

CHERRY HILLS VILLAGE  
COLORADO

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Cherry Hills Village, CO 80113  
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Village Center  
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**City Council Agenda**  
Tuesday, May 6, 2014  
**AMENDED**

6:30 p.m.

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Update by RTD Director Kent Bagley, District H, Regarding FasTracks, Denver Union Station and Related Matters
5. Reports from Members of City Boards and Commissions
6. Audience Participation Period (limit 5 minutes per speaker)
7. Consent Agenda
  - a. Approval of Minutes – April 15, 2014
  - b. 2013 Audited Financial Statements
8. Items Removed From Consent Agenda
9. Unfinished Business
10. New Business
  - a. Public Hearing – Major Event Permit, Floodplain Development Permit, and Temporary Wireless Communication Facilities for the BMW Golf Championship
  - ~~b. Public Hearing – Special Event Liquor Permit Application for Cherry Hills Country Club at 4125 S. University Blvd. for September 1-15, 2014~~
  - c. Public Hearing – George W. Calkins Trust Subdivision (5100 E. Quincy Avenue) Preliminary Plat Review
11. Reports
  - a. Mayor
    - (i) Colorado Municipal League Annual Meeting
  - b. Members of City Council
  - c. City Manager and Staff
    - (i) Finance and Administration Department Annual Report
  - d. City Attorney
12. Executive Session pursuant to CRS Section 24-6-402(4)(b) to receive legal advice from the City Attorney on specific legal questions related to potential litigation concerning the City's short term rental ordinance.
13. Adjournment

Notice: Agenda is subject to change.  
If you will need special assistance in order to attend any of the City's public meetings, please notify the City of Cherry Hills Village at 303-789-2541, 48 hours in advance.

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 15, 2014 at 6:30 p.m.  
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:30 p.m.

**ROLL CALL**

Mayor Doug Tisdale, Councilors Russell Stewart, Alex Brown, Scott Roswell, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, Public Works Project and Right-of-Way Manager Ralph Mason, and City Clerk Laura Smith.

Absent: Councilors Mark Griffin and Klasina VanderWerf

**PLEDGE OF ALLEGIANCE**

Claire Chrisman, Catherine Ingersoll, Mariel Jastrebsky, Tamanna Shobha, Madison Taylor, Emily Tobler, Sara VanVelkinburgh and Kelsey Waldron from St. Mary's Academy AP U.S. Government and Politics class led the Council in the pledge of allegiance.

**MEMBERS OF CITY BOARDS AND COMMISSIONS**

There were no reports.

**AUDIENCE PARTICIPATION PERIOD**

Robert Barnett, 30 Meade Lane, indicated that he loved living in the Village. He asked that the Council consider not restarting the photo red light at University and Belleview. He also asked that the Do Not Turn sign at University and Quincy be taken down during the summer when schools were not in session. He expressed support for undergrounding utility lines.

Jim Woodward, 4120 S. Clermont Street, indicated his opposition to the proposed play structure in Dahlia Hollow Park.

**CONSENT AGENDA**

Mayor Pro Tem Stewart moved, seconded by Councilor K. Brown to approve the following items on the Consent Agenda:

- a. Approval of Minutes – April 1, 2014
- b. Zayo Group, LLC Right of Way Use Agreement
- c. A-1 Chipseal Contract for Services 2014 Chipseal Change Order
- d. Resolution 4, Series 2014; Adopting a Policy on Use of Village Buildings for Art Displays

The motion carried unanimously.

### **ITEMS REMOVED FROM CONSENT AGENDA**

None

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **Public Hearing – Expanded Use Permit Request for Synthetic Climbing Boulders and Play Stumps at Dahlia Hollow Park**

Mayor Tisdale noted that this was a quasi-judicial issue and explained the related rules and regulations. He also explained the procedure for an Expanded Use Permit per the Municipal Code. He noted that play features at Dahlia Hollow Park had been discussed since 2010. He indicated that that the Parks, Trails and Recreation Commission (PTRC) had held a public hearing on the application at their February 13<sup>th</sup> meeting and had recommended denial. He stated that this was the first time this issue was before the City Council for consideration. He indicated that after Director Zuccaro's presentation to Council he would open the Public Hearing. He asked that comments be kept to five minutes and that comments not be repeated. He noted that he would try to alternate between those for and against the application. He explained that after the Public Hearing Council would deliberate. He asked that everyone remain civil and respect differences of opinion.

Director Zuccaro explained that the property was zoned O-1 and that recreation facilities are an allowed use subject to review and approval as a special exception under Article XX of the zoning ordinance. Dahlia Hollow Park is located near the Mansfield Heights, Cherryvale, Cherry Hills North, and Cherry Hills East neighborhoods, at E. Oxford Avenue and S. Dahlia Street, and serves as a gateway to the High Line Canal. Dahlia Hollow Park is approximately 2.4 acres in size and is currently developed with natural grasses, irrigated trees, crusher fines trails and a bench. While part of the park is in the floodplain, the proposed play structures were not in the floodplain. The application proposed installation of two synthetic climbing boulders and wooden play stumps on the south side of an existing trail that leads from S. Dahlia Street to the High Line Canal. The proposed boulders were six feet wide by eight feet long by six feet tall and three feet wide by six feet long by three feet tall. The larger boulder was designed for ages

five to adult and the smaller boulder was designed for ages two to five years old. Six wooden play stumps were proposed on the north side of the boulders. The play area would include an approximately fifty foot long by twenty foot wide mulch "safety zone" around the boulders and play stumps. PTRC submitted the formal proposal in late 2013, which was then reviewed by the City's Parks Division and the City Engineer. PTRC held a public hearing on February 13, 2014 to review the proposal. A motion passed to recommend denial of the request by a vote of 4 to 3. The proposal was now before City Council. Notice of tonight's public hearing was published in the March 28<sup>th</sup> edition of the Villager Newspaper, and posted at the Village Center and on the City website. Staff mailed notice of the hearing to all adjacent property owners by certified mail and also sent notices to 280 additional residents within close proximity for both the February 13<sup>th</sup> PTRC public hearing and tonight's public hearing. A public notice sign was posted on the property facing S. Dahlia Street.

Director Zuccaro indicated that all comments and letters received by the City were included in Council packets and on the dais and would be included in the public record of the meeting. He noted that staff found the application complete. He noted that guiding principal number five on page seven of the Master Plan stated "Park and recreation and other public facilities should be designated and developed to meet the requirements of a cross section of the Village." and on page ten stated "Some neighborhoods have expressed a desire for smaller parks with largely passive amenities that reflect the character and needs of the particular neighborhood."

Councilor K. Brown asked if the proposal originated from staff or from PTRC.

Director Zuccaro replied that it originated from PTRC in 2000.

Councilor K. Brown asked about the PTRC vote to proceed with the application in fall of 2013.

Deputy City Manager/Director Goldie replied that the PTRC had voted unanimously to move forward, with one Commissioner absent from the meeting, Colleen Dougherty.

Councilor K. Brown asked if staff and the PTRC had considered alternate locations.

Deputy City Manager/Director Goldie replied that alternate locations had been considered but Dahlia Hollow Park was chosen because it was located in a higher density area and would therefore serve more families.

Mayor Tisdale opened the Public Hearing at 7:00 p.m.

Craig Wildrick, 3941 S. Dexter Street, thanked the Council for the opportunity to speak and expressed his support of the proposal. He noted that the community had a lot of children who would enjoy play structures and that the proposal would be a place to build relationships. He indicated that the structures would be optimally placed, would look natural, and would not attract additional traffic.

John Prescott, 4450 E. Oxford Place, noted he had grown up in his current home and had played in Dahlia Hollow Park as a child. He indicated he supported open space and opposed the addition of play structures as it would take away from the open space concept. He noted a concern with child safety related to traffic on S. Dahlia Street. He indicated a play structure would negatively impact the overall image of the Village.

Craig Sands, 4740 E. Oxford Avenue, explained that his house bordered Dahlia Hollow Park and that he had three children in elementary school. He opposed the play structures and asked Council to keep the City's open space as natural as possible.

Donald Turken, 4020 S. Dexter Street, agreed with Craig Wildrick's comments. He indicated that the proposal would be a minimal and simplistic addition for the children of the neighborhood.

Georgeanna Klingensmith, 4720 E. Oxford Avenue, indicated that the community survey conducted by the Blue Ribbon Panel in 2005 made clear that the majority of residents wanted parks to be kept natural. She noted that this proposal had been discussed during many public meetings and hearings with the PTRC, and that the majority of the public was in favor of keeping Dahlia Hollow Park as natural as possible. She stated that while it may be true that the neighbors immediately adjacent to Dahlia Hollow Park were heard from more than residents who were not adjacent, it was also true that the park is already well used by residents and children and provides a natural place to play. She indicated that natural parks were what make the Village special and were the reason she moved here.

Bill Klingensmith, 4720 E. Oxford Avenue, noted that during the January 7, 2014 Council meeting a Council member had questioned if all parks are created equal, and he assumed they were referring to small parks like Dahlia Hollow Park. He indicated his surprise at this remark and felt it was inappropriate to treat Dahlia Hollow Park differently because it was smaller. He noted that the majority of residents feel that all parks deserve to be preserved in their natural state. He stated that at the February 13, 2014 PTRC Public Hearing a Commissioner expressed their view that there existed a "silent majority" who supported the play structure. He indicated this was not supported by the evidence and revealed a biased predisposition by the Commissioners.

Jim Manning, 4193 S. Dahlia Street, explained that his house was adjacent to Dahlia Hollow Park. He indicated that it was a wonderful park and he would hate to see it changed. He noted that he agreed with the Klingensmiths' comments.

Bill Manning, 701 Elm Circle, Golden, Colorado, noted that he had a vested interest in two lots that bordered Dahlia Hollow Park. He distributed a letter to Council. He indicated his agreement with the comments opposing the play structures and stated that the park was good for children to play in as it was. He warned that if play equipment was installed today, tomorrow the children would need bathrooms, and next a parking lot. He expressed concern with children's safety exiting cars on S. Dahlia Street.

Michael Rob, 3901 S. Dexter Street, endorsed the proposed improvement. He indicated that he was a parent of young children and a new resident. He noted that he appreciated the community and rural character of the Village. He expressed his respect for those opposed to the play structures.

Julie Turken, 4020 S. Dexter Street, endorsed the proposal. She noted that children today lived in a different world than 50 years ago, and that the children of the neighborhood needed a place to play. She indicated that Dahlia Hollow Park was not played in as it was now, but only used as an access point to the High Line Canal. She noted that she had no concern that a bathroom or parking lot would ever be approved at Dahlia Hollow Park.

Jeff Welborn, 4901 S. Fairfax Street, indicated that on balance he was in favor of the proposed play structures. He noted that he had lived in the Village a very long time and that he would have loved to have access to a similar structure when he was growing up here. He stated that the community has changed over the years, and he agreed with the other comments supporting the play structures. He emphasized the goal of finding ways to create a sense of community in the City, which would add to the quality of life by improving City government and the City facilities because of the sense of shared responsibility. He noted that Dahlia Hollow Park was a wheat field in the 40s and 50s and was a dump before the City improved it into what it was today. He applauded the City for its efforts to improve the area. He indicated that as a taxpayer he endorsed the City spending money to acquire open space, which would take that land off the tax base and result in reduced public funds due to cost of acquisition, loss of property tax revenue, cost of upgrading the land, and cost of maintaining the land. He noted that if this is to occur the City's commons weren't always enticing for use by residents, and that the City should encourage use of its parks and open space because that is how value comes back to the residents. He indicated that staff has struck a wonderful balance with the proposal. He noted that many other parks in the City had unnatural improvements such as equestrian equipment.

Tracy McInnes, 5245 E. Oxford Avenue, indicated her support of the proposed play structures and that it was a nice compromise. She noted there were a lot of young children in the neighborhood and that it was a good evolution for the park.

Hearing no further comments, Mayor Tisdale closed the Public Hearing at 7:30 p.m.

Mayor Tisdale noted that all the written comments received by the City were part of the record and part of Council's consideration.

Councilor A. Brown noted that he had moved here from Denver with his family including young children, where they had been accustomed to easy access to a variety of recreation facilities. He indicated that he did not question the benefit and merit of installing play structures in the City, but wondered if Dahlia Hollow Park was the most appropriate location. He noted that its passive nature was a big part of Dahlia Hollow Park's value.

Councilor Roswell noted he was taken by Mayor Welborn's comments. He indicated that he was not in favor of replicating something like the park near Greenwood Village Athletic Club, but that a common amenity in the Dahlia Hollow Park neighborhood would be a positive addition to the community. He noted that staff had struck an appropriate balance with the proposed boulders and stumps which would fit in with the natural setting. He indicated that Council and PTRC were adept at avoiding slippery slopes and was not concerned with play structures leading to bathrooms or parking lots. He noted that Council treasured all parcels in the City whether owned by the City or not and carefully considered every opportunity to protect and own open space and parks. He noted this section of the Village was conducive to families with young families. He indicated that the proposed boulders and stumps would not take away from the open space and that the City could remove them in the future if they proved to be an issue. He indicated his respect for PTRC's recommended denial and for all the comments heard tonight, but was persuaded that it was the time to act.

Councilor K. Brown noted that there was a comment included in Council packets from Dori Kaplan in reference to the February 18<sup>th</sup> City Council forum on open space and not pertinent to the issue being discussed tonight, and she asked that it be removed from the record. She addressed Mr. Klingensmith's comment regarding a Council member and pocket parks and indicated that this comment was not referring to Dahlia Hollow Park or any other park in the City, but was posed as a question in regard to open space acquisition. She noted that the idea for play structures had originated in the PTRC many years ago, and PTRC had held many public input meetings on the issue. She expressed her gratitude to the residents who had continued to return to all the public input meetings and public hearings over the years. She noted that it had been a cumbersome and frustrating process and she appreciated residents' dedication, tolerance and patience. She explained that in November 2012 the PTRC had voted five to one to proceed with the process. In the year that transpired the Municipal Code was revised regarding review of expanded use permit applications, and four of the seven PTRC positions changed to new members. In November 2013 the new PTRC voted unanimously to proceed with the application. She noted that this indicated that there was support for this proposal in the PTRC. She indicated that, based on the comments of several commissioners during the hearing, it appeared that the PTRC's recommendation to deny the application was strongly influenced by what they saw as a responsibility to represent the majority of the citizens. She stated that approval or denial of an expanded use permit was not a referendum and should be evaluated based on the merits of the application. She indicated that Council was charged with evaluating the merits of the application.

Councilor K. Brown noted that she had read all the letters and listened to everyone's comments and found one of the main disagreements to be the importance of active recreation. She stated that the 2008 Master Plan survey had asked what category of Village amenities should receive the most emphasis by City leaders, 45% of families with children under the age of ten felt that active recreation parks should receive the most emphasis. This was the highest single response of all the age groups and options offered. Over 80% of respondents to the survey were already satisfied with the natural

open space and recreational trails but only 58% of all residents were satisfied with active recreation parks. That declined to 35% for families with children under the age of 10. She noted that the City was doing well with open space, though there was always room for improvement. She indicated that the City needed to dedicate effort to improving active recreation. She clarified that she was not suggesting that active recreation be added to every open space or park, but that the City strive for balance. She noted that just over 50% of the residents from the 2008 survey were in favor of preserving land for active recreation parks, but that less than 1% of the City's public park land is used for active recreation. She added that 93% of the 162 acres of City open space was completely natural, and that Dahlia Hollow Park comprised of only 1.5% of the City's open spaces. She stated that the proposed play structures comprised 0.01% of the public space owned by the City, and that this was not an unreasonable amount of land to dedicate to active recreation for young children.

Councilor K. Brown addressed Councilor A. Brown's concern about locating the play structures in Dahlia Hollow Park. She explained that PTRC had considered Three Pond Park but that other concerns arose, including the proximity of young children to horses and whether the land was originally dedicated for equestrian use. She noted that Dahlia Hollow Park was optimally located near high-density neighborhoods, with access from both the street and the High Line Canal. She indicated that the play structures would hopefully encourage passers-by to linger for a few minutes and appreciate the park. She added that play structures would help to build community in the City by creating a place for children and families to gather.

Councilor K. Brown indicated that one point of agreement among both supporters and opponents to the play structure was the importance of preserving open space, the natural environment, and the City's semi-rural character. She noted that the addition of play structures would not change Dahlia Hollow Park's O-1 open space zoning designation. She explained that Dahlia Hollow Park was designed and built by a landscape architect and while it was natural looking it was not natural. She noted that PTRC had started with discussions of swings and slides six years ago, but after receiving feedback from residents changed the proposed structures to more natural looking boulders and stumps. She commended PTRC and City staff for their willingness to incorporate citizen feedback, to compromise, and their creativity to address the recreational needs of underserved population while blending into the natural looking environment.

Councilor K. Brown noted that the Master Plan states on page five "The enhancement and improvement of public, common and private areas of the Village, including streets, streetscapes, trails and open spaces, should emphasize a semi-rural, pastoral and open character" and "Promote the overall semi-rural character of Cherry Hills Village through design and maintenance of streetscapes, public lands and public facilities". She indicated that this demonstrated that the Master Plan recognizes that the presence of public facilities in public lands does not necessarily diminish the semi-rural character.

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Councilor K. Brown noted that the Master Plan directs "Park and recreation and other public facilities should be designated and developed to meet the requirements of a cross section of the Village." She indicated that according to the 2010 Census data 42% of City residents have children. 4.7% of the City's population, or approximately 280 residents, are under the age of five, and the City offers no recreational facilities for them. 13.6%, or approximately 800 residents, are under the age of ten. She suspected that the City has more children under the age of ten than horses in the City and noted that there were three equestrian facilities in various City parks. She clarified that horses are a very important and unique characteristic of the Village. She indicated that the City was failing to provide recreational opportunities to children under the age of ten, as directed by the Master Plan. She noted that the proposed play structure blends into the natural setting as directed by the Master Plan. She indicated that the Master Plan recognizes John Meade Park as the primary active recreation park in the City but does not exclude other City parks from offering recreational amenities. On page ten the Master Plan directs the City to "Establish neighborhood parks with recreational opportunities and amenities appropriate to the neighborhood." She added that the Blue Ribbon Panel report also included "small playgrounds" in its description of pocket parks.

Councilor K. Brown suggested that the City might have a legal obligation under the term of exclusion from South Suburban, which required the City to provide a continuation of services and comparable services. She clarified that no one was suggesting the City could build large recreational facilities with public pools and the like, and that was why the City had the Recreation Reimbursement Program. She advised that where the City was able and where it was supported by the Master Plan, she believed Council had a legal and ethical obligation to provide recreation facilities. She stated that she appreciated the input and tone of discussion during the public hearing tonight. She indicated that based on the merits of the application, the City had a right to use the land for the proposed purpose, the application met the technical, legal and zoning requirements, was in keeping with the mandate of the PTRC, and clearly conforms to the Master Plan. She stated she was in favor of the application.

Mayor Pro Tem Stewart indicated that this issue proves reasonable minds can differ. He recognized the balance staff had achieved in the proposal. He indicated that he was not persuaded that installation of the proposed play structures was a slippery slope into bathrooms and parking lots. He noted that the play structures could be removed in the future if needed, but they wouldn't know until they tried. He stated it was a small amenity and he did not think it would increase traffic. He indicated that it was worth pursuing.

Mayor Tisdale asked Councilor A. Brown to expand on his suggestion of locating the play structures in Three Pond Park given the concern regarding proximity of small children to equestrian recreation.

upper pond, and he had not seen equestrians in that part of the park. He indicated that that area was suitable to play structures, with access to the High Line Canal, and some kind of barrier or improvement could be installed to delineate it as a separate area. He noted that he had consulted with staff regarding restrictions on playground style equipment at Three Pond Park and had been told there were no restrictions other than the requirements for O-1 zoning. ~~was not aware of any land use issues.~~

Councilor Roswell suggested that if the play structures are successful in Dahlia Hollow Park then a discussion could be had regarding installation in Three Pond Park as well.

Councilor K. Brown moved to approve the proposal for installation of climbing boulders and play stumps at Dahlia Hollow Park.

City Attorney Michow advised the motion be amended to reflect that the findings were supported in the evidence and testimony presented and Councilor K. Brown's statements regarding the Master Plan at the meeting tonight.

Councilor K. Brown withdrew her motion.

Councilor K. Brown moved, seconded by Councilor Roswell to approve the application submitted by the City for installation of climbing boulders and play stumps at Dahlia Hollow Park based on its conformance with the technical, legal and zoning requirements and its conformance with the Master Plan.

The motion passed 3 to 1.

## **REPORTS**

### **Members of City Council**

Councilor K. Brown reported that she had completed her Comcast Newsmakers interview on the topic of open space preservation.

Mayor Pro Tem Stewart reported that the Utility Line Undergrounding Study Committee (ULUSC) would meet Thursday morning and that there was a lot of enthusiasm and good momentum on the Committee.

Councilor Roswell asked about the process for filling the open positions on the Board of Adjustment and Appeals (BOAA) and the PTRC. He reported that he had been contacted by a resident who suggested the City purchase the St. ~~Gabriel~~ George property. He asked if staff had any information about this property being for sale.

Director Zuccaro replied he had no current information.

Councilor A. Brown asked Council to consider contacting the City's state representatives to oppose a bill that would ban photo red light systems. He noted that

the City's photo red light at University and Belleview had been extremely successful in improving traffic safety at that intersection.

Mayor Tisdale asked for a motion to approve communication in opposition to the bill proposing elimination of photo red light systems.

Councilor A. Brown so moved, seconded by Councilor K. Brown.

Mayor Pro Tem Stewart thanked Chief Tovrea for testifying about the importance of photo red light systems.

Chief Tovrea commented that the interview was aired on several TV stations and that many other Police Chiefs had attended the state legislature as well. She noted that the City had not seen a fatality at University and Belleview since 2007, and had seen a significant reduction in accidents and violations since the photo red light system was installed in 2008. She added that the City had a 2% recidivism rate of violators.

The motion passed unanimously.

Councilor A. Brown reported that one member of the ULUSC had advocated consideration of undergrounding fiber optic cables as well as other cables. He noted that a representative from the City of Centennial would attend their May 1<sup>st</sup> meeting to share that city's experiences with undergrounding utility lines.

Councilor K. Brown suggested that a fiber optic company might be willing to pay for undergrounding utility lines in exchange for a fiber optic system in the City.

Councilor A. Brown indicated that he had enjoyed the Council's conversation about open space at their meetings this year and he believed they were making progress in clarifying the issues. He suggested continuing the momentum by bringing a resolution forward to form a working group to focus on acquisition of open space.

Councilor Roswell agreed.

Mayor Tisdale suggested discussing the formation of a working group at the May 31<sup>st</sup> retreat.

### **Mayor's Report**

Mayor Tisdale congratulated Jessica Sager on her promotion from Court Clerk to Accounting Clerk. He noted that the Arbor Day Foundation had once again designated Cherry Hills Village as Tree City USA. He reported that he had attended the Metro Mayors Caucus, DRCOG, and the Centennial Airport Noise Round Table on April 2<sup>nd</sup>; the Denver South Economic Partnership Leadership breakfast and University of Colorado Campus Expansion reception on April 3<sup>rd</sup>; Sherry Helmstaedter's art show reception in the Community Room and the retirement party for Bob Felsbueg of

Felsburg Holt and UllevigFAHU on April 4<sup>th</sup>; participated with DeGette in a federal budget exercise April 5<sup>th</sup>; and Arapahoe County Mayors and Commissioners Youth Awards Banquet April 9<sup>th</sup>; and that he would attend a DRCOG Board meeting tomorrow and the awards ceremony April 23<sup>rd</sup>; and Arapahoe B-Cycle nonprofit inauguration fund April 24<sup>th</sup>. He noted that RTD Community Kent Bagley would present an update at the May 6<sup>th</sup> Council meeting. He would attend the Gala at Union Station on May 8<sup>th</sup> and the ribbon cutting May 9<sup>th</sup>. He appointed Councilor A. Brown and Councilor VanderWerf to screen the applicants for BOAA and PTRC and make recommendations to Council.

Mayor Pro Tem Stewart indicated that Council usually discussed which Council members would serve on the recruitment committees for board and commission openings. He asked that in the future the issue be raised for Council to discuss.

Councilor Roswell agreed.

### **City Manager & Staff**

City Manager Patterson indicated that department monthly reports and unaudited financial statements were included in Council packets and department directors were available for any questions. He noted that the City was a quarter of the way through the year and General Fund revenues exceed expenditures by approximately \$280,000. He reported that Cherry Hills Elementary School would be using the City's parking lot for a climbing wall fundraiser on Sunday May 4<sup>th</sup>. He indicated that the Police Department was dealing with several phone and mail scams. He reported that Arapahoe County's canine unit had assisted the City with a burglar on Cherry Lane Drive and recognized the Police Department and Sheriff's Office for their work. He noted that the Police Department was conducting in-service training and Human Resource Analyst Barlow was scheduling CIRSA training for city staff. He congratulated City Clerk Smith on completing her Certified Municipal Clerk certification. He noted that Chief Tovrea would present the annual Police Department report, and requested an executive session regarding legal advice.

Councilor Roswell asked if the CIRSA training would include harassment training.

Analyst Barlow replied that staff had harassment training from Mountain States Employers Council in both June and October of 2013.

City Manager Patterson reported that there had been issues with quorum for the last Planning and Zoning Commission (P&Z) meeting and concern for having a quorum at next week's meeting. He explained that the BMW Golf Tournament Major Event Permit was on the agenda and time-sensitive.

Councilor Roswell indicated that having a seven member commission and not being able to achieve a four member quorum was troublesome. He suggested the Council communicate with P&Z Chair Laura Christman to ensure that all commissioners are actively participating.

Mayor Tisdale explained that he was in contact with Chair Christman and that he was aware of at least one commissioner whose conflicting circumstances have been resolved and who has pledged full participation from now on. He agreed that quorum was critical for next week's meeting.

Councilor Roswell asked City Attorney Michow about the quorum for P&Z.

City Attorney Michow replied that four P&Z commissioners constitute a quorum but advised that the applicant be given the option of continuing the hearing to a special meeting when the full commission could give the most fair and full review.

Mayor Tisdale directed staff to offer a continuance to the applicant.

Councilor K. Brown suggested that Council consult with Chair Christman to determine if any commissioners should be replaced.

#### Police Department Annual Report

Chief Tovrea noted that she had been with the City for two years and thanked Council and staff for their support. She indicated that the City was a wonderful place to work. She presented the Police Department's mission statement, to "promote strong community partnerships while providing courteous, professional, and ethical police services." She reviewed the department's expectations and reported that she had met with each employee in the department to follow up on meetings in 2012. She noted that the Police Department was the largest and the most visible in the City with a diverse staff. She discussed the various staff positions and provided statistics for the past year. She noted the department's partnerships and accomplishments. She discussed in-service training. She reviewed the department's goals for 2014, including the BMW Golf Tournament, accreditation, and a new bicycle unit. She indicated that the department's strengths included partnerships, City employees, a modern facility and excellent communication center. She noted that staffing and scheduling was sometimes a weakness, and technology was both an opportunity and a threat.

Mayor Pro Tem Stewart asked if the Police Department had any problems with meth users in the City.

Chief Tovrea replied they did not.

Mayor Pro Tem Stewart asked about dealing with legalized marijuana.

Chief Tovrea replied that it was not an issue and that while officers had made a few arrests for driving under the influence, the ban on retail marijuana in the City significantly reduced potential issues.

Mayor Pro Tem Stewart asked about the methods used by officers when someone was suspected of driving under the influence of marijuana.

Chief Tovrea replied that officers were trained to recognize the signs and that suspected drivers were evaluated with a blood test after the officer received expressed consent.

Mayor Tisdale asked about the department's in-car video.

Chief Tovrea replied that officers did use the Data911 system but still filed a report for any incidents.

Mayor Pro Tem Stewart asked about proposed state legislation that would make repeat offences a felony.

Chief Tovrea replied that the Colorado Association of Chiefs of Police Legislative Committee kept Chiefs updated on those issues.

Mayor Pro Tem Stewart asked about repeat offenders for drunk driving in the City.

Chief Tovrea replied that DUI arrests in the City were down, and officers were seeing lower blood alcohol levels overall as well.

Councilor Roswell indicated that he appreciated the police presence in neighborhoods, especially when police car windows are rolled down and officers interact with residents.

Chief Tovrea discussed the balance between traffic safety and community relationships.

Mayor Pro Tem Stewart indicated his appreciation that the police officers treated everyone equally.

Mayor Tisdale added that he appreciated the community connection officers created with simple gestures like waving ~~waving~~.

Councilor A. Brown asked about the vacant sergeant position.

Chief Tovrea replied that she planned to discuss filling the vacancy in the first quarter of 2015.

Councilor Roswell asked about the relationship between the department and South Metro Fire Rescue in the new building.

Chief Tovrea replied that the relationship was very good and that it had been a smooth transition in to the new facility.

Mayor Tisdale thanked Chief Tovrea for the report and for her service.

**City Attorney**

No report.

**ADJOURNMENT**

Councilor K. Brown moved, seconded by Councilor A. Brown to proceed into Executive Session pursuant to C.R.S. Sec. 24-6-402(4)(b) for purposes of receiving legal advice concerning the process for appointment, reappointment and supervision of appointed officials serving on advisory boards and commissions and thereafter to stand adjourned.

The following votes were recorded:

Katy Brown	yes
Russell Stewart	yes
Scott Roswell	yes
Alex Brown	yes

Vote on Executive Session: 4 ayes. 0 nays. The motion carried.

The regular meeting adjourned at 9:35 p.m.

The executive session adjourned at 10:15 p.m.

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Douglas M. Tisdale, Mayor

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Laura Smith, City Clerk

CHERRY HILLS VILLAGE  
COLORADO

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

ITEM: 7b

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MEMORANDUM

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**TO:** HONORABLE MAYOR TISDALE AND MEMBERS OF THE CITY COUNCIL  
**FROM:** KAREN PROCTOR, DIRECTOR OF FINANCE AND ADMINISTRATION  
**SUBJECT:** THE 2013 AUDITED FINANCIAL STATEMENTS  
**DATE:** MAY 06, 2014

---

**ISSUE:**

Section 3.10 of the Charter requires that each year the City of Cherry Hills Village has an independent audit of the financial affairs of the City performed by a certified public accountant, experienced in municipal accounting.

**DISCUSSION:**

On tonight's Consent Agenda for approval by the Council is the *Audit of the Financial Statements of the City of Cherry Hills Village as of and for the year ended December 31, 2013*. The audit was completed by John Cutler & Associates. Attached you will find copies of the audit and an unqualified audit letter. To quote John Cutler & Associates Report:

"In our opinion, the financial statements...present fairly, in all material respects, the respective financial position of the government activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Cherry Hills Village, Colorado, as of December 31, 2013, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America."

**STAFF ANALYSIS:**

Staff has provided a Management Discussion and Analysis at the front of the audit. The financial highlights for 2013 include:

- The assets of the City of Cherry Hills Village exceeded its liabilities at the close of fiscal year 2013 by \$32.0 million (net assets). Of this amount, \$14.3 million (unrestricted net assets) may be used to meet the City's ongoing obligations to citizens and creditors.

## CITY OF CHERRY HILLS VILLAGE

- At the close of fiscal year 2013, the City of Cherry Hills Village's governmental funds reported combined ending fund balances of \$15.1 million, an increase of \$725,683 in comparison with the prior year. Approximately 42%, \$6.2 million is available for spending at the government's discretion (unassigned fund balance).
- At the end of the fiscal year 2013, fund balance for the general fund was \$6.5 million and the capital fund was \$6.0 million.
- General fund actual revenues exceeded budgeted revenue by \$833,817 for the fiscal year 2013 and actual expenditures were \$458,490 less than budgeted expenditures.

Governmental Accounting Standards Board Statement 54 was adopted by the City in 2011. This standard clarified the definitions of governmental fund type, requiring the Capital Fund to be combined with the General Fund in the Financial Statements. However, staff will continue to account for and show the General Fund and Capital Fund separately in any monthly financial reports.

John Cutler from John Cutler & Associates will be in attendance at the meeting. Should Council desire to pull the audit from the Consent Agenda, staff and/or John Cutler can address any questions you might have.

### **RECOMMENDED MOTION:**

"I move to approve the *Audit of the Financial Statements of the City of Cherry Hills Village as of and for the year ended December 31, 2013.*"

### **ATTACHMENTS:**

Exhibit A: The 2013 Audited Financial Statements

**CITY OF CHERRY HILLS VILLAGE, COLORADO**

**BASIC FINANCIAL STATEMENTS**

**December 31, 2013**

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## FINANCIAL SECTION



## JOHN CUTLER & ASSOCIATES

Honorable Mayor and Members of the City Council  
City of Cherry Hills Village  
Cherry Hills Village, Colorado

### INDEPENDENT AUDITORS' REPORT

#### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Cherry Hills Village, as of and for the year ended December 31, 2013, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

#### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Cherry Hills Village as of December 31, 2013, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## Other Matters

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages a – h and 26 and 27 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual fund schedules listed in the table of contents are presented for purposes of additional analysis and are not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining statements and the schedule of expenditures of federal awards are fairly stated in all material respects in relation to the financial statements as a whole.

*John Luttrell & Associates, LLC*

April 25, 2014

## Management's Discussion and Analysis

As management of the City of Cherry Hills Village, we offer this narrative overview and analysis of the financial activities of the City of Cherry Hills Village for the fiscal year that ended December 31, 2013. Please read it in conjunction with the Auditors' Report at the front of this report and the City's financial statements, which follow this section.

### Financial Highlights

- The assets of the City of Cherry Hills Village exceeded its liabilities at the close of fiscal year 2013 by \$32.0 million (net assets). Of this amount, \$14.3 million (unrestricted net assets) may be used to meet the City's ongoing obligations to citizens and creditors.
- At the close of fiscal year 2013, the City of Cherry Hills Village's governmental funds reported combined ending fund balances of \$15.1 million, an increase of \$725,683 in comparison with the prior year. Approximately 42%, \$6.2 million is available for spending at the government's discretion (unassigned fund balance).
- At the end of the fiscal year 2013, fund balance for the general fund was \$6.5 million and the capital fund was \$6.0 million.
- General fund actual revenues exceeded budgeted revenue by \$833,817 for the fiscal year 2013 and actual expenditures were \$458,490 less than budgeted expenditures.

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the City of Cherry Hills Village's basic financial statements. The basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

**Government-wide financial statements.** The government-wide financial statements report information on all activities of the City. The statement of net assets includes all of the City's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The *statement of net assets* presents information on all of the City of Cherry Hills Village's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City of Cherry Hills Village is improving or deteriorating.

The *statement of activities* presents information showing how the City of Cherry Hills Village's net assets changed during fiscal year 2013. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.

Thus, revenues and expenses reported in this statement for some items will result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

The governmental activities of the City include general government, judicial, data processing, community development, Village Crier, public safety, public works and parks, recreation and open space.

**Fund financial statements.** The fund financial statements provide more detailed information about the City's most significant funds – not the City as a whole. Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes.

- Some funds are required by State law and bond covenants.
- The City Council establishes other funds to control and manage money for particular purposes (like the Parks and Recreation Fund) or to show that it is properly using certain taxes and grants (like the Conservation Trust Fund and the Arapahoe County Open Space Fund).

**Governmental funds** – All of the City's basic services are included in governmental funds, which focus on (1) how cash and other financial assets can readily be converted to cash flow in and out and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view that helps determine whether or not there are more or fewer financial resources that can be spent in the near future to finance the City's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, additional information at the bottom of the governmental funds statement is provided that explains the relationship between them.

**Proprietary Funds** – The City of Cherry Hills Village maintains one type of proprietary fund. *Enterprise Funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The City uses an enterprise fund to account for its Water and Sewer Fund. This fund is considered to be a major fund of the City of Cherry Hills Village.

### **Financial Analysis of the City As A Whole**

**Net assets.** As noted earlier, net assets may serve over time as a useful indicator of a government's financial position. In the case of the City of Cherry Hills Village, assets exceeded liabilities by \$31,981,226 at the close of the 2013 fiscal year.

A portion of the City of Cherry Hills Village's net assets (52% total) reflects its investment in capital assets (e.g., land, buildings, machinery, and equipment). The City of Cherry Hills Village uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending.

An additional portion of the City of Cherry Hills Village's net assets (4%) represents resources that are subject to external restrictions on how they may be used. The remaining balance of unrestricted net assets (\$14,309,546) may be used to meet the City's obligations to citizens and creditors.

At the end of the current fiscal year, the City of Cherry Hills Village is able to report positive balances in net assets for the City as a whole, as well as for its governmental activities as a whole. The same situation held true for the prior fiscal year.

### City of Cherry Hills Village Net Assets

	Governmental Activities 2013	Governmental Activities 2012	Business-Type Activities 2013	Business-Type Activities 2012
Current and other assets	\$19,476,570	\$19,332,416	\$798,421	\$630,992
Capital assets	\$20,676,320	\$18,809,962	\$248,261	\$271,873
<b>Total assets</b>	<b>\$40,152,890</b>	<b>\$38,142,378</b>	<b>\$1,046,682</b>	<b>\$902,865</b>
Long-term liabilities outstanding	\$3,943,783	\$4,668,242	\$0	\$0
Other liabilities	\$5,158,724	\$5,744,941	\$115,839	\$31,809
<b>Total liabilities</b>	<b>\$9,102,507</b>	<b>\$10,413,183</b>	<b>\$115,839</b>	<b>\$31,809</b>
Net assets:				
Invested in capital assets, net of related debt	\$16,224,173	\$13,628,668	\$248,261	\$271,873
Restricted	\$1,199,246	\$1,253,470	\$0	\$0
Unrestricted	\$13,626,964	\$12,847,057	\$682,582	\$599,183
<b>Total net assets</b>	<b>\$31,050,383</b>	<b>\$27,729,195</b>	<b>\$930,843</b>	<b>\$871,056</b>

### Changes in Net Assets

#### Governmental activities

- Governmental-type activities increased the City's total net assets by \$3,321,188 from 2012.
- The increase in total net assets is due to the remaining cost of the Joint Public Safety building, in addition to the Hutto property donation and a decrease in liabilities resulting from the South Suburban asset payment for 2013.

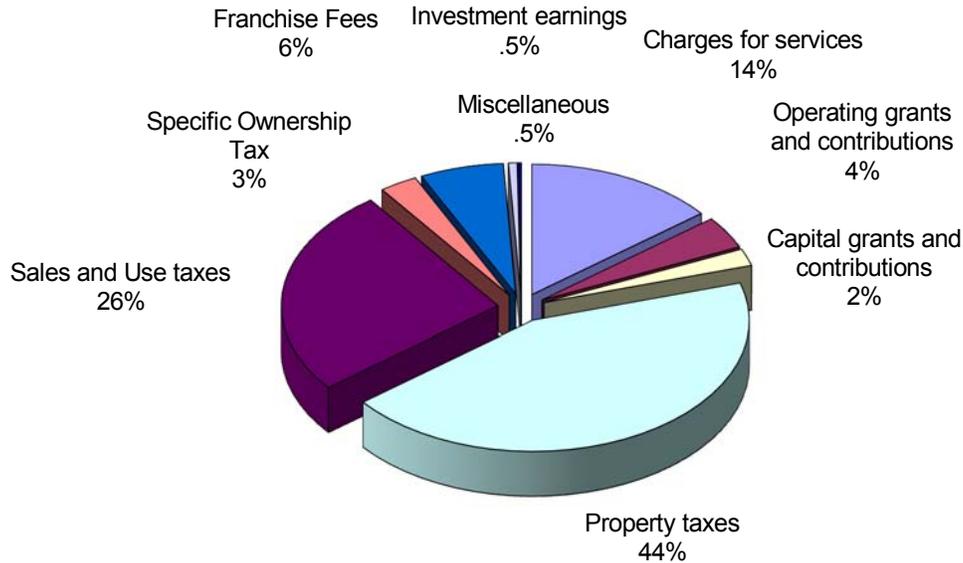
#### Business Type Activities

- Business-type activities increased the City's total net assets by \$59,787 from 2012.
- The increase is due an increase in cash due to additional sewer maintenance billings.

## City of Cherry Hills Village Changes in Net Assets

	Governmental Activities 2013	Governmental Activities 2012	Business- type Activities 2013	Business- type Activities 2012
<b>Revenues</b>				
<b>Program Revenues</b>				
Charges for services	\$1,299,440	\$1,293,438	\$0	\$0
Operating grants and contributions	\$362,891	\$362,004	\$0	\$0
Capital grants and contributions	\$190,737	\$170,224	\$0	\$0
<b>General Revenues</b>				
Property taxes	\$3,987,584	\$3,977,662	\$0	\$0
Sales and Use taxes	\$2,336,723	\$1,856,467	\$0	\$0
Specific Ownership taxes	\$258,436	\$258,773	\$0	\$0
Franchise taxes	\$567,599	\$524,883	\$0	\$0
Miscellaneous	\$58,435	\$44,049	\$0	\$0
Investment earnings	\$23,742	\$35,485	\$872	\$1,672
<b>Total revenues</b>	<b>\$9,085,587</b>	<b>\$8,522,985</b>	<b>\$872</b>	<b>\$1,672</b>
<b>Expenses</b>				
General Government	\$1,368,749	\$1,174,416	\$0	\$0
Judicial	\$99,729	\$97,826	\$0	\$0
Public Safety	\$2,917,634	\$2,763,185	\$0	\$0
Public Works	\$952,199	\$894,280	\$0	\$0
Community Development	\$452,668	\$421,340	\$0	\$0
Parks, Recreation, and Open Space	\$1,344,414	\$1,234,749	\$0	\$0
Village Crier	\$16,364	\$17,009	\$0	\$0
Other	\$12,642	\$14,313	\$43,962	\$42,391
<b>Total expenses</b>	<b>\$7,164,399</b>	<b>\$6,617,118</b>	<b>\$43,962</b>	<b>\$42,391</b>
<b>Special Item</b>	<b>\$ 1,400,000</b>	-	-	-
Increases in net assets	\$3,321,188	\$1,905,867	\$59,787	\$65,527
Net assets, beginning	\$27,729,195	\$25,823,328	\$871,056	\$805,529
<b>Net assets, ending</b>	<b>\$31,050,383</b>	<b>\$27,729,195</b>	<b>\$930,843</b>	<b>\$871,056</b>

## Revenue by Source - Governmental Activities



### Financial Analysis of the City's Funds

The City of Cherry Hills Village uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. In 2011 the city adopted a new accounting pronouncement which requires the city to classify fund balance based mainly on the extent to which the city is bound to honor constraints on how the funds are allowed to be spent.

### Governmental Funds

The focus of the City of Cherry Hills Village's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City of Cherry Hills Village's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of fiscal year 2013, the City of Cherry Hills Village's governmental funds reported combined ending fund balances of \$15.1 million, an increase of \$725,683 in comparison with the prior year. Approximately 42% of this total amount (\$6.2 million) constitutes unassigned fund balance, which is available for spending at the City's discretion. The remainder of fund balance is reserved to indicate that it is not available for new spending because it has already been committed, restricted or is nonspendable.

The General Fund is the chief operating fund of the City of Cherry Hills Village (and is combined with the Capital Fund for audit purposes). At the end of fiscal year 2013, unassigned fund balance of the General Fund, combined with the Capital Fund, was \$6.2 million, while total fund balance reached \$12.5 million.

As a measure of the Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 93% of total General Fund/Capital Fund expenditures, while total fund balance represents 109% of that same amount.

The Parks and Recreation Fund began receiving revenues in 2006. This fund had a positive balance of \$929,246 at the end of 2013 and will continue to receive revenues as ordered by the South Suburban exclusion.

### ***South Suburban Exclusion***

On March 22, 2007 the Colorado Court of Appeals sent the litigation between The City of Cherry Hills Village and South Suburban Park and Recreation District back to the trial judge for further proceedings. This litigation involves the city's decision to withdraw from South Suburban following the 2003 city election authorizing the exclusion. Following the trial in August 2004, the trial judge approved the exclusion, but ordered the city to pay South Suburban \$9,660,838, the fair market value of certain parks and facilities in the city.

Both parties appealed the trial judge's order. Under the Court of Appeals decision, the exclusion stands, but the Court held that Colorado law does not require payment of fair market value as a condition for exclusion under these circumstances. Upon appeal, the trial judge was to reconsider the evidence and make new findings to support any judgment awarding compensation to South Suburban. In May 2008, the trial court issued a second opinion, again ordering the city to pay South Suburban the sum of \$9,660,838. This second opinion contained virtually no explanation of how the trial court arrived at the precise figure it had previously determined was the fair market value of the parks in the city and made no specific findings on the other factors that the Court of Appeals directed the trial court to consider.

As a result, in May 2008 the city filed an appeal with the Colorado Court of Appeals. Also in the spring of 2008, the City filed a motion to stay payment of the \$9,660,838 judgment pending the decision by the Colorado Court of Appeals. The court granted the City's motion, but stipulated that the City must pay the District the 2007 asset payment plus interest from December 1, 2007 to the date of payment, which was August 1<sup>st</sup>, 2008. The City received an unfavorable ruling by the Colorado Court of Appeals in 2009 and was required to make the principal and interest payments on the assets for 2008 and 2009.

### **Proprietary Fund**

The Water and Sewer Fund accounts for all revenue and expenses associated with the consolidation and operations of water and sewer utilities under the auspices of the City. Sewer administration fees of \$12 per year and sewer repairs and maintenance fees of \$150 per year are charged to residents under the Englewood total service agreement. Revenues exceeded expenditures in this fund by \$59,787 in 2013.

## General Fund Budgetary Highlights

There were no modifications made to the original 2013 approved General Fund budget.

The General Fund expenditures in 2013 were \$458,490 under budget and revenues were \$833,817 over budget. This resulted in an increase to the General Fund balance over budget of \$1,292,309 and an ending fund balance of \$6,469,958.

## Capital Asset and Debt Administration

**Capital assets.** The City of Cherry Hills Village's investment in capital assets as of December 31, 2013 amounts to \$20.9 million. This investment in capital assets includes land, buildings, vehicles, equipment, and sewer lines.

Capital asset events during the 2013 fiscal year included the following:

- Joint Public Safety building moved from Construction in Process to building in the amount of \$4,256,327
- Acquisition of the Hutto Property in the amount of \$1,504,962
- New police, public works and parks equipment in the amount of \$227,943

### City of Cherry Hills Village's Capital Assets (net of accumulated depreciation)

	2013	2012
Land	\$15,393,400	\$13,888,438
CIP	\$0	\$3,803,817
Buildings and Improvements	\$4,436,348	\$278,218
Software	\$80,519	\$90,956
Equipment	\$766,053	\$748,533
Sewer Lines	\$248,261	\$271,873
<b>Total Capital Assets</b>	<b>\$20,924,581</b>	<b>\$19,081,835</b>

**Long-term debt.** At the end of the 2013 fiscal year, the City of Cherry Hills Village had total long-term debt outstanding of \$4,694,272. This total debt represents the South Suburban (\$4,446,510) obligation and accrued compensated absences (\$247,762).

## **Economic Factors, Next Year's Budget and Rates**

The City of Cherry Hills Village's sales tax rate remains at 3.5% and the mill levy is 14.722.

In preparing the 2014 budget, the City of Cherry Hills Village had to take several factors into consideration. In 2011 the City Council approved the creation of a new Capital Fund and approximately \$9 million of the General Fund balance was transferred to the Capital Fund at that time. In addition, 1 mill (\$290,292) of property tax revenue from the Parks Fund was moved to the Capital Fund. The 2014 budget was adopted on the assumption that property tax revenues would decrease approximately 4% from 2013 and other revenues would begin to increase slightly.

During the 2013 fiscal year, fund balance in the General Fund (to include the Capital Fund) increased to \$12.4 million (from \$11.8 million). The General Fund (to include the Capital Fund) balance is projected to end 2014 at approximately \$12 million.

The adopted 2014 fiscal year total budget appropriations are \$9.4 million, an increase of \$472,998 from 2013. This increase is due mainly to salary and insurance increases.

## **Requests For Information**

This financial report is designed to provide a general overview of the City of Cherry Hills Village's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to:

Karen Proctor  
Director of Finance and Administration  
303-783-2723

City of Cherry Hills Village  
2450 E. Quincy Ave.  
Cherry Hills Village, Colorado 80113

Or

[kproctor@cherryhillsvillage.com](mailto:kproctor@cherryhillsvillage.com)

## **BASIC FINANCIAL STATEMENTS**

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF NET POSITION

As of December 31, 2013

	GOVERNMENTAL ACTIVITIES	BUSINESS TYPE ACTIVITIES	TOTALS	
			2013	2012
<b>ASSETS</b>				
Cash and Investments	\$ 15,177,639	\$ 797,449	\$ 15,975,088	\$ 15,651,602
Receivables				
Property Taxes	3,882,370	-	3,882,370	4,017,445
Sales and Other	407,836	-	407,836	288,600
Accounts	8,725	972	9,697	5,761
Capital Assets, Not Depreciated	15,393,400	-	15,393,400	17,692,255
Capital Assets, Depreciated				
Net of Accumulated Depreciation	5,282,920	248,261	5,531,181	1,389,580
<b>TOTAL ASSETS</b>	<b>40,152,890</b>	<b>1,046,682</b>	<b>41,199,572</b>	<b>39,045,243</b>
<b>LIABILITIES</b>				
Accounts Payable	320,077	85,772	405,849	846,918
Accrued Expenses	2,286	-	2,286	32,480
Escrow Deposits	203,502	30,067	233,569	124,730
Noncurrent Liabilities				
Due within One Year	750,489	-	750,489	755,177
Due in More Than One Year	3,943,783	-	3,943,783	4,668,242
<b>TOTAL LIABILITIES</b>	<b>5,220,137</b>	<b>115,839</b>	<b>5,335,976</b>	<b>6,427,547</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Deferred Property Tax Revenue	3,882,370	-	3,882,370	4,017,445
<b>NET POSITION</b>				
Investment in Capital Assets	16,224,173	248,261	16,472,434	13,900,541
Restricted for Parks and Recreation	929,246	-	929,246	998,470
Restricted for Emergencies	270,000	-	270,000	255,000
Unrestricted	13,626,964	682,582	14,309,546	13,446,240
<b>TOTAL NET POSITION</b>	<b>\$ 31,050,383</b>	<b>\$ 930,843</b>	<b>\$ 31,981,226</b>	<b>\$ 28,600,251</b>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF ACTIVITIES  
Year Ended December 31, 2013

<u>FUNCTIONS/PROGRAMS</u>	<u>EXPENSES</u>	<u>PROGRAM REVENUES</u>		
		<u>CHARGES FOR SERVICES</u>	<u>OPERATING GRANTS AND CONTRIBUTIONS</u>	<u>CAPITAL GRANTS AND CONTRIBUTIONS</u>
<b>PRIMARY GOVERNMENT</b>				
<b>Governmental Activities</b>				
General Government	\$ 1,368,749	\$ -	\$ -	\$ -
Judicial	99,729	328,559	-	-
Community Development	452,668	855,912	-	-
Village Crier	16,364	16,628	-	-
Public Safety	2,917,634	98,341	-	-
Public Works	952,199	-	362,891	-
Parks and Recreation	1,344,414	-	-	190,737
Interest on Long Term Debt	12,642	-	-	-
Total Governmental Activities	7,164,399	1,299,440	362,891	190,737
<b>Business-Type Activities</b>				
Water and Sewer	43,962	46,207	-	56,700
Total Business-Type Activities	43,962	46,207	-	56,700
Total Primary Government	\$ 7,208,361	\$ 1,345,647	\$ 362,891	\$ 247,437

GENERAL REVENUES

- Property Taxes
- Specific Ownership Taxes
- Sales and Use Taxes
- Franchise Fees
- Interest
- Miscellaneous

SPECIAL ITEM

- Donation of Land

TOTAL GENERAL REVENUES

CHANGE IN NET POSITION

NET POSITION Beginning

NET POSITION Ending

The accompanying notes are an integral part of the financial statements.

NET (EXPENSE) REVENUE AND  
CHANGE IN NET POSITION

GOVERNMENTAL ACTIVITIES	BUSINESS-TYPE ACTIVITIES	TOTALS	
		2013	2012
\$ (1,368,749)	\$ -	\$ (1,368,749)	\$ (1,174,416)
228,830	-	228,830	250,212
403,244	-	403,244	424,240
264	-	264	(43)
(2,819,293)	-	(2,819,293)	(2,680,331)
(589,308)	-	(589,308)	(532,276)
(1,153,677)	-	(1,153,677)	(1,064,525)
(12,642)	-	(12,642)	(14,313)
(5,311,331)	-	(5,311,331)	(4,791,452)
-	58,945	58,945	63,855
-	58,945	58,945	63,855
(5,311,331)	58,945	(5,252,386)	(4,727,597)
3,987,584	-	3,987,584	3,977,662
258,436	-	258,436	258,773
2,336,723	-	2,336,723	1,856,467
567,599	-	567,599	524,883
23,742	842	24,584	37,157
58,435	-	58,435	44,049
1,400,000	-	1,400,000	-
8,632,519	842	8,633,361	6,698,991
3,321,188	59,787	3,380,975	1,971,394
27,729,195	871,056	28,600,251	26,628,857
\$ 31,050,383	\$ 930,843	\$ 31,981,226	\$ 28,600,251

CITY OF CHERRY HILLS VILLAGE, COLORADO

BALANCE SHEET  
GOVERNMENTAL FUNDS  
As of December 31, 2013

	General Fund	Parks and Recreation Fund	Other Governmental Funds	TOTAL GOVERNMENTAL FUNDS	
				2013	2012
<b>ASSETS</b>					
Cash and Investments	\$ 10,913,469	\$ 2,599,513	\$ 1,664,657	\$ 15,177,639	\$ 15,020,981
Property Taxes Receivable	2,409,426	1,472,944	-	3,882,370	4,017,445
Accounts Receivable	8,725	-	-	8,725	5,390
Other Receivables	407,470	366	-	407,836	288,600
Interfund Receivable	1,542,491	-	-	1,542,491	1,542,491
<b>TOTAL ASSETS</b>	<b>\$ 15,281,581</b>	<b>\$ 4,072,823</b>	<b>\$ 1,664,657</b>	<b>\$ 21,019,061</b>	<b>\$ 20,874,907</b>
<b>LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY</b>					
<b>LIABILITIES</b>					
Accounts Payable	\$ 175,031	\$ 124,031	\$ 21,015	\$ 320,077	\$ 844,975
Accrued Expenses	-	2,286	-	2,286	32,480
Escrow Deposits	201,677	1,825	-	203,502	94,864
Interfund Payable	-	1,542,491	-	1,542,491	1,542,491
<b>TOTAL LIABILITIES</b>	<b>376,708</b>	<b>1,670,633</b>	<b>21,015</b>	<b>2,068,356</b>	<b>2,514,810</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>					
Deferred Property Tax Revenue	2,409,426	1,472,944	-	3,882,370	4,017,445
<b>FUND EQUITY</b>					
Nonspendable	-	-	-	-	-
Restricted	270,000	-	1,643,642	1,913,642	1,762,439
Committed	6,025,488	929,246	-	6,954,734	6,692,534
Unassigned	6,199,959	-	-	6,199,959	5,887,679
<b>TOTAL FUND EQUITY</b>	<b>12,495,447</b>	<b>929,246</b>	<b>1,643,642</b>	<b>15,068,335</b>	<b>14,342,652</b>
<b>TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY</b>	<b>\$ 15,281,581</b>	<b>\$ 4,072,823</b>	<b>\$ 1,664,657</b>		

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds. 20,676,320      18,809,962

Long-term liabilities are not due and payable in the current period and are not reported in the funds. These include long term obligation of (\$4,446,510), and Accrued Compensated Absences (\$247,762). (4,694,272)      (5,423,419)

Net position of governmental activities \$ 31,050,383      \$ 27,729,195

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS  
Year Ended December 31, 2013

	General Fund	Parks and Recreation Fund	Other Governmental Funds	TOTAL GOVERNMENTAL FUNDS	
				2013	2012
<b>REVENUES</b>					
Property Taxes	\$ 2,469,764	\$ 1,517,820	\$ -	\$ 3,987,584	\$ 3,977,662
Specific Ownership Taxes	258,436	-	-	258,436	258,773
Sales and Use Taxes	2,307,871	-	-	2,307,871	1,827,269
Franchise Fees	567,599	-	-	567,599	524,883
Licenses and Permits	855,912	-	-	855,912	845,580
Intergovernmental	391,743	-	190,737	582,480	561,426
Charges for Services	426,900	-	-	426,900	430,892
Miscellaneous	47,789	-	27,274	75,063	61,015
Interest	12,301	8,781	2,660	23,742	35,485
<b>TOTAL REVENUES</b>	<b>7,338,315</b>	<b>1,526,601</b>	<b>220,671</b>	<b>9,085,587</b>	<b>8,522,985</b>
<b>EXPENDITURES</b>					
<b>Current</b>					
General Government	1,245,602	-	-	1,245,602	1,131,330
Judicial	99,729	-	-	99,729	97,826
Community Development	452,668	-	-	452,668	421,340
Village Crier	16,364	-	-	16,364	17,009
Public Safety	2,805,063	-	-	2,805,063	2,684,624
Public Works	869,287	-	-	869,287	801,936
Parks and Recreation	-	841,706	84,468	926,174	941,418
Debt Service					
Principal	-	734,784	-	734,784	733,054
Interest	-	12,642	-	12,642	14,313
Capital Outlay	1,190,898	6,693	-	1,197,591	3,495,738
<b>TOTAL EXPENDITURES</b>	<b>6,679,611</b>	<b>1,595,825</b>	<b>84,468</b>	<b>8,359,904</b>	<b>10,338,588</b>
<b>NET CHANGE IN FUND BALANCES</b>	<b>658,704</b>	<b>(69,224)</b>	<b>136,203</b>	<b>725,683</b>	<b>(1,815,603)</b>
FUND BALANCES, Beginning	11,836,743	998,470	1,507,439	14,342,652	16,158,255
FUND BALANCES, Ending	<u>\$ 12,495,447</u>	<u>\$ 929,246</u>	<u>\$ 1,643,642</u>	<u>\$ 15,068,335</u>	<u>\$ 14,342,652</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES  
Year Ended December 31, 2013

Amounts Reported for Governmental Activities in the Statement of Activities  
are Different Because:

Net Changes in Fund Balances - Total Governmental Funds	\$ 725,683
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlay \$2,185,415, exceeded depreciation (277,239) and loss on disposal of assets (\$41,818) in the current period.	1,866,358
Repayment of long-term debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets. These include debt payments of \$734,784 and change in accrued compensated absences of (\$5,637).	<u>729,147</u>
Change in Net Position of Governmental Activities	<u><u>\$ 3,321,188</u></u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF NET POSITION  
 PROPRIETARY FUND TYPE  
 As of December 31, 2013

ASSETS	2013	2012
Current Assets		
Cash and Investments	\$ 797,449	\$ 630,621
Accounts Receivable	972	371
	<u>798,421</u>	<u>630,992</u>
Total Current Assets		
Noncurrent Assets		
Capital Assets, net of accumulated depreciation	248,261	271,873
	<u>248,261</u>	<u>271,873</u>
TOTAL ASSETS	<u>1,046,682</u>	<u>902,865</u>
LIABILITIES		
Current Liabilities		
Accounts Payable	1,638	1,943
Escrow Deposits	111,501	29,866
	<u>113,139</u>	<u>31,809</u>
TOTAL LIABILITIES	<u>113,139</u>	<u>31,809</u>
NET POSITION		
Investment in Capital Assets	248,261	271,873
Unrestricted	682,582	599,183
	<u>930,843</u>	<u>871,056</u>
TOTAL NET POSITION	<u>\$ 930,843</u>	<u>\$ 871,056</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF REVENUES, EXPENSES  
AND CHANGES IN NET POSITION  
PROPRIETARY FUND TYPE  
Year Ended December 31, 2013

	<u>2013</u>	<u>2012</u>
OPERATING REVENUES		
Charges for Services	\$ 46,207	\$ 87,646
TOTAL OPERATING REVENUES	<u>46,207</u>	<u>87,646</u>
OPERATING EXPENSES		
Operations	8,228	15,082
General and Administrative	12,122	3,697
Depreciation	23,612	23,612
TOTAL OPERATING EXPENSES	<u>43,962</u>	<u>42,391</u>
OPERATING INCOME	<u>2,245</u>	<u>45,255</u>
NON-OPERATING REVENUES (EXPENSES)		
Interest Income	842	1,672
TOTAL NON-OPERATING REVENUES (EXPENSES)	<u>842</u>	<u>1,672</u>
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS	<u>3,087</u>	<u>46,927</u>
Capital Contributions- Tap Fees	56,700	18,600
CHANGE IN NET POSITION	59,787	65,527
NET POSITION Beginning	<u>871,056</u>	<u>805,529</u>
NET POSITION, Ending	<u>\$ 930,843</u>	<u>\$ 871,056</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF CASH FLOWS

PROPRIETARY FUND TYPE

Year Ended December 31, 2013

Increase (Decrease) in Cash and Cash Equivalents

	<u>2013</u>	<u>2012</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash Received from Customers	\$ 45,606	\$ 87,484
Cash Paid to Suppliers	(20,655)	(19,511)
Net Cash Provided (Used) by Operating Activities	<u>24,951</u>	<u>67,973</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Capital Contributions	56,700	18,600
Escrow Deposits Received	84,335	735
Net Cash Provided by Capital and Related Financing Activities	<u>141,035</u>	<u>19,335</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Interest Received	<u>842</u>	<u>1,672</u>
Net Increase in Cash and Cash Equivalents	166,828	88,980
CASH AND CASH EQUIVALENTS, Beginning	<u>630,621</u>	<u>541,641</u>
CASH AND CASH EQUIVALENTS, Ending	<u>\$ 797,449</u>	<u>\$ 630,621</u>
RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED BY OPERATING ACTIVITIES		
Operating Income	\$ 2,245	\$ 45,255
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities		
Depreciation	23,612	23,612
Changes in Assets and Liabilities		
Accounts Receivable	(601)	(162)
Accounts Payable	(305)	(732)
Total Adjustments	<u>22,706</u>	<u>22,718</u>
Net Cash Provided by Operating Activities	<u>\$ 24,951</u>	<u>\$ 67,973</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF FIDUCIARY NET ASSETS  
AGENCY FUND- SPECIAL IMPROVEMENT DISTRICT NO.7  
December 31, 2013

	<u>Agency Fund</u>
ASSETS	
Cash and Investments	<u>\$ 21,497</u>
LIABILITIES	
Due to Property Owners	<u>21,497</u>
TOTAL LIABILITIES	<u><u>\$ 21,497</u></u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The City of Cherry Hills Village, Colorado (the “City”) is a continuation of the Town of Cherry Hills Village after adoption of its Home Rule Charter in 1966. The City is governed by a Mayor and six-member council elected by the residents.

The accounting policies of the City of Cherry Hills Village, Colorado conform to generally accepted accounting principles as applicable to governments. Following is a summary of the more significant policies.

**Reporting Entity**

In accordance with governmental accounting standards, the City of Cherry Hills Village has considered the possibility of inclusion of additional entities in its basic financial statements.

The definition of the reporting entity is based primarily on financial accountability. The City is financially accountable for organizations that make up its legal entity. It is also financially accountable for legally separate organizations if City officials appoint a voting majority of the organization’s governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the City. The City may also be financially accountable for governmental organizations that are fiscally dependent upon it.

Based on the application of these criteria, the City does not include additional organizations in its reporting entity.

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the City. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of the given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Government-Wide and Fund Financial Statements** (Continued)

*Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current *financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Property taxes, specific ownership taxes, grants, and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the City.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**  
(Continued)

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the City's practice to use restricted resources first, then unrestricted resources as they are needed.

In the fund financial statements, the City reports the following major governmental funds:

The *General Fund* is the City's primary operating fund. It accounts for all financial resources of the City, except those required to be accounted for in another fund.

The *Parks and Recreation Fund* accounts for allocated property tax revenues for parks and recreation activities.

The City reports the following major proprietary fund:

The *Water Fund* accounts for the financial activities associated with the provision of water services.

Additionally, the City reports the following fund type:

The *Agency Fund* accounts for resources to support the activities of the Special Improvement District No. 7. The City holds all assets in a purely custodial capacity.

**Cash and Investments**

Cash equivalents include investments with original maturities of three months or less. Investments are recorded at fair value.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Capital Assets**

Capital assets, which include property and equipment, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the City is depreciated using the straight line method over the following estimated useful lives:

Buildings and Improvements	50 years
Machinery and Equipment	10-25 years
Vehicles	5-10 years
Infrastructure (Sewer Lines)	25-50 years

**Compensated Absences**

The City's employees are allowed to accumulate Paid Time Off ("PTO") Program where employees accrue PTO hours ranging from 184 to 264 hours per year depending on the employee's years of service. Employees of the City are allowed to bank a maximum of 160 hours of PTO. Hours in excess of 160 at the end of the calendar year will be paid out at a rate of 50%. Upon termination of employment from the City, an employee will be compensated for accrued time off at the employee's current pay rate.

These compensated absences are recognized when due in the governmental fund types. A liability has been recorded in the government-wide financial statements for the accrued compensated absences.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**Long-Term Obligations**

In the government-wide financial statements, and proprietary fund type in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net assets. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position and balance sheets will sometimes report a separate section for deferred outflows or resources. This separate financial statement element, *deferred outflow of resources*, represents a consumption of net position and fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of financial position and balance sheets will sometimes report a separate section for deferred inflows or resources. This separate financial statement element, *deferred inflow of resources*, represents an acquisition of net position and fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

**Property Taxes**

Property taxes are levied on November 1 and attach as an enforceable lien on property on January 1. Taxes are payable in full on April 30 or in two installments on February 28 and June 15. The County Treasurer's office collects property taxes and remits to the City on a monthly basis.

Since property tax revenues are collected in arrears during the succeeding year, a receivable and corresponding deferred revenue are recorded at December 31. As the tax is collected in the succeeding year, the deferred revenue is recognized as revenue and the receivable is reduced.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Fund Balance Classification**

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable – This classification includes amounts that cannot be spent because they are either not spendable in form or are legally or contractually required to be maintained intact. At December 31, 2013, the City did not report any items as nonspendable.
- Restricted – This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. The City has classified the following amounts as restricted:
  1. Emergency Reserves are restricted because their use is restricted by State Statute for declared emergencies.
  2. Land Donation Fund: The fund balance in this fund is restricted because their use is restricted by donors.
  3. Open Space Fund: The fund balance in this fund is restricted because their use is restricted by vote.
  4. Conservation Trust Fund: The fund balance in this fund is restricted because their use is restricted by State statute.
- Committed – This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the City Council. These amounts cannot be used for any other purpose unless the City Council removes or changes the specified use by taking the same type of action (ordinance or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. As of December 31, 2013, the City committed \$6,025,488 of its General Fund, fund balance to be used for capital projects. In addition, the City has committed \$929,246 of the fund balance in the Park and Recreation Fund to be used for parks and open space projects and maintenance
- Assigned – This classification includes amounts that are constrained by the City Council intent to be used for specific purposes, but are neither restricted nor committed. As of December 31, 2013, the City does not have any assigned fund balances.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

- Unassigned – This classification includes the residual fund balance for the General Fund. The Unassigned classification also includes negative residual fund balance of any other governmental fund that cannot be eliminated by offsetting of Assigned fund balance amounts.

The City would typically use restricted fund balances first, followed by Committed resources, and then Assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend Unassigned resources.

**Comparative Data**

Comparative total data for the prior year has been presented in the accompanying financial statements in order to provide an understanding of changes in the City's financial position and operations. However, complete comparative data in accordance with generally accepted accounting principles has not been presented since its inclusion would make the financial statements unduly complex and difficult to read.

Data in these columns do not present financial position or results of operations in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data.

**NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**Budgets and Budgetary Accounting**

The City follows these procedures in establishing the budgetary data reflected in the financial statements:

- In October, the City staff submits to the City Council a proposed operating budget for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
- Public hearings are conducted to obtain taxpayer comments.
- Prior to December 31, the budget is legally enacted through passage of a resolution.
- The City Administration is authorized to transfer budgeted amounts between departments within any fund. However, any revisions that alter the total expenditures of any fund must be approved by the City Council.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY** (Continued)

- Budgets are legally adopted for all funds of the City. Budgets for the General and Special Revenue Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP). The Budgetary comparison presented for the Enterprise Fund is presented on a non-GAAP budgetary basis. Capital outlay and debt payments are budgeted as expenditures.
- Budgeted amounts in the financial statements are as originally adopted or as amended by the City Council. All appropriations lapse at year end. Colorado governments may not exceed budgeted appropriations at the fund level.

**NOTE 3: DEPOSITS AND INVESTMENTS**

A summary of deposits and investments as of December 31, 2013 follows:

Petty Cash	\$ 350
Cash Deposits	6,553,385
Investments	<u>9,442,850</u>
Total	<b><u>\$ 15,996,585</u></b>

Cash and investments are reported in the financial statements as follows:

Governmental Activities	\$ 15,177,639
Business-type Activities	797,449
Fiduciary Funds	<u>21,497</u>
Total	<b><u>\$ 15,996,585</u></b>

**Deposits**

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations. At December 31, 2013, State regulatory commissioners have indicated that all financial institutions holding deposits for the City are eligible public depositories. Amounts on deposit in excess of federal insurance levels must be collateralized by eligible collateral as determined by the PDPA. PDPA allows the financial institution to create a single collateral pool for all public funds held. The pool is to be maintained by another institution, or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Deposits** (Continued)

Custodial Credit Risk – Deposits (Continued)

The City has no policy regarding custodial credit risk for deposits.

At December 31, 2013, the City had deposits with financial institutions with a carrying amount of \$6,553,385. The bank balances with the financial institutions were \$6,405,085. Of these balances, \$750,000 was covered by federal depository insurance and \$5,655,085 was covered by collateral held by authorized escrow agents in the financial institutions name (PDPA).

**Investments**

Interest Rate Risk

The City has a formal investment policy that limits interest rate risk by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity and by investing operating funds primarily with durations of no longer than five years, money market mutual funds, or similar investment pools.

Credit Risk

Colorado statutes specify in which instruments the units of local government may invest which includes:

- Obligations of the United States and certain U.S. government agency securities
- General obligation and revenue bonds of U.S. local government entities
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

The above investments are authorized for all funds and fund types used by Colorado municipalities.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Investments** (Continued)

Credit Risk (Continued)

The City had invested \$9,442,850 in the Colorado Government Liquid Asset Trust and the Colorado Surplus Asset Fund Trust (COLOTRUST and CSAFE); investment vehicles established for local government entities in Colorado to pool surplus funds and are registered with the State Securities Commissioner. They operate similarly to a money market fund and each share is equal in value to \$1.00. Investments consist of U.S. Treasury and U.S. Agency securities and repurchase agreements collateralized by U.S. Treasury and U.S. Agency securities. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities owned are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the entities. Colotrust is rated AAA and CSAFE is rated AAAM by Standard and Poor's.

**NOTE 4: INTERFUND BALANCES**

The General Fund advanced \$1,542,491 to the Parks and Recreation Fund. The advance originally covered a negative cash balance in the Parks and Recreation Fund related to the South Suburban Parks and Recreation District Obligation described in Note 6. As of December 31, 2013 the City has not made a final decision regarding the repayment of the advance.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS  
December 31, 2013

**NOTE 5: CAPITAL ASSETS**

Capital assets activity for the year ended December 31, 2013 is summarized below:

	<u>Balances</u> <u>12/31/12</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balances</u> <u>12/31/13</u>
<b>Governmental Activities</b>				
Capital Assets, not depreciated				
Land	\$ 13,888,438	\$ 1,504,962	\$ -	\$ 15,393,400
Construction in Process	<u>3,803,817</u>	<u>-</u>	<u>3,803,817</u>	<u>-</u>
Total Capital Assets, not depreciated	<u>17,692,255</u>	<u>1,504,962</u>	<u>3,803,817</u>	<u>15,393,400</u>
Capital Assets, depreciated				
Buildings	730,532	4,256,327	-	4,986,859
Software	104,367	-	-	104,367
Machinery and Equipment	<u>2,442,578</u>	<u>227,943</u>	<u>290,133</u>	<u>2,380,388</u>
Total Capital Assets, depreciated	<u>3,277,477</u>	<u>4,484,270</u>	<u>290,133</u>	<u>7,471,614</u>
Less Accumulated Depreciation				
Buildings	452,314	98,197	-	550,511
Software	13,411	10,437	-	23,848
Machinery and Equipment	<u>1,694,045</u>	<u>168,605</u>	<u>248,315</u>	<u>1,614,335</u>
Total Accumulated Depreciation	<u>2,159,770</u>	<u>277,239</u>	<u>248,315</u>	<u>2,188,694</u>
Total Capital Assets, depreciated, Net	<u>1,117,707</u>	<u>4,207,031</u>	<u>41,818</u>	<u>5,282,920</u>
Governmental Activities, Capital Assets, Net	<u>\$ 18,809,962</u>	<u>\$ 5,711,993</u>	<u>\$ 3,845,635</u>	<u>\$ 20,676,320</u>
<b>Business-Type Activities</b>				
Capital Assets, depreciated				
Sewer Lines	\$ 708,364	\$ -	\$ -	\$ 708,364
Total Capital Assets, depreciated	<u>708,364</u>	<u>-</u>	<u>-</u>	<u>708,364</u>
Less: Accumulated Depreciation				
Sewer Lines	<u>436,491</u>	<u>23,612</u>	<u>-</u>	<u>460,103</u>
Total Accumulated Depreciation	<u>436,491</u>	<u>23,612</u>	<u>-</u>	<u>460,103</u>
Business-Type Activities, Capital Assets, Net	<u>\$ 271,873</u>	<u>\$ (23,612)</u>	<u>\$ -</u>	<u>\$ 248,261</u>

Depreciation expense was charged to functions/programs of the City as follows:

**Governmental Activities**

General Government	\$ 117,510
Public Safety	70,753
Public Works	82,912
Parks and Recreation	<u>6,064</u>
Total	<u>\$ 277,239</u>

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 6: LONG-TERM DEBT**

**Governmental Activities**

Following is a summary of long-term debt transactions for the governmental activities for the year ended December 31, 2013.

	<u>Balance</u> <u>12/31/12</u>	<u>Additions</u>	<u>Payments</u>	<u>Balance</u> <u>12/31/13</u>	<u>Due In</u> <u>One Year</u>
South Suburban Obligation	\$ 5,181,294	\$ -	\$ 734,784	\$ 4,446,510	\$ 741,085
Accrued Compensated Absences	<u>242,125</u>	<u>5,637</u>	<u>-</u>	<u>247,762</u>	<u>9,404</u>
<b>Total</b>	<b><u>\$ 5,423,419</u></b>	<b><u>\$ 5,637</u></b>	<b><u>\$ 734,784</u></b>	<b><u>\$ 4,694,272</u></b>	<b><u>\$ 750,489</u></b>

Accrued Compensated Absences are being paid from resources generated by the General Fund.

**South Suburban Obligation**

The City initiated exclusion from the South Suburban Parks and Recreation District (the "District"). The resulting litigation produced an order from the District Court dated November 2004. The order requires the City to pay the District \$9,660,838 for the conveyance and transfer of facilities, including water rights, parks, trails, and other considerations.

The City's appeals process ended in November 2009 with a final decision by the Colorado Supreme Court, denying the appeal. The City is required to make annual principal and interest payments, beginning in December 2006 through 2019. Interest on the obligation accrues at the two-year Treasury bill rate.

Annual debt service requirements for the outstanding obligation at December 31, 2013 are estimated at a 3% interest rate and are as follows:

<u>Year Ended December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2014	\$ 741,085	\$ 133,233	\$ 874,318
2015	741,085	111,028	852,113
2016	741,085	88,822	829,907
2017	741,085	66,617	807,702
2018	741,085	44,573	785,658
2019	<u>741,085</u>	<u>22,044</u>	<u>763,129</u>
<b>Total Debt Service Requirements</b>	<b><u>\$ 4,446,510</u></b>	<b><u>\$ 466,317</u></b>	<b><u>\$ 4,912,827</u></b>

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 7: RETIREMENT COMMITMENTS**

**Police Pension Plan**

Plan Description - The City contributes to a single employer money purchase pension plan (Plan) on behalf of police officers. All full time, paid police employees of the City are members of the Plan.

Funding Policy - The contribution requirements of plan members and the City are established and may be amended by the City Council. Both the City and the employee contribute 8.0% of the employee's covered salary. Employees vest in 25% of the City contributions after one year of employment and an additional 25% each year thereafter. Employees fully vest after four years of participation in the Plan. During the year ending December 31, 2013 the City contributed \$134,463 to the Plan, equal to the required contributions. All Plan assets are managed by the International City/County Management Association Retirement Corporation.

**Non-Sworn Managers Pension Plan**

The City contributes to a single-employer defined contribution money purchase pension plan (the "Plan") on behalf of non-sworn managers. All non-sworn managers are required to participate in the Plan. The contribution requirements are established and may be amended by the City Council. The city is required to contribute 5% the employee's covered salary and employees contribute 11% of covered salary. Employees fully vest in the Plan immediately.

During the year ended December 31, 2013, the City contributed \$29,804 to the Plan, equal to the required contributions. All Plan assets are managed by the International City/County Management Association Retirement Corporation.

**Deferred 457 Compensation Plan**

The City has a deferred compensation plan (the "Plan") created in accordance with Internal Revenue Code Section 457. Participation in the Plan is optional for employees. The City matches the contribution of participating employees up to 3% of sworn police officer salaries and up to 5% of other non-management employee salaries. Total contributions to the Plan during the year ended December 31, 2013, were \$183,196. The Plan is administered by the International City/County Management Association Retirement Corporation.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 8: CONSOLIDATION OF WATER AND SANITATION DISTRICTS**

The City has taken action to dissolve certain water and sanitation districts and other entities which have provided services to areas within the City limits. The City will provide water and sanitation services to these and future areas through service contracts with the Board of Water Commissioners to the City and County of Denver (Denver) and the City of Englewood (Englewood).

**Denver**

The City has entered into a “total service” contract with Denver to provide water service within the City’s service area, even though only part of the City is being served at this time. Although the City retains legal title to the water distribution facilities, Denver is responsible for all operations and maintenance, including all replacements of the facilities. Denver bills users within the City directly.

**Englewood**

The City has a service and maintenance contract with Englewood to provide sanitation services to certain areas within the City. Under the terms of the contract, Englewood treats City sewage and provides routine maintenance services. Englewood bills City residents for these routine services and retains all billing collections. Non-routine major repairs are billed directly to the City. The City retains title to all sewer lines and is responsible for major maintenance and future costs of those lines.

The City has entered into a “total service” contract with Englewood to provide water within two small areas of the City. Englewood is responsible for all operations and maintenance, including all replacements of the distribution facilities within the service areas and bills users directly.

**City of Cherry Hills Village Sanitation District**

On September 8, 2011 the City entered into an Agreement with the City of Cherry Hills Village Sanitation District (the “District”) to provide certain administrative, operation and maintenance services with respect to the Wastewater Collection System for the purpose of operating, maintaining and bringing the Wastewater Collection System to standard pending the transfer and conveyance of the Wastewater Collection System to the District and the inclusion of the Service Area into the District’s territorial boundaries.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 9: COMMITMENTS AND CONTINGENCIES** (Continued)

**Special Improvement District No. 7**

In 2000, the Special Improvement District No. 7 (the “District”) issued \$595,000 Special Assessment Bonds, Taxable Series 2000A and \$930,000 Special Assessment Bonds, Tax Exempt Series 2000B. These bonds were issued to finance improvements within the District. The bonds accrued interest at rates ranging from 5.8% to 8.75% per year.

The Series 2000A bonds were paid in full as of December 31, 2011. During the year ended December 31, 2012, the District issued \$585,000 Special Improvement District Revenue Refunding Note, Series 2012 to advance refund the Special Assessment Bonds, Tax Exempt Series 2000B. The note accrues interest at a rate of 2.6% per year. Interest payments are due semi annually on June 15 and December 15. Principal payments on the note is due annually on December 15, through 2020.

The City is not obligated for this debt and is only acting as an agent for the property owners in collecting assessments and paying the required debt service. The activities of the District are recorded in the City’s Agency Fund and the outstanding debt is not recorded on the City’s financial statements. Outstanding bonds at December 31, 2013 totaled \$510,000.

**Denver Christian Schools**

In October 2003, the City issued Denver Christian Schools Project Revenue Bonds to provide financial assistance to a private sector entity to acquire equipment and to construct and renovate certain buildings and educational facilities deemed to be in the public interest.

Neither the City, State, nor any political subdivision thereof is obligated in any manner for the repayment of the bonds. Accordingly, the bonds are not reported as a liability in the City’s financial statements. Outstanding bonds at December 31, 2013 totaled \$1,590,837.

**South Metro Fire Rescue Authority**

The City entered into an MOU with South Metro Fire Rescue Authority in February of 2011 for the planning and design of a public safety facility.

In September of 2011, the City entered into an Intergovernmental Agreement with the Authority to construct, own, and operate a common public safety facility. Ownership of the facility will be determined by a calculation of the aggregate amount of contributions made by each party to the Agreement. Upon completion of the construction, ongoing operating costs will be calculated based on the percentage share of ownership interest. The original Agreement expired in December 31, 2012 and automatically renews upon the same terms and conditions for one-year periods.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2013

**NOTE 9: COMMITMENTS AND CONTINGENCIES** (Continued)

**South Metro Fire Rescue Authority** (Continued)

The City began construction of the facility in March of 2012 and the construction was substantially completed by December 31, 2012. The City's Police Department along with the South Metro Fire Rescue Authority moved into the new facility in January of 2013. The City's portion of the building cost is recorded as Buildings on the City's government-wide financial statements.

Under the terms of the operations agreement, South Metro Fire Rescue Authority is responsible for paying 50 percent of the buildings utility costs and 20 percent of the building telephone and internet services. During the year ended December 31, 2013, the South Metro Fire Rescue Authority paid \$25,797 to the City for reimbursement of these operating costs under the terms of the agreement.

**Tabor Amendment**

Colorado voters passed an amendment to the State Constitution, Article X, Section 20, which has several limitations, including revenue raising, spending abilities, and other specific requirements of state and local government. On November 5, 1996, voters within the City approved the collection, retention and expenditure of the full revenues generated by the City in 1996 and subsequent years for street improvement projects, capital projects, basic municipal services and/or lawful municipal purposes, notwithstanding the provisions of the Amendment.

The City has established an emergency reserve, representing 3% of qualifying expenditures, as required by the Amendment. At December 31, 2013, the emergency reserve of \$270,000 was recorded in the General Fund.

**REQUIRED SUPPLEMENTARY INFORMATION**

CITY OF CHERRY HILLS VILLAGE, COLORADO

GENERAL FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013			VARIANCE	2012 ACTUAL
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)	
REVENUES					
Property Taxes	\$ 2,458,273	\$ 2,458,273	\$ 2,469,764	\$ 11,491	\$ 2,466,604
Specific Ownership Taxes	176,412	176,412	258,436	82,024	258,773
Sales and Use Taxes	1,650,000	1,650,000	2,307,871	657,871	1,827,269
Franchise Fees	390,000	390,000	567,599	177,599	524,883
Licenses and Permits	763,581	763,581	855,912	92,331	845,580
Intergovernmental	387,151	387,151	391,743	4,592	391,202
Charges for Services	382,000	382,000	426,900	44,900	430,892
Miscellaneous	32,800	128,582	47,789	(80,793)	48,139
Interest	10,000	10,000	12,301	2,301	9,345
TOTAL REVENUES	<u>6,250,217</u>	<u>6,345,999</u>	<u>7,338,315</u>	<u>992,316</u>	<u>6,802,687</u>
EXPENDITURES					
Current					
General Government	1,814,281	1,814,281	1,245,602	568,679	1,131,330
Judicial	86,571	86,571	99,729	(13,158)	97,826
Community Development	429,403	429,403	452,668	(23,265)	421,340
Village Crier	19,200	19,200	16,364	2,836	17,009
Public Safety	2,694,444	2,694,444	2,805,063	(110,619)	2,684,624
Public Works	903,306	903,306	869,287	34,019	801,936
Capital Outlay	991,925	1,087,707	1,190,898	(103,191)	3,487,182
TOTAL EXPENDITURES	<u>6,939,130</u>	<u>7,034,912</u>	<u>6,679,611</u>	<u>355,301</u>	<u>8,641,247</u>
NET CHANGE IN FUND BALANCE	(688,913)	(688,913)	658,704	1,347,617	(1,838,560)
FUND BALANCE, Beginning	<u>9,977,955</u>	<u>9,977,955</u>	<u>11,836,743</u>	<u>1,858,788</u>	<u>13,675,303</u>
FUND BALANCE, Ending	<u>\$ 9,289,042</u>	<u>\$ 9,289,042</u>	<u>\$ 12,495,447</u>	<u>\$ 3,206,405</u>	<u>\$ 11,836,743</u>

See the accompanying independent auditors' report.

## CITY OF CHERRY HILLS VILLAGE, COLORADO

PARKS AND RECREATION FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013		VARIANCE Positive (Negative)	2012 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Property Taxes	\$ 1,511,071	\$ 1,517,820	\$ 6,749	\$ 1,511,058
Specific Ownership Taxes	97,588	-	(97,588)	-
Miscellaneous	7,200	-	(7,200)	-
Interest	14,000	8,781	(5,219)	21,870
	<u>1,629,859</u>	<u>1,526,601</u>	<u>(103,258)</u>	<u>1,532,928</u>
TOTAL REVENUES				
EXPENDITURES				
Current				
Personal Services	421,222	404,131	17,091	424,539
Supplies and Materials	26,200	23,237	2,963	23,847
Utilities	33,200	23,847	9,353	27,593
Contractual Services	74,111	41,547	32,564	41,785
Maintenance	55,500	78,265	(22,765)	83,138
Other	272,200	270,679	1,521	260,162
Debt Service				
Principal	734,784	734,784	-	733,054
Interest	12,642	12,642	-	14,313
Capital Outlay	-	6,693	(6,693)	8,556
	<u>1,629,859</u>	<u>1,595,825</u>	<u>34,034</u>	<u>1,616,987</u>
TOTAL EXPENDITURES				
NET CHANGE IN FUND BALANCE	-	(69,224)	(69,224)	(84,059)
FUND BALANCE, Beginning	1,102,044	998,470	(103,574)	1,082,529
FUND BALANCE, Ending	<u>\$ 1,102,044</u>	<u>\$ 929,246</u>	<u>\$ (172,798)</u>	<u>\$ 998,470</u>

See the accompanying independent auditors' report.

**COMBINING AND INDIVIDUAL FUND SCHEDULES**

CITY OF CHERRY HILLS VILLAGE, COLORADO

NONMAJOR GOVERNMENTAL FUNDS  
 COMBINING BALANCE SHEET  
 December 31, 2013

	LAND	ARAPAHOE	CONSERVATION	TOTALS	
	DONATION	COUNTY	TRUST	2013	2012
	FUND	OPEN SPACE	FUND		
		FUND			
ASSETS					
Cash and Investments	\$ 403,839	\$ 596,026	\$ 664,792	\$ 1,664,657	\$ 1,532,351
TOTAL ASSETS	<u>\$ 403,839</u>	<u>\$ 596,026</u>	<u>\$ 664,792</u>	<u>\$ 1,664,657</u>	<u>\$ 1,532,351</u>
LIABILITIES AND FUND BALANCE					
LIABILITIES					
Accounts Payable	\$ -	\$ 21,015	\$ -	\$ 21,015	\$ 24,912
TOTAL LIABILITIES	<u>-</u>	<u>21,015</u>	<u>-</u>	<u>21,015</u>	<u>24,912</u>
FUND BALANCES					
Restricted	403,839	575,011	664,792	1,643,642	1,507,439
TOTAL FUND BALANCES	<u>403,839</u>	<u>575,011</u>	<u>664,792</u>	<u>1,643,642</u>	<u>1,507,439</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 403,839</u>	<u>\$ 596,026</u>	<u>\$ 664,792</u>	<u>\$ 1,664,657</u>	<u>\$ 1,532,351</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NONMAJOR GOVERNMENTAL FUNDS  
 STATEMENT OF REVENUES, EXPENDITURES  
 AND CHANGES IN FUND BALANCES  
 Year Ended December 31, 2013

	LAND	ARAPAHOE	CONSERVATION	TOTALS	
	DONATION	COUNTY	TRUST	2013	2012
	FUND	OPEN SPACE	FUND		
		FUND			
REVENUES					
Intergovernmental	\$ -	\$ 124,886	\$ 65,851	\$ 190,737	\$ 170,224
Other	7,537	19,737	-	27,274	12,876
Interest	1,057	1,386	217	2,660	4,270
TOTAL REVENUES	8,594	146,009	66,068	220,671	187,370
EXPENDITURES					
Parks and Recreation	-	83,227	1,241	84,468	80,354
TOTAL EXPENDITURES	-	83,227	1,241	84,468	80,354
CHANGE IN FUND BALANCES	8,594	62,782	64,827	136,203	107,016
FUND BALANCES, Beginning	395,245	512,229	599,965	1,507,439	1,400,423
FUND BALANCES, Ending	\$ 403,839	\$ 575,011	\$ 664,792	\$ 1,643,642	\$ 1,507,439

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

LAND DONATION FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013		VARIANCE Positive (Negative)	2012 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Interest	\$ 1,000	\$ 1,057	\$ 57	\$ 1,851
Other	1,000	7,537	6,537	3,511
TOTAL REVENUES	2,000	8,594	6,594	5,362
EXPENDITURES				
General and Administrative	620	-	620	-
TOTAL EXPENDITURES	620	-	620	-
NET CHANGE IN FUND BALANCE	1,380	8,594	7,214	5,362
FUND BALANCE, Beginning	392,495	395,245	2,750	389,883
FUND BALANCE, Ending	<u>\$ 393,875</u>	<u>\$ 403,839</u>	<u>\$ 9,964</u>	<u>\$ 395,245</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

ARAPAHOE COUNTY OPEN SPACE FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013		VARIANCE Positive (Negative)	2012 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Open Space Shareback	\$ 110,000	\$ 124,886	\$ 14,886	\$ 109,987
Other	1,500	19,737	18,237	9,365
Interest	1,200	1,386	186	2,038
TOTAL REVENUES	<u>112,700</u>	<u>146,009</u>	<u>33,309</u>	<u>121,390</u>
EXPENDITURES				
Parks and Recreation	<u>139,000</u>	<u>83,227</u>	<u>55,773</u>	<u>80,073</u>
TOTAL EXPENDITURES	<u>139,000</u>	<u>83,227</u>	<u>55,773</u>	<u>80,073</u>
NET CHANGE IN FUND BALANCE	(26,300)	62,782	89,082	41,317
FUND BALANCE, Beginning	<u>446,911</u>	<u>512,229</u>	<u>65,318</u>	<u>470,912</u>
FUND BALANCE, Ending	<u>\$ 420,611</u>	<u>\$ 575,011</u>	<u>\$ 154,400</u>	<u>\$ 512,229</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

CONSERVATION TRUST FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013		VARIANCE Positive (Negative)	2012 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Intergovernmental	\$ 50,000	\$ 65,851	\$ 15,851	\$ 60,237
Interest	250	217	(33)	381
TOTAL REVENUES	<u>50,250</u>	<u>66,068</u>	<u>15,818</u>	<u>60,618</u>
EXPENDITURES				
Parks and Recreation	<u>35,000</u>	<u>1,241</u>	<u>33,759</u>	<u>281</u>
NET CHANGE IN FUND BALANCE	15,250	64,827	49,577	60,337
FUND BALANCE, Beginning	<u>590,078</u>	<u>599,965</u>	<u>9,887</u>	<u>539,628</u>
FUND BALANCE, Ending	<u>\$ 605,328</u>	<u>\$ 664,792</u>	<u>\$ 59,464</u>	<u>\$ 599,965</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

WATER AND SEWER FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013		VARIANCE Positive (Negative)	2012 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Tap Fees	\$ -	\$ 56,700	\$ 56,700	\$ 18,600
Sewer Administration Fees	1,812	31,104	29,292	31,104
Sewer Repairs and Maintenance Fees	22,650	4,103	(18,547)	56,542
Miscellaneous	-	11,000	11,000	-
Interest	800	842	42	1,672
TOTAL REVENUES	<u>25,262</u>	<u>103,749</u>	<u>78,487</u>	<u>107,918</u>
EXPENDITURES				
Legal Fees	15,000	3,452	11,548	334
Contractual Services	10,000	-	10,000	1,928
Repairs and Maintenance	100,000	8,228	91,772	15,082
Other	2,017	8,670	(6,653)	1,435
Depreciation Expense	26,750	23,612	3,138	23,612
TOTAL EXPENDITURES	<u>153,767</u>	<u>43,962</u>	<u>109,805</u>	<u>42,391</u>
NET INCOME	<u>\$ (128,505)</u>	59,787	<u>\$ 188,292</u>	65,527
NET ASSETS, Beginning		<u>871,056</u>		<u>805,529</u>
NET ASSETS, Ending		<u>\$ 930,843</u>		<u>\$ 871,056</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

AGENCY FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2013

	2013			VARIANCE Positive (Negative)	2012 ACTUAL
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL		
REVENUES					
Assessment Revenue	\$ 55,136	\$ 55,136	\$ 71,105	\$ 15,969	\$ 70,832
Interest on Assessments	39,616	39,616	40,253	637	46,058
Interest Income	1,100	1,100	35	(1,065)	1,910
TOTAL REVENUES	95,852	95,852	111,393	15,541	118,800
EXPENDITURES					
Treasurer's Fees	948	948	1,114	(166)	1,169
Debt Service					
Principal	67,000	75,000	75,000	-	243,000
Interest Expense	15,421	15,421	14,762	659	22,722
TOTAL EXPENDITURES	83,369	91,369	90,876	493	266,891
NET CHANGE IN FUND BALANCE	12,483	4,483	20,517	16,034	(148,091)
FUND BALANCE, Beginning	155,995	155,995	980	(155,015)	149,071
FUND BALANCE, Ending	\$ 168,478	\$ 160,478	\$ 21,497	\$ (138,981)	\$ 980

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

AGENCY FUND  
 STATEMENT OF CHANGES IN ASSETS AND LIABILITIES  
 Year Ended December 31, 2013

	BALANCE DECEMBER 31, 2012	ADDITIONS	DEDUCTIONS	BALANCE DECEMBER 31, 2013
ASSETS				
Cash and Investments	<u>\$ 980</u>	<u>\$ 111,393</u>	<u>\$ 90,876</u>	<u>\$ 21,497</u>
LIABILITIES				
Due Property Owners	<u>980</u>	<u>111,393</u>	<u>90,876</u>	<u>21,497</u>
TOTAL LIABILITIES	<u>\$ 980</u>	<u>\$ 111,393</u>	<u>\$ 90,876</u>	<u>\$ 21,497</u>

See the accompanying independent auditors' report.

## **STATE COMPLIANCE**

The public report burden for this information collection is estimated to average 380 hours annually.

<b>LOCAL HIGHWAY FINANCE REPORT</b>		City or County: Arapahoe
		YEAR ENDING : December 2013
This Information From The Records Of (example - City of _ or County of City of Cherry Hills Village	Prepared By: Phone:	Karen L. Proctor 303-783-2723

**I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE**

ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for nonhighway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

**II. RECEIPTS FOR ROAD AND STREET PURPOSES**

**III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES**

ITEM	AMOUNT	ITEM	AMOUNT
<b>A. Receipts from local sources:</b>		<b>A. Local highway disbursements:</b>	
1. Local highway-user taxes		1. Capital outlay (from page 2)	324,073
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	660,549
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	4,199
2. General fund appropriations	877,295	b. Snow and ice removal	29,237
3. Other local imposts (from page 2)	396,451	c. Other	5,637
4. Miscellaneous local receipts (from page 2)	0	d. Total (a. through c.)	39,073
5. Transfers from toll facilities		4. General administration & miscellaneous	205,977
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	292,411
a. Bonds - Original Issues		6. Total (1 through 5)	1,522,083
b. Bonds - Refunding Issues		<b>B. Debt service on local obligations:</b>	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	
7. Total (1 through 6)	1,273,746	b. Redemption	
<b>B. Private Contributions</b>		c. Total (a. + b.)	0
<b>C. Receipts from State government (from page 2)</b>		2. Notes:	
	248,337	a. Interest	
<b>D. Receipts from Federal Government (from page 2)</b>		b. Redemption	
	0	c. Total (a. + b.)	0
<b>E. Total receipts (A.7 + B + C + D)</b>		3. Total (1.c + 2.c)	0
	1,522,083	<b>C. Payments to State for highways</b>	
		<b>D. Payments to toll facilities</b>	
		<b>E. Total disbursements (A.6 + B.3 + C + D)</b>	
			1,522,083

**IV. LOCAL HIGHWAY DEBT STATUS**

(Show all entries at par)

	Opening Debt	Amount Issued	Redemptions	Closing Debt
<b>A. Bonds (Total)</b>				0
1. Bonds (Refunding Portion)				
<b>B. Notes (Total)</b>				0

**V. LOCAL ROAD AND STREET FUND BALANCE**

	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
		1,522,083	1,522,083		0

Notes and Comments:

<b>LOCAL HIGHWAY FINANCE REPORT</b>		STATE: Colorado	
		YEAR ENDING (mm/yy): December 2013	
<b>II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL</b>			
<b>ITEM</b>	<b>AMOUNT</b>	<b>ITEM</b>	<b>AMOUNT</b>
<b>A.3. Other local imposts:</b>		<b>A.4. Miscellaneous local receipts:</b>	
a. Property Taxes and Assessments		a. Interest on investments	
b. Other local imposts:		b. Traffic Fines & Penalties	
1. Sales Taxes		c. Parking Garage Fees	
2. Infrastructure & Impact Fees		d. Parking Meter Fees	
3. Liens		e. Sale of Surplus Property	
4. Licenses		f. Charges for Services	
5. Specific Ownership &/or Other	396,451	g. Other Misc. Receipts	
6. Total (1. through 5.)	396,451	h. Other	
c. Total (a. + b.)	396,451	i. Total (a. through h.)	0
	(Carry forward to page 1)		(Carry forward to page 1)
<b>III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL</b>			
<b>ITEM</b>	<b>AMOUNT</b>	<b>ITEM</b>	<b>AMOUNT</b>
<b>C. Receipts from State Government</b>		<b>D. Receipts from Federal Government</b>	
1. Highway-user taxes	223,054	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	25,283	d. Federal Transit Admin	
d. Other (Specify)		e. U.S. Corps of Engineers	
e. Other (Specify)		f. Other Federal	
f. Total (a. through e.)	25,283	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	248,337	3. Total (1. + 2.g)	
			(Carry forward to page 1)
		ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)
		TOTAL (c)	
<b>A.1. Capital outlay:</b>			
a. Right-Of-Way Costs			0
b. Engineering Costs		1,080	1,080
c. Construction:			
(1). New Facilities			0
(2). Capacity Improvements			0
(3). System Preservation		322,993	322,993
(4). System Enhancement & Operation			0
(5). Total Construction (1) + (2) + (3) + (4)		322,993	322,993
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)		324,073	324,073
			(Carry forward to page 1)
<b>Notes and Comments:</b>			

**CHERRY HILLS VILLAGE**  
**COLORADO**

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

ITEM: 10b

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**MEMORANDUM**

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**TO:** HONORABLE MAYOR TISDALE AND MEMBERS OF THE CITY COUNCIL

**FROM:** ROBERT A. ZUCCARO, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** REQUEST BY THE WESTERN GOLF ASSOCIATION FOR A MAJOR EVENT PERMIT TO HOST THE 2014 BMW GOLF CHAMPIONSHIP AT CHERRY HILLS COUNTRY CLUB FROM SEPTEMBER 1 THROUGH 7, 2014; A FLOODPLAIN DEVELOPMENT PERMIT PURSUANT TO ARTICLE XVII OF THE MUNICIPAL CODE TO INSTALL TEMPORARY STRUCTURES IN THE FLOODPLAIN ASSOCIATED WITH THE MAJOR EVENT; AND APPROVAL OF TEMPORARY WIRELESS COMMUNICATION FACILITIES PURSUANT TO SECTION 16-16-130 OF THE MUNICIPAL CODE FOR TELEVISION BROADCASTS ASSOCIATED WITH THE MAJOR EVENT (PUBLIC HEARING)

**DATE:** MAY 6, 2014

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**ISSUE:**

Should the City Council approve the Major Event Permit for the 2014 BMW Golf Championship, to be held September 1 through 7, 2014 at Cherry Hills Country Club; a Floodplain Development Permit to install temporary structures in the floodplain associated with the Major Event; and Temporary Wireless Communication Facility approval for television broadcasts associated with the Major Event?

**BACKGROUND:**

The Western Golf Association requests review of a Major Event Permit to host the 2014 BMW Championship at Cherry Hills Country Club from September 1 through 7, 2014 (see Exhibit A for application materials). The BMW Championship is a PGA Tour event with an expected attendance of up to 27,000 per day on the busiest days. Staging for the event is expected to start June 1<sup>st</sup> with initial deliveries and equipment to off-site staging areas. From June 1<sup>st</sup> through August 31<sup>st</sup>, construction and staging on the golf course will take place. This will include construction and placement of multi-story temporary structures, grandstands, fencing, and installation of various support equipment.

## CHERRY HILLS VILLAGE COLORADO

The following is the anticipated schedule and attendance during the tournament week:

- Mon., September 1: Evans Scholar Cup (No Public Attendance)
- Tue., September 2: Practice Rounds (Estimated Attendance of 11,000)
- Wed., September 3: Pro-Am Tournament (Estimated Attendance of 13,000)
- Thur.-Sun., September 4-7: Tournament Rounds 1-4 (Estimated Attendance of 25,000 to 27,000)

Teardown of the event is proposed to last from September 8<sup>th</sup> through October 12<sup>th</sup>. A detailed list of the construction and staging timeline and teardown of the event is included in the application material.

Several properties in and out of the Village are proposed to be utilized as *support service sites* for the event. Descriptions and site plans for each support service site are included in the application materials. The following is a summary of each site:

### ***Support Service Sites in Cherry Hills Village***

- Johnson Property (private vacant lot located at northwest corner of S. University Boulevard and E. Quincy Avenue intersection): The north side of the property is proposed for use as a Golf Channel/NBC television compound. The south side of the property is proposed as a volunteer shuttle drop off and staging area. To the west of the volunteer shuttle drop off is an area proposed as part of the general public access area around the 18<sup>th</sup> tee box.
- Ogden Street Property (vacant lot owned by Country Club southwest of E. Kenyon Avenue and S. Ogden Street intersection): This lot is proposed for storage and staging of equipment.
- Kent Denver School: During the week of the tournament, an undeveloped parcel on the campus is proposed to be used to provide 1,400 parking spaces for use by Country Club members and employees, media, vendors and WGA directors. On the weekend, when school is not in session, an additional 1,500 parking spaces are proposed for use by PGA tour VIPs, hospitality pass holders, and sponsoring manufacturers.
- Denver First Church: During the week of the tournament it is proposed that 950 parking spaces be provided on the church lots for PGA tour VIPs, hospitality pass holders, and sponsoring manufacturers. During the weekend, these lots will not be available, and this parking demand will be transferred to the Kent Denver lots.
- 3600 S. Clarkson (Old St. George's Church/Dragons Den property southeast of the S. Clarkson Street and E. Hampden Avenue intersection): This lot will be used for material storage and construction staging.

### ***Support Service Sites Outside of Cherry Hills Village***

- Peoria/E-470 Parking: This is the main public parking lot proposed for the tournament and consists of several undeveloped parcels near the E-470 and Peoria Street intersection. Part of the land is owned by Shea Properties and another part is owned by Highfield Business Park, LLC (Bradburry Property). The total parking area is 107 acres and is proposed to accommodate 9,000 parking spaces.
- Koelbel Property: This is a vacant lot located near the RTD Arapahoe Station park-n-ride that is proposed to provide 1,300 parking spaces for volunteers.

## CHERRY HILLS VILLAGE COLORADO

- Denver Water Property at Happy Canyon: This property is proposed to provide 2,000 parking spaces for BMW car owners.
- Mountain View Property (Northwest of E. Belleview Avenue and S. Quebec Street near Belleview Light Rail Station): This property is proposed to provide overflow parking spaces for BMW car owners.
- Belleview Light Rail Station: The Belleview Light Rail Station will be the designated light rail stop for the tournament and will have private shuttle buses taking spectators to the event.

The majority of parking for the event will take place off-site and those in attendance will be dropped off at several designated drop-off sites at or near the Country Club. Approximately 14,800 parking spaces are proposed for the event. Detailed descriptions and maps of the shuttle routes are included in the Traffic and Parking Management Plan included in the application. The following is a summary of each shuttle route:

- From the Peoria/E-470 parking area, full size buses with a typical 60-passenger capacity will shuttle the general public to the event. University Boulevard will be temporarily restriped for the event to shift through lanes to the east and a bus drop-off area will be created on the west side of the right of way. The buses will travel along I-25, E. Hampden Avenue, S. University Boulevard, and E. Belleview Avenue. 9,000 parking spaces will be provided at this lot.
- From the Belleview Light Rail Station, minibuses with a typical 32-passenger capacity will shuttle the general public to the event. The buses will travel along E. Belleview Avenue and S. University Boulevard and the drop-off area will be the lower Country Club parking lot north of the tennis courts.
- From the Denver Water Property, minibuses will shuttle BMW owners to the event. The buses will travel along Happy Canyon Road, E. Hampden Avenue, Gilpin Street and Cherry Hills Drive, dropping off attendees on the north side of the golf course along Cherry Hills Drive. 1,500 parking spaces will be provided at this lot.
- From the Churches at S. Colorado Boulevard and E. Hampden Avenue, minibuses will shuttle PGA VIP, hospitality pass holders, manufacturers and handicapped attendees to the event. The buses will travel along E. Hampden Boulevard and South University and the drop-off area will be the lower Country Club parking lot north of the tennis courts. 1,350 parking spaces will be provided from these lots.
- From Kent Denver, minibuses will shuttle Country Club members, media, Country Club employees, vendors and WGA directors to the event. In addition, on the weekend, when the Church lots are not available, minibuses will shuttle PGA VIP, hospitality pass holders, manufacturers and handicapped attendees to the event. The buses will travel along E. Quincy Avenue and South University Boulevard and the drop-off area will be the lower Country Club parking lot north of the tennis courts. 1,500 parking spaces will be provided on the weekdays and an additional 1,400 parking spaces will be provided on the weekend.
- From the Keolbel Property, minibuses will shuttle volunteers to the event. The buses will travel along Yosemite Steet, DTC Boulevard, E. Belleview Avenue, S. University Boulevard and E. Quincy Avenue and the drop-off area will be on the Howard Johnson property. 1,300 parking spaces will be provided.
- 190 parking spaces are provided at the Country Club for players, the tournament Executive Committee, caddies and PGA VIP.

**CHERRY HILLS VILLAGE**  
**COLORADO**

In addition to the Major Event Permit, the following associated requests are being made:

***Driving Range Fence***

The applicant requests approval to install a temporary 30-foot extension of the 60-foot tall driving range fence along S. University Boulevard. The extension is needed to protect traffic along S. University Boulevard during the event, as the existing fence height is not adequate for professional golfers.

***Floodplain Development Permit***

Several of the temporary structures are located in the regulated floodplain. Therefore, a floodplain development permit pursuant to Section 16-17-60 is being considered in conjunction with the Major Event Permit request.

***Wireless Facilities Approval***

The television broadcasting equipment proposed for the event falls under the Village's definition of Wireless Communication Facility. Therefore, a conditional use permit pursuant to Section 16-16-130 is being considered in conjunction with the Major Event Permit request.

***Request for Reimbursement of Fees and Expenses***

The applicant has requested that the City use a portion of the tax revenues from the event to offset some of the costs of the tournament, including the City's administrative review fees for processing the Major Event Permit, police and fire services, no-parking sign rental expenses, and the restriping of University Boulevard. According to the applicant, this will maximize the amount of tournament revenues that will go the beneficiary of the tournament, the Evans Scholars Foundation.

**PUBLIC NOTICE AND COMMENT:**

Notice requirements for public hearings are outlined in Municipal Code Subsection 16-2-40(c). A minimum of 15 days prior to the original April 8, 2014 hearing date, the applicant was required to mail notice of the hearing to all adjacent property owners by certified mail with return receipt requested and post a public notice sign on the property facing South University Boulevard. Notice was also published in the April 17, 2014 edition of The Villager newspaper and was posted on the Village Center notice board and Village web site. All notice requirements have been met.

***Public Comment:***

Staff has not received any public comments prior to the packets being distributed.

**REVIEW PROCEDURES AND REQUIREMENTS:**

***Major Event Permit***

The requirements and procedures for Major Event Permits are outlined in Article XXI of the City's Zoning Ordinance. A Major Event is defined as "any organized assemblage of more than two thousand (2,000) people during any one (1) day for the purpose of participation, attendance and observation of a nationally or regionally advertised or televised sporting, recreation, entertainment, conference, seminar or other similar event or activity."

## CHERRY HILLS VILLAGE COLORADO

The first step in the review process is a Preliminary Application Review by the Planning and Zoning Commission. This review took place on February 26, 2013 (see Exhibit B for minutes). At the Preliminary Application Review, the Commission is to determine if the proposal is generally consistent with the City's requirements for major events and the City Code. The Commission may recommend or suggest changes to the application at this time. These comments are intended to be advisory in nature and shall not be deemed binding decisions by the City regarding the applicant's preparation of the Final Application.

The Final Application submittal requirements are contained in Municipal Code Section 16-21-60 and the standards for approval are contained in Municipal Code Section 16-21-100. Following review and recommendation by the Planning and Zoning Commission, the City Council is to review the proposal at a public hearing to determine whether the application meets the requirements of the Zoning Ordinance based on the application and evidence and testimony presented at the public hearing. The Council may approve, approve with conditions, deny the application, or table the matter to a date certain pending the provision of further information.

### ***Floodplain Development Permit***

The requirements and procedures for floodplain development permits are contained in Municipal Code Section 16-17-50 and 16-17-60. These procedures provide minimum standards for construction within a floodplain. Several temporary structures are proposed to be located in the floodplain, as shown on the floodplain map included in the application materials.

### ***Wireless Communication Facility Conditional Use Permit***

The requirements and procedures for wireless communication facilities are contained in Municipal Code Section 16-16-130. A modified set of review criteria for television broadcast facilities are provided, and include Subsections 16-16-130(c)(1, 11, 15, and 16).

### **PLANNING AND ZONING COMMISSION REVIEW:**

After holding a public hearing on April 22, 2014 to review the application, the Planning and Zoning Commission voted four in favor of a motion to recommend approval with the following conditions:

1. Prior to the City Council hearing, the application shall be amended to include a taxi and personal vehicle drop off location within close proximity to the main public entrance to the event. This shall include written authorization from the property owner of the drop off site and amendments to the signage plan for adequate directional signage.  
*Condition Not Met – The applicant has provided a plan that includes a taxi and private vehicle drop off area at the St. Mary's south parking lot. Signage directing this traffic to the lot from the event will be provided. In order to decrease the amount of traffic around the event, a second personal drop off site at Belleview Station will be publically promoted. From Belleview Station patrons would take the same shuttles designated for light rail users to the event. This criterion is not met because written authorization from St. Mary's has not yet been provided.*
2. Prior to the City Council hearing, signed letters of authorization shall be submitted for all proposed support service sites. (Currently, outstanding support service sites without written authorization include: 3600 S. Clarkson Street; Hackstock Property; St. Mary's Academy; First Plymouth Church; Highline Community Church; Cherry Hills Drive Owners)  
*Condition Not Met – The applicant has not yet provided written authorization from 3600 S. Clarkson Street; St. Mary's Academy or Cherry Hills Drive owners. The applicant has indicated that they have*

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*adequate parking at Denver First Church and may not obtain agreements with First Plymouth Church and Highline Community Church.*

3. Prior to the City Council hearing, the electrical generator dB level description in the application documents shall be updated to reflect the information in the spec sheets and include the following statement: "Electrical generators shall comply with the maximum noise levels in compliance with Municipal Code Section 7-1-30(4). Any generator found by the City to not be in compliance with this Code Section shall be immediately relocated or shielded so that it is in full compliance with the maximum noise levels."

*Condition Met – The applicant has amended the utility plans to provide the requested note.*

4. Prior to the City Council hearing, the evacuation plan will be amended to state that the Police or Fire Chief, in consultation with the PGA TOUR, shall have the authority to suspend play and call for an evacuation if deemed necessary to protect public health, safety and welfare.

*Condition Met – The applicant has amended the Evacuation Plan to include the requested amendment.*

5. Prior to the City Council Hearing, the Traffic and Parking Analysis shall be amended and additional information supporting the Traffic and Parking Analysis, shall be provided to address the following items:
  - a. The traffic and parking analysis should be amended to include the number of shuttle buses provided for each parking area. Although the passenger capacity needed for each parking area is provided, the actual number of buses provided is needed in order to demonstrate that the calculated capacity can be accommodated.
  - b. The traffic and parking analysis should be amended to show a 20-foot cone spacing for the bus drop off area on southbound University Boulevard so that personal vehicles are less likely to pull into the drop off area. This was amended in the text of the document but needs to be amended in the exhibits as well.
  - c. The traffic and parking analysis should be amended to include the information that will be distributed to ticket holders related to parking options and should incorporate clear information on alternative transportation options, such as maps and directions to light rail and other public transit near the event, and include the statement "No Parking is Available at or Near the Event."
  - d. The traffic and parking analysis should be amended to include additional information and analysis on the pedestrian queuing and staging areas at the bus loading area along University Boulevard for peak times to ensure adequate capacity.
  - e. The traffic and parking analysis should be amended to evaluate the use of an all-red traffic light signal phase, with eastbound right turn movement out of the Country Club restricted on red, in order to ensure adequate gaps in traffic for the buses to exit.
  - f. Due to the high probability of attendees seeking parking close to the event staff finds that enforceable no parking zones need to be established throughout surrounding neighborhoods that are within walking distance of the event. The traffic and parking analysis should be amended to include a specific plan for the number of signs, location and spacing, and a timeline for when the signs will be installed and removed. Staff has also requested verification that the event organizers have contracted with a sign company to provide the signage outlined in the final plan as part of the Major Event Permit.
  - g. In order to ensure prompt response to parking violations, staff finds that an on-call tow truck should be provided. The event permit should be amended to reflect that a tow

**CHERRY HILLS VILLAGE**  
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truck service will be provided by the applicant for the duration of the event with a company mutually agreed upon by the applicant and Police Department.

- h. The E-470/Peoria parking area is located in Douglas County. Staff has requested that written confirmation from Douglas County be provided indicating that they have reviewed and approved of the parking plan within their jurisdiction.
- i. The shuttle loading area for BMW owners is proposed north of the club along Cherry Hills Drive. Cherry Hills Drive is also designated for deliveries and access to the golf course for caddy parking on the par three course. Cherry Hills Drive is a private road located on a tract owned jointly by all property owners in the subdivision. Use of the road will require written authorization of all owners of the subdivision, which has not yet been provided. Staff recommends a condition of approval that this written authorization be provided.

*Conditions Met – All items have been addressed by revisions to the Traffic and Parking Analysis.*

- 6. Prior to the City Council hearing, the signage plan shall be amended to include the following:
  - a. In coordination with CDOT, placement of variable message boards placed along S. University Boulevard prior to the event and the restriping of S. University Boulevard to warn drivers of the anticipated disruptions.
  - b. Directional signage for the as yet to be determined private vehicle and taxi loading area.
  - c. Neighborhood no parking signs, as discussed in more detail under the Parking and Traffic Analysis section.

*Conditions Met – All requested revisions have been addressed in the Traffic and Parking Analysis and St. Mary's Academy Site Plan.*

- 7. Prior to the City Council hearing, the applicant shall provide a complete floodplain analysis in conformance with the City's Floodplain Management Regulations found in Municipal Code Sections 16-17-50, 16-17-60 and 16-17-70.

*Condition Not Met – A floodplain analysis has not been provided. Because the Floodplain Development Permit is a separate public hearing review item, staff will request a continuance of the public hearing so that the required documentation can be provided for staff and public review prior to any final determination is made.*

- 8. Prior to the City Council hearing, the Johnson Property site plan shall be amended to show minimum setbacks for the television compound broadcast equipment equal to those for accessory structures in the R-3 Zone District (50' front and 25' side and rear setbacks). Other support buildings and equipment may encroach into these setbacks.

*Condition Met – Minimum setbacks have been added from the north and east property boundaries. To the west is the golf course property and to the south will be other portions of the Johnson property used for volunteer shuttle drop off and staging. Although setbacks aren't provided to the west and south, there are no adjacent residential properties or rights of way on these sides the property that may be impacted.*

- 9. Prior to the City Council hearing, the applicant shall post signage on all support sites, and provide a definitive plan as to how each support site will be used.

*Condition Met – Signs have been posted and mailings sent to the specified property owners. Site plans and descriptions of use for these lots are included in the application materials.*

- 10. Prior to the City Council hearing, the applicant shall include a statement of indemnification to the City in the agreement between the City and the Western Golf Association.

*Condition Met – This is included Section H of the draft agreement.*

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**STAFF ANALYSIS:**

The following are staff's findings and analysis for each of the submittal requirements and review criteria for the Major Event Permit, Floodplain Development Permit and Wireless Communication Facility.

***Major Event Permit Submittal Requirements***

Sec. 16-21-60(1): *A letter requesting approval of a major event permit and describing fully the proposed major event, including but not limited to dates and hours of event operation (including dates of setup and post-event activities), estimated number of participants and attendees for all event dates, and the specific use and location of all property upon which the major event will be conducted and upon which all supporting services will be provided.*

Complete – A request letter from the Western Golf Association and details on the dates, hours of event operation, attendance and descriptions and general site plans of all properties to be used for and in support of the event are provided.

Sec. 16-21-60(2): *Payment of the application fee of three hundred dollars (\$300.00).*

Complete – All application fees have been paid.

Sec. 16-21-60(3): *Letters of authorization from the owner of the property upon which the major event will be conducted and from the record owner of all property upon which supporting services will be provided.*

Incomplete – Letters of authorization for the 3600 S. Clarkson Street, St. Mary's Academy, and Cherry Hills Drive homeowners have not been provided. Cherry Hills Drive, which is a private road that is proposed for use as a one-way shuttle route and drop-off location, is located on a tract of land jointly owned by all property owners in the subdivision. There is no central HOA to provide authorization. For this reason, staff has requested that all ten homeowners along the drive provide written authorization.

Sec. 16-21-60(4): *A site plan of the property upon which the major event will be conducted and site plans for all supporting service sites. All site plans shall be an original drawing in black ink on twenty-four-inch-by-thirty-six-inch media and contain the following information:*

- a. Major event name, date of the drawing, scale and north arrow;*
- b. All proposed ingress and egress points, curb cuts and driveway locations and dimensions;*
- c. Temporary buildings, structures and shelters;*
- d. Traffic patterns, directions and widths on all interior roads and on the adjacent street network, and proposed routes of unimpeded access and circulation for emergency vehicles;*
- e. Pedestrian circulation patterns, existing and proposed sidewalks and paths, seating and grandstand areas and areas of proposed attendee assembly;*
- f. Parking locations, including number and dimensions of parking spaces, handicapped parking and types of parking surface;*
- g. Sources of public and private utility services, including any additional temporary services;*
- h. Temporary fencing and barricades;*
- i. Temporary signage;*
- j. Additional lighting; and*

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*k. Additional information and site plan data deemed relevant to the applicant or requested by the City as necessary to show the scope and impact of the major event and use of all properties.*

Complete – require and requested site plans have been provided.

Sec. 16-21-60(5): *The following studies and reports shall be prepared and submitted to the City with the application:*

*a. Traffic study and management plan conforming to the requirements of Article XVI of this Chapter, including a City-wide evaluation of projected vehicle travel patterns and volumes generated by the major event, proposed routes of traffic, street closures, proposed new traffic signage and signalization, proposed modification of existing traffic signage and signalization, and proposed number and locations of personnel to assist in traffic management.*

*b. Parking report, including estimates and projections of demand by vehicle types and sizes, duration of parking, and number and locations of personnel to assist in parking management.*

Complete – A combined traffic and parking analysis is provided. The majority of public attendees will be directed to park at lots near E-470 and Peoria Street. The round-trip travel time noted in the traffic analysis for bussing spectators from this site is 45-60 minutes. Staff is concerned that the remote parking location, having only one location south of the metro-area, and the long travel time will create a demand for those attending the event to seek parking in or around the City. Traffic issues will be further compounded by traffic for St. Mary's Academy, Kent Denver School and Cherry Hills Village Elementary, which will all be in session during the week of the event. Due to the limited parking options around the event site, staff has encouraged the applicant to consider promoting public transit to the greatest extent possible.

A final no parking signage plan is provided in the analysis and includes installation 41 neighborhood entry signs that will be provided and installed by the event organizers stating "No Parking on City Streets – Violators Will be Towed." In addition, there will be 270 regulatory "No-Parking Any Time" signs that will be installed by a sign company on designated City streets surrounding the venue and 200 additional signs that will be held in reserve that may be posted in areas where parking issues may arise.

Staff has hired a Professional Traffic Operations Engineer to assist the City in analyzing and reviewing the proposal. Numerous recommendations and considerations were provided to the applicant on the traffic and parking requirements as part of the review. Staff finds that, considering the constraints of the site, adequate provisions have been provided for traffic and parking.

*c. Signage plan describing and illustrating the size, location, type and material of all signs.*

Complete – A signage plan has been provided and includes details on informational and directional signage for the event. In addition, the Traffic and Parking Management Plan includes a detailed no parking signage plan.

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*d. Lighting plan, including location, type and height of lighting devices that are proposed in addition to existing lighting sources.*

Complete – Temporary lighting will be placed in several locations, including the Kent Denver parking area, on the driving range at the Country Club, and on the Howard Johnson property. Lights are proposed to be limited to 12 feet in height. Lighting for the Kent Denver Parking area will be utilized from sunrise to 6:30 a.m. only. Lighting on the driving range is proposed for Wednesday morning only to set up for the Pro-Am Tournament. Lighting for the Howard Johnson property is proposed to be used from 9 p.m. to 11 p.m. and sunrise to 6:30 a.m. each day. Staff recommends that the lights be oriented and operated in compliance with Municipal Code Section 16-16-20 regulating parking lot lighting, including requirements that the light source not be visible from adjacent property boundaries and the light level not exceed 0.2 foot candles at any adjoining residential property line.

*e. Security plan, including proposed staffing needs, duties, location, hours and source of personnel (private company and/or City police). Where the application proposes the use of officers of the Police Department, the application shall include a proposal conforming to the requirements of the City's policy for use of extra duty officers and the applicant shall contact the Chief of Police regarding officer availability.*

Complete – The applicant has worked with the Police Department on a detailed security plan. In addition to private security on the golf course provided by the event organizers, the City Police personal will provide staffing and extra-duty assistance from surrounding jurisdictions to provide security and traffic control for the event.

*f. Sanitation plan, including number and location of trash receptacles, dumpsters and portable toilets. Such plan shall include an estimate of the number of necessary portable toilets based upon professional standards used for the type of major event proposed. The plan shall also include a proposed schedule for trash pickup and toilet servicing during the event and identify the company or companies proposed to provide such service.*

Complete – Staff finds that the sanitation plan provided with the application complies with minimum requirements providing information on the number and location of dumpsters, portable toilets and restroom trailers and will conduct daily cleanings and post event cleanup for the event.

*g. Emergency medical and ambulance service plan, including the number of personnel, equipment, locations and hours and type of on-site service during the major event. The plan shall also identify the anticipated emergency routing of an ambulance from the major event to the nearest or appropriate hospital(s) or medical center(s).*

Complete – Staff finds that the Emergency Medical and Ambulance Service Plan provided complies with minimum requirements. South Metro Fire Rescue Authority will provide emergency medical services along a private service provider, Carepoint Medical. Doctors, nurses, paramedics and other support medical staff will be on duty each day of the event from 6:00 am to 8:00 pm. A medical trailer and first aid location at the golf course Half Way House will be provided. A course evacuation plan is also provided and is being coordinated with South Metro Fire Rescue Authority and the Police Department.

*h. Amplified sound plan, including a description of sources, placement, volumes, times, duration and dates of amplified sound.*

No amplified sound is being proposed.

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***Major Event Permit Review Criteria***

*Sec. 16-21-100(1): The proposed event is a major event within the meaning of Sections 16-21-20 and 16-21-30 of this Article;*

Complies – The BMW Championship is a national televised event with attendance of over 2,000 per day and is being conducted at a private club as defined by Municipal Code Section 16-1-10.

*Sec. 16-21-100(2): The major event will provide one (1) or more significant and important public benefits to the City;*

Complies – The major event will provide tax revenue to the City through merchandise sales tax and excise tax for admissions to the event. This tax revenue is currently estimated at around \$450,000. The BMW Championship is also considered a prestigious professional golf tournament providing notoriety to the Country Club and City.

*Sec. 16-21-100(3): The major event is appropriately sized in relationship to the site and, together with any proposed support services, can be conducted in an organized and efficient manner;*

Complies – The event is being capped at an attendance of 27,000 to ensure that the Country Club facilities and support services are adequate to ensure that the event can be conducted in an organized and efficient manner. Staff finds that adequate support service sites for parking and event staging are provided.

*Sec. 16-21-100(4): The major event will not result in unreasonable traffic congestion or create a hazard to vehicular or pedestrian traffic;*

Complies – The applicant has provided a traffic analysis that evaluates traffic operations during the event. Staff finds that the event will not result in unreasonable traffic congestion or create a hazard to vehicular or pedestrian traffic.

*Sec. 16-21-100(5): The major event will provide sufficient parking in terms of parking spaces and areas to accommodate parking demand;*

Complies – A total of 14,800 parking spaces are proposed for the event along with a designated light rail and personal vehicle drop off shuttle area. The parking and other transportation options will need to accommodate attendance of up to 27,000. Staff finds that, as long as bus and shuttle capacity is provided to match the required capacity outlined in the Traffic and Parking Analysis, the traffic and parking plan is acceptable.

*Sec. 16-21-100(6): The major event will be conducted in a manner that eliminates, mitigates or reasonably controls adverse impacts upon adjacent properties and upon the public generally; and*  
Outstanding Item – Staff finds that the plans and analysis provided by the application demonstrates adequate mitigation for possible adverse impacts to the event, including restrictions on lighting, noise from electrical generators and parking controls. However, staff will need to verify that the temporary structures proposed in the floodplain are in compliance with the City Code prior to making a final recommendation on this finding.

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Sec. 16-21-100(7): *The major event will not unreasonably impair the public health, safety or welfare.*  
Outstanding Item – Staff will need to verify that the temporary structures proposed in the floodplain are in compliance with the City Code prior to making a final recommendation on this finding.

***Floodplain Development Permit Submittal Requirements***

Documentation for a floodplain development permit must include the following minimum submittal requirements.

Sec. 16-17-50(a)(1): *Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.*

Sec. 16-17-50(a)(2): *Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.*

Sec. 16-17-50(a)(3): *Elevation in relation to mean sea level to which any structure has been floodproofed.*

Sec. 16-17-50(a)(4): *Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 16-17-70(b)(2) below.*

Incomplete – A floodplain analysis was requested by staff after the initial application review in August of last year. However, the requested analysis has not been provided. The floodplain analysis will need to address off-site impacts to the floodplain and information on floodproofing the structures located in the floodplain. It is noted in the application binder that the organizers have contracted with an engineering firm to conduct the analysis. Staff does not believe that a conditional recommendation of approval on this item would be appropriate as the Floodplain Development Permit is a separate public hearing item.

***Floodplain Development Permit Review Criteria***

The floodplain analysis will need to be provided prior to staff providing analysis and finding on the review criteria.

Sec. 16-17-60(a)(1) *The danger that materials may be swept onto other lands to the injury of others.*

Sec. 16-17-60(a)(2) *The danger to life and property due to flooding or erosion damage.*

Sec. 16-17-60(a)(3) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.*

Sec. 16-17-60(a)(4) *The importance of the services provided by the proposed facility to the community.*

Sec. 16-17-60(a)(5) *The necessity to the facility of a waterfront location, where applicable.*

Sec. 16-17-60(a)(6) *The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.*

Sec. 16-17-60(a)(7) *The compatibility of the proposed use with existing and anticipated development.*

Sec. 16-17-60(a)(8) *The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.*

Sec. 16-17-60(a)(9) *The safety of access to the property in times of flood for ordinary and emergency vehicles.*

Sec. 16-17-60(a)(10) *The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.*

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*Sec. 16-17-60(a)(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.*

*Sec. 16-17-60(d)(2) Authorization shall not be issued within the one-hundred-year floodplain if any increase in flood levels during the base flood discharge would result.*

*Sec. 16-17-60(d)(3) Authorizations shall be issued only upon a determination that the same is the minimum necessary, considering the flood hazard, to afford relief.*

*Sec. 16-17-60(d)(4) Authorizations shall only be issued upon:*

- a. A showing of good and sufficient cause;*
- b. A determination that failure to grant the authorization would result in exceptional hardship to the applicant; and*
- c. A determination that the granting of an authorization will not result in increased floodway elevations, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*

**Wireless Communication Facility Review Criteria**

Television broadcast equipment is categorized as a wireless communication facility under the Municipal Code. Special review criteria are designated for such facilities associated with a Major Event Permit, and include the following:

*Sec. 16-16-130(c)(1) Applications must contain an applicant's name, address, general contact telephone number and an emergency number where a representative of the applicant can be contacted twenty-four (24) hours per day, seven (7) days per week. Should any information represented on the application change, the applicant must contact the City in writing and provide the updated information.*

*Sec. 16-16-130(c)(11) No portion of any antenna array may extend beyond the property line.*

*Sec. 16-16-130(c)(15) The wireless communication facilities shall be designed, maintained and operated as required by applicable FCC licenses and regulations.*

*Sec. 16-16-130(c)(16) All wireless communication facilities shall comply with the setbacks within the zone district applicable to accessory structures or a setback equal to the height of the facilities as measured from the natural grade to the highest point of the wireless communication facility, whichever is greater, unless physical characteristics of the property and the facility allow for placement of the facility pursuant to Paragraph (c)(6) above. On land where the setback is measured from a property line that is not adjacent to residentially zoned property, the setback shall be the setback required for an accessory structure in that zone district.*

Complies – The television broadcast equipment proposed for the event will be located on the north side of the Howard Johnson property and will be operated by NBC and The Golf Channel. The television compound is bordered by a residential lot to the north, the golf course to the west, South University Boulevard to the east and the south side of the Howard Johnson Property will be used for shuttle drop off for volunteers. The applicant has provided a minimum setback of 65' for the television compound from the north property boundary and 50' from the east property boundary bordering S. University Boulevard. To the west of the compound is the golf course and to the south is the volunteer staging and shuttle area.

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***Major Event Agreement***

A Major Event Agreement will be required to reflect any terms and conditions imposed by the City to guarantee that the major event is conducted in accordance with the permit. The applicant has provided a draft agreement in the application binder. Subsequent to being provided this version, the applicant and staff met to discuss revisions to the agreement. Based on these discussions, staff has attached an amended agreement as Exhibit D. The applicant was not able to review these latest revisions prior to this packet being delivered.

***Request for Reimbursement of Fees and Expenses***

The applicant has requested that the City use a portion of the tax revenues from the event to offset certain tournament costs, including the City's administrative review fees for processing the Major Event Permit, police and fire services, no-parking sign rental expenses, and the restriping of University Boulevard. The estimated tax revenue from both sales and excise tax from admissions to the event is estimated at \$450,000. Municipal Code Section 16-21-70 allows for reimbursement of the City's review fees for processing the Major Event Permit (e.g. City Attorney, City Engineer and other consultant fees), but does not include any other provisions for reimbursement. For past major events at the Country Club, City services in support of the event have been reimbursed by the event organizers. Staff recommends that these services again be reimbursed with the current application in order to mitigate the impact to City staffing and budgets and to provide a public benefit to the City from the event.

**RECOMMENDATION:**

Because the required floodplain analysis has not been provided, staff recommends that the hearing and review be continued to the Council's next meet on May 20, 2014. This will provide the applicant additional time to submit the floodplain analysis and address the remaining items on the application: Outstanding items include the following:

- Final authorization letters from St. Mary's Academy, 3600 S. Clarkson and the Cherry Hills Drive homeowners.
- A floodplain analysis meeting the City Floodplain Management Regulation requirements for the placement of temporary structures in the floodplain.
- Final draft of the Major Event Development Agreement that has been reviewed by both staff and the applicant.

**RECOMMENDED MOTION:**

"I move to continue the request by the Western Golf Association for Major Event Permit to host the 2014 BMW Championship at Cherry Hills Country Club, and the associated requests for a floodplain development permit and wireless communications facility approval, to the May 20, 2014 City Council meeting at 6:30 p.m."

**ATTACHMENTS:**

Exhibit A: Application Materials

Exhibit B: February 26, 2013 Planning and Zoning Commission Minutes

Exhibit C: April 22, 2014 Draft Planning and Zoning Commission Minutes

Exhibit D: Draft Major Event Development Agreement

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**COLORADO**

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## RECORD OF PROCEEDINGS

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, February 26, 2013 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Vice Chair Savoie called the meeting to order at 6:33 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Vice Chair Savoie, Commissioner Al Blum, Commissioner Joe Poche, Commissioner Jim Rubin, Commissioner Steve Szymanski and Commissioner David Wyman.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Linda Michow, Deputy City Attorney; Troy Carmann, City Engineer; and Emily Kropf, Community Development Clerk.

Absent was Chair Laura Christman.

**APPROVAL OF MINUTES**

Commissioner Szymanski made a motion, which was seconded by Commissioner Blum, to accept the January 8, 2013 minutes as written. The motion passed unanimously.

Commissioner Szymanski made a motion, which was seconded by Commissioner Wyman, to accept the January 22, 2013 minutes as written. The motion passed unanimously.

**AGENDA ITEMS*****Preliminary Application Review for Major Event Permit – 2014 BMW Golf Championship at Cherry Hills Country Club***

Mr. Zuccaro stated that staff is presenting a preliminary application review for a Major Event Permit for the 2014 BMW Golf Championship at Cherry Hills Country Club by the Western Golf Association. The preliminary review allows the Commission to make recommendations to the applicant prior to submittal of the final application. For the preliminary review, the applicant submitted a letter of intent, identification of support service sites and a preliminary site plan and traffic and parking management plans. The event is scheduled to take place September 1, 2014 through September 7, 2014. Several schools in the area will be in session during that time, including Cherry Hills Village Elementary School, St. Mary's Academy and Kent Denver. The proposed event could impact school traffic.

Mr. Zuccaro continued that the final application will provide additional materials, including a detailed site plan, an amplified sound plan, provisions for sanitation, emergency operations and finalized traffic and parking management plans. Staff will coordinate with the City's Police Department, as well as South Metro Fire Rescue, the Colorado Department of Transportation and other surrounding jurisdictions when the final application is submitted. The Commission will review the final application and then make a recommendation to City Council, which will be followed by a public hearing and a final review by City Council. The final review must take place at least 6 months prior to the event.

Commissioner Wyman asked what the attendance was for the 2012 U.S. Amateur Golf Championship.

Mr. Zuccaro replied that attendance varied from 3,000 to 5,000 individuals throughout the event. He added that the expected attendance for the proposed event is a much higher magnitude.

Mr. Chris Manley, member of the Executive Committee of the 2014 BMW Golf Championship, thanked the Commissioners for their consideration of the application. He continued that 70 of the best golfers in the world will be attending the event, which occurs the week following Labor Day in 2014. The schedule for the event includes practice runs will occur on Tuesday and Wednesday and tournament play will take place from Thursday through Sunday.

Mr. Manley continued that tickets have been limited to 27,000 for spectators, which offers a smaller gallery on Sunday than during the 2005 U.S. Women's Open, which varied from 31,000 to 33,000 spectators. Parking in the City has been limited to Kent Denver and Denver First Church of the Nazarene. Parking for the general public will be primarily located at the Pepsi Center. The television compound is proposed to be located at the Howard Johnson Property at the northwest corner of S. University Boulevard and E. Quincy Avenue.

Mr. Doug Habgood, Championship Manager of the Bruno Event Team, stated that his client is the Western Golf Association. Mr. Habgood continued that all proceeds from the event will go to the Evans Scholars Foundation. The program awards full tuition and housing college scholarships to caddies based on academic excellence, outstanding character, proven leadership and financial need.

Mr. Bob Felsburg, Principal of Felsburg Holt and Ullevig, said that he helped prepare traffic plans for both the 2005 U.S. Women's Open and the 2012 U.S. Amateur Golf Championship. He has provided a preliminary traffic and parking plan for the proposed event. Information about the types of users attending the event and the magnitude of the event was provided by the organizers of the 2012 BMW Golf Championship, which helped to create projections for the event. The projected daily attendance includes patrons, volunteers, staff, vendors, media, officials, players and guests. Attendance is expected to be lower at the beginning of the week and gradually increase through the end of the week.

Mr. Felsburg continued that 1,100 parking spaces at Denver First Church of the Nazarene will be reserved for select and handicapped individuals. 313 parking spaces at Cherry Hills Country Club will be reserved for Professional Golf Association officials, media, Western Golf Association staff, members of the Executive Committee, players, caddies and family members. 1,400 parking spaces at Kent Denver will be reserved for volunteers, Cherry Hills Country Club members and employees and vendors. Parking for the general public will be located at the Pepsi Center.

Mr. Felsburg said that shuttles will pick up individuals from the designated parking areas and drop them off at the event. The shuttles will enter the Country Club and circulate through the lower parking lot. There will be traffic control officers at the main entrance to help direct shuttles and control the traffic signal. There will also be directional signage located throughout the City, as well as neighborhood signage discouraging parking on streets.

Mr. Felsburg added that the applicant is proposing a temporary easement on City property to relocate an existing trail to avoid a pedestrian bottleneck on the golf course near the seventeenth green. The applicant plans to create a temporary pathway on the City's bike trail along E. Quincy Avenue. The path will be relocated using fences, safety barricades

and a temporary concrete barrier. The relocated trail should not impact the width of the roadway.

Commissioner Poche asked why the main entrance is not located at the back of the Country Club.

Mr. Manley responded that Englewood High School is located near the back of the property.

Commissioner Poche said that Cherry Hills Elementary School is located near the front of the property.

Mr. Manley replied that the applicant will look further into an alternative entrance.

Vice Chair Savoie asked how parking will be provided at Kent Denver when school is in session.

Mr. Manley said that parking will be provided on the back field.

Mr. Felsburg added that this same area was used last year during the 2012 U.S. Amateur Golf Championship.

Commissioner Blum asked if Monroe Lane will be used to access the parking area.

Commissioner Wyman stated that Monroe Lane is a private road and separated from Kent Denver by a fence. It is also an unpaved road, which could be messy and may also not meet safety requirements in regards to access.

Vice Chair Savoie suggested that the applicant limit parking during school hours.

Mr. Manley replied that the applicant will try to avoid peak hours.

Commissioner Wyman said that there are not 1,100 parking spaces located at Denver First Church of the Nazarene.

Vice Chair Savoie responded that other churches in the area are providing additional spaces.

Commissioner Wyman asked how individuals will be able to parking at the church during service on Sunday.

Mr. Manley replied that parking will be available at Kent Denver on Sunday.

Commissioner Wyman suggested that the applicant direct individuals using the Light Rail to the Santa Fe station as it is only 2.75 miles from the Country Club.

Mr. Manley stated that he believes that most individuals using the Light Rail will come from the south and use the Belleview station. There will also be some parking provided at the Mountain View Golf Course.

Commissioner Wyman asked what portion of the patrons will go to the Pepsi Center.

Mr. Felsburg responded that a large portion will go to the Pepsi Center.

Vice Chair Savoie asked what facility was used previously.

Mr. Manley said that the University of Denver provided parking for the general public during the previous event, but school will be in session during the proposed event.

Vice Chair Savoie replied that school will not be in session during the weekend.

Commissioner Wyman asked if the applicant has considered the number of shuttles that will be required to transport individuals.

Mr. Felsburg responded yes. He added that he will provide an estimate of the number of shuttles needed.

Commissioner Poche asked if it would be more efficient to have buses enter from only one direction on S. University Boulevard.

Mr. Felsburg said that the suggestion can be considered.

Commissioner Blum asked how shuttles will be directed to the Country Club from the Belleview station.

Mr. Felsburg replied that the shuttles could use E. Hampden Avenue or S. Happy Canyon Drive.

Commissioner Rubin stated that the academic year at the University of Denver does not start until Monday, September 8, 2014.

Mr. Manley said that the Pepsi Center is not the applicant's first choice, and he will look into the possibility of parking at the University of Denver.

Commissioner Szymanski stated that there is considerable traffic on E. Quincy Avenue during the morning as a result of Kent Denver during the morning and Cherry Hills Village Elementary School during the afternoon. He suggested that the applicant plan for traffic control with officers.

Vice Chair Savoie asked if there will be a pro-am event in conjunction with the tournament.

Mr. Manley replied that the pro-am event is scheduled for Wednesday.

Vice Chair Savoie asked that the applicant address noise from the television compound before the final application review. He asked if there will be a secondary access for pedestrians at E. Quincy Avenue and S. University Boulevard.

Mr. Manley said no. He added that parking is not proposed at St. Mary's Academy.

Vice Chair Savoie asked if there will be bike racks.

Mr. Manley replied yes. He added that they are proposed to be located on the tennis courts at the Country Club.

Vice Chair Savoie asked if there should be a crossing on the seventeenth hole rather than relocating the path.

Mr. Manley said that the applicant would like to make the transition as transparent as possible so spectators do not know that they are leaving the property.

Commissioner Poche asked if individuals riding bikes are going to be directed to the roadway.

Mr. Manley said no. He added that there will be a designated area on the path for bikes.

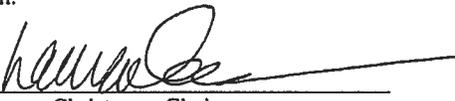
Vice Chair Savoie concluded the preliminary review.

Study Session: Exterior Lighting Code

A study session was held on the City's exterior lighting standards.

ADJOURNMENT

The meeting was adjourned at 8:11 p.m.



\_\_\_\_\_  
Laura Christman, Chair



\_\_\_\_\_  
Emily Kropf, Community Development Clerk

---DRAFT---

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 22, 2014 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Chair Christman called the meeting to order at 6:31 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chair Laura Christman, Commissioner Al Blum, Commissioner Jim Rubin, and Commissioner Kassie Jensen.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Marcus McAskin, Deputy City Attorney; Troy Carmann, City Engineer; Commander Patrick Weathers, Commander of Cherry Hills Village Police Department; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Vice Chair Peter Savoie, Commissioner Steve Szymanski and Commissioner David Wyman.

**APPROVAL OF MINUTES**

Commissioner Blum made a motion, which was seconded by Commissioner Rubin, to accept the February 25, 2014 minutes as written. The motion passed unanimously.

**AGENDA ITEMS**

*Agenda Item 4.a. Request by the Western Golf Association for a Major Event Permit to Host the 2014 BMW Golf Championship at Cherry Hills Country Club from September 1<sup>st</sup> through the 7<sup>th</sup>, 2014; a Floodplain Development Permit Associated with the Major Event Permit; and a Wireless Communications Facility Approval for Television Broadcasts Associated with the Major Event Permit*

Mr. Zuccaro stated that the Western Golf Association is requesting review of a Major Event Permit to host the 2014 BMW Championship at Cherry Hills Country Club from September 1<sup>st</sup> through the 7<sup>th</sup> of this year. Mr. Zuccaro continued by explaining the purpose and intent of the Major Event permitting process and the review criteria.

Mr. Zuccaro outlined the process for review of a Major Event Permit. The first stage in the process is the Preliminary Application Review, which was completed by the Planning and Zoning Commission on February 26, 2013. The next step is the Final Application Review, which

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is what is being presented to the Commission currently. The commission may recommend approval, approval with conditions or denial of the request to the City Council or continue the hearing if additional information is needed. The City Council will then review the proposal to make a final determination.

Mr. Zuccaro noted that the applicant is proposing to begin staging for the event starting June 1<sup>st</sup>. He noted that despite several outstanding items on the application, which are noted in staff's recommended conditions, staff is recommending that the Commission consider making a recommendation on the application this evening, with staff's conditions and any other conditions the Commission deems necessary, so that the application can be reviewed by the City Council in May prior to the June 1<sup>st</sup> start date.

Mr. Zuccaro continued by reviewing the anticipated schedule for the tournament, including: pre-tournament staging to take place June 1 through August 31; the tournament week of September 1 through September 7, during which attendance is anticipated to range from 11,000 to 27,000 of the busiest days of Thursday through Sunday; and post-tournament breakdown September 8 through October 12.

Mr. Zuccaro gave a summary of the properties in and out of the City that are proposed to be used as support service sites. He continued by highlighting the parking sites, bus and shuttle circulation routes and drop-off sites and reviewed how different attendees would access the golf course for the tournament. Mr. Zuccaro indicated that the main parking area proposed for the event is located at Peoria and E-470 and that this site will include 9,000 parking spaces to accommodate the majority of public attending the event and the applicant has been working with CDOT on plans to temporarily restripe University Avenue in order to create a bus drop-off lane for the busses shuttling attendees from this location. Mr. Zuccaro stated that other support service sites to be used for storage of materials and equipment, construction staging and temporary office trailers were discussed.

Mr. Zuccaro stated that the use of Cherry Hills Drive as a drop-off location and shuttle route is an area of concern for staff as this is a private road which is jointly owned by the property owners in the subdivision. He stated that the City would prefer that no residential streets be used if at all possible. He continued that the applicant needs to provide written authorization from the homeowners on Cherry Hills Drive. He continued that this is a narrow road and the City has concerns about the potential impact this would have on the residents and the possible damage to the roadway. Mr. Zuccaro further stated that the proposed route would continue onto Gilpin Street, which is also a residential street and will be chip sealed this summer, and staff was concerned with the negative impact to property owners along Gilpin and possible damage to the road.

Mr. Zuccaro outlined the submittal requirements for the Major Event Permit. He noted that among the submittal requirements was a traffic and parking analysis and that the City had hired an independent Professional Traffic Operations Engineer to assist in reviewing the proposal. He noted that the consultant, Mr. Curtis Row, with Kimley Horn and Associates, was present to

answer any questions. He noted that traffic and parking were of particular concern to staff as far as possible impacts to the community, especially considering how remote and inconvenient the public parking is, which could result in many attendees attempting to find close-in parking in City neighborhoods. Mr. Zuccaro stated that staff has asked the applicant to consider public transit options for the event to greatest extent possible to help reduce the parking and traffic impacts. Mr. Zuccaro stated that staff was also concerned that a private vehicle and taxi drop-off location wasn't identified, as there would likely be a high demand for this due to the lack of parking near the event. He continued that the applicant has indicated they are working with St. Mary's on a possible location, but written authorization has not been provided and staff is concerned that school will be in session during the event.

Mr. Zuccaro stated that the Police Department has been working with the event organizers on security and traffic control for the event and Police Commander Patrick Weathers was present to answer any questions. Mr. Zuccaro also noted that South Metro Fire Rescue Authority has been working with the event organizers and staff on emergency medical planning and that a private medical group would also provide services for the event.

Mr. Zuccaro reviewed associated requests by the applicant and displayed diagrams indicating the location of each of the following items which are in addition to the Major Event Permit:

- An increase in the height of the existing driving range fence from 60' to 90' in height in order to accommodate professional golfers.
- A Floodplain Development Permit that would allow temporary structures to be constructed in the floodplain.
- A Wireless Communication Facility to accommodate the television broadcast equipment.

Mr. Zuccaro noted that the City's Floodplain Development Permit requirements include the submittal of documentation related to floodproofing structures in the floodplain to make sure that they are safe an analysis of the impact of those structures on flood elevations on up and down stream properties. Mr. Zuccaro stated that the applicants have not yet provided the required analysis so staff has not been able to make any findings on this portion of the request. Mr. Zuccaro continued that the City Engineer, Mr. Troy Carmann with Icon Engineering, is present to answer any questions.

Mr. Zuccaro stated that the Wireless Communication Facility proposed on the Howard Johnson property has met all criteria with the exception of providing confirmation of setbacks on the property. He continued that the City needs confirmation that the broadcasting equipment meets the accessory structure setbacks for the zone district, which are the minimum needed to meet the permit requirements.

Mr. Zuccaro stated that there is a time constraint related to this request, as the permit needs approval by City Council before staging is set to begin June 1, 2014. He continued that Staff has

identified a list of conditions that should be satisfied before the request moves to City Council. He continued that Staff will work closely with the applicant to confirm the conditions are met.

Mr. Zuccaro reviewed each condition, which included the following:

1. Prior to the City Council hearing, the application shall be amended to include a taxi and personal vehicle drop off location within close proximity to the main public entrance to the event. This shall include written authorization from the property owner of the drop off site and amendments to the signage plan for adequate directional signage.
2. Prior to the City Council hearing, signed letters of authorization shall be submitted for all proposed support service sites. (Currently, outstanding support service sites without written authorization include: 3600 S. Clarkson Street; Hackstock Property; St. Mary's Academy; First Plymouth Church; Highline Community Church; Cherry Hills Park Owners)
3. Prior to the City Council hearing, the electrical generator dB level description in the application documents shall be updated to reflect the information in the spec sheets and include the following statement: "Electrical generators shall comply with the maximum noise levels in compliance with Municipal Code Section 7-1-30(4). Any generator found by the City to not be in compliance with this Code Section shall be immediately relocated or shielded so that it is in full compliance with the maximum noise levels."
4. Prior to the City Council hearing, the evacuation plan will be amended to state that the Police or Fire Chief, in consultation with the PGA TOUR, shall have the authority to suspend play and call for an evacuation if deemed necessary to protect public health, safety and welfare.
5. Prior to the City Council Hearing, the Traffic and Parking Analysis shall be amended and additional information supporting the Traffic and Parking Analysis shall be provided to address the following items:
  - a. The traffic and parking analysis should be amended to include the number of shuttle buses provided for each parking area. Although the passenger capacity needed for each parking area is provided, the actual number of buses provided is needed in order to demonstrate that the calculated capacity can be accommodated.
  - b. The traffic and parking analysis should be amended to show a 20-foot cone spacing for the bus drop off area on southbound University Boulevard so that personal vehicles are less likely to pull into the drop off area. This was amended in the text of the document but needs to be amended in the exhibits as well.
  - c. The traffic and parking analysis should be amended to include the information that will be distributed to ticket holders related to parking options and should incorporate clear information on alternative transportation options, such as maps and directions to light rail and other public transit near the event, and include the statement "No Parking is Available at or Near the Event."
  - d. The traffic and parking analysis should be amended to include additional information and analysis on the pedestrian queuing and staging areas at the bus loading area along University Boulevard for peak times to ensure adequate capacity.

- e. The traffic and parking analysis should be amended to evaluate the use of an all-red traffic light signal phase, with eastbound right turn movement out of the Country Club restricted on red, in order to ensure adequate gaps in traffic for the buses to exit.
  - f. Due to the high probability of attendees seeking parking close to the event, staff finds that enforceable no parking zones need to be established throughout surrounding neighborhoods that are within walking distance of the event. The traffic and parking analysis should be amended to include a specific plan for the number of signs, location and spacing, and a timeline for when the signs will be installed and removed. Staff has also requested verification that the event organizers have contracted with a sign company to provide the signage outlined in the final plan as part of the Major Event Permit.
  - g. In order to ensure prompt response to parking violations, staff finds that an on-call tow truck should be provided. The event permit should be amended to reflect that a tow truck service will be provided by the applicant for the duration of the event with a company mutually agreed upon by the applicant and Police Department.
  - h. The E-470/Peoria parking area is located in Douglas County. Staff has requested that written confirmation from Douglas County be provided indicating that they have reviewed and approved of the parking plan within their jurisdiction.
  - i. The shuttle loading area for BMW owners is proposed north of the club along Cherry Hills Drive. Cherry Hills Drive is also designated for deliveries and access to the golf course for caddy parking on the par three course. Cherry Hills Drive is a private road located on a tract owned jointly by all property owners in the subdivision. Use of the road will require written authorization of all owners of the subdivision, which has not yet been provided. Staff recommends as a condition of approval that this written authorization be provided.
6. Prior to the City Council hearing, the signage plan shall be amended to include the following:
    - a. In coordination with CDOT, placement of variable message boards placed along S. University Boulevard prior to the event and the restriping of S. University Boulevard to warn drivers of the anticipated disruptions.
    - b. Directional signage for the as yet to be determined private vehicle and taxi loading area.
    - c. Neighborhood no parking signs, as discussed in more detail under the Parking and Traffic Analysis section.
  7. Prior to the City Council hearing, the applicant shall provide a complete floodplain analysis in conformance with the City's Floodplain Management Regulations found in Municipal Code Sections 16-17-50, 16-17-60 and 16-17-70.
  8. Prior to the City Council hearing, the Johnson Property site plan shall be amended to show minimum setbacks for the television compound broadcast equipment equal to those for accessory structures in the R-3 Zone District (50' front and 25' side and rear setbacks). Other support buildings and equipment may encroach into these setbacks.

Commissioner Blum asked what was the protocol for reimbursement of fees and expenses as requested by the applicant.

Mr. Zuccaro replied that all applicants pay review fees as part of the application process, including those for subdivisions, variances and any City Development application. He stated that Major Event Permits are unique in that the City Council can authorize reimbursement of the permit review fees from the admissions excise tax revenues that the City collects for the event. He continued that the applicant has requested that the City consider using the excise tax revenue to also pay for additional event expenses such as police overtime pay related to the event, restriping of University Boulevard and no-parking sign rental expenses. He stated that historically applicants have paid for any police overtime and other expenses incurred by the City.

Mr. Zuccaro stated that the tournament will have a significant impact on the city and city resources and the excise tax is the only source of revenue. Mr. Zuccaro noted that Cherry Hills Village is unique in that there are no hotels and limited restaurants within the city boundaries and that other Cities hosting similar event would gain tax revenue from those sources.

Commissioner Rubin asked if traffic would be monitored along the major intersections located on Quincy Avenue, University Boulevard and Hampden Avenue. He continued that he is concerned with traffic backing up into neighborhoods.

Mr. Zuccaro replied that the applicant's traffic engineer was present and that he could answer that question in more detail.

Chair Christman asked about any potential conflicts with school drop off and pick up times.

Mr. Zuccaro stated that the question could also be deferred to the applicant.

Chair Christman asked if the church parcel proposed for staging at Clarkson and Hampden was zoned R-1.

Mr. Zuccaro replied that it is zoned R-3.

Chair Christman stated that staging is not part of residential used. She asked if any notices had been posted regarding the use planned on the property.

Mr. Zuccaro replied that the only notices posted were adjacent to the Cherry Hills Country Club.

Chair Christman asked if staging is allowed in residential districts.

Mr. Zuccaro replied that the Major Event Permit allows for property to be used for staging with the written consent of the property owner.

Chair Christman asked what the staging would consist of.

Mr. Zuccaro replied that he understood the property at Clarkson and Hampden was to be used for staging the contrition of temporary structures for the tournaments and that the applicant would need to clarify more specifically how the property would be used.

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Chair Christman asked between what hours the staging would be allowed to take place.

Mr. Zuccaro replied that normal construction hours in the City would apply.

Commissioner Blum asked were any fall sports taking place at Kent Denver considered.

Mr. Zuccaro stated that the applicant has received a written authorization from Kent Denver but was not aware of the discussions with Kent.

Chair Christman asked if the structures in the floodplain were temporary in nature and would the floodplain be returned to its original state once they were removed.

Mr. Zuccaro stated that they are waiting for the floodplain report but it is his understanding that everything will be returned to its original state.

Chair Christman asked what type of impact the floodplain has on the St. George's property.

Mr. Zuccaro replied that only portions of the property are in the floodplain but any use of the property in the floodplain will need to be considered in the floodplain report.

Commissioner Blum asked if approval for floodplain development will need to be reviewed by FEMA.

Mr. Zuccaro replied that FEMA does not need to review this type of permit. He noted that the City also has provided the application to Urban Drainage and Flood Control District and they did not voice any objections as long as the City permitting procedures were followed.

Chair Christman asked what a reasonable walking distance to the event is.

Mr. Zuccaro replied that generally speaking  $\frac{1}{4}$  to  $\frac{1}{2}$  mile is considered walking distance to a transit oriented development. The distance from St. Mary's to Cherry Hills Country Club is .7 miles, but attendees would likely be willing to walk farther to the event.

Chair Christman stated that she feels patrons would try to find parking closer and walk two miles or further since the main parking area is located so far away.

Chris Manley, stated his is the representative for the applicant and a member of the Country Club, thanked Mr. Zuccaro for all of his assistance with their application. He stated that the BMW golf tournament is the second oldest tournament in the United States and benefits the Evans Scholarship Fund, which has over 10,000 alumni.

Mr. Manley stated that the potential economic impact to the city is \$400,000 based on anticipated tax revenues, and the economic impact to the Denver area is between 35-50 million dollars.

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Mr. Manley stated that he would like to address some of the conditions mentioned in the Staff report. He continued that St. Mary's Academy would be used for drop off for licensed operators only, such as taxis and limousines, and that private vehicles would be directed to Belleview Station to catch the shuttles designated for light rail users.

Commissioner Blum asked if the ADA requirements for parking had been met.

Mr. Manley replied that the church location was the designated handicapped parking location.

Mr. Manley stated that reimbursement of permit fees and additional police department costs would be greatly appreciated.

Mr. Manley displayed a diagram of Cherry Hills Drive. He stated that the committee has met with four of the eight property owners and all four are in support of the traffic plan. He continued that there might not be enough time to get consent from the other homeowners and asked if the City would accept less than 100% authorization from the owners.

Chair Christman stated that Cherry Hills Drive is a private drive not designed for heavy traffic, and that the homeowners maintain their own road.

Mr. Manley replied that the applicant would cover any restoration costs to the road that were necessary after the event.

Chair Christman asked if the City could authorize use of the private road for this type of event.

Mr. Zuccaro replied that it is an unusual circumstance as many private roads are owned or controlled by their HOA but this road is jointly owned by property owners in the subdivision.

Mr. Manley stated that all structures proposed in the floodplain are temporary in nature.

Mr. Manley stated that the sports events at Kent Denver have been coordinated around the event.

Chair Christman asked about possible interference with school drop off and pick up times.

Mr. Manley replied that the first tee time is at 11:15 am and that most patrons would arrive no earlier than 10:00 am. He continued that the last tee time is at 6:00 pm, and most patrons would stay towards the end of play as it tended to be the better players at those times.

Chair Christman asked if there was an emergency situation, which would be the final authority.

Commander Weathers of the Cherry Hills Village Police Department replied that in case of inclement weather a consensus would need to be reached between the event staff and Chief of Police and Fire Chief. He continued that in the event of an evacuation situation due to an emergency such as a terrorist event the Chief of Police would have the final say.

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Commissioner Blum stated that Cherry Hills Drive is private property and that some homeowners may not consent.

Commissioner Rubin stated that it is the applicant's responsibility to make contact with all property owners and show the City evidence of contact.

Mr. Manley replied that information was sent out to all homeowners and the applicant will try again to obtain consent.

Chair Christman asked would there be legal issues with the use of the private road if any homeowners do not give consent.

Deputy Attorney McAskin replied that he believes in the 1940s and 1950s that there was limited public access established on a small portion of the road, but the remainder of the road does not have public access and is privately owned. He stated that a takings claim was unlikely due to the temporary nature of the use of the road. He continued that legal concerns about maintenance issues could be handled in the development agreement.

Chair Christman asked if the agreement would include indemnification for the City.

Deputy Attorney McAskin replied that the agreement is currently being drafted.

Commissioner Jensen asked if there was some type of emergency access easement over the road.

Mr. Zuccaro stated that indemnification for the City could be added as a Commission recommended condition if inclusion of this in the agreement wasn't currently clear. He continued that the road is unique in that it has no access easements that he is aware of.

Chair Christman stated that the City should not impact private property rights. She continued that she has concerns regarding the neighbors near the St. George's property.

Mr. Zuccaro replied that notices can be posted on all the service sites before the City Council hearing.

Commissioner Rubin stated that it is important to know how these residential sites will be used. He continued that they should be used for as short a time as possible, and the City should be informed of what types of operations and equipment will be on the sites.

Commissioner Blum moved to approve the Major Event Permit requested by the Western Golf Association to host the 2014 BMW Championship at Cherry Hills Country Club, and the associated requests for a floodplain development permit and wireless communications facility approval, with approved with the following conditions:

1. Prior to the City Council hearing, the application shall be amended to include a taxi and personal vehicle drop off location within close proximity to the main public entrance to

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- the event. This shall include written authorization from the property owner of the drop off site and amendments to the signage plan for adequate directional signage.
2. Prior to the City Council hearing, signed letters of authorization shall be submitted for all proposed support service sites. (Currently, outstanding support service sites without written authorization include: 3600 S. Clarkson Street; Hackstock Property; St. Mary's Academy; First Plymouth Church; Highline Community Church; Cherry Hills Park Owners)
  3. Prior to the City Council hearing, the electrical generator dB level description in the application documents shall be updated to reflect the information in the spec sheets and include the following statement: "Electrical generators shall comply with the maximum noise levels in compliance with Municipal Code Section 7-1-30(4). Any generator found by the City to not be in compliance with this Code Section shall be immediately relocated or shielded so that it is in full compliance with the maximum noise levels."
  4. Prior to the City Council hearing, the evacuation plan will be amended to state that the Police or Fire Chief, in consultation with the PGA TOUR, shall have the authority to suspend play and call for an evacuation if deemed necessary to protect public health, safety and welfare.
  5. Prior to the City Council Hearing, the Traffic and Parking Analysis shall be amended and additional information supporting the Traffic and Parking Analysis, shall be provided to address the following items:
    - a. The traffic and parking analysis should be amended to include the number of shuttle buses provided for each parking area. Although the passenger capacity needed for each parking area is provided, the actual number of buses provided is needed in order to demonstrate that the calculated capacity can be accommodated.
    - b. The traffic and parking analysis should be amended to show a 20-foot cone spacing for the bus drop off area on southbound University Boulevard so that personal vehicles are less likely to pull into the drop off area. This was amended in the text of the document but needs to be amended in the exhibits as well.
    - c. The traffic and parking analysis should be amended to include the information that will be distributed to ticket holders related to parking options and should incorporate clear information on alternative transportation options, such as maps and directions to light rail and other public transit near the event, and include the statement "No Parking is Available at or Near the Event."
    - d. The traffic and parking analysis should be amended to include additional information and analysis on the pedestrian queuing and staging areas at the bus loading area along University Boulevard for peak times to ensure adequate capacity.
    - e. The traffic and parking analysis should be amended to evaluate the use of an all-red traffic light signal phase, with eastbound right turn movement out of the Country Club restricted on red, in order to ensure adequate gaps in traffic for the buses to exit.
    - f. Due to the high probability of attendees seeking parking close to the event staff finds that enforceable no parking zones need to be established throughout surrounding neighborhoods that are within walking distance of the event. The traffic and parking analysis should be amended to include a specific plan for the number of signs, location and spacing, and a timeline for when the signs will be installed and removed. Staff has also requested verification that the event organizers have contracted with a

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- sign company to provide the signage outlined in the final plan as part of the Major Event Permit.
- g. In order to ensure prompt response to parking violations, staff finds that an on-call tow truck should be provided. The event permit should be amended to reflect that a tow truck service will be provided by the applicant for the duration of the event with a company mutually agreed upon by the applicant and Police Department.
  - h. The E-470/Peoria parking area is located in Douglas County. Staff has requested that written confirmation from Douglas County be provided indicating that they have reviewed and approved of the parking plan within their jurisdiction.
  - i. The shuttle loading area for BMW owners is proposed north of the club along Cherry Hills Drive. Cherry Hills Drive is also designated for deliveries and access to the golf course for caddy parking on the par three course. Cherry Hills Drive is a private road located on a tract owned jointly by all property owners in the subdivision. Use of the road will require written authorization of all owners of the subdivision, which has not yet been provided. Staff recommends a condition of approval that this written authorization be provided.
6. Prior to the City Council hearing, the signage plan shall be amended to include the following:
    - a. In coordination with CDOT, placement of variable message boards placed along S. University Boulevard prior to the event and the restriping of S. University Boulevard to warn drivers of the anticipated disruptions.
    - b. Directional signage for the as yet to be determined private vehicle and taxi loading area.
    - c. Neighborhood no parking signs, as discussed in more detail under the Parking and Traffic Analysis section.
  7. Prior to the City Council hearing, the applicant shall provide a complete floodplain analysis in conformance with the City's Floodplain Management Regulations found in Municipal Code Sections 16-17-50, 16-17-60 and 16-17-70.
  8. Prior to the City Council hearing, the Johnson Property site plan shall be amended to show minimum setbacks for the television compound broadcast equipment equal to those for accessory structures in the R-3 Zone District (50' front and 25' side and rear setbacks). Other support buildings and equipment may encroach into these setbacks.
  9. Prior to the City Council hearing, the applicant shall post signage on all support sites, and provide a definitive plan as to how each support site will be used.
  10. Prior to the City Council hearing, the applicant shall include a statement of indemnification to the City in the agreement between the City and the Western Golf Association.

Commissioner Jensen seconded the motion, which was approved unanimously.

*Agenda Item 4.b. Request by Arapahoe Tennis Club for an Expanded Use Permit to install a Paddle Court and Paddle Hut; a Front-Yard Setback Variance for the Paddle Court and Paddle Hut; and the Addition of Lights to Existing Tennis Courts*

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**MAJOR EVENT DEVELOPMENT AGREEMENT  
CITY OF CHERRY HILLS VILLAGE, COLORADO**

THIS MAJOR EVENT DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the \_\_\_ day of \_\_\_\_\_, 2014 by and between the City of Cherry Hills Village ("City"), and Western Golf Association, a non-profit corporation ("WGA") and Cherry Hills Country Club, a Colorado non-profit corporation ("CHCC") (collectively, "WGA/CHCC"), together referred to herein as the "Parties." In consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

**A. Authority**

This Agreement is entered into pursuant to Section 16-21-70 of the Municipal Code of the City of Cherry Hills Village, Colorado (the "Code"). The Cherry Hills Village City Council has determined, pursuant to Code Section 16-21-70(a) that this written agreement memorializing the WGA/CHCC's obligations and duties in, and the conditions imposed upon, the conduct of the major event will be required.

**B. Major Event Permit and Related Approvals**

This Agreement governs the conduct of the 2014 BMW Championship, to be held at Cherry Hills Country Club from September 1-7, 2014, and such succeeding day or days as may be occasioned by any playoff or postponement of any round(s) (the "Event"), including preparation activities prior to, and remediation activities subsequent to, those dates. On \_\_\_\_\_, 2014, the City Council approved a Major Event Permit (the "Permit") for the Event. That permit document, including associated related approvals, is attached hereto as **Exhibit A**. The related approvals granted by the City in association with the Permit include:

1. Approval for the conduct of development activities within the floodway and floodplain pursuant to Code Sections 16-17-10 and 16-17-60.
2. Permission to install a 30 foot tall, temporary driving range fence extension located between the driving range and S. University Boulevard. The design and location of the fence shall be as depicted in **Exhibit B** with installation starting around August 1, 2014.
3. Approval of signage plan submitted as part of the Permit application which shall include an executed copy of an agreement between WGA/CHCC and a sign company evidencing the number, location, and size of no parking signs and sign conformance with the Code.
4. Permission for temporary use of City rights-of-way.
5. Permission to establish and operate a wireless communication facility on the Johnson property at the northeast corner of University Boulevard and Quincy Avenue or WGA/CHCC during the Event.

6. Permission to establish and operate mobile wireless communication facilities for television broadcasts pursuant to Code Section 16-16-130.
7. Consent to utilize S. University Boulevard for bus loading/unloading consistent with the special use permit issued by Colorado Department of Transportation, a copy of which shall be provided to the City on or before August 1, 2014, dated \_\_\_\_\_.
8. Permission to use WGA/CHCC owned property located near the intersection of Ogden Street and Kenyon Avenue for activities ancillary to the tournament operations (staging, trailer storage, etc). No public parking shall be permitted on such property.
8. \_\_\_\_\_

**C. Obligations of WGA/CHCC**

**1. General Obligations.**

- a. The WGA/CHCC will conduct the Event as described in the Final Permit Application dated \_\_\_\_\_, 2014 (the "Application") as conditionally approved by the City Council on \_\_\_\_\_, 2014. The representations made in the Application and the statements made by the WGA/CHCC to the Cherry Hills Village Planning Commission on April 22/22/14, 2014 and to the City Council on \_\_\_\_\_ and \_\_\_\_\_, 2014 are considered material representations, intended by the Parties to be included within the Application itself, and as conditions of the Permit. The obligations and conditions contained herein are each conditions of approval of the Permit for the Event.
- b. It is anticipated that the Event will conclude on September 7. If in order to determine a winner, including as a result of any play-off or postponement of any round or rounds or due to force majeure, the Event is prolonged, all provisions hereof shall continue to apply. If the Event is extended: (1) WGA/CHCC shall advise and consult with the City as soon as practical to ensure sufficient police officers and traffic control measures are available, and (2) all performance, restoration, cleanup and remediation dates herein continue to be met without change. ~~The Event may only be extended if sufficient police officers are available as extra duty officers to provide necessary security and traffic control, in the judgment of the Cherry Hills Village Chief of Police.~~

**2. Site Plans.**

- a. WGA/CHCC shall comply with each element of the site plans contained in the Application. ~~Changes to the approved site plans necessitated by~~

~~changed conditions shall~~ may be authorized only with prior written approval of the City Manager.

- b. WGA/CHCC ~~shall~~ has provided the City with written documentation evidencing permission by adjacent and affected property owners to allow pedestrian access, generators, and other encroachments onto private property associated with the Event.
- c. A TV Compound on the Howard Johnson Property with all building and equipment within the setback areas is as described in the Application depicted on Exhibit C. Pedestrian access/amenities are also will also be permitted on the Howard Johnson Property as described in the Application depicted on Exhibit C.
- d. The main entry for all pedestrians shall be through the main entrance to WGA/CHCC at University Boulevard. Additional access points for pedestrians include through the Howard Johnson property and along Cherry Hills Village Drive north of the CHCC driving range. Only emergency access and deliveries of supplies shall be allowed at the existing access from Quincy Avenue.
- e. WGA/CHCC shall comply with applicable City Code concerning building permits and inspections. The City, in consultation with its building inspection services provider, has agreed to charge WGA/CHCC an hourly building permit and inspection fee for all building services associated with the Event at a rate of \$150 per hour. Based on the site plan submitted as part of the Application and number of temporary structures and estimated required building inspections, the estimated total fee for building inspection services is \$20,400.00, which represents a reduction in the amount which would ordinarily be paid on a per-structure basis. This amount does not include any inspections or permitting by other health, safety or fire organizations other than the City. On or before August 15, 2014, the WGA/CHCC shall pay to the City 110% of the estimated fee associated with the City's cost to perform building inspection services. The amount payable to the City is \$22,440.00, which is 110% of the estimated fee. This amount is based on the assumptions and information provided by WGA/CHCC. On or before September 30, 2014, the City shall either: (1) refund to WGA the excess amount, based on actual costs, or (2) inform the WGA of a shortage, based on the actual costs. The WGA shall promptly pay the amount of any shortage within thirty (30) days. The City shall promptly refund the excess amount within thirty (30) days.

### **3. Traffic, Parking and Signs.**

- a. WGA/CHCC shall comply with the Traffic Study, Traffic Management, Parking and Signage Plans contained in the Application.

- b. All volunteer, VIP, staff and spectator parking and shuttle traffic shall conform to the submitted Traffic Study and Traffic Management Plan with respect to parking, timing, and routing.
- c. Buses used for transport of VIP's, staff, volunteers and spectators shall not be permitted to idle at the pickup/dropoff locations for more than 10 minutes when not actively ~~cueing~~ queueing, loading or unloading.
- d. Shuttle Circulation routes. ~~PLACEHOLDER~~. No large buses with capacity of over 32 passengers, shall be allowed on Quincy Ave. or other local streets.
- e. "No Parking" and directional signs shall be placed in the locations outlined in the final Traffic and Parking Management Plan. Additional "no parking" and directional signs shall be placed as directed by the City based on actual conditions during the Event.
- f. The text of the "No Parking" and directional signs shall be approved by the City.
- g. WGA/CHCC will provide additional parking for spectators, staff, volunteers and VIP's in the event the parking areas detailed in the Application are not sufficient. Persons parking at these areas shall be shuttled to the Event along the same routes designated for those classes of attendees in the Application.
- g. WGA/CHCC shall obtain the necessary temporary sign permit from CDOT and provide evidence of the same to the City prior to the Event. WGA/CHCC shall provide the City with a copy of a fully executed contract with a sign company for provision of signs meeting the requirements established in the Traffic and Parking Management Plan.
- h. All directional and informational signs on public rights-of-way shall be installed and in place no sooner than August 18, 2014, and removed no later than September 19, 2014.
- i. All "No Parking" signs on public rights-of-way shall be installed no sooner than August 17, 2014 and no later than August 31, 2014 and shall be removed no later than September 10, 2014.
- ij. The location of all signs on City property or rights-of-way must be approved in advance by the City. WGA/CHCC shall provide the City with evidence of approval for temporary signs within rights-of-way of all other jurisdictions prior to the date on which such signs are installed.
- jk. All signs which constitute traffic control devices shall comply with applicable Code provisions, as applicable to the type of sign. All signs and other traffic control devices and measures, including barricades and

traffic cones, needed for the Event will be provided by WGA/CHCC at its sole cost and expense.

- k]. Temporary signs erected on private property, as described in the Application, are permitted to vary from the requirements of Code Section 16-15-60 as to size and duration.
- lm. Prior to the Event, WGA/CCHC shall provide the City with written evidence of approval from CDOT for any temporary access to University Boulevard.

#### **4. Lighting and Noise.**

- a. WGA/CHCC shall comply with the Lighting Plan submitted with the Application, as approved by the City.
- b. All temporary lighting shall comply with the Code.
- c. The placement of any light standard shall ensure that neither the direct nor reflected light from any source will create a traffic hazard to operators of motor vehicles on public roads, nor create a nuisance to any residential property under Code Section 7-1-30(5).
- d. All power generators utilized for the television compound shall be inspected when on site and operating to ensure compliance with the City's noise ordinance codified in Section 7-1-30(4) of the Code. Upon inspection and determination by the City Manager that a generator violates Section 7-1-30(4), WGA/CHCC shall bring the generator into compliance by relocation or screening.

#### **5. Security.**

- a. WGA/CHCC shall comply with the security provisions of the Security Plan contained in the Application. WGA/CHCC has or will enter into a contract with a private security firm to assist in access control at key locations during the Event and to provide security inside the Event perimeter. WGA/CHCC shall ensure that such security firm is properly licensed, bonded and insured.
- b. WGA/CHCC shall provide the Cherry Hills Police Department with portable radios to ensure timely communication with security personnel assigned to the Event.
- c. WGA/CHCC shall provide a copy of all appropriate incident documentation, in a form and manner agreeable to the Parties, to the Chief of Police on a daily basis during the Event.
- d. WGA/CHCC shall provide the City with the final approved copy of the Emergency Response Plan approved by South Metro Fire and Rescue.

- e. Final post and location assignments shall be agreed upon prior to commencement of the Event and shall be provided to the Cherry Hills Police Department, Arapahoe County Sheriff's Department, and South Metro Fire & Rescue. The WGA and the Cherry Hills Police Chief shall have final authority to determine and revise final post and location assignments, provided however, any such revisions shall be made after consultation with WGA/CHCC.
- f. On or before August 15, 2014, the WGA will pay to the City 110% of the estimated costs for all Cherry Hills Police Department personnel and equipment costs directly related to the Event including but not limited to all accrued overtime and benefits for police personnel for the time period September 1- September 7, 2014 directly related to the Event. The estimate to be used for this payment is \$ 150,000.00; 110% of this amount is \$165,000.00. On or before September 30, 2014, the City shall provide the WGA with a detailed accounting of the actual costs incurred by the Police Department in connection with the Event, together with any backup reasonably requested by the WGA. On or before September 30, 2014, the City shall either: (1) refund to the WGA the excess amount, based on actual costs, or (2) inform the WGA of a shortage, based on the actual costs. The WGA shall promptly pay the amount of any shortage within thirty (30) days. The City shall promptly pay the amount of excess within thirty (30) days.
- g. Due to the limited available personnel within the Cherry Hills Police Department, officers from surrounding agencies will assist in filling police officer specific posts. WGA will reimburse the respective agencies for these services. These non-Cherry Hills officers are referred to as "extra duty" officers. The Cherry Hills Village Chief of Police, shall recruit, assign, supervise and control the actions of all "extra duty" officers. WGA shall be solely responsible for compensating "extra duty" officers by reimbursing the relevant police department of such "extra duty" officer for such time. "Extra duty" officers will be billed to WGA at an hourly rate negotiated with the surrounding agencies not to exceed \$50.00, with a three (3) hour minimum, the current extra duty rate for Cherry Hills police officers. WGA will pay the respective agencies for "extra duty" officer time by sending a check via mail to the respective police department within 10 days of the completion of the Event or otherwise in accordance with an agreement between WGA and such police department. Time sheets for "extra duty" officers will be developed and managed by the Cherry Hills Police Department and provided to WGA at the completion of each day.
- h. All bleachers, grandstands and tents will be numbered with a unique identifier in order to avoid confusion for location identification purposes, for the Event security personnel, the police, and private individuals who may initiate an emergency call.

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**6. Sanitation.**

WGA/CHCC will comply with the Sanitation Plan contained in the Application.

**7. Medical Plan.**

WGA/CHCC shall comply with the general and emergency medical provisions of the Medical Plan contained in the Application.

**8. Public Notification.**

- a. WGA/CHCC shall comply with the Public Notification Plan described below, including:

- (1) pre-Event notices shall be placed in the Village Crier, The Villager, Cable Channel 22, and on the www.cherryhillsvillage.com website. Such notices shall be placed a minimum of 30 days prior to the event start date.
- (2) during the Event, WGA/CHCC shall provide WGA/CHCC's main phone line for daily information and resident concern line, which shall be answered by the WGA/CHCC. The telephone number shall be published in the manner described above.

**9. Floodplain Control.**

- a. The City Council has granted, for the duration of the Event, permission for the WGA/CHCC to conduct certain development activities within the floodplain and floodway, pursuant to Code Sections 16-17-10, 16-17-50, 16-17-60, and 16-17-70. The WGA/CHCC will comply with the requirements of those Code sections.
- b. For temporary structures located in the flood-plain or floodway, the WGA will provide an engineering analysis and other City required documentation for those structures demonstrating compliance with Code Sections 16-17-10, 16-17-50, 16-17-60, and 16-17-70 for review by the City. No structures shall be located or placed in the floodplain or floodway without prior written approval of the City.

**10. Suspension of Play.**

- a. In the event of a Force Majeure or any other condition posing an immediate threat to public health or safety, either the WGA or PGA TOUR may declare a suspension of play. In the event of a suspension of play, the Chief of Police and WGA/CHCC shall consult with one another to implement the medical and evacuation plans.

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~~b. Either the Chief of Police or the WGA/CHCC may declare a suspension of play in conjunction with PGA TOUR officials. In the event of a suspension of play, the Chief of Police, PGA TOUR officials and the WGA/CHCC shall consult with one another to implement the Medical Plan for evacuation.~~

**D. Use of City Property and Rights-of-Way**

Permission is hereby granted for the use of City rights-of-way for the placement of temporary signs, barriers and other traffic control facilities, only as specifically identified in this Agreement and the Application.

**E. Event Setup and Removal Schedule**

WGA/CHCC shall set up and remove equipment facilities for the Event pursuant to the following schedule:

1. Facilities and structures located within Cherry Hills Country Club property: set up no earlier than May 1, 2014; remove no later than October 12, 2014.
2. Facilities and structures located at Kent Denver: set up no earlier than August 25, 2014; remove no later than September 12, 2014.
3. Television Compound facilities, structures, and other guest amenities located at 1651 E. Quincy Avenue: set up no earlier than ~~August 25~~ July 7 ~~June 1~~, -2014; remove no later than September 15, 2014.
4. Facilities and structures located on other private property with permission of the owner: set up no earlier than June 1, 2014; remove no later than September 26, 2014.
- ~~5. Temporary Mobile Wireless Communication Facilities located on City rights of way or private property: set up no earlier than August 11, 2014; remove no later than three (3) days following the termination of the Event, unless otherwise approved in writing by the City.~~
- 6-5. To the extent not otherwise addressed herein, facilities and structures located on City rights-of-way and property: set up no earlier than August 11, 2014; remove no later than three (3) days following the termination of the Event, unless otherwise approved in writing by the City.

**F. Post-Event Clean Up and Remediation**

1. At the conclusion of the Event, all structures, facilities, trash and personal property of any kind or description shall be removed pursuant to the schedule set forth at Section E above.

2. Any claims of waste on private property as a direct result of the Event and its support operations will be promptly addressed by the WGA/CHCC. The WGA/CHCC will provide to the City a description of the procedure for processing of private claims, and a report of their review and disposition. The procedure shall include contact with the claimant within at least 24 hours of receipt of the claim.

3. WGA/CCHA shall repair and restore all public property within the City damaged as a direct result of the Event and its support operationstournament to its condition prior to the Event, beyond reasonable wear and tear, as determined by the City.

Comment [DH1]: Need a definition of public property.

G. Guarantee and Posting of Security.

1. ~~WGA/CCHC shall post with the City security in the amount of \$ 10,000.00, to be held by the City to guarantee compliance by the WGA/CCHC with requirements for post-Event clean up and remediation on City property, including specifically an amount of \$ [insert dollar amount], to cover chip seal or mill and overlay of Gilpin Street ("Gilpin Street Amount"). These funds shall be posted on or before August 15, 2014 in the form of cash, certified funds, or a letter of credit drawn upon a bank in the Denver Metropolitan area and in a form approved by the City Attorney. In addition, WGA shall post a bond in the amount \$20,000.00 to cover chip and seal or mill and overlay of Gilpin Street ("Gilpin Street Bond") in the event the City determines the traffic generated by the Event causes the chip and seal work on Gilpin Street that was performed in June, 2014 to fail. The City shall inspect Gilpin Street within ten (10) days prior to the Event and photograph the condition of the Street to establish the baseline condition.~~

2-1. Release: The City Manager shall, on or before September 30, 2014, release the full amount of security, excepting therefrom the Gilpin Street Amount, unless the Manager finds that, following notice to the WGA/CHCC from the City and a reasonable opportunity to cure given the circumstances, the WGA failed to repair, replace or correct any damage or loss to City property. The amount of security withheld by the City Manager shall not exceed an amount equal to the actual damage, loss or cost suffered by the City. The Gilpin Street BondAmount shall not be released until the City Manager determines the nature and extent of repairs, if any, of Gilpin Street and the amount necessary to be retained to cover such costs. The City Manager shall provide written notice to WGA/CHCC of the amount of security to be withheld and the specific damage or loss of City property for which repairs or remediation are necessary. Upon completion of the repairs or remediation described in the City Manager's notice, the City Manager shall promptly release the remaining amount of security, including any remaining from the Gilpin

Street BondAmount. The decision of the City Manager shall be final, subject to administrative appeal to the City Council.

**H. Indemnification.**

WGA and its legal successors and assigns hereby indemnify, hold harmless and agree to defend the City, the City Council, the City's agents and employees from and against any and all liability, actions, claims, damages, costs or expenses, including attorney fees, that may be asserted by any person or entity, including WGA, arising out of or in connection with any willful act or negligence of WGA, its agents, employees, vendors and affiliates concerning or arising out of the Event, but not including any willful act or gross negligence of the City, the City Council or the City's agents or employees (it being understood that "extra duty" officers are not the City's agents or employees for this purpose).

**I. Insurance.**

On or before July 16, 2014, WGA and CHCC shall provide to the City evidence of a policy or policies of insurance in force throughout the Event, and providing the following coverage:

1. General liability, including property damage and personal injury: \$1,000,000 per occurrences; \$10,000,000 aggregate. This policy shall name the City as additional insured.
2. Workers compensation for all employees: statutory coverage excluding the "extra duty" police officers which will be provided by the City or by the officers' respective employer.
3. Motor vehicle liability for all motor vehicles to be used by WGA/CHCC in connection with the Event: statutory coverage.
4. A certificate evidencing the policies, insureds and required coverages shall be provided to the City prior to August 1, 2014.

**J. Modification or Amendment.**

This Agreement may be modified or amended only by written agreement of the Parties, approved and executed in the manner set forth in this Section. Any modification requested by WGA/CHCC shall be submitted in writing to the City Manager, who is hereby empowered to approve, deny, or refer such request to the City Council. It is contemplated by the Parties that minor modifications may be reviewed and acted upon by the City Manager, but that the City Manager may, in his sole and exclusive discretion, determine whether any requested modification should instead be presented to the City Council for decision. The City and WGA/CHCC understand and agree that no modification which may be

referred to the City Council for decision shall be submitted subsequent to July 31, 2014, in light of the fact that the last City Council meeting prior to the Event is August 19, 2014. Notwithstanding the foregoing, the Parties agree that, during the Event, WGA/CHCC may make daily operational modifications to respond to changing circumstances, without prior approval of the City, to the extent that:

1. Such modifications are within the scope of this Agreement or are required by WGA/CHCC to protect the health, safety or other operational concerns regarding completion of the Event, and
2. Such modifications do not materially alter or violate any standard or obligation contained herein, and
3. WGA/CHCC promptly notifies the City Manager or his designee.

**K. Local Operational Contacts.**

For the City: City Manager or his designee  
(303)783-2722

For the WGA/CHCC: Patrick Timson  
(630) 220-4897

**L. Permits from Other Agencies.**

WGA/CHCC shall obtain and provide to the City all required permits, to the extent required, from other agencies and jurisdictions; including the Colorado Department of Transportation, South Metro Fire and Rescue, the City and County of Denver, and any other agency with jurisdiction.

**M. Force Majeure.**

In the event of the occurrence of a force majeure, such as a severe weather event or natural disaster (severe rain, flood, earthquake, hailstorm), a major work stoppage, or terrorist event, which occurrence actually and materially prevents WGA/CHCC, through no contributing fault of its own, from complying with any setup or post-Event cleanup and remediation, then the affected performance obligation shall be deemed extended for a period of time equal to the delay actually caused by the occurrence of the event.

**N. Miscellaneous.**

1. Notices: All notices required or permitted under this Agreement shall be hand delivered or given by facsimile transmittal, regular mail or overnight courier to the Parties at the following addresses:

If to the City: John Patterson  
Cherry Hills Village  
2450 East Quincy Avenue

Cherry Hills Village, CO 80113  
Telecopy No.: 303-761-9386

With a copy to: Linda Michow, City Attorney  
Widner Michow & Cox LLP  
13133 E. Arapahoe Road, Suite 100  
Centennial, CO 80112  
Telecopy No: 303-754-3395

If to WGA/CHCC: Kevin Hood  
Cherry Hills Country Club  
4125 South University Boulevard  
Cherry Hills Village, CO 80113  
Telecopy No: 303-350-5242

Vince Pellegrino  
Western Golf Association  
1 Briar Road  
Golf, IL 60029  
Telecopy No. 847-724-4600

With a copy to: Kelly N. Matthews  
Robinson Waters & O'Dorisio, P.C.  
1099 - 18<sup>th</sup> Street, Suite 2600  
Denver, CO 80202  
Fax: (303) 297-2750

2. In the event of litigation arising under this Agreement, the prevailing party shall be entitled to an award of its reasonable attorney fees, costs and other expenses. This Agreement shall be interpreted in accordance with the laws of the State of Colorado. Venue for any litigation arising under this Agreement shall be proper and exclusive in the District Court for Arapahoe County, Colorado.
3. This Agreement shall inure to the benefit of and be binding upon the Parties and their successors, and assigns. No party may assign any rights or obligations under this Agreement without the express written consent of the other party which consent may be withheld for any reason.
4. No failure by any party to insist upon the strict performance of any condition of this Agreement, or to exercise any right or remedy consequent upon a breach of this Agreement, shall constitute a waiver of such breach or of any other covenant, agreement, term or condition.

5. If any portion of this Agreement is held invalid, such invalidity shall not affect the validity of any other provisions, and to that end such provisions are declared to be severable and there shall be substituted for any such provision a valid, binding and enforceable provision that as nearly as possible reflects the intent of the Parties.
6. Except where it is expressly provided herein that only the WGA alone is liable for a particular obligation or responsible for a specific task, WGA and CHCC are jointly and severally liable for the obligations set forth herein.
7. Nothing contained in this Agreement shall be construed to waive or limit the City's police powers or its authority to enforce applicable provisions of the Code and all regulations over which the City retains jurisdiction.
8. Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the City, its officials, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10 of the Colorado Revised Statutes.

In witness whereof the Parties have executed this Agreement as of the date first written above.

City of Cherry Hills Village, Colorado

By: \_\_\_\_\_  
Douglas M. Tisdale, Mayor

Attest:

\_\_\_\_\_  
Laura Smith, Clerk

Cherry Hills Country Club

By: \_\_\_\_\_  
Name: Kevin Hood  
Title: General Manager

Attest:

---

Western Golf Association

By: \_\_\_\_\_

Name: Vince Pellegrino

Title: Senior Vice President of

Tournaments

Attest:

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**EXHIBIT A**  
**MAJOR EVENT PERMIT**  
**[Attached]**

**MAJOR EVENT PERMIT  
CITY OF CHERRY HILLS VILLAGE, COLORADO**

This permit to conduct a Major Event is granted by the City of Cherry Hills Village, Colorado to the Cherry Hills Country Club ("WGA/CHCC") pursuant to section 16-21-10, et seq. of the Cherry Hills Village Municipal Code (the "Code"), for the conduct of the following Event: 2014 BMW Championship to be held at Cherry Hills Country Club, September 1 through 7, 2014, as described in the \_\_\_\_\_, 201\_ Application submitted by WGA/CHCC, and as conditionally approved by the City Council on \_\_\_\_\_, 201\_ (the "Event"). This permit relies upon and specifically incorporates the representations of the \_\_\_\_\_, 201\_ Application, and those made by the Applicant at the \_\_\_\_\_, 201\_ Planning Commission hearing and the \_\_\_\_\_, 201\_ City Council public hearing. This permit is additionally conditioned upon compliance with the terms and conditions of that certain Major Event Development Agreement entered into between the Applicant and the City. Associated approvals granted with this permit include the following:

1. Installation of a 30-foot tall, temporary driving range fence extension located between the driving range and S. University Boulevard. The design and location of the fence shall be as depicted in Exhibit A.
2. Approval to place temporary signs within City rights-of-way, as permitted by Code Section 16-15-60 as further conditioned in the Development Agreement.
3. Permission for temporary use of City rights-of-way, as further conditioned in the Development Agreement.
4. Permission to establish and operate a wireless communication facility on the Johnson Property or on Cherry Hills Country Club property at the northeast corner of University Boulevard and Quincy Avenue during the Event.
5. Consent to utilize University Boulevard for bus loading/unloading consistent with the special use permit issued by Colorado Department of Transportation dated \_\_\_\_\_.
6. Permission to use WGA/CHCC owned property located near the intersection of Ogden Street and Kenyon Avenue for activities ancillary to the tournament operations (staging, trailer storage, etc). No public parking shall be permitted on such property.
- ~~7. Permission to provide for one-way traffic along Cherry Hills Drive as outlined in the application.~~

Approved this \_\_\_\_ day of \_\_\_\_\_, 201\_

City of Cherry Hills Village, Colorado

By: \_\_\_\_\_  
Douglas M. Tisdale, Mayor

Attest:

\_\_\_\_\_  
Laura Smith, Clerk

**EXHIBIT B**  
**FENCE DESIGN AND LOCATION**

**EXHIBIT C**  
**HOWARD JOHNSON PROPERTY**  
**TV COMPOUND**  
**[ATTACHED]**



CHERRY HILLS VILLAGE  
COLORADO

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

ITEM: 10b

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MEMORANDUM

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**TO:** HONORABLE MAYOR TISDALE AND MEMBERS OF THE CITY COUNCIL

**FROM:** LAURA SMITH, CITY CLERK

**SUBJECT:** APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR CHERRY HILLS COUNTRY CLUB AT 4125 S UNIVERSITY BLVD FOR SEPTEMBER 1 THROUGH 15, 2014 (PUBLIC HEARING)

**DATE:** MAY 6, 2014

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**ISSUE:**

Staff has received a Special Event Liquor Permit application from the Cherry Hills Country Club for the BMW Golf Tournament at 4125 S. University Blvd. from September 1<sup>st</sup> to September 15<sup>th</sup>.

**DISCUSSION:**

Section 6-2-90 of the Municipal Code allows the Licensing Authority to issue special event permits for sale of alcoholic beverages as set forth in Title 12, Article 48, C.R.S. and the regulations promulgated by the State.

The Cherry Hills Country Club has submitted the state application with associated fees and documentation (Exhibit A), as well as the City's Questionnaire and Affidavit (Exhibit B). After discussion with staff the Country Club amended their application from September 1<sup>st</sup>-7<sup>th</sup> to September 1<sup>st</sup>-15<sup>th</sup>. The state allows an organization to hold a special event liquor permit for a maximum of 15 days per year. The Country Club will definitely use the special event liquor permit September 1<sup>st</sup>-7<sup>th</sup> for the BMW Golf Tournament and plans to use the permit as needed September 8<sup>th</sup>-15<sup>th</sup> in case of any play-offs or weather delays. Staff is satisfied that all application requirements have been met.

Section 6-2-90 of the Municipal Code only requires a hearing by the Licensing Authority on a special event permit application when a protest to the application has been filed. Notice of the public hearing was posted by City staff at 4125 S. University Blvd. on April 25, 2014. The notice stated that the public hearing would only be held if protests were received by 4:30 p.m. on Monday May 5, 2014 at the City Clerk's office. If staff receives no protests by close of business on Monday, May 5<sup>th</sup>, the May 6<sup>th</sup> Council agenda will be amended to remove the public hearing

for the Cherry Hills Country Club special event liquor permit application and the application will be approved administratively. This procedure has been approved by the Mayor and City Manager.

**RECOMMENDED MOTION:**

“I move to approve the Special Event Liquor Permit submitted by the Cherry Hills Country Club to serve malt, vinous and spirituous liquor to the public at the BMW Golf Tournament at 4125 S. University Blvd from September 1 to September 15, 2014.”

**ATTACHMENTS:**

Exhibit A: Special Event Liquor Permit Application with supporting documentation  
Exhibit B: Questionnaire and Affidavit

DR 8439 (06/28/06)  
 COLORADO DEPARTMENT OF REVENUE  
 LIQUOR ENFORCEMENT DIVISION  
 1375 SHERMAN STREET  
 DENVER CO 80261  
 (303) 205-2300

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Dept:

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC                              | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL         | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC         | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL         | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |  |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR	\$25.00 PER DAY
2170	<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer)	\$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**  
 LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE  
 Cherry Hills Country Club State Sales Tax Number (Required)  
11-02576

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE  
 (include street, city/town and ZIP)  
 4125 S. University Blvd.  
 Cherry Hills Village, CO 80113

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
 (include street, city/town and ZIP)  
 4125 S. University Blvd.  
 Cherry Hills Village, CO 80113

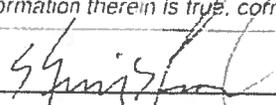
NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC. Y OF ORG. or POLITICAL CANDIDATE Tim J. Schmidt	[REDACTED]	1301 E Oxford Ln, Cherry Hills Vlg, CO <sup>80113</sup>	(303) 905-1206
5. EVENT MANAGER Kevin Hood	[REDACTED]	3850 Garland St, Wheatridge, CO 80033	(303) 350-5200
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES TO WHOM? Cherry Hills Country Club		

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date
9/1/14 - 9/15/14			
Hours From 7:00 a.m. To 2:00 a.m.	Hours From m To m	Hours From m To m	Hours From m To m

**OATH OF APPLICANT**  
 I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE:  TITLE: General Manager / COO DATE: 4/24/2014

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**  
 The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended  
**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY):  CITY  COUNTY TELEPHONE NUMBER OF CITY/COUNTY CLERK: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

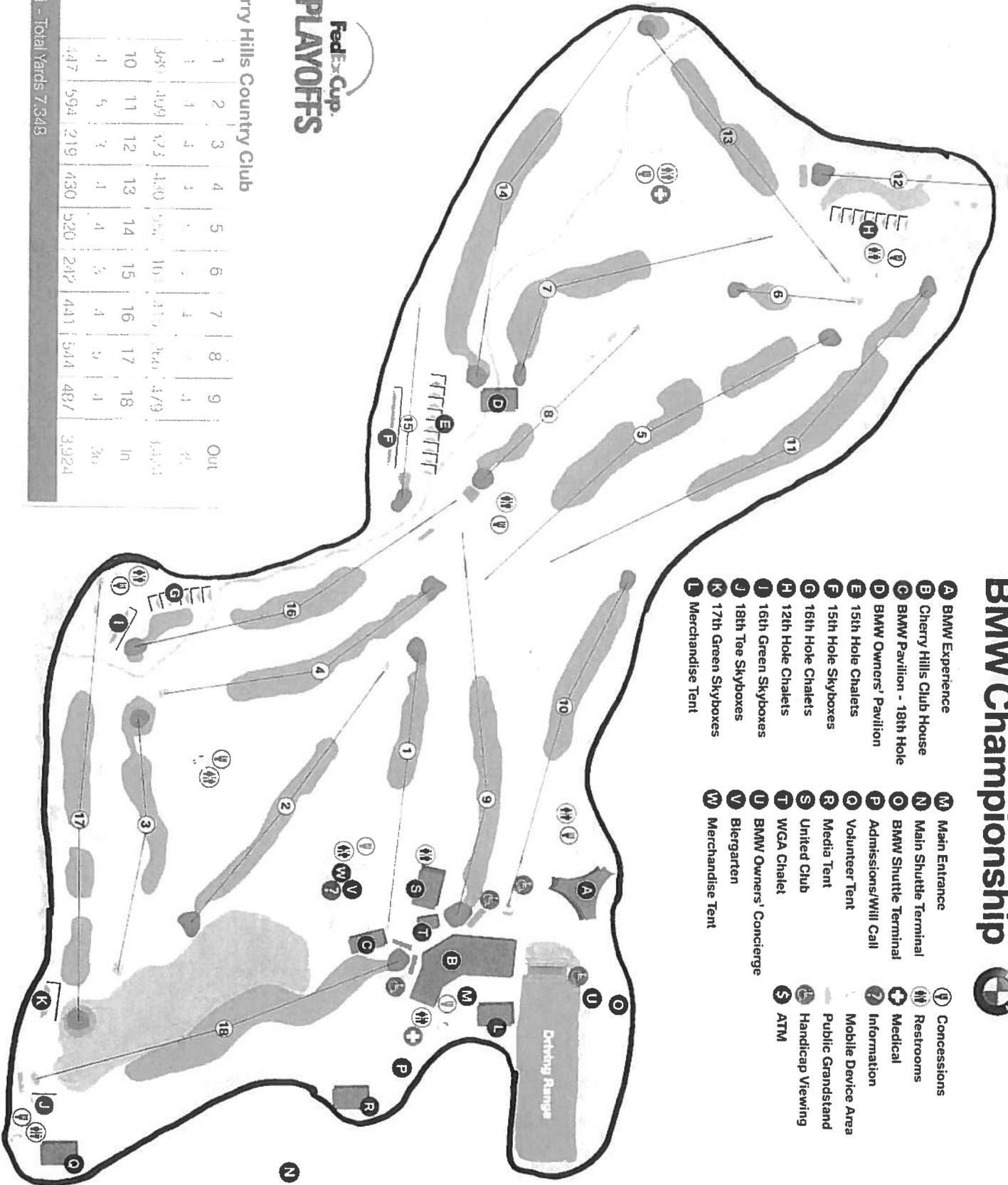
**LIABILITY INFORMATION**

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

# BMW Championship



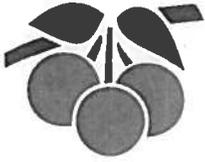
- A** BMW Experience
- B** Cherry Hills Club House
- C** BMW Pavilion - 18th Hole
- D** BMW Owners' Pavilion
- E** 15th Hole Chalets
- F** 15th Hole Skyboxes
- G** 16th Hole Chalets
- H** 12th Hole Chalets
- I** 16th Green Skyboxes
- J** 18th Tee Skyboxes
- K** 17th Green Skyboxes
- L** Merchandise Tent
- M** Main Entrance
- N** Main Shuttle Terminal
- O** BMW Shuttle Terminal
- P** Admissions/Will Call
- Q** Volunteer Tent
- R** Media Tent
- S** United Club
- T** WGA Chalets
- U** BMW Owners' Concierge
- V** Biergarten
- W** Merchandise Tent
- 1** Concessions
- 2** Restrooms
- 3** Medical
- 4** Information
- 5** Mobile Device Area
- 6** Public Grandstand
- 7** Handicap Viewing
- 8** ATM



## Cherry Hills Country Club

Hole	1	2	3	4	5	6	7	8	9	Out
Par	1	1	1	1	1	1	1	1	1	7
Yards	350	409	423	430	452	101	415	360	479	3,474
Hole	10	11	12	13	14	15	16	17	18	In
Par	1	5	3	1	1	5	4	5	1	30
Yards	447	594	219	430	520	247	441	544	487	3,924

Par 71 - Total Yards 7,343



## *Cherry Hills Country Club*

4125 South University Boulevard  
Cherry Hills Village, Colorado 80113-4904  
www.chcc.com

Phone: 303-350-5274  
Fax: 303-350-5242  
Email: KHood@chcc.com

**Kevin Hood**  
GM / COO

April 18, 2014

Colorado Department of Revenue

and the

City of Cherry Hills Village

RE: Application For A Special Events Permit – 2014 BMW Championship

Cherry Hills Country Club is proud to be hosting the 2014 BMW Championship scheduled for September 1-7, 2014. Cherry Hills Country Club was established in 1922 and owns the property.

Cherry Hills Country Club is applying for a Special Event Permit and has a current liquor license (#11025760001).

Please feel free to contact me if you have any questions.

Sincerely,

Kevin Hood  
General Manager / COO



## Cherry Hills Country Club

4125 South University Boulevard  
Cherry Hills Village, Colorado 80113-4904

Phone: 303-350-5274  
Fax: 303-350-5242  
Email: KHood@chcc.com

**Kevin Hood**  
General Manager

December 7, 2012

Mr. Howard Johnson  
10 Churchill Drive  
Englewood, CO 80113

Dear Mr. Johnson,

Thank you for your interest in supporting the 2014 BMW Championship (the "Championship") to be held at Cherry Hills Country Club (hereafter known as the "Club") on September 1-7 (and such succeeding day or days as may be occasioned by any play-off or postponement of any round or rounds). Your willingness to provide the Club and Championship related groups (e.g. PGA, WGA & BMW) exclusive access to your property, located on the northwest corner of Quincy and University in Cherry Hills Village Colorado (the "Property"), for any purpose associated with the Championship is very much appreciated.

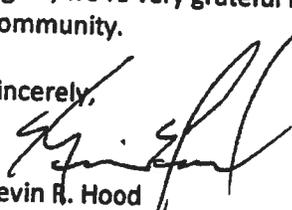
The Club agrees to maintain in effect (or cause to be maintained in effect) General Liability Insurance Coverage (details to follow) during the entire period of use of the Property by the Club or other Championship related groups in connection with the Championship. The Championship will fully vacate the Property no later than October 1, 2014 and agrees to restore all elements of the property to a condition substantially the same as the condition that existed immediately prior to use of the Property for the Championship.

If the property is purchased by another party you will include a provision in the purchase agreement stating that the buyer, if not under substantial construction prior to or during the period of August 15 – October 1, 2014, is required to make the Property available to the Club and other Championship related groups in connection with the Championship as contemplated by this agreement. If buyer will not accept this provision in the agreement, this agreement becomes null and void.

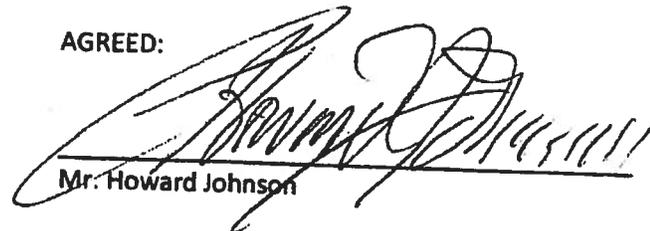
I hope this arrangement meets with your approval. By signing below you consent and agreed to all the provisions detailed in this agreement.

Again, we're very grateful for your support of the Club, the Championship and the greater golf community.

Sincerely,

  
Kevin R. Hood  
General Manager

AGREED:

  
Mr. Howard Johnson

12/17/12  
Date

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**CHERRY HILLS COUNTRY CLUB**

is a **Nonprofit Corporation** formed or registered on 03/29/1922 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871109912.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/15/2014 that have been posted, and by documents delivered to this office electronically through 04/17/2014 @ 17:22:24.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 04/17/2014 @ 17:22:24 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8825683.



A handwritten signature in black ink, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/bi-/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."*

SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

Section 1.

Non-Profit Name: Cherry Hills Country Club

Non-Profit Address: 4125 S. University Blvd, Cherry Hills Village, CO 80113

Contact: Kevin Hood, General Manager / COO

Contact Phone/Email: (303) 350-5200, khood@chcc.com

Date(s) and Time(s) of Event: Sep 1-15, with Sep 1-7 definite and 8-15 as needed, 7:00am - 2:00 am  
(event begins at 6:00am, liquor sales begin at 7:00am)

Location of Event: 4125 S. University Blvd, Cherry Hills Village, CO 80113

Section 2.

1. Describe the event (fundraiser, athletic event, auction, dinner, etc.)

See Attached

2. Explain in detail the nature of your organization, its function, and who benefits from its operations.

Cherry Hills Country Club is a Non-Profit corporation hosting the

2014 BMW Championship.

3. Who or what organization will be the recipient of funds derived from this event?

See attached

4. How many attendees are expected at this event? See attached

5. Describe the premises at which the event will take place.

See attached

6. What type of security will be provided at this event? How many security personnel will be there?

We will work with a local private security company, as well as local and federal law

enforcement. There will be 80 private security guards per day and 30 members of

both local and federal law enforcement agencies.

7. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e. roped, fenced, etc )?

See attached

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8. What type of entertainment will be provided for this event, if any?

The 2014 BMW Championship is a professional golf tournament featuring the top 70 golfers in the world.

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9. What method will be used in checking identification for proper age of attendees?

The bartender dispensing the beverage is responsible for checking a picture and date ID form making sure the Guest is 21 years of age.

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10. How will the conduct and level of intoxication of attendees be monitored, and by whom?

See attached

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11. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received and by whom?

See attached

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12. What types of alternate beverages and food will be available?

See attached

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14. Does the applicant organization have current state and local sales tax licenses? Please provide those numbers.

The state and local license number is 11025760001

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15. Explain how this event will be marketed, describing the kinds of advertising material to be distributed and the targeted recipients of such material.

See attached

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I hereby certify that the information provided in this affidavit is true and accurate to the best of my knowledge.

[Signature]  
Applicant

4/24/14  
Date

STATE OF COLORADO )  
COUNTY OF ARAPAHOE ) SS

Subscribed and sworn to before me this 24<sup>th</sup> day of April, 2014 by  
Kevin Hood

[Signature]  
Notary Public

April 6, 2018  
My commission expires

**BOBBI J JOHNSON**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
NOTARY ID 19984009583  
MY COMMISSION EXPIRES APRIL 6, 2018

## **SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT**

### **Section 1.**

Non-Profit Name: Cherry Hills Country Club  
Non-Profit Address: 4125 S. University Blvd, Cherry Hills Village, CO 80113  
Contact: Kevin Hood  
Contact Phone/email: (303) 350-5200  
Dates of Event: September 1<sup>st</sup>, 2014 to September 15<sup>th</sup>, 2014, September 1<sup>st</sup> thru 7<sup>th</sup>  
definite, September 8<sup>th</sup> thru 15<sup>th</sup> as needed  
Times of Event: 6:00 AM until 9:00 PM, Liquor sales available 7:00 AM – 2:00 AM  
Location of Event: 4125 S. University Blvd, Cherry Hills Village, CO 80113

## Section 2.

1. Describe the event (fundraiser, athletic event, auction, dinner, etc.)

The 2014 BMW Championship is the third leg of four during the PGA TOUR's FedEx Cup Playoffs. The tournament field will feature the top 70 players on the PGA TOUR. Recent Champions include, Tiger Woods, Rory McIlroy, and Zach Johnson. The BMW Championship is the 2<sup>nd</sup> oldest Championship in America beginning in 1899. The event will be telecasted on the Golf Channel and NBC Thursday through Sunday.

2. Explain in detail the nature of your organization, its function, and who benefits from its operations.

Cherry Hills Country Club is a Non-Profit corporation hosting the 2014 BMW Championship

3. Who or what organization will be the recipient of funds derived from this event?

The Evans Scholars Foundation will be the recipient of funds derived from this event. The Evans Scholars Foundation was founded in 1930 and is one of the nation's largest privately funded college scholarship programs.

4. How many attendees are expected at this event?

The expected attendance is projected to be around 130,000 for the entire week. We are closed on Monday to the public. Tuesday we expect 11,000 and then 13,000 on Wednesday. We expect there to be 25,000 people on Thursday for the first day of play for the professionals. We then expect there to be 27,000 people each day Friday through Sunday.

5. Describe the premises at which the event will take place.

The 2014 BMW Championship will take place on the Cherry Hills Country Club property. People will be inside the existing clubhouse, along the course in temporary structures, and out on the course within the boundaries laid out by the Tournament Operations team

There is hospitality on the course and in the clubhouse. In the clubhouse, there is hospitality in the many different rooms. They are called the Cole Room, Palmer Room, Flynn Room, Eisenhower Room, Founders Room, and President's Room, as well as the Champions Club.

The course has hospitality consisting of chalets and skyboxes on holes #12, #15, #16, #17, and #18.

6. What type of security will be provided at this event? How many security personnel will be there?

We will work with a local private security company, as well as local and federal law enforcement. There will be 80 private security guards per day and 30 members of both local and federal law enforcement agencies.

7. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e. roped, fenced, etc.)?

The exterior boundaries of the golf course property will be clearly marked with permanent fencing that is already in place as well as temporary fencing. The temporary fencing will be put in place in areas where the permanent fencing is insufficient.

8. What type of entertainment will be provided for this event, if any?

The 2014 BMW Championship is a professional golf tournament featuring the top 70 golfers in the world.

9. What method will be used in checking identification for proper age of attendees?

The bartender dispensing the beverage is responsible for checking a picture and date ID form making sure the Guest is 21 years of age.

10. How will the conduct and level of intoxication of attendees be monitored, and by whom?

The bartender as well as the Hospitality Service Staff monitors the activities of all the Guests. When a Guest's appearance or demeanor is in question, our Area Manager as well as Local Security is notified immediately.

11. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received and by whom?

Our Area Manager Team is certified and trained in Illinois for BASSET TRAINING. Additionally, two of our Staff Members are certified TIPS-COMMERCIAL (Training for Intervention Procedures) and prior to the Event; all Bartenders and Bar Service Team Members are required to attend an onsite 2 hour training program related to serving liquor beverages.

12. What types of alternate beverages and food will be available?

There will be plenty of alternate beverages and food available. At the many concession stands juices, water, sodas, and sports drinks will be available. A wide variety of food will also be available at these concession stands.

13. Does the applicant organization have current state and local sales tax licenses? Please provide those numbers.

14. The state and local license number is 11025760001

15. Explain how this event will be marketed, describing the kinds of advertising material to be distributed and the targeted recipients of such material.

The 2014 BMW Championship will be marketed mostly within the state of Colorado through various mediums including but not limited to: television, radio, online, out of home, newspapers and magazines. There will be a much more limited outreach done nationally with a limited number of outlets. The material will be centered either around local Denver celebrities or PGA TOUR players who the staff anticipates will participate in the event. The tournament's key demographics range from male to female with an average age of 53 with disposable income.

CHERRY HILLS VILLAGE  
COLORADO

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

ITEM: 10c

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MEMORANDUM

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**TO:** HONORABLE MAYOR TISDALE AND MEMBERS OF THE CITY COUNCIL

**FROM:** ROBERT A. ZUCCARO, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** GEORGE W. CALKINS TRUST SUBDIVISION (5100 E. QUINCY AVENUE)  
PRELIMINARY PLAT REVIEW (PUBLIC HEARING)

**DATE:** MAY 6, 2014

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**ISSUE:**

Should the City Council approve the George W. Calkins Trust Subdivision Preliminary Plat for the subdivision of approximately 17.9 acres of land into seven single-family residential lots zoned R-1?

**BACKGROUND:**

Current Conditions

The 17.9-acre site is zoned R-1, 2 ½-Acre Residential District and is currently developed with one single-family residence (see Exhibit A for Vicinity Map). The majority of the site is vacant land with no improvements. The property is bordered by E. Quincy Avenue to the north and S. Dahlia Street to the west. There is an existing private road which transects the property north to south. This private drive is located on a separate tract of land owned by others. There is an existing on-street trail on S. Dahlia Street to the west and an off-street paved trail between the site and E. Quincy Avenue. There are two adjacent "out-parcels" to the north of the subject site zoned R-1 and developed with single family residences. These "out-parcels" are not part of the subdivision proposal.

Proposal Summary

The applicant proposes subdivision of the property into seven residential lots ranging in gross area from 2.5 to 3.2 acres (see Exhibit B for Application Materials). Access to each lot is proposed from existing public and private roads. No new roads are proposed for the subdivision. Driveway access points that cross existing or proposed trails would be subject to a 25-foot clear sight triangle to ensure safety. The proposal includes restrictive building envelopes, landscape height restrictions, and fence restrictions in order to preserve view corridors internal and external to the subdivision and create additional open areas. Sanitary sewer easements are provided down the east side of Lot 2 and north side of Lot 6 in order to provide sewer infrastructure to Lots 3 and 7. A small triangular access easement is provided on the southwest side of Lot 6 to cover a portion of the existing private road that encroaches onto Lot 6.

## CHERRY HILLS VILLAGE COLORADO

A preliminary drainage plan is proposed with two regional detention ponds. All drainage infrastructure is proposed within the subdivision boundaries except for a drainage culvert crossing a private road that transects the subdivision. Drainage easements are provided covering the detention ponds and swales for conveyance of drainage to the ponds.

A total of 1.34 acres of open space easements are proposed to be dedicated with the subdivision. These easements include a trail connection from the E. Quincy Avenue to the southern boundary of the subdivision and then east to S. Dahlia Street and a “pocket park” internal to the subdivision. The “pocket park” is intended to take advantage of view corridors to the west. A second “pocket park” easement is proposed at the northeast corner of the subdivision. This pocket park location is also intended to take advantage of view corridors down the Quincy Avenue right of way to the west.

### SUBDIVISION REVIEW PROCEDURES AND REQUIREMENTS:

Subdivision of land within the City is subject to the requirements and procedures outlined in Chapter 17 of the Municipal Code (Subdivision Regulations). The Subdivision Regulations include a three step review process as described below.

1. *Sketch plat.* This is the first formal stage of the review process. The submittal requirements are outlined in Sections 17-3-40 and 17-4-40 of the Subdivision Regulations. The purpose of the sketch plat review is for the Planning and Zoning Commission to provide preliminary comments on the subdivision proposal prior to a more formal application being made. The Commission reviewed the sketch plat on January 25, 2011 and provided individual comments on the subdivision layout and the open space dedication requirement (see Exhibit C for minutes). The Parks, Trails and Recreation Commission (PTRC) also reviewed the sketch plat on January 13, 2011 and provided feedback on the open space dedication requirement (see Exhibit D for minutes).
2. *Preliminary plat.* This is the second stage of the review process and what is currently before the Council for review. The preliminary plat includes detailed plans for the lot layout, easements, open space dedication, infrastructure requirements and an outline of a subdivision improvement agreement. The submittal requirements are outlined in Sections 17-3-110 and 17-4-40 of the Subdivision Regulations. The PTRC reviews the open space land dedication proposal and the Planning and Zoning Commission holds public hearing to review the full application. Both Commissions make formal recommendations to the City Council. The City Council reviews the preliminary plat at a public hearing, after notice, and may approve, approve conditionally or disapprove the preliminary plat. The PTRC reviewed the preliminary plat on January 9, 2014 and made a conditional recommendation for approval (see Exhibit E for minutes). The Planning and Zoning Commission reviewed the preliminary plat on February 25, 2014 and March 25, 2014 and made a conditional recommendation for approval (see Exhibits F and G respectively for minutes).

[NOTE ON APPLICATION REVIEW TIME: The applicant originally submitted the preliminary plat in August, 2011. In order to address questions related to ownership of the private road that transects the subdivision, the application review was on hold pending legal proceedings until August of 2013.]

**CHERRY HILLS VILLAGE**  
**COLORADO**

3. *Final plat.* This is the last stage in the review process. The submittal requirements are outlined in Sections 17-3-210 and 17-4-40 of the Subdivision Regulations. The final plat is to be consistent in every significant respect with the preliminary plat as approved, and in addition, complying with conditions if conditionally approved. The Planning and Zoning Commission reviews the final plat at a regular meeting and make a final recommendation to the City Council. The City Council reviews the final plat at a regular meeting and may approve, approve conditionally or disapprove the final plat. The plat must then be signed by all required parties and recorded.

**PARKS, TRAILS AND RECREATION COMMISSION RECOMMENDATION:**

On January 9, 2014, the PTRC reviewed the preliminary plat. The review focused on:

- Conformance of the proposal with Section 17-3-30 of the Subdivision Regulations, which outlines a requirement for land dedication of 7.5 percent of the land being subdivided, cash payment in lieu of dedication, or combination of land and cash in lieu to be used for the development of open space, parks, trails and other recreational amenities;
- Conformance of the proposal with the Open Space/Parks/Trails/and Recreation section of the City's Master Plan; and
- Conformance of the proposal with the 2005 "Blue Ribbon Panel" Report: The Vision for Parks Trails, Recreation, Historic Preservation and Open Space, 2005 to 2020.

The PTRC voted four in favor and one against a motion to recommend approval of the preliminary plat with the following conditions:

1. The vegetation along E. Quincy Avenue, between the property line and the perimeter fence, shall be limited to six feet in height.  
*Condition Met – The applicant has amended to the preliminary plat to include this landscape height restriction.*
2. The pocket park along the private road shall be moved no less than 20 feet to the north to enhance the view corridor.  
*Condition Met – The applicant has amended the preliminary plat to move the pocket park as specified by the PTRC.*
3. The area of the pocket park in the southwest corner of the subdivision (minus the area for a trail easement) shall be transferred to an equivalent area on the northeast section of the property to maintain the view corridor along E. Quincy Avenue and the Quincy Avenue Trail.  
*Condition Met – The applicant has amended the preliminary plat to include a pocket park at the northwest corner of the subdivision and included additional landscape height restrictions to the west of this park to preserve view corridors.*
4. The fencing along E. Quincy Avenue shall be limited to split rail type fencing.  
*Condition Met – The applicant has amended the preliminary plat to include a fence restriction limiting the fencing along E. Quincy Avenue to open rail type fence.*

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

After holding a public hearing to review the preliminary plat application on February 25, 2014, and continuing deliberations on March 25, 2014, the Planning and Zoning Commission voted three in favor and one against a motion to recommend approval with the following conditions:

**CHERRY HILLS VILLAGE**  
**COLORADO**

1. That the fence along E. Quincy Avenue shall not exceed five feet (5') in height, shall be split rail or dimensional (white plastic) and shall be comprised of a maximum of 40% material (maintaining a minimum of 60% open along the entire length of the fence).  
*Condition Met – The applicant has added a design note to the preliminary plat providing this fence restriction.*
2. That Lot 4 and Lot 5 be designated as having their front yards along Quincy Avenue, that Lot 4 and Lot 5 have a seventy five foot (75') setback from Quincy Avenue, but that the building envelope for Lot 4 be allowed to maintain an equivalent overall area as currently shown on the Plat by moving the building envelope south by a maximum of twenty five feet (25') toward the open space shown on page 2 of the Preliminary Plat.  
*Condition Met – The applicant changed the setbacks on the plat to comply with this restriction.*
3. That the open space in the southwest portion of the subject property and shown on page 2 of the Preliminary Plat be relocated to the northeast corner of the subject property; that the open space contain an equivalent overall area and substantially maintain a triangular shape, and that the westernmost angle of the triangle of said open space (along Quincy Avenue) be a minimum of thirty degrees (30°) and a maximum of forty five degrees (45°).  
*Condition Met – The applicant has amended the open space dedication to provide the recommended open space area at the northeast corner of the property.*
4. That the Applicant shall include the details of the Quincy Avenue fence design in the Preliminary Plat and include the fence in the subdivision improvement agreement summary letter and updated cost estimate prior to the City Council public hearing on the Preliminary Plat.  
*Condition Not Met – The applicant has not amended the subdivision improvement agreement summary letter and cost estimate to include the fence improvement along E. Quincy Avenue. The purpose of requiring the fence as a subdivision improvement is to ensure a uniform fence design across the entire north subdivision boundary along the E. Quincy Avenue right of way. In lieu of including the fence as a subdivision improvement, the applicant proposes that the fence design be specified on the plat and then require the fence to be built and maintained by each individual property owner when the home was built.*
5. That the Applicant provide an updated cost estimate for the public and private improvements prior to the City Council public hearing on the Preliminary Plat.  
*Condition Met – The applicant has provided an updated cost estimate. The previous cost estimate was over two years old and needed to be updated.*
6. That the Applicant include the required Xcel Energy dry utility easement on the Final Plat.  
*N/A – In the referral comments from Xcel additional easements were requested. These easements have been requested prior to final plat. The applicant has provided written concurrence that the easements will be added prior to final plat.*

**STAFF ANALYSIS AND DISCUSSION:**

This section of the staff report is broken into three subsections: 1) Open Space Dedication Requirements; 2) Plat and Submittal Requirements; and 3) Design Principles. A description of the relevant code sections for each subsection is provided followed by staff's discussion and analysis.

1. Section 17-3-30. Land Dedication or Cash Payment in lieu thereof  
Section 17-3-30 requires that the subdivider convey land from within the subdivision equaling to not less than 7.5% of the area of the subdivision or cash in lieu of the land

## CHERRY HILLS VILLAGE COLORADO

dedication based on fair market value. The applicant may also provide a combination of land and cash in lieu and the land may be dedicated by easement or fee simple. If the City and subdivider do not agree to the land dedication, the City's reasonable determination of the land dedicated shall control.

The subdivider is also required to pay a development fee of \$5,500 for each lot included in the subdivision. This development fee, along with the land dedication and/or cash in lieu payment, must be used by the City "to provide, improve and maintain open space parks, trails and other recreational amenities for the benefit of all residents of the City."

The applicant proposes the dedication of 1.34 acres of "Open Space/Land Dedication Easement" for trail connections from the E. Quincy Avenue to the southern boundary of the subdivision and then east to S. Dahlia Street. The trail easement varies from 20-30 feet in width. There is also a pocket park proposed along the north-south trail section and is intended to take advantage of view corridors to the west. A second pocket park is proposed at the northeast corner of the subdivision and is also intended to take advantage of view corridors to the west (see Sheet 2 of Preliminary Plat, Exhibit B). The proposed dedication of 1.34 acres is intended to meet the full dedication requirement of 7.5 percent of the gross acreage of the subdivision.

Criteria and policy guidance for determining the land dedication requirement include conformance to the Village Master Plan, including the Vision Statement and Village Character and Open Space/Parks/Trails and Recreation sections of the Master Plan (see Exhibit H) and the 2005 Blue Ribbon Panel Report (see Exhibit I).

The Master Plan Vision Statement is as follows:

*The Village – a safe, low-density, residential community.*

*It is the desire of the citizens of Cherry Hills Village to maintain the established character of the community through the implementation of the Village's planning goals and strategies, regulations and decisions.*

*This vision for Cherry Hills Village is defined by:*

- *semi-rural character, views and open feel of the Village (emphasis added); while*
- *strategically addressing issues and pursuing Village policy in a fiscally sound manner.*

The Master Plan Vision highlights the importance of views and the open feel of the Village. The Master Plan also includes several other policy statements, goals and strategies that promote preservation of open spaces and views and the establishment of parks and trails:

Village Character Section, Property Development Goal, Strategy No. 5 (p. 6): *Explore Ways to preserve view corridors and vistas while respecting private property rights.*

Open Space/Parks/Trails/Recreation Section, Principal No. 4 (p. 7): *Preservation of open areas and scenic views on private lands, in cooperation with willing owners, is generally preferred to public ownership and management.*

## CHERRY HILLS VILLAGE COLORADO

Open Space/Parks/Trails/Recreation Section, Open Space and Scenic Treasures Description (p. 7): *Scenic treasures are exceptionally beautiful, natural spaces and scenic vistas within the Village that all can enjoy. They include the High Line Canal, Woodie Hollow Park, Blackmer Common, Three Pond Park, Little Dry Creek and its tributaries, and the East-West Wetland Corridor and the view corridors along Quincy Avenue* (emphasis added), Colorado Boulevard, Holly Street and Cherry Lane Drive.

Open Space/Parks/Trails/Recreation Section, Parks and Recreation Goal No. 3, Strategies 1 and 3 (p. 10): *1) Establish parks that are dedicated to preservation of views, wildlife corridors, and water habitats. 3) Identify ideal locations for new parks with characteristics that take advantage of existing topography, views, vehicular access and adjacent school facilities.*

The Blue Ribbon Panel was appointed by the City Council in 2004 in order to provide recommendations to the Council on issues related to the “protection and enhancement of open space, trails, parks and recreation opportunities, and historic preservation.” The final report of the Blue Ribbon Panel provides an in-depth study of and makes several recommendations on issues regarding parks, open space, trails, scenic areas and view sheds in the City.

Included in the Blue Ribbon Panel Report is an analysis of scenic treasures and view corridors that informed the Master Plan goals and strategies, including map inventories of view corridor and trails on pages 11 and 12 of the report (see Exhibit I). The Map on page 12 shows specific “scenic vistas and local views” from E. Quincy Avenue looking to the southwest across the subject property. These view corridors are described on page 22 of the report:

*Description: Quincy Mountain View Corridor – First is the open space west of Holly and south of Quincy. These fields provide long views of two succeeding mountain backdrops, a spectacular view of Pikes Peak for ¼ mile between 5350 E. Quincy and South Dahlia and an exceptional view of the mountains directly to the west.*

The Blue Ribbon Panel Report also makes several references to the impact that solid fences and berms may have on view corridors. Fencing restrictions are included in the subdivision proposal, including a limitation to open rail fencing up to six feet in height along any trail corridors and alternating solid and open iron fencing up to six feet in height along E. Quincy Avenue.

The Blue Ribbon Panel Report makes recommendations for several “desired trail connections” (see page 12, Exhibit H for map). There are several “desired trail connections” shown on the map south of the applicant’s property. However, there are no “desired trail connections” shown in the Blue Ribbon Panel Report within or on the boundaries of the applicant’s property. The proposal does include a trail connection through the subdivision connecting the Quincy Avenue Trail to the S. Dahlia Street on-street trail.

## CHERRY HILLS VILLAGE COLORADO

Staff finds that the applicant has met the minimum open space dedication requirement of 7.5% of the subdivision area and met the Master Plan and Blue Ribbon Panel policies by providing strategically located trails and open space areas with landscape restrictions designed to preserve view corridors and scenic treasures.

2. Division 2, Article II Plat and Submittal Requirements

Division 2, Article II of the Subdivision Regulations outline the minimum preliminary plat and supporting application requirements. The following is a summary of the relevant requirements with staff's finding:

*Section 17-3-110(a) – plat document and engineering requirements:*

This section states that minimum engineering standards outlined in Section 17-4-30 need to be reflected on the preliminary plat and in the application materials. The City Engineer has reviewed the subdivision in relation to current Arapahoe County construction manuals, including the current Arapahoe County Stormwater Management Manual. Since no roads are proposed with the subdivision, standards for roads were not reviewed. This section also references a table of required documentation that needs to be included on the preliminary plat, including but not limited to boundary and easement lines, topography, required notation and details of the property to be subdivided and surrounding properties and infrastructure. Staff has reviewed the plat and finds that all relevant requirements are included in Sheets 1-3 of the preliminary plat.

*Section 17-3-110(b) – land dedication letter:*

The applicant has provided the required letter addressing the land dedication requirement. This item is discussed in detail above.

*Section 17-3-110(c) – will serve letters from utilities:*

Letters from Denver Water, City of Cherry Hills Village Sanitation District, Xcel Energy, Qwest, and Comcast are provided in Exhibit J.

*Section 17-3-110(d) – summary of agreement for public and private improvements:*

The applicant has provided a letter outlining the public and private subdivision improvements, which include construction of drainage ponds, swales and culverts, fire hydrants, extension of sanitary sewer lines, and utility stubs to each lot. These items have been reviewed by the City Engineer.

The Planning and Zoning Commission recommendation included a condition that the development agreement summary be amended to include the perimeter fence along E. Quincy Avenue. The purpose of this requirement is to ensure that a uniform fence design would be installed and provide a clear mechanism for who would be required to build and maintain the fence. In lieu of including the fence requirement in the development agreement summary, the applicant proposes that the fence design be specified on the plat and then require the fence to be built and maintained by each individual property owner when each home with frontage along E. Quincy Avenue was built. Although staff would prefer that the fence be installed and maintained by a single entity, such as the HOA, in

## CHERRY HILLS VILLAGE COLORADO

order to provide for easier enforcement and assurance of maintenance provisions, staff believes that the applicant's proposal would be a viable alternative that would achieve the same intent.

### 3. *Article V, Design Principles*

Article V of the Subdivision Regulations provide design principles for subdivisions. The design principles cover general provisions, streets and traffic patterns, drainage, lots, utilities and recreation easements.

#### *Section 17-5-10 – General Provisions*

The general design provisions address the design, layout of the subdivision and subdivision infrastructure and conformance of the subdivision with the Master Plan. Specific design provisions are that the lot layout should make use of natural contours, maintain existing views, and preserve natural features and vegetation. In addition, pedestrian and recreational ways should be designed to take advantage of visual qualities of the area and provide direct access to neighborhood facilities. Staff finds that the subdivision proposal meets the design provisions by preserving view corridors through restrictions on landscaping and fencing and the dedication of trail and open space areas.

#### *Section 17-5-20 – Streets and Traffic Patterns*

Staff finds that this section is not applicable, as no streets are proposed with the subdivision.

#### *Section 17-5-30 – Drainage*

A preliminary drainage plan has been submitted with the application. The drainage plan follows the criteria of the Arapahoe Country Stormwater Management Manual and Urban Drainage and Flood Control District Manual. The majority of current stormwater drains from northeast to southwest on the site and exits the property at the southwest corner of the property. Stormwater leaving the site flows across the Arapahoe Tennis Club property before entering a road side swale on S. Dahlia Street. The remaining stormwater flows to the southeast corner of the site or directly to E. Quincy Avenue right of way. The proposal includes formalizing existing drainage swales on the property and constructing two retention with discharge ponds. Drainage easements are proposed for the ponds and swales, and a culvert is proposed to convey water under the existing private road that transects the subdivision. The City Engineer has reviewed the drainage plan and finds it meets City requirements for the preliminary plat.

#### *Section 17-5-40 – Lots*

The lot design principles address the size, shape and orientation of the lots, including a requirement that lots should only front local streets unless adequate automobile turnarounds are provided. The applicant proposes that Lots 2 and 7 have direct access to E. Quincy Avenue, which is considered a collector street. The applicant has requested this orientation rather than having to provide roads in the subdivision, which would add extensive additional impervious surfaces due to the need for cul de sac or hammer head type turnarounds for the access roads and take away from the semi-rural nature of the subdivision. Staff has requested that the applicant provide 25-foot clear sight triangles for the driveways onto E. Quincy Avenue, which would also cross the Quincy Avenue trail, and the same clear sight

## CHERRY HILLS VILLAGE COLORADO

triangle for any other driveways crossing a trail easement proposed within the subdivision. With the clear sight triangle, staff supports the driveway access proposal, recognizing the benefits for stormwater management of having less impervious areas and the benefit to keeping an open, semi-rural character to the subdivision.

### *Section 17-5-50 – Utilities*

The utilities requirements state that all new utilities shall be underground. There are existing overhead transmission lines along the west side of the subdivision. There is no proposal for undergrounding these facilities. Staff finds that the code only addresses new infrastructure for the subdivision and the current proposal is in compliance.

### *Section 17-5-60 – Recreation Easements*

The recreation easements design principals state that the object is to provide safe, attractive routes to connect all parts of the City to the Highline Canal, providing the most direct route without unduly infringing on the privacy of the subdivision. Staff finds that proposed trail easement alignment meets the intent of this design principle by providing an alternative route connecting Quincy Trail users to the S. Dahlia Street on-street trail that connects directly to the Highline Canal to the south.

### **PUBLIC NOTICE AND COMMENT:**

Written notice of this public hearing was mailed by the applicant via certified mail, return receipt requested, to surrounding property owners within 500 feet of the subdivision at least ten days prior to the hearing date. In addition, a notice sign was posted on the property facing E. Quincy Avenue, notice was published in the April 17, 2014 edition of The Villager, and notice was posted on the City notice board and website. All notice requirements have been met. As of the distribution of this report, staff has not received any written comments.

### **RECOMMENDATIONS:**

#### PTRC

On January 9, 2014, the PTRC voted four in favor and one against a motion to recommend approval of the preliminary plat with the following conditions:

1. The vegetation along E. Quincy Avenue, between the property line and the perimeter fence, shall be limited to six feet in height.
2. The pocket park along the private road shall be moved no less than 20 feet to the north to enhance the view corridor.
3. The area of the pocket park in the southwest corner of the subdivision (minus the area for a trail easement) shall be transferred to an equivalent area on the northeast section of the property to maintain the view corridor along the Quincy Trail.
4. The fencing along E. Quincy Avenue shall be limited to split rail type fencing.

**CHERRY HILLS VILLAGE**  
**COLORADO**

Planning and Zoning Commission

On March 25, 2014, the Planning and Zoning Commission voted three in favor and one against a motion to recommend approval with the following conditions:

1. That the fence along E. Quincy Avenue shall not exceed five feet (5') in height, shall be split rail or dimensional (white plastic) and shall be comprised of a maximum of 40% material (maintaining a minimum of 60% open along the entire length of the fence).
2. That Lot 4 and Lot 5 be designated as having their front yards along Quincy Avenue, that Lot 4 and Lot 5 have a seventy five foot (75') setback from Quincy Avenue, but that the building envelope for Lot 4 be allowed to maintain an equivalent overall area as currently shown on the Plat by moving the building envelope south by a maximum of twenty five feet (25') toward the open space shown on page 2 of the Preliminary Plat.
3. That the open space in the southwest portion of the subject property and shown on page 2 of the Preliminary Plat be relocated to the northeast corner of the subject property; that the open space contain an equivalent overall area and substantially maintain a triangular shape, and that the westernmost angle of the triangle of said open space (along Quincy Avenue) be a minimum of thirty degrees (30°) and a maximum of forty five degrees (45°).
4. That the Applicant shall include the details of the Quincy Avenue fence design in the Preliminary Plat and include the fence in the subdivision improvement agreement summary letter and updated cost estimate prior to the City Council public hearing on the Preliminary Plat.
5. That the Applicant provide an updated cost estimate for the public and private improvements prior to the City Council public hearing on the Preliminary Plat.
6. That the Applicant include the required Xcel Energy dry utility easement on the Final Plat.

Staff

Staff recommends approval of the preliminary plat with the following conditions:

1. The applicant shall include the required Xcel Energy dry utility easement on the final plat.

**RECOMMENDED MOTION:**

“I move to approve the George W. Calkins Trust Preliminary Plat based on the findings and analysis in the May 6, 2014 staff memorandum with the following condition:

1. The applicant shall include the required Xcel Energy dry utility easement on the final plat.”

**ATTACHMENTS:**

Exhibit A: Vicinity Map

Exhibit B: Application Materials

Exhibit C: January 25, 2011 Planning and Zoning Commission Minutes

Exhibit D: January 13, 2011 Parks, Trails and Recreation Commission Minutes

Exhibit E: January 9, 2014 Parks, Trails and Recreation Commission Minutes

Exhibit F: February 25, 2014 Planning and Zoning Commission Minutes

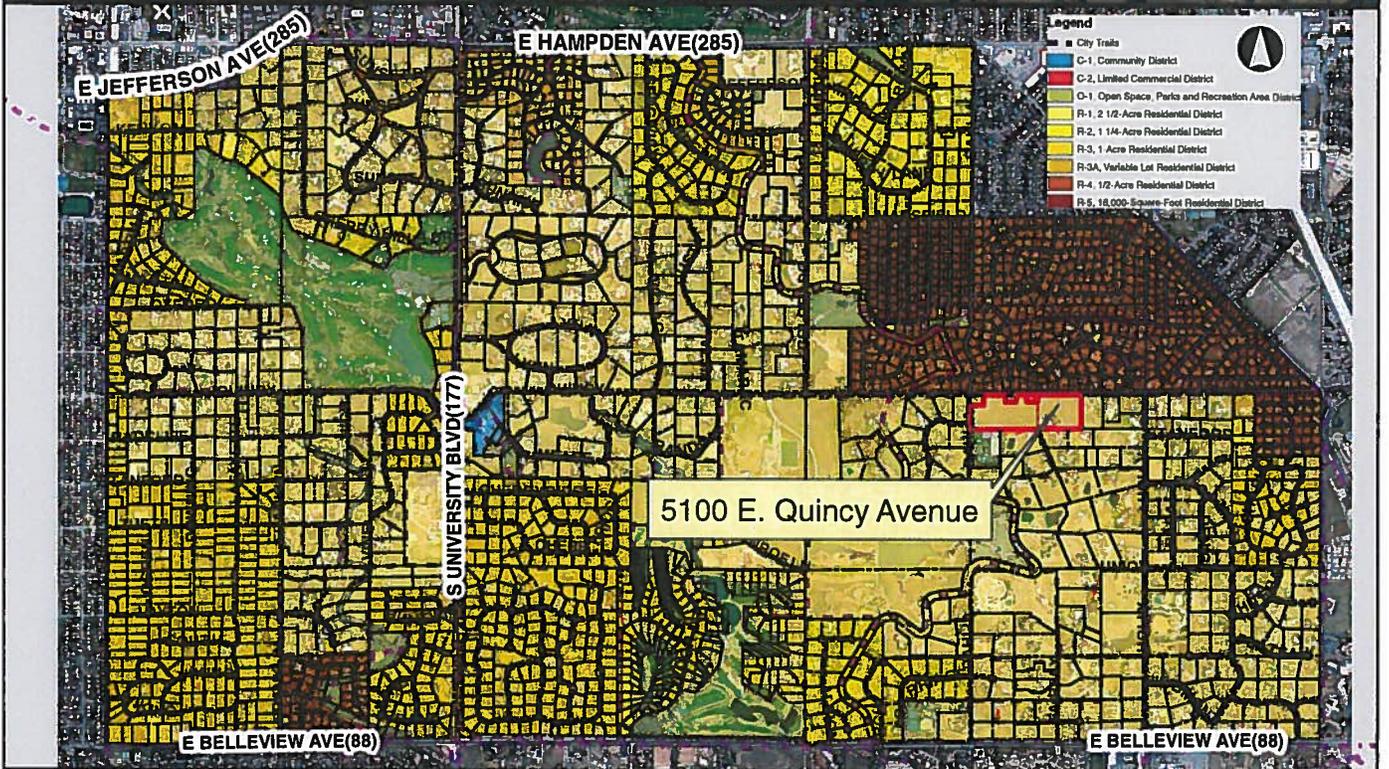
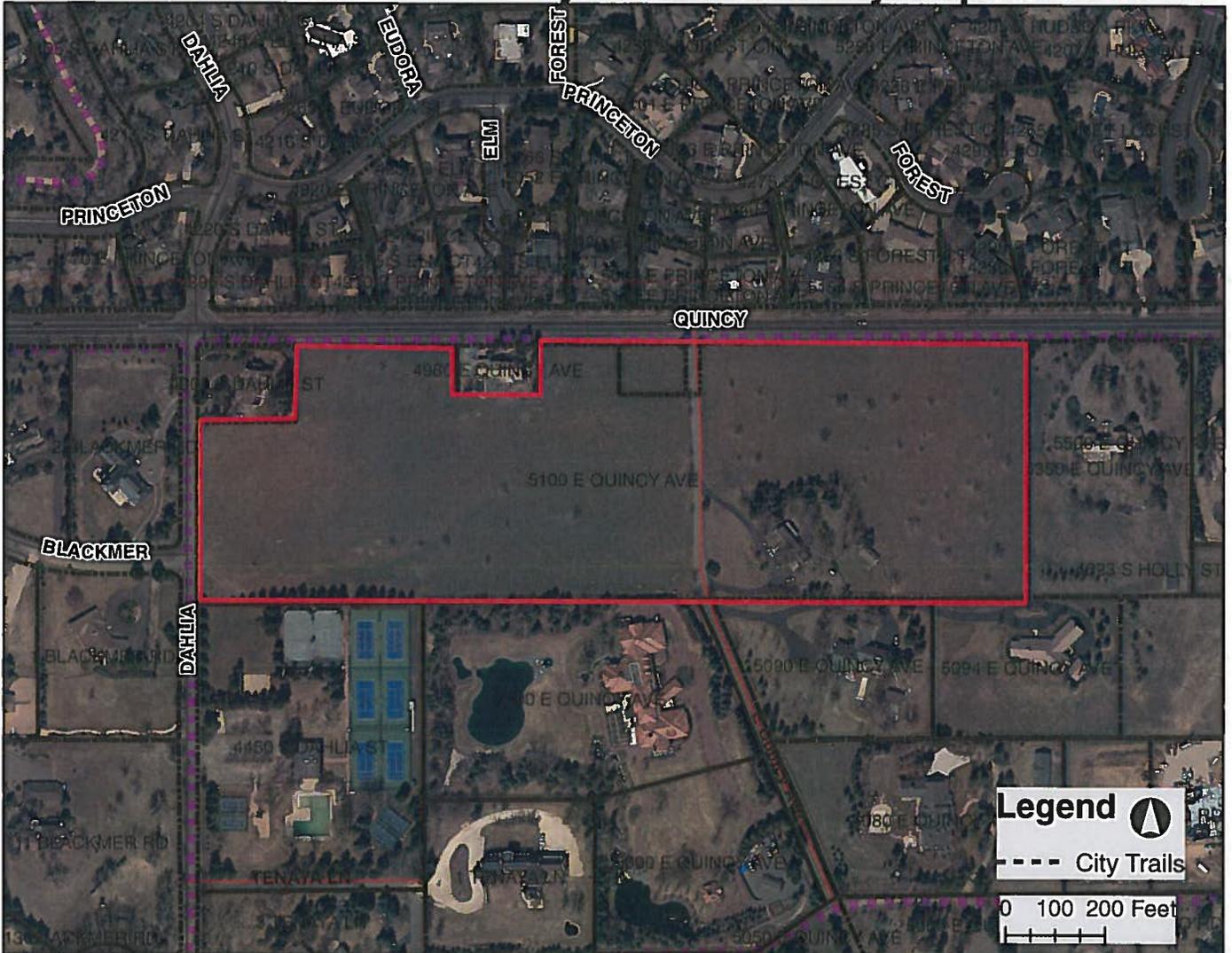
Exhibit G: March 25, 2014 Planning and Zoning Commission Minutes

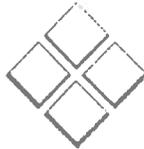
Exhibit H: Open Space/Parks/Trails and Recreation Section of Master Plan

Exhibit I: 2005 Blue Ribbon Panel Report: The Vision for Parks Trails, Recreation, Historic Preservation and Open Space, 2005 to 2020

Exhibit J: Utility Will Serve Letters

# 5100 E. Quincy Avenue Vicinity Map





**VOGEL & ASSOCIATES**  
*Integrated Planning with Innovative Solutions*

February 19, 2014

Mr. Robert Zuccaro,  
Community Development Director  
City of Cherry Hills Village  
2450 E. Quincy Avenue  
Englewood, CO 80113

**Re: Calkins Trust Property  
Preliminary Plat Submittal**

Dear Robert,

On behalf of the George Calkins Trust, we are pleased to resubmit the enclosed Preliminary Plat for the Calkins Trust Property located at the southeast intersection of Quincy Avenue and South Dahlia Street. The Calkins Trust property is approximately 17.9 acres and is zone R-1.

**Project Overview**

Utilizing site sensitive planning principles in conjunction with the R-1 development standards, seven home sites have been configured around trail and landscape view corridors. Each home site is a minimum of 2.5 acres and includes a building envelope. Building envelopes have been located and configured to preserve natural drainages and view corridors to the south and west. As required to achieve the principles and objectives outlined above, each building envelope utilizes a more restrictive setback than what is allowed in the R-1 zone district. Open rail fencing is proposed along the trail corridors and along the perimeter property lines to further preserve views and provide a sense of openness.

The preliminary plat includes 1.34 acres of public land dedication which equates to 7.5% of the total parcel. This public land dedication provides land area for trails, seating areas and a Front Range and mountain overlook. The Calkins Trust planning team conducted on-site review meetings with members of the Parks Commission to review and coordinate items regarding the overlook and trail corridors.

The existing and the proposed trail system incorporates a sequence of experiences including view corridors along the trail. Users can access the trail utilizing the existing Quincy trail which includes views to Mount Evans. A landscape restriction has been provided along the northeast section of the Quincy Trail to preserve views from the trail and Quincy Avenue. Additional panoramic views to the west and southwest are provided from the overlook that is configured along the trail that is located on the west side of the private drive. The trail that extends south along the private drive also includes views of Pikes Peak during the winter months.

A trail corridor is located along the south side of the parcel connecting users to the Dahlia trail and Dahlia Street which connects to the Highline Canal trail. This trail provides connectivity between the existing community located south of the Calkins property and the Highline trail. At the confluence of these two trails is an open space area that serves as an additional seating area. This open space area in conjunction with the landscape area located at the northwest corner of the racquet club provides an additional sense of openness along the Dahlia streetscape.

The Calkins Trust preliminary plat has been prepared to achieve and reinforce goals and strategies outlined in the City of Cherry Hills Village master plan. Outlined below is a summary of the specific elements, goals and strategies that have been incorporated into the plan.

Cherry Hills Village Master Plan, Page 6 – Goals, Strategies 4, 5 and 6

"4. Evaluate standards for residential lot development, which may include, but is not limited to the following:"

"a. Energy efficiency and site design techniques which minimize energy consumption or environmental impacts."

"b. Sites or lots that allow for greater building setbacks so that impacts on streetscapes or immediately adjacent property are minimized."

"c. Dedication or conservation of open space easements."

Building envelopes have been configured and oriented to maximize southern solar exposure. The view corridor located between the home sites further increases solar exposure providing opportunities for passive and active solar energy alternatives.

As outlined above, open space easements and trail corridors are provided to enhance community connectivity and serve as a scenic overlook. The trail corridor also serves as an additional buffer between the Calkins Trust property and the Arapahoe Tennis Club further reducing potential adverse impacts.

Cherry Hills Village Master Plan, Page 7 – Goals, Strategy 4

"Preservation open space areas and scenic views on private lands, in cooperation with willing owners, is generally preferred to public ownership and management.

As depicted on the sketch plan, the seven home sites include building envelopes that have been strategically configured to provide view corridors and restricted setbacks beyond what is permitted by the R-1 zone district in an effort to create one visually contiguous open space area while maintaining the 2.5 acre minimum lot requirement. The building envelopes further preserve vistas from Quincy Avenue, South Dahlia Street and existing residents that utilize the private drive.

Cherry Hills Village Master Plan, Page 4 Strategy 7

" Encourage the use of natural materials to address drainage and erosion issues or other impacts to development."

As previously discussed, the intent is to maintain the existing natural drainage pattern that is located in the central section of the property. These existing drainages or bio-swailes will be comprised of natural shrubs and grasses that will further filter storm drainage and increase water quality.

In summary, the Calkins Trust sketch plat is consistent with the R-1 zone district and advances the goals and strategies outlined in the Cherry Hills Village master plan including the Regional Parks and Trails plan. The intent is to reinforce and enhance the rural character of Cherry Hills Village by providing visually contiguous areas of open space, trails and an informal streetscape.

### **Preliminary Plat Staff Comments and Parks Commission Conditions of Approval**

The Calkins Trust planning team has addressed preliminary plat staff comments and has also evaluated further the Conditions of Approval provided by the Parks Commission on January 9, 2014.

### **Preliminary Plat Staff Comments**

The preliminary plat has been revised to reflect the following comments that were provided on October 2, 2013. Outlined below is a response to each of the respective comments.

1. The ownership of the property has changed from George W. Calkins and The George W. Calkins Trust to GB&L Cherry Hills, LLC, a Colorado Limited Liability Company. The new ownership should be shown on sheet 1 of the plat.  
Response: The ownership on sheet 1 has been revised.
2. Access to proposed lots 3, 4, 5 & 6 is from the unplatted private drive, a portion of which encroaches into Lot 6. The exact dimensions of the access easement within Lot 6 should be specified on the plat.  
Response: The dimension has been added to the plat for the length of easement that is located in lot 6.
3. Per the easement agreement for the access drive, recorded at reception number D1016097, the Grantor retains maintenance obligations for the easement; however, the benefitted properties (Calkins) are required to pay their respective share of reasonable costs incurred by the Grantor to maintain the private drive. These maintenance expenses will be shared among all of the proposed lots and subsequent owners (including the lots not taking direct access from the private drive). Accordingly, the HOA for this subdivision should be responsible for the maintenance costs of the private drive.  
Response: An HOA is proposed and will manage this expense.
4. Based on comment #3 above, Note 11 on Sheet 1 should be modified to include an obligation for the HOA to provide maintenance of the private drive. In addition, provide draft HOA formation documents and CC&Rs to confirm that the HOA will be responsible for the obligations set forth in note 11 on the plat.  
Response: Note 11 on sheet 1 has been revised to reflect the maintenance obligations outlined above. A DRAFT of the CC&Rs will be provided.

## **Parks Commission Conditions of Approval**

The Parks Commission recommended approval of the Calkins preliminary plat with certain conditions at the January 9, 2014. Outlined below is a discussion regarding each of the conditions of approval along with the additional requests provided by staff.

1. Open Space Overlook – The open space overlook boundary has been relocated to the north as requested by staff and the Parks Commission.
2. Landscape Restriction – The 5548 max elevation landscape restriction has been expanded to the north as discussed with staff and the Parks Commission.
3. Quincy Avenue Landscape Restriction – The landscape restriction zone located between Quincy Avenue and the home site 5 building envelope has been revised to reflect a 6' maximum height for vegetation. As outlined on the sheet 3 of 3 landscape would also be restricted (6' high maximum) between the proposed fence and Quincy Avenue.
4. Quincy Avenue Landscape Restriction Zone and Southwest Parcel Land Dedication (PLD) – The Parks Commission discussed, trading the PLD parcel located in the southwest corner of the property for the landscape zone area or portion thereof located between Quincy Avenue and home site 5.

As discussed at the Parks Commission, the applicant has agreed to restrict the vegetation to 6' high in the Quincy landscape restriction zone. It is the applicant's preference that this area remain as a landscape restriction area as opposed to a PLD easement.

It is our understanding that the intent of this land area is to preserve the views to Mount Evans which will be accomplished with the 6' high landscape restriction. A PLD easement with public access would compromise privacy to home site 5.

As discussed, the intent is to provide a uniform streetscape along Quincy, providing a PLD easement may result in the fence/wall being located/angled along the south boundary of the landscape zone.

5. Fence/Wall- An on-site meeting with members of the Parks Commission was conducted on January 2<sup>nd</sup>, 2014. It was discussed, that the applicant consider designing a fence/wall that would provide a uniform streetscape and appearance along Quincy. The applicant indicated that would design a streetscape concept that would provide a uniform appearance that would also maintain views and mitigate noise. A design concept was prepared as permitted by Town Code. This concept included a masonry wall with metal and open rail fence panels located at specific locations to provide transparency while also mitigating noise.

The concept was presented to the Parks Commission at the January 9<sup>th</sup> meeting. It was acknowledged that the wall is permitted by Town Code. The Parks Commission requested that an open rail fence be installed in lieu of the concept presented by the applicant.

It is the applicant's intent to move forward with the wall/fence concept that has been prepared. As outlined above, the wall/fence design achieves the objectives of providing a uniform edge along Quincy, mitigates noise while also providing transparency in specific locations including the

As requested, we have enclosed 10 copies of the revised preliminary plat for your use. We look forward to working with you and the Village on this unique project. Please review and call with questions or comments.

Respectfully,  
Vogel & Associates, LLC



Jeffrey Vogel, AICP  
Principal

Sincerely,  
Koelbel and Company



Keith Neale  
Vice President



**KOELBEL AND COMPANY**

5291 E. YALE AVENUE · DENVER, COLORADO · 80222  
(303) 758-3500 FAX (303) 758-6632

April 4, 2011

Mr. Robert Zuccaro, Community Development Director  
City of Cherry Hills Village  
Village Center  
2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113

RE: Calkins Trust Property  
Land Dedication Requirement

Dear Mr. Zuccaro,

We are pleased to present a comprehensive plan for the open space as outlined and illustrated on the Preliminary Plat. We have significantly revised the open space concept from what was presented at the Sketch Plat taking into consideration comments received from the Parks and Trails Commission and the Planning Commission. We also conducted a working session with the Parks and Trails Commission to further develop possible mutually agreeable alternatives and solutions in order to meet the letter and intent of Cherry Hills Village Section 17-3-30, Land Dedication Requirements. We are confident that this solution addresses the comments and concerns that were expressed to us in addition to fulfilling the Subdivision Requirements and the City of Cherry Hills Village Master Plan.

More specifically, we are proposing to provide for a new trail connection from E. Quincy Avenue, following the Private Drive and then connecting through the property to South Dahlia Avenue, providing an alternative access to The Highline Canal. There is also a planned park and viewing area with protected views to the South and West. Benches and seating areas are planned in this location. Based on our discussion with the Parks and Trails Commission, it is our understanding that the Village will be constructing the bench and trail improvements. The protection of the View Corridor as outlined in the 2005 "Blue Ribbon Panel" Report has been addressed and incorporated into the land planning. This was accomplished through (i) creating defined building footprint zones that are more restrictive than current building setbacks allowed, (ii) creating landscaping and ancillary restrictive building height zones that dictate the maximum height of trees



and structures, (iii) requiring open rail fencing within the sensitive view corridor areas including a section on East Quincy Avenue and, (iv) provide desired trail connections in order to provide for a new experience and connectivity to The Highline Canal Trail while also serving the nearby neighbors. We believe that our land planning solutions accomplish those significant goals set out in the Blue Ribbon Panel Report and the Cherry Hills Village Master Plan. This revised land plan and open space concept served as a basis for preparing the Preliminary Plat. More specifically, our restrictions and defined open space plan will preserve open space through the proposed extensive trails easements that will result in adding new overlook seating areas along the trail system and preserve view corridors both internally and externally to the project.

The total area of the trail easement contains approximately 1.3 acres which is sufficient to meet the requirement of the Subdivision Land Dedication Ordinance as well as meeting the intent of the open space functionality and preservation of multiple view corridors.

We look forward to presenting our revised plan which we believe satisfies the goals and intent of the open space ordinance.

Thank you for your consideration of this collaborative effort.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Neale".

Keith L. Neale  
Vice President  
Koelbel and Company



**KOELBEL AND COMPANY**

5291 E. YALE AVENUE · DENVER, COLORADO · 80222  
(303) 758-3500 FAX (303) 758-6632

April 4, 2011

Mr. Robert Zuccaro, Community Development Director  
City of Cherry Hills Village  
Village Center  
2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113

RE: Calkins Trust Property  
Subdivision Improvement Agreement

Dear Mr. Zuccaro,

The Calkins Trust Property is an infill site located at East Quincy Avenue and South Dahlia Avenue containing only seven zoned and conforming R-1 building lots. Minimal infrastructure will be required to service these home sites.

No new roadways need to be constructed as access is being provided by existing public and private roadways including a Private Drive, East Quincy Avenue, and South Dahlia Avenue.

Water will be provided by the existing Denver Water Department facilities located in East Quincy Avenue, Private Roadway, and South Dahlia Avenue. Based upon preliminary discussions with South Metro Fire Rescue Authority, we believe that two new fire hydrants will be required along East Quincy Avenue in order to provide additional fire protection to Lots adjoining Quincy Avenue.

Sanitary sewer will be provided by Cherry Hills Village Sanitation District. An 8" sewer extension in the Private Drive including two manholes and four service stubs will be required in order to provide service.



Overlot grading is not required for any of the building sites so no erosion control is needed. The existing vegetative condition is fully stabilized. Individual builders will provide for site disturbance control measures at the time of building permit.

Storm drainage consists of one minimal storm sewer pipe crossing under the existing Private Drive. Storm water detention will be accomplished on an individual lot basis as required by the building code.

I have attached an exhibit prepared by Harris Kocher Smith, registered civil engineers with an opinion of probable costs. Due to the minimal nature of these improvements, we are proposing that construction of these facilities shall be required and completed prior to the issuance of a certificate of occupancy for the first building.

I look forward to discussing this infrastructure proposal with you at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Neale".

Keith L. Neale  
Vice President  
Koelbel and Company

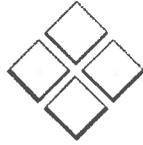
attachment



**OPINION OF PROBABLE CONSTRUCTION COST  
INFRASTRUCTURE IMPROVEMENTS  
GEORGE W. CALKINS TRUST**

April 25, 2014

ITEM NO.	ITEM	QUANTITY	UNIT	AMOUNT	TOTAL
<b>PUBLIC SANITARY SEWER</b>					
1	4' ID Manhole	2	EA	\$ 2,000.00	\$ 4,000.00
2	8" PVC Sanitary Sewer	328	LF	\$ 35.00	\$ 11,480.00
3	Sanitary Sewer Service Stubs	7	EA	\$ 500.00	\$ 3,500.00
	<b>SUB TOTAL</b>				<b>\$ 18,980.00</b>
<b>PUBLIC WATER</b>					
4	Fire Hydrant Assembly	2	EA	\$ 2,000.00	\$ 4,000.00
5	Fire line stub	7	EA	\$ 500.00	\$ 3,500.00
6	Water Stub and Meter Pit	7	EA	\$ 3,000.00	\$ 21,000.00
	<b>SUB TOTAL</b>				<b>\$ 28,500.00</b>
<b>DRAINAGE IMPROVEMENTS</b>					
7	18" RCP Storm Sewer	53	LF	\$ 40.00	\$ 2,120.00
8	18" RCP Flared End Section	2	EA	\$ 500.00	\$ 1,000.00
9	Pond Outlet Structure	2	EA	\$ 5,000.00	\$ 10,000.00
10	Unclassified Excavation	2000	CY	\$ 4.50	\$ 9,000.00
	<b>SUB TOTAL</b>				<b>\$ 22,120.00</b>
<b>EROSION CONTROL</b>					
11	Seeding and Mulching	1.34	AC	\$ 2,500.00	\$ 3,350.00
12	Culvert Protection	10	LF	\$ 9.00	\$ 90.00
13	Sediment Control Log	1200	LF	\$ 2.00	\$ 2,400.00
14	Vehicle Tracking Control	2	EA	\$ 1,000.00	\$ 2,000.00
15	Check Dam	100	LF	\$ 24.00	\$ 2,400.00
	<b>SUB TOTAL</b>				<b>\$ 10,240.00</b>
	<b>GRAND TOTAL</b>				<b>\$ 79,840.00</b>



**VOGEL & ASSOCIATES**  
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April 22, 2014

Mr. Robert Zuccaro,  
Community Development Director  
City of Cherry Hills Village  
2450 E. Quincy Avenue  
Englewood, CO 80113

**Re: Calkins Trust Property  
Preliminary Plat Submittal**

Dear Robert,

On behalf of the George Calkins Trust, we are pleased to resubmit the enclosed Plat for the Calkins Trust Property located at the southeast intersection of Quincy Avenue and South Dahlia Street.

**Preliminary Plat Planning Commission and Staff Comments**

The preliminary plat has been revised to reflect the following comments that were provided on April 3, 2014. Outlined below is a response to each of the respective comments.

- 1) That the fence along E. Quincy Avenue shall not exceed five feet (5') in height, shall be split rail or dimensional (white plastic) and shall be comprised of a maximum of 40% material (maintaining a minimum of 60% open along the entire length of the fence);  
Response: A note has been added to sheet three that reference the Quincy Avenue Open Rail fence. The note reflects the maximum 5' height and the 60% transparency requirement.
- 2) That Lot 4 and Lot 5 be designated as having their front yards along Quincy Avenue, that Lot 4 and Lot 5 have a seventy five foot (75') setback from Quincy Avenue, but that the building envelope for Lot 4 be allowed to maintain an equivalent overall area as currently shown on the Plat by moving the building envelope south by a maximum of twenty five feet (25') toward the open space shown on page 2 of the Preliminary Plat;  
Response: Lots 4 and 5 have been revised to include the 75' setback along Quincy Ave. The building envelope on lot 4 has been increased to the south by 25'

- 3) That the open space in the southwest portion of the subject property and shown on page 2 of the Preliminary Plat be relocated to the northeast corner of the subject property; that the open space contain an equivalent overall area and substantially maintain a triangular shape, and that the westernmost angle of the triangle of said open space (along Quincy Avenue) be a minimum of thirty degrees (30°) and a maximum of forty five degrees (45°);  
Response: The open space has been reconfigured to the northeast corner of the property. The western boundary is within the maximum 45 degree orientation.
- 4) That the Applicant shall include the details of the Quincy Avenue fence design in the Preliminary Plat and include the fence in the subdivision improvement agreement summary letter and updated cost estimate prior to the City Council public hearing on the Preliminary Plat;  
Response: A fence detail has been added to sheet 3. The Quincy Fence design standard has been added to the sheet 3. As discussed and per the note, the applicant if desired can construct a split rail or dimensional lumber fence that cannot exceed the maximum of 5'. The applicant is to decide if and when the fence will be constructed and therefore the fence has not been included in the cost estimate.
- 5) That the Applicant provide an updated cost estimate for the public and private improvements prior to the City Council public hearing on the Preliminary Plat; and  
Response: An updated cost estimate is included in the attached.
- 6) That the Applicant include the required Xcel Energy dry utility easement on the Final Plat.  
Response: The existing easements are illustrates to the plat. Per the project engineer (Steve Kocher), it was discussed with Cherry Hills Village that the required dry Xcel Energy dry utility easements would be included on the final plat after configuration of the preliminary plat is approved by the Planning Commission and Town Council.

Enclosed is a copy of the revised preliminary plat and cost estimate for your use. Upon your review, we will prepare 14 copies for the Council packets. These additional copies will be submitted by May 1, 2014.

Please review and call with questions or comments.

Sincerely,  
Vogel & Associates, LLC

Jeffrey Vogel, AICP  
Principal

PRELIMINARY DRAINAGE REPORT

for

GEORGE W. CALKINS TRUST

HKS Project No. 100706

March, 2011  
Revised: July 25, 2011  
Revised: October 27, 2011  
Revised: Dec 22, 2011

Prepared for:

Owner:  
George W. Calkins Trust

Developer:  
Koelbel & Company  
5291 E. Yale Ave.  
Denver, CO 80222  
Phone: (303) 758-3500

Prepared by:

**HARRIS KOCHER SMITH**  
engineers • land surveyors

1391 Speer Blvd, Suite 390  
Denver, CO 80204  
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I. GENERAL LOCATION AND DESCRIPTION

A. Site Location

A Site Vicinity Map is included in Appendix A.

The George W. Calkins Trust property (Site) is situated in the northeast  $\frac{1}{4}$  of Section 7, Township 7 South, Range 67 West of the 6<sup>th</sup> P.M., City of Cherry Hills Village, County of Arapahoe, State of Colorado.

The Site is bound on the north by E. Quincy Ave, on the west by S. Dahlia St., on the east by a residential lot, and on the south by residential lots and the Arapahoe Tennis Club. The Site is bisected by a private drive, within an unplatted parcel (not included in this subdivision).

The Site is adjacent to two single-family parcels to the north, lots from Cantitoe Subdivision, Poland Subdivision, and Miller Estates to the south, and an unplatted parcel (Book 3493, Page 0211) to the east.

B. Description of Property

The Site is approximately 17.89 acres in area and is bisected by a private drive, within an unplatted parcel.

The Site consists of an existing single-family home and undeveloped vacant ground. The existing topography of the Site generally slopes from northeast to southwest at approximately 2.5%, creating a natural swale that discharges near the southwest corner of the property. The ground is primarily covered with native grasses and weeds, and some trees.

The Site's USDA Soil Survey consists of approximately 75-percent Renohill-Buick Loams and 25-percent Fondis silt Loam. A soil description is included in Appendix B.

There are no defined major or minor drainageways on the Site.

The Site is shown to be in a Zone X Flood Area according to FIRM Map 08005C0168K, Arapahoe County, Colorado December 17, 2010 (See FIRM map in Appendix A). Zone X, as depicted on the aforementioned Map, is described as "Areas determined to be outside 500-year flood plain".

There are no irrigation canals or ditches on or adjacent to the Site.

There are no known significant geologic features on the Site.

The proposed development consists of a seven-lot single-family residential subdivision and associated infrastructure.

## II. DRAINAGE BASINS AND SUB-BASINS

### A. Major Drainage Basins

The Site is tributary to the Urban Drainage & Flood Control District (UD&FCD) "Greenwood Gulch" Basin. The Site is tributary to a series of drainageways prior to outfalling to the South Platte River, including Blackmer Gulch, Greenwood Gulch and Little Dry Creek.

The existing land use is one single-family home. The proposed land use is seven single-family residential lots.

The Site does not affect any drainageway planning or floodplain delineation.

Under fully developed conditions, the Site will have no adverse impacts to major basin flow patterns.

### B. Minor Drainage Basins

The majority of the existing stormwater runoff from the Site drains from northeast to southwest, and exits the property near the southwest corner. Flows are conveyed through the Arapahoe Tennis Club property via overland flow, and intercepted by an existing roadside swale on the east side of S. Dahlia St. The remainder of the existing stormwater runoff from the site flows overland to the southeast corner of the property, or directly to Quincy Avenue right-of-way.

As previously stated, the existing land use is one single-family home. The proposed land use is seven single-family residential lots.

There are no irrigation canals or ditches on or adjacent to the Site.

The Site currently receives minimal off-site runoff from the adjacent properties and roadways. Under fully developed conditions, the Site will have no adverse impacts to off-site flow patterns.

## III. DRAINAGE DESIGN CRITERIA

### A. Regulations

The principal design criteria used for this study were:

- a) Arapahoe County, Arapahoe County Stormwater Manual (Criteria).
- b) Urban Drainage & Flood Control District Volumes 1, 2 and 3 of the Urban Storm Drainage Criteria Manual (UD&FCD Manual).

- c) Greenwood Village, Greenwood Village Drainage Criteria Manual (Greenwood Village Criteria).

B. Drainage Studies, Outfall Systems Plans, Site Constraints.

There are no known previous drainage studies or master plans for the Site that influences the stormwater facility designs.

There are no significant Site constraints on the stormwater management facility design.

C. Hydrology

Rainfall source

- d) Rainfall intensities are based upon one-hour point rainfall depths as detailed in the Criteria, Table 6.1.
- e) Surface runoff is based upon the rainfall intensities, derived from the Criteria, are for the 2-year (Minor) and 100-year (Major) storm events.

Calculation method

- f) The Rational Method, as presented in the Criteria, was used for all hydrologic calculations.
- g) Composite C Coefficients were calculated using the composite method.

Detention discharge and storage calculation method

- h) Retention with discharge sizing calculations are included in Appendix C.

No other criteria or calculation method was used for the preparation of this report.

IV. Stormwater Management Facility Design

A. Stormwater Conveyance Facilities

The existing Site is composed of four separate drainage basins. The impervious percentage and rational method calculations for all basins and Design Points (DP) are included in Appendix C. Because individual lots are not designed yet, impervious area assumptions were based upon typical neighborhood building and driveway sizes. The existing basins are represented in the Preliminary Drainage Plan, shown in Appendix D. Under fully developed conditions, the general intent is to maintain historic drainage basins. Individual lots will be required to provide drainage reports at the time of development, in which they will represent their

compliance to the approved Final Drainage Report, or provide alternative methods.

Prior to individual lot development, two retention with discharge ponds (in accordance with Greenwood Village Criteria) will be constructed to accommodate Cherry Hills Village detention and water quality requirements. Pond A is sized to retain (with discharge) Lots 1-5 and a portion of 6 and 7. Pond B is sized to retain (with discharge) the remainder of lots 6 and 7. A drainage swale will be constructed to direct runoff from lots 2 through 5 and a portion of lots 6 and 7 to Pond A. A twelve-foot drainage easement will be dedicated over the swale to provide maintenance access. A conceptual drainage swale section is included in the Preliminary Drainage Plan in Appendix D. The drainage design of lot 1 will be the individual lot owner's responsibility. The remainder of 6 and 7 will drain overland to Pond B. Both ponds will be released in accordance with Greenwood Village retention with discharge methods.

The specific drainage concepts for the Site are as follows:

- a) Basin A (3.91 acres) consists of proposed subdivided Lot 5 and a portion of Lots 6 and 7. Basin A also accepts off-site runoff from approximately 0.51 acres of E. Quincy Ave. right-of-way. Basin A consists of mostly vacant land, with a small area of roadway and building rooftop. Basin A runoff will be conveyed via a proposed drainage swale to DP1. A proposed culvert will be installed at DP1 to convey runoff under the existing private roadway that bisects the Site. DP 1 will be conveyed via proposed drainage swale to DP2, Retention with Discharge Pond A (refer to the Preliminary Drainage Plan in Appendix D for swale and pond locations). The proposed runoff from Basin A is  $Q_2/Q_{100} = 01.8/13.81$  cfs, respectively.

- b) Basin B (11.21 acres) consists of proposed subdivided Lots 1, 3, and 4 and a portion of Lots 2 and 6. Basin B also accepts off-site flows from approximately 0.40 acres of the existing private roadway that bisects the Site, approximately 0.13 acres of E. Quincy Ave. right-of-way (and part of the adjacent single-family lot), and approximately 0.12 acres of S. Dahlia St. right-of-way. Basin B consists of mostly vacant land, with a small area of roadway and building rooftop. Basin B runoff will be conveyed via proposed drainage swale to DP2, Retention with Discharge Pond A (refer to the Preliminary Drainage Plan in Appendix D for swale and pond locations). The direct runoff from Basin B is  $Q_2/Q_{100} = 4.52/40.02$  cfs, respectively. The contributing runoff to DP2 (routed flows from Basins A and B) is  $Q_2/Q_{100} = 6.20/52.80$  cfs, respectively.
- c) Basin C (5.48 acres) consists of portions of proposed subdivided Lots 6 and 7. Basin C also accepts off-site flows from approximately 1.63 acres of the adjacent single-family parcel, and approximately 0.08 acres of E. Quincy Ave right-of-way. Basin C consists of mostly vacant land, with a small area of building rooftop and driveway. Basin C runoff will be conveyed via overland to DP3, Retention with Discharge Pond B (refer to the Preliminary Drainage Plan in Appendix D for pond location). The runoff from Basin C is  $Q_2/Q_{100} = 1.54/18.70$  cfs, respectively.
- d) Basin D (0.53 acres) consists of a portion of proposed subdivided Lot 2. Basin D is comprised of vacant land. Historically Basin D drains to E. Quincy Ave (DP 4). Depending on the proposed development of Lot 2, water quality and detention will be provided as determined by Cherry Hills Village. The runoff from Basin D is  $Q_2/Q_{100} = 0.27/2.08$  cfs, respectively.

#### B. Detention and Water Quality

Prior to individual lot development, two retention with discharge ponds (in accordance with Greenwood Village Criteria) will be constructed to accommodate Cherry Hills Village detention and water quality requirements. The retention with discharge ponds will retain the runoff that exceeds the pre-developed amount and detain, or release slowly at the pre-developed rates, the remainder. Retention with Discharge Pond A will be discharged at the southwest corner of the site (DP 3), at maximum allowable release rates. Retention with Discharge Pond B will be discharged at the southeast corner of the site (DP 6), at maximum allowable release rates. Retention with discharge locations are shown on the

Preliminary Drainage Plan in Appendix D. Sizing calculations are shown in Appendix C.

C. Downstream Conveyance Analysis

Under existing conditions, the majority of the stormwater runoff from the Site drains to the southwest corner of the Site, where flows are conveyed through the Arapahoe Tennis Club property via a roadside swale on the east side of S. Dahlia. At the tennis club driveway entrance, an existing 15" culvert conveys the flows to the west side of Dahlia. Under fully developed conditions, the Site will significantly reduce the amount of flow to the existing culvert: from existing conditions of 46.32 cfs (100-year) to 21.53 cfs (100-year). The reduction of flow is a direct result of retention with discharge pond A. Under fully developed conditions, the existing roadside swale has capacity to convey the minor storm and major storm. The existing 15" culvert has capacity to convey the minor storm, but does not have the inlet capacity for the major storm. The major storm will overtop the roadway at the culvert; however, significantly less runoff will overtop the road than existing conditions. Capacity calculations are shown in Appendix D.

V. CONCLUSIONS

A. Compliance with Standards

The Site drainage design complies with the Arapahoe County Stormwater Management Manual.

The Retention with Discharge Ponds comply with Greenwood Village Drainage Criteria Manual.

B. Drainage Concept

The purpose of this report is to summarize the historic drainage patterns of the Site, and provide a general plan for controlling and improving water quality of stormwater runoff exiting the Site (in the developed condition).

If properly constructed and maintained, the development of this Site will have no adverse impact on any downstream structures or property.

VI. REFERENCES

1. *Arapahoe County Stormwater Management Plan*, Arapahoe County, January 30, 2007.
2. *Urban Storm Drainage Criteria Manual, Vol. 1 and Vol. 2*, Urban Drainage and Flood Control District, June 2001.
3. *Urban Storm Drainage Criteria Manual, Vol. 3*, Urban Drainage and Flood Control District, December, 2010.
4. *Flood Insurance Rate Map (FIRM) No 08005C0168K*, December 17, 2010, Federal Emergency Management Agency.
5. *Willow Creek, Little Dry Creek, and Greenwood Gulch outfall Planning Study*; CH2MHill, February, 2010.
6. *Natural Resources Conservation Service Web Soil Survey*, National Cooperative Soil Survey, May 1, 2009.
7. *Greenwood Village Drainage Criteria Manual*, Greenwood Village, Revised December 2010.
8. *Master Drainageway Planning Denver High Line Canal*, WRC, 2003.

# GEORGE W. CALKINS TRUST

## PRELIMINARY PLAT

SITUATED IN THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH P.M.  
COUNTY OF ARAPAHOE, STATE OF COLORADO.  
SHEET 1 OF 3

### LEGAL DESCRIPTION:

#### PARCEL 1:

A PART OF THE NE 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 982.24 FEET TO THE EAST LINE EXTENDED OF NOW VACATED BLOCK 6, UNIVERSITY PARK HEIGHTS; THENCE SOUTHERLY ON AN ANGLE TO THE RIGHT OF 90 DEGREES 32 MINUTES 16 SECONDS AND ALONG SAID EAST LINE A DISTANCE OF 540 FEET; THENCE WESTERLY ON AN ANGLE TO THE RIGHT OF 89 DEGREES 27 MINUTES 43 SECONDS A DISTANCE OF 981.87 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTHERLY ALONG SAID WEST LINE, A DISTANCE OF 540 FEET TO THE POINT OF BEGINNING;

EXCEPTING HOWEVER THEREFROM THE NORTH 30 FEET THEREOF, AND EXCEPTING LOTS 1 TO 6, INCLUSIVE, BLOCK 8, UNIVERSITY PARK HEIGHTS, TOGETHER WITH THAT PORTION OF CATHERINE STREET AND WEST 1/2 OF THE ALLEY ADJACENT THERETO AS VACATED BY ORDINANCE #7, SERIES OF 1978, RECORDED AUGUST 2, 1978 IN BOOK 2823 AT PAGE 271, AND EXCEPTING LOTS 45 TO 48, INCLUSIVE, BLOCK 7, UNIVERSITY PARK HEIGHTS, TOGETHER WITH THE WEST 1/2 OF VICTORIA STREET AND THE EAST 1/2 OF THE ALLEY ADJACENT THERETO AS VACATED BY ORDINANCE #12, SERIES OF 1978, RECORDED OCTOBER 16, 1978 IN BOOK 2868 AT PAGE 3, AND EXCEPTING LOTS 45 TO 48, INCLUSIVE, BLOCK 6, UNIVERSITY PARK HEIGHTS, TOGETHER WITH THE EAST 1/2 OF THE ALLEY ADJACENT THERETO AS VACATED BY ORDINANCE #12, SERIES OF 1978, RECORDED OCTOBER 16, 1978 IN BOOK 2868 AT PAGE 3, AND EXCEPTING ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF E. QUINCY AVENUE.

#### PARCEL 2:

A TRACT OF LAND IN THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 978 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 7; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SECTION 7, 540 FEET, THENCE WEST PARALLEL WITH THE NORTH LINE OF SECTION 7, 652 FEET; THENCE NORTH 540 FEET; THENCE EAST 652 FEET TO THE PLACE OF BEGINNING, EXCEPTING THAT PART HEREIN DESCRIBED WHICH LIES WITHIN THE BOUNDARIES OF THE STREET NOW KNOWN AND DESCRIBED AS EAST QUINCY AVENUE.

#### PARCEL 3:

LOTS 45 THROUGH 48, INCLUSIVE, BLOCK 6, UNIVERSITY PARK HEIGHTS, RECORDED MARCH 1, 1890 IN MAP BOOK A2 AT PAGE 2B, TOGETHER WITH THE EAST 1/2 OF THAT CERTAIN VACATED ALLEY AND ROADWAY IMMEDIATELY ADJACENT TO AND ABUTTING ON THE WESTERLY SIDE OF SAID LOTS AS VACATED IN ORDINANCE NO. 12 RECORDED OCTOBER 16, 1978 IN BOOK 2868 AT PAGE 3.

#### PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES AS SET FORTH IN EASEMENT AGREEMENT RECORDED FEBRUARY 15, 2011 UNDER RECEPTION NO. D1016097, AND IN ORDER REGARDING QUIET TITLE RECORDED JULY 22, 2013 UNDER RECEPTION NO. D3091475 AND STIPULATION REGARDING QUIET TITLE RECORDED JULY 22, 2013 UNDER RECEPTION NO. D3091476, COUNTY OF ARAPAHOE, STATE OF COLORADO.

### BOUNDARY DESCRIPTION:

TWO PARCELS OF LAND BEING THE PARCELS OF LAND DESCRIBED IN BOOK 1101 AT PAGE 574, RECEPTION NUMBER B2186801 AND THE PARCEL OF LAND DESCRIBED IN BOOK 805 AT PAGE 149, AS RECORDED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

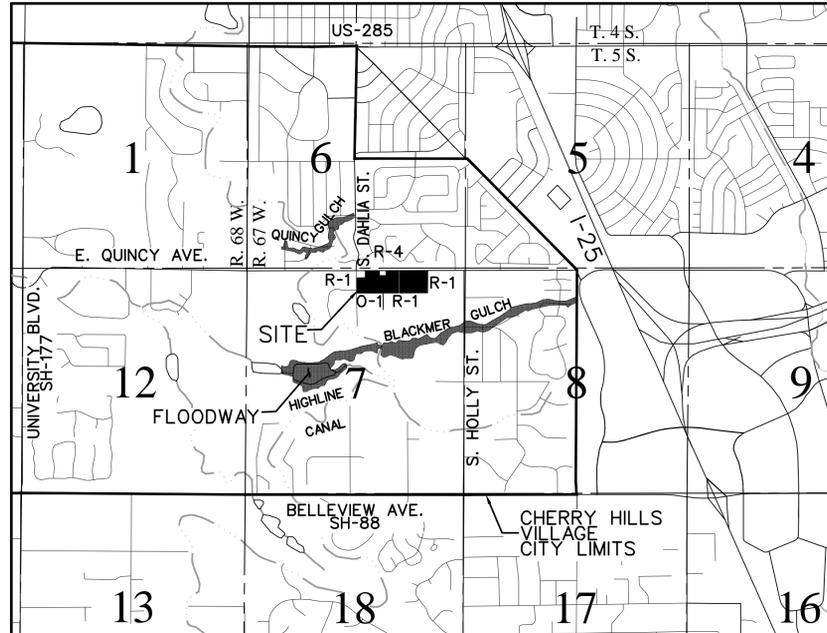
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 89°29'45" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 982.24 FEET TO THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN SAID BOOK 1101, PAGE 574; THENCE SOUTH 00°02'01" WEST, ALONG SAID EAST LINE A DISTANCE OF 34.88 FEET, TO THE POINT OF BEGINNING;

THENCE SOUTH 00°02'01" WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 505.12 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°29'45" WEST, ALONG THE SOUTH LINE OF SAID PARCEL AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 981.89 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00°00'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 353.91 FEET TO THE SOUTH LINE OF LOT 6, BLOCK 8, UNIVERSITY PARK HEIGHTS AS RECORDED IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, IN MAP BOOK A2 AT PAGE 2B, EXTENDED WESTERLY; THENCE NORTH 89°25'39" EAST, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 197.19 FEET TO THE CENTERLINE OF THE VACATED ALLEY LOCATED IN SAID BLOCK 8; THENCE NORTH 00°02'04" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 150.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE; THENCE NORTH 89°25'34" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 325.97 FEET TO THE CENTERLINE OF THE VACATED ALLEY LOCATED IN BLOCK 7, OF SAID UNIVERSITY PARK HEIGHTS; THENCE SOUTH 00°02'03" WEST, ALONG SAID CENTERLINE A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF LOT 45, BLOCK 7 OF SAID UNIVERSITY PARK HEIGHTS EXTENDED WEST; THENCE NORTH 89°25'41" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 162.99 FEET TO THE CENTERLINE OF VACATED VICTORIA STREET; THENCE NORTH 00°02'02" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 100.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE; THENCE NORTH 89°25'34" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 295.98 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE SOUTH 89°29'45" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 978.00 FEET TO THE EAST LINE OF THE PARCEL DESCRIBED IN SAID BOOK 805, PAGE 149; THENCE SOUTH 00°00'01" WEST, ALONG SAID EAST LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 7, A DISTANCE OF 34.05 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE AND THE POINT OF BEGINNING; THENCE SOUTH 00°00'01" WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 505.95, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°29'45" WEST, PARALLEL WITH THE NORTH LINE OF SECTION 7 AND ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 652.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH 00°00'01" EAST, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 505.15 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE; THENCE NORTH 89°25'34" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE 652.00 FEET TO THE POINT OF BEGINNING;

COMBINED PARCEL CONTAINING 779,160 SQUARE FEET OR 17.89 ACRES, MORE OR LESS.



VICINITY MAP  
SCALE: 1"=2000'

### SHEET INDEX

1	PRELIMINARY PLAT COVER
2	PRELIMINARY PLAT
3	DEVELOPMENT STANDARDS

### DEVELOPER:

KOELBEL AND COMPANY  
5291 E YALE AVE  
DENVER, CO 80222-6998  
ATTN: KEITH NEALE

### OWNER:

GB&L CHERRY HILLS, LLC,  
A COLORADO LIMITED LIABILITY COMPANY  
7268 SOUTH TUCCSON WAY  
CENTENNIAL, CO 80012  
ATTN: BUZZ CALKINS

### LAND PLANNER:

VOGEL & ASSOCIATES  
475 WEST 12TH AVE., SUITE E  
DENVER, CO 80204  
ATTN: JEFF VOGEL

### LAND SURVEYOR:

HARRIS KOCHER SMITH  
1120 LINCOLN STREET  
SUITE 1000  
DENVER, CO 80203  
ATTN: AARON MURPHY

### NOTES:

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HARRIS KOCHER SMITH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, HARRIS KOCHER SMITH RELIED UPON PROPERTY INFORMATION BINDER ORDER NO. ABD70277408\*1 ISSUED BY LAND TITLE GUARANTEE COMPANY, DATED AUGUST 1, 2013.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- UTILITIES SHOWN HEREON ARE FROM VISIBLE FIELD INFORMATION AND UTILITY LOCATES PROVIDED BY UTILITY LOCATING AND MAPPING CONSULTANTS, 113 WILCOX ST. CASTLE ROCK, CO. HARRIS KOCHER SMITH DOES NOT GUARANTEE THESE LOCATIONS OR THAT THE UTILITIES SHOWN HEREON COMPRISE ALL UTILITIES IN THIS AREA, EITHER IN SERVICE OR ABANDONED. FOR THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES, CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO AND THE APPROPRIATE UTILITY COMPANY PRIOR TO CONSTRUCTION.
- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE NORTH 1/4 CORNER BY A 2.5" BRASS CAP IN RANGE BOX P.L.S. 27011 AND 2.5" BRASS CAP IN RANGE BOX LS 11366, AS BEARING NORTH 89°29'45" EAST AS SHOWN ON THE ARAPAHOE COUNTY HORIZONTAL CONTROL NETWORK PHASE VI.
- BENCHMARK: BENCHMARK IS A 1.25" RED PLASTIC CAP BELL SURVEYING PLS 16828 LOCATED 435.1' SOUTH AND 50.0' WEST OF THE NORTH QUARTER CORNER OF SECTION 7, ELEVATION=5521.63, NAVD 88.
- SUBJECT PROPERTY FALLS WITHIN ZONE X OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 08050C0168K J, DATED DECEMBER 17, 2010. ZONE X IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE FLOODWAY SHOWN ON SAID PANEL IS SHOWN ON THE VICINITY MAP, SHOWN HEREON.
- THE LINEAR UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
- SUBJECT PROPERTY IS ZONED R-1, PER THE CHERRY HILLS VILLAGE ZONING MAP.
- DATE OF THE SURVEY IS AUGUST 06, 2010.
- ANY REQUIRED ADDITIONAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
- THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF BOTH RETENTION PONDS, THE DRAINAGE CHANNEL, ALL PRIVATE STORM SEWER INFRASTRUCTURE (INCLUDING INFRASTRUCTURE WITHIN THE PRIVATE DRIVE PARCEL), AND THE PRIVATE DRIVE.

### CALKINS TRUST SITE DATA

USE	ACRES	% OF TOTAL
2.5 ACRE RESIDENTIAL LOTS	17.89	100.0%
PUBLIC OPEN SPACE EASEMENT	1.34	7.5%
*1.34 AC DEDICATED OPEN SPACE IS REQUIRED (7.5% OF 17.89 AC.)		

### EASEMENT AREA SUMMARY

LOT	APPROXIMATE DRAINAGE EASEMENT AREA (SF)	APPROXIMATE PUBLIC LAND DEDICATION EASEMENT AREA (SF)	APPROXIMATE SANITARY SEWER EASEMENT AREA (SF)
1	22,515	20,469	0
2	13,875	0	3,722
3	2,988	14,085	0
4	2,680	13,265	0
5	4,326	0	0
6	6,894	0	7,289
7	6,385	10,750	0

### SURVEYOR'S CERTIFICATION:

I, AARON MURPHY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

AARON MURPHY, PLS 38162  
FOR AND ON BEHALF OF  
HARRIS KOCHER SMITH

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

DATE	REVISION COMMENTS
08-09-11	PER CHV COMMENTS
10-26-11	PER CHV COMMENTS
8-14-13	PER REV TITLE COMMITMENT
10-8-13	PER COMMENTS
11-7-13	REV. WEST LOTS
2-14-14	REV. OPEN SPACE ESMT.
4-23-14	REV. OPEN SPACE ESMT.

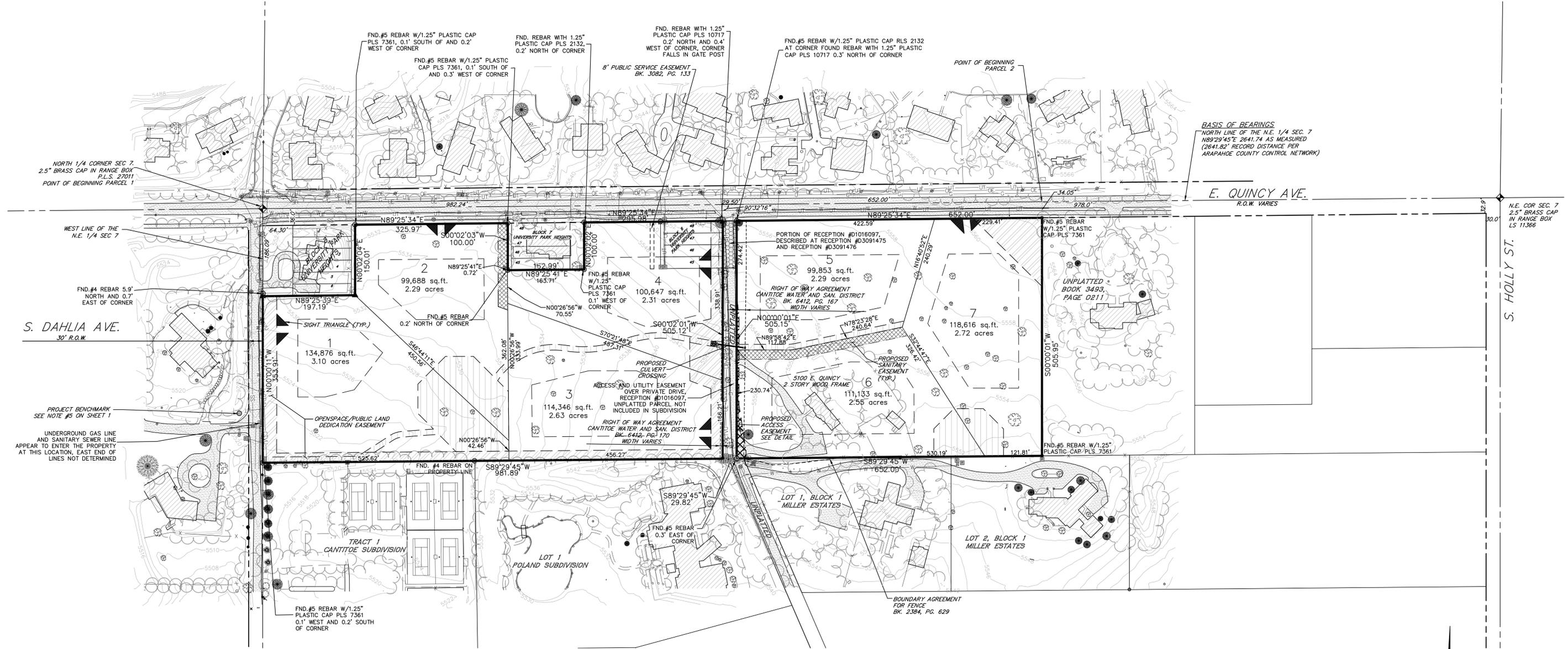
# GEORGE W. CALKINS TRUST

PRELIMINARY PLAT

SITUATED IN THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH P.M.  
COUNTY OF ARAPAHOE, STATE OF COLORADO.

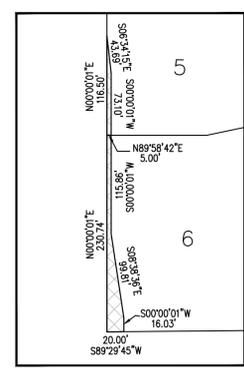
SHEET 2 OF 3

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.



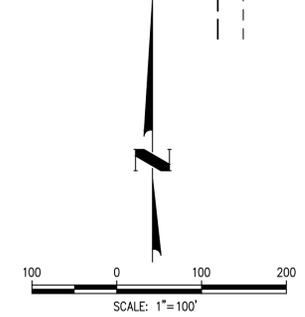
**BASIS OF BEARINGS**  
NORTH LINE OF THE N.E. 1/4 SEC. 7  
N89°29'45"E 2641.74 AS MEASURED  
(2641.82' RECORD DISTANCE PER  
ARAPAHOE COUNTY CONTROL NETWORK)

N.E. COR SEC. 7  
2.5" BRASS CAP  
IN RANGE BOX  
LS 11366



### LEGEND

- |  |   |  |                                     |  |                            |
|--|---|--|-------------------------------------|--|----------------------------|
|  | PROPOSED DRAINAGE EASEMENT                |  | SECTION CORNER                      |  | RETAINING WALL             |
|  | ASPHALT PAVING                            |  | FOUND PROPERTY CORNER, AS DESCRIBED |  | BRUSH LINE                 |
|  | OPENSAPCE/PUBLIC LAND DEDICATION EASEMENT |  | UTILITY POLES                       |  | TREE LINE                  |
|  | PROPOSED SANITARY SEWER EASEMENT          |  | POST/POLE                           |  | BRUSH                      |
|  | PROPOSED ACCESS EASEMENT                  |  | SIGN                                |  | DECIDUOUS TREE             |
|  |   |  | FIRE HYDRANT                        |  | CONIFEROUS TREE            |
|  |   |  | WATER MANHOLE                       |  | UTILITY, VAULT/BOX         |
|  |   |  | VALVE COVER                         |  | BUILDING                   |
|  |   |  | MISC. OBJECT                        |  | SIGHT TRIANGLES            |
|  |   |  | ELECTRIC UTILITY BOX                |  |                            |
|  |   |  | SATELLITE DISH                      |  |                            |
|  |   |  | CABLE TV PEDESTAL                   |  |                            |
|  |   |  | TELEPHONE PEDESTAL                  |  |                            |
|  |   |  | SANITARY SEWER MANHOLE              |  |                            |
|  |   |  | MISC. MANHOLE                       |  |                            |
|  |   |  |                                     |  | PROPERTY LINE SECTION LINE |
|  |   |  |                                     |  | RIGHT OF WAY LINE          |
|  |   |  |                                     |  | EASEMENT LINE              |
|  |   |  |                                     |  | FENCE LINE                 |
|  |   |  |                                     |  | GAS LINE                   |
|  |   |  |                                     |  | WATER LINE                 |
|  |   |  |                                     |  | UNDERGROUND ELECTRIC LINE  |
|  |   |  |                                     |  | OVERHEAD ELECTRIC LINE     |
|  |   |  |                                     |  | CABLE TV LINE              |
|  |   |  |                                     |  | SANITARY SEWER LINE        |
|  |   |  |                                     |  | CONTOUR LINE               |
|  |   |  |                                     |  | BUILDING SETBACK LINE      |



**811** Know what's below. Call before you dig.  
CALL 3-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

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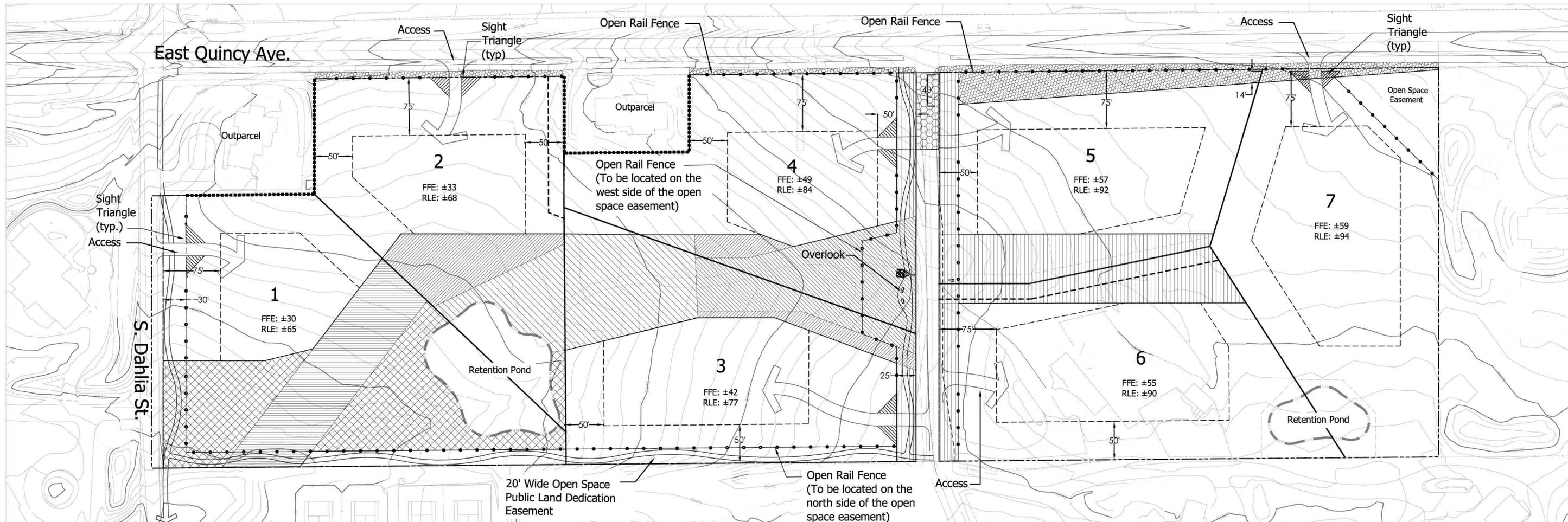
# GEORGE W. CALKINS TRUST

## PRELIMINARY PLAT

### CHERRY HILLS VILLAGE, COLORADO

SITUATED IN THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH P.M. COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 3 OF 3



#### Development Standards

##### Fencing

The Following are Fencing Design Standard Requirements and not Subdivision Requirements.

##### Privacy Walls and Fences

Privacy walls and fences shall be constructed in accordance with the Cherry Hills Village Municipal Code. The design, materials and colors of privacy fences and walls should be integrated with the primary architecture. Privacy walls and fences are permitted and shall be reviewed upon site plan submittal.

##### Open Rail Fence

Fencing in landscape zones shall be open rail fence only that may not exceed 6 feet in height.

Quincy Avenue - Fence along Quincy Ave. shall not exceed (5') five feet in height and shall be dimensional lumber post and rails. The fence shall be at least 60% transparent for the entire length of the fence and constructed per the Quincy Fence Detail. The fence shall be constructed prior to certificate of occupancy being issued for the adjacent home. The fence will be located on the Quincy Avenue right-of-way line.

##### Landscape Zones

The Development Standards site plan includes eight landscape zones. Each zone specifies the maximum mature height of trees and shrubs that may be located within each respective area.

##### Drainage

Existing drainage ways illustrated on the Development Standards site plan shall be maintained to the extent practicable. Drainage ways shall be maintained and flows unobstructed at all times. Cross-drainage between lots shall be permitted to ensure positive drainage for each of the home sites located within the George W. Calkins Trust plat.

##### Open Space Public Land Dedication Easements

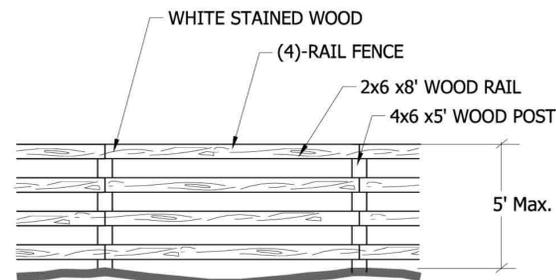
Open space easements are being provided to Cherry Hills Village for the purpose of developing parks and trails.

##### Building Setbacks

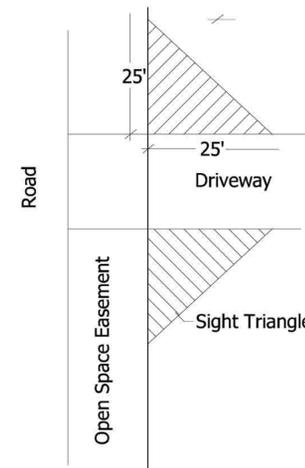
Restricted building setbacks have been configured and illustrated on this preliminary plat to maximize views, solar orientation and preserve existing drainage ways. Accessory structures are permitted outside of the building setbacks subject to the landscape zone maximum height requirements.

##### Sight Triangles

Walls, fences, landscape, and any other appurtenances may not exceed 30" in height from the elevation of the adjacent trail within the sight triangle.



QUINCY FENCE DETAIL



SIGHT TRIANGLE TYPICAL

#### LEGEND

##### LANDSCAPE ZONES (Mature Vegetation Heights)

- 5562 Max Elevation
- 5556 Max Elevation
- 5550 Max Elevation
- 5548 Max Elevation
- 5543 Max Elevation
- 5536 Max Elevation
- 6' Maximum Height (from existing grade)

##### FENCE / SCREENING

- Solid Fence
- Open Rail Fence

## RECORD OF PROCEEDINGS

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, January 25, 2011 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Chairman Ira Plotkin called the meeting to order at 6:30 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chairman, Ira Plotkin; Vice Chair Laura Christman; Commissioner Joe Poche; Commissioner Ann Kerr; and Commissioner Jim Rubin.

Also present at the meeting were the following staff members: Rob Zuccaro, Community Development Director; David Foster, Deputy City Attorney; and Jessica Sager, Municipal Court Clerk.

Absent were Commissioners Jacque McIntyre and Peter Savoie.

**APPROVAL OF MINUTES**

Commissioner Christman made a motion, seconded by Commissioner Kerr to accept the December 13, 2010 minutes as written. The motion passed unanimously.

**AGENDA ITEMS*****Calkins Trust Property (5100 E. Quincy Avenue) Sketch Plat Review***

Mr. Zuccaro presented the proposed sketch plat for review. He explained this is the first of three steps for review of the subdivision. During the first step the Parks Trails and Recreation Commission (PTRC) and the Planning and Zoning Commission (P&Z) would review the sketch plat to determine if it is consistent with the standards of the Master Plan, the municipal code and other City policies. During the second step, the applicant will provide a more detailed application and the PTRC and P&Z will hold public hearings to review the preliminary plat. Both Commissions will make formal recommendations to City Council. The final stage of the review process requires PTRC and P&Z to review the final plat and make a recommendation to City Council. City Council will review the plat and can approve, deny or approve conditionally the final plat.

He stated the Calkins property is 17.9 acres. Mr. Zuccaro indicated that there is currently one residence on the property, but the majority of the property is vacant and undeveloped. He stated the applicant is proposing a subdivision that would create 7 residential lots that would range in gross area from 2.5 to 3.2 acres. They are proposing 1.3 acres of open space trail easements along the west and south boundary of the subdivision. The City Subdivision Regulations require a land dedication of 7.5 percent of the area of the land being subdivided to be used for parks, trails or open space. The dedication requirement may be met through dedication of land, an easement or cash-in-lieu or a combination thereof. The proposed 1.3 acres would meet the 7.5 percent requirement.

Mr. Zuccaro stated the property is zoned R1 and in the R1 zone district the standard setbacks for the residences are 75 feet from the front of each lot and 50 feet from the sides and rear. He also stated that the applicant is proposing building envelopes that are more restrictive than current City code to preserve internal view corridors.

He stated PTRC reviewed the sketch plat at their meeting, on January 13, 2011, and provided the applicant with comments and recommendations on the open space and trails along with view corridors.

He stated staff is concerned with the safety of the proposed access driveways that cross proposed and existing off-street trails on Dahlia Street and Quincy Avenue; specifically with Lot 1, Lot 2 and Lot 7. The driveways do not maintain adequate sight distance to see oncoming bicyclists, pedestrian or equestrian traffic and there is nothing in the code that restricts line of sight. Staff is recommending that alternative access be considered such as line of sight restrictions to ensure adequate safety of the driveways.

Commissioner Christman asked Mr. Zuccaro to clarify the land dedication process.

Mr. Zuccaro answered that it is up to the developer to propose the initial dedication, whether it is a cash payment in lieu, land dedication or a combination of both. He stated that ultimately it is up to City Council to approve the dedication.

Keith Neale  
Koebel and Company  
5291 East Yale Avenue  
Denver, CO

Mr. Neale addressed the Commission and noted that his firm is representing the Calkins family to plat the property at 5100 East Quincy. He reported that Mr. George Calkins currently resides on the property and has owned it since 1956. Mr. Neale explained that the current proposal is in conformance with the Master Plan, R1 zoning and the subdivision would be similar in style and type to subdivisions currently located in Cherry Hills Village. He stated they have met with adjoining neighbors and that they have significant support of those neighbors. He said they are receptive to a triangle setback on Quincy Avenue and those restrictions can be easily met. He stated they reviewed several different scenarios regarding access, but didn't want to build a lot of roads inside the subdivision.

Jeffrey Vogel  
Vogel and Associates  
475 West 12<sup>th</sup> Avenue, Suite E  
Denver, CO 80204

Mr. Vogel advised the Commission that he is the land planner for the project and that they spent a lot of time on the property and developed an extensive community outreach program. He indicated that they met with adjacent property owners and stake holders to better understand their concerns. For instance, the Arapahoe Tennis Club requested that they not put a home right next to the club and asked them to consider an open space buffer. Mr. Vogel stated they reviewed the drainage ditch patterns on the property and the mountain views from Quincy Avenue. He reported that vegetation is sparse on the property and the property is mainly used for agricultural purposes.

Mr. Vogel presented a map that showed the proposed trail connections. He stated some of the neighbors have been using the south side of the Calkins property to get to the Highline Canal and the Arapahoe Tennis Club. He said they are planning on incorporating the Quincy Avenue trail into the project. He pointed out the neighbors to the north can access the Highline Canal by using a trail near Dahlia Street. He said they wanted to make sure there was connectivity throughout the subdivision.

Mr. Vogel reported that their plans meet the R1 zone restrictions, the required setbacks and building heights and they are not requesting any variances at this time. He stated that

home site configurations were developed based on views and drainage patterns. Mr. Vogel showed the Commission a diagram of the proposed 7 home sites. He advised them that the proposed subdivision would include a view corridor to the south and southwest ranging from 180 feet to 245 feet wide in this direction. He then presented a diagram that showed images of what the mountain views would look like in a worse case scenario.

He indicated that their intent is to maintain the rural character by having private driveways to each one of the units instead of new roads interior to the subdivision. He pointed out that the land plan took into consideration the rural character, smart energy, good solar orientation on all homes, and natural drought strategies.

Mr. Vogel advised they don't want to put up a large wall to formalize the subdivision. With the restricted building envelopes, it would preserve the visual open space, maintain the natural drainage way and also maintain rural nature. He stated they do not have an issued with creating a site triangle and concluded his presentation.

Commissioner Rubin asked if PTRC was concerned with the land dedication easement and asked where the easement would be located.

Mr. Vogel answered PTRC recommended a trail that would go down the center of the project. He was not in favor of this trail because it would be too close to the trail along Quincy Avenue and would be problematic for drainage.

Chairman Plotkin asked if Lot 3 would need to screen the south side of their property from the proposed trail.

Mr. Vogel answered that some screening may be necessary.

Commissioner Christman asked Mr. Vogel if they intended to install a 6 foot fence along Quincy Avenue.

Mr. Zuccaro stated the Municipal Code allows for a 6 foot solid fence along Quincy Avenue with design guidelines.

Commissioner Christman stated that a 6 foot fence would restrict the view corridor; as a person less than 6 feet tall would not be able to see over the fence.

Mr. Neale answered that they have not made any determination on constructing a fence along Quincy Avenue.

Commissioner Christman asked if the road that is currently on the property would remain a private road.

Mr. Vogel stated that Mr. Calkins has an access easement, but does not own the road.

Commissioner Christman remarked that the proposed trail is not a public trail since it would dead end and serves no public purpose. She doesn't agree that it would create connectivity.

Commissioner Poche stated that they are several trails in Cherry Hills Village that dead end.

Mr. Vogel answered that it would provide connectivity for the neighbors to the south.

Commissioner Christman asked if the applicant would include the building envelope restrictions on the subdivision plat.

Mr. Neale answered that all restrictions would be recorded on the plat.

Commissioner Poche inquired if the properties would be able to construct an accessory structure with the proposed building envelopes.

Mr. Neale answered that issue came up in the PTRC meeting. They hadn't considered that option so it is something they would need to look at.

Commissioner Christman stated that, in her opinion, the applicant hasn't addressed a true public space that would benefit all residents of the community. She said she doesn't see anything along the Quincy corridor that would benefit the public and there isn't anything in the development that would benefit the whole City.

Mr. Neale stated that Cherry Hills Village has a history of dead end trails. They have added public connectivity through Dahlia and there is a whole neighborhood of people that would be able to access the trail. He also stated they have spent a lot of time pushing the building envelopes back so they could maintain the view corridor. He said they were open to recommendations and creative ideas when it comes to constructing a fence.

Commissioner Kerr said that she appreciates the applicant's due diligence and that there is a balance to preserving the view corridor as much as possible with special attention to the Quincy corridor and the developer's interests. She said there may be an alternative to the trail that provides a benefit to the public, but the current construction does not provide this benefit.

Commissioner Christman reiterated that the public wouldn't be able to see the view corridors that are proposed internal to the subdivision and suggested that the applicant consider trail connections that would take advantage of the corridors.

Commissioner Poche suggested staggering the houses along Quincy Avenue to create more of a buffer and more of a view corridor.

Commissioner Christman suggested expanding the trail so it would go around the entire subdivision.

Commissioner Rubin stated the proposed trail is moot since it doesn't connect to anything and is not sure it is a benefit.

Commissioner Poche stated a benefit of the proposal is the applicant is only adding one access point across the Quincy trail.

### **REPORTS**

Mr. Zuccaro reported that the City has hired Winter & Company to assist in drafting an ordinance for the bulk plane issue. Staff will be presenting the bulk plane recommendations to the P&Z at an upcoming meeting and then staff can start the public outreach process.

### **ADJOURNMENT**

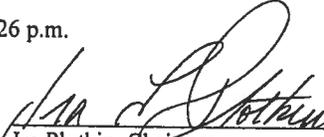
A motion was made by Commissioner Christman seconded by Commissioner Poche to adjourn the meeting.

The motion passed unanimously.

RECORD OF PROCEEDINGS

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The meeting adjourned at 7:26 p.m.

  
Ira Plotkin, Chairman

  
Jessica Sager, Municipal Court Clerk

community. The Cherry Hills Land Preserve highlighted the following goals that were discussed with the Calkins family:

- Land dedication should be meaningful space that works to maintain openness through and along the property.
- Quincy is a major vehicular and pedestrian trail. The concept of a “gift to the street” might include significant setbacks along Quincy with no fencing or low open fencing and possible building height limits.
- Public access through the property from Quincy to Dahlia to enhance the trail access and linkage to the High Line Canal Trail.
- Support public and private funding to maintain additional open space on a portion of this land. The Cat Anderson fund could serve to assist in meeting the costs of keeping additional open space on this property.

#### **CALKINS TRUST PROPERTY (5100 E QUINCY AVENUE) SKETCH PLAT REVIEW**

Mr. Zuccaro, Community Development Director, addressed the PTRC and provided a brief overview of the applicant’s proposal and the subdivision review process. The Calkins property is 17.9 acres and is located at 5100 East Quincy Avenue. The applicant is proposing to create 7 residential lots. The property is zoned R1, which is a 2.5 acre minimum lot size for that zone district. The applicant is proposing 1.3 acres of open space easements in the subdivision with additional restrictions on the building envelope in order to preserve view corridors internal to the subdivision. In the R1 zone district the standard setbacks for the residences are 75 feet from the front of each lot and 50 feet from the sides and rear. Mr. Zuccaro indicated that there is currently one residence on the property, but the majority of the property is vacant and undeveloped.

Mr. Zuccaro explained that the subdivision review process is really a three step process that includes a Sketch Plat, Preliminary Plat and a Final Plat. He noted that we are currently at the sketch plat stage and the purpose is for the applicant to meet with the PTRC and the Planning Commission to get initial comments and suggestions on what they are proposing to conform to the City’s Code, the Master Plan and other relevant City policies. This process assists the applicant so when they come back for the second stage, which is the Preliminary Plat, they have a more completed application. Mr. Zuccaro noted that the Sketch Plat does not go before City Council.

Mr. Zuccaro referred to the Preliminary Plat as the meat of the review process. He explained that this process is where all relevant information is gathered for review including the Development Agreement, technical studies, drainage studies and

Parks & Trails Commission

01/13/11

infrastructure. He indicated that both the PTRC and Planning Commission will hold public hearings during this stage to review the plan. The PTRC and Planning Commission will then make a formal recommendation to City Council and Council will also hold a public hearing. Mr. Zuccaro stated that City Council has the option to approve the subdivision, deny it, or approve it with conditions.

Mr. Zuccaro reviewed the last stage, which is the Final Plat Review. He indicated that most of the issues should be worked out by this stage and there shouldn't be any significant changes to the document. Mr. Zuccaro reported that the Final Plat will come back to the PTRC and Planning Commission for recommendations before going to City Council.

Mr. Zuccaro explained that the entire process will take several months to get through and a more complete and detailed application will be coming before the PTRC for review. Mr. Zuccaro recommends that the PTRC focus on the following during the Sketch Plat process:

- Conformation of the proposal with Section 17-3-30 of the Subdivision Regulations, which outlines a requirement for land dedication of 7.5 percent of the gross area of the land being subdivided, or cash payment in lieu of dedication, to be used for the development of open space, parks and trails.

Mr. Zuccaro indicated that the applicant is proposing a dedication of 1.3 acres of "Open Space Easement" for trail connections to the west and south sides of the subdivision. The City's subdivision code allows a dedication to take place by dedicating land, paying cash in lieu or a combination and it is up to the City to work with the applicant to come up with a good solution that works for all parties. Staff is recommending that the PTRC make recommendations on what the applicant is proposing.

- Conformance of the proposal with the Open Space/Parks/Trails/and Recreation section of the City's Master Plan.

Staff is asking that the PTRC review the Master Plan and make recommendations based on what the applicant is proposing and what the Commission feels would meet the goals and objectives of the Master Plan and provide feedback to the applicant.

- Conformance of the proposal with the 2005 "Blue Ribbon Panel" report.

Staff is asking that the PTRC review the Blue Ribbon Panel report and determine what the City would like to see as far as the parks, trails and open space. Mr. Zuccaro stated that staff pointed out the topic of scenic vistas from the Blue Ribbon Panel report because

there are specific scenic vistas in the report that cross the applicant's property. The report also points out berms and fences and the impact that they have on vistas and open space.

Keith Neale  
Koelbel and Company  
5291 East Yale Avenue  
Denver, CO

Mr. Neale addressed the Commission and noted that his firm has partnered with the Calkins family to plat the property at 5100 East Quincy. He reported that the property has been in the family since 1956 and Mr. George Calkins currently resides on the property. Mr. Neale explained that they have been very diligent in reading through and understanding the Master Plan's restrictions and requirements.

Jeffrey Vogel  
Vogel and Associates  
475 West 12<sup>th</sup> Avenue, Suite E  
Denver, CO 80204

Mr. Vogel reported that the Calkins family subdivision was initiated approximately 7 months ago and they have researched the Master Plan for goals and objectives and their goal is to maintain the integrity of the property. He stated that they developed a Community Outreach Program based on the significance of the property in terms of Quincy Avenue, the vistas and trail connections. He indicated that they met with adjacent property owners and stake holders to better understand their goals. The Arapahoe Tennis Club requested that they not put a home right next to the tennis center and asked them to consider an open space buffer. Other comments included connectivity, views and maintaining the rural character as being important. Mr. Vogel reviewed the drainage ditch patterns on the property and the mountain views from Quincy Avenue. He reported that vegetation is sparse on the property and the property is mainly used for agricultural purposes. He reported that the elevation change on the property is 5,570 to 5,490. Mr. Vogel noted that the community's comments were used as the framework for their planning.

Mr. Vogel reported that their plans include 2.5 minimum acre lots, the required setbacks and building heights and they are not requesting any variances at this time. He stated that home site configurations were developed based on views and drainage patterns. Mr. Vogel presented a diagram of the proposed 7 home sites. The diagram showed a visually open space to the south that includes a 180' to 245' wide corridor. Mr. Vogel indicated that their intent is to maintain the rural character by having private driveways to each one of the units instead of new roads interior to the subdivision. He pointed out that the land plan took into consideration the rural character, smart energy, good solar orientation on

all homes, and natural drought strategies. They are proposing a soft surface trail to provide access to the High Line Canal and Arapahoe Tennis Club to address connectivity concerns and they added a buffer for the Arapahoe Tennis Club. They are also providing a 30' wide off trail easement to help facilitate connectivity.

Mr. Vogel also presented a diagram that shows images of what views would look like with the structures developed to the maximum extent.

Mr. Vogel concluded his presentation acknowledging that they were mindful of vista views, views of Pikes Peak and maintaining the rural character during their planning.

Ms. Soderberg commended Mr. Vogel for taking the Master Plan to heart. She added that the consideration taken for the energy efficiency, the greater building setbacks and the open space within the development are amazing and the Commission has never had a developer incorporate these new green technologies recommended by the Master Plan. She stated it is very exciting and the Commission appreciates the care they have taken.

Ms. Soderberg reported that the Commission established an Inventory Committee in late 2009 for the purpose of following the recommendations of the Master Plan to establish an inventory of potential open space sites, historic properties, and scenic vistas that could provide public value and contribute to openness, scenic views and support the preservation of open trails, natural open spaces, wetlands and wildlife habitat. In early 2010 the Inventory Committee identified and inventoried open space properties that could potentially be developed including the Calkins property. The Inventory Committee met again in November 2010 to walk the properties and make a list of possible locations for future parks and trails.

Ms. Soderberg reported that the Inventory Committee's recommendations for the Calkins property are to preserve the views not just internal but external to the subdivision. The Committee would like to see an open space park that has views from Quincy Avenue and a trail to preserve the scenic vistas. She indicated that a meandering trail between Quincy and Dahlia would provide a scenic vista. The Committee would also like to see fencing and berms along Quincy Avenue be as open as possible, and not solid where they would block off views completely. Ms. Soderberg invited Commission members to make additional comments and ask questions.

Mr. Callison also commended the group for their consideration of the Master Plan. Mr. Callison noted that the majority of the open space in the current plan is being used as a buffer and he questioned whether a 15 foot trail easement going all the way would be of more value to the public than a 70 foot buffer.

Mr. Vogel responded that it is something they can discuss and the goal is to work in concert with all parties.

Mr. Zuccaro pointed out that in the end it is the City and ultimately City Council that has the final decision authority on the makeup of the land dedication. The code states that City Council can require cash in lieu or a land dedication. Mr. Zuccaro strongly recommended continued dialogue throughout the process to come to a consensus.

Ms. Brown commended the group for reaching out to the neighbors and stated that after hearing some of the feedback they received from the neighbors it helped her to understand how they got to where they are. Ms. Brown indicated that her initial reaction is that the Arapahoe Tennis Club and those immediate neighbors have been very well served and protected, but the general population of Cherry Hills Village might have some different preferences. Ms. Brown noted that a concern as they move forward is what the fencing along Quincy Avenue and the interior fencing guides might look like. She asked that some thought be given to preserve that view corridor without having odd fence lines, etc.

Mr. Neale responded that they are sensitive to her request and there will be covenants with definitive restrictions in place on fencing, but he added that security is an issue that they also have to consider.

Ms. Barsch expressed some concern that the trail that the public would be using dead-ends onto a private drive without any kind of connection to either Quincy or other trails. She asked if there was an option for a public easement.

Mr. Fairbairn stated that he respects the Calkins family and the developers and how they laid everything out. He would also like to see more meandering trails, but respects the Calkins family wanting to develop their property that they have owned since 1956. Mr. Fairbairn stated that it has been nice for the community to have this space open for so many years and the Village has totally enjoyed it. Mr. Fairbairn indicated that the Arapahoe Tennis Club seems to be where a large chunk of open space is located just to the north and he does not see that benefiting Cherry Hills Village residents all that much. Mr. Fairbairn said he would like to find a way to work with the Calkins family and the public on what is best for Cherry Hills Village residents accessing the property. He indicated that he would prefer to see more trail space either along the entire south border, or where the natural drainage ditch passes through.

Ms. Soderberg also commented that a trail along the drainage area would be a desirable location.

Mr. Neale responded that they did consider putting a trail through the corridor, but they are very concerned with putting the public basically through everyone's back yard and they feel it would significantly impact the value of the home sites.

Ms. Soderberg pointed out that the scenic vistas are on the Quincy corridor and the Commission's goal is to preserve a vista for the community.

Mr. Neale responded that there is a difficult balance between the property rights as well as the desires of Cherry Hills Village. He feels they have taken a big step with self imposed restrictions.

Ms. Brown questioned whether the subdivision would be a gated community.

Mr. Neale responded that it would not be a gated community.

The commission questioned if there would be restrictions on tree heights.

Mr. Neale responded that they have considered some restrictions in the open space area, but again it is a tough balance when restricting tree heights and types of trees.

Mr. Callison asked if it would be in the covenants that a gate cannot be installed.

Mr. Neale responded that they do not have the right or authority to restrict a gate on the private section of E. Quincy Avenue because it was under separate ownership from the Calkins.

Ms. Soderberg thanked Mr. Neale again for the presentation and for taking so many things into consideration. She stated that to summarize the recommendations the pocket of open space is not desirable to the Commission, but a location further up and closer to Quincy would satisfy the mandates of the Master Plan.

## **SUBCOMMITTEE DISCUSSIONS**

### **a. Summary Sheet** **Trail Enhancement Update**

## RECORD OF PROCEEDINGS

Minutes of the Parks, Trails & Recreation Commission  
City of Cherry Hills Village, Colorado  
Thursday, January 9, 2014  
at the Village Center

Commission members in attendance: Bill Lucas, Jeff Ferrell, Karen Barsch, Robert Eber, Joshua DiCarlo. Employees present: Ryan Berninzoni, Parks, Trails and Recreation Administrator, Matt Krebsbach, Parks Crew Chief, Pamela Broyles, Administrative Assistant.

Absent: Colleen Dougherty, Mike Gallagher, Councilor Katy Brown

**CALL TO ORDER**

Chairman Bill Lucas called the meeting to order at 6:34 p.m.

**APPROVAL OF THE NOVEMBER 14, 2013 MINUTES**

Ms. Karen Barsch moved to approve the November 14, 2013 minutes as amended. Mr. Jeff Ferrell seconded the motion and it passed unanimously.

**AUDIENCE PARTICIPATION**

There was no audience participation.

**GEORGE W. CALKINS TRUST SUBDIVISION – ROB ZUCCARO**

Mr. Rob Zuccaro, Director of Community Development, reviewed the Calkins Trust subdivision application process. Several members of the PTRC attended a site visit on January 2, 2014 to walk the property and discuss what is being proposed. The PTRC has the opportunity to make a recommendation to City Council on the 7.5% land dedication requirement for this subdivision. The Calkins property is just south of Quincy Avenue and east of Dahlia Street. The dedication can be in the form of a land dedication, cash in lieu or a combination of both. In addition there is a \$5,500 dedication requirement for each lot. The Calkins subdivision is proposing seven lots.

The subdivision layout was reviewed including the seven lots and a private road that bisects the subdivision. Mr. Zuccaro reviewed the trail easement that the applicant is currently proposing along with two pocket parks. The proposed land equals 7.5% of the subdivision and this is how the property owner is proposing to meet the 7.5% land dedication requirement. The width of the trail easement on the west side of the private road is 25 feet and the pocket park on the private road is 70 feet. The trail easement along the south is 20 feet. The application includes landscape restrictions within the subdivision to preserve views for future residents and the public. Mr. Zuccaro reviewed the proposed elevation levels and the concern that the current elevation will block the view from the pocket park. Staff proposed that the applicant move the pocket park to the north to better utilize the view corridor. Mr. Zuccaro concluded that the applicant is looking for a recommendation from the Parks Commission so they can move forward with the Planning and Zoning public hearing next month.

Mr. Keith Neale with Koelbel and Company thanked the Commission for meeting onsite. Mr. Neale reported that they believe the trail system and pocket park that protects significant views meets the intent of the City's Master Plan and is a nice addition to Cherry Hills Village. Mr. Neale reported that the Commission's concerns on Quincy Avenue have been addressed by developing a fencing system to protect views while still providing homeowners a sense of security and privacy. He reported that the fencing is necessary because of the traffic noise along Quincy Avenue.

Mr. Voegle, land planner for the Calkins subdivision, reported that based on community outreach and input from adjacent neighbors and the PTRC they have made adjustments to their plan over the past three years. Mr. Voegle reviewed the proposed changes they have made since the January 2, 2014 onsite meeting. These changes include adjusting the landscaping requirements and moving the pocket park to the north. They focused on the view corridor from the Quincy Avenue Trail looking to the west and identified an additional view corridor that restricts vegetation to a maximum height of 16 feet to protect views to the west. They are also proposing a combination of open fence, solid fence and masonry walls.

Mr. DiCarlo questioned whether the potential buyers of these lots would focus more on privacy or sound with regards to the proposed walls along Quincy Avenue.

Mr. Voegle responded that the first priority would be sound with security being a close second.

Mr. DiCarlo suggested installing berms versus fencing and walls to help with noise protection along Quincy Avenue. He is concerned that the current proposal looks busy and a berm might be aesthetically more appealing.

Mr. Voegle responded that they did consider berms and determined that walls would be more aesthetically pleasing and will defer the noise better. The current proposal includes just over 50% of solid walls along Quincy Avenue.

The Commission discussed additional options to further protect the view corridor along Quincy Avenue and voted on the following four proposed options:

1. Restrict vegetation along Quincy Avenue to six feet.

Bill Lucas	aye
Jeff Ferrell	aye
Karen Barsch	aye
Robert Eber	aye
Joshua DiCarlo	aye

2. Move the pocket park along the private road to no less than 20 feet to the north to enhance the view corridor.

Bill Lucas	aye
Jeff Ferrell	aye
Karen Barsch	aye
Robert Eber	aye
Joshua DiCarlo	aye

3. Swap out the southwest corner triangle section with additional easement space on the northeast corner of the property to maintain the view corridor.

Bill Lucas	aye
Jeff Ferrell	aye
Karen Barsch	aye
Robert Eber	aye
Joshua DiCarlo	aye

4. Carry on the split rail fencing along the inside of the property to the exterior of the property along Quincy Avenue.

Bill Lucas	aye
Jeff Ferrell	nay
Karen Barsch	aye
Robert Eber	aye
Joshua DiCarlo	aye

Mr. Lucas moved to approve the application, but only subject to four conditions to restrict vegetation to six feet along Quincy Avenue, move the pocket park to the north no less than 20 feet, swap out an equivalent area of the triangle piece on the southwest corner of the property to the northeast and to keep the exterior fencing consistent with interior fencing consisting of split rail fence. Ms. Karen Barsch seconded the motion.

Mr. Eber expressed concern that the current proposal provides a great corridor for the seven homeowners, but does not meet the mission of the PTRC to protect the Master Plan and the residents of the Village who travel along Quincy Avenue.

Mr. Ferrell reported that the Calkins family has been very responsive to the Commission's requests and the City's plans including the Master Plan and the Blue Ribbon Panel. He believes the Commission has done its job in representing the Community and he thanked the applicant for their cooperation throughout the process.

Bill Lucas	aye
Jeff Ferrell	aye
Karen Barsch	aye
Robert Eber	nay
Joshua DiCarlo	aye

The motion passed with four ayes and one nay.

#### **SUBCOMMITTEE DISCUSSIONS**

##### **a. Summary Sheet**

##### **Trail Enhancement Update**

Mr. Ferrell reported that the Trail Enhancement Subcommittee consisting of Mike Gallagher, Joshua DiCarlo and himself recently met and walked a number of trails in the Village. Mr. Ferrell referred to a trail off of Pond Road and Holly Street as one of the City's trails where a significant amount of building activity has occurred along the trail. The subcommittee would like to add a bollard at the trailhead off of Holly Street and Pond Road to identify the trail.

Pond Road, west of Holly Street, is subject to a 15 foot bridle easement that dates back to the Final Plat of the Charlou Subdivision. At the western end, Pond Road connects with Trail #4452, heading west. At the western end of #4452, the trail runs into Tenaya Lane. At that point there is a spur, #5145, which is maintained by Parks and Recreation staff, although it dead ends at the thick undergrowth and tall cottonwoods along the High Line Canal. This easement also was set during the area subdivision. It was noted that this area is very close to the Dahlia Street Bridge. The subcommittee proposed that the Commission should evaluate the utility of #5145. Commissioners that were not familiar with the area agreed to visit the site, with a discussion to be held at a later date.

##### **Special Events Update**

There was nothing to report on this subject.

Communications/Crier Article

Mr. Eber will write the next Crier Article.

General Updates

There was nothing to report on this subject.

**b. Parks, Trails and Recreation Enhancement**Report on Dahlia Hollow Park Improvement

The public hearing for Dahlia Hollow Park improvements is scheduled for February 13, 2014. Letters will be mailed to surrounding neighbors prior to the meeting.

QUINCY FARM VISIONING COMMITTEE (OFVC) UPDATE

The Quincy Farm Visioning Committee is working on a report that will be presented to the PTRC in March before being presented to City Council.

PTRC REPORT TO CITY COUNCIL – CHAIR BILL LUCAS

Mr. Lucas reported that several PTRC members attended the recent City Council meeting to discuss open space in the Village. The Commission discussed budget and finance options for acquiring open space. Mr. Berninzoni will arrange for Karen Proctor, Finance Director, to address the PTRC and explain potential funding options.

REPORTS**a. Parks Division Maintenance Log**

There was nothing to report on this subject.

**b. City Council Report**

There was nothing to report on this subject.

NEW BUSINESS

Mr. Lucas reported that Mr. Berninzoni is applying for a planning grant for John Meade Park through Arapahoe County Open Space and he encouraged Commission members to write letters of support.

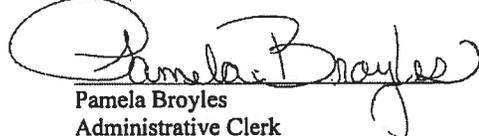
ADJOURNMENT

There being no further business the meeting was adjourned at 9:37 p.m.

The next scheduled PTRC meeting is February 13, 2014.

  
\_\_\_\_\_  
Bill Lucas  
Committee Chair

  
\_\_\_\_\_  
Ryan Berninzoni  
Parks, Trails and Recreation Administrator

  
\_\_\_\_\_  
Pamela Broyles  
Administrative Clerk

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**RECORD OF PROCEEDINGS**


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Minutes of the  
 Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
 Held on Tuesday, February 25, 2014 at 6:30 p.m.  
 At the Village Center

**CALL TO ORDER**

Chair Christman called the meeting to order at 6:35 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chair Laura Christman, Vice Chair Peter Savoie, Commissioner Al Blum, Commissioner Jim Rubin, and Commissioner David Wyman.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Marcus McAskin, Deputy City Attorney; Troy Carmann, City Engineer; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Commissioner Steve Szymanski and Commissioner Kassie Jensen.

**APPROVAL OF MINUTES**

Commissioner Blum made a motion, which was seconded by Commissioner Wyman, to accept the November 12, 2013 minutes as written. The motion passed unanimously.

**AGENDA ITEMS****George W. Calkins Trust Subdivision Preliminary Plat Review (5100 E Quincy Ave).**

Mr. Zuccaro stated that staff is presenting a review of a Preliminary Plat for subdivision of approximately 17.9 acres of land into seven single-family residential lots. The site is zoned R-1, 2 ½ Acre Residential District and is currently developed with one single-family residence. The majority of the site is vacant land with no improvements. He stated that the property is bordered by E. Quincy Ave to the north and S. Dahlia St to the west. There is an existing private road that transects the property north to south. Mr. Zuccaro stated that there is an existing on-street trail on S. Dahlia St to the west and an off-street paved trail between the site and E. Quincy Ave.

Mr. Zuccaro continued that there are two adjacent "out-parcels" to the north of the subject site zoned R-1 and developed with single family residences. These "out-parcels" are not part of this subdivision proposal. He stated that the subdivision to the north of the site is zoned R-4, and the subdivision to the west is zoned R-1. To the east is a single-family residence zoned R-1, and to the south are three single-family residences zoned R-1. Also to the south is the Arapahoe Tennis Center, which is zoned O-1.

Mr. Zuccaro outlined the three steps of subdivision review:

1. Sketch plat. The Planning and Zoning Commission reviewed the sketch plat on January 25, 2011 and provided individual comments on the subdivision layout and the open space dedication requirement. The PTRC also reviewed the sketch plat on January 13, 2011 and provided feedback on the open space dedication requirement.
2. Preliminary plat. This is what is currently in front of the Commission for review. It includes detailed plans for the lot layout, easements, open space dedication, infrastructure requirements and an outline of a subdivision improvement agreement. The PTRC

Planning and Zoning Commission Meeting

February 25, 2014

reviewed this document on January 9, 2014. The preliminary plat requires that Planning and Zoning also send referrals to surrounding jurisdictions, public entities, city departments, and utility companies.

3. Final plat. The final plat should be consistent in every respect with the preliminary plat. The Planning and Zoning Commission reviews the final plat at a regular meeting and may approve, approve conditionally or disapprove the final plat. The plat is then signed by all parties and recorded.

Mr. Zuccaro displayed the preliminary plat. He stated that the plat consists of three map documents: page one is the legal description, vicinity map, total area and open space; page two is the lot layout, surrounding properties, easements, topography, and open space; page three shows development standards which include fencing, landscape restrictions, and building envelopes. Mr. Zuccaro noted that the proposed building envelopes are more restrictive than what city code requires in the R-1 zoning district.

Mr. Zuccaro called attention to the following on the plat: driveway access points, clear sight triangles, the preserved view corridors, and landscape height restrictions.

Mr. Zuccaro stated that the applicant was required to submit a letter detailing the 7.5% open space requirement and an outline of the development agreement. He stated these documents are located in exhibit B of the Commission packets.

Mr. Zuccaro stated that there are three main criteria that need to be addressed in the preliminary plat: land dedication, subdivision requirements, and design principles.

Mr. Zuccaro gave a summary of the PTRC review of the preliminary plat. The PTRC voted four in favor and one against a motion to recommend the preliminary plat based on the following conditions: the vegetation along E. Quincy Ave between the property line and the perimeter fence shall be limited to six feet in height; the pocket park along the private road shall be moved no less than twenty feet north to enhance the view corridor; the pocket park in the southwest corner shall be transferred to the northeast corner; and fencing along E. Quincy Ave shall be limited to split-rail style fencing.

Mr. Zuccaro stated that the applicant has agreed to conditions one and two. Condition three was not agreed upon, but the applicant has added additional landscape restrictions. Condition four was also not agreed upon, but the applicant has proposed an alternative fencing design. Mr. Zuccaro continued that the applicant has provided an explanation of each of these conditions in exhibit B.

Mr. Zuccaro stated that the applicant has met all requirements of the submittal of the plat. This includes: engineering requirements, land dedication letter, will serve letters from utilities, and a summary of agreement for public and private improvements, including cost estimates. Mr. Zuccaro did note that the last cost estimate was from 2011; therefore, staff recommends that a new updated estimate be submitted.

Mr. Zuccaro stated that staff recommends the updated fence requirements be included in the subdivision information and development agreement.

Mr. Zuccaro stated that in regards to design principles, which reference conformance with the City Master Plan, the PTRC recommends that additional restrictions be placed on fencing along E. Quincy Ave, as well as open space dedication on the north side of the property.

Mr. Zuccaro stated that there are no new streets proposed. However, two of the proposed lots will have direct access to E. Quincy Ave. This is discouraged under City Code, but there is

nothing in the code which prohibits this. The applicant has reported that additional interior roads would add too much impervious surface and would detract from the semi-rural feel of the city.

Mr. Zuccaro stated that a preliminary drainage plan has been submitted with the application. There will be two retention ponds on the property.

Mr. Zuccaro stated that all new utilities shall be underground, as per city code. City code does not provide for existing utilities.

Mr. Zuccaro stated that the proposed trail easement meets the intent of City design principles by providing an alternate route connecting Quincy Trail users to the trail on S. Dahlia St, which connects directly to the Highline Canal.

Mr. Zuccaro stated that the applicants have met the public notice requirements by mailing notice of the public hearing to all property owners within 500 feet of the subdivision 10 days prior to the hearing date. In addition, a sign was posted on the property facing E. Quincy Ave and notice of the hearing was also posted on the city's website and public message board at least 15 days prior to the hearing. Mr. Zuccaro directed the Commission to the written comments which were received by staff.

Mr. Zuccaro stated that staff recommends approval of the preliminary plat by the Commission with the following conditions:

1. Prior to the City Council preliminary plat hearing, the applicant shall include the details of the E. Quincy Ave fence design on the preliminary plat and include the fence in the subdivision improvement summary letter and cost estimate.
2. Prior to the City Council preliminary plat hearing, the applicant shall provide an updated cost estimate for the public and private improvements.
3. Prior to the City Council preliminary plat hearing, the applicant shall adequately address the PTRC conditions of approval.
4. The applicant shall include the required Xcel Energy dry utility easement on the final plat.

Commissioner Blum asked would there be an HOA in the subdivision.

Mr. Zuccaro replied that yes there would be an HOA and their responsibilities will include drainage maintenance, infrastructure maintenance, and maintaining the uniform fence.

Chair Christman asked how these items would be enforced.

Mr. Zuccaro stated that all provisions will be in the subdivision improvement agreement that will be reviewed with the final plat.

Commissioner Wyman asked what do the abbreviations FFE and RRE stand for.

Mr. Zuccaro replied that FFE is finished floor elevation and RRE is roof ridge elevation of what could be built under current zoning.

Chair Christman stated that the two driveways crossing the Quincy Ave trail were of concern, as it is a very busy pedestrian trail.

Mr. Zuccaro replied that there are several existing driveways which cross the Quincy Ave trail currently.

Chair Christman asked what the policies for driveways that cross trails are. She continued that this is a public safety issue.

Planning and Zoning Commission Meeting

Mr. Zuccaro replied that driveways across public trails are discouraged but not prohibited in the code.

Chair Christman asked whose responsibility it would be to maintain a driveway that crossed a trail.

Mr. Zuccaro replied that it is the homeowner's responsibility to maintain their own driveway.

Chair Christman asked who would have the right of way in this situation.

Mr. Zuccaro replied that a homeowner would not be allowed to block the trail, and that the police department could be consulted for further clarification.

Mr. Zuccaro stated that the proposed driveways have clear sight triangles, where they cross trails, which assist both motorists and pedestrians. He continued that private drives and access easements through the lots could be considered as an alternative, but would add to the paved area of the subdivision.

Chair Christman asked if the existing telephone poles could be moved.

Mr. Zuccaro replied that there is no utility easement shown on the plat and that would have to be researched.

Chair Christman asked how the strip of land between the private road and the property boundary would be treated and if it could be fenced off.

Mr. Zuccaro replied that the strip would have to be reserved for access..

Vice Chair Savoie asked how many homes are currently served by the private road.

Mr. Zuccaro replied that there are seven homes currently using the private road.

Commissioner Rubin asked if there were any undeveloped home sites included in this access.

Mr. Zuccaro replied that they are all developed.

Commissioner Wyman asked who currently owns the road.

Mr. Zuccaro replied a property owner south of the proposed subdivision is who owns the road and the other property owners have easements.

Chair Christman asked if there would be any reason for the City to not accept the dedication of land as an easement.

Mr. Zuccaro stated that there were no reasons he was aware of. The trails are under easement in order to maintain the gross area of the property.

Chair Christman asked are there any parks in the City currently which are easements and not dedications.

Mr. Zuccaro replied that there is one which is not named, near Woodie Hollow Park. It is open space which was dedicated to the city via easement.

Commissioner Blum asked what a pocket park is.  
Planning and Zoning Commission Meeting

RECORD OF PROCEEDINGS

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Mr. Zuccaro stated that it is not defined. It would be up to the city to determine what improvements to make in those areas. He continued to say that it is the obligation of the subdivision to provide land or cash for open space; any construction improvements are up to the City.

Commissioner Blum asked would these parks be city maintained.

Mr. Zuccaro replied yes.

Commissioner Wyman asked would the parks be dedicated fee simple or as an easement.

Mr. Zuccaro replied they would be an easement.

Vice Chair Savoie asked why did the PTRC ask for the park to be moved to the Quincy Ave side.

Mr. Zuccaro replied that it was in order to preserve the view corridor and openness.

Commissioner Rubin asked how the trail would be constructed.

Mr. Zuccaro stated that the trail on the preliminary plat is an illustration of what could potentially be there, but the City would have to decide at a future date how to construct a trail.

Vice Chair Savoie asked what type of fence would be installed along the trail.

Mr. Zuccaro replied that current fence plans indicate a 6 ft. open rail fence.

Chair Christman asked what is open rail and is it metal.

Mr. Zuccaro said that is not defined.

Commissioner Wyman asked would the height restrictions for vegetation be retroactively applied to existing out parceled lots.

Mr. Zuccaro replied no.

Commissioner Blum asked would the trail connect to the private road.

Mr. Zuccaro replied that there could be direct access.

Vice Chair Savoie asked was there ever discussion about extending the trail down the east side of the property.

Mr. Zuccaro replied that was discussed with the sketch plat review and this is seen as a compromise solution between the developer and the PTRC.

Chair Christman asked would there be any special regulations regarding lighting.

Mr. Zuccaro replied that all homes would have to follow standard zoning policies regarding the dark sky ordinance but nothing in addition was included with the plat.

Keith Neal, representative for the landowner, began by clarifying that the poles on Dahlia are in the City right of way and it would be up to the City to pursue moving them.

Mr. Neal stated that the Calkins family has owned this property since the early 1950s. They are seeking to plat the property under the R-1 zoning standards. They are not asking for any exceptions to code or zoning. He continued that this is not a zoning, land use or entitlement case.

Mr. Neal stated that the PTRC has approved their plans based on conditions previously discussed, after three public meetings, site visits, negotiations and revisions.

Mr. Neal stated that the current proposal is in compliance with the Master Plan of the City, as they are seeking to preserve views and respect property rights. They are keeping with the semi-rural feel of the city by restricting the building envelopes of the home sites.

Jeff Vogel, land planner for the applicant, displayed a graphic of the proposed development. He noted that much thought went into the placement of the home sites, as opposed to planning sites in rectangular shapes. He continued that existing drainage was a major factor in the planning of the property, as was existing topography of the land.

Mr. Vogel stated that one of the goals of the development is to provide a series of views, similar to the development at Cherry Hills Park. He continued that it is impossible to have all views in one location, but it is possible to have a series of changing views.

Mr. Vogel stated that there is an additional open space in the Dahlia St corner of the property which borders the Arapahoe Tennis Club.

Mr. Vogel stated that only two of the seven proposed driveways cross E. Quincy Ave. He continued that he worked with staff to establish sight triangles. He also stated that the pedestrian always has the right of way.

Mr. Vogel stated that the fencing along the trail would be an open or split rail type fence, not wrought iron. He stated that the fencing along E. Quincy Ave would be a combination of open wood fencing, open metal fencing and solid wall. This is in order to preserve openness as well as to provide sound protection. Mr. Vogel provided a graphic of what the proposed combination fence could look like. He continued that there would also be shrubbery and landscaping which would be restricted to six feet in height in order to protect the views of Mt. Evans.

Commissioner Wyman asked how much beyond the paved trail on the south side of E. Quincy Ave is considered right of way.

Mr. Zuccaro answered that there is about four feet from the trail edge to the property line.

Chair Christman stated that there are five driveways as part of this subdivision which cross the public trail. She continued that she is concerned about the public safety in these areas.

Mr. Vogel replied that the sight triangles add additional unobstructed area between the trails and driveways. He continued that homeowners are responsible for maintaining their own driveways. He also said that there are 6 feet between the trail and any wall or fencing and the vegetation will be height restricted.

Chair Christman stated that she does not have a good feel for this in regards to public safety. She also asked could the developers address the dedication fee simple versus easement to the city.

Mr. Neal replied that there are no restrictions on the overlook pocket park. The City can improve it as they choose.

Commissioner Wyman asked why the land was not dedicated fee simple.  
Planning and Zoning Commission Meeting

Mr. Vogel replied that in order to comply with R-1 zoning lot area and to meet the open space requirement of the City it did not work.

Chair Christman asked if they met the 7.5% requirement.

Mr. Neal replied that yes they did meet the requirement.

Chair Christman asked if they dedicated the parks fee simple would they still meet the 2.5 acre lot size requirement.

Mr. Vogel replied no.

Commissioner Rubin asked what type of accessory and recreational structures homeowners would be allowed to install in the restricted areas.

Mr. Vogel replied that nothing could be installed that would violate the drainage.

Commissioner Blum asked about the solid wall indicated in the fencing plan. He stated that the recommendation of the PTRC was split rail type fencing. He continued that a wall could block the view of Pike's Peak.

Mr. Neal replied that the original proposal was for a solid fence and the PTRC objected so they came to this compromise of using several types of fencing.

Commissioner Blum asked why they are not using a full iron fence.

Mr. Vogel replied the solid sections of fence will help with sound diffusion.

Chair Christman asked could a fence be more than 50% solid.

Mr. Zuccaro replied that a solid wall can be constructed as long as it meets setback requirements and landscaping provisions.

Mr. Vogel stated that the proposed fence is a mix of solid and open and has provisions for landscaping.

Mr. Zuccaro stated that per city code, there is a menu of options for landscaping and setbacks when erecting a fence. Two of the three criteria have to be met.

Commissioner Rubin asked what the distance between the walls and the fence is.

Mr. Vogel stated ten feet.

Commissioner Wyman asked how far is the wall set back from the property line.

Mr. Vogel stated ten to fifteen feet.

Chair Christman asked what types and sizes of shrubbery will be used along the fence.

Mr. Vogel stated it will be a combination of types. It will be a double row of shrubs and ornamental grasses that will not exceed six feet in height.

Mr. Neal stated that the sight triangles have been engineered to standard.

Chair Christman stated that they might not be engineered for how cyclists use the trail.

Vice Chair Savoie stated that the most important corridor to protect is the east corridor. With several large homes it could appear like a solid wall. He continued that a fence which is 2/3 open will not provide much of a sound barrier.

Vice Chair Savoie asked where are the fifty foot setbacks measured from for the lots that don't face Quincy Ave,

Mr. Zuccaro stated that the setbacks will be measured from the property line along Quincy Ave.

Vice Chair Savoie stated that the fifty foot setbacks should be changed to seventy five so that the homes do not form a giant wall along E. Quincy Ave.

Commissioner Rubin asked if there is any way to reduce the number of driveways on E. Quincy Ave.

Mr. Neal stated that other options were considered but adding interior roads will detract from the rural character of the City. He continued that perhaps some additional traffic enforcement or blinking signs along E. Quincy Ave. could be beneficial.

Vice Chair Savoie asked if the grade of the property would be changing.

Mr. Vogel replied no.

Mr. Zuccaro stated that homeowners would have the authority to grade their own property within current standards when the homes are built.

Commissioner Wyman asked how much could the grade change.

Mr. Zuccaro stated that there are no restrictions except for berms but anything above historical grade will change the overall height allowance of the home.

Chair Christman opened the hearing for public comment. She reminded those who wanted to speak that they will be limited to three minutes and they are not to ask any questions directly to the applicants.

Murphy and Phyllis Hautin, of 5094 E Quincy Ave, stated that they are in support of the proposed development. They continued that they have met with the Calkins family, and feel that a lot of time, effort, and money has been put into this project. They feel that the project is 100% in the character of Cherry Hills Village. They also stated that the driveways onto E. Quincy Ave. are preferable to extra roads throughout the subdivision. It is Mrs. Hautin's experience that cyclists ride on the road as opposed to the trail. Mrs. Hautin stated that she hopes they Commission approves the project, as it is private property.

Stephanie Blucher, of 101 Glenmoor Lane, stated that she is with the Cherry Hills Village Land Preserve whose purpose is to preserve the pastoral environment of the City and maintain low density housing. She continued that she supports the recommendations of the PTRC. She stated that the Master Plan refers to scenic treasures which should be preserved. She feels that any open space should be flipped from the southwest to the northeast part of the property. She continued that the design principle standards are the minimum standards and the developers could do more in the northeast corner of the property.

Debbie Welles, of 4950 Sanford Circle W, stated that she has been a resident of the City for 32 years. She continued that the dedicated trail system has kept property values high and it is in the Planning and Zoning Commission Meeting

interest of the community to preserve the scenic vistas. She stated that the Blue Ribbon Panel defined the corridor which would be affected by this development. She stated that it is important to respect the rights of property owners but that the values in the Master Plan should be given serious attention. She continued that she likes the proposed plans but feel they can be improved.

Dan Sheldon, of 6375 E Tufts Ave., stated that as a resident of the Village, the proposal is well thought out and planned. He continued that the planned alternative trail connection will provide safe access to the trailhead on Dahlia. He stated that driveways on E. Quincy Ave are not ideal, but they are better than adding more impervious surfaces. He stated that in addition to being a resident of the Village, he is also a member of Arapahoe Tennis Club. While not on the board of directors for the Club, he stated that the applicant has continued to keep the Club well informed, and that the Club has no position on the application at this time. He continued that as a developer himself, he thought that this plan is responsible and well thought out and he hopes the Commission will pass it.

Carolyn Kemp, of 5350 E Quincy Ave, stated that her property borders the Calking property to the east and she is very distressed with the view corridor, as the proposed house on lot 7 will block her views. She continued that she does not feel her property was given any consideration in this plan. She continued that she has a driveway on E. Quincy Ave and it is very dangerous. She stated that she has a stop sign on her driveway to encourage visitors to stop before they pull out.

Ryan Cunningham, of 3981 Nassau Circle E, stated that there are no lights on the trail on Quincy which makes it dangerous. He also stated that the Charlou neighborhood has a similar fence concept and it is not pleasant to the eye. He continued that the multiple styles of fence combined looks too eclectic. He also stated that the ATC property near the open space at the southwest corner of the property is used for overflow parking and that the proposed open space at the southwest corner of the property is the least valuable portion of the property. He stated that the bike path is heavily used.

Eric Springer, of 5144 E Princeton Ave, stated that change is inevitable, but should be done in a smart way. He stated that this plan will not save his view corridors. He continued that he does not like the three separate fencing materials. He also stated that more driveways onto E. Quincy Ave are not a good idea, and the path on Quincy could stay icy in the winter due to shade.

Jeff Welborn, of 4901 S Fairfax St, stated that he is grateful to the Calkins family for years of enjoying the property and that development on the property is inevitable. He stated that time should be taken with this property to keep in line with the Master Plan goals of preserving views and open space. He also stated that the city or land preserve could be aggressive and purchase some of the land in order to reduce the density to make the space more open.

Jeff Bennis, of 3 Tenaya Lane, stated that the open space near the ATC is useless and not the best use of the land. He stated that it would be better to make one large public space instead of making a loop around the property. He continued that a solid fence would damage the scenic corridor and the character of the City.

Chair Christman closed the public comment portion of the hearing, and called for a five minute break.

Chair Christman stated that the applicant was entitled to five minutes to respond to the public comments.

Mr. Neal stated that he appreciated all comments. He continued that trail access is valuable. He stated that due to all the concerns regarding fencing on E. Quincy Ave, the applicants have agreed to make an open rail fence only on E. Quincy Ave.

Commissioner Wyman asked if it would be horizontal in orientation.

Mr. Neal stated yes but the applicants would like the flexibility to pick the design.

Commissioner Wyman asked what the fence height would be.

Mr. Neal stated that they would likely be four feet in height.

Chair Christman thanked the applicants for their work.

Chair Christman stated that the Commission has received a lot of information and does not want to rush into a decision. She thanked the applicants for their gracious fence concession.

Commissioner Wyman made a motion to continue the hearing in two weeks, which was seconded by Commissioner Rubin.

Mr. Zuccaro clarified that any motion to continue should reflect the next meeting date which is March 11, 2014 at 6:30 p.m.

The motion passed unanimously.

Deputy City Attorney McAskin stated that City code states that a decision must be made within 60 days of the public hearing.

Chair Christman stated that the Commission plans to move swiftly. The hearing will be public, but not open to public comment since the public hearing was closed.

Commissioner Blum made a motion to adjourn, which was seconded by Commissioner Wyman.

The motion passed unanimously.

**ADJOURNMENT**

The meeting was adjourned at 9:12 p.m.



\_\_\_\_\_  
Laura Christman, Chair



\_\_\_\_\_  
Rob Zuccaro, Community Development Director

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday March 25, 2014 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Chair Christman called the meeting to order at 6:33 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chair Laura Christman, Vice Chair Peter Savoie, Commissioner Al Blum, and Commissioner David Wyman.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Marcus McAskin, Deputy City Attorney; Troy Carmann, City Engineer; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Commissioner Steve Szymanski, Commissioner Jim Rubin and Commissioner Kassie Jensen.

**APPROVAL OF MINUTES**

Vice Chair Savoie made a motion, which was seconded by Commissioner Blum, to accept the February 25, 2014 minutes as written. The motion passed unanimously.

**AGENDA ITEMS**

*George W. Calkins Trust Subdivision Preliminary Plat Review (5100 E Quincy Ave). Continued from February 25, 2014 meeting.*

Deputy City Attorney McAskin stated that the meeting tonight is a continuation of the meeting that took place on February 25, 2014 which was then continued to March 11, 2014. Due to a lack of quorum on March 11, 2014, the meeting was continued until tonight. Due to the fact that a month has elapsed since the original hearing, he asked if any Commissioners had had any contact and/or communication that could compromise their ability to render an impartial

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decision. He continued that if they have had any such communication, they should disclose the nature of said communication.

Chair Christman stated that she had someone asked her if they could attend tonight's meeting. She told them yes but this meeting was closed to public comment.

Deputy City Attorney McAskin asked if that discussion would have any impact on her decision making.

Chair Christman replied no.

Deputy City Attorney McAskin stated that there were three emails which were included in a memo from Mr. Zuccaro which were received after the deadline of February 25, 2014. He continued that these three emails should be struck from the record and not considered in the decision making process. He continued that the authors of the three emails were: Garret Gee., Breck Larson, and Kathryn Springer. He continued that the emails that were received prior to February 25, 2014 should be considered.

Chair Christman asked if the authors of the emails which were struck from the record could be contacted to let them know.

Deputy City Attorney McAskin replied yes.

Chair Christman stated that the Commission would open discussion.

Commissioner Blum asked if the changes in fencing design from the previous meeting were part of the record.

Mr. Zuccaro replied that yes those changes were noted in the minutes which were just approved. He continued that any clarifying questions of the applicant can be asked during this meeting.

Vice Chair Savoie stated that he would like to proceed by placing forward any issues of concern, and discussing them individually. He continued that three issues of concern to him are the fence height and material, the location of the green space/ pocket parks and the setbacks of the houses which border Quincy Ave., particularly Lot 7.

Vice Chair Savoie asked if there were any additional issues.

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Chair Christman stated that the driveway and line of sight issues which were of concern were previously addressed by the applicant with fencing, landscaping and sight triangles.

Chair Christman asked if the Commission needed to further review the recommendations made by the PTRC.

Commissioner Blum stated that the PTRC had four conditions: the height limits of vegetation, the pocket park located adjacent to the private road, the transfer of the pocket park from the southwest corner to the northeast corner, and fencing style and material.

Vice Chair Savoie asked if Mr. Zuccaro could clarify the PTRC conditions.

Mr. Zuccaro stated that the minutes of the PTRC meeting are in the packets, as well as on pages 9-10 of the staff memo. The four conditions are as follows:

1. The vegetation along E. Quincy Ave. between the property line and the perimeter fence shall be limited to six feet in height.
2. The pocket park along the private road shall be moved no less than 20 feet to the north to enhance the view corridor.
3. The area of the pocket park in the southwest corner of the subdivision (minus the area for a trail easement) shall be transferred to an equivalent area on the northeast section of the property to maintain the view corridor along the Quincy Trail.
4. The fencing along E. Quincy Ave. shall be limited to split rail type fencing.

Mr. Zuccaro continued that the applicant has agreed to conditions 1, 2, and 4.

Commissioner Wyman stated that he is concerned that the majority of the lots do not contain the minimum 2 ½ acres required in the R-1 district when the adjacent right of ways are netted out. He continued that this does not lend itself to a low density rural atmosphere.

Commissioner Wyman stated that the parks and trails requirement is through the use of easements not deeded property. He continued that the use of easements not along the perimeter of the property will be detrimental to homeowners as they would not have full use of their property. He continued that the city should not approve this.

Commissioner Wyman stated that by reducing the plat by one lot and using that land as public space all easements could be contained in that one area. He continued that it is not a good idea to share property lines with the public.

Vice Chair Savoie summarized that there are six issues outstanding: fence height and material, the setbacks for the homes bordering Quincy Ave., moving the location of pocket park from southwest to northeast, driveways on Quincy Ave, the lots which are nonconforming, and easements versus deeded property.

Commissioner Blum stated that the fence issue has been resolved.

Vice Chair Savoie stated that the fencing issue needed to be clarified and the Commission needs to be very specific on what they want in regards to fencing.

Chair Christman asked Mr. Zuccaro to clarify the PTRC recommendations on the fencing as well as the location of the green space.

Mr. Zuccaro stated that the PTRC recommended that the open space located at the southwest corner of the property minus the trail easement be relocated to the northeast corner of the property in order to preserve view corridors. He continued that the applicant has not agreed to this condition yet but has proposed an alternative which will limit landscape height in the northeast corner of the property to preserve the view, while keeping the pocket park in the original location.

Chair Christman asked if the PTRC indicated exactly where and how much land should be moved to the northeast corner.

Mr. Zuccaro stated that the PTRC did not give explicit detail, only to say that an equivalent size parcel of land be utilized. They did not draw a new proposal.

Vice Chair Savoie asked if the PTRC had seen the new proposal.

Mr. Zuccaro stated that they have not seen it yet.

Chair Christman asked if the PTRC request was agreed upon how much acreage would be required to take the trail to the corner and how would that affect lot 7 which is listed at 2.72 acres.

Vice Chair Savoie stated that the trail would be netted out of the acreage.

Commissioner Blum stated that the land in question could be moved and would still leave 2.25 acres in lot 7.

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Chair Christman asked was the private road included in the acreage of the lots.

Mr. Zuccaro replied that only public right of ways up to a maximum of 30 feet are included in the acreage.

Vice Chair Savoie asked was the gross acreage calculated from the lot line to the center of all any adjacent streets.

Mr. Zuccaro replied that yes up to 30 feet of adjacent streets could be used in calculating the gross acreage.

Vice Chair Savoie asked if this method of using right of way to calculate acreage was in the city code.

Mr. Zuccaro replied that yes it is in the code. He continued that very few properties meet the net acreage required by the zoning districts without the addition of the adjacent right of ways. He stated that this is very common.

Commissioner Blum asked if they supported the PTRC recommendation and if there room to move the pocket park.

Chair Christman replied yes.

Vice Chair Savoie stated that the Commission should discuss the fencing issues. He referred to the minutes of the February 25, 2014 meeting in which Mr. Neal stated that the fence would be an open rail design that was likely to be four feet in height and that the applicant would like the flexibility to pick the design.

Commissioner Blum stated that the PTRC recommended a split rail type of design.

Chair Christman stated that it was understood that the fence would be horizontal in orientation with an open rail design. She asked could it be potentially white instead of natural in color.

Commissioner Blum stated that the expectation was of natural material.

Vice Chair Savoie stated that the side setbacks on lots 5 and 7 are 50 ft. He continued that it could appear to be a solid wall of house along Quincy Ave. He stated that due to the large size of the building envelopes that lots 5 and 7 could have 75 ft. side setbacks.

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Chair Christman stated that it was more of an issue of the orientation of the homes when considering which was the front and side setbacks. She asked does the commission have the authority to designate the orientation of the house.

Mr. Zuccaro replied that according to city code 16-5-30 sub-paragraph (h) the Planning and Zoning Commission shall select the side which is to be the front yard in a new subdivision for corner lots.

Chair Christman asked does lot 7 have a 75 ft. setback from Quincy Ave.

Commissioner Blum replied yes and that lot 2 does as well.

Commissioner Wyman asked would the current change in setbacks of lots 4 and 5 reverse the side setbacks from 50 to 75 ft.

Chair Christman replied yes.

Vice Chair Savoie asked if there was anything else in the code regarding the building envelope.

Mr. Zuccaro replied no.

Vice Chair Savoie stated that the 50 ft. setback on lot 7 would impact the neighbors. He asked if there was any authority to move the setbacks.

Mr. Zuccaro replied no.

Commissioner Wyman asked if there were limits on the floor area ratio.

Vice Chair Savoie replied yes but the limits are very high.

Chair Christman asked if they could restrict the height of landscaping along any boundary.

Mr. Zuccaro replied that the Commission has authority where the open space is but no authority regarding landscaping. He continued that the landscaping restrictions, however, may have some significance on where the open space dedication takes place.

Vice Chair Savoie stated that the driveways on Quincy Ave are as not as much of a concern with the fencing concessions that were made.

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Chair Christman stated that her concern is a 6 foot wall of solid landscaping that would make visibility difficult. She continued that more sporadic landscaping would aid with this as well as assist with the view corridor. She stated that she would like to see deciduous trees in lieu of solid landscaping.

Vice Chair Savoie asked if the issue of the right of way land included in the gross acreage has been satisfied.

Commissioner Wyman stated no.

Chair Christman asked if they could require a fee simple dedication and if that would affect how many lots were in the subdivision.

Mr. Zuccaro stated that it depends on how much is dedicated. He continued that the majority of trails in the city are dedicated via easement and the parks are owned fee simple. He stated that city code states that all land can be dedicated by easement or all fee simple. He continued that in that case they may be under the acreage for seven lots.

Chair Christman asked can they grant a variance for the lot size.

Mr. Zuccaro answered that there are provisions for lot size variances.

Chair Christman stated that it is simpler to have a variance but does the code prohibit the reduction of lot size.

Mr. Zuccaro answered that if the land were dedicated fee simple to the city that would violate the minimum acreage set forth in the code. He continued that the property could not be transferred to the city outside of a subdivision.

Commissioner Blum stated that they could look at lot 7 for the park relocation. He asked how important it is to the city to have the land fee simple versus easement.

Mr. Zuccaro replied that a trail easement gives the city full rights to the property excluding any utility easements. The property would be fully open to the public.

Chair Christman asked Mr. Zuccaro was he aware of any parks in the city that are dedicated as easement.

Mr. Zuccaro stated that the city owns most of the parks fee simple. He indicated on the map an area of open space that is park easement that has been dedicated to the city.

Chair Christman stated that a public park on private property can cause concern. She continued that if it was controlled by an HOA that would be different. She stated that she would like to ask the applicant if the parks should be owned by the city in order to clear up any tax or liability issues.

Mr. Zuccaro stated that the city attorney could confirm liability as a condition of approving the subdivision.

Vice Chair Savoie stated that he thinks that the plat is well done. He continued that he disagrees with Commissioner Wyman as far as the lot acreage. He stated that this is the norm for the city and how lot sizes are calculated. He stated that placing the park in the northeast corner could diminish the value of lot 7. He stated that the applicant could show a design indicating how that open area would be integrated.

Commissioner Wyman asked what the width of the proposed sewer easement is. He continued that the sanitation district wants 30 ft.

Jeff Vogel, representative for the applicant, stated that the width is not on the plat. He continued that he would confirm that measurement.

Keith Neal, representative for the applicant, stated that when working on the plat, very close attention was paid to city codes. He continued that the issues raised by the PTRC were resolved with the current package of planning components and satisfied all the various concerns. He continued that it is easy to lose the big picture of the project when picking apart various minutiae.

Mr. Neal stated that the previous fence design was allowed by the city code. He continued that the applicants are not asking for anything that is not allowable by code. He stated that they did make the fence concession in the previous meeting. He continued that the applicant is requesting some flexibility regarding the design of the fencing. They are considering split rail or white rail along Quincy Ave.

Mr. Neal stated that there are many varieties of fencing along Quincy Ave. He continued that the future homeowners are entitled to privacy and protection from crime, and the applicants are very concerned with protecting this.

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Mr. Neal stated that on the topic of view corridors, there are many issues such as changing seasons, types and conditions of trees, etc. He continued that the open rail fence and the landscaping restrictions on the triangular piece of land on Quincy should satisfy any view corridor concerns.

Mr. Neal stated the issues regarding setbacks were studied extensively with land planners with the intention of preserving open space as much as possible in conjunction with the drainage on the property.

Mr. Neal stated that the package presented for approval is sensitive to the many issues discussed. He continued that this is not a zoning case and if too many changes are made the property values could be significantly decreased and would hurt his clients.

Chair Christman asked if the setbacks on lots 4 and 5 could be increased from 50 to 75 ft.

Mr. Neal replied that he would prefer to not see that happen, but the Commission has that ability to make the changes.

Chair Christman stated that the PTRC prefers a natural rail fence. She asked did the applicants have a strong preference to have the option to use a white fence.

Mr. Neal stated that a white fence looks more refined in many cases. He continued that the fence style is not a deal breaker and the applicant likes the look of one continuous fence style along Quincy Ave.

Chair Christman asked is there a preference by the applicant as to the parks being dedicated fee simple or via easement.

Mr. Neal replied that it is indicated on the plat documents as via easement currently. He continued that it is a common technique in real estate planning. He stated that they fully expected the trails would likely be fenced off with an open rail fence.

Vice Chair Savoie asked are all city trails fenced.

Mr. Zuccaro replied that the majority are fenced with a natural split rail fence.

Vice Chair Savoie asked was it more productive to discuss the material of the fence versus the height and the percentage of open space. He continued that he is more concerned with the continuity of the fencing.

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Vice Chair Savoie stated that they could make a series of recommendations and then have the applicant come back at a later date to address them or approve the project with conditions attached.

Mr. Zuccaro stated that either way could happen. He continued that the total time allowed for deliberations of the public hearing is 60 days.

Vice Chair Savoie asked if their recommendations would be read into council record.

Mr. Zuccaro replied yes.

Mr. Neal stated that a fence would need to be 5 ft. minimum if horses were being kept.

Vice Chair Savoie asked what percentage the fence would be open.

Mr. Neal replied that it could potentially be 80 to 90 percent open. Possibly constructed of 3 2x8's horizontal at a 5 ft. height.

Commissioner Blum asked if the pocket park can be moved.

Mr. Neal answered that this is a tough issue as the height restrictions along the fence line on Quincy Ave. were based on the PTRC recommendations. He continued that the angle of the park in the northeast corner would not read well.

A private discussion between the Commission and Mr. Zuccaro as well as private discussion between the applicants and their representatives ensued.

Mr. Neal stated that the applicants agree to move the park but would like to soften the angle from 45 degrees to approximately 60 degrees. He continued that they would like to ask for consideration on the setbacks for lot 4. He stated that this lot is located further back than the existing nonconforming house already on the property.

Vice Chair Savoie asked if the applicants would like to come back in two weeks to indicate changes on plat. He continued that he would like to know the size of the building envelopes as they seem very large.

Mr. Neal stated that their building envelopes are actually more restrictive than what is indicated in zoning. He continued that he would prefer that the Commission make a motion this evening.

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Commissioner Blum asked if the setbacks lot 4 on Quincy Ave. could be changed to 75 ft. and swap to make the side setbacks 50 ft.

Mr. Vogel stated that lot 4 is adjacent to the existing outparcel as well as drainage. He continued that the topography makes it difficult to site the home. Making the proposed changes would make it very narrow. He continued that this could force the house to face the existing outparcel. He stated that the setback could be moved towards the open space overlook.

Vice Chair Savoie asked if there are any restrictions for fencing or landscaping along the private road.

Mr. Vogel stated that the last sheet in the plat has all the development standards.

Mr. Neal stated that it would work for the applicants to move the setbacks on lot 4. Commissioner Wyman asked would the setback then be moved closer to the private road.

Vice Chair Savoie replied no.

Vice Chair Savoie made a motion to recommend approval of the George W. Calkins Trust Preliminary Plat based on the findings and analysis of the February 25, 2014 staff memorandum with the following conditions:

- 1) That the fence along E. Quincy Avenue shall not exceed five feet (5') in height, shall be split rail or dimensional (white plastic) and shall be comprised of a maximum of 40% material (maintaining a minimum of 60% open along the entire length of the fence);
- 2) That Lot 4 and Lot 5 be designated as having their front yards along Quincy Avenue, that Lot 4 and Lot 5 have a seventy five foot (75') setback from Quincy Avenue, but that the building envelope for Lot 4 be allowed to maintain an equivalent overall area as currently shown on the Plat by moving the building envelope south by a maximum of twenty five feet (25') toward the open space shown on page 2 of the Preliminary Plat;
- 3) That the open space in the southwest portion of the subject property and shown on page 2 of the Preliminary Plat be relocated to the northeast corner of the subject property; that the open space contain an equivalent overall area and substantially maintain a triangular shape, and that the westernmost angle of the triangle of said open space (along Quincy Avenue) be a minimum of thirty degrees (30°) and a maximum of forty five degrees (45°);

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- 4) That the Applicant shall include the details of the Quincy Avenue fence design in the Preliminary Plat and include the fence in the subdivision improvement agreement summary letter and updated cost estimate prior to the City Council public hearing on the Preliminary Plat;
- 5) That the Applicant provide an updated cost estimate for the public and private improvements prior to the City Council public hearing on the Preliminary Plat; and
- 6) That the Applicant include the required Xcel Energy dry utility easement on the Final Plat.

The motion was seconded by Commissioner Blum.

The following votes were recorded:

Chair Christman	yes
Vice Chair Savoie	yes
Commissioner Wyman	no
Commissioner Blum	yes

Chair Christman stated that the motion was approved by a vote of 3-1.

Mr. Zuccaro stated that there will be a public hearing before City Council the first week in May.

Mr. Brad Calkins asked to address the Commission. He thanked the Commission for their concern about the property. He stated that the open space means so much to he and his family and he appreciates the consideration given to the property.

Mr. Zuccaro stated that the next meeting is April 8 and two public hearings are scheduled regarding the BMW tournament and the Arapahoe Tennis Club.

## **ADJOURNMENT**

The meeting was adjourned at 8:09 p.m.

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## CHERRY HILLS VILLAGE MASTER PLAN

Cherry Hills Village's unique history of development and semi-rural character have shaped the community into what it is today, one of the premier communities in the Denver metropolitan area. Historically, Village residents have been at the very heart of developing and protecting their vision for Cherry Hills Village. Residents were integrally involved in the:

- creation of the Cherry Hills Improvement Association;
- development of zoning regulations, related to the size of lots and types of uses, prior to incorporation as a town and eventually into a city;
- prevention of annexation by the City of Denver;
- relocation of an airport that was first proposed to be located south of the city limits; and
- formation of committees, such as the Parks and Trails Committee, Blue Ribbon Panel, the Citizens City Center Committee, the Planning and Zoning Commission, the Parks, Trails, and Recreation Commission, Board of Adjustment and Appeals and Advisory Citizens Group to address critical issues.

This Master Plan carries forward a legacy of planning and citizen engagement in Cherry Hills Village. The *2008 Cherry Hills Village Master Plan* continues that legacy and has been developed around issues and items raised by citizens. Numerous public meetings were held and a citizen survey was conducted in order to identify issues and gather input for the Plan.

### VILLAGE VISION

A "vision" is a statement of aspiration that serves as a foundation for the Master Plan – especially as it relates to community character, Village services, and the development and pursuit of goals and strategies for land use/development, transportation, and parks/open space/trails/recreation.

**The Village – a safe, low-density, residential community.**

**It is the desire of the citizens of Cherry Hills Village to maintain the established character of the community through the implementation of the Village's planning goals and strategies, regulations and decisions.**

**This vision for Cherry Hills Village is defined by:**

- **semi-rural character, views and open feel of the Village; while**
- **strategically addressing issues and pursuing Village policy in a fiscally sound manner.**

### COMMUNICATIONS

The Village values participation, communication and collaboration. In pursuit of those values, the Village staff and the elected and appointed officials should utilize appropriate means to keep residents updated and informed. The Village should support communication and involvement of the Village government, residents, businesses, nonprofit organizations, associations and other government entities on a regular and frequent basis utilizing the full range of available communication tools. Current tools for effective communication include the Village Crier, The Villager, the Village's website, email bulletins, the Village's public access cable channel, and direct mailings. Opportunities to improve and find more effective means of communicating should be continuously evaluated.

## VILLAGE CHARACTER GOALS/STRATEGIES

Cherry Hills Village seeks to maintain a historically semi-rural, pastoral and open character. Village Character is about more than simply land use and density. Rather, it embodies the design and relationship of buildings to the public and private spaces.

The goals and strategies set forth below are based on the following guiding principles:

1. The predominant future Land Use element for the Village will remain single-family residential.
2. The enhancement and improvement of public, common and private areas of the Village, including streets, streetscapes, trails and open spaces, should emphasize a semi-rural, pastoral and open character.
3. Regulations on development should respect private property rights of all property owners.
4. Basic standards regulating the scale of buildings and compatibility of uses can reinforce the desired Village character.

### STREETS & STREETSAPES

Streets and streetscapes refer to the road, landscape, utility and pedestrian facilities provided along the roadway and the design of lot frontages immediately adjacent to the roadway. These areas occupy a significant portion of the total land area of the Village; therefore the design and character of these areas are critical to shaping the design and character of the Village.

***Goal: Promote the overall semi-rural character of Cherry Hills Village through design and maintenance of streetscapes, public lands and public facilities.***

#### Strategies:

1. Encourage the use of street lights and other outdoor lighting that is designed to preserve a "dark sky" while providing adequate safety.
2. Investigate standards that will accommodate all users, such as motorists, equestrians, pedestrians, bicyclists, and at the same time maintain the semi-rural character of the Village.
3. Consider pedestrian improvements for school-safe zones at street crossings and along major roads adjacent to schools.
4. Explore opportunities to improve the streetscape design on state highways within the Village and to improve gateways into the Village in a manner consistent with the semi-rural character of the Village.
5. Explore public and private street standards to minimize street widths in residential areas as much as possible to protect important natural features and enhance the rural look of the streets.
6. Separate equestrian, pedestrian and bicycle facilities from vehicular traffic when feasible. When equestrian, pedestrian and bicycle facilities are provided within a roadway, such facilities should be designed to emphasize the safety of pedestrians and bicyclists.
7. Evaluate possible methods and financial resources for the burial of above-ground utility lines on public and private lands.

### PROPERTY DEVELOPMENT

Property development beyond the streetscape and lot frontages has an influence on Village Character. The level of impact is determined by the most common elements of development regulations, including land uses, lot sizes and standards, building bulk standards, and site and landscape design standards.

***Goal: Balance private property rights and market trends for new development while minimizing impacts on immediately adjacent properties and the overall context of the neighborhood.***

**Strategies:**

1. Review zoning and building codes and variance procedures and update as necessary so that they reflect the intent of preserving the semi-rural character of the Village without adversely impacting private property rights.
2. Evaluate the adequacy of zoning and building code enforcement during the plan review and building stages of development. Develop programs to approve compliance with these codes as necessary.
3. Explore methods to encourage development that minimizes its impact.
4. Evaluate standards for residential lot development, which may include, but is not limited to evaluation of the following:
  - a. Energy efficiency and site design techniques which minimize energy consumption or environmental impacts of the more intense site development.
  - b. Sites or lots that allow for greater building setbacks so that impacts on streetscapes or immediately adjacent property are minimized.
  - c. Dedication or conservation of open space easements.
5. Explore ways to preserve view corridors and vistas while respecting private property rights.
6. Consider energy efficiency and the use of alternative energy devices (i.e. solar or wind energy devices) in new development and redevelopment.
7. Evaluate current zoning regulations and update those regulations as necessary so that alternative energy devices are designed in a way that minimizes the visual impacts on adjacent properties and blends in with the overall context of the neighborhood.

## OPEN SPACE/PARKS/TRAILS/RECREATION GOALS/STRATEGIES

Cherry Hills Village is a living environment that offers low density development, open areas, public scenic vistas, public trails and public parks. This environment is a key factor in why many residents choose to live in the Village. The amenities that support this environment make the community unique and contribute to sustainable long term land value and to quality of life. Historically, the protection and promotion of these amenities have been important to Village residents.

*"The legacy of open space in Cherry Hills Village is our present source of inspiration and creates in us all a responsibility to protect and preserve our meadows, trails, wetlands and mountain vistas." – 2005 Blue Ribbon Panel Report*

The following principles guide the development of goals and strategies to protect and promote these amenities:

1. As the Village becomes more developed, it should explore new ways to acquire public open space and encourage private protection of open areas – ways that are achievable both practically and economically.
2. Ways to encourage the use of energy efficient technologies and reduce environmental impacts through site design should be incorporated into the actions and regulations of the Village.
3. The Open Space, Parks, Trails and Recreation system in the Village should be compatible with the natural landscape and be designed to take into account the ecological functions of the particular locale, e.g., flood damage minimization, erosion control, water quality protection and wildlife habitat.
4. Preservation of open areas and scenic views on private lands, in cooperation with willing owners, is generally preferred to public ownership and management.
5. Park and recreation and other public facilities should be designed and developed to meet the requirements of a cross section of the Village residents.

### OPEN AREAS AND SCENIC TREASURES

Open areas are decreasing in the Village as land development continues within the limits of the applicable zoning. Open Space means those land areas that are formally protected from future development either by land owner consent or by public acquisition or both.

Scenic treasures are exceptionally beautiful, natural spaces and scenic vistas within the Village that all can enjoy. They include the High Line Canal, Woodie Hollow Park, Blackmer Common, Three Pond Park, Little Dry Creek and its tributaries, and the East-West Wetland Corridor and the view corridors along Quincy Avenue, Colorado Boulevard, Holly Street and Cherry Lane Drive.

**Goal:** *Increase and protect the amount of Village owned open space and identify and protect key scenic treasures.*

#### Strategies:

1. Encourage open area preservation and open space acquisition through conservation easements, deed restrictions, recreational easements and other land use restrictions.

2. Develop an inventory of potential open space sites, historic properties, scenic areas and scenic vistas in the Village that can be preserved both practically and economically and that provide public value in that they contribute to openness, provide scenic views or support the preservation of public trails, natural open spaces, wetlands and wildlife habitats.
3. Establish the necessary Village processes, including a process of working with landowners, to fund, acquire and protect open space, scenic areas and scenic vistas.
4. Develop design standards for structures and facilities in public areas that encourage blending into the natural setting and that minimize impact on the environment and on scenic vistas.
5. Develop a positive working relationship with the Denver Water Board regarding the use, care and long-term future of the Highline Canal trail and open space.

#### **NATURAL RESOURCE INFRASTRUCTURE**

The natural resource infrastructure in the Village is comprised of the undeveloped areas including fields, pastures, creeks and the High Line Canal. These areas are both publicly and privately owned and often serve ecological functions such as natural storm water drainage protection, vegetation support and wildlife habitat.

***Goal: Enhance and preserve the natural storm water absorption capacity of lands and waterways so as to minimize personal and property damage and threat of erosion.***

#### **Strategies:**

1. Evaluate the adequacy of floodplain and wetland area designations.
2. Encourage establishing City designated wetlands areas and the development of applicable regulations.
3. Identify and prioritize potential natural resource infrastructure areas based on their capability to reduce erosion, help cleanse stormwater run-off and provide wildlife habitat.
4. Explore alternatives for protecting natural resource infrastructure areas such as cooperative agreements, additional regulation and acquisition.

***Goal: Identify and preserve land and water areas that are important to natural vegetation and to wildlife habitat.***

#### **Strategies:**

1. Develop guidelines for the identification and protection of areas on public lands that are important to vegetation and wildlife environments.
2. Develop incentives that the Village can provide to private and institutional landowners that will encourage the protection of land and water areas that are important to natural vegetation and to wildlife habitat.
3. Work cooperatively with institutions and large parcel owners to protect land and water areas that are important to natural vegetation and to wildlife habitat.

#### **TRAILS**

The Village trail system provides places for daily exercise, transportation, social interaction and enjoyment of open spaces and natural features. The system provides both on-street and off-street facilities and accommodates equestrian and pedestrian use and bike traffic. The system includes both formal shared-use

pathways with paved or crusher fine surfaces as well as informal pathways with a simple grass or dirt surface.

**Goal:** *Preserve the existing Village trail system and design and pursue opportunities to enhance and expand the trail system that are practically and economically achievable.*

**Strategies:**

1. Evaluate the existing trail system in terms of
  - a. safe and convenient access for all Village residents
  - b. varieties of viable usage (walkers/runners, hikers, horse-back riders, dog walkers, bicyclists)
  - c. the impact of the trail use, including parking, on its surroundings (neighborhoods, individual homeowners, streets)
2. Identify and investigate opportunities to fill in gaps in the trail system and to increase connectivity with open space and with Village parks, especially the City Center and John Meade Park.
3. Complete the trail system around the Village perimeter and explore opportunities for additional regional trail connections.
4. Implement consistent, functional design standards for trail markers, signage, bridges and installed (manmade) elements such as trash cans, sign posts and benches.
5. Develop ways for the Parks, Trails and Recreation Department to set and adhere to consistently high standards in maintaining the trails system.
6. Consider the privacy and safety of residents in locating and maintaining trailheads.
7. Identify land and funding sources in order to improve and expand the trail system and enhance wildlife habitat within the trail system.
8. Work with the Colorado Department of Transportation (CDOT) to improve pedestrian and bike path amenities on state-controlled roadways.
9. Provide for safe trail crossings across University Boulevard, Belleview Avenue, Quincy Avenue, Colorado Boulevard, Holly Street and Hampden Avenue.

**PARKS AND RECREATION**

Parks are an important amenity in Cherry Hills Village and should be preserved, maintained and enhanced.

Residents have access to a broad choice of established recreational facilities throughout the surrounding communities. In addition, the 13-acre John Meade Park is the primary active recreation park in the Village. Some neighborhoods have expressed a desire for smaller parks with largely passive amenities that reflect the character and needs of the particular neighborhood.

**Goal:** *Improve John Meade Park to become an active community recreational park and meeting place that offers different kinds of recreational activities and can host outdoor organized events.*

**Strategies:**

1. Install play equipment and facilities that would accommodate special events.
2. Evaluate infrastructure needs for the park such as an equestrian ring, small playing field, pond area, xeriscaped area, public seating, low key lighting (for safety) and parking.
3. Utilize energy efficient techniques and environmentally sensitive site design in developing the park and its infrastructure.

**Goal:** *Maintain and improve the current system of parks.*

**Strategies:**

1. Develop natural, sustainable and low water consuming landscapes in Village parks through energy efficient and other innovative technologies and environmentally sensitive site design.
2. Encourage maintenance of equestrian parks.

**Goal:** *Identify opportunities to establish new parks through land dedication, donation and acquisition.*

**Strategies:**

1. Establish parks that are dedicated to preservation of views, wildlife corridors, and water habitats.
2. Establish neighborhood parks with recreational opportunities and amenities appropriate to the neighborhood.
3. Identify ideal locations for new parks with characteristics that take advantage of existing topography, views, vehicular access and adjacent school facilities.

**Goal:** *Continue to meet field sport and active recreation needs through cooperative arrangements using facilities inside and outside the Village.*

**Strategies:**

1. Consider continuing to provide the Village recreation reimbursement program.
2. Continue to pursue opportunities for use of practice fields at educational institutions within the Village.

**Goal:** *Provide for and encourage recreational use of Village parks and trails and the Village Center for volunteer-led programs and special events.*

**Strategies:**

1. Work with Parks, Trails and Recreation Commission and Public Works staff and Cherry Hills Village citizen volunteers to develop opportunities for residents to engage in special events that promote and benefit Village parks and trail resources.
2. Consider providing space for public gatherings in the Village Center.

**COMMUNICATIONS AND FUNDING**

**Goal:** *Effectively communicate with Village residents concerning parks, trails and recreation opportunities.*

**Strategy:**

1. Parks, Trails and Recreation Commission should have responsibility for frequent public communication concerning special events and news and should utilize the full range of communication resources available to the Village.

***Goal: Maintain the ability of the Village to serve the parks, trails and recreation system, facilitate the public use of that system and support the acquisition of land areas for parks, trails and open space and improvements thereto.***

**Strategy:**

1. Consider the development of a variety of viable public and private funding sources that may include the following:
  - a. Proceeds from City-sponsored special events,
  - b. Cash dedicated as part of a successful land subdivision,
  - c. Arapahoe County use tax funds,
  - d. Recreational reimbursement funds directed by homeowners to the City's Open Space Fund,
  - e. Matching funds,
  - f. Private or foundation grants, and
  - g. Great Outdoors Colorado (GOCO) or other public grants.

Final Report to:  
The City Council of Cherry Hills Village  
June 7, 2005

# The Vision

for Parks, Trails, Recreation, Historic Preservation and Open Space

## 2005 to 2020



**Make no small plans for they have no  
magic to stir the soul.... Daniel Burnham 1893**

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## Chapter 1

*“...the earth is common ground and... gradually the idea is taking form that the land must be held in safekeeping...that one generation is to some extent responsible to the next.” E.B. White*



## **The Vision**

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### **Protecting the Treasures of Cherry Hills Village**

The legacy of open space in Cherry Hills Village is our present source of inspiration and creates in us all a responsibility to protect and preserve our meadows, trails, wetlands and mountain vistas. Citizens of Cherry Hills Village take great pleasure in our unique natural assets that the parks, trails and treasured views represent. The natural landscape of our community is diminishing. The Blue Ribbon Panel's Vision is to build on the Village's historical strength of a unique semi-rural character, and to preserve and acquire open space, parks and trails, and to protect vistas for greater public access and enjoyment. The exclusion from South Suburban presents a rare opportunity to engage the entire community in partnerships, planning, and resource acquisition and allocation to protect and enhance what we value most and wish to pass on to future generations. The consequences of our actions today will be the harbor for our hope and a continuing source of inspiration for our future.

# **The Mission**

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## **City of Cherry Hills Village Blue Ribbon Panel**

The Blue Ribbon Panel (BRP) has been an advisory body to the City Council of Cherry Hills Village in 2004-2005. The mission of the Panel is to make recommendations to the City Council regarding protection and enhancement of open space, trails, parks, recreation opportunities, and historic preservation.

Achievement of the following objectives will promote the Panel's Vision:

1. Promote accessibility and connectivity by:
  - a. Analyzing properties to ensure protection in perpetuity of current trails and open spaces and evaluating properties for future strategic acquisitions.
  - b. Making current and future parks and trails more connected within and throughout the Village.
  - c. Connecting Village trails with those of surrounding communities.
  - d. Building on the connectivity of the High Line Canal.
  - e. Acquiring open spaces adjacent to trails and the Canal.
2. Preserve and maintain open vistas from public lands in appropriate scale to the natural surroundings and contiguous properties by:
  - a. Preserving "lines of sight" throughout the Village.
  - b. Restricting elements that create unnatural barriers or inhibit pass-through views.
  - c. Supporting property owners in planning and making decisions consistent with this Vision.

## **RECOMMENDATIONS (Executive Summary)**

---

The rural nature of Cherry Hills Village is changing as many of the large tracts of land are subdivided and developed. Density is increasing. Distant views are at risk of being obscured by buildings, landscape, fences and berms.

In past years, the livability of Cherry Hills Village has predominantly been preserved by relying on private property held in undeveloped acreage. Large parcels of land, such as the Kent Denver School, and other privately owned properties, provide our community with its sense of open space. Without careful action by the Village, so much of what citizens' treasure about the Village could easily disappear .... quickly.

**The Blue Ribbon Panel makes the following recommendations to City Council that are necessary to Support the "Vision":**

### **RECOMMENDATION # 1**

---

*Move rapidly to protect and enhance lands, trails, and long distance views that have been identified as Scenic Treasures in this report. Make these Scenic Treasures the basis of the Village's land use master plan.*

The map following the Executive Summary indicates the Scenic Treasures that must be preserved. These include but are not limited to:

- The High Line Canal Trail corridor
- Blackmer Common
- Three Pond Park
- Little Dry Creek
- The East-West Wetlands Trail corridor
- View corridors from Quincy Road, Colorado Blvd., Holly Street and Cherry Lane Drive

## **RECOMMENDATION # 2**

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***Contract with an outside land use consultant with specialized experience to help the Village achieve its Vision to preserve our semi-rural atmosphere, protect public lands and trails, maintain long-range views, and update the Village's master plan.***

*“When played out over the next 10 to 20 years, will the Village's policies shape our community in a manner consistent with citizen expectations?”* BRP

Many of the Village's ordinances are not as protective as state-of-the-art ordinances being used in other communities around the country. In some instances, Cherry Hills Village has no ordinances to achieve aspects of our Vision such as maintaining the long-distance views and the Village's sense of openness. To achieve our goals, we recommend the Village evaluate and update our ordinances.

The Blue Ribbon Panel recommends that the Village, with citizen input, engage land use consultant with state-of-the-art experience. The consultant should be asked to work with the Village and citizens to update ordinances consistent with the recommendations of this report.

## **RECOMMENDATION # 3**

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***Incorporate our citizen-identified “features of value” into updated and improved regulations, ordinances, and an open space conservation policy to ensure these key features are recognized and valued in all Village planning decisions.***

Thinking into the future, preservation of long-distance views and the Village's sense of openness will bring enduring value to all properties in the Village. For public lands to maintain their distinct characteristics, some regulation of adjoining properties may be necessary.

Other communities studied by the Blue Ribbon Panel (BRP) have adopted ordinances that could both enhance the characteristics of the Village while at the same time allowing continued development. This balance is critical in preserving the character of the Village while encouraging continued investment by homeowners.

#### **RECOMMENDATION # 4**

---

*Form a citizens' advisory committee to work with the City Council and staff on issues related to the implementation of this report.*

Citizens in Cherry Hills Village have formed a non-profit organization dedicated to open space preservation; however our community's success cannot rely solely on the efforts of one non-profit organization.

Communities successful at open-space preservation have shown that the combined efforts of Village government and citizen committees, non-profit organizations, open space preservation experts and private investors play invaluable roles. More citizens should be included in this discussion.

#### **RECOMMENDATION # 5**

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*Develop a plan for preserving and acquiring lands and trails, easements or development rights that contribute to the unique quality of life in the Village.*

Because of the limited remaining opportunities to preserve natural land in the Village, the BRP recommends that steps be taken to develop an acquisition and preservation opportunity assessment in concert with the Village Master Plan. These properties and trails, when acquired and/or preserved, will enhance the Village as a whole.

#### **RECOMMENDATION # 6**

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*Establish a land preservation and acquisition fund from existing and new sources.*

**Earmark General Fund dollars to initiate this fund**

To ensure the Vision for Cherry Hills Village becomes reality, create a preservation and acquisition fund. Such a fund will enable the Village to act decisively when open space becomes available, as well as fund the long-term maintenance of parks, trails and natural lands. Once the Village has dedicated funds available, the monies can be used to leverage additional funding from alternative sources.

### **Secure new funding sources**

In order to have the capacity to preserve vistas and open space, the BRP recommends that the City Council assess the feasibility of asking the voters to approve a bond measure. The proceeds from the sale of bonds would be used to preserve the critical open space, trails, natural areas, and scenic views of the Village. This assessment should take place in the next two months so that it may be placed on the ballot in either November of 2005 or in 2006.

### **Pursue additional revenue sources**

In addition to a public measure, pursue additional revenue sources for the fund. Other available funding sources include: certificates of participation; grants from public agencies; privately-based resources (donations, conservation easements and grants); and combinations of these.

## **SUMMARY**

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The Blue Ribbon Panel thanks the City Council of Cherry Hills Village and the Parks and Trails Committee for pursuing a vision to enhance our open space, trails and parks. The above recommendations are a summary of the findings, research and discussions that took place within the Blue Ribbon Panel. We encourage you to read further to more fully understand the thoughts and recommendations of the Panel.

We remain committed to this endeavor and look forward to discussing this document with the Council.

***"We have not inherited the world from our forefathers. We have borrowed it from our children."*** Old Proverb



The first part of the document discusses the importance of maintaining accurate records of all transactions. This includes not only sales and purchases but also any other financial activities that may occur. The second part of the document provides a detailed breakdown of the company's income and expenses for the year. This information is essential for understanding the company's financial performance and for making informed decisions about its future operations.

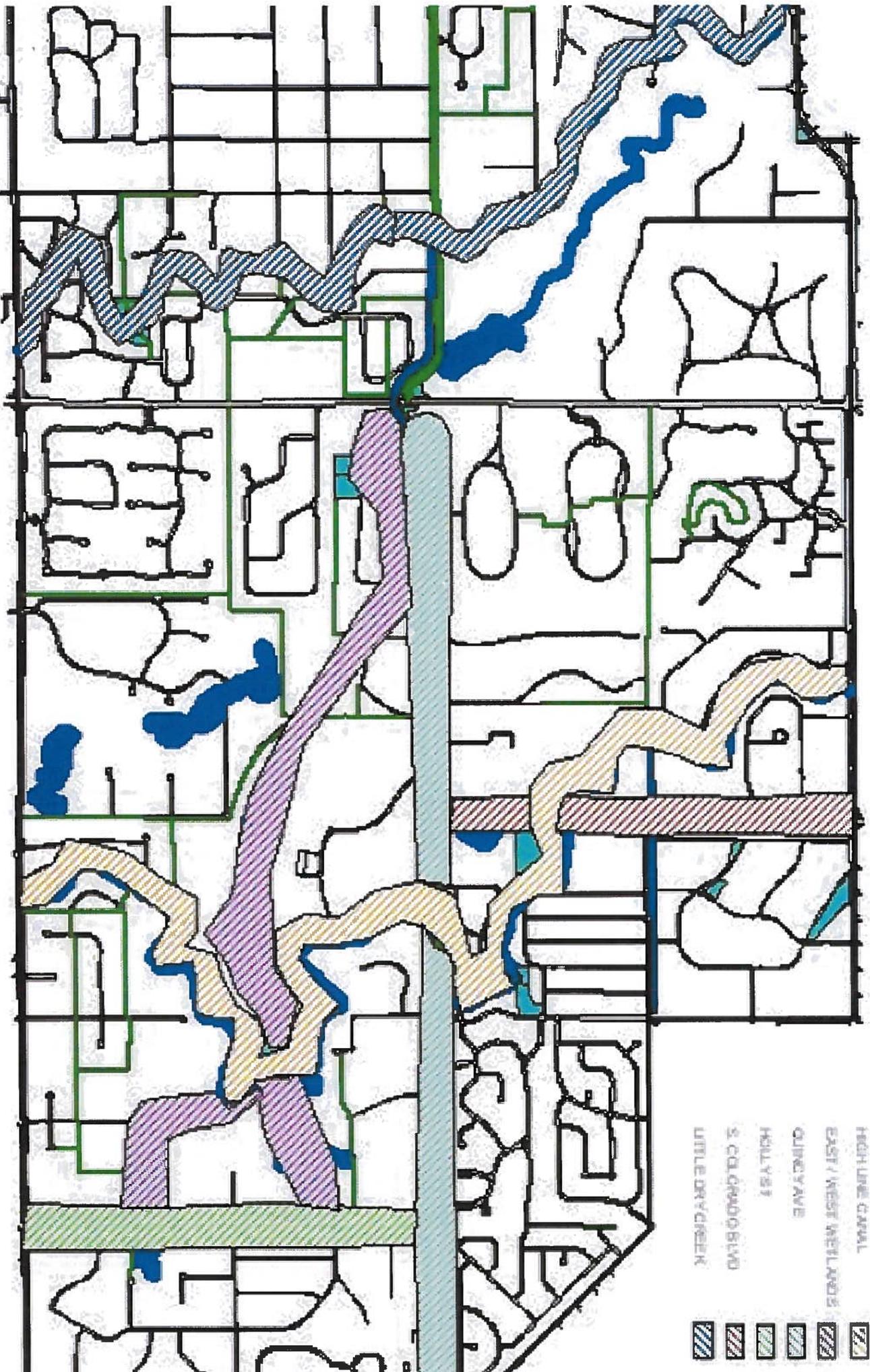
The following table shows the company's income and expenses for the year. The total income for the year was \$1,200,000, and the total expenses were \$800,000. This resulted in a net income of \$400,000. The company's financial performance was strong, and it is expected to continue to grow in the future.

The company's financial performance was strong, and it is expected to continue to grow in the future.

# SCENIC TREASURES AND VIEW CORRIDORS

## KEY

- HIGHLINE CANAL
- EAST / WEST WETLANDS
- QUINCY AVE
- HOLLY ST
- S. COLGARD BLVD
- LITTLE DRY CREEK









## **Chapter 2**

***“When we see land as a community to which we belong, we may begin to use it with love and respect.”*** Aldo Leopold

### **POLICY SUBCOMMITTEE REPORT AND RECOMMENDATIONS**

The rural nature of Cherry Hills Village is changing as many of the large tracts of land have been subdivided and developed. Density is increasing. Distant views are at risk of being obscured by buildings, fences and berms.

In past years, the livability of Cherry Hills Village has predominantly been preserved by relying on private property held in undeveloped acreage. Parcels of land, such as the Kent Denver School, St. Mary’s Academy, the Cherry Hills Country Club, and other privately owned properties provide our community with a sense of open space. Without careful action by the Village, so much of what citizen’s treasure about the Village could easily disappear ....quickly. The Policy Subcommittee recommends as follows:

***Move rapidly to protect and maintain lands in Cherry Hills Village identified in this report as Scenic Treasures.***

Initiate immediate action to:

- protect important view sheds and sight lines
- buffer and protect the High Line Canal Trail, watersheds and other areas
- extend strategic trail linkages, as land becomes available
- educate citizens regarding the future uncertainty of water in the High Line Canal
- use state-of-the-art land planning tools such as conservation easements
- develop a clear understanding of costs and secure a plan to fund them
- consider adopting a View Shed Ordinance similar to the one adopted in Denver in the 1950s which protects strategic views of the mountains from the State Capitol, Washington Park, City Park, etc.

***Contract with a land use consultant to help the Village achieve its Vision to preserve our semi-rural atmosphere, protect public lands, maintain long-range views, and update the Village’s master plan.***

A land use consultant, with extensive national experience, did a preliminary evaluation of Cherry Hills Village’s ordinances in the fall of 2004. Many of the Village’s ordinances are not as protective as state-of- the-art ordinances in place around the country. In some instances, Cherry Hills Village has no ordinances to

1. The first part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees.

### 2. The second part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees.

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12. The twelfth part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees.

achieve aspects of our Vision. City Council has taken important steps to begin this updating process. To achieve our goals, we recommend the Village continue to evaluate and update our ordinances.

The specialized nature of land use and open space planning is beyond the expertise of our committee of citizen volunteers, the Blue Ribbon Panel recommends that the Village, with citizen input, engage a specialized land use consultant. City Council has already taken steps to address important staffing needs in maintaining parks, trails and open space, but there is a further need for specialized expertise in land use planning. This consultant can work with the City Council, the Mayor and the City Manager, and with interested citizens, to develop appropriate ordinances consistent with the recommendations of this report. This consultant can advise the Village's public policy makers and staff about ways to realistically and rapidly implement the recommendations in this report.

Thinking into the future, preservation of long-distance views and the Village's sense of openness will bring enduring value to all properties in the Village. For public lands to maintain their distinct characteristics, some regulation of adjoining properties may be necessary, especially in the case of view corridors.

A review and revision of the Village's Master Plan is in order. Such a plan can and should provide the framework to implement the Vision. The Village has changed in many ways in the twelve years since the last official update of the Master Plan. Revision of the Master Plan consistent with the Vision of this report and with the direction of City Council will provide the roadmap for successful open space planning and preservation.

The BRP researched planning tools used by other communities with successful track records in preserving open space, trails and scenic vistas. The good news is that many tools are available, particularly if a community is creative and persistent in their application.

Information from other communities addressing similar issues is contained in the Appendix.

***Analyze the feasibility of acquiring lands that offer unique and important contributions to the quality of life in the Village.***

To acquire the kinds of lands described in this report, Cherry Hills Village must develop a budget and an acquisition strategy for lands that suddenly become available. The Village also needs a strategy for lands where longer-term planning is possible.

The Panel recommends that Cherry Hills Village take steps to further clarify costs and funding mechanisms to achieve citizen goals for open space preservation and acquisition. Because properties can go on the market at any time, the Village

must evaluate both the necessity and the feasibility of a bond measure to enable Council to acquire strategic properties -- which otherwise, are likely to be lost.

Because of the limited remaining opportunities to acquire land in the Village, coupled with per acre costs, the Panel recommends that steps be taken to understand voters' willingness to support a bond or other funding measure. For further discussion of funding issues and options, please refer to Chapter 4 of this report.

***Form a citizens advisory committee to work with the City Council and staff on issues related to the implementation of this report.***

Citizens in Cherry Hills Village have formed a non-profit organization dedicated to open space preservation; however our community's success cannot rely solely on the efforts of one non-profit organization.

Communities successful at open-space preservation have shown that the combined efforts of Village government and citizen committees, non-profit organizations, open space preservation experts and private investors play invaluable roles. More citizens should be included in this discussion.

A citizens advisory committee can serve as conduit for public input from the citizens to Council and can inform the public through articles in the Village Crier newsletter and the Cherry Hills Village website. Such two-way communication is essential to the Village's ability to achieve the Vision. The committee can use email to send targeted information to citizens who have indicated they want to be kept informed about Cherry Hills Village's open spaces. (The Parks and Trails Committee already has an extensive email list, which could be used as a base).

This group can also facilitate regular talks with adjoining municipalities, including Greenwood Village, Englewood, Denver and others, regarding issues of mutual interest, including lessons learned from effective ordinances and possibilities for shared maintenance agreements.

The Blue Ribbon Panel recommends that the Mayor, City Council and the City Staff conduct a town meeting to present the findings of the BRP and further educate members of the community about the opportunities and challenges facing community open lands and open space preservation in the Village.

***Adopt public policies needed to achieve the Vision for the future of our parks, trails, open space and historic sites.***

The policies subcommittee of the BRP began its task by asking, "what communities in the U.S. have been successful in preserving open space?" Subcommittee members had

phone conversations with organizations including Colorado Open Lands (COL); the Colorado Trust for Public Lands (TPL); current and former executives at Great Outdoors Colorado (GOCO); and others around the country. We also conducted internet research, and interviewed people in communities with open space preservation programs (see Appendix).

The strongest message we received was the importance of building strong coalitions. Whether they are public sector/private sector relationships; citizen and non-profit collaborations; enlisting the assistance of the municipality next door; working with interest groups -- communities with successful track records in land preservation have effective coalitions working together.

Catalogued below are many ideas that have been raised by citizens of Cherry Hills Village in support of the Vision for the future of our parks, trails and open spaces.

1. Aggressively research, adopt and enforce proven policies that protect and enhance:
  - a. lines of sight to preserve scenic view corridors, retain the natural landscape, sense of openness, and semi-rural character
  - b. the sense of CHV as a community
  - c. preserve continuity through trail and park connections in the Village
  - d. building and fence setbacks
  - e. restricted lot coverage
  - f. historic landmarks and treasures
  - g. habitats (provisions for wildlife, water and environmental corridors)
  - h. mature trees
  - i. public safety, including sanitation
  - j. freedom from light-pollution (seasonal and otherwise)
  - k. views towards mountains inhibited by berms, solid fences, trees planted too close to the street, or other elevation changes, and use setback requirements where mountain views will be blocked and consider power line placement underground to enhance views.
  - l. open space dedication (in CHV currently 7.5% some communities require up to 10%)

- m. ordinance reviews that address development of natural property and redevelopment of existing properties
- n.. pocket parks
- o. a conservation easement policy in CHV
- p. implementation of an Overlay View Protection District (OVPD) (Such a district can detail special restrictions and standards tailored to the specific areas identified for view protection.)

The BRP recognizes that many of the above items deal with private property. By working with private property owners, and enhancing the Village's ordinances, the above strategies could help to implement and preserve the Vision described in this report.

2. Place Blackmer Common in a conservation easement to ensure that it will remain public. This would involve identifying a suitable land trust partner (for example: South Metro Land Conservancy, Colorado Open Lands, or other) to hold a conservation easement on Blackmer Common. Land trust partners typically require an endowment to fund the monitoring of the terms of the easement over time.
3. Evaluate opportunities for the use of conservation easements to protect views, specific lands, trails, and to maintain "a sense of community".
4. Enhance communication with Village residents, for example: post notices with clearly described messages, use targeted computer lists of citizens who ask to be notified about specific topics, arrange earlier posting of Council meeting agendas and seek new ways to engage citizens in a two-way dialogue.
5. Update the Master Plan for CHV by April 2006 and regularly every 5 years thereafter. Provide a clear statement in the CHV Master Plan about goals for preservation of scenic vistas, and incorporate specific policies into the zoning ordinance, subdivision regulations and site plan review regulations that will enhance the aesthetic qualities that define the community and make it unique.
6. Utilize expert land conservation organizations and consultants who can assist our community as we implement our Vision for open space preservation. Time is of the essence. Cherry Hills Village should use the capacity and knowledge of these experts and organizations before it is too late.

## **Chapter 3**

***"Many eyes go through the meadow, but few see the flowers in it"***  
***Ralph Waldo Emerson***

### **INVENTORY SUBCOMMITTEE REPORT AND RECOMMENDATIONS**

#### **Preservation and Enhancement of Scenic Treasures**

The BRP's mission is to make recommendations to preserve and enhance our community's assets for future generations. To accomplish this mission, the Panel followed a logical process of consulting with experts, studying demographics, surveying citizens, and creating an inventory all of the trails, open spaces, vistas and other areas of concern in the community. Then the Panel created a map, reflecting the scenic characteristics of our community. The map shows where the Blue Ribbon Panel has indicated features of value and the Scenic Treasures critical to our Vision of the future of Cherry Hills Village.

#### ***I. Criteria for Selection of Scenic Treasures***

To determine what Scenic Treasures are most important in Cherry Hills, the Panel took an inventory of the significant features that we enjoy. We also reviewed the detailed work of the Village's existing Parks and Trails Committee (a group of citizen volunteers) and studied our citizen survey results. As we completed the inventory, key features stood out. These features are listed below and indicated through different colors on the map on page 12 of this report.

#### **Features of Value**

***Scenic vistas;***  
***Open spaces;***  
***Scenic trails;***  
***Wetlands, wildlife habitats and natural features; and***  
***Trail connectivity.***

#### **A. Scenic Vistas**

Recognizing and preserving the visual quality of our community is the fundamental principle of the Panel's recommendations. Special vistas and views of fields and other natural areas contribute significantly to quality of life and add to the value of property in our community.

## **B. Open Spaces**

The Panel considered the various forms of open space (scenic roads, intimate open space along a creek bed, open meadow, mountain vistas seen across fields, etc.). Through this work, open space has been defined as a three-dimensional concept that includes all the space above the surface of the earth which is not occupied by structures.

## **C. Scenic Trails**

The panel identified key *Blue Ribbon Trails* that tie our “island” to the larger metropolitan area system of parks and trails. These *Blue Ribbon Trails* comprise important linear open spaces linking the larger public and private open space lands, private clubs, schools and external trail access points. These particular trails were identified, in part, because of the frequency of use, connectivity and scenic enjoyment.

## **D. Wetlands, Wildlife Habitats and Natural Areas**

The Panel has identified the historic drainages, wetlands areas, and other waterways as having significant value in part because of their attraction for wildlife and native vegetation. Many of these waterways and natural features (essentially lands that are not seriously disturbed by human activity) may contain native species not commonly found in an urban setting.

## **E. Trail Connectivity**

The Panel recognizes that our “island” is a linchpin in the recreational and wildlife corridor between Cherry Creek and Chatfield State Parks. The significance of our geography mandates that we increase internal trail connections and external connections to neighboring recreational trails for easy recreational travel.

## ***II. Preservation of Scenic Treasures***

Scenic Treasures are specific geographic areas of great public interest because of the recreational and visual enjoyment they provide the public. The Panel recognizes the strategic importance of private property in this report. A high degree of Village cooperation with and respect for any and all landowners is vital to preservation of the scenic treasures listed below.

**Identification of Scenic Treasures.** Identifying these areas involved careful review of Blue Ribbon Trails, resident survey results, and a listing of the cherished views. We also studied the areas of remaining open space in the Village. Almost all of the Scenic Treasures are along a Blue Ribbon Trail and contain many of the features of value previously discussed.

## **A. The High Line Canal**

The High Line Canal is the backbone of our entire system. This is “the primary destination point of the system” as evident through the strong and consistent use of this historic trail.

1. **Blackmer Common and the Surrounding Watershed.** The experience of walking the canal South of Quincy, past the privately owned pond and nature preserve, and then Southwest along Blackmer Common and the Kent Denver property is the highlight of our Village. This area has so many unique features and provides a very special recreational opportunity
2. **Three Pond Park and Its Surrounds.** Our community treasures three Pond Park and the watershed area to the South of the park. This area contains all of the features the Panel hopes to preserve and protect in the Village.

### **RECOMMENDATIONS:**

***#1 Partner with Kent Denver to support efforts to ensure much of that property is retained in its natural state.***

***#2 Protect Blackmer Common as undeveloped, uncultivated open space, which is protected into perpetuity.***

***#3 Initiate a partnership with landowners buffering the Canal, Three Pond Park and Blackmer Common to create a plan to secure the preservation of undeveloped private open-space surrounding these Scenic Treasures.***

***#4 Modify Village building ordinances to address berms, fence heights and setbacks from the Canal and the height and footprint of residences or other buildings. Ensure that solid fencing will never be allowed along the Canal trail.***

***#5 Actively partner with other communities along the High Line Canal and with the Denver Water Board to preserve water flow.***

## **B. Little Dry Creek**

Little Dry Creek is an exceptional opportunity to enhance our parks and trail system. This area contains valuable internal and external connections that would greatly enhance recreational opportunities in the Village. The area contains many of the features of value as indicated on the attached map including natural features, exceptional wildlife habitat, historic water drainages and wetlands.

**Description.** In Cherry Hills Village, the south end of the trail begins at Belleview in Woodie Hollow Park. The Trail follows Little Dry Creek through Woodie Hollow Park north to the end of South Vine Way. If segments in this area can be acquired, there would be a continuous off-street trail to connect to trail #2043 traveling all the way to Quincy. Placing a trail along the northern part of Little Dry Creek becomes problematic here because Little Dry Creek runs through Cherry Hills Country Club and then through some highly developed neighborhoods. However, the value of a trail continuing along Clarkson St. where Little Dry Creek crosses is immense.

Crossing Clarkson at Kenyon Street allows connection to a well developed Englewood trail which continues on under all major streets, including Broadway, all the way to the new Englewood City Center, a commercial/residential/arts complex that also has a major Light Rail Stop. In addition, a passage over Santa Fe is planned by Englewood. This would allow external connectivity from Cherry Hills Village to the Mary Carter Greenway along the Platte River into Downtown Denver and South to Chatfield Reservoir.

## **RECOMMENDATIONS**

***#1 Share the Blue Ribbon Panel's Vision for the development of this trail and its many needed linkages with surrounding landowners.***

***#2 Establish a landowner's task force empowered to plan how this trail network can be completed.***

***#3 Compensate, when necessary, landowners for authorizing easements or land donations/dedications along this trail.***

***#4 Partner with Greenwood Village to develop an underpass under Belleview (the Village's Parks and Trails Committee has been working on this and Greenwood Village's Parks Committee may incorporate this project into their 2006 budget).***

***#5 Work with Urban Drainage to remedy the area of serious erosion along Little Dry Creek.***

## **C. The East/West Wetlands Trail and View Corridor**

As a scenic treasure, this trail and view corridor captures much of the historic beauty of our Village. The BRP recommends that this area be developed to create an internal sense of openness in the Village, to improve connectivity and to buffer Kent Denver and Blackmer Common.

**Description.** The two arms that form the eastern portion of this trail originate on Holly at Chenango and Pond Road. One arm begins along the existing trail on Pond Road; the other (further south) on existing trails #4952 and #4954. These two arms lead to, and converge on the High Line Canal and the open spaces at Blackmer Common. The Pond Road link exists, though a portion of it is over a private road and is currently dependent on the good will of the owner. The trails #4952 and #4954 exists, though about half of it exists as an on-street trail. There are potential opportunities along both links for open space protections. From John Meade Park the trail continues along Quincy and at the West end of the Village connects into the proposed northern end of the Little Dry Creek trail.

### **RECOMMENDATIONS**

**#1** *Develop a task force, to include landowners, to recommend how this trail can be developed as a wide swath of open space that sweeps through the historic drainage areas in the Village.*

**#2** *Establish a trail connection from trail #4634 through the open field on the north of the Glenmoor golf course and at the south end of Monroe Lane, to connect with the East-West trail #4526 leading to John Meade Park.*

**#3** *Foster a coalition of governmental entities to support the building of a University overpass or underpass to connect the East and West sides of our Village.*

### **D. Quincy, Holly Street and Colorado Blvd. Mountain View Corridors**

These corridors expose breathtaking views of the Rocky Mountains through open fields and add dramatically to the daily experience of citizens and others.

#### **Description: Quincy Mountain View Corridor**

--First is the open space west of Holly and south of Quincy. These fields provide long views of two succeeding mountain backdrops, a spectacular view of Pikes Peak for ¼ mile between 5350 E. Quincy and South Dahlia and an exceptional view of the mountains directly to the west.

--The second area encompasses the large hay fields of Kent as seen along Quincy and from Colorado Blvd. This open space and the views afforded are a scenic respite in our Village. This scenic area and its expansive views of Pikes Peak to the southwest and the Front Range directly west are seen more frequently than any other scenic area in the Village.

--The third area is the open space and western views at John Meade Park.

**Description: South Colorado Blvd. Entry Corridor**

Those traveling Colorado Blvd, south of Mansfield into Cherry Hills Village, enjoy outstanding views to east and west of Three Pond Park and private natural wetlands areas. The road and on-street trail culminate at Quincy with an exceptional vista of Pikes Peak to the South through the pastoral fields of Kent Denver.

**Description: Holly Street Corridor**

Like the other corridors, Holly Street is widely used, contains an on street trail and affords sweeping western views to the mountains through natural open spaces.

**Description: Cherry Lane Drive Vista**

The vista of the Front Range from Dahlia Street looking west along Cherry Lane Drive is dramatic, private and endangered. This area meets the definition of distinctive area primarily due to this vista, but also it is a habitat for foxes, geese, coyote, hawks, owls and many other native species.

***RECOMMENDATIONS***

***#1 Restrict the construction of solid walls along the west side of Colorado Blvd. and the West side of Holly Street.***

***#2 Maintain the rural feel of the streets (no curbs and gutters).***

***#3 Devise options to reduce non-local through traffic.***

***#4 Preserve these scenic view corridors through adoption of new regulations and zoning to address fences, landscaping, building height and setbacks, and berm limits.***

***III. Active Parks and Recreation***

The BRP concluded that it is important and necessary to develop a Village Center as a central location for the citizens and community to gather. Without a neighborhood retail center or recreation center, community gathering in our Village is mostly limited to school activities, trail activities, and private gatherings.

Such a gathering place could include the following elements:

- Public meeting and/or function space,
- Coffee shop,
- Ping pong tables,
- Basketball area,
- Picnic areas,
- Playground areas,
- Open fields for “pickup games.”

In addition, the BRP supports the idea of activities such as a Saturday farmers' market in this expanded Village Center area. The BRP supports the Village in their efforts to continue to develop its current location at the corner of Quincy and Meade Lane into such a Village Center. This Village Center would facilitate citizen interaction, pride and community spirit. It is important that this be accomplished with citizen involvement.

### **Playing Fields**

After review of the survey results and much discussion, the BRP has concluded that the construction and maintenance of additional playing fields within the Village is not necessary and would not be a good use of our limited resources. There are a large number of existing fields within and immediately adjacent to the community. These include, without limitation, the fields at Cherry Hills Village Elementary, Kent Denver School, St. Mary's Academy, West Middle School, Magna Charta Park and Thomas Jefferson High School. To create additional playing fields within the Village would require the purchase of a significant parcel of land and then require significant ongoing maintenance. Therefore, the BRP recommends that the Village negotiate any desired usage and the terms thereof with the current owners of the existing playing fields.

### **Recreation Center**

With the exclusion from South Suburban, Cherry Hills Village has adopted a policy that allows the citizens of the Village to be reimbursed for the non-resident portions of the fees charged to them for their use of area municipal recreation centers. Because of this, developing our own recreation center would be unnecessary and impractical. CHV does not have the space or the resources for this kind of project.

### **Pocket Parks**

We recommend that the Village support community efforts to create "Pocket Parks" in our neighborhoods. These would be local gathering areas for neighborhood use. By nature they would be small areas which could have any of the following characteristics: open space - natural fields which give a rural feel, places for children to play, habitat for wildlife, small playgrounds, or picnic areas.

We envision these areas to be neighborhood driven. Where neighborhood associations exist, the association could own and maintain these areas. The Village could joint venture with citizens of any given area to develop small, open areas within their neighborhood. Examples of neighborhoods where small, communal open spaces already exist are as follows:

Cherry Hills Farm

Buell Property (with Buell Lake and other small areas)

Cherry Hills Park and Sunset Drive  
Cherry Lane Drive neighborhood

Since there is little communal play area in the Village, the BRP recommends supporting neighborhood efforts to establish small playgrounds in these areas or on other lands, if deemed valuable to the neighborhoods.

### **Equestrian Opportunities**

The Village's semi-rural nature is perpetuated in part by use of our trails and open spaces by equestrians. The Panel recommends that the Village encourage this desirable use by preserving and improving existing equestrian spaces and connections between them and developing new opportunities for equestrian uses. We suggest that the Village request assistance from the equestrian community in assessing current trails and open spaces. All trails and open spaces designated for equestrian use should be analyzed for safety and ease of use. Some trails could, with minor modifications, be made more animal friendly. The Village is encouraged to seek guidance from the equestrian community in formulating policies and regulations that enable equestrians and other trail and open space users to co-exist in a safe and horse-friendly environment. There is a need for educational information, including public signage, on how to safely share our trails and open spaces with equestrians and non-equestrians alike. The panel suggests that the Village partner with the equestrian community to work on these objectives in keeping with the Village's Master Plan. Our community will lose a significant asset if equestrians are not encouraged to remain active users of our trails and open spaces.

### **RECOMMENDATIONS**

***#1 Partner with the current owners of existing play fields within and around the Village for limited use options.***

***#2 Build upon efforts to develop the Village Center as a central gathering area for citizens to gather, incorporating the following elements: coffee shop, public meeting and/or function space, mini recreational area, picnic areas, playground areas and open fields for "pickup games."***

***#3 Support neighborhood efforts to establish small playgrounds, if deemed valuable by those neighborhoods.***

***#4 Preserve and improve existing equestrian spaces and connections between them, including to Greenwood Village, and develop new opportunities; utilize the equestrian community for assistance in developing equestrian related policies and regulations which implement the Villages' Master Plan.***

## Chapter 4

***“We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope.”***      *Wallace Stegner*

### **FUNDING SUBCOMMITTEE REPORT AND RECOMMENDATIONS**

#### **Funding: What Will The Vision Cost and How Will We Fund It?**

To implement the Vision, current funding sources have been analyzed and we conclude that new funding sources must be developed. It will be necessary to create a blend of public, private charitable and individual funding and support, crafted to meet both short-term and long-range goals.

#### **Summary of findings**

The single most critical step we can take to ensure the Vision for Cherry Hills becomes reality is to create a preservation and acquisition fund. Such a fund would enable the Village to act decisively when open space becomes available. Once the Village has funds available, many options for preserving open space become available.

While the Panel has considered and discussed many sources of funding that can support the short-range and longer-term goals that City Council may adopt, the Panel is struck by the urgency of the Village’s immediate situation of rapidly dwindling open space and recreational opportunities on land within the Village, with no significant and dependable source of public funds for preserving these opportunities. “The City may have as much as \$500,000 per year [from funds that in previous years were paid to South Suburban Parks and Recreation District] for capital improvement projects, tax reduction or open space acquisition. This will depend on factors such as assessed value, interest rates, and actual availability of the monies. Clearly this is just an estimate and does not represent a promise that in the funds will be available or actually used for open space acquisitions”.<sup>1</sup>

Our most significant and sizable investment in our future must be made now. Therefore, we recommend that the Village and citizens investigate additional

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<sup>1</sup> Cheryl Kuechenmeister, CHV City Manager, email 3-17-05, in response to a question from the BRP: “What public funds, if any, is CHV likely to have each year for the next 6-10 years to contribute to the preservation of open space?”

funding. Because any increase in mill levy will need voter approval, this process needs to happen immediately in preparation for the November 2005 election.

### **Acquisition and Funding Sources**

Funding and acquisition sources include: public measures (tax based funds, general obligation bonds and certificates of participation as well as grants from public agencies); privately based resources (donations, conservation easements and grants); and combinations of the two (joint ventures and partnership agreements premised on participation by both public entities and individual or charitable contributions/grants as well as publicly-approved, private agreements such as transfers of development rights).

### **Public Funding Sources and Acquisition Opportunities**

Tax-based public financing measures are derived from new taxes (which would require voter approval) or allocations from current tax funds. Many of these funding sources currently available to the Village are not likely, in and of themselves, to produce significant reserves for open space acquisition, and certainly would not yield immediate resources adequate to commit to purchase of properties or conservation easements, although they could be used as a resource in joint venture and partnership opportunities, discussed later in this report.

### **Current Revenue Sources in Cherry Hills Village**

Though not necessarily dedicated to public open space/preservation/recreation purposes at this time, current revenue sources in the Village, are:

1. **Mill Levy** - The current mill levy on Village property for open space and recreational purposes is 7.134. This is paid to South Suburban Recreation District ("South Suburban") through calendar year 2005. In 2004, based upon taxes paid in 2003, this produced about \$1.6 million in revenue to South Suburban.<sup>2</sup> At this time it is difficult to project what revenues will be available beginning January 1, 2006 as a result of Cherry Hills Village's exclusion from South Suburban Parks and Recreation District.

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<sup>2</sup> Effective January 1, 2005 CHV is excluded from the District. This means that "during 2005, [residents] will continue to pay the full mill levy to South Suburban. This is due to the fact that taxes are collected in arrears, meaning that the taxes [residents] pay in 2005 are actually 2004 taxes. [However,] in 2006, [residents] will pay a portion of the mill levy to South Suburban to cover the outstanding general obligation debt that was approved when the Village was still a part of the District. This portion of the mill levy will continue to be collected by the District until the outstanding debt is paid in full in 2019. The amount will be set annually based on the Village's proportionate share of the District's assessed value. Also in 2006, the portion of the mill levy not collected by the District will be collected by the Village for park and recreation purposes [or reduction in property taxes or purchase of open space]. This measure was voted on and approved by the residents of Cherry Hills Village in November of 2002." (See letter dated December 29, 2004 from Cheryl M. Kuechenmeister, Village Manager, to CHV residents, see Appendix) It is important to note, however, that beginning in 2006 the portion of the mill levy to be retained by CHV will be reduced by whatever amount is court ordered as payment for South Suburban physical assets within CHV, a part of the exclusionary process. CHV has appealed the current court-ordered payment of about \$9.66 million. (See Kuechenmeister letter.)

2. **Sales Tax** - The Village's current sales tax is 3.5%, payable on tangible personal property and services. The sales tax generated \$471,001 in revenues in 2004 and was distributed to the General Fund. Sales tax in the Village is a low revenue source due to the small number of retail/commercial establishments and low volume of sales within Village boundaries. This revenue source could be larger if there is increased commercial development (made possible, in part, by rezoning certain properties). Increased commercial development and anticipated higher volumes of sales taxes are long-term planning issues.

3. **Use Tax** - Cherry Hills Village's current use tax is 3.0%, collected on automobiles at the time of registration. The use tax generated \$863,820 in revenues in 2004. These revenues are distributed to the General Fund.

4 **Conservation Trust Fund** - The Colorado State Constitution, as amended in 1992, states that 40% of the net proceeds of the Colorado Lottery are allotted to the Conservation Trust Fund (CTF) for distribution to municipalities, counties and other eligible entities for parks, recreation and open space purposes. (Colo. Const., Art. XXVII, sec.3.) CTF is one of three funds established to accomplish these goals. The other two funds are the Great Outdoors Colorado Trust Fund (GOCO) grant program and funding for the State Parks program. The Department of Local Affairs distributes Conservation Trust Fund (CTF) monies from net Lottery proceeds to over 425 eligible local governments: counties, cities, towns, and eligible Title 32 special districts that provide park and recreation services in their service plans.

Funding can be used for the acquisition, development, and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site. CHV received approximately \$27,000 from this source in 2004. The funding from year to year has been relatively stable and is tied directly to the state lottery income. The CTF monies will be automatically distributed to CHV every year until 2009 (when this program is scheduled to "sunset" (terminate).

5. **Arapahoe County Open Space Program** - Beginning January 1, 2004, Arapahoe County was authorized by a vote of county residents to collect a 0.25% sales tax for preservation, enhancement and protection of open space within the county. This tax will continue through December 31, 2013.

**Share-back funds from Arapahoe County:** The county returns to CHV, on a per capita basis, funds received from collected sales and use taxes. CHV has

received about \$82,491.22 from this program to date. These funds are placed in CHV's Parks and Recreation Fund (30) to be used for specific purposes as outlined in Arapahoe County resolution no. 030381.<sup>3</sup>

Eligible projects must:

- a. Preserve urban and rural open space and natural areas
- b. Protect lands that preserve water quality in rivers, lakes and streams
- c. Provide, maintain and improve neighborhood parks, open space, sports fields, picnic facilities and biking, walking and multi-use trails
- d. Protect wildlife habitat and corridors
- e. Protect views, vistas and ridgelines
- f. Preserve agricultural and ranch lands
- g. Enhance and maintain designated heritage areas

**Grant Program in Arapahoe County:** The County also has a grant program that is funded from this sales tax. Eligible entities may apply for two grants each year up to \$250,000 each and must provide at least 25% matching funds. The grant projects must also meet the specific purposes outlined above.

**6. Land dedication** - This is a non-tax-based public measure to increase open space. Currently Cherry Hills Village requires that 7.5% of the gross area of any property within the Village that is subdivided be dedicated to open space, or that money be paid to the Village in lieu of the land dedication. This resource should be maximized to ensure that the Village is receiving an equitable amount of land as development occurs, to help maintain the open rural feeling of the Village, and that Cherry Hills Village receives a reasonable amount of money in lieu of any land dedications. The Village should work with the developer to insure that the land that is dedicated is both desirable and placed so that it enhances views and preserves the semi-rural feel of the Village.

Revenues from some of the above sources potentially could benefit parks, trails and open space opportunities within Cherry Hills Village either on an on-going "pay as you go" basis or on a limited, project-by-project basis. Some revenues certainly could be dedicated as matching or "partnership" dollars for specific projects funded through grants from private foundations or other public agencies. However, the foregoing sources of revenue are not sufficient to meet the Village's compelling and immediate need for funds to acquire open space. Current land prices within the Village approximate \$750,000 for one acre and slide to \$500,000 per acre for large parcels of property.

**Additional Revenue Sources Recommended by Panel** In order to have the capacity to acquire land as part of a village-wide plan for preservation and enhancement of open space and recreational opportunities, Cherry Hills Village needs to create (as soon as possible) a fund capable of responding to current real estate market conditions. .

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<sup>3</sup> Open Space & Trails Advisory Board, Resolution no. 030381, June 17, 2003, Arapahoe County Commissioners.

## **1. General Obligation Bonds.**

Upon issuance, bond funds would be immediately available to the Village for the purchase of real property meeting criteria for acquisition established by the City Council. The Panel believes this public source of funds is the Village's only option for meeting the urgent need to preserve and protect the remaining open space within Cherry Hills Village and is the quickest method for developing a responsive capacity of the Village to acquire land. To illustrate the impact of a bond measure, debt service on \$25 million bond for 15 years at 5.2% interest would be \$2.32 million annually. This would amount to a mill levy of 8.8 based on current assessed property values. (As noted above, the current mill levy paid to South Suburban is 7.134.)

The Panel recommends that the Village assess the feasibility of a bond measure to acquire land. Specifically the Village needs to understand the cost per person of various bond levels and the specific elements of a park, trail and open space program that have the greatest community support. In addition, it is in the best interest of the Village to survey residents prior to placing any measure on the ballot.

**The earliest opportunity to have this matter considered is November 2005. As such the Panel recommends that Cherry Hills Village take immediate steps to investigate this option.**

The Trust for Public Land ("TPL") has developed a phased approach to the assessment, development and implementation of a public finance measure. TPL's services are offered at reasonable costs when coupled with funds from other partner-donors. Please see Appendix H, page 179 for details of TPL's expertise and phased approach to assessing and supporting a public finance measure. The Panel recommends that TPL be utilized in this process.

## **2. Certificates of Participation.**

Along with public financing of Cherry Hills Village's open space-viewshed-recreation acquisition objectives by means of issuance of a bond and increase in mill levy to service the debt, Certificates of Participation are a municipal financing tool used to raise money for such things as capital building and acquisition of land. However, when Certificates of Participation are used, the municipality does not incur a debt obligation, as is the case with the issuance of bonds. Certificates of Participation are secured only by the municipality's yearly appropriations, not by long-term debt of the municipality. For instance, property tax revenues received as a result of the Village's exclusion from South Suburban

Parks and Recreation District could provide a revenue stream to fund the certificates. These instruments are sold to investors at a specified rate of return.

### **3. Public and Private Charitable Funding Sources**

In the long-term, Cherry Hills Village must seek and blend a variety of public and private funding sources in order to achieve the Panel's recommended courses of action. Many grant programs require matching dollars, so partnering with various organizations will be critical for continued success.

#### **Private and public grant sources.**

Grant monies and donations from both public and private charitable organizations and foundations are especially accessible for project-specific requests in which a funder is one of several partners, and the recipient can demonstrate meaningful local commitment of funds. In this light, some the Village's revenues may be needed to leverage private and public grants. Examples of private and public grant sources are listed in the Appendix.

#### **Great Outdoors Colorado Trust Fund (GOCO)**

Established in 1992, Great Outdoors Colorado Trust Fund (GOCO) receives its funding solely through Lottery revenues. GOCO uses proceeds to fund open space, local parks and recreation, state parks, wildlife protection, and environmental projects. More than \$338.8 million has been distributed to GOCO through the end of 2003 through the following grant categories: *Legacy Initiative projects*: Legacy projects are of regional or statewide significance. They are large-scale, multi-year projects. *Local Government grants*: Competitive grants are awarded to counties, municipalities and special districts to acquire, establish, expand, and enhance park, outdoor recreation and environmental education facilities. *Open Space grants*: Competitive grants are awarded to non-profit land conservation organizations, local governments, Colorado State Parks and the Colorado Division of Wildlife for projects that protect land and natural areas. *Wildlife grants*: GOCO funds efforts to preserve and protect Colorado's wildlife through the Colorado Division of Wildlife. *Trails grants*: Projects that build, enhance, maintain or expand trails around the state receive GOCO funding through the Colorado State Trails Program. *Planning & Capacity Building grants*: These competitive grants help develop plans to preserve or enhance open space, parks and outdoor recreation or to help build the capacity of organizations to do so. The Village has not yet applied for a GOCO grant.

#### **Land preservation organizations, public land trusts.**

Charitable organizations recognized by the IRS as tax exempt under section 501(c)(3), that are committed to conservation, preservation and enhancement of open space can provide valuable assistance to Cherry Hills Village. Grant monies

and donations from these organizations can help fund the Village's planning phases as well as analysis and support of public finance measures. Funds from these sources also could be utilized for acquisition of open space, view corridors and recreational opportunities and for monitoring easements in gifting conditions on land donated to the Village. The Village must actively seek the assistance of and partnership with these organizations in order to achieve its goals. Many of these organizations also provide information and counseling resources to land owners considering conservation easements and land donations as part of their estate and tax planning. (See Appendix for listing of some of these organizations, and for additional details of assistance available through Colorado Trust for Public Lands on public finance measures.)

#### **4. Individual, Family Based and other Not-for Profit Funding and Planning Tools**

Many individuals, trusts, family foundations and not-for-profit organizations are committed to preserving and enhancing open space and conservation values related to privately owned land. This commitment can be encouraged and rewarded by taking advantage of certain tax and estate planning benefits, and emphasizing benefits which a not-for-profit organization can receive by transferring a conservation easement to the Village or a land preservation organization. Methods for achieving the landowner's specific needs are numerous and include transfers of all rights to a property by donation, and transfers of conservation easements by gift, by sale or by a combination of the two (for example through a charitable remainder trust).<sup>4</sup> Acquisition of land by donation and/or conservation easement will form the bedrock for important site-specific projects within Cherry Hills Village.

##### Land donations.

Landowners may want to preserve or protect a significant aspect of their property. Land donations can be outright, immediate gifts with or without reservation of a life estate for the donor. Land also can be donated by testamentary gifting or through a trust. Donations must meet the Village's approved objectives prior to acceptance by the Village.

##### Transfer of Development Rights (TDR)

The use of Transfer of Development Rights (TDR) is typically applied in urban settings and involves valuation of land based on density entitlement, also known as floor area ratio (FAR). Reallocation of existing density based on zoning entitlements can serve the interests of the community as a whole. TDR could be used in Cherry Hills Village to balance the needs of various property owners with the public interest. For example, Parcel A (a 10-acre site located along a major

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<sup>4</sup> "Alternatives to Donating a Conservation Easement," Joan B. DI Cola, Estate Planning, 31 Est. Plan. 489, October 2004.

view corridor and public open space) is zoned for 5 homes, a 2:1 acre to density/home ratio. The owner of Parcel B (a 2-acre home site) would like to build two homes on the site. Citizens of the Village have expressed strong interest in maintaining the 10-acre site as open space. Through the use of TDR, and with owner agreement and Village approval, the owner of Parcel B could purchase some of the development rights (density entitlement) of one of the home sites on Parcel A, thereby increasing the density on Parcel B to 2 home sites of 1-acre each. Although the density increases on Parcel B, it is reduced on Parcel A and the net average of homes allowed in the Village is unchanged while open space and view corridors are enhanced and benefit the entire community.

#### Conservation easements

It is hoped that this measure will provide some of the most significant private support of Cherry Hills Village's long-range plans for increased open space and viewsheds. "Conservation easements are voluntary restrictions on the use of land negotiated by the landowner and the organization chosen by the landowner to 'hold' (enforce) the easement. The purpose of a conservation easement is to protect some aspect of the land that has a conservation value."<sup>5</sup>

In addition to protecting property in a natural state, conservation easements can be attractive to property owners because they can provide potential tax benefits. In order to qualify for a federal income tax deduction, an easement must be donated in perpetuity. It must also be given to a qualified organization such as a land trust or historic society or a public agency (i.e., a charitable organization exempt under section 501(c)(3) of the federal Internal Revenue Code or a governmental entity). And the easement must be given exclusively for conservation purposes. Further, in Colorado, the property owner can also receive a credit against his or her state income tax.

The Internal Revenue Code allows tax deductions in five resource categories. These are:

- 1) public recreation and/or education;
- 2) significant natural habitat;
- 3) scenic enjoyment;
- 4) historic preservation; and
- 5) pursuant to Federal, State, or local government conservation policy.

Not surprisingly, some of the above categories coincide with those this Panel has identified as "Features of Value" characteristics which make a property one that is worth protecting. The categories listed above which our Scenic Treasures are most likely to fall under, or those features which our Scenic Treasures are most

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<sup>5</sup> "New Estate Tax Relief for Land Under Conservation Easement," C. Timothy Lindstrom and Stephen J. Small, Tax Notes, March 2, 1998.

likely to demonstrate are those having significant natural habitat and offering scenic enjoyment. (The latter category would especially apply to properties adjacent to trails because they are enjoyed by trail users.)

Within the last few years, conservation easements have come under closer scrutiny by the IRS to make certain they do indeed demonstrate conservation values; as one conservation easement appraiser noted, “The line between protecting someone’s backyard and protecting something with real conservation value can be a thin one.”

A local government with a stated conservation of open spaces policy which is consistent with federal and state standards and which identifies particular properties as being those which a governmental entity would like to preserve, can almost certainly help a property (which meets one or more of the other criteria) qualify for a conservation easement.

The properties recommended in this report as Scenic Treasures can serve both as the basis for updating the parks and trails portion of the Village’s Master Plan and as the basis for a Village policy which will help lend support to potential conservation easements

Conservation easements are transfers of a landowner’s rights in perpetuity. Colorado recognizes conservation easements for the purposes of “retaining or maintaining . . . land, water, airspace, or water rights, including improvements, predominantly in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest, or other use or condition consistent with the protection of open land, environmental quality or life-sustaining ecological diversity, or appropriate to the conservation and preservation of buildings, sites, or structures having historical, architectural, or cultural interest or value.”<sup>6</sup>

In order to receive income or estate tax benefits, the donor must convey the conservation easement to a qualified recipient (either a governmental entity or a charitable organization exempt under section 501(c)(3) of the federal Internal Revenue Code).<sup>7</sup> The credit available against state income tax is “one hundred percent of the first one hundred thousand dollars of the fair market value of the donated portion of such conservation easement in gross when created, and forty percent of all amounts of the donation in excess of one hundred thousand dollars . . .” up to a maximum credit of \$260,000 per donation. Credit not needed to offset current income taxes can be carried over for up to 20 succeeding income tax years and the donor can sell unused tax credit to other taxpayers.<sup>8</sup>

The easements are monitored and managed by either the governmental agency as

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<sup>6</sup> Colorado Revised Statutes, 38-30.5-102.

<sup>7</sup> Colorado Revised Statutes, 39-22-522 and 38-30.5-104(2).

<sup>8</sup> Colorado Revised Statutes, 39-22-522.

recipient of the easement, or by a charitable land preservation organization. Conditions of the easement or gift that are important for the Village to scrutinize include retained rights of the landowner (the "residual estate") including ingress/egress rights and physical areas or space excluded from the easement. Generally, it is not necessary to the validity of the easement that the public have physical access to the property covered by the easement.

#### Trail Easements

Cherry Hills Village currently has a policy concerning development of recreational easements within the Village. (See Sec. 17-5-60. Recreation easements.) This policy does not address funding issues or requirements of developers.

#### Use Agreements, Leases and Long Term Payouts

The Village can contract for the right to use privately held property for specific purposes and lengths of time, with or without an option to buy provision. The Village also can contract to purchase a property with payments spread over several years.

#### Land preservation organizations

Many of these 501(c)(3) organizations provide information and counseling resources to land owners considering conservation easements and land donations as part of their estate and tax planning.

***To the extent that each person can feel like a naturalist, the old excitement of the untrammelled world will be regained. I offer this as a formula of re-enchantment to invigorate poetry and myth: mysterious and little known organisms live within walking distance of where you sit. Splendor awaits in minute proportions.***

Edward O. Wilson

## Chapter 5 Appendices

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**I. The minutes of BRP Committee Meetings are on file with the City Manager**

2

10/10/10

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also notes that records should be kept for a sufficient period of time to allow for a thorough audit.

In addition, the document highlights the need for transparency and accountability in all financial dealings. It states that all transactions should be clearly documented and that any discrepancies should be promptly investigated and resolved. The document concludes by reiterating the importance of these principles for the long-term success and stability of the organization.

# DENVER WATER

1600 West 12th Avenue • Denver, Colorado 80204-3412  
Phone 303-628-6000 • Fax No. 303-628-6199 • denverwater.org

March 17, 2011

Steven P. Kocher  
1391 Speer Blvd Suite 390  
Denver, CO 80204

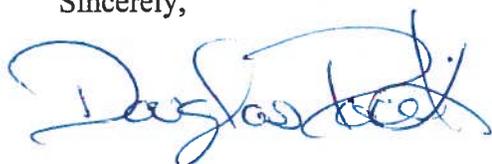
RE: 5100 E. Quincy Avenue

Dear: Mr. Kocher

The above referenced site is located within Denver Waters Combined Service Area and is therefore eligible to receive water service subject to compliance with the Operating Rules, Engineering Standards, policies and charges of Denver Water and the City of Cherry Hills Village. Actual water service may require additions or modifications to the existing water system. These changes are the responsibility of those developing the referenced site. Please check the fire requirements for the proposed development with the Fire Prevention Bureau and the availability of the fire flow from existing mains with Denver Water's Hydraulics Department prior to proceeding with the project.

If there are questions on the information being provided or more specific details of the requirements please contract a Plan Review Coordinator at 303-628-6100.

Sincerely,



Douglas Pacetti  
Distributor Services Supervisor

CITY OF CHERRY HILLS VILLAGE  
SANITATION DISTRICT  
3333 So. Bannock Street, Suite 250  
Englewood, CO 80110

Phone: 303-762-8222  
Fax: 303-762-8381

March 11, 2011

To Whom it May Concern:

Re: Calkins Trust Property  
5100 E Quincy Ave

Based upon the information submitted by the developer, the City of Cherry Hills Village Sanitation District ("CHVSD") will be able to serve the proposed Calkins Trust Property. This commitment to serve is conditioned upon compliance with CHVSD's Design Standards; the recommendations of CHVSD's engineers; CHVSD's approval of the sewer connection construction; and other conditions of CHVSD's user and disposal agreements. The District will need to review the design submittal once the developer moves ahead with the development plans for the site.

If you need any further information, please do not hesitate to contact us.

Sincerely,

CITY OF CHERRY HILLS VILLAGE  
SANITATION DISTRICT



Kathy L. McKune  
Administrator

/klm

D:\CHVSD\Quincy - 5100\Will Serve.ltr.wpd



2070 South Valentia Street  
Denver, Colorado 80231

**March 11, 2011**

STEVE KOCHER  
HARRIS, KOCHER, & SMITH  
1391 SPEER BLVD STE 390  
DENVER CO 80204

Re: Will serve letter for **5100 E Quincy Ave**

Dear **Mr. Kocher** ,

In accordance with our tariffs filed with and approved by the Colorado Public Utilities Commission, Gas and Electric facilities can be made available to serve your project at the **5100 E Quincy Ave** .

Service will be provided after engineering is completed, payment is received, any easements are signed and construction can be completed. We will have better information available after design has been completed as to a scheduled in-service date.

If I can be of further assistance, please contact me at (303) 671-3923 .

Sincerely,

A handwritten signature in blue ink that reads 'Jim Farley'.

**Jim Farley**  
**Xcel Energy**



March 21, 2011

Qwest Corporation  
9750 East Costilla Street  
Englewood Co. 80112

Harris Kocher Smith  
1391 Speer Blvd  
Suite 390  
Denver Colorado 80204

ATTENTION: CALKINS TRUST

RE: Property at 5100 E Quincy Ave

Thank you very much for your request for telecommunications services from Qwest Corporation. Qwest will provide service to your planned development on 5100 E Quincy Ave. This property is in Arapahoe Colorado and located in the section northeast  $\frac{1}{4}$  section 7, township 5S, and ranges 67 west of the 6<sup>th</sup> principal meridian, County of Arapahoe and State of Colorado.

As you may know, many of the telecommunications services provided by QWEST Corporation are regulated and the service you requested will be provided under tariffs on file at the Colorado Public Utilities Commission. QWEST Corporation appreciates your business and looks forward to working with you to meet your needs.

If there are any further questions, please do not hesitate to call 303-792-6061.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Buchanan". The signature is fluid and cursive, with a long horizontal line extending from the end.

Chuck Buchanan  
Qwest Field Engineer  
303-792-6061



3-28-2011

Steve Kocher  
Harris Kocher Smith  
1391 Speer Blvd. Suite 390  
Denver, CO 80204

Re: Calkins Trust Property

Please accept this letter as confirmation that Comcast has the ability to provide cable service to the above captioned location. The provision of service is contingent on Comcast payback guidelines.

A handwritten signature in black ink, appearing to read "Scott Moore". The signature is fluid and cursive.

Scott Moore  
Construction Supervisor  
Comcast  
303-603-2932