

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Neil Shea	Representative Name	Peter Wall
Address	4251 Kipling St., Unit 310	Address	142 S Jackson
City, State, Zip	Wheat Ridge, CO 80033	City, State, Zip	Denver, CO 80209
Telephone	303-870-0533	Telephone	303-880-7405
Email	neil@visionacquisitions.com	Email	peter@twgcolorado.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	1974 & 1990 S. Huron St. Denver, CO 80223		
Assessor's Parcel Numbers:	05273-04-006-000 & 05273-04-008-000		
Area in Acres or Square Feet:	9,370 sf + 9,370 sf = Total of 18,740 sf		
Current Zone District(s):	E-TU-C		
PROPOSAL			
Proposed Zone District:	E-SU-A		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____ <input checked="" type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Councilman Clark, 10/14/2021, Call</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

## REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b> Evans Station Area Plan, Overland Neighborhood Assessment, Overland Neighborhood Plan, South Platte River Corridor Study</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input checked="" type="checkbox"/> 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:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. 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.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

# REZONING GUIDE



PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION						
<p>We, the undersigned represent that we are the owner(s) 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.</p>						
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, (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>	01/12/20	(A)	YES
Neil Shea	1974 S Huron St, Denver, CO 80223 303-870-0533	100%	<i>Neil Shea</i>	1/14/21	(A)	YES
Kevin Dickson	1990 S Huron St Denver, CO 80223 720-435-5909	100%	<i>Kevin TDickson</i>	1/28/2021	(A)	YES
						YES
						YES

## **Introduction**

To whom it may concern,

My name is Neil Shea, and my partner, Kevin Dickson, and I are the owners of 1974 and 1990 S. Huron St, the properties under rezoning consideration in the following application. We are seeking to rezone these lots from their current zoning of E-TU-C to E-SU-A to allow for the development of three smaller, single-unit homes to be built on each lot.

This rezoning in the Overland Park neighborhood along the South Platte River maintains consistency with the character of the existing neighborhood while providing attainable and more diverse housing options in a key growth area of Denver near mass transit opportunities.

We thank you in advance for your time and consideration.

Sincerely,

Neil Shea & Kevin Dickson

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- IX. Letter of Support from Overland Park Neighborhood Association**
- X. Authorization to Represent Property Owner(s)**

## **I. Legal Description**

**Lot Address:** 1974 S. Huron St., Denver, CO 80223

**Lot Schedule Number:** 05273-04-006-000

**Lot Legal Description:** L 17 TO 19 INC BLK 4 BREENLOW PARK

City and County of Denver, State of Colorado

**Lot Address:** 1990 S. Huron St., Denver, CO 80223

**Lot Schedule Number:** 05273-04-008-000

**Lot Legal Description:** L 22 TO 24 INC BLK 4 BREENLOW PARK

City and County of Denver, State of Colorado

## II. Proof of Ownership

### 1974 S. Huron St., Denver, CO 80223

#### Denver Property Taxation and Assessment System

[New Search](#)

1974 S HURON ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
1974 S HURON ST LLC 4251 KIPLING ST UNIT 310 WHEAT RIDGE, CO 80033-2898	05273-04-006-000	L 17 TO 19 INC BLK 4 BREENLOW PARK	SFR Grade C	DENVER

#### Property Description

<b>Style:</b>	1 STORY	<b>Building Sqr. Foot:</b>	843
<b>Bedrooms:</b>	3	<b>Baths Full/Half:</b>	1/0
<b>Effective Year Built:</b>	1910	<b>Basement/Finish:</b>	121/0
<b>Lot Size:</b>	9,370	<b>Zoned As:</b>	E-TU-C
<b>Mill Levy:</b>	72.116	<b>Document Type:</b>	WD

Valuation zoning may be different from City's new zoning code.



# 1990 S. Huron St., Denver, CO 80223

## Denver Property Taxation and Assessment System

[New Search](#)

1990 S HURON ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
DICKSON REDEVELOPMENT LLC 1491 S GAYLORD ST DENVER, CO 80210-2340	05273-04-008-000	L 22 TO 24 INC BLK 4 BREENLOW PARK	SFR Grade C	DENVER

### Property Description

<b>Style:</b>	1 STORY	<b>Building Sqr. Foot:</b>	938
<b>Bedrooms:</b>	2	<b>Baths Full/Half:</b>	2/0
<b>Effective Year Built:</b>	1940	<b>Basement/Finish:</b>	736/662
<b>Lot Size:</b>	9,370	<b>Zoned As:</b>	E-TU-C
<b>Mill Levy:</b>	72.116	<b>Document Type:</b>	BS

Valuation zoning may be different from City's new zoning code.

**LIMITED LIABILITY COMPANY OPERATING AGREEMENT  
OF  
1974 S Huron St LLC**

THIS LIMITED LIABILITY COMPANY OPERATING AGREEMENT (this “*Agreement*”) of 1974 S Huron St LLC, a Colorado limited liability company (the “*Company*”) is made and entered into as of August 3, 2016 (the “*Effective Date*”) by and among the Company and the persons identified as the Members on the attached *Schedule A* (collectively, the “*Members*”).

**RECITALS**

WHEREAS, the Company was formed on August 3, 2016 (the “*Formation Date*”) under the name 1974 S Huron St LLC by filing Articles of Organization (the “*Certificate*”) with the office of the Secretary of State of the State of Colorado pursuant to the provisions of the Colorado Limited Liability Company Act, as amended from time to time (the “*Act*”);

WHEREAS, the Company and its Members desire to set out fully the respective rights, obligations and duties of the Members regarding the Company and its assets and liabilities;

WHEREAS, the Company desires to issue, from time to time, Membership Interests (defined below); and

WHEREAS, each Member executing this Agreement desires to be a member of the Company for the purposes of the Act, and the purpose of this Agreement is to set out the respective rights, obligations, and duties of the Members regarding the Company and its business, management, and operations.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned persons, being (a) the Company and (b) the Members, hereby agree as follows:

1. Name; Address; Registered Office and Agent. The name of the Company is “1974 S Huron St LLC”. The principal office and place of business of the Company shall be at 145 South Lincoln Street, Denver, Colorado 80209. The Company may locate its principal office and place of business at any other place or places as the Members may from time to time deem advisable. The name of the Company’s registered agent and the address of the Company’s registered office in the State of Colorado shall be Neil Douglas Shea at 145 South Lincoln Street, Denver, Colorado 80209. The registered agent and registered office may be changed from time to time by filing the name of the new registered agent and/or the address of the new registered office with the appropriate authority as required by applicable law.

2. Term; Purpose. The term of the Company shall be deemed to have commenced on the Formation Date and shall continue until dissolved or otherwise terminated pursuant to this Agreement or the Act. The purpose of the Company is to solely to acquire the residence legally known as “L 17 TO 19 INC BLK 4 BREENLOW PARK, City and County of Denver”, which is also known and numbered as 1974 S. Huron Street, Denver, Colorado (the “Property”). The Company may also redevelop the property in the future and sell off individual portions and improvements within the legal framework of any lien holder’s interest(s). The Company shall have the authority to do any and all things necessary, convenient, or incident to the achievement of the foregoing and the operation of the business.

- a. Kevin T. Dickson, and Neil Shea shall be equally liable for any for and loans, additional lender points, and monthly interest payments for 1974 S Huron St.
- b. Neil Shea agrees to purchase the Property and provide any future listing services under his agent license at zero percent (0%) commission to Neil Shea. The Company will reimburse Neil Shea the One Hundred Ninety Five and No/100 Dollar (\$195.00) transaction fee payable to Brokers Guild Classic. The Company agrees to pay a two and eight tenths percent (2.8%) coop commission.

3. Membership Interests; Members. The voting rights and ownership interests of the Members in the Company shall be represented by membership interest units (the “**Membership Interests**”), which shall not be certificated. The name, initial capital contribution, and number of Membership Interests held by each Member is set forth on **Schedule A** attached hereto. On any matter presented to the Members for their action or consideration at any meeting of Members (or by written consent of Members in lieu of meeting), each holder of outstanding Membership Interests shall be entitled to cast the number of votes equal to the number of whole Membership Interests held of record by such holder as of the record date for determining Members entitled to vote on such matter. Subject to the other provisions contained herein, any action requiring the approval of the Members shall require the affirmative vote of Members holding at least a majority of the Membership Interests entitled to vote in order to constitute the action of or approval by the Members. Any action or vote of the Members may be taken by a consent in writing setting forth the action or vote so taken and signed by Members holding the requisite percentage of Membership Interests entitled to vote necessary to authorize or take such action. This Agreement may be amended by Members holding a majority of Membership Interests then entitled to vote and/or one or more additional Members of the Company may be admitted to the Company with the consent of the Members. A Member shall not have any liability for the obligations or liabilities of the Company except to the extent provided in the Act. The rights and responsibilities of the Members of the Company shall be as provided in the Act (except to the extent properly governed by the Articles of Organization and/or this Agreement), the Articles of Organization, and this Agreement.

4. Management by the Board of Directors. The business and affairs of the Company shall be managed by a “Manager” (within the meaning of the Act) of the Company. The initial Manager will be Neil Shea. The Manager may, from time to time, delegate to one or more individuals such authority and duties as the Manager may deem advisable to carry out the day-to-day business of the Company and may enter into contracts with such individuals for such purpose. In addition, the Manager may, from time to time, assign titles (including president, vice president, secretary and treasurer) to any such individuals selected by the Manager. Unless the Manager decides otherwise, if the title is one commonly used for officers of a business corporation, the assignment of such title shall constitute the delegation of the authority and duties that are normally associated with that office, subject to any specific delegation of authority and duties made pursuant to this Section 4. Any delegation pursuant to this Section 4 may be revoked at any time by the Manager. The Manager is authorized to make decisions on behalf of the Company in the ordinary course of its business and to execute and deliver any and all agreements, documents or instruments in connection therewith.

5. Capital Contribution. Contemporaneously with the execution of this Agreement, each Member shall make an initial capital contribution to the Company in cash or property in the amount set forth opposite such Member’s name on **Schedule A** attached hereto (the “**Capital**

*Contribution*”).

a. Each Member agrees to execute and deliver any loan documents being requested by any financial institution making a loan to the Company, including, without limitation, personal guaranties in the full amount of the construction loan, from the principals of each lender.

b. Each Member agrees to provide one half of any additional equity required by the lender, above the value of the Property.

c. The Members may, but are not required to make, any additional Capital Contribution to the Company.

6. Allocation of Profits and Losses. The Company’s profits and losses shall be allocated to the Members in accordance with the number of Membership Interests held by each such Member.

8. Prohibitions on Transfer. No Member may transfer all, or any portion of, or any interest or rights in, its Membership Interest without the prior written consent of the other Member. Each Member hereby acknowledges the reasonableness of this prohibition in view of the purposes of the Company and the relationship of the Members. The attempted transfer of any portion or all of a Membership Interest in violation of this prohibition shall be deemed invalid, null and void, and of no force or effect, except any transfer mandated by operation of law and then only to the extent necessary to give effect to such transfer by operation of law. In the event of the death or disability of Neil Shea, he will be replaced as Manager by Kevin T. Dickson and Next In Line Ventures, LLC will not participate in management decisions regarding the Company, but shall continue to receive the economic benefit of its Membership Interest. In the event of the death or disability of Kevin T. Dickson, Dickson Redevelopment, LLC will not participate in management decisions regarding the Company, but shall continue to receive the economic benefit of its Membership Interest.

9. Deadlock. In the event of a deadlock between the Members, the Member with the largest positive balance in its capital account shall assume sole management of the Company, complete any outstanding improvements to the Property, sell the Property at a price that is agreed upon by both Members, and proceed to disburse the proceeds of such sale in accordance with this Agreement and Colorado law. If the Property does not sell within a 6 month period, the Property will be leased at market rental rates.

8. Indemnification. The Company shall indemnify each of the Members and its respective agents for all costs, losses, liabilities and damages paid or accrued by the Member or his, her, or its agents in connection with the business of the Company to the maximum extent permitted under the Act.

9. Dissolution. The Company shall be dissolved only upon the occurrence of any of the following events: (a) the filing of a certificate of dissolution with the Secretary of State of the State of Colorado or (b) the judicial dissolution of the Company pursuant to the Act. Upon an event of dissolution, the Company shall cease to carry on its business, except insofar as may be necessary for the winding up of its business.

10. Governing Law; Jurisdiction. This Agreement shall be construed and enforced in accordance with and governed by the Act as to matters within the scope thereof, and as to all other

matters shall be governed by and construed in accordance with the internal laws of the State of Colorado without giving effect to the principles of conflicts of laws thereof. Each party irrevocably agrees that any legal action or proceeding arising out of or relating to this Agreement or for recognition and enforcement of any judgment in respect hereof brought by another party hereto or its successors or assigns may be brought and determined in the courts of the State of Colorado and each party hereby irrevocably submits with regard to any action or proceeding for itself and in respect to its property, generally and unconditionally, to the nonexclusive jurisdiction of the aforesaid courts.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the day and year first above written.

**COMPANY:**

1974 S Huron St LLC, a Colorado limited liability company

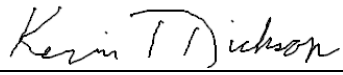
By:  \_\_\_\_\_

Name: Neil Shea

Title: Manager

**MEMBERS:**

Dickson Redevelopment, LLC, a Colorado limited liability company,

By:  \_\_\_\_\_

Kevin T. Dickson, Manager

Next In Line Ventures, LLC, a Colorado limited liability company

By:  \_\_\_\_\_

Neil Shea, Manager

**SCHEDULE A**

**1974 S HURON ST LLC**

**MEMBERSHIP INTEREST REGISTER**

Member Name	Number of Membership Interests	Percentage Ownership	Initial Capital Contribution
Dickson Redevelopment LLC	50	50%	\$0.00
Next In Line Ventures, LLC	50	50%	\$50.00 towards Colorado Secretary of State Registration Fee
<b>TOTAL</b>	100	100%	Fifty Dollars and No/100 Dollars (\$50.00)

OPERATING DECLARATION OF THE SOLE MEMBER OF  
DICKSON REDEVELOPMENT LLC  
A COLORADO LIMITED LIABILITY COMPANY

THIS DECLARATION is made and entered into this 1st day of August, 2000, by Kevin T. Dickson, the sole Member of Dickson Redevelopment LLC, a Colorado limited liability company (the "Company"), and by Kevin T. Dickson, the Manager thereof.

I

**FORMATION OF COMPANY**

1.1 Articles of Organization. This Company is organized pursuant to the provisions of the Limited Liability Company Laws of the State of Colorado and pursuant to Articles of Organization filed with the Secretary of State on July 14, 2000. The rights and obligations of the Company and the Member shall be provided in the Articles of Organization and this Operating Declaration.

1.2 Conflict Between Articles of organization and this Declaration. If there is any conflict between the provisions of the Articles of Organization and this Operating Declaration, the terms of this Operating Declaration shall control, so long as they are not inconsistent with statutory provisions.

II

CAPITAL CONTRIBUTIONS

2.1 Contributions. The capital contributions to be made by the Member and with which the Company shall begin business are as follows:

<u>Member Name</u>	<u>Contribution</u>
Kevin T. Dickson	\$100.00

2.2 Loans. In lieu of contributing additional capital to meet operating expenses or to finance new investments, the Company may, as determined by the Member, borrow money from any person, including the Member. In the event that a loan agreement is negotiated with the Member, the Member shall be entitled to receive interest at a rate and upon such terms to be determined by the Member and said loan shall be repaid to the Member, with interest, if any, as soon as the affairs of the Company will permit. The loan shall be evidenced by a promissory note obligating the assets of the Company.

### III

#### ACCOUNTS; ALLOCATION OF PROFIT AND LOSS; DISTRIBUTIONS

3.1 Capital Account. A separate capital account shall be maintained for the Member. The capital account of the Member shall initially reflect the amounts specified in Section 2.1, or if the Member has merely committed to contribute the amount specified in Section 2.1, the Company shall maintain a corresponding subscription receivable on behalf of the Member. If the capital account of the Member becomes impaired, or if the Member withdraws said capital account, the Member's share of subsequent Company profits shall be credited first to the Member's capital account until that account has been restored, before such profits are credited to the Member's income account. No interest shall be paid on any capital contributions to the Company.

3.2 Income Accounts. A separate income account shall be maintained for the Member. Company profits, losses, gains, deductions and credits shall be charged or credited to the separate income account annually unless the Member has no credit balance in the Member's income account, in which event losses shall be charged to the Member's capital account, except as provided in Section 3.1. The profits, losses, gains, deductions and credits of the Company shall be distributed or charged to the Member as provided in Section 3.3. No interest shall be paid on any credit balance in an income account.

3.3 Allocations to Member. The profits and gains of the Company shall be allocated and the losses, deductions and credits of the Company shall be borne entirely by the Member.

### IV

#### RULES RELATING TO THE MEMBER/MANAGER

4.1 General Powers. Management and the conduct of the business of the Company shall be vested in the Manager. Persons or entities doing business with the Company may rely upon the Manager's authority to transact all business and activities on behalf of the Company, including the following:

4.1.1 The Manager shall execute any instruments or documents providing for the acquisition, mortgage, or disposition of the property of the Company.

4.1.2 Any debt contracted or liability incurred by the Company may be authorized by the Manager and any instruments or documents required to be executed by the company shall be signed by the Manager.



4.1.3 The Manager may designate or delegate an agent to be responsible for the daily and continuing operations of the business affairs of the Company. All decisions affecting the policy and management of the Company, including the control, employment, compensation and discharge of employees; the employment of contractors and subcontractors; and the control and operation of the premises and property, including the improvement, rental, lease, maintenance and all other matters pertaining to the operation of the property of the business shall be made by the Manager.

4.1.4 The Manager may draw checks upon the bank accounts of the Company and may make, deliver, accept or endorse any commercial paper in connection with the business affairs of the Company.

4.2 Indemnification. The Manager, Member, employees, and agents of the company shall be entitled to be indemnified by the Company to the extent provided in the Colorado Limited Liability Company Act, as amended from time to time, and shall be entitled to the advance of expenses, including attorneys' fees, in the defense or prosecution of a claim against the Member, employee or agent.

## V

### BOOKS

5.1 Location of Records. The books of the Company shall be maintained at the registered office of the Company.

5.2 Accounting Rules. The books shall be maintained on a cash basis. the fiscal year of the Company shall be the calendar year. Distributions to income accounts shall be made annually. The books shall be closed and balanced at the end of each calendar year and, if an audit is determined to be necessary by vote or consent of the Member, it shall be made as of the closing date. The Member may authorize the preparation of year-end profit-and-loss statements, balance sheet and tax returns by a public accountant.

## VI

### DISSOLUTION

6.1 Causes of Dissolution. The Company shall be dissolved at any time by the Member.

6.2 Distribution of Assets. In the event of dissolution of the Company, the Member shall proceed with reasonable promptness to sell the real and personal property owned by the Company and to liquidate the business of the Company. Upon dissolution, the assets of the Company business shall be used and distributed in the following order:

6.2.1 Any liabilities and liquidating expenses of the Company will first be paid;

6.2.2 The reasonable compensation and expenses of the Member to liquidate the Company shall be paid;

6.2.3 The amount then remaining shall be paid to the Member.

## VII

### INSURANCE

7.1 Insurance. The Company may contract for life insurance on the life of the Member, in any amount not disproportionate to the value of the Member's interest in the Company. In the event of death of the Member, insurance proceeds paid to the Company will be used to purchase the Membership Interest of the Member from the decedent's representatives or heirs by payment of the insurance proceeds to them within thirty (30) days following receipt of the insurance proceeds by the Company.

## VIII

### MISCELLANEOUS PROVISIONS

8.1 Severability. The provisions of this Declaration are severable and separate, and if one or more is voidable or void by statute or rule of law, the remaining provisions shall be severed therefrom and shall remain in full force and effect.

8.2 Governing Law. This Declaration and its terms are to be construed according the laws of the State of Colorado.

IN WITNESS WHEREOF, the Member has signed this declaration on behalf of the Member and the Company on the day first written above, in Denver, Colorado.

**MEMBER**

  
\_\_\_\_\_  
Kevin T. Dickson

MANAGER

*Kevin T. Dickson*

Kevin T. Dickson

STATE OF COLORADO

County of LJ )  
Cjr/Jtt(A) ) ss.

The foregoing document was acknowledged before me this 1st day of August, 2000, by Kevin T. Dickson, as Member, and by Kevin T. Dickson, as Manager.

Witness my hand and official seal.

My Commission expires: r./r/>03



Ci/c/J&ut/4  
Notary Public

### III. Consistency with Adopted Plans

Language from the City's adopted plans is in *italics* and our narrative focusing on how the proposed rezoning aligns with those plans is included below each statement.

#### ***Consistency with Adopted Plans***

The proposed map amendment is consistent with the city's review criteria and adopted plans.

1. Denver Comprehensive Plan 2040
2. Blueprint Denver 2019
3. Evans Station Area Plan
4. Overland Neighborhood Plan

#### **2040 Comprehensive Plan**

##### ***The Plan encourages equitable, affordable and inclusive city building.***

*Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. (p. 28)*

*A. Increase development of housing units close to transit and mixed-use developments.*

*B. Implement a high-quality, affordable and accessible multi-modal transportation system.*

*C. Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts.*

*D. Improve equitable access to city resources and city meetings through proactive and transparent communications, easy-to-access information and materials available in more than one language*

The proposed zoning change from E-TU-C to E-SU-A and the planned development would allow for increased density while better maintaining the character of the surrounding single-family neighborhood. These properties are less than ¼ mile away from multimodal transportation and outdoor space. The nearest grocery stores are also 1.5 miles away, an accessible distance from 1974 and 1990 S. Huron St. This rezoning request would create more attainable options and equitable access to these important resources. This area is primed for further development and pedestrian friendly infrastructure improvements. The rezoning would bolster the case for redevelopment and more diverse housing operations within the neighborhood.

*Build housing as a continuum to serve residents across a range of incomes, ages and needs. (p. 28)*

- A. Create a greater mix of housing options in every neighborhood for all individuals and families.*
- B. Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options.*
- C. Foster communities of opportunity by aligning housing strategies and investments to improve economic mobility and access to transit and services.*
- D. Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.*

The current character of the neighborhood is that of large-lot, single-family homes. The rezoning request to E-SU-A would better maintain single-family character, while increasing the density and diversity of housing options within the neighborhood. If the rezoning is approved, the E-SU-A zoning would dictate three single-family homes on minimum lot sizes of 3,000 square feet. Future development plans would align with this zone district, maintain community character, offer additional density and be significantly more attainable than the product type that's currently being built under the existing zoning. Additional density at more attainable prices increases access to transit and other quality-of-life amenities.

*Develop housing that is affordable to residents of all income levels. (p. 28)*

- A. Maximize and ensure the long-term sustainability of city funding sources for workforce and affordable housing.*
- B. Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.*
- C. Continue to advocate for changes to state law that remove barriers to access affordable housing options.*
- D. Develop and promote programs to help individuals and families, especially those most vulnerable to displacement, access affordable housing.*
- E. Leverage available publicly owned land for affordable housing development.*

Rezoning these sites to E-SU-A would provide more attainable housing than what is likely to be built under the existing zoning. Under the current zoning, large duplexes, which maximize the lot, would likely be constructed with each unit commanding a higher price than the smaller single-family homes being proposed under the rezoning to E-SU-A. Recently development at 1904 and 1908 S. Huron St. demonstrate how new construction under the existing zoning represents a significant departure from existing neighborhood character. Both units in the newly construction duplex at that location are under contract for \$725,000 and \$695,000, respectively. This new development will set the market standard for luxury duplex product in this neighborhood and encourage additional turnover and new construction. The proposed E-SU-A zoning would incorporate density into the neighborhood but do so in a more symbiotic way than the existing zoning. As previously mentioned, this site is located near transit, outdoor spaces and

essential services like healthy food and retail options. Evans Ave is also a target for reinvestment in improved widened sidewalks. Pedestrian improvements to Evans Ave. would make existing transit more accessible to current and future residents.

***The plan promotes development that creates strong and authentic neighborhoods***

*Create a City of Complete Neighborhoods (p. 34)*

*Build a network of well-connected, vibrant, mixed-use centers and corridors.*

*B. Ensure neighborhoods offer a mix of housing types and services for a diverse population.*

*C. Ensure neighborhoods are safe, accessible and well-connected for all modes.*

*D. Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*

The E-SU-A zoning would foster development that is significantly more consistent with the surrounding neighborhood and community character. Small, more attainable, single-family homes better serve the needs of diverse populations and in doing so offer the opportunity for more individuals to have access to increased amenities.

*Urban Edge Guidelines (p. 36)*

*Land use: 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.*

*Built form: Blocks patterns are generally regular with a mix of alley access. Buildings are lower scale, generally set back from the street. Mobility: Some reliance on cars, but still walkable and bikeable with access to transit.*

*Quality-of-life infrastructure: Community and local scale parks. Mixed occurrence of tree lawns with higher percentage of tree canopy.*

The proposed rezoning would allow for a greater mix of housing options while maintaining the single-family character of the neighborhood. The rezoning would also increase density within a neighborhood that is near the Evans light rail station. The proposed rezoning would also improve accessibility to quality-of-life infrastructure as 1974 and 1990 S. Huron are located close to a myriad of local parks (Ruby Hill Park, South Platte River Greenway, Pasquinel's Landing Park and Overland Golf Course) and community resources. The single-unit zoning would be smaller in scale and more consistent with the existing neighborhood than larger duplexes being built under the current E-TU-C zoning. In addition, the single-unit zoning on these lots would necessitate a smaller building footprint, allowing for a more attainable entry price for lower income buyers.

***The plan identifies a need for connected, safe and accessible places***

*Strengthen multimodal connections in mixed-use centers and focus growth near transit. (p. 42)*

*A. Improve multimodal connections within and between mixed-use centers including downtown, Denver International Airport and major urban centers.*

*B. Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership*

1974 and 1990 S. Huron St. are located less than two blocks away from Evans Ave. where there is frequent RTD bus service. Furthermore, these sites are located within ¼ of a mile from the Evans light rail station. The proposed rezoning would provide greater density and housing options, which would appeal to more diverse populations who could utilize multimodal transit options. Additional housing near multimodal transit would allow diverse populations greater access to downtown and other urban centers. The Overland Neighborhood has a need to make this area more accessible and friendly to pedestrian traffic, making the Evans light rail station a focal mass-transit opportunity for the neighborhood.

## **Blueprint Denver**

### ***Blueprint Denver promotes an equitable city***

*(Sec. 2.2, Pg. 33)*

#### *Improving Access to Opportunity*

*Creating more equitable access to quality-of-life amenities, health and quality education.*

- *Overland neighborhood identified as a place with lower access to basic goods, services, and amenities to improve quality of life. (pg. 34-35)*

*How is Access to Opportunity Measured? (p. 35)*

- *The basis for measuring access to opportunity is the neighborhood equity index developed by Denver's Department of Public Health and Environment. This index contains the following indicators: social determinants of health (including educational attainment and income level); access to parks and full-service grocery stores; access to first trimester health care; childhood obesity; and life expectancy.*
- *In addition to the equity index, access to opportunity measures proximity to high-capacity and frequent transit. Today, rail lines (light rail and commuter rail) represent the only high-capacity transit in Denver. But access will grow as the high-capacity transit corridors planned in Denver Moves: Transit are implemented.*
- *This measurement also includes access to centers and corridors, where residents are most likely to access jobs, basic goods and services, entertainment and shopping.*

1974 and 1990 S. Huron St. are in a portion of the Overland Neighborhood that has greater access to more quality-of-life amenities. The E-SU-A zoning would allow additional density and more attainable housing options in an area that has greater access to key multi-modal transit, outdoor spaces, and grocery options. As previously stated, additional density in this area would provide greater access to quality-of-life activities in the future.

***Blueprint Denver promotes a plan for expanding housing and jobs diversity (Sec. 2.2, p. 41-43)***

*Expanding Housing and Jobs Diversity*

*Providing a better and more inclusive range of housing and employment options in all neighborhoods.*

*How is Housing Diversity Measured? (p. 43)*

*Housing diversity combines six measurements to capture the different components of housing diversity:*

- *Percent of middle-density housing (housing with 2-19 units)*
- *Home size diversity*
- *Ownership vs. rental*
- *Housing costs*
- *Amount of affordable (income-restricted) units*

The proposed rezoning to E-SU-A addresses many of the housing diversity components outlined in Blueprint Denver. The rezoning would increase the percentage of middle-density housing by allowing three single-unit homes instead of one, larger duplex on each property. The smaller, single-unit homes would increase home size diversity and provide more attainable living options with higher bedroom counts. If the rezoning is approved, development on this site would be significantly more affordable than new builds under the existing E-TU-C zoning. For instance, 1904 S. Huron (on the same street) was recently developed into a duplex. As previously mentioned, the two, two-bedroom units for sale at 1904 S. Huron St. are under contract for \$725,000 and \$695,000, respectively. If the E-SU-A zoning is approved, the square footage of future single-unit home development would be limited by the 3,000 sq. ft. lot size. This would mean smaller, more attainable for-sale units with greater bedroom counts. Ultimately, it's our goal to build single-family homes that are under \$500,000 or \$200,000 less than what's being built under the existing zoning in the area.

***Blueprint Denver identifies a need for a city of complete neighborhoods and networks***

*Measuring Equity (Sec. 2.6, p. 54-55)*

*Access to Opportunity*

*-Access to fresh food: percent of residents within 1/4 mile (10-minute walk) to a full-service grocery store.*

*-Access to parks: percent of living units within 1/4 mile (10-minute walk) to a quality park or open space*

*-Access by walkshed (1/2 mile), bikeshed (2-mile) and driveshed (5-mile) to each local center, local corridor, community corridor and regional center from the future places map.*

*Access to quality transit: households within 1/2 mile of high-capacity transit or 1/4 mile from the frequent transit network.*



The proposed rezoning will promote greater affordability and densification near quality-of-life amenities. 1974 and 1990 S. Huron St. are located less than ¼ mile from multimodal transit options and multiple parks including Ruby Hill Park, Pasquinel's Landing, the South Platte River Greenway and Overland Golf Course. Additionally, these sites are located 1.5 miles away from full-service grocery options.

### ***Blueprint Denver Recommendations (Sec. 3-2, p. 68-69)***

#### *Land Use and Built Form*

- *Everyone in Denver deserves to live in a complete neighborhood with a range of housing and employment choices.*
- *Land use recommendations promote a more equitable distribution of diverse housing and employment options throughout the city.*
- *A complete neighborhood includes a mix of land uses accessible by different modes of transportation. The interaction and design of those uses and networks contribute to the unique character of places.*
- *With the expected increase in population, neighborhoods will need to accommodate some growth. Balancing the preservation of neighborhood character with the demands for additional housing and jobs is a key focus of this plan's recommendations.*

This portion of the Overland Park neighborhood is dominated by single-family homes and the area generally lacks diverse housing options although it is located near multimodal transit, parks and grocery stores. The proposed rezoning balances the preservation of neighborhood character while accommodating demand for additional housing and jobs within an area that has increased access to quality-of-life amenities.

#### *Mobility*

- *All residents, especially those who are more dependent on transit and walking, should have access to quality, affordable multimodal options. Promoting affordable housing near transit helps advance equity and access to opportunity.*
- *Complete neighborhoods where jobs, daily services and recreation are easily accessible encourages walking, rolling, biking and mass transit options. This enables residents to accomplish everyday tasks more efficiently while decreasing single-occupancy vehicle trips.*

1974 and 1990 S. Huron are located less than two blocks away from Evans Ave and less than ¼ of a mile from the Evans light rail station. RTD stops for the west and eastbound 21 bus are conveniently located at the intersection of S. Huron St. and Evans Ave. Blueprint Denver addresses the need for more diverse housing options where opportunity for jobs, daily services and recreation are easily accessible. The proposed rezoning would allow for greater density and more diverse housing options in an area with greater multimodal transit options. These options

provide future residents with the ability to walk, bike and utilize transit, all of which help to decrease reliance on single-occupancy vehicle trips.

#### *Quality of Life Infrastructure*

- *A system of complete neighborhoods and networks makes access to quality-of-life infrastructure and amenities easy and convenient for residents.*

1974 and 1990 S. Huron are ¼ mile from Pasquinel's Landing, Ruby Hill Park, the South Platte River Greenway and Overland Golf Course addressing Blueprint Denver's guidance for diverse housing options near recreation and quality-of-life infrastructure.

#### ***Blueprint Denver Land Use and Built Form Recommendations (Sec. 3.3, p. 72-79)***

*Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.*

- *Denver's growth strategy is to guide new housing units and jobs to areas with the infrastructure to support higher density, mixed-use development. This requires coordinated implementation of land use changes and transit investments.*
- *Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including:*
  - *Regional centers and community centers.*
  - *Community corridors where transit priority streets are planned.*
  - *High and medium-high residential areas in the downtown and urban center contexts.*
- *Implement regulatory land use changes in coordination with transit investments. For example, rezonings to support transit-oriented development should be closely timed with the implementation of transit priority streets.*

As Denver continues to grow, Blueprint Denver addresses the need for new housing units to support further density in key areas. 1974 and 1990 S. Huron St. are in the urban edge, a growth area near transit that could provide further access to downtown and other urban centers. Evans Ave. is a major street where further access to quality-of-life and transit opportunities will become key as the City's population continues to grow.

*Incentivize or require efficient development of land, especially in transit-rich areas.*

- *Many areas of the city, often near transit, allow for greater density than what is being built. While the city plans and entitles certain areas to take on more growth, private development often does not take full advantage of those entitlements. Fulfilling the community vision for vibrant and walkable neighborhoods, as well as ensuring Denver can accommodate growth in areas where it is most appropriate—depends on maximizing development opportunities.*

The proposed rezoning seeks to add additional growth in a transit rich area but do so in a way that respects the pattern of the existing single-family neighborhood. As owners and developers, we understand the importance of maximizing our entitlements, but doing so in a way that maintains community character. The area's proximity to transit presents the opportunity to add new, diverse housing. Redevelopment and additional residents would also contribute to the community's vision for a vibrant neighborhood.

*Diversify housing options by exploring opportunities to integrate missing middle housing into low and low- medium residential areas. (p. 82)*

*The "missing middle" refers to housing types that fall between high-density and single-unit houses, including duplexes, fourplexes, row homes, townhomes and cottage housing. Missing middle is not just the type of housing— it captures units that are attainable to middle-income households who still struggle to afford housing in Denver.*

*- Integrate missing middle housing into low and low-medium residential areas, especially those that score low in Housing Diversity. This should be implemented through holistic revisions to the zoning code at a citywide scale, with a focus on discouraging demolition and encouraging affordability.*

*Zoning code revisions should be informed by an inclusive community input process and could include:*

*- Allowing 2- to 4-unit structures, tandem houses, and/or smaller minimum lot sizes in locations where slightly higher density may be appropriate. This might include lots of corners, near transit, and/or adjacent to centers or corridors. This allowance should advance goals for affordability, such as including a requirement to provide affordability in exchange for increased density.*

The proposed rezoning would allow the construction of three single-unit homes rather than one duplex on each lot. While these would be single-unit structures under the proposed E-SU-A zoning, the request itself, if approved, would serve as a net increase in one additional housing unit on each lot. Furthermore, the 3,000 sq. ft. limitation on each lot would mean smaller, more attainable product that would promote greater housing diversity within this neighborhood.

*Mobility Recommendations (Sec. 3.3, p. 108)*

*Align the impacts of private development with transportation infrastructure and promote development that creates walkable, transit-friendly communities. GOALS: 1, 3, 4*

*- Adopt policies that require Transportation Demand Management programs for developments to maximize use of alternative modes and reduce single-occupancy vehicle trips on Denver's streets.*

*- Work with city agencies to explore the feasibility and effectiveness of increased participation from new development to improve transportation infrastructure.*

*- For centers and corridors downtown and in the urban center contexts, where access to transit is high, study and implement maximums for off-street parking in private development to encourage the use of alternative modes of transportation.*

The proposed rezoning development that fosters a more walkable, transit-friendly community. Infrastructure improvements designed to increase access to the Evans light rail station and to make Evans Ave. a more pedestrian and bike friendly street is a need in this neighborhood. As this area continues to grow and become a key connection hub of the urban edge, greater housing diversity and affordability will be central to achieve Blueprint Denver's guidance.

*Residential Areas- Urban Edge (p. 215)*

*Applying Residential "Low" Guidance to Proposed Rezoning*

*For applicant-driven requests that are individual sites or small assemblages, typically it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request. A departure from the established lot pattern may be appropriate if the request includes a larger area, generally greater than one block, and the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input.*

1974 & 1990 S. Huron is currently located in a low residential area on the urban edge. Being so close to key transit opportunities and outdoor space, it is poised for further development opportunity beyond what the current zoning (E-TU-C) would allow. With increased growth in this area, E-TU-C would encourage large-scale development at very high housing prices. Allowing the zoning of E-SU-A could set a precedent for a housing type that fits within the current neighborhood context, while allowing a more diverse group of individuals to attain housing.

## **Evans Station Area Plan**

***The Plan provides land use and urban design recommendations (p. 14-15)***

*Residential Opportunities and Form*

*- The majority of development within the Evans Station area will be residential in nature. This plan encourages new residential infill development while respecting the existing block configuration, lot sizes and building forms within established neighborhoods.*

*- Single Family/Duplex Residential – Encourage re-investment in existing residential neighborhoods adjacent to the station. Allow a mixture of housing types including single family houses, duplexes and carriage houses, but maintain the character of these neighborhoods by encouraging new development consistent with existing conditions - small single-family lots (4,500 sf minimum), moderate lot coverage, shallow to moderate setbacks, detached sidewalks and alley loaded garages consistent with an urban neighborhood. Typical densities are between 10 and 20 housing units per acre area wide.*

The proposed rezoning to E-SU-A aligns with the Plan's recommendations for new residential

development while respecting the existing block configuration and building forms. While the proposed zoning is a departure from some larger lot sizes present in the area, it represents an important trade off as current zoning enables the development of larger duplexes that do not align with block configuration and building forms found in the existing single-unit neighborhood. E-SU-A more closely aligns with the Plan's recommendation for smaller, single-family lots and a mixture of housing types. This zoning type also maintains the single-family identity while providing a precedent for attainable options.

## Overland Neighborhood Plan

### *Residential Land Uses (p. 14)*

- Residential land uses in Overland make up approximately 19% of the land use in the neighborhood. Residents generally take pride in the upkeep of their homes in the residential areas. Single family enclaves are scattered in three areas. For this study, these three sub-areas are described individually.

### *Residential Subgroup "A"*

- Area "A" is located south of the Overland Golf Course in an R-1 zone. The Golf Course, Santa Fe Drive and Evans Avenue isolate this 6 ½ square block area of single-family residences from the rest of the neighborhood.

### *Action Recommendations (pg. 13)*

*LZ-1: Encourage property owners in the residential areas to invest time and necessary resources on the beautification of their neighborhood.*

*LZ-3: Develop the remaining vacant land in a manner that is compatible with the land use character and density of surrounding land uses and existing zoning.*

Residential Area "A" (where 1974 and 1990 S. Huron St. are located) is identified as one of three enclaves composed of single-family homes. This rezoning request fosters redevelopment on two large lots in a manner that is compatible with the land use character and density of surrounding land uses. Redevelopment in an aging neighborhood promotes beautification through new buildings, landscaping, and sidewalks.

## *VIII. Urban Design (pg. 25)*

### *A. Role of Urban Design*

*Urban Design is how a city or neighborhood is put together, how it looks, feels and functions. It involves deliberate actions to create a physical environment that meets social, economic, functional, environmental and aesthetic objectives. It can create a neighborhood's awareness of its unique and important role within the city. Where urban design has occurred, the citizens continually value the result, sometimes not exactly knowing why they like an area or why the area holds attraction.*

*Good urban design preserves the qualities of a neighborhood by considering changes and structuring them so that they enhance these qualities rather than detract from them. It develops a clear neighborhood character that people can recognize, understand, be proud of and remember.*

The proposed rezoning request maintains urban design consistency with the look, feel and function of the existing neighborhood. It promotes additional housing options in a transit rich area but does so in a way that respects and enhances the built environment.

#### **IV. 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.*

The proposed rezoning of 1974 & 1990 S. Huron St., Denver, CO 80223 from E-TU-C to E-SU-A is a minor change to allow single-family housing on 3,000 sf rather than duplex zoning on 5,500 sf. Both of these zoning codes are within the urban edge designation that is consistent with characterization of primarily single-unit and two-unit residential. The zoning remains consistent with building height, setbacks and lot coverage. The proposed zoning will be consistent with the surrounding neighborhoods urban edge housing characteristics and guidelines (Denver Zoning Code, 2018).

#### **V. Public Health, Safety and General Welfare**

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

Staying consistent with Denver's Comprehensive Plan 2040, Blueprint Denver, this proposed rezone would further the goals and guidelines set forth by these Plans. This rezone would contribute to a mix of housing options in a key urban edge neighborhood that would serve a more diverse population. The sites where this rezone is proposed are walking distance to outdoor space, healthy food options and multi-modal transit options.

#### **VI. Justifying Circumstances**

*Justifying circumstance: 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.*

The proposed rezone is in the public interest due to changing conditions in the Overland Park area and updates in previously mentioned plans. The changing conditions of Evans Ave. call for a more diverse mix of housing options to this urban edge neighborhood. The proposed changes will make this neighborhood a major multi-modal hub with RTD bus services and light rail options ¼ mile away from this site. Increased growth in the Overland North neighborhood represents a significant departure from existing building forms in the area. Changing conditions in the area due to growth serve as an additional justifying circumstance for a rezone that we believe will better serve the public health, safety and welfare of residents in the area.

## VII. Consistency with Neighborhood Context

### Article 4: Denver Urban Edge Neighborhood Context

#### **Section 4.1.1 General Character**

*The Urban Edge Neighborhood Context is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House and Suburban House building forms. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Commercial buildings are typically the Shopfront and General building forms that typically contain a single type of use. Single and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets.*

The proposed rezoning and project are within the Urban Edge general character goals. The rezoning request would allow for small-scale single-unit houses with a smaller (3,000 sf) footprint embedded with the larger single-family large lots that currently make up the neighborhood.

#### **Section 4.2.2 Residential Districts**

##### *4.2.2.1 General Purpose*

*A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.*

*B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. 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.*

*C. These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.*

*D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.*

This proposed rezoning would allow more diverse populations to live in a key transit-oriented neighborhood. The single-family approach would still fit in with the context and character of the



neighborhood, and the project would stay consistent with the design standards currently set by the neighborhood. Section B calls out that lot sizes may vary, while still allowing for yard space and generous setbacks. This project would allow for a smaller lot size but would keep yard space that is common in the current neighborhood and zoning. There is significant investment slated for the South Platte River Corridor, and this proposed rezoning would set the tone for even further residential investment in this neighborhood.

## **XI. Outreach documentation**

In pursuit of our rezoning efforts, we have had several discussions and meetings with Councilman Jolon Clark and Registered Neighborhood Organizations to gain feedback and support. Below is an outline of the dates and details of our outreach efforts, followed by a letter of support from the Overland Park Neighborhood Association (OPNA). Please note that community outreach is ongoing and will continue throughout the process.

**7/25/2019-** Initial Meeting with OPNA to discuss our vision and gain support for our proposal.

**9/26/2019-** Follow up Meeting with OPNA to take a vote to rezone to E-TU-B - Unanimous Support which resulted in a letter of support dated 10/2/2019.

**10/2/2019-** Initial Meeting with Overland North to present our vision for E-TU-B. Meeting only had 4 members in attendance with inconclusive feedback. No vote.

**1/30/2020-** Initial call with Jolon Clark to discuss our vision for the lots with 3 single-family units, community outreach, and Blueprint Denver.

**8/21/2020-** One on one meeting with Helene Orr of Overland North to discuss a second meeting with Overland North to include 1974, 1978, & 1990 S Huron in the rezoning.

**8/27/2020-** Zoom Meeting with OPNA & vote to include 1974, 1978, & 1990 S Huron to rezone to U-TU-B. Unanimous Support.

**9/16/2020-** Zoom Meeting with Overland North to discuss the rezoning to include 1974, 1978, & 1990 S Huron St to E-TU-B. No vote was tallied, and the feedback Helene eventually communicated back to me was that the group was undecided/not supportive.

**10/14/2020-** Secondary call with Jolon Clark to discuss rezoning to E-SU-A rather than U-TU-B, and only including 1974 & 1990 S Huron St. Peter Wall also joined this call.

**10/22/2020-** Final presentation to OPNA to have a new vote to Rezone only 1974 and 1990 S Huron St to E-SU-A. A vote was taken with unanimous support which resulted in our final letter of support, dated October 22, 2020.

To-date, we've had three pre-application meetings with planning services, and we felt as though those conversations and our development experience have provided us with enough information not to warrant an additional meeting with development services. We want to be respectful of staff's time and already have a clear understanding of what we want to build on site and how it will fit on the property if the rezoning is approved.



October 22, 2020

Denver Planning and Zoning,

The Overland Park Neighborhood Association (OPNA) is writing this letter of support for the rezoning of two properties within the Overland Park Neighborhood RNO at 1974 and 1990 S Huron Street from E-TU-C to E-SU-A.

On Thursday, October 22, 2020 at 6:30pm, at the regular and public monthly meeting of the Overland Park Neighborhood Association, members of the association heard the proposal to rezone both properties from E-TU-C to E-SU-A. After a discussion by the members, a vote was taken to approve a motion to write a letter of support which passed unanimously. Please see our [meeting minutes](#) for additional information.

The neighborhood was happy to see a proposal that allowed for three detached single family homes on each property instead of the one larger duplex which would have been allowed in the E-TU-C zoning. This new proposal for E-SU-A allows for more attainable pricing per unit by creating more units at a smaller square footage per unit. It also adds more density to the neighborhood, and matches the character of the area.

Please note that the neighborhood is strongly in favor of keeping density, affordability, and flexibility in our neighborhood, including the opportunity to build ADUs. However, this particular proposal rezoning to E-SU-A guarantees the construction of three detached single-family homes and the benefits stated above without the need to execute and enforce a Good Neighborhood Agreement which is difficult for a volunteer organization. This action is not intended to show a neighborhood preference for single-unit zoning in a time when our RNO knows that we need affordability and flexibility in our neighborhoods now more than ever.

Please feel free to contact us with any questions.

Sincerely,

Amy Razzaque and Mara Owen

Co-Presidents of the Overland Park Neighborhood Association

[amyrazz37@gmail.com](mailto:amyrazz37@gmail.com); [mkowen18@gmail.com](mailto:mkowen18@gmail.com)

Neil Shea

4251 Kipling St., Unit 310

Wheat Ridge, CO 80033

February 15<sup>th</sup>, 2021

To whom it may concern:

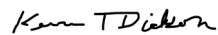
We, Neil Shea and Kevin Dickson, hereby authorize Peter Wall to act as the Property Owner(s) Representative and point of contact for all correspondences for the purposes of the Zone Map Amendment Application.

Sincerely,



Neil Shea

Property Owner



Kevin Dickson

Property Owner