



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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**To:** Denver Planning Board  
**From:** Deirdre Oss, AICP, Senior City Planner  
**Date:** November 23, 2009  
**Subject:** Application 2008I-00077 Lowry Vista Development Plan

**I. GDP APPLICATION SUMMARY**

**General Boundary:** North: Urban Drainage and Flood Control Dam; East: Lowry Golf Course; West: Xenia Street-extended; south: Alameda Avenue

**GDP Area:** 78.06 acres

**Applicants:** IRG Development, LLC

**PROJECT STATISTICS:**

Total GDP Gross Area	3,400,141.59 SF/78.06 Acres
Private Street Roadway	270,800.33 SF/6.22 Acres
Total Estimated GDP Net Area	3,129,341.26 SF/71.84 Acres
GDP Net Area West Parcel (R-2-A only)	468,076 SF/10.75 Acres
GDP Net Area East Parcel (including dam)	2,661,265.26 SF/61.09 Acres
Aggregated Open Space Provided East Parcel	704,365.20 SF/16.17 Acres
Buildout (Estimate 0-10 YRS)	10 years
Dwelling Units East Parcel (Estimate)	up to 600
Dwelling Units R-2-A Zone (Estimate)	up to 247 per Ord. No. 604, Series of 1997
Retail (Estimate)	up to 400,000 gsf
Office (Estimate)	up to 120,000 gsf
Hotel (Estimate)	up to 75,000 gsf
Density range (Floor Area Ratio - FAR)	1:1
Density Range East Parcel (DU/Acre)	18 du/acre
Density Range in R-2-A (DU/Acre)	23 du/acre per Ord. No. 604, Series of 1997

**Key Recommendations:**

Land Use: The development of Lowry Vista is focused on showing the potential of recycling disturbed land. It will include commercial and residential development with height limits restricted by future zoning and the design guidelines. The development will provide access to open space, pedestrian friendly design, with flexibility and phasing as key components to maintaining market viability as conditions change.



Circulation: As a brownfield development, new streets will be created to provide the circulation infrastructure. The street network will be internally focused, with a main street development in the center of Lowry Vista, lined with retail buildings complete with amenity zones. The network will provide for enhanced pedestrian routes although its location regionally still concentrates on convenient vehicular access with three different intersection points with Alameda Avenue.

Recreation and Open Space: Lowry Vista will offer an enhanced urban network of pedestrian routes as well as a trail leading to the larger natural open space amenity to the north of the developed portions of Lowry Vista. This northern portion will contain a loop trail to serve the open space and dam to the north. Due to the environmental constraints associated with formally irrigating the property, alternative plants and materials will be used in the design of the open space portion to the north.

Urban Design Guidelines: IRG has gained approval from the Lowry Design Review Committee of design guidelines specific to Lowry Vista, and consistent with the overall Lowry community.

## II. GDP PROCESS

The GDP followed the procedures set forth in Section 59-314 of the Zoning Code and Section 3.0 of the Rules and Regulations for General Development Plans. Preparation and formal submittal of the GDP preceded the rezoning. Although they eventually became linked in the public process, the approval process for the GDP is expected to take place prior to formal approval of the rezoning by City Council.

### **Phase One: Concept/Pre-Application: Meeting held on August 17, 2007**

*First GDP Distribution Submittal Date: October 22, 2008*

*GDP Public Meeting: November 25, 2008*

*First Staff Review Letter: November 20, 2008*

*Second GDP Distribution Submittal Date: June 22, 2009*

*Second Staff Review Letter: July 21, 2009*

*Third GDP Distribution Submittal Date: October 1, 2009*

*Third Staff Review Letter: November 5, 2009*

### **Phase Two and Three: Initiation and Technical Review**

- Application Submission and Staff Review (October 2008-November 2009): The GDP went through multiple iterations and intense staff reviews. At the time of this staff report, all internal Denver reviewing agencies have recommend approval of the GDP application.
- Public Outreach: The applicant hosted over 70 public meetings and forums in addition to individual project meetings with the City and various focus groups. Please see the attached spreadsheet for meeting information. In addition, CPD posted the application on-line throughout the process. CPD did receive letters of concern from a representative of the Lowry United Neighborhood group addressing open space and development issues. Staff has received letters of support for the GDP from individuals associated with the Lowry community.

### **Phase Four: Approval and Recordation**

Since this GDP is not intended to provide for transit oriented zoning (T-MU-30), the GDP process does not require a public hearing. The GDP will be brought forward as an information item to the Planning Board who will be asked to make a recommendation to the manager of CPD. However, since the GDP is tracking concurrently with the rezoning application, the public hearing for the rezoning will take place at the same meeting.

- Planning Board Authority: Based on findings set forth in the GDP Rules and Regulations, the Planning Board is being asked to approve the GDP, return the GDP for modification or deny the GDP.

### III. REVIEW CRITERIA

GDP Rules and Regulations outlines the review criteria for general development plans in **Section 3.2.4(B)(4) Planning Board Findings**. CPD conducted their final analysis of the application based on these criteria.

#### Consistency with the Comprehensive Plan and Blueprint Denver

- That the proposed land uses, transportation systems, open space systems and other relevant factors are consistent with the City's land use and transportation plan (BLUEPRINT DENVER).*

Blueprint Denver: Blueprint Denver promotes development of infill sites, and specifically calls out development of Lowry. While the Blueprint Denver map calls the Lowry Vista property an Area of Change for Park use, the Park use was eliminated due to the environmental constraints concerning irrigation, leading to the change in use as proposed in the GDP. CPD concludes the intent and development potential of the Lowry Vista can be met with the proposed GDP, combined with appropriate zoning to fulfill the GDP intent.

Transportation – Street Typologies: Street typologies describe how the street interfaces with the adjacent land use and how the street will function. The GDP supports a street hierarchy consistent with the typologies of Blueprint Denver. Blueprint Denver designates Alameda Avenue as a Residential Arterial. This route provide a high degree of mobility and generally serve longer vehicle trips. The GDP depicts Alameda as an Arterial, and supports this function by concentrating development near these routes and controlling access. The remaining streets within the GDP are new private streets that will function as local and collector routes that emphasize walking, bicycling and vehicular connections. The GDP reinforces the design intent of multi-modal streets by offering a comprehensive system of sidewalks, tree lawns, bike lanes, on-street parking and bus routes.

- That the proposed land use, transportation, open space system and other relevant factors are consistent with any relevant small area plans, such as neighborhood, corridor or district plans.*

The concepts and recommendations of the Lowry Reuse Plan provided additional guidance for the GDP. Key recommendations of the Lowry Reuse Plan carried forward in the GDP include housing variety, commercial and retail development to serve the neighborhood, a recreation and open space system focused on its connection to existing open space to the north, and a new and improved pedestrian and bicycle environment. The GDP supports these important objectives.

- That the proposed land uses transportation systems, open space system and other relevant factors are consistent with any applicable citywide plans, such as parks master plan, bicycle master plan, strategic transportation plan, capital facilities plans, etc.*

Comprehensive Plan 2000: Comprehensive Plan 2000 supports infill development that will provide a benefit to the neighborhood and the region through a balance of uses to create jobs, housing, and neighborhood amenities. CPD finds the GDP consistent with Plan 2000 goals.

Parks Master Plan: Open space in the GDP area serves a diversity of future park and recreation needs in the Lowry area. The GDP provides active gathering areas along main street internal to the site by providing amenity zones and sidewalk widths supportive of pedestrian activity.

### **Compliance with Applicable Codes, Rules, Regulations and Standards**

*a-c and e. The street pattern is appropriate to serve properties under consideration and the pedestrian circulation and development program arrangement promotes pedestrian access to transit; the proposal makes adequate provision for planned streets and thoroughfares; connecting roads are adequate to handle projected traffic, or provision has been made to correct deficiencies; the street layout is consistent with the city use, development resources management policy, and the subdivision design principles*

To increase public access and mobility, the street pattern in the GDP area extends the Denver street grid in a series of private streets within the development.

Public Works Development Engineering Services and Traffic Engineering Service reviewed the GDP and supporting Traffic Impact Study for compliance with Public Works requirements and principles. Public Works found the final GDP and TIS to be consistent with their applicable standards and policies, and expect to address any additional issues or concerns at the time of site plan.

*d. The proposal makes adequate provision for surface water drainage, water supply, and sewage treatment*  
Denver Public Works DES - Wastewater reviewed and approved the master drainage study for the GDP. The Urban Drainage and Flood Control District (UDFCD) also worked with the City to create a note in the GDP concerning proper drainage design for the site to ensure the dam area to the north is protected from pollutants.

*f. Unique natural resource features and density areas are protected through the open space provisions and appropriate lot layout; and*

The existing open space area to the north will be formalized with a trail system connecting through Lowry Vista. It will be regulated via existing or potentially new open space zoning separate from the development area to the south.

*g. Development will occur in an orderly fashion*

Without a plan, it would be difficult to consider development of this environmentally challenged site in a cohesive manner in terms of infrastructure and the arrangement of density, open space and land uses. Having the majority of the land under one ownership, it is more likely development will occur in a logical, phased manner.

### **IV. COMMUNITY PLANNING AND DEVELOPMENT RECOMMENDATION**

Based on the analysis contained in this staff report, CPD recommends approval of the Lowry Vista General Development Plan.

# LOWRY VISTA PROPERTY TRANSACTION HISTORY

## FACT SHEET

March 2008

**OVERVIEW:** This document provides a summary of the property transaction history associated with the former landfill at the former Lowry Air Force Base, located on approximately 70 acres in the southern portion of Lowry, called Lowry Vista.

**BACKGROUND:** Lowry Air Force Base, a military installation since 1937, closed September 30, 1994. At that time the Lowry Economic Redevelopment Authority (LRA) was created as a quasi-municipal entity by the Cities of Denver and Aurora, with the responsibility of redeveloping the base.

The Air Force began performing the steps necessary to transfer the former base property, including continuing environmental investigations and cleanup where necessary. However, the pace of cleanup and the transfer of property from the Air Force to the LRA did not keep pace with the redevelopment. LRA, working with Lowry Assumption, LLC (LAC), an affiliate of IRG Redevelopment I, LLC (IRG), proposed outsourcing (referred to as “privatization”) the environmental services including clean up of contaminated groundwater and closure of the landfill. Privatization would accelerate cleanup and speed transfer of property. In 2002 the Air Force privatized the cleanup of the landfill and groundwater at the former base to LAC. The privatized cleanup was required to follow federal and state cleanup standards and is overseen by the Colorado Department of Public Health and the Environment (CDPHE).

**REMEDY:** The LRA tried to get the Air Force to approve the expenditure to place a cap on the landfill to accommodate irrigation so that the nearby golf course could be expanded. The Air Force refused to fund the extra cost of an irrigable cap. The cleanup remedy approved by CDPHE and implemented by LAC for the landfill at Lowry Vista consists of an engineered cap protective of human health and the environment with a State Environmental Covenant (Covenant) restricting future activities on the property in order to protect that cap. The Covenant identifies the use as “open space/non-irrigated park” following closure. In addition, it requires that the owner “not disturb the integrity of the final cover... or components of the containment system” unless the Covenant is removed or modified by CDPHE. LAC conducted a public meeting on November 20, 2003, prior to approval of the cleanup remedy, to discuss the remedy and the State’s requirements. Pursuant to the Covenant, the landfill was closed in a manner that does not allow any uses other than “open space/non-irrigated park”, and the closure requires the landfill to be fenced.

**LAND TRANSFER:** In 2005, the Air Force sought to transfer all remaining lands at Lowry, approximately 720 acres – cleaned or not – to LRA. This was an all-or-nothing deal, meaning that the landfill was required to be included in any land transfer. Transferring the landfill to the LRA is problematic; the LRA will cease to exist so it cannot own property in perpetuity. Any land owned by the LRA when it sunsets, including the landfill, would revert to the City and County of Denver (City). The City did not want to accept the long-term environmental liability of maintaining the cap. Thus,

the transfer and ownership of the landfill posed a dilemma for all parties, potentially delaying all the remaining transfers of property at Lowry from the Air Force to the LRA, impacting redevelopment of all of Lowry.

IRG, LRA, the City and the Air Force discussed IRG’s potential purchase of this property as a solution to this issue. IRG, as a developer with experience in environmentally impaired properties, was willing to accept transfer of the landfill and assume responsibility for its condition and the maintenance of the engineered cap. IRG assumed the risks associated with trying to redevelop the site, including the legal, regulatory, public outreach, and entitlement costs of such redevelopment. IRG can pursue potential redevelopment opportunities of the landfill through all normal regulatory processes.

The Air Force obtained approval from the State of Colorado on December 28, 2005 to transfer the landfill and others parcels requiring cleanup or investigation to the LRA under a “Finding of Suitability for Early Transfer” (FOSET). The required public notice on this FOSET was issued on September 24, 2005, and a public meeting was held on October 18, 2005. There were a number of comments about the potential future use of the landfill, and responses to those comments were included in the FOSET. IRG was identified as the future owner of the landfill in the FOSET. IRG received title to Lowry Vista in January 2006.

**DEVELOPMENT PLANS:** IRG has been working since 2006 on potential redevelopment of the landfill, including several meetings with the City, the LRA, State of Colorado and the Air Force. Development plans for the site are still very preliminary and conversations with all stakeholders continue.



LOWRY ILLUSTRATIVE MASTERPLAN

### For More Information:

**Brent Anderson**  
International Risk Group  
303.972.6633

**Greg Palcanis**  
Lowry Redevelopment Authority  
303.343.0276

**Bar Chadwick**  
City and County of Denver  
720.913.0645

**Brian H. Wert**  
**250 Eudora Street**  
**Denver, Colorado 80220**

November 24, 2009

Denver Planning Board  
201 W. Colfax Ave, Room 4.F.6  
Denver, Colorado 80202

Planning Board Members:

I am writing you to encourage your approval of the General Development Plan (GDP) and the corresponding rezoning application for the Lowry Vista development. As the current Chair and a member of the Lowry Community Advisory Committee since its inception, I have been given a great deal of information on this project, both true and false. After careful consideration of this information I have concluded that this development will benefit the local community in numerous ways. Particularly in difficult economic times, the larger community should support responsible development like the plans the Lowry Vista developer, International Risk Group, LLC, has generated under a procedure which is far above and beyond standard procedures to ensure that the community is informed about its project. The relationship IRG has developed with local stakeholders is clearly reflected in the GDP, which it should be noted, has included a task force from Windsor Gardens, and, which has involved over 50 public meetings.

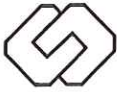
I believe that Lowry Vista will be a dynamic development that will showcase a mix of residential, retail and commercial uses, accented with a variety of outdoor plazas and landscapes. Lowry Vista will provide the convenience of adjacent neighborhood-serving retail (grocery, restaurants, hotel, book store, etc.,) for surrounding neighborhoods Windsor Gardens, Lowry, Rangeview, Park Forest, The Lighthouse and Pelican Pointe. It will also include a thirteen acre parcel of open space for wildlife viewing and provide a missing link to the City's existing regional trail system. This incorporation of open space and natural areas into the development will offer countless opportunities for neighbors to access an otherwise restricted area of Lowry.

The Lowry Vista developer has demonstrated its commitment to producing an environmentally responsible community. A pedestrian friendly environment which incorporates bicycles, vehicles and pedestrians is incorporated into the plan at Lowry Vista. The natural environment will become a part of a welcoming blend of shopping, strolling, sitting and conversing. In cooperation with the neighborhoods, the developer has limited building height to no more than 60 feet, which will produce an appropriate scale which reflects the surrounding density. Through the use of modern design techniques and other sustainable practices, Lowry Vista will turn a dormant property into a thriving, sustainable community. For all of these reasons, I urge your full support of the Lowry Vista development.

Sincerely,

  
Brian H. Wert

cc: Councilwoman Johnson  
Deirdre Oss  
Marcus Pachner



**COUGHLIN & COMPANY INC.**

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Denver, CO 80203-1035  
303-863-1900  
303-863-7100 FAX

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November 23, 2009

Denver Planning Board  
201 W. Colfax Ave, Room 4.F.6  
Denver, Colorado 80202

Planning Board Members:

I am writing you to encourage your approval of the General Development Plan and the corresponding rezoning application for the Lowry Vista development. As a Lowry business owner and LCMA member, I have read and heard a great deal of information about this project. I believe that the development team has answered all the questions and has spent years working with the community to reach compromises and solutions for the site. I believe that Lowry Vista will be a comparable development to the Lowry Town Center and will greatly serve the surrounding community.

The project has gone through many iterations over the last three years. Over 50 public meetings have been held and substantial changes have been effectuated by interested neighbors. Windsor Gardens has had a committed task force working on this project for over three years. It is time to move this project forward.

Today, this site is fenced, vacant land. The Lowry Vista development will transform this barren land into a productive mixed-use development. In addition, the new open space and natural areas that will be made accessible will be a valuable resource for recreational activities and educational opportunities. I support this project wholeheartedly and ask that the Denver Planning Board join Lowry residents in approving this project.

Sincerely,

Cc: Councilwoman Johnson  
Deirdre Oss  
Marcus Pachner

**John C. Ewing**  
**10209 Woodrose Ct.**  
**Highlands Ranch, CO 80129**  
**(720) 344-4527**

November 24, 2009

Denver Planning Board  
201 W. Colfax Ave, Room 4.F.6  
Denver, Colorado 80202

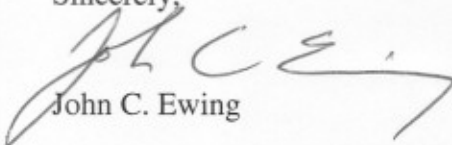
Planning Board Members:

I am writing you to encourage your approval of the General Development Plan and the corresponding rezoning application for the Lowry Vista development. I am a current member of the Lowry Design Review Committee and I personally believe that the development team has answered all the questions raised by the community and has spent years working with the community to reach compromises and solutions for the site. I believe that Lowry Vista will be a comparable development to the Lowry Town Center and will greatly serve the surrounding community.

The project has gone through many iterations over the last three years. The development team has met with the neighbors surrounding this project and headed their concerns and made changes suggested by the community. I believe the current plan for the Lowry Vista project is comprehensive and sensitive to the surrounding community.

This site is currently an unattractive closed former military landfill. The Air Force would not finance a landfill cap that would have allowed for alternative public open-space development on this site. The Lowry Vista development will transform this barren land into a productive mixed-use development that not only serves the surrounding community, but enhances the experience adjacent to the Westerly Creek Dam wetlands area. The new open space and natural areas that will be made accessible to all members of the community will be a valuable resource for recreational activities and educational opportunities. I support this project wholeheartedly and ask that the Denver Planning Board join Lowry residents in approving this project.

Sincerely,



John C. Ewing

Cc: Councilwoman Johnson  
Deirdre Oss  
Marcus Pachner

# LOWRY

Lowry Redevelopment Authority

November 9, 2009

Davis Reinhart  
Edifice Construction and Development Management  
2027 W. Colfax Ave.  
Denver, CO 80204

**Re: Lowry Vista**

Dear Mr. Reinhart:

It has come to my attention that a conversation took place recently between a representative of the lender for the Lowry Vista development and a member of the Lowry Redevelopment Authority (LRA). This conversation focused upon the proposed Lowry Vista project approval process, actions required by the LRA and the associated timeline. As Executive Director of the LRA, I want to clarify our collective perspective. I would ask that any previous statements or the interpretation of said statements be disregarded and that contents of this letter represent our comments on this project.

The facts related to the proposed Lowry Vista project are as follows:

- 1) The LRA and IRG Redevelopment I, LLC signed an Agreement to Purchase and Sell the Lowry Vista site on October 13, 2005.
- 2) Said Purchase and Sale Agreement mandated that the Lowry Vista site would be subject to the Lowry Design Guidelines that are administered by the Lowry Design Review Committee (LDRC). The Agreement further required the purchaser to submit its plan for review and approval prior to commencement of construction for the purpose of "protecting the interests of the Authority and the Master Association."
- 3) The Lowry Vista design team has made numerous presentations before the LDRC, most recently on October 1, 2009. At that meeting the Vista team asked the LDRC to formally approve their proposed amendments to the existing Lowry Design Guidelines. These amendments reflect the current level of conceptual planning that has been submitted to the City of Denver. A few minor changes were suggested and the LDRC will move to formally approve the design guideline amendments at the November 19, 2009 meeting.
- 4) The Agreement to Purchase and Sell also requires that Lowry Vista record the Master Declarations of the Lowry Community on the property. Vista understands this obligation and has worked with the Lowry Community Master Association

- (LCMA) and will record the Master Declaration upon approval of entitlements and commencement of construction.
- 5) The proposed Lowry Vista development does not require an amendment to the Lowry Reuse Plan that was completed in 1993.
  - 6) The Lowry Vista developers have presented the plan to the LRA committees to gather their input on the plan.
  - 7) It is our clear understanding that Lowry Vista representatives, while completing the LRA process, have progressed concurrently on a City of Denver General Development Plan (Master Plan) and Rezoning Application. These applications are in accordance with the proposed development plans that have been presented to the LRA, LCMA and the LDRC. Again, the LRA process has been completed and no additional approvals are required from the LRA or any of our respective boards. The proposed project is now under review by the City of Denver and other governmental agencies.

The LRA is satisfied that the Lowry Vista developers have met all of our requirements. Hopefully the above information will be helpful to all parties involved. If there are further questions whatsoever, please feel free to contact me for additional assistance.

Sincerely,

A handwritten signature in cursive script, reading "Thomas O. Markham", with a long horizontal line extending to the right.

Thomas O. Markham  
Executive Director

City Attorney's Office  
15151 E. Alameda Parkway, Suite 5300  
Aurora, Colorado 80012  
Phone: 303-739-7030  
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JAN 29 2009  
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Via Hand Delivery & U.S. Mail

January 29, 2009

Mayor John W. Hickenlooper  
Office of the Mayor  
City and County of Denver  
1437 Bannock Street, Room 350  
Denver, Colorado 80202

David R. Fine, Esq.  
Office of the City Attorney  
City and County of Denver  
1437 Bannock Street, Room 353  
Denver, Colorado 80202

Re: Lowry Vista General Development Plan/Aurora-Denver Lowry IGA

Dear Mayor Hickenlooper and Mr. Fine,

I am writing on behalf of the City Council of the City of Aurora regarding the proposed Lowry Vista general development plan pending before the Denver Planning Office, Application #081-00077. This parcel of land is part of an area governed by the Intergovernmental Agreement Establishing the Lowry Economic Development Authority between the City and County of Denver and the City of Aurora, dated August 1, 1994. The development of the area is governed by the Lowry Reuse Plan, which provides for golf course, open space, and residential uses on this parcel. The Lowry Vista GDP proposes land uses that are inconsistent with the Reuse Plan.

Section 1.7 of the Agreement states:

*1.7 Amendment to Approved Reuse Plan. It is the expressed intent of the Parties hereto that future redevelopment at Lowry be consistent with the approved Lowry Reuse Plan and Recommended Lowry Disposition Plan, as incorporated into each of the Parties municipal comprehensive plans. Proposals to modify the approved Lowry Reuse Plan and Recommended Lowry Disposition Plan shall be submitted to the Denver/Aurora Coordinating Committee established pursuant to Article Two herein for consideration and recommendation to the Parties. Modifications to the approved reuse plan may occur only upon mutual written consent of the Parties hereto. (emphasis added)*

Letter to Mayor John W. Hickenlooper and  
David R. Fine, Esq.  
January 29, 2009  
Page 2 of 3

The plan is mutually binding and enforceable. See, C.R.S. 29-20-105(2)(a). Section 9.5 of the Agreement states:


*9.5 Binding Effect. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.*

The City of Aurora has not consented to an amendment to the Reuse Plan for this property. As currently proposed, the Lowry Vista GDP would impose significant burdens on Aurora infrastructure, and detrimental economic impacts on Aurora businesses. The purpose of the Lowry Reuse Plan was to minimize such externalities. Reuse Planning Goal #6 states, "The Plan should provide for multiple uses which are diverse, balanced and well integrated, and that minimize negative impacts on surrounding neighborhoods." About modifications to address these impacts, the City Council opposes the Lowry Vista GDP.

The City of Aurora respectfully requests that you advise the Denver Planning Office that approval of the Lowry Vista General Development Plan cannot occur without an amendment to the Lowry Reuse Plan that has been reviewed by the Denver/Aurora Coordinating Committee and consented to in writing by the City of Aurora. Staffs from the Aurora Planning Department and the City Attorney's Office are available to meet with you and the Denver Planning Office to discuss the issues raised by the proposed, and any proposed amendment to the Reuse Plan.

Please see the attached memorandum for additional comments from the Aurora Planning Department. Thank you for your attention to this matter.

Sincerely,



Charles H. Richardson  
City Attorney

CHR/mg

Attachment: (As stated above)

cc: Mayor Edward J. Tauer  
Aurora City Council  
Ron Miller, Aurora City Manager  
Robert Watkins, Aurora Planning Director  
Peter Park, Denver Manager of Community Planning & Development



**DENVER**  
THE MILE HIGH CITY

**Department of Law**  
David R. Fine  
Denver City Attorney

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February 11, 2009

Charles H. Richardson  
City Attorney  
15151 E. Alameda Parkway, Suite 5300  
Aurora, Colorado 80012

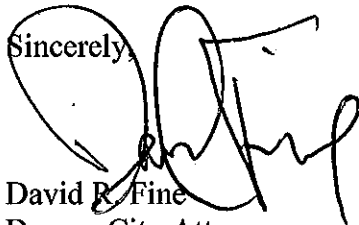
Re: Lowry Vista General Development Plan/Aurora-Denver Lowry IGA

Dear Mr. Richardson:

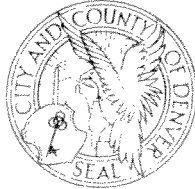
Thank you for your letter dated January 29, 2009 regarding the proposed General Development Plan ("GDP") for the Lowry Vista development. We have given careful thought to all of Aurora's concerns as expressed in your letter and the attached memorandum to Mayor Tauer and Aurora City Council. Denver respectfully disagrees with Aurora's legal position as the proposed GDP is consistent with the Lowry Reuse Plan and Recommended Lowry Disposition Plan as those are incorporated into Denver's Comprehensive Plan, which includes Blueprint Denver as set forth in paragraph 1.7 of the Intergovernmental Agreement Establishing the Lowry Economic Development Authority ("IGA"). Thus, no modification to the Lowry Reuse Plan and Recommended Lowry Disposition Plan, as adopted by Denver and incorporated into its Comprehensive Plan, is required.

At the same time, Denver takes all of Aurora's concerns seriously, including the infrastructure concerns set forth in your letter. Rather than focusing on legal positions regarding the IGA, we believe it would be more productive, and more in keeping with the continued spirit of cooperation between our two cities for Denver to continue to work with Aurora as the GDP and other entitlements proceed through Denver's processes.

Denver's project team, including Community Planning and Development, Public Works and the City Attorney's Office, welcome Aurora's active participation in Denver's development review processes. Please contact Bar Chadwick at 720-913-0645 to set up a meeting to examine the traffic and other infrastructure issues related to development at Lowry Vista that are of importance to both Denver and Aurora.

Sincerely,  
  
David R. Fine  
Denver City Attorney

*John W. Hickenlooper*  
MAYOR



# *City and County of Denver*

OFFICE OF THE MAYOR  
CITY AND COUNTY BUILDING  
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May 21, 2008

Col. David C. Press  
Commander US Army Corps of Engineers  
Omaha District  
1616 Capital Avenue, Suite 900  
Omaha, NB 38102-4901

RE: Construction in the Westerly Creek Dam Flowage Easement

Dear Ms. Thomas:

As you are aware the Westerly Creek Dam was constructed on the Lowry Air Force Base in 1989. An easement was established to the benefit of Urban Drainage Flood Control District (UDFCD), the local sponsor, to allow UDFCD to properly operate and maintain the facility while the land was in federal hands. Under the terms of the easement, UDFCD has the right to review proposed modifications and development plans within the easement and USACE in turn has the authority to review UDFCD decisions to ensure that there are no adverse effects on the functioning of the flood control project.

When the base closed in 1994, the Lowry Reuse Plan was established to guide the future development of the former air force base. The Lowry Reuse plan was formulated under standard BRAC procedures. The plan was approved by the cities of Denver and Aurora and the Secretary of the Air Force. Although there have been some minor changes to the re-use plan the two cities have remained committed to the plan's implementation. The Reuse plan contemplated a residential development would occur within the Westerly Creek Dam flood pool. In 1996 the City, State of Colorado Engineers Office, UDFCD and USACE agreed on technical terms for that development. Due to a combination of factors the portion of the base in the flood pool was not transferred out of federal title until December 2006. The property originally slated for development had become the permanent golf course during those years.

In December 2006 the parcel adjoining the golf course, the 68 acre former landfill site, was transferred to a private developer, International Risk Group (IRG) as a part of the environmental privatization transaction. The privatization agreements between the city, Air Force, Lowry Redevelopment Authority, and the Colorado Department of Health and the Environment (CDHPE) contemplate the site being reused as a mixed use development. The site is currently barren and will remain so indefinitely without redevelopment.

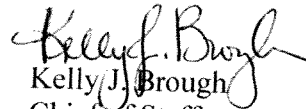
Col. David C. Press  
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Redevelopment of this site is consistent with the city's planning objectives for this corridor. The public benefit to the community caused by the transformation of a brownfield into productive and active use warrants the highest level of coordination and cooperation. Since the northern portion of the site is encumbered by the UDFCD Westerly Creek dam easement site plans are subject to your review, we request your assistance in reviewing the technical submissions submitted by Lowry Vista from both a public safety and a community development perspective. We believe an agreement can be reached between all parties that satisfy the concerns of all stakeholders and will allow this property to be placed into productive use while still meeting the flood control needs of the City. We will look forward to the progress made by the developers when they meet with you in Omaha.

Sincerely,



Guillermo Vidal, Manager  
Public Works



Kelly J. Brough  
Chief of Staff

cc: David Lloyd, Executive Director, Urban Drainage & Flood Control  
Marcia Johnson, Denver City Council

# Lowry Vista Public Outreach

11/24/2009

Public Open Houses					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Windsor Gardens Community Open House	Public, WG, Edifice, TPC, IRG, BCC	11/11/2007	6:00 PM		Community Discussion of Project
Windsor Gardens Republican Association	WG Members, TPC, Edifice	5/30/2007	6:00 PM	Windsor Gardens	Community Discussion of Project
Public Meeting	Public, DPA, Edifice, TPC, IRG, BCC	10/16/2008			Lowry Community Meetings
Public Meeting	Public, DPA, Edifice, TPC, IRG, BCC	11/12/2008	6:00 PM	Eisenhower Chapel	Lowry Community Meetings
Public Meeting	Public, City Staff, DPA, Edifice, TPC, IRG, BCC	11/25/2008		Windsor Gardens	City Required GDP Submittal Meeting
Project Presentation	Lowry Community Open House	3/4/2008	6:00 PM	Eisenhower Chapel	Lowry Community Meetings
Project Presentation	Lowry Community Open House	3/6/2008	6:00 PM	Eisenhower Chapel	Lowry Community Meetings
Project Presentation	Lowry Community Open House	11/12/2008	6:00 PM	Eisenhower Chapel	Significant changes in project outlined
Project Presentation	Lowry Community Open House	10/26/2009	6:00 PM	Eisenhower Chapel	Final GDP and Rezoning Submittal
Environmental Meetings					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Environmental Issues	CDPHE, TPC	2/27/2008	2:00 PM	Eisenhower Chapel	All Environmental Issues
Environmental Forum	Environmental Forum	4/9/2008	6:00 PM	Eisenhower Chapel	All Environmental Issues
Environmental Forum	Environmental Forum	12/1/2009	7:00 PM	Eisenhower Chaple	All Environmental Issues
LRA					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Landfill Development	LRA Planning Disposition	7/27/2006	10:00 AM	Lowry	Project Introduction
Landfill Development	LRA Planning Disposition	5/24/2007	4:00 PM	Lowry	Project development
GDP Formal Application	LRA Planning Disposition	6/28/2007	4:00 PM	Lowry	GDP Pre Application
Landfill Development	LRA CAC	7/10/2007	5:30 PM	Lowry	GDP Pre Application
GDP Pre-application	LRA Board	8/28/2007	8:00 AM	Lowry	GDP Pre Application
GDP Pre-application	LRA Board	10/23/2007	8:00 AM	Lowry	GDP Pre Application
GDP Formal Application	LRA Board	1/29/2008	8:00 AM	Lowry	GDP Formal Submittal
GDP Formal Application	LRA Board	4/22/2008	8:00 AM	Lowry	GDP Formal Submittal
GDP Formal Application	LRA CAC	4/8/2008	5:30 PM	Lowry	GDP Formal Submittal
GDP Formal Application	LRA Planning Disposition	3/27/2008	4:00 PM	Lowry	GDP Formal Submittal
GDP Formal Application	LRA CAC	10/14/2008	8:00 AM	Lowry	Final Conceptual Plan
GDP Formal Application	LRA Board	10/28/2008	8:00 AM	Lowry	Final Conceptual Plan
GDP Formal Application/ Design Guidelines	LRA	9/4/2009	7:30 AM	Lowry	Detailing of Design Guidelines
LDRC					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Design Guidelines	LDRC, TPC, Edifice	6/20/2007	8:30 AM	Lowry	Framework for Design Guidelines
Design Guidelines	LDRC, TPC, Edifice	7/5/2007	8:30 AM	Lowry	Update on Design Guidelines
Design Guidelines	LDRC, DPA, Edifice, TPC	4/27/2009	8:30 AM	Lowry	Submittal of Design Guidelines
Design Guidelines	LDRC, DPA, Edifice, TPC	9/17/2009	8:30 AM	Lowry	Update on Design Guidelines
Design Guidelines	LDRC, DPA, Edifice,	11/19/2009	8:30 AM	Lowry	Approval of design guidelines
LCMA					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Project Presentation	LCMA Board Meeting	7/27/2007	6:00 PM	Lowry	LCMA Board Intro
Project Presentation	LCMA Board Meeting	10/23/2007	6:00 PM	Lowry	Board Update
Project Presentation	LCMA Board Meeting	3/27/2008	6:00 PM	Lowry	Project Description
Project Presentation	LCMA Board Meeting	10/23/2008	6:00 PM	Lowry	Project Update, GDP Submittal
Project Presentation	LCMA Building & Grounds Committee	9/17/2009	10:00 AM	Lowry	Final GDP and Rezoning Proposal
Project Presentation	LCMA Board Meeting	9/24/2009	6:00 PM	Lowry	Final GDP and Rezoning Proposal

City Meetings					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Project Schematics	City Planner, TPC	6/27/2006	10:00 AM	Webb	Project Discussion
Project Background	CM Brown, TPC	3/8/2007	11:30 AM		Project Description
Project Update	LCMA, Board Treasurer	4/10/2007			Project Description
Landfill Open Space	Denver Parks, TPC	4/18/2007	2:00 PM		Open Space Discussion
Landfill Issues	DURA, TPC	4/24/2007	10:00 AM		Project Discussion
Landfill Development	City Planner, TPC	5/4/2007			Project Discussion
GDP Update	DURA, TPC, Edifice	7/30/2007	10:00 AM	Webb	Project Description
GDP Update	DURA, TPC, Edifice	8/13/2007	10:00 AM	Webb	Project Description
Project Issues	Mayor's Chief of Staff	8/22/2007	3:00 PM	City & County Building	Project Discussion
City Meeting - GreenPrint Denver	City Staff, Edifice, TPC	10/3/2007			Project Description
Zoning and Planning Issues	City Staff, DPA, Edifice, TPC	10/24/2007	2:00 PM	Webb	Project Description
City Meeting - Gibbs Axelrod	City Staff, DPA, Edifice, TPC	10/24/2007			Project Discussion
City Meeting - Park Dept.-Baird	City Staff, DPA, Edifice, TPC	11/25/2007			Project/Open Space Discussion
Open Space	Denver Parks, TPC, DPA	1/30/2008	3:00 PM	Webb	Project/Open Space Discussion
Zoning and Planning Issues	City Planner, TPC	3/26/2008	2:00 PM	webb	Project Discussion
City Meeting - Planning - Gibbs/Geisner	City Staff, DPA, Edifice, TPC	4/10/2008			Project Discussion
City Meeting - Park Dept.-Robson	City Staff, DPA, Edifice, TPC	5/2/2008			Project Description
City Meeting - Planning - Gibbs/Geisner	City Staff, DPA, Edifice, TPC	5/20/2008			Project Discussion
City Meeting - Planning - Gibbs/Gordon	City Staff, DPA, Edifice, TPC	5/4/2008			Project Discription
City Meeting - Mayors Officd /Braugh Park Vidal	City Staff, DPA, Edifice, TPC, Foster Graham	6/3/2008			Project Discription
Project Update	Eco Devo Staff, TPC	10/3/2008	2:00 PM	Webb	Project Description
Project Update	City Planning Staff, TPC	10/9/2008	11:00 AM	webb	Project Description
Project Update	CFO of Denver, TPC	10/10/2008	10:00 AM	Webb	Project Description
Project Update	Denver Parks, TPC	10/20/2008	9:00 AM	Webb	Project Description
City Meeting - GDP	City Staff, DPA, Edifice, TPC	4/21/2009	1:00 PM	Webb	Project Discussion
City Meeting - GDP	City Staff, DPA, Edifice, TPC	5/26/2009	3:00 AM	Webb	Project Discussion
City Meeting - Traffic	City Staff, Edifice, Aldriedge	6/15/2009			Project Discussion
City Meeting - Traffic	City Staff, Edifice, Aldriedge	6/29/2009			Project Discussion
City Meeting - Park Dept.	City Staff, DPA, Edifice, TPC	7/16/2009	11:00 AM	Webb	Open Space Resolution
City Meeting - GDP/Zoning	City Staff, DPA, Edifice, TPC	11/3/2009	4:00 PM	Webb	GDP, Zoning Update
City Meeting - GDP/Zoning	City Staff, DPA, Edifice, TPC	11/20/2009	1:00 PM	Webb	GDP, Zoning Update
Focus Group Meetings					
Meeting Topic	Participants in Attendance	Meeting Date	Meeting Time	Meeting Location	Significant Outcome
Project Background	WG Focus Group	8/10/2006	4:00 PM	Windsor Gardens	Overview of project, introduction of stakeholders
Project Update	WG Focus Group	8/23/2006	4:00 PM	Windsor Gardens	Conceptual plan, overview of extensive process
Project Update	WG Focus Group	11/13/2006	4:00 PM	Windsor Gardens	Project Description
Project Update	WG Focus Group	12/6/2006	4:00 PM	Windsor Gardens	Review of plan, process of landfill redevelopment
Project Update	WG Focus Group	1/11/2007	4:00 PM	Windsor Gardens	Development process, concerns of focus group
Project Update	WG Focus Group	8/1/2007	4:00 PM	Windsor Gardens	Conceptual plan, info on new cap
Project Update	WG Focus Group	11/16/2007	4:00 PM	Windsor Gardens	Project Description
Project Update	WG Focus Group	2/12/2008	4:00 PM	Windsor Gardens	Letter of Support, overview of CDPHE issues
Project Update	WG Board of Directors	2/15/2008	9:00 AM	Windsor Gardens	Project Description
Update/ Environmental Issues/ Next Step	WG Board Meeting	2/25/2008	9:00 AM	Windsor Gardens	Project Discussion
Tour of Belmar and Northridge	WG Task Force Tour of Belmar	3/14/2008	9:00 AM	Windsor Gardens	Project Ideas
Project Presentation	Lowry United Neighbors	4/2/2008	6:30 PM	Windsor Gardens	Project Description
Project Presentation	WG Focus Group	6/3/2008	4:00 PM	Windsor Gardens	Recap of Belmar Tour, Open Space Committee
Project Presentation	LCMA Board Meeting	7/24/2008	6:00 PM	Windsor Gardens	Project Description
Project Update	WG Board Meeting	7/25/2008	11:00 AM	Windsor Gardens	Project Description
Project Presentation	Historic Montclair	10/15/2008	7:00 PM	Windsor Gardens	Project Description
Project Presentation	Lighthouse HOA	11/13/2008	7:00 PM	Windsor Gardens	Project Description
Project Presentation	Pelican Point RNO	11/13/2008	7:00 PM	Windsor Gardens	Project Description
Project Update	WG Focus Group	1/9/2009	4:00 PM	Windsor Gardens	GDP timeline, traffic concerns
Project Presentation	WG Focus Group	4/30/2009	6:00 PM	Windsor Gardens	Timeline, traffic issues, rezoning application
Project Presentation	WG Focus Group	10/27/2009	4:00 PM	Windsor Gardens	Project Description
Project Presentation	WG Building Representatives	11/18/2009	7:00 PM	Windsor Gardens	Project Description
Project Presentation	Pelican Point RNO	11/19/2009	6:45 PM	Windsor Gardens	Project Description
Project Presentation	WG Focus Group	11/23/2009	4:00 PM	Windsor Gardens	Project Description
Project Presentation	WG Board of Directors	11/30/2009	9:00 AM	Windsor Gardens	Project Description
Project Presentation	WG,Range View, Park Forest open house	12/1/2009	5:30 AM	Windsor Gardens	Project Description

<b>Other Meetings</b>					
<b>Meeting Topic</b>	<b>Participants in Attendance</b>	<b>Meeting Date</b>	<b>Meeting Time</b>	<b>Meeting Location</b>	<b>Significant Outcome</b>
Landfill Development Issues	Kathleen Ruby, TPC	4/24/2006	11:00 AM		Project Discussion
Landfill Development Issues	John Ackerman, TPC	5/5/2006	12:00 PM		Project Discussion
Landfill Zoning	Bob Gollick, Edifice, TPC	5/8/2006	10:00 AM		Project Discussion
Outreach Plan	LRA, Edifice, TPC	5/15/2006	2:00 PM		Project Discussion
ICSC	MNW, TPC	5/18/2006	8:00 AM		Project Discussion
ICSC	Lowry CAC, LCMA, TPC	5/20/2006	11:00 AM		Project Discussion
Landfill Development Issues	DWF, LRA, TPC	5/23/2006	8:00 AM		Project Discussion
Windsor Gardens Outreach	WG, TPC	6/3/2006	2:00 PM		Project Description
Project Introduction	Urban Drainage	1/23/2007	9:00 AM		Project Description
Conceptual Plan	Lowry Neighbors	2/2/2007	8:00 AM		Project Description
Open Space Issues	CO Open Lands Staff, TPC, Edifice	9/19/2007	4:00 PM		Project/Open Space Discussion
Project Introduction	LRA, Buckley Annex, TPC, Edifice	11/7/2007	4:00 PM		Project Description
Fire Department	Denver Fire, TPC	11/24/2007	3:00 PM		Project Description
Project Introduction	George Washington Neighborhood, TPC	12/6/2007	9:00 AM		Project Description
Project Introduction	Pelican Pointe HOA, TPC	1/8/2008	6:00 PM		Project Description
Project Introduction	Lighthouse HOA, TPC, Edifice	1/14/2008	7:00 PM		Project Description
Project Introduction	Park Forest HOA	10/13/2008	6:00 PM		Project Description
Windsor Gardens Outreach	WG Residents, CW Robb's Office, TPC	6/21/2009	8:00 AM		Project Description
Fire Station - Bond Group	City Staff, DPA, Edifice, IRG	8/11/2008			Fire Station - Discussions
Fire Station - Bond Group	City Staff, DPA, Edifice,	9/19/2008			Fire Station - Discussions
Fire Station - Bond Group	City Staff, DPA, Edifice,	10/12/2008			Fire Station - Discussions
Fire Station - Bond Group	City Staff, DPA, Edifice,	2/11/2009			Fire Station - Discussions
Fire Station - Bond Group	City Staff, DPA, Edifice,	4/12/2009			Fire Station - Discussions
Project Update	Marcia Johnson, DPA,Edifice, TPC, IRG	7/20/2009	9:00 AM	MJ Office	GDP and Rezoning
<b>UDFCD-Issues - Master plan</b>					
<b>Meeting Topic</b>	<b>Participants in Attendance</b>	<b>Meeting Date</b>	<b>Meeting Time</b>	<b>Meeting Location</b>	<b>Significant Outcome</b>
UDFCD -		8/2/2007			All UDFCD Issues
UDFCD -	Internal - Reservoir	8/21/2007			All UDFCD Issues
UDFCD -	David Lloyd, HKS, IRG Edifice	11/8/2007			All UDFCD Issues
CCD Public Works	Edifice,Vidal, Foster, Duncanson	12/10/2007			All UDFCD Issues
UDFCD	UDFCD, Wastewater, Edifice	12/12/2007			All UDFCD Issues
UDFCD	Mallory Edifice	12/20/2007			All UDFCD Issues
UDFCD -- CCD Duncanson	Edifice	7/16/2008			All UDFCD Issues
UDFCD --	UDFCD, Wastewater, Edifice	9/10/2008			All UDFCD Issues
UDFCD --	UDFCD, Wastewater, Edifice	10/2/2008			All UDFCD Issues
UDFCD -- Master Plan (DeGroot)	UDFCD, Edifice	11/28/2008			All UDFCD Issues
UDFCD -- Master Plan (DeGroot)	UDFCD, Edifice, IRG	5/13/2009			All UDFCD Issues
UDFCD -- Master Plan Approval Public Meeting	UDFCD, Edifice, IRG	5/13/2009			All UDFCD Issues