

Carroll: The phantom of Lakewood zoning

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Can critics who refuse to identify themselves force Lakewood to spend nearly a quarter-million dollars on a special election over a zoning decision that passed city council without a dissenting vote?

Incredibly, the answer is yes.

And if it can happen in Lakewood, it can probably happen in many Colorado communities.

Concerned Citizens United could be anyone living anywhere — it could be one person or 100 — but it has a website and a first-rate lawyer and a beef with recent zoning approved for Colorado Christian University. And last month the group began threatening to collect signatures for petitions — which it can do behind a cloak of secrecy — to force Lakewood into a costly referendum on the zoning if the council refuses to reverse course.

"I'm used to controversial projects and I don't mind them," says Tom Ragonetti, a prominent Denver land-use attorney retained by CCU, "but I've never faced opponents who wouldn't identify themselves."

Lakewood City Manager Kathy Hodgson tells me much the same thing. "I've never heard of a situation like this," Hodgson says. "And neither has any of the other city managers I talk to. The whole reason for local government is to provide frontline services for people. Whenever there is a land-use issue, if neighbors protest, we always ask what else we can do. So to have this anonymous party is crazy."

The rezoning would allow CCU to expand and redevelop its campus, replacing aging or temporary buildings with modern state-of-the-art facilities to accommodate growing enrollment. CCU says the total project, which will unfold in phases, "will cost in excess of \$100 million" and required acquisition of a number of parcels adjacent to the present campus.

According to CCU president Bill Armstrong, the university took pains to alert neighborhood groups from the outset — and to develop its plans with their input. The city confirms, for example, that the university redrew the location of a proposed events center once residents expressed concern.

It was smooth sailing right up to the meeting of the planning commission in September.

"We had no opposition," Armstrong said.

But at the commission, which recommended the zoning, something unexpected happened. Attorney David Foster stepped forward representing an opposition group, and he politely declined to identify his clients.

Last month Foster made a 10-minute presentation to city council, too, again explaining that his clients preferred to remain anonymous.

So why do they insist on anonymity, I asked Foster. And do they really object to the nature of the zoning or do they harbor ulterior motives that would be obvious if their identities were known?

Do they perhaps object to CCU's religious mission or its political orientation?

And do they even live in Lakewood?

Foster assured me they live in Lakewood — and that the group is more than a single person. And he discounted the likelihood of ulterior motives, pointing out that citizens who row against the local tide sometimes have reason to wonder about retribution.

That's true, but if they refuse to identify themselves, they also should expect their opinions to carry much less

The issues Foster has raised, which range from the project's proposed buffer zone to parking, are hardly remarkable in themselves. And maybe some nearby residents with actual names and faces agree with them — and will say so.

But something is surely wrong with a zoning process that allows critics to waltz in at the 11th hour and potentially delay or even derail a project without so much as revealing their names.

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