



**TO:** Denver City Council  
**FROM:** Jason Morrison, AICP, Senior City Planner  
**DATE:** May 20<sup>th</sup>, 2021  
**RE:** Official Zoning Map Amendment #2020I-00161

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020-00161.

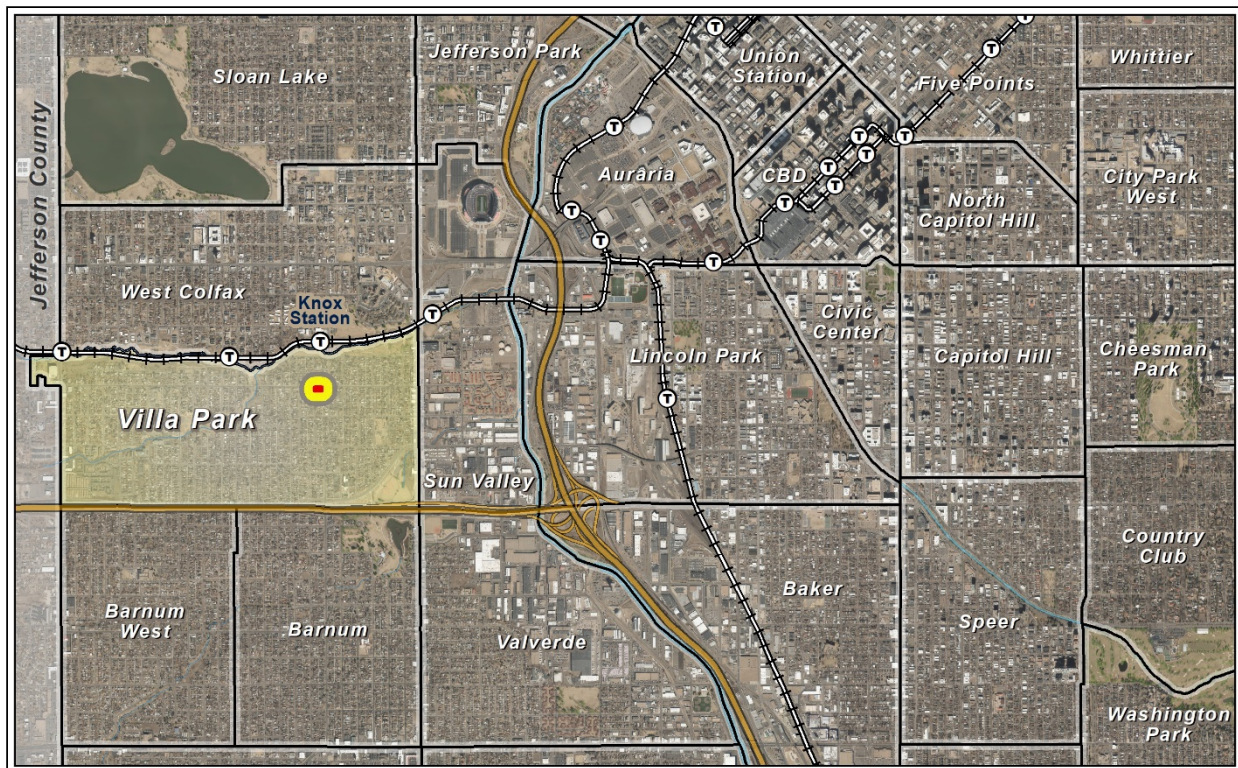
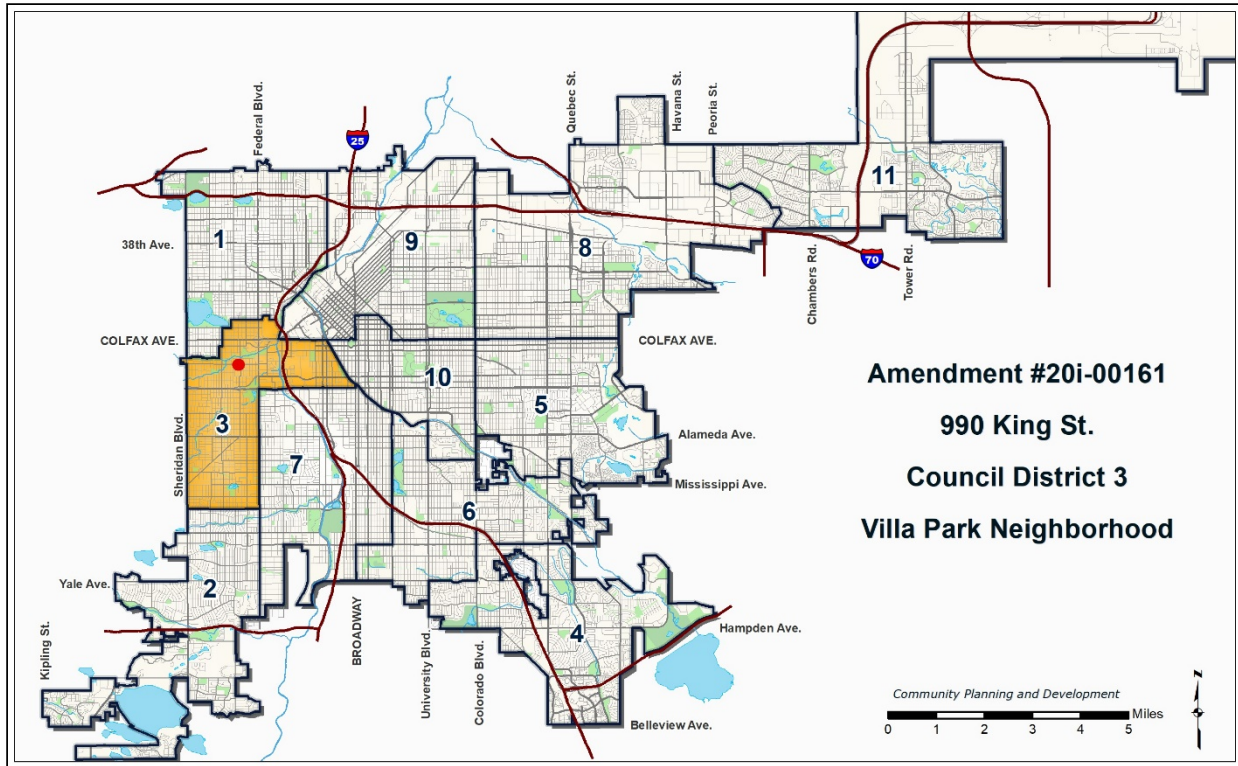
### **Request for Rezoning**

Address: 990 North King Street  
Neighborhood/Council District: Villa Park Neighborhood /  
Council District 3  
RNOs: Sloan's Lake Citizen's Group; Villa Park Neighborhood  
Association; United Northwest Denver; Inter Neighborhood  
Cooperation (INC)  
Area of Property: 6,250 square feet or .14 acres  
Current Zoning: E-SU-D  
Proposed Zoning: E-TU-C  
Property Owner(s): Michael Claugus

### **Summary of Rezoning Request**

- The subject site is a vacant lot located on the northwest corner of North King Street and West 10<sup>th</sup> Avenue in the Villa Park Neighborhood.
- The property owner is proposing to rezone the property from E-SU-D to E-TU-C which would allow for a variety of building forms including urban house, detached accessory dwelling unit, duplex and tandem house. The applicant wishes to construct a duplex on the vacant lot.
- The proposed **E-TU-C**, Urban Edge, Two-Unit, C (5,500 square feet minimum zone lot size) zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by primarily single-unit and two-unit uses located along local and residential arterial streets. Small-scale multi-unit residential uses and commercial areas are typically embedded in these types of residential areas.

### Existing Context



The subject site is in the Villa Park statistical neighborhood which is characterized by primarily single-unit residential uses with a small number of two-unit and multi-unit uses scattered throughout. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is seven blocks west of North Federal Boulevard and one block south of the Lakewood Gulch and Paco Sanchez Park. The Regional Transportation District (RTD) Bus Route 9 runs adjacent to the subject site along W. 10<sup>th</sup> Avenue, and Bus Route 1 runs along North Knox Court, one block to the east. Similarly, the Knox Station provides light rail transit service on the West Line located two blocks to the north.

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

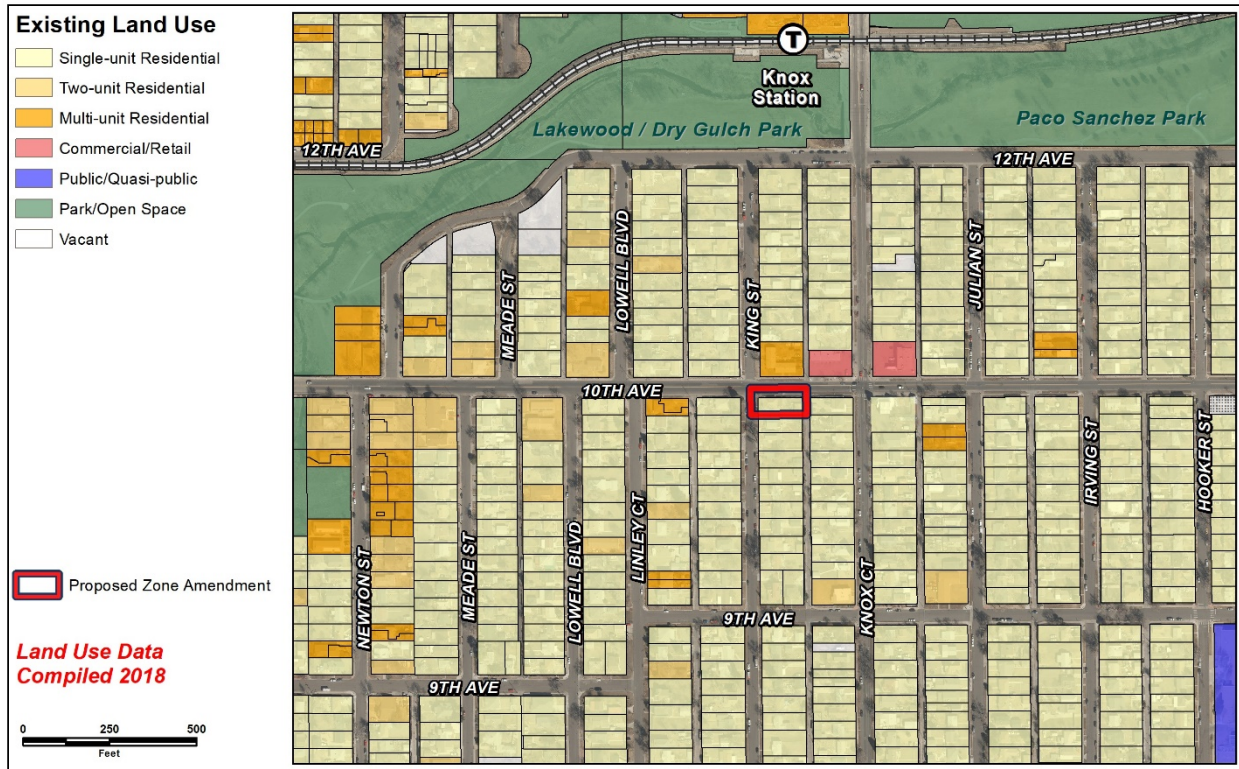
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Property	E-SU-D	Single-unit Residential	Vacant	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern.  Attached sidewalks and existing alleys. Garages are typically accessed from the rear though street access is occasionally found.
North	E-SU-D	Multi-unit Residential	1 1/2-story structure with typical moderate setbacks	
South	E-SU-D	Single-unit Residential	1 1/2-story structure with typical moderate setbacks	
East	E-SU-D	Single-unit Residential	1 1/2-story structure with typical moderate setbacks	
West	E-SU-D	Single-unit Residential	1 1/2-story structure with typical moderate setbacks	

### 1. Existing Zoning



The E-SU-D zone district is a single-unit district allowing the Urban House primary building form on a minimum zone lot area of 6,000 square feet and a minimum zone lot width of 50 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot (depending on lot size). The maximum building coverage per zone lot, including all accessory structures, is 37.5% with allowed exceptions. The E-SU-D zone district allows two accessory structure forms, including the Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. More details of the existing zone district can be found in Article 4 of the Denver Zoning Code.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (Images obtained from Google Maps)



View of subject site looking south from W. 10<sup>th</sup> Avenue



View of single-unit home to the south of subject site looking east from N. King Street



View of single-unit home to the west of subject site looking west from N. King Street



View of multi-unit home to the north of subject property looking north from W. 10<sup>th</sup> Avenue.



View of single-unit home to the east of subject property looking west from North Knox Court.

## **Proposed Zoning**

The E-TU-C zone district allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms include the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the two-unit and row 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. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. More details of the proposed zone district can be found in Article 4 of the Denver Zoning Code.

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

Design Standards	E-SU-D (Existing)	E-TU-C (Proposed)
Primary Building Forms Allowed	Urban House	Urban House, Detached Accessory Dwelling Unit, Duplex, Tandem House
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2.5 stories / 35'*	2.5 stories / 35' **
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	1 story / 19'*	1 story / 19'**
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	N/A	1.5 stories / 24'
Zone Lot Size (min.)	6,000 sf	5,500 sf
Zone Lot Width (min.)	50'	50'
Primary Street Block Sensitive Setback Required / If not	Yes / 20'	Yes / 20'
Side Street Setback (min.)	3'*	3'**
Side Interior Setback (min.)	3'*	3'**
Rear Setback, Alley / No Alley	12' / 20'	12' / 20'**
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

\*Depending on lot width

\*\*Depending on lot width and building form

## Summary of City Agency Referral Comments

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

**Assessor:** Approved – No Response

**Asset Management:** Approved – No Comments

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

**Department of Public Health and Environment:** Approved – No Response

**Denver Parks and Recreation:** Approved – No Response

**Public Works – R.O.W.- City Surveyor:** Approved – See Comments Below

1. Zip Code is not needed in the description. Community Planning and Development Staff will update accordingly.



**Development Services – Project Coordination:** Approved – See Comments Below

1. If Applicant proceeds with Duplex (Two-Family Dwelling) identified in Pre-App, this Plan Review will go to Residential Intake rather than Design, Site and Neighborhood Development.

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

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

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

**Public Review Process**

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>1/14/2021</b>
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:	<b>3/23/2021</b>
Unanimous recommendation of approval by Denver Planning Board:	<b>4/7/2021</b>
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:	<b>4/5/2021</b>
Land Use, Transportation, and Infrastructure Committee of Denver City Council moved the bill forward:	<b>4/13/2021</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>5/3/2021</b>
City Council Public Hearing:	<b>5/24/2021</b>

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received one public comment letter outlining a desire to see a commercial/mixed-use structure on the vacant lot instead of residential.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

## **1. Consistency with Adopted Plans**

The following adopted plans apply to this application:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Villa Park Neighborhood Plan (1991)*

### **Comprehensive Plan 2040**

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

The proposed rezoning would allow for additional housing options near transit within an established mixed-use neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p. 28).*
- Equitable, Affordable and Inclusive Goal 2, Strategy B – *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*

The proposed rezoning would allow for increased housing diversity in an area where the residential uses are predominately single unit homes, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*

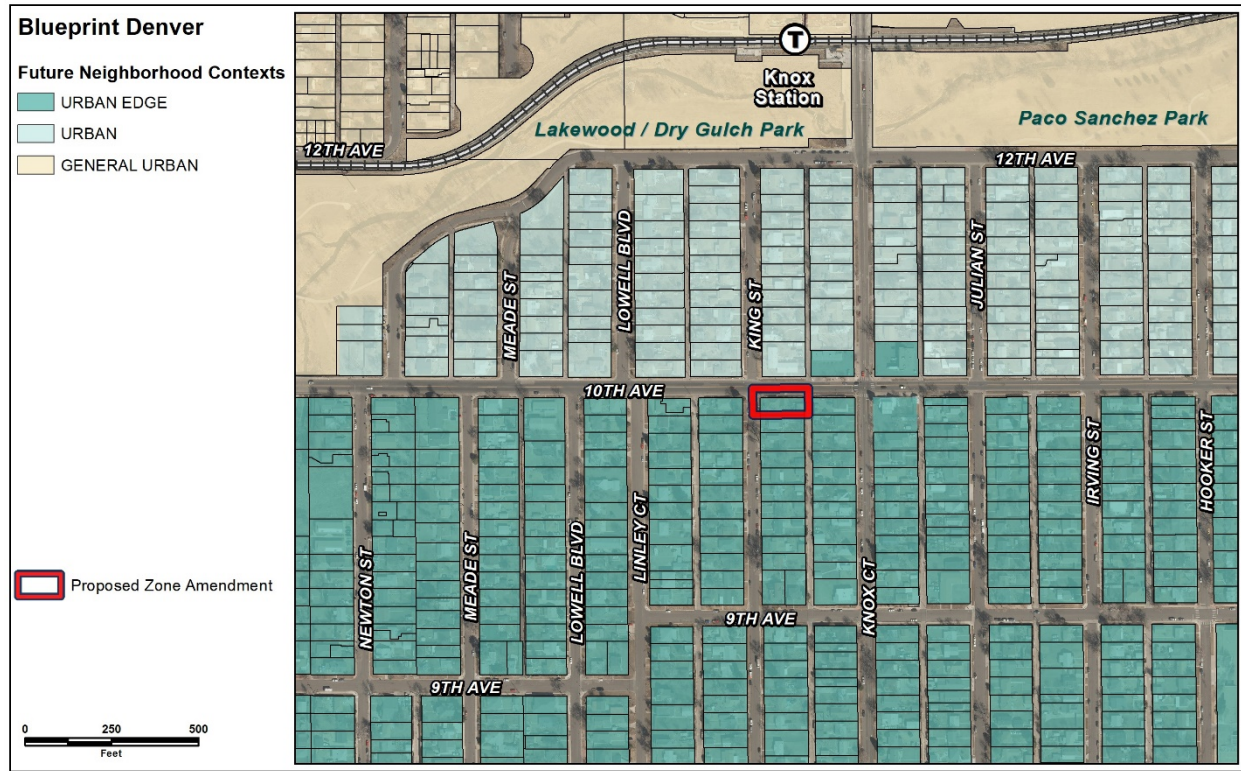
The proposed map amendment would allow for compatible infill development in an established neighborhood near transit, consistent with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p. 54).*
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).*

**Blueprint Denver**

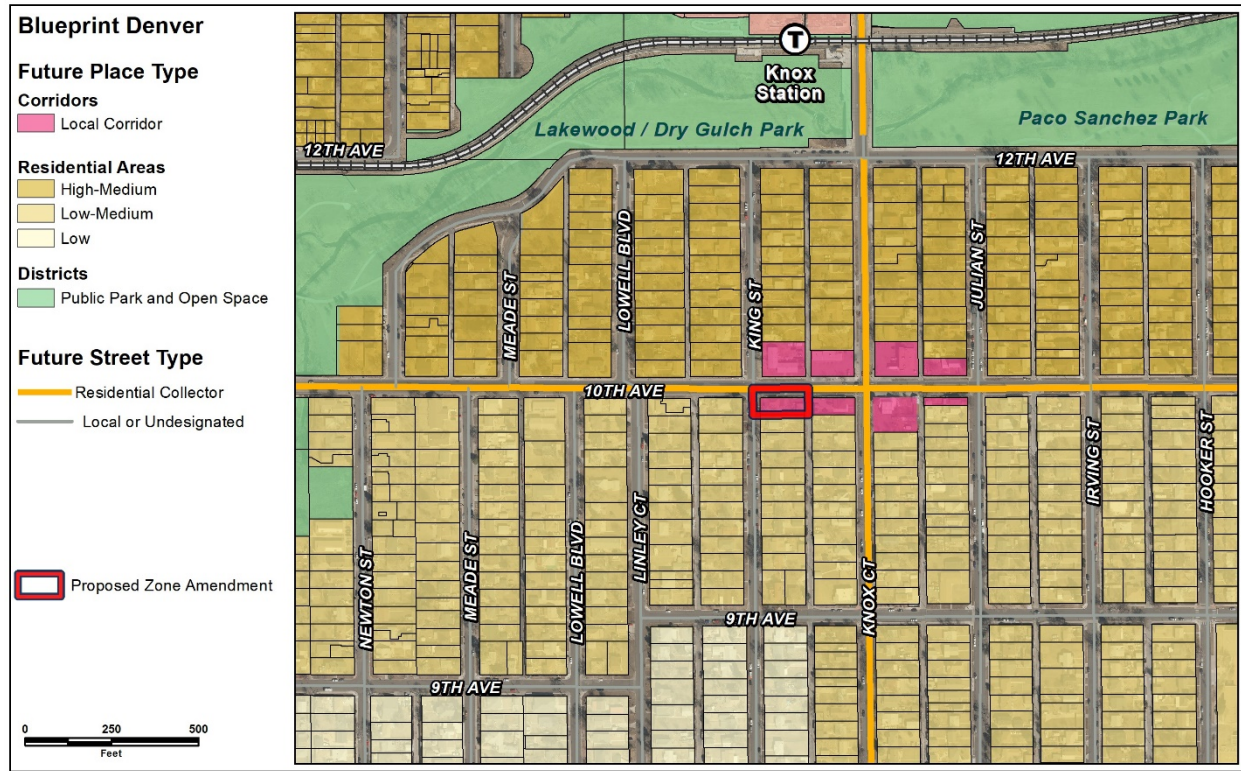
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject site as part of a Local Corridor place within the Urban Edge Neighborhood Context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

**Blueprint Denver Future Neighborhood Context**



The subject site is within the Urban Edge Neighborhood Context, which “contains many single- and two-unit residential areas. Commercial and mixed-use development tends to be found along the main corridors bordering traditional residential areas, with some larger center development.” (p. 206). The proposed E-TU-C zone district is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context...The standards of the two-unit and row 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.” (DZC Section 4.2.2.1). As the rezoning would allow a two-unit district and building forms that would address the street similar to the Urban House building form, the proposed district is appropriate and consistent with the *Blueprint Denver* context description.

Blueprint Denver Future Places



The subject site is designated as a Local Corridor future place type on the *Blueprint Denver* Future Places map. This place type, “primarily provides options for dining, entertainment and shopping but may also include some residential and employment uses” (p.212). When a residential zone district is proposed, as is the case with this rezoning, it should primarily be located to encourage active street frontages where heights are generally up to three stories.

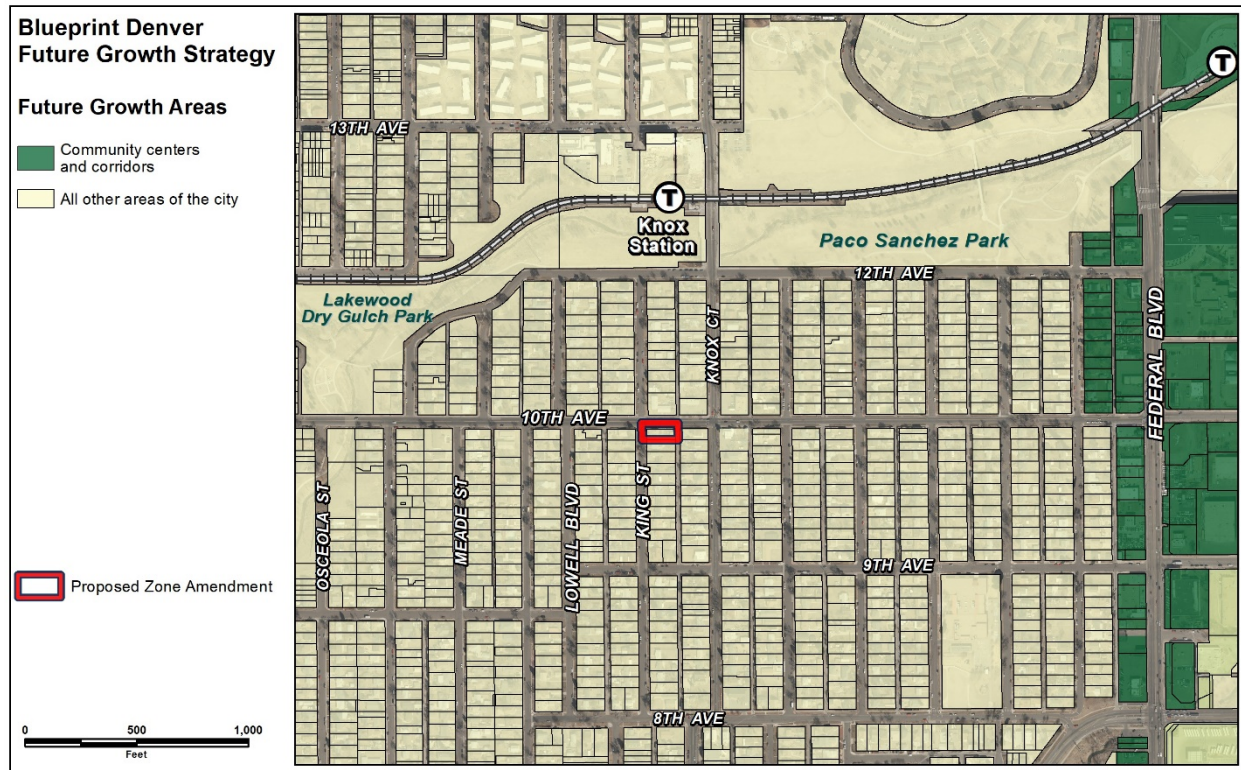
The proposed E-TU-C zone district has a maximum allowable building height of 2.5 stories and allows residential building forms including Urban Houses, Detached Accessory Dwelling Units, Duplexes, and Tandem Houses which is compatible with the Local Corridor Future Place Type defined by the Urban Edge Neighborhood Context. The building form standards, design standards, and uses work together to promote existing and future patterns of lower scale multi-unit building forms that address the street and are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies N. King Street St. as a Local or Undesignated street. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 155). W. 10<sup>th</sup> Avenue is characterized as a Residential Collector, which serves “Primarily residential uses, but may also include

schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context” (p. 148). The proposed E-TU-C district is consistent with these descriptions because it allows for additional residential uses at the subject site served by both a local street and a residential collector.

Blueprint Denver Growth Strategy



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to E-TU-C will allow a variety of different residential building forms while maintaining the area’s low-density residential character.

Other Applicable *Blueprint Denver* Policy Recommendations and Strategies

*Blueprint Denver* provides recommendations related to rezoning to allow for Accessory Dwelling Units (ADUs). Land Use & Built Form Housing Policy 4, Strategy E. says “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area” (p. 84). In this case, the requested rezoning applies to a single lot in a residential area

within a few blocks of a two bus routes and the Knox Station along the West Line. This proposed rezoning to E-TU-C, which allows the Detached Accessory Building Form accessory to a single-unit residential use, will have minimal impacts on the surrounding neighborhood and is consistent with this *Blueprint Denver* recommendation as it will allow an ADU at an appropriate location in close proximity to transit.

### **Villa Park Neighborhood Plan**

The subject site is within the boundaries of the *Villa Park Neighborhood Plan* which was adopted by Denver City Council in 1991. The overall vision established within this neighborhood plan calls for the protection of neighborhood character where the Villa Park Neighborhood, “will continue to be a neighborhood of mostly single-unit houses with a few small apartment buildings and apartment complexes interspersed with the houses” (p.2). The neighborhood plan further notes that the residential areas should continue to provide safe and convenient access to the trails, open spaces, neighborhood-serving retail, and the light rail system.

The proposed rezoning to E-TU-C provides additional residential building forms to the Villa Park neighborhood which helps maintain the residential character outlined in the vision of the neighborhood plan. The maximum height and scale of this two-unit district is sensitive to the existing neighborhood character of single-unit homes and offers residents a diversity of housing options close to transit (Knox Station) and civic uses (Lakewood Gulch and Paco Sanchez Park), while also providing compatible building forms among the existing single-unit structures in the area.

The *Villa Park Neighborhood Plan* also contains specific Housing and Land Use recommendations applicable to the subject site including:

- Goal H-1: Enhance the appearance and quality of neighborhood housing
- Goal LZ-2: Discourage development that is incompatible with the scale and quality of the neighborhood.

The subject site once contained a single-unit structure and currently sits vacant. It is anticipated that the future residential development that will result from this rezoning will contribute positively to the appearance of the northwest corner of N. King Street and W. 10<sup>th</sup> Avenue. As previously stated, the building form standards, design standards, and uses within the proposed E-TU-C zone district work together to promote existing and future patterns of lower scale building forms that address the street and are also intended to reinforce desired development patterns in existing neighborhoods. These standards will enhance the appearance of this block and create an active street edge along the W. 10<sup>th</sup> Avenue Corridor.

The Villa Park Neighborhood was originally zoned R-2 which allows both single-unit and multi-unit building forms dependent on zone lot area. However, the neighborhood plan discourages higher density development especially if it is incompatible with the scale and quality of the neighborhood. The proposed rezoning to E-TU-C introduces both single-unit and small-scale, multi-unit (duplex and tandem house) building forms that are sensitive to the existing character of the neighborhood as evidenced by the multi-unit structure north of the subject site and others scattered throughout the Villa Park neighborhood. The additional housing diversity that will result from this rezoning is also appropriate

within close proximity to the transit serving this neighborhood and appropriate for the N. King Street and W. 10<sup>th</sup> Avenue street classifications.

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

The proposed rezoning to E-TU-C 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 through implementation of the City's adopted land use plan which provides more recent land use guidance for this area. Additionally, the proposed rezoning allows housing diversification in an appropriate location near transit, in close proximity to publicly accessible open space, and within walking distance to various commercial corridors, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup> The proposed rezoning would also provide the benefit of additional housing units that are compatibly integrated into the surrounding neighborhood.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include changes or changing conditions in a particular area, or in the city generally." Specifically, the steady population growth in the City has created a need "in the city generally" for additional density and a variety of housing types. Additionally, the trends of the City and vision in the adopted plans focus on adding additional housing density around transit stations. With the addition of the Knox Station, there has been recent multi-unit residential redevelopment and reinvestment in the area to support high-frequency transit.

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

The requested E-TU-C zone district is within the Urban Edge Neighborhood Context, defined by the Denver Zoning Code as, "primarily single-unit and two-unit residential uses...Single and two-unit residential uses are primarily located along local and residential arterial streets." (DZC Section 4.1.1). The rezoning is consistent with this description as it will allow a two-unit zone district adjacent to a residential collector street where it is compatible with the general character of the neighborhood context. It is also consistent with the general purpose of residential districts in this context as it will, "promote and protect residential neighborhoods" where "the standards of the two unit and row house

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

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

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

districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form.” (DZC Section 4.2.2.1). Furthermore, the rezoning is consistent with the specific intent of the E-TU-C zone district, which “allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms are the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms” (DZC Section 4.2.2.2.J) which would address the street similar to existing single- and multi-unit homes existing in the area.

### **Attachments**

1. Application
2. Public Comment



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

# REZONING GUIDE



## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input 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. 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.
	<input 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.
	<input 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>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <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. Please provide an attachment describing the justifying circumstance.
	<input 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. Please provide an attachment describing how the above criterion is met.

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria, as identified above

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:
<input type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity

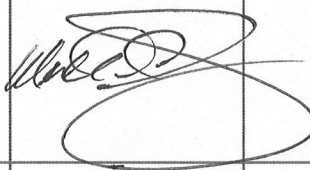
Please list any additional attachments:



# REZONING GUIDE

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Michael Claugus	3504 Vallejo St. Denver, Colorado 80211 (303) 907-8610 michaelclaugus@gmail.com	100%				

Last updated: May 24, 2018

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

# **Rezoning Application Attachments**

**990 King Street**

**Denver, Colorado 80204-3113**

**Assessor's Parcel Number: 0505323001000**

**Owner: Mr. Michael Claugus**

**November 29, 2020**

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## I. Introduction:

The property at 990 King Street is an empty lot currently zoned as E-SU-D. The property is 6,250 square feet in area, where the West side fronts King Street and the North side fronts 10th street. The South side of the lot shares a property line with Lot 3, Block 18, and the East side is an alley way at the back entrance to the site.

The site is situated in the Villa Park neighborhood which consists primarily of single-family housing, with Row Homes and multiple-unit structures scattered throughout. The neighborhood is under a lot of renovation to meet modern standards and appeal. Multi-unit residential housing is under construction north east of this site on Knox Court.

The owner, Michael Claugus, wishes to rezone said address as E-TU-C, which allows for the following building forms: urban house, detached accessory dwelling unit, duplex, and tandem house on a lot size greater than 5,500 square feet. The proposed rezoning of 990 King St. would allow the owner to build a two-story duplex structure and detached garage which would comply with Denver Zoning Codes and Blueprint Denver 2019.

### *A. Legal Description*

Lots 1 and 2, Block 18, Villa Park  
City and County of Denver, State of Colorado

### *B. Location of Property*

990 King Street  
Denver, Colorado 80204-3113  
Council District 3  
Villa Park Neighborhood



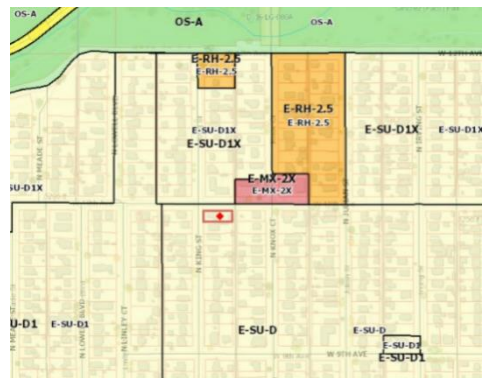
### *C. Assessor's Parcel Number*

0505323001000

### *D. Current Site Data*

Site has been scraped and is Vacant  
Current Zoning – **E-SU-D**  
Adjacent to:

E-SU-D (Single-Unit Residential)  
E-SU-D1x  
E-SU-D1  
E-MX-2x (Multi-Unit Residential)  
E-RH-2.5 (Commercial/Retail)



## E. Existing Context

Land Use: Residential



## II. Consistency with Adopted Plans

### A. Denver's Comprehensive Plan 2040

*Denver's Comprehensive Plan, Goal 1, Strategy A states:* "Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities." *Strategy A states:* "Increase development of housing units close to transit and mixed-use developments."

Existing zoning in surrounding neighborhoods consists of multi-unit districts/housing. A Multi-unit district zoning contributes to growth, which can be affordable, equitable and inclusive. If rezoning is granted for 990 King Street (Lots 1 and 2), the rebuilding of an aesthetically architectural design duplex, compliant with all codes and zoning regulations, would help revive the neighborhood appearance. The proposed structure is situated on a local corridor and will have impactful presence.

This site is located minutes from local transit and other mixed-use developments in the surrounding neighborhoods and Colfax Avenue.

*Denver's Comprehensive Plan, Goal 8, Strategy A states:* "Clean our soils, conserve our land and grow responsibly and promote infill development where infrastructure and services are already in place."

Prior to the proposed rezoning 990 King Street (Lots 1 and 2), the residential structure which existed at 990 King Street was unsafe and unhealthy to the former residents and the surrounding neighborhood. The structure has since been demolished, while preserving a large, old tree. Because the former residence was not in any condition to renovate or preserve, a new structure, which will follow current building codes, would enhance the neighborhood appearance, and provide new landscaping that is environmentally resilient.

*Denver's Comprehensive Plan, Goal 1, Strategy D states:* "Create a city of complete neighborhoods. Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities."

Quality infill development is capital intensive, yet self-promoting. Denver's comprehensive plan is one such plan which back the efforts of individuals like Mr. Claugus to deploy capital for the mutual benefit of the homeowner and the neighborhood alike. It is self-promoting in that neighborhood revitalization gains traction through said capital-intensive efforts. Mr. Claugus hopes to contribute to the momentum which is bringing positive change to the Villa Park neighborhood.

The increase in property value would be imminent, as these efforts have backing from the City of Denver.

The Villa Park Neighborhood plan dates back to April, 1991. Although the plan is dated, many neighborhood goals exist that promote rezoning in this area. Goals specific to this proposed rezoning include but are not limited to: planting trees and improved maintenance of, establishing a neighborhood identity, enhancing the appearance and quality of neighborhood housing and improving neighborhood environmental conditions. A rebuild of a multi-unit at this site would comply with these goals in addition to enhancing the safety within the neighborhood via the modernization of housing and updated architectural styles. The 1991 plan also includes a "vision" to protect residential character and have a mix of affordable housing within rentals of single-family housing. This neighborhood plan encourages housing rehabilitation and renovations. 990 King Street would provide these amenities, capitalizing on the encouragement of duplexes scattered throughout the neighborhood.

#### *B. Blueprint Denver 2019 & Consistency with Neighborhood Context, Zone District Purpose and Intent*

Per Blueprint Denver 2019 and with regards to growth in the City of Denver, this site location is in an area of growth. Growth is particularly common along corridors and this site sits within a Local Corridor. Blueprint Denver also states, "*the growth strategy for certain future places is anticipated to take on more jobs and housing than others, but all areas of Denver are expected to evolve.*" A rezoning in an area planned for less growth may still be appropriate, as smaller-scale growth and reinvestment should be occurring in these areas as well." (pg. 67)

A rezone to E-TU-C would help the City of Denver in its growth transition.

#### *Section 4.1.1 Urban Edge General Character*

*"Urban Edge contains elements of the suburban and urban contexts. Small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and generally set back farther from the street."*

The proposed new building structure would be a 2-story duplex with detached garage, (small multi-unit) residence of lower scale and set back from King Street with vehicle access from the back of the lot through the alley accessway.



Lot 1 and 2 of 990 King Street reside on a “Local and Residential Corridor:” 10th Street and Knox Court. King Street is 2 blocks West of this intersection. The area is minutes from Knox Station Transit on Knox Court and has easy access to downtown Denver. This site is also within walking, and biking distance of the Lakewood Gulch and Paco Sanchez Park. The Villa Park Neighborhood is nearby cultural/church centers, schools, and recreation centers.



#### Section 4.2.2 Residential Districts

990 King Street (Lots 1 and 2, Block 18) of Villa Park sit in a residential district committed to preserving the character of the Urban Edge Neighborhood context. Building form and design standards promote specific consistency within neighborhoods and reinforce building scale, setbacks, and yard space. These districts are meant to regulate the integrity of the residential neighborhood. 4.2.2.2 *Specific Intent, Item J: E-TU-C* allows up to two units on a site of 5,500 square feet, 990 King Street is a site of 6,250 square feet. This zoning also allows building forms of urban house, detached accessory dwelling unit, duplex and tandem house forms.

Blueprint Denver Goal 1, Housing: *“Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. Accessory dwelling units (ADUs) can add variety to the housing stock in low density residential neighborhoods with significantly changing the existing character.”* Specifically, this goal allows ADUs in all neighborhood contexts and residential zone districts. Goal 1 & 6 also promote *“revising the zoning code to all ADU’s as accessory to more uses that only single-unit homes.”* (pg 85)

### **III. Uniformity of District Regulations & 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 rezoning of Lots 1 and 2 would remain within a residential district and zoning. Upon approval of the rezone, the building and design standards would be implemented and consistent with uniformity of structures built on this site.

#### **IV. Public Health, Safety & General Welfare**

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

The proposed rezoning of 990 King Street (Lots 1 and 2) would fulfill the City of Denver’s plan to provide equitable, affordable, and inclusivity in housing which *“furthers the public health, safety and general welfare”* for all Denverites.

Actions related to Denver’s Comprehensive Plan 2040 are to create safe and connected neighborhoods. This proposed residential project of increased density is proximal to the Light Rail, enabling more individuals the great access the RTD system provides. This proposed project further supports the Plan’s scope providing mobility choices. There are miles of bicycle trails connecting the nearby neighborhoods and a duplex structure would prove more people access.

Similar focal points are of topic in Blueprint Denver. General welfare prioritizes multi-modal forms of transit to include bicycle and public transit. The city has done a great job in constructing bicycle lanes and train stations – getting more people to enjoy these opportunities through increased residential density is likewise aligned with Blueprint Denver.

Additional zoning of the E-TU-C type provides a slight increase to housing options in what has traditionally been the single-family neighborhood of Villa Park. A zoning amendment to E-TU-C will provide more people the benefits the city has for Denverites.

#### **V. Justifying Circumstances**

*“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:*

- a. Changed or changing conditions in a particular area, or in the city generally; or,*
- b. A City adopted plan; or*
- c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.*

City plans like Blueprint Denver and the Comprehensive Plan both point to a desire to increase density for the affordability of Denverites. We believe it is in the city's best interest to grant a rezone to E-TU-C.

## **VI. Conclusion**

As the City of Denver strives to improve access to opportunity for all Denverites, 990 King Street of the Villa Park Neighborhood, is at present at odds with City Plans due to its minimal density.

The Denver Comprehensive Plan 2040 and Blueprint Plan 2019 outline the city's desires to create equitable, affordable housing and promote the city's vision to rebuild residential communities. Mr. Claugus believes the proposed rezoning of 990 King Street (Lots 1 and 2) will support the city's plans.

*"The 990 King Street Pre-Application Request: E-SU-D to E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5, 9/22/2020"* research document has provided substantial data which exists in this rezoning application document. The data provided, supports a rezoning from E-SU-D to E-TU-C.

Finally, the information in this document describes how the proposed rezoning would support a safe, healthy, affordable and environmental revitalization to the existing 990 King Street (Lot 1 and Lot 2, Block 18) of Villa Park, Denver, Colorado.

WARRANTY DEED

THIS DEED, Made this 28th day of November, 2018 between

Vincent L. Trujillo

of the City and County of Denver, State of Colorado, grantor and

Michael Vincent Claugus

whose legal address is: 6343 W 6th Ave, Lakewood, CO 80214  
of the County of ~~Denver~~, State of Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of One Hundred Forty-Five Thousand Dollars and No/100's (\$145,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the City and County of Denver, and State of COLORADO, described as follows:

Lots 1 and 2, Block 18, Villa Park,  
City and County of Denver, State of Colorado.

Doc Fee  
\$ 14.50

also known by street and number as 990 King Street , Denver, CO 80204-3113

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensailing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Bayer in accordance with section 8.1 "Title Review", of the contract dated November 18, 2018, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

SELLER:

  
Vincent L. Trujillo

STATE OF COLORADO  
COUNTY OF ADAMS

}ss:

The foregoing instrument was acknowledged before me this 28th day of November, 2018 by Vincent L. Trujillo

  
Notary Public

Witness my hand and official seal.  
My Commission expires:

BRANDE READER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20024030230  
MY COMMISSION EXPIRES OCTOBER 2, 2022



WDS/KTTD

**From:** [Rezoning - CPD](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Subject:** FW: [EXTERNAL] Application - 2020i-00161  
**Date:** Thursday, March 25, 2021 8:19:18 AM

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-----Original Message-----

From: Derek Valenti <dvalenti89@gmail.com>  
Sent: Wednesday, March 24, 2021 8:12 PM  
To: Rezoning - CPD <Rezoning@denvergov.org>  
Subject: [EXTERNAL] Application - 2020i-00161

Hello,

I am one of the neighbors to where the proposed change to application: 2020i-00161 is.

I do not want to allow the change of 990 King St from single family to a duplex. If there is any change that should happen with that lot, I would prefer it be changed to a commercial/mixed use lot instead of a duplex.

With that change, the current owner can still make the supplemental income he/she is looking for but will also be contributing to better serve the surrounding community.

I look forward to the meeting on April 7th.

Thanks,

Derek