



TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: July 19, 2018
RE: Official Zoning Map Amendment Application #2017I-00185

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends that the Land Use, Transportation, and Infrastructure Committee move application #2017I-00185 forward for consideration by the full City Council.

Request for Rezoning

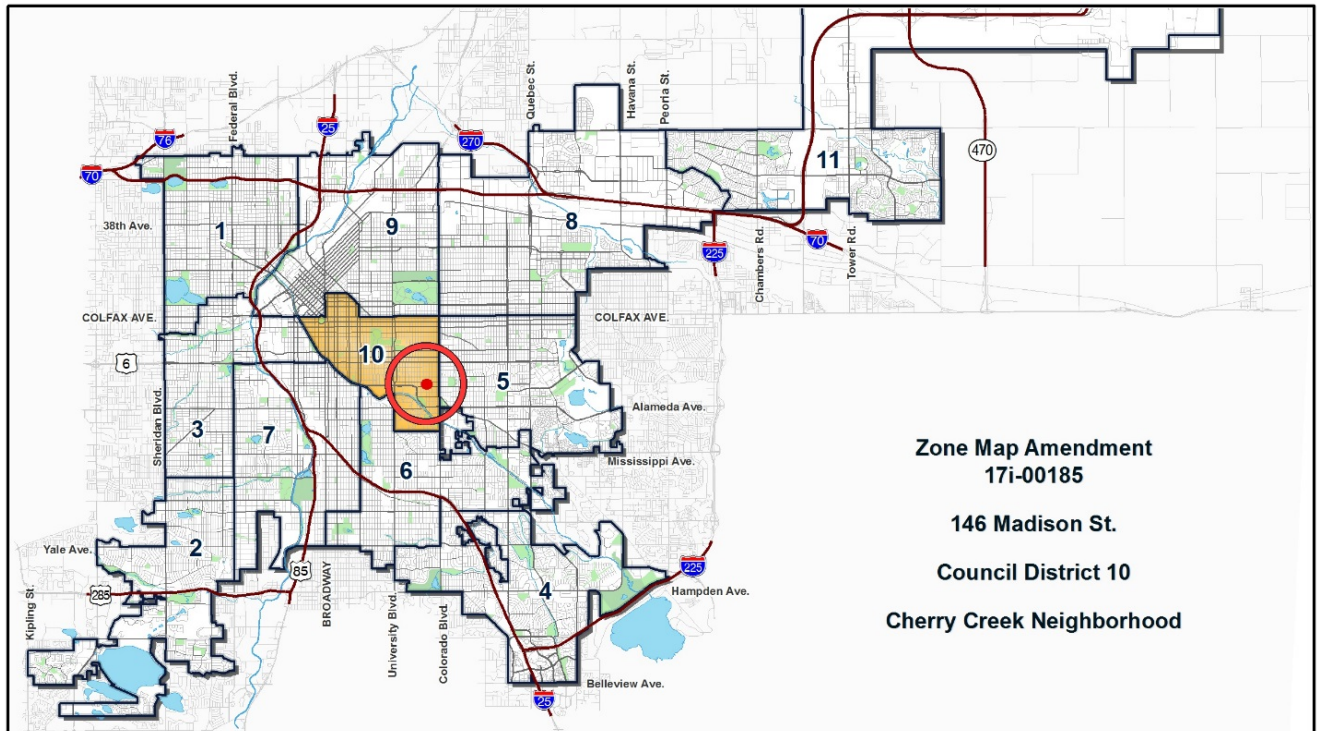
Address: 146 Madison Street
Neighborhood/Council District: Cherry Creek Neighborhood / City Council District 10
RNOs: Cherry Creek North Neighborhood Association; Green Cherry Creek; Capitol Hill United Neighborhoods, Inc.; Inter-Neighborhood Cooperation
Area of Property: 7,250 SF square feet or 0.166 acres
Current Zoning: B-1 with Waivers and Conditions
Proposed Zoning: C-MX-5
Property Owner(s): Madison Street Associates, LLC
Owner Representative: Gregg Johnson, Western Development Group, LLC

Summary of Rezoning Request

- The subject property is a single parcel which contains one existing office structure that was built in 1996. The property owner also owns two parcels to the north of the subject site that are zoned C-MX-5.
- The property owner proposes to rezone the subject property to the same zone district as the northern properties to combine the entire property into a single zone lot.

The proposed **C-MX-5**, Urban **C**enter, **M**ixed Use, with a **5**-story height limit (70 feet maximum height) zone district is intended for use in the Urban Center Context which is characterized by multi-unit residential and mixed-use strips and commercial centers. Multi-unit residential uses are typically in multi-story, mixed-use building forms located primarily along residential collector, mixed-use arterial and local streets. Commercial uses are primarily located along main and mixed-use arterial streets. The C-MX-5 zone district is intended to promote safe, active and pedestrian-scaled, diverse and mixed-use areas with a variety of building forms. Mixed use districts are used to ensure new development contributes positively to established residential neighborhoods and character and improve the transition between commercial development and adjacent residential neighborhoods. In the Urban Center Context mixed use districts require the same level of pedestrian enhancements as Main Street districts, though Mixed Use districts do not require shop-front buildings at the street edge as do Main Street districts. In the C-MX-5 zone district the General, Shopfront, Drive Thru Services and Drive Thru Restaurant primary building forms are allowed. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).

Planning Services
Community Planning and Development
201 W. Colfax Ave., Dept. 205 | Denver, CO 80202
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Existing Context

The subject property is in southeast Denver in the Cherry Creek Statistical Neighborhood. The property is in the east central portion of the neighborhood in the Cherry Creek North portion of the neighborhood, 1 block north of the Cherry Creek East Neighborhood, 5 blocks north of East Alameda Avenue, 3 blocks east of the Cherry Creek Shopping Center, and 5 blocks west of Colorado Boulevard. In the general vicinity are the Cherry Creek Shopping Center and the Cherry Creek North commercial center, and the Colorado Boulevard commercial area south of Alameda Avenue. The Cherry Creek North residential area is comprised of moderate density structures ranging in scale from 1 to 3-story single-family, duplex, row home and townhome structures.

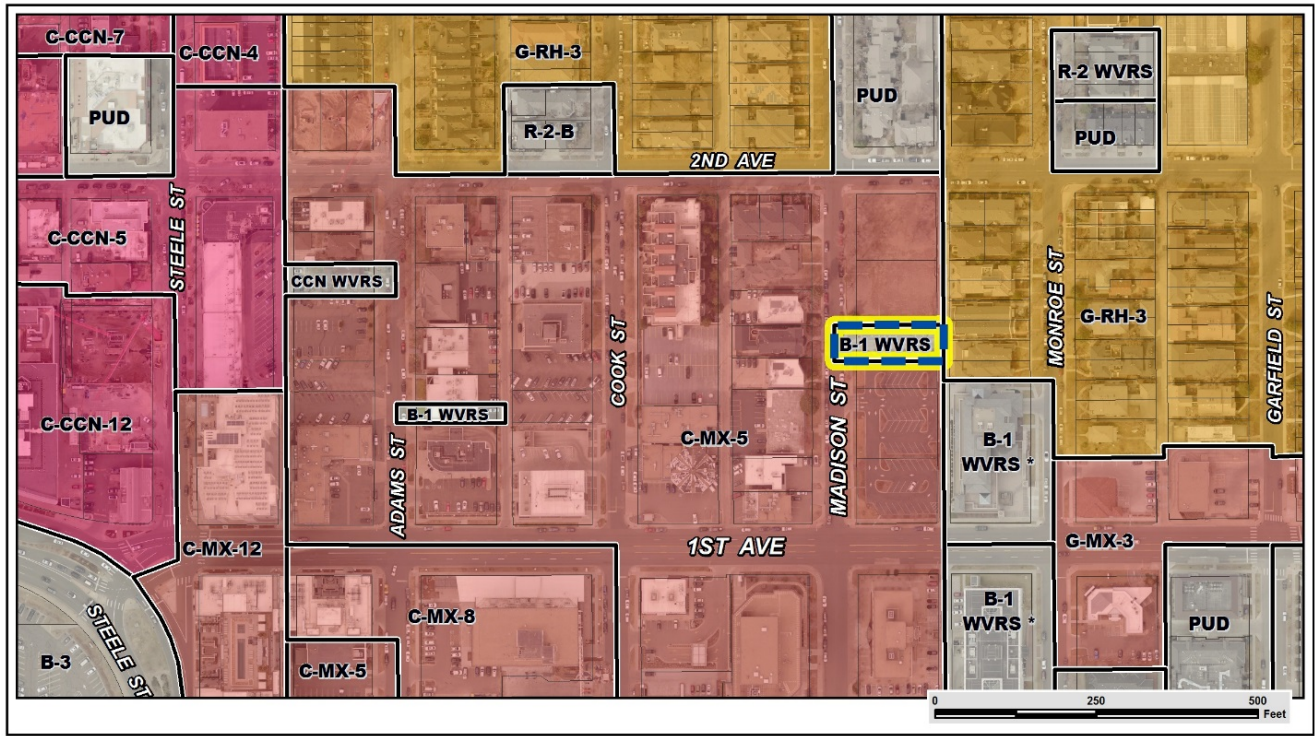
Area parks include James N. Manley Park at 4th Avenue and University Boulevard, the Cherry Creek Greenway and Trail aligned along Cherry Creek, Pulaski and City of Karmiel Park between Bayaud Avenue and Alameda Avenues along Cherry Creek North Drive and Burns and Cranmer Parks across Colorado Boulevard. Area schools include Bromwell Elementary School located at 3rd Avenue and Josephine Street, Good Shepherd Catholic Church at 6th Avenue and Elizabeth Street, Hill Middle School at 5th Avenue and Clermont Street and Graland Country Day School at 1st Avenue and Clermont Street.

The physical context of the neighborhood is a traditional street grid and rectilinear blocks with alleys. Sidewalks are generally detached with tree lawns separating the sidewalk, however, on the subject block sidewalks are attached on a portion of the block.

The following table summarizes the existing context adjacent to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	B-1 with Waivers and Conditions	Office	2-story commercial building	Regular grid streets shaping a consistent pattern of rectilinear blocks with alleys; Vehicle parking is both structured and to the side or rear of buildings (alley access).
North	C-MX-5	Vacant	Vacant	
South	C-MX-5	Surface Parking	No Structures	
East	G-RH-3 and B-1 with waivers	Residential and Office	2-3-story low-rise multi-unit and office structures	
West	C-MX-5	Low-rise Office/Mixed Use	1-3-story commercial and mixed-use structures	

1. Existing Zoning

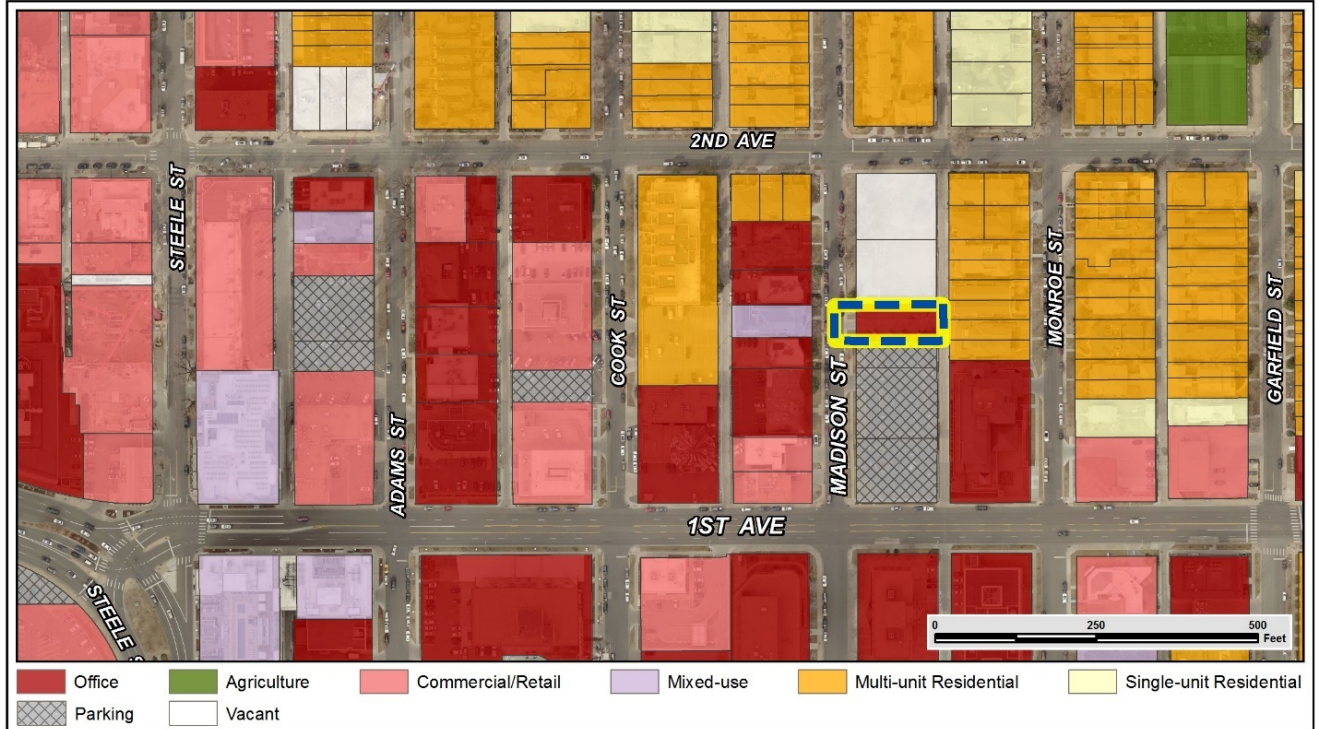


Because the existing zone district contains waivers and conditions the subject property was not rezoned in the 2010 citywide rezoning. The current zone district, B-1 with waivers and conditions, is a Former Chapter 59 district approved in 1995. The approved waivers restrict building heights to a maximum of 35 feet and allow only three land uses, office building, fine arts gallery and photographic studio. Approved conditions restrict site development to an approved site plan for parking quantity and location, site access/egress, square feet of the structure and building setbacks.

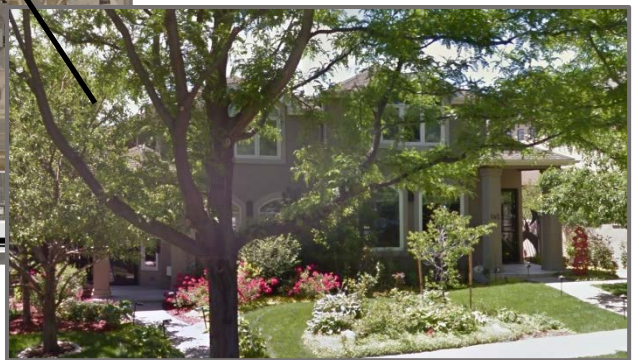
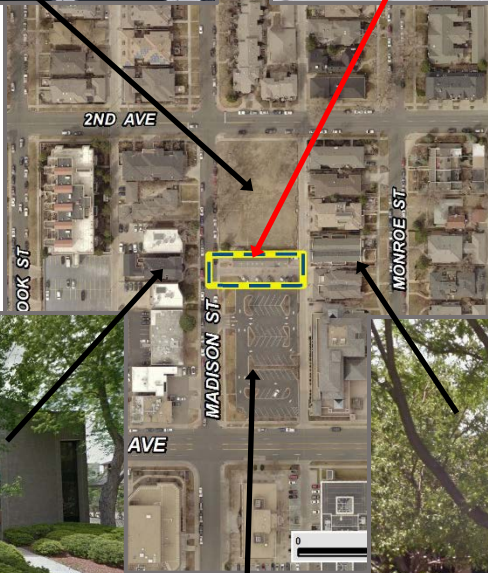
2. View Planes

The subject property is within the Cranmer Park View Plane. Allowable height on the property is limited to 128 feet.

3. Existing Land Use Map



4. Existing Building Form and Scale



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Public Works – City Surveyor: Approved.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and Registered Neighborhood Organizations:	03/08/18
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	04/30/18
Planning Board public hearing, by a vote of 8-0 the Board recommended approval:	05/16/18
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and Registered Neighborhood Organizations, at least ten working days before the meeting:	05/24/18
Land Use, Transportation and Infrastructure Committee of the City Council:	06/12/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	07/01/18
City Council Public Hearing:	07/23/18

Registered Neighborhood Organizations (RNOs)

- To date, CPD has received one comment letters from a Registered Neighborhood Organization. Cherry Creek North Neighborhood Association commented that they will not oppose the rezoning request.

Other Public Comment

To date, no other public comment letters have been received, though at the Planning Board public hearing a neighboring resident testified in opposition to the rezoning.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

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

Denver Comprehensive Plan 2000

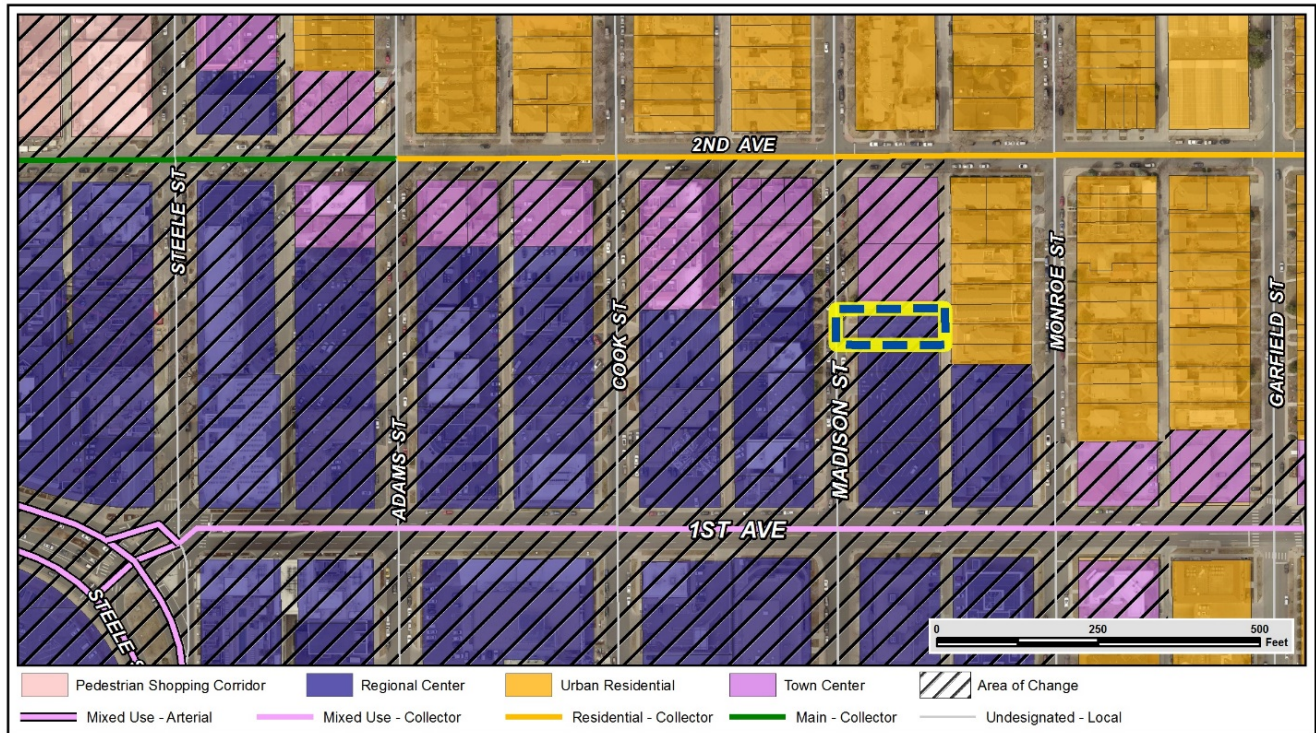
The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- **Environmental Sustainability** Strategy 2-F – “**Conserve land by promoting infill development** within Denver at sites where services and infrastructure are already in place” (p. 39).
- **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” (p. 60).
- **Mobility** Strategy 4-E – “**Continue to promote mixed-use development**, which enables people to live near work, retail and services” (p. 78).
- **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. Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and the Rocky Mountain region**” (p. 135).

The rezoning is consistent with these Plan recommendations. The proposed C-MX-5 zone district allows a variety of residential and commercial land uses. The map amendment will enable the redevelopment of the property.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Regional Center and is in an Area of Change.



Blueprint Denver Future Land Use Map (2002)

Future Land Use

The Blueprint Denver Regional Center concept land use designation is described in the Plan as containing “a balance of retail, employment and residential uses” and “covering a fairly large area and dense enough to encompass both the dominant use and a wide variety of other uses...Cherry Creek is an example of a regional center where a major shopping center is at the core of many other uses concentrated in a small area” (p.43). The proposed rezoning of the existing office is consistent with this land use concept because additional commercial land uses contribute to the vitality of the regional center.

Area of Change / Area of Stability

As noted, the subject property 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...A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide a

stimulus to redevelop" (p. 127). For the Cherry Creek Area of Change Blueprint Denver states *"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 recommendation of channeling growth where it can improve access to services with fewer and shorter auto trips and increase economic activity to benefit area residents. Expanding and redeveloping commercial land uses near the shopping and services of the Cherry Creek Shopping Center and Cherry Creek North Shopping Area make this proposal consistent with the goals of Areas of Change.

Street Classifications

Blueprint Denver classifies Madison Street as an Undesignated Local street, 1st Avenue as a Mixed-Use Collector, and 2nd Avenue as a Residential Collector street. According to Blueprint Denver, local streets are *"tailored more to providing local access"* and *"collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas."* When the subject property is joined with the northern vacant property for redevelopment the entire property will have access to 2nd Avenue, a Residential Collector street. The C-MX-5 zone district allows the higher-intensity mixed uses envisioned for areas served by collector or arterial streets in a Regional Center/Area of Change.

Small Area Plan: Cherry Creek Area Plan (2012)

The Cherry Creek Area Plan offers guidance for both the overall neighborhood, in the Framework Plan, and for subareas within the neighborhood.

Framework Plan

The Framework Plan discusses the mixed-use character of the Cherry Creek Neighborhood. *"Part of the character of Cherry Creek is its mixture of land uses. Retail and service uses appealing to both local and regional shoppers, office and established residential neighborhoods weave an interdependent mixed-use urban environment resulting in a variety of amenities benefiting the quality of life. [...] Continued introduction of office space, retail, and residential units will enhance the mixed-use nature of the neighborhood and reinforce the plan vision. As in most mixed-use districts throughout the country, the desire to maintain the character of Cherry Creek must be balanced with the thoughtful redevelopment of underutilized properties"* (pg. 26-27).

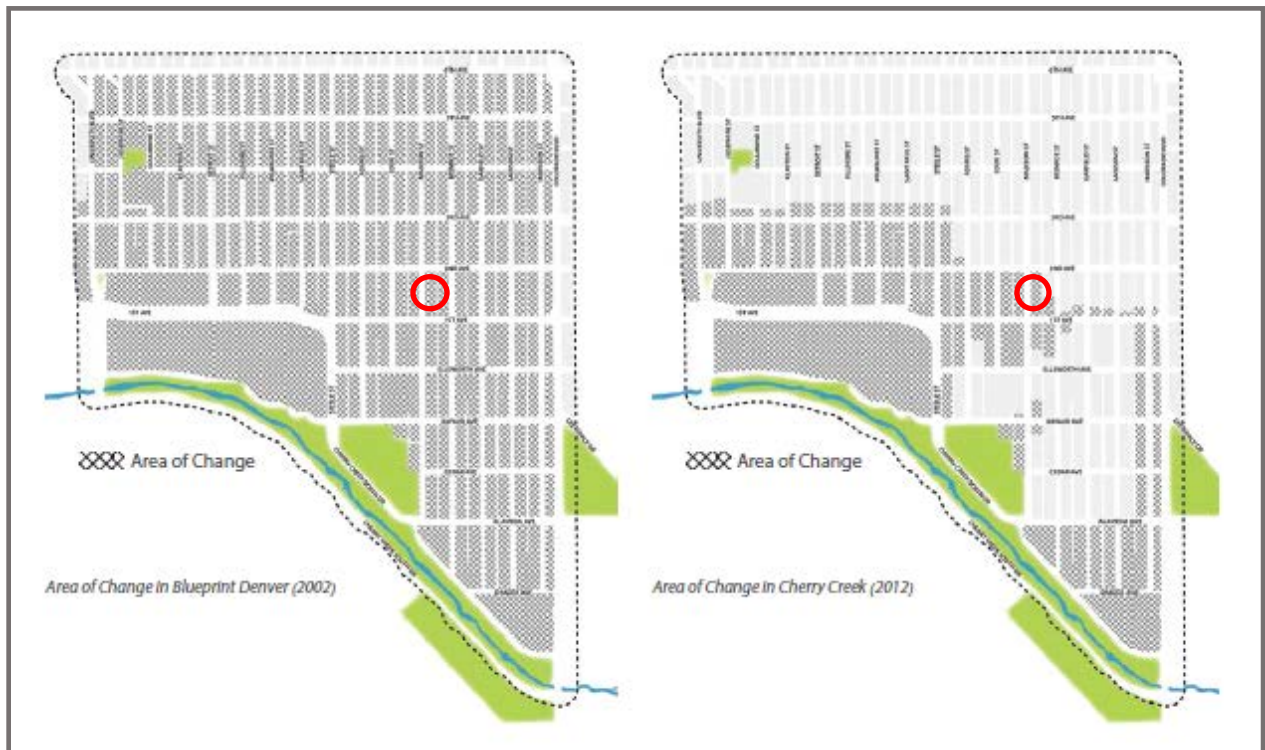
The Framework Plan recommends that growth be targeted appropriately, and economic activity be concentrated. The Plan updated the Blueprint Denver Map of Areas of Change and offers this guidance for Areas of Change: *"The Areas of Change in Cherry Creek have the greatest potential to accommodate this growth, both in terms of market demand and available land. Although not every property will see significant redevelopment, overall these areas benefit from new development, reinvestment, and more intense use. Areas of Change include the Shopping District, Cherry Creek Triangle, 1st Avenue, the commercial node at Madison and Bayaud and Harrison Street south of 1st Avenue"* (pg. 29). And further the Plan provides these recommendations for targeting growth in these Cherry Creek Areas of Change:

- *"Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. 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” (p. 29).

- *“Update the Blueprint Denver map to reflect revised Areas of Change boundaries. The updated Areas of Change are targeted to receive most of Cherry Creek’s residential and commercial growth over the next twenty years” (p. 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” (p. 29).*

The subject property is circled on the updated Cherry Creek Areas of Change map below.



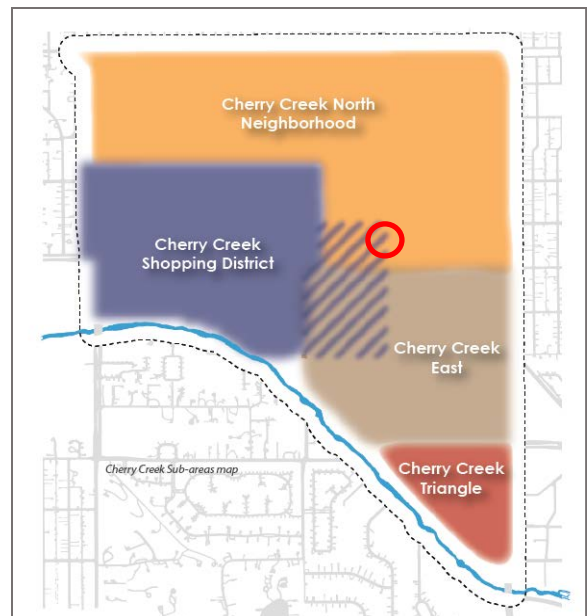
Blueprint Denver Area of Change and Cherry Creek Plan Area of Change

Further, to concentrate economic activity, the Plan recommends encouraging moderate scale development in mixed use areas of change. *“Areas of Change which are not adjacent to higher intensity locational criteria [multi-modal streets, major intersections and major public open spaces] are appropriate for mid-rise buildings to accommodate continued growth. General locations include the Shopping District and 1st Avenue (east of Steele), and some existing mixed-use areas within Cherry Creek North Residential and Cherry Creek East.”* Plan recommendation include: *“Encourage mid-rise buildings to promote reinvestment and to help transition development intensity and buffer stable residential areas from higher intensity locations” (p. 32).*

Finally, the Plan recommends a prosperous Cherry Creek and continued reinvestment. *“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 office, 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...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. Medium and small office buildings in Cherry Creek North are increasingly in demand”* (p. 46). The proposed C-MX-5 zone district implements the Cherry Creek Plan concept of reinvestment and moderately scaled development in a location that the Plan has designated an Area of Change.

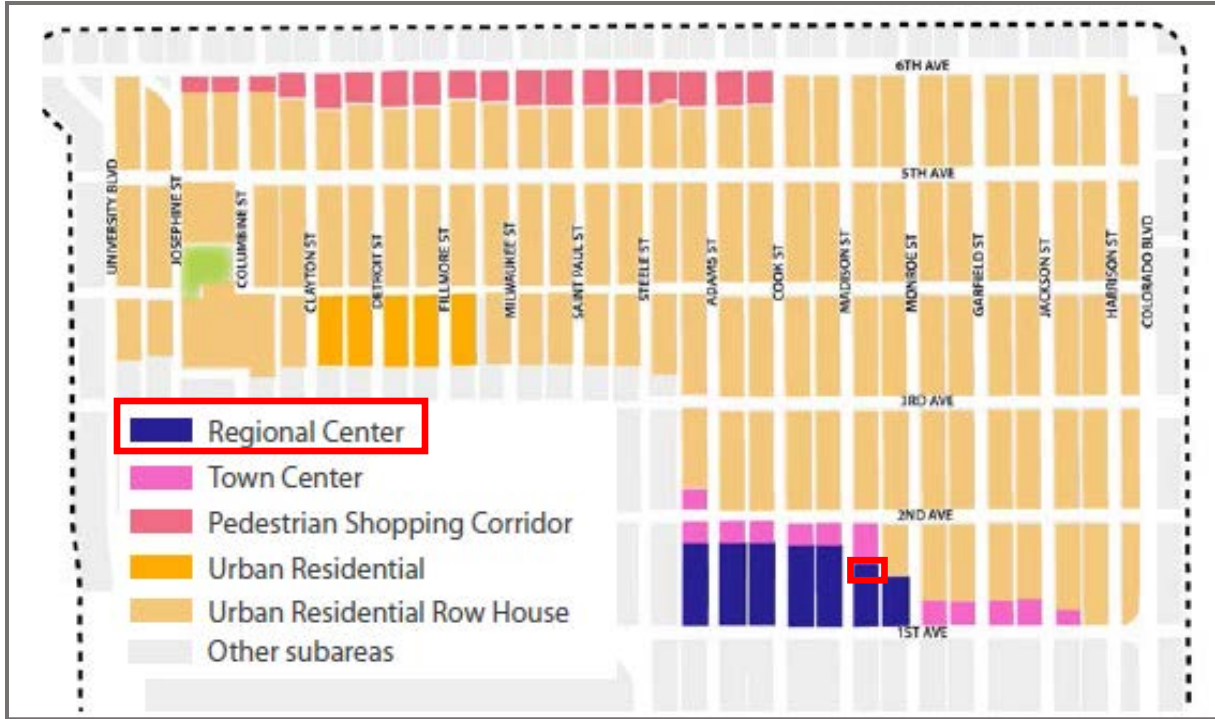
Cherry Creek Subareas

The Cherry Creek Area Plan also contains recommendations for subareas defined by the Plan. Subarea recommendations are used in the Plan to supplement the more general Framework Plan recommendations. The subject property is in the Cherry Creek North Neighborhood subarea (see the circled area on the subarea map). The subarea is described by the Plan as predominately residential with some exceptions. One of those excepted areas is specifically the *“Mixed-use area consisting of condo building, banks, offices, and retail between 1st and 2nd on Adams, Cook and Madison and continuing east along the north side of 1st Avenue to Colorado”* (p. 68). On the subarea map this area is designated a Regional Center and Town Center. The subject property is in an area designated as a Regional Center. For this portion of the Cherry Creek North Neighborhood subarea the Plan recommends:



- *“Regional Center and Town Center. Continue to support a mix of uses including office, retail, commercial and multifamily residential. 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 in scale and/or use”* (p. 68).
- *“Respect the Existing Scale. Retain the existing pattern of development intensity with low scale buildings in the residential areas and mid-rise buildings in the transition between 1st and 2nd Avenue and Steele and Monroe Street, per the Maximum Building Heights map”* (p.68).

The proposed 5 story height conforms to the maximum building height recommended in the Cherry Creek Area Plan and provides an appropriate transition between the Regional Center and Town Center and the residential portions of the neighborhood. See the Future Land Use Map and the Maximum Building Heights Map below.



Future Land Use Map – Cherry Creek North Neighborhood Subarea



Maximum Building Heights in Cherry Creek North

2. Uniformity of District Regulations and Restrictions

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

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by allowing reinvestment in an underutilized property and by implementing the City's adopted plans for the area.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.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 the Cherry Creek Area Plan discusses above, Cherry Creek must continue to grow and change to remain prosperous and to reinforce the quality of life for neighborhood residents. The subject property is located within an area the Cherry Creek Area Plan designates as a Regional Center and an Area of Change, where reinvestment and growth should be directed, and where the character of the area is expected to change and is indeed changing. The proposed rezoning will acknowledge the changing character of the area and will accommodate the planned reinvestment in the area, and this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested C-MX-5 zone district is within the Urban Center Neighborhood Context. The Urban Center Context is characterized by multi-unit residential and mixed use commercial strips and centers in a variety of building forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial and local streets. Commercial uses are primarily located along main and mixed-use arterials. The block and street pattern consist of regular block shapes formed by a grid street system. In this context building heights are moderate to high to promote a dense urban character. A high level of connectivity to multi-modal transit is characteristic of the context. The C-MX-5 zone district is intended to promote safe, active, and pedestrian-scaled diverse areas with a variety of residential and commercial building forms located on collector or arterial streets. The proposed rezoning of the subject property to C-MX-5 zoning is consistent with the Urban Center Context and the specific intent of the C-MX-5 zone district.

Attachments

1. Application
2. Approved Legal Description
3. Cherry Creek North Neighborhood Association Comment Letter