

# This Is Outrageous - Greater Park Hill Community

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[News and Opinion](#)

## Denver's Push For Planning Process On Protected Land Makes No Sense

*By Woody Garnsey*

For the GPHN



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Mayor Hancock and his administration are again showing their true colors in support of developing the Park Hill Golf Course (PHGC) land. And, they're doing this despite the facts that the land is zoned Open Space-Recreation and is protected from development by a perpetual open space conservation easement that can't be terminated without a court order pursuant to the Colorado conservation easement statute.

A month after Mayor Hancock's 2019 reelection victory, real estate speculator and developer Westside Investment Properties, a major pro-Hancock PAC donor, purchased the Park Hill Golf Course. The land, at the northwest corner of Park Hill, is protected by a conservation easement.

Here's how Mayor Hancock and his administration have demonstrated their true colors regarding PHGC land development:

First, Mayor Hancock clarified in September 2017 that he supported PHGC land development when the city and the then-landowner Clayton Early Learning floated a plan for the city to purchase the land for development. This plan failed after Clayton's golf course operator sued to enforce contractual rights of first refusal.

Second, during his 2019 reelection campaign, Mayor Hancock's opponents and the news media finally forced him to admit that he had development plans for the land.

Third, in November 2019, the city contractually agreed to give Westside three years "to pursue a process to explore community support" for future new uses of the land.

And, fourth, the Community Planning and Development Department (CPD) recently announced plans to initiate a "small area planning" process for the PHGC land sometime this year.

Now, Westside apparently has the city's agreement to conduct this planning process as part of Westside's effort to generate support for developing a mini-city on the now protected open space land.

However, there are legal impediments to Westside's development plans:

1. The land's Open Space-Recreation zoning and the perpetual open space conservation easement prevent development.
2. The Colorado conservation easement statute only permits termination of the conservation easement if a court determines that—based on changes on or surrounding the land since creation of the easement last July—it has become "impossible" to fulfill the easement's "conservation purposes."
3. Development would require City Council approvals to terminate the conservation easement and change the zoning.

Under these circumstances, why does it make sense for the city to initiate a planning process for this land that can't be developed? A small area planning process would cause the city to expend significant staff and financial resources. It would also impose heavy burdens on our citizens to spend the time, energy, and other resources necessary for meaningful participation. This is an enormous waste of scarce resources!

Our grassroots citizens group Save Open Space Denver has been asking Mayor Hancock and his administration to explain in detail their plans to deal with the strict termination provisions of the Colorado conservation easement statute. Their only response has been that the City has a "clear legal path" without any explanation of what the "clear legal path" might be.

On Jan. 15, SOS Denver wrote to Mayor Hancock, City Attorney Kristin Bronson and CPD Executive Director Laura Aldrete requesting a full and clear explanation of why it would be appropriate for CPD to initiate a planning process regarding the PHGC land while the conservation easement protects it from development. We also requested a full and clear explanation of any city claim that the Colorado statute somehow doesn't apply to the PHGC land conservation easement and/or that there is a factual and legal basis for securing a court order allowing termination of the easement

pursuant to the Colorado statute.

Ms. Aldrete responded on Feb. 1, and her response completely ignored these requests.

Mayor Hancock and his administration must not continue hiding their strategies from citizens as they embark on a development planning process for the protected PHGC land. This lack of transparency is outrageous! Speak out!

*Woody Garnsey is a member of Save Open Space Denver, a Denver native, a long-time Park Hill resident, and a retired attorney.*

**Editor's note:** *On Jan. 25, the board of Greater Park Hill Community, Inc. voted to reaffirm its position calling on public officials to take all actions necessary to preserve the conservation easement on the Park Hill Golf Course land, a position first adopted in April, 2018. [The resolution can be read here.](#)*