



DENVER
THE MILE HIGH CITY

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TO: Land Use, Transportation and Infrastructure Committee
FROM: Chris Gleissner, Senior City Planner
DATE: February 7, 2012
RE: Zoning Map Amendment Application #2011I-00037
100 Detroit Street from PUD #607 to PUD-G

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 #2011I-00037 for a rezoning from **PUD #607 to General Planned Unit Development (PUD-G)**.

I. Scope of Rezoning

Application:	#2011I-00037
Address:	100 Detroit Street
Neighborhood/Council District:	Council District #10
RNOs:	Capitol Hill United Neighborhoods, Inc., Cherry Creek East Association, Cherry Creek North Business Improvement District, Cherry Creek North Neighborhood Association, Cherry Creek Steering Committee, CommUNITY Renaissance Neighbors, Harman Neighborhood Association, Inc., Neighborhood Advisory Committee to the Botanic Gardens, Inter-Neighborhood Cooperation
Area of Property:	Approximately 98,694 SF/2.267 acres
Current Zoning:	PUD #607
Proposed Zoning:	PUD-G
Applicant/Owner:	Detroit Street Properties
Contact Person:	Bob Gollick

II. Summary of Proposal

The applicant proposes changing the zoning to PUD-G in order to permit additional residential square footage along 2nd Avenue to enhance the existing structure and preserve the desired mixed use character of Cherry Creek.

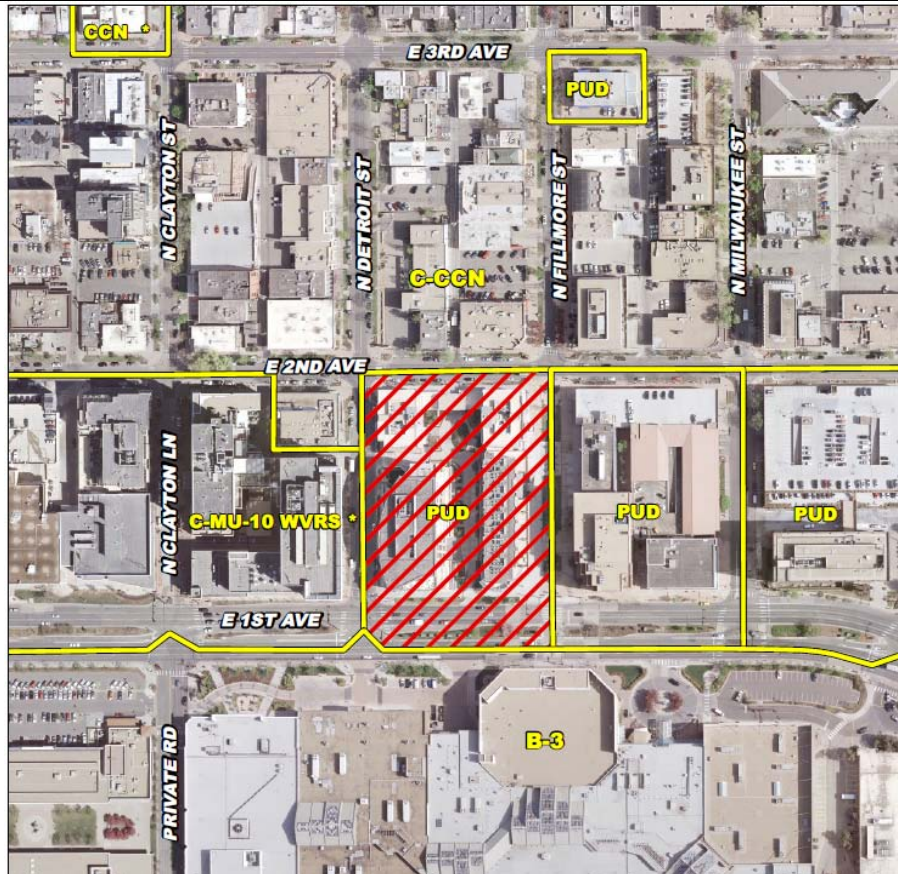
A General Planned Unit Development (PUD-G) is intended to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in the Code. The Planned Unit Development district is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable and multiple variances, waivers and conditions can be avoided.

III. Justifying Circumstances

Pursuant to Section 12.4.10.14, requiring justification for the amendment request, the land and the environs has changed or are changing to the degree that it is in the public interest to encourage redevelopment. Continued redevelopment within Cherry Creek, including changes to the Cherry Creek Shopping Center, enhancements to Fillmore Place and the PUD rezoning at 1st and Saint Paul, has resulted in a change in character over time of the properties along 1st Avenue.

GENERAL PUD Proposal	
Allowable land uses	All uses included within the CCN Zone District
Maximum density	22 dwelling units per acre (50 residential units maximum)
Parking	Utilizes the existing parking structure at the following rates: 2 spaces per residential unit 1 space per 300 SF for retail/office
Form Standards, Setbacks	1'-6" – North 5' – South (2 nd Avenue) 0', 4' and 8'6" – East 2'-6" – West Project is designed to respond to the 2000 Cherry Creek Area Plan recommendations of higher intensity structures along 1 st Avenue, with the project gradually stepping down towards 2 nd Avenue.
Design Guidelines	This redevelopment will conform with the intent of the Cherry Creek North Design Guidelines.

IV. Existing Context



	Existing Zoning	Existing Land Use	Blueprint Denver
Site	PUD #607	Mixed Use	Regional Center-Area of Change/Pedestrian Shopping Corridor
North	C-CCN	Retail, Mixed Use	Pedestrian Shopping Corridor
South	B-3	Cherry Creek Shopping Center	Regional Center-Area of Change
West	C-MU-10 w/waivers	Retail, Office and Hotel	Regional Center-Area of Change
East	PUD	Retail and Office	Regional Center-Area of Change

VI. Notice, Public Process & Public Comment

Written notice of receipt of application was sent 10/27/11.

Planning Board reviewed this application on January 18, 2012

Notice for LUTI was sent on January 26, 2012

VII. Criteria for Review / Staff Evaluation

Pursuant to the Denver Zoning Code, Section 12.4.10.13 and 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

In addition to the general review criteria stated above, the following criteria shall be reviewed for PUD rezoning applications:

Denver Zoning Code – Compliance with Map Amendment Criteria in Sec. 12.4.10.15 (Additional Criteria for PUD Rezoning)

1. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code
 - The development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans.
2. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6
 - The General PUD complies with all standards and criteria stated in Division 9.6.
3. The development proposed on the subject property is not feasible under any other zone district and would require an unreasonable number of variances or waivers and conditions
 - The General PUD District is necessary because the existing building on the site will be utilized and redeveloped. As built, the C-CCN zone district would require waivers to allow the existing condition to continue as a conforming structure.
4. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property
 - The General PUD District utilizes the CCN zone district use list to ensure land use compatibility with the surrounding properties.
5. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan
 - The General PUD District utilizes the requirements of the CCN zone district as applicable. This includes upper story setbacks and height limits.

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
- 2000 Cherry Creek Neighborhood Plan

A. Consistency with the Denver Comprehensive Plan 2000

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

Objective 1: Citywide Land Use and Transportation Plan

- **Strategy 1-B:** Ensure that the *Citywide Land Use and Transportation Plan* reinforces the city's character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Objective 3: Residential Neighborhoods and Business Centers

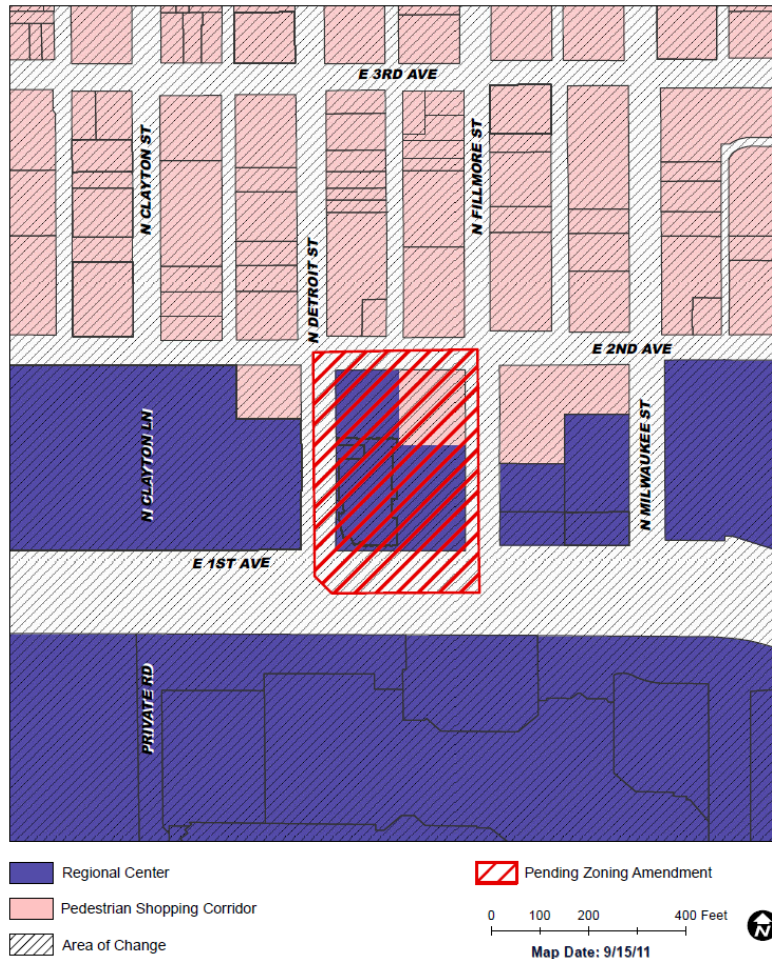
- **Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density** and more amenities; and that broadens the variety of compatible uses.
- **Strategy 4-A:** Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

B. Consistency with Blueprint Denver

The Blueprint Denver concept land use for this site is Regional Center in an Area of Change.

An ideal regional center has "a balance of retail, employment and residential uses... Cherry Creek is an example of a regional center where a major shopping center is at the core of many other uses concentrated in a small area" (p. 43). A regional center has moderate residential density, major commercial uses, and excellent pedestrian zones that accommodate automobile and transit use equally well (p. 65). "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). In the Cherry Creek Area of Change, "the neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential" (p. 134).

According to Blueprint Denver, 1st Avenue is classified as a Mixed Use Collector street and Adams Street is classified as an Undesignated Local street. "Mixed-use streets are located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity" (p.57).



C. **Cherry Creek Area Plan**

The site is located within the “Commercial District” of the adopted Cherry Creek Neighborhood Plan. In the Cherry Creek North subdistrict, “The land use is primarily lower intensity, small scale retail, except for the north side of 1st Avenue, where there are higher intensity uses. Residential uses are encouraged.”

Applicable statements from the plan are listed below.

- Broaden the diversity of uses in the Commercial District and, to a lesser extent, in the Alameda Triangle District. In the Commercial District, encourage redevelopment of existing office space, neighborhood-serving retail, and residences. Any nonretail uses in the Commercial District should be compatible with, and secondary in their street presence to retail uses.
- Encourage further integration of a diversity of uses within the Commercial District in a manner that protects the integrity of each use while enhancing the character and livability of the mixed-use districts.
- Maintain and enhance the retail ambiance of the Cherry Creek North District, encourage a mixture of uses, and encourage low-scale, small lot development projects that

reinforce and enhance the eclectic, urban architectural character and pedestrian scale of the District.

The proposed rezoning application is consistent with the character of the identified Commercial District within the Cherry Creek Neighborhood Plan. As outlined within the proposed General PUD, the redevelopment of this site will enhance the pedestrian character within the Cherry Creek Shopping District.

IX. Uniformity of District Regulations and Restrictions

The proposed rezoning to PUD-G 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 conformance with adopted City plans and will allow for improved development enhancing activity in the Cherry Creek Shopping District, thus providing overall improvement for the general public.

XI. Planning Board Recommendation

Planning Board reviewed rezoning application #2011I-00037 at their regularly scheduled meeting on January 18, 2012. Planning Board unanimously recommended approval of this item.

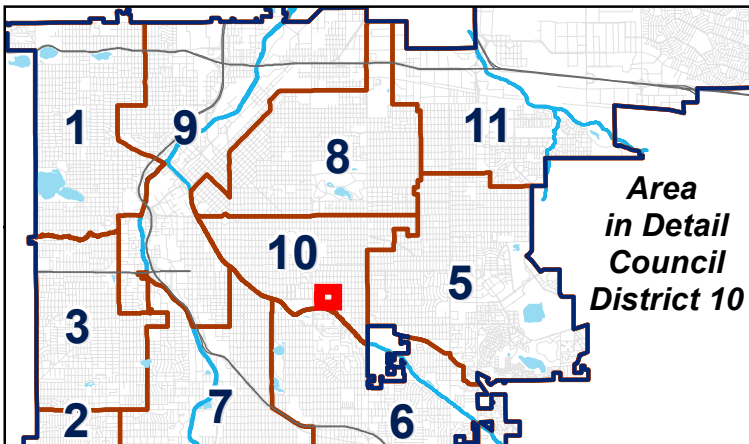
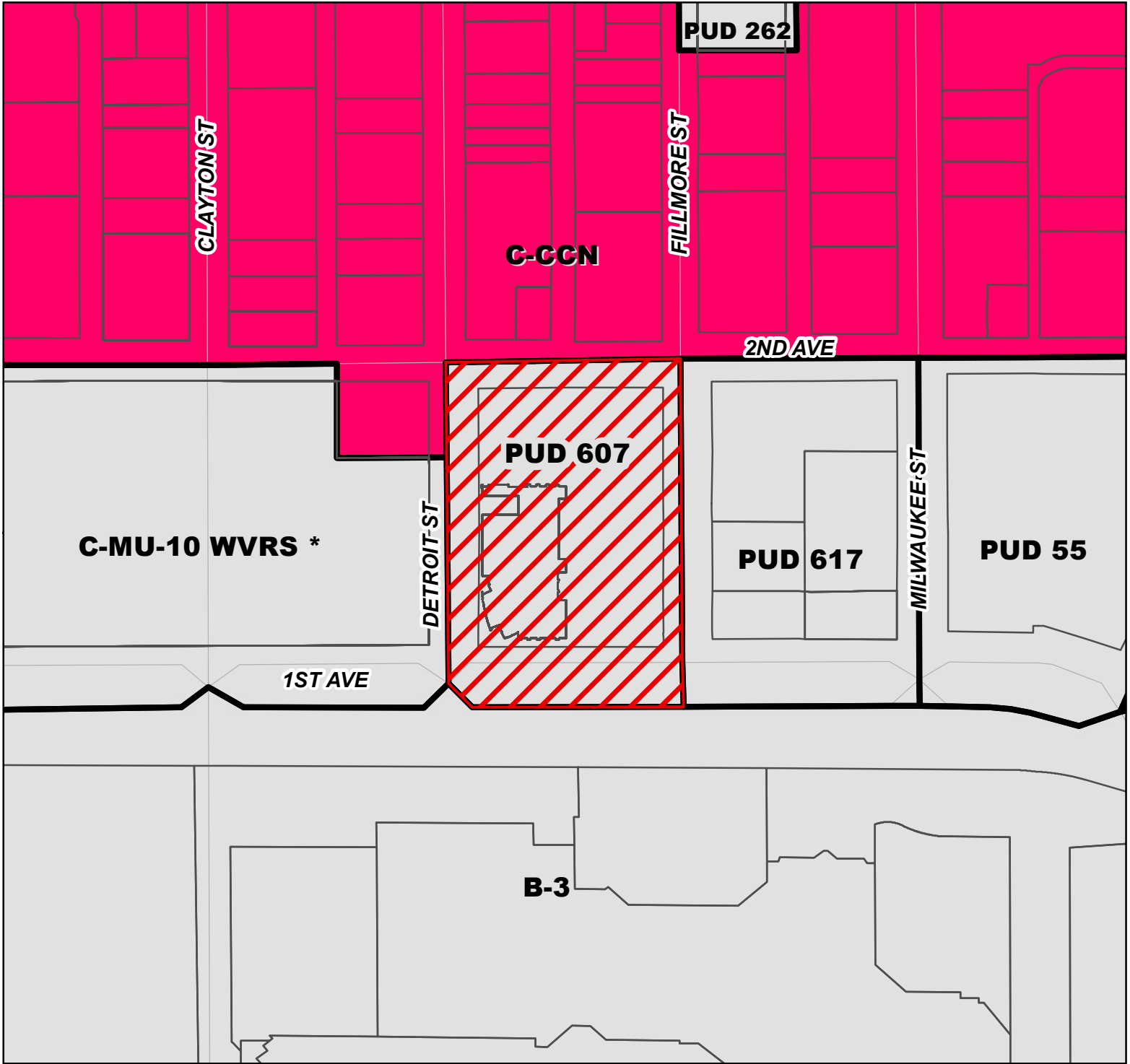
XII. Staff Recommendation

Based on the criteria for review as defined above, CPD Staff recommends **approval** for rezoning the property located at 100 Detroit Street, Application #2011I-00037, to PUD-G, as defined on the attached application map.

Attachments:

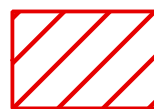
1. **Official Zone Map Amendment Application**
2. **Map Series - Aerial, Zoning, Blueprint Map**

Pending Zone Map Amendment #2011I-00037

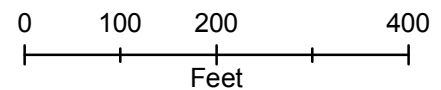


Application #2011I-00037

Location: 100 Detroit St.



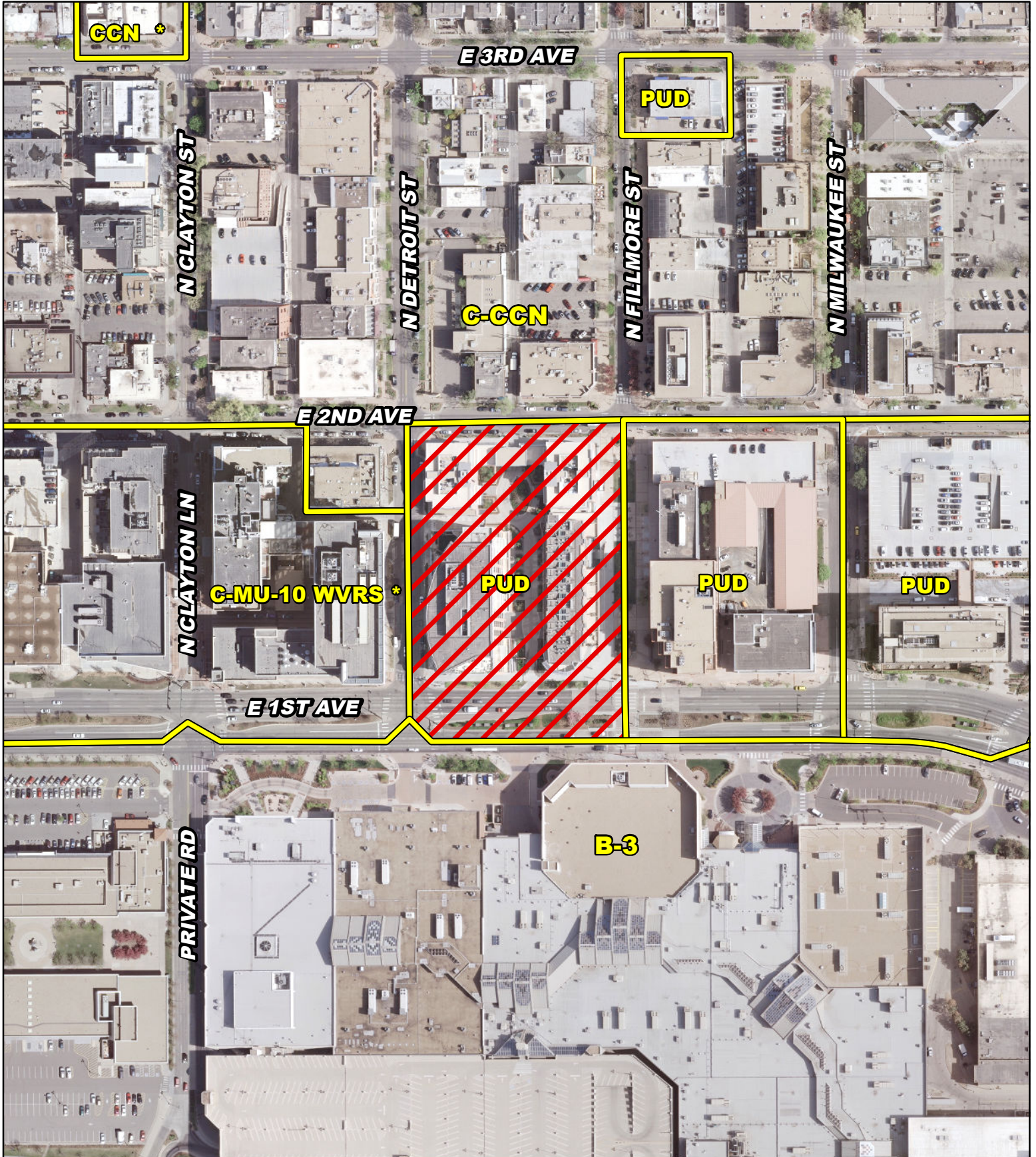
Proposed Rezoning
From: PUD #607 (Ord. 483 - 2007)
To: PUD-G



Map Date: 9/15/11

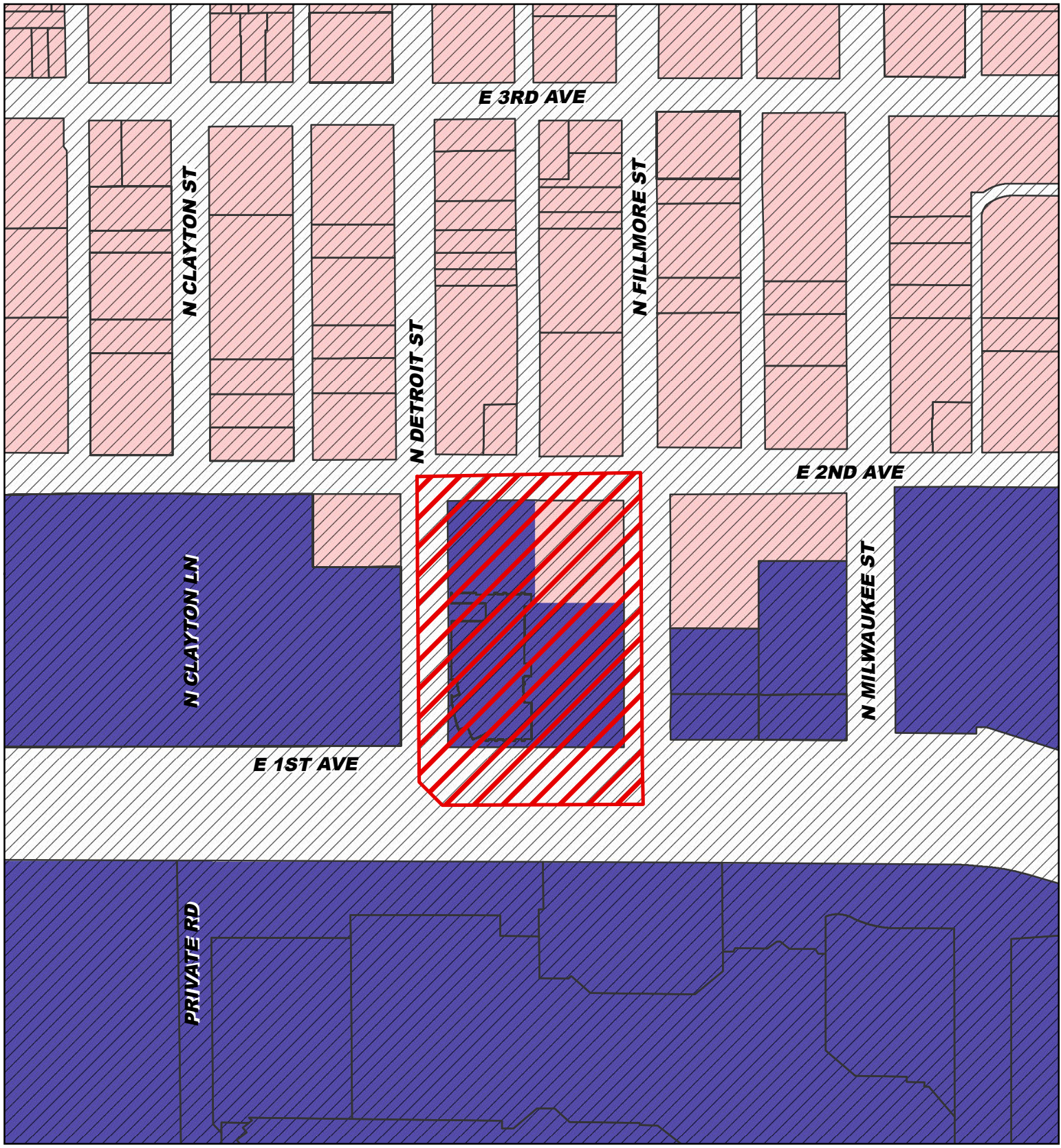
Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2011-00037



Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2011I-00037



 Regional Center

 Pedestrian Shopping Corridor

 Area of Change

 Pending Zoning Amendment

0 100 200 400 Feet

Map Date: 9/15/11





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Community Planning and Development
Planning Services
Plan Implementation

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APPLICATION FOR ZONE MAP AMENDMENT								
Application #	20111-00037	Date Submitted	9.6.11 Rev: 10.25.11	Fee Required	\$2,500	Fee Paid	\$2,500	
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)				
Applicant Name	Detroit Street Properties, LLC			Contact Name	Robert J. Gollick, Inc. (Bob Gollick)			
Address	200 Fillmore Street, Suite 400			Address	609 South Gaylord Street			
City, State, Zip	Denver, Colorado 80206			City, State, Zip	Denver, Colorado 80209			
Telephone / Fax	303 321-5700			Telephone / Fax	303 722-8771, 303 744-3243			
Email	bgollick@comcast.net			Email	bgollick@comcast.net			
Subject Property Location [Please Include Assessor's Parcel Number(s)]								
100 Detroit Street, 2800 East 2ND Avenue and the intersection of 1ST and Fillmore Street (Also known as NorthCreek)								
Legal Description of Subject Property								
Please refer to "Exhibit A: Legal Description" at the end of this document								
Area of Subject Property (Acres/Sq Ft)		Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)				
2.267± acres or 98,694± square feet		PUD No. 607 (Ord. 483 Series of 2007)		PUD				
Describe the nature and effect of the proposed Zone Map Amendment								
<p>The nature of the proposed PUD map amendment is to permit additional development of the existing three story structure(s) that will permit a fourth floor to be used as additional residential space in the NorthCreek condominium development. The proposed addition will enhance the existing structure and provide larger living space within the heart of the Cherry Creek shopping district. This will increase the marketability of the unit(s) while preserving the mixed-use character of this portion of Cherry Creek. Of significance, is that a potential buyer has requested that a fourth floor be added to a unit. The sales contract for that unit is contingent upon the ability to add the additional floor.</p> <p>The existing 3 story structures are a portion of the larger 7 story NorthCreek development. The addition of a fourth floor will scarcely be visible and then, only from a portion of 2nd. Avenue. As a result, the effect will only be positive for the area by providing a more marketable residential unit that will add residents to the area, a goal of the Cherry Creek neighborhood.</p>								
Select Legal Basis for the Zone Map Amendment and explain in detail				Error in the map as approved by City Council				<input type="checkbox"/>
				Changed or Changing Conditions that make a Zone Map Amendment Necessary				<input checked="" type="checkbox"/>

The proposed map amendment is in response to the changed and changing conditions in the Cherry Creek area. The redevelopment of the Cherry Creek Mall several years ago is the catalyst for development to occur throughout the Cherry Creek neighborhood. Numerous residential developments along with several commercial and retail projects have changed Cherry Creek into one of Denver's finest neighborhoods in which to live, work and shop. As a result, a specific segment of the market is seeking larger residences in urban areas. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide an enhanced residential experience. A few examples of the changed conditions are as follows:

- The adoption by City Council of "Blueprint Denver",
- Approval of the site as an "**Area of Change**" for both a **Regional Center and Pedestrian Shopping Corridor** within "Blueprint Denver",
- Successful development of Clayton Lane including the J.W. Marriot Hotel and the Janus Building,
- The recent change in market conditions that include individuals seeking large infill residences,

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. Specifically, the adoption of the Denver Comprehensive Plan 2000, and the desire to implement the applicable City policies on this property and its proposed development and providing additional legal basis for this proposed map amendment.

Further explanations of the changed conditions that justify this map amendment request are contained in Denver Comprehensive Plan 2000. Several of the objectives and resulting strategies that support the zoning request are listed as below. They are extracted from the Land Use Chapter, Housing Chapter and Neighborhood Chapter of Denver Comprehensive Plan 2000.

Land Use Chapter

Objective 1: Citywide Land Use and Transportation Plan

Strategy 1-B: Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Objective 3: Residential Neighborhoods and Business Centers

Strategy 3-B:

Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

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

Mobility Chapter

Objective 4 Changing Travel Behavior

Strategy 4-E

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

Legacies Chapter

Objective 3 Compact Urban Development

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

Economic Activity Chapter

Objective 3: Expand Economic Opportunity

Business Centers 4-B Enhance existing business centers and establishes new 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.

Environmental Sustainability Chapter

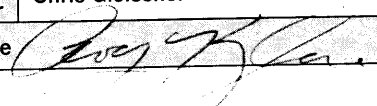
Strategy 2-F Conserve land by:

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

Strategy 4-A **Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.**

State the land use and the development proposed for the subject property. Include the time schedule (if any) for development

The land use and development proposed for the property will be an addition to the residential portion of the NorthCreek mixed-use development which incorporates residential, commercial and retail uses. All C-CCN uses are permitted within the subject property boundaries. The anticipated time schedule is contingent upon approval of this zoning request, site plan approval, market conditions and project financing.

Required Exhibits		Additional Exhibits	
Applicant & Owner Information Sheet	X	Exhibit "A": Legal Description	
Maps - Required for Final Submissions	X		
Case Manager	Chris Gleissner		
Signature			Date
Detroit Street Properties, LLC By: Roy Kline, Executive Vice President			10/25/11

APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
20111-00037	Detroit Street Properties, LLC

Property Address(es)
 100 Detroit Street, 2800 East 2nd Avenue and the intersection of 1st and Fillmore Street (Also known as North Creek)

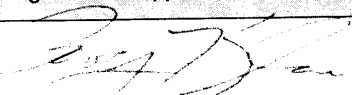
Applicant's Address
 200 Fillmore Street, Suite 400, Denver, Colorado 80206

NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

Fee Title Owner (Has Deed of Ownership)	All	<input checked="" type="checkbox"/>
	A Portion	<input type="checkbox"/>
Contract Owner	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
Holder of a Security Interest	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Signature of Applicant	Date Signed
 Detroit Street Properties, LLC By: Roy Kline, Executive Vice President	10/25/11

1. SCHEDULE

- a. Date of pre-application conference August 2, 2011.
 City representative(s) present
- b. Submittal date of preliminary application September 9, 2011.
- c. Submittal date of completed application October 25, 2011.
- d. Application is scheduled for a:
 Planning Board Hearing on _____.
 Planning Office Hearing on _____.
 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 former Chapter 59 from the prior 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. Note: the Gross Floor Area stated EXCLUDES all common space, service areas, circulation areas, mechanical equipment area, corridors, and any other unoccupied or unleaseable space.

a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE

	Uses: All uses allowed in the C-CCN zone district EXCLUDING Section 7.4.5 (1 through 5) (Applicable Use Limitations) with respect to ground floor residential uses.	Maximum Square Feet
A.	Office/Retail	45,000
B.	Residential	175,000
C.		
D.		
Total Square Feet		220,000

MAXIMUM FLOOR AREA RATIO (F.A.R) 2.13:1.

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: 50.

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE 22 D.U's/AC.

The provisions of Article IV of Chapter 27 of the Revised Municipal Code for the City and County of Denver shall not apply to the subject property and/or its current or proposed development.

b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES

	SQUARE FT	% OF SITE AREA
Maximum area of building coverage (including garage(s) and all other accessory structures):	62,000	62.82
Maximum area of drives and parking:	21,500	21.78
Maximum area of other impervious surfaces:	7,194	7.3
MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES	90,694	91.9

c. LANDSCAPED AND/OR PERMEABLE AREAS

	SQUARE FEET	% OF SITE AREA.
Minimum area of live or organic landscaped lot coverage:	8,000	8.1
Approximate area of non-live material coverage (graveled or other areas with permeable surfaces):	0	0
MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:	8,000	8.1

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

	SQUARE FEET
Building and impervious surfaces:	90,694
Landscaped and/or permeable areas:	8,000
TOTAL SITE AREA: (This area must equal the site area listed on page 1)	98,694

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: 1'-6" feet
 South: 5'-0" feet
 East: 0'-0", 4'-0", 28'-6" feet
 West: 2'-6" feet

The minimum spacing between buildings shall be 50 feet

Permitted encroachments into the minimum setbacks for buildings shall conform to Article 7: 7.3.7.4 of the C-CCN zone district in the of the Denver Zoning Code.

Official Parkway Setback requirements for this P.U.D. are: N/A for buildings and N/A for signs.

f. MAXIMUM HEIGHTS OF STRUCTURES

The maximum height of structures shall be 7 stories for a single structure at the southwest corner and 4 stories for all others which shall not exceed a total of 95 feet 6 inches at the southwest corner and 55 feet for all other building within the district.

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, parapet walls, elevator overruns, architectural details, air conditioning equipment and other such appurtenances) may exceed the maximum height of structures by 20 feet. Flagpoles may exceed these limits

Bulk plane restrictions shall not be required.

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 246 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.

Office/Retail Use A 1 space per 300 square feet

Residential Use B See Below

NUMBER OF OFF-STREET PARKING SPACES PER DWELLING UNIT: 2
MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR PERSONS WITH DISABILITIES: 6.

This P.U.D. does comply with the use and maintenance requirements of Section 59-585(2)-(9) of the Denver Code.

The parking spaces and/or aisles in this P.U.D. do comply with the requirements of Section 59-588 of the Denver Code.

DRIVING AISLES: **Not applicable, parking aisles are existing.**

Will this project contain parking for bicycles? Yes X

Note: There is existing parking for 14 bicycles.

h. OFF-STREET LOADING

This project contains 3 existing off-street loading space(s) which comply with Section 59-599 of the Denver Code.

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? X No Does the site contain wetland areas? X No

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.

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: All landscaping has been planted.**

NUMBER OF EXISTING TREES: 21

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 (303-964-2480). If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (303-757-9930).

NOTE: All landscaping has been planted and is maintained.

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 0 feet and a maximum of 17 feet

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 0 feet and a maximum of 4 feet

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), over height Fences and Walls. There are no earthen berms existing or proposed for this development.

m. BOAT, CAMPER, TRAILER AND RECREATIONAL VEHICLE STORAGE

Boat, camper, trailer and recreation vehicle storage is not permitted on the property. Boat, camper, trailer and/or recreation vehicle parking is permitted in the underground garage.

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 720-865-3124.

o. EXTERNAL EFFECTS

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-246 (CCN zone district) of the former Denver Zoning Code.

Reflective glass **may not** be used.

Every use, unless expressly exempted, shall be operated within a completely enclosed structure.
X No

p. NATURAL TERRAIN

Not applicable, all site grading has been completed for this project.

q. UTILITIES

Describe where the utilities (public and private) serving the property are located.

Note: All utilities are located in the R.O.W. around the perimeter of the site.

For information contact the following:

Denver Water Board 303-628-6100

CenturyLink 303-451-2706

Excel Energy 303-571-7502

Wastewater Management 303-446-3590

r. SIGNS

Signage for NorthCreek is regulated by an approved Comprehensive Signage Plan.

Note: The Comprehensive Signage Plan may be revised without needing to amend this PUD.

s. OUTDOOR STORAGE OF PRODUCTS, MATERIALS OR SOLID WASTE

Outdoor storage of products and/or materials is not permitted

Outdoor storage of solid waste **is not** permitted.

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 (720-865-3150), the Community Planning & Development Agency Office (720-865-2915) 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 on 1st Avenue approximately 50 feet from the property line.

- u. SCHOOLS**
Future school sites **will not** be dedicated as a part of this project.
- v. HOME OCCUPATIONS**
Home occupations **are** permitted and will conform to regulations of the C-CCN zone district.
- w. USES BY TEMPORARY PERMIT**
Temporary Uses are regulated by the regulations of the C-CCN zone district.
- x. ACCESSORY USES**
Accessory uses are regulated by the regulations of the C-CCN 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: All C-CCN uses and existing uses are permitted as interim uses.
- z. PHASING**
This project may be developed in phases.
Initial start date was January of 2006. This is the original start date of NorthCreek under a prior PUD. It is anticipated that the phase described in this PUD will start within 12 months of the approval of this PUD and require an additional 12 months of construction time.
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 (720-865-3000) 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. 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 Community Planning & Development Agency Office (720-865-2915).
- 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.

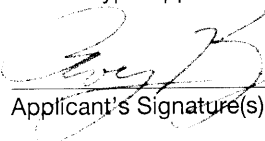
6. ACKNOWLEDGMENT

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 or 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.

Detroit Street Properties, LLC
By: Roy Kline, Executive Vice President

Print or type Applicant's Name(s)


Applicant's Signature(s)

PUD SUMMARY SHEET

Application #
Address/Location: 100 Detroit Street, 2800 East 2nd Avenue and the Intersection of 1st Avenue and Fillmore Street
Total Land Area: 2.67± acres or 98,694± square feet

Permitted Uses	
Use A	Office/Retail
Use B	Residential
Use C	

	Proposed Uses			Total
	Use A	Use B	Use C	
Maximum Gross Floor Area (sq. ft.)	45,000	175,000		220,000
Floor Area Ratio (nonresidential uses)	.45:1			
Maximum Number of Dwelling Units		50		50
Density (dwelling units per acre)		22		
Land Coverage				
Buildings:				62,000 sq. ft.
Drives and Parking:				21,500 sq. ft.
Other				7,194 sq. ft.
Parking				
Number of Spaces	175	100		275
Ratios (spaces: gross floor area):	1 space per 300 sq. ft. of GFA	2 per dwelling unit		
Landscaping				
Area of Live Landscaping (sq. ft.):				8,000 sq. ft. 8.1%
Area of Non-Live Landscaping (sq.):				0

Building Setbacks		
North	1 foot-6 inches	Feet
South	5 feet	Feet
East	0 feet, 4 feet and 8 feet 6 inches	Feet
West	2 feet-6 inches	Feet

Parkway Setbacks					
Buildings	N/A	Feet	Signs	N/A	feet
Required Separation Between Buildings:			50	feet	
Maximum Building Height					
Stories	7 stories for single building at the southwest corner and 4 stories for all others.		Feet	Single building at the southwest corner shall not exceed 95 feet and 6 inches with 55 feet for all other buildings in the district.	

NOTE: FOR COMPLETE PUD REQUIREMENTS, REFER TO APPLICATION # **20111-00037**

Written Statement 3.a:

The proposed P.U.D. and the market which it is intended to serve.

Quality, excitement and convenience are commonly used terms to describe what consumers are seeking when evaluating a residential purchase in Cherry Creek. NorthCreek provides those features. The proposed map amendment will attract buyers that are looking for larger residential accommodations in an urban area with all the amenities that Cherry Creek offers. While the market is narrow for such residences, the features of NorthCreek, Cherry Creek's premier mixed-use development, will attract that market segment.

The location is ideal for those who enjoy walking to any of the numerous shops, restaurants, cafes or studios that are a short walking distance.

Written Statement 3.b:

The proposed P.U.D. and its relationship to the Denver Comprehensive Plan.

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

Strategy 1-B:

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

Objective 3: Residential Neighborhoods and Business Centers

Accommodating New Development

Strategy 3-B:

Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

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

Mobility Chapter

Objective 4 Changing Travel Behavior

Strategy 4-E

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

Legacies Chapter

Objective 3 Compact Urban Development

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

Economic Activity Chapter

Objective 3: Expand Economic Opportunity

Business Centers 4-B Enhance existing business centers and establishes new 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:

Environmental Sustainability Chapter

Strategy 2-F Conserve land by:

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

Strategy 4-A Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.

In addition to the Comprehensive Plan, following are a few excerpts from the Cherry Creek Plan that apply to and support the proposed map amendment:

Cherry Creek North: The land use is primarily lower intensity, small-scale retail, except for the north side of 1st Avenue, where there are higher intensity uses. Residential uses are encouraged.

Create permanent quality:

The mixture of uses; the building, site, and landscape designs; the construction materials; and the transportation system should provide both the permanent quality and the flexibility that will allow Cherry Creek to stand the test of time and to retain its position as the premier commercial / residential district in the region.

Reinvest in the commercial district:

Encourage private reinvestment: Commercial property owners and retailers should reinvest in their properties in a manner that both reflects an evolving market and is consistent with and enhances the character of the district.

Enhance the distinct character:

The mixture of uses; the building, site, and landscape designs; the construction materials; and the transportation system should work together to reinforce and enhance the distinct and inviting urban character of the commercial district. Enhance distinctive subareas; active, pedestrian-scaled, and positive open spaces; pedestrian-scaled streets; extensive pedestrian amenities and retail activities; and the comfortable bustle of pedestrian activity.

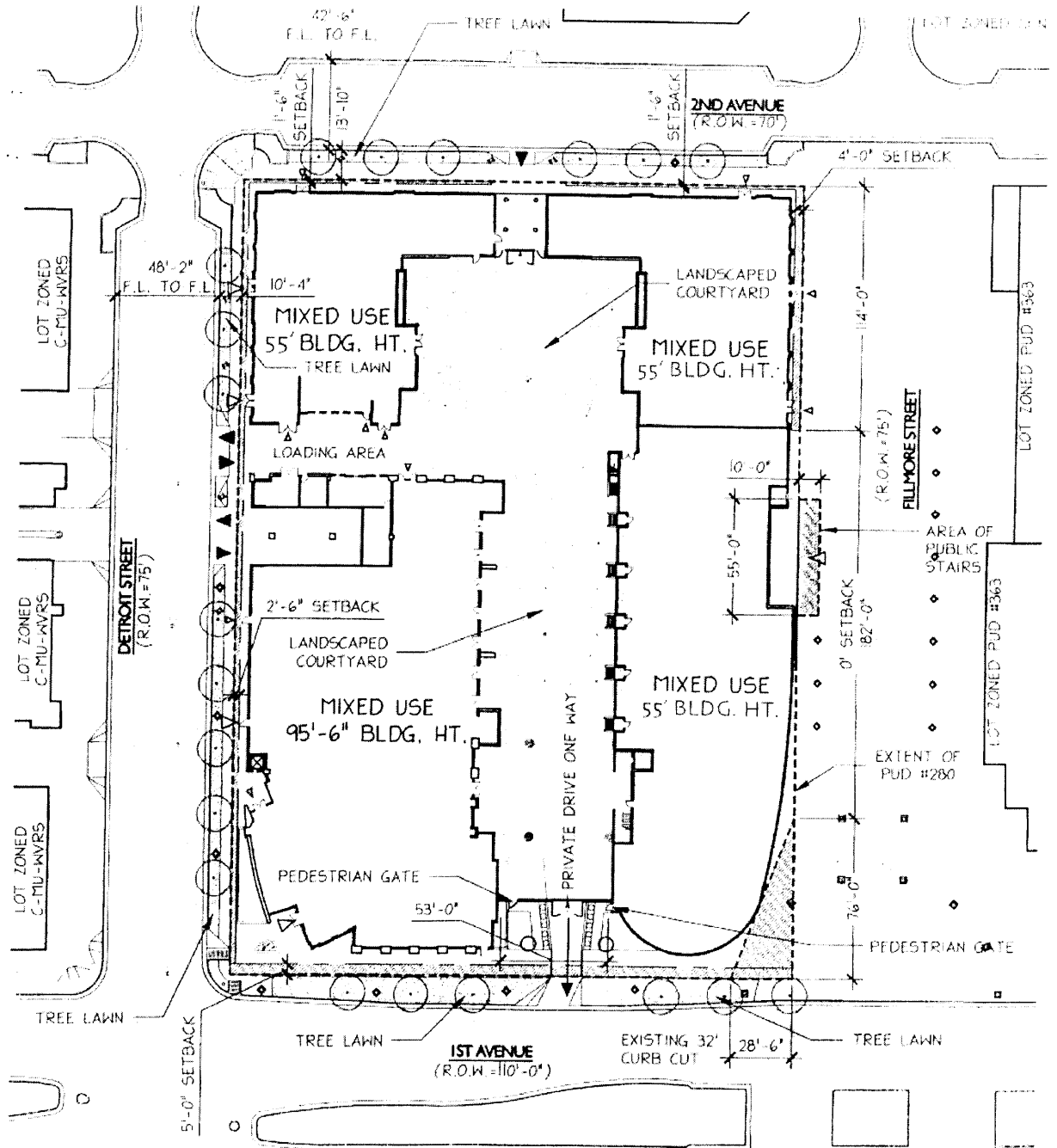
Written Statement 3.c:

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

NorthCreek has already proven that it relates extremely well and has set the standard for new development in the surrounding neighborhood. The proposed 4th floor addition will only enhance that relationship. The effect of the proposed zoning will be immediate and very positive. All of the permitted C-CCN uses are appropriate for this urban setting and will add to the vitality and life to this neighborhood.

Exhibit "A": Legal Description

All of plots A1/2, B1/2, 1, 2, 3, 4, 5 and 6, Block 69, Harman's Subdivision, together with the vacated alley in said block 69 and together with the north 20 feet of vacated First Avenue lying south of and adjacent to the south line of said block 69, City and County of Denver

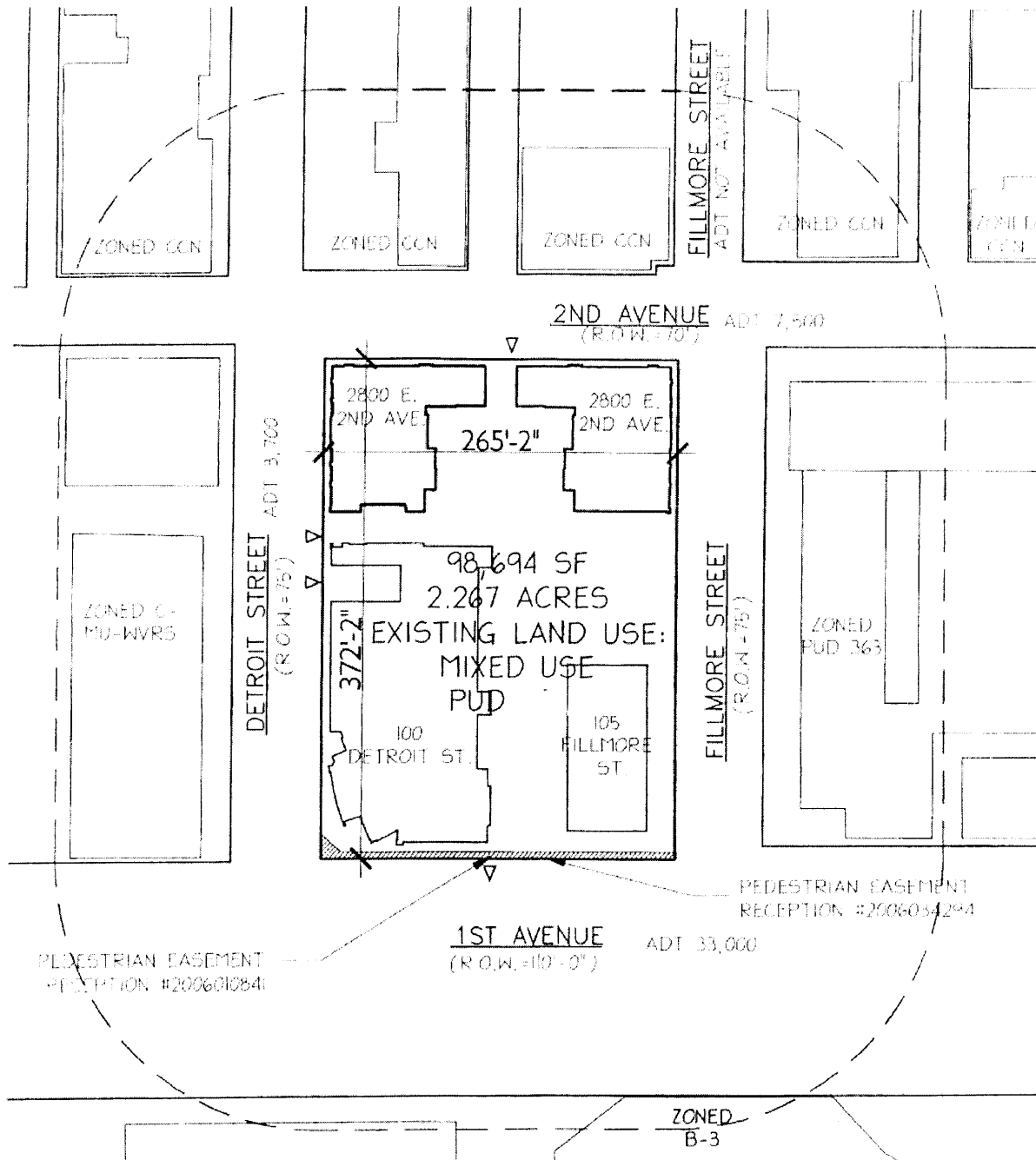


DISTRICT PLAN
 APPLICATION NO.

NORTHCREEK
 1st Avenue & Fillmore Street
 Denver, Colorado

- LEGEND
- ▲ PEDESTRIAN ENTRANCE
 - ▼ VEHICULAR ENTRANCE
 - DECIDUOUS TREE
 - ◻ BLUEGRASS SOD
 - ◇ CCN LIGHT FIXTURE





EXISTING CONDITIONS
 APPLICATION NO.

NORTHCREEK
 1st Avenue & Fillmore Street
 Denver, Colorado

- LEGEND**
- ▷ EXISTING CURB CUT
 - 200' BOUNDARY FROM PUD #280

