

West Washington Park Neighborhood Association Zoning Committee

Wednesday, September 26, 2007, 214 S Grant St, 7:00 pm

(Date changed to Wed due to conflict with Tuesday, Sept 25th meeting on Washington/Speer project)

Committee Members present: Anne Davis, Chair; David Callaghan, Gertie Grant, Charlotte Winzenburg, Fred Hammer, Gloria LeFree, Barry Sarver, Jim Jones

Committee Members absent: Terri Ficke

Guests: Ken Hyman, 109 S Emerson St., Graham Cowling, 118 S Emerson St., Kevin O'Connell, 917 S Downing St., Casey and Katie Cole, 935 S Downing St., Jason Sare RE 935 S Downing St.

Approval of minutes of August 28th meeting:

Unfinished business:

Case No 16-07 (Byers playlot) 200 S Penn and 201 S Pearl: Council Bill 405-07 passed allowing the proposed project to proceed without a variance. Therefore, the BOA case was dismissed at request of applicant. See April 24 committee meeting notes for more details on proposed development of 19 single family houses.

Speer and Washington: Rezoning from B-1/P-1 to R-3 with OD8. Neighborhood meeting held Tuesday, Sept 25th at 6:30 PM at 111 Emerson St (Park Place). 20 fliers were distributed and 40+ email notices were sent to past attendees of meetings on this project. 17 people attended including representatives from Iron Horse Architects, developer Creekside Communities, CHUN, Alamo Placita NA., and Council Rep Nevitt's office. The architect and developer assured the group that because there is no address for the parking lot, the address of the project in the public notices includes "201, 247-255 Washington," but that this rezoning application only includes the parking lot and the property to the north. The proposed 4 story development will have 43-45 units of 1,400 sq ft each, (a few may be larger, a few smaller) with a lower height than the 55 ft OD8 allowance. All facades, including the alley, will be broken up and varied materials (brick, stucco, metal and possibly flagstone) will be used. On the south side at the third floor level the building will step back 20 feet at the request of southern neighbors. The dumpsters will be internal, vehicle entrance and exit to underground parking will be from alley. They plan 2 off-street parking spaces per unit which is greater than the 1.5 required by code, but the city is challenging the size of 7 spaces as being too small. They will need exceptions for height of some patio fencing on the alley side in order to have raised planting areas with retaining walls and privacy fences on top of them totaling 8 feet high (6 ft allowed). The City wants a 90 degree angle off Speer for the alley turn in which will slow traffic down turning from Speer. The developer thinks a wider angle might be safer for Speer traffic, but that could allow a higher speed for vehicles entering the alley. Denver Parks has recently enlarged the set back on Speer to 40 feet including a 12' tree lawn and 8 foot sidewalks, but none of the properties along Speer including those recently developed has a setback as wide. The developer wants an exception to this new setback to allow balconies on the Speer side to penetrate 10 feet into this set back which still would have a greater set back than other Speer buildings. **Discussion** was overwhelmingly supportive of the development, and people commended the responsiveness to neighbors' concerns generally, especially on the south and across the alley. The only request was to consider making the third floor step back on the south side patio areas for those units. Problems with water leakage from a patio into a different owner's condominium below were discussed. A motion to support the rezoning passed 11-0-2. The Planning Board will hear this matter on Oct 3.

MOTION passed 7-0-0: That the WWPNA support the rezoning from B-1/P-1 to R-3 OD8.

MOTION passed 7-0-0: That the WWPNA Board sends a letter to Denver Parks and Recreation supporting the 10 foot penetration into the recently enacted 40 ft Speer set back for balconies at the 247-255 Washington Street project.

1030 S Washington St, Case No 130-07: Hearing date: Sept 25, 2007, 9:30 AM, 201 W Colfax Ave, Rm 2.H.14 Appeal of a denial of permit to erect a second story addition 1 foot 10 inches into the 5 foot north side setback in an R-2 zone.

25 fliers were distributed to nearby neighbors and none contacted WWPNA zoning although the applicant said 3 neighbors called him.

BOA action: Variance granted pending submittal of valid power of attorney for Rachel Ingraham.

935 S Downing St, Case No 141-07: Hearing date: October 9, 2007, 10:30 AM, 201 W Colfax Ave, Rm 2.H.14 Appeal of a denial of permit to erect an addition to a single unit dwelling with 2nd level deck encroaching 6 inches into the 25 ft required S Downing St front and 2 feet into the 5 foot north side setbacks; 2nd floor addition projecting 1 foot 6 inches through and 3rd story addition projecting 5 inches through the north bulk plane in an R-2 zone. Remedies: variance. Applicant: Casey Cole, 935 S Downing by Jason Sare, 4620 S Cole Way, Morrison, CO. Applicant's statement: "Need the variance to keep the house as close as possible to looking original. The current house is 3 feet from the property line and we would like to go up from there within the bulk plane. The deck above the front porch is to match the other homes in the community."

Gloria LeFree circulated fliers notifying neighbors of the BOA hearing and the meeting. Four neighbors called Gloria saying they hadn't been able to review the plans

Applicants and their contractor came to meeting along with one neighbor. The second and third floor addition will not enlarge the footprint of the existing house which was built 2 feet into the north side setback. The front setback penetration is into part of the roof

of the existing porch which was enclosed without a permit and the railing of the deck is the problem. The applicants have a baby on the way and want to stay in the house and expand it to 4 bedrooms, 3 on the second floor and a 12'x20' loft on the third floor with a small deck on the back. The first and second floors will each be about 1200 sq feet and the 850 sq ft basement, which is now finished, will have the drywall removed for electric and plumbing upgrades. Concerns were raised about the completeness of the plans, and how the proposed addition would fit in with other houses on the block. It was suggested that the applicants meet with their neighbors to discuss the plans.

MOTION passed 7-0-0: That WWPNA take no position on this matter because the drawings shown at the meeting are incomplete and the neighbors have not had an opportunity to see the plans.

Liquor License matters:

141 S Broadway: CEEEQ Corp dba Mona's Restaurant: Hotel & restaurant liquor license with patio approved. Steve Harley from Baker Historic Neighborhood zoning committee submitted agreement to Baker board for approval and will send it on to WWPNA.

420 East Bayaud, Taki Corporation dba Taki Sushi: application for a beer and wine license approved.

New Business:

L-1164 and Councilrep Nevitt's proposal to give evaporative coolers advantages over air conditioning units when located in side setbacks and height and bulk limits to encourage their use. Fred Hammer will look into whether this is the same as L-1164 and whether or not noise issues and notice to immediate neighbors are being addressed.

525 S Lincoln St: Neighbor concerned about more than 5 men wearing ankle monitors had moved into 1 of 3 units at that location, lights on late into the night and cigarette butts being thrown into her yard. She contacted Councilrep Nevitt's office, Jane Craft at the WSCC, and WWPNA Board member Dave Callaghan across the street. **Results:** 3 of the 5 men will move out immediately because zoning code limits new community corrections facilities to industrial zones and code definition starts at more than 2 people. The remaining 2 will move out as soon as the lease can be terminated because the rent is too expensive.

101. S Emerson St: Neighbors Graham Cowling and Ken Hyman reported problems at that address where at least 4 units are listed. Property owner lives just two houses away and his son lived in 101. Possible meth lab and maintenance issues with the property make it a real blight. Property may be uninhabitable even after remediation. Committee members suggested that neighbors take photographs of all activity, contact the neighborhood liaison from DPD, and keep Merce Lea at the Cop Shop informed so she can bring it up at the District 4 meetings.

New Liquor License business:

5-7 East Ellsworth Ave: Application for transfer of ownership of liquor license to Terrapin, LLC., DBA Dougherty's from Capone's Hideaway. Principals in Dougherty's are Wesley Ingram and Peter Penzenstadler. Objections to this transfer must be based on only the character and reputation of the applicant and must be registered with the Denver Dept of Excise and Licenses at 201 W Colfax Ave., Dept 206, Denver, CO 80202 by the close of business fifteen calendar days from Sept 11, 2007 (Sept 26, 2007.) Notice sent out on WWPNA list serve.

Other Business:

INC meeting with new Director of Excise and Licenses, Ms. Iwelda Marquez not discussed.

Discussion of Zoning Code Task Force 7/20/07 draft and input from 5 meetings in neighborhoods: No discussion due to time limitations.

INC ZAP Sept 15 meeting: Not discussed but the following is reported by Gertie only in these minutes: Denver "Transit Amenities Program" Guidelines for placement of Transit Amenities Program (TAP) advertising structures in public right-of-way. Michael.Holm@ci.denver.co.us 303-446-3639.

Denver Safe Routes to Schools Coalition kick off meeting Oct 24, 12:00 -2:00 pm; contact Helene.Gottfeld@denvergov.org for location and registration info; Walk to School day Oct 3, 2007.

Proposed final version of sidewalk regulations: public hearing Sept 27, Thursday, 6:00 PM, Rm 4.F.6 Webb Building, 201 W Colfax Ave; Jason Langsdorf is contact at Public Works 720-865-3162.

Next WWPNA zoning committee meeting Tuesday, October 30, 2007 location TBD

Respectfully submitted, Gertie Grant, Secretary