



DENVER
THE MILE HIGH CITY

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www.denvergov.org/planning

TO: Denver City Council
FROM: Kyle A. Dalton, AICP, Senior City Planner
DATE: April 18, 2013
RE: Official Zoning Map Amendment Application #2012I-00034
1410-1460 S. Holly St.
Rezoning from S-SU-D, R-5, and B-1 to CMP-EI2

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2012I-00034 for a rezoning from S-SU-D, R-5, and B-1 to CMP-EI2.

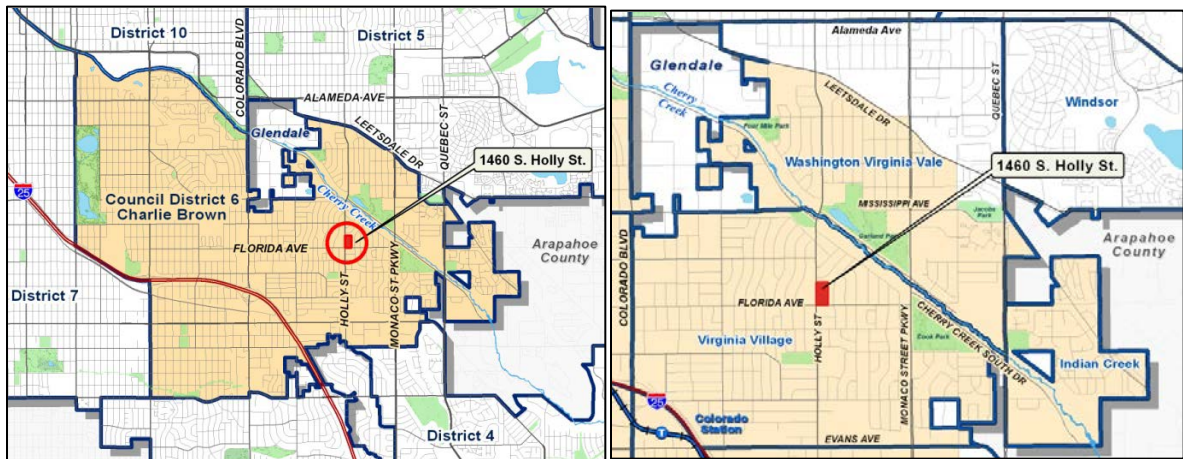
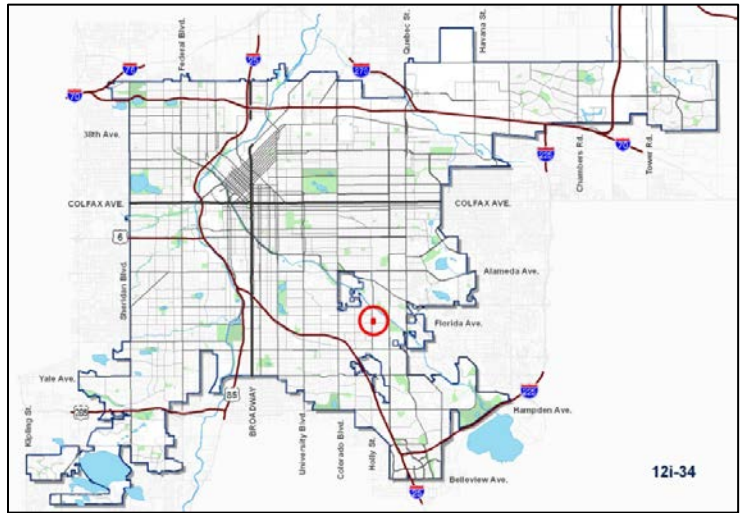
Request for Rezoning

Application: #2012I-00034
Address: 1410-1460 S. Holly St.
Neighborhood/Council District: Virginia Village / Council District 6
RNOs: Cook Park Neighborhood Association, Virginia Village / Ellis Community Association, Inter-Neighborhood Cooperation
Area of Property: Approx. 196,000 square feet or 4.5 acres
Current Zoning: S-SU-D, R-5, and B-1
Proposed Zoning: CMP-EI2
Property Owner(s): Montessori Society of Denver
Owner Representative: Ann Poundstone, Business Manager

Summary of Rezoning Request

- The site is located in east-south-central Denver, in Council District 6, within the Virginia Village Statistical Neighborhood, at the northeast corner of Florida Avenue and S. Holly Street.
- The rezoning is comprised of two contiguous parcels. The southern parcel is the existing Montessori School of Denver campus. It is zoned a combination of R-5 and B-1 in the Former Chapter 59, in a Planned Building Group for multiple structures on the zone lot. The northern parcel is an existing church that was recently purchased by the Montessori Society of Denver for inclusion into the Montessori campus. This parcel is zoned S-SU-D. The property owner is requesting rezoning to unify the two parcels under a single zone district to facilitate redevelopment of the site into a comprehensive educational campus.
- The CMP-EI2 zone district stands for Campus – Education/Institution 2. The CMP-EI2 zone district is a close approximation of the R-5 zone district under the Former Chapter 59. As compared to the CMP-EI zone district, the CMP-EI2 has more restrictive primary street setbacks, building coverage, and bulk planes, to promote compatibility and improve transitions to the adjacent residential areas. Essentially, this rezoning would extend most of the standards of the existing R-5 zoning on the southern portion of the property, while bringing the entire site into

the Denver Zoning Code, instead of being split into three zone districts in two different codes. Further details of the zone district can be found in Division 9.2 of the Denver Zoning Code (DZC).



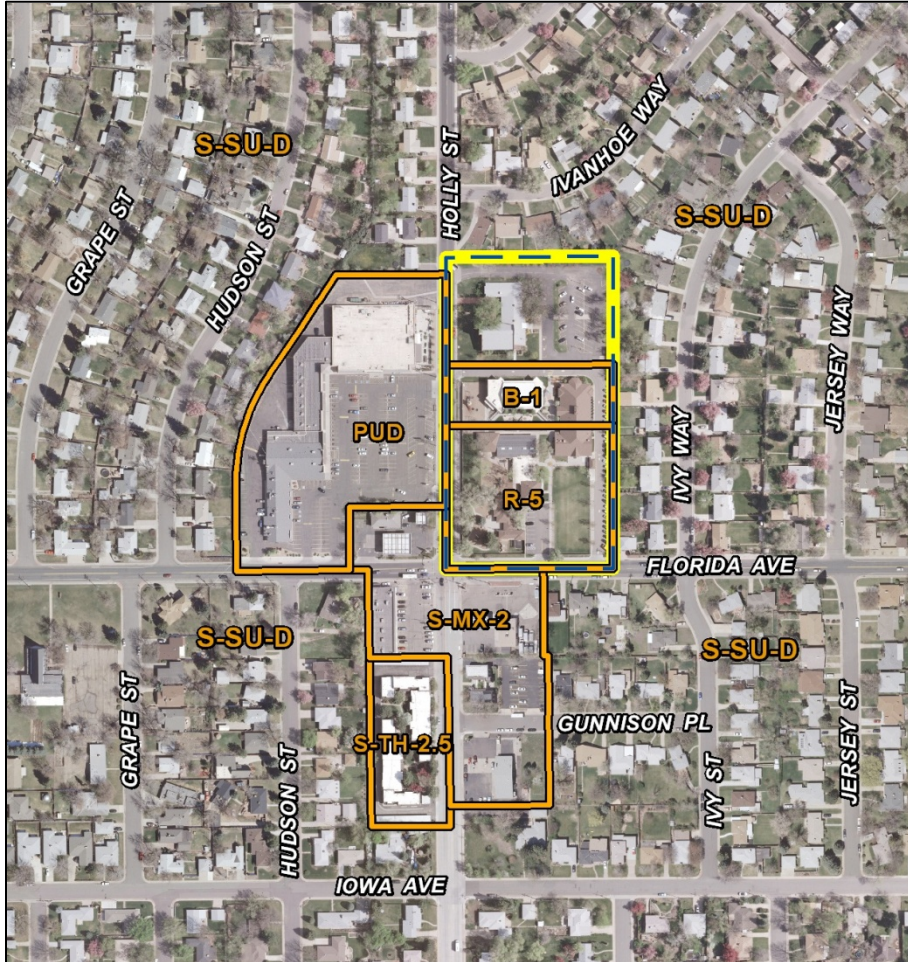
Existing Context

The site is located at the intersection of two residential collectors, and backs up to existing single-family residential homes on two sides. Neighborhood-serving commercial uses are located on the other three corners of the intersection and extend up to 1 ½ blocks down the street. Surrounding the neighborhood commercial node are single unit dwellings, except one multi-family dwelling property adjacent to commercial uses. Structures are commonly one story in height. Scattered two-story structures can also be found in the vicinity. Local streets in the area are curvilinear, arranged in an irregular block pattern with no alleys. Sidewalks are generally attached. Structures at the commercial node have irregular setbacks but generally have surface parking between the building and the street. Single-family houses in the surrounding neighborhoods have low to moderate building coverage and consistent primary street setbacks. The nearest RTD bus stops are ½-mile east and ½-mile north of the intersection.

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	S-SU-D, R-1, B-5	Church, school campus	4 school buildings and 1 church building, playgrounds, fields, and accessory parking; up to 36' in height	Holly & Florida collectors directly connect to other neighborhoods. Local street layout results in curvilinear blocks with no alleys. Vehicle parking on-site is to the side or rear of buildings but vehicle parking on nearby commercial sites is generally between the building and the street.
North	S-SU-D	Single family residential	1- to 2-story residences with access from the street	
South	S-MX-2 and S-SU-D	Commercial uses at the corner; single family residential uses	1- to 2-story structures; commercial structures are set back from the street	
East	S-SU-D	Single family residential	1- to 2-story residences with access from the street	
West	PUD and S-MX-2	Retail; commercial	1-story commercial strip center and gas station with parking between the shopping center and the street	

1. Existing Zoning



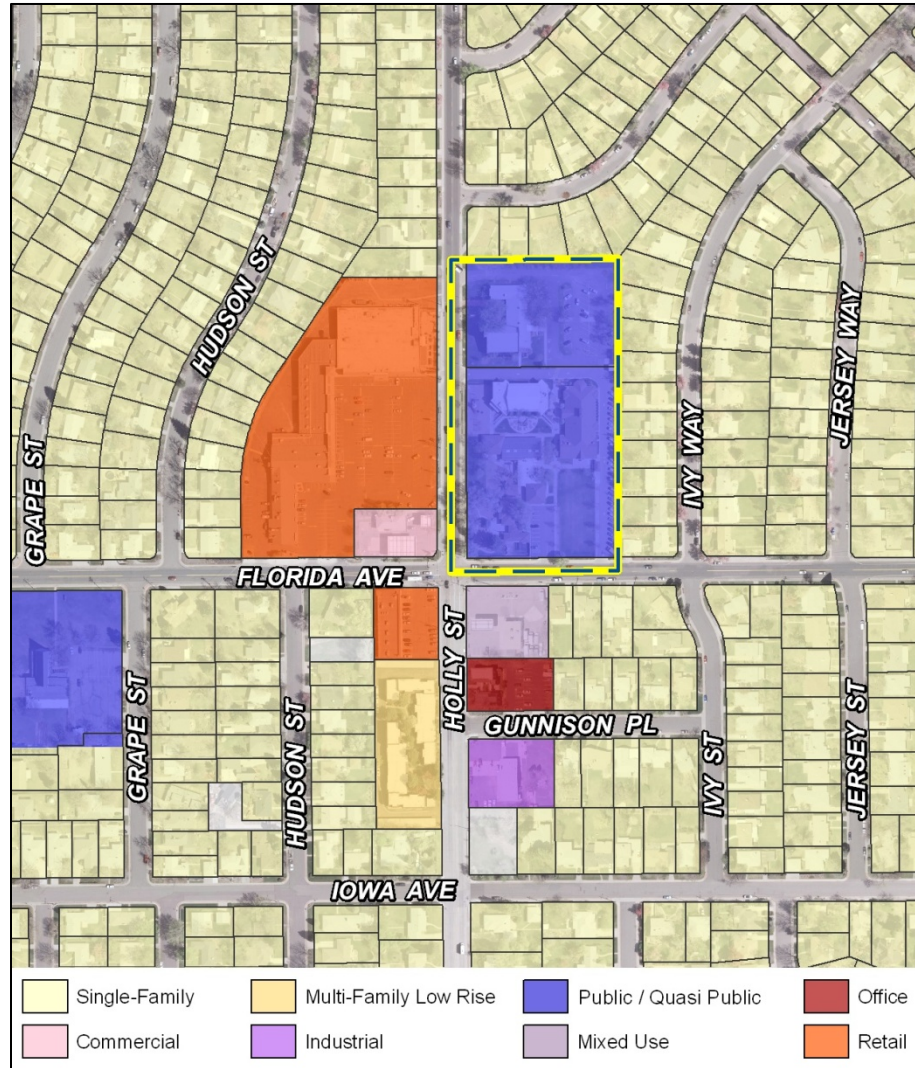
The R-5 zone district at the south end of the site is very similar to the proposed CMP-EI2 zone district. Limited institutional residential uses, offices, and public/civic uses such as churches and schools are allowed. Bulk planes control the bulk of structures along all zone lot lines and setbacks are similar to those found in single family residential zones with larger lots. See Former Chapter 59, Article IV, Division 4 for more details.

The B-1 zone district in the middle of the site allows single- and multiple-unit dwellings, very limited commercial uses, and various civic/institutional uses including churches and schools. Setbacks are only 10' from the front and rear zone lot lines, but the same bulk planes apply as in the R-5 zone district. Maximum floor-area ratios (FARs) of 1.0 to 2.2 apply. See Former Chapter 59, Article IV, Division 7 for more details.

The S-SU-D zone district at the north end of the site allows single unit residential uses as well as churches, schools, and other civic and institutional uses. Structures may be up to 2.5 stories in height, with a minimum zone lot size of 6,000 square feet. See DZC Article 3 for more details.

2. Existing Land Use Map

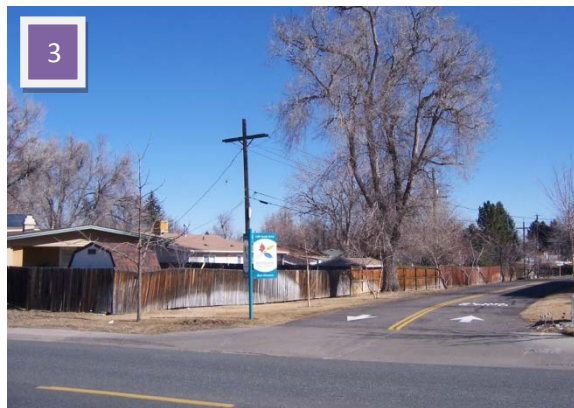
The existing land use map below illustrates the surrounding land uses as described above.



Existing Land Use Map (2010)

3. Existing Building Form and Scale

The photos on the following page illustrate the existing building form and scale as described above.



Summary of City Agency Referral Comments

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

Asset Management: Approve - No Comments.

Development Services – Fire Prevention: Approve Rezoning Only - Will require additional information at Site Plan Review.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review.

Development Services – Transportation: Approve Rezoning Only - Will require additional information at Site Plan Review.

Public Works – City Surveyor: The attached parcel description is approved for the zoning legal description and also for the site plan boundary for this project.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on January 7, 2013.
- The Denver Planning Board held a properly noticed public hearing on this application on February 20, 2013.
- The Land Use, Transportation & Infrastructure Committee held a properly noticed meeting to consider this application on March 12, 2013. The Committee moved the application out unanimously.
- Notice of the City Council public hearing has been sent to all affected registered neighborhood organizations and City Council members and the property has been posted.
- As of the date of this staff report, no comments from RNOs or the public have been received regarding this application.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

1. Justifying Circumstances

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

1. Comprehensive Plan 2000
2. Blueprint Denver – An Integrated Land Use and Transportation Plan

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Education Chapter, Vision of Success – *The City will continue to support and cooperate with Denver educational institutions so residents can benefit from the highest quality and greatest variety attainable.*

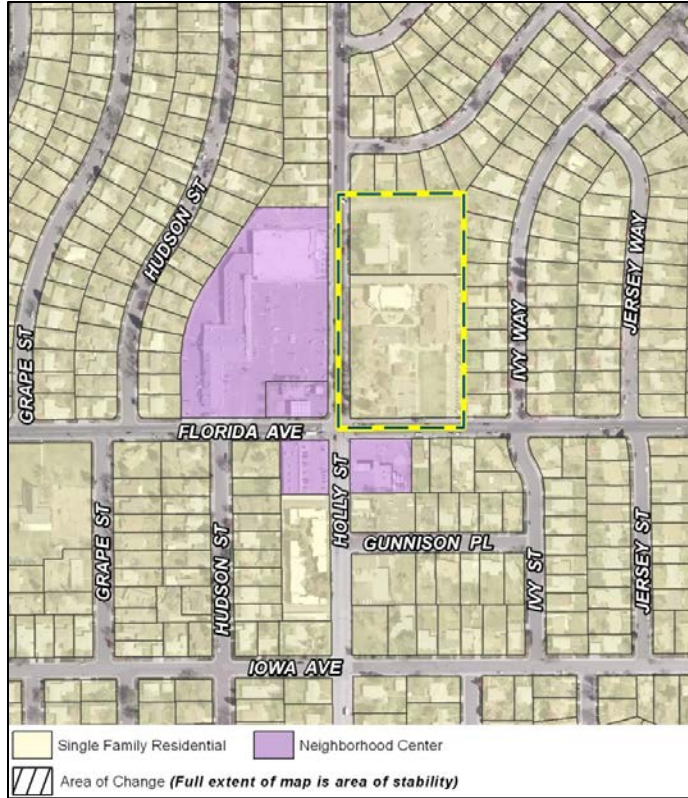
The proposed map amendment will enable redevelopment of an educational campus at an infill neighborhood location where services and infrastructure are already in place, in a manner compatible with the existing context. The rezoning is consistent with these plan recommendations.

Blueprint Denver

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

Future Land Use

According to Blueprint Denver, Single Family Residential areas have residential densities fewer than 10 units per acre, and “the employment base is significant smaller than the housing base. Single-family homes are the prominent residential type” (p. 42). In residential areas and neighborhoods, Blueprint Denver says, “A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents” (p. 41). Consistent with this Blueprint Denver goal, the CMP-E12 zone district is most appropriate for allowing complementary educational & institutional land uses in a central neighborhood location. The Montessori school is a complementary land-use type that provides the basic needs of area residents.



2002 Blueprint Denver
Future Land Use Map

Area of Change / Area of Stability

The site is in an Area of Stability. In general, “The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). Blueprint Denver identifies several strategies in Areas of Stability, including revitalizing neighborhood centers and providing basic services, and compatibility between existing and new development (p. 25). The proposed CMP-EI2 zone district is an extension of the existing R-5 entitlement on the southern portion of the property, and will accommodate some redevelopment while remaining compatible with adjacent areas and allowing a neighborhood service to continue to thrive. The rezoning application is consistent with the Blueprint Denver Area of Stability recommendations.

Street Classifications

Blueprint Denver classifies both S. Holly Street and Florida Avenue as Residential Collectors. Residential streets are “designed to emphasize walking, bicycling and land access” and “tend to be more pedestrian-oriented than commercial streets” (p. 55). According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” The CMP-EI2 zone district is appropriate in a residential street context with adequate transitions between the campus and adjacent areas.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to CMP-EI2 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

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

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, the Montessori School of Denver purchased the adjacent, contiguous church property in 2012. The change of use from religious assembly to school provides a basis for uniting the properties in single zone district designed to accommodate educational campuses. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested CMP-EI2 zone district is a Special Context and District. According to DZC 9.2.1, the Campus Context generally consists of midsize to large medical, institutional, education, or entertainment sites. Buildings are typically placed to accommodate the specific activity with multiple building oriented in a way appropriate to their use. Buildings are compatible with the scale of the surrounding neighborhood context with greater variation in massing and height in the interior of the site. With an existing multi-building, midsize educational campus, this site and this rezoning application is consistent with the neighborhood context description.

The zone district intent in DZC 9.2.4.1 states that the Campus Education/Institution zone districts are intended for educational institutions, allowing flexible placement of buildings and unified treatment of site elements while providing compatible transitions between the campus and adjacent neighborhoods. Rezoning this existing and growing education campus site to the CMP-EI2 zone district is consistent the intent of the zone district.

Planning Board Recommendation

The Denver Planning Board held a properly noticed public hearing on this application on February 20, 2013. After hearing from the applicant and no further public testimony, the Planning Board voted to recommend approval unanimously.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1410 to 1460 S. Holly Street to a CMP-EI2 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Application



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COMMUNITY PLANNING & DEVELOPMENT

CUSTOMER GUIDE

Appendix Page 1

Zone Map Amendment (Rezoning) - Application

1/26/12

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	Denver Montessori Society	Representative Name	Ann Poundstone, Business Manager, MSD
Address	1460 South Holly Street	Address	1460 S. Holly St.
City, State, Zip	Denver, CO 80222	City, State, Zip	Denver, CO 80222
Telephone	(303) 756-9441	Telephone	(303) 756 9441, Ext. 12
Email	apoundstone@msd-co.org	Email	apoundstone@msd-co.org
<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>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	1410 & 1460 South Holly Street - SE		
Assessor's Parcel Numbers:	See Attachment		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See Attachment		
Area in Acres or Square Feet:	+/- 196,000 sf (63,000 + 126,000 by Assessors) = 4.5 acres		
Current Zone District(s):	S-SU-D; PBG: R-5 / B-1		
PROPOSAL			
Proposed Zone District:	CMP-EI2		

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REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input 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. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input 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>

ATTACHMENTS

Please check any attachments provided with this application:

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

Please list any additional attachments:

Narrative / Review Criteria
List of Registered Neighborhood Organizations contacted.



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CUSTOMER GUIDE

Appendix Page 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 (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
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)	NO
Denver Montessori Society	1460 South Holly Street Denver, CO 80222 (303) 756-9441 apoundstone@msd-co.org		<i>Denver Montessori Society</i> <i>by Ann Poundstone</i> <i>Business Owner</i> <i>Ann Poundstone</i>	11/1/2012		yes

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**Summary of Resolutions
June 7, 2011**

At a meeting of the Board of Trustees ("Board") of the Montessori School of Denver ("School"), held on June 7, 2011, at which a quorum was present and voting, the following resolutions were adopted:

WHEREAS, the Board may authorize and empower proper officers to borrow money, execute notes, grant security, execute security documents, and negotiate items in the course of the School's business; and

WHEREAS, the Board may grant to the proper officers the authority to purchase, sell, transfer and do all other things necessary to secure the transfer of certificates representing stocks, bonds or other securities registered to the School.

RESOLVED, that the individuals properly appointed or elected, as applicable, to the positions below ("Authorized Persons") be, and each of them hereby is, authorized on behalf of the School to transact business and to take any other action as they deem necessary or advisable in connection with the day-to-day operations of the School:

Head of School
Business Manager
Assistant Head of School;

FURTHER RESOLVED, that the Secretary of the Board ("Secretary") is authorized to certify the names and titles of the Authorized Persons to the School's agents as changes occur;

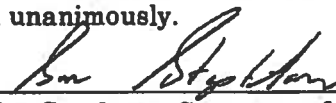
FURTHER RESOLVED, that the individuals duly elected to the following Board positions be, and each of them hereby is, authorized on behalf of the School to serve as secondary signatory to checks drawn on the School's bank account, in accordance with School policy and procedure:

Chairman of the Board
Treasurer of the Board;

FURTHER RESOLVED, that the foregoing resolutions shall not limit the corporate power and authority granted to the Chairman, Treasurer and Secretary of the Board granted under the Bylaws of the School; and

FURTHER RESOLVED, that all actions taken to date by the Authorized Persons, in connection with the foregoing, are hereby adopted, approved ratified and confirmed, and the Secretary may certify same.

Sue Stapleton resolved to adopt the above resolutions and Tom Ahlberg seconded this. These resolutions were adopted unanimously.



Sue Stapleton, Secretary of the Board

Narrative: Review Criteria

The nature and effect of the proposed development:

The subject property is a 4.8 acre parcel located on the northeast corner of South Holly Street and East Florida Avenue. The Montessori School of Denver has been located on this property 42 years. The school recently purchased a contiguous church property to the north. The school presently serves students in K through 6.

The property is bounded on the north and east with a residential neighborhood zoned S-SU-D. Across South Holly to the west is a neighborhood shopping center (zoned PUD). To the south is a filling station and residential neighborhood.

The school property is currently comprised of three zone districts; the existing school is zoned B-1 and R-5 and the church property, recently purchased by the school is zoned S-SU-D. This application proposes, at the recommendation of Community Planning and Development staff, an amendment which will revise these zone districts to one district; Campus Education/Institution (CMP-EI2). This amendment will allow the Montessori School of Denver to plan for and make improvements to existing educational buildings and design and construct new buildings which are necessary to meet the future needs of the school. This amendment will preclude the challenges associated with conforming to the requirements of three different zone districts.

As stated in the Denver Zoning Code, this CMP-EI2 district is intended for “educational institutions that incorporate primary, intermediate, high school, college and university uses and associated programming including student boarding facilities. The district is established to allow for flexible placement of buildings, unified treatment of signs, open space, landscaping and other site elements while providing compatible transitions between the campus and adjacent neighborhoods.”

Design Standards are applied to this zone district as outlined in the Denver Zoning Code

Consistency with Adopted Plans:

The proposed official map amendment is consistent with the City's adopted plans or the proposed re-zoning is necessary to provide land for the community need that was not anticipated at the time of adoption of the City's plan.

The adopted Plans that apply to this property are the Denver Comprehensive Plan 2000 and Blueprint Denver. Several of the objectives and resulting strategies that support this zoning request are listed below. They are extracted from the Introduction and Education, Land Use, Legacies, and Environmental Sustainability Chapters of the Denver Comprehensive Plan 2000 and Blueprint Denver.

Denver Comprehensive Plan 2000

Education Chapter

This chapter emphasizes the importance of fostering excellent schools and well educated citizenry. Although most of the language in the Plan document references Denver Public Schools the intent remains encouraging educational opportunities through "enriched environments to stimulate growth and development of very young children, enabling their full physical, mental, and emotional potentials".

The plan also mentions "placing a priority on making a variety of educational alternatives available within the system increasing Families range of choices, Families and communities are looking for more relevance; before and after school programs, services, and resources."

Strategy 2-A: Ensure that all early childhood initiatives, programs, and policies of the City are consistent with "Our Children, Our Future Act II":

"Our Children, Our Future is a five year comprehensive plan for early childhood care and education in Denver, jointly developed and updated in 1997 by representatives of the City, Denver Public Schools, and the community. The plan aims at the best system of care and education for all Denver children through high quality services seamlessly and efficiently delivered."

Land Use Chapter

Objective 3: Residential Neighborhoods and Business Centers

Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; that broadens the variety of compatible uses.

This rezoning will enable improvements to existing structures and construction of new structures which are compatible with and sensitive to the surrounding neighborhood.

Legacies Chapter

Objective 2: New Development, Traditional Character

Ensure that the Zoning Code reinforces quality urban design.

The CMP-E12 zone district requires sensitivity and compatibility to surrounding neighborhoods. A new building will replace an aging and obsolete church structure currently on the property.

Objective 3: Compact Urban Development

Strategy 3-A:

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

The new structures enabled by this zoning will better utilize the property, increase the density only slightly, and be located to create a small compact educational campus for K through 8 students.

Environmental Sustainability Chapter

Strategy 2-F: Promote infill development with in Denver at sites where services and infrastructure are already in place.

The new structures enabled with this rezoning take advantage of existing infrastructure and services.

Blueprint Denver Plan

Blueprint Denver encourages development and redevelopment of vacant and under-used properties.

According to Blueprint Denver, this property is located in an "Area of Stability".

The proposed re-zoning is consistent with the following Blueprint Denver policy goal:

The Goal of Areas of Stability is to maintain the character yet accommodate some new development to prevent stagnation.

The proposed zone district will sensitively accommodate new educational structures in character with the surrounding neighborhood.

Denver Zoning Ordinance

The proposed zoning for this property, CMP-EI2, is a district established with the new Denver Zoning Code and particularly appropriate for this property.

Uniformity of the 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.

The proposed zoning will consolidate the three different zone districts into one district which is particularly appropriate for this use and neighborhood.

Public Health, Safety, and General Welfare:

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

The proposed zoning will enable the improvements and new construction for an established Montessori school occupying the property. The proposed rezoning will bring the property into further compliance with Denver's Comprehensive Plan and Blueprint Denver

Justifying Circumstances

The land and its surroundings has changed or is changing to such a degree that rezoning that is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.

Recently the Montessori School of Denver purchased the adjacent, contiguous church property. With this change in ownership and use the plans are to replace the church (which is not suitable building with a new multi-use building) with a multi-sue building consistent with the CMP-EI2 zoning.

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

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose of the proposed zone district.

The Montessori School of Denver has occupied this property for 50 years. Therefore the context is a K through 6 campus which includes approximately 300 students and 60 faculty members.

The Campus-Education/Institution (CMP-EI, EI2) Zone District is established to allow for flexible placement of buildings, a unified treatment of signs, open space, landscaping, and other site elements while providing compatible transitions between the campus and adjacent neighborhoods. The proposed project enabled with this re-zoning is consistent with the intent of the CMP-E12 Zone District.

When Recorded Return to:
Silver & DeBoskey, PC
1801 York Street
Denver, CO 80206
Attn: James W. Owens, Jr. (3)

SPECIAL WARRANTY DEED

Doc FEE \$106.00

THIS DEED, dated July 30, 2012, is between Calvary Presbyterian Church (U.S.A.) Inc., a Colorado nonprofit corporation ("Grantor"), whose address is 1420 South Holly Street, Denver, Colorado 80222, and Denver Montessori Society d/b/a Montessori School of Denver, a Colorado nonprofit corporation ("Grantee"), whose address is 1460 South Holly Street, Denver, Colorado 80222.

WITNESS, that Grantor, for and in consideration of the sum of Fifty and 00/100ths Dollars (\$50.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, sells and conveys unto Grantee all of the real property described on Exhibit A attached hereto and incorporated herein by this reference, commonly known as 1420 South Holly Street, Denver, Colorado, together with the interests, easements, rights, benefits, improvements and attached fixtures appurtenant thereto, and all interest of Seller in vacated streets and alleys adjacent thereto (collectively, the "Property").

Grantor does covenant and agree that it shall WARRANT AND FOREVER DEFEND the title to the Property for the benefit of Grantee against all persons claiming by, through or under Grantor, subject only to the matters described on Exhibit B attached hereto and incorporated herein by this reference.

[Signature Appears on Following Page]



D49765

When Recorded Return to:
Silver & DeBoskey, PC
1801 York Street
Denver, CO 80206
Attn: James W. Owens, Jr. ③

E-RECORDED
THIS DOCUMENT WAS RECORDED

SPECIAL WARRANTY DEED

Doc FEE \$106.00

THIS DEED, dated July 30, 2012, is between Calvary Presbyterian Church (U.S.A.) Inc., a Colorado nonprofit corporation ("Grantor"), whose address is 1420 South Holly Street, Denver, Colorado 80222, and Denver Montessori Society d/b/a Montessori School of Denver, a Colorado nonprofit corporation ("Grantee"), whose address is 1460 South Holly Street, Denver, Colorado 80222.

WITNESS, that Grantor, for and in consideration of the sum of Fifty and 00/100ths Dollars (\$50.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, sells and conveys unto Grantee all of the real property described on **Exhibit A** attached hereto and incorporated herein by this reference, commonly known as 1420 South Holly Street, Denver, Colorado, together with the interests, easements, rights, benefits, improvements and attached fixtures appurtenant thereto, and all interest of Seller in vacated streets and alleys adjacent thereto (collectively, the "Property").

Grantor does covenant and agree that it shall **WARRANT AND FOREVER DEFEND** the title to the Property for the benefit of Grantee against all persons claiming by, through or under Grantor, subject only to the matters described on **Exhibit B** attached hereto and incorporated herein by this reference.

[Signature Appears on Following Page]



70335719

IN WITNESS WHEREOF, Grantor has executed this deed as of the date set forth above.

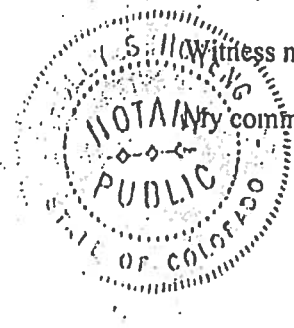
GRANTOR:

Calvary Presbyterian Church (U.S.A.) Inc.,
a Colorado nonprofit corporation

By: Cathy Jaynes
Cathy Jaynes, Secretary

STATE OF Colorado)
COUNTY OF Denver) ss.

The foregoing instrument was acknowledged before me this 30th day of July, 2012, by Cathy Jaynes as Secretary of Calvary Presbyterian Church (U.S.A.) Inc., a Colorado nonprofit corporation.



Witness my hand and official seal.

My commission expires: 6/16/14.

[Signature]
Notary Public

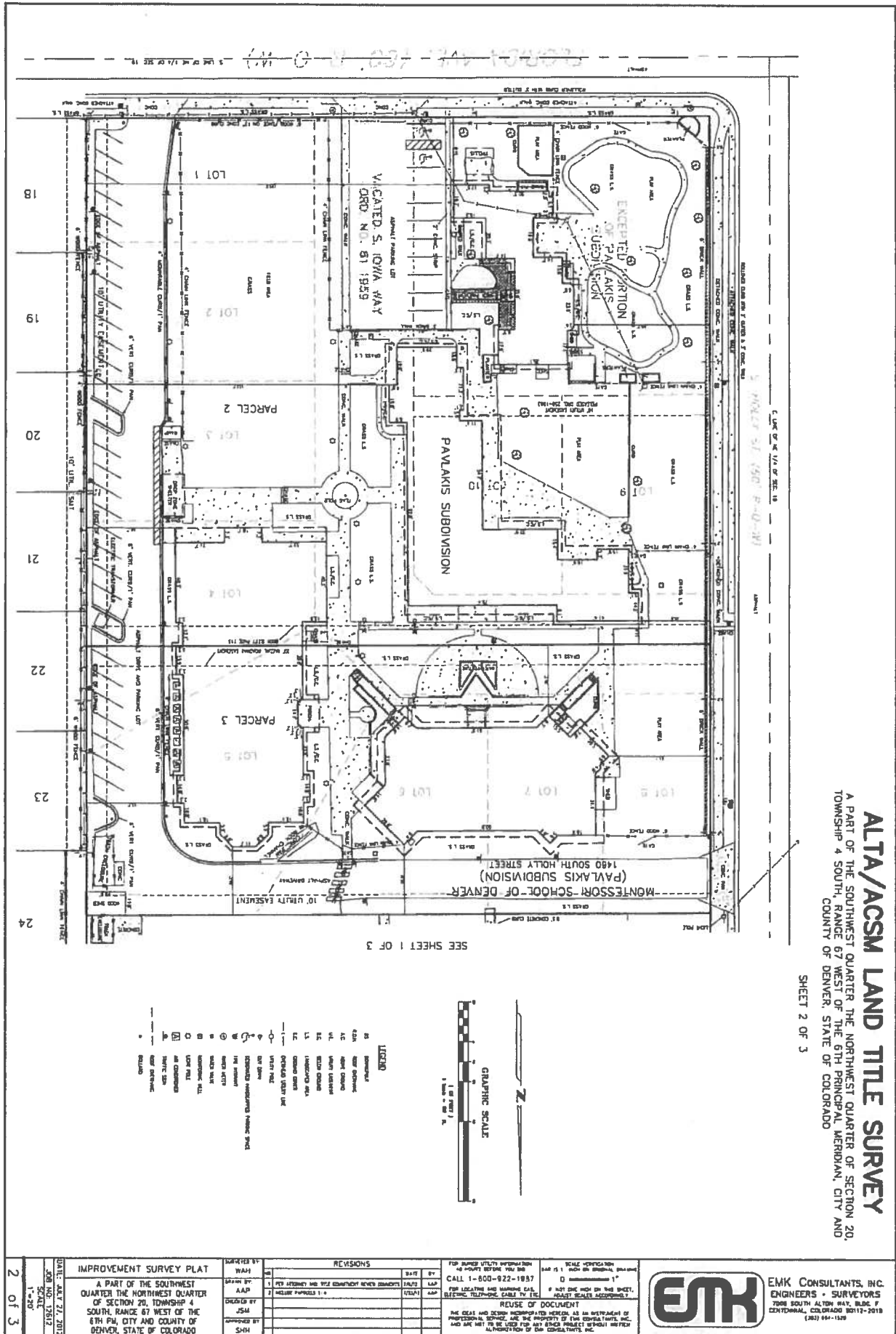
**Exhibit A to Special Warranty Deed
(Legal Description)**

THAT PART OF THE SW¼ OF THE NW¼ OF SECTION TWENTY (20), TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH P.M. DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 430 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SW¼ NW¼; THENCE EAST 345 FEET; THENCE NORTH 200 FEET; THENCE WEST 345 FEET; THENCE SOUTH ALONG WEST LINE OF SAID SW¼ NW¼ TO PLACE OF BEGINNING, EXCEPT THE WEST THIRTY (30) FEET THEREOF, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**Exhibit B to Special Warranty Deed
(Permitted Exceptions)**

1. TAXES AND ASSESSMENTS FOR THE YEAR 2012 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
2. THE FOLLOWING LEASES AND TENANCIES:
 - A. LEASE DATED JULY 30, 2012, BETWEEN DENVER MONTESSORI SOCIETY D/B/A MONTESSORI SCHOOL OF DENVER, A COLORADO NONPROFIT CORPORATION, AS LANDLORD, AND CALVARY PRESBYTERIAN CHURCH (U.S.A.) INC., A COLORADO NONPROFIT CORPORATION, AS TENANT.
 - B. FACILITY USE AGREEMENT DATED ON OR ABOUT NOVEMBER 10, 2011, BETWEEN CALVARY PRESBYTERIAN CHURCH AND PROMISED LAND PENTECOSTAL CHURCH.
 - C. FACILITY USE AGREEMENT DATED OCTOBER 8, 2011, BETWEEN CALVARY PRESBYTERIAN CHURCH AND MILE HIGH MUSIC TOGETHER.
 - D. FACILITY USE AGREEMENT DATED NOVEMBER 28, 2011, BETWEEN CALVARY PRESBYTERIAN CHURCH AND ART OF LIVING FOUNDATION.
3. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN AGREEMENT BETWEEN THE MONTESSORI SCHOOL OF DENVER AND THE CALVARY PRESBYTERIAN CHURCH RECORDED OCTOBER 03, 2007 UNDER RECEPTION NO. 2007153719.



ALTA/ACSM LAND TITLE SURVEY
 A PART OF THE SOUTHWEST QUARTER THE NORTHWEST QUARTER OF SECTION 20,
 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
 COUNTY OF DENVER, STATE OF COLORADO
 SHEET 2 OF 3

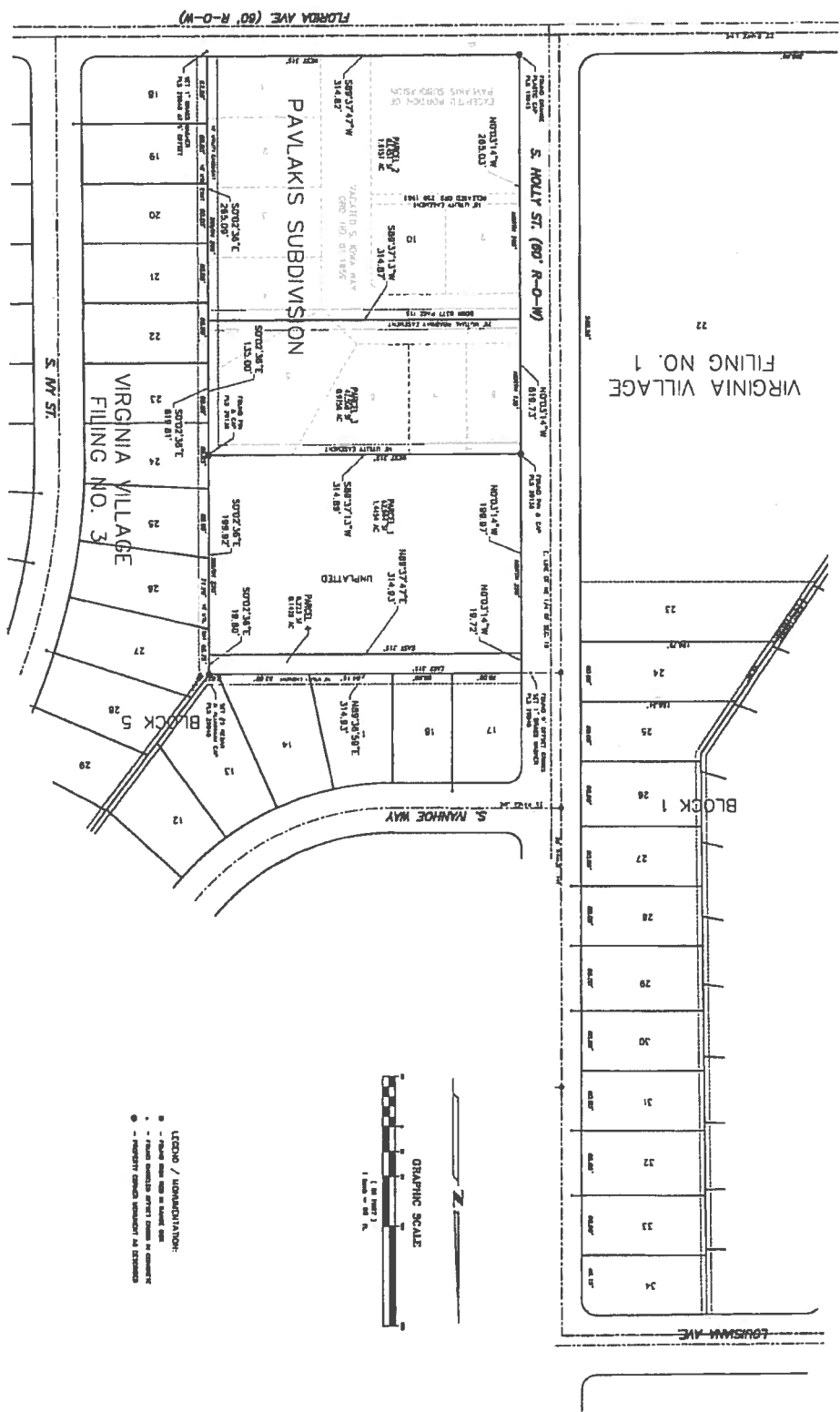
SEE SHEET 1 OF 3



- LEGEND**
- 1. BOUNDARY
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<p>DATE: MAY 21, 2012 JOB NO.: 17612 SCALE: 1"=20'</p>		<p>IMPROVEMENT SURVEY PLAT</p> <p>A PART OF THE SOUTHWEST QUARTER THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO</p>		<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> </tr> </table>		NO.	DATE	BY	DESCRIPTION	1				2				<p>FOR ALL INFORMATION CONTACT THE SURVEYOR AT THE OFFICE OR BY PHONE AT 1-800-922-1937</p> <p>FOR LOCATING AND MARKING CALL TO THE SURVEYOR AT THE OFFICE OR BY PHONE AT 1-800-922-1937</p> <p>REUSE OF DOCUMENT</p> <p>THIS DOCUMENT IS THE PROPERTY OF EMK CONSULTANTS, INC. AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF EMK CONSULTANTS, INC.</p>		<p>EMK CONSULTANTS, INC. ENGINEERS • SURVEYORS</p> <p>7008 SOUTH ALTON WAY, SUITE F CENTENNIAL, COLORADO 80112-2019 (303) 494-1100</p>	
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ALTA/ACSM LAND TITLE SURVEY
 A PART OF THE SOUTHWEST QUARTER THE NORTHWEST QUARTER OF SECTION 20,
 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
 COUNTY OF DENVER, STATE OF COLORADO
 SHEET 3 OF 3



- LEGEND / ABBREVIATION:**
- - Survey stake
 - - Survey corner
 - - Survey line
 - - Survey boundary
 - - Survey easement
 - - Survey right-of-way
 - - Survey utility
 - - Survey fence
 - - Survey wall
 - - Survey gate
 - - Survey driveway
 - - Survey road
 - - Survey sidewalk
 - - Survey curb
 - - Survey ditch
 - - Survey stream
 - - Survey canal
 - - Survey fence
 - - Survey wall
 - - Survey gate
 - - Survey driveway
 - - Survey road
 - - Survey sidewalk
 - - Survey curb
 - - Survey ditch
 - - Survey stream
 - - Survey canal

NO.	DATE	DESCRIPTION	BY	CHECKED BY
1	2012.08.27	INITIAL SURVEY	JSM	SHH
2	2012.10.12	REVISIONS	JSM	SHH
3	2012.11.02	REVISIONS	JSM	SHH

EMK CONSULTANTS, INC.
 ENGINEERS • SURVEYORS
 7808 SOUTH ALTON WAY, SUITE 100
 DENVER, COLORADO 80231-2918
 (303) 494-1828

LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE SW¼ OF THE NW¼ OF SECTION TWENTY (20), TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH P.M. DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 430 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SW¼ NW¼; THENCE EAST 345 FEET; THENCE NORTH 200 FEET; THENCE WEST 345 FEET; THENCE SOUTH ALONG WEST LINE OF SAID SW¼ NW¼ TO PLACE OF BEGINNING,

EXCEPT THE WEST THIRTY (30) FEET THEREOF, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 2:

THAT PART OF THE SOUTHWEST ONE-QUARTER NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE EXTENDED WEST LINE OF LOT 8, PAVLAKIS SUBDIVISION, AT A POINT 135 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT; THENCE EAST 315 FEET, MORE OR LESS, TO THE EAST LINE OF PAVLAKIS SUBDIVISION; THENCE SOUTH, ALONG SAID EAST LINE, TO THE SOUTHEAST CORNER OF LOT 1, IN SAID SUBDIVISION; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 1, AND ALONG SAID SOUTH LINE EXTENDED, 315 FEET, MORE OR LESS, TO THE EXTENDED WEST LINE OF SAID LOT 8; THENCE NORTH ALONG SAID EXTENDED WEST LINE TO THE POINT OF BEGINNING, EXCEPT THAT PORTION CONVEYED TO DENVER COUNTY BY INSTRUMENT RECORDED JUNE 26, 1961 IN BOOK 8694 AT PAGE 134, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 3:

THAT PART OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 8, PAVLAKIS SUBDIVISION, AS SHOWN ON THE RECORDED PLAT THEREOF, FILED FOR RECORD DECEMBER 15, 1955 IN THE RECORDS IN THE CLERK AND RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER, COLORADO; THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF SOUTH HOLLY STREET, A DISTANCE OF 135 FEET; THENCE EAST A DISTANCE OF 315 FEET, MORE OR LESS, TO THE EAST BOUNDARY LINE OF SAID PAVLAKIS SUBDIVISION; THENCE NORTH ALONG SAID EAST BOUNDARY LINE, A DISTANCE OF 135 FEET TO THE NORTHEAST CORNER OF SAID PAVLAKIS SUBDIVISION; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID SUBDIVISION, A DISTANCE OF 315 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 4:

THE NORTH 20 FEET OF THE SOUTH 650 FEET OF THE WEST 345 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, EXCEPTING THEREFROM THE WEST 30 FEET THEREOF.

Registered Neighborhood Organizations

The Montessori School of Denver has contacted the two Registered Neighborhood Organizations immediately influenced by this proposed Zone Map Amendment; Cook Park and Virginia Village/Ellis. The school has initiated one meeting with officers of these organizations and subsequent meetings with each of their Boards.

No issues or concerns have been expressed regarding this proposed Amendment.

The school has also met with Councilman Charlie Brown to describe the proposed re-zoning and subsequent plans for improvements and new construction.

LEGAL DESCRIPTION (PER SURVEY)

PAVLAKIS SUBDIVISION AND UNSUBDIVIDED LANDS LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 18, BLOCK 5, VIRGINIA VILLAGE FILING NO 3; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST FLORIDA AVENUE S89°39'02"W, 315.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH HOLLY STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N00°01'02"W, 619.64 FEET TO THE SOUTHWEST CORNER OF LOT 17, SAID BLOCK 5; THENCE ALONG THE SOUTH LINE OF LOTS 13 THROUGH 17, INCLUSIVE, SAID BLOCK 5 N89°35'05"E, 315.00 FEET; THENCE ALONG THE WEST LINE LOTS 18 THROUGH 27, INCLUSIVE, SAID BLOCK 5 S00°01'04"E, 620.00 FEET TO THE POINT OF BEGINNING, CONTAINING 195,241 SQUARE FEET OR 4.482 ACRES, MORE OR LESS.