



2500 E 1st Ave. - Cherry Creek West

- Rezoning from B-3 to PUD-G 36
- Related Cherry Creek West Development Agreement

Date: 09.23.2024

Presenters: Fran Penafiel & Deirdre Oss (CPD)

Agenda

- Request
- Location and Context
- Proposed Zoning
- Process
- Review Criteria
- Development Agreement



Request



- Rezone to PUD-G 36
- Development Agreement

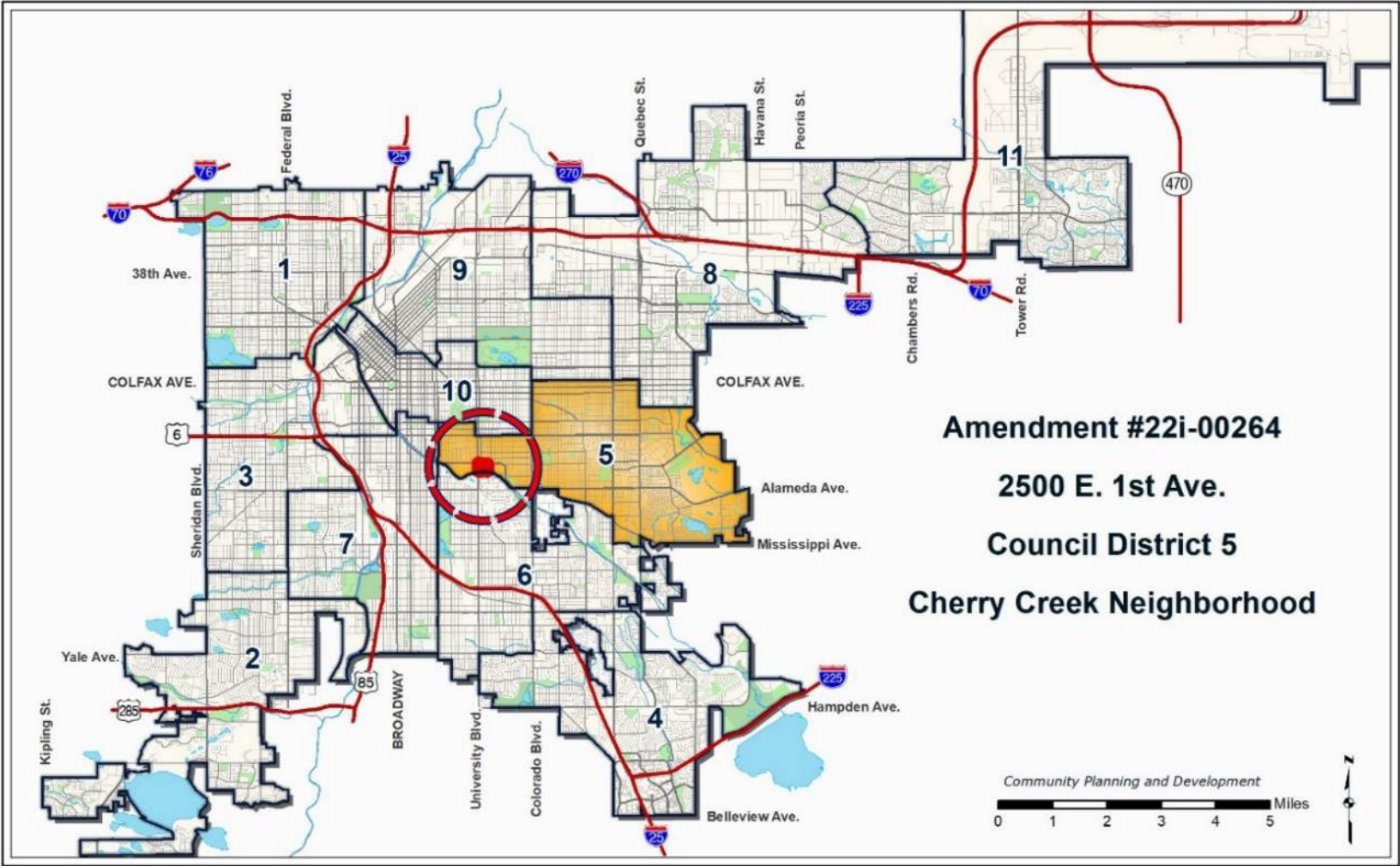
Reminder: Approval of a rezoning is not approval of a proposed specific development project

Agenda

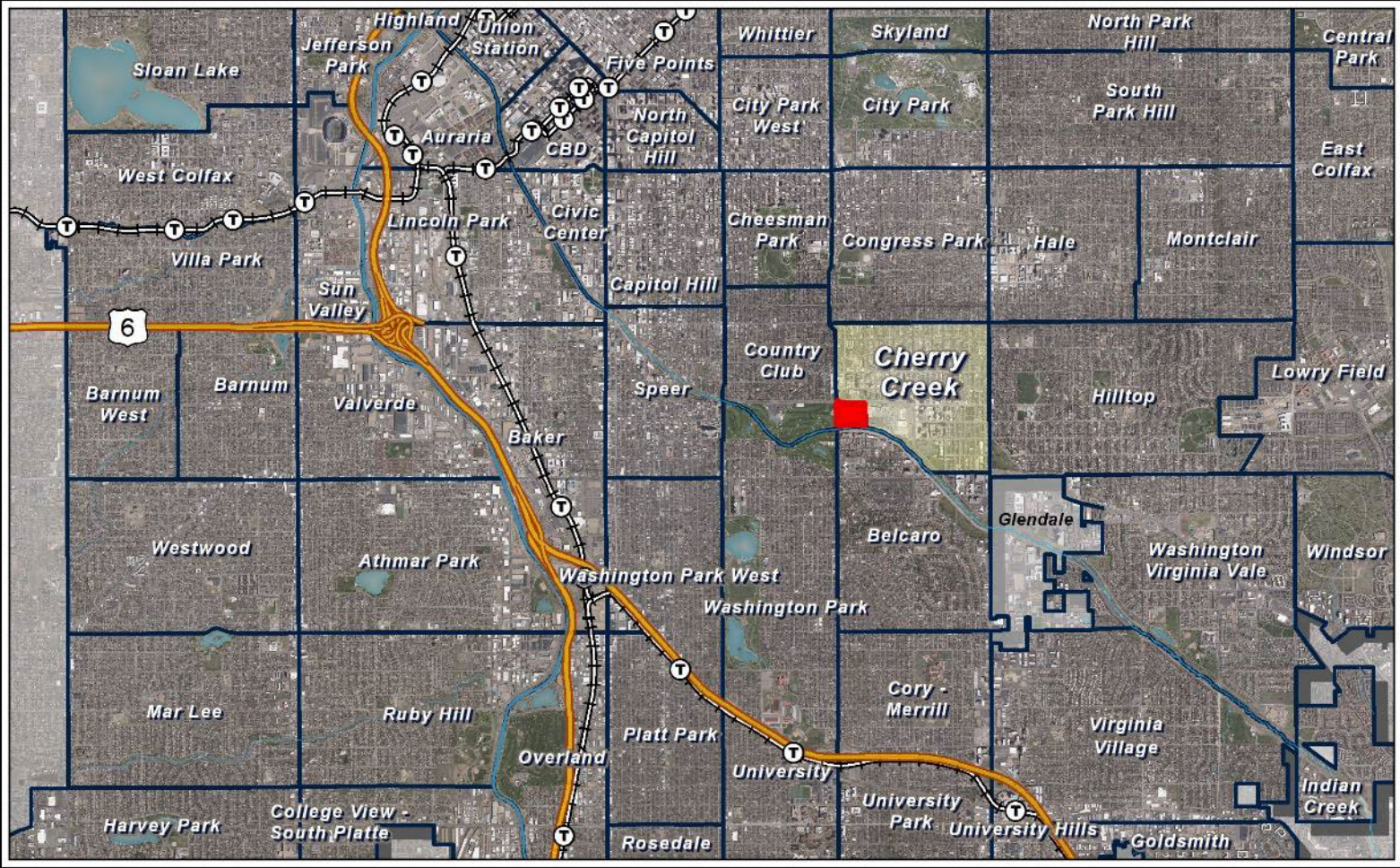
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Council District 5 – Councilmember Sawyer



Statistical Neighborhood – Cherry Creek



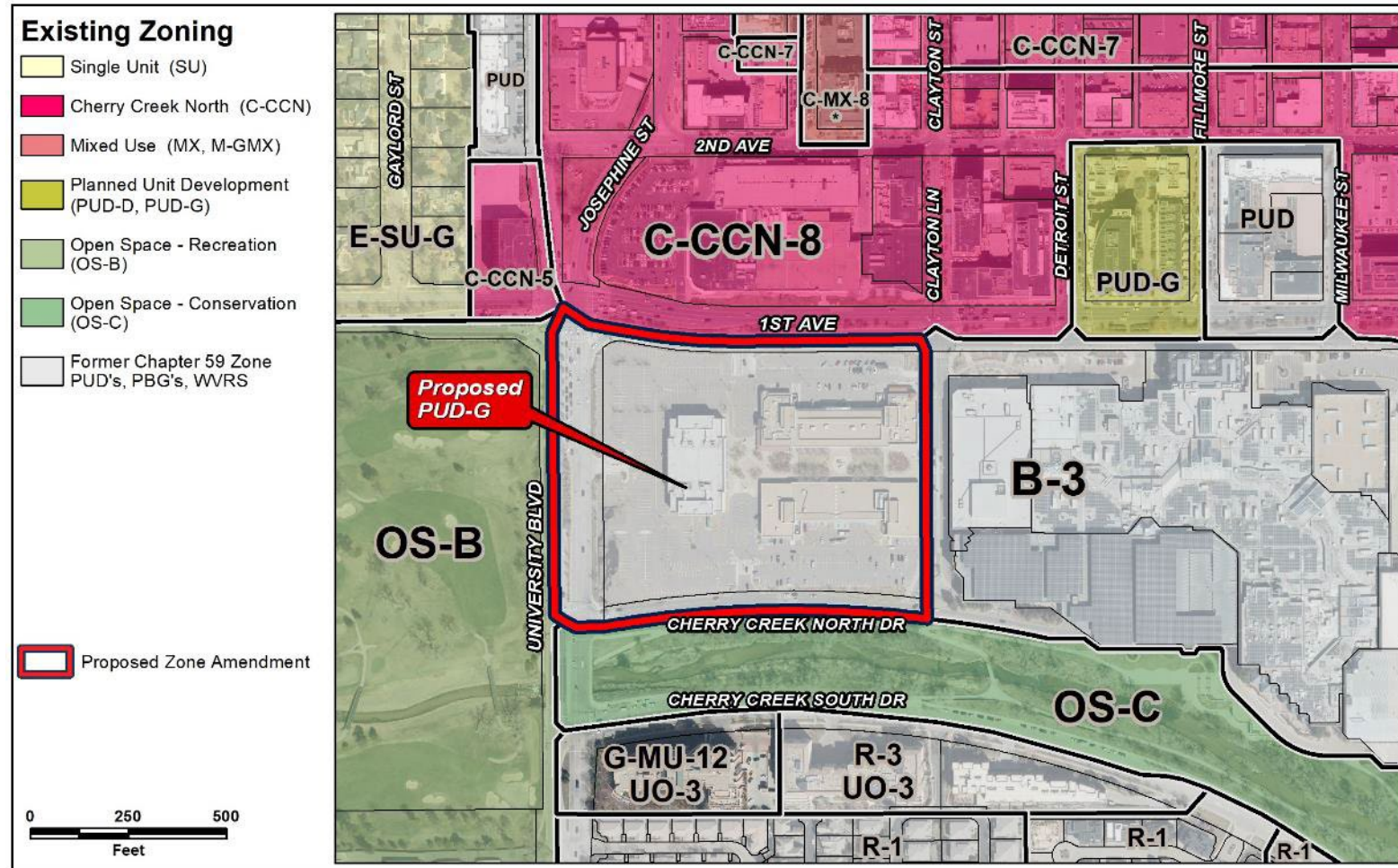
Existing Context – Building Form/Scale



Existing Context – Building Form/Scale



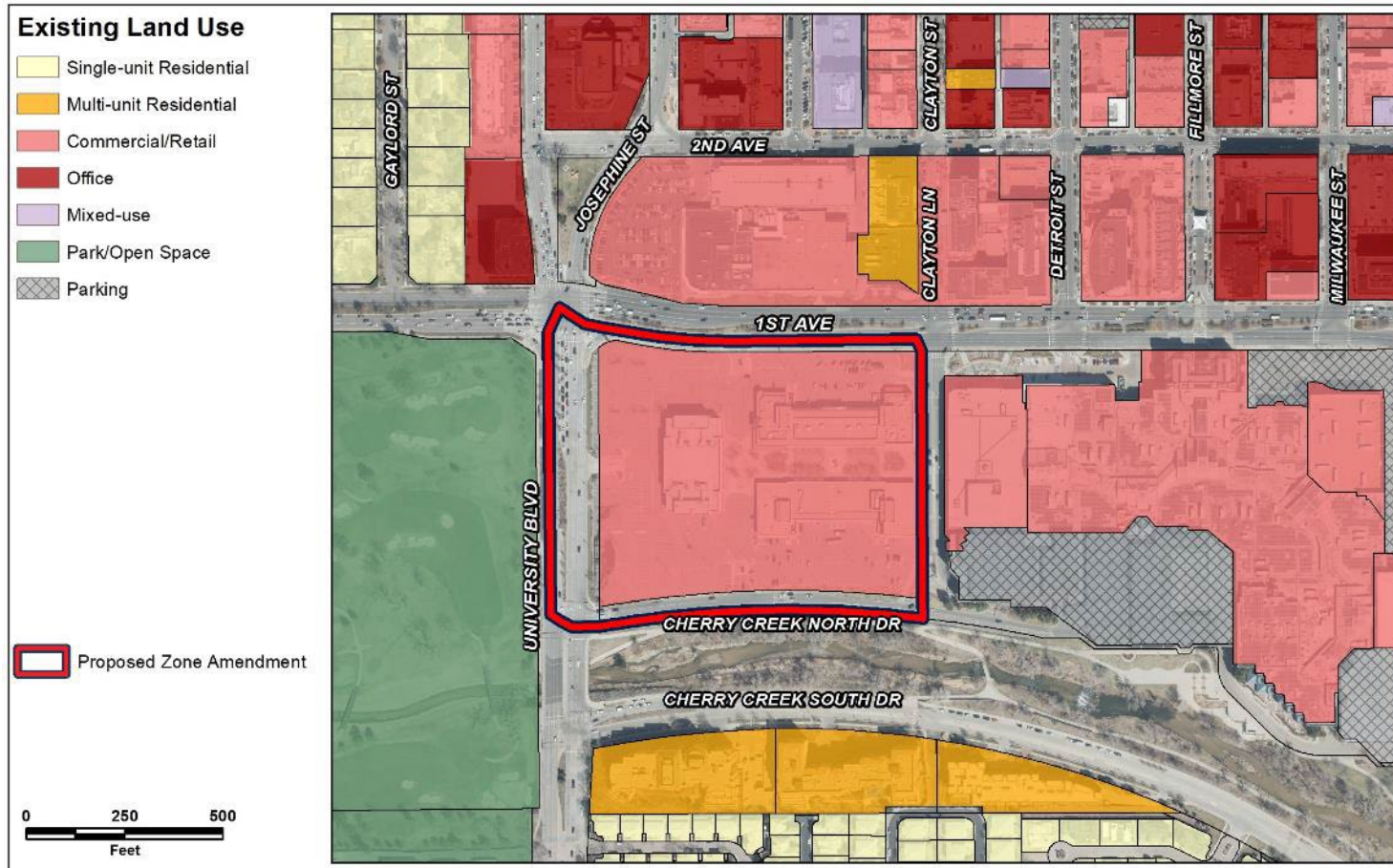
Existing Zoning - B-3



Proximity to:

- B-3
- C-CCN-8
- C-CCN-5
- OS-B
- OS-C
- G-MU-12 UO-3
- R-3 UO-3

Existing Context – Land Use



- **Commercial/Retail**

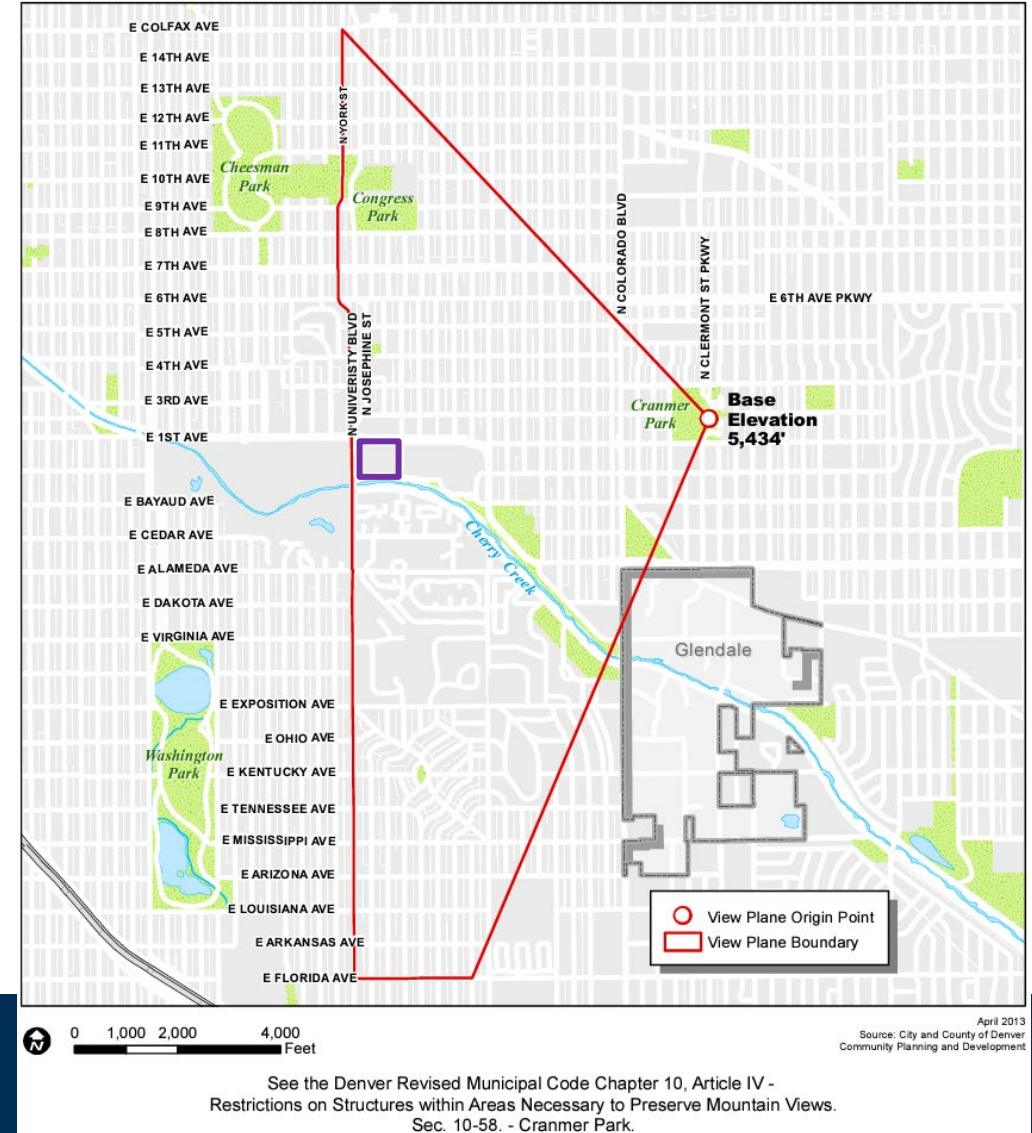
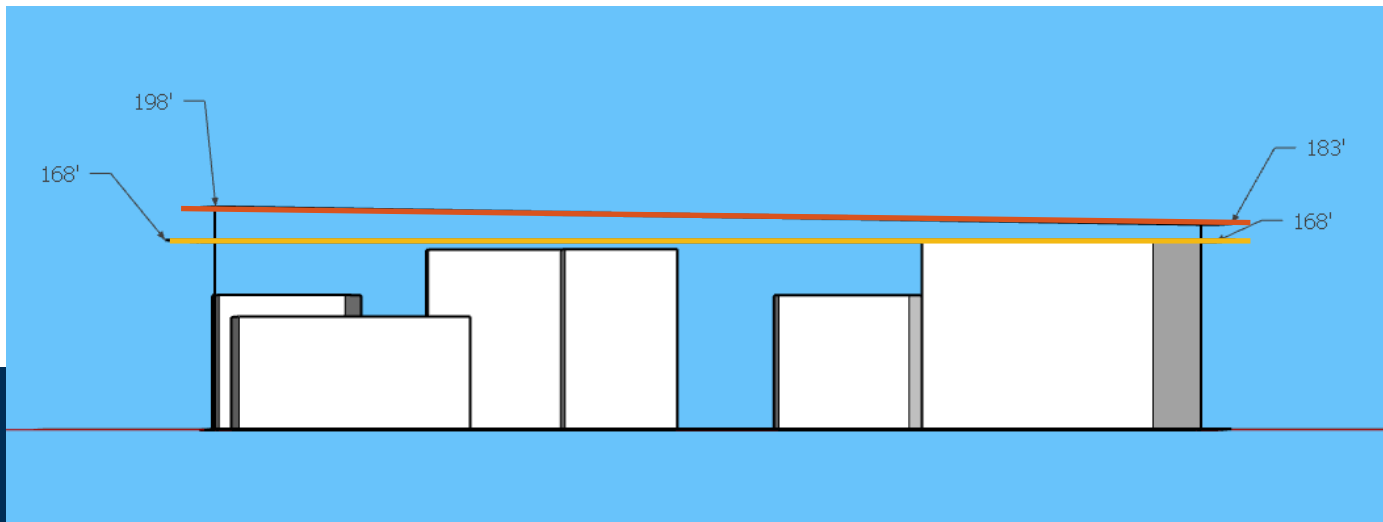
Adjacent to:

- Commercial/Retail
- Parking
- Office
- Multi-unit Residential
- Park/Open Space

View Plane – Cranmer Park View Plane

View Plane allows for a max. height ~183' on the east side of the site, and ~198' in the most western part of the site.

PUD-G 36 restricts the height to a **max. of 168' or 13 stories** throughout the site.



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Proposed Zoning: PUD-G 36 based on C-CCN-12

Customized Standards

- Building height allowance of 13 stories and 168 feet.
- Household living on the ground floor on private streets.
 - Reduced transparency requirements on private streets for res.-only buildings.
 - Reduced active use requirement on private streets.
- Two internal private streets
- Four mid-block connections
- Mass reduction standard
- 10% publicly accessible open space
- Residential setback requirements

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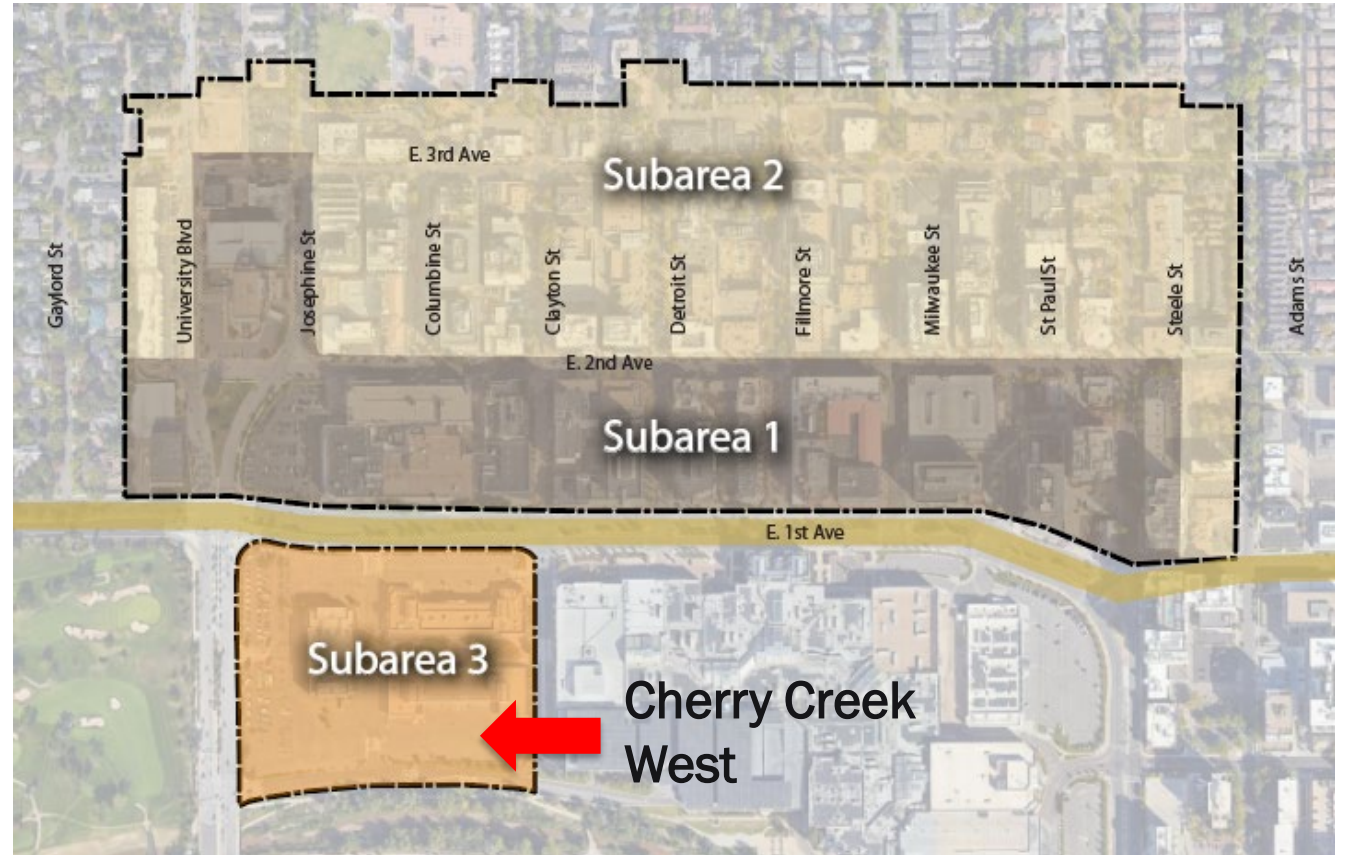
Large Development Review

Factors of determination:

- Gross Land Area
 - Infrastructure Improvements
 - Rezoning
-
- Large Development Review (LDR) deemed applicable: 2021
 - Signed Large Development Framework: **February 2023**
 - An Infrastructure Master Plan is in progress.

Urban Design Standards and Guidelines (UDSG)

- Apply existing Cherry Creek North UDSG to Cherry Creek West
- Amend existing UDSG to recognize unique conditions in Cherry Creek West and promote integration with Cherry Creek North
- Amend existing UDSG to address identified zoning conflicts



Development Agreement

Concurrent with the rezoning City Council will consider approval of a development agreement which includes agreements on:

- Affordable Housing
- Economic Development & Opportunity
- Vesting

Process

PUD:

- Informational Notice: 05/31/24
- Planning Board Notice: 07/23/24
- Planning Board Public Hearing: 08/07/24
- LUTI Committee: 08/13/24
- City Council Public Hearing: **9/23/24**

Public Comments

- RNOs
 - 1 letter of opposition from Alamo Placita Neighborhood (APNA)
 - 1 letter of support from Cherry Creek Steering Committee (CCSC)
- From Public
 - 90 letters of support
 - 17 letters of opposition
 - 3 neutral comment letters

Process

Amendment:

In compliance with the Denver Zoning Code Section 12.3.3.10 Modification of a Pending Application, at the recommendation of Staff, the Applicant requested a modification to the application after it was published.

This modification corrects a conflicting provision between the underlying zone district and the proposed PUD district relating to Ground Level Active Use requirements. The proposed amendment is consistent with the intent of the PUD and is proposed to improve clarity.

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Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans

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

2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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

Comprehensive Plan 2040

Equitable, Affordable, and Inclusive

- Goal 1, Strategy A: Increase development of housing units close to transit and mixed-use developments.
- 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 arts.
- Goal 2, Strategy A: Create a greater mix of housing options in every neighborhood for all individuals and families.
- Goal 2, Strategy D: Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.



Comprehensive Plan 2040

Environmentally Resilient

- 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).



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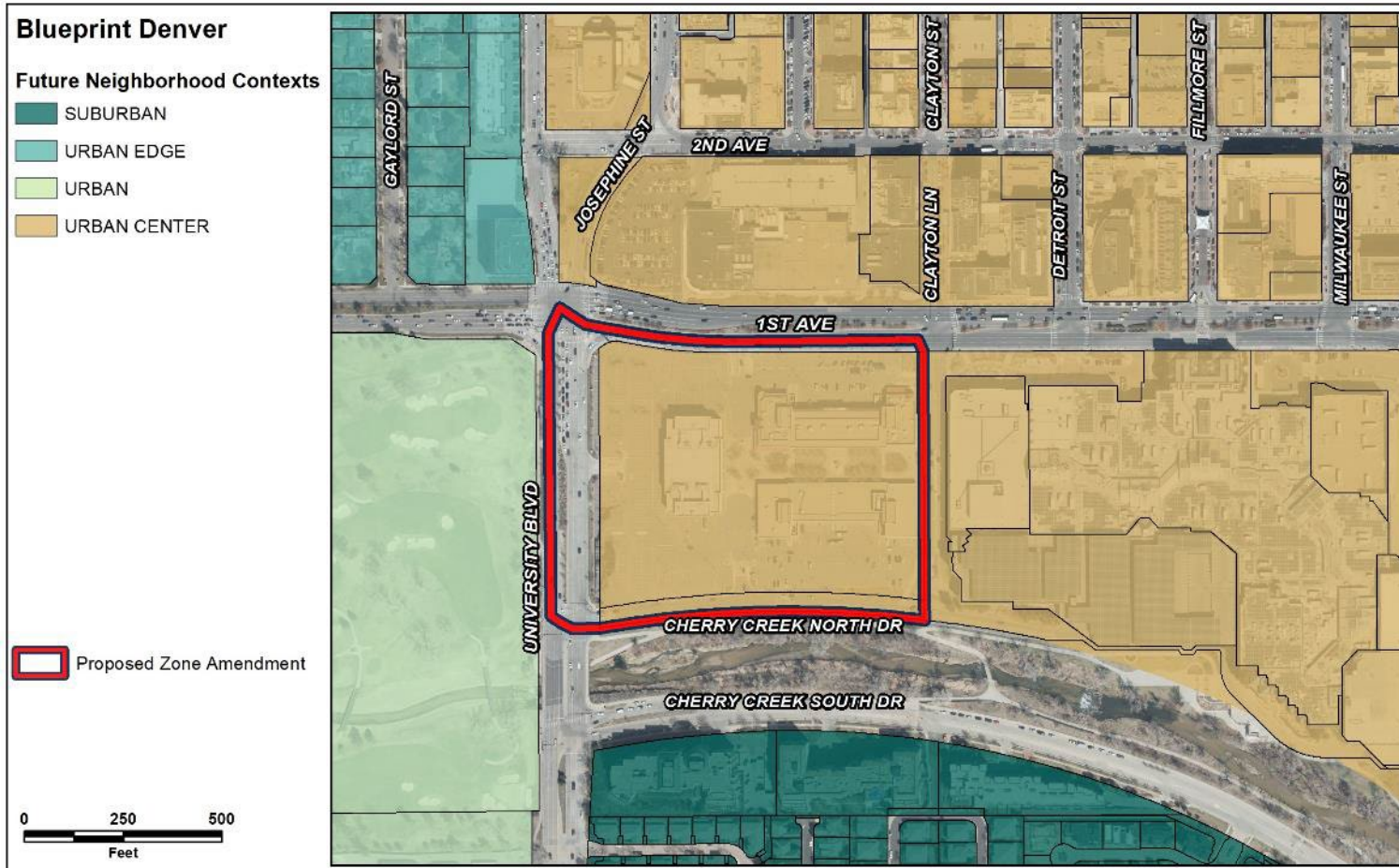
2. Uniformity of District Regulations

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4. Justifying Circumstances

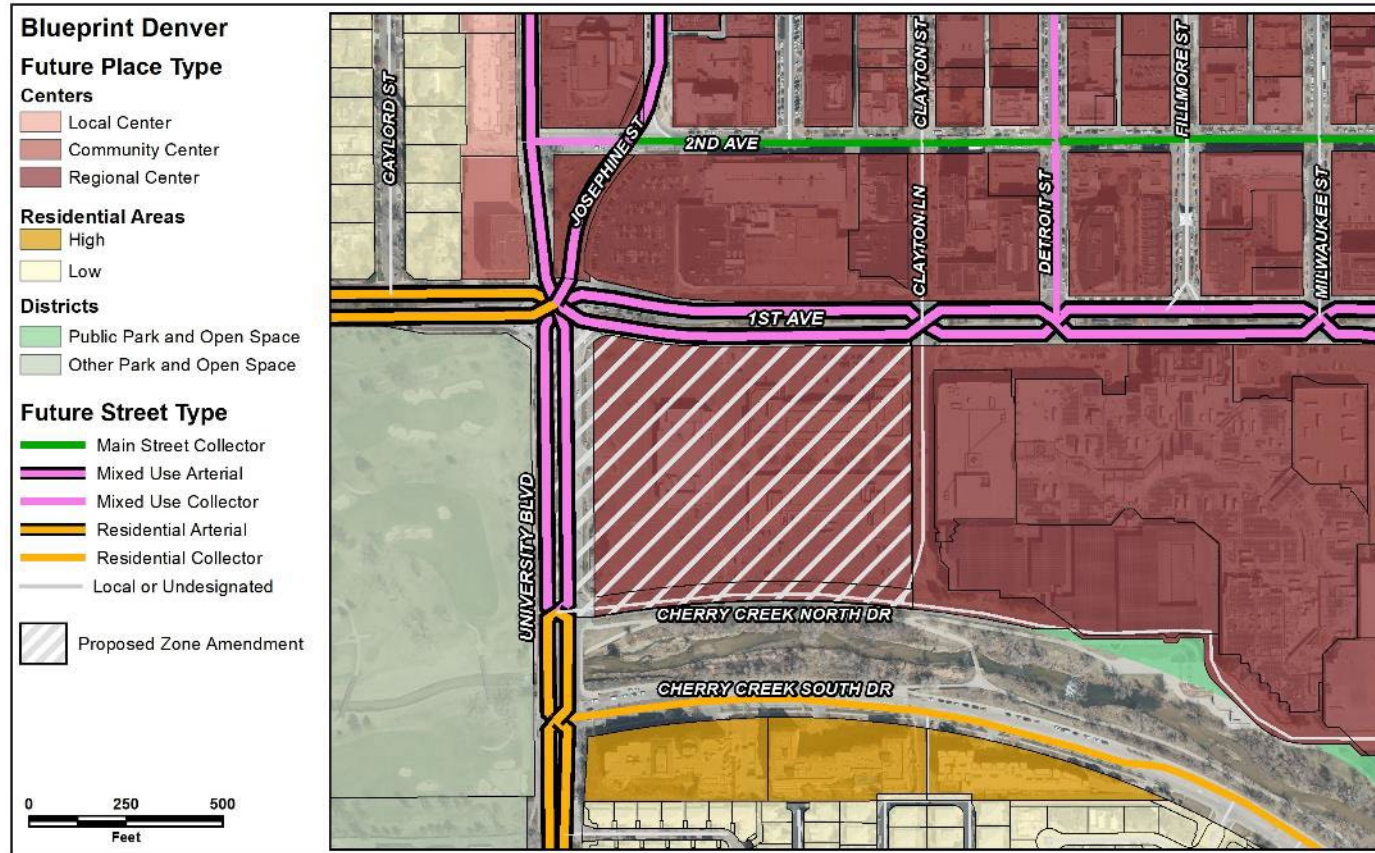
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Blueprint Denver



- **Urban Center Neighborhood Context**
 - High mix of uses throughout with good street activation and connectivity
 - Buildings are usually multi-story with a high degree of lot coverage

Blueprint Denver

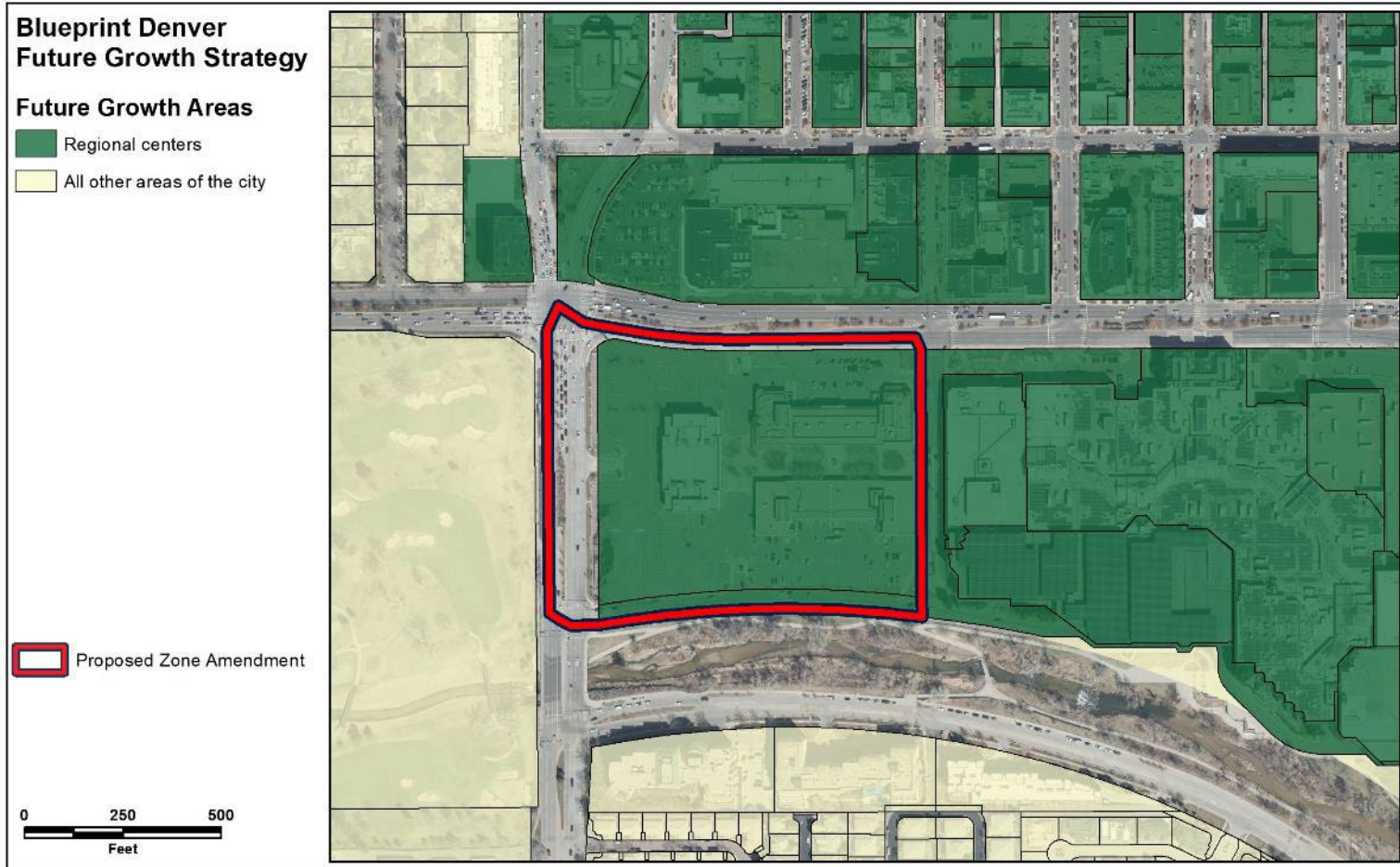


Regional Center

- Diversity of commercial and residential uses
- 24/7 live, work, entertainment environment
- High degree of urbanism
- Strong pedestrian realm

Evaluation is based on the proposed zone district is consistent with the Future Street Classification, not to assess the traffic impacts of a specific development proposal.

Blueprint Denver



Regional Centers

- 50% of new employment
- 30% of new housing

Blueprint Denver

Strategies

- Capture new housing growth in transit-rich Regional Centers
- Capture 90% of new job growth in Regional Centers and high intensity residential
- Coordinated development on large infill sites
- Create walkable, transit-friendly communities
- Rezone F Ch 59 properties into the DZC

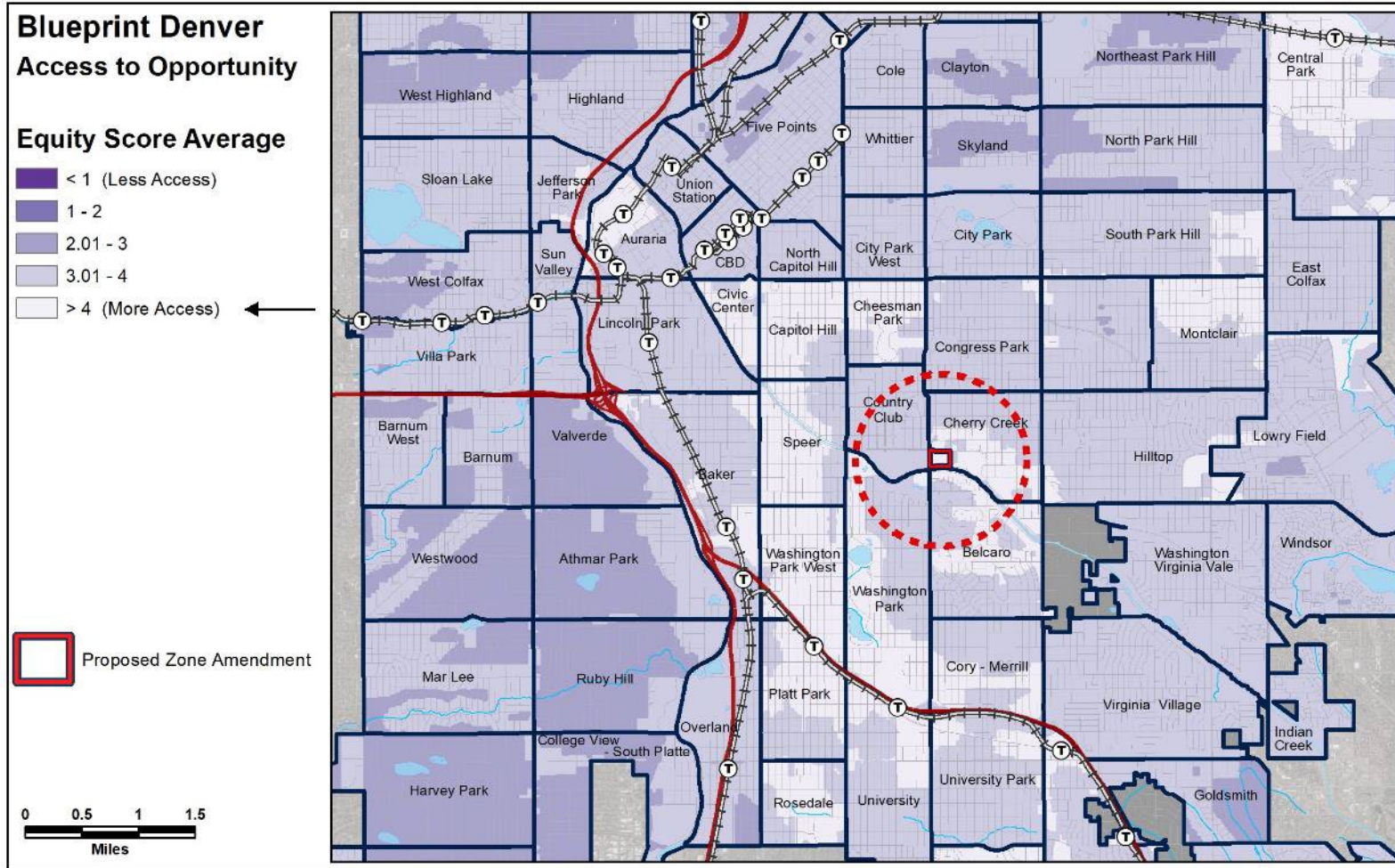
Blueprint Denver – Equity Analysis

Blueprint Denver Contains Three Major Equity Concepts

- Integrating these concepts into planning and implementation will help to create a more equitable Denver.



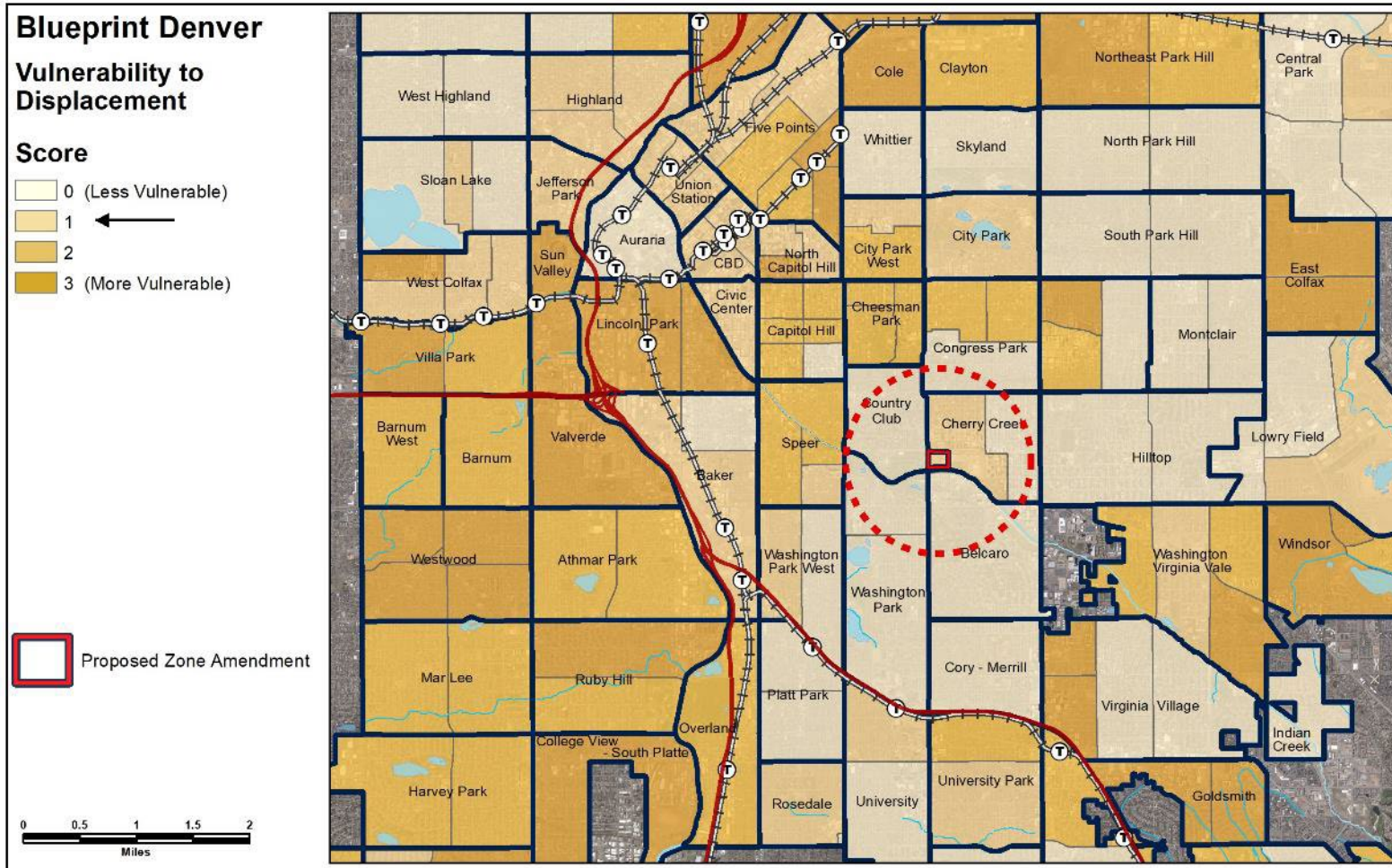
Blueprint Denver – Equity Analysis



Access to Opportunity

- High Access to Opportunity
- Access to transit
- Access to jobs, centers, and corridors

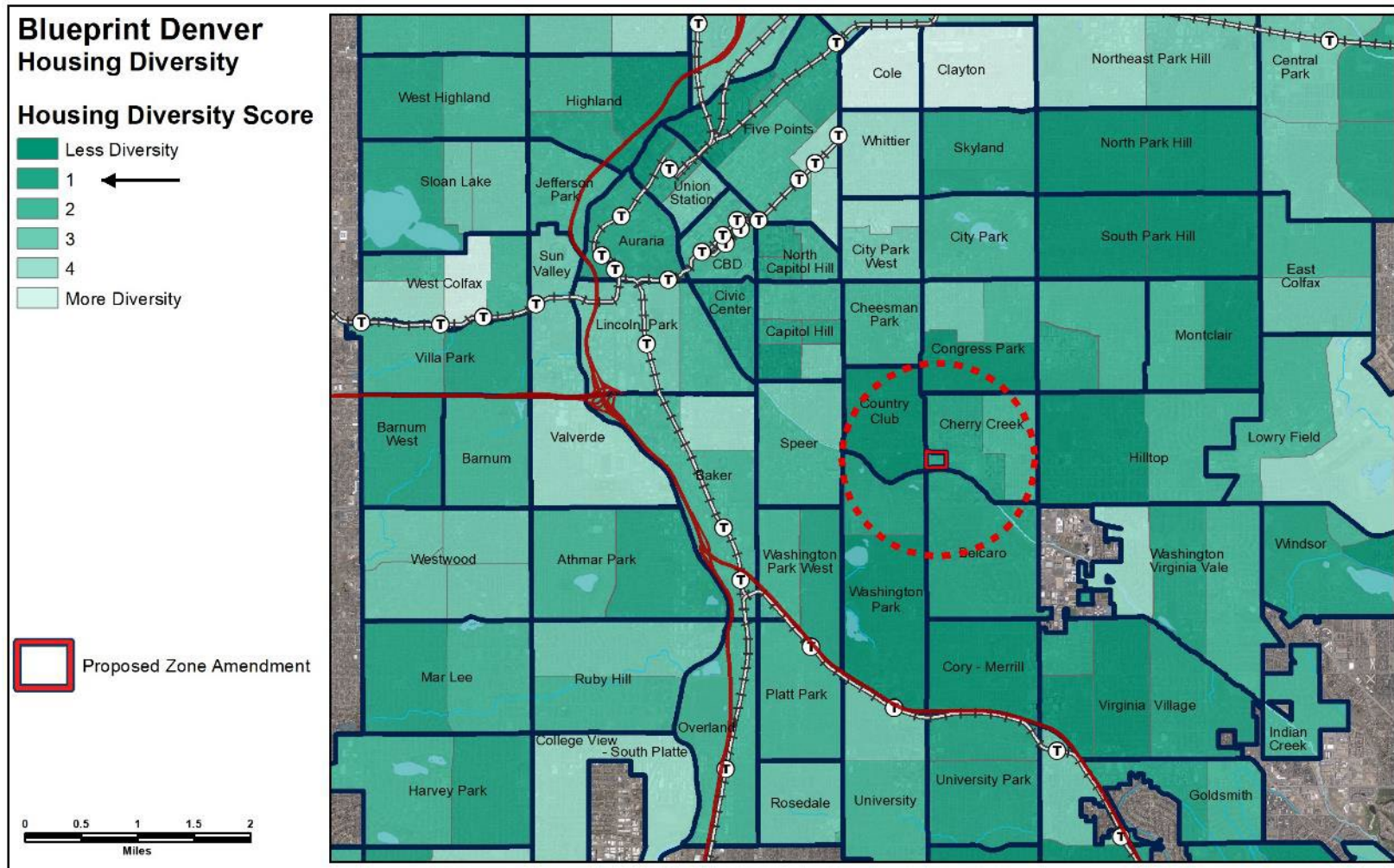
Blueprint Denver – Equity Analysis



Vulnerability to Involuntary Displacement

- Less vulnerable

Blueprint Denver – Equity Analysis



Expanding Housing Diversity

- Less diversity

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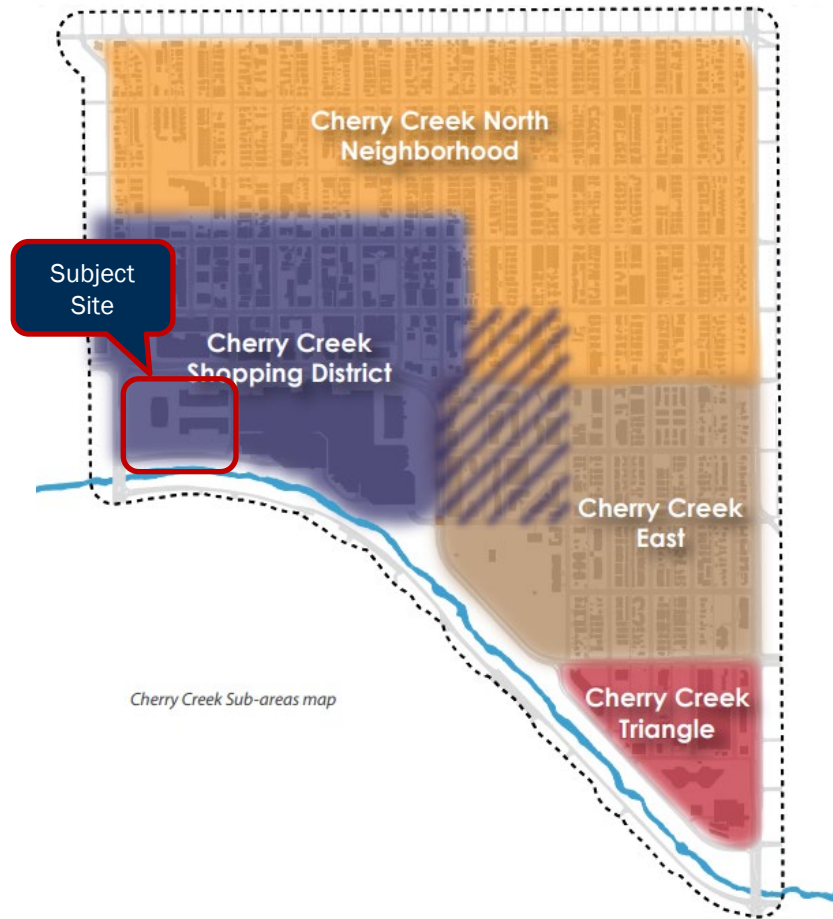
2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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

Cherry Creek Area Plan



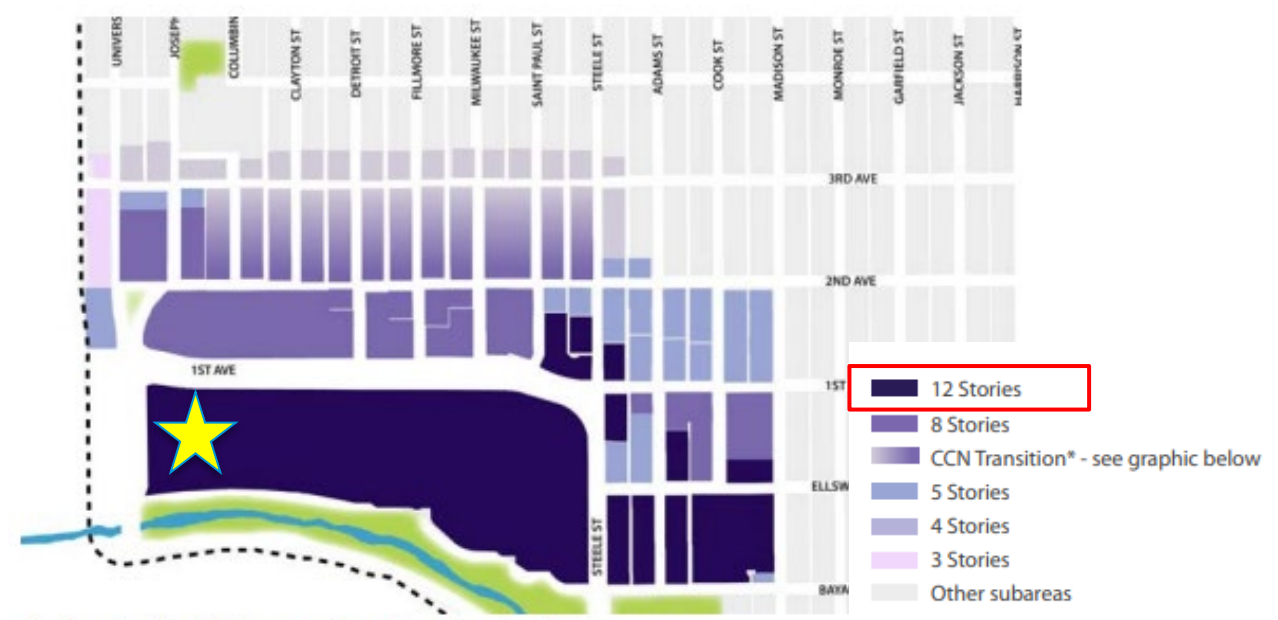
- Cherry Creek Area Plan (2012)
- Provides guidance on where growth should occur in Cherry Creek.

Cherry Creek Area Plan

Regional Center: Continue to support a mix of uses 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



Future land use map - Cherry Creek Shopping District



Maximum building heights map - Cherry Creek Shopping District

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
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4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
 - Retained Former Chapter 59
 - Adopted plan guidance
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

PUD Review Criteria

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan

PUD Review Criteria

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
- *The rezoning will bring the site into the Denver Zoning Code while also providing affordable housing.*
 - *More efficient use of land and energy*

PUD Review Criteria

B. The PUD complies with all applicable standards and criteria for PUDs

- *The PUD complies with all standards and criteria stated in Division 9.6.*

C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions

- *The PUD District is necessary because the current zoning is restrictive on residential uses and there is a need for more of a mix of districts and standards on the site that ensure infill development that follows C-CCN-12 in a currently underutilized site.*

PUD Review Criteria

- D. The PUD establishes permitted uses that are compatible with existing land uses adjacent to the subject property
- *The proposed PUD-G 36 would allow uses that are allowed in C-CCN-12 in the Denver Zoning Code.*
- E. The PUD establishes permitted building forms that are compatible with adjacent existing building forms.
- *The PUD District allows building heights and building forms that are compatible with the surrounding neighborhoods.*

CPD Recommendation

CPD recommends approval, based on finding that all review criteria have been met:

Standard Rezoning Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

PUD-Specific Rezoning Criteria

- A. The PUD is consistent with the intent and purpose of PUDs;
- B. The PUD complies with all applicable standards and criteria for PUDs;
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD establishes permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD establishes permitted building forms that are compatible with adjacent existing building forms.

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Development Agreement

Concurrent with the rezoning City Council will consider approval of a development agreement which includes agreements on:

- Affordable Housing
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Development Agreement

1. Affordable Housing - High Impact Development Compliance Plan

- a) 12% of all residential units on the Property will be restricted for rental to tenants making less than 60% Area Median Income for a term of 99 years

- c) Linkage fee x 2

Development Agreement

2. Economic Development & Opportunity

- Affordable Retail Space
- Identify location for childcare facility
- Workforce Development
 - Targeted Hiring
 - Workforce Coordinator

Development Agreement

3. Vesting

East West is requests vesting of certain zoning provisions. This vesting is specific to certain zoning provisions including building forms, heights and uses.

CPD Recommendation

CPD recommends City Council **approve** the related Development Agreement