



DENVER
THE MILE HIGH CITY

TO: Land Use, Transportation & Infrastructure Committee
FROM: Kyle A. Dalton, AICP, Senior City Planner
DATE: October 2, 2012
RE: Zoning Map Amendment Application #20111-00056
200 and 234 Columbine Street & 2600 E. 3rd Ave.
Rezoning from C-CCN to C-MX-8 and C-MX-5 with a condition

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #20111-00056 for a rezoning from C-CCN to C-MX-8 and C-MX-5, with a condition.

I. Scope of Rezoning

Application: **#20111-00056**
Address: 200 & 234 Columbine Street and 2600 E. 3rd Ave.
Neighborhood/Council District: Cherry Creek / Council District #10
RNOs: Capitol Hill United Neighborhoods, Inc.; Cherry Creek North Business Improvement District; Cherry Creek North Neighborhood Association; Cherry Creek Steering Committee; Harman Neighborhood Association, Inc.; Inter-Neighborhood Cooperation; Neighborhood Advisory Committee to the Botanic Gardens.
Area of Property: 62,319 square feet or 1.43 acres
Current Zoning: C-CCN
Proposed Zoning: C-MX-8 and C-MX-5 with a condition
Applicant/Owners: 200 Columbine Associates, LLC; 234 Columbine Street Associates, LLC; and 280 Columbine Street Associates, LLC
Contact Person: Bob Gollick

II. Summary of Proposal

The property proposed for rezoning is comprised of the entire half-block on the east side of Columbine Street, between 2nd and 3rd Avenues. The site is currently comprised of three parcels. Though the three parcels have three separate corporate owners, all three have authorized S. David Steel of Western Development Group to act on their behalf for this application.

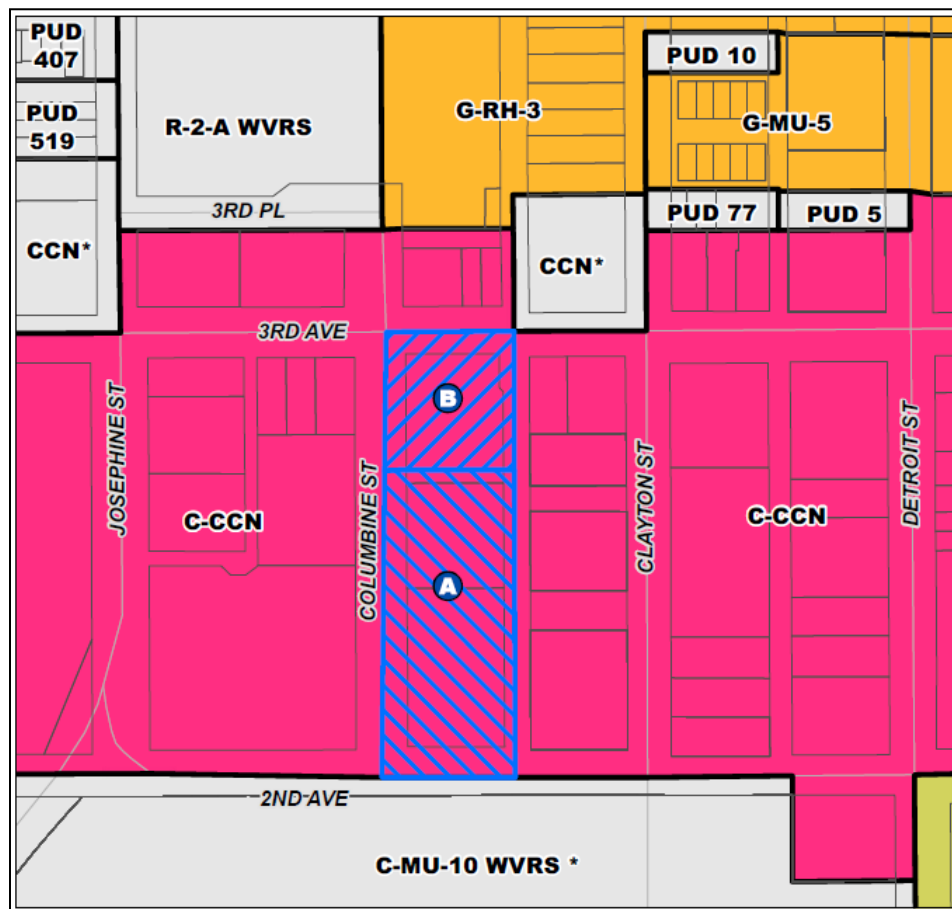
At 200 Columbine Street there is an existing 2-story split-level building, with a double-loaded aisle of accessory surface parking on the north side of the building, and a few surface parking spaces on the southeast corner of the property along the alley. The lower story is depressed below street level and contains small scale retail and a restaurant. The ground story at-grade on the east side of the building contains a liquor store with a drive-through window along the alley. The upper story is raised above street level and is vacant; it formerly contained a restaurant. At 234 Columbine Street there is an existing 3-story office building with accessory



surface parking on the north side of the parcel and a drive-through for a former bank. At 2600 E. 3rd Ave., the building is 1 story in height nearest 3rd Avenue, and is 3 stories in height along the south side of the property. Off-street parking is accessed from the alley with covered parking at grade as well as a parking structure. Current uses include retail and office.

As described in the application, the request would rezone the northern 150' (30%) of the half-block to C-MX-5; the southern 350' (70%) of the half-block would be rezoned to C-MX-8.

The requested zone districts, C-MX-8 and C-MX-5, are in the Urban Center Neighborhood Context (discussed further below). The districts allow a wide mix of residential and commercial uses. Building forms have minimal setbacks, and significant build-to and ground-story activation requirements. The C-MX-8 zone district has a maximum building height of 8 stories, whereas the C-MX-5 zone district has a maximum building height of 5 stories. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC).



Current Zoning Map. (A) indicates request for C-MX-8. (B) indicates request for C-MX-5.

Summary of Proposed Condition: Mandatory Regulating Plan

The application proposes one condition: that a regulating plan shall be approved prior to approval of a site development plan. A regulating plan is an administrative procedure enabled in DZC Section 12.4.13. In most zone districts a regulating plan is an optional step, but the

proposed condition would make a regulating plan mandatory for these properties. This would enable CPD to ensure that development on the property is consistent with adopted plans, since there is no existing standard zone district (including the current zone district) that can fully implement the recommendations of the recently adopted Cherry Creek Area Plan.

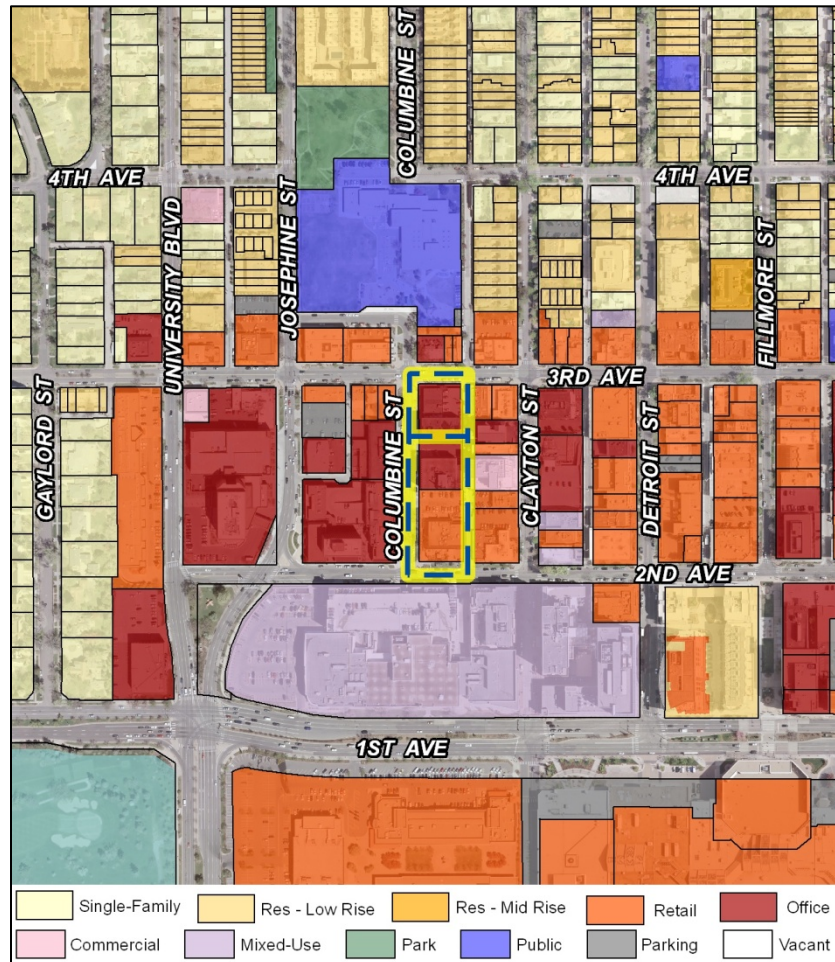
The regulating plan procedure was added to the DZC in Text Amendment 1 in 2010. Common to form-based codes, a regulating plan is used to apply allowed building forms, building form standards, and land uses to specific street frontages and/or lots within a zone district. It can also be used to designate primary streets and side streets. It is used to narrow the broad flexibility otherwise allowed in a zone district as site specific development proceeds. In the regulating plan procedure, a regulating plan document and project report are reviewed and approved by the Manager of CPD according to the following summarized review criteria:

1. Consistency with adopted applicable plans;
2. Enabling the predictable development of building forms and heights and predictable establishment of land uses; and
3. Design will respect existing adjacent neighborhood context and, where applicable, create an appropriate transition at the edges of the regulating plan.

Within Cherry Creek North, the recently adopted Cherry Creek Area Plan sets forth the policy guidance, but the existing zone districts and adopted design standards and guidelines predate the plan and cannot fully implement the plan recommendations as detailed below. In 2013, CPD's work program will include revisions to the zoning and design standards and guidelines in Cherry Creek North. However, this will be a months-long process involving extensive stakeholder and public outreach to draft new regulations. In the meantime, a regulating plan is one tool available to applicants that can serve to bridge the gap between adopted plans, the existing DZC zone districts, and design standards and guidelines until such time as the regulations can be updated. In this unique circumstance, staff recommends rezoning with a condition in order to ensure the adopted plan can be implemented through a mandatory regulating plan.

III. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	C-CCN	Office, retail, restaurant, accessory surface parking	Area of Change Pedestrian Shopping Corridor
North	C-CCN	Office and retail	Area of Change Pedestrian Shopping Corridor
South	C-MU-10 with waivers and conditions	Retail and structured parking	Area of Change Regional Center
East	C-CCN	Mixed use retail, office, boutique hotel, and restaurant	Area of Change Pedestrian Shopping Corridor
West	C-CCN	Office, retail, restaurant	Area of Change Pedestrian Shopping Corridor



Existing Land Use Map (2010)

The neighborhood context consists of a generally regular grid of streets; however, Columbine Street is interrupted north of 3rd Place by Bromwell Elementary School and south of 2nd Avenue by the existing Clayton Lane development. Block sizes and shapes are consistent and rectangular. Building setbacks on this street are typically shallow but varied at the street, with parking to the side or rear of buildings. Building heights typically range from one to four stories, though notable exceptions of six to eleven stories are found within one to two blocks to the west and southeast. In the immediate business district area, uses are typically retail, office, or mixed, with limited other uses including residential and other commercial.



The 2nd Avenue frontage of 200 Columbine Street, from the corner of 2nd Avenue & the alley between Columbine and Clayton Streets, looking northwest.



200 Columbine Street, viewed from the corner of 2nd & Columbine looking northeast.



234 Columbine Street, viewed from Columbine St., looking east-northeast.



2600 E. 3rd Avenue, viewed from the intersection of 3rd Avenue and Columbine Street, looking south-southeast.



The 3rd Avenue frontage of 2600 E. 3rd Avenue, viewed from the intersection of 3rd Avenue and the alley between Columbine and Clayton Streets, looking southwest.

Summary of current C-CCN zone district

The current C-CCN zone district largely carried forward the former CCN zone district from the Former Chapter 59 zoning code. The C-CCN zone district has a maximum height of 55' with allowable encroachments. The zone district has a maximum floor area ratio (FAR) of 1.0, with premiums available for underground parking, open space, residential use, and affordable housing, up to a maximum total FAR of 1.5. Bulk plane requirements apply on all zone lot lines and somewhat stricter bulk plane requirements further restrict bulk along the south side of 3rd Avenue. The minimum front setback is 5', and at least 33% of a building's front façade must be located along that setback line, with additional requirements for the location of the remainder of the façade behind the setback line. A variety of mixed residential and commercial uses are allowed, but use limitations restrict residential uses from being located on the ground story. Minimum parking requirements in the C-CCN zone district are generally the same or higher than the minimum parking requirements in the other Urban Center Neighborhood Context zone districts. For additional details of the zone district, see DZC Section 7.2.5.

Summary of Design Standards and Guidelines for Cherry Creek North

The Design Standards and Guidelines for Cherry Creek North apply to development on this site. They provide a clear, comprehensive document articulating the level of design quality expected of improvements in Cherry Creek North. The document is concerned with site design, building design, signs, and streetscape, in the context of eight core values: pedestrian focus, authenticity, safety and security, connectivity, vitality, sustainability, economic vitality, and quality. The document also sets forth the required design review process for applicants, including review by the Cherry Creek North Design Advisory Board, which submits findings on proposed improvements to the Zoning Administrator. The Design Standards and Guidelines apply throughout a defined geographic area in Cherry Creek North. They will apply to this property regardless of whether this rezoning application is approved.

IV. Summary of Agency Referral Responses

This rezoning has been reviewed concurrently within the context of the DZC and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management: “Approve – No comments.”

Denver Fire Department: “Approve Rezoning Only – will require additional information at site plan review.”

Development Services – Wastewater: “The rezoning is approved. However, the applicant should be aware that Development Services will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity available. A sanitary study and/or drainage study may be necessary. The results of these studies may require the developer to install major infrastructure improvements or to limit the size of the development. Any proposed development or improvements will be reviewed for compliance to specific wastewater criteria at the time of site plan and/or building permit submittal.”

Public Works – City Surveyor: “Legal is approved.”

V. Legal Notice, Public Process & Public Comment

A formal resubmitted application was received by CPD on December 6, 2011, and informational notice of receipt of the application was provided in accordance with the Denver Zoning Code to affected members of City Council and registered neighborhood organizations on December 7, 2011. Planning Board consideration of this application was delayed on several occasions at the applicant’s request. The application was revised on August 6, 2012 based on the recent adoption of the Cherry Creek Area Plan to add the condition of a mandatory regulating plan.

Written notice that this application will be considered at the October 9, 2012, Land Use, Transportation & Infrastructure Committee meeting was sent to the applicable councilmembers and registered neighborhood organizations on September 27, 2012.

Prior to adoption of the Cherry Creek Area Plan, the Cherry Creek North Neighborhood Association, a registered neighborhood organization, submitted a resolution recommending that

the application not be supported. The resolution states in part, "New property zoning changes should not be supported by City Planning nor approved by the Planning Board and City Council until the planning and zoning recommendations affecting the Cherry Creek North commercial and residential areas have been finalized and agreed upon in the Cherry Creek Area Plan update." The Cherry Creek North Neighborhood Association also submitted a letter (with six attachments) dated April 20, 2012, requesting postponement of consideration of this application until after the CCAP was adopted; the applicant postponed accordingly.

Cherry Creek North Business Improvement District, a registered neighborhood organization, submitted a resolution recommending support of the application.

Prior to the August 6, 2012, revision of the rezoning application to include the regulating plan condition, 34 letters were received expressing some degree of support for the application, and 83 letters were received expressing some degree of opposition, though many of these letters were concerned about the timing of the application and requested postponement until the CCAP was adopted. After the CCAP was adopted and the rezoning application was revised, 3 more letters were received expressing some degree of support for the application, and 27 additional letters were received expressing varying degrees of opposition to the rezoning or opposition to the proposed regulating plan. See the attached correspondence for the full text of all of these public comments.

VI. Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC 12.4.10.13

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare

DZC 12.4.10.14

- A. Justifying Circumstances
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements.

A. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Cherry Creek Area Plan (2012)*

1. Denver Comprehensive Plan 2000

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

- 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.*

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The C-MX zone districts broaden the variety of uses. The rezoning is consistent with these plan recommendations.

One strategy specifically addresses the Cherry Creek North area:

- Economic Activity 4-B – *Enhance existing business centers and establish 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:*
 - *Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and Rocky Mountain region. [...]*

The proposed rezoning would enable mixed-use redevelopment within the Cherry Creek North area, enhancing an existing business center.

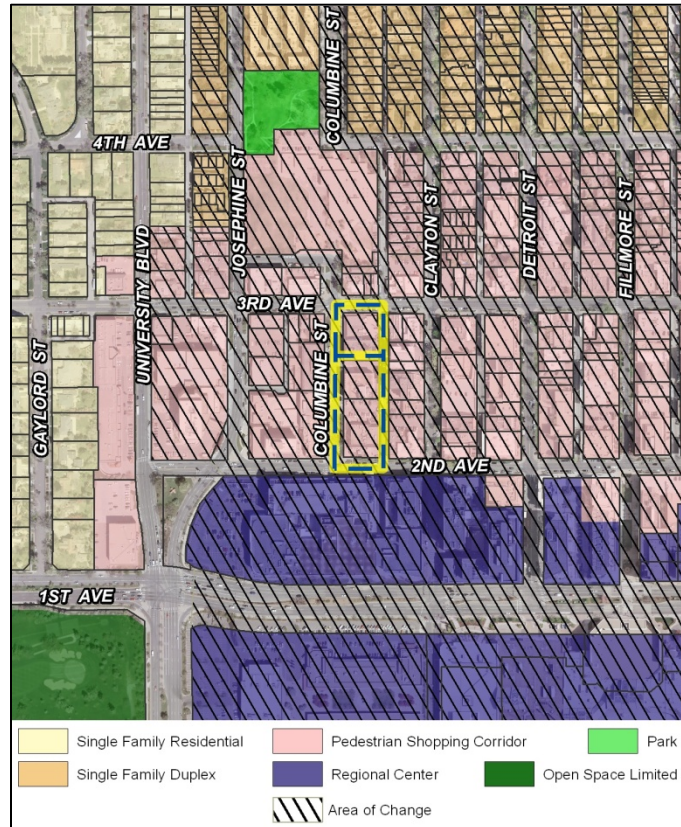
2. Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Pedestrian Shopping Corridor and is located in an Area of Change. The 2012 Cherry Creek Area Plan adopted a revised Future Land Use map that changed the land use classifications for this site (see page 14 of this staff report).

Future Land Use

A Pedestrian Shopping Corridor “exhibits the same land uses as a town center or neighborhood center, but it orients those uses in a linear rather than circular pattern. Many of the existing pedestrian shopping corridors in Denver grew from streetcar business districts. These corridors are scaled to be compatible with surrounding residential neighborhoods. Pedestrian shopping corridors have a continuous street frontage of buildings, wide sidewalks, on-street parking, and shared parking among businesses. These corridors provide pedestrian amenities and good transit service” (p. 45). The mix of uses should be “primarily small-scale, street-fronting commercial uses; residential uses also may be present” (p. 65). The C-MX zone districts allow a mix of uses but do not guarantee that street-fronting uses will be commercial. To implement this plan recommendation, the regulating plan may limit street-facing land uses on the ground story. The current C-CCN zone district uses a complicated standard to ensure buildings are built on or near the front setback. The C-MX zone districts have a 70% build-to requirement along primary streets and a 40% build-to requirement along side streets. The regulating plan can designate all three streets as primary streets in order to increase the continuous street frontage of buildings consistent with this plan recommendation. The current C-CCN zone district does

not have ground story transparency standards; transparency is only controlled by the Design Standards and Guidelines. The proposed C-MX districts have a 40% ground story activation transparency requirement along primary streets and a 25% ground story activation transparency requirement along side streets. Again, if the regulating plan designates all three streets as primary streets, the required amount of transparency will increase to improve consistency with the Blueprint Denver plan recommendation.



2002 Blueprint Denver Plan Map.

Area of Change

As noted, the site is in an Area of Change. In general, “The goal for 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 shorter auto trips” (p. 127). Blueprint Denver provides additional specific guidance for 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, regional and neighborhood retail, office, hotel, open space, and public uses in a pedestrian-friendly environment” (p. 134).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. Access to jobs, housing, and services can improve in the mixed use zone districts, and this site has access to multiple bus transit lines, as well as the benefit of an active transportation management association (TMA), Transportation Solutions.

Urban Design Review

Blueprint Denver also has a specific recommendation for urban design review in this area: "A few zone districts require review of building design based on adopted design standards and guidelines. This staff intensive review is appropriate for a few high visibility areas such as downtown and Cherry Creek North" (p. 80). The Design Standards & Guidelines and design review process will help to achieve this recommendation regardless of the adopted zoning.

Street Classifications

Blueprint Denver classifies 3rd Avenue as a Main Street Collector. Blueprint Denver classifies 2nd Avenue as a Mixed Use Collector. According to Blueprint Denver, "collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas." The Main Street "serves the highest intensity retail and mixed land uses" and is "designed to promote walking, bicycling, and transit within an attractive landscaped corridor." Similarly, a Mixed Use Street is "located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity" and is "attractive for pedestrians and bicyclists because of landscaped medians and tree lawns." The lower-scale C-MX-5 zone district is proposed along the 3rd Avenue Main Street; the higher-scale C-MX-8 zone district is proposed along the 2nd Avenue Mixed Use Street. Both zone districts allow the high-intensity mixed uses imagined for these streets in Blueprint Denver.

Both districts also front on Columbine Street. Blueprint Denver classifies Columbine Street as an Undesignated Local Street, which Blueprint Denver says is "influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets."

In summary, the proposed map amendment to C-MX-8 and C-MX-5 will enable growth in an area that Blueprint Denver identifies as appropriate for change and pedestrian shopping oriented uses along streets with high-intensity mixed uses.

3. Small Area Plan: 2012 Cherry Creek Area Plan

At the time this application was originally submitted, the 2000 Cherry Creek Neighborhood Plan was in effect. The applicant postponed Planning Board and City Council consideration of the rezoning application until after the 2012 Cherry Creek Area Plan (CCAP) was adopted by City Council. The format of the CCAP includes framework plan recommendations that apply throughout the planning area, subarea recommendations that apply in smaller subareas, and two reference appendices described below: (1) the Cherry Creek Shopping District Development Study, and (2) the Cherry Creek North Urban Form Study (commonly known as the "white paper"). According to the plan, "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."

CCAP Framework Plan Recommendations

- *“Acknowledge that 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.” (p. 29)*

As indicated in the plan text and the adjacent plan map, and consistent with Blueprint Denver, this site remains in an area of change where growth is desirable.

- *“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)*



The C-MX zone districts add minimum ground story activation transparency standards that are not in the C-CCN zone district. However, all of these elements are addressed through Design Standards and Guidelines. The C-MX zone districts have 0' minimum setbacks, but setbacks can be adjusted through a Regulating Plan to be sensitive to the 5' front setback context in the C-CCN zone district.

- *“Study the use of upper story setbacks and height datum lines to maintain a comfortable pedestrian scale at the street and to allow sunlight to reach the street.” (p. 30)*

These are not required in the current C-CCN or the proposed C-MX zone districts. However, they can be required in a Regulating Plan.

- *“In mixed-use areas, promote the use of design elements that link the building directly to the street. Uses are horizontally and vertically mixed and include regional and neighborhood-serving retail, large and small scale office uses, specialized high-end boutiques, low and mid-rise multi-family, stacked flats, row house, duplex, single family and accessory dwelling units.” (p. 31)*

No DZC zone district requires a mix of uses, but all of these uses are allowed in both the current and proposed zone districts.

- *“Areas of Change which are not adjacent to the higher intensity locational criteria are appropriate for mid-rise buildings to accommodate continued growth.” [Note: this site is not adjacent to the higher intensity location criteria set forth.] (p. 32) Encourage mid-rise buildings to promote reinvestment and to help transition development intensity and buffer stable residential areas from higher intensity locations.” (p. 32) Orient taller mid-rise buildings along multi-modal corridors, existing or planned high intensity nodes, and adjacent to public open space not identified for higher intensity.” (p. 32)*

The proposed rezoning to C-MX-5 and C-MX-8 is consistent with the recommendation for mid-rise buildings (defined in plan goals identified below as “maximum of 5 or 8 stories”).

- *“Any new development should reinforce the pedestrian scale and character of Cherry Creek.” (p. 32)*

The build-to and ground story activation requirements in the C-MX districts help reinforce pedestrian scale and character; the Design Standards & Guidelines further this plan recommendation.

- *“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. ... Highly visible opportunities include Josephine / Columbine Street between 2nd and 3rd. As these sites and areas develop and redevelop over the next ten or twenty years, it will be essential to enhance the quality of design, relationship to surrounding buildings and neighborhoods, mix of uses, quality of the pedestrian experience and overall character of the Cherry Creek Area.” (p. 48)*

This site is specifically identified as a key development opportunity in the plan. Rezoning will allow additional development and reinvestment that cannot be achieved under the current C-CCN zoning.

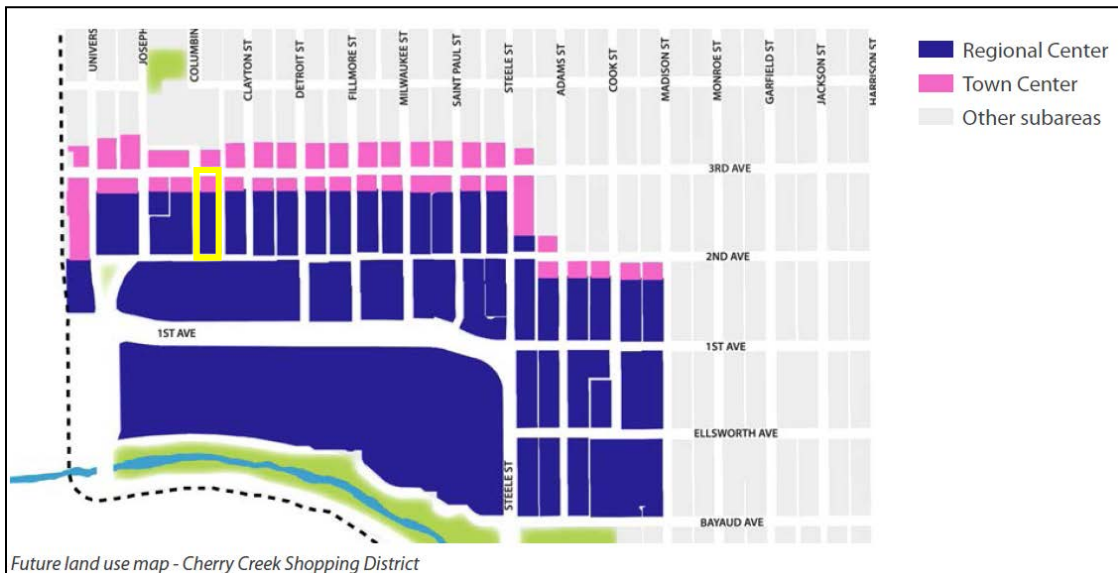


CCAP Subarea Strategies – Entire Cherry Creek Shopping District Recommendations

This site is located within the boundaries of the “Cherry Creek Shopping District” Subarea.

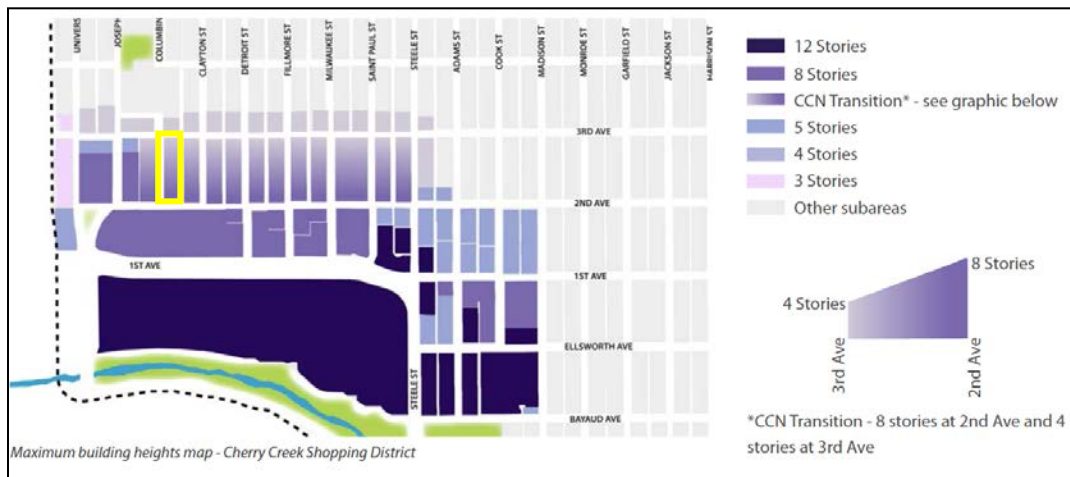
- *“Continue to support a mix of uses in the Regional Center including office, retail, commercial, multifamily residential and hotels. Support compact development*

patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries. The Town Center areas act as an important transition between Regional Center and residential areas.” (p. 58)



The CCAP Future Land Use Map designates the majority of this site as “Regional Center”, while a small portion along 3rd Avenue is designated “Town Center.” According to Blueprint Denver, “ideally, a Regional Center has a balance of retail, employment and residential uses.” It covers a large area of many acres and is dense enough to encompass both the dominant shopping center use and a wide variety of other uses attracting patrons from throughout the region. A Town Center meets a large variety of shopping, entertainment, service, and employment needs that serve several neighborhoods, and should be pedestrian-friendly places with more than 150,000 square feet of retail in aggregate. The proposed C-MX zone districts are consistent with these land use types.

- *“Scale. Maximum building heights in the Shopping District should range from 4 to 12 stories, per the Maximum Building Heights Map. Building heights should be lowest adjacent to residential areas in Cherry Creek North and Country Club. Higher development intensity is encouraged along multi-modal streets and at key intersections. Mid rise buildings (maximum of 5 or 8 stories) are recommended as transitions between high intensity and low intensity residential neighborhoods.” (p. 58)*



The CCAP Maximum Building Heights Map designates the site in the “CCN Transition” area with maximum heights tapering from 8 stories at 2nd Avenue to 4 stories at 3rd Avenue. The proposed C-MX-8 and C-MX-5 zone districts roughly approximate this transition, but may allow more height than recommended. Through a regulating plan, maximum building heights can be restricted to lower heights near 3rd Avenue and mid-block to be consistent with this plan recommendation. There is no standard DZC zone district with a 4-story maximum building height, so no zone district could strictly comply with this plan recommendation.

- *“Continue to attract shoppers: more residential, hotel and office development in Shopping District.” (pp. 58-9)*

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.” (p. 59)*

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.

CCAP Subarea Recommendations – CCN Business Improvement District

This site is located within the Cherry Creek North Business Improvement District.

- *“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.” (p. 61)*

CPD will revise the C-CCN zone district through an open, public process with stakeholder involvement in the coming year. In the meantime, the proposed C-MX zone districts would encourage redevelopment and reinvestment by increasing allowable height and reducing minimum parking requirements consistent with this recommendation. The positive elements of current zoning identified are actually found in the Design Standards & Guidelines, which remain in effect.

The following eight goals fall under the above plan recommendation to revise land use regulation.

- *Goal #1 - Retain and enhance Cherry Creek North's unique physical character. The high quality design of buildings, streetscape and public realm within Cherry Creek North are unique urban design attributes that distinguish the area within the city and region. Retaining and enhancing the high-quality architectural and public realm character is critical to the future success of the area. The design intent includes:*
 - *Variety of building sizes, heights and types on both named and numbered streets*
 - *High quality public realm: high level of pedestrian amenity, streetscaping and active storefronts*
 - *High quality architectural design and building materials*
 - *Evolving distinctiveness between 2nd and 3rd avenues*
 - *Compact area with clear boundaries and attractive entry points*

Many of these goals will be achieved through the Design Standards and Guidelines; the Regulating Plan can be used to ensure a variety of building heights and types.

- *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. Factors to be addressed include:*
 - *Height limit of 55 feet throughout the CCN district does not reflect emerging character differences of 2nd and 3rd avenues*
 - *FAR of 1 with a 0.5 premium is inadequate to achieve desired urban character*
 - *High parking requirements do not reinforce plan recommendations regarding parking management and alternative transportation.*
Furthermore, the current parking requirements are among the highest in the city and cannot be met economically on small lots and add substantial cost to development

The C-MX zone districts address all of these recommendations by increasing the maximum heights, likely increasing the allowable floor area (note: F.A.R. is not a regulatory element in the DZC form-based code), and reducing the minimum parking requirements.

- *Goal #3 - Encourage small lot reinvestment. Multiple small lots fronting the named streets and 3rd Avenue are among the defining characteristics within the district. A variety of lot and building sizes reinforces the architectural variety and organic character of Cherry Creek North and reinvestment in a variety of small lots throughout the district is desired. Tools such as reduced parking and relaxed building form requirements can be used to encourage redevelopment of smaller parcels and reinvestment in smaller buildings.*

The property owner has assembled an entire half-block so this goal does not apply to this application.

- *Goal #4 - Transition from higher buildings along 2nd to lower buildings along 3rd. Continue to evolve the distinct character of 2nd and 3rd avenues by distinguishing each street with a special character that supports the overall vision for the district. 2nd Avenue will support higher intensity due to its proximity and 1st Avenue and 3rd Avenue is envisioned a boutique street and a transition to the neighborhood. The block between 2nd and 3rd will transition from the greater height of 8 stories along 2nd Avenue to the 4-story height along 3rd Avenue. The transition should reinforce the variety of building heights and widths along the named streets.*

The C-MX-8 zone district along 2nd Avenue would allow higher intensity, while the C-MX-5 zone district reduces intensity along 3rd Avenue consistent with this goal. A regulating plan can further define maximum building heights along the streets to further refine the transition from 2nd to 3rd.

- *Goal #5 - Create height transition from the business district to adjacent residential. The Denver Zoning Code establishes protected and control districts to create height and form relationships between higher and lower intensity zone districts. These designations are appropriate for the transition between the business district and neighborhood.*

This goal does not apply because the site is not adjacent to the residential area north of 3rd Avenue.

- *Goal #6 - Retain sunlight on streets and views between buildings. Sun and sky exposure are among the attributes that make Cherry Creek North a highly walkable district. Building form tools such as breaks between buildings, upper story setbacks and solar bulk planes can be used to provide openness as building heights increase.*

The standard C-MX zone districts do not include these tools. However, 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 3rd Avenue (north) side where the most impactful shadows will fall.

- *Goal #7 - Prevent the creation of “walled” or monolithic streets. Reinforcing the attributes of Cherry Creek such as building size and height variety, breaks between buildings, and street level building articulation contribute to a pedestrian scale, thereby avoiding the sense of street canyons, especially for larger scale development.*

Building size and height variety and breaks between buildings can be addressed through a regulating plan; no standard zone district can implement these recommendations. Street level building articulation is addressed in the Design Standards and Guidelines.

- *Goal #8 - Active storefronts and ground floor uses. Cherry Creek North is best known as a retail district. Continuing the zoning requirement for ground floor retail and the storefront articulation provided in the Cherry Creek Design Standards and Guidelines is essential to its walkability and vitality.*

The current C-CCN zoning does not require ground floor retail, though residential uses are prohibited and 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, above, and below.

- *Assure design quality. The Cherry Creek North Design Standards and Guidelines and Design Advisory Board have been successful and assure that new development engages the street and reinforces the quality of the pedestrian experience.*

Development on this site will continue to be subject to CCN Design Standards and Guidelines review by the Design Advisory Board.

- *Enhance 3rd Avenue charm and viability. Any revisions to the land use regulatory documents must both reinforce 3rd Avenue’s characteristic rhythm of smaller storefronts and transition to the residential uses to the north.*

No existing zone district standard can ensure smaller storefront widths. The shorter building height along 3rd Avenue seeks to address the rhythm of smaller storefront in terms of height, and a regulating plan can further reduce maximum building height in accordance with the maximum building heights plan map. The Design Standards and Guidelines also seek to achieve articulation of storefronts.

- *Manage parking. For many shoppers and visitors, parking is an impression that contributes to the overall experience, so providing parking choices that are intuitive and convenient is important for the retail area. Several strategies should be considered as described in the parking management strategy toolbox of the Strategic Parking Plan.*

The plan goals include marketing off-street parking lots, capitalizing on shared parking opportunities, employing a “park once and walk” strategy, and forming a

private parking district, which are mostly beyond the scope of zoning. The DZC does include provisions for shared parking in all C-MX zone districts.

Reference Appendix: Cherry Creek Shopping District Development Study

The Cherry Creek Shopping District Development Study was commissioned to perform a development feasibility analysis in the Cherry Creek North area. According to the study, the development pro forma analysis supported the following conclusions:

- *“Buildings do not achieve maximum allowable heights and building Floor Area Ratios (FARs) because the combination of FAR limitations and minimum parking requirements limit economic feasibility under current market conditions.”*
- *“Development feasibility would be positively impacted by increasing the achievable FAR above the current 1.5 CCN zoning limit; adjusting maximum building heights above the current 55’ zoning limit; and adjusting parking ratios below the current CCN zoning to reflect current Denver Zoning Code parking minimums in the Urban Center Context districts to more closely match current market parking ratios.”*
- *“While there is not a direct correlation between building height limits and FAR, it is generally true that higher allowed building heights will increase FAR. Given assumptions in the model, an FAR of 3.0 or greater results in potentially feasible projects.”*

Though these conclusions were not adopted as plan recommendations, the proposed rezoning to C-MX-8 and C-MX-5 is consistent with these conclusions because of the increased building heights, reduced parking requirements, and the removal of FAR as a development standard.

Reference Appendix: Cherry Creek North Urban Form Study (“White Paper”)

This study, commonly referred to as a “white paper,” set forth recommendations on urban design, building form, height and design strategies that would reflect the plan vision. “The findings described in this white paper provided input for modification to the draft plan and will provide a framework for future discussion about development regulations for the area currently zoned C-CCN. This may include amendments to the CCN Design Standards and Guidelines, new zoning for the area and subsequent studies. The initial findings this white paper provides will require further study, review and discussion over the subsequent months before any final recommendations are determined” (p. 1). The white paper identified eight goals that were incorporated into the CCN BID Subarea Recommendations listed above. The white paper also identified nine “example regulatory requirements” that “are intended to set the stage for future discussions and will require further testing before detailed zoning provisions can be finalized” (p. 6). These “example regulatory requirements” address elements including FAR, height, form, mass, horizontal building length, solar exposure, bulk planes, building base, and parking. While these examples are not intended to be applied as zoning before further testing, they will be useful guidelines for informing the mandated regulating plan if the rezoning is approved. All of these goals and examples will also continue to inform future updates to the zoning and design standards & guidelines.

B. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-5 and C-MX-8 will result in the uniform application of zone district building form, use and design regulations.

C. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

D. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, many adopted plan recommendations state that redevelopment of the area is desired, and the recently adopted plan also recognized that the character of the area is changing. This is an appropriate justifying circumstance for the proposed rezoning.

E. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. The requested C-MX-8 and C-MX-5 zone districts are within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC Division 7.1). The current zone district, C-CCN, is also within the Urban Center Neighborhood Context. The Cherry Creek North business district area is the epitome of an Urban Center neighborhood as described above. The proposed rezoning to C-MX-5 and C-MX-8 is consistent with the neighborhood context description.
2. According to the zone district intent stated in the Denver Zoning Code, the C-MX-5 district "applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired" (DZC Section 7.2.2.2.B). The C-MX-8 district "applies to areas or intersections primarily served by arterial streets where a building scale of 2 to 8 stories is desired" (DZC Section 7.2.2.2.C). The intersections adjacent to this site are served by collector streets, but the property is in an area served by nearby arterial streets. The nearest arterial streets are one block west (Josephine Street), two blocks west (University Blvd.) and one block south (1st Avenue). The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

VIII. Planning Board Recommendation

The Denver Planning Board held a public hearing on this application at their regularly scheduled meeting on September 5, 2012. Planning Board recommended approval of this application by a vote of 8 in favor and 1 opposed, with 2 recusals.

IX. Staff Recommendation

Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the property located at 200 and 234 Columbine Street and 2600 E. 3rd Ave. (Application #20111-00056) for C-MX-8 and C-MX-5 zoning, with the condition that an approved regulating plan be required prior to site development plan approval.

Attachments:

1. **Application**
2. **Public resolutions and comment letters (2 RNO resolutions; 1 RNO letter with attachments; 147 public comment letters)**



DENVER
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205
Denver, CO 80202
p: 720-865-2915
f: 720-865-3056
www.denvergov.org/planning

APPLICATION FOR ZONE MAP AMENDMENT

Application #	20011I-00056	Date Submitted	10.20.11 Rev 12.6.11 Rev: 8.3.12	Fee Required	\$1,500	Fee Paid	\$1,500
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)			
Applicant Name	280 Columbine Street Associates, LLC 234 Columbine Street Associates, LLC, and 200 Columbine Associates, LLC			Contact Name	Robert J. Gollick, Inc.		
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 / 303 321-5701			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)]							
The east side of Columbine Street from 2nd Avenue to 3rd Avenue, Addressed as follows: 200 Columbine Street: Assessor's Number: 0512222034000 234 Columbine Street: Assessor's Number: 0512222055000 280 Columbine Street: Assessor's Number: 0512222057000							
Legal Description of Subject Property							
Please refer to Exhibit "A" at the end of this document for legal description for Parcels "A" and "B"							
Area of Subject Property (Acres/Sq Ft)		Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)			
1.43± acres 62,319± sq. ft.		C-CCN		Parcel "A": C-MX-8 with a condition Parcel "B": C-MX-5 with a condition			
Describe the nature and effect of the proposed Zone Map Amendment							
Please refer to the following pages							
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"/>
Please refer to the following pages							
State the land use and the development proposed for the subject property. Include the time schedule (if any) for development							
Please refer to the following pages							
Required Exhibits				Additional Exhibits			
Applicant & Owner Information Sheet				<input checked="" type="checkbox"/>	Exhibit "A": Legal Descriptions		
Maps – Required for Final Submissions				<input type="checkbox"/>	Exhibit "B": Regulating Plan Condition		
					Exhibit "C": Outreach program		
Case Managers	Chris Gleissner and Kyle Dalton						
Signature							Date
							8/6/2012
Mr. S. David Steel, President, Western Development Group, LLC Member of: 280 Columbine Street Associates, LLC 234 Columbine Street Associates, LLC, and 200 Columbine Associates, LLC							

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
2011I-00056	Mr. S. David Steel, President, Western Development Group, LLC Member of: 280 Columbine Street Associates, LLC 234 Columbine Street Associates, LLC, and 200 Columbine Associates, LLC

Property Address(es)
200 Columbine Street 234 Columbine Street 280 Columbine Street

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

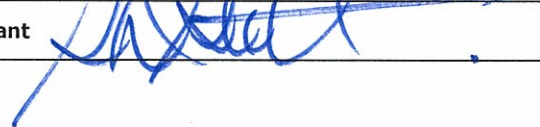

NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

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).

None

Signature of Applicant	Date Signed
	
Mr. S. David Steel, President, Western Development Group, LLC Member of: 280 Columbine Street Associates, LLC 234 Columbine Street Associates, LLC, and 200 Columbine Associates, LLC	

Describe the nature and effect of the proposed amendment.

The nature of the proposed map amendment is to redevelop a 1.43± acre half block in a manner appropriate for a neighborhood as vital as Cherry Creek and a location as significant as the northeast corner of East Second Avenue and Columbine Street. To accomplish this, two “mixed-use” zone districts and thus two parcels are being proposed; the C-MX-8 zone district for the south portion of the block and the C-MX-5 for the remainder. This zoning strategy is to compliment the existing allowable height and uses already permitted for Clayton Lane, which allows up to 158 feet of height (including permitted overruns) near the south portion of the property. By utilizing the C-MX-8, the height will transition down from the south property line at Second Avenue, allowing 8-stories, decreasing in height to 3-stories, using the C-MX-5, at Third Avenue.

The proposed amendment is to provide the framework for the redevelopment of one of Denver’s premier sites. The C-MX zone districts were adopted by City Council to respond to development parcels such as this and are categorized as Urban Center Neighborhood Context. The Zoning Code describes the neighborhood context of the C-MX districts as consisting of multi-unit residential and mixed-use commercial strips and commercial centers allowing multiple unit residential buildings along with commercial buildings that may be live-work. The general intent is to encourage mixed-use developments with the building(s) being located close to the street. The Urban Center Neighborhood Context (from the Zoning Code) 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. This is precisely the nature of the proposed zoning. Greater height on the southern portion of the block where height already exists (Janus Building, J.W. Marriott and the 210 University Building) with the height tapering down to the north end of the block closer to 3rd Avenue.

The nature of the proposed zoning is to provide a variety of commercial and residential uses appropriate for high visibility locations such as employment centers at a density appropriate for developed mixed-use areas such as Cherry Creek. The map amendment responds to the stated needs of the Cherry Creek residents as well as the existing business establishments. The 2nd Avenue and Columbine Project was designed to meet the recommended pedestrian scale and design quality goals of the adopted plans for the Cherry Creek Shopping Center subarea. This will result in a vibrant, mixed-use, pedestrian friendly project exactly as described for the neighborhood in Blueprint Denver and the Cherry Creek Plan, adopted by City Council in July 16th of 2012.

The overall concept of land use under this plan is to create a mixed-use development. The ground floor will house active retail uses facing the public streets, pedestrian and vehicular access, and service access with convenience parking along the alley. Above the ground floor, office use will be located in the structure occupying the southern portion of the site and residential uses will be located in the northern portion of the site.

It is important to note that the proposed zoning includes a condition. The condition requires that a “Regulating Plan” be approved by the Manager of Community Planning and Development prior to approval of a site development plan. (Refer to Exhibit “B” in this application.) A Regulating Plan is a

• Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771 •

unique tool that, as stated in the Code, *is used to apply allowed building types, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a Zone District. A Regulating Plan is also a vehicle for the designation of Primary Streets and Side Streets in advance of site development to increase the predictability and certainty of future development under this Code. A Regulating Plan is an optional step and process in all Zone Districts except in the M-GMX Zone District. An approved Regulating Plan provides a binding plan that narrows the broad flexibility otherwise allowed in the Zone District as site specific development proceeds within the subject area.* The intent of the applicant in utilizing a Regulating Plan is to assure the RNOs as well as the City that the building heights, facades and setbacks that have been presented are the same as what will be built. The allowable maximum building heights in the Regulating Plan are significantly less than the permitted heights in the proposed zoning.

The effect of the proposed amendment will be immediate and positive. Retail services in Cherry Creek are struggling to survive with many already closed. The vacancy rate is at a record high. To survive and thrive, the area needs increased density, more residential units with more shoppers, more activity to draw and attract tourists and keep them coming back. Zoning proposals such as this one can be the catalyst for smart growth with density where it should be and people working and shopping where they live. Development of the subject property under the guidelines of the mixed-use zoning will provide employment opportunities, high quality retail, residential and office development on a block that is in need of redevelopment. The inclusion of commercial and retail space will bring financial benefits to the City as well as the immediate area for numerous years. The addition of residential units in the commercial district will bring shoppers and diners to the area who for the most part will walk to their destinations. Redevelopment of the subject property will help define the western edge of the commercial district.

As paraphrased from the Zoning Code, the nature of the C-MX or Mixed Use Zone Districts is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. The districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. They are also intended to ensure new development contributes positively to established residential neighborhoods and character, and ***improve the transition between commercial development and adjacent residential neighborhoods.*** The Mixed Use districts are focused on creating mixed, diverse neighborhoods at the neighborhood scale by requiring a shallow front setback with high build-to requirements.

The proposed height of the 8 story portion is consistent with existing buildings located to the west and south, the project's height is critical to its viability. Land values in the District are very high, while significant portions of the existing building stock are poor. In order for the Cherry Creek North Commercial District, an "area of change" as described in Blueprint Denver, to stay viable into the future, new projects in the district must have adequate density to provide the quality of design desired in the adopted Plan. Eight stories is a very reasonable height in relation to the project's specific location in the District and provides the project with adequate density to be viable and accomplish the goals of the Plan.

• Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771 •

Explain in detail the legal basis for the proposal: either (a) the error in the map as approved by City Council, or (b) the changed or changing conditions that in the public interest make the map amendment necessary.

The proposed C-MX-8 and C-MX-5 zone district 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 was 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. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, employment opportunities and residential development necessary for positive planned growth to occur.

The existing C-CCN zone district cannot meet the development needs for this site or provide the City and area residents the quality and assurances that are necessary for such an important site. Thus one of the changed conditions that justify this map amendment is the adoption of the new zoning code by the City and County of Denver in June of 2010. The new code provides the C-MX-8 and C-MX-5 zone districts which being "form based" provides the assurance that the structure(s) will meet the expectations of the area residents and the City. Design elements such as how the building relates to the street, the maximum height, maximum build to lines as well as parking controls provide assurances of a pedestrian oriented structure.

Cherry Creek Area Plan

However, possibly the most significant of the "changed conditions is the adoption of the Cherry Creek Area Plan (the Plan) by City Council on July 16 of 2012. The proposed map amendment is supported by numerous recommendations, strategies and goals stated in the Plan. Some of which are listed below.

Note: The following portion of this application contains excerpts and paraphrasing from the Plan. Page numbers are included to reference of the entire section of the Plan cited.

The Plan summarizes the key issues identified in the planning process that need to be addressed in the area. These key issues are presented as Accomplishments, Challenges and Opportunities. The Vision and Vision Elements for the Cherry Creek Area included in this Plan provide a framework for implementation. (Page 7)

CHALLENGES

Cherry Creek retail must be supported and encouraged to find ways to stay successful and competitive, given the changing nature of the retail environment and the growing number of shopping districts throughout the region offering the pedestrian-oriented, mixed-use shopping and lifestyle experience. (Page 8)

• Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771 •

OPPORTUNITIES

A wide array of development opportunities exist ranging from small residential infill to large underdeveloped parcels with outdated buildings or with interim uses as surface parking lots.

(Page 9)

The Columbine property has vacant, outdated buildings as well as two surface parking areas. The entire block is in need of redevelopment.

Recommendation B.1 Target Growth Appropriately

Blueprint Denver designates Areas of Change and Areas of Stability to guide decisions on where growth should be targeted within the City of Denver. For Cherry Creek to remain prosperous, growth and change should occur in Areas of Change while enhancing the established residential neighborhoods within Areas of Stability. By encouraging the strategic growth of the area, the quality of life in the residential Areas of Stability will be enhanced while promoting continued success in the Areas of Change within Cherry Creek. *(Page 28)* The subject property is designated an area of change within Blueprint Denver.

Recommendation B.1.B Areas of Change

- Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. In order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods. *(Page 29)*
- Modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways. *(Page 29)*

Recommendation B.2 Enhance the Pedestrian Nature and Character

Character throughout Cherry Creek varies dependant on the subarea. Each subarea has developed a distinct character through reinvestment and redevelopment over time. These individual identities have been crafted utilizing high quality character defining features consistently across the subareas. *(Page 30)*

NOTE: The subject site lies within the “Cherry Creek Shopping District” subarea. As a result, the Regulating Plan, described earlier, that will guide development of this projects includes several of the Streetscape and Architectural strategies from the Cherry Creek Plan. They include the following:

B.2.A STREETScape

- Design and install streetscape elements that promote high levels of pedestrian activity including pedestrian lighting, seating, landscaping, trash receptacles, and bike racks as appropriate to the area’s character.
- Promote compact development patterns within a highly connected street grid and buildings that make efficient use of available land and help create a very walkable place.
- Encourage consistent shallow, block-sensitive building setbacks with some offset for patio seating or public plazas help create active, vibrant streets.
- Retain the regular street, sidewalk and block pattern which offers a high degree of
 - *Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771* •

connectivity for pedestrians, bicycles and vehicles. (Page 30)

B.2.B ARCHITECTURE

The architecture of the buildings has a direct correlation to the understanding of a place. Buildings provide comfort, shelter, activity, destinations, identity, or other iconic symbol. People interact with these structures and are provided a sense of place through the detailing, scaling elements and purpose behind the design of each building. The combination of buildings provides the artistic palette informing continued design choices throughout the subareas.

The following strategies promote appropriate architectural elements:

- Orient buildings and entries toward the street using context sensitive setbacks.
- Include design elements and details such as pedestrian scaled signage, transparent windows, storefronts, building entries, building articulation, patio seating, pedestrian plazas and courtyards.
- Study the use of upper story setbacks and height datum lines to maintain a comfortable pedestrian scale at the street and to allow sunlight to reach the street.
- Provide visual interest at ground level and active ground floor uses along the building frontage; articulate facade treatments by creating a regular pattern of storefronts, providing a range of entry features and signage.
- Encourage a regular rhythm of buildings and building entries along the street.
- Place buildings to define the street edge. (Page 31)

B.2.C LAND USE

The following land use strategy reinforces the distinct character of the Cherry Creek Shopping District subarea.

- In mixed-use areas, promote the use of design elements that link the building directly to the street. Uses are horizontally and vertically mixed and include regional and neighborhood-serving retail, large and small scale office uses, specialized high-end boutiques, low and mid-rise multi-family, stacked flats, row house, duplex, single family and accessory dwelling units. (Page 31)

RECOMMENDATION B.3 CONCENTRATE ECONOMIC ACTIVITY

Enhance successful **redevelopment** in currently **designated areas of change** by identifying appropriate uses, scale and intensities. (Page 36)

***Note:** The Cherry Creek Area Plan designates the subject Columbine Block as a **“Key Development Opportunity”** site. (Page 49)*

B.3.B ENCOURAGE MODERATE SCALE DEVELOPMENT IN MIXED-USE AREAS OF CHANGE.

- Encourage mid-rise buildings to promote reinvestment and to help transition development intensity and buffer stable residential areas from higher intensity locations.
- Orient taller mid-rise buildings along multi-modal corridors, existing or planned high intensity nodes....
 - *Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771* •

- Any new development should reinforce the pedestrian scale and character of Cherry Creek. *(Page 32)*

B.3.C UTILIZE URBAN DESIGN STRATEGIES TO CREATE APPROPRIATE TRANSITIONS IN BUILDING HEIGHTS AND USES.

Several key areas exist in Cherry Creek where areas of change sit adjacent to areas of stability. In these cases, new development should provide appropriate transitions in scale. Key transition areas include the following:

- Between the Shopping District and the adjacent residential neighborhoods *(Page 32)*

The combination of the 8 and 5 story zone district along with the control of the Regulating Plan will assure the subject property develops in a manner consistent with this strategy.

RECOMMENDATION B.4 GREAT NEIGHBORHOODS

New development in each of these areas (neighborhoods) should enhance the individual character of the neighborhood responding specifically to their qualities and locations. *(Page 34)*

B.4.B ENCOURAGE THE CONTINUED EVOLUTION OF MIXED-USE NEIGHBORHOODS.

The Cherry Creek Shopping District subarea has evolved into an 18-hour, mixed-use neighborhood consisting of retail, commercial and residential uses. Continued development in the district has resulted in the introduction of residential units in the district, encouraging expanded options and diversity for residents. This district has seen an introduction of high quality urban design introduced into a former pattern of renovated and obsolete commercial space. This emergence of quality, design integrity and mix of uses has set the standard for future development. This development results in active streetscapes with layers of pedestrian amenities such as seating, planters, art, cafés and adjoining active retail space. Continued development in this district should reinforce the new standard of quality and pedestrian activity. *(Page 34)*

The Cherry Creek Plan is clear in it's goal of encouraging a "Prosperous Cherry Creek". As the plan states, Denver's Comprehensive Plan (Plan 2000) recommends enhancing existing business centers to retain and expand a variety of high quality uses, support Denver's business climate, create jobs, complement neighboring residential areas and to generate public revenue. Plan 2000 specifically recommends maintaining Cherry Creek as a premier retail destination in the Denver Metro Area and Rocky Mountain Region. **Together, the Cherry Creek Shopping Center and Cherry Creek North generate nearly 5% of Denver's sales tax revenue on 0.14% of Denver's land area.**

Six of the "Key Issues" detailed in the Plan are: *(Page 44)*

- Encourage High Quality Investment
- Continued Reinvestment
- Mixed-Use District (retain and enhance)
- Importance of Residential Development
- Retail Strength
 - *Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771*

- Office and Employment

Development of the subject property under the proposed rezoning and Regulating Plan will meet the stated goals all of these expectations.

RECOMMENDATION D.1: ECONOMIC VITALITY

The Cherry Creek Area and its neighborhoods are recognized for their high quality of life...

Areas such as this do not retain this quality and advantage without **positive change. Page 46**

D.1.A SYNERGISTIC MIX OF USES

The Cherry Creek Area has thrived with its diverse mix of uses. From its origins as a residential neighborhood, shopping district and mall, expanded uses have included offices, hotels and higher density residential. The area has proven to be very attractive to all of these development types, so plan recommendations focus on enhancing amenities and removing public policy impediments.

- **Retail uses.** The Shopping District is one of the prime retail centers in the metro area because it combines the large format retail and national tenants of the Shopping Center with the boutique retail of Cherry Creek North. Retail uses should continue to be concentrated in the Shopping District.

- **Office uses.** Cherry Creek is increasingly a regional hub for financial services. It also attracts smaller advertising, creative media, architectural and design firms, as well as boutique medical offices. *(Page 46)*

The allowed uses in the proposed CMX zone districts are complimentary to the goal stated above. Office, commercial, residential as well as restaurants are all permitted uses.

D.1.B MORE HOUSING

Residential uses contribute significantly to the vitality of the area. While Cherry Creek North and East continue to experience infill development, the greatest potential for new residential is as a part of mixed-use development in the Shopping District... Where appropriate, this housing will include retail, office or hotel uses to further the mixed-use character of the area. The area has proven to be very attractive to residential development, so plan recommendations focus on enhancing amenities and removing public policy impediments. *(Page 46)*

This map amendment includes housing above retail along Columbine Street.

RECOMMENDATION D.2: REINVESTING IN THE FUTURE

D.2.B DEVELOPMENT OPPORTUNITIES

A wide array of development opportunities exist including small residential infill, outdated buildings and underdeveloped parcels. There are a number of surface parking lots with redevelopment potential. Highly visible opportunities include:

- Josephine / Columbine Street between 2nd and 3rd **(Subject Property)**

Land use regulatory tools including **zoning**, general development plans, and design standards and guidelines are available tools to establish the regulatory framework to **achieve high quality private development.** *(Page 48)*

CHERRY CREEK SHOPPING DISTRICT

The Plan acknowledges four distinct subareas within Cherry Creek. The subject property lies within the “Cherry Creek Shopping District” subarea. The Plan describes the Shopping Center District as the region’s most vibrant upscale retail and mixed-use district. It is Denver’s premier retail destination, and as such, it creates amenity and value to entire Cherry Creek Area, as well as to the City, region and state. (Page 56)

Retail strength. As all retail districts do, the Shopping District must continually reinvest in and reinvent itself to retain its competitive position and exclusive reputation for high quality and successful retail. (Page 56)

KEY ISSUES: CHERRY CREEK NORTH RETAIL DISTRICT (BID AREA) (Page 57)

The Plan lists “Key Issues” that impact the subject subarea. The relevant issues follow:

Development economics. A study of land and development economics conducted for this plan (KHO Consulting, 2011) indicates that the current zoning makes redevelopment challenging in the BID area. In addition to the height limit, the C-CCN zone district’s relatively high parking ratios and low floor area ratio are the critical factors in limiting the potential for BID properties to redevelop. Retaining C-CCN zoning as-is will limit the ability of the BID to attract additional mixed-use development including retail, high quality office space, hotels, and more residential units. The proposed map amendment will remove the C-CCN zoning barrier and allow the appropriate CMX zone districts necessary for redevelopment to occur.

Quality retail experience. The quality and continuity of retail storefronts varies from block to block resulting in a fragmented retail district. Disruptions to the continuity of ground floor active uses include surface parking, unscreened parking garages, garden-level retail, and vacant buildings. Furthermore, some older buildings do not meet accessibility codes making access for all difficult. The subject block is an example of the issue described above. It contains a surface parking lot, several vacant structures and buildings in need of renovation. The proposed CMX zoning will provide the correct development mechanism for redevelopment to occur. (Page 57)

The proposed rezoning will provide the ability to create a quality retail experience as well as add additional residential units in the BID. Residential supports retail and this block will thrive and the entire BID will benefit with the anticipated mix of uses.

SUBAREA RECOMMENDATIONS: ENTIRE SHOPPING DISTRICT (Subarea)

Enhance retail quality and district character through appropriate change. Positive change is needed throughout the Shopping District to enhance this vibrant mixed-use regional center. (Page 58)

- **Regional Center and Town Center.** Continue to support a mix of uses in the Regional Center (the subject is in the Regional Center category displayed on the Future Land Use Map on page 63 of the Plan) including office, retail, commercial, multifamily residential and hotels.
- **Scale.** Maximum building heights in the Shopping District should range from 4 to 12

• Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771 •

stories, per the Maximum Building Heights Map (page 63 of the Plan). Building heights should be lowest adjacent to residential areas in Cherry Creek North and Country Club neighborhoods. Higher development intensity is encouraged along multi-modal streets and at key intersections. Mid rise buildings (maximum of 5 or 8 stories) are recommended as transitions between high intensity and low intensity residential neighborhoods. (Page 58)

Note: The proposed zoning will allow CMX8 for the intersection of Second Avenue and Columbine Street extending north into a transition to CMX5. The proposed height transition from mid-rise to low-rise structures is complete conformance with the adopted area Plan. The Regulating Plan assures conformance to the stated heights in the plan.

Continue to attract shoppers. The Cherry Creek Shopping District must continue to attract shoppers from the nearby neighborhoods as well as the city and region. Having daily needs met within walking distance of all parts of the area and nearby neighborhoods is important to quality of life and greater sustainability. (Page 58)

- More residential, hotel and office development in Shopping District and other nearby Areas of Change, such as Cherry Creek Triangle
- More visitors from within Cherry Creek and from Downtown, Colorado Boulevard and Glendale (Page 59)

For Cherry Creek to thrive there is a need for additional residential units in the BID area.

Residential use supports retail. The proposed zone districts permit a mix of retail/commercial as well as residential uses that will benefit the entire Shopping District subarea

The Cherry Creek Plan further defines most of the Shopping District subarea as a Regional Center on the “Future Land Use Map”. The Plan also recommends height limitations for the subarea that range from 12-stories to 3-stories. The subject property is shown as a “CCN Transition Area” which supports a height transition from 8 stories starting at Second Avenue dropping north to 4 stories at Third Avenue. This map amendment proposes two zone districts. The first is CMX8 which starts at Second Avenue extending north along Columbine Street. The CMX8 permits a maximum height of 8-stories which is per the above recommendation in the adopted Plan. Along the northern portion of the block, the proposed zone district is CMX5. This district permits a maximum height of 5-stories which is further controlled by the Regulating Plan that limits the height to 3-stories at Third Avenue. The proposed zone districts and associated heights are in conformance with the adopted Plan for the area. (heights displayed on Page 63) And again, the Regulating Plan assures conformance to the heights presented at the neighborhood meetings as well as to the City.

IMPLEMENTATION ACTIVITIES

One of the strategies recommended for implementation of the plan vision is the use of map amendments or rezonings. The proposed CMX8 and CMX5 zone districts are one of the implementation tools that will enhance the character of the Shopping Center Districts subarea within the guidelines of the adopted Cherry Creek Plan. (Page 80)

- Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771 •

Additional examples of the changed conditions, which support and justify this request, are as follows:

- The adoption by City Council of “Blueprint Denver”,
- Approval of the site as an “**Area of Change**” for a **Regional Center** within “Blueprint Denver”,
- Successful development of Clayton Lane including the J.W. Marriot Hotel and the Janus Building,
- Recent development by “Western Development Group, LLC” of NorthCreek, a highly regarded, first class, mixed-use project a few blocks from this site,
- The approval of the Fillmore Street Plaza PUD 617, and
- The need for additional residential dwelling units is consistent with the development patterns that the neighborhood has experienced.

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.

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, Mobility Chapter, Legacies Chapter, Economic Activity Chapter, and Environmental Sustainability 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 intended land use for the property is for a mixed-use project that includes office, retail and residential units across the entire subject half-block. The intent is to provide employment opportunities along with amenities, services and goods to benefit the Cherry Creek area.

Site development is immediate contingent upon approval of the proposed map amendment, the Regulating Plan and the Site Development Plan. Full site development may require 36 months or longer.

Zoning Exhibit "A": Legal Descriptions

The proposed map amendment contains two contiguous parcels. They are described as follows:

Parcel "A" Proposed Zoning C-MX-8

Plots 1, 2, 3 and the South 50 feet of Plot 4, Block 62 Harman's Subdivision

City and County of Denver, State of Colorado.

Parcel "B" Proposed Zoning C-MX-5

Plot 5 and the North 50 feet of Plot 4, Block 62 Harman's Subdivision

City and County of Denver, State of Colorado.

Except the 181 square foot parcel described in Ordinance 166 Series of 1987.

Zoning Exhibit "B" Regulating Plan Condition

Proposed "Regulating Plan" Condition:

All provisions of the C-MX-8 and C-MX-5 Zone Districts of the Revised Municipal Code of the City and County of Denver, shall apply within the boundaries of the subject property contained in this application for a map amendment along with a condition described as follows:

Proposed Condition:

I, the undersigned owner of the property under application for the rezoning referenced above, do hereby agree to the following condition. A Regulating Plan shall be submitted and approved per the applicable requirements of Section 12.4.13 (Regulating Plan) of the Denver Zoning Code. The Regulating Plan shall be prior to approval of a site development plan.

This condition shall apply to all our successors and assigns.

Signature of Applicant



Mr. S. David Steel, President, Western Development Group, LLC

Member of:

280 Columbine Street Associates, LLC
234 Columbine Street Associates, LLC, and
200 Columbine Associates, LLC

Zoning Exhibit "C": Outreach Program**Western Development Group, LLC – 200 block of Columbine Street Rezoning****Outreach List – meetings and project specific conversations and emails****Community Outreach List:****Project/rezoning-specific meetings, conversations and emails**4-29-11

- Councilwoman Jeanne Robb

6-28-11

- Cherry Creek Steering Committee, CCAP Focus Group #1

7-6-11

- Cherry Creek Steering Committee, CCAP Focus Group #2

7-13-11

- Cherry Creek Steering Committee, CCAP Focus Group #3

8-2-11

- Cherry Creek North Business Improvement District
- Councilwoman Jeanne Robb and Nora Kimball

9-8-11 – 10-18-11 (Pre-Submittal Outreach):

- Wayne New, Cherry Creek North Neighborhood Association
- Trish Palamara, Cherry Creek Steering Committee
- Brooks Waldman, Cherry Creek East Association
- Trish Palamara, Cherry Creek Steering Committee
- Charles Jordy, Country Club Historic Neighborhood
- Michael Henry and Dick Kisseberth, Capitol Hill United Neighborhoods
- Councilwoman Jeanne Robb
- Councilman Chris Herndon
- Councilwoman Peggy Lehmann
- Councilwoman Judy Montero
- Councilwoman Mary Beth Susman
- Mayor Michael Hancock
- Councilman Charlie Brown
- Councilman Albus Brooks
- Councilwoman Susan Shepherd
- Councilwoman Jeanne Faatz
- Councilwoman Debbie Ortega

10-19-11

- Cherry Creek Steering Committee

10-20-11

- Submittal of first official rezoning application

11-10-11

- Diane Barrett, Mayor's Office
- Cherry Creek North Neighborhood Association, Board of Directors (250 Columbine Presentation)

11-14-11

- Capitol Hill United Neighborhoods, Inc. (CHUN), Neighborhood Assembly (250 Columbine Presentation)

11-16-11

- Cherry Creek Steering Committee (250 Columbine presentation)
- Bob Fuller, Country Club Historic Neighborhood

12-7-11

- Julie Bender and Chris Dunn, Cherry Creek North Business Improvement District

12-13-11

- Bromwell School

1-18-12

- Cherry Creek Steering Committee Meeting

1-24-12

- Cherry Creek North Neighborhood Association, General Resident Meeting and Panel Discussion

1-26-12 to 2-2-12

Notice to RNOs re: February 16 WGD Public Meeting

- Wayne New, Cherry Creek North Neighborhood Association
- Trish Palamara, Cherry Creek Steering Committee
- Brooks Waldman, Cherry Creek East Association
- Charles Jordy, Country Club Historic Neighborhood
- Michael Henry and Dick Kisseberth, Capitol Hill United Neighborhoods

2-6-12

- Councilwoman Jeanne Robb

• Robert J. Gollick, Inc., 609 South Gaylord Street, Denver, Colorado 80209 (303) 722-8771 •

- 2-8-12
 - Cherry Creek North Business Improvement District, Board of Directors (250 Columbine Presentation)
- 2-14-12
 - Country Club Historic Neighborhood, Board of Directors (250 Columbine Presentation)
- 2-15-12
 - Cherry Creek Steering Committee
- 2-16-12
 - Public Meeting and Presentation by Western Development Group re: 250 Columbine Presentation (~100-150 attendees)
- 2-24-12
 - Mayor Michael Hancock and staff
- 3-6-12
 - Brooks Waldman, Cherry Creek East Association
- 3-7-12
 - Julie Bender, Cherry Creek North Business Improvement District
- 3-14-12
 - Cherry Creek North Business Improvement District, Board of Directors (250 Columbine Presentation)
- 3-21-12
 - Cherry Creek Steering Committee
- 3-22-12
 - Cherry Creek East Association, Board of Directors
- 3-27-12
 - Cherry Creek North Neighborhood Association, General Resident Meeting (250 Columbine Presentation)
- 4-24-12
 - Cherry Creek North Neighborhood Association, General Resident Meeting (follow-up to 3-27-12 meeting)
- 5-2-12
 - Meeting with Gene Cicneros, Kinetic Fitness (neighboring business behind in alley)
- 5-22-12
 - Cherry Creek North Neighborhood Association, General Resident Meeting
- 6-1-12
 - Wayne New, Cherry Creek North Neighborhood Association
- 6-19-12
 - Cherry Creek North Neighborhood Association (small group from Board/Association)
- 8-1-12
 - Charles Jordy, Country Club Neighborhood Association
 - Brooks Waldman, Cherry Creek East Association
- 8-7-12
 - Cherry Creek North Neighborhood Association (small group from Board/Association)

Additional Resident outreach (Nov. 2011 – present) – Cherry Creek North, Country Club, Cherry Creek East, Capitol Hill, CCN landowners/businesses:

- In no particular order: Greg Feasel, Mitch Zatz, John Ferrugia, Mona Ferrugia, Tom Lorz, Jim Rhye, Dick Landon, Randy Nichols, Holly Nichols, Chris Crosby, Bill Pauls, Brian Pauls, Paul Powers, Chris Manley, Tricia Manley, Rus Heise, Linda Heise, Lem Smith, Merrill Smith, Ann Sperling, Bob Flynn, Doug Jones, Nancy Jones, Betsy Biorn, Lara Firman, David Agnew, Chris Agnew, Mike Mills, Cal Fulenwider, Stockton Baker, Rick Kasch, Ron Eller, Mark Turner, Beth Hooper, Craig Fleishman, John Freyer, John Freyer Jr., Ken Gillis, Dave Hadsell, Jack Fox, Rosella Louis, Clif Louis, Daniel Lewis, John Sheridan, Norm Smith, Katie Friedland, Susie Martin, Buzz Gellar, Christina Brinkley, Jerry Wrench, Nick LeMasters, Pat Hamill (resident), Wendy Mitchell, Bill James, Mike Komppa, Terry Adams, Jeff Bernard, Frank Judson, Brian Klipp, Chris Dunn, Bob Matucci, Kevin O'Connor, Dave Morton Walter Isenberg, Barry Hirschfield, Ken Gart, Brad Benson, Lara Firman, Molly Simmons, Bessie Chachas, Annettee Woodward, Bill DeMaio, Steve Stookesberry, Ginger Stookesberry