

**West Washington Park Neighborhood Association
Zoning Committee Meeting, 214 S Grant St
Tuesday, May 29, 2007, 7:00 pm**

Committee Members present: Anne Davis, Chair; David Callaghan, Gertie Grant, Charlotte Winzenburg, Fred Hammer, Barry Sarver (arrived 7:45)

Committee Members absent: Jim Jones, Terri Ficke, Mike MacPhail (?)

Guests: Re 255 Washington: Bill Lyons (Creekside Communities), Virginia MacAllister (Iron Horse Architects), Chris Jorgensen, Rita McKinley, Lisa Purdy, Malcolm Murray, Larry Raleigh, Paula Cotterly, Simone Raenup, Richard and Sharon Curtis, Timothy Dunn. Valerie Kerns (Aide to Councilrep MacKenzie). **Re Monas, 141 S Broadway:** Steve Harley (BHNA), **RE 890 S Pearl, Kentucky Inn:** Beth Wright.

Minutes of April 24, 2007 (Draft.2) approved 3-0-3 (not at meeting).

Unfinished business:

5th and Lincoln (northwest corner): Brent Snyder of Century Development: Anne Davis to monitor

Case No 16-07 (Byers playlot) 200 S Penn and 201 S Pearl: Appeal of a denial to erect a Planned Building Group (P.B.G.) on 2 zone lots, creating open space deficiencies: 201 S Pearl will be deficient 11,430 sq ft for 10 single family dwellings (30,000 sq ft required) and 200 S Penn will be deficient 7,480 sq ft for 9 single unit dwellings (27,000 sq ft required) in an R-2 zone. Ordinance section 59-125.c.2.a. Possible remedy: variance. See April 24 committee meeting notes for details.

On April 17, BOA continued case to July date. Now moved up to June 12 at 12:00 noon

Country Club Gardens: Revised design guidelines approved unanimously by Denver Landmark Preservation May 1, 2007: Developer to hold neighborhood meeting Thursday, May 31, 7:00 pm at Park Place, 111 Emerson St.

Case No 41-07, 393 S Sherman St., Hearing May 8, 2007, Applicant Devin Wagner. Appeal of a denial of a permit to erect a 6 foot fence (4 feet permitted) 10 feet into the 10 foot East Dakota Avenue front setback in an R-2 zone. Possible remedies: variance. BOA granted variance pursuant to testimony and drawings presented at hearing.

Case No 48-07; 354 S Washington St, Hearing date: June 5, 2007 at 11:00 am, Board of Adjustments, 201 W Colfax Ave, Rm 2.H.14, Applicants: James and Lynn M Jui. Appeal of a denial of a permit to erect 2 dormer additions to a single unit dwelling, 4 feet 10 inches through the north side bulk plane, 2 feet into the requisite 5 feet north side setback, in an R-2 zone. Possible remedies: variance.

Ruby Hill Park View Plane: Excel Energy is proposing construction of several transmission towers along Sanderson Gulch 100 feet from homes in the Athmar Park neighborhood that will penetrate the Ruby Hill Park view plane. Several neighborhood groups objected as did Council Rep MacKenzie and Planning Board denied variance.

Liquor License matters:

140 S Broadway, Skylark Lounge: application for modification of premises: Results requested: Gertie

30 S Broadway, Deluxe: Application for modification of premises: Results requested: Gertie

141 S Broadway: CEEEQ Corp dba Mona's Restaurant: Hotel & restaurant liquor license hearing

Monday July 23, 2007 at 9:00 a.m.: Garen and Linda Austin owners. See Feb meeting minutes. Steve Harley from Baker Historic Neighborhood reported that BHNA voted in April to support the application conditioned on a binding agreement with the owners to close at 9:00 pm on Sunday – Thursday and 10:00 pm on Friday and Saturday. He hopes WWPNA will sign an agreement along with BHNA to limit hours. Discussion included desirability of also limiting noise on the patio, controlling lighting and questions about binding nature of agreements between neighborhood groups and liquor license holders that aren't part of the license so the city won't enforce them. Barry Sarver will work with BHNA, Gertie Grant will draft agreement.

Motion passed 6-0-0 that WWPNA support BHNA and enter into joint agreement with the owners.

New Business:

255 Washington: Rezoning. 200 flyers distributed plus email list from Spring 06 notified. New architect (Iron Horse Architects) and developer (Creekside Communities) presented preliminary (programming and massing with no details) plans for a 71,582 sq ft residential project requiring rezoning from the B-1/P-1 to R-3 with an OD-8 overlay (55 ft height limit). After reviewing the "minutes" of previous neighborhood meetings, they have lowered the height 10-15 feet to 4 stories; rejected mixed use development for strictly residential; included on the south end of the building a 5 ft front step back and a 35' step back on the roof of

the second story to break up the building mass; expanded the Speer Blvd tree lawn to 8 feet; sized most of the 45 units at 1,400 sq ft (\$450,00 -\$500,00 each) except 5 affordable units of 750-800 sq ft; put all 78 parking spaces (exceeding the 1.5 per unit R-3 requirement) underground but knowing parking is an issue, want to meet with local neighbors to discuss moving parking entrance farther south from the mid-building alley entrance to gain 6 spaces. The building entrance will be on Washington St, mid-building. Simone Reanup (spelling?) (lives in 200 Pearl St condo) will contact Ethan Fuld (lives in 250 Pearl St condo) about setting up meeting of residents on that block with developers to discuss moving parking entrance. A straw poll of near-by neighbors was supportive of the proposal to date. Attendees were encouraged to communicate with Anne Davis about concerns.

New Liquor License matters:

890 S Pearl St, Kentucky Inn, application for modification of (liquor licensed) premises to add patio.

BOA Case No 74-07 July 10 at 11:30. Applicant: Pearl and Kentucky LLC by Barry Wolach, filed by Albert Anderson tenant (h) 303-451-5415; (o) 303-778-9600. Appeal of denial to maintain an outdoor eating area (patio) within 50 feet of an R-2 residential district in a B-2 zone. Applicant's statement for BOA appeal: "I would like a variance to that part of the Zoning Ordinance which requires a patio for a restaurant or tavern to be fifty feet from a residential zone."

Originally Dept of Excise and Licenses sent notification letter dated April 19 for modification of premises giving 15 days to object. Receipt delayed because notice went to home address of Charlie Busch who was out of town. 180 fliers delivered on 800 and 900 blocks of S Pearl, S Penn and S Washington and WWPNA members in those blocks who had provided email addresses were notified electronically.

Zoning later determined that proposed patio (fence already installed) is within 50 feet of R-2 requiring a Board of Adjustments hearing because business in B-2.

Neighbor Beth Wright, 842 S Pearl, came to the meeting for advice. She had responded to WWPNA Zoning flier and is organizing neighbors with Jim Jones to oppose the patio. She and two neighbors have met with Jim to strategize both for BOA hearing and liquor license issue which will be held after the BOA decision.

Discussion: Beth has sheet listing powers of BOA in these circumstances; keeping issues of patio (BOA hearing) separate from liquor license modification (Dept of Excise and License hearing); possibly having patio moved to south end or back of establishment so father from neighborhood kids; value of attendance, letters, and petitions at hearing; prohibition of locating a liquor licensed establishment within 500 feet from a school probably does not include the Wash St Community Center day care at opposite end of block, but confirmation coming from MacKenzie's office; encouraged her to follow usual zoning committee procedure in holding a local meeting inviting owner and neighbors, then after applicant leaves, having discussion to reach a position, and keeping track of area leafleted, meeting attendance and vote; if zoning committee members attend for information only, then zoning committee can vote at next meeting on recommendation to WWPNA Board for July meeting. Beth will notify Anne Davis of meeting.

Other Business:

Report on INC ZAP: April 28 and May 19 meetings: Gertie and Charlotte

"Granny Flats" (ADU=accessory dwelling units) now only in general concept stage: no specific proposal on table, but they are currently allowed in some zone districts at Lowrey. At April meeting, pros presented by Bob Sperling, a Platt Park neighbor who is spearheading the idea; in May, Kent Olson from Cory Merrill handed out a 3 page rebuttal. Support for concept may not be deep but there is interest in Park Hill and some other areas for having studios above garages (now prohibited by 15 ft height limit on garages in R-0, R-1 and R-2) and second units in basements or over garages for young adult family members or to give extra income to senior home owners. Interested folks can contact Sperling at bobsperling@msn.com.

Neighborhood Inspections Services (NIS); Now have 21 of 23 authorized inspectors (3 on leave); calling 311 logs in complaint which goes to NIS but you won't know id of inspector; call main NIS #720-865-3200. Inspectors start at 7:00 am, leave for field at 9:00 return at 3:00 go home at 3:30 pm.

Noise Ordinance: Paul Riedesel, Denver Environmental Health 720-865-5410. Proposed changes to motor vehicle noise ordinance aimed at motor cycles with modified mufflers which can be detected with trained visual examination are in Council Bill 242 which comes up for first reading May 21. Police to be trained. Comment from Charlie Busch that cyclists are aware of the proposal and fake muffler seals will probably be available. Progress on ordinance to cut back hours of construction operation on weekends to 8 to 5 (now 7 am to 9 pm like weekdays) in all zones is ongoing. Noise of concerts and festivals is more problematic. Motion to support CB 242, provide effective enforcement and encourage more progress on ordinance dealing with construction noise passed.

Language amendment #L-1154 would make some existing duplexes and multiunit dwellings in R-1 and R-0 zones legal conforming uses. Although down-zoning efforts in north Denver may have been the catalyst for this proposal, there are currently over 700 nonconforming multiunit structures city wide in these zones whose owners cannot make any modifications to the footprint, height or building envelope or add sheds or garages without losing their nonconforming use, so they do nothing. May come up for first reading soon.

Proposal to amend zoning ordinance on wind energy devices Is being drafted by Councilrep Linkhart.

Next WWPNA zoning committee meeting Tuesday, June 26th: location TBD

Respectfully submitted, Gertie Grant, secretary