



DENVER
THE MILE HIGH CITY

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TO: City Council Land Use, Transportation and Infrastructure Committee
FROM: Theresa Lucero, Senior City Planner
DATE: August 14, 2014
RE: Official Zoning Map Amendment Application #2014I-00018
3300 East 1st Avenue
Rezoning from C-MX-5 to C-MX-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends approval of map amendment application #2014I-00018 for a rezoning from C-MX-5 to C-MX-8

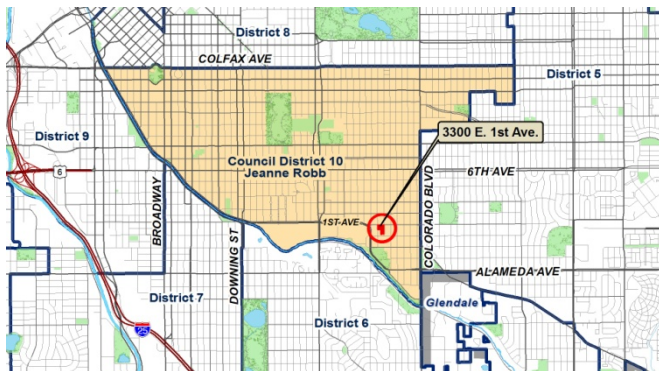
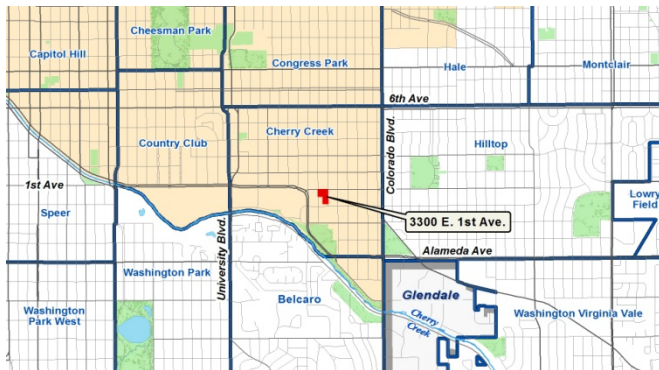
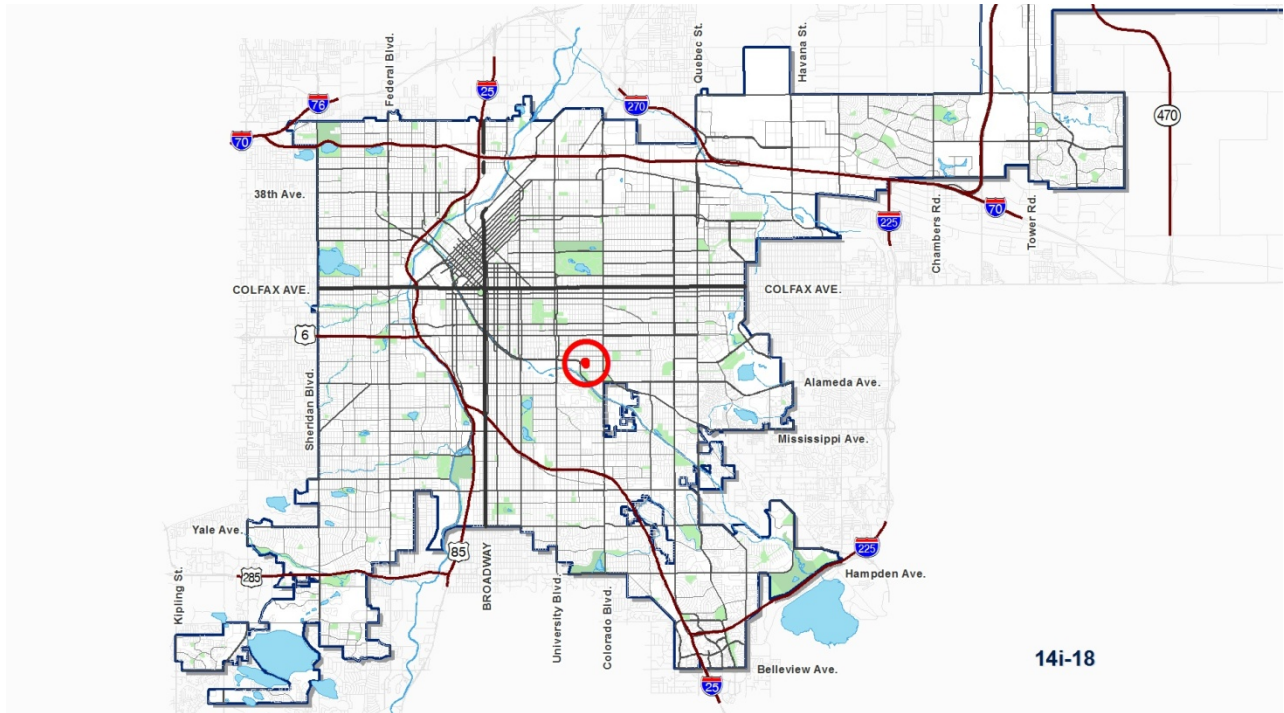
Request for Rezoning

Application: 2014I-00018
Address: 3300 East 1st Avenue
Neighborhood/Council District: Cherry Creek Neighborhood / Council District 10
RNOs: Cherry Creek East Association; Harman Neighborhood Association; Cherry Creek Steering Committee; Inter-Neighborhood Cooperation; Denver Neighborhood Association, Inc.

Area of Property: 79,584 square feet or 1.8 acres
Current Zoning: C-MX-5
Proposed Zoning: C-MX-8
Property Owner(s): Key 3300 Investment, LLC
Owner Representative: Robert J. Gollick, Inc.

Summary of Rezoning Request

- The subject property contains two parcels under one ownership which form an L-shape with the base of the “L” on the south side of East 1st Avenue extending from Adams Street to Cook Street, and the length of the “L” extending on Cook Street from East 1st Avenue south to nearly East Ellsworth Avenue. The property contains two existing structures, both built in 1978, a 92,639 SF office building on the northern parcel, and on the southern parcel, a 2-level parking structure containing 105 parking spaces.
- The property owner proposes to rezone to enable the redevelopment of the parking structure into a high-rise residential structure with 7 levels of residential units and 4 levels of underground parking.
- The proposed **C-MX-8** (Urban **C**enter, **M**ixed **U**se, with an **8** –story height limit) zone district is intended for use in a higher density multi-unit residential neighborhoods and mixed use commercial strips and centers with a variety of building forms. The C-MX-8 zone district is focused on creating mixed diverse neighborhoods while ensuring that new development contributes positively to established neighborhoods. In the Urban Center Context mixed use districts require the same level of pedestrian enhancements as main street districts, though mixed use districts do not require shop-front buildings at the street edge as do main street districts. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC).



Existing Context

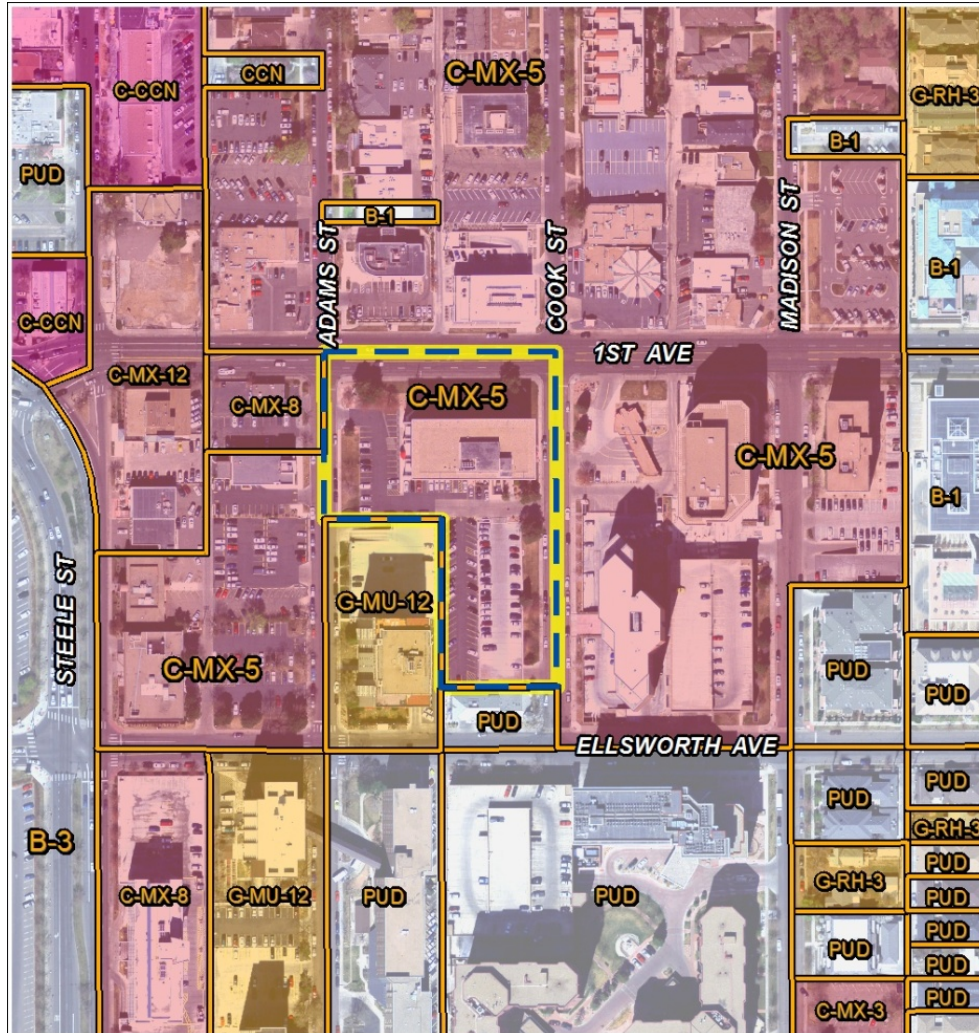
The subject property is located in southeast Denver in the Cherry Creek Statistical Neighborhood. The property is in the southeast corner of the neighborhood, 4 blocks north of East Alameda Avenue, across 1st Avenue from the Cherry Creek North Neighborhood, a block east of the Cherry Creek Shopping Center, and 7 blocks west of Colorado Boulevard. In the general vicinity are the Cherry Creek Shopping Center and the Cherry Creek North commercial center, and the Colorado Boulevard commercial area south of Alameda Avenue. The Cherry Creek North residential area is comprised of moderate density structures ranging in scale from 1 to 3-story single-family, duplex, row home and townhome structures. The Cherry Creek East residential area has two different character areas split by Madison Street. On the east side of Madison Street is a low-to medium scale residential area with a building scale of 1-3 stories with some 4-5-story buildings. The west side of Madison Street is more consistent with the character of 1st Avenue across from the Cherry Creek Shopping Center with primarily high-rise residential and offices buildings with a scale of up to 16 stories. Area parks include James N. Manley Park at 4th & University, the Cherry Creek Greenway and Trail aligned along Cherry Creek, Pulaski and City of Karmiel Park between Bayaud and Alameda Avenues along Cherry Creek North Drive, and across Colorado Boulevard Burns and Cranmer Parks. Area schools include Bromwell Elementary School located at 3rd and Josephine Street, Good Shepherd Catholic Church at 6th and Elizabeth, Hill Middle School at 5th and Clermont Street and Graland Country Day School at 1st and Clermont Street.

The physical context of the neighborhood is a traditional street grid with rectilinear blocks with alleys. Sidewalks are generally detached with tree lawns separating the sidewalk, however, on the subject block sidewalks are attached on 3 sides of the block and the alley is diverted to the east just south of the 1st Avenue existing commercial structure. The block is served by RTD bus route number 1 on 1st Avenue.

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

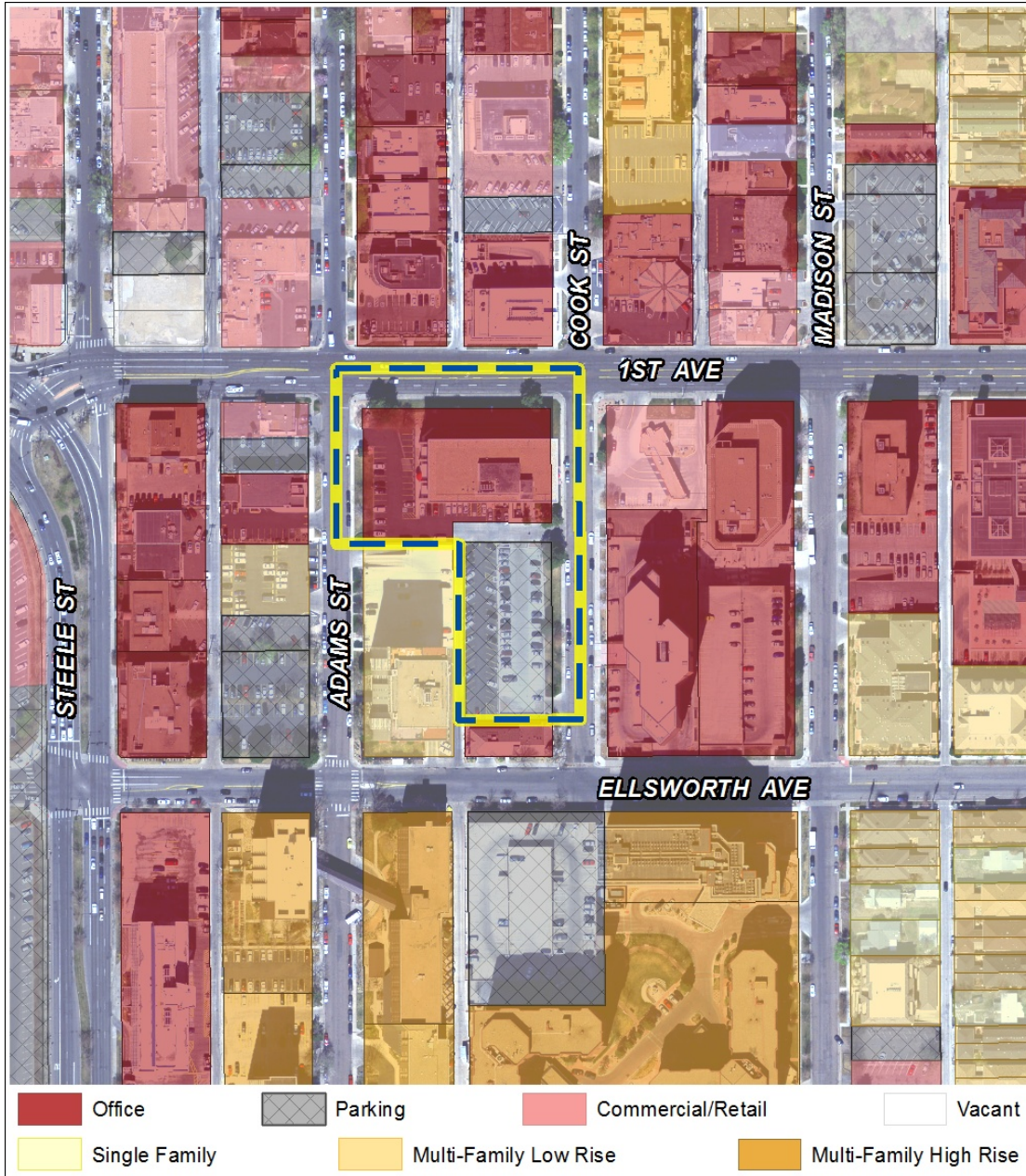
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	C-MX-5	Office, Commercial, accessory structured parking	6-story commercial building, 2-story parking structure, consistent depth of setbacks from both 1 st Avenue and Cook Street	Generally regular grid pattern of streets; Cook Street interrupted south of Ellsworth Avenue by superblock of residential development. Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access), and structured.
North	C-MX-5	Office and retail	1st Avenue – 1 to 3-story commercial buildings, varying setbacks from 1 st Avenue	
South	G-MU-12/UO-3 and PUD 20	High-rise Residential and Office	Ellsworth Avenue – 9 to 14-story high-rise Residential structures with structured parking	
East	C-MX-5	High-rise Office	Cook – 8 & 10-story commercial buildings; varied setbacks from Cook and 1 st Avenue	
West	C-MX-8 and C-MX-5	Residential and Office	West side of Adams Street 2-3 story commercial buildings with surface parking.	

1. Existing Zoning



The subject property was rezoned in the 2010 citywide rezoning to C-MX-5 (Urban Center context, **M**ixed Use with a **5** story height limit) from B-A-1, a Former Chapter 59 Arterial Office and Multi-unit Dwelling zone district allowing a mixture of multi-unit residential and office land uses with a floor area ratio of 2 to 1. The C-MX-5 zone district is intended to promote diverse, mixed use, areas that are pedestrian-scaled with a clearly defined and active public street edge. In the Urban Center context the mixed use districts require the same level of pedestrian enhancements as the Main Street zone districts with shallow front setbacks, high build-to requirements, and ground story activation with primary street entrances and transparency requirements.

2. Existing Land Use Map



Existing Land Use

3. Existing Building Form and Scale



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: Approve, no comments.

Public Works – City Surveyor: The legal description is a simple lot/block and matches our records.

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 May 5, 2014.

Planning Board

- The property was legally posted for a period of 15 days announcing the June 4, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. At that meeting the Planning Board unanimously voted to recommend approval of the proposed rezoning.

Land Use, Transportation and Infrastructure Committee

- Electronic notice of the meeting was sent to all affected Registered Neighborhood Associations 10 days in advance of the meeting. At the meeting Committee members will vote on whether to move the application forward to a public hearing before the full City Council.

City Council

- Electronic notice of the public hearing will be sent to all affected Registered Neighborhood Associations and notification signs were posted on the property 21 days in advance of the hearing.

Registered Neighborhood Organizations (RNOs)

- To date, CPD has received one letter of support from the Cherry Creek East Registered Neighborhood Organization.

Other Public Comment

To date, four letters of support have been received from interested individuals and one support letter as been received from an area business association.

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

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

- **Environmental Sustainability Strategy 2-F - Preserve Land by promoting infill development** within Denver at sites where services and infrastructure are already in place. (p. 39)
- **Land Use Strategy 1-H - Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents** in the Citywide Land Use and Transportation Plan. (p. 58)
- **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. (p. 60)
- **Economic Activity 4-B - Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and the Rocky Mountain region.** (p. 135)

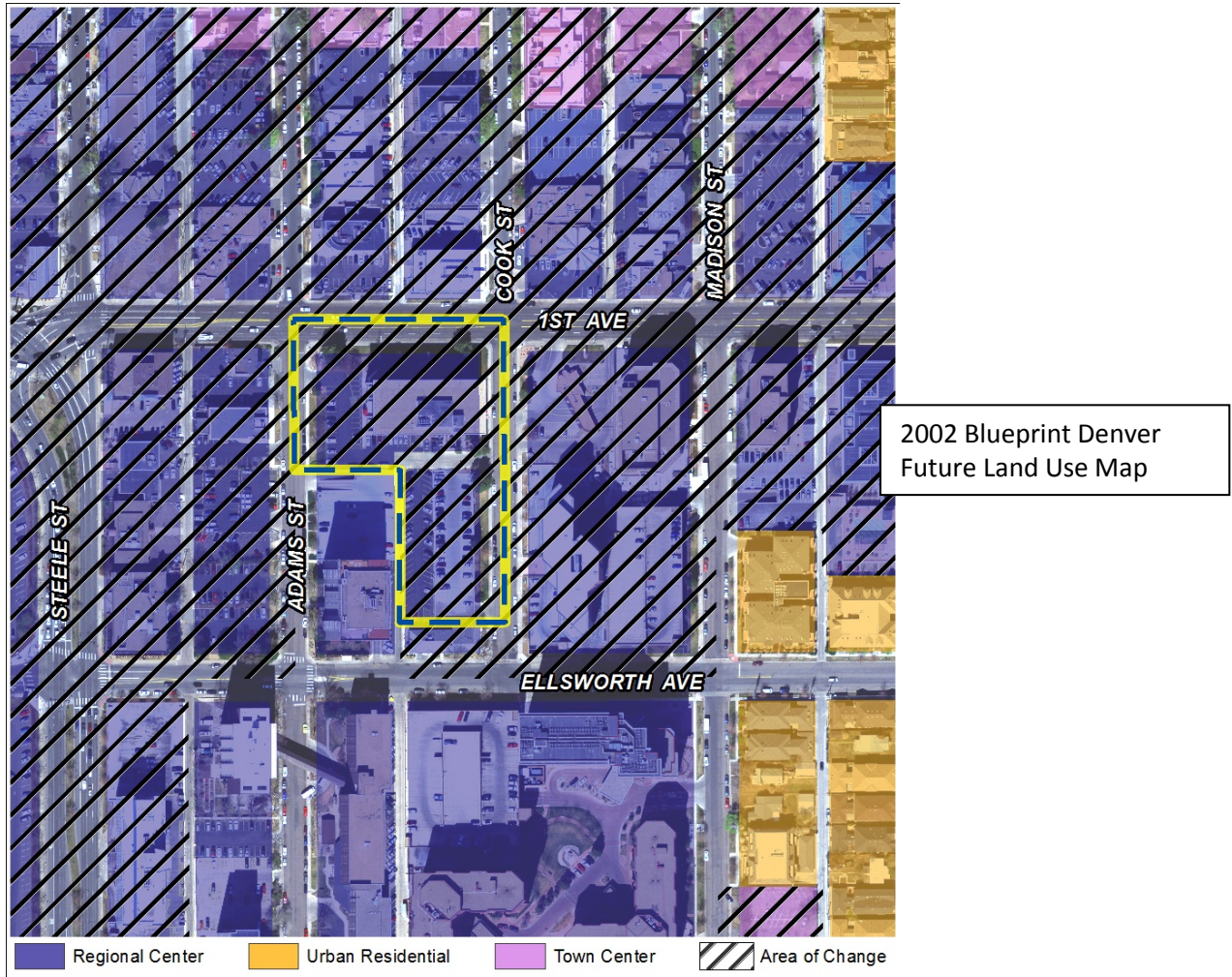
The rezoning is consistent with these plan recommendations. The proposed C-MX-8 zone district allows a variety of residential and commercial land uses. The map amendment will enable the redevelopment of the parking structure into a high-rise residential structure.

Blueprint Denver

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

Future Land Use

The Blueprint Denver *Regional Center* concept land use designation is described in the Plan as containing "a balance of retail, employment and residential uses" and "covering a fairly large area and are dense enough to encompass both the dominant use and a wide variety of other uses...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 proposed redevelopment of the existing parking into a high-rise residential structure is consistent with this land use concept because additional residential uses contribute to the vitality of the Cherry Creek regional center.



Area of Change / Area of Stability

As noted, the subject property is located in a Blueprint Denver 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...A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide a stimulus to redevelop” (p. 127).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendation of channeling growth where it can improve access to services with fewer and shorter auto trips. Locating new residential land uses in close proximity to the shopping and services of the Cherry Creek Shopping Center and Cherry Creek North Shopping Area make this proposal consistent with the goals of Areas of Change.

Street Classifications

Blueprint Denver classifies East 1st Avenue as a Mixed Use Collector, and both Cook and Adams Streets 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.” A Mixed Use Street is “located in high-

intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and is “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns.” The C-MX-8 zone district allows the high-intensity mixed uses envisioned by Blueprint Denver for the Mixed Use Collector streets in Blueprint Denver.

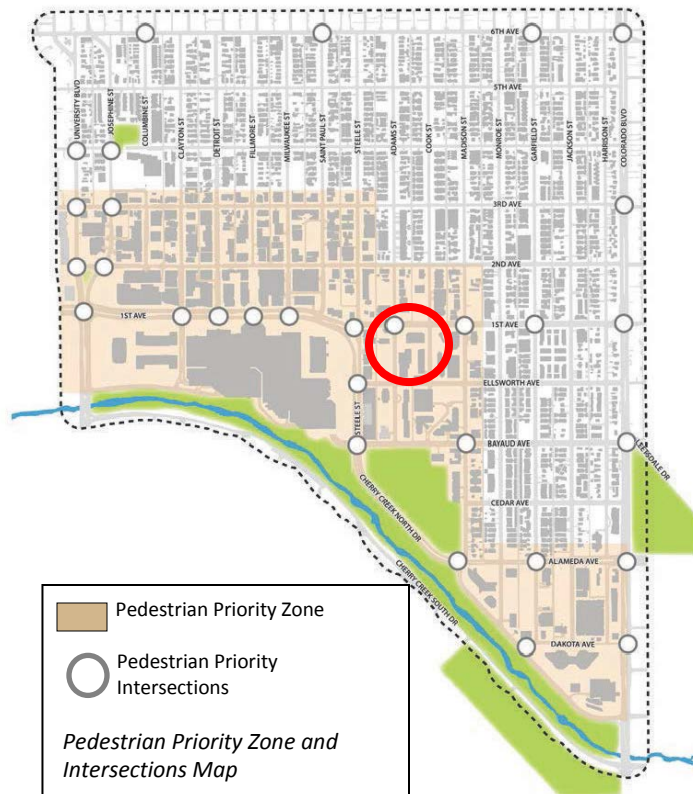
Small Area Plan: Cherry Creek Area Plan (2012)

The Cherry Creek Area Plan offers guidance for both the overall neighborhood, in the Framework Plan, and for subareas within the neighborhood. The Framework Plan discusses the mixed use character of the Cherry Creek Neighborhood. “Part of the character of Cherry Creek is its mixture of land uses. Retail and service uses appealing to both local and regional shoppers, office and established residential neighborhoods weave an interdependent mixed-use urban environment resulting in a variety of amenities benefiting the quality of life. [...] Continued introduction of office space, retail, and residential units will enhance the mixed-use nature of the neighborhood and reinforce the plan vision. As in most mixed-use districts throughout the country, the desire to maintain the character of Cherry Creek must be balanced with the thoughtful redevelopment of underutilized properties” (p. 26-27).

Framework Plan

In the Framework Plan a key “transformative” recommendation is a walkable Cherry Creek and the suggested designation of a portion of the neighborhood as a “Pedestrian Priority Zone” similar to downtown Denver. The Plan discusses prioritizing pedestrian movements in the proposed Pedestrian Priority Zone by enhancing the pedestrian experience with urban design enhancements both in the Priority Zone and at priority intersections (see the Pedestrian Priority Zone Map below). An example of design improvements could include well-marked crosswalks, curb extensions, pedestrian countdown signals, and new street trees with detached 8-foot-wide sidewalks. etc. The subject property is in the proposed Priority Zone and the intersection of 1st and Adams Street is a proposed Pedestrian Priority Intersection.

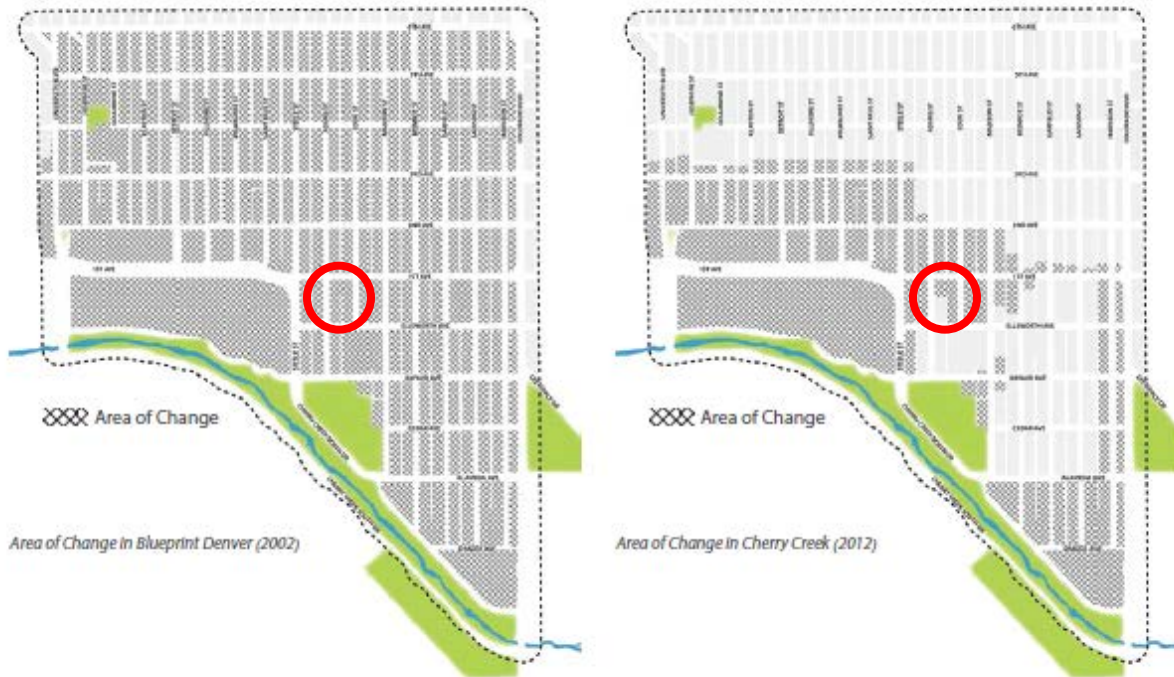
The Framework Plan also updated the Blueprint Denver Map of Areas of Change and offers this guidance for Areas of Change: “The Areas of Change in Cherry Creek have the greatest potential to accommodate this growth, both in terms of market demand and available land. Although not every property will see significant redevelopment, overall these areas benefit from new development, reinvestment, and more intense use. Areas of Change include the Shopping District, Cherry Creek Triangle, 1st Avenue, the commercial node at



Madison and Bayaud and Harrison Street south of 1st Avenue” (p. 29). And further, the Plan states the following recommendations for Cherry Creek 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” (p. 29).
- “Encourage mid-rise buildings to promote reinvestment and to help transition development intensity and buffer stable residential areas from higher intensity locations” (p. 32).
- “Orient taller mid-rise buildings along multi-modal corridors, existing or planned high intensity nodes, and adjacent to public open space not identified for higher intensity” (p. 32).

The subject property is circled on the updated Cherry Creek Areas of Change map below.

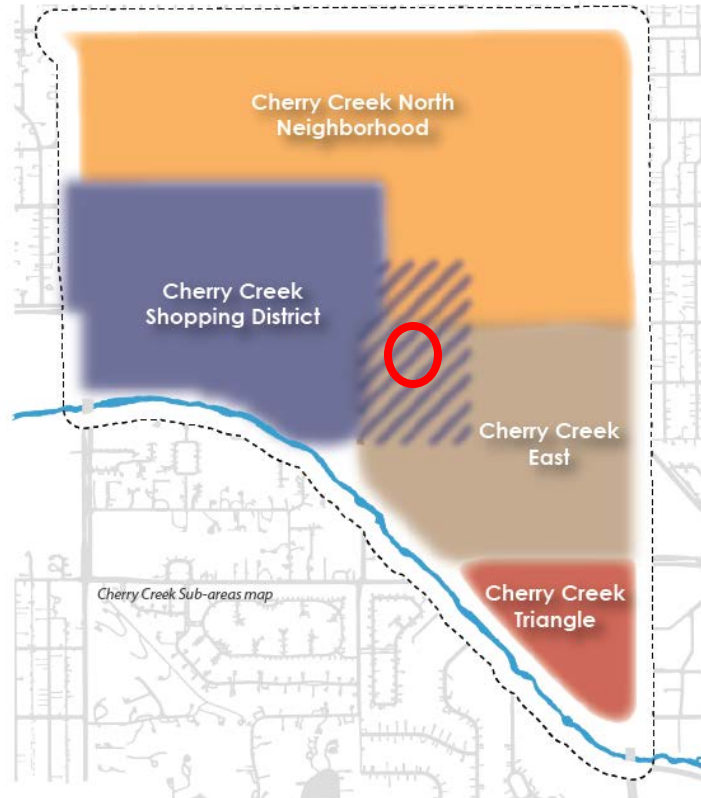


Cherry Creek Subareas

The Cherry Creek Area Plan also contains recommendations for subareas defined by the Plan. The subject property is located in an area where the Cherry Creek Shopping District subarea overlaps with the Cherry Creek East subarea (see the circled area on the subarea map below). Subarea recommendations are used in the Plan to supplement the more general Framework Plan recommendations. For the mixed use area east of Steele Street the Plan recommends:

- “Build on success. Continue to develop vacant and underutilized parcels with mid-and high-rise mixed-use buildings that complement Cherry Creek East and the Shopping District. Quality development is encouraged through the existing zoning and design standards and guidelines. The design quality of development at 1st and Steele is particularly important” (p. 61).
- “Improve pedestrian friendly character of 1st Avenue. As the street redesign described in the “A Connected Cherry Creek” chapter is implemented, encourage buildings that add

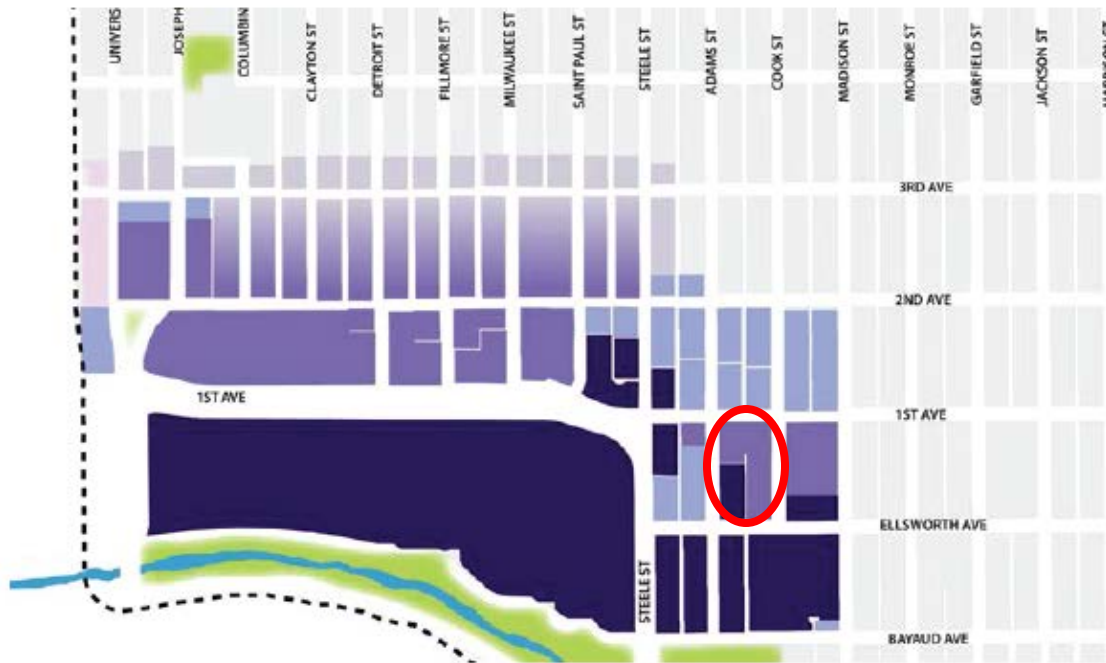
pedestrian activation features to the 1st Avenue frontage. Review the C-MX-5 zoning to assure consistency with the subarea vision. Investigate application of design standards and guidelines” (p.61).



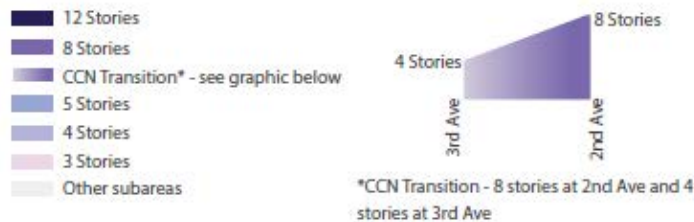
For the Cherry Creek East subarea the Plan states “This area supports a mix of residential and office uses and some of the highest residential and employment densities in all of Cherry Creek, as well as the greatest diversity of housing types. [...]West of Madison, the district supports primarily high-rise residential and office uses with buildings reaching 16 stories. The development intensity and types of uses west of Madison are more consistent with development along the north side of 1st Avenue in the Shopping District. For this reason, this area between Madison and Steele is also considered part of the Shopping District Subarea” (p. 70). With the additional recommendations:

- “Respect the existing scale...The mixed use area between Steele and Madison will remain the most intensely developed portion of the neighborhood, with building heights ranging from 5 to 12 stories, per the maximum building heights map” (p. 72). (See the Maximum Building Heights Map below.)
- “Encourage private reinvestment along perimeter streets. As recommendations for Alameda, Colorado, 1st and Steele are implemented, encourage private investment through appropriate public policy actions. High quality development that enlivens the street is a key component of a quality pedestrian experience” (p. 73).

The proposed 8 story height conforms to the maximum building height recommended in the Cherry Creek Area Plan.



Maximum building heights map - Cherry Creek Shopping District



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to the C-MX-8 zone district 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 by implementing the City's adopted plan for the area.

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.” As the Cherry Creek Area Plan recommends above, Cherry Creek must continue to grow and change to remain prosperous and to reinforce the quality of life for neighborhood residents. The subject property is located within an area the Cherry Creek Area Plan designates as an area of change, where reinvestment and growth should be directed, and where the character of the area is expected to change, and is indeed changing. The proposed rezoning will acknowledge the changing character of the area and will accommodate the planned reinvestment in the area, and this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested C-MX-8 zone district is within the Urban Center Neighborhood Context. The Urban Center Context is characterized by multi-unit residential and mixed use commercial strips and centers in a variety of building forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial and local streets. Commercial uses are primarily located along main and mixed-use arterials. The block and street pattern consists of regular block shapes formed by a grid street system. In this context building heights are moderate to high to promote a dense urban character. A high level of connectivity to multi-modal transit is characteristic of the context. The C-MX-8 zone district is intended to promote mixed, diverse neighborhoods with a variety of residential and commercial building forms. The proposed rezoning of the subject property to C-MX-8 zoning is consistent with the Urban Center Context and the intent of the C-MX-8 zone district.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3300 East 1st Avenue to a C-MX-8 zone district meets the requisite review criteria. Accordingly, staff recommends *approval*.

Attachments

1. Application
2. Approved Legal Description
3. Letters of Support (6)



Zone Map Amendment (Rezoning) - 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	Key 3300 Investment, LLC	Representative Name	Robert J. Gollick, Inc.
Address	2601 Blake Street, Suite 100	Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80205-2241	City, State, Zip	Denver, Colorado 80209
Telephone	303 722-8771	Telephone	303 722-8771
Email	bgollick@comcast.net	Email	bgollick@comcast.net
*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3300 East First Avenue		
Assessor's Parcel Numbers:	0512507031000 and 0512507033000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See attached Legal Description, Exhibit "C"		
Area in Acres or Square Feet:	1.827± acres or 79,584± square feet		
Current Zone District(s):	C-MX-5		
PROPOSAL			
Proposed Zone District:	C-MX-8	2014I-00018	3.13.14

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>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> 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>
ATTACHMENTS	
<p>Please check any attachments provided with this application:</p> <p><input checked="" type="checkbox"/> Authorization for Representative</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Legal Description</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
<p>Please list any additional attachments:</p> <p>Please Refer to the Addendum Pages for all Exhibits Exhibit "A": Description of Consistency with Adopted City Plans (DRMC 12.4.10.13(A, B & C)) Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A & B)) Exhibit "C": Legal Description Exhibit "D": Proof of Ownership (Assessors records) Exhibit "E": Letters of Authorization for Robert J. Gollick, Inc. to act as Representative Exhibit "F": Neighborhood Correspondence</p>	

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)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Key 3300 Investment, LLC	2601 Blake Street, Suite 100 Denver, Colorado 80205-2241 303 722-8771 bgollick@comcast.net	100%	<i>[Signature]</i>	3/14/14		
					A	Yes
					A	Yes

March 13, 2014

Addendum Pages to the proposed Official Zone Map Amendment Application for:

3300 East First Avenue: Assessor's Numbers: 0512507031000 and 0512507033000

Property Owner: Key 3300 Investment, LLC

Property: 3300 East First Avenue

2601 Blake Street, Suite One

Denver, Colorado 80205

Current Zoning: C-MX-5

Proposed Zoning: C-MX-8

Authorized Representative:

Robert J. Gollick, Inc. (Bob Gollick)

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

bgollick@comcast.net

EXHIBIT "A": DESCRIPTION OF CONSISTENCY WITH ADOPTED PLANS

(DRMC 12.4.10.13(A, B & C))

REVIEW CRITERIA

The proposed map amendment is consistent with the following three adopted plans.

- 1. Denver Comprehensive Plan 2000,**
- 2. Blueprint Denver, and**
- 3. Cherry Creek Area Plan (the Plan).**

REVIEW CRITERIA 1. Denver Comprehensive Plan 2000

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

Strategy 1-B:

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Objective 3: Residential Neighborhoods and Business Centers

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.

Accommodating New Development

Objective 4 Land Use and Transportation

Strategy 1-C: Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. ***(Cherry Creek Area Plan adopted by City Council in July of 2012)***

Strategy 1-H: Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents.

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.

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.

Strategy 4-B: Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

MOBILITY CHAPTER

Objective 4: Changing Travel Behavior

Strategy 4-E

Continue to promote mixed-use development, which enables people to **live** near work, retail and services.

LEGACIES CHAPTER

Objective 2 New Development, Traditional Character

Strategy 2-E

Ensure that the Zoning Code reinforces quality urban design.

Objective 3 Compact Urban Development

Strategy 3-A

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

ECONOMIC ACTIVITY CHAPTER

Objective 6 Preferred Housing Development

Encourage mixed-use, mixed-income housing development in Denver's core area and along transit lines.

Strategies

6-A Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

6-E Identify and capitalize on opportunities to develop housing along transit lines.

ENVIRONMENTAL SUSTAINABILITY CHAPTER

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 own neighborhoods.

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.**

SUMMARY: *As listed above there are numerous Objectives and Strategies that are contained in Denver Comprehensive Plan 2000 that are supportive of the proposed map amendment. In particular, the Land Use Chapter in it's detailed description of infill development.*

REVIEW CRITERIA 2: Blueprint Denver

Blueprint Denver has designated the subject property as an *Area of Change* with a land use designation of **Regional Center**, which is defined (in *Blueprint Denver*) as follows:

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 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.

Urban Centers: Blueprint Denver calls for improving and adding 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.**

As stated in Blueprint Denver, much of Denver's growth will be accommodated by infill **development on vacant land** or through **redevelopment** of existing sites. *The proposed map amendment will meet that statement by providing the entitlement ability to develop a residential project located near a key intersection.*

Compact development: "...improve neighborhood cohesion, reduce urban sprawl and residents more directly connect to services and amenities within their immediate living environment." **Note:** *Development of the subject property will "connect" residents with the services and amenities Cherry Creek provides without the necessity of driving.*

Plan Strategy: Direct Growth to Areas of Change

There are 26 Areas of Change that serve as the basis of the Blueprint Denver concept. Certain features may characterize an Area of Change, such as:

- Areas undergoing positive change that is expected to continue
- Areas along corridors with frequent bus service that can accommodate development, especially where there is potential for a pedestrian-friendly shopping environment
- Areas with special opportunities such as where major public or private investments are planned

Blueprint Denver expects an additional 30,000 jobs and 15,000 new housing units in the remaining Areas of Change by 2020. If growth is redirected from the Areas of Stability to the Areas of Change, the model results are positive — **less development intrusion and traffic in the neighborhoods and more redevelopment along corridors** and near transit stations with little or no increase in traffic. Slight reductions in traffic may even result where land uses are mixed and highly coordinated with transit access.

Most of the Areas of Change already are developed to varying degrees. In most cases, there is enough capacity of public facilities — such as streets, sewers and schools — so that additional development will be able to take advantage of existing infrastructure in the area. However, these areas have not realized their full development potential. Some are zoned incorrectly for accommodating future development.

"An ideal place to direct development is vacant land near downtown". This statement is taken from Blueprint Denver, page 23, and is even truer today than it was when Blueprint was

adopted. There is a need for housing near the Central Business District; this need will continue to grow. People need a place to live near where they work, play and can take advantage of transit. The subject site, along First Avenue and within walking distance of RTD stops, is ideal for residential development. While this site is not vacant, there is development potential.

SUMMARY: *The subject property is designated as an “area of change” as a Regional Center. This is precisely the intent of the proposed C-MX-8 zoning and the effect approval will have on the neighborhood. Providing more residential units and thus more residents where they will work and play.*

Review Criteria 3. Cherry Creek Area Plan (Plan)

Note: *The following portion of this application contains excerpts and paraphrasing from the Plan. Page numbers are included to reference of the entire section of the Plan cited.*

The Plan summarizes the key issues identified in the planning process that need to be addressed in the area. These key issues are presented as Accomplishments, Challenges and Opportunities. The Vision and Vision Elements for the Cherry Creek Area included in this Plan provide a framework for implementation. (Page 7)

Challenges

Cherry Creek retail must be supported and encouraged to find ways to stay successful and competitive, given the changing nature of the retail environment and the growing number of shopping districts throughout the region offering the pedestrian-oriented, mixed-use shopping and lifestyle experience. (Page 8)

Opportunities

A wide array of development opportunities exist ranging from small residential infill to large underdeveloped parcels with outdated buildings or with interim uses as surface parking lots. (Page 9)

A.4.C First and Steele Intersection

The First Avenue and Steele Street intersection is one of the **primary nodes of opportunity and development activity in Cherry Creek**. Several properties adjacent to the 1st and Steele intersection are expected to undergo redevelopment over the next 10 years. Traffic and property access patterns may change as a result of these redevelopments...(Page 24)

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. By encouraging the strategic growth of the area, the quality of life in the residential Areas of Stability will be enhanced while promoting continued success in the Areas of Change within Cherry Creek. *(Page 28) The subject property is designated an area of change within Blueprint Denver.*

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. *(Page 29)*
- 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. *(Page 29)*

Recommendation B.2 Enhance the Pedestrian Nature and Character

Character throughout Cherry Creek varies dependent on the subarea. Each subarea has developed a distinct character through reinvestment and redevelopment over time. These individual identities have been crafted utilizing high quality character defining features consistently across the subareas. *(Page 30)*

B.2.A Streetscape

- Design and install streetscape elements that promote high levels of pedestrian activity including pedestrian lighting, seating, landscaping, trash receptacles, and bike racks as appropriate to the area's character.
- Promote compact development patterns within a highly connected street grid and buildings that make efficient use of available land and help create a very walkable place.
- Encourage consistent shallow, block-sensitive building setbacks with some offset for patio seating or public plazas help create active, vibrant streets.
- Retain the regular street, sidewalk and block pattern which offers a high degree of connectivity for pedestrians, bicycles and vehicles. *(Page 30)*

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 the 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 facade 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. (Page 31)

B.2.C Land Use

The following land use strategy reinforces the distinct character of the Cherry Creek Shopping District subarea.

- 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. (Page 31)

Recommendation B.4 Great Neighborhoods

New development in each of these areas (neighborhoods) should enhance the individual character of the neighborhood responding specifically to their qualities and locations. (Page 34)

Note: The proposed C-MX-8 zone district responds well to the character and the existing area zoning. The property to the northwest is being developed for a 12-story structure. The site adjacent to the west is entitled for a structure of 140 feet in height. This area will become a new “center” in Cherry Creek.

Recommendation B.4.B Encourage the Continued Evolution of Mixed-Use Neighborhoods

Cherry Creek East mixed-use area, defined in the Plan as the area between Steele and Madison and 1st Avenue and Pulaski Park has emerged as a high-density, mixed-use area. Major developments include offices, condo towers, senior housing, and apartment complexes. Steele St. Steele St between 1st and Bayaud serves as the front door to Cherry Creek East. (Page 57)

Sub Area Recommendations: Mixed-Use Areas East of Steele Street

Build on success. Continue to develop vacant and **underutilized parcels** with mid—and high—rise mixed-use buildings that complement Cherry Creek East and the Shopping District. Quality development is encouraged through the existing zoning and design standards and guidelines. The design quality of development at 1st and Steele is particularly important. Improve pedestrian friendly character of Steele Street. As redevelopment occurs, new buildings should enhance the streetscape and promote improved pedestrian amenities. Improve pedestrian friendly character of 1st Avenue. As the street redesign described in the “A Connected Cherry Creek” chapter is implemented, **encourage buildings that add pedestrian activation features to the 1st Avenue frontage.** (Page 61)

Cherry Creek East Description

The Plan describes Cherry Creek East as follows;

Located due east of the Cherry Creek Shopping Center, Cherry Creek East (CCE) is bordered by Steele Street, Cherry Creek North Drive, Alameda Avenue, Colorado Boulevard and 1st Avenue. This area supports a mix of residential and office uses and some of the highest residential and employment densities in all of Cherry Creek, as well as the greatest diversity of housing types. Cherry Creek East is cherished as a walkable place to live and work with easy access to great schools, parks and recreation, shopping and entertainment. As a result it has become one of Denver’s most desirable neighborhoods for both residents and employees alike.

Madison Street serves to define two character areas: east of Madison Street is low- to medium scale residential and **west is a mid- to high-rise mixed-use area.** Similar to the Cherry Creek North neighborhood, the eastern part of Cherry Creek East has seen much redevelopment over the last two decades. As a result, small cottage style houses have been replaced with duplexes, row houses, large single-family homes, accessory dwelling units and multi-family structures. Building heights typically range from 1-3 stories, with some 4-5 story buildings along 1st Avenue and Alameda Avenue. **West of Madison, the district supports primarily high-rise residential and office uses with buildings reaching 16 stories.** The development intensity and types of uses west of Madison are more consistent with development along the north side of 1st Avenue in the Shopping District. For this reason, this area between Madison and Steele is also considered part of the Shopping District Subarea. Cherry Creek East’s “village center” is located at the intersection these two character areas and Pulaski Park at Bayaud and Madison.

The urban form in Cherry Creek East creates a walkable environment. Detached sidewalks, tree lawns and on-street parking as well as block-sensitive setbacks, alley access to structures, limited curb cuts and street-facing building entry features create a comfortable pedestrian realm. *(Page 70)*

Cherry Creek East Key Issues

Connectivity and lack of investment along perimeter arterials. Cherry Creek East is surrounded by busy arterials that create hard edges and inhibit multi-modal connectivity between Cherry Creek East and adjacent subareas. **Properties adjacent to Alameda Avenue and Colorado Boulevard and portions of 1st Avenue have seen little reinvestment.** *(Page 71) The proposed map amendment will provide the entitlement necessary for substantial redevelopment along First Avenue.*

Cherry Creek East Subarea Recommendations

Reinforce the residential character. Maintain and enhance the existing character and walkable environment of Cherry Creek East. New development will respect the predominant urban form of detached sidewalks, tree lawns, landscaped block-sensitive setbacks, alley access to structures, limited curb cuts and building entry features that are visible from the street. Land uses should respect existing boundaries between residential and mixed-use areas.

- **Regional Center:** Support a mix of uses including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, way finding signage, pedestrian lighting, public art and inviting building entries. Respect the existing scale. Enhance the existing pattern of development intensity with low scale buildings in the residential areas. Mid-rise buildings may be appropriate near Alameda and Colorado. **The mixed-use area between Steele and Madison** will remain the most intensely developed portion of the neighborhood, with **building heights ranging from 5 to 12** stories, per the maximum building heights map. *(Page 72) The proposed C-MX-8 is in complete conformance with the maximum building heights map in the Plan.*

- **Encourage private reinvestment along perimeter streets.** As recommendations for Alameda, Colorado, 1st and Steele are implemented and encourage private investment through appropriate public policy actions. **High quality development that enlivens the street is a key component of a quality pedestrian experience.**

The Cherry Creek Plan is clear in its goal of encouraging a “Prosperous Cherry Creek”. As the plan states, Denver’s Comprehensive Plan (Plan 2000) recommends enhancing existing business centers to retain and expand a variety of high quality uses, support Denver’s business climate, create jobs, complement neighboring residential areas and to generate public revenue. Plan 2000 specifically recommends maintaining Cherry Creek as a premier retail destination in the Denver Metro Area and Rocky Mountain Region. Together, the Cherry Creek Shopping Center and Cherry Creek North generate nearly 5% of Denver’s sales tax revenue on 0.14% of Denver’s land area. The proposed map amendment will add additional residents to the Shopping Center District providing the necessary population to support the retail businesses thus assuring a “Prosperous Cherry Creek”.

Recommendation B.3 Concentrate Economic Activity

Enhance successful **redevelopment** in currently **designated areas of change** by identifying appropriate uses, scale and intensities. (Page 36)

Four of the “Key Issues” detailed in the Plan are: (Page 44)

- Encourage High Quality Investment
- Continued Reinvestment
- Mixed-Use District (retain and enhance)
- Importance of **Residential Development**: Cherry Creek’s continued success depends on attracting more people to the area and having more people live within walking distance of the business and retail destinations. These factors contribute greatly to sustaining the area’s economic and community vitality.

Development of the subject property under the proposed rezoning will meet the stated goals and the expectations of these Key Issues.

Recommendation D.1: Economic Vitality

The Cherry Creek Area and its neighborhoods are recognized for their high quality of life.... Areas such as this do not retain this quality and advantage without **positive change**. (Page 46)

D.1.A Synergistic Mix of Uses

The Cherry Creek Area has thrived with its diverse mix of uses. From its origins as a residential neighborhood, shopping district and mall, expanded uses have included offices, hotels and **higher density residential**. The area has proven to be very attractive to all of these development types, so plan recommendations focus on enhancing amenities and removing public policy impediments. (Page 46)

D.1.B More Housing

Residential uses contribute significantly to the vitality of the area. While Cherry Creek North and East continue to experience infill development, the greatest potential for new residential is as a part of mixed-use development in the Shopping District... Where appropriate, this housing will include retail, office or hotel uses to further the mixed-use character of the area. The area has proven to be very attractive to residential development, so plan recommendations focus on enhancing amenities and removing public policy impediments. (Page 46)

The intent of this map amendment is to have the entitled ability to develop a mixed-use project that is primarily residential.

Recommendation D.2: Reinvesting in the Future

D.2.B Development Opportunities

A wide array of development opportunities exist including small residential infill, **outdated buildings and underdeveloped parcels**. Highly visible opportunities include:

- First Avenue and Steele Street (**Subject Property**)

Note: *The Plan designates the intersection of First Avenue and Steele Street as a “Key Development Opportunity Site” the subject is adjacent to that intersection. The Plan states:*

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. Study of land and development economics point to the need for updated land use and regulatory strategies in these areas. A wide array of development opportunities exist including small residential infill, outdated buildings and underdeveloped parcels. There are a number of surface parking lots with redevelopment potential. (Page 48 and 49)

Land use regulatory tools including **zoning**, general development plans, and design standards and guidelines are available tools to establish the regulatory framework to **achieve high quality private development**. (Page 48)

Cherry Creek Shopping District

The Plan acknowledges four distinct subareas within Cherry Creek. The subject property lies within the “Cherry Creek Shopping District” subarea.

The Plan describes the Shopping Center District as the region’s most vibrant upscale retail and mixed-use district. It is Denver’s premier retail destination, and as such, it creates amenity and value to entire Cherry Creek Area, as well as to the City, region and state. The Shopping District encompasses Cherry Creek Shopping Center and Cherry

Creek North Business Improvement District, (creating) a synergistic combination found in few other cities. **Note:** Mixed-use districts east of Steele Street are also included within the Shopping District subarea in order to improve the connectivity of these mixed-use areas across 1st Avenue and Steele Street. While best known for its variety of local and national retailers, both large and small, as well as its exclusive retail, the Shopping District is becoming increasingly mixed-use with the introduction of more housing, hotel and office uses above retail, along with the office and residential towers to the east. The Shopping District must continually reinvest in and reinvent itself to retain its competitive position and exclusive reputation for high quality and successful retail. All four corners of the 1st and Steele intersection are considered **catalytic redevelopment sites**. (Page 56) *The subject property is situated approximately 100± feet from that intersection.*

Subarea Recommendations: Entire Shopping District (Subarea)

Enhance retail quality and district character through appropriate change. Positive change is needed throughout the Shopping District to enhance this vibrant mixed-use regional center. (Page 58)

- **Regional Center;** Continue to support a mix of uses in the Regional Center (the subject is in the Regional Center category displayed on the Future Land Use Map on page 63 of the Plan) including office, retail, commercial, multifamily **residential** and hotels.
- **Scale.** Maximum building heights in the Shopping District should range from 4 to 12 stories, per the Maximum Building Heights Map (Page 63).

The proposed C-MX-8 zoning is in compliance with the Plan recommendation of 8 stories for this site.

Continue to attract shoppers. The Cherry Creek Shopping District must continue to attract shoppers from the nearby neighborhoods as well as the city and region. Having daily needs met **within walking distance** of all parts of the area and nearby neighborhoods is important to quality of life and greater sustainability. (Page 58)

- **More residential,** hotel and office development in the Shopping District and other nearby Areas of Change, such as Cherry Creek Triangle.

For Cherry Creek to thrive there is a need for additional residential units. Residential use supports retail. The proposed zone district permits a mix of residential as well as commercial uses that will benefit the entire Shopping District subarea.

The Cherry Creek Plan further defines most of the Shopping District subarea as a Regional Center on the “Future Land Use Map”. The Plan also recommends height limitations for the subarea that range from 3 to 12-stories. The subject property is clearly displayed on the Plan shown as an 8-story area from First Avenue south for the length of the subject property. The proposed C-MX-8 zone district permits a maximum height of 8-stories, which is per the above recommendation in the adopted Plan.

Implementation Activities

One of the strategies recommended for implementation of the plan vision is the use of map amendments or rezonings. The proposed C-MX-8 zone district is one of the implementation tools that will enhance the character of the Shopping Center Districts subarea within the guidelines of the adopted Cherry Creek Plan. (Page 80)

SUMMARY: *The proposed C-MX-8 zoning is in complete conformance with the adopted Cherry Creek Area Plan. The Plan recommends more housing, more investment, more development in the Shopping District and of most significance 8 stories of height at this location. This is the exact result development of this site will have under the C-MX-8 zone district.*

Exhibit "B":**Section "A" Description of Justifying Circumstances****(DRMC 12.4.10.14(A & B))**

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 proposed C-MX-8 zone district map amendment is in response to the changed and changing conditions in the Cherry Creek area. The redevelopment of the Cherry Creek Mall several years ago was the catalyst for development to occur throughout the Cherry Creek neighborhood. Numerous residential developments along with several commercial and retail projects have changed Cherry Creek into one of Denver's finest neighborhoods in which to live, work and shop. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, employment opportunities and residential development necessary for positive planned growth to occur.

The subject 1.827± acre parcel was zoned C-MX-5 through a legislative map amendment in 2010. The existing C-MX-5 zone district cannot meet the development needs for this site or provide the City and area residents the quality and assurances that are necessary for such an important site. The proposed C-MX-8 zone district which being "form based" provides the assurance that the structure(s) will meet the expectations of the area residents and the City. Design elements such as how the building relates to the street, the maximum height, maximum build to lines as well as parking controls provide assurances for a structure that will be an asset to the neighborhood.

Cherry Creek Area Plan

However, possibly **the most significant of the "changed conditions** is the adoption of the Cherry Creek Area Plan (the Plan) by City Council on July 16th of 2012 that is supportive of this zoning request and described in the section above. The proposed map amendment is supported by numerous recommendations, strategies and goals stated in the Plan.

Additional examples of the changed conditions, which support and justify this request, are as follows:

- The adoption by City Council of "Blueprint Denver",
 1. Approval of the site as an **"Area of Change"** for a **Regional Center** within "Blueprint Denver",
 2. The Cherry Creek Small Area Plan recommending a structure of 8-stories for this site.

3. The ongoing development of the property adjacent to the subject along the west property line for a 12-story mixed-use structure. This project will create the desired “corner” mentioned in the Plan and thus providing justification for an adjacent 8-story structure.
4. The Zocalo Community Development project across First Avenue, which is in the pre-development phase for a 12-story mixed-use structure.
5. The need for additional residential dwelling units is consistent with the development patterns that the neighborhood has experienced.
6. The adoption of the 2010 Zoning Code, which provides “form-based”, zoning tools to address the development goals of the City and the neighbors for infill sites, and
8. The desire for individuals to live near where they work and play.

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur.

Section “B” Neighborhood Context

The proposed amendment is to provide the framework for the development of a property located near one of Cherry Creek’s most important intersections. This proposed map amendment request approval of the C-MX-8 zone district and all of the MX designated zone districts are mixed-use. The C-MX-8 zone district was adopted by City Council to respond to development parcels such as this and are categorized as Urban Center Neighborhood Context. The Zoning Code describes the neighborhood context of the C-MX districts as consisting of **multi-unit residential** and mixed-use commercial strips and commercial centers allowing **multiple unit residential buildings** along with commercial buildings that may be live work. The general intent is to encourage mixed-use developments with the building(s) being located close to the street. The Urban Center Neighborhood Context, C-MX-8, (from the Zoning Code) is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood. This is precisely the nature of the proposed zoning with the surrounding zoning already in place for 12 story structure(s) thus the proposed C-MX-8 zone district will compliment the existing allowable height and uses already permitted.

The effect of the proposed amendment will be immediate and positive. Retail services in Cherry Creek struggle to survive. To sustain and thrive, the area needs increased density, **more residential units** with more shoppers, more activity to draw and attract tourists and keep them coming back. Zoning proposals such as this one can be the catalyst for smart growth with density where it should be and people living and shopping where they work. Development of the subject property under the guidelines of the mixed-use zoning will provide quality residential units, employment opportunities and limited retail at a highly visible location that is in need of redevelopment and street activation. The inclusion of ground floor commercial space will bring activity to the immediate area. The addition of residential units will bring shoppers and diners to the area who for the most part will walk to their destinations. Redevelopment of the subject property will help define the edge of First Avenue.

As paraphrased from the Zoning Code, the **General Purpose** of the C-MX or Mixed Use Zone Districts is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. The districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. They are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods. The Mixed Use districts are focused on creating mixed, diverse neighborhoods at the neighborhood scale by requiring a shallow front setback with high build-to requirements.

The proposed height of 8 stories is consistent with both buildings under construction located to the west and north of the site. Additionally, the 16-story Mountain Shadows building is across the alley along southwestern portion of the property. The project's height is critical to its viability. Land values in Cherry Creek are high. In order for the Cherry Creek East, an "area of change" as described in Blueprint Denver, to stay sustainable into the future, new projects must have adequate density to provide the quality of design desired in the adopted Plan. Eight stories is a very appropriate height in relation to the project's specific location in the neighborhood and the Plan's recommendation for height thus providing the project with adequate density to be viable and accomplish the goals of the Plan.

Specific Intent: Mixed Use-8

C-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.

The adopted area Plan recommends buildings up to 8 stories for the subject property. This coupled with the site enjoying frontage along First Avenue (a major arterial street) match the stated intent of the C-MX-8 district above.

LEGAL DESCRIPTION

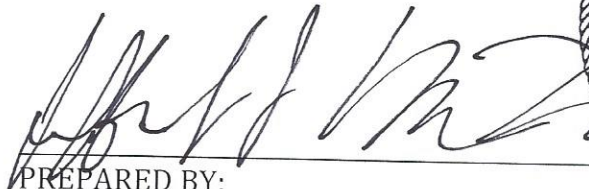
A PORTION OF THE SE 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., BLOCK 16, BURLINGTON CAPITAL HILL
ADDITION, ORDINANCE 130 SERIES 1928, DATED SEPTEMBER 28, 1928
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

DESCRIBED AS FOLLOWS: LOTS 1 THROUGH 8 AND LOTS 23 THROUGH 40,
TOGETHER WITH THE NORTH 174.17 FEET OF ALLEY IN BLOCK 16 VACATED BY
ORDINANCE NO. 280 SERIES OF 1978, BLOCK 16, BURLINGTON CAPITOL HILL
ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, CITY AND COUNTY OF
DENVER, STATE OF COLORADO.

EXCEPT THOSE PARTS OF LOTS 33 AND 34, BLOCK 16, BURLINGTON CAPITOL
HILL ADDITION, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF LOT 34, BLOCK 16, BURLINGTON
CAPITOL HILL ADDITION, SAID POINT BEING 1.18 FEET NORTH OF THE
SOUTHWEST CORNER THEREOF; THENCE EASTERLY AND PARALLEL WITH
SOUTH LINE OF SAID LOT 34, A DISTANCE OF 125 FEET TO A POINT ON THE EAST
LINE OF SAID LOT 34, SAID POINT BEING 1.18 FEET NORTH OF THE SOUTHEAST
CORNER THEREOF, THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 33 AND
34 SAID BLOCK 16, 25 FEET; THENCE WESTERLY AND PARALLEL WITH THE
SOUTH LINE OF SAID LOT 33, 125 FEET TO THE WEST LINE OF SAID LOT 33;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOTS 33 AND 34, 25 FEET
TO THE POINT OF BEGINNING,

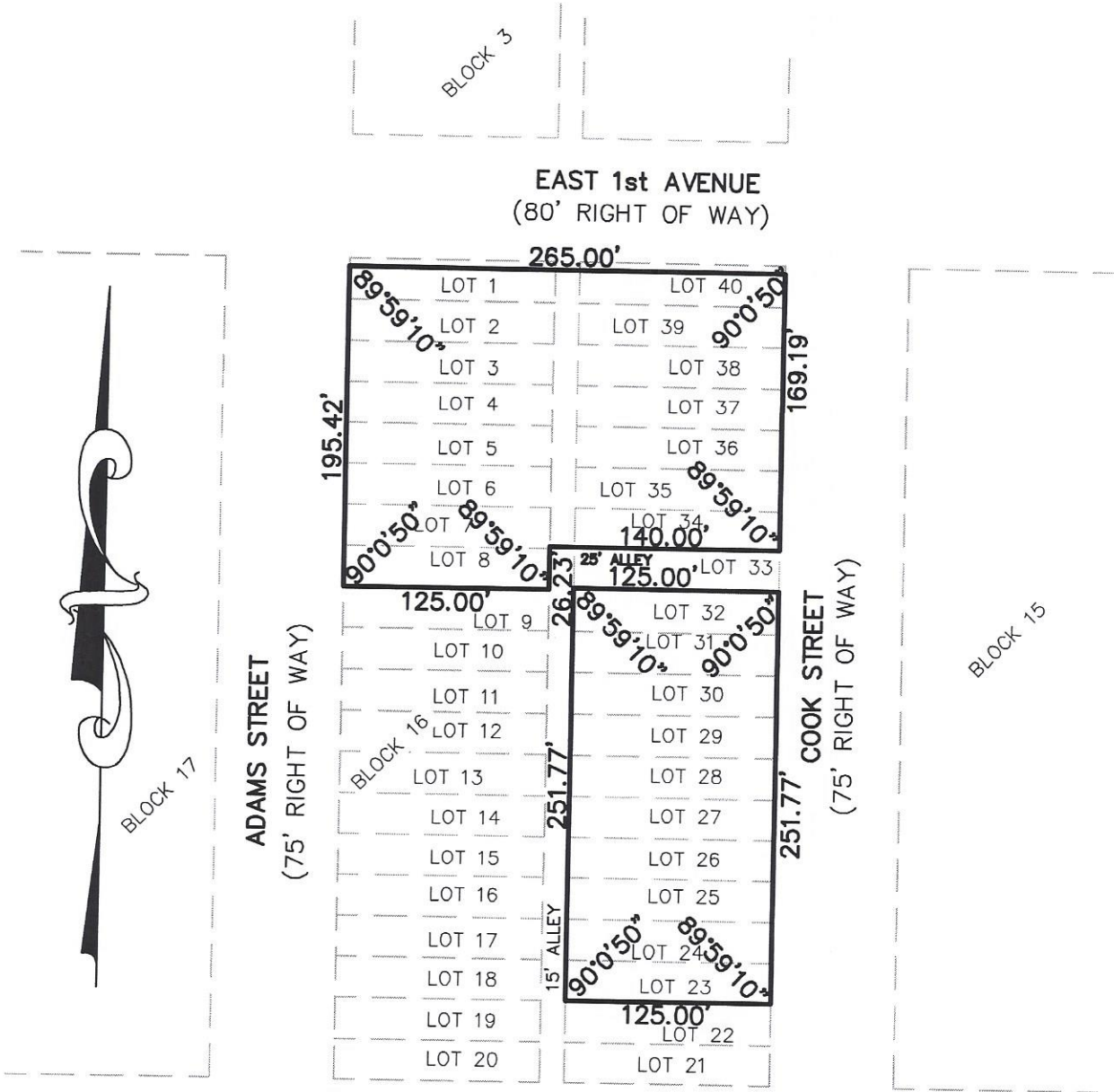
AND EXCEPT THE NORTH 5.0 FEET OF LOTS 1 AND 40, BLOCK 16, BURLINGTON
CAPITOL HILL ADDITION, AND THE VACATED ALLEY ADJACENT TO SAID NORTH
5.0 FEET OF SAID LOTS 1 AND 40 AS DEEDED TO THE CITY AND COUNTY OF
DENVER IN DEED RECORDED AUGUST 7, 1978 IN BOOK 1720 AT PAGE 446, CITY
AND COUNTY OF DENVER, STATE OF COLORADO.



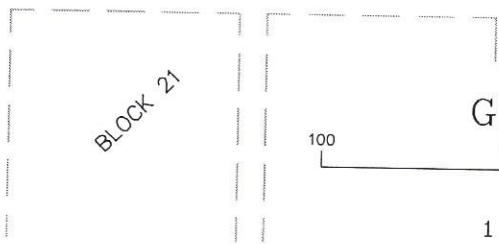
PREPARED BY:

JEFFREY J. MACKENNA P.L.S. 34183 DATE:04/08/2014
FOR FALCON SURVEYING, INC.
9940 W. 25TH AVE., LAKEWOOD CO 80215

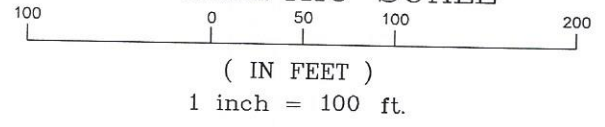
EXHIBIT "A" LAND DESCRIPTION



ELLSWORTH AVENUE
(75' RIGHT OF WAY)



GRAPHIC SCALE



THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

Exhibit "D": Proof of Ownership (Assessors records)

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: COMMERCIAL - OFFICE BUILDING	Parcel: 0512507033000
Name and Address Information	Legal Description
KEY 3300 INVESTMENT LLC	BURLINGTON CAPITOL HILL ADD
2601 BLAKE ST 100	B16 L1 TO 8 & L34 TO 40 & N
DENVER, CO 80205-2241	174.17FT OF VAC ALY ADJ EXC
Property Address: 3300 E 1ST AVE	S 1.18FT OF L34 & EXC N 5FT
	OF L1 & 40 & EXC VAC ALY ADJ
	OF SD N 5FT
	Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	3805100	1103480		
Improvements	2331400	676110		
Total	6136500	1779590	0	1779590
Prior Year				
Land	4348700	1261120		
Improvements	1000	290		
Total	4349700	1261410	0	1261410

Style: Other	Reception No.: 2013158920
Year Built: 1978	Recording Date: 10/31/13
Building Sqr. Foot: 92,639	Document Type: Warranty
Bedrooms:	Sale Price: 14000000
Baths Full/Half: 0/0	Mill Levy: 83.09
Basement/Finished: 0/0	

Lot Size: 48,109

[Click here for current zoning](#)

Exhibit "D": Proof of Ownership (Assessors records)

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type:				Parcel: 0512507031000
Name and Address Information		Legal Description		
KEY 3300 INVESTMENT LLC				BURLINGTON CAPITOL HILL ADD
2601 BLAKE ST 100				B16 L23 TO 32 & S 1.23FT OF
DENVER, CO 80205-2241				L33
Property Address: 3300 E 1ST AVE	Tax District		DENV	
Assessment Information				
	Actual	Assessed	Exempt	Taxable
Current Year				
Land	2202600	638750		
Improvements	528800	153350		
Total	2731400	792100	0	792100
Prior Year				
Land	2517300	730020		
Improvements	506000	146740		
Total	3023300	876760	0	876760
Style: Other		Reception No.: 2013158920		
Year Built: 1979		Recording Date: 10/31/13		
Building Sqr. Foot: 0		Document Type: Warranty		
Bedrooms:		Sale Price: 14000000		
Baths Full/Half: 0/0		Mill Levy: 83.09		
Basement/Finished: 0/0				

Lot Size: 31,466

[Click here for current zoning](#)

Exhibit "E": Letters of Authorization for Robert J. Gollick, Inc. to act as Representative



March 13th, 2014

Theresa Lucero
Senior City Planning Community Planning and Development
201 W. Colfax Ave., Second Floor
Denver, CO 80206

Re: 3300 East First Avenue, Denver, Colorado

Dear Theresa,

This letter serves as authorization for Robert J. Gollick, doing business as Robert J. Gollick, Inc. to act on behalf of Key 3300 Investment, LLC which owns and operates the building, for the purpose of rezoning the property described in this C-MX-8 application.

Respectfully,

A handwritten signature in black ink, appearing to read "Stuart C. Ogilvie".

Stuart C. Ogilvie, President
Ogilvie Properties, Inc. Manager
Key 3300 Investment, LLC

cc: Robert Gollick

2601 Blake Street, Suite 100 - Denver, CO 80205 · 303.864.9774 · Fax 303.864.9775

Exhibit "F": Neighborhood Correspondence



ROBERT J. GOLLICK, INC.
REAL ESTATE CONSULTING

To:

Cherry Creek East Neighborhood Association:	Brooks Waldman
Capitol Hill United Neighborhoods, Inc.	Cody Galloway
Cherry Creek North Neighborhood Association:	Wayne New
Cherry Creek Steering Committee:	Mattucci
Denver Neighborhood Association, Inc.:	Brad Zieg
Harman Neighborhood Association, Inc.:	Deborah Kembel
Inter-Neighborhood Cooperation:	Larry Ambrose
Neighborhood Advisory Committee to the Botanic Gardens:	Timothy Hepp

Re: Proposed Rezoning of 3300 East 1st Avenue

November 27, 2013,

Greetings to all,

Ogilvie Properties Inc., the owners of a 1.83± acres site located at 3300 East 1st Avenue (Adams Street along the west, Cook Street to the east and 65± feet north of Ellsworth on the south) has retained the consulting firms of, Robert J. Gollick, Inc., and CRL Associates, Inc. to assist in rezoning the mentioned property. The current zoning is C-MX-5, which was put in place the property as part of the 2010 Denver Zoning Code update. Ogilvie Properties intent is to rezone the property to the C-MX-8 zone district which is the same as the adjacent zoning along the west and supported by the 2012 Cherry Creek Area Plan. The goal is to activate the 1st Avenue and Cook Street frontage with new and enhanced retail and pedestrian activity, while reinvesting in the existing office building. To the south of the office building along Cook Street, residential units will be developed with garage parking added on the upper floors to service all uses.

Our team has met with the City Community Planning and Development Office (CPD) to initiate the process. CPD agreed that the C-MX-8 is the appropriate zone district(s). It is very early in the zoning process and we have not yet submitted an application. We would be happy to meet with your Registered Neighborhood Association (RNO) to provide information, receive input and answer questions. Please feel free to contact me with questions or to schedule a convenient time.

However, if you do not wish to meet I understand and am available to discuss the proposal with you over a phone call. Once the zoning application is submitted to the City, I will keep you informed as the process evolves.

609 SOUTH GAYLORD STREET, DENVER, COLORADO 80209 303-722-8771 FAX 303-744-3243 BGOLLICK@COMCAST.NET



Once we do file a zoning application, the zoning timeframe requires approximately six months of review and meeting time prior to the City Council public hearing. However, I strongly feel that the best way to proceed with any zoning request is by early and ongoing contact with all neighborhood organizations. Your input is necessary for the public process to work.

If you have any questions please contact me. Our team will meet with you individually or with your respective Association. If you feel I have missed anyone on the list for this letter let me know and I will contact them as well.

I thank you for your interest and understanding of this zoning request.

Sincerely,



Robert J. Gollick, President
Robert J. Gollick, Inc.

SENT VIA EMAIL

cc: *Councilwoman Jeanne Robb, District 10*
Theresa Lucero, Community Planning & Development
Stuart Ogilvie, Ogilvie Properties, Inc.
Pete Langdorf, Ogilvie Properties, Inc.
Stephen Lechner, Ogilvie Properties, Inc.

City and County of Denver Planning Board
Webb Municipal Office Building
201 W Colfax Avenue
Room 4.F.6 and 4.G.2
Denver, CO 80202

June 4, 2014

Members of the Planning Board,

Application #2014I-00018, 3300 E. 1st Avenue, C-MX-5 to C-MX-8

On January 9, 2014 and April 30, 2014 the above referenced applicant presented the proposed rezoning and a development proposal to the Cherry Creek East Association (CCEA) for Board consideration and comment. CCEA Board members also attended applicant presentations to the Cherry Creek Steering Committee (May 28, 2014) and to Mountain Shadows HOA (June 2, 2014). At all four meetings, no concerns specific to rezoning from CMX-5 to CMX-8 were expressed.

This property is inside the Cherry Creek Area Plan boundaries and the CCEA RNO. The requested rezoning is consistent with the Cherry Creek Area Plan, Denver Comprehensive Plan 2000 and Blue Print Denver.

CCEA Board discussion supports the rezoning proposal, as well as the conceptual development ideas, because they are consistent with existing and new development in the surrounding area. The project will enhance the existing mix of retail, office, employment and residential uses along East First Avenue.

Understandably, the introduction of a new eight story residential structure in the neighborhood raises concerns specific to the design and development phases. Examples include: pedestrian and bicyclist access and use, detached sidewalks, pedestrian and street lighting, storm drainage, green space, alley use and enhancement, exterior lighting, and creation of a good neighbor agreement for the construction phase.

The applicant has agreed to meet with interested parties to address concerns. CCEA Board looks forward to working with the applicant and the City to set a high standard for cooperatively seeking solutions. We are especially interested in continuing discussions about how the project will contribute to implementation of

important elements of the Cherry Creek Area Plan, such as activating the street and pedestrian experience.

The CCEA Board wishes to acknowledge our appreciation for the applicant's awareness of, and sensitivity to, neighborhood concerns.

Thank you for contributing to the effort to make Cherry Creek a more connected and vibrant community.

With appreciation,

Susan Smernoff, President
Cherry Creek East Association
ssmernoff@gmail.com
970-231-2100



CHERRY CREEK AREA
BUSINESS ALLIANCE

Board of Directors

Nick LeMasters
Cherry Creek Shopping Center
Board Chair

David Steel
Western Development Group
Vice Chair

Charlie Kercheval
FirstBank
Treasurer

Bob Flynn
Crestone Partners, LLC

David Wm. Foster
Foster, Graham, Milstein
& Calisher, LLP

Dorit Makovsky Fischer
NAI Shames Makovsky

Bob Mattucci
Realty Management Group

Bruce Rifkin
Rifkin & Associates, Inc.

Julie Underdahl
Cherry Creek North BID

PO Box 6107
Denver, CO 80206
info@cherrycreekaba.com
303-459-7284
www.CherryCreekABA.com

June 2, 2014

Councilwoman Jeanne Robb
Denver City Council - District 10
City & County of Denver
1437 Bannock Street, Room 493
Denver, CO 80202

Dear Councilwoman Robb,

The Cherry Creek Area Business Alliance Board of Directors has reviewed Ogilvie Properties' proposal to rezone and redevelop the 3300 E. 1st Avenue site. The Alliance supports rezoning the site from C-MX-5 to C-MX-8, highlighting the following key points:

Reinvestment in the former Key Bank site will bring new, ground-floor neighborhood retail and replace the existing above-grade parking deck with an underground parking garage. These improvements will benefit the pedestrian scale and character of the area, in keeping with the goals of the Cherry Creek Area Plan.

The proposed development of a high-quality, eight-story apartment building by Trammel Crow Residential will bring new residents who will support the retail businesses and services in Cherry Creek North and the Cherry Creek Shopping Center that are critical to Denver's tax base.

As an organization that seeks to encourage high-quality infill development that is consistent with the character of Cherry Creek, the Alliance is pleased to support Ogilvie Properties and Trammel Crow Residential in investing in this key Cherry Creek East site.

We thank you for your thoughtful consideration.

Sincerely,

Bethany Gravell
Administrator
Cherry Creek Area Business Alliance

Cc: Theresa Lucero, Community Planning and Development



Your Bank. Your Trust.

May 16, 2014

Councilwoman Jeanne Robb
District 10
City & County of Denver
1437 Bannock Street, Room 493
Denver, CO 80202

Dear Councilwoman Robb,

As a business owner and property owner in Cherry Creek East, I am writing you on behalf of Steele Street Bank & Trust to convey our full support for Ogilvie Properties' C-MX-5 to C-MX-8 rezoning application at 3300 E. 1st Avenue.

Reinvestment in the old Key Bank Building and addition of ground-floor neighborhood retail is a good thing for the Cherry Creek Community. The development of a high-quality eight-story apartment building (Trammel Crow Residential) and replacing the existing parking deck in an underground parking garage for all uses will add to the vibrancy and walkable nature of the area.

As a vested member of the Cherry Creek East neighborhood, we are happy to see this type of thoughtful reinvestment. Please support this rezoning application, and thank you for all that you do.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian R. Wilkinson", with a long, sweeping underline.

Brian R. Wilkinson
President
Steele Street Bank & Trust



May 16, 2014

Councilwoman Jeanne Robb
District 10
City & County of Denver
1437 Bannock Street, Room 493
Denver, CO 80202

Dear Councilwoman Robb,

As a business owner in Cherry Creek East, I am writing to convey my support for Ogilvie Properties' C-MX-5 to C-MX-8 rezoning application at 3300 E. 1st Avenue.

Reinvestment in the old Key Bank Building and addition of ground-floor neighborhood retail is a good thing for the area. The development of a high-quality eight-story apartment building (Trammel Crow Residential) and replacing the existing parking deck in an underground parking garage for all uses will add to the vibrancy and walkable nature of the area.

As a vested member of the Cherry Creek East neighborhood, I am happy to see this type of thoughtful reinvestment. Please support this rezoning application, and thanks for all that you do.

Sincerely,

John Law, Ph.D.
TrueMind® Center for Traditional Chinese Medicine
5 Cook Street
Denver, CO 80206

Cherry Creek

5 Cook Street • Denver, Colorado 80206 • fax 303.320.1319 • 303.320.1530

North Denver

11166 Huron Street, Suite 28 • Northglenn, Colorado 80234 • fax 303.280.5886 • 303.451.1650

www.TrueMindCenter.com



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kavodseniorlife.org

May 30, 2014

Councilwoman Jeanne Robb
District 10
City & County of Denver
1437 Bannock Street, Room 493
Denver, CO 80202

Dear Councilwoman Robb,

As a business owner in Cherry Creek East, I am writing to convey my support for Ogilvie Properties' C-MX-5 to C-MX-8 rezoning application at 3300 E. 1st Avenue.

The new developers have met with us and reassured us that our biggest concern (limited on-street parking) was addressed by providing more than the minimum number of underground and surface parking in their project.

We realize that Cherry Creek is a desirable place to reside as well operate commercial businesses and we support the planned use of the properties as was shared with us.

Sincerely,

Michael Klein
Executive Director



Honor. Community. Jewish Values.

May 30, 2014

Councilwoman Jeanne Robb
District 10
City & County of Denver
1437 Bannock Street, Room 493
Denver, CO 80202

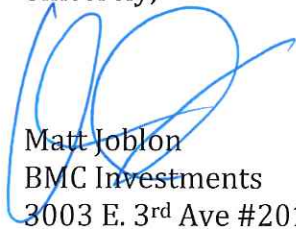
Dear Councilwoman Robb,

As a business owner in Cherry Creek East, I am writing to convey my support for Ogilvie Properties' C-MX-5 to C-MX-8 rezoning application at 3300 E. 1st Avenue.

Reinvestment in the old Key Bank Building and addition of ground-floor neighborhood retail is a good thing for the area. The development of a high-quality eight-story apartment building (Trammel Crow Residential) and replacing the existing parking deck in an underground parking garage for all uses will add to the vibrancy and walkable nature of the area.

As a vested member of the Cherry Creek East neighborhood, I am happy to see this type of thoughtful reinvestment. Please support this rezoning application, and thanks for all that you do.

Sincerely,



Matt Joblon
BMC Investments
3003 E. 3rd Ave #201
Denver, CO 80206