

LAND USE,
TRANSPORTATION &
INFRASTRUCTURE
COMMITTEE

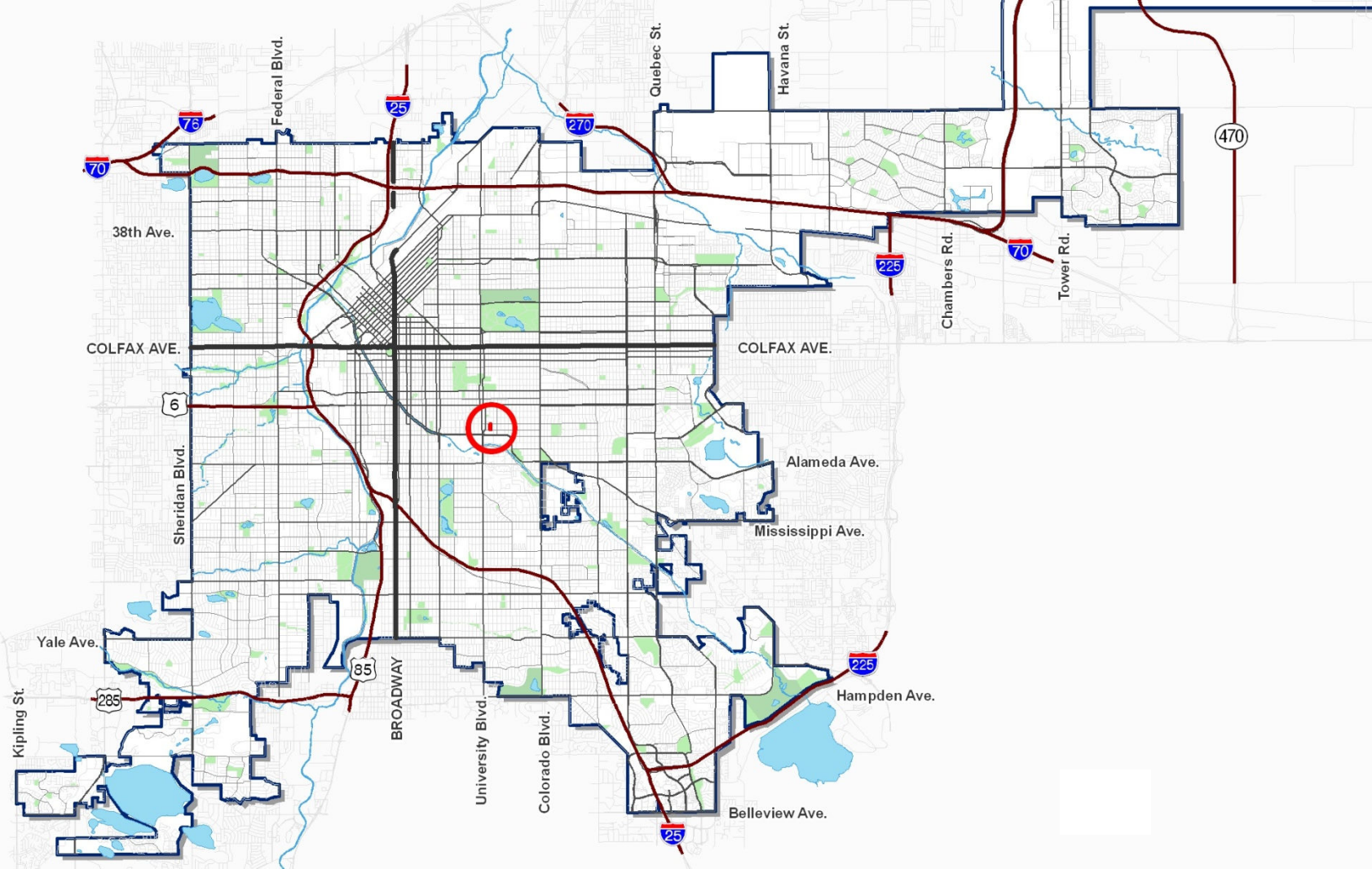
November 27, 2012

245 COLUMBINE STREET

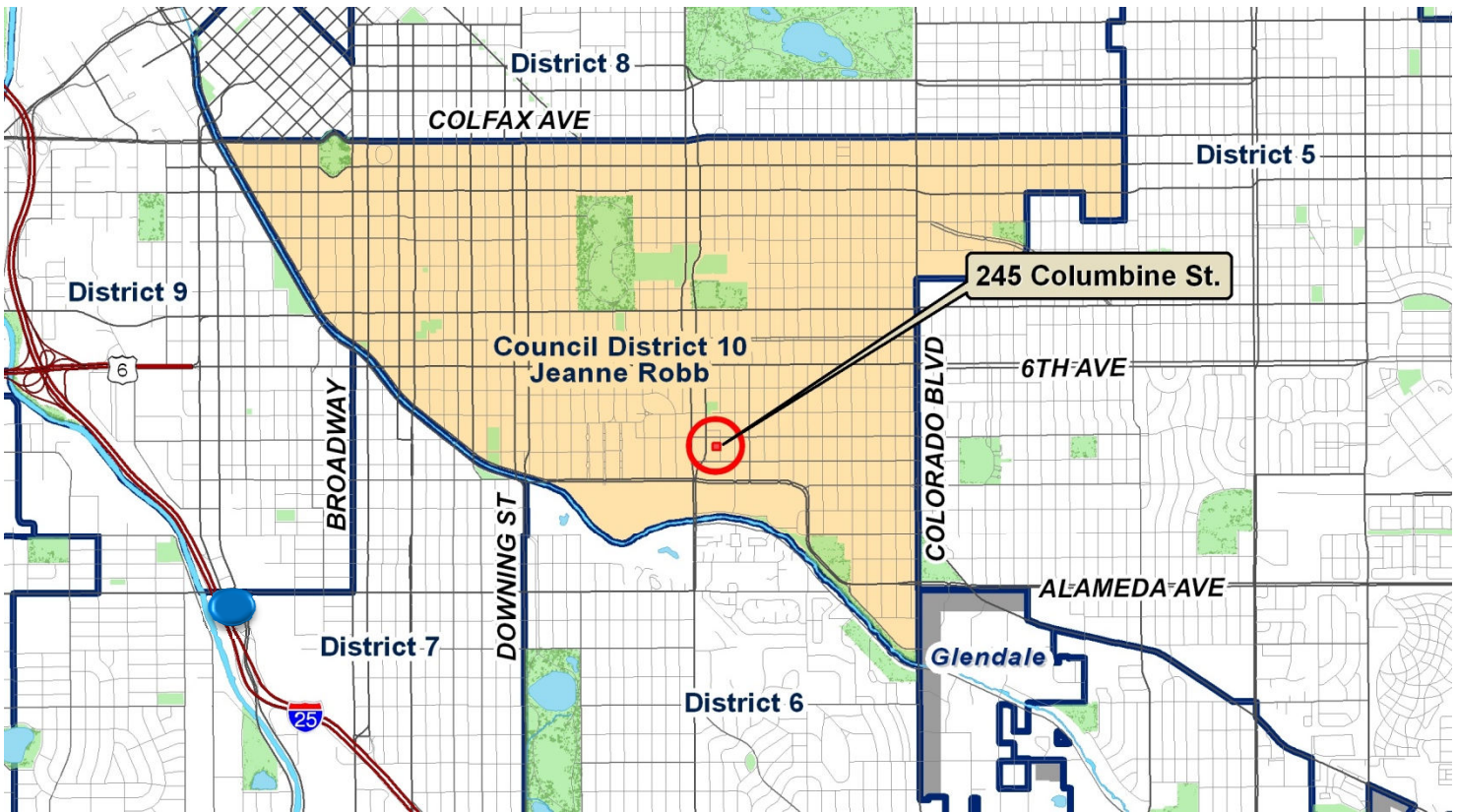
From C-CCN to C-MX-8 with condition

Located in Central Denver

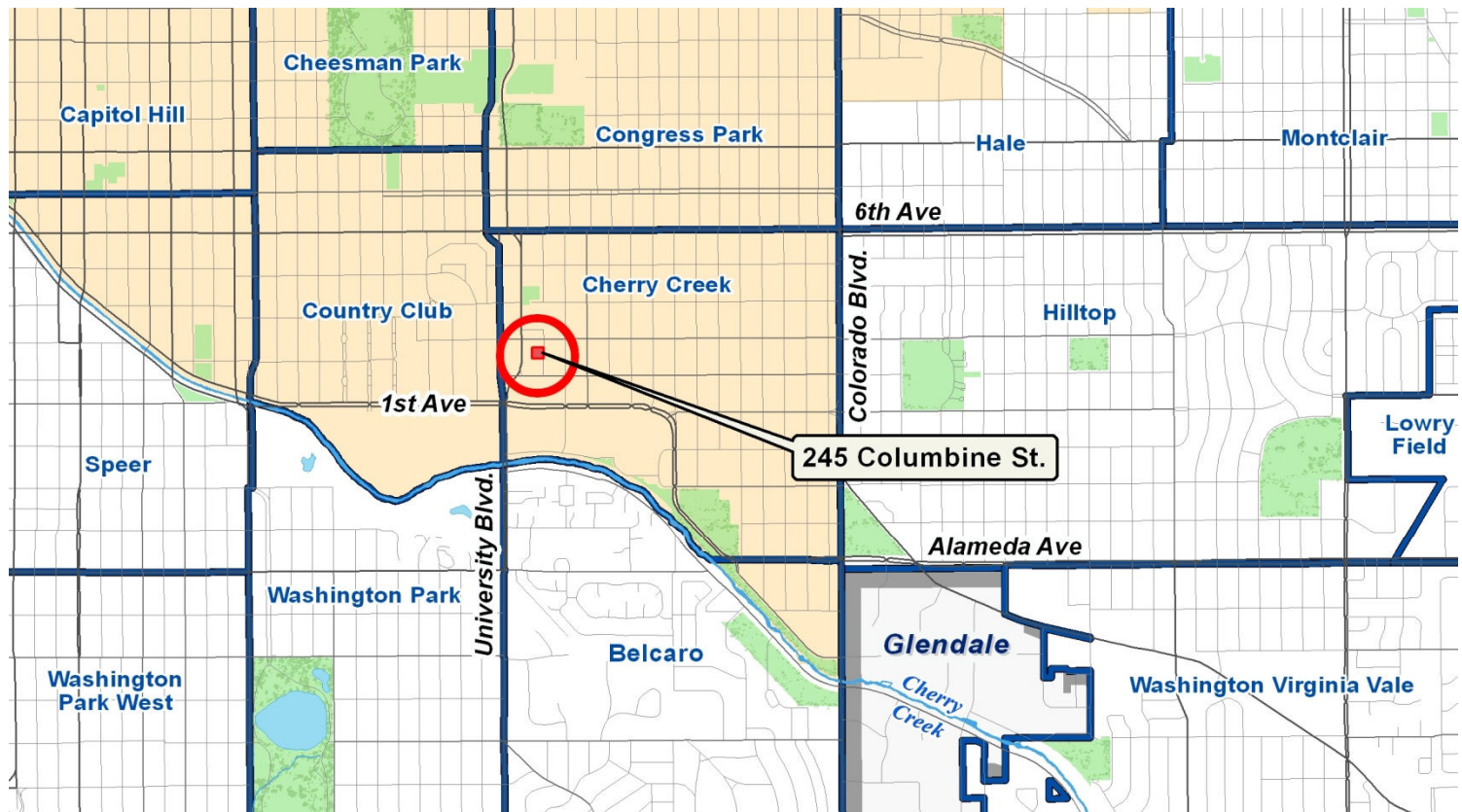
From C-CCN to C-MX-8 with condition



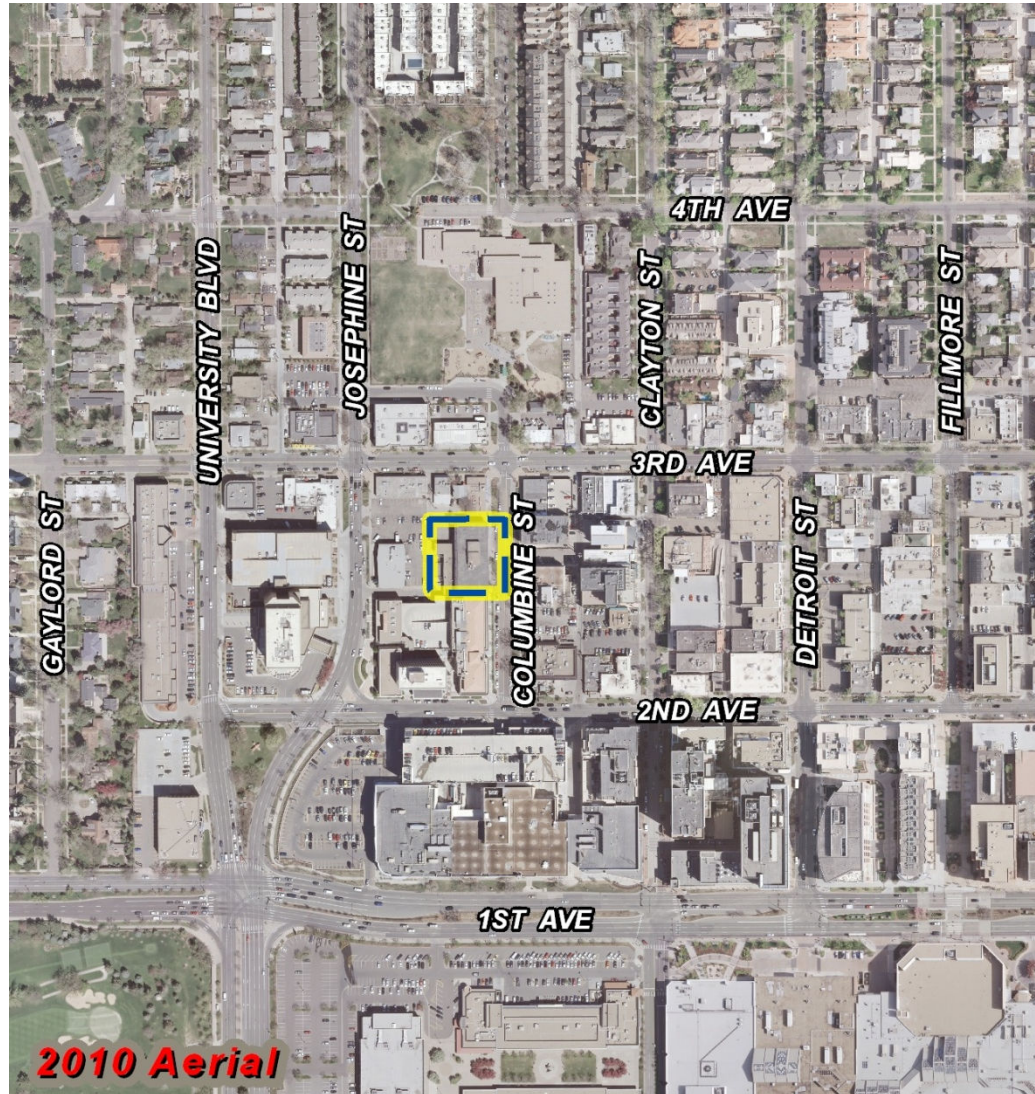
Council District 10



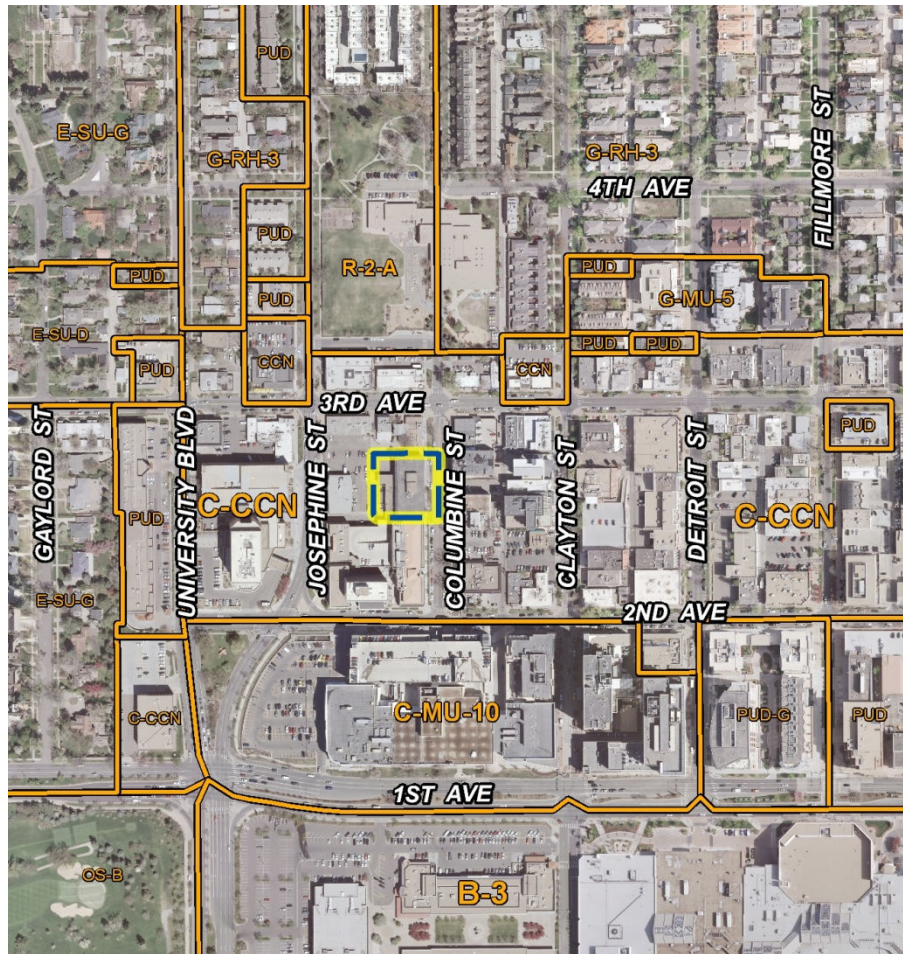
Cherry Creek Neighborhood



Location



Request



- 0.48 acres / 20,833 s.f.
- Owner: James F. Heimbecher
- Requesting rezoning to redevelop the site
- Rezone from C-CCN to **C-MX-8 with condition**
 - **C** – Urban Center Neighborhood Context
 - **MX** – Mixed Use
 - **8** – 8 stories max.

Request: C-MX-8

Urban Center Neighborhood Context – Mixed Use – 8 stories max. ht.

Article 7. Urban Center Neighborhood Context
Division 7.2 Districts


7.2.2.2 Specific Intent

- A. Mixed Use C-MX-5 buildings
- B. Mixed Use C-MX-6 buildings
- C. Mixed Use C-MX-7 buildings
- D. Mixed Use C-MX-8 buildings
- E. Mixed Use C-MX-9 buildings

SECTION 7.2.3

Article 7. Urban Center Neighborhood Context
Division 7.1 Neighborhood Context Descriptions

DIVISION 7.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 7.1.1 GENERAL CHARACTER
The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit buildings are typically Rowhouse, Courtyard Apartment and Apartment forms. Commercial buildings are typically Live-Work, Shopfront, and General Commercial forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.

SECTION 7.1.2 STREET, BLOCK AND ACCESS PATTERNS
The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback.

SECTION 7.1.3 BUILDING PLACEMENT AND LOCATION
All buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

SECTION 7.1.4 BUILDING HEIGHT
The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

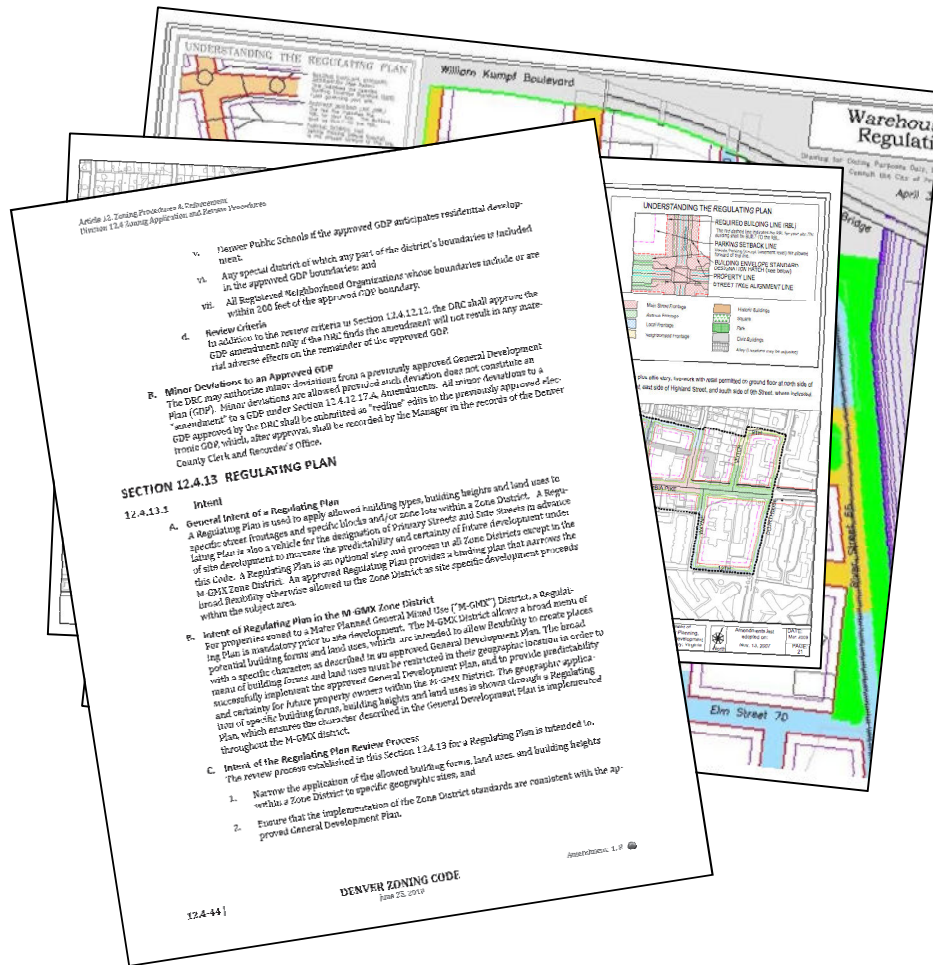
SECTION 7.1.5 MOBILITY
There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system.

DENVER ZONING CODE
June 25, 2010

[7.1-1]



Request: with a condition

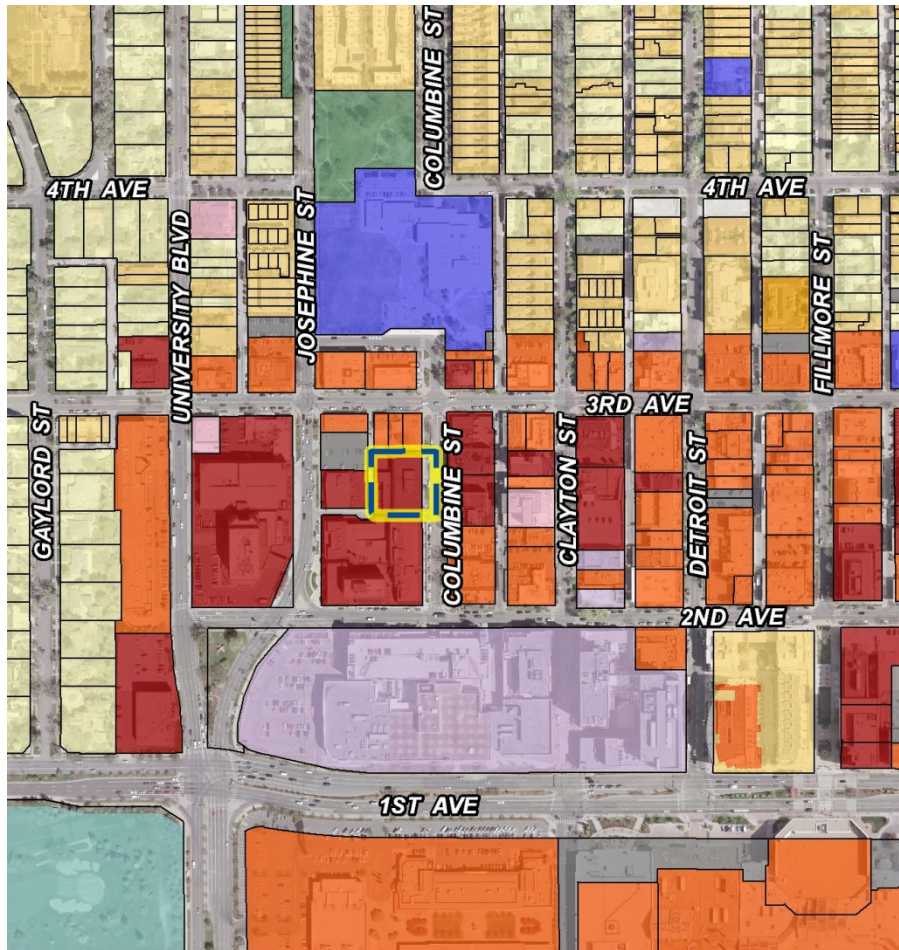


- Proposed condition:
 - Require a regulating plan be approved according to the Denver Zoning Code prior to site development plan approval

Existing Context

- Zoning – C-CCN
- Design Standards & Guidelines for CCN apply to this site, including CCN Design Advisory Board review
- Building Form & Scale
 - ▣ Heights
 - 1 building on-site: 3 stories
 - Area heights typically range from 1 to 4 stories
 - Exceptions of 6 to 11 stories found within one to two blocks
 - ▣ Setbacks
 - Typically shallow but varied at the street
 - ▣ Off-street parking location
 - Typically to the side or rear; some parking structures in the vicinity

Existing Context – Land Use



- Site is vacant office
- Immediate surroundings are mixed use, retail, office, and commercial

Existing Context



Review Criteria



Denver Zoning Code Review Criteria

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

Review Criteria



Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
 - ▣ Comprehensive Plan 2000
 - ▣ Blueprint Denver: A Land Use and Transportation Plan
 - ▣ Cherry Creek Area Plan (2012)
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria:

Consistency with Adopted Plans

Comprehensive Plan 2000

- Environmental Sustainability Strategy 2-F – “*Conserve land by **promoting infill development** with Denver at sites where services and infrastructure are already in place; designing **mixed use communities** and reducing sprawl so that residents can **live, work and play** within their own neighborhoods.*”
- Land Use Strategy 3-B – “*Encourage **quality infill development** that is consistent with the character of the surrounding neighborhood; that offers opportunities for **increased density and more amenities**; and that **broadens the variety of compatible uses**.*”
- Mobility Strategy 4-E – “*Continue to **promote mixed-use development**, which enables people to live near work, retail and services.*”
- Economic Activity Strategy 4-B – **Enhance existing business centers ... in a manner that offers a variety of high-quality uses that support Denver’s business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:**
 - *Maintain the Cherry Creek Shopping Center, **Cherry Creek North** and other nearby areas as the **premier retail destination** in the Denver metro area*

Review Criteria:

Consistency with Adopted Plans

Blueprint Denver (2002)

- Land Use Concepts
- Area of Change
- Future Street Classifications

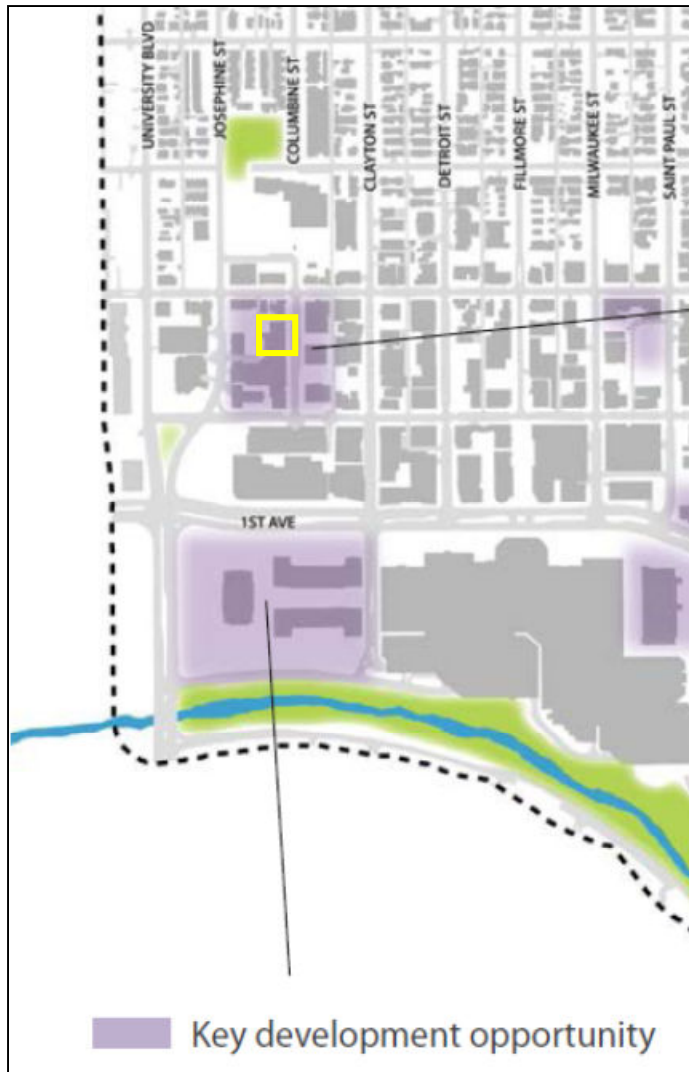
Review Criteria: Consistency with Adopted Plans



Cherry Creek Area Plan -Framework Plan Recommendations

- Area of Change:
“appropriate for mid-rise buildings [5 to 8 stories] to accommodate continued growth”
- Orient buildings and entries toward the street
- Include design elements and pedestrian details

Review Criteria: Consistency with Adopted Plans



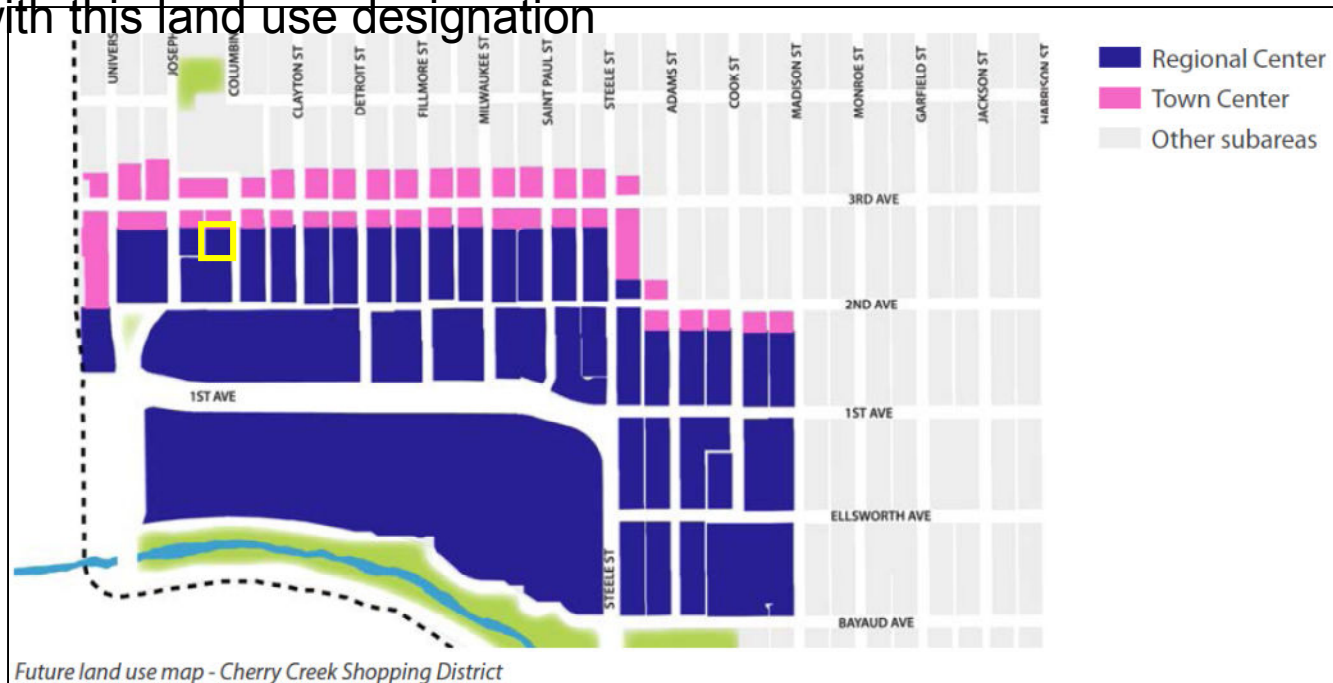
Cherry Creek Area Plan - Framework Plan Recommendations

- Key Development Opportunity
- Reinforce pedestrian scale
- C-MX zone district standards, Design Standards & Guidelines, and a regulating plan will address all these recommendations

Review Criteria: Consistency with Adopted Plans

CCAP – Cherry Creek Shopping District Recommendations

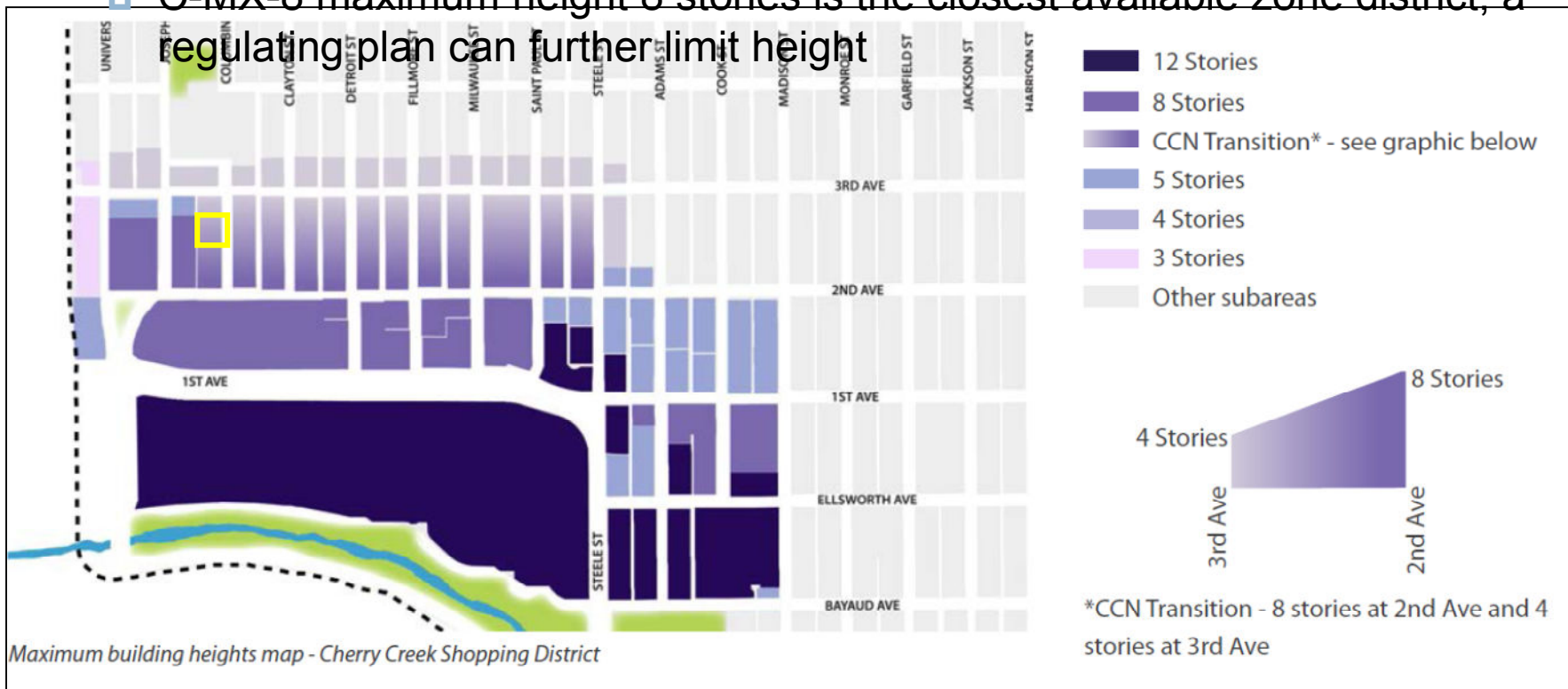
- Land Use: Regional Center
 - ▣ C-MX zone districts allow large variety of land uses at scales consistent with this land use designation



Review Criteria: Consistency with Adopted Plans

CCAP – Cherry Creek Shopping District Recommendations

- Maximum Building Heights: 4 stories to 8 stories
 - C-MX-8 maximum height 8 stories is the closest available zone district; a regulating plan can further limit height



Review Criteria:

Consistency with Adopted Plans

CCAP – Cherry Creek Shopping District Recommendations

- *“Continue to attract shoppers: more residential, hotel and office development in Shopping District.”*
- *“All new development should serve to enhance the pedestrian realm. Line streets with storefronts, windows and building entrances. Place active uses at the street and parking at the rear.”*
- The proposed zone districts, the Design Standards and Guidelines and a regulating plan will allow additional mixed use development which can generate additional shoppers within the neighborhood and narrow the flexibility of ground-story street-facing uses.

Review Criteria:

Consistency with Adopted Plans

CCAP – Cherry Creek North Business Improvement District Recommendations: “Revise land use regulations”

- *Goal #1 - Retain and enhance Cherry Creek North’s unique physical character.*
- *Goal #2 - Make reinvestment economically viable in the entire district. Current zoning is insufficient to achieve the Plan’s vision for a prosperous Cherry Creek and the need for reinvestment, redevelopment and sustained economic viability.*
- *Goal #4 - Transition from higher buildings along 2nd to lower buildings along 3rd.*
- *Goal #6 - Retain sunlight on streets and views between buildings.*
- *Goal #7 - Prevent the creation of “walled” or monolithic streets.*
- *Goal #8 - Active storefronts and ground floor uses.*

- The rezoning, with a regulating plan, is consistent with these goals.

Review Criteria



Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
 - ▣ CPD finds the rezoning is consistent with Comprehensive Plan 2000, Blueprint Denver: A Land Use and Transportation Plan, and the Cherry Creek Area Plan.
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. **Justifying Circumstances**
 - ▣ **Changed or Changing Land or Surrounding Environs**
 - CPD finds this criterion is met as the rezoning encourages redevelopment in an area where a recently adopted plan recognizes that the character of the area is changing.
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. **Consistency with Neighborhood Context, Zone District Purpose and Intent**
 - ▣ Overall the proposed rezoning is consistent with the Urban Center Neighborhood Context that exists in the surrounding area and with the C-MX-8 purpose and intent.

Process



- Planning Board – October 17, 2012
 - ▣ Recommended approval unanimously
- Public Outreach
 - ▣ RNOs notified
 - CHUN; CCN BID; CCNNA; Cherry Creek Steering Committee; Harman Neighborhood Association, Inc.; Neighborhood Advisory Committee to the Botanic Gardens; INC
 - ▣ 1 RNO president submitted a letter (CCNNA)
 - ▣ 43 additional letters received

Recommending Zoning with Condition



CPD recommends zoning with a condition in this case because:

- A condition can bridge the gap between the adopted plan and the future zoning discussion
- A regulating plan will better achieve clear adopted plan recommendations
- Therefore, we recommend the condition to require a regulating plan in order to assure consistency with the adopted Cherry Creek Area Plan

Recommendation

CPD recommends **Approval with Conditions** of Application 2011I-00038, with the condition that a regulating plan be approved prior to site development plan approval, based on finding all review criteria have been met.

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

Public Comment - Reference Appendices

- Two Reference Appendices were added to the end of the Cherry Creek Area Plan:
 - Cherry Creek Shopping District Development Study
 - Cherry Creek North Urban Form Study (a/k/a “White Paper”)
- The reference appendices are not review criteria for this rezoning application
- CCAP: “Reference appendices are intended to provide direction for future implementation actions. As such, they will provide important guidance, but are not adopted as part of the Cherry Creek Area Plan.”
- White Paper: “This group was not charged with rewriting the new zoning code for CCN, and new code process will require an extended effort and require broad community involvement and input. These examples are intended to set the stage for future discussions and will require further testing before detailed zoning provisions can be finalized.”

Public Comment – “White Paper”



- What the White Paper Is
 - ▣ The product of a good process reflecting the feedback of five key community stakeholders
 - ▣ Directly informed the goals adopted in the Cherry Creek Area Plan
 - ▣ Will be a strong foundation for discussions on future changes to CCN zoning
- What the White Paper Is Not
 - ▣ Not adopted as part of the Cherry Creek Area Plan
 - ▣ Not a review criterion for rezoning applications