



**TO:** Denver City Council  
**FROM:** Libby Kaiser, Senior City Planner  
**DATE:** January 6, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00031

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00031.

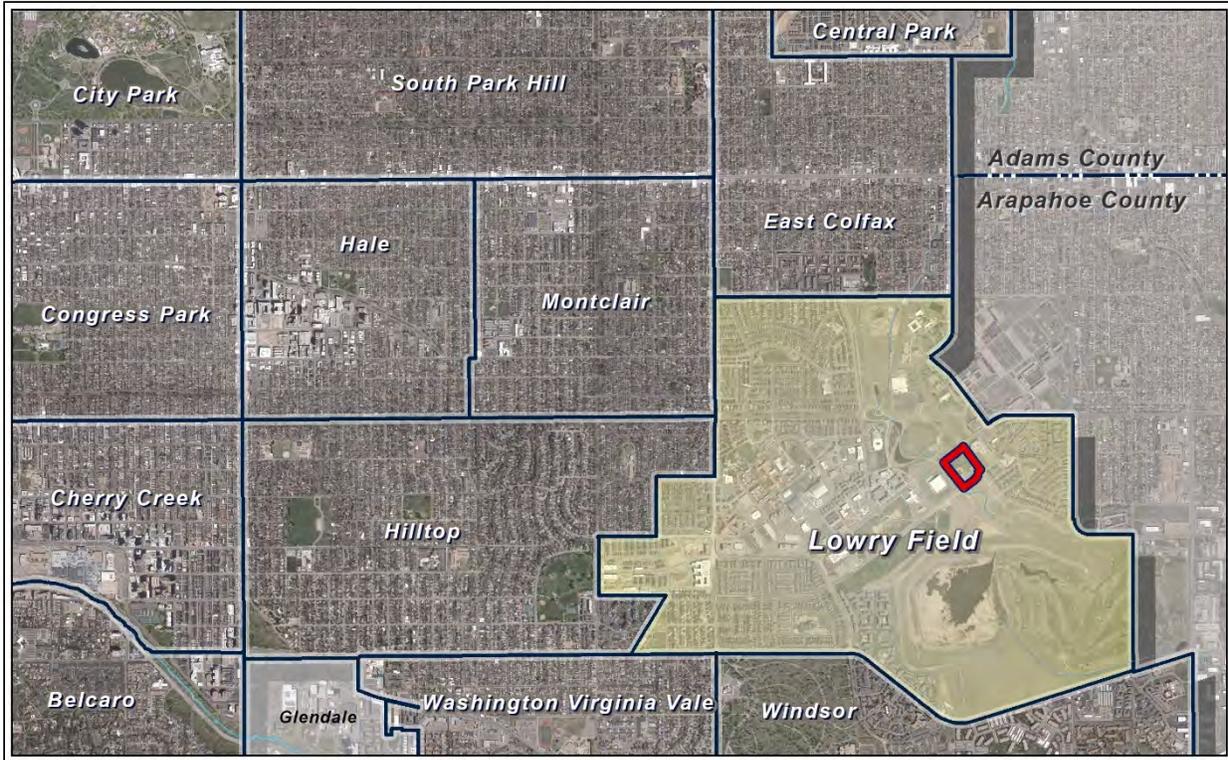
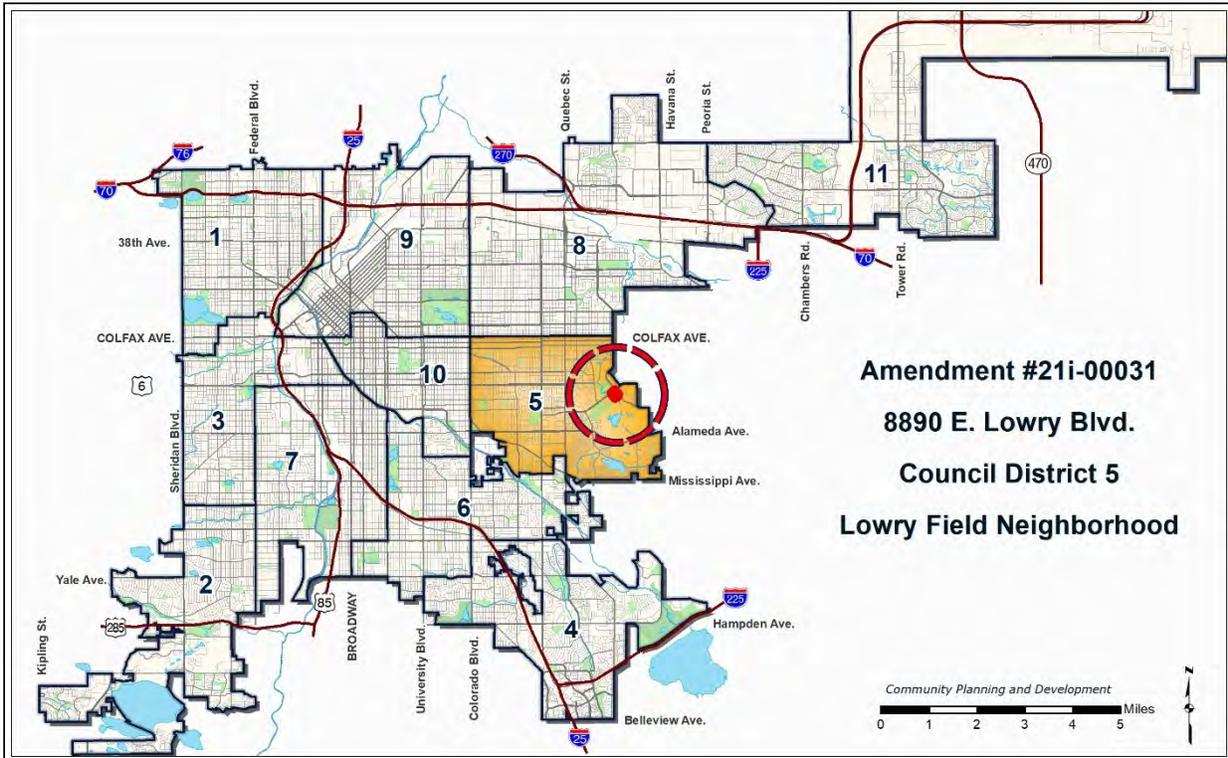
## Request for Rezoning

**Address:** 8890 E. Lowry Boulevard  
**Neighborhood/Council District and CM:** Lowry Field Neighborhood / Council District 5, CM Amanda Sawyer  
**RNOs:** Lowry United Neighborhoods, Lowry Community Master Association, Denver 4 All, Inter-Neighborhood Cooperation (INC)  
**Area of Property:** 312,762 square feet or 7.18 acres  
**Current Zoning:** R-4 with Waivers  
**Proposed Zoning:** S-MX-5  
**Property Owner(s):** Bishop Machebeuf High School Inc.  
**Owner Representative:** Matt Oermann

## Summary of Rezoning Request

- The property is in the Lowry Field statistical neighborhood on the southern corner of Lowry Boulevard and Yosemite Way.
- The property, owned by Bishop Machebeuf High School Inc., is occupied by the Machebeuf High School Baseball Field and associated parking lot.
- The property is currently zoned R-4 with Waivers, which allows a church, park, school or theatrical studio less than 37 feet tall.
- The applicant is requesting this rezoning to enable approximately 300 units in two buildings, an Active Adult 55+ for rent building and an Assisted Living and Memory Care building.
- The proposed zone district, S-MX-5, can be summarized as follows:
  - The S-MX-5 zone district stands for **S**uburban, **M**ixed **U**se, with a maximum height of **5** stories, or 70 feet, and applies to areas or intersections served primarily by collector or arterial streets.
  - S-MX zone districts allow a mix of residential, civic, commercial, and industrial uses and 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 the city's neighborhoods.
- Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

Existing Context





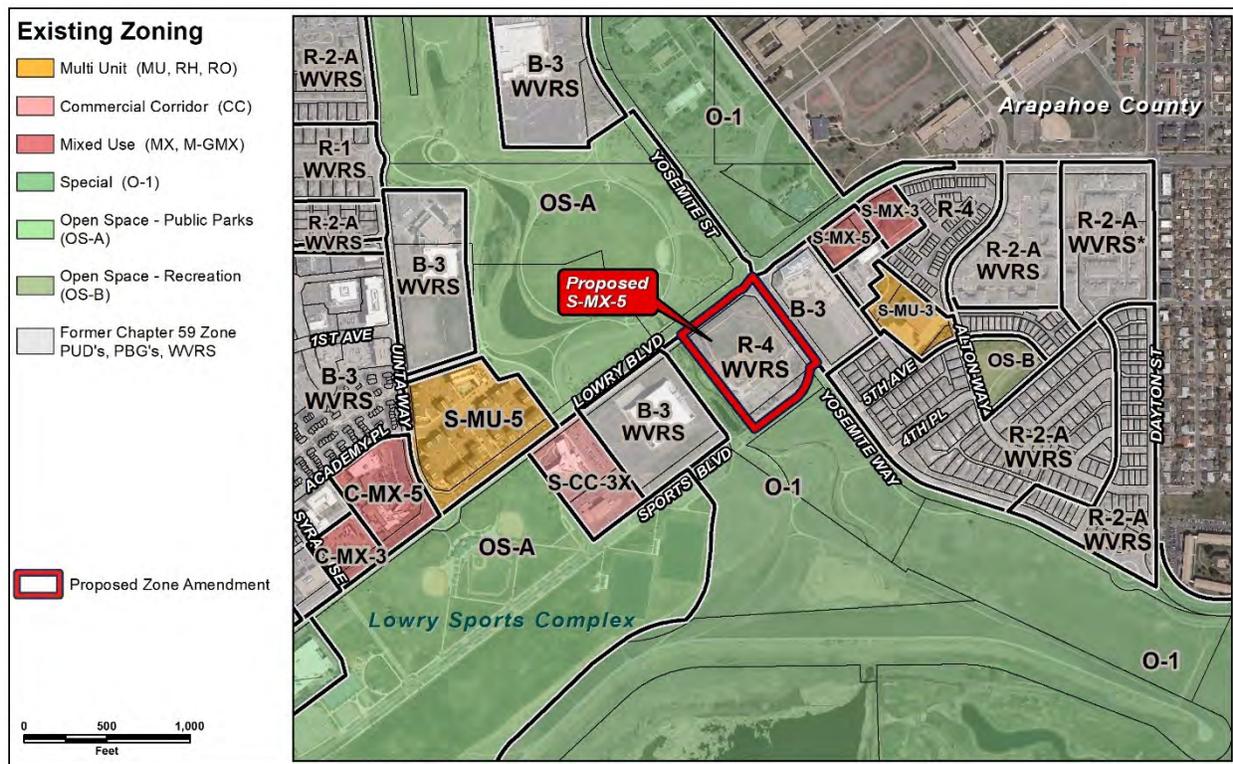
The subject property is located near the east side of the Lowry Field Neighborhood on the southern corner of Lowry Boulevard and Yosemite Way. Nearby uses include the Big Bear Ice Arena and the Lowry Sports Complex consisting of softball, baseball and soccer fields as well as tennis and basketball courts. The 55-acre Great Lawn Park to the northwest contributes to the area’s extensive open space network. Single unit homes are located east of the subject property with multi-unit development to the west. Bus Route 6 traverses Lowry Boulevard with a bus stop adjacent to the subject property. A shared use path runs along Lowry Boulevard with bike lanes on Yosemite Way.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	R-4 WVRS	Private Open Space	NA	The street pattern is suburban and inconsistent. Block sizes, shapes, building setbacks, and street orientation are varied.
North	OS-A	Open Space	NA	
South	O-1	Open Space	NA	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	B-3	Commercial / Office	3-story commercial building	Large-scale development often occupies super blocks while residential uses occupy smaller blocks, some served by alleys.
West	B-3 WVRS	Commercial / Recreation	2-story ice arena	

### 1. Existing Zoning



The ordinance for the existing R-4 with Waivers zone district was approved in 1998 and waived all uses except a church, park, school or theatrical studio less than 15,000 square feet in gross floor area with a maximum building height of 37 feet. The base R-4 zone district lacks many of the building form standards defined by the current Denver Zoning Code. Churches and outdoor recreation services are typically required to provide an amount equal to one quarter of the area of the zone lot for vehicular parking and surface parking can be located anywhere on the zone lot.

### 1. Urban Design Standards & Guidelines

The Lowry Design Guidelines of 2020 apply to development on this site. These guidelines govern architectural design, including building siting and massing, setbacks, height, and materials. They also

address site circulation, traffic and parking, as well as landscaping, streetscaping, lighting, and signage. The document sets forth the required design review process for applicants, including review by the Lowry Design Review Committee. The design guidelines apply to much of the Lowry Field neighborhood, and they apply to this property regardless of whether this rezoning application is approved. Although the S-MX-5 zone district would typically allow a building height of 5 stories, or 70 feet, the Lowry Design Guidelines limit building heights to 4 stories in the commercial context, which applies to multifamily and commercial developments. This means the rezoning would allow a maximum building height of 50 feet, which is 13 feet taller / 1 story more than what's currently allowed.

## **2. Status of Development Services Review**

Concurrent with the rezoning, the applicant has submitted a Concept Plan to Development Services. If the rezoning is approved, the applicant can proceed with the Site Development Plan process, which will include a thorough review of the proposed development by multiple city agencies, including the Department of Transportation and Infrastructure and the Department of Public Health and Environment, to ensure the development complies with all city standards and regulations.

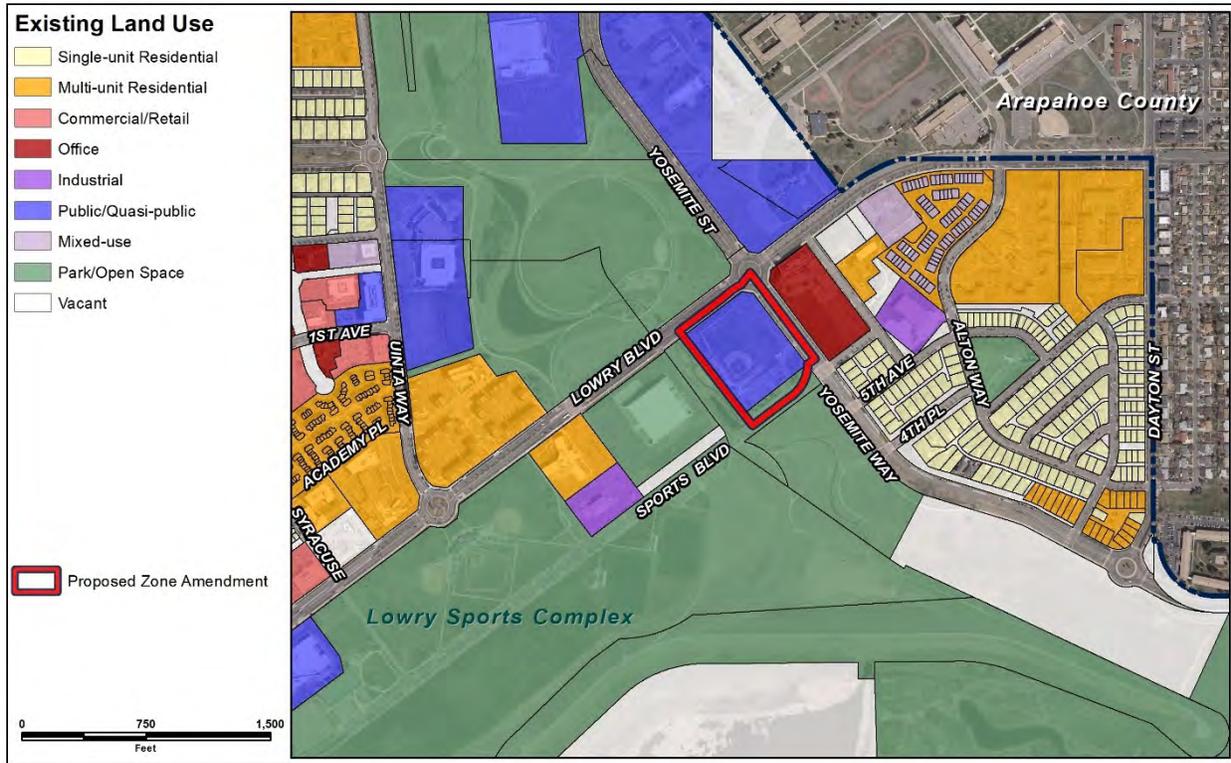
## **3. Large Development Review**

The site is larger than 5 acres, which triggers a determination by staff of whether a Large Development Framework is necessary to ensure a coordinated plan for future development per DZC Section 12.4.12.2. Typically, a Large Development Framework is required if a City Council adopted calls for an Infrastructure Master Plan or General Development Plan for all or portions of the site and/or if future development will require establishing, extending, expanding, or otherwise changing the arterial or collector street grid, an existing regional stormwater system, or accessible park and open space. While the site is 7.18 acres, staff determined a Large Development Framework was not required as the existing adopted plan (Lowry Reuse Plan) does not call for an Infrastructure Master Plan or General Development Plan and it already specifies land use, urban design, and transportation goals for the area. Consistency with this plan is further described below. In addition, infrastructure needs for the area are mostly constructed, including the transportation network, open space system, water and wastewater lines, and stormwater facilities. Site-specific issues will be adequately resolved through other regulatory processes, including Site Development Plan review. Furthermore, the applicant has conducted a Community Information Meeting and additional public outreach as would be required with the Large Development Framework process. The letter of Determination of Applicability for Large Development Review is attached to this report.

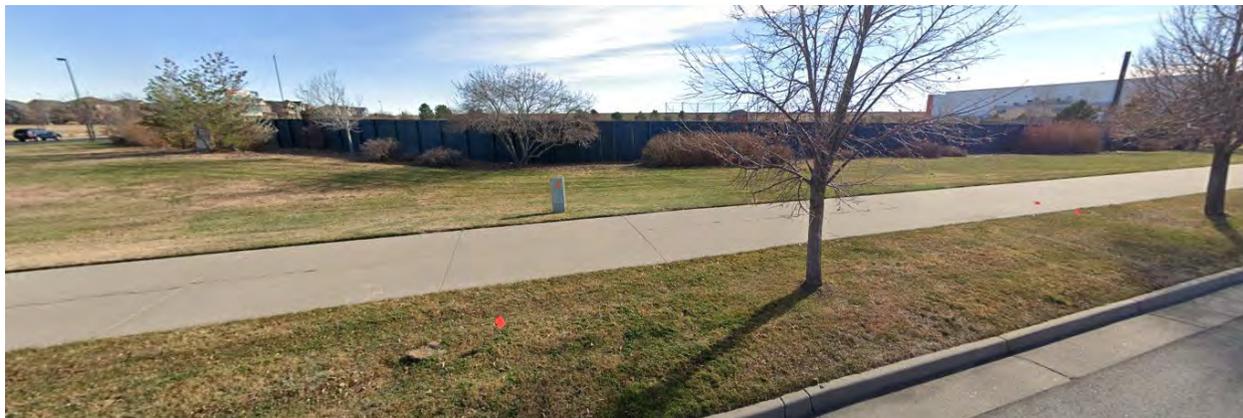
## **4. Affordable Housing Agreement**

Concurrent with the rezoning, the applicant has worked with the city's Department of Housing Stability to formalize a voluntary affordable housing agreement. Commitments include a minimum of 10% of income-restricted rental units at up to 80% of the Area Median Income. The agreement has been finalized and will be executed if City Council approves the rezoning.

### 5. Existing Land Use Map



### 6. Existing Building Form and Scale (Source: Google Maps)



Site - Looking south from Lowry Boulevard at the fence around the ballfield



**North** - Looking north from Lowry Boulevard at the Great Lawn Park



**East** - Looking southeast from Yosemite Way at a commercial building



**South** - Looking south from Sports Boulevard at single unit homes and open space



**West** - Looking southwest from Lowry Boulevard at the ice arena and a commercial building

### Proposed Zoning

The proposed zone district is S-MX-5. The general purpose of the S-MX zone districts is “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.” (DZC Section 3.2.4.1.A.). The specific intent of the requested S-MX-5 zone district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.” (DZC Section 3.2.4.2.F.).

The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height is 70’ with allowable encroachments. The minimum Primary Street Setback is 0’ for all allowed Primary Building Forms, but other standards range considerably depending on the building form. For example, the Primary Street Build-To is 0% for Drive Thru Services and 75% for Shopfront.

The minimum vehicle parking requirement for Multi-Unit Dwellings is 1.25 parking spaces per unit and for all Residential Care uses is 0.5 parking spaces per 1,000 square feet of gross floor area. Assisted Living Facilities are eligible for a 0.5 space per unit reduction in the total number of required vehicle parking spaces.

For additional details regarding building form standards in the S-MX-5 zone district, see DZC Section 3.3.3.4. The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	R-4 WVRS (Existing)	S-MX-5 (Proposed)
Primary Building Forms Allowed	NA	General, Shopfront, Drive Thru Services, Drive Thru Restaurants
Height in Stories/Feet (max)	NA/37’	5/70’
Primary Street Build-To Percentages (min)	NA	0-75%*
Primary Street Build-To Ranges	NA	0’ to 150’*
Primary Street Setbacks (min)	10’ Front Setback	0’
Surface Parking Between Building and Primary Street/Side Street	Allowed	Allowed or Not Allowed/ Allowed or Not Allowed*
Transparency, Primary Street (min)	NA	30-60%*

\*Standard varies between building forms

### 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:

**Assessor:** Approved – No Response.

**Asset Management:** Approved – No Response.

**Denver Public Schools:** Approved – No Response.

**Department of Public Health and Environment:** Approved – No Response.

**Denver Parks and Recreation:** Approved – No Comments.

**Department of Transportation and Infrastructure - Surveyor:** Approved – No Comments.

**Development Services – Project Coordination:** Approved – See Comments Below.

- Approve Rezoning Only - Will require additional information at Site Plan Review.

**Development Services – Transportation:** Approved – No Response.

**Development Services – Wastewater:** Approved - See Comments Below.

- DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Development Services – Fire Prevention:** Approved – No Comments.

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>8/6/2021</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>10/19/2021</b>
Planning Board public hearing (members voted unanimously to recommend approval of the rezoning to City Council):	<b>11/3/2021</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	<b>11/2/2021</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>11/16/2021</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>12/20/2021</b>
City Council Public Hearing:	<b>1/10/2022</b>

- **Public Outreach and Input**

As described in the applicant’s narrative, the development team conducted extensive public outreach, including a Community Information Meeting for adjacent property owners as well as several meetings with area stakeholder groups and City Councilmembers.

- **Registered Neighborhood Organizations (RNOs)**

- To date, staff has received three letters from Lowry United Neighborhoods (LUN) documenting their evolving position regarding the rezoning. LUN initially supported the rezoning contingent on the applicant providing at least 10% of the units at 80% of the area median income as well as enhancements to the trail along Westerly Creek, west of the subject property, and a permanent easement for public use of the trail. While the applicant drafted a Good Neighbor Agreement documenting these commitments, LUN declined to sign the agreement based on additional public outreach and limited capacity to enforce the agreement. LUN’s current position is neutral.

- **General Public Comments**

- To date, staff has received comments from 54 individuals opposed to the rezoning stating that allowing a taller building is too intense for the area; redevelopment of the baseball field would reduce open space and obstruct views; and there will be impacts upon the transportation network. In addition,

16 letters were received advocating for the rezoning as it will facilitate the provision of senior housing in the Lowry community and will enable the Machebeuf High School to complete capital improvements and provide scholarships and additional learning opportunities to its students. Four neutral / concerned comments were also received.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

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

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Lowry Reuse Plan* (1993)

### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with several of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning, which will facilitate the development of senior housing that allows for Lowry residents to age in place and integrates age-appropriate services and amenities, is consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy D – Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments. (p. 28).
- Equitable, Affordable and Inclusive Goal 7, Strategy A – Encourage the integration of age-friendly community features into public and private development. (p. 30).
- Equitable, Affordable and Inclusive Goal 8, Strategy D – Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place. (p. 30).

The proposed rezoning would add vitality to a currently underutilized lot on a mixed-use corridor, improve pedestrian connectivity adjacent to a bus stop and multi-use trails, and provide job opportunities, consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population. (p. 34).
- Strong and Authentic Neighborhoods Goal 4, Strategy A – Grow and support neighborhood-serving businesses. (p. 34).

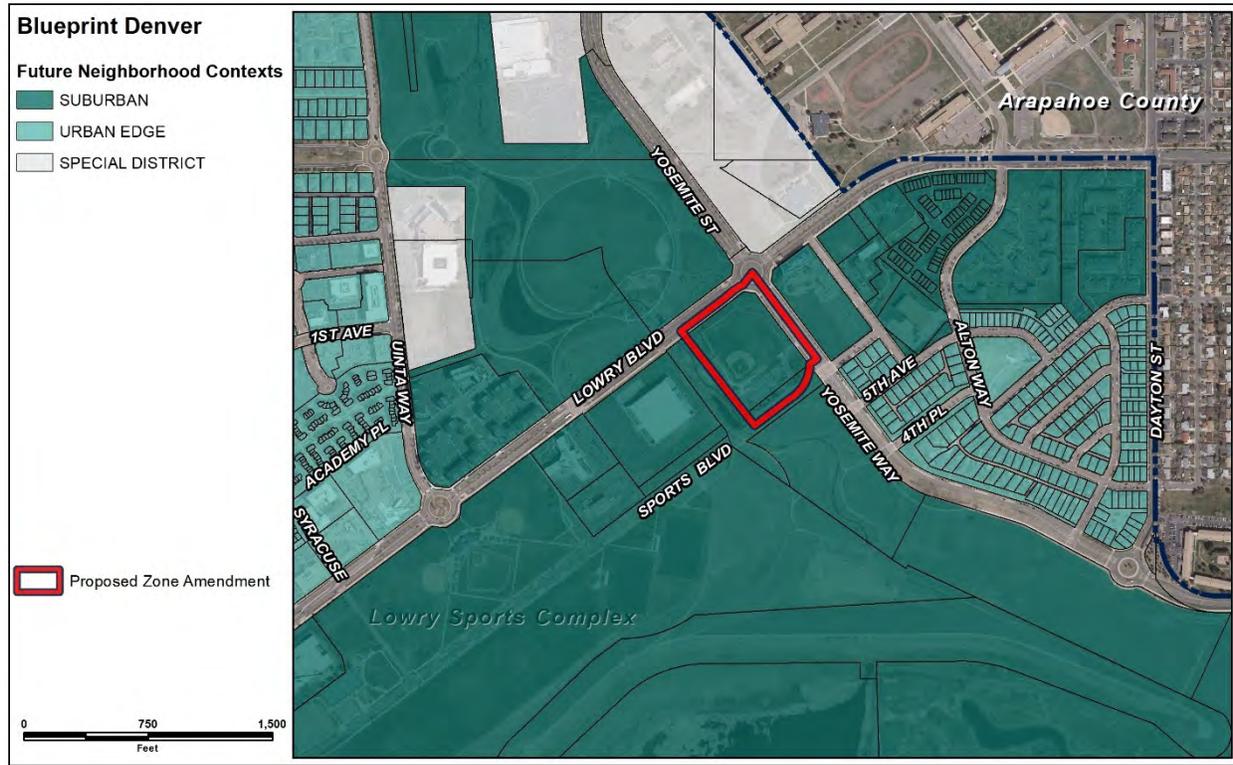
The proposed map amendment would also allow for compatible infill development in an established neighborhood near transit, parks and open space, and medical facilities, consistent with the following strategy from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).

### ***Blueprint Denver***

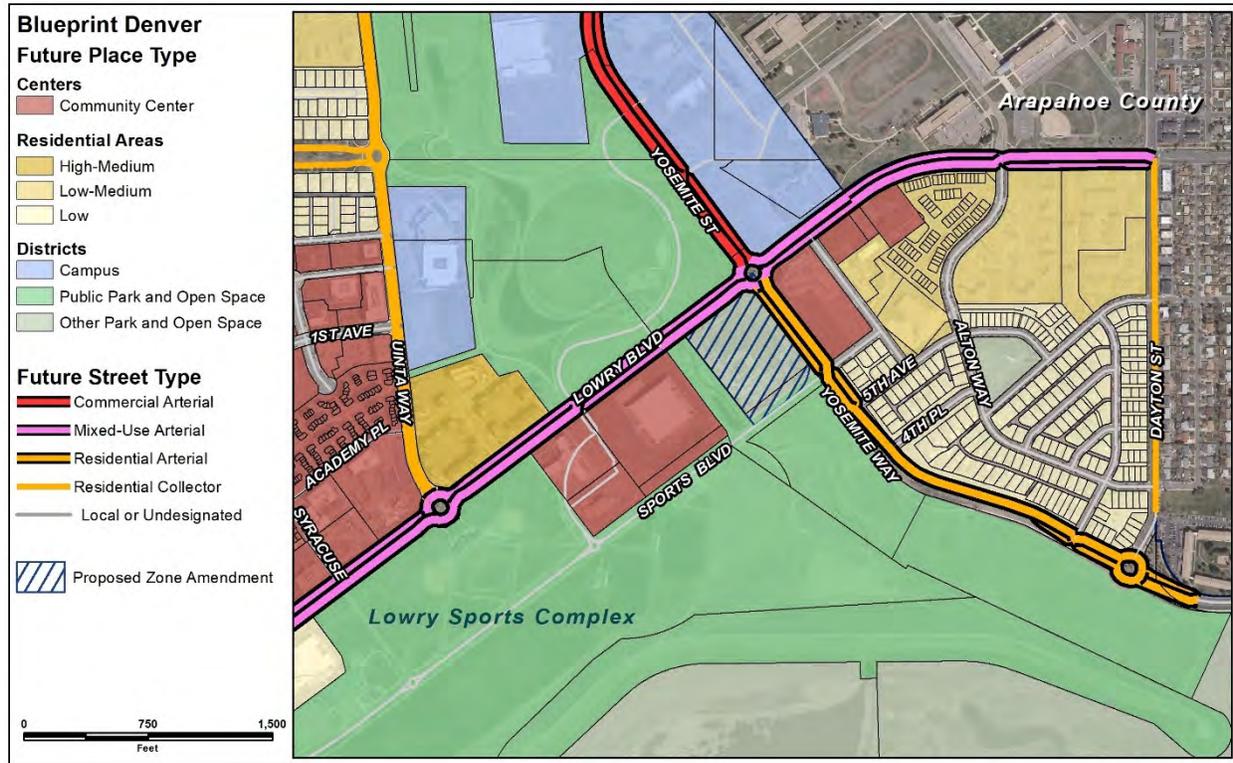
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of the Other Park and Open Space district within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

**Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Suburban Neighborhood Context. “Many suburban context areas are single-unit residential, but multi-unit also occurs. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity.” (p. 190). The proposed S-MX-5 zone district is part of the Suburban context and “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.” (DZC Section 3.2.4.2.F.). Since the proposed district focuses commercial development along a main corridor and is served by arterials, the proposed rezoning to the Suburban context is appropriate and consistent with the plan.

### **Blueprint Denver Future Place and Future Street Types**



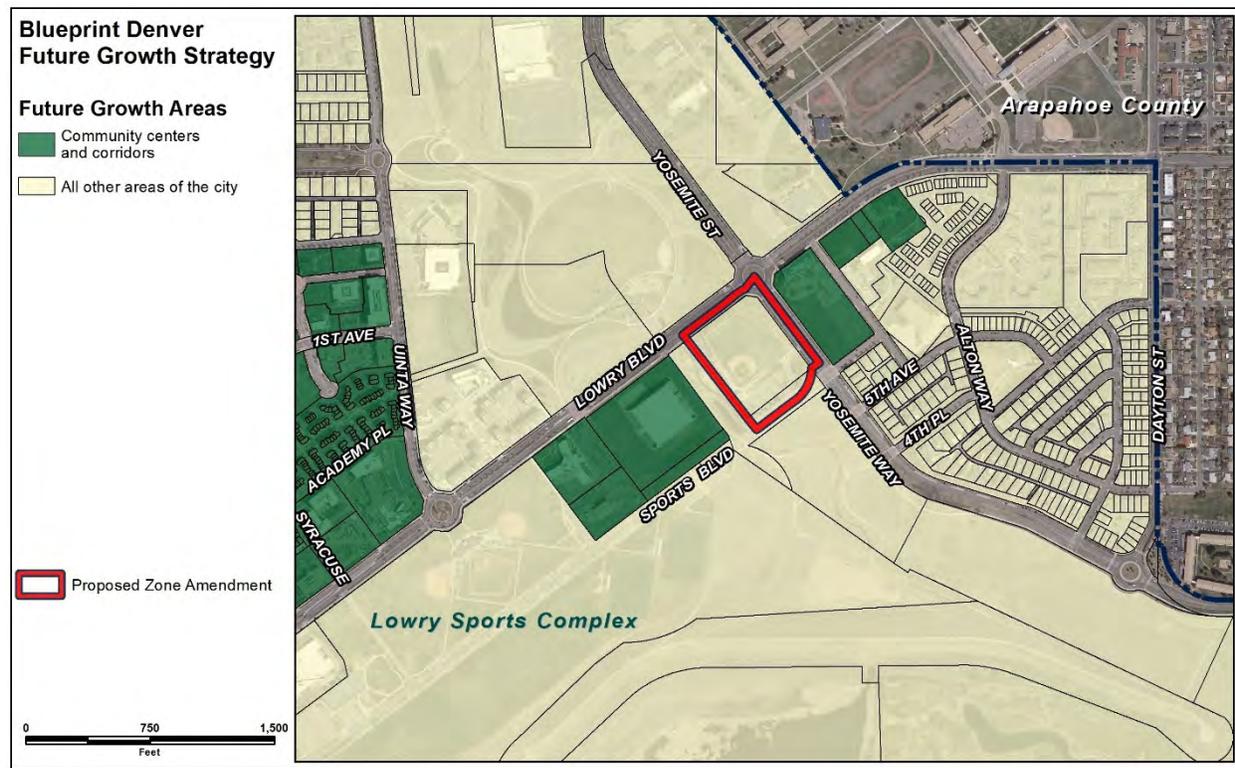
The Future Places Map designates the subject property as part of the Other Park and Open Space district. According to *Blueprint Denver*, “These are privately-owned parks and/or open spaces. Some are publicly accessible, while others – such as golf courses – are not. Since these areas are privately owned, it is possible their use could change in the future. When large private open spaces are planned to change, the community should be engaged in planning for the future vision of the site.” (p. 153). Although the adopted Lowry Reuse Plan (see below) envisioned future uses for the site, including residential, the applicant conducted significant public outreach to confirm the community’s vision, as described briefly in Public Outreach and Input above and in detail in the application narrative.

The Future Places Map designates several properties southwest and northeast of the subject property as Community Center. *Blueprint Denver* describes the aspirational characteristics of Community Centers in the Suburban context as, “Typically provides some medium mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels vary depending on the type and mix of uses. A mix of larger and smaller scale buildings, some setback from the street to accommodate parking. Heights are generally up to 5 stories. Transitions gradually within the center out to the surrounding residential areas.” (p. 194). The map also identifies several properties to the north as Campus, which *Blueprint Denver* describes as, “Typically dominated by a single, large institutional user. Universities, medical centers and large research facilities are examples. Supporting retail and residential uses also occur. Campus buildings vary greatly in size and form, but multi-story, single and mixed use buildings are typical.” (p. 150). Based on

this surrounding context, the proposed zone district of S-MX-5, which allows a wide range and mix of uses with a maximum height of 5 stories, is compatible with *Blueprint Denver's* Future Place Types.

In *Blueprint Denver*, street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Lowry Boulevard as a Mixed-Use Arterial. According to the plan, mixed-use streets support a “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback. A street wall is present, but may vary.” (p. 159). Yosemite Way is classified as a Residential Arterial, which support “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context.” (p. 160). The proposed S-MX-5 district is consistent with these descriptions as it is intended to be applied to “areas or intersections served primarily by collector or arterial streets.” (DZC Section 3.2.4.2.F.).

### **Blueprint Denver Future Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to

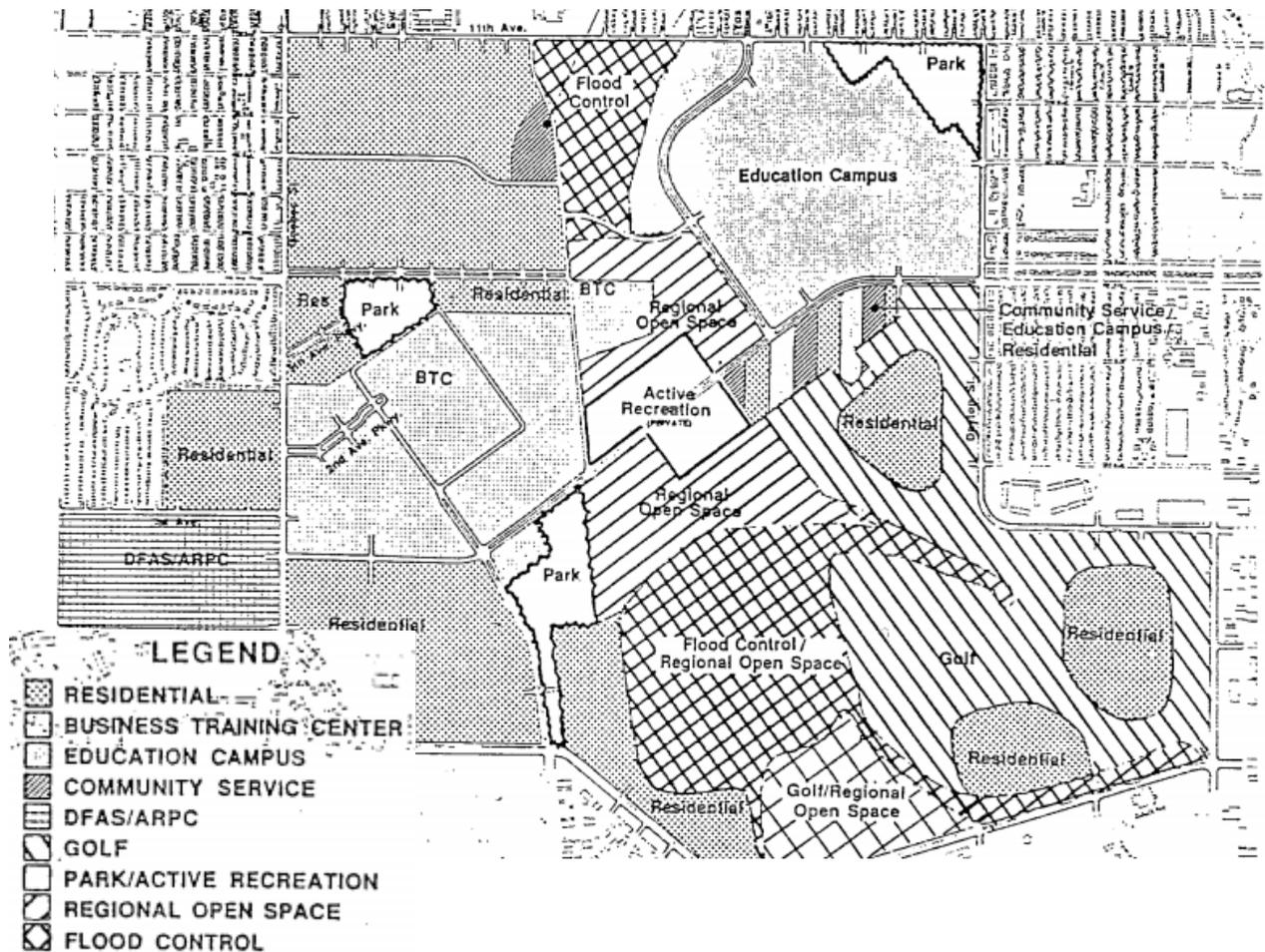
strengthen the existing character of our neighborhoods” (p. 49). The proposed S-MX-5 zone district is appropriate in this growth area as it will facilitate housing for those at least 55 years old, including an assisted living and memory care facility that will provide jobs.

**Blueprint Denver Strategies**

The proposed rezoning also helps further the following policy regarding rezoning properties into the current Denver Zoning Code.

- Land Use & Built Form: General – Policy 3, Strategy A: 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. (p. 73).

**Lowry Reuse Plan**



The proposed rezoning is also consistent with the Lowry Reuse Plan, which designates the subject property with a mix of three land use categories, including Residential, Education Campus, and

Community Service. Retirement housing and managed care facilities, such as those proposed, fall within the Residential category. The plan also describes the subject property as being in Development Planning Area 2 – Mixed Use / Active Recreation with the intent “to allow flexibility to respond to market demand, within a range of acceptable land uses. New construction is envisioned in addition to reuse of existing structures.” (p. 3-8).

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to S-MX-5 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 the implementation of the City’s adopted plans. The proposed rezoning would allow increased development intensity and a mix of uses, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup> Specifically, the rezoning would allow redevelopment of an underutilized site into a residential community for adults that are at least 55 years old as well as an assisted living and memory care facility which will provide for a continuum of aging in the Lowry Field neighborhood. The site’s adjacency to a bus stop and open space will also facilitate active transportation and recreation for an aging population.

## **4. Justifying Circumstance**

Per the DZC Section 12.4.10.8, City Council may approve a rezoning if it meets one of several Justifying Circumstances, which include the following circumstance applicable to this particular request: “Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The existing zoning of R-4 with Waivers is from Former Chapter 59 and therefore meets the Justifying Circumstances criteria.

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

The requested S-MX-5 zone district is within the Suburban Neighborhood Context, which “is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks...Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Multi-unit residential and commercial uses are primarily located along arterial and

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<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

collector streets.” (DZC Section 3.1.1). The general purpose of the S-MX zone districts is “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.” (DZC Section 3.2.4.1.A). The specific intent of the requested S-MX-5 zone district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.” (DZC Section 3.2.4.2.F.). The proposed rezoning to S-MX-5 would allow more intense development along Lowry Boulevard, a mixed-use arterial, and Yosemite Way, a residential arterial, in a location consistent with the neighborhood context description, zone district purpose and intent.

## Attachments

1. Application
2. R-4 with Waivers
3. Letter of Determination of Applicability for Large Development Review
4. Voluntary Affordable Housing Agreement
5. Public Comments