



## MEETING MINUTES LOWRY DESIGN REVIEW COMMITTEE

Zoom Meeting

**Thursday, August 4<sup>th</sup>, 2022  
8:30 a.m.**

- **Call to Order** **8:30 am**  
The meeting was called to order at 8:31 am. Kevin Yoshida, Bill Wenk, Carla McConnell, Steve Lane, Robin Ault, and Jamie Fogle were in attendance.
- **Approval of Meeting Minutes from July 7<sup>th</sup>, 2022** **8:30 am - 8:35 am**  
The meeting minutes from July 7<sup>th</sup>, 2022, were unanimously approved.
- **79 Rampart Way** **8:35 am – 9:10 am**
  - **Variance Hearing**

The applicant presentation for the Variance Hearing began at 8:38 am. The applicant cited as a reason for the variance, an economic hardship related to the original PBG that required two 16-unit, 4-story buildings with an average footprint of 2,000 square feet per unit. In the current real estate market, the number of units and average size aren't feasible. The applicant met with the Luce community over a year period and a Memorandum of Understanding was signed in June 2022. The applicant presentation closed at 8:43 am.

Carla McConnell asked if the city has indicated it would approve an entrance off Academy Blvd. The applicant is currently in discussions with the city on that access point, but that discussion is not complete.

Bill Wenk asked to see the proposed building as it varies from the original PBG. Rather than a 5-story singular building with height within the Design Guidelines (100,000 GSF, 68 residences) to a 7-story stepped structure (100,000 GSF, 68 residences) that accommodates the Luce community's six requests for: (1) no shade on the existing access road, (2) maximum open space

with single building, (3) front door on Academy Blvd, separate vehicular access, 6 spaces for visitor parking, and parking and trash located below grade.

Carla McConnell asked about the shadow line on the original 5-story non-stepped building – asking if it shaded an existing Luce building or only the entrance road for the Luce community. Carla also asked to see additional renderings of the proposed, 7-story stepped building in context from the existing Luce buildings. The applicant also provided an image of the proposed structure in the context of the surrounding buildings. The proposed 7-story building would require a variance to 85’ – surrounding structures include the Luce buildings at 65’, Hangar 2 at 90’, and Quad 4 office building at 65’.

Bill Wenk asked about the original 2006 PBG, which the applicant explained needed to be altered because it was very prescriptive that there must be two 16-unit four-story buildings with an average footprint of 2,000 square feet per unit and the 2006 PBG did not allow for any amendments to the plan without the approval of Luce.

Kevin Yoshida asked the applicant to clearly state the requested variance. The applicant’s request is for a height variance to 7 stories in the commercial context zone.

Kevin Yoshida asked the applicant to clearly state the hardship reason for the variance. The applicant responded that in order to make the project feasible and in order to meet the six requirements of the MOU with the Luce Condominiums, a 5-story building would not be feasible.

Kevin Yoshida asked the applicant to clarify the ~~state~~ reason for the variance request. The applicant responded that the original PBG required approval by Luce to alter. Approval by Luce was dependent on meeting the six conditions that could only be met by raising the height to 7-stories and stepping down the structure.

Carla McConnell asked about the lot’s ownership. The applicant clarified that they have owned the lot since 2006.

Robin Ault asked for clarification about the viability of the original PBG. The applicant stated that the original PBG requirements don’t meet with the current market demand and pricing.

The question-and-answer portion of the Variance Hearing was closed at 8:59 am and moved into committee discussion.

Steve Lane stated that he favors the terraced solution that is proposed and that the building presented is much more compact and is a softer approach than the traditional flat-ended buildings in much of the community. Although the terraced solution would be more costly to build but would be a better fit for the site and meets the Luce requirements. Steve said he has strong feelings about the suitability of the structure for the site.

Jamie Fogle stated that he did not have any questions and is trying to wrap his head around the hardship cited by the applicant.

Bill Wenk stated that, urbanistically, the proposed project is superior to the original design, especially how it addresses the street. The original Luce structures are not pedestrian friendly.

The proposed structure is more connected to the community, which is a point in its favor. Bill has hesitation about breaking the 5-story height limitation in the Design Guidelines, but the proposed stepped building does provide a transition from the higher surrounding buildings (Hangar 2 at 90'), Bill described as a "whale" and the other residential buildings. Bill agrees with Steve in that massing-wise, the stepped building is a friendlier solution to the Luce structures. Bill emphasized that the vacant lot is a kind of "missing tooth" to the area there and to Rampart as a street.

Carla McConnell stated that on the height issue, Carla agrees with Bill that the stepped structure is a good transition but disagrees because this site is part of the core of Lowry rather than the edge and that Hangar 2 is only slightly taller and it is "our whale," our unique structure, and this proposed structure is not on Lowry Blvd, but on the interior of the commercial area. Carla does not believe that hardship has been proven.

Robin Ault stated that he thinks the massing is appropriate to the site. Robin would welcome development on that vacant lot, specifically with the Luce parking garage fronting the street. Robin is reluctant to embrace a two-story addition to the height limitation and is wondering if a lower height variance would also be feasible given the market conditions – a 6-story building, perhaps. Robin agrees with Carla that Hangar 2 is a "historical whale" and that the proposed stepped building is only 5 feet shorter than the Hangar. Despite his hesitation, Robin does like the proposed structure, appreciates the below-grade parking and the way it hugs the corner there. Robin is somewhat on the fence for the height variance.

Kevin Yoshida did not have any additional comments or concerns to what the other committee members had already stated.

Kevin stated that the three potential actions were:

- Continue the variance if additional information was needed.
- Motion to vote to approve the variance
- Motion to vote to deny the variance

Carla McConnell made a motion to deny the variance. Kevin Yoshida seconded the motion. The vote was tied and therefore the motion did not pass.

Bill Wenk moved to continue the variance hearing to the next regularly scheduled LDRC meeting on September 1<sup>st</sup>, 2022. Steve Lane seconded the motion. Carla asked a clarifying question about what the next steps would be. Bill emphasized the need for additional discussion or potentially a working session to further understand the hardship, the market conditions, the building hardship. The motion passed unanimously. The committee will establish next steps and what additional information is required and follow-up with the applicant.

- **7365 E 5<sup>th</sup> Ave Pkwy** **9:10 am – 9:45 am**
  - **Rooftop Deck with Solar Panel Awning**

The property owner cited that their homes are historic structures and that, because of that, they are not permitted to put solar panels on the roof. They are hoping to build out the rooftop deck

like their neighbors (theirs was left unfinished because the developer ran out of money), but with the addition of the solar roof over the deck.

Steve Lane asked about what the power would be used for; the property owner stated that the power would provide electricity to their home and to power electric vehicles.

Bill Wenk asked if the entire deck roof would be solar panels or only a portion. The property owner stated that she believes it's the entire roof.

Carla McConnell clarified that solar panels are allowed on historic structures by the Denver Landmarks Commission, but they are encouraged to be away from the primary façade. The property owner's understanding was that the Gallantry sub-association didn't allow solar panels on the roof. Carla McConnell asked if it was the house north of them with the trellised structure over their deck. The property owners confirmed. Carla said she appreciated that the trellis structure was held back from the garage façade by a line of planters along the face of the garage. Carla encouraged the property owner to consider the same.

Robin Ault said he was entirely in favor of the proposal and thought it is a great use of the existing structure.

Bill Wenk supported Robin and Carla's comments. Bill thought that the preliminary rendering looked a little bit heavy and that looking for ways to "lighten" the structure would be good.

Kevin Yoshida clarified that no vote needed to be taken and that the committee would welcome a full submission for the project. Jennifer Bublitz stated that the homeowner would need to get sub-association (Gallantry) approval prior to returning to the LDRC.

Kevin Yoshida said that the next submission to the LDRC, in addition to sub-association approval, would need to include a final set of architectural drawings consistent with what the city would require for permitting.

Carla McConnell stated that the property is part of a landmark district, and that the City's design guidelines for landmark districts are available on-line. Carla also asked about the 7-foot ceiling height and that it would feel very low and should perhaps be re-considered.

- **Administrative: Next Steps for 79 Rampart Way Analysis**      **9:34 am – 9:45 am**

The committee discussed what other information they would like to have to discuss related to the variance request. Carla McConnell expressed concern that future developers of the property would be then able to develop that site to 7-stories. Mary will check in with Elina on the precedent setting for the lot. The committee also has questions about why the developer can't build out the lot with less units, but that financial feasibility of fewer units is proprietary information. The committee also wants Elina to weigh in on any sort of modified application (6 stories instead of 7 stories, for example) and what that process would be and if it would be possible to continue a variance through some of the design review steps with the understanding that the variance hearing may not have an outcome favorable to the developer.

- **Yellow Pizza Structure - 7581 E Academy Blvd (Hangar 2) 9:45 am – 10:20 am**
  - **Variance Hearing**

The applicant presentation portion of the hearing began at 9:49 am. The applicant cited limitations to capacity to serve customers during the busy summer season as the reason for the variance for a temporary structure and limitations on adding a more permanent addition or structure to the existing building to expand capacity. Increasing the massing of the existing structure could block views and might be in competition with what was already on that end of the site. The applicant team considered other options, including a food truck, but felt like the shipping container provided a moveable footprint, but something less “cheap” in appearance than food truck, and that the shipping container structure was an appropriate nod to the original structure’s historical function as a loading dock. The applicant cited that, in many respects, the structure meets the spirit and intent of the Design Guidelines well, specifically sustainability and walkability of the site. The applicant presentation portion ended at 9:54 am.

The committee Q&A portion began at 9:55 am.

Jamie Fogle asked for clarification on the hardship. The applicant cited financial hardship if they were required build a permanent structure for a seasonal problem of higher summer demand for service. The cost differential between a temporary structure and a permanent structure is significant. Jamie asked if part of the variance hearing included time limitations and, if so, what are they? The application sites operating dates of April 1<sup>st</sup> thru October 31<sup>st</sup>.

Robin Ault’s questions were answered already.

Steve Lane had no questions.

Bill Wenk had no questions.

Carla McConnell asked about the Landmark Commission and city permitting. The applicant is going through a “Temporary Food Kiosk” permitting process. Temporary food kiosks can operate for up to six months – 180 days - per season. The structure will be starting to get inspections by the city, fire department, etc. The structure is not currently operational.

Carla McConnell asked about signage. The applicant clarified that there is one sign, a framed poster 30” by 40” mounted on the side of the structure. Carla McConnell also asked about landscaping around the structure. The applicant stated that there are potted plants and new sawtooth planters with trees planted in them to provide shade.

Carla McConnell asked for a definitive statement of the variance being requested. The applicant clarified that they are asking for a variance to be able to deploy the temporary structure from April thru October of each year.

If the city wants to use the Temporary Food Kiosk permit (limiting to 180 days), then the dates would be May 1<sup>st</sup> thru October 31<sup>st</sup>.

The committee Q&A section of the Variance ended at 10:06 am.

Committee discussion began at 10:07 am.

Robin Ault has no issues with the structure and sees its value to the Lowry Beer Garden and the community demand to enjoy the Beer Garden area. Robin understands that the formal process was not followed but is in favor of what they're doing and sees the seasonal need for the structure.

Bill Wenk echoed Robin's comments, stating that he thinks it brings vitality to the site and the "messiness" in that it softens the hard structure typically found in Lowry.

Steve Lane echoed Robin and Bill's comments and supports the structure as an adaptive re-use.

Jamie Fogle supports Bill's comments in that it gives a little "splash of life" to the site if there are parameters on the timeline of when the structure can be on site.

Carla McConnell has concerns about the city permits not yet being finalized and has concerns about a slippery slope of the structure ending up on site permanently. Carla also has concerns that it has not gone through Design Review and has concerns that the applicant chose to ignore a process of which they are aware. Carla thinks LDRC should consider a variance that would be conditional on the city's approval and requiring the structure to be removed by the end of October, but only for one year and require them to come back through Design Review before the structure is re-deployed in 2023.

Kevin Yoshida stated that he supports the creative solution but struggles with the variance criteria. He procedurally agrees with Carla and other commenters that the variance is unclear is not sure he can support the variance as written. Kevin stated that the variance request should probably run parallel to a Design Review process. This probably should have been a Design Review application of the structure. Kevin wants to consider a continuance to further digest the information and refining the specific variance being requested, with need for answers to some of the questions for Elina. The variance criteria are less than clear.

Robin Ault made a motion to approve the variance request for the variance of allowance of the temporary structure as presented by the applicant between April 1<sup>st</sup> and October 31<sup>st</sup> with no end date to the approval. Steve Lane seconded the motion. Four in favor and two opposed was the committee vote. The motion carried and the variance is approved.

- **Adjourn**

**10:20 am**

The meeting was adjourned at 10:22 am.