

CITY COUNCIL LAND  
USE, TRANSPORTATION  
& INFRASTRUCTURE  
COMMITTEE

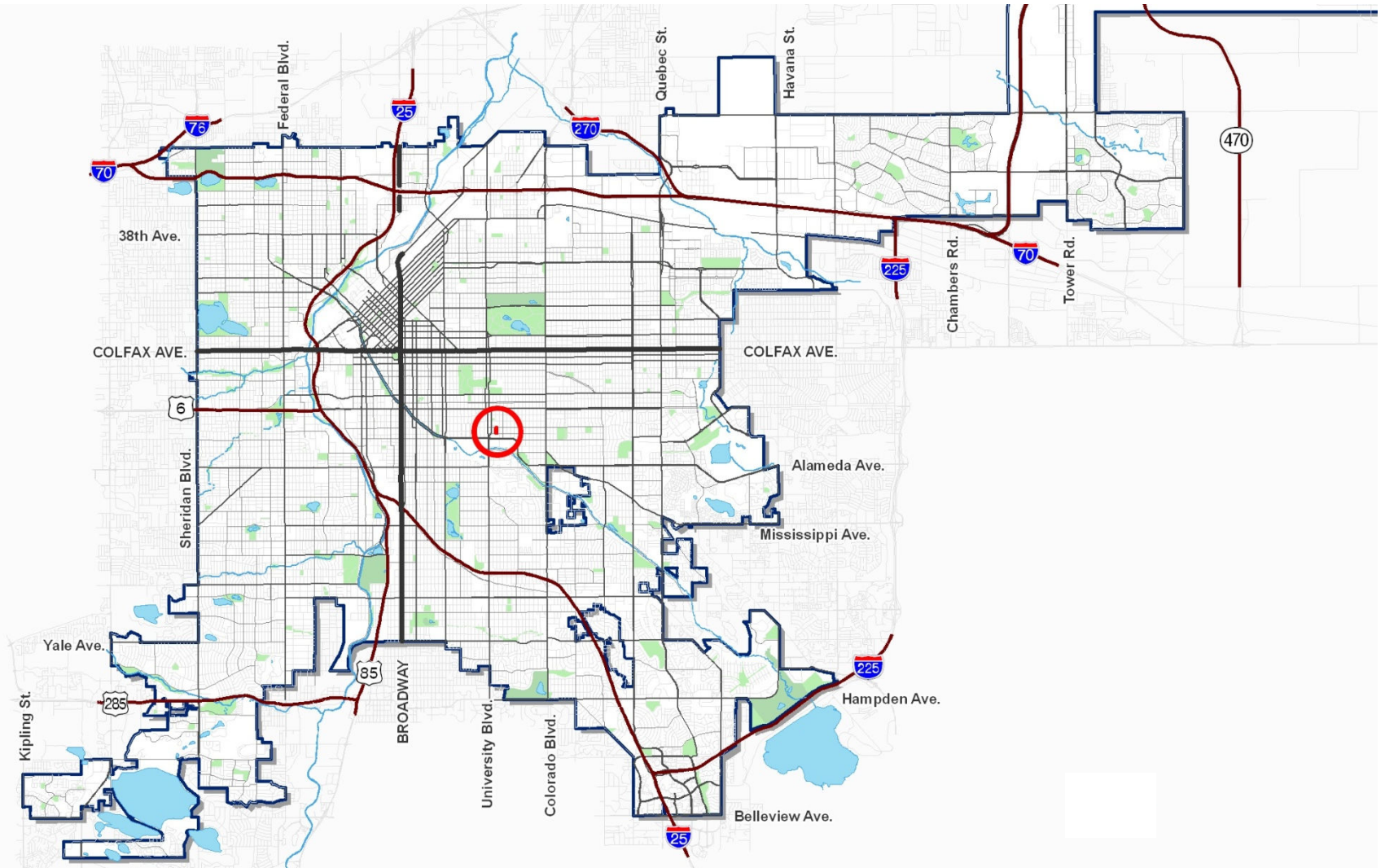
October 9, 2012

200 AND 234 COLUMBINE  
ST. AND 2600 E. 3<sup>RD</sup>  
AVENUE

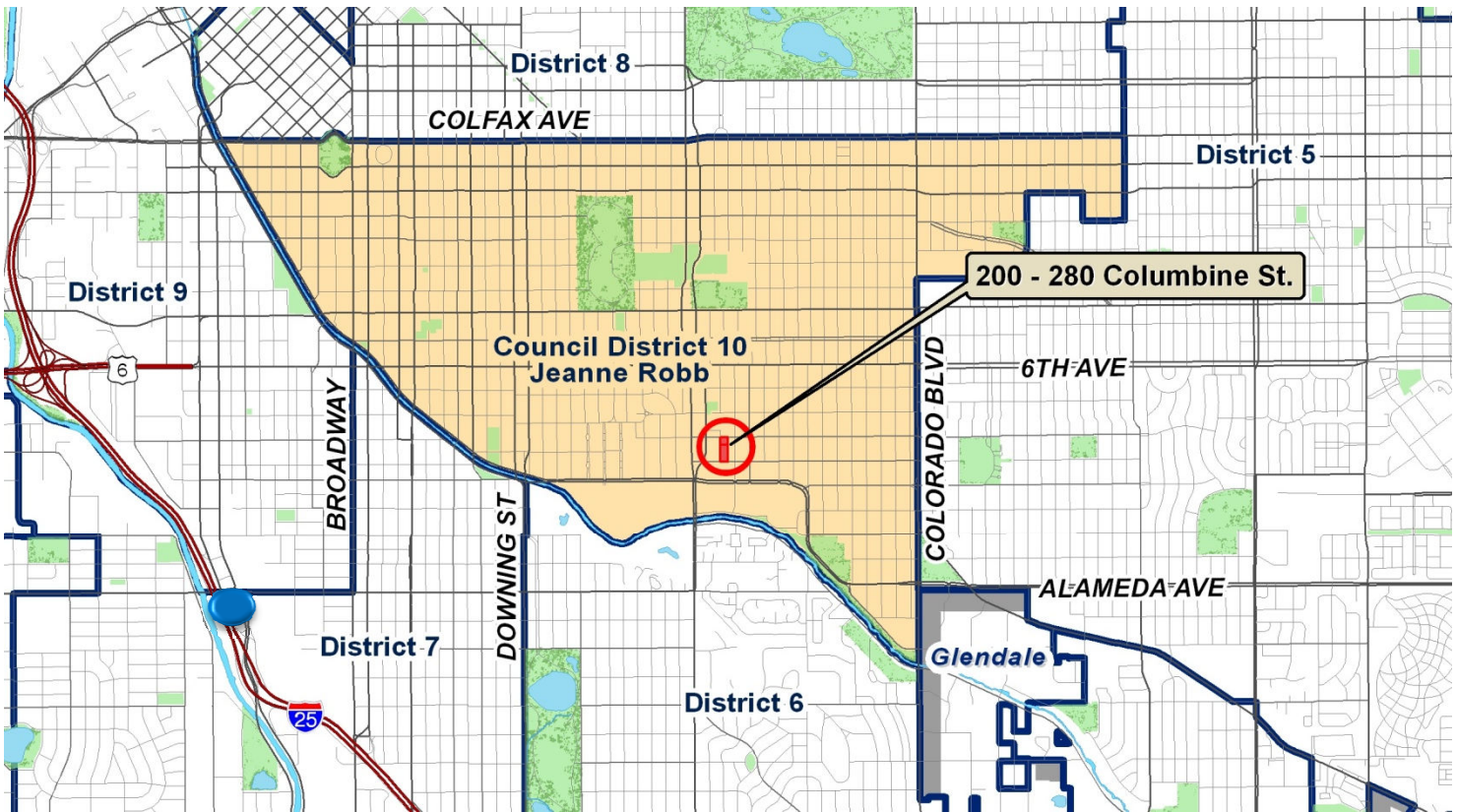
From C-CCN to C-MX-8 with condition and C-  
MX-5 with condition

# Located in Central Denver

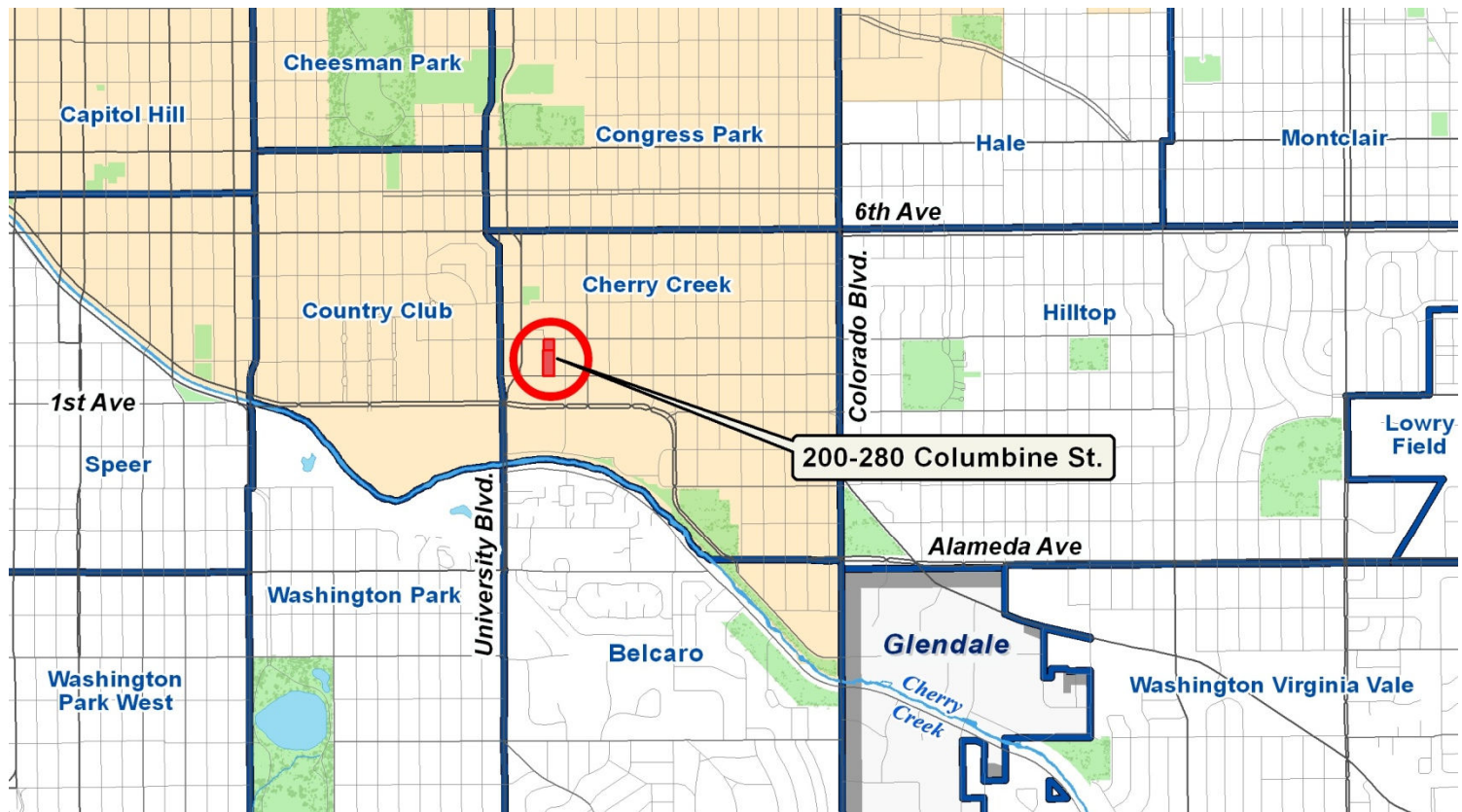
From C-CCN to C-MX-8 with condition and C-MX-5 with condition



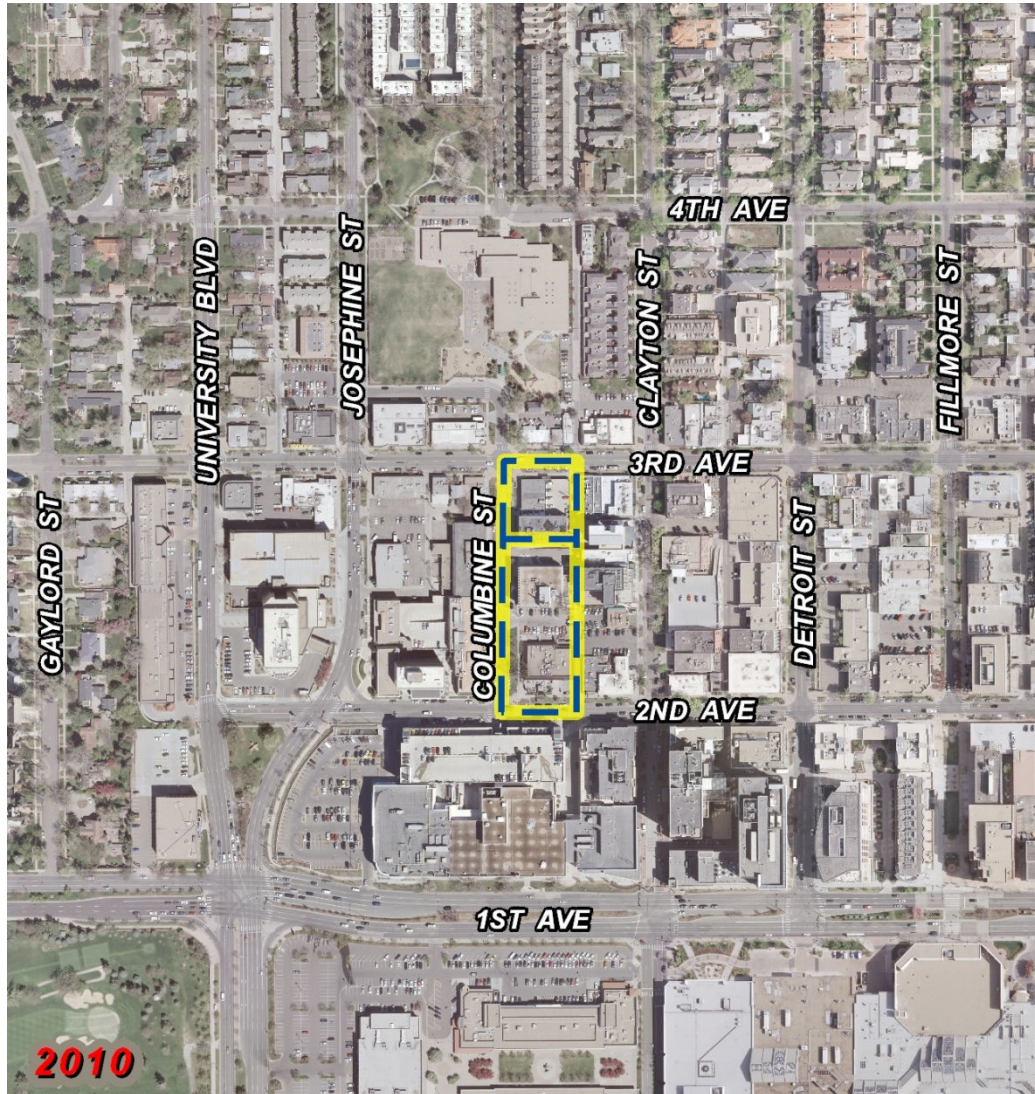
# Council District 10



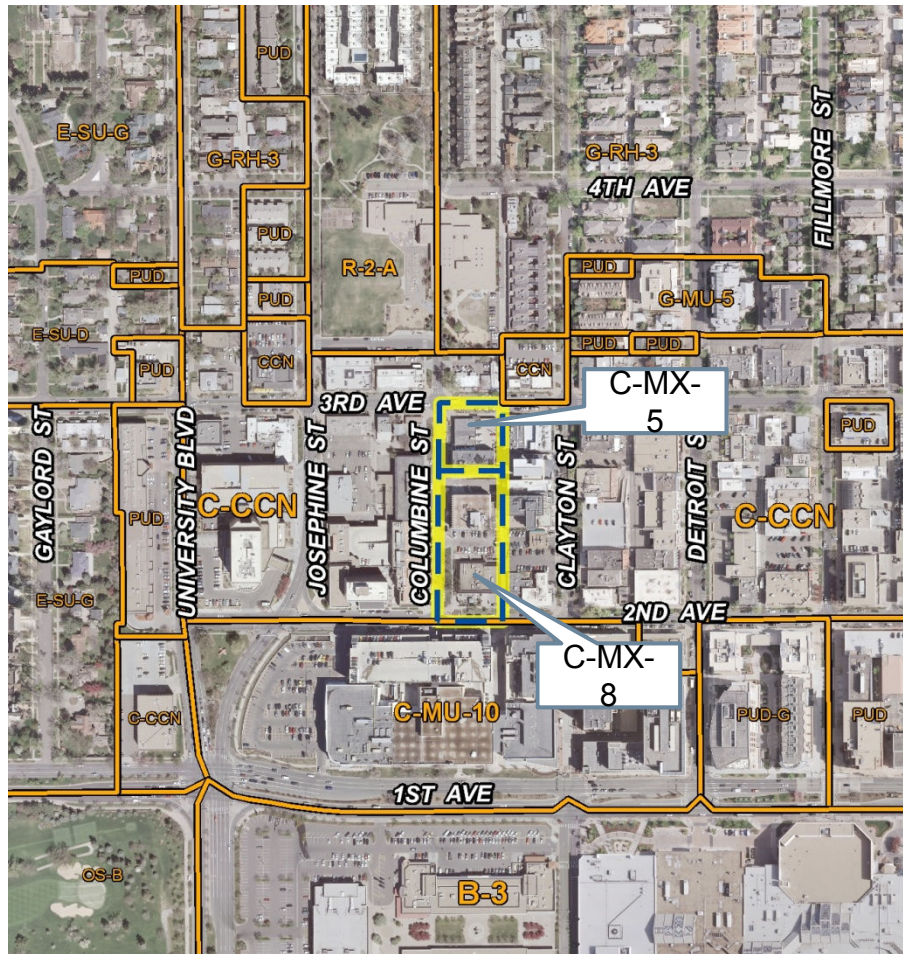
# Cherry Creek Neighborhood



# Location



# Request



- 1.43 acres / 62,319 s.f.
- 200 Columbine Associates LLC; 234 Columbine Street Associates LLC; 280 Columbine Streets Associates LLC
- Requesting rezoning to redevelop the half-block.
- Rezone from C-CCN to **C-MX-8 and C-MX-5 with condition**
  - **C** – Urban Center Neighborhood Context
  - **MX** – Mixed Use
  - **5** – 5 stories max. height (north 150')
  - **8** – 8 stories max. height (south 350')

# Request: C-MX-8 and C-MX-5 ...

Urban Center Neighborhood Context – Mixed Use – 8 and 5 stories max. ht.

Article 7. Urban Center Neighborhood Context  
Division 7.2 Districts


7.2.2.2 Specific Intents

- A. Mixed Use C-MX-5 buildings
- B. Mixed Use C-MX-8 buildings
- C. Mixed Use C-MX-10 buildings
- D. Mixed Use C-MX-12 buildings
- E. Mixed Use C-MX-15 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.

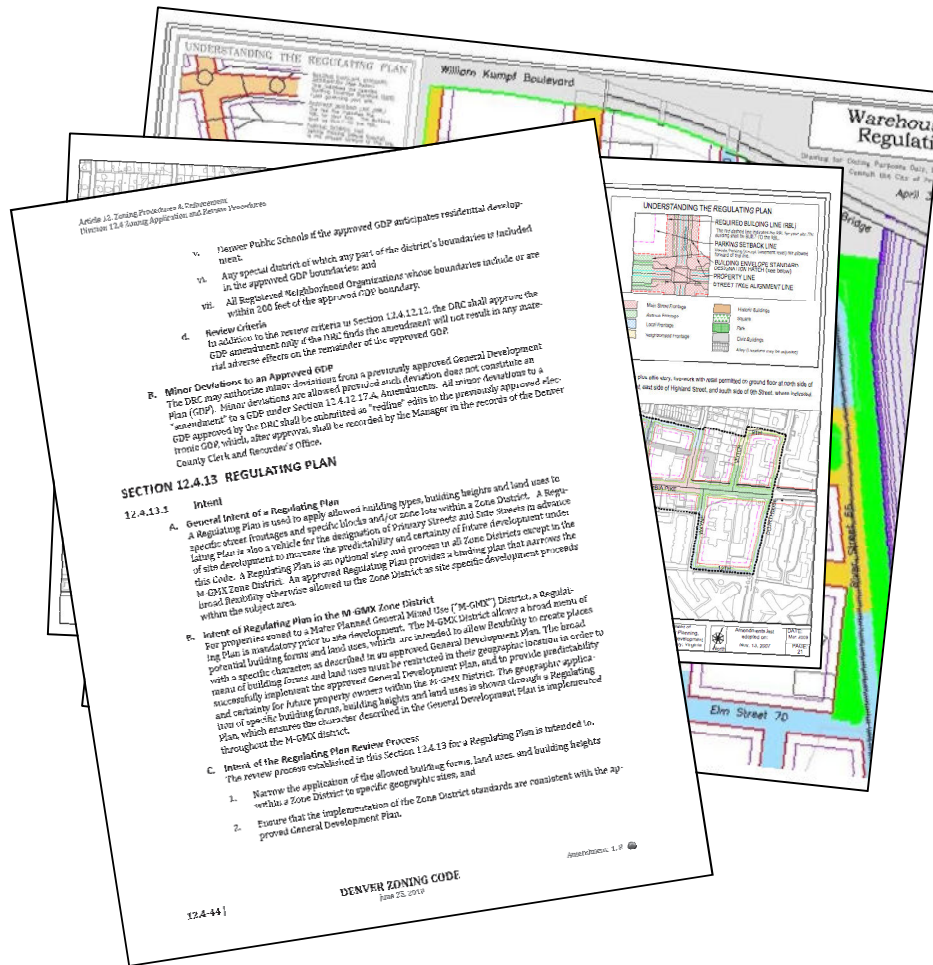
DENVER ZONING CODE  
June 25, 2010

7.2-2 | [ 7.1-1





# Request: with a condition

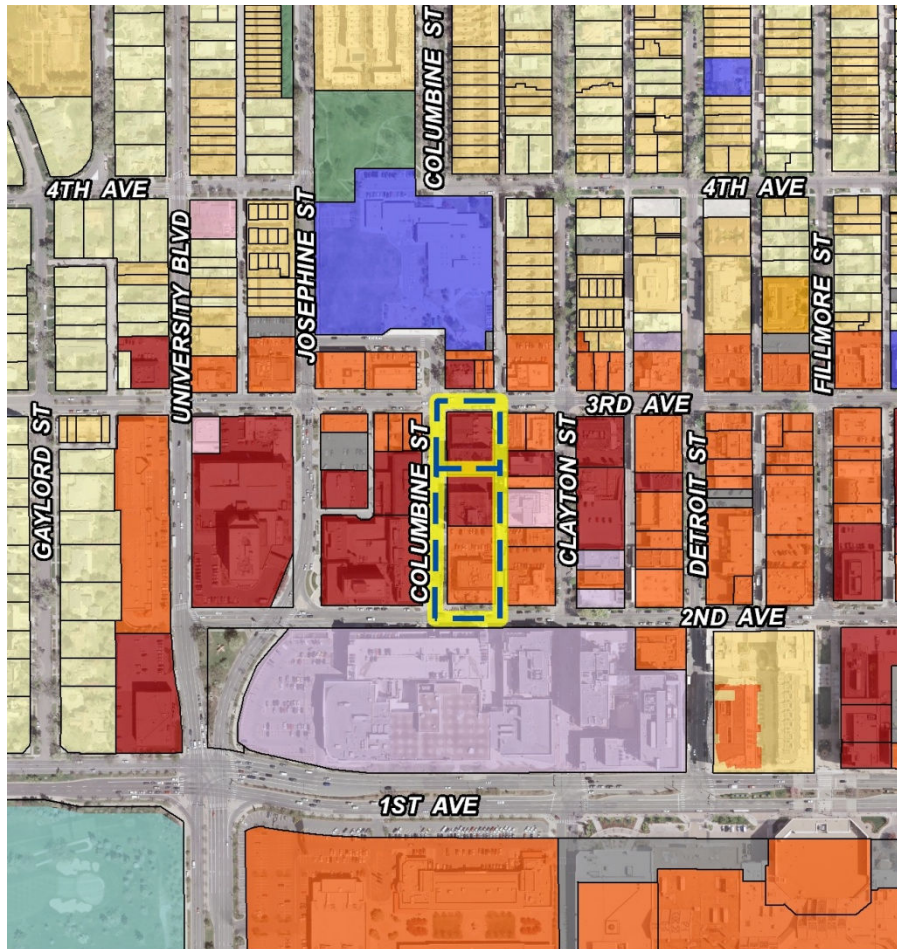


- Proposed condition:
  - Require a regulating plan be approved according to the Denver Zoning Code prior to site development plan approval

# Existing Context

- Zoning – C-CCN
- Design Standards & Guidelines for CCN apply to this site
- Building Form & Scale
  - ▣ Heights
    - 3 buildings on-site of 2 to 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 mixed use retail and office
- Immediate surroundings are also 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

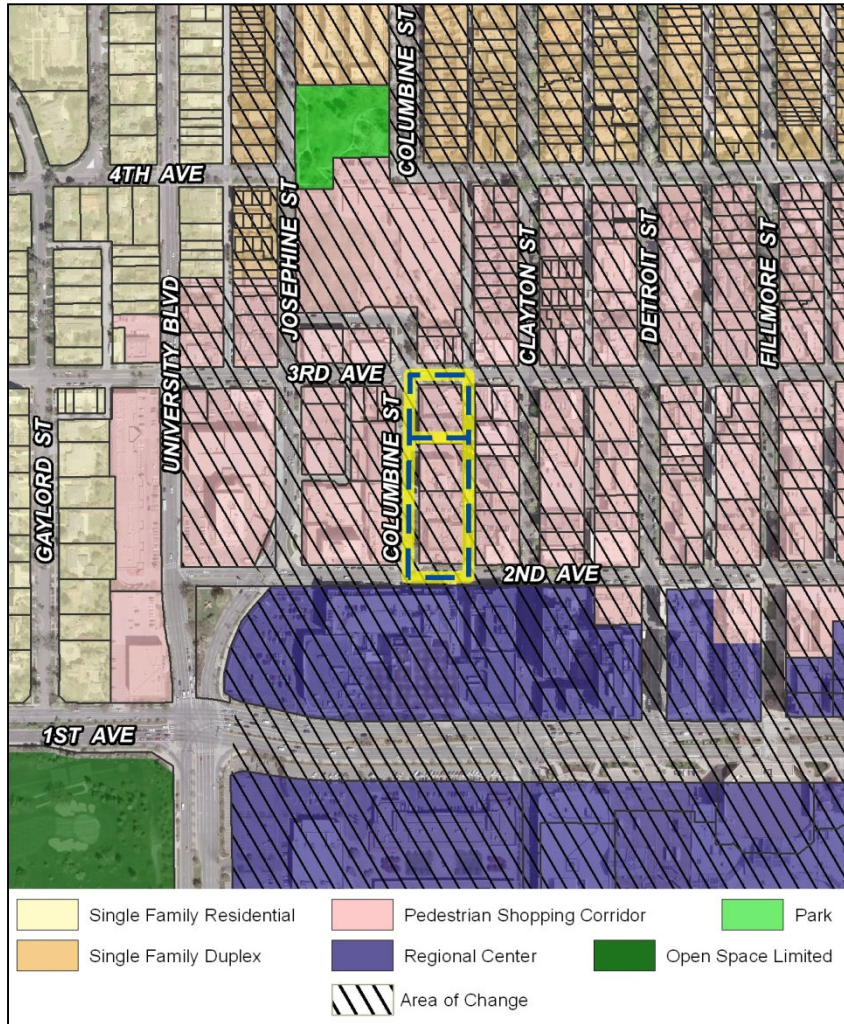
# Review Criteria:

## 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 Concept:
  - Pedestrian Shopping Corridor
    - The planned land use for this area includes street-fronting commercial uses and residential uses.
    - Land Use Concepts were updated in the Cherry Creek Area Plan
  - Area of Change
    - In Cherry Creek, “The neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential, regional and neighborhood retail, office, hotel, open space, and public uses in a pedestrian-friendly environment.”



# Review Criteria:

## Consistency with Adopted Plans

### **Blueprint Denver Future Street Classifications**

- 3<sup>rd</sup> Avenue: Main Street Collector
  - ▣ “Serves the highest intensity retail and mixed land uses”
- 2<sup>nd</sup> Avenue: Mixed Use Collector
  - ▣ “Located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity”
- Columbine St.: Undesignated Local
  - ▣ “Influenced less by traffic volumes and tailored more to providing local access”

# Review Criteria:

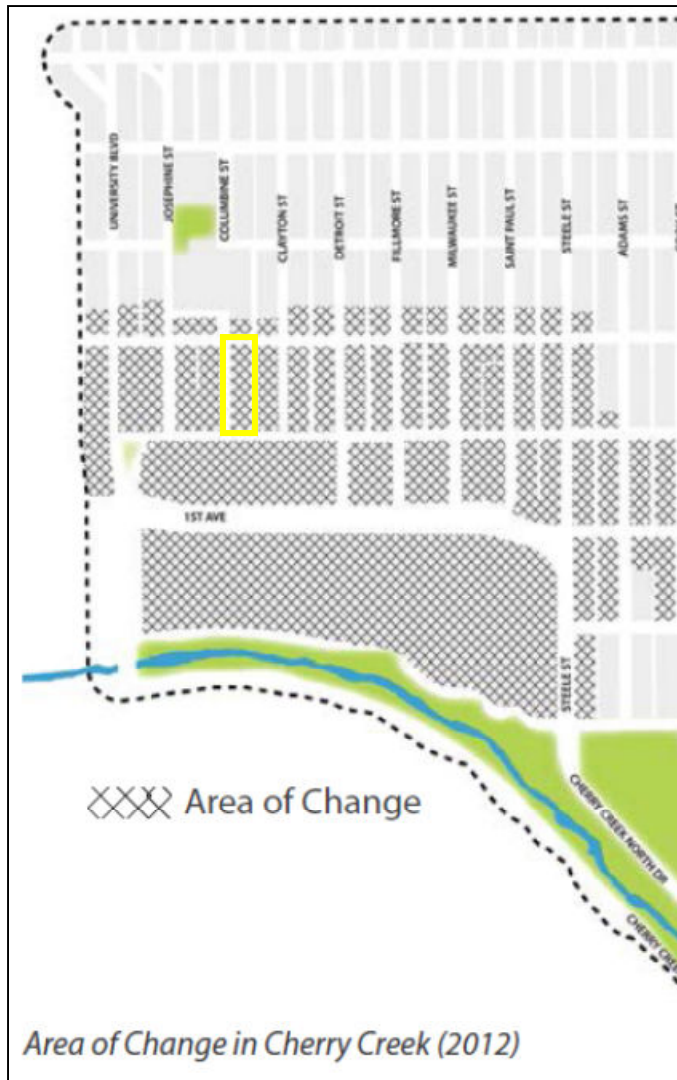
## Consistency with Adopted Plans



### **Cherry Creek Area Plan**

- Framework Plan Recommendations
- Subarea Strategies: Entire Cherry Creek Shopping District Recommendations
- Subarea Recommendations: CCN Business Improvement District

# 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”
- *“To remain prosperous, Cherry Creek must continue to grow and change. In order for this to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods.”*

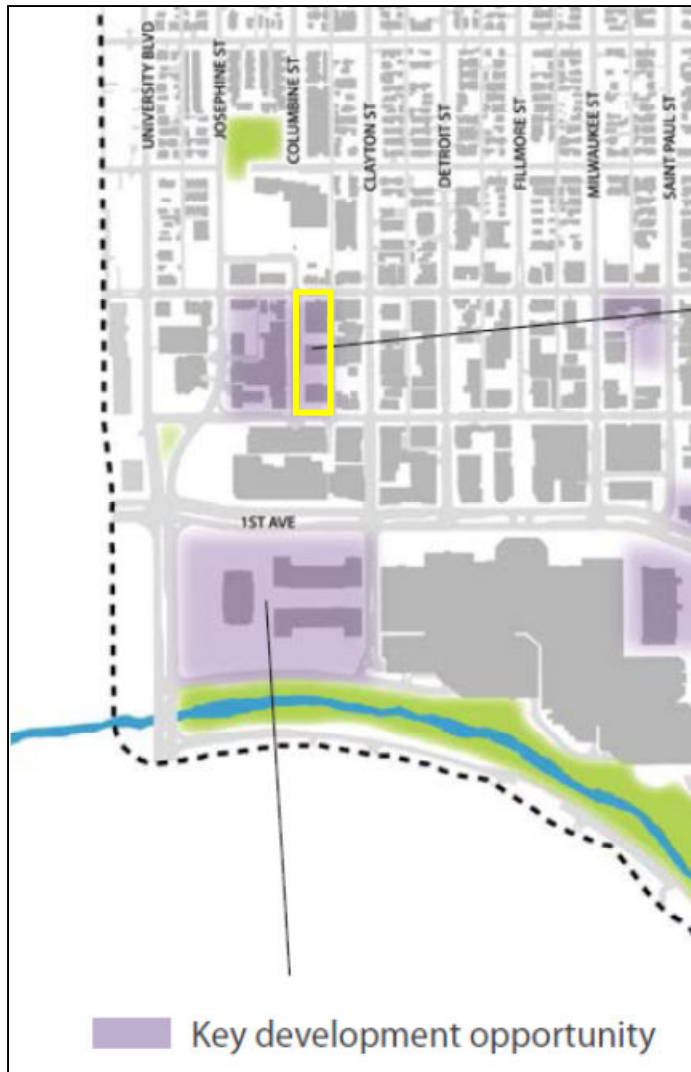
# Review Criteria:

## Consistency with Adopted Plans

### Cherry Creek Area Plan - Framework Plan Recommendations

- *“Orient buildings and entries toward the street using context sensitive setbacks” (p. 30).*
- *“Include design elements and details such as pedestrian scaled signage, transparent windows, storefronts, building entries, building articulation, patio seating, pedestrian plazas and courtyards.” (p. 30)*
- *“Any new development should reinforce the pedestrian scale and character of Cherry Creek.” (p. 32)*
- C-MX zone district standards, Design Standards & Guidelines, and a regulating plan can address these recommendations

# Review Criteria: Consistency with Adopted Plans



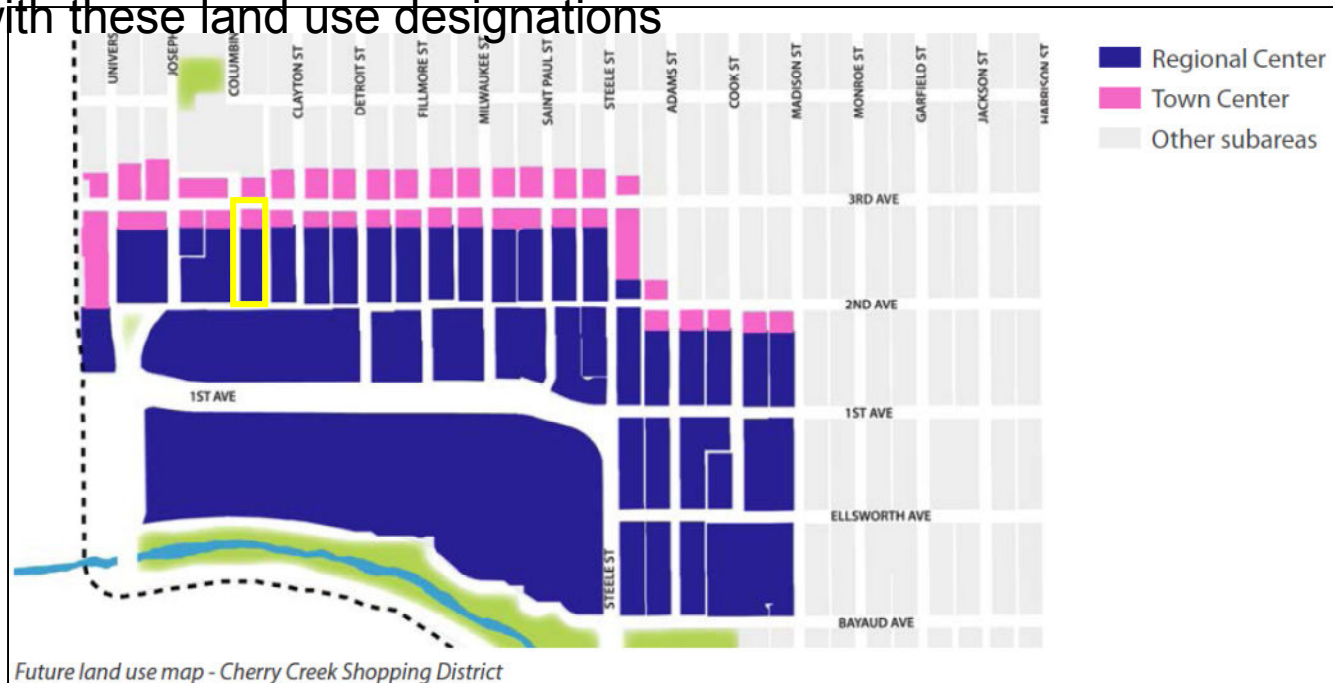
## Cherry Creek Area Plan - Framework Plan Recommendations

- Key Development Opportunity
- *“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”*

# Review Criteria: Consistency with Adopted Plans

## CCAP – Cherry Creek Shopping District Recommendations

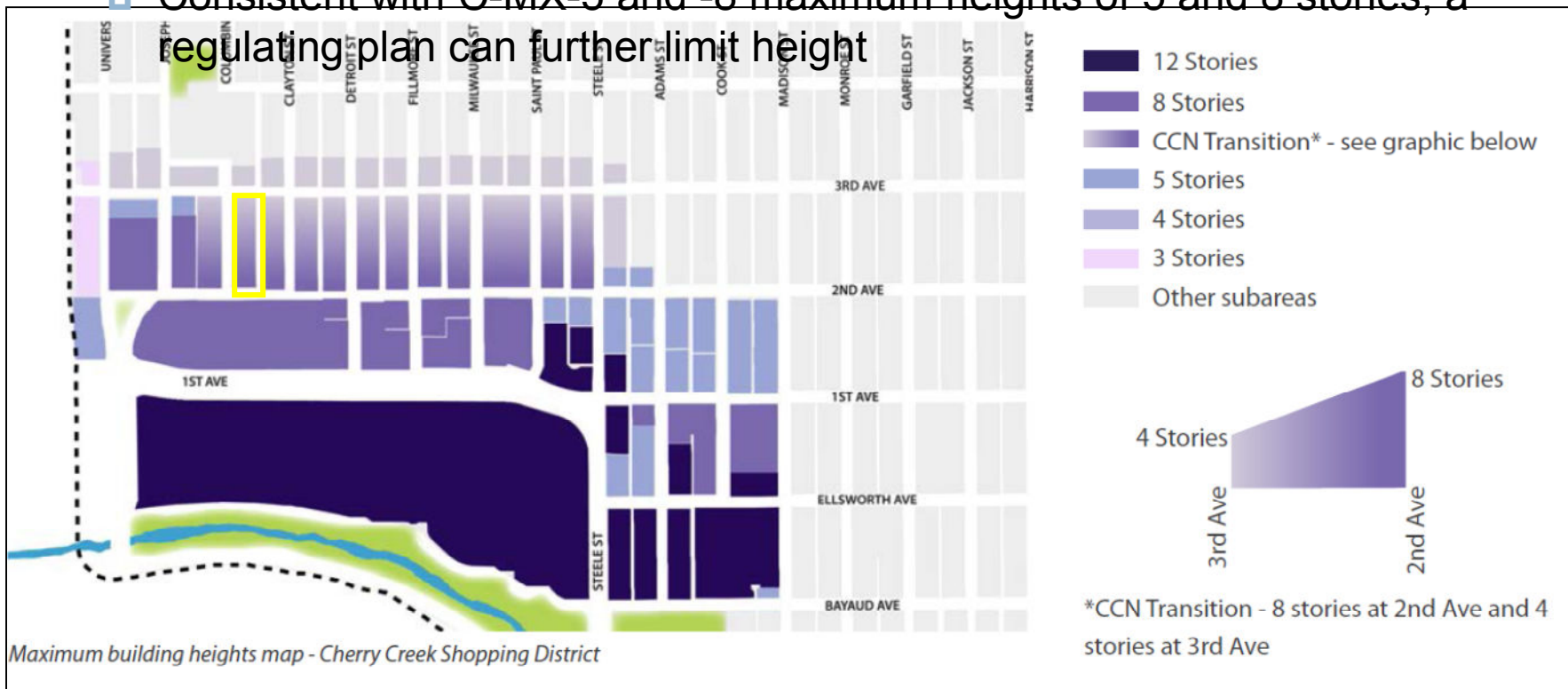
- Land Use: Regional Center & Town Center
  - ▣ C-MX zone districts allow large variety of land uses at scales consistent with these land use designations



# Review Criteria: Consistency with Adopted Plans

## CCAP – Cherry Creek Shopping District Recommendations

- Maximum Building Heights: 4 stories to 8 stories
  - Consistent with C-MX-5 and -8 maximum heights of 5 and 8 stories; 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.”*
  - ▣ The proposed zone districts will allow additional mixed use development which can generate additional shoppers within the neighborhood.
- *“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.”*
  - ▣ These goals can be achieved through both the Design Standards and Guidelines and through a regulating plan that can 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 regulation. Enact zoning and other land use regulatory tools for the C-CCN zone district to encourage rather than inhibit high quality redevelopment and reinvestment across all parcel sizes, large and small. Retain positive elements of current zoning including ground floor retail, design review, quality design and materials, interesting signage, and parking location. Reconsider height, FAR, building form, and parking requirements.”*
- Eight subgoals follow

# Review Criteria:

## Consistency with Adopted Plans

### **CCAP – Revise Land Use Regulation**

- *Goal #1 - Retain and enhance Cherry Creek North's unique physical character.*
- The design intent will be achieved through the Design Standards and Guidelines.
- The Regulating Plan can also be used to ensure a variety of building heights and types.

# Review Criteria:

## Consistency with Adopted Plans

### **CCAP – Revise Land Use Regulation**

- *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.*
- Consistent with the plan goals, the proposed C-MX districts increase maximum heights and reduce minimum parking requirements

# Review Criteria:

## Consistency with Adopted Plans

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### **CCAP – Revise Land Use Regulation**

- *Goal #3 - Encourage small lot reinvestment.*
- Goal does not apply to this property.

# Review Criteria:

## Consistency with Adopted Plans

### **CCAP – Revise Land Use Regulation**

- *Goal #4 - Transition from higher buildings along 2nd to lower buildings along 3rd.*
- The C-MX-8 zone district along 2<sup>nd</sup> Avenue would allow higher intensity, while the C-MX-5 zone district reduces intensity along 3<sup>rd</sup> Avenue consistent with this goal.
- A regulating plan can further define maximum building heights to further refine the transition from 2<sup>nd</sup> to 3<sup>rd</sup>.

# Review Criteria:

## Consistency with Adopted Plans



### **CCAP – Revise Land Use Regulation**

- *Goal #5 - Create height transition from the business district to adjacent residential.*
- Goal does not apply to this property.

# Review Criteria:

## Consistency with Adopted Plans



### **CCAP – Revise Land Use Regulation**

- *Goal #6 - Retain sunlight on streets and views between buildings.*
- A regulating plan can use reduced maximum building heights and upper story setbacks and stepbacks to achieve solar access and sky exposure between buildings and along the 3<sup>rd</sup> Avenue (north) side where the most impactful shadows will fall.

# Review Criteria:

## Consistency with Adopted Plans



### **CCAP – Revise Land Use Regulation**

- *Goal #7 - Prevent the creation of “walled” or monolithic streets.*
- Building size and height variety and breaks between buildings can be addressed through a regulating plan.
- Street level building articulation is addressed in the Design Standards and Guidelines.



# Review Criteria:

## Consistency with Adopted Plans

### CCAP – Revise Land Use Regulation

- *Goal #8 - Active storefronts and ground floor uses.*
- The Design Standards and Guidelines seek to achieve pedestrian active uses on the ground story.
- The C-MX zone districts do not restrict ground story uses, but a regulating plan can be used to limit street-facing ground story uses to retail uses and those uses reasonably necessary to access other uses behind,

# Review Criteria:

## Consistency with Adopted Plans



### **CCAP – Additional CCN BID Recommendations**

- Assure Design Quality
- Enhance 3<sup>rd</sup> Avenue Charm and Viability
  - ▣ Where possible, these plan goals are achieved through applicable design standards & guidelines
- Manage Parking
  - ▣ C-MX includes shared parking; other parking strategies in the plan are beyond the scope of zoning

# 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-5 and C-MX-8 purpose and intent.

# Process – Planning Board



- Denver Planning Board
  - ▣ Held a public hearing on this application on September 5, 2012
  - ▣ Recommended approval by a vote of 8-1, with 2 recusals.

# Process

- Planning Board – September 5, 2012
- Tentative Remaining Schedule:
  - ▣ Mayor-Council
  - ▣ City Council
- Public Outreach
  - ▣ Notification signs posted on property
  - ▣ Registered Neighborhood Organizations
    - Capitol Hill United Neighbors; Cherry Creek North Business Improvement District; Cherry Creek North Neighborhood Association; Cherry Creek Steering Committee; Harman Neighborhood Association, Inc.; Neighborhood Advisory Committee to the Botanic Gardens; Inter-Neighborhood Cooperation
  - ▣ 2 RNOs submitted resolutions (CCN BID & CCNNA)
  - ▣ 1 RNO also submitted a letter (CCNNA)
  - ▣ 147 additional letters received

# 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 - Reference Appendices



- The Reference Appendices:
  - ▣ Informed the goals adopted in the Cherry Creek Area Plan
  - ▣ Will be a reference for future new zone district for all of Cherry Creek North
- The Reference Appendices are:
  - ▣ Not adopted
  - ▣ Not review criteria for rezoning applications

# Recommendation

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

CPD recommends **Approval with Conditions** of Application 2011I-00056, with the condition that a regulating plan be approved prior to site development plan approval ...

# Recommending zoning with condition

CPD recommends zoning with a condition in this case because:

- There are clear adopted plan recommendations that cannot be achieved with the existing zone districts
- A process will be under way soon to update the zoning text and zoning map for this area
- A condition can bridge the gap between the adopted plan and the future zoning discussion
- Therefore, we recommend the condition to require a regulating plan in order to assure consistency with the adopted Cherry Creek Area Plan

# Regulating Plan Application

- According to the Denver Zoning Code, final approval authority of a regulating plan rests with the Manager of CPD, subject to appeal to the Board of Adjustment.
- Final CPD approval cannot occur until after the rezoning is approved.
- To achieve consistency with the adopted plan, the regulating plan in this case will address allowed building forms, maximum building heights, setbacks, upper story setbacks, solar access, designation of primary streets, a midblock pedestrian connection, and allowed uses on the ground story.
- A complete, revised application was submitted on 8/23/12.

# Recommendation

CPD recommends **Approval with Conditions** of Application 2011I-00056, 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