



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Vinay K & Anita Sikka	Representative Name	Jim Erwin-Svoboda
Address	7101 Tower Road	Address	6162 S Willow Drive, Suite 320
City, State, Zip	Denver, CO 80249	City, State, Zip	Greenwood Village, CO 80111
Telephone	720-350-6191	Telephone	303-770-8884
Email	Vinnysikka@gmail.com	Email	JimErwinSvoboda@GallowayUS.com
<p><b>*If More Than One Property Owner:</b> All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Parcel A: 7111 N Tower Road, Denver, CO 80249, and 7101 N Tower Road, Denver, CO 80249 Parcel B: 7125 N Tower Road, Denver, CO 80249		
Assessor's Parcel Numbers:	Parcel A: 00041-00-163-000 Parcel B: 00041-00-162-000		
Area in Acres or Square Feet:	Parcel A: 68,318 SF (1.568 AC)      Total Area: 82,042 SF (1.883 AC) Parcel B: 13,724 SF (0.315 AC)		
Current Zone District(s):	C-MU-10 with waivers and conditions AIO		
PROPOSAL			
Proposed Zone District:	S-MX-8 AIO		



# REZONING GUIDE

Rezoning Application Page 2 of 3

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans:</b> The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions:</b> The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Vinay K & Anita Sikka	7111 N Tower Road Denver, CO 80249 720-350-6191 Vinnysikka@gmail.com	100%	<i>Vinay Sikka</i> <i>Anita Sikka</i>	10/9/19	(A)	YES
Vinay K & Anita Sikka	7125 N Tower Road Denver, CO 80249 720-350-6191 Vinnysikka@gmail.com	100%	<i>Vinay Sikka</i> <i>Anita Sikka</i>	10/9/19	(A)	YES
Vinay K & Anita Sikka	7101 N Tower Road Denver, CO 80249 720-350-6191 Vinnysikka@gmail.com	100%	<i>Vinay Sikka</i> <i>Anita Sikka</i>	10/9/19	(A)	YES

## Legal Descriptions

### PARCEL A – 7111 N Tower Road and 7101 N Tower Road

A part of Lot 2, Block 2, DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8, located in the Northeast 1/4 of Section 4, township 3 South, Range 66 West of the 6th P.M., more particularly described as follows:

Commencing at the Northeast corner of said Section 4, whence the East quarter corner thereof bears South 00 degrees 48 minutes 54 seconds West, a distance of 2629.96 feet;  
Thence South 00 degrees 48 minutes 54 seconds West, along the East line of the Northeast 1/4 of said Section 4, a distance of 331.41 feet;  
Thence North 89 degrees 11 minutes 06 seconds West, a distance of 70.00 feet to a point on the West right-of-way line of Tower Road, being the POINT OF BEGINNING;  
Thence South 00 degrees 48 minutes 54 seconds West, along said West right-of-way line, a distance of 280.00 feet;  
Thence North 89 degrees 56 minutes 19 seconds West, a distance of 244.00 feet;  
Thence North 00 degrees 48 minutes 54 seconds East, a distance of 280.00 feet;  
Thence South 89 degrees 56 minutes 19 seconds East, a distance of 244.00 feet to the POINT OF BEGINNING, City and County of Denver, State of Colorado.

Together with a 15-foot wide access easement over and across Lot 1, Block 2, Denver International Business Center Filing No. 8, according to the plat thereof recorded March 15, 2000, in Book 32 at Page 80 And 81 of the real estate records in the office of the Clerk and Recorder of the City and County of Denver, State of Colorado.

### PARCEL B – 7125 N Tower Road

A part of Lot 2, Block 2, DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8, located in the Northeast 1/4 of Section 4, township 3 South, Range 66 West of the 6th P.M., more particularly described as follows:

Commencing at the Northeast corner of said Section 4, whence the East quarter corner thereof bears South 00 degrees 48 minutes 54 seconds West, a distance of 2629.96 feet;  
Thence South 00 degrees 48 minutes 54 seconds West, along the East line of the Northeast 1/4 of said Section 4, a distance of 306.41 feet;  
Thence North 89 degrees 11 minutes 06 seconds West, a distance of 70.00 feet to a point on the West right-of-way line of Tower Road, being the POINT OF BEGINNING;  
Thence South 00 degrees 48 minutes 54 seconds West, a distance of 25.00 feet;  
Thence North 89 degrees 56 minutes 19 seconds West, a distance of 244.00 feet;  
Thence South 00 degrees 48 minutes 54 seconds West, a distance of 280.00 feet;  
Thence North 89 degrees 56 minutes 19 seconds West, a distance of 25.00 feet;  
Thence North 00 degrees 48 minutes 54 seconds East, a distance of 305.00 feet;  
Thence South 89 degrees 56 minutes 19 seconds East, a distance of 269.00 feet to the POINT OF BEGINNING, City and County of Denver, State of Colorado.

Together with a 15-foot wide access easement over and across Lot 1, Block 2, Denver International Business Center Filing No. 8, according to the plat thereof recorded March 15, 2000, in Book 32 at Page 80 and 81 of the real estate records in the office of the Clerk and Recorder of the City and County of Denver, State of Colorado.

# 7111 N TOWER RD

<b>Owner</b>	SIKKA,VINAY K & ANITA 7101 TOWER RD DENVER , CO 80249-7305
<b>Schedule Number</b>	00041-00-163-000
<b>Legal Description</b>	DENVER INTERNATIONAL BUSINESS CENTER FLG #8 B2 L2 EXC PT BEGNE COR L2 S 25FT W 244FT S 280FT W 25FT N 305FT E 269FT TO POB
<b>Property Type</b>	COMMERCIAL - RESTAURANT
<b>Tax District</b>	425C

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	7818
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	2001	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	68,318	<b>Zoned As:</b>	C-MU-10

**Note:** Valuation zoning may be different from City's new zoning code.

Current Year			
Actual	Assessed	Exempt	
Land	\$1,366,400	\$396,260	\$0
Improvements	\$66,300	\$19,230	
<b>Total</b>	<b>\$1,432,700</b>	<b>\$415,490</b>	

Prior Year			
Actual	Assessed	Exempt	
Land	\$1,024,800	\$297,190	\$0
Improvements	\$13,800	\$4,000	
<b>Total</b>	<b>\$1,038,600</b>	<b>\$301,190</b>	

**Real Estates Property Taxes for current tax year**

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>	2/28/2019	6/17/2019	
<b>Original Tax Levy</b>	\$20,712.85	\$20,712.83	\$41,425.68
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$20,712.85	\$20,712.83	\$41,425.68
<b>Due</b>	\$0.00	\$0.00	\$0.00

### Additional Information

**Note:** If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

<b>Additional Assessment</b> ⓘ	N	<b>Prior Year Delinquency</b> ⓘ	N
<b>Additional Owner(s)</b> ⓘ	N	<b>Scheduled to be Paid by Mortgage Company</b> ⓘ	N
<b>Adjustments</b> ⓘ	N	<b>Sewer/Storm Drainage Liens</b> ⓘ	N
<b>Local Improvement Assessment</b> ⓘ	N	<b>Tax Lien Sale</b> ⓘ	N
<b>Maintenance District</b> ⓘ	N	<b>Treasurer's Deed</b> ⓘ	N
<b>Pending Local Improvement</b> ⓘ	N		

Real estate property taxes paid for prior tax year: **\$41,356.10**

### Assessed Value for the current tax year

<b>Assessed Land</b>	\$297,190.00	<b>Assessed Improvements</b>	\$4,000.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$301,190.00

# 7125 N TOWER RD

<b>Owner</b>	SIKKA,VINAY K & ANITA 7101 TOWER RD DENVER , CO 80249-7305
<b>Schedule Number</b>	00041-00-162-000
<b>Legal Description</b>	DENVER INTERNATIONAL BUSINESS CENTER FLG #8 B2 PT OF L2 BEG NE COR L2 S 25FT W 244FT S 280FT W 25FT N 305FT E 269FT TO POB
<b>Property Type</b>	
<b>Tax District</b>	425C

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	0
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	0000	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	13,724	<b>Zoned As:</b>	C-MU-10

**Note:** Valuation zoning may be different from City's new zoning code.

Current Year			
Actual	Assessed	Exempt	
Land	\$274,500	\$79,610	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$275,500</b>	<b>\$79,900</b>	

Prior Year			
Actual	Assessed	Exempt	
Land	\$205,900	\$59,710	\$0
Improvements	\$1,000	\$290	
<b>Total</b>	<b>\$206,900</b>	<b>\$60,000</b>	

**Real Estates Property Taxes for current tax year**

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>	2/28/2019	6/17/2019	
<b>Original Tax Levy</b>	\$4,126.20	\$4,126.20	\$8,252.40
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$4,126.20	\$4,126.20	\$8,252.40
<b>Due</b>	\$0.00	\$0.00	\$0.00

### Additional Information

**Note:** If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

<b>Additional Assessment</b> ⓘ	N	<b>Prior Year Delinquency</b> ⓘ	N
<b>Additional Owner(s)</b> ⓘ	N	<b>Scheduled to be Paid by Mortgage Company</b> ⓘ	N
<b>Adjustments</b> ⓘ	N	<b>Sewer/Storm Drainage Liens</b> ⓘ	N
<b>Local Improvement Assessment</b> ⓘ	N	<b>Tax Lien Sale</b> ⓘ	N
<b>Maintenance District</b> ⓘ	N	<b>Treasurer's Deed</b> ⓘ	N
<b>Pending Local Improvement</b> ⓘ	N		

Real estate property taxes paid for prior tax year: **\$8,238.54**

### Assessed Value for the current tax year

<b>Assessed Land</b>	\$59,710.00	<b>Assessed Improvements</b>	\$290.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$60,000.00



November 11, 2019

City and County of Denver  
Community Planning and Development  
201 West Colfax Avenue, Department 205  
Denver, CO 80202

*RE: The properties commonly known as 7101 N Tower Road, 7111 N Tower Road, and 7125 N Tower Road, Denver, Colorado (the "Property"), owned by Vinay K and Anita Sikka (the "Owner")*

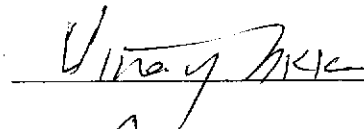
To Whom it May Concern:

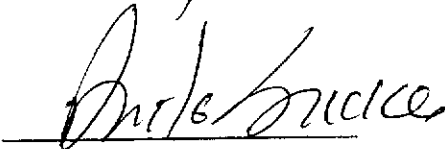
The purpose of this letter is to notify the City and County of Denver (the "City") that Galloway & Company, Inc. (Galloway), is the property owner's representative. Accordingly, the Owner acknowledges and authorizes Galloway to submit a Zone Map Amendment application to the City for the Property.

Thank you and please do not hesitate to contact the undersigned with any questions.

Best Regards,

Vinay K and Anita Sikka

  
\_\_\_\_\_

  
\_\_\_\_\_

## Rezoning Justification Letter – Denver Zoning Code Criteria Analysis

7101 N Tower Road, 7111 N Tower Road, and 7125 N Tower Road

August 1, 2019

Thank you for taking the time to review our Zone Map Amendment application for the properties located at 7101 N Tower Road, 7111 N Tower Road, and 7125 N Tower Road (northwest corner of E. 71<sup>st</sup> Avenue & Tower Road. This request would rezone the property from the Chapter 59 C-MU-10 with waivers and AIO, to the S-MX-8 with AIO district under the current Denver Zoning Code (DZC). This site falls within the DIA Influence Area Overlay Zone (AIO), and it is intended to maintain this designation. Additionally, per the GDP No. 1 recorded on March 9, 1995, the subject property is located within the proposed MU1 Gateway Use District. Per the Gateway Zoning District regulations, a variety of uses including, but not limited to, fuel station, restaurant, and retail were either permitted uses or uses permitted after a special review. Expanding the list of allowable uses for the site would be in conformance with the regulations that were in place at the time GDP No. 1 was approved.

Included below is the analysis of the proposed Zone Map Amendment request against the following Denver Zoning Code sections:

Section 12.4.10.7: General Review Criteria Applicable to All Zone Map Amendments,  
Section 12.4.10.8: Additional Review Criteria for Non-Legislative Rezoning

### Section 12.4.10.7: General Review Criteria Applicable to All Zone Map Amendments,

The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

- A. Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan. The applicable adopted plans are the Comprehensive Plan 2040, Blueprint Denver, Denver International Business Center GDP No. 1, and the Far Northeast Area Plan.

Analysis:

#### **Comprehensive Plan 2040:**

The Comprehensive Plan 2040 focuses on six vision elements forming a sustainable, comprehensive vision for the City. The proposed rezoning is in alignment with the following goals:



Equitable, Affordable and Inclusive – Goal 1.1 is to ensure that all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.

- Rezoning the site to S-MX-8 with AIO would provide an opportunity for residents to achieve this goal via an expanded use list. The variety of uses anticipated for the proposed site could include a fuel station, eating and drinking establishments (with or without a drive-thru), and other retail uses typically found in a modern neighborhood shopping center environment.

Strong and Authentic Neighborhoods – Goal 2.1 is to create a city of complete neighborhoods.

- Strategy A is to build a network of well-connected, vibrant, mixed use centers and corridors.
  - As this area of Denver grows, the variety of needed services must also expand in order for neighborhoods to stay complete. Rezoning the site would fit this goal by providing an opportunity for commercial development growth.
- Strategy D is to encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.
  - The current uses on the property include a restaurant with attached liquor store. The proposed rezone would allow infill development to activate the land, and would provide an opportunity for retail/commercial services to help strengthen the surrounding neighborhood.

Connected, Safe and Accessible Places – Goal 3.8 is to strengthen multimodal connections in mixed use centers and focus growth near transit.

- Strategy A is to improve multimodal connections within and between mixed use centers including downtown, Denver International Airport and major urban centers.
  - Redeveloping the site and expanding the list of allowable uses would provide greater density at this area of the DIA neighborhood. Given that the site is in close proximity to two light rail stations (one existing and one planned for the near future), rezoning the site achieves the goal of focusing growth near transit facilities.

Environmentally Resilient – Goal 5.8 is to clean our soils, conserve land and grow responsibly.

- Strategy A is to promote infill development where infrastructure and services are already in place.
  - This area already has infrastructure (roads, utilities, landscaping) in place. As a result, rezoning the site to expand the list of allowable uses would help achieve the goal of conserving land and growing responsibly.

Denver and the Region – Goal 2 is to embrace Denver's role as the center of regional growth.

- Strategy A is to direct significant growth to regional centers and community centers and corridors with strong transit connections.
  - The proposed rezone site is designated as a Community Center within Blueprint Denver. These centers are accessible to a larger area of surrounding neighborhood users and provide the opportunity for a mix of uses to thrive along a strong roadway corridor (such as Tower Road). This site is a desirable area for allowing additional commercial services to serve the surrounding community.

Rezoning the subject property to S-MX-8 with AIO is consistent with Comprehensive Plan 2040 as analyzed above.

**Blueprint Denver:**

The Blueprint Denver Future Neighborhood Contexts Map and Future Places Map identifies the subject site as Suburban and Community Center, respectively. In the Suburban context, buildings are typically set back from the street and range in scale (p. 136). In addition, a Community Center has a variety of uses, with some buildings set back from the street to accommodate parking (p. 194). S-MX-8 would provide an opportunity for different scaled buildings, and built forms that place the building back from the street. These designations are supportive of the variety of uses that could serve the surrounding neighborhoods as the site is located along a major thoroughfare (Tower Road).

The identified Growth Strategy for this area forecasts an increase in new jobs and households by 2040. The mixed use zoning would provide various job opportunities as opposed to the existing use located on the site. An increase in allowed uses will create more flexibility for job growth.

Tower Road is considered a Commercial Arterial based on the Street Types Map. Commercial streets typically contain commercial uses, such as shopping centers, auto services, and offices (p.159). Buildings are often set back with on-site parking. Based on this, the S-MX-8 with AIO zoning would be in conformance with the intensity of development that typically surrounds a Commercial Arterial street.

The subject property, and much of the surrounding area is identified as an area that needs to improve access to opportunity. In areas such as this, Blueprint Denver states that it is important to guide change in ways that increase access to basic goods, services and amenities to improve quality of life. The proposed S-MX-8 with AIO zoning district would allow for a variety of uses to develop and provide the surrounding neighborhoods access to basic goods and services.

Blueprint Denver also states that everyone in Denver deserves to live in a complete neighborhood, and that a complete neighborhood is where jobs, daily services and recreation are easily accessible.

The following Blueprint Denver policies are supportive of the proposed rezone:

Land Use & Built Form: General – Policy 01 is to promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.

- Strategy A is to use zoning and land use regulations to encourage higher-density, mixed use development in transit rich areas including regional centers and community centers.
  - The subject site is located along a commercial arterial roadway and designated as a Community Center, which makes it a desirable area for the mix of uses permitted by the proposed zone map amendment.

Land Use & Built Form: General – Policy 03 is to ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.

- Strategy A is to rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.
  - The proposed rezone to S-MX-8 with AIO would bring the subject property out of the Former Chapter 59 zoning code, and into the current DZC.

Land Use & Built Form: Economics – Policy 07 is to protect and promote Denver International Airport as the primary economic engine for the state of Colorado.

- Strategy B is to encourage further commercial development near the airport and protect DEN's ability to grow and thrive for generations to come.
  - The site falls within the DIA Influence Area and Airport District. The expansion of allowable uses resulting from rezoning the site to S-MX-8 with AIO would encourage further varied development to occur in the vicinity of the Denver International Airport. The proposed zone district would allow uses and building forms that encourage commercial development, which would ultimately support the airport. Due to the proximity of the site to Peña Boulevard and DIA, the primary mode of transportation used by customers is anticipated to be vehicular. As a result, site access, circulation, and orientation is paramount in order to provide customers with a “user-friendly” experience. This experience will help protect and promote the DIA area as one of the primary economic engines for the state.

Mobility – Policy 01 is to encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements.

- Strategy D is to increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity.
  - The proposed site is in an area that scored low in the Access to Opportunity measurements. There is existing and growing residential development located to the south and east. The proposed S-MX-8 with AIO zoning would provide an opportunity to develop the site and increase the services and amenities available to the surrounding neighborhoods, thus expanding the ability for walking, rolling and biking by neighbors to a local community center.
- Strategy E is to promote mixed use development in all centers and corridors.
  - The proposed site is in an area that scored low in the Access to Opportunity measurements. There is existing and growing residential development located to the south and east. The proposed S-MX-8 with AIO zoning would provide an opportunity to develop the site and increase the services and amenities available to the surrounding neighborhoods, thus expanding the ability for walking, rolling and biking by neighbors to a local community center.

Given the subject property's location, we find that the rezoning request is consistent with Blueprint Denver, especially since The Future Neighborhood Contexts Map for the site is Suburban, and the Future Places Map identifies the site as a Community Center.

**Far Northeast Area Plan:**

The subject property is located in the DIA Neighborhood, and is designated as a Suburban, Community Center area within the Far Northeast Plan, which is consistent with Blueprint Denver. The vision for the Far Northeast Plan states that, "quality goods, services and amenities should be conveniently located throughout the planning area, and should be accessible by all." The proposed rezoning is consistent with this vision, allowing for a variety of uses to be more convenient for the existing and growing neighborhoods in the area.

Denver Zoning Code (DZC) Section 3.2.4.1A states that the mixed use zone districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping, and public gathering within and around neighborhoods. Mixed use zoning satisfies the Far Northeast Plans' intent to create safe, visible and pedestrian-friendly community centers.

DZC Section 3.2.4.2H states that S-MX-8 applies to areas served by arterial streets where a building scale of 1 to 8 stories is desired. The site is along Tower Road, which is designated as a commercial arterial. Per the Recommended Maximum Building Heights Map (p.40), this site is planned to have a maximum building height of

8 stories. Based on this, the S-MX-8 with AIO zone district satisfies the plans' intent of developing along strong roadways, and maximum building heights.

Future Place Recommendation LU-4.1 discusses criteria for properly developing new community centers. The proposed zone map amendment would help create a mixed use center at the proposed site, which corresponds to the designation listed in the Future Places Map within the Plan. S-MX-8 with AIO allows for building forms that create a continuous street wall, and a walkable, pedestrian friendly environment. A continuous street wall can be achieved by a variety of options (building wall, screen wall, pergola/pedestrian-friendly structure, etc.). As a result, S-MX-8 with AIO is in conformance with the recommendations outlined for mixed use centers within LU-4.1.

Future Place Recommendation LU-5 provides direction on creating quality streetscapes that contribute to the neighborhood character. S-MX-8 with AIO allows the opportunity to provide landscape buffers with street trees and increased transparency along adjacent streets. The existing zoning (C-MU-10) does not provide specific design requirements/option for achieving transparency within the building and pedestrian activation. The proposed zone (S-MX-8 with AIO) includes screening and setback requirements for parking lots to ensure a pedestrian-friendly streetscape. Rezoning the site to the new zone will provide more specific transparency design requirements, and provide additional space to enhance the streetscape.

Currently, 61% of the land area in the Far Northeast area is covered by the old zoning code (Former Chapter 59). The long-term vision of the Far Northeast Plan is to have properties rezoned into the current DZC. Rezoning the site to S-MX-8 with AIO is in line with the vision of the Far Northeast Plan (Land Use Recommendation 16 and DIA Recommendation 6.2a).

The DIA Neighborhood expressed a desire to create a dense, vibrant mixed use neighborhood with retail, employment, and entertainment uses. Rezoning of the proposed site provides opportunities for a variety of uses and the potential for more dense development within this community center area. Uses that are not permitted in the current zone, but would be permitted in the S-MX-8 with AIO zone district, include:

- Arts, recreation and entertainment services, indoor and outdoor
- Automobile services, light
- Automobile/motorcycle/light truck sales
- Animal care/kennel
- Contractors, special trade – general
- Food preparation and sales, commercial
- Service/repair, commercial
- Manufacturing, fabrication and assembly – custom and general
- Terminal, station or service facility for passenger transit system
- Nursery
- Retail sales – garden supplies and home building materials

S-MX-8 allows the site to be marketable to a variety of users, ranging from dining establishments to retail services. The proposed zone map amendment would provide an opportunity for redevelopment to occur, and encourage alternative dining options and pedestrian activation within a mixed use community center (Quality of Life Recommendation 5.1d). The proposed rezoning is compatible with the existing surrounding and proposed uses.

Per the Recommended Maximum Building Heights Map, the subject site is planned to have a maximum height of 8 stories. Rezoning the property to S-MX-8 with AIO would be in conformance with this vision.

- B. Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

Analysis: The proposed official zone map amendment to S-MX-8 with AIO creates a new, uniform zone district with applicable standards for the entirety of the proposed site. The new zone district will create a high-density zoning district that will allow for a variety of uses that fit the suburban commercial center context, per the Adopted Plans for this area. The regulations are uniform and at the time of a site plan, will be appropriately reviewed for design criteria.

- C. Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety and general welfare of the City.

Analysis: Rezoning to S-MX-8 with AIO will allow the development of needed goods and services for the surrounding residents. A Community Center has a wide customer draw from local residents and surrounding neighborhoods, thus, safer vehicular access to the site is critical. S-MX-8 would provide for a mix of uses and a variety of building forms.. The variety of building forms allowed in the S-MX-8 zone district provides the owner with options to effectively create a safe, pedestrian-friendly experience for adjacent residents and customers who are visiting the site from surrounding neighborhoods.

#### Section 12.4.10.8: Additional Review Criteria for Non-Legislative Rezoning

In addition to compliance with the general review criteria stated in Section 12.4.10.7, the City Council may approve an official map amendment that the City Attorney has determined is not a legislative rezoning only if the City Council finds the application meets the following criteria:

- A. Justifying Circumstances: One of the following circumstances exists
1. The existing zoning of the land was the result of an error;
  2. The existing zoning of the land was based on a mistake of fact;



3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
4. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include
  - a. Changed or changing conditions in a particular area, or in the city generally; or,
  - b. A City adopted plan; or
  - c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

Analysis: Circumstance 4 exists in the case of this rezoning. The existing zone district for this site is based on the Former Chapter 59 zoning. This zone map amendment would change the zone district to be in conformance with the current Denver Zoning Code. In addition, the proposed rezoning to S-MX-8 with AIO is in response to the changes that have and continue to occur in this area. The City has recently adopted new guiding documents in the Comprehensive Plan 2040, the updated Blueprint Denver, and the Far Northeast Plan designating the subject site as a community center area.

- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements: The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

Analysis: The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. The S-MX-8 with AIO district applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. The Zone District Purpose for S-MX-8 is intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. The district purpose for the DIA Influence Area Overlay Zone (AIO) is to reduce exposure and minimize noise impacts to residential and other sensitive land uses. Land use restrictions with the AIO designation prohibit residential/group living, hospitals, and bed and breakfasts from being developed in this area. In keeping the AIO designation with the proposed rezone, this shows that the zone map amendment is consistent with the AIO district purpose. The mixed use districts are appropriate along corridors, for

larger sites and at major intersections. The Zone District regulations allow for a wide variety of uses and building forms. As development proceeds, the permitted uses and building forms are further defined to provide clarity and predictable development outcomes. Multiple building forms are allowed on a single zone lot. The subject property is located in an area that is consistent with the description, purpose, and intent of the S-MX-8 with AIO zone district. This area has developed over time and will continue to develop over time in order to meet the needs of the residents by providing retail/commercial services.

Through the analysis above, we find that the proposed rezoning of the subject property to S-MX-8 with AIO is consistent with the Comprehensive Plan 2040, Blueprint Denver, GDP No. 1, and the Far Northeast Plan, and complies with the additional review criteria of DZC Sec. 12.4.10.8.

BY AUTHORITY

ORDINANCE NO. *135*  
SERIES OF 2000

COUNCIL BILL NO. *52*  
COMMITTEE OF REFERENCE:

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY BOUNDED BY YAMPA STREET, PENA BOULEVARD, ARGONNE STREET AND EAST 71ST AVENUE (GATEWAY AREA), RECITING CERTAIN WAIVER PROPOSED BY THE OWNERS FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITION APPROVED BY THE OWNERS FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as part of the Gateway District;

2. That the owners propose that the land area hereinafter described be changed to C-MU-10 with reasonable waiver and with reasonable condition they have approved;

3. That in its application the owners have represented that if the zoning classification is changed pursuant to their application, the owners will and hereby do:

(i) waive the right to use or occupy the land or to use, occupy, construct, erect, alter or maintain a structure for the following uses enumerated in Section 59-430.03(1) of the Revised Municipal Code for the C-MU-10 zone district:

(a) Residential uses:

1. Artist Studio;
2. Abbey, Convent, Monastery, Priory or other similar residence for clergy;
3. Fraternity or Sorority House;
4. Live/Work Residential;
5. Multiple Unit Dwelling;
6. Residence for Older Persons; and
7. Rooming and/or Boarding House.

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4. That the owners approve and agree, as reasonable condition to the requested change in zoning classifications related to the development, operation and maintenance of the land area hereinafter described:

(i) prior to February 11, 2000, the owners shall execute, record and deliver to the Department of Zoning Administration a true copy of an Air Rights Covenant and Avigation Easement, in a form acceptable to the City Attorney, that shall run with the land whereby the owners and their successors and assigns waive any rights and causes of action they may have in the future against the City and County of Denver and others due to noise resulting from aircraft landing at, taking off from, or operating at Denver International Airport and grant an avigation easement.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from Gateway to C-MU-10 with certain waiver which waiver is set forth in Subsection 3 of Section 1 hereof and with certain reasonable condition approved by the owners which reasonable condition is set forth in Subsection 4 of Section 1 hereof:

A PART OF THE NW ¼ OF SECTION 3, AND THE NE ¼ OF SECTION 4,  
TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID SECTION 3, BEING THE  
CENTERLINE INTERSECTION OF TOWER ROAD AND THE SOUTHERLY  
RIGHT-OF-WAY OF PENA BOULEVARD;

THENCE S89°55'17"E, 660.68 FEET ALONG SAID RIGHT-OF-WAY OF 72<sup>ND</sup>  
AVENUE TO THE CENTERLINE OF ARGONNE STREET;

THENCE S0°46'21"W, 655.88 FEET ALONG THE CENTERLINE OF ARGONNE  
STREET TO THE CENTERLINE OF 71<sup>ST</sup> AVENUE;

THENCE S89°56'24"W, 661.17 FEET ALONG THE CENTERLINE OF 71<sup>ST</sup>  
AVENUE TO THE CENTERLINE OF TOWER ROAD;

THENCE S89°59'47"W, 660.91 FEET ALONG THE CENTERLINE OF 71<sup>ST</sup>  
AVENUE TO THE CENTERLINE OF YAMPA STREET;

THENCE N0°49'42"E, 656.77 FEET ALONG THE CENTERLINE OF YAMPA  
STREET TO SAID RIGHT-OF-WAY;

THENCE N89°56'04"E, 660.75 FEET ALONG SAID RIGHT-OF-WAY TO THE  
CENTERLINE OF TOWER ROAD AND THE POINT OF BEGINNING  
CONTAINING 868,177 SQUARE FEET OR 19.931 ACRES MORE OR LESS.

1 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline  
2 thereof, which are immediately adjacent to the aforesaid specifically described area.

3 **Section 3.** That the foregoing change in zoning classification is based upon the representations by  
4 the owners that they will waive those certain rights available to them, and, in lieu thereof, agree to  
5 certain limitations which limitations are set forth in Subsections 3 of Section 1 hereof, and is also  
6 based upon the reasonable condition approved by the said owners which reasonable condition is set  
7 forth in Subsection 4 of Section 1 hereof; and no permit shall be issued except in strict compliance  
8 with the aforesaid waiver and the aforesaid reasonable condition. Said waiver and said reasonable  
9 condition shall be binding upon all successors and assigns of said owners, who along with said  
10 owners shall be deemed to have waived all objections as to the constitutionality of the aforesaid  
11 waiver and the aforesaid reasonable condition.

12 **Section 4.** That this ordinance shall be recorded by the Department of Zoning Administration  
13 among the records of the Clerk and Recorder of the City and County of Denver.

14 PASSED BY THE COUNCIL February 22 2000

15 Happes Hayano - PRESIDENT

16 APPROVED: Walter S. Smith - MAYOR Feb 23 2000

17 ATTEST: Bruna B. Gori - CLERK AND RECORDER,  
18 EX-OFFICIO CLERK OF THE  
19 CITY AND COUNTY OF DENVER

20  
21 PUBLISHED IN THE DEN. ROCKY MTN NEWS Jan. 28, 2000 Feb. 25, 2000

22  
23 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY 1/18/00

24 REVIEWED BY: Thomas B. Gil ASST. CITY ATTORNEY January 20, 2000

25 SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_

