

TO: Denver City Council
FROM: Steve Nalley, Senior City Planner
DATE: June 3, 2013
RE: Official Zoning Map Amendment Application #2013I-00005
3101 S. Parker Road; 11100 E. Dartmouth Ave.; 11150 E. Dartmouth Ave
Rezoning from PUD 309 to PUD-G

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00005 for a rezoning from **PUD #309 to PUD-G**.

Request for Rezoning

Application:	#2013I-00005
Address:	3101 S. Parker Road; 11100 E. Dartmouth Ave. 11150 E. Dartmouth Ave
Neighborhood/Council District:	Kennedy / Council District #4
RNOs:	Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	4.5055 acres
Current Zoning:	PUD 309
Proposed Zoning:	PUD-G (General Planned Unit Development)
Property Owner(s):	John J. Horan; Rocky Mountain Memorial Parks; Horan and McConaty Funeral Services
Owner Representative:	Randal Friesen, Architect

Summary of Rezoning Request

- The subject property is currently zoned PUD 309. The applicant wishes to expand the footprint of the current office use, one of four uses on the property today, the other three being a funeral home, a crematorium, and a columbarium. The terms of PUD 309 are such that the applicant cannot expand the office use without amending PUD 309. Rather than simply amend PUD 309, the applicant wishes to rezone to PUD-G, which will allow for the expanded office use, but also provide sufficient flexibility in the future to allow for redevelopment in accordance with the S-CC-5 zone district without requiring further rezoning or a PUD amendment.
- The existing use of a funeral home with a crematorium is not allowed in the S-CC-5 district, and so the applicant wishes to rezone to PUD-G, which will allow the current uses as well as the full range of uses in S-CC-5.
- Consistent with the points listed above, the specific intent of PUD-G is to implement expansion of an existing structure on the subject property in the short term, and to allow for redevelopment in the future consistent with the property's predominant suburban neighborhood context.

Existing Context

The subject property is located at the intersection of Dartmouth Ave and Parker Rd. The City of Aurora lies to the north, across Parker Road. Uses to the north include an office building and a suburban shopping plaza. Three-story apartment complexes are located to the east and west of the site. John F. Kennedy Park is located to the south.

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 309	Funeral Home	1 story building, surface parking lot, landscaped courtyard with columbarium	
North	City of Aurora	Commercial strip	1 story suburban retail, multi story office building	
South	OS-A	John F. Kennedy Park	n/a- open space and baseball fields	
East	R-3	Multifamily	3-story suburban apartment complex	
West	B-2 and R-3, B-3	Multifamily, Commercial strip retail	3-story suburban apartment complex, 1 story suburban strip retail	

1. Existing Land Use Map



2. Existing Zoning



PUD 309 allows for a mortuary, mausoleum/memorial tower and office building in a very specific format that does not allow expansion or future redevelopment.

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: Approve – No comments.

Denver Fire Department: Approve Rezoning Only – will require additional information at site plan review.

Development Services – Wastewater: Approve - Any future proposed development affecting stormwater runoff or sanitary sewer services should be submitted to Development Services wastewater section for approval.

Development Services – Project Coordinator: Approve – No comments.

Development Services – Transportation: Approve Rezoning Only – will require additional information at site plan review.

Public Works – City Surveyor: Approve – No Comments

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 February 26, 2013.
- Planning Board notification process
 - The property was legally posted for a period of 15 days announcing the March 20, 2012, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- LUTI notification process:
 - Written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- City Council notification process:
 - The property was legally posted for a period of 21 days announcing the June 3, 2013, City Council public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13, 12.4.10.14, and 12.4.10.15 as follows:

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

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

DZC Section 12.4.10.15

6. Additional review criteria for rezoning to PUD District

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.
- Land Use Strategy 1-G – Reinforce Denver as the focal point of the metropolitan area
- 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.
- Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated.

The proposed map amendment will allow an established business to expand in place while providing flexibility for future redevelopment that is characteristic of the corridor. 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 Urban Residential and is located in an Area of Stability. Dartmouth Ave has a future street classification of undesignated-local, and Parker Road has a future street classification of undesignated-local.



Future Land Use

The Urban Residential Land Use Building Block indicates “urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures” (p. 42)

Additionally, the land use along Dartmouth Ave and especially Parker Rd is commercially-oriented and commercial uses are not only appropriate, but predominant along these corridors.

This rezoning application is consistent with the Urban Residential designation, by enabling the future possibility for complementary commercial uses.

Area of Change / Area of Stability

The site is located in a Blueprint Denver Area of Stability. The goal of Areas of Stability is to maintain the character yet accommodate some new development to prevent stagnation. “Within Areas of Stability there may be places such as stagnant commercial centers where reinvestment would be desirable to make the area an asset to and supportive of the surrounding neighborhood.” (p. 23)

Although the site is not currently stagnant, this rezoning will allow future reinvestment and redevelopment to support the surrounding neighborhood.

Future Street Classifications

Dartmouth Ave and Parker Rd are both designated in Blueprint Denver as undesignated local streets. These streets are considered arterials by the Department of Public Works and serve both a horizontal and vertical mix of land uses. Both streets also serve major RTD bus routes. Routes include the 35, 79 L, and the 83L.

2. Uniformity of District Regulations and Restrictions

Because the proposed PUD-G district is based on the S-CC-5 district, and varies from that district only to the extent necessary to allow the existing uses, the proposed rezoning results in the uniform application of zone district building form, use and design regulations, to the extent practicable at this site.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

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 redevelopment of the area is desired. This is an appropriate justifying circumstance for the proposed rezoning.

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

According to the zone district intent stated in the Denver Zoning Code, the S-CC-5 district "applies to primarily to auto-oriented street corridors where a building scale of up to 5 stories is desired" (DZC Section 3.2.3.2.C.).

6. Additional Review Criteria for rezoning to PUD District

1. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code
 - o The development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans.
2. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6
 - o The General PUD complies with all standards and criteria stated in Division 9.6.
3. The development proposed on the subject property is not feasible under any other zone district and would require an unreasonable number of variances or waivers and conditions
 - o The General PUD District is necessary because the existing PUD was developed through a public process, resulting in agreements for uses that cannot be accomplished with standard zone districts.

4. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property
 - o The General PUD District utilizes the S-CC-5 zone district use list to ensure land use compatibility with the surrounding properties.
5. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan
 - o The General PUD District utilizes modified building forms and standards.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3101 S. Parker Road; 11100 and 11150 E. Dartmouth Ave to a PUD-G zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Application
2. PUD-G District Plan



Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	John J. Horan *SEE BELOW	Representative Name	Randal Friesen: Randal Friesen Architecture LLC
Address	11150 E. Dartmouth Ave.	Address	5575 S. Sycamore St., suite 314
City, State, Zip	Denver, Colorado 80014	City, State, Zip	Littleton, CO 80120
Telephone	303-745-4418	Telephone	303-898-4541
Email	jhoran@horancares.com	Email	randy@rfriesenarch.com
<p>*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.</p> <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>			
<p>Please attach Proof of Ownership acceptable to the Manager for all property owners, 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):	3101 S. Parker Road; 11100 E. Dartmouth Ave.; 11150 E. Dartmouth Ave.-all Denver		
Assessor's Parcel Numbers:	PIN numbers: 163168135; 163555261; 163555279		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See attachments.		
Area in Acres or Square Feet:	4.5055 acres, more or less; per PUD 309		
Current Zone District(s):	PUD 309		
PROPOSAL			
Proposed Zone District	<input type="checkbox"/> General PUD	<input checked="" type="checkbox"/> Detailed PUD	Correction: General PUD, not a Detailed PUD
Proposing SubAreas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Intent of PUD:	rezone from exist. PUD to new PUD district to more closely match existing & intended property uses		
Standard Zone District: Please list the zone district(s) on which the PUD will be based.	S-CC-5		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation		Why deviation is necessary
	Allow cemetery and land used for interment of bodies		To match the existing site uses on the ground
	Including cremated remains, burial park, mausoleum		which are otherwise not allowed on any other
	Columbarium and associated sales and service facilities		standard zone districts compatible with the location

www.denvergov.org/rezoning

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<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</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.15</p>	<p><input type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6.</p> <p><input type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>



ATTACHMENTS

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Deviations
- Review Criteria

Please list any additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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 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 ap- proved	Property owner repre- sentative written authoriza- tion? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
John J. Horan	11150 E. Dartmouth Ave. Denver, Colorado 80014 303-745-4418 jhoran@horancares.com	approx. 6% (parcel # 163555261)	<i>John J. Horan</i>	1/22/13	(A)	YES
Rocky Mountain Memorial Parks John J. Horan, President: non-profit	11150 E. Dartmouth Ave. Denver, CO 80202 303-745-4418 jhoran@horancares.com	approx. 26% (parcel # 163168135)	<i>John J. Horan</i>	1/22/13	(D) (non-profit ownership via President)	YES
Horan & McConaty Funeral Services, John J. Horan, CEO Daren B. Forbes, COO Dan Frakes, CFO	11150 E. Dartmouth Ave. Denver, CO 80202 303-745-4418 jhoran@horancares.com	approx. 68% (parcel # 163555279)	<i>John J. Horan Daren B. Forbes Dan Frakes</i>	1/22/13	(D) (per Ownerships' corporate operating agreement)	YES

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Horan and McConaty PUD Application Attachment re: Appendix Page 1.

January 23, 2013

***--PROPERTY OWNERSHIP NOTE:**

There are three parcels in the PUD application; all related through John H. Horan:

- 1) Parcel 163555261; Owned directly by John H. Horan.
- 2) Parcel 163555279; Owned by Horan & McConaty Funeral Service Buildings LLC of which John J. Horan is CEO/President. Other Officers are: Daren B. Forbes COO and Vice President and Dan Frakes CFO
- 3) Parcel 163168135: Owned by Rocky Mountain Memorial Parks and non-profit entity of which John J. Horan is President of the Board.

These Ownerships are as shown on the Assessor's Records. The persons named have signed for the Ownerships, both on this application and on the attached letter authorizing Randal Friesen of Randal Friesen Architecture LLC to be the Owner's representative.

The **LEGAL DESCRIPTION** for the entire PUD area is attached, and is a copy of that shown on the existing PUD #309.

END OF ATTACHMENT to Appendix Page 1.

Denver Property Assessment and Taxation System (2.0.0.39)

11150 E DARTMOUTH AVE

Note: Enter schedule numbers without dashes

Owner	PIN	Legal Description
HORAN & MCCONATY FUNERAL PO BOX 440590 AURORA , CO 80044-0590	163555279 Schedule Number 0635500034000	T4 R67 S35 SE/4 & NE/4 PT DIF BOOK 2570-474 EXC PT DI 114608 RCD 06/10/2003 & PT DIFRCP 2008019182 RCD 2/1

Assessment

Actual Value Year: 2012 Actual Value: \$2,237,100

Property

Year Built: 1992 Square Footage: 13185

Comparables

PIN Address Year Sales Price

No comparables available for this property.

Denver Property Assessment and Taxation System (2.0.0.39)

11100 E DARTMOUTH AVE**Note: Enter schedule numbers without dashes**

Owner	PIN	Legal Description
HORAN,JOHN J	163555261	
PO BOX 440590	Schedule	T4 R67 S35 SE/4 PT DIF BOOK 2627-254 & PT DIF BOOK 2
AURORA , CO 80044-0590	Number	DIF RCP 2008019182
	0635400033000	

Assessment**Actual Value Year: 2012 Actual Value: \$77,300****Property****Year Built: 0 Square Footage: 0****Comparables****PIN Address Year Sales Price**

No comparables available for this property.

Denver Property Assessment and Taxation System (2.0.0.39)

3101 S PARKER RD

Note: Enter schedule numbers without dashes

Owner	PIN	Legal Description
ROCKY MOUNTAIN MEMORIAL PARKS 11150 E DARTMOUTH AVE DENVER , CO 80014-4803	163168135 Schedule Number 0635500032000	T4 R67 S35 SE/4 DIF REC#114608RCD 06/10/2003 *

Assessment

Actual Value Year: 2012 Actual Value: \$550,100

Property

Year Built: 0 Square Footage: 0

Comparables

PIN	Address	Year	Sales Price
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No comparables available for this property.

LEGAL DESCRIPTION

HORAN

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, FROM WHENCE THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 BEARS N89°43'00"E, A DISTANCE OF 2649.36 FEET; THENCE S00°04'53"E ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING; THENCE N89°43'00"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 51.26 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE (SAID CURVE HAVING A RADIUS OF 385.00 FEET, A DELTA ANGLE OF 43°47'05" AND A CHORD BEARING OF N67°49'28"E, A DISTANCE OF 287.11 FEET), AN ARC DISTANCE OF 294.21 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE CONCAVE TO THE SOUTH (SAID CURVE HAVING A RADIUS OF 70.00 FEET, A DELTA ANGLE OF 77°34'59", A CHORD BEARING OF N84°43'25"E, A DISTANCE OF 87.71 FEET), AN ARC DISTANCE OF 94.79 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PARKER ROAD (STATE HIGHWAY NO. 83); THENCE EASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PARKER ROAD AND ALONG A CURVE CONCAVE TO THE NORTHEAST (SAID CURVE HAVING A RADIUS OF 1982.50 FEET, A DELTA ANGLE OF 08°28'56" AND A CHORD BEARING OF S60°43'34"E, A DISTANCE OF 293.23 FEET), AN ARC DISTANCE OF 293.49 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 1818 AT PAGE 352; THENCE S53°52'58"W ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN BOOK 1818 AT PAGE 352, A DISTANCE OF 107.50 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF VACATED SOUTH MACON STREET (FORMERLY OLD PARKER ROAD AND FORMERLY OLD STATE HIGHWAY NO. 83); THENCE CONTINUING S53°52'58"W AND AT RIGHT ANGLES TO SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF VACATED SOUTH MACON STREET, A DISTANCE OF 70.00 FEET TO THE CENTERLINE OF SAID VACATED SOUTH MACON STREET; THENCE S36°07'02"E ALONG THE CENTERLINE OF SAID VACATED SOUTH MACON STREET, A DISTANCE OF 168.80 FEET TO A POINT ON THE NORTHERLY LINE OF UNITED STATES OF AMERICA PROPERTY (JOHN F. KENNEDY GOLF COURSE); THENCE S49°38'41"W ALONG SAID NORTHERLY LINE OF UNITED STATES OF AMERICA PROPERTY A DISTANCE OF 70.19 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID VACATED SOUTH MACON STREET (FORMERLY OLD PARKER ROAD AND FORMERLY STATE HIGHWAY NO. 83); THENCE CONTINUING S49°38'41"W ALONG SAID NORTHERLY LINE OF UNITED STATES OF AMERICA PROPERTY A DISTANCE OF 263.48 FEET; THENCE N36°05'19"W ALONG THE EASTERN LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 2123 AT PAGE 312, CITY AND COUNTY OF DENVER, A DISTANCE OF 493.45 FEET; THENCE S89°43'00"W AND CONTINUING ALONG SAID EASTERN LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 36.99 FEET; THENCE N36°05'19"W AND CONTINUING ALONG SAID EASTERN LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 58.36 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N00°04'53"W ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER AND CONTINUING ALONG SAID EASTERN LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 38.00 FEET TO THE SOUTHERLY LINE OF SAID DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING, CONTAINING 4.7122 ACRES MORE OR LESS. (TOTAL SITE)

EXCEPT THAT PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SAID SECTION 35, ARAPAHOE COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 BEARS N89°43'00"E, A DISTANCE OF 2649.36 FEET (BASIS OF BEARINGS); THENCE N89°43'00"E ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 257.45 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE (SAID CURVE HAVING A RADIUS OF 385.00 FEET, A DELTA ANGLE OF 11°22'00" AND A CHORD BEARING OF N51°36'55"E, A DISTANCE OF 76.25 FEET), AN ARC DISTANCE OF 76.38 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE CONCAVE TO THE SOUTH (SAID CURVE HAVING A RADIUS OF 70.00 FEET, A DELTA ANGLE OF 77°34'59" AND A CHORD BEARING OF N84°43'25"E, A DISTANCE OF 87.71 FEET), AN ARC DISTANCE OF 94.79 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH PARKER ROAD; THENCE EASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH PARKER ROAD AND ALONG A CURVE CONCAVE TO THE NORTHEAST (SAID CURVE HAVING A RADIUS OF 1982.50 FEET, A DELTA ANGLE OF 2°57'23" AND A CHORD BEARING OF S57°57'46"E, A DISTANCE OF 102.28 FEET), AND ARC DISTANCE OF 102.29 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 35; THENCE S89°43'00"W ALONG SAID SOUTH LINE A DISTANCE OF 233.82 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING. CONTAINING 0.2067 ACRES (9,003 SQUARE FEET), MORE OR LESS. (ARAPAHOE COUNTY)

Horan and McConaty PUD Application Attachment re: Appendix Page 2

January 23, 2013

GENERAL REVIEW CRITERIA comments (DZC Sec. 12.4.10.13):

The proposed PUD plan is consistent with the City's general zoning classifications and maps. It is as suburban context and location. It is at a major intersection of a major street (Parker Road) and Dartmouth Avenue so it is consistent with anticipated zoning for such a location (CC---Commercial Corridor) .

ADDITIONAL REVIEW CRITERIA comments for non-legislative rezonings (DZC Sec. 12.4.10.14):

The land use has changed over the years to a lower height and lower density mortuary use compared to the existing PUD which planned for and allowed up to a 14 story office building with setbacks appropriate to that height. With the lower building heights a relaxing of setbacks is appropriate to the building type. Likewise it will be consistent with the S-CC-5 base zoning regulations and requirements.

Similarly it is in the public interest to encourage this well established business and public service to continue in the neighborhood and maintain the lower height of buildings consistent with the neighborhood as it has developed.

The proposed PUD plan is consistent with Denver's descriptions of the suburban neighborhood and with the stated intents of the proposed S-CC-5. While Mortuaries and Burial Gardens are typically not part of those typically allowed by use in this zone it does match the property as it exists in all other respects.

ADDITIONAL REVIEW CRITERIA comments for rezoning to PUD districts (DZC Sec. 12.4.10.15)

The proposed PUD specifically matches the General Purpose and Intent of a PUD because of "unique and extraordinary circumstances" item B.2 in DZC Section 9.6.1.1. The exiting PUD does not as closely match the use of the property as it is on the ground, compared to the proposed PUD which is based on the standard S-CC-5 zoning with the addition of specific uses that are uniquely already part of the site.

The proposed PUD development is not possible with any standard zoning that would otherwise match Denver's map plans and the surrounding environment, because there is no such zoning in the DZC that allows mortuary and burial garden types of use. The only such allowed uses come in Light Industrial Zones which are not appropriate to this location.

As noted above the planned PUD will establish permitted uses that match the existing neighborhood and what is already built on the site.

Building forms allowed in the proposed PUD are direct and unchanged from those of the S-CC-5 district. With a neighboring golf course to the South; 3-story apartment complexes to the West; up to 5-story mixed office and retail buildings to the North; and mixed retail across Parker Road into Aurora the district as defined should match well with the surrounding uses. The properties existing burial gardens will remain and provide excellent separation to the apartment buildings to the West. All other coordinates are separated with appropriate landscaping and in fact the golf course is basically hidden from the buildings on the property.

City and County of Denver
201 W. Colfax Ave., Dept. 205
Denver, Colorado 80202

Re: **Rezoning of PUD 309—Property Owner Representative**

Commonly known as 11100 and 11150 E. Dartmouth Ave. plus 3101 S. Parker Road---Horan & McConaty Funeral Home, Heartlight Center and Rocky Mountain Memorial Parks;
At the Southwest Corner of Dartmouth Ave. and Parker Road

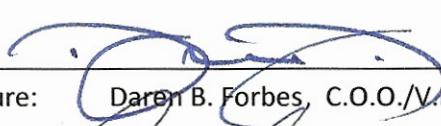
To Whom it May Concern:

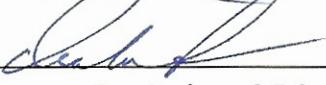
We the Owners of the Properties at the above referenced addresses hereby authorize Randal Friesen of Randal Friesen Architecture to represent us for the rezoning and site planning processes of this property.

X  1-23-13
Signature: John J. Horan Date

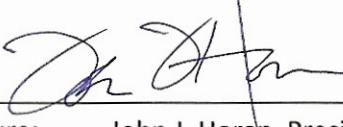
John J. Horan: Owner of Parcel: 163555261
11150 E. Dartmouth Ave.
Denver, CO 80014-4803

X  1-23-13
Signature: John J. Horan, C.E.O./President Date

X  1-23-2013
Signature: Darren B. Forbes, C.O.O./V.P. Date

X  1-23-2013
Signature: Dan Frakes, C.F.O. Date

Horan & McConaty Funeral Service Buildings LLC; Owner of Parcel: 163555279
11150 E. Dartmouth Ave.
Denver, CO 80014-4803

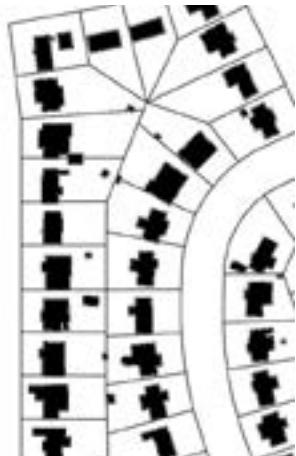
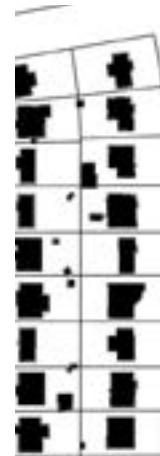
X  1-23-13
Signature: John J. Horan, President of Date

Non-profit of board for:

Rocky Mountain Memorial Parks; Owner of Parcel: 163168135
11150 E. Dartmouth Ave.
Denver, CO 80014-4803



PUD-G



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PUD-G

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CHAPTER 1. SUBURBAN NEIGHBORHOOD CONTEXT DESCRIPTION

Division 3.1 Neighborhood Context Description of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #.

CHAPTER 2. ESTABLISHMENT AND INTENT

SECTION 2.1 PUD-G # ESTABLISHED

The provisions of this PUD-G # apply to the land depicted on the Official Zoning Map with the label PUD-G #, which is approximately 4.5-acre property located within a portion of the northeast $\frac{1}{4}$ and the southeast $\frac{1}{4}$ of Section 35, Township 4 south, Range 67 west of the 6th P.M. The PUD-G-# is a single area with no subareas established.

SECTION 2.2 PUD-G # GENERAL PURPOSE

The general purpose of PUD-G # is to allow the continuation of existing cemetery and crematorium uses while utilizing the Suburban Neighborhood Context S-CC-5 zone district to provide flexibility for future development and redevelopment of the property.

SECTION 2.3 PUD-G # SPECIFIC INTENT

PUD-G # is intended to implement expansion of an existing structure on the subject property in the short-term, and to allow for redevelopment in the future consistent with the property's predominant suburban neighborhood context. The total land area included in the PUD is about 4.5 acres. Surrounding building forms and arrangements are suburban in character and include, 3-story apartment complexes, 12-story office buildings, as well as shopping centers and commercial corridor development near-by, along East Dartmouth Ave., to the west, and along South Parker Rd., to the north and east.

CHAPTER 3. DESIGN STANDARDS

Division 3.3 Design Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G #.

CHAPTER 4. USES AND REQUIRED MINIMUM PARKING

SECTION 4.1 USES

4.1.1 This PUD-G # shall follow the S-CC-5 Zone District of the Denver Zoning Code, as amended from time to time, to establish the primary, accessory, and temporary land uses allowed, including all applicable limitations and required zoning procedures, with the following exceptions:

- A. The specific use type, "Cemetery," as defined in Article 11 of the Denver Zoning Code, as amended from time to time, shall be allowed as a "Permitted Use without Limitations - Zoning Permit Review" or "P-ZP" use; however,
 1. "Crematorium," a sub type of "Cemetery," as defined in Article 11 of the Denver Zoning Code, as amended from time to time, shall be allowed as a "Permitted Use with Limitations - Zoning Permit" or "L-ZP" and the following limitations shall apply:
 - a. Shall be accessory to the primary use sub type funeral home or mortuary which is classified under the primary use category, "Retail Sales, Service & Repair," as defined in Article 11 of the Denver Zoning Code, as amended from time to time.
 - b. Shall be limited to 20 percent of the gross floor area of the structure containing the primary use.

SECTION 4.2 REQUIRED MINIMUM PARKING

4.2.1 The minimum number of required vehicle and bicycle parking spaces shall be regulated by the Open Space Context and the Suburban Neighborhood Context, specifically the OS-B zone district for cemetery and crematorium uses and the S-CC-5 zone district for all other uses, of the Denver Zoning Code, as amended from time to time.

CHAPTER 5. ADDITIONAL STANDARDS

SECTION 5.1 ARTICLE 1 OF THE DENVER ZONING CODE

5.1.1 Applicability

Article 1: General Provisions of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G.

SECTION 5.2 ARTICLE 10 OF THE DENVER ZONING CODE

5.2.1 Applicability

Article 10: General Design Standards of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G, including standards specific to the S-CC-5 Zone District (e.g. Signage).

SECTION 5.3 ARTICLE 11 OF THE DENVER ZONING CODE

5.3.1 Applicability

Article 11: Use Limitations and Definitions of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G.

SECTION 5.4 ARTICLE 12 OF THE DENVER ZONING CODE

5.4.1 Applicability

Article 12: Procedures and Enforcement of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G, with the following exceptions/additions:

A. Official Map Amendment

This PUD-G may be amended as described in Denver Zoning Code Section 9.6.1.4 Amendment to Approved PUD District Plans.

B. Site Development Plan and Ownership

In the case of multiple ownerships (groups or individuals) of this PUD-G, any one ownership may develop independently of the other ownership(s) without the necessity for any type of approval from the other ownership(s) including a signature on the development plan. This includes future revisions to an existing development or development plan.

SECTION 5.5 ARTICLE 13 OF THE DENVER ZONING CODE

5.5.1 Applicability

- A. Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G.
 - 1. Additionally, this PUD shall be considered a "Mixed Use Commercial Zone District," as defined in the Denver Zoning Code, as amended from time to time.

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