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## Platt Park residents cry foul in height zone fight

By Daniel J. Chacón, Rocky Mountain News  
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Donna Krentz and her neighbors in Denver's Platt Park feel duped.

When the Gates Rubber Co. was trying to rezone the land it owned on South Broadway, neighbors say they negotiated a 55-foot height restriction on a parcel adjacent to single-family homes.

But when the proposal went before the City Council, the agreement had "mysteriously disappeared."

"Nobody had any idea that the language had been removed," said Krentz, president of the Platt Park Residents' Coalition.

Now homeowners are facing the possibility of living next to buildings about 10 stories high.

Council members Carol Boigon, Kathleen MacKenzie and Doug Linkhart tried to intervene in April.

"If not corrected, buildings may be built to a towering 110 feet - dwarfing adjacent properties," Linkhart wrote in a letter to Peter Park, the city's manager of community planning and development.

Wrote Boigon: "This discrepancy between the negotiated height and the approved height is unacceptable to neighbors who must live in the shadow of these buildings."

Park said his staff carefully reviewed myriad documents and videotapes of city meetings involving the rezoning of the property, and none reflected the 55-foot height agreement.

"Regardless of what happened, the city has no basis for legally compelling or requiring the rezoning to occur again," he said.



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Donna Krentz shelters herself from the rain while standing near Arizona Avenue and South Broadway on Monday. The building in the background is on property, formerly owned by the Gates Rubber Co., that was rezoned before being sold to the Lionstone Group, of Houston. In dispute is whether Lionstone has the right to put up a building that might rise as high as 110 feet. Residents say they succeeded in winning a 55-foot height restriction during the rezoning but that the stipulation disappeared when the rezoning went before the City Council.

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The parcel in question, on the corner of Arizona Avenue and South Broadway, was owned by Gates, which subsequently sold it to the Lionstone Group of Houston. Doug McKinnon, a Lionstone partner, said in a statement that neighbors notified the company of their concerns about two months ago.

"Lionstone immediately confirmed with the city attorney and planning director that no such limit exists," McKinnon said. "As is always our policy, we will continue a dialogue with the community about this and any other issues that arise."

MacKenzie, whose council district includes the parcel, said she felt "responsible and sick" about what happened. "It's very unfortunate, and I don't know that we can fix it at this point," she said.

MacKenzie said Gates' chief zoning consultant, Bruce O'Donnell, of Starboard Realty Group in Denver, told her in April that the zoning should have been limited to 55 feet.

But O'Donnell would say only that it was discussed.

That's not how Karen Cuthbertson, president of the Athmar Park Neighborhood Association, remembers it. "By the time we noticed that the language on the 55-foot variance was gone," she said, "it was too late."

Krentz provided a copy of a draft document from September 2003 listing the 55-foot height restriction. The document isn't signed by the Gates Co., but Krentz said many residents supported the proposal because of the stipulation.

"Personally, I think there's a big cover-up going on," she said.

MacKenzie, who warned before the vote that a complex issue was being rushed, said the council was under a lot of pressure from Gates' consultants to rezone quickly.

"Frankly, I think this is a tactic that developers often use," she said. "They set an artificial deadline so that the discussion is limited."

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