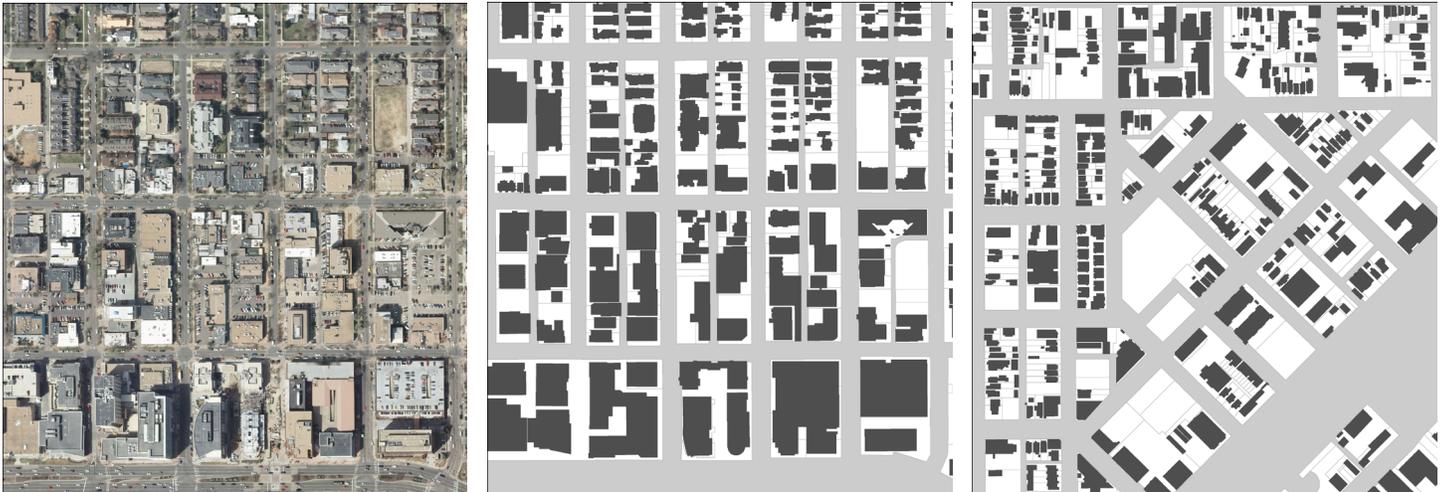


PUD-G 36



Cherry Creek West 2500 E 1st Ave.
Official Map Amendment #2022I-00264
Effective Date: September 23, 2024

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 36 ESTABLISHED

1.1.1 PUD- G 36 Established

A PORTION OF THE CHERRY CREEK B-3 DISTRICT; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-1/4 INCH DIAMETER BRASS CAP MARKED PLS 34579 IN RANGE BOX FOUND FOR THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12, SOUTH 89°50'37" EAST, FOR 130.26 FEET;

THENCE PERPENDICULAR TO THE PREVIOUSLY DESCRIBED LINE, SOUTH 00°09'23" WEST, FOR 133.73 FEET TO THE NORTHWEST CORNER OF SAID B-3 DISTRICT AND THE POINT OF BEGINNING.

THENCE ALONG THE LINES OF SAID B-3 DISTRICT THE FOLLOWING FOUR (4) COURSES:

1. EASTERLY FOR 62.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET AND A CENTRAL ANGLE OF 54°42'12", THE CHORD OF WHICH BEARS NORTH 73°30'30" EAST FOR 59.73 FEET;
2. THENCE SOUTH 79°08'24" EAST FOR 58.20 FEET;
3. EASTERLY FOR 188.68 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1010.00 FEET AND A CENTRAL ANGLE OF 10°42'12", THE CHORD OF WHICH BEARS SOUTH 84°29'30" EAST FOR 188.40 FEET;
4. SOUTH 89°50'37" EAST FOR 520.41 FEET;

THENCE SOUTH 00°05'28" WEST FOR 688.28 FEET TO THE SOUTH LINE OF SAID B-3 DISTRICT;

THENCE ALONG THE LINES OF SAID B-3 DISTRICT THE FOLLOWING TWO (2) COURSES:

1. WESTERLY FOR 825.05 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2751.75 FEET AND A CENTRAL ANGLE OF 17°10'44", THE CHORD OF WHICH BEARS SOUTH 88°55'10" WEST FOR 821.97 FEET;
2. THENCE NORTH 00°02'37" EAST FOR 717.29 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 560,026 SQUARE FEET OR 12.856 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR N00°02'37"E, MONUMENTED ON THE NORTH BY A 3-1/4" BRASS CAP STAMPED PLS 34879 IN RANGE BOX AND MONUMENTED ON THE SOUTH BY A 2" BRASS CAP, ILLEGIBLE, IN RANGE BOX.

SECTION 1.2 PUD-G 36 GENERAL PURPOSE

The general purpose of PUD-G 36 is to provide more prescriptive requirements than the conventional building form regulations found in the Denver Zoning Code to facilitate redevelopment of an underutilized site with mixed residential and commercial uses and open space amenities that are compatible with and contribute to the vibrancy of the surrounding neighborhood. Future growth and development will take advantage of the unique location of the site and incorporate an enhanced open space that will connect to the Cherry Creek North area and the Cherry Creek Trail Corridor.

SECTION 1.3 PUD-G 36 SPECIFIC INTENT

PUD-G 36 is intended to:

- 1.3.1 Respond to the unique and extraordinary circumstances associated with the land, which circumstances require redeveloping the site in a manner sensitive to the existing and surrounding context of this neighborhood, including but not limited to:
 - A. Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use areas to the north and residential Districts to the south of Cherry Creek Drive through an appropriate building form and design standards and guidelines that respond to the surrounding neighborhood contexts;
 - B. Address the unique conditions and location of the site, including the lack of through street connections, by creating a key east-west vehicular connection as a private street through the site from North University Boulevard to North Clayton Lane, herein referenced as “Road R” and a north-south vehicular connection as a private street, from East 1st Avenue to “Road R”, herein referenced as “Road H”, in order to integrate the site into the surrounding urban fabric;
 - C. Provide meaningful open space, pedestrian-activated spaces and connections as envisioned in the City’s adopted plans, including the addition of a two-way, protected cycle track and pedestrian infrastructure throughout the site;
 - D. Create Mid-Block Connections from north to south between East 1st Avenue and Cherry Creek Drive North;
 - E. Ensure safe, accessible connections to surrounding recreation with improvements to City-owned park land, including additional lighting and landscape buffering;
- 1.3.2 Facilitate the creation of significant public benefits not allowed or guaranteed by a traditional zone district, including:
 - A. Providing income-restricted dwelling units per a High Impact Compliance Affordable Housing Plan; and
 - B. Providing affordable housing linkage fees per a High Impact Compliance Affordable Housing Plan;
 - C. Providing enhanced and publicly accessible open space, as per the requirements specified in Section 10.8.1 of the Denver Zoning Code, with improved connections to Cherry Creek North to the Cherry Creek Trail Corridor, through Mid-Block Connections that serve as open space corridors and gathering spaces.
 - D. Incorporate Urban Design Standards and Guidelines utilizing the Cherry Creek North Design Advisory Board review process to administer and emphasize quality urban design outcomes for the site; and
 - E. Ensure the site contributes to the City’s future transportation and mobility planning efforts in the area.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

This PUD-G 36 is based on Denver Zoning Code, Division 7.1, Urban Center Neighborhood Context description, as amended from time to time, except as modified in this PUD-G 36.

CHAPTER 3. DISTRICTS

Development in this PUD-G 36 shall conform to the Denver Zoning Code, Division 7.2, Districts, as specifically applicable to the C-CCN-12 Zone District, as amended from time to time, except as modified in this PUD-G 36.

CHAPTER 4. DESIGN STANDARDS

Development in this PUD-G 36 shall comply with the Denver Zoning Code, Division 7.3, Design Standards, as specifically applicable to the C-CCN-12 Zone District, as amended from time to time, with the following exceptions, additions and modifications:

SECTION 4.1 GENERAL INTENT

- A. Address the site's unique location and conditions by applying the PUD-G 36 building form.
- B. Facilitate vehicular, pedestrian and bicycle access to PUD-G 36 by applying Primary Street standards to all public and private street frontages on this PUD-G 36.
- C. Facilitate the appropriate foundation for measurement of build-to and setbacks adjacent to open space and Mid-Block Connections adjacent to future zone lots. Open Space Thoroughfare and Mid-Block Connection standards shall be established in the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West.

SECTION 4.2 DESIGN STANDARDS AND GUIDELINES

Development in this PUD-G 36 shall be reviewed in concert with the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West as amended from time to time. The Manager has the authority to adopt rules and regulations establishing design criteria and guidelines for this PUD-G 36.

SECTION 4.3 BUILDING FORM INTENT

4.3.1 Specific Building Form Intent

Establish a set of standards to define and activate the street. The building form requires design elements that promote an active street front. Compared to the Cherry Creek General building form, the PUD-G 36 building form allows structures containing Side-by-Side Dwelling Units on Primary Street B and Primary Street C frontages. PUD-G 36 has similar standards and design elements to the Cherry Creek General building form, such as build-to requirements, setbacks, transparency and mass reduction.

4.3.2 Height

Allow flexibility in height throughout PUD-G 36 for additional affordable housing commitments set forth in the High Impact Compliance Affordable Housing Plan.

4.3.3 Design Elements

- A. Provide appropriate pedestrian scale, height and massing along the street and publicly accessible open space.
- B. Reduce the horizontal scale of taller buildings, by sculpting building mass above the base of a building, to provide sun and light exposure through taller buildings, and to encourage architectural variety.

SECTION 4.4 PRIMARY BUILDING FORM STANDARDS

4.4.1 Applicability

All development in PUD-G 36, except detached accessory structures, shall comply with the Primary Building Form Standards in Section 4.3 and Table 4.1 below.

4.4.2 District Specific Standards - PUD-G 36 Primary Building Form Standards

TABLE 4.1: PUD-G 36 PRIMARY BUILDING FORM

The Primary Building Form Tables in Denver Zoning Code Section 7.3.3 shall not apply. The following standards in Table 4.1 of PUD-G 36 shall apply to all Primary Structures instead. Building form standards shall apply to any portion of a primary structure above finished grade.

PUD-G 36	
HEIGHT	
Stories (max)	13
Feet (max)	168'
Height Exceptions	See Section 7.3.7.1 in the Denver Zoning Code
PUD-G 36	
SITING	
ZONE LOT	
Zone Lot Size (max.)	62,000 sf
Number of Primary Structures per Zone Lot (max)	no max
REQUIRED BUILD-TO	
All Primary Streets (% within min/max)	70% 5'/15'
SETBACKS	
All Primary Streets (non residential/residential)	5'/7'
Side Interior (min)	0'
Setback Exceptions and Encroachments	See Sections 7.3.7.3 and 7.3.7.4 in the Denver Zoning Code
PARKING	
Surface Accessory Parking between building and Primary Street	Not Allowed
Surface Parking Screening Required	See Article 10, Division 10.5 in the Denver Zoning Code
Vehicle Access	Not Permitted on Primary Street A or Mid-Block Connections. Only one vehicular access point permitted along Cherry Creek North Drive (Primary Street B). Vehicle access are allowed on Primary Street Cs. See Section 4.5.2 of this PUD-G 36
PUD-G 36	
DESIGN ELEMENTS	
BUILDING CONFIGURATION	
Dwelling Unit Configuration	Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA Side-by Side Dwelling Units are Not Permitted along Primary Street A frontages.
Mass Reduction where Zone Lot is 42,000 square feet or less (min)	15%
Mass Reduction where Zone Lot is greater than 42,000 square feet (min)	18%
STREET LEVEL ACTIVATION	
Transparency, Primary Street A and B (min)	60% Residential Only Buildings 40%
Transparency, Primary Street C (min)	50% Residential Only Buildings 40 %
Pedestrian Access	Each Building shall have a street-facing Entrance.
Additional Pedestrian Access, Primary Street B and C	Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature
PUD-G 36	
USES	
Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirements) Primary Street A and B	100%
Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirements) Primary Street C	80%

All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking in the Denver Zoning Code

SECTION 4.5 DETACHED ACCESSORY BUILDING FORM STANDARDS

Development in this PUD-G 36 shall comply with the Detached Accessory Building Form Standards in Section 7.3.4 of the Denver Zoning Code as applicable to the C-CCN-12 Zone District, as amended from time to time.

SECTION 4.6 SUPPLEMENTAL DESIGN STANDARDS

Development in this PUD-G 36 shall comply with the Supplemental Design Standards in Section 7.3.5 of the Denver Zoning Code as applicable to the C-CCN-12 Zone District, as amended from time to time, with the following modifications:

4.6.1 Ground Stories of Parking Structures in this PUD-G 36

A. Applicability

Section 4.6.1 shall be applicable where the building form table in Section 4.4 of this PUD-G 36 requires Street Level Active Uses.

B. Permitted Street Level Uses

The Street Level of a structure shall be occupied by a primary use specified in Section 7.3.5.5.C of the Denver Zoning Code for the minimum percentage of Primary Street frontage(s) specified in the building form table in Section 4.4 of this PUD-G 36, with the following modifications:

1. Household Living is a permitted street level active use on Primary Street frontages not designated as Primary Street A, as well as along the Mid-Block Connection that connects Road R with Cherry Creek North Drive, located west of the Open Space Thoroughfare and east of University Boulevard, as referenced in Figure 6.1

4.6.2 Vehicle Access in this PUD-G 36

A. Applicability

Section 4.6.2 shall be applicable where the building form table in Section 4.4 of this PUD-G 36 defines Vehicle Access from driveways that access the zone lot from a public or private street to be located as specified in Section 7.3.5.6 of the Denver Zoning Code, with the following modifications:

B. Location of Vehicle Access

All vehicle access to a building within the PUD-G 36 shall be from Primary Streets C. Primary Streets B will allow for only one vehicle access off Cherry Creek North Drive.

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as specifically applicable to uses allowed in the C-CCN-12 Zone District, as amended from time to time, with the following exceptions, additions and modifications:

SECTION 5.1 USES

Primary, accessory and temporary uses allowed in this PUD-G 36 shall be those same uses allowed in the C-CCN-12 Zone District, as stated in the Denver Zoning Code, Section 7.4, Uses and Required Minimum Parking, as amended from time to time, with the following exceptions, additions and modifications:
Uses and Required Minimum Parking, as amended from time to time, with the following exceptions:

KEY: * = Need Not be Enclosed P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review

USE CATEGORY	SPECIFIC USE TYPE • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	PUD-G 36	APPLICABLE USE LIMITATIONS
RESIDENTIAL PRIMARY USE CLASSIFICATION			
Household Living	Dwelling, Multi-Unit • Vehicle Parking: See Section 5.2 of this PUD-G 36 • Bicycle Parking: 1/ 2 units (80/20)	L-ZP	See Section 6.5.1 of this PUD-G 36
	Dwelling, Live / Work • Vehicle Parking: See Section 5.2 of this PUD-G 36 • Bicycle Parking: 1/2 units (80/20)	L-ZP	See Section 6.5.1 of this PUD-G 36
COMMERCIAL SALES, SERVICES AND REPAIR PRIMARY USE CLASSIFICATION			
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle Parking: See Section 5.2 of this PUD-G 36 • Bicycle Parking: 1/7,500 s.f. GFA (20/80)	L-ZP	See Section 6.5.1 of this PUD-G 36
Parking of Vehicles	Parking, Surface*	L-ZP	See Section 6.5.1 of this PUD-G 36
TEMPORARY USE CLASSIFICATION			
Temporary Uses (Parking is Not Required for Temporary Uses)	Outdoor Retail Sales - Pedestrian/Transit Mall*	L-ZP	See Section 6.4.1 of this PUD
	Retail Food Establishment, Mobile*	L-ZP	See Section 6.4.1 of this PUD

SECTION 5.2 REQUIRED MINIMUM PARKING

5.2.1 All uses established in this PUD-G 36 shall comply with the Denver Zoning Code, Section 7.4, Uses and Required Minimum Parking, as specifically applicable to uses allowed in the C-MX-12 Zone District, as amended from time to time.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 36 shall conform with the Denver Zoning Code, Article 1, General Provisions, as amended from time to time, with the following exceptions, additions and modifications.

6.1.2 General Standards for All Zone Lots

Development in this PUD-G 36 shall conform with the Denver Zoning Code, Section 1.2.3 General Standards for all Zone Lots, as amended from time to time, with the following exceptions, additions and modifications.

A. Street Frontage Required for Zone Lots in PUD-G 36

Development in this PUD-G 36 shall not comply with Section 1.2.3.1, Public Street Frontage, of the Denver Zoning Code. Instead each Zone Lot designated in PUD-G 36 shall have at least one Zone Lot line abutting either:

- a. A Street dedicated for public use, or
- b. A Private Street with a public access easement.

B. Contiguous Land Area Required for PUD-G 36

Development in this PUD-G 36 shall conform with Section 1.2.3.2, Contiguous Land Area, Required in the Denver Zoning Code as amended from time to time, with the following exceptions, additions and modifications:

1. A Zone Lot May Cross Private or Public Streets. In this PUD-G 36, land divided by one or more public or private streets, Mid-Block Connection, alleys, or open space may be designated as a single Zone Lot. In cases where a single Zone Lot is divided by one or more primary streets, Mid-Block Connection, open space, or Open Space Thoroughfare, as shown in Figure 6.1 of this PUD-G 36, multiple street frontages within the Zone Lot shall comply with all building form standards tied to frontage on a primary street, including, but not limited to build-to standards, street level activation standards, setbacks and mass reduction standards unless otherwise specifically exempted by this PUD-G 36.

C. PUD-G 36 Specific Standards for Zone Lots

1. There must be a minimum of 7 zone lots within the subject PUD boundary.
2. Each Zone Lot size shall be of a maximum area of 62,000 sf. Such maximum area shall not include any portion of a Zone Lot that is designated as a Private Street, Open Space Thoroughfare, Mid-Block Connection, or Private open space.
3. For any independent primary structure proposed below grade or portion of it, the structure may cross zone lot boundaries within PUD-G 36.

SECTION 6.2 ARTICLE 2 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 36 shall conform to Article 2, Using the Code, of the Denver Zoning Code, as amended from time to time.

SECTION 6.3 ARTICLE 9 OF THE DENVER ZONING CODE

6.3.1 Applicability

Development in this PUD-G 36 shall comply with Article 9, Special Districts of the Denver Zoning Code, as amended from time to time.

SECTION 6.4 ARTICLE 10 OF THE DENVER ZONING CODE

6.4.1 Applicability

Development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 10, General Design Standards, as specifically applicable to the C-CCN-12 Zone District, as amended from time to time, except as modified in Chapter 4 of this PUD-G 36 above and with the with the following exceptions, additions and modifications:

6.4.2 General Site Design and Facility Standards

Development in this PUD-G 36 shall conform with Section 10.2.3, General Site Design and Facility Standards, in the Denver Zoning Code as amended from time to time, with the following exceptions, additions and modifications:

A. Road R and Road H

1. Intent

Design and operate Road R and Road H similar to public streets, facilitating vehicular, public, pedestrian and bicycle access to and through this PUD-G 36, and supporting special events.

2. Requirements

- a. Provide an east-west vehicular connection through the site from North University Boulevard to North Clayton Lane, herein referenced as “Road R,” and a north-south vehicular connection, from East 1st Avenue to “Road R”, herein referenced as “Road H”. See Figure 6.1.
- b. Road R and Road H shall remain publicly accessible and usable at all times, except that sections may be closed to accommodate special events in accordance with use permitting requirements of the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.

B. Open Space Thoroughfare and Mid-Block Connections

1. Intent

Create, design and operate Open Space Thoroughfare and Mid-Block Connections similar to public streets, facilitating:

- a. Public, non-vehicular access to and through PUD-G 36,
- b. Occasional access by service vehicles, and
- c. Use for special events.

2. Open Space Thoroughfare Requirements

- a. There shall be at least one north-south oriented paved pathway clear of obstructions, herein referred to as the “Open Space Thoroughfare” connecting Road R with a non-vehicular crossing of Cherry Creek North Drive. The Open Space Thoroughfare shall be located to the west of the private open space. As shown in Figure 6.1.
- b. The Open Space Thoroughfare shall be offset no more than 60’ in an easterly/westerly direction relative to the intersection of Road H and Road R, as shown in Figure 6.1
- c. An easement for public access shall be granted across the land occupied by the Open Space Thoroughfare. The easement shall have a minimum width of 20 feet.
- d. The Open Space Thoroughfare shall remain publicly accessible and usable at all times, except that it may be closed to accommodate special events in accordance with permitting requirements of the Denver Zoning Code, Division 7.4, Uses

and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.

3. Mid-Block Connections Requirements

- a. There shall be a minimum of four north-south Mid-Block Connections. These shall include one from East 1st Avenue to Road R (east of road H, and west of Clayton Lane), one from Road R to Cherry Creek North Drive (east of the Open Space Thoroughfare, between the private open space and Clayton Lane), one from Road R to Cherry Creek North Drive (west of Open Space Thoroughfare and east of University Boulevard) one from East 1st Avenue to Road R (west of road H and east of University Boulevard), as shown in Figure 6.1 of this PUD-G 36.
- b. An easement for public access shall be granted across the land occupied by the Mid-Block Connections. The easement shall have a minimum width of 20 feet.
- c. All Mid-Block Connections, with the exception of the mid-block connection that connects Road R with Cherry Creek North Drive, located west of the Open Space Thoroughfare and east of University Boulevard, as referenced in figure 6.1, shall remain publicly accessible and usable at all times, except that they may be closed to accommodate special events in accordance with permitting requirements of the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.
- d. The mid-block connection located west of the Open Space Thoroughfare, that connects Road R with Cherry Creek North Drive as referenced in figure 6.1, shall remain publicly accessible and usable from dawn to dusk, except that it may also be closed to accommodate special events in accordance with permitting requirements of the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.

6.4.3 Parking and Loading

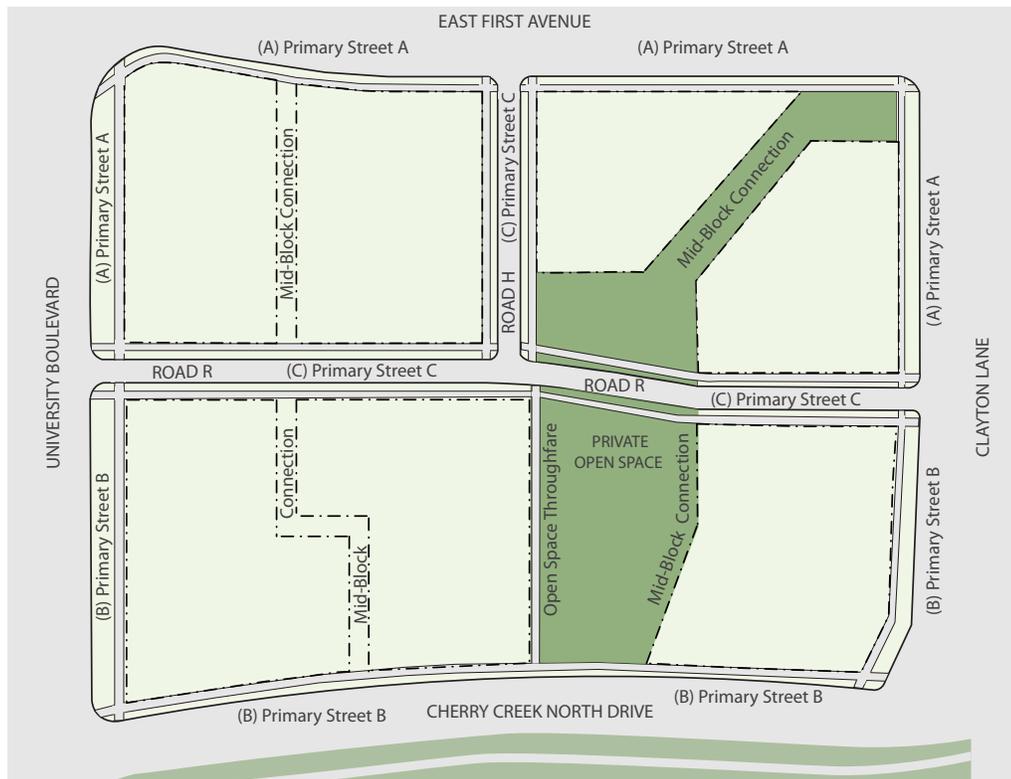
Development in this PUD-G 36 shall conform with Division 10.4 Parking and Loading, in the Denver Zoning Code, as specifically applicable to the C-MX-12 Zone District, as amended from time to time, with the following exceptions, additions and modifications:

A. Location of Required Vehicle Parking

Development in PUD-G 36 shall not comply with Section 10.4.4.5 Location of Required Vehicle Parking, of the Denver Zoning Code. Instead:

1. Required accessory vehicle parking serving a primary use established in PUD-G 36 zone district may be located on any zone lot in PUD-G 36 regardless of the location of the primary use.
2. A primary structure or portion of a primary structure, containing accessory vehicle parking spaces that is completely below grade may cross zone lot boundaries.

Figure 6.1 General Site Design for Illustrative Purposes Only.



SECTION 6.5 ARTICLE 11 OF THE DENVER ZONING CODE

6.5.1 Applicability

Development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 11, Use Limitations and Definitions, as specifically applicable to the C-CCN Zone Districts, as amended from time to time, with the following exceptions, additions and modifications:

A. All Household Living Uses in C-CCN Zone Districts

In this PUD-G 36, the limitations applied to all Household Living uses in C-CCN zone districts shall be those set forth in Denver Zoning Code Section 11.2.5, except for the following modification:

1. In a building that does not abut a Primary Street A, as referenced in Figure 4.1, Household Living uses may be located on any story of such building.

B. Arts, Recreation and Entertainment Services, Outdoor

In this PUD-G 36, the limitations applied to the Arts, Recreation and Entertainment Services, Outdoor use in All Zone Districts stated in the Denver Zoning Code, Section 11.4.3.1 shall not apply. Instead, where permitted with limitations, Arts, Recreation and Entertainment Services, Outdoor use in this PUD-G 36, are permitted subject to compliance with the following process and limitations:

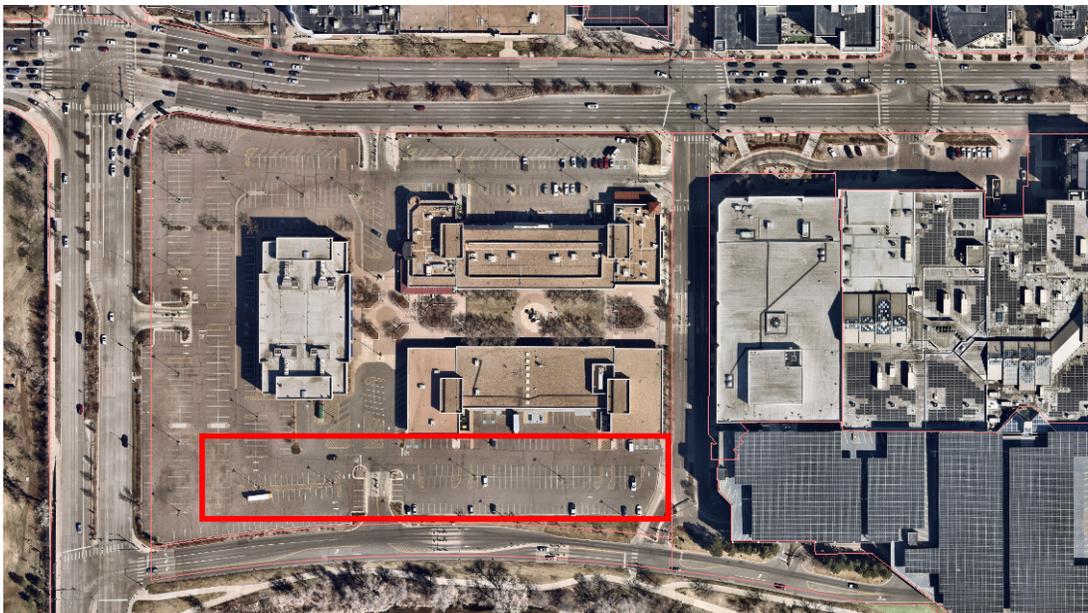
1. The use shall require a Zoning Permit, subject to limitations (L-ZP).
2. The use shall be permitted only on an approved Private Open Space, Mid Block Connections, or Primary Street C as shown in Figure 6.1 of this PUD-G 36.

C. Parking, Surface

In this PUD-G 36, Surface Parking is allowed as a primary use, subject to the following limitations:

1. Surface Parking providing no more than 36 vehicle parking spaces is allowed for the purpose of compliance with the minimum off-street parking requirement of the Cherry Creek Shopping Center located at 3000 East 1st Avenue. Such Surface Parking primary use shall be permitted subject to compliance with the following standards:
 - a. Surface Parking may be located on one or more zone lots in PUD-G 36 and shall be permitted only upon submittal and approval of a special plan for location of off-street parking spaces for the Cherry Creek Shopping Center.
 - b. The Surface Parking primary use shall be located only within the area outlined in red, as shown in Figure 6.2 below, and shall not be located closer than 50 feet to the University Boulevard Right-of-Way.
 - c. All zoning permits to establish a Surface Parking primary use according to this Section 6.5.1.C.1 shall automatically expire and become null and void on January 1, 2030.

Figure 6.2 Surface Parking as a primary use permitted under Section 6.5.1.C.1 of this PUD-G 36 is allowed to be located only within the area outlined in red.



2. Except for the Surface Parking primary use allowed by Section C.1. above, Surface Parking is allowed in PUD-G 36 subject to compliance with the following standards:
 - a. Surface Parking shall be permitted only on Road R or Road H as shown in Figure 6.1 of this PUD-G 36, and shall be designed with a parking angle of 0 degrees for standard spaces according to DZC, Section 10.4.6.2.B.1 and Table A; and
 - b. Surface Parking shall not obstruct the movement of pedestrians through plazas or open spaces.

D. Outdoor Retail Sales - Pedestrian / Transit Mall

In this PUD-G 36, where permitted with limitations, temporary outdoor retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles, without regard to the distance to the pedestrian and/or transit mall, are permitted subject to compliance with the following standards:

1. The use will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, and shall not create congestion on adjoining public sidewalks;
2. The use will not generate an undue amount of noise, fumes, glare or other external effects; and
3. The use will not create a debris or litter problem.

E. Retail Food Establishment, Mobile

In this PUD-G 36, the limitations applied to all Retail Food Establishment, Mobile uses in All Mixed Use Commercial Zone Districts set in Section 11.11.14.1 shall not apply. Instead, where permitted with limitations, Mobile Retail Food Establishments in this PUD-G 36, are permitted subject to compliance with the following standards:

1. No more than 10 mobile retail food establishment shall be permitted to operate within the boundaries of PUD-G 36 in a single day.
2. Operations shall be at least 10 feet from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued. The distance shall be measured as the closest distance between any part of the Mobile Retail Food Establishment and the building or portion of a building containing the existing eating and drinking establishment
3. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation, block access to a public or private street, Open Space Thoroughfare, or Mid-Block Connections or sidewalk.
4. Structures, canopies and outdoor tables and chairs are allowed.
5. Signs must be permanently affixed to or painted on the retail food establishment, mobile.
6. Signs shall not project from the retail food establishment, mobile and shall not illuminate.
7. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.

SECTION 6.6 ARTICLE 12 OF THE DENVER ZONING CODE**6.6.1 Applicability**

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 12, Zoning Procedures and Enforcement, as amended from time to time.

SECTION 6.7 ARTICLE 13 OF THE DENVER ZONING CODE**6.7.1 Applicability**

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 13, Rules of Measurement and Definitions, as amended from time to time, with the following exceptions, additions and modifications:

6.7.2 Determination of Primary Street

Development in this PUD-G 36 shall not comply with Section 13.1.5.4, Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts, of the Denver Zoning Code. Instead within PUD-G 36, Zone Lot Lines shall be determined using the following:

A. Intent

1. To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency, Mass Reduction) in Cherry Creek West.
2. Facilitate the development of residential buildings, mixed use buildings and office buildings by applying Primary Street A, Primary Street B or Primary Street C standards to Zone Lot Lines.

B. General Requirements

Each Zone Lot Line shall have a designation of Primary Street, except for Zone Lot Lines abutting a Mid-Block Connection or Open Space Thoroughfare.

C. Primary Street Zone Lot Lines in PUD-G 36

1. Primary Street A Zone Lot Lines
Zone Lot Lines along East First Avenue, along the north section of University Boulevard and along the north section of Clayton Lane shall be designated as Primary Street A, as shown on Figure 6.1 of this PUD-G 36.
2. Primary Street B Zone Lot Lines
Zone Lot Lines along Cherry Creek North Drive, Zone Lot Lines along the south section of University Boulevard and Zone Lot Lines along the south section of Clayton Lane shall be designated as Primary Street B, as shown on Figure 6.1 of this PUD-G 36.
3. Primary Street C Zone Lot Lines
Zone Lot Lines along the new proposed private streets, Road R and Road H (east-west and north-south connections) shall be designated as Primary Street C, as shown on Figure 6.1 of this PUD-G 36.

6.7.3 Mass Reduction

A. Intent

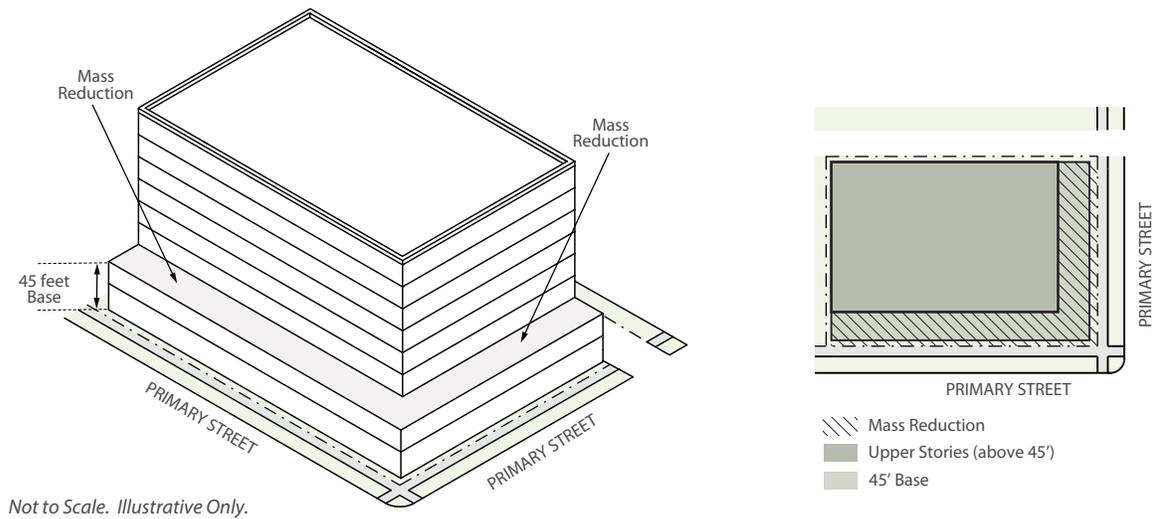
To sculpt building mass above the base of a building, to reduce the horizontal scale of taller buildings, to provide sun and light exposure through taller buildings, and to encourage architectural variety in this PUD-G 36.

B. Rules of Measurement

Section 13.1.6.1.C of the Denver Zoning Code, Rules of Measurement for Mass Reduction, shall not apply. Instead, the following Rules of Measurement shall apply to development within PUD-G 36.

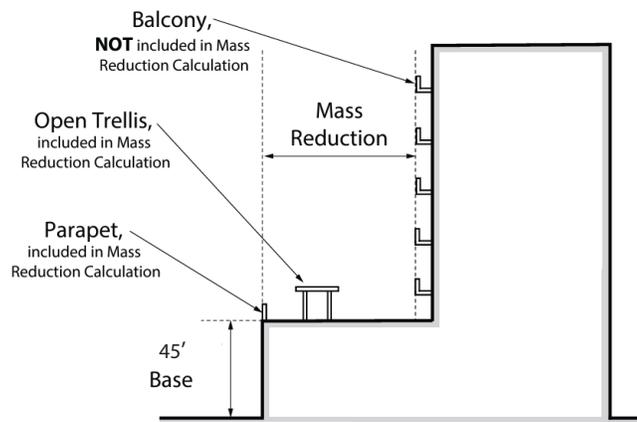
1. The Mass Reduction is calculated as a percentage (%) using the “gross floor area” at the ground level. For purposes of Mass Reduction, “gross area” shall be calculated as the gross area from the exterior faces of the structure: see Figure 6.2. Mass reduction shall begin at a maximum of 45 feet, measured from the building-specific base plane.
 - a. Structure, Completely Enclosed
 - b. Structure, Partially Enclosed; and
 - c. Balcony, Exterior.

Figure 6.2



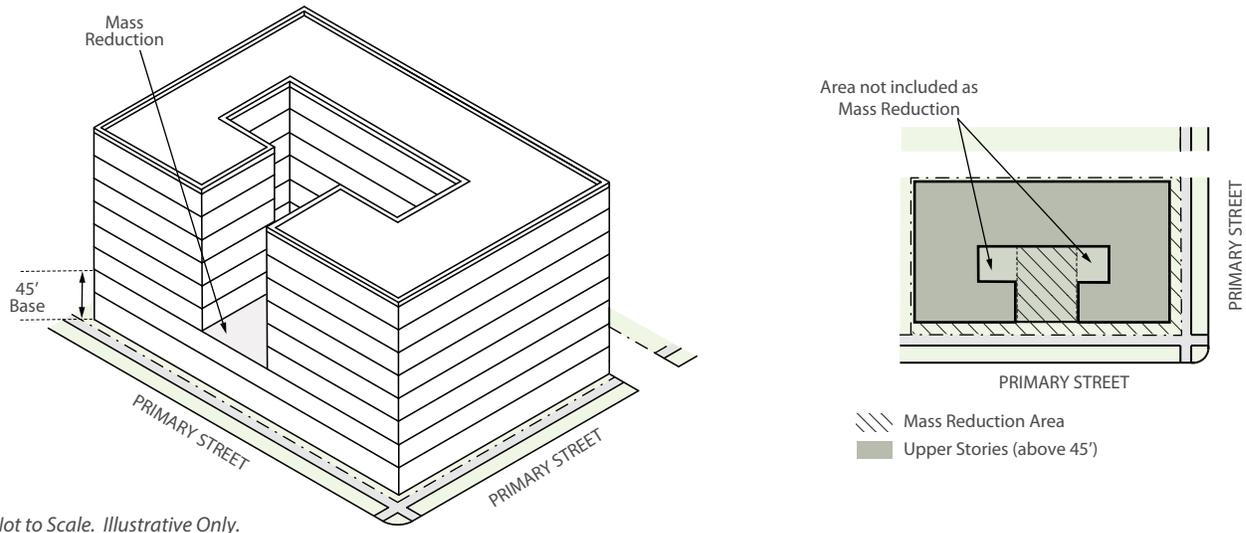
2. For purposes of measuring the Mass Reduction:
 - a. The Mass Reduction shall be open to the sky from above a height of 45 feet except the following shall be permitted:
 - a) Safety Railings and Parapet Walls no taller than 4 feet; and
 - b) Open Structures, excluding Exterior Balconies. See Figure 6.3

Figure 6.3



- b. All portions of the Mass Reduction shall have an uninterrupted perpendicular connection to the street. See Figure 6.4.

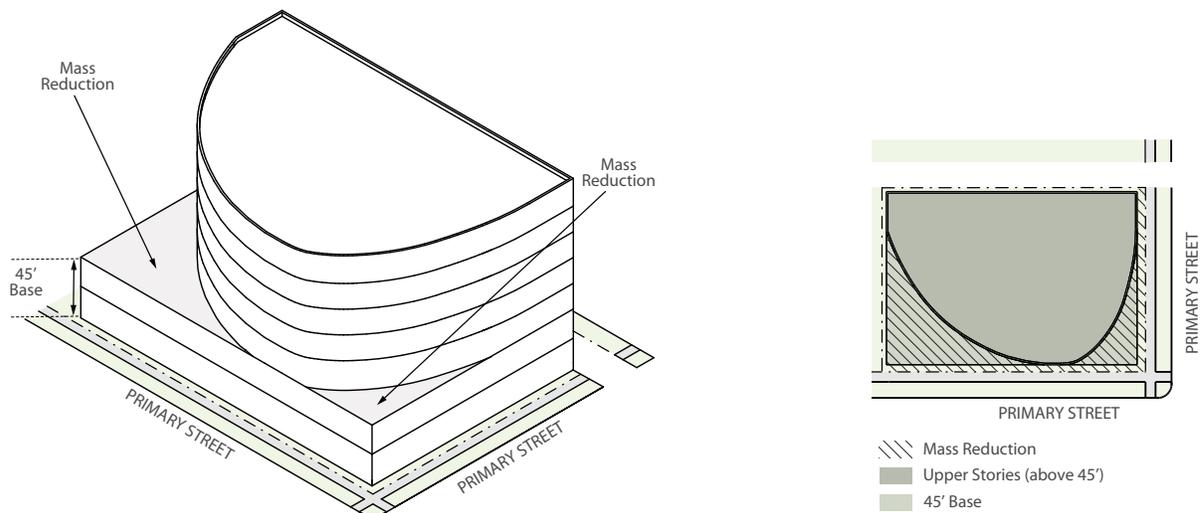
Figure 6.4



Not to Scale. Illustrative Only.

- c. Off Street Parking Area is not permitted in the Mass Reduction.
- d. A Zone Lot may have one or more Mass Reductions which may not be contiguous. The areas of multiple Mass Reductions may be summed to meet the minimum Mass Reduction requirement, provided that each Mass Reduction shall comply with all other standards in this Section 6.7.2.B of this PUD-G 36 Mass Reduction rule of measurement. See Figure 6.5

Figure 6.5



Not to Scale. Illustrative Only.

6.7.4 Rules of Interpretation for PUD-G 36

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Division 13.2, General Rules of Code Interpretation, as amended from time to time, with the following exceptions, additions and modifications:

A. References in PUD-G 36 to Figure 6.1

Figure 6.1 illustrates the general location and configuration of the required Road H, Road R, Open Space Thoroughfare and Mid-Block Connections. Some variation in general location and configuration may be approved as part of Site Development Plan review if the Zoning Administrator finds that the general intent of the connections shown in Figure 6.1 has been met.

6.7.5 Definition of Words, Terms and Phrases

- A. **Road R:** For the purpose of this PUD-G 36, Road R shall mean the street running east-west from University Boulevard to Clayton Lane through the approximate middle of PUD-G 36. All, or portions of Road R may be a privately developed, owned, and maintained Private Street as designated in an approved Infrastructure Master Plan.
- B. **Road H:** For the purpose of this PUD-G 36, Road H shall mean the street running north-south from East 1st Avenue connecting to Road R of this PUD-G 36. All, or portions of, Road H may be a privately developed, owned, and maintained Private Street, as designated in an approved Infrastructure Master Plan.
- C. **Mid-Block Connections:** For the purposes of this PUD-G 36, Mid-Block Connections are the north-south public, non-vehicular connections to and through this PUD-G 36, they may allow for occasional use by service vehicles (as further described in the Cherry Creek North / Cherry Creek West UDSGs) and use for special events.
- D. **Open Space Thoroughfare:** For the purposes of this PUD-G 36, the Open Space Thoroughfare is a north-south public, non-vehicular connection located west of the open space that connects Road R with a non-vehicular crossing off Cherry Creek North Drive. The Open Space Thoroughfare may also allow for occasional use by service vehicles (as further described in the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West) and use for special events, as contemplated in Section 6.4.2.B of this PUD-G 36.
- E. **Design Standards and Guidelines for Cherry Creek North/Cherry Creek West:** For the purposes of this PUD-G 36, the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West outline the required design review process for applicants and serves as the basis for all findings issued by the Cherry Creek North Design Advisory Board (CCN DAB). The Zoning Administrator shall utilize the findings of the DAB and the Guidelines in making a determination of Approval, Approval with Conditions or Denial on all applications for zoning permits in PUD-G 36.

CHAPTER 7. RULES OF INTERPRETATION

Subject to Chapter 8 of this PUD G-36, whenever a section of the Denver Zoning Code is referred to in this PUD-G 36, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 36, this PUD-G 36 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 36 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C Vested Rights and 9.6.1.5, Vested Rights and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 36.