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To: Planning and Zoning Commission, City of Greenwood Village, CO
From: Jerry Presley
Date: 9-14-16
Re: Orchard Station Sub-Area Plan

Huh? What changed?

On July 19, 2016 the Planning and Zoning Commission held a public hearing about adopting a new sub-area plan for the Orchard Station area. After overwhelming public testimony opposing the proposal, the P&Z Commission voted 8-0 to make no changes to the City's Comprehensive Plan, a document that presents the city's guiding vision on development. Subsequently, the City Council put the proposed change to the Comp Plan on "indefinite hold" and it appeared the city listened to its shareholders.

The existing Comprehensive Plan, which includes a statement that clearly discourages residential multi-family housing, would be maintained.

Now, the P&Z Commission will consider a modified sub-area plan on September 20th, which again encourages high-density, multi-family, residential development. This is a 180 degree reversal in just two months.

What?

I don't mind losing a debate, as long as it is fair and honest. Reasonable people can look at the same set of facts and reach a different conclusion.

However, this debate is not fair or honest. The P&Z Commission held a public hearing, made a unanimous decision to uphold the vision that discourages multi-family residential development, and now is reconsidering that decision. This is a flip-flop that stinks because a developer has proposed a high-density residential project. The reconsideration undermines trust in government and that burns me more than anything else. Part of fairness is being consistent.

The changes made to the proposed sub-plan between July 19th and the one now before the Commission is simple nuance and political wordsmithing. Changing the word "downtown" to "gathering place" and dropping the word "urban" puts a softer spin on the same thing. Making inconsequential edits to a plan that reverses our established vision is like putting lipstick on a pig.

The real issue is about high-density residential development and the Commission and the City Council should be honest and forthright about the issue. Don't try to put sugar on it.

I was told that the reason P&Z is re-hearing this case is because it was advised by the City Attorney that without an affirmative vote, the City Council has nothing to vote on. Poppycock. This was bad advice. I spoke with my friend, the City Attorney, and we agreed to disagree. I'm confident we are still friends and I am going to send her a new pair of glasses.

By Charter, P&Z is a recommending body on this issue and two months ago, it recommended a rejection of the proposed change by a unanimous vote. The City Council then decided to put the issue on “indefinite hold” rather than cast a vote.

The Council made this decision not because it was compelled to, but because it decided to. If the Council wants to vote on the issue, there is nothing that prevents them from doing so. The Council does not need an affirmative vote from P&Z before it can consider the case and to suggest otherwise is illogical and not supported by the language of the Charter.

From a political standpoint, it would be a very difficult vote for any Councilmember to vote against a unanimous recommendation by the P&Z Commission. That’s why the Council put things on hold.

Someone wanting to promote high-density residential development would want political support from the P&Z Commission and it appears that is exactly what’s happening.

The Commission and the City Council is faced with a political dilemma. The public’s trust in its local government has already been damaged because P&Z is reconsidering a decision that has already been made. We can’t change that. Hundreds of people invested countless hours in the political process and now the City has reversed course. I hope there are people at City Hall who can see this mistake. Oops!

I fear that if the P&Z Commission reverses its vote, it will damage the public’s trust beyond repair.

Likewise, if the City Council votes to reverse P&Z’s unanimous recommendation to discourage high-density residential development, that also would damage the public’s trust. The appearance of something shady is as damaging as the reality of something shady.

So what’s the best course of action?

- 1) The P&Z Commission should vote 8-0 to uphold its previous decision. This decision should never have been reconsidered and the integrity of government is at stake. I hope P&Z chooses principle over politics. Don’t change your vote.
- 2) The City Council should not over-rule the unanimous decision of the P&Z Commission. This is a no-win decision for the Council, regardless of the outcome. Therefore, the Council should reject any change to the Comp Plan and favor a developer initiated referendum if the developer wishes to pursue this path.
- 3) If the developer wants the citizens to change the Comprehensive Plan to encourage high-density residential development through a referendum vote, the City should follow whatever requirements exist to make that happen. I will be one of many opposing high-density residential development and I’m willing to let the shareholders decide the issue.

That’s my view and advice.



Jerry Presley