



201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
p: 720.865.2915  
f: 720.865.3052  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)

**TO:** Denver Planning Board  
**FROM:** Analiese Hock, Associate City Planner  
**DATE:** March 20, 2016  
**RE:** Official Zoning Map Amendment Application #2015I-00174  
3914 N. King Street and 3441 W. 39<sup>th</sup> Ave  
Rezoning from PUD 406 to U-SU-B1

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00174 for a rezoning from PUD 406 to U-SU-B1.

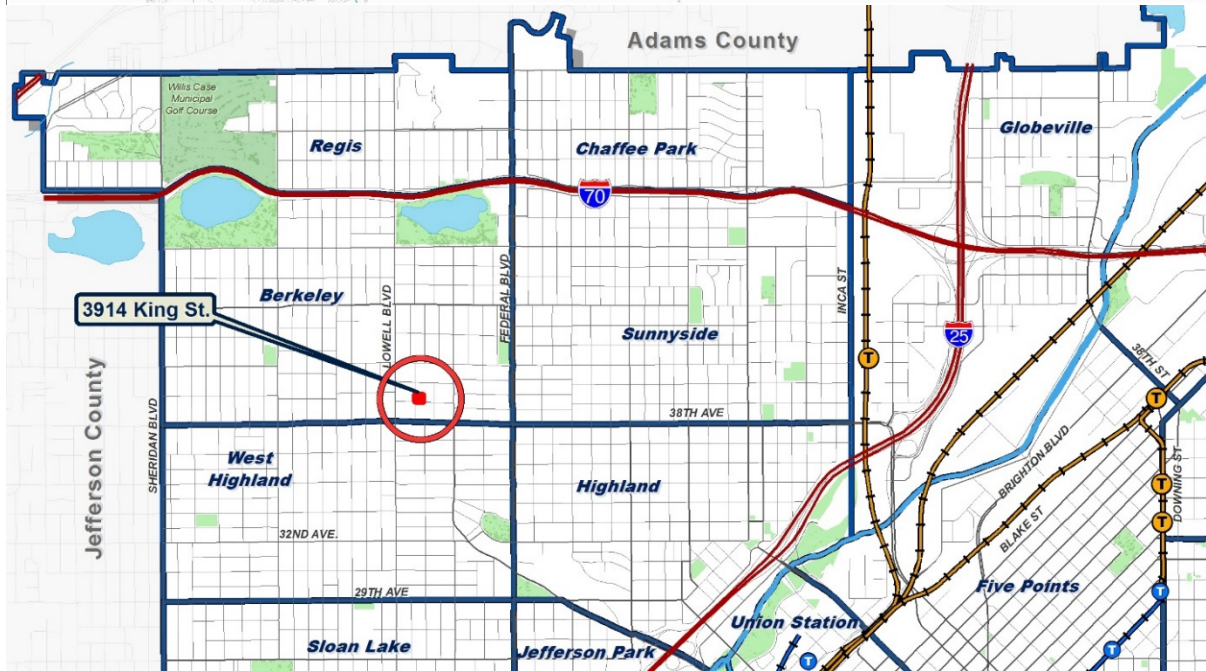
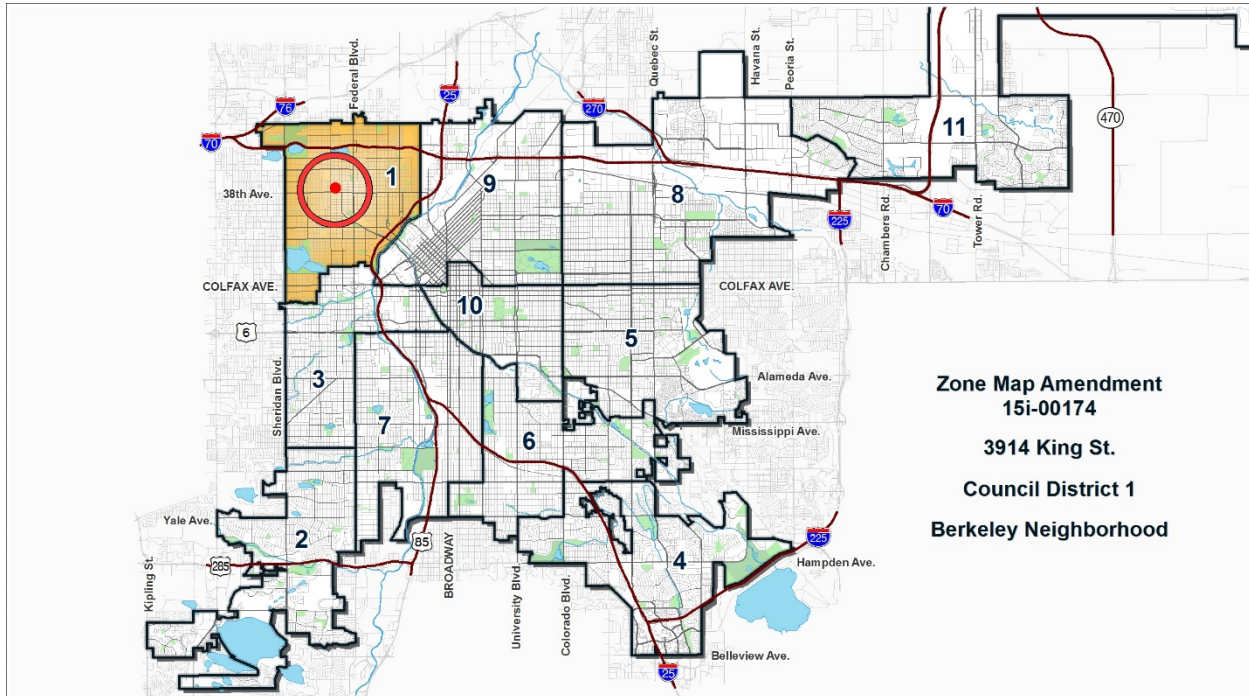
## Request for Rezoning

Application:  
Address: 3914 N. King Street and 3441 W. 39<sup>th</sup> Ave  
Neighborhood/Council District: Berkeley / Council District 1  
RNOs: Berkeley Regis United Neighbors, Inc., Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation  
Area of Property: 18,730 SF or 0.43 acres  
Current Zoning: PUD 406  
Proposed Zoning: U-SU-B1  
Property Owner(s): Michael Painter, Colorado Uplift  
Owner Representative: Ben Hughes, Cahen Architecture

## Summary of Rezoning Request

- The subject property is located in the Berkeley Neighborhood at the northeast corner of N King Street and W 39th Avenue.
- The subject property is comprised of two assessor's parcels, 3914 King Street and 3441 W. 39th Avenue.
- Fronting King Street is the Robert W. Steele Gymnasium, a 1914 Mission Revival style gymnasium named for progressive Colorado Supreme Court Justice Robert W. Steele. This structure is listed on the State Historic Register. The building has continued to host community uses, with the previous use of a Boys and Girls Club.
- Fronting W. 39th Avenue is a residential structure that has been used as child-care/pre-school for the past twenty-plus years.
- The Former Chapter 59 Planned Unit Development (PUD) 406 is based on R-2 with restrictions on the square footage allowed for the child-care facility, which is the square footage of the existing residential structure, therefore limiting the use to the structure.
- The property owners are requesting a rezoning from PUD 406 to U-SU-B1 to use the gymnasium for a child-care facility.

- The requested zone district, U-SU-B1, is defined as **Urban Neighborhood Context, Single Unit**, which allows for single unit urban houses and detached accessory dwelling units on a minimum zone lot area of 4,500 square feet. Additionally this zone district allows for other uses such as Community Centers, Day Care Centers, Elementary or Secondary Schools, and Public and Religions Assemblies, subject to the use limitations in Article 11 of the Denver Zoning Code. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).





### Existing Context

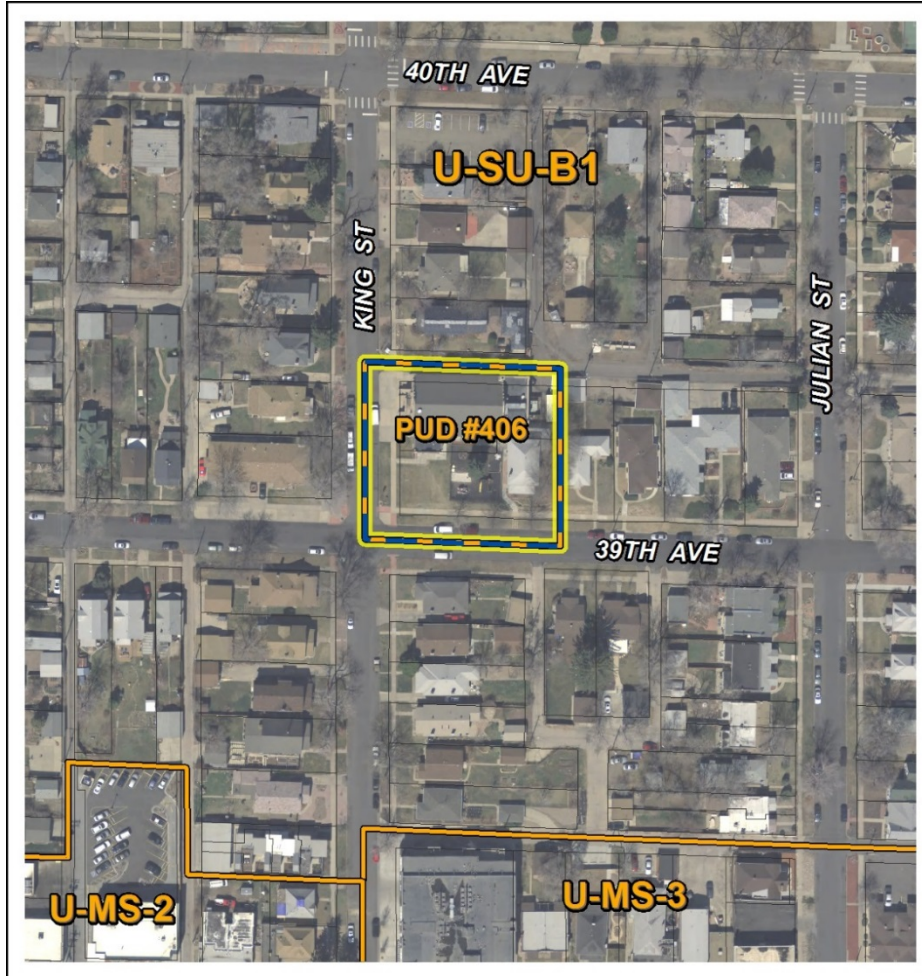
The site is at the northeast intersection of North King Street and West 39<sup>th</sup> Avenue. One block to the north is Skinner Middle School and one block to the south is 38<sup>th</sup> Avenue. North King Street and West 39<sup>th</sup> Avenue are local two-way, residential streets. Building heights range from one to two stories along North King Street and West 39<sup>th</sup> Avenue, and uses are primarily single unit, two-unit, and multi-unit residential. Detached sidewalks and tree lawns are present throughout the area.

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	PUD 406	Public/Quasi-Public	Existing Steele Gymnasium and 2-story residential house used as a day-care.	Generally regular grid of streets; block sizes and shapes are consistent and square. Vehicle parking is commonly from the alley.
North	U-SU-B1	Single Family	1- and 2-story residential buildings	
South	U-SU-B1	Single Family	1-story residential buildings	
East	U-SU-B1	Multi-Family Low Rise and Single Family	1- and 2-story residential buildings	
West	U-SU-B1	Multi-Family Low Rise and Single Family	1- and 2-story residential buildings	



## 1. Existing Zoning



The existing PUD 406 was approved in 1996. The site was previously zoned R-2. The PUD provides relief from minimum parking requirements and setbacks, and enables the residential building to be used for child care. Additionally, the PUD establishes maximum Gross Floor Areas (GFA) for each contemplated use. The Community Center is allowed a maximum of 12,500 SF; the Child Care Center is allowed a maximum of 3,000 SF, and other uses consistent with R-2 are allowed a maximum of 15,500 SF. The GFA maximums have limited the Child Care Center to only occur in the residential structure.

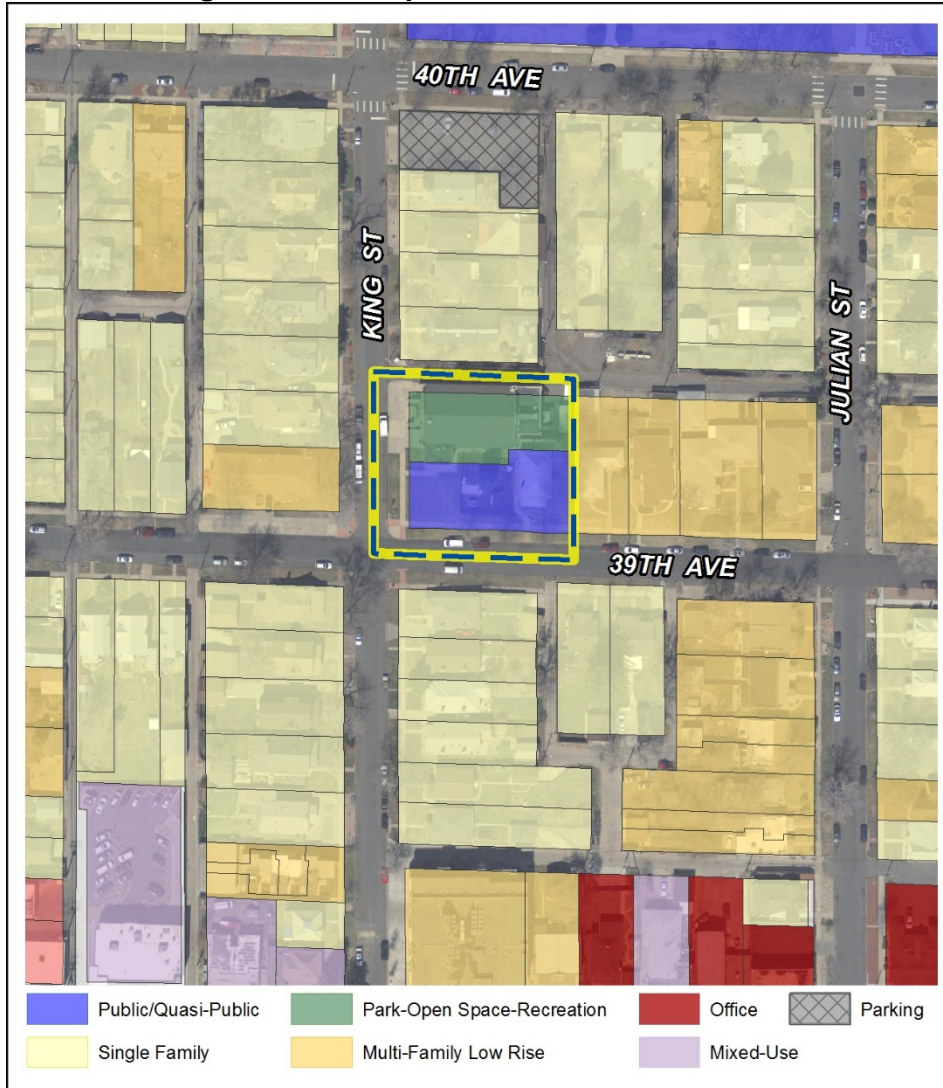
As is the case with many Former Chapter 59 PUDs, the regulations and district plan of the PUD are written too specifically to accommodate a change in the location of the proposed day care center without rezoning. The applicant's desire to use the gymnasium for the day-care use instead of the residential structure cannot be accomplished under the existing PUD.

## 2. Historic Structure

Robert W. Steele Gymnasium is listed on the State Register. It is not a local Denver Landmark structure.



### 3. Existing Land Use Map



On the Existing Land Use Map, the gymnasium has likely been designated as Park-Open Space Recreation due to its community and recreation use as the former Boys and Girls Club. Common with other land use designations, the Day Care has been designated as Public/Quasi-Public.

**4. Existing Building Form and Scale**



Subject property facing King Street



Subject property facing W 39<sup>th</sup> Avenue





Single-family home north of the subject site on King Street



Single-family homes south of the subject site





Single-story duplex directly east of the site on W 39<sup>th</sup> Avenue



Single-family homes across the street and east of the subject site on King Street

## 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

**Denver Fire Department:** Approved – No Comments

**Development Services – Wastewater:** Approved – There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

**Public Works – City Surveyor:** Legal is approved

**Environmental Health:** Approved – 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. 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.

**Landmark Preservation:** Approved for re-zoning since the site is not located in within a historic district or designated landmark boundary.

A Certificate of Non-Historic Status was applied for 3441 W. 39th Ave. on January 27, 2016. Landmark preservation found the building to have potential for historic designation based on the history, architecture and geography criteria. Per the Landmark Ordinance (Chapter 30 of the D.R.M.C), notice of the Certificate of Non-Historic Status application was placed on the building for 21 days on February 12, 2016 to allow for public comment and the submittal of an "Application for Historic Designation." When a Certificate of Non-Historic Status notice is posted, if the City receives a "notice of intent to file a landmark designation" by the 14th day of the sign posting, the posting period will be extended to 28 days. On February 26, 2016 "notice of intent to file landmark designation" was received by Landmark preservation, extending the posting period to 28 days, expiring on March 11, 2016 at 4:30 pm. An "Application for Historic Designation" and associated fee was not received during the required posting period and Landmark approval of the Certificate of Non-Historic Status was issued on March 14, 2016 per Landmark Ordinance requirements (Chapter 30 of the D.R.M.C). During the 5 year period that the Certificate of Non-Historic Status is valid, further Landmark review of the structure for historic potential will not be made.

Landmark preservation have not assessed 3914 King Street. Further review by Landmark preservation would be required for "landmark designation potential," if the applicant were to file a Denver Demolition or Certificate of Non-Historic Status application on the gymnasium structure. Landmark preservation has determined that the gymnasium site could potentially be eligible for local landmark designation given that the building is listed on the Colorado State Register of Historic Places (listed in 1994) and in combination with additional research from Historic Denver and the North Denver Tribune article. The gymnasium was constructed by Reverend Walter S. Rodolph and his wife, Hattie in 1914 to provide space for recreation and social activities for the children of northwest Denver. The architectural style of the gymnasium is Mission Revival and was named after Colorado Supreme Court Justice Robert Steele.

Landmark preservation encourages the applicant to meet with Registered Neighborhood Organizations if the project scope changes to involve a Demolition or Certificate of Non-Historic Status application on the gymnasium at 3914 King Street in the rezoning and site development process. This is relevant since the Landmark Ordinance (Chapter 30 of the D.R.M.C.) allows community-initiated Landmark Designations. Early efforts to resolve potential preservation issues with Registered Neighborhood Organizations and surrounding property owners is recommended.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on March 15, 2016.
- The property has been legally posted for a period of 15 days announcing the March 30, 2016, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
  - **Registered Neighborhood Organizations (RNOs)**
    - Berkeley Regis United Neighbors, Inc
    - United North Side Neighbors
    - Denver Neighborhood Association
    - Inter-Neighborhood Cooperation (INC)
  - **Other Public Comment**

As of the date of this staff report, one letter was received expressing opposition. Concerns raised in the letter was the selling of the property to a different pre-school provider, increase in traffic, and impacts to parking. It is important to note that this letter was received before the community meeting was held by the applicant. Additionally, the letter did not provide any name, affiliation or contact information.

## 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)

**Denver Comprehensive Plan 2000**

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

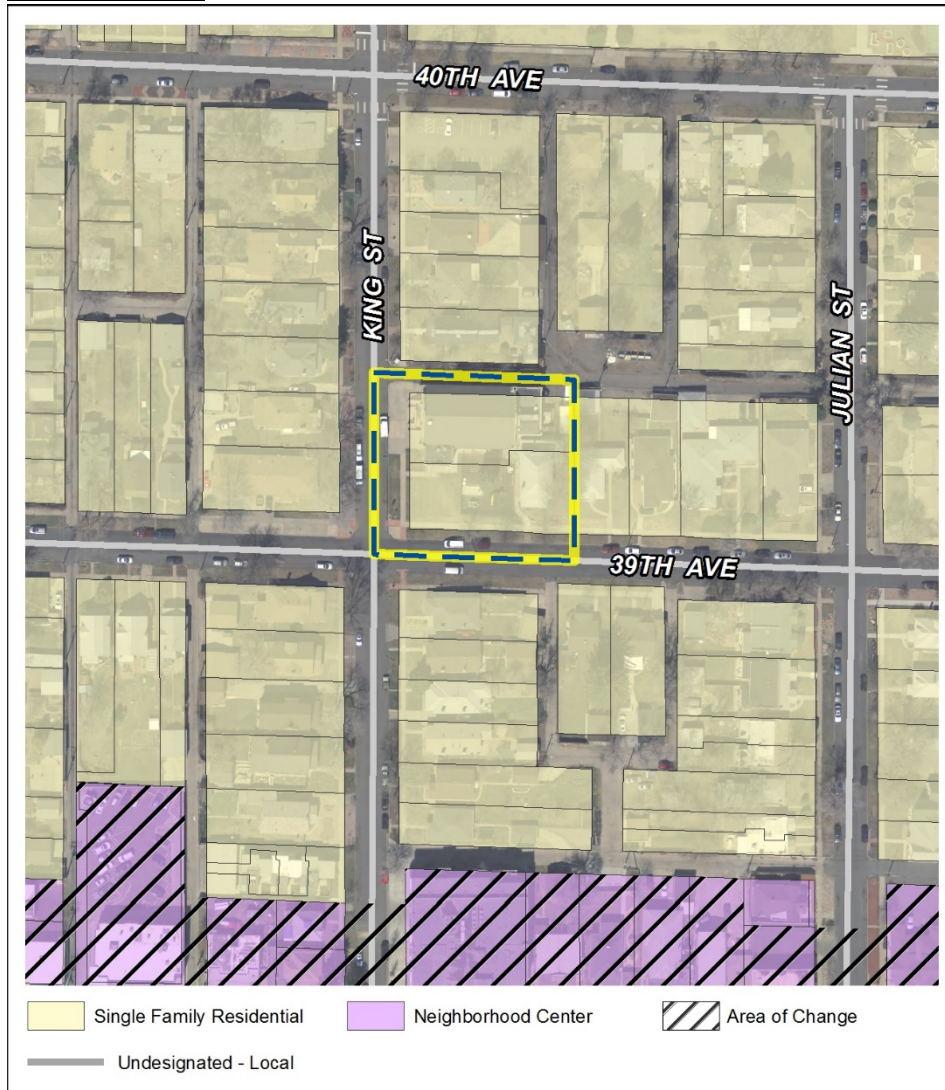
- Environmental Sustainability Strategy 2-F – *Conserve land by: promoting infill development with Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. Creating more density at transit nodes. (p 39)*
- 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)*
- Denver’s Legacies 13-B – *Coordinate with DPS and Community-based organizations to expand recreation opportunities and after-school programs throughout the city. (p 104)*
- Economic Activity Strategy 1-F – *Support a collaborative effort by business, educational intuitions and regulatory agencies to enhance the supply, quality of childcare. (p 130)*
- 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. Continue to foster integrity and livability of neighborhoods. (p 150)*
- Education Strategy 2-A - *Support high-quality comprehensive preschool education (p 170)*

The proposed map amendments will enable for the continued use of a community center and child-care facility while maintaining a residential single-unit zoning that is consistent with the neighborhood. The rezoning is consistent with these plan recommendations.

**Blueprint Denver**

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

**Future Land Use**



The subject site is designated as Single Family Residential. Single Family Residential areas “represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type” (p. 42). The U-SU-B1 zone district allows for single family homes consistent with the Blueprint land use designation.

**Area of Change / Area of Stability**

The subject site is designated as an Area of Stability. A Blueprint Denver strategy is to "preserve stable neighborhoods" (p 23) with the desire "to maintain the character of an area while accommodating new development and redevelopment in appropriate locations" (p 24). Additionally, Blueprint Denver provides the strategy to "uphold the legacy of a walk able neighborhood" (p 25). Enabling for community uses to remain embedded within the neighborhood allows for residents to access community services by foot or by bike. The rezoning application is consistent with the

Blueprint Denver Area of Stability recommendations. The rezoning application for single-unit zoning consistent with the surrounding neighborhood will further stabilize the neighborhood whole continuing to offer community services at the neighborhood scale.

### **Street Classifications**

Blueprint Denver classifies North King Street and West 39th Avenue as an Undesignated Local. 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. Because of their 'neighborhood' nature, travel speeds are usually lower than collectors and arterials" (p 51). The U-SU-B1 zone district is an appropriate zone district for this Undesignated Local street classification by allowing residential and community uses that are consistent with the existing context and character.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-SU-B1 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 primarily through implementation of the City's adopted land use plans including Comprehensive Plan 2000 and Blueprint Denver.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, many adopted plan recommendations state that stability of the area is desired.

Additional changed or changing conditions at the subject site since PUD 406's approval in 1996 include the adoption of the Comprehensive Plan 2000 and Blueprint Denver, providing further guidance to the stabilization of these neighborhood areas. As the application also states, the adoption of the Denver Zoning Code in 2010 introduced the U-SU-B1 zone district as an appropriate zone districts for Single Family Residential concept land use areas. At the time of PUD 406's adoption, the U-SU-B1 zone district was not available nor was some of the built-in flexibility that the Denver Zoning Code now offers. These are appropriate justifying circumstance for the proposed rezoning.



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

The requested U-SU-B1 zone district is within the Urban Neighborhood Context. The neighborhood context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms (DZC 5.1.1) The intent of the residential districts of the Urban Neighborhood Context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Division 5.2). Additionally, these regulations are intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment (DZC Division 5.2). The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

Add quotation of the specific intent of U-SU-B1, citing the appropriate section from Div. 5.2, and why this site is appropriate for that specific intent statement

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3914 N. King Street and 3441 W. 39<sup>th</sup> Ave to a U-SU-B1 zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

### **Attachments**

1. Application
2. PUD 406
3. Public comment letter

## 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><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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>			
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:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input 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.  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.
	<input 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.
	<input 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>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><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <input 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. <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.  Please provide an attachment describing the justifying circumstance.
	<input 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.  Please provide an attachment describing how the above criterion is met.
	<p><b>REQUIRED ATTACHMENTS</b></p> <p>Please ensure the following required attachments are submitted with this application:</p> <input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria
<p><b>ADDITIONAL ATTACHMENTS</b></p> <p>Please identify any additional attachments provided with this application:</p> <input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
<p>Please list any additional attachments:</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 (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
			<i>Michael G. Painter</i>		B	
			<i>David McMuntry</i>			

Last updated: February 4, 2015

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



Colorado  
Secretary of State  
Wayne W. Williams



**For this Record...**

- Filing history and documents
- Trade names
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	COLORADO UPLIFT		
<b>Status</b>	Good Standing	<b>Formation date</b>	01/04/2000
<b>ID number</b>	20001001635	<b>Form</b>	Nonprofit Corporation
<b>Periodic report month</b>	September	<b>Jurisdiction</b>	Colorado
		<b>Term of duration</b>	Perpetual
<b>Principal office street address</b>	3914 KING ST, DENVER, CO 80211, United States		
<b>Principal office mailing address</b>	3914 King St., Denver, CO 80211, United States		

Registered Agent	
<b>Name</b>	Michael G Painter
<b>Street address</b>	3914 King Street, Denver, CO 80211, United States
<b>Mailing address</b>	3914 King St., Denver, CO 80211, United States

- [Filing history and documents](#)
- [Trade names](#)
- [Get a certificate of good standing](#)
- [Get certified copies of documents](#)
- [File a form](#)
- [Set up secure business filing](#)
- [Subscribe to email notification](#)
- [Unsubscribe from email notification](#)

Cahen Architectural Group, P.C.  
Craig Cahen, AIA  
7076 S. Alton Way, Bldg A  
Centennial, CO 80112

November 24, 2015

Denver Zoning  
Community Planning and Development  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

Dear Community Planning and Development,

We, at **Colorado Uplift**, hereby certify and affirm that we are the owners of the property legally described as FIRST ADD TO BOULEVARD HIGH LANDS BLOCK C N 64FT OF L1 TO 3 INC N 50FT OF L4 TO 6 INC & S 14FT OF W 14FT OF N 64FT OF L4, having a mailing address of 3914 N. King St and which is the subject of the application for rezoning, with the City and County of Denver as condition with the sale of the property to **ACDFD, LLC** for the purpose of a proposed daycare facility. By submitting this document to the City and County of Denver, we hereby certify that no other party's consent is required to file and process this application with the City.

We hereby designate **Cahen Architectural Group, P.C.** (Craig Cahen and Ben Hughes) to act as our representatives in any manner and in all respects regarding the land use application identified above, to answer questions from and communicate with City staff regarding the application, and to represent us at any meeting(s) and public hearing(s) which may be held on this application.

We understand that the City will send all correspondence to the Authorized Representative(s) identified above. It will be the Authorized Representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

**Representative Contact information:**

Craig I. Cahen, AIA (President)  
Ben Hughes, LEED AP (Project Manager)  
Cahen Architectural Group PC  
7076 South Alton Way  
Centennial, CO 80112  
Ph. 303-743-0002  
Craig Cahen Ext-211  
Ben Hughes Ext-213

Respectfully,



Colorado Uplift  
3914 N. King St.  
Denver, CO 80211

303 809 3605

303 285 4102



Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, at \_\_\_\_\_ o'clock M. \_\_\_\_\_  
Reception No. \_\_\_\_\_ By \_\_\_\_\_ RECORDED DEPUTY.

WARRANTY DEED

THIS DEED, Made on this day of 11-19-04  
between BOYS AND GIRLS CLUB OF METRO DENVER, INC., A COLORADO NON-PROFIT CORPORATION, FORMERLY KNOWN AS BOYS' CLUBS OF DENVER, INC.

whose legal address is : 2017 W 9TH AVE., DENVER, CO 80204  
of the Grantor(s), and  
COLORADO UPLIFT, A COLORADO NON-PROFIT CORPORATION

whose legal address is : 1888 SHERMAN ST #570, DENVER, CO 80203  
of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of ( \$675,000.00

\*\*\* Six Hundred Seventy Five Thousand and 00/100 \*\*\*

OF \$67,500 DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the \_\_\_\_\_ County of DENVER and State of Colorado, described as follows:  
LOTS 1 THROUGH 6, INCLUSIVE, BLOCK C, FIRST ADDITION TO BOULEVARD HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known as street number 3441 W. 39TH AVENUE/3914 KING STREET

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s) his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever EXCEPT GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2004 AND SUBSEQUENT YEARS AND EXCEPTIONS AS LISTED ON EXHIBIT "A" ATTACHED AND MADE A PART HEREOF AS IF FULLY SET FORTH HEREIN

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

BOYS AND GIRLS CLUB OF METRO DENVER, INC., A COLORADO NON-PROFIT CORPORATION, FORMERLY KNOWN AS

BOYS' CLUBS OF DENVER, INC.

STATE OF COLORADO )  
CITY AND COUNTY OF DENVER ) ss.

BY: [Signature]

The foregoing instrument was acknowledged before me on this day of NOVEMBER 19, 2004  
by ARAGONIAS PRES & CEO OF BOYS AND GIRLS CLUB OF METRO DENVER, INC., A COLORADO NON-PROFIT CORPORATION, FORMERLY KNOWN AS BOYS' CLUBS OF DENVER, INC.

Witness my hand and official seal.  
6/13/07

Judith A. Marching  
Notary Public

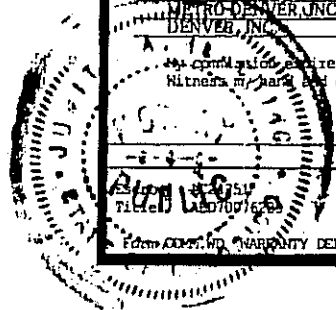
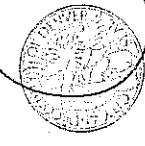
When Recorded Return to: COLORADO UPLIFT, A COLORADO NON-PROFIT CORPORATION  
1888 SHERMAN ST #570, DENVER, CO 80203

Form COM-70, WARRANTY DEED (For Photographic Record)

CLERK AND RECORDER FOR THE STATE OF COLORADO  
CITY AND COUNTY OF DENVER

document to be a full, true and correct copy of the original document recorded in my office.

by [Signature] Clerk and Recorder  
Deputy County Clerk  
Date 11/18/09



EXISTING LEASES AND TENANCIES, IF ANY.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING ORDINANCE RECORDED May 24, 1996 UNDER RECEPTION NO. 96000721170.

ANY BOUNDARY DISCREPANCY DUE TO THE LOCATION OF FENCE LINES AND THE EFFECT OF ANY RIGHT, TITLE OR INTEREST THAT MAY BE CLAIMED DUE TO ANY SAID DISCREPANCY AS SHOWN ON SURVEY PREPARED BY BELL SURVEYING COMPANY DATED OCTOBER 18, 2004, DRAWING NO. 0410-107.

ANY RIGHTS OR INTERESTS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON SURVEY DATED October 18, 2004 PREPARED BY BELL SURVEYING COMPANY, JOB NO. 0410-107:

A) OVERHEAD ELECTRIC WIRES AND UTILITY POLE LOCATED ON SAID LAND BUT NOT WITHIN A RECORDED EASEMENT.

B) (ITEM INTENTIONALLY DELETED)

C) THE ENCROACHMENT OF A CONCRETE WALK AND A CONCRETE PAD ONTO THE LAND ADJACENT TO THE EAST.

TERMS, CONDITIONS AND PROVISIONS OF AN UNRECORDED LEASE DATED JULY 26, 1995 BY AND BETWEEN BOYS' AND GIRLS' CLUB OF METRO DENVER, INC., AS LANDLORD, AND THE STEELE CENTER COOPERATIVE PRESCHOOL, AS TENANT, AS DISCLOSED TO THIS COMPANY.

## Exhibit A

### **Legal Description:**

**PARCEL DESCRIPTION** REC\_NO\_ 2004240186

LOTS 1 THROUGH 6, INCLUSIVE, BLOCK C, FIRST ADDITION TO BOULEVARD HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO

**PARCEL DESCRIPTION** 3914 KING STREET - REC. NO\_ 1986199396

A PART OF LOTS 1 THROUGH 6, INCLUSIVE, BLOCK C, FIRST ADDITION TO BOULEVARD HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 64 FEET OF LOTS 1, 2 AND 3; THE NORTH 50 FEET OF LOTS 4, 5 AND 6; AND THE SOUTH 14 FEET OF THE NORTH 64 FEET OF THE WEST 14 FEET OF LOT 4, ALL IN BLOCK C, FIRST ADDITION TO BOULEVARD HIGHLANDS,

**PARCEL DESCRIPTION** 3441 WEST 39TH AVENUE - REC, NO, 1995090379

A PART OF LOTS 1 THROUGH 6, INCLUSIVE, BLOCK C, FIRST ADDITION TO BOULEVARD HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1, 2 AND 3, EXCEPT THE NORTH 64 FEET OF LOTS 1, 2 AND 3 AND LOTS 4, 5 AND 6, EXCEPT THE NORTH 50 FEET OF LOTS 4, 5 AND 6; AND EXCEPT THE SOUTH 14 FEET OF THE NORTH 64 FEET OF THE WEST 14 FEET OF LOT 4, ALL IN BLOCK C, FIRST ADDITION TO BOULEVARD HIGHLANDS,



## PROPOSED MAP AMENDMENT SUMMARY

The intent of the proposed U-SU-B1 zone map amendment is allow for an interior remodel site revisions at 3914 N. King Street and 3441 W. 39<sup>th</sup> Ave., formerly Colorado Uplift Boys and Girls Club into a Goddard Schools child daycare facility. The renovation is mainly interior (layout and space improvements), and exterior age-group playground improvements. Currently the facility is zoned under PUD #406 allowing community center and all uses reserved by right under the Former Chapter 59 code R-2. R-2 allowed daycare use; however, PUD #406 restricted use of Daycare to 3,000 SF. Thus, we are seeking to rezone to allow for this necessary and functional improvement to the property to perform as a child daycare facility.

The request to rezoning of the property is made with a careful understanding of the property, neighborhood, and recent planning and zoning efforts conducted by the City. The existing PUD was established in 1996 to provide accessibility for handicapped, enhance life safety, for a Federal mandate to include girls, and to create one PUD from two zone lots. Since this update the City has conducted a number of planning and zoning efforts that are important for this property. Blueprint Denver (2002) identified this site and area as a Urban Residential Area of Stability. Subsequently, the City adopted the new form-based zoning code (2010), which introduced a series of context and form-based zone districts, including U-SU-B1, which is most appropriate to this site to complete the existing zoning on all sides of the site.

Additionally, the City encourages owners of old PUDs to consider rezoning into standard zone districts, when appropriate and supported by adopted plans, in order to help unify district regulations. The request to rezone the property to U-SU-B1 is in line with these policy goals and matches the adjacent zone district.

Thus, in all regards, while the U-SU-B1 zone map amendment accomplishes the owner's goal of completing a minor but important improvement to the property, the map amendment also better implements the City's adopted plans and policies.

EXHIBIT A: GENERAL REVIEW CRITERIA

The proposed map amendment is consistent with the City’s five review criteria and adopted plans.

- 1. **Consistency with adopted plans**
- 2. **Uniformity of District Regulations**
- 3. **Further Public Health, Safety and Welfare**
- 4. **Justifying Circumstances**
- 5. **Consistency with neighborhood Context, Zone District purpose and Intent**

**REVIEW CRITERIA 1: Consistency with adopted plans**

**Denver Comprehensive Plan 2000**

The Denver Comprehensive Plan 2000 provides supporting elements to this rezoning application. The excerpts below from the Plan illustrate how the proposed map amendment is consistent with the goals of the Plan.

Distinctive Assets

- *“Plan 2000 seeks to improve the quality of life within neighborhoods by building on their distinctive assets.”* (pg. 143) This aligns with Article 5 Urban Neighborhood Context which allows the reuse of existing non-residential buildings for alternative uses in SU and TU zones. The alignment of these plans allows continued use for the historic 3914 N. King Street building without it falling into disrepair. While one use, “Uplift Boys and Girls Club, moves out; another limited use “daycare” is expanded and improved by amending zoning to Urban Residential District Single Unit B1 (U-SU-B1).

Plan 2000 Calls for “Investment in People” (pg. 16)

- *“Caring for children – In concert with national trends, Denver family life has changed significantly over a generation. Many parents spend much more time in the workplace; consequently, many more children and youth are either unsupervised or spending their time in child care centers, schools and before- and after-school programs.”*

*“Meanwhile, research clearly demonstrates that to thrive intellectually and emotionally, children need strong, continuous connections to caring adults from birth through adolescence. While the U.S. economy benefits from the labor of almost every adult who wants or needs to work, parents alone bear the responsibility for their children’s care — financially, emotionally and in trying to balance family needs with employment demands.”* (pg. 16)

- *”Early Childhood care and education - Numerous studies have demonstrated that children who receive high-quality early childhood care and education enter school prepared to learn, and experience sustained improvement in a wide range of cognitive, motor and behavioral skills.”* (pg. 164)

- **“Early brain development** - *In the past decade, a significant body of research has been published that supports the need for enriched environments to stimulate growth and development in very young children, enabling them to reach their full physical, mental and emotional potentials.”* (pg. 163)

**Goddard Schools, learning through play** - The Goddard School’s F.L.EX.® Learning Program provides the optimal environment for your child’s social and academic development. This program is based on academic research that states children experience the deepest, most genuine learning when they are having fun. The program focuses on academic, social, creative and child-centered development to provide a well-rounded experience and ensure children become confident, joyful and fully prepared students.

### **Blueprint Denver**

Blueprint Denver provides supporting elements to this rezoning application. The excerpts below from Blueprint illustrate how the proposed map amendment is consistent with the goals of the Blueprint.

Blueprint Denver Defines the subject property and adjacent land as Single Family Residential (pg. 42) Area of Stability along local streets (pg. 195)

- *“Areas of Stability include the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected during the next 20 years. The goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment.”* (pg. 120)
- *“Neighborhood – The key attributes of neighborhood issues may include the social fabric of the area (community organizations and informal gathering places, for example), communication, and an inventory of community facilities (schools, recreation centers, religious institutions, senior centers, libraries, other public facilities, and major private facilities).”* (pg. 151)

Blueprint Denver defines Single Family Residential as “Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type. Some of the many areas in Denver with this attribute include Rosedale, University, Park Hill, Washington Park, Sloan Lake, Regis, Montbello, Green Valley Ranch, Hampden and Bear Valley.” (Pg 42) The existing surrounding neighborhood falls verbatim into this category.

Urban neighborhood context designation for the property fulfills Blueprint’s vision of Urban Residential area of stability. Single unit B1 (U-SU-B1) consists of “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard.”

(Article 5 5.2-2) Allowed use categories include Community house, Daycare, Public Safety facility, library, and education. The map amendment, to U-SU-B1, is consistent with Blueprint for Urban single family residential designation.

**REVIEW CRITERIA 2: Uniformity of District regulations**

Converting the existing PUD zone would bring additional uniformity to the neighborhood. Changing the PUD to U-SU-B1 extends uniformity by updating an outdated PUD classification within the neighborhood.

**REVIEW CRITERIA 3: Further Public Health, Safety, and Welfare**

The proposed zone map amendment furthers the public health and safety of the city by allowing for Goddard Schools to perform a much-needed amenity to the neighborhood. Providing childcare furthers the general welfare of the City by providing quality daycare services for the neighborhood. Safety of the children is paramount with Goddard. Biometric scanners are tied to computers in the school allowing only registered parents and family members access to the children for pickup. Health is important being a commercial operated childcare facility sets guidelines by local health departments which are required for operation. This creates a healthier environment than non-regulated home facilities. Furthermore, the types of uses allowed within U-SU-B1 help the City grow and invest, starting with the youth of the neighborhood.

*“The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.”* (Article 5 pg. 5.2-1)

*“The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.”* (Article 5 pg. 5.2-

**2)REVIEW CRITERIA 4: Justifying Circumstances**

The City encourages owners of old PUDs to consider rezoning into standard zone districts, when appropriate and supported by adopted plans, in order to help unify district regulations. Converting the PUD to the new form based code offers additional flexibility not previously existing through prior zoning. The request to rezone the property to U-SU-B1 is in line with these policy goals and matches the adjacent zone district.

While there is no specific adopted plan for the neighborhood, this minor project contributes to achieving the Blueprint Denver 2002 vision. A complementary use in the neighborhood, this daycare facility enhances what has existed nearly 100 years and has drawn people to live in, and be loyal to, the neighborhood during that period. Updates to the site will allow for childcare needs of nearby residents and the surrounding community.



While single family homes are the predominant development, the use and scale of this project for the area will continue the vision of the neighborhood. This facility accentuates this neighborhood by maintaining the existing facility at 3914 N King Street. The project will continue to provide identity to the character of the area, while accommodating the changes and facility upgrades required to sustain the presence of the property at this location. The Map amendment is appropriate to change the zoning in this Area of Stability to create a development that respects the valued attributes of this area, diversity of housing types, neighborhood services, and buildings that extend an existing distinctive character and identity.

**REVIEW CRITERIA 5: Consistency with Neighborhood Context**

The proposed official map amendment is consistent with the applicable neighborhood context. *“The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically Shop front and General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.”* (Article 5 pg. 5.1-1)

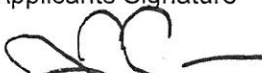
Under former Chapter 59 zoning, the properties PUD allowed zone R-2, but restricted square footage for daycare use. This map amendment would bring 3914 N. King St. and 3441 W. 39<sup>th</sup> Ave. in line with adjacent U-SU-B1 zoning, which surrounds the property on all 4 sides.

The proposed official map amendment is also consistent with the intent of the proposed Zone District. The general purpose of the Urban Neighborhood Context is as follows:

**General Purpose (Article 5)**

*“The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.”*

*“The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts promote existing and future patterns of lower*

Area Map indicating property to be rezoned will be prepared by the Department of Zoning Administration		City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION APPLICATION FOR ZONE MAP AMENDMENT		Application Number 4242 (Revised)	
				Date Submitted 4/2/96	Fee \$600.00
1. Applicant OZ Architecture Contact: Kelly Hattori		2. Address 1580 Lincoln Street, Suite 1200 Denver, CO 80203		3. Phone No. (303) 861-5704	
				4. Interest <input type="checkbox"/> Owner(s) <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Other	
5. Owners of Property of Properties (If not the applicant)  Boys & Girl's Clubs of Metro Denver		6. Address  2150 W. 29th Ave. Denver, CO 80211		7. Phone No.  (303) 480-7500	
8. Location of Proposed Change 3914 King Street      Denver, CO 80211					
9. Legal Description of Property: <i>(If Legal Description is lengthy, please attach additional sheet.)</i> All of Lots:                      1-6                                      Block: C                                      Addition:                      First addition to Boulevard Highlands					
10. Area of Subject Property, Sq. Ft. or Acres 18,730 sf or 0.43 acres			11. Present Zone R-2		12. Proposed Zone PUD #406
13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary. This request for Zone Map Amendment will permit the Steele Branch of the Boys and Girls Club to meet changing conditions, allowing it to expand its facilities to accommodate girls as it has been Federally mandated to do; to provide accessibility for the handicapped; enhance life safety; and provide adequate and secure parking for its staff. 1. Under current R-2 zoning, 25% of the zone lot must be allocated to parking. A modification to this standard allocating 7% of the PUD will permit adequate parking for the facility staff. Since very few of the Club's members are old enough to drive, reducing the amount of parking required will allow much needed play space to remain available. 2. The original building was built in 1914, and is a non-conforming structure under current zoning standards. This amendment will modify the north and west bulk plane requirements, current setbacks, and allowed encroachments in order to allow two additions to be built and to bring the original structure into conformance. 3. An adjoining property containing a child care center is now owned by the Boys and Girls Club. This amendment would create one PUD out of the two zone lots. In addition, should the need for child care in the neighborhood decline, the PUD should be able to maintain development in accordance with the R-2 Zone District. 4. Signage requirements have been modified in order to meet the needs of the Boys and Girls Club and Child Care Facility and to bring existing signage into compliance. 5. Fencing requirements have been outlined that meet present needs.					
14. Use and development proposed for the property to be rezoned. 1. Community Center limited to serving persons 18 years of age or less, excluding necessary adult staff and volunteers  2. Child Care Center  3. Residential					
15. Exhibits Submitted, Number and Kind A. North & West Bulk Plane Modifications/Elevations			16. Applicants Signature 		

PUD at 3914 King Street  
Address

Application Status: Preliminary \_\_\_\_\_ Complete X Final \_\_\_\_\_

1. SCHEDULE

- a. Date of pre-application conference 12-29-94
- b. Submittal date of preliminary application 1-26-96
- c. Submittal date of completed application 3-1-96
- d. Planning Board or Planning Office hearing date 3-27-96

Application requests: Planning Office Hearing (X)  
Planning Board Hearing ( )

The applicant has met with and discussed the proposed PUD with:

Neighborhood Associations? Yes (X) No ( )  
Affected Adjacent Residents and Property Owners? Yes (X) No ( )

2. DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)

- a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE: *(The zoning ordinance definition of gross floor area shall apply to all PUD proposals. Define terms like "Retail and Light Industrial". It is required that terms and uses already defined in the Zoning Ordinance be used. Gross floor area shall include interior balconies and mezzanines, but shall not include parking garages or basement areas used for storage or utilities.)*

**Attach additional sheets if necessary.**

<u>Community Center</u>	<u>12,500</u> sq. ft.
use A.	maximum
<u>Child Care Center</u>	<u>3,000</u> sq. ft.
use B.	maximum
<u>Development in accordance with the R-2 zone district</u>	<u>15,500</u> sq. ft.
use C.	maximum
Total	<u>15,500</u> sq.ft.

TOTAL F.A.R. 0.83  
(Floor Area Ratio - gross floor area divided by site area) LAND TO BE DEDICATED FOR PUBLIC STREETS SHOULD NOT BE INCLUDED IN THE SITE AREA.

For residential uses:

Maximum number of dwelling units N/A  
Density (ratio of dwelling units per acre) N/A

b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES:

Maximum building coverage:

7750 sq. ft. 41.4 % of site area

Maximum area of drives and parking:

1400 sq. ft. 7.5 % of site area

Approximate area of other impervious surfaces:

1807 sq. ft. 9.6 % of site area

Total impervious surface:

10957 sq. ft. 58.5 % of site area

c. LANDSCAPED AREAS AND/OR PERMEABLE AREAS:

Live or Organic landscaped lot coverage:

minimum 4992 sq. ft. 26.7 % of site area

Non-live lot coverage (gravelled and other permeable surfaces)

approximate: 2,781 sq. ft. 14.8 % of site area  
Total minimum area: 7,773 sq. ft. 41.5 % of site area



d. PROJECT AREA TOTALS: (totals of "b" and "c")

Landscaped areas (permeable surfaces: 7773 sq. ft.

Building and impervious surfaces: 10957 sq. ft.

Total site area: 18730 sq. ft.  
(this area must equal site area listed on page 1)

e. SETBACKS: (The minimum setbacks must be shown on the District Plan. A building envelope may be used to graphically depict the minimum setbacks required.)

North: <u>0</u> ft.	or	Front: _____ ft.
South: <u>23.8</u> ft.		Rear: _____ ft.
East: <u>10.8</u> ft.		Side: _____ ft.
West: <u>9.9</u> ft.		

Minimum spacing between structures 4.85'

Encroachments into setback space will conform to Section 59-119(2)d of the (R-0, R-1, R-2) zone district, except that existing porch on Child care Center will encroach 8'-0" and stairway on Community Center will encroach 9'-9".

Official Parkway setback requirements for this P.U.D. are: N/A ft. for buildings and \_\_\_\_\_ ft. for signs.

f. MAXIMUM HEIGHT OF STRUCTURES:

Maximum height: 2 stories 50 ft.

Rooftop features (such as solar collectors, antennas, chimneys, flues, vents, and air conditioning equipment.) may exceed these heights by: 5 ft.

The height of a building shall be determined by the vertical distance from the highest point of a pitched roof or to the highest parapet around a flat roof to the average elevation of the corners of the proposed building at the finished grade.

If bulk plane restrictions are to be utilized, these restrictions will conform to those of the N/A zone district. (solar collectors and mechanical equipment are not excepted from bulk plane restrictions!!!) Except for north and west bulk plane. See Exhibit A, south and west elevations with bulk planes, attached.

g. OFF-STREET PARKING:

This project shall contain 5 off-street parking spaces at the ratios shown below.

Use (a): <u>Community Center</u>	Ratio: <u>1:4167 = 3</u>
Use (b): <u>Child Care Center</u>	Ratio: <u>1:1500 = 2</u>
Use (c): <u>R-2 uses</u>	Ratio: <u>As per Article V</u>
Number of parking spaces for persons with disabilities:	<u>None</u>

Will this PUD conform to the requirements of Article V, Off-Street Parking?

Yes ( ) Yes, except as noted below ( ) or No (X)

If not, or if there are any exceptions, please provide the following information:

- (1) Parking space dimensions:
- |                   |                     |
|-------------------|---------------------|
| Universal spaces: | <u>8.5' x 17.5'</u> |
| Van spaces:       | <u>13'0 x 20.0'</u> |
- (2) Driving aisle widths: N/A  
Angle of stalls: 90°
- (3) Ratio of small car spaces to large car spaces: N/A

h. OFF-STREET LOADING SPACES:

This PUD will contain 0 off-street loading spaces. These spaces will conform with all of the requirements of Article VI, Off-Street Loading. If not, please provide the following information:

Off-street loading space dimensions: N/A

- i. SURFACE DRAINAGE: The rules and regulations of the Wastewater Management Division will require certain design and construction considerations to control surface water runoff. Does the site contain a flood hazard area as identified by the Federal Emergency Management Agency? Yes ( ) No (X)  
Does the site contain wetland areas? Yes ( ) No (X)  
*(For assistance, contact WMD at 964-0500.)*
  
- j. Interior streets, drives, parking areas and pedestrian walkways within the PUD district, if any, are shown on the District Plan.
  
- k. EASEMENTS: Existing and/or proposed utility and/or access easements are shown on the District Plan or are located as follows: N/A  
\_\_\_\_\_  
\_\_\_\_\_
  
- l. LANDSCAPING AND BUFFERING: Areas to be landscaped are shown on the District Plan. However, a more detailed landscaping plan may be required by the Planning Office. *(A detailed landscape plan is required as a part of the site plan review phase after the rezone is approved.)*
  - (1) Minimum number of trees to be planted: 0
  - (2) Minimum size of trees at time of planting: 2" caliper
  - (3) Minimum % of evergreen or coniferous trees: 0
  - (4) Minimum number of shrubs to be planted: 0
  - (5) Minimum size of container for planted shrubs: 0

Will the proposed PUD comply with the parking lot landscaping requirements of Sec. 59-585(10)? Yes ( ) No (X)

All foliage shall be maintained in a healthy, growing and safe condition. Where street trees are proposed or required on the public-right-of-way, such trees shall be installed in accordance with the requirements of the City Forester. (964-2580)

Number of street trees proposed: 3

If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (757-9930).

Fences and/or Walls:

The maximum height of fences and/or walls that may be built in the PUD district, except for front setback spaces: 6 ft.

The maximum height of fences and/or walls that may be built within the PUD district front setback spaces: 4 ft.

Such fences and/or walls shall be either solid and view-obscuring, or open and view-permitting as required by the District Plan and shall be shown (include the size and types of materials permitted) on the District Plan. Fences and/or walls shall be subject to Sec. 59-38(11) "Overheight Fences and Walls". Playground fencing existing at the date this Zone Map Amendment is approved shall be permitted. Replacement fencing for the child care center shall meet all zoning regulations in effect at that time, shall meet all state laws relating to child care center playgrounds, and shall be consistent with the needs of the facility and the standards of the neighborhood.

Earthen berms or mounds used for screening shall be landscaped and, if utilized, shall be shown on the District Plan. Maximum height: N/A ft.  
Minimum height: N/A ft.

- m. BOAT, CAMPER, TRAILER AND RECREATION VEHICLE STORAGE: School bus or van storage (also for future possible residential use)  
Permitted (X) Not Permitted ( )

If permitted, screening fences will (X) will not ( ) be provided for boat, camper, trailer, or recreation vehicle storage. Such fences shall be not less than 6 ft. nor exceed 6 ft. in height.

Maximum length of trailer and/or recreational vehicles permitted: 22 ft.  
All such storage facilities shall be shown on the District Plan.

n. DEDICATIONS AND IMPROVEMENTS:

The owner understands that City ordinances and agency rules and regulations may require the dedication of additional right-of-way and the construction of certain public improvements. If this proposal involves the vacation of certain public rights-of-way for



incorporation into the project area, such vacation must be approved prior to or at the public hearing on this proposal.

- o. EXTERNAL EFFECTS: (*vibration, heat, glare, radiation, and fumes*)

These effects will be regulated by Sec. 59-118(2)-(4) (R-0, R-1, R-2 zone district). Reflective glass will ( ) will not (X) be used.

- p. The existing grade of the site will (X), will not ( ) be altered.

- q. Utilities (*public and private*) serving the property are located (*where?*) \_\_\_\_\_  
Water - King Street Electrical - Alley  
Sewer - King Street Telephone - Alley  
Sorm Sewer - Southwest Corner Gas Meter - West 39th Avenue

For information, contact the following:

Denver Water Department	628-6100
USWest	896-5325
Public Service Company	571-3527
Wastewater Management	964-0500

- r. SIGN CONTROLS: The project will be regulated by the following:  
Existing signage is exempt from requirements. New signage to meet the following standards:

If no specific regulations are referenced here, complete the following:

Maximum number of signs:	<u>6+ temporary signs and banners</u>
Permitted sizes of signs:	<u>3 @ 35 sf + 3 @ 12</u>
Maximum sign area allowed:	<u>141 sf</u>
Number of ground signs allowed:	<u>2 at 6' max. ht.</u>
Number of joint ID signs allowed:	<u>1 ground sign at 6' max. ht.</u>
Number of wall signs allowed:	<u>3 wall signs at 3.5' max. ht.</u>
Maximum size of joint ID sign(s):	<u>35 sf</u>
Temporary Banners for special occasions:	<u>75 sf wall and roof posted for 3 mos. max.</u>
Temporary construction or special events signs allowed:	<u>4 @ 35 sf, ground signs at 6' max. ht.</u>
Ground Sign setback:	<u>6.5'</u>
Number of canopies and awnings:	<u>2</u> Backlit? Yes ( ) No (X)

All ground, monument, and joint ID sign locations and setbacks must be shown on the District Plan.

s. OUTDOOR STORAGE OF PRODUCTS, MATERIALS, OR SOLID WASTE:

Permitted (X) Not Permitted ( )  
Screened (X) Not Screened ( )

Height of solid fence or screening walls: 4'-0" min.- 6'-0" max. or adequate to conceal

t. CURRENT TRAFFIC VOLUMES: Not available.

The current traffic volumes on streets in or adjacent to the project must be shown on the Existing Conditions Map. These volumes are available for major streets from the Transportation Engineering Division, or the Planning Office or may be estimated by the applicant based on a professional traffic study. Streets for which no estimate is available should be noted.

Site generated traffic should be estimated and noted by the applicant based on proposed project type, size, and other relevant factors. Ratios for estimating traffic are available in Institute of Transportation Engineers reference books at the library.

For projects with total daily site generated traffic of more than 200 vehicle trips, or for projects in areas with special problems, more detailed analysis may be required, and the applicant should contact the Transportation Engineering Division at 640-3958 for further guidance.

Public Transportation: The nearest bus stop is located: (Where?) West 38th Street and Lowell Boulevard

u. FUTURE SCHOOL SITES: (Applicable to large residential PUD's; contact Denver Public Schools for more information).

Will be dedicated. ( ) Will not be dedicated (X)

v. HOME OCCUPATIONS: (Residential PUD's only)

Permitted (X) for any residential unit contained in the PUD.  
Shall conform to Sec. 59-80(4)(a) of the R-2 district.

w. TEMPORARY USES: Uses by temporary permit will be regulated by Sec. 59-80(5)(a) (R-2 zone)

x. ACCESSORY USES: Will be permitted and regulated by Sec. 59-80(6)(a) (R2 zone)

y. INTERIM USES: Prior to the development of this project, the property may be used on an interim basis for the following uses within existing buildings: N/A

- z. PHASING: Developed in phases? Yes ( ) No (X)  
If yes, specify the phasing and the improvements to be constructed in each phase: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated starting date 6/3/96 Completion date 6/3/97

**A SEPARATE SITE PLAN REVIEW IS REQUIRED FOR ALL PUD'S PRIOR TO OBTAINING ZONING OR BUILDING PERMITS FOR CONSTRUCTION. CONTACT THE ZONING ADMINISTRATION FOR MORE DETAILS. THIS PROCESS, IF REQUIRED, MAY BE STARTED AFTER THE PLANNING BOARD HEARINGS ARE COMPLETED.**

3. On an attached page a written statement is given generally describing:
- a. The proposed PUD and the market it is intended to serve.
  - b. Its relationship to the Comprehensive Plan: Where the applicant's objectives are not in substantial conformance with the changing conditions that justify approval of the proposed PUD District. (*For help with this, contact the Denver Planning Office.*)
  - c. How the proposed PUD District is to relate to the character of the surrounding neighborhood.
4. The "Existing Conditions Map" is attached following the written statement described above.
5. The "District Plan" is attached following the "Existing Conditions Map".


This plan includes the following listed and attached drawings or renderings:

- |       |   |              |                                     |
|-------|---|--------------|-------------------------------------|
| _____ | Architectural concepts                                | <u>  X  </u> | Building elevations with Bulk Plane |
| _____ | Facade treatments                                     | _____        | Exterior building materials         |
| _____ | Other important features ( <i>Please list</i> ) _____ |              |                                     |
- \_\_\_\_\_

**6. ACKNOWLEDGMENT:**

- a. The applicant for this PUD is the owner or owners of all the property contained within the proposed PUD District or is the agent for the owner or owners of all the property contained within the proposed PUD District.
- b. The applicant understands that vested property rights shall be created ninety (90) days after the approval of this district plan by the Denver City Council. These vested property rights shall remain vested for a period of three (3) years in accordance with Sec. 59-29.

John Arigoni  
*Print or type applicant's name*

  
*Applicant's signature*



## PUD SUMMARY SHEET

Application # 4242  
 Address/Location 3914 King Street  
 Total Land Area 18,730 sf or 0.43 acres

### Permitted Uses

Use A Community Center  
 Use B Child Care  
 Use C Development in accordance with the R-2 Zone District

	Proposed Uses			Total
	Use A	Use B	Use C	
Maximum Gross Floor Area (sq. ft.)	12,500	3000	(3000) Future	15,500
F.A.R. (non-residential uses)	0.67	0.16		0.83
Maximum number of dwelling units				0 (1) Future
Density (dwelling units/acre)				NA
Land Coverage (sq. ft.)				
Buildings	6118	1482		7600
Drives and Parking				1380
Other (sidewalks)				1807
Parking				
Number of spaces	3	2		5
Ratios (spaces:floor area)	3:12,500	2:3,000		1:15,500
Landscaping				
Area of living landscaping (sq. ft.)				4992
Area of non-live landscaping (sq. ft.)				2781

### Building Setbacks:

Front	_____ ft.	North	<u>2.0</u> ft.
Side	_____ ft.	South	<u>23.8</u> ft.
Rear	_____ ft.	East	<u>10.8</u> ft.
		West	<u>9.9</u> ft.

Parkway Setbacks N/A

Buildings \_\_\_\_\_ ft. Signs \_\_\_\_\_ ft.

Required Separation Between Buildings 4.85 ft.

Maximum Building Height

Stories 2 \_\_\_\_\_ 50 feet

Maximum Fence Height:

6 ft

**NOTE: FOR COMPLETE PUD REQUIREMENTS REFER TO APPLICATION # 4242**



Dear Madam or Sir,

We are writing to respectfully express our opposition and concerns regarding the proposed rezoning at 3441 W 39th Ave & 3914 N King St: 2015I-00174.

Even though some of us have a background in residential real estate, none of us have a background in zoning, so please excuse if we do not have the expertise or have misinterpreted some of the zoning regulations.

We oppose the rezoning for the following reasons:

- 1) The applicant represents that a childcare facility would benefit the safety and welfare of the public. Even though we agree that child care at that location does benefit the community, we are outraged by that argument as the Steele Cooperative Preschool (a school with a perfect 4-star Qualistar rating) has been located at one of the parcels for decades and had its lease terminated last summer which caused palpable outcry in the community. Luckily, with a lot of help of parents and the community, it was possible to secure a new location. We have to say that it is ironic that one preschool's lease was terminated to be able to sell the property without a tenant and now that new potential owner is proposing a rezoning with the argument that the neighborhood needs child care.
- 2) The current PUD #406 already allows the use as a daycare. One difference between the PUD and U-SU-B1 is the off street parking requirement which we believe is the real reason for the proposed rezoning. The PUD would require 1 parking spot per 600 sq/ft while U-SU-B1 would only require 1 parking spot per 1000 sq/ft. We have a friend who lives very close to a childcare center of similar size to what the daycare in the King Street building would be. She has often talked about how that childcare facility has impacted the traffic and parking situation in that residential neighborhood. Our research has shown that most suburban large daycares have 35-60 parking spots. The urban location our friend lives close to has the same 1/600 requirement as the PUD has and there is still a lot of on street parking overflow into the neighborhood especially when the children are being dropped off or picked up. That would be even 66% worse at this location if the rezoning is granted. We are very concerned about the increased traffic as much of it would occur at similar times to when children arrive or leave Skinner Middle School and we fear that the addition of a large daycare would create traffic chaos in our neighborhood. When doing our research we found that a lot of planning committees around the nation have required large daycares to submit traffic impact studies. We believe that the reduction in required off street parking would create a significant increase in on street parking. Our residential roads could be easily congested by people parallel parking on the street and we believe more off street parking as required by the PUD would be crucial to the traffic flow in our neighborhood if a large daycare is added. We respectfully suggest to require the applicant to submit a traffic and parking impact study for this location prior to making the decision.
- 3) A child care center is a permitted use under U-SU-B1 with certain limitations. One of the limitations is that it is "Within an existing nonresidential structure originally designed for a nonresidential use and not for residential occupancy;" [11.3.4 -1 b]. We believe that the current structure would not be compliant with the requirement of U-SU-B1 in regards to set backs etc., it would not receive a zoning permit if currently build new and can only be grandfathered in. We feel that the rezoning request is trying to get the best out of both worlds. For parking reasons the U-SU-B1 zone is what is desired by the applicant. The structure needs to be grandfathered in as the use would not be permitted if not located in an existing building. That existing structure would not meet U-SU-B1 zoning requirements. We think that is very hypocritical.

We hope you are taking the arguments and opinions above into consideration.

Respectfully

A group of concerned neighbors.