

## Late Backup

# 107 & 108

**From:** Chip Harris

**Sent:** Tuesday, September 23, 2014 8:40 PM

**To:** Guernsey, Greg; Heckman, Lee

**Cc:** Riley, Chris; Bojo, Leah; Martinez, Mike [Council Member]; Moore, Andrew; Tovo, Kathie; Harden, Joi; Leffingwell, Lee; Williams, Nancy; Morrison, Laura; Tiemann, Donna; Gerbracht, Heidi; Cole, Sheryl; Anderson, Greg; Spelman, William

**Subject:** Items 107 & 108 - Korean United Presbyterian Church

Mayor and Council Members,

For a timeline of events regarding this case, please see the attached letter written by Nancy Harris to the Planning Commission on August 22nd.

On behalf of the hundreds of people who have spent many, many hours on this zoning case since October of 2013, I respectfully oppose Mr. Thrower's request for a postponement, especially for nearly two months until November 20, 2014. If a postponement is granted, two weeks is ample time for the applicant to meet with the neighborhood to discuss changes. Any longer and we'll be getting into the holiday season. If for some reason at the end of two weeks the applicant wants more time, he may request it.

Mr. Thrower states that the architect is making changes to the plans. The issue isn't the architectural plans, it's the essence and the scale of the zoning request. We are more than willing to discuss the case further with the applicant if he is serious about complying with the adopted neighborhood plan and adhering to the city's zoning principles, if he will honor the residential use designated for this tract, if he will limit traffic generation to 300 car trips per day, if the height is capped at two stories and if the parking garage is removed. If the applicant will commit now to these changes, then a postponement request is appropriate, although not for more two weeks.

In a written communication to the neighborhood dated August 13, 2014, Ron Thrower stated: *"We may, from time to time, respectfully and mutually disagree on some of the matters. We understand that you may not like the access, or the traffic, or the height. Those are things we can agree to disagree on as this moves forward."*

When Ron Thrower opposed the neighborhood's request for a postponement at the Planning Commission on August 12, 2014, he said: *"We feel like since we started this process back in October that there's been ample time for discussion about our case. They've already issued their position on our case. We have our position to move forward and actually we're ready to go tonight. But since there's going to be a postponement, we would appreciate just a two week postponement. Our position is embedded in two weeks."*

I appreciate your consideration of my opposition to this postponement.

801 4501 #

Chip Harris

Ron Thrower's postponement request:

Mayor and Council members,

On behalf of our client, we respectfully request a postponement to November 20, 2014 for the above referenced cases scheduled for consideration on September 25, 2014. The architect is making changes to the plans and we wish to have dialogue with the neighborhood about these changes before the case moves forward with a public hearing at City Council.

Please accept this email as a formal request for postponement of these items to November 20, 2014.

**Ron Thrower**

### **History of the proposed zoning case at Contact Team Meetings**

I have attended all 6 meetings the Crestview Neighborhood Planning Contact Team (CNPCT) has held regarding this case.

These meetings generally had 40 to 70 attendees. At no time did I ever feel that the majority of the residents had an strong desire to see an office building of the magnitude that would be allowed under GO or LO.

In October 2013, Mr. Thrower, the applicants representative, came to the meeting with no concrete plans of what the developer planned to build, but wanted the CNPCT to vote to waive the city's requirement that he wait until February to request a zoning change.

It was not on the agenda to vote on this issue, and the contact team members wanted Mr. Thrower to provide more information regarding the developer's plans at the next CNPCT meeting.

He was unable to attend the next two CNPCT meetings, but appeared at the April 2014 meeting along with Mr. Kahn, the prospective owner, with very sketchy plans for an office building with a few token living units and a parking garage. After hearing staff's overview and from Mr. Thrower and Mr. Kahn, the general tone of the meeting was that residents were not in favor of his project or of changing the zoning to GO (as indicated by a vote of 48 to 1 against it). The hour was late and most people were tired and did not truly comprehend the alternative proposals that were laid out by the contact team officers. In addition, it later became apparent that the vote that was taken was not conducted according to the bylaws of the CNPCT that required all votes to have a simple majority.

At the third meeting in June, Mr. Thrower returned with a new plan and two alternatives of what "could be built" if the property were zoned LO or MF (both were worst case scenarios) – not that

the developer planned to build either. His new plan included a taller garage (3 levels instead of 2) and no residential units. In addition, he had not changed the design to reflect the neighborhood feelings that ingress and egress should be limited to Justin, but instead had added a driveway on Hardy to the original one on Cullen, both local streets.

At that meeting, the contact team members felt their concerns were not being addressed. It also had become apparent that many people had not understood alternatives that had been laid out at the April meeting. A committee was formed to look at other conditional overlays besides those of lighting, location of ingress and egress, and height of the building that had previously been discussed. This committee reported back at a specially called meeting in July. The committee had met with and talked to numerous individuals living in the vicinity of the proposed office complex to gather feedback. The vast majority of them were not in favor of zoning the 3 tracts for office use. The April vote was rescinded (34 to 4), and the committee was asked to bring back more information regarding the city code as it might affect development on this property.

This second special meeting in August resulted in a vote of 71 to 0 to oppose the developer's request for GO.

At the regularly scheduled meeting on August 18, city staff had an opportunity to respond to questions from persons in the neighborhood. Following this there was a discussion of the potential impact and appropriateness an office structure of this immensity on the surrounding neighborhood. The CNPCT then voted 57 to 0 to oppose city staff's recommendation of LO and to leave the neighborhood plan in place as it had been approved by the city council and the neighborhood that worked so hard on it in 2004.

Some correspondence has implied that there was a "change of heart" in the neighborhood regarding this project from April to June. However, as I have observed the progression of events on this project, it seems to have been more of a "change in understanding" of what options were available to the neighborhood combined with an ever growing feeling that the developer was not sensitive to the vision and desires of the neighborhood.

Personally, I ask that the Planning Commission respect the wishes of the CNPCT as expressed in its votes, the neighbor's directly affected by this project, and the approved neighborhood plan that reflects the neighborhood vision for development of this property and deny any change to the FLUM and any zoning change to the property.

Sincerely,  
Nancy Harris