



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, April 15, 2014

10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Vice-Chair; Brown; Lehmann; López; Shepherd

Committee Staff: Debra Bartleson

Council Members Present: Brown, Lehmann, Lopez, Montero, Robb, Shepherd, Brooks, Susman

Members Absent: None

Bill Requests

BR14-0266 Approves a rezoning of portions of 2800, 2900 and 3000 blocks of Welton Street from C-MX-3 to C-MX-5 in Council District 8.

Courtland Hyser, Community Planning & Development

Courtland Hyser, Community Planning & Development (CPD), noted that this proposal is a legislative rezoning for portions of 2800-3000 blocks of Welton Street in Five Points Neighborhood. City Council, by its own vote, generated this action to remap 38 properties on this block from C-MX-3 to C-MX-5. This rezoning does not include the 30th and Downing light rail station. The area is approximately seven acres in size and the rezoning would designate the properties to the zoning that is already there; a mixed-use area. Mr. Hyser assured the Committee that notification was sent out to all affected residents and there are two letters of support in today's packet of materials. CPD recommends approval as all criteria has been met. Councilmember Brooks said the proposal outlined in the Northeast Neighborhood Plan includes this change and he supports it.

A motion offered by Councilmember Lopez, duly seconded by Councilmember Susman, to file the bill carried by the following vote:

AYES: Susman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(7)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

BR14-0306 Approves the designation of 3241 Lowell Boulevard as an individual structure for preservation in Council District 1.
Savannah Jameson, Community Planning & Development

Savannah Jameson, Community Planning & Development (CPD), reported that the site was reviewed for preservation and designation. She explained that designation consideration occurs when a site has direct association with historical development of Denver, has an association with a person or group who has influence on the society, architecture represents characteristics of a style or type, has an orienting visual feature, or is representative of work of a recognized architect. Ms. Jameson said a historic designation should foster civic pride and history between past and present. Preservation says something about the City and its people and is an opportunity to learn about a story, explained Ms. Jameson. Zoning and historic guidelines is about good urban design. The building was built in 1931 and until recently, did not have a Certificate of Non-Historic status. In 2011, a developer was involved at that time with interest in creating a new multi-family complex, but development of that site did not occur. In 2007, an application was submitted to designate the entire property, but was later pulled by the applicant. Early 2014, the Landmark Preservation Commission (LPC) approved filing for historic preservation of the site and has now moved the proposal to City Council for approval. Beth Eden Baptist Church was one of the first churches in the Highland neighborhood and its architectural type is Tutor Revival style. William Bowman was a prominent architect in Denver from 1910 to 1944. In addition, the West Highland Neighborhood has recommended approval and the Landmark Commission received 400 signatures in support of the designation. The Landmark Preservation Commission recommended designation approval on April 1, 2014.

Councilmember Robb asked how much of the criteria were met for the property to be designated. Ms. Jameson said a project must meet two out of three criteria, and this site has met all three categories. Adam Hernandez, City Attorney's Office, said according to the Revised Municipal Code, Section 30-6 (c), the timeline for non-historic certificate designation begins when the application is complete, filed, and the fee has been paid. The non-historic application was filed on January 24, 2014; and an action must take place within 120 days. If a historic designation is not approved by the May 24 deadline, a Certificate of Non-Designation is approved, and a certificate is issued and is good for five years.

Tom Wooten, one of the owners of the property, stated that they had worked with the community with two other parcels to create a new vibrant design development,

but the community didn't like the proposal and the owners were sued, and the development did not go further. As a result of the delay the project costs increased by 35%, thereby the project was no longer a viable plan. The owners applied for non-historic status; still honoring the agreement with the neighborhood concerning height. If the non-historic status is not successful and if landmarked then all three parcels remain at five stories. Mr. Wooten said it was always the owner's desire to work with the neighbors and to build a creative repurposing of the site.

Marilyn Quinn, Friends of West Highland Landmark, stated the group of residents wants to see the historic character of West Highland retained. They recognize that some of the demolished portions were a significant loss and they would like the sanctuary to remain as part of a new development to retain the past with the new. Councilmember Susman asked if the designation would save all four sides of the property. Ms. Jameson said they would have to go to the LPC for design changes, but a request for modification could be asked. The process for non-historic certification doesn't allow for any more comment. The neighborhood feels that the historic designation would help to carry forward more discussion.

Councilmember Robb said there seems to be willingness for both parties to work together, but the timeline of May 24 has started. If there is no action by Council by that date, the property owners would receive the Certificate of Non-designation. There are two possible options: both parties may select to withdraw both applications, or both applicants agree to extend the timeline, said Ms. Jameson. Councilmember Robb also noted that once a bill is filed, the bill could be postponed for second reading to a date further out, or both applicants can request that the bill is proposed as a no vote and killed. Councilmember Brown asked why the parties can't wait another week to resolve any issues. Councilmember Shepherd said she would like to see it move forward. Councilmember Robb said the Committee could move the request out of Committee, and substitute the bill if it is killed on first reading. Councilmember Lehmann supports moving this forward.

Councilmember Robb asked what happened to the stained glass windows. Ms. Jameson noted that part of the demolition that occurred was in 2013, but she was not sure what happened to the stained glass. The Councilwoman asked if the City since passing the demolition ordinance as ever approved a non-owner designation. Ms. Jameson said to her knowledge, no, there is generally a compromise and/or withdrawal. The standing facility has been a gym since 1951 and the building is vacant, but there are many opportunities for development on the inside, noted Ms. Jameson. Councilmember Shepherd said she hopes the parties could work together and encourages Councilmembers to read the historic designation application.

Councilmember Montero asked who the neutral party was bringing everyone together to discuss the issues, such as a mediator. Councilmember Robb said it's not for Council to specify that action. Councilmember Montero said she wants the process to be fair and recommends a facilitator to work with both sides. Ms.

Jameson said that in past designations they have enlisted a mediator to help both sides to have an agreement.

Councilmember Susman said she will probably vote against moving the request on to avoid creating another deadline. Councilmember Robb said the bill could be delayed, but that the final deadline as of now is May 24.

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, to file the bill carried by the following vote:

AYES: Lehmann, Lopez, Robb, Shepherd(4)
NAYS: Susman(1)
ABSENT: (None)
ABSTAIN: Brown, Montero(2)