

### Community Planning and Development

**Planning Services** 

Plan Implementation

201 W Colfax Ave, Dept 205 Denver, CO 80202

p: 720-865-2915 f: 720-865-3056

www.denvergov.org/planning

TO: Denver City Council

FROM: Chris Gleissner, Senior City Planner

**DATE:** November 26, 2012

RE: Zoning Map Amendment Application #2012I-00015

360 S Monroe

Rezoning from B-4 w/waivers to C-MX-8

### **Staff Report and Recommendation**

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #2012I-00015 for a rezoning from **B-4** w/waivers to C-MX-8.

### I. Scope of Rezoning

Application: #2012I-00015
Address: 360 S Monroe
Neighborhood/Council District: Council District #10

RNOs: Cherry Creek Steering Committee, Harman Neighborhood

Association, Inc., Inter-Neighborhood Cooperation

Area of Property: 2.4 Acres
Current Zoning: B-4 w/waivers

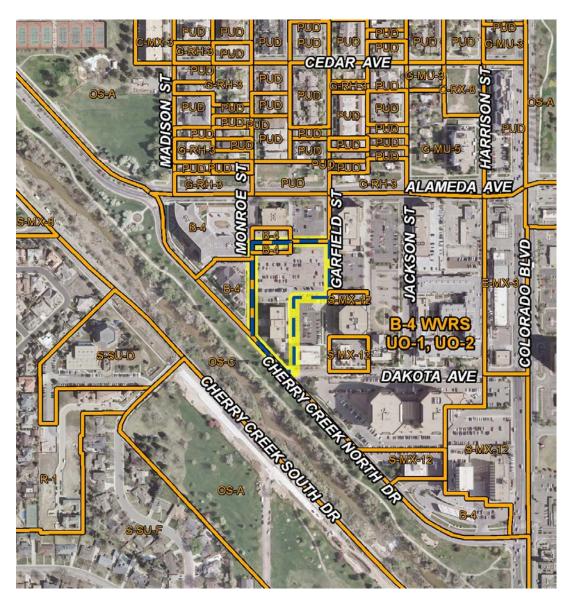
Proposed Zoning: C-MX-8

Applicant/Owner: Giles I Company Contact Person: Phil Workman

### II. Summary of Proposal

This map amendment is proposed to allow the construction of a multi unit project in the Cherry Creek Triangle.





### III. Justifying Circumstances

The application is reviewed against Denver Zoning Code Section 12.4.10.14.A.4 which provides a justification statement which says 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 change or changing condition is associated with recommendations from adopted plans: Comprehensive Plan 2000, Blueprint Denver and the Cherry Creek Area Plan (2012).

### IV. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver		
Site	B-4 w/waivers	Office and Parking	Mixed Use – Area of Change		
North	B-4 w/waivers	Office	Mixed Use – Area of Change		
South	B-4 w/waivers and OS-C	Office and Cherry Creek Greenway	Mixed Use – Area of Change		
West	B-4 w/waivers	Office and Residential	Mixed Use – Area of Change		
East	B-4 w/waivers	Office	Mixed Use – Area of Change		

### V. Summary of Agency Referral Responses

This rezoning has been reviewed for concurrence with the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Development Services - Survey: Approved

Development Services - Transportation: Approved

Denver Fire: Approved

Denver Parks & Rec: Approved Asset Management: Approved

### VI. Public Comment

Public outreach and discussion of the rezoning has been conducted by the applicant. A letter of support from the Cherry Creek East Association is included.

### VII. Criteria for Review / Staff Evaluation

Pursuant to the Denver Zoning Code, Section 12.4.10.13, there are three criteria for review of all map amendments and two additional review criteria applied to non-legislative map amendments. The first three include:

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

These are explained in the following sections. The remaining two criteria include (Justifying Circumstances (explained in Section III above) and Consistency with Neighborhood Context

Rezoning Application #**2012I-00015** 360 S Monroe Street 11/26/12 Page 4

Description, Zone District Purpose and Intent Statements (elements of the Denver Zoning Code).

- Neighborhood Context: The requested zone district is within the Urban Center Neighborhood Context, which consists of multi-unit residential and mixed-use commercial strips and commercial centers.
- **Zone District Purpose:** The Mixed Use districts are intended to promote safe, active, and pedestrian scaled, diverse areas through the use of multiple building forms that clearly define and activate the public street edge.

### VIII. Consistency with Adopted Plans / Staff Evaluation

The proposal is consistent with adopted plans. Applicable plans for this site include:

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

### A. Consistency with the Denver Comprehensive Plan 2000

Comprehensive Plan 2000 recognizes continued residential development pressures and opportunities. CPD believes the requested PUD zone district is consistent with Comprehensive Plan 2000 because it will promote our dense residential neighborhoods.

Applicable statements from the plan are listed below.

### Land Use Strategies Summary:

- 1-C: Incorporate relevant recommendations from neighborhood, corridor and area plans.
- 1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents.
- 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.
- 4-B: Ensure that land-use policies and decisions support a variety of mobility choices.

### B. Consistency with Blueprint Denver

This site is identified in Blueprint Denver as Mixed Use within an Area of Change (recommended as a Regional Center within the 2012 Cherry Creek Area Plan). Mixed Use is intended to contain both a sizable employment and housing base. Land uses are not necessarily mixed in each building development but within neighborhood, a mixture of uses should exist. This rezoning application is consistent with the adopted land use recommendations contained within Blueprint Denver.



### C. Consistency with the 2012 Cherry Creek Area Plan

The proposed rezoning is consistent with the neighborhood plan. The plan recommends:

- Encourage positive change to create a vibrant, urban mixed-use district (p.76)
  - Cherry Creek Triangle remains an area of change, meaning growth and reinvestment should be encouraged.
  - New development should continued to include a mix of land uses, especially
    office and residential.
  - Adopt form-based and context based zoning for Cherry Creek Triangle properties to encourage predictable development patterns that reinforce the development quality of Cherry Creek Triangle.
- Create and identity for Cherry Creek Triangle (p.77)
  - Embrace Cherry Creek Triangle's prime location connecting the Cherry Creek Shopping District and the City of Glendale along the Cherry Creek Greenway.
  - Improve placemaking. New infill development should improve the public realm.

### IX. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8 will result in the uniform application of zone district, building form, use and design regulations to all buildings within the subject area.

### X. Public Health, Safety and General Welfare

The proposed rezoning will bring the property into further compliance with Denver's Comprehensive Plan, Blueprint Denver, and the Cherry Creek Area Plan, allowing for redevelopment.

### XI. Planning Board Recommendation

Planning Board reviewed rezoning application #2012I-00015 at their regularly scheduled meeting on October 3, 2012. Planning Board recommended approval of this item on consent.

### XII. Staff Recommendation

Based on the criteria for review as defined above, CPD Staff recommends **approval** for rezoning the property located at 360 S Monroe Street (Application #2012I-00015) to C-MX-8, as defined on the attached application map.

### Attachments:

- 1. Official Zone Map Amendment Application
- 2. Map Series Aerial, Zoning, Blueprint Map



### August 9, 2012

Mr. Brad Buchanan, Chair Denver Planning Board 201 W Colfax Avenue 2nd floor Denver, Colorado 80202

Re: 360 S Monroe St – Apartment Development Rezoning

### Dear Mr. Buchanan:

The board of Cherry Creek East Association has reviewed conceptual development plans for the above referenced apartment project at 360 S. Monroe Street in the Cherry Creek Triangle area. As neighbors to the north, we support the application to rezone the property there to C-MX-8 and we believe that the proposed development is consistent with the vision of the newly adopted Cherry Creek Area Plan.

We are particularly supportive of the pedestrian and bike plaza concept at the corner of Cherry Creek Drive North and Monroe Street and the connectivity linkages proposed to the Cherry Creek Trail system; and an enhanced Garfield Street "urban trail" concept for linking this pedestrian/bike trail through the entire Cherry Creek area. Eventually this Urban Trail is envisioned to be linked all the way to City Park. As proposed in the Cherry Creek Area Plan we also support an enhanced pedestrian/bike crossing at E Alameda Parkway and Garfield Street as a part of the completion of the Alameda Parkway from Colorado Boulevard to Pulaski Park.

It has been our pleasure to be included and engaged in the conceptual development process on this project and we have every expectation that it will be a fine addition to the Cherry Creek Area.

Sincerely,

Brooks Waldman, pres.

Cherry Creek East Association

# **Zone Map Amendment (Rezoning) - Application** 1/26/12

			1				
Property Owner Name	Owner Name Giles I Company			Representative Name	Bobby Smith		
Address	ddress 360 S Monroe St			Address	360 S Monroe St #600		
City, State, Zip	y, State, Zip Denver, CO 80209			City, State, Zip	Denver, CO 80209		
Telephone	303-333-1215			Telephone	303-888-3358		
Email	rifkin@rifkinco.com			Email	bobby@wrobertsmith.com		
*If More Than One Property Owner: All standard zone map amendment applications shall be in by all the owners of at least 51% of the total area of the zon subject to the rezoning application, or their representatives rized in writing to do so. See page 3.				**Property owner shall sentative to act on his/h	provide a written letter authorizing the repre-		
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.							
Location (address and/or b	360 S Monroe (Monroe and Cherry Creek Dr. N)						
Assessor's Parcel Numbers	see attached						
Legal Description:	and attached						
(Can be submitted as an at a map is required.)	see attached						
Area in Acres or Square Fed	2.4						
Current Zone District(s):	B4						
Proposed Zone District:		CMX-8					
			_				



General Review Crite-	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				
ria: The proposal must comply with all of the	with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.				
general review criteria DZC Sec. 12.4.10.13	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.				
	Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.				
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria  DZC Sec. 12.4.10.14	Justifying Circumstances - One of the following circumstances exists:  The existing zoning of the land was the result of an error. The existing zoning of the land was based on a mistake of fact. 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.  The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area lt 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.  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.				
-	ents provided with this application:				
Authorization for Rep Proof of Ownership D Legal Description Review Criteria					
Please list any additional a	attachments:				
Assessor's Parcel Legal Description Letter of Authoriza Justifying Circums	tion from Ownership				

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### DENVER

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.

annot lawfully be accomplished.								
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner In- terest % 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 owner- ship documen- tation provided: (A) Assessor's record, (B) war- ranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner repre- sentative written authori- zation? (YES/NO)		
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Gesir O. Smith	01/01/12	(A)	NO		
Giles I Company	360 S Monroe St Denver, CO 80209 303-333-1215 rifkin@rifkinco.com		Bruce A. Rifki	n 6/18/12		Yes		



THREE PARCELS OF LAND WITHIN BLOCK 4, BURNSDALE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### PARCEL A:

ALL OF LOTS 3 THROUGH 11, BLOCK 4, BURNSDALE EXCEPT THE NORTHERLY 38 ½ INCHES OF SAID LOT 3; SAID PARCEL BEING SUBORDINATELY DESCRIBEDED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY LINE OF LOT 3, BEING 38 ½ INCHES SOUTH OF THE NORTHERLY LINE OF LOT 3 AND BEING THE POINT OF BEGINNING; THENCE N89°56'07"E ALONG A LINE 38 ½ INCHES SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF SAID LOT 3, A DISTANCE OF 125.07 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 3;

THENCE S00°02'40"E ALONG THE EASTERLY LINE OF SAID LOTS 3 THROUGH 11, A DISTANCE OF 221.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 11; THENCE S89°56'02"W ALONG THE SOUTHERLY LINE OF SAID LOT 11, A DISTANCE OF 125.07 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 11;

THENCE N00°02'40"W ALONG THE WESTERLY LINE OF SAID LOTS 3 THROUGH 11, A DISTANCE OF 221.97 FEET TO THE <u>POINT OF BEGINNING</u>

SAID PARCEL CONTIANS 0.637 ACRES (27,763 SQUARE FEET) PLUS OR MINUS.

### PARCEL B:

ALL OF LOTS 39 THROUGH 48, BLOCK 4, BURNSDALE; SAID PARCEL BEING SUBORDINATELY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 39 ALSO BEING THE POINT OF BEGINNING;

THENCE N00°02'40"W ALONG THE WESTERLY LINE OF SAID LOTS 39 THROUGH 48, A DISTANCE OF 250.20 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 48; THENCE N89°56'07"E ALONG THE NORTHERLY LINE OF SAID LOT 48, A DISTANCE OF 125.07 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 48;

THENCE S00°02'40"E ALONG THE EASTERLY LINE OF SAID LOTS 39 THROUGH 48, A DISTANCE OF 250.20 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 39; THENCE S89°56'02"W ALONG THE SOUTHERLY LINE OF SAID LOT 39, A DISTANCE OF 125.07 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTIANS 0.718 ACRES (31,293 SQUARE FEET) PLUS OR MINUS.

#### PARCEL C:

COMMENCING AT A POINT ON THE SOUTHEAST CORNER OF LOT 12 BLOCK 4 BURNSDALE, ALSO BEING THE POINT OF BEGINNING;

THENCE N89°56'02"E ALONG THE SOUTHERLY LINE OF SAID LOT 12 EXTENDED A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 38 BLOCK 4 BURNSDALE:

THENCE S00°02'40"E ALONG THE WESTERLY LINE OF LOTS 27 THROUGH 38 BLOCK 4 BURNSDALE, A DISTANCE OF 295.24 FEET TO A PONT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE (ORDINANCE NO. 467-1962):

THENCE S89°55'55"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE A DISTANCE OF 13.11 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK NORTH DRIVE (ORDINANCE NO. 177-1962);

THENCE N42°56'47"W ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK NORTH DRIVE A DISTANCE OF 186.50 FEET TO A POINT ON THE WESTERLY LINE OF LOT 19 BLOCK 4 BURNSDALE;

THENCE N00°02'40"W ALONG THE WESTERLY LINE OF LOTS 12 THROUGH 19 BLOCK 4 BURNSDALE, A DISTANCE OF 167.59 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 12 BEING 16.00 FEET SOUTH OF THE NORTHERLY LINE OF SAID LOT 12;

THENCE N89°56'02"E ALONG A LINE 16.00 FEET SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF SAID LOT 12 A DISTANCE OF 85.00 FEET:

THENCE S59°09'44"E A DISTANCE OF 17.56 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 12;

THENCE N89°56'02"E ALONG THE SOUTHERLY LINE OF SAID LOT 12 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTIANS 0.769 ACRES (33,514 SQUARE FEET) PLUS OR MINUS.

PREPARED BY: BRIAN DUMMER, P.E. CHECKED BY: RICHARD NOBBE, P.L.S. FOR AND ON BEHALF OF: MARTIN/MARTIN, INC. 12499 W. COLFAX AVENUE LAKEWOOD, COLORADO 80215

By:

# GILES I 360 South Monroe Street, Suite 600 Denver, CO 80209 303-333-1215 fax 303-322-3553

June 15, 2012

Letter of Authorization

To whom it may concern

The undersigned authorized officer of Giles I Company, hereby authorizes Mr. Bobby Smith to act on behalf of Giles I Company and act as representative for purposes of the zone map amendment for property located generally at 360 S Monroe Street.

This Authorization is valid until further written notice from Giles I Company.

Sincerely,

Bruce Rifkin Giles I Company

### APPLICATION FOR ZONE MAP AMENDMENT

### The Residences on Cherry Creek

### 360 South Monroe Street

### **Adherence to Review Criteria**

The nature of the proposed map amendment is to permit redevelopment of a 2.4 acre parcel of land located south and adjacent to the Cherry Creek East neighborhood and just north of Cherry Creek Drive North. The property is located on the corner of Monroe Street and Cherry Creek Drive North and extends north toward Garfield Street. There is a portion of the property that extends from Monroe Street to Garfield Street. On the site currently is a 49,000 square foot 6 story office building built in 1972. There has been significant change in the immediate area as well as the adjacent Cherry Creek neighborhoods which have resulted in the need to rezone in order to meet market and community needs and wants.

This map amendment request is in order to provide a zone district (C-MX-8) which is in concert with the creation of a residential project with flexibility for future development.

The effect of the proposed amendment will allow the redevelopment of underutilized property which is in alignment with the vision of the Cherry Creek Neighborhood Plan. The successful rezoning will allow for a dynamic high quality project on the edge of Cherry Creek and bordering the City of Glendale.

### Select Legal Basis for the Zone Map Amendment

The proposed C-MX-8 map amendment is in response to the changed and changing conditions in the immediate area as well as the immediately adjacent Cherry Creek area. The area is realizing renewed interest in residential and commercial redevelopment opportunities.

The following is a brief list of changed conditions in the immediate area:

- Identified in Blueprint Denver as an area of change, neighborhood center
- Passage of new zoning code which provides a wider palette than previously allowed in B-4 zoning.
- Recent development activity in immediately adjacent area; including Cherry Creek East, Cherry Creek North and City of Glendale.
- Cherry Creek Area plan currently being updated to reflect changes in conditions

The changed conditions coupled with the needs and desires of the community as identified in the Cherry Creek Plan process support the change in zoning classification.

The Denver Comprehensive Plan 2000 supports this application by outlining strategies this application achieves through rezoning approval.

### Environmental Sustainability Strategy 2-F

This proposed rezoning will redevelop in an area which is in the core city and which is currently being underutilized.

- Promoting infill development within Denver at sites where services and infrastructure are already in place
- Designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

### • Land Use Strategy I-H

This proposed rezoning will provide more than 290 residential housing units in the City and County of Denver

 Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents.

### Land Use Strategy 3-A

This proposed rezoning will invigorate an area which up until now has been an afterthought appendage of the greater Cherry Creek Neighborhood community.

 Complete neighborhood and area plans for parts of Denver where development or redevelopment is likely or desirable.

### Mobility Strategy 3-C

This proposed rezoning will jump start bicycle and pedestrian connections between Cherry Creek and the Cherry Creek pathway

 Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.

### Legacies Strategy 3-A

This proposed rezoning will provide density and residential housing options in a previously underserved area.

o Identify areas in which increased density and new uses are desirable and can be accommodated.

This application also supports the guiding principles of the land use and transportation vision of **Blueprint Denver** 

This proposed rezoning is in an area of change as identified in Blueprint Denver. Additionally this application advances the guiding principles found below:

- Contribute to the urban design vision
- Preserve and enhance valued attributes of the area.
- Contribute to the economic vision
- Expand transportation choices and pedestrian friendliness
- Protect and enhance environmental quality and Denver legacies

### **Cherry Creek Area Plan (2000)**

There has been tremendous progress in the Alameda Triangle, most recently renamed the Cherry Creek Triangle sub area on the following goals in found in the Cherry Creek Area Plan.

- Increase integration of uses
- Form an association
- Improve the streetscape
- Provide pedestrian and bicycle crossings along Cherry Creek North Drive between Colorado Boulevard and Alameda

Based on the justification found in the aforementioned plans and the ongoing neighborhood and community cooperation for the proposed high quality infill development at this location; this map amendment is hereby submitted.

## Zone Map Amendment #2012i-00015

