



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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**TO: Land Use, Transportation and Infrastructure Committee**  
**FROM: Chris Gleissner, Senior City Planner**  
**DATE: March 19, 2013**  
**RE: Zoning Map Amendment Application #2012I-00045**  
**Fillmore Place (NE corner of 1<sup>st</sup> Avenue and Fillmore)**  
**Amend PUD #617**

**Staff Report and Recommendation**

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for Application #2012I-00045 for a rezoning to amend PUD #617.

**I. Scope of Rezoning**

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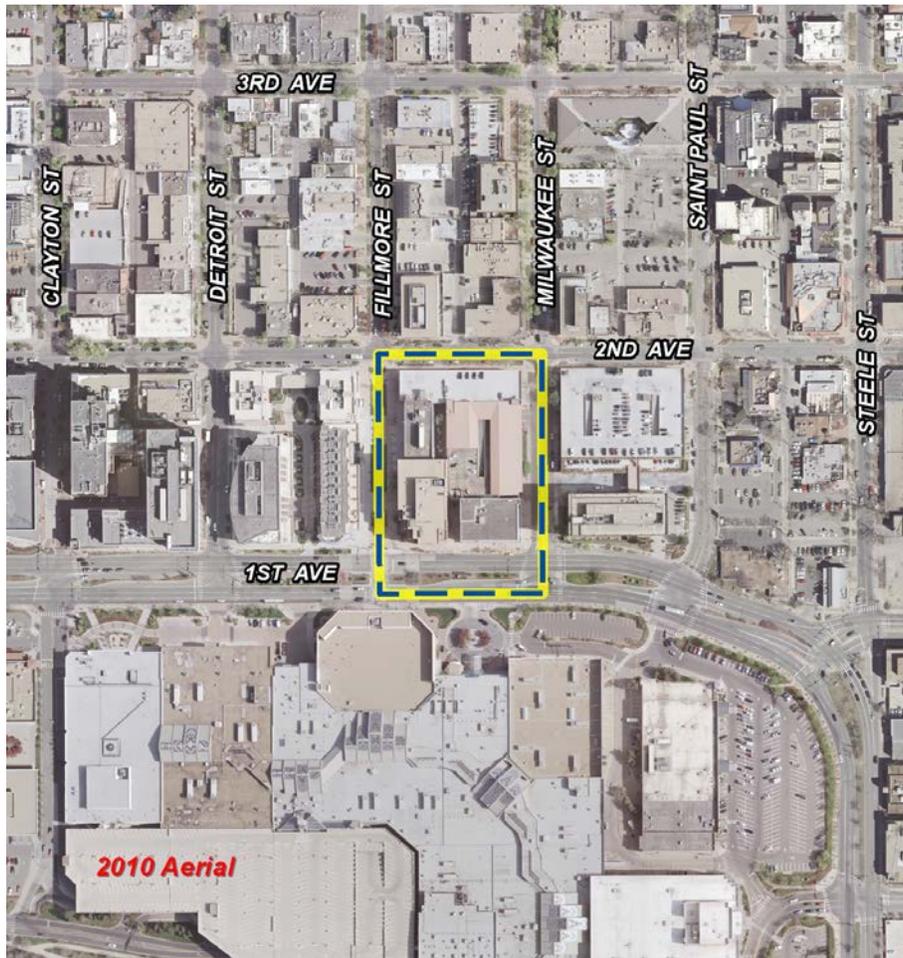
Application:	<b>#2012I-00045</b>
Address:	Fillmore Place (NE corner of 1 <sup>st</sup> Avenue and Fillmore)
Neighborhood/Council District:	Cherry Creek/ Council District #10
RNOs:	Harman Neighborhood Association, Inc., Cherry Creek North Business Improvement District, Neighborhood Advisory Committee to the Botanic Gardens, Cherry Creek Steering Committee, Capitol Hill United Neighborhoods, Inc, Cherry Creek North Neighborhood Association, Cherry Creek Business Alliance, Inter-Neighborhood Cooperation
Area of Property:	2.26 acres
Current Zoning:	PUD #617
Proposed Zoning:	Amended PUD
Applicant/Owner:	SE Fillmore, LLC; Bob Mattucci
Contact Person:	Blake Mourer

**II. Summary of Proposal**

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The subject site is located at the northeast corner of the intersection of E 1<sup>st</sup> Avenue and Fillmore. The existing program includes a mix of office, residential and retail uses. The PUD amendment will modify the allowed maximum unit count from 15 to 33 units.

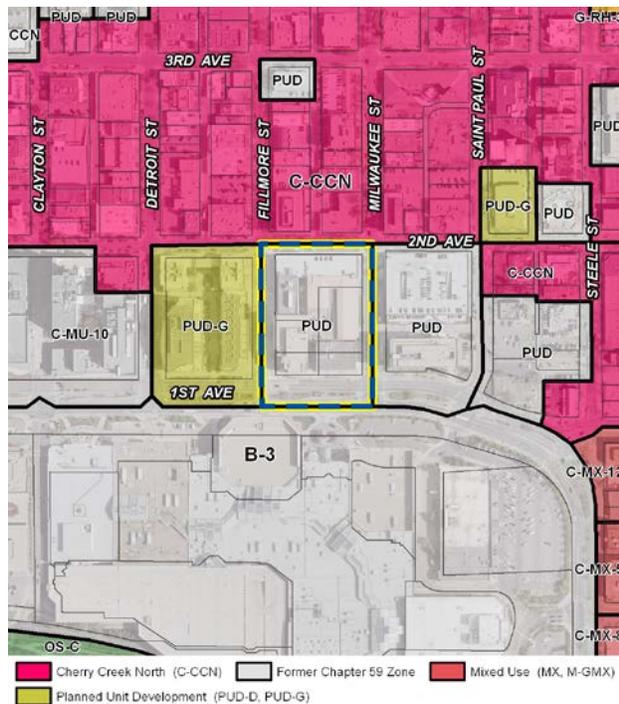




<b>GENERAL PUD Proposal</b>	
<b>Allowable land uses</b>	Office, Retail and Residential
<b>Maximum Square Feet</b>	194,722
<b>Parking</b>	474 spaces
<b>Form Standards, Setbacks</b>	5' – North 10' – South (1st Avenue) 0' – East 5' – West (Fillmore)

### III. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	PUD #617	Mixed-Use	Area of Change Regional Center
<b>North</b>	C-CCN	Retail and Office	Area of Change Pedestrian Shopping Corridor
<b>South</b>	B-3 w/conditions	Retail (Cherry Creek Shopping Center)	Area of Change Regional Center
<b>West</b>	PUD-G	Mixed-Use	Area of Change Regional Center
<b>East</b>	PUD 55	Retail and Office	Area of Change Regional Center



The neighborhood context consists of a generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Building setbacks on this street are typically shallow but varied at the street, with parking to the side or rear of buildings. There is a large variety of building heights in the surrounding area. In the immediate business district area, uses are typically retail, office, or mixed, with limited other uses including residential and other commercial.



*Context along 1<sup>st</sup> Avenue*



*The site at 1<sup>st</sup> Avenue*



*Context north of the site*

#### Summary of Design Standards and Guidelines for Cherry Creek North

The Design Standards and Guidelines for Cherry Creek North apply to development on this site. They 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.

#### **IV. Summary of Agency Referral Responses**

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This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by our referral agencies.

#### **V. Legal Notice, Public Process & Public Comment**

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- Notice of Receipt of Complete Application
  - CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on January 10, 2013.
- Planning Board
  - Planning Board was held on February 20, 2013. Planning Board recommended approval of the rezoning application, 7-0.
- 3 Letters of Support are included.

#### **VI. Criteria for Review / Staff Evaluation**

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Staff reviewed rezoning application 2012I-00045 in accordance with the PUD Amendment procedures identified in Former Chapter 59 Section 59-516 for compliance with general and specific criteria, as stated in Section 59-646 including the following:

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare
- D. Justifying Circumstances

##### **A. Consistency with Adopted Plans**

The following adopted plans apply to this property:

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

##### **1. Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan 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.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will enable the continued evolution of a mixed-use development at an infill location where services and infrastructure are already in place. The rezoning is consistent with these plan recommendations.

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. [...]*

The proposed rezoning would enhance an existing mixed-use development within the Cherry Creek North area, enhancing an existing business and retail center by adding critical residential to a mixed use district.

## **2. Blueprint Denver**

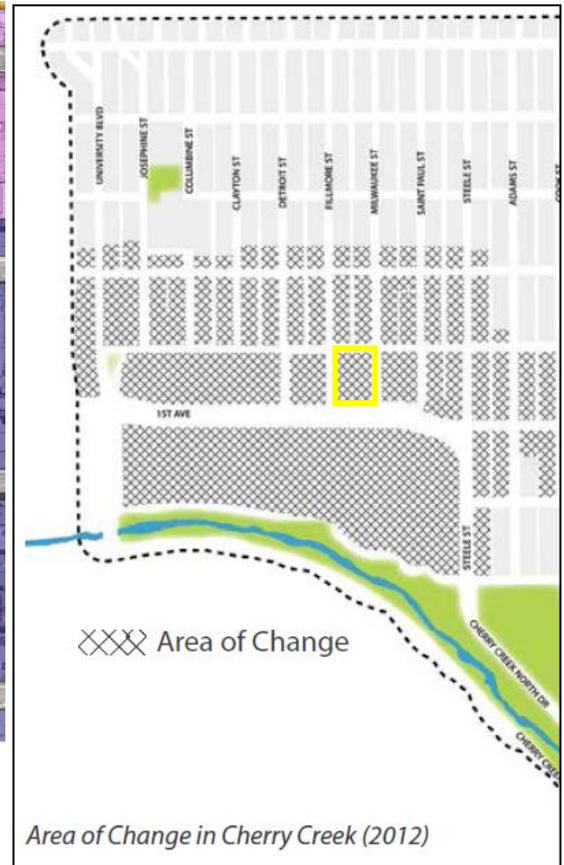
According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Regional Center and is located in an Area of Change. The 2012 Cherry Creek Area Plan confirmed these land use classifications for this site.

### Future Land Use

“Ideally, a regional center has a balance of retail, employment and residential uses; however, many began as one major use, such as a regional shopping center or a large office park. These centers cover a fairly large area and are dense enough to encompass both the dominant use and a wide variety of other uses. These centers have an atmosphere that is attractive to patrons from throughout the region. 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” (p. 43). The Amended PUD #617 zone district will maintain and enhance the balance of uses within Cherry Creek. The associated Design Standards and Guidelines for Cherry Creek North will ensure the high quality atmosphere and continue to attract patrons from throughout the region as the premier retail destination in the west.



2002 Blueprint Denver Plan Map.



Area of Change in Cherry Creek (2012)

### Area of Change

As noted, the 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” (p. 127). Blueprint Denver provides additional specific 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” (p. 134).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. Access to jobs, housing, and services can be improved by the Amended PUD #617 zone district, and this site has access to multiple bus transit lines.

### Urban Design Review

Blueprint Denver also has 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” (p. 80). The Design Standards & Guidelines for Cherry Creek North and the Design Advisory Board review all projects ensuring they meet the intent of the design review district.

### Street Classifications

Blueprint Denver classifies the 1<sup>st</sup> Avenue as a Mixed Use Arterial, 2<sup>nd</sup> Avenue as a Main Collector and Milwaukee and Fillmore as Undesignated Local Streets. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” The Arterial Street “is 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.

Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity”. Main Streets “serve the highest intensity retail and mixed land uses in the areas such as downtown and in regional and neighborhood centers.” The Amended PUD #617 zone district is proposed at Fillmore Place, and includes appropriate street classifications for this district.

The proposed map amendment to Amended PUD #617 will enable growth in an area that Blueprint Denver identifies as appropriate for change and as an urban center with high-intensity mixed uses.

### **3. Small Area Plan: 2012 Cherry Creek Area Plan**

The Cherry Creek Area Plan includes framework plan recommendations that apply throughout the planning area and subarea recommendations targeted to specific areas within Cherry Creek.

#### CCAP Framework Plan Recommendations

- *“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 rather than stable neighborhoods.” (p. 29)*

As indicated in the plan text and the adjacent plan map, and consistent with Blueprint Denver, this site remains in an area of change where growth is desirable.

- *“Include design elements and details such as pedestrian scaled signage, transparent windows, storefronts, building entries, building articulation, patio seating, pedestrian plazas and courtyards.” (p. 30)*

The Amended PUD #617 zone district includes varied setbacks and height requirements. Additionally, all of these elements are addressed through Design Standards and Guidelines

- *“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:*
  - i. Adjacency to multi-modal corridors (includes the shopping district segments of 1<sup>st</sup> Avenue and Steele Street as well as the Cherry Creek Greenway and Colorado Boulevard)”*
  - ii. Major intersections (1<sup>st</sup> and Steele, 1<sup>st</sup> and University)*
  - iii. Adjacency to major public open spaces (such as the Cherry Creek Greenway) (p. 32)*

The proposed rezoning is consistent with the recommendation for buildings offering increased development intensity.

- *“Any new development should reinforce the pedestrian scale and character of Cherry Creek.” (p. 32)*

All proposals will be reviewed by the Cherry Creek North Design Advisory Board based on the Design Standards & Guidelines for Cherry Creek North.

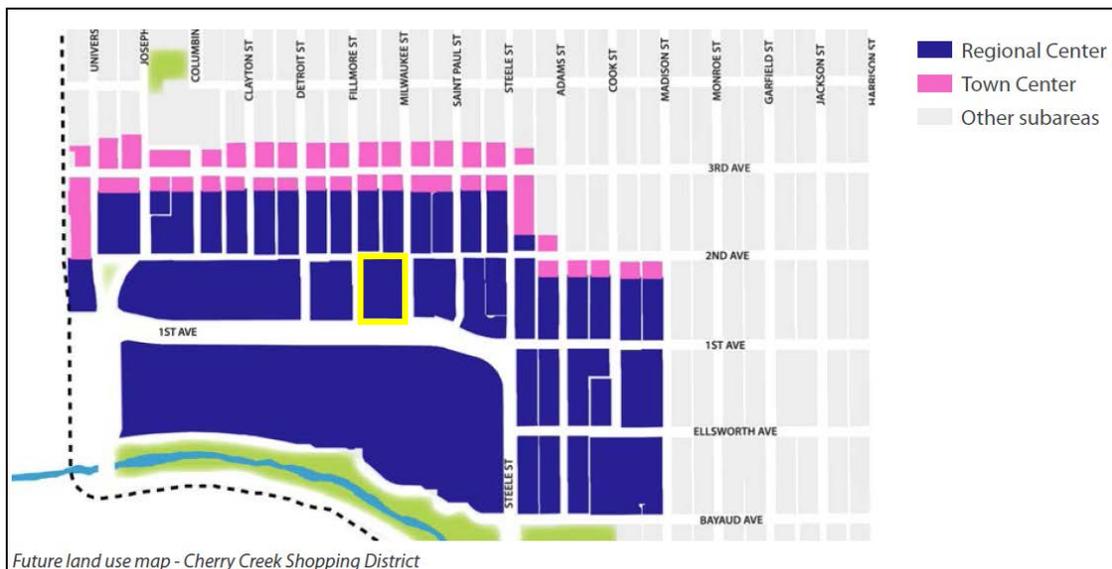
- *“Plan concepts and recommendations point to the benefit of attracting more people – residents, employees, and visitors – and reinvestment to areas of change, namely the Shopping District and Cherry Creek Triangle. As these sites and areas develop and redevelop over the next ten or twenty years, it 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.” (p. 48)*

Rezoning will allow additional residential development and reinvestment that cannot be achieved under the current PUD zoning.

#### CCAP Subarea Strategies – Entire Cherry Creek Shopping District Recommendations

This site is located within the boundaries of the “Cherry Creek Shopping District” Subarea.

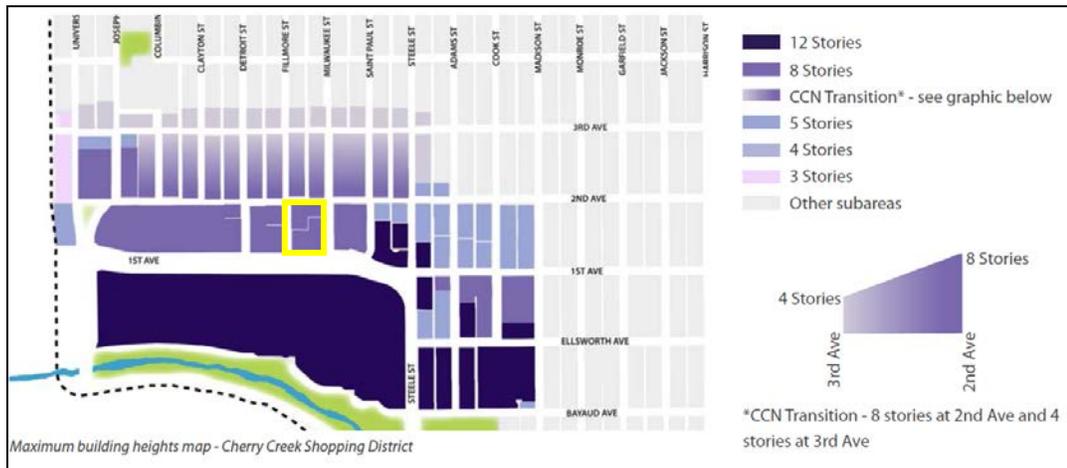
- *“Continue to support a mix of uses in the Regional Center including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries.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



The CCAP Future Land Use Map designates the majority of this 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 zone district is consistent with these land uses.

- *“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.” (p. 58)*

The CCAP Maximum Building Heights Map designates the site as an 8 story maximum building height. The proposed zone district allows a maximum of 8 stories, consistent with the Plan recommendation.



- *“Continue to attract shoppers: more residential, hotel and office development in Shopping District.” (pp. 58-9)*

The proposed zone district allows an increase in residential units compared to the existing PUD (33 units to 15 units).

#### CCAP Subarea Recommendations – CCN Business Improvement District

This site is located within the Cherry Creek North Business Improvement District.

- *Assure design quality. The Cherry Creek North Design Standards and Guidelines and Design Advisory Board have been successful and assure that new development engages the street and reinforces the quality of the pedestrian experience.*

Development on this site will continue to be subject to Design Standards and Guidelines for Cherry Creek North, including review by the Design Advisory Board.

***B. Uniformity of District Regulations and Restrictions***

The proposed rezoning to an Amended PUD #617 will result in the uniform application of zone district building form, use and design regulations.

***C. Public Health, Safety and General Welfare***

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

***D. Justifying Circumstance***

The application identifies changing conditions as the Justifying Circumstance. Specifically, “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.” As discussed above, many adopted plan recommendations state that redevelopment of the area is desired, and the recently adopted plan also recognized that the character of the area is changing. This is an appropriate justifying circumstance for the proposed rezoning.

**VIII. Planning Board Recommendation**

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The Denver Planning Board held a public hearing on this application at their regularly scheduled meeting on February 20, 2013. Planning Board recommended approval of this application by a vote of 7 in favor and 0 opposed.

**IX. Staff Recommendation**

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Based on the criteria for review as defined above, Staff recommends Planning Board recommend approval for rezoning the property located at Fillmore Place (Application #2012I-00045) to Amended PUD #617.

**Attachments:**

1. Application
2. Map Series – (Aerial, Zoning, Blueprint Map)
3. Correspondence



DENVER  
THE MILE HIGH CITY

# Zone Map Amendment (Rezoning) for PUD - Application

1/26/12

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	SE Fillmore, LLC; Bob Mattucci	Representative Name	open studio   architecture; Blake Mourer
Address	3033 E. First Avenue, Suite 4	Address	141 S. Broadway, Ste. 202
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80209
Telephone	303-394-5363	Telephone	303-640-3173
Email	bmattucci@realtygp.com	Email	blake@openstudioarchitecture.com
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, 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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	East First Avenue and Fillmore Place		
Assessor's Parcel Numbers:	Block 70; Harmon Subdivision		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	(see attached)		
Area in Acres or Square Feet:	98,660 sq. ft.; 2.26 acres		
Current Zone District(s):	Current Zoning: PUD 617		
PROPOSAL			
Proposed Zone District	<input type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	<b>AMENDED P.U.D</b>
Proposing SubAreas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Intent of PUD:	Increase the DU count from 15 to 33; Increase SF of Residential from 30,000 to 42,000; Change proposed use from Condo's to Apartments		
Standard Zone District: Please list the zone district(s) on which the PUD will be based.	C-MX-8		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary.	Deviation	Why deviation is necessary	



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 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>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.15</p>	<p><input checked="" type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6.</p> <p><input checked="" type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, 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 (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>



**ATTACHMENTS**

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Deviations
- Review Criteria

Please list any additional attachments:

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION**

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 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)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%		01/01/12	(A)	NO
SE Fillmore, LLC; lbmattucci@realtyc	3033 E. First Avenue Denver, CO 80206 303-394-5363		SEE ATTACHMENT			



**2<sup>nd</sup> and Fillmore PUD Application**

**LEGAL DESCRIPTION**

A TRACT OF LAND LYING WITHIN THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BLOCK 70, HARMAN'S SUBDIVISION, AS RECORDED IN BOOK OF PLATS PAGE 98, OF THE RECORDS OF THE CITY AND COUNTY OF DENVER,

**TOGETHER WITH** THE ALLEY IN BLOCK 70, HARMAN'S SUBDIVISION, VACATED BY ORDINANCE NO 316, SERIES OF 1958

**TOGETHER WITH** THAT PORTION OF FIRST AVENUE ADJACENT TO BLOCK 70, HARMAN'S SUBDIVISION, VACATED BY ORDINANCE 167, SERIES OF 1955,

CONTAINING IN ALL, 2.267 ACRES (98,762 SQUARE FEET), MORE OR LESS

## 2<sup>nd</sup> and Fillmore PUD Application

### REVIEW CRITERIA

The following map amendment is consistent with the adopted plans:

1. Cherry Creek Area Plan 2012
2. Blueprint Denver 2002
3. Denver Comprehensive Plan 2000

#### REVIEW CRITERIA 1: Cherry Creek Area Plan 2012

##### **Stated Objective 1** Recommendation B.1 Target Growth Appropriately

Blueprint Denver designates Areas of Change and Areas of Stability to guide decisions on where growth should be targeted within the City of Denver. For Cherry Creek to remain prosperous, growth and change should occur in Areas of Change while enhancing the established residential neighborhoods within Areas of Stability.

##### **Response**

The best way to enhance the Fillmore block is through the addition of residential use. The already thriving office and retail uses are proof that the location in central Cherry Creek will support the added use, and further enhance the quality of life for the occupants, but also for the existing office tenants and retailers by adding customers to their block.

##### **Stated Objective 2** Recommendation B.1.B Areas of Change

Acknowledge that to remain prosperous, Cherry Creek must continue to **grow and change**. In order for this growth 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 rather than stable neighborhoods.

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.

##### **Response**

The Fillmore block between First and Second Avenue continues the reinvestment started in 2006 with the former Neusteder's Department store conversion to its current use as West Elm and Pura Vita. This reinvestment was envisioned alongside a newly improved Fillmore Retail (completed in 2010), and improvements to the 2<sup>nd</sup> avenue retail and residences above the existing parking garage. This reinvestment further diversifies this block with the addition of residential uses not currently on the block and improves the overall built environment by transforming the parking garage, improving the retail access and upgrading the materials overall.

##### **Stated Objective 3** Recommendation B.2.B Architecture

The architecture of the buildings has a direct correlation to the understanding of a place. Buildings provide comfort, shelter, activity, destinations, identity, or other iconic symbol. People interact with these structures and are provided a sense of place through the detailing, scaling elements and purpose behind the design of each building. The combination of buildings provides the artistic palette informing continued design choices throughout subareas.

The following strategies promote appropriate architectural elements:

- Orient buildings and entries toward the street using context sensitive setbacks.
- Include design elements and details such as pedestrian scaled signage, transparent windows, storefronts, building entries, building articulation, patio seating, pedestrian plazas and courtyards.
- 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.

- Provide visual interest at ground level and active ground floor uses along the building frontage: articulate façade treatments by creating a regular pattern of storefronts, providing a range of entry features and signage.
- Encourage a regular rhythm of buildings and building entries along the street.
- Place buildings to define the street edge.

### Response

The proposed zoning further completes the block by adding interest above the street level with the addition of the residential units above the parking garage. This use above the street provides a scale-appropriate design with a height consistent with new developments along Second Avenue, and steps back appropriately at the 55' height to help reduce the negative impact of the taller structure to pedestrians on Second Avenue. At the ground level, the retail is greatly improved by providing a new storefront system with clear glazing, higher glass line, and accessible access to 100% of the retail along 2<sup>nd</sup> avenue. These improvements also push the storefront closer to the street making the retail zone more apparent to adjacent pedestrian traffic and strengthen the street edge.

## REVIEW CRITERIA 2: Blueprint Denver 2002

### Stated Objective 1 Regional Centers

Ideally, a regional center has a balance of retail, employment, and **residential** uses; however, many began as one major use, such as a **regional shopping center** or large office park. These centers cover a fairly large area and are dense enough to encompass both the dominant use and a wide variety of other uses. These centers have an atmosphere that is attractive to patrons from throughout the region. **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**.

Urban Centers: Improve and add new centers to create vibrant urban areas that serve not only Denver neighborhoods, but also the region. Downtown and **Cherry Creek** are Denver's centers with the greatest regional draw.

### Response

These objectives could not be more accurately defining of what the Fillmore Block is attempting to create. The added use of residential further enhances the work, live and play ability in Cherry Creek, cohesion to the already well-established retail and office uses and creates a strong balanced program for the entire block.

### Stated Objective 2 Direct Growth to Areas of Change

"An ideal place to direct development is vacant land near downtown." Much of Denver's growth will be accommodated by infill development on vacant land or through redevelopment of existing sites. Further, Blueprint Denver calls for improved neighborhood cohesion, reduction of urban sprawl and residents more directly connected to services and amenities within their immediate living environment.

### Response

The Fillmore residences are located on a "vacant lot", but not in the traditional sense—the subject site is currently used as the top deck of the Second Avenue parking garage, so while vacant, it is not a greenfield, nor is it an undeveloped plot of land—making this more of an enhancement of the current use, making the area more effective by adding new uses and further density to the site.

## REVIEW CRITERIA 3: Denver Comprehensive Plan 2000

### Stated Objective 1 Strategy 3-B Residential Neighborhoods and Business Centers

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.

### Response

The Fillmore block continues to redefine itself with better retail frontage, more inviting pedestrian experiences and uses that mirror the intended diversity that creates the successful character of Cherry Creek. The increased density not only brings more vitality to the Second Avenue portion of the block, but it also adds a new use—residential. This 33 key residential project will add to the overall character of the streetscape and further provide customers to the vital retail landscape in the area.

**Stated Objective 2** Strategy 2-E New Development, Traditional Character  
Ensure that the Zoning Code reinforces quality urban design.

**Response**

By continuing the retail upgrades first seen at the West Elm/Pura Vida building and later along Fillmore, the Second Avenue improvements will follow the design quality and principles by improving the retail exposure with clear glazing, improving the pedestrian access by infilling the sub-grade access and will transform the “garage wall” that currently meets the street, with upgraded materials that will help to veil the parking above, and celebrate the retail at street level.

**Stated Objective 3** Strategy 2-F Conserve Land by:

- Promoting infill development within 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 neighborhoods.

**Response**

As stated above, the proposed addition of the Residential component will further densify and diversify the block to better balance the uses from simply office (work) and retail (play) to adding the “live” portion to the mix. In addition, the site is already in place so no greenfield or virgin land will be disrupted to create this addition to the development—it will simply occupy the top of the garage, as was intended when first built in the 1970’s through enhanced foundation design—anticipating a future need of residential need in this neighborhood.

**1. SCHEDULE**

- a. Date of pre-application conference  
City representative(s) present November 27, 2012
- b. Submittal date of preliminary application November 27, 2012
- c. Submittal date of completed application December 5, 2012
- d. Application is scheduled for a:
  - Planning Board Hearing on \_\_\_\_\_.
  - Planning Office Hearing on \_\_\_\_\_.
  - Planning Staff Review.

**2. DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)**

The use of terms “Article” or “Section” refer to portions of the Revised Municipal Code of the City and County of Denver. It is required that the current terms and uses already defined in Former Section 59-2 of the Zoning Ordinance be used in describing this proposal. Terms like “retail” or “light industrial” require further definition. Gross floor area shall include interior balconies and mezzanines, but shall not include parking garages, any story of a building where at least seventy-five percent (75%) of that floor is occupied by mechanical equipment or any story where the ceiling is less than four (4) feet above grade. Attach additional sheets if necessary.

**a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE**

	Use	Maximum Square Feet
A.	Office: non-dental, non-medical	111,221
B.	Retail, service, office	41,942
C.	Dwelling, multiple unit	41,559
	Total Square Feet	194,722

MAXIMUM FLOOR AREA RATIO (F.A.R) 1.97: 1.

The floor area ratio is the ratio between the gross floor area of a building to the area of the zone lot on which the building is constructed. NOTE: Land area dedicated for public streets is not included in the area of the zone lot.

MAXIMUM NUMBER OF DWELLING UNITS: 33.

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE: 14.60 D.U./AC.

\*

**b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES**

	<b>SQUARE FT</b>	<b>% OF SITE AREA</b>
Maximum area of building coverage (including garage(s) and all other accessory structures):	85,405	86.6
Maximum area of drives and parking:	0	0
Maximum area of other impervious surfaces:	13,255	13.4
<b>MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES</b>	<b>98,660</b>	<b>100</b>

\*

**c. LANDSCAPED AND/OR PERMEABLE AREAS**

	<b>SQUARE FEET</b>	<b>% OF SITE AREA.</b>
Minimum area of live or organic landscaped lot coverage:	0	0
Approximate area of non-live material coverage (graveled or other areas with permeable surfaces):	0	0
<b>MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:</b>	<b>0</b>	<b>0</b>

\*No change from **PUD 617**

**d. PROJECT AREA TOTALS (totals of “b” and “c” above)**

	<b>SQUARE FEET</b>
Building and impervious surfaces:	98,660
Landscaped and/or permeable areas:	0
<b>TOTAL SITE AREA: (This area must equal the site area listed on page 1)</b>	<b>98,660</b>

\*No change from **PUD 617**

**e. SETBACKS**

The minimum setbacks for buildings are shown on the District Plan. A building envelope may be used to graphically depict the minimum setbacks required.

North:	<u>5</u> feet	OR	Front:	_____ feet
South:	<u>10</u> feet		Rear:	_____ feet
East:	<u>0</u> feet		Side:	_____ feet
West:	<u>5</u> feet			

The minimum spacing between buildings shall be 0 feet

Permitted encroachments into the minimum setbacks for buildings shall conform to Former Section 59 - 247 of the CCN zone district. Stairs and Access may encroach any distance into setback.

Official Parkway Setback requirements for this P.U.D. are: \_\_\_\_\_ feet for buildings and \_\_\_\_\_ feet for signs.

\*Not applicable

**f. MAXIMUM HEIGHTS OF STRUCTURES**

The maximum height of structures shall be 8 stories which shall not exceed a total of 86 feet. NOTE: The height of a building shall be determined by the vertical distance from the highest point of a pitched roof or the top of parapet around a flat roof to the average elevation of the corners of the proposed building at the finished grade.

Rooftop features (such as solar collectors, antennas, chimneys, flues, vents and air conditioning equipment) may exceed the maximum height of structures by 16 feet.

Bulk plane restrictions  shall  shall not be required. If required, bulk plane restrictions shall conform to Former Section 59 - \_\_\_\_\_ of the \_\_\_\_\_ zone district. NOTE: Solar collectors and mechanical equipment are not exempted from bulk plane regulations!!

\*

**g. OFF-STREET PARKING**

This project shall contain off-street parking spaces at the ratios shown in the following chart. If completed to the maximum floor area, the project shall contain a minimum of 474 off-street parking spaces. Parking for residential uses should be expressed in number of spaces per dwelling unit. NOTE: Any floor area utilized by a permitted use listed under 2.a. in a story where the ceiling is less than four (4) feet above grade shall be calculated into the off-street parking requirement.

<u>Office: non-dental, non-medical</u> Use A	<u>356</u> square feet Parking Ratio
---	---

<u>Retail, service, office</u> Use B	<u>356</u> square feet Parking Ratio
---	---

<u>Dwelling, multiple unit</u> Use C	<u>1.33</u> per D.U. Parking Ratio
---	---------------------------------------

NUMBER OF OFF-STREET PARKING SPACES PER  
DWELLING UNIT: 1.33

MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR PERSONS  
WITH DISABILITIES: 10.

Does this P.U.D. comply with the use and maintenance requirements of Former Section 59-585(2)-(9)? Yes  No

Do the parking spaces and/or aisles in this P.U.D. comply with the requirements of Former Section 59-588, Chart No. 1?  Yes  No. If **no** complete the following section:

PARKING SPACE

Universal space dimensions	<u>8' 6" x 17' 6"</u>
Compact space dimensions	<u>7' 6" x 17' 6"</u>
Large space dimensions	
Ratio of compact spaces to large spaces	<u>1:2</u>

DRIVING AISLES

Aisle widths	<u>23' 0"</u>
Angle of stalls	<u>60 and 90 degree</u>

Will this project contain parking for bicycles? Yes  No  If yes, bicycle parking requirements shall be 10. Will this (these) bicycle parking area(s) comply with the rules and regulations for dimensional and equipment standards of Former Section 59-582(e)? Yes  No . If not, bicycle parking fixtures and locations shall be approved by the City Bicycle Planner (720-865-2453).

\*

**h. OFF-STREET LOADING**

This project contains 4 off-street loading space(s). Will this (these) space(s) conform with dimensions required in Former Section 59-599? Yes  No  If not, off-street loading space dimension requirements shall be: (1) 10' x 75', (2) 10' x 18' and (1) 10' x 33'.

\*Existing off-street loading spaces to remain

**i. SURFACE DRAINAGE**

The rules and regulations of the Wastewater Management Division will require certain design and construction considerations to control surface water runoff. Does the site contain a flood hazard area as identified by the Federal Emergency Management Agency?  Yes  No Does the site contain wetland areas?  Yes  No For assistance in answering these questions, contact the Wastewater Management Division at 303-446-3400.

\*

**j. INTERIOR STREETS, DRIVES, PARKING AREAS AND PEDESTRIAN WALKWAYS**

Interior streets, drives, parking areas and pedestrian walkways within the P.U.D. district, if any, are shown on the District Plan.

\*

**k. EASEMENTS**

Existing and/or proposed utility and/or access easements are shown on the District Plan or are located as follows: indicated on the District Plan.

\*

**l. LANDSCAPING AND BUFFERING**

Areas to be landscaped must be shown on the District Plan. However, a more detailed landscaping plan may be required by the Planning Office as a part of this application. All foliage shall be maintained in a healthy, growing and safe condition. NOTE: A detailed landscaped plan is required as a part of the site plan review phase after the rezoning is approved.

NUMBER OF EXISTING TREES: 30.

MINIMUM NUMBER OF TREES TO BE PLANTED:

On private property: 0.

On public right of way or in tree lawns: 0.

If street trees are proposed or required in the public right-of-way, such trees shall be installed in accordance with the requirements of the City Forester (303-964-2480). If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (303-757-9930).

MINIMUM SIZE OF TREES AT TIME OF PLANTING:

Evergreens/Coniferous (height): \_\_\_\_\_.

Deciduous (caliper): \_\_\_\_\_.

Ornamental (caliper): \_\_\_\_\_.

MINIMUM % OF EVERGREEN OR CONIFEROUS TREES: \_\_\_\_\_.

MINIMUM NUMBER OF SHRUBS TO BE PLANTED ON PRIVATE PROPERTY: \_\_\_\_\_.

MINIMUM SIZE OF CONTAINER AND HEIGHT AND/OR SPREAD REQUIREMENTS FOR PLANTED SHRUBS: \_\_\_\_\_.

Does the proposed P.U.D. comply with parking lot landscaping requirements of Former Section 59-585(11) Yes  No

All foliage shall be maintained in a healthy, growing and safe condition.

#### FENCES AND/OR WALLS

The height of fences and/or walls which may be built in the P.U.D. district, except for the front setback space, shall be a minimum of 0 feet and a maximum of 6 feet

The height of fences and/or walls which may be built within the P.U.D. district front setback space shall be a minimum of 0 feet and a maximum of 6 feet

Size and types of materials permitted for such fences and/or walls are shown on the District Plan. Fences and/or walls shall be either solid and view obscuring or open and view permitting as required by the District Plan. NOTE: Any fence heights exceeding the preceding requirements shall be subject to former former Section 59-38(11), Overheight Fences and Walls.

Will earthen berms or mounds be installed? Yes  No  Such earthen berms or mounds shall be landscaped and shown on the District Plan. The height of earthen berms or mounds shall be a minimum of \_\_\_\_\_ feet and a maximum of \_\_\_\_\_ feet.

\*

**m. BOAT, CAMPER, TRAILER AND RECREATIONAL VEHICLE STORAGE**

Boat, camper, trailer and recreation vehicle storage  is  is not permitted on the property. All such storage facilities shall be shown on the District Plan. If boat, camper, trailer and recreation vehicle storage areas are permitted, screening fences **are required**. Such fences shall be **solid and view obstructing**. Fences shall be a minimum of \_\_\_\_\_ feet and a maximum of \_\_\_\_\_ feet in height.

MAXIMUM LENGTH OF BOAT, CAMPER, TRAILER AND/OR RECREATION VEHICLE PERMITTED: None Permitted.

\*

**n. DEDICATIONS AND IMPROVEMENTS**

The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. **VACATIONS AND/OR DEDICATIONS MUST BE APPROVED PRIOR TO OR AT THE PUBLIC HEARING ON THIS PROPOSAL.** If this proposal involves the vacation of certain public rights-of-way for incorporation into the project area, contact the Public Works Department at 720-865-3124.

\*No dedications or vacations required.

**o. EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section

59-92 (3) of the CCN zone district.

Reflective glass **may** be used.

Every use, unless expressly exempted, shall be operated within a completely enclosed structure.  Yes  No

\*

**p. NATURAL TERRAIN**

The existing grade of the site **will not** be altered.

\*

**q. UTILITIES**

Describe where the utilities (public and private) serving the property are located  
Please see Existing Conditions Map.

For information contact the following:

Denver Water Board	303-628-6100
Qwest	303-451-2706
Excel Energy	303-571-7502
Wastewater Management	303-446-3590

\*

**r. SIGNS**

The project is regulated by the following:

Former Section 59-537, Signs permitted in all districts  
Former Section 59-538, Sign area measurement  
Former Section 59- 248, Sign regulations for the CCN zone district.

If no specific regulations are referenced above, please indicate the following:

MAXIMUM NUMBER OF SIGNS: \_\_\_\_\_  
MAXIMUM SIGN AREA: \_\_\_\_\_  
TOTAL MAXIMUM SIGN AREA: \_\_\_\_\_  
NUMBER OF GROUND SIGNS ALLOWED: \_\_\_\_\_  
NUMBER OF JOINT ID SIGNS ALLOWED: \_\_\_\_\_  
MAXIMUM SIGN AREA PER JOINT ID SIGN: \_\_\_\_\_  
TOTAL MAXIMUM JOINT ID SIGN AREA: \_\_\_\_\_  
TEMPORARY SIGNS ALLOWED: \_\_\_\_\_  
NUMBER OF CANOPIES AND AWNINGS: \_\_\_\_\_  
CANOPIES AND AWNINGS WILL BE BACKLIT?  Yes  No

NOTE: All ground, monument, and joint ID sign locations and setbacks must be shown on the District Plan.

\*

**s. OUTDOOR STORAGE OF PRODUCTS, MATERIALS OR SOLID WASTE**

Outdoor storage of products and/or materials  is  is not permitted. If permitted, what products and/or materials are allowed? None allowed.

Fences for outdoor storage areas shall be provided. Said fences are solid and shall be a minimum of \_\_\_\_\_ feet and a maximum of \_\_\_\_\_ feet in height.

Outdoor storage of solid waste **is not** permitted. If permitted, fences for such outdoor storage areas shall be provided. Said fences shall be solid and shall be a minimum of \_\_\_\_\_ feet and a maximum of \_\_\_\_\_ feet in height.

NOTE: All outdoor storage areas must be shown on the District Plan.

\*

**t. TRANSPORTATION**

The current traffic volumes on streets in or adjacent to the project must be shown on the Existing Conditions Map. These volumes are available for major streets from the Transportation Engineering Division (720-865-3150), the Community Planning & Development Agency Office (720-865-2915) or may be estimated by the applicant based on a professional traffic study. Streets for which no estimate is available should be so noted on the Existing Conditions Map.

The projected traffic volumes (current traffic volumes on streets in or adjacent to the project + site generated traffic) must be shown on the District Plan. Site generated traffic should be estimated based on the proposed project type, size, and other relevant factors. Ratios for estimating traffic are available in the Institute of Transportation Engineers reference books at the library.

For projects with total daily site generated traffic of more than 200 vehicle trips, or for projects in areas with special problems, a more detailed analysis may be required, and the applicant should contact the Transportation Engineering Division for further guidance.

**PUBLIC TRANSPORTATION**

The nearest bus stop is located (where?): First Avenue and Fillmore Place.

\*

**u. SCHOOLS**

Future school sites **will not** be dedicated as a part of this project.

\*

**v. HOME OCCUPATIONS**

Home occupations **are** permitted. If so permitted, home occupations shall conform to Former Section 59-243 of the CCN zone district.

\*See 59-89 by reference

**w. USES BY TEMPORARY PERMIT**

Uses by temporary permit are regulated by Former Section 59-86 of the CCN zone district.

\*by reference

**x. ACCESSORY USES**

Accessory uses are regulated by Former Section 59-243 of the CCN zone district.

\*See 59-86 by reference

**y. INTERIM USES**

Prior to the development of this project, the property will be used on an interim basis for the following uses within the existing buildings: Existing uses shall remain.

\*

**z. PHASING**

Will the project be developed in phases?  Yes  No If yes, specify the phasing and the improvements to be constructed in each phase.

Anticipated starting date Spring 2013.

Anticipated completion date Spring 2014.

NOTE: A separate site plan review is required for all P.U.D.'s prior to obtaining zoning or building permits for construction. Contact the Zoning Administration (720-865-3000) for more details. This process may be started after the Planning Board hearing has been completed.

\*

**3. WRITTEN STATEMENT**

On an attached page a written statement is given generally describing:

- a.** The proposed P.U.D. and the market which it is intended to serve.
- b.** The proposed P.U.D. and its relationship to the Denver Comprehensive Plan. Where the applicant's objectives are not in substantial conformance with the Denver Comprehensive Plan, the applicant should discuss the changing conditions that justify approval of the proposed P.U.D. District. For help on this contact the Community Planning & Development Agency Office (720-865-2915).
- c.** How, the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.

The Existing Conditions Map is attached following the written statement described above.

**5. DISTRICT PLAN**

The District Plan is attached following the Existing Conditions Map.

This application includes the following listed and attached drawings or renderings:

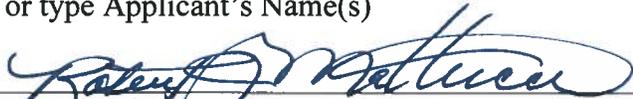
- architectural concepts
- building elevations
- facade treatments
- exterior building materials
- and/or other important features (list): \_\_\_\_\_.

**6. ACKNOWLEDGMENT**

The applicant for this P.U.D. is the owner or owners of all the property contained within the proposed P.U.D. District or is the agent for the owner or owners of all the property contained within the proposed P.U.D. District. NOTE: Agents must supply proof of agency from the owner or owners of the property at the time of application.

The applicant understands that vested property rights shall be created ninety (90) days after the approval of this District Plan by the Denver City Council. These vested property rights shall remain vested for a period of three (3) years in accordance with Former Section 59-29.

SE Fillmore Place, LLC  
Print or type Applicant's Name(s)

By:   
Applicant's Signature(s)

**PUD SUMMARY SHEET**

**PUD SUMMARY SHEET**

**Application #** 2012I-00045  
**Address/Location** East First Avenue and Fillmore Plaza  
**Total Land Area** 98,660 SF

<b>Permitted Uses</b>	
<b>Use A</b>	Office
<b>Use B</b>	Retail sale
<b>Use C</b>	Dwelling, multiple unit

	<b>Proposed Uses</b>			
	<b>Use A</b>	<b>Use B</b>	<b>Use C</b>	<b>Total</b>
Maximum Gross Floor Area (sq. ft.)	111,221	41,942	41,559	194,722
Floor Area Ratio (nonresidential uses)	1.13:1	0.42:1	0.42:1	1.97:1 overall
Maximum Number of Dwelling Units			33	33
Density (dwelling units per acre)			14.60	14.60
Land Coverage				
Buildings:				85,405
Drives and Parking:				
Other				13,255
Parking				
Number of Spaces	312	118	44	474
Ratios (spaces:gross floor area):	1:356 SF (2.8/1,000 SF)	1:356 SF (2.8/1,000 SF)	1.33/D.U.	1:356 SF (non-residential)
Landscaping				
Area of Live Landscaping (sq. ft.):	0	0	0	0
Area of Non-Live Landscaping (sq.ft.):	0	0	0	0

<b>Building Setbacks</b>					
North	5	Feet	Front		feet
South	10	Feet	Rear		feet
East	0	Feet	Side		feet
West	5	Feet			

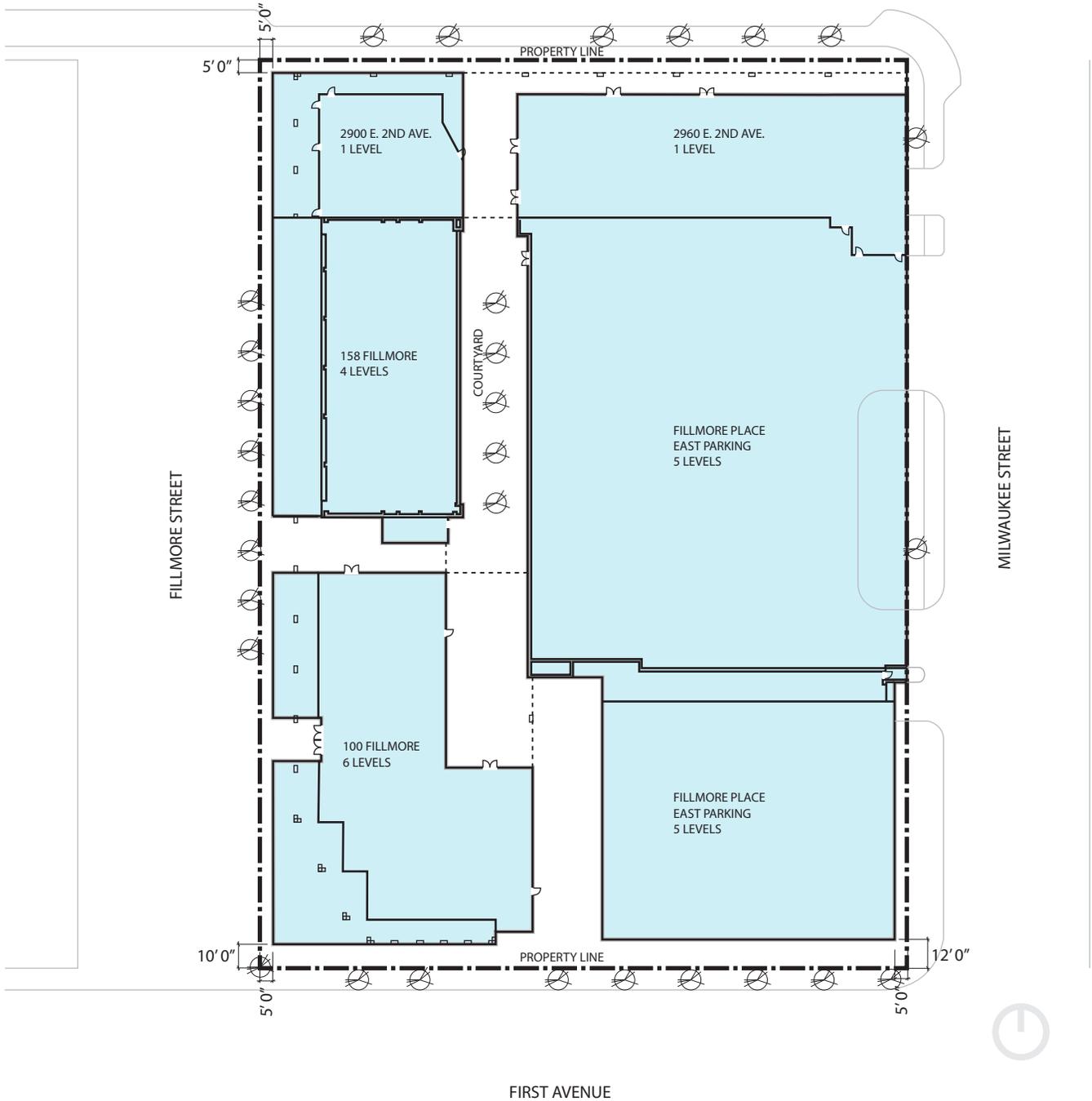
<b>Parkway Setbacks</b>					
Buildings		Feet	Signs		feet
No Parkway Setbacks required					
<b>Required Separation Between Buildings:</b>				0	feet
<b>Maximum Building Height</b>					
Stories	8		Feet	86	

### Written Statement

The Proposed Fillmore Place PUD serves the Cherry Creek North community by providing improved retail space along the Fillmore Plaza. The PUD reflects the intent of PUD 140, September 1981 where residential units were originally planned for the upper level of the Second Avenue Shops parking structure. The dwelling units provide additional residential units in the burgeoning Fillmore Retail area.

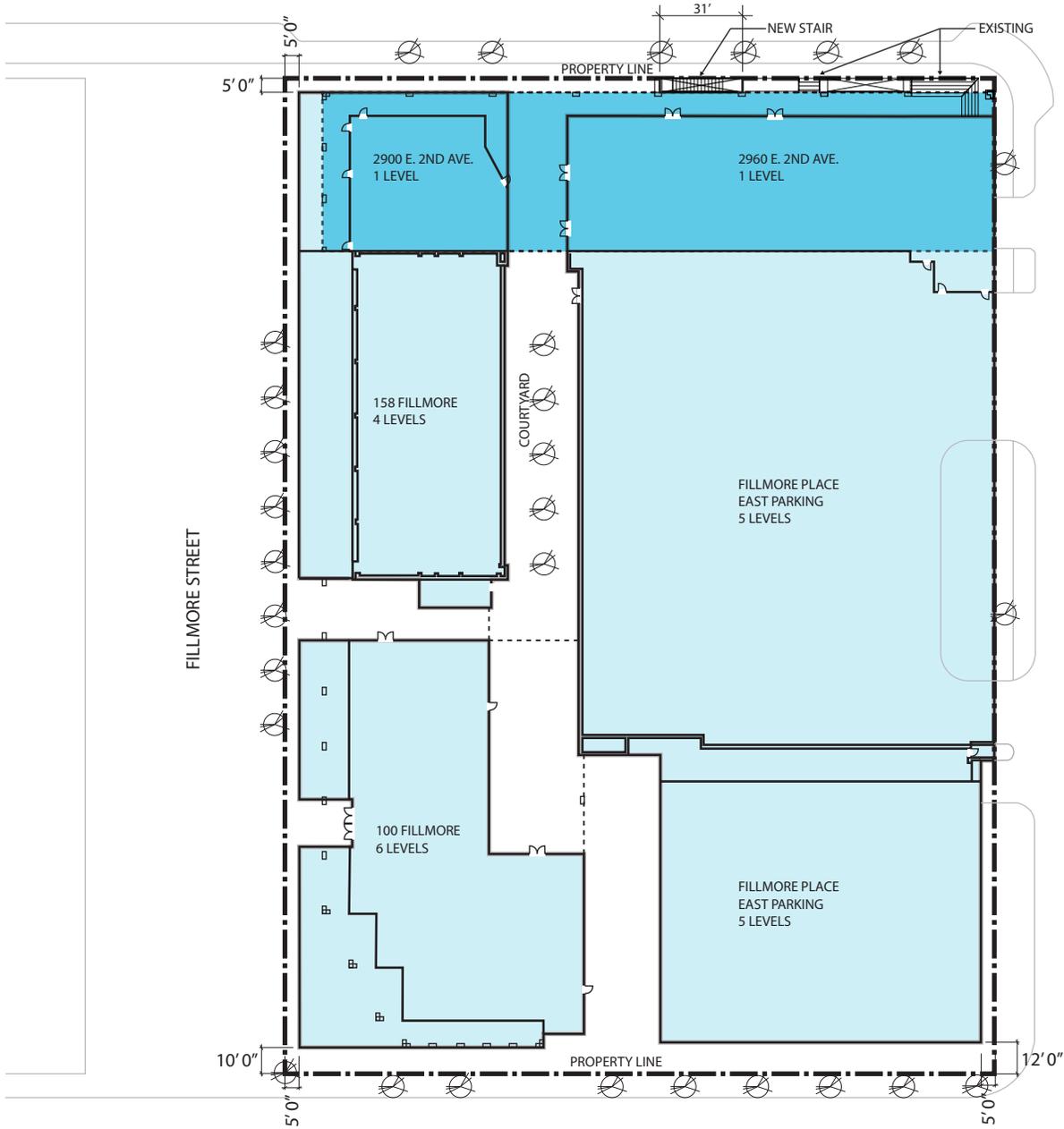
The PUD is consistent with the 2012 Cherry Creek Neighborhood Plan, 2012 Design Standards and Guidelines for Cherry Creek North Design, 2002 Blueprint Denver and Greenprint Denver urban design principles by improving existing walkable amenities in a balanced live, work, shop and play community, notably at the Fillmore Plaza. The proposal compares well with the recent developments along Second Avenue, providing a lower density of development and enhancing the pedestrian retail experience. The development is consistent with the goals and requirements of the Cherry Creek North zone district.

SECOND AVENUE



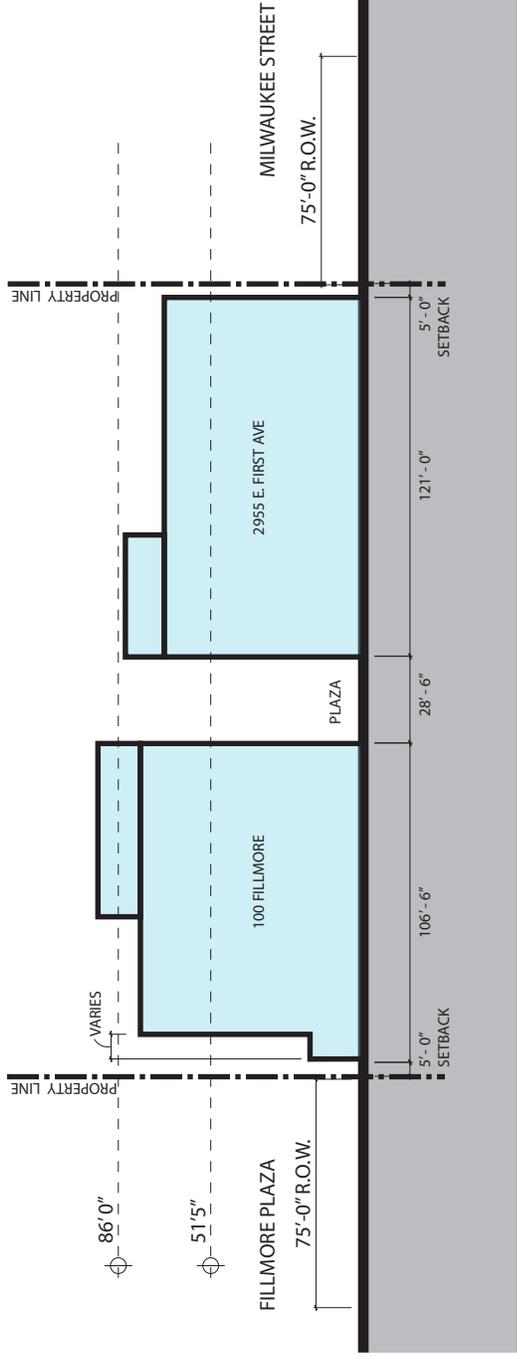
EXISTING PLAN  
SCALE: 1/64" = 1'0"

SECOND AVENUE

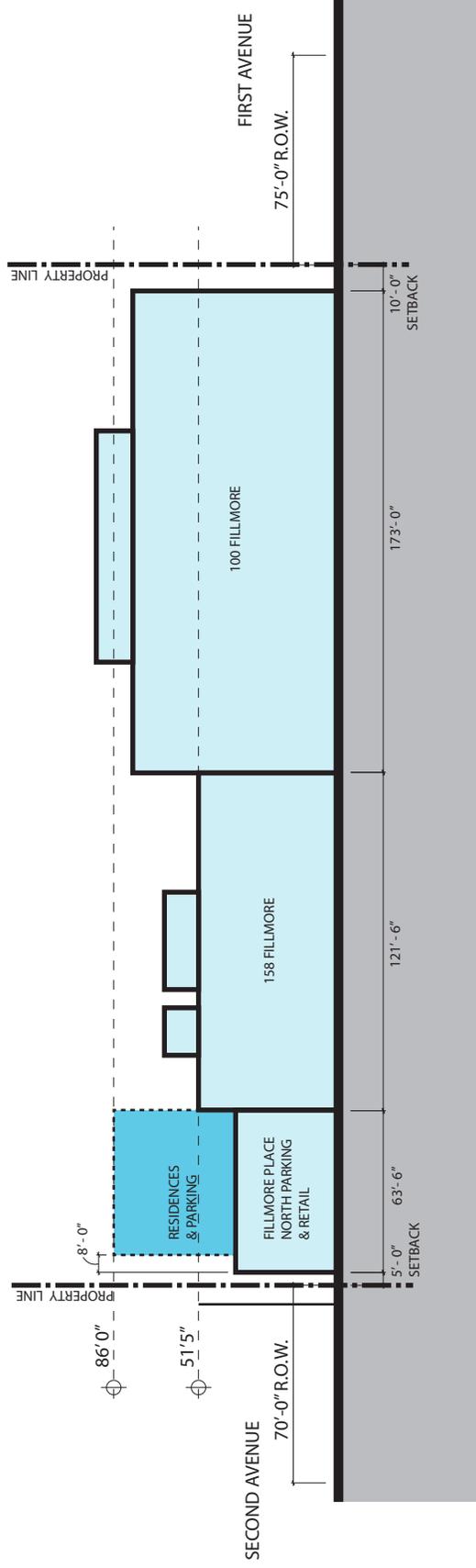


FIRST AVENUE

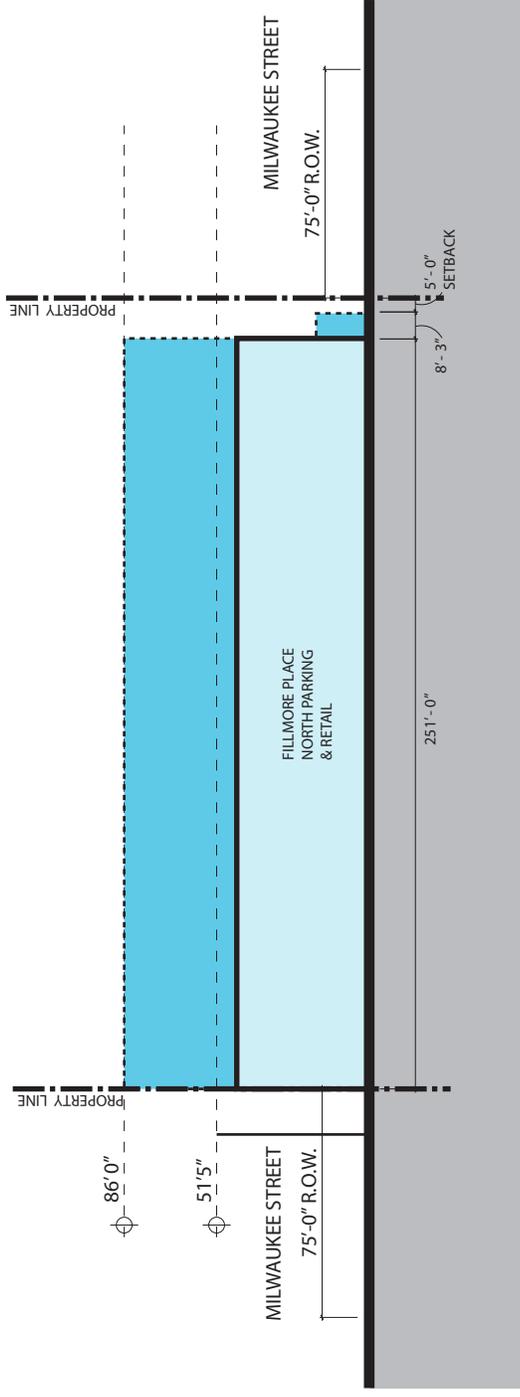
DISTRICT PLAN  
SCALE: 1/64" = 1'0"



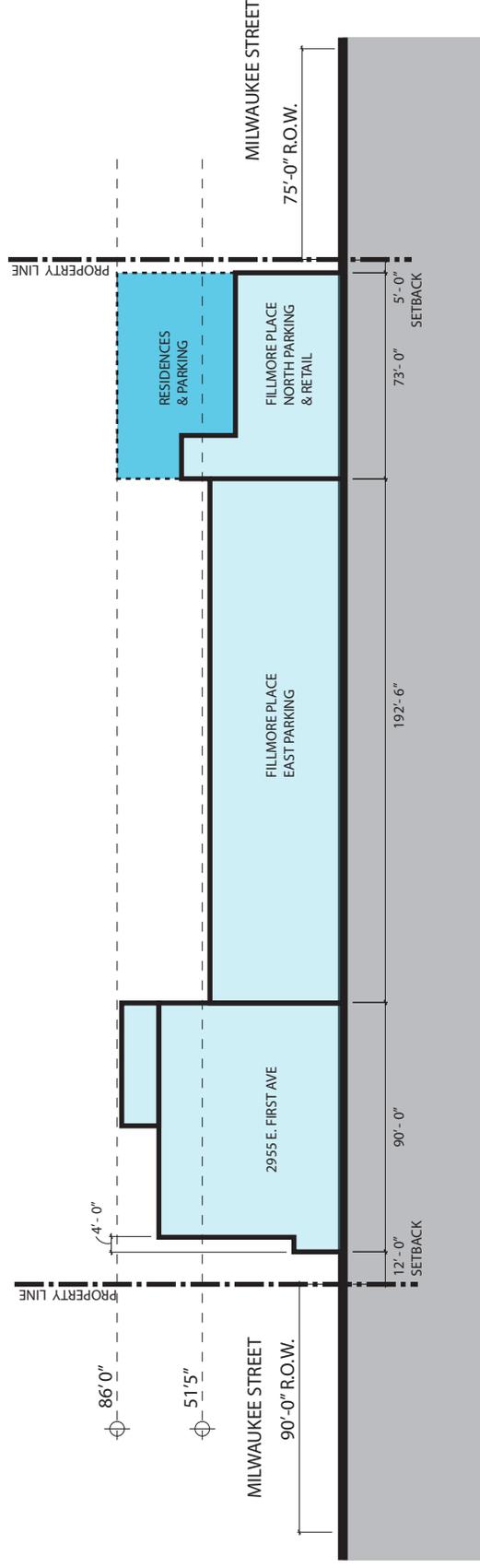
FIRST AVENUE ELEVATION (SOUTH)  
SCALE: 1/64" = 1'0"



FILLMORE PLAZA ELEVATION (WEST)  
SCALE: 1/64" = 1'0"

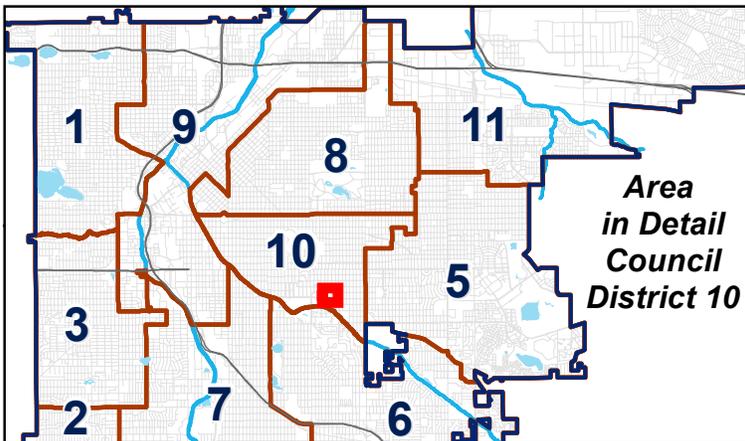
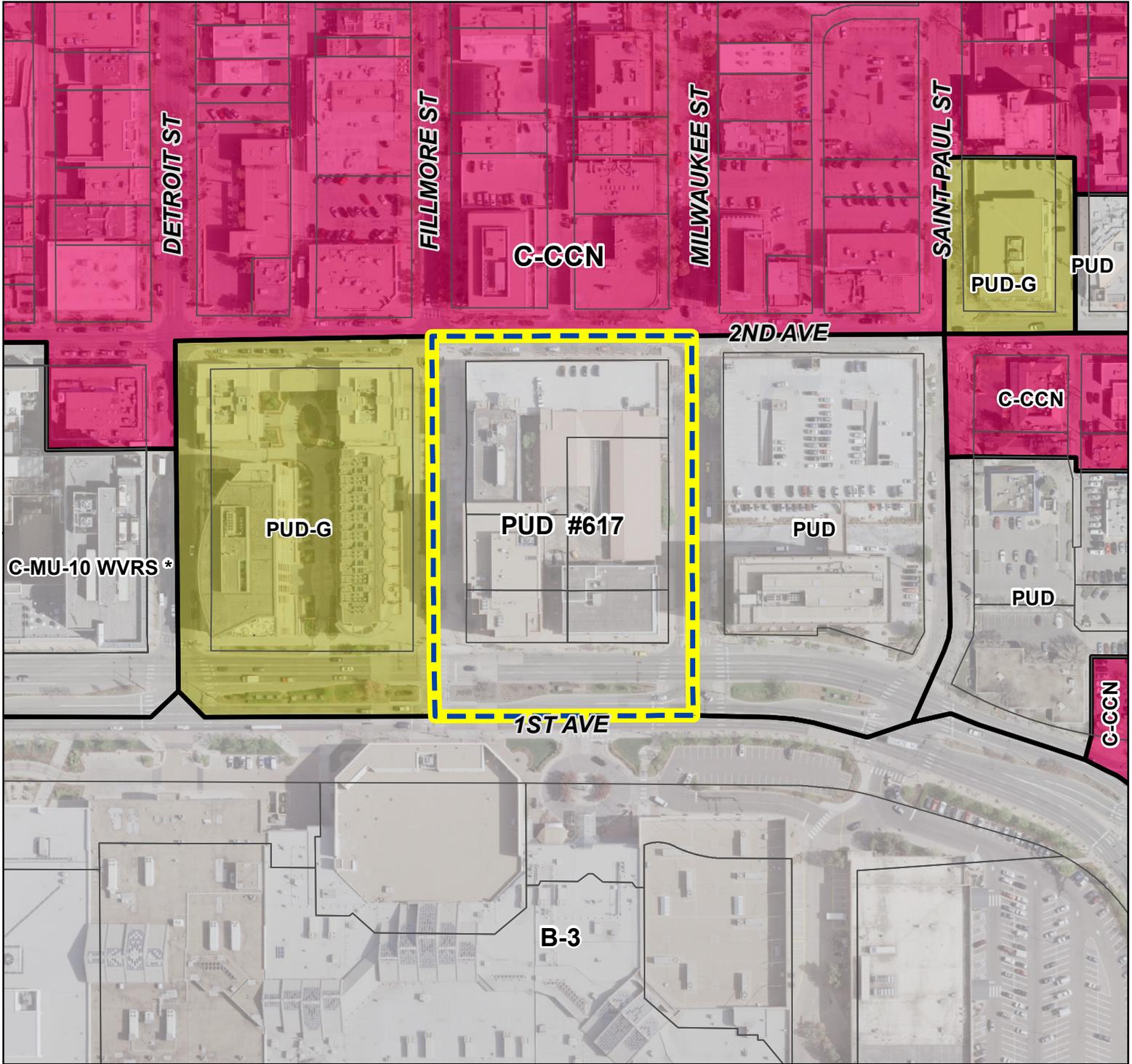


SECOND AVENUE ELEVATION (NORTH)  
SCALE: 1/64" = 1'0"

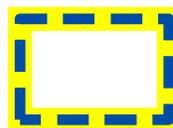


MILWAUKEE STREET ELEVATION (EAST)  
SCALE: 1/64" = 1'0"

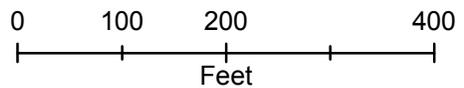
# Pending Zone Map Amendment #2012i-00045



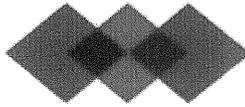
Application #2012i-00045  
Location: 100 Fillmore St.



Proposed Rezoning  
From: PUD #617  
To: Revised PUD (Amends Ch. 59 PUD)



Map Date: 12/27/12



**CHERRY CREEK AREA**  
BUSINESS ALLIANCE

Hon. Jeanne Robb  
Denver City Council District 10  
1437 Bannock St, Room 493  
Denver, CO 80202

March 4, 2013

*RE: PUD 617 Amendment at 1st Ave. and Fillmore St.*

Dear Councilwoman Robb:

The Cherry Creek Area Business Alliance (CCABA) board of directors has reviewed the proposed amendment by SE Fillmore LLC to their PUD 617 at 1<sup>st</sup> & Fillmore Street, which will modify the allowed maximum housing unit count from 15 to 33 units. The CCABA offers its support for this amendment, highlighting the following key points:

**Consistency with Denver Comprehensive, Blueprint Denver and the Cherry Creek Area Plans**

This proposed PUD amendment is consistent with many strategies described in the Denver Comprehensive Plan, Blueprint Denver and the Cherry Creek Area Plan Update. This includes:

- Promoting infill development at sites where services and infrastructure already exist, and expanding the mixed-use nature of Cherry Creek so that residents can live, work and play within their own neighborhoods.
- Encouraging high-quality infill development that is consistent with the character of the surrounding Cherry Creek North district; and
- Directing growth to designated Areas of Change, based on the guiding principle 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 rather than stable neighborhoods.”* (Cherry Creek Area Plan Update, p. 29)

**Enhanced Retail Vitality**

The Cherry Creek area is a primary driver of Denver’s retail and services economy, generating nearly 5 percent of Denver’s sales tax revenue on only 0.14 percent of Denver’s land area. The retail landscape has changed dramatically in recent years, as residents and visitors throughout the

Denver metro area have many new choices for pedestrian-friendly shopping, dining and entertainment. Adding more residents to the Cherry Creek residential base is an important aspect of supporting retail businesses and services in Cherry Creek North and the Cherry Creek Shopping Center.

In closing, the Cherry Creek Area Business Alliance board of directors offers its strong support of this amendment to PUD 617 at 1<sup>st</sup> & Fillmore.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Flynn", with a long horizontal flourish extending to the right.

Bob Flynn  
Chairman  
Cherry Creek Area Business Alliance

CC:  
Denver City Council  
Mayor Michael Hancock  
Denver Community Planning & Development Agency  
Bob Mattucci, Sturm Realty



December 12, 2012

Bob Mattucci  
Executive Vice President  
Realty Management Group, LLC  
3033 East First Avenue, Suite 407  
Denver, CO 80206

Dear Bob:

Consistent with our October 10, 2008 letter, the CCNNA Board of Directors continues to feel that the Fillmore Place construction and its proposed PUD modification of the previously planned 10 condominium residential units to 33 apartment units on 2nd Avenue should add enhanced value, pedestrian friendliness, and vitality to Cherry Creek.

In response to your request for a letter of support related to the amended PUD needed for the Fillmore Place property, it is the policy of the Cherry Creek North Neighborhood Association that the Association does not provide written letters of support for specific residential or commercial developments in CCN. On the other hand, the CCNNA Board will send a letter of opposition to the appropriate City department(s) if the Board feels that a specific development will be detrimental to the value and quality of life of our residents in Cherry Creek North.

The CCNNA Board would like to inform you that it will not be sending a letter of opposition concerning the PUD zoning change related to the Fillmore Place project.

The Board would like to thank you for your openness and willingness to share your plans with CCNNA. This CCN development will surely have a positive impact on the business district, visitors, and neighborhood residents.

If you should have any questions, please feel free to contact me at 303-721-1926.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Hohensee".

Gene Hohensee  
President  
Cherry Creek North Neighborhood Association

Cc: Chris Gleissner, City Planning and Development  
John Albers, Chair, CCNNA Zoning Committee

**From:** [Bob Mattucci](#)  
**To:** [Gleissner, Chris R. - Community Planning and Development](#)  
**Cc:** [Blake Mourer \(blake@openstudioarchitecture.com\)](mailto:blake@openstudioarchitecture.com)  
**Subject:** FW: Letter of support for 2nd Avenue Apartment Project  
**Date:** Thursday, December 13, 2012 9:25:31 AM

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Chris,

Below is the letter of support from Cherry Creek East Neighborhood Association. When I get the original I will forward it to you. Wayne will provide the CCNNA letter tomorrow.

Bob Mattucci  
Executive Vice President  
Realty Management Group, LLC  
3033 East First Avenue, Suite 407  
Denver, CO 80206  
Main – 303.388.3506  
Direct – 303.394.5363

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**From:** Brooks Waldman [mailto:[BWArch@comcast.net](mailto:BWArch@comcast.net)]  
**Sent:** Wednesday, December 12, 2012 11:48 AM  
**To:** Bob Mattucci  
**Subject:** Letter of support for 2nd Avenue Apartment Project



Mr. Robert Mattucci, exe vp  
Realty Management Group, LLC  
3033 E First Avenue, Suite 407  
Denver, CO 80206

December 12, 2012

Dear Bob:

Thank you for reviewing schematic development plans on your proposed apartment project on East Second Avenue with our Cherry Creek East Board of Directors, on Tuesday afternoon. The project appears to be an exciting addition to the East Second Avenue residential and mixed-use environment. It also seems to be consistent with the original intent of the PUD for that location with the exception that it is now proposed as a rental housing project rather than a condominium project. The total number of units is larger, but the floor plates appear to be essentially the same and adequate parking is immediately available in the parking garage below. It seems to be a very nice project and our board is happy to support your efforts to seek administrative zoning approval in order to move forward with the project.

Please keep us posted on progress on the project and good wishes for a happy holiday season.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooks H. Waldman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

*Brooks H Waldman, pres*

Cherry Creek East Assn

(o) [303-320-6800](tel:303-320-6800)

(c) [720-323-5157](tel:720-323-5157)

[brooks@brookswaldman.com](mailto:brooks@brookswaldman.com)

<http://www.cherrycreekeast.org>