



# REZONING GUIDE

Rezoning Application Page 1 of 4

## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b> <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b> <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	Bishop Machebeuf High School, Inc	Representative Name	Matt Oermann, United Properties
Address	1300 S Steele St	Address	1331 17th St, Suite 604
City, State, Zip	Denver, CO 80210	City, State, Zip	Denver, CO 80202
Telephone		Telephone	(720) 898-5889
Email		Email	matt.oermann@uproperties.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):	8890 E. Lowry Blvd		
Assessor's Parcel Numbers:	0610200054000		
Area in Acres or Square Feet:	312,762 ac		
Current Zone District(s):	R-4 w/ Waivers		
<b>PROPOSAL</b>			
Proposed Zone District:	S-MX-5		
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> <b>Yes - State the contact name &amp; meeting date</b> <u>Libbie Adams 2/18/2021</u> <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> <b>Yes - if yes, state date and method</b> _____ <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>		

**REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)**

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>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 adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b> Lowry Reuse Plan</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <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.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</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 of 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="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-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.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document 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. 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.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this is document is required.)
- Other Attachments.** Please describe below.



# REZONING GUIDE

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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>	01/12/20	(A)	YES
Bishop Machebeuf High School, Inc. <i>DR. ANTHONY BONTA</i>	8890 E Lowry Blvd, Denver, CO 80230	100%	<i>Dr. Anthony Bonta</i>	<i>6/18/21</i>	A	<input checked="" type="radio"/> YES <input type="radio"/> NO
						<input type="radio"/> YES <input type="radio"/> NO
						YES NO
						YES NO

# 8890 E LOWRY BLVD

<b>Owner</b>	BISHOP MACHEBEUF HIGH SCHOOL INC 1300 S STEELE ST DENVER, CO 80210-2526
<b>Schedule Number</b>	06102-00-054-000
<b>Legal Description</b>	PT OF T4 R67 S9 & S10 COM E/4 COR SEC 9 N 1729.64FT TPOB THN53.2742E 185.13FT N53.2742E 25.19FT S81.4349E 69.63FTS36.3218E 589.93FT S53.2742W 491.72FT N36.2821W 639FTN53.2742E 231.26FT TPOB
<b>Property Type</b>	STADIUM
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	1850
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	2005	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	312,762	<b>Zoned As:</b>	R-4

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

Current Year				
	Actual	Assessed	Exempt	
Land		\$7,445,900	\$2,159,310	\$2,245,380
Improvements		\$296,800	\$86,070	
<b>Total</b>		<b>\$7,742,700</b>	<b>\$2,245,380</b>	

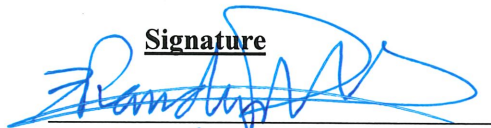

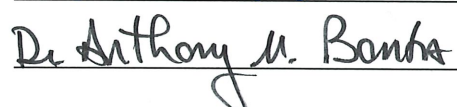
Prior Year				
	Actual	Assessed	Exempt	
Land		\$0	\$0	\$0
Improvements		\$0	\$0	
<b>Total</b>		<b>\$0</b>	<b>\$0</b>	

**CERTIFICATE OF INCUMBENCY**

To: UNITED PROPERTIES OF COLORADO, LLC ("UP")

The undersigned, Rebecca Welborn, Recording Secretary of BISHOP MACHEBEUF HIGH SCHOOL, INC., a Catholic high school and a Colorado nonprofit corporation (the "**Corporation**"), hereby certifies that:

- A. each of the persons named below are Members serving on the Corporation's governing Board of Members or duly elected officers of the Corporation, and presently hold the positions / titles opposite their name;
- B. said persons are authorized to act on behalf of the Corporation in transactions with UP concerning the Corporation's property located at 8890 East Lowry Boulevard, City and County of Denver, containing approximately 312,761 square feet, or 7.180-acres, improved with a baseball field and clubhouse, more or less (the "**Property**"), including transactions involving zoning activity and other general development activity, and conveyance transactions.
- C. the signature opposite each named person below is his or her true signature:


<u>Name</u>	<u>Title</u>	<u>Signature</u>
Very Rev. Randy M. Dollins, VG	Member, Board of Members	
Keith A. Parsons	Member, Board of Members	
Dr. Anthony Bonta	President	

The undersigned further certifies that if any of the above-named persons is no longer authorized to act on behalf of the Corporation in transactions with UP, the Corporation shall immediately provide to UP a new Certificate of Incumbency.

UP is hereby authorized to rely on this Certificate of Incumbency until a new Certificate of Incumbency, certified by the Recording Secretary or other officer of the Corporation, is received by UP.

This Certificate of Incumbency is made effective as of July 15, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand as of July 15, 2021

  
Rebecca Welborn  
Recording Secretary



# BISHOP MACHEBEUF HIGH SCHOOL

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June 16, 2021

City and County of Denver  
Community Planning and Development  
Attn: Libbie Adams  
201 West Colfax  
Denver, CO 80202

**Re: 8890 E Lowry Boulevard Rezoning :: Letter of Authorization**

The undersigned, as authorized representative of Bishop Machebeuf High School, Inc., a Colorado nonprofit corporation ("Owner") of that certain real property located at 8890 E. Lowry Boulevard, Denver, CO 80230 ("Property"), hereby authorizes United Properties Development LLC and Norris Design, together with their respective consultants, to apply for and pursue approval from the City and County of Denver of the attached request to rezone the Property.

Owner:

BISHOP MACHEBEUF HIGH SCHOOL, INC.,  
a Colorado nonprofit corporation

By: Dr. Anthony Bonta

Name: Dr. Anthony Bonta

Title: President/Principal

September 10<sup>th</sup>, 2021

City and County of Denver  
Community Planning and Development  
Atten: Libby Kaiser  
201 West Colfax  
Denver, CO 80202

**Re: 8890 East Lowry Boulevard Rezoning Request**  
**Application Number: 2021I-00031**

Dear Ms. Adams,

Norris Design, on behalf United Properties Development LLC (“Applicant”) respectfully requests that the City and County of Denver consider our application to rezone 8890 East Lowry Boulevard in the Lowry neighborhood. Our team, noted below, has included the following rezoning application request for your consideration:

**Applicant**

United Properties  
Contact: Matt Oermann  
1331 17th Street  
Suite 604  
Denver, CO 80202  
(720) 898-5889  
matt.oermann@uproperties.com

**Planner**

Norris Design  
Contact: Kayleigh Robinson  
1101 Bannock St.  
Denver, Colorado 80204  
303-892-1166  
[krobinson@norris-design.com](mailto:krobinson@norris-design.com)

**Site Background and Rezone Request:**

The proposed site is located at 8890 East Lowry Boulevard in Denver, Colorado. The approximate 6.9-acre property is one zone lot and generally bordered by East Lowry Boulevard to the north, North Yosemite Way to the east, Big Bear Ice Arena to the West, and Sports Boulevard and Lowry Open Space to the south. The property is currently a privately owned baseball field. Access to the field is not open to the public. Bishop Machebeuf High School (located within Lowry neighborhood) is the property owner and is selling this property to the Applicant. The school will be using the proceeds for capital improvements, scholarships for students, and new learning resources, all of which result in significant additional benefits to the neighborhood.

The property is currently zoned R-4 with Waivers under the former Chapter 59 code, pursuant to which all uses by right have been waived except for churches, public parks and playgrounds, schools, and theatrical studios. Further, the waivers also prohibit constructing improvements on the property more than 15,000 square feet and structures greater than 37 feet in height. The Applicant is requesting that the property be rezoned to S-MX-5.

The surrounding land uses include multifamily residential, single family residential, office, recreation, parks, and open space. The following table summarizes the existing context proximate to the subject site:



Direction	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
<b>Property</b>	R-4 WVRS	Private Open Space	N/A	Regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. Orthogonal streets provide connection and a mixed presence of alleys. Block sizes and shapes.
<b>N</b>	OS-A	Open Space	N/A	
<b>S</b>	O-1	Open Space	N/A	
<b>E</b>	B-3	Commercial/Office	Commercial/ Office building 4-stories	
<b>W</b>	B-3 WVRS	Commercial/Recreation	Ice rink / 2-stories	

The City’s Community Planning and Development (“CPD”) staff determined a LDR was not required for this property due to the existing adopted plan (Lowry Reuse Plan), open space and infrastructure being mostly constructed, and the fact that community engagement will occur in connection with the rezoning process.

Rezoning this property to S-MX-5 would allow this property to be developed with approximately 300 units in two buildings, an Active Adult 55+ for rent building (AA) and an Assisted Living and Memory Care building (ALMC). The requested zone district allows up to 5 stories.

As mentioned above, the Applicant proposes to develop the property for senior living, including some combination of age-restricted, active adult and assisted living and memory care uses. These proposed uses are consistent with the goals of the Lowry Neighborhood, as well as the City and County of Denver, as further explained below.

All future Site Development Plans for this site are required to comply with the Lowry Design Guidelines and will be subject to the review and approval of the Lowry Design Review Committee (LDRC). The LDRC helps Lowry maintain its unique community identity through the design and character of its neighborhoods, and works with developers, builders, property owners, business owners, and residents to carefully evaluate and synthesize architecture, landscape, and urban design so that they positively contribute to the fabric of their community.

### Neighborhood Outreach

The development team held a community information meeting on June 1, 2021, to discuss this proposed rezoning with neighbors. Meeting attendees were given Norris Design and The Pachner Company’s contact information, should community members have requests for additional information. Notifications for the community information meeting were sent to all specifically identified adjacent property owners.

Adjacent property addresses contacted:

- 402 N Yosemite
- 412 N Yosemite
- 432 N Yosemite
- 460 N Yosemite
- 461 N Yosemite
- 470 N Yosemite
- 480 N Yosemite
- 490 N Yosemite
- 500 N Yosemite

- 8750 E Lowry Blvd
- 8580 E Lowry Blvd

Additionally, our team has put an emphasis on gathering community and neighborhood feedback, early in the process. Our team has met with the following stakeholders regarding this proposed development. Those organizations where more than one meeting has occurred is indicated in parentheses.

- Denver City Councilmembers (Flynn, Kniech, Ortega, Sawyer, Black, Herndon)
- Lowry United Neighborhoods (monthly meeting)
- Lowry United Neighborhood Planning Sub-Group
- Lowry Design Review Committee & Lowry Community Master Association (3 meetings)
- Denver HOST
- Lowry Redevelopment Authority
- Lowry East Park Neighborhood

Our team is continually working with the following community stakeholders to gather additional feedback:

- Archdiocese of Denver/ Machebeuf High School
- Lowry Business Alliance
  - Lowry Foundation
  - Adjacent Businesses and community facilities
- Senior Community Businesses

As a recordation of community outreach and implementing community feedback, the development team has unilaterally offered to enter into a Good Neighborhood Agreement with Lowry United Neighbors. LUN and United Properties are currently working together on the specifics of the agreement. The agreement will address and commit to providing the requested items in LUN's June 28, 2021 letter of support.

#### **I. Review Criteria: Statement of Consistency with Adopted Plans**

The proposed rezoning to S-MX-5 is consistent with the applicable adopted plan guidance as described in this Section I.

##### Lowry Reuse Plan

The Lowry Reuse Plan was adopted in 2005 and provides guidance for this site. The plan identifies this site to be within Education, Residential, or Community Service Land Use Categories (p.3-3). Furthermore, retirement housing and managed care facilities are allowed uses under the residential category (p.3-5). New development will contribute positively to the established character of the Lowry Neighborhood and improve the transition between commercial development (Big Bear Ice Arena to the southwest and adjacent residential areas to the northeast). This rezoning proposal of S-MX-5 fits within the existing recommendation on the Lowry Reuse Plan.

##### Denver Comprehensive Plan 2040

Rezoning the property to S-MX-5 is consistent with Denver's Comprehensive plan 2040.

- Equitable, Affordable, and Inclusive
  - Goal 2: This development will create a greater mix of housing options for all individuals and families. It will service a range of seniors who are both seeking a community of other senior citizens, and those who need assistance with their daily living activities. (p.28).

- Goal 7: This development will increase accessibility of the neighborhood to senior citizens. We will be designing and constructing outdoor recreational spaces that will be senior citizen friendly, and ADA accessible.
    - Goal 8: We will expand the supply of housing accessible to seniors and people with disabilities. We will provide a continuum of care that allows seniors to age in place. There are very few Senior Living developments in Denver that provide Active Adult, Independent Living, Assisted Living, and Memory Care all at one location.
  - Strong and Authentic Neighborhoods
    - Goal 1: We are creating a quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. We are helping to ensure neighborhoods offer a mix of housing types and services for a diverse population.
    - Goal 4: We are providing a neighborhood-serving business that will create approximately 75 jobs.
    - Goal 8: This use follows the adopted Lowry neighborhood reuse plan established in 2005. Adding senior living units is a long-term strategy to accommodate the aging Baby Boomer generation.
  - Connected, Safe, and Accessible Places
    - Goals 4 & 6: This site currently has a trail along the western border of the site, along Westerly Creek, that connects parks to the north and south. Although not owned by the Parks Department and no trail easement exists, the public uses this as a public trail. The project will continue to maintain this trail connection and intends to add new green space along this trail that will be outdoor amenity space for the residents.
  - Economically Diverse & Vibrant
    - Goals 1 & 2: We are creating a quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. We are helping to ensure neighborhoods offer a mix of housing types and services for a diverse population.
    - Goal 6: A unique benefit of this real estate transaction is the land sale proceeds are going back to Machebeuf High School. Machebeuf is in Lowry. This money will go to new learning resources, capital improvements, and scholarship funds. Roughly half of the school's students identify as "non-white". 88% of students receive financial aid, and over half receive scholarships for over half of their tuition.
    - Goal 10: The senior residents of this facility will support and frequent the local food economy.
  - Environmentally Resilient
    - Goal 8: This rezoning promotes infill development where infrastructure and services are already in place (p.54). Additionally, this site has environmental challenges due to contaminated ground water from the former Air Force base activities, as well as naturally occurring heavy metals. The Applicant will be incurring the cost of working with these conditions in order to redevelop the site to this beneficial use.
  - Healthy & Active
    - Goals 1, 3, & 4: The Applicant's senior living developments provide residents the opportunity to enjoy the later years of their life and thrive in an active and social environment. Healthy food plans, group exercise classes, cooking classes, art classes, field trips and more, are all part of our typical activities at these facilities. We also support programs that create interaction between our senior residents and the local community.

*Blueprint Denver 2019*

*Blueprint Denver 2019* uses neighborhood contexts, places, and street types to provide a framework to evaluate proposed rezonings. The following will demonstrate how the proposed rezoning is consistent with *Blueprint Denver's* vision of this site.

- Future Neighborhood Context Map: According to *Blueprint Denver 2019*, the Neighborhood Context for this site is Suburban. For Suburban Future Neighborhood Context, *Blueprint Denver* offers the following guidance: “A range of uses from single-unit and multi-unit residential to commercial corridors and centers. Block patterns are generally irregular with curvilinear streets. Alleys are not commonly found. Buildings are typically set back from the street and range in scale.” Rezoning this to S-MX-5 will allow this property to be developed with a multi-unit residential building. The block structure is already in place for this area and nearby existing buildings have varying setbacks as well as varying heights.
- Future Places Designation: While *Blueprint Denver 2019* designates the Property’s Future Place Designation as “Other Park and Open Space”, *Blueprint Denver 2019* indicates the land use of a privately owned open space can change and the community should be engaged in the planning for the vision of the site (p.75). As mentioned above, our team has undertaken extensive engagement with the community in connection with this rezoning request and has considered community feedback and desires with respect to the same. Overall, the community feedback has been very positive. As evidence for this support, the Applicant is in the process of collecting letters of support from a variety of stakeholders. Our proposed rezoning is consistent with all other requirements of *Blueprint Denver 2019* and the site furthers many of the goals of *Blueprint Denver* (as shown throughout this section of the application). Many of the surrounding property designations are “Community Center”, and our proposed rezoning is comparable with and fits with these surrounding designations extremely well. The properties directly to the west and east are both “Community Center” designations. Lastly, we have been given the support of the Lowry Redevelopment Authority to pursue and obtain this rezoning as evidenced by their resolution permitting the Applicant to proceed, which was required under the existing private property restrictions.
- Growth Areas Strategy: The intent of *Blueprint Denver's* general growth strategy is to guide growth toward key centers, corridors, and high-density residential areas that align with transportation options (p.51). The majority of growth is guided to regional centers, community centers and corridors, select districts, and higher intensity residential areas. “All other areas of the city”, anticipates nearly 20% of new housing growth and 10% of new employment growth by 2040. Our site is bordered by “Community Centers” on both the east and west, and a large portion of the Lowry neighborhood is designated as “Community Centers”.
- Future Street Type: The site sits at the southwest corner of the intersection of E. Lowry Boulevard and Yosemite Street. E. Lowry Boulevard is designed as a Mixed-Use Arterial, which is designed for the highest amount of through movement and the lowest degree of property access (p.157). Uses on this portion of roadway should include a varied mix such as retail, office, residential, and restaurants. Buildings are typically multi-story and pedestrian-oriented with a shallow front setback. Yosemite Street is a Residential Arterial and, like E. Lowry Boulevard, is also designed for the highest amount of through movement and the lowest degree of property access. Uses on a Residential Arterial are primarily residential uses, but others may be considered including schools, civic uses, parks, or other similar uses. Setbacks vary by neighborhood context on Residential Arterials. The proposed rezoning would intensify the existing site but also bring it into compliance with the current Zoning Code. The adjacent streets have been designed to accommodate a higher intensity of uses and this use will not create a need for new street classifications for either E. Lowry Boulevard or Yosemite Street.

- **Equity Concepts:** The rezoning request to S-MX-5 identifies the equity concepts with this site as “average to above average” access to opportunity. There is a “more equitable” index regarding determinants to health, access to healthcare, and child obesity. There is a “somewhat equitable” life expectancy and a less equitable built environment. This site has no access to transit and access to centers and corridors varies between 25-74% based on walking, cycling, or driving. This site is considered as “not vulnerable” to causing displacement for all three indicators for *Housing An Inclusive Denver* (percent of population with less than a college degree, percent of renter-occupied units, and median household income) as there are no existing residential units on this property.

Rezoning this property would expand housing diversity. Home size diversity, rental potential, and number of income restricted units are the three indicators driving housing diversity. A lack of middle-density housing (2-19 units) and housing costs are indicators not being realized for this request. Since this area has less than 100 jobs, there is no data on the job category breakdown. This new development would create approximately 75 jobs (12 salaried, manager level and 63 hourly).

The equity concepts worksheet provided by the City, states the proposed existing income restricted units are “diverse” within the subject census tract, having more than three and a half times the citywide average. The Lowry Master Development established a separate affordable housing plan with the City that laid out affordable housing goals specific to Lowry. The master development has far exceeded these goals and subsequently new residential developments within this established area are no longer required to provide affordable housing or pay City established linkage fees. In this same vein, the equity concepts worksheet provided by the City states the existing income restricted units are “diverse” within the subject census tract, having more than three and a half times the citywide average. **In addition to this already robust offering of affordable living in Lowry, United Properties has committed to providing 10% affordable units at 80% AMI rent level of the age restricted rental building (active seniors). This meets the request made in the LUN June 28<sup>th</sup> letter. We have worked closely with LUN over the past 6 months to reach this goal. In addition, we have been working with HOST on finalizing the affordable agreement, which will reflect these requirements. This will provide the first income restricted senior rental units in this area. This will further increase housing diversity as it pertains to housing costs and options.** United Properties has been working with HOST and has their support for our affordable unit commitment. We are currently working with HOST to complete a voluntary affordable housing agreement.

### Housing An Inclusive Denver

The requested map amendment would allow the applicant to develop the property with age restricted senior housing and an assisted living and memory care facility. According to *Housing An Inclusive Denver*, Denver is growing older. According to the plan, “Denver’s senior population increased 35% between 2010 and 2017. Between 2017 and 2035, projections suggest that the number of seniors in Denver will increase by 52% between 2017 and 2035, representing the largest share of Denver’s population growth over that time. The city’s past and future growth in seniors aged 65 and older will clearly drive the needs and considerations of developing and siting future housing. These needs and considerations include creating more income-restricted housing targeted for seniors, incorporating accessibility features in senior housing, promoting access to health services, and supporting local programming to help seniors successfully age in place...and construction of additional senior housing will increase overall supply of senior housing...(p.109-110).”

This rezone will help meet the goals of *Housing An Inclusive Denver* by providing much needed market rate and income restricted senior housing in the City of Denver.

## **II. Review Criteria: Statement of Uniformity of District Regulations**

The rezoning request to S-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. This proposed rezoning is consistent with the S-MX-5 zone district as it sits at the intersection of two arterial streets and is limited to five stories or less.

## **III. Review Criteria: Statement of Furthering the Public Health, Safety and Welfare**

The proposed map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans.

The requested rezoning would allow the property to accommodate a senior housing development which is compatible with surrounding land uses and would allow an aging population within the Lowry and surrounding neighborhoods to remain in the area as they continue to age. As the Baby Boomer generation continues to age and our average life expectancy as a population continues to rise, there is a growing need for senior living facilities like these. Additionally, Bishop Machebeuf High School, the current owner of the subject property, will be using the proceeds on capital improvements, scholarships for students, and new learning resources, all of which result in additional benefits to the Lowry Neighborhood.

## **IV. Review Criteria: Justifying Circumstances**

The rezoning is justified under DZC Section 12.4.10.8, "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: c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." This rezoning from Former Chapter 59 will bring the current property under the current Denver Zoning Code.

## **V. Review Criteria: Statement of Consistency with Neighborhood Context Zone District Purpose, and Intent**

The purpose of the S-MX-5 Mixed Use Zone District is intended to promote safe, active, and pedestrian-scaled, diverse areas using building forms that clearly define and activate the public street edge. Mixed Use zones are intended to enhance convenience, ease and enjoyment of transit, walking, shopping, and public gathering within and around the city's neighborhoods. Mixed Use standards are also intended to ensure new development contributes positively to established neighborhoods. Mixed Use districts are focused on creating mixed, diverse neighborhoods and are intended for corridors, embedded neighborhood business areas and larger sites (p. 5.2-4).

The S-MX-5 zone district is intended for use in the Suburban Neighborhood Context and are appropriate along corridors and intersections served primarily by collector or arterial streets where the building scale of 1 to 5 stories is desired. The subject site is at the southwest corner of Yosemite Way and E. Lowry Boulevard which is primarily served by residential collectors. The building form standards for S-MX-5 balance the importance of street presence and provision of adequate parking. The standards for S-MX-5 are intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods.

This rezoning request is consistent with being within a Suburban Neighborhood Mixed-Use Context and would allow for new development to occur that would further diversify housing options in the Lowry Neighborhood.

Conclusion:

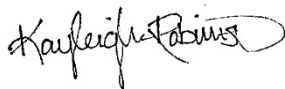
The proposed S-MX-5 map amendment satisfies the criteria for rezoning and is consistent with guidance in the *Lowry Reuse Plan*, *Blueprint Denver 2019*, *Denver Comprehensive Plan 2040* and *Housing an Inclusive Denver*. In summary:

- Housing diversity will be expanded. United Properties committed to entering into a voluntary affordable housing agreement with HOST to provide active adult/age restricted rental units that will be affordable units. This will increase housing availability for senior citizens within the City.
- Senior housing meets a growing demand. This development also has the unique advantage of providing a full spectrum of senior housing options and services, allowing our residents to truly age in place.
- The rezone promotes safe, active, pedestrian-scaled diverse areas that enhance the convenience and ease of walking within and around the city's neighborhoods. This site is in a walkable neighborhood which aligns with our mission of providing active and healthy lifestyles for our senior residents.
- The rezone aligns with Denver's growth area strategy. The necessary infrastructure to support this development is already in place.
- The rezone conforms with the Suburban Neighborhood Context and is adjacent to corridors at major intersections (E. Lowry Blvd and Yosemite Way), which is explicitly suited for S-MX-5.
- Future buildings will comply with all building form standards, balancing the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening along the right-of-way.
- Future buildings will demonstrate the highest community and urban design standards, building upon the existing assets of the surrounding area.
- This site will become an extension of and supporting element for Denver's adopted plans for this area.

Thanks for your consideration of this request.

Sincerely,

Norris Design



Kayleigh Robinson  
Associate

United Properties



Matt Oermann  
Senior Development Manager