

**MINUTES OF
REGULAR MEETING OF
BOARD OF DIRECTORS
CRESTMoor PARK (2ND FILING) HOMES ASSOCIATION
(Date: October 6, 2014)**

The regular meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association on October 6, 2014 was called to order by John Sadwith, Chairman of the Board, at the home of Mr. Sadwith at 5:00 p.m.

1. **Directors in Attendance.** John Sadwith, Chris Penny, John Simonet, Stuart Gottesfeld, Tom Deline, and Robert Brown.

2. **Architectural Committee.**

a. **215 Ivanhoe.** Tom Deline described plans for a second floor addition, addition of brick façade to the existing newly constructed garage, and cutting back the driveway which encroaches onto the neighboring lot. The owner has complied with the requirements of the ARC and, based on the recommendations of Baer Hickman, Mr. Deline recommended approval of the current plans contingent upon remedying the driveway being built into the five-inch side setback and onto the neighbor's property prior to commencement of other construction on the project. A motion to approve the plans was made by Mr. Simonet, seconded by Mr. Sadwith, and approved unanimously.

b. **6000 E. Third Avenue.** Mr. Deline reported no response to his letter to the owners dated July 3, 2014.

c. **452 Leyden.** Mr. Deline described the relatively minor exterior improvements contemplated in connection with a home remodel and circulated the review letter prepared by Baer Hickman. Mr. Simonet moved to approve the plans as modified by the suggestions in the Baer Hickman letter. Mr. Sadwith seconded the motion, and the motion passed unanimously.

3. **Buckley Annex – Part 1.** In anticipation of Greg Kerwin joining the meeting to describe recent developments with respect to the development and rezoning of the Buckley Annex in general and the proposed adoption of a new overlay zone in particular, the Board discussed its general position with respect to such issues. Mr. Sadwith reported that Marcus Pochner telephoned Mr. Sadwith last week to confirm that the Association and the Lowry Redevelopment Authority continue to have in place an agreement that any developer of the property along Monaco would need to negotiate zoning, height, and setback with the Association. Mr. Sadwith expressed the opinion that the Association needed to concentrate on development along Monaco and that the height and setback of buildings along Quebec was not significant to the Association. Mr. Sadwith and other Board Members observed that the Board's

ability to act was likely constricted by the Bylaws, which require a member vote to support or contest, among other things, any change in zoning of neighboring parcels.

4. **Boundary Sign Vandalism.** The Board discussed the advisability of maintaining signs in light of certain vandalism, including the removal of eight signs last spring. Mr. Deline noted that the cost of the signs was approximately \$35.00 each, not including replacing cut chains and installation costs. The sense of the Board was to replace the signs and promptly notify homeowners of the planned undertaking and requesting cooperation with the installers.

5. **Weeds Along Holly.** After a brief discussion of unsightly weeds along Monaco, Holly between Ellsworth and Third, and on Holly south of Ellsworth, Mr. Brown suggested that Mr. Sadwith determine the cost of having the Association's landscape crew cut weeds along Holly between Ellsworth and Third perhaps once per month during the growing season. Mr. Sadwith will circulate a homeowners e-mail requesting owners along Holly south of Ellsworth to maintain the areas between their short fences and the street.

6. **Island Maintenance.** Mr. Sadwith received a proposal to replace the current annuals on the islands (which all agreed made the islands the best they had ever looked) with pansies for the period from approximately November through the planting of new annuals in the spring at a cost of \$3,500.00. The agreement of the Board was not to undertake such expenditure and simply to have the landscapers remove the annuals at the end of their season and turn the dirt similar to how Denver Parks treats its beds.

7. **Cedar and Monaco Development.** Mr. Sadwith described the proposed four-story/approximately 140 unit condominium project at Cedar and Monaco. Mary Beth Susman has stated that if the neighborhood determines it does not want a project on that site of a particular height or density, she will not support it. Mr. Sadwith noted inconsistent information was being transmitted by the developer's lobbyist and representatives.

8. **August Financial Statements.** Mr. Sadwith reviewed the financial statements previously submitted by Ms. Stone, noting that the Association was operating on at least a break-even basis and that accounts receivable had been dramatically reduced from prior years.

9. **Buckley Annex Part 2.** Greg Kerwin joined the meeting at approximately 5:50 p.m. having attended a Planning Board meeting on October 1, 2014 to discuss the planned overlay zoning district map for Buckley Annex setting small setbacks along Monaco and Quebec and depicting in drawings buildings of three and five stories along those streets. Mr. Kerwin described at length the difficult and confused hearing, that Denver had not provided adequate notice to RNOs, and that the process was significantly flawed. Brad Buchanan, the new Planning Director, agreed during the meeting with Mr. Kerwin's description of lack of notice issues and several board members at the meeting agreed with the lack of notice concerns.

Mr. Kerwin described a written statement submitted jointly by Crestmoor Filing 1, the so-called Crestmoor 3 neighborhood, and Lowry United Neighborhood to the effect that the overlay proposal was not consistent with the "adopted area plan" process. The City was relying on a GDP which is not an area plan but a document aimed at infrastructure development. At the hearing, the City referred back to many older plans that were simply inconsistent with the

current proposal. Mr. Buchanan apparently asked a Planner how the City functioned when dealing with a change such as this and no adopted area plan. The Planner's response suggested the Board has discretion to adopt changes to zoning and did not describe any principled way for making sure the new zoning was compatible with surrounding neighborhoods. Two Planning Board members voted against adopting the overlay district, but the vote carried. One member may have abstained – that was not clear. It is also not clear when this overlay district proposal will go to the City Council for approval.

Mr. Kerwin described the upcoming October 15, 2014 Planning Board meeting to zone the easterly 20 acres of Buckley Annex CMX-5, which is the maximum density available outside of Downtown Denver. Mr. Kerwin noted that the Planning Board does not consider its jurisdiction to include traffic problems related to development, since that is handled by Public Works.

Mr. Kerwin is working on an appeal of the October 1, 2014 Planning Board decision which may involve a lawsuit in Denver District Court. He did not ask the Board to take a position on the lawsuit, and instead just asked that the Board forward communications to the Association membership at appropriate times so residents know of new developments with the Buckley Annex zoning process. He asked the Board to consider submitting a statement to the Planning Board before the hearing on the C-MX-5 zoning proposal that indicates that many of the Association's residents have expressed serious concern in past meetings with the height and density in the proposed new zoning for Buckley Annex and the Board believes the majority of the Association's residents would support the position statement prepared by LRA, Crestmoor 1, and Crestmoor Park RNOs in opposition to the proposed C-MX-5 zoning on the east side of the Buckley Annex parcel. The Board agreed with that action.

Mr. Kerwin stated that the best option to resolve the problem is to require mediation with the developer. In order to avoid missing timelines for appeal, Mr. Kerwin suggested that he would need to file an appeal of the Planning Board's decision soon, but can request a stay of that lawsuit if the LRA decides it would like to participate in a mediation with RNO representatives for the surrounding neighborhoods. Mr. Sadwith will telephone Ms. Susman about this strategy and urge Ms. Susman to recommend mediation to LRA and the City.

10. **Overnight Rentals.** Mr. Kerwin also reported that Denver has an ordinance prohibiting rentals of less than a 30 day period within Denver city limits. Apparently, Ms. Susman is advocating to remove this restriction, thus permitting short-term, single day, or weekend rentals. Mr. Kerwin reported issues arising in other neighborhoods where weekend or other short-term rentals have used the opportunity to party on somebody else's property without regard to the neighborhood or other residents of a building. The Board did not take any action on the matter but expressed concern that Ms. Susman was out of touch with the residents of her District on this issue.

11. **Adjournment.** There being no further business to come before the meeting, the Board of Directors Meeting adjourned at approximately 6:30 p.m.

Respectfully submitted,



Robert L. Brown, Secretary