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From: <bbradyesq@comcast.net>

Date: Wed, Jul 6, 2016 at 6:37 PM

Subject: Orchard Station

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Greenwood Village City Council
Planning and Zoning Commission
City of Greenwood Village

Council and Commission Members:

My wife, Helen, and I have had the good fortune to celebrate almost 30 years as residents of Greenwood Village, residing in the Huntington Acres (HA) subdivision at 9644 East Lake Circle. Our home backs onto South Dayton where, courtesy of the City many years ago, an attractive brick sound abatement wall sits on our backyard property line. Initially, we also had most traffic views blocked by a stand of eleven tall pine trees.

These amenities have provided sight barriers and privacy, and at one time muffled some of the local traffic sounds. Over the years with increased traffic on South Dayton, the noise, automobile exhaust and the seemingly constant traffic view has become terribly intrusive.

Moreover, as I teach early evening classes at DU Law School and in DU's Graduate Environmental Policy and Management Program, I've found exiting during the 5 o'clock rush hour onto Orchard from South Boston Street has become even worse than exiting East Lake Avenue onto South Dayton. These two exits are our neighborhood's only means of egress from our subdivision to these two collector/arterial streets. At times I have waited as long as 5 minutes for a kind motorist to provide a break in traffic before exiting the subdivision onto Orchard. Many of my HA neighbors have had similar experiences.

We have also had increased air traffic from Centennial airport, with more disruptive sound and air pollution added to the traffic woes. While these adverse impacts are understandable in a growing community, much of the sound, traffic noise, and air and light pollution at night comes from commuters who do not live in Greenwood Village. We often have commuter traffic rerouting through our HA streets to avoid the congestion on South Dayton and Orchard, oftentimes at unsafe speeds with children and elderly adult pedestrians present.

With growth comes commercial development. My wife and I didn't object to the addition of the Westin Hotel project on I-25 at Caley because it appeared logical that this vacant land location should be commercially developed over time. This use I believed would largely divert most of the hotel traffic away from our subdivision and keep it within the adjacent I-25 corridor. However, with the increased commuter congestion we are now experiencing, I am fearful of this development exacerbating the backed-up traffic congestion especially at the Orchard and South Yosemite/DTC Boulevard intersection.

Also problematic is getting onto I-25 during rush hour. IGOing to DU at 5 o'clock, it now takes almost 20 minutes to get from my HA subdivision through the Great West Building traffic, blocked by unceasing right turns onto Orchard, then onto the I-25 on-ramp and traffic light control, before getting onto I-25 northbound. I have found it a little faster to take DTC Boulevard to the I-225 ramp north of the underpass for access to I-25.

Permit me to provide a brief synopsis of my professional experience. I have spent the most significant portion of my almost 40 year legal career representing dozens of Colorado municipalities in countless

lawsuits, including civil rights claims under 42 USC 1983, unconstitutional takings and inverse condemnation, as well as litigating environmental, insurance, product liability and serious injury tort and wrongful death cases on behalf of multi-national corporations, domestic businesses and individuals, both in the US and in Europe.

As a former Assistant Littleton City Attorney advising our City Council, Planning Commission and Board of Adjustment for many years as Littleton grew in the late 70's and 80's, I experienced there that much of the congestion and pollution now occurring in HA is not an unfamiliar scenario within a successful, suburban expansion corridor. Creative measures to equally expand Littleton infrastructure had to be found when Highlands Ranch (although mostly not within the City of Littleton boundaries) and E470 were built, and when the railroad tracks were depressed through town and under Main Street. Frequently urbanization doesn't respect municipal boundaries, and inter-governmental cooperation on unintended cross-border impacts occurred.

Unfortunately, the prospect for added, uncontrollable traffic congestion on Orchard, with its attendant delays, noise, air pollution and stress will be further compounded by the proposed Orchard Station project. In my experience in Littleton over more than 30 years, first as an Assistant City Attorney and then Special Trial Counsel, it is an entirely unsatisfactory response to assert that the proposed 26 acre project will only impact the west side of I-25. The east side of I-25 at the sited locations are already massively overburdened with traffic congestion, and our quality of life has slowly, inexorably deteriorated. With reasonable certainty, permitting several new 20 story high rise structures with 1,200 proposed residents, offices, shops and consumer traffic will inundate already intolerable traffic log-jamming, and compound our City's environmental problems and accelerate our quality of life deterioration.

From my practice I am familiar with most of the constitutional and other legal and factual arguments advanced by business and property owners to justify developing private property rights. I am also very sympathetic to allowing the "highest and best use" so long as it does not jeopardize countervailing neighboring property rights interests. Properly balancing those interests requires a comprehensive assessment of all stakeholder values and adverse consequences to adjacent property and surrounding neighborhoods. Continued overburdening of the Greenwood Village infrastructure will create creeping urban sprawl, and decimate land values.

Given the immense design of the proposed plan, I am also reasonably confident that the Orchard Station developers expect you to scale back this untenable proposal. One caveat: Please do not be lulled into thinking that *minor adjustments* will satisfy their needs, or our requirements. At a minimum, this project needs to be redrawn and potentially replatted to less than half of its proposed density before serious consideration for approval can commence. Discussion can then turn to additional concurrent proposals for infrastructure improvements, including traffic system flow and traffic reduction, parking, techniques for diminishing and/or eliminating pollution, and citizen proposals for alleviating the adverse impact on the character of the City of Greenwood Village.

As a longtime resident of Greenwood Village, I do not wish to reside in a replicated Crystal City or Arlington, Virginia, or perish the thought, Houston, Texas. If you permit the Orchard Station development as proposed, we will be well on that highway.

I have also read the email letter of June 30th written to you by Leon and Jean Greos, and would join in their analysis and concerns.

Thank you each for considering my input,

William J. Brady

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