

TO: City Council
FROM: Courtney Levingston, Senior City Planner
DATE: September 6, 2018
RE: Official Zoning Map Amendment Application #2017I-00151

Staff Report and Recommendation

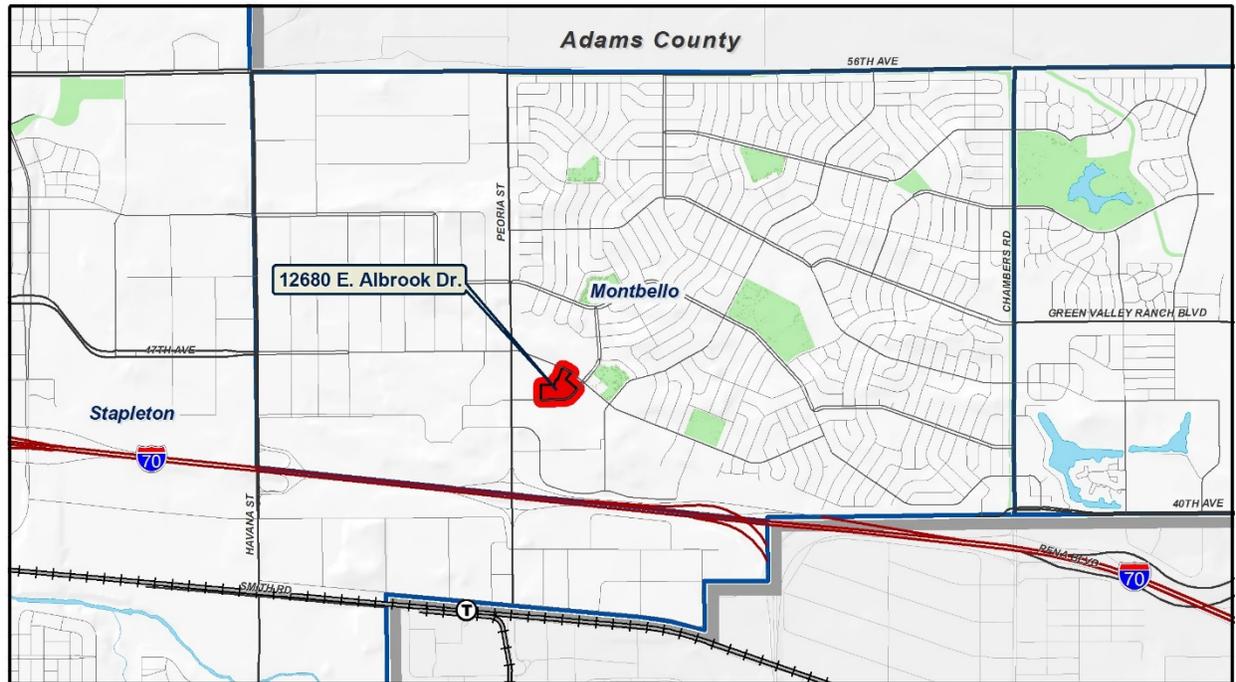
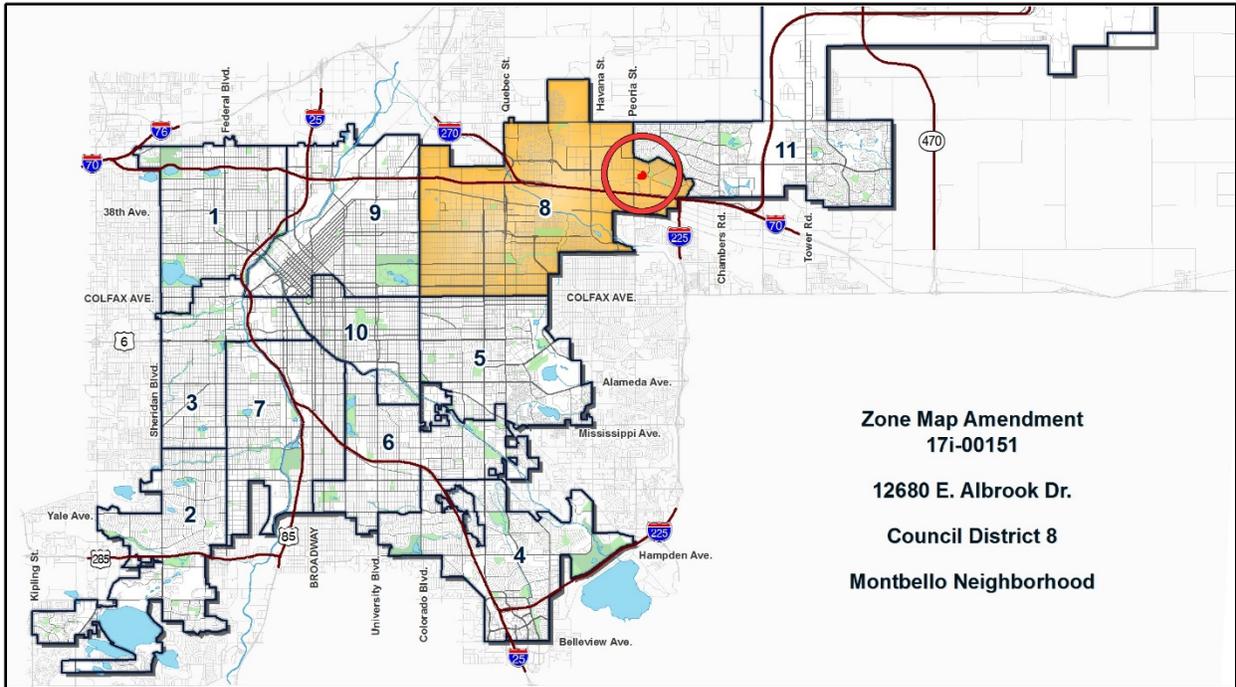
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** of Application #2017I-00151.

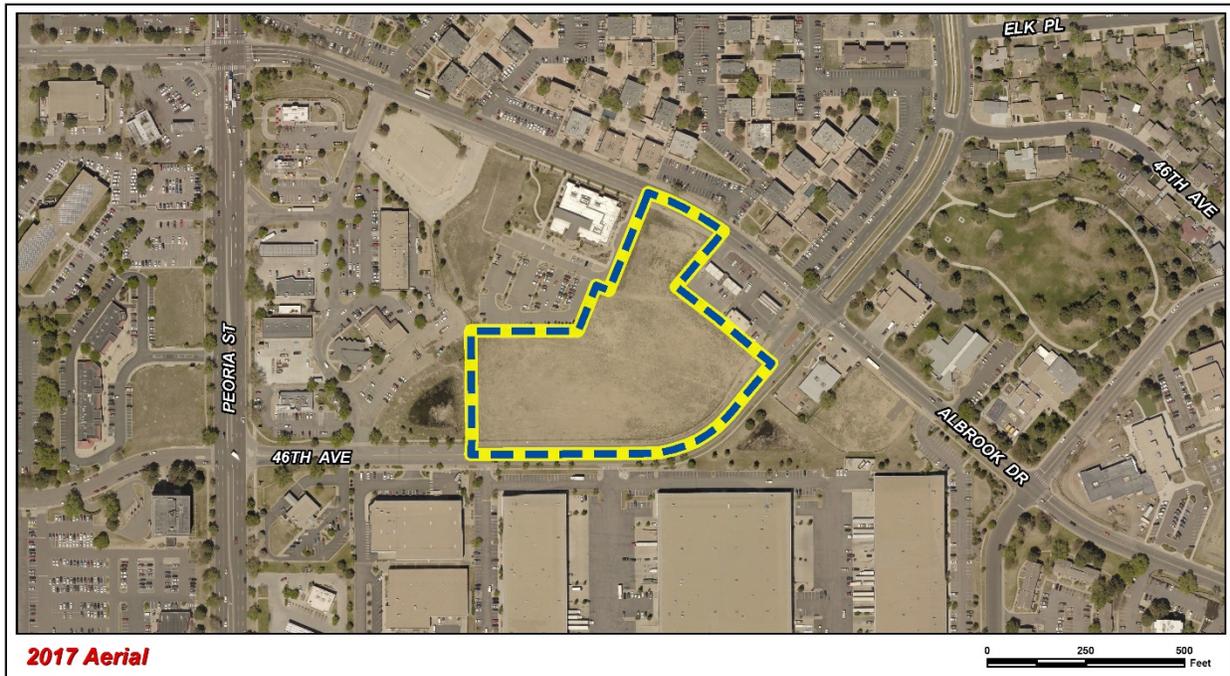
Request for Rezoning

Address:	12680 E. Albrook Dr.
Neighborhood/Council District:	Montbello / Council District 8
RNOs:	Montbello 20/20, Opportunity Corridor Coalition of United Residents, Northern Corridor Coalition, Montbello Neighborhood Improvement Association, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	5.52 acres (240,566 square feet)
Current Zoning:	S-MX-12
Proposed Zoning:	OS-A
Property Owner(s):	City and County of Denver
Owner Representative:	Mark Tabor, Parks and Recreation Department

Summary of Rezoning Request

- The property is in the Montbello statistical neighborhood, east of Peoria Street. It is comprised of one parcel under development.
- The City and County of Denver owns the property and it is currently under construction for a park, with plans for a future environmental education center when funds become available.
- The property was transferred to the City and County of Denver from the Trust for Public Land in December 2014 with the intention of a future public park and environmental education center developed and operated by Environmental Learning for Kids (ELK) under a lease executed simultaneously with the transfer.
- The **OS-A (Open Space Public Parks)** zone district is intended for parks owned, operated, or leased by the City and managed by the Department of Parks and Recreation. Further details of the zone district can be found in Article 9 of the Denver Zoning Code (DZC).





Existing Context

The property is located north of 46th Ave., east of Peoria Street in the Montbello statistical neighborhood. The area to the south is industrial. The area to the north is characterized as multi-unit residential along Albrook Dr. and a variety of residential and civic uses (Denver Fire Station and Public Library). Directly surrounding the subject property is multi-unit residential, institutional (Denver Health) to the west, and commercial/retail to the east. The site is served by RTD bus service routes 42 and 45 along Albrook Dr. Currently, there is no access to the site because it is under construction. Future access will be shared with the abutting Denver Health property to the west from Albrook Dr.

The following table summarizes the existing context proximate to the subject site:

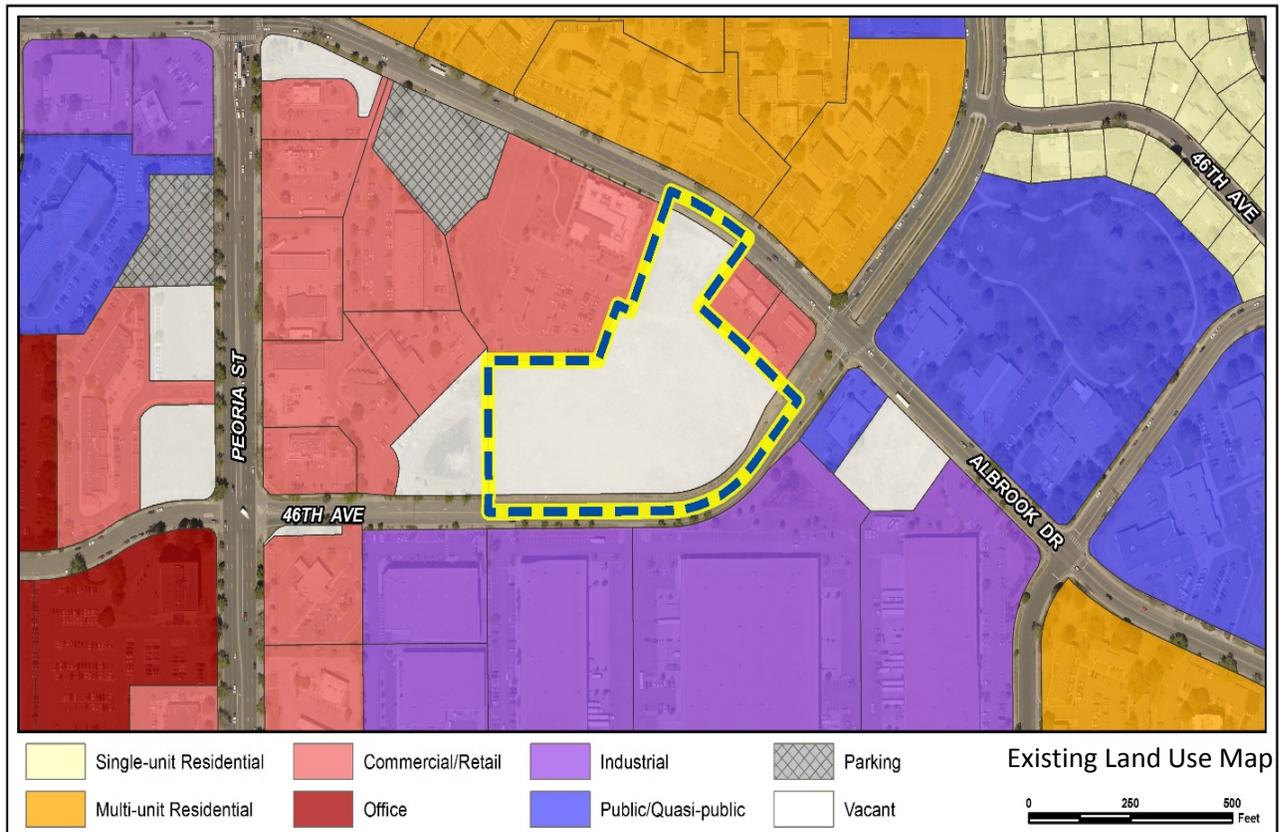
	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-MX-12	Undeveloped	None	Irregular street grid with large blocks. Surrounding block shapes are inconsistent. Vehicle parking around buildings in surface lots. Connections within blocks provided by interior drives accessed from the street.
North	R-3 UO-3	Multi-unit residential	2 story brick multi-unit building	
South	B-4 w/ waivers UO-1, UO-2	Warehouse	3 story industrial warehouse	
East	S-MX-12 UO-1, UO-2, OS-A	Commercial retail	1 story brick commercial-style buildings	
West	S-MX-12, B-4 w/ waivers UO-1, UO-2, B-8 UO-1, UO-2	clinic, detention pond, commercial /retail	1 story brick commercial-style buildings	

Zoning Map



1. Existing Zoning

The existing zoning on the subject property is S-MX-12, which stands for Suburban Mixed Use 12 stories. The S-MX-12 zone district is intended to promote safe, active, pedestrian scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. S-MX-12 applies to areas served primarily by major arterial streets where a building scale of 1 to 12 stories is desired. DZC Section 3.3.3.3 sets forth the Primary Building Form standards for the S-MX-12 zone district. For additional details on the zone district, please see DZC Article 3.



2. Existing Land Use Map

As illustrated above, existing land uses in the area bounded by Albrook Dr. to the north, 46th Ave. to the south and Peoria St. to the west are primarily commercial/retail with a few vacant properties and auxiliary parking. The abutting vacant property to the west of the subject parcel is a privately-owned extended detention basin serving flows from the industrial properties to the south. The vacant property at the southeast corner of Peoria St. and Albrook Dr. is a private water quality pond serving stormwater runoff from the surrounding commercial properties. The property shown as parking was the former RTD Montbello park-n-ride, closed in early 2016. The two vacant properties to the west across Peoria St. are undeveloped commercial/retail pad sites. The vacant site on Albrook Dr. east of 46th Ave. is currently undeveloped, however there is a recently approved site plan with a limited custom manufacturing, assembly and fabrication use proposed.

3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images below.



Aerial view of subject site and surrounding properties (source: Google Maps)



View of site from Albrook Dr. looking south



View of site from 46th Ave. looking north



Multi-unit residential north of site



Industrial properties south of site



Commercial properties east of site. View is looking west from intersection of Albrook Dr. and 46th Ave. (source: Google Maps)



Stormwater detention basin abutting the southwest portion subject site. View from 46th Ave.



Clinic to the west of subject site. View from Albrook Dr. looking west.



Commercial development to the west of site looking northeast from Peoria St. (source: Google Maps)

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:

Assessor: Approved – No Comments.

Asset Management: Approved- No Comments.

Denver Public Schools: Approved - No Comments.

Public Health and Environment: Approved – See Comments.

DDPHE is not aware of environmental concerns on the property and concurs with the rezoning request.

General Notes:

- Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
- If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.
- The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.
- Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly

result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

GIS: Approved – No Comments.

Public Works - ROW – City Surveyor: Approved – No Comments.

Development Services – Transportation: Approved – No Comments.

Development Services – Wastewater: Approved – No Comments.

Development Services – Project Coordination: Approved; See Comments–

There is already a completed Site Development Plan for this property. This was done under the existing zone district regulations. The project was phased with the "park" work being done first and the building to follow when funds were available.

Development Services – Fire Prevention: Approved – No Comments

Office of Economic Development: Approved – No Comments

City Attorney's Office: Approved – No Comments

Public Review Process

The public process for the proposed rezoning is summarized below:

CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	5/9/2018
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, property owners and registered neighborhood organizations:	6/25/2018
Planning Board public hearing, voted unanimously (8:0) to recommend approval	7/11/2018
Land Use, Transportation and Infrastructure Committee of the City Council recommended that the application move to full City Council	7/31/2018
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:	8/20/18
City Council Public Hearing	9/10/2018

- **Registered Neighborhood Organizations (RNOs)**
 - Montbello 20/20, a registered neighborhood organization, submitted a letter in support of the application. The letter is attached.
- **Planning Board**

Planning Board voted unanimously to recommend approval of the proposed rezoning to OS-A.
- **Other Public Comment**
 - Council Member Gilmore’s office provided a “Timeline and Update of the Montbello Open Space partnership and acquisition” document.
 - As of the date of this staff report, three letters of support were provided by the following:
 - Larry Maynard, Senior Librarian, Denver Public Library – Montbello Branch
 - The Meza/Amaro family, participant in ELK programs
 - Rich Barrows, Branch Director, Denver Broncos Boys & Girls Club

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)*
- *Parks Game Plan (2003)*
- *Blueprint Denver (2002)*
- *Montbello/Green Valley Ranch Neighborhood Plan (1991)*

Denver Comprehensive Plan (2000)

This request is consistent with several *Denver Comprehensive Plan* strategies. Relevant strategies from the *Denver Comprehensive Plan* include:

- Environmental Sustainability Strategy 2-G – “Preserve and restore, wherever possible, natural habitat for wildlife and plants native to the region” (p. 40).
- Environmental Sustainability Strategy 4-C – “Respect, conserve and expand wildlife habitat, watersheds, open space and other natural resources” (p. 41).
- Denver’s Legacies Strategy 9-B – “Integrate sufficient open space and recreational amenities into large-scale development plans” (p. 102).
- Environmental Stewardship Strategy 12-B – “Continue to encourage residents’ sense of stewardship for their parks through environmental education and volunteer maintenance programs, with special emphasis on youth” (p. 104).
- Recreation Strategy 13-B – “Coordinate with DPS and community-based organizations to expand recreation opportunities and after-school programs throughout the city” (p. 104).

The proposed OS-A zone district will ensure continued use for parks, open space, recreation, and related supporting uses.

Denver Parks and Recreation Game Plan (2003)

Game Plan is the strategic master plan for Denver Parks and Recreation and (like *Blueprint Denver*) is an adopted supplement to the Denver Comprehensive Plan. The request to rezone the property to the OS-A district is consistent with the *Game Plan’s* vision, policies and strategies, including:

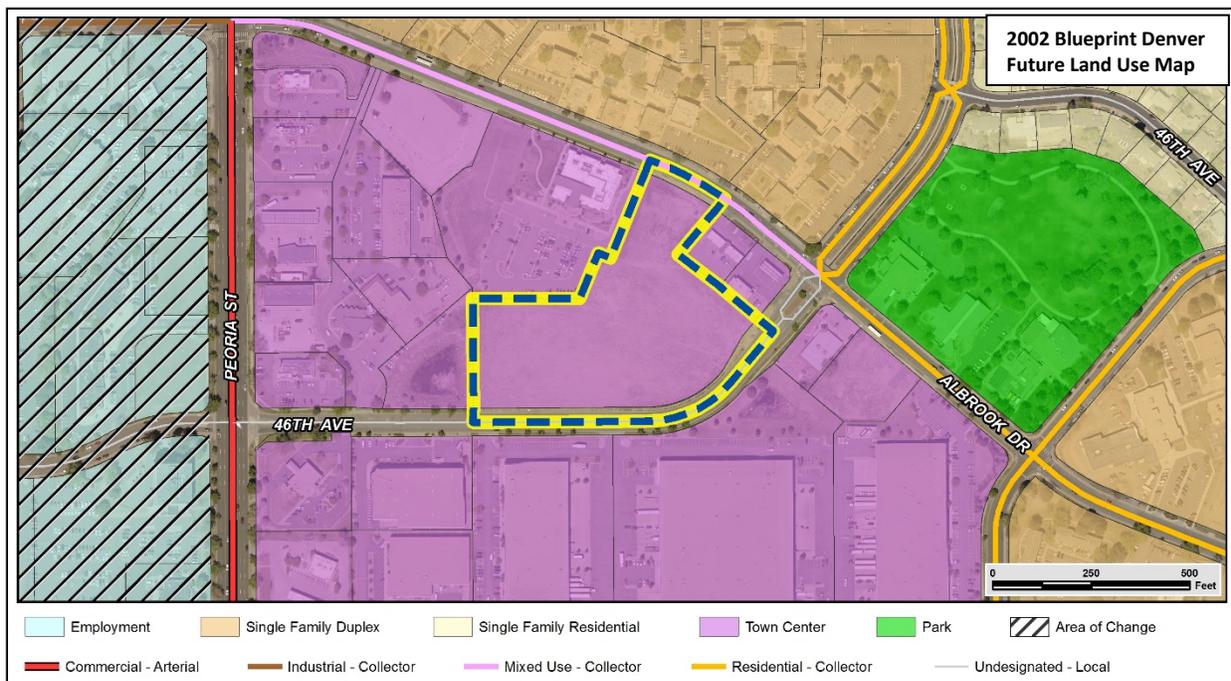
- “Safe, accessible and flexible open spaces located within ½ mile of every home” (p. 32). *The Game Plan* describes a number of amenities that could be in the city’s open spaces, which include passive recreation, learning landscapes, and natural open space with opportunities for wildlife.
- “Encourage a variety of public spaces so residents have choices” (p. 36).

- “Strengthen partnerships with nonprofits working to increase types and availability of open space” (p. 42).
- “Reach more people and create efficiencies through innovative partnerships with other recreation providers” (p. 48).
- “Increase Denver Parks and Recreation’s ability to provide more programs ‘outside the walls’ by strengthening existing programs, such as community recreation, outdoor recreation, special needs and service-based learning. Expanding recreation programs to park-based education, cultural and social programs” (p. 48).
- “Engage the public, increase stewardship and volunteerism, build partnerships that encourage advocacy and additional financial resources and respond to diverse community needs” (p. 104).

By rezoning the property to OS-A, there will be increased flexibility to support the nonprofit partnership with Environmental Learning for Kids (ELK), ELK’s education and community center, and the open space use on city owned property. The rezoning to OS-A is also consistent with the *Game Plan*.

Blueprint Denver (2002)

According to the 2002 Plan Map adopted in *Blueprint Denver*, this site has a concept land use of Town Center and is located in an Area of Stability.



Future Land Use

Blueprint Denver describes Town Centers as “similar to neighborhood centers but meet a larger variety of shopping, entertainment, service and employment needs and are large enough to serve several neighborhoods...Urban design features such as plazas, landscaping, small parks and civic features contribute to making these places focal points of community activity” (pg. 43). The subject property is part of the larger area all designated as a town center. The proposed map amendment supports the

Blueprint Denver Town Center concept land use designation by integrating a park with community center activity into the larger town center.

Area of Stability

As noted above, the 2002 Plan Map from *Blueprint Denver* designates the subject site and immediately surrounding area as an “Area of Stability.” In general, “the goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). In some cases, it may be appropriate to change the zoning in an Area of Stability to create a better match between existing land uses and the zoning (p. 124).

The proposed map amendment creates a better match between zoning and the existing city-owned park/open space land use. It is consistent with *Blueprint Denver’s* Area of Stability recommendations.

Street Classifications

Albrook Dr. is identified in *Blueprint Denver* as a Mixed Use – Collector street. Collectors are designed to provide a greater balance between mobility and land access within residential, commercial, and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings. Posted speed limits on collector streets generally range from 25 to 35 miles per hour. (p. 51).

E. 46th Avenue is identified in *Blueprint Denver* as an Undesignated-Local street. *Blueprint Denver* states “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). The educational and community center and open space park allowed by OS-A can be suitable along such streets, so the proposed rezoning is consistent with the *Blueprint Denver* street classification.

Small Area Plan: Montbello/Green Valley Ranch Neighborhood Plan (1991)

In 1991, Denver City Council adopted the *Montbello/Green Valley Ranch Neighborhood Plan*, which applies to the property. The plan provides limited guidance for the requested map amendment, but does contain policies supporting community services, parks and open space. The future land use map encourages rezoning the area to the B-4 zone district from the Former Chapter 59 zoning code. Recommendation LZM-1 states, “prohibit vehicle sales, adult businesses, billboards and uses inappropriate at this major entry point to the residential neighborhood. Encourage neighborhood serving retail shops and attractive landscaping along Albrook Dr. street frontage” (p. 8). The *Montbello/Green Valley Ranch Neighborhood Plan* does not specifically preclude park uses as part of a vibrant commercial area thus the proposed rezoning is consistent with the plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to OS-A 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 by furthering adopted plans and making the subject property consistent with the purpose of the OS-A zone district. OS-A zoning on the subject property will provide flexibility and better enable maintenance and enhancements for of the open space park and associated uses.

4. Justifying Circumstances

The rezoning is justified under DZC Section 12.4.10.8.A.4.a, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: Change or changing conditions in a particular area or in the city generally.” In December 2014, the property changed ownership as The Trust for Public Land transferred the property to the City and County of Denver. This change necessitated a rezoning to OS-A as this district is explicitly intended for open space and parks owned, operated, or leased by the City. Moreover, the construction of the Montbello Open Space Park is currently underway as the site development plan was approved under the S-MX-12 zone district.

Additionally, the demographics of the Montbello neighborhood have changed and continue to change, with an increasing youth population necessitating the need for additional parks. According to the most recent US Census data, the youth population of Montbello has increase by 18% between 2011 to 2016 as compared to the youth population of Denver overall increasing by 8% over that same period. The office of Childhood Affairs notes in their *2017 Status of Denver’s Children* report that between 36-42% of children ages 2-17 are overweight or obese, an overall increase since 2014’s report. Additional park land is required to combat the increase childhood obesity rates in Montbello.

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

Neighborhood Context Description

The requested 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 athletic fields, while passive areas focus on resource protection, trails, and walking. The proposed rezoning is consistent with the neighborhood context and description.

Zone District Purpose and Intent

The 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” (DZC 9.3.1, 9.3.2). The requested rezoning is consistent with the zone district purpose and intent because it will align the zoning with the city’s ownership of the property and its use as a public park.

Attachments

1. Application
2. Public Comment

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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. 12.4.10.8</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 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>
	<p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
<p>Please ensure the following required attachments are submitted with this application:</p>	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
<p>Please identify any additional attachments provided with this application:</p>	
<p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
<p>Please list any additional attachments:</p>	
<p> </p>	

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	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	Has the owner authorized a representative in writing? (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)	YES
Brad Buchanan, Executive Director, Community Planning and Development, City and County of Denver	201 W. Colfax Ave. Denver, CO 80202	100%	<i>Brad Buchanan</i>	<i>5-7-18</i>	A & B	yes

LEGAL DESCRIPTION

A part of Lot 7, Block 1, Koll Peoria Center Filing No. 1, being a subdivision situated in the Northwest Quarter of Section 24, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, according to the plat thereof recorded in the City and County of Denver Clerk and Recorder's Office at Reception Number 9900000721, more particularly described as follows:

Commencing at a range point in Albrook Drive, being on a 20 foot range line, as monumented by a recovered 3-1/4" aluminum cap in a range box, stamped, "PLS 37993", whence a range point in said Albrook Drive, Being on a 20 foot range line and a point of curvature, as monumented by a recovered #8 rebar in a range box, bears S68°00'00"E, a distance of 414.81 feet, forming the basis of bearing used in this description with all bearings being relative thereto:

Thence departing and perpendicular to said 20 foot range line, S22°00'00"W, a distance of 50.00 feet to a point on the southerly right-of-way line of Albrook Drive, said point also being the most northerly boundary corner of said Lot 7;

Thence along said southerly right-of-way line, also being the northerly boundary of said Lot 7, being 50.00 feet southwesterly of and parallel with said 20 foot range line, the following two courses:

- 1) S68°00'00"E, a distance of 414.81 feet to a point of curvature;
- 2) Along a tangent curve to the right having a central angle of 00°31'43", a radius of 965.00 feet and an arc length of 8.90 feet to the Point of Beginning;

Thence continuing along the last described course being a tangent curve to the right having a central angle of 11°34'03", a radius of 965.00 feet and an arc length of 194.83 feet to the northeast boundary corner of said Lot 7;

Thence departing said southerly right-of-way line and along the exterior boundary of said Lot 7 the following eight courses:

- 1) S40°30'09"W, a distance of 150.00 feet;
- 2) S52°05'31"E, a distance of 133.14 feet;
- 3) S49°30'02"E, a distance of 125.00 feet;
- 4) S40°29'58"W, a distance of 60.00 feet;
- 5) S29°59'56"W, a distance of 98.77 feet;
- 6) S40°29'58"W, a distance of 9.00 feet to a point of curvature;
- 7) Along a tangent curve to the right having a central angle of 49°30'00", a radius of 245.00 feet and an arc length of 211.66 feet;
- 8) S90°00'00"W, a distance of 441.91 feet to the southwest boundary corner of said Lot 7;

Thence along a westerly boundary line of said Lot 7, N00°00'00"E, a distance of 275.67 feet;

Thence departing and perpendicular to the last described course, S90°00'00"E, a distance of 283.86 feet;

Thence N22°00'00"E, a distance of 124.39 feet;

Thence perpendicular to the last described course, S68°00'00"E, a distance of 33.70 feet;

Thence perpendicular to the last described course, N22°00'00"E, a distance of 231.67 feet to the Point of Beginning,

City and County of Denver,
State of Colorado.



12/16/2014 03:07 PM
City & County of Denver
Electronically Recorded

R \$21.00

WD

D \$0.00

PROPERTY DEED
(Special Warranty Deed)

The TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation authorized to do business in Colorado, with an address of 1410 Grant Street, #D210, Denver, Colorado 80203-1846 ("Grantor"), for the consideration of One Million One Hundred Thirteen Thousand Dollars (\$1,113,000.00), and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, sells and conveys to the CITY AND COUNTY OF DENVER, a Colorado municipal corporation whose address is 1437 Bannock Street, Room 350, Denver, Colorado 80202 ("Grantee"), the following real property in the City and County of Denver, State of Colorado, to wit:

A part of Lot 7, Block 1, Koll Peoria Center Filing No. 1, being a subdivision situated in the Northwest Quarter of Section 24, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, according to the plat thereof recorded in the City and County of Denver Clerk and Recorder's Office at Reception Number 9900000721, more particularly described as follows:

Commencing at a range point in Albrook Drive, being on a 20 foot range line, as monumented by a recovered 3-1/4" aluminum cap in a range box, stamped, "PLS 37993", whence a range point in said Albrook Drive, Being on a 20 foot range line and a point of curvature, as monumented by a recovered #8 rebar in a range box, bears S68°00'00"E, a distance of 414.81 feet, forming the basis of bearing used in this description with all bearings being relative thereto:

Thence departing and perpendicular to said 20 foot range line, S22°00'00"W, a distance of 50.00 feet to a point on the southerly right-of-way line of Albrook Drive, said point also being the most northerly boundary corner of said Lot 7; Thence along said southerly right-of-way line, also being the northerly boundary of said Lot 7, being 50.00 feet southwesterly of and parallel with said 20 foot range line, the following two courses:

- 1) S68°00'00"E, a distance of 414.81 feet to a point of curvature;
- 2) Along a tangent curve to the right having a central angle of 00°31'43", a radius of 965.00 feet and an arc length of 8.90 feet to the Point of Beginning; Thence continuing along the last described course being a tangent curve to the right having a central angle of 11°34'03", a radius of 965.00 feet and an arc length of 194.83 feet to the northeast boundary corner of said Lot 7;

Thence departing said southerly right-of-way line and along the exterior boundary of said Lot 7 the following eight courses:

- 1) S40°30'09"W, a distance of 150.00 feet;
 - 2) S52°05'31"E, a distance of 133.14 feet;
 - 3) S49°30'02"E, a distance of 125.00 feet;
 - 4) S40°29'58"W, a distance of 60.00 feet;
 - 5) S29°59'56"W, a distance of 98.77 feet;
 - 6) S40°29'58"W, a distance of 9.00 feet to a point of curvature;
 - 7) Along a tangent curve to the right having a central angle of 49°30'00", a radius of 245.00 feet and an arc length of 211.66 feet;
 - 8) S90°00'00"W, a distance of 441.91 feet to the southwest boundary corner of said Lot 7;
- Thence along a westerly boundary line of said Lot 7, N00°00'00"E, a distance of 275.67 feet;
 Thence departing and perpendicular to the last described course, S90°00'00"E, a distance of 283.86 feet;
 Thence N22°00'00"E, a distance of 124.39 feet;
 Thence perpendicular to the last described course, S68°00'00"E, a distance of 33.70 feet;
 Thence perpendicular to the last described course, N22°00'00"E, a distance of 231.67 feet to the Point of Beginning,

City and County of Denver,
State of Colorado (referred to herein below as the "Property").

558398-3

No Documentary Fee
per C.R.S. 39-13-104(b)

EXHIBIT 1
TO SPECIAL WARRANTY DEED
(Title Encumbrances)

1. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded October 6, 1866 in Book 274 at Page 100.
2. Covenants, conditions, restrictions and provisions as set forth in Declaration of Restrictive Covenant recorded March 21, 1984 in Book 3049 at Page 518, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin, and any and all amendments, assignments or annexations thereto.
3. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Indemnity Agreement recorded October 29, 1998 at Reception No. 9800181257.
4. Easement, notes, covenant, restrictions and rights-of-way as shown on the plat of Koll Peoria Center Filing No. 1, recorded January 4, 1999 at Reception No. 9900000721.
5. Terms, conditions, provisions, obligations and agreements as set forth in the Detention Pond Covenant and Permit recorded February 19, 1999 at Reception No. 9900029989.
6. An easement for utility lines and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded March 26, 1999 at Reception No. 9900054701.
7. Terms, conditions and provisions set forth in Denver Assessor's Parcel Reconfiguration Form recorded December 17, 2009 at Reception No. 2009162834.
8. Terms, conditions, provisions, obligations and agreements as set forth in the Grant of Easement and Right of Use Agreement recorded December 17, 2009 at Reception No. 2009162836.
9. Terms, conditions, provisions, obligations and agreements as set forth in the Storm Water and Detention Facility Easement recorded December 17, 2009 at Reception No. 2009162837.
10. Terms, conditions, provisions, obligations and agreements as set forth in the Drainage Facilities Management and Access Easement recorded December 17, 2009 at Reception No. 2009162838.
11. Any rights, interests, or claims which may exist or arise by reason of the following facts show on the ALTA/ACSM Land Title Survey dated October 23, 2012 and last revised November 4, 2013, prepared by Flatirons, Inc., as Job Number 12-60,482:
 - a. Dirt footpaths

May 7, 2018

Dear CPD Executive Director:

I am writing to request the initiation of an official map amendment on the behalf of Parks and Recreation to rezone 12680 E. Albrook Drive from S-MX-12 to OS-A district.

The property was acquired by the City and County of Denver in 2014 from The Trust for Public Land with the intent for a future open space park and education/community center for and leased by the Environmental Learning for Kids (ELK) nonprofit organization. Construction for this future use is already occurring under the current S-MX-12 zoning.

As you know, the Montbello community faces many barriers including high rates of poverty and unemployment, low graduation rates and limited access to support services and open space. This site will provide essential assets for STEM education, environmental health and stewardship, public health, workforce readiness and career opportunities in environmental sciences. Denver Parks and Recreation is partnering with ELK in support of park purposes. Moreover, this partnership project will create space to house ELK's programs and operations, as well as provide a community center and a natural open space that is accessible and free to the public and activated by youth programming furthering DPR's goals as stated in the *Game Plan*.

Please contact Mark Tabor at mark.tabor@denvergov.org if there are any questions or additional clarification is required. He will be your point of contact regarding this request. If he becomes unavailable, at that time I will designate another individual as a point-of-contact for this map amendment request.

Sincerely,

Allegra "Happy" Haynes

Executive Director, Denver Parks and Recreation

CC: Scott Gilmore

Gordon Robertson

Mark Tabor

Review Criteria Analysis

1. Consistency with Adopted Plans

The following adopted plans apply to the map amendment request located at 12680 E. Albrook Drive:

- *Denver Comprehensive Plan (2000)*
- *The Game Plan (2003)*
- *Blueprint Denver (2002)*
- *Montbello/Green Valley Ranch Neighborhood Plan (1991)*

Denver Comprehensive Plan (2000)

This request is consistent with several *Denver Comprehensive Plan* strategies. As the subject property is now city owned, OS-A zone district will ensure their continued use for parks, recreation, and related uses. Relevant strategies from the *Denver Comprehensive Plan* include:

- Environmental Sustainability Strategy 2-G – “Preserve and restore, wherever possible, natural habitat for wildlife and plants native to the region” (p. 40).
- Environmental Sustainability Strategy 4-B – “Respect, conserve and expand wildlife habitat, watersheds, open space and other natural resources” (p. 41).
- “Preserve and enhance Denver’s livable urban environment through development and maintenance of parks” (p. 55).
- Denver’s Legacies Strategy 9-B – “Integrate sufficient open space and recreational amenities into large-scale development plans” (p. 102).
- Environmental Stewardship Strategy 12-B – “Continue to encourage residents’ sense of stewardship for their parks through environmental education and volunteer maintenance programs, with special emphasis on youth” (p. 104).
- Recreation Strategy 13-B – “Coordinate with DPS and community-based organizations to expand recreation opportunities and after-school programs throughout the city” (p. 104).

The Game Plan (2003)

The Game Plan is the strategic master plan for Denver Parks and Recreation and is an adopted supplement to the Denver Comprehensive Plan. The request to rezone the property to the OS-A district is consistent with *The Game Plan*’s vision, policies and strategies, including:

- “Safe, accessible and flexible open spaces located within ½ mile of every home” (p. 32). *The Game Plan* describes a number of amenities that could be in the city’s open spaces, which include passive recreation, learning landscapes, natural open space with opportunities for wildlife.
- “Encourage a variety of public spaces so residents have choices” (p. 36).
- “Strengthen partnerships with nonprofits working to increase types and availability of open space” (p. 42).
- “Reach more people and create efficiencies through innovative partnerships with other recreation providers” (p. 48).

- “Increase Denver Parks and Recreation’s ability to provide more programs “outside the walls” by strengthening existing programs, such as community recreation, outdoor recreation, special needs and service-based learning. Expanding recreation programs to park-based education, cultural and social programs” (p. 48).
- “Engage the public, increase stewardship and volunteerism, build partnerships that encourage advocacy and additional financial resources and respond to diverse community needs” (p. 104).

By rezoning to OS-A, the subject property will have the flexibility to support the nonprofit partnership with Environmental Learning for Kids (ELK), ELK’s education and community center as well as the open space use on city owned property and consistently support *The Game Plan’s* vision, policies, recommendations and strategies.

Blueprint Denver (2002)

According to *Blueprint Denver*, the subject property has a concept land use of Town Center and is located within an Area of Stability.

Future Land Use

Blueprint Denver describes Town Centers as “similar to neighborhood centers but meet a larger variety of shopping, entertainment, service and employment needs and are large enough to serve several neighborhoods...Urban design features such as plazas, landscaping, small parks and civic features contribute to making these places focal points of community activity” (pg. 43). The subject property is part of the larger area all designated as a town center. The proposed map amendment supports the *Blueprint Denver* Town Center concept land use designation by integrating a park with community center activity into the larger town center.

Area of Stability

The subject property is in an Area of Stability. The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment. In some cases, it may be appropriate to change the zoning in an Area of Stability to create a better match between existing land uses and the zoning (pp. 124). The map amendment application is consistent with the *Blueprint Denver* Area of Stability strategies because it will create a better match between the existing city-owned park and open space land use and the zoning, whereas the current S-MX-12 zoning on the subject property is inconsistent with current conditions relative to ownership.

Street Classifications

E. Albrook Drive is identified in *Blueprint Denver* as a Mixed Use – Collector street. Collectors are designed to provide a greater balance between mobility and land access within residential, commercial, and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings. Posted speed limits on collector streets generally range from 25 to 35 miles per hour. (p. 51).

E. 46th Avenue is identified in *Blueprint Denver* as an Undesignated-Local street. *Blueprint Denver* states “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at

lower speeds to and from other streets” (p. 51). The educational and community center and open space park allowed by OS-A can be suitable along such streets, so the proposed rezoning is consistent with the Blueprint Denver street classification. Moreover, the education and community center as well as the park is already under construction under the S-MX-12 zone district. The proposed map amendment to OS-A will not result in any additional impacts over and above what is already allowed by to any adjacent streets.

Montbello/Green Valley Ranch Neighborhood Plan (1991)

In 1991 Denver City Council adopted the *Montbello/Green Valley Ranch Neighborhood Plan* which still applies to the subject property. The plan provides limited guidance for the requested map amendment, but does contain policies supporting community services, parks and open space. The future land use map encourages rezoning the area to B-4. Recommendation LZM-1 states, “prohibit vehicle sales, adult businesses. Billboards and uses inappropriate at this major entry point to the residential neighborhood. Encourage neighborhood serving retail shops and attractive landscaping along Albrook Drive street frontage” (p. 8). The *Montbello/Green Valley Ranch Neighborhood Plan* does not specifically preclude park uses as part of a vibrant commercial area and rezoning to OS-A will ensure attractive landscaping along Albrook Drive. The rezoning to OS-A is not inconsistent with this plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to OS-A will result in the uniform application of zone district building form, use, and design regulations and make the subject property consistent with the purpose of the OS-A zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by furthering adopted plans and making the subject properties consistent with the purpose of the OS-A zone district. OS-A zoning on the subject property will provide flexibility and better enable maintenance and enhancements for of the open space park and associated uses than the S-MX-12 zone district does with the transfer of ownership to the City.

4. Justifying Circumstances

The rezoning is justified under DZC Section 12.4.10.8.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 changed condition is that in December 2014, the City acquired the subject property from The Trust for Public Land and construction for the open space park and education/community center is underway. The OS-A zone district requested is explicitly intended for open space and parks owned, operated, or leased by the City and managed by the City’s Department of Parks and Recreation.

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

The requested 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 athletic fields, while passive areas focus on resource protection, trails, walking. Within this context, the 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 (DZC 9.3.1, 9.3.2). The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent because the requested zoning will make the property consistent with existing city ownership of, and current plans underway for, the subject property which will include continued operation for various parks and open space uses for park purposes.

Montbello 20/20



Vision ~ Montbello is a premier, relationship driven community that takes pride in its beauty, and values education, safety, diversity and inclusiveness.

August 13, 2018

Denver City Council
1437 Bannock St. Rm. 451
Denver, CO 80202

Dear City Council,

The Montbello 20/20 registered neighborhood association is writing to you to provide an important letter of support for the rezoning of 12680 E. Albrook Drive in Montbello. The Open Space will provide a much needed space for educational support services for the area's students and their families, including tutoring, mentoring, leadership development, along with science, technology, engineering and math (STEM) education. The opportunity to have a one-stop location for educational support services in the community will create the needed infrastructure to help families within the Montbello community and the surrounding areas.

Montbello 20/20 is committing resources needed in the form of volunteers (15-20), monthly electronic newsletter section for the project in the Montbello 20/20 newsletter, and agenda time at our neighborhood meetings. This project is much needed in the far northeast communities of Denver, Adams, and Arapahoe counties. Residents deserve to know about ways they can improve our community's health, education level, and career options. Montbello 20/20 was formed by Mayor Hancock when he was our Councilperson and he continues to be highly supportive of the organization.

I hope that you will support this grant proposal, the work that ELK and their project will do for the community will last for many generations. Thank you in advance for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Ann White".

Ann White
Co-Chair
Montbello 20/20

Timeline and Update of the Montbello Open Space partnership and acquisition:

1. In 2006, when Mayor Hancock was the District 11 Councilperson he envisioned returning a vacant piece of land in his district to its native prairie state and providing it to the citizens of Montbello who had been negatively impacted by the hazards of the Rocky Mountain Arsenal. Environmental Learning for Kids (ELK) shared in that vision and since has been leading and working on this project because it directly supports ELK’s mission as well.
2. ELK and partner, The Trust for Public Land (TPL) secured \$1.125 million dollars to purchase the 5.5 acres of land in the Montbello community. The land and any improvements, i.e., open space restoration and education center will be assets of the City and County of Denver.

Piton Foundation	\$ 150,000
Gates Family Foundation	\$ 125,000
Trust for Public Land	\$ 330,000
Great Outdoors Colorado	\$ 350,000
<u>Denver Parks and Recreation</u>	<u>\$ 170,000</u>
TOTAL	\$1,125,000

3. ELK and TPL, in partnership worked closely for over two years from December 2012 to December 2014 with the Denver City Attorney’s Office and ELK’s legal representation, Brownstein Hyatt Farber and Schreck (Nicole Ament and Caitlin Quander) to ensure this project and the subsequent land lease was properly completed.
4. ELK, Executive Director Stacie Gilmore, partner Justin Spring from The Trust for Public Land and Mr. Gordon Robertson from Denver Parks and Recreation presented this project: Montbello Open Space and Trailhead to the Refuge to the Parks and Recreation Advisory Board (PRAB) on November 14, 2013.
5. The project was presented to the Culture and Infrastructure Committee on October 22, 2014. City Council members present were Judy Montero, Susan Shepherd, Charlie Brown, Paul Lopez, Robin Kniech, and Peggy Lehman.
6. City Council First Reading was on November 3, 2014, Stacie Gilmore was in attendance to answer any questions should they come up; and the City Council Second Reading was on November 10, 2014, and again Stacie Gilmore was in attendance to answer any questions.
7. The conveyance of the 5.5 acres from The Trust for Public Land to the City and County of Denver was in December 2014, and that same month the Mayor signed the land lease for ELK to develop and restore the 5.5 acres of land.

Update: As of January 2018, in partnership ELK has secured \$2,666,748 in matching funds for this project, with all improvements becoming assets of the City and County of Denver.

Open Space Restoration	\$1,409,820
<u>Education & Community Center</u>	<u>\$1,253,928</u>
TOTAL	\$2,666,748



DENVER
PUBLIC
LIBRARY

10 W 14TH AVENUE PARKWAY T 720 865 1111
DENVER, COLORADO
80204-2731

DENVER
LIBRARY
.ORG

August 23, 2018

Denver City Council
1437 Bannock St. Rm. 451
Denver, CO 80202

Dear City Council,

I am writing to provide my support for rezoning 12680 E. Albrook Drive, Denver CO 80239 for the Montbello Open Space Park. This restoration project has restored 4.5 acres of open space, and will create environmental conservation, and stewardship opportunities in the Montbello community.

The Denver Public Library – Montbello Branch is a neighbor of the Montbello Open Space Park and is much looking forward to the park opening and activating the open space with daily programming. Together, we are focused on priorities that help to ensure our communities are highly desirable places for everyone to live, work and do business. In order to most successfully achieve our mission, we are dedicated to partnering with and supporting upstanding community non-profits and organizations such as ELK to allow them the necessary capacity to provide youth and communities with much needed supportive services and opportunities.

ELK is an inclusive organization that develops inspired and motivated leaders in our communities by further increasing understanding and awareness in conservation, and outdoor experiences for underserved culturally diverse youth and their families. Through this project, ELK will continue to educate, inspire, and empower the next generation of environmental stewards and community leaders.

I appreciate your consideration and urge you to proceed with final approvals of rezoning the parcel of land.

Sincerely,

Larry Maynard
Senior Librarian
Denver Public Library – Montbello Branch

August 13, 2018

Denver City Council
1437 Bannock St. Rm. 451
Denver, CO 80202

Dear City Council,

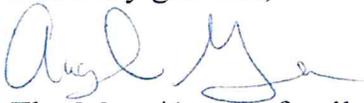
I am writing today to express my support for rezoning the Albrook property in Montbello for an Open Space Park. There are so many wonderful things that ELK provides to the greater Denver community and my family and I have been fortunate enough to participate in the many opportunities that ELK has put on over the years.

The Open Space will increase their capacity to deliver science and natural resource programs to not only my family but to the public, community groups, and schools. The Montbello Open Space Park will provide my family with healthy outdoor activities, career development skills, and enrichment opportunities.

ELK has allowed my family and I to have experiences that as a single mother of four I would otherwise not be able to provide. ELK has greatly impacted my children's life by allowing them to experience the outdoors while meeting new friends and gaining invaluable leadership and life skills. We have all developed new friendships that will stand the test of time and have had great fellowship with others in the community that share our same situation. ELK has also helped two of my children who are interested in Math and Engineering to get involved with a pre collegiate class focusing on these skills.

Being able to relate to those involved with ELK while also experiencing new outdoor adventures is something my family and I will forever be thankful for. ELK has provided us with experience, fellowship, and most importantly the opportunity for us to bond and grow as a family. It is with highest regard that I support ELK and their mission.

Eternally grateful,

A handwritten signature in blue ink, appearing to read "Angel Meza". The signature is fluid and cursive, with a large initial "A" and "M".

The Meza/Amaro family.



BOYS & GIRLS CLUB
OF METRO DENVER

August 13, 2018

Denver City Council
1437 Bannock St. Rm. 451
Denver, CO 80202

Dear City Council,

It is my pleasure to provide this letter to Environmental Learning for Kids (ELK) with support and collaboration for the rezoning of 12680 E. Albrook Drive, Denver CO 80239, in the Montbello community in Far Northeast Denver. We need more open space that will provide much needed walking areas and wildlife viewing opportunities for the community.

Boys & Girls Club
Denver Broncos
Branch
4397 Crown Boulevard
Denver, CO 80239
Tel 303-373-1900
www.bgcmd.org

As the Branch Director of Denver Broncos Boys & Girls Club in Montbello, our children do not get enough opportunities to experience outdoor education. I believe if we want to raise test scores, graduate more students, then we need to support the goals of the ELK programs and their vision for an open space.

The ELK program has supported the Boys & Girls club for nine years, helping teach our youth how to fish, aquatic ecology, and environmental education. The ELK staff is wonderful and they are so dedicated to making sure we have great educational opportunities to our community. We are committed to working with ELK for this reason and expanding the community outreach to educate and empower youth and their families to become users and stewards to the environment. Please consider rezoning the Albrook property as it will be an important asset to the community.

Sincerely,

Rich Barrows, Branch Director
Denver Broncos Boys & Girls Club