

Reference #

15334785

## Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1373: Community Planning and Development will present an ordinance changing the zoning classification for 3719 North Wolff Street in West Highland. / 24-1373: La Oficina de Planificación y Desarrollo Comunitario presentará una ordenanza que modifica la clasificación de zonificación para el 3719 de la calle North Wolff, en West Highland.

First Name / Nombre

Kellie

Last Name / Apellido

Teter

I am a resident of: / Soy residente del:

I don't know / No sé mi número de distrito

I am... / Estoy...

AGAINST the item / en CONTRA del artículo

My testimony: / Mi testimonio:

I'm opposed to the zoning change for open space where the plan is to be a private swim Club.

I'm opposed on the basis of equity. We are desperate for housing in the City and county of Denver and the more we zone for space for things like a private swim Club which does not include everyone. The more we exclude that land from being available for housing. I know many luxury properties remain vacant. This is a separate problem which should also be addressed. I do not want luxury housing on this land either.

Finish Time

2024-11-29 14:15:58

Reference #

15335450

## Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1373: Community Planning and Development will present an ordinance changing the zoning classification for 3719 North Wolff Street in West Highland. / 24-1373: La Oficina de Planificación y Desarrollo Comunitario presentará una ordenanza que modifica la clasificación de zonificación para el 3719 de la calle North Wolff, en West Highland.

First Name / Nombre

Andrew

Last Name / Apellido

Schiavoni

I am a resident of: / Soy residente del:

District 1 / Distrito 1

I am... / Estoy...

AGAINST the item / en CONTRA del artículo

My testimony: / Mi testimonio:

As a resident of District 1, I am against the rezoning of 3719 Wolff street because it removes much needed residential zoned property where there is a housing shortage. An exclusive pool club for the very wealthy with membership costs of \$20-40k represents a significant change in the character of the neighborhood. Throughout the process the developer and the larger group of developers calling themselves a west highland neighborhood association have not included their immediate neighbors in any step of this process, and included only vague descriptions of what will happen to the parcel regarding alcohol, operating hours, parking, and noise mitigation if rezoning is approved. Please do not approve rezoning this parcel.

Finish Time

2024-11-30 09:25:15

Reference #

15338661

## Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1373: Community Planning and Development will present an ordinance changing the zoning classification for 3719 North Wolff Street in West Highland. / 24-1373: La Oficina de Planificación y Desarrollo Comunitario presentará una ordenanza que modifica la clasificación de zonificación para el 3719 de la calle North Wolff, en West Highland.

First Name / Nombre

Mark

Last Name / Apellido

Alexee

I am a resident of: / Soy residente del:

District 1 / Distrito 1

I am... / Estoy...

FOR the item / a FAVOR del artículo

My testimony: / Mi testimonio:

Hello - My name is Mark Alexee and I am a resident on W 36th Avenue between Wolff and Yates. I am an immediate neighbor within one block of the 3719 N Wolff rezoning effort.

I initially signed a petition on the street opposing the re-zoning, although I was not very familiar with the details of the proposed project. Since then, I have both reviewed the re-zoning application package, watched a replay of a Zoom Meeting hosted by the West Highlands Neighborhood Association (WHNA) with the developer (Ilan Salzberg), and had multiple email exchanges with Mr. Salzberg.

In my opinion, Mr. Salzberg is approaching this project thoughtfully and with cooperation to many neighborhood interests. His willingness to candidly address valid concerns and to execute a Good Neighbor Agreement speak to a good faith effort.

While a private recreational pool has TREMENDOUS appeal (my family has been on the waiting list for the Bear Creek Swim Club in Lakewood for the past 4 years, which is a 30 to 45 minute commute in the summer)--the devil is often in the details. I believe Mr. Salzberg has a compelling vision and has laid out very appropriate safeguards to ensure that the immediate neighborhood interests are addressed.

All of my initial questions and concerns have been addressed. One tradeoff is that more parked cars and traffic is to be expected (especially on summer weekends). That said, I believe it is a fair trade-off for the addition and benefit of a community pool.

If this venture is successful in securing private arrangements for additional parking either at Sprouts grocer or at the Center for Contemplative Living (which is across the alley from my property), I believe that could alleviate the pressure on parking needs.

I also believe that this is a tremendous benefit for the use of this real estate, compared to the parcel being used for either a single family residence or luxury style condos.

I wish Mr. Salzberg success and look forward to a community minded management of the venture.

- Mark Alexee

Finish Time

2024-12-02 12:50:42

Councilwomen Sandoval, Gutierrez, and Parady,

My name is Aaron Korn, and I am writing to share my opposition to the rezoning request for 3719 Wolff Street, which will be discussed at the City Council Meeting tonight (I am also planning to speak at the hearing).

I live close to the intersection of Wolff and 37th Ave, about a block away from 3719 Wolff Street. I have a young daughter, and will likely be able to afford the annual cost of membership. I regularly take my daughter to many of the pools in our area, including Scheitler. I believe I am exactly the target customer for the proposed private pool. Despite this, I strongly object to the rezoning due to the significant negative impacts on our North Highlands community, specifically the impact on equity.

Privatizing access to resources that should be available to all creates a dual structure where only those who are able to pay for it have access to high-quality private amenities. When high income individuals do not use public facilities it decreases investment in their upkeep, which impacts those who use them, which makes up the majority of our community. Although the projected costs provided by the developer have been very vague, it is clear from the level of investment that membership will come with a significant cost, which many of my neighbors will not be able to afford or willing to pay.

In the proposal, the developer states that the pool will benefit the community by reducing the pressure on other local pools. As a regular user of those facilities, I am confident that overcrowding is not a significant issue. There is generally plenty of space at those pools, even during busy times. It is much more likely that this would negatively affect those pools, by reducing attendance and diverting needed revenue.

These are really difficult times, with deep divisions in our community. I urge you to not approve a project which will only further divide the "haves" from the "have nots", and instead support the civic institutions that bring us together in shared spaces.

Thank you

Aaron Korn  
4730 W 37th Ave, Denver, 80212

Dear Councilwoman Sandoval,

I am writing to oppose the proposed zoning of 3719 Wolff St. to accommodate a private swim club.

The developer is seeking an Open Space designation. A true Open Space designation must serve the community. The benefits of the proposed private and exclusive swim pool flow to the individuals who have the ability to pay tens of thousands of dollars to join the club. However, the burden of this exclusive club will be borne by the neighbors. The burdens will include increased traffic and parking congestion and disruption of the neighborhood tranquility. The individuals and families who will bear the burden of this development are the very people who will not have access to the so-called open space.

The Wolff Street neighbors have been mindful about the development of the former site of Elitch Gardens. Development has occurred with respect to the walkability and needs of the neighborhood. The Walmart development in 2003 was opposed because the proposed retail store did not meet the needs or desires of the community. Similarly, a private swim club is precisely the opposite of what our neighborhood wants or needs. This is a neighborhood of inclusion, not exclusion. This is a neighborhood that values walkability, equity, and community. The proposed development is the opposite of our community's values.

Finally, I am a life-long swimmer. I swam competitively for over 15 years. Swimming is a very important skill that literally saves lives. The proposed rezoning of 3719 Wolff St. does nothing to support or promote water safety skills within our community. Rather, the proposed development is an excellent example of class and racial disparity to developing safe swimming skills. This is an anathema to my neighborhood's values. This development does not reflect the core goals of the Open Space-B designation.

Councilwoman Sandoval, I urge you to stand with your constituents and oppose the zoning change for 3719 Wolff St.

Respectfully,

Ayo Labode

3885 Wolff Street

Dear Councilmen,

I strongly object to the proposed rezoning of 3719 Wolff St. While I would love a neighborhood pool in our area, the proposed project is not the way to fulfill those dreams as membership will be out of reach for all but the wealthiest.

According to the developer in their rezoning application, "The purposed OS-B map amendment is consistent with the Denver Comprehensive Plan 2040 goals including a) equity goals b) climate goals as well as c) "Healthy and Active" goals as well as the goal of building "Strong and Authentic Neighborhoods.""

Each of these claims are incorrect and misleading. The proposed development plan is the creation of an exclusive luxury swim club with a price point of \$20,000 or more. This clearly does not further equity goals - it is a luxury asset available only to those of significant means.

As for the "climate goals," the property under question is currently a mostly green and natural space, whereas the development would involve converting much of this space to steel and concrete. Energy and water use to maintain a standard-sized lap pool and clubhouse would undoubtedly be much higher than residential energy use. Furthermore, since this club would be financially inaccessible to most members of the local community, it is reasonable to assume that this luxury business will need to draw from a larger area than NW Highlands and would therefore contribute to increased car traffic. None of these features is supportive of climate goals.

Similarly, the "healthy and active" goals would extend only to the paying members of the private swim club, not to the NW Denver community at large. In fact, the increased volume of car traffic and parking congestion, as well as the potential noise concerns, would likely decrease walkability and outdoor enjoyment for local residents.

It is clear that this project does nothing to support "Strong and Authentic Neighborhoods." It offers nothing other than increased parking congestion and increased noise concerns to the average resident of our neighborhood. Every neighbor who I have spoken to who is aware of the exclusive, expensive nature of the swim club has been clearly opposed. It is really a no-brainer that this "community asset" is nothing of the sort. Furthermore, many of my neighbors who have voiced support for this project have been deliberately misled as to the nature of the swim club, not realizing the high price point and exclusive nature of this "public asset" which would make it inaccessible to the vast majority of local residents. For instance, a local Facebook group which has garnered extensive support for the project is moderated by someone who is sympathetic to the developer and may be suppressing clear and complete information as to the nature of the development plan.

I strongly object to the proposed zoning change. This neighborhood has no use for a luxury pool that only the rich can enjoy. The Zoning of Open space is meant to provide



more nature, more outdoor recreation, and less noise to the broader community. This proposed luxury pool does nothing of the sort.

Thank you for your time and consideration,

Catherine Flanders  
NW Denver resident for over 20 years on Grove St.

December 1, 2024

Attn: Fritz Clauson, AICP  
Associate City Planner  
City & County of Denver  
1437 Bannock St  
Denver, CO 80202

Dear Mr. Clauson,

**Re: Support for 3719 Wolff St Rezone Application #2024I-00070**

I am writing on behalf of the Land Use and Planning (LUP) Committee of the West Highlands Neighborhood Association (WHNA) to express our support for the rezone application submitted by Ilan Salzberg for the property located at 3719 Wolff St. Rezone requests rezoning ~3/4 acre parcel from U-SU-C1 to OS-B. Our role as the LUP committee is to serve as a liaison between developers and members of the community, ensuring that the concerns of immediate neighbors are heard, and strive to find mutually beneficial solution. Overall, the WHNA LUP is supportive of responsible development and generative growth which will add value to the neighborhood and community members.

**Executive Summary**

The LUP Committee has reviewed the developer's application and the proposed project. WHNA signed a Good Neighbor Agreement (GNA) with the developer and a representative of the immediate neighbors on 11.29.24. WHNA represents ~57,000 community members and business owners. We believe that the developer has made commercially reasonable efforts to address community concerns and integrate feedback into the design and planning process. After a thorough review of the proposed project; based on the discussions and feedback we have gathered, **we offer our support for this rezone request by vote of 6 of 7 in support.**

**History of Engagement**

Our engagement with the developer dates back to November 2023, when we first met to discuss the project in its early stages. At that time, we provided initial feedback and requested to be informed when the project became more defined. In efforts to engage with the community, we held two WHNA general assembly meetings.

- August 2024, we discussed some of the concerns of neighbors associated with the proposed zoning changes. We were disappointed that the developer was not available to attend this meeting to present his proposed development and therefore the majority of the meeting attendees were under-informed and under-educated prior to being provided the opportunity to provide feedback.

Two significant concerns were raised by immediate neighbors:

1. Disruptive noise during operations.
  2. Concern regarding the potential for the development to build a higher density program (such as a “high rise”). Further it was explained, the proposed pool would be an acceptable use under the OS-B zoning including contributing structures such as a clubhouse. We clarified that high-rise or multi-family development is not allowable OS-B zoning.
- September 2024, we hosted a second meeting, which was moderated by the LUP. The developer presented updates and we encouraged open dialogue with the community. The meeting was recorded for reference, notes below.
    1. The developer reviewed the conceptual drawings and discussed operational plan.
    2. The developer discussed intent is for the memberships to be sold as part ownership in the asset, costs were not known at that time.
    3. Further, an HOA would be set up to manage day to day operations and operating costs.
    4. The developer said many community members are interested in setting up a children’s swim club.
    5. The pool would likely have a lifeguard during the summer when the pool is busy.

We were officially notified of the developer’s rezoning application on September 17, 2024. Additionally, two members of our committee reached out to neighbors directly, distributing flyers to ensure broader awareness of the project. Copy of the flyer attached.

### **Good Neighbor Agreement (GNA) Negotiations:**

The GNA was negotiated with the support of a City appointed mediator. During these discussions, we gathered input from both neighbors and the developer. The most significant concern raised by immediate neighbors of the development were: noise, parking, hours of operations and liquor sale/consumption.

Noise: The pool operations will need to abide by city noise ordinances. However, an idea was proposed by one of the neighbors to enforce a highway-style wall, though such an installation would not be permitted under current zoning regulations. In lieu of this, they proposed the use of acoustic fencing, and we were able to incorporate these recommendations into the GNA. Additionally, the risk of burdensome noise is greater under the existing zoning as amplified music is not restricted.

Hours of Operation: The GNA was modified to reduce hours of operations. Noise concerns were raised with people parting after normal business as well as morning deliveries. So long as the GNA is respected we do not anticipate these being issues. Further, the developer wanted to hold onto early operations for lap swimmers.

**Parking:** The developer believes most people will bike or walk and intends to install more bike parking than required per zoning. Language regarding shared parking agreements with adjacent properties is included in the GNA. Compared to other parts of the City, in particular streets around Scheitler on weekends with kids sports, the area surrounding the parcel does not appear to have a parking problem. The current plans meet minimum on-site parking requirements.

**Liquor License:** A liquor license is not anticipated at this time however the operations would allow members to Bring Your Own Alcohol with exception to glass bottles around the swimming area. If the HOA does decide to pursue a liquor license they will need to make a formal application which would be reviewed by WHNA and immediate neighbors.

**Enforcement:** One of the main concerns from the LUP committee was enforcement of the terms outlined in the GNA. We encouraged language regarding open communication between the pool board and neighbors and hopefully matters can be addressed prior to taking subsequent steps in the conflict resolution process outlined in the GNA.

**Financial Viability:** Questions were consistently asked by community members regarding membership costs. We don't believe the LUP committee is responsible for commenting on the developer's business plan.

Overall, we feel the concerns of the neighbors was sufficiently addressed with commercial reasonable efforts and results. We appreciate the professional and pragmatic approach of the City appointed mediator who proposed to have a representative from the immediate neighbors as a signatory. After 8 revisions the GNA was executed, reference Exhibit D.

## **Community Polling Results**

In effort to better understand neighborhood sentiment, we conducted a poll within the community. We believe this poll reflects the broader views and representative opinions of the entire community. The results of the survey show 39% of residents use adjacent community Scheitler or Ashland recreational center's pool and 20% are members at pool clubs such as Applewood Knolls and Lifetime Fitness. Most notably, 78% of respondents believed that a membership-based community pool would benefit the neighborhood. Roughly half of the neighbor's polled would likely consider joining. During the winter months 61% of those surveyed would enjoy using hot tub and saunas. We are optimistic that this project, if approved, will be an amenity for the greater neighborhood. Please find the polling results attached for your reference.

## **Conclusion**

After carefully reviewing the developer's application, engaging with the community including hosting neighborhood meetings, and supporting negotiations for a GNA, we support the subject rezone. We believe that the developer has taken reasonable steps to address the concerns of the neighborhood and that this project will bring positive value to

the community. We are optimistic the operator will be successful, and the pool will be an amenity for the neighborhood while being respectful to the immediate neighbors.

Thank you for your attention to this matter. Should you require any further information or clarification, please do not hesitate to contact me directly.

Sincerely,



Eric Rymarz  
Land Use and Planning Committee - Chair  
West Highlands Neighborhood Association  
RNO #176

Exhibits:

- A. Immediate Neighborhood Flyers distributed on October 14, 2024.
- B. WHNA LUP to Denver LUTI Letter dated October 14, 2024.
- C. Neighborhood Survey Results.
- D. Executed Good Neighbor Agreement (GNA).
- E. WHNA LUP Commercial Review Process:
  1. Does the rezone request conform to blueprint Denver?
    - Yes. Planning board also voted to support the rezone on 10.2.24.
  2. How does the rezone request fit with the neighborhood context?
    - 3719 Wolff St is retail corridor adjacent. Although immediate neighbors are multifamily and single-family homes, we believe with respectful architecture the pool design will fit within the neighborhood context.
  3. Will the rezone request add value to the neighborhood or potential residents?
    - In our opinion yes, so long noise does not before of systemic issue, the pool will add value to the neighborhood and immediate neighbors.
  4. Would the rezone request adversely affect any specific individuals?
    - Many neighbors have spoken out with concerns regarding noise and parking, reference GNA Negotiations in the body of the letter.
  5. Could the rezone request adversely affect noise, parking or otherwise?
    - We believe the GNA is providing commercially reasonable efforts to address these concerns.

Hello Neighbor!

My name is Bill Hare. I am the vice president of the West Highlands Neighborhood Association, and I also serve on the Land Use and Planning Committee. The developer has requested a letter of support from that committee for the **rezoning at 3715 Wolff St.**

I stopped by today to hear from you about the rezoning, **specifically to ask whether you support or oppose it.**

The Planning Board has now unanimously approved the application but **there is still time for you to raise your voice and express your position.** This coming week, on Tuesday the 15<sup>th</sup>, the City Council Land Use Committee votes on the rezoning, and then the full City Council will vote in late November or early December.

**Your opinion will shape my position** when the West Highlands Neighborhood Association votes on the matter. I am eager to hear from you ASAP because we will be voting this week.

Many thanks in advance for your willingness to talk with me.

Please reach out and let me know your position - my contact info is:

Bill Hare

3715 W 32<sup>nd</sup> Ave.

920-216-3695

whare@FBCRemodel.com

Date: October 14, 2024

To: Denver City Council Land Use, Transportation & Infrastructure Committee

From: West Highland Neighborhood Association - RNO #176

Re: Zoning Case # 2024I-00070

To Whom it May Concern,

Regarding variance request at 3017 Wolff St Denver, the West Highland Neighborhood Association (WHNA) Land Use and Planning (LUP) committee was contacted by the property owner/developer to comment of the subject variance request from U-SU-C1 to OS-B for the intended use of developing a membership-based pool club. We initially met with the developer in 2023 prior to the rezoning submission and then again during the WHNA general meeting on October 1, 2024, which was moderated by the Chair of the LUP committee, Eric Rymarz. The developer gave a presentation on the concept followed by Q&A for about 45 minutes. Main concerns raised during the presentation, prior discussions and correspondence are as follows:

Noise: The developer's position is the club will follow noise ordinances and the OS-B zoning restricts speakers which the current residential would allow.

Parking: The developer's position is he looking to establish parking agreement with sprouts and adj church however acknowledges the pool will be busy during holidays, but he is optimistic there will be large population of people biking.

Equitably: The developer believes people will join his club who currently use Scheitler or Ashland pool therefore providing better access for people who cannot afford his pool club.

Building Increased Density: It was explained to neighbor's that increased residential density was not allowable under the proposed OS-B zoning.

The developer has committed to participating in discussions regarding a Good Neighbor Agreement (GNA) to address these and potentially other concerns however the details of an agreement has not been reviewed.

Additionally, the LUP committee has prepared a survey, see attached. We are waiting on more neighbors to take this survey prior to publishing any results. The developer has also conducted surveys. Based on initial neighborhood reactions, there are certainly members of and families within the neighborhood who believe the West Highlands would benefit from a membership-based pool club. Note the West Highlands does not have a community pool like Scheitler, Ashland or Highland Recreational Center within its boundary.

Conversely, there has been opposition to the rezone, mainly from immediate neighbors. We are under the impression that letters have already been issued so we do not feel the need to reiterate their position. However, the Vice President of the WHNA, William Hare knocked on doors in the immediate area surrounding 3017 Wolff St and was able to discuss the rezone with 11 households of which 6 didn't take a position, 3 were opposed and 2 were in support.

We intend to gather more information and community feedback in the coming weeks. Following which the WHNA LUP Committee and/or the WHNA Board will prepare a final letter with recommendation on the subject rezone in the advance of the formal City Council vote.

Please let me know if you have any questions. Thank you,

A handwritten signature in black ink, reading "Eric Rymarz". The signature is fluid and cursive, with the first letter "E" being large and stylized.

Eric Rymarz  
Chair of the WHNA LUP Committee

[Eric.Rymarz@Urban-Villages.com](mailto:Eric.Rymarz@Urban-Villages.com)

847-636-2267



# West Highlands - 3719 Wolff St Rezone Survey

57 responses

[Publish analytics](#)



**Name:**

55 responses

Richard Rosen

Jean-Francois Duclos

Aaron

Chris McAlister

Joseph Gargotto

Alexander Baker

Josh Schulz

Patrick Logan

Philip Brown

Gary Gartenberg MD

Eric

Eric Rymarz

Joyce Gold

Gregory Kravit

Caitlin

Deborah Gartenberg

Kate Farley

Chi-Chi Lin

Kristen Baker

Meg Lafave



Chris Reiss

Stephanie Goldammer

Megan Mohr

Jack Spittler

Lilly hancock

Jill Schulz

Kathryn Westman

Gina Cornelio

Aaron Botwick

Honey Niehaus

Liz McDonald

Nick schoon.

Brendan Gallagher

Paul Stewart

Barb Granica

Sherrie McGee

Jillian Dardani

Greg Doherty

Justin Cowan

Damion LeeNatali

Megan Blankenship

Kasia cox



Joe Michie

Ilan S Salzberg

Jana Miller

Jared cox

Joan M. Bolduc

Aaron Blanke ship

Emily Bradbury

Laura Rymarz

Greg Hero

Eddie Schermerhorn

Sam Clough

Paul Cloyd

Jeff Mohr



## What is your address?

53 responses

3401 Quitman St

3121 Quitman St

3305 Stuart St

3744 Yates

4724 W 36th Ave

4730 W 37th Ave, Denver 80212

3133 N Raleigh St

2812 Perry St.

3050 w 36th ave

3300 Perry St

3747 Yates St

3289 Meade Street

3744 Yates

3712 Wolff St

4729 w 34th ave

3289 Meade St. Denver

4545 W Hayward Pl

4518 W 34th Ave

2812 Perry Street

3301 Quitman Street



3027 Yates Street

3411 Quitman Street

2624 Wolff St

3459 Quitman Street

3050 W 36th Ave Denver CO 80211

4519 W 37th Place, Denver 80212

4427 W 30th Ave

2860 Perry Street, Denver CO 80212

4730 W 37TH AVE #9

3036 Zenobia

3030 Stuart St

3410 W 31st Ave

3089 W 34th Ave

3865 Vrain St.

3040 Zenobia St

5024 West 34th Ave

3261 Perry St

3023 Newton street

3039 W Highland Park Place

3316 Osceola St

3295 Stuart St

3691 Utica



3039 W Highland Park Pl

3033 Yates Street Denver, CO 80212

3706 Newton Street, Denver, CO 80211

3353 Quitman

3377 w Hayward Pl

4729 W 34th Ave

3033 Yates St

3411 quitman street



## Do you have children? If so, what are their ages?

55 responses

No

no

6, 8

7

Yes, 3

8-5

5, 9, 11

8

41,38,32,29

Yes. 7 and 5z

Infant

Yes, 5 and 7 yo

Adults; 2 grandchildren nearby. 4 & 7 years old

Yes, 1

Yes, 8 and 5

Yes. 9 and 6.

Yes - 6 years old

8 and 6

5 and 7

Yes, 2 and 4





Yes –11, 9 and 5

n/a

4, 8

Yes, age 1

Yes, 5 & 9

Yes, 1 yo

0

16

55

8, 5

10 and 7

Yes. 8 and 10

Yes, 7 and 7

Yes, 7yrs old

Yes teenagers

5 and 8

Age 7

Yes. 6

5 & 7

33, 31, 28, and 24

7, 5

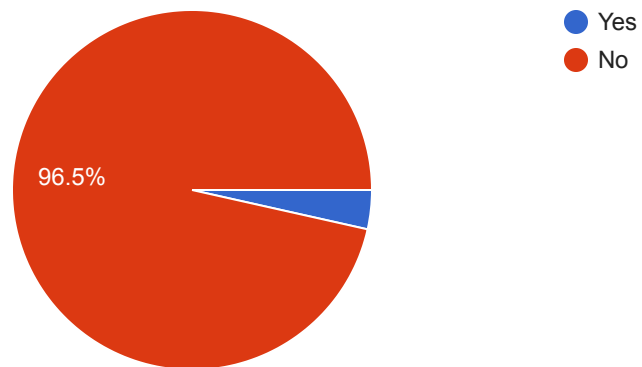
6 and 8



Do you have a pool at your residence?

 Copy

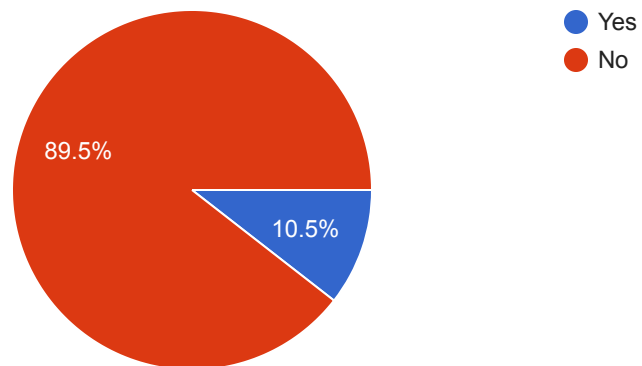
57 responses



Do you have a hot tub at your residence?

 Copy

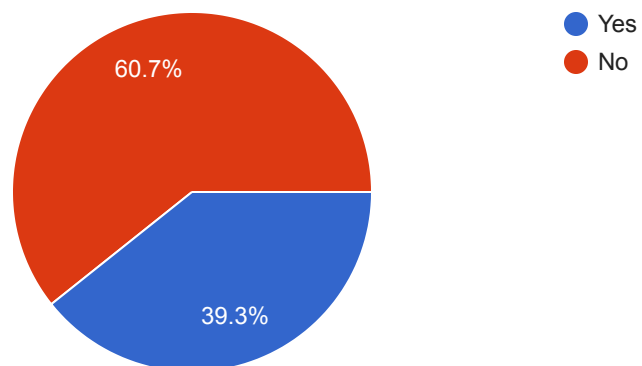
57 responses



Do you utilize Scheitler, Ashland or Highland Recreational Center's Pool?

 Copy

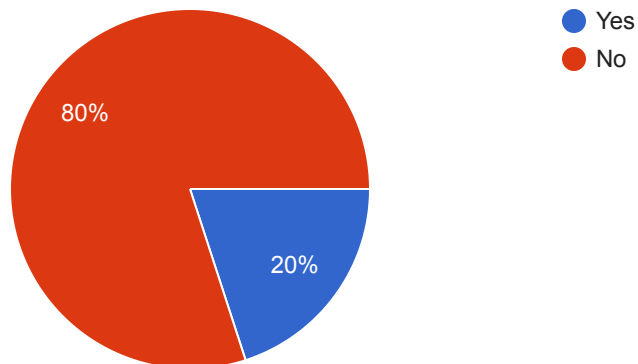
56 responses



Are you or your family already members of a membership-based club with a pool?

 Copy

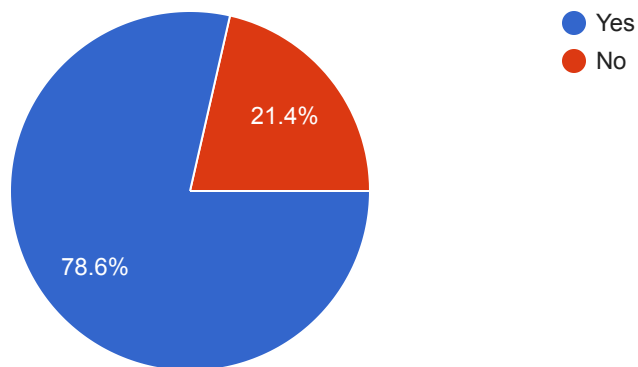
55 responses



Do you think the West Highlands can benefit from a membership-based neighborhood pool club?

 Copy

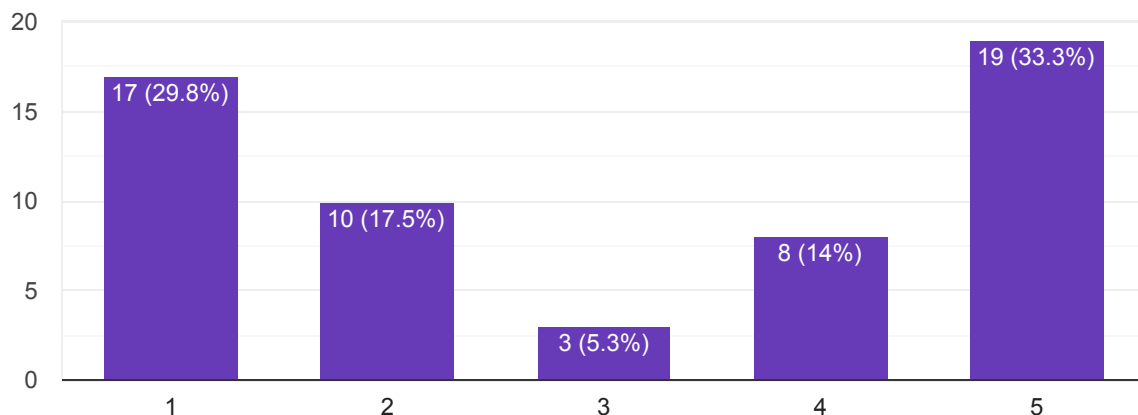
56 responses



On a scale of 1-5 how likely would you or your family consider joining a membership-based pool club in the West Highlands?

 Copy

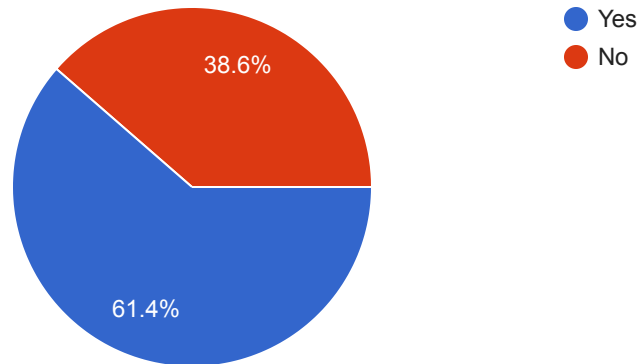
57 responses



Would you or your family enjoy having hot tubs or a sauna available in the winter months?

 Copy

57 responses



## Do you have any questions or concerns regarding the establishment of a membership-based pool club in the West Highlands?

36 responses

No

Regardless of the claim of staying within 55 dB allowed limits the experience at other pools and similar venues is that of frequent noise complaints by neighbors. Why WHNA would base their recommendation on this survey to the city is beyond belief. It is a consequence of simple geography that there will always be more people who live away from a project than immediately next to it . And such a vote that doesn't recognize this is biased and invalid. And to base a survey where no one would want to have a development like this in their backyard but willing to vote to have in someone else's backyard is extremely selfish and immature and why, again, does WHNA failure to recognize this is misguided and should instead recognize the harm to people and property values and opine what is best interest of the community to preserve the quality of life in this quiet area. And did I you know that the developer is currently considering asking \$20,000 per year membership? And how many West Highlanders will young families do you think will join. At these prices, at best, will draw from surrounding more affluent areas and provide no benefit to West High residents.

I have major concerns regarding the proposed pool club. A private pool will reduce investment (both financial and emotional) in the public resources (pools, recreation centers) that are so important for our community. In addition to Scheitler, which is in walking distance, there are several pools within a short bike/drive of the West Highlands neighborhood. We need amenities that bring us together, not those that only a select few will be able to afford.

cost of memberships to understand accessibility

A wall should be required to protect neighbors from the sound and to prevent trespassing.

Na

This is not an "open space", but a concrete haven that magnifies the noise level! All those in favor of this project live far away from 3719 Wolf and will not experience nor have concerns for us that live nearby for the noise level, parking, and especially our property values! There are other neighborhood pools that are free or less expensive with some to swim year round. Please ask everyone if they would like to have this next to their home!

Membership fee of \$20k is extraordinarily high and unaffordable. If membership is not reduced to a reasonable level for neighbors, then we will be opposed to the club.

Thank you!

My concern is it being cost prohibitive to the average family in the neighborhood.



Sounds very close to neighbors. Tall solid fences would be important to keep the noise level down.

We support this project and would absolutely join!

Need a place that has clean and modern shower facility for afterwards!

Affordability

n/a

Prohibitive cost of joining

Will there be swimming lessons? Will they be providing service to the community?

What would cost be and how many community members would be able to benefit?

I have concerns about possible late night noise disturbance for residences adjacent to the proposed swim club. I would ask that operating hours be set with closure at or before 10pm in the evening. If liquor license is applied for, again I would ask that closure at or before 10pm be mandated. This is adjacent to residences and those living nearby have a right to quiet in the evenings. I live adjacent to all the businesses on W 38th and there are definitely certain businesses that lack respect for people living (sleeping) here and many noise disturbances after 10pm at night. I have worked through some of those myself on occasion. It would be a shame if the already burdened Denver police department was receiving noise complaints by changing a residential zoned property to a property that will become a swim/private party club. I also find it odd that in the city zoning review they keep referring to this as a "Park for Public Use" under the requested new zoning. If this is a private club it is clearly not available to the public, also it is not going to be a park and in fact the effect to the neighborhood is to diminish some of the existing green space on that property and replace it with buildings. Please protect the nearby homeowners from late-night noise disturbances with the requested zoning change for this space. Thankyou!

We are extremely supportive of establishing a pool club in West Highlands!

We don't want it!!! We don't like the noise, the parking problems, the additional traffic. We don't like that we didn't find out about this until the last minute. The neighbors who are opposed have submitted a petition with 116 names.

I'd like a sauna

I am emphatically against this proposal. It encroaches the residential neighborhood and likely will cause traffic congestion; parking and noise issues. It is exclusive and not inclusive of our citizens.



It's an investment in the neighborhood as a family oriented business. At least it's not more housing

What will it cost is I think the biggest question, and what would be offered that isn't at the City of Denver rec centers. I am not strongly opposed, but feel this starts to separate the community in some ways vs bringing neighborhood-friendly activities together.

Would the land be better used for affordable or moderately priced housing now that Trump is president and housing will become more scarce and less affordable.

I oppose the rezoning. I do NOT live near the noise and traffic it will create. However, I care about those who do; my opposition is for the overall community and those who live nearby. When one buys a home across from/near a residential zoning (SU), one should reasonably expect it to remain so. Changing zoning from one home to a private club for 150+ members (possibly 2-5 persons per membership), is a drastic punch in the gut to the nearby community. This is a rezoning for the benefit of the few to the detriment of the many. It is the opposite of Denver's efforts at equity. I have read the silly notions about it relieving pressure from local pools, and creating open space. These are an obvious stretch when there is no other justification other than 'We want a private pool club.' Memberships at \$20,000-\$30,000 do not foster equity. The notion that people will walk or bike with their pool noodles, coolers, etc etc. are a pipe dream. The noise and traffic generated will detract from the health and safety of the surrounding area. Thanks for this survey.

I am concerned that it is being proposed for a property that is zoned residential. Neighborhood parking is always a concern.

Cost

If done properly, I think this could be a valuable addition to the neighborhood but I understand the concerns around noise.

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Memorandum of Understanding  
Regarding the Rezoning of the Property at  
3719 Wolff Street, Denver, Colorado

THIS AGREEMENT Is entered into by and between the West Highland Neighborhood Association (WHNA), a registered neighborhood association in the City and County of Denver, and Variety House, LLC., property owner ("Owner) and Highlands Pool Club LLC, the activity operator, (Operator), and Immediate Neighbors (Neighbors) of that property and activity operator at 3719 Wolff Street. This agreement is the result of a request for mediation by Councilwoman Sandavol in a rezoning application for 3719 Wolf Street from U-SU-C1 (single unit residential) to OS-B (private open space and recreation) to build and operate a private, members only swim club.

**AGREEMENT**

NOW, THEREFORE, for good and valuable consideration, the parties hereby agree as follows:

1. Hours of Operation.
  - a. There will be no public activity allowed at the Pool between the hours of 10:00pm, with clean-up until 10:30pm, and opening no earlier than 5:30am.
  - b. Lighting will meet City requirements and be downcast facing. Full lighting will be off in the patio area by 9:00pm Sunday through Thursday and 10:00pm Friday and Saturday.
  - c. Use of the patio and all food or amenity services will end by 9:00pm Sunday through Thursday, and 10:00pm Friday and Saturday. If there are liquor sales, they will end thirty minutes prior to these times.
2. Special Events.
  - a. Special events will be governed by all the terms and expectations outlined in this Agreement.
3. Buffer to residential property.
  - a. Owner will make a good faith effort<sup>1</sup> and take reasonable measures to add sound and visual buffers to the exterior of the property, including solid walls, dense landscaping and trees in the setback area.
  - b. Owner will commit that the fence constructed along the rear property line and on the area facing the lap pool on the north and south sides, constructed with acoustic fence panel with a minimum specified STC rating of 32dB. If the neighbors desire this wall to exceed six feet, they will agree to support a variance to allow an eight-foot fence. If the variance is allowed, Owner will construct the acoustic wall up to the height permitted by the variance.
  - c. Owner and Operator will adhere to all current and future Denver Department of Community Planning and Development requirements and recommendations for ways to mitigate sound impacting neighbors.
4. Noise Management.
  - a. Amplified music will not be allowed on the premises.

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<sup>1</sup> "Good faith effort" in this case is defined as "what a reasonable person would determine is a diligent and honest effort under the same set of facts or circumstances."



- b. Signage will be installed reminding patrons to be respectful of their neighbors and keep excess noise to a minimum, both within the premises and as they exit.
  - c. The pool machinery room shall be housed in the basement of the club house and fully insulated to minimize noise.
- 5. Parking and Traffic.
  - a. Owner and/or Operator will meet city requirements when it comes to parking and will make a good faith effort to arrange with area businesses additional parking arrangements.
  - b. Additionally, Owner and/or Operator will make a good faith effort to reach agreements with surrounding businesses for additional parking.
  - c. Bicycle racks will be placed by the entrance to the Pool to encourage bike riding.
- 6. Trash Pickup.
  - a. Dumpsters will be placed in an enclosure located toward the front of the property and serviced regularly by a commercial trash service.
  - b. No emptying of glass bottles or other trash from inside the Pool and into the dumpsters will be allowed between 9:00pm and 8:00am.
  - c. Best efforts will be used to ensure commercial emptying of the dumpsters will be between 8:00am and 5:00pm.
- 7. Liquor License. The Owner will not apply for a liquor license. However, If at some point in the future the Operator applies for a liquor license for the Pool, Operator will abide by all applicable laws and regulations pertaining to the sale and consumption of liquor.
- 8. Complaints.
  - a. A point of contact (phone and email) for the Operator will be provided to all immediate neighbors and WHNA, as a point of contact for any issues and concerns not involving emergency situations. The Operator Contact will respond in no less than two business days and will make a good faith effort to resolve the complaint in as timely a manner as possible.
  - b. If the complaint is not resolved in this manner within one week, the parties will agree to mediation as a way to resolve the complaint. The mediator will be provided by the City of Denver.
  - c. If the complaint is not resolved through mediation, the parties will submit to Med-Arb, where the mediator first serves as a mediator in mediation, and upon failing to reach a resolution will act in the capacity of an arbitrator and determine the outcome.
  - d. All parties agree to abide by the decision of the arbitrator.
- 9. Enforcement.
  - a. This Memorandum of Agreement runs with property.
  - b. Owner will notify West Highlands Neighborhood Association Board, in writing, in no less than thirty days prior to any proposed transfer of ownership of the property.
  - c. Owner will notify any subsequent owner of all the requirements and expectations outlined in this agreement.
  - d. Upon request and if the rezoning is approved, Owner will file this agreement with the Clerk of the City and County of Denver within thirty (30) days of the rezoning approval.

10. Rezoning Request

- a. Owner, Operator, the WHNA Landuse Committee members, and immediate neighbors reached an agreement, the result of this agreement being that the WHNA Landuse Committee and immediate neighbors agree to support or not oppose Owner's rezoning request.

Signed:

*Ilan Salzberg*

Ilan Salzberg, Property Owner and Applicant

2024-11-27

Date

*Eddie Schermerhorn*

Eddie Schermerhorn, President of West Highland Neighborhood Association

2024-11-27

Date

*Edee Alesi*

Edee Alesi, Immediate Neighbor at

2024-11-27

Date



# Signature Certificate

Reference number: XGBRJ-NW62Q-IIGGV-CH7MP

## Signer

**Ilan Salzberg**

Email: [ilansalzberg@gmail.com](mailto:ilansalzberg@gmail.com)

Sent:

Viewed:

Signed:

## Timestamp

27 Nov 2024 19:10:29 UTC

27 Nov 2024 19:12:27 UTC

27 Nov 2024 19:12:42 UTC

## Signature



## Recipient Verification:

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## Signature

### Eddie Schermerhorn

Email: eddie.schermerhorn@gmail.com

Sent:

27 Nov 2024 19:22:49 UTC

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27 Nov 2024 20:53:33 UTC

Signed:

27 Nov 2024 20:55:30 UTC

*Eddie Schermerhorn*

### Recipient Verification:

✓ Email verified

27 Nov 2024 20:53:33 UTC

IP address: 72.94.92.216

Location: Wallingford, United States

### Edee Anesi

Email: edee@cavalieredenver.com

Sent:

27 Nov 2024 19:22:49 UTC

Viewed:

27 Nov 2024 21:27:09 UTC

Signed:

27 Nov 2024 21:31:22 UTC

*Edee Anesi*

### Recipient Verification:

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IP address: 174.51.4.27

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Melissa,

Apologies, there was an error in the version I sent. I included the correct one here.

Good evening,

I'd like to address the rezoning proposal currently under consideration in our residential neighborhood. I am very disappointed with how the process has been handled, particularly with the lack of communication and engagement from the relevant parties.

I felt I had no choice but to sign a Good Neighbor Agreement, which was initiated not by the developer or the West Highland Neighborhood Association (WHNA), but by Councilwoman Sandavol, after the planning meeting on October 2nd. Although I do not oppose or support the rezoning request based on the GNA, I continue to have concerns about the process that led us to this point this evening.

I did not hear from anyone in the WHNA until October 14th—two weeks after the planning committee meeting. The only form of outreach I received was a survey, which I found deeply inadequate. The questions, such as "Would you like to swim or sit in a hot tub after skiing?" seemed entirely disconnected from the issues at hand. This was not an effort I could take seriously.

Furthermore, despite claims from the development team that they sent a letter, I never received any direct communication from them. I'm left wondering how they managed to reach other neighbors, but not me, especially considering I share the longest stretch of property line with the proposed development.

The WHNA had only 24 responses to their survey (results were emailed to me by Bill Hare, V.P. of WHNA on 11.22), which raises serious concerns about the level of community engagement. If community outreach is one of their responsibilities, they have clearly failed in this case. Their lack of meaningful communication appears to be in stark contrast to the claims that they represent the interests of the neighborhood. In contrast, my neighbors canvassed the neighborhood over two weekends and gathered over 116 signatures in opposition to the proposed rezoning. Many neighbors expressed that they had no idea about the rezoning at all. How can the WHNA, with only 24 survey responses, claim to have adequately engaged the community? How can anyone, especially City Council, take the WHNA seriously when they failed to properly inform and involve residents in such an important decision?

Given all of this, I ask the City Council to disregard the WHNA's recommendation, as it is clear they did not engage with the community adequately and may be acting in ways that serve only narrow interests.

Thank you for your time and consideration.

Edee Anesi

Dear Denver City Council President Sandoval and Council Members,

Thank you for the opportunity to comment on the proposed rezoning from Single Family to OS-B for a private swim club. Although we live approximately three blocks away, we care about our neighbors who are immediately adjacent, and the direct and significant impact this rezoning will have on their homes and lives. In addition, we believe this project goes against our city's goals of equity and conforming uses in our neighborhoods.

The City of Denver goals include increasing park and recreation access for "all residents and of all backgrounds." This proposal serves the opposite of this goal. In order to build the proposed project, the plan calls for investors to fund it, as well as annual passes to participate. Ultimately it will contribute to gentrification. We need housing to remain as affordable as possible in our popular neighborhood--not grow ever-more exclusive.

While the Comp Plan and Blueprint Denver might 'allow' for OS zoning, it still must be the right use and conform to the community. Any rezoning should carry with it an enormous benefit for many residents. This proposal will concrete over and hard-scape an area that is better suited to residential. A more justifiable rezoning would perhaps allow multi-unit housing in a greatly needed form: duplexes or a small condo project. What we need most in Denver is more housing, not a private pool mere blocks from two wonderful public pools.

We are also concerned with the negative impacts on the overall health and safety of the surrounding area due to an out-sized increase in noise and traffic well into the night.

In short, this project is destined to serve the few at the expense of the many. We urge the Council to reject it in favor of a more conforming use that fosters equity and furthers Denver's housing goals.

Jana Miller and Martin Ruble  
3691 Utica

Hi Mr. Clauson - good evening.

My name is Paul Walker and I live at the corner of Wolff and 36th Ave.

I recently saw the rezoning sign on 3719 Wolff St. (adjacent to the Sprouts) and started doing research into this proposal. After looking through the previous meetings, approvals, and proposed plans for the property - I am shocked that it has even made it this far through the city planning office. There is an indoor AND outdoor pool just 1.0 miles away from the proposed zone change.

While public spaces and more community-focused development is something important - **it must be done so with strong planning that does not overburden the surrounding community for a private owner's/ investor's profits.**

1. **Parking and Traffic Congestion:** According to the Denver Zoning Code for single-family residential areas (specifically the R-1 district), our neighborhood is designed to support residential use with a focus on maintaining a quiet, low-traffic environment. The addition of a swim club would significantly increase vehicle traffic and demand for parking, which our streets are not equipped to handle. This could lead to unsafe driving conditions and inconvenience for residents, who already face challenges with limited street parking. **Additionally, the plans for the pool include only 12 parking spaces whereas there will be hundreds of members.** That will cause a ton of additional traffic and parking issues in the surrounding area.
2. **Noise and Disruption:** The Denver Zoning Code aims to preserve the residential character of areas designated for single-family homes by limiting non-residential uses that might disrupt the tranquility of these neighborhoods. The operation of a swim club would introduce noise from pool activities, social gatherings, and potentially late-night events, which would disturb the peaceful environment that our community values and depends on. Many of the "supporters" who have copy and pasted messages to your team **live miles away and would not be impacted directly by next door issues/ incidents/ noise/ disruption.**
3. **Impact on Property Values:** The presence of a swim club in our R-1 zoned neighborhood could negatively affect property values. According to the zoning code, maintaining the residential character is crucial for preserving property values. Families attracted to the calm and quiet nature of our area might be deterred by the introduction of commercial-like establishments, potentially leading to a decrease in property values and altering the appeal of our neighborhood.

I have talked to numerous neighbors who did not know this proposal was in the works either. They will be emailing shortly, but please note that this is not a favorable proposal as was described on the meeting that took place on 11/04/24. Neighbors in the Wolff/ 36th Ave location have expressed negative sentiment **unless the issues on parking, noise, etc. are addressed.**

At the very least - please extend the time to gather more feedback from the immediate community.

Thank you,  
Paul

Dear Councilpersons Sandoval, Gutierrez, and Parady and Mr. Clausen,

I am writing to voice a strong objection to the proposed zoning of 3719 Wolff St.

According to the developer in their rezoning application, "The purposed OS-B map amendment is consistent with the Denver Comprehensive Plan 2040 goals including a) equity goals b) climate goals as well as c) "Healthy and Active" goals as well as the goal of building "Strong and Authentic Neighborhoods.""

Each of these claims are incorrect and misleading. The proposed development plan is the creation of an exclusive luxury swim club with a price point of \$20,000 or more. This clearly does not further equity goals - it is a luxury asset available only to those of significant means.

As for the "climate goals," the property under question is currently a mostly green and natural space, whereas the development would involve converting much of this space to steel and concrete. Energy and water use to maintain a standard-sized lap pool and clubhouse would undoubtedly be much higher than residential energy use. Furthermore, since this club would be financially inaccessible to most members of the local community, it is reasonable to assume that this luxury business will need to draw from a larger area than NW Highlands and would therefore contribute to increased car traffic. None of these features is supportive of climate goals.

Similarly, the "healthy and active" goals would extend only to the paying members of the private swim club, *not* to the NW Denver community at large. In fact, the increased volume of car traffic and parking congestion, as well as the potential noise concerns, would likely *decrease* walkability and outdoor enjoyment for local residents.

It is clear that this project does nothing to support "Strong and Authentic Neighborhoods." It offers nothing other than increased parking congestion and increased noise concerns to the average resident of our neighborhood. Every neighbor who I have spoken to who is aware of the exclusive, expensive nature of the swim club has been clearly opposed. It is really a no-brainer that this "community asset" is nothing of the sort. Furthermore, many of my neighbors who have voiced support for this project have been deliberately misled as to the nature of the swim club, not realizing the high price point and exclusive nature of this "public asset" which would make it inaccessible to the vast majority of local residents. For instance, a local Facebook group which has garnered extensive support for the project is moderated by someone who is sympathetic to the developer and may be suppressing clear and complete information as to the nature of the development plan.

**I live only two blocks away from the proposed site and strongly object to the proposed zoning change. This neighborhood has no use for a luxury pool that only the rich can enjoy. The Zoning of Open space is meant to provide more nature, more outdoor recreation, and less noise to the broader community. This proposed luxury pool does nothing of the sort.**

Thank you for your time and consideration,

Sheila K. Pack  
3755 Tennyson Street, 80212



December 2, 2024

Dear Denver City Council President Sandoval and Council Members:

I have lived in West Highland neighborhood for 14 years—first in a rental home one block from the proposed private swim club site, then in a home I purchased three blocks from the site, and now in a co-housing community about one block away from the site. I speak from my lived experience right in the neighborhood where my family also lives nearby.

In 1987 I was appointed to the Denver County Court by Mayor Pena where I served for ten years. One of the lessons I learned as the judge may be helpful to you as it was to me—to make sure of the reliability of facts as presented by a petitioner. While I am sure that the developer here is an honest business, in reviewing the application for this zoning change, I found its characterization of my neighborhood disturbing, skewed, and misstated. I'd like to mention three statements.

- 1) To quote the application: This local amenity will be accessible by bike and foot to the majority of users who currently drive 5 plus miles and 20 minutes each way for similar amenities.**

This long-distance drive to a swimming pool may be true for residents seeking an elite private swim club, but most of us in the area are happy to walk, bike or drive less than a mile to any of three other open recreational spaces:

Our neighborhood is rich in outdoor recreation areas. The proposed site is about one mile between Berkeley Park and Sloan's Lake Park as well as Pferdestellar Park only four blocks away. Scheitler Recreation Center has not one, but two pools and is located in Berkeley Park that includes a dog park, playground, basketball and tennis courts, soccer and baseball/softball fields. Pferdesteller Park is a large pocket park with an outdoor basketball court, soccer field, children's playground and open space. Sloan's Lake, with a bike path and open space. And it's only 2 miles to Rocky Mountain Lake Park, plus 24-Hour Fitness gym is around the corner.

- 2) To quote the application: The 3700 Block (of Wolff St.) has a wide variety of structures including a grocery store, restaurant, multifamily apartment building, duplex housing, rowhomes . . . etc.**

This statement creates the impression that Wolff St is almost “mixed use,” when in fact, *all of the structures on Wolff St are residential*, except for two, both of which have W. 38th Avenue addresses--Sprouts Market, the *back* of which is on Wolff St. and a restaurant *on the corner*

**3) To quote the application: The prior use on site was a functionally obsolete single -family home.**

The recent Zillow listing describes the property as anything but functionally obsolete. It states: “a 4 bedroom 2 bath, 2314 sq ft . . .built in 1914. . . open floor plan. . . spacious living room . . . adjoining dining area for . . . parties. . . The . . . kitchen featuring sleek countertops, ample cabinetry, and modern appliances. . . a fully equipped guest house. A children’s playset, an oversized 2 car garage complete with large workshop.”

When you look at photos of the site now, you will see abundant greenery--about ten trees, plus bushes, and a grassy area in front of a set-back house—a very open space. When you look at the drawings for the proposed club, what do you see ? Open space? I see a parking lot, a club house and a swimming pool—presumably made of concrete, and a notation that one tree will remain. In this neighbor’s opinion, the proposed space is not open space at all, but a constructed business enterprise.

Sincerely yours,

Jacqueline St. Joan

4740 W 37<sup>th</sup> Avenue