

Rezoning 20171-00192 Correspondence Received after 11/29 deadline

November 27, 2018
Hon. Paul Kashmann
Councilman District 6
1437 Bannock Street
Suite 451
Denver, CO 80202

paul.kashmann@denvergov.org

RE: Support – 4201 E. Arkansas Re-Zone Application 20171-00192

Dear Councilman Kashmann

This letter is in support of the re-zone effort by Kentro Group for the properties collectively known as the CDOT Headquarters.

Tributary Real Estate, through its ownership entity 4100 Investors LLC, is the owner of real property located at 4100 E. Arkansas. Our property is located directly south of the subject site across the street. Our property is a 63,500 square foot office building on 2.25 acres (formerly known as the AAA of Colorado building) and has a 20 year lease in place for a single office user. This re-zone application represents a thoughtful approach to neighborhood infill that results in a proposal that matches the natural occurrence of change and growth with the consideration of neighborhood heights, bulk planes and density. The use of several zone lots (S-XM-8 / S-MX-5 / S-MX-3) modulates the bulk plane and represents a reduction in height from the current zoning. This re-zone application encourages a blend of land uses with the designation of MX zone districts to create a neighborhood activity center that will benefit the surrounding area. This application further encourages alternative modes of transportation with disbursed access points to the site and a walk-able pedestrian environment.

This re-zone application has included a Development Agreement that extends beyond a traditional re-zone to include open space requirements where none exist currently, stipulate street connections, and affordable housing. The affordable housing portion of the Development Agreement is significant because it represents a commitment to develop affordable units at 60% AMI on the site.

This re-zone application has an additional feature of a Good Neighbor Agreement that commits the developer to an inclusive approach to communicate and address concerns for the next stage of the development. This represents the developer's commitment to quality design through an inclusive approach with the neighborhood. It is a unique feature that goes "above and beyond". We believe this re-zone application is a model for the City and County of Denver to demonstrate how thoughtful planning, inclusive neighborhood discussions, and commitments to affordability can create much needed and vital urban infill development. Kentro Group has a strong track record of well-designed urban projects and we are confident they will continue that reputation on this site development.

As a result of the main issues discussed above, we support the re-zone application by Kentro Group for 4201 E. Arkansas and encourage you to affirmatively vote to approve.

Thank you for your consideration.

Sincerely,

William T. Parkhill

Tributary Real Estate

Managing Member of 4100 Investors LLC

Cc: Andrew Webb, Senior City Planner, Community Planning & Development

From: Susan H. Borgos <sborgos@ots-denver.com>
Sent: Sunday, December 02, 2018 11:54 PM
To: Webb, Andrew - CPD CE0429 City Planner Senior <Andrew.Webb@denvergov.org>
Subject: [EXTERNAL] CDOT Redevelopment

Dear Mr. Webb,

I am a resident of Virginia Village. I have lived here for 12 years. We moved here because it is a quiet community that is close to light rail, close to the highway and is an easy point from which to get just about anywhere in the Denver metro area within 20 minutes. Our community is diverse and has a great deal of character. We have a farmers market in the summer, a community bike repair project and some great community building activities happen here. When I first moved here, the average age of the people in the community seemed to be around 65. People had lived here for years. Over time, the neighborhood has been changing. The population has become more diverse, there are more children and there are more community building activities. We have apartment buildings here, but they are 3 story complexes at most, with one or two small five or six story buildings interspersed.

While I'm a strong supporter of affordable housing, and I have no problems with affordable housing coming to my neighborhood, the current proposed re-development is nothing that I could ever imagine for this neighborhood. It seems clear to me that in order to make a greater profit than affordable housing would provide, the developer wants to greatly expand to other higher rent enterprises – both residential and commercial. While that, in and of itself, might be acceptable, the scale that is being proposed is so far out of character with the neighborhood as to be harmful to the neighborhood. This project would totally change the character of the neighborhood. Even more importantly, the congestion on Colorado Blvd and the surrounding local streets would be detrimental to the entire area.

To start, Colorado Boulevard has had problems with congestion since the 1980s. In 1988 I was working as corporate counsel for Gart Bros. The Gart family owned a property at Colorado Blvd. and Exposition. When they leased the property to a pizza kitchen, the city did a taking of part of the property for the purpose of potentially expanding Colorado Blvd. The city planner explained that as property changed uses or owners, they were going to make those changes contingent upon the granting of a larger right of way. While the property that the Garts owned was set back from the street quite a bit, most of the properties on that side of Colorado Boulevard and that time (and to this day) were not set back far enough to make this strategy very effective – at least, not without doing a total taking of some buildings to demolish them to make space. The whole plan didn't make sense and as we all know,

there has never been an expansion of Colorado Blvd. in that area. And, the same things that made it impossible then, continue to make it impossible now.

In the early 1990s, I worked at 880 S. Colorado Blvd. I drove in from Aurora at the time. The traffic between I-25 and my office was insane even then. Now, on a weekday during work hours, you won't catch me on Colorado Blvd. I do everything I can to avoid it going north. I will take Dahlia as far as I can go or I'll take Holly, or even Monaco because the congestion is so bad. The amount of development and increase in businesses over the past few years has been amazing – and we're just talking about single story shopping centers. Adding more retail and filling in the space that the plans show will add to the congestion – and, there's no way to widen Colorado Blvd. or the streets on the North and South boundaries of this project, which are all quite narrow.

The rezoning that Kentro is asking for opens the door to an unacceptable building plan that will provide an eyesore in the neighborhood, and will bring more traffic and congestion to an already overly congested area. I know that this is a great way for the city to make money, the property is probably worth quite a bit and the tax revenue generated by both the retail and the residential rental space would be hard to turn down. However, it will bring hardship to the people who live in this area and to all the people who use Colorado Blvd. as a travel corridor to get to their place of work. For me, possibly more importantly, it will take away from the character of the neighborhood as it has evolved. Let's keep the zoning as it is and have a proportionately-sized mixed use development, with a focus on affordable housing, if at all possible.

Thanks for reading through.

Sue

Susan H. Borgos, J.D.

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I do not approve of the rezoning being pushed into effect for this property!!

It is always problematic for me when the people in power who already have lots of money think they need more money so push the average citizen out to line their pockets. A mess has been made of the redevelopment of the Cherry Creek area which was a nice neighborhood and now is nothing but sky-high buildings. So I don't expect I can anticipate any other outcome from the rezoning of the Arkansas property. Why would I want this rezoned when traffic on Colorado Blvd is already crazy!! Why would I want 11,000 more cars 5 blocks from my home. Is it possible that the people placed in charge of Denver can be so blind and deaf that they don't know that the residents of Denver/Glendale are being pushed out for money. Denver is unaffordable for the average citizen who has lived here and helped make this city great. We do not need another Trader Joes.

Please do not approve this rezoning! It would simply allow another part of Denver/Glendale to become something ugly with no attempt to provide green space, parks, or places for people to relax.

Sylvia Boedeker <sylboed@gmail.com

To: Andrew Webb, Denver City Council
From: Michael Samuel Cerbo, Virginia Village Resident
Date: November 30, 2018
Re: Official Zoning Map Amendment Application #20171-00192

As someone who feels their character has been defamed by a few Virginia Village (VV) residents, I am writing this letter to refute unsubstantiated rumors regarding an undisclosed conflict of interest due to my employer's relationship with the Kentro Group. I also wish to address why the Virginia Village Ellis Community Association (VVECA) has dissolved and to affirm the fact that the VV neighborhood is full of active, engaged residents who are passionate about our wonderful neighborhood.

To remain consistent with the position I took while serving as an officer with the VVECA, I am refraining from expressing my personal opinions regarding the rezoning application.

Rumors Regarding Undisclosed Conflict of Interest

I served as the Vice President of the now dissolved VVECA, and I currently work for Galloway & Company, a full-service engineering and architecture firm with whom I have been employed since July 2014. Galloway had an existing relationship with the Kentro Group well before they went under contract with CCD to purchase the property at 4201 E. Arkansas Avenue and before my serving as Vice President of the VVECA.

From the moment I was elected as Vice President I have always been upfront, clear and transparent about the conflict of interest associated with my service as an officer with the VVECA and recused myself from participating in decisions related to VVECA's position on the topic of this Zoning Map Amendment Application. Those that claim otherwise were either disengaged with the neighborhood organization and did not participate in neighborhood meetings or are being deceptive for personal reasons related to this application. On December 3rd, City Council will hear from many residents that support or oppose the rezoning application, but only a few residents have resorted to slander and spreading blatant misinformation.

I previously served as an officer with the West Washington Park Neighborhood Association before moving to Virginia Village, and from that experience, I developed a strong appreciation for Denver's RNO

system and the countless hours volunteers contribute to their neighborhoods so that residents have a strong voice when proposed zoning amendments, landmark designation applications, planning board and board of adjustment hearings or liquor and cabaret licenses will impact their neighborhood. My motivation for serving on the board of the VVECA was solely because I see the value of RNOs, believe they're important aspects of living in Denver and did not want to see the VVECA dissolve.

VVECA Dissolution

At the beginning of the year, all VVECA officers had resigned and the organization was on the brink of collapse. I volunteered to help and was elected as Vice President. The Treasurer graciously rescinded their resignation and was re-elected, establishing two officers.

With only two officers, the VVECA can hold general meetings (per Article V(E) two officers are required to have a quorum), but the Board of Directors cannot function (per Article VI(G) the Board of Directors requires four (4) members to constitute a quorum).

Fortunately, volunteers came forward and a special meeting was called in June with the sole purpose of electing officers in compliance with the bylaws, so that the Board of Directors could hold a quorum and conduct business.

At the June meeting a Board was formed, chairmen for our standing committees were confirmed and the Zoning Committee was tasked with focusing on land use applications that will impact our neighborhood. Following the elections, the Board met monthly and the Zoning Committee focused on the active rezoning application for 4201 E Arkansas Avenue by engaging with our Councilman's office, the City's Community Planning and Development Department and the development group behind the application.

We had a few neighbors not recognize the legitimacy of our organization because of the process behind the VVECA's special election in June. To further explain, they were specifically concerned that:

- The election meeting was called without proper notification of the voting members; and
- The election was held without a quorum

The VVECA responded by stating:

- Proper notification was provided in compliance with Article V(D) of our bylaws, "notice shall be given at least forty-eight (48) hours prior to the meeting and posted in the Virginia Village Library." A notification approved by a librarian was posted in the public information area of the library more than forty-eight (48) hours before the meeting. In addition, an email was sent out to the VVECA email distribution list of 300 neighbors and the VVECA website was updated to reflect the special meeting and time.

- We believe that a quorum was present. Per Article V(E) of our bylaws, "A quorum for the conduct of business at any general or special meeting of the members shall be ten (10) members, including two (2) officers." More than ten members were present. Our Treasurer had a last-minute family matter to attend to, and I was given their proxy.

The neighbors questioning the validity of the June election are doing so on the basis that two officers were not present and that our bylaws do not directly address proxies, both of which are true.

Our Treasurer did us a huge favor by remaining an officer at the beginning of the year so that the VVECA could hold meetings. If that officer cannot attend a meeting due a family matter, and a provision regarding proxies does not exist in the bylaws, are we not permitted to honor their proxy? Especially when the survival of the VVECA depends on it?

In my opinion, given the need for additional board members leading up to the special election and the vague language of the bylaws that does not specifically address proxies, the vast majority of our members believe that formally recognizing those willing to volunteer their time as officers, so the VVECA could conduct official business, is vastly more important than the technicality of two officers being present. Especially when only two officers exist.

The uniqueness of the situation was addressed in a transparent and forthright manner at the June meeting. A vote was conducted to move forward acknowledging the Treasurer's proxy in absence of two officers being present. As there was only one nomination per position, all board members were voted in by voice vote, which is allowed in the bylaws.

Despite my opinion, we must acknowledge any question about the legitimacy of the organization and ensure that the ethical integrity of our officers, members and organization are not called into question.

Therefore, the elections that occurred during the June special meeting have been deemed null and void, since proxies are not specifically addressed in the bylaws.

This is frustrating, but mostly quite sad, because our Treasurer has resigned due to family commitments. Per strict adherence to the bylaws, specifically Article V(E), it is now impossible to hold a quorum and elect officers. As a result, the VVECA has dissolved.

On a personal note, I want to apologize to anyone who feels let down, but I walk away proud of the collective effort to keep the organization alive. There is no doubt that those who participated in the VVECA leadership, in recent and distant past, have done so out of the goodness of their hearts and with concern for their community.

Despite the dissolution, I know we live in a neighborhood with many passionate, engaged citizens and that this ending in no way represents an uninterested or disengaged community. I remain committed and willing to be a resource for anyone that wishes to reorganize with neighbors and register an RNO for Virginia Village.

The Virginia Village Neighborhood

Although the dissolution occurred due to adherence to the bylaws under which the organization operated, it is my opinion that a few residents have worked to undermine our only form of neighborhood representation, and the volunteer efforts of dedicated, engaged neighbors who worked hard to prevent the dissolution of the VVECA, solely to achieve a personal agenda related to this application.

However, I am not dismayed as residents of VV are a primary reason our neighborhood is such an amazing place to live. Whether single, married, young, old, new resident or lifelong resident, I have no doubt that our vibrant community is full of passionate, active and engaged citizens. After the dissolution of the VVECA, I have received emails from neighbors eager to reengage and reorganize so that we can have a voice in the future our neighborhood, and specifically so we can impact the future development of the 4201 E. Arkansas property, regardless of the outcome of the Official Zoning Map Amendment Application #2017I-00192.

I believe that Virginia Village will form a neighborhood organization soon and will be full of active participants in the future of the neighborhood.

As with many of my neighbors, I feel very fortunate and quite lucky to be a resident in Virginia Village. It is truly an amazing place to live.

Thank you for your consideration.

Sincerely,

Michael Samuel Cerbo
4667 E. Colorado Avenue
