



TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Theresa Lucero, Senior City Planner
DATE: January 3, 2019
RE: Official Zoning Map Amendment Application #2017I-00178
1080 and 1090 King Street
Rezoning from E-SU-D1x to E-RH-2.5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2017I-00178 for a rezoning from E-SU-D1x to E-RH-2.5.

Request for Rezoning

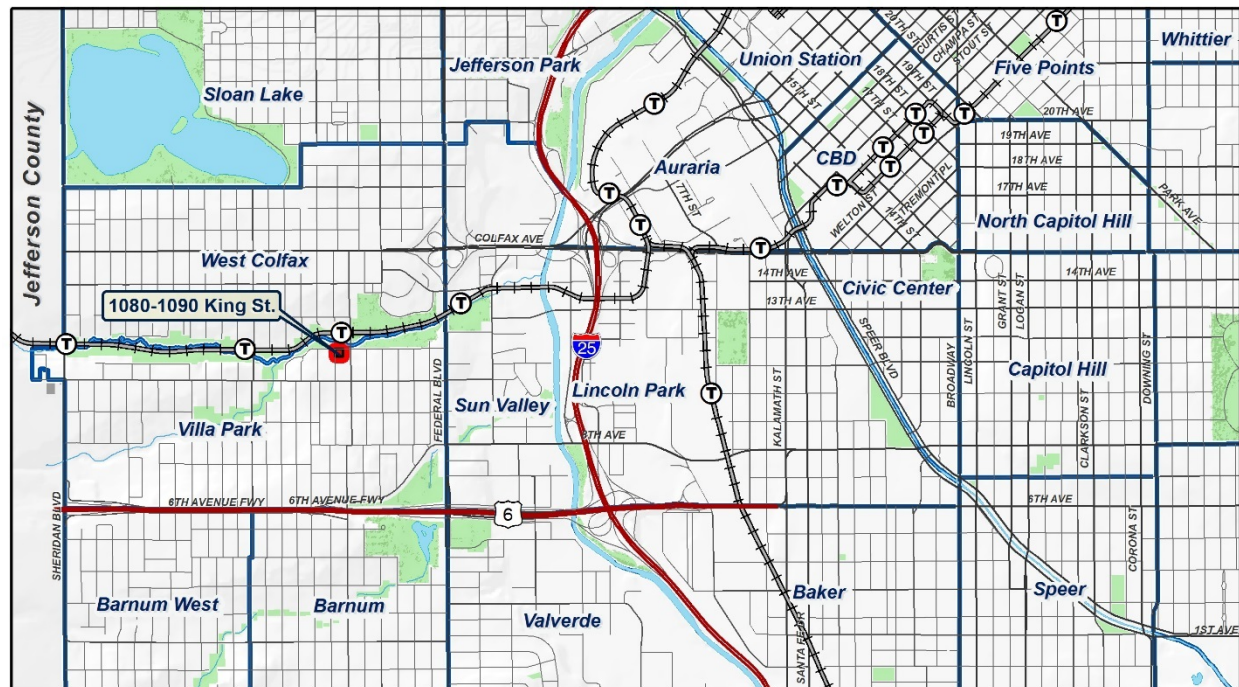
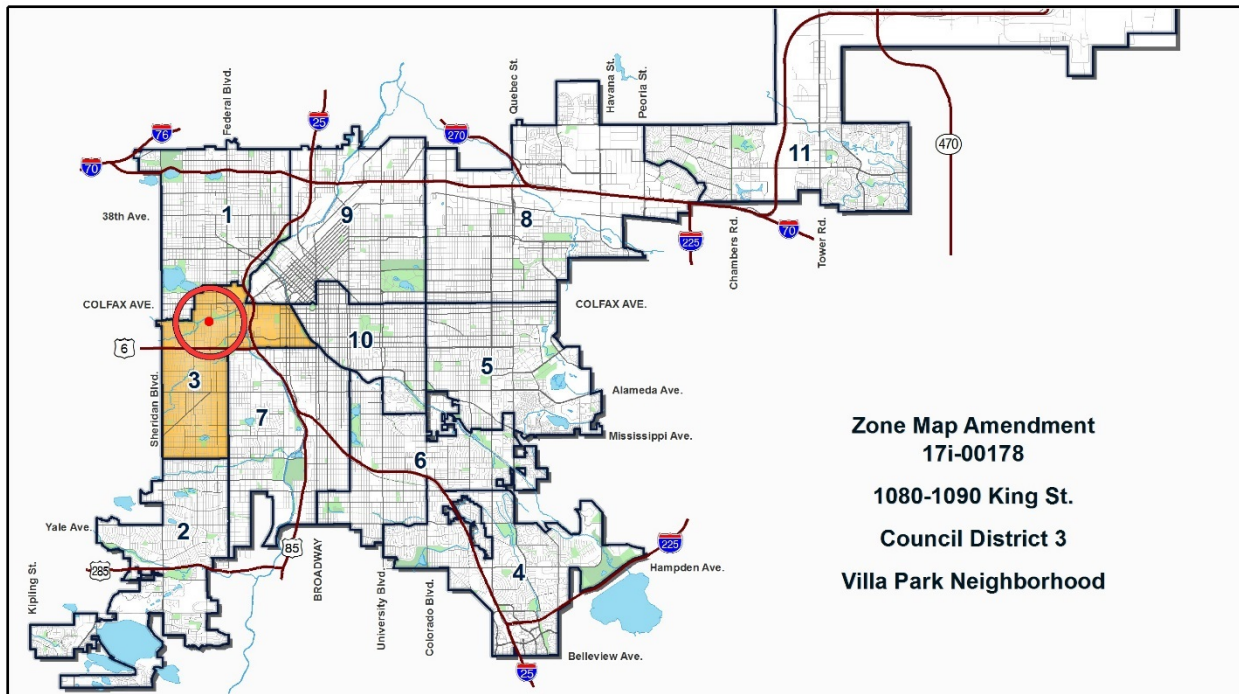
Application:	#2017I-00178
Address:	1080 and 1090 King Street
Neighborhood/Council District:	Villa Park Neighborhood / City Council District 3
RNOs:	Villa Park Neighborhood Association; West Denver United; West Colfax Association of Neighbors; Sloan's Lake Citizens Group; Inter-Neighborhood Cooperation
Area of Property:	.35 Acres / 15,620 SF
Current Zoning:	E-SU-D1x
Proposed Zoning:	E-RH-2.5
Applicant/Owner:	Highland Ventures Holdings, LLC and Irving Estates, LLC
Contact Person:	Bruce O'Donnell

Summary of Rezoning Request

- The subject properties are on the southeast corner of the King Street and West 12th Avenue intersection. The subject properties are comprised of two parcels each of which has a single family home, both in separate ownership. The homes are both one-story and were built in 1956 and 1949. The properties are a half block south of the Knox Court Light Rail Station, across Lakewood Dry Gulch Park, from the W light rail line located on the northern edge of the Villa Park neighborhood.
- The **E-RH-2.5, Urban Edge, Row House, 2.5-story** (30-35 feet maximum building height), zone district is intended for use in the Urban Edge Context which is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, with small scale multi-unit residential and commercial uses embedded in residential areas. Primary single-unit building forms in the zone district are either Suburban or Urban House forms, with allowed Tandem House forms, and primary multi-unit building forms allowed include Duplex, and Row House building forms. Accessory dwelling units are also permitted. Further details of the zone district can be found in Article 4 of the Denver Zoning Code.

Planning Services
Community Planning and Development
201 W. Colfax Ave., Dept. 205 | Denver, CO 80202
www.denvergov.org/CPD
p. 720.865.2983

General Location





Existing Context

The subject property is in west Denver between 10th and 12th Avenues on King Street, ½ block south of the Knox Street Light Rail Station. The subject property is within ¼ mile of the Knox Street Light Rail Station and within ½ mile of two more light rail stations (Decatur/Federal and Perry). In the general vicinity are:

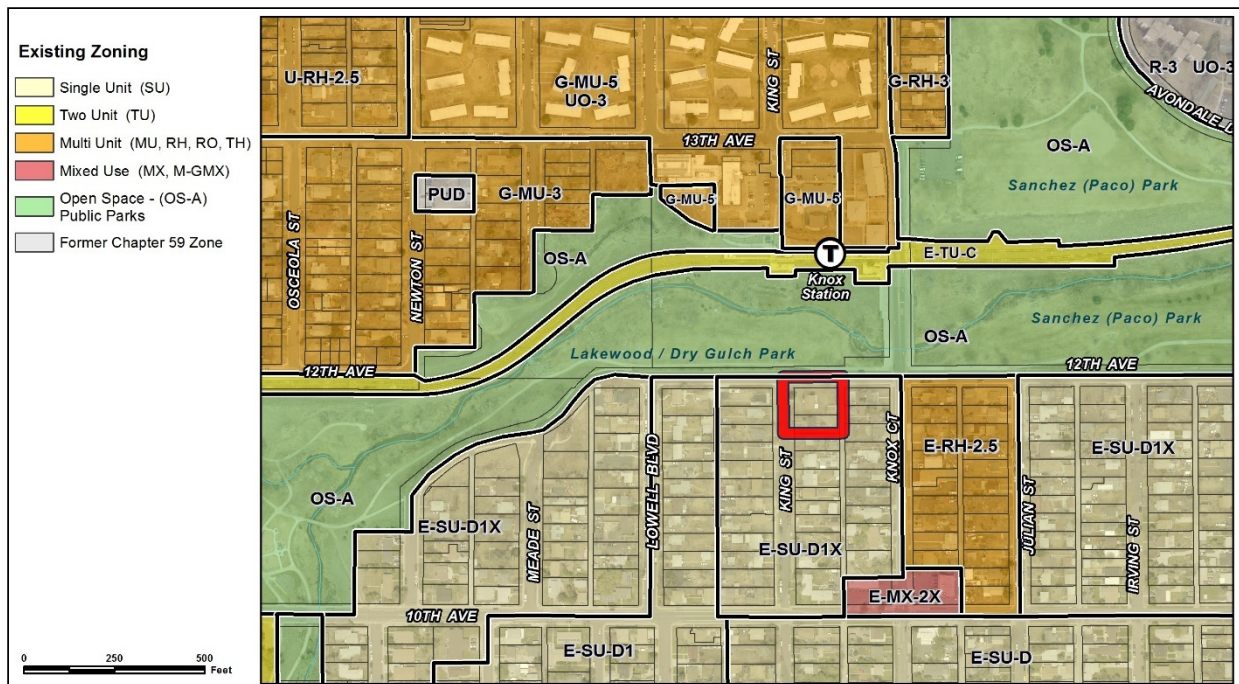
- West Colfax Avenue 3 blocks north,
- West 6th Avenue 5 blocks south
- Federal Boulevard, 6 blocks east,
- Lakewood Dry Gulch and Sanchez Parks directly north across 12th Avenue,
- Westridge Homes, DHA public housing 2 blocks north,
- Rodolfo “Corky” Gonzalez Branch Library 3 blocks north,
- Rude Park and Recreation Center 6 blocks to the northeast
- Cheltenham Elementary School 3 blocks north across West Colfax Avenue,
- Eagleton Elementary School 3 blocks to the southeast, and
- Presentation of Our Lady Catholic School 4 blocks south.

The subject property is surrounded by a mixture of single family and some low density multi-unit residential uses, with embedded commercial uses located on either side of Knox Court at 10th Avenue. Area building heights range from 1 to 2 stories.

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

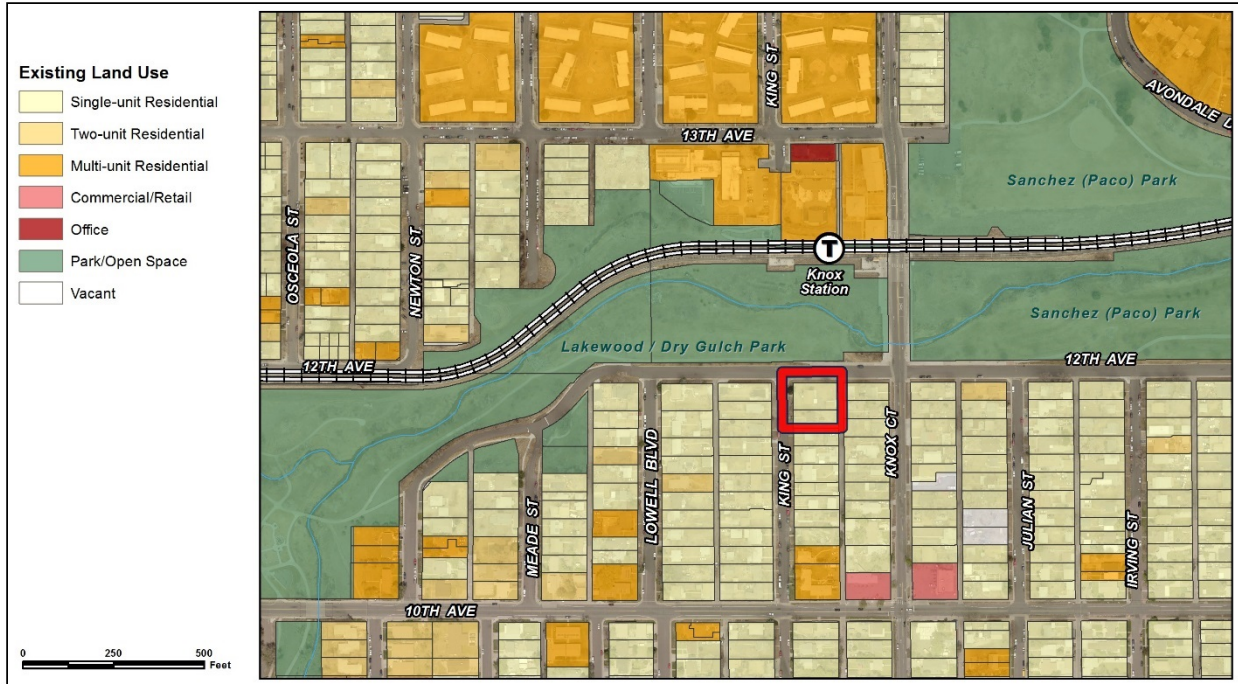
	Existing Zoning	Existing Land Use	Existing Building Form, Scale	Existing Block, Lot, Street Pattern
Site	E-SU-D1x	Low-rise Residential	1-story Structures	Grid street patterns with alleys, mixed attached, detached and no sidewalks. Regular pattern of rectilinear blocks.
North	OS-A	City Park / Light Rail Line	No Structures	
South	E-SU-D1x	Low-rise Residential	1-2-story Structures	
West	E-SU-D1x	Low-rise Residential	1-2-story Structures	
East	E-SU-D1x	Low-rise Residential	1-2-story Structures	

Existing Zoning

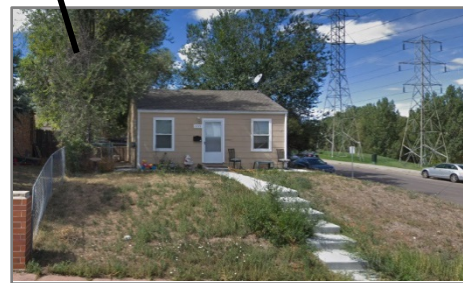
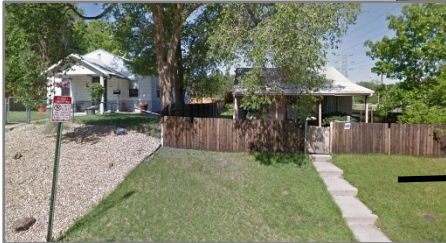
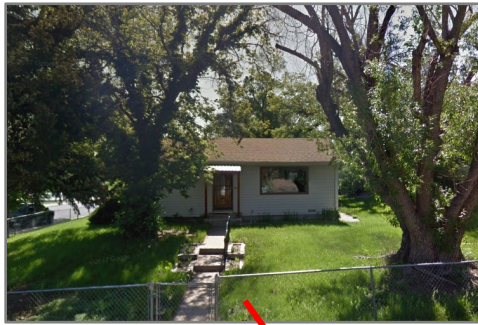


The E-SU-D1x zone district is a single unit zone district that allows either a Suburban House or and Urban House primary building form and an accessory dwelling unit, with a minimum zone lot size of 6,000 square feet. Maximum building heights are 30-35 feet.

Existing Land Use



Existing Building Form and Scale



Summary of City Agency Referral Comments

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Assessor: No response.

Asset Management: No response.

Denver Public Schools: No response.

Development Services – Fire Prevention: No response.

Development Services – Project Coordination – Approve rezoning only – will require additional information at Site Plan Review. A Concept plan submittal will be required to ensure that all requirements of the E-RH-2.5 zone district have been met.

Development Services – Transportation: Approved – See comments below. DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services – Wastewater: No response.

Parks and Recreation: No response.

Public Health and Environment: Approved with the following comments: General Notes: Denver Department of Public Health and Environment concurs with the rezoning but is aware of potential environmental concerns near the Property. An area of historical urban fill (HUF) may exist just south of or may extend under the site. The HUF, if encountered during future site development, may contain solid waste or debris that would require proper handling and disposal. 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, DEH 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.

Public Works – ROW - City Surveyor: Approved – See comments below. The description matches what the Assessor has.

Public Review Process

	Date
CPD informational notice of receipt of the initial rezoning application to all affected members of City Council and Registered Neighborhood Organizations and property owners within 200 feet of the subject properties:	09/06/18
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 within 200 feet of the subject properties:	12/03/18
Planning Board Public Hearing and vote (8-0) to recommend approval:	12/19/18
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:	12/24/18
Land Use, Transportation and Infrastructure Committee of the City Council:	01/08/19
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	01/28/19 (tentative)
City Council Public Hearing:	02/19/19 (tentative)

Mediation

The applicant participated in two mediated discussions with representatives from the Villa Park Neighborhood Association. After discussion of the issues no agreement was reached. See the attached mediation summary.

Registered Neighborhood Organizations

To date, staff has received one letter of opposition from the Villa Park Registered Neighborhood Organization.

Other Public Comment

To date, staff has received one additional letter of opposition as well as seven letters of support from individual residents.

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 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 criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *West Colfax Plan (2006)*
- *Villa Park Neighborhood Plan (1991)*

Denver Comprehensive Plan 2000

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

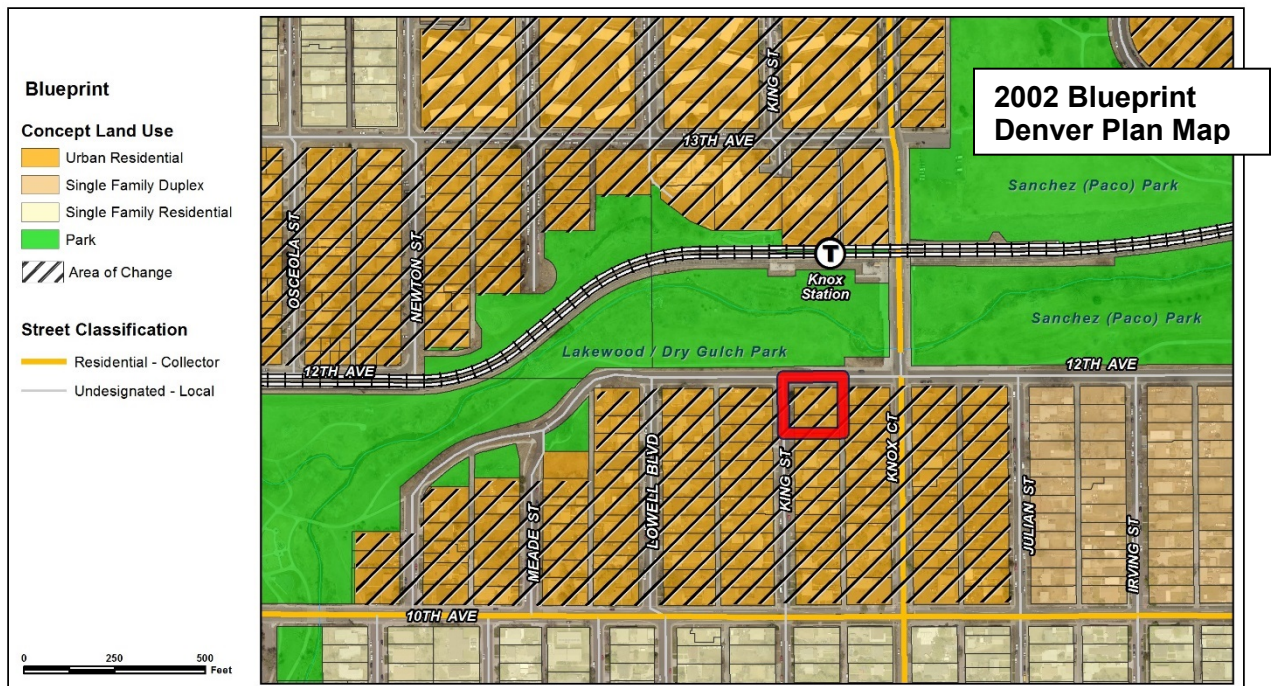
- Environmental Sustainability Strategy 2-B “**Protect and improve air quality by: Reducing vehicular pollution by expanding the use of transit and other travel alternatives, supporting telecommuting and home-based employment, increasing the mix of uses within neighborhoods, and expanding the use of alternative fuels**” (p. 38).
- Environmental Sustainability Strategy 2-F “**Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place**” (p. 39).
- Land Use Strategy 1-H to “**Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents in the Citywide Land Use and Transportation Plan**” (p. 58).
- Land Use Strategy 3-B to “**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**” (p. 60).
- Land Use Strategy 4-A to “**Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods**” (p. 60).

- Mobility Strategy 3-B **“Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area”** (p. 77).
- Mobility Strategy 5-D **“Determine the potential for transit-oriented development at public transit stations and encourage such opportunities whenever possible”** (p. 79).

The proposed map amendment will enable the addition of transit oriented development in the form of new low-scale multi-unit residential development directly bordering the W light rail Line. Increasing the diversity of housing types near transit stations increases transit ridership and helps protect the City’s air quality. The E-RH-2.5 zone district will introduce more diverse residential development that matches the maximum building height of 30-35 feet currently allowed in the existing single unit zone district. The location of the subject properties on the northern edge of the Villa Park neighborhood also offers the opportunity for an increase in density that can provide a transition from the transit station to the predominately single family neighborhood. The allowed primary building forms in the E-RH-2.5 zone district are Suburban and Urban House, Tandem House, Duplex, and Row House. The rezoning is consistent with the Comprehensive Plan policies that encourage development of housing that meets the diverse housing needs of the City’s residents, of development that offer a discreet increase in density near transit stations and that supports infill development where services and infrastructure are already in place, where the infill development is in character with the existing neighborhood, and that helps protect the air quality of the City.

Blueprint Denver

Blueprint Denver, the City’s Land Use and Transportation Plan, identifies the subject property as being within an Area of Change with a land use recommendation of Urban Residential.



Future Land Use

Urban Residential neighborhoods are “*higher in density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures*” (p. 41-42). The proposed E-RH-2.5 zone district will bring the density of the proposed property closer to the Urban Residential land use category description by introducing low intensity multi-unit land use. Under the E-RH-2.5 district the variety of housing types allowed on the subject property would increase to include the Duplex, Tandem House, and Row House building forms. This is consistent with the description of housing types included in the description of the Urban Residential land use category. Based on the location of the subject property near the Knox Street light rail station and the envisioned Urban Residential land uses, the E-RH-2.5 zone district is consistent with the Blueprint Denver land use recommendation.

Areas of Change/Areas of Stability

A central premise of the Blueprint Denver plan is that growth should be directed to Areas of Change. The Plan goes on to describe three types of Areas of Change including “[1] *Downtown; [2] Lowry, Stapleton and Gateway and [3] Areas where land use and transportation are closely linked*” (p. 20). The Plan goes on to describe features that characterize Area of Change as “*areas adjacent to and around transit stations*” and “*areas with special opportunities such as where major public or private investments are planned*” (p. 19). The subject property is adjacent to the Knox Street Light Rail Station on the W Rail Line, a part of the FasTracks project, a major public investment to expand transit in the Denver metro region. The property is also within 1/2 mile of the Decatur-Federal and the Perry Street light rail stations. In this location the property is in an area where transportation and land use are linked. It is therefore appropriate that the subject property is in an Area of Change and that the Plan vision is increased density. The Plan also includes strategies envisioned for these types of Areas of Change including:

- Compatibility between existing and new development
- Pedestrian and transit supportive design
- Mixed land uses
- Infill and redevelop vacant and underused properties
- Multi-modal streets
- Transit service and transit access
- Diversity of housing type, size, cost
- Retain low and moderate income residents

The proposed E-RH-2.5 zone district is an appropriate step up in density that is still in character with the adjacent neighborhood. The maximum building height in the existing single unit zone district is the same in the E-RH-2.5 zone district, and thus is compatible with the existing development in the area. The E-RH-2.5 district will serve to introduce low-intensity multi-unit housing onto the properties.

Street Classifications

Blueprint Denver classifies 10th Avenue as a Residential Collector street and 12th Avenue and King Street as an Undesignated Local streets. “*As Collector and local streets residential streets are designed to emphasize walking bicycling and land access over mobility*” (p. 55), and local

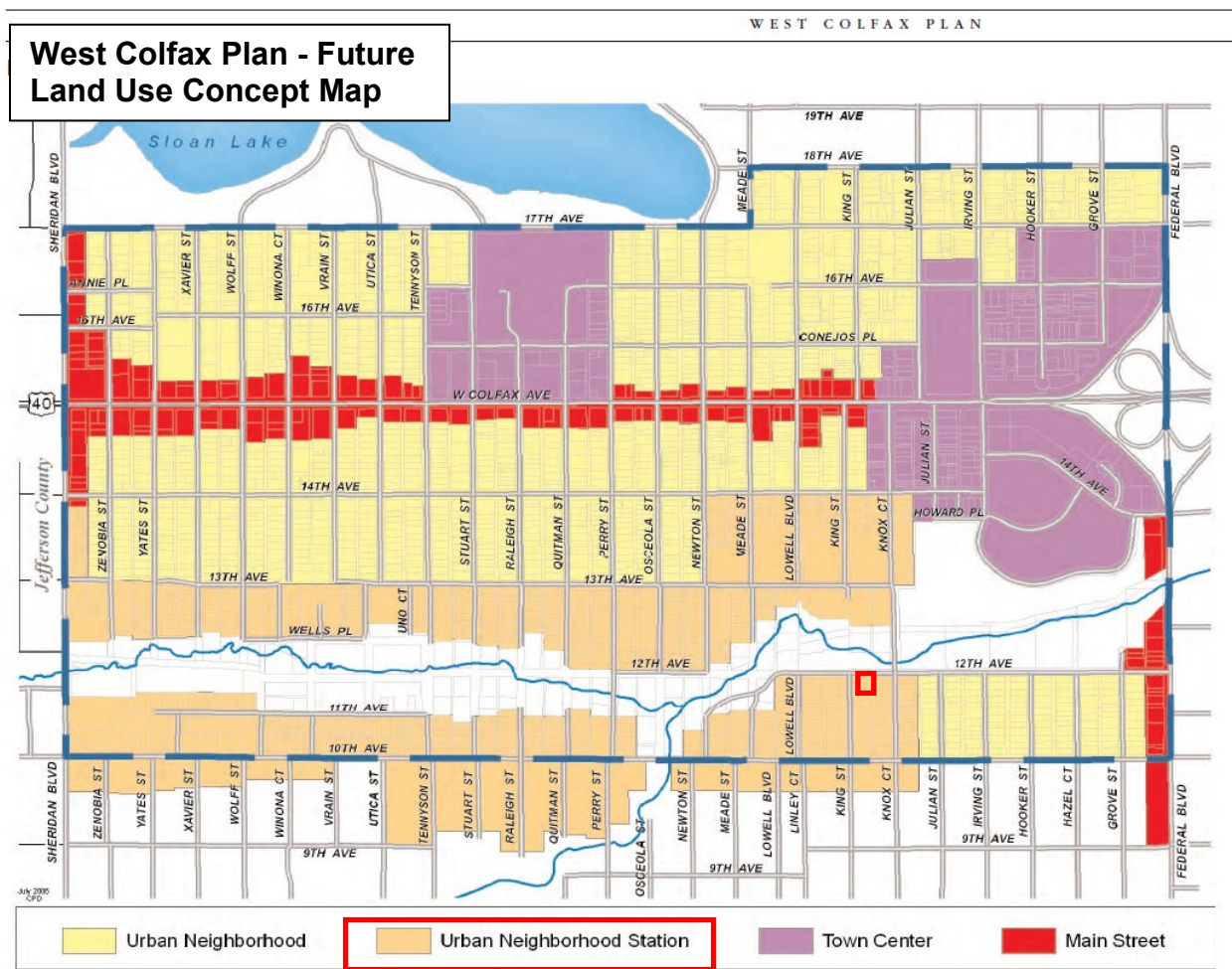
street are “tailored more to providing local access” (p. 51). The proposed map amendment will enable a modest increase in residential density appropriate to residential streets.

West Colfax Plan (2006)

The West Colfax Plan includes a “Framework Plan” the purpose of which “provides the overarching goals and recommendations for these places within the study area; it provides the technical guidance for zoning regulatory changes, infrastructure planning and policy direction” (p. 78). Key components of the Framework Plan include Urban Design, Land Use, Mobility and Economic Development. The West Colfax Plan also contains District Plans to “provide guidance regarding the appropriate character and scale of an area...The district plans augment the prevailing goals and recommendations contained in the framework plan” (p. 120). Within the West Colfax Plan Framework Plan, the subject property, is identified in the following ways:

Framework Plan/Future Land Use/Urban Design

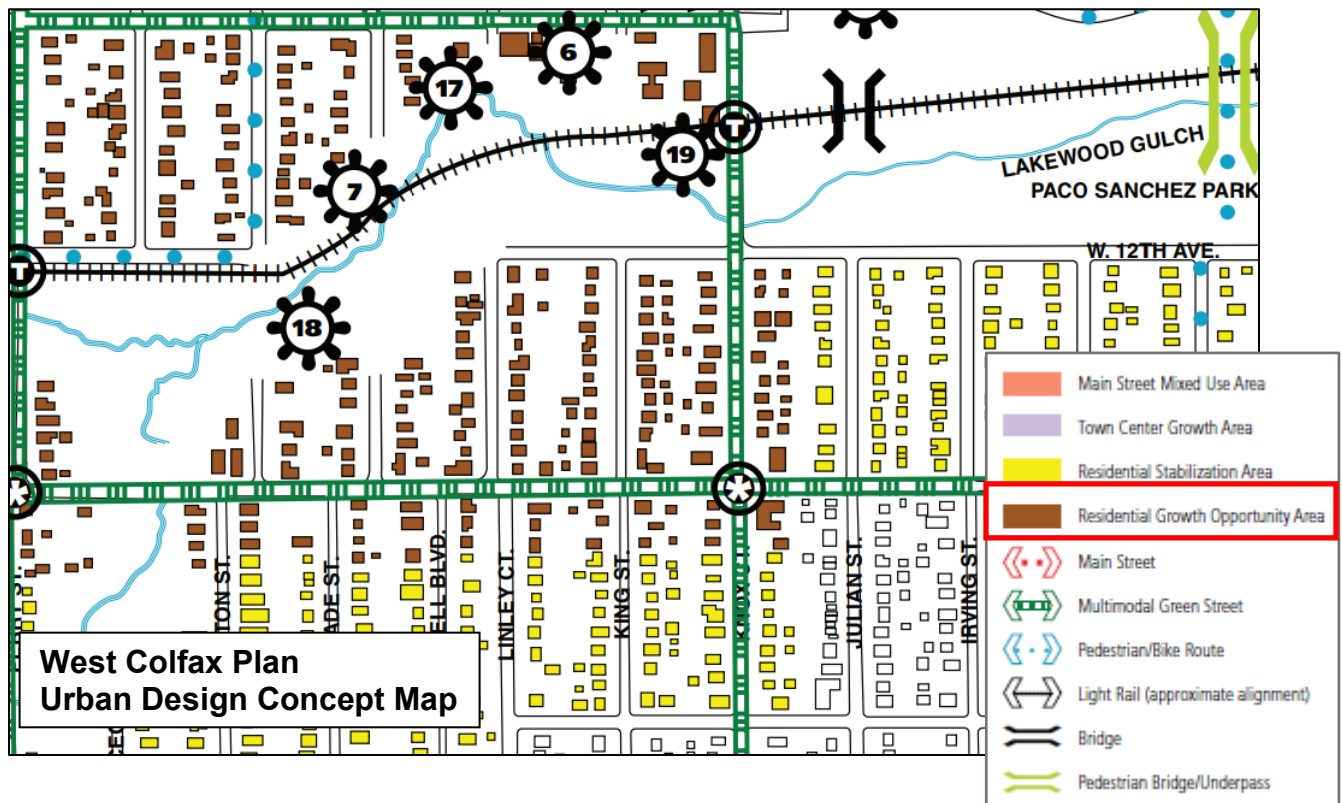
On the Future Land Use Concept map the properties are identified as “Urban Neighborhood Station”. See the red square on the Future Land Use Concept map below.



In the West Colfax Plan within Urban Neighborhoods there are two different types described:

1. Residential Stabilization Areas - “where existing buildings should be preserved, rehabilitated and reused.”
2. Residential Growth Opportunity Areas – “where the existing housing stock is dated and declining, and may be appropriate for redevelopment to encourage revitalization and reinvestment.”

This site is located within a Residential Growth Opportunity Area. See the Urban Design Concept Map below.



Urban Neighborhood Station

The land use and urban design concept for the “**Urban Neighborhood Station**” future land use designation is “*Single family and multi-family residential*” with a typical scale of 1-5 stories.

“This land use development pattern occurs within a 1/4 to 1/2 mile radius of light rail stations in

*the central city of a metropolitan region. Generally, development happens here as infill on vacant parcels or redevelopment of underutilized parcels or dated and declining properties. **Since the stations evolve in established residential areas, initial changes may add density and intensity in compact building forms that blend in with the prevailing residential context.** Development may progress initially from residential additions and rehabilitations to the addition of carriage houses and conversion of single-family structures to duplexes, triplexes and quads. Over the long-term, some more significant and welcome redevelopment may occur, adding small and medium scale apartments or condominium buildings in close proximity to the station areas” (p. 85).*

Additional Framework Plan **Land Use Recommendations** include:

“Recommendation 1: Urban Neighborhood Regulatory Tools

*Work with the Zoning Code Task Force to establish and apply form based zoning tools appropriate for the mix of building types and uses (primarily housing and complementary uses) that define an urban neighborhood and their associated station areas. Ensure that these zoning tools consider, define and respect the traditional and desired forms of urban neighborhood patterns of development. **Consider:***

- **Urban design** (lot and block structure, site design, building orientation, setbacks, relationship of buildings to streets)
- **Range of building types** (single family structures, duplexes, triplexes, quads, courtyard apartments, carriage houses, **row houses**, town homes) and associated design elements (entries, balconies, stoops, materiality, glazing)
- **Architectural character** (building envelope, scale, proportions, materiality, rhythm, massing and height)
- **Location criteria for certain building types and uses to ensure the evolution of the appropriate urban neighborhood texture that complements the transportation network:**
 - **Ensure rational evolution of urban neighborhoods and their station areas, so that changes in development intensities occur in harmony with prevailing neighborhood character.**
 - **Correlate higher intensity structures within close proximity of station area platforms or as end cap buildings on block faces fronting busy neighborhood streets” (p. 94).**

Recommendation 6: Housing Diversification

*...Diversify housing options and encourage a healthy urban mix of incomes. **Promote a range of housing types and costs at higher densities in strategic locations (town centers, station areas, main streets)” (p. 95).***

Recommendation 8: Transitions

*“To the greatest extent possible, **focus both structural and use intensity to main streets, transit station areas and town centers.** Incorporate design and development standards to address solar access and privacy protection, such as bulk plane, building orientation and roof form standards. ...” (p. 96).*

District Plans

In addition to the Framework Plan, the West Colfax Plan includes District Plans. The district plans “do not imply zoning changes” but are included in the Plan to “provide guidance regarding the appropriate character and scale of an area” (p. 120).

Maple Grove Transit Station District Plan: The West Colfax Plan includes the subject site within the “Maple Grove Transit Station.” See the red square on the District Plans map below.

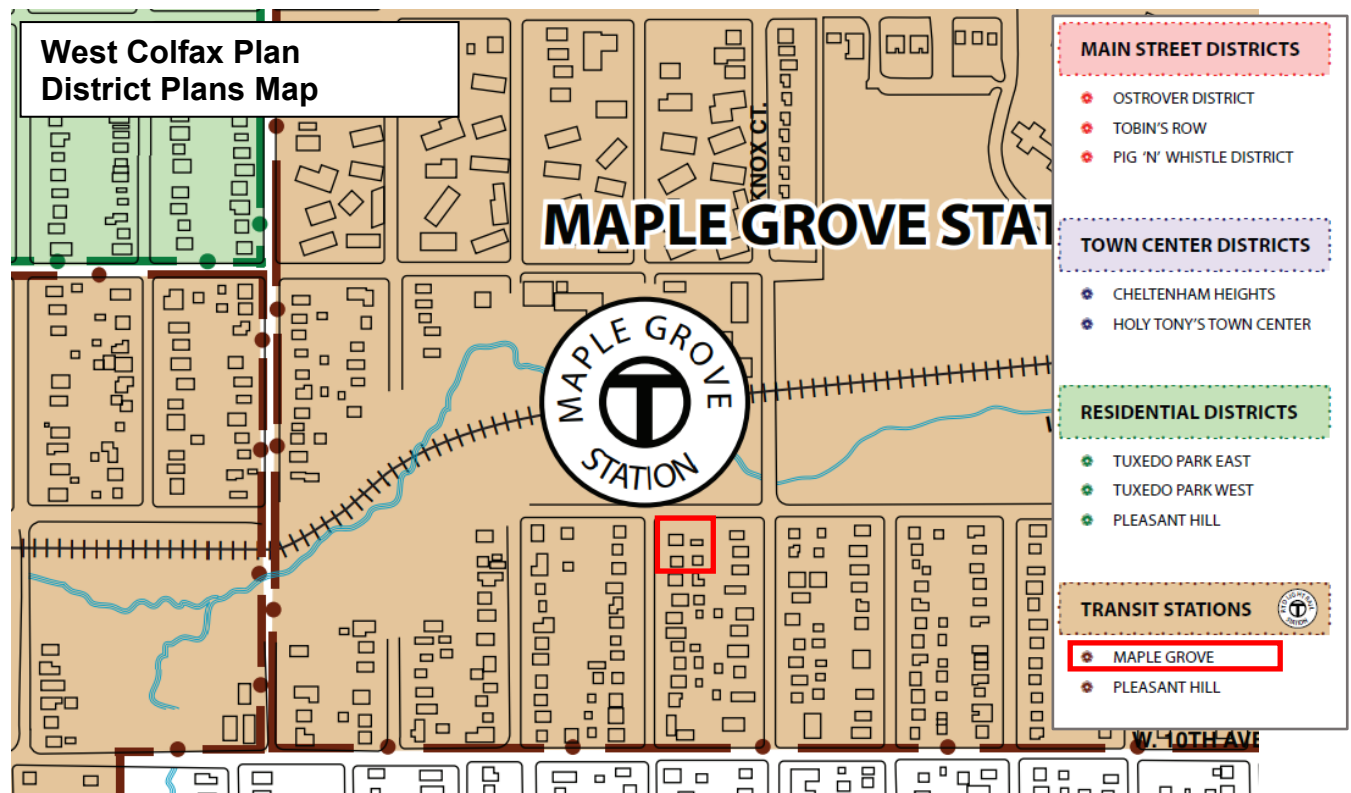
Specific to the neighborhood stations, the Plan offers the following District Plan recommendations:

Recommendation 1: Urban Neighborhood Station Elements

“Establish the appropriate regulatory conditions and incentives to facilitate the redevelopment of the edges of Villa Park and West Colfax neighborhoods near the rail facilities, as well as the catalyst development sites at Avondale and Westridge. Incorporate special features to reinforce stations as a key transit transfer point or stop.”

Recommendation 2: Redevelopment of Station Areas

Maple Grove Station. Maple Grove Station presents the greatest opportunity for redevelopment. Advance planning should explore the opportunity to use Decatur Station as an initial staging area for the redevelopment of Avondale, the Overlook Apartments, Westridge Homes and other nearby obsolete/dated public housing facilities as higher density, healthier mixed-income communities. ... East of Lowell [Boulevard], encourage redevelopment at higher intensity to improve the housing stock and residential densities as the district approaches the Avondale shopping center” (p. 142).



The common theme in the West Colfax Plan recommendations for the subject property is that the property is recommended to transition to more intense station/urban residential land uses centered near the stations along the West Light Rail Line. The Urban Neighborhood Station recommended land use concept describes a range of housing types that include single family and multi-family land uses. To conform with the Urban Neighborhood Station concept (within ¼ to ½ mile of the station) the Plan recommends adding “*density and intensity in compact building forms that blend in with the prevailing residential context*” and building heights of 1-5 stories.

The proposed zoning for the subject site, E-RH-2.5, will increase the range of residential housing types and will control the scale of future development to the same scale as the surrounding residential development. With the allowed low-intensity multi-unit building forms, residential uses, and 30-35 feet height restrictions featured the E-RH-2.5 zone district, the zone district is consistent with the West Colfax Plan.

Villa Park Neighborhood Plan (1991)

The Villa Park Neighborhood Plan was adopted in 1991. The land use and zoning vision expressed in the Plan is:

- *Compatibility of zoning to land use*
- *Protection of residential character of the neighborhood*
- *Compatibility between residential and business land uses (p. 18)*

Land Use and Zoning Plan Recommendations include:

Strategy LZ-1: “*Discourage higher density development*”.

Implementation Program LZ-1a: “*Consider rezoning portions of the neighborhood. Zoning is intended to reflect both the current and the desired character of an area. However, while most of the housing in Villa Park is single-unit, the zoning throughout much of the neighborhood, R-2, allows and encourages the development of low density apartments. The property owners in those areas, therefore, should consider rezoning to a lower density residential zone, which would more accurately reflect the existing and desired character of the neighborhood*” (p.18).

Strategy LZ-2: Discourage development that is incompatible with the scale and quality of the neighborhood.

Implementation Program LZ-2a: “*Monitor requests for rezoning and for zoning variances*”

The proposed E-RH-2.5 zone district complies with the land use and zoning vision of the Villa Park Neighborhood Plan in terms of protecting the residential character of the neighborhood because the proposed zone district is a residential district and in terms of compatibility because the E-RH-2.5 height limit is the same as the height limit in the current zone district. The Plan recommendation discouraging higher density development predated the public investment in the development of the adjacent light rail line, and the development of more current land use recommendations in Blueprint Denver and the West Colfax Plan. The E-RH-2.5 zone district is a district that both respects the character of the existing neighborhood in terms of building height and residential land use type and allows for a reasonable increase in density given the location of the property in close proximity to the Knox Street light rail station.

2. Uniformity of District Regulations and Restrictions: Rezoning the site to E-RH-2.5 will further the uniform application of district regulations in the City. The same regulations will apply to the subject site as to other areas zoned E-RH-2.5 in the city.

3. Public Health, Safety and General Welfare: The proposed map amendment furthers the public health, safety and general welfare of the City by implementing the vision set forth in the City's adopted plans, by allowing low intensity redevelopment that is in character with the surrounding neighborhood and by advancing transit-oriented development to help protect the City's air quality.

4. Justifying Circumstances

The application identifies the changing conditions immediately north of the properties along the West Corridor Light Rail line as the Justifying Circumstance under DZC Section 12.4.10.8.A, "*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: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.*" The proposed map amendment is in response to the changed circumstances of light rail transit serving the area, the new W light rail line and Decatur-Federal and Perry Street stations in the vicinity. Staff believes changed conditions is an appropriate justifying circumstance.

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

The fifth review criterion in the Denver Zoning Code is that the proposed official map amendment must be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Urban Edge Neighborhood Context. The Denver Zoning Code describes the Urban Edge context as characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms with some Suburban House forms. Multi-unit forms are typically Row House, or Apartment forms embedded with other residential forms. Commercial buildings are typically Shopfront and General forms that typically contain a single type of use. Street and block patterns are a regular pattern of block shapes surrounded by an orthogonal street grid. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

The Urban Edge residential zone districts are intended to "*promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood...The building form standards, design standards, and uses work together to promote desirable residential areas...The standards of the two unit and town house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form.*" Specifically the E-RH-2.5 zone district is "*a multi-unit district*

and allows suburban house, urban house, detached accessory dwelling unit, duplex, tandem house and row house building forms up to two stories in height.”

The proposed map amendment is consistent with both the general and specific purpose and intent of the Urban Edge context and the E-RH-2.5 zone district because the proposed zoning will promote new a low density transit oriented residential development that is in character with the existing neighborhood in scale and land use type.

Attachments:

1. Mediation Report
2. Application
3. Legal Description
4. Comment Letters (2)



Helping People Talk
to People

Community Mediation Concepts

A NONPROFIT ORGANIZATION PROVIDING
MEDIATION, CONFLICT RESOLUTION AND FACILITATION SERVICES

December 7, 2018

Theresa Lucero, Senior City Planner
Community Planning and Development
City and County of Denver

Dear Theresa:

Thank you for referring the rezoning request for 1080 & 1090 North King Street, Denver, Colorado to mediation. I contacted Bruce O'Donnell, who is representing Paul Malone, the applicant, and they were both willing to mediate. I contacted the representative for Villa Park Neighborhood Association, who agreed to pull together the appropriate group to represent the neighborhood and enter into mediation. However, as you know getting timely responses or being able to schedule was impossible. I'm sorry for how long this process took.

Ultimately, we were able to meet on October 29, 2018. In attendance were five representatives from Villa Park Neighborhood Association (VPNA), the applicant and Mr O'Donnell. Mr Malone presented his request for rezoning and explained in detail what he was proposing to build on these two lots. There was a significant amount of discussion. We left that meeting with the understanding that while VPNA still had questions about the impact on their neighborhood and was uncertain if they could support the number of units being proposed; that if certain listed criteria could be met, then it was possible, maybe even probable, the neighborhood would support a rezoning.

We reconvened on November 11, 2018. Mr Malone and Mr O'Donnell asked for this amount of time to see if they would be able to meet and commit to the requests the neighbors had presented.

Prior to our meeting, Mr O'Donnell emailed to the group a proposed Memorandum of Understanding, Deed Restrictions and Protective Covenants detailing and fully addressing each of the neighbors' concerns and requests through design, setbacks, materials, and environmentally.

At our November 11th meeting we reviewed the plans, discussed each of the specific requests VPNA had made and how they were addressed and fulfilled by the revised proposal. It was an amiable discussion, VPNA appreciated the efforts Mr Malone had made; BUT said they truly believe and are convinced that only single-family homes would really contribute to the stability, character, and sustainability of what they all loved in their neighborhood.

Please don't hesitate to contact me with any questions.

Sincerely yours,

Steve Charbonneau
Executive Director, Community Mediation Concepts

DATE: 12-7-18

NAME: Soukanya Phommachaly

ADDRESS: 1045 Julian St.

SUBJECT: Rezoning of 1080 & 1090 King Street

TO: Members of the Denver Planning Board
c/o Ms. Theresa Lucero, City of Denver – Community Planning and Development

I am a resident of Villa Park and a neighbor of the 1080 / 1090 King St property that is seeking rezoning to E-RH-2.5. I am contacting you to express my support for this rezoning and to encourage the Planning Board to recommend approval of the rezoning request to Denver City Council.

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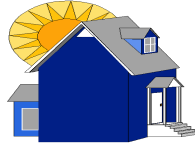
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For these reasons I am pleased to be supportive of this rezoning application and hope that the Planning Board will be too.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S. Phommachaly', written in a cursive style.



Villa Park Neighborhood Association

December 13, 2018
Attn: Theresa Lucero, Case Manager
Planning Services
Community Planning and Development
201 W. Colfax Avenue Dept. 205
Denver, CO. 80202

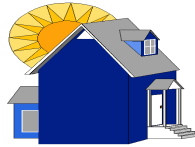
Re: 1080-1090 King St: 20171-00178

Dear Planning Board,

Villa Park Neighborhood Association (VPNA) members at its general monthly neighborhood association meeting at 6:30 p.m. on November 28, 2018 reviewed the proposed rezoning of 1080-1090 King St: 20171-00178. Villa Park Neighborhood Association boundaries are from Federal Blvd to Sheridan Blvd and from 6th Ave to the 12th Ave gulch border and is a registered neighborhood organization with the City of Denver. The property owners and/or residents of our neighborhood can become members of the association by attending the association meetings three times a year. At this meeting we had a vote of nine against and three for the rezoning and one abstention. Neighbors are informed of upcoming zoning issues by either coming to our monthly meetings, the Villa Park Neighborhood Association web site or our newsletter. We did not hear from any other members or residents regarding this zoning issue.

Based on the rezoning criteria this application does not meet the criteria in several areas. The rezoning is not consistent with adopted plans. For example, the Villa Park Neighborhood Plan strategy LZ-1: discourages higher density development that is inconsistent with the neighborhood character, quality and scale of the surrounding neighborhood. As illustrated in the staff report this proposed development is surrounded by E-SU-D1X zoning which is single family dwelling units. Prior to the form based zoning ordinance in 2010 the area of 1090-1080 King St was zoned R-1 and continued with this type of zoning under the E-SU-D1X category. The 2010 form based zoning also included several areas in the Villa Park Neighborhood that included the E-RH 2.5 and by and large these zoned areas have not seen much redevelopment. This proposal would be more in sync with the E-RH-2.5 zoning that is already zoned in the neighborhood with more compatible neighborhood character, scale and quality.

The rezoning application of 20171-00178 is not consistent with the Comprehensive Plan. The Comprehensive Plan for Denver under the Land Use Strategies 1-C of incorporating relevant recommendations from neighborhood, corridor and area plans, this application is counter to the Villa Park Neighborhood Plan in regards to preserving the neighborhood character, quality and scale of the neighborhood. Under the City of Denver's Comprehensive Plan in Housing Section, strategies 2-B & 3-B it lists the need to preserve existing housing, support stabilization programs that help people stay in their homes, and under objective 5; it states to support home ownership for low and middle-income households to become home owners. The Denver Livability Partnership/Housing Development Fund, along with the Villa Park Plan, West Colfax Plan explicitly notes the need to maintain stabilized areas of neighborhoods. If this rezoning is approved it will reduce the preservation of existing houses and will not stabilize the neighborhood with a price point of \$450,000 per unit.

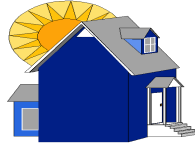


Villa Park Neighborhood Association

In regards to the criteria of public need, this proposal clearly is not meeting a public need since it would be eliminating current affordable housing. The neighborhood character of this area is stable but will quickly become unstable with the change in housing prices of \$450,000 per unit as a start point. Villa Park is one of the few affordable housing areas in the city. The comparable sales in this area and overwhelmingly the housing sale price varies from \$120,000 to \$250,000 which is well below the median in the city. This further illustrates the affordability of Villa Park. If this rezoning is approved, the city will be eliminating affordable housing for Denver residents. Villa Park Neighborhood states that this rezoning application does not meet the public need criteria for affordable housing.

Regarding the criteria of Justifying Circumstances, Villa Park has met with this developer several times and it has always been the position of the developer and initially their original zoning application to redevelopment only one lot which they owned in 2017. Then the project expanded to the lot at 1080 King St with their revised application in 2018 that created an assemblage of properties approximately 15,625 square footage of the combine lots. The rezoning to E-RH-2.5 with this project will encompass a solid wall front of 115 feet without any massing relief. The units are 12 feet wide by 45.6 feet and two stories. The width of these units are barely larger than a couch and are assembled in a shot gun fashion with a small open space section behind each unit of approximately 15 by 12 feet and then a one-car garage finishing the rest of each unit to the alley and again creating another solid wall massing on the back side of the lot of 115 feet. The determinate characteristic of these units would create such a contrast with the rest of the surrounding Villa Park Neighborhood and on the block of King Street that it is inconsistent with the neighborhood context and zoning district purpose. The character of the neighborhood around King St reflects the single-family dwelling unit or E-SU-D1X. The area has not have many changes and basically is single family. The applicant does not have justifying circumstances to rezone this area as stated in the application since the surrounding areas in Villa Park is not changing and this rezoning application proposal is out of character with the Villa Park Neighborhood and does not meet this criteria. I encourage the Planning Board to evaluate the changes in the Villa Park Neighborhood that is affected with building permit activity.

Under the rezoning criteria of neighborhood context, this proposal as stated earlier falls short in this area. The context of the neighborhood is single-family dwelling units that were develop when Villa Park was platted. The pattern of residential development has remained consistent in this area. Under the form-based zoning update, Villa Park noted that the higher density housing development would occur along the Sheridan Light Rail Station where the zoning allowed for this transition. In addition the Federal Blvd Corridor was noted for more mix use zoning with the predominant commercial area of the neighborhood. Both of these areas would be more in neighborhood context to what the developer is proposing. In fact in looking at the composition of the proposed development the 9 unit development will only have 2 bedrooms per unit. The area being displaced have additional room for additions on the main structure but also the option of the Accessory Dwelling Unit (ADU). Families in Villa Park may have 4 to 5 members per household and with the development of an additional ADU unit the total household count could easily bring it up to 8 or 9 members which would be very similar to the density of the proposed development. So are we really creating more density or just bigger buildings. The change that has occurred in west Denver has predominately occurred in the West Colfax neighborhood where the zoning is at a higher density level. Based on the justification found in the aforementioned plans, the proposed rezoning from E-DU-1X to E-RH-2.5 will not result in the uniform application of the zone district, building form, use and design regulations to all buildings within the subject area.



Villa Park Neighborhood Association

Therefore, the Planning Board should deny this rezoning application based on the the rezoning criteria. This rezoning application: 20171-00178 does not have consistency with adopted plans, falls short in demonstrating uniformity of district regulations and restrictions, lacks in the demonstration of a public need for the rezoning,

and does not have justifying circumstances in illustrating the land surrounding the proposed rezoning area is changing in Villa Park. This concludes Villa Park Neighborhood Association position statement.

Respectfully Submitted by

Kathy Sandoval on behalf of the Villa Park Neighborhood Association

**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	20171-00178
Location	1080-1090 King St
Registered Neighborhood Organization Name	Villa Park Neighborhood Assn.
Registered Contact Name	JoAnn Phillips
Contact Address	936 Meade St
Contact E-Mail Address	vpna_2000@yahoo.com
Date Submitted	December 14, 2018

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization was held on November 28, 2018, with 13 members in attendance.

With a total of 13 members voting,

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

9 voted to oppose the application; and

1 voted to abstain on the issue.

It is therefore resolved, with a total of 13 members voting in aggregate:

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

oppose Application # 20171-00178

Comments:	See attached comments
-----------	-----------------------

From: [Rick Levy](#)
To: [Lucero, Theresa - CPD Sr City Planner](#)
Subject: [EXTERNAL] Proposed Rezone Case 17i-00178: 1080 & 1090 N King St: 20171-00178
Date: Monday, December 17, 2018 10:26:29 AM

Greetings Senior City Planner Lucero,

I am a resident of the Villa Park neighborhood, living at the corner of 10th Ave and Hazel Ct. I would like to submit the following comments concerning the proposed rezoning at 1080 and 1090 King Street in the neighborhood.

The proposed rezoning from a single unit (E-SU-D1x) to a multi unit set of row homes (E-RH-2.5) seems, to me, my family, and my neighbors to be another step in the wrong direction for Villa Park and for Denver. As you know, the vast majority of the neighborhood, especially on the eastern side, is comprised of single family homes. This gives the neighborhood its own charming character. Folks have large yards for their kids and pets to play in, and for many to build into beautiful gardens that lend to the city's sustainability goals as well as the city's effort to become a certified wildlife habitat. While the homes are modest, they offer an affordable place for a diverse community to call home, near mass transit, a library, schools, parks, and recreation centers.

The slow, but already underway, endeavor to reshape our neighborhood into something that it is not concerns me greatly. Developers come in and buy homes at a relatively low price, and then apply to change the very character of the neighborhood by changing the zoning. Then they construct shoddy row homes that they sell for well above the mean price in the neighborhood. We have seen this play out across the city, especially on the west side of Denver. I see no reason why the developer cannot simply renovate or build new constructions that fit the current zoning and the character of the neighborhood.

I urge you and the city to consider the slippery slope that has already begun within Villa Park, and how further rezoning of the neighborhood will change its character for the worse, causing congestion, pollution, less room for vegetation, and less affordability.

Sincerely,

Rick Levy
995 Hazel Ct, Denver Colorado 80204
303-808-6539

--

Rick Levy

DATE: _____ 12/12/18 _____

NAME: _____ Adam Cole _____

ADDRESS: _____ 927 Raleigh St Denver CO 80204 _____

SUBJECT: Rezoning of 1080 & 1090 King Street

TO: Members of the Denver Planning Board
c/o Ms. Theresa Lucero, City of Denver - Community Planning and
Development

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Because this site is south of Lakewood Dry Gulch E-RH-2.5 is the perfect choice for new zoning to respect the scale and character of Villa Park while also focusing more density and reinvestment at this Knox Station TOD opportunity.

For these reasons I am pleased to be supportive of this rezoning application and hope that the Planning Board will be too.

Sincerely,



DATE: 12-12-18

NAME: BRANDON Gill

ADDRESS: 945 Zenobia St. Denver, Co

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DATE: 12-16-18

NAME: Thomas Mack

ADDRESS: 1015 King St Denver CO

SUBJECT: Rezoning of 1080 & 1090 King Street

TO: Members of the Denver Planning Board
c/o Ms. Theresa Lucero, City of Denver – Community Planning and Development

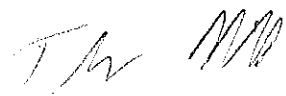
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DATE: 12-16-2018
NAME: Martin J
ADDRESS: 1024 Lowell Blvd

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SUBJECT: Rezoning of 1080 & 1090 King Street

TO: Members of the Denver Planning Board
c/o Ms. Theresa Lucero, City of Denver – Community Planning and Development

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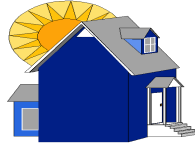
Kind Regards,

A handwritten signature in black ink, appearing to read 'Ben Maxwell'.

Ben Maxwell

Mangager

ben@hmcapitalgroup.com



Villa Park Neighborhood Association

December 13, 2018
Attn: Theresa Lucero, Case Manager
Planning Services
Community Planning and Development
201 W. Colfax Avenue Dept. 205
Denver, CO. 80202

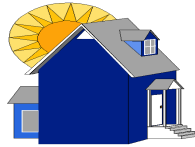
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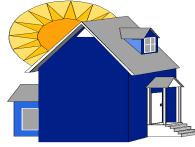


Villa Park Neighborhood Association

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Villa Park Neighborhood Association

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Respectfully Submitted by

Kathy Sandoval on behalf of the Villa Park Neighborhood Association

From: [Rick Levy](#)
To: [Lucero, Theresa - CPD Sr City Planner](#)
Subject: [EXTERNAL] Proposed Rezone Case 17i-00178: 1080 & 1090 N King St: 20171-00178
Date: Monday, December 17, 2018 10:26:29 AM

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Rick Levy
995 Hazel Ct, Denver Colorado 80204
303-808-6539

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Rick Levy

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REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

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Application Number	20171-00178
Location	1080-1090 King St
Registered Neighborhood Organization Name	Villa Park Neighborhood Assn.
Registered Contact Name	JoAnn Phillips
Contact Address	936 Meade St
Contact E-Mail Address	vpna_2000@yahoo.com
Date Submitted	December 14, 2018

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization was held on November 28, 2018, with 13 members in attendance.

With a total of 13 members voting,

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

9 voted to oppose the application; and

1 voted to abstain on the issue.

It is therefore resolved, with a total of 13 members voting in aggregate:

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

oppose Application # 20171-00178

Comments:	See attached comments
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DATE: December 15, 2018

NAME: CLAY STORER

ADDRESS: 1048 KNOX CT.

SUBJECT: Rezoning of 1080 & 1090 King Street

TO: Members of the Denver Planning Board
c/o Ms. Theresa Lucero, City of Denver – Community Planning and Development

I am a resident of Villa Park and a neighbor of the 1080 / 1090 King St property that is seeking rezoning to E-RH-2.5. I am contacting you to express my support for this rezoning and to encourage the Planning Board to recommend approval of the rezoning request to Denver City Council.

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