



**TO:** Denver Planning Board  
**FROM:** Rob Haigh, Senior City Planner  
**DATE:** August 8, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00155

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00155.

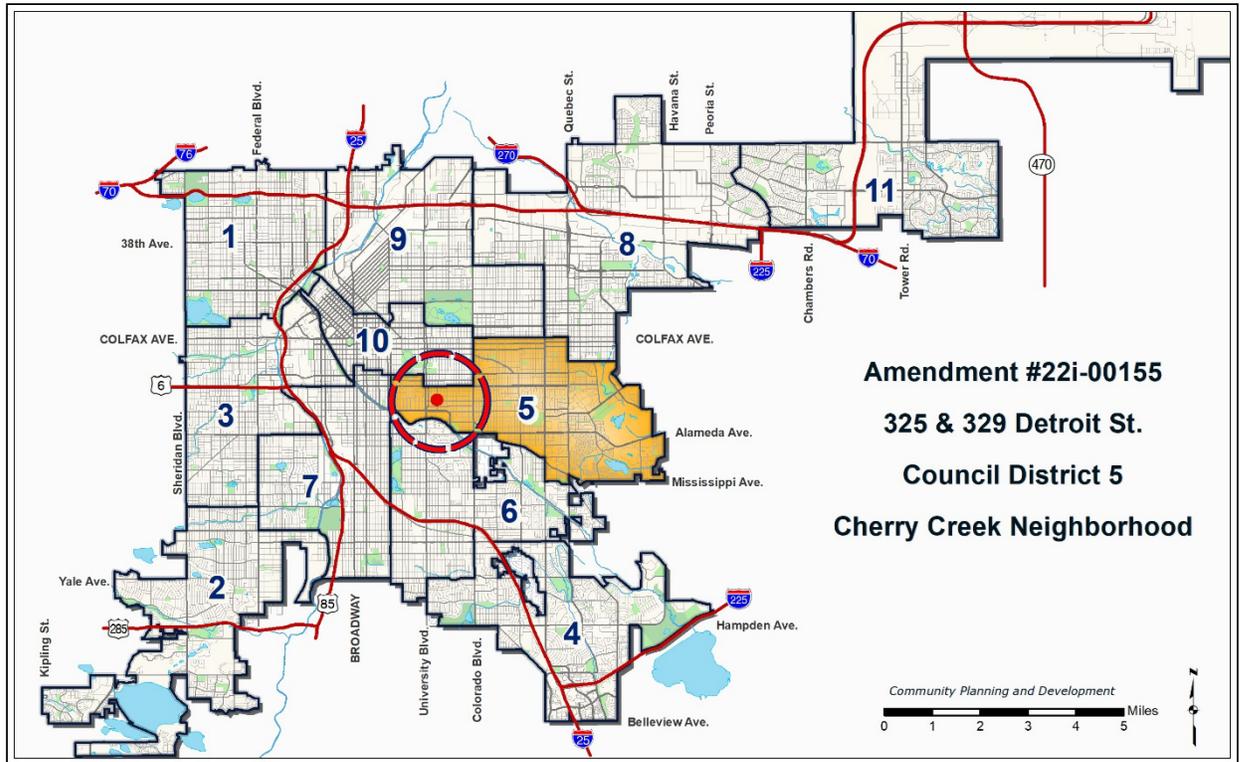
### Request for Rezoning

Address: 325 & 329 North Detroit  
Neighborhood/Council District and CM: Cherry Creek Neighborhood / Council District 5, Amanda Sawyer  
RNOs: Cherry Creek North Neighbors Association, Capitol Hill United Neighborhoods, Inter-Neighborhood Cooperation (INC), Cherry Creek North Business Improvement District, Strong Denver  
Area of Property: 12,500 square feet or 0.29 acres  
Current Zoning: PUD-5, G-MU-5  
Proposed Zoning: C-CCN-4  
Property Owner(s): 325 Detroit St LLC and Le Mie Regazze Belle LLC  
Owner Representative: Frank Penn

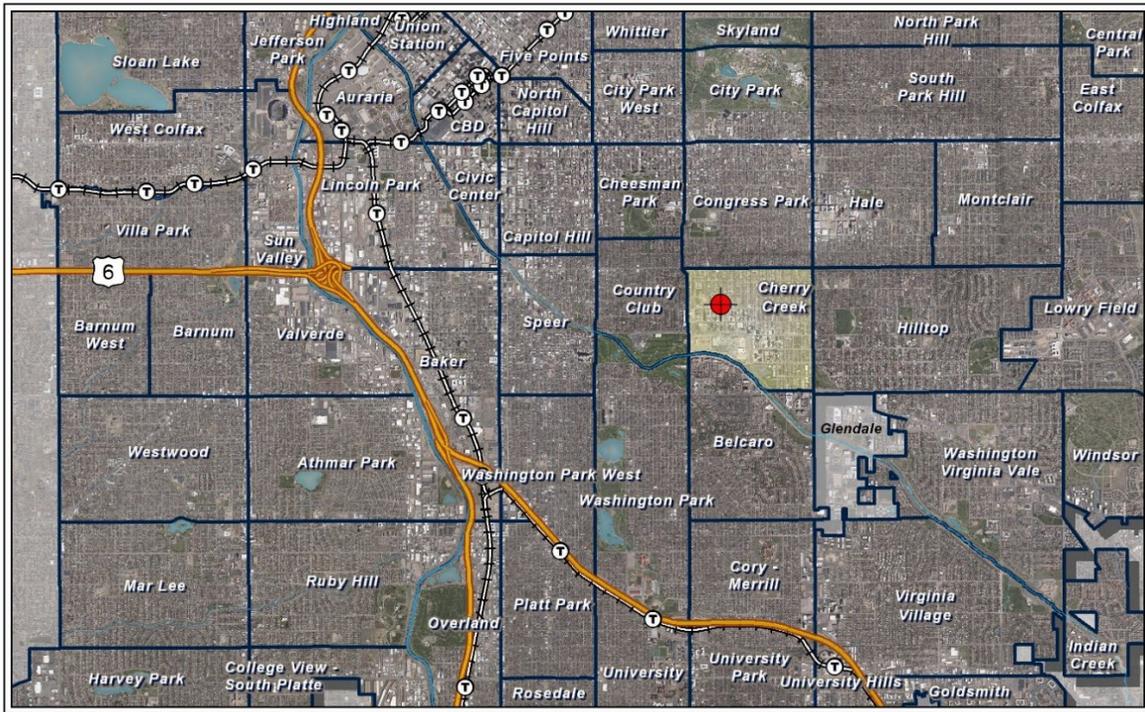
### Summary of Rezoning Request

- The property is in the Cherry Creek statistical neighborhood on North Detroit Street between 3<sup>rd</sup> and 4<sup>th</sup> Avenues.
- The properties are occupied by two 1.5 story houses that have been converted to serve a mix of office, commercial, and residential uses
- 325 N Detroit St is currently zoned PUD-5 (Former Chapter 59 **P**lanned **U**nit **D**evelopment **5**) which allows for 2 residential units and a short list of permitted uses.
- 329 N Detroit St is currently zoned G-MU-5 (**G**eneral Urban, **M**ulti-**U**nit, **5**-story) which allows for 5-story multi-unit residential development with limited non-residential uses.
- As noted in detail in the Consistency with Adopted Plans section of this staff report, the subject area for this rezoning is split between two different subareas in the Cherry Creek Area Plan. To ensure that development can occur with a single building form in the Denver Zoning Code, the applicants propose a single zone district for both properties in the subject area, and staff finds that the proposed district is consistent with the plan guidance for both of the area plan subareas.
- The proposed zone district is C-CCN-4 zone district (Urban **C**enter, **C**herry **C**reek **N**orth, 4-story) which allows a range of residential, civic, retail, and commercial uses up to a maximum height of 4 stories.
- Further details of the existing and requested zone districts can be found in Article 7 of the Denver Zoning Code (DZC).

### City Council District



### Statistical Neighborhood



**Aerial View**



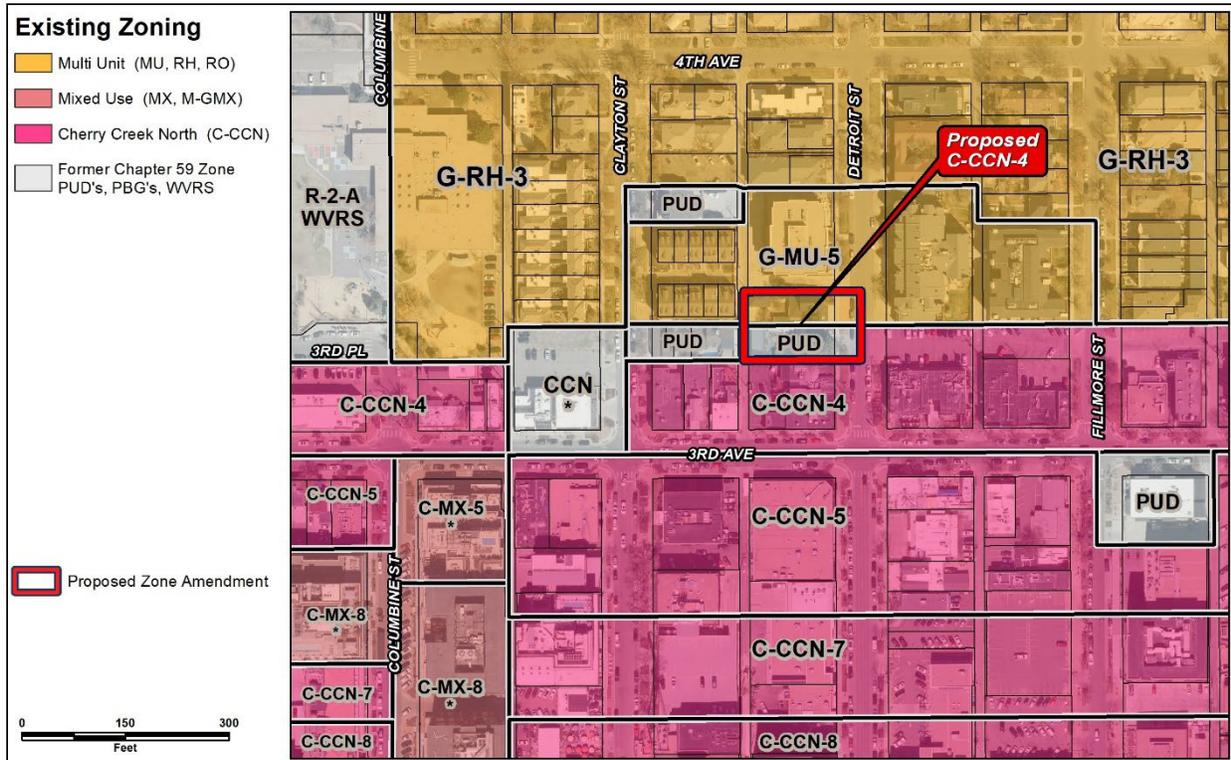
The subject property is located within the Cherry Creek Neighborhood on North Detroit Street and is currently occupied by two 1.5-story buildings. The area south of the subject property along 3<sup>rd</sup> Avenue

are the primarily commercial and retail uses that make up the Cherry Creek North Shopping District. The area to the north of the subject properties is primarily multi-unit residential and transitions to lower density residential north of 4<sup>th</sup> Avenue. The development immediately surrounding the subject property ranges from single story retail buildings to 5 story residential buildings. While no transit route runs along Detroit Street, 3<sup>rd</sup> Avenue, or 4<sup>th</sup> Avenue, there are several bus routes in the area. RTD bus routes 3, 3L, and 83 run along 1<sup>st</sup> Avenue two blocks to the south, bus route 24 runs along Josephine Street two blocks to the west, and bus route 6 runs along 6<sup>th</sup> Avenue three blocks to the north. Bromwell Elementary school is located two blocks to the west at 4<sup>th</sup> Avenue and Josephine Street.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	G-MU-5, PUD 5	Office and residential;	2 1.5-story residential buildings converted to office and residential use	Streets are generally orthogonal. Blocks are generally rectangular and alleys are typical. Building setbacks and street orientation are varied. Parking is provided in surface lots, structures, and on street.
North	G-MU-5	multi-unit residential	5-story residential building	
South	C-CCN-4	Mixed-use	1-story commercial shopfront building	
East	G-MU-5	Multi-unit residential	4-story multi-unit residential	
West	G-MU-5, PUD	Multi-unit residential	2- and 3-story townhomes	

### Existing Zoning



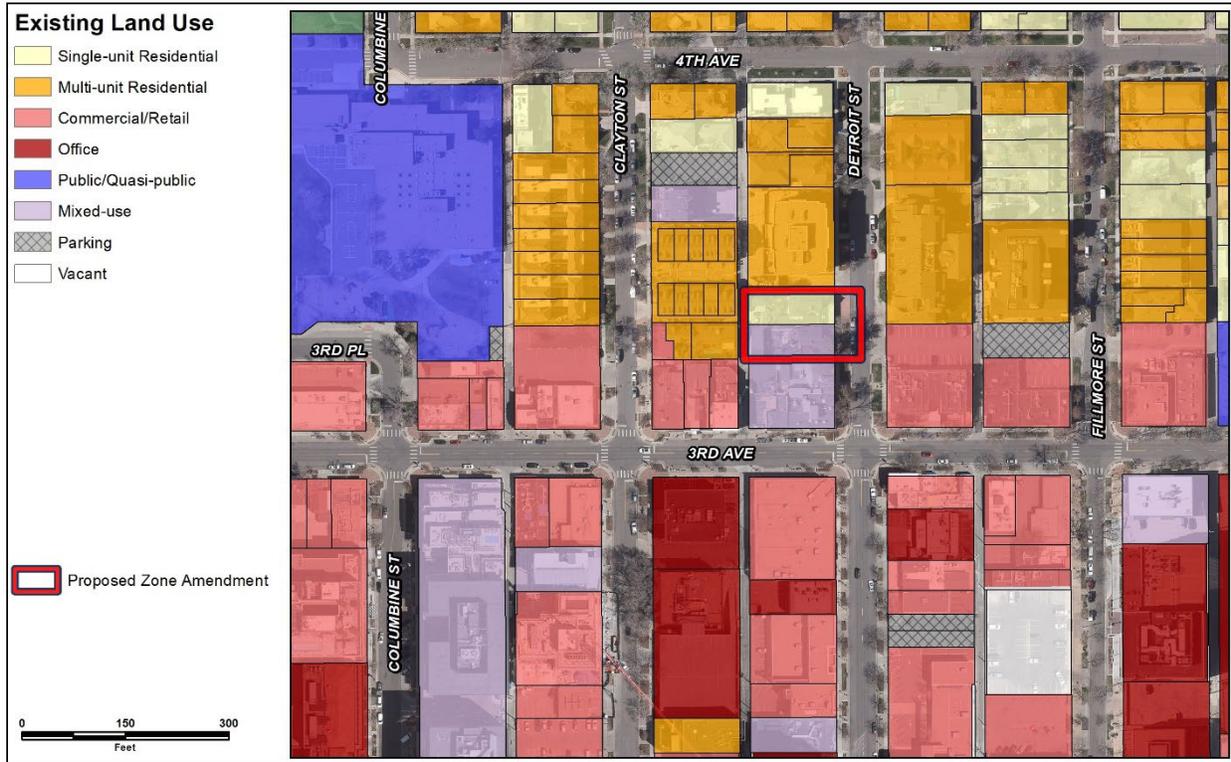
**325 North Detroit Street** is currently zoned PUD 5. The Former Chapter 59 PUD was established in 1977 to allow for both residential and office uses that would transition from the shopping district to the south to the residential area to the north. The PUD allows for limited office uses and two dwelling units in the buildings that currently exist on site. There is very little flexibility in how the property could be redeveloped.

**329 North Detroit Street** is zoned G-MU-5 which allows for primarily residential uses and promotes higher density residential neighborhoods. Limited non-residential uses are permitted. Allowed building forms include the urban house, duplex, row house, garden court, town house, and apartment forms. Parking standards are use specific. For additional details of the G-MU-5 district, see DZC Article 6.

### View Planes

The Cranmer Park view plane applies to the subject property. It protects mountain views from Cranmer Park and limits building heights on the site to approximately 180 feet. This height limitation far exceeds the maximum height of the existing and proposed zone districts

### Existing Land Use Map



### Existing Building Form and Scale (Source: Google Maps)



Subject properties- Looking west from N Detroit St



**Property to the East- Looking east from N Detroit St**



**Property to the North - Looking northwest from N Detroit St**



**Properties to the south- Looking west from N Detroit Street.**



**Properties to the west - Looking east from N Clayton St**

### Proposed Zoning

The **proposed C-CCN-4** (Urban Center, Cherry Creek North, 4-story) is intended for use in the Cherry Creek North mixed use shopping district with retail, restaurant, office and entertainment land uses that are in keeping with the existing character and scale of the area. The district encourages pedestrian-oriented development through primary street setbacks, open space incentives, and building forms that allow light and views between buildings. The C-CCN-4 districts are focused on local, collector and arterial streets where a building scale of 1 to 4 stories is desired. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC).

The primary building forms allowed in the existing zone district and the proposed zone districts are summarized here:

Design Standards	Existing PUD (325 N Detroit)	Existing G-MU-5 (329 N Detroit)	Proposed C-CCN-4 (325 & 329 N Detroit)
Primary Building Forms Allowed	Built form as it exists today	Town House, Shopfront	Cherry Creek General, Cherry Creek Open Space
Height in Stories / Feet (max)	N/A	Shopfront , Town House: 5/70'	All Forms: 4/57'
Primary Street Build-To Percentages and Ranges	N/A	Shopfront Form: 75% / 0' to 10' Town House: 70% / 10' to 15'	All Forms: 70% / 5' to 15'
Primary Street Setbacks (min)	N/A	Shopfront Form: 0' Town House: 20' or block sensitive	All Forms: 5'
Transparency, Primary Street	N/A	Shopfront form: 60% or 40% for residential only Town House Form: 40%/25%	All Forms: 60%
Street Level Active Uses	N/A	Shopfront Form: N/A Town House: 100%	N/A

### Design Standards & Guidelines for Cherry Creek North

The subject site is located immediately outside the area that is subject to the *Design Standards & Guidelines for Cherry Creek North (DSGs)*. The DSGs are mapped to the areas of Cherry Creek North as shown in the map below which is taken from the current *Design Standards & Guidelines for Cherry Creek North* document. This boundary generally aligns with the areas that are zoned with Cherry Creek North (C-CCN) zoning. The subject site will be included in Subarea 2 which is described by the DSGs as including “properties between 2nd Avenue and 3rd Avenue, and properties that extend approximately 150 feet north of 3rd Avenue.” (pg. 3) The northern boundary of the subject site is located 200 feet north of 3<sup>rd</sup> Avenue and to ensure a development on the site is consistent with the intent of the C-CCN zone district and DSGs, the *Design Standards & Guidelines for Cherry Creek North* will be amended to align with the new zoning boundary if approved.

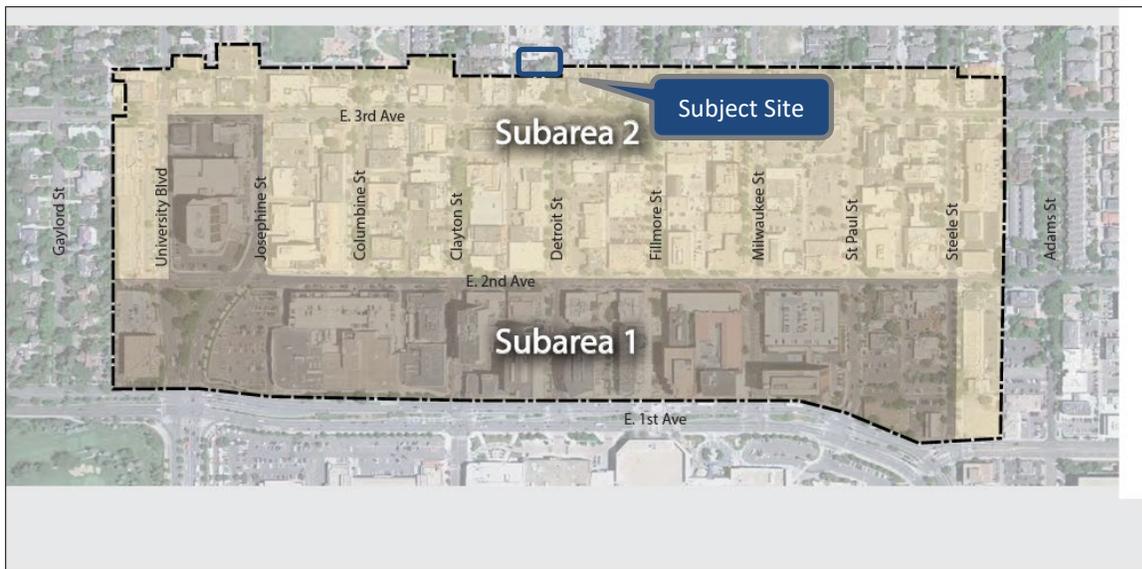


Figure 2: Cherry Creek North Subareas

## **Summary of City Agency Referral Comments**

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

**Assessor:** Approved – No Response

**Asset Management:** Approved – No Comments

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

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

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

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

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

**Development Services – Project Coordination:** Approved – No Response

**Development Services - Fire Protection:** Approved – No Response

**Development Services – Transportation:** Approved – No Response

**Development Services- Wastewater:** Approved – No Response

## 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:	<b>3/31/2022</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>6/4/2023</b>
Planning Board public hearing:	<b>7/19/2023</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	<b>7/28/2023</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>8/8/2023</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>8/28/2023</b> (tentative)
City Council Public Hearing:	<b>9/18/2023</b> (tentative)

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - The RNOs identified on page 1 were notified of this application. Staff has received a position statement from the Cherry Creek North Neighbors Association in support of the proposed rezoning.
  - **General Public Comments**
    - To date, staff has not received any public comment

## 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

## Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *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 will allow for access to shops, services and green space within walking distance of more residents and will provide the ability to construct additional housing units. The subject property is within less than one-half mile from bus stops serving bus routes on 1<sup>st</sup> Avenue, 6<sup>th</sup> Avenue, and Josephine Stret. The rezoning is, therefore, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

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

The allowed building forms within the requested C-CCN-4 zone district will ensure that future infill development improves the quality of the urban environment and is compatible with the area. The request is, therefore, consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

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

Finally, the proposed zone district will promote infill development in an area well served by existing infrastructure and a mix of uses proximate to transit options. The request is, therefore, consistent with the following strategies from the Environmentally Resilient vision element:

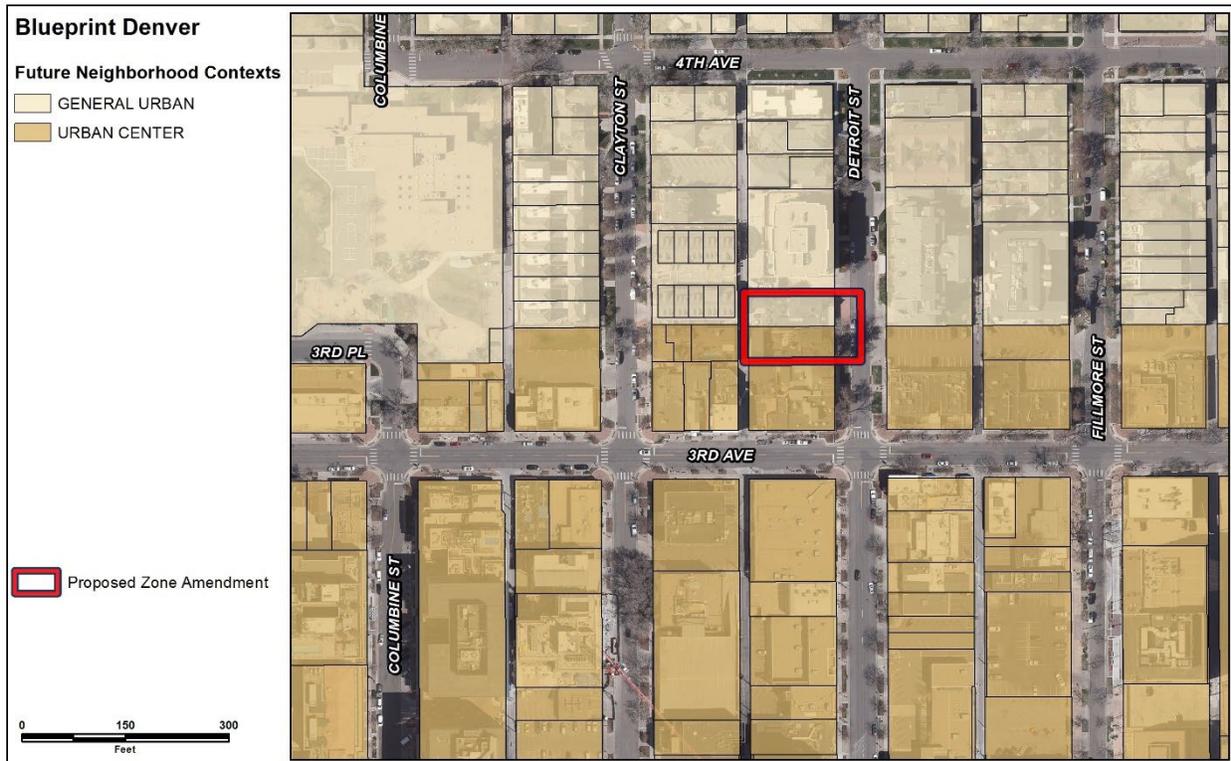
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).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

The proposed zone district allows for a variety of uses, particularly residential, near transit and includes form standards that will ensure infill development is compatible with the surrounding neighborhood. Thus, the rezoning is consistent with the *Denver Comprehensive Plan 2040*.

### **Blueprint Denver**

*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 Local Center place type within the General Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

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

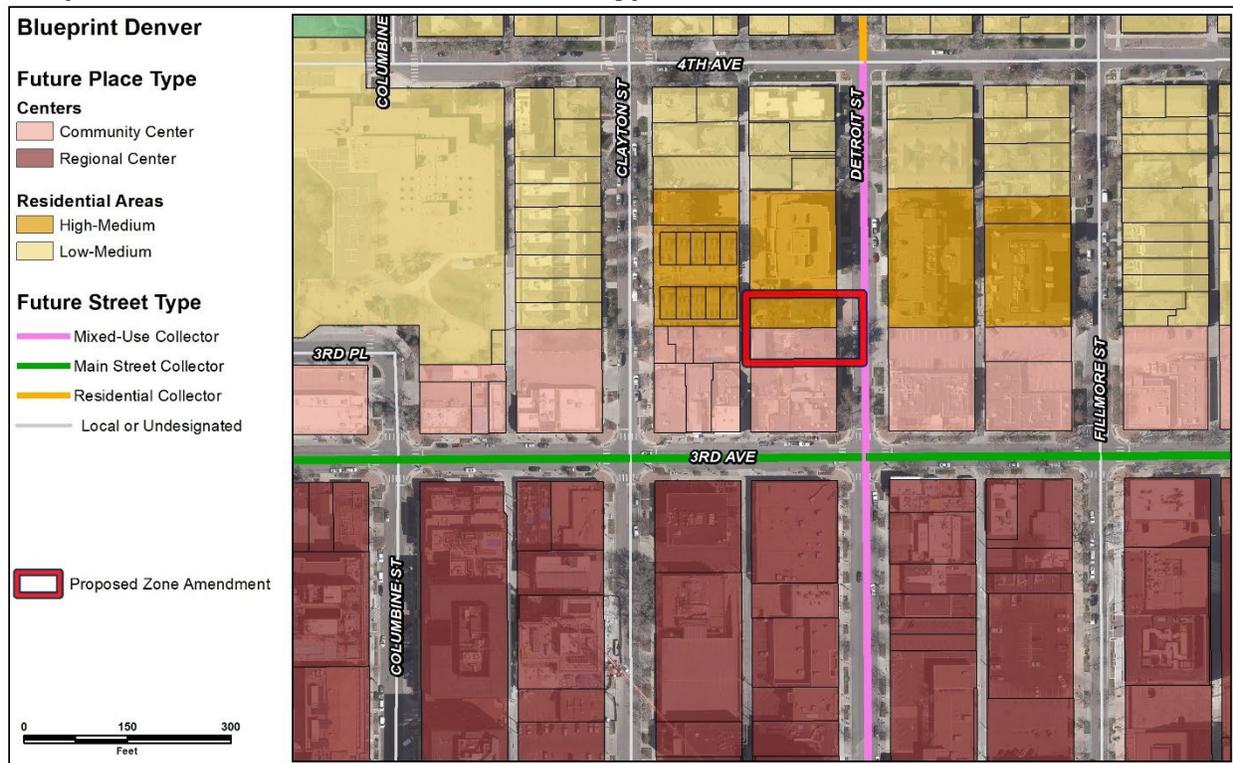


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban and Urban Center Future Neighborhood Contexts.

**325 North Detroit Street** is within the Urban Center Future Neighborhood Context which “contains a high mix of uses, with good street activation and connectivity” is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge” (p. 251). The proposed C-CCN-4 zone district is a “specifically tailored Urban Center zone district that promotes development compatible with the character of the Cherry Creek North mixed use shopping district.” (DZC 7.2.5.1). Since the proposed district is within the Urban Center Neighborhood Context and allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning is appropriate and consistent with the plan.

**329 North Detroit Street** is part of the General Urban Future Neighborhood Context. General Urban neighborhoods are described as “vibrant places with proximity to Denver’s major centers like Downtown and Cherry Creek. Homes in this context vary from multi-unit complexes to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context are well served by transit and enjoy access to abundant amenities and entertainment options” (p. 238). Additionally, General Urban Future Neighborhood context is “predominantly multi-unit structures. 1-unit and 2-unit residential and low scale mixed-use are embedded within the multi-unit areas. Block patterns are generally regular with consistent alley access. Buildings are medium scale and close to the street” (p. 137). While the proposed C-CCN-4 zone district is part of the Urban Center neighborhood context, it fits the description and intent of the General Urban Future Neighborhood context. The proposed C-CCN-4 zone district allows for medium scale, multi-unit residential uses as well as the continuation of embedded mixed uses within the neighborhood. The high degree of urban design considerations in the Cherry Creek North building forms allow for development that is sensitive to the existing neighborhood character and offers the residents a mix of uses with good street activation and connectivity as described in *Blueprint Denver*.

### Blueprint Denver Future Places and Street Types



The Future Places Map designates the subject property as part of a Community Center and High-Medium Residential place types.

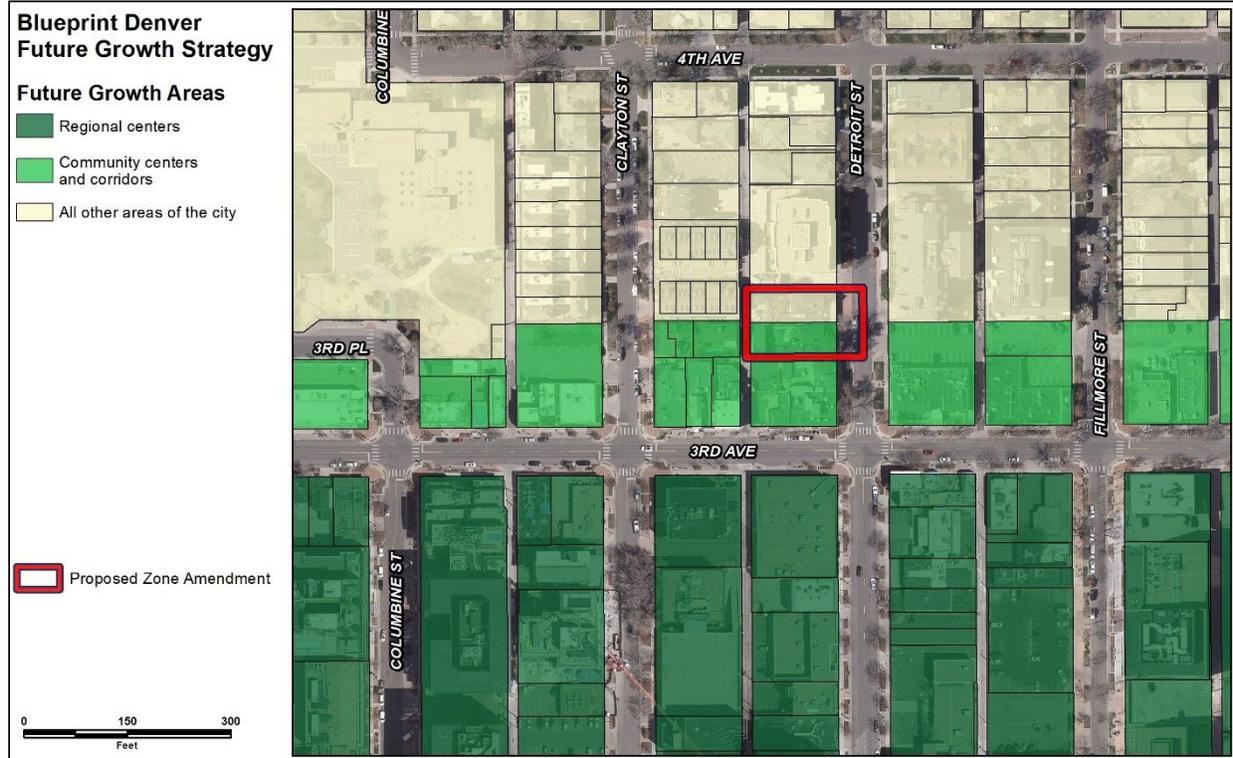
**325 North Detroit Street** is a part of the Community Center Future Place type in the Urban Center Future Neighborhood Context which provide a “mix of office, commercial and residential uses. A wide

customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels during different times of the day will vary depending on the type and mix of uses. Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages and distinct streetscape elements that define the public realm.” (p. 256). Heights in this Future Place Type are “generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas.” (pg. 256) The proposed C-CCN-4 district is consistent with the future place type as it will allow retail, office, and residential uses with a maximum height of 4 stories that provides an appropriate transition to the residential area to the north. The Cherry Creek North building form standards will ensure future development has a linear orientation and clearly defines the street.

**329 North Detroit Street** is part of the High-Medium Residential Future Place type in the General Urban Future Neighborhood Context which are described as having a “mix of low- to medium-scale multi-unit residential uses with some neighborhood-serving mixed-use distributed throughout. Buildings are generally up to 8 stories in height. Block patterns are consistent and pedestrian-scaled building forms clearly define and activate the street.” (pg. 246) The proposed C-CCN-4 zone district allows for the low- to medium- scale multi-unit residential uses described in this future place type while also allowing for a mix of neighborhood serving uses with a high degree of urban design as described in this future place type. The maximum height of the C-CCN-4 zone district will ensure that any new development is sensitive to adjacent residential uses.

In *Blueprint Denver*, future street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Detroit Street as a Mixed-Use Collector. According to the plan, mixed use streets contain a “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback. A street wall is present, but may vary.” (p. 159). The proposed C-CCN-4 zone district is consistent with this street type as it would allow a range of uses, particularly residential, in a multi-story, pedestrian-oriented building.

### Blueprint Denver Growth Strategy

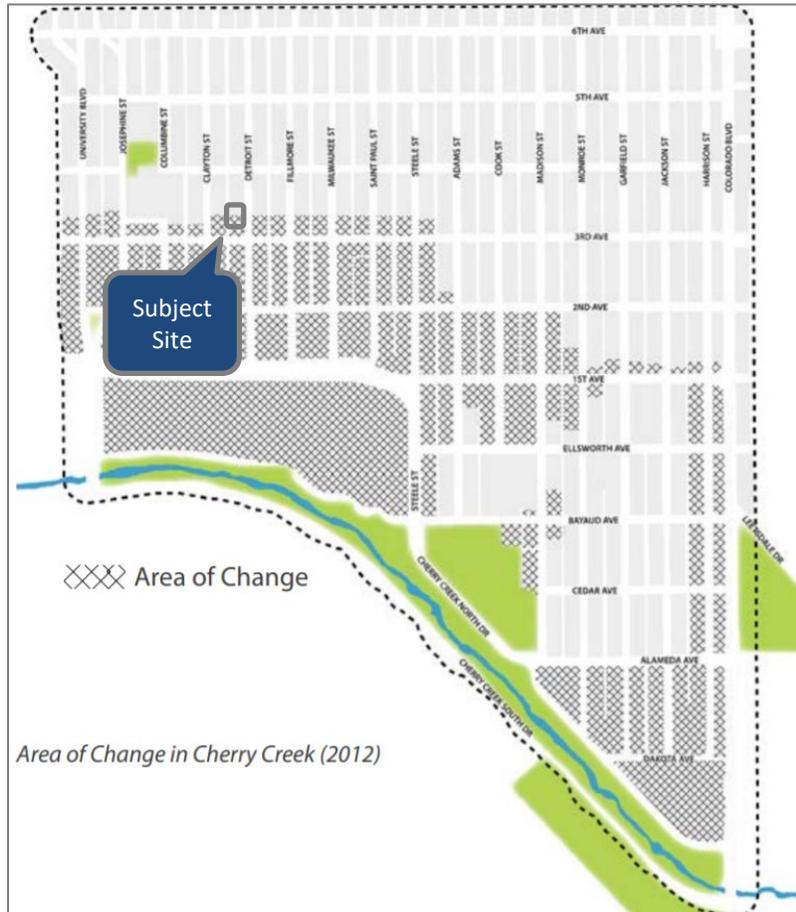


*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject site for this rezoning spans two growth areas. The northern parcel is part of the growth area categorized as "All other areas of the city" which are anticipated to attract 10% of new jobs and 20% of new households by 2040, while the southern parcel is part of the "Community Centers and Corridors" growth area, which are anticipated to attract 20% of new jobs and 25% of new housing by 2040 (p. 51). The proposed map amendment is consistent with these growth area categorizations, as it will facilitate additional housing and employment opportunities.

### 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 both the Cherry Creek North Neighborhood and Cherry Creek Shopping District sub-areas.

## Areas of Change

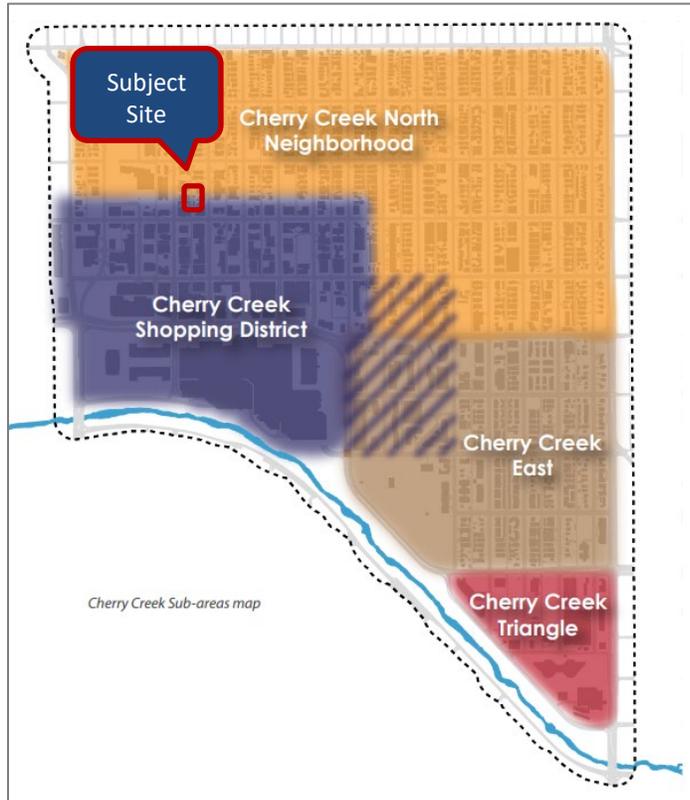


The overarching framework recommendations guide growth to targeted areas of Cherry Creek. The subject site is located in both an Area of Change and Area of Stability. As previously mentioned, the Area of Change/Stability concepts have been replaced with a more nuanced approach in the recent *Blueprint Denver* 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 [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).

At **325 North Detroit Street**, the requested rezoning to C-CCN-4 represents a change in zoning regulations as compared to the existing PUD and would enable reinvestment and development in the subject property as expressed in the plan guidance for areas of change.

At **329 North Detroit Street**, the proposed C-CCN-4 zone district does not allow for an increase in height and enables the continuation of the existing embedded non-residential use. The proposed zone district is consistent with the area of change strategy in the CCAP.

### Cherry Creek Area Plan Subarea Map



**325 North Detroit Street** is located within the Cherry Creek Shopping District Subarea and the proposed rezoning helps to implement several goals stated for this subarea. When describing the recommendations for Cherry Creek Shopping Center subarea, the plan states that “its central location, existing mixture of high-end retail, economic development opportunities, walkable streets and access to regional multi-modal connections create an ideal location for encouraging additional residential and employment growth.” (pg. 58) The proposed C-CCN-4 zone district is specifically tailored for this area and would enable an appropriate level of additional residential and employment growth that would support the Cherry Creek Shopping District as described in the plan recommendations.

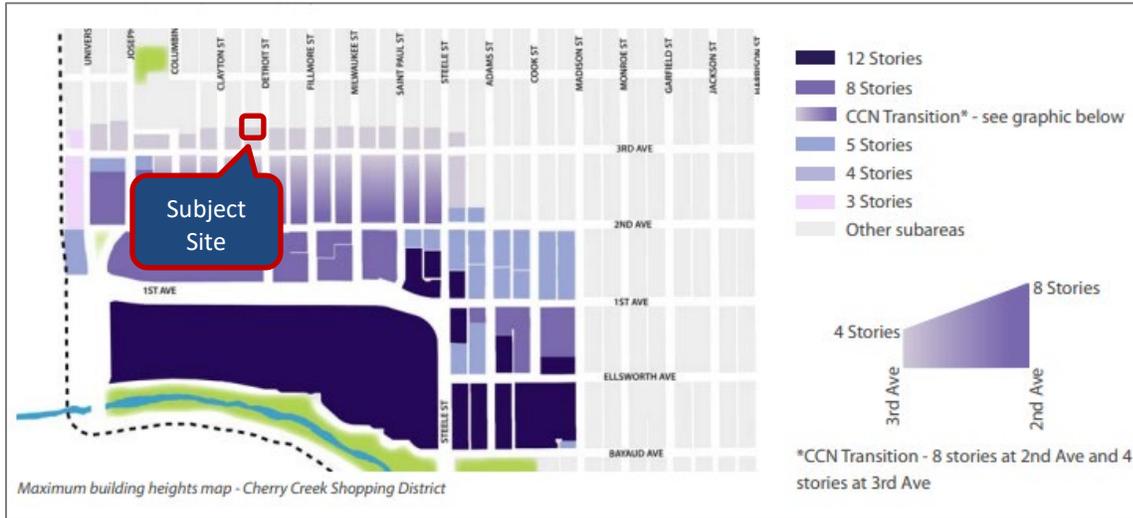
**329 North Detroit Street** is located within the Cherry Creek North Neighborhood Subarea. This subarea is described as a predominately residential neighborhood with some embedded mixed-use areas. 329 North Detroit Street is currently used as an office, and the proposed C-CCN-4 zone district would allow for that continued embedded non-residential use. Within the recommendations for the subarea, the plan highlights the desire to reinforce the residential character of the neighborhood and states that “Land uses should conform with existing boundaries between residential and mixed-use areas.” (pg. 68). The proposed C-CCN-4 zone district allows for a wider range of uses, but maintains the existing boundary between residential and mixed-use areas. Additionally, the lower height and enhanced building forms in the C-CCN-4 zone district will ensure future development respects the existing scale and helps improve the transition from the shopping area to the surrounding residential areas to the north.

### Future Land Use Map



**325 North Detroit Street:** The future land use map for the Cherry Creek Shopping District designates the 325 North Detroit as a part of the Town Center future land use area. 329 North Detroit Street is located within the Cherry Creek North Neighborhood subarea and is addressed below. The Town Center areas are described as continuing “to support a mix of uses in the Regional Center... including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries. The Town Center areas act as an important transition between Regional Center and residential areas.” (pg. 58) The proposed C-CCN-4 zone district would provide additional flexibility beyond the existing PUD to allow a greater mix of uses that support the nearby regional center. The building forms allowed in the C-CCN-4 zone district will ensure that redevelopment will enhance the public realm, support compact development, and act as an effective transition between the regional center and residential areas.

**Maximum Building Height Map**



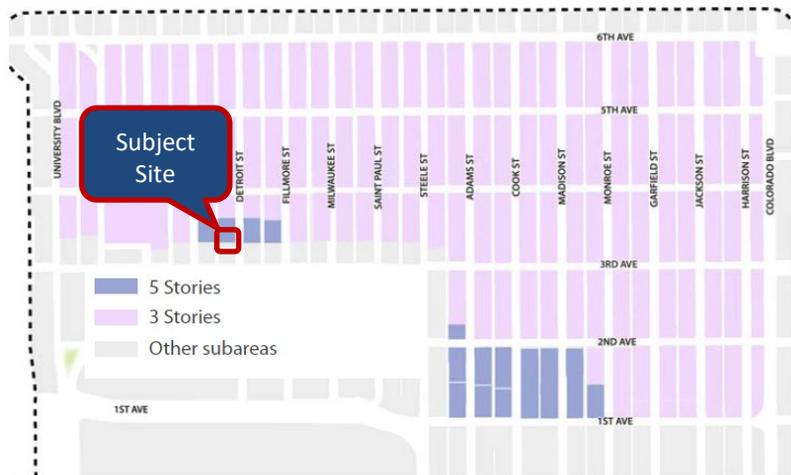
**325 North Detroit Street:** The maximum building height map indicates a maximum height of 4 stories for the subject property. The proposed C-CCN-4 zone district is consistent with this guidance.

**Future Land Use Map**



**329 North Detroit Street:** The future land use map in the CCAP identifies the property as a part of the Urban Residential area. These areas are recommended to continue to support a “variety of housing types including low- and mid-rise multifamily, row house, duplex, single family and accessory dwelling units.” (pg. 68) This subarea description expresses the desire to maintain the residential character of this future land use area. However, throughout the subarea descriptions and recommendations the plan acknowledges the embedded mixed-use areas throughout the Cherry Creek North neighborhood and recommends that “Land uses should conform with existing boundaries between residential and mixed-use areas.” (pg. 68) Due to the existing mixed-use development on the subject property, and the potential building form improvements of the C-CCN-4 zone district that will ensure any new development respects the existing scale of surrounding land uses, staff finds that the proposed rezoning is consistent with this plan guidance.

### Maximum Building Height



Maximum building heights map - Cherry Creek North neighborhood

**325 North Detroit Street:** The maximum building height map indicates a maximum height of 5 stories for the subject property. The proposed C-CCN-4 zone district is consistent with this guidance.

In consideration of the factors outlined in *Blueprint Denver* above and the small area plan guidance, the proposed district is on balance consistent with the adopted plans. The C-CCN-4 zone district is appropriate as a transition between the neighborhood’s shopping district and residential areas, within walking distance of a vibrant mixed use district and transit options, and it will facilitate redevelopment consistent with the existing neighborhood.

### Uniformity of District Regulations and Restrictions

The proposed rezoning to C-CCN-4 will result in the uniform application of zone district building form, use and design regulations.

### Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans. The rezoning would allow redevelopment of an underutilized site into a new mixed use community in proximity to transit, bike lanes and a mix of uses, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup>

### Justifying Circumstance

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the

<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

proposed rezoning is in the public interest. Such change may include: (b.) A City adopted plan; or (c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning...”

The zoning on part of the subject property (325 North Detroit Street) is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance.

Additionally the Cherry Creek neighborhood has been steadily changing with numerous redevelopments and the proposed Cherry Creek West development, west of the shopping center, will further transform the area with a mix of housing, shops, services, and amenities. And finally, *Blueprint Denver*, which was adopted in 2019, provides more recent land use guidance for the subject property than the *Cherry Creek Area Plan*, which was adopted in 2012.

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

The requested C-CCN-4 zone district is within the Urban Center Neighborhood Context, which “consists of multi-unit residential and mixed-use commercial strips and commercial centers. 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.” (DZC 7.1.1). The proposed rezoning of this property to C-CCN-4 is consistent with this neighborhood context description.

The requested rezoning is also consistent with the General Purpose of Cherry Creek North Districts, which are “are specifically tailored Urban Center zone districts that promote development compatible with the character of the Cherry Creek North mixed use shopping district. The C-CCN zone districts encourage interesting and attractive architectural design solutions for new developments and promote pedestrian and shopping activities, particularly at Street Level.” (DZC 7.2.5.1). Finally, the requested rezoning is consistent with the Specific Intent of the C-CCN-4 district, which “applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by local, collector, or arterial streets where a building scale of 1 to 4 stories is desired.” (DZC 7.2.5.2.B).

### **Attachments**

1. Application
2. PUD 5
3. RNO Letter of support