

National Western Center – Citizens Advisory Committee

Zoning Breakout Group #3

Meeting Notes

April 9, 2015

NWC-CAC Member Updates

- Vernon Hill handed out a list of items for discussion (attached).
- Item #1 requests meeting notes be provided in a timely manner for all meetings to allow members to better keep up with the work of the committee.
 - Would like to have meeting minutes published for each meeting
 - Expressed concerns that the Roundup didn't include follow up items (referred specifically to commitments to have Parks & Recreation attend a future meeting).
 - Terrance Carroll noted there are meeting notes prepared, but they are not formal meeting minutes that you would see in a formal, parliamentary-type meeting.
 - Incredibly important issue – the term minutes does imply there was a formal approval process, but would like to see more detail in the notes.
 - The issues being discussed are complicated and it would be helpful to all of us to have more robust notes.
 - Roger Sherman apologized that breakout group notes were not distributed with presentations following the meetings. In the future, notes will be completed as quickly as possible following a meeting and be more robust.
 - She noted this was at least the fourth time this subject (transparency) has been discussed.
 - AE asked Vern to disclose what meeting was held with Councilwoman Montero where this list came from and who was present. Vern noted a group of people sat down independently and are presenting the items to the group for consideration.
 - Roger noted a new website will be established where meeting presentations, notes, and other background resources will be easily accessible to committee members and the public.
 - AE stated she feels it is a “fallback pacification” to put everything on the website as if it creates transparency. She sometimes feels like things are spun in the newsletter. CRL is hired to facilitate but NWSS is their client and they often not supportive of the neighborhood. Framework is extremely important and this is a missed opportunity for engagement.

- Roger responded that our job is to help facilitate the process and he has heard there isn't info readily available, both from committee members as well as outside interests.
- Terrance asked what type of "engagement" is needed in reference to a website that is solely designed to provide a platform to provide information. He stated this was not a place the committee should get hung up on.
- Item #2 is the pace of the meeting and decision making is too fast.
 - Katie McKenna expressed concern that weekly meetings are difficult for many folks given family and other commitments.
 - Terrance stated he understood the concern, but the additional meetings were originally scheduled as a response to requests to spend more time on particular issues. He asked for ideas on how to make the process better?
 - If community engagement was truly prioritized, the pace would be slowed down regardless of the other.
 - Not just the number of meetings, but the organization of information presented. The solution isn't in more or less meetings, but in restructuring the content. For example, the NWCAC should have discussed the critical path items first and then set the schedule/timeline for discussion together.
 - Another suggestion would be to get documents in advance so committee members could review and have questions ready for the meeting.
 - Terrance reiterated we are trying to respond to community requests and the additional meetings were added in a good faith effort to be responsive. He noted that the entire group has a responsibility to try to stay on track. Perhaps we should have spent more time on a "zoning 101" but it is too late now to go back.
 - Concern that the content is new to many committee members and it takes time to understand. In the case of the zoning code amendments, we are moving so fast we don't always know if we are acting in our own best interests.
 - Are outside forces driving the pace? The May election and a desire to have this addressed by the current council is putting pressure on the schedule.
 - Juan Veloz stated it is important to remember there are many changes coming to our neighborhoods and we must work hand-in-hand with leaders from all of the projects (CDOT, NWC, etc.) and take into consideration the needs of the community.
 - Anne Hayes stated she is frustrated that we aren't addressing the issues we have been asked to provide input on, but spending time on issues outside of the NWC.
 - What happens in other neighborhoods and across the river are impacted by what happens on the NWC, so they are related and it is appropriate to discuss

here. We need to have a clear understand of not just what is happening at the NWC but also how it will affect the areas adjacent to the NWC.

- Terrance took responsibility for making sure that context and framework be provided prior to discussion
- Roger let all know that Kelly Leid will be present on April 16 to review all of the NDCC projects and how they interrelate and how projects drive decisions, as well as pros and cons.
- Even though all property not acquired, if we don't do this zoning now we leave huge loopholes in zoning on this side of river on what would become the NW campus which means that anyone wanting to do business (marijuana) could set up a grow house which creates difficulty with rezoning later on. NW and MOU partners does have a great concern with the number of warehouses available to be used as grow houses. This zoning now is a preemptive strike because it will prohibit anyone coming in and trying to acquire warehouse as a grow house and then use it as leverage to increase property values.
- Steve clarified we are only rezoning property owned by city and NWSS. A private property owner of a warehouse can still sell to a marijuana grower. We are signaling what we want or don't want.
- AE reiterated that last week we realized we needed to understand the overview before getting into the minutia. We are defining a new zoning district. She doesn't feel it is Zoning 101 as much as understanding that we are doing something that has a timeline for a specific reason. We sincerely want to cooperate with NWC, and honor the stock show, but we also discovered from the Globeville side, we did create some interrelatedness in our neighborhood plan and the master plan that went further than was originally conceived. We have opportunities for more mutuality between Globeville and the Center. Don't want to miss an opportunity to understand the campus and what it offers to the neighborhoods.
- Item #3 was a request to confirm that the meeting on April 30 will include representatives from Parks and Recreation, Public Works and Planning to address funding and confirm timeline of Northside park plan and affirm there will be a full public process. Project should be moving forward at the same pace as NWC.
 - Kelly will attend on April 16 to review as requested – it is not just about Parks and Rec and Public Works, it is about the city committing money to move projects forward.
 - There is still some open discussion about keeping it a dedicated park, and some want to build, Mickey wants to build and John wants a dedicated park. But that is

outside of this committee's mission and folks in Globeville need to figure out exactly what they want there.

- Item #4 relates to a desire to create a community benefit agreement.
 - Is there a term sheet or letter of intent about the deal points of the community benefits agreement?
 - Who are the parties to this?
 - Katie believes an agreement should be attached to the text and map amendments. Many commitments have been made to this community, in terms of access to parks, the kitchen, and none of that is contained in anything but our memory of what happened in these meetings. She stated she isn't sure what the proper way to move forward is, but if the NWC is getting zoning and the NWC is getting a map amendments, and the NWC is getting funding through the RTA and is going to the vote of the people, now is the time for these agreements to be formalized so this community is guaranteed what we get in the end is what we talked about all along.
 - There is a concern that once everything is in place, the city will walk away.
 - Is there funding for phase 6, 7 and 8 where many of the community benefits occur?
 - Terrance questioned if this group the correct place to negotiate an agreement? The NWC-CAC does not have the authority to act on behalf of RNOs. We would be imposing something without input or the authority to do so.
 - Community Benefits Agreement is a legally enforceable document that have parties with the legal authority to enter into an agreement. This committee is not a legal entity that can enter an agreement.
 - At a minimum there needs to be something in writing documenting things that have been agreed to throughout this process. There needs to be some comfort; the promises need to be written down.
 - Terrance sated he is hesitant to make broad sweeping statements or engage in conversation about what hasn't been written down – when you look at the Master Plan and read it in-depth many of the commitments made in this room have found their way in to the plan. If you look at the plans for stacking, funding, the RTA, etc. we had a complete plan for funding all phases which includes every single phase that has been committed to.
 - Has funding for every phase in the Master Plan been committed to? Funding has not. Even funding for first few phases isn't guaranteed at this point. That's why it is important to continue to show progress.
 - We need an implementation commitment in writing that assures commitments to the neighborhood will be implemented in tandem, so that we are sure as

residents we will have access to the resources. Concern parts of the plan may never get funded.

- Community Benefits Agreements exist at Union Station and the Botanic Gardens, so there is precedence.
- It was suggested that the committee identify issues, but not take time at next meeting. City can respond to and educate us once there is a better understanding what the demands are.
- The priority in this room is to help the NW get that done.
- We need to be educated on what is in a community benefits agreement.
- Terrance noted he has negotiated these types of agreements before and they are never done at this point and never attached to zoning. Always a separate agreement between the neighborhood and a developer or the city.
- Narrative in the NWC Master Plan contains statements and assurances.
- Can we have a preliminary agreement that gives us some assurances?
- Katie stated while Terrance does a great job as co-facilitator, he works for the NWSS and isn't sure he has the best interests of the neighborhood in mind.
- Terrance responded that he doesn't work for the NWSS and is a volunteer just like everyone else on the committee. He has lived in Denver for 25 years and he represented some of the worst neighborhoods in the city while in the House of Representatives for 8 years so this is very personal. His interests lie in improving a neighborhood that has been neglected by the city for far too long. He is committed to making sure that what we do here improves the entire community including Globeville, Elyria and Swansea.
- AE stated she would not have gone Judy Montero for help with this, but believes we should be working together to make sure we are included in the budget and having the NDCC become the project manager balancing all of the interests. She also stated there is some anxiety around CRL is being paid by the NWSS to move this forward, so the vested interests could have an imbalance. The neighborhoods do not have an independent advocate in this process except for a very informal advisory committee.
- Want to see a commitment with Kelly Leid and the NDCC on a timeline. We should work block-by-block to determine priorities and then push to get these in the budget.
- Item #5 from Vern was Judy Montero should continue to be engaged and support the residents in this process.
 - Terrance stated he wasn't sure where this issues was coming from. He noted that Judy has always been included in the process. He believes we are working out of respect for the work she has made and allowing her to vote on the zoning.

- What is the backstory going on here? Suspects this is something Judy should discuss with Kelly Leid or the NWSS.
- The process has always been based on transparency and when something like this comes up, it undermines trust.
- AE stated she does not believe we should have a schedule based on protecting anyone's legacy. If we need more time, the political calendar needs to be set aside. It will help to have our meeting on April 16 to better understand the overall schedule.
- Anne asked for suggestions on how to move this process forward. Is there a group that wants to focus on zoning?
 - This smaller group was supposed to be about zoning, but we have spent two meetings talking about issues not related to zoning.
 - If the timeline was different, we probably wouldn't be having these issues. Moving so fast we feel the need to deal with the other issues before the zoning.
 - Anne stated she wants to respect the timing the partners want to keep.
 - AE stated she believe we need to slow up the zoning approval because we haven't considered the cause and effect of the impacts to the neighborhoods. Wants to focus on budget, timeline and go block-by-block through a list of concerns.

NWC Zoning Code Update

- Steve Nalley handed out copies of the text amendment redline draft of the new National Western Center Zone District. Draft available online at DenverGov.org/CPD.
- Steve Nalley reviewed the schedule and noted it was extended as much as possible based on feedback from the committee that the schedule was too aggressive. We are not able to extend it further.
 - March 5 – Initial zoning discussion
 - March 12 – Schedule, proposed map, components of a zone district, uses
 - March 19 – Use table; parking requirements by use, use limitations
 - March 25 – Full CAC meeting – summary of zoning discussion to date, present redlines
 - March 30 – Public release of draft redlines
 - April 1 – Planning Board informational update
 - April 9 – Redline review
 - April 16 – Redline review
 - April 29 – Planning Board Public Hearing
- Three critical next steps: rail consolidation, property acquisition and entitlements.
- The city would like to adopt the map and text amendment for the following reasons:

- Uncertainty with a new City Council because of the “learning curve” for at least six new members. Delays on adopting the text amendment will add time to later entitlements and the progression and implementation of the Master Plan. Delays create risk.
- Momentum – keep going because we can keep going. We are starting property we control (city and NWSS). The city recognizes other plans were adopted before the NWC, but the city isn’t going to go rezone private property.
- Market certainty for the surrounding neighborhood – when the map changes it signals to all the other property owners that this plan is real.
- Timeline of subsequent implementation steps – shifts out further if we don’t get the amendments done.
- Risk for National Western and CSU – Delays create risk for the NWSS and for CSU. We are seeking funding to implement the plan from a number of sources and we need to be able to demonstrate zoning exists to build what we are asking to be funded.
- Steve reviewed the entitlement process from planning to building.
 - Master Plan
 - Zoning and text amendment establishes the box to work within. Zoning does not dictate where specific things go, there is a lot of flexibility.
 - Public realm (space between the buildings) and design standards and guidelines (the buildings and structures).
 - Site Plan includes engineering, permitting, getting plans approved through the city, etc.
 - Build the approved project.
- Who will own the property when this is all done? Not been determined but NWC-CAC will have an opportunity to discuss before a final decision is made.
- No existing zone district in the Denver Zoning Code will implement the vision of the National Western Center Master Plan.
- Phase 1 will rezone areas owned by the NWSS or city only. Later phases will include properties acquired within the NWC boundaries (areas in blue).
- Phase 1 will not include the river corridor and Globeville Landing Park will not be rezoned. They are currently zoned as open space and are intended to remain open space.
- Is there a scenario where you would use the National Western Center zone on property owned by others? Perhaps CDOT land. No private property would be zoned unless the owner asks to opt in and has a proposed use that is consistent with the Master Plan.

- Exiting Campus districts in the Denver Zoning Code include CMP-H (Campus – Healthcare), CMP-EI (Campus – Education and Institution), CMP-ENT (Campus – Entertainment).
- The new Zone District we are proposing is Campus – National Western Center (CMP-NWC) which is only applicable to the NWC as identified in the primary study area of the Master Plan. There is only one NWC.
- If we miss the window with this city council, could we get started on the design guidelines? City prefers to wait until zoning text is in place.
- Terrance once again reiterated that delay creates uncertainty. For example, there is a great deal of fundraising that needs to happen and delay creates uncertainty for private donors. We hope there will be an election in November and delay creates uncertainty and provides an opportunity for those opposed to use lack of progress against us. With the zoning in place we can point to the Master Plan and zoning to eliminate any doubt. Doubt and the unknown is the enemy.
- Main concern is to support a good business plan by how we do the zoning that promotes diverse commerce, revitalizes neighborhoods, etc. Steve responded that the draft code was written with this in mind. He noted several sections as examples.
- Steve noted one item that still needs to be discussed is allowable height and how they are addressed. Not be defined as “floors” but addresses allowable height and building design elements/forms.
- He also highlighted other sections the committee should specifically look at and provide feedback – signage, for example. Anne asked if the city will consider allowing digital signage that changes similar to along 14th Street? Steve noted the city is currently undertaking a comprehensive sign code review to respond to technology changes in the industry. City may consider amending zoning after decisions are made on digital signage and the community would have lots of opportunity to comment, but for now digital signage isn’t allowed.
- Steve asked that committee members email or call questions in advance of the next meeting
- Steve committed to providing some visuals what would make it easier to understand the 150 ft. height and how it might be applied to the site?

Items for 4/9 NWCAC:

- Meeting minutes should be published for each meeting and should high light next steps and decisions that were made. This will allow committee members who are not able to attend a meeting to better keep up with the conversation and participate in future meetings.
- A pace of meeting and decision making that is respectful of community volunteers commitment. The current pace is prohibiting meaningful community engagement.
- Confirmation that the 4/30 meeting will include Parks and Rec. staff and Public Works who are able to speak to the funding that has been received for Northside Park, confirm the timeline of the Northside Park Plan as it is laid out in the Northside Park Conversion Plan and affirm that there will be a full public process as part of this planning effort. This project should move forward at the same pace as phase 1 of the NWC.
- Globeville residents and property owners are in the process of creating a community benefits agreement to be attached to the zoning amendment. A meeting on 4/16 is needed to discuss further. The group will be working with CW Montero's office to schedule an outside mediator for this conversation.
- CW Montero continues to represent residents and property owners through July of 2015. As our representative she should be included in the process as is customary and not worked around or excluded.