



TO: Denver City Council
FROM: Brandon Shaver, Senior City Planner
DATE: August 6, 2020
RE: Official Zoning Map Amendment Application #2019I-00247
4228 & 4260 Kalamath Street
Rezoning from PUD 240 & U-MX-2x to U-RX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00247.

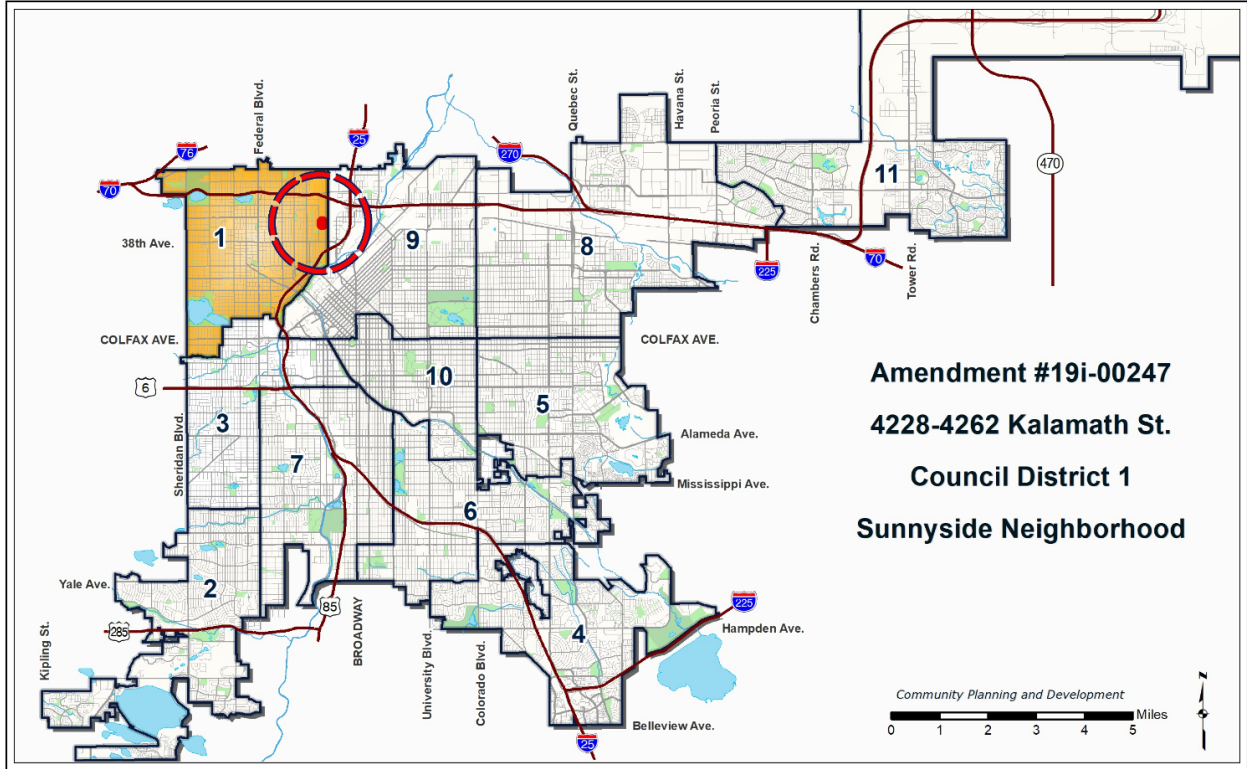
Request for Rezoning

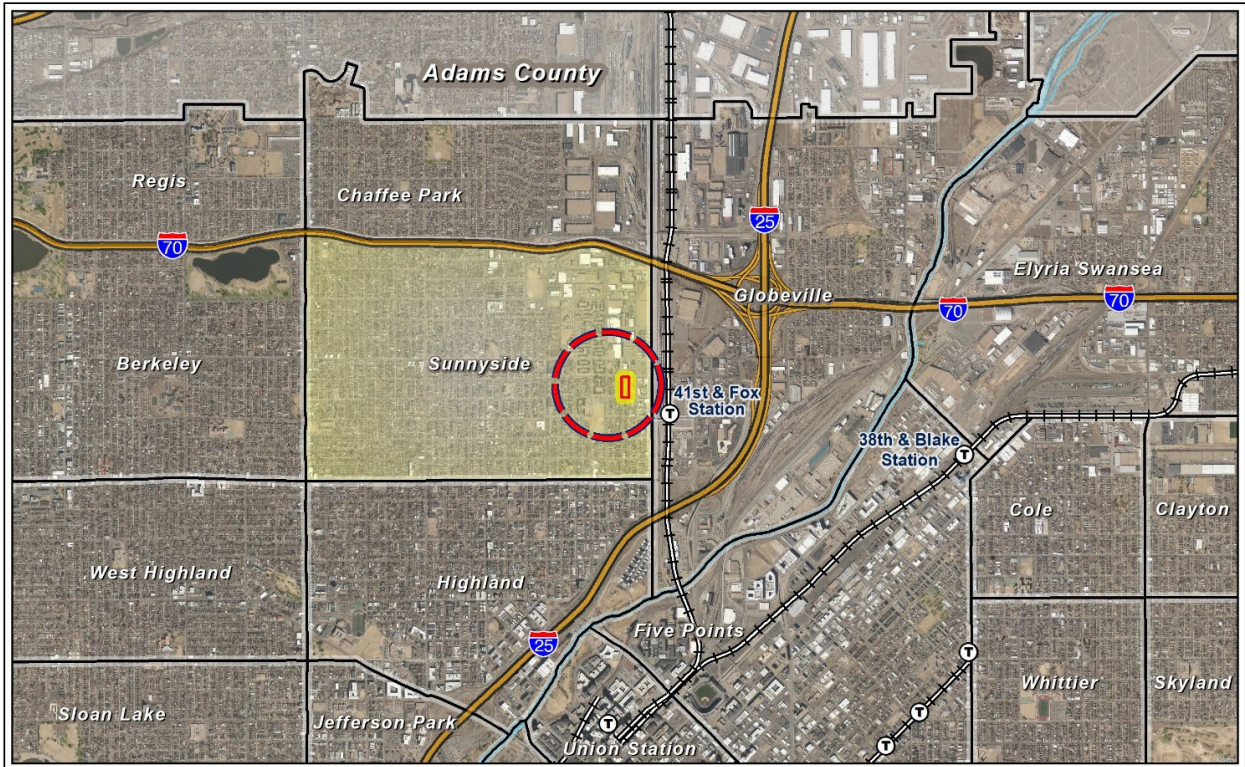
Address: 4228 & 4260 Kalamath Street
Neighborhood/Council District: Sunnyside / Council District 1
RNOs: Inter-Neighborhood Cooperation (INC), Sunnyside United Neighbors, Inc. (SUNI), Northeast Denver Friends and Neighbors (NEDFANS)
Area of Property: 46,875 square feet or 1.076 acres
Current Zoning: PUD 240 & U-MX-2x
Proposed Zoning: U-RX-3
Property Owner(s): 4228 Lipan St LLC, Cipriana Robles Galicia & Nicandro Robles
Owner Representative: Matt Chiodini

Summary of Rezoning Request

- The property is in the Sunnyside statistical neighborhood at the northeast corner of Kalamath Street and West 42nd Avenue.
- The properties, owned by 4228 Lipan St LLC, Cipriana Galicia and Nicandro Robles are occupied by an industrial storage lot and a residential duplex, respectively.
- The applicant is requesting this rezoning to enable multi-unit residential development.
- The proposed zone district, U-RX-3, can be summarized as follows (see map below illustrating proposed zone district):
 - The U-RX-3 zone district stands for **U**rban, **R**esidential **Mi**xed Use, with a maximum height of **3** stories. The U-RX zone districts are residential mixed-use zone districts that are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Building in a residential mixed-use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses.
 - Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

Existing Context



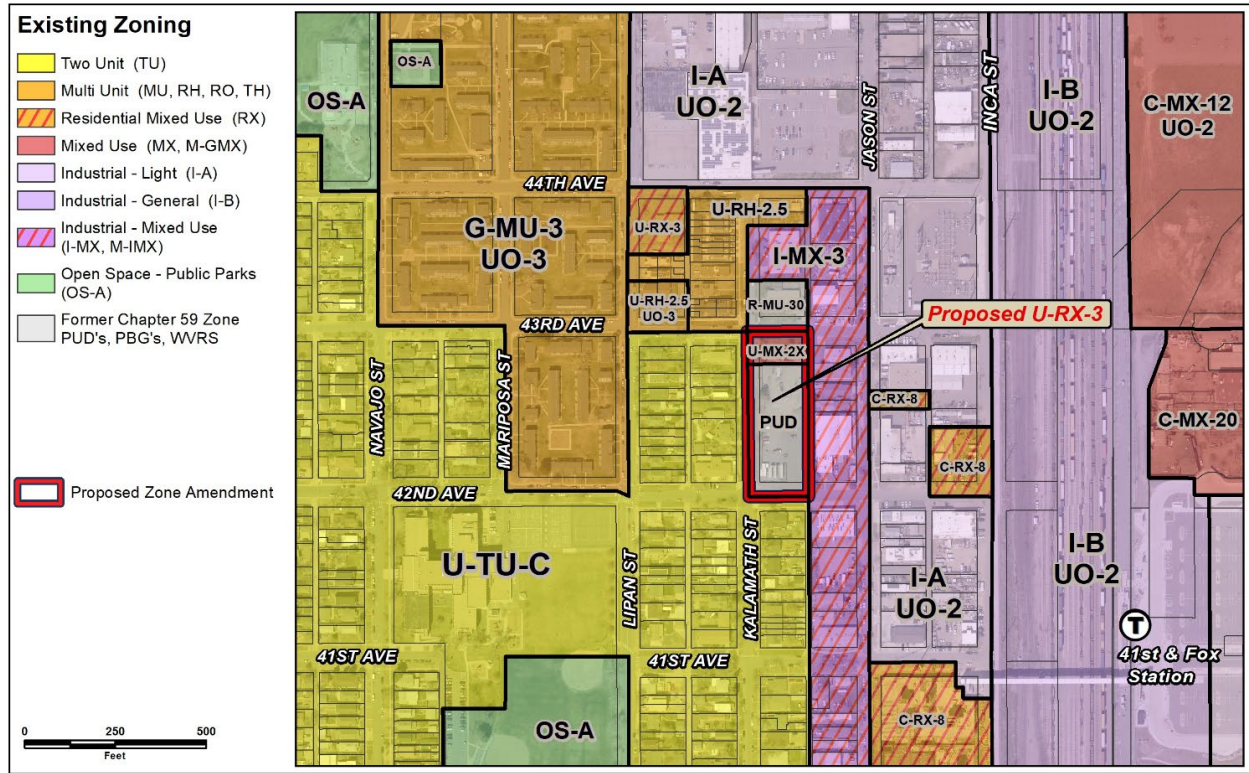


The subject property is located within the Sunnyside Neighborhood, within the ¼ mile walkshed of the 41st and Fox commuter rail station. Significant public investment, private reinvestment and the opening of the transit station in 2019 suggest this area is continuing to become more urban in nature. The subject site encompasses half of a city block and has approximately 375 feet of frontage along Kalamath Street and 125 feet of frontage along West 42nd and 43rd avenues. It is located two blocks west of the railroad tracks and one block east of Ciancio Park. In addition to being within walking distance of the commuter rail station, the subject property is served by RTD bus routes 19 and 52 along Lipan Street.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 240	Industrial	Surface lot used for storage	Generally regular grid of streets, cut off by the railroad tracks to the east; alleys run north-south through rectangular blocks; pedestrian access to the 41 st and Fox station is provided by a bridge at 41 st Ave. and Inca St.; many industrial uses have vehicular access from both the street and the alley.
Site	U-MX-2x	Two-unit residential	1.5-story duplex constructed in 1963	
North	R-MU-30 w/waivers	Office	1-story office building	
South	U-TU-C	Multi-unit residential	1.5-story triplex constructed in 1974	
East	I-MX-3	Industrial	Mix of 1-story warehouses and converted single-unit homes	
West	U-TU-C	Two-unit residential	Mix of single and two-unit homes ranging from 1 to 2.5 stories	

1. Existing Zoning

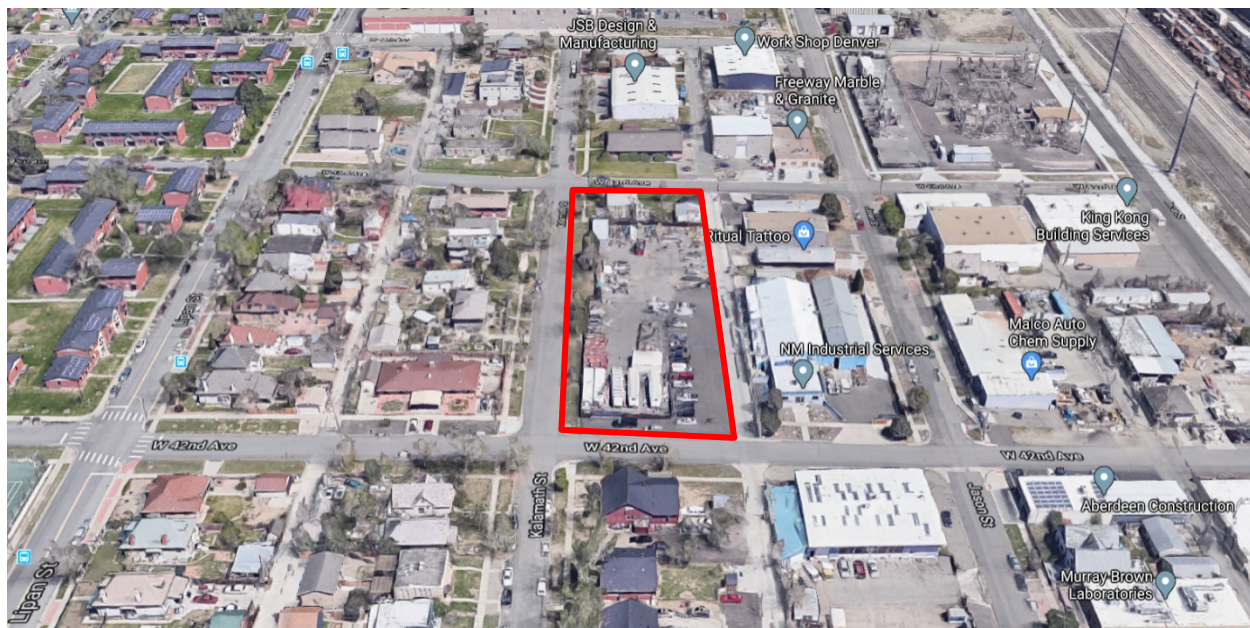


The existing zoning on the subject property is PUD 240 and U-MX-2x. The PUD provides land use regulations for approximately 87% of the total area of the subject site. PUD 240 was approved in 1988 and allows for industrial uses based on the Former Chapter 59 I-0 zone district. It does not allow for residential uses and contemplated the construction of a 12,300 square foot building to be used for light manufacturing with 3,000 square feet of attached office space. The maximum floor area ratio is 0.38:1 with a maximum building height of one story up to 30 feet. Standards for maximum land coverage, parking, sidewalks, patio, paved recreation areas and total impervious areas are included. Minimum requirements for landscaped and pervious areas are also prescribed. The minimum setback for the contemplated building is 25 feet from Kalamath Street. U-MX-2x stands for Urban MiXed Use, up to 2 stories in height with limited allowed uses (x). The U-MX-2x zone district allows commercial structures embedded in established residential neighborhoods in a variety of building forms up to two stories and 30 feet tall. Structures are generally required to have a primary street setback ranging from zero to 15 feet and side interior and side street setbacks ranging from zero to seven feet depending on the building form. Allowed uses are single unit, two unit and multi-unit dwellings, community/public services, cultural/special purpose/public parks and open space, arts, recreation and entertainment, eating and drinking establishments, office, retail sales, communications and information, manufacturing and production, transportation facilities and agriculture. Many of these uses are tailored with limitations to ensure compatibility with an established residential neighborhood. For additional details of the zone district, see DZC Article 5.

2. Existing Land Use Map



3. Existing Building Form and Scale



Site – Aerial view looking north (Source: Google Maps)



Site – from *Kalamath Street* (Source: Google Maps)



Site – from *alley* (Source: Google Maps)



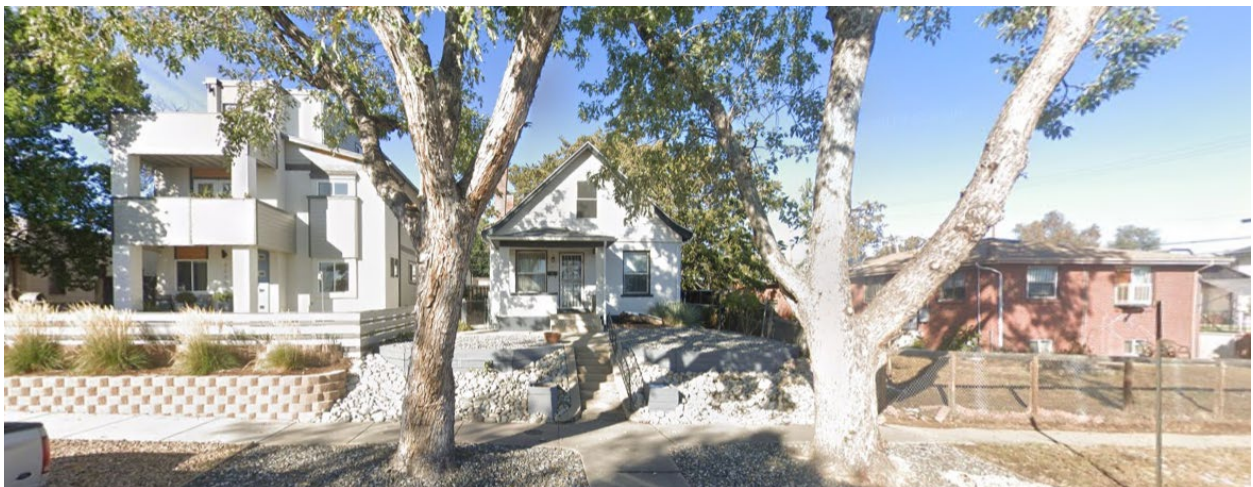
North – from *West 43rd Avenue* (Source: Google Maps)



East – from Jason Street (Source: Google Maps)



South – from West 42nd Avenue (Source: Google Maps)



West – from Kalamath Street (Source: Google Maps)

Proposed Zoning

The requested U-RX-3 zone district has a maximum height in feet of 45'. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and neighborhood-serving commercial uses are allowed on the ground story, but commercial uses other than lodging are prohibited from being located on upper floors. For additional details of the requested zone district, see DZC Article 5.

The primary building forms allowed in the existing zone districts and the proposed zone district are summarized below.

Design Standards	PUD 240 (Existing)	U-MX-2x (Existing)	U-RX-3 (Proposed)
Primary Building Forms Allowed	N/A	Town House; General; Shopfront	Town House; Shopfront
Height in Stories/Feet (max)	1/30'	2/30'	3/45'
Primary Build-To Percentages (min)	N/A	70%	70%
Primary Build-To Ranges	N/A	0' to 15'**	0' to 15'**
Minimum Zone Lot Size/Width	N/A	N/A	N/A
Primary Street Setbacks (min)	25'	0' to 10'**	0' to 10'**
Floor Area Ratio (max)	0.38:1	N/A	N/A

**Standard varies between building forms

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: Approved – No comments

Asset Management: Approved – No response

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – See comments

Notes. EQ concurs with the request and is not aware of environmental concerns that should be considered for this rezoning.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, EQ suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must, at all times, be effective in the control of fugitive particulate emissions on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: EQ performed a limited search for information known to EQ regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – Legal description accepted

Development Services - Transportation: Approved – No comments

Development Services – Wastewater: Approved – See comments below

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site will require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be

determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No comments

Development Services – Fire Prevention: Approved – No response

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	2/19/20
Applicant submitted revised application	4/23/20
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	5/18/20
Planning Board Public Hearing (voted 10-0 in favor)	6/3/20
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	6/8/20
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward	6/23/20
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	7/20/20
City Council Public Hearing	8/10/20

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*
- *Blueprint Denver (2019)*
- *41st & Fox Station Area Plan (2009)*
- *Sunnyside Neighborhood Plan (1992)*

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, including:

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, near the new 41st and Fox station for the RTD G and B Lines, which provide high-quality transit service to downtown Denver, Westminster, Arvada, and Wheat Ridge. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*
- 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).*

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure, including the 41st and Fox station, are already in place. The proposed U-RX-3 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around transit, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- 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).
- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors* (p. 34).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

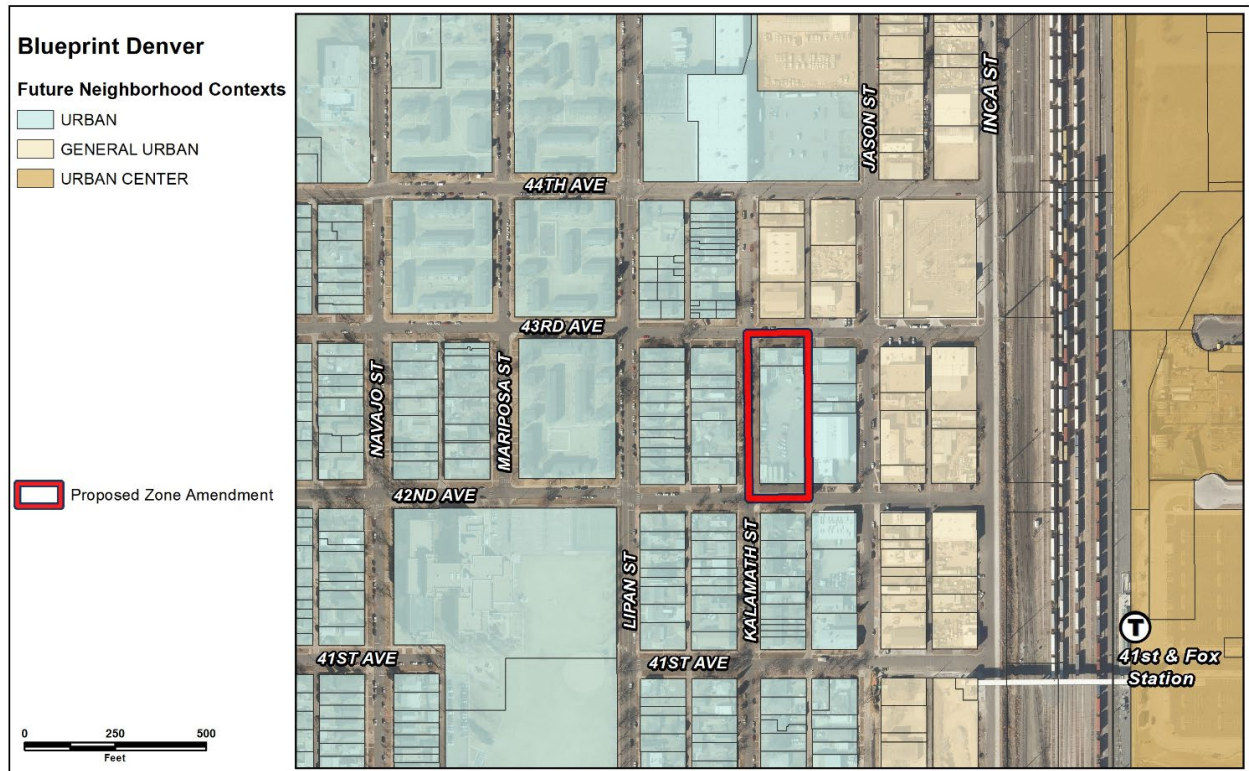
- Environmentally Resilient Goal 8, Strategy A- *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B- *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested U-RX-3 zone district broadens the variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

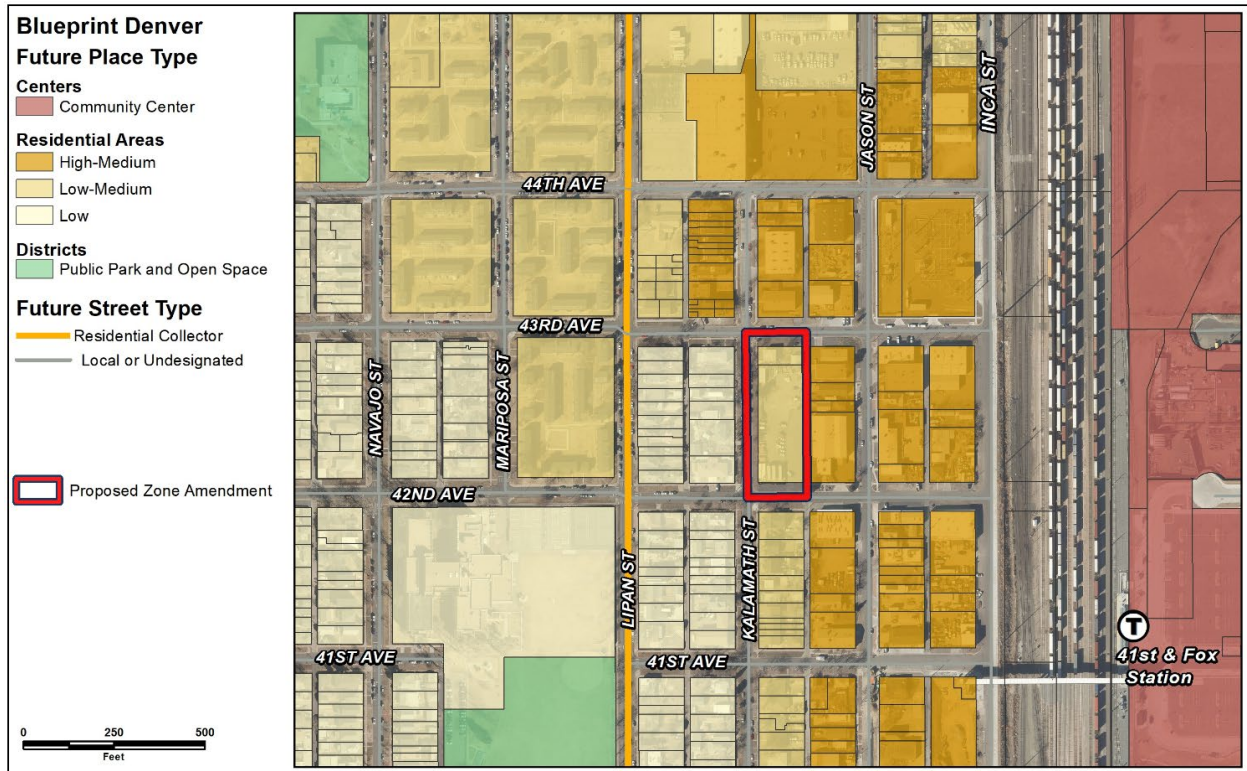
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low-Medium Residential Area place within the Urban Neighborhood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

Blueprint Denver Future Neighborhood Context



In Blueprint Denver, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban neighborhood context. The context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” (p. 222). The proposed U-RX-3 zone district is part of the Urban context and is intended to promote safe, active and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Since the proposed district is primarily intended to accommodate residential uses with neighborhood-scaled shops and offices, the proposed rezoning to an Urban context is appropriate and consistent with the plan.

Blueprint Denver Future Places

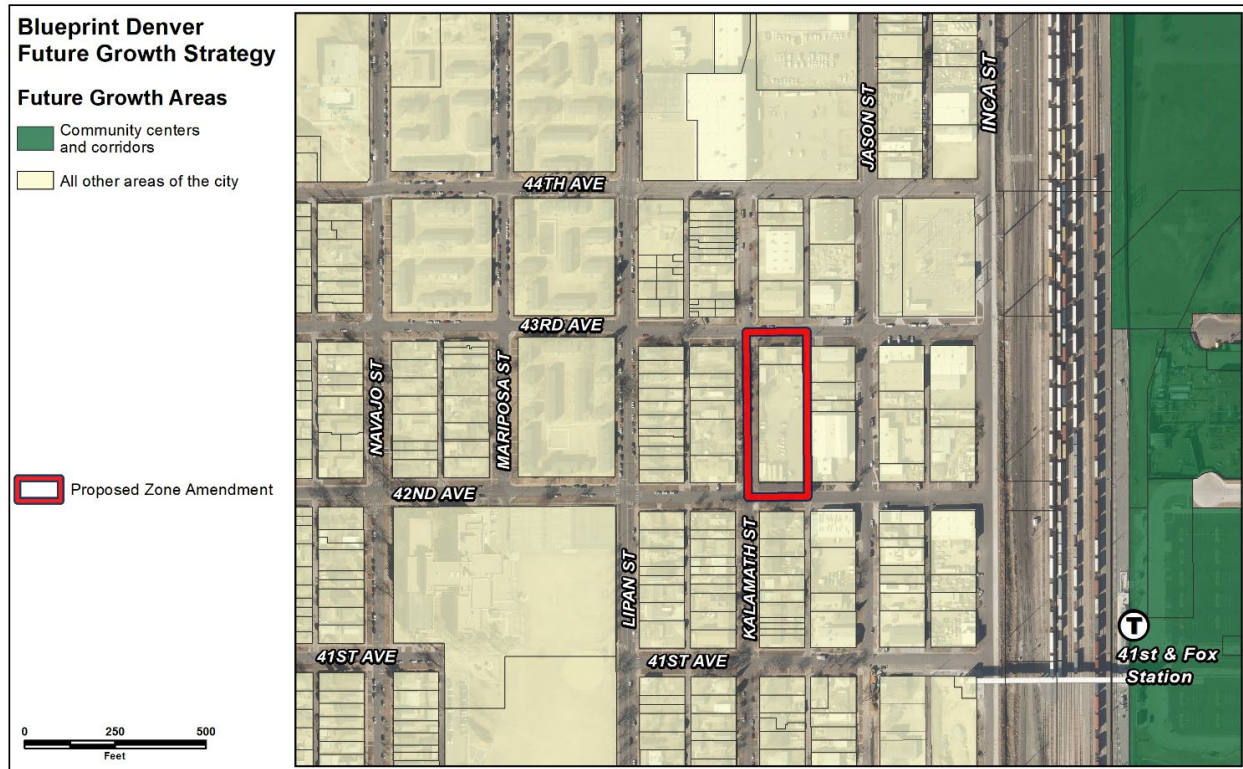


The Future Places map designates the subject property as a Low-Medium Residential Area. Blueprint Denver describes the aspirational characteristics of Low-Medium Residential Areas in the Urban context as having a “mix of low to mid-scale residential options. Limited mixed-use along some arterial and collector streets and at intersections” (p. 232). Consistent with this guidance, the proposed U-RX-3 zone district provides for a variety of residential options and allows for limited commercial uses.

Street Types

Blueprint Denver classifies Kalamath Street and West 42nd and 43rd Avenues as local or undesignated streets. “Streets within the Urban context usually have high degrees of pedestrian and bike activity. ... Utilizing on-street parking on residential or local street to access nearby businesses on main street and mixed-use streets can be expected” (p. 234). As the proposed zone district, U-RX-3, allows for primarily residential uses and some limited commercial uses, the district is consistent with the future street types at this location.

Growth Strategy

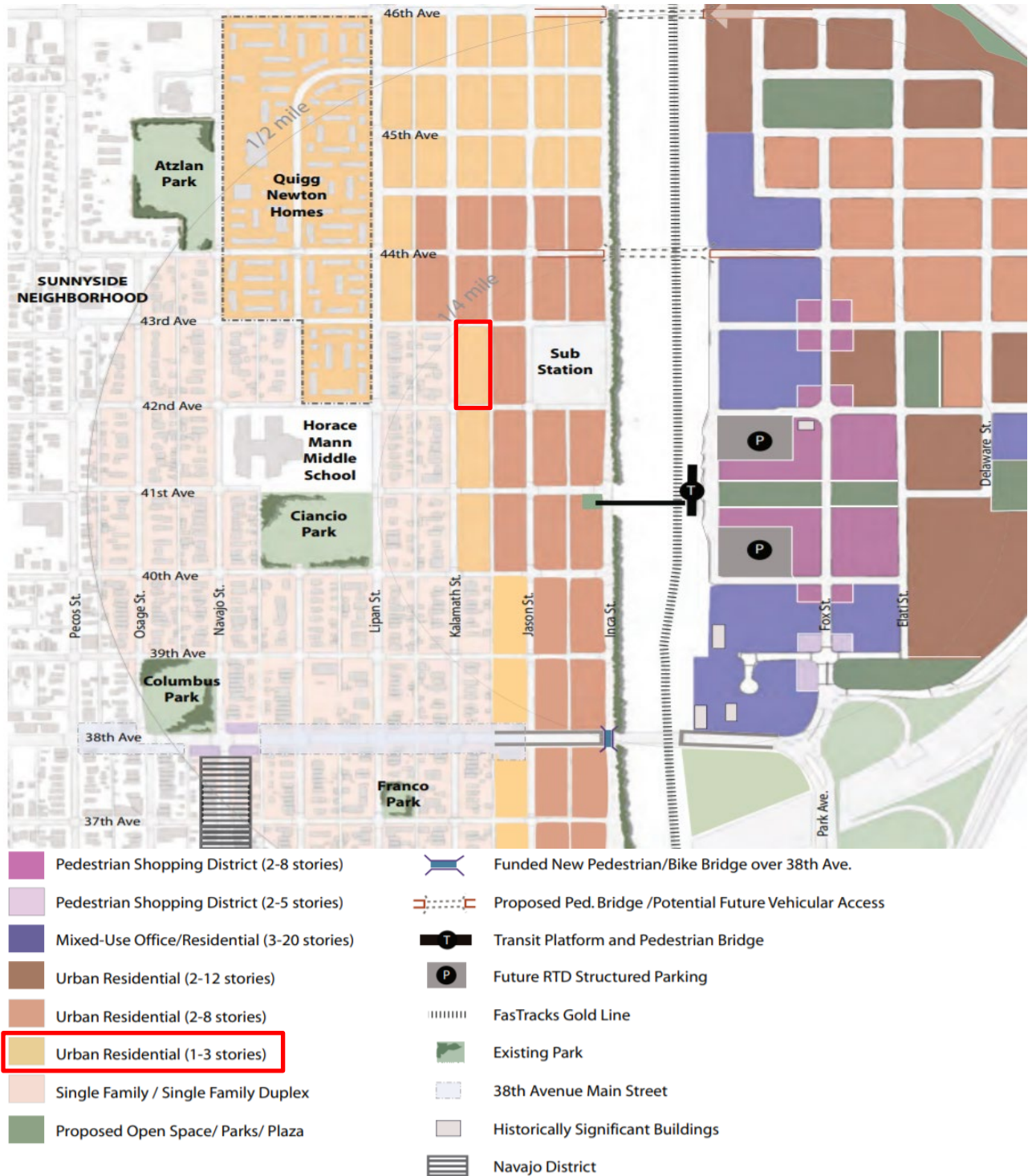


The subject property is located within a Low-Medium Residential area, which is classified as “*All other areas of the city*” in Blueprint Denver. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units and offer the opportunity for additional jobs, which is an appropriate change given these growth goals. Access to jobs, housing, and services can improve in the residential mixed-use zone districts, and this site has access to multiple bus and rail transit lines. Therefore, this rezoning is consistent with the Blueprint Denver Future Growth Areas plan direction.

41st & Fox Station Area Plan (2009)

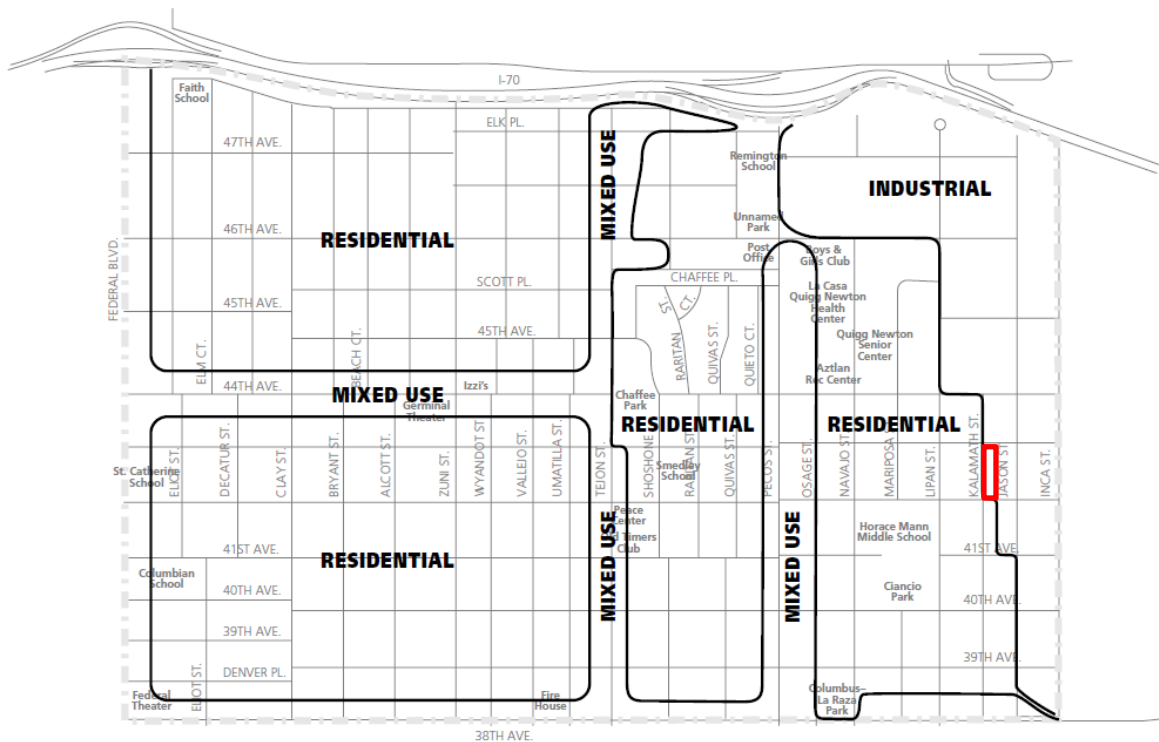
The 41st & Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan sets forth a vision for the creation of a “diverse, transit supportive and environmentally sustainable urban center” (p. 9). According to the plan, “In general, future land use regulations in the station area should support walkable, mixed-use development and contain restrictions on non-transit supportive uses such as drive through businesses, auto services, and noxious uses” (p. 15). In the land use concept map, the subject property is mapped as Urban Residential 1-3 stories. These areas are intended to create an improved edge for adjacent residences and the Quigg Newton Homes one block west of the subject property. The Urban Residential 1-3 stories designation calls for a range of housing types including single-unit, accessory dwelling units, duplexes, townhouses and small condominium and apartment buildings (p. 16). The requested zone district, U-RX-3, allows for a wide

range of housing types at the three-story scale. While it also provides an opportunity for neighborhood-serving commercial uses within walking distance of the transit station, it does not permit drive-through uses or automobile services so it is consistent with the general guidance for the transit-oriented area. Therefore, on balance this rezoning request is consistent with both the land use and building heights recommendations in the 41st & Fox Station Area Plan.



Sunnyside Neighborhood Plan (1992)

The Sunnyside Neighborhood Plan was adopted in 1992 and applies to the subject property. The plan identifies the subject property as industrial and states the need for buffers to separate industrial and residential areas. The plan further suggests that small scale shops and offices, particularly in commercial zones, would help maintain and stabilize the residential character of the neighborhood. At the time the plan was written, much of the subject property was zoned PUD 240 which allowed for light manufacturing and office uses.



Generalized Land Use Map

Although the Sunnyside Neighborhood Plan is an adopted plan that continues to guide policy and development decisions within the neighborhood, the eastern portion of the plan area (including the subject site) has more recent guidance from the 41st & Fox Station Area Plan. The station area plan was adopted in 2009 in response to new opportunities presented by the commuter rail station. As a result, it provides slightly different land use recommendations than the older Sunnyside Neighborhood Plan, which pre-dates the conception of FasTracks by more than a decade. Still, the proposed zone district, U-RX-3, is consistent with this plan as it allows for a range of residential building forms and introduces the opportunity for limited neighborhood-serving commercial uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-RX-3 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near transit with improved design standards and foster the creation of a walkable, urban area within walking distance to a rail transit station.

4. Justifying Circumstances

The application identifies three 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: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan; or, (c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."*

Recent physical changes within close proximity to the subject site include the opening of the 41st & Fox Station in 2019 and the addition of the multi-use path along Inca Street that connects the Sunnyside neighborhood to downtown. There are also several new, predominantly residential projects in the immediate area including townhomes across the alley from the subject property and the Zia development on Inca Street. Rezoning to a district that allows for ground-floor retail will be necessary to providing neighborhood-serving uses for new and existing residents in the area. The 41st & Fox Station Area Plan was adopted in 2009 after PUD 240 was approved in 1988. This plan provides most specific guidance on land use recommendations for the area including planned building heights. Lastly, most of the subject site retained Former Chapter 59 zoning after the adoption of the Denver Zoning Code. Together, these changes justify the rezoning of the property to U-RX-3 to serve the public interest.

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

The requested U-RX-3 zone district is within the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses with embedded, small-scale, multi-unit residential uses and commercial areas. The street, block, and access patterns in this context provide a regular pattern of block shapes with a consistent presence of alleys (DZC Division 5.1). This neighborhood is comprised of a regular rectangular pattern of blocks with alleys and small scale residential and commercial development, so rezoning this site to U-RX-3 is consistent with the neighborhood context description.

Residential Mixed-Use Districts are "intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Residential Mixed-Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and to improve the transition between commercial development and adjacent residential neighborhoods. Compared to the Mixed-Use districts, the Residential Mixed-Use districts are primarily intended to accommodate residential uses. Commercial

uses are secondary to the primary residential use of the district, and they provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed-Use district may have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses.” (DZC Section 5.2.4.1). The proposed map amendment is consistent with the general purpose of Residential Mixed-Use zone districts as it would facilitate predominantly residential uses and convenient access to small-scale commercial uses as an appropriate transition from larger scale residential and industrial uses to the north and east, respectively, to the lower-scale residential uses to the south and west.

The proposed U-RX-3 zone district is specifically intended for residentially-dominated areas served primarily by local or collector streets (DZC Section 5.2.4.2). The request is consistent with the specific intent of U-RX-3 with the local street designations (Kalamath Street, West 42nd Avenue, West 43rd Avenue) and the adjacent building heights and entitlements.

Attachments

1. Application
2. PUD 240

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	4228 Kalamath LLC	Representative Name	Matt Chiodini
Address	250 Fillmore St Suite 225	Address	3003 Larimer Street
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80205
Telephone	720-288-0827	Telephone	303.956.9437
Email	lizzie@sonomawestre.com	Email	mchiodini@ozarch.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4228 KALAMATH ST & 4260 KALAMATH ST		
Assessor's Parcel Numbers:	0221414017000 & 0221414001000		
Area in Acres or Square Feet:	46,875 SF		
Current Zone District(s):	PUD #240 & U-MX-2X		
PROPOSAL			
Proposed Zone District:	U-RX-3		

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input checked="" type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	
See attachment list below.	

REZONING GUIDE

Rezoning Application Page 3 of 3



PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
4228 Kalamath LLC	4228 KALAMATH ST Denver, CO 80211 720-288-0827 lizzie@sonomawestre.com	100%	<i>[Signature]</i>	1/10/20	(A)	YES
Galicia, Cipriana Robles & Roblec C, Nicandro	4260 KALAMATH ST DENVER, CO 80211	100%	See attached authorization		(A)	YES

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org



Reference: Zone Map Amendment – Legal Descriptions

Site #1 Address: 4228 KALAMATH ST
Owner: 4228 KALAMATH LLC
Address: 250 FILLMORE ST. SUITE 225 | DENVER, CO 80206
Parcel Size: 40,625 SF
Schedule Number: 0221414017000

LEGAL DESCRIPTION:

LOTS 3 TO 15, INCLUSIVE, BLOCK 15,
VIADUCT ADDITION TO DENVER,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

Existing Zoning PUD #240 (former chpt 59)
Proposed Zone District: U-RX-3

Site #2 Address: 4260 KALAMATH ST
Owner: GALICIA,CIPRIANA ROBLES & ROBLEC C, NICANDRO
Address: 4260 KALAMATH ST, DENVER , CO 80211-2524
Parcel Size: 6,250 SF
Schedule Number: 0221414001000

LEGAL DESCRIPTION:

LOT 1 & 2, BLOCK 15,
VIADUCT ADDITION TO DENVER,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO

Existing Zoning U-MX-2X
Proposed Zone District: U-RX-3

PROPERTY INFORMATION

Property Type:

Parcel: 0221414017000

Name and Address Information	Legal Description
4228 KALAMATH LLC 4461 PRESERVE PKWY GREENWOOD VILLA, CO 80121-2189	L 3 TO 15 INC BLK 15 VIADUCT ADDITION
Property Address: 4228 N KALAMATH ST	Tax District: DENV

Assessment Information				
	Actual	Assessed	Exempt	Taxable
Current Year				
Land	1625000	471250		
Improvements	1000	290		
Total	1626000	471540	0	471540
Prior Year				
Land	609400	176730		
Improvements	34300	9950		
Total	643700	186680	0	186680

Style: Other
 Year Built:
 Building Sqr. Foot: 0
 Bedrooms:
 Baths Full/Half: 0/0
 Basement/Finished: 0/0
 Lot Size: 40,625

Reception No.: 2019091346
 Recording Date: 07/15/19
 Document Type: Warranty
 Sale Price: 3000000
 Mill Levy: 72.116

[Click here for current zoning](#)

Zoning Used for Valuation: PUD

Note: Valuation zoning maybe different from City's new zoning code.

PROPERTY INFORMATION

Property Type: RESIDENTIAL DUPLEX

Parcel: 0221414001000

Name and Address Information	Legal Description
GALICIA,CIPRIANA ROBLES & ROBLEC C, NICANDRO 4260 KALAMATH ST DENVER, CO 80211-2524	L 1 & 2 BLK 15 VIADUCT ADD
Property Address: 4262 N KALAMATH ST	Tax District: DENV

Assessment Information				
	Actual	Assessed	Exempt	Taxable
Current Year				
Land	375000	26810		
Improvements	257600	18420		
Total	632600	45230	0	45230
Prior Year				
Land	93800	6750		
Improvements	352400	25370		
Total	446200	32120	0	32120

Style: Other
 Year Built: 1963
 Building Sqr. Foot: 2,124
 Bedrooms:
 Baths Full/Half: 0/0
 Basement/Finished: 0/0
 Lot Size: 6,250

Reception No.: JT00168013
 Recording Date: 12/09/96
 Document Type: Quit Claim
 Sale Price:
 Mill Levy: 72.116

[Click here for current zoning](#)

Zoning Used for Valuation:

U-MX-2X

Note: Valuation zoning maybe different from City's new zoning code.



Colorado Secretary of State
 Date and Time: 04/03/2019 02:08 PM
 ID Number: 20191299017
 Document number: 20191299017
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

4228 Kalamath LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

55 Old Field Point Road

(Street number and name)

2nd Floor

Greenwich

(City)

CT

(State)

06830

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Stapleton

(Last)

Walker

(First)

R

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

720 S Colorado Blvd

(Street number and name)

Penthouse North, Suite 1337

Glendale

(City)

CO

(State)

80246

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Stapleton Walker R
(Last) (First) (Middle) (Suffix)

or

(if an entity) _____
(Caution: Do not provide both an individual and an entity name.)

Mailing address 55 Old Field Point Road
(Street number and name or Post Office Box information)
2nd Floor
Greenwich CT 06830
(City) (State) (ZIP/Postal Code)
Connecticut United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Stapleton Walker R
(Last) (First) (Middle) (Suffix)
55 Old Field Point Road
(Street number and name or Post Office Box information)
2nd Floor
Greenwich CT 06830
(City) (State) (ZIP/Postal Code)
United States .
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

**SOLE MEMBER OPERATING AGREEMENT
OF
4228 KALAMATH LLC**

A Colorado Limited Liability Company

THIS OPERATING AGREEMENT ("Agreement") is made and entered into as of April 3, 2019, by and among **4228 Kalamath LLC**, a Colorado Limited Liability Company (the "Company") and **Walker R. Stapleton**, executing this Agreement as the sole member of the Company (the "Member") and hereby states as follows:

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Organization.

1. Formation of LLC.

The Member has formed an Colorado Limited Liability Company named **4228 Kalamath LLC** by filing the Articles of Organization with the office in the State of Colorado on April 3, 2019. The operation of the Company shall be governed by the terms of this Agreement and the applicable laws of the State of Colorado relating to the formation, operation and taxation of a LLC, specifically the provisions under Title 10A, Chapter 5A which set out the guidelines and procedures for the formation and operation of a LLC hereinafter collectively referred to as the "Statutes." To the extent permitted by the Statutes, the terms and provisions of this Agreement shall control in the event there is a conflict between the Statutes and this Agreement.

2. Purposes and Powers.

a) The purposes of the Company shall be:

(i) To engage in and conduct any and all lawful business; and

(ii) To perform or engage in any and all activities and/or businesses for which limited liability companies may be engaged under the Statutes.

b) The Company shall have all powers necessary and convenient to effect any purpose for which it is formed, including all powers granted by the Statutes.

3. Duration.

The Company shall continue in existence until dissolved, liquidated or terminated

in accordance with the provisions of this Agreement and, to the extent not otherwise superseded by this Agreement, the Statutes.

4. Registered Office and Resident Agent.

The Registered Office and Resident Agent of the Company shall be as designated in the initial Articles of Organization/Certificate of Organization or any amendment thereof. The Registered Office and/or Resident Agent may be changed from time to time. Any such change shall be made in accordance with the Statutes, or, if different from the Statutes, in accordance with the provisions of this Agreement. If the Resident Agent shall ever resign, the Company shall promptly appoint a successor agent.

5. Capital Contributions and Distributions.

The Member may make such capital contributions (each a "Capital Contribution") in such amounts and at such times as the Member shall determine. The Member shall not be obligated to make any Capital Contributions. The Member may take distributions of the capital from time to time in accordance with the limitations imposed by the Statutes.

6. Books, Records and Accounting.

a) Books and Records. The Company shall maintain complete and accurate books and records of the Company's business and affairs as required by the Statutes and such books and records shall be kept at the Company's Registered Office and shall in all respects be independent of the books, records and transactions of the Member.

b) Fiscal Year; Accounting. The Company's fiscal year shall be the calendar year with an ending month of December.

7. Member's Capital Accounts.

A Capital Account for the Member shall be maintained by the Company. The Member's Capital Account shall reflect the Member's capital contributions and increases for any net income or gain of the Company. The Member's Capital Account shall also reflect decreases for distributions made to the Member and the Member's share of any losses and deductions of the Company.

8. U.S. Federal / Colorado State Income Tax Treatment.

The Member intends that the Company, as a single member LLC, shall be taxed as a sole proprietorship in accordance with the provisions of the Internal

Revenue Code. Any provisions herein that may cause may cause the Company not to be taxed as a sole proprietorship shall be inoperative.

9. Rights, Powers and Obligations of Member.

- a. Authority. **Walker R. Stapleton**, as sole member of the Company, has sole authority and power to act for or on behalf of the Company, to do any act that would be binding on the Company, or incur any expenditures on behalf of the Company.
- b. Liability to Third Parties. The Member shall not be liable for the debts, obligations or liabilities of the Company, including under a judgment, decree or order of a court.
- c. Rights, Powers and Obligations of Manager.
- d. The Company is organized as a “member-managed” limited liability company.
- e. The Member is designated as the initial managing member.
- f. Ownership of Company Property.

The Company’s assets shall be deemed owned by the Company as an entity, and the Member shall have no ownership interest in such assets or any portion thereof. Title to any or all such Company assets may be held in the name of the Company, one or more nominees or in “street name”, as the Member may determine.

g. Other Activities.

Except as limited by the Statutes, the Member may engage in other business ventures of any nature, including, without limitation by specification, the ownership of another business similar to that operated by the Company. The Company shall not have any right or interest in any such independent ventures or to the income and profits derived therefrom.

10. Limitation of Liability; Indemnification.

a) Limitation of Liability and Indemnification of Member.

- i. The Member (including, for purposes of this Section, any estate, heir, personal representative, receiver, trustee, successor,

assignee and/or transferee of the Member) shall not be liable, responsible or accountable, in damages or otherwise, to the Company or any other person for: (i) any act performed, or the omission to perform any act, within the scope of the power and authority conferred on the Member by this agreement and/or by the Statutes except by reason of acts or omissions found by a court of competent jurisdiction upon entry of a final judgment rendered and un-appealable or not timely appealed (“Judicially Determined”) to constitute fraud, gross negligence, recklessness or intentional misconduct; (ii) the termination of the Company and this Agreement pursuant to the terms hereof; (iii) the performance by the Member of, or the omission by the Member to perform, any act which the Member reasonably believed to be consistent with the advice of attorneys, accountants or other professional advisers to the Company with respect to matters relating to the Company, including actions or omissions determined to constitute violations of law but which were not undertaken in bad faith; or (iv) the conduct of any person selected or engaged by the Member.

- ii. The Company, its receivers, trustees, successors, assignees and/or transferees shall indemnify, defend and hold the Member harmless from and against any and all liabilities, damages, losses, costs and expenses of any nature whatsoever, known or unknown, liquidated or unliquidated, that are incurred by the Member (including amounts paid in satisfaction of judgments, in settlement of any action, suit, demand, investigation, claim or proceeding (“Claim”), as fines or penalties) and from and against all legal or other such costs as well as the expenses of investigating or defending against any Claim or threatened or anticipated Claim arising out of, connected with or relating to this Agreement, the Company or its business affairs in any way; provided, that the conduct of the Member which gave rise to the action against the Member is indemnifiable under the standards set forth in Section 10(a)(i).
- iii. Upon application, the Member shall be entitled to receive advances to cover the costs of defending or settling any Claim or any threatened or anticipated Claim against the Member that may be subject to indemnification hereunder upon receipt by the Company of any undertaking by or on behalf of the Member to repay such advances to the Company, without interest, if the Member is Judicially Determined not to be entitled to indemnification.
- iv. All rights of the Member to indemnification under this Section 10(a) shall (i) be cumulative of, and in addition to, any right to which the Member may be entitled to by contract or as a matter of law or

equity, and (ii) survive the dissolution, liquidation or termination of the Company as well as the death, removal, incompetency or insolvency of the Member.

- v. The termination of any Claim or threatened Claim against the Member by judgment, order, settlement or upon a plea of *nolo contendere* or its equivalent shall not, of itself, cause the Member not to be entitled to indemnification as provided herein unless and until Judicially Determined to not be so entitled.

11. Death, Disability, Dissolution.

- a. Death of Member. Upon the death of the Member, the Company shall be dissolved. By separate written documentation, the Member shall designate and appoint the individual who will wind down the Company's business and transfer or distribute the Member's Interests and Capital Account as designated by the Member or as may otherwise be required by law.
- b. Disability of Member. Upon the disability of a Member, the Member may continue to act as Manager hereunder or appoint a person to so serve until the Member's Interests and Capital Account of the Member have been transferred or distributed.
- c. Dissolution. The Company shall dissolve and its affairs shall be wound up on the first to occur of:
 - i. At a time, or upon the occurrence of an event specified in the Articles of Organization or this Agreement.
 - ii. The determination by the Member that the Company shall be dissolved.


12. Miscellaneous Provisions.

- a. Article Headings. The Article headings and numbers contained in this Agreement have been inserted only as a matter of convenience and for reference, and in no way shall be construed to define, limit or describe the scope or intent of any provision of this Agreement.
- b. Entire Agreement. This Agreement constitutes the entire agreement between the Member and the Company. This Agreement supersedes any and all other agreements, either oral or written, between said parties with respect to the subject matter hereof.

- c. Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
- d. Amendment. This Agreement may be amended or revoked at any time by a written document executed by the Member.
- e. Binding Effect. Subject to the provisions of this Agreement relating to transferability, this Agreement will be binding upon and shall inure to the benefit of the parties, and their respective distributees, heirs, successors and assigns.
- f. Governing Law. This Agreement is being executed and delivered in the State of Colorado and shall be governed by, construed and enforced in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, the Member has hereunto set such Member's hand as of the day and year first above written.

4228 Kalamath LLC

Managing Member's Signature: _____ 

Print Name: _____ Walker R. Stapleton

Walker R. Stapleton
250 Fillmore Street | Suite 225
Denver, CO 80206
(720) 420-0727
lizzie@sonomawestre.com

January 13, 2020

Denver Community Planning & Development
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202
(720) 865-2974
rezoning@denvergov.org

Subject: Authorization Letter for Signing of Documents

To Whom It May Concern:

I, Walker R. Stapleton, hereby authorize Lizzie Coombs of Sonoma West Holdings and Matt Chiodini of Oz Architecture to represent myself, the property owner of 4228 Kalamath Street and sole member of 4228 Kalamath LLC, to act on my behalf in all matters regarding to the rezoning of the property at 4228 Kalamath St. Denver, CO 80211.

Sincerely,



Walker R. Stapleton
Owner, 4228 Kalamath Street
Sole Member, 4228 Kalamath LLC

Property Owner Agent Authorization

I/We, Cipriana Robles Galicia and/or Nicandro Robles, am/are the legal owner(s) of the property located at **4260 Kalamath Street** known to the City of Denver as L 1 & 2 BLK 15 VIADUCT ADD, Schedule Number 02214-14-001-000.

I/We do hereby authorize, Matt Chiodini of Oz Architecture, and Walker Stapleton and Elizabeth Coombs of 4228 Kalamath LLC, to prepare and sign application materials, and otherwise represent the property owner(s) and act as agents on their behalf in order to obtain a Zone Map Amendment from the City of Denver for the parcel referenced above. All costs incurred during this process shall be paid by the above listed authorized agent(s) and will not be the responsibility of the Property Owner(s).

By my/our signature I/we hereby certify that all information provided is correct to the best of my/our knowledge and that I/we have the authority to execute this consent form as the property owner(s).

By: Nicandro Robles C.
Property Owner - Signature

Nicandro Robles C. Taño
Property Owner - Printed Name

12-17-20-19
Date

Cipriana Robles
Property Owner - Signature

CIPRIANA ROBLES
Property Owner - Printed Name

2/25/2020
Date

**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. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2974.

Application Number	
Location	4228 Kalamath St
Registered Neighborhood Organization Name	Sunnyside United Neighbors
Registered Contact Name	Bill Hare
Contact Address	
Contact E-Mail Address	bill@littlecolorado.com
Date Submitted	

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: The general concensus among the neighbors that were gathered is that retail activation on 42nd street would be desirable

Rezoning Applications may be viewed and/or downloaded for review at:
www.denvergov.org/Rezoning



To: Brandon Shaver, Senior City Planner
brandon.shaver@denvergov.org

Date: January 27th, 2020
Revised: April 10th, 2020

**RE: Application #PreApp_2019I-00247
4200 Kalamath Block – Zone Lot Amendment Request**

Overview

This is an application for a zone map amendment for the properties located at 4228 and 4260 N. Kalamath Street in the City and County of Denver. The applicants have assembled ½ of a city block bounded by W. 42nd Avenue on the south, 43rd Avenue on the north, Kalamath Street on the west, and the alley on the east, forthwith referred to as the 4200 Kalamath Block.

We are requesting to rezone the 4200 Kalamath Block from the current PUD #240 and U-MX-2X under the Denver Zoning Code, to U-RX-3 for consistency with the adopted plans. We are not requesting assemblage of the parcels or changes to the parcel lines as part of this application.

- Parcel #1 runs from the corner of W. 42nd Ave. and Kalamath St. (325'-0") is currently zoned PUD #240, which allows for office and light manufacturing in a 30'-0" single story with surface parking surrounding the building. It is a remnant from the Former Chapter 59 Zoning Code that was not converted during the citywide rezoning efforts that were completed in 2010. At that time, the parcel was not developed to the PUD standards and today it consists of an open surface lot being utilized for industrial storage.
- Parcel #2 runs from the corner of W. 43rd and Kalamath St. (50'-0") is currently zoned U-MX-2X and consists of a 1940's era 2 story duplex residential structure.
- Kalamath Street on the west consists of 6 large single-family and duplex units with U-MX-2X and U-TU-C zoning. The South corner at W. 42nd Avenue consists of single-family houses with U-TU-C zoning. The corner at W. 43rd Avenue on the north consists of office and duplex units with U-MX-2X and R-MU-30 with waivers and conditions zoning. Several of the lots have recently developed to the full zoning envelope and additional conversions are likely. The east side of the alley along the length of Jason Street is zoned I-MX-3 and consists of warehouses, offices, and single-family residences operating as businesses.

In recent years this area of the city has been experiencing tremendous revitalization with projects like: the RTD transit station, the Fox Street pedestrian bridge, the new bike route into Central Denver, the 434 unit 8-story Zia multi-family condo/apartment project, the warehouse conversions at Denver Beer Co, the rehabilitation of historic brick bungalows, and the new townhome development throughout the neighborhood. Future redevelopment of the Quigg-Newtown DHA project which includes multiple city blocks nestled in the neighborhood will increase residential density, reinforce commercial development and reduce vulnerability to displacement by keeping established families in the community.



The City of Denver's TOD plan envisions this area to serve as a transition from the lower scaled residential neighborhoods to the newly developing urban center at 41st and Fox, just one rail-stop away from Denver's Downtown Area and central business core. The Sunnyside neighborhood is poised to address several of the key equity concepts like expanding residential and job diversity and improving access to opportunity for residents.

The applicants have met with several of the neighborhood stakeholders in Sunnyside, including meetings with Councilwoman Amanda Sandoval, the Councilwoman's planning aide Naomi Grunditz, and the Community Planning and Development Committee of Sunnyside United Neighbors Inc. (SUNI), the active Registered Neighborhood Organization in the area. In December 2019, the applicants presented their rezoning proposal to SUNI's Community Planning and Development Committee and received a unanimous vote of support for the rezone proposal at the meeting.

The applicants have also shared their rezoning presentation via email with Councilwoman At-Large Robin Kniech, Councilwoman At-Large Deborah Ortega, Councilwoman District 9 Candi CdeBaca, Northeast Denver Friends and Neighbors (NEDFANS), the Inter-Neighborhood Cooperation (INC), and distributed flyers to the adjacent neighbors. The applicants will continue their open and honest communication with the relevant community and neighborhood stakeholders throughout the rezoning process and will to continue their active dialogue with the community after the rezone process is completed.

Prior to submitting the formal application, the applicants met with Melissa Thate, a Housing Policy Officer with the office of Denver Economic Development & Opportunity, to review the application through the lenses of equity that are outlined in the Denver Comprehensive Plan 2040. The site is benefitted from being an undeveloped lot, except for the small duplex at the north, and thus drastically reduces the concern for resident displacement due to development of the lot. Several concepts to incentivize the addition of attainable housing were discussed at the meeting, including additional density and reduced parking ratios. Additional height at the site is not supported by the City planning documents and the neighbors agreed with the concept that this site would serve as transition to higher density development on Jason and Inca Streets. Reduced parking was addressed in the community meeting with minimal support for reductions as the neighbors felt that not providing sufficient parking on-site would significantly increase parking on the narrow residential streets through this area. The applicants have reviewed the Agreement to Build Affordable Units however are unable to commit to the Agreement to Build Affordable Units due to the lack of clarity in the metrics around the proposed rezoning request and potential aggregation of sites. They will address the Affordable housing ordinance during the Site Development Plan per Denver municipal codes.

The request for a zone amendment per Section 12.4.10.7 for the 4200 Kalamath Block is consistent with the citywide and area specific adopted plans in the following manner:

- 1) **Denver Comprehensive Plan 2040** –The request for rezone aligns with the vision elements established in the plan by employing the following strategies:



a) Equitable, Affordable and Inclusive

- 1.1, 1.2, 1.7 – The plan recommends for the increased development of housing units close to transit and mixed-use developments like the 41st and Fox Street Station, which is 0.2 miles away from the 4200 Kalamath Block. Multifamily residential development at the 4200 Kalamath Block site will expand housing diversity for individuals and families in Sunnyside by helping to create a greater mix of attainable housing options that currently do not exist in the neighborhood. The creation of more diverse housing options at this site that fit different budgets and needs will give residents greater access to stay and grow in the Sunnyside neighborhood over their lifetime. The site development will also include reestablishment of the sidewalks around the perimeter of the block that will further increase the accessible walkability within the neighborhood.

b) Strong and Authentic Neighborhoods

- 2.1, 2.2, 2.8, 2.9 – Encouraging quality infill development that is consistent with the surrounding neighborhood will help to expand residential areas and create thoughtful transitions from the residential areas in the western part of the Sunnyside neighborhood to the commercial/industrial areas in the east, near the transit station. It will also contribute to the creation of a network of well-connected, vibrant, mixed-use centers and corridors that are safe and accessible with more populous areas and more eyes on the street around the 41st and Fox Street Station. As stated earlier, the applicants have met with Councilwoman Amanda Sandoval and her staff on multiple occasions. We have also presented at the Sunnyside United Neighbors Inc. (SUNI) December 2019 meeting and received a vote of approval and support from the organization. The applicants have made a commitment to continue this clear and open communication with relevant community and neighborhood groups throughout the rezone process.

c) Connected, Safe and Accessible Places

- 3.3, 3.6, 3.8, 3.9 – Preservation of existing desired street trees and the development of a full block streetscape with a continuous tree lawn will promote the establishment of new trees and will knit the 4200 Kalamath Street Block back into the neighborhood. West 43rd Avenue has been designated as a bike route through the neighborhood, creating the opportunity for small commercial space that contributes to a vibrant mix of uses serving the community. The 4200 Kalamath Block site is 0.2 miles from the 41st and Fox Street Station and its development will fulfill the need for higher density, transit-oriented development near transit centers that is necessary to support ridership and better connect the Sunnyside neighborhood with the greater Denver region. The parcel size and geography allow for an efficient underground parking floorplate establishing a 1:1 parking ratio. The incentives to reduce parking will be further reviewed with a transportation management plan and the building proforma at the time of SDP to balance the neighborhood concerns for decreasing street parking and the Vision's plan to promote multi-modal transportation centers. Future SDP plans anticipate providing drop-off zones and electric vehicle charging stations.



d) Economically Diverse and Vibrant

- 4.2, 4.3 – Residential development at 4200 Kalamath Block will help to create the variety of housing opportunities necessary to attract a wide range of talent, entrepreneurs, and businesses to the Sunnyside neighborhood. The increase in the residential density of the neighborhood will also result in increased public transit usage and patronage for the neighborhood’s local businesses.

e) Environmentally Resilient

- 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9 – We envision the 4200 Kalamath Block incorporating several features to promote a thriving sustainable city by: creating quality infill development where infrastructure are already in place, focusing growth around the 41st and Fox transit station, and implementing green building practices throughout the project. Resiliency strategies include: low albedo roofs, solar power, increase in tree canopy, inclusion of outdoor greenspace for water conservation, reduced water fixture demand, and compost waste recycling.

f) Healthy and Active

- 6.1 – The rezoning of this property will align with the strategies outlined in the plan by promoting walking on completed, accessible sidewalk networks throughout the neighborhood and enhancing the 43rd Avenue bike route. Additional residents in the area will strengthen the community’s appeal for greater food offerings and access to fresh food retailers.

II) **Blueprint Denver (2019):** The request for rezone aligns with the vision elements established in the plan by employing the following strategies:

a) Land Use and Built Form

- *General Policies 1, 2, 3, 4* – The plan recommends for zoning regulations to encourage higher-density in transit-rich areas and encourages the redevelopment of opportunity sites like surface parking lots. The 4200 Kalamath Block is located .2 miles from the 41st and Fox Rail Station and the majority of the block (Parcel #1) is a large surface parking lot, thereby making it a prime location for a higher-density rezoning like this request to take place. Parcel #1 is currently zoned PUD #240 and a rezoning of the site would bring it into conformance with the current Denver Zoning Code by eliminating the Former Chapter 59 custom zoning (PUD #240) that is outmoded and inappropriate for the new complete neighborhood vision. In addition to their conversations with Councilwoman Sandoval, the applicants have attended numerous Sunnyside United Neighbors Inc. (SUNI) Planning and Development Committee community meetings over the past months to listen to their neighbors and get a better understanding of the wants and needs of the Sunnyside community as a whole. SUNI’s Planning and Development Committee unanimously voted in support of the applicants’ rezoning proposal in December 2019.
- *Housing Policies 2, 8* – A rezoning of U-RX-3 for the 4200 Kalamath Block adheres to Blueprint Denver 2019’s recommendation that high-density residential areas are aligned near regional centers and have access to transit. This low-medium density site will serve as a transition between the lower density U-RX-2.5 one and two-story residential areas to the west and the high-density residential G-MU-8 sites, like Zia Sunnyside, to the east. The site will not require extensive demolition, as the majority



of it is vacant lot and its redevelopment under a U-RX-3 zoning will also help to diversify the housing options available in the Sunnyside neighborhood. The site's location within .2 miles of the 41st and Fox Transit Station supports the plan's desired growth recommendations.

- *Economic Policy 3* – The current PUD #240 zoning on Parcel #1 allows for light industrial use on the site and the 4200 Kalamath Block does not fall under a “manufacturing preservation area” as outlined by the plan. Thus, the transition of 4200 Kalamath Block from the current low-value manufacturing/industrial area to a higher intensity usage, as outlined under the zoning request, adheres directly to Blueprint Denver 2019's recommendation. The inclusion of infill construction on this currently vacant site will also help to reconstruct the residential neighborhood.
- *Design Quality and Preservation Policies 2, 3* – The rezoning request will ensure that the surrounding residential neighborhood retains its unique character by adhering to Blueprint Denver's stipulation that buildings in this area are generally 3 stories or less in height and are compatible with the adjacent buildings. The Kalamath Street building heights are exaggerated on the west side due to significant grade changes as the block slopes down toward the railroad tracks to the east. The rezoning of this site as U-RX-3 will create continuity in the residential building heights along Kalamath Street and the site will serve as a transition from the residential area to the west and the higher density and industrial areas to the east. Blueprint Denver projects this area to grow 10% in jobs and 20% in housing by 2040. Creation of quality infill development at this site will allow for the Sunnyside neighborhood to increase its residential density in the appropriate locations to accommodate for this projected growth. The site is ideal for this type of transit-oriented development as it sits .2 miles from the 41st and Fox Transit Center. The site development of the 4200 Kalamath Block will also include the reestablishment of sidewalks around the perimeter of the site that will serve to further increase the accessible walkability within the neighborhood, and ensure an active pedestrian-friendly environment with easy access to the 41st and Fox Transit Station. These aspects together will combine to create the feeling of a more complete residential neighborhood around the 4200 Kalamath Block.

b) Mobility

- *Policies 1, 2, 3, 4, 8* – The new 41st and Fox Street Transit Station creates an opportunity for the Sunnyside neighborhood to become a mobility neutral destination by taking advantage of the proximity to downtown and vibrant residential and commercial neighborhoods to the west. The redevelopment of the sidewalk system at the site along Kalamath St, W. 43rd Ave, and W. 42nd Ave, will make the area more friendly to pedestrians and bikers alike, and allow easier access to the 41st and Fox Street Transit Station. This plan designates West 43rd Ave as a bike route through the neighborhood. The re-creation of the sidewalk at the 4200 Kalamath Block site will be key to helping provide a safe and comfortable pedestrian environment that connects neighborhood residents directly to transit and the Downtown Denver corridor. The plan also recommends higher densities in and around the mobility centers and the U-RX-3 zoning would allow for the appropriate density to be created at the site, which is .2 miles from the 41st and Fox Street Transit Station.



c) Quality of Life Infrastructure

- *Policies 2, 4, 5* – We envision the redevelopment of the 4200 Kalamath Block as incorporating environmentally-friendly development strategies in line with Blueprint Denver 2019’s plan including: the creation of outdoor greenspace for water conservation, use of solar power, reduced water fixture demand, compost waste recycling, and increase in the urban tree canopy. These practices will ensure attractive streets and outdoor spaces, while helping to promote a thriving sustainable neighborhood and city.

III) 41st and Fox Street Station Area Plan (2009): The land use and circulation plan designate the 4200 Kalamath Block as Urban Residential (1-3 stories) to include a range of housing types like small condominium and apartment buildings located near the transit stations. The plan recommends creating a complete, transit-friendly neighborhood transitioning from heavy industrial uses to mixed and residential-uses.

The proposed zone map amendment will capitalize on the station area’s proximity to Downtown Denver as an urban residential neighborhood creating opportunities to add housing, jobs, and services to the station area, while respecting the existing and newly developed housing across the street. Urban Design recommendations from the plan call for the reestablishment of streetscape features along the entire block as part of future redevelopments. These will serve to reconnect the neighborhood to the newly constructed transit center. Active uses along ground floor will increase eyes on the street and provide more neighborhood scaled amenities to the area.

It is noted that the map contains an error in the location of the sub-station, the correct position is a block north of where it is shown and is visible from the 43rd and Kalamath corner of the proposed rezoned site.

IV) Sunnyside Neighborhood Plan (1992): This early neighborhood plan was established to encourage small scale shops and office uses along specific corridors such as W. 44th Avenue. Priorities such as a thorough study of the industrial to residential zone abutments and limiting heavy industrial development closer than 500’-0” from residential zones have occurred. It is anticipated that this area plan will be further updated with the Near Northwest Neighborhood Area Plan in conformance with Blueprint Denver 2019’s efforts to more finitely define the land use, built forms, mobility, and quality of life infrastructure.

This rezoning request adheres and furthers the goals of the Sunnyside Neighborhood Plan to recapture the formerly industrial use areas and weave them back into the residential neighborhoods that have buffered these areas. The conversion of the existing parking lot utilized for storage of industrial manufacturing goods to high-quality pedestrian scaled housing along Kalamath Street will reestablish the neighborhood streetscape. The rezoning and development of the 4200 Kalamath Block will also further address the infrastructure needs to reestablish the sidewalks to accessible standards.



The request for a zone map amendment for the 4200 Kalamath Block per Section 12.4.10.8A - Justifying Circumstances meets all the requirements of Clause 4, Items:

- a) *Changed or Changing Conditions in a Particular Area*
 - The conditions of the Sunnyside neighborhood have changed drastically over the past few years. The creation of the 41st and Fox Transit Station has allowed the neighborhood to begin converting many of its formerly industrial sites to higher density residential sites to allow for increased density near transit. Recently, at least three nearby parcels along Inca and Jason streets have been rezoned as C-RX-8, making the 4200 Kalamath Block a prime site to serve as a transition between the planned higher residential density to the east and the existing single story and duplex residential houses to the west.
- b) *A City Adopted Plan*
 - A rezoning designation of U-RX-3 on the 4200 Kalamath Block site adheres to several of the city adopted planning visions for the area including: Blueprint Denver 2019's recommendation for zoning regulations to encourage higher-density in transit-rich areas and encouraging the redevelopment of opportunity sites like 4200 Kalamath Block and its existing vacant surface lot, Denver Comprehensive Plan 2040's recommendation to encourage quality infill development that is consistent with the surrounding neighborhood, the 41st and Fox Street Station Area Plan 2009 that designates the 4200 Kalamath Block as Urban Residential (1-3 stories), and the Sunnyside Neighborhood Plan 1992 by recapturing the formerly industrial use areas and weaving them back into the residential neighborhoods.
- c) *The City Adopted the Denver Zoning Code and the Property Retained Former Chapter 59 Zoning*
 - Parcel #1, which represents the majority of the 4200 Kalamath Block, still retains the Former Chapter 59, PUD #240 zoning and has not been brought under the more recently adopted Denver Zoning Code. A rezone of this site to U-RX-3 would eliminate the current Former Chapter 59 Zoning that exists at the site and bring consistency to the block.

Adopted plans recognize the influence of the Transit Oriented Development (TOD) into Sunnyside and recommend increased density, mixed uses, strong urban design, and progressive mobility solutions for the area. We feel this request for a zone map amendment for the 4200 Kalamath Block meets the following requirements per Section 12.4.10.8B - Consistency with Neighborhood Context Description, Zone Purpose and Intent:

- a) Neighborhood Context
 - Blueprint Denver 2019 designates the 4200 Kalamath Block as Urban Neighborhood Context and a low-medium density residential area. Per the Denver Zoning Code, the Urban Neighborhood Context is primarily characterized as small-scale multi-unit buildings, interspersed between single and two-unit residential buildings. The 4200 Kalamath Block is an ideal site for a small-scale multi-unit building, as its location serves as a transition space between the single and two-unit residential buildings to the south and west and the higher density residential and industrial buildings to the east. Rezoning the 4200 Kalamath Block to U-RX-3 will allow this block to be knit back into the surrounding residential area, while also serving as a transition to the



higher density areas along Jason and Inca Streets. Any building development will have consistent front setbacks and orientation and the 3-story zoning will allow for the development of a low scale building that is in line with the Zoning Code and characteristics of the neighborhood. The recreation of the sidewalks and establishment of new tree lawns adheres to the Street, Block and Access Patterns under the Urban Neighborhood Context. This will help balance pedestrian, bicycle, and vehicle reliance with increased access to the 41st and Fox Transit Station located .2 miles from the 4200 Kalamath Block site.

b) Zone Purpose and Intent

- The Specific Intent of Residential Mixed Use -3 (U-RX-3), as defined by the Denver Zoning Code, applies to residentially dominated areas served primarily by local or collector streets where a building of 1 to 3 stories is desired. The streets surrounding the 4200 Kalamath Block site are local collector streets in a residential area and a rezoning designation of U-RX-3 is being sought.

Thank you for considering this request for a Zone Map Amendment at the 4200 Kalamath Block to further the city's planning efforts to transform this area into a vibrant city center neighborhood.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Walker Stapleton', written over a horizontal line.

Walker Stapleton
Property Owner | 4228 Kalamath Street
Managing Member | 4228 Kalamath Street LLC

Matt Chiodini
Designated Property Owner Representative | OZ Architecture

Lizzie Coombs
Designated Property Owner Representative | SonomaWest Holdings

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 3775 (2nd Revised)	
		Date Submitted 12-30-87	Fee \$800.00

1. Applicant Robert L. Chavez, Sr.	2. Address 1001 West 42nd Avenue Denver, CO 80211	3. Phone No. (303) 455-9387	4. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent <input type="checkbox"/> Other
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5. Owners of Property or Properties (If not the Applicant) SAME AS ABOVE	6. Address	7. Phone No.
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8. Location of Proposed Change
4200 - 4228 Kalamath Street

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

Lots: 3-15 Inclusive	Block: 15	Addition: Viaduct Addition to Denver, City and County of Denver, CO
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10. Area of Subject Property, Sq. Ft. or Acres 40625 Square Feet	11. Present Zone R-2	12. Proposed Zone PUD
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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.

The construction of a building on this empty lot will complement the neighborhood and increase property values for the Sunny Side Area. There will not be additional traffic or use of hazardous materials. A building on this site will not have a negative effect on residents and we will be willing with the Highland Neighborhood Housing Service, Inc. to ensure area residents rights will not be violated.

The neighborhood continues a slowly moving direction into light industrial use. The old single family residences in the industrial zone are converted industrial use structures. The vacant residential lots remain vacant because of industrial pressure and non-economic conditions to build single family residences in the area. The area at one time was considered light industrial and current trends are slowly pushing I-0 as best use of the area.

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

Construction of building with 12300 square feet to be used for light manufacturing and 3000 square feet attached office space.

This application includes all stipulations requested by the Denver Planning Board P.U.D. Review Committee.

15. Exhibits Submitted, Number and Kind EXH "A" - District Plan (1 ea) EXH "B" - Exist. Conditions Map (1ea)	16. Applicant's Signature <i>Robert L. Chavez</i>
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P.U.D. at 4200 Kalamath Street
 Address

1. Schedule
 - a. Date of pre-application conference September 3, 1987
 - b. Submittal date of preliminary application December 30, 1987
 - c. Submittal date of completed application January 21, 1988
 - d. Planning Board or Planning Office hearing date February 24, 1988

Applicant requests a Planning Office hearing instead of the standard Planning Board hearing yes [] no [].

2. a. Maximum gross floor area* for each proposed use. Explain or define the uses. Terms like "retail" or "light industrial" must be defined in detail. To do this the applicant should refer to the various uses listed under specific zone districts in the Zoning Code, and should choose a title which accurately describes the proposed use.

----- use -----	-----	sq ft maximum
----- use -----	-----	sq ft maximum
I-0 uses *	15,300	sq ft maximum
----- use -----	-----	sq ft maximum
TOTAL F.A.R. <u>0.38</u>	TOTAL	15,300 SQ FT MAXIMUM
(Floor Area Ratio, gross floor area divided by site area) **		

For residential uses
 Maximum number of dwelling units: N/A
 Density (ratio of dwelling units per acre): N/A

For non-residential uses F.A.R. = 0.38

*Note: Gross floor area does not include the floor area of parking garages or basement areas used for storage or utilities. The Zoning Code definition of gross floor area shall be used in determining floor areas in this project.

**Note: Land area to be dedicated for public streets should not be included in the site area.

Note: The use of the terms "Article" or "Section" refer to portions of the Revised Municipal Code of the City and County of Denver.

The space below may be used to provide additional information.

* No business activity shall be conducted between 5:00 p.m. and 7:00 a.m. which results in more than a 50 decibel noise level as measured on the property line of the residence directly west of the subject property line (property across Kalamath Street).

P.U.D. at 4200 Kalamath Street -----

Note:

This requirement shall be enforced by the noise pollution section of the Environmental Health Division of the Department of Health and Hospitals.

P.U.D. at 4200 Kalamath Street
Address

- b. Land coverage by building and impervious surfaces:
- Maximum building coverage
15,300 sq. ft. = 37.7 % of site area.
- Maximum area of drives & parking
9,814 sq. ft. = 24.2 % of site area.
- Approximate area of walks, patio and paved recreation areas
2,335 sq. ft. = 5.7 % of site area.
- Approximate area of other impervious surfaces:
-0- sq. ft. = -0- % of site area.
- Total impervious area
27,449 sq. ft. = 67.6 % of site area.

- c. Landscaped area and/or permeable areas
- Lawn, planting beds and other landscaped areas with permeable surface (this area consists of organic materials)
minimum 10,185 sq. ft. = 25.0 % of site area.
- Others (Gravelled or other areas with permeable surface)
approximate 2,991 sq. ft. = 7.4 % of site area.
- Total area (minimum) 13,176 sq. ft. = 32.4 % of site area.

- d. Project area totals: (totals of "b" and "c" above)
- | | | |
|---------------------------------------|---------------|---------|
| Landscaped areas (permeable surfaces) | <u>13,176</u> | sq. ft. |
| Building and impervious surfaces | <u>27,449</u> | sq. ft. |
| Total site area | <u>40,625</u> | sq. ft. |
- (this total must equal the site area listed on page 1)

- e. Setbacks: The minimum setbacks for buildings (excluding fences and walls) are shown on the District Plan. Encroachments are permitted in these setback areas as regulated by Sec. 59-149 (zone).* The minimum spacing between buildings and other important spacing requirements are shown on the District Plan. Official Parkway setback requirements for this street are feet for structures and for signs.
- f. The maximum height of structures shall be one (1) stories which shall not exceed a total of 30 feet. Rooftop features (solar collectors, antennas, chimneys, flues, vents, air conditioning equipment) may exceed this height limit by 10 feet. Flag poles may exceed these limits. The height of a building shall be determined by the vertical
- *Except the height of fences and walls shall be governed by this PUD.

P.U.D. at 4200 Kalamath Street
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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, such restrictions shall conform to those of the I-0 zone district.

- g. Off-Street Parking: This project shall contain 17 parking spaces at the ratios shown in paragraph (4) below. The applicant shall abide by the requirements of Article V, Off-Street parking requirements: yes no.

If not, the following information must be provided.

- (1) parking space dimensions:
 - compact space _____
 - standard space _____
- (2) Driving aisle minimum widths: _____
- Angle of stalls: _____
- (3) Ratio of compact spaces to standard spaces: _____
- (4) Ratio of parking spaces to building floor areas by use:
 - (a) Use: _____ Ratio: _____
 - (b) Use: _____ Ratio: _____
 - (c) Use: _____ Ratio: _____
 - (d) Spaces per dwelling unit _____
- (5) Parking provisions for disabled persons: _____

- h. Off-Street Loading Spaces. The project will contain 2 off-street loading spaces. Applicant will provide such spaces in conformance with Article VI, Off-Street Loading Requirements: yes * no. If not, list the dimensions of the spaces provided.

- i. Surface Drainage: The owner understands that the rules and regulations of the Wastewater Management Division will require certain design considerations and construction features to control surface water runoff. The site contains , does not contain a flood hazard area as identified by the Flood Insurance Rate maps as published by the Federal Emergency Management Agency. (For assistance, contact Wastewater Management at 295-1451)

- j. Interior streets, drives, parking areas and pedestrian walkways within the P.U.D. 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: None

* In addition to these requirements: deliveries, loading, and unloading operations shall not take place between 5:00 p.m. and 7:00 a.m.

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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 as a part of this application. (A detailed landscape plan is required as a part of the site plan review phase after the rezone is approved.) If no plan is required with this application the following information must be provided:

- (1) Minimum number of trees to be planted: 14 (on private property)
- (2) Minimum size of trees at time of planting: 2 1/2" Caliper
- (3) Minimum percent of evergreen or coniferous trees: (6' min height) 35%
- (4) Minimum number of shrubs to be planted: 8
- (5) Minimum size of container for planted shrubs: 5 gallon

Please indicate if this information applies to the entire site including the parking area [X], or if it applies to the site without the parking area []. If the answer to the 2nd part of the preceding question is affirmative, will the applicant comply with the parking lot landscaping requirements of Sec. 59-585(10) yes [X] no [].

All foliage shall be maintained in a healthy and growing 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. (575-3053 or 575-2571). Number of street trees proposed: 9. If street tree plantings are required along a state highway contact the Highway Department for approval. (Phone no. 757-9514)

Fences and/or walls: The maximum height of fences and/or walls which may be built on the P.U.D. district boundaries and within the building setback areas shall be 6 feet. Such fences and/or walls shall be solid, view-obscuring [X], or open, view-permitting []. To provide the minimum screening such fences and/or walls shall be installed as shown on the District Plan. If certain fences and walls are required by the City to protect adjoining residents, and such fences and walls are deemed undesirable by adjoining residents, such requirement may be waived by the Director of Planning. The maximum height of fences and/or walls within the interior area of the P.U.D. district shall be 6 feet.

Earthen berms or mounds for screening or decorative purposes shall be installed (where?) _____ Such features will [], will not [] be landscaped. The maximum height of such features shall be _____ feet. The minimum height shall be _____ feet.

m. Boat, camper, trailer and recreation vehicle storage will [] will not [XX], be permitted on the property. If permitted,

P.U.D. at 4200 Kalamath Street
Address

the location of these storage areas will be shown on the District Plan. Solid fences or walls will , will not , be installed around such areas. The maximum height of such walls and fences shall be _____ feet and the minimum height shall be _____ feet.

- n. Dedications and Improvements. The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. If this proposal involves the vacation of certain public rights-of-ways for incorporation into the project area, such vacation must be approved prior to or at the public hearing on this proposal.
- o. External effects: (vibration, heat, glare, radiation, and fumes) These effects will be regulated by Sec. 59-409(2)(3) (I-0 zone). Reflective glass will , will not be used.
- p. The natural terrain of the site will , will not be restored.
- q. Utilities (public and private) serving the property are located (where?); Sanitary sewer in alley, water in Kalamath; PSCO in alley

For information contact the following:
Denver Water Department 628-6100
Mountain Bell 896-6422
Public Service Company 571-3526
Wastewater Management 295-1451

- 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 I-0 * district. If no specific regulations are referenced here, please indicate the following:
 sign dimensions: I-0 sign regulations
 number of signs: _____
 maximum sign area: _____
 Show ground sign locations on the District Plan Map.

- s. Outdoor Storage of products, materials or Solid Waste will , will not , be permitted on the property. If permitted, such storage is shown on the District Plan. Screening will , will not , be provided. If so, such screening will consist of a solid wall or fence 6 feet high.
- t. Current traffic volumes on streets in the project area should be shown on the "Existing Conditions Map". these volumes are
 * Except total signage for this structure shall not exceed 200 square feet. All signage shall be located on the structure. No ground signs shall be allowed.

P.U.D. at 4200 Kalamath Street
address

available for major streets from the Traffic Engineering Division, or the Planning Office or may be estimated by the applicant based on a professional study. Streets for which no estimate is available should be noted.

Site generated traffic should be estimated and noted by applicant based on proposed project type, size, and other relevant factors. Ratios for estimating traffic are available from the Traffic Engineering. (575-5781).

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 Traffic Engineering Division at 289-5440 for further guidance.

Public Transportation. The nearest bus stop is located about 350 feet from the property on Lipan & 42nd Avenue Avenue or Street

- u. Future school sites will [], or will not [x] be dedicated as a part of this project.
- v. Home Occupations: If residential dwelling units are contained within the project, home occupations will [], will not [x], be permitted. If so permitted, they will be regulated by Sec. _____ (_____ zone).
- w. Temporary Uses: Uses by temporary permit will be regulated by Sec. 59-408(2) (I-0 zone).
- x. Accessory Uses: Will be permitted and regulated by Sec. 59-408(3) (I-0 zone).
- y. Interim Uses: Prior to the development of this project, the property will be used on an interim basis for ALL R-2 uses. Open storage screened with solid 6' high fence.

(describe in detail the following: size, height and location of all interim buildings, provision for parking, term of interim use, etc.)

- z. Phasing: Is the project expected to be developed in phases? [] yes. [x] no. If yes, specify the phasing and the improvements to be constructed in each phase.

Anticipated starting date 6/88. Anticipated completion date 12/88.

P.U.D. at 4200 Kalamath Street-----
Address

3. On an attached page a written statement is given generally describing:
 - a. The proposed P.U.D. and the market which 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 P.U.D. District. (For help on this please contact Denver Planning Office).
 - c. How the proposed P.U.D. 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 which show the architectural concepts, building elevations, facade treatment, exterior building materials, and/or other elements.
6. **ACKNOWLEDGEMENT:** 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.

Item 3a) *This PUD is to serve manufacturing needs of Chavez Sheet Metal Co.*

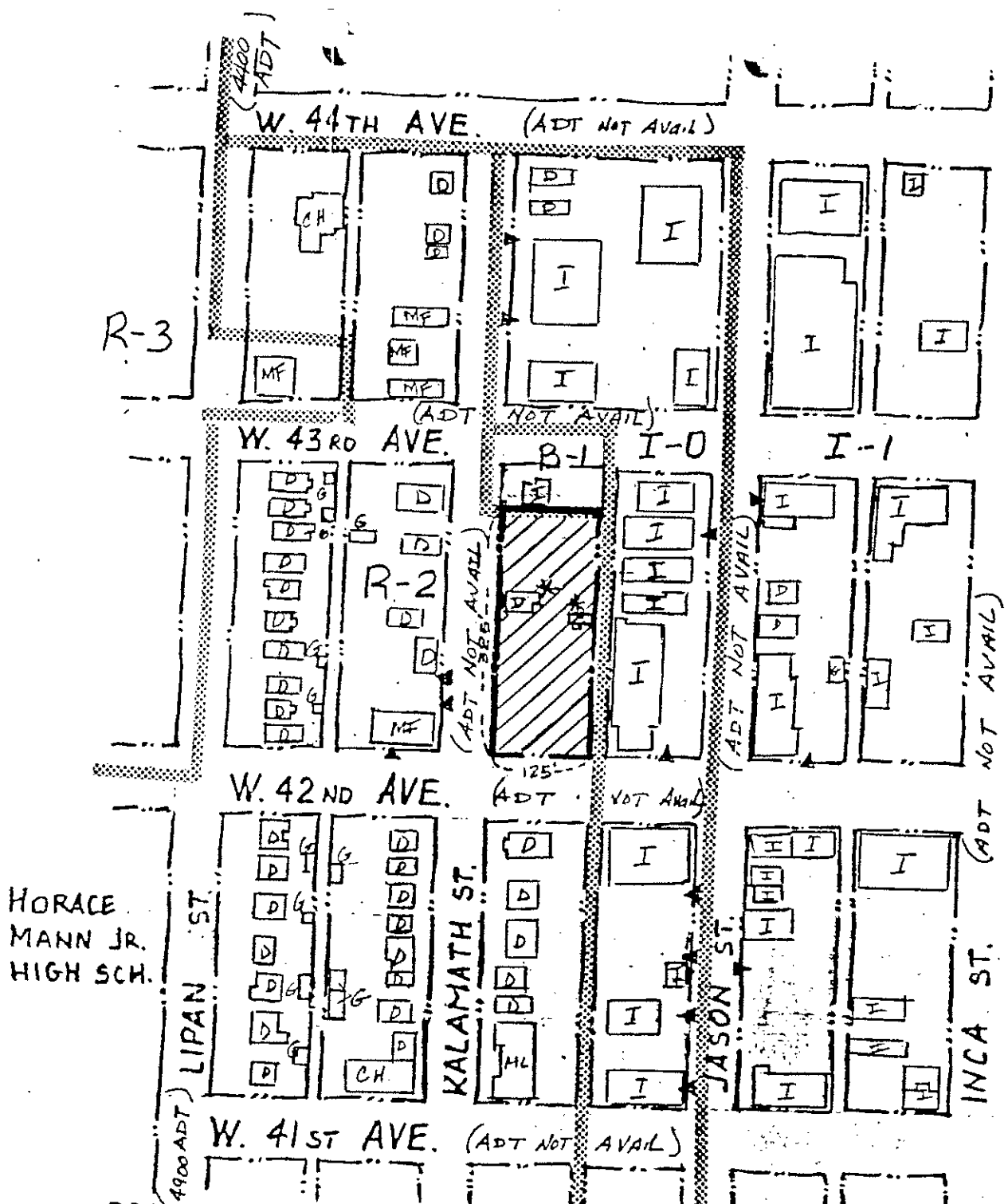
3b) *This area in the comprehensive plan has been proposed I-0 Zone and this PUD conforms to that criteria.*

3c) *This PUD as shown complies with the changing character of this neighborhood. The construction of this PUD will enhance the area by showing a vital growing industrial expansion. The new building and landscaping will be an attractive focal point and pride to the area. The proposed setbacks and one story building height are consistent with existing neighborhood characteristics.*

All exterior building materials on proposed structure (s) shall consist only of one or more of the following: a) masonry, b) stucco, c) pre-stress concrete, and/or d) brick. All exterior materials, including roofing, shall be of earth tone (s). The earth tone coverings on the proposed structure shall be the equivalent or complimentary to those on the newest Chavez structure located on the east side of the alley. If pre-stress concrete is used for the building exterior, it shall be rough finished, textured, or aggregate composition.

Robert L. Chuy

Applicant



HORACE MANN JR. HIGH SCH.

PROJECT AREA = 0.933 ACRES

PROPOSED PUD

- D - SINGLE FAMILY DWELLING
- MF - MULTI FAMILY DWELLING
- G - GARAGE
- I - INDUSTRIAL and/or OFFICE BLDGS
- CH - CHURCH

ADT = AVG. DAILY TRAFFIC

- EXIST CURB CUTS
- EXIST STRUCT. TO BE REMOVED

EXISTING CONDITIONS

APPLICATION No. 3775 (REV)

REVISED: 1/14/88
OCTOBER 1987

1" = 200'

KALAMATH ST. AT 42ND AVE
DENVER, COLORADO

