



**TO:** City Council Neighborhoods and Planning Committee  
**FROM:** Ryan Winterberg-Lipp, AICP, Associate City Planner  
**DATE:** April 9, 2015  
**RE:** Official Zoning Map Amendment Application #2014I-00074  
100 North Saint Paul Street and 149 North Steele Street  
Rezoning from PUD 630 to C-CCN-12

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2014I-00074 for a rezoning from PUD 630 to C-CCN-12.

### Request for Rezoning

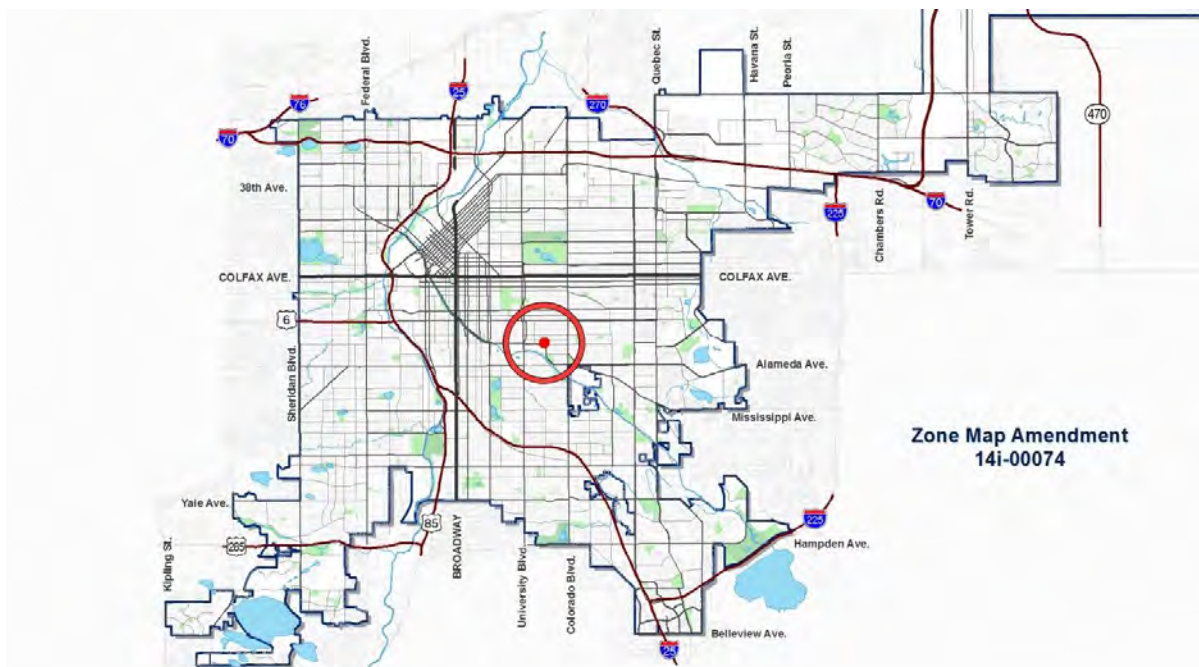
Application:	#2014I-00074
Address:	100 North Saint Paul Street and 149 North Steele Street
Neighborhood/Council District:	Cherry Creek / Council District 10
RNOs:	Cherry Creek Area Business Alliance, Cherry Creek East Association, Cherry Creek North Business Improvement District, Cherry Creek North Neighborhood Association, Cherry Creek Steering Committee, Capitol Hill United Neighborhoods, Inc., Denver Neighborhood Association, Inc., Harman Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	78,692 square feet or 1.8065 acres
Current Zoning:	PUD 630
Proposed Zoning:	C-CCN-12
Property Owner(s):	100 Saint Paul, LLC and First Bank of Cherry Creek
Owner Representative:	Randall Phelps, Kimley-Horn and Associates, Inc.

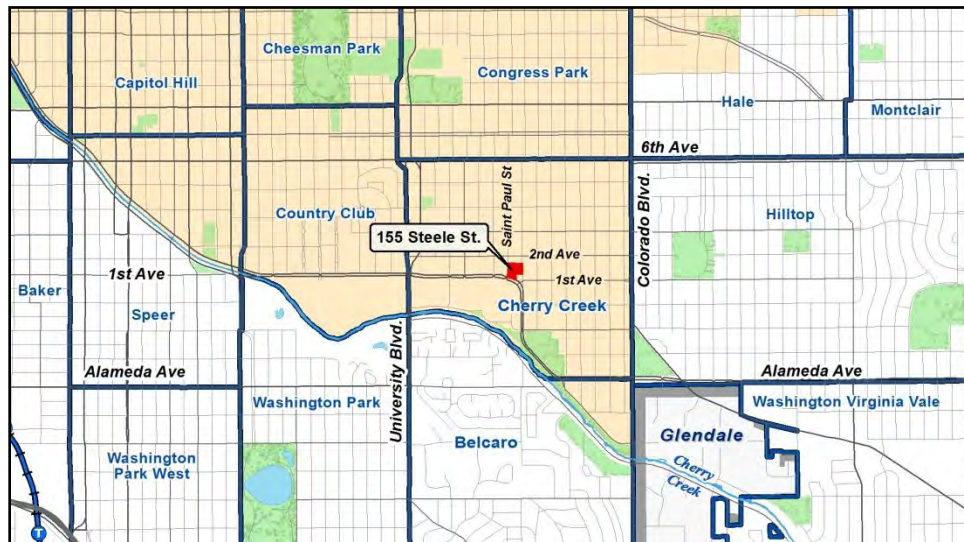
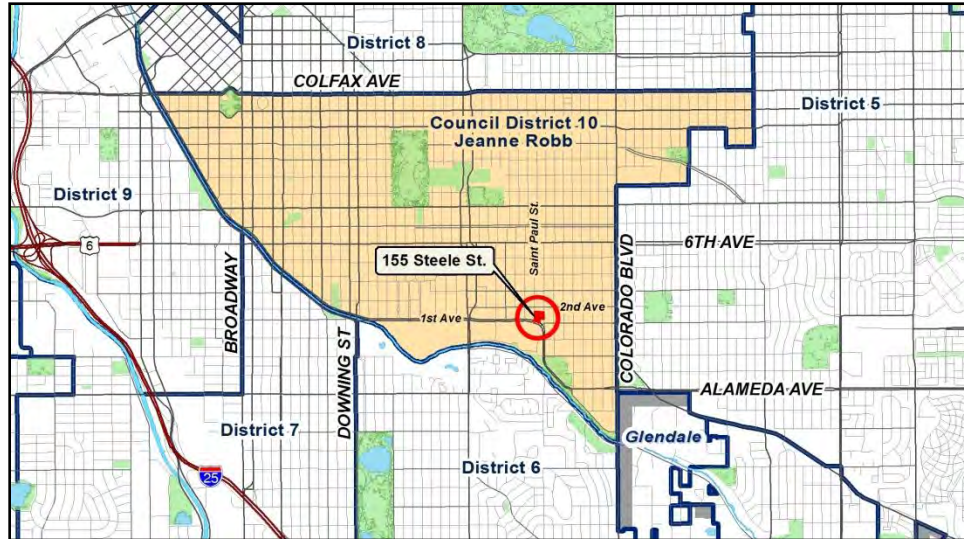
### Summary of Rezoning Request

- The subject property is located in the Cherry Creek Statistical Neighborhood, near the intersection of East 1<sup>st</sup> Avenue and North Steele Street. The site is generally bound by North Steele Street on the east, East 1<sup>st</sup> Avenue on the south, North Saint Paul Street on the west, and two private properties on the north.
- The subject property is comprised of two assessor's parcels, addressed 100 North Saint Paul Street and 149 North Steele Street. An eight-story, mixed-use building is currently under construction at 100 North Saint Paul, comprised of ground-floor retail and seven stories of office use. This active construction was reviewed and permitted under the entitlement of PUD 630. 149 North Steele Street contains a one-story bank building, formerly a restaurant. This building is being used as a bank temporarily during the construction of 100 North Saint Paul. The owners

of 149 North Steele Street intend to redevelop this site as the second phase of construction upon completion of the 100 North Saint Paul Street property.

- The Former Chapter 59 Planned Unit Development (PUD) 630 currently in effect applies to both 100 North Saint Paul Street and 149 North Steele Street. Under the PUD, both property owners must consent to rezoning, and consent has been received from both entities.
- The property owners are requesting a rezoning from PUD 630 to C-CCN-12 in order to change the mix of uses allowed across both properties and increase the maximum building height for the second phase of redevelopment, generally at the 149 North Steele Street property. Though a rezoning request does not approve a specific development or permit a specific use, the property owners' intent through this rezoning is to allow Retail Sales, Services, and Repair primary uses; Eating and Drinking Establishments primary uses; Office primary use; and Household Living primary uses across both properties.
- PUD 630 currently allows for a maximum building height of ten stories and 145 feet. PUD 630 allows Retail, Service; Office: Nondental, Nonmedical; and Dwelling, multiple unit uses. Eating Places are currently not permitted under PUD 630.
- The proposed C-CCN 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. C-CCN zone districts encourage interesting and attractive architectural design solutions for new developments and promote pedestrian shopping activities, including eating and drinking establishments, particularly at the street level. Specifically, the C (Urban Center)-CCN (Cherry Creek North)-12 (12 stories) zone district would allow the opportunity to construct up to 12 stories with a 150' maximum height. This rezoning will allow for mixed-use development consistent with the scale and quality of surrounding developments. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).





**Existing Context**

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 630	Bank, accessory surface parking, mixed-use building under construction with accessory underground and surface parking	One existing commercial building, one story in height, shallow setback from N Steele St; one mixed-use building under construction, eight stories in height, shallow	Generally, block sizes and shapes are consistent and rectangular; however, the Cherry Creek Shopping Center to the south is an

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			setbacks from E 1 <sup>st</sup> Ave and N Saint Paul St.	<p>aggregated superblock. Lot sizes are varied from large assemblages to small, individual properties.</p> <p>The alignment of N Steele St shifts at the intersection with E 1<sup>st</sup> Ave as vehicular traffic routes to the south along Steele and east to E Alameda Ave. North-south streets, including N Saint Paul St, are often interrupted by the Cherry Creek shopping Center.</p> <p>Building setbacks in the surrounding area are typically shallow but varied at the street, with parking to the side or rear of buildings with alley access. Some individual sites may have parking between the building face and street.</p>
North	C-CCN-5	Restaurant and retail	Several one and two-story commercial buildings; varied but generally shallow setbacks; some parking between the building and street.	
South	B-3	Banks, retail, restaurant, and structured parking	Northwest corner of E 1 <sup>st</sup> Ave and N Steele St – one-story detached commercial building with shallow setbacks; Southwest corner of E 1 <sup>st</sup> Ave and N Steele St – one-story detached retail structure with surface parking between the building and street; Cherry Creek Shopping Center and parking.	
East	C-CCN-5 and C-MX-12	Retail, bank, restaurant, mixed-use residential and retail	N Steele St– mix of one-story retail, bank, and restaurant buildings with shallow setbacks; one 12-story mixed-use residential building under construction.	
West	PUD 55	Office, retail, restaurant, banks, structured parking	N Saint Paul St— One eight-story bank and office building with varied setbacks along E 1 <sup>st</sup> Ave and parking between the building and N Saint Paul St, and one three-story mixed-use building with a partially below-ground first story and structured parking, shallow setbacks along N saint Paul St and E 2 <sup>nd</sup> Ave.	



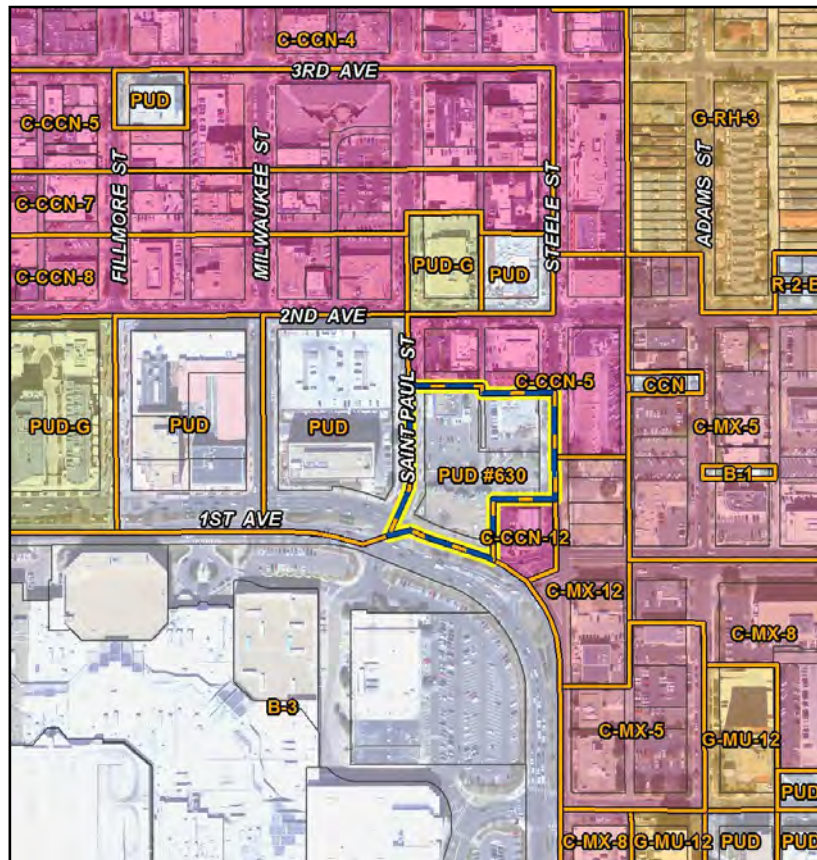
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Southeast	C-MX-12	Mixed-use residential and retail	Southeast corner of E 1 <sup>st</sup> Ave and N Steele St – one 12-story, mixed-use residential building with shallow setbacks along both streets	

The site is near the intersection of East 1st Avenue and North Steele Street and is located within the Cherry Creek Shopping District, including the Cherry Creek north Business Improvement District and Cherry Creek Shopping Center, a regional mall. Building heights range from 1-12 in this area and offer a mix of retail, restaurant, office, banking, service, and residential uses. The Shopping District generally features wide, detached sidewalks with street trees and landscaping and pedestrian-oriented uses at the ground level. Mixed-use, retail, and commercial uses generally continue east along East 1<sup>st</sup> Avenue. The area transitions to multifamily residential and single family residential uses moving farther from the Shopping District area. The Cherry Creek Greenway and Pulaski Park are roughly 0.25 miles south of the subject property.

East 1<sup>st</sup> Avenue curves south to merge with North Steele Street adjacent to the subject property. This arterial corridor ranges from six to eight lanes and is divided by a landscaped median. This corridor is served by six different RTD bus routes—3, 46, 79L, 3L, 83L, and 1.

### 1. Existing Zoning

The existing PUD 630 was approved in 2009 and allows for Retail, Service; Office: Nondental, Nonmedical; and Dwelling, multiple unit uses. The PUD allows for a maximum of 290,275 square feet of these three uses in combination, and the maximum floor area ratio across the entire PUD is 3.62:1. PUD 630 allows for a maximum building height of ten stories and 145 feet. Setbacks are specified at 0 feet on the north, 5-10 feet on the south, 5 feet on the east, and 5 feet on the west. The PUD also sets out parking, landscaping, and



other zoning requirements along with a District Plan. The official copy of the PUD is on file with the Denver City Clerk.

## **2. View Planes**

The Cranmer Park View Plane applies to the subject property. The Cranmer Park View Plane originates in Cranmer Park and is intended to protect and preserve panoramic views of the mountains. The View Plane specifies maximum heights for all structures with maximum heights increasing with distance from the Cranmer Park origin point. The Cranmer Park View Plane will allow structures, including permitted height exceptions like elevator penthouses and rooftop mechanical equipment, with maximum heights no greater than an estimated 158 - 161 feet across the subject site.

## **3. Urban Design Standards & Guidelines**

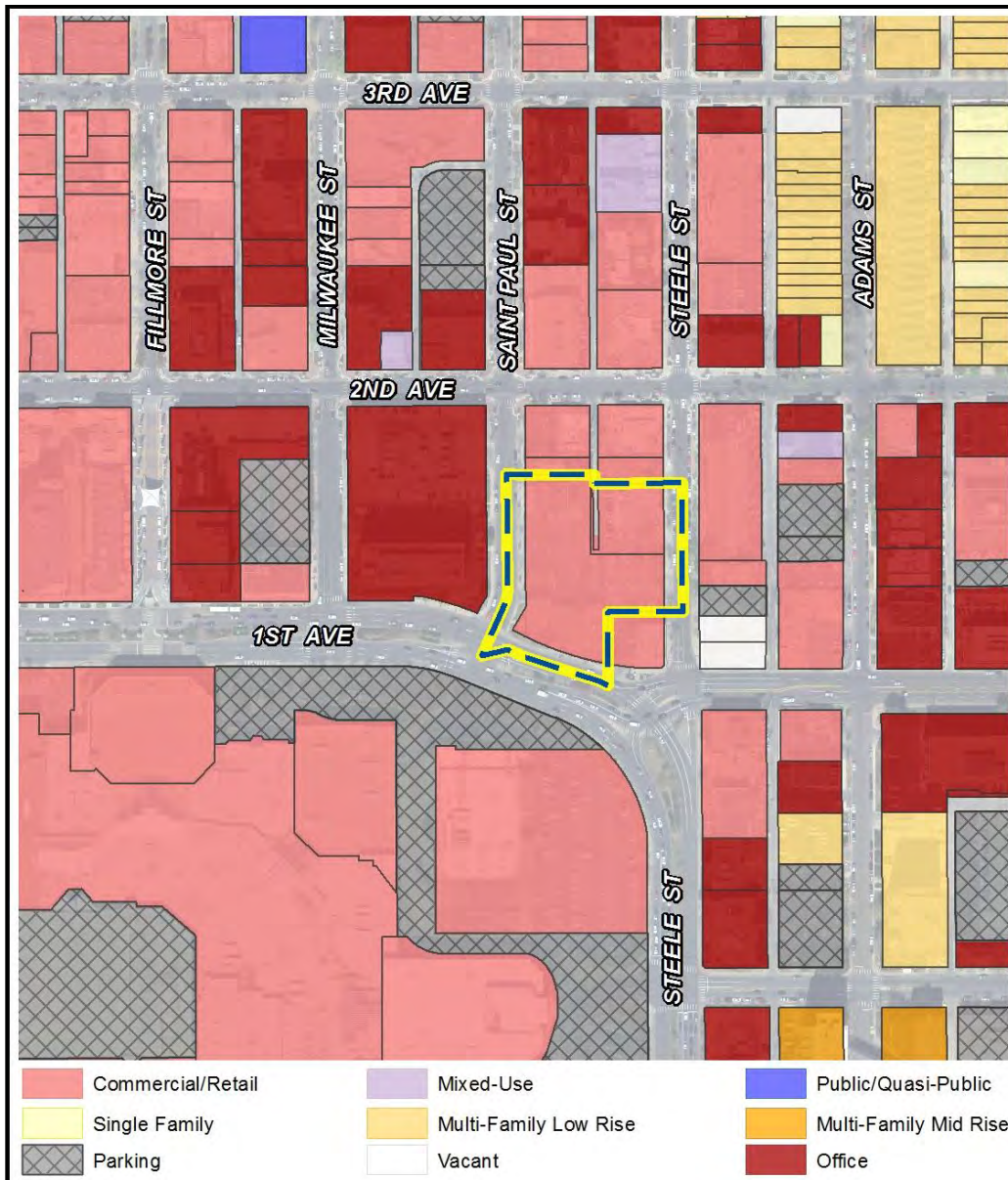
The *Design Standards and Guidelines for Cherry Creek North* apply to the subject property. They were adopted in 2012 and amended in 2014, generally encompassing the area bound by the alley between East 3<sup>rd</sup> Avenue and East 4<sup>th</sup> Avenue on the north, East 1<sup>st</sup> Avenue on the south, the alley between North Steele Street and North Adams Street on the east, and the alley between North University Boulevard and North Gaylord Street on the west.

The *Design Standards and Guidelines for Cherry Creek North* provide a clear, comprehensive document articulating the level of design quality expected of improvements in Cherry Creek North. The document is concerned with site design, building design, signs, and streetscape, in the context of eight core values: pedestrian focus, authenticity, safety and security, connectivity, vitality, sustainability, economic vitality, and quality. The document also sets forth the required design review process for applicants, including review by the Cherry Creek North Design Advisory Board, which submits findings on proposed improvements to the Zoning Administrator. The *Design Standards and Guidelines* apply throughout a defined geographic area in Cherry Creek North. They will apply to this property regardless of whether this rezoning application is approved.

## **4. Existing Land Use Map**

As seen in the Existing Land Use Map on the next page, the surrounding area is a commercial, retail, and office district with scattered surface parking lots. Of note, the northeast corner of East 1<sup>st</sup> Avenue and North Steele Street is categorized as "Vacant" and "Parking" on the map. While this site is currently being redeveloped as a mixed-use project with ground-floor retail and multiunit residential, Existing Land Use data will not reflect the new use until the project is complete.

**Existing Land Use Map**





### 5. Existing Building Form and Scale



Subject site, looking north. 8-story, mixed-use new construction in the foreground.



Subject site, looking south. 1-story bank in the foreground with new construction behind.



Subject site, looking southeast. 8-story, mixed use new construction in the foreground.



One-story commercial buildings on 2<sup>nd</sup> Avenue to the north of the subject site.



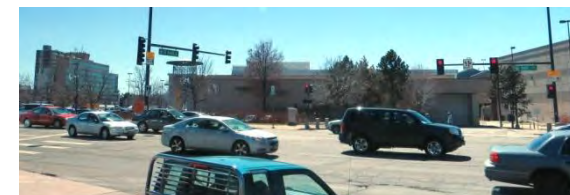
New 12-story construction on N Steele Street to the east and southeast of the subject site.



8-story office building on N Saint Paul Street to the west of the subject site.



1-story retail on 1<sup>st</sup> Avenue between Steele Street and Saint Paul Street to the south of the subject site.





### 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:

**Asset Management:** Approved – No Comments

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

**Denver Fire Department:** Approved – No Comments

**Development Services – Wastewater:** Approved - There is no objection to the rezone, however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Comment on vacation document received 1/06/2015:

The applicant should be made aware easements over the public sanitary sewer must conform to Section 3.04.3 for the Denver Sanitary Planning Criteria in regards to easement widths. Unobstructed access must be provided within this easement.

**Public Works – City Surveyor:** Approved – No Comments. The legal description dated March 23, 2015 was approved.

**Environmental Health:** Approved – No Comments

**Development Services – Transportation:** Approved - DS Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

### Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on December 26, 2014.
- CPD staff provided Informational notice of receipt of the revised rezoning application to affected members of City Council and registered neighborhood organizations on February 3, 2015.
- The property was legally posted for a period of 15 days announcing the April 1, 2015, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **The Denver Planning Board voted unanimously in favor (6-0) to recommend approval of the map amendment to City Council.**

- Written notification of the April 15, 2015 Neighborhoods and Planning Committee meeting was sent to all affected registered neighborhood organizations and City Council members on April 1, 2015.
- Following the Neighborhoods and Planning Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- **Registered Neighborhood Organizations (RNOs)**
  - Cherry Creek East Neighborhood Association
    - A letter in support of the rezoning application was submitted by Susan Smernoff, President of the Cherry Creek East Association Board of Directors.
    - A letter and RNO Position Statement in support of the rezoning application was submitted by Bethany Gravell on behalf of the Cherry Creek Area Business Alliance.
- The other RNOs identified on page 1 were also notified of this application. At the time of this staff report, no further RNO correspondence had been received.
- At the time of this staff report, no further public comment had been received.

### Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

#### **DZC Section 12.4.10.13**

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

#### **DZC Section 12.4.10.14**

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

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

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Cherry Creek Area Plan (2012)*

#### **Denver Comprehensive Plan 2000**

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The C-CCN-12 map amendment proposal is consistent with these "Vision[s] of Success" through the enabling of compact, mixed-use, pedestrian-oriented development at an appropriate location:

**Compact development** ■ *Compact urban centers will meet the needs of 21st-century living while reinforcing the valued characteristics of Denver’s neighborhoods. Development and redevelopment of urban centers presents opportunities to concentrate population and land uses within a limited geographic space. Compact development will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (pg 55)*

**Density and diversity** ■ *Exciting new mixed-use and pedestrian-oriented areas will develop, offering a higher concentration of housing, retail, services, employment and transportation, all within walking distance. (pg 96)*

Cherry Creek is defined as an urban center and more specifically categorized as a regional center, a location where development should be concentrated within a relatively small area, offering a wide range of land uses that create an internal synergy and attract patrons from throughout the region (pg 56). The rezoning of the subject property to C-CCN-12 allows for such a synergistic mix of uses and intensities to implement the regional center designation through compact development.

The proposal is consistent with many *Denver Comprehensive Plan 2000* strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by: promoting infill development with Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. Creating more density at transit nodes. (pg 39)*
- Environmental Sustainability Strategy 4-A – *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (pg 41)*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (pg 60)*
- Land Use Strategy 4-A - *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (pg 60)*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg 78)*
- Denver’s Legacies Strategy 3-A – *Identify areas in which increased density and new uses are desirable and can be accommodated. (pg 99)*

The proposed C-CCN-12 map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The C-CCN-12 zone district broadens the variety of uses, further allowing residents to live, work, and play in the Cherry Creek area. With six RTD bus routes serving East 1<sup>st</sup> Avenue adjacent to the subject site, the rezoning request is additionally consistent with the *Comprehensive Plan 2000* strategy to create mixed-use density at transit nodes, increasing transit ridership and maximizing use of existing transportation infrastructure.



One strategy specifically addresses the Cherry Creek North area:

- Economic Activity 4-B – *Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver’s business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:*
  - *Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and Rocky Mountain region.*  
(pg 135)

The proposed C-CCN-12 rezoning will enhance the existing Cherry Creek North business center through a broader range of allowed pedestrian-oriented uses, higher intensities, and potential for increased population density.

### **Blueprint Denver**

According to the 2002 Plan Map adopted in *Blueprint Denver*, this site has a concept land use of Regional Center and is located in an Area of Change.

### **Future Land Use**

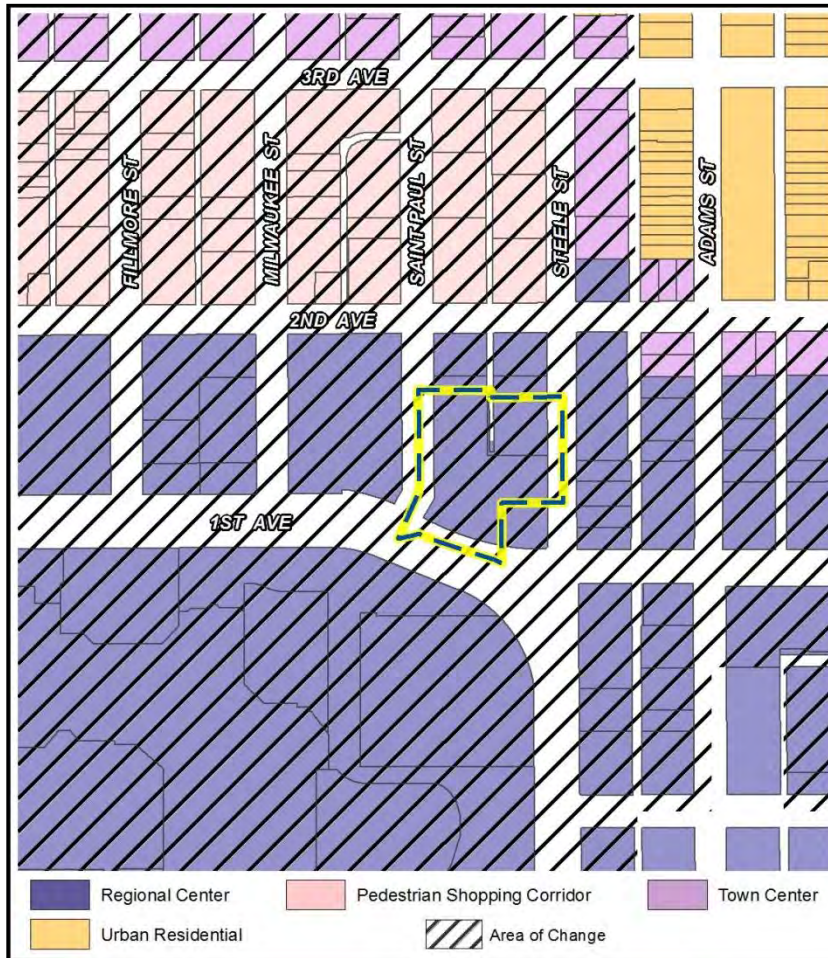
According to *Blueprint Denver*, regional centers ideally include a balance of retail, employment, and residential uses but recognize that many regional centers began as one major use like a regional shopping center. *Blueprint Denver* specifies that Cherry Creek is an example of a regional center where a major shopping center is at the core of many other uses concentrated in a small area. Regional centers cover a fairly large area and are dense enough to encompass both the dominant use and a wide mix of other uses. Additionally, regional centers have an atmosphere that is attractive to patrons from throughout the region (pg 43). In relationship to the subject site, the regional center concept land use designation encompasses the Cherry Creek Shopping Center to the south and one full block adjacent to the Shopping Center immediately to the north. The regional center designation also extends two to four—full and sometimes partial—blocks to the east of the Shopping Center.

The proposed C-CCN-12 zone district is consistent with the regional center concept land use designation through the allowed mix of uses, including, but not limited to, retail, employment, and residential. The current PUD 630 does not allow restaurant uses, an important aspect of a vibrant mixed-use regional center that attracts patrons from a broad consumer base. Allowing such a mix of uses and intensity in the area surrounding the Cherry Creek Shopping Center will be essential in ensuring the synergistic relationship between the larger, regional shopping center and the concentration of development in the vicinity. The C-CCN zone districts require ground floor commercial uses and also exclude specific uses that could be detrimental to the patron experience and diminish the pedestrian character of the regional center.

The regional center designation also calls attention to the attractive atmosphere for patrons. The proposed C-CCN-12 zone district implements this recommendation through several aspects of the Cherry Creek North building forms. Required build-to standards create a consistent street edge and public realm for pedestrians, while the visual impact of parking is minimized along with reduced

pedestrian and vehicle conflicts. High transparency requirements and entrance requirements activate the street and give prominence to the pedestrian realm, enhancing patron comfort and engagement. Additionally, all streets in the C-CCN zoning are designated as primary streets, ensuring pedestrian-oriented development on all sides of a property, consistent with the goals of the regional center designation.

### 2002 Blueprint Denver Future Land Use Map



### Area of Change / Area of Stability

The subject site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg 127). Blueprint Denver provides additional guidance for the Cherry Creek Area of Change: “The neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential,

regional and neighborhood retail, office, hotel, open space, and public uses in a pedestrian-friendly environment” (pg 134).

The rezoning application is consistent with the *Blueprint Denver* Area of Change recommendations through the opportunity for higher intensity, mixed-use redevelopment at an appropriate, focused location. Access to jobs, housing, and services can improve in the C-CCN zone districts, and this site has access to multiple bus transit lines. Focusing growth to Areas of Change helps preserve Areas of Stability, the largely residential areas that exist in the Cherry Creek Area outside of the Regional Center concept land use area (pg 25).

### **Urban Design Review**

*Blueprint Denver* also makes a specific recommendation for urban design review in this area: “A few zone districts require review of building design based on adopted design standards and guidelines. This staff intensive review is appropriate for a few high visibility areas such as downtown and Cherry Creek North” (pg 80). In accordance with the *Design Standards and Guidelines* for Cherry Creek North, the Design Advisory Board reviews all projects ensuring they meet the intent of the design review vision.

### **Street Classifications**

*Blueprint Denver* classifies East 1<sup>st</sup> Avenue as a Mixed Use Arterial west of the intersection with North Steele Street and as a Mixed Use Collector east of the intersection. *Blueprint Denver* classifies North Steele Street and North Saint Paul Street north of East 1<sup>st</sup> Avenue as Undesignated Local Streets. North Steele Street south of the intersection with East 1<sup>st</sup> Avenue is classified as a Mixed Use Arterial. According to *Blueprint Denver*, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” Arterial Streets are “designed to provide a high degree of mobility and generally serve longer vehicle trips to, from and within urban areas.” Finally, Local Streets are influenced less by traffic volumes and are tailored more to providing local access (pg 51).

According to *Blueprint Denver*, Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns” (pg 57). The C-CCN-12 zone district proposed near the intersection of East 1<sup>st</sup> Avenue and North Steele Street is an appropriate zone district for this mixed-use, high-capacity street classification through the allowance of higher intensity, mixed-use development contemplated in *Blueprint Denver*.

Additionally, *Blueprint Denver* recognizes that the East 1<sup>st</sup> Avenue and North Steele corridor is an Enhanced Transit Corridor (ETC). ETCs are identified as priorities for increased transit ridership, improved service, and efficiency supported through the creation of more intensive, mixed-use development (pg 26, 99). The C-CCN-12 zone district is consistent with the Enhanced Transit Corridor recommendation to support quality multimodal transportation through appropriate development.



The proposed map amendment to C-CCN-12 will enable growth near an intersection and corridor that *Blueprint Denver* identifies as appropriate for change and as a regional center featuring high-intensity mixed uses.

### Small Area Plan: Cherry Creek Area Plan

The 2012 *Cherry Creek Area Plan (CCAP)* was adopted by City Council in June 2012 and applies to the subject property. The format of the *CCAP* includes framework plan recommendations that apply throughout the planning area and subarea recommendations that apply to smaller geographies.

#### CCAP Framework Plan Recommendations

- **B.1.B AREAS OF CHANGE** – Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. In order for this to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas [Areas of Change] rather than stable neighborhoods. [...] Areas of Change are targeted to receive most of Cherry Creek’s residential and commercial growth over the next twenty years (pg 29).

As indicated in the Plan text and the Area of Change in Cherry Creek map, and consistent with *Blueprint Denver*, this site remains in an area of change where growth is desirable.

- **B.2.A STREETSCAPE** – Encourage consistent shallow, block-sensitive building setbacks with some offset for patio seating or public plazas help create active, vibrant streets (pg 30).
- **B.2.B ARCHITECTURE** – Orient buildings and entries toward the street using context sensitive setbacks (pg 30).
- **B.2.B ARCHITECTURE** – Include design elements and details such as pedestrian scaled signage, transparent windows, storefronts, building entries, building articulation, patio seating, pedestrian plazas and courtyards (pg 30).
- **B.2.B ARCHITECTURE** - Study the use of upper story setbacks and height datum lines to maintain a comfortable pedestrian scale at the street and to allow sunlight to reach the street (pg 30)
- **B.2.B ARCHITECTURE** - Provide visual interest at ground level and active ground floor uses along the building frontage; articulate facade treatments by creating a regular pattern of storefronts, providing a range of entry features and signage. More doors denotes more activity (pg 31)



The C-CCN-12 zone district has a consistent 5' minimum setback and 70% build-to requirement on all primary streets, implementing the Streetscape recommendations of the *Cherry Creek Area Plan*. In the C-CCN-12 district, the required build-to range may be increased when outdoor patio seating is provided, facilitating the creation of active, pedestrian-oriented spaces. Additionally, the C-CCN zone districts include a unique Cherry Creek Open Space building form, a building form intended to incentivize private open space at the ground story to create active, vibrant streets. The C-CCN-12 zone district also includes minimum ground story transparency standards on all primary streets—all streets are considered primary—and pedestrian access requirements.

Notably, the C-CCN-12 zone district Cherry Creek General Form includes an upper story mass reduction intended to break up the mass of taller buildings, creating openness and providing more sky exposure and sunlight at the pedestrian level. This standard can currently only be found in the C-CCN zone districts uniquely tailored to the Cherry Creek area. Additionally, other design elements recommended in the *CCAP*, including the datum line and articulated façade treatments, are addressed through *Design Standards and Guidelines*.

- **B.2.C LAND USE** – *In mixed-use areas, promote the use of design elements that link the building directly to the street. Uses are horizontally and vertically mixed and include regional and neighborhood-serving retail, large and small scale office uses, specialized high-end boutiques, low and mid-rise multi-family, stacked flats, row house, duplex, single family and accessory dwelling units (pg 31).*

No DZC zone district requires a mix of uses, but the C-CCN zone districts are the only zone districts that require active ground floor uses along 100% of a building's primary street frontage. In the C-CCN zone districts, all streets are considered primary streets, implementing the *CCAP*'s recommendation for a highly pedestrian-oriented district.

- **B.3.A CONCENTRATE HIGHER INTENSITY MIXED-USE BUILDINGS ALONG MULTI-MODAL STREETS, MAJOR INTERSECTIONS AND MAJOR PUBLIC OPEN SPACES.**  
*Cherry Creek's high intensity nodes are appropriate for increased development intensity allowing for the concentration of active uses utilizing appropriate locational criteria.*

*These locational criteria include:*

- *Adjacency to multi-modal corridors (includes the shopping district segments of 1st Avenue and Steele Street as well as the Cherry Creek Greenway and Colorado Boulevard)*
- *Major intersections (1st and Steele, 1st and University) (pg 32)*

The *CCAP* clearly calls out the intersection of East 1<sup>st</sup> Avenue and Steele Street along with the multi-modal corridors adjacent to



the site as appropriate locations for higher intensity mixed-use development. The subject site meets these locational criteria, and the C-CCN-12 zone district is consistent with this recommendation. Additionally, the CCAP differentiates that “Areas of Change which are not adjacent to the higher intensity locational criteria are appropriate for mid-rise buildings to accommodate continued growth,” defined as 5 to 8 stories in the Plan goals (pg 32).

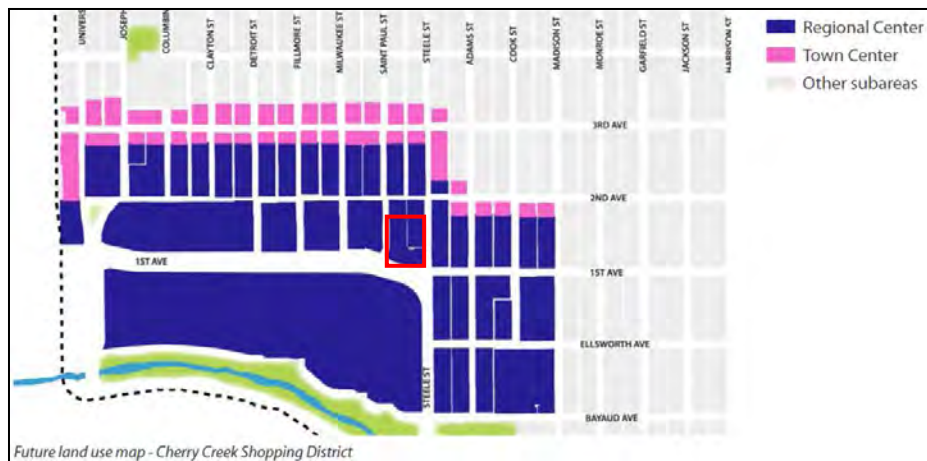
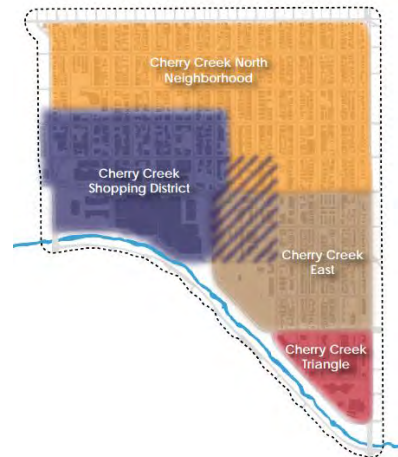
- D.2.B – DEVELOPMENT OPPORTUNITIES** – *Plan concepts and recommendations point to the benefit of attracting more people – residents, employees, and visitors – and reinvestment to areas of change, namely the Shopping District and Cherry Creek Triangle. [...] Highly visible opportunities include [the] 1<sup>st</sup> Bank site. [...] As these sites and areas develop and redevelop over the next ten or twenty years, it will be essential to enhance the quality of design, relationship to surrounding buildings and neighborhoods, mix of uses, quality of the pedestrian experience and overall character of the Cherry Creek Area (pg 48).*

The subject site is specifically identified as a key development opportunity in the CCAP. Rezoning to C-CCN-12 will allow additional development and reinvestment that cannot be achieved under the current PUD 630.

**CCAP Subarea Recommendations: Entire Shopping District**

The subject site is located within the boundaries of the “Cherry Creek Shopping District Subarea,” and is guided by the following recommendations:

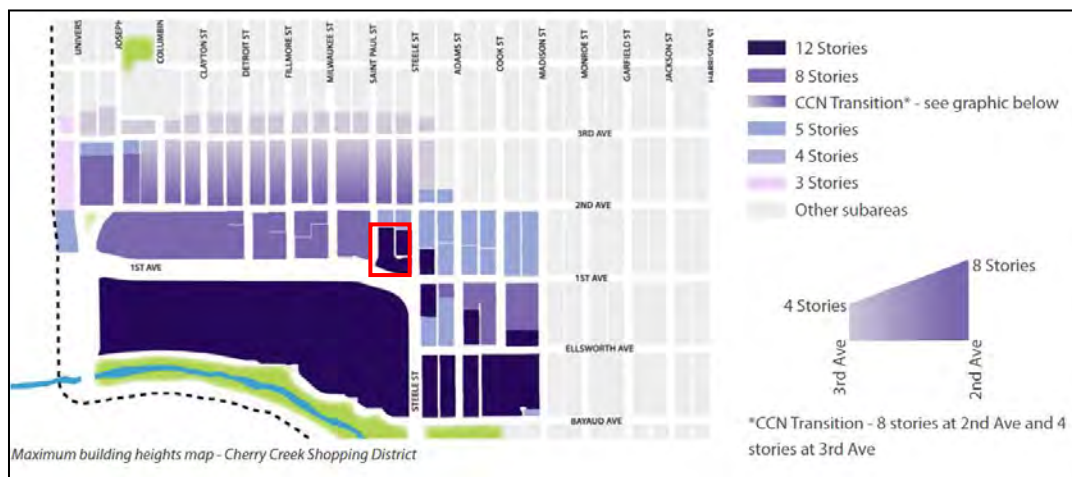
- Regional Center and Town Center.** *Continue to support a mix of uses in the Regional Center including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries. The Town Center areas act as an important transition between Regional Center and residential areas. (pg 58)*





The CCAP Future Land Use Map designates the subject site as “Regional Center.” *Blueprint Denver* identifies a Regional Center as “a balance of retail, employment and residential uses.” It covers a large area of many acres and is dense enough to encompass both the dominant shopping center use and a wide variety of other uses attracting patrons from throughout the region. The proposed C-CCN-12 zone district is consistent with these land uses and sensitive to the unique needs of the pedestrian-oriented shopping district.

- **Scale.** *Maximum building heights in the Shopping District should range from 4 to 12 stories, per the Maximum Building Heights Map. Building heights should be lowest adjacent to residential areas in Cherry Creek North and Country Club. Higher development intensity is encouraged along multi-modal streets and at key intersections.” (pg 58)*



With its location along a multi-modal street and at a key intersection, the CCAP Maximum Building Heights Map designates the site as 12-story maximum building height. The proposed C-CCN-12 zone district allows this recommended height through a zone district uniquely tailored to Cherry Creek North.

- **Continue to attract shoppers** [through] *More residential, hotel and office development in Shopping District (pg 58-59).*

The proposed C-CCN-12 zone district will increase the permitted intensity of development as compared to PUD 630, creating the potential to generate additional shoppers within the neighborhood.

- **Pedestrian oriented development.** *All new development should serve to enhance the pedestrian realm. Line streets with storefronts, windows and building entrances. Place active uses at the street and parking at the rear (pg 59).*

These goals are directly addressed by the proposed C-CCN-12 zone district through transparency and entrance requirements, active ground floor use standards, and standards for the location of vehicle parking. Additionally, *Design Standards and Guidelines* will be reviewed by the Cherry Creek North Design Advisory Board for heightened attention to these aspects of pedestrian-oriented design.

**CCAP Subarea Recommendations: CCN Business Improvement District**

The subject site is located within the boundaries of the Cherry Creek North Business Improvement District, and is guided by the following recommendations:

- **Revise land use regulation.** *Enact zoning and other land use regulatory tools for the C-CCN zone district to encourage rather than inhibit high quality redevelopment and reinvestment across all parcel sizes, large and small. Retain positive elements of current zoning including ground floor retail, design review, quality design and materials, interesting signage, and parking location. Reconsider height, FAR, building form, and parking requirements (61).*

Based upon the recommendation of the *Cherry Creek Area Plan*, Community Planning and Development revised the C-CCN zone district through an open, collaborative process guided by the Cherry Creek District Zoning Technical Task Force. The Task Force, an all-volunteer group of diverse stakeholders, worked to develop the zoning through 2013 and 2014, and the updated, customized C-CCN zoning was adopted by City Council in October, 2014. Rezoning the subject site to C-CCN-12 is consistent with this recommendation as an opportunity to apply the customized C-CCN districts through an applicant-driven process and implement the recommendations of the *Cherry Creek Area Plan*.

The following eight goals fall under the above CCAP recommendation to revise land use regulations (pg 61-62):

- Goal #1 - Retain and enhance Cherry Creek North's unique physical character.*
- Goal #2 - Make reinvestment economically viable in the entire district.*
- Goal #3 - Encourage small lot reinvestment. (N/A)*
- Goal #4 - Transition from higher buildings along 2nd to lower buildings along 3rd. (N/A)*
- Goal #5 - Create height transition from the business district to adjacent residential. (N/A)*
- Goal #6 - Retain sunlight on streets and views between buildings*
- Goal #7 - Prevent the creation of "walled" or monolithic streets.*
- Goal #8 - Active storefronts and ground floor uses.*

The C-CCN zone districts adopted by City Council advance each of these eight goals and were found to be consistent with the *Cherry Creek Area Plan* along other adopted plans. The proposed rezoning of the subject site to C-CCN-12 therefore is consistent with these eight goals, where applicable, and will implement the recommendations of the *Cherry Creek Area Plan* along with the application of the Design Standards and Guidelines.

The *Cherry Creek Area Plan* also provides a multimodal and connectivity framework along with several strategies that will continue to foster a connected Cherry Creek. The subject site will be impacted by several of these strategies, including:

- **A.1.B CONDUCT STUDY OF PRIORITY TRANSIT CORRIDORS** - A Planning Environmental Linkage Study (PEL) for the Speer/1<sup>st</sup> Avenue/Leetsdale Travel Shed will consider potential

- impacts from the projected increases in trips along the roadway network and will identify needs and alternatives for accommodating this additional persontrip demand. The PEL will focus on multi-modal strategies using an approach that seeks to incorporate environmental, economic, and community values into transportation decisions (pg 14). The PEL will recommend strategies that increase persontrip capacity along this corridor, connecting Cherry Creek and the subject site to the broader region.
- **A.2.A PEDESTRIAN PRIORITY ZONE** – The designation strengthens the priority of pedestrians and provides a Pedestrian Priority Zone Toolkit to guide public and private projects that take place within a designated area (pg 16). Cherry Creek North was designated as a Pedestrian Priority Zone by the City Council in October 2014, setting the framework for pedestrian enhancements through public and private investment. C-CCN-12 zone district standards also support pedestrian-oriented development as previously discussed.
  - **A.2.B PEDESTRIAN PRIORITY INTERSECTIONS** – Cherry Creek includes several high-demand, arterial streets, and special multi-modal consideration for these streets can successfully balance diverse demands and accessibility responsibilities. The intersection of East 1<sup>st</sup> Avenue and North Steele Street is called out as a Pedestrian Priority Intersection, and the Plan further states that pedestrian crossing movements should be enhanced at this intersection to better balance the use of the right of way (pg 16-17).
  - **A.4.C 1<sup>ST</sup> AND STEELE INTERSECTION** – The East 1st Avenue and North Steele Street intersection is one of the primary nodes of opportunity and development activity in Cherry Creek. The *CCAP* states that several properties adjacent to the 1st and Steele intersection are expected to undergo redevelopment over the next 10 years, including the subject site. Traffic and property access patterns may change as a result of these redevelopments. While the intersection functions to help vehicle traffic flow smoothly, pedestrians and cyclists are required to make up to five crossing movements in order to get from the northeast corner of the intersection to the Shopping Center on the southwest corner. With increases in density expected at the intersection, there is an opportunity for the intersection to better serve demand from all modes (pg 24). Accordingly, the 1<sup>st</sup> avenue and Steele Street Alternatives Evaluation Study was conducted by Public Works in 2013-2014 to address these multimodal access challenges, and the preferred alternative will begin the design process later in 2015.

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

The proposed rezoning to C-CCN-12 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 of the City primarily through implementation of the City's adopted land use plans including *Comprehensive Plan 2000*, *Blueprint Denver*, and the *Cherry Creek Area Plan*.



#### **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” The application identifies changes in the surrounding immediate area including two 12-story mixed-use redevelopment projects on the northeast and southeast corners of the East 1<sup>st</sup> Avenue and North Steele Street intersection. Additionally, the application identifies that the Wells Fargo Bank property at 3155 East 1<sup>st</sup> Avenue is currently zoned C-CCN-12. This high-intensity entitlement and redevelopment is the realization of the *Cherry Creek Area Plan*’s recommendations for the creation of a high-intensity, mixed-use node at this appropriate intersection. The current PUD 630 does not support the fulfillment of the desired redevelopment identified in the *CCAP* and by the changing conditions recognized in the application.

Additional changed or changing conditions at the subject site since PUD 630’s approval in 2009 include the adoption of the *Cherry Creek Area Plan* in 2012, specifying an updated vision for the evolution of Cherry Creek and the subject property. Customized Cherry Creek District Zoning was also approved by the Denver City Council in October 2014 to implement the goals and recommendations of the *CCAP*, a tool that would not have been available during the subject site’s rezoning to PUD 630 in 2009. As previously discussed in *Consistency with Adopted Plans*, the East 1<sup>st</sup> Avenue and North Steele intersection redesign will begin later in 2015 to enhance pedestrian and bicycle connectivity, and the Speer/1<sup>st</sup> Avenue/Leetsdale Travel Shed will be the subject of upcoming multimodal mobility study. Both initiatives demonstrate the changing conditions in regards to connectivity and mobility—both locally and regionally—and justify the rezoning to C-CCN-12 in order to recognize the evolving transportation context.

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

##### Neighborhood Context Description

The requested C-CCN-12 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). The Cherry Creek North business district area is the epitome of an Urban Center neighborhood as described above. The proposed rezoning to C-CCN-12 will lead to development that is consistent with the neighborhood context description.

### Zone District Purpose and Intent

According to DZC 7.2.5.1.A, the general purpose of the C-CCN zone districts is to 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. Compared to the Mixed Use or Main Street Zone Districts, the C-CCN Zone Districts are better tailored to the unique character and scale of Cherry Creek North. The C-CCN Zone Districts promote an enhanced pedestrian-oriented environment through features such as larger primary street setbacks, open space incentives, and building forms that allow light and views between buildings. The C-CCN Zone Districts are intended for specific application in the Cherry Creek North mixed use shopping district area (DZC 7.2.5.1.B). Additionally, the C-CCN zone districts promote the eight goals recommended in the *Cherry Creek Area Plan* for revised land use regulations (DZC 7.2.5.1.C). The rezoning to C-CCN-12 is consistent with the zone district general purpose through the application in the Cherry Creek North mixed use shopping district. Resulting development will also be consistent with the general purpose statement through the application of C-CCN-12 zone district standards.

According to the zone district intent stated in the Denver Zoning Code, the C-CCN-12 district “applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired” (DZC Section 7.2.5.2.F). The intersections adjacent to the site are served by East 1<sup>st</sup> Avenue, a mixed-use arterial street. Additionally, North Steele Street, south of the subject site, is a mixed-use arterial street. The street classifications and desired building heights in this area are consistent with this intent statement.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 100 North Saint Paul Street and 149 North Steele Street (#2014I-00074) to a C-CCN-12 zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

### **Attachments**

1. Application
2. RNO comment letters

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	100 Saint Paul, LLC	Representative Name	Randall Phelps
Address	270 Saint Paul Street, Ste 300	Address	990 South Broadway, Ste 200
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80209
Telephone	303 371 9000	Telephone	303 228 2336 (303 228 2300 Main)
Email	PaulP@paulscorp.com	Email	randall.phelps@kimley-horn.com
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	100 Saint Paul Street and 149 Steele Street, see legal description in attachments		
Assessor's Parcel Numbers:	163900995 (100 St Paul) and 163901002 (149 Steele St)		
Area in Acres or Square Feet:	78,692 Square Feet		
Current Zone District(s):	PUD 630		
PROPOSAL			
Proposed Zone District:	C-CCN-12		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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</p> <p>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. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints 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"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>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.</p> <p>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:	
<input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Review Criteria (Included within document)	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	





# REZONING GUIDE

## 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 (must sign in the exact same manner as title to the property is held)	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	Property owner representative written authorization? (YES/NO)
100 Saint Paul, LLC	270 St Paul St Suite 300 Denver, CO 80206	78%		1-19-15	(A)	YES
FIRST BANK OF CHERRY CREEK	PO BOX 150097 LAKEWOOD, CO 80215-0097	22%		12.11.14	(A)	YES

Last updated: June 20, 2014

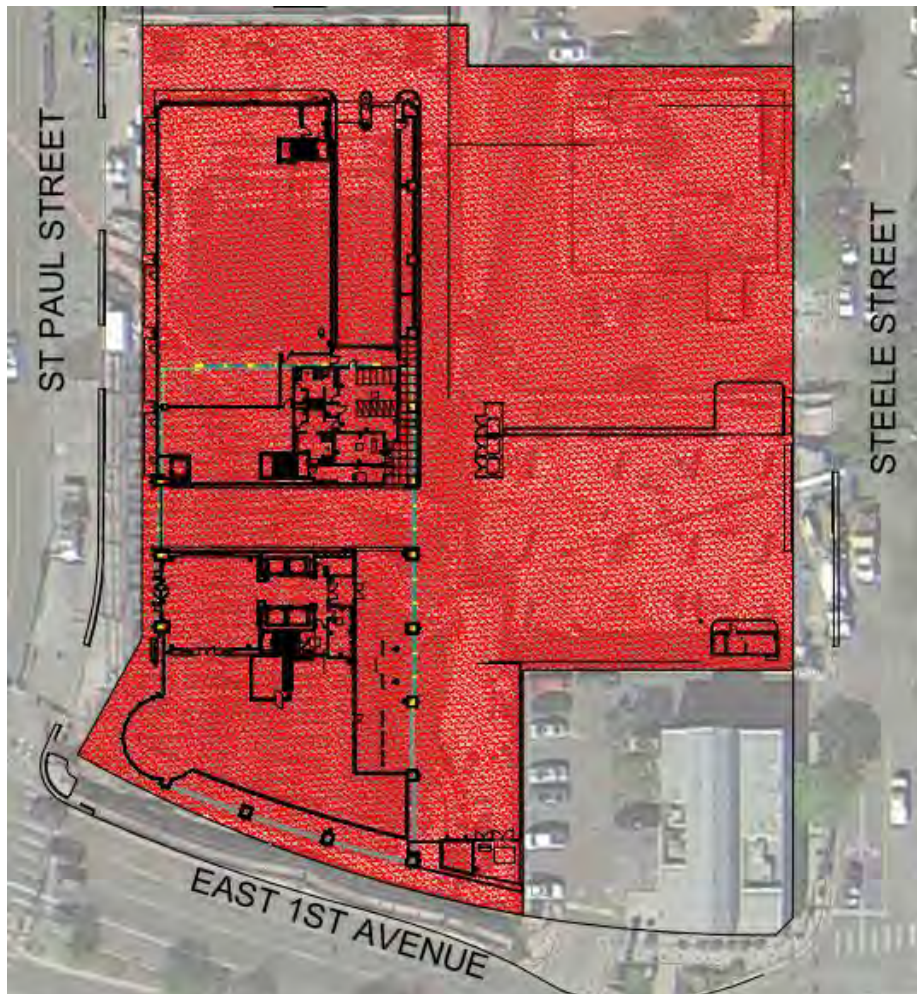
Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**311** FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

720.865.2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

# Zone Map Amendment To replace PUD 630



JANUARY, 2015

Prepared By:

**Kimley»Horn**

990 South Broadway, Suite 200

Denver, Colorado 80209

303.228.2300

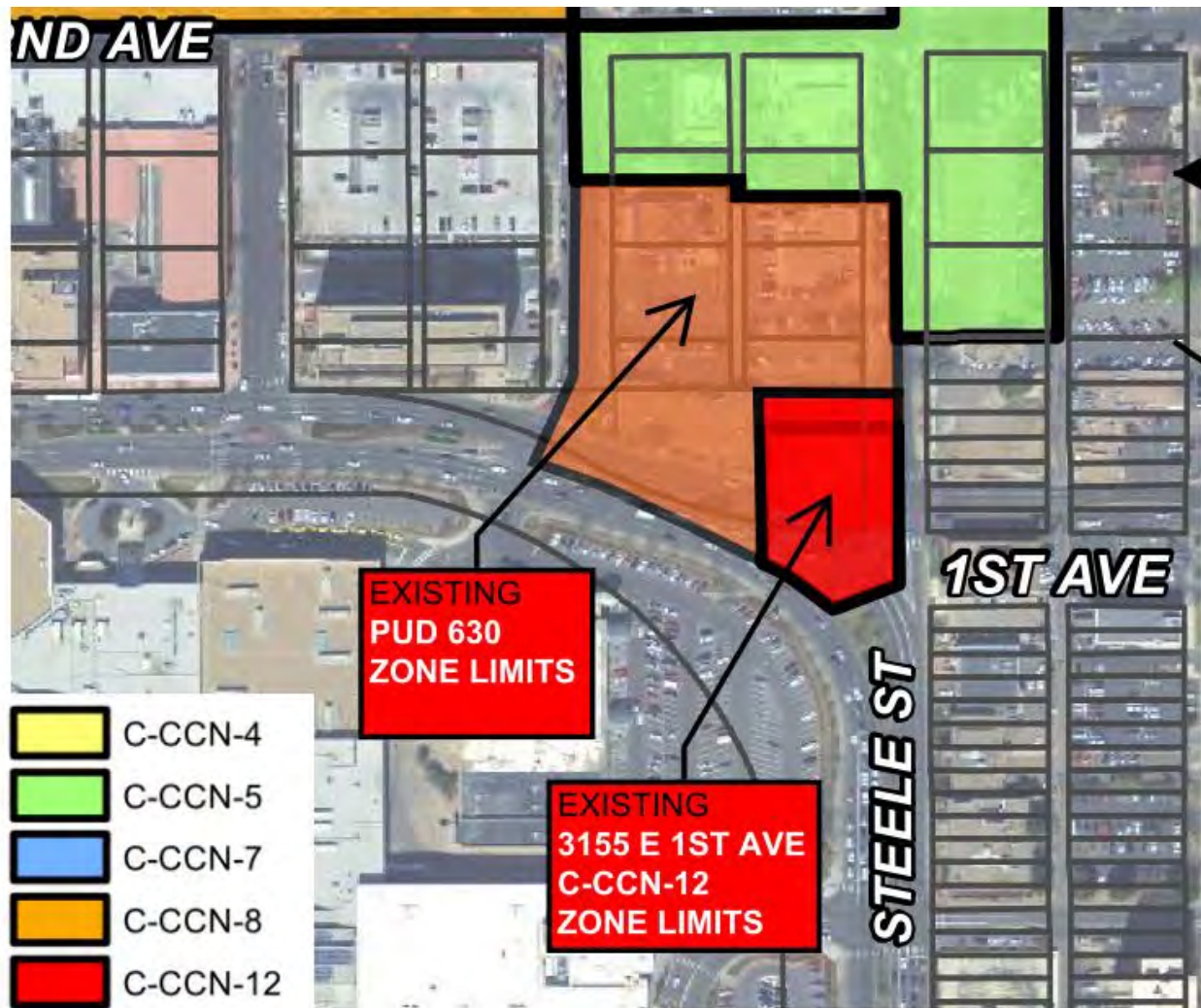
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REZONING SUMMARY .....	3
GENERAL REVIEW CRITERIA .....	4
Consistency with Adopted Plans .....	4
Uniformity of District Regulations and Restrictions.....	6
Public Health, Safety and General Welfare.....	6
ADDITIONAL REVIEW CRITERIA .....	7
Justifying Circumstances.....	7
ATTACHMENTS .....	8
<i>Rezoning Application</i>	
<i>Legal Description</i>	
<i>Proof of Ownership Document(s)</i>	
<i>Written Authorization to Represent Property Owner(s)</i>	



## REZONING SUMMARY

The request for rezoning of the property is made with careful consideration of the neighborhood in which the property resides, Cherry Creek North. The PUD 630 zoning was established for the office building that is under construction, 100 Saint Paul, and the property along Steele Street for a future second building. Since that zoning change, 12-story projects on nearby sites have pursued individual zone changes and have subsequently commenced construction. On October 25<sup>th</sup> of this year, City Council approved the Cherry Creek District Zoning, establishing C-CCN zoning over the properties to the north, south and east of PUD 630. **This application is prepared on behalf of the property owners who wish to “opt-in” to the recently adopted C-CCN zoning to become zoned as C-CCN-12.**



A completed Rezoning Application can be found in the Appendix.



## GENERAL REVIEW CRITERIA

### CONSISTENCY WITH ADOPTED PLANS

The proposed official map amendment is consistent with the City's adopted plans as follows:

#### Blueprint Denver (2002)



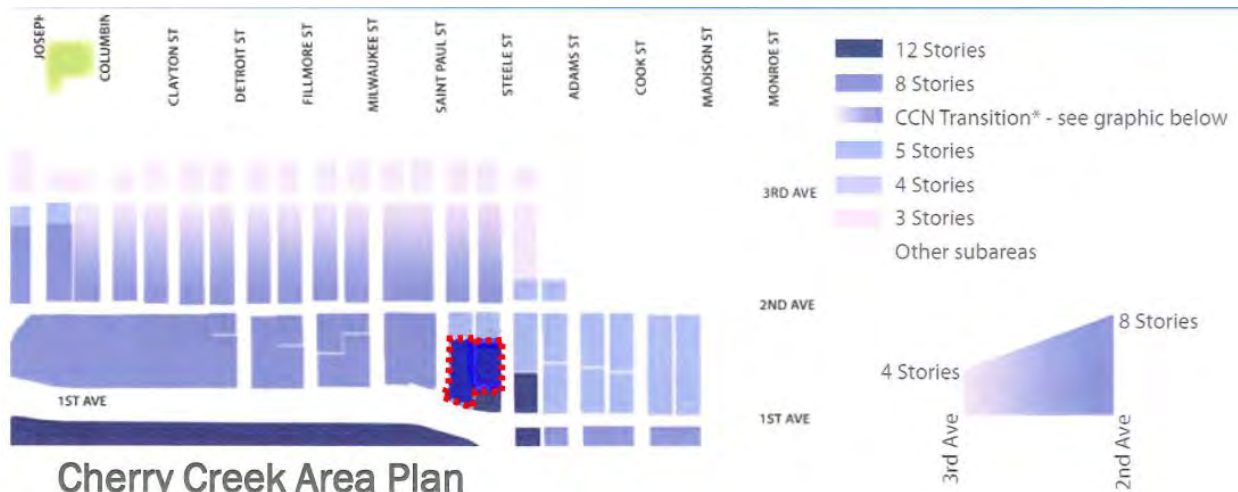
SOURCE: BLUEPRINT DENVER (2002)



The area is designated as an Area of Change and a Regional Center with higher density residential and commercial uses.

## Cherry Creek Area Plan (2012)

The area is designated as a Regional Center with a maximum recommended building height of 12 stories.

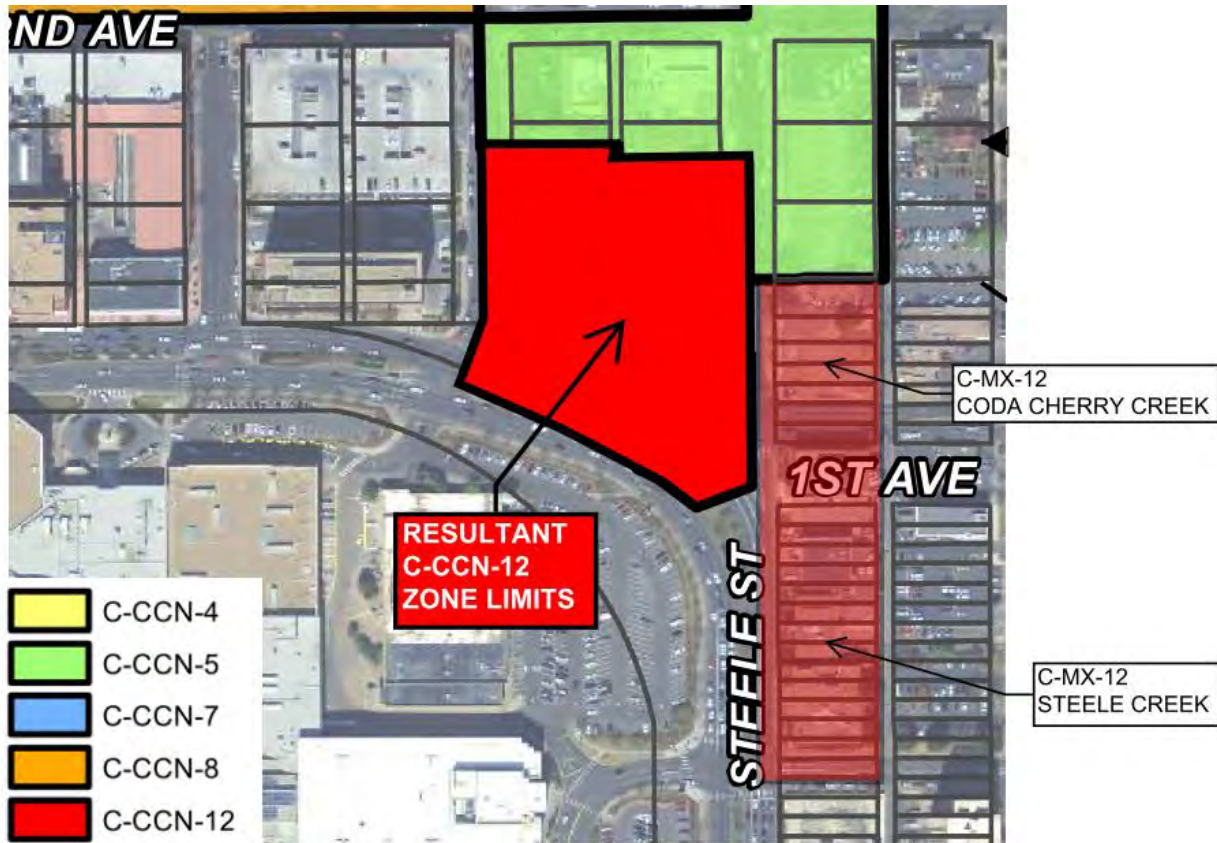


### Cherry Creek Area Plan

- Maximum Building Height Recommendation – 12 stories

## UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS

The proposed official map amendment would result in regulations and restrictions that are consistent with surrounding C-CCN and C-MX designations. See map below.



## PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

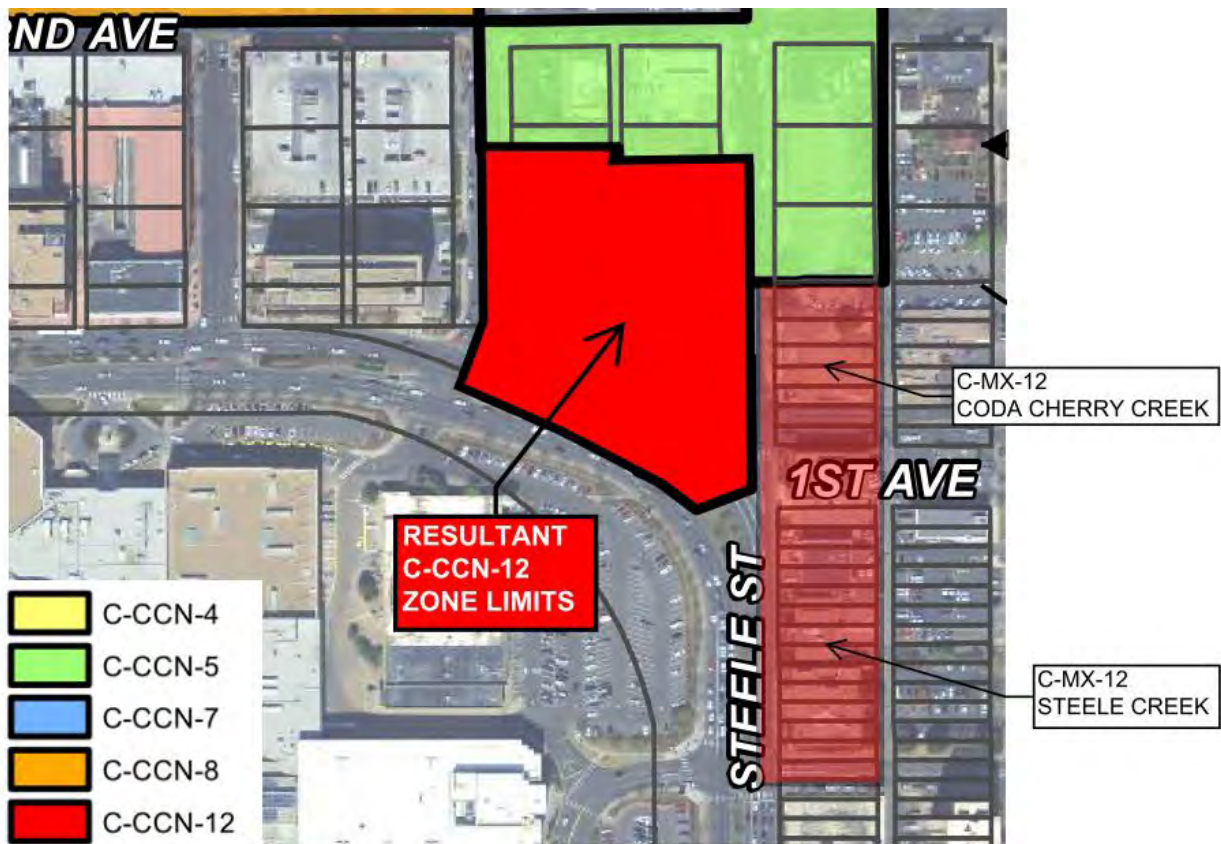
The proposed official map amendment would further the public health, safety, and general welfare of the City because it would allow the redevelopment of buildings that have reached their service life and no longer meet the needs of ownership and the community.



## ADDITIONAL REVIEW CRITERIA

### JUSTIFYING CIRCUMSTANCES

The land and its surroundings have changed and are changing to such a degree that rezoning is in the public interest to encourage redevelopment of the area. Construction of the 8-story office building at 100 Saint Paul Street and the 12-story Steele Creek residences began in 2013 and the construction of the 12-story Coda Cherry Creek residences started in mid-2014. Immediately to the south of the 155 Steele Street parcel, the Wells Fargo bank property at 3155 East 1<sup>st</sup> Avenue is zoned for 12-story development as well.



The proposed official map amendment is consistent with the immediate and regional neighborhood context for building heights and uses. Additionally, the proposed Zone District, C-CCN-12, is consistent with the referenced plans and studies.



## ATTACHMENTS

- Rezoning Application*
- Legal Description (in PDF and Microsoft Word document format)*
- Proof of Ownership Document(s)*
- Written Authorization to Represent Property Owner(s)*

**LAND DESCRIPTION**  
**PAGE 1 OF 2**

A PARCEL OF LAND BEING PLOT A ½, PLOT 1, THE SOUTH 66 2/3 FEET OF PLOT 2, THE SOUTH ½ OF PLOT 5, PLOT 6, AND PLOT B ½, BLOCK 72, HARMAN'S SUBDIVISION, A PORTION OF BLOCK C, COLODEN MOOR AND A PORTION OF THE ALLEY VACATED BY ORDINANCE NO. 244, SERIES OF 2011 RECORDED MAY 6, 2011 AT RECEPTION NO. 2011050220, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID BLOCK 72; THENCE SOUTH 00°01'33" WEST ALONG THE EAST LINE OF SAID BLOCK 72 AND THE WEST RIGHT-OF-WAY LINE OF STEELE STREET A DISTANCE OF 149.85 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING THE NORTHEAST CORNER OF THE SOUTH ½ OF SAID PLOT 5; THENCE CONTINUING SOUTH 00°01'33" WEST ALONG THE EAST LINE OF SAID BLOCK 72 AND THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET A DISTANCE OF 245.68 FEET; THENCE NORTH 89°58'27" WEST A DISTANCE OF 110.00 FEET; THENCE SOUTH 00°01'33" WEST A DISTANCE OF 99.83 FEET TO A POINT OF NON-TANGENT CURVE ON THE SOUTH LINE OF BLOCK C OF SAID COLODEN MOOR, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF EAST FIRST AVENUE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, ALONG THE SOUTH LINE OF SAID BLOCK C AND THE NORTH RIGHT-OF-WAY LINE OF SAID EAST FIRST AVENUE, HAVING A CENTRAL ANGLE OF 18°27'17", A RADIUS OF 600.00 FEET AND AN ARC LENGTH OF 193.26 FEET, WHOSE CHORD BEARS NORTH 70°10'58" WEST A DISTANCE OF 192.42 FEET TO THE POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF ST. PAUL STREET; THENCE NORTH 29°01'53" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ST PAUL STREET A DISTANCE OF 53.90 FEET; THENCE NORTH 00°01'53" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ST. PAUL STREET AND ALONG THE WEST LINE OF SAID BLOCK 72 AND SAID WEST LINE EXTENDED SOUTHERLY, A DISTANCE OF 249.92 FEET TO THE NORTHWEST CORNER OF THE SOUTH 66 2/3 FEET OF SAID PLOT 2; THENCE SOUTH 89°57'44" EAST ALONG THE NORTH LINE OF THE SOUTH 66 2/3 FEET OF SAID PLOT 2 A DISTANCE OF 124.84 FEET TO THE NORTHEAST CORNER OF THE SOUTH 66 2/3 FEET OF SAID PLOT 2 AND THE WEST LINE OF THE EXISTING 15 FOOT ALLEY; THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE WEST, SOUTH AND EAST LINES OF SAID EXISTING ALLEY:

1. THENCE SOUTH 00°01'53" WEST A DISTANCE OF 23.71 FEET;
2. THENCE SOUTH 09°58'07" EAST A DISTANCE OF 29.47 FEET;
3. THENCE SOUTH 00°01'53" WEST A DISTANCE OF 90.36 FEET;
4. THENCE SOUTH 89°58'07" EAST A DISTANCE OF 9.88 FEET TO A POINT ON THE EAST LINE OF SAID EXISTING ALLEY, SAID POINT BEING ON THE WEST LINE OF SAID PLOT 6;
5. THENCE NORTH 00°01'53" EAST ALONG THE EAST LINE OF SAID EXISTING ALLEY AND ALONG THE WEST LINE OF SAID PLOTS 6 AND 5 A DISTANCE OF 126.46 FEET TO THE NORTHWEST CORNER OF THE SOUTH ½ OF SAID PLOT 5;

THENCE SOUTH 89°57'48" EAST ALONG THE NORTH LINE OF THE SOUTH ½ OF SAID PLOT 5 A DISTANCE OF 125.06 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 78,691 SQUARE FEET OR 1.8065 ACRES.

ROBERT D. SNODGRASS, PLS 36580  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR

MARCH 23, 2015  
FILE: PUD 630 REV

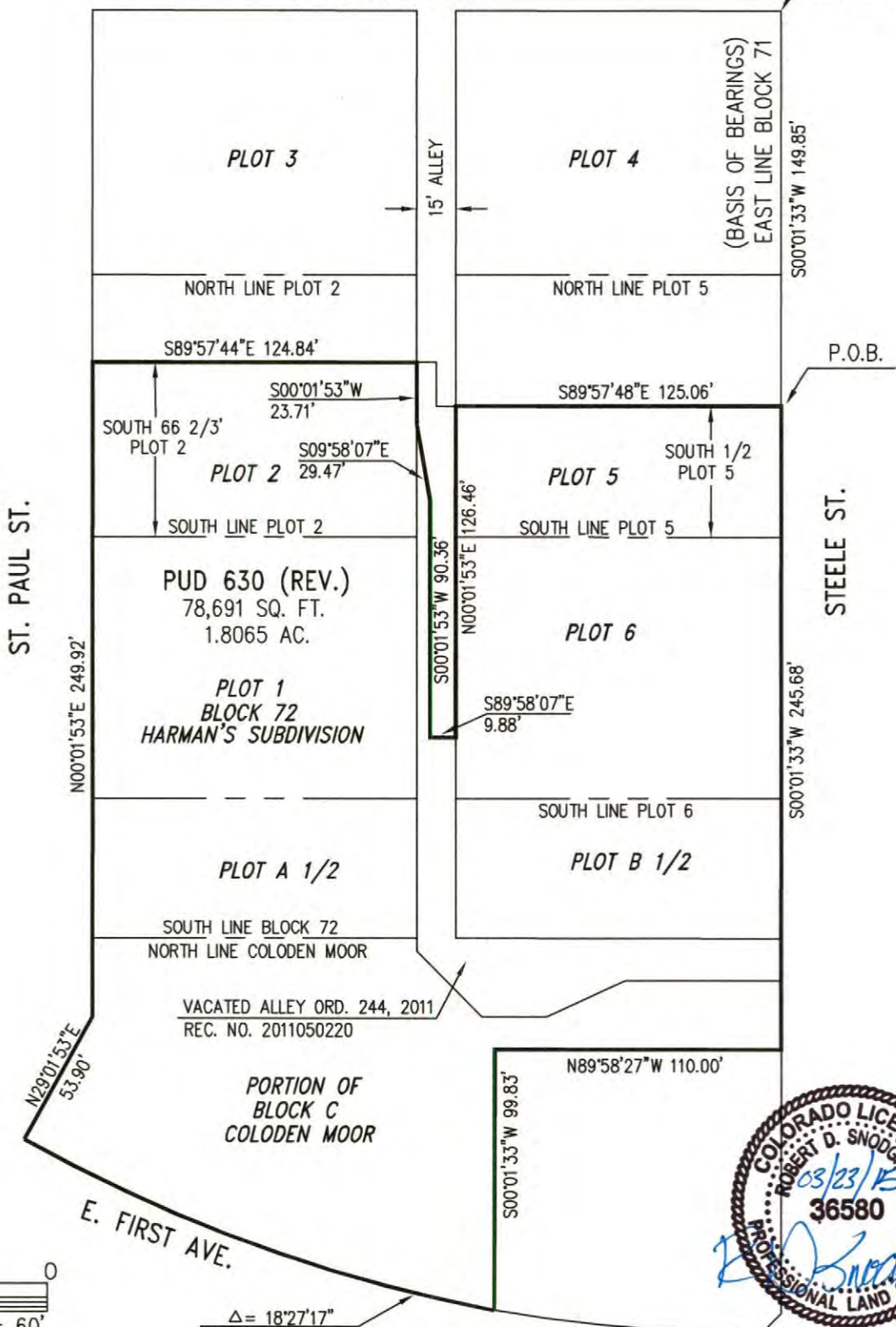




LAND DESCRIPTION  
PAGE 2 OF 2

E. SECOND AVE.

P.O.C.  
NE COR.  
BLOCK 72



60 30 0  
SCALE: 1" = 60'  
PUD 630 REV.DWG  
3-23-15

$\Delta = 18^{\circ}27'17''$   
R = 600.00'  
L = 193.26'  
CHD = N70°10'58"W  
192.42'



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

Denver Property Assessment and Taxation System (3.2.2)

# 100 SAINT PAUL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
100 SAINT PAUL LLC 270 SAINT PAUL ST 300 DENVER , CO 80206-5133	0512232031000 <b>PIN</b> 163900995	HARMSN SUB B 72 PT PLOT A1/2, PLOT 1, S 66 2/3FT PLOT 2,PLOTB1/2 PT PLOT 6 & ADJ ALLEY DAF*	VACANT LAND	166A

### Assessment

Actual Value Year: 2014 Actual Value: \$7,067,200

### Property

Year Built: 0 Square Footage: 0

### Comparables

Schedule Number / Parcel Id Address Sale Month/Year Sales Price PIN

No comparables available for this property.



**100 SAINT PAUL, LLC**

270 ST. PAUL STREET SUITE 300  
DENVER, COLORADO 80206  
303.371.9000 FAX: 303.371.1465

January 13, 2015

City and County of Denver  
201 West Colfax Avenue  
Denver, CO 80202

Re: **Zone Map Amendment - PUD 630**

Dear City and County of Denver:

100 Saint Paul, LLC hereby authorizes Randall Phelps, of Kimley-Horn, to represent 100 Saint Paul, LLC for a Zone Map Amendment of the property referenced in PUD 630.

Sincerely,



Brian Pauls  
Authorized Signatory, 100 Saint Paul, LLC

C: Randall Phelps, Kimley-Horn  
File

**100 SAINT PAUL, LLC**

270 ST. PAUL STREET SUITE 300  
DENVER, COLORADO 80206  
303.371.9000 FAX: 303.371.1465

**Manager's Certificate  
of  
100 Saint Paul, LLC**

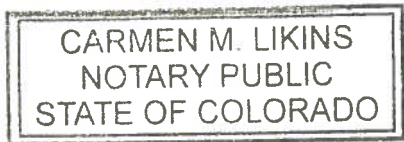
I, Brian Pauls, hereby certify that Pauls Real Estate Investments, LLC, a Colorado limited liability company is the Manager of 100 Saint Paul, LLC and that I am an Authorized Signatory of Manager, as indicated in the 100 St. Paul, LLC Amended and Restated Operating Agreement, dated January 3, 2013 section 5.2. Further, I have the authority to bind the company by executing all documents relating to real estate, development, permitting, platting, among other document types.


  
\_\_\_\_\_  
Brian Pauls, Authorized Signatory

STATE OF COLORADO            )  
  )  
CITY & COUNTY OF DENVER    )

This Manager's Certificate was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Brian Pauls, Authorized Signatory of the Manager, Pauls Real Estate Investments, LLC, as indicated above.

WITNESS MY HAND AND OFFICIAL SEAL.



  
\_\_\_\_\_  
Notary Public for the State of Colorado  
My commission expires: 3-5-15

## Denver Property Assessment and Taxation System (3.2.2)

**149 STEELE ST**

Owner	Schedule Number	Legal Description	Property Type	Tax District
FIRST BANK OF CHERRY CREEK PO BOX 150097 LAKEWOOD , CO 80215-0097	0512232032000 <b>PIN</b> 163901002	HARMSN SUB B 72 PT S/2 PLOT 5,PLOT 6 & PT ALLEY DAF *	COMMERCIAL - FINANCIAL BUILDIN	166A

**Assessment**

**Actual Value Year:** 2014 **Actual Value:** \$1,333,300

**Property**

**Year Built:** 1985 **Square Footage:** 6064

**Comparables**

**Schedule Number / Parcel Id   Address   Sale Month/Year   Sales Price   PIN**

No comparables available for this property.



FIRSTBANK

149 STEELE STREET DENVER, COLORADO 80206 303-333-1000

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January 13, 2015

City and County of Denver  
201 West Colfax Avenue  
Denver, CO 80202

RE: Zone Map Amendment – PUD 630

Dear City and County of Denver:

FirstBank of Cherry Creek hereby authorizes Randal Phelps with Kimley-Horn to represent us on our behalf for a zone map amendment of the property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Cicchinelli". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dave Cicchinelli  
Vice President







March 10, 2015

Denver Planning Board  
Webb Municipal Office Building  
201 West Colfax Avenue  
Denver, CO 80202

Dear Planning Board,

**Concerning: Change of Zone Request from PUD 630 to C-CCN-12  
Map Amendment Application # 20141-00074  
100 Saint Paul and 149 Steel**

At the February 18, 2015 Board of Directors (Board) meeting of the Cherry Creek East Association (CCEA) neighborhood organization, the Board approved a motion to support The Pauls Corporation (TPC) request to replace the existing PUD 630 with the C-CCN-12 zoning designation. TPC was represented by, Mr. Paul Powers.

TPC is completing Phase 1 of construction at 100 Saint Paul Street. TPC's zoning request would enable them to proceed with the Phase 2 at 149 Steel, and would rezone the Phase 1 and Phase 2 development sites to C-CCN-12. Mr. Powers indicated that the City of Denver Community Planning and Development Department encouraged TPC to replace the current PUD 630 with the C-CCN-12 zoning designation.

Mr. Powers stated that, if the property is rezoned to C-CCN-12, TPC's intention is to build approximately 56 for sale condominium units. Under the proposed plan, Phases 1 and 2 would exceed the C-CCN-12 mass reduction requirements. The Phase 2 structure would be approximately 162 feet high, including mechanical. TPC anticipates that residential parking spaces will be included with each residential unit and the total number of residential parking spaces will exceed the number of parking spaces required per unit. In response to a question from the Board, Mr. Powers indicated that TPC will activate the street front and screen retail surface parking from the sidewalk.

The Board supports this request to rezone because of the reduction in square footage in Phase 2 and the change in use from office to residential use. The request is consistent with policy direction in the Cherry Creek East Plan.

If you have any questions, please feel free to contact me.

Sincerely,

Susan Smernoff, President  
Board of Directors, CCEA

Copy

Councilwoman Jeanne Robb, District 10  
Paul Powers  
CCEA Board  
City of Denver Community Planning and Development Department



**CHERRY CREEK AREA**  
BUSINESS ALLIANCE

Board of Directors

Nick LeMasters  
Cherry Creek Shopping Center  
Board Chair

David Steel  
Western Development Group  
Vice Chair

Dorit Makovsky Fischer  
NAI Shames Makovsky  
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Bob Flynn  
Crestone Partners, LLC

David Wm. Foster  
FCMC, LLP

Rick L. Kinning  
RK Mechanical, Inc.

Bob Mattucci  
Realty Management Group

Julie Urderdahl  
Cherry Creek North BID

March 4, 2015

The Honorable Jeannie Robb  
Denver City Council District 10  
1437 Bannock Street, Room 493  
Denver, CO 80202

RE: Zoning Map Amendment 2014I-00074: 155 Steele Street

Dear Councilwoman Robb,

The Cherry Creek Area Business Alliance (the Alliance) Board of Directors wishes to express their unanimous support for rezoning application 2014I-00074: seeking to rezone 155 Steele Street from PUD 630 to C-CCN-12.

Mr. Paul Powers presented the proposed rezoning application and an overview of future plans for the site at the February 2015 Alliance Board Meeting. After hearing Mr. Powers' presentation and reviewing the proposal, the Alliance voted to support the property owners' pursuit of an opt-in to the new C-CCN-12 zone district.

This zoning is contextually consistent with surrounding buildings as well as with adopted plans. The Cherry Creek Area Plan identifies this site as a Regional Center, appropriate for higher-density commercial and residential development. Further, the adoption of C-CCN-12 zoning will incentivize a needed reinvestment in our commercial core, helping to maintain the vitality of Denver's premier mixed-use neighborhood.

We thank you for your thoughtful consideration in this matter.

Sincerely,

Bethany Gravell  
Cherry Creek Area Business Alliance

CC: Ryan Winterberg-Lipp, Associate City Planner

PO Box 6107  
Denver, CO 80206  
Email: [info@cherrycreekaba.com](mailto:info@cherrycreekaba.com)  
303-459-7284

[www.CherryCreekABA.com](http://www.CherryCreekABA.com)

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

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

Application Number	<input type="text"/>
Location	<input type="text"/>
Registered Neighborhood Organization Name	<input type="text"/>
Registered Contact Name	<input type="text"/>
Contact Address	<input type="text"/>
Contact E-Mail Address	<input type="text"/>
Date Submitted	<input type="text"/>

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

was held on , with  members in attendance.

With a total of  members voting,

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

voted to oppose the application; and

voted to abstain on the issue.

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

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

Application # .

Comments:	<input type="text"/>
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