



**DENVER**  
THE MILE HIGH CITY

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**TO:** Denver City Council  
**FROM:** Barbara Stocklin-Steely, Principal Planner  
**DATE:** July 15, 2014  
**RE:** Contract Amendment (XC 72155-3)  
Country Club Gardens

## **Staff Report and Recommendation**

Given that the proposed modifications to the existing development agreement are minor and mostly clarifications, Staff recommends approval for the proposed contract amendment.

## **Request for Amendment to Development Agreement**

Proposed contract amendment: #XC 72155-3  
Address: Locally known as 16-23 S. Downing Street (Legal address: 15 S. Downing and 14 S. Ogden Streets).  
Neighborhood/Council District: South Speer / Council District #7  
Area of property: 4.3 acres  
Current Zoning: G-MU-20 UO-3 (modified by 2001 development agreement)  
Property Owner: Country Club Investments Ltd.  
Contact Person: Carl Luppens

## **Summary of Request**

Country Club Gardens was designated a historic district in 2001, simultaneous with Development Agreement 01-884-A, as amended, which allows development of two towers up to 300 feet in height on a portion of the 4.3 acre site (“the development area”) consistent with the prior R-3 zoning. The development agreement, as currently amended, provides for a development project with tiered heights capped at 300 feet. The development project is subject to landmark preservation design review and approval. The portion of the historically designated site outside of the development area, including historic buildings, will remain intact.

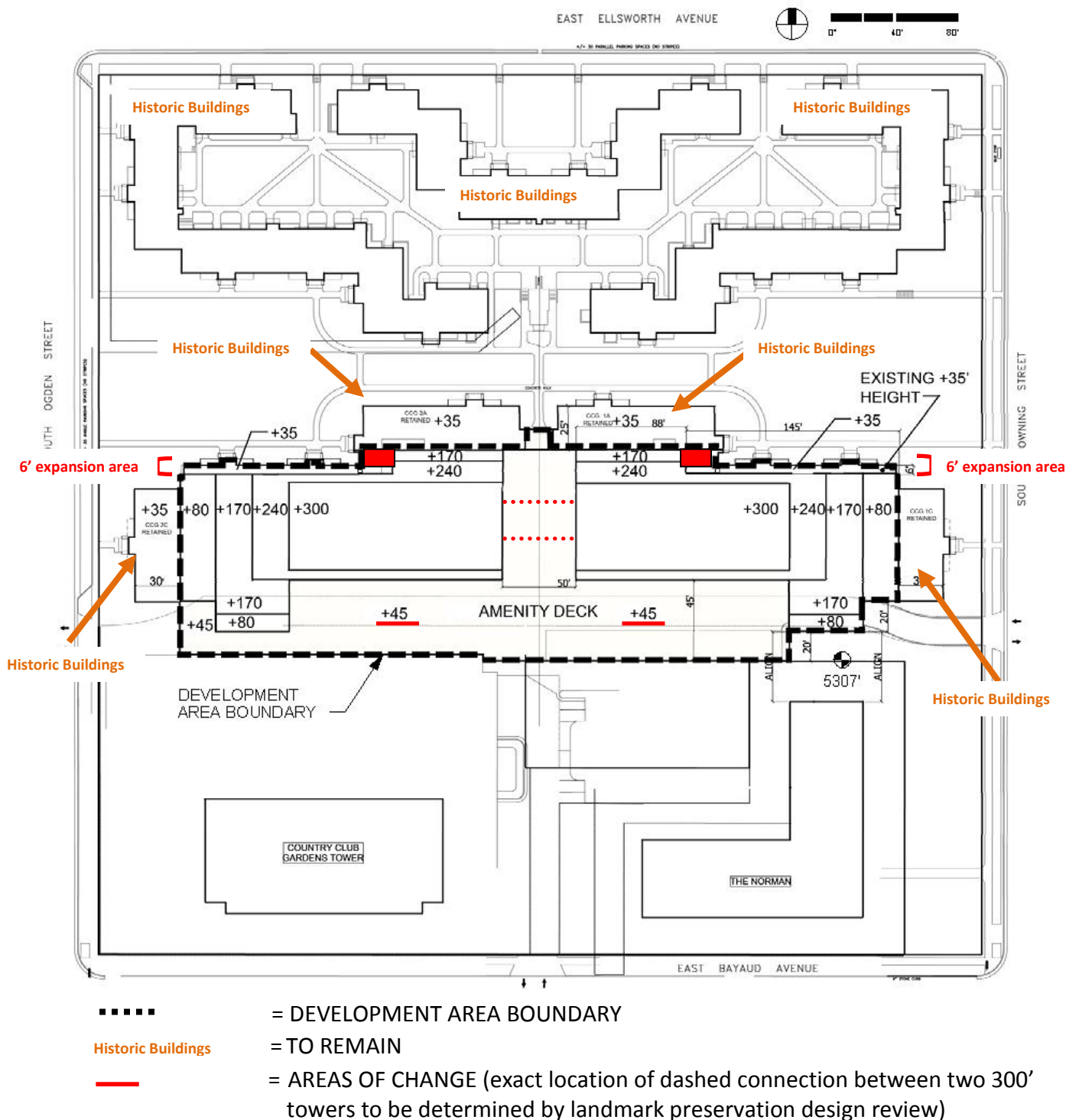
The owner is requesting a third amendment to the 2001 development agreement to resolve inconsistencies between the original agreement and the 2007 amendment, and to provide other minor clarifications and revisions.

The proposed amendment would:

1. Clarify the base height as 5307' above sea level. The height tiers (i.e. +35', +45') allowed by the development agreement would all be measured from this base height level.
2. Clarify that the 300' allowed height measurement refers "to top of roof slab," but does not include mechanical equipment, which would be capped at 28' in height.
3. Extend the development area 6' further north to encompass all (instead of part) of the eastern and western 1940 building units, including the front building facades. Also expand the development area north behind the remaining northernmost two middle units to incorporate an additional 252' square foot area (in both cases). These expansion areas would be subject to a 35' height limit. Refer to red shaded areas on Exhibit 1.
4. Increase the maximum height envelope for the amenity deck from 40 to 45 feet to accommodate loading and truck access in parking structure. Refer to red shaded areas on Exhibit 1.
5. Consider a link between the two 300' high towers at the 45 foot amenity deck height level subject to design review and approval by the Landmark Preservation Commission.

The exhibit below shows the proposed amended development area boundary and building envelope parameters, including “stair-stepped” heights. The prescribed height levels (+45, +80, etc.) shown below relate to height above the base height level, defined as 5307’ above sea level. Historic buildings to remain are denoted (orange), as are areas of change from the existing agreement, as amended (red).

EXHIBIT 1: PROPOSED AMENDED DEVELOPMENT AREA AND BUILDING ENVELOPE PARAMETERS



## Background

Country Club Gardens was designated a local historic district in 2001. Country Club Gardens is a 1940 five-building 3-story apartment complex designed by Fisher, Fisher and Hubbell Architects, with a designed landscape by M. Walter Pesman. The apartment complex was the first Federal Housing Administration project in the Rocky Mountain region. It is one of the earliest and best local examples of the International style of architecture. The property's lush designed landscape and courtyards are unique, and enhance the Downing Street Parkway. Exterior changes and new construction within the boundaries of a locally designated historic district require review by the Denver Landmark Preservation Commission. The Historic District boundary is shown in Exhibit 2 below. Photos are on page 5.

EXHIBIT 2: COUNTRY CLUB GARDENS HISTORIC DISTRICT

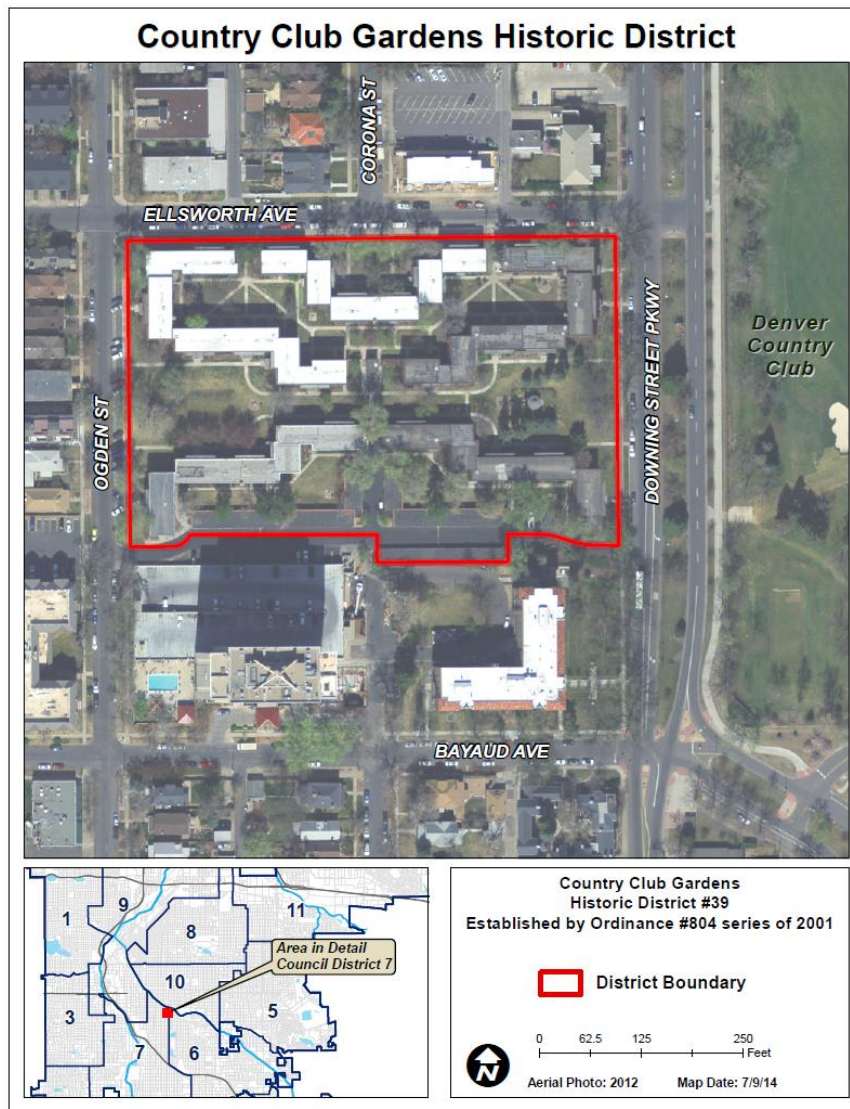




Photo looking southwest from Downing Street at Country Club Gardens



Photo of main east-west axis in Country Club Gardens



Architectural Details



The 2001 Development Agreement, as amended in 2007 and 2009, provides for the following:

- 1. New development up to 300 feet in height, within the “development area.”** Demolition requests within the development area are approved by the Landmark Preservation Commission without a public hearing (otherwise a public hearing would be required under Chapter 30, Denver Revised Municipal Code). Refer to Exhibit 3 for current development area (as delineated in the 2007 amendment); proposed development expansion areas delineated in red on Exhibit 1.
- 2. New development subject to building envelope (width and height) parameters.** This includes incremental “step-ups” in height from Downing St., Ogden Street, the Norman condominiums to the south, and the remaining Country Club Gardens Historic District to the north. Historic building units flank the development area on the east, west and north sides, protecting the ground and street level views of the historic complex. The maximum 300 foot height is divided into two towers on the east and west sides of the development area to respect the north-south historic garden axis of the site. Refer to Exhibit 4 for current building envelope parameters (as delineated in the 2007 amendment); proposed building envelope changes are shown in red on Exhibit 1.
- 3. Landmark Preservation Commission design review for the new development project.** This design review will rely on the 2001 *Country Club Garden Design Guidelines*, supplemented by the *General Guidelines for Historic Districts and Landmarks*. The primary focus of this design review process is to ensure an integrated design solution that respects the site’s historic character, and reinforces the pattern and quality of open spaces on the site. Historic design review is subject to the building envelope parameters in the development agreement, as amended.
- 4. Landmark Preservation Commission design review for project-related improvements outside of the Country Club Gardens Historic District.** Per the 2001 development agreement, the Landmark Preservation Commission will perform design review for all proposed construction activity related to the new 300’ maximum height development project. This includes related improvements outside of the boundaries of the Country Club Gardens Historic District, such as proposed fire access and parking garage improvements off of Bayaud Street adjacent to the historic landmark Norman condominiums (99 S. Downing St.)
- 5. Maintenance of the remaining historic buildings.** Per the 2001 Development Agreement, the property owners are required to keep the remaining historic buildings within the Country Club Gardens Historic District “in good repair,” and to upgrade and repair the systems and roofing of the 1940 units, with work starting by 2011 and to be completed within 10 years. The owners are currently in compliance with this provision.

Any future exterior work proposed within the boundaries of the Country Club Gardens Historic District, such as improvements to remaining historic buildings, connections between new tower and old buildings, and any impacts to the courtyards and open spaces, remain subject to the regular landmark design review process delineated in Chapter 30 of the Denver Revised Municipal Code.

EXHIBIT 3: CURRENT DEVELOPMENT AREA (PER 2007 DEVELOPMENT AGREEMENT AMENDMENT)

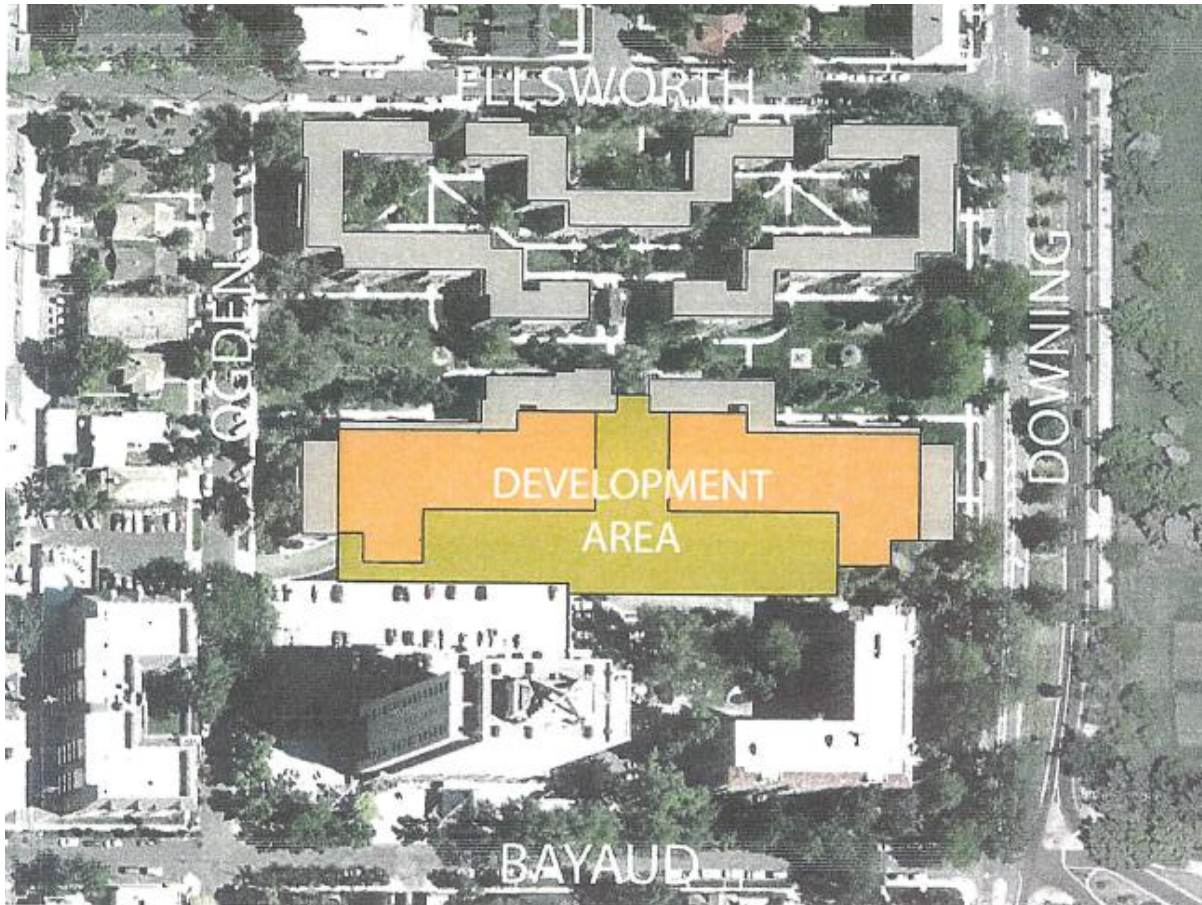
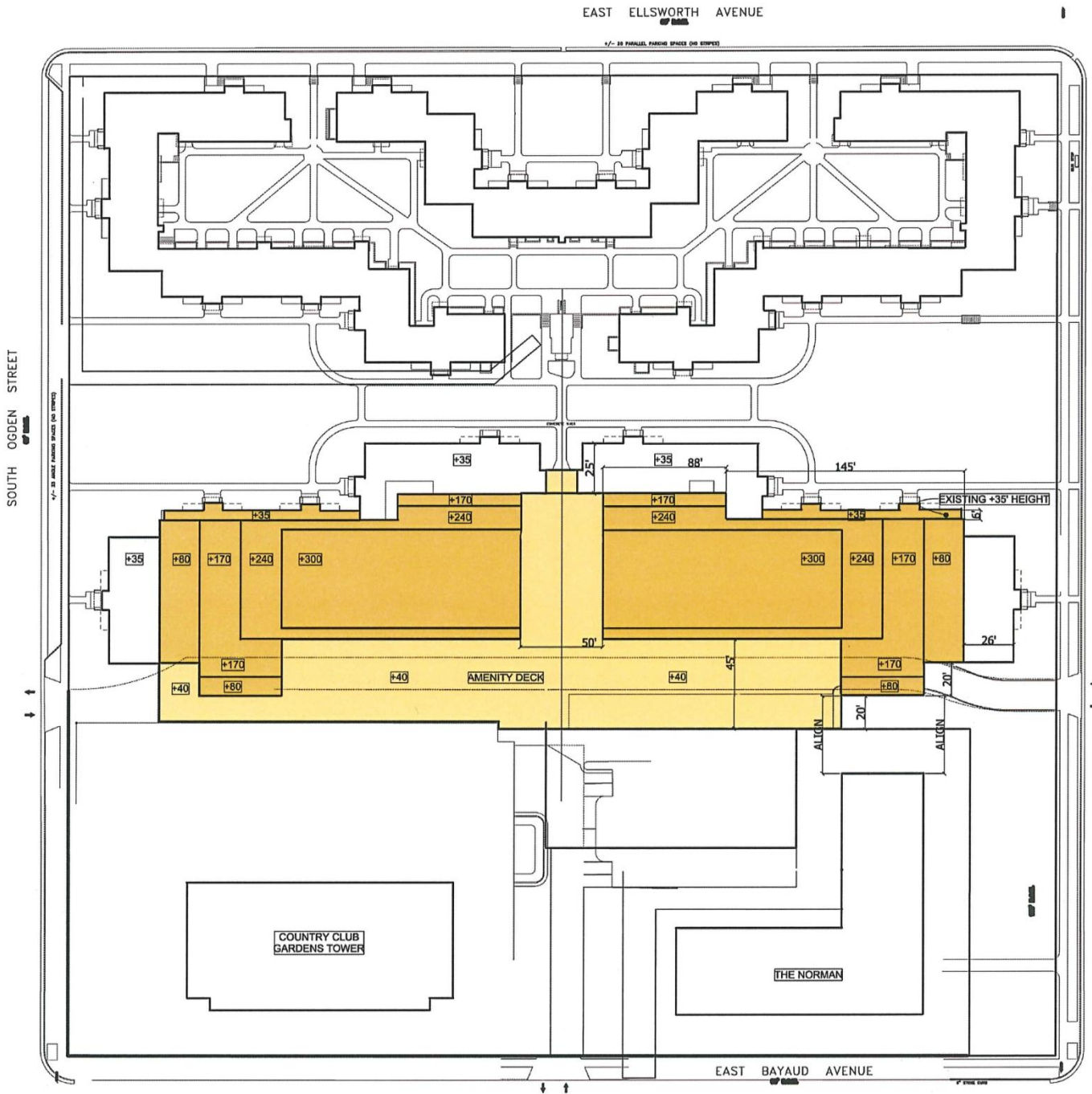




EXHIBIT 4: CURRENT BUILDING ENVELOPE PARAMETERS  
(PER 2007 DEVELOPMENT AGREEMENT AMENDMENT)





## **Staff Evaluation**

The proposed third amendment to the Country Club Gardens Development Agreement is needed:

- **to eliminate discrepancies both within and between the 2001 development agreement, and the 2007 and 2009 amendments.** This includes discrepancies between various exhibits, and how the 300 foot maximum height allowed under the development agreement is measured.
- **to provide clarification on several key points for both the property owner and the city.** This includes clarification on how and where the base height level for the project is measured. This is important since the “step up heights” delineated in the building envelope parameters are measured from the base height level. A single exhibit (drawn clearly and to scale), integrating both the development area and development envelope parameters, is needed to clarify preservation and new development boundaries and interface.
- **to make minor update revisions to the development agreement.** Minor revisions to the agreement is needed to ensure that the project design can be successfully integrated into the historic site while meeting the development goals specified in the 2001 development agreement. These revisions include minor shifts in the development area boundaries and in the height envelope for the parking structure/amenity deck.

## **Public Review Process**

The amendment requires notification of property owners, city officials and other outside parties, and this notification is in process. Informal coordination with adjacent property owners and key interested parties has occurred and is continuing. The Denver Landmark Preservation Commission was recently updated on the proposed amendment at a public meeting. The public will also be able to attend and provide comment on the proposed development at public design review meetings of the Landmark Preservation Commission (once the development agreement amendment is adopted by City Council).

## **Staff Recommendation**

Based on the analysis set forth above, Community Planning and Development staff finds that the requested development agreement amendment is consistent with the prior goals of the 2001 Country Club Gardens Historic District designation and the 2001 Development Agreement for Country Club Gardens. Accordingly, staff recommends approval.