



TO: Land Use, Transportation, and Infrastructure Committee
FROM: Francisca Peñafiel, Associate City Planner
DATE: September 9, 2021
RE: Official Zoning Map Amendment Application #2020I-00144

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00144.

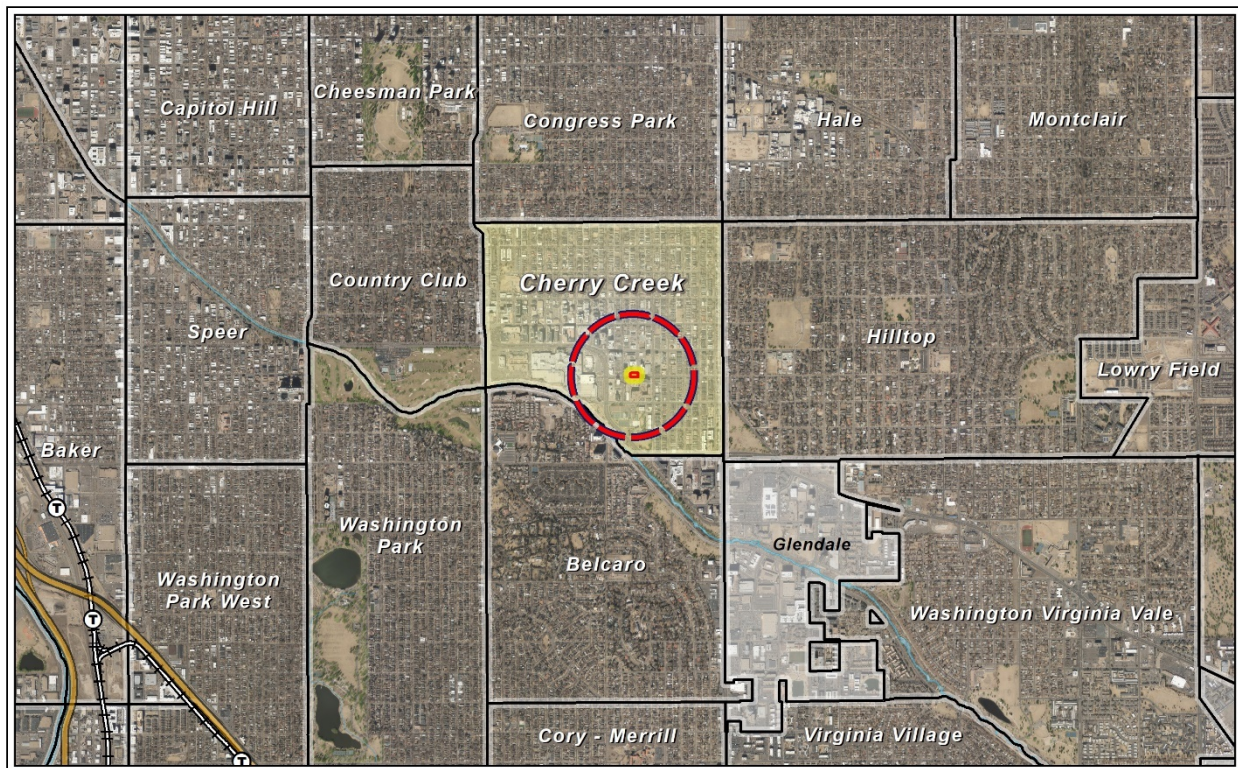
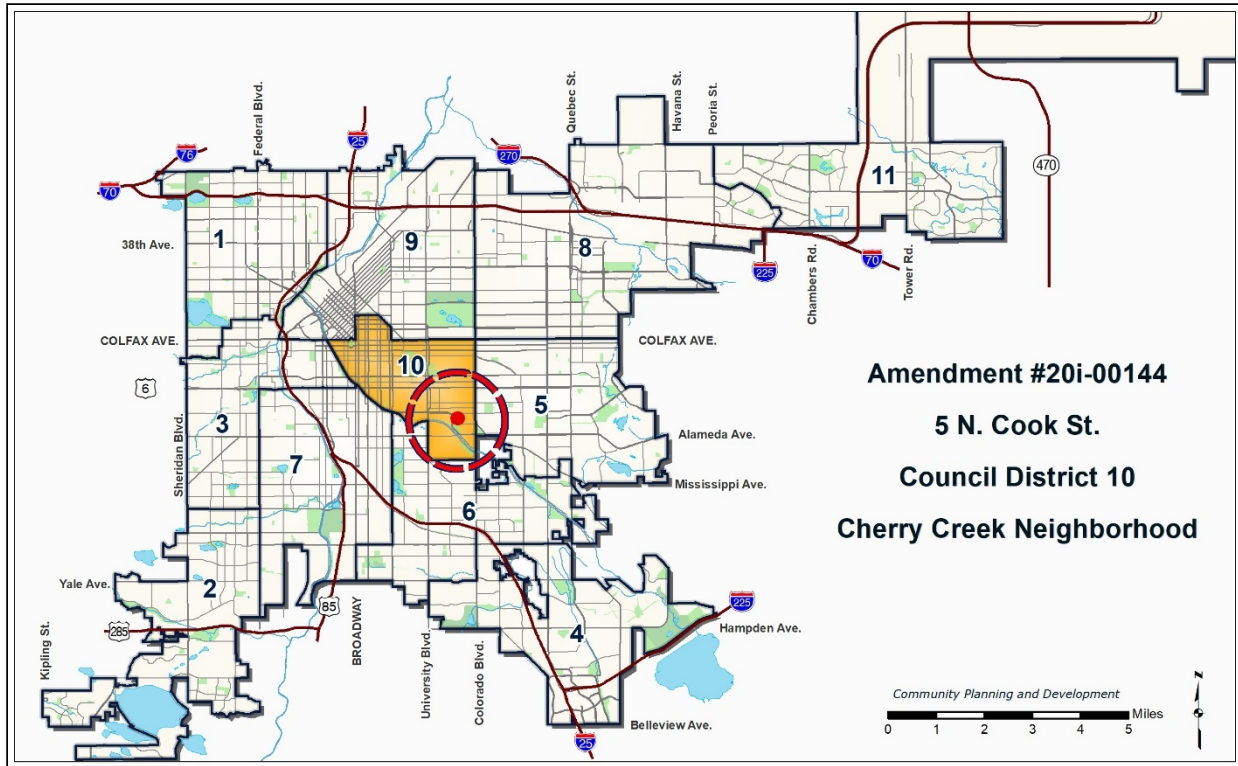
Request for Rezoning

Address: 5 Cook Street
Neighborhood/Council District: Cherry Creek / Council District 10, Chris Hinds
RNOs: Inter-Neighborhood Cooperation (INC), Green Cherry Creek, Cherry Creek east Association
Area of Property: 6,262 square feet or 0.14 acres
Current Zoning: PUD 20 (Former Chapter 59)
Proposed Zoning: C-MX-8
Property Owner(s): True Mind Property LLC
Owner Representative: Canyon Law

Summary of Rezoning Request

- The property is in the Cherry Creek statistical neighborhood at the southeast corner of North Cook Street and East Ellsworth Street.
- The property, owned by True Mind Property LLC, is currently occupied by a 2-story structure, built in 1971 as a single-family residence and later in 1979 modified into a business use (Center for Traditional Chinese Medicine).
- The site is currently zoned PUD 20, which is a custom zone district from Former Chapter 59, specifically tailored for the existing building and use. Additional details of PUD 20 can be found within the attached document.
- The applicant is requesting to rezone the property to match the existing zoning directly to the north, and their tentative plan is to build a mixed-use building with ground floor retail and residential units above.
- The proposed zone district C-MX-8, can be summarized as follows (see map below illustrating proposed zone district):
 - The C-MX-8 zone district stands for Urban **C**enter, **M**ixed Use, with a maximum height of **8** stories. The C-MX zone districts are mixed-use zone districts that allow a wide range of residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The C-MX-8 zone district allows up to 8 stories and 75 feet in building height.
 - Further details of the requested zone district can be found in the proposed zone district section of the staff report (below), and in Article 7 of the Denver Zoning Code (DZC).

Existing Context



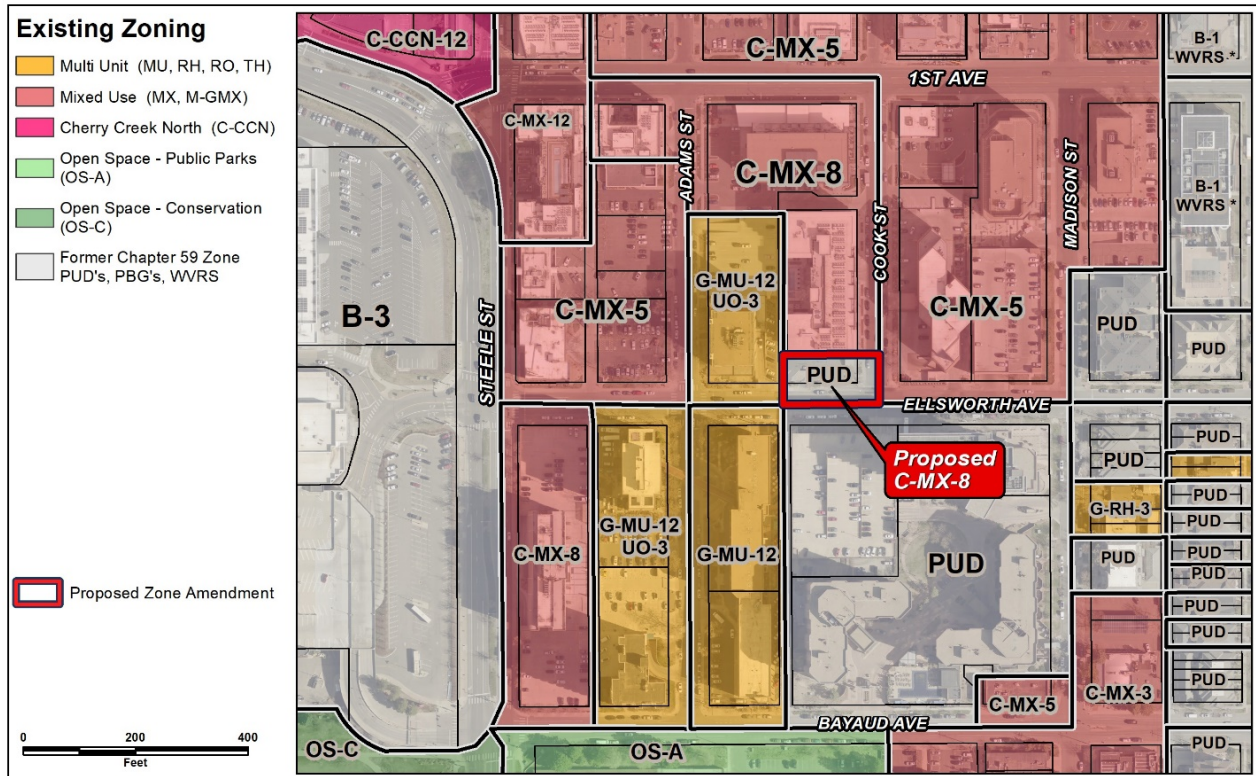


The subject property is located in the Cherry Creek neighborhood, at the corner of Cook Street and Ellsworth Ave. The area is primarily composed of multi-unit residential and office buildings, with some commercial/retail along 1st Avenue and the Cherry Creek Shopping Center located a block and a half to the west on Steele Street. The subject site is 1 block north of Pulaski Park. Additionally, the popular Cherry Creek Trail is within 3 blocks of the site. The subject site is also within ¼ mile of Colorado Boulevard to the east, which provides high-capacity RTD transit service to the immediate area. The applicant is requesting the C-MX-8 zone district which is an extension of the pattern of existing C-MX zone district found throughout the surrounding blocks and is consistent with the zoning pattern of adjacent properties to the north and east.

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	PUD 20	Office	2-story structure with covered surface parking lot	Generally regular grid of streets interrupted to the south by Cherry Creek Drive. Block sizes and shapes are generally consistent and rectangular. Pedestrian-oriented building frontages predominate.
North	C-MX-8	Multi-unit residential	8-story structure with underground garage and pedestrian access	
South	PUD 183	Parking	4-story parking structure and high rise multi-unit residential structures ranging from 7 to 14 stories	
East	C-MX-5	Office & Mixed-use	10-story structure with surface parking	
West	G-MU-12, UO-3	Multi-unit residential	16-story structure	

1. Existing Zoning



The existing zoning is PUD 20, which is a Former Chapter 59 custom zone district established in 1979. PUD 20 allowed the existing residence to be maintained and modified for business use, and also provided for the construction of a commercial addition at the west end of the site. It states a gross land area of 6,250 sq. ft. and a maximum building height of 35'.

The current PUD specifies the land coverage as:

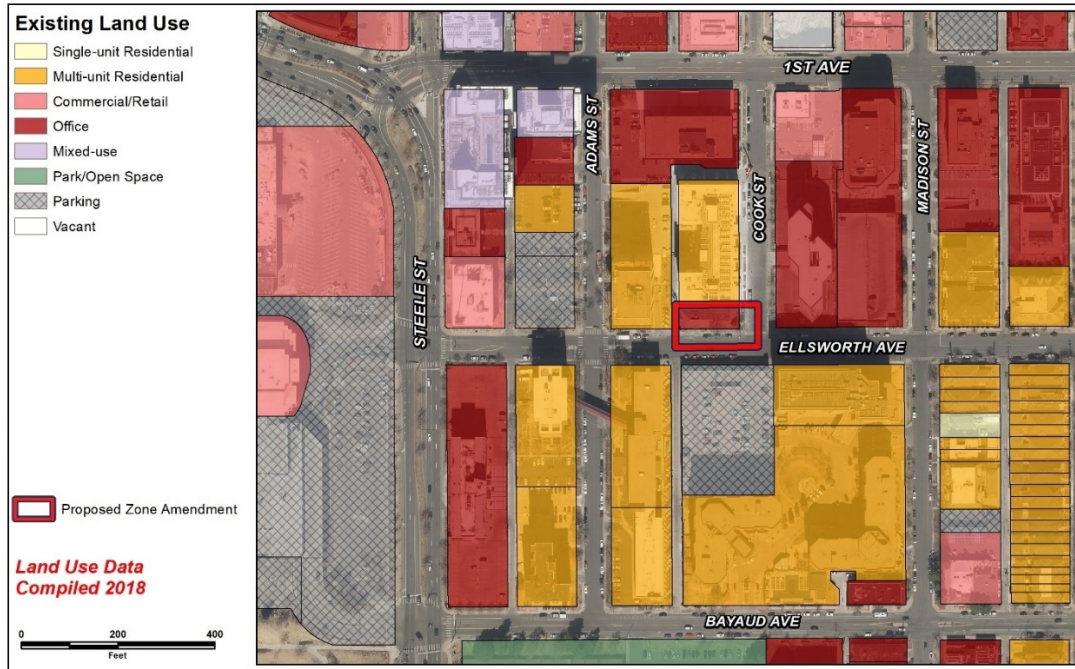
Existing Residence	1,314 sq. ft.
Addition to Existing Residence	687 sq. ft.
New Office Construction	2,317 sq. ft.
Courtyard	350 sq. ft.
Paved Parking	3000 sq. ft.
Parking	10 cars

It also states that the business use is limited to those allowable under B-1 zone district regulations of Former Chapter 59 of the revised Municipal Code of the City and County of Denver. The B-1 zone district allows for uses such as residential use, banking and financial services, office, retail, fire station, museums, police station, church, childcare center, postal facility, library and parking of vehicles.

2. View Plane

The subject site is within the *Cranmer Park View Plane*. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject site) from Cranmer Park (east of the subject site). No part of any structure within the view plane may exceed an elevation of 5,434 feet above mean sea level. Therefore, the subject site is subject to a maximum height restriction of roughly 150 feet. However, the proposed zone district of C-MX-8 has a lower maximum height of 110 feet for primary structures.

3. Existing Land Use Map



4. Existing Building Form and Scale (All images are from Google Street View)



Aerial view, subject property highlighted, looking northwest



Subject site facing east on Cook Street



Subject site facing north, on Ellsworth Ave.



Subject site, facing west, on Ellsworth Ave.



View from the site, looking south (across the street on Ellsworth Ave.)

Proposed Zoning

The requested C-MX-8 zone district is “intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge” (Section 7.2.2.1). The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height is 8 stories or 110 feet with allowable encroachments. The minimum Primary Street setback is 0’, except for the Town House building form which has a 10’ minimum Primary Street setback. Surface parking is not allowed between the building and the Primary and Side Streets. Multi-unit dwellings require 0.75 parking spaces per unit. While there is no minimum rear setback for most building forms in the C-MX-8 zone district, the developers has agreed to several approaches to mitigate impacts on existing multi-unit development immediately to the north of the subject site. See Mediation Summary below. For additional details regarding building form standards in the C-MX-8 zone district, see DZC Section 7.3.3.

Proposed Affordable Housing Agreement

Concurrent with the rezoning, the applicant has entered into a voluntary affordable housing agreement with HOST. The terms of the agreement are that 10% of all residential units will be dedicated as Income Restricted Units for 60 years. Of those Income Restricted Units, 75% shall serve households earning up to 80% AMI and 25% shall serve households earning up to 80% AMI. Based on current design, the site could accommodate up to 36 units thus resulting in 3 or 4 income restricted units.

Summary of City Agency Referral Comments

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

Assessor: Approved – No response

Asset Management: Approved – No comments

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – No comments

Denver Parks and Recreation: Approved – No response

Department of Transportation and Infrastructure – R.O.W. - City Surveyor: Approved – No comments

Development Services – Transportation: Approved – No response

Development Services – Wastewater: Approved – See comments below

DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and

easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approve – No response

Development Services – Fire Prevention: Approved – No comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	12/14/20
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:	08/04/21
Planning Board Public Hearing: (Unanimously recommended for approval)	09/01/21
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:	08/31/21
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	09/14/21
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:	10/04/21
City Council Public Hearing:	10/25/21

Public Outreach and Input

○ **Registered Neighborhood Organizations (RNOs)**

The Cherry Creek East Association (CCEA) sent out a survey to the Cherry Creek East constituents, who then voted in favor of the rezoning contingent on the execution of the good neighbor agreement negotiated with the applicant. Informed by the survey, the CCEA RNO Board voted to support the rezoning.

○ **Other Public Comment**

Staff received 4 letters of opposition from the public. The first 3 letters were received in January 2021, before the applicant voluntarily postponed his public hearing to allow for more community outreach. One of the letters refers to the potential for this project to ruin their views, and negatively affect their building and reduce the value of their property. The other 3 letters of opposition were sent by the same community member and they mostly expresses concerns with the proposed setbacks, the lack of onsite parking or service loading area for the project.

Mediation Summary

Councilman Hinds referred the applicant, the CCEA RNO, and the neighbors to free mediation services performed by a third-party, neutral facilitator. All parties participated in good faith to work towards a Good Neighbor Agreement intended to mitigate the neighbors' concerns over this rezoning and proposed development.

Over the past 14 months, the applicant has conducted outreach and engagement with the Cherry Creek East Association (CCEA), Capitol Hill United Neighborhoods (CHUN) and immediate neighbors at The Griffis and Mountain Shadows. The city received copies of the draft Good Neighbor Agreement/Memorandum of Understanding (MOU) between the applicant and CCEA.

Per the draft Good Neighbor Agreement (or MOU), the developer has made several commitments to CCEA, including:

- To abide by the Cherry Creek East Commercial Overlay Plan (CCECOP).
- To not exceed 7 stories in building height.
- To explore possible installation of a green roof.
- To comply with the setbacks requirements set per the pending Cherry Creek East Commercial Overlay Plan: Ground floor setback of five feet from primary/side streets, and eight feet beginning at either the 3rd or 4th stories extending at least 70% of the zone lot street frontage.
- To take specific steps to minimize impact on the Griffis (just to the north of the subject site at 55 Cook St.), such as offset windows and the possibility of a green wall.
- To consider the effect on existing buildings and pedestrian experience in the architectural design of the project.
- To have the delivery trucks access the property between 7:00 AM and 9:00 PM, not to block the alley for more than 15 minutes.
- To ensure owners that City's required parking ratio is achieved through parking agreements with neighbors.
- To ensure owners that construction has reasonably minimal impact on neighbors.

"The applicants met with the RNO and other stakeholders 11 times between June 2020 and May 2021 to introduce the project and develop the Good Neighbor Agreement. Details and dates of all meetings are in the Mediation Summary, attached to this staff report

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Cherry Creek Area Plan (2012)*

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 mixed-use development, including an increase in allowed housing density, while also enabling additional housing units close to services and amenities, some of which would be restricted to residents earning less than the Area Median Income. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*
- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p. 28).*
- Equitable, Affordable and Inclusive Goal 2, Strategy 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 enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed C-MX-8 zoning designation would allow for a broader variety of uses including housing, retail, and services and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant mixed-use centers and corridors* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).

As Denver continues to grow and becomes denser, it is imperative that we shift how we plan around our mobility system. Therefore, the proposed rezoning allowing for a mix of uses near high-capacity transit is consistent with strategies in the Connected, Safe and Accessible Places vision element:

- Connected, Safe and Accessible Places Goal 8 – *Strengthen multimodal connections in mixed-use centers and focus growth near transit* (p. 42).
- Connected, Safe and Accessible Places Goal 8, Strategy B – *Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership* (p. 42).

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

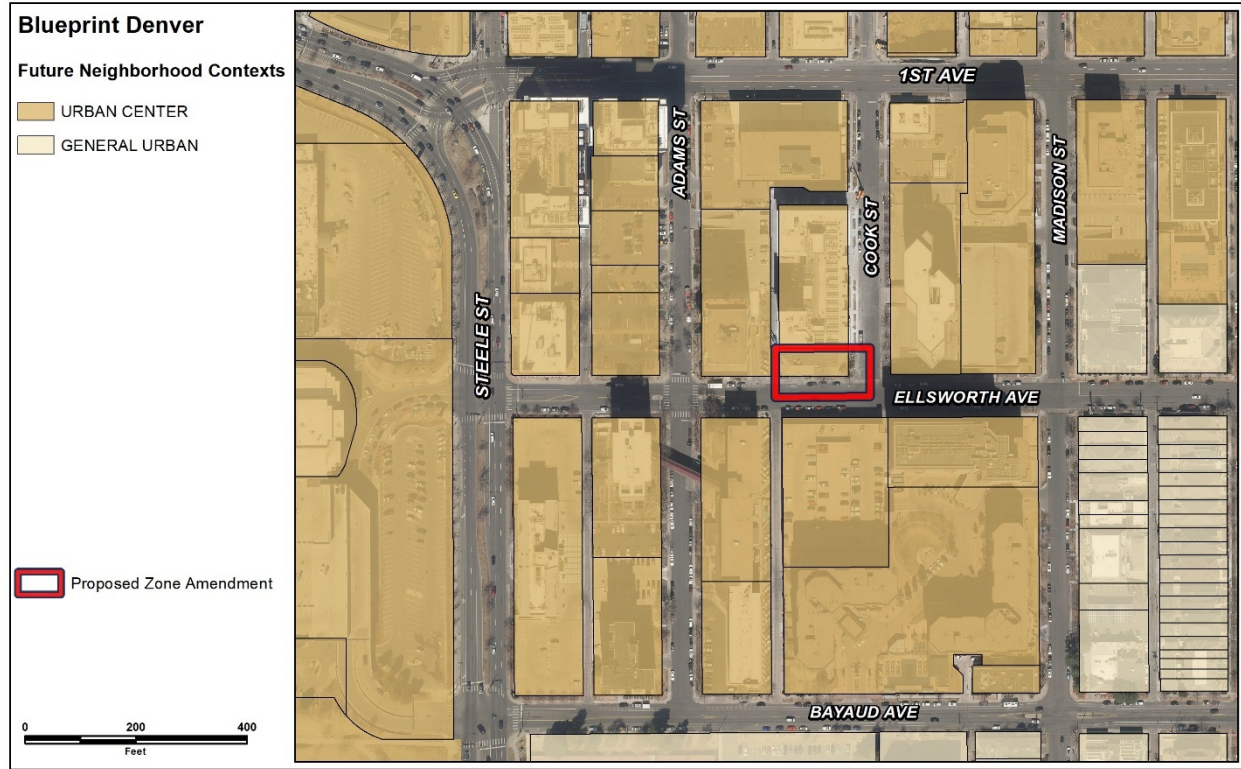
- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high and medium-capacity transit corridors* (p. 54).

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested zone district broadens the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

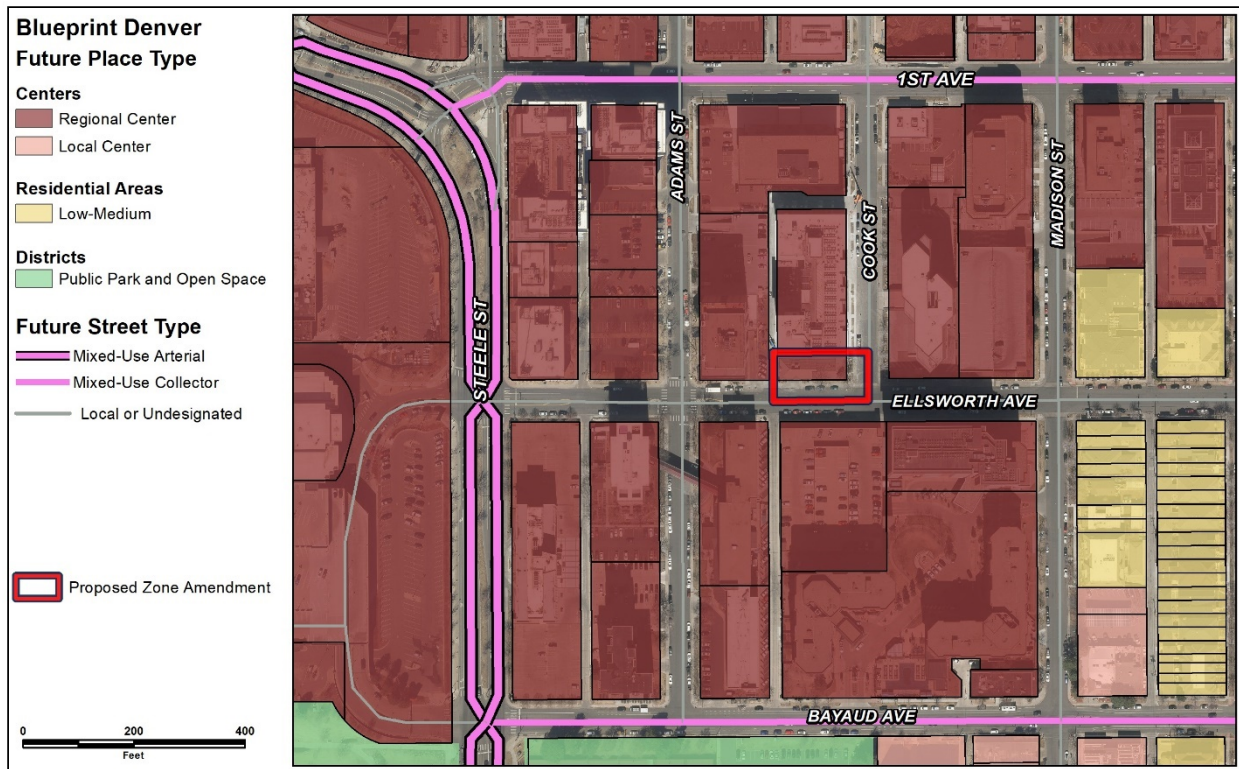
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center future place within the Urban Center Context 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 in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban Center Context. *Blueprint* states, "This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity" (p. 252). The proposed C-MX-8 zone district is part of the Urban Center context and is "intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge" and "the Mixed-Use districts are focused on creating mixed, diverse neighborhoods" (DZC 7.2.2.1). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

Blueprint Denver Future Places



Blueprint Denver describes a Regional Center in the Urban Center context as “providing a mix of office, commercial and residential uses. A wide customer draw both of local residents and from other parts of the city” (p. 256). Buildings are typically larger in scale and orient to the street with a strong degree of urbanism and continuous street frontages. Additionally, “heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas” (p. 256).

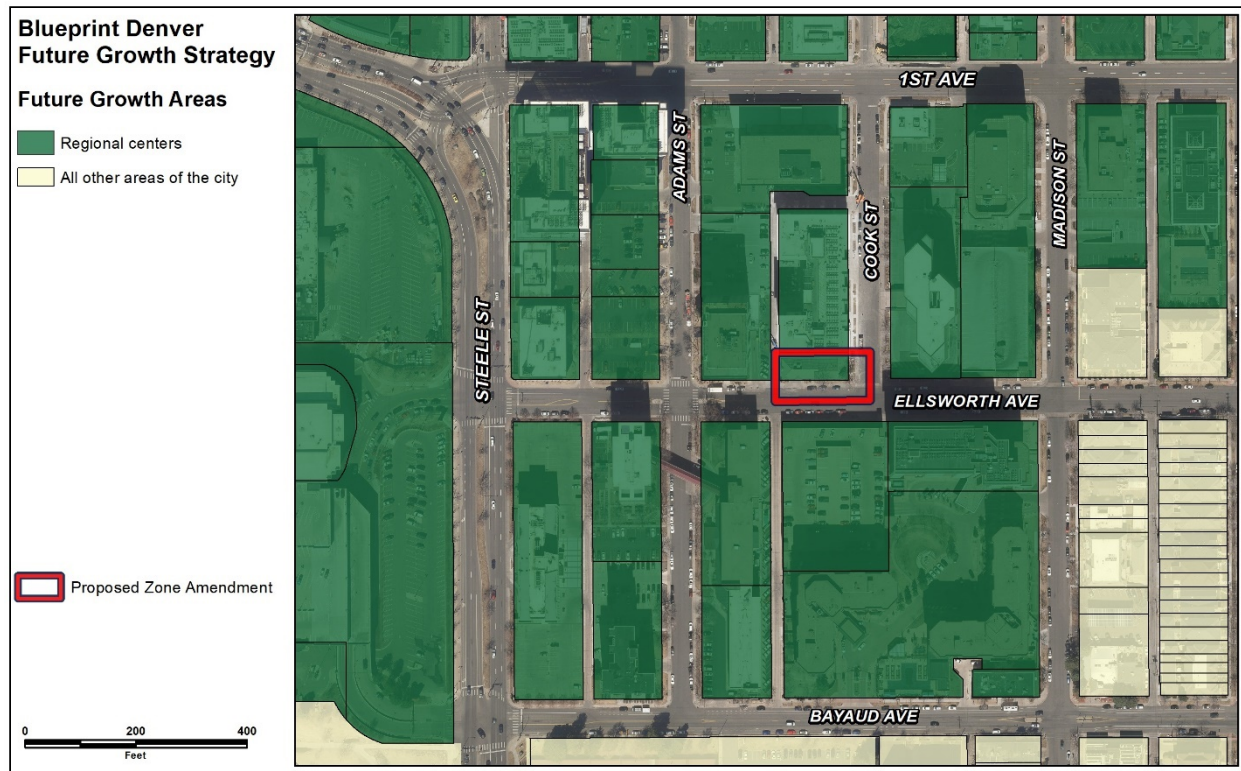
The proposed C-MX-8 zone district allows for a variety of commercial and residential uses in a pedestrian-oriented pattern with an active street level. Therefore, the requested C-MX-8 is appropriate and consistent with the future place plan direction.

Street Types

Blueprint Denver classifies Cook Street and Ellsworth Avenue as local streets. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160).

The proposed C-MX-8 zone district is intended for areas served primarily by arterial streets (DZC Section 7.2.2.2.C). While Cook Street and Ellsworth Avenue are designated as local streets, the subject property is located only one block south from 1st Avenue, a mixed-use collector, and one and a half blocks east from Steele Street, a Mixed-use arterial. Staff believes the requested zone district is appropriate considering the surrounding street type designations.

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 located within the “Regional centers” growth area, these areas are anticipated to see around 30% of new housing growth and 50% of new employment growth by 2040 (p. 51). The proposed map amendment to C-MX-8 is consistent with the “Community centers and corridors” growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

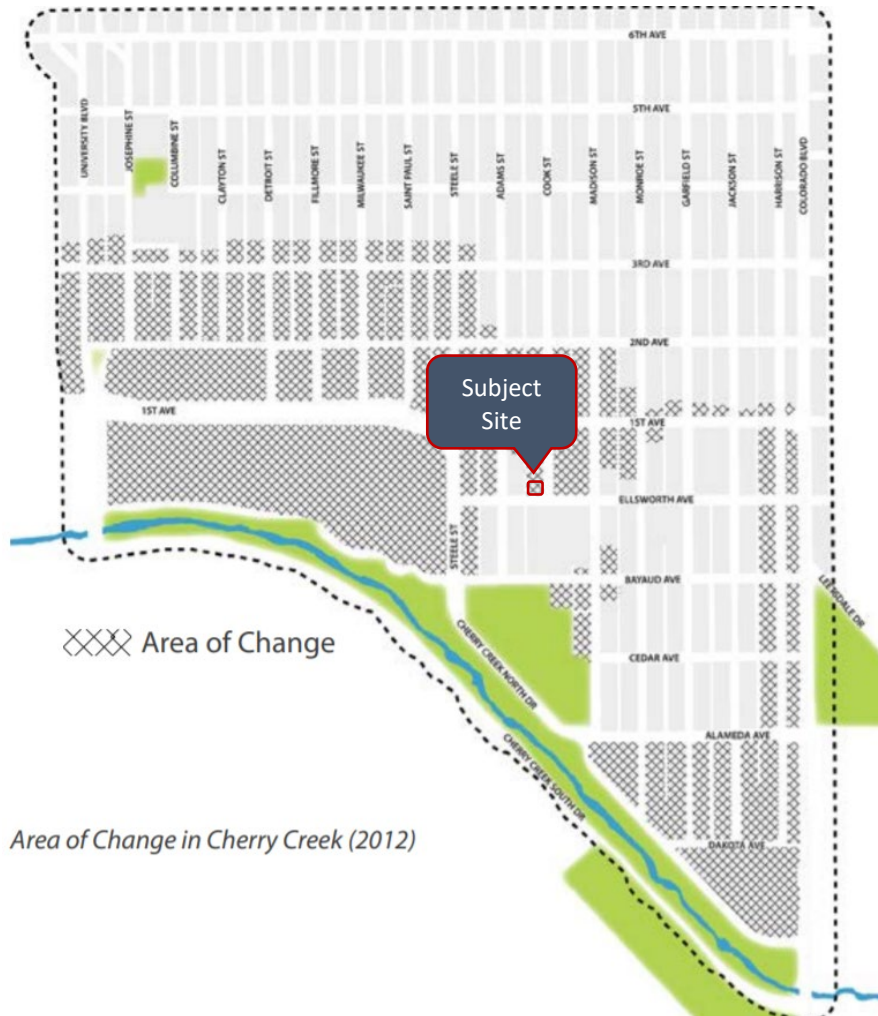
Additional Applicable Strategies

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

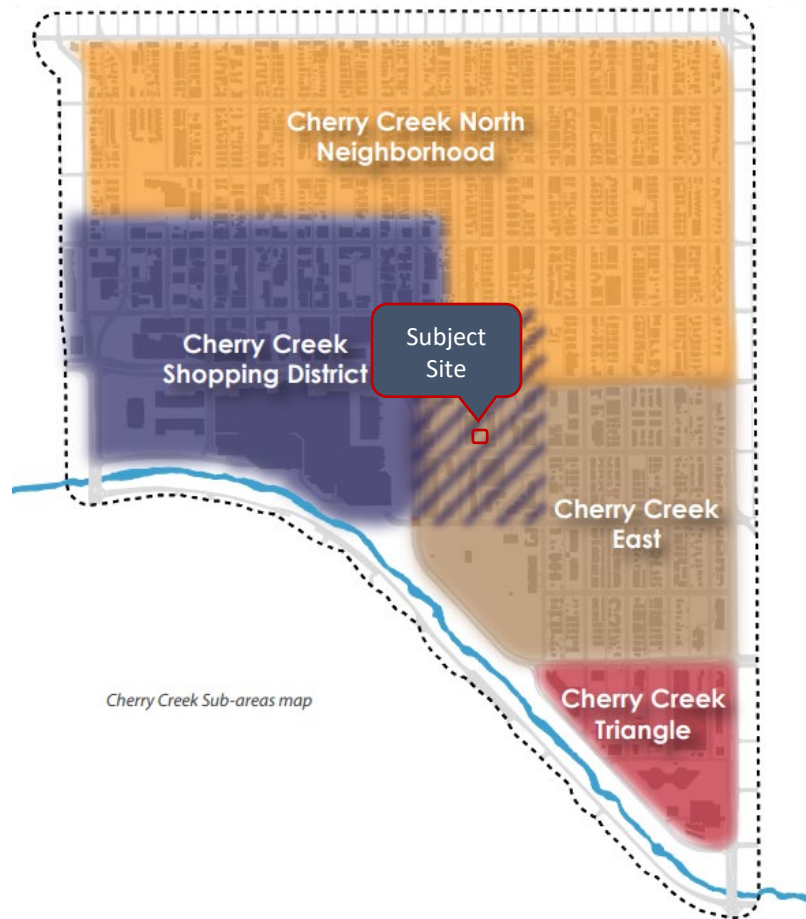
- Land Use and Built Form – General Policy 2 – *Incentivize or require efficient development of land, especially in transit-rich areas* (p. 72).
- Land Use and Built Form – Housing Policy 6, Strategy A - *Incentivize affordable housing through zoning, especially in regional centers, community centers and community corridors adjacent to transit. This could include a process—informed by community input—to create citywide height bonuses in the zoning code, where additional height is allowed in exchange for income restricted units. Incentives for affordable housing are particularly important for areas that score high in Vulnerability to Displacement and score low in Housing Diversity* (p. 85).
- Land Use and Built Form – Housing Policy 8 – *Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts* (p. 86).

Cherry Creek Area Plan (2012)

The Cherry Creek Area Plan (CCAP) was adopted by City Council in 2012 and applies to the subject property. As the plan was adopted prior to the 2019 *Blueprint Denver* update, the CCAP builds off of the previous growth management paradigm of “Areas of Change” and “Areas of Stability”, providing guidance on where growth should occur in Cherry Creek. The Plan organizes the neighborhood into sub-areas and provides recommendations for each of these smaller neighborhood areas. The subject property is located in the overlap of the Cherry Creek East and Cherry Creek Shopping District sub-areas.



The overarching framework recommendations guide growth to targeted areas of Cherry Creek. The subject site is located in an Area of Change. As previously mentioned, the Area of Change/Stability concepts have been replaced with a more nuanced approach in the recent Blueprint update, but the recommendations are still relevant in terms of the communities’ desire to target growth and change expressed in an adopted plan. Cherry Creek Area Plan notes that, “overall these areas [Areas of Change] benefit from new development, reinvestment and more intense use” (p. 29). Moreover, the plan recommends that the city “modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways” (p. 29). The requested rezoning to C-MX-8 is such a change in zoning regulations and would enable reinvestment and development in the subject property as expressed in the plan.



This property is located within two Subareas of the Cherry Creek Area Plan:

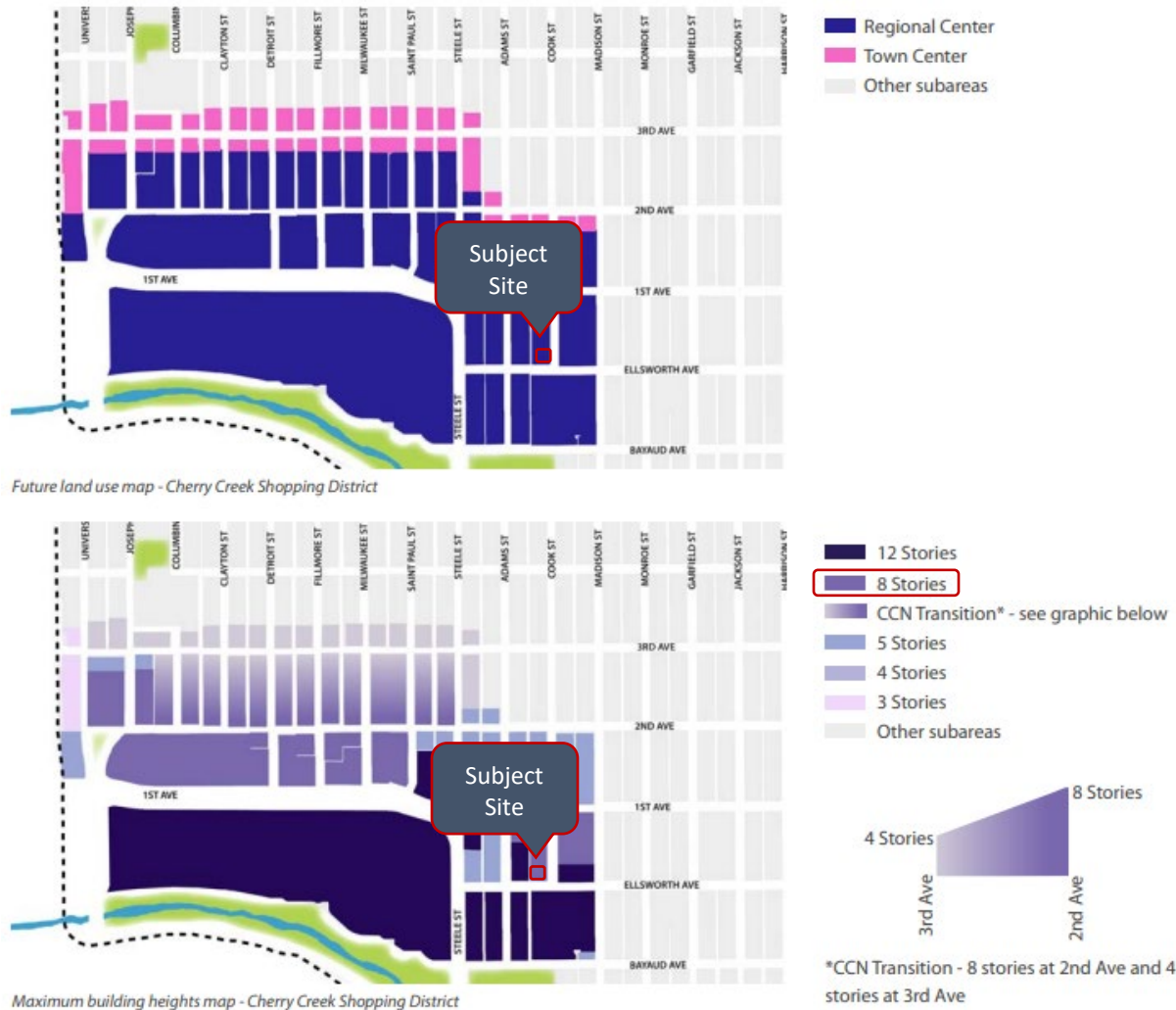
- Cherry Creek Shopping District - the region's most vibrant upscale retail and mixed-use district.
- Cherry Creek East - a highly desirable moderate density residential neighborhood that also includes a high-density office and residential district on its western edge.

Some of the plan recommendations for both areas include:

- "More residential, hotel and office development in Shopping District and other nearby Areas of Change, such as Cherry Creek Triangle" (p. 59)
- "The long-term vision for the Shopping Center as stated in the 2000 Neighborhood plan and further refined in this plan includes greater density at the east and west ends, as well as a greater mix of uses that may include higher intensity mixed-use office, hotel and residential along with ground floor retail" (p. 60)
- "Continue to develop vacant and underutilized parcels with mid—and high—rise mixed-use buildings that complement Cherry Creek East and the Shopping District on. Quality development is encouraged through the existing zoning and design standards and guidelines" (p.60)

The proposed rezoning is consistent with all of these recommendations. Additionally, the future land use map for the Cherry Creek Shopping District designates the subject property as Regional center, with a

maximum building height of 8 stories. Therefore, the requested C-MX-8 is appropriate and consistent with the Cherry Creek Area Plan recommendations.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8 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 plan. The proposed rezoning would also facilitate increased housing density near services and amenities along Ellsworth and foster the creation of a mixed-use, urban area within walking distance to RTD bus line. An increase in density and broadened

mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

4. Justifying Circumstances

The application identifies several changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4, *“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan; or, (c.) that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning”*.

The adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering the property to a 1979 site plan, is an appropriate justifying circumstance for the proposed rezoning.

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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-) district will include “multi-unit residential and mixed-use commercial strips and commercial centers.” It is also described as follows: “Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.”

The C-MX zone districts are “intended to promote safe, active and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the street edge” (DZC Section 7.2.2.1.A). As these districts are also intended to enhance the ease of walking and transit, C-MX-8 is consistent and appropriate given the purpose of the district and the location in which it has been requested.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-8 district “applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired” (DZC Section 7.2.2.2.C). While the site is served by a local street, it is only one block south from East 1st Avenue classified as a Mixed-use collector, and a block and a half east from South Steele Street classified as a Mixed-use arterial. Thus, the street classifications and desired building heights in this area are consistent with the zone district intent statement.

Attachments

1. Rezoning application
2. Outreach Summary + Good neighbor Agreement Draft + CCE RNO survey report
3. Comment Letters from the public

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*
 CHECK IF POINT OF CONTACT FOR APPLICATION

Property Owner Name	TrueMindProperty LLC
Address	5 Cook St
City, State, Zip	Denver, CO 80206
Telephone	
Email	

*If More Than One Property Owner:
 All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.

PROPERTY OWNER(S) REPRESENTATIVE**
 CHECK IF POINT OF CONTACT FOR APPLICATION

Representative Name	Canyon Law
Address	2450 S Saint Paul St
City, State, Zip	Denver, CO 80210
Telephone	303-908-0730
Email	lotuscoloradoproperties@gmail.com

**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.

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.

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.

SUBJECT PROPERTY INFORMATION

Location (address and/or boundary description):	5 Cook St, Denver, CO 80206
Assessor's Parcel Numbers:	0512507010000
Area in Acres or Square Feet:	6,262 SF or ~ 0.14 AC
Current Zone District(s):	PUD 20

PROPOSAL

Proposed Zone District:	C-MX-8
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REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <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 on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-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. Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:



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)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
John L Law and Hongfei Lin	2450 S Saint Paul St Denver, CO 80210 (303) 451-0234 LotusColoradoProperties@gmail.com	100%	<i>John L Law</i> <i>Hongfei Lin</i>	11/6/2020 11/06/2020	B	YES

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EXHIBIT E – LETTER OF AUTHORIZATION

EXHIBIT C
REZONING REVIEW CRITERIA

5 Cook Street
Rezone Request from PUD to C-MX-8
Review Criteria

- I. Rezone Request – the property owner of 5 Cook requests a rezone of the property from PUD to C-MX-8.
- II. Property Description – 5 Cook is located at the Northwest corner of the intersection of Cook Street and E. Ellsworth Ave in Cherry Creek East. The property is approximately 0.14 acres (6,262 sq ft) in size and has frontage along both Cook and E. Ellsworth Ave. A 4,366 sq ft building built in 2004 is located on site and houses tenants who utilize the space for retail purposes.
- III. Review Criteria
 - a. General Review Criteria (DZC Section 12.4.10.7): The proposed rezone of 5 Cook from PUD to C-MX-8 complies with all General Review Criteria.
 - i. Consistency with Adopted Plans – this proposed official map amendment is consistent with the following adopted plans:
 1. **Denver Comprehensive Plan 2040 (4/22/2019)**
 - a. The Denver Comprehensive Plan 2040 is *a holistic and sustainable vision to guide the future of Denver*. The land use policies emphasize sustainability, housing, connectivity, employment, mobility, preservation and more. Blueprint Denver, discussed below, (III.a.i.2) is a supplement to this plan.
 - b. The proposed rezone is consistent with the following Denver Comprehensive Plan Vision Elements:
 - Strong and Authentic Neighborhoods (Goal 1: Create a city of complete neighborhoods, parts B and D) (Page 34) – *Ensure neighborhoods offer a mix of housing types and services for a diverse population; Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*
 - Strong and Authentic Neighborhoods (Goal 2: Enhance Denver’s neighborhoods through high-quality urban design, parts B and C) (Page 34) – *Establish a scalable, predictable and adaptable approach to improve design quality across the city; Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm.*
 - Environmentally Resilient (Goal 8: Clean our soils, conserve land and grow responsibly, parts A and C) (Page 54) – *Promote infill development where infrastructure and services are already in place; focus growth by transit stations and along high- and medium-capacity transit corridors.*
 - Denver and the Region (Goal 2: Embrace Denver’s role as the leader of regional growth, part A) (Page 64) – *Direct significant growth to regional centers and community centers and corridors with strong transit connections.*
 - c. The proposed rezone is consistent with all parcels on the same block as 5 Cook facing Cook Street, which have all been zoned C-MX-8.
 2. **Blueprint Denver: A Blueprint for an Inclusive City (Public Review Draft 2 1/7/2019)**
 - a. This plan *calls for*

- *An equitable city: planning for social equity and guiding change to benefit everyone*
- *A city of complete neighborhoods and complete networks: connecting Denverites to all of their daily needs*
- *An evolving city: a measured, commonsense approach to where growth should go and how it should fit in*

The plan establishes ten goals that support all Denver residents related to housing diversity & quality employment opportunities, access to basic services, safe & high quality mobility options, business environment & educational opportunities, identification of where to focus higher intensity growth, enhancement of neighborhoods' sense of place, urban design, recognition of historical assets and cultural heritage, natural environment and health.

- b. Denver's Growth Strategy proposes to strengthen the *existing neighborhoods through carefully planned infill development that enhances the city's unique character (Page 51) –*
- *The area surrounding 5 Cook is designated as Regional Centers and Community Centers and Corridors for growth. 5 Cook is within the Regional Centers area. Within this area across the city, new households are projected to increase by 30% by 2040 and new jobs are projected to increase in these areas by 50% by 2040. A rezone of 5 Cook to C-MX-8 will be a continuation of multi-use development in this infill, designated growth area.*
- c. 5 Cook is mapped as an Urban Center (Neighborhood Context – 5.5). Urban Center neighborhood contexts are characterized by the following (4.2 page 137):
- *Land Use and Built Form – A high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms. Block patterns are generally regular with consistent alley access.*
 - *Mobility – High levels of pedestrian and bicycle use and good access to high-capacity transit with minimal reliance on cars.*
 - *Quality of Life/Infrastructure – Smaller public parks and privately owned, publicly accessible outdoor spaces and plazas. Trees are within planters and expanded streetscape planting areas.*

Additionally, Urban Centers are neighborhoods that are dense and vibrant and serve residents and visitors. Urban Centers are also defined as containing *high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high capacity transit and have access to ample amenities and entertainment options. Urban center areas are easily navigated and accessible due to predictable street grids, well-connected sidewalk networks, and strong connections to medium- and high-capacity transit. These areas offer good walkability and access to amenities. Parking is predominately managed on-street, with off-street demand met with parking garages.*

- *The proposed rezoning (C-MX-8) is in the center of an area designated Urban Center and would achieve this neighborhood context and allow for the development of residential and commercial uses. The future development could range in height from 2 to 8 stories. The lot is a corner lot with high visibility and ease of access. This proposed rezoning*

is also consistent with adjacent parcels on Cook Street; all properties along 5 Cook's block on Cook Street are zoned C-MX-8.

- d. Urban Center Places are made up of Centers, Corridors and Residential Areas (High-Medium and High). 5 Cook is designated in a Regional Center area which is characterized by (Page 256):
 - *A high mix of uses— providing a dynamic environment of living, dining, entertainment and shopping, while incorporating a diverse set of employment options. Wide customer draw with a 24/7 live, work and play environment attractive to locals and visitors. Larger scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism with continuous building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas. A rezone of 5 Cook will enable the development of a larger-scale mixed-use building as described by the Denver Blueprint's intentions for Regional Center.*
 - *Multimodal areas with continual service by high capacity transit. A large or several smaller pedestrian priority areas are typical and people riding bicycles have access to regional centers with high ease of use bicycle facilities. 5 Cook is located 0.3 miles from the Cherry Creek Bike Path which provides access from Downtown Denver to the Cherry Creek State Park in Aurora. Furthermore, 5 Cook is located one block from the S Adams St & Ellsworth Ave bus stop, two blocks from the 1st Ave & Madison St bus stop, and three blocks from the Steele St & Ellsworth Ave bus stop. 5 Cook is located on block east of the Cherry Creek Mall.*
 - *Open spaces are often integrated into the streetscape and respond to unique characteristics of the center. Regularly spaced street trees in planters. Social interaction is prioritized throughout the center, especially in public plazas and privately owned, publicly accessible spaces that come in a variety of sizes. Green infrastructure takes on an ultra-urban characteristic and green spaces provides moments of relief from the more intense activity. Public spaces are flexible to benefit different types of users and daily activities throughout the year. Future development at 5 Cook will meet street frontage, landscaping and infrastructure standards and requirements for this area.*
 - e. Urban Center Street Types – the Urban Center Context contains the following street types: main street, mixed use and residential. These types of streets generally have higher pedestrian activity and are designed to encourage slower vehicular speeds. While 5 Cook is located on Undesignated Local Streets, it is three blocks east of a Mixed-Use Arterial (Steele St) and one block south of a Mixed-Use Collector (1st Ave).
3. **Cherry Creek Area Plan (7/16/2012)** – *This Plan establishes a long range vision and guiding principles for the development and future of the Cherry Creek area. The elements of this Plan will direct the community toward a vision for a connected, distinctive, green and prosperous Cherry Creek. (Page 5)*
 - a. The Plan envisions the following goals (Page 10):
 - *A unique combination of the Cherry Creek Shopping Center, an outdoor shopping district and great neighborhoods*

- *A growing variety of people who live, work and shop in the area*
- *Strong local and regional amenities*
- *Unique connections to the Cherry Creek Greenway—wild below, urban above*
- *Exceptional pedestrian experience*
- *Great regional and national image and signature identity for Denver*
- *Centrally located—accessible from throughout the region*
- *High Quality building and streetscape design*
- *Compact live, work, and play community*

The proposed C-MX-8 zoning would allow commercial/residential development with a maximum of eight stories. This will enhance the neighborhood, improve local amenities, improve the pedestrian experience, enable high quality building and provide a compact live, work, and play community—as outlined in the Cherry Creek Area Plan.

b. Key Issues (Redevelopment Opportunities) (Page 27)

- *Redevelopment Opportunities. Cherry Creek has seen significant redevelopment over the past decade. This continued evolution has helped maintain Cherry Creek’s unique identity in the region. The next generation of development within Cherry Creek will influence the continued success and desirability of the area.*

Rezoning 5 Cook to C-MX-8 will enable the continued redevelopment of Cherry creek and the continued success and desirability of the area.

c. Subarea Recommendations: Mixed-Use Areas East of Steele (Build on Success) (Page 61)

- *Build on success. Continue to develop vacant and underutilized parcels with mid—and high—rise mixed-use buildings that complement Cherry Creek East and the Shopping District on. Quality development is encouraged through the existing zoning and design standards and guidelines. The design quality of development at 1st and Steele is particularly important.*

Rezoning 5 Cook to C-MX-8 will enable the development of an underutilized parcel with a mixed-use building that complements Cherry Creek East and the Shopping District on.

d. Scale (Page 63) – *Maximum building heights in the Shopping District should range from 4 to 12 stories, per the Maximum Building Heights Map (page 63). Mid-rise buildings (maximum of 5 or 8 stories) are recommended as transitions between high intensity and low intensity residential neighborhoods.*

- *Per the Maximum Building Heights Map, 5 Cook is surrounded by buildings that have max buildings heights of 8 or 12 stories. Rezoning 5 Cook to C-MX-8 will lead to uniformity between zoning and the Cherry Creek Area Plan.*
- *All properties on the same block along Cook St are zoned C-MX-8, the same zoning as is being requested. An adjacent property along E. Ellsworth Ave across from an alleyway is zoned G-MU-12 (currently a 12-story residential project).*

- b. Additional Review Criteria for or Non-Legislative Rezoning (DZC Sec. 12.4.10.8): The proposed rezone of 5 Cook from PUD to C-MX-8 complies with all Additional Review Criteria for Non-Legislative Rezoning.

i. Justifying Circumstances

1. *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.* (DZC Sec. 12.4.10.8.A.4)

Specifically, the city adopted the Cherry Creek Area Plan in 2012, subsequent to the Citywide zoning effort in 2010 which did not include Cherry Creek; thus, 5 Cook has retained Former Chapter 59 Zoning. Since the adoption of the Cherry Creek Area Plan, multiple rezones and numerous developments have occurred in the Cherry Creek area in accordance with the Cherry Creek Area Plan. Because of these reasons (recently adopted neighborhood plan and changing conditions), we believe a rezone of this property from PUD to C-MX-8 would serve the public interest.

2. *Colorado adopted the Planned Unit Development Act of 1972, Colo. Rev. Stat. §24-67-101 et seq.*

Because PUDs are difficult to administer over time and have limited flexibility, Denver Community Planning and Development has encouraged that PUDs become rezoned. Denver Community Planning and Development has waived the application fee for the proposed rezone for this reason.

ii. Consistency with the description of applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

1. This area has been designated as an area of continued growth (Blueprint Denver, Cherry Creek Area Plan). With this designation, there is further opportunity to continue pedestrian-friendly growth in an area that seeks a compact live, work, and play community

A rezone of this property to C-MX-8 is consistent with the stated purpose and intent of the Urban Center Neighborhood Context. Per Denver Community and Development website, “the Urban Center Neighborhood Context consists primarily of mixed-use areas, containing both multi-family residential and commercial uses, often within the same building or on the same block. Urban Centers are found along major corridors, at transit station areas, or near and around downtown.” The proposed zone district (C-MX-8) will allow for residential and commercial uses. Future residents/shoppers/tenants will have convenient pedestrian access to the nearby Cherry Creek Mall and Cherry Creek North.

The general purpose of the Residential Mixed Use Districts (C-RX-5, -8, -12) is ‘to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge,’ ‘to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods,’ and ‘to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods’ (Denver Zoning Code 7.2.2.1). This proposed rezone of land currently zoned PUD to C-MX-8 is consistent with the purpose of the Zone District as it will allow for residential and commercial uses in a walkable, pedestrian-focused community.

The Specific Intent for Residential Mixed Use 8 (C-MX-8) 'applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.' (Denver Zoning Code 7.2.2.2.C). The property proposed for rezoning is served by local streets that are three blocks east of a Mixed-Use Arterial (Steele St) and one block south of a Mixed-Use Collector (1st Ave). The property sits on a block entirely zoned C-MX-8, the same zoning that is being requested, or G-MU-12 (currently a 12-story residential project).

EXHIBIT C
PROOF OF OUTREACH



Canyon Law <canyon.orlando.law@gmail.com>

5 Cook St - Rezoning

13 messages

Canyon Law <canyon.orlando.law@gmail.com>
To: chris.hinds@denvergov.org

Wed, Jun 17, 2020 at 1:20 PM

Hi Chris,

Hope all is well. My name is Canyon Law and I am representing the owners of 5 Cook St in Cherry Creek.

I am reaching out to inform you of our intention to rezone 5 Cook St from PUD to C-MX-8, in line with the zoning for neighboring properties which share a block with 5 Cook. If there are any questions or concerns, please feel free to contact me and I will be happy to answer them. In the meantime, expect a complete rezoning application in the near future.

Best regards,
CanyonCanyon Law
303.902.7179

St. Peter, Teresa A. - CC Senior City Council Aide District 10
<Teresa.St.Peter@denvergov.org>
To: "canyon.orlando.law@gmail.com" <canyon.orlando.law@gmail.com>Tue, Jun 30, 2020 at 3:09
PM

Hello Canyon,

I am CM Hinds liaison for this area. Can we schedule a virtual briefing on the project?

And, it appears you haven't submitted the application yet?

Thank you,

Teresa

From: Hinds, Chris - CC Member District 10 Denver City Council
Sent: Wednesday, June 17, 2020 2:55 PM
To: St. Peter, Teresa A. - CC Senior City Council Aide District 10 <Teresa.St.Peter@denvergov.org>
Subject: Fwd: [EXTERNAL] 5 Cook St - RezoningGet [Outlook for iOS](#)

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Wed, Jul 1, 2020 at 7:00 AM

Hi Teresa,

We have not submitted the application yet. We were advised to reach out to neighborhood associations before we submit. We have done so and you can expect to see the application early next week at the latest.

I'm busy all week, but will sometime this coming week on Tuesday-Friday (July 7-10) work for you to discuss?

Thanks,
Canyon

Canyon Law
303.902.7179

On Jun 30, 2020, at 3:09 PM, St. Peter, Teresa A. - CC Senior City Council Aide District 10
<Teresa.St.Peter@denvergov.org> wrote:

[Quoted text hidden]

St. Peter, Teresa A. - CC Senior City Council Aide District 10

Tue, Jul 7, 2020 at 2:34
PM

<Teresa.St.Peter@denvergov.org>

To: Canyon Law <canyon.orlando.law@gmail.com>

Hi Canyon,

At this time, I have availability at 1 or 2 tomorrow and 11 or 12 on Friday for a virtual meeting.

Teresa

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Thu, Jul 9, 2020 at 1:05 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Hi Teresa,

Are you still available at 11 or 12 tomorrow? If not, I'm open all next week.

Best,
Canyon

Canyon Law
303.902.7179

On Jul 7, 2020, at 2:34 PM, St. Peter, Teresa A. - CC Senior City Council Aide District 10
<Teresa.St.Peter@denvergov.org> wrote:

[Quoted text hidden]

St. Peter, Teresa A. - CC Senior City Council Aide District 10

Mon, Jul 13, 2020 at 4:48
PM

<Teresa.St.Peter@denvergov.org>

To: Canyon Law <canyon.orlando.law@gmail.com>

Hi Canyon,

I thought I'd try again to see if we can connect regarding your rezoning. Do you have availability this week?

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Mon, Jul 13, 2020 at 9:40 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Hi Teresa,

Thanks for reaching back out. I'm generally free starting Wednesday afternoon through Friday, can you send me a time that works for you and I'll make myself available?

Thanks,
Canyon

Canyon Law
303.902.7179

[Quoted text hidden]

St. Peter, Teresa A. - CC Senior City Council Aide District 10

Mon, Jul 20, 2020 at 2:21

<Teresa.St.Peter@denvergov.org>

PM

To: Canyon Law <canyon.orlando.law@gmail.com>

Hello Canyon,

Okay, office hours on Thursday, July 30th that are available are:

12:30

1:00

1:30

2:00

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Mon, Jul 20, 2020 at 2:44 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Hi Teresa,

Great, let's do Thursday July 30th at 1:00 PM. Should I send a calendar invite?

Canyon Law
303.902.7179

[Quoted text hidden]

St. Peter, Teresa A. - CC Senior City Council Aide District 10

Mon, Jul 20, 2020 at 2:52

<Teresa.St.Peter@denvergov.org>

PM

To: Canyon Law <canyon.orlando.law@gmail.com>

Great – I'll send the invite if that's okay with you. I can do a Zoom meeting in our regularly slotted time.

If for some reason it doesn't work, please let me know and just reject the invite and we'll work something out.

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Mon, Jul 20, 2020 at 2:58 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Sounds great. Looking forward to it.

Canyon Law
303.902.7179

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Mon, Jul 20, 2020 at 3:31 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Hi Teresa,

Attached is a draft application for rezoning for your review prior to the call.

Thanks,
Canyon

Canyon Law
303.902.7179

[Quoted text hidden]

2 attachments

 **5 Cook St - Rezoning Application.pdf**
134K

 **5 Cook St Rezone Criteria - v1.pdf**
635K

St. Peter, Teresa A. - CC Senior City Council Aide District 10

Mon, Jul 20, 2020 at 3:32

<Teresa.St.Peter@denvergov.org>

PM

To: Canyon Law <canyon.orlando.law@gmail.com>

Thank you!

[Quoted text hidden]



Canyon Law <canyon.orlando.law@gmail.com>

Canyon Law regarding 5 Cook Street rezoning

1 message

Hinds, Chris - CC Member District 10 Denver City Council <Chris.Hinds@denvergov.org> Mon, Jul 20, 2020 at 2:56 PM
To: Canyon Law <canyon.orlando.law@gmail.com>

Chris Hinds is inviting you to a scheduled Zoom meeting.

Topic: 5 Cook Street Rezoning with Canyon Law

Time: Jul 30, 2020 01:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84480114997?pwd=aHJpRk5rck44aTViZjRrOWJRVEFGQT09>

Meeting ID: 844 8011 4997

Passcode: 464010

One tap mobile

+16699006833,,84480114997#,,,,,0#,,464010# US (San Jose)

+12532158782,,84480114997#,,,,,0#,,464010# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 844 8011 4997

Passcode: 464010



Canyon Law <canyon.orlando.law@gmail.com>

5 Cook Follow-Up Questions

3 messages

Canyon Law <canyon.orlando.law@gmail.com>

Thu, Jul 30, 2020 at 12:44 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Hi Teresa,

Thanks again for the time today. I appreciate the insights and this gives us a lot more clarity on our next steps. Couple of follow-up questions that I was hoping you could answer:

- Are the planning board meetings streamed online? Can you send me a link to where I can watch them?
- The original planner who met with my parents during pre-app has moved out of Colorado. Is there a way to find out who the new planner is on our case or should we request another pre-app review?

Thanks,
Canyon

Canyon Law
303.902.7179

St. Peter, Teresa A. - CC Senior City Council Aide District 10

Thu, Jul 30, 2020 at 1:01

<Teresa.St.Peter@denvergov.org>

PM

To: Canyon Law <canyon.orlando.law@gmail.com>

Hi Canyon!

Happy to follow up on your second question, but that might take a bit longer, so stay tuned on that.

But, you can find Planning Board agenda and meeting times here: <https://www.denvergov.org/content/denvergov/en/community-planning-and-development/planning-and-design/planning-board.html>

Of interest to you, the August 5th meeting features a much larger project than yours but it involves the same area, a lobby firm helping and neighborhood agreement so it can give you an idea of each of those pieces. That one is a really big project but smaller ones have also had agreements and lobby help too.

The project is the McKinnon project. Here is the blurb about it that shows the application, the agreement and other documents of interest (neighborhood letters): Map Amendment, Application #2019I-00031 rezoning 55, 65, 101 S. Colorado Blvd., 51, 97 Colorado Blvd. 98 Harrison St., 101 Colorado Blvd. **staff report & attachments: application, PUD #56, comments & Good Neighbor Agreement (PDF)**

You should be able to watch Planning Board on Denvergov's website, but frankly, I think our service sucks, so it might be worth registering for the webinar so you can listen in better...

And, with all the Council Committees now on line, you also should be able to listen in to LUTI Committee pretty easily, as well as Council itself. Find those agendas, meeting times etc... here: <https://denver.legistar.com/Calendar.aspx>

I'll be back in touch with who your planning staffer will be. I believe they are still divvying up those based on territory, so it might be Courtney Levingston – the gal who will be presenting the staff report for the McKinnon project.

Cheers,

Teresa

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Fri, Jul 31, 2020 at 10:21 AM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

This is great, thank you Teresa!

Canyon Law
303.902.7179

[Quoted text hidden]



Canyon Law <canyon.orlando.law@gmail.com>

FW: quick question for you

2 messages

St. Peter, Teresa A. - CC Senior City Council Aide District 10

<Teresa.St.Peter@denvergov.org>

To: Canyon Law <canyon.orlando.law@gmail.com>

Fri, Jul 31, 2020 at 12:37
PM

Canyon –

Here you are! And, sounds like you need to do a pre-ap anyway since that was over a year ago now. Also, no fee?! Great news!!!!

Teresa

From: Levingston, Courtney L. - CPD City Planner Senior**Sent:** Friday, July 31, 2020 11:54 AM**To:** St. Peter, Teresa A. - CC Senior City Council Aide District 10 <Teresa.St.Peter@denvergov.org>**Subject:** RE: quick question for you

Hi Theresa,

Yes, a pre-application meeting was held back in April 2019. Chandler VanShaack was the pre-application planner (he moved to California). He will need to fill out the attached pre-app form, resubmit and have another pre-application meeting since it has been over a year and a formal application was not submitted.

I've attached the pre-app request form. Have him fill it out and send it to the email address on the form. A CPD staff member will be in contact with him within a few weeks to schedule the pre-app meeting.

After he has an updated pre-app meeting, he will have all the knowledge he needs to fill out the "standard rezoning application form" and provide the required attachments for a rezoning application. Since he is going from a FC 59 PUD to DZC, there is no fee! The challenging part is just writing the application narrative. I've attached the customer guide for rezoning that walks him thru the process.

Hope that helps!

Courtney

Courtney L. Levingston, AICP | Senior City Planner

Community Planning and Development | City and County of Denver

p: (720) 865.3074 | courtney.levingston@denvergov.org

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Community Planning and Development is doing our part to support social distancing recommendations. Please help us in this effort by doing business with us online instead of in person: www.denvergov.org/cpd.

From: St. Peter, Teresa A. - CC Senior City Council Aide District 10
Sent: Friday, July 31, 2020 11:05 AM
To: Levingston, Courtney L. - CPD City Planner Senior <Courtney.Levingston@denvergov.org>
Subject: quick question for you

Hello Courtney!

We have heard from a fella that is helping his parents who are the owners of [5 Cook Street](#). They want to rezone their property and he mentioned his folks had gone through pre-ap on their own but the staff planner they worked with is no longer with the City.

We are wondering if you would be the person to staff a potential application and he was wondering if he could do another pre-ap or at least go over what happened with the other pre-ap and better understand the process.

I've tried to walk him through what looks like on our side....

Thanks!

Teresa

4 attachments

 **Pre-App_Request form.pdf**
138K

 **2019I-00042 Pre-App Research.pdf**
2537K

 **Rezoning_Customer_Guide_with_Forms.pdf**
137K

 **Standard_Rezoning_Application 7.2.20.pdf**
159K

Canyon Law <canyon.orlando.law@gmail.com>

Tue, Aug 4, 2020 at 5:35 PM

To: "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>

Ok great! That is great news. Thank you very much for the help Teresa.

Canyon Law
303.902.7179



Canyon Law <canyon.orlando.law@gmail.com>

5 Cook St - Rezoning

9 messages

Canyon Law <canyon.orlando.law@gmail.com>
To: president@cherrycreekeast.org

Wed, Jun 17, 2020 at 1:19 PM

Hello,

Hope all is well. My name is Canyon Law and I am representing the owners of 5 Cook St in Cherry Creek.

I am not certain who within the Cherry Creek East Association I should be contacting, but I am reaching out to inform you of our intention to rezone 5 Cook St from PUD to C-MX-8, in line with the zoning for neighboring properties which share a block with 5 Cook. If there are any questions or concerns, please feel free to contact me and I will be happy to answer them-- or if there is a need for me to present to the association I am happy to do so.

Best regards,
CanyonCanyon Law
303.902.7179

John Tredennick <president@cherrycreekeast.org>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: Bill Tanner <billtannerconsulting@gmail.com>, development@cherrycreekeast.org

Wed, Jun 17, 2020 at 1:28 PM

Hello Canyon.

Thanks for reaching out. Bill Tanner heads our Development Committee so I am passing this on to him for response. You can reach out to him per the above as well.

Regards

JT

--

John Tredennick
President

Cherry Creek East Association

p:303-810-1918

E: president@cherrycreekeast.org

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: John Tredennick <president@cherrycreekeast.org>
Cc: Bill Tanner <billtannerconsulting@gmail.com>, development@cherrycreekeast.org

Thu, Jun 18, 2020 at 10:06 AM

Thank you, John.

Bill, it's great to meet you over email. I'm happy to answer any questions about the 5 Cook rezoning, should you have any.

Best,
Canyon

Canyon Law
303.902.7179

On Jun 17, 2020, at 1:28 PM, John Tredennick <president@cherrycreekeast.org> wrote:

[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: John Tredennick <president@cherrycreekeast.org>, development@cherrycreekeast.org

Thu, Jun 18, 2020 at 4:18 PM

Canyon,

Thanks for reaching out to us.

I'll be glad to help you through our process. We want you to succeed and also for the neighborhood to appreciate your plan.

I can be reached at this e-mail or at 214-662-0157.

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>
Cc: John Tredennick <president@cherrycreekeast.org>, development@cherrycreekeast.org

Sat, Jun 20, 2020 at 12:06 PM

Thank you Bill,

Do you have time for a call sometime early this coming week? I would like to discuss what your/the neighborhood's expectations are from us as we go through this process so that we can mutually benefit.

Best,
Canyon

Canyon Law
303.902.7179

On Jun 18, 2020, at 4:18 PM, Bill Tanner <billtannerconsulting@gmail.com> wrote:

[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: John Tredennick <president@cherrycreekeast.org>, development@cherrycreekeast.org

Sat, Jun 20, 2020 at 3:29 PM

Canyon,

Would late Monday afternoon work for you? After 3:30 PM? Please let me know.

If not, Tuesday morning at about 10AM?

We have a development committee meeting Tuesday evening and I would like to let the team know.

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>
Cc: John Tredennick <president@cherrycreekeast.org>, development@cherrycreekeast.org

Sun, Jun 21, 2020 at 1:51 PM

Monday afternoon at 3:30 PM works great. Should I call you then on your phone number listed below?

Best,
Canyon

Canyon Law
303.902.7179
[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: John Tredennick <president@cherrycreekeast.org>, development@cherrycreekeast.org

Sun, Jun 21, 2020 at 3:01 PM

Canyon,

Thanks .. look forward to it.

[Quoted text hidden]

--
Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>

Mon, Jun 22, 2020 at 3:17 PM

Great speaking with you Bill. Thanks for providing helpful info on what to expect from the CCEA and from the process as a whole. Like I said on the phone, presenting to the committee meeting in 4 weeks, 7/20 fits my schedule the best.

I'm looking forward to working with you as we move this 5 Cook redevelopment project forward.

Canyon Law
303.902.7179

[Quoted text hidden]



Canyon Law <canyon.orlando.law@gmail.com>

Opportunity to speak to CCEA [Cherry Creek East Association] Development Committee

9 messages

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>

Tue, Jun 30, 2020 at 5:28 PM

Canyon,

Just a reminder that you are invited to speak to the CCEA Development Committee next Tuesday about your plans for 5 Cook St.

The meeting is virtual and starts at 5:30 PM and runs until about 7 PM.

You may not be ready at this point and that is OK. However, this is a chance to inform the committee and get an early read on questions.

Please just let me know.

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>

Wed, Jul 1, 2020 at 6:56 AM

Hi Bill,

Can you please clarify which Tuesday you're referring to? July 7th or July 14th? My understanding was that the development committee meets every 2 weeks and I would present 4 weeks after our conversation on 6/22, as discussed on the phone.

In the meantime, are there any materials or examples that you could send over that would be helpful through this process? We briefly discussed a pending commercial overlay, is there something that you can send over that will help me to understand what is going on on that front?

Cheers,
Canyon

Canyon Law
303.902.7179

On Jun 30, 2020, at 5:28 PM, Bill Tanner <billtannerconsulting@gmail.com> wrote:

[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Wed, Jul 1, 2020 at 10:44 AM

Canyon,

My apologies. You are correct. We talked about 4 weeks. If not next week [the 7th], then July 21st in the next available development committee meeting.

Based on last week's Development Committee meeting, I learned that we needed to resolve a couple of points on the overlay. We did tentatively resolve them and I will put Brooks Waldman [copied] who is on our committee, a developer and who also heads up the overlay project in touch with you. He is soliciting developer input into the overlay project so the timing is good.

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Thu, Jul 2, 2020 at 8:45 AM

Hi Bill,

Not an issue at all, I look forward to presenting to the committee on July 21st.

Brooks— it's great to meet you via email. I hope we can connect in the coming weeks to discuss the overlay and the implications it has for our pending rezoning and development at 5 Cook.

Best,
Canyon

Canyon Law
303.902.7179
[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Fri, Jul 17, 2020 at 2:25 PM

Canyon,

Hope all is well.

Are you still OK with meeting with the CCEA Development group re your plans for 5 Cook St. on Wednesday?

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Sun, Jul 19, 2020 at 11:56 AM

Hi Bill,

Sorry for the late response. Yes, I'm all set to talk with the development group on Wednesday. What time?

Thanks,
Canyon

Canyon Law

303.902.7179

[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Sun, Jul 19, 2020 at 6:25 PM

Canyon,

Thanks ... starts at about 5:30PM ... I will send a video conference link.

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

[Quoted text hidden]

Bill Tanner <billtannerconsulting@gmail.com>
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Sun, Jul 19, 2020 at 6:26 PM

.. and actually the meeting is on Tuesday, 7.21.20 at 5:30PM

Bill Tanner
billtannerconsulting@gmail.com
214-662-0157

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>
To: Bill Tanner <billtannerconsulting@gmail.com>
Cc: brookswaldman <brooks@brookswaldman.com>

Mon, Jul 20, 2020 at 11:55 AM

Got it. Thanks Bill, looking forward to it.

Canyon Law
303.902.7179

[Quoted text hidden]



Canyon Law <canyon.orlando.law@gmail.com>

5 Cook Street

15 messages

Leiker, Travis <travis.leiker@chundenver.org>

Mon, Jun 22, 2020 at 8:07 AM

To: canyon.orlando.law@gmail.com

Cc: Debbie <Dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Greetings Canyon -

CHUN received your emails concerning a request to rezone 5 Cook Street in the coming months. Could you suggest some times during which we could have a Zoom call or conference call to discuss this request further and the potential implications for the neighborhoods.

Many thanks
Travis

--

Travis Leiker, MPA

President | Board of Directors
Capitol Hill United Neighborhoods, Inc.
1290 Williams Street, Suite 102
Denver, CO 80218
P. 303.830.1651 M. 303.817.5744
chundenver.org

Preserving the past, improving the present, and planning for the future of Denver's greater Capitol Hill community.

Canyon Law <canyon.orlando.law@gmail.com>

Mon, Jun 22, 2020 at 12:25 PM

To: "Leiker, Travis" <travis.leiker@chundenver.org>

Cc: Debbie <Dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Hi Travis,

Absolutely, and good to meet you via email. Would tomorrow (Tuesday) afternoon or Wednesday morning work?

Thanks,
Canyon

Canyon Law
303.902.7179

On Jun 22, 2020, at 8:07 AM, Leiker, Travis <travis.leiker@chundenver.org> wrote:

[Quoted text hidden]

Leiker, Travis <travis.leiker@chundenver.org>

Mon, Jun 22, 2020 at 12:53 PM

To: Canyon Law <canyon.orlando.law@gmail.com>

Cc: Debbie <Dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Wednesday morning works for me...

Debbie, Gwen, and Peggy... how does that sound to you?

[Quoted text hidden]

Peggy Randall <peggyrandall30@gmail.com>

Mon, Jun 22, 2020 at 2:04 PM

To: "Leiker, Travis" <travis.leiker@chundenver.org>

Cc: Canyon Law <canyon.orlando.law@gmail.com>, Debbie <Dyoungcanada@hotmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Wednesday morning works for me as well.

Thank you,
Peggy

[Quoted text hidden]

Dyoungcanada <dyoungcanada@hotmail.com>

Mon, Jun 22, 2020 at 3:07 PM

To: Peggy Randall <peggyrandall30@gmail.com>

Cc: "Leiker, Travis" <travis.leiker@chundenver.org>, Canyon Law <canyon.orlando.law@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

I am not available on Wednesday morning until 11, but as this address is Cherry Creek, you probably don't require my attendance.

Sent from my mobile

On Jun 22, 2020, at 3:04 PM, Peggy Randall <peggyrandall30@gmail.com> wrote:

[Quoted text hidden]

Leiker, Travis <travis.leiker@chundenver.org>

Tue, Jun 23, 2020 at 5:03 AM

To: Peggy Randall <peggyrandall30@gmail.com>

Cc: Canyon Law <canyon.orlando.law@gmail.com>, Debbie <Dyoungcanada@hotmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Hi Canyon - Let's do 10 am tomorrow. Should we circulate a call in # or do you have one? Thx Travis

[Quoted text hidden]

Leiker, Travis <travis.leiker@chundenver.org>

Tue, Jun 23, 2020 at 5:04 AM

To: Dyoungcanada <dyoungcanada@hotmail.com>

Cc: Peggy Randall <peggyrandall30@gmail.com>, Canyon Law <canyon.orlando.law@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

We will fill you in Debbie following the call and let you know if there's any required follow up.

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com>

Tue, Jun 23, 2020 at 9:50 AM

To: "Leiker, Travis" <travis.leiker@chundenver.org>

Cc: Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Hi Travis,

Tomorrow at 10 AM sounds good. Would you please circulate a call in number?

Thanks,
Canyon

Canyon Law
303.902.7179

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com> Tue, Jun 23, 2020 at 1:40 PM
To: "Leiker, Travis" <travis.leiker@chundenver.org>
Cc: Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Hello all,

Just following up. Do you need me to set up the call in number? I am happy to do so but my personal Zoom is a free account and the time will be capped at 40 minutes.

Canyon Law
303.902.7179

[Quoted text hidden]

Leiker, Travis <travis.leiker@chundenver.org> Tue, Jun 23, 2020 at 1:48 PM
To: Canyon Law <canyon.orlando.law@gmail.com>
Cc: Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

If you can that would be helpful to us. 40 mins is sufficient.

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com> Tue, Jun 23, 2020 at 2:08 PM
To: "Leiker, Travis" <travis.leiker@chundenver.org>
Cc: Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Will do, let me know if you don't receive the meeting invite in the next 10 minutes.

Canyon Law
303.902.7179

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com> Tue, Jun 23, 2020 at 2:24 PM
To: "Leiker, Travis" <travis.leiker@chundenver.org>
Cc: Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

On the event invite, please ignore the Google meeting link. This call will be on Zoom. Sorry for any confusion.

Canyon Law
303.902.7179

[Quoted text hidden]

Canyon Law <canyon.orlando.law@gmail.com> Wed, Jun 24, 2020 at 10:02 AM
To: Canyon Law <canyon.orlando.law@gmail.com>

Cc: "Leiker, Travis" <travis.leiker@chundenver.org>, Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Hi Travis, Peggy and Gwen,

Thank you for taking the time to speak with me today. I look forward to working together with you as we go further along in this process.

If there are any questions or if there's anything you would like to bring up, please don't hesitate to reach out to me.

Thanks,
Canyon

Canyon Law
303.902.7179

On Jun 23, 2020, at 2:24 PM, Canyon Law <canyon.orlando.law@gmail.com> wrote:

[Quoted text hidden]

Leiker, Travis <travis.leiker@chundenver.org>

Wed, Jun 24, 2020 at 10:19 AM

To: Canyon Law <canyon.orlando.law@gmail.com>

Cc: Dyoungcanada <dyoungcanada@hotmail.com>, Peggy Randall <peggyrandall30@gmail.com>, Gwen Ehrlich <gwenmarie2@cs.com>

Thanks Canyon. Peggy and Gwen will be your primary points of contact. And I encourage you and your parents to keep them in the loop as these conversations develop -- with a particular emphasis on parking, design specs and as outreach ambassadors. Thanks, and looking forward to the next updates.

[Quoted text hidden]

gwenmarie2@cs.com <gwenmarie2@cs.com>

Fri, Jun 26, 2020 at 5:56 PM

Reply-To: gwenmarie2@cs.com

To: "canyon.orlando.law@gmail.com" <canyon.orlando.law@gmail.com>

Dear Canyon

thanks for letting us be a part of your process in developing 5th Cook Street. I am hoping that we can come up with a project that will make the community excited about participating in the outcome and making it a venture we can all say we are proud of.

Regards

Gwen Smith Ehrlich

[Quoted text hidden]



Canyon Law <canyon.orlando.law@gmail.com>

Rezoning Application: 5 Cook St

1 message

Canyon Law <canyon.orlando.law@gmail.com>

Thu, Sep 3, 2020 at 10:12 AM

To: SSmernoff@gmail.com

Cc: GreenCherryCreek@gmail.com

Hi Susan,

Hope all is well. I am working on behalf of the owners of 5 Cook St (on the corner of Cook and Ellsworth) towards rezoning the site from PUD to C-MX-8. I received your contact info from the city and wanted to bring it to your attention before the application is submitted. Happy to answer any outstanding questions you may have, or if it's better I'd love to schedule a call to discuss what we're looking to build on the site.

If you'd like to get on a call, I'm available Tuesday the 8th in the afternoon and Wednesday the 9th in the morning. I'm also available all day Friday the 11th.

Let me know what works for you,
Canyon

Canyon Law
303.902.7179

From: [lori_meredith_gabow](#)
To: [Penafiel Vial, Maria F. - CPD City Planner Associate](#); [Showalter, Sarah K. - CPD CE3125 City Planning Director](#); [Dalton, Kyle A. - CPD CE3124 City Planning Manager](#); [Rezoning - CPD](#)
Cc: [Barge, Abe M. - CPD City Planner Principal](#); [Bill Tanner](#); [St. Peter, Teresa A. - CC Senior City Council Aide District 10](#)
Subject: [EXTERNAL] Map Amendment Application #2020I-00144 5 Cook Street
Date: Thursday, December 17, 2020 8:22:49 PM

I live across the alley from the subject property at 2 Adams Street. The applicant has yet to contact owners in my building. I do not know if the adjacent Alexan owner has been contact either. (It used to be a requirement, in addition to a courtesy, that adjacent properties were contacted regarding zoning change requests)

The subject property is located on the north side of Ellsworth. Every other property in the 4 blocks from Steele Street to, Madison Street has a minimum 20 foot setback with significant open space. A straight rezoning would potentially jeopardize the walking experience and visual continuity of this area. While the developer said that the project would fit in, a zoning change does not ensure this setback, which is the most obvious way a building would begin to fit in. The developer has also stated there was no interest in maintaining this set back but rather build as close to the property line as possible.

I hope Planning Board members and Staff take the opportunity to look at the blocks but I am attaching some photos to show context for the area.

I request for rezoning application for 5 Cook Street is not supported by Planning Board.

Respectfully,
Meredith Gabow
2 Adams Street
#607
303.913.6037







From: [Diane Balkin](#)
To: [Rezoning - CPD](#); [Hinds, Chris - CC Member District 10 Denver City Council](#); [Barge, Abe M. - CPD City Planner Principal](#); [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: [EXTERNAL] OPPOSITION to Zone Change Request for 5 Cook Street (Chinese Medicine Center);Application number 20201-00144
Date: Thursday, January 14, 2021 4:19:43 PM

Greetings everyone,

I am writing you to adamantly oppose the Zone Change Request for 5 Cook Street (Chinese Medicine Center). It is Application number 20201-00144

I own unit 1407 at 2 Adams Street and this has the potential for ruining my view, and otherwise negatively affecting our building as a whole thus reducing its value.

If you have any questions or desire any additional information please let me know.

Diane Balkin
balkinwise@comcast.net
303-320-6644

From: [lmergabow](#)
To: [Barge, Abe M. - CPD City Planner Principal](#); [St. Peter, Teresa A. - CC Senior City Council Aide District 10](#)
Cc: [Alan Warner, HOA-BOD V.P.](#); [Bill Tanner](#); [Lou Raders and Phil Johnson](#); [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: RE: [EXTERNAL]] Re: Fwd: Written Notice of Receipt of Map Amendment Application #2020I-00144 5 Cook Street
Date: Sunday, December 20, 2020 5:22:48 PM

Hi Abe.

5 Cook Street has not contacted any adjacent neighbors and live across the alley at Mountain Shadows. For years, any developer wanting to rezone were required to contact neighbors within 250 feet to support the neighborhood association's outreach efforts. Hopefully the City again will encourage this for any rezoning.

I have been on zoom calls with Mr. Law, and the neighbor association and he commented that he wants the building to fit in. He also mentioned trying to engage an architect. He said his family are not developers so I can only assume they are just seeking the zoning change.

There will be a letter objecting to the rezoning to CMX8 because it does not fit in with existing setback on both north and south side of Ellsworth for several blocks. Another concern is that off-site parking is allowed to meet parking requirements and this would just exasperated an existing issue.

55 Cook (formerly Alexan) had no idea about the rezoning and I plan to discuss with them this coming week.

When one looks at a street, they see buildings, not zoning. A building with nominal set back and open space would negatively impact Ellsworth

Meredith Gabow

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Barge, Abe M. - CPD City Planner Principal" <Abe.Barge@denvergov.org>
Date: 12/20/20 4:50 PM (GMT-07:00)
To: lori meredith gabow <lmergabow@gmail.com>, "St. Peter, Teresa A. - CC Senior City Council Aide District 10" <Teresa.St.Peter@denvergov.org>
Cc: "Alan Warner, HOA-BOD V.P." <awarner2006@mac.com>, Bill Tanner <billtannerconsulting@gmail.com>, Lou Raders and Phil Johnson <lou.raders@gmail.com>, "Penafiel Vial, Maria F. - CPD City Planner Associate" <Francisca.Penafiel@denvergov.org>
Subject: RE: [EXTERNAL]] Re: Fwd: Written Notice of Receipt of Map Amendment Application #2020I-00144 5 Cook Street

Hi Meredith,

Thanks for checking in on the 50 S. Cook rezoning application. Yes – We send mailed notification to nearby property owners and residents upon receipt of a rezoning application. I know the Canyon Law folks have been talking to the Cherry Creek East Association, but am less up to speed with other outreach efforts they may have undertaken, so I've copied their rezoning case manager, Fran

Penafiel, on this message. Fran may be aware of other outreach efforts undertaken by the applicant.

Thanks!

-Abe

From: lori meredith gabow <lmergabow@gmail.com>

Sent: Thursday, December 17, 2020 4:03 PM

To: Barge, Abe M. - CPD City Planner Principal <Abe.Barge@denvergov.org>; St. Peter, Teresa A. - CC Senior City Council Aide District 10 <Teresa.St.Peter@denvergov.org>

Cc: Alan Warner, HOA-BOD V.P. <awarner2006@mac.com>; Bill Tanner <billtannerconsulting@gmail.com>; Lou Raders and Phil Johnson <lou.raders@gmail.com>

Subject: [EXTERNAL]] Re: Fwd: Written Notice of Receipt of Map Amendment Application #2020I-00144 5 Cook Street

Teresa and Abe,

Don't immediate neighbors have to be notified of any zoning change? (In the past, it was a requirement). While I was on the phone call with both of you, there are no members of CCEA zoning committee directly impacted. (at that time, the owners of the (former) Alexan were not on the call.

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meredith

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Teresa

Teresa St Peter

Office of Councilman Chris Hinds
Denver City Council | District 10: Cherry Creek/Country Club/Congress Park/Belcaro
denverperfect10.com | denvergov.org/citycouncil
Newsletter: denverperfect10.com/signup

From: Imergabow <Imergabow@gmail.com>
Sent: Thursday, December 17, 2020 2:54 PM
To: Bill Tanner <billtannerconsulting@gmail.com>; Barge, Abe M. - CPD City Planner Principal <Abe.Barge@denvergov.org>; St. Peter, Teresa A. - CC Senior City Council Aide District 10 <Teresa.St.Peter@denvergov.org>; Alan Warner <awarner2006@mac.com>; Hinds, Chris - CC Member District 10 Denver City Council <Chris.Hinds@denvergov.org>
Subject: [EXTERNAL] Re: Fwd: Written Notice of Receipt of Map Amendment Application #2020I-00144 5 Cook Street

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Please see the attached photos and my prior email

Thank you
Meredith Gabow
303.913.6037

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Imergabow <Imergabow@gmail.com>
Date: 12/14/20 8:30 PM (GMT-07:00)
To: Bill Tanner <billtannerconsulting@gmail.com>, abe.barge@denvergov.org, teresa.st.peter@denvergov.org, Alan Warner <awarner2006@mac.com>
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From: [Barge, Abe M. - CPD City Planner Principal](#)
To: [lori meredith gabow](#); [St. Peter, Teresa A. - CC Senior City Council Aide District 10](#)
Cc: [Alan Warner, HOA-BOD V.P.](#); [Bill Tanner](#); [Lou Raders and Phil Johnson](#); [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: RE: [EXTERNAL]] Re: Fwd: Written Notice of Receipt of Map Amendment Application #2020I-00144 5 Cook Street
Date: Sunday, December 20, 2020 4:50:04 PM

Hi Meredith,

Thanks for checking in on the 50 S. Cook rezoning application. Yes – We send mailed notification to nearby property owners and residents upon receipt of a rezoning application. I know the Canyon Law folks have been talking to the Cherry Creek East Association, but am less up to speed with other outreach efforts they may have undertaken, so I've copied their rezoning case manager, Fran Penafiel, on this message. Fran may be aware of other outreach efforts undertaken by the applicant.

Thanks!

-Abe

From: lori meredith gabow <lmergabow@gmail.com>
Sent: Thursday, December 17, 2020 4:03 PM
To: Barge, Abe M. - CPD City Planner Principal <Abe.Barge@denvergov.org>; St. Peter, Teresa A. - CC Senior City Council Aide District 10 <Teresa.St.Peter@denvergov.org>
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Thank you

Planning Board Comments



Submission date: **23 August 2021, 3:12PM**
Receipt number: **38**
Related form version: **2**

Your information

Name	Meredith Gabow
Address or neighborhood	2 Adams Street Cherry creek east
ZIP code	80206
Email	Lmergabow@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	5 Cook Street
Case number	20201-00144

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project? **Strong opposition**

Your comment:

I strongly oppose the rezoning because

Lack of justification for rezoning request: Property owners had the opportunity to rezone with the 2009 plan as well as participate when 55 Cook Street (adjacent) rezoned but chose not to . This created this “orphan” parcel.

Neighborhood Context: Property owners are proposing zone change for 30 plus units with retail and no on site parking or loading (they have proposed to use the alley to service the building and parking agreements; parking agreements which would need to be filed with title work and monitored by the City). The present property provides 10 on-site spaces that are well utilized. The owners have provided basic sketch concepts, but not many specifics in a site plan for a building which would be feet away from the north neighbor, blocking light for 20+ units to the north and 10 to the west. Projects to the east, west and south all have 15+ foot open space setbacks on Ellsworth, much landscaped. Directly across the street (south) is a 4 story parking garage (servicing the Seasons). One block east is a 4 story parking garage (servicing 44 Cook and 55 Madison) and then, 3 story residential on the south and north side of Ellsworth. I provided a sketch.

Rezoning is a serious process because once done, you don't go back. The CMX zoning is very profitable and desirable because it maximizes development of the site. It requires minimal open space and permeable landscaping. I have 60+ Mountain Shadows residents (increasing every day) who have signed a petition opposing the zoning request because of the property owner's lack of commitment and project definition. I will be emailing under separate cover since the fil3 is over 5mb. (There are no safeguards in place to not have a building like 135 Adams Street)

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

[998045F6-2BC4-40F1-8735-C36899197D1E.jpeg](#)
[6F77EEC9-7C1C-48C5-8A34-F74B297EA78F.jpeg](#)
[8E4E4253-2928-4C06-8CA6-9BC2B7532145.jpeg](#)
[9BE9284B-66B0-409A-B41F-6D841CEFD9D2.jpeg](#)

Summary of outreach efforts:

Over the past 14 months, the applicant has conducted outreach and engagement with the Cherry Creek East Association (CCEA), Capitol Hill United Neighborhoods (CHUN) and immediate neighbors at The Griffis and Mountain Shadows.

The city received copies of the draft Good Neighbor Agreement/Memorandum of Understanding between the applicant and CCEA.

The Good Neighbor Agreement/Memorandum of Understanding commit the owner to the following:

- To abide by the Cherry Creek East Commercial Overlay Plan (CCECOP).
- Building Height not to exceed 7 stories.
- Exploration of a possible green roof.
- Setbacks per the pending Cherry Creek East Commercial Overlay Plan: Ground floor setback of five feet from primary/side streets, and eight feet beginning at either the 3rd or 4th stories extending at least 70% of the zone lot street frontage.
- Specific consideration to minimize impact on the Griffis, such as offset windows and the possibility of a green wall.
- Architecturally designed to consider the effect on existing buildings and pedestrian experience.
- Delivery trucks to access the property between 7:00 AM and 9:00 PM, not to block the alley for more than 15 minutes.
- Owners to ensure that City's required parking ratio is achieved through parking agreements with neighbors.
- Owners to ensure that construction has reasonably minimal impact on neighbors.

A list of meetings between the applicant and the RNOs are below.

- **6/22/2020: CCEA Initial Conversation.** Introduction to development lead Bill Tanner.
- **7/21/2020: CCEA Development Committee meeting.** Introduction to CCEA development committee, discussion of pursued rezoning to C-MX-8 and potential CCEA concerns.
- **10/7/2020: CCEA Team Meeting.** Continuation of conversations with CCEA team members about neighborhood concerns and desires.
- **12/28/2020: Conversation with Jim DiRienzo at Griffis Residential.** Discussion of intentions with 5 Cook St w/ representative of immediate neighbor, Griffis Residential. Concluded that Griffis will remain a neutral party.
- **2/17/2021: Conversation with CHUN Representatives.** Conversation of intentions with 5 Cook St with CHUN representatives including president Travis Leiker. CHUN generally supportive of development as long as it includes affordable component.
- **3/2/2021: CCEA Development Committee Meeting.** Continuation of conversation with CCEA development committee; full PowerPoint presentation for rezoning.
- **4/27/2021: CCEA Development Committee Meeting.** Additional conversation with CCEA development committee.
- **5/17/2021: CCEA Presentation to Board.** Full PowerPoint presentation to CCEA Board.
- **5/26/2021: Presentation and Discussion with Mountain Shadows.** Presentation and discussion with neighbors at Mountain Shadows.

- **7/21/2021: Community Meeting with CCEA Members/Neighbors.** Full presentation to CCEA members and neighbors.
- **7/26/2021: Discussion of survey and Good Neighbor Agreement with CCEA Development Committee members.** Answering of neighborhood questions in preparation for launch of survey to CCEA members.

Thanks,
Canyon

Canyon Law
303.902.7179

MEMORANDUM OF UNDERSTANDING
between
THE LAW FAMILY
And
Cherry Creek East Association
Regarding the property located at
5 Cook Street, Denver, Colorado

Draft

WHEREAS, 5 Cook Street (Property) is owned by the Law Family (Laws). The Property is currently zoned PUD. The Laws have requested to rezone the Property to C-MX-8.

WHEREAS, The Laws believe a rezoning to C-MX-8 is consistent with surrounding zoning, and consistent with Denver’s adopted plans (Comprehensive Plan 2040, Blueprint Denver 2019, and the Cherry Creek Area Plan). The Laws have expressed their commitment to building a thoughtful, high-quality, mixed-use building that fits the context of the neighborhood and meets the Denver Zoning Code review criteria. The Laws have also committed to abiding by the Cherry Creek East Commercial Overlay Plan.

WHEREAS, The Neighbors, while not objecting to a rezoning and a thoughtful, high-quality, mixed use building, have expressed concerns about design, setbacks, retail, parking, quality, sense of space and operations.

WHEREAS, At the request of Councilman Hinds, the Laws and Neighbors have agreed to work toward achieving an agreement that enables Laws to rezone in a reasonable manner and addresses the Neighbors issues and concerns.

NOW THEREFORE, in consideration of the mutual agreements herein, the Parties agree as follows:

- I. Cherry Creek Overlay. The Laws agree that any development on this Property will conform to all requirements of the Cherry Creek East Commercial Overlay Plan (CCECOP).
- II. Building Height. Although C-MX-8 allows up to eight stories in height, Laws agree to a height limit not to exceed seven (7) stories. [Laws will explore the possibility of a green roof.](#)
- III. Setbacks.
 - a. The proposed setbacks will conform with the required setbacks in the CCECOP.
 - b. They will include:
 - i. Ground floor setback of five feet from primary and side streets.
 - ii. Upper floor setback of eight feet, beginning at either the 3rd or 4th stories facing a primary and side street and extending a minimum of 70% of the zone lot street frontage.
 - c. [Specific consideration will be taken to minimize the impact on the Griffis, such as offset windows and the possibility of a green wall.](#)
 - d. The proposed building will do more than just meet the required setbacks. It will be architecturally designed in such a way as to take into consideration surrounding buildings, possible articulation to address massing concerns, eyes on the street, pedestrian experience, walkability and feel of the corner, impact on Mountain Shadows, and the opportunity for green space.

- IV. Landscaping. Will be designed to meet and exceed Denver’s zoning requirements and strive to enhance the pedestrian experience.
- V. Retail. The ground floor will be retail that is accessible to the neighborhood and bring a vibrancy to the corner. Issues associated with retail:
 - a. Exhaust fans for retail use will be designed in a way to have minimal impact on immediate neighbors.
 - b. Delivery trucks and trash pick-up trucks will access the property between the hours of 7:00am and 9:00pm and will not block the alley for more than fifteen minutes.
 - c. [There will be a dock off the alley, which will be primarily for tenant use.](#)
 - d. Any other significant negative impacts as a result of retail will be addressed in a timely and effective manner.
- VI. Parking. The owners of 5 Cook Street will ensure that parking necessary to meet the City’s required parking ratio (.75/unit) is secured by long-term leases prior to applying for a building permit.
- VII. Other Points.
 - a. [The building is anticipated to contain thirty to thirty-six units.](#)
 - b. The building will contain a place for indoor bike parking.
 - c. A water capture plan will be put in place as more detailed design development is done.
 - d. Tenants who do not follow rules regarding control over their pets, clean-up after their pets, etc., will be subject to penalties.
- VIII. Construction.
 - a. The Laws will ensure that construction has reasonably minimal impact on immediate residents.
 - b. Any construction on this site will adhere to the City’s requirements which allow for construction between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on weekend.
 - c. Reasonable measures will be taken to prevent particulate matter from becoming airborne and to prevent the visible discharge of dust and other particles beyond the property where they originated.
 - d. Parking will be provided for construction workers and the requirement to park in the designated spaces will be a part of all contracts with those doing construction activity at 5 Cook Street.
 - e. The phone number to call if neighbors have complaints about construction is, Canyon Law at 303.902.7179.
- IX. Agreement of the Parties.
 - a. Both Laws and Cherry Creek East Association agree that this Memorandum of Understanding shall be enforceable on any owner of this Property and will run with the land in perpetuity. If this project is converted to a different type of housing, the requirements in this MOU will continue to apply.
 - b. Any Party to this agreement may choose to record the Memorandum of Understanding with the Denver Clerk and Recorder’s Office.

Signed and dated on next page

Canyon Law, Representing the Law Family, owners of the property Date

Chris Ward, President, Cherry Creek East Association Date

Cherry Creek East Association Survey Report: 5 Cook St. Rezone

What this survey report covers.

5 Cook St. Rezoning: The Law family who own 5 Cook St want to rezone their property from a 2 story PUD to CMX-8¹. In order to win CCEA (Cherry Creek East Association) support for the rezoning, the Laws agreed to sign a neighborhood agreement. The proposed full text of the agreement is at https://www.cherrycreekeast.org/editor_upload/File/Proposed%20MOU%20-%205%20Cook%20v7_26_21%20cl%20sc.pdf.

The results of the survey are contingent on the Laws signing and acting in good faith and accordance with the full negotiated agreement.

Working with the Canyon Law, Steve Charbonneau [Find Solutions], the CCEA Development Committee and CCE residents, a survey of CCEA residents and commercial property owners was created to learn whether the CCE community wanted CCEA to recommend that City Planning and City Council support the rezoning, or not.

The survey was conducted after Canyon Law presented the rezoning proposal to CCE. The presentation can be viewed at [https://www.cherrycreekeast.org/editor_upload/File/5%20Cook%20St%20Canyon%20community%20present%202_21_21%20\(1\).pdf](https://www.cherrycreekeast.org/editor_upload/File/5%20Cook%20St%20Canyon%20community%20present%202_21_21%20(1).pdf)

Who and how many took the survey, when.

Engagement with the survey was excellent for this community. Over 220 persons started the survey over a two-week period ending 8.12.2021. Responses were received from every occupied CCE block. Survey outreach included multiple mailings to CCEA members, non-members, social and neighborhood watch lists, multiple postings on social media, outreach to other local groups and word of mouth.

The survey represents the broader CCE community, not just CCEA paid members. Just over half of respondents [52%] were CCEA members, 34% were not CCEA members and 14% were unsure if they were members.

Both property owners and renters were represented: 80% own property; 20% lease or rent residential or commercial property in CCE.

Respondents represented both residents of adjacent buildings [41%] and the broader CCE community.

- Adjacent building residents who took the survey include those from Mountain Shadows [22% of all CCE respondents], Griffis Cherry Creek [6%], Kavod [1.4%], The Seasons [6%], another building respondents perceived to be within 200 feet of 5 Cook St. [7%.]
- About 1/3 [30%] of respondents live or own property on Cook or Adams Street between 1st and Ellsworth [the same block as 5 Cook St.]

Respondents were well informed about the rezoning prior to taking the survey. Over 80% visited the 5 Cook St site. Over ¾ [76%] read some or part of the neighborhood agreement, about 5/8 [63%] viewed the 5 Cook St presentation online and over ¼ [29%] attended the developer's presentation to the CCE community. An image of the current building, a compilation of key facts about the proposal, highlights of the proposed neighborhood agreement/memorandum of understanding were included in the survey pre-amble.²

¹ PUD = Planned Unit development [in the case of 5 Cook St and many CCE properties, a zone specific to the property. CMX-8 = Mixed residential and commercial uses allowed, 8 story maximum height.

² A complete copy of the survey text and a copy of all results incl. all open ended, individual comments are available on request.

Cherry Creek East Association Survey Report: 5 Cook St. Rezone

Results: What respondents said about the rezoning.

A majority of respondents favor the CCEA Board supporting the rezoning as described in the survey, developer’s presentation and memorandum of agreement. The table below shows how respondents answered the question:

“Contingent on the above Neighborhood agreement being signed, how do you feel about the CCEA Board recommending to City Planning that the 5 Cook St rezoning from PUD to CMX-8 stories be approved?”

Response Checked	All Respondents [Base: 213 ³]	Say They Rent/ Own Residence in Adjacent Bldg⁴ [Base: 88]	Say They Do Not Rent/Own in Adj Bldg [Base: 122]
“The CCEA Board should recommend in favor the rezoning of 5 Cook St to CMX-8 [7 stories will be built]”	57% ⁵	63%	54%
“The CCEA Board should recommend against the rezoning of 5 Cook St to CMX-8 [7 stories will be built]”	36%	35%	36%
“I am not sure if the CCEA Board should recommend for or against the rezoning of 5 Cook St to CMX-8 [7 stories will be built]”	7%	2%	10%
Total	100%	100%	100%

- **Over ½ [54%] of Mtn Shadows residents [46 persons voting] voted in favor** of the CCEA board supporting the rezoning.
- Of those who state that they **live on the same block as 5 Cook St [On Adams or Cook between 1st and Ellsworth, 67 persons], about 2/3 [64%] voted in favor** of the CCEA board supporting the rezoning.
- The majority of the minority who were opposed to the rezoning [58% of those opposed] did not live in a building adjacent to 5 Cook St. Over ¼ [28% of those opposed] lived at Mountain Shadows.

³ Since respondents drop out of surveys for a variety of reasons [e.g., intended to complete survey later but forgot, other interruption, etc.], 3 respondents who answered the pro/con rezoning question did not complete the adjacent building question. This is typical for surveys and still represents a completion rate well above expectations [based on SurveyMonkey estimates.]

⁴ Mountain Shadows, Griffis, Kavod, Seasons, other w/in 200 feet.

⁵ Clearly, CCE is NOT a NIMBY [“not in my backyard”] neighborhood since in two recent cases [McKinnon & Law], CCE has supported rezoning from less tall to taller buildings.

Cherry Creek East Association Survey Report: 5 Cook St. Rezone

Why respondents voted as they did.

In this report section direct sample quotes are used to illustrate key themes in open ended responses. All comments are available on request and will be posted to the CCEA website. Readers are encouraged to review them.

The **majority who were in favor** of the rezoning mentioned:

- **Perceived fit with surrounding buildings and city plans and the Law family's willingness to apply the CCE overlay restrictions to their building.**
 - *"It seems that all the city requirements and CCEA overlays are met."*
 - *"Development is similar to surrounding buildings"*
 - *"I like this project. I will add housing in an area next to equally tall buildings in a really creative way. Fits within the area plans too!"*
 - *"It is surrounded by taller buildings so 7 stories will not impact the neighborhood"*
 - *"The desired CMX 8 zoning is consistent with surrounding buildings/zoning and with the area plan."*
 - *"Following our guidelines"*
 - *"The pending agreement with CCEA, when signed, seems to be reasonable and workable."*
- **Perception that the Law family would follow through and abide by their agreement**
 - *"CCE needs to do its part to help with Denver's increasing density. The draft designs of the proposed building are beautiful. The owners have worked with CCE and they will sign a neighborhood agreement."*
 - *"I heard good things about the Law family and I believe 5 cook development fits well with the community "*
 - *"I think Law family is a trustful developer "*
 - *"Seems like the Laws are being very considerate of n'hood concerns. Building is in keeping with surrounding buildings"*
 - *"They seem willing to listen and follow through. I think the family has integrity. It seems unfair to deny their request when everything around them has built higher."*
- **Perception that the new building would be an improvement over the current building. Some mentioned that the plan to include first floor retail added to this perception.**
 - *"Would fit the neighborhood better than the small building there now."*
 - *"Would look nicer, having a cafe there would be nice."*
 - *"Would like a restaurant on the corner."*

The **minority opposed to or "not sure"** if the rezoning should be supported by the CCEA Board focused on:

- **The absence of onsite parking and other perceived negative impacts of increasing density in the area.**
 - *"No parking for the building. Too much traffic"*
 - *"Parking is a major issue in the streets & neighbor. Traffic including bikes, pedestrians, municipal services already clog the area making it unsafe to navigate."*
 - *"1 - Overdevelopment of CCE 2- Do much density for such a lovely inner-city area 3- Traffic congestion is already an issue and this will increase traffic. 4-Parking issue - too many to park on the street 5- More density causes issues with limitations for trees and shade and parks 6 - totally against this!!"*
 - *"A seven or 8 story building with no added parking will substantially increase vehicle congestion on the streets and among the existing parking areas where the Laws would contract for designated parking. Competition among residents and their guests for existing parking is already stiff...an added Highrise with no added integral parking is VERY undesirable."*
 - *"Height, no parking, noise, deliveries, impact on Mt Shadows Eastside property values."*

Cherry Creek East Association Survey Report: 5 Cook St. Rezone

- **Some adjacent neighbors noted that the new taller building will adversely impact their quality of life.** The Laws should minimize the negative impact on adjacent residents.
 - *"I moved into the Griffis this summer, to an apartment that faces 5 Cook. Being new to Denver, I was not aware of these proposed changes. Had I known, I would have reconsidered my lease. I enjoy Cherry Creek, for what I expected when I arrived. I enjoy my patio deck, and this proposed building would block and any all space of enjoyment of that space. Aside from the extreme construction, which would be expected with any new development, putting large building on that intersection would not benefit those living nearby. I'm happy to now call Cherry Creek East my home, please don't take away the luxury from those who live here!"*
 - *"I'm a Mountain Shadow resident and facing east so I can see 5 Cook from my living room and bedroom. The project will lower the cost of my condo, will be a lot of inconvenience during construction (a lot of us work from home so living with construction noise for 2 years won't be beneficial in any way), with Alexan apartments built there is no room for 7 stories, alley will be blocked, no parking will kill it."*
 - *"I would be directly impacted as the owner directly facing the proposed site."*

Other Questions: First Floor Retail & Respondents' Closing Comments

What would CCE respondents want to see on the first floor of the 5 Cook St building, if rezoned?

- A plurality⁶ would want to see either a **restaurant/ sandwich shop [45%]** or a **coffee/ ice cream shop [43%]**
- Minorities wanted "retail shops/ boutiques," nothing or "other" which includes retail or services similar to existing businesses, spa or small grocery.

At the survey's end, respondents were given the opportunity to comment on the rezoning, the survey and the process used to get their opinions. Comments often reinforced already stated issues such as the lack of parking/ traffic congestion, others indicated appreciation for the survey and CCEA Board process for getting constituent input [e.g., *"Excellent fair, democratic approach to CCE development ... the committee meetings, community meeting and survey sent by email and posted on social media that is far more outreach than most communities engage in."*] and other responses were unique including a perception that the new building did not fit the CCAP⁷. All comments are available on request.

Summary

- **The majority of CCE respondents indicated that the CCEA Board should support the 5 Cook St rezoning *subject to the Law family signing the pre-survey agreement as written.***
- **Cherry Creek East is clearly not a "NIMBY" neighborhood** opposed to *any* new density. CCE is now supporting the 5 Cook St rezoning from 2 to 7 stories. It recently supported the rezoning of the intersections of First and Bayaud with Harrison from 2 to 4 stories. Developers who approached the community with rezoning requests that offer a perceived benefit to the neighborhood and the City, received a fair response from CCE constituents who thoughtfully weighed both pros and cons.
- **The process works.** All CCE constituents have a chance to learn about upcoming developments and to "vote" in favor or against based on available information. The process is imperfect but it serves the purpose of informing City Council of what a broader spectrum of constituents think than could be obtained via meetings [generally far fewer than 200 persons], petition drives [generally fewer than 100 persons] or solely from Board members. The process uses extensive outreach, Board and community meetings and a survey that references key information.

⁶ Plurality = the number of votes cast for a candidate who receives more than any other but does not receive an absolute majority.

⁷ Respondent indicated that they were a founding contributor to the CCAP [Cherry Creek Area Plan.]

Map indicating property to be rezoned must be attached to each application form.

City and County of Denver
DEPARTMENT OF ZONING ADMINISTRATION
APPLICATION FOR ZONE MAP AMENDMENT

1. Date Submitted Fee
12/5/79 \$100.00

2. Application Number
3149

3. Applicant Roark Associates	4. Address 321 Detroit St., Denver, Co.	5. Phone No. 388-3658	6. Interest <input type="checkbox"/> Owner(s) <input checked="" type="checkbox"/> Agent
7. Other Persons, Firms or Corporations represented by Applicant Mr. and Mrs. Mier Chazen	8. Address 210 Ash Street, Denver, Co.	9. Phone No. 388-2043	10. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent

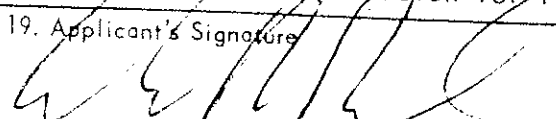
11. Location of Proposed Change
#5 Cook Street

12. Legal Description of Property: Lots Block Addition
or Lots 21 and 22 Block 16 Burlington Capitol Hill Addition
City and County of Denver, State of Colorado

13. Area of Subject Property, Sq. Ft. or Acres 6,250 Sq.Ft.	14. Present Zone R-1	15. Proposed Zone P.U.D.
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16. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary.
During 1977, the property to the north of the subject site was re-zoned B-A-1. At that time, the owners of the property to the north included the subject property in their B-A-1 zoning application. The Chazen's requested that they be removed from the B-A-1 zoning application because they would have been left with a 50' wide parcel of property that could only be utilized for single-family residential use because of the B-A-1 zoning regulations. The property to the west is a high-rise apartment/condominium project. The property to the northwest is a parking garage. The property to the north at 1st Avenue is a multi-story office building, and the property directly adjacent to the north is a parking garage. Across the street to the east is a parking lot. Single-family residences are across Ellsworth Avenue to the south. The changing conditions, including re-zoning and subsequent construction, have rendered the existing single-family residence obsolete and no longer suitable for residential purpose. Therefore, a business P.U.D. is proposed.

7. Use and development proposed for the property to be rezoned, including time schedule for such development.
It is contemplated that the existing residence will be maintained but modified for business use and the additional business structure will be constructed at the west end of the site. The modifications to the existing residence and the addition to the east would commence immediately upon the approval of this application for re-zoning.

3. Exhibits Submitted, Number and Kind Site Plan, P.U.D. Stipulations, District Map, Photographs	19. Applicant's Signature 
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#5 Cook Street

GROSS LAND AREA 6,250 Sq.Ft.

PARKING PROVISIONS Parking for 10 automobiles is provided

HEIGHT OF STRUCTURES No structure shall exceed 35' in height

UTILITIES Sanitary sewer is provided in the alley. Water is provided in Cook Street.

Electrical power is provided by overhead service from Ellsworth Avenue and the alley. Storm drainage system exists on Cook Street and Ellsworth Avenue.

SURFACE DRAINAGE Drainage from the site will be taken on the surface to either Cook Street, Ellsworth Avenue or the alley.

INTERIOR STREETS AND DRIVES There are no interior streets or drives.

SEPARATION PROVISIONS Provisions for separation between buildings, streets and other features are as shown in the enclosed drawings.

EASEMENTS No specific easements are required.

BUFFER AREA Buffer area is provided as indicated between the existing residence and the adjacent parking garage. New construction will be built up to the property line. Landscaping will be provided on Cook Street and on Ellsworth avenue.

RECREATION VEHICLE STORAGE No recreation vehicle storage is incorporated because of the proposed business use.

DEDICATIONS AND PUBLIC IMPROVEMENTS Not applicable

SCHOOL SITES Not applicable

OPEN SPACE RECREATION AREAS An open courtyard between existing and new construction is indicated on the attached drawings. In addition, open landscaped space is provided on Cook Street and Ellsworth Avenue.

SOUND, VIBRATION, HEAT, GLARE, ETC. The existing residential structure, its addition, and the new construction are located in such a manner as to properly handle sound, vibration and emission of heat, glare, radiation and fumes by the effective use of landscaping, fences and natural barriers.

RESTORATION OF NATURAL TERRAIN The natural terrain of the site is to be maintained.

LAND COVERAGE

Existing Residence	1314 Sq.Ft.
Addition to Existing Residence	687 Sq.Ft.
New Office Construction	2317 Sq.Ft.
Courtyard	350 Sq.Ft.
Paved Parking	3000 Sq.Ft.
Parking	10 cars

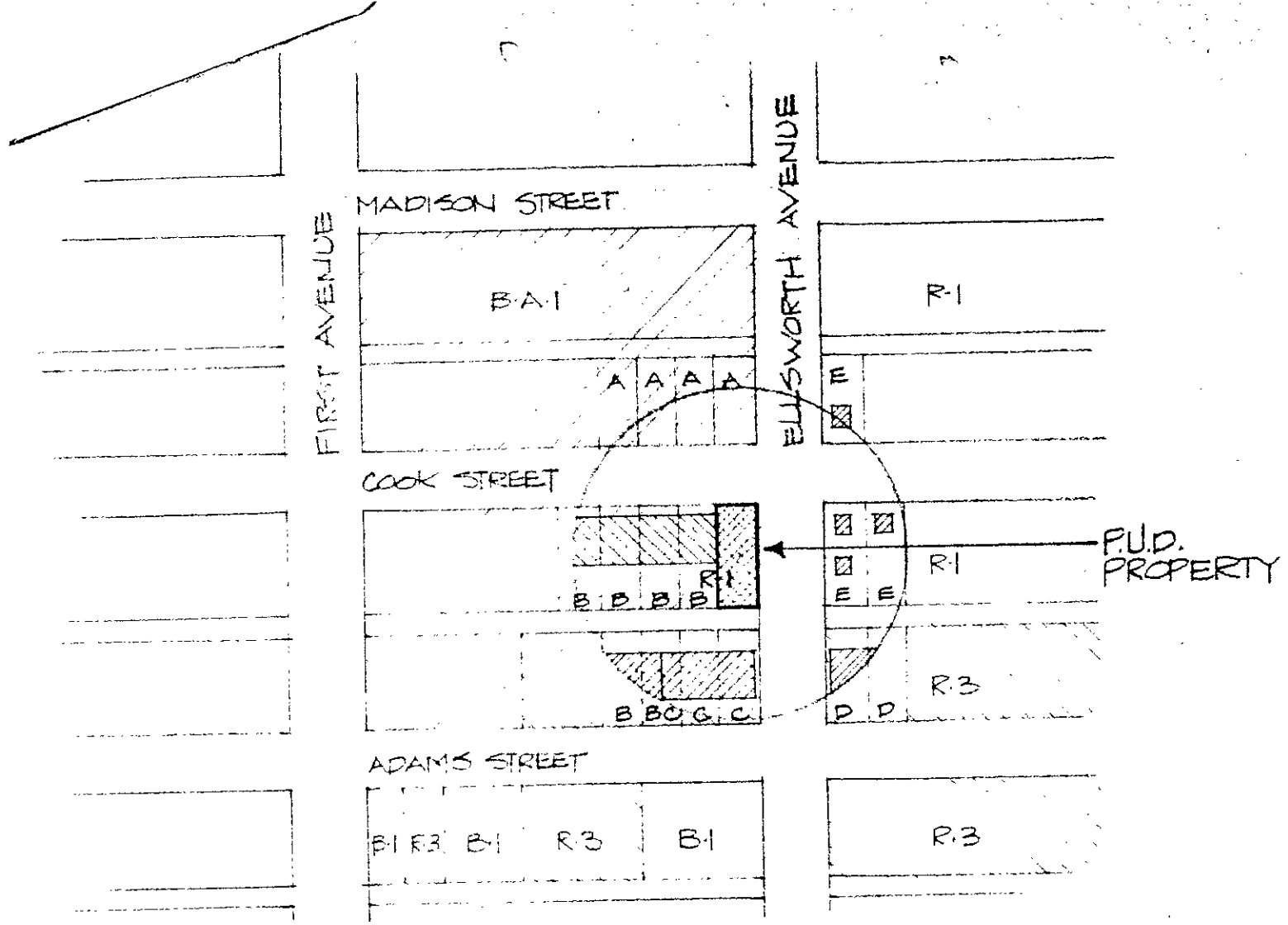
SIGN TREATMENT Signs will be simple raised letters applied directly to the building surface for address and business identification. Any signs constructed will be within the limitations set forth for B-1 zoning in the Zoning Ordinance, City and County of Denver.


OUTDOOR STORAGE Outdoor storage will be provided for on the north side of the existing residence.

GROSS FLOOR AREA

Existing Residence/Ground Floor Level	1314 Sq.Ft.
Addition to Existing Residence	687 Sq.Ft.
New Office Construction (on stilts over parking)	2317 Sq.Ft.

BUSINESS USE Business use limited to those allowable under current B-1 district regulations of the revised Municipal Code of the City and County of Denver.




 DISTRICT MAP SCALE 1"=200'
5 COOK ST. P.U.D.

LEGEND

- A Parking Lot
- B 2-Story Parking Garage
- C 15-Story Apartments/Condominiums
- D 9-Story Apartments/Condominiums
- E Single-Family Residence