



DENVER  
THE MILE HIGH CITY

## Community Planning and Development

### Planning Services

#### Plan Implementation

201 W Colfax Ave, Dept 205  
Denver, CO 80202  
p: 720-865-2915  
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[www.denvergov.org/planning](http://www.denvergov.org/planning)

**TO:** Denver City Council  
**FROM:** Chris Gleissner, Senior City Planner  
**DATE:** August 8, 2011  
**RE:** Zoning Map Amendment Application #2011I-00003  
Rezoning from B-2 w/waivers to S-MX-3

## **Staff Report and Recommendation**

Based on the review criteria identified in the Denver Zoning Code, Section 12.4.10, Staff recommends **approval** for Application #2011I-00003 for a rezoning from B-2 w/waivers to S-MX-3.

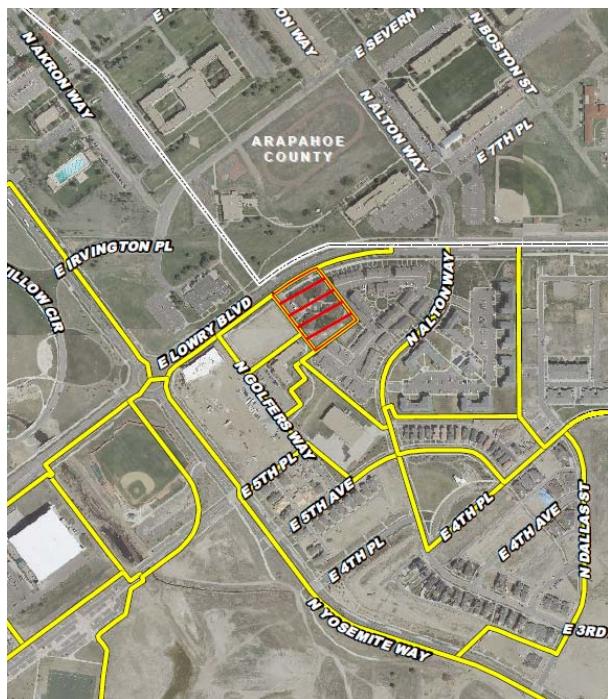
## I. Scope of Rezoning

Application: #2011I-00003  
Address: 9100 E Lowry Boulevard  
Neighborhood/Council Dist.: Lowry Field; Council District #5  
RNO's: Lowry United Neighborhoods; Lowry Community Master  
Association; Lowry Neighbors; Inter-Neighborhood  
Cooperation  
Area of Property: 1.886 acres  
Current Zoning: B-2 w/waivers  
Proposed Zoning: S-MX-3  
Applicants/Owners: Third Way Center, Inc.  
Contact Person: Bob Gollick

## II. Summary of Proposal

## Vicinity Description

The site is located along E Lowry Boulevard past the Yosemite Way intersection. Commercial, recreation and residential uses surround the site.



### **III. Justifying Circumstances for Rezoning**

#### **Land or Its Surrounding Environs Has Changed or is Changing**

The character of the neighborhood is changing and the proposed rezoning of the property to S-MX-3 would encourage further redevelopment and reinvestment consistent with the surrounding properties and improving conditions for the direct residential neighbors.

### **IV. Zoning Context**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Blueprint Denver</b>
<b>Site</b>	B-2 w/waivers	Third Way Center	Area of Change Single Family Residential
<b>North</b>	Arapahoe County	Campus	N/A
<b>South</b>	R-4 PBG, R-4 w/waivers, S-MU-3	Commercial and residential uses	Area of Change Single Family Residential
<b>West</b>	B-3, O-1, S-MX-5	Recreation and commercial uses	Area of Change Park
<b>East</b>	R-4, R-2-A w/waivers	Multi-Unite Residences	Area of Change Single Family Residential

### **V. Summary of Agency Referral Responses**

These rezonings have been reviewed concurrently within the context the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management: Approved/No Comment.

Fire Department: Approve rezoning only – Will require additional information at site plan review.

Denver Parks: Approved/No Comment.

DES-Transportation: Approved for rezoning. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. All access points to be determined through Traffic Impact Study and review process that is currently in progress.

DES-Wastewater:	Approved for rezoning. Public Works DES Wastewater approves this Zone Map Amendment. The applicant should note that this approval is for zoning change only, and development of this site will require approval of drainage/sanitary sewer studies and construction plans.
DES-Surveyor	Public Works DES Survey approves this Zone Map Amendment. The applicant should note that this approval is for zoning change only, any future developments of this site will require a complete boundary survey and all DES Survey requirements to be approved.

## **VI. Community Response**

Community Planning and Development has received letters of support from the Lowry Redevelopment Authority and Lowry United Neighborhoods. Copies of these letters have been provided in the packet.

## **VII. Criteria for Review**

The criteria for review of this rezoning application are identified in the Denver Zoning Code, Section 12.4.10. Applicable criteria include:

- Consistency with Adopted Plans
- Uniformity of District Regulations and Restrictions
- Public Health, Safety and General Welfare
- Justifying Circumstances
- Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

### ***A. Consistency with Adopted Plans***

Rezoning application #2011I-00003 is consistent with the City's adopted plans. These include Comprehensive Plan 2000, Blueprint Denver and the 1993 Lowry Reuse Plan.

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

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

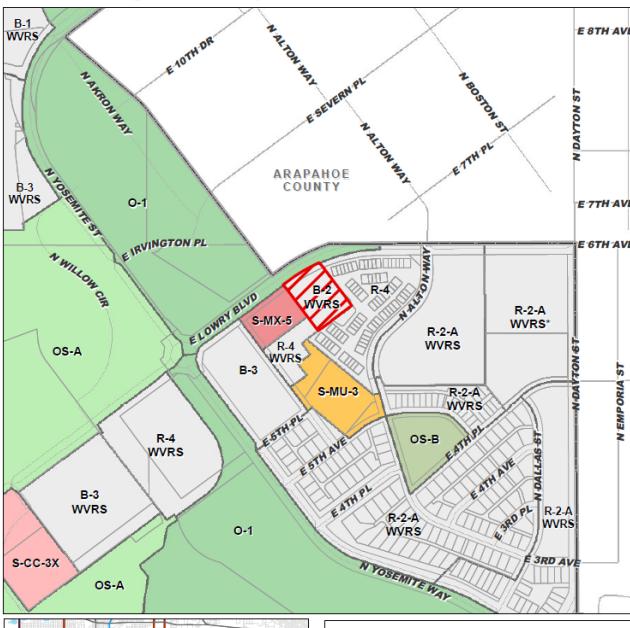
- Land Use chapter, Strategy 3-B is to "*Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*"
- Mobility chapter, Strategy 9-B to "*Promote parking management programs to maximize use of available parking spaces within the city's major urban centers.*"
- Legacies Chapter, Strategy 3-A to "*Identify areas in which increased density and new uses are desirable and can be accommodated.*"

#### ***Blueprint Denver***

According to Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Change. In Single Family Residential areas, “densities are fewer than 10 units per acre and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type” (p. 42). “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” (p.127).

Blueprint Denver classifies Lowry Blvd. as a Mixed Use – Arterial street. “Mixed-use streets are located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p.57).

## Pending Zone Map Amendment #2011I-00003



Pending Zone Map Amendment - Blueprint Denver Overlay  
 Application #2011I-00003



The proposed S-MX-3 Zone District is consistent with the Blueprint street classification of Mixed Use – Arterial Street. Additionally, this rezoning will enhance an existing use in neighborhood by allowing utilization of additional adjacent parking relieving the use of street parking in the adjacent residential areas.

## 1993 Lowry Reuse Plan

This site is designated “Employment Campus/Education Campus/Recreation.” It is located with the subarea “Development Planning Area 2”, which calls for mixed use, including Community Services/Education Campus/Residential. The intent for this area is to allow flexibility to respond to market demand, within a range of acceptable land uses. Uses are to be limited to those which are small-scale in character.

Rezoning this site to S-MX-3 will be consistent with these plan recommendations.

**B. Uniformity of District Regulations and Restrictions**

Rezoning application #2011I-00003 results in regulations and restrictions that are uniform for each kind of building throughout each district having the same zoning classification.

**C. Public Health, Safety and General Welfare**

Rezoning application #2011I-00003 furthers the Public Health, Safety and General Welfare of the City.

**D. Justifying Circumstances**

The character of the neighborhood is changing and the proposed rezoning of the property to S-MX-3 would encourage further redevelopment and reinvestment consistent with the surrounding properties and improving conditions for the direct residential neighbors.

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

Rezoning application #2011I-00003 is consistent with the Neighborhood Context Description, Zone District Purpose and Intent Statements.

The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. There is an irregular pattern of block shapes and sizes with curvilinear streets. The neighborhood context is characterized by low scale buildings with some exceptions, with a higher reliance on the automobile. Buildings typically have deep or varying setbacks and varied orientation on the lot. (Denver Zoning Code Division 3.1)

The Mixed Use Zone Districts are appropriate along corridors and for larger sites. They are intended to promote safe, active, pedestrian-scaled, diverse areas. They 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. S-MX-3 applies to areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. (Denver Zoning Code Section 3.2.4)

**VIII. Planning Board Recommendation**

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Planning Board reviewed rezoning application #2011I-00003 at their regularly scheduled meeting on June 15, 2011. Planning Board recommended approval of this item on consent.

**IX. Staff Recommendation**

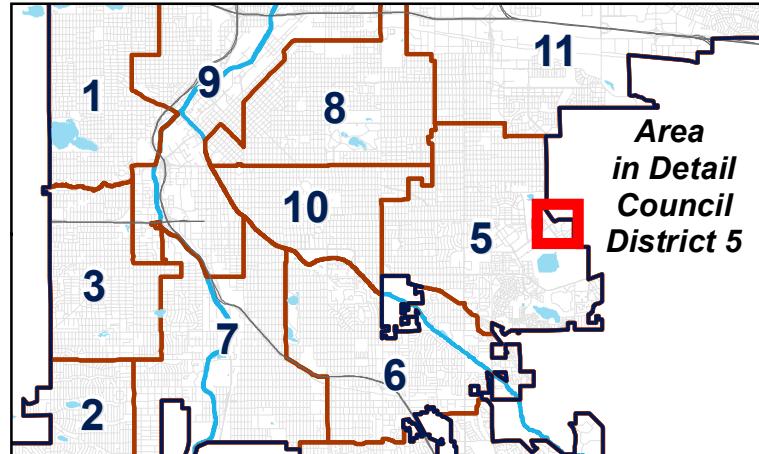
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Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the property located at 9100 E Lowry Boulevard (Application #2011I-00003) to S-MX-3.

**Attachments (these attachments are included when you make the PDF file for the staff report):**

1. **Map Series-aerial. Zoning, Blueprint Map**
2. **Application**
3. **Letters of Support**

# Pending Zone Map Amendment #2011I-00003



Application #2011I-00003  
Location: 9100 E Lowry Blvd

 Proposed Rezoning  
From: B-2 w/ WVRS  
To: S-MX-3



0 200 400 800  
Feet

Map Date: 3/11/11

# Pending Zone Map Amendment - Aerial & Zoning Overlay



Application #2011I-00003



Aerial Photo: April 2010  
Community Planning and Development

0 200 400 800 Feet

Map Date: 3/11/11



# Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2011I-00003



- Single Family Residential
- Park
- Campus

*\*Entire Denver area represented  
on map is an Area of Change*

0 200 400 800 Feet



Map Date: 3/11/11



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## APPLICATION FOR ZONE MAP AMENDMENT

<b>Application #</b>	2011i-00003	<b>Date Submitted</b>	2.22.11 Rev: 4.8.11	<b>Fee Required</b>	\$1,500	<b>Fee Paid</b>	\$1,500
<b>APPLICANT INFORMATION</b>				<b>CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)</b>			
<b>Applicant Name</b>		Third Way Center, Inc. A Colorado Nonprofit Corporation		<b>Contact Name</b>	Robert J. Gollick, Inc (Bob Gollick)		
<b>Address</b>		Post Office Box 61385		<b>Address</b>	609 South Gaylord Street		
<b>City, State, Zip</b>		Denver, Colorado 80206		<b>City, State, Zip</b>	Denver, Colorado 80209		
<b>Telephone / Fax</b>		303 / 722-8771		<b>Telephone / Fax</b>	303 / 722-8771		
<b>Email</b>		Use for all contact: <a href="mailto:bgollick@comcast.net">bgollick@comcast.net</a>		<b>Email</b>	<a href="mailto:bgollick@comcast.net">bgollick@comcast.net</a>		

### Subject Property Location [Please Include Assessor's Parcel Number(s)]

The subject property is located as follows:

Addressed as: 9100 East Lowry Boulevard, Assessor's No. 0610200044000

### Legal Description of Subject Property

Please refer to the Legal Description and Exhibit "A" at the end of this document

<b>Area of Subject Property (Acres/Sq Ft)</b>	<b>Present Zone District</b>	<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>
82,154± sq. ft. or 1.886± acres	B-2 w/waivers	S-MX-3

### Describe the nature and effect of the proposed Zone Map Amendment

The Third Way Center is the owner of the subject property as well as the applicant for this map amendment.

Third Way Center's Lowry campus is the only facility of its kind in the state of Colorado. It has become a model for youth treatment programs nationwide providing a comfortable homelike setting with 24/7 staff supervision. Each of the four cottages on this campus can house eight homeless teens. Third Way provides intensive therapeutic treatment and education helping the youth work towards becoming productive adults as they age out of the State child welfare system.

Overflow parking for their existing facility has been on the adjacent property owned by the Lowry Economic Redevelopment Authority (LRA), which is zoned, S-MX-5. The City has cited the LRA with Cease and Desist order(s) to stop allowing this parking situation. This is due to the zoning requirement that requires a structure be on the same zone lot as where the parking occurs. The City has provided the only parking option available which requires the Third Way Center rezone to the S-MX-3 thus creating a unified zone lot and allowing parking which will (once zoned) be all on-site.

The nature of the proposed S-MX-3 map amendment is to eliminate the current B-2 with waivers zone district and through a shared parking plan permit parking to occur on the adjacent property.

The Third Way Center property is, from a functional perspective, under parked and thus employees and visitors have been parking on the adjacent property that is owned by the Lowry Economic Redevelopment Authority

(LRA) via a parking agreement between the LRA and Third Way. As mentioned, the LRA has been cited by the City resulting in a Cease and Desist Order to halt parking on that adjacent S-MX-5 parcel. As a result, the LRA has been forced to end the parking agreement with Third Way Center. This has resulted in overflow parking within the neighborhood placing a burden on the residents, creating unnecessary traffic in a residential neighborhood thus resulting in complaints from the impacted residents.

The effect of the proposed zoning will be immediate and very positive. Approval of this map amendment will allow parking to occur on the subject property will eliminate the vehicle congestion in the neighborhood. Third Way Center will purchase the needed portion of the adjacent property and thus be in conformance with City regulations.

It is important to note that the proposed solution via a S-MX-3 map amendment is the result of several meetings with the City Planning Office, Neighborhood Inspections Division, Denver Zoning Department, District 5 Council representatives and all property owners. The result is that the City has required Third Way to resolve this dilemma by requesting the proposed map amendment and file a parking site development plan. All property owners and City agencies are in agreement that this is the only feasible solution.

<b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>	<b>Error in the map as approved by City Council</b>	<input type="checkbox"/>
	<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>	<input checked="" type="checkbox"/>

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

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.

A portion of the property is presently under the control and operation of the Lowry Economic Redevelopment Authority (the Authority), an authority created by intergovernmental agreement between the City and County of Denver and the City of Aurora. It is important to realize that the subject property would have been rezoned to the S-MX-5 zone district by the City in 2010 as part of the adoption of the "form based" zoning code. However, the current B-2 zoning contains waivers that precluded that from occurring.

Conditions have further changed with regard to the type of development proposed on the subject property. Specifically, the adoption of the Denver Comprehensive Plan 2000, and the desire to implement the applicable City policies on this property and its proposed development and providing additional legal basis for this proposed map amendment.

Further explanations of the changed conditions that justify this map amendment request are contained in Denver Comprehensive Plan 2000. Several of the objectives and resulting strategies that support the zoning request are listed as below. They are extracted from the Land Use Chapter, Housing Chapter and Neighborhood Chapter of Denver Comprehensive Plan 2000.

#### **Land Use Chapter**

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

##### **Accommodating New Development**

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

**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.

**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.

**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. Note: The subject property is adjacent to an RTD bus stop.

**Mobility Chapter****Objective 4 \_ Changing Travel Behavior****Strategy 4-E**

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

**Economic Activity Chapter****Objective 3: Expand Economic Opportunity**

**Strategy 3-B.** Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.

**Business Centers 4-B** Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:

**Strategy 5-A** Support small-scale economic development in neighborhoods using the following key strategies:

- Incorporate neighborhood-based business development into the City's neighborhood planning process.
- Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.

**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.
- Adopting construction practices in new developments that minimize disturbance of the land.
- Sharing parking at activity centers.

**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.

**Blueprint Denver**

In *Blueprint Denver*, the property is located in an Area of Change with a concept land use of "Employment" with surrounding streets as Undesignated Local Streets. In the Lowry Area of Change, *Blueprint Denver* "calls for a level of local retail, services and jobs to support the needs of residents. 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 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 shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial". The proposed map amendment meets all of the stated *Blueprint Denver* goals and concepts.

Additionally, the *Lowry Reuse Plan* has adopted the following applicable planning concepts and goals. These include the following:

- To facilitate local and regional economic development;
- To serve neighborhood, local and regional community facility and service needs;

- To build upon, sustain, and enhance the existing assets of the surrounding area;
- To capitalize on specific site assets;
- To provide for multiple uses which are diverse, balanced and well integrated, and to minimize negative impacts on surrounding neighborhoods.

**State the land use and the development proposed for the subject property. Include the time schedule (if any) for development**

The proposed zoning, along with a shared parking plan with the adjacent property, will allow the necessary parking on both sites. The timing is immediate with a parking plan being reviewed by City staff concurrent with this zoning application.

Required Exhibits	Additional Exhibits
Applicant & Owner Information Sheet	<input checked="" type="checkbox"/> Legal Description Letters of support from : The Lowry Economic Redevelopment Authority (LRA), and Lowry United Neighbors
Maps – Required for Final Submissions	
Signature	Date

  
David Eisner  
Executive Director  
Third Way Center, Inc  
455 Acoma Street  
Denver, CO 80204-5112

4/8/11

## APPLICANT & OWNER INFORMATION SHEET

**[1]** Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph **[2]** below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

**[2]** If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
20111-000003	David Eisner, Executive Director Third Way Center, Inc

Property Address(es)
9100 East Lowry Blvd. Denver, CO 80230

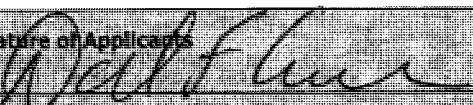
Applicant's Address
Third Way Center, Inc 455 Acoma Street Denver, CO 80204-5112

**NOTE:** If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "Applicant" above.

Fee Title Owner (Has Deed of Ownership)	<input checked="" type="checkbox"/> All	<input type="checkbox"/> X
Contract Owner	<input type="checkbox"/> All	<input type="checkbox"/>
Holder of a Security Interest	<input type="checkbox"/> All	<input type="checkbox"/>
	<input type="checkbox"/> A Portion	<input type="checkbox"/>
	<input type="checkbox"/> All	<input type="checkbox"/>
	<input type="checkbox"/> A Portion	<input type="checkbox"/>
	<input type="checkbox"/> All	<input type="checkbox"/>
	<input type="checkbox"/> A Portion	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Signature of Applicant  David Eisner Executive Director Third Way Center, Inc. 455 Acoma Street Denver, CO 80204-5112	Date Signed 
--	--

**THIRD WAY CENTER  
LEGAL DESCRIPTION – COMBINED PARCELS**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE S71°34'54"E A DISTANCE OF 913.18 FEET TO THE NORTHWEST QUARTER OF A PARCEL OF LAND RECORDED AT RECEIPTION NUMBER 2004029226, SAID POINT BEING THE POINT OF BEGINNING; THENCE N36°30'03"W A DISTANCE OF 6.98 FEET TO THE SOUTHEASTERLY LINE OF TRACT B (PROPOSED LOWRY BOULEVARD) OF LOWRY FILING NO. 14; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING 2 COURSES; 1) N53°27'42"E A DISTANCE OF 40.42 FEET TO A POINT OF CURVATURE; 2) THENCE 223.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 938.00 FEET, A CENTRAL ANGLE OF 13°37'41" AND A CHORD WHICH BEARS N60°16'33"E A DISTANCE OF 222.58 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THAT PARCEL RECORDED AT RECEIPTION NUMBER 2004029226 EXTENDED; THENCE S36°31'08"E, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 295.49 FEET; THENCE S53°36'16"W, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL RECORDED AT RECEIPTION NUMBER 2004029226, A DISTANCE OF 261.54 FEET; THENCE N36°30'03"W, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL RECORDED AT RECEIPTION NUMBER 2004029226, A DISTANCE OF 314.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 82,154 SQUARE FEET (1,886 ACRES) MORE OR LESS.

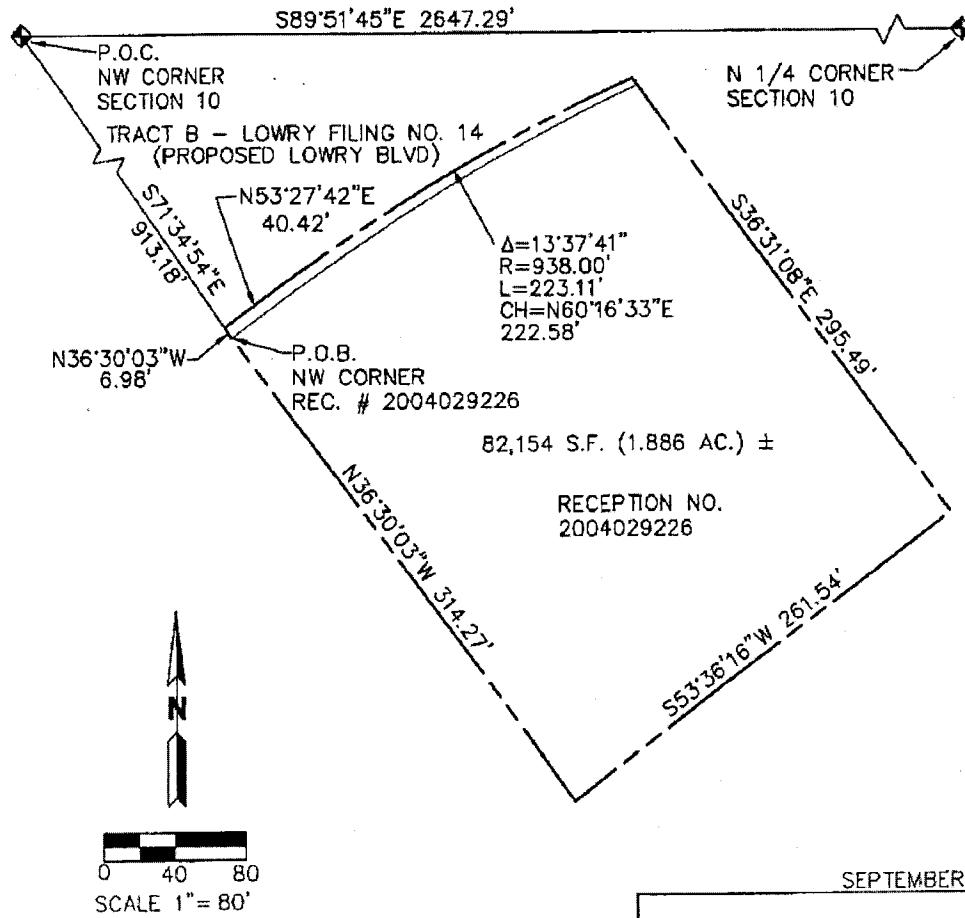
BASIS OF BEARING: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, SAID LINE BEARS S89°51'45"E PER THE CITY AND COUNTY OF DENVER LOWRY AIR FORCE BASE BOUNDARY SURVEY, RECORDED 4/09/96 IN BOOK 23 AT PAGES 102 AND 103 OF THE COUNTY SURVEYORS LAND SURVEY / RIGHT-OF-WAY SURVEYS.

PREPARED BY  
RICHARD A. NOBBE PLS  
FOR AND ON BEHALF OF  
MARTIN/MARTIN INC.  
12499 W. COLFAX AVE.  
LAKEWOOD, CO. 80215  
(303) 431-6100  
(303) 431-4028 FAX



# EXHIBIT A

## COMBINED LEGAL DESCRIPTION



SEPTEMBER 22, 2004

MARTIN / MARTIN

CONSULTING ENGINEERS

12499 WEST COLFAX AVE.  
P.O. BOX 191500  
LAKEWOOD, CO 80215  
303.431.6100  
FAX 303.431.4028

THIS EXHIBIT DOES NOT REPRESENT A  
MONUMENTED LAND SURVEY. IT IS ONLY  
TO DEPICT THE ATTACHED DESCRIPTION



February 22, 2011

City and County of Denver  
Zoning Commission

**Re: Third Way Center Application for a Zoning Change**

To Whom it May Concern:

Third Way is in the process of application for a zoning change for property located at Lowry. The Lowry Redevelopment Authority is in full support of approval of that application to change the zoning to SMX-5 for the property owned and occupied by the Third Way Center.

Feel free to contact Al Sigman or Greg Palcanis at the LRA if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thomas O. Markham".

Thomas O. Markham  
Executive Director

SUBMITTED VIA EMAIL

March 14, 2011

Re: Third Way Application for Rezoning of 9100 East Lowry Blvd.

Dear Councilwoman Johnson:

Lowry United Neighborhoods has met to consider Third Way's proposed rezoning from B-2 with waivers to S-MX-3. It is our understanding that there is no way to resolve the parking issues that Third Way has encountered other than rezoning the current parcel.

**In the spirit of being good neighbors, LUN voted to support Third Way's application to change the existing parcel's zoning to S-MX-3 in order to resolve this issue. Going forward, however, we would like to avoid piecemeal rezoning into the New Code.**

At this time, LUN would like to resume the discussion to evaluate the impact on our membership of collectively moving Lowry into the New Code. This would ensure the intent of Council's statement regarding piecemeal rezoning.<sup>1</sup> If, after the evaluation, interested Lowry parties agree remapping is the best solution for its membership, then our mandate will be to move ahead with an organized, participatory process. The outcome of the process is expected to be that Lowry interested parties will not just be heard, but will have an impact on the remapping decisions moving forward.

Early work with District 5 neighbors, Planning, and your office included tentative remapping of Lowry. Although areas such as Lowry were temporarily removed from consideration in the New Code,<sup>2</sup> we would like to meet with you and CPD to address the appropriateness and timing of the remapping of Lowry.

Therefore we ask you for some dates within the next 30 days for this meeting. It is imperative this evaluation and discussion occur PRIOR to initiation of any future planning, or rezoning, relating to Lowry parcels.

Thank you in advance for your responsiveness.

Christine O'Connor, on behalf of the Zoning Subcommittee of Lowry United Neighborhoods

cc: Bob Gollick  
Peter Park

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<sup>1</sup> In enacting the New Code, City Council "determined that the need to correct errors and respond to changing conditions, as described in recitals above, should not be done by piecemeal amendment, but by adoption of an entirely new zoning code and official map." (Italics added)

<sup>2</sup> From the August 2009 issue of **In The Zone**:

*Although much of the city is being mapped, areas with waivers and conditions, planned unit developments, and planned building groups are not being addressed at this time. These areas will be addressed through future planning processes.*