



DENVER
THE MILE HIGH CITY

Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	John J. Horan *SEE BELOW
Address	11150 E. Dartmouth Ave.
City, State, Zip	Denver, Colorado 80014
Telephone	303-745-4418
Email	jhoran@horancares.com
*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.	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Randal Friesen: Randal Friesen Architecture LLC
Address	5575 S. Sycamore St., suite 314
City, State, Zip	Littleton, CO 80120
Telephone	303-898-4541
Email	randy@rfriesenarch.com
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

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.

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
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



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 Rezoning: 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 station 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>



DENVER
THE MILE HIGH CITY

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 authori- zation? (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>[Signature]</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>[Signature]</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>[Signature]</i>	1/22/13	(D) (per Ownerships' corporate operating agreement)	YES

www.denvergov.org/rezoning



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

Assessment

Actual Value Year: 2012 Actual Value: \$77,300

Property

Year Built: 0 Square Footage: 0

Comparables

PIN	Address	Year	Sales Price
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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

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 EASTERLY 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 EASTERLY LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 36.99 FEET; THENCE N36°05'19"W AND CONTINUING ALONG SAID EASTERLY 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 EASTERLY 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 TRUCE 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 in a 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 existing 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

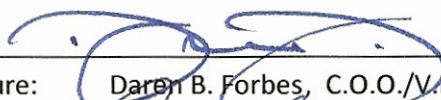
To Whom it May Concern:

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

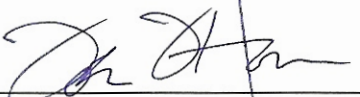
John J. Horan: Owner of Parcel: 163555261
11150 E. Dartmouth Ave.
Denver, CO 80014-4803

X  _____ 1-23-12
Signature: John J. Horan, C.E.O./President Date

X  _____ 1-23-2013
Signature: Daren 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  _____ 1-23-12
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