



**TO:** Denver City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** January 31, 2019  
**RE:** Official Map Amendment #2018I-00087  
Rezoning from M-IMX-8 to CMP-H

### Staff Report and Recommendation

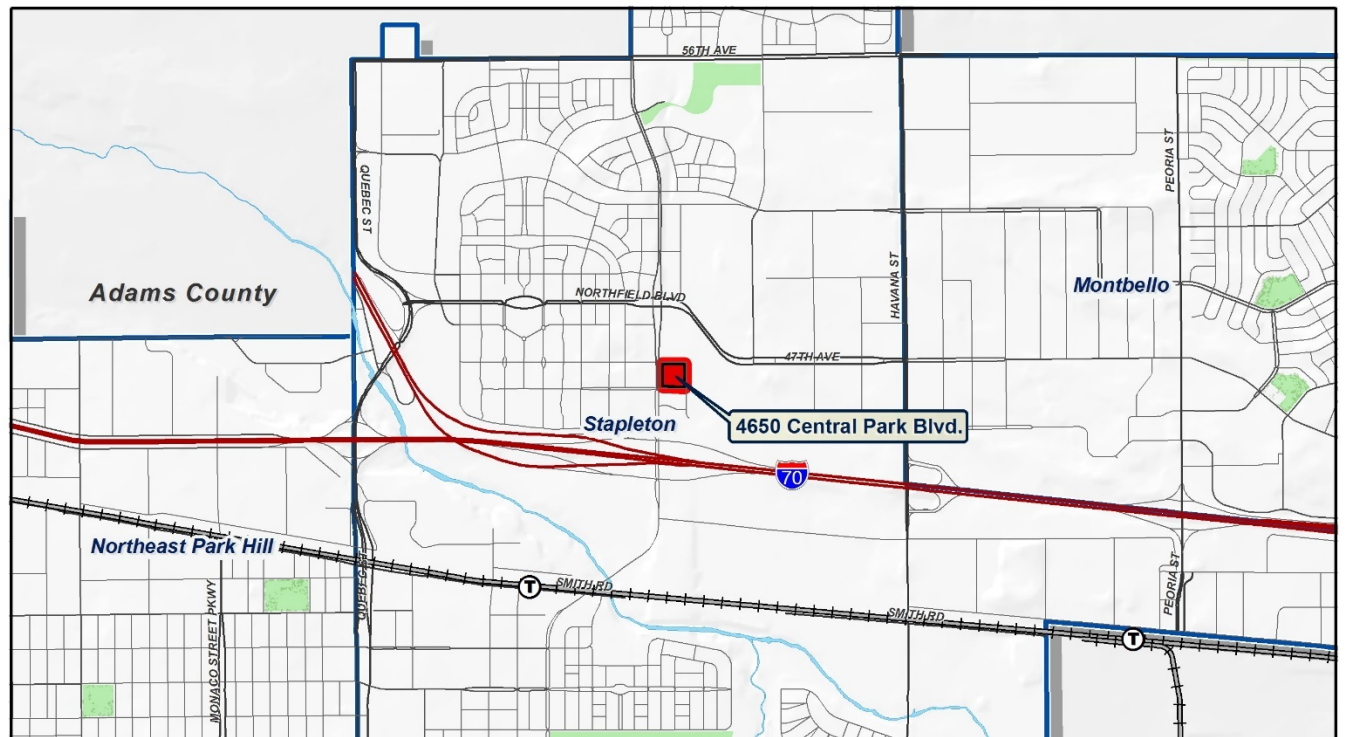
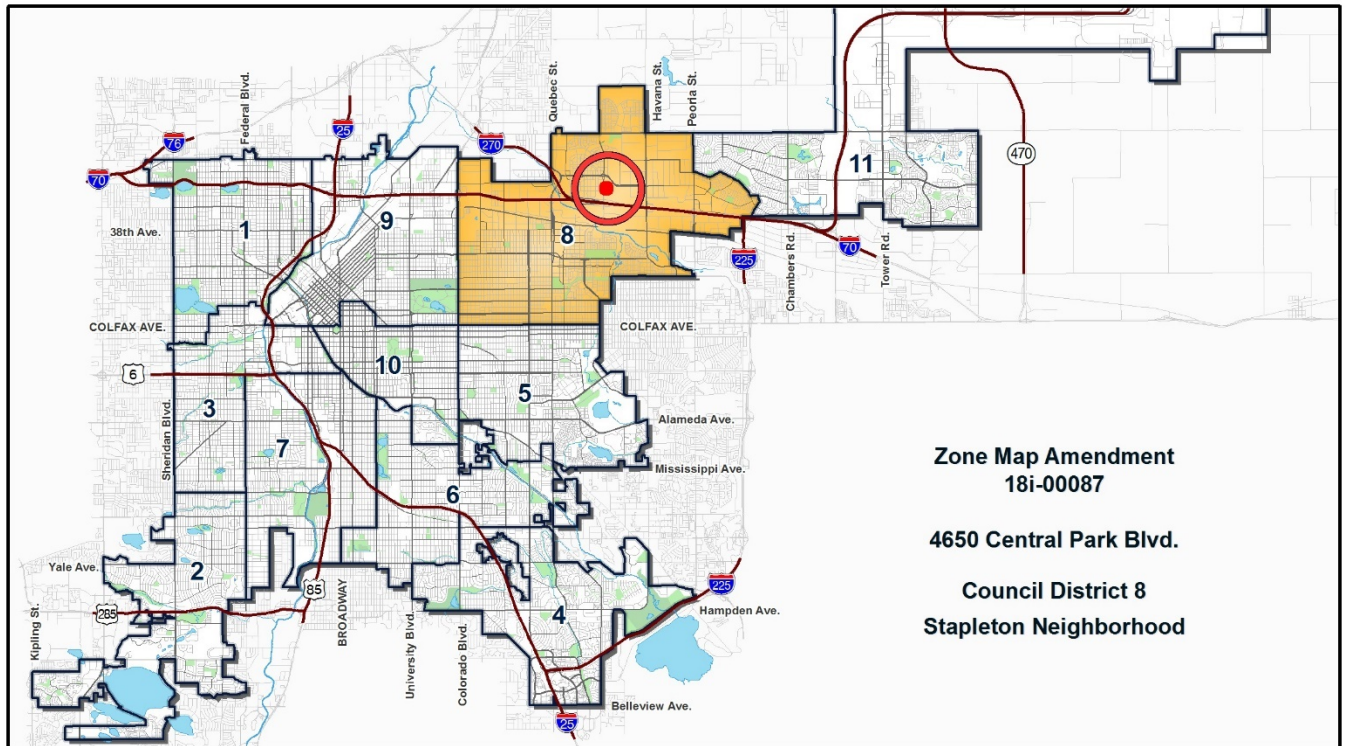
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2018I-00087.

### Request for Rezoning

Address:	4650 and 4698 Central Park Boulevard
Neighborhood/Council District:	Stapleton Statistical Neighborhood / City Council District 8
RNOs:	Stapleton Master Community Association; Stapleton United Neighbors; Montebello 20/20; Opportunity Corridor Coalition of United Residents; United North Metro Denver; Inter-Neighborhood Cooperation (INC)
Area of Property:	183,361 SF, 4.2 acres
Current Zoning:	M-IMX-8
Proposed Zoning:	CMP-H
Property Owner(s):	Forest City Stapleton II, LLC
Owner Representative:	Jeffery Jones, America Development and Investment, Ltd.

### Summary of Rezoning Request

- The subject property is vacant and is located at the northeast corner of Central Park Boulevard and East 46<sup>th</sup> Place. Surrounding properties on the north and east of the subject property are also vacant. South of the subject property is an approved site plan for a 12 story office building and west of the property is a 4 story hotel.
- The applicant proposes to rezone the property for redevelopment into an inpatient rehabilitation hospital, a land use not allowed in the current zone district.
- The proposed CMP-H zone district stands for **Campus- Healthcare**, within the Campus Context, a non-residential zone district with a 200 feet height limit. The Campus Context is intended for midsize to large medical, institutional, educational or entertainment sites. The CMP-H zone district is intended to promote the maintenance and concentration of existing and proposed healthcare facilities. In this district the General primary building form is the only allowed form. The context allows flexible placement of buildings and a unified treatment of site elements like signage, landscaping and open space. Buildings may be oriented either to a street, or 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

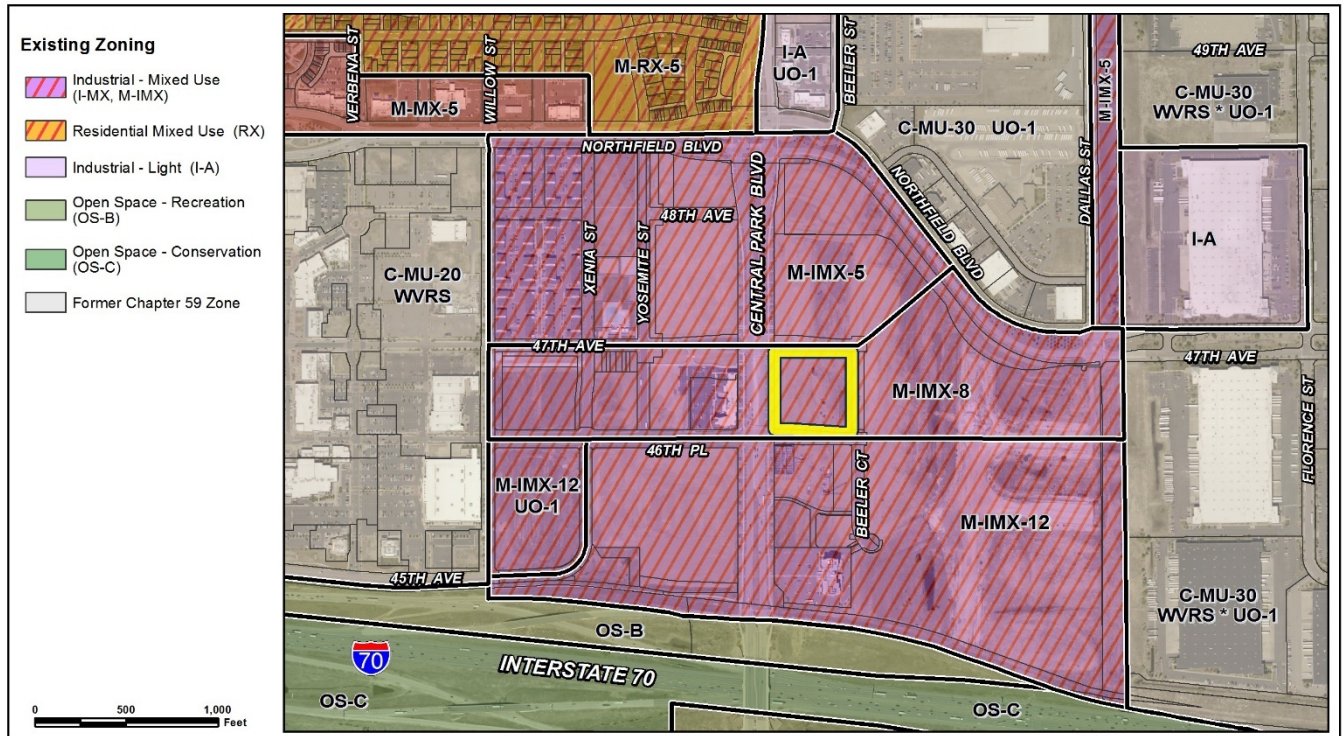
The subject property is in north Stapleton, a block north of Interstate 70, 2 blocks southeast of Runway 35 Park and pool, and 6 blocks east of the Northfield Stapleton shopping area. The property is ten blocks south of Northfield High School.

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-IMX-8	Vacant	N/A	Existing oversized lots and blocks with no alleys. Mix of detached sidewalks and no sidewalks.
North	M-IMX-5	Vacant	N/A	
South	M-IMX-12	Office	3-story General Building Form	
East	M-IMX-8	Vacant	N/A	
West	M-IMX-8	Hotel/Commercial	4-story General Building Form	



## Existing Zoning

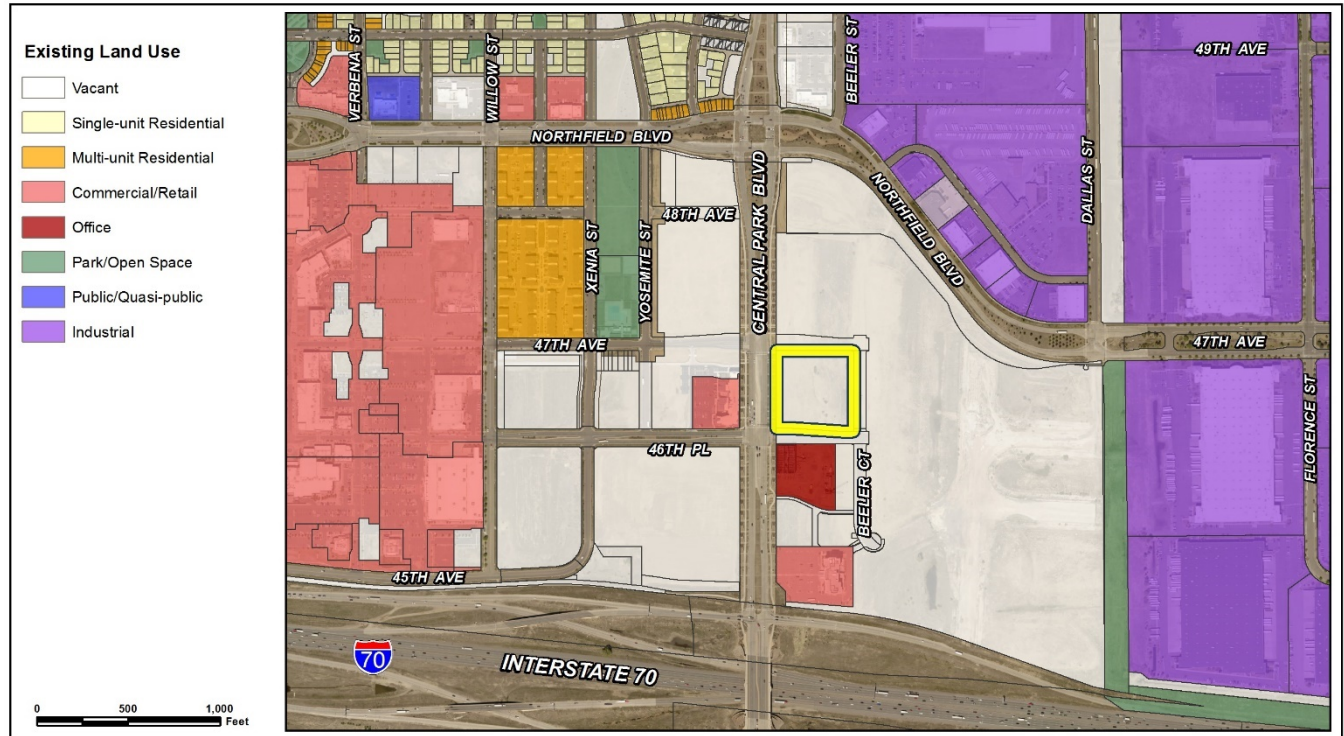


Existing Zoning

The existing zoning of the subject property is M-IMX-8, or **M**aster Planned Context, **I**ndustrial **M**ixed Use, with an **8**-story height limit. The M-IMX-8 district allows a variety of industrial, commercial, civic and residential land uses in the Row House, Apartment, General and Industrial primary building forms. The allowed scale of Row House structures is 5-stories, or a maximum height of 70 feet. For Apartment and General building forms the allowed height is 8-stories, or 100 feet, and for Industrial building forms the allowed height is 8-stories, or 110 feet. For additional details of the M-IMX-8 zone district, see Article 9 of the Denver Zoning Code.

## 1. Existing Land Use Map

Existing



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:

**Assessor:** No comments received.

**Asset Management:** Approved -No Comments

**Denver Public Schools:** No comments received.

**Development Services – Fire Prevention:** No comments received.

**Development Services – Project Coordination:** Approve Rezoning Only - Will require additional information at Site Plan Review.

**Development Services –Transportation:** No comments received.

**Development Services – Wastewater:** No comments received.

**Parks & Recreation:** No comments received.

**Public Health and Environment:** - Approved, see comments below. Notes. Notes. The Denver Department of Public Health and Environment (DDPHE) concurs with the rezoning request. However, DDPHE is aware of an area of environmental significance. Artificial fill may exist under a portion of the site. This fill, if encountered and deemed unsuitable for reuse, should be handled following an approved materials management plan.

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.

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.

**Public Works – City Surveyor:** Approved – See comments below. The legal Description is approved, BUT the address assigned to this property was a Temporary Address issued 9/18/2017 which was before the Subdivision Plat was recorded. A permanent address must be obtained from our Addressing Team on the 5th floor of the Webb Building, now that the Plat has been recorded.

### Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations and property owners within 200 feet:	<b>08/24/18</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, registered neighborhood organizations and property owners within 200 feet:	<b>11/19/18</b>
Planning Board public hearing and unanimous (9-0) recommendation of approval:	<b>12/05/18</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>12/04/18</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>12/18/18</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>01/13/19</b>
City Council Public Hearing:	<b>02/04/19</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).
- **Legacies Strategy 3-A – “*Identify areas in which increased density and new uses are desirable and can be accommodated*”** (p. 99).
- **Neighborhoods Strategy 1-F – “*Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility*”** (p. 150).
- **Neighborhoods Objective 7 – “*Plan for community facilities and strive for fair distribution, sensitive siting and quality design to minimize their impact on neighborhoods*”** (p. 156).

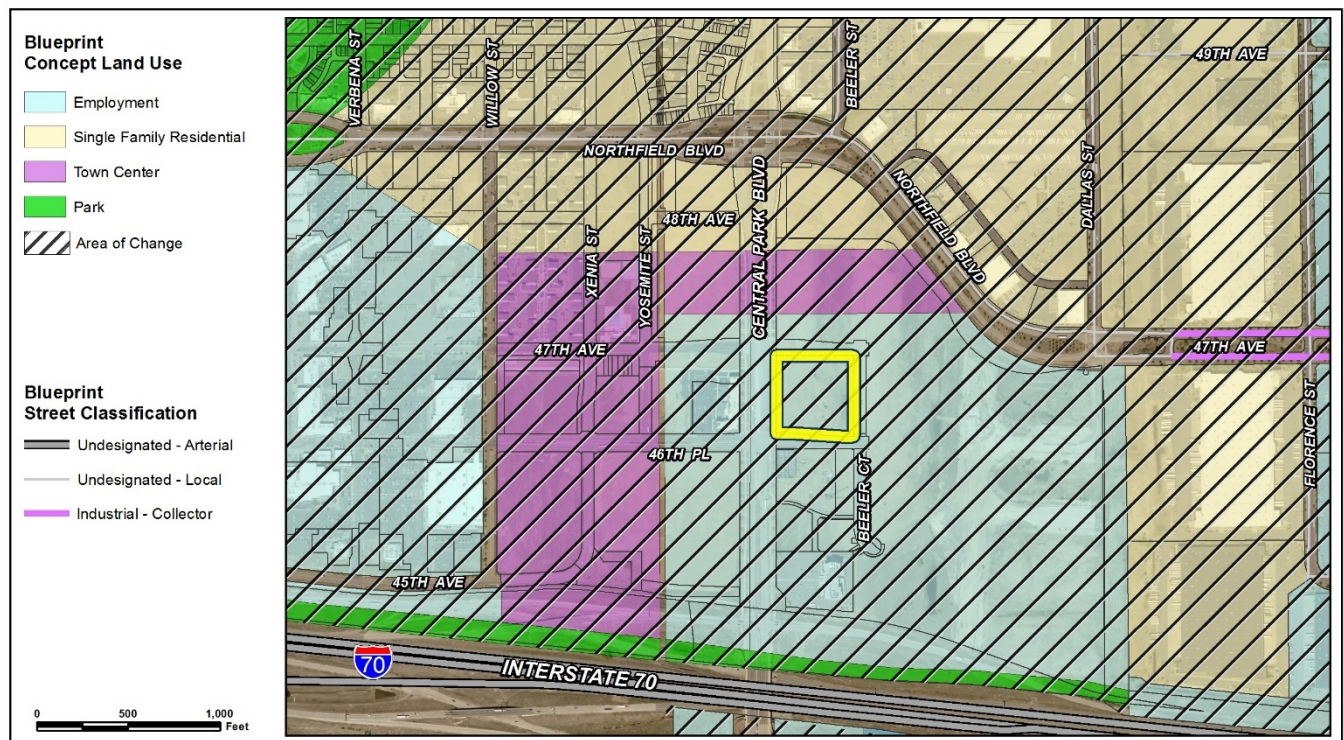
The proposed map amendment will contribute to the development of an inpatient medical rehabilitation hospital in the Northfield area of the former Stapleton Airport. The proposed medical land use contribute to the needed mixture of land uses in the new development. The proposed CMP-H zone district allows a variety of multi-unit residential, institutional and civic, and associated commercial lands uses. The rezoning is consistent with these Plan recommendations of sustainable development, quality infill development with a variety of amenities, allowing for necessary community facilities and siting such facilities to minimize impacts to neighborhoods.

## Blueprint Denver (2002)

The Blueprint Denver future land use designation for the subject property is Employment and the property is in an Area of Change.

## Future Land Use

Blueprint Denver describes Employment as “*Employment areas contain office, warehouse, light manufacturing and high tech uses such as clean manufacturing and information technology... These areas are distinguished from mixed-use centers in that they have a few residences and typically have more extensive commercial and some industrial activity... Employment areas require access to major arterials or interstates... Examples of employment districts include the Denver Tech Center and portions of Stapleton and Lowry.*” (p. 39). On the Blueprint Denver Map the location of the subject property is north of Interstate 70 and on Central Park Boulevard, an arterial street. The subject property is directly west of existing industrial land uses and east of commercial land uses. The proposed CMP-H zone district conforms to the Blueprint Denver Employment land use concept because the zone district will allow a mix of multi-unit residential and institutional land uses with complementary commercial and civic land uses to serve the new Stapleton 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
- Mixed land uses – retail and employment near residential neighborhoods
- Diversity of housing type, size and cost
- Multi-modal streets
- Street grid/connectivity
- Adequate parks and open spaces

The rezoning of the subject property will enable the continued redevelopment of the former Stapleton Airport with a new medical service use to serve the neighborhood and create jobs. The subject property has an Employment land use concept and Area of Change designation on the Blueprint Map. The CMP-H zone district will allow the property to be used in a non-residential mixed-use manner compatible with earlier Stapleton development in the Northfield area. Staff believes that the CMP-H zone conforms to the long-established Stapleton land use concept of a broad mix of residential, commercial and institutional land uses to build a complete community.

### **Street Classifications**

The Blueprint Denver future street classifications do not identify the street types of any of the streets surrounding the subject property. However, the Stapleton Redevelopment General Development Plan – North Area identifies both 47<sup>th</sup> Avenue and Central Park Boulevard as arterial streets. The requested campus zone district is appropriate along arterial streets.

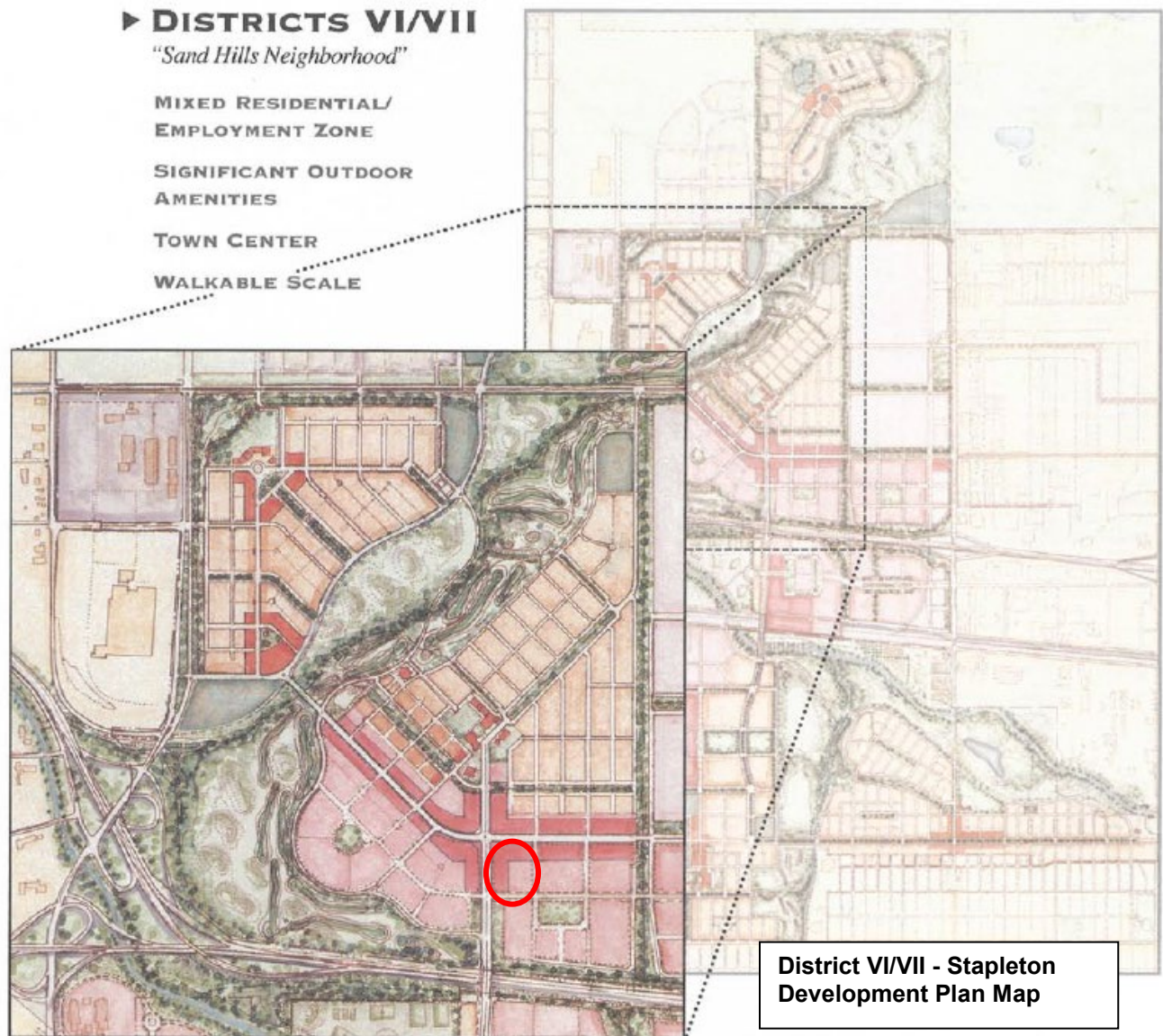
### **Stapleton Development Plan (1995)**

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 VI/VII. The Districts are bounded by 56<sup>th</sup> Avenue and the Rocky Mountain Arsenal on the north, Interstate 70 on the south and Quebec and Roslyn Streets on the west and District V on the east. Key elements of the Development Plan for these areas are:

- *"A mix of residential and employment land uses, with employment oriented along 49<sup>th</sup>/47<sup>th</sup> Avenues and near I-70.*
- *A Center located in each district. The District VI center provides business/retail services to the northern portion of the property.*
- *Transportation elements including improvement of the I-70/I-270/Quebec interchange, provision of direct access into the northern portion of the site from Quebec Street and minimization of truck traffic on residential streets.*
- *Integrated parks development and management of golf, drainage, trails, natural areas, wildlife habitat and other uses.*
- *Special sites reserved for institutional or corporate uses.*
- *Elementary school sites in VI and VII and a middle school site in VI" (p. 5-60).*



The proposed CMP-H zone district is consistent with this Plan vision and will provide the regulatory basis for the proposed inpatient rehabilitation hospital that will add a needed community service to the mixture of residential and commercial land uses envisioned in the Plan.



## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to CMP-H will result in the uniform application of zone district building form, use and design regulations with other similar properties in the city.

### **3. Public Health, Safety and General Welfare**

By implementing the adopted Plans for the redevelopment of the Stapleton area, and providing a needed community service 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.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 change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."* The ongoing redevelopment of Stapleton, the completion of major regional infrastructure improvements, and the continuing development of additional residential dwelling units are ongoing changing conditions. These changes 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 Campus Context generally consists of midsize to large medical, institutional, educational or entertainment sites (DZC Section 9.2.1). The context allows flexible placement of buildings and a unified treatment of site elements like signage, landscaping and open space. The context may have transitional areas that taper off in intensity towards adjacent residential neighborhoods, or they may be adjacent to more intense development. Buildings may be oriented either to a street, or to an internal courtyard, or to an open space area and building massing varies with greater massing generally interior to the site. In this district the General primary building form is the only allowed form.

The CMP-H zone district is intended to promote the maintenance and concentration of existing and proposed healthcare facilities and their related uses (DZC Section 9.2.3.1). The district is intended to include principal structures and related facilities, the flexible placement of structures and the unified treatment of site elements like design, signs, open space and landscaping.

The subject property is located on an arterial street across from an establishing mixed use neighborhood. It is also located in a master-planned area. The CMP-H zone district will establish the zone district needed to allow development of the proposed hospital land use on the subject property. Staff finds the proposed the CMP-H zone district is consistent with the existing Campus context, the zone district purpose and intent, and the mixture of land uses already established in the area.

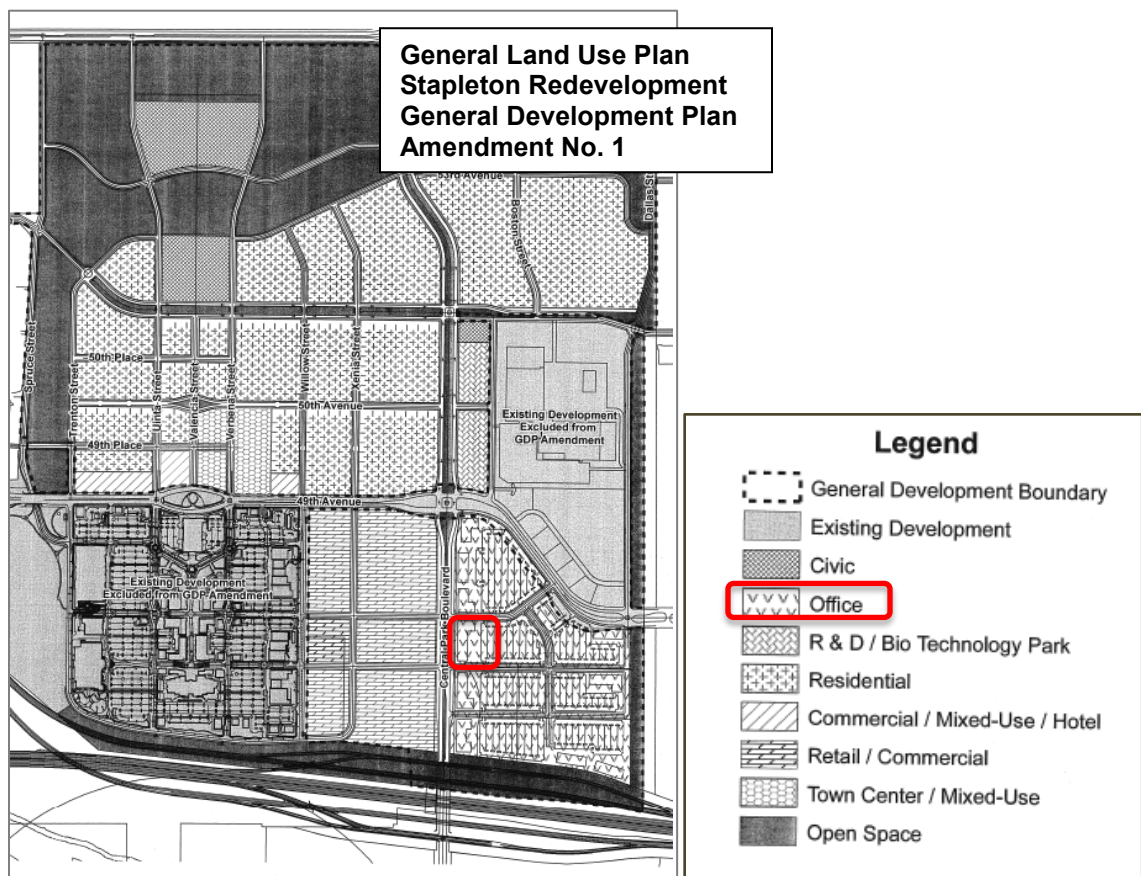
### **6. Stapleton Development General Development Plan, North Area, Amendment No. 1 (2007)**

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 Development General

Development Plan, North Area, Amendment No. 1 (GDP). The GDP development concept is based on the guiding principles of the Stapleton Development Plan such as:

- *“Facilitate the development of affordable housing as well as attraction of middle and upper income families to the northeast area through the provision of a broad mix of housing types, densities, and price ranges.*
- *Develop the Stapleton open space to serve multiple needs, including storm detention and water quality, wildlife habitats, active and passive recreation and the creation of superior sites for institutional uses.*
- *Create neighborhoods that incorporate multiple uses, transit access, walk to work possibilities, public services and appropriate public spaces.*
- *Extend the CCD parkway system into the site for streets of major image and character.”* (GDP Sheet 5).

The GDP states that **“a variety of land uses are appropriate in the Central Park Boulevard corridor. Institutional, employment and commercial uses are especially encouraged along this corridor south of 49<sup>th</sup> Avenue as they will be easily accessible by transit services on Central Park Boulevard”** (Sheet 5). The GDP land use plan on sheet 8 identifies the subject property as within an area generally designated for office land uses. Because the GDP specifically identifies the Central Park Boulevard corridor as appropriate for institutional land uses staff finds the proposed rezoning is consistent with the Stapleton Redevelopment GDP- North Area, Amendment No. 1.





**Attachments**

1. Application
2. Approved Legal Descriptions