



**TO:** Denver City Council  
**FROM:** Jason Morrison, AICP, Senior City Planner  
**DATE:** September 8<sup>th</sup>, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00222

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2021I-00222 by Denver City Council.

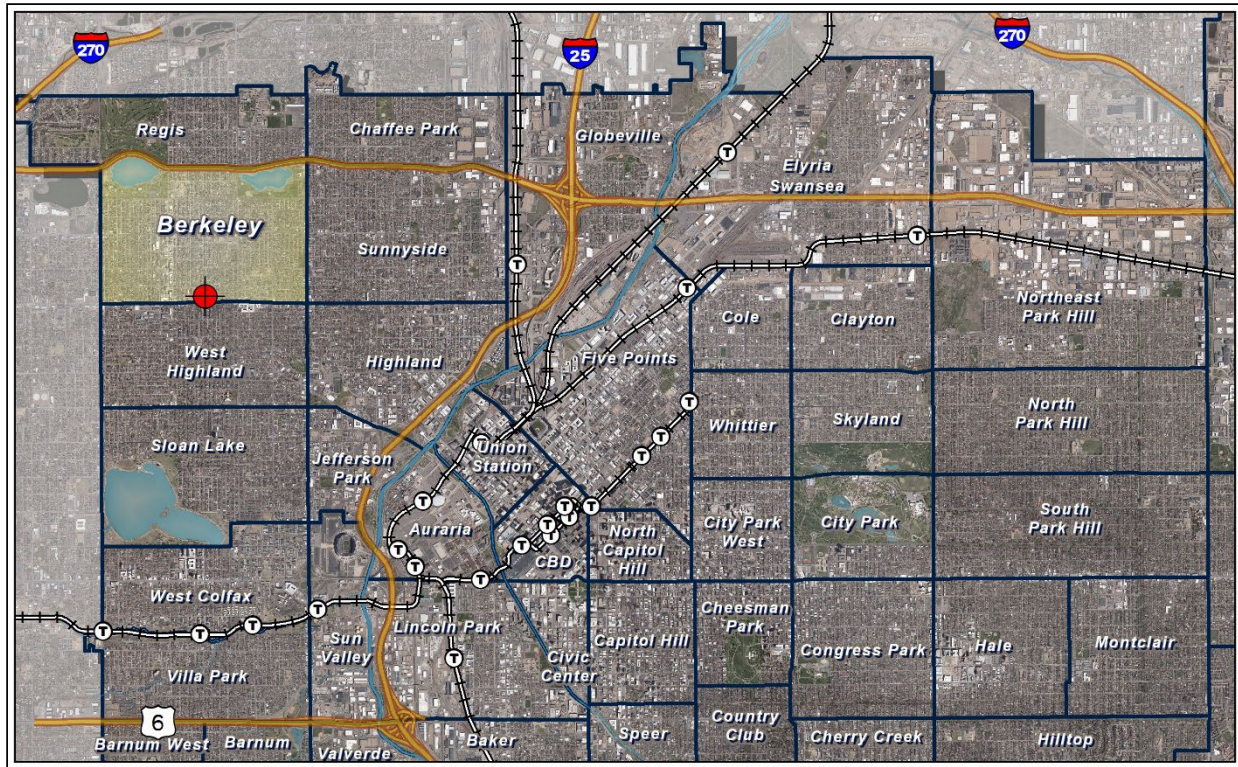
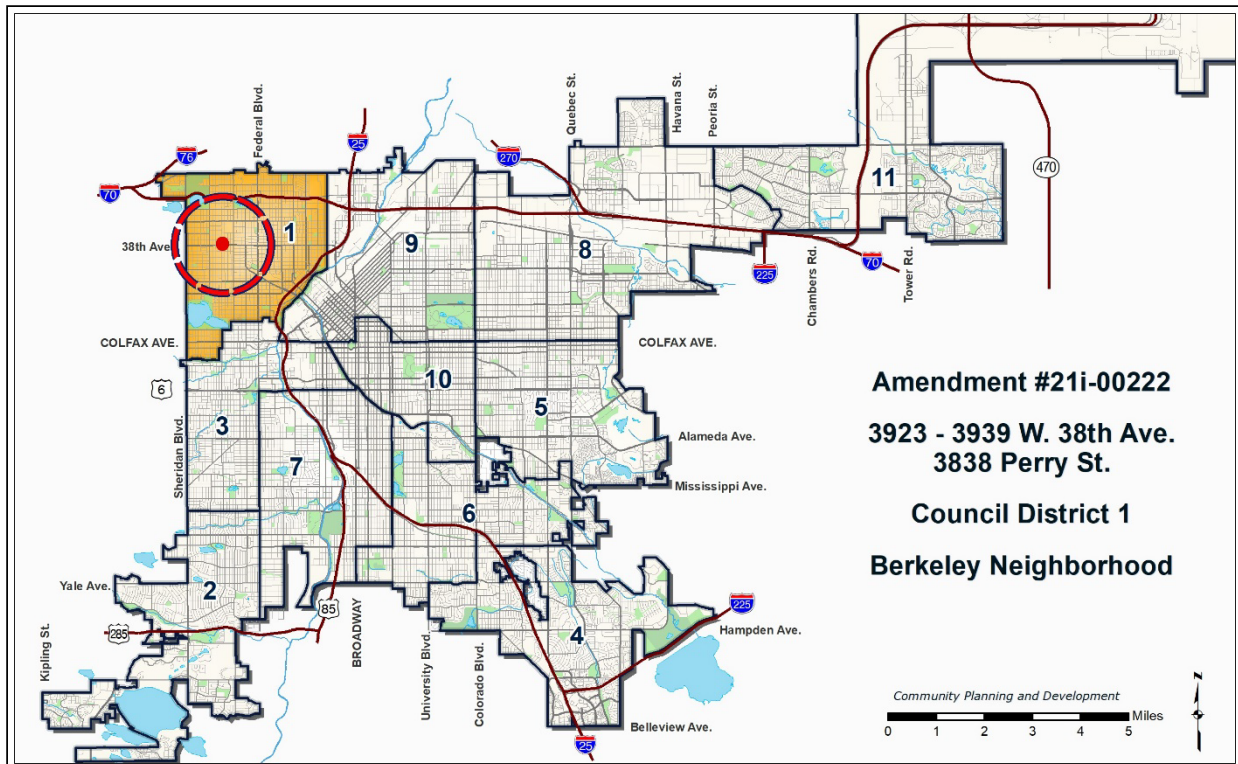
### Request for Rezoning

Address:	3923 & 3929 W. 38 <sup>th</sup> Avenue and 3838 N. Perry Street
Neighborhood/Council District:	Berkeley Neighborhood / Council District 1
RNOs:	West 38th Ave Neighborhood Association, West Highland Neighborhood Association, Unite North Metro Denver, Berkeley Regis United Neighbors, Inc., Inter-Neighborhood Cooperation
Area of Property:	34,925 square feet or 0.80 acres
Current Zoning:	PUD 456
Proposed Zoning:	U-MS-3
Property Owner(s):	Bolton Lampert Business Property LLC., Lampert Business Properties LLC.
Owner Representative:	Phil Workman (The Pachner Company)

### Summary of Rezoning Request

- The subject site consists of three parcels which contain two commercial structures. The property owners are proposing to rezone the property to facilitate redevelopment.
- The current zoning on the subject site is PUD 456 which was created in 1998 and is a custom zone district based on Former Chapter 59. PUD 456 allows for retail sales and the installation and storage of automobile accessories. A maximum building height of two stories (25 feet) applies to the site and minimum setbacks, allowed encroachments, and allowed uses conform to the B-2 and R-2 zone districts (Former Chapter 59).
- The proposed U-MS-3 Zone District (**U**rbain, **M**ain **S**treet, **3** stories) is intended to “promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.” The U-MS-3 Zone District applies primarily to collector and arterial street corridors or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired. The Zone District allows for construction of the Town House and Shopfront primary building forms, and drive thru services and restaurants are allowed subject to geographic limitations. The maximum height of the allowed primary building forms ranges from 38 to 45 feet. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

## Existing Context





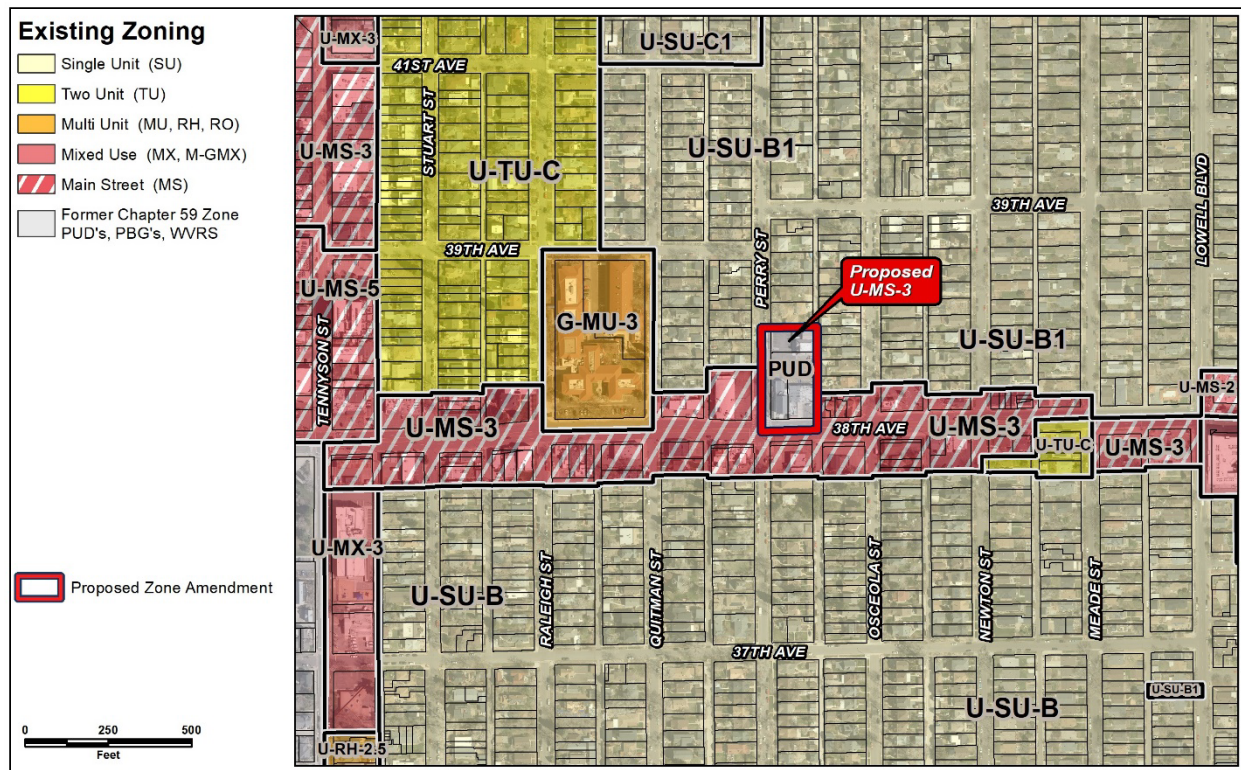
The site is located in the Berkeley statistical neighborhood at the northeast corner of N. Perry Street and W. 38th Avenue. The area is generally characterized as a mix of residential uses, with a concentration of commercial and retail uses along W. 38<sup>th</sup> Avenue and N. Tennyson Street (located less than ¼ mile to the west). Edison Elementary School is located two blocks to the south of the subject site and Skinner Middle School is located approximately ¼ mile to the northeast. Additionally, Mount Saint Vincent (which provides mental health treatment and foster care services for children and families) is located two blocks to the north. The subject site is also served by César Chavez Park ¼ mile to the northwest and the Regional Transportation District (RTD) 38 bus route along W. 38<sup>th</sup> Avenue.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 456	Commercial/Retail & Industrial	Two, one-story commercial structures and associated parking with medium to large setbacks	Generally regular grid of streets where block sizes and shapes are generally consistent and rectangular.  Rear-loaded garages with alleys.
North	U-SU-B1	Multi-Unit Residential	One-story residential structure with medium setback	
South	U-MS-3	Commercial	One-story commercial structure and associated parking lot with large setbacks	

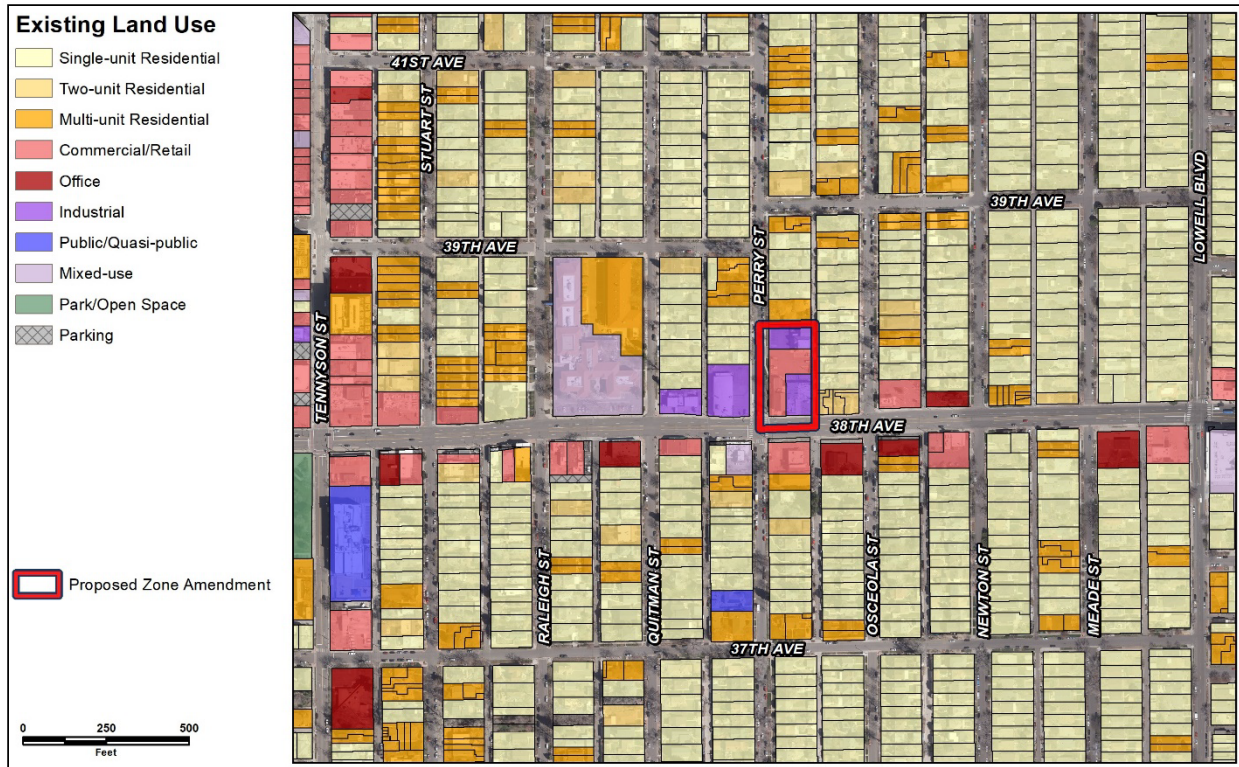
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	U-SU-B1, U-MS-3	Single-Unit Residential, Industrial	One-story residential structure with medium setback, and one-story commercial structure with associated parking	
East	U-SU-B1, U-MS-3	Single-Unit Residential, Multi-Unit Residential	Two single-story duplex structures with minimal setbacks off W. 38 <sup>th</sup> Avenue, and single-story houses with medium setbacks along Osceola.	

### 1. Existing Zoning



The subject site is currently zoned PUD 456 which was established in 1998 and is a custom zone district from Former Chapter 59. The PUD allows for retail sales and the installation and storage of automobile accessories. A maximum building height of two stories (25 feet) applies to the site, and minimum setbacks, allowed encroachments, and allowed uses conform to the B-2 and R-2 zone districts (Former Chapter 59). Building coverage can't exceed 32.4% under the current zoning. Additional information on PUD 456 can be found attached to this staff report.

## 2. Existing Land Use Map



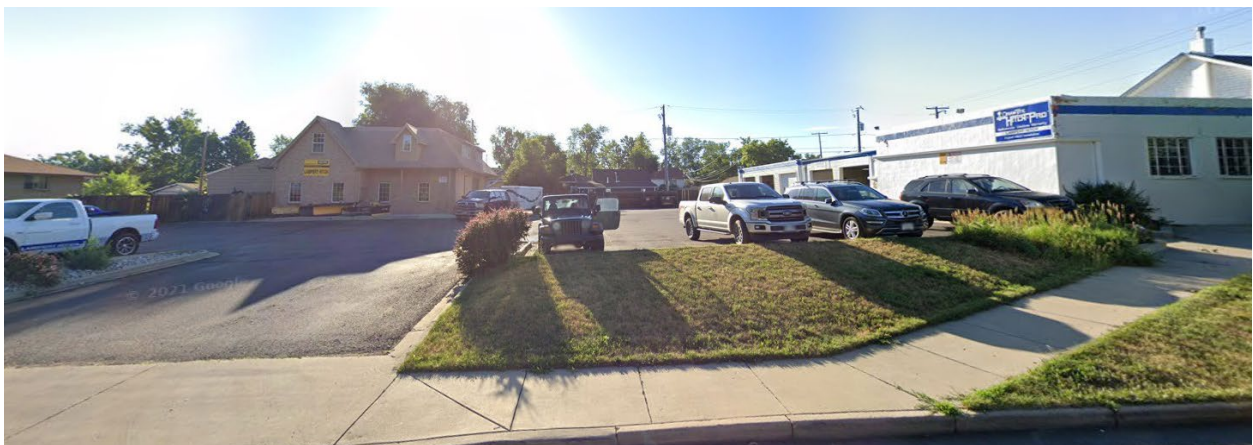
The existing land use on the subject site is a mix of Commercial/Retail and Industrial. Surrounding land use includes Multi-unit residential, Two-unit residential, Office, Commercial Retail and Industrial.

### 3. Existing Building Form and Scale

*All images are from Google Street View.*



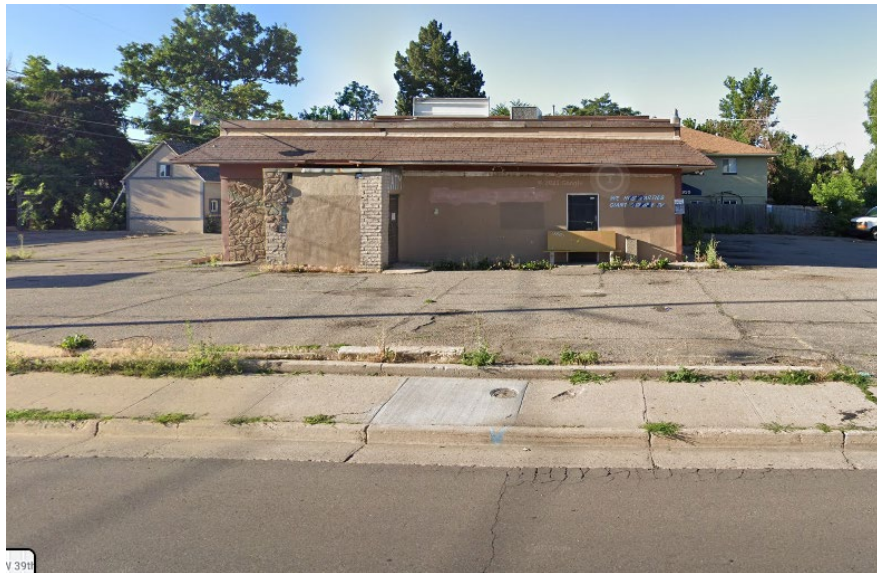
Subject site facing north from W. 38<sup>th</sup> Avenue



Subject site facing east from N. Perry Street



Multi-unit residential (one-story) property north of the subject site, facing east from N. Perry Street



Commercial building (one-story) south of the subject site, facing south from W. 38<sup>th</sup> Avenue



Residential duplex (one-story) east of the subject site, facing north from W. 38<sup>th</sup> Avenue

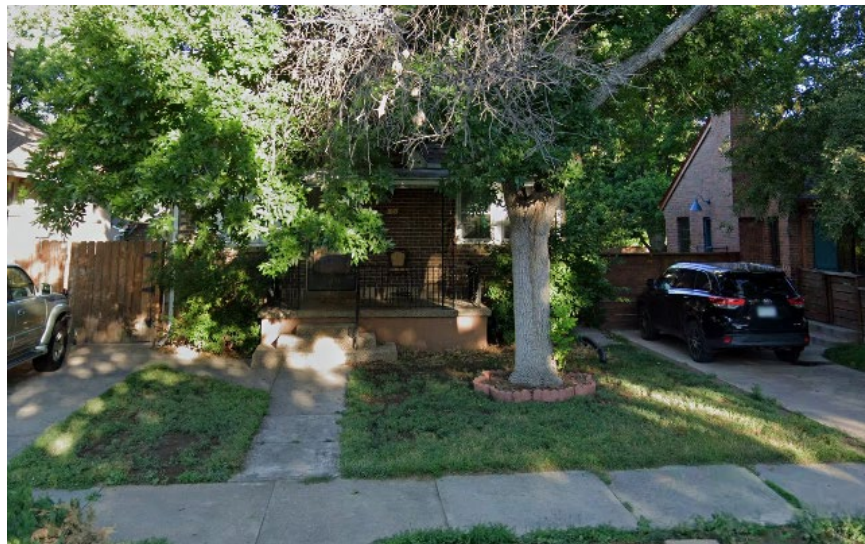


Single-unit residential (one-story) east of the subject site, facing west from N. Osceola Street





Industrial building (one-story) west of the subject site, facing west from N. Perry Street



Single-unit residential (one-story) west of the subject site, facing west from N. Perry Street

### **Proposed Zoning**

The requested U-MS-3 Zone District is found in the Urban neighborhood context and the intent of the district is to “promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.” Additionally, the Main Street district standards are intended to ensure new development contributes positively to established residential neighborhoods and character, improving the transition between commercial development and adjacent residential neighborhoods. The Zone District allows for construction of the Town House and Shopfront primary building forms, and drive thru services and restaurants are allowed unless the zone lot is within ¼ mile of the outer boundary of a rail transit station platform. These building forms are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets. Multi-unit residential uses are typically located along local streets, residential and mixed-use arterials, and main streets. For additional details of the requested zone district, see Article 5 of the Denver Zoning Code.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized here:

Design Standards	Existing PUD 456	Proposed E-MX-2X
Primary Building Forms Allowed	Two commercial structures	Town House, Drive Thru Services, Drive Thru Restaurant, Shopfront
Height in Stories / Feet (max)	2 stories / 25 feet	3 stories / 38-45 feet*+
Primary Street Build-To Percentages (min)	N/A	50-75%*
Primary Street Build-To Range (min)	N/A	0' to 15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	0' to 67'	0' to 10'*
Building Coverages (max)	32.4%	N/A

\*Standards vary by building form

+ The district allows incentive heights up to 4 stories and 55 feet with the provision of enhanced affordable housing. Per the proposed affordable housing plan, the site will be eligible to utilize incentive height.

### Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Assessor:** No Comments – Approved

**Asset Management:** No Comments - Approved

**Denver Office of the City Attorney:** No Comments – Approved

**Denver Public Schools:** No Response – Approved

**Department of Public Health and Environment:** No Comments - Approved

**Denver Parks and Recreation:** No Comments - Approved

**Public Works – R.O.W.- City Surveyor:** No Comments – Approved

**Development Services – Project Coordination:** No Response - Approved

**Development Services - Fire Protection:** No Response – Approved

**Development Services – Transportation:** No Response – Approved

**Development Services- Wastewater:** No Response – Approved

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	4/4/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	6/21/2022
Planning Board public hearing approval	7/6/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	7/5/2022
Land Use, Transportation, and Infrastructure Committee of the City Council:	7/19/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	8/22/2022
City Council Public Hearing:	9/12/2022

- **Registered Neighborhood Organizations (RNOs):** At the time of this staff report, staff has received one letter from the Berkeley Regis United Neighbors (BRUN). BRUN submitted a position statement citing concerns about the proposed rezoning of part of the northernmost part of the property along Perry St. and potential impacts to an active irrigation ditch abutting the property.
  - **Good Neighbor Agreement** - The applicant and BRUN have entered into an agreement committing the applicant to better building design elements (including maximum height) and landscape buffers for any new development. Additionally, the applicant commits to not using the Drive-Thru building form and will adhere to BRUN’s Active Centers and Corridors Planning and Design Guidelines. The irrigation ditch will remain.
- **Other Public Comment:** At the time of this staff report, staff has received nine letters of support for this rezoning application and those letters are attached to this staff report.

## 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 currently apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*

#### **Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for mixed-use development (including residential uses) within an established neighborhood, consistent with the following strategies in the **Equitable, Affordable, and Inclusive** vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*

Similarly, the proposed U-MS-3 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods along major corridors. Further, the application of main-street zoning contributes to the city's aspirational network of well-connected mixed-use corridors and is therefore consistent with the following strategies in the **Strong and Authentic Neighborhoods** vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*
- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).*

The land use pattern detailed in the previous paragraph is also consistent with the following strategies in the **Environmentally Resilient** vision element. This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. The proposal focuses any future growth that results from this rezoning close to transit. Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage.

- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p. 54).*
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).*

Rezoning to facilitate redevelopment of this site advances the Environmentally Resilient strategies of *Comprehensive Plan 2040*. The requested map amendment would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods expressed in *Comprehensive Plan 2040*.

### **Blueprint Denver**

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as a Local Corridor within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

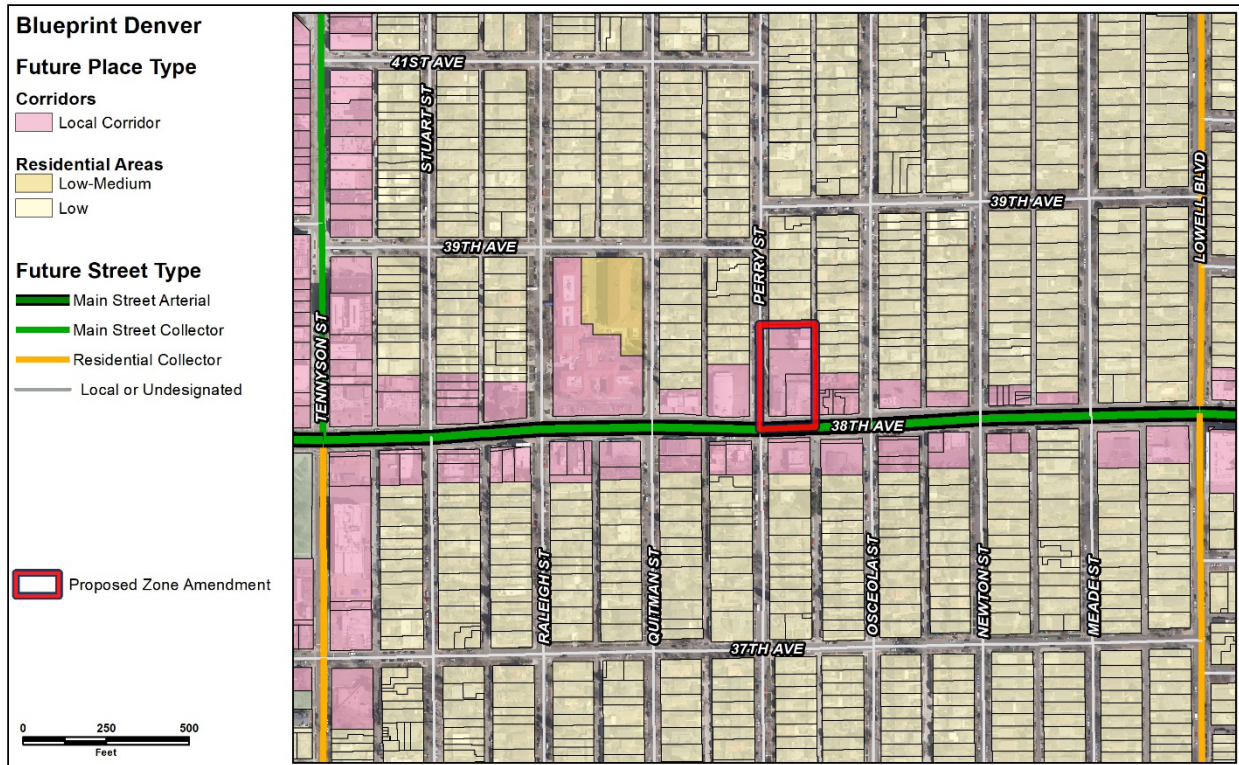


The subject site is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts. (p. 66). *Blueprint Denver* describes the Urban Neighborhood Context as, "small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street" (p. 222)

The proposed U-MS-3 Zone District is within the Urban Neighborhood Context and is intended "to promote safe, active, and pedestrian-scaled commercial street through building forms that clearly

define and activate the public street edge” and “should be applied where a higher degree of walkability and pedestrian activity is desired than required along a Corridor, Mixed Use, or Residential Mixed Use zone district” (DZC Section 5.2.5.1). The U-MS-3 Zone District is consistent with Blueprint Denver’s future neighborhood context of Urban because it will promote an urban, mixed-use built-to environment that will be compatible with the existing residential area.

Blueprint Denver Future Places



Within the Urban Neighborhood Context, the subject property is categorized as a Local Corridor future place with a land use and built form defined by *Blueprint Denver* as primarily providing “options for dining, entertainment and shopping” and “may also include some residential and employment uses” (p.228). In addition, in a Local Corridor, “buildings have a distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages” while “heights are generally up to three stories” (p. 228).

The proposed rezoning to U-MS-3 is appropriate and consistent with the Local Corridor designation as it allows for the mixed-use development of pedestrian-friendly building forms (up to three stories) that define and activate the public street edge.

Blueprint Denver Street Types

*Blueprint Denver* street types work with future place designations to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies W. 38<sup>th</sup> Avenue as a Main Street Arterial and N. Perry Street as an undesignated local street. Main Street Arterial streets are “characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian-oriented, with little front setback, a continuous street wall, and high transparency” (p.158). Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154).

The proposed U-MS-3 zone district is consistent with this plan direction for this location as the zone district allows for a mix of uses that will activate the street edge along the W. 38<sup>th</sup> Avenue corridor.

Growth Strategy



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within “All Other Areas of the City”, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed U-MS-3 zone district is appropriate in this growth area as it adds the opportunity for both housing and employment growth. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

## Strategies

*Blueprint Denver* provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code. Land Use & Built Form: General Policy 3, Strategy B, says, “Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code” (p. 73). That same policy also speaks to custom zoning such as PUDs; Strategy B says, “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73). Therefore, the proposed rezoning to come from custom zoning under Former Chapter 59 to a standard zone district such as U-MS-3 under the DZC is consistent with *Blueprint Denver*.

This rezoning request also furthers many of the general goals in *Blueprint Denver* via the following policies:

- Encouraging higher-density development in transit-rich areas (General Land Use & Built Form Policy 01)
- Diversifying housing options by exploring opportunities to integrate missing middle housing into low residential areas (Housing Land Use & Built Form Policy 02)

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

The proposed rezoning to U-MS-3 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MS-3.

## **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 the implementation of the City’s adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup>

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<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.



#### **4. Justifying Circumstance**

The application identifies changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4., “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 456 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood as evidenced by recent redevelopment near the site, including significant streetscape improvements along mixed-use corridors like N. Tennyson Street.

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

The requested U-MS-3 district is within the Urban Neighborhood Context, which is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located along mixed-use arterials or on main streets. Multi-unit residential uses are located along local streets, residential and mixed-use arterials, and main streets. Buildings are generally low to mid- scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 5.1). The subject site is in an area that reflects these characteristics. Therefore, the proposed rezoning to U-MS-3 is consistent with the neighborhood context description.

The general purpose of the Urban Main Street districts is to “promote safe, active and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge, and that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering.” The building form standards “are intended to promote an urban, mixed-use, built-to environment” where “buildings have a shallow front setback range, and the build-to requirements are high, and the maximum building coverage is significant” (DZC 5.2.5.1). The proposed U-MS-3 district would allow for compatible infill development fitting with the character of the surrounding mixed-use corridor. Therefore, it is consistent with the Urban Main Street District purpose statements.

The specific intent of the U-MS-3 district is the district “applies primarily to collector and arterial street corridors or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired” (DZC 5.2.5.2.D). The subject site is located on a Main Street Arterial street and therefore, the proposed map amendment is consistent with the U-MS-3 intent.

#### **Attachments**

1. Existing PUD
2. Application
3. RNO/Public Comment

BY AUTHORITY

ORDINANCE NO. 450  
SERIES OF 1998

COUNCIL BILL NO. 383  
COMMITTEE OF REFERENCE:

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY DESCRIBED AS 3923-3929 W. 38TH AVENUE AND 3838 PERRY STREET, TO A PLANNED UNIT DEVELOPMENT DISTRICT (PUD), ADOPTING AND APPROVING THE DISTRICT PLAN FOR SAID PLANNED UNIT DEVELOPMENT DISTRICT (PUD), AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE AND SAID DISTRICT PLAN.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

**Section 1.** That the zoning classification for the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from B-2 and R-2 to Planned Unit Development District (PUD):

Lots 14 thru 24, Block 8, First Addition to Argyle Park; in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

*Legal note  
DJA  
6/1/98*

**Section 2.** The complete application with such supporting material as designated by the Zoning Committee of the City Council filed in the Office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 1st day of June, 1998, Filing No. 98-485, be and hereby is adopted and approved as the District Plan for the development of the land area hereinabove described.

**Section 3.** Said District Plan together with a Site Plan, as provided in Section 59-517. and Section 59-518. of the Revised Municipal Code, shall regulate the use and development of the land area hereinabove described.

**Section 4.** None of the land area hereinabove described shall be used or occupied and no structure or structures shall be designed, erected, altered, used or occupied thereon except in conformity with all provisions of said District Plan and a Site Plan, as provided in Section 59-517. and Section 59-518. of the Revised Municipal Code, and except upon performance of all conditions therein set forth.

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  
4322 (2nd Revision)

Date Submitted 5/26/98 | Fee \$600.00

1. Applicant

Lampert Hitch, Inc.

2. Address

3927 W. 38th Ave.

3. Phone No.

(303) 433-8746

4. Interest

- Owner(s)  
 Agent --  
 Other

5. Owners of Property or Properties (If not the Applicant)

Joseph E. Lampert  
Jacquelyn L. Lampert  
Mary Lou Vecchierelli  
John G. Lampert  
Thomas L. Lampert

6. Address

3927 W. 38th Ave.  
Denver, CO 80211

7. Phone No.

(303) 433-8746

8. Location of Proposed Change

3923-3929 W. 38th Ave.  
3838 Perry St.

9. Legal Description of Property: (If Legal Description is lengthy, please attach additional sheet.)

Lots: Block: Addition:

14 thru 24

8

First Addition to Argyle Park

10. Area of Subject Property, Sq. Ft. or Acres

274.53 x 127 = 34,866.33 S.F.

0.800 Acres

11. Present Zone

B-2 and R-2

12. Proposed Zone

P.U.D.

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.

Lampert Hitch, Inc. has been operating at this location for over thirty-five years and serves the Denver metro area. Since the inception of the business they have been selling and installing automotive accessories (trailer hitches and snow plows). The business is family owned and operated by the grandchildren of the founder. This site and the buildings used by the business were developed in 1923, 1933, 1962, 1964 and 1994. A number of conditions have changed for the business and the neighborhood over the last 35 years. These conditions are:

1. Off street parking:

The parking lot used by the business was a church parking lot developed when the church was built in 1923 and doesn't meet today's off street parking requirements.

2. Parking lot landscaping:

When the parking area was developed, landscape requirements did not exist.

Continued on page 1-A

14. Use and development proposed for the property to be rezoned.

The land use of Lots 17 thru 24 will remain as they are today, which is Sales and Installation of Automotive Accessories. Lots 14 thru 16 and a portion of Lot 17 will accommodate a storage building and 14 parking spaces. The owners are requesting a zone map amendment to accomplish three objectives:

1. Improve access to off-street parking and service area.
2. Increase off-street parking from 14 spaces to 24 spaces.
3. Construct a 4800 S.F. two-story storage building.

15. Exhibits Submitted, Number and Kind

District Plan, Existing Conditions Map, P.U.D. App., New Bldg. Elev., Landscape Plan, Krager & Assoc. letter, Photos of existing bldg. & conditions.

16. Applicant's Signature



3. Site Storm Water Retention:

The site was developed before storm water regulations existed.

4. Access from Perry Street:

Presently the business access is through the alley between Osceola and Perry Streets. This access occurred because the original site had no frontage on Perry Street. In 1993 the Lampert's bought 3929 W. 38th Avenue (the former church building) and remodeled the building into their offices. This purchase will allow the parking area to be accessed from Perry Street.

5. Changing Business Conditions:

Over the last twenty years recreational vehicles have become increasingly popular. To remain competitive Lampert Hitch must stock a wide variety of parts and accessories for the growing and changing recreational vehicle market.

The rezoning of this property would allow the Lampert family to address each of the conditions as outlined below:

1. Increase parking from 14 to 24 spaces.
2. Landscape parking area in accordance with current regulations.
3. Construct an access drive from Perry Street.
4. Build a storage building.

Lampert Hitch is a unique service business which has succeeded because of its customer service and expertise. The business has been an asset to the neighborhood for over thirty-five years by providing employment to nearby residents and a stable business to the immediate neighborhood and city. The zone change amendment will allow the Lampert family to address the changed conditions outlined above and remain a viable and stable business in Northwest Denver.

PUD at 3923-3929 W. 38th Ave./3838 Perry St.  
Address

Application Status: Preliminary      Complete      Final   \*

1. SCHEDULE

- a. Date of pre-application conference 11/7/96
- b. Submittal date of preliminary application 4/2/97
- c. Submittal date of completed application 5/26/98
- d. Planning Board or Planning Office hearing date 2/11/98 (2nd Revision)

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

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 ( )

See attached letter and supporting evidence

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>Retail Sales of Automotive Accessories</u>	<u>1600</u>	<u>sq.ft.</u>
Use A.	maximum	
<u>Installation &amp; Servicing Automotive Acc.</u>	<u>3737</u>	<u>sq.ft.</u>
Use B.	maximum	
<u>Storage of Automotive Accessories</u>	<u>8300</u>	<u>sq.ft.</u>
Use C.	maximum	
	<u>13,637</u>	<u>sq.ft.</u>
<u>Uses allowed in B-2 Zone District</u>	<u>TOTAL</u>	<u>as allowed in B-2 Zone District</u>
Use D		

\* If proposed uses A,B and/or C are developed/maintained, the property shall be subject to the terms & conditions of paragraph 2b through 5 herein OR if the proposed Use D is developed/maintained, the property shall be subject to all of the provisions of Division 15 (B-2 Zone District Regulations) of Article III of Chapter 59.

TOTAL F.A.R. 0.39:1  
(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 NA  
Density (ratio of dwelling units  
per acre) NA

b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES:

• Maximum building coverage:

11,300 sq.ft. 32.4 % of site area

Maximum area of drives and parking:

17,672 sq.ft. 50.7 % of site area

Approximate area of other impervious surfaces:

600 sq.ft. 1.7 % of site area

Total impervious surface:

29,572 sq.ft. 84.8 % of site area

c. LANDSCAPED AREAS AND/OR PERMEABLE AREAS:

Live or Organic landscaped lot coverage:

minimum 5294 sq.ft. 15.2 % of site area

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

approximate: -0- sq.ft. -0- % of site area

Total minimum area: -0- sq.ft. -0- % of site area

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

Landscaped areas (permeable surfaces): 5,294 sq.ft.  
Building and impervious surfaces: 29,572 sq.ft.  
Total site area: 34,866 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.)

South Exist Bldg.	North Bldg. with Addition	
North: <u>159.0</u> ft.	8.0'	Front: _____ ft.
South: <u>0</u> ft.	192.0'	Rear: _____ ft.
East: <u>0</u> ft.	3'0'	Side: _____ ft.
West: <u>11.0</u> ft.	67.0'	

Minimum spacing between structures 80'

Encroachments into setback space will conform to Section 59-279(b)(1) & 59-279(b)(4) of the (B-2) zone district.

59-279(b)(6), 59-279(b)(7)  
Official Parkway setback requirements for this P.U.D. are:  
NA ft. for buildings and NA ft. for signs.

f. MAXIMUM HEIGHT OF STRUCTURES:

NEW BUILDING ONLY  
Maximum height: Two stories Twenty-five ft.  
Existing Building 27.0'  
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 B-2 zone district. (solar collectors and mechanical equipment are not excepted from bulk plane restrictions!!!)

g. OFF-STREET PARKING:

This project shall contain 24 off-street parking spaces at the ratios shown below.

- Use (a): Retail Sale of Auto Accessories Ratio: 1osp:200 S.F. GFA = 8 spaces
- Use (b): Install & Service Auto Access. Ratio: 1osp:300 S.F. GFA = 13 spaces
- Use (c): Storage of Auto Acc./Misc. Parts Ratio: 1/10 GFA = 3 spaces

Spaces per dwelling unit: \_\_\_\_\_  
Number of parking spaces for persons with disabilities: \_\_\_\_\_

B-2 uses shall provide parking in accordance with Article V (Off-Street Parking.)  
Will this PUD conform to the requirements of Article V, Off-Street Parking? Yes (x), Yes, except as noted below ( ) or No ( ).

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

- (1) Parking space dimensions:
  - Universal spaces: 8.5' x 17.5'
  - Small car spaces: -0-
- (2) Driving aisle widths: 23'-0"  
Angle of stalls: 90
- (3) Ratio of small car spaces to large car spaces: NA

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: NA

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: Irrigation ditch - prescriptive easement

1. 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: 13
- (2) Minimum size of trees at time of planting: 2" cal or 6' evergreen
- (3) Minimum % of evergreen or coniferous trees: 92.3 %
- (4) Minimum number of shrubs to be planted: 64
- (5) Minimum size of container for planted shrubs: 5 gal. & min. 18"-24" ht./1' spread

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

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: 6

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".

Earthen berms or mounds used for screening shall be landscaped and, if utilized, shall be shown on the District Plan. Maximum height: 0 ft. Minimum height: 0 ft.

m. BOAT, CAMPER, TRAILER AND RECREATION VEHICLE STORAGE:

Permitted ( ) Not Permitted (X)

If permitted, screening fences will ( ) will not ( ) be provided. Such fences shall be not less than \_\_\_\_\_ft. nor exceed \_\_\_\_\_ft. in height. Maximum length of trailer and/or recreational vehicles permitted: \_\_\_\_\_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) 59-31(a)(2), 59-31(a)(3). These effects will be regulated by Sec. 59-81(a)(5) (B-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 - W. 38th Ave.; Gas - W. 38th Ave. & Perry St.; San Sewer - Alley between Perry & Osceola; Elect. - Alley; Telephone - Alley

For information contact the following:

Denver Water Department	628-6100
U.S. West	896-5325
Public Service Company	571-3527
Wastewater Management	964-0500

- r. SIGN CONTROLS: The project will be regulated by the following:

- Sec. 59-537, Signs permitted in all districts.
- Sec. 59-538, Sign area measurement
- Sec. 59-550, regulations for the B-2 district

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

Maximum number of signs: \_\_\_\_\_  
 Permitted sizes of signs: \_\_\_\_\_  
 Maximum sign area allowed: \_\_\_\_\_  
 Number of ground signs allowed: \_\_\_\_\_  
 Number of joint ID signs allowed: \_\_\_\_\_  
 Maximum size of joint ID sign(s): \_\_\_\_\_  
 Temporary signs allowed: \_\_\_\_\_

Number of canopies and awnings: \_\_\_\_\_ Backlit? Yes ( ) No ( )

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 wall: 6 ft.

\*Limit to solid waste

- t. CURRENT TRAFFIC VOLUMES:

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.

RE: Attached letter - Krager & Associates

**Krager and Associates, Inc.**  
1390 Stuart Street, Carriage House  
Denver, Colorado 80204-1243  
(303) 446-2626 FAX (303) 446-0270

June 16, 1997

Mr. Mike Casey  
Casey Godden Architects  
1768 Platte St., Ste. 100  
Denver, CO 80202

RE: Lampert Hitch Expansion

7025lmc.wps

Dear Mike:

Per your request, I have reviewed the proposed site plan for the Lampert Hitch expansion project. Since this company does not fit a typical land use, I am unable to estimate trip generation for the site using standard trip factors from the Institute for Transportation Engineers. However, I can estimate site-generated traffic based on typical operations of the Lampert Hitch company. According to the owners of Lampert Hitch, the company is capable of installing 60 hitches during their busiest days. This work is done by a total of 13 employees. Assuming no carpooling or other modes of transportation, this site would generate approximately 150 daily trips during a busy day. If the existing Lampert Hitch building were used as a retail building, the site could be expected to generate approximately 360 trips per day. Obviously, the hitch installation use provides fewer daily trips and less overall traffic impact than if this area were used for retail sales.

I hope these figures help you. If you have any questions or would like to discuss any of these matters, please feel free to give me a call.

Sincerely,



Kathleen L. Krager, P.E.  
Transportation Engineer

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 ?) Eastbound - Between Perry & Osceola on 38th Ave.  
Westbound - Between Perry & Quitman on 38th Ave.

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 ( ) Not Permitted (X)  
Shall conform to Sec. 59-\_\_\_\_\_ of the \_\_\_\_\_ district.

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

x. ACCESSORY USES: Will be permitted and regulated by Sec. 59- 80 (6) ( B-2 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: The existing facilities will continue to be used by Lampert Hitch to conduct their present business.

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 July 1, 1998 Completion date Dec. 1998

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:

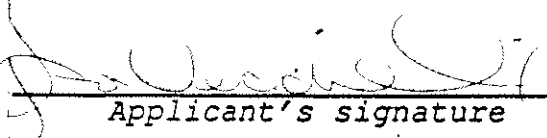
- Architectural concepts
- Building elevations New Building
- Facade treatments
- Exterior building materials
- Other important features (Please list) Landscape plan;  
photos of existing conditions

6. **ACKNOWLEDGEMENT:**

- a. The applicant for this PUD is the owner or owners of all of 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. (Agents must supply proof of agency from the owner or owners of the property at time of application.)
- 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.

Lampert Hitch, Inc.

Print or type applicant's name

  
Applicant's signature

3a) The P.U.D. and the market it serves.

Lampert Hitch Inc. has operated at the corner of W. 38th Avenue and Perry Street for over thirty five years. The business has been family owned and operated since its inception and is presently operated by the founder's grandchildren. The central location in the metro Denver area enables the business to better serve its customers. Being in the same location for over thirty-five years indicates a viable and stable business. Lampert Hitch Inc. has an excellent reputation for quality products and services and plans to continue operation at this location.

3b) This proposal is in conformance with the following comprehensive plan policies.

*NE-P-13 It must be incumbent upon an applicant proposing a zone change to a more intense use to substantially mitigate negative impacts on existing uses.*

The proposed P.U.D. would mitigate two existing site deficiencies. First, it would close the present access through the alley to the existing off-street parking. Secondly, this proposed P.U.D. would provide ten new off-street parking spaces.

*NE-P-20 Measures should be implemented and enforced to minimize parking disruptions in residential areas.*

The proposed P.U.D. will increase off-street parking from the present 14 spaces to 24 spaces. This will benefit the neighborhood by allowing more on-street parking for the resident's use. The existing business uses of the alley will be terminated which will benefit the residents who use the alley to access off-street parking.

*NE-P-21 Off-street parking facilities should be landscaped, designed and located in such a manner that minimizes disruption and inconvenience to adjacent residential properties and streets.*

The present off-street parking landscaping consists of miscellaneous volunteer trees and shrubs that are not maintained. This deciduous vegetation occurs along the Rocky Mountain ditch. Presently, there is no landscaping between parking and the residences to the north or any landscaping between the parking and the alley. Because of the four foot grade change between Perry Street and the existing parking, you have a view of the bumpers and undercarriage of vehicles parked in the lot. The proposed P.U.D. would correct this unsightly situation. The new parking lot will be professionally designed to meet city landscape requirements. The city will also require a landscape maintenance agreement.

*NE-P-22 Surface parking lots or structures in neighborhoods must be designed, or redesigned to be compatible, including landscaping. Commercial parking or parking to serve business areas should be diverted from residential neighborhoods wherever possible.*

The proposed P.U.D. would relocate the entrance from the alley between Osceola Street and Perry Street to Perry Street. Because of the four foot grade change between Perry Street and the parking lot, the new entrance is located to minimize the grade change and be well beyond the

winter shadow cast by the existing building. The new storage building proposed in the P.U.D. is designed to resemble a residential structure which will be very compatible with the adjacent residences.

*NE-P-30 Developers should be encouraged to use Planned Unit Developments (PUD) on both scattered sites and large vacant sites where reuse of existing structures and non-conforming uses provided that the proposal benefits the immediate area and the resulting impacts reduce those of the previous non-conforming use. Conversions of residential structures to commercial use should be considered as a means of preserving historic structures and other significant buildings which contribute to the character of the neighborhood. It must be the applicant's responsibility to show how the community at large will benefit from the proposed project.*

The community at large will benefit from the P.U.D. as outlined below:

1. A very stable north Denver owner operated business will remain along the W. 38th business corridor. Stable businesses are assets to adjacent residential neighborhoods.
2. The Lampert family will invest a considerable sum of money to improve their property. These improvements will also enhance the surrounding property values.

3c) The relationship of the P.U.D. to the surrounding neighborhood.

The adjacent residential neighborhood to the north is made up of typical bungalows, two story homes and duplexes, many of them owner occupied. The relationship between the business and the neighborhood will be improved if this proposal is approved. The new site access will remove business traffic from the alley between Osceola and Perry Streets. Additional off-street parking will allow more on-street parking for the adjacent neighbors. The business provides service by appointment only and no service bays will be added, so service volume will not increase. The hours of operation are from 7:00 A.M. to 5:30 P.M. weekdays only. Under this proposal the business hours will remain the same.

Existing Site Conditions:

Lampert Hitch, Inc. is located at the northeast corner of W. 38th Avenue and Perry Street. Members of the Lampert family own Lots 14 through 24 of Block 8, First Addition to Argyle Park. Presently, Lots 21 through 24 are zoned B2 and Lots 14 through 20 are zoned R2. The building which houses Lampert Hitch parallels W. 38th Avenue and extends from the east property line and within 11 feet of the west property line. The south (front) building line varies along W. 38th Avenue. The Rocky Mountain Ditch parallels the west property line along Lots 19 through 24, then turns northeast and runs diagonally across Lots 14 through 18. A one story frame house, built in 1911 occupies Lots 15 & 16 and a single car garage and two-car garage occupy Lots 14 & 15.

The existing grade along the west side of the parking lot is 4 feet above the flow line of the east curb of Perry Street. The off-street parking for the business is located north of the business and provides 14 parking spaces. The parking is accessed through the alley between Osceola St. and



Perry Street. The customers of this business find it difficult to locate the entrance to the off-street parking.

#### History of the Business:

Lampert Hitch, Inc. originally started business as Bolton-Lampert Co. in the mid-1950's. Jack Bolton and his son-in-law Joe Lampert operated a Texaco service station at W. 38th Avenue and Perry Street. They purchased the property at 3927 W. 38th Ave. and sold trailer hitches and shock absorbers from this location. They added a two bay service building to the existing building in 1964. In 1965 they purchased the property at 3923 W. 38th Avenue and added a 4 bay service facility to the building built in 1964. In 1993 the family was able to purchase the church property to the west of their building and connect the two existing buildings. They remodeled the church to be office space and a showroom to display the products they sell and install. The business is presently run by Mary Lou Vechireilli, John Lampert and Tom Lampert, who are the third generation of this family to own and operate this business. Lampert Hitch, Inc. has been a stable north Denver business operating from the same location for over thirty-five years.

(Form to be completed by the P.U.D. applicant  
and attached to the back of form Z/A 8)

P.U.D. Application Number ... 4322 (2nd Revision)

Property Addressed as ... 3923-3929 W. 38th Ave./3838 Perry St.

This is to certify that the land owner or owners indicated in block #5 of the application form (does) (does not) (circle one) in fact own all the land area affected by this application. Indicate as accurately as possible the form of interest in the property held by the individual or company listed as "owner".

- option holder of (all) (a portion) (circle one) of the land under application.
- contract holder of (all) (a portion) (circle one) of the land under application.
- fee title owner of (all) (a portion) (circle one) of the land under application.
- holder of a security interest in (all) (a portion) (circle one) of the land under application.

5-26-91  
date

[Signature]  
signature of applicant or owner

If there are other owners of the land included in the P.U.D. application, please list them below, and give the legal description of the property which they own.

There are no deeds of trust.

Please attach a property card from the Assessor's Office which describes the owner's property included in the P.U.D. application.





## 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 FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	Bolton Lamper Business Property LLC Lampert Business Properties,LLC	Representative Name	Phil Workman / Nathan Adams
Address	6250 W 55th Ave	Address	7523 E 8th Pl
City, State, Zip	Arvada, CO 80002	City, State, Zip	Denver, CO 80230
Telephone	303-433-8746	Telephone	303-910-1393
Email	jth.lampert@gmail.com	Email	phil@thepachnercompany.com nathan@redthomes.com
<p>*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.            ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.</p>	
SUBJECT PROPERTY INFORMATION			
Location (address):	3923 W 38th Ave, 3929 W 38th Ave 3838 N Perry St		
Assessor's Parcel Numbers:	0219424009000;0219424026000;0219424005000		
Area in Acres or Square Feet:	34,870 SF		
Current Zone District(s):	PUD456		
PROPOSAL			
Proposed Zone District:	UMS3		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____ <input checked="" type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>3/29/21, Email/Zoom/9/20/21 phone</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

**REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)**

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box <b>and</b> include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 of development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this is document is required.)
- Other Attachments.** Please describe below.

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION**

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (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>	01/12/20	(A)	YES
<b>BOLTON LAMPERT BUSINESS PROPERTY LLC</b>	3923 W 38TH AVE DENVER, CO 80212-1942	28%	Bolton Lampert Business Property LLC By: Jason T Hart, Owner <i>Jason T Hart</i>	4/8/21	(C)	<b>YES</b> NO
<b>LAMPERT BUSINESS PROPERTIES</b>	3929 W 38TH AVE DENVER, CO 80212-1942	45%	Bolton Lampert Business Property LLC By: Jason T Hart, Owner <i>Jason T Hart</i>	4/8/21	(C)	<b>YES</b> NO
<b>LAMPERT BUSINESS PROPERTIES</b>	3838 N PERRY ST DENVER, CO 80212-1942	27%	Bolton Lampert Business Property LLC By: Jason T Hart, Owner <i>Jason T Hart</i>	4/8/21	(C)	<b>YES</b> NO
						YES

May 22, 2022

Denver Community Development and Planning


201 W Colfax Ave Department 205

Denver, CO 80202

RE: as 3923 W 38 th Ave, 3929 W 38 th Ave., 3838 Perry Street.

Written Authorization for applicant representation for Jason Hart, for several addresses and parcels, generally located t 38<sup>th</sup> and Perry Street by Bolton- Lampert.

Also attached documentation of good standing and the latest periodic report from the Colorado Secretary of State.



Jason Hart President  
3/22/2022




THIS DOCUMENT MAY AFFECT YOUR LEGAL RIGHTS. LEGAL ADVICE SHOULD BE OBTAINED IN THE DRAFTING OF ANY LEGAL DOCUMENT.

**STATEMENT OF AUTHORITY**  
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity<sup>1</sup> named  
Lampert Business Properties
2. The type of entity is a:  

<input type="checkbox"/> corporation	<input type="checkbox"/> registered limited liability partnership
<input type="checkbox"/> nonprofit corporation	<input type="checkbox"/> registered limited liability limited partnership
<input checked="" type="checkbox"/> limited liability company	<input type="checkbox"/> limited partnership association
<input type="checkbox"/> general partnership	<input type="checkbox"/> government or governmental subdivision or agency
<input type="checkbox"/> limited partnership	<input type="checkbox"/> trust
<input type="checkbox"/>	
3. The entity is formed under the laws of Colorado
4. The mailing address for the entity is 3927 W 38th Ave
5. The  name  position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is Jason T Hart or Mary Lou Vecchiarelli as Manager/Members
6. The authority of the foregoing person(s) to bind the entity:  is<sup>2</sup>not limited  is limited as follows:
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 26<sup>th</sup> day of April, 2022

  
\_\_\_\_\_  
Lampert Business Properties, LLC, A colorado Limited Liability Company

<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.  
<sup>2</sup> The absence of any limitation shall be prima facie evidence that no such limitation exists.  
<sup>3</sup> The statement of authority must be recorded to obtain the benefits of the statute.

State of Colorado )  
County of Jefferson ) ss

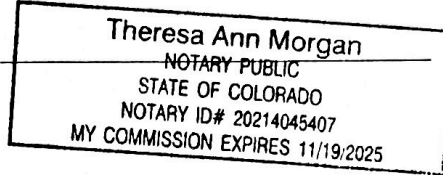
The foregoing Statement of Authority was acknowledged before me this April 24 day of 2022  
by Theresa Morgan

Witness my hand and official seal.

My commission expires:

11/19/2025

Notary Public



WHEN RECORDED RETURN TO:



**STATEMENT OF AUTHORITY  
(§38-30-172, C.R.S.)**

1. This Statement of Authority relates to an entity<sup>1</sup> named  
**BOLTON LAMPERT BUSINESS PROPERTY, LLC, A COLORADO LIMITED LIABILITY COMPANY**

2. The type of entity is a:

- |                                     |                           |                          |  |
|-------------------------------------|---------------------------|--------------------------|--|
| <input type="checkbox"/>            | Corporation               | <input type="checkbox"/> | Registered Limited Liability Partnership         |
| <input type="checkbox"/>            | Nonprofit Corporation     | <input type="checkbox"/> | Registered Limited Liability Limited Partnership |
| <input checked="" type="checkbox"/> | Limited Liability Company | <input type="checkbox"/> | Limited Partnership Association                  |
| <input type="checkbox"/>            | General Partnership       | <input type="checkbox"/> | Government or Governmental Subdivision or Agency |
| <input type="checkbox"/>            | Limited Partnership       | <input type="checkbox"/> | Trust  |

3. The entity is formed under the laws of **COLORADO**

4. The mailing address for the entity is **6229 HOLMAN COURT, ARVADA, CO 80004**

5. The **X** name **X** position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **JASON T. HART OR MARY LOU VECCHIARELLI AS MANAGERS/MEMBERS**

6. The authority of the foregoing person(s) to bind the entity: **X** is<sup>2</sup> not limited \_\_\_ is limited as follows:

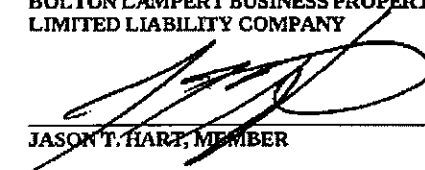
7. Other matters concerning the manner in which the entity deals with interests in real property:

8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>

9. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 23<sup>rd</sup> day of May, 2013

**BOLTON LAMPERT BUSINESS PROPERTY, LLC, A COLORADO  
LIMITED LIABILITY COMPANY**

  
\_\_\_\_\_  
JASON T. HART, MEMBER

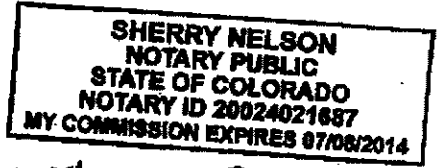
<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup> The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup> The statement of authority must be recorded to obtain the benefits of the statute.



State of Colorado )  
County of Jefferson )ss



The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of May, 2013  
by **JASON T. HART AS MEMBER/MANAGER OF BOLTON LAMPERT BUSINESS PROPERTY, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal. 7.8.14  
My commission expires: \_\_\_\_\_

Sherry Nelson  
Notary Public

WHEN RECORDED RETURN TO:

Bolton Lampert Business Property, LLC  
Lampert Business Properties, LLC  
6250 W 55<sup>th</sup> Ave  
Arvada, CO 80002

City and County of Denver  
Community Planning & Development  
201 W Colfax Ave, Department 205  
Denver, Colorado 80202

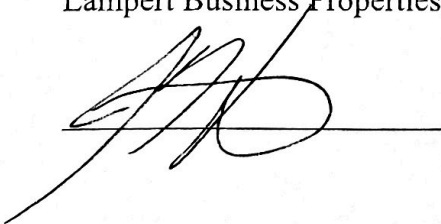
Attn: Jason Hart

Reauthorization with respect to the proposed land use application for real property referred to as "3838 Perry Street, 3923 W 38<sup>th</sup> Ave, 3929 W 38<sup>th</sup> Ave," as more particularly described in the application materials submitted herewith ("**Property**"), located in the City and County of Denver, Colorado ("**City**")

Dear Jason:

The undersigned ("**Owner**"), as owner of the Property, hereby designates Phil Workman and Marcus Pachner, (each a "**Representative**"), each as an authorized representative of Owner to submit on behalf of Owner all applications and supporting materials required or requested by the City in connection with rezoning and related land use applications with respect to the Property and any development approvals in connection therewith. In furtherance of the foregoing, Owner requests that any verbal or written communication regarding these applications be given to each Representative, and/or any individuals designated by such Representative, pursuant to such contact information provided by Representative to the City. Jason Hart is not responsible for any costs associated with designating Phil Workman and Marcus Pachner as authorized representatives.

Bolton Lampert Business Property LLC  
Lampert Business Properties, LLC

A handwritten signature in black ink, appearing to be "PW" or "MP", is written over a horizontal line. The signature is stylized and cursive.

# DENVER ASSESSOR RECORD

## Denver Property Taxation and Assessment System

[↶ New Search](#)

3923 W 38TH AVE -3927

Owner	Schedule Number	Legal Description	Property Type	Tax District
BOLTON LAMPERT BUSINESS PROPERTY LLC 3927 W 38TH AVE DENVER, CO 80212-1942	02194-24-009-000	FIRST ADD TO ARGYLE PARK 02194 B8 E 77FT L20 TO 24 INC	INDUSTRIAL-AUTO SERVICE GARAGE	DENVER

## Denver Property Taxation and Assessment System

[↶ New Search](#)

3929 W 38TH AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
LAMPERT BUISNESS PROPERTIES 3927 W 38TH AVE DENVER, CO 80212-1942	02194-24-026-000	FIRST ADD TO ARGYLE PARK B8 L17 TO 19 INC & W 50FT OF L20 TO24 INC	COMMERCIAL-RETAIL	DENVER

## Denver Property Taxation and Assessment System

[↶ New Search](#)

3838 N PERRY ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
LAMPERT BUISNESS PROPERTIES HART,JASON LAMPERT,JOHN G & 3927 W 38TH AVE DENVER, CO 80212-1942	02194-24-005-000	FIRST ADD TO ARGYLE PARK 02194 B8 L14 TO 16 INC	INDUSTRIAL-WAREHOUSE	DENVER

05/22/2013 14:40 FAX 3033123477

CBB COMMERCIAL LOANS

002



State Documentary Fee  
Date: May 16, 2013  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**  
(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on May 16, 2013 by JOSEPH E. LAMPERT TRUST, DATED JUNE 21, 2002 AND THE JACQUELYN L. LAMPERT TRUST, DATED JUNE 21, 2002 AND JACQUELYN LEE LAMPERT Grantor(s), of the County of \_\_\_\_\_ and State of Arizona for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to BOLTON LAMPERT BUSINESS PROPERTY, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), whose street address is 6229 Holmen Ct. Arvada, Co County of \_\_\_\_\_, State of Colorado, the following real property in the CITY AND County of DENVER, 80004 and State of Colorado, to wit:

**EAST 27 FEET OF WEST 77 FEET AND WEST 5 FEET OF EAST 50 FEET OF LOTS 20 TO 24, INCLUSIVE, BLOCK 8, FIRST ADDITION TO ARGYLE PARK; AND THE EAST 45 FEET OF LOTS 20 TO 24, INCLUSIVE, BLOCK 8, FIRST ADDITION TO ARGYLE PARK, CITY AND COUNTY OF DENVER, STATE OF COLORADO.**

also known by street and number as 3923-3927 W 38TH

with all its appurtenances.

THE JOSEPH E. LAMPERT TRUST, DATED JUNE 21, 2002

X Jacquelyn S Lampert  
JACQUELYN L. LAMPERT, SURVIVING TRUSTEE

X Jacquelyn S Lampert  
JACQUELYN LEE LAMPERT

THE JACQUELYN L. LAMPERT TRUST, DATED JUNE 21, 2002

X Jacquelyn S Lampert  
JACQUELYN LAMPERT, TRUSTEE

State of Arizona )  
County of Maricopa ) ss

The foregoing instrument was acknowledged before me this day of 23<sup>rd</sup> / May 2013 by JOSEPH E. LAMPERT AS TRUSTEE OF JACQUELYN L. LAMPERT AS SURVIVING TRUSTEE OF THE THE JOSEPH E LAMPERT TRUST, DATED JUNE 21, 2002 AND JACQUELYN L. LAMPERT AS TRUSTEE OF THE THE JACQUELYN L. LAMPERT TRUST, DATED JUNE 21, 2002 AND JACQUELYN LEE LAMPERT

Charlene Curtis

Notary Public  
My commission expires 7-30-14

When recorded return to:



QUITCLAIM DEED

THIS DEED, made this 16th day of January, 2008 xx  
between John G. Lampert, Mary Lou Vecchiarelli,  
and Jason Hart

of the City and County of Denver and State of  
Colorado, grantor(s), and Lampert Business Properties, a  
limited liability company

whose legal address is 6229 Holman Ct.

of the County of Jefferson and State of Colorado, grantee(s).

WITNESS, that the grantor(s), for and in consideration of the sum of  
TEN and other good and valuable consideration (\$10.00)----- DOLLARS,  
the receipt and sufficiency of which is hereby acknowledged, has  
presented do es remise, release, sell and QUITCLAIM unto the grantee(s) its heirs, successors and assigns forever, all  
the right, title, interest, claim and demand which the grantor(s) ha s in and to the real property, together with improvements, if any,  
situate, lying and being in the City and County of Denver and State of Colorado,  
described as follows:

ALL OF LOTS 17, 18 AND 19 AND THE WEST 50 FEET OF LOTS 20  
THROUGH 24, BLOCK 8, FIRST ADDITION TO ARGYLE PARK, CITY AND  
COUNTY OF DENVER, STATE OF COLORADO  
and  
LOTS 14, 15 AND 16, BLOCK 8, FIRST ADDITION TO ARGYLE PARK,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

also known by street and number as: 3929 W. 38th Ave. and 3838 Perry, Denver, CO  
assessor's schedule or parcel number:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in any wise  
thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor(s), either in law or equity, to the only  
proper use, benefit and behoof of the grantee(s) their heirs and assigns forever.

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

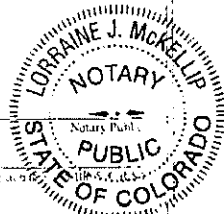
*[Signature]*  
John G. Lampert  
*[Signature]*  
Mary Lou Vecchiarelli  
*[Signature]*  
Jason Hart

STATE OF COLORADO

City and County of Denver  
The foregoing instrument was acknowledged before me this 16th day of January 2008  
by John G. Lampert, Mary Lou Vecchiarelli, and Jason Hart.

Witness my hand and official seal.  
My commission expires: 1-9-09

*[Signature]*



\*If in Denver insert "City and".

Name and Address of Person Creating Newly Created Legal Document



# 38<sup>th</sup> and Perry Street Narrative

## Justifying Circumstances -- Adherence to Review Criteria

### 1. Consistency with Adopted Plans

Main Street Zone. The properties are all located on the north side of 38<sup>th</sup> Avenue. (The southern border of the Berkeley Regis United neighborhood.)

This map amendment request is for the rezoning of the current PUD456 to U-MS-3, which would allow for creation of mixed use and residential development and is an opportunity to provide equity in development in this neighborhood and pursue a voluntary affordable housing agreement with the City of Denver.

The effect of the proposed amendment is to permit redevelopment of several parcels of land (34,870 sq. ft.) addressed as 3923 W 38<sup>th</sup> Ave, 3929 W 38<sup>th</sup> Ave., 3838 Perry Street. The intent is to promote safe, active, and pedestrian-scaled commercial streets using Shop Front and Row house building forms that clearly define and activate the public street edge.

The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping, and public gathering along the city's commercial streets. The Main Street District standards also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development an adjacent residential neighborhood Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed -use and residential arterial streets (as designated in Blueprint Denver) or, less frequently on a single zone lot at the interaction of local/collector streets within a residential neighborhood.

In all cases, the Main Street zone districts should be applied where a higher degree of walk ability and pedestrian activity is desired than required in a corridor, mixed use or residential mixed use zone district.

## **Select Legal Basis for Rezoning Request**

### **Key Development Documents**

Comprehensive Plan 2040

Blueprint Denver

Denver Zoning Code

### **Comprehensive Plan 2040**

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.

Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities. Continue to promote mixed-use development, which enables people to live near work, retail, and services.

Ensure that the Zoning Code reinforces quality urban design.

Identify areas in which increased density and new uses are desirable and can be accommodated.

Support a variety of housing opportunities for Denver's current and future workforce. Housing opportunities throughout Denver should be expanded.

Promoting infill development within 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.

Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation, and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.

Encourage the integration of age-friendly community features into public and private development.

Prioritize infrastructure improvements that allow for residents of all abilities to access and live in any neighborhood.

Design and program public spaces and recreation centers to accommodate people of all ages and abilities.

Strengthen multimodal connections in mixed-use centers and focus growth near transit. Strategies Improve multimodal connections within and between mixed-use centers including downtown, Denver International Airport and major urban centers.

Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support riders

### **Blueprint Denver**

This proposal is supported by a number of goals articulated in Blueprint Denver. Including context, growth, quality of life and mobility. This rezoning also will bring this property out of a

specific PUD zone district but in conformity with identified zone districts in the current Denver Zoning Code.

### Context

Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context are well served by transit and enjoy access to abundant amenities and entertainment options. The urban context is navigable and accessible due to a predictable street grid in residential areas and the availability of dedicated transit options and bike lanes. These areas offer great walkability and access to neighboring areas and commercial nodes. Parking is a mix of off-street with managed on-street options.

Improve equitable access to employment areas throughout the city to ensure all residents can connect to employment.

Incentivize or require efficient development of land, especially in transit-rich areas.

The future neighborhood context is Urban which is reflected in the rezoning application.

The U-MS-3 designation recognizes the existing and adjacent land use designations while also reinforcing the main street nature of 38<sup>th</sup> Avenue and the potential for low scale retail and commercial development.

The urban context contains mixed-use, commercial, main street and residential street types. The ability to embrace the main street arterial nature of 38<sup>th</sup>, while also respecting the residential and local street of Perry, is reflected in the U-MS-3 designation.

### Growth

Denver's growth strategy is to guide new housing units and jobs to areas with the infrastructure to support higher density, mixed-use development. This requires coordinated implementation of land use changes and transit investments. Many areas of the city, often near transit, allow for greater density than what is being built. While the city plans and entitles certain areas to take on more growth, private development often does not take full advantage of those entitlements. Fulfilling the community vision for vibrant and walkable neighborhoods—as well as ensuring Denver can accommodate growth in areas where it is most appropriate—depends on maximizing development opportunities.

- A. Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas
- B. Implement regulatory land use changes in coordination with transit investments. For example, rezonings to support transit-oriented development should be closely timed with the implementation of transit priority streets.
- C. Support the implementation of Denver Moves:

D. Develop a citywide strategic plan to address implementation needs, including infrastructure investments, in regional and/or community centers.

### Transit

A. In regional centers, urban center community centers and urban center community corridors, study and implement requirements or incentives for density.

B. Allow increased density in exchange for desired outcomes, such as affordable housing, especially in transit-rich areas.

### Mobility

Align the impacts of private development with transportation infrastructure and promote development that creates walkable, transit-friendly communities.

Quality of life

- Uniformity of District Regulations

The proposed rezoning is in conformity with the adjacent zoning classifications along 38<sup>th</sup> avenue. The proposed rezoning will provide a recognized uniform classification as found in the current Denver Zoning Code.

- Further Public Health, Safety and Welfare

The proposed rezoning to U-MS-3, will encourage the reactivation of this site from a one specific user to a mixed range of uses and will encourage pedestrian activity and mobility from future residents and commercial users.

- Blueprint Future Place Designation

The future place is local corridor. This rezoning U-MS3 is consistent with local corridor designation. The proposed rezoning will allow for a mixture of residential and or retail/commercial which will activate the local corridor street (38<sup>th</sup> Avenue). 38<sup>th</sup> is a multi modal transit corridor with increased options for pedestrians and alternate modes of transportation.

- Justifying Circumstances

The City adopted the Denver Zoning Code and the property retained Former Chapter 59 Zoning.

### **Denver Zoning Code**

This property is bordered by U-MS-3 zoning and is requesting the same.

Main Street 3 (U-MS-3) U-MS-3 applies primarily to local or collector street corridors or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

The proposed rezoning to U-MS-3 is consistent with the purpose and intent of the Denver Zoning Code.

Promotes safe, active and pedestrian scaled commercial street, as currently exists with 38<sup>th</sup> Avenue

Reactivates the 38<sup>th</sup> Avenue corridor at this location and enhances the convenience, ease and enjoyment of walking, shopping transit and public gathering.

The potential for a positive contribution through necessary and local commercial activity will be realized upon rezoning.

The proposed rezoning will promote physical activity by the creation of density and the mix of commercial and residential uses.

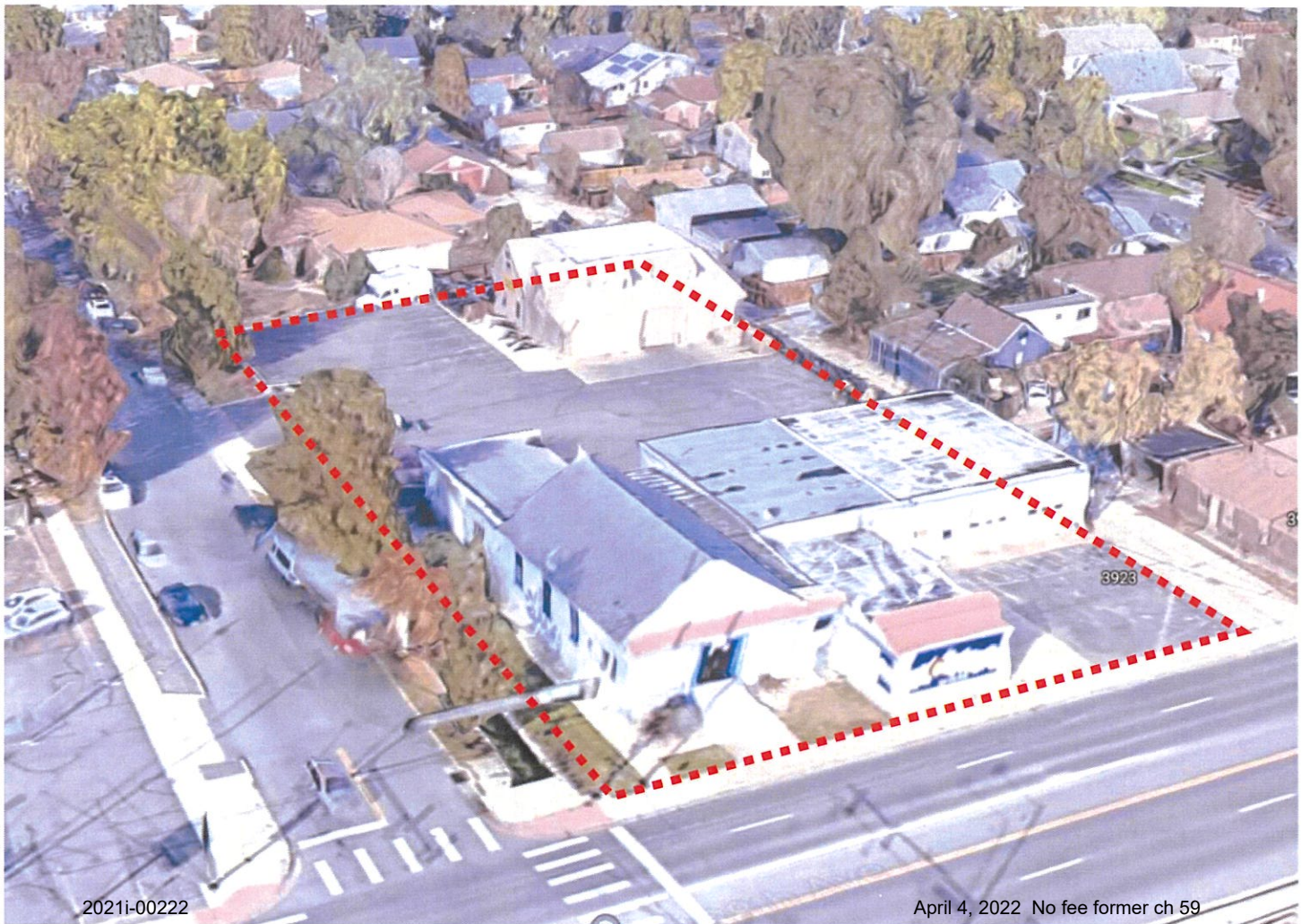
- Please discuss how your rezoning to U-MS-3 is consistent with the purpose and intent statements found in the [Denver Zoning Code](#) for that specific zone district. These have been included in the attached presentation as well.

-

# EXISTING SITE CONDITIONS



# EXISTING SITE CONDITIONS

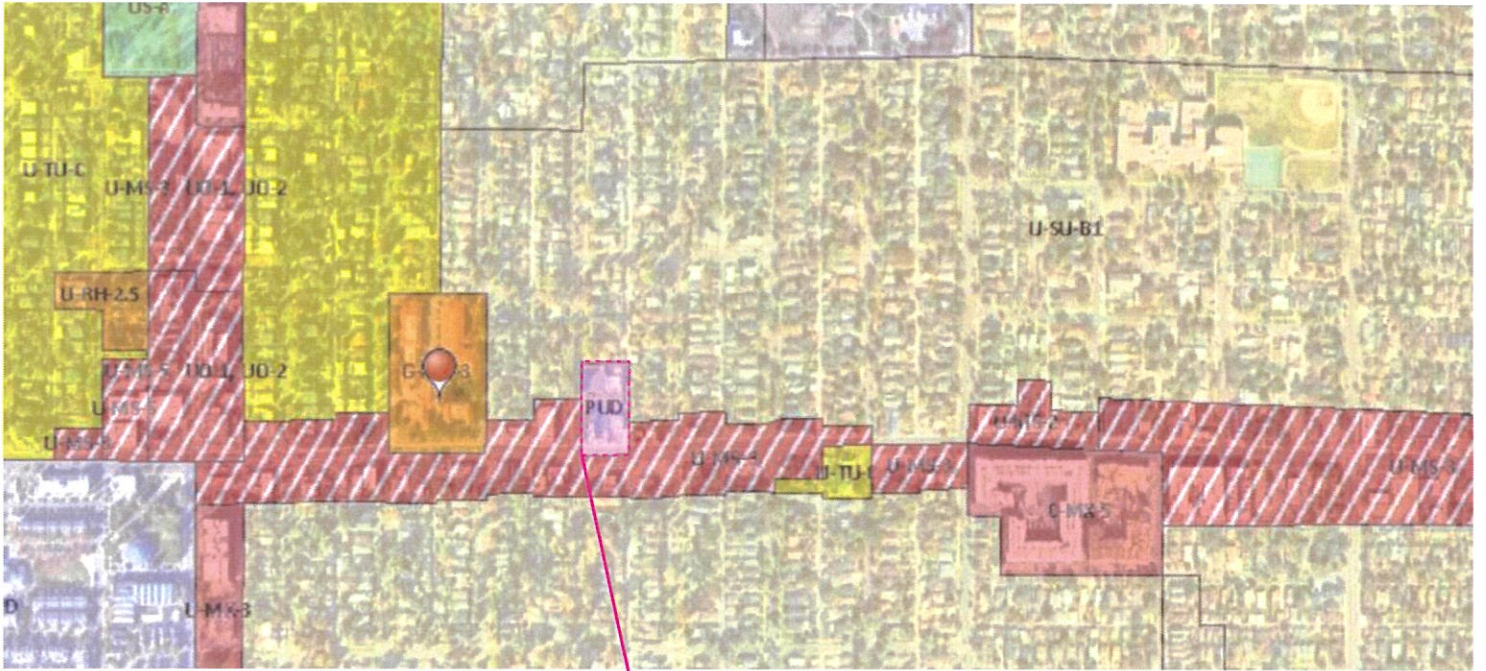


PROPERTY MAP

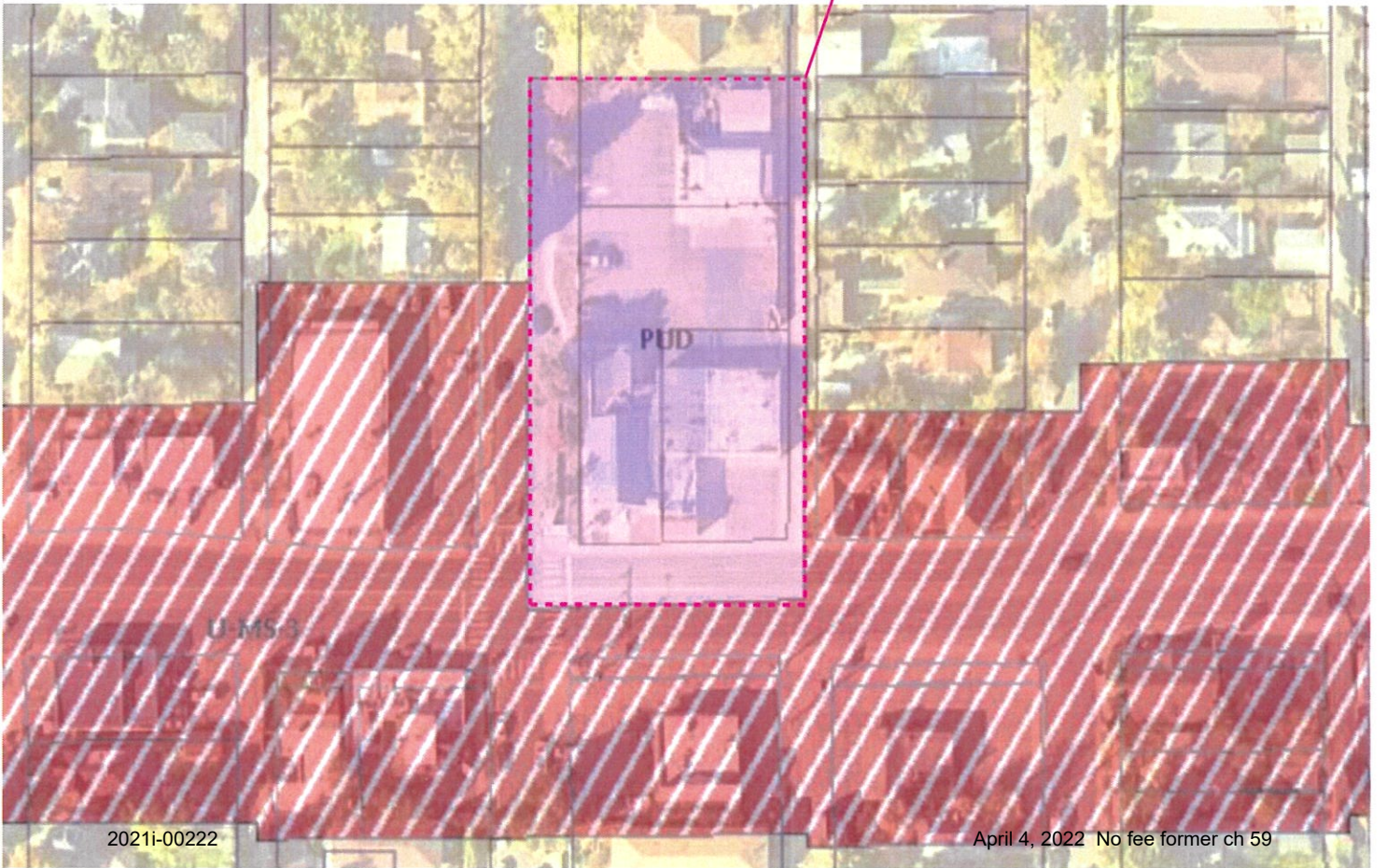




# DENVER ZONING MAP REFERENCE

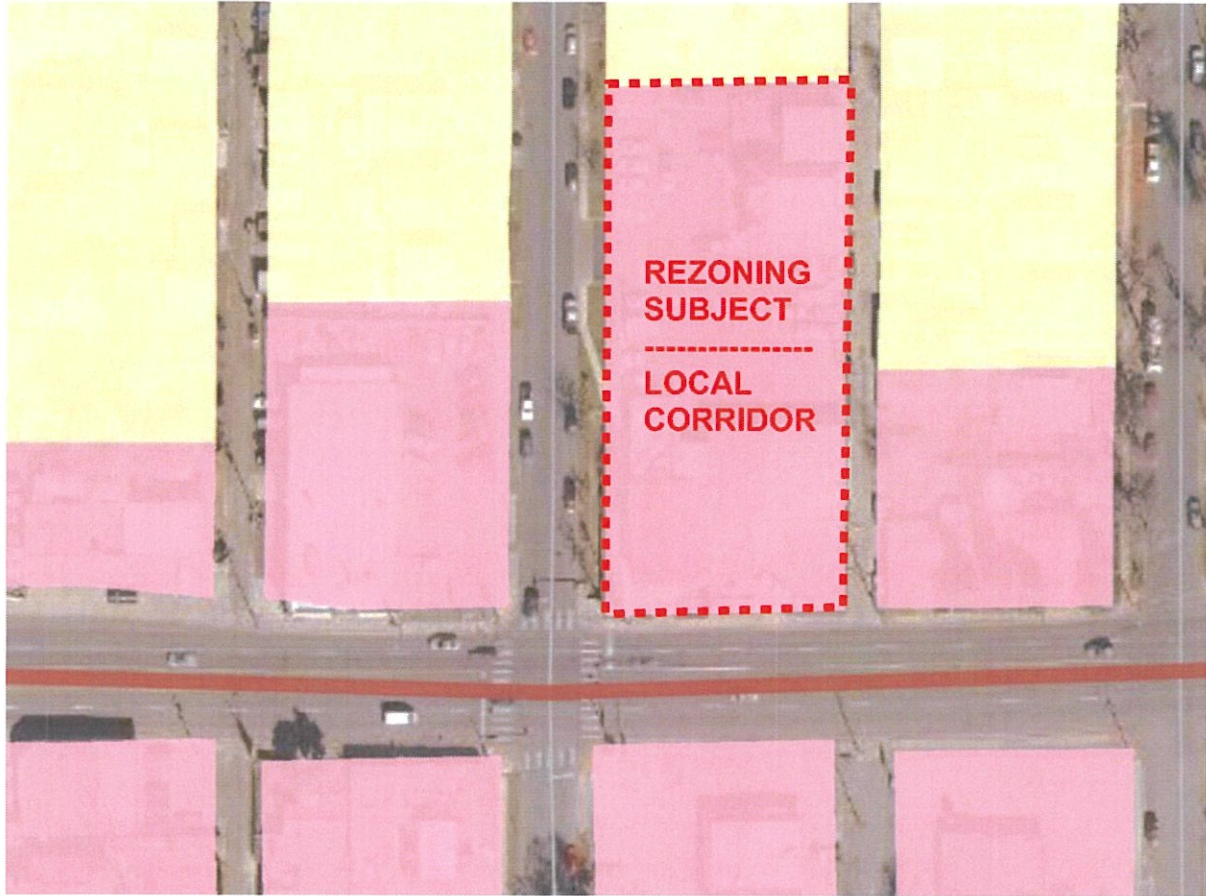


PROPOSED REZONE AREA



# BLUEPRINT DENVER

Blueprint Denver (2019) identifies the property as Urban-Local Corridor



## Corridors

Corridors should be consistent with the character of the surrounding area in scale and design. They should have an active street level presence and provide a mix of uses.

### Local



Primarily provides options for dining, entertainment and shopping. May also include some residential and employment uses. Typically frequented by residents of the neighborhood. Highest activity levels during evenings and weekends. Buildings have a distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages. Heights are generally up to 3 stories. Although generally well integrated into the surrounding neighborhood, a limited transition may be needed.

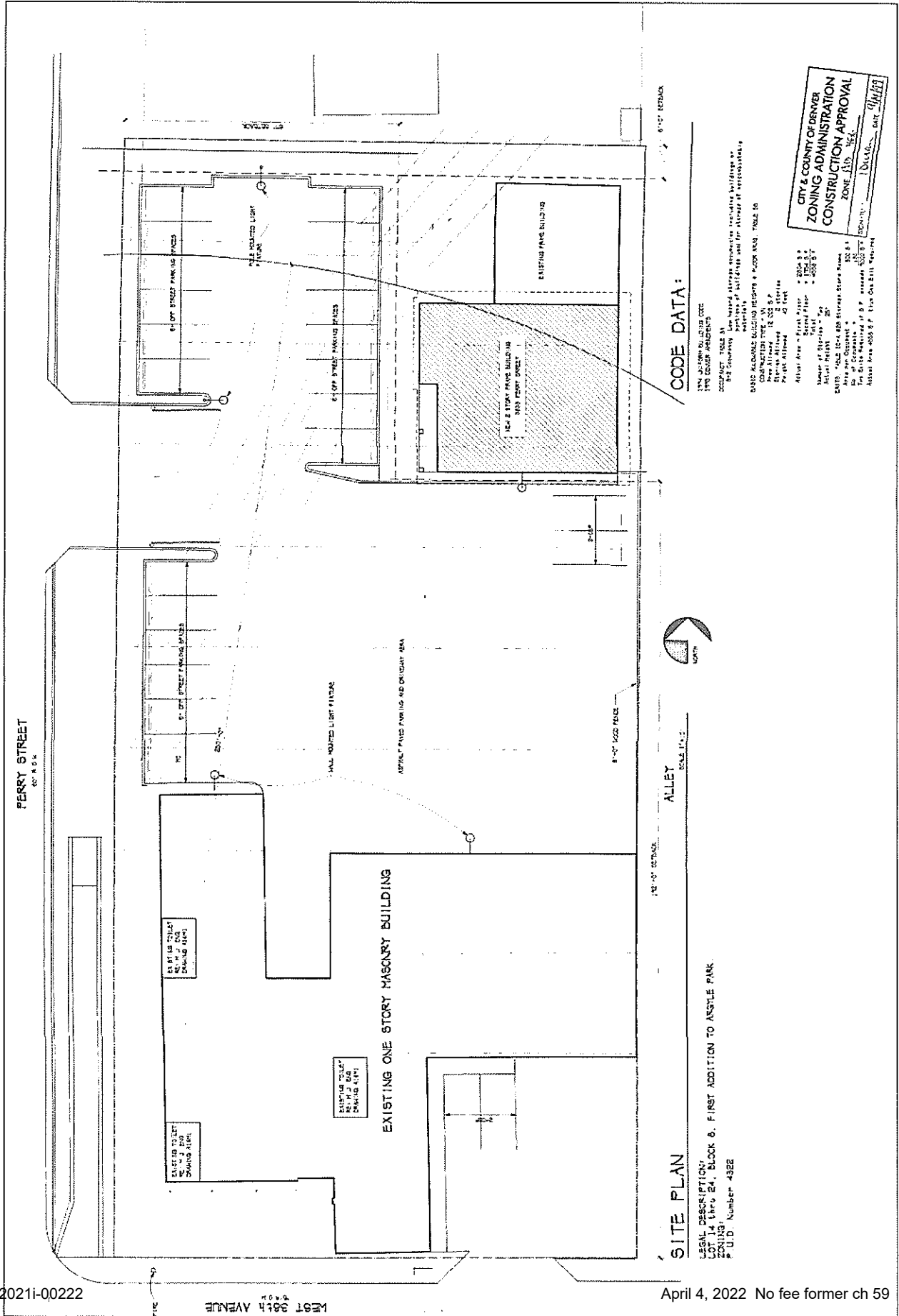


Circulation focuses on movement through or along the corridor. Nearby residents have easy access by walking or biking. A pedestrian priority area is typical and cyclists have access with high or medium ease of use bicycle facilities or local streets. Typically served by local transit that may be part of the transit priority street network.



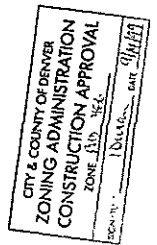
Social spaces, such as patios and plazas, often occur along the street or within deeper building setbacks. Green infrastructure may serve the site or immediate area and is often integrated into the streetscape. Regularly spaced street trees within planted areas. Public spaces are utilized for neighborhood events.

# EXISTING PUD SITE PLAN



## CODE DATA:

1999 UNIFORM BUILDING CODE  
 1999 COLORADO APPLICABLE  
 2002 IBC TABLE 501  
 2002 IBC TABLE 502  
 2002 IBC TABLE 503  
 2002 IBC TABLE 504  
 2002 IBC TABLE 505  
 2002 IBC TABLE 506  
 2002 IBC TABLE 507  
 2002 IBC TABLE 508  
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## SITE PLAN

LEGAL DESCRIPTION:  
 LOT 14 & 24, BLOCK 6, FIRST ADDITION TO ARGYLE PARK.  
 ZONING: R-10  
 P.U.D. Number: 432E

**From:** [Alan Greene](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Wednesday, May 18, 2022 4:56:20 AM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I have a special interest in this project in that I own a single family home near the corner of 41st. and Stuart Street... six blocks from this proposed project. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

Additionally, the redevelopment of residential projects along 38th Street...especially those within walking distance from neighborhoods like the Tennyson Arts District... not only add to the vitality of those neighborhoods and the revenue those new families bring to those neighborhoods but also add to the tax base of the City of Denver.

I urge you to approve this re-zone and subsequent development.

Name: Alan Greene  
City: Denver  
Zip: 80212

Sent from my iPad

**From:** [andrew kemler](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Wednesday, May 25, 2022 4:49:43 PM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

I urge you to approve this re-zone and subsequent development.

Name: andrew kemler  
City: denver  
Zip: 80212

**From:** [David bowen](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Wednesday, May 18, 2022 6:03:40 AM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry.

I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

I urge you to approve this re-zone and subsequent development.

Sincerely,

David Bowen

**WoodGrain Bagels LLC**

Denver | CU Anschutz

267-414-3146

*“The man who can drive himself further once the effort gets painful is the man who will win.” — Sir Roger Bannister*

**From:** [david friend](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Wednesday, May 18, 2022 1:12:56 PM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

I urge you to approve this re-zone and subsequent development.

Name: David Friend  
City: Aurora  
Zip: 80017

**From:** [John Booth](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Tuesday, May 24, 2022 9:25:34 AM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market—something that doesn't really exist in the Denver housing inventory, presently.

I've known Nathan Adams for over 15 years and seen how he treats customers—the buyers of his homes. When there is an issue, he deals with it directly with the customer. He tries to resolve any problems. He is being responsive to the needs of our community and the world to build sustainable and green projects. He is the exact type of developer that we need in the Denver area as we continue to grow.

I urge you to approve this re-zone and subsequent development.

Name: John B Booth  
City: Golden  
Zip: 80401



**From:** [Karla Adelt](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Monday, May 16, 2022 9:40:19 AM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

I urge you to approve this re-zone and subsequent development.

Name: Karla Waggoner  
Address: [Karlaadelt@yahoo.com](mailto:Karlaadelt@yahoo.com)

**From:** [ryan hunter](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] Help HomeBuyers Make Denver Their Home  
**Date:** Monday, May 16, 2022 8:22:32 AM

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Dear Council Members,

I'm writing to support the proposed rezoning and development at 3838 Perry St, Denver, CO 80212. Denver needs more housing at lower price points to solve the current inventory crisis. Basic economics tell us that prices are affected by supply and demand. If demand of a product is high and not met by supply, then prices must rise. We currently have a supply problem in the metro area and the City of Denver. Developers need to build more housing at higher density to help solve this issue. We need a variety of housing choices-not just big homes on big lots.

The issue has been exacerbated by greedy developers building luxury homes to maximize profits. Now, with rising interest rates, buyers can afford even less while prices continue to soar. We need more attainably priced housing for the middle-class working families who are being priced out of the market. redT's plan supplies homes that will meet a variety of budgets.

I worry about younger generations... If it's so difficult to buy a home now, and we do nothing to solve the inventory crisis, how are they supposed to buy homes in the future? Will the barrier of entry for a new home be out of reach for our grandchildren? Homeownership seems to be slipping out of reach. Striking down developments like this is going to do nothing for future generations' ability to buy a home in Denver.

Thank you for considering my concerns.

Name: Ryan Hunter  
Address: [Ryan@hunterlending.com](mailto:Ryan@hunterlending.com)

Ryan Hunter

**From:** [Tyler Adams](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Monday, May 16, 2022 9:07:48 AM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

I urge you to approve this re-zone and subsequent development.

Name: Tyler Adams  
Address: [tylermadams@gmail.com](mailto:tylermadams@gmail.com)

Sent from iPhone.

**From:** [Weston Gilmore](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Cc:** [hrs@redthomes.com](mailto:hrs@redthomes.com)  
**Subject:** [EXTERNAL] I support the 38th and Perry Development  
**Date:** Tuesday, June 7, 2022 10:00:02 AM

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Dear Denver City Council,

I'm writing in support of the development at 3838 Perry St, Denver, CO 80212, otherwise known as 38th and Perry. I think that this development is an important addition to the Denver housing inventory, specifically the diversity of housing proposed for this development. The housing types proposed would create home buying opportunities for a variety of buyers, including young professionals, families, and the environmentally conscious market-something that doesn't really exist in the Denver housing inventory, presently.

I urge you to approve this re-zone and subsequent development.

Name: Weston Gilmore  
City: Highlands Ranch  
Zip: 80130

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	#20211-00222
Location	3923 & 3929 W. 38th Avenue and 3838 N. Perry St.
Registered Neighborhood Organization Name	Berkeley Regis United Neighbors
Registered Contact Name	Scott Danenhauer
Contact Address	
Contact E-Mail Address	brunbrd@gmail.com
Date Submitted	6-27-2022

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on  , with  members in attendance.

With a total of  members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of  members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #

Comments:

Voting members consisted of elected BRUN Board members - a majority of the elected members (14) were present.  
Applicant has had many conversations with BRUN representatives since last year. BRUN is not opposed to rezoning these properties, but would like the applicant to consider rezoning the N Perry St. property differently from the two 38th Ave. properties. Also, there is currently no conceptual plan to review, and remaining issues include location/relocation of the Rocky Mountain Ditch on the properties.  
BRUN appreciates the opportunity to continue discussions with the applicant prior to supporting a revised rezoning request.