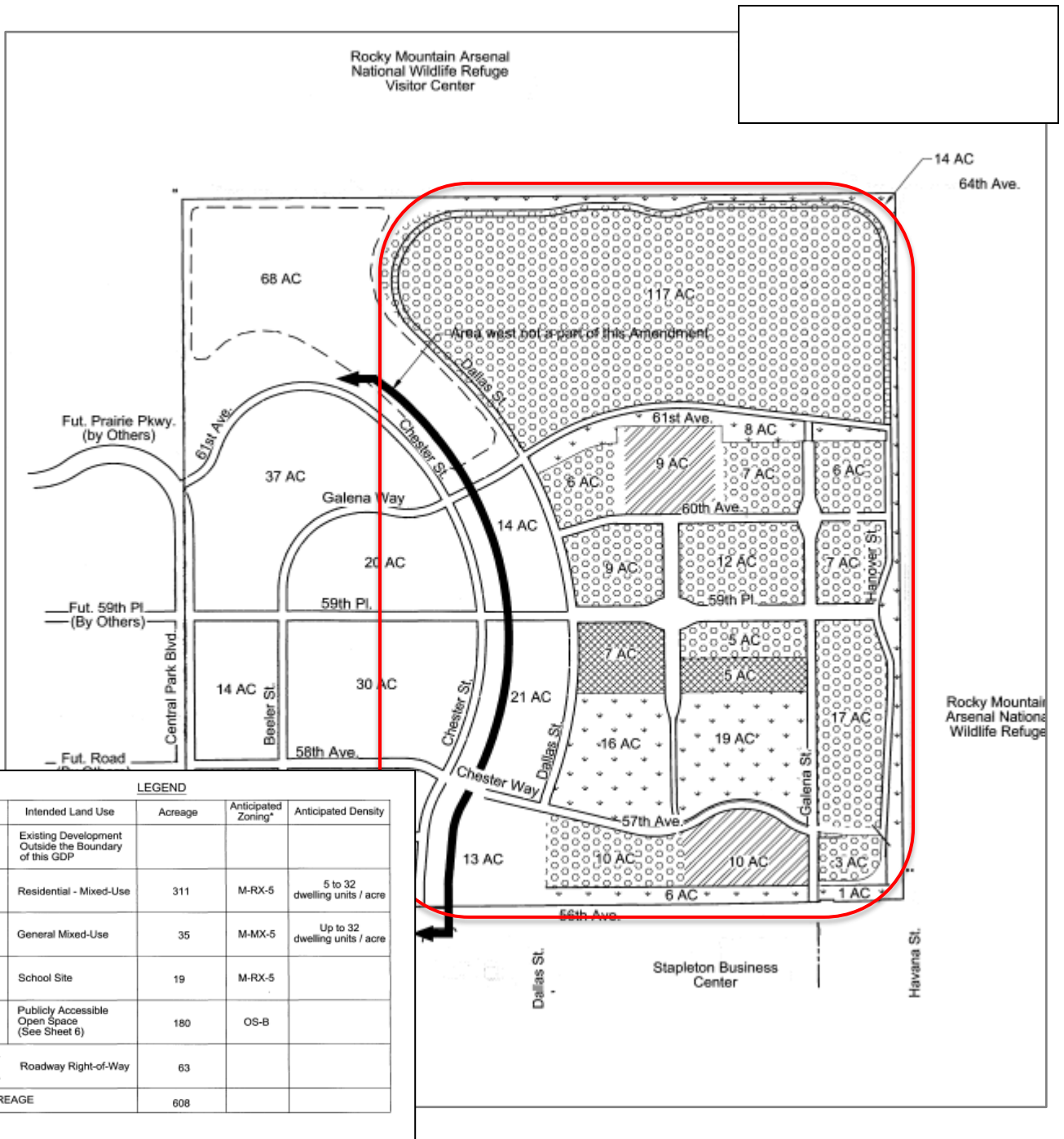
The intent of zone districts in the Master Planned Context is to provide flexibility for master planned development of large sites to respond to market opportunities over time. The zoning regulations support phased mixed-use development and allow a wide variety of land uses and building forms. Building heights in Master Planned Context zone districts range from 1-12 stories.

The purpose and intent of the M-RX-5 zone district is to promote development of new town centers and mixed-use neighborhoods up to 5 stories in height. Single and two-unit building forms are often located on small lots and all building forms have relatively shallow setbacks and high building coverage. Multi-unit forms may be built directly at the sidewalk edge and general building forms may be located on corner sites. Buildings are oriented either to a street, to an internal courtyard, or to an open space area. The district is intended to promote a mixture of land uses with buildings often built to the sidewalk edge to support a pedestrian-oriented pattern, and an active street level.

The subject property is located on a mixed-use arterial and is across the street from an establishing neighborhood. It is also located in a master-planned area. The M-RX-5 zone district will allow the range of land uses needed to continue development within the subject property. Staff finds the proposed the M-RX-5 zone district is consistent with the existing adjacent residential and commercial land uses, and with the intent of the Master Planned Context and the M-RX-5 zone district.

## **6. Stapleton Section 10 General Development Plan, First Minor Deviation (2017)**

According to Denver Zoning Code Section 12.4.12.15.B, the “City Council may approval an official map amendment (rezoning) application for property located within an approved GDP area, taking into consideration the approved GDP.” This site is located within the Stapleton Section 10 General Development Plan (GDP). The first Stapleton Section 10 GDP was approved in 2014. The Stapleton Section 10 General Development Plan, First Minor Deviation was approved in 2017, and the GDP encompasses 608 acres. The GDP Minor Deviation development concept is based on the Stapleton Development Plan and *“calls for creation of a comprehensive community through the integration of housing, employment and recreation. The 608-acre Section 10 land plan is shaped by an open space system that connects walkable neighborhoods to North Stapleton, Victory Crossing regional retail [a Commerce City mixed-use complex] Dick’s Sporting Goods Park, and the Rocky Mountain Arsenal National Wildlife Refuge. In keeping with Denver tradition, the Section 10 plan is rich with parks and open space and continues the development patterns established south of 56<sup>th</sup> Avenue”* (GDP Sheet 3).



LEGEND

Intended Land Use	Acres	Anticipated Zoning*	Anticipated Density
Existing Development Outside the Boundary of this GDP			
Residential - Mixed-Use	311	M-RX-5	5 to 32 dwelling units / acre
General Mixed-Use	35	M-MX-5	Up to 32 dwelling units / acre
School Site	19	M-RX-5	
Publicly Accessible Open Space (See Sheet 6)	180	OS-B	
Roadway Right-of-Way	63		
<b>TOTAL ACREAGE</b>	<b>608</b>		

Land Use Plan, Stapleton Section 10 GDP, First Minor Deviation



Rezoning Application #2016I-00113  
Approx. 9701 East 56<sup>th</sup> Avenue  
July 5, 2018  
Page - 18 -

The subject property contains every proposed land use listed in the GDP, including Residential Mixed Use, General Mixed Use, School and Publicly Accessible Open Space. The proposed M-RX-5 zone district would allow both residential land uses, and the neighborhood-serving commercial land uses envisioned to serve Stapleton residents as further development occurs.

### **Separate Attachments**

1. Application
2. Approved Legal Descriptions