



WEST COLFAX ASSOCIATION OF NEIGHBORS

[www.wecanddenver.org](http://www.wecanddenver.org)

October 31, 2014

Denver Planning Board and Planning Staff  
Community Planning and Development  
City and County of Denver

Dear Members of the Denver Planning Board and Planning Staff.

I am writing on behalf of the West Colfax Association of Neighbors (WeCAN) to express our general support for the Design Overlay District at the SLOANS redevelopment. Since the Board and Membership of our organization voted to support the GDP for the redevelopment in December of last year, and the Design Overlay District merely codifies the lower heights specified in the GDP at the time, the Board of Directors feels confident in supporting this new District. It should be noted that we did not take any official vote on this issue, but simply lean on our previous support.

By and large the board and the membership are quite happy with the way in which the project is progressing and glad to see that the city is taking it upon themselves to ensure that the residential edges of the development are protected from taller development as outlined in the GDP.

WeCAN represents the needs and desires of the residents and business owners in the Denver's West Colfax Neighborhood. Our organization currently has over 550 registered members and is dedicated to creating a healthy safe and sustainable community in West Colfax. Please support us in approving this rezoning. We look forward to the completion of this project.

Sincerely,

Chad Reischl  
Co-president: WeCAN



## **Citizens at Lowry Sue Denver Over Zoning Overlay Just Like Shepherd Seeks at St. Anthony's**

The City of Denver is being sued over a flawed zoning process virtually identical to that being pursued by South Sloan's Lake developer EFG and District 1 Councilwoman Susan Shepherd. A precedent setting lawsuit filed on October 24, 2014 against the City of Denver, the Department of Community Planning and Development (CPD) and the Denver Planning Board in Denver District Court has direct implications for proposed St. Anthony's, "South Sloan's Lake" project. The suit, by neighbors of the Lowry Buckley Annex development, seeks to "challenge and reform," what the complaint describes as a "corrupt, consultant-dominated, unlawful process" that led to the rezoning through a Text Amendment of a portion of the proposed 70-acre Buckley Annex at Lowry.

The suit addresses two main aspects of the attempt to rezone the parcel into a high density development. One is the October 1 approval by the Denver Planning Board of an Overlay Zone District which limits the height of buildings on the edges of the Development as proposed in the General Development Plan (GDP). The GDP was approved by the Planning Board in 2013. The Planning Board approved a text amendment to the Zoning Code which was scheduled to then go to a City Council Committee and then to City Council for final approval. The text amendment was withdrawn from consideration by Council immediately after the lawsuit was filed.

Councilwoman Shepherd has promulgated a virtually identical text amendment for the St. Anthony site (aka South Sloan's Lake) which is on a fast track for approval by the Planning Board on Wednesday, November 5, City Council Neighborhoods and Planning Committee on November 12. Final approval after a public hearing is scheduled for January 5, 2015.

The Zoning Code limits the circumstances when the text of the Code can be amended. It allows text amendments in only four circumstances one of which is to "implement adopted plans". Plans can only be adopted City Council. GDPs are not and were never intended to be "adopted plans" but rather to provide infrastructure planning for larger development areas. The official justification given by the City for the Text Amendment is to implement the "height limitations approved in the South Sloan's Lake GDP". The Lowry Overlay Zone District, was likewise justified in its text amendment to implement its GDP. The Lowry suit cites the action by the Planning Board as a violation of the Zoning Code because the GDP is not an adopted plan.

Another major aspect of the suit challenges the Planning Board's Oct. 1, 2014 reliance on the General Development Plan in determining zoning. Under the Denver Zoning Code, only the Denver Comprehensive Plan, Blueprint Denver, and "small area plans" are to control the determination of zoning. The GDP process is usually initiated and controlled by the developer and, although GDPs are supposed to be consistent with small area plans, they are approved only by the Planning Board and not adopted by City Council.

Council has full responsibility and is accountable to the public for adopting amendments to the Zoning Code consistent with small area plans and the Comprehensive Plan through a quasi-judicial, public process. The irony of the process of using the GDP as zoning is that City Council has actually implicitly agreed to give up its City Charter granted zoning powers to the Executive Branch's CDP, becoming a rubber stamp for what has already been decided by the Mayoral appointed Planning Board.

According to the CPD website, "Small area plans cover a specific geography that often has a cohesive set of characteristics." CDP goes on to say that, "Making Denver livable for its people now and in the future is the overarching vision that guides all planning efforts. Each plan is the result of a thorough, collaborative public process; each represents a long-term, broad vision for a community and functions

as a guide for future land use and urban design, ensuring orderly and appropriate neighborhood development.” Small area plans are adopted only by City Council as ordinances and become part of the Denver Comprehensive Plan.

The small area plan for the St. Anthony site is the West Colfax Plan. Adopted in 2006 by Council, it also incorporates by direct reference the “principles” of the St. Anthony Redevelopment Task Force. Both the West Colfax Plan and the Task Force Plans resulted from lengthy and collaborative community processes initiated and controlled by the City. These two plans clearly state that the tallest and most dense part of any development of the St. Anthony site shall be centered closest to West Colfax. The Plan states and shows a graphic of “The highest density and intensity focused to core and toward Colfax”, not along 17th Avenue as the developer advocated during the GDP process and the GDP now recommends.

Developer, EnviroFinance Group has made no bones about its intent to sell the property and apply for zoning consistent with their GDP. Approval of Overlay Districts for both Lowry and St. Anthony's would set a precedent and would be the first step in morphing the GDPs to become the Zoning. The St. Anthony's text or map amendments should not be considered before any further zoning proposal forthcoming from EnviroFinance Group. Furthermore, in order not to violate Denver's Comprehensive Plan, any further zoning proposal for any part of the St. Anthony's site must be consistent with the West Colfax “small area plan” no matter what the developer's imagination may have conjured up. In principle, the St. Anthony's GDP should not control zoning. Unfortunately, the GDP has flip-flopped the vision of the West Colfax Plan and St. Anthony Task Force. For this reason, as well as other reasons, it should not be the basis of any future rezoning decisions.

Larry Ambrose  
Sloan's Lake Neighborhood Association

Submitted by Jonathan Wachtel, 1331 Osceola St, 80204

I suppose all of the stakeholders weighing in on this process are motivated by what they perceive to be their own best interests.

And, I suppose then, that the challenge of our local government is finding a path forward that provides the greatest good to the greatest number of people with consideration of neighborhood heritage, commercial and residential markets, and most importantly our long term resiliency and sustainability.

This project and the proposed overlay district present a unique opportunity to reinvigorate our neighborhood by creating a neighborhood destination, attracting quality retail establishments, and enhancing our collective identity. The redevelopment takes advantage of the existing parkland and transit infrastructure encouraging sustainability through shared resources, transit oriented development, and a mix of housing types, all of which should increase our property values, and should help spark reinvestment along West Colfax and in the surrounding neighborhood.

There are certainly locations within any urban environment that are of unique character and that deserve to be maintained in their existing form. The residential neighborhoods that make up the Sloan's Lake and West Colfax neighborhoods contain blocks and blocks of areas where the predominant existing character of single family homes and duplexes should certainly be preserved and protected.

The great thing about this proposed project and overlay district is that it provides the very rare and unique opportunity to preserve the best characteristics of the existing neighborhood while taking advantage of a rare set of opportunities.

- I support the OD because it limits the heights closest to the existing residential neighborhoods.
- I support the OD because it provides clarity and certainty what can/cannot be built nearest the existing residential neighborhoods.

(Cool  
Topic for  
Adoption?)

- I support the OD because approving the OD is a major step for this development which will go a long way towards revitalizing West Colfax.

And I support the revitalization of the West Colfax neighborhood because

- an influx of new housing types in energy efficient buildings, with access to recreation, transit, and neighborhood services will diversify the neighborhood and reduce our collective carbon footprint
- This projects will providing places for young professionals, new families, and seniors to call home in an environment that fosters sustainable living through resource efficiency, community engagement, healthy lifestyles, and walkability
- An emerging generation of young professionals and an aging baby boomer generation both have been increasingly demonstrating a desire to live in the kind of environment that this development can provide.
- Because I believe that more neighbors using Sloans Lake park will make the park safer and more vibrant and will ultimately lead to more investment from the city to satisfy a growing diversity of users.

I urge the Planning Board to support the OD because I'd like to think that a neighborhood can embrace its history, protect its character, become more sustainable, shelter the poor, provide housing for an emerging professional and for an aging retiree and for a growing family, rich or poor or somewhere in between.

I'd like to think that we can share our common resources.

I'd like to think that the more lifestyle choices we have the more resilient we become, and most of all I'd hope that we realize that if we don't start planning for and building sustainably then each of us and all of our children won't have the luxury of complaining about shadows on the park, how we measure open space, or whether an individual's view is slightly altered.