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**TO:** Denver City Council  
**FROM:** Fran Peñafiel, Senior City Planner  
**DATE:** March 30, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00145  
1085 Knox Court  
Rezoning from E-SU-D1x to U-RH-2.5

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00145.

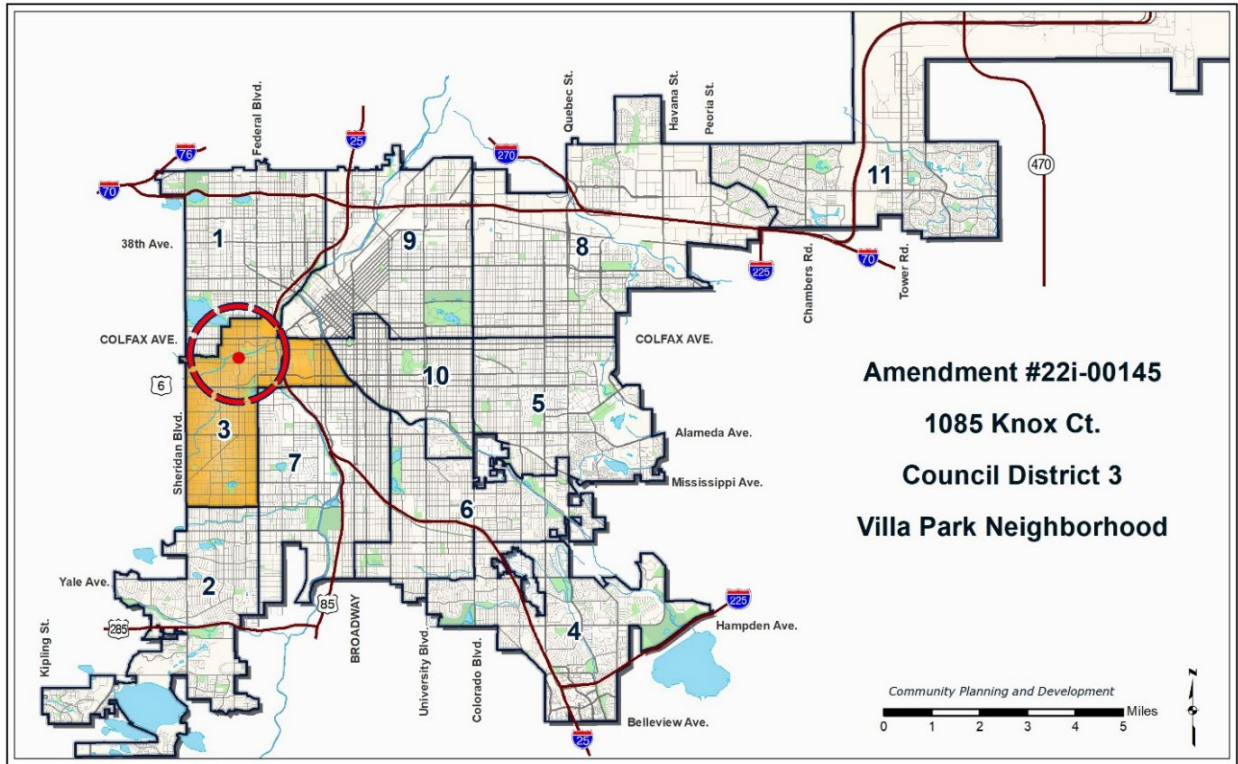
### Request for Rezoning

Address: 1085 Knox Court  
Neighborhood/Council District: Villa Park / Council District 3  
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, West Colfax Association of Neighbors (WeCAN), Sloan's Lake Citizens Group, Villa Park Neighborhood Association, United Northwest Denver  
Area of Property: 6,250 square feet or 0.14 acres  
Current Zoning: E-SU-D1x  
Proposed Zoning: U-RH-2.5  
Property Owner(s): Philips, Anthony B. Trust  
Owner Representative: Steven Ferris

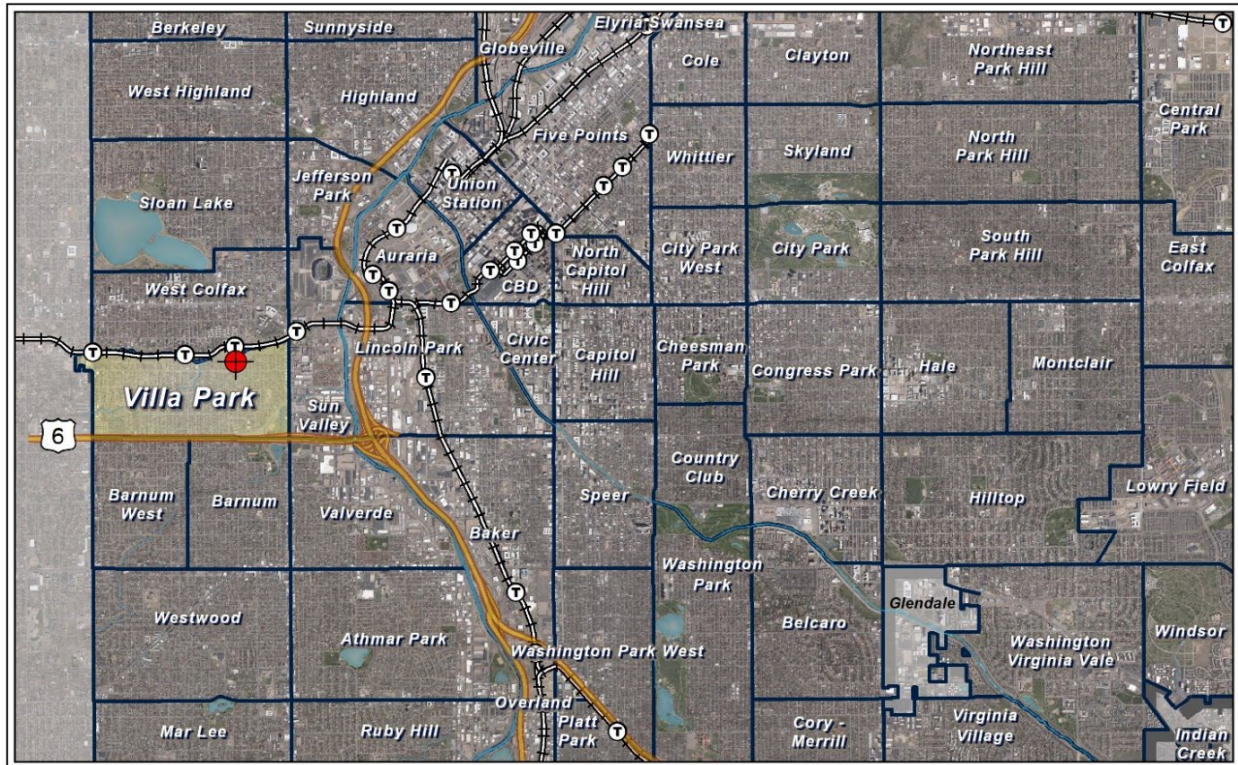
### Summary of Rezoning Request

- The subject property is currently a vacant site, that contained a single-story, single-unit dwelling built in 1949 but was recently demolished. It is located within the Villa Park statistical neighborhood near the southwest corner of W 12<sup>th</sup> Avenue and Knox Court.
- The property owner is proposing to rezone the property to allow for the development of row homes.
- The proposed U-RH-2.5, **Urban, Row House, 2.5** stories, zone district allows the urban house, duplex, tandem house and row house primary building forms as well as detached accessory dwelling units (only allowed as accessory to a primary single-unit residential use). The maximum height of the allowed primary building forms ranges from 30 to 35 feet for the front 65% of the zone lot and 17 to 24 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. This district is intended for use in the Urban Neighborhood Context, which is characterized by single- and two-unit uses and allows for some multi-unit districts. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 5 of the Denver Zoning Code.

### City Location



### Neighborhood Location



## Existing Context

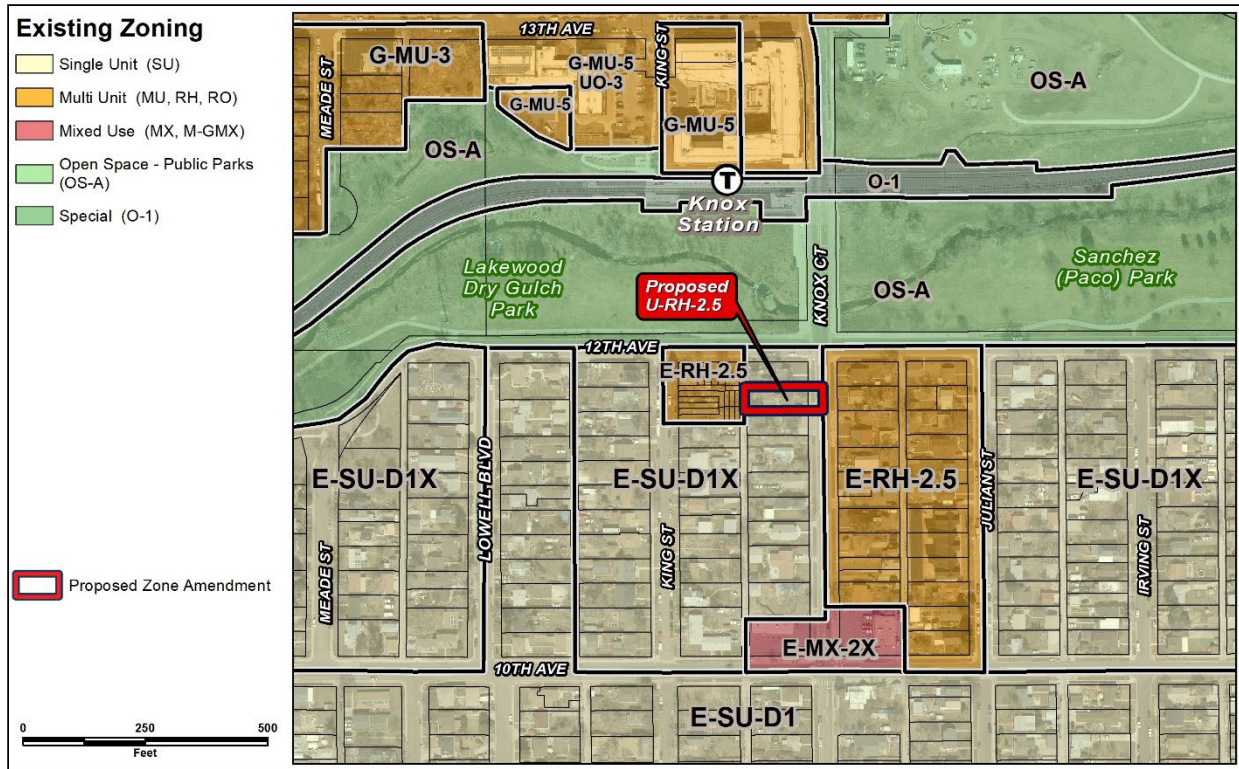


The subject property is located within the Villa Park statistical neighborhood, near the southwest corner of West 12<sup>th</sup> Avenue and Knox Court. The Lakewood Dry Gulch Park is north of the property running east-west and Paco Sanchez Park is 200 feet northeast from the subject site. The subject site is within the quarter mile buffer of the Knox Street RTD Light Rail Station and is also served by RTD bus route 103.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-D1x	Single-unit Residential	Vacant lot	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. Sidewalks are attached. Driveways with front-loaded garages are present and alleys exist on most blocks.
North	E-SU-D1x	Single-unit Residential	1-story dwelling unit	
East	E-RH-2.5	Single-unit Residential	1-story dwelling unit	
South	E-SU-D1x	Single-unit Residential	1-story dwelling unit	
West	E-RH-2.5	Multi-unit Residential	12-unit 2.5 story row house development under construction.	

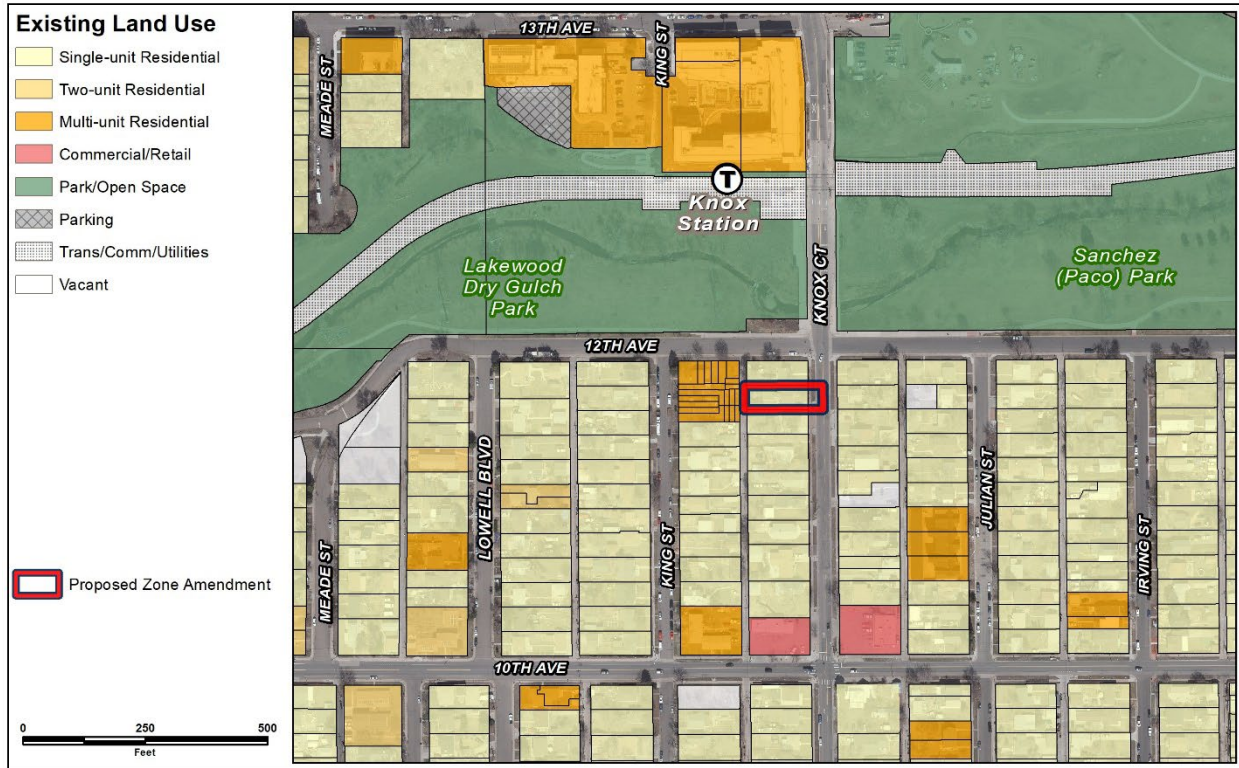
### 1. Existing Zoning



The existing zoning on the subject property is E-SU-D1x which is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard. Blocks typically have a consistent pattern of 50-foot-wide lots. Allowed uses in E-SU-D1x are limited to single-unit dwellings and limited nonresidential uses found in single-unit zone districts. For additional details of the zone district, see DZC Section 4.2.2.

The subject property is surrounded by E-SU-D1x district to the north and south and E-RH-2.5 district to the east and west.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (source: google maps)



Site - Aerial view, looking north



**Site** – Looking west on Knox Court



**South** – Properties to the south of the subject site on Knox Court.



**North** – looking south down Knox Court



**East** – across the street from subject property



**North** – on Knox Court



**West** – 12 Row houses west of the subject site, on King Street.

## Proposed Zoning

### U-RH-2.5 Zone District

The applicant is requesting to rezone to U-RH-2.5, which allows the Urban House, Duplex, Tandem House and Row House primary building forms up to two and a half stories in height. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the two unit and 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. The minimum parking requirement for a dwelling, multi-unit residential use is one space per unit.

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

<b>Design Standards</b>	<b>E-SU-D1x (Existing)</b>	<b>U-RH-2.5 (Proposed)</b>
Primary Building Forms Allowed	Urban House and Suburban House	Urban House, Duplex, Tandem House, Row House
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2.5 stories / 30 feet*	2.5 stories / 35 feet**
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	1 story / 19 feet	2.5 stories / 24 feet**
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	24 feet	1.5 stories / 24 feet
Zone Lot Size (min.)	6,000 sf	6,000 sf**
Zone Lot Width (min.)	50 feet	50 feet**
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (min.) *	5 feet	5 feet**
Side Interior Setback (min.) *	5 feet	5 feet**
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	N/A
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

\*Based on subject property width of 50 feet

\*\*Standard varies depending on building form



## Summary of City Agency Referral Comments

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

**Assessor:** Approved – No response

**Asset Management:** Approved – No comments

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

**Department of Public Health and Environment:** Approve Rezoning Only - Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

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

**Public Works – R.O.W. - City Surveyor:** Approved – No comments

**Development Services - Transportation:** Approved – No response

**Development Services – Wastewater:** Approved – No response

**Development Services – Project Coordination:** Approved in correcting neighborhood context in application and attachments from Urban Edge (E) to Urban (U) per Blueprint Denver Land Use and Transportation Guidance.

**Development Services – Fire Prevention:** Approved – No comments

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>10/12/22</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>1/17/23</b>
Planning Board Public Hearing ( <b>Recommended approval 8-1</b> ):	<b>2/1/23</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	<b>1/31/23</b>
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	<b>2/14/23</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>3/13/23</b>
City Council Public Hearing:	<b>4/3/23</b>

**Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

As of the date of this report, staff has received one letter of support from Strong Denver and one letter of opposition (split vote of 3 board members in support and 4 board members in opposition) from the Villa Park Neighborhood Association pertaining to this application. The RNO expressed concerns with the potential involuntary displacement the proposed rezoning could cause in the neighborhood. The comment letter can be found as an attachment to this report. The applicant provided email communications with the RNO about the conclusion of the community meeting of November 2022.

**Other Public Comment**

- As of the date of this report, staff has not received written public comments pertaining to this application. The applicant provided six letters of support from community members. These letters are attached to the application.

**Planning Board Public Hearing**

- At the February 1<sup>st</sup> public hearing, Planning Board voted 8-1 to recommend approval of the rezoning to City Council. The no vote expressed concerns on the differing plan guidance from the approved plans and the draft guidance from the West Area Plan.

## **Criteria for Review / Staff Evaluation**

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

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

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *West NPI Plan (2023)*

### ***Denver Comprehensive Plan 2040***

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

The proposed rezoning would allow for an additional housing unit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy 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 (p. 28).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

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

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

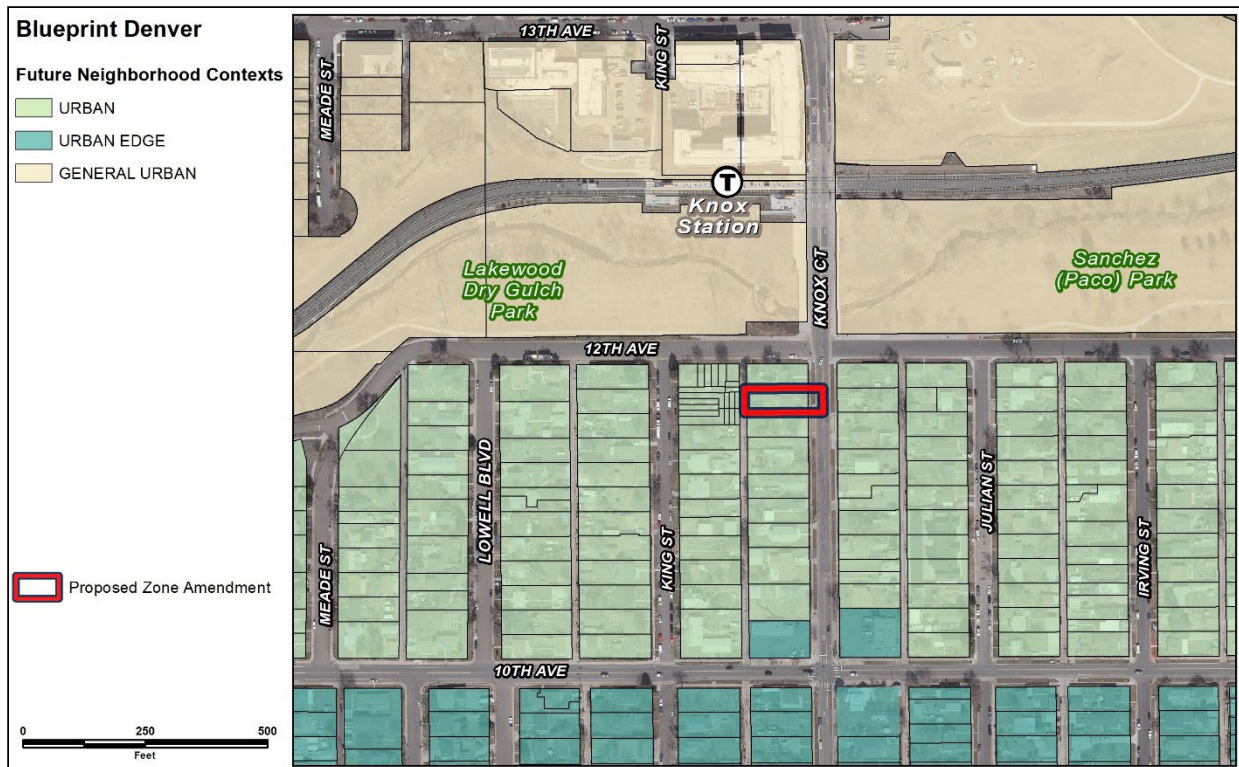
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).

The requested map amendment will allow an additional residential unit at an infill location where infrastructure is already in place. The requested zone district enables a building form and use which can provide residents with a mixture of housing types. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### **Blueprint Denver (2019)**

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Residential High Medium place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

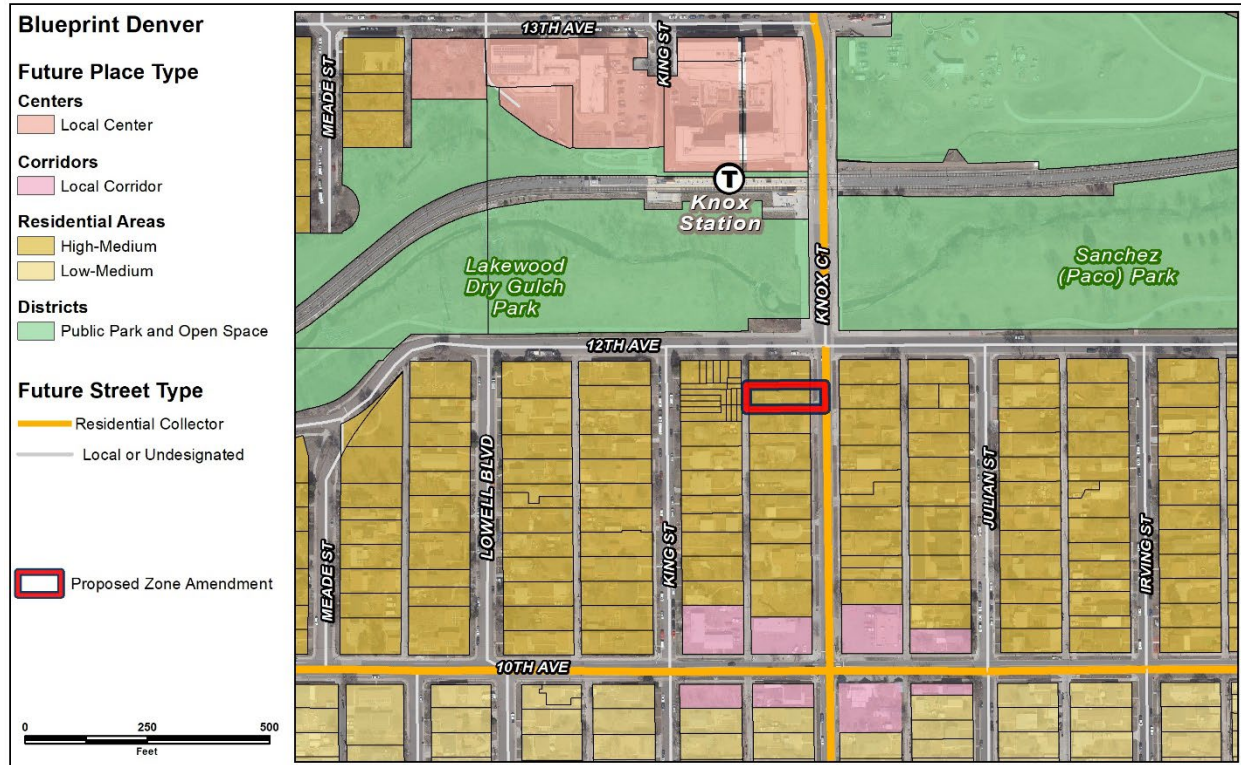


The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts. “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

U-RH-2.5 is a zone district within the Urban Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential

areas” (DZC Section 5.2.2.1). U-RH-2.5 is consistent with Blueprint Denver’s future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing a low-scale multi-unit residential building that will be compatible with the existing residential area.

### Blueprint Denver Future Place



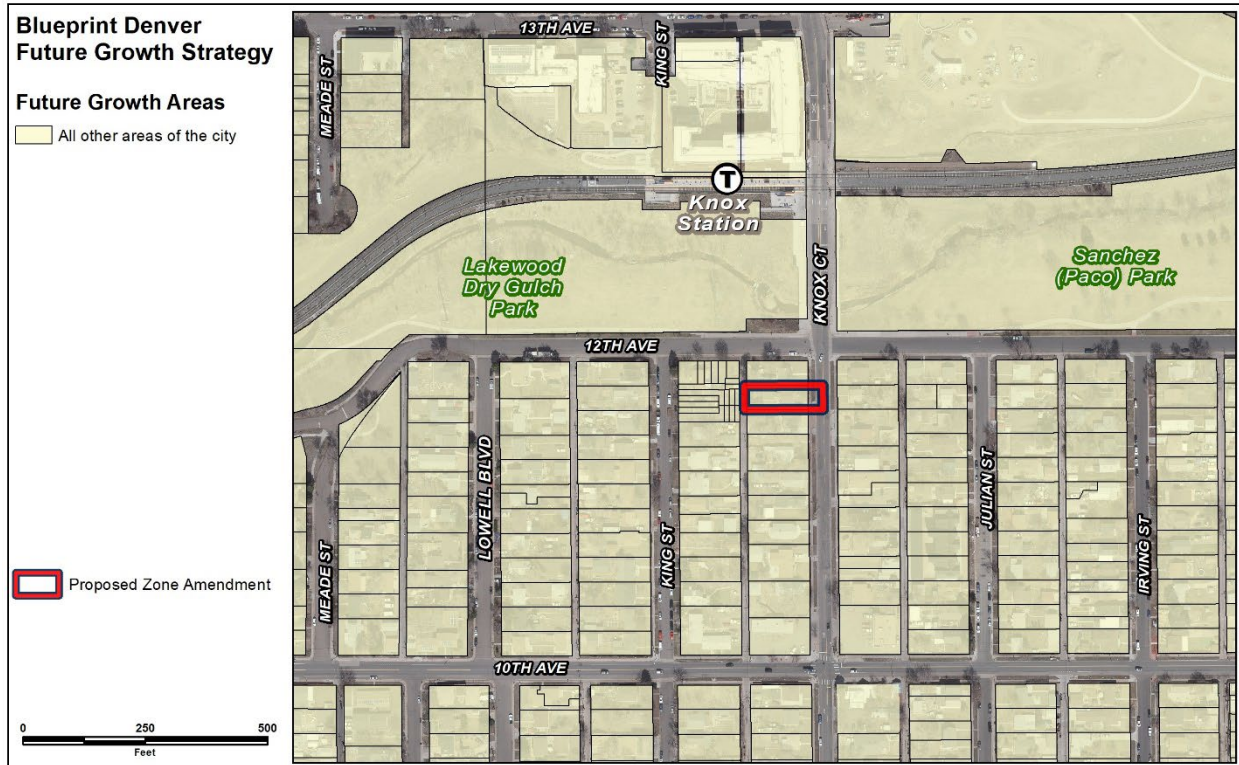
Within the Urban Neighborhood Context, the subject property is categorized as a Residential High Medium future place with a land use and built form defined by *Blueprint Denver* as “A mix of mid-scale multi-unit residential options. Some neighborhood-serving mixed-use may be appropriate, especially along arterial streets or at non-local street intersections. Buildings are generally up to 5 stories in height. Building heights and scaling help provide transitions to adjacent places” (p. 233). Additionally, *Blueprint Denver* states “Mid-scale residential buildings, usually mixed with a variety of lower-scale residential types. Small mixed-use buildings may be found on corners and have a pedestrian orientation.” (p. 149). The proposed U-RH-2.5 zone district, allowing multiple building forms up to 2.5 stories in height, is compatible with this future place type.

### Street Types

In *Blueprint Denver*, future street types work in concert with the future places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies W. 10<sup>th</sup> Avenue and Knox Court as residential collector street types. Residential collectors are “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood

context.” The proposed U-RH-2.5 district is consistent with this street type because it allows for residential uses only.

### Blueprint Denver Growth Strategy



Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed U-RH-2.5 zone district is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s single-unit residential character. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

### Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

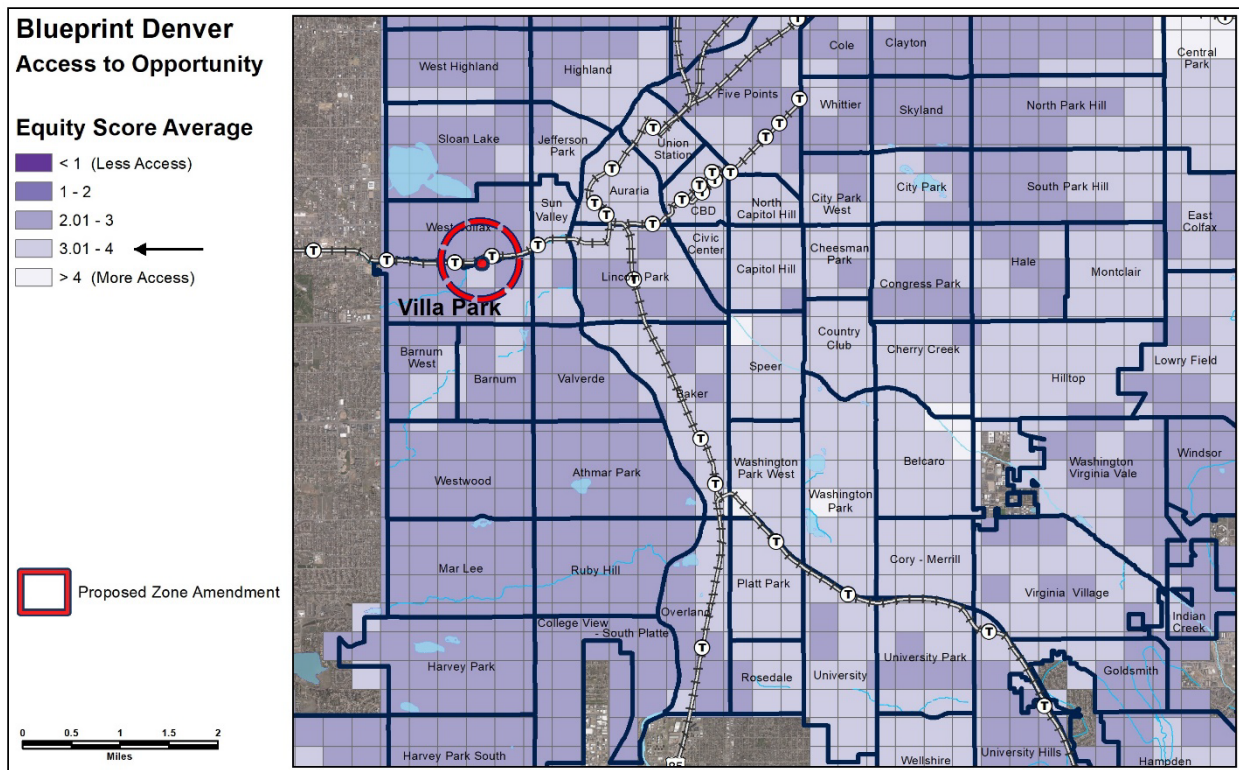
- Land Use & Built Form – Housing Goal 2: *Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas* (p. 82).
- Land Use & Built Form – Housing Goal 2: *Integrate missing middle housing into low and low-medium residential areas, especially those that score low in housing diversity. This allowance should advance goals for affordability, such as including a requirement to provide affordability in exchange for increased density* (p. 82).

This rezoning to a row house zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with Blueprint Denver recommendations. Additionally, the rezoning of the subject property will provide affordable missing middle housing options for residents in the neighborhood. The proposed map amendment is therefore consistent with the above strategies.

### Blueprint Denver Equity Concepts

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions. Given that the subject site is within one of Denver’s Neighborhood Equity and Stabilization (NEST) focus neighborhoods, an equity analysis is included in this staff report and was shared with the applicant for consideration. The applicant’s response is included with the application that is attached to the staff report.

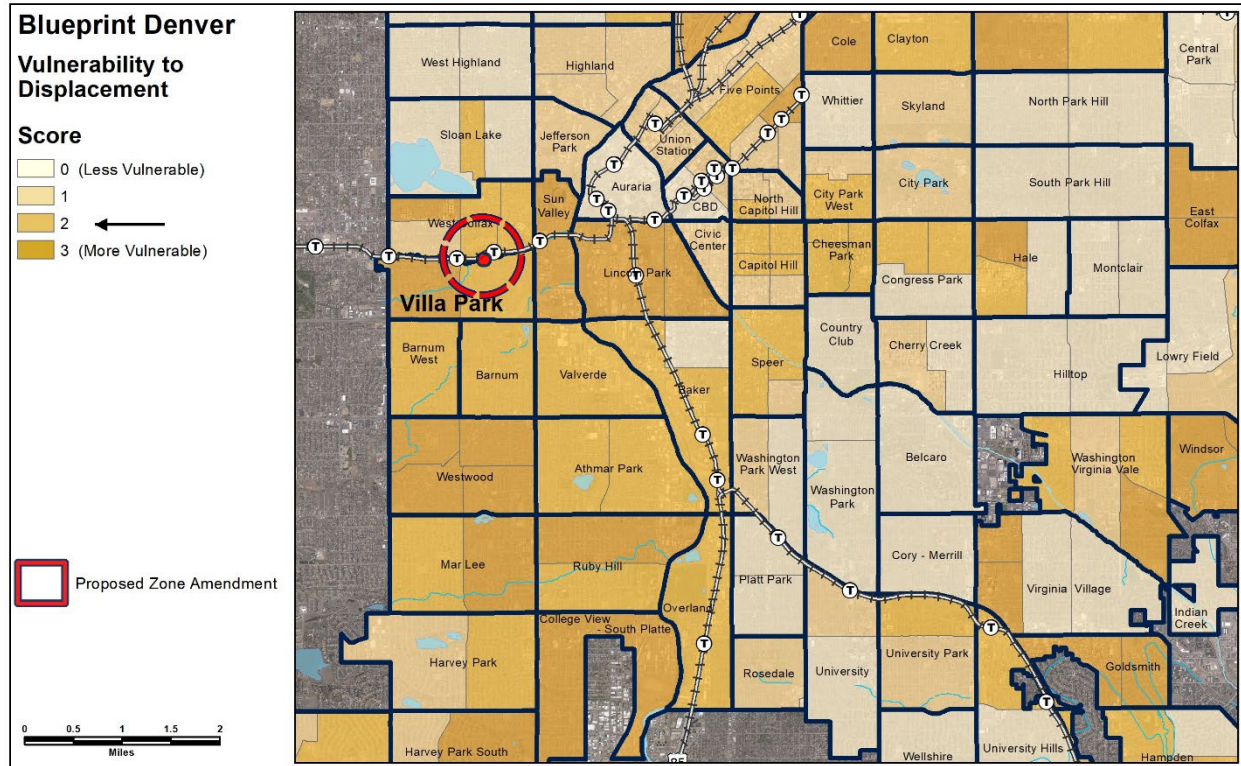
### Access to Opportunity



The subject property is in Villa Park, which is identified as an area with less access to opportunity compared to the rest of the city. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Analyzing this metric helps us measure our progress towards achieving the vision for complete neighborhoods across the city. The subject area is less equitable than Denver as a whole when it comes to access to fresh foods and healthcare. These scores are related to a higher-than-average percentage of children with obesity and poverty line.

While the proposed allowance of a multi-unit residential development does not directly increase access to opportunity, an increase in residents may increase the likelihood that more goods, services and amenities will locate in the commercial and mixed-use zoned areas of the neighborhood. Additionally, the proposed zone district would allow additional housing units at a location that is well-served by transit, providing residents with additional access to daily needs.

### Vulnerability to Displacement

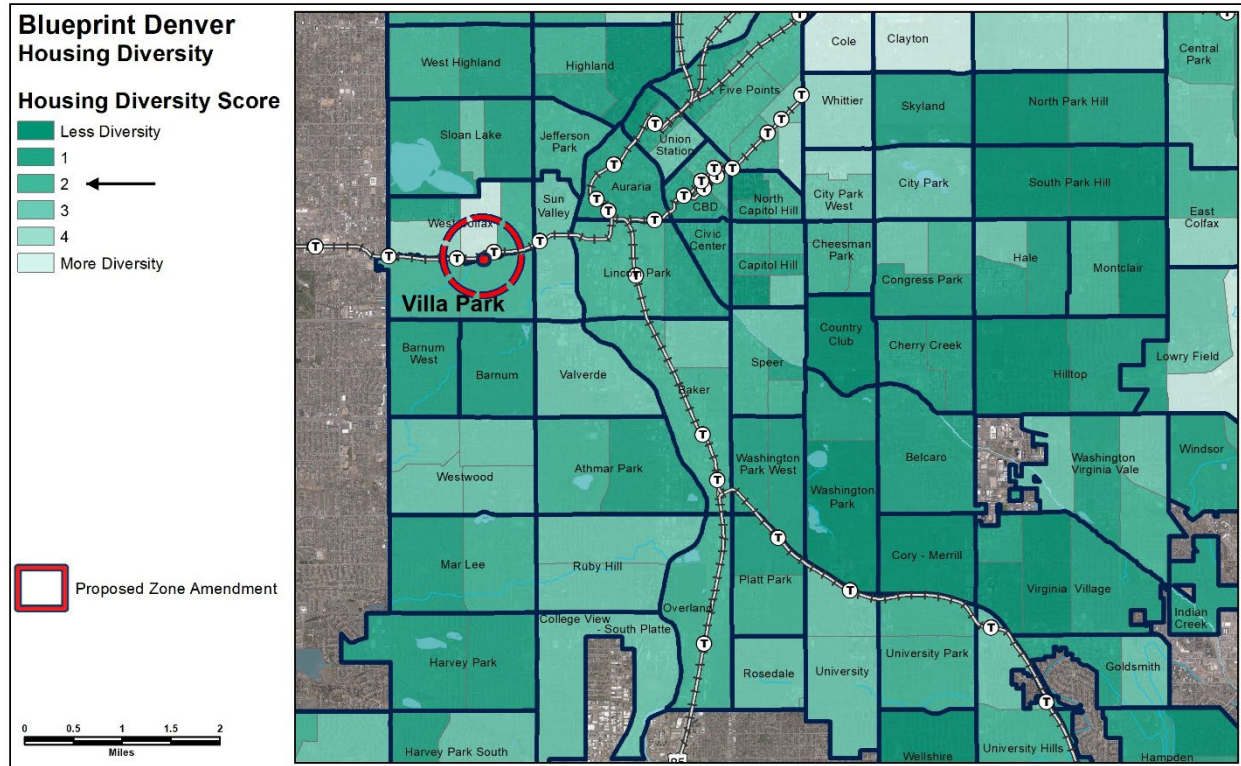


The subject property is in an area that has high vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in two of the three categories: Educational Attainment and Median Household Income. In areas with high vulnerability to involuntary displacement, it is important to increase affordable housing options so that residents of all income levels can continue to live in these neighborhoods.

The proposed rezoning to allow for a multi-unit residential development, intended to offer for-sale units, will provide opportunities for home ownership and help keep existing residents in the neighborhood. This proposed rezoning would allow for additional residential units in this area, which can help provide housing for existing residents and contribute to meeting the citywide demand for housing.



### Housing Diversity

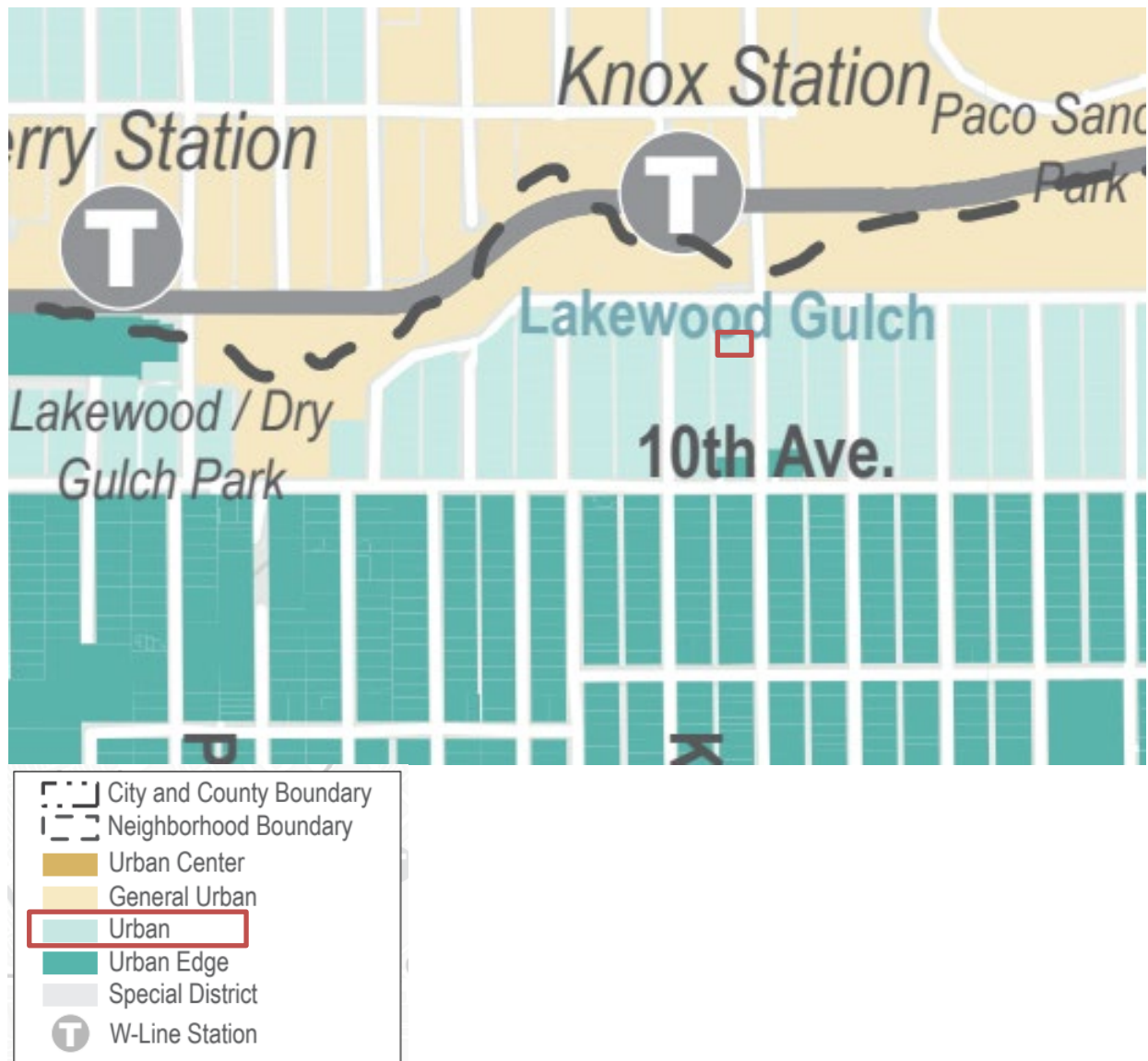


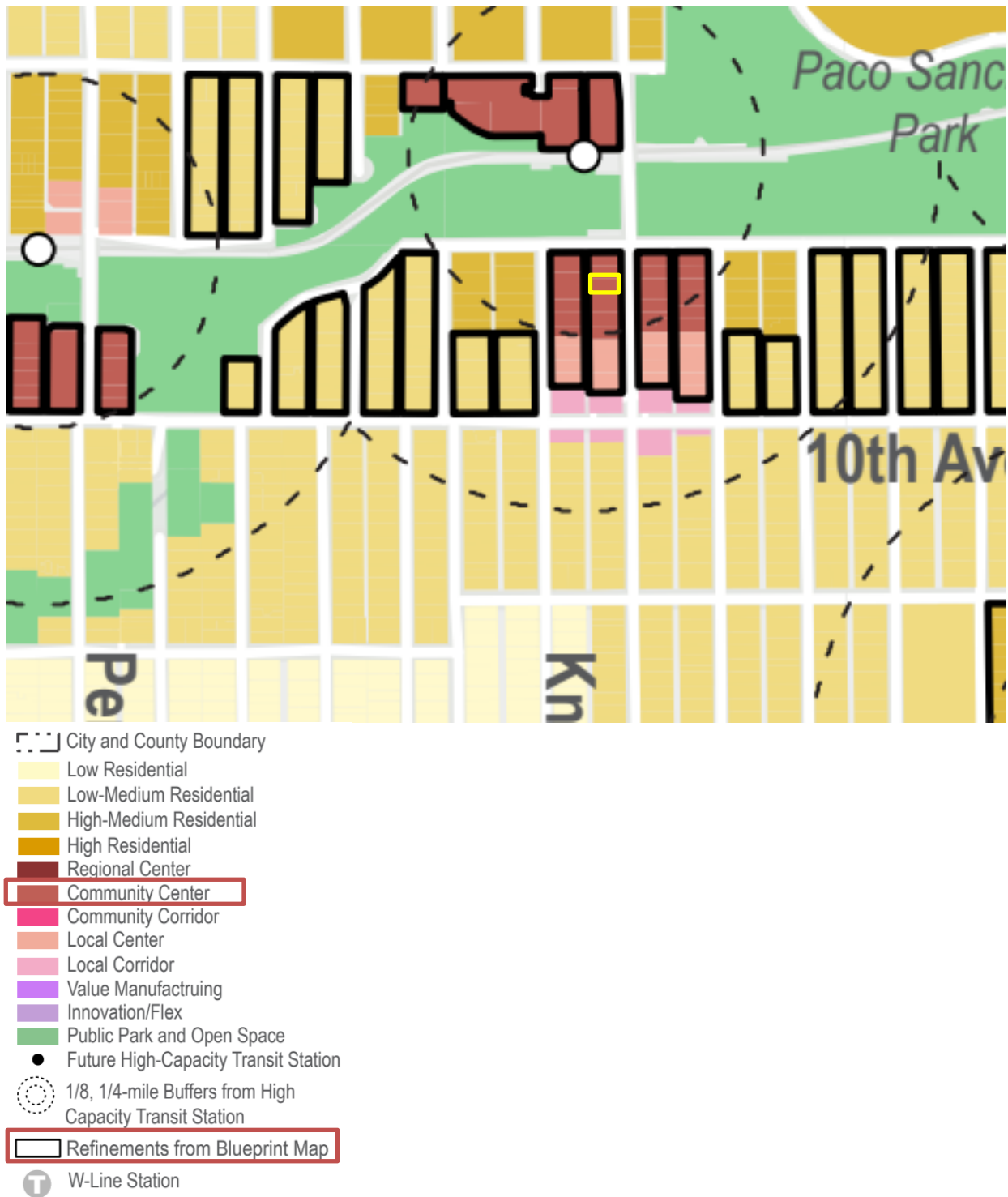
The subject property is in an area that has low housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. The subject area is not diverse in terms of the percentage of owners to renters, number of income restricted units and housing costs. Adding missing middle housing is a strategy to add needed housing diversity.

The neighborhood lacks smaller-scale multi-unit developments compared to the rest of the city and does not offer a diversity of housing costs when compared to the Denver average. The proposed rezoning will help diversify the housing stock and encourage a mix of residential development types available.

**West Area Plan**

The *West Area Plan* was adopted in March 2023 as part of Community Planning and Development’s Neighborhood Planning Initiative and supersedes the *Villa Park Neighborhood Plan* and the *West Colfax Plan*. It also updates the guidance in *Blueprint Denver*. In the *West Area Plan*, the subject property is within the Urban Neighborhood Context and in the Future Place Map is classified as Community Center, which is defined as: Typically provides some mix of office, commercial, and residential uses. Buildings are larger in scale than those found in local centers, and are oriented toward the street or other public spaces. Building frontages are continuous and define the public realm with a strong degree of urban design.





The proposed U-RH-2.5 zone district allows for multiple residential building forms up to 2.5 stories in height. Though the proposed zone district does not allow commercial and other nonresidential uses envisioned by the West Area Plan’s Community Center designation, it does allow the higher density of

residential uses also called for in this area by the West Plan, which will help support the future transition of this area to a mixed-use Community Center near high-frequency transit. Therefore, the proposed U-RH-2.5 zone district is consistent with the direction given in the West Area Plan.

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

The proposed rezoning to U-RH-2.5 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

## **4. Justifying Circumstances**

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, "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 a change may include: Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

The application identifies the changing conditions north of the property along the West Corridor Light Rail line as the Justifying Circumstance. There has been increasing redevelopment in the Villa Park and West Colfax neighborhoods and significant investment in infrastructure has occurred around the Knox RTD Light Rail station.

This increase in the intensity of land use in the area has created additional need for higher intensity residential uses like those allowed in the U-RH-2.5 zone district. This changed and changing condition make continued residential uses appropriate at this site. Also, as discussed above *Blueprint Denver* mapped this site as High Medium Future Place type, consistent with the proposed U-RH-2.5. Therefore, the proposed map amendment is justified in order to recognize the changed character of the land.

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

The proposed U-RH-2.5 zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of primarily single-unit and two-unit residential uses, and small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Residential buildings typically have consistent, moderate

front setbacks, shallow side setbacks and consistent orientation. The Urban Neighborhood Context is characterized by low-scale buildings except for some mid-rise commercial and mixed-use structures, particularly at nodes or along arterial streets. There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system (DZC, Division 5.1). It is appropriate to apply zoning within the Urban Neighborhood Context at this location through the adopted plan vision described earlier as well as the existing context. The proposed rezoning to U-RH-2.5 will enable development that is consistent with the neighborhood context description.

According to DZC 5.2.2.1.A, the general purpose of the Residential zone districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards, and uses work together to promote desirable residential areas. Lot sizes are consistent within an area, and lot coverage is typically medium to high accommodating a consistent front and side yard. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form. 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. The rezoning to U-RH-2.5 is consistent with the zone district general purpose and recognizes the existing residential context.

Specifically, U-RH-2.5 is a multi-unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms. The proposed zone district recognizes both the subject site's existing condition and surrounding context, fulfilling this Specific Intent statement.

### **Attachments**

1. Application
2. Comment Letters.



## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone	616-802-2754	Telephone	
Email		Email	
*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. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
<b>PROPOSAL</b>			
Proposed Zone District:			
<b>PRE-APPLICATION INFORMATION</b>			
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"/> <b>Yes - State the contact name &amp; meeting date</b> _____ <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>	
Did you contact the City Council District Office regarding this application ?		<input type="checkbox"/> <b>Yes - if yes, state date and method</b> _____ <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>	

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 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></p> <hr/>
<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 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 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 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 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.



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

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.

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
	616-802-2754		<i>[Signature]</i>			



Steve Ferris, Principal  
[sferris@realestategarage.net](mailto:sferris@realestategarage.net)

As Resubmitted November 23, 2022

City and County of Denver  
Community Planning & Development  
Planning Services Division  
201 W. Colfax Avenue, 2<sup>nd</sup> floor  
Denver, CO 80202  
As emailed to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**RE: Application, Request to Rezone 1085 N Knox Ct. from E-SU-D1x to U-RH-2.5  
Application # 2022I-00145**

Dear Community Planning & Development:

This firm represents Anthony B Phillips Trust, the property owner, and the corresponding property, 1085 N Knox Ct., regarding the attached application for a zoning map amendment (“rezoning”). Based on the criteria for review in the Denver Zoning Code, we recommend that staff recommend approval to Planning Board and City Council for Application #2022I-00145. This resubmittal has been amended from the original submittal to change the requested zoning designation from E-RH-2.5 to U-RH-2.5, at the request of Planning staff. It also updates community outreach and support information found in Exhibit D.

### **Request for Rezoning**

**Address:** 1085 Knox Ct, Denver, CO 80204.  
**Neighborhood/Council District:** Villa Park / Council District 3.  
**RNOs:** Community Coalition for Barnum and Inter-Neighborhood Cooperation (INC).  
**Area of Property:** 6,250 square feet or 0.41 acres.  
**Current Zoning:** E-SU-D1x.  
**Proposed Zoning:** U-RH-2.5.  
**Property Owner(s):** Anthony B Phillips Trust.

### **Summary of Rezoning Request**

- The subject property is currently vacant, and formerly contained a single-story, single-unit dwelling built in 1949. It is located within the Villa Park statistical neighborhood at the southwest corner of W 12<sup>th</sup> Ave. and N Knox Ct.

- The property owner is proposing to rezone the property to allow for the future potential redevelopment of more housing on site.
- The proposed U-RH-2.5, Urban, Row House, 2.5 stories, is a multi-unit zone district that allows the suburban house, urban house, duplex, tandem house, and row house primary building forms as well as detached accessory dwelling units (only allowed as accessory to a primary single-unit residential use). The intent of the residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. Further details of the requested zone district(s) can be found in the proposed zone district section of the Applicant's application (below) and in Article 4 of the Denver Zoning Code (DZC).

### **Proposed Zoning**

The Requested U-RH-2.5 zone district is found in the Urban neighborhood context. It is a multi-unit zone district that allows for residential uses in a variety of building forms including: Suburban house, urban house, duplex, tandem House, and row house primary building forms. All Primary building forms allow up to 35 feet or 2.5 stories. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The U-RH-2.5 district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be in the rear 35 percent of the lot, only allowed as accessory to a primary single-unit residential use. The ADU building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. This form allows an exemption from the 37.5 percent building coverage standard, allowing the lesser of 50 percent or 500 square feet. For zone lots greater than 7,000 square feet, the ADU building footprint may be a maximum of 1,000 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present. The minimum parking requirement for a dwelling, multi-unit residential use is one space per unit.

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

<b>Design Standards</b>	<b>E-SU-D1x (Existing)</b>	<b>U-RH-2.5 (Proposed)</b>
Primary Building Forms Allowed	Suburban House; Urban House	Urban House, Duplex, Tandem House, Row House
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2.5 stories / 35 feet*	2.5 stories / 30 feet*
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	Urban house: 1 story / 19 feet Suburban House: 2.5 stories/ 35 feet	2.5 stories / 19 feet*
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (min.)	6,000 sf	3,000 sf
Zone Lot Width (min.)	50 feet	25'
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / Calculated per Sec. 13.1.5.9
Side Street Setback (min.) *	5 feet	7.5 feet
Side Interior Setback (min.) *	5 feet	10 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

\*Based on subject property width of 75 feet

The exhibits referred to herein shall constitute a part of this application and are incorporated into this application for all purposes.

- **Exhibit A:** Property Legal Description
- **Exhibit B:** Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7., amended 2/12/21).
- **Exhibit C:** Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.)).
- **Exhibit D:** Community Support and Outreach.
- **Exhibit E:** Letter of Authorization for Steve Ferris and the Real Estate Garage, LLC to act as Representative.
- **Exhibit F:** Proof of Ownership and Agency, Assessors Record, and LLC documentation.

## Exhibit A Legal Description

**1085 N Knox Ct.**

**LOTS 45 AND 46, BLOCK 15, VILLA PARK, CITY AND COUNTY OF DENVER, STATE OF COLORADO.**

also known by street and number as: **1085 NORTH KNOX COURT, DENVER, CO 80204**

## Exhibit B

### Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7.)

The criteria for review of this rezoning application are found in DZC Section 12.4.10.7 and 12.4.10.8:

#### DZC Section 12.4.10.7

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

#### DZC Section 12.4.10.8 4

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

#### 1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

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

#### Denver Comprehensive Plan 2040

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

The proposed rezoning would allow for an additional housing unit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy 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 (p. 28).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

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

The proposed rezoning is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).

The requested map amendment will allow an additional residential unit at an infill location where infrastructure is already in place. The requested zone district enables a building form and use which can provide residents with a mixture of housing types. Therefore, the rezoning is consistent with Denver Comprehensive Plan 2040 recommendations.

## **Blueprint Denver (2019)**

Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city's land use and transportation decisions. Blueprint Denver identifies the subject property as part of a High Medium Residential future place type within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

### Blueprint Denver Future Neighborhood Context

In Blueprint Denver, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). Blueprint Denver describes the Urban neighborhood context as follows: “[t]he urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities.

The urban context is walkable due to a predictable street grid in residential areas and the availability of transit and dedicated bike lanes. These areas offer access to neighboring areas and commercial nodes, with some small mixed-use nodes within the neighborhood. Parking is predominately off-street complemented by managed on-street options” (pg. 221).

U-RH-2.5 is consistent with Blueprint Denver's future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing a

low-scale multi-unit residential building that will be compatible with the existing residential area.

### Blueprint Denver Future Places

Within the Urban Neighborhood Context, the subject property is categorized as High Medium Residential Future Place with a land use and built form defined by Blueprint Denver as “A mix of mid-scale multi-unit residential options. Some neighborhood-serving mixed-use may be appropriate, especially along arterial streets or at non-local street intersections. Buildings are generally up to 5 stories in height. Building heights and scaling help provide transitions to adjacent places” (p. 233). The proposed U-RH-2.5 zone district, allowing multiple building forms up to 2.5 stories in height on a medium lot, is compatible with this Future Place type.

### Blueprint Street Types

In Blueprint Denver, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). Blueprint Denver classifies North Knox Court as a Residential Collector, which “...are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). W 12<sup>th</sup> St. is classified as Local or Undesignated which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161).

### Blueprint Growth Strategy

Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed U-RH-2.5 zone district is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s single-unit residential character. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

### Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from Blueprint Denver:



- Land Use & Built Form - Housing Goal 2: Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas (p. 82).
- Land Use & Built Form - Housing Goal 2: Integrate missing middle housing into low and low medium residential areas, especially those that score low in housing diversity. This allowance should advance goals for affordability, such as including a requirement to provide affordability in exchange for increased density (p. 82).

This rezoning to a row house zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with Blueprint Denver recommendations. Additionally, the rezoning of the subject property will provide affordable missing middle housing options for residents in the neighborhood. The proposed map amendment is therefore consistent with the above strategies.

### **Villa Park Neighborhood Plan**

The Villa Park Neighborhood Plan was adopted by City Council in 1991 and applies to the subject property. The proposed rezoning to allow for an extra unit on this site would help implement some of the plan’s goals to stabilize, or upgrade where necessary, the present housing stock; to maintain the neighborhood’s low density residential character and to maintain or upgrade the quality of low-density residential property while encouraging the construction of new low-density housing.

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

The proposed rezoning to U-RH-2.5 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city’s adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

### ***Blueprint Equity Concepts, Applying Equity Concepts for Small Rezoning:***

In Blueprint Denver Section 3.1; Plan In Action: Applying Blueprint Denver to Rezoning, Blueprint states:

“Equity Concepts: Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above,

they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings”.

While Blueprint Denver acknowledges that Equity Concepts are difficult to apply to small single parcel rezonings such as this one, we believe these are important criteria to address in our city. This rezoning may help this small property contribute to a more equitable Denver in the following ways:

**Equity Concept 1: Expanding Housing and Jobs Diversity** - *providing a better and more inclusive range of housing and employment options in all neighborhoods.*

The current zone districts a single unit district. By rezoning to the proposed U-RH-2.5, the City and County of Denver will allow for a greater range of housing options and employment related to redevelopment of this site (e.g., consulting, construction, city permits, etc....).

#### **The Importance of Housing and Jobs Diversity**

*It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (40)*

The U-RH-2.5 zone district will allow for, and provide, flexibility for multiple building forms and uses. This zoning district would allow for an equitable distribution of housing types that will ensure new development contributes positively to established residential neighborhoods, and character. As such, there is little doubt that rezoning would overcome the constraints of the existing zoning, as it will allow the introduction of housing and employment opportunities that do not exist today.

**Equity Concept 2: Improving Access to Opportunity** - creating more equitable access to quality-of-life amenities, health, and quality education.

*The proximity of an amenity (including quality jobs, schools, parks, health care services and healthy food), the affordability of that amenity, and the safety and ease of access to that amenity are important elements of access to opportunity. Equitable access to opportunity strengthens our collective prosperity and improves outcomes for all. In areas with high access to opportunity, it is important to increase the range of affordable housing options so that residents of all income levels can live in these neighborhoods.” (pp. 32-35)*

The proposed map amendment will promote public access to open spaces integrated with nature (e.g., Paco Sánchez Park), encourage better connection to transit (e.g., RTD Decatur - Federal light rail stop) and adjacent transportation networks, and provide

more housing supply with both market-rate housing. According to a [zoning map on the city's website](#), much of the land in Denver is zoned for single-unit residencies, which typically means detached houses with individual backyards. These self-imposed zoning restrictions have reduced the supply of housing units, which has had a drastic impact on housing costs in Denver<sup>1</sup>.

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<sup>1</sup> Werley, J. (March 3, 2022). *Even with monthly uptick in inventory, Denver housing supply hits another record low.* Denver Business Journal.  
<https://www.bizjournals.com/denver/news/2022/03/03/dmar-market-report-march-2022-denver-housing.html>

## Exhibit C:

### Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.)

#### 4. Justifying Circumstances

Changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: “Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan....” Since the approval of the existing E-SU-D1x zone district, the City has adopted the Comprehensive Plan 2040 and Blueprint Denver. Additionally, adjoining properties to the east and west were rezoned to a similar zone district, U-RH-2.5. As stated throughout this application, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The proposed U-RH-2.5 zone district is within the Urban Neighborhood Context, which “is primarily single-unit and two-unit residential uses” and “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” (DZC, Division 4.1). This context “consists of a regular pattern of block shapes” and “a mixed presence of alleys” (DZC, Division 4.1). The Villa Park neighborhood consists mostly of single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-RH-2.5 will enable development that is consistent with the neighborhood context description. According to DZC 4.2.2.1, the general purpose of the Residential zone districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards, and uses work together to promote desirable residential areas. 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. 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. The rezoning to U-RH-2.5 is consistent with the zone district general purpose and recognizes the existing residential context. Specifically, U-RH-2.5 is a multi-unit district that allows up to a two and a half story rowhouse building form. It also allows the suburban house, urban house, detached accessory dwelling unit, duplex, and tandem house building forms. The proposed zone district recognizes both the subject site's existing condition and surrounding context, fulfilling this Specific Intent statement.



## Exhibit D Community Support and Outreach

Prior to submitting this application, we discussed the intent of the rezoning with Council District 3. We have also reached out to At-Large councilpersons without formal responses. In addition, we have reached out and/or communicated with United Northwest Denver, the Sloan's Lake Citizen Group, Villa Park Neighborhood Association (VPNA), INC, and West Colfax Association of Neighbors (WeCAN). The only response that showed interest in meeting was received from the Villa Park Neighborhood Association.

We have met with and/or attended Villa Park Neighborhood Association on May 23, June 15, June 22, October 26, and November 16, 2022, both virtually and in-person. We held good discussions on the scope and intent of the rezone. General feedback has been congenial, in large part because the owner and applicant are Villa Park residents, and the plan involves construction of a triplex. Following the last meeting and presentation on November 16, 2022, the VPNA held a vote to decide on whether to support this rezoning. We understand that vote resulted in a tie, so as of this writing, no formal notice of support or opposition from the VPNA is expected. The applicant are residents of the Villa Park neighborhood and will be obtaining numerous letters of support from their neighbors prior to the Planning Board hearing.

## **Exhibit E**

**Letter of Authorization for Steve Ferris and the Real Estate  
Garage, LLC to act as Representative**

PHILLIPS, ANTHONY B TRUST  
971 TENNYSON ST  
DENVER, CO 80204-2919

August 1, 2022

As Submitted Within Rezoning Application

**RE: Authorization to Represent Rezoning Application for 1085 Knox Court**

Interested Parties with the City of Denver:

We hereby authorize Steve Ferris and his firm, the Real Estate Garage, to represent the Philips Anthony B Trust within the rezoning application for our property addressed at 1085 Knox Court in the City of Denver.

Thank you for your consideration,



---

Representing Phillips, Anthony B Trust



## **Exhibit F**

### **Proof of Ownership and Agency**

# **Certification of Trust for The Anthony B. Phillips Trust dated July 23, 2020**

Pursuant to C.R.S. 11-105-111, this Certification of Trust is signed by the currently acting Trustee of The Anthony B. Phillips Trust dated July 23, 2020, who declares:

1. The Settlor of the trust is Anthony B. Phillips. The trust is revocable by the Settlor.
2. The Trustee of the trust is Anthony B. Phillips.
3. The Trustee Succession provisions are set forth in Article Three of the trust.
4. The tax identification number of the trust is the Social Security number of Anthony B. Phillips.
5. Title to assets held in the trust will be titled as:  
  
Anthony B. Phillips, Trustee of The Anthony B. Phillips Trust dated July 23, 2020, and any amendments thereto.
6. An alternative description will be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor Trustee, any reference indicating that property is being held in a fiduciary capacity, and the date of the trust.
7. Excerpts from the trust document that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request. The powers of the Trustee include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests.
8. The terms of the trust provide that a third party may rely upon this Certification of Trust as evidence of the existence of the trust and is specifically relieved of any obligation to inquire into the terms of this trust or the authority of my Trustee, or to see to the application that my Trustee makes of funds or other property received by my Trustee.
9. The trust has not been revoked, modified, or amended in any way that would cause the representations in this Certification of Trust to be incorrect.

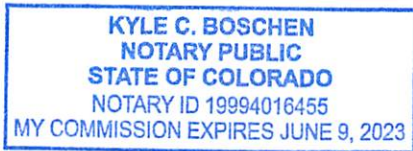
July 23, 2020


  
\_\_\_\_\_  
Anthony B. Phillips, Trustee

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF ARAPAHOE        )

This instrument was acknowledged before me on July 23, 2020, by Anthony B. Phillips, as Trustee.

Witness my hand and official stamp.



  
\_\_\_\_\_  
Kyle C. Boschen, Notary Public  
My commission expires: 06/09/2023

# 1085 N KNOX CT

<b>Owner</b>	PHILLIPS, ANTHONY B TRUST 971 TENNYSON ST DENVER, CO 80204-2919
<b>Schedule Number</b>	05053-10-022-000
<b>Legal Description</b>	L 45 & 46 BLK 15 VILLA PARK
<b>Property Type</b>	SFR Grade C
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	13: 1 STORY	<b>Building Sqr. Foot:</b>	839
<b>Bedrooms:</b>	2	<b>Baths Full/Half:</b>	1/0
<b>Effective Year Built:</b>	1949	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	6,250	<b>Zoned As:</b>	E-SU-D1X

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

Current Year			
	Actual	Assessed	Exempt
Land		\$140,400	\$9,760 \$0
Improvements		\$181,200	\$12,590
<b>Total</b>		<b>\$321,600</b>	<b>\$22,350</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$140,400	\$10,040 \$0
Improvements		\$181,200	\$12,960
<b>Total</b>		<b>\$321,600</b>	<b>\$23,000</b>

### Real Estates Property Taxes for current tax year

**System Upgrade Underway:**

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy \* **74..618** \*

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>	7/12/2022	7/12/2022	7/12/2022
<b>Original Tax Levy</b>	\$858.11	\$858.11	\$1,716.22
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$25.75	\$25.75	\$51.50
<b>Paid</b>	\$883.86	\$883.86	\$1,767.72
<b>Due</b>	\$0.00	\$0.00	\$0.00

### Additional Information

**Note:** If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

<b>Additional Assessment ⓘ</b>	N	<b>Prior Year Delinquency ⓘ</b>	N
<b>Additional Owner(s) ⓘ</b>	N		
<b>Adjustments ⓘ</b>	N	<b>Sewer/Storm Drainage Liens ⓘ</b>	N
<b>Local Improvement Assessment ⓘ</b>	N	<b>Tax Lien Sale ⓘ</b>	N
<b>Maintenance District ⓘ</b>	N	<b>Treasurer's Deed ⓘ</b>	N
<b>Pending Local Improvement ⓘ</b>	N		

Real estate property taxes paid for prior tax year: **\$1,578.87**

### Assessed Value for the current tax year

<b>Assessed Land</b>	\$10,040.00	<b>Assessed Improvements</b>	\$12,960.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$23,000.00

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	#2022I-00145
Location	1085 N Knox Court
Registered Neighborhood Organization Name	Strong Denver
Registered Contact Name	John Inzina
Contact Address	1255 N Ogden St APT 102, Denver, CO 80218
Contact E-Mail Address	DenverVoters@gmail.com
Date Submitted	1/24/23

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on  , with  members in attendance.

With a total of  members voting,

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

voted to oppose the application; and

voted to abstain on the issue.

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

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

Application #  .

Comments:

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	20221-001-45
Location	1085 Knox Ct
Registered Neighborhood Organization Name	Villa Park Neighborhood Association
Registered Contact Name	Jaime Aguillar
Contact Address	958 Julian St
Contact E-Mail Address	villaparkdenver@gmail.com/vpna_2000@yahoo.com
Date Submitted	1/12/2023

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on  , with  members in attendance.

With a total of  members voting,

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

voted to oppose the application; and

voted to abstain on the issue.

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

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

Application #  .

Comments: The voting on 11/16/2022 was a split vote with one vote more to oppose. Concerns about the project that were discussed was the lot had previously been rezoned in 2022 with an administrative rezoning from E-SU-D to E-SU-D1X which allowed for accessory dwelling units. With this zoning the intent was to reduce involuntary displacement of residents and allow the possibility of an ADU for economic stability. In the proposed West Denver Neighborhoods Initiative, involuntary displacement of residents is noted in the plan and development that will increase the housing unit by one is counter to this area of concern as noted in the plan and in Blueprint Denver focus of reducing vulnerability to displacement by stabilizing residents and business who are vulnerable to involuntary displacement due to increasing property values and rents. The owner has stated in his informational meetings about the project that the market cost of these units will be \$750K which is well above the area's median

Text from Comment letter from Villa Park Neighborhood Association:

The voting on 11/16/2022 was a split vote with one vote more to oppose. Concerns about the project that were discussed was the lot had previously been rezoned in 2022 with an administrative rezoning from E-SU-D to E-SU-D1X which allowed for accessory dwelling units. With this zoning the intent was to reduce involuntary displacement of residents and allow the possibility of an ADU for economic stability. In the proposed West Denver Neighborhoods Initiative, involuntary displacement of residents is noted in the plan and development that will increase the housing unit by one is counter to this area of concern as noted in the plan and in Blueprint Denver focus of reducing vulnerability to displacement by stabilizing residents and business who are vulnerable to involuntary displacement due to increasing property values and rents. The owner has stated in his informational meetings about the project that the market cost of these units will be \$750K, which is well above the area's median. The rezoning proposed would only add one more unit of density with two bedrooms per unit and do not provide for a larger family that would be supported with the existing zoning. This proposal increases involuntary displacement of residents by eliminating the ADU option by eliminating the footprint capacity of the site. It does not increase opportunities for households to raise their families due to the limitation of bedroom. This type of development is having an impact on the stability of the Villa Park community to access affordable housing, have a place to raise their families and continue to support neighborhood schools. This type of development decreases opportunities for families and as we have seen, creates the conditions to close our neighborhood schools.

In addition, the staff equity analysis noted the involuntary displacement of residents as high and notes the proposal has limited housing diversity from the current zoning. The analysis goes on to state there is some access to opportunity but doesn't address any increase opportunity to education, healthcare and grocery stores. This analysis doesn't support a strong public benefit to warrant a change in zoning. The proposal is inconsistent with the neighborhood context and is a step back from the current zoning.



11/19/2022

Hello Steven,

The VPNA members who were present and via Zoom were split on their opinions, so I doubt any action, either positive or negative, will be taken by VPNA regarding your rezoning request.

Sincerely,

Steven Stone

VPNA Board Member

On Fri, Nov 18, 2022 at 8:19 AM Steven Ferris <[sferris@realestategarage.net](mailto:sferris@realestategarage.net)> wrote:

Hi Steven and Jaime,

As you might expect, we wanted to check back on how things went after we departed on Wednesday evening. Technically, you folks do not have to tell us anything. But, I am prepping a final resubmission of our application narrative to the city, in anticipation of that 1/18/23 Planning Board meeting, and I would like to share with them anything that the VPNA Board may have decided on Wednesday night.

Thanks again for your time, and Happy Thanksgiving,

Steve

**Steven Ferris**

**The Real Estate Garage**

**ph: 303-435-5393**

**email: [steve@realestategarage.net](mailto:steve@realestategarage.net)**

On Wed, Nov 16, 2022 at 8:11 AM, Steven Ferris <[sferris@realestategarage.net](mailto:sferris@realestategarage.net)> wrote:

Thank you Steven and Jaime. Attached please find what we would like to present this evening.

See you on the screen,

Steve

**Steven Ferris**

**The Real Estate Garage**

**ph: 303-435-5393**

**email: [steve@realestategarage.net](mailto:steve@realestategarage.net)**

On Mon, Nov 14, 2022 at 10:48 AM, Villa Park Neighborhood <[villaparkdenver@gmail.com](mailto:villaparkdenver@gmail.com)> wrote:

Zoom would preferred for any presentation,

On Sat, Nov 12, 2022 at 9:28 AM Steven Ferris <[sferris@realestategarage.net](mailto:sferris@realestategarage.net)> wrote:

Thank you Steven. Would you prefer we a end virtually or in person?

Steve

**Steven Ferris**

**The Real Estate Garage**

**ph: 303-435-5393**

**email: [steve@realestategarage.net](mailto:steve@realestategarage.net)**

*Insert date*

Valerie Herrera  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 1085 N. Knox Court Rezoning Application, Case # 2022i-00145

Dear Ms Herrera,

I/we reside at 981 Tennyson Street, and am a resident of the Villa Park Neighborhood within the City of Denver. I/we are pleased to write this letter of support for the rezoning application at 1085 Knox Court, to change the zoning from E-SU-D1x to U-RH-2.5.

I/we support of this rezoning for the following reasons:

1. U-RH-2.5 zoning is consistent with the future vision this portion of Villa Park.
2. The proposed new U-RH-2.5 zone district exactly meets the intent and objectives of the adopted and proposed plans which at this specific location call for more density close to the Knox Court light rail station.
3. This rezoning is an implementation step informed by the planning guidance for the area, including the draft West Area Plan, and will be a catalyst for positive change in Villa Park and the area surrounding the light rail station.

Sincerely,

*Sean McAuley*

---

name

*Insert date*

Valerie Herrera  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 1085 N. Knox Court Rezoning Application, Case # 2022i-00145

Dear Ms Herrera,

I/we reside at 943 Tennyson Street, and am a resident of the Villa Park Neighborhood within the City of Denver. I/we are pleased to write this letter of support for the rezoning application at 1085 Knox Court, to change the zoning from E-SU-D1x to U-RH-2.5.

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Sincerely,



---

name

*Insert date*

Valerie Herrera  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 1085 N. Knox Court Rezoning Application, Case # 2022i-00145

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Sincerely,

*Keiko Riven*

---

name

*Insert date*

Valerie Herrera  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 1085 N. Knox Court Rezoning Application, Case # 2022i-00145

Dear Ms Herrera,

I/we reside at 869 Knox Court, and am a resident of the Villa Park Neighborhood within the City of Denver. I/we are pleased to write this letter of support for the rezoning application at 1085 Knox Court, to change the zoning from E-SU-D1x to U-RH-2.5.

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Sincerely,



---

*name*

1/30/2023

Valerie Herrera  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 1085 N. Knox Court Rezoning Application, Case # 2022i-00145

Dear Ms Herrera,

I reside at 980 Utica, and am a resident of the Villa Park Neighborhood within the City of Denver. I am pleased to write this letter of support for the rezoning application at 1085 Knox Court, to change the zoning from E-SU-D1x to U-RH-2.5.

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Sincerely,



Craig Magtutu





01 / 31 / 2023

*name*

<b>Title</b>	Please help us get 1085 Knox rezoned!
<b>File name</b>	1085 Knox Court r...pport letter.docx
<b>Document ID</b>	16053b4d8a7765699f1f806025ea7dd56676091b
<b>Audit trail date format</b>	MM / DD / YYYY
<b>Status</b>	● Signed

---

## Document History

 <small>SENT</small>	<b>01 / 30 / 2023</b> 23:20:55 UTC	Sent for signature to Craig Magtutu (magtutu@gmail.com) from hellosign.com@tonybphillips.com IP: 67.177.227.231
 <small>VIEWED</small>	<b>02 / 01 / 2023</b> 06:11:30 UTC	Viewed by Craig Magtutu (magtutu@gmail.com) IP: 174.29.118.246
 <small>SIGNED</small>	<b>02 / 01 / 2023</b> 06:12:25 UTC	Signed by Craig Magtutu (magtutu@gmail.com) IP: 174.29.118.246
 <small>COMPLETED</small>	<b>02 / 01 / 2023</b> 06:12:25 UTC	The document has been completed.



*Insert date*

Valerie Herrera  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 1085 N. Knox Court Rezoning Application, Case # 2022i-00145

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Sincerely,



Miriam Hashemi

*name*

<b>Title</b>	Please help us with our application to rezone 1085 Knox!
<b>File name</b>	1085 Knox Court r...pport letter.docx
<b>Document ID</b>	89cdb1e402c9d659df658ce681496e7c9c1d7643
<b>Audit trail date format</b>	MM / DD / YYYY
<b>Status</b>	● Signed

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## Document History



SENT

**01 / 23 / 2023**

21:39:20 UTC

Sent for signature to Miriam Hashemi (miriamhashemi@gmail.com) from hellosign.com@tonybphillips.com  
IP: 76.218.225.64



VIEWED

**01 / 24 / 2023**

15:13:59 UTC

Viewed by Miriam Hashemi (miriamhashemi@gmail.com)  
IP: 75.166.60.36



SIGNED

**01 / 24 / 2023**

15:14:19 UTC

Signed by Miriam Hashemi (miriamhashemi@gmail.com)  
IP: 75.166.60.36



COMPLETED

**01 / 24 / 2023**

15:14:19 UTC

The document has been completed.