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LAND USE PRACTICE GROUP | SEPTEMBER 2013

Otten Johnson Alert -

Hot Topics In Land Use: Land Development in Colorado Today

On September 17, 2013, Otten Johnson and the Colorado Real Estate Journal presented the 2013 Land & Development Conference and Expo. The event featured a number of expert panels, a list of which can be found [here](#). The panels had interesting insights, which highlight some important issues for land development in Colorado.

Designing for an Aging Denver. The Denver Regional Council of Governments (DRCOG) presented their "Metro Vision 2040" – a projection of Denver's demographics, 27 years out. By 2040, one quarter of Denver's population will be over 60, and DRCOG says there is a growing push for both commercial and residential developments that remove/lessen the barriers to aging in place. Some of the projects mentioned highlighted the need to rethink certain basic building and design assumptions. Relevant trends include eliminating steps to front doors and designing layouts for both residential and commercial development that make assisted movement possible.

Cooperative v. Competitive TOD. The conference's panel of major infrastructure projects on the I-25 corridor discussed the impact on real estate surrounding TOD (transit-oriented development) projects. The panelists discussed the 57 new rail stations being built in Denver in the coming few years, and noted that stakeholders for each would like to see their site become a "destination." Creative zoning and planning solutions will be necessary to avoid creating TOD "islands" that don't truly integrate into communities or advance walkability and livability in the areas they serve. The panel also discussed the need for a cohesive strategy "up and down the corridor" to ensure that the system supports each individual station, rather than creating competition among the stations.

Are the Big Deals Gone? Tom Ragonetti of Otten Johnson moderated an expert panel on the special challenges for big projects. In addition to discussing some of the difficulties inherent in completing a variety of types of major projects, the panelists outlined the evolving challenges to high-rise development today, as compared to previous eras, and discussed what today's challenges mean for the future of the "Big

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Deal." Particularly in light of increased financing challenges, panelists expressed skepticism about the viability of new major high-rise development projects. Discussing execution of large-scale developments, the panelists highlighted the importance of controlling the vision, which gets harder the longer a project takes. To account for this, developers often push for flexibility to allow them to adapt to future changes. At the same time, local governments are trying to ensure that their codes reflect their vision for the community, and, accordingly, they push for adherence to code requirements, often limiting flexibility for developers. This highlighted the increasing difficulty of conflicting public and private interests for such projects, especially given the long construction timelines involved.

Our Land Use practice group has extensive experience representing business and real estate clients. For more information on this Alert or for help evaluating your current situation, contact any of the attorneys in the group ([click here](#)).

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