

TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: December 15, 2016
RE: Official Zoning Map Amendment Application #2016I-00026
1209 North Perry Street
Rezoning from G-MU-3 & E-TU-C to G-RX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2016I-00026 for a rezoning from G-MU-3 & E-TU-C to G-RX-5.

Request for Rezoning

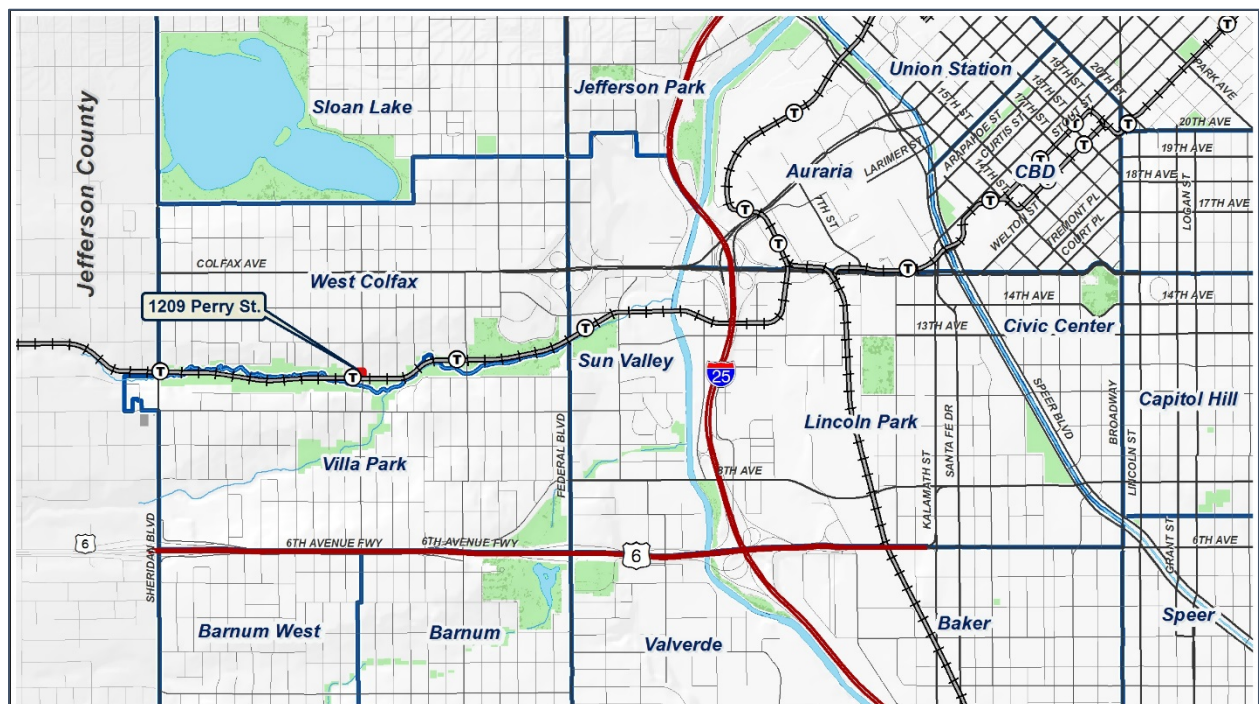
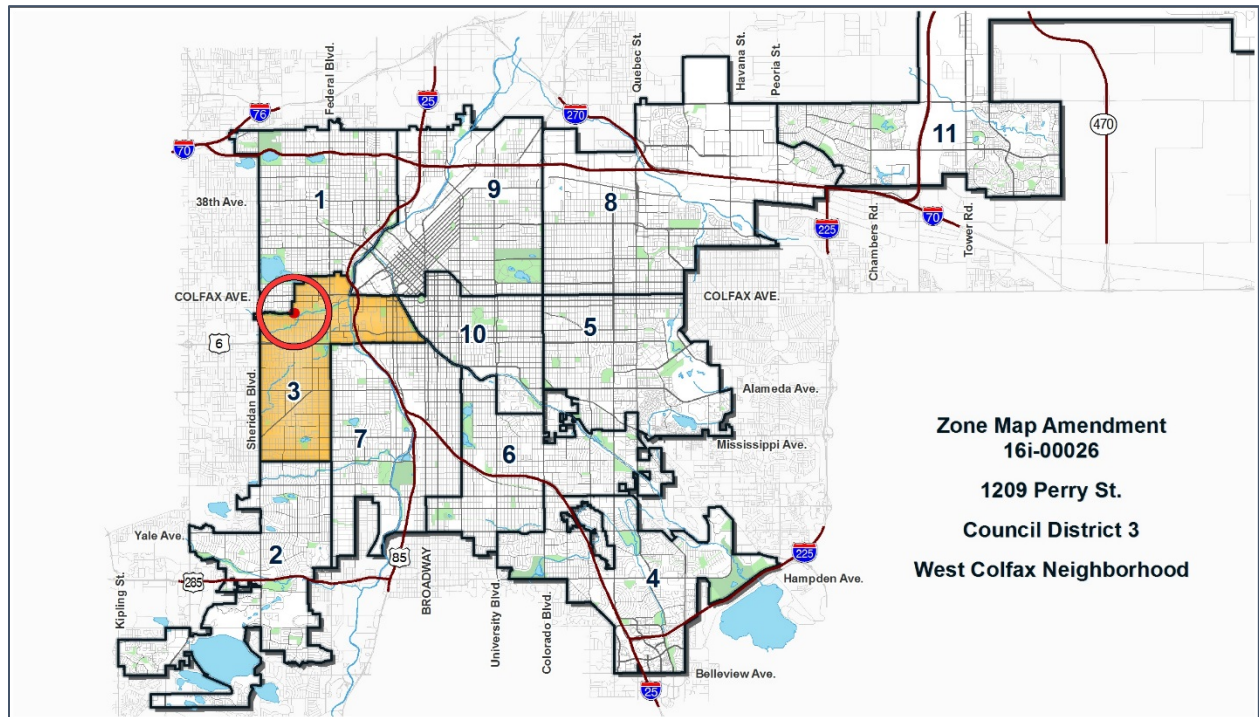
Application:	#2016I-00026
Address:	1209 North Perry Street
Neighborhood/Council District:	West Colfax Neighborhood / City Council District 3
RNOs:	West Colfax Association of Neighbors; Sloan's Lake Citizens Group; Villa Park Neighborhood Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	0.25 Acres / 11,130 SF
Current Zoning:	G-MU-3 & E-TU-C
Proposed Zoning:	G-RX-5
Applicant/Owner:	Kingsbury Group, LLC
Contact Person:	Bruce O'Donnell

Summary of Rezoning Request

- The subject property is vacant and is adjacent to the Perry Street Light Rail Station at the intersection of 12th Avenue and Perry Street. The property is 3 blocks south of West Colfax Avenue and 4 blocks south of the redevelopment of the former St. Anthony Hospital. The requested map amendment is being sought to enable the redevelopment of the property.
- The **G-RX-5**, **G**eneral Urban, **R**esidential **M**ixed Use, **5**-story (70 feet maximum building height), zone district is intended for use in the General Urban Context which is characterized by multi-unit residential uses in a variety of building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. There is a regular street grid pattern with alleys. The G-RX-5 zone district is a residential mixed use zone district which is primarily residential. In the G-RX-5 zone district the only allowed primary building form is the Shopfront building form. Buildings in this zone district can have ground story retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the residential purpose of the district. Further details of the zone district can be found in Article 6 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





1. Existing Context

The subject property is in west Denver at the northwest corner of 12th Avenue and Perry Street, directly adjacent to the Perry Street Light Rail Station and within ½ mile of the Knox Court Light Rail Station. In the general vicinity are:

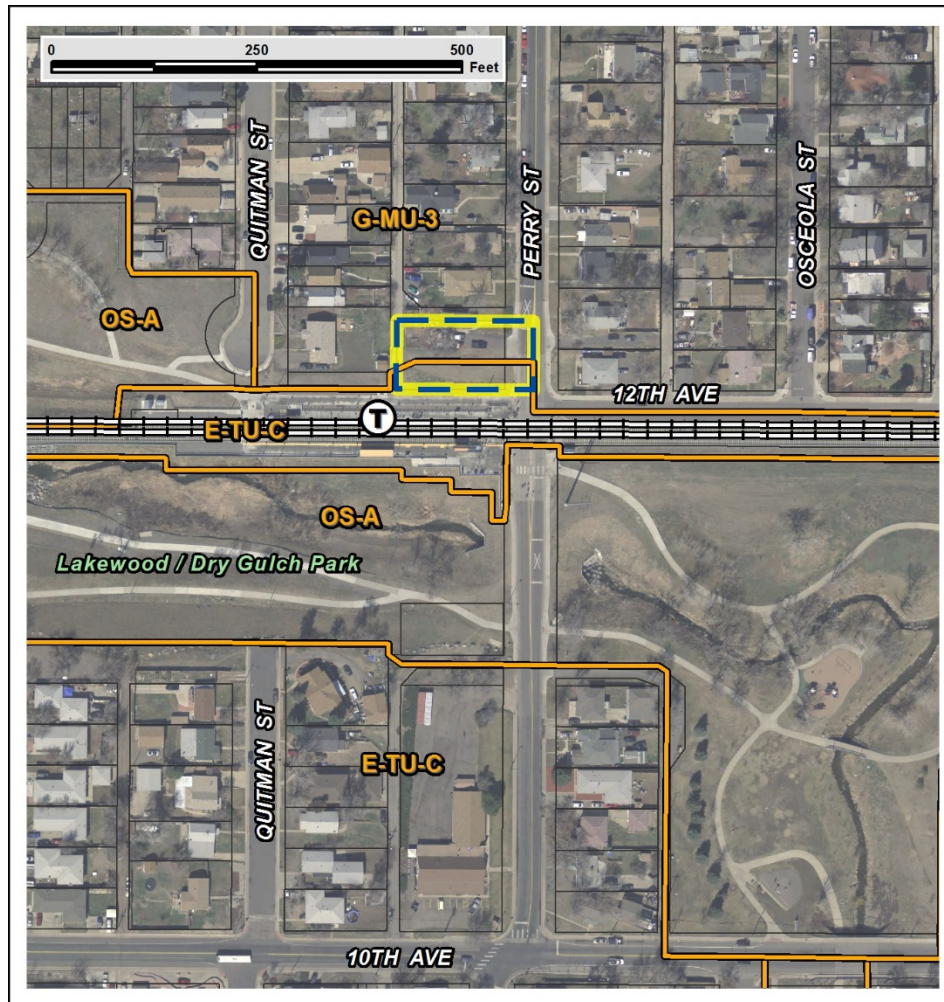
- West Colfax Avenue 3 blocks north,
- St. Anthony Hospital (6-block) redevelopment 4 blocks north,
- Colfax Elementary School 6 blocks northeast across West Colfax Avenue,
- Westridge Homes, DHA public housing 2 blocks north and east,
- Rodolfo “Corky” Gonzalez Branch Library 8 blocks north and east,
- Lakewood Dry Gulch Park directly south across 12th Avenue,
- West 6th Avenue 4 blocks south
- Federal Boulevard, 12 blocks east,
- Rude Park and Recreation Center 12 blocks to the east,
- Sheridan Boulevard and the Sheridan Light Rail Station 12 blocks west.

The subject property is surrounded by a mixture of single family and low-rise multi-unit residential uses. 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	G-MU-3 & E-TU-C	Vacant	No Structure	Grid street patterns with alleys, mixed attached, detached and no sidewalks. Regular pattern of rectilinear blocks.
North	G-MU-3	Low-rise Residential	1-2-story Structures	
South	E-TU-C / OS-A	Light Rail Station / City Park	Station Platform / City Park	
West	G-MU-3	Low-rise Residential / City Park	1-2-story Structures	
East	G-MU-3	Low-rise Residential	1-2-story Structure	

2. Existing Zoning

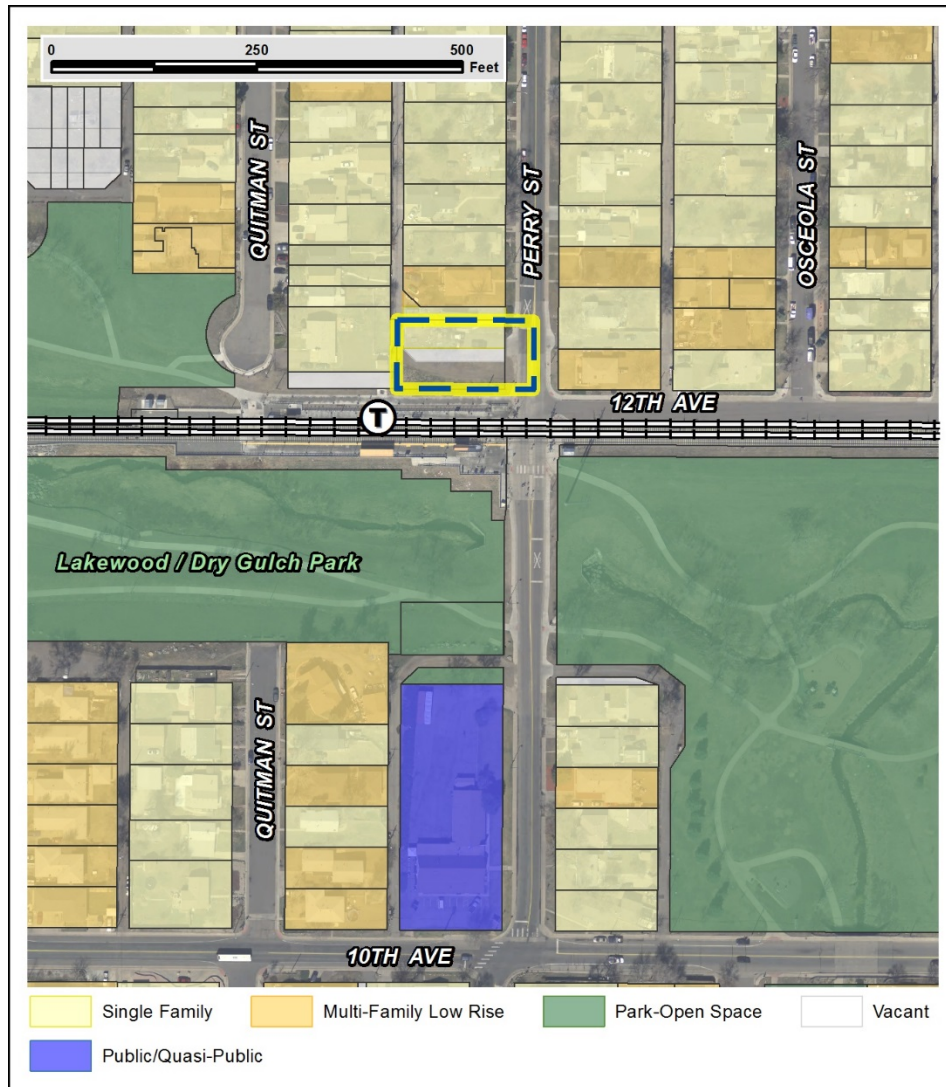


The zoning of the subject property is split between two zone districts, G-MU-3 on the northern portion of the property, and E-TU-C on the southern portion. The Former Chapter 59 zoning of the entire property, and much of the West Colfax neighborhood, was R-2, a low-density multi-unit district. In 2010, with the citywide rezoning, the northern portion of the property was zoned G-MU-3 along with the rest of the block. The southern portion of the subject property was platted as part of the 12th Avenue right-of-way, and in 2010, the 12th Avenue right-of-way along with the rest of the RTD west light rail corridor and the Lakewood Dry Gulch park area were zoned E-TU-C along with portions of the Villa Park neighborhood to the south. In 2015, that portion of the subject property that was 12th Avenue right-of-way was vacated, and a new alley was dedicated on the northern edge of the property spanning between the existing alley on the block and Perry Street. When the alley was re-aligned, the result was a property with two different zone districts.

The G-MU-3 zone district is a multi-unit zone district that allows the Urban House, Duplex, Garden Court, Row House and Apartment primary building forms and an accessory dwelling

unit, with a minimum zone lot size of 3,000-6,000 square feet, and maximum heights of 30-40 feet. The E-TU-C zone district is a two-unit zone district that allows an Urban House, Duplex, Tandem House primary building form and an accessory dwelling unit, with a minimum lot size of 5,500 square feet, and maximum building heights of 30-35 feet.

3. Existing Land Use (2014)



4. 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.

Asset Management: Approved, No comments.

Public Works – City Surveyor: Approved, the property description provided for rezoning matches current records.

Environmental Health: Approved with the following comments: DEH does not object to the rezoning request.

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.

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

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

Public Review Process

Informational Notice

- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on August 25, 2016.

Planning Board

- The property was legally posted for a period of 15 days announcing the October 19, 2016, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected Registered Neighborhood Organizations and City Council members.

At the public hearing Planning Board unanimously (10-0) recommended approval of the application.

Neighborhoods and Planning Committee

- Following Planning Board review, the rezoning application will be referred to the Land Use, Transportation and Infrastructure (LUTI) Committee of the City Council for review at a public meeting. The LUTI Committee meeting met on November 8, 2016. Electronic notice of the meeting was sent to all affected Registered Neighborhood Organizations 10 days in advance of the meeting. At the meeting Committee members voted to move the application forward to a public hearing before the full City Council.

City Council

- Following LUTI Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing. The City Council public hearing is scheduled for December 19, 2016. Electronic notice of the public hearing will be sent to all affected Registered Neighborhood Organizations and notification signs will be posted on the property 21 days in advance of the hearing.
- **Public Comment**
To date, CPD has received three letters of support for the application, including one from the Sloan's Lake Citizen's Group, a Registered Neighborhood Organization.

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)*

Denver Comprehensive Plan 2000

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

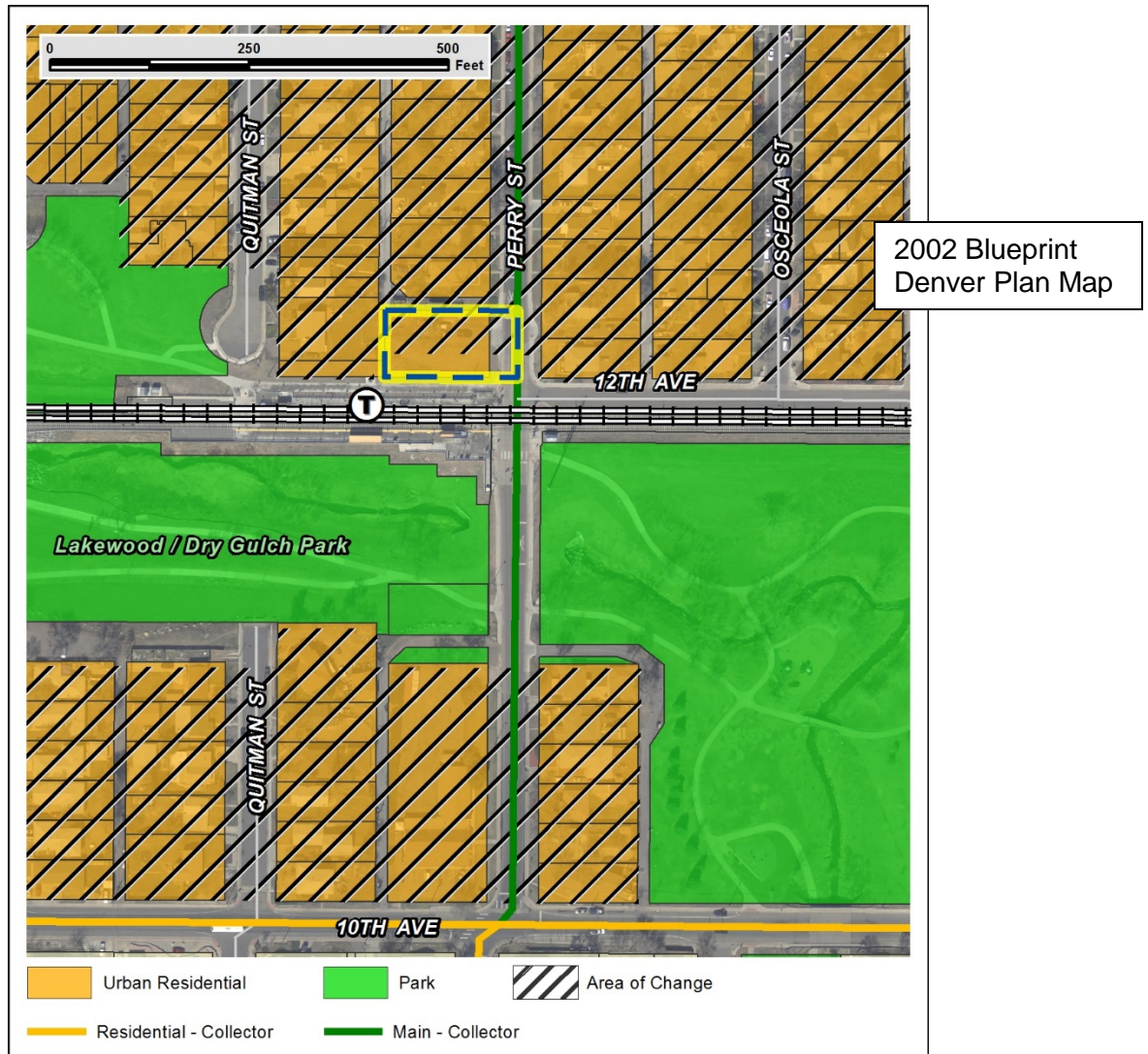
- Environmental Sustainability Strategy 2-B "**Protect and improve air quality by: Reducing vehicular pollution by *expanding the use of transit* and other travel alternatives, supporting telecommuting and home-based employment, *increasing the mix of uses within neighborhoods*, and expanding the use 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 4-E to ***“Continue to promote mixed-use development, which enables people to live near work, retail and services”*** (p. 78).
- 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 residential mixed use development directly bordering the W Light Rail Line. Increasing the diversity of housing types and mixture of land uses near transit stations increases transit ridership and helps protect the City’s air quality. The G-RX-5 zone district will introduce more diverse and intense residential development with the potential to add in a mixture of non-residential uses. The only allowed primary building form in the zone district is the Shopfront form and the maximum allowed height is 70 feet. The location of the subject property adjacent to the Perry Street light rail station provides the opportunity for a mix of land uses and increases the chance that nearby residents might live, play or work in the area and thus be less dependent upon the automobile. The rezoning is consistent with the Comprehensive Plan policies that encourage development of housing that meets Sustainability strategies of improving air quality and conserving land; and with Land Use and Mobility strategies which encourage infill and transit-oriented, mixed use development.

Blueprint Denver

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



Future Land Use

Urban Residential neighborhoods are “higher 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 G-RX-5 zone district will bring increased density and the potential for a broader mix of land uses to the property. 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 adjacent to the Perry Street station, and the envisioned Urban Residential land uses, the G-RX-5 zone district is consistent with the Blueprint Denver land use recommendation.

Areas of Change/Areas of Stability

On the Blueprint Denver Map the subject property is both within an Area of Change and an Area of Stability. The northern portion of the property is within an Area of Change and the southern portion of the property is within an Area of Stability. At the time the Blueprint Denver Map was created, the southern portion of the property was public right-of-way. The Blueprint Denver Map designated the right-of-way and the adjacent Lakewood Dry Gulch as Areas of Stability. With the 2015 reconfiguration of the alley around the subject property, a portion of the subject property is now in an Area of Stability because the Blueprint Denver Plan Map was not amended with the alley reconfiguration.

The northern portion of the property is designated an Area of Change. A central premise of the Blueprint Denver plan is that growth should be directed to Areas of Change “*where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips*” (p. 127). The Plan also describes 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 describes features that characterize the third type of 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 Perry Street Light Rail Station on the W Rail Line, a part of the FasTracks project, a major public infrastructure investment to expand public transit in the Denver metro region. The property is also within 1/2 mile of the Knox Street Light Rail Station. In this location the property is in an area where transportation and land use are clearly linked. It is therefore appropriate that the subject property, in its entirety, should be within 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

The proposed G-RX-5 zone district is an appropriate step up in residential density, and has building standards that are pedestrian and transit-supportive. The G-RX-5 district will serve to introduce higher-intensity mixture of land uses onto the subject property. The proposed development of the site will support the adjacent transit service.

Street Classifications

Blueprint Denver classifies Perry Street a Main Street Collector and 12th Avenue as an Undesignated Local street. “*Collector streets provide balance between mobility and land use...As Collector and local streets residential streets are designed to emphasize walking bicycling and land access over mobility*” (p. 51-55). “*Main Streets serve the highest intensity retail and mixed land uses*” and “*are designed to promote walking, bicycling, and transit within an attractive landscaped corridor*” (p. 56). “*Local streets are tailored more to provide local access*” (p. 51). The proposed map amendment will enable an increase in development intensity appropriate to Main Street collector 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 Framework Plan portion of the West Colfax 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 subject property is identified as “*Urban Neighborhood Station.*” See the red rectangle on the Future Land Use 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***” in a development pattern that is “*variable, compact and dense*” with the “***highest intensity focused around the station platform***” and 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... 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).

Urban Design

Within the “Urban Neighborhood” land use concept the Plan states “*There are two general types of urban neighborhood areas:*

- 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*” (p. 84).

On the Urban Design Concept Map, the subject property is identified as within a “Residential Growth Opportunity Area.” See the red rectangle on the Urban Design Concept Map below. An additional Urban Design concept depicted on the map is the concept of “Multi-modal Green Streets”, a network of streets with improvements to emphasize pedestrian and bicycle mobility. Within this concept vision Perry Street is designated a Multi-modal Green Street.

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 7: Infill Development

"Support infill development. **Mixed-use projects** that include housing (combining low-income, affordable and market rate units) or offices over active ground floor uses (shops, restaurants and services) **are especially appropriate in town centers, along main streets and in close proximity to transit stops**".

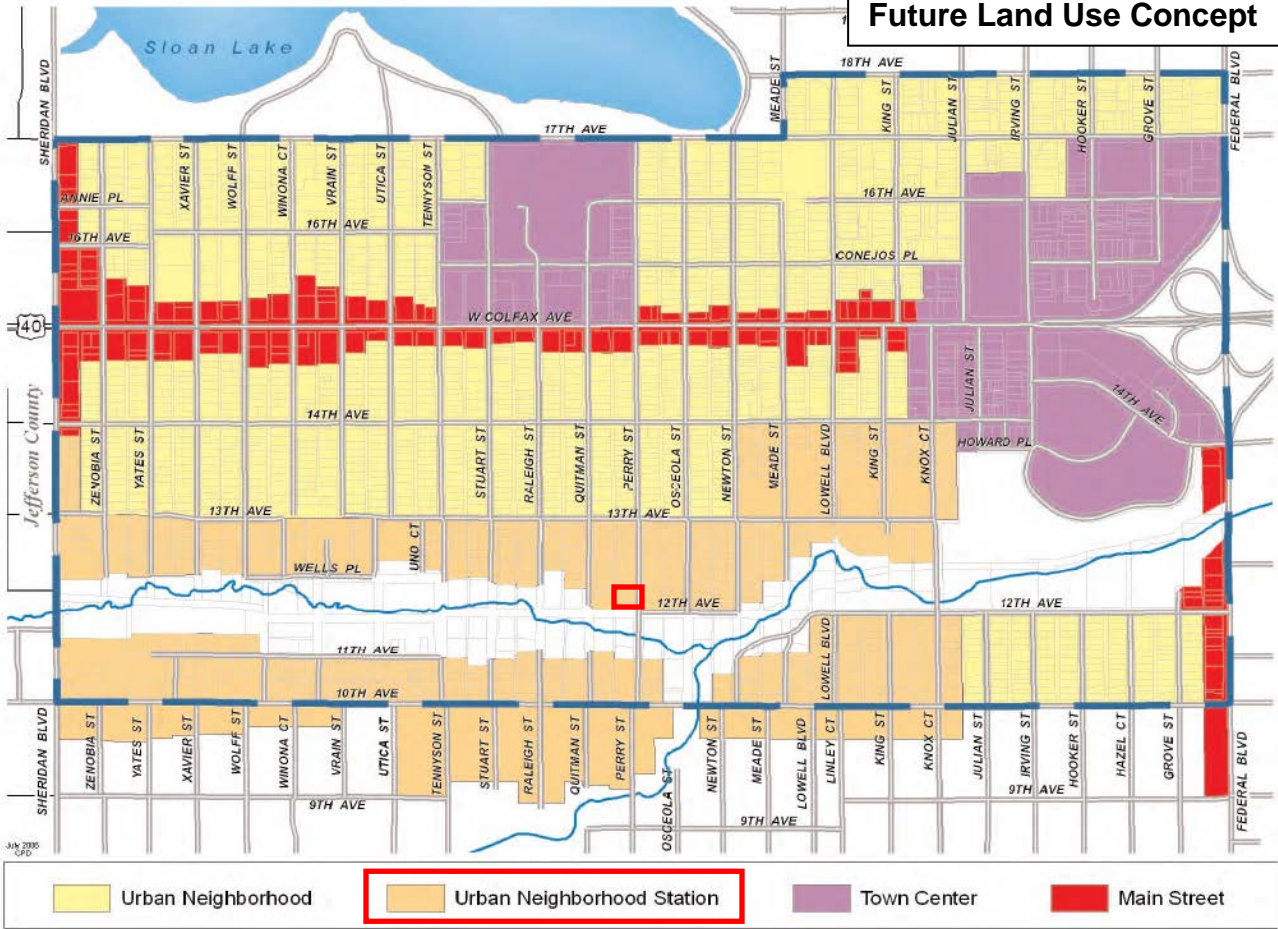
Recommendation 8: Transitions

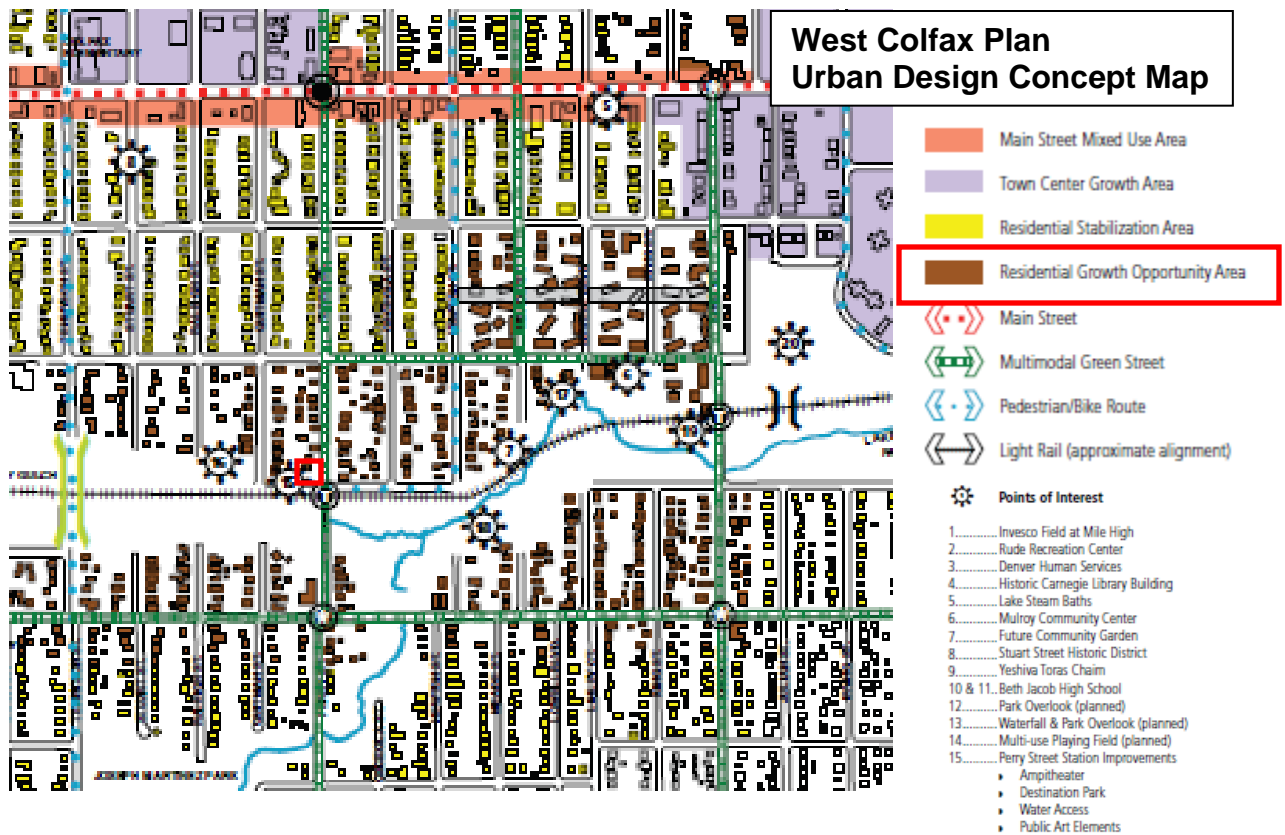
"To the greatest extent possible, **focus both structural and use intensity to main streets, transit station areas and town centers.** Incorporate design and development standards to address solar access and privacy protection, such as bulk plane, building orientation and roof form standards. ..." (p.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

WEST COLFAX PLAN

Future Land Use Concept

West Colfax Plan
Future Land Use Concept





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).

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

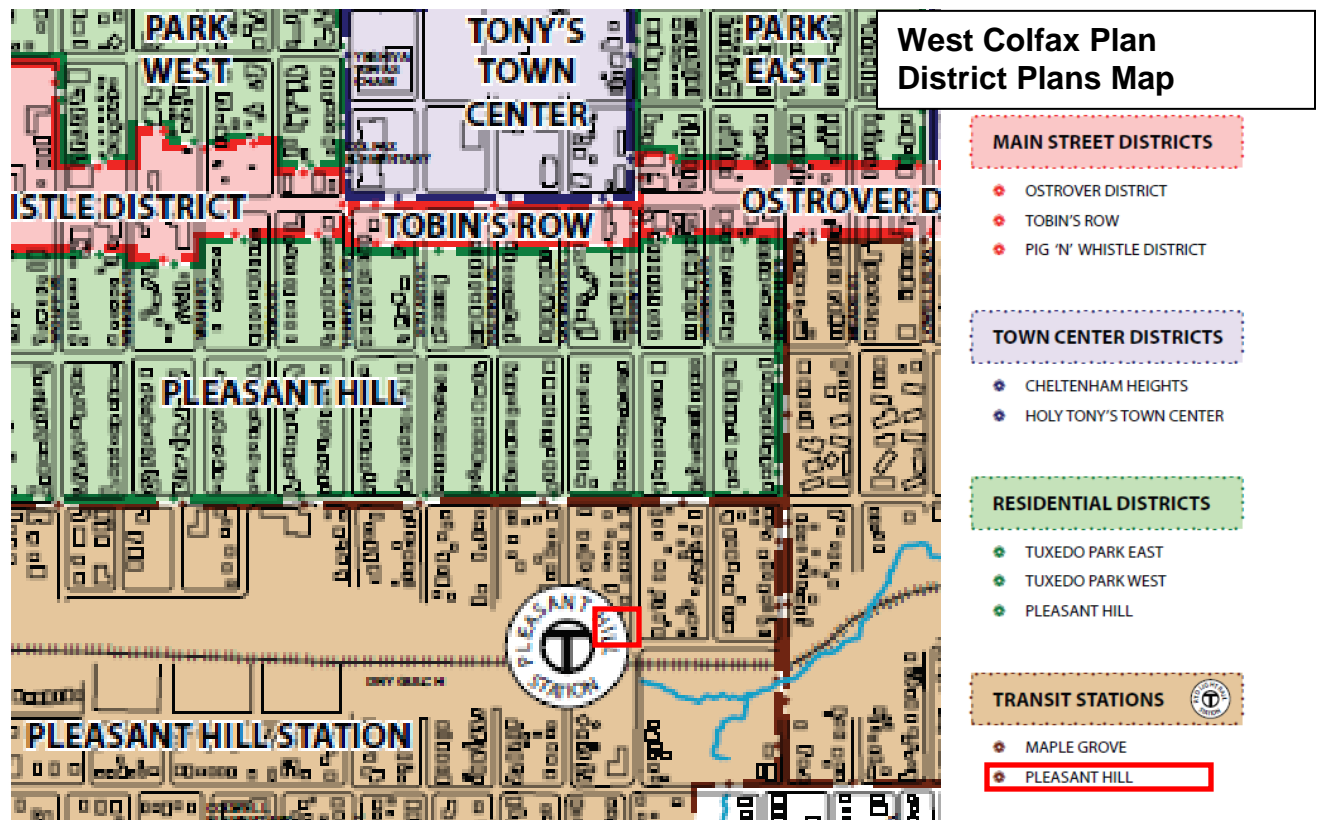
Specific to the neighborhood stations, the Plan offers the following District Plan recommendations:

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

“Pleasant Hill Station. It is likely that redevelopment may occur more gradually in Pleasant Hill Station... fewer large assemblages exist in this area that may be appropriate for comprehensive redevelopment. Redevelopment sites in this area may include dilapidated residential structures (containing both single and multi-family units) close to the light rail stations areas or lining 10th Avenue. In stable, predominantly single-family areas, consideration should be given to appropriate ways to encourage reinvestment and discreetly increase population densities without substantially altering the character of the area” (p. 142-143).



The common premise in the West Colfax Plan recommendations for the subject property is that the property is recommended to transition to more intense station-area land uses both along busier main streets like Perry Street and in areas near the West Light Rail Line. The Urban Neighborhood Station recommended land use concepts describe higher intensity development focused around the transit platform. To conform with the Urban Neighborhood land use concept, the Plan recommends a “*variable, compact and dense*” development pattern with the “*highest intensity focused around the station platform*” (p. 85). “*Mixed-use projects that include housing (combining low-income, affordable and market rate units) or offices over active ground floor uses (shops, restaurants and services) ...especially appropriate in...close proximity to transit*” (p. 96) with building heights between 1 and 5 stories.

The proposed zoning for the subject site, G-RX-5, will create the opportunity for higher intensity residential development with a potential mix of transit-supportive, non-residential land uses. By increasing the allowed building height to 5 stories and intensifying the residential density, and possibly the potential for a mix of land uses, the G-RX-5 zone district implements the Framework Plan recommendations for Urban Neighborhood Station areas and Residential Growth Opportunity Areas. The G-RX-5 zone district is consistent with West Colfax Plan recommendations.

2. **Uniformity of District Regulations and Restrictions:** Rezoning the site to G-RX-5 will further the uniform application of district regulations in the City. The same regulations will apply to the subject site as to all other areas zoned G-RX-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.

4. **Justifying Circumstances**

The applicable justifying circumstance is that the land or its surrounding environs has changed to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The proposed map amendment is in response to the changed circumstances of the major public investment in light rail transit infrastructure serving the area, the redevelopment of the former St. Anthony Hospital, the new W light rail line and Knox and Perry Street stations in the vicinity. These are appropriate changed circumstances.

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 General Urban Neighborhood Context. The Denver Zoning Code describes the General Urban context as characterized by multi-unit residential uses in a variety of building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets. There is a regular street grid pattern with alleys.

"The General Urban residential mixed use zone districts are intended to "promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. The districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering. Residential mixed use zone districts are also intended to ensure new development contributes positively to established neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods" (DZC p. 6.2-2).

"Residential mixed use zone districts are primarily intended to accommodate residential land uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have ground story retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose. Specifically, G-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired" (DZC p. 6.2-3).

The proposed map amendment is consistent with both the general and specific purpose and intent of the General Urban context and the G-RX-5 zone district because the proposed zoning will promote new moderately-scaled mixed-use and transit-oriented residential development that is in character with the Perry Street station area.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning property located at 1209 North Perry Street to the G-RX-5 zone district meets the requisite review criteria. Accordingly, staff recommends **approval**.

Attachments:

1. Application
2. Legal Description
3. Comment Letters (3)

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>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

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>Justifying Circumstances - One of the following circumstances exists:</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"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area. <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.
	<p>REQUIRED ATTACHMENTS</p> <p>Please ensure the following required attachments are submitted with this application:</p> <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
<p>ADDITIONAL ATTACHMENTS</p> <p>Please identify any additional attachments provided with this application:</p> <input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
<p>Please list any additional attachments:</p>	



REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
Kingsbury Group, LLC	1209 N Perry St. Denver, CO 80204	100%	<i>Herbert J. Taylor</i>	6/30/16	A	NO
					A	
					A	
					A	
					A	

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org



201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

Exhibit A

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

Kingsbury Group, LLC proposes to rezone the approximately .25 acres located at 1209 N. Perry St. from E-TU-C and G-MU-3 to G-RX-5 (the "Property") in order to facilitate the redevelopment of the Property consistent with the recommendations in the adopted plans. The Property has split zoning (two different zone districts covering the Property), so rezoning is necessary in order to build on this transit adjacent, vacant lot.

This site is experienced daily by neighborhood residents using the Perry Light Rail Station, by commuters passing by on the train, by Lakewood Gulch trail users, and by people entering and exiting the West Colfax neighborhood on Perry St.

The immediately surrounding area is zoned G-MU-3, but rezoning this entire site to G-MU-3 would detract from its prominent location, high visibility and TOD opportunity. G-RX-5 allows for higher quality design and development appropriate for this urban neighborhood station. Only the shopfront building form is allowed in G-RX-5, which would make "slot homes" very difficult to construct and unfeasible. The shopfront building form requires the building to address the street and station with a 75% build-to requirement along the street, a high level of transparency and a prohibition on surface parking between the building and the street and the building and the station. G-RX-5 allows for desirable and responsible development instead of G-MU-3's less attractive slot homes.

REVIEW CRITERION DZC § 12.4.10.7.A- The proposed official map amendment is consistent with the City's adopted plans.

This proposed map amendment is consistent with the Denver Comprehensive Plan 2000 and Blueprint Denver (2002).

1. The proposed map amendment is consistent with many objectives of *Denver Comprehensive Plan 2000* including:

Environmental Sustainability Strategies:

"2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place, creating more density near transit, and designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods."

The Environment and Community:

"4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work."

Land Use Strategies:

"3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood that offers opportunities for increased density and more amenities."

"4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure . . . increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods."

"4-B: Ensure that land use policies and decisions support a variety of mobility choices."

Our Long Term Physical Environment:

"4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services."

Legacies Strategies:

"3-A: Identify areas in which increased density and new uses are desirable and can be accommodated."

3-B: Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives."

2. The proposed map amendment is consistent with the objectives of *Blueprint Denver* including:

The Property is located in a *Blueprint Denver* Area of Change and classified as Urban Residential as described below:

Area of Change:

"Areas of Change are parts of the City where new growth or redevelopment can best be accommodated because of transportation choices and opportunities for mixed-use development. Channeling growth to older industrial areas, districts close to downtown, major arterial corridors, historical trolley routes or existing and planned light rail stops will benefit the City as a whole." (Blueprint Denver, pg. 19)

Urban Residential:

"Urban residential neighborhoods are higher 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." (Blueprint Denver, pg. 42)

Main Street - Collector (N. Perry St. is a Main Street - Collector):

"Main streets serve the highest intensity retail and mixed land uses in areas such as downtown and in regional and neighborhood centers. Main streets are designed to promote walking, bicycling, and transit within attractive landscaped corridor. Generally, main street commercial activities are concentrated along a two- to eight-block area but may extend farther depending on the type of adjacent land uses and the area served." (Blueprint Denver, pg. 56)

The future redevelopment of the Property under the G-RX-5 will be consistent with the strategies and principles set forth in *Blueprint Denver*. Redevelopment of the Property under G-RX-5 will allow for residential growth with complementary commercial in an area of change immediately adjacent to the Perry Light Rail station along the West line.

3. The proposed map amendment is consistent with the West Colfax Plan.

The Property is located within the study area of the West Colfax Plan. This plan designates the Property as Urban Neighborhood Station future land use and the Residential Growth Opportunity Area. Overall the West Colfax Plan calls for buildings up to five stories and 100% lot coverage with the highest intensity development focused around the rail station. It also calls for small scale complementary commercial uses. G-RX-5 allows up to five stories and 100% lot coverage and limits any commercial uses to the ground floor.

A comprehensive list of recommendations from the West Colfax Plan applicable to the Property is as follows:

"Development Opportunity - Potential exists for transit supportive infill and redevelopment of vacant, underutilized and deteriorated parcels along the corridors, in town centers and in close proximity to the future light rail stations... These are development areas concentrated around light rail station areas and in town center nodes along main street arterials." (Executive Summary; Development Opportunity; pg. 4)

"In addition to the potential catalytic redevelopment of Saint Anthony's Central, the extension of the West Corridor light rail line may encourage interest in investment and redevelopment near the station areas." (Executive Summary; Development Opportunity; pg. 4)

"3. Maximize urban land development potential; promote compact, mixed-use development and focus intense development to strategic growth areas... 4. Increase the supply of residential units and provide diverse housing options." (Goals of the West Colfax Plan pg. 5)

"Main Street Collectors. Blueprint Denver states that main streets serve the highest intensity retail and mixed land uses in areas such as downtown and in regional and neighborhood centers. Main Streets are designed to promote walking, bicycling, and transit within an attractive landscaped corridor. Main Streets may have two to four travel lanes, tree lawns/trees in grates, detached sidewalks, streetscape amenities, wide sidewalks, and public gathering spaces. (Blueprint Denver, pg. 56). West 17th Ave

(between Sheridan and Stuart) and Perry Street (between West 10th Ave and West 17th Ave.) are designated as Main Street Collectors." (Existing Conditions Mobility pg. 44)

"Establish identifiable gateways and focal points to signal arrival at key neighborhood destinations, town centers and station areas." (Goal 2: Centers, Gateways & Focal Points; Urban Design: Goals; pg. 80)

"Promote quality design in growth areas where intensive, mixed-use development is expected to occur." Goal 3: Design Quality: Goals; pg. 80)

The West Colfax Plan designates the subject site as falling within the Residential Growth Opportunity Area on the Urban Design Concept Map on page 81. On page 84 Residential Growth Opportunity Areas are defined as... "where the existing housing stock is dated and declining, and may be appropriate for redevelopment to encourage revitalization and reinvestment."

"Development Pattern: Variable, compact, dense - highest intensity focused around the station platform; Buildings: 1-5 stories, 30%-100% lot coverage; Uses: Single Family and Multi-family residential." (Urban Neighborhood Station; pg. 85)

"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." (Urban Neighborhood Station; pg. 85)

"More intense residential development may be appropriate in the immediate vicinity of an urban neighborhood light rail stop" (Picture is 4 stories, minimal setback, pg. 85)

"In unstable parts of the neighborhood the housing stock is dated, the building materials are of an inferior design quality (including vinyl siding, concrete block) and the overall condition of these structures is often poor; rehabilitation is a less appealing option here, but redevelopment may occur at higher densities that are typically found when there is a rich supply of transit in close proximity." (Land Use; residential character and stability; pg. 90)

"Center Commons, Portland, OR... A 5-acre showcase of mixed-income, transit oriented urban development, Center Commons includes 172 units of low-income housing for seniors, 56 market-rate apartments, and 60 apartments for very low-income families. This development is within walking distance of a MAX light rail line and has on-site day care options as well as a play area for children. It is an ideal development model for land assemblages in urban neighborhood stations..." (pg. 90)

"Adding more residences in strategic locations (such as town centers, main street, and urban neighborhood stations) will position the community to take greater advantage of the coming light rail and help support the revitalization of commercial areas by building in a more populous customer base." (Land Use; Housing density; pg. 90)

Existing and future transit service will provide many opportunities for future redevelopment to cater to residents, students and employees who use alternative modes of transportation." (Land Use; Proximity to downtown and the regional transportation network; pg. 91)

...where redevelopment and intensification may be expected, especially near town centers and transit station areas." (Land Use; Parks and open space; pg. 91)

"Encourage corridor growth to be dense, compact and transit supportive to create healthy neighborhood edges along main streets that serve nearby residents with an urban mix of retail shops, services, employment and civic uses." (Goal 1: Compact, Mixed-Use Development; pg. 93)

"Focus intense development to strategic growth areas at the edges of the neighborhoods along Main Street corridors, or in neighborhood centers such as transit station areas and town centers." (Land Use: Goals; Goal 2: Focus intense growth to target areas; pg. 93)

"Provide a diverse mix of housing types (townhomes, row house, duplex, multi-family, live work and artist studio), occupancy status (rental and ownership units), densities and costs (low-income, affordable and market rate). (Land Use: Goals; Goal 3: Diverse Housing Options; pg. 93)

"Maximize development of urban land through infill on vacant parcels, redevelopment of underutilized parcels or dilapidated properties and adaptive reuse of historic resources. (Land Use: Goals; Goal 6: Maximize Urban Land Development Potential; pg. 93)

"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." (Land Use: Recommendations; Recommendation 1: Urban Neighborhood Regulatory Tools; pg. 94)

"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 caps on block faces fronting busy neighborhood streets.
- Limit non-residential uses to select small scale, low impact uses such as a corner store, small office or service (daycare, printer, post office) that reinforces traditional neighborhood patterns of development by providing for daily needs of neighborhood residents in appropriate locations." (Land Use: Recommendations; Recommendation 1: Urban Neighborhood Regulatory Tools; pg. 94)

"Promote a range of housing types and costs at higher densities in strategic locations (town centers, station areas, main streets)." (Land Use: Recommendations; Recommendation 6: Housing Diversification; pg. 96)

"Support infill development. Mixed-use projects that include housing (combining low-income, affordable and market rate units) or offices over active ground floor uses (shops, restaurants and services) are especially appropriate in town centers, along main streets and in close proximity to transit stops. Consider the complementary nature of a project in the context of surrounding nearby uses. Encourage both horizontal and vertical mixed-use development. Minimize new development with extremely low site coverage ratios and discourage low density, single use development with excessive parking." (Land Use: Recommendations; Recommendation 7: Infill Development; pg. 96)

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. To ensure neighborhood stability, stratify the commercial uses that may extend from main streets, station areas or town centers into the neighborhood so that only those uses with positive impacts on residential character (such as small scale neighborhood serving, walk-up traffic generators) seep into the neighborhood. (Land Use: Recommendations; Recommendation 8: Transitions; pg. 96)

"The Point and Addison Circle are good examples of Urban Neighborhood Stations." (pictured and referenced on page 141 under Urban Neighborhood Station: Goals) Both projects referenced have a commercial component.

REVIEW CRITERION DZC § 12.4.10.7.C - 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.

Future development of the Property will result in uniformity of G-RX-5 district regulations and restrictions.

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

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City's adopted plans.

Exhibit B

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezonings (DZC § 12.10.8)

CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:

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

The .25 acre Property is located in an area of Denver that has experienced and is continuing to experience substantial change. Immediately south of the Property, RTD’s Perry Station on the West Corridor opened in May of 2013. The City’s adopted plans call for future change and redevelopment of the Property and surrounding area to capitalize on the major transit investment. St. Anthony’s hospital closed and the site has been transformed and is currently undergoing redevelopment. New multi-family development is also occurring throughout the West Colfax Neighborhood.

These changes are indicative of a trend in the area whereby quality public transit investment and planning is fostering private reinvestment in the area. These changes signify the evolution of how land is utilized in urban infill settings and how the Property can evolve collaboratively through neighborhood supported reinvestment.

CRITERION DZC § 12.4.10.8.B – 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.

G-RX-5 is in the General Urban Neighborhood Context and is characterized by the Denver Zoning Code as consisting of multi-unit residential uses and commercial uses in a variety of building forms. Commercial uses are primarily located along main streets. Street block and access patterns consist of a regular pattern of block shapes surrounded by an orthogonal street grid with a consistent presence of alleys. The building placement and location varies throughout the context by use, but most structures have a moderate to shallow front setback and shallow side setbacks. Building height varies, but primarily promotes higher density. There is a good balance of mobility options with greater reliance on a multi-modal transportation system.

The majority of the Property already falls within the General Urban Neighborhood Context. The Property and the surrounding neighborhood follows an orthogonal grid with a consistent presence of alleys and is well served by multi-modal transportation options.

The stated purpose and intent of the proposed zone district is to “promote building forms that... clearly define and activate the public realm and that are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods. The Residential Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the

District, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have ground story retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.” (Denver Zoning Code Section 6.2.4)

The specific intent of G-RX-5 is that it “applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.” (Denver Zoning Code Section 6.2.4.2) The Property is located in a residentially dominated area along a collector street where the West Colfax Plan recommends up to 5 stories. Rezoning to G-RX-5 on the Property meets the intended purpose of the zone district.

**Kingsbury Group LLC
PO Box 6182
Denver, CO 80206**

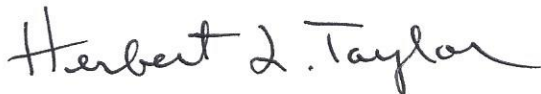
July 30, 2016

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent Kingsbury Group, LLC for the purpose of submitting and processing the rezoning application for the property owned by Kingsbury Group, LLC located at 1209 Perry Street in Denver, CO.

Sincerely,

A handwritten signature in black ink that reads "Herbert L. Taylor". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Herbert Leon Taylor
Registered Agent and Authorized Representative
Kingsbury Group, LLC

Legal Description for 1209 Perry Street

LOTS 25, 26, 27 AND THE SOUTH 9.00 FEET OF LOT 28, BLOCK 5, TOGETHER WITH THE EAST HALF OF THE VACATED ALLEY ABUTTING AND WEST OF LOTS 25, 26, 27 AND THE SOUTH 9.00 FEET OF LOT 28, AS VACATED BY ORDINANCE NO. 478, SERIES OF 2015, RECORDED AUGUST 5, 2015 UNDER RECEPTION NO. 2015109039, WEST VILLA PARK, LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

1209 PERRY ST

Owner KINGSBURY GROUP LLC
PO BOX 6182
DENVER , CO 80206-0182

Schedule Number 0506121038000

Legal Description WEST VILLA PARK BLK 5 L25 THRU 27 & N 16FT OF L28 AND THE E/2 OF VAC ALLEY
ADJ

Property Type VACANT LAND

Tax District DENV

Property Summary

Property Map

Assessment

Actual Value Year: 2016 **Actual Value:** \$217,900

Property

Year Built: 0 **Square Footage:** 0

Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price
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No comparables available for this property.



Colorado Secretary of State
 Date and Time: 02/02/2016 08:27 AM
 ID Number: 20141081510
 Document number: 20161085443
 Amount Paid: \$10.00

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

ABOVE SPACE FOR OFFICE USE ONLY

Periodic Report

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S)

ID number: 20141081510

Entity name: Kingsbury Group, LLC

Jurisdiction under the law of which the
 entity was formed or registered: Colorado

1. Principal office street address: P.O. Box 6182
(Street name and number)

Denver CO 80206
(City) (State) (Postal/Zip Code)
United States
(Province – if applicable) (Country – if not US)

2. Principal office mailing address:
 (if different from above) P.O. Box 6182
(Street name and number or Post Office Box information)

Denver CO 80206
(City) (State) (Postal/Zip Code)
United States
(Province – if applicable) (Country – if not US)

3. Registered agent name: (if an individual) Taylor Herbert Leon
(Last) (First) (Middle) (Suffix)

or (if a business organization) _____

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

5. Registered agent street address: P.O. Box 6182
(Street name and number)

Denver CO 80206
(City) (State) (Postal/Zip Code)

6. Registered agent mailing address:
 (if different from above) _____
(Street name and number or Post Office Box information)

(City) (State) (Postal/Zip Code)

(Province – if applicable) (Country – if not US)

Notice:

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

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

7. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

Taylor	Herbert	Leon	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
P.O. Box 6182			
<i>(Street name and number or Post Office Box information)</i>			
Denver			
<i>(City)</i>	CO	80206	
	<i>(State)</i>	<i>(Postal/Zip Code)</i>	
United States			
<i>(Province – if applicable)</i>		<i>(Country – if not US)</i>	

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box and include an attachment stating the name and address of such individuals.)

Disclaimer:

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

Legal Description

LOTS 25, 26, 27 AND THE SOUTH 9.00 FEET OF LOT 28, BLOCK 5, TOGETHER WITH THE EAST HALF OF THE VACATED ALLEY ABUTTING AND WEST OF LOTS 25, 26, 27 AND THE SOUTH 9.00 FEET OF LOT 28, AS VACATED BY ORDINANCE NO. 478, SERIES OF 2015, RECORDED AUGUST 5, 2015 UNDER RECEPTION NO. 2015109039, WEST VILLA PARK, LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.



Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

1209 Perry St. Rezoning to G-RX-5

1 message

Melissa Rummel <mrummel@nicholspartnership.com>
To: Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

Sat, Oct 15, 2016 at 4:00 PM

Melissa Rummel
1283 Osceola St
Denver, CO 80204

DATE: October 17, 2016

TO: Denver Planning Board

SUBJECT: Map Amendment Application 2016I-00026 / 1209 Perry Street

Dear Members of the Planning Board:

I am a three and a half year resident of the West Colfax Neighborhood and have been active in our RNO since moving here. I am writing to express my support for the rezoning of 1209 Perry to G-RX-5.

This location is in a Blueprint Denver Area of Change and is also designated as Urban Neighborhood Station in the West Colfax Plan. The West Colfax Plan also identifies this location being in a Residential Growth Opportunity Area. This site is immediately adjacent to the Perry Station light rail stop. Rezoning to G-RX-5 will allow development of the site consistent with Denver's adopted plans, and will also best take advantage of its proximity to transit and therefore further implement many of the objectives of Denver's TOD Strategic Plan.

Most importantly the rezoning would enforce front doors to face the street, rather than slot or alley townhouse development with zero street activation. It is my understand the proposed building is only 3 stories high, not 5, and would have onsite parking for each unit.

This is a great opportunity to activate a neighborhood light rail station and I encourage you to recommend approval of this rezoning proposal. I also ask that you to reexamine GMU-3 zoning in the neighborhood so it promotes both density and better urban design - front doors must face the street to create "eyes on the street" for a safe and friendly neighborhood.

Sincerely,
Melissa and Travis Rummel

THE Sloan's Lake Citizen's Group



October 18, 2016

Planning Board
City and County of Denver
1437 Bannock Street, Room 389
Denver, Colorado 80202

Re: 1209 N. Perry Street
Application # - 20161-00026

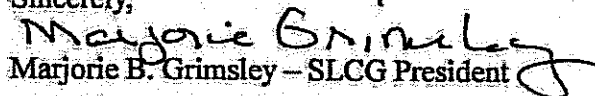
Dear Planning Board Members:

The Sloan's Lake Citizen's Group (SLCG) has been a registered neighborhood organization for over 30 years, serving the area between West 29th Avenue to West 10th Avenue from Sheridan Boulevard to Federal Boulevard. During this time our organization has valued and listened to the diverse perspectives of our members, allowing us to inform the city of both our neighborhood concerns and desires.

With few exceptions, it is the policy of the SLCG to provide information and to be a forum to inform, rather than to speak for our diverse community. This prevents the SLCG from taking a stand on issues where there might not be information or where the membership might be in disagreement. Instead the desire of the SLCG is to promote collaboration for compromise solutions that balance the interest of property owners, business owners and residents while protecting public health and safety.

At the October General Meeting held on October 12, 2016, Bruce O'Donnell representing Starboard Realty Group was a guest at our meeting. He made a presentation about the rezoning of a 11,130 square foot parcel, located at 1209 N. Perry Street. This lot is immediately north of the Perry Street Light Rail Station. The current property is currently zoned G-MU-3 and E-TU-C (split zoning). Bruce O'Donnell informed the group of the request of the property owner to change the zoning to G-RX-5. The property is a perfect location for a "Transit Oriented" development. Currently the property is a vacant lot and certainly not an asset to the community. The group discussed the pros and cons of the proposed zoning adjustment. While not an official vote of the membership of SLCG, a straw poll of the members present at the meeting was conducted. The group showed strong support for the zone change with a few expressing concern about the noise from the light rail for the future residents of the development.

Sincerely,


Marjorie B. Grimsley - SLCG President


Thomas R. Brunn - SLCG Vice President - Zoning Issues



Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

1209 Perry St. Rezoning to G-RX-5 Support Letter

1 message

Michael Bennett <mgbennett32@gmail.com>
To: bodonnell@starboardrealtygroup.com

Mon, Oct 17, 2016 at 10:54 AM

To Whom It May Concern,

My name is Michael Bennett and I live at 1222 Quitman St. Denver, CO 80204. I am writing this letter to voice my support for STARBOARD Realty Group's proposed redevelopment of 1209 Perry St. case number 2016I-00026.

My property sits directly to the West/Northwest of the parcel in question and I believe that the design shown and marketed at the West Colfax Community Association meeting on Tuesday, October 11th would be a great addition to the neighborhood and bring additional density to this transit oriented portion of the West Colfax neighborhood.

Thank you for your consideration and review of affected citizen's opinions on the proposal.

Best,

Michael Bennett