



**DENVER**  
THE MILE HIGH CITY

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**TO:** Denver City Council  
**FROM:** Janell M. Flaig, AICP, Senior City Planner  
**DATE:** June 29, 2009  
**RE:** Zoning Map Amendment Application #2007I-00097

**I. SCOPE OF REZONING**

Application:	#2009I-00007
Address:	71 <sup>st</sup> Avenue and Tower Road/7020 and 7050 Tower Road
Neighborhood/Council Dist.:	Gateway - Council District #11
RNO's:	Inter-Neighborhood Cooperation
Area of Property:	98,140.68 sf (2.253 acres)
Current Zoning:	Gateway Zoning
Proposed Zoning:	C-MU-20 with waivers and a condition
Applicant:	First Inn Franchise, Inc., Tom Wiens
Contact Person:	Robert J. Gollick, Inc.

**II. SUMMARY OF PROPOSAL**

**A. Vicinity Description**

The site is on the southeast corner of 71<sup>st</sup> Avenue and Tower Road. The existing vacant site is west and north of three hotel parcels that have Gateway zoning and across the street from the Frontier Airline Headquarters building to the west which is zoned C-MU-20 with waivers and conditions. To the north is vacant land zoned C-MU-10 with waivers and conditions.



**B. Context**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Blueprint Denver</b>
<b>Site</b>	Gateway	Vacant land	Area of Change
<b>North</b>	C-MU-10	Vacant land	Area of Change
<b>South</b>	Gateway	Hotel	Area of Change
<b>East</b>	Gateway	Hotel	Area of Change
<b>West</b>	C-MU-20 waivers & conditions	Mixed use commercial development	Area of Change



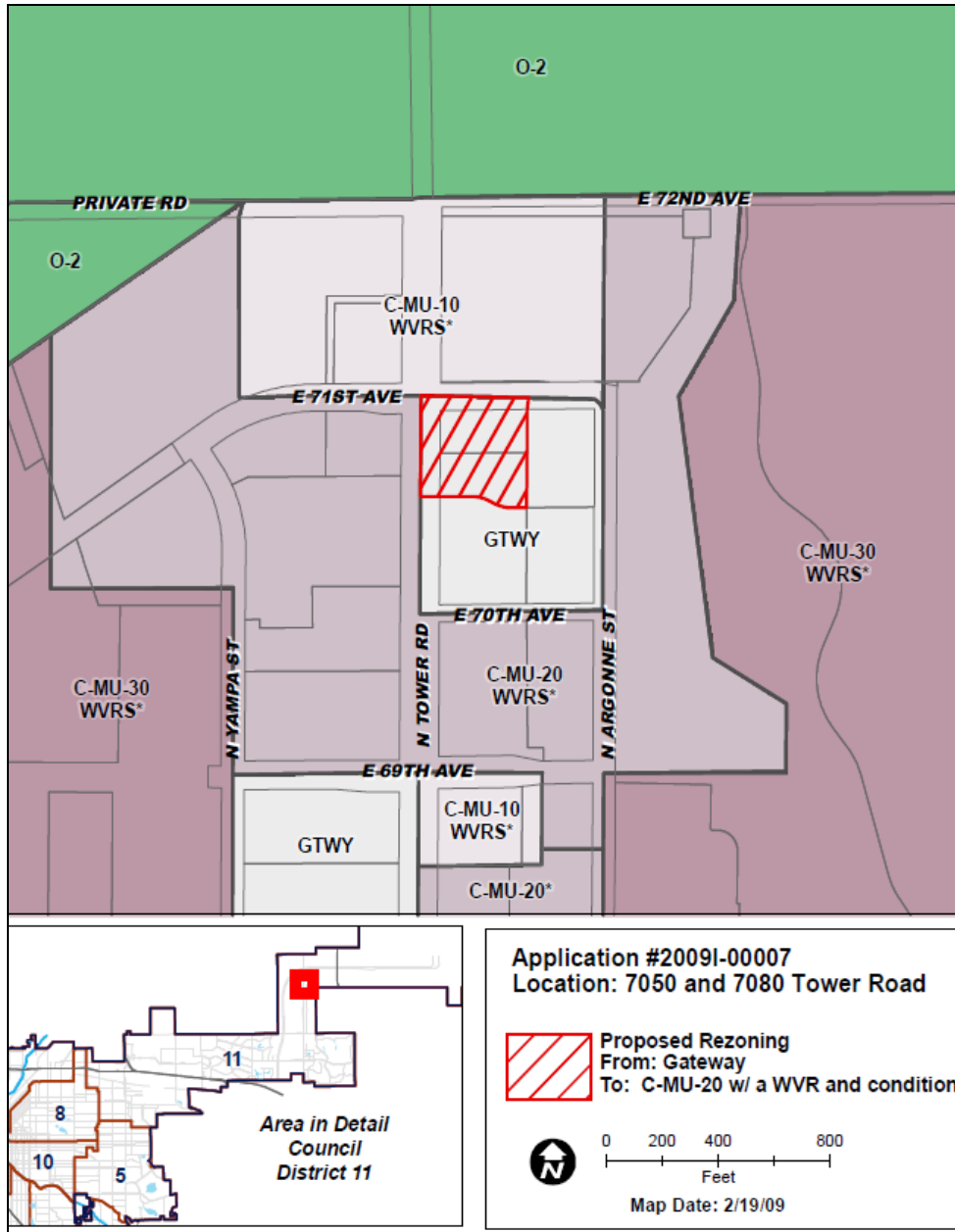
**View of parcel from the southwest, Tower Road.**



**View of parcel from northeast, 71st Avenue.**

### C. Proposal

Application: The map amendment application is to rezone 2.253 acres of land from Gateway zoning to C-MU-20 with waivers and a condition. The rezoning would allow a greater mix of uses that would advantage the traveling public with services including convenience store, banking, eating place, refueling, car wash, and parking of vehicles for the adjacent hotels.



Intent of C-MU-20: A commercial mixed-use zone district, C-MU-20 provides for a mix of uses along arterials or other high traffic streets. Site and building design will be of a quality that enhances the character of the streets. All structures will be designed to be compatible with each other.

### **III. LEGAL NOTICE AND PUBLIC PROCESS**

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The applicant posted signs as required on the parcel announcing the Denver Planning Board public hearing. CPD sent written notification of the hearing to the affected registered

neighborhood organization. No comments have been received from adjacent property owners or from neighborhood groups.

Reviewing agencies have responded with approval, no comment, or no objection to the rezoning, but that there will probably be requirements that need to be met at site plan review.

Planning Board voted 9-0 to recommend approval of the map amendment.

### **IV. LEGAL JUSTIFICATION FOR REZONING**

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#### **Change of Conditions**

Blueprint Denver identifies this area as an “Area of Change” and recommends development and reinvestment in a limited and targeted way. Mixed-use zoning was not available when the Gateway Concept Plan was developed and adopted. The change in condition allows a re-evaluation of the existing Gateway zoning and a determination of the best zoning to achieve plan objectives.

### **VII. REVIEW CRITERIA**

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CPD evaluated the proposed rezoning to C-MU-20 with waivers of residential uses and a condition for consistency with the city’s documented land use policies.

#### **A. Comprehensive Plan 2000:**

Denver Comprehensive Plan 2000 contains policies that support directing growth and redevelopment to areas expected to change in the future. These policies support the change in zoning from Gateway zoning to C-MU-20:

Land Use: Balance and coordinate Denver’s mix of land uses to sustain a healthy economy. Incorporate recommendations from neighborhood and area plans. (Objective 1-C)

Economic Activity: Expand economic opportunity and the City’s economic base by retaining and attracting new businesses and supporting target industries such as tourism. (Objective 3-A)

Legacies: In new development areas incorporate and adapt Denver’s traditional urban design character, and ensure that development standards are established that encourage positive change and quality urban design while protecting Denver’s traditional character. (Objective 2-A)

#### **B. Blueprint Denver:**

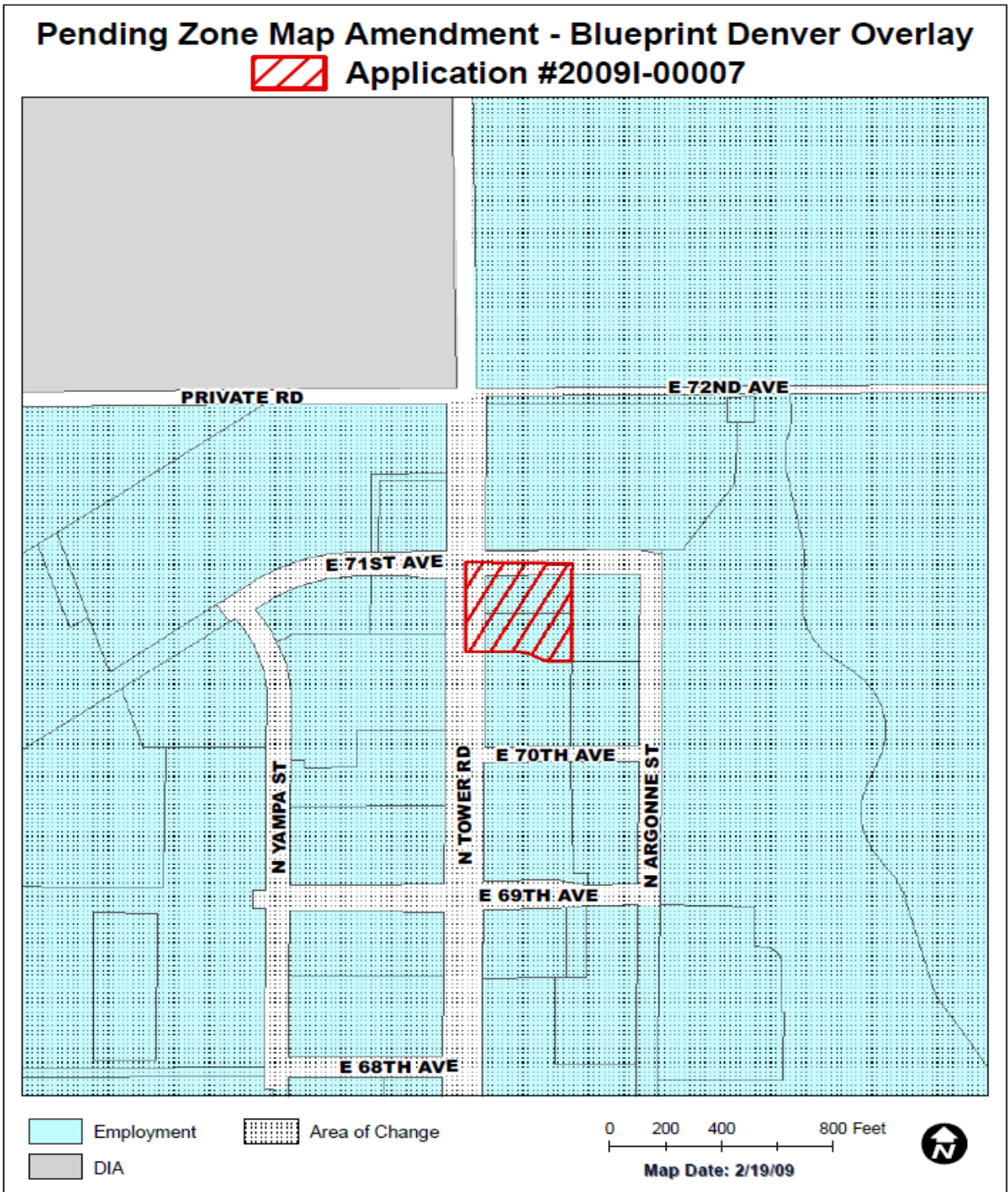
Blueprint Denver identifies several concepts critical to implementing the Comprehensive Plan 2000 strategy to identify areas and opportunities for maintaining stability in the City. One component of Blueprint Denver is to encourage appropriate new for Areas of Change. According to Blueprint Denver, Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the city as a whole.

#### Principles, Strategies and Tools for Areas of Change (pg 19, 127 and 141)

- Change zoning to coordinate between existing and new development (22).
- Design and development standards (131)
- Balance of uses with increased economic opportunity (142)

Application Consistency with Area of Change Principles

- The proposed rezoning to C-MU-20 is consistent with recommended strategies and tools for Areas of Change.
- The rezoning will promote the redevelopment of the Gateway area according to Blueprint Denver and the Gateway Concept Plan.



### **C. Gateway Concept Plan**

The August 1990 Gateway Concept Plan states the following:

- Regarding residential uses: “This area is generally not appropriate for residential development because it will be open to a broader array of businesses (including many with high truck usage), and because it may be subject to noise from the new airport.” (p. 36)
- General purpose commercial uses: “More general purpose business activity will be concentrated in a flexible mixed use area north of 56<sup>th</sup> Avenue. In the early years, we can expect a wide variety of airport-oriented uses to locate here, particularly north of 64<sup>th</sup> Avenue where access to the airport will be excellent.” (p. 39)

### **VIII. APPROPRIATENESS OF MIXED-USE ZONING DISTRICTS**

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When evaluating the appropriateness of mixed use zoning district requests, Section 59-301 establishes guidelines for decision making.

- A. There is not a more appropriate zone district: C-MU-20 is the most appropriate district to implement Blueprint Denver and to accommodate the tourism oriented development for this area that includes a mix of office and retail uses.
- B. There will be multiple uses and there is a desire for flexibility overtime: There is a need for flexibility and to promote redevelopment investment that the Gateway zoning will not accommodate.
- C. The development will conform to requirements: The applicant will conform to requirements and has requested waivers for all residential uses and a condition to provide an avigation easement for the land.
- D. A higher level of design review is desired: Additional design review is important to ensure implementation of appropriate land use development and pedestrian orientation, proper landscaping and screening.

### **IX. WAIVERS AND CONDITION**

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CPD critically evaluates all waivers and conditions because they add complexity to zoning regulations and burden code administration. Elements considered in our evaluation include effectiveness in implementing a plan or urban design objective, resolving a shortcoming of the current code and its applicability to the area rather than to a specific project.

The Gateway plan recommends a desired land use mix of uses excluding residential development that could conflict with the goals of an international airport. Waiving out all residential uses and requiring an avigation easement for all properties is standard for development in this area of the Gateway. These waivers and the condition insure development that is consistent with plan recommendations and respects the adjacency of the area to Denver International Airport and is not specific to this project.

### **X. CPD RECOMMENDATION**

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Recommend approval.

The proposed rezoning effectively aligns with the existing context of the area and adopted plan recommendations. C-MU-20 zoning, waiving out all residential uses and with condition of a required avigation easement, provides greater flexibility of uses and square footage while requiring special review for some uses and reinforces design standards.