



- Contributed image

## City, Aspen Art Museum seek deal for downtown site

JULY, 8 2010  
AARON HEDGE  
THE ASPEN TIMES  
ASPEN, CO COLORADO

ASPEN — The city of Aspen has begun to negotiate a settlement that would move the Aspen Art Museum into a downtown property at Hyman Avenue and Spring Street.

The move comes in the wake of an appellate court case filed against the city after the City Council denied a development plan for the Wienerstube building, council members announced at a press conference Tuesday.

Mayor Mick Ireland said the council has reviewed the proposal, which, if approved, would provide a new venue for the museum in an area with much more pedestrian traffic than its current location on North Mill Street.

Chris Bendon, director of Aspen's community development department, said the city will host a series of public hearings, as well as brown-bag lunches at the museum, to give the public more information.

The brown-bags will showcase the proposal's current design. Ireland said the negotiations will be a healthy new starting place.

"Settlement is usually preferable to litigation," he said.

Hearings for the proposal will be held like any other land-use project that goes before the council, city officials said. Two hearings have been scheduled, the first on July 12 and the second on Aug. 2.

"All appropriate review mechanisms will be in place," said Councilman Steve Skadron. "We'll be following all the rules."

The property owner, 633 Spring II LLC, sued the city in district court after the council denied the proposal in 2008. Representatives of the limited liability company felt the city had acted outside its purview because the building plans did not violate any land-use code.

Judge Gail Nichols overturned the suit in June 2009, citing a clause in the land-use code dictating that new structures can't set a bad precedent for future building projects.

She said the building's 42-foot height could prompt other developers to request similar variances to build higher.

The building owners filed an appeal, which is still pending, with the state appellate court shortly after the decision.

Ireland said the decision to accept the proposal is solely that of the City Council. If it decides not to approve it, the case will automatically go back to the appellate court, said Jim True, special counsel in the city attorney's office.

The settlement scales back the original size of the building expansion and adds a "wooden screen" that will encompass most of the entire structure to accent its design, which was done by renowned architect Shigiro Ban.

Ban's design includes an entire room that will act as an elevator for patrons to view the entire museum without moving and transparent walls so passers-by can view the exhibits.

Heidi Zuckerman Jacobson, museum director, presented the building plans to the press. She said the project will allow the museum to market itself to a greater population, as it will be in a busier part of town. Admission will remain free, she said.

[ahedge@aspentimes.com](mailto:ahedge@aspentimes.com)

---

<http://www.aspentimes.com/apps/pbcs.dll/article?AID=/20100708/NEWS/100709865&parentprofile=&template=printart>