

Planning Board Comments



Submission date: 23 July 2022, 11:37AM
Receipt number: 248
Related form version: 2

Your information

Name	Paul Herman
Address or neighborhood	150 South Madison Street, Unit 107
ZIP code	80209
Email	paulherman8964@comcast.net

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	3400 E. Bayaud Ave/121 S. Madison Street
Case number	2021i-00052

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

I am opposed to this rezoning. This is a fairly quiet neighborhood with reasonable traffic. The park noex to us is good for walking dogs and kids playing. adding this 5 story building will disrupt the peace in the neighborhood. Everyone else I have talked to has the same reaction.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

From: [Sam Werner](#)
To: [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#); [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] 3400 E Bayaud Avenue and 121 S Madison Street rezoning
Date: Sunday, July 31, 2022 5:36:13 PM

Hello!

I'm writing to express my strong support for the proposed rezoning of the properties at the corner of Bayoud and Madison from 3 stories to 5 stories. I live in the southern part of Cherry Creek East (Griffis Cherry Creek) and I frequently walk my dog and run by this area. I'm excited about the prospect of more housing in the area (which is desperately needed), and I look forward to seeing a more-utilized Pulaski Park. I know the request is only for 5 stories, but I would support any height here - the adjacent building is 15 so it wouldn't be out of place. I will be at the zoom meeting Wednesday if time allows. Thank you for your time and for reading this!

Also my apologies if this is to the wrong recipient - the website had Libby Kaiser listed as the contact, but the link was to Francisca Penafiel.

Best wishes,
Sam Werner

From: [Robert Bailey](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning at 3400 E Bayaud Avenue and 121 S Madison Street
Date: Tuesday, August 2, 2022 9:14:38 PM

I am writing to express my support for the proposed rezoning of 3400 E Bayaud Ave and 121 S Madison. I own a home near Bayaud & Garfield. The developers plans would be good addition to our neighborhood from my perspective.

Thank you for your time.

Robert D Bailey
113 S Garfield St
Denver, CO 80209

Sent from my iPhone

Planning Board Comments



Submission date: **3 August 2022, 4:02PM**
Receipt number: **249**
Related form version: **2**

Your information

Name	Tim Callahan
Address or neighborhood	132 S. Monroe St
ZIP code	80209
Email	tcallahan_29@hotmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	3400 Bayaud and 121 S Madison Street
Case number	2021I-00052

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Moderate opposition

Your comment:

The area discussion doesn't include the broader area with 50 S Steele Street project. Parking is impacted by Gates, The Seasons, bar/restaurant patrons on heavy usage dates.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

From: [Patrick Shannon](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning Support - 2021I-00052 - 3400 E Bayaud Avenue and 121 S Madison Street
Date: Monday, August 15, 2022 1:22:34 PM

As a resident of District 10, I urge approval of the rezoning application for 3400 E. Bayaud Avenue and 121 S. Madison Street.

The proposed rezoning would help support the creation of much-needed housing units, including affordable units, in an area of the City which currently is unaffordable to most.

All Denverites should have the ability to live in neighborhoods such as Cherry Creek and this rezoning would help allow for greater housing opportunity.

To that end, I urge you to approve this application.

Best,
Patrick Shannon
1407 E 10th Ave Apt 1
Denver, CO 80218

From: [Emily Tracy](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning Support - 2021I-00052 - 3400 E Bayaud Avenue and 121 S Madison Street
Date: Saturday, August 13, 2022 9:21:01 AM

Hi Libby,

As a resident of District 10, I am writing in support of the proposed rezoning of 3400 E. Bayaud Avenue and 121 S. Madison Street from C-MX-3 to G-RX-5.

Currently, this site is underutilized given its location adjacent to Pulaski Park, as well as Cherry Creek which is a regional and major job center with strong transit connections. The proposed rezoning would allow for the creation of much-needed housing units in a neighborhood where residents can live, work and play.

Furthermore, the proposed five story zone district is in line with surrounding properties and would allow for an appropriate height transition from the 12 and 15 story buildings that are adjacent and nearby.

For these reasons, I strongly urge approval of this rezoning.

Sincerely,

Emily Tracy - 1407 E 10th Ave, Denver, CO 80218

Emily Tracy
eltracy13@gmail.com
9194494803

From: [Nolan Hahn](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] 3400 E. Bayaud/121 S. Madison - Map Amendment Application #2021I-00052
Date: Friday, September 9, 2022 8:35:09 AM

Dear Ms. Kaiser:

I am writing in support of this upzoning. We are in desperate need of housing and this project fits well within the urban context of the dense Cherry Creek neighborhood.

Thank you for your consideration.

Sincerely,
Nolan Hahn

From: [Monica Smith Acuna](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning Support - 2021I-00052 - 3400 E Bayaud Avenue and 121 S Madison Street
Date: Wednesday, September 14, 2022 11:54:13 AM
Attachments: [Outlook-rqkifkg4.png](#)

As a Denver resident, I know how badly our City is in need of housing, particularly affordable housing.

To that end, I strongly support this proposed rezoning would provide for housing, including affordable, in a high-cost area.

The site sits across from buildings significantly larger than what is proposed for this site and the request is strongly supported by Blueprint Denver which calls for heights up to five stories in this neighborhood context.

Additionally, the site is in line with Blueprint Denver height recommendations which calls for additional height next to open space, near transit corridors and when providing height transitions.

For these reasons, I strongly support this proposed rezoning.

Sincerely,

Monica Smith Acuna

1258 S Williams St, Denver CO 80210

Monica Smith-Acuña, PsyD

She/Her/Hers

Psychologist Candidate

Marigold Assessment and Psychotherapy

<https://www.marigoldassessmentandpsychotherapy.com/>

monica.smithacuna@du.edu



Marigold
Assessment
and
Psychotherapy

Dr. Monica Smith Acuña, Psy.D.

From: [Andrew Corrado](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning Support - 2021I-00052 - 3400 E Bayaud Avenue and 121 S Madison Street
Date: Thursday, September 15, 2022 5:44:10 PM

Hello,

As a weekly visitor to the Gates Tennis Center and Denver resident, I urge support for this proposed rezoning.

The area surrounding this site is full of amenities and one of the most prominent areas in the City where you can live, work and play. Unfortunately, it is also one of the highest costing areas of Denver, making it unaffordable for the vast majority of Denverites.

However, this proposed zone district would ensure housing on the site, including affordable housing due to the new EHA requirements.

We should not be letting slip any opportunity to provide more affordable housing units, particularly in high-cost areas such as this which have strong transportation connections and sit adjacent to open space.

Sincerely,
Andrew Corrado

1258 S Williams St

From: lori meredith gabow <Imergabow@gmail.com>

Sent: Wednesday, September 14, 2022 7:22 PM

To: Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior <Francisca.Penafiel@denvergov.org>

Subject: [EXTERNAL] 3400 E Bayaud Avenue and 121 S Madison Street Zoning change: from C-MX-3 to G-RX-5 Case number: 2021I-00052

I support the rezoning request for 3400 e Bayaud and 121 S Madison to rezone to G MX5 (though would prefer 3400 E. Bayaud we're still considering CMX8 because this is a location, located on a park, that actually should have heights. That higher density might have enabled the developer to have a small Marzick type grocery store that the neighborhood has been seeking) I lived in Cherry Creek East for over 41 years, served on CCEA Board for many years and worked on the Cherry Creek East 2000 Neighborhood Plan, helped draft the requirements for a developer to submit a PUD application for community review, and worked with developers on years of PUD applications. I found the applicant and development team went above and beyond the outreach to the community, encouraged engagement during the pandemic, and provided opportunity for dialogue.

Cherry Creek East Association has had to rely on survey monkey for feedback. I am concerned about accuracy for who is voting and how often. (A prior survey from 5 Cook Street suggested a very high number of supporting votes from Mountain Shadows while I had well over 50% of the building signing a petition not supporting the rezoning) I won't repeat City Staff comments how this fits with the neighborhood plan (though there are inconsistencies with plans) but feel that it meets the spirit of the plan and vision for the town center. Unlike many high rise properties that are across the street to a park, this actually is contiguous and therefore takes advantage of the public open space and could provide amenities for the park.

In 1990's, we were concerned with land banking, PUD's being filed and then either flipped or shelved with the higher zoning. Regrettably, this situation has only worsened, but I believe this applicant has a track record for quality projects of this magnitude.

I urge you to support the applicant's request for rezoning but also suggest tools be developed to discourage upzoning and then land banking.

Thank you.

Meredith Gabow

303.913.6037

Sent from my iPad

From: [Lexie Ziller](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning Support - 2021I-00052 - 3400 E Bayaud Avenue and 121 S Madison Street
Date: Wednesday, September 14, 2022 10:06:46 PM

Hi Libby,

As a Denver resident and frequent visitor to the Gates Tennis Center, I am writing in strong support of this proposed rezoning.

This area is strongly served by various methods of transportation, is adjacent to under-utilized open space and in a high-cost area of the City in need of the affordable housing which would be provided by this rezoning.

For these reasons, I urge approval of the rezoning.

Sincerely,

Alexandra "Lexie" Ziller

From: [Evan Acuna](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Rezoning Support - 2021I-00052 - 3400 E Bayaud Avenue and 121 S Madison Street
Date: Wednesday, September 14, 2022 9:39:41 PM

As a Denver resident and frequent visitor to the Gates Tennis Center, I am writing in strong support of this proposed rezoning.

This area is strongly served by various methods of transportation, is adjacent to under-utilized open space and in a high-cost area of the City in need of the affordable housing which would be provided by this rezoning.

For these reasons, I urge approval of the rezoning.

Sincerely,

Evan Smith-Acuna
1870 Vine St #103
Denver, CO 80206

From: [Elizabeth Kemp](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Cc: [Joe Stanoch](#)
Subject: [EXTERNAL] Support for 3400 E Bayaud Avenue and 121 S Madison Street
Date: Monday, September 19, 2022 4:08:03 PM

I am a business owner in Cherry Creek East and think this zoning adjustment will help to make the neighborhood a more vibrant community. The Madison / Bayaud intersection is a place envisioned in plans to be a village center with active uses. This fits that plan. I hope you approve the request. Thank you. 303.829.0274.

From: [Barbara Metzger](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#); [Sawyer, Amanda - CC Member District 5 Denver City Council](#); [Hinds, Chris - CC Member District 10 Denver City Council](#); [Kashmann, Paul J. - CC Member District 6 Denver City Council](#); [Black, Kendra A. - CC Member District 4 Denver City Council](#); kneichatlarge@denvergov.org; [Ortega, Deborah L. - CC Member At Large Denver City Council](#)
Subject: [EXTERNAL] Fwd: Support for Rezoning for 3400 E Bayaud and 121 S Madison - public hearing, 9/26/22
Date: Wednesday, September 21, 2022 1:16:35 PM

Good afternoon,

Please accept this written email in support of the rezoning for the parcels at 3400 E Bayaud and 121 S Madison in Cherry Creek East (CCE.)

- I am a member of the Cherry Creek East Association (CCEA), residing at 242 S Monroe St, approximately 4 blocks away from these parcels. I was a CCEA Board member from 2005-2010, an active residential participant in public meetings for the 2010 Zoning Code and the 2012 Cherry Creek Area Plan. I attended Transit Academy and served on the Board of Directors of Transportation Solutions Foundation. I am presently serving as one of two Cherry Creek East (CCE) representatives on the DenverMovesCherry Creek (DMCC) Steering Committee (2022-2023.)
- I have attended (Zoomed) the RNO meetings relevant to this rezoning and have reviewed the staff report regarding this rezoning.
- I do not have any social or business connection with either the owner/s of the parcels or the developer/s of the parcels.
- I am in agreement with the staff report, meeting the standards from accepted plans, and hope you will support the rezoning.
- Please note that although I support this rezoning application, my response of support in the CCEA Survey for this rezoning application (August 3-August 14) does not reflect any support for any CCE rezoning which is contingent on developers committing to a titled, Good Neighbor Agreement.
- Regarding height - this rezoning application is requesting 5 stories for the height of the development on both parcels. The 3400 E Bayaud parcel is presently, and has been for my 18 years here, already 4 stories. It is outdated in design and materials and adds nothing to the character of the neighborhood. The parcel facing S Madison, at 1 story, would probably be better at 3 or 4, but hopefully because it sits across from a G-RH-3 district, design and setback, and maybe stepback! ideas may create quality integration into the residential sites on the east side of S Madison.
- In addition to the staff report, I feel it important for City Council to consider if and how Parks and Recreation will cooperate with the unique opportunity of this contiguous private parcel. The parcel at 3400 E Bayaud affords a real possibility for activating Pulaski Park. It is not only contiguous to the park but also to a strip of land which I believe is city-owned with access on E Bayaud. This could create a safe and permanent entrance to the park, securing access for the many elderly residents of KAVOD as well as all residents and customers of Gates tennis. Providing better, equitable access to our public spaces, as well as expanding the opportunities that open space provides is impossible without the cooperation and commitment of Parks and Recreation. The owner/developer is not allowed to create any connection for his tenants, commercial or residential, to open space without the cooperation and commitment of Parks and Recreation.

Thank you for considering my comments as you deliberate this rezoning application. If you

have any questions, please feel free to contact me.

Respectfully,

Barbara H Metzger
242 S Monroe Street
Denver CO 80209
bhm242@comcast.net

CCEA RNO Survey Report: 3400 E Bayaud/ 121 S Madison Rezoning

What this survey report covers.

Travis McAfoos owner of 3400 E Bayaud [3 stories + above Ground Parking] and 151 S Madison [1 story] is seeking a rezoning of both properties from CM-X-3 stories to G-RX-5

The survey text allowed CCE [Cherry Creek East] constituents to understand the rezoning context and agreement before deciding whether to support the rezoning or not. The complete text provided to respondents is attached to this report.

Why use a survey

Surveys are far more inclusive than alternative ways of gathering constituent input. Votes taken at meeting represent far fewer than the 200+ constituents who took this survey and are subject to the “loudest shouter in the room” effect. Write in campaigns often engage only a small, vocal minority who may not represent majority opinions and whose opinions may not even refer to the factors Council uses in making decisions. In this survey, about 200 constituents explained their concerns and were guided by the factors council uses to make decisions. Petitions include only nearby property owners and therefore disenfranchise many of those impacted by rezoning. In this survey, many more nearby constituent voices are heard and reported. Surveys are simply a contemporary technology that better enables an inclusive democracy. A survey is a means of making voting easy which should be a goal of a functioning democracy. Survey input is controlled so that there can be only one vote per device.

Who and how many took the confidential CCE community survey, when.

Engagement with the survey to date is excellent for this community and far more representative of the community than any random letter writing, meeting vote or phone call campaign to Council or Planning would be. Over 220 persons started the survey over a 2-week period ending 8.15.2022. *Those constituents are taking the survey in the belief that Council will hear what they are saying and expect that you will read their message and their reasons.* Responses were received from every occupied CCE street. Survey outreach included multiple mailings to CCEA [Cherry Creek East Association RNO] members, non-members, social and neighborhood watch lists, multiple postings on social media, outreach to other local groups and word of mouth.

This survey represents the broader CCE community, not just CCEA paid members. One half [50%] are CCEA members, over one third [37%] are not CCEA members and 13% were unsure if they are members. CCEA represents more than its membership.

Both property owners, renters and employees were represented: 3/4 (78%) own residential or commercial property; 1/7 (15%) lease or rent residential or commercial property in CCE and the remainder do not live or own property in CCE but are employed in CCE (2%)

Both residents of adjacent buildings [30%] such as Le Jardin, Seasons, Kavod, High Country House, or another building within 200 feet of the impacted properties, etc. and the broader CCE community are represented.

Respondents were well informed about the rezoning prior to taking the survey. Almost 9/10 (88%) visited the Bayaud and/ or Madison St. sites. Over 2/3 (67%) read some or part of the neighborhood agreement, over 4/10 [44%] attended

CCEA RNO Survey Report: 3400 E Bayaud/ 121 S Madison Rezoning



the developer's presentation to the CCE community, over ½ [56%] read the developers presentation, and over 1/3 [38%] read the City Planning Department presentation. A compilation of key facts about the proposal and highlights of the proposed neighborhood agreement were included in the survey pre-amble. Links to the complete developer's presentation and full text of the proposed agreement were included in the survey pre-amble. If there is interest, we can show how what constituents read may have influenced their votes.

Results: What respondents said about the rezoning.

A majority [5/8, 64%] of respondents indicated that the CCEA Board should not support the rezoning as described in the survey, developer's presentation and draft neighborhood agreement. The table below shows how respondents answered the question:

"Contingent on the above Neighborhood agreement being signed, how do you feel about the CCEA Board recommending to City Planning that the rezonings of 3400 E Bayaud to 5 stories and/or 121 S Madison St to 5 stories be approved."

Response Checked	All Respondents [Base: 200 ¹ , % rounded to nearest whole digit]	Respondents Living Within 1-2 Blocks of 3400 E Bayaud/ 151 S Madison [Seasons, Kavod, HC House, Le Jardin, Other w/in 200 ft] [Base: 61]
"The CCEA Board should recommend in favor of both the rezoning of 3400 E Bayaud and 121 S Madison to 5 Stories"	13%	7%
"The CCEA Board should recommend in favor of the rezoning of 3400 E Bayaud to 5 stories BUT against the rezoning of 121 S Madison to 5 stories. That is, only the 3400 E Bayaud site would be rezoned to 5 stories and 121 S Madison would retain its current 3 story zoning."	23%	21%
■ NET: Rezone 3400 E Bayaud: "In favor of rezoning both sites or rezoning of 3400 E Bayaud only"	36%	28%
The CCEA Board should recommend against both the rezoning of 3400 E Bayaud and 121 S Madison to 5 Stories	64%	70%
"I am not sure if the CCEA Board should recommend for or against the rezonings of 3400 E Bayaud s and 121 S Madison."	1%	2%
Total	100%	100%

- **CCE is not a community opposed to any rezoning.** Although the majority opposed this development, the majority in CCE has voted in favor of other recent up-zonings including 5 Cook St. [despite the proposed building

¹ Since respondents drop out of surveys for a variety of reasons [e.g., intended to complete survey later but forgot, other interruption, did not qualify, etc.], a few respondents who answered the pro/con rezoning question did not complete the adjacent building question. This is typical for surveys and still represents a completion rate well above expectations [based on SurveyMonkey estimates.]

CCEA RNO Survey Report: 3400 E Bayaud/ 121 S Madison Rezoning

having no onsite tenant parking], properties at 1st and Colorado and 1st and Bayaud [zoned 5 stories in a 3 story residential zone] and the property at 52 Monroe St from residential to G-RO-3. Over 1/3 [35%] either favored the 3400 E Bayaud rezone or were undecided.

- However, ***at this point we have no signed neighborhood agreement and the supportive responses were contingent on having one.*** That is, without an agreement, the % in favor will be substantially lower.

Why respondents voted as they did.

The responses to these questions are completely open – ended. That is respondents answered in their own words and were not cued as to how best to respond. In the examples below no words are changed or added, however sentences irrelevant to the topic are removed. Sample responses are included below. A complete list of comments is available on request.

Reasons given by the majority for opposing the rezoning of both 3400 E Bayaud and 121 S Madison

Many of those opposed to the rezoning noted that the rezoning was inconsistent with the local area plan [CC Area Plan] and/ or neighborhood context and prior rezoning policy. This was perceived particularly true of the 121 S Madison rezoning which would take that building from 1 to 5 stories making it the only building above 3 stories on that block.

- “My reasons for opposing the rezoning are accurately summarized as follows: The 3400 Bayaud project is *not consistent with either the Denver 2040 or CC Area Plan. It places residential use as superior to office use which is contrary to City Council’s previous findings. It constitutes “Spot Zoning” creating an inconsistent 5 story building on the entire block.* It opens the door to additional rezoning applications from all adjacent MX-3 properties.”
- “1. The Rezoning is *not consistent with the CC Area Plan.* 2. The Five stories is way out of scale with the rest of the buildings on that block of Madison and especially the adjacent, 2 story residence.”
- “Five stories on Madison is not consistent with the neighboring structures on that block. It goes against the Cherry Creek Area Plan for that location and would be spot zoning.”
- “Inconsistent with adopted plans - city used plan to approve 50 Steele now doesn’t want to use plan.”
- “This rezoning is contrary to the CC Area Plan. Five stories should not be at either site.”
- “5 stories is too much for S Madison compared to the surrounding buildings and it is contrary to the Cherry Creek Area Plan and Denver 2040 Plan. It is Out of Context with the neighborhood.”
- “Not consistent with neighborhood context. All buildings on that block of S Madison St are 3 stories mainly residential. In addition, there is a residential single-family dwelling next to 121 S Madison St.”
- “Five Stories on Madison is way too tall given the size of all the other buildings on that street and block. A taller building on Bayaud is a fair compromise.”
- “5 floors on Madison is out of context with the existing buildings on that block. 5 stories on Bayaud is fine since the building is already 4 stories. Neither site is really in compliance with the area plan at 5 stories.”

Many who voted in opposition to the rezoning talked about public health, safety and general welfare in terms of increased traffic, pollution, hazards to residents and other issues. A substantial increase in traffic

CCEA RNO Survey Report: 3400 E Bayaud/ 121 S Madison Rezoning

without any ameliorative devices [bump outs, stop signs, traffic lights, active speed limit monitors, etc.] does pose a substantial hazard to older residents, particularly those from the adjacent Kavod Senior Living. There are ~1900 seniors² in CC plus over 400 Kavod residents. Lost street parking is a hazard for older residents and many retirees of the community with limited mobility/ poor health and those in need of onsite medical care and visitation support. Quotes from respondents:

- "We've owned and lived in the area for 13 years now and the density increase has contributed to a *more unsafe environment due to many factors - traffic, dog issues, crime, parking*, etc. Continuing to add homes (whether owned or rented) without solving for the problems that the increased density brings is irresponsible but unfortunately that is what happens every time there is a zoning change. This needs to stop happening."
- "Every year they take more parking away from us [Kavod]. We are all over 62 years of age and many of us are with walkers or wheelchairs. Parking has become a major issue."
- "I have lived at Kavod Senior Living for just under 2 years. It is extremely difficult for any family or friends to come visit me because of the impossible parking situation. Even if there are car and bike considerations, I believe it is impossible to add even more units of housing in this area. I don't believe it is possible to have parking availability for even MORE housing when there isn't enough parking availability now. Also, adding additional housing to this particular area has already destroyed the safety and security of those of us who live at Kavod Senior Living. Adding more housing is only going to increase the police and first responders need to access our property when necessary. Please leave this area ALONE. There are needs now that cannot be met. It will only add to the responsibilities of the policing and ambulance responses as well as add to the congestion of our area of town. Please don't destroy any more property here. Please."
- "Parking is a major factor. Seasons is across the street and their overflow parking ends up on Bayaud. Safety is also a major factor at Bayaud and Madison. I have seen a cyclist hit by a car and fender benders. 50 S Steele is going to be built and the congestion on Bayaud will severely impact traffic congestion and safety. These proposed new projects will only add to an already overwhelmed traffic route."
- "There is already too much density in the area. Traffic is heavy on Bayaud and this project will increase that. This change, when considering 50 Steele does in no way aligns with #2 Public health, safety, and welfare."

Reason given by the 13% minority for favoring both rezonings presume that a negotiated agreement will be reached and developer promises met. Pro-rezoning reasons varied widely.

- "The project is likely to ultimately be approved. Having a neighborhood agreement is better than the developers do whatever they want."
- "Developer has worked well with the CCE development committee, good neighborhood agreement, Denver needs more housing, it meets Denver zoning requirements, and the new buildings will be a nice improvement."
- "Public welfare - in a housing crisis, building more housing is always good. CCE is rather underdeveloped currently. Consistency with plans - the Denver zoning committee agreed that this is in accordance with published plans. Aside from the other reasons listed, I do not feel that it is my place to say what someone else can or cannot do with their own land, given it doesn't grossly negatively affect me or others. If the current owners want to build a bunch of homes on their land, I feel that they should be allowed to do so in our country that was founded on individual liberty."
- "The current buildings and surroundings are ugly and the new design will be an improvement to the streetscape and the park."
- "Project should include some ground floor, neighborhood serving retail space in support of the "village center" concept included in the approved 2012 CCEA Plan!"

² <https://denvermetrodata.org/neighborhood/cherry-creek>. Senior = 65+

Summary

- The majority of CCE respondents [over 5/8, 64%] and the great majority of respondents living or working adjacent to 3400 E Bayaud or 121 S Madison [7/10, 70%] indicated that the CCEA Board should not support the rezoning either 3400 E Bayaud or 121 S Madison.
 - Reasons for opposition included lack of conformity to the Cherry Creek Area Plan which specifies 3 stories/ other city plans and public health, safety and general welfare issues.

Potential Solutions that Council should consider

- **If Council overrules its constituents, it should also consider how best to ameliorate the impact of this and other large nearby developments on those constituents.**
 - Obviously, **one amelioration would be to rezone 3400 E Bayaud to 5 stories but 121 S Madison to 3 stories.** This would be more consistent with area plans, adjacent properties and the concerns of residential constituents who live adjacent to and across from 121 S Madison.
 - If constituents are completely alienated, it is logical to expect them to oppose additional development. CCE residents had a history of supporting higher density developments such as the Colorado gateways [Colorado at 1st and Bayaud, from 3 to 5 stories] and 5 Cook St. [from 3 to 8 stories & with no onsite tenant parking] but have become alienated by the City ignoring the CC Area Plan and other neighborhood concerns. **Ameliorative measures might include:**
 - **encouraging the developer to accept the neighborhood agreement which reflects terms the developer said they would agree to.**
 - **traffic calming and management measures (such as permanent speed measuring boxes, bump outs, stop signs, flashing crosswalks, etc.), enhanced street lighting, acceleration of the rapid bus transit plan along Steele St., residential parking permits, and other measures to improve public health, safety and general welfare of seniors in the area.**

Background information provided to respondents within the CCEA Community survey preamble

In this short 5 minute survey, you will be asked for your opinions about a proposal to rezone

- 1.) 3400 E Bayaud St. which is west of Madison, just east of the Gates Tennis Center parking lot and directly across Bayaud from "The Seasons" and
- 2.) 121 S Madison which is south of Bayaud, on the west side of Madison, mid-block.

Both buildings are adjacent to the north end of Pulaski Park. The rezoning is requested by Madison Bayaud Residences [MBR] who have owned and operated the property for several years and have said that they will remain owners of the building after the rezoning. MBR will ask City Council to rezone both 3400 E Bayaud and 121 S Madison from their current zoning of CM-X- 3 [Commercial Mixed Usage - 3 stories] to G-RX-5. CMX means a mix of apartments and businesses in one building. GRX means primarily residential with optional business on the ground floor. The number after the dash represents the number of stories the building will occupy.

The new buildings would house up to 150 residential rental units according to the developer.

MBR has offered to sign a binding Neighborhood Agreement between CCEA and MBR, summarized below.

In this survey, you will be asked whether CCEA should support the two re-zonings if MBR signs the Neighborhood agreement.

CCEA, a Denver Registered Neighborhood Organization (RNO), is given input to the proposed rezoning through this survey, public meetings and CCEA Board action, all of which are integrated into a City of Denver form which discloses whether our RNO does or does not support rezoning.

MBR asked the Cherry Creek East Association (CCEA) for support when they apply to Denver Planning and City Council. Your opinions about this proposal are very important to us. We will take them into consideration prior to deciding whether or not to provide support.

It is ultimately up to MBR to make a case to Denver Planning for the rezoning. CCEA does not have the authority to approve or disapprove the rezoning. City Council guided by Denver Planning, retains that authority.

Currently, the MBR buildings are one of three planned developments in CCE, west of Madison. The other two are a plan for a rezoning to 12 stories at 50 S Steele [450-500 rental units] and to 8 stories at 5 Cook St [30-40 rental units].

Before voting, so that Council perceives that your vote is well informed, we strongly recommend that you review presentations from the developer (includes a hypothetical image of the proposed development), from a next-door neighbor who opposes the development and from City Planning who support the development at <https://www.cherrycreekeast.org/development/>



CCEA RNO Survey Report: 3400 E Bayaud/ 121 S Madison Rezoning

Please cut and paste the link above into your browser and see paragraph #4, 3400 Bayaud Ave and 121 S Madison St/Owner: Travis McAfoos.