

**West Washington Park Neighborhood Association  
Zoning Committee Meeting, 84 S Sherman St  
Tuesday, June 26, 2007, 7:00 pm**

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

**Committee Members absent:** Terri Ficke (Out of town on business), Mike MacPhail dropped from committee

**Guests:** Gloria LeFree, Julie Connor after 8:30

**May 29<sup>th</sup> Zoning Committee Minutes:** Approved 6-0-1

**Unfinished business:**

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

**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.

**Case continued to date certain for Council Action on pending ordinance (L-1158: see below) that may obviate the appeal.**

**Country Club Gardens:** The developer held a neighborhood meeting on Thursday, May 31, 7:00 pm at 111 Emerson St, Park Place, and presented the proposed revised plan ("Plan B") to about 100 neighbors. Concerns, opposition and support for the revised plans were all voiced by attendees, including the opinion that no development should occur because the streets can't handle the traffic and parking demands, or that the developer should be sent back to the Landmark Commission. No vote taken. City council first reading July 2, final July 9

The Zoning Committee urges the WWPNA Board to take a position on the revised plans because of WWPNA's considerable involvement with local and state historical groups in 2001 in trying to save at least some of the CCG, given the owner's R-3 Zoning development rights which would have allowed total demolition of the CCG and high rise development with no height limit, no requirement that off street parking be included in the rent, although zoning requires 1.5 parking spaces space per unit. The owner's history, as owner of the entire Norman/CCG/CCTower block, indicates that there is a very strong probability that the owner will exercise his full developments rights. As an example, when the historic Norman apartment building was condominiumized, prospective buyers were told that the then vacant lot to the west of the Norman would be town houses preserving mountain views. Shortly after that, the developer built the CCTower high rise on that lot.

The original historic designation, referred to as "Plan A" included design guidelines generally describing the outside of the buildings and a development area describing the footprint and mass of the buildings. Plan A is now in effect and represents the owner's current "development rights." It allows three 300 foot tall towers, 2 on the Ogden (west) side, 1 on the south west side with traffic entering from Ogden and Bayaud through the area between the Norman and CCTower.

The owner has proposed a "Plan B", a revision of the development area (but not the design guidelines) which requires City council approval. Plan B calls for 2 300 foot tall towers spread along the southern edge of the current CCG in space that is now garages, asphalt and the southern apartments but which will follow the footprint of the southern apartments and will step back several times as it goes up. The bottom 3 or 4 levels will be parking garage with "amenities" like a swimming pool with some landscaping on top and the towers rising from that level but somewhat stepped back. The developers have made some accommodation to owners of Norman condos. Only verbal statements indicate apartment rent will include 1 off-street parking space. Talk has been of larger, higher rent units whose occupants will want off-street parking included in the rent for their more expensive cars. Entrance to the Plan B development will be from Ogden and Downing, not from Bayaud. Unlike Plan A, winter shadows from the Plan B towers will have much greater impact on the remaining CCG than on properties outside CCG. Much more of the original CCG will be retained by Plan B as will the east-west axis of the gardens.

**Motion: passed 6-0-1: That WWPNA Board support the revised development area called "Plan B" for Country Club Gardens because we believe that the risk of pushing for further modifications runs a great risk that the developer will pursue the current development rights (Plan A). Therefore, although neither plan has specifics on number of units or guarantees that off-street parking will be adequate or included in the rents, Plan B is preferable to Plan A for the broader WWPNA neighborhood for the following reasons: 1. Plan B has two towers, not three as in Plan A; 2. Plan B moves the mass of the towers away from the surrounding neighborhood across Ogden and spreads it across the south side of the CCG; 3. Plan B preserves much more of the historic CCG apartments and gardens because most of the development area is over what is now parking garages and asphalt; 4. Plan B preserves the east-west visual axis of the CCG which would be destroyed in Plan A; 5. The winter shadow of the Plan B towers will be more on the developer's own property (the CCG) and less on the western neighbors across Ogden; 6. Plan B's traffic impact on interior neighborhood streets is an improvement over Plan A because the Bayaud Avenue access is eliminated and an entrance is moved to Downing St.; 7. The architects have met with Norman condo and other neighbors and made some modifications.**

**Case No 48-07; 354 S Washington St, Hearing date: June 5, Variance granted according to plans and testimony at June 5 hearing.**

**Ruby Hill Park View Plane:** Excel Energy is proposing enhancement of several transmission towers along the west side of Ruby Hill Park that will further penetrate the Ruby Hill Park view plane toward the mountains. Several neighborhood groups objected as did Council Rep MacKenzie and Planning Board denied variance on the grounds that there are alternatives available and financial hardship is not grounds for a variance. Language Amendment proposed by Council Rep Charlie Brown to amend Ruby Hill View Plane Ordinance to allow higher Xcel towers penetrating the view plane. Set for final City Council hearing July 9, 2007.

**Motion: Passed 7-0-0 That WWPNA Board oppose the Council Bill that would amend the Ruby Hill View Plane ordinance to allow further penetration of view plane because the health and safety issues of wires with that high voltage near areas where children play and live have not been fully researched and recognized; because putting the wires underground is a viable alternative; and because no penetrations of view planes should be allowed.**

**255 Washington: Rezoning.** Iron Horse Architects and developer Creekside Communities are proposing a rezoning from B-1 and P-1 to R-3 with an Overlay District 8. The proposed development will have 43-45 units of 1,400 sq ft each, and will be less high than the 55 ft allowed in OD8. The developers are working with a local group of neighbors and an initial issue concerning the location of the alley entrance to the underground parking has been resolved. Anne Davis monitoring.

### **Liquor License matters:**

**140 S Broadway, Skylark Lounge: application for modification of premises:** Patio approved

**30 S Broadway, Deluxe: Application for modification of premises:** Expansion into next door southern space approved.

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

**Monday July 23, 2007 at 9:00 a.m.:** Barry Sarver of WWPNA Zoning working with Steve Harley from Baker Historic Neighborhood on agreement with Mona's that Gertie is drafting 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 plus other possible issues. The patio will be right across the parking lot from Baker houses but the noise issue was not raised by Baker in their support of the license.

### **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."

Since filing the papers Mr. Anderson died of a massive heart attack and his wife and son are continuing with the same plans. We have **also received the notice of application to transfer ownership to Jeanette K. Anderson.** About 300 leaflets were distributed inviting local neighbors to a meeting, Wed June 20 at the Washington Street community Center, moderated by Charlotte Winzenburg and attended by approximately 35 interested neighbors. There is both support and opposition to the patio. A small group of neighbors met Monday evening, June 25<sup>th</sup> to discuss a possible agreement and will meet with the bar owner about an agreement before the BOA hearing.

Neighbor Beth Wright, 842 S Pearl is organizing the opposition to the patio.

### **New Business:**

#### **New Liquor License matters:**

**420 East Bayaud, Taki Corporation dba Taki Sushi: application for a beer and wine license. Hearing August 6, 2007, 1:30 pm 201 W Colfax Ave, Rm 206.** Applicant Taki Corporation, Yan Feng Wang, President. Terri Ficke circulated an informational flier. A businessperson on Bayaud east of Penn sent an email to the WWPNA Zoning email in support. This is a very small sushi restaurant that has already opened. **Motion passed 7-0-0 that the WWPNA Board take no position on this matter.**

#### **Other Business:**

**Report on INC ZAP:** Report on June 23 meeting: Gertie and Charlotte: see below plus more.....

L-1157 requiring permission of owners of 51% of property (excluding public rights-of-way) to file a zoning change request: has been approved by the planning board, blueprint Denver and is supported by CPD. It is set for hearing at Blueprint Denver on July 25 and if it passes out of committee it could mean first reading on or about August 6, public hearing September 3 (but that's Labor Day weekend so that date could change).

This language amendment is proposed by Charlie Brown and arises out of the north Denver downzonings which were initiated without all the property owners knowing about the filing. Some members of the committee wanted more information. Gertie will try to get more information. **Motion failed 2-1-4** that WWPNA Board oppose this language amendment.

L-1158 changing the open space required for Planned Building Groups in R-2 is on hold and being reworked by CPD: Kent Olsen (Cory-Merrill) did a memo detailing his opposition and why this undermines Quick Wins II which may explain problems other RNO folks have issues.

This is the ordinance that would speed along the Byers redevelopment.

L-1154 making conforming certain existing multiunit dwellings in R-1 and R-0 is also stuck in Blueprint Denver Committee. It is not known if anyone is working on amendments: Tina Axelrad of CPD said her office is not at this time. Council members are not moving it out.

**Next WWPNA zoning committee meeting Tuesday, July 31: location TBD**

Respectfully submitted, Gertie Grant, Secretary