

Planning Board Comments



Submitted on	2 July 2024, 11:47PM
Receipt number	668
Related form version	3

Your information

Name	Catie Santos de la Rosa
Address or neighborhood	Northeast Park Hill
ZIP code	80216
Email	Catie.santosdelarosa@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	4050 Albion St.
Case number	2023I-00174

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

The shift from C-Mx-5 to C-Mx-8 is not at all consistent with our neighborhood context and leaves our community at risk for additional traffic concerns on an already busy street. Smith road sees an a large amount of traffic and traffic accidents already. The additional traffic from 3 additional stories of tenants would be an undue burden on the community.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

Planning Board Comments



Submitted on	3 July 2024, 3:26PM
Receipt number	669
Related form version	3

Your information

Name	Jennifer
Address or neighborhood	4000-4111 N Colorado Blvd - Park Hill Village West Planned Building Group
ZIP code	80216
Email	jennifer.glitsos@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	4111 N Colorado Blvd
Case number	23i-00174

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

I strongly oppose the proposed rezoning in this area. The current zoning district is B-3, and the proposed change to C-MX-8 aims to build more affordable housing. While affordable housing is critical for our city, this area already has ample affordable housing. What it lacks, and desperately needs, is more shopping and food options to support the already large community here.

The original B-3 zoning makes sense because we are in a "food desert" with no grocery store within a 5+ mile radius. It is irresponsible to increase the number of residents in this area without providing retail and grocery options, playgrounds, and open spaces to support them. This makes for an unsustainable community.

Please reconsider these planning decisions. Thank you.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

From: [Jennifer Glitsos](#)
To: [Rezoning - CPD](#)
Subject: [EXTERNAL] Application: 23i-00174
Date: Saturday, June 15, 2024 4:40:18 PM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Good evening,

I am a local resident and *against* this rezoning request for 4000-4111 N Colorado Blvd - Park Hill Village West. I would like the zoning to remain the same as it is now for a shopping center district, which is needed in this area and would be an improvement. Adding 5 and 8 story buildings will make this already congested area worse and prevent future amenities for the existing community here which is what's needed.

Thank you for your consideration in not changing the future plans for this space.

Jennifer Glitsos

Planning Board Comments



Submitted on	23 April 2024, 1:19PM
Receipt number	653
Related form version	3

Your information

Name	Braden Kallin
Address or neighborhood	4500 S Monaco St
ZIP code	80237
Email	bradenkallin@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	4350 S Monaco St
Case number	24i-00027

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong support

Your comment:

Given the presence of taller high rises in the immediately adjacent Belleview Station area, I believe this could/should be upzoned even further to allow higher than 5 story construction. However this is a great start.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

Planning Board Comments



Submitted on	17 July 2024, 11:48AM
Receipt number	672
Related form version	3

Your information

Name	Andrea Morrow-Kraljic
Address or neighborhood	4100 Albion St.
ZIP code	80216
Email	dreres922@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	4050 N. Colorado Blvd.
Case number	23i-00174

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Moderate opposition

Your comment:

I understand that the plan is to build high density housing next the transit line, however I'm concerned about the increase in traffic along 40th Ave and Smith Rd. as there is currently only one way in/out of this area which is the intersection on Colorado Blvd and 40th Ave. Additionally, over the years there have been several accidents (including at least one fatal accident) along the curve where 40th Ave. turns into Smith Rd. How many units are you attempting to pack onto this land and how much parking will be onsite for those residents? I'm also concerned that those residents will start to park in the Park Hill Village complex and take up parking in an already limited parking area. Last, I'm also not in favor of these new high rise buildings blocking the view of the mountains and sunsets that Park Hill Village has enjoyed for many years. Thank you.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.



Jack E. Reutzel
(303) 894-4410
jreutzel@fwlaw.com

July 10, 2024

Eddison Ibanez, Senior City Planner
Community Planning and Development
201 Colfax Avenue
Denver, CO 80202

Re: Case No: 23i-00174 - 40th and Colorado Rezoning Request (“Application”)

Dear Mr. Ibanez:

My name is Jack Reutzel and I represent PHVW LLLP (“PHVW”) (“Client”) in connection with the above described Application. This letter is a follow-up to my previous email dated June 18, 2024. As PHVW TOD LLC (“Applicant”) never received prior authorization from my Client, my Client objects to the inclusion of its Property in the Application and has requested that the City remove same. .

The Application states that after the approval of the request, the existing Planned Building Group (“PBG”) for Park Hill Village West, PBG “ will be withdrawn per Chapter 59-623” (Application dated December 21, 2023). The development of the Applicant’s Property (defined below) is not a linear process. The current zoning works hand in glove with the PBG to the benefit of all owners. The Applicant needs to address all of the entitlements and necessary modifications to recorded documents at the same time rather than piecemealing the program or else the resulting zoning will be at odds with the PBG creating irreconcilable differences. As will be detailed below, my Client has made substantial improvements in reliance on the rights and obligations created by the PBG and has a vested interest in maintaining the benefits of the PBG. I note at the outset that withdrawal of a PBG requires the consent of all owners within the PBG, (Sec. 59-623), a threshold that the applicant cannot currently meet.

For reference, PHVW owns Development Area D, Parcel 2 of the Park Hill Village West, PBG, 1st Amendment consisting of approximately 111,333.98 square feet with a multi-family building on-site (“PHVW Property”). The Applicant owns Areas A, B and C, Parcel 2 of the Park Hill Village West, 1st Amendment (“Applicant’s Property”). Together the two parcels comprise the majority of the Park Hill Village West, PBG, 1st Amendment.

The Applicant’s proposed rezoning of the PHVW Property from R-3 with waivers to C-MX-5 presents: (1) substantial concerns to the resulting conforming status, (2) the need for substantial amendment of existing documents to address complex underlying issues pertaining to all property owners, (3) the requirement to obtain the consent of all affected property owners

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Eddison Ibanez, Senior Planner
July 10, 2024
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within the PBG, and (4) the need for additional parking and traffic studies to determine the actual impact of Applicant's proposed rezoning. Additionally, the proposed rezoning of the Applicant's Property from R-3 with Waivers to C-MX-8 substantially increases intensity of residential use with presently unknown impacts to existing infrastructure built by PHVW for the benefit of all property within the PBG. Until these issues are resolved to the satisfaction of PHVW, they will continue to object to the Application and will not consent to any modification of the PBG, and will pursue all available means to protect its property and existing improvements.

The concerns of PHVW regarding the Application are as follows:

1. The inclusion of the PHVW Property in the Application without its consent runs afoul of the intent of DRMC Sec. 12.4.10.4A.1.
2. The rezoning of the PHVW Property from its current R-3 with waivers to C-MX-5 creates nonconformities with the existing structure thereby raising concerns regarding its conforming status under a new zone district creating concerns of my Client and its lenders. The City should not use its zoning power to create a non-conforming use from a conforming use.
3. As mentioned above the intent is to withdraw all property from the PBG. The Applicant cannot accomplish this goal without the consent of PHVW and which consent has not been granted.
4. More importantly the existing recorded covenants and easements encumber not only the PHVW Property and the Applicant's Property, but also the property of other owners who are not parties to the proposed rezoning. A partial list of such covenants and easements, with the actual documents attached, is included herein as Exhibit A. These covenants and easements contain use restrictions as well as a complex and intertwined set of regulations governing the utilities, the detention pond, and access, including an allocation of costs for repair, maintenance, and replacement, all based on the existing density. To the extent the existing density changes based on the proposed rezoning application, all of the underlying documents require modification. In many of these easements and agreements, the PBG is specifically referenced in the body of the instrument, further amplifying the need for amendments.

By way of example and not limitation, the 2014 Utility Easement, as well as the 2007 easements on which it is based, involve property owners not subject to the rezoning application and provide in pertinent part that (i) 50% of the cost of maintaining repairing, replacing and operating the Park Hill Utility Lines are allocated to parties not subject to the rezoning proposal, 35.525 % of such costs are allocated to Applicant's Property, and 14.475% of such costs are allocated to PHVW Property, and (ii) 15% of the cost to maintain, repair, and replace the

Eddison Ibanez, Senior Planner

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Page Three

existing detention pond are allocated to parties not subject to the rezoning proposal, 60.39% of such costs are allocated to the Applicant's property, and 24.61% are allocated to the PHVW Property. A similar cost allocation breakdown is reflected in the 2014 Access Easement with respect to the maintenance, repair, and operation of the North-South Road and the East-West Road. These cost allocations will certainly change if the density increases in connection with the proposed rezoning.

Simply stated, the Application cannot be approved until all property owners, including PHVW, agree on a coordinated path forward that will, at a minimum, require a process to modify the underlying documents to reflect the potential increased density associated with the Application. In this regard, as part of the application process and before a decision is rendered, additional neighborhood concerns, including those from the Northeast Park Hill Coalition and NOAAH should be considered. In addition if the Application is to be considered, additional traffic, safety, and parking studies need to be commissioned to determine the impact of traffic, safety, and parking on the existing community. Therefore, we respectfully request the concerns stated herein be shared with City Council promptly and before a vote is taken to avoid irreparable harm and unlawful action, on the part of both the Applicant and the City Council.

My Client is a long time builder and advocate for affordable housing. They are ready and willing to meet with the Applicant and City to resolve the issues presented in this letter in a cooperative and comprehensive manner. It is in everyone's interest to postpone to any public hearing pending such resolution.

Sincerely,



Jack E. Reutzell
Fairfield and Woods, P.C.

JER:ds

Cc: Jason Morrison
Adam Hernandez, Esq.
Mark Shaner
Joseph DelZotto
Rebecca Stavros
Amy Elizabeth

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1. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN SANITARY AND STORM SEWER AND PERMANENT DETENTION/WATER QUALITY POND EASEMENT 04, 2003 UNDER RECEPTION NO. [2003252348](#).
2. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EASEMENT AGREEMENT RECORDED FEBRUARY 05, 2004 UNDER RECEPTION NO. [2004034035](#).
3. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY 07, 2007 UNDER RECEPTION NO. [2007021784](#).
4. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ACCESSORY 07, 2007 UNDER RECEPTION NO. [2007021785](#).
5. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SIGNAGE EASEMENT AGREEMENT RECORDED FEBRUARY 07, 2007 UNDER RECEPTION NO. [2007021786](#) AND SIGNAGE EASEMENT AGREEMENT RECORDED JULY 28, 2014 UNDER RECEPTION NO. [2014089894](#).
6. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN UTILITY 07, 2007, UNDER RECEPTION NO. [2007021787](#).

FIRST AMENDMENT TO DECLARATION OF EASEMENT RECORDED SEPTEMBER 14, 2016 UNDER RECEPTION NO. [2016124522](#).
7. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED JULY 10, 2007 UNDER RECEPTION NO. [2007107647](#).
8. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PARK HILL VILLAGE WEST PLANNED BUILDING GROUP MAP RECORDED SEPTEMBER 27, 2007 UNDER RECEPTION NO. [2007150317](#) AND THE 1ST AMENDMENT RECORDED MAY 20, 2010 UNDER RECEPTION NO. [2010055174](#)
9. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN UTILITY EASEMENT AGREEMENT RECORDED JULY 28, 2014 UNDER RECEPTION NO. [2014089892](#).
10. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACCESS EASEMENT AGREEMENT RECORDED JULY 28, 2014 UNDER RECEPTION NO. [2014089893](#).

Dear Denver Planning Board members,

I am writing to voice my enthusiastic support for the rezoning proposal at 40th and Colorado Boulevard (#23i-00174) to C-MX-5 and C-MX-8.

I have called North Park Hill my home for the past 15 years. Building a family in this vibrant community has given me a deep love and appreciation for its character, as well as an understanding of its needs and potential for more. I understand firsthand the urgent necessity for affordable housing and recognize its crucial role in fostering growth and connectivity within our neighborhoods.

This rezoning initiative represents a pivotal step towards addressing several pressing needs within our neighborhood and the broader city. Specifically, it promises to facilitate the development of affordable housing, promote transit-oriented growth, enhance community open spaces, and establish vital trail connections.

Currently, six acres of this site lay dormant, adjacent to bustling Colorado Boulevard and crucial transit routes. Transforming this space into a contemporary development capable of accommodating 300 individuals and families is not just an opportunity but a necessity in a metropolitan area facing a shortage of 70,000 affordable homes.

The time is ripe to introduce this much-needed affordable housing initiative to northeast Denver. Along with the anticipated 303Artway Heritage Trail, this development promises to enrich the fabric of the Northeast Park Hill, Clayton, and Elyria-Swansea neighborhoods.

Thank you for your time.

Sincerely,

Erin Robinson
North Park Hill Resident

July 17, 2024

Members of the Denver Planning Board,

As a long-standing and engaged community member of the Northeast Park Hill neighborhood, I am writing to formally express my enthusiastic support for the proposed rezoning at 40th Avenue and Colorado Boulevard (#23i-00174) to C-MX-5 and C-MX-8.

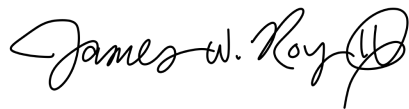
This rezoning would be a significant step forward in addressing several pressing needs of our neighborhood and the city as a whole. In particular, it would facilitate the creation of affordable housing, encourage transit-oriented development, provide much-needed community open space, and improve pedestrian connectivity. The site's proximity to public transportation is especially advantageous, as it would help to keep residents' cost of living manageable.

The current zoning of the site is outdated and does not reflect its potential to serve the community. The six acres of vacant land, adjacent to retail, rail, and the major arterial Colorado Boulevard, present a unique opportunity to create a vibrant, mixed-use development that could accommodate up to 300 individuals and families. This is particularly significant in light of the metro area's shortage of 70,000 affordable homes.

It is imperative that we act now to deliver this much-needed affordable housing in northeast Denver. This development would be a transformative addition to the Northeast Park Hill, Clayton, and Elyria-Swansea neighborhoods.

I urge you to support the proposed rezoning at 40th and Colorado Boulevard. It is an opportunity to make a positive and lasting impact on our community and the city as a whole.

Sincerely,

A handwritten signature in black ink that reads "James W. Roy II". The signature is written in a cursive style with a large, stylized "R" at the end.

James Roy II