



**TO:** Denver City Council  
**FROM:** Courtland Hyser, Senior City Planner  
**DATE:** August 25, 2016  
**RE:** Official Zoning Map Amendment Application #2016I-00021  
45 N. Harrison Street  
Rezoning from PUD 453 to G-RH-3 with a waiver

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2016I-00021 for a rezoning from PUD 453 to G-RH-3 with a waiver.

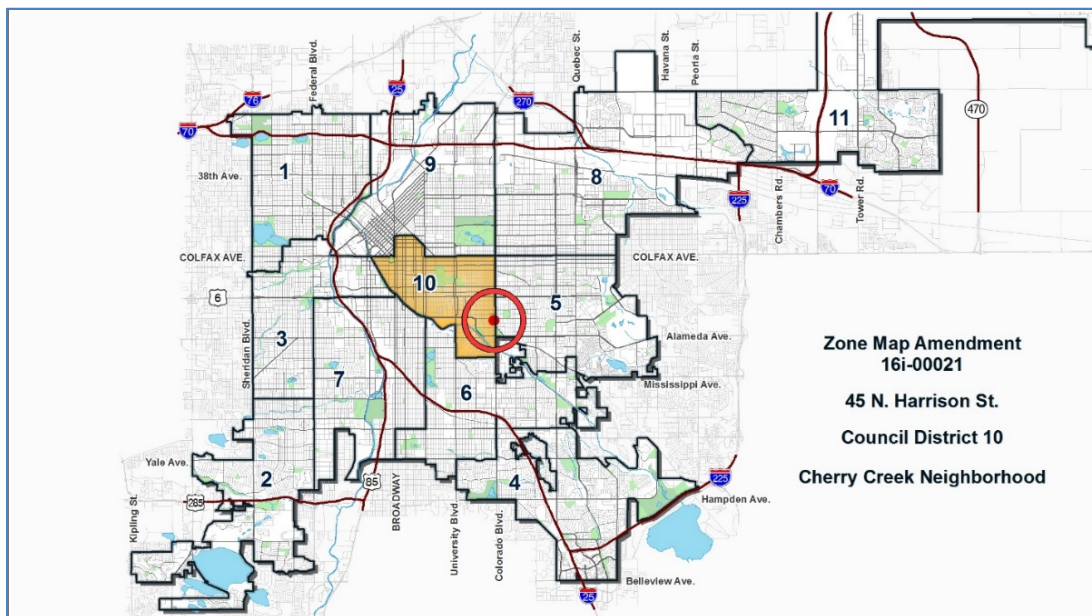
## Request for Rezoning

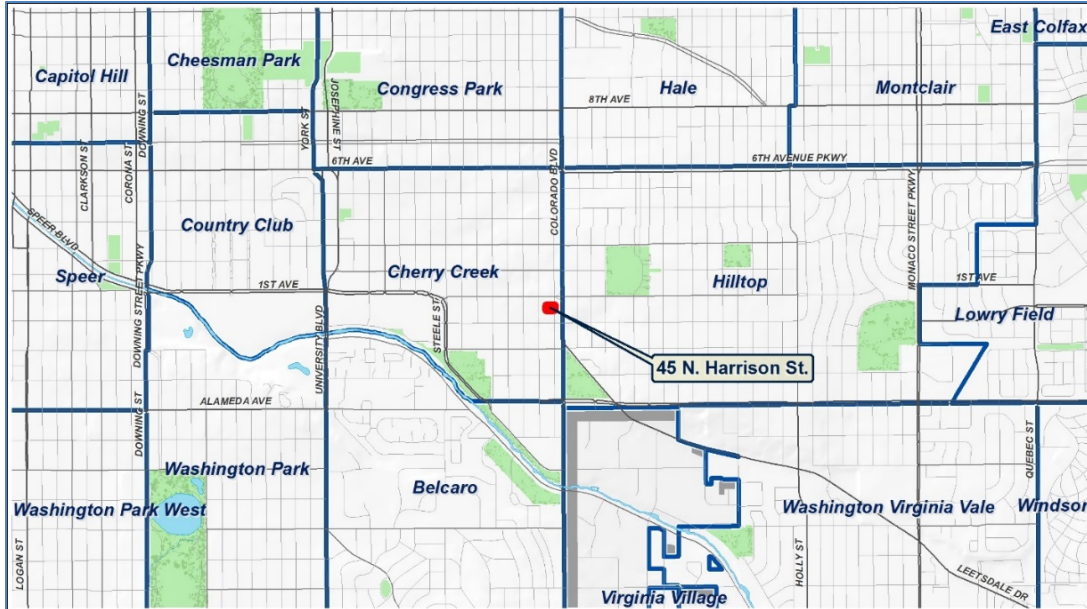
Application:	#2016I-00021
Address:	45 N. Harrison Street
Neighborhood/Council District:	Cherry Creek / Council District 10
RNOs:	Cherry Creek East Association, Cherry Creek North Neighborhood Association, Cranmer Park-Hilltop Civic Association, Capitol Hill United Neighbors, Harman Neighborhood Association, Denver Neighborhood Association, Inter-Neighborhood Cooperation
Area of Property:	11,400 SF (0.26 AC)
Current Zoning:	PUD 453 under Former Chapter 59
Proposed Zoning:	G-RH-3 with a waiver of the side interior setback, adjacent to a protected zone district. The effect of the waiver would be that the 10' side interior setback adjacent to a protected district would not apply to the rowhouse building form. The standard 5' side interior setback requirement would not be affected and would still apply.
Property Owner(s):	Campbell Family Trust
Owner Representative:	Reid Phillips, 45 N. Harrison LLC

## Summary of Rezoning Request

- The subject property is located in Cherry Creek on the west side of Harrison Street, approximately mid-block between 1<sup>st</sup> Ave and Ellsworth Ave. The site is currently a vacant (undeveloped) lot.
- In 1998 the site was rezoned from R-2 to PUD 453 under former chapter 59. The PUD allows a maximum of four townhome style multiple dwelling units to be constructed on the site. Like many PUDs from this era, the development standards are written very narrowly and specific to the development project as it was conceived at the time. The proposed rezoning is intended to offer more flexibility for development of the site than the PUD would allow.

- The property owner is requesting a rezoning to develop the site with row house units, consistent with adopted plans.
- The applicant is requesting to rezone to G-RH-3 with a waiver. The waiver would remove the requirement for a 10' side interior setback adjacent to a protected zone district for the rowhouse building form so that it would not apply. The standard 5' sideyard setback requirement would not be affected by this waiver and would still apply. No other building forms in the G-RH-3 district are affected by the proposed waiver.
- The waiver request is consistent with CPD's intent to replace the current 10' sideyard setback adjacent to a protected district with "n/a" in a future text amendment to DZC section 6.3.3.4.D.
- The requested G-RH-3 district stands for General Neighborhood Context – Row House – 3 stories maximum. G-RH-3 is a multi-unit district allowing urban house, duplex, garden court, and row house building forms.
- Further details of the proposed zone district can be found in Article 6 of the Denver Zoning Code (DZC).





### Proposed Rezoning and Use of Waivers

The applicant is requesting to rezone to G-RH-3 with a waiver. The G-RH-3 zone district is found in the General Urban neighborhood context. It allows residential uses in a variety of building forms including urban houses, duplexes, garden court, and row houses. The maximum height can be up to 3 stories.



Waivers are enabled by Section 12.4.10.6 of the Denver Zoning Code and allow for an applicant to waive certain rights or obligations under the proposed zone district. The proposed waiver signed by the applicant can be found in the attached rezoning application. The proposed waiver reads as follows:

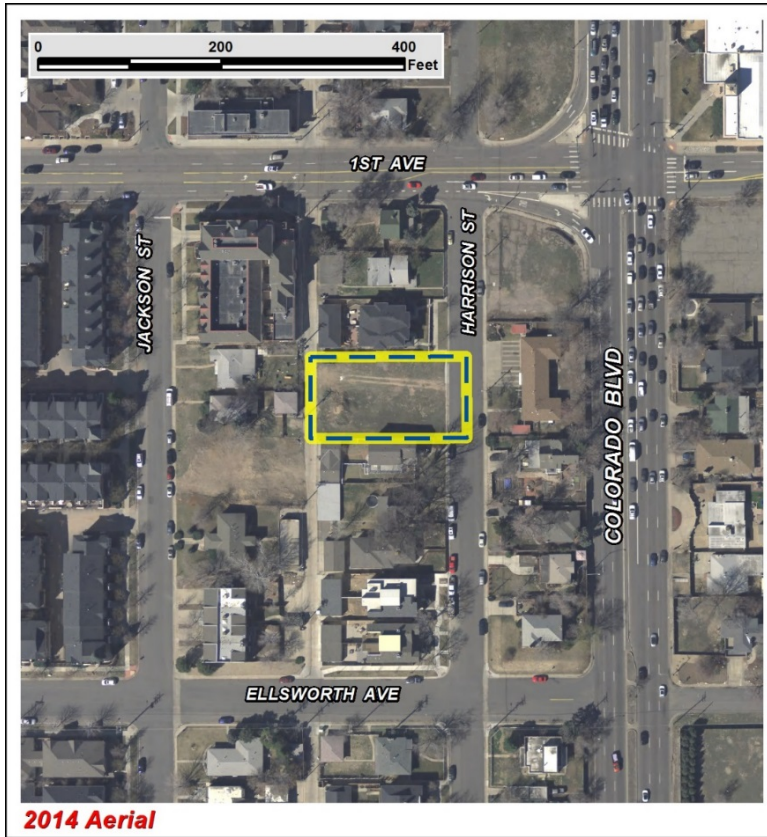
Waive the setback requirement for Side Interior, adjacent to Protected District (minimum) for the Row House building form in Primary Building Form Standards, District Specific Standards for the G-RH-3 zone district, contained in Denver Zoning Code Section 6.3.3.4.D, as amended, and instead of 10' shall be na.

The applicant has requested to waive the requirement in DZC section 6.3.3.4.D for a 10' side interior setback adjacent to a protected zone district for the rowhouse building form in the G-RH-3 district so that it would be not applicable. The G-RH-3 zone district is itself a protected district, so the application of the protected district setback has the unintended and illogical result of requiring an additional setback on the subject site even when the surrounding property is also zoned in the same G-RH-3 zone district. It's important to note that the standard 5' side interior setback requirement would not be affected by this waiver and would apply. It's also important to note that the proposed waiver affects only the rowhouse building form; no other building forms in the G-RH-3 district are affected.

CPD policy supports the use of waivers in situations where the proposed waiver helps to solve an issue that CPD is committed to address in an upcoming text amendment. In this case, the waiver request is consistent with CPD's intent to replace the current 10' side interior setback adjacent to a protected district with "n/a" in a future text amendment to DZC section 6.3.3.4.D. Given CPD's intent to address these circumstances with a text amendment to the G-RH-3 zone district, staff finds the proposed rezoning with a waiver to be an appropriate interim approach until such time as the text amendment is undertaken and adopted.

### Existing Context

The site is located on the west side of Harrison Street, approximately mid-block between 1st Ave and Ellsworth Ave. The property is currently vacant (undeveloped). The area surrounding the site contains a mix of single unit, two unit, and multi-unit residential ranging in height from one to three stories.

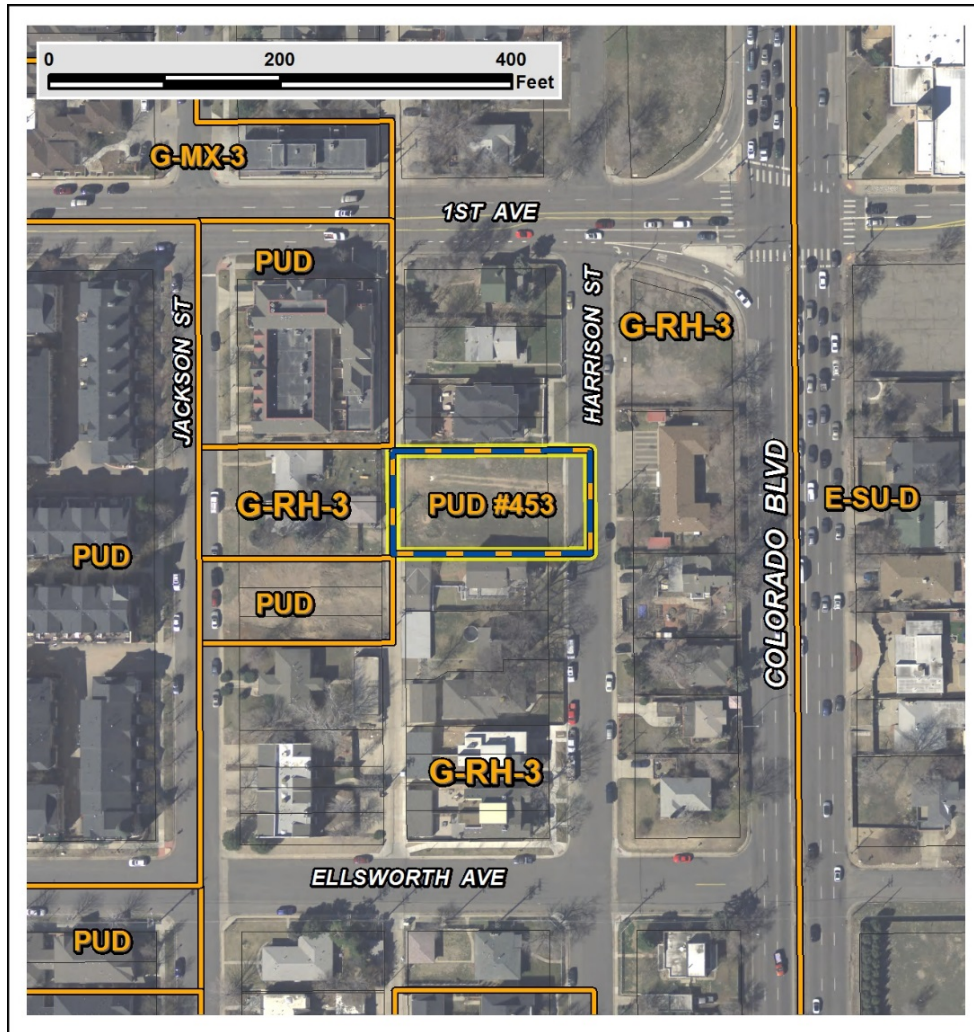


The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 453	Undeveloped	n/a	Small urban lots and short, rectangular grid block pattern. Rear-loaded garages with alleys. Properties on the east side of Harrison do not have an alley and are oriented to face Colorado Blvd, with rear vehicular access fronting Harrison. Pedestrian-oriented building frontages predominate. Attached narrow sidewalks serve older development, while more recent infill development features detached sidewalks of standard width.
North	G-RH-3	Two unit residential	Urban two unit duplex with alley access, 2 stories	
South	G-RH-3	Single family residential	Urban single family house with alley access, 2 stories	
East	G-RH-3	Multifamily residential	Urban attached multifamily facing Colorado Blvd, 1 story	
West	G-RH-3	Two unit residential	Under construction: urban two unit duplexes with alley access, 2 stories	

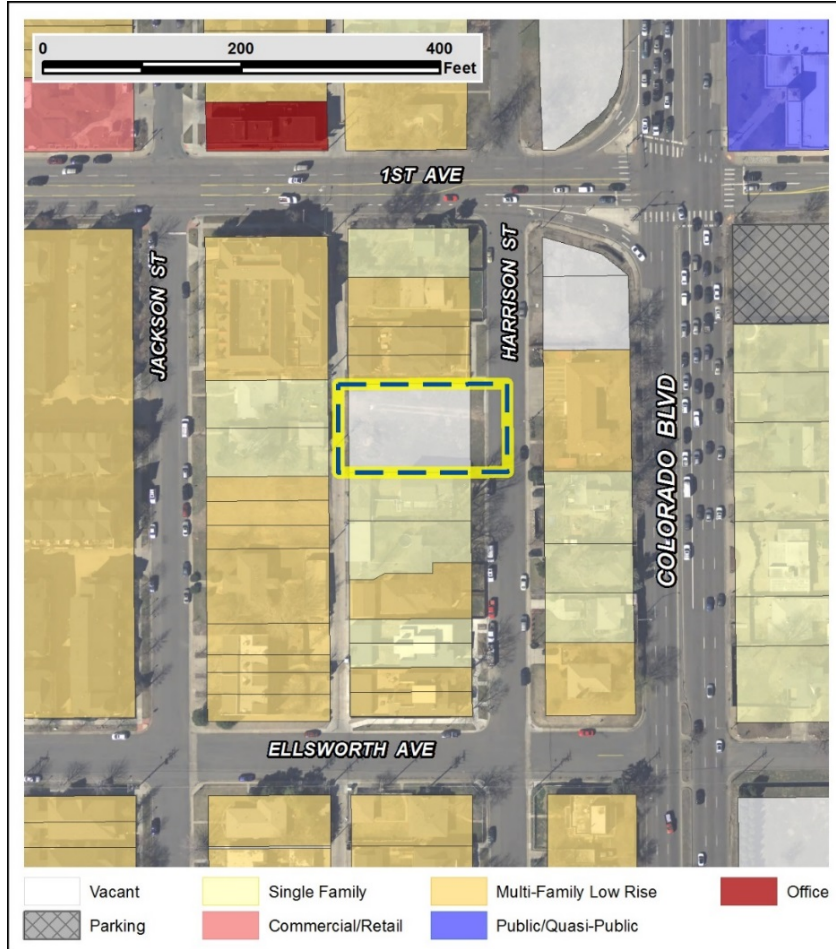
### 1. Existing Zoning

The site is currently zoned PUD 453 under Former Chapter 59. This zoning was put in place in 1998. Like many PUDs from this era, the land use and development standards are written very narrowly and specific to the development project as it was conceived at the time. The only use allowed under the PUD is a multiple unit dwelling with four units maximum. Minimum setbacks are 25' (front), 7.6' (sides), and 8.3' (rear). The maximum height allowed by the PUD is 3 stories and 40 feet. For additional details please refer to PUD 453 (included as "Exhibit A" on the attached rezoning application).



### 2. Existing Land Use Map

Development is actively occurring in the neighborhood, and as a result existing land use as depicted in the map below is getting out-of-date. The single family homes due west of the subject site across the alley have been razed and replaced by two duplexes that are currently under construction. All other land uses adjacent to the subject site remain accurate as depicted on the map.



### 3. Existing Building Form and Scale



View of the subject site from Harrison Street, looking west.



View of the duplex located adjacent to and north of the subject site.



View of the single family home located adjacent to and south of the subject site.





View from the subject site, looking east across Harrison. This low-rise multifamily structure fronts Colorado Boulevard and takes its vehicular access off of Harrison. (Source: Google Street View)



Two duplexes are under construction due west of the subject site, across the alley and facing Jackson Street.

### 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:

**Development Services – Project Coordination:** Approved - See Comments Below

The proposed rezoning is consistent with information shown on the submitted Concept Plan. Development Services can proceed with the proposed development with a condition that the

proposed waiver will be approved by the City Council. Formal Site Development Plan will not be approved until rezoning is completed

**Environmental Health:** Approved – The Denver Department of Environmental Health (DEH) is not aware of environmental concerns that would affect the proposed rezoning.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests developers consider installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Noise: Denver’s Noise Ordinance (Chapter 36-Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Construction noise is exempted from the Noise Ordinance during the following hours, 7am-9pm (Mon-Fri) and 8am-5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. Be aware, finished projects may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

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

**Public Works – Surveyor:** Approved – No Comments.

**Asset Management:** Approved – No Comments.

## Public Review Process

The public process for the proposed rezoning is summarized below:

- **Informational Notice-** CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on April 13<sup>th</sup>, 2016.
- **Planning Board-** The property was legally posted for a period of 15 days announcing the June 15<sup>th</sup>, 2016 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **Planning Board recommended approval of the proposed rezoning by a vote of 8-0.**

- **Neighborhoods and Planning Committee-** Following Planning Board review, the rezoning application was referred to the Neighborhoods and Planning (PLAN) Committee of the City Council for review at a public meeting. Written notification of the July 20<sup>th</sup>, 2016 PLAN meeting was sent to all affected registered neighborhood organizations and City Council members. The PLAN Committee voted to refer the rezoning application to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this application.
  - The Cherry Creek East Association (CCEA) provided a letter of support for the proposed rezoning for inclusion in the June 15<sup>th</sup>, 2016 Planning Board packet. On July 20<sup>th</sup>, 2016, the CCEA provided an updated letter of support for inclusion in the City Council packet (see attachment). The CCEA requested that the revised letter replace the one that they had previously submitted, stating that the first two sentences of the letter had been edited for clarity with no change to intent or meaning.

### Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

#### **DZC Section 12.4.10.7**

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

#### **DZC Section 12.4.10.8**

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

### **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 2000* strategies, including:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place and 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;
- Legacies Strategy 3-A - Identify areas in which increased density and new uses are desirable and can be accommodated.
- Neighborhood Strategy 1-F – Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.

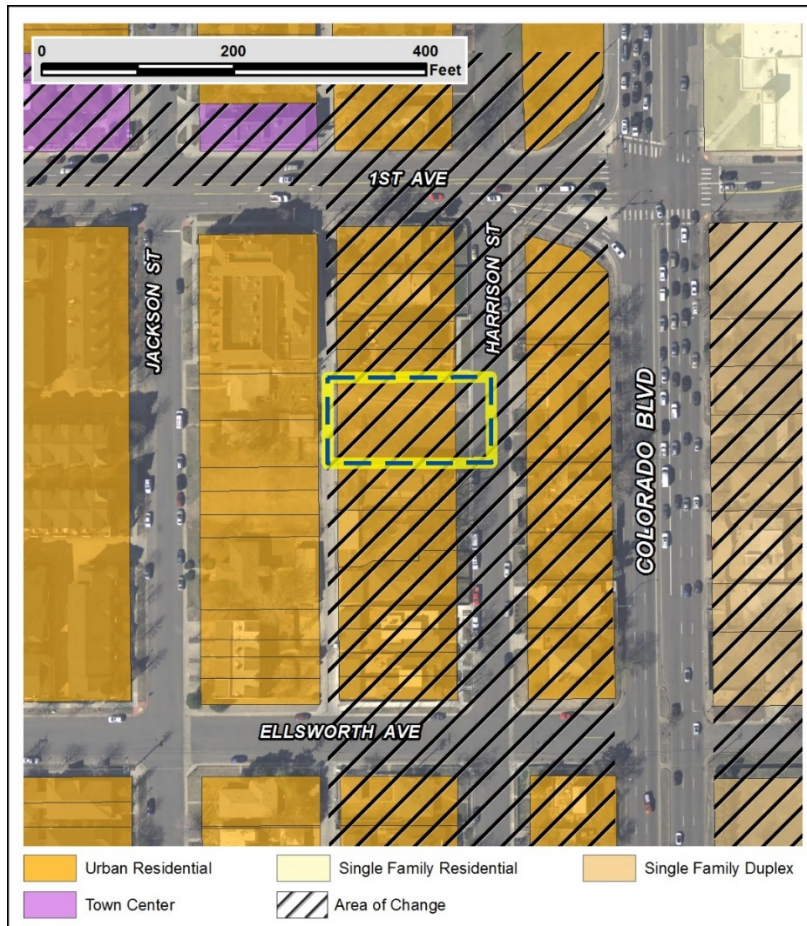
The proposed zone district broadens the variety of allowed uses and housing types from the current PUD while observing development standards to help ensure compatibility with the surrounding neighborhood. The rezoning proposal is consistent with the referenced plan recommendations from *Denver Comprehensive Plan 2000*.

**Blueprint Denver**

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

**Future Land Use**

“Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures. Capitol Hill, Cheesman Park, Riverfront Park in the Central Platte Valley and Cherry Creek East are good examples of urban residential areas.” (pp. 41-42)



The proposed Map Amendment is consistent with Blueprint Denver’s land use recommendation for Urban Residential, as the G-RH-3 zone district will encourage moderate density residential uses such as rowhouses.

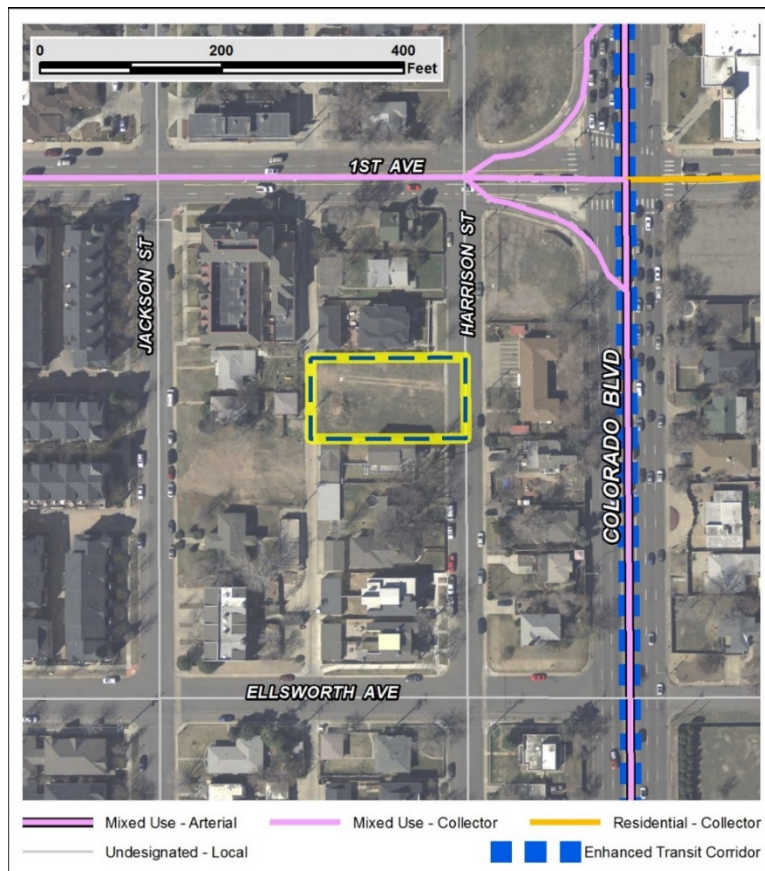
**Area of Change**

According to Blueprint Denver, the purpose of 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 short auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial” (p.127).

The proposed Map Amendment application is consistent with the recommendations for Areas of Change, as the proposed zone district will encourage redevelopment of a vacant property at densities compatible with the surrounding area.

**Street Classifications**

According to Blueprint Denver, Harrison Street is classified as Undesignated Local. Local residential streets are designed to emphasize walking, bicycling and land access over mobility (p.55). Colorado Boulevard is located 1 block to the east and is classified as an Enhanced Transit Corridor. These corridors are recommended for “enhanced bus transit services such as higher frequency bus service, BRT and priorities for intelligent transportation systems (ITS) investments (including bus priority signalization)” (p. 98).

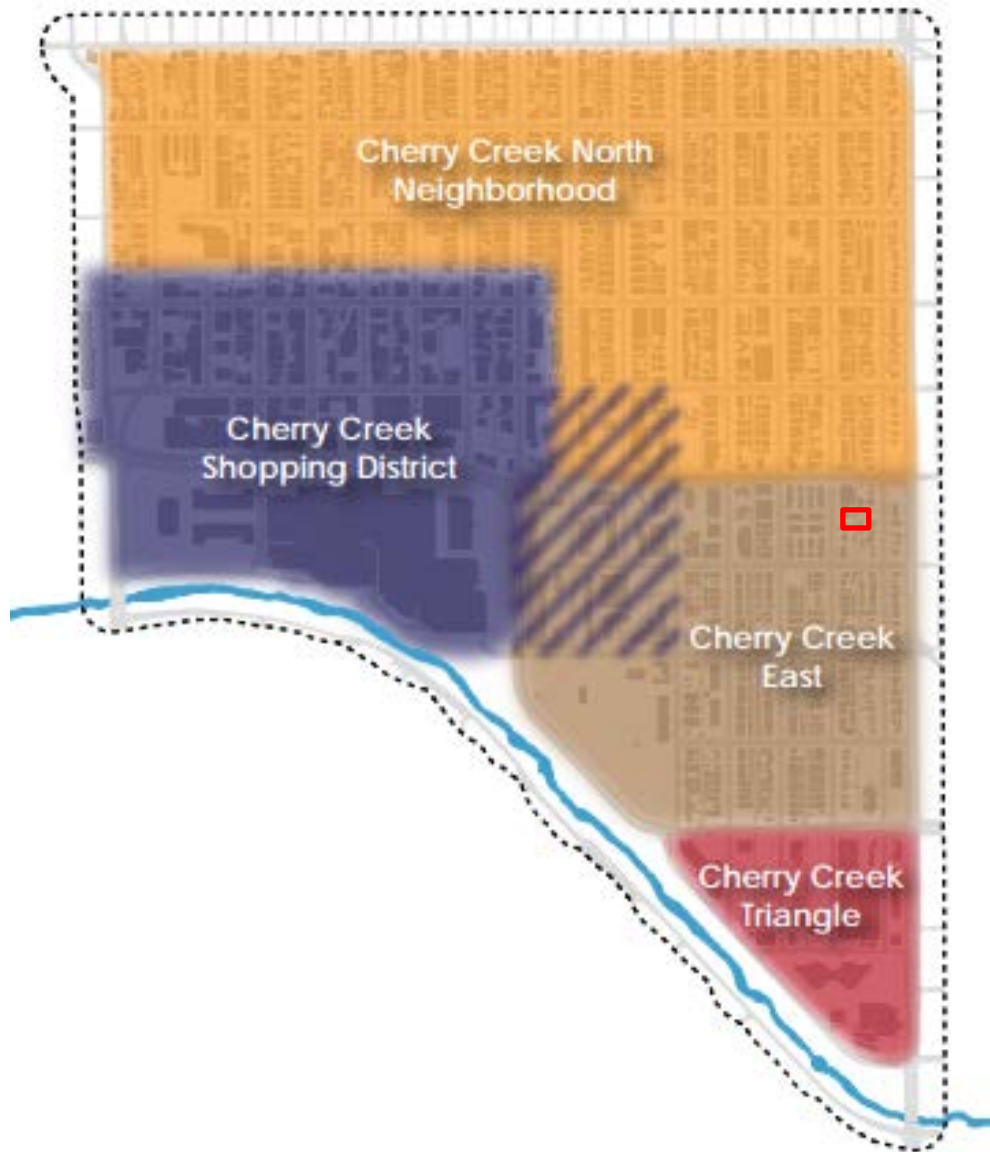


The Map Amendment application is consistent with *Blueprint Denver's* street classification recommendations, as the proposed zone district will encourage a pedestrian oriented street frontage on Harrison as well as residential infill development within walking distance of the Colorado Blvd. enhanced transit corridor.

**Cherry Creek Area Plan (2012)**

The Cherry Creek Area Plan was adopted by City Council in 2012. The Plan identifies Areas of Change and Areas of Stability in the neighborhood that provide guidance on where growth should occur. The subject property is located in an area of change. The Plan also organizes the neighborhood into sub-areas and provides recommendations for each of these smaller neighborhood areas. The subject property is located in the Cherry Creek East sub-area.





**Cherry Creek Area Plan – Cherry Creek East Sub-Area**

The plan recommends a future land use of Urban Residential at a maximum of 3 stories for the subject site. The plan defines Urban Residential as “supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units” (p. 72).



Future land use map - Cherry Creek East neighborhood

- Regional Center
- Town Center
- Urban Residential
- Other subareas



Maximum building heights map - Cherry Creek East neighborhood

- 12 Stories
- 8 Stories
- 5 Stories
- 3 Stories
- Other subareas

Additional relevant recommendations for Cherry Creek East include the following (p. 72):

- **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.
- **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.
- **Rezone PUDs.** As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan.

The proposed Map Amendment is consistent with the above referenced recommendations of the Cherry Creek Area Plan, as the proposed G-RH-3 with a waiver will encourage development that is consistent with the plan's land use and building height recommendations, and will help to achieve other key recommendations for the Cherry Creek East subarea by reinforcing residential character, maintaining established scale, and rezoning out of a former Chapter 59 PUD.



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

The current PUD zoning was left in place during the 2010 Denver Zoning Code (DZC) update while adjacent sites were mapped into the new code. Rezoning out of former chapter 59 and into the DZC will encourage uniform application of zoning in this area. Furthermore, the proposed waiver is consistent with a planned text amendment that CPD intends to apply to the G-RH-3 zone district at a later date. Therefore, the proposed rezoning to G-RH-3 with a waiver will result in the uniform application of zone district building form, use, and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The demand for housing within the Cherry Creek neighborhood has increased in recent years and the area has responded with new residential development and neighborhood amenities. The proposed rezoning of the subject property to G-RH-3 with a waiver will facilitate infill development of a vacant lot in an identified Area of Change that is compatible with surrounding properties and consistent with adopted plans.

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

### Neighborhood Context Description

The requested zone district is within the General Urban Neighborhood Context which is characterized by "multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas. Residential uses are primarily located along local and residential arterial streets" (DZC 6.1.1).

The proposed Map Amendment is consistent with this context, as the proposed G-RH-3 with a waiver will facilitate the development of multi-unit housing along a residential street.

### Zone District Purpose and Intent

According to the general purpose stated in the Denver Zoning Code, the intent of the Residential districts is "to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms" (DZC 6.2.2.1.A). In particular, the G-RH-3 zone district is "a multi unit district allowing urban house, duplex, and row house building forms. Row houses are not taller than three stories" (DZC 6.2.2.2.A).

The proposed rezoning is consistent with the General Purpose and Specific Intent, as it will encourage multi-unit residential of up to 3 stories within the character of the General Urban Neighborhood Context.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 45 N. Harrison Street (#2016I-00021) to the proposed G-RH-3 with a waiver meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

### **Attachments**

1. Letter of Support from the Cherry Creek East Association
2. Rezoning Application- also includes the following items:
  - Proposed waiver signed by applicant
  - PUD 453

June 6, 2016

City and County of Denver  
City Council, District 10  
Denver Planning Board  
Denver, CO 80202

Dear Councilman New and Denver Planning Board Members,

**Subject: Cherry Creek East Association RNO Position Statement  
Request for Rezoning  
45 North Harrison Street**

Application	#20161-00021
Location	45 North Harrison Street
Council District	Council District 10, Councilman New
Current Zoning	PUD 453 Under Former Chapter 59
Proposed Zoning	G-RH-3 with waivers
Property Owner	Campbell Family Trust
Owner Representative	Reid Phillips, Nest Home Company
RNO	Cherry Creek East Association (CCEA)
RNO Contact Name	Susan Smernoff
Contact Address	240 South Madison Street
Contact E-mail Address	ssmernoff@gmail.com
Date Submitted	Monday 6 June 2016

As required by DRMC Section 12-96, CCEA RNO was notified of the request for rezoning by the City and County of Denver. CCEA RNO Board met on March 2, 2016 and May 10, 2016 to discuss the rezoning request.\* Campbell Family Trust representative, Reid Phillips (Nest Home Company) made a presentation to the CCEA RNO Board. Mr. Phillips responded to all Board questions.

CCEA Board of Directors voted to support the request for rezoning from PUD 453 to G-RH-3.

CCEA RNO supports the request with the following understandings:

1. The requested G-RH-3 zoning is in conformance with the Cherry Creek Area Plan, Denver Comprehensive Plan 2000 and Blueprint Denver.
2. The G-RH-3 zone district allows residential uses in a variety of building forms including urban houses, duplexes, garden court and row houses, with a maximum height of up to three stories. The G-RH-3 zone district respects the existing scale and residential character of Cherry Creek.

3. The waiver removes the requirement for a ten-foot side interior setback adjacent to a protected zone district for the rowhouse building form so that it would not apply. The standard five-foot sideyard setback requirement would not be affected by this waiver and would still apply. The standard five-foot sideyard setback requirement is consistent with existing sideyard setbacks that are predominate in Cherry Creek East.
4. Mr. Phillips has agreed to provide a five-foot detached sidewalk with tree-lawn in the public right-of-way, per policy statements in the Cherry Creek Area Plan. Detached sidewalks are a defining pedestrian feature in Cherry Creek that encourage and enhance walkability in this Area of Change.
5. Mr. Phillips will give consideration to including pedestrian lighting and has agreed to inform the RNO Board as building design plans for the site move forward.

Kind regards,

Susan Smernoff, President  
CCEA RNO Board of Directors

\* After the Planning Board Meeting and prior to City Council action, the first two sentences were edited for clarity with no change to intent or meaning. CCEA RNO Bylaws allow CCEA RNO Board to take action on behalf of CCEA RNO. Community agreement for the rezoning request was vetted through the Cherry Creek Area Plan community input and adoption process.

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:		G-RH-3 w/ a waiver of the Side Interior Setback, adjacent to a Protected Zone District	
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:		<input type="checkbox"/> Yes	<input type="checkbox"/> No

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input 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.  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.
	<input 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.
	<input 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>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area. <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.  Please provide an attachment describing the justifying circumstance.
	<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.  Please provide an attachment describing how the above criterion is met.
	<p><b>REQUIRED ATTACHMENTS</b></p> <p>Please ensure the following required attachments are submitted with this application:</p> <input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria
<p><b>ADDITIONAL ATTACHMENTS</b></p> <p>Please identify any additional attachments provided with this application:</p> <input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
<p>Please list any additional attachments:</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)
<b>EXAMPLE</b> 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
CAMPBELL FAMILY TRUST, BY STEVE CAMPBELL	45 N HARRISON STREET, DENVER CO 80206	100%	<i>[Signature]</i> Twislee	3-24-16	(B)	yes

Last updated: February 4, 2015

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

Campbell Family Trust  
Steve campbell  
7912 W Sahara Ave  
Las Vegas, NV 89117

Owner Authorization for Zone Map Amendment

City of Denver Community Development,

Concerning the Zone Map Amendment for 45 N Harrison Street, Denver CO  
80206. I hereby authorize Reid Phillips manager of Nest Home Company, Member  
Manager 45 N Harrison, LLC, to act behalf of the Campbell Family Trust.

sincerely,

A handwritten signature in black ink, appearing to read "Steve Campbell". The signature is fluid and cursive, with a large loop at the end.

Steve Campbell



**Commitment (45 HARRISON STREET)(buyer/owner NEST HOME COMPANY, LLC, A COLORADO LIMITED LIABILITY COMPANY)(our 70484452)**

response@ltgc.com <response@ltgc.com>

Fri, May 13, 2016 at 10:47 AM

To: rosborn@ltgc.com, reid@nesthomecompany.com, lloomis@ltgc.com



[View this email in full HTML in your browser](#)

**Associated Documents**

- [Commitment](#)
- [Tax Certificate, Parcel Id: 05125-02-018-000](#)
- [Tax Certificate, Parcel Id: 0512502018000 - TAX CERTIFICATE](#)
- [All documents as one PDF](#)

**Navigating and Understanding your Title Commitment Summary**

- Click on the blue links in the Table of Contents to go to a specific section
- Click on the [↑\(back to top\)](#) links to return to the top of the email
- Click on the blue links within the body of the email to view a related document
- Click on a blue email address link in the Contacts section to send an email to that party
- Green underlined text indicates changes from the previous Title Summary

For general information on title insurance, please refer to <http://www.alta.org/consumer>

**Commitment Summary - 45 HARRISON STREET (K70484452-2)**

[View Printable Version](#)

**Table of Contents**

- [LTGC Contacts](#)
- [Delivery Parties](#)
- [Order Information](#)
- [Vesting \(24 month Chain of Title\)](#)
- [Wire Instructions](#)
- [Title Fees](#)
- [Schedule A](#)
- [Requirements](#)
- [Exceptions](#)

- [Disclosure](#)

## Your Land Title Guarantee Company Contacts [↑](#) (back to top)

### For Closing Assistance

Laura L. Loomis  
5975 GREENWOOD PLAZA  
BLVD SUITE 100  
GREENWOOD VILLAGE, CO  
80111  
[720-200-1328](tel:720-200-1328) (phone)  
[303-393-4921](tel:303-393-4921) (fax)  
[lloomis@ltgc.com](mailto:lloomis@ltgc.com)  
Company License: CO44565  
Contact License: CO273465

### Closer's Assistant

Robyn Osborn  
5975 GREENWOOD PLAZA  
BLVD SUITE 100  
GREENWOOD VILLAGE, CO  
80111  
[720-200-1323](tel:720-200-1323) (phone)  
[303-393-4921](tel:303-393-4921) (fax)  
[rosborn@ltgc.com](mailto:rosborn@ltgc.com)

### For Title Assistance

CUSTOMER RESPONSE  
5975 GREENWOOD  
PLAZA BLVD  
GREENWOOD VILLAGE,  
CO 80111  
[303-850-4141](tel:303-850-4141) (phone)  
[303-393-4842](tel:303-393-4842) (fax)  
[response@ltgc.com](mailto:response@ltgc.com)

## Commitment Delivery Parties [↑](#) (back to top)

### Buyer/Borrower

NEST HOME COMPANY, LLC  
Delivered via: Electronic Mail

### Agent for Buyer

GREY ROCK REALTY  
Attention: REID PHILLIPS  
112 TRIMBLE COURT  
FORT COLLINS, CO 80524  
[970-672-0775](tel:970-672-0775) (work)  
[866-634-4130](tel:866-634-4130) (work fax)  
[reid@nesthomecompany.com](mailto:reid@nesthomecompany.com)  
Delivered via: Undetermined

### Seller/Owner

CAMPBELL FAMILY TRUST  
Delivered via: Electronic Mail

## Order Information [↑](#) (back to top)

### Order Number:

K70484452-2

### Property Address:

45 HARRISON STREET, DENVER, CO 80206

### Buyer/Borrower:

NEST HOME COMPANY, LLC, A COLORADO LIMITED LIABILITY COMPANY

### Seller:

CAMPBELL FAMILY TRUST CREATED UNDER TRUST AGREEMENT DATED APRIL 15, 1993

### Vesting Deed(s) / (24 month Chain of Title):

[Denver county recorded 2/22/2002 under reception no. 2002036386](#)

[Denver county recorded 6/24/1999 under reception no. 9900112526](#)

[Denver county recorded 4/9/1999 under reception no. 9900063536](#)

[Denver county recorded 7/22/1998 under reception no. 9800117081](#)

[Denver county recorded 6/29/1998 under reception no. 9800102648](#)

## Wire Instructions [↑](#) (back to top)

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

**Estimate of Title Fees** [↑ \(back to top\)](#)

ALTA Owners Policy 06-17-06	\$1,246.00
Deletion of Standard Exception(s)	\$65.00
Tax Certificate	\$21.00
Hold Open (1ST HALF)	\$125.00
	<hr/>
	\$1,457.00

**Schedule A** [↑ \(back to top\)](#)

**Property Address:**

45 HARRISON STREET, DENVER, CO 80206

**1. Effective Date:**

05-06-2016 at 05:00:00

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06 \$900,000.00  
Proposed Insured:  
NEST HOME COMPANY, LLC, A COLORADO LIMITED LIABILITY COMPANY

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A FEE SIMPLE

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

CAMPBELL FAMILY TRUST CREATED UNDER TRUST AGREEMENT DATED APRIL 15, 1993

**5. The Land referred to in this Commitment is described as follows:**

LOTS 31 THROUGH 33, INCLUSIVE, AND THE SOUTH 2/3 OF LOT 34, BLOCK 11, BURLINGTON CAPITOL HILL ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**Plat Map(s):**

[Denver county recorded 3/2/1888 in book 5 at page 14A map id 5/14A](#)

**APN(s):**

0512502018000

**Tax Certificate(s):**

[Tax Certificate<br/>Parcel Id: 05125-02-018-000](#)

[Tax Certificate - TAX CERTIFICATE<br/>Parcel Id: 0512502018000](#)

**Requirements** [↑ \(back to top\)](#)

**Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.**

**Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:**

1. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT IMPROVEMENT LOCATION CERTIFICATE OF SUBJECT PROPERTY. THIS REQUIREMENT IS NECESSARY TO DELETE STANDARD EXCEPTIONS 1 THROUGH 3 ON VACANT LAND. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

NOTE: ANY MATTERS DISCLOSED BY SAID IMPROVEMENT LOCATION CERTIFICATE WILL BE REFLECTED ON SAID POLICY(S) TO BE ISSUED HEREUNDER.

NOTE: LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID IMPROVEMENT LOCATION CERTIFICATE.

2. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF CAMPBELL FAMILY TRUST CREATED UNDER TRUST AGREEMENT DATED APRIL 15, 1993 AS A TRUST. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE TRUST WAS CREATED, THE MAILING ADDRESS OF THE TRUST, THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE TRUST AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: RELEVANT PORTIONS OF THE FULLY EXECUTED TRUST AGREEMENT FOR THE ABOVE-NAMED TRUST MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY PRIOR TO CLOSING SO THAT THE COMPANY CAN CONFIRM THE ACCURACY OF THE STATEMENTS APPEARING IN THE STATEMENT OF AUTHORITY.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

3. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR NEST HOME COMPANY, LLC RECORDED SEPTEMBER 16, 2015 AT RECEPTION NO. [2015130687](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES REID PHILLIPS AS THE MANAGER AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

4. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR NEST HOME COMPANY, LLC MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

5. WARRANTY DEED FROM CAMPBELL FAMILY TRUST CREATED UNDER TRUST AGREEMENT DATED APRIL 15, 1993 TO NEST HOME COMPANY, LLC, A COLORADO

LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

NOTE: ALL PARTIES WILL BE REQUIRED TO SIGN A FINAL AFFIDAVIT AND AGREEMENT AT CLOSING.

**Exceptions** [↑](#) (back to top)

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. CRANMER PARK MOUNTAIN VIEW RESTRICTION ORDINANCE, AS CONTAINED IN INSTRUMENT RECORDED MARCH 14, 1968 IN BOOK 9854 AT PAGE [231](#), AND AMENDED BY INSTRUMENTS RECORDED DECEMBER 04, 1968 IN BOOK 9963 AT PAGE [506](#), JANUARY 06, 1969 IN BOOK 9975 AT PAGE [351](#), AND JULY 30, 1973 IN BOOK 738 AT PAGE [127](#).**

9. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS OF ORDINANCE NO. 325, SERIES OF 1998 RECORDED MAY 26, 1998 UNDER RECEPTION NO. [9800079087](#).
  
10. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS OF PLANNED UNIT DEVELOPMENT (MINOR) PUD SITE PLAN RECORDED DECEMBER 17, 1999 UNDER RECEPTION NO. [9900212162](#).

## Disclosure Statements [↑](#) (back to top)

### LAND TITLE GUARANTEE COMPANY and LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

1. The subject real property may be located in a special taxing district.
2. A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property)
3. The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

1. The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
2. No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
3. The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
4. The Company must receive payment of the appropriate premium.
5. If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

1. That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
2. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

**Open the attached pdf version of the commitment to view our PRIVACY POLICY.**

*The above links and associated images are provided for information purposes only. They are not guaranteed as to accuracy, availability or quality.*

---

**Metro Response**

Land Title Guarantee Company

Direct: [303-850-4141](tel:303-850-4141)

Fax: [303-393-4823](tel:303-393-4823)

[response@ltgc.com](mailto:response@ltgc.com)

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



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Recorded at the request of:  
And when recorded mail to:

HARRY J. HISTEN, ESQ.  
2000 Market Street  
Riverside, CA 92501

## ABSTRACT OF DECLARATION OF TRUST

TRUST DECLARATION, conveyance, and acceptance is made and entered into by STEVEN ROBERT CAMPBELL and DEANA DARLENE CAMPBELL as Trustors and as Trustees. The Trustee shall hold title to Trust property as "STEVEN ROBERT CAMPBELL and DEANA DARLENE CAMPBELL, Trustees or Successor Trustees, under that certain Declaration of Trust dated April 15, 1993", for carrying out the purposes of the Trust. The name of the Trust is "CAMPBELL FAMILY TRUST."

### 1. Purpose of Trust

This Trust is created for the use and benefit of the Trustor during the Trustor's lifetime, and to provide for disposition of Trust assets upon the death of the Trustor.

### 2. Powers of Trustor

The Trustor may amend, modify or revoke the Trust. The Trustor may add or remove assets from the Trust at the Trustor's absolute discretion. The Trustor's said powers terminate only upon his/her death or his/her being declared incompetent.

### 3. Powers of Trustee

The Trustee, (including the Trustor and Successor Trustees), may manage the Trust estate to carry out the purposes of the Trust and is specifically granted absolute discretion to manage the Trust estate including, but not limited to the power to sell, exchange, purchase, invest, lease, encumber, hypothecate, improve or repair, insure, vote and give promises to vote any securities, borrow, commence or defend litigation, compromise, disputed, and exercise all such rights and privileges as could be done, taken or exercised by an absolute owner of the Trust property.

### 4. Spendthrift Provisions

No interest under the Trust instrument shall be transferable or assignable by any beneficiary (other than the Trustor acting as Trustee) to the claims of creditors or be subject, during the beneficiaries life, to such claims. In the event any attempt should be made by any creditor of a beneficiary, the Trustee may apply the income or principal to which the beneficiary would otherwise be entitled, for the beneficiary's support and maintenance or the support and maintenance of those dependent upon the beneficiary or to the account of other beneficiaries, in such a manner as the Trustee shall determine, and may credit any undistributed portion to the beneficiary's account, i.e. constituting and continuing to hold it as a separate trust for the spendthrift.

### 5. Evidence of Content

A certificate signed by any Trustor hereunder and acknowledged before a notary public shall be conclusive evidence upon all persons and for all purposes of the facts stated in said certificate respecting the terms of the Trust and the text thereof and who are from time to time the Trustees hereunder.

### 6. Declaration of Trust

IN WITNESS WHEREOF, the Trustor and Trustees hereby certify that the foregoing is true and correct, the Trustee hereby acknowledges and accepts all of the obligations, duties and powers imposed by the Declaration of Trust instrument, and by this instrument, certifies that this is a true abstract of the original Declaration of Trust.



EXECUTED on April 15, 1993, at Riverside, California.

TRUSTORS:

TRUSTEES:

*Steven Robert Campbell*  
STEVEN ROBERT CAMPBELL

*Steven Robert Campbell*  
STEVEN ROBERT CAMPBELL

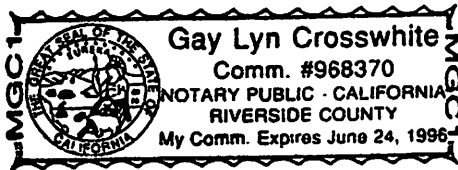
*Deana Darlene Campbell*  
DEANA DARLENE CAMPBELL

*Deana Darlene Campbell*  
DEANA DARLENE CAMPBELL

State of California) ss  
County of Riverside)

On April 15, 1993, before the undersigned, a Notary Public, personally appeared STEVEN ROBERT CAMPBELL and DEANA DARLENE CAMPBELL, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

IN WITNESS WHEREOF, I hereunto set my hand and seal.



*Gay Lyn Crosswhite*  
Notary Public

CERTIFICATE

I, Harry J. Histen, hereby declare:

That I am an active member of the State Bar of California;

That the foregoing Abstract of Declaration of Trust, of even date, is a true and accurate abstract of the Declaration of Trust, prepared by me and executed by Trustor(s) and Trustee(s), reciting the powers of the Trustee(s), and depicting the signatures of the Trustor(s) and Trustee(s).

*Harry J. Histen*  
Harry J. Histen

State of California) ss  
County of Riverside)

On April 15, 1993, before the undersigned, a Notary Public, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I hereunto set my hand and seal.



*Gay Lyn Crosswhite*  
Notary Public

**EXHIBIT C**

(Legal Description)

LOTS 31 THROUGH 33, INCLUSIVE, AND THE SOUTH 2/3 OF LOT 34, BLOCK 11,  
BURLINGTON CAPITOL HILL ADDITION, CITY AND COUNTY OF DENVER, STATE OF  
COLORADO.

**Proposed Waiver**

Per Section 12.4.10.6 (Waivers of Rights and Obligations and Approval of Reasonable Conditions) of the Denver Zoning Code, I, the designated representative of the property under application for the rezoning referenced herein, request that the zoning classification of the land described herein include the following waiver:

1. Waive the setback requirement for Side Interior, adjacent to Protected District (minimum) for the Row House building form in Primary Building Form Standards, District Specific Standards for the G-RH-3 zone district, contained in Denver Zoning Code Section 6.3.3.4.D, as amended, and instead of 10' shall be na.

These waivers shall apply to all our successors and assigns.

Agreed to by:

  
\_\_\_\_\_  
Reid Phillips, Manager NHC Management, Manager 45 N Harrison LLC

5/23/16  
Date

# ROW HOUSE

<b>HEIGHT</b>		<b>G-RH-3</b>	<b>G-MU-3; G-RO-3</b>	<b>G-MU-5</b>	<b>G-RO-5</b>	<b>G-MU-8, -12, -20</b>
<b>A</b>	Stories (max)	see below	3	5	5	5
<b>A</b>	Feet (max)	see below	40'	65'	65'	65'
	Stories, front 80% / rear 20% of zone lot depth (max)	3/1	na	na	na	na
<b>A</b>	Feet, front 80% / rear 20% of zone lot depth (max)	30'*/19'	na	na	na	na
<b>B</b>	Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max)	25'	na	na	na	na
<b>I</b>	Upper Story Setback, for flat roof, Above 25'; Side Street and Side Interior	15'	na	na	na	na

\*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

<b>SITING</b>		<b>G-RH-3</b>	<b>G-MU-3; G-RO-3</b>	<b>G-MU-5</b>	<b>G-RO-5</b>	<b>G-MU-8, -12, -20</b>
<b>ZONE LOT</b>						
	Zone Lot Size (min)	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>
	Zone Lot Width (min)	50'	50'	50'	50'	50'
<b>REQUIRED BUILD-TO</b>						
<b>C</b>	Primary Street (min % within min/max)	na	60% 10'/20'	60% 10'/20'	60% 10'/20'	60% 10'/20'
<b>SETBACKS</b>						
	Primary Street, block sensitive setback required	yes	yes	na	na	na
<b>D</b>	Primary Street, where block sensitive setback does not apply (min)	20'	10'	10'	10'	10'
<b>E</b>	Side Street (min)	5'	5'	5'	5'	5'
<b>F</b>	Side Interior (min)	5'	7.5'	7.5'	7.5'	7.5'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'
<b>G</b>	Rear, alley/no alley (min)	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'
<b>PARKING</b>						
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed				
	Vehicle Access	From Alley; or Street access allowed when no Alley present (See Sec. 6.3.7.6)				
<b>H</b>	<b>DETACHED ACCESSORY STRUCTURES</b>	See Sec. 6.3.4				

Requested Waiver

<b>DESIGN ELEMENTS</b>		<b>G-RH-3</b>	<b>G-MU-3; G-RO-3</b>	<b>G-MU-5</b>	<b>G-RO-5</b>	<b>G-MU-8, -12, -20</b>
<b>BUILDING CONFIGURATION</b>						
	Street-facing Garage Door Width per Primary Structure (max)	20'	20'	20'	20'	20'
<b>J</b>	Upper Story Setback Above 40', Side Interior (min)	na	na	15'	na	na
	Upper Story Setback Above 51'; Side Interior (min)	na	na	na	15'	15'
<b>K</b>	Upper Story Setback Above 27'; adjacent to Protected District: Side Interior (min)	na	25'	25'	25'	25'
<b>L</b>	Upper Story Setback Above 51'; adjacent to Protected District: Side Interior (min)	na	na	40'	40'	40'
	Upper Story Setback Above 40'; adjacent to Protected District: Rear, alley/Rear, no alley (min)	na	30'/40'	30'/40'	30'/40'	30'/40'
	Attached Garage Allowed	May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks				
<b>STREET LEVEL ACTIVATION</b>						
<b>M</b>	Transparency, Primary Street (min)	na	25%	25%	25%	25%
<b>N</b>	Transparency, Side Street (min)	na	25%	25%	25%	25%
<b>O</b>	Pedestrian Access	Each unit shall have a street-facing Entrance				
<b>USES</b>		<b>G-RH-3; All G-MU and G-RO</b>				

Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses. See Division 6.4 Uses and Parking

See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

45 N Harrison, LLC  
111 W Cannon Street  
Lafayette CO, 80026

City of Denver  
Community Planning & Development  
201 W Colfax Street Dept. 205  
Denver CO 80202

### **Zone Map Amendment**

45 N Harrison Street  
Denver CO 80209

City of Denver Community Planning & Development,

Concerning the Zone Map Amendment application for 45 N Harrison Street, Denver CO 80206, Parcel #0512502018000, legal described as BURLINGTON CAPITOL HILL ADD B11 L31 TO 33 & S2/3 OF L34. This parcel is currently zoned as a Chapter 59 Code PUD, attached as Exhibit A to this supplemental attachment. We are requesting for a Zone Map Amendment to change to Denver's G-RH-3 zoning with waivers.

The City of Denver requires City Council to review Zone Map Amendments per the criteria laid out in Article 12.4.10.7-8 of the Denver Zoning Code. On behalf of the current owner, the Campbell Family Trust, 45 N Harrison Street, LLC, would like to address how this requested Zone Map Amendment meets this criteria per the current adopted plans that have been approved by the City of Denver.

In addition, 45 N Harrison Street, LLC has reached out to it's City Council Representative, Wayne New on March 1<sup>st</sup>, 2015, the Cherry Creek East Neighborhood Association during their March 2<sup>nd</sup> and May 10th board meeting as well as to the appropriate contacts as listed in Denver's RNO database for Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation (INC); Harman Neighborhood Association, Inc.; & Capitol Hill United Neighborhoods, Inc. by email. These correspondences and feedback have been attached as Exhibits B to this supplemental attachment for your consideration in this Zone Map Amendment request.

### **General Review Criteria per (12.4.10.7)**

#### **Consistency with Adopted Plans**

The City of Denver requires that 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.

45 N Harrison Street is subject to Blueprint Denver, Comprehensive Plan 2000, and the Cherry Creek Area Plan. This proposed Zone Map Amendment ("ZMA"), to G-RH-3 Zoning with waivers, is consistent with all 3 of these adopted plans.

In the Comprehensive Plan 2000, Cherry Creek is referenced as an area of luxury townhouses, which is consistent with the proposed G-RH-3 Zoning with waivers. While In blueprint Denver, Cherry

Creek is referenced as a “newer neighborhoods such as Cherry Creek typically have townhouses and duplexes.” These prior references are consistent with the proposed G-RH-3 zoning with waivers and it’s row house building form in section 6.3.2.1 of the Denver Zoning Code.

To further illustrate the consistency of the proposed ZMA, in the zoning during the comprehensive plan 2000, this parcel was zoned, and in 2010, the zoning for the surrounding area was changed to G-RH-3 with waivers per the map below. This parcel would have been likely already zoned G-RH-3 with waivers in the 2010 citywide rezoning had it not been a Chapter 59 Code PUD.



More currently, in the Cherry Creek Area plan (CAP), adopted in 2012, 45 N Harrison Street is within the designated Area of Change. This desire for this area in the CAP includes the ability to “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. (Exhibit D.1; B.1.B)” Since the surrounding area was amended to a G-RH-3 zoning with waivers, we believe that this is consistent with the way that the city was encouraging change in a positive way.

45 N Harrison Street is also located in what the CAP considers development opportunities in the Colorado Boulevard Gateway (Exhibit D.2). Special consideration for this site is shown in section D.2.B where the CAP makes note that “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 pedestrian experience and overall character of the Cherry Creek Area. 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.” We believe that this language directly reflects the desired ZMA to G-RH-3 with waivers, as this parcel is connected on all sides by residential zone lots with that same zoning. We also believe that it is appropriate to propose a ZMA with a zoning designed for the row house form, as the surrounding community has been redeveloped in the many different veins of that form throughout it’s redevelopment dating back to the 1970’s

In addition, the use of older Chapter 59 Code PUD's that this parcel is currently zoned for, is also addressed in the CAP under the Key issues concerning Cherry Creek East where it notes that "There are nearly 100 individually adopted PUDs in Cherry Creek East and some of these properties have not been developed. Because PUD zoning typically does not provide the flexibility needed to react to the changing real estate market and updating a PUD entails a lengthy rezoning process, these un-built PUD projects create uncertainty for the owner and community. (Exhibit D.3)"

The Cherry Creek East subarea recommendations in the CAP also calls out that, "As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan, (Exhibit D.3)" with the recommended land use for 45 N Harrison in the CAP is for 3 Story Urban Residential; which the proposed ZMA to a G-RH-3 zoning with waivers is designed for. (Exhibit D.3)

Therefore, the proposed G-RH-3 zoning with waivers meets the criteria of complying with existing neighborhood plans, by providing a consistent zoning with it's surround neighborhood, stated desires by the City of Denver Comprehensive Plan 2000, Blueprint Denver, and Cherry Creek Area Plan, and also is consistent with the sub area specific desires in the Cherry Creek area plan, including amending this zoning map to fit with it's designation of an area of change and addressing the stated Key Issue of older Chapter 59 Code PUD's in the area with zoning that the Owner, neighborhood and City feel is appropriate.

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

The City of Denver requires "Uniformity of District Regulations and Restrictions by requiring 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."

45 N Harrison Street, is currently surrounded on all 4 sides by parcels zoned as G-RH-3 with waivers (see zone map section above). We believe, that by enacting a ZMA on this parcel to G-RH-3 with waivers; future development of this parcel will fall under the same regulations and restrictions of other parcels in the City of Denver with a G-RH-3 zoning with waivers designation. Since the surrounding neighborhood's zoning was amended to G-RH-3 with waivers, this will align regulations and restrictions with the other development in this area.

In addition, parcels with similar circumstances within the Cherry Creek East area have been rezoned under these exact same circumstances; including 12 S Garfield Street (Chapter 59 PUD to G-RH-3 with similar side interior set back waiver) and 59 S Jackson Street (Chapter 59 Code PUD to G-RH-3 with similar side interior set back waiver).

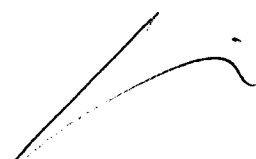
To illustrate the necessity of this ZMA, we also believe that referring back to the CAP key issue for Cherry Creek East, specifically calling out the desire of the city and neighborhood to rezone Chapter 59 Code PUD's. Per the CAP "There are nearly 100 individually adopted PUDs in Cherry Creek East and some of these properties have not been developed. Because PUD zoning typically does not provide the flexibility needed to react to the changing real estate market and updating a PUD entails a lengthy

Chapter 59 Code PUD's that the CAP recognizes as a key issue for the area. Because these older PUD's "typically do not provide the flexibility needed to react to the changing real estate market and updating a PUD entails a lengthy rezoning process, these un-built PUD projects create uncertainty for the owner and community," these parcels sit, undeveloped, and neglected until action is taken to amend their zoning.

The CAP even calls out that these parcels should, "As opportunities arise with new development or property owner interest, property owners and neighborhood representatives should work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan. (Exhibit D.3)"

Since the CAP recognizes that is in the public interest to encourage a redevelopment of the area, by designating it as an area of change; and calling out for owners, neighborhoods and the City of Denver to determine an appropriate Denver Zoning Code, we believe that a ZMA to G-RH-3 with waivers, which matches the surrounding zoning, constitutes complying with the required justifying circumstance per 12.4.10.8.

Sincerely,



Reid Phillips

Manager NHC Management LLC, Manager 45 N Harrison, LLC



Area map indicating property to be rezoned will be prepared by the Department of Zoning Administration	<p align="center">City and County of Denver  <b>DEPARTMENT OF ZONING ADMINISTRATION</b>  <b>APPLICATION FOR ZONE MAP AMENDMENT</b></p>	Application Number: 4357 (Revised) Date Submitted: 2/10/98 Fee: \$600.00
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<b>1. Applicant</b> Harrison Terrace, LLC	<b>2. Address</b> 13693 East Iliff Ave., Suite 112 Aurora, Colorado 80014	<b>3. Phone No.</b> (303) 755-6037 fax 755-7112	<b>4. Interest</b> <input type="checkbox"/> Owner (s) <input checked="" type="checkbox"/> X Agent <input type="checkbox"/> Other
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<b>5. Owner of Property or Properties (If not the Applicant)</b> Martin E. Jepkes and Charlotte M. Jepkes Trust	<b>6. Address</b> 2655 E. Geddes Avenue Littleton, CO 80122	<b>7. Phone No.</b> 303-770-5108
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**8. Location of Proposed Change**  
 45 Harrison Street, Denver, Colorado 80206

**9. Legal Description of Property: (If Legal Description is lengthy, please attach additional sheet.)**

Lots: 31, 32, 33 and the South 2/3 of Lot 34      Block: 11      Addition: Burlington Capitol Hill Addition

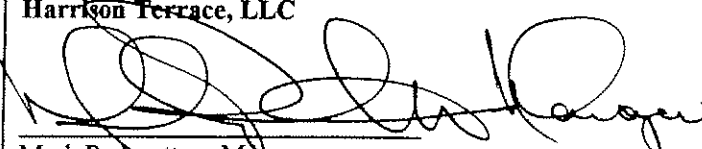
<b>10. Area of Subject Property, Sq. Ft. or Acres</b> 11,481.25 SF or 0.2636 Acres	<b>11. Present Zone PUD #398</b> R-2	<b>12. Proposed Zone</b> PUD
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**13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary.**

The effect of the proposed amendment would allow the construction of four (4) townhome style multiple dwelling units, where one (1) residence now stands. Due to the changing conditions The Cherry Creek residential area support this proposed amendment. The existing residence is run-down and serves little or no purpose to the immediate neighborhood and the redevelopment goals of the Cherry Creek Northern Edge Subdistrict. This proposed PUD zoning amendment is consistent with many other developments in the immediate area. The increased density is required to make this development affordable while maintaining the feasibility of the development.

**14. Use and development proposed for the property to be rezoned.**

This PUD proposes a multiple unit dwelling developed as four (4) attached townhomes with semi-private front courtyards and attached two (2) car garages accessible from the alley. All front entries are accessed from Harrison St. All units are clearly differentiated using individual entries and bay windows as well as other architectural treatments. This proposed PUD is consistent with the Cherry Creek East guidelines, in terms of uses, setbacks, heights, density and architectural character.

<b>15. Exhibits Submitted, Number and Kind:</b> Existing Conditions Map District Plan Building Elevations	<b>16. Applicants Signature</b> Harrison Terrace, LLC  Mark Perlmutter, Manager      3/16/98
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BY AUTHORITY

1  
2 ORDINANCE NO. 325(98)  
3 SERIES OF 1998

COUNCIL BILL NO. 249(98)  
COMMITTEE OF REFERENCE:

LAND USE

6 A BILL

7 FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING  
8 CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY  
9 DESCRIBED AS 45 HARRISON STREET, TO A PLANNED UNIT DEVELOPMENT  
10 DISTRICT (PUD), ADOPTING AND APPROVING THE DISTRICT PLAN FOR SAID  
11 PLANNED UNIT DEVELOPMENT DISTRICT (PUD), AND PROVIDING FOR A  
12 RECORDATION OF THIS ORDINANCE AND SAID DISTRICT PLAN.

13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14 **Section 1.** That the zoning classification for the land area in the City and County of Denver  
15 described as follows or included within the following boundaries shall be and hereby is changed  
16 from R-2 to Planned Unit Development District (PUD):

17 Lots 31, 32, 33 and the south 2/3 of Lot 34, Block 11, Burlington Capitol Hill Addition;  
18 in addition thereto those portions of all abutting public rights-of-way, but only to the  
19 centerline thereof, which are immediately adjacent to the aforesaid specifically  
20 described area.

21 **Section 2.** The complete application with such supporting material as designated by the  
22 Zoning Committee of the City Council filed in the Office of the Clerk and Recorder, Ex-Officio Clerk  
23 of the City and County of Denver, on the 14th day of April, 1998, Filing No. 98-342, be and hereby  
24 is adopted and approved as the District Plan for the development of the land area hereinabove  
25 described.

26 **Section 3.** Said District Plan together with a Site Plan, as provided in Section 59-517. and  
27 Section 59-518. of the Revised Municipal Code, shall regulate the use and development of the land  
28 area hereinabove described.

29 **Section 4.** None of the land area hereinabove described shall be used or occupied and  
30 no structure or structures shall be designed, erected, altered, used or occupied thereon except in  
31 conformity with all provisions of said District Plan and a Site Plan, as provided in Section 59-517.  
32 and Section 59-518. of the Revised Municipal Code, and except upon performance of all conditions  
33 therein set forth.

1. SCHEDULE

- a. Date of pre-application conference October 6, 1997.  
City representative(s) present Madie Martin.
- b. Submittal date of preliminary application November 21, 1997.
- c. Submittal date of completed application March 16, 1998.
- d. Application is scheduled for a:
  - Planning Board Hearing on -----
  - Planning Office Hearing on March 12, 1998.
  - 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 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 Sq. Ft.
A.	Multiple Unit Dwelling	13,800.00
B.		
C.		
D.		
	Total Sq. Ft.	13,800.00

MAXIMUM FLOOR AREA RATIO (F.A.R) 1.20 : 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: 4.00.

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE: 15.20 D.U./AC.

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

	SQ. FT	% OF SITE AREA
Maximum area of building coverage (including garage(s) and all other accessory structures):	5644.00	49.16
Maximum area of drives and parking:	1728.00	15.05
Maximum area of other impervious surfaces:	964.00	8.40
<b>MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES</b>	<b>8,336.00</b>	<b>72.61</b>

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

	SQ. FT.	% OF SITE AREA.
Minimum area of live or organic landscaped lot coverage:	3017.00	26.28
Approximate area of non-live material coverage (graveled or other areas with permeable surfaces):	128.00	1.11
<b>MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:</b>	<b>3,145.00</b>	<b>27.39</b>

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

	SQ. FT.
Building and impervious surfaces:	8336.00
Landscaped and/or permeable areas:	3145.25
<b>TOTAL SITE AREA: (This area must equal the site area listed on page 1)</b>	<b>11,481.25</b>

**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>7.60</u> ft.	Front:	_____ ft.	
South:	<u>7.60</u> ft.	OR	Rear:	_____ ft.
East:	<u>25.00</u> ft.	Side:	_____ ft.	
West:	<u>8.30</u> ft.			

The minimum spacing between structures shall be n/a ft.

Permitted encroachments into the minimum setbacks for buildings shall conform to Section 59 - 119(2)d of the R-2 zone district.

Official Parkway Setback requirements for this P.U.D. are: n/a ft. for buildings and n/a ft. for signs.

**f. MAXIMUM HEIGHTS OF STRUCTURES**

The maximum height of structures shall be three (3) stories which shall not exceed a total of 40 ft. **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 five (5) feet.

Bulk plane restrictions  shall  shall not be required. If required, bulk plane restrictions shall conform to 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 Eight (8) 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>Multiple Unit Dwelling</u>	<u>2:1</u> sq. ft.
Use A	Parking Ratio
-----	----- sq. ft.
Use B	Parking Ratio
-----	----- sq. ft.
Use C	Parking Ratio
-----	----- sq. ft.
Use D	Parking Ratio

MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR PERSONS WITH DISABILITIES: Zero (0).

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

Do the parking spaces and/or aisles in this P.U.D. comply with the requirements of Section 59-586, Chart No. 1?  Yes  No. If no complete the following section:

PARKING SPACE

Universal space dimensions	n/a
Compact space dimensions	-----
Large space dimensions	-----
Ratio of compact spaces to large spaces	-----

DRIVING AISLES

Aisle widths	n/a
Angle of stalls	-----

Will this project contain parking for bicycles? Yes  No  If yes, bicycle parking requirements shall be \_\_\_\_\_. Will this (these) bicycle parking area(s) comply with the rules and regulations for dimensional and equipment standards of Section 59-582(e)? Yes  No . If not, bicycle parking fixtures and locations shall be approved by the City Bicycle Planner (640-2453).

**h. OFF-STREET LOADING**

This project contains Zero (0) off-street loading space(s). Will this (these) space(s) conform with dimensions required in Section 59-599? Yes  No  If not, off-street loading space dimension requirements shall be: n/a.

**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 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: No easements recorded, proposed utilities will enter from alley and Harrison St.

**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.

MINIMUM NUMBER OF TREES ON PRIVATE PROPERTY: Six (6)

MINIMUM SIZE OF TREES AT TIME OF PLANTING:

Evergreens/Coniferous (height): Six feet.

Deciduous (caliper): 3 inch caliper.

Ornamental (caliper): 2 inch caliper.

MINIMUM % OF EVERGREEN OR CONIFEROUS TREES: 33.30 %.

MINIMUM NUMBER OF SHRUBS ON PRIVATE PROPERTY: 18.

MINIMUM SIZE OF CONTAINER AND HEIGHT AND/OR SPREAD REQUIREMENTS FOR PLANTED SHRUBS:  
five (5) gallon minimum, 18 inch to 24 inch height spread.

Does the proposed P.U.D. comply with parking lot landscaping requirements of Section 59-585(10) Yes  No

NUMBER OF STREET TREES PROPOSED IN THE PUBLIC RIGHT OF WAY: Three (3).

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

(964-2580). If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (757-9930).

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 six (6) ft. and a maximum of six (6) ft.

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 three (3) ft. and a maximum of three and one-half (3.50) ft.

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 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 n/a ft. and a maximum of n/a ft.

#### 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 n/a ft. and a maximum of n/a ft. in height.

MAXIMUM LENGTH OF BOAT, CAMPER, TRAILER AND/OR RECREATION VEHICLE PERMITTED: n/a.

#### 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 640-5405.

**o. EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-81(a)(2) through 59-81(a)(5) of the R-2 zone district.

Reflective glass may not 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 be altered.

**q. UTILITIES**

Describe where the utilities (public and private) serving the property are located Sanitary sewer, electricity, telephone are located in the alley, water, storm sewer and natural gas are located in Harrison St.

For information contact the following:

Denver Water Board	628-6100
U.S. West	451-2706
Public Service Company	571-6636
Wastewater Management	446-3590

**r. SIGNS**

The project is regulated by the following:

- Section 59-537, Signs permitted in all districts
- Section 59-538, Sign area measurement
- Section 59- 548, Sign regulations for the R-2 zone district.

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

MAXIMUM NUMBER OF SIGNS:	<u>Zero (0).</u>
MAXIMUM SIGN AREA:	<u>n/a.</u>
TOTAL MAXIMUM SIGN AREA:	<u>n/a.</u>
NUMBER OF GROUND SIGN AREA:	<u>n/a.</u>
NUMBER OF JOINT ID SIGNS ALLOWED:	<u>n/a.</u>
MAXIMUM SIGN AREA PER JOINT ID SIGN:	<u>n/a.</u>
TOTAL MAXIMUM JOINT ID SIGN AREA:	<u>n/a.</u>

TEMPORARY SIGNS ALLOWED: One (1).  
NUMBER OF CANOPIES AND AWNINGS: Zero (0).  
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? n/a.

Fences for outdoor storage areas shall be provided. Said fences are solid and shall be a minimum of n/a ft. and a maximum of n/a ft. 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 n/a ft. and a maximum of n/ ft. 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 (640-3958), the Planning Office (640-2736) 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?): 1st Avenue & Harrison St.

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 Section 59-80(7) of the R-2 zone district.

w. **USES BY TEMPORARY PERMIT**

Uses by temporary permit are regulated by Section 59-80 (5) (a) of the R-2 zone district.

x. **ACCESSORY USES**

Accessory uses are regulated by Section 59-80 (6) (a) of the R-2 zone district.

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: Per R-2 regulations.

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. n/a.

Anticipated starting date July 1998.

Anticipated completion date March 1999.

**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 (640-2191) 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.

## PUD at 45 Harrison Street

### 3a) The Proposed PUD and the Market it is Intended to Serve

This PUD proposes the construction of four (4) town homes on 11,481 square feet of land in the Cherry East Creek neighborhood. Each townhome will contain approximately 3,360 square feet to 3,520 square feet with additional attached 2-car garages. The townhomes will be 2 bedroom, 3 1/2 baths with a den/bedroom option. Included will be an unfinished lower level with the option to finish a family room and one additional bedroom. Sales prices are estimated to be in the \$350,000-\$400,000 range.

Cherry Creek East has seen a dramatic increase in new development over recent years which has been rapidly absorbed. It is the developers intention to provide quality housing at an reasonable price directed toward a market including "empty nesters", younger professionals with no or one child, who could grow into this product and semi-retired professionals who could work from home and still have an office elsewhere.

### 3b) PUD Relationship to the Comprehensive Plan

The proposed PUD is consistent with the Cherry Creek East Neighborhood Plan. It closely follows the guidelines set forth in the check list provided by Denver Planning. It incorporates "Cherry Creek" architecture including use of brick and stucco. It contains a Tudor look using steep roof pitches, appropriately scaled windows and bays. It emphasizes entries, varies wall plans, and varies roof forms and features; all desirable within the comprehensive plan.

### 3c) How the PUD is to Relate to the Character of the Surrounding Neighborhood

This PUD will replace one older, one story residence on Harrison St. and replace it with four attractive new townhomes. These townhomes are compatible with the older, more traditional homes in Cherry Creek North and the Hilltop neighborhood. There is an emphasis on a residential streetscape with the front facade along with front courtyards designed to encourage pedestrian interest and interaction. Auto access is through the alley at the rear and pedestrian access at the front creating a "street friendly" approach. The proposed PUD will enhance the overall streetscape of Harrison Street and continue the existing development within Cherry Creek East and provide desirable housing to families/professionals.

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 Planning Office (640-2736).

- c. How, the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.

4. **EXISTING CONDITIONS MAP**

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
- landscape plan
- 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 of 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 Section 59-29.

HARRISON TERRACE, L.L.C.

Print or type Applicant's Name(s)

MARK PERLMUTTER, MANAGER

[Handwritten Signature]

3/15/98

Applicant's Signature(s)

**PUD SUMMARY SHEET**

Application # 4357 (Revised)  
 Address/Location 45 Harrison St.  
 Total Land Area 11481.25 sq. ft.

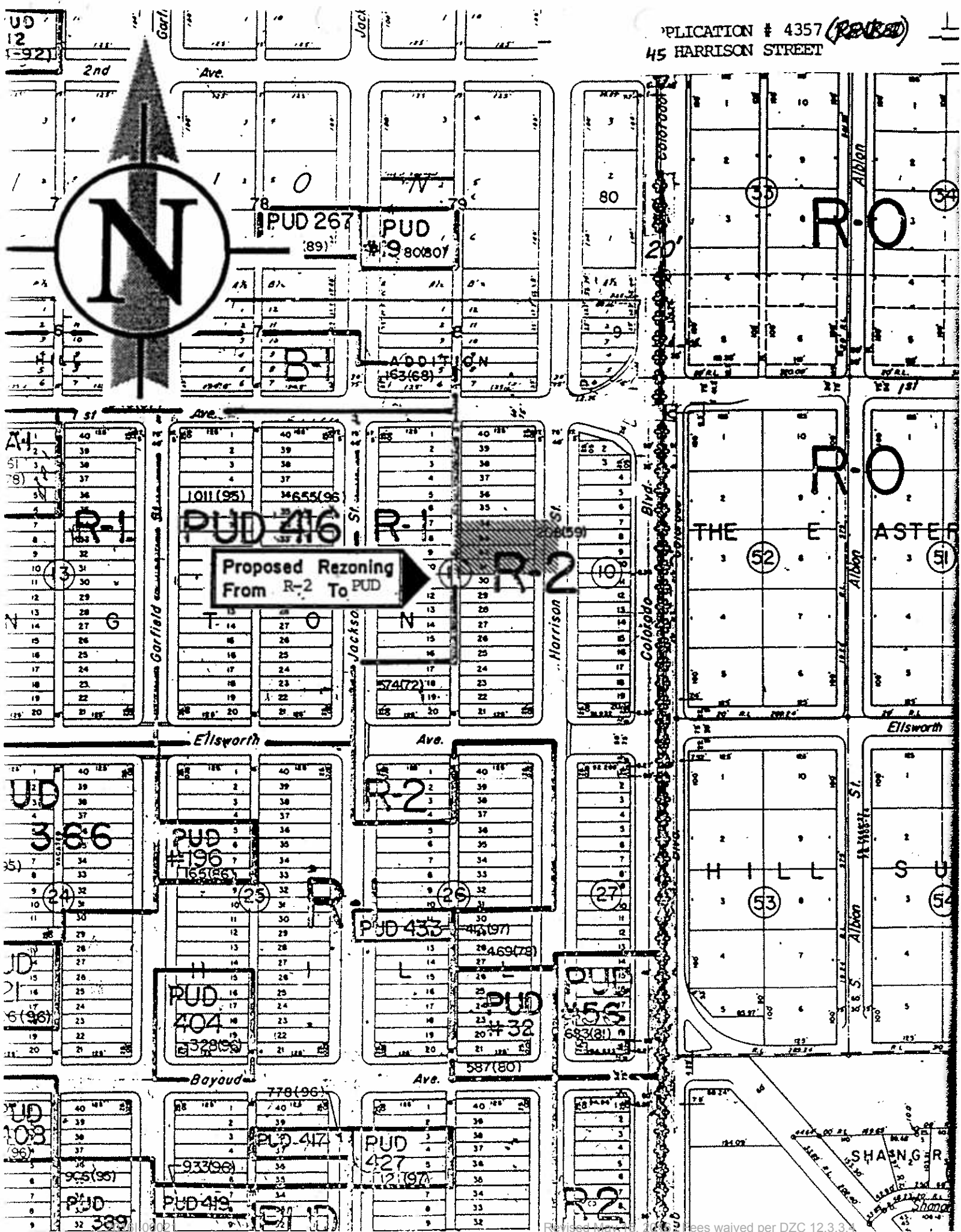
Permitted Uses	
Use A	Multiple Unit Dwelling
Use B	
Use C	

	Proposed Uses			
	Use A	Use B	Use C	Total
Maximum Gross Floor Area (sq. ft.)	13800.00			
Floor Area Ratio (nonresidential uses)				
Maximum Number of Dwelling Units	Four (4)			
Density (dwelling units per acre)	15.20 du/acre			
Land Coverage				
Buildings:	5644.00			
Drives and Parking:	1728.00			
Other	964.00			
Parking				
Number of Spaces	8.00			
Ratios (spaces: gross floor area):	2.00 per du			
Landscaping				
Area of Live Landscaping (sq. ft.):	3017.00			
Area of Non-Live Landscaping (sq. ft.):	120.00			

Building Setbacks					
North	7.60	feet	Front		feet
South	7.60	feet	Rear		feet
East	25.00	feet	Side		feet
West	8.30	feet			

Parkway Setbacks					
Buildings	n/a	feet	Signs	n/a	feet
<b>Required Separation Between Buildings:</b>					
				n/a	feet
<b>Maximum Building Height</b>					
Stories	3 stories		Feet	40 feet	

NOTE: FOR COMPLETE PUD REQUIREMENTS, REFER TO APPLICATION # **4357 (Revised)**



Proposed Rezoning  
From R-2 To PUD

R-2



Exhibit B.1

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## Upcoming Re-zoning of 45 N Harrison Street, Denver CO 80206

1 message

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**Reid Phillips** <reid@nesthomecompany.com>

Thu, Feb 25, 2016 at 3:48 PM

To: bradleyzieg@msn.com, maharvey@thelegalcenter.org

Bradley,

I am submitting a formal application on behalf of Nest Home Company, to rezone 45 N Harrison Street, Denver CO 80206, from a Chapter 59 Code PUD, to G-RH-3 with the intent of building in Denver's Row House form. I have included a PDF of the location, current zoning in the surrounding neighborhood, and a photo of the existing site.

I'd like to reach out to the Capital Hill United Neighbors to answer any questions, in person or over email, that you may have about our proposed rezoning application. Thank you for your continued support in helping Denver develop responsibly.

Reid Phillips  
Nest Home Company  
719-510-1360  
[reid@nesthomecompany.com](mailto:reid@nesthomecompany.com)

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 **45 N Harrison.pdf**  
294K





Exhibit B.2

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## Upcoming Re-zoning of 45 N Harrison Street, Denver CO 80206

1 message

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**Reid Phillips** <reid@nesthomecompany.com>

Thu, Feb 25, 2016 at 3:48 PM

To: [incnotify@denverinc.org](mailto:incnotify@denverinc.org)

Larry,

I am submitting a formal application on behalf of Nest Home Company, to rezone 45 N Harrison Street, Denver CO 80206, from a Chapter 59 Code PUD, to G-RH-3 with the intent of building in Denver's Row House form. I have included a PDF of the location, current zoning in the surrounding neighborhood, and a photo of the existing site.

I'd like to reach out to the Capital Hill United Neighbors to answer any questions, in person or over email, that you may have about our proposed rezoning application. Thank you for your continued support in helping Denver develop responsibly.

Reid Phillips  
Nest Home Company  
[719-510-1360](tel:719-510-1360)  
[reid@nesthomecompany.com](mailto:reid@nesthomecompany.com)

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 **45 N Harrison.pdf**  
294K



Exhibit B.3

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## Upcoming Re-zoning of 45 N Harrison Street, Denver CO 80206

1 message

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**Reid Phillips** <reid@nesthomecompany.com>  
To: dkembel@gmail.com

Thu, Feb 25, 2016 at 3:48 PM

Deborah,

I am submitting a formal application on behalf of Nest Home Company, to rezone 45 N Harrison Street, Denver CO 80206, from a Chapter 59 Code PUD, to G-RH-3 with the intent of building in Denver's Row House form. I have included a PDF of the location, current zoning in the surrounding neighborhood, and a photo of the existing site.

I'd like to reach out to the Capital Hill United Neighbors to answer any questions, in person or over email, that you may have about our proposed rezoning application. You may be familiar with my other communities coming up in the area including Terrace South (151-177 S Harrison), FWD Cherry Creek (59 S Jackson Street), & The Cassidy, (109-143 S Harrison Street), Thank you for your continued support in helping Denver develop responsibly.

Reid Phillips  
Nest Home Company  
719-510-1360  
[reid@nesthomecompany.com](mailto:reid@nesthomecompany.com)

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## Upcoming Re-zoning of 45 N Harrison Street, Denver CO 80206

1 message

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**Reid Phillips** <reid@nesthomecompany.com>  
To: andreafulness@chundenver.org

Thu, Feb 25, 2016 at 3:48 PM

Andrea,

I am submitting a formal application on behalf of Nest Home Company, to rezone 45 N Harrison Street, Denver CO 80206, from a Chapter 59 Code PUD, to G-RH-3 with the intent of building in Denver's Row House form. I have included a PDF of the location, current zoning in the surrounding neighborhood, and a photo of the existing site.

I'd like to reach out to the Capital Hill United Neighbors to answer any questions, in person or over email, that you may have about our proposed rezoning application. Thank you for your continued support in helping Denver develop responsibly.

Reid Phillips  
Nest Home Company  
719-510-1360  
[reid@nesthomecompany.com](mailto:reid@nesthomecompany.com)

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## Exhibit D.1

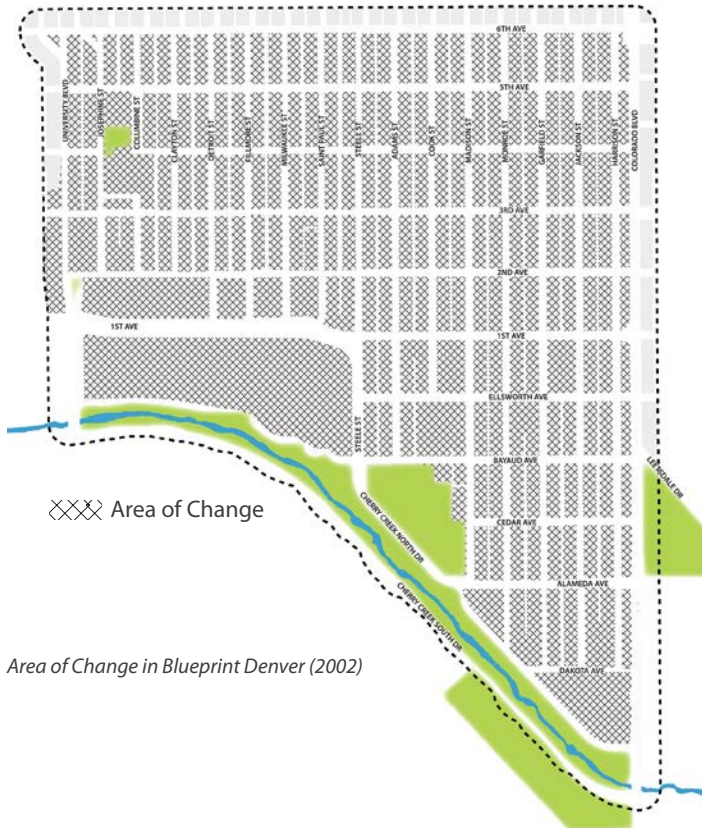
### B.1.B AREAS OF CHANGE

Cherry Creek will continue to grow over the next 20 years. This growth has the potential to benefit existing businesses, property owners and residents through greater diversity of housing types, increased business revenues, higher property values, additional public and private investment and a greater diversity of shops, restaurants and cultural amenities. 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. Recommendations for Areas of Change include:

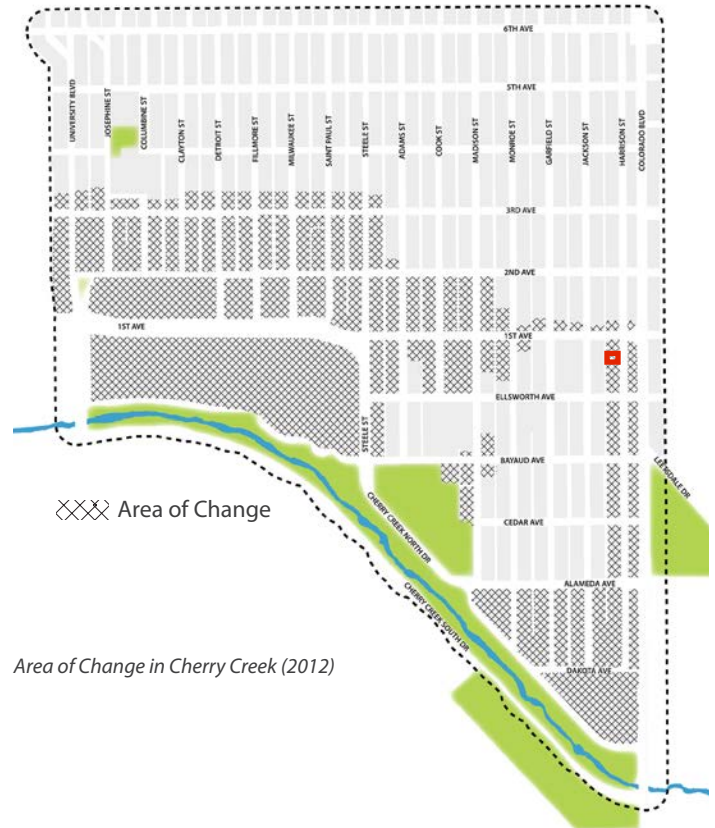
- Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. In order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods.
- Update the Blueprint Denver map to reflect revised Areas of Change boundaries. The updated Areas of Change are targeted to receive most of Cherry Creek's residential and commercial growth over the next twenty years.
- 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.



Cherry Creek Shopping Center Areas of Change



Area of Change in Blueprint Denver (2002)



Area of Change in Cherry Creek (2012)



Cherry Creek Shopping Center - east end

associations in Cherry Creek North and East sponsor many activities.

### D.2.A LOCAL CHARACTER/NATIONAL PROMINENCE

The Cherry Creek Shopping District provides identity, amenity and value to the entire plan area with its variety of retail businesses—large and small, local and national. Enhancing the symbiotic relationship and the distinctive character of Cherry Creek North and Cherry Creek Shopping Center is important to the entire area. While it is recognized by residents and business owners alike that reinvestment in Cherry Creek North is needed, the walkable character and rhythm of storefronts is essential to its unique character. Equally important, the Shopping Center has sites at the east and west end, as well as along the Greenway that will benefit from more intense development. Land use regulations must be crafted to encourage appropriate development in both areas.

### D.2.B DEVELOPMENT OPPORTUNITIES

Plan concepts and recommendations point to the benefit of attracting more people - residents, employees, and visitors - and reinvestment to areas of change, namely the Shopping District and Cherry Creek Triangle. 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. Highly visible opportunities include:

- West end of Cherry Creek Shopping Center (approx. 11 acres)
- East end of Cherry Creek Shopping Center (approx. 4.5 acres)
- Josephine / Columbine Street between 2nd and 3rd (approx. 2 acres)
- Cherry Creek Triangle (approx. 10.5 acres)
- 1st Bank site (approx. 1.85 acres)
- Steele Creek site (approx. 1 acre)
- 3000 East 3rd site (approx. 1.2 acres)
- Cherry Creek East village center
- Colorado Boulevard gateways on 1st Avenue and Bayaud

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. 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.



## KEY ISSUES: CHERRY CREEK EAST

**Aging undeveloped PUDs.** There are nearly 100 individually adopted PUDs in Cherry Creek East and some of these properties have not been developed. Because PUD zoning typically does not provide the flexibility needed to react to the changing real estate market and updating a PUD entails a lengthy rezoning process, these unbuilt PUD projects create uncertainty for the owner and community.

**Cherry Creek East design guidelines.** The Cherry Creek East design guidelines promote high quality development throughout Cherry Creek East. These guidelines envision continued redevelopment of CCE as an urban, mixed-use neighborhood. The regulatory authority of these guidelines is not clearly established.

**Pulaski Park/Gates Tennis Center.** Pulaski Park and the adjacent Gates Tennis Center are important recreational assets for Cherry Creek East, Cherry Creek Greenway users, and the tennis community. Pulaski Park is underutilized because of its lack of access from the north, which limits use by neighbors, especially residents of Allied Jewish Housing. Challenges for daily use and activation include adjacent buildings turning their backs on the park, lack of a clear entry point from the north, and the tennis court screening. The playground has helped to attract families to the southeast corner of the park; however, few other amenities are in place for community gatherings or daily use.

**Madison-Bayaud village center.** This small commercial node has historically supported neighborhood-serving commercial uses such as a sports bar and grill, a pilates studio and small office uses. Despite widespread growth and redevelopment in Cherry Creek East in the last two decades, this small commercial node has seen little reinvestment or redevelopment since the 1980s. Zoning is in place to support redevelopment; however, the streetscape needs improvement and existing buildings do not have pedestrian friendly ground floor use or design.

**Pedestrian and bicycle connections.** Pedestrian and bicycle connections across perimeter arterials can be challenging, which impacts connectivity between Cherry Creek East and adjacent subareas across Alameda, 1st Avenue and Steele Street, as well as between Cherry Creek East and the Cherry Creek Greenway.

- Access between Cherry Creek East and the Cherry Creek Greenway is challenging due to the configuration of the Alameda and Cherry Creek North Drive intersection.
- Access to the Shopping District via Ellsworth and Bayaud can be challenging for those with mobility impairments due to the high volumes of traffic and turning movements on Steele Street.
- Connections across Alameda between the Cherry Creek Triangle and Cherry Creek East can be challenging due to the high volumes of traffic on Alameda Avenue and the lack of crossing locations between Cherry Creek North Drive and Colorado Boulevard.

**Stormwater.** Drainage issues can create ponding and icing on local streets.

**Harrison Street.** Properties on the east side of Harrison have seen a continued lack of private investment. Existing buildings have deteriorated and vacant lots remain undeveloped. Challenges include adjacency with the heavily travelled Colorado Boulevard and its parkway setbacks, parcel depth, and access. Though there is a desire for change along Harrison to spark private investment, multiple property owners with varied goals, narrow block depth, lack of sidewalks, and high traffic volumes are all challenges.

**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.





## 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.

Recommended land use categories are depicted on the future land use map:

- **Urban Residential.** Continue supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units.
- **Town Center.** Support a mix of land uses including ground floor commercial with office or residential above.
- **Regional Center.** Continue to support a mix of uses including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries.

**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.

**Rezone PUDs.** As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan.

**Formalize the Cherry Creek East design guidelines.** Review and the revise the contents of these guidelines and the area to which they apply. Adopt as rules and regulations through Chapter 12, Revised Municipal Code.

**Activate Pulaski Park.** Work with Parks and Recreation and the Gates Tennis Center to make the northern entrance to the park more visible and more accessible to all Cherry Creek East residents. Also consider longer term actions to activate the park and to encourage daily use.

**Create a “village center”.** The mixed-use node at the intersection of Madison and Bayaud has long been envisioned as a village center for Cherry Creek East.

- Encourage property owners to reinvest and redevelop in manner that results in a vibrant mixed-use node, including ground floor commercial with office or residential uses above. Small scale, neighborhood-serving retail and commercial uses are encouraged.
- Upgrade the streetscape with detached sidewalks and landscaped tree lawns. Desired enhanced streetscape amenities include removal of the median, on-street parking, curb extensions, pedestrian lighting, benches, and trash receptacles.
- Any reinvestment or redevelopment occurring on the southwest corner should incorporate access to and visibility of Pulaski Park into the design of the structure. Ideas include patio seating fronting the park, and high degrees of transparency on the street and park facades. Such strategies add vibrancy both to the park and the village center.

**Improve pedestrian and bicycle connections.**

- Utilize the bike connections at Garfield and Steele/St. Paul as the primary connections for Cherry Creek East residents accessing the Cherry Creek Greenway or neighborhoods to the north.
- Improve pedestrian crossings of Steele Street at Ellsworth and Bayaud



- Stripe bike lanes on Bayaud to connect west to the bike route on Steele Street
- Improve north/south pedestrian crossings of Alameda as part of the Alameda Parkway project and of 1st Avenue as part of the East 1st Avenue project.

**Stormwater improvements.** In addition to implementing the improvements recommended in the Stormwater Master Plan and the Cherry Creek Stormwater Study, look for opportunities to incorporate sustainable stormwater technologies, such as green streets, where possible. Cherry Creek East’s wide streets may be appropriate for green street elements.

**Address Harrison Street challenges associated with Colorado Boulevard.** As part of visioning for Colorado Boulevard, study appropriate mechanisms for improving redevelopment opportunities for properties between Harrison Street and Colorado Boulevard. Having a comprehensive vision in place for Colorado Boulevard will help clarify appropriate strategies and phasing for Harrison Street revitalization. The vacant properties at 1st between Harrison and Colorado are especially important to creating a gateway into the Cherry Creek Area.

**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.

- The northwestern corner of CCE (block between 1st and Ellsworth, Steele and Adams) should be developed with a mix of uses creating a visually iconic landmark at the corner of 1st and Steele which transitions to lower heights toward the southeast.
- Encourage the redevelopment of the existing vacant lots at the corner of 1st and Colorado. Reconfiguring the intersection to create regularly shaped parcels may facilitate redevelopment.

**Improve Bayaud Street.** Encourage the reconfiguration of Bayaud to include bike lanes, sidewalks, tree lawns and improved urban design. As deemed necessary, introduce traffic management strategies to reduce vehicular impacts.



Future land use map - Cherry Creek East neighborhood

- Regional Center
- Town Center
- Urban Residential
- Other subareas



Maximum building heights map - Cherry Creek East neighborhood

- 12 Stories
- 8 Stories
- 5 Stories
- 3 Stories
- Other subareas