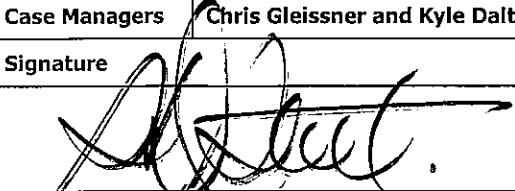




DENVER
THE MILE HIGH CITY

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	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 Parcel "B": C-MX-5			
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"/>			
Maps – Required for Final Submissions				<input type="checkbox"/>			
Case Managers				Chris Gleissner and Kyle Dalton			
Signature						Date	
 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						12/6/11	

APPLICANT & OWNER INFORMATION SHEET

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

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

Application Number	Applicant's Name
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

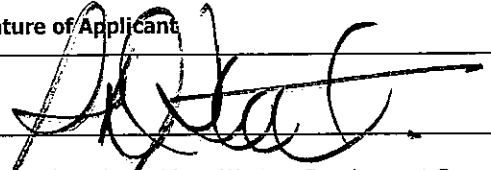
NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

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	X
	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	12/6/11

Describe the nature and effect of the proposed amendment.

The nature of the proposed map amendment is to redevelop an entire half block in a manner appropriate for a neighborhood as vital as Cherry Creek and a location as significant as 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 to the subject property across Second Avenue to 8 stories and by using the C-MX-5 district, transition the height down again as the property approaches 3rd 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 North Commercial District. The design mixes extensive ground floor retail and commercial with an office building above at the 2nd Avenue end of the block and a terraced residential building above extending to 3rd Avenue. This will result in a vibrant, mixed-use, pedestrian friendly project exactly as described for the neighborhood in Blueprint Denver.

The proposed map amendment is in conformance with the Cherry Creek Neighborhood Plan, (approved in 2000) District Wide Recommended Policies that follow:

- Reinforce Cherry Creek as both a regional and town center, (Encourage uses that will help reinforce Cherry Creek as both a regional destination and a pedestrianized town center for the surrounding neighborhoods.)

- Broaden and balance the mixture of uses,

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(Broaden and balance the mixture of uses to reinforce Cherry Creek as the region's premier retail district, to better serve the surrounding neighborhoods.)

- Create permanent quality.

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

- Reinvest in the Commercial District: Encourage private investment.

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

- Enhance the distinct character.

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

- Enhance the cohesiveness of the district.

(Reinforce and enhance the cohesiveness of the commercial district by enhancing the connections, extending the streetscape, creating consistent visual and circulation corridors, strengthening the ties to Cherry Creek, emphasizing edges and gateways).

- Improve the streetscape and infrastructure.

- Create project scale and quality that promote activity at street level.

- Complementary day and evening activity.

Additionally, the proposal is in conformance with the recommended policies articulated in the Cherry Creek Neighborhood Plan, the project will contain street oriented, highly transparent retail and commercial on all three block facing sides, including areas of visual interest for pedestrians and continuous access to sidewalks from shops. Outdoor space, as suggested in the neighborhood plan, is included with a plaza located at the southwest corner. The building massing steps back at the second level, providing a terraced affect and creating a series of smaller building elements rather than one large building, meeting another guideline from the plan.

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

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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 office building and the south portion of the residential building are eight stories with a maximum height of 110 feet. As the building extends north, it steps down to 5 stories and 55 feet in height, and at 3rd Avenue, it again steps down to three stories, relating to the scale along that street. Not only is the height of the 8 story portion 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 plans. 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 adopted plans.

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 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.

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 **Mixed-Use** 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.

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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.

Cherry Creek Area Plan

In addition to the changed conditions described above, it is important to note that the Cherry Creek neighborhood is undergoing a neighborhood area plan update coordinated by Denver Community Planning and Development (CPD). The process was started one and a half years ago with Plan adoption anticipated in summer of 2011. As part of the full outreach process, CPD coordinated numerous meetings, which resulted in three community focus group sessions. This extensive public outreach program resulted in a series of "Key Findings" some of which are still in discussion mode but have direct relevance to the Columbine Street zoning proposal. In summary, a few of the "Key Findings" are presented as follows:

Under the Heading: Economic and Development Opportunity

More People Equates to More Prosperity, this includes more dwelling units, more class "A" office space and more amenities to attract people to the area.

• Key Opportunity Sites

Opportunity sites were assessed. Columbine Street Corridor is considered a "key opportunity site". One of the significant aspects of Columbine Street that received special recognition by the focus group is that Columbine Street does not extend north into the neighborhood or south to First Avenue. This unique street pattern precludes traffic from flowing into the neighborhood and/or surrounding developments.

• Facilitate Columbine Corridor Redevelopment

Currently there are vacant buildings. Columbine is not a through street thus there is an opportunity to create a different character in the area. Mixed-use is desired.

Under the Heading: Urban Form and Public Realm

• Achieve Balance and Transitions

Improve transitions using maximum building heights up to 12 stories.

Allow for thoughtful redevelopment of investment properties. *(The proposed zone districts achieve both balance and transition by proposing an eight-story structure across Second Avenue from Clayton Lane and then transitioning the height down as development approaches Third Avenue.)*

Create pedestrian scale and streetscapes

Under the Heading: Mapping Process

• **Creating the Draft Maximum Building Heights Map**

Confirmed the Benefits of Form Based Approach

Recognized the Columbine Corridor as a Key Investment Opportunity

• **The Draft Maximum Height Map**

Columbine Street **maximum height of 8 stories** for the majority of the block, tapering down to 5 stories at Third Avenue.

Note: The July 20, 2011 Cherry Creek Area Draft Plan states that there is **consensus** with the maximum heights map.

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. 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. 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 66 2/3 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 33 1/3 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": Outreach Program

**Western Development Group, LLC – 200 block of Columbine Street Rezoning
Outreach List – meetings and project specific conversations and emails**

4-29-11

Councilwoman Jeanne Robb

6-28-11

CPD/Cherry Creek Steering Committee Focus Group #1

7-6-11

CPD/Cherry Creek Steering Committee Focus Group #2

7-13-11

CPD/Cherry Creek Steering Committee Focus Group #1

8-2-11

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

9-1-11

Chris Gleissner, Community Planning and Development

9-8-11

Councilwoman Jeanne Robb and Nora Kimball

10-4-11

Councilman Chris Herndon

10-7-11

Councilwoman Peggy Lehmann

10-10-11

Councilwoman Judy Montero

10-12-11

Councilwoman Mary Beth Susman

10-13-11

Mayor Michael Hancock and Paul Ryan, Director of Regional Affairs
Councilman Charlie Brown
Councilman Albus Brooks

10-14-11

Councilwoman Susan Shepherd

10-17-11

Councilwoman Jeanne Faatz

10-18-11

Councilwoman Debbie Ortega
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

10-19-11

Cherry Creek Steering Committee

11-10-11

Meeting with Diane Barrett, Mayor's Office
Cherry Creek North Neighborhood Association Board of Directors

11-14-11

Capitol Hill United Neighborhoods, Inc. Neighborhood Assembly
Bessie Chachas, Alamo Placita Neighborhood Association
Annettee Woodward, Cherry Creek North Neighborhood Association
Bill DeMaio, Congress Park Neighborhood Association
Multiple other CHUN and CCNNA members

11-16-11

Cherry Creek Steering Committee
Bob Fuller, Country Club Historic Neighborhood

11-28-11

Greg Feasel, County Club Neighborhood resident
Mitch Zatz, County Club Neighborhood resident



WESTERN
DEVELOPMENT
GROUP

November 30, 2011

Letter of Authorization

To whom it may concern:

The undersigned authorized officer of 200 Columbine Street Associates, LLC hereby authorizes Mr. S. David Steel to act on behalf of 200 Columbine Street Associates, LLC and sign any documents as the authorized agent of 200 Columbine Street Associates, LLC related to the official map amendment process as defined in Section 12.4.10 of the Denver Zoning Code.

This Authorization is valid until further written notice from 200 Columbine Street Associates, LLC.

Sincerely,

S. David Steel
President
200 Columbine Street Associates, LLC

Western Development Group, LLC

200 Fillmore Street
Suite 400
Denver, CO 80206

T 303-321-5700
F 303-321-5701
December 6, 2011



WESTERN
DEVELOPMENT
GROUP

November 30, 2011

Letter of Authorization

To whom it may concern:

The undersigned authorized officer of 234 Columbine Street Associates, LLC hereby authorizes Mr. S. David Steel to act on behalf of 234 Columbine Street Associates, LLC and sign any documents as the authorized agent of 234 Columbine Street Associates, LLC related to the official map amendment process as defined in Section 12.4.10 of the Denver Zoning Code.

This Authorization is valid until further written notice from 200 Columbine Street Associates, LLC.

Sincerely,

S. David Steel
President
234 Columbine Street Associates, LLC

Western Development Group, LLC

200 Fillmore Street
Suite 400
Denver, CO 80206

T 303-321-5700
F 303-321-5701
December 6, 2011



WESTERN
DEVELOPMENT
GROUP

November 30, 2011

Letter of Authorization

To whom it may concern:

The undersigned authorized officer of 280 Columbine Street Associates, LLC hereby authorizes Mr. S. David Steel to act on behalf of 280 Columbine Street Associates, LLC and sign any documents as the authorized agent of 280 Columbine Street Associates, LLC related to the official map amendment process as defined in Section 12.4.10 of the Denver Zoning Code.

This Authorization is valid until further written notice from 200 Columbine Street Associates, LLC.

Sincerely,

S. David Steel
President
280 Columbine Street Associates, LLC

Western Development Group, LLC

200 Fillmore Street
Suite 400
Denver, CO 80206

T 303-321-5700
F 303-321-5701
December 6, 2011