

2014I-00096, Approximately 99

Quebec Street

Public Comments

Received After Neighborhoods

an Planning Committee Staff

Report

May 15, 2015

Through Noon, June 25, 2015

**From:** [Rezoning - CPD](#)  
**To:** [Lucero, Theresa L. - Community Planning and Development](#)  
**Subject:** FW: Opposition to Rezoning Application #20141-00096  
**Date:** Monday, June 15, 2015 7:56:23 AM

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See below. Let's quickly touch base today sometime to reaffirm our comments strategy between now and June 29<sup>th</sup>?

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**From:** Alan Motes [mailto:[alanmotes@hotmail.com](mailto:alanmotes@hotmail.com)]  
**Sent:** Sunday, June 14, 2015 9:11 AM  
**To:** Rezoning - CPD  
**Cc:** Susman, Mary Beth - City Council; denc - City Council  
**Subject:** Opposition to Rezoning Application #20141-00096

Count me among those opposed to Rezoning Application #20141-00096. Moderate and high density zoning is plainly a poor idea for the Buckley Annex, which is already a congested area bounded by streets with already typically heavy traffic (Quebec, Monaco, and Alameda).

Regards,  
Alan Motes  
7352 E. Archer Pl.  
Denver 80230

**From:** [Matt Whitcomb](#)  
**To:** [Brooks, Albus - City Council District 8](#); [Brown, Charlie - City Council District #6](#); [Shepherd, Susan K. - City Council District 1](#); [Faatz, Jeanne R. - City Council Dist #2](#); [Robb, Jeanne - City Council Dist. #10](#); [Lehmann, Peggy A. - City Council Dist #4](#); [Lopez, Paul D. - City Council Dist #3](#); [Ortega, Deborah L. - City Council](#); [Montero, Judy H. - City Council District #9](#); [Nevitt, Chris - City Council Dist #7](#); [Kniech, Robin L. - City Council](#); [Herndon, Christopher J. - City Council District 11](#); [dence - City Council](#); [lowryunitedneighborhoods@gmail.com](#); [Susman, Mary Beth - City Council](#); [dence - City Council](#); [Planningboard - CPD](#)  
**Subject:** #20141-00096  
**Date:** Sunday, June 21, 2015 9:41:02 PM

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I am adamantly opposed to #20141-00096. Please consider the residents of the neighborhoods surrounding 'Boulevard One' (AKA the people who vote) and then reject the C-MX-5 rezoning for Boulevard One.

The LRA has not explained why it needs such high-density zoning (Urban Center Mixed Use Five Stories) for these 18 acres when it previously promised no more than 800 new residential units for the entire Buckley Annex property. The C-MX-5 (urban center, commercial mixed use) zone district is the second most intense zone district and is "*characterized by moderate to high building heights to promote a dense urban character.*" Parking mandated by this Zone District is inadequate (.75 spaces per apartment or condo unit and low numbers for commercial/retail). The Council should see through all the statements by Applicant LRA about the wonderful 8 year process that led to consensus on this choice of zoning; this zone district was not envisioned during the "planning process" and was not even announced after the GDP was put in place.

Sincerely, Mathew Whitcomb  
7406 East 10<sup>th</sup> Avenue  
Denver, CO 80230 (AKA Lowry – yes I live here, do you?)

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

RE: Boulevard One Rezoning

Dear Members of City Council,

Over the past 7 years, LRA has worked collaboratively with the Lowry neighbors and surrounding neighborhoods in building on the original plan we presented to the Air Force. The plan as envisioned in 2008 has evolved, the plan has improved, has taken into account considerations and concerns of existing residents and has resulted in the basis by which this map amendment is being offered, The application in many ways mirror the zoning of the surrounding Lowry development, with a mix of density, a range of housing options and differing building heights. This application has also been able to improve upon the limitations of the previous zoning classification options by providing for the needs and desires of the citizens of Denver in the environments that best suit their lifestyle.

**I urge your support** of the rezoning of Boulevard One to further ensure the vitality and viability of this truly wonderful neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to be 'O. L. H.', written in a cursive style.

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

A handwritten signature in black ink, appearing to read "Cari K.", with a long horizontal flourish extending to the right.

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Sweet". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202


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Sincerely,

  
1468 Hudson

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

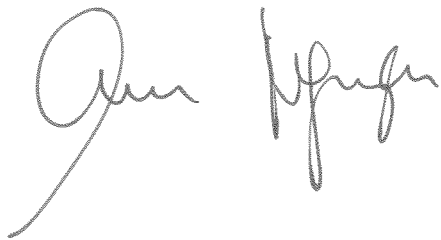
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Sincerely,

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June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

Charlie Odan  
289 Quebec St. # F  
Denver, CO 80220

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

  
275 RAMPART WAY #203

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

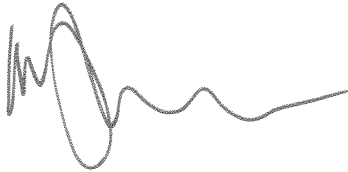
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Sincerely,



KIERAN JOHNSON

7185 E 3<sup>rd</sup> AVE

DENVER CO 80220

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

Jillie McKay  
9431 e 5th ave

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

A handwritten signature in black ink, appearing to read "Alex Segal". The signature is written in a cursive, flowing style with some loops and flourishes.

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Hancock". The signature is fluid and cursive, with a large initial "M" and "A".

June 6, 2015

Denver City Council  
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Denver, Colorado 80202


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Sincerely,

  
159 Quebec St. Unit A.



June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

Maria A. Chiappello  
Lowry resident -

June 6, 2015

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Denver, Colorado 80202

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Sincerely,

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June 6, 2015

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June 6, 2015

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Sincerely,

  
7290 E 15th Avenue  
Denver

June 6, 2015

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Denver, Colorado 80202

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Sincerely,

  
760 Poplar St

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

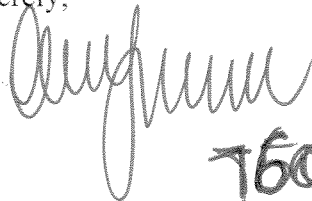
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Sincerely,



760 Poplar St.

Denver, CO 80220

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202


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Sincerely,

  
7692 E 8th Place  
Denver CO 80230

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

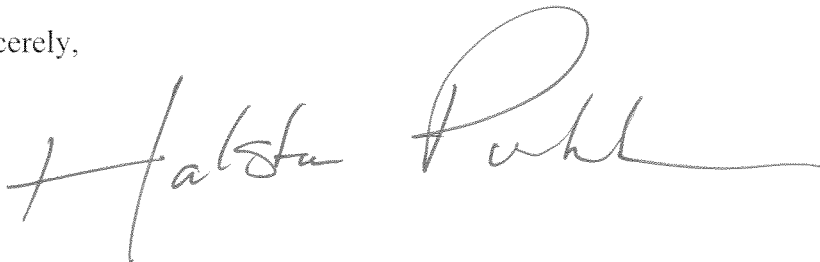
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Sincerely,

A handwritten signature in cursive script, reading "Halsta Puhl". The signature is written in black ink and is positioned below the word "Sincerely,".



June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

*Douglas C. Smyke*

*275 Rampart Way #204  
Denver, CO 80230*

*Resident of Lowry for 14 years at Tower Center*

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

*Pat Halligan*

*535 TWENTON ST*



June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

*J. Halligan*  
535 TRENTON ST.  
DENVER, 80230

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

*Erinly Thompson*  
505 Trenton St.

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

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Sincerely,

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June 6, 2015

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RE: Boulevard One Rezoning

Dear Members of City Council,

Over the past 7 years, LRA has worked collaboratively with the Lowry neighbors and surrounding neighborhoods in building on the original plan we presented to the Air Force. The plan as envisioned in 2008 has evolved, the plan has improved, has taken into account considerations and concerns of existing residents and has resulted in the basis by which this map amendment is being offered, The application in many ways mirror the zoning of the surrounding Lowry development, with a mix of density, a range of housing options and differing building heights. This application has also been able to improve upon the limitations of the previous zoning classification options by providing for the needs and desires of the citizens of Denver in the environments that best suit their lifestyle.

**I urge your support** of the rezoning of Boulevard One to further ensure the vitality and viability of this truly wonderful neighborhood.

Sincerely,

*Phoenix Sullivan*  
339 Quebec St

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

RE: Boulevard One Rezoning

Dear Members of City Council,

Over the past 7 years, LRA has worked collaboratively with the Lowry neighbors and surrounding neighborhoods in building on the original plan we presented to the Air Force. The plan as envisioned in 2008 has evolved, the plan has improved, has taken into account considerations and concerns of existing residents and has resulted in the basis by which this map amendment is being offered, The application in many ways mirror the zoning of the surrounding Lowry development, with a mix of density, a range of housing options and differing building heights. This application has also been able to improve upon the limitations of the previous zoning classification options by providing for the needs and desires of the citizens of Denver in the environments that best suit their lifestyle.

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Sincerely,

Natalie Sultan  
739 Sanchez \*



June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

RE: Boulevard One Rezoning

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Sincerely,



111 S Monroe St A306

Denver, CO

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

RE: Boulevard One Rezoning

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**I urge your support** of the rezoning of Boulevard One to further ensure the vitality and viability of this truly wonderful neighborhood.

Sincerely,

Adrienne Phillips  
1470 S. WASEBEE WAY #172  
Denver, CO 80231

June 6, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

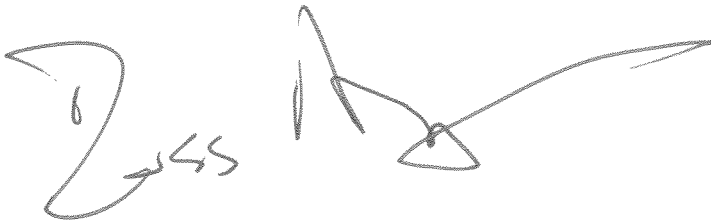
RE: Boulevard One Rezoning

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Over the past 7 years, LRA has worked collaboratively with the Lowry neighbors and surrounding neighborhoods in building on the original plan we presented to the Air Force. The plan as envisioned in 2008 has evolved, the plan has improved, has taken into account considerations and concerns of existing residents and has resulted in the basis by which this map amendment is being offered. The application in many ways mirror the zoning of the surrounding Lowry development, with a mix of density, a range of housing options and differing building heights. This application has also been able to improve upon the limitations of the previous zoning classification options by providing for the needs and desires of the citizens of Denver in the environments that best suit their lifestyle.

**I urge your support** of the rezoning of Boulevard One to further ensure the vitality and viability of this truly wonderful neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Jess". The signature is stylized with a large, sweeping initial letter and a long, horizontal flourish extending to the right.

June 18,2015

Denver City Council  
1437 Bannock Street, Rm. 450  
Denver, CO 80202

RE: CMX-5 Rezoning application Lowry Redevelopment Authority

Dear Denver City Council:

I have lived in Lowry for over 10 years. I have watched closely how Lowry has grown around me and my family. I appreciate the inclusiveness of the process and the LRA's willingness to compromise when necessary. When our mountain views were potentially going to be blocked due to development at the west end of Crescent Park, the LRA complied and the product type was altered to preserve those views. I appreciate LRA's compromise here too, in providing for a step up to height and the maximum of only 5 stories at any given area of the Boulevard One property.

I make my point above to emphasize that Lowry Planning has been an inclusive and thoughtful process. I don't subscribe to density is all bad or all good, but I do appreciate a thoughtful planned community that allows for a mix of uses and heights and densities to make our corner of town, vibrant and viable – sustainable.

Please support of the rezoning application submitted by LRA which is thoughtful and collaborative and provides for the future sustainability of Lowry.

Sincerely,

Monty Henninger  
7698 E Severn Dr  
Lowry, Colorado 80230

Denver City Council  
1437 Bannock, Room 450  
Denver, CO 80202

To Members of City Council:

My family and I have lived in the northwest neighborhood of Lowry for nearly ten years. Our daughters attend school in Lowry, we frequent the area businesses and we are fully entrenched in our wonderful neighborhood. We have chosen to remain living in Lowry because the neighborhood has emerged and matured just as we hoped when we purchased our house.

We have watched each quadrant of Lowry develop and fully support the work that the Lowry Redevelopment Authority has provided as master developers of the site. Lowry is remarkable unique and has a historic quality that is unmatched in Denver.

We have appreciated the support of the City and City Councilwoman Susman for continuing the vision of award winning infill development. The application before you with provide the required zoning to allow for the required density and flexibility to provide for a truly mixed use community on the Boulevard One property as it integrates into the rest of Lowry.

Although we live in a single-family home, we have chosen to live in the city and recognize density in our City provides greater opportunities than increased sprawl as seen in our neighboring cities.

For all the foregoing reasons, I would urge the Denver Planning Board to support the Map Application CB15-0345 as submitted by LRA. We love this community and hope that others are able to move to Buckley and further enhance our neighborhood. Thanks for your consideration.

Sincerely,

Bill Munn (7593 E. 8<sup>th</sup> Place)

June 16, 2015

Councilwoman Mary Beth Susman  
1437 Bannock Street Room 450  
Denver, Colorado 80202

RE: Boulevard One Rezoning

Dear Councilwoman Susman:

I am writing to you again in support of a rezoning in my neighborhood. As a resident of Lowry, I have followed closely the conversations of my neighbors regarding the merits and potential demerits of the redevelopment of the "Boulevard One" property. As a long time resident, I understand the concerns of traffic and congestion and the unknowns that redevelopment of this scale present. I appreciate the hard work of the City planning office and the Lowry Redevelopment Authority for their vision and foresight in the planning efforts of this project.

I support this application because it will be a superbly master planned mixed use community, which will be governed by design guidelines. The density potential under this zoning, which is significantly less than its many would find optimum for this site, will provide the perfect balance to the build out of single family residences proposed as the single family residents to the south and southeast.

The mix of uses, the density, the enhancement of our park system and multimodal options all are provided with the first step of creating the palette the underlying zoning to make it happen. I urge your support.

Sincerely,

Eric Neumann  
7954 E 9<sup>th</sup> Avenue

Denver City Council  
1437 Bannock Street, Room 450  
Denver, CO 80202

Members of the Council:

My family and I recently purchased a home at 464 Poplar Street. We are located in what is called the Mayfair Park neighborhood; however, we refer to it as Lowry Far East Park. Our kids attend school in Lowry, we frequent the area businesses and we are fully entrenched in our wonderful neighborhood. We have chosen to live in this area because our mature neighborhood has emerged and increased in desirability along with and because of the Lowry redevelopment.

I sell residential real estate and I have watched each area of Lowry develop. Lowry is remarkably unique and has its own individual intrinsic quality not often found in infill development. The LRA in conjunction with an extensive neighborhood process has provided the overall planning that has created this quality— and I fully support the 3 rezonings submitted for your consideration.

Boulevard One provides an opportunity to “finish” Lowry. The plan has a great mix of residential and commercial uses. I hear so often in my work, that more density as well as commercial and retail is needed on Lowry. I look forward to supporting the new businesses. Although we live in a single-family home, we have chosen to live in the city and want density in our city rather than sprawl in our neighboring cities. In previous life, I lived in Henderson, Colorado and there is no comparison to the quality of life offered in a truly thoughtful residential community with urban commercial amenities.

For all the foregoing reasons, I would urge the Denver City Council to support the rezoning applications. Thanks!

Sincerely,

Maria Patabendi (464 Poplar Street Denver, CO 80220)

June 17, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

RE: Denver Rezoning Application  
CB15-0345

Dear Denver City Council

I am writing in support of the rezoning application for CMX-5 for 99 Quebec, known as Boulevard One or formerly known as Buckley Annex. I have followed the redevelopment keenly as my job has been located at Lowry for the past 6 years, and I just recently purchased a home in the NW neighborhood to move closer to work.

As a father of 2 children who attend school at Lowry, it is imperative that the community we choose to live in, Lowry is a sustainable community. Each rezoning application which supports the plan being offered by the Lowry Redevelopment Authority for approval by the Denver Planning Board is exactly what is needed to complement on the existing development at Lowry and the surrounding neighborhoods.

I grew up in the suburbs of Denver and most recently lived in West Washington Park. I appreciate each neighborhood for its uniqueness. I appreciate the uniqueness of Lowry and the differences offered by the Lowry lifestyle. Lowry is not a suburban neighborhood nor is its goal to be a neighborhood exactly like its surrounding neighbors. Lowry is a mix, where my family; lives, works and plays.

Please add my name to a list of supporters for this rezoning application and I urge your support of this rezoning application CB15-0345...

Sincerely,

Adam Sexton  
904 Spruce Street



Denver City Council  
1437 Bannock Street  
Denver, CO 80202

To Denver City Council:

As a Lowry resident, please accept this letter in support of Application #00096 at Boulevard One. I moved to Lowry over 10 years ago because we want to raise our family in an urban environment with exceptional life style. Our kids have grown up in Lowry and we our family has thrived in a neighborhood that has all types of housing, all types of scale and appropriate density. We did not want to live in a single-family suburban neighborhood. We bought into the smart growth planning that Lowry Redevelopment Authority promised—and the promise has been realized.

I am frustrated when I hear neighbors object about traffic and density. From the first neighborhood to Boulevard One, all parts of Lowry have mixed-use, multi-story buildings. Our town center has an office park, hangars (now housing a museum and storage facility) and all types and scale of housing. We do not have a density problem. We do not have a traffic issue. We live in the city and have all the challenges and benefits that come along with that choice.

Boulevard One is the culmination of many years of planning. We have heard and learned about Boulevard One at every phase of the project. There should be mixed-use on Quebec. We need more restaurants and services and do not want to see 70 acres of single-family homes. We love Lowry, please support this application and let LRA finish what they have started.

Sincerely,

Chris Hanzel  
7683 E. 8<sup>th</sup> Place

June 17, 2015

Denver City Council  
1437 Bannock Street, Room 450  
Denver, CO. 80202

RE: Boulevard One

Dear Members of City Council:

I am supporting the above referenced Rezoning Application and I request your support as well. The planning process and community collaborative effort has been ongoing for at least 5 years. There were numerous meetings even preparing the property for transfer by the Air Force, for which an acceptable plan was required. Then there were numerous meetings to strike the correct balance of retail, residential, open/parkland, density AND additional requirements as prescribed by the City. For some individuals to disagree with a plan is understandable and expected, for the basis of those arguments is it was done without a process or under cover is absolutely disingenuous.

Thank you for your thoughtful and serious consideration of this application and every application before your body. Please support this rezoning application.

Sincerely,

Patrick Heck  
7662 E 8th Pl

June 18, 2015

Denver City Council  
1437 Bannock Street  
Denver, Colorado 80202

RE: CB15-0345

Dear Denver City Council

I urge your support of Denver Zoning application CB15-0345. I have lived in the townhomes on Quebec immediately north of the proposed rezoning for ten years. Our townhomes are located immediately adjacent to Quebec and are of the same height as the application recommends for Boulevard One and we abut a very successful residential neighborhood.

I live and work in Lowry and rarely use my car to go anywhere off of "home base". I know I may be a bit unusual but I find that many fellow "lowryites" live, work, shop all within our neighborhood. I like the community that has evolved and I welcome the additional park and retail opportunities which will be provided by the development of Boulevard One.

Thank you for your support.

Sincerely

Rebecca Mayer  
239 Quebec Street.

June 17, 2015

City Council  
City of Denver  
1437 Bannock Street  
Denver, Colorado 80202

RE: Boulevard One

Dear City Councilmembers:

I currently rent a home in Mayfair, just a few blocks from "Lowry", I would have liked to rent a home in Lowry but the inventory is very low for rentals that can also accommodate a family. My wife and I both work in Lowry and our daughter goes to school there. We also enjoy the bars and restaurants, 24 hour fitness and the parks.

It is my understanding that the proposed rezoning for CMX5 will provide for more housing in terms of townhomes, apartments as well as shops such as a small grocer or wine store. Additionally, I believe the apartments may have units for families as well as singles or roommates. I would like see this happen and I hope you would too.

Since I live and work close, I don't rely on my car very much – usually just weekends. I think the same will be said for the people interested in moving to the new apartments.

Please support this proposal for Boulevard One.

Sincerely,

Alberto Pereda  
625 Pontiac Street

June 14, 2015

Denver City Council  
1437 Bannock Street, Room 450  
Denver, Colorado 80202

Dear Denver City Council:

I am writing today in support of the application before you presented by the LRA for CMX-5 for portions of Boulevard One, previously known as Buckley Annex. I have lived and worked in Lowry and my business is real estate development. There are so many attributes to this community that make it a great place to live and work. On a purely real estate level a greater amount of density would drive better retail, but I understand that compromises has to be made to reduce the density at this site.

Great plans require great vision and the courage to stand by that vision – I ask you to stand with the LRA on the 6<sup>th</sup> and support their applicaton for rezoning.

All the best,

Ray Perry

1200 Newport Street

Denver City Council

1437 Bannock Street, Room 450

Denver, Colorado 80202

Dear Denver City Council:

We lie immediately across the street from the Lowry property, Boulevard One. We live in Crestmoor, 120 South Locust, and we have learned more than we ever thought we would about redevelopment/zoning and the rezoning process. A few months ago, our understanding of the vast array of issues that are involved in moving a project forward.

After having studying closely the issues, we wholeheartedly support the rezoning to CMX-5 of property located on Boulevard One. There are several issues that continue to cause concern and any proposed new development hears them over and over again. 1) traffic and congestion 2) too much density. Certainly, when developing land that has nothing on it now, the traffic will be greater than it is at this snapshot in time. But, the impact when completed is forecast to be less than when the Air Force Finance Center was fully operational. The density is also more than appropriate in this case. How can a development of all parkland and/or single family homes contribute at all to the surrounding area or tax base. No added value is the answer. To be sustainable we need a mixed use that works. Lowry works.

Please support the applicant this Wednesday at your Planning meeting.

Bob and Kathy LaBarge

June 17, 2015

Denver City Council  
1437 Bannock Street  
Denver, CO 80202

Dear Council Members:

I am a business owner, home builder and resident in East Denver. Although I live in a great neighborhood adjacent to Lowry, Crestmoor, almost our entire life is spent at Lowry, our children go to school here, our business is here, and we very much enjoy shopping and recreating in Lowry.

On a business level the plan for the Boulevard One is exactly what is needed for this area of the City and Lowry. The results of a carefully balanced plan as presented by the LRA and as this map amendment allows will ultimately provide a great host of amenities and opportunities for the enjoyment of Lowry by the residents and the surrounding neighborhoods. On a personal level, the proposed mixes, densities and combinations of uses make the value of our lifestyle and property worth more. In my opinion, they saved the best for last, this is the best piece of real estate at Lowry.

Please support of the rezoning application to CMX5 as submitted by LRA.

Sincerely,

Daniel Hambrick  
415 Monaco Parkway  
Denver, Colorado 80220

June 16, 2015

Denver City Council  
1437 Bannock Street, Room 450  
Denver, CO 80202

RE: CB15=0345

Dear City Council:

My house is located on 6<sup>th</sup> Avenue, in the Hilltop/Mayfair Park neighborhood adjacent to Lowry. I purchased my home due to a lot of the amenities that Lowry had to offer and its close proximity to those amenities. When I discovered the plans for Boulevard One, I was even more encouraged by the housing choice I made in East Denver.

I welcome the increased density as that equates to more opportunities for retail and work to be located close, and I feel encourages greater public transit usages (as well as walking!). I recognize that a lot of planning and balances occur in a large scale development such as Boulevard One but I appreciate the hard work in creating a community that truly inspires a special place in Denver.

The ability of Lowry and the City planners to provide the City with a thoughtful infill development and not just cookie cutter additional single family rooftops, is admirable. Kudos and I urge your support of this rezoning application.

Sincerely,

Jason Hanson (6921 E. 8<sup>th</sup> Ave)



Gregory J. Kerwin  
Donna C. Kerwin  
200 Kearney Street  
Denver, CO 80220  
June 24, 2015

To: Denver City Council [dence@denvergov.org](mailto:dence@denvergov.org)  
Councilwoman Mary Beth Susman: [marybeth.susman@denvergov.org](mailto:marybeth.susman@denvergov.org)  
and other individual council members.

cc: CPD ([Rezoning@denvergov.org](mailto:Rezoning@denvergov.org) ), and Theresa Lucero [heresa.Lucero@denvergov.org](mailto:heresa.Lucero@denvergov.org)

Re: Public comments opposing Proposed Zoning Map Amendment for 99 Quebec Street:  
for June 29, 2015 City Council public hearing (Application #2014I-00096).

We own a home in the Crestmoor neighborhood, a few blocks northeast of the Buckley Annex parcel. We write to express our opposition to the application by the Lowry Redevelopment Authority and its law firm, Kaplan Kirsch & Rockwell LLP, which seeks to zone 18 acres of the former Air Force Buckley Annex parcel as “C-MX-5 with waivers.”

For the same reasons we explained in my April 27, 2015 letter to the Planning Board (copy attached) and others, the City Council should reject this proposed high-density zoning change:

- 1) Not consistent with adopted plans; contrary to Lowry Reuse Plan: This C-MX-5 zoning is not consistent with adopted plans, in violation of DZC § 12.4.10.7(A). It conflicts with the Lowry Reuse Plan – the small area plan for the area.
- 2) Contrary to Lowry Design Guidelines’ building heights: It is not consistent with the three story building heights in the Lowry Design Guidelines.
- 3) This zoning change cannot be based on 2013 GDP: This proposed zoning cannot lawfully be based on the 2013 Buckley Annex General Development Plan (GDP), which was never adopted by the City Council and is not an adopted plan.
- 4) C-MX-5 zoning not warranted for this site and LRA’s intended uses: The proposed C-MX-5 zoning far exceeds the zoning density the LRA needs to build its promised total of not more than 800 dwelling units for the entire Buckley Annex site. As explained in my attached letter, the LRA’s application does not include a density calculation, and CPD staffers have failed to present such a calculation or explain why C-MX-5 urban center mixed use five-story zoning is needed or appropriate for this 18-acre portion of the Buckley Annex parcel.

- 5) Harmful traffic and parking effects contrary to public health, safety and welfare: This change is not consistent with the public health, safety and general welfare (contrary to DZC § 12.4.10.7(C)) because of the substantial harmful traffic and parking effects for surrounding neighborhoods.
- 6) No justifying circumstances: There are not justifying circumstances for C-MX-5 zoning under DZC § 12.4.10.8 A & B.
- 7) No LRA public meeting with residents about C-MX-5 proposal: The LRA did not hold public meetings with local residents to discuss its proposed new C-MX-5 zoning change before submitting it to the City for approval.
- 8) CPD is allowing the Applicant to block Protest Petition/Super-Majority procedure: CPD has unlawfully blocked application of the super-majority protest procedures for this hearing under DZC 12.4.10.5 (by which 10 affirmative Councilmember votes would be necessary). CPD included the applicant's property (the LRA's Buckley Annex parcel property) in its calculation of property owners within 200 feet of the property. See Evelyn Baker's June 19, 2015 email to Christine O'Connor. This calculation effectively allows the applicant to block the protest petition procedure.
- 9) Lame Duck Council Session: The City Council should not allow this zoning change to be approved at the June 29, 2015 lame duck session. You owe it to Denver voters to allow the new City Council members to consider this important proposed zoning change. It should be clear to you that Denver voters do not approve of the Council's high-density zoning decisions of the past four years. Let the new Council decide this issue after July 20.

Please reject this proposed Buckley Annex C-MX-5 Map Amendment.

Sincerely,

*s/ Gregory J. Kerwin*

*s/ Donna C. Kerwin*

Gregory J. Kerwin  
200 Kearney Street  
Denver, CO 80220  
April 27, 2015

To: Denver Planning Board ([planning.board@denvergov.org](mailto:planning.board@denvergov.org))  
CPD ([Rezoning@denvergov.org](mailto:Rezoning@denvergov.org)), and Theresa Lucero ([Theresa.Lucero@denvergov.org](mailto:Theresa.Lucero@denvergov.org))

cc:

Brad Buchanan, CPD: [Brad.Buchanan@denver.gov](mailto:Brad.Buchanan@denver.gov)

Evelyn Baker, CPD: [Evelyn.Baker@denver.gov](mailto:Evelyn.Baker@denver.gov)

Denver City Council: [dencec@denvergov.org](mailto:dencec@denvergov.org)

Re: Comments opposing LRA's Zone Map Amendment Application for 18 acres in Lowry/Buckley Annex parcel (described as "approximately 99 Quebec Street"): currently set for May 6, 2015 Planning Board public hearing (Application #2014I-00096).

I write to express my opposition to the Lowry Redevelopment Authority's Zone Map Amendment Application (dated as of March 12, 2015) for 18.047 acres in the Lowry/Buckley Annex area (referred to below as the "LRA C-MX-5 Map Amendment"). To ensure that CPD staff report will address the concerns expressed in this letter, it is submitted to Theresa Lucero nine days in advance of the scheduled May 6, 2015 Planning Board hearing. (CPD's notice to RNOs dated April 21, 2015 states: "Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board.")

I have lived in the Crestmoor neighborhood immediately west of Buckley Annex for 21 years (since 1994), and for many decades in Hilltop before that.

I submit this letter to express my own views, and the views of hundreds of my Lowry, Crestmoor, Mayfair, and Winston Downs neighbors, who are weary of the LRA's piecemeal, non-responsive zoning process for the Buckley Annex parcel. We remain frustrated and angry about the City's and LRA's mismanagement of the Buckley Annex redevelopment, and the LRA's and CPD's continuing failure to listen to, and address, valid unresolved neighborhood concerns.

Through this Application the LRA seeks to impose Cherry Creek-style urban center zoning on a large area—nearly half the size of Crestmoor Park (which is 37.3 acres). The C-MX-5 zoning category is the most intense zone context in the 2010 Denver Zoning Code outside of downtown. Urban center zoning does not belong in the middle of the surrounding suburban and urban edge neighborhoods. Existing residents will be harmed in their enjoyment of their homes and neighborhoods, and their property values will be decreased by the traffic jams, cut-through commuter traffic, parking congestion, and non-existent street setbacks now found in the Cherry Creek style/ urban center zoning forms.

1. **The Application is not consistent with Adopted Plans, contrary to DZC § 12.4.10.7(A)**

A. **The Denver Comprehensive Plan 2000 and Blueprint Denver provide no meaningful guidance on this Application**

The Denver Comprehensive Plan 2000 and Blueprint Denver do not provide meaningful guidance on the appropriate zoning for the Buckley Annex parcel, and the Application is not consistent with the Small Area Plan for the area: the Lowry Reuse Plan.

The LRA's "Property Owner Representative" designated in the LRA C-MX-5 Map Amendment Application is the Kaplan Kirsch & Rockwell LLP law firm. The LRA law firm's analysis in the Application of Denver Comprehensive Plan 2000 and Blueprint Denver demonstrates that those documents do not provide any specific meaningful guidance for how the Buckley Annex parcel should be zoned.

The LRA lawyers' parsing of the provisions of those planning documents on pages 12-29 of the Application demonstrates that language in those two planning documents could be used to justify high-density, urban intensity rezoning virtually anywhere in Denver. Indeed, the language in those documents would support zoning for this 18-acre parcel ranging anywhere from single-family homes like surrounding neighborhoods, to the rowhouse/townhouse and single family homes currently being built on other parts of the Buckley Annex parcel, to 12-story apartment or condo towers. When planning documents provide such indeterminate guidance, they are of no value in planning for a specific parcel.

Lawyers and planners regularly cite statements in Comp Plan 2000 and Blueprint Denver to support any proposition. If Blueprint Denver stands for any central principle, it is that density should follow transportation and mass transit and be placed primarily in transit-oriented developments. But that principle is lost in the LRA's argument that the mere proximity of some RTD bus stops for infrequent bus service on Routes 3, 6, and 65 counts as mass transit that warrants urban center high-density.

If CPD and the Planning Board accept the LRA' analysis of the Denver Comprehensive Plan and Blueprint Denver, they will be demonstrating that the City of Denver is not applying any meaningful standard or limitation to developers' high-density "up-zoning" applications. The lack of any articulable standard for rezoning shows the current Denver rezoning process is arbitrary and capricious, violates Due Process, and violates the standard for Map Amendment changes in § 12.4.10.7(A) of the Denver Zoning Code. *See, e.g., Turney v. Civil Service Comm'n*, 222 P.3d 343 (Colo. App. 2009) ("Due process is violated where a provision fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.") (internal quotations omitted).

**B. The LRA’s proposed C-MX-5 zoning for this 18-acre site conflicts with the Small Area Plan for the area—the Lowry Reuse Plan**

The LRA C-MX-5 Map Amendment Application fails to analyze and address the small area plan that does govern this Buckley Annex site: the Lowry Reuse Plan.

The Lowry Redevelopment Authority is a quasi-public entity created in 1994 through an Intergovernmental Agreement (“IGA”) between the City of Denver and City of Aurora. Under that agreement, the LRA was responsible for providing the services necessary “to maintain, manage, promote, and implement economic redevelopment on all or a portion of Lowry after closure” of the Air Force Base. The IGA contractually binds the LRA to follow the Lowry Reuse Plan.

The “Lowry Reuse Plan” was developed in the 1990s, adopted by the City Council in April 1995, and served as the Small Area Plan for Lowry. A copy of the Lowry Reuse Plan can be found currently on the CPD’s website for “Small Area Plans” at: [http://www.denvergov.org/Portals/646/documents/planning/Plans/plans\\_pre\\_2013/Lowry\\_Reuse\\_Plan.pdf](http://www.denvergov.org/Portals/646/documents/planning/Plans/plans_pre_2013/Lowry_Reuse_Plan.pdf) The City has not designated an “area planner” to run a consensus planning process on Lowry that would have provided a Small Area Plan update to the Lowry Reuse Plan.

- a. Section 1.7 of the IGA recognizes that Lowry redevelopment was to be consistent with the Lowry 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.”
- b. The Lowry Reuse Plan, and the Recommended Lowry Disposition Plan it incorporates, contemplated far lower densities than the LRA seeks to place in the Buckley Annex parcel. All development on Lowry is supposed to be examined according to the following criteria:
  - Conformance with the Reuse Plan and sound planning principles;
  - Compatible with other uses at Lowry;
  - Input from Lowry residents and surrounding communities;
  - Traffic and access impacts;
  - Effect of the development on Lowry’s economic goals and property values;
  - Benefits and challenges of the proposed development;
  - Effect on the “density bank”; and
  - Pedestrian and vehicular connections.

*See, e.g.,* Lowry Redevelopment Authority, “Function and Process of the Planning/Disposition Subcommittee” (March 19, 2002).

- c. Section 3 of the Lowry Reuse Plan and Exhibits 1 and 2 (pages 3 and 5) to the Recommended Lowry Disposition Plan envision no uses other than employment for the entire Buckley Annex parcel. Section 3 designates the Buckley Annex site as:

“DFAS/ARPC” and states on page 3-1: “The Defense Finance Accounting Service and Air Reserve Personnel Center (DFAS/ARPC) and the 21st Space Command Squadron will continue to operate in cantonment facilities at Lowry after closure of the base.” Exhibit 2 to the Recommended Lowry Disposition Plan describes the use for the Buckley Annex parcel under DFAS/ARPC as: “Current use in existing facilities.” The Lowry Reuse Plan has never been amended through the IGA process, and no subsequent Small Area Plan has been created and incorporated into the Lowry Reuse Plan. The LRA’s argument in the Application that the C-MX-5 zoning will be an “Employment area” for retail, services and office (page 29) is disingenuous for zoning that contemplates large blocks of high-density apartments or condos, and not consistent with the existing Small Area Plan.

d. On page 5-2 of the Lowry Reuse Plan Report (Nov. 1993) includes the following summary of intent for development consistent with surrounding neighborhoods (emphasis added): “Housing on Lowry should include a variety of types including single-family and multi-family. ... This overall urban design of the housing areas should bring the positive aspects of the surrounding neighborhoods and their urban fabric onto the Lowry site. **Some key elements of the urban fabric are the parkway system, mature landscaping, and fine residential neighborhoods.** In addition to these urban design elements, other positive aspects of surrounding neighborhoods should be emphasized in new residential development.” “[T]here is an opportunity to create a highly liveable and desirable environment at Lowry by **protecting mountain views and limiting heights**, placing utilities underground.” “The density of new, single-family housing development on Lowry should be **comparable to or lower than the density of adjacent, single-family, residential areas.**” “Representatives of the surrounding neighborhoods must be given the opportunity to participate in the planning, zoning and PUD processes.”

The Lowry Reuse Plan did not envision development of the approximately 70 acres comprising the Buckley Annex parcel because the Air Force planned to have its Finance Center remain on this site. The Reuse Plan, however, did specify that the entire “edge” of the Air Force Base would be lower intensity housing to reflect the low intensity residential neighborhoods surrounding the base.

Had the Buckley Annex parcel been developed along with the remainder of the edges of the old Lowry Air Force Base, it would have been included in such “edge” treatment to respect the neighbors to the west and north of the old Base. Only residential development was envisioned around Lowry’s entire perimeter in the Lowry Reuse Plan, a plan formed with participation of 23 surrounding communities, and a plan that remains binding until Amended pursuant to the provisions of the IGA between the Cities of Denver and Aurora.

## **2. The C-MX-5 five story building heights are not consistent with three story building heights in the Lowry Design Guidelines**

After the Air Force decided to close the Lowry Finance Center as part of a base-closing initiative in 2005, the LRA was chosen as the master planner for the Buckley Annex site, before taking

ownership of it. The LRA was charged with developing a plan for the Air Force, and the decision would then be made by the Air Force regarding how to make use of the parcel. The LRA designed and oversaw a contentious “public” process which created widespread sentiment that whatever came out of the process should reflect Lowry’s Design Guidelines and height limits and setbacks.

The result of that Air Force process was a plan called the “Buckley Annex Redevelopment Plan” (referred to here as the “Air Force Plan”) that is over 1,000 pages long that was written by consultants that the LRA hired. The LRA chooses not to post a copy of the Air Force Plan on its website at this time. But a copy of the 2008 Buckley Annex Redevelopment Plan currently is available at: [www.lowrynews.com](http://www.lowrynews.com) (link found at bottom of webpage). The Air Force Plan was completed in February 2008, and a revised version of it was presented in May 2010. No CPD process to update the Lowry Reuse Plan or develop an East Denver Area Plan was undertaken to update the Lowry Reuse Plan.

The LRA consultants who wrote the Air Force Plan declined to adopt the ideas of the surrounding neighborhoods and residents. Nevertheless, the vision and concerns of the surrounding communities still come through loud and clear in the appendix to the Air Force Plan. The mandate expressed by the public in the Air Force Plan was to carry forward the Lowry Design Guidelines limiting height to three stories except in the town center area, where it could go to four stories.

### **3. The 2013 Buckley Annex GDP is not an Adopted Plan**

Treating a GDP as an “adopted plan” for new zoning dilutes the Denver Zoning Code’s standard in DZC § 12.4.10.7.A for zoning changes because “Adopted Plans” (such as the Denver Comp Plan 2000, Blueprint Denver, and small area plans) are supposed to be approved by the Denver City Council after a rigorous process for public comment and community consensus (similar to the process that will be required for CPD’s announced plan to revise and update Blueprint Denver).

The Denver Zoning Code refers in several sections to “adopted plans.” See DZC Sections 9.6.1.1.B.3 (PUD); 12.4.10.1 & 12.4.10.7.A (map amendments); 12.4.11.1 & 12.4.11.4.A (text amendments); 12.4.12.2.A.1 (mandatory GDP). The Code does not specifically define this term, but the reference to an “adopted plan” is to a specific plan that has been approved by the Denver City Council and incorporated by ordinance into the Comprehensive Plan after a comprehensive planning process to incorporate the community’s vision for the city and for particular neighborhoods. The concept of “adopted plans” is at the center of the Denver Zoning Code because the Code seeks to ensure that zoning changes are consistent with adopted plans that were formed after a comprehensive community planning process.

The 2013 Buckley Annex General Development Plan cannot be relied upon by the Planning Board as an “adopted plan” (within the meaning of Denver Zoning Code §§ 12.4.10.1 & 12.4.10.7) that would justify the Planning Board’s decision to approve the LRA C-MX-5 Map Amendment.

The LRA's Application (pages 29-33) is inaccurately portraying a 2013 General Development Plan (GDP) for the Buckley Annex parcel as equivalent to an adopted Area Plan. The GDP was never approved by City Council and does not have the authority of an adopted plan reached in consensus with residents to set the vision for the neighborhood. The GDP was approved by the Planning Board in 2013 over strong opposition from residents and their RNOs. At the time, the LRA told residents and the Planning Board that residents' density and traffic concerns would be addressed when the specifics of zoning for Buckley Annex were worked out—yet that still has not happened.

DZC § 12.4.12.15.B allows the "City Council" to "approve an official map amendment (rezoning) application for property within an approved GDP area, taking into consideration the approved GDP." (Emphasis added). This provision does not authorize the Planning Board to consider the GDP as part of its recommendation on a map amendment. DZC § 12.4.10.7 does not treat a GDP as an "adopted plan," and the City Council would be violating the Map Amendment review criteria by doing so. "Considering" an approved GDP is not a substitute for requiring that zoning be consistent with the adopted small area plan.

**4. The Application does not include a density calculation; the LRA's quoted density number is plainly wrong for the 18-acre Application site**

The LRA C-MX-5 Map Amendment includes a table that purports to state the density for "Boulevard One" of 11.4 dwelling units/acre. *See* Application p. 19. Yet the LRA's Application does not provide any calculation for CPD and the Planning Board of the actual density that would be possible if the C-MX-5 zoning is approved for the 18-acre Application site.

The LRA's density number of 11.4 dwelling units per acre for the 18 acres covered by the C-MX-5 Application area cannot be correct, and is far lower than the density such C-MX-5 zoning would allow on these 18 acres. For example, if the entire 18 acres is covered with 5-story apartment or condo buildings with an average of 1,200 square feet per unit (including room for 1.5 parking spaces per multi-family apartment unit), that would yield:

- 18 acres = 784,080 square feet of space (43,560 square feet per acre).
- If only 70% of those square feet are used for dwelling units on four of the five stories, with the bottom of each building used for commercial/retail space or parking, that would yield 1,830 dwelling units.
  - 784,080 square feet x 70% = 548,856 square feet
  - 548,856 square feet x four stories = 2,195,424 square feet (spread over four floors)
  - 2,195,424 square feet divided by 1,200 square feet = 1,830 dwelling units.
  - Thus, this use of the 18 acres would allow approximately 1,830 dwelling units.
- This would yield a density of 102 dwelling units per acre (1,830/18) – far in excess of the 11.4 dwelling units/acre recited in the LRA's Application.
- The commercial space from the remaining ground floor of such five-story buildings would be 548,856 square feet – far in excess of 200,000 square feet the LRA has said it wants to build in the entire Buckley Annex parcel.



The LRA's Application clearly seeks to allow five story buildings on virtually all of the 18-acres. Otherwise the LRA would not need to ask to ask for "waivers" for three-story buildings placed on small slices of the parcel at the northern and eastern perimeter of it (the waiver parcels would only take up 0.399 acres [for "First Avenue Waiver Area"] and 0.414 acres [for Quebec Street Waiver Area]. C-MX-5 zoning requires buildings be placed next to main street rights of way, with "a shallow front setback range" so "[t]he build to requirements are high." *See, e.g.,* DZC § 7.2.4.1.G.

The LRA may object that this 70% calculation fails to take account of necessary streets, but that just demonstrates why CPD and the Planning Board should reject the Application until the LRA supplies an accurate calculation of the actual density for this 18-acre zone parcel that would be possible with the zoning it is requesting.

This calculation assumes that the ground floor of all the C-MX-5 buildings is available for commercial or retail (or possibly parking). This calculation allows 549,000 square feet of ground floor space.

**5. The Application is not consistent with the public health, safety and general welfare, contrary to DZC § 12.4.10.7(C), because of the harmful traffic and parking effects for surrounding neighborhoods**

Denver's procedure for rezoning is broken (and arbitrary and capricious for purposes of judicial review) by placing planning for traffic and a "site plan" after zoning changes are approved. It makes no sense to impose high-density zoning in a transportation desert within the City of Denver and then tell the Public Works Department it must then solve the traffic gridlock and parking shortages the new zoning will create.

CPD and the Planning Board should consider adverse traffic and parking effects as part of whether the new zoning is consistent with the public health, safety and general welfare under DZC § 12.4.10.7(C).

As noted above, the C-MX-5 zone category will allow a large number of new dwelling units to be created—perhaps more than 1,800. The LRA has told people it is only building 800 dwelling units on the Buckley Annex parcel as a whole, but this C-MX-5 zoning will allow far more units and much higher density. The LRA's Application should present accurate information about the actual density and range of possible traffic effects for this 18-acre block of five story buildings.

Even if the LRA limits the overall Buckley Annex redevelopment to 800 new units, its own study shows nearly 10,000 new traffic trips per day, crowding existing streets and intersections that cannot accommodate more traffic (Quebec, Monaco Parkway, Alameda and their intersections).

The LRA's argument in the Application (pages 34-35) that the Air Force Finance Center was creating 9,500 traffic trips/day at one time is disingenuous. Even if that Air Force traffic statistic is correct, at the time the Finance Center was open the rest of Lowry had not been built up as a residential area with a town center. The existing traffic jams are the result of the redevelopment of the rest of the Lowry area. It is not consistent with public health, safety and general welfare to

create intense new traffic jams and force large volumes of new commuter traffic on quiet side streets (as people cut through to avoid gridlock).

In addition, the LRA's proposed parking standards (although higher than 0.75 spaces/unit for C-MX-5) are still insufficient. Any new housing that is built will be expensive for renters or owners. The future apartment residents or owners in these C-MX-5 buildings will have more than 1.5 cars/dwelling unit. Those cars will be parked somewhere—including in front of homes on quiet streets in nearby neighborhoods in Park Heights, Lowry, and Mayfair. The LRA should provide adequate parking within the confines of its own Buckley Annex boundaries.

**6. There are not justifying circumstances for C-MX-5 zoning under DZC § 12.4.10.8.A & B**

None of the specific justifying circumstances listed in DZC § 12.4.10.8.A(1)-(5) supports this LRA C-MX-5 Map Amendment:

The LRA does not contend the existing zoning was the result of an error or mistake of fact, or failed to take account of natural characteristics of the land. DZC § 12.4.10.8.A(1)-(3). This Application does not seek an Overlay Zone District. DZC § 12.4.10.8.A(5).

The LRA's argument that changed character warrant this high-density zoning under DZC § 12.4.10.8.A(4) is flawed. The Lowry neighborhood, and surrounding areas, are not blighted; they are thriving. This argument ignores the context of the Buckley Annex parcel, where the changing character (redevelopment of the rest of the Lowry Air Force Base with low- and medium-density housing and town center commercial use) do not justify high-density urban center building in this area—changes inconsistent with the Lowry planning documents and design guidelines. The rest of the development of Lowry has already created traffic nightmares on existing major streets including Quebec, Monaco Parkway, and Alameda. This C-MX-5 zoning would aggravate those problems—clearly not the intent of the “changed character” provision in DZC § 12.4.10.8.A(4).

The LRA's version of the “changing character” argument that Denver needs density to accommodate the hundreds of thousands of people the City hopes will move here, would support high-density, urban center zoning anywhere in Denver regardless of context. That argument renders the condition in DZC § 12.4.10.8.A(4) meaningless. Therefore, principles of statutory interpretation do not support such a construction.

In addition, as noted above, the urban center context of the proposed C-MX-5 zoning category does not match the suburban and urban edge zoning contexts of the surrounding neighborhoods, contrary to DZC § 12.4.10.8.B. The C-MX-5 zoning context is the highest intensity outside of downtown Denver. It does not belong in the middle of an enclave of residential neighborhoods with isolated town center commercial buildings. This C-MX-5 zoning would create a huge block of 5 story mixed used buildings on the west side of Quebec when there are no comparable buildings along the west side of Quebec to the south until you reach Hampden, and none to the north until the Johnson & Wales campus (and those buildings have large setbacks and lots of open space).

**7. Lack of Any Public Meeting Concerning LRA’s Zoning Application**

The LRA did not hold any public meeting with local residents to discuss this proposed new C-MX-5 zoning before submitting the LRA C-MX-5 Map Amendment to CPD. The February 11, 2015 meeting referenced on page 56 of the LRA application was not announced to local residents or open to their attendance. Instead, it was just a one-sided “briefing” by the LRA, telling RNO representatives about the LRA’s C-MX-5 plan. Although City of Denver mediator Steve Charbonneau was present at that meeting, he told RNO participants that there would not be any negotiations by LRA in connection with that meeting.

RNO representatives presented detailed comments to LRA representatives at that meeting, which the LRA ignored. For example, attached is a copy of the February 17, 2015 letter sent to Monty Force of the LRA from William O’Rourke, a resident of Park Heights – the neighborhood closest to this 18-acre parcel.

**8. Need for Good-Faith Mediation**

The Planning Board should reject this proposed LRA C-MX-5 Map Amendment and direct CPD and the developer to go back and engage in good faith negotiations with RNO representatives and interested nearby residents, assisted by a neutral mediator (not Mr. Charbonneau) before presenting a final zoning proposal for these 18 acres to the Planning Board. Such mediated discussions can serve now as an eleventh-hour substitute for the consensus community planning and vision building process that has never occurred for development of this Buckley Annex parcel.

**9. Lack of Sufficient Notice to RNOs of May 6, 2015 Planning Board Hearing – to allow them to schedule meetings and record votes**

Because CPD waited until April 21, 2015—15 days before the May 6, 2015 Planning Board hearing, it has effectively precluded most RNOs from calling a public meeting in the intervening 15 days to present information to residents and take a vote on this Application.

The fact that CPD sent a copy of the application to RNOs in mid-March does not justify the short notice of the Planning Board hearing for a development of this scale. RNOs cannot call a public meeting until they know an application is actually going to be presented to the Planning Board. Applications are regularly changed during the review process before Planning Board and City Council meetings. RNOs cannot bother their busy residents calling public meetings to review and take a vote on a zoning application that may not be in final form yet.

Section 12-97 of the Denver Municipal Code specifically contemplates that RNO’s be allowed to participate in public hearings after having had sufficient time to hold a meeting of RNO residents and obtain a vote on the “proposed position” that is the subject of the public hearing. Therefore, the Planning Board encourages RNO’s to hold meetings and conduct votes of residents before a public hearing.

Yet by having the Planning Board consider and vote on this proposed text amendment only 15 days after designated RNO representatives first received notice of the Planning Board meeting, the Board is making a mockery of that RNO-input process for public hearings. It appears that CPD and the Planning Board are using a public hearing process that precludes the type of RNO input contemplated by Code Section 12-97. That truncated approach to notification of RNO's for community input at public hearings encourages residents to continue their lack of trust and confidence in CPD and its planning processes.

In addition, as a matter of administrative law, the Planning Board would be acting in an arbitrary and capricious manner if it approves this Map Amendment based on only 15 days' notice to RNOs because the Board is preventing RNOs and their members from participating effectively in the planning process and public hearing.

**10. Conflict Between May 6, 2015 Planning Board Hearing and previously scheduled community meeting on evening of May 6, 2015 to discuss alternative zoning for Mt. Gilead/195 S. Monaco Parkway property**

The May 6, 2015 Planning Board hearing date conflicts with another scheduled public meeting for the same affected residents, thereby precluding public participation for many interested residents who are adversely affected by both the LRA's C-MX-5 Map Amendment Application and the still-pending 195 S. Monaco application.

Immediately upon receiving CPD's April 21, 2015 hearing notice, the Crestmoor Park RNO representative asked Councilwoman Susman to request that the May 6, 2015 hearing be postponed because the Crestmoor, Lowry, and Winston Downs RNOs had already scheduled a community meeting for the evening of May 6 to discuss alternative zoning for the Mt. Gilead/195 S. Monaco Parkway property, after that developer asked to postpone the March 31, 2015 City Council hearing on its application, supposedly to discuss alternatives with residents. This May 6, 2015 evening meeting date was cleared with Councilwoman Susman's calendar so she can attend.

Presumably after consulting with CPD, Ms. Susman provided the following unhelpful response to the Crestmoor Park RNO representative on April 21, 2015:

The Planning Board notification is within the required time of notification. Notification time is set by zoning code, and practically speaking, the Board couldn't possibly accommodate all neighborhoods every time they have a conflict with their own neighborhood meeting, nor would wavering notification deadlines be good law. The Receipt of Application for this action was sent to neighborhoods on March 16th, so neighborhoods were given a heads up about it coming for over a month now.

I did make sure that the 99 Quebec issue is first on the agenda this time, and it should begin just after 3:00 pm, which should allow time for you to still have your meeting that evening.

Mary Beth

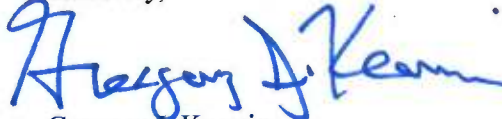
Councilwoman Susman should be able to attend both May 6 meetings, which address important zoning requests affecting her East Denver constituents in District 5.

11. **Jim Bershof needs to recuse himself from any Planning Board discussion or vote on this Application**

Jim Bershof and his company are serving as the Property Owner Representative for the pending 195 S. Monaco (Mt. Gilead Church) zoning application, which relies on the purported high density in the Buckley Annex parcel to justify a high-density development of the 2.3 acre 195 S. Monaco site. Mr. Bershof has an obvious conflict of interest if he participates in an official capacity, as a member of the Planning Board, in any discussion with Planning Board members or Planning Board vote on the LRA C-MX-5 Map Amendment Application.

For all the reasons explained above, the Planning Board should reject the LRA's C-MX-5 Map Amendment, and direct the developers and CPD immediately to engage in a mediated, good faith dialogue with neighborhood groups and RNO representatives about all further rezoning proposals necessary to complete the rezoning process for Buckley Annex site.

Sincerely,



Gregory J. Kerwin

Enclosure: February 17, 2015 letter from William O'Rourke

**WILLIAM H. O'ROURKE, P.C.**  
3300 East First Avenue, Suite 690  
Denver, Colorado 80206-5809  
Telephone (303) 399-5200 • Facsimile (303) 468-3965  
bill@williamhorourke.com

February 17, 2015

***SENT VIA ELECTRONIC MAIL AND UNITED STATES, FIRST CLASS MAIL***

Steven A. Charbonneau, Executive Director  
Community Mediation Concepts  
839 Pendleton Avenue  
Longmont, CO 80504

Re: February 11, 2015 Facilitated Meeting with Lowry Redevelopment Authority and Neighborhoods Affected by the Boulevard One Development (the "Boulevard One Development").

Steve:

Thank you for taking my call yesterday afternoon. As you heard at the February 11, 2015 "update" meeting with Montgomery Force, Executive Director of the Lowry Redevelopment Authority (the "LRA"), and noted in your email yesterday, most of the established residential neighborhoods located adjacent to the Boulevard One Development are concerned about three primary issues as respects the LRA Development:

- **The current lack of any setbacks to the planned commercial development along Quebec Street and First Avenue.** Given the five-story maximum height allowance and zero setbacks along the eastern boundary and portions of the northern boundary of the Boulevard One Development, these very busy but well laid out streets will become a visual eyesore and fast moving "canyon" that will irreparably change the character and ambiance of Lowry. To that end, we would propose the creation of a Planned Unit Development (PUD) that would allow for thirty five (35) foot setbacks all along Quebec Street and First Avenue to reduce the building mass along our main streets.
- **The apparent "density at all costs" approach to the Boulevard One Development.** Since the early phases of pre-development, the fair market values, and thus profit margins, on all of the components of the Boulevard One Development have increased dramatically. With respect, we believe that Boulevard One could now meet and exceed its profit models with substantially less density than the current plan, and which would also reduce the significant negative impacts on traffic congestion and lack of sufficient parking associated with the current plan. We would propose the lowering of the maximum height to three (3) stories or 45 feet throughout the "mixed use" areas, which would then lower the aggregate number of units.

- **The Lack of Sufficient Parking to Accommodate the Mix of Uses Planned for the Boulevard One Development.** In our meeting, Mr. Force clearly stated that he was not opposed to the minimum of two (2) off-street parking spaces per unit, but was precluded by Denver for establishing such minimums in the Boulevard One application.

We understand that the current Design Guidelines for parking in Boulevard One are as follows:

#### **RESIDENTIAL OFF-STREET PARKING GUIDELINES**

Single Family 2 off-street spaces per lot  
Detached Accessory Dwelling 1 off-street space/unit  
Duplex 2 off-street spaces per unit  
Row House 2 off-street spaces per unit  
Multifamily 1.5 off-street spaces per unit

#### **COMMERCIAL PARKING GUIDELINES**

Office 2 spaces for every 1,000 (gross) square feet  
Retail 5 spaces for every 1,000 (gross) square feet  
Eating/Drinking 5 spaces for every 1,000 (gross) square feet

With respect, we request that the Design Review Committee increase the Multifamily Design Guideline to a minimum of two (2) off-street parking spaces per unit, and, most importantly, we request that the LRA agree to include contractual covenants in all future sales contracts for affected lots, and to include restrictive covenants in all conveyances of such affected lots, to require a minimum of two parking spaces for every unit throughout Boulevard One (except Accessory Dwellings), regardless of whether such lot is to be developed as an apartment, town house, row house, live/work unit, DHA housing or single family residence.

If Mr. Force and the LRA are serious about incorporating the valid concerns of surrounding and affected neighborhoods regarding the Boulevard One Development, as required by law, then the requested contractual and deed restrictive covenants should absolutely present no problem.

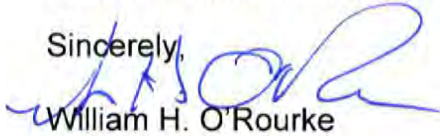
You were brought in to help "facilitate" a positive discussion and approach to bridging the differing values and priorities of the LRA and the affected neighborhoods. Securing some real consensus on the above issues would go a long way towards solving these very real problems. It has taken a while, but clearly the frustration level with a growing critical mass of residents insures that the battles will be long and costly for both sides if such a consensus cannot be reached.

Mr. Steven A. Charbonneau  
Page 3  
February 17, 2015

In addition to the foregoing, we certainly support the discussion surrounding providing a traffic signal at the intersection of Cedar and Quebec, as originally contemplated in the Master Plan for Lowry's redevelopment, and in providing a "left turn only" signal, turning north from First Avenue to Quebec Street.

Please contact me if you have any questions regarding the foregoing.

Sincerely,



William H. O'Rourke

cc: Ms. Christine O'Connor (email only)  
Ms. Elizabeth Lund (email only)  
Mr. Montgomery Force (email only)

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**KOELBEL AND COMPANY**

5291 E. YALE AVENUE · DENVER, COLORADO · 80222  
(303) 758-3500 FAX (303) 758-6632

June 22, 2015

Denver City Council:

I am writing this letter of support for the rezoning of the Boulevard One area near the intersection of Quebec Street and Lowry Boulevard for medium-density, mixed-use development.

As Senior Vice President of Koelbel and Company, Colorado's longest-operating family-owned real estate development firm, my responsibilities include operations oversight for Koelbel Urban Homes (KUH), the company's newest division. KUH focuses exclusively on urban development, including in-fill properties, to meet the lifestyle and location desires of a new generation of buyers.

My credentials include a Bachelor of Architecture from Kansas State University and a Masters in Real Estate Development from MIT. More importantly, it has been my privilege to guide the development of residential and mixed-use projects in Northern California and Colorado over the past 23 years.

Based on this experience, I believe the Boulevard One rezoning request submitted by the Lowry Redevelopment Authority is a smart solution that serves Metropolitan Denver's evolving market trends in sustainable fashion.

Since Koelbel opened its doors for business more than six decades ago, it has operated with an overriding goal best expressed the company's founder, Walter A. Koelbel:

- Never forget, under all lies the land... we must protect it and use it wisely.



This principle has successfully guided our company across the years and we believe its wisdom has never been more profound than today as we work to meet the challenges of the 21<sup>st</sup> century.

Mindful of this history and a commitment to excellence in land development in Colorado, I strongly endorse the Lowry Redevelopment Authority's Smart Growth plan, wisely conceived to create a mixed-use neighborhood that will be socially, economically and environmentally sustainable.

Koelbel and Company is an enthusiastic advocate for Smart Growth because it tailors development to individual settings, preserving and enhancing valuable natural resources while creating livable communities for people to live, work and play – communities that provide economic benefits for individuals, neighborhoods, developers and the economy as a whole.

The Smart Growth principles being employed today by Koelbel and Company and other real estate leaders, including the Lowry Redevelopment Authority, provide the perfect response to the demands of explosive growth bearing down on Metropolitan Denver in a burgeoning young century.

Smart Growth offers solutions to many of the resulting challenges in this evolving scenario by providing housing near jobs, by investing in existing infrastructures and by providing better shared services and resources to residents. Smart Growth also encourages neighborhood pride and greater interaction among residents, creating renewed social capital, including collaboration and upward mobility.

Cognizant of these empowering benefits, I strongly encourage the City of Denver to approve Boulevard One's rezoning request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Benson", with a long horizontal flourish extending to the right.  
Peter Benson  
Senior Vice President