

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

# REZONING GUIDE



## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input type="checkbox"/> <b>Consistency with Adopted Plans:</b> The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<input type="checkbox"/> <b>Uniformity of District Regulations and Restrictions:</b> The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.
	<input type="checkbox"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.

<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.
	<input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.

## REQUIRED ATTACHMENTS

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

## ADDITIONAL ATTACHMENTS

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



# REZONING GUIDE

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

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

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

## STATEMENT OF AUTHORITY

Pursuant to CO Rev Stat § 38-30-172 (2016), the undersigned hereby executes this Statement of Authority on behalf of AKA Homes, LLC, a Colorado Limited Liability Company (the "Company"), and states as follows:

1. The name of the Company is AKA Homes, LLC.
2. The Company is a Colorado Limited Liability Company.
3. The mailing address of the Company is 837 E 98<sup>th</sup> Ave, #409, Thornton, CO 80229
4. The name and position of the person authorized to execute instruments conveying or affecting title to properties on behalf of this Company is Anna Kariouk, Member of the Company.
5. The authority of Anna Kariouk to bind the Company includes any actions required or reasonably necessary in connection with the proposed map amendment to change the zone district of the property located at 4353 Fillmore St, Denver, CO .

EXECUTED as of the 21 day of January, 2020

  
\_\_\_\_\_  
Anna Kariouk, Member

AKA Homes, LLC

**Property Legal Description**

Lots 29 and 30, Block 15, Town of Swansea,  
City and County of Denver,  
State of Colorado.

# 4353 N FILLMORE ST

**Owner** AKA HOMES LLC  
837 E 98TH AVE 409  
THORNTON , CO 80229-2388

**Schedule Number** 02242-42-013-000

**Legal Description** L 29 & 30 BLK 15 TOWN OF SWANSEA

**Property Type** RESIDENTIAL

**Tax District** DENV

## Print Summary

### Property Description

<b>Style:</b>	ONE-STORY	<b>Building Sqr. Foot:</b>	800
<b>Bedrooms:</b>	3	<b>Baths Full/Half:</b>	1/1
<b>Effective Year Built:</b>	1904	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	6,250	<b>Zoned As:</b>	E-SU-D

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

### Current Year

	<b>Actual</b>	<b>Assessed</b>	<b>Exempt</b>	
Land		\$187,400	\$13,400	\$0
Improvements		\$111,000	\$7,940	

Total	\$298,400	\$21,340
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Prior Year

Actual	Assessed	Exempt	
Land	\$75,000	\$5,400	\$0
Improvements	\$84,400	\$6,080	
Total	\$159,400	\$11,480	

Real Estates Property Taxes for current tax year

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

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$769.49	\$769.47	\$1,538.96
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$769.49	\$769.47	\$1,538.96

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click

<b>Additional Assessment</b> ⓘ	N	<b>Prior Year Delinquency</b> ⓘ	N
<b>Additional Owner(s)</b> ⓘ	N	<b>Scheduled to be Paid by Mortgage Company</b> ⓘ	Y
<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: **\$888.15**

### Assessed Value for the current tax year

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<b>Assessed Land</b>	\$13,400.00	<b>Assessed Improvements</b>	\$7,940.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$21,340.00



To: Community Planning & Development – City and County of Denver

From: Anna Kariouk, as a member of AKA Homes, LLC

Date: 1/21/2020

**Re: Rezoning Application Narrative – 4353 Fillmore Street, Denver, Colorado 80216 (the “Property”) Parcel# 0224242013000**

## **Background**

Anna Kariouk of AKA Homes, LLC owns the Property and currently rents out the single-family home located on the Property to a family member. The Property is located in the Elyria Swansea neighborhood, within a mile from the 40th and Colorado Blvd RTD Light Rail Station and in close proximity to the I-70 corridor and the National Western Complex. There are several duplex residential homes in close proximity to the Property and the lot on the corner of 44<sup>th</sup> and Milwaukee St (which is just to the North East of the Property) has been rezoned last year to accommodate a duplex. At the moment, under the Property’s current E-SU-D zoning, only one single-family dwelling unit is allowed on the Property. AKA Homes, LLC desires the flexibility to construct a duplex on the Property in the future in accordance with the existing pattern and context of the neighborhood and therefore, submits this Application (the “Application”) to request a U-TU-C zoning.

The zoning change would not change the residential use of the area and would not be dramatically increasing the allowed square footage and intensity of use on this site. It would still be consistent with the existing surrounding zonings and area stability. It would still preserve the same low-rise height restrictions of the neighborhood.

Anna Kariouk of AKA Homes, LLC believes that it would not only make a well-being and financial sense to her family but it would also be beneficial for the neighborhood and the community as a whole.

## **General Review Criteria – Section 12.4.10.7**

The Application complies with all three of the Denver Zoning Code’s (the “Code”) general review criteria: (I) consistency with adopted plans; (II) uniformity of district regulations and restrictions; and (III) public health, safety and general welfare.

## **I. Consistency with Adopted Plans**

The Code requires that all map amendment applications be consistent with the City and County of Denver’s (the “City”) adopted plans. (Code § 12.4.10.7.A.). The following plans are applicable to the Property:

### **1. Denver’s Comprehensive Plan 2040**

2. Blueprint Denver 2019
3. Elyria Swansea Neighborhood 2015

## **1. Denver's Comprehensive Plan 2040**

Denver's Comprehensive Plan 2040 ("CP 2040") was adopted by Denver City Council on April 22, 2019. This Application is consistent with the Equitable, Affordable and Inclusion Vision Element and the Strong and Authentic Neighborhoods Element.

Goal 1 of the Equitable, Affordable and Inclusion Vision Element is to "ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities." (CP 2040, pg. 28). Strategy A of Goal 1 is to "increase development of housing units close to transit and mixed-use developments." (CP 2040, pg. 28).

Goal 2 is to "build housing as a continuum to serve residents across a range of incomes, ages and needs." (CP 2040, pg. 28). Strategies A, B and C of Goal 2 state: "(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; and (C) foster communities of opportunity by aligning housing strategies and investments to improve economic mobility and access to transit and services." (CP 2040, pg. 28).

The Application is consistent with the Equitable, Affordable and Inclusion Vision Element because the Application would allow an growth in housing units within a mile of the 40<sup>th</sup> and Colorado RTD Light Rail Station and the growing mixed-use developments along the I-70 corridor. The Application would also create a greater mix and range of housing options in the Elyria Swansea neighborhood by providing an additional duplex, which offers slightly more diversity from the single-family dwelling construction. Lastly, the Application furthers the housing strategy of increased density within access to transit and amenities.

Goal 1 of the Strong and Authentic Neighborhoods Vision Element is to "create a city of complete neighborhoods" and Strategy B of Goal 1 is to "ensure neighborhoods offer a mix of housing types and services for a diverse population." (CP 2040, pg. 34). Strategy D of Goal 1 is to "encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities." (CP 2040, pg.34). Furthermore, the Strong and Authentic Neighborhoods Vision Element identifies the appropriate land use in the Urban Neighborhood Context as "small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas" and the mobility element of the Urban Neighborhood Context is "less reliance on cars, with a high degree of walkability, bike ability, and good access to transit." (CP 2040, pg. 36).

The Application is consistent with the Strong and Authentic Neighborhoods Vision Element because it will offer a greater mix of housing types. The Application will also encourage a moderate increase in density that is consistent with the surrounding neighborhood because of the current existence of other duplex or rowhome housing units in the Property's neighborhood.

Lastly, the Application meets the Urban Neighborhood context of 1-unit and 2-unit residential areas with a focus on mobility and access to public transportation.

Therefore, the Application is consistent with the CP 2040 because it responsibly increases density and available housing product consistent with the surrounding area and within close proximity to a transit station and mixed-use developments.

## **2. Blueprint Denver 2019**

Blueprint Denver 2019 (the “BD”) was adopted by Denver City Council on April 22, 2019, and “provides the foundation for citywide policies and recommendations related to land use, transportation, design and growth.” (Blueprint Denver, pg. 6). Blueprint Denver “uses neighborhood contexts, places and street types to provide a framework to evaluate proposed re-zonings.” (BD, pg. 25, 67).

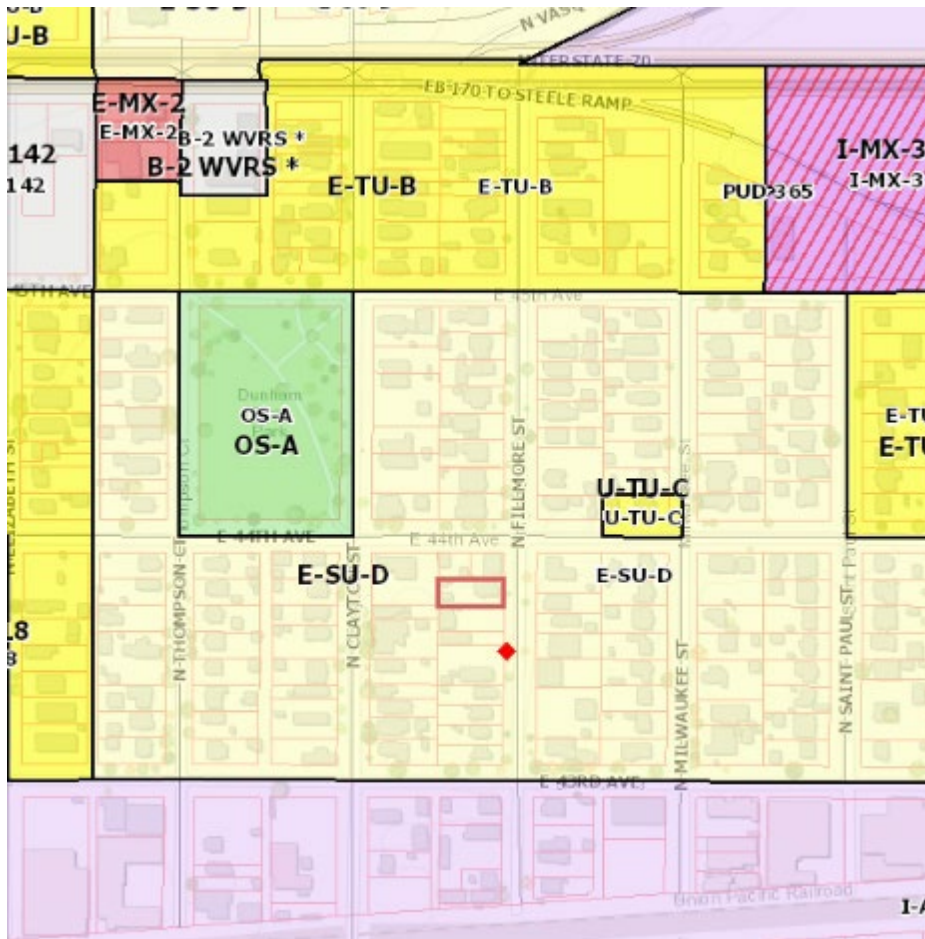
The Property is in the Urban Neighborhood Context, which is defined as “small multiunit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas.” (BD, pg. 137). The Property is designated on the Future Places map as in a “Low Residential” area. (BD, pg. 143). Blueprint Denver states that Low Residential future places are “predominately single- and two-unit uses on smaller lots” and “duplexes can be thoughtfully integrated where compatible.” (BD, pg. 230). BD also gives specific guidance for applying the Low Residential future place to proposed re-zonings. (BD, pg. 231). Specifically, “when a rezoning request is made to change the zoning to allow two-unit uses, the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns.” (BD, pg. 231).

The Application is asking a zone map change from E-SU-D to U-TU-C, which is a zone district that would allow two-unit uses on the Property. Accordingly, pursuant to BD, the fitness depends on small area plan guidance, neighborhood input and the existing zoning patterns. Additionally, the Applicant has contacted all registered neighborhood organization for comments and did not get any opposing feedback.

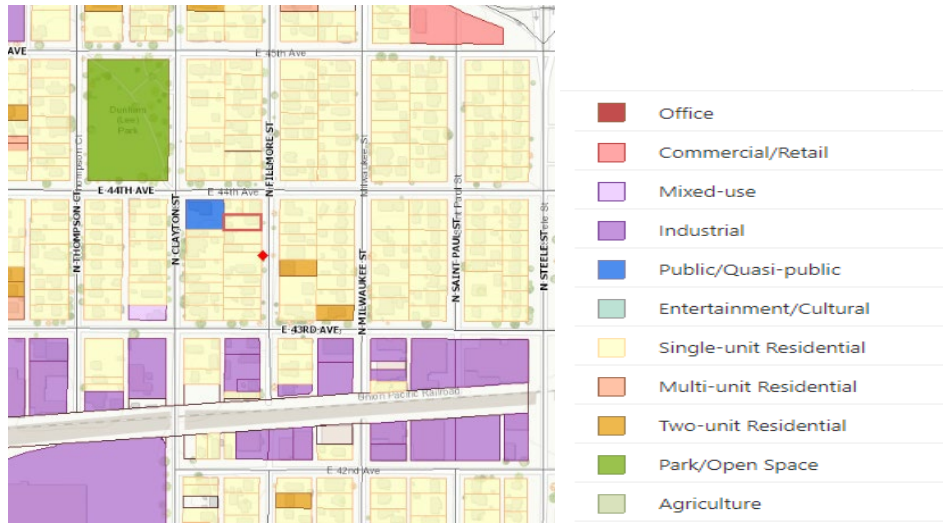
Surrounding zonings to the property are as seen on the map below:

- E-SU-D
- U-TU-C
- OS-A
- E-TU-B
- I-A, UO-2

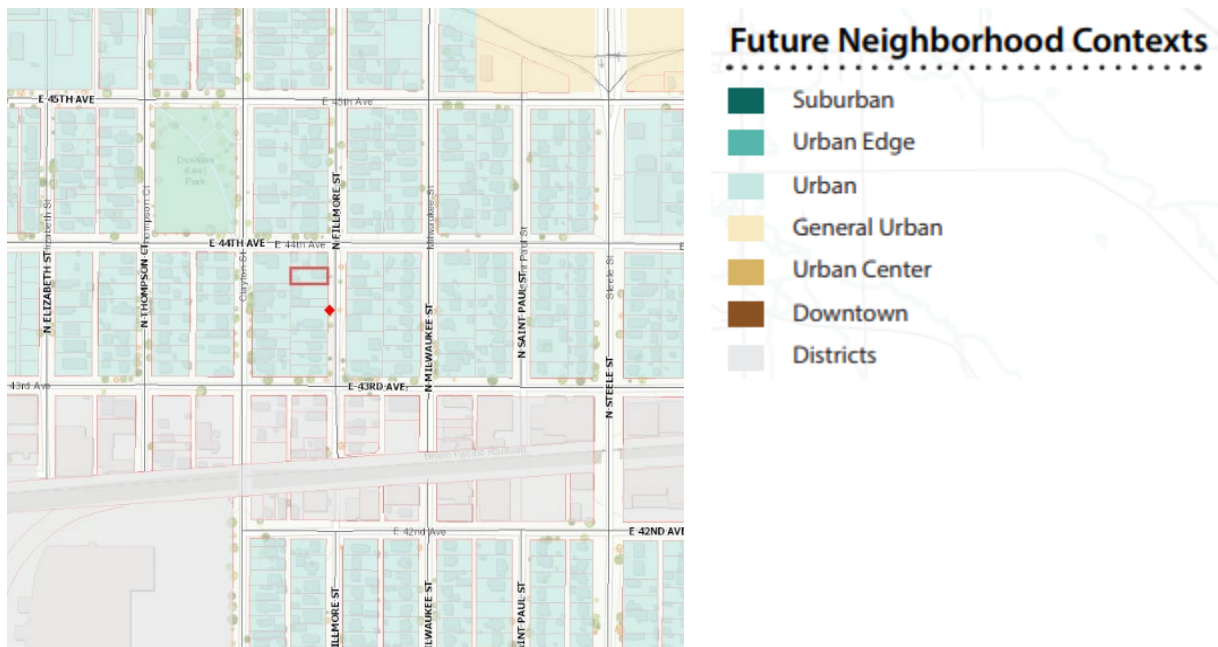
The property is identified by a red rectangle.



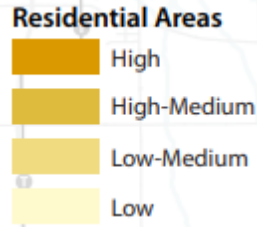
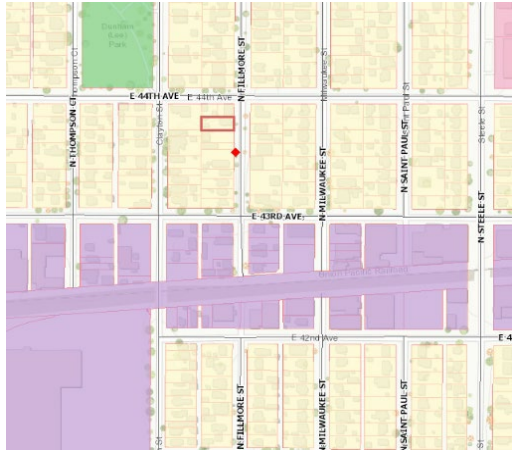
The Application is consistent with the existing zoning patterns because of its proximity to other properties located in the U-TU-C zone district and because there are other duplexes and two-unit uses located within the Property's E-SU-D zone district. The map below shows the Property's proximity to other duplexes, two-unit uses, and multi-unit uses. The Property is identified by a red rectangle and the pink and orange colors on the map identify the other multi-unit and two-unit residential uses in close proximity to the Property, as labeled in the legend on the right-hand side of the map.



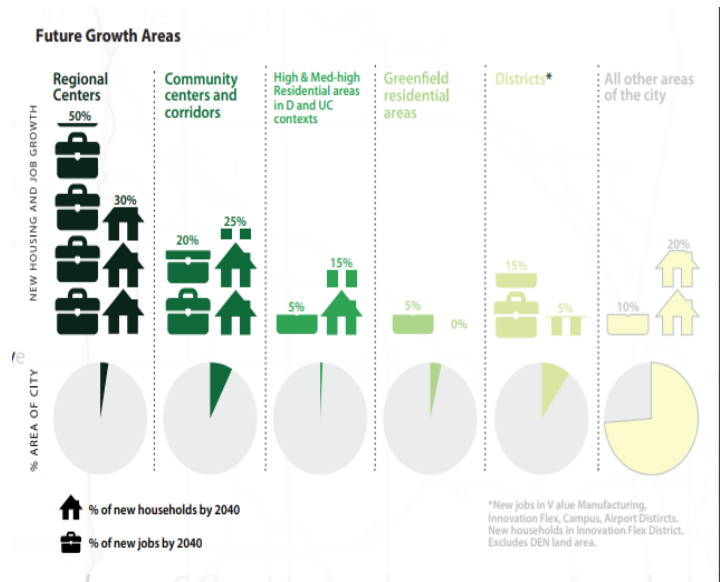
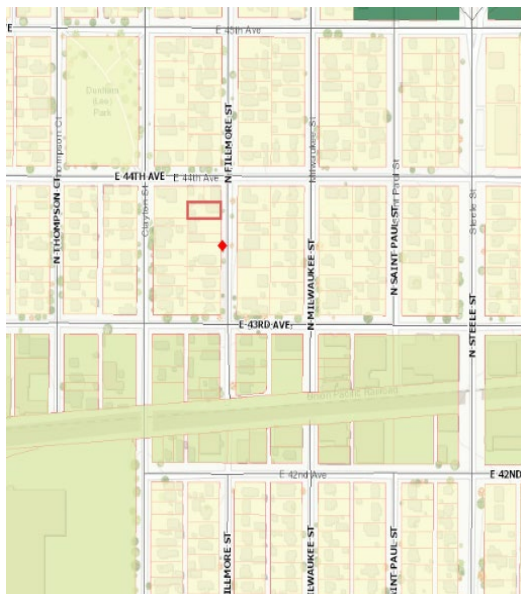
The Application is consistent with Future Neighborhood Context of Urban where “Small multi-unit residential and mixed use areas are typically embedded in 1-unit and 2-unit residential areas.” (BD, pg. 230) See the map below. The Property is identified by a red rectangle.



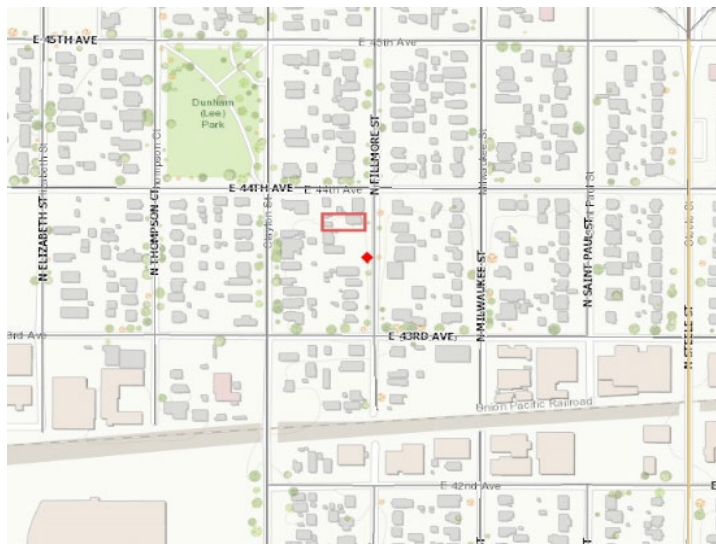
The Application is consistent with Future Places Designation Low residential below because it allowed duplexes to be integrated where compatible and the height restriction would maintain the same at 2.5 stories:



The Application is consistent with Future Growth Area strategy below because it would not be offering a significant increase in density:



The Application is also consistent with Future Street Types below because it would keep Fillmore St as local and characterized as residential:



	Main Street Arterial
	Main Street Collector
	Mixed Use Arterial
	Mixed Use Collector
	Residential Arterial
	Residential Collector
	Local or Undesignated

### 3. Elyria Swansea Neighborhood 2015

The Elyria Swansea Neighborhood 2015 (the “ESN 2015”) was adopted by Denver City Council on February 23, 2015, and “establishes a long range vision with guiding principles, recommendations and implementation strategies for improving the future of the Elyria and Swansea neighborhoods.” (ESN 2015, pg. 7). The application is consistent with a multitude of applicable recommendations that are part of the ESN 2015.

The Concept Land Use Map designates the Property as Single Family Duplex (ESN 2015, pg. 28).

The Application is consistent with recommendation B.2: “ESTABLISH A STRONG COMPILATION OF LAND USES THAT BALANCES THE NEEDS OF RESIDENTS, COMMERCE, AND INDUSTRY Single Family Duplex” that calls for “single Family Duplex residential areas are moderately dense areas that are primarily residential. There is a mixture of housing types, including single-family houses, duplexes, rowhouses, and small apartment buildings (see E.2.)” (ESN 2015, pg. 26)

The Application is consistent with recommendation B.3: Increase Housing “Encourage investment in new housing to expand the total number of residences and to provide for a diversity of housing types to bring more people of all ages and income levels into the neighborhood” (ESN 2015, pg. 29) as a duplex would offer a different more diverse housing accommodation which would possibly be more affordable due to the potential tax and utility saving per unit.

The Application is consistent with recommendation B.8: “Establish maximum building heights to support a variety of land uses and community places Preserve the low-rise building heights characteristic of the Single Family Duplex character in Elyria and Swansea’s Traditional

Residential Areas” (ESN 2015, pg. 30) as the requested district would keep the same low-rise building height.

The Future Maximum Building Heights Map shows a maximum building height of 2.5 stories for the Property and the U-TU-C district allows a maximum height of 2.5 stories, consistent with the building height recommendations on the map (ESN 2015, pg. 31)

The Application is consistent with recommendation B.23: Increase access to housing that asks to “provide a broad range of housing types by allowing for moderate increases in density and household economic stabilization by allowing options that supplement an existing single family home, including accessory dwelling units, duplexes and tandem houses” (ESN 2015, pg. 46) that a duplex would meet.

The Application is consistent with recommendation B.24: Establish affordable and mixed income housing strategies and funding opportunities “promote a mix of income-diverse residential units that serve critical needs of individuals” (ESN 2015, pg. 46) as a duplex would offer a different more diverse housing accommodation which would possibly be more affordable due to the potential tax and utility saving per unit.

Recommendation E.1: Update the Neighborhood Context “The Denver Zoning Code’s Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access and the continuation of detached sidewalks where possible” (ESN 2015, pg 88) and Urban is the Neighborhood Context the Application is requesting.

The Application is also consistent with recommendation E.2: to “encourage investment in residential areas of stability... Explore opportunities to introduce building forms, consistent with the single family duplex land designation, such as accessory dwelling units, duplex or tandem houses or row houses... Increase the local supply of relatively affordable housing units in the neighborhood. A modest increase in housing density could add more people to the limited neighborhood population and support commercial retail and other desired services in the neighborhood” (ESN 2015, pg 88-89).

The Application would help meet recommendation E.17: Replace Housing Units Acquired for I-70 Expansion “the PCL alternative should result in no net loss of housing to the neighborhoods. The number of housing units which are taken as a result of I-70 construction or mitigation should be replaced in the neighborhood in the form of single or multi-family housing units, and the net number of housing units in the area should be expanded” (ESN 2015, pg 102).



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

The Code requires that all zone lot amendments “result 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.” (Code § 12.4.10.7.B.).

The Application satisfies Code § 12.4.10.7.B because the Property meets the regulations and restrictions for two-unit residential uses within the U-TU-C Zone District. Specifically, the U-TU-C Zone District “allows up to two units on a minimum zone lot of 5,500 square feet” and the Property is 6,250 square feet, as a result the proposed duplex would meet the regulations and restrictions that are uniform for the same type of structure through the U-TU-C Zone District.

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

The Code requires that all zone lot amendments “further the public health, safety and general welfare of the City.” (Code § 12.4.10.7.C). The Application promotes the public health, safety and general welfare of the City by implementing the goals and objectives of the Denver Comprehensive Plan 2040, Blueprint Denver 2019, The Elyria Swansea Neighborhood Plan 2015 and by providing a slight increase in available housing while there is a housing shortage in the City.

### **Additional Review Criteria – Section 12.4.10.8**

The Code also requires that non-legislative re-zonings meet the following additional criteria: (A) justifying circumstances; and (B) consistency with neighborhood context description, zone district purpose and intent statements. (Code § 12.4.10.8).

#### *A. Justifying Circumstances*

One of the Code’s justifying circumstances is that “the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” (Code § 12.4.10.8.A.4). The Application satisfies Code § 12.4.10.8.A.4 because of the changing conditions of the National Western Complex and along the I-70 redevelopment. The I-70 redevelopment has removed housing in the area, and because the neighborhood has lost significant housing, the rezoning to allow two units is justified to replace the lost units.

Also the steady population growth in the City has created a need for additional density and a variety of housing types. The Comprehensive Plan 2040, Blueprint Denver and the Elyria Swansea Neighborhood 2015 all contemplate an increase in density and housing variety for the Property and the surrounding area. Furthermore, the trends of the City and visions in the adopted plans emphasis adding additional housing density around transit stations, thus, supporting the Application which will allow a residential duplex rather than only a single family residential

home on the Property. Therefore, the Application satisfies the justifying circumstance condition enclosed in Code § 12.4.10.8.A.4.

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

The Code requires that all non-legislative map amendments be “consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.” (Code § 12.4.10.8.B.). “The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses.” (Code § 5.1.1). Additionally, the Code mentions that “the intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.” (Code § 5.2.2.1). The specific intent of the U-TU-C Zone District is to “allow up to two units on a minimum zone lot area of 5,500 square feet” and “allowed building forms are urban house, detached accessory dwelling units, duplex and tandem house building forms.” (Code § 5.2.2.2.N). The Application is consistent with the Urban Neighborhood Context because it proposes a zone district that allows single-unit and two-unit residential uses. The Application is also consistent with the U-TU- C Zone District purpose and intent because the Property meets the minimum lot size requirement for up to two-units under the duplex and tandem house building forms. Therefore, for the foregoing reasons, the Application satisfies each of the additional evaluation criteria provided in Code § 12.4.10.8.

**Conclusion**

As the foregoing explains, the Application satisfies the Code’s requirements identified in Section 12.4.10.7 and Section 12.4.10.8. Accordingly, Anna Kariouk of AKA Homes, LLC respectfully requests approval of the Application. Please do not hesitate to contact us with any questions or concerns.