



**Community Planning and Development**  
Planning Services

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
p: 720.865.2915  
f: 720.865.3052  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)

**TO:** Denver City Council  
**FROM:** Steve Nalley, Senior City Planner  
**DATE:** June 16, 2014  
**RE:** Zoning Map Amendment #2014I-00016  
**8175 E Lowry Blvd.**  
**Rezoning from B-3 w/ waivers to C-MX-3**

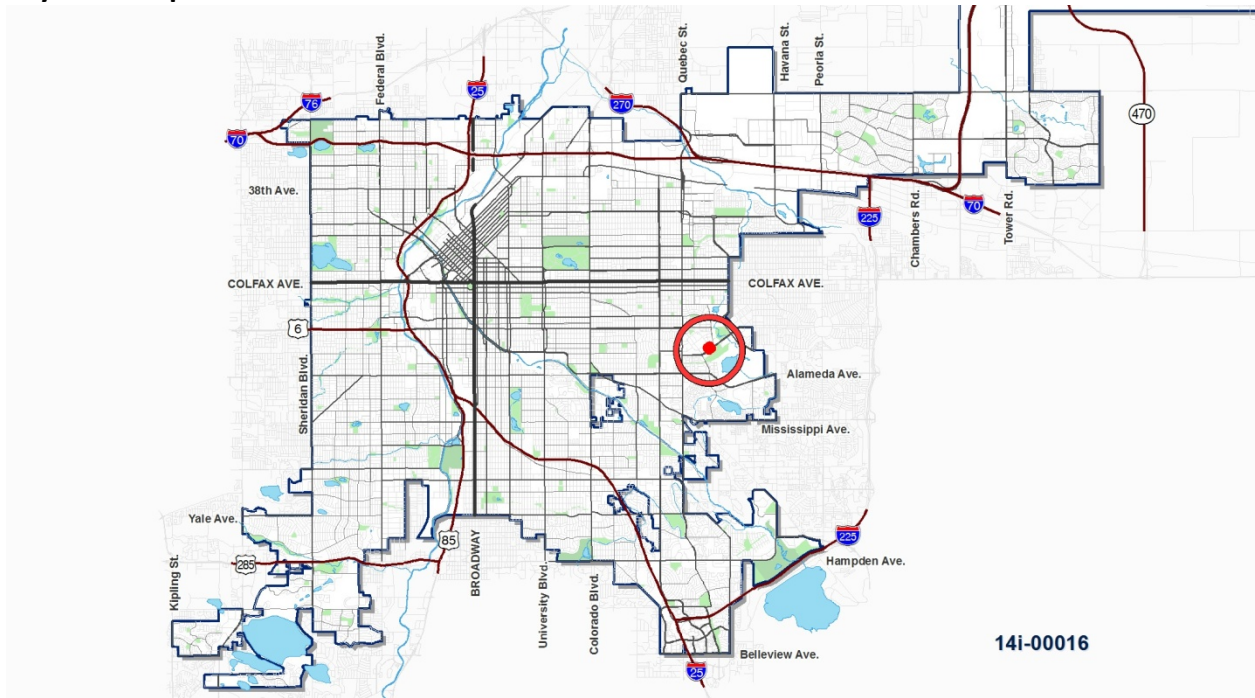
## Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #2014I-00016 for a rezoning from **B-3 w/ waivers to C-MX-3**.

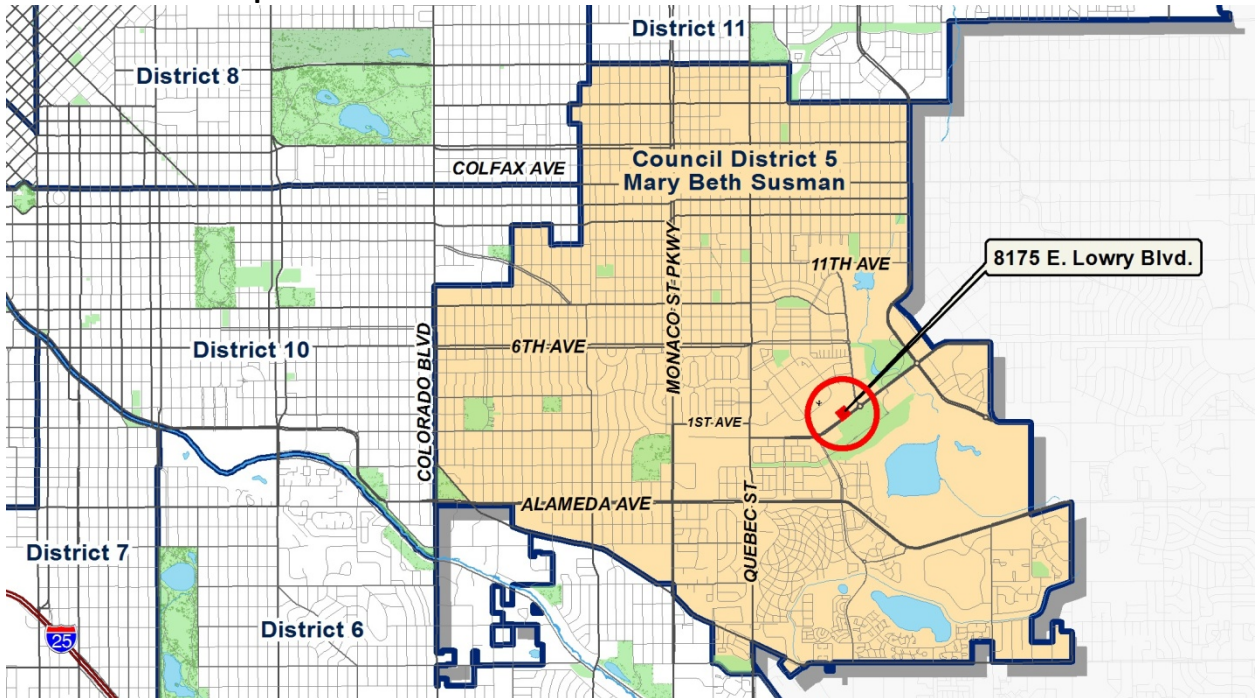
## Request for Rezoning

Application:	#2014I-00016
Address:	8175 E Lowry Blvd.
Neighborhood/Council District:	Lowry Field / Council District #5 - Mary Beth Susman
RNOs:	Lowry United Neighborhoods, Lowry Community Master Association, Hangar Lofts Condominium Association, Denver Neighborhood Association Inc., Inter-Neighborhood Cooperation
Area of Property:	2 acres
Current Zoning:	B-3 w/ waivers
Proposed Zoning:	C-MX-3
Applicant/Owner:	Hospice of Metro Denver, Inc
Contact Person:	Bob Gollick

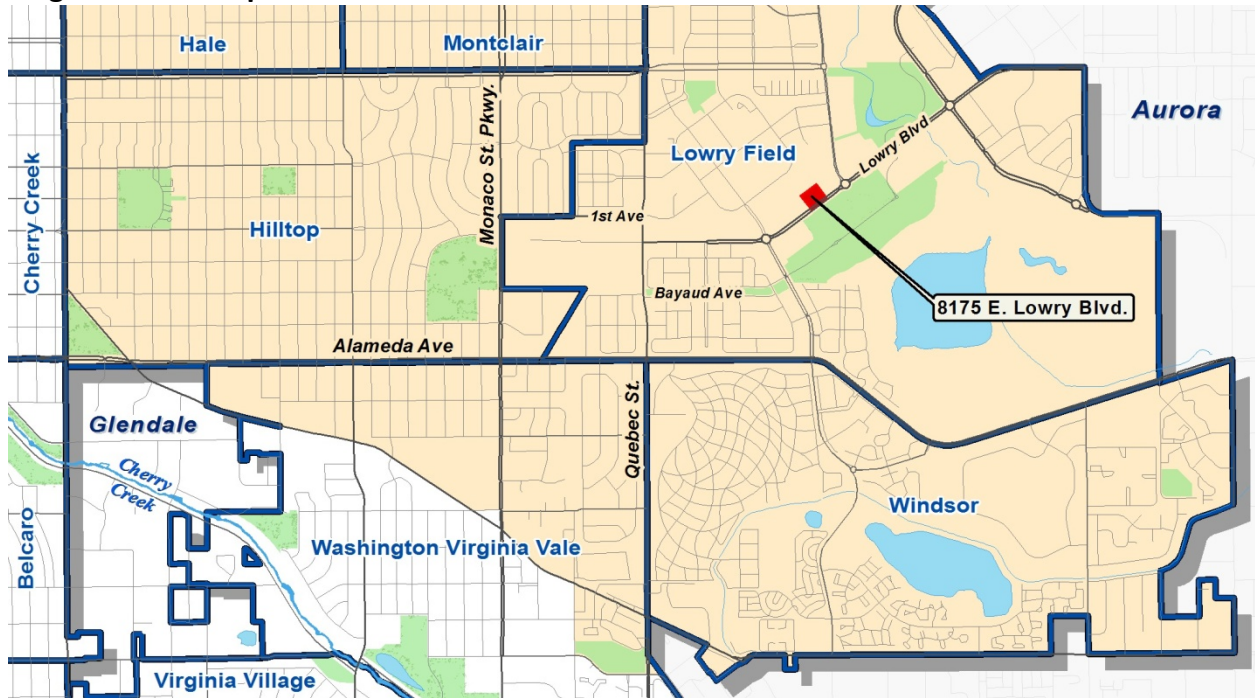
### Citywide Map



### Council District Map



### Neighborhood Map



### Summary of Rezoning Request

The property proposed for rezoning is located on the north side of Lowry Blvd. The site is currently vacant. The existing zoning for the site is B-3 with waivers. The requested zoning for the site is C-MX-3 in the Urban Center Neighborhood Context. Details of C-MX-3 can be found in Article 7 of the Denver Zoning Code (DZC). The property owner seeks an updated zone district, C-MX-3, rezoning from the (old) Former Chapter 59 Code to the (new) DZC. This rezoning would allow appropriate redevelopment within the Lowry Area of Change and along Lowry Boulevard reinforcing the mixed use nature of the Mixed Use – Arterial.



Image source: Google, image date: September 2011

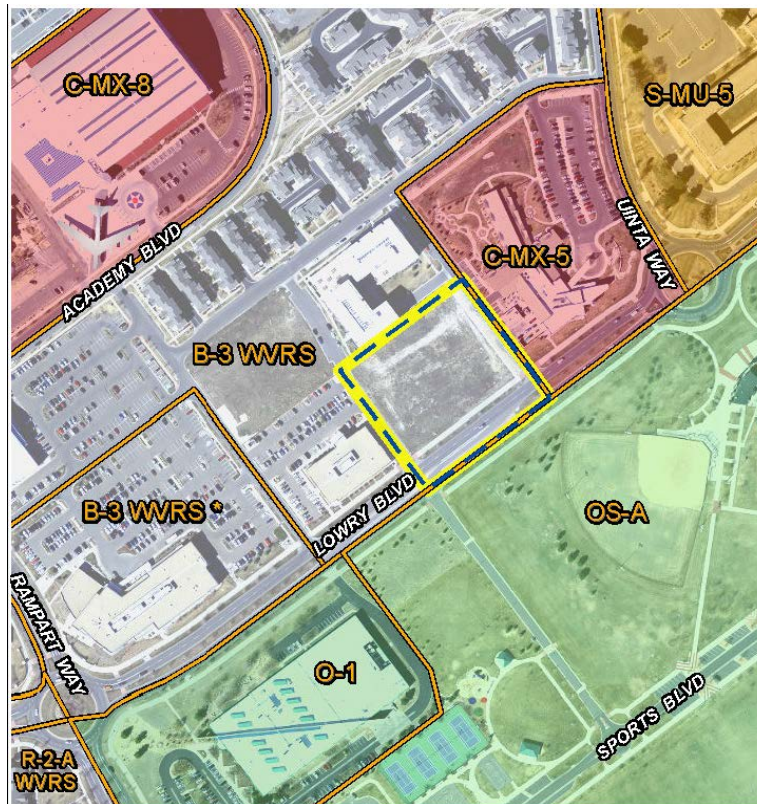
## Existing Context



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

	Existing Zoning	Existing Land Use	Blueprint Denver	Existing Block, Lot, Street Pattern
Site	B-3 w/ waivers	Vacant	Employment – Area of Change	Irregular grid of streets; Block sizes and shapes are rectangular and consistent Vehicle parking to the rear or side of buildings (varying public or private alley access).
North	B-3 w/ waivers	Multi-Family Residential	Employment – Area of Change	
South	OS-A	Parks - Open Space - Recreation	Single Family Residential – Area of Change	
East	C-MX-5	Nursing Home - Senior Housing	Employment – Area of Change	
West	B-3 w/ waivers	Commercial/Retail - Medical Services	Employment – Area of Change	

## 1. Existing Zoning

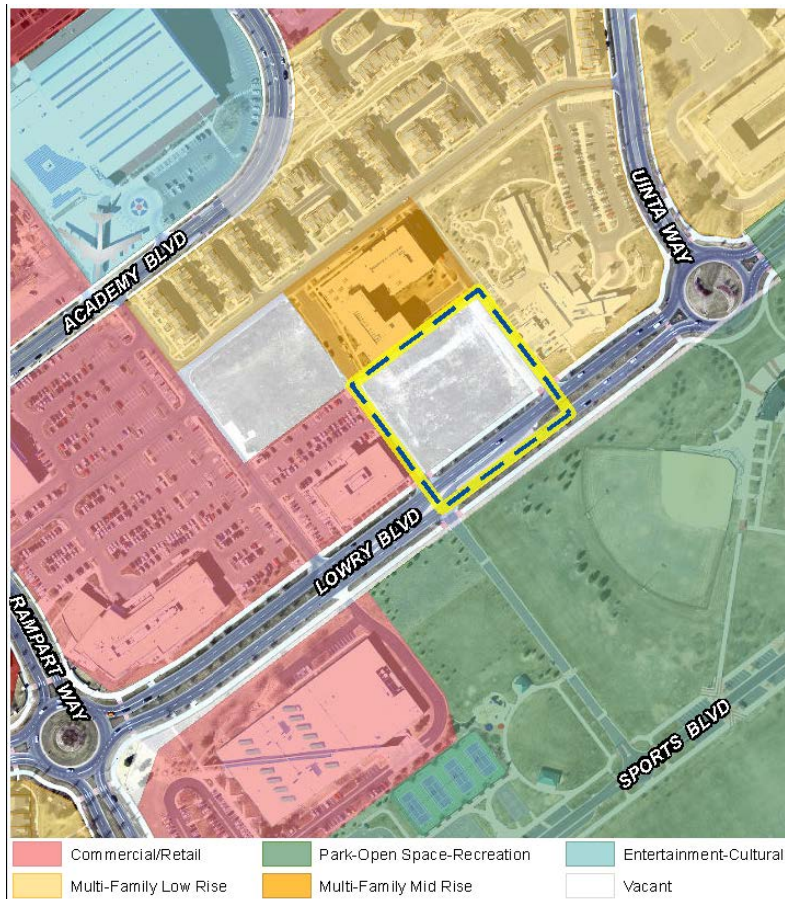


The existing B-3 with waivers zoning was adopted by City Council in 1996. This site was not rezoned as part of the new code effort in 2010 because the existing B-3 has waivers. The 2010 new code mapping effort did not include properties that were zoned PUD, PBG, or had waivers and/or conditions unless the property owner desired to be included. B-3 is a primarily commercial Former Chapter 59 zone district, yet allows single unit and multi-unit residential.

The existing zoning allows all uses in B-3, except waives the right to use or occupy the land for: assisted living facility; residential, institutional/special; animal sales, service, care, household pets only; automobile gasoline filling station, emissions inspection; automobile wash, laundry and/or polishing shop; automobile, motorcycle, light truck, leasing, rental; food preparation and sales, commercial; hotel; motel; helipad, helistop, heliport; newspaper distribution station; community or senior center or recreation facility; and mortuary.

The existing zoning also waives the right to build structures that exceed 75 feet.

## 2. Existing Land Use Map



The existing land use of the subject site is vacant. The surrounding land use is mixed. Land use to the northeast of the subject site is predominantly residential in nature, including multi-family and senior housing/hospice. Land use to the northwest, west and southwest is a mixture of vacant, commercial/retail, entertainment/cultural and office. To the southeast of the site is open space, recreation and is home to Jackie Robinson Fields Park.

### 3. Existing Building Form and Scale

The existing buildings in immediate proximity to the subject site range from 1 to 3 stories. The buildings to the east and west of the subject site are oriented to Lowry Blvd and do not have parking between Lowry Blvd and the structures. Parking is either to the side, behind or under buildings accessed by private side streets or alleys.

Looking southwest along Lowry Blvd



Image source: Google, image date: September 2011

Looking northwest directly at the subject site and the Hangar Lofts in the far ground



Image source: Google, image date: September 2011

Looking northeast along Lowry Blvd.



Image source: Google, image date: September 2011

## Summary of City Agency Referral Comments

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

**Asset Management:** No comment

**Denver Fire Department:** No comment

**Development Services – Wastewater:** Approve - Development Services Wastewater has no objection to the proposed re-zoning, however there is no assurance that storm or sanitary capacity is available for such development.

**Development Services – Project Coordinator:** Approve – for rezoning only.

**Development Services – Transportation:** Approved – No comment

**Public Works – City Surveyor:** No comment

## Public Review Process

CPD Staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on April 1, 2014.

The property was legally posted for a period of 15 days announcing the Denver Planning Board public hearing on its regularly scheduled meeting on April 16, 2014. Planning Board unanimously recommended approval of this rezoning.

The property was legally posted for a period of 21 days announcing the Denver City Council public hearing.

Written notification of the Planning Board public hearing, the LUTI committee meeting, and the City Council public hearing was sent to all affected registered neighborhood organizations.



## Criteria for Review / Staff Evaluation

The criteria for review of this official map amendment are found in DZC, Sections 12.4.10.13, as follows:

### **DZC Section 12.4.10.13**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent

### **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Lowry Reuse Plan (adopted in 1993 – readopted as supplement to Comp Plan 2000)

#### **Denver Comprehensive Plan 2000**

C-MX-3 is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – “Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.”
- Land Use chapter, Strategy 3-B is to “Encourage quality infill development that is consistent with the character of the surrounding neighborhood...”
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services.

Comp Plan 2000 anticipates growth in land and development and references Lowry as a redeveloping mixed-use neighborhood on Denver’s eastern flank. Lowry is considered an urban center similar in development potential to DIA/Gateway, Stapleton, Central Platte Valley, and DTC. Comp Plan anticipated the build-out of Lowry by 2006, but vacant, undeveloped land remains, including the subject site.

The proposed map amendment would enable the option for mixed-use development on an infill location where services and infrastructure are already in place. The rezoning is consistent with these plan recommendations.

## **Blueprint Denver**

According to the 2002 Plan Map adopted in Blueprint Denver, the site is located in an **Area of Change**, has a concept land use of **Employment**, and is located along a **Mixed Use – Arterial**.

### **Area of Change**

Blueprint Denver establishes three types of Areas of Change:

- Downtown;
- Lowry, Stapleton and Gateway; and
- Areas where land use and transportation are closely linked.

Blueprint “supports the development of Lowry, Stapleton and Gateway by fashioning these areas after Denver’s urban design legacies.” “The Blueprint Denver scenario calls for a level of local retail, services and jobs to support the needs of residents who will occupy future housing on these sites. Such a development pattern ensures that residents can find goods, services and employment close to home and may help reduce the number and length of trips taken.” (Blueprint Denver, pg. 22)

“The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and short auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial”

### **Future Land Use**

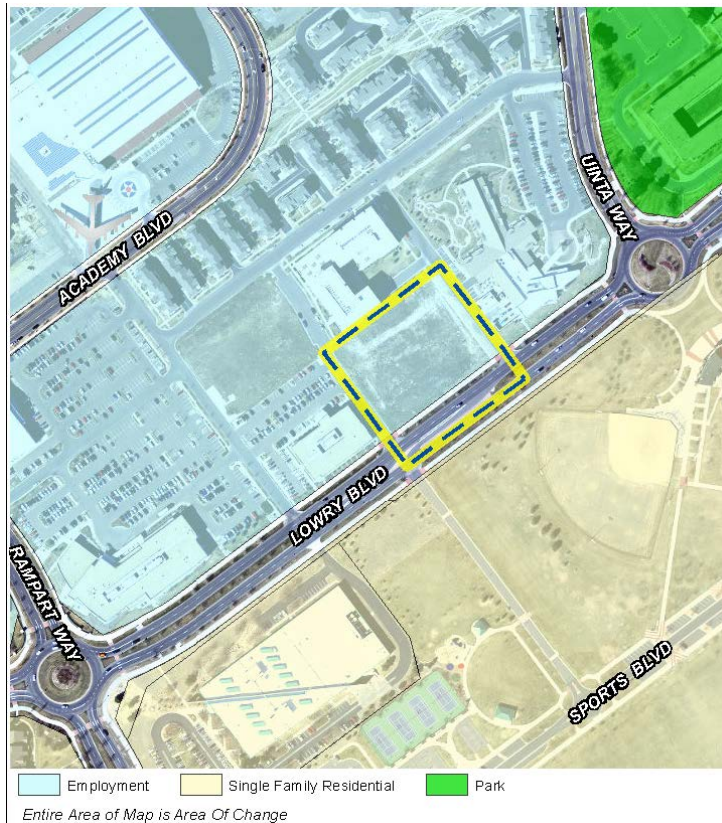
Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail is found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial and some industrial activity.

### **Street Classifications**

Lowry Blvd has a concept street classification of Mixed Use - Arterial. Arterial streets are designed for a high degree of mobility connecting major points throughout commercial and residential developments.

The proposed C-MX-3 zone district broadens the variety of allowed uses and enables the option for mixed-use development that relates to Lowry Blvd as the primary street. The rezoning is consistent with these plan recommendations.

## Blueprint Denver Map



### Small Area Plan: Lowry Reuse Plan

The Lowry Reuse Plan was adopted by City Council in November of 1993 to establish direction for the reuse and redevelopment of the Lowry Air Force Base.

The community envisioned development of several reuse themes throughout Lowry. This site is designated as “Employment Campus / Business and Training Center.” It is located with the subarea “Development Planning Area 5”, which calls for educational, cultural and/or recreational business and training center uses. The urban design recommendations include creating an urban setting and eliminating or mitigating the negative visual impacts associated with reuse, such as automobile parking.

The proposed C-MX-3 zone allows uses and requires height, siting and design elements that are consistent with these plan recommendations.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-3 will result in the uniform application of zone district building form, use and design regulations.

### **3. Public Health, Safety and General Welfare**

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

### **4. Justifying Circumstances**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As mentioned above, this site is designated as an Area of Change in Blueprint Denver. The changes and new investment occurring in the area justify updated zoning that will encourage redevelopment. In addition, the proposed zoning recognizes the vision established in Blueprint Denver and the Lowry Reuse Plan. Finally, the current B-3 zoning was left in place during the 2010 Denver Zoning Code (DZC) update while adjacent sites were mapped into the new code. Updated zoning will encourage uniform application of the new DZC in this area.

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

- The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback
- The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- The Mixed Use Zone Districts standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

The proposed rezoning would lead to development that is consistent with the neighborhood context description and zone district purpose and intent.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning for the property at 8175 E. Lowry Blvd to the C-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

### **Attachments**

1. Application



DENVER  
THE MILE HIGH CITY

# Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	HOSPICE OF METRO DENVER, INC
Address	501 South Cherry Street, Suite 700
City, State, Zip	Denver, Colorado 80246-1328
Telephone	303 342-0276
Email	bgollick@comcast.net
*If More Than One Property Owner: 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.	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Robert J. Gollick, Inc.
Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80209
Telephone	303 722-8771
Email	bgollick@comcast.net
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

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 deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	8175 East Lowry Boulevard
Assessor's Parcel Numbers:	Portions of: 0609100109000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See Exhibit "D":Legal Description
Area in Acres or Square Feet:	2.04± acres or 88,862.4± square feet
Current Zone District(s):	B-3 with waivers
PROPOSAL	
Proposed Zone District:	C-MX-3 <span style="float: right;">1.20.14</span>

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)



201 W. Colfax Ave., Dept. 205

Denver, CO 80202

(720) 865-2983 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> 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</p> <p>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"/> 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.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</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"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</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>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.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

ATTACHMENTS

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

Please list any additional attachments:

Please Refer to the Addendum Pages for all Exhibits  
 Exhibit "A": Description of Consistency with Adopted City Plans (DRMC 12.4.10.13(A, B & C))  
 Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A & B))  
 Exhibit "C": Legal Descriptions and Graphic Exhibit  
 Exhibit "D": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative  
 Exhibit "E": Summary of Neighborhood Outreach Program  
 Exhibit "F": Proof of Ownership (Assessor's Record)  
 Exhibit "G": Letter of Support



**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 (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (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)	NO
HOSPICE OF METRO DENVER, INC	501 South Cherry Street, Suite 700 Denver, Colorado 80246-1328 303 342-0276 bgollick@comcast.net	100%	<i>JK Gustafson</i> <i>UFO</i>		A	Yes

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)



201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
(720) 865-2983 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**January 20, 2014**

Addendum Pages to the proposed Official Zone Map Amendment for 8175 East Lowry Boulevard.

Application No. 2014I-000??

Current Zoning: B-3 with waivers

Proposed Zoning: C-MX-3

Site Size: 2.04± acres or 88,862.40± square feet

**Property Owner**

**HOSPICE OF METRO DENVER, INC**

501 South Cherry Street, Suite 700

Denver, Colorado 80246-1328

**Authorized Representative:**

Robert J. Gollick, Inc.

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

[bgollick@comcast.net](mailto:bgollick@comcast.net)

Included as part of this submittal are the following documents:

**Exhibit "A":** Description of Consistency with Adopted City Plans

- Comprehensive Plan 2000
- Blueprint Denver

**Exhibit "B":** Description of Justifying Circumstances

- Neighborhood Context and Effect of Rezoning

**Exhibit "C":** Legal Descriptions and Graphic Exhibit

**Exhibit "D":** Letter of Authorization

**Exhibit "E":** RNO Notification Letter

**Exhibit "F":** Proof of Ownership (Assessor's Record)

**Exhibit "G":** Letter of Support



## **Exhibit "A": Description of Consistency with Adopted City Plans**

### **REVIEW CRITERIA**

The proposed map amendment is consistent with the following three adopted plans.

- 1. Denver Comprehensive Plan 2000, and**
- 2. Blueprint Denver**

### **Review Criteria 1. Denver Comprehensive Plan 2000**

#### ***Land Use Chapter***

#### **Objective 1: Citywide Land Use and Transportation Plan**

Balance and coordinate Denver's mix of land uses to sustain a healthy economy, support the use of alternative transportation, and enhance the quality of life in the city.

Strategy 1-B: Ensure that the *Citywide Land Use and Transportation Plan* reinforces the city's character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Strategy 1-C: Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, **Lowry**, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle.

#### **Objective 3: Residential Neighborhoods and Business Centers**

Preserve and enhance the individuality, diversity and livability of Denver's neighborhoods and expand the vitality of Denver's business centers.

Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

#### **Objective 4: Land Use and Transportation**

Ensure that Denver's Citywide Land Use and Transportation Plan and regulatory system support the development of a clean, efficient and innovative transportation system that meets Denver's future economic and mobility needs.

Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

Strategy 4-B: Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

### ***Mobility Chapter***

Explore and then use a wide variety of mechanisms to reduce the number of vehicle miles traveled, especially at peak times.

Objective 4: Changing Travel Behavior

Strategy 4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services.

### ***Legacies Chapter***

**Opportunity:** New Development: Development plans for **Lowry**, Stapleton, the Central Platte Valley and the DIA/Gateway area can extend the quality and character of Denver's historic urban design features.

### **Objective 2 New Development, Traditional Character**

In new development, adapt Denver's traditional urban design character to new needs expectations and technologies.

Strategy 2-A: Establish development standards to encourage positive change and diversity while protecting Denver's traditional character

Strategy 2-E: Ensure that the Zoning Code reinforces quality urban design.

### **Objective 3 Compact Urban Development**

Incorporate visionary urban design principles into new development patterns to achieve a higher concentration and more diverse **mix of housing**, employment and transportation options in identified areas of the city.

Strategy 3-A: Identify areas in which increased density and **new uses** are desirable and can be accommodated.

### ***Environmental Sustainability Chapter***

**Strategy 2-F** Conserve land by:

- Promoting infill development within Denver at sites where services and infrastructure are already in place.
- Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

**Strategy 4-A** Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, **providing opportunities for people to live where they work.**

## **Review Criteria 2. Blueprint Denver: An Integrated Land Use and Transportation Plan**

*Note: The following portion of this application contains excerpts and paraphrasing from Blueprint Denver.*

Blueprint Denver has designated the subject property as an **Area of Change** with a conceptual land use designation of **Employment Area** and further categorized (page 135) as a **mixed-use district**. Blueprint Denver expects 17,000 additional jobs and 16,000 new housing units at Stapleton, Gateway and **Lowry** by 2020. One of Denver's unique characteristics is the presence of these large vacant development sites. Blueprint Denver addresses how to accommodate this growth through an analysis of Areas of Change.

The Blueprint Denver scenario calls for a level of local retail, **services and jobs** to support the needs of residents who will occupy future housing on these sites. Such a development pattern ensures that residents can find goods, services and employment **close to home and may help reduce the number and length of trips taken**.

The Areas of Change are organized into districts, residential areas, centers and corridors. In most cases, changes in these areas will occur through following adopted plans such as for downtown Denver, Stapleton, and **Lowry**, or through developing new small area plans.

Numerous policies and recommendations contained in Blueprint Denver are in support of the proposed map amendment. A few of these follow:

Blueprint Denver Strategies (for implementation)

- Urban character
- Pedestrian and transit supportive design and development standards
- Mixed land uses—retail and employment near residential neighborhoods
- Multi-modal streets
- Street grid/connectivity
- Adequate parks and open space

As stated in Blueprint Denver, much of Denver's growth will be accommodated by infill development on vacant land or through redevelopment of existing sites. The proposed map amendment will meet that statement by providing the appropriate entitlement to develop a mixed-use project on a significant vacant parcel.

### **Exhibit "B":**

#### **Section "A" Description of Justifying Circumstances**

The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of

the area.

The proposed map amendment is in response to the changed and changing conditions in this area.

The proposed C-MX zoning allows a mix of uses appropriate for a site such as this located along Lowry Boulevard. The current anticipated use is for an assisted living facility providing memory care services. The existing B-3 with waivers zone district does not permit the intended assisted living/memory care facility use and thus cannot meet the development needs for this site or provide the City and area residents the benefits associated with such a facility.

The property proposed for rezoning within this application is a portion of the former Lowry Air Force Base, which was closed on September 30, 1994. As a result of the closure of the Air Force Base and the goal of converting the property to a mixed-use community and thus private ownership, conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

The entire base property was under the control and operation of the Lowry Economic Redevelopment Authority (LRA), an authority created by intergovernmental agreement between the City and County of Denver and the City of Aurora. Over the past several years, the LRA sold numerous parcels to a variety of development entities. This parcel was sold to the Hospice of Metro Denver, Inc. (Hospice) in 2008.

Of significance is the ongoing successful development of the former Lowry Air Force Base. Numerous residential and commercial developments have changed the area. There is a demand for services, amenities and workspace that did not exist a few years ago. Additionally, numerous other changes have occurred that justify the proposed map amendment. A few are listed as follows:

1. Approval of the site as an **“Area of Change”** with a land use designation of Employment Area within “Blueprint Denver”,
2. As the Lowry community has matured, there is a need for the types of services permitted in the C-MX zone districts. These include the anticipated assisted living/memory care facility that may develop if the proposed map amendment is approved,
3. The numerous developments that have occurred at the former Air Force Base that makes this one of the most successful base closures in the nation, and
4. The adoption of the 2010 Zoning Code, which provides “form-based”, zoning tools to address the development goals of the City and the neighbors for infill sites.

As mentioned, the area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and residential development necessary for positive planned growth to occur.

The requested rezoning and resulting redevelopment of the property will advance the goals and implementation of the Lowry Reuse Plan, which has been approved and incorporated, into the Denver Comprehensive Plan.

#### Section "B" Neighborhood Context and Effect of Rezoning

The proposed amendment is to provide the framework for the development of a property located at one of Lowry's most important sites. This proposed map amendment request approval of the C-MX-3 zone district, which is the same as the adjacent zoning along the east property line.. All of the MX designated zone districts are mixed-use. The C-MX-3 zone district was adopted by City Council to respond to development parcels such as this and is categorized as Urban Center Neighborhood Context. The Zoning Code describes the neighborhood context of the C-MX districts as consisting of multi-unit residential and mixed-use commercial strips and commercial centers allowing multiple unit residential buildings along with commercial buildings that may be live work. The general intent is to encourage mixed-use developments with the building(s) being located close to the street. The Urban Center Neighborhood Context, C-MX-3, (from the Zoning Code) is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood. This is precisely the nature of the proposed zoning.

The effect of the proposed amendment will be immediate and positive. Zoning proposals such as this one can be the catalyst for smart growth providing employment opportunities and necessary services located near where people live and work. Development of the subject property under the guidelines of the mixed-use zoning will provide a quality development and employment opportunities along a highly visible street that is appropriate for development. The uses permitted in the C-MX zone district will activate the Lowry Boulevard providing an attractive street frontage.

As paraphrased from the Zoning Code, the **General Purpose** of the C-MX or Mixed Use Zone Districts is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. The districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. They are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods. The Mixed Use districts are focused on creating mixed, diverse neighborhoods at the neighborhood scale by requiring a shallow front setback with high build-to requirements.

The proposed height of 3 stories is consistent with the approved zoning in the area. In order for the subject site, an “area of change” as described in Blueprint Denver, to stay viable into the future, new projects must have appropriate land use(s), which the C-MX district provides, and adequate density to provide the quality of design expected at Lowry. 3 stories is a very appropriate height in relation to the project’s specific location along Lowry Boulevard.

**Exhibit "C": Legal Description and Graphic Exhibit**

**8175 E. LOWRY BLVD. DENVER, CO 80230**

**LEGAL DESCRIPTION OF THE LAND**

A PART OF LOT 1, BLOCK 2, LOWRY FILING NO. 3, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 THE FOLLOWING TWO (2) COURSES;

1. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 13°46'37", A RADIUS OF 988.00 FEET, AN ARC LENGTH OF 237.57 FEET AND WHOSE CHORD BEARS NORTH 60°21'01" EAST A DISTANCE OF 237.00 FEET;
2. NORTH 53°27'42" EAST A DISTANCE OF 599.32 FEET TO A POINT 294.76 FEET NORTHEAST OF THE NORTHEASTERLY LINE OF A PARCEL OF LAND DESCRIBED AT RECEPTION NUMBER 2004166932 IN THE CLERK AND RECORDERS OFFICE OF SAID CITY AND COUNTY OF DENVER AND THE POINT OF BEGINNING;

THENCE NORTH 36°32' 18" WEST, PARALLEL WITH AND 294.76 FEET NORTHEAST OF SAID NORTHEASTERLY LINE, A DISTANCE OF 253.78 FEET TO A POINT 253.78 FEET NORTHWEST OF SAID SOUTHEASTERLY LINE OF LOT 1;

THENCE NORTH 53 °27'42" EAST, PARALLEL WITH AND 253.78 FEET NORTHWEST OF SAID SOUTHEASTERLY LINE, A DISTANCE OF 349.60 FEET TO A POINT 644.36 FEET NORTHEAST OF SAID NORTHEASTERLY LINE OF SAID PARCEL;

THENCE SOUTH 36°32' 18" EAST, PARALLEL WITH AND 644.36 FEET NORTHEAST OF SAID NORTHEASTERLY LINE, A DISTANCE OF 253.78 FEET TO SAID SOUTHEASTERLY LINE OF LOT 1;

THENCE SOUTH 53°27'42" WEST, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 349.60 FEET TO THE POINT OF BEGINNING.





**Exhibit "D": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative**

**FORM OF AUTHORIZATION LETTER**

Chris Gleissner  
Senior City Planner  
Community Planning and Development  
201 West Colfax Avenue, Second Floor  
Denver, Colorado 80206

Re: That certain property located in Lowry as described as Lowry FLG #3 of L1 located  
Denver, Colorado (+/- 2.04 acres) (the "Property")

Dear Mr. Gleissner:


This letter serves as authorization for Buccaneer Development, Inc., and Robert J. Gollick, doing  
business as Robert J. Gollick, Inc., to act on behalf of Metro Denver Hospice, Inc. for the  
purpose of rezoning and seeking other entitlements for the above described Property.

Respectfully,

Metro Denver Hospice, Inc.

By:

Title:

  
CHAIRMAN OF THE BOARD

**Exhibit "E" RNO Notification Letter**



December 23, 2013

SENT VIA EMAIL

Lowry Community Master Association:	Mary Carr
Hangar Lofts:	Justin Heckmaster
Lowry Neighbors:	Joyce Evans
Lowry United Neighborhoods:	Christine O'Connor
Promenade at Lowry Homeowners Association:	Justin Heckmaster
Denver Neighborhood Association, Inc.:	Brad Zieg
Inter-Neighborhood Cooperation:	Larry Ambrose

**Re: Proposed Rezoning of 8175 East Lowry Boulevard**

Greetings to all,

Buccaneer Development, Inc., a developer of high-end senior living communities, is under contract to purchase property addressed as 8175 East Lowry Boulevard. This approximately 2.04 acre parcel of land is currently undeveloped and owned by the Hospice of Metro Denver, Inc. The property is contiguous to the Denver Hospice at Lowry along the southwest property line. A map showing the property's location is attached.

Buccaneer intends to develop on the property a senior living community for approximately 70 residents that may include both Assisted Living and Alzheimer's/Memory Care. The new community will be a state-of-the-art facility specifically designed and operated to the highest quality standards to provide for the personal care of our residents. The project will consist of approximately a 45,000 square foot building of two stories. With an average age of over 80 years, almost none of the residents will own automobiles. The project will include approximately 45 parking spaces in compliance with the requirements of the proposed zone district. All resident and visitor parking will be on-site, with no street parking desired or required. The project is being designed by William Brummett Architects ([www.brummettarchitects.com](http://www.brummettarchitects.com)), specialists in the design of innovated housing and care environments for senior living. The project also will be subject to and conform to Lowry's established design guidelines.

December 23, 2013  
Proposed Rezoning of 8175 East Lowry Boulevard  
Page 2

The current zoning of the property is B-3 with waivers. While this zoning allows senior housing, it precludes assisted living, which is the use that permits memory care. Thus a rezoning will be required in order to develop this property as described above.

Buccaneer Development has retained the consulting firm of Robert J. Gollick, Inc., to assist in rezoning the property. Our team has met with Denver Community Planning and Development (CPD) to discuss zoning options. CPD has recommended that we apply to rezone the property to the C-MX-5 zone district because it will allow the proposed use and is the same zoning that is on the adjacent Hospice property.

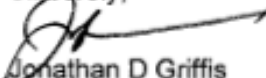
The purpose of this letter is to inform you in advance of the upcoming rezoning application and invite you to ask any questions or meet to discuss the proposed rezoning. If so, please feel free to contact Bob Gollick (303-722-8771, [bgollick@comcast.net](mailto:bgollick@comcast.net)) or me at the contact numbers below with questions or to schedule a convenient time to meet.

When the zoning application is filed, the zoning timeframe requires approximately six months of review and meeting time as well as posting signs on the property twice prior to the City Council public hearing. However, we feel strongly that the best way to proceed with any zoning request is by early and ongoing contact with all neighborhood organizations. Your input is necessary for the public process to work.

If you feel we have missed anyone on the list for this letter please let me know so that we can contact them.

Thank you for your interest in this rezoning application.

Sincerely,

  
Jonathan D Griffis  
Principal

cc: Councilwoman Mary Beth Susman, District 5  
Steve Nalley, Community Planning & Development  
Robert J. Gollick, Robert J. Gollick, Inc.

**EXHIBIT "F": Proof of Ownership**

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: VACANT LAND	Parcel: 0609100109000
Name and Address Information	Legal Description
HOSPICE OF METRO DENVER INC	LOWRY FLG #3 BLK 2 PT OF L 1
501 S CHERRY ST 700	DAF COM SLY COR L1 TH C/L
DENVER, CO 80246-1328	237.57FT NE 599.32FT TO POB TH
Property Address: 8175 E LOWRY BLVD	NW 253.78FT NE 349.6FT SE
	253.78FT SW 349.6FT TO TPOB
	Tax District 414A

Assessment Information

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	718600	208390		
Improvements	0	0		
<b>Total</b>	<b>718600</b>	<b>208390</b>	<b>0</b>	<b>208390</b>
<b>Prior Year</b>				
Land	958200	277880		
Improvements	0	0		
<b>Total</b>	<b>958200</b>	<b>277880</b>	<b>0</b>	<b>277880</b>

Style: Other	Reception No.: 2008151060
Year Built:	Recording Date: 11/04/08
Building Sqr. Foot: 0	Document Type: Special Warranty
Bedrooms:	Sale Price: 872648
Baths Full/Half: 0/0	Mill Levy: 83.09
Basement/Finished: 0/0	

Lot Size: 88,721

[Click here for current zoning](#)

Zoning Used for Valuation: CMX

Note: Valuation zoning maybe different from City's new zoning code.

□

**Exhibit "G": Letter of Support**



January 14, 2014

Hon. Mary Beth Susman  
President, Denver City Council  
Council District 5  
1437 Bannock Street  
Denver, CO 80202

Via Email

RE: 8175 Lowry Blvd. Re-Zoning Request

Dear Councilwoman Susman:

The Denver Hospice is an integral and important stakeholder in the Denver and the Lowry communities. As you are aware, we are under contract with Buccaneer Development, Inc. to sell our excess property for the development of an Assisted Living/Memory Care community. We believe the proposed use is an ideal one for the property and is complimentary to the ideals and mission of The Denver Hospice. Therefore, we wholeheartedly support, and recommend the support of, the application to re-zone the vacant parcel at 8175 Lowry Blvd. from B-3 to C-MX-5 for the purpose of constructing an Assisted Living/Memory Care community.

We respectfully request that the Denver City Council approve the zoning modification of 8175 Lowry Blvd.

Sincerely,

A handwritten signature in cursive script that reads "Bev Sloan".

Bev Sloan  
President and CEO

BS:bch

501 South Cherry Street, Suite 700  
Denver, Colorado 80246-1328  
tel (303)321-2828 fax (303)321-7171  
www.thedenverhospice.org

**From:** [Evan Lasky](#)  
**To:** [Susman, Mary Beth - City Council](#)  
**Cc:** [Kniech, Robin L. - City Council](#); [Ortega, Deborah L. - City Council](#); [Nalley, Steve C. - Community Planning and Development](#); [lowryunitedneighborhoods@gmail.com](mailto:lowryunitedneighborhoods@gmail.com); [mary.carr.lowry@gmail.com](mailto:mary.carr.lowry@gmail.com)  
**Subject:** Zoning Change Application 20141-00016  
**Date:** Thursday, April 03, 2014 8:26:21 PM

---

**Hangar Lofts HOA**  
**Evan Lasky, President**  
**8165 E Lowry Blvd. Unit 309**  
**Denver, CO 80230**

**April 2, 2014**

**Mary Beth Susman**  
**Council District #5**  
**City and County Bldg.**  
**Denver, CO 80202**

**RE: Zoning Change Application 20141-00016**

**Dear Ms. Susman:**

**I am writing to advise you of the concerns of the Home Owner's Association of Hangar Lofts in Lowry relative to the noted application.**

**The Hangar Lofts are located on the parcel adjoining the parcel in question. We are the closest residential development and will be**

the most affected by the decision on this application.

We understand that the request is a change in zoning from B-3 w/waivers to C- MX-3. Our reading of the description of C-MX zoning allows building up to 5 stories. The description does note that 2-3 stories are the desired height. The proposed developer has stated the intention to build a 2 story assisted living/memory care facility for 70 residents. The Denver Hospice facility is one story. We are surprised by the intended use, as there are already two assisted living facilities in Lowry and one of them (a few hundred feet away from the parcel) is less than half utilized and occupied.

We are requesting that any change in the zoning to C-MX of the parcel be subject to a requirement that any building(s) placed on the parcel be limited to 2 stories. In this way, if the proposed development should fail to happen, we would not be faced with another developer being able to come in and build a 5 story building.

We are not seeking to be obstructive to development of this parcel. Rather, we are interested in protecting the character and ambience of the adjoining neighborhood. This is a parcel of land that often hosts a small herd of deer from a nearby wetlands area who come to graze. This fact does not seem to conform to the idea of a 5 story building.

Thank you for your consideration to this matter.

Sincerely,

Evan Lasky, President

Hangar Lofts HOA

[evanlasky@comcast.net](mailto:evanlasky@comcast.net)

Mr. Robert Gollick,

Re: 8175 Lowry Blvd. Rezoning request for **C-MX-3**

Dear Mr. Gollick,

LUN wants to thank you and your client for the opportunity to discuss our concerns with the original five-story zoning, and for willing to work with the community to arrive at a zoning designation that is closer to the look and feel of “built” Lowry.

We note that you have not yet corrected several inadvertent errors in the Application, in which the references go back and forth from C-MX-5 to C-MX-3. We trust this can be readily corrected, but would like to see it corrected on line prior to the hearing.

LUN has discussed the matter and decided to **support this application** so that your client can move forward. LUN is willing to support your client’s proposed project, and wants to ensure that the parking on site is adequate for visitors, staff, visiting therapists etc. LUN is also desirous of seeing pedestrian connections that reflect the fact that residents and staff may want to take advantage of connecting to the Town Center area and other walking paths on Lowry. We realize some of the Lowry design matters will be handled further along in the process.

However, we do want to take this opportunity to object to the City’s guidance on Lowry rezonings. Many Lowry rezonings reflect a piecemeal approach on bringing Lowry into the New Code **without addressing Contexts with the community at large**. We realize that this is a city staff issue, and one LUN hopes to discuss with the new Planning Director, Mr. Buchanan. It appears the City has made a decision that all B-3 zoning under the old code are somehow the equivalent of C-MX under the New Code. This has not been done as a public process and although we have asked for this discussion to reflect the Lowry Reuse Plan and BP Denver, it has not occurred.

We disagree with city planning staff that Urban Center (C) is the most appropriate for this site and this project. Lowry is as far east as you can get from the Downtown context, and using shoulder zoning (C) in this location does not reflect reality. Lowry is currently near no light rail, and will still be **5 or 6 miles from light rail** when the Gold line and the Aurora 225 line are completed. Bus service (two bus routes) exists on Lowry Blvd. but few employees on Lowry use it to commute. Despite Lowry’s many successes and huge financial boon to both Aurora and Denver, it has been unable to “encourage mixed-use, transit-oriented development....transit stations” as set forth in Strategy 4-A of the Land Use & Transportation Plan and referenced in the Application. Blueprint Denver actually mandated that ALL future development be linked to transportation, and that is often overlooked.

Thank you, again, for giving LUN the opportunity to discuss this matter with you.

Christine O’Connor  
President  
Lowry United Neighborhoods  
303 906-6627