

**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

City Council Agenda
Tuesday, January 6, 2015
AMENDED

6:30 p.m.

Final Meeting of the Outgoing City Council

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Audience Participation Period (limit 5 minutes per speaker)
5. Approval of Minutes – December 9, 2014
6. Reports of Outgoing Members
7. Presentation by City Manager
8. Adjournment

Organizational Meeting of the New City Council

9. Oaths of Office – Administered by City Clerk Laura Smith
 - a. Mayor
 - b. Councilors Districts 2, 4 and 6
10. Call to Order
11. Roll Call of Members
12. Appointment of Mayor Pro Tem
13. Audience Participation Period (limit 5 minutes per speaker)
14. Consent Agenda
 - a. Appointment of City Clerk, City Treasurer and City Attorney
 - b. Appointment of Municipal Court Judge
 - c. Resolution 1, Series 2015; Designating a Public Place for Posting Notices of Regular and Special Meetings
 - d. Resolution 2, Series 2015; Re-establishing the Roles of Members of the Utility Line Undergrounding Study Committee
15. Items Removed From Consent Agenda

(Agenda continues on back of page)

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.

CHERRY HILLS VILLAGE
COLORADO

16. Unfinished Business
 - a. Public Hearings - Utility Line Undergrounding
 - (i) Council Bill 12, Series 2014; Addition of Municipal Code Section 16-16-200 Establishing Utility Line Undergrounding Requirements for New Development and Major Additions (*second and final reading*)
 - (ii) Council Bill 13, Series 2014; Amendment of Municipal Code Section 17-5-50 Concerning Design Principles for Utilities (*second and final reading*)
 - b. Council Bill 15, Series 2014; Amending Section 2-3-40(b) of the Municipal Code Concerning Delegations of Duties and Powers of the Mayor to the City Manager (*second and final reading*)

17. New Business
 - a. Public Hearing - Request by the Arapahoe Tennis Club for an Expanded Use Permit to Install a Paddle Court with Lights and Paddle Hut
 - b. Board and Commission Vacancies
 - c. City Council Study Sessions, Working Sessions and Retreats
 - Possible Topics:
 - Pledge of Allegiance **Involving Community**
 - December Council Meeting
 - City Attorney Training Sessions
 - City Council Rules of Procedure
 - City Council Liaison Concept and Assignments
 - Community Outreach and The Village Crier
 - Board and Commission Terms
 - City Council Policy Log

18. Reports
 - a. Mayor
 - b. Members of City Council
 - c. Members of City Boards and Commissions
 - d. City Manager and Staff
 - e. City Attorney

19. Adjournment

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, December 9, 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, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, Deputy City Attorney Marcus McAskin, 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, Accounting Clerk Jessica Sager and City Clerk Laura Smith.

Absent: Councilor Mark Griffin

PLEDGE OF ALLEGIANCE

Alan and Carly Eisman from Cherry Hills Village Elementary School led the Council in the pledge of allegiance.

MEMBERS OF CITY BOARDS AND COMMISSIONS

There were no reports.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Mayor Tisdale noted that amendments to the minutes were presented on the dais for Council's consideration.

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

- a. Approval of Minutes – November 18, 2014

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

2015 Proposed Budget

Director Proctor presented the 2015 proposed budget on second and final reading. She indicated that the 2015 General Fund budget is balanced with revenues equal to expenditures in the amount of \$6.7 million and an ending fund balance of approximately \$4 million. Capital Fund expenditures exceed revenues by \$2.9 million but the Capital Fund ending balance is \$4.7 million. She explained that staff had received the final assessed valuation from Arapahoe County which indicated an increase in valuation of approximately \$2 million from the preliminary assessment received in August. This resulted in an increase to property tax revenue in the General Fund of approximately \$14,600, Capital Fund revenue increase of approximately \$2,000 and Fund 30 revenue increase of approximately \$6,000. Staff was also informed that health insurance premiums would increase 4% instead of 0% as had been originally communicated to staff. Staff had also increased the revenue for Water and Sewer Repair and Maintenance by approximately \$24,000 based on the new fees approved by City Council for 2015.

Councilor VanderWerf observed that the increase in staff over the last years could be seen in the budget document and she believed this reflected the additional work that Council had asked staff to take on in recent years. She cautioned Council to be sensitive to the additional work that they required of staff as they moved forward, and commended staff on their handling of the extra load.

Mayor Tisdale complemented Director Proctor on the budget document and noted that it would be submitted for certification.

Director Proctor confirmed that the budget document would be submitted to the Colorado Government Finance Officers Association for their budget award within 90 days.

Mayor Pro Tem Stewart indicated that he had discussed funding with the City Manager for the Utility Line Undergrounding Study Committee to do public outreach in 2015, perhaps in coordination with the John Meade Park Master Plan process.

City Manager Patterson indicated that a City-wide mailer cost about \$800 and staff believed that was covered in the current proposed budget. He noted that further expenditures could be made with funds already in the budget or through a supplemental appropriation.

Councilor A. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 9, Series 2014; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes

for the City of Cherry Hills Village, Colorado for Fiscal Year 2015 on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 9-2014: 5 ayes. 0 nays. The motion carried.

Councilor A. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 10, Series 2014; A Bill for an Ordinance of The City Council of the City of Cherry Hills Village, Colorado Authorizing Appropriations for Fiscal Year 2015 on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 10-2014: 5 ayes. 0 nays. The motion carried.

Council Bill 11, Series 2014; Repealing and Reenacting Article 1 of Chapter 13 Concerning Municipal Utilities (first reading)

Deputy City Manager/Director Goldie presented Council Bill 11, Series 2014 on second and final reading. He noted no changes had been made since first reading on November 18th.

Mayor Tisdale noted that the proposed ordinance had been thoroughly discussed during first reading.

Councilor VanderWerf moved, seconded by Councilor K. Brown to approve on second reading Council Bill 11, Series 2014; Repealing and Reenacting Article 1 of Chapter 13 of the City of Cherry Hills Village Code.

The following votes were recorded:

Scott Roswell	yes
Klasina VanderWerf	yes

Draft

Draft

Draft

Alex Brown	yes
Katy Brown	yes
Russell Stewart	yes

Vote on the Council Bill 11-2014: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

Council Bill 15-2014; A Bill for an Ordinance Amending Section 2-3-40(b) of the Municipal Code Concerning Delegation of Duties and Powers of the Mayor to the City Manager (first reading)

Assistant City Attorney McAskin presented Council Bill 15, Series 2015 on first reading. He explained that the proposed bill would clarify the Council’s delegation of certain administrative duties of the Mayor to the City Manager as authorized in Section 5.7 of the Charter.

Mayor Pro Tem Stewart indicated that the intent of the proposed bill was to clarify the reference from the Code to the Charter. He explained that Council would still retain authority and that the council bill clarifies the Council’s ability to assign tasks to the City Manager and Mayor.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell to approve Council Bill 15, Series 2014, a Bill for an Ordinance of the City of Cherry Hills Village Amending Section 2-3-40(b) of Chapter 2 of the Municipal Code Concerning the Delegation of Duties and Powers of the Mayor to the City Manager, on first reading as indicated in the memo dated December 9, 2014.

The following votes were recorded:

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

Vote on the Council Bill 15-2014: 5 ayes. 0 nays. The motion carried.

Denver Request for Support of National Western Center Regional Tourism Act Funding Request

Councilor A. Brown indicated that he had a contractual relationship with the City of Denver Department of Finance and excused himself from the discussion and vote. He removed himself from Council Chambers.

City Manager Patterson explained that the City received a request from the City of Denver for support of their Regional Tourism Act application for the National Western Center Project. He indicated that if City Council chose to support the application the City's name would be added to the Joint Proclamation.

Mayor Tisdale added that three municipalities had applied for the grant and two of the three requests would be funded. The other municipalities were Durango and Loveland.

Councilor K. Brown asked if other municipalities had agreed to support Denver's application and if so which ones.

Mayor Tisdale replied that he knew other municipalities had agreed but did not know which ones. He knew that Denver had not yet received a response from Aurora. He noted that adding the City's name to the proclamation would be an act of regional support.

Councilor Roswell moved, seconded by Councilor VanderWerf to authorize the City Manager to communicate the City's joinder in the proclamation.

The motion passed 4 to 0.

Councilor A. Brown returned to the Council Chambers.

REPORTS

Members of City Council

Councilor K. Brown had no report.

Mayor Pro Tem Stewart indicated he would wait for the City Attorney's report.

Councilor A. Brown reported that he had attended the first meeting of the Denver Water Rate Advisory Committee which was well attended and organized. He noted that Tim Flynn was a member and he and Mr. Flynn would meet with Deputy City Manager/Director Goldie to discuss water rate issues. He indicated the committee was off to a good start and he was pleased to have been asked to participate.

Councilor VanderWerf reported that the High Line Canal Working Group had met at the end of October and Deputy City Manager/Director Goldie had reported to the group on the City's irrigation project. She noted that Deputy City Manager/Director Goldie had informed them that the City was not able to irrigate when water is flowing in the canal. She also reported that there were two local artists scheduled to display their work in the Community Room of the Joint Public Safety Facility at the beginning of 2015, Desmond O'Hagan and Charlene Goldman. She noted that Emmett Culligan's *Crew* series pieces would be installed at the Holly/Belleview entry feature tomorrow.

Councilor Roswell had no report.

Mayor's Report

Mayor Tisdale noted that this was the final meeting for this Council besides the “stump” meeting on January 6th to approve the minutes prior to the new Council assuming duties. He indicated that this was a bittersweet moment and it had been an extreme privilege to serve as Mayor of Cherry Hills Village with this Council. He expressed his extreme, genuine and sincere appreciation and thanks to the Councilors and to all of the staff who have been incredibly supportive, amazingly hardworking and exceptionally dedicated. He stated that it is the staff more than any one or group of Council who makes the City a fantastic and incredible place and for that Council is tremendously appreciative. He indicated he would miss being a part of Council and thanked everyone for the privilege of serving.

City Manager & Staff

City Manager Patterson reported that department monthly reports and unaudited financial statements were included in Council packets; Commander Pat Weathers was back to work part time; the Public Art Commission snow plow painting project was complete; Emmett Culligan's three *Crew* series pieces would be installed at the Holly/Belleview entry feature tomorrow; Deputy City Manager/Director Goldie, Special Projects Coordinator Kropf and Streets Crew Chief Greg Wilkins would attend APWA accreditation training; the Parks, Trails and Recreation Commission would begin public meetings regarding the John Meade Park Master Plan process on January 8th at 6:30 p.m.; the Parks staff had recently rebuilt the pedestrian foot bridge at Tufts and Franklin, one of several over the past year; the Public Works Department recently completed a drainage project at Cherrymoor and Quincy; the Police Department was investigating a recent increase in thefts from cars; the PGA had recognized the BMW Golf Tournament as the best tournament of 2014 and had reported that it had collected the most money for the Evans Scholarship Foundation at that tournament; the City's annual Holiday Tree Lighting event would be held December 12th from 6-8 p.m. at the Village Center; official results from the November 4th election were included in Council packets; Director Proctor projected 2014 revenues exceeding expenditures by approximately \$972,000 and he credited staff with managing individual departmental budgets as well as an increase in Building Department revenues; the staff holiday party would be held December 17th at noon in Council Chambers and all of Council was invited to attend; Cherry Hills Living Magazine had a nice article about School Resource Officer Heidi Bradley.

City Attorney

Quincy Farm Foundation

Assistant City Attorney McAskin presented an initial draft of Articles of Incorporation for the Quincy Farm Foundation, a 501c(3). He noted that City Attorney Michow, Mayor

Tisdale and Mayor Pro Tem Stewart had all be involved in the drafting of the document. He reminded Council that one of the challenges and recommendations from the Quincy Farm Visioning Committee (QFVC) had been the governance of the property as a separate entity with little Council oversight. He explained that the draft document stated that the Foundation's Board of Directors would be appointed by and serve at the pleasure of Council and would consist of 3 to 11 members. He indicated that the intent of this draft was to promote discussion among Council as to the best way to move forward. He noted that this model was used effectively in other municipalities such as Wheat Ridge, Parker and Castle Pines. He added that the Foundation would likely engage a professional accountant to assist with obtaining tax exempt status.

Mayor Pro Tem Stewart indicated that he had discussed the Foundation with PTRC Chair Bill Lucas and QFVC Chair Charlie Maguire and believed it was a critical step in the process ~~toward being able~~ to fund ~~the a portion of the~~ maintenance and operation of Quincy Farm ~~through with~~ grants and donations. He suggested that the Foundation begin with three members whose primary tasks would be to adopt bylaws and obtain tax exempt status. He noted that when more action needed to be taken Council could appoint more members.

Councilor VanderWerf asked if there was any conflict regarding Council appointing the Foundation members.

Mayor Pro Tem Stewart replied there was not, and suggested staggered terms of many years.

Councilor VanderWerf asked why a 501c(3) would be more effective than a commission or committee.

Mayor Pro Tem Stewart indicated that a commission or committee was another possibility but that the advantage of a 501c(3) was the ability to raise funds. He noted that the purpose of the 501c(3) could be expanded beyond Quincy Farm to raise funds for other projects as well.

Councilor VanderWerf asked if the Foundation members would be responsible for grant writing.

Mayor Pro Tem Stewart replied that although fundraising and grant writing would be a priority for the Board, initially the Foundation would not have ~~any~~ staff and would likely ~~form discuss~~ a Memorandum of Understanding (MOU) with the City for use of City staff time.

Councilor VanderWerf noted that in her personal experience organizations such as this quickly realized the need for staffing. She asked why a 501c(3) should be formed for Quincy Farm but not for the Public Art Commission (PAC).

Mayor Pro Tem Stewart indicated that the Foundation could be expanded so that funds could go towards other projects such as public art. He noted that Wheat Ridge's 501c(3) raised funds for various purposes. He stated that the City needed to have more control over PAC than over the next iteration of QFVC. He indicated that QFVC needed more independence.

Councilor A. Brown asked if the Foundation would be subject to open meetings, open records and audit regulations.

Assistant City Attorney McAskin replied that he would research that issue.

Councilor A. Brown noted that the draft document was written fairly broadly and vaguely.

Mayor Pro Tem Stewart replied that ~~the~~ an initial task of the Board members' ~~first jobs~~ would be ~~would be to~~ write the bylaws and ~~the~~ negotiate an MOU with the City.

Councilor A. Brown asked if the real estate would be transferred to the Foundation.

Mayor Pro Tem Stewart replied that the real estate would remain with the City. He added that the Foundation would expect to receive funds from the City.

Councilor A. Brown asked if the Foundation would eventually acquire other properties.

Mayor Pro Tem Stewart indicated that could be part of the continued discussion.

Councilor K. Brown noted that the Council had a policy of no donations and asked how that would relate to funding the Foundation.

Mayor Pro Tem Stewart indicated that this would be an exception to the policy. He noted that \$5,000 was included in the 2015 budget for legal and CPA fees.

Mayor Tisdale indicated that he was intrigued with the notion of the Foundation only applying to Quincy Farm and noted that Councilor VanderWerf's question had been a legitimate one as to how QFVC was different than PAC.

Councilor Roswell stated that the enormity of the Quincy Farm project separated it from PAC's work. He indicated that he supported the Foundation and considered it a great way to start.

Mayor Pro Tem Stewart indicated that PAC could form a ~~similar~~ 501c(3) which might have similar advantages on a smaller scale.

Councilor K. Brown suggested that the Foundation's name be changed if its purpose would be broadened in the future.

Mayor Pro Tem Stewart replied that a name change was a simple process and that the name would be important for grant applications and fund raising.

Councilor VanderWerf asked if QFVC’s recommendation to continue the planning process begun by QFVC would be done parallel to the Foundation’s work.

Mayor Pro Tem Stewart indicated it would, as well as addressing QFVC’s recommendation for a new zone district. He noted that he had some ideas for Foundation members and suggested that one member have a connection back to the donor.

Councilor K. Brown asked if the bylaws would have more details regarding the Foundation’s members.

Mayor Pro Tem Stewart replied that they would.

Mayor Tisdale indicated that the new Council would continue discussion on this topic.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Douglas M. Tisdale, Mayor

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: 14a

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN H. PATTERSON, CITY MANAGER

SUBJECT: APPOINTMENT OF CITY CLERK, CITY TREASURER AND CITY ATTORNEY

DATE: JANUARY 6, 2015

DISCUSSION:

Section 6.1 of the City Charter requires that the City Council appoint the City Clerk, City Treasurer and City Attorney at the organizational meeting after each regular City election. The following persons are recommended for appointment:

City Attorney:	Linda Michow
City Clerk:	Laura Smith
City Treasurer:	Karen Proctor

RECOMMENDED MOTION:

"I move to approve the appointment of Linda Michow to the position of City Attorney, Laura Smith to the position of City Clerk and Karen Proctor to the position of City Treasurer as required by Section 6.1 of the City Charter."

**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: 14b

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN H. PATTERSON, CITY MANAGER

SUBJECT: APPOINTMENT OF JUDGE JAMES E. TURRE TO THE POSITION OF PRIMARY MUNICIPAL COURT JUDGE AND JUDGE PENELOPE D. COFFMAN TO THE POSITION OF ALTERNATE MUNICIPAL COURT JUDGE

DATE: JANUARY 6, 2015

DISCUSSION:

Section 7.1 of the Cherry Hills Village City Charter states, "The Municipal Court shall be presided over and its functions exercised by one or more Municipal Judges, appointed by the Council for a term to be at the pleasure of the Council".

RECOMMENDED MOTION:

"I move to approve the appointment of Judge James E. Turre to the position of primary Municipal Court Judge and Judge Penelope D. Coffman to the position of alternate Municipal Court Judge."

**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: 14c

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: LAURA SMITH, CITY CLERK

SUBJECT: RESOLUTION 1, SERIES 2015: A RESOLUTION DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF REGULAR AND SPECIAL MEETINGS

DATE: JANUARY 6, 2015

DISCUSSION:

Staff is presenting Resolution 1, Series 2015 for Council consideration. The proposed resolution designates the public place for posting notices of meetings as required by state statute. The resolution states that the notice for any City Council meeting or meeting of the City's advisory boards and commissions will be posted at the Village Center at least 24 hours before the commencement of the posted meeting.

RECOMMENDED MOTION:

"I move to approve Resolution 1, Series 2015; a resolution of the City Council designating the public place for posting notices of regular and special meetings."

ATTACHMENTS:

Exhibit A – Resolution 1, Series 2015

RESOLUTION NO. 1
SERIES 2015

INTRODUCED BY:
SECONDED BY:

**A
RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
DESIGNATING THE PUBLIC PLACE FOR
POSTING NOTICES OF REGULAR AND SPECIAL MEETINGS**

WHEREAS, C.R.S. §24-6-402(2)(c) requires the annual designation of the local government's official public posting location for notices of regular and special public meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. The following location within the boundaries of the City of Cherry Hills Village is hereby designated as the place at which notices of regular and special meetings of the City Council and meetings of the City's advisory boards and commissions of the City shall be posted for purposes of the Colorado Open Meetings Law, C.R.S. §24-6-402(2)(c):

City of Cherry Hills Village Center
2450 East Quincy Avenue
Cherry Hills Village, Colorado 80113

Section 2. The meeting notice and possible specific agenda information will be posted at the location identified in Section 1 above not less than 24 hours before the commencement of the posted meeting.

Section 3. This Resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of City Council this ___th day
of _____, 20___, by a vote of 6 Yes and 0 No.

(SEAL)

Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM

Laura Smith, City Clerk

Linda C. Michow, City Attorney

**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: 14d

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: EMILY KROPF, SPECIAL PROJECTS COORDINATOR

SUBJECT: RESOLUTION 2, SERIES 2015; RE-ESTABLISHING THE ROLES OF MEMBERS OF THE UTILITY LINE UNDERGROUNDING STUDY COMMITTEE

DATE: JANUARY 6, 2015

In January 2014, the City Council established the Utility Line Undergrounding Study Committee to explore the long-standing goal of undergrounding all overhead utility lines in the Village. The City Council charged the Committee with considering several matters, including: the estimated cost of undergrounding, policy recommendations for cost-sharing, a priority ranking for the sequence of undergrounding, suggested changes to the Municipal Code or Village policies, a plan to finance the project and all others matters the Committee deems relevant.

Resolution 2, Series 2014 states that the Committee shall consist of up to six residents and two members of the City Council appointed to consider competence in finance, law, engineering and other areas of related expertise. Resolution 3, Series 2014 approved the appointment of a seventh resident member and the selection of members based on a review of applications by the Council advisors. Resolution 2, Series 2015 has been drafted to continue the work of the Committee and assign member roles based on recent election results (Exhibit A). As Committee Member Earl Hoellen has been elected to the City Council, he will no longer be able to serve as a resident member but instead will serve as a Council advisor. Council advisor Russell Stewart will assume the role of a resident member along with the addition of resident Jim Tarpey.

ATTACHMENTS:

Exhibit A: Resolution 2, Series 2015

**RESOLUTION NO. 2
SERIES OF 2015**

**INTRODUCED BY:
SECONDED BY:**

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
CONCERNING THE RE-APPOINTMENT OF MEMBERS
TO THE UTILITY LINE UNDERGROUNDING STUDY COMMITTEE**

WHEREAS, through Resolution 2, Series 2014, the City Council established the Utility Line Undergrounding Study Committee (“the Committee”) to review the undergrounding of overhead utility lines in the Village; and

WHEREAS, Resolution 2, Series 2014 states: “The Committee shall consist of up to six (6) residents. In appointing members the two members of Council appointed to the Committee will consider competence in finance, law, engineering and other areas of related expertise. In addition to the up to six (6) members appointed by the Council, there shall be two (2) members of the City Council assigned as non-voting advisors to the Committee”; and

WHEREAS, Resolution 3, Series 2014 amended Resolution 2, Series 2014 to allow for the appointment of seven (7) members to the Committee and approved the selection of the initial members based on a review of applications by the Council advisors; and

WHEREAS, Councilor Alex Brown and Councilor Earl Hoellen have been appointed to serve as the two (2) Council advisors to the Committee for the completion of the study; and

WHEREAS, Councilor Earl Hoellen is no longer eligible to serve as a resident appointee to the Committee due to Councilor Hoellen being designated as one of the two Council advisors to the Committee; and

WHEREAS, the Council advisors recommend re-appointment of the initial members to the Committee with the addition of former Council advisor Russell Stewart to serve as a resident member of the Committee and resident Jim Tarpey, and that Resolution 3, Series 2014 be amended to allow the appointment of eight (8) resident members to the Committee; and

WHEREAS, the City Council desires to appoint the eight (8) resident members identified in this Resolution to the Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. Resolution 3, Series 2014 is hereby amended to authorize appointment of up to eight (8) members to the Cherry Hills Village Utility Line Undergrounding Study Committee.

Section 2. The City Council hereby makes the following appointments to the City of Cherry Hills Village Utility Line Undergrounding Study Committee:

<u>Name</u>	<u>Council District</u>
Andy Love	District 2
John Love	District 2
Russell Stewart	District 2
David Wyman	District 2
Daniel Lynch	District 3
Paul Stewart	District 3
Susan Maguire	District 4
James Tarpey	District 6

Section 3. Pursuant to Resolution No. 3, Series 2014, the Committee shall prepare a report to City Council in the timeframe therein established and may perform such other duties, reports, or activities as may be further designated by the City Council.

Section 4. This Resolution shall be effective immediately.

(SEAL)

 Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM:

 Laura Smith, City Clerk

 Linda Michow, City Attorney

**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: 16a(i) & 16(a)ii

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: EMILY KROPF, SPECIAL PROJECTS COORDINATOR

SUBJECT: COUNCIL BILL 12, SERIES 2014; PROPOSED ADDITION OF MUNICIPAL CODE SECTION 16-16-200 ESTABLISHING UTILITY LINE UNDERGROUNDING REQUIREMENTS FOR NEW DEVELOPMENT AND MAJOR ADDITIONS (SECOND AND FINAL READING)

COUNCIL BILL 13, SERIES 2014; PROPOSED AMENDMENT OF MUNICIPAL CODE SECTION 17-5-50 CONCERNING DESIGN PRINCIPLES FOR UTILITIES (SECOND AND FINAL READING)

DATE: JANUARY 6, 2015

ISSUE:

Should the City Council approve the addition of Municipal Code Section 16-16-200 requiring the burial of utility service lines in conjunction with the development of new homes and institutional structures or the addition of 50% or more of existing square footage? Should the City Council also approve an amendment to Municipal Code Section 17-5-50 requiring the burial of existing overhead utilities in conjunction with the subdivision of land?

The City Council approved Council Bill 12, Series 2014 and Council Bill 13, Series 2014 on first reading at the November 18, 2014 meeting (Exhibit A). No changes have been made to the amendments since first reading.

BACKGROUND:

Utility Line Undergrounding Study Committee Review

In January 2014, the City Council tasked the Utility Line Undergrounding Study Committee with considering amendments to the Municipal Code or City policies to support an effort to

CHERRY HILLS VILLAGE COLORADO

relocate existing overhead facilities throughout the Village. The Committee discussed various options to require the burial of facilities at the April 3rd meeting and reviewed draft ordinances on August 21st, September 4th and October 2nd. The Committee recommends approval of both draft ordinances as submitted (Exhibits B and C).

Planning and Zoning Commission Review

The Planning and Zoning Commission is responsible for recommending approval or denial of the proposed addition of Section 16-16-200 as it revises the zoning ordinance. The Commission reviewed the draft ordinance on October 14th and recommends approval to the City Council of the draft ordinance as submitted. The second draft ordinance amending Section 17-5-50 was also presented for informational purposes as the Commission does not review amendments to the City's subdivision regulations.

Peer Communities

Municipal Code Section 17-5-50 currently requires the installation of new utilities underground with the subdivision of land but does not require the burial of existing or new utilities with other types of development (Exhibit D). Many cities have chosen to require the burial of new utilities with the subdivision of land or development of property. A few also require the burial of existing utilities. The following is a summary of the regulations of such communities:

Greenwood Village, CO (Exhibit E)

- Plats, master development plans and site development plans cannot be approved unless existing overhead electric and communication utility lines are installed or relocated underground.
- The requirement can be waived if the Community Development Director determines that the cost of undergrounding substantially outweighs the public benefit due to the size and number of lots involved.

Boulder, CO (Exhibit F)

- Newly installed telephone, electric and cable television lines and other similar utility service are to be placed underground as part of the subdivision process.
- Existing utilities are also to be placed underground unless the subdivider can demonstrate to the City Manager that the cost substantially outweighs the visual benefit from doing so.

Staff reviewed the regulations of several other peer communities (Aspen, CO; Columbine Valley, CO; Lake Forest, IL; Winter Park, FL) and found that most do not require the burial of existing utilities. For instance, Aspen and Columbine Valley require new facilities to be placed underground during the subdivision process but do not require existing facilities to be relocated underground. Lake Forest and Winter Park require utilities to be placed underground for new development but do not require the burial of existing utilities.

CHERRY HILLS VILLAGE
COLORADO

DISCUSSION:

The proposed addition of Section 16-16-200 requires the burial of utility service lines in conjunction with the construction of all new single family residences, nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities. The burial of service lines is also required for the addition or replacement of 50% or more of existing square footage. The obligation to place service lines underground does not extend to existing overhead transmission or distribution lines that provide service to other properties. Additionally, facilities appurtenant to underground facilities or other required equipment may be placed aboveground if the City determines it is necessary.

In addition to the current requirement to install new utilities underground with the subdivision of land, the proposed amendment to Section 17-5-50 states that existing overhead utilities that are located on the subdivided property or in the public right-of-way immediately adjacent to the property between the street edge and the property are to be relocated underground. Existing overhead utilities may remain aboveground if the City Council determines that the subdivider has provided acceptable documentation from a utility provider that states that relocation is not possible due to physical constraints or that the cost of undergrounding outweighs the public benefit and relocation is not necessary to meet the goals and strategies of the Master Plan.

RECOMMENDATION:

Staff recommends approval of the proposed addition of Municipal Code Section 16-16-200 and the proposed amendment to Municipal Code Section 17-5-50 on second and final reading as drafted.

RECOMMENDED MOTIONS:

“I move to recommend approval on second and final reading of the addition of Municipal Code Section 16-16-200 as proposed in Exhibit B of the January 6, 2015 staff memorandum establishing utility line undergrounding requirements for new development and additions.”

“I move to recommend approval on second and final reading of the amendment of Municipal Code Section 17-5-50 as proposed in Exhibit C of the January 6, 2015 staff memorandum amending the design principles for utilities in conjunction with the subdivision of land.”

ATTACHMENTS:

Exhibit A: November 18, 2014 City Council Minutes

Exhibit B: Council Bill 12, Series 2014

Exhibit C: Council Bill 13, Series 2014

Exhibit D: Municipal Code Section 17-5-50

Exhibit E: Greenwood Village Municipal Code

Exhibit F: Boulder Municipal Code

noted that the ULUSC was planning for outreach and community education prior to the election.

Councilor Roswell noted that the undergrounding of utility lines by the Joint Public Safety Facility was a good example of a successful project with positive community feedback.

Mayor Tisdale noted that some neighborhoods had already paid to privately underground utilities so it made sense that the City would not be involved in funding undergrounding for other neighborhoods. He supported the ULUSC not assuming that the South Suburban funds that would become available in 2019 would be used for undergrounding. He noted that the proposal that the \$1.5 million in the 2015 proposed budget for open space acquisition could be used for undergrounding was a novel approach that would require significant public outreach. He expressed support for Council Bills 12 and 13 and applauded the work of the ULUSC.

Council Bill 12, Series 2014: Addition of Municipal Code Section 16-16-200 Establishing Utility Line Undergrounding Requirements for New Development and Major Additions (first reading) and Council Bill 13, Series 2014: Amendment of Municipal Code Section 17-5-50 Concerning Design Principles for Utilities (first reading)

Special Projects Coordinator Kropf presented Council Bill 12, Series 2014 and Council Bill 13, Series 2014 on first reading. She explained that Council Bill 12 would amend Section 16-16-200 of the Municipal Code to require the burial of utility service lines in conjunction with the development of new homes and institutional structures or the addition of 50% or more of existing square footage. She explained that Council Bill 13 would amend Section 17-5-50 of the Municipal Code to require the burial of existing overhead utilities in conjunction with the subdivision of land. She noted that the Planning and Zoning Commission had recommended approval of Council Bill 12 and had reviewed Council Bill 13 for informational purposes only.

Councilor K. Brown asked about the threshold of 50% or more of existing square footage.

Director Zuccaro explained that 50% or more was used in many other places in the Code to define major development.

Councilor K. Brown confirmed that the threshold applied to a single project and was not cumulative.

Mayor Pro Tem Stewart indicated that most residents already buried utility lines when they constructed new homes.

Councilor A. Brown confirmed that the threshold applied to replacements as well as additions of 50% or more.

Councilor Roswell asked why Council Bill 13, Series 2014 placed determination of extraneous circumstances with the City Council instead of the City Manager.

Director Zuccaro replied that all subdivision requests had to come to Council for consideration so it would make sense that Council would consider any extraneous circumstances related to utility lines as part of that review.

Mayor Tisdale asked City Attorney Michow if motions for the council bills could be made together or should be made separately.

City Attorney Michow advised that motions should be made separately for each council bill.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve Council Bill 12, Series 2014 on first reading adding Municipal Code Section 16-16-200 establishing utility line undergrounding requirements for new development and additions.

The following votes were recorded:

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

Vote on the Council Bill 12-2014: 5 ayes. 0 nays. The motion carried.

Councilor A. Brown moved, seconded by Councilor K. Brown to approve Council Bill 13, Series 2014 on first reading amending Municipal Code Section 17-5-50 concerning the design principles for utilities in conjunction with the subdivision of land, as proposed in Exhibit and B of the November 18, 2014 staff memorandum.

The following votes were recorded:

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

Vote on the Council Bill 13-2014: 5 ayes. 0 nays. The motion carried.

Council Bill 14, Series 2014: Amending Chapter 16 of the Municipal Code Concerning Legal Nonconforming Uses, Short Term Rental of Single Family Dwellings and Associated Provisions (first reading)

Director Zuccaro presented Council Bill 14, Series 2014 on first reading. He explained that the proposed bill would create a certification process for nonconforming uses, in addition to operational and licensing requirements for legal nonconforming short term rental of single family dwellings. He added that the proposed bill would require a proposed legal nonconforming use to be established either through an application to the City for certification or by judicial proceedings, and would require licensing and operational requirements for any short term rental of a single family dwelling that is legally nonconforming. He reminded Council that they had passed Ordinance 9, Series 2012 which had prohibited short term rentals. He explained that if a short term rental of a single family dwelling is certified by the City or determined by judicial proceedings to be legally nonconforming, staff believes it would be beneficial for the City to create licensing and operational requirements for short term rentals in order to ensure that all City regulations are being met, negative impacts are mitigated, and the health, safety and welfare of the community is maintained. He noted that these requirements included limited occupation, parking, compliance with current building codes, identification of a local property manager, prohibition of special events, and verification of single family status. He indicated that the Planning and Zoning Commission (P&Z) had reviewed the proposed bill at their October 28th meeting and recommended approval with three proposed changes to the bill: an applicant requesting certification shall have 60 days to apply for legal nonconforming status; an applicant shall have 180 days to comply with

COUNCIL BILL NO. 12
SERIES OF 2014

INTRODUCED BY: _____
SECONDED BY: _____

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING ARTICLE XVI OF CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL
CODE CONCERNING SUPPLEMENTARY DISTRICT REGULATIONS, BY THE ADDITION
OF REGULATIONS REQUIRING CERTAIN UTILITIES TO BE PLACED UNDERGROUND
WHEN ASSOCIATED WITH THE NEW CONSTRUCTION OR MAJOR ADDITION OF ALL
SINGLE FAMILY RESIDENCES, INSTITUTIONAL STRUCTURES, OR SIMILAR LAND USES**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted zoning regulations codified in Chapter 16 of the Municipal Code that, in relevant part, establish requirements for the new construction or major addition of all single family residences, nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities; and

WHEREAS, the City has determined that it is necessary to require utilities to be located underground to further certain goals and policies articulated in the Master Plan, including but not limited to protecting and improving the aesthetics of the City.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Article XVI of the Cherry Hills Village Municipal Code, entitled "Supplementary District Regulations," is hereby amended to include the following section:

Sec. 16-16-200. Utilities.

The purpose and intent of this Section is to protect and improve the aesthetics of the City by requiring that new or existing service lines associated with public utilities (telephone, electric service, cable television, gas lines and other similar utilities) be placed underground in conjunction with the construction of all new single family residences, nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities. The burial of new or existing service lines shall also be required when a property owner proposes to undertake a major addition to an existing single family residence, nonprofit institution, private club, public recreational facility or nonprofit recreational facility. For purposes of this section, a major addition shall be defined as the addition or replacement of fifty percent (50%) or more of existing square

footage of all structures existing on the lot of record. The obligation to place service lines underground shall not extend to existing overhead transmission or distribution lines that provide service to other properties. Facilities appurtenant to underground facilities or other required equipment may be placed aboveground if the City determines it is necessary.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 3. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. _____, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this _____ day of _____, 2014.

Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Smith, City Clerk

Linda C. Michow, City Attorney

Published in *The Villager*

Published: _____

Legal #: _____

COUNCIL BILL NO. 13
SERIES OF 2014

INTRODUCED BY: _____
SECONDED BY: _____

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
REPEALING AND RE-ENACTING SECTION 17-5-50 OF CHAPTER 17 OF THE CHERRY
HILLS VILLAGE MUNICIPAL CODE, CONCERNING DESIGN PRINCIPLES FOR UTILITIES**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted subdivision regulations codified in Chapter 17 of the Municipal Code; and

WHEREAS, the City has determined that it is necessary to require utilities to be located underground in conjunction with the subdivision of land to further the goals of the Master Plan and improve the aesthetics of the City.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 17-5-50 of the Cherry Hills Village Municipal Code, entitled "Utilities," is hereby repealed and re-enacted to read as follows:

Sec. 17-5-50. Utilities.

New utilities (telephone, electric service, cable television, gas lines and other utilities) that will serve the subdivision shall be installed underground and shall be in place prior to street surfacing. Facilities appurtenant to underground facilities or other required equipment may be placed aboveground if the City determines it is necessary.

Existing overhead utilities that are located on the subdivided property or in the public right-of-way immediately adjacent to the property between the street edge and the property shall be relocated underground. The obligation of the subdivider to install all new and existing utilities underground, as required by this Section 17-5-50, shall be set forth in the subdivision improvements agreement required by Section 17-4-10. Existing overhead utilities may remain aboveground if the City Council determines that either of the following criteria is met:

- a. The subdivider provides written documentation acceptable to the City Council from a utility provider demonstrating that relocation of specifically identified existing overhead utilities is not possible due to physical constraints on or near the property.
- b. The cost of undergrounding outweighs the public benefit and relocation of existing overhead utilities is not necessary to meet the goals and strategies of the Master Plan.

Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 3. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. _____, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this _____ day of _____, 2014.

Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Smith, City Clerk

Linda C. Michow, City Attorney

Published in *The Villager*

Published: _____

Legal #: _____

Cherry Hills Village Municipal Code

(6) Whenever a subdivision is traversed by a drainageway which is approved by the City for surface drainage, provision shall be made for the dedication to the public adequate rights-of-way for access and maintenance. (Prior code 7-5-3)

Sec. 17-5-40. Lots.

(a) The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.

(b) Lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

(c) Side lot lines should be approximately at right angles or radial to street lines.

(d) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting and screening easement. The Commission may require a permanent ornamental fence of a height and architectural design which will appropriately screen and be harmonious with the neighborhood and residential character.

(e) The building area of lots should not face directly into the oncoming traffic of an intersecting street of a "T" intersection. (Ord. 2, 1979; prior code 7-5-4; Ord. 9 §1, 2003)

Sec. 17-5-50. Utilities.

Utilities (telephone, electric services and gas lines) shall be installed underground and shall be in place prior to street surfacing. Aboveground facilities necessarily appurtenant to underground facilities or other installation or peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines, may be above ground. (Ord. 2, 1979; prior code 7-5-5)

Sec. 17-5-60. Recreation easements.

A plan for development of an off-street system of recreational easements for pedestrians, horseback riders and non-motor-driven vehicles has been approved by the Council and will be modified periodically. The objective is to provide safe, attractive routes by which all parts of the City may be connected with the Highline Canal. All subdividers are expected to cooperate with this program by providing dedicated public easements for the stated purposes which will provide the most direct route of travel without unduly infringing upon the privacy of the subdivision. In addition, the subdivider will be encouraged to provide private or public easements within the subdivision so that safe access to public recreational easements will be provided to lots within the subdivision. (Ord. 2, 1979; prior code 7-5-6)

requirements of Section 2-6-50. The Planning and Zoning Commission may approve, conditionally approve or deny the petition. No petition for reinstatement shall be approved or conditionally approved unless the Planning and Zoning Commission finds that the violations which resulted in revocation of the permit or license have been corrected, and that the applicant has provided the City with reasonable assurances that said violations will not occur in the future. In the event the Planning and Zoning Commission denies a petition for reinstatement, the applicant may appeal such denial to the City Council by filing an application for appeal within seven (7) days of the date of the denial. City Council shall conduct a de novo hearing on appeal in accordance with the procedural requirements of Section 2-6-50.

(g) Violations of this Chapter may also be abated as nuisances pursuant to Chapter 7 of this Code.

(h) Each day during which a violation continues shall be deemed a separate offense and shall be punishable as such. (Prior code 15.02.040, 15.56.030, 15.56.040, 15.62.080; Ord. 10 §1, 2011; Ord. 32 §1, 2011)

Sec. 16-1-90. Undergrounding of electric and communication lines.

(a) Except as otherwise expressly provided by law, no plat, MDP or SDP shall be approved unless existing overhead electric and communication utility lines are installed or relocated underground.

(b) The following shall be exempt from this Section:

(1) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities when placed above ground within a utility easement or public right-of-way, as appropriate;

(2) Facilities reasonably necessary to connect underground facilities or permitted overhead or aboveground facilities;

(3) As approved by the City, overhead electric transmission and distribution feeder lines and overhead communication long distance trunk and feeder lines, existing or new; and

(4) Any property for which the Director determines that the cost of undergrounding substantially outweighs the public benefit of undergrounding due to the size and number of lots involved. (Prior code 14.04.015; Ord. 32 §1, 2011)

Sec. 16-1-100. Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Access to a public street means frontage on an existing public street built to the standards of this Chapter, a public street offered for dedication as part of a proposed subdivision and acceptable to the City, or a public street dedicated to the City on a recorded plat.

Accessory building means a subordinate building, such as a garage or storage shed, the use of which is incidental to that of the principal use on the same lot.

parties, within thirty days of the notice of appeal or call-up, under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. The board shall determine whether the subdivision application meets the requirements of this code and other ordinances of the City or those determined by the city manager to be necessary to protect the public health, safety and welfare and shall grant or deny the application.

- (f) The city manager shall sign the city manager certification on all plats of the subdivision following planning board approval, or the expiration of the call-up period, as applicable. Within one week after any conditions of the subdivision agreement required to occur prior to recording have been met, the city clerk shall record all such plats and agreements in the office of the Boulder County Clerk and Recorder.
- (g) A plat expires if not recorded within twenty-four months after the date it was submitted, unless the city manager extends final plat approval for not more than twelve months upon a showing of good cause.

Ordinance Nos. 5391 (1991); 5971 (1998); 5986 (1998); 7699 (2009); 7852 (2012)

9-12-11. Application for Building Permits Prior to Plat Recording.

The subdivider may apply for building permits after the final plat is approved by the city manager or planning board and signed by the city manager and the subdivision agreement is executed, but no permit will be issued until the conditions of the agreement (required in the agreement to be met before recording) are met and the plat and agreement are recorded.

Ordinance No. 5391 (1991)

9-12-12. Standards for Lots and Public Improvements.

- (a) Conditions Required: Except as provided in subsection (b) of this section, subdivision plats shall comply with section 9-9-17, "Solar Access," B.R.C. 1981, and meet the following conditions:
 - (1) Standards for Lots: Lots meet the following conditions:
 - (A) Each lot has access to a public street.
 - (B) Each lot has at least thirty feet of frontage on a public street.
 - (C) No portion of a lot is narrower than thirty feet.
 - (D) Lots and existing structures meet all applicable zoning requirements of this title and section 9-9-17, "Solar Access," B.R.C. 1981.
 - (E) Lots with double frontage are avoided, except where necessary to provide separation from major arterials or incompatible land uses or because of the slope of the lot.
 - (F) Side lot lines are substantially at right angles or radial to the centerline of streets, whenever feasible.
 - (G) Corner lots are larger than other lots to accommodate setback requirements of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
 - (H) Residential lots are shaped so as to accommodate a dwelling unit within the setbacks prescribed by the zoning district.
 - (I) Lots shall not be platted on land with a ten percent or greater slope, unstable land or land with inadequate drainage unless each platted lot has at least one thousand square feet of buildable area, with a minimum dimension of twenty-five feet. The city manager may approve the platting of such land upon finding that acceptable measures, submitted by a registered engineer qualified in the particular field, eliminate or control the problems of instability or inadequate drainage.
 - (J) Where a subdivision borders an airport, a railroad right of way, a freeway, a major street or any other major source of noise, the subdivision is designed to reduce noise in residential lots to a reasonable level and

to retain limited access to such facilities by such measures as a parallel street, a landscaped buffer area or lots with increased setbacks.

- (K) Each lot contains at least one deciduous street tree of two-inch caliper in residential subdivisions, and each corner lot contains at least one tree for each street upon which the lot fronts, located so as not to interfere with sight distance at driveways and chosen from the list of acceptable trees established by the city manager, unless the subdivision agreement provides that the subdivider will obtain written commitments from subsequent purchasers to plant the required trees.
- (L) The subdivider provides permanent survey monuments, range points and lot pins placed by a Colorado registered land surveyor.
- (M) Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision, the subdivider provides an easement sufficient for drainage and maintenance.
- (N) Lots are assigned street numbers by the city manager under the City's established house numbering system, and before final building inspection, the subdivider installs numbers clearly visible and made of durable material.
- (O) For the purpose of ensuring the potential for utilization of solar energy in the City, the subdivider places streets, lots, open spaces and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:
 - (i) Placement of Open Space and Streets: Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.
 - (ii) Lot Layout and Building Siting: Lots are oriented and buildings sited in a way which maximizes the solar potential of each principal building. Lots are designed so that it would be easy to site a structure which is unshaded by other nearby structures and so as to allow for owner control of shading. Lots also are designed so that buildings can be sited so as to maximize the solar potential of adjacent properties by minimizing off-site shading.
 - (iii) Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Existing and proposed buildings shall meet the solar access protection and solar siting requirements of section 9-9-17, "Solar Access," B.R.C. 1981.
 - (iv) Landscaping: The shading impact of proposed landscaping on adjacent buildings is addressed by the applicant. When a landscape plan is required, the applicant shall indicate the plant type and whether the plant is coniferous or deciduous.
- (2) Transportation Standards for Streets, Alleys and Sidewalks: Streets, curb and gutters, sidewalks, alleys and the public rights of way therefor are provided in conformity with the standards in the City of Boulder Design and Construction Standards, and meet the following conditions:
 - (A) Streets are aligned to join with planned or existing streets.
 - (B) Streets are designed to bear a relationship to the topography, minimizing grade, slope and fill.
 - (C) There are no dead-end streets without an adequate turnaround and appropriate barriers.
 - (D) Access to freeway, arterial, or collector street occurs only at intersections approved by the city manager, if the manager finds that the access provides efficient traffic movement and safety for drivers and pedestrians.
 - (E) A street of only one-half width is not dedicated to or accepted by the city.

- (F) When the plat dedicates a street that ends on the plat or is on the perimeter of the plat, the subdivider conveys that last foot of the street on the terminal end or outside border of the plat to the city in fee simple, and it is designated by using an outlet.
 - (G) Streets are provided as prescribed by the Boulder Valley Comprehensive Plan, adopted subcommunity or area plans, or the Transportation Master Plan.
 - (H) Alleys are encouraged and should be provided. If they are provided, they are paved or otherwise appropriately surfaced with a material approved by the city manager for the specific application and location.
 - (I) Sidewalks are provided in all subdivisions, unless the city manager determines that no public need exists for sidewalks in a certain location.
 - (J) Signs for street names (subject to approval of the city manager), directions, and hazards are provided.
 - (K) Traffic control signs are provided, as required by the city manager for control of traffic.
 - (L) Pedestrian crosswalks are provided, as required by the city manager for traffic control and, at a minimum, between streets where the distance between intersecting streets exceeds one thousand feet.
 - (M) Bike paths or lanes are provided in conformity with the City of Boulder Comprehensive Plan for bicycle facilities and are dedicated to the city.
 - (N) Private streets are not permitted.
- (3) Standards for Water and Wastewater Improvements: Water and wastewater utilities are provided in conformity with the construction and design standards in the City of Boulder Design and Construction Standards, and meet the following conditions:
- (A) Water and sanitary sewer mains are provided as necessary to serve the subdivision.
 - (B) Easements are provided for city utilities as prescribed by the City of Boulder Design and Construction Standards.
 - (C) Easements for utilities other than city utilities are provided as required by the applicable private utility.
 - (D) Newly installed telephone, electric, and cable television lines and other similar utility service are placed underground. Existing utilities are also placed underground unless the subdivider demonstrates to the manager that the cost substantially outweighs the visual benefit from doing so. But transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, electric transmission and distribution feeder lines, communication long distance trunk and feeder lines, and other facilities necessarily appurtenant to such facilities and to underground utilities may be placed above ground within dedicated easements or public rights of way.
- (4) Standards for Flood Control and Storm Drainage: Flood control and storm drainage measures are provided as required by the city's master drainage plan and in conformity with the construction and design standards in the City of Boulder Design and Construction Standards, and meet the following conditions:
- (A) The measures retain existing vegetation and natural features of the drainageway where consistent with the master drainage plan.
 - (B) Any land subject to flooding by a one hundred-year flood conforms to the requirements of Chapter 11-5, "Storm Water and Flood Management Utility," B.R.C. 1981.
 - (C) Storm drainage improvements and storm sewers are maintained to collect drainage from the subdivision and convey it off-site into a city right of way or drainage system without adversely affecting adjacent property.

- (D) Bridges, culverts, or open drainage channels are provided when required by the flood control utility master drainage plan.
 - (E) All subdivisions shall be designed to minimize flood damage.
 - (F) All subdivisions shall have public utilities and facilities, including, without limitation, sewer, gas, electrical and water systems, located and constructed to prevent flood damage.
 - (G) All subdivisions shall have adequate drainage provided to reduce exposure to flood damage.
- (5) Standards for Fire Protection: Fire protection measures meet the following conditions:
- (A) Fire hydrants are provided as required by Chapter 10-8, "Fire Code," B.R.C. 1981.
 - (B) Fire lanes are provided where necessary to protect the area; an easement at least sixteen feet wide for fire lanes is dedicated to the city, remains free of obstructions, and permits emergency access at all times.
- (b) Waiver of Lot Standards: The planning board may waive the design requirements of Paragraph (a)(1) of this section not otherwise required by any other provision of the code:
- (1) If permitted as part of an approval under Section 9-7-12, "Two Detached Dwellings on a Single Lot," B.R.C. 1981, or site review under Section 9-2-14, "Site Review," B.R.C. 1981; or
 - (2) Upon request of the subdivider if the subdivider provides an alternative means of meeting the purposes of this chapter, which the board finds:
 - (A) Is necessary because of unusual physical circumstances of the subdivision; or
 - (B) Provides an improved design of the subdivision.
- (c) Private Utilities and Improvements: If the subdivider installs private utilities or improvements, including, without limitation, streets or water, wastewater and storm drain utilities, the subdivider shall provide mutual covenants in the deeds of all property owners of the subdivision for the continued and perpetual maintenance of the utilities or improvements.
- (d) Approval of Final Engineering Plans Required: No person shall construct or install any public or private utilities or improvements required by this chapter without first obtaining city manager review and approval of final engineering plans, profiles, and specifications therefor.
- (e) Construction Timing: The subdivider shall construct and install on-site improvements and utilities (including, without limitation, streets adjoining the subdivision). If the city manager determines that it is in the best interest of the subdivision residents to postpone construction of an improvement so that the improvement can be constructed in conjunction with other city improvements, the subdivider shall deposit with the city funds sufficient to cover the cost of its construction or installation and promise to pay for any additional costs actually incurred; the city shall thereafter undertake such construction or installation when constructing or installing the related city improvements. If the city does not undertake construction of the related improvements within seven years of receipt of the funds, it shall return the funds to the current property owner(s).
- (f) Installation of Off-Site Improvements: The subdivider shall install off-site improvements and utilities required by this section necessary to serve the development if the subdivider's construction on the subdivision precedes the construction of such improvements by the city under its capital improvements program.
- (1) Public Improvement Extension Agreement: Prior to the extension of any public improvement or facility that is not entirely within the subdivision and for which the subdivider expects to receive reimbursement for part or all of the costs of the extension, the subdivider shall enter into a "public improvement extension agreement" with the city, which contains the legal description of the property to be served, a description of the improvement to be extended, the name of the owner of the property, the terms of the reimbursement to the owner, and an agreement by the subdivider to provide to the city, within sixty days after the date of preliminary construction

acceptance by the city, its costs for such work and to provide to the city a current address during the term of the agreement.

- (2) **Forfeiture of Right to Reimbursement:** If a subdivider fails to comply with the "public improvement extension agreement," the subdivider forfeits its right to reimbursement under this subsection.
- (3) **Collection and Repayment:** At the time of annexation of, subdivision of, or issuance of a building permit for, whichever occurs first, a property abutting an improvement constructed under a "public improvement extension agreement," the city manager shall collect a charge per adjusted front foot based upon the original construction costs and shall reimburse the original subdivider for its original construction costs, but only to the extent of the collection so made.
- (4) **Maximum Amount Collected and Paid:** In no event may the actual amount so paid to the subdivider by the city exceed the total original cost of the public improvement so extended. After the expiration of the period of reimbursement prescribed by Paragraph (f)(6) of this section, any such monies collected shall be retained by the city.
- (5) **City Manager Estimate of Cost of Public Improvement:** If the subdivider fails to supply its costs to the city within sixty days of extending a public improvement, the manager may estimate the costs of such extension for purposes of charging persons who thereafter connect thereto.
- (6) **Reimbursement Term:** The term for which the subdivider is entitled to reimbursement under the "Public Improvement Extension Agreement" entered into between the subdivider and the city is ten years from the date of execution of the contract or until the total original construction cost has been reimbursed, whichever occurs first.
- (g) **Oversized Improvements:** The subdivider shall construct such oversized improvements and utilities that the city manager determines are necessary. If such oversized improvements are determined by the manager not to be required to serve the development, the city shall reimburse the subdivider for the cost of the oversized portion beyond the cost of the standard size within sixty days after the subdivider supplies its costs for the improvements to the city.
- (h) **City Manager Authorized to Require Other Public Improvements:** The city manager may require such other public improvements not enumerated in this section as the manager determines are necessary to serve the health, safety, and welfare of the public and the prospective residents of the subdivision.
- (i) **Street Lights:** If street lights are not provided by the subdivider, they will not thereafter be provided by the city, but may be installed through a local assessment district under Chapter 8-1, "Local Improvements," B.R.C. 1981, for which benefited property owners will pay one hundred percent. Once street lights are installed, the city will pay for electricity and maintenance thereof.
- (j) **Steep Slopes:** The city manager may impose additional requirements over and above those required in Subsection (a) of this section on lands containing slopes of fifteen percent or greater, if the manager determines such requirements are necessary in order to protect the health, safety, and welfare of the occupants and taxpayers of Boulder from the negative impacts of development in hillside areas.

Ordinance Nos. 4969 (1986); 5009 (1986); 5076 (1987); 5199 (1989); 5271 (1990); 5391 (1991); 5476 (1992); 5562 (1993); 5776 (1996); 5986 (1998); 7211 (2002); 7684 (2009); 7699 (2009); 7925 (2013)

9-12-13. Subdivider Financial Guarantees.

- (a) In order to protect the city and prospective purchasers of and residents in a subdivision, except as provided in Subsection (h) of this section, the subdivider shall provide to the city financial security to guarantee the installation of public improvements and other obligations undertaken by the subdivider in the subdivision agreement and the plat and shall record the undertaking to provide the guarantee.
- (b) No building permit shall be issued for any portion of a subdivision for which the required financial guarantee has not been provided.



WIDNER MICHOW & COX, LLP

ATTORNEYS AT LAW

TO: Honorable Mayor Christman and Members of City Council

FROM: Linda Michow, City Attorney

CC: John Patterson, City Manager

DATE: January 6, 2015

SUBJECT: Council Bill 15, Series 2014, A Bill for an Ordinance of the City of Cherry Hills Village Amending Section 2-3-40(b) of Chapter 2 of the Municipal Code Concerning the Delegation of Duties and Powers of the Mayor to the City Manager (Second and Final Reading)

Issue:

Proposed Council Bill 15, Series 2014, clarifies the Council's delegation of certain powers and duties of the Mayor to an appointed full-time City Manager as authorized in Section 5.7 of the Home Rule Charter.

Discussion:

Section 5.7 of the Charter authorizes the City Council, with express concurrence of the Mayor or by a two-thirds majority vote of the entire Council without the Mayor's concurrence, to delegate to the City Manager the specific powers and duties of the Mayor enumerated in Section 5.4 of the Charter with the exception of the duty to preside at Council meetings. The mayoral duties set forth in Section 5.4 are administrative in nature and include by way of example:

- Enforcement of the laws and ordinances of the City.
- Appointment and removal of all employees.
- Preparation of annual budget and fiscal reporting.
- Purchasing Agent.
- Establishment of system of accounting and auditing.

Through the appointment of a full-time, professional City Manager, the City Council effectively has delegated these duties to the Manager who is designated under Section 2-3-

40(a) of the Municipal Code as the chief executive and administrative officer of the City. To that end, Council Bill 15 clarifies that the administrative duties and powers of the Mayor enumerated in Section 5.4, except the duty to preside at Council meetings, are delegated to the City Manager.

Council Bill 15 was passed on first reading at the December 9, 2014 meeting. No changes have been made since first reading.

Recommended Motion:

"I move to approve Council Bill 15, Series 2014, a Bill for an Ordinance of the City of Cherry Hills Village Amending Section 2-3-40(b) of Chapter 2 of the Municipal Code Concerning the Delegation of Duties and Powers of the Mayor to the City Manager, on second and final reading."

Attachments:

Exhibit A - Council Bill 15, Series 2014

COUNCIL BILL 15
SERIES OF 2014

INTRODUCED BY: _____
SECONDED BY: _____

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 2-3-40(b) OF CHAPTER 2 OF THE MUNICIPAL CODE
CONCERNING THE DELEGATION OF DUTIES AND POWERS OF THE
MAYOR TO THE CITY MANAGER**

WHEREAS, the City of Cherry Hills Village ("Village") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, Section 5.7 of the Home Rule Charter authorizes the City Council, with express concurrence of the Mayor or by a two-thirds majority vote of the entire Council without the Mayor's concurrence, to delegate to the City Manager the specific powers and duties of the Mayor enumerated in Section 5.4 of the Charter with the exception of the duty to preside at Council meetings; and

WHEREAS, through the appointment of the City Manager as chief executive and administrative officer of the City, the City Council has effectively delegated such powers and duties of the Mayor to the City Manager; and

WHEREAS, the City Council desires to enact this Ordinance to clarify that the duties and powers of the Mayor enumerated in Section 5.4, except the duty to preside at Council meetings, are delegated to the City Manager, as the chief executive and administrative officer of the City; and

WHEREAS, in accordance with Section 5.7, the City Council with concurrence of the Mayor, or without the concurrence of the Mayor by a two-thirds majority of the entire Council, may hereafter remove from the City Manager any of such powers and duties delegated to him and reassign such to the Mayor.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 2-3-40(b) of the Municipal Code is hereby amended to read as follows, with subparagraphs (1) through (13) to remain in full force and effect as if set forth in full below:

(b) General powers and duties: As authorized by Section 5.7 of the Charter, the City Manager shall have all of the duties and powers enumerated in Section 5.4 of the Charter, except the power and duty to preside at Council meetings, and the Mayor shall retain the authority granted by Section 5.4(m) to perform such other duties as may be prescribed by the Charter, by ordinance, or by the Council. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty and be required to:

* * *

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 3. Lawful Delegation. Adoption of this Ordinance requires the concurrence of the Mayor or passage by a two-thirds majority of the entire Council without the Mayor's concurrence.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. ____ Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this __ day of _____, 20____.

(SEAL)

Douglas M. Tisdale, Mayor

ATTEST:

Approved as to form:

Laura Smith, City Clerk

Linda C. Michow, City Attorney

Published in the Villager
Published: _____
Legal # _____

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: 17a

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: ROBERT A. ZUCCARO, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST BY ARAPAHOE TENNIS CLUB FOR AN EXPANDED USE PERMIT TO INSTALL A PADDLE TENNIS COURT WITH LIGHTS AND PADDLE HUT (PUBLIC HEARING)

DATE: JANUARY 6, 2015

ISSUE:

Should the City Council approve an Expanded Use Permit proposal by the Arapahoe Tennis Club to install a paddle court with lights and paddle hut?

ZONING & LAND USE:

The Arapahoe Tennis Club is located at 4450 South Dahlia Street and is zoned O-1, Open Space, Parks and Recreation Area District (see Exhibit A for vicinity map). Private clubs are an allowed use in the O-1 Zone District provided that such use may only be approved, expanded or increased in accordance with Article XX of the Zoning Ordinance (Expanded Use Permit). Setbacks in the O-1 Zone District are 75 feet from the front property line and 50 feet from the side and rear property lines. This setback applies to all structures. The Club property is approximately 6 acres in size and developed with a club house, swimming pool, playground, eight tennis courts, four paddle courts, tennis practice wall and gravel parking lot. The Club has an enrollment maximum of 220 families. Surrounding properties are zoned R-1, 2.5-Acre Residential District.

REQUEST:

The applicant requests approval of an Expanded Use Permit to allow the construction of a paddle court with lights and paddle hut at the Arapahoe Tennis Club. The 30-foot by 60-foot paddle court is proposed north of the existing parking lot over an existing concrete pad and tennis practice wall. The setbacks for the court are 91 feet and 11 inches from the west property line and 151 feet and 9 inches from the north property line. The height of the paddle court from finished grade is 16 feet to the top of the fence and 24 feet to the top of the lights. The 45-foot, 8-

CHERRY HILLS VILLAGE
COLORADO

inch by 24-foot, 8-inch paddle hut is proposed on the southeast side of the property between the existing tennis and paddle courts. The setback for the hut is proposed at 50 feet, 7 inches from the nearest property boundary to the east and the height of the paddle hut is proposed at 10 feet, 8 inches above finished grade on the north side. The hut is proposed to include a 36-foot by 24-foot enclosed area, 9-foot by 24-foot covered deck on the west side and additional open air elevated deck to the south connecting to the existing paddle courts. The proposal also includes planting of landscape screening along the north side of the court and north property line to screen the court, enclosure of the existing trash dumpster and addition of a tree to screen the dumpster enclosure, designation of the field north of the existing parking lot for overflow parking, and an agreement that any event at the club that exceeds the available off-street parking on the Club property will require a special event permit with the City to ensure adequate provisions are made for off-street parking elsewhere (see Exhibit B for Application Materials and Exhibit C for Development Agreement).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission held a public hearing to review the request on December 2, 2014 (see Exhibit D for draft minutes). The Commission voted to recommend approval with the following conditions:

1. The lights on the new paddle court shall be turned off from 9pm to Sunrise the next day.

Condition Not Met: In place of meeting this condition, the applicant proposes taller landscape screening along the north side of the court to help mitigate any negative impacts from the lights (see Condition No. 2 below).

2. Landscape screening north of the new paddle court shall include Austrian Pines or other similar evergreen tree to be approved by staff, with a minimum height of 16 feet.

Condition Met: The applicant has proposed four, 24-foot tall Austrian Pines in this location.

3. The field north of the existing parking lot shall be designated an overflow parking area to accommodate 60 vehicles and include directional signage and a development restriction to ensure that the area is reserved for parking.

Condition Met: The Development Plans shows the designated parking area and directional signage and Section 2.1 of the Development Agreement addresses the parking requirement as well.

4. Noise limitation reflecting the requirements of Municipal Code Section 7-1-30(4) shall be included in the Development Agreement.

Condition Met: The noise limitation is addressed in Section 2.6 of the Development Agreement.

**CHERRY HILLS VILLAGE
COLORADO**

5. A limitation on events that would exceed a demand for 110 parking spaces and an administrative approval process for special events exceeding this parking demand if the applicant demonstrates that adequate off-street parking can be provided shall be included in the Development Agreement.

Condition Met: The Special Event parking requirements are addressed in Section 2.8 of the Development Agreement.

6. All existing and new paddle court lights shall be canted down so they are parallel with the ground.

Condition Met: The requirement to cant down the existing as well as the new court lights is addressed in Section 2.2(c) of the Development Agreement.

7. Require that back shields shall be installed for the new paddle court lighting.

Condition Met: Installation of back shields is addressed in Section 2.2(c) of the Development Agreement.

8. Provide and update as needed surrounding residents the name and cell phone number of the club manager so they may contact her in the event of any issue with respect to the club.

Condition Met: A requirement to provide contact information for the club manager is addressed in Section 2.10 of the Development Agreement.

9. Require that any gravel spilled onto South Dahlia Street shall be shoveled back into the parking lot.

Condition Met: A requirement to regularly shovel gravel encroaching onto South Dahlia Street is address in Section 2.3 of the Development Agreement.

10. Require landscape maintenance and trash/debris cleanup.

Condition Met: Minimum standards for property and landscape maintenance are addressed in Sections 2.3 and 2.7 of the Development Agreement.

11. Trim landscaping back on Dahlia to improve egress lines of sight from the parking lot.

Condition Met: Minimum standards for a 25-foot clear sight triangle for the parking lot driveway are addressed in Section 2.7 of the Development Agreement.

PROPERTY BACKGROUND:

The Arapahoe Tennis Club property was annexed into the Village in 1955. Attached as Exhibit E is a letter to the Village's Board of Trustees dated December 12, 1963 requesting a rezoning from R-1 to F-1 and outlining the proposed development and uses for the Tennis Club. The proposal includes a swimming pool, four tennis courts and a clubhouse with minimum 200-foot setbacks. The letter mentions an attached site plan, but this was not included with the letter nor was it in the file that contained the letter. The letter also states a 150-family membership limit. According to the Applicant, membership is presently limited to 220 families and the limit will be formalized as a condition of approval of the current application. Staff has not been able to

CHERRY HILLS VILLAGE
COLORADO

locate any documentation indicating that the 150 family membership limit was a formal condition of approval when the Village originally approved the zoning for the Club.

PREVIOUS REQUEST:

The Arapahoe Tennis Club made a similar request that was reviewed by the Planning and Zoning Commission on April 22, 2014 and June 10, 2014 (see Exhibits F and G respectively for minutes). At the April 22nd meeting, a paddle court and hut were proposed south of the parking lot. The proposal also included a request for setback variances and tennis court lights. The proposal was amended for the June 10th meeting to remove the tennis court lights and relocate the paddle court and hut outside of the setbacks. The Commission recommended approval with conditions. The applicant decided not to move the proposal forward to City Council and has instead decided to amend the proposal, as is currently being presented to the Commission.

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 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 Dahlia Street. Notice of the hearing was also published in the December 18, 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:

Comment letters received by staff are attached as Exhibit H.

CODE REQUIREMENTS:

Article XX of the City's Zoning Ordinance governs the establishment and expansion of nonprofit institutions, private clubs, public recreational facilities, and nonprofit recreational facilities. Under Section 16-20-40 of the ordinance, 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 City Council may approve, approve with conditions, or deny the application, or table the matter to a date certain pending the provision of further information.

STAFF ANALYSIS:

The following are staff's finding and analysis for each of the submittal requirements and variance review criteria.

Submittal Requirements:

16-20-50(1): Letter of intent requesting public hearings in front of the Planning and Zoning Commission and City Council and describing fully the intended use or expanded or increased use of the property.

Complete – The applicant has provided a letter of intent in Exhibit B.

CHERRY HILLS VILLAGE
COLORADO

16-20-50(2): *An application fee of three hundred dollars (\$300.00).*

Complete – The required application fee has been paid.

16-20-50(3): *A site plan which shall be an original drawing in black ink on twenty-four-inch-by-thirty-six-inch media and contain the following information:*

a: *Project name, type of proposal, legal description of the plan's land area, date of the drawing, scale (one [1] inch = fifty [50] feet or one [1] inch = one hundred [100] feet), north arrow and names and addresses of the owner, planner and surveyor.*

Complete – See Sheet 1 of Development Plans.

b: *Vicinity map with north arrow (scale of one [1] inch = two thousand [2,000] feet) with an emphasis on the major roadway network within one (1) mile of the proposal.*

Complete – See Sheet 1 of Development Plans.

c: *The existing zoning of the property, as well as the zoning and residential density of all adjacent properties, including yard requirements of the zone districts.*

Complete – See Sheet 1 of Development Plans.

d: *The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structures, the uses to be contained within and the location of entrances and loading points.*

Complete – See Sheet 1 of Development Plans.

e: *Historic, existing and proposed contours expressed in one-foot increments based upon the USGS datum.*

Complete – See Sheets 2 and 6 of Development Plans.

f: *All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, compact, handicap, etc.) and types of surfacing, such as asphalt, concrete, etc., in compliance with the provisions of Article 16 of this Chapter, and Chapter 11, Article II of this Code.*

Complete – See Sheet 2 of Development Plans. The proposal is to maintain the current driveway and parking configuration. The current parking area is gravel and can accommodate approximately 50 vehicles. A grass field to the north is occasionally utilized for overflow parking and can accommodate approximately 60 vehicles. A sign is proposed directing overflow traffic to this location. Staff is not aware of any parking problems at the Club based on current use. The Club has a membership limit of 220 families that will not increase with the current proposal and will be included on the Development Plans and in the Development Agreement as a condition of the Expanded Use Permit. In addition, paddle tennis is a winter sport that will not conflict with the peak swimming and tennis use of the club. Pursuant

CHERRY HILLS VILLAGE
COLORADO

to Municipal Code Section 16-20-50(9) the City Manager has waived the requirement for a parking evaluation.

g: Public and private utility service lines and/or main lines with appurtenances.

Complete – See Sheets 2 and 6 for of the Development Plans for detailed site plans of the development areas.

h: Location of existing easements of record within one-tenth foot (0.1) of actual location.

Complete – See Sheets 2 and 6 for of the Development Plans for detailed site plans of the development areas.

i: All walks, open and recreation areas, with a description of these improvements.

Complete – See Sheets 2 and 6 for of the Development Plans for detailed site plans of the development areas.

j: Location of outdoor trash receptacle systems.

Complete – No new trash facilities are proposed. Sheet 2 of the Development Plans include a painted CMU block trash enclosure at the northwest corner of the parking lot.

k: Provision for access by emergency vehicles.

Complete – South Metro Fire Rescue Authority has been sent a referral and has no comment on emergency access.

l: Location and dimensions of all existing access points on immediately adjacent properties.

N/A – Because no new access points are being proposed staff has not requested this item from the applicant.

m: Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds and the size of outlet restrictors.

Complete – No new drainage infrastructure is required. The proposal will only increase impervious area by 1,400 square feet, which is below the City's 2,500 square foot threshold to require a revised drainage plan.

n: An illustrative landscape plan showing locations and general types of all proposed landscaping materials, including fences, walls, planters and any other landscaping features.

Complete – See Sheet 2 of the Development Plans for planting plan. Three, 16-foot tall Austrian Pines are proposed along the north property boundary and four, 24-foot tall Austrian Pines are proposed directly north of the paddle court. One Colorado Blue Spruce is proposed on the west side of the dumpster enclosure and five Colorado Blue Spruce are proposed west of the two existing paddle courts south of the parking lot. There is also existing mature landscaping around the existing and proposed paddle courts that will provide additional screening. The zoning

CHERRY HILLS VILLAGE
COLORADO

ordinance only requires landscape screening for new and expanded parking lots. Thus, while staff notes that proposed landscaping will help to provide additional screening to the proposed and existing paddle courts and the trash dumpster, no specific landscaping is required by code.

o: A signage plan describing and illustrating the size, location, type and material of all signs, in compliance with the provisions of Article XV of this Chapter.

Complete – Directional signage for the overflow parking north of the existing gravel lot is proposed on Sheet 2 of the Development Plans. Up to 10 directional signs are allowed on the property not to exceed 2 square feet per sign.

p: Location, type and height of lighting devices, in compliance with Article XVI of this Chapter.

Complete – Recreational lighting regulations are contained in Section 16-16-50(5) and include the following requirements:

- 1) Lights taller than 12 feet in height must be turned off from 11:00 p.m. to sunrise the next day.
- 2) Lights may not result in a light level greater than 0.2 foot candles measured at an adjoining property lines.
- 3) Lights with an output greater than 1,800 lumens may only be used if the light source is not visible from adjoining lots or streets.

Lighting and photometric plans for the paddle court are provided on Sheets 3, 4 and 5 of the Development Plans. The proposed lights include shielded, downcast LED fixtures. Photometric plans show that the light levels will not exceed 0.2 foot candles at adjoining property lines. Cross sections showing field of view from S. Dahlia Street and the property boundary to the north show that the light source should not be directly visible and will be further obscured by existing and proposed landscaping. A restrictive note on the cover sheet of the site plan will require that the lights be turned off from 11:00 p.m. to sunrise the next day.

The applicant has noted in the Letter of Intent that they have already converted the two existing paddle courts south of the parking lot to downcast LED lights and that they will also upgrade the two paddle courts at the southeast corner of the property to downcast LED light in conjunction with the construction of the proposed fifth paddle court and hut.

q: Representative architectural elevation plans of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the building.

Complete – Architectural elevations of the paddle hut are provided on Sheet 7 of the Development Plans.

r: Applicable notes and certifications approved by the City Attorney, which regulate the development.

**CHERRY HILLS VILLAGE
COLORADO**

Outstanding Item – A General Notes section is included on Sheet 1 of the Development Plans. In order to clearly establish a membership limit of 220 families, staff recommends that the fourth sentence of Note No. 2 be amended to delete the word “currently” and read as follows: “Club enrollment is limited to 220 families.” This restriction is necessary for staff to support the waiver of the parking and traffic analysis.

s: Planning and Zoning Commission and City Council signature blocks.

Complete – The required signature block is included on Sheet 1 of the site plan.

t: Owners of record signature block.

Complete – The required signature block is included on Sheet 1 of the site plan.

16-20-50(4): Phase III drainage report conforming to the requirements of the "Arapahoe County Storm Drainage Design & Technical Criteria."

N/A – No new drainage infrastructure is required. The proposal will only increase impervious area by 1,400 square feet, which is below the City’s 2,500 square foot threshold to require a revised drainage plan.

16-20-50(5): Traffic impact study conforming to the requirements of Article XVI of this Chapter.

N/A – As with the parking requirements discussed above, since the expansion of facilities does not add additional membership to the club, and considering that paddle tennis is typically a winter sport that will not conflict with the peak swimming and tennis use of the club, staff finds that any traffic impact will be negligible. Pursuant to Municipal Code Section 16-20-50(9) the City Manager has waived the requirement for a parking evaluation.

16-20-50(6): Cost estimate of public improvements such as sidewalks, roadway and/or drainage improvements, etc.

N/A – No public improvements are proposed.

16-20-50(7): An appropriate number of eleven-inch-by-seventeen-inch reductions of the site plan as determined by the Community Development Director.

Complete – Site plans have been provided for review.

16-20-50(8): A letter from the appropriate water and sanitation districts, South Metro Fire and Rescue and the Colorado Department of Transportation (if property contains access to a state highway) stating the ability to serve the proposal.

Complete – Referrals were sent to Denver Water and The City of Cherry Hills Village Sanitation District. No comments were received.

CHERRY HILLS VILLAGE
COLORADO

16-20-50(9): *Additional information as requested by the Community Development Director as appropriate to the request. Information required above may be waived by the City Manager if it is deemed to be inappropriate to the request.*

N/A – No additional information has been requested.

16-20-50(10): *A development agreement between the applicant and the City defining terms and conditions of approval. The site plan, landscape plan, building plan, phase III drainage report and traffic report shall become part of the development agreement. If approved, the City will record the development agreement and attachments and charge the fees for recording to the escrow account of the applicant.*

Outstanding Item – In order to clearly establish a membership limit of 220 families, staff recommends that the third sentence of Section 2.11 be amended to delete the word “currently” and read as follows: “Club enrollment is limited to 220 families.” This restriction on membership is necessary for staff to support the waiver of the parking and traffic analysis as discussed in the previous sections.

Discussion

The City’s Master Plan designates the property is Parks/Open Space/Recreation. This land use category includes privately owned land utilized for private rotational use. The proposal is consistent with this land use category. The Master Plan also includes a Village Character strategy relevant to the paddle court lighting request that encourages outdoor lighting designed to preserve the “dark sky.” Staff finds that the landscape screening and other lighting design standards and restrictions proposed promote this strategy. The Planning Commission’s current recommendation is that the new paddle court lights be turned off from 9:00 p.m. to sunrise the following day as a way to further promote this strategy. The applicant has requested that this restriction not be adopted by the City Council based on a proposal to plant 24-foot tall Austrian Pines along the north side of the new paddle court to mitigate any negative impacts from the lights.

RECOMMENDATIONS:

Planning and Zoning Commission:

The Planning and Zoning Commission recommends approval with the following conditions:

1. The lights on the new paddle court shall be turned off from 9pm to Sunrise the next day.

Condition Not Met: In place of meeting this condition, the applicant proposes taller landscape screening along the north side of the court to help mitigate any negative impacts from the lights (see Condition No. 2 below).

2. Landscape screening north of the new paddle court shall include Austrian Pines or other similar evergreen tree to be approved by staff, with a minimum height of 16 feet.

Condition Met: The applicant has proposed four, 24-foot tall Austrian Pines in this location.

CHERRY HILLS VILLAGE
COLORADO

3. The field north of the existing parking lot shall be designated an overflow parking area to accommodate 60 vehicles and include directional signage and a development restriction to ensure that the area is reserved for parking.

Condition Met: The Development Plans shows the designated parking area and directional signage and Section 2.1 of the Development Agreement addresses the parking requirement as well.

4. Noise limitation reflecting the requirements of Municipal Code Section 7-1-30(4) shall be included in the Development Agreement.

Condition Met: The noise limitation is addressed in Section 2.6 of the Development Agreement.

5. A limitation on events that would exceed a demand for 110 parking spaces and an administrative approval process for special events exceeding this parking demand if the applicant demonstrates that adequate off-street parking can be provided shall be included in the Development Agreement.

Condition Met: The Special Event parking requirements are addressed in Section 2.8 of the Development Agreement.

6. All existing and new paddle court lights shall be canted down so they are parallel with the ground.

Condition Met: The requirement to cant down the existing as well as the new court lights is addressed in Section 2.2(c) of the Development Agreement.

7. Require that back shields shall be installed for the new paddle court lighting.

Condition Met: Installation of back shields is addressed in Section 2.2(c) of the Development Agreement.

8. Provide and update as needed surrounding residents the name and cell phone number of the club manager so they may contact her in the event of any issue with respect to the club.

Condition Met: A requirement to provide contact information for the club manager is addressed in Section 2.10 of the Development Agreement.

9. Require that any gravel spilled onto South Dahlia Street shall be shoveled back into the parking lot.

Condition Met: A requirement to regularly shovel gravel encroaching onto South Dahlia Street is address in Section 2.3 of the Development Agreement.

10. Require landscape maintenance and trash/debris cleanup.

Condition Met: Minimum standards for property and landscape maintenance are addressed in Sections 2.3 and 2.7 of the Development Agreement.

11. Trim landscaping back on Dahlia to improve egress lines of sight from the parking lot.

CHERRY HILLS VILLAGE
COLORADO

Condition Met: Minimum standards for a 25-foot clear sight triangle for the parking lot driveway are addressed in Section 2.7 of the Development Agreement.

Staff:

Staff recommends approval of the request with the following conditions:

1. General Note No. 2 shall be amended to delete the word "currently" and read as follows: "Club enrollment is limited to 220 families."
2. Section 2.11 of the Development Agreement shall be amended to delete the word "currently" and read as follows: "Club enrollment is limited to 220 families."

RECOMMENDED MOTION:

"I move to approve the request by Arapahoe Tennis Club for an Expanded Use Permit to construct a paddle court with lights and paddle hut based on staff's findings and analysis in the January 6, 2015 staff memorandum with the following conditions:

1. The Development Agreement shall include a provision that the lights on the new paddle court shall be turned off from 9pm to Sunrise the next day.
2. General Note No. 2 shall be amended to delete the word "currently" and read as follows: "Club enrollment is limited to 220 families."
3. Section 2.11 of the Development Agreement shall be amended to delete the word "currently" and read as follows: "Club enrollment is limited to 220 families."

ATTACHMENTS:

Exhibit A: Vicinity Map

Exhibit B: Application Materials

Exhibit C: Development Agreement

Exhibit D: December 2, 2014 Draft Planning and Zoning Commission Minutes

Exhibit E: December 12, 1963 Letter to Board of Trustees

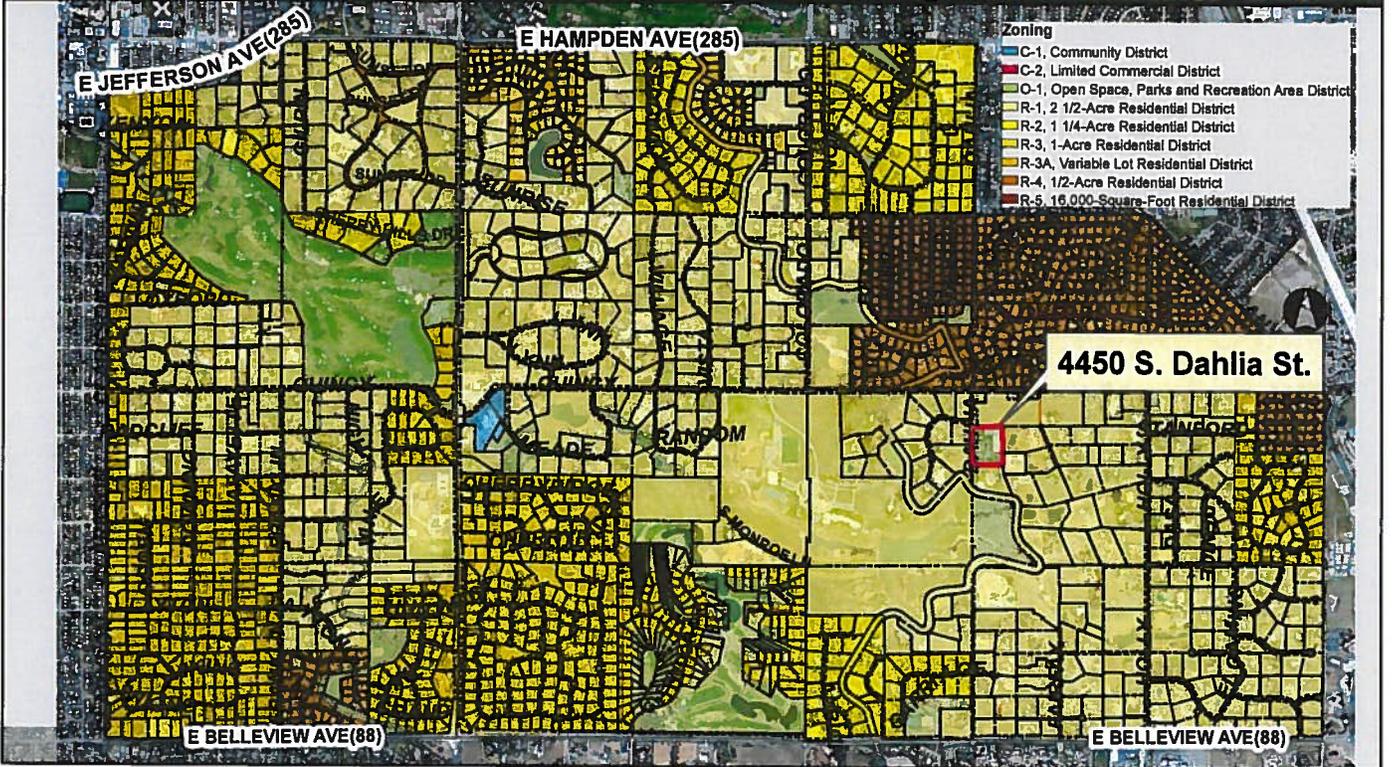
Exhibit F: April 22, 2014 Planning and Zoning Commission Minutes

Exhibit G: June 10, 2014 Planning and Zoning Commission Minutes

Exhibit H: Comment Letters

4450 S. Dahlia St. Vicinity Map

Exhibit A





ARAPAHOE TENNIS CLUB
4450 S. Dahlia Street
Cherry Hills Village, CO 80111

September 26, 2014

Robert A. Zuccaro, AICP, CPM
Community Development Director
City of Cherry Hills Village
2450 East Quincy Avenue
Cherry Hills Village, CO 80113

**RE: Letter of Intent – Arapahoe Tennis Club
Racquet Sports Expansion / Expanded Use Permit**

Dear Mr. Zuccaro:

On behalf of the Arapahoe Tennis Club ("ATC") I am pleased to submit this Letter of Intent and the attached materials. As you know, we ran an extensive process with the neighbors and had hearings with P&Z on these matters earlier this year. This proposal reflects revisions to the plan that are supported by our Board and which we believe are mutually beneficial to the neighbors.

We seek an Expanded Use Permit from the City of Cherry Hills Village (the "City" or "CHV") to add a 5th paddle court and a paddle hut in the locations shown. We remain committed to making the necessary lighting, landscaping and other improvements necessary to achieve neighborhood support for this revised plan. Evidence of this is the many improvements we have made during this process, before receiving full approval for our improvements.

The requested approvals are:

1. Additional Paddle Court #5

Located in full conformance with all City set back requirements on top of an existing concrete court surface (tennis backboard). This area on three sides is already surrounded by mature

plantings, which substantially shield the proposed court. We have added proposed additional plantings on the north side to further screen this improvement. The paddle court will be installed using gas heaters, eliminating the need for any propane tanks and with LED lights, greatly reducing the light spill amounts coming from traditionally lighted paddle courts.

2. Paddle Hut

A very small (864 s.f.) single story hut located between the existing tennis courts 1 & 2. This facility is designed with no rooftop deck, no bathrooms or kitchen. It is very simple, in conformance with the rear yard setback, and nestled in between existing improvements.

Additional Information

In order to continue to receive the neighborhood support that we have in the past, we have the following additional improvements that we are committed to:

	<u>Improvement</u>	<u>Location</u>	<u>Timing</u>
1.	7 Arizona Cyprus with Drip Irrigation	North of Paddle Court #5	Part of Paddle #5 Installation
2.	Painted CMU Dumpster Enclosure	Trash Area	October, 2014
3.	1 Colorado Blue Spruce	In front, to west of new CMU Enclosure	Paddle #5 install/ Spring, 2015
4.	Parking Access Lane to Overflow Parking Area and Signage	Between gravel lot and field	4Q, 2014
5.	5 Colorado Blue Spruce	To the west of Existing Paddle Courts 3 & 4	Spring, 2015
6.	5 Evergreen Trees	Between Existing Paddle Courts 1 & 2 and Keating property	Spring, 2015
7.	Elimination of Propane Tanks	Both sides of property	With Paddle Court #5 Install

We believe those additional improvements fulfil our commitment to the neighbors to improve their experience of the property.

We have already made numerous improvements toward this end which are already complete. Primary among these are the conversion of paddle courts 3 & 4 (along Dahlia) to lights which are canted down and converted to LED, which very substantially reduces the amount of light thrown from the courts. This installation is expected to be complete in October and will demonstrate a vast improvement to the neighbors.

As part of Paddle #5 and the Hut installation, we will convert existing paddle courts 1 & 2 to the same LED lighting.

We look forward to meetings with staff, neighbors, P&Z, City Council to achieve approval of this plan in the coming months.

Enclosures

Enclosed with this Letter of Intent are the following documents:

- Sheet 1 – Existing Conditions Site Plan, Vicinity Map, Signature Blocks, Legal Description
- Sheet 2 – Existing Conditions & Proposed Improvements: Paddle Court #5
- Sheet 3 – Paddle Court Plans & Sections, Photometrics and Light Specs
- Sheet 4 – Existing Conditions & Proposed Improvements: Paddle Hut
- Sheet 5 – Paddle Hut Architecture Plans & Elevations

The Team

The consulting team that has been assembled for this submittal is as follows:

- Land Planning/Overall Coordination – DHM Design, Mike Gasper (303) 892-5566
- Survey – Harris Kocher Smith, Steve Kocher (303) 623-6300
- Civil Engineering & Drainage – Harris Kocher Smith (303) 623-6300
- Architect – Oz Architecture, Dain Carlson (303) 861-5704
- ATC Representative – Don MacKenzie (303) 884-1041 and Dan Sheldon (303) 771-1500

We will again with the adjacent neighbors prior to any public hearings to go over our plans and address their concerns accordingly. We look forward to working with the Village on this Expanded Use Permit.

Please feel free to contact me at (303) 884-1041 or dmackenzie@udr.com with any questions.

Sincerely,



Donald D. MacKenzie

President

Arapahoe Tennis Club Board

Daniel R. Sheldon

Arapahoe Tennis Club



**ARAPAHOE TENNIS CLUB
4450 S. Dahlia Street
Cherry Hills Village, CO 80111**

October 29, 2014

Robert A. Zuccaro, AICP, CPM
Community Development Director
City of Cherry Hills Village
2450 East Quincy Avenue
Cherry Hills Village, CO 80113

RE: ATC Expanded Use Application

Dear Mr. Zuccaro:

Attached please find revised exhibits for the ATC Expanded Use application. 3 sets of plans at 24x36 of the same have been sent to you by messenger. Please e mail me letting me know you have received these once you have.

A few comments organized by the additional information requests in your letter of October 13:

- 1) Legible dimensions have been added to the paddle court elevations as requested.
- 2) Dimensions have been added indicating the setbacks for the proposed paddle court and proposed paddle hut from the nearest property lines.
- 3) Two scaled cross sections have been added illustrating the location and visibility of the paddle court light source from both the west property line and north property line. See Sheet 4.
- 4) See note 4 on sheet 1 of 6 which states that increase in impervious area totals approximately 1400 SF. The impervious surfaces are not increased by the paddle court since the concrete pad it is being placed on already exists. See Landscape Note No. 1 on Sheet 2 of 6 regarding landscape elements and drainage flow paths. As you can see these improvements have minimal surface area and negligible impact on site drainage.

5) A layout for proposed overflow parking has been added. See sheet 2 of 6 Proposed Improvements Paddle Court. There is no resurfacing proposed for the overflow parking area or the access to this area. A directional sign is proposed for the access area which states Overflow parking only. See Landscape Note No. 2 regarding additional landscaping in the designated overflow parking area.

To be clear, the schematic parking overlay totals 60 rather than 70 spaces. This is because we will no longer be able to park on the concrete pad. Along with the existing gravel lot, this is ample parking for 99% of the Club's events. As drafted in the Development Agreement, we are happy to have the requirement that we seek City approval of a parking plan for events known to require in excess of our capacity.

Thank you very much. Please let us know if you have any additional questions.

Sincerely Yours,

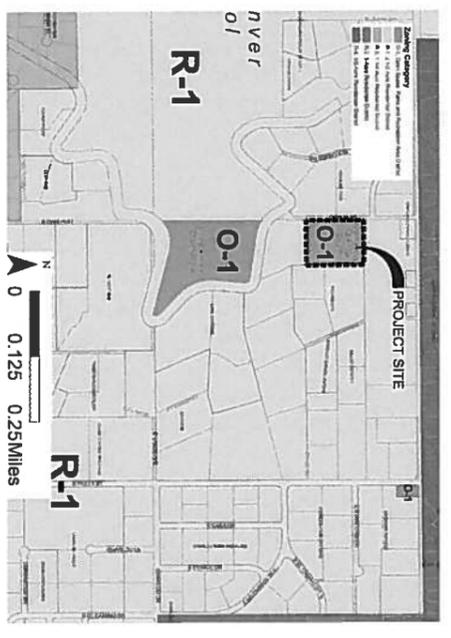
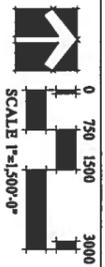


Donald D. MacKenzie
President

ARAPAHOE TENNIS CLUB

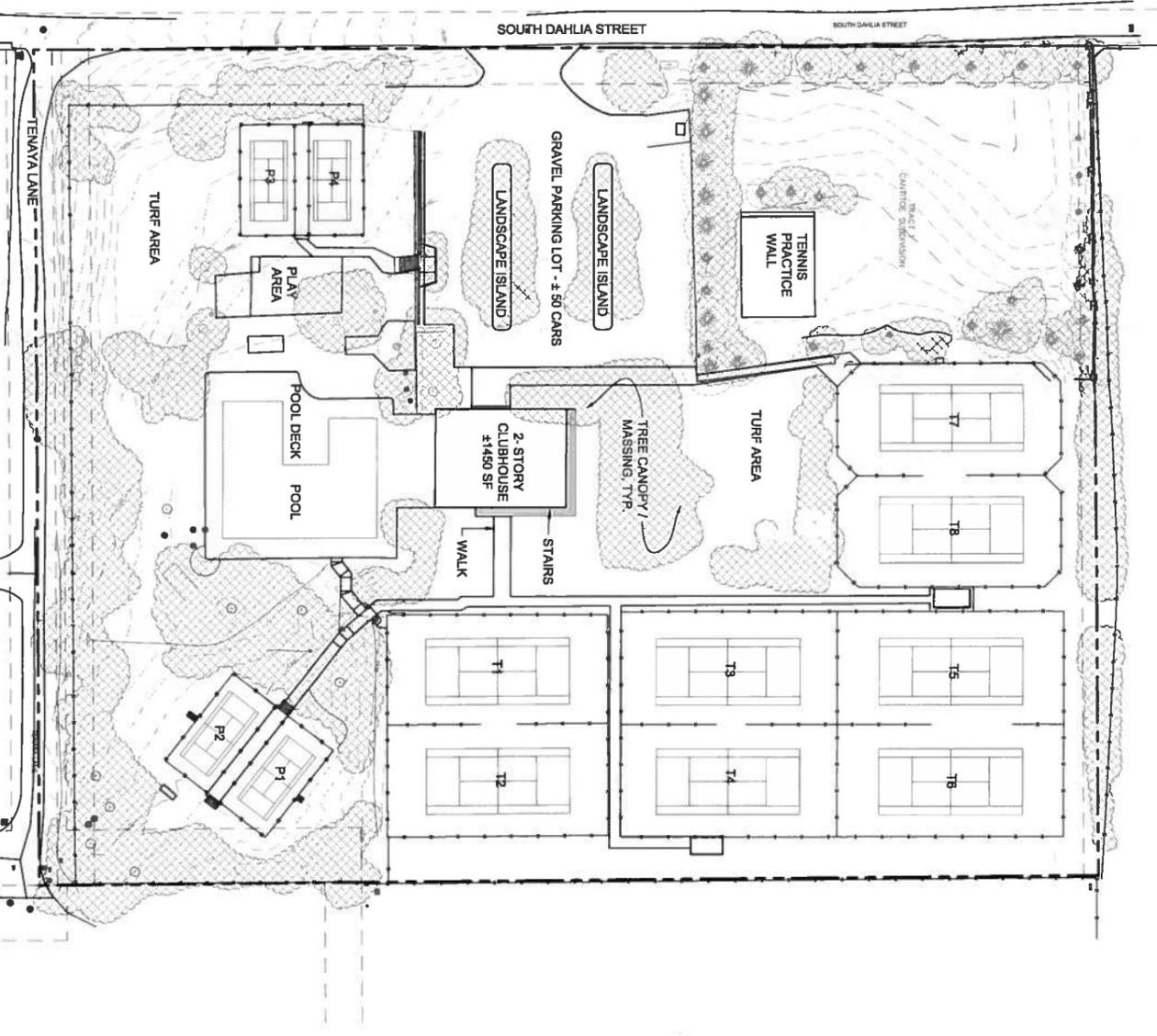
EXPANDED USE PERMIT

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.



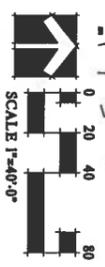
GENERAL NOTES

1. THE PURPOSE OF THIS EXPANDED USE PERMIT IS TO ADD 1 PADDLE COURT IN THE APPROXIMATE LOCATION OF THE EXISTING TENNIS PRACTICE WALL AND A PADDLE HUT LOCATED BETWEEN TENNIS COURTS T1/T2 AND PADDLE COURTS P1/P2.
2. THERE IS A STRICTLY ENFORCED ENROLLMENT POLICY AT ARAPAHOE TENNIS CLUB. THE ENROLLMENT AT THE CLUB WILL NOT INCREASE DUE TO THE ADDITION OF A PADDLE COURT AND PADDLE HUT FACILITY. THE PARKING DEMAND AND TRAFFIC IMPACT WILL NOT INCREASE WITH THIS EXPANSION OF THE CLUB FACILITIES. CLUB ENROLLMENT IS CURRENTLY LIMITED TO 220 FAMILIES. THE CITY OF CHERRY HILLS VILLAGE MAY REQUEST A WRITTEN ACCOUNTING OF THE CLUB MEMBERSHIP NO MORE FREQUENTLY THAN ANNUALLY.
3. ANY RECREATIONAL USE LIGHTING EXCEEDING 12' IN HEIGHT SHALL BE TURNED OFF BETWEEN 11 P.M. AND SUNRISE THE FOLLOWING DAY.
4. THE WORK CITED HEREIN WILL INCREASE THE IMPERVIOUS SITE MATERIALS BY APPROXIMATELY 1,400 S.F.



EXISTING SITE CONDITIONS

- LEGEND**
- T1-8 - EXISTING TENNIS COURTS
 - P1-4 - EXISTING PADDLE COURTS
 - TREE CANOPY MASSING



Planning and Zoning Commission Recommendation:

This Expanded Use Application is recommended for (approval, approval with conditions, denial) after public hearing by the City of Cherry Hills Village Planning and Zoning Commission this ___ day of ___, 20__.

The details of this (approval, approval with conditions, denial) are contained in that certain Notice of Decision of the Cherry Hills Village Planning and Zoning Commission dated ___/___/20__.

By: _____ Chairman

City Council Approval:

This Expanded Use Application is (approved, approved with conditions, denied) after public hearing by the City of Cherry Hills Village City Council this ___ day of ___, 20__. The details of this (approval, approval with conditions, denial) are contained in that certain Notice of Decision of the Cherry Hills Village City Council dated ___/___/20__.

By: _____ Mayor

Owners of Record Signature Block:

Know all persons by these presents, that the undersigned hereby certify that they are all of the Owner(s), Mortgagee(s) and Lender(s) of certain lands in the City of Cherry Hills Village, Arapahoe County, Colorado, described as follows:

LEGAL DESCRIPTION:
 TRACT 1, PARTING
 COUNTY OF ARAPAHOE
 STATE OF COLORADO.

Know further that said Owner(s), Mortgagee(s) and Lender(s) hereby make, or consent to the making of, this Expanded Use Application pursuant to the provisions and requirements of Article XX, Chapter 18 of the Cherry Hills Village Municipal Code.

Executed this ___ day of ___, 20__.

Owner(s) _____ Mortgagee(s) and Lender(s) _____

State of Colorado)
 County of _____) ss.

The foregoing Owners of Record Signature Block was acknowledged before me this ___ day of ___, 20__ by _____

Witness my hand and seal.

 Notary Public

My commission expires: _____

SIGNATURE BLOCK:
 ARAPAHOE TENNIS CLUB, INC.
 A Colorado Corporation
 By: Donald D. Mackenzie
 President

SHEET INDEX	SHEET #	TITLE OF SHEET
1	CVR	COVER SHEET
2	1.0	EXISTING & PROPOSED IMPROVEMENTS - PADDLE COURT
3	2.0	PADDLE COURT DETAILS AND PHOTOMETRICS
4	3.0	PADDLE COURT PHOTOMETRICS AND SECTIONS
5	4.0	EXISTING & PROPOSED IMPROVEMENTS - PADDLE HUT
6	5.0	PADDLE HUT ARCHITECTURE

811 Know what's below.
 Call 3 business days in advance before you dig. OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

DM DESIGN
 201 S. Broadway
 Suite 300
 Denver, CO 80202
 www.dmdesign.com

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303-623-6300 F: 303-623-6311
 harriskochersmith.com

ARAPAHOE TENNIS CLUB
 EXPANDED USE PERMIT

4450 SOUTH DAHLIA STREET

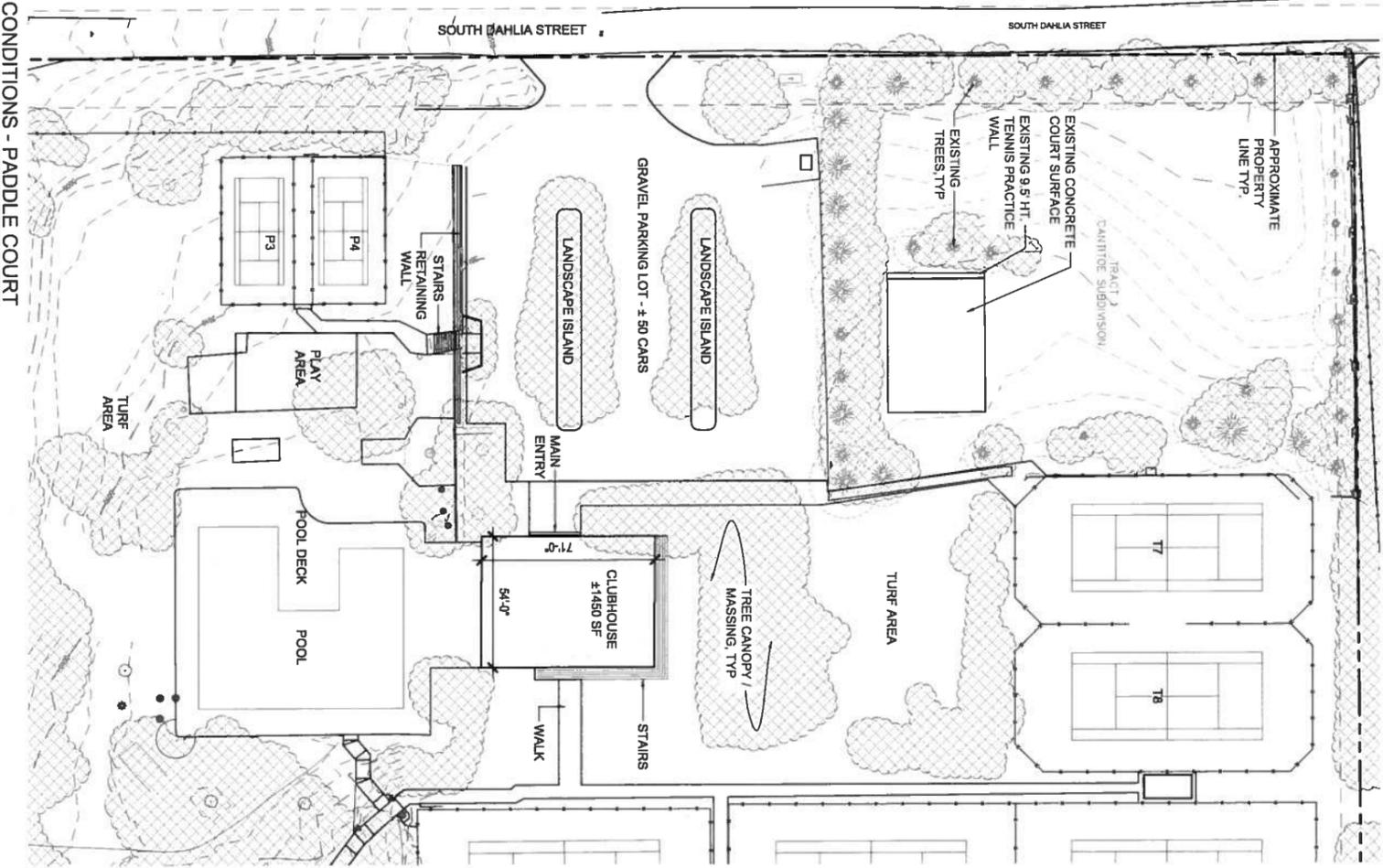
ISSUE DATE:	REVISION COMMENTS
09/26/14	
11/24/14	Re-Submittal
12/15/14	Submitted Revisions

SHEET NO. **CVR**
 1 OF 7

ARAPAHOE TENNIS CLUB

EXPANDED USE PERMIT

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.



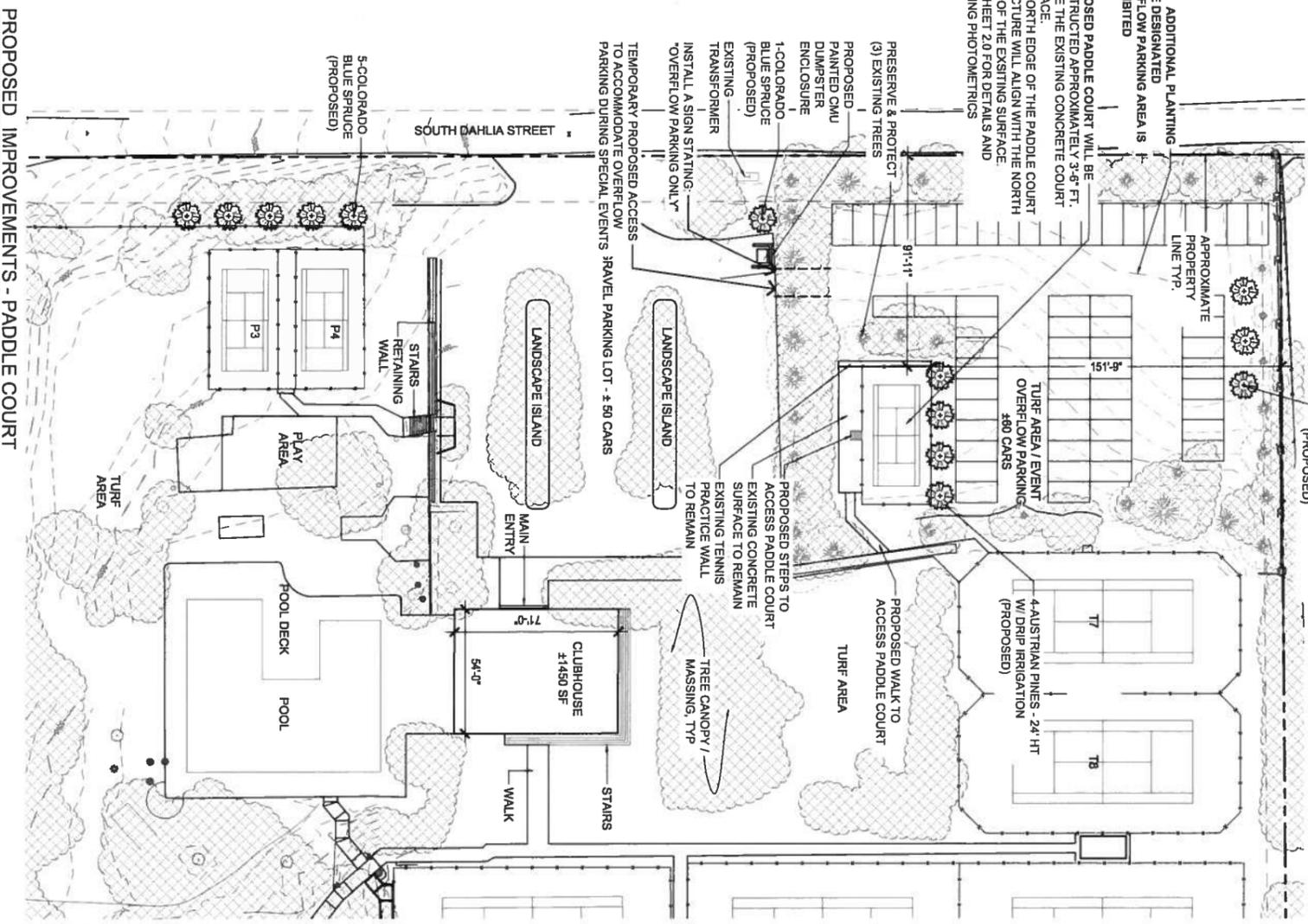
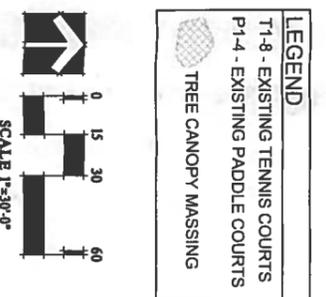
SURVEY NOTES

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HARRIS KOCHER SMITH TO DETERMINE THE EXISTENCE OR EASEMENTS OF RECORD FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD. HARRIS KOCHER SMITH RELIED UPON RECORD COMMITMENT FOR TITLE INSURANCE COMMITMENT NO. 588-888871-017 ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED 08/11/14 AND HAVING AN EFFECTIVE DATE OF OCTOBER 25, 2013 AT 7:00 AM.
- NOTICE ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST TAKE POSSESSION OF THE LAND OR THE DEFECTIVE ACTION BASED UPON 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 ONLY. UTILITY LOCATIONS WERE NOT GUARANTEED. 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 APPROPRIATE UTILITY COMPANY PRIOR TO CONSTRUCTION.
- BENCHMARK IS ARAPAHOE COUNTY BENCHMARK UMP2 2 AT THE SOUTHEAST CORNER OF BELLEVUE AVENUE AND DAHLIA STREET. ELEVATION=5540.54, NAD83.
- THE LINEAS UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
- THIS SURVEY DOES NOT REPRESENT A MONUMENTED LAND SURVEY. THE PURPOSE OF THIS SURVEY IS TO SHOW PROGRAMMATIC AND EXISTING IMPROVEMENTS AT THE ARAPAHOE TENNIS CLUB.

LANDSCAPE NOTES

- INSTALLATION OF PROPOSED LANDSCAPE ELEMENTS SHALL NOT DISRUPT THE FLOW PATH IN A MANNER DETERMINAL TO THE OVERFLOW PARKING USE. LANDSCAPING ON OTHER FEATURES OF THE AREA.
- ANY ADDITIONAL LANDSCAPING IS PROHIBITED IN THE DESIGNATED OVERFLOW PARKING AREA.

PLANT SCHEDULE			
QTY	COMMON NAME	BOTANIC NAME	SIZE
4	AUSTRIAN PINE	PINUS NIGRA	24" HT
3	AUSTRIAN PINE	PINUS NIGRA	16" HT
6	COLORADO SPRUCE	PICEA PUNGENS	8-10" HT



PROPOSED IMPROVEMENTS - PADDLE COURT

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

DHM DESIGN
 803 S. Broadway
 Suite 200
 Denver, CO 80209
 dhmdesign.com

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 P.O. Box 1000
 Denver, Colorado 80203
 P-303-733-1111
 harriskochersmith.com

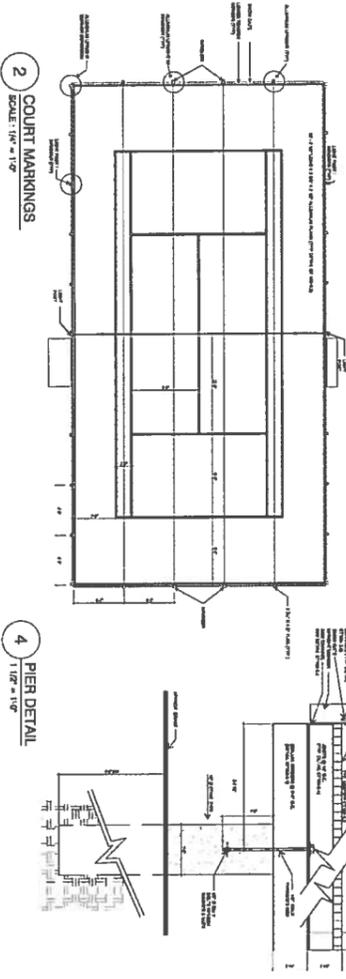
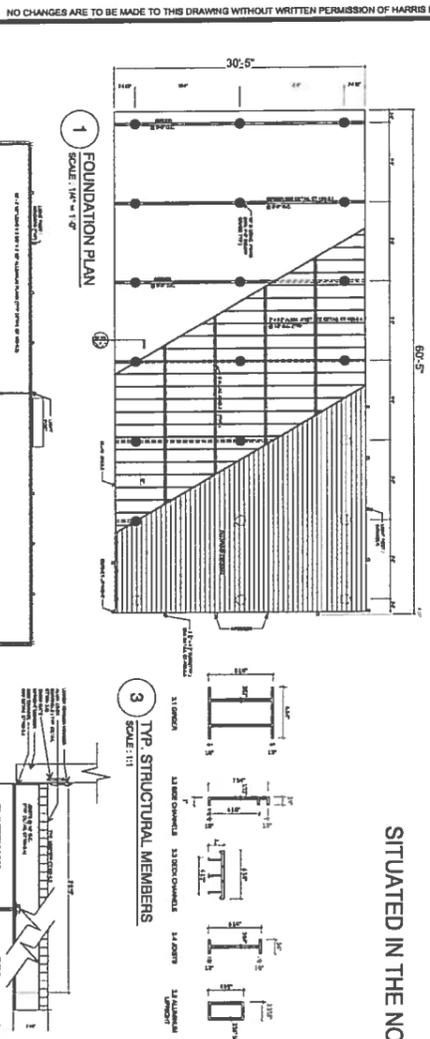
ARAPAHOE TENNIS CLUB
 EXPANDED USE PERMIT

4450 SOUTH DAHLIA STREET

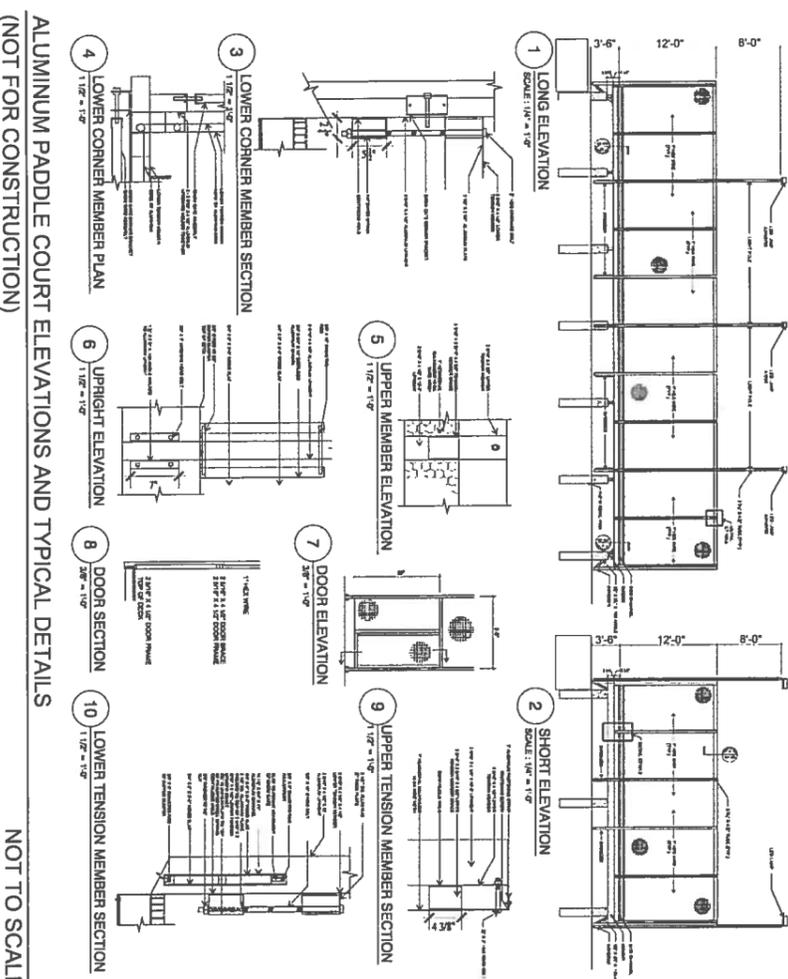
DATE	REVISION COMMENTS
12/24/14	GV Comments
12/14/14	Rp-Submitted
12/11/14	Submitted Revisions

ARAPAHOE TENNIS CLUB

EXPANDED USE PERMIT
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.



ALUMINUM PADDLE COURT FOUNDATION AND COURT MARKINGS
(NOT FOR CONSTRUCTION)
NOT TO SCALE

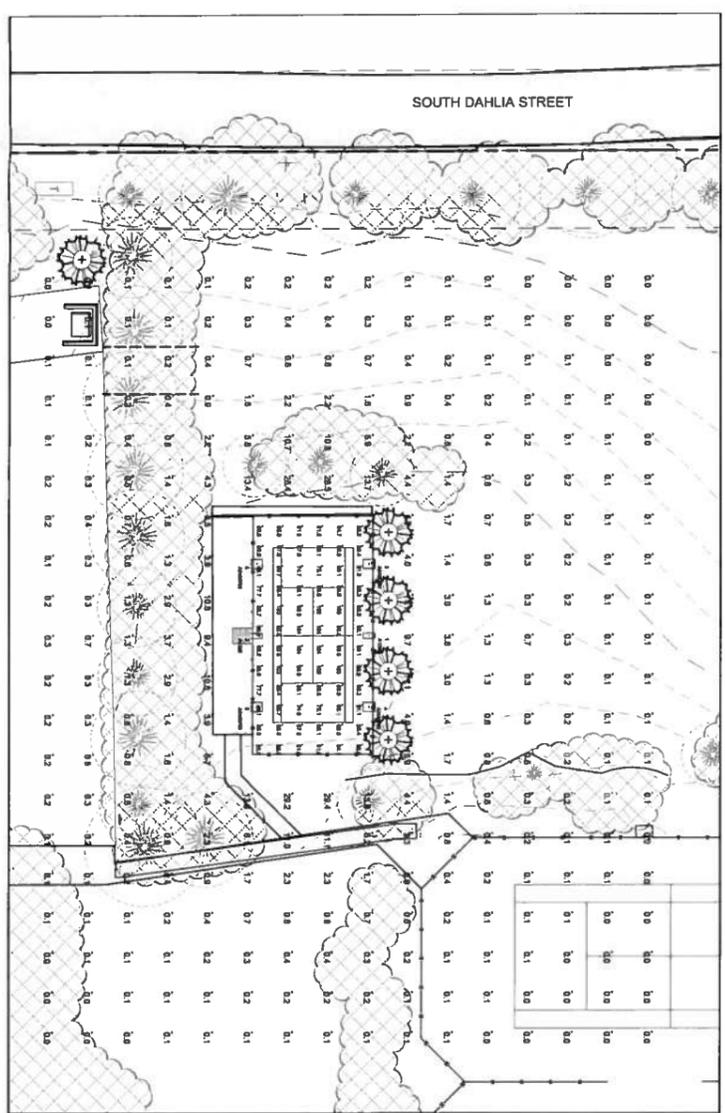


ALUMINUM PADDLE COURT ELEVATIONS AND TYPICAL DETAILS
(NOT FOR CONSTRUCTION)
NOT TO SCALE

Calculation Summary				
Label	Avg	Max	Min	Avg/Min
COURT LEVEL	76.65	104	49.1	1.66
GROUND LEVEL	1.63	29.4	0.0	N.A.
NET LEVEL	83.78	110	62.4	1.34
				1.76

Luminaire Location Summary		
LumNo	Label	MTG HT
1	A1250	23.5
2	A1250	23.5
3	A2450700	23.5
4	A2450700	23.5
5	A2450700	23.5
6	A2450700	23.5

Luminaire Schedule									
Symbol	Qty	Label	Arrangement	Lumens	LLF	Total Watts	Manufacturer	Description	
□	2	A1250	SINGLE	20746	1.040	541.2	CREE, INC.	ARE-EHO-AF-DM-12-E-UL-WH-700-50K	
□	4	A2450700	SINGLE	40900	1.040	2156	CREE, INC.	ARE-EHO-AF-DM-24-E-UL-WH-700-50K	



PROPOSED PADDLE COURT PHOTOMETRIC STUDY

NOTES:
- FOOTCANDLE LEVELS CALCULATED USING INITIAL LUMEN VALUES
- EDGE HO FIXTURE REQUIRES 5IN SQUARE POLE
- COURT LEVEL IS 3'-8" ABOVE GROUND LEVEL
- NET LEVEL IS 3'-6" ABOVE COURT LEVEL
- LIGHT FIXTURES 20FT ABOVE COURT LEVEL, 23.5FT ABOVE GROUND LEVEL.



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.

DAM DESIGN
NO. 3 Broomfield
Suite 300
3000 W. 104th Ave.
Broomfield, CO 80020
303.473.5000
www.damdesign.com

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
P.O. Box 1000
Broomfield, CO 80020
P-303.473.5000
www.hks.com

ARAPAHOE TENNIS CLUB
EXPANDED USE PERMIT

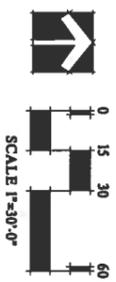
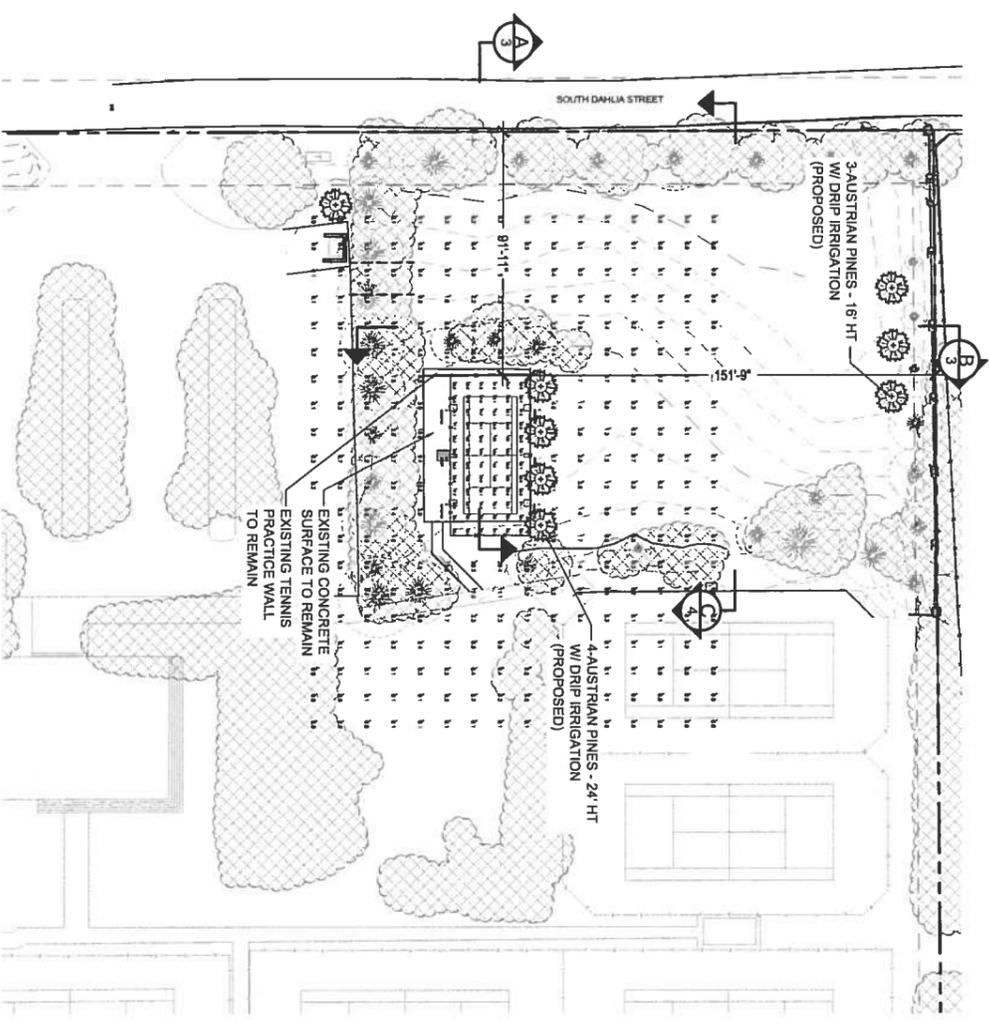
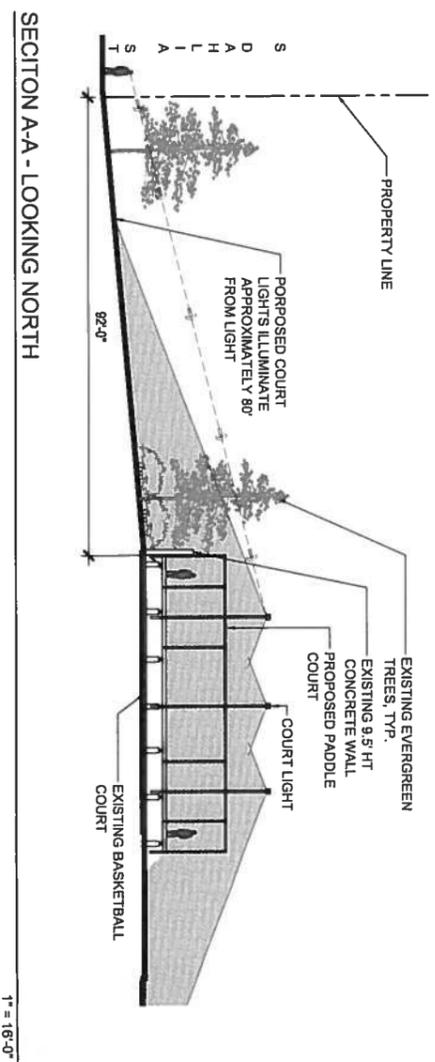
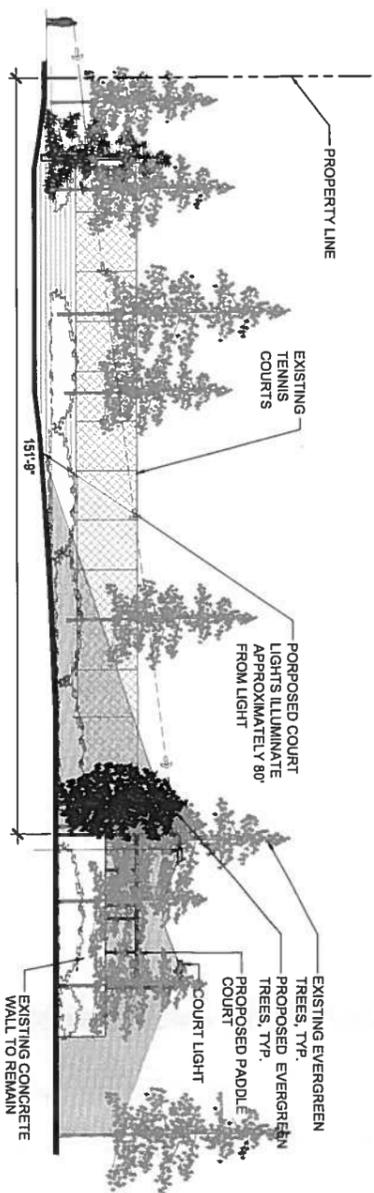
4450 SOUTH DAHLIA STREET

ISSUE DATE	REVISION COMMENTS
12/24/14	REV 001
11/24/14	REV 002
12/15/14	Submittal Revisions

ARAPAHOE TENNIS CLUB

EXPANDED USE PERMIT

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.



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.

DHM DESIGN
3001 Broadway
Suite 300
Denver, CO 80202
303.973.5266
www.dhmdesign.com

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-823-8300 F: 303-823-6311
harriskochersmith.com

ARAPAHOE TENNIS CLUB
EXPANDED USE PERMIT

4450 SOUTH DAHLIA STREET

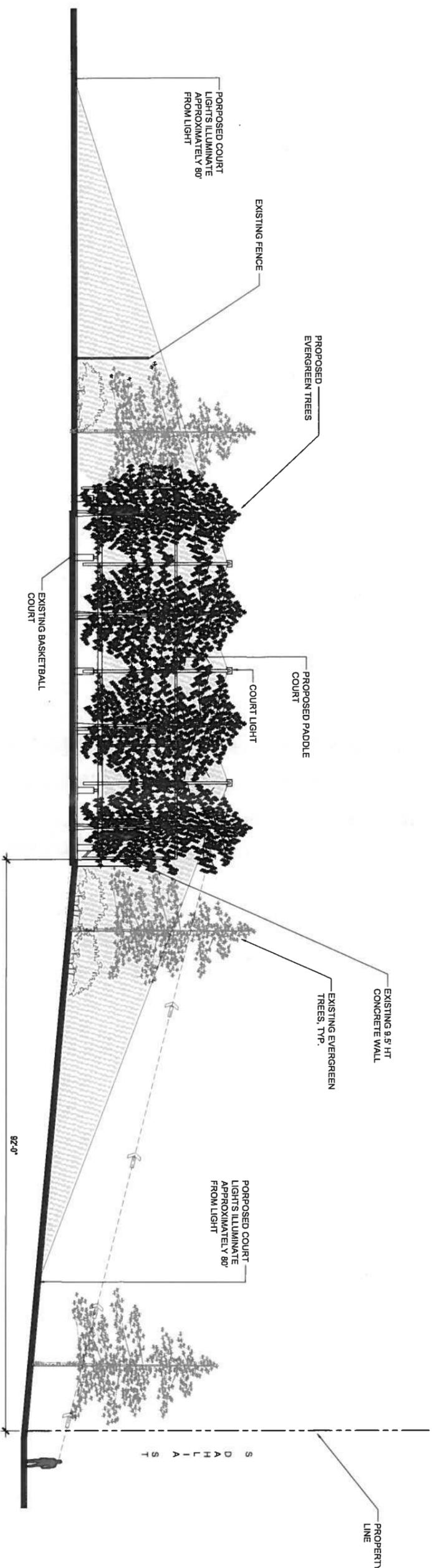
ISSUE DATE:	09.28.14
DATE	REVISION COMMENTS
10.24.14	DMV Comments
11.24.14	Re-Submittal
12.15.14	Special Review

SHEET NO. **3.0**
4 OF 7

ARAPAHOE TENNIS CLUB

EXPANDED USE PERMIT

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.



SECTION C-C - LOOKING SOUTH

1/8" = 1'-0"

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

REPAIR: K:\ASPCOR\ARAPAHOE TENNIS CLUB - 1491813_00\CAD\05\SHEETS\A1C_00.DWG LAYOUT: 4.0
PLOT: 12/15/14 5:28:43P BY: MARK BRUNNER

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.

DHM DESIGN
3001 S. Broadway
Suite 300
Denver, CO 80209
www.dhmdesign.com

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-423-8300 F: 303-423-6311
harris@hks.com

ARAPAHOE TENNIS CLUB
EXPANDED USE PERMIT

4450 SOUTH DAHLIA STREET

ISSUE DATE: 09.26.14	
DATE	REVISION COMMENTS
1/23/14	DMV Comments
1/23/14	RE-Submittal
1/23/14	Submittal Revision

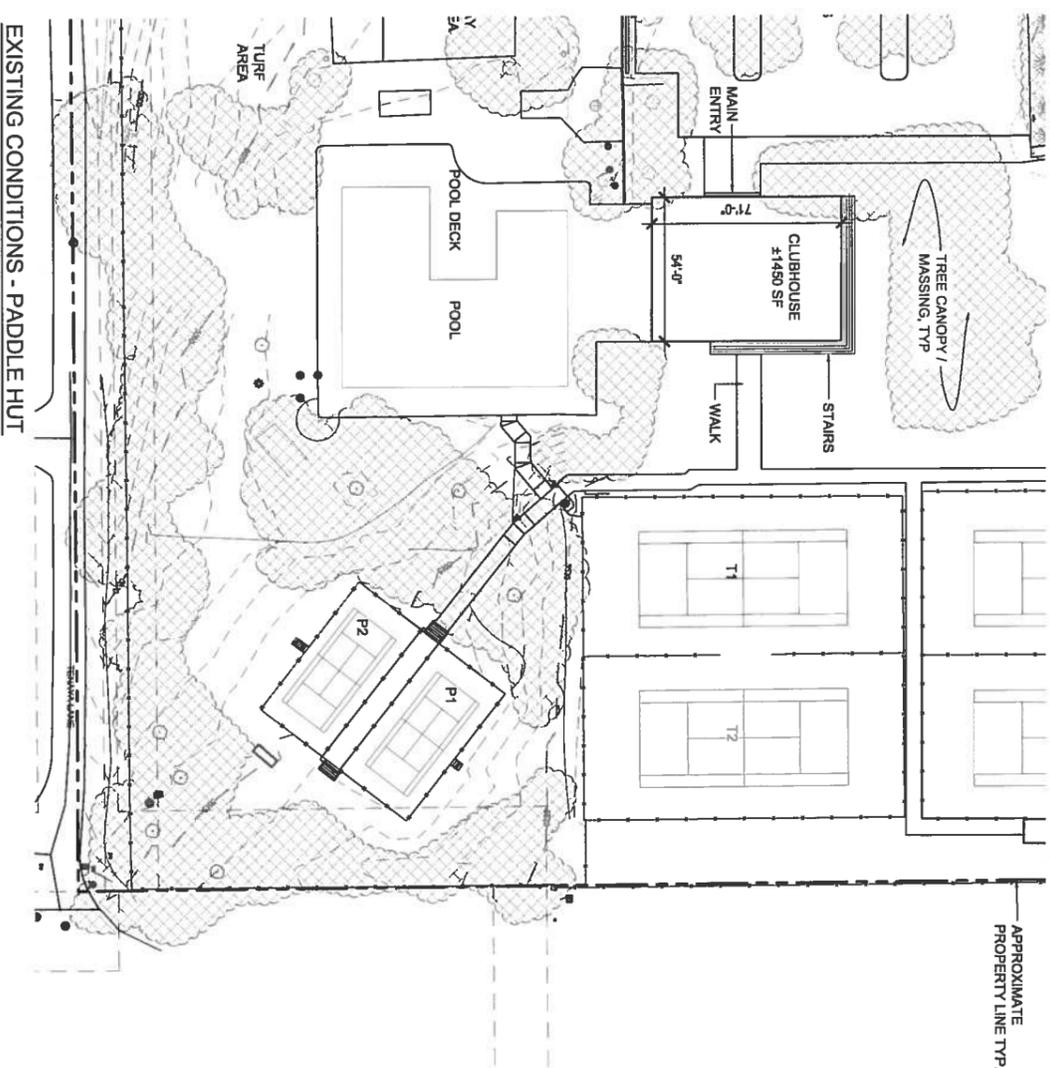
SHEET NO. **4.0**

5 OF 7

ARAPAHOE TENNIS CLUB

EXPANDED USE PERMIT

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.

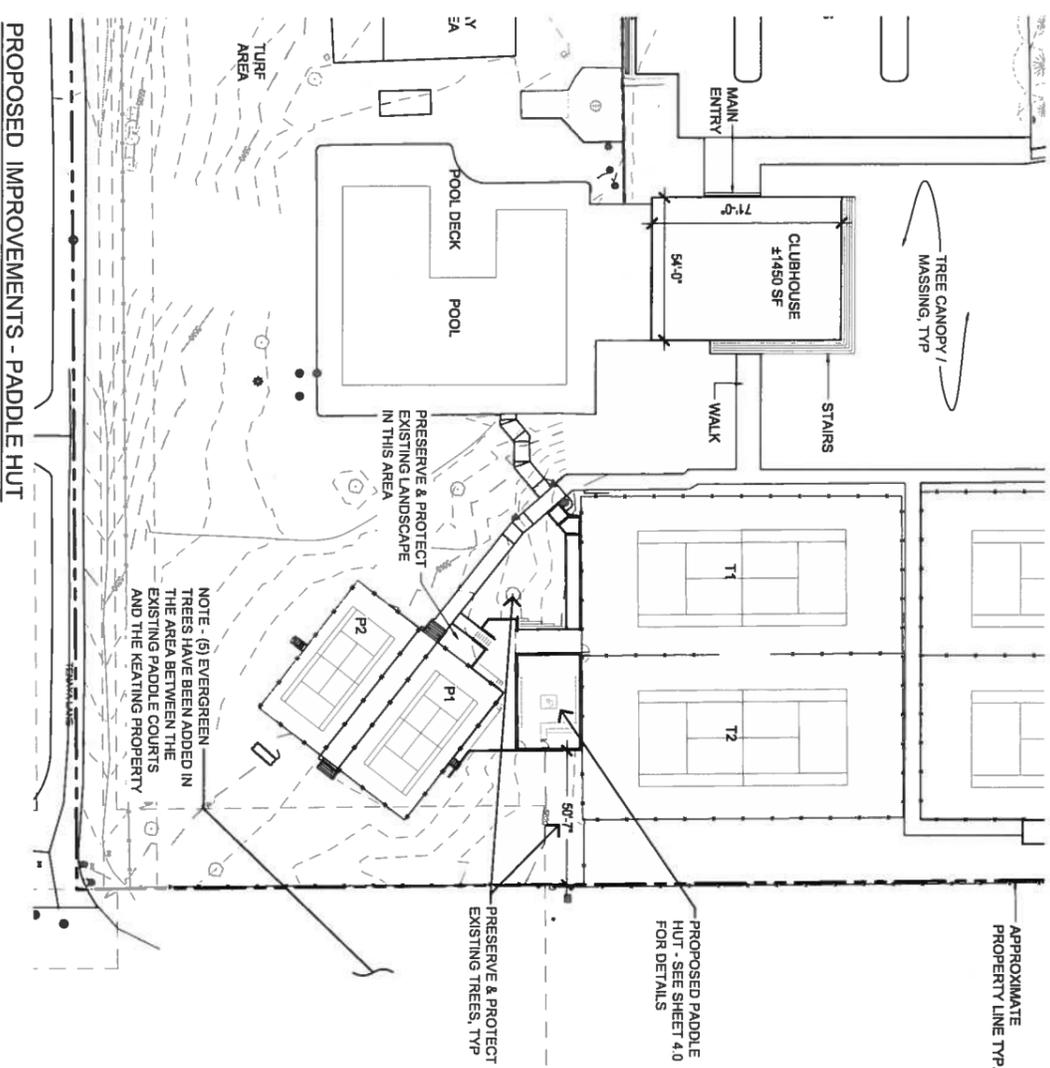


NOTES

- 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, CONTACT THE COUNTY CLERK'S OFFICE AND COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. 508-F048271-017-017 ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY AND HAVING AN EFFECTIVE DATE OF OCTOBER 25, 2013 AT 7:00 A.M.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST OBTAIN A PROFESSIONAL ENGINEER'S INSPECTION AND REPORT TO DISCOVER ANY DEFECTS WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BE 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 VISUAL FIELD INFORMATION ONLY. UTILITY LOCATES WERE NOT PROVIDED FOR THIS SURVEY. HARRIS KOCHER SMITH DOES NOT GUARANTEE THESE LOCATIONS OR THAT THE UTILITIES SHOWN HEREON COMPRISE ALL UTILITIES IN THIS LOCATION. ALL SERVICES SHOULD BE CHECKED FOR THE EXACT LOCATION OF ALL SERVICES AND UTILITIES. CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO AND THE APPROPRIATE UTILITY COMPANY PRIOR TO CONSTRUCTION.
- BENCHMARK IS ARAPAHOE COUNTY BENCHMARK WAP22 AT 11201 LINDSEY STREET, DENVER, CO 80233 AND DAHLIA STREET, ELEVATION+950.54, NAD 83.
- THE LINEAR UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
- THIS SURVEY DOES NOT REPRESENT A UNADJUSTED LAND SURVEY. THE PURPOSE OF THIS SURVEY IS TO SHOW TOPOGRAPHY AND EXISTING IMPROVEMENTS AT THE ARAPAHOE TENNIS CLUB.

LEGEND

- T1-8 - EXISTING TENNIS COURTS
- P1-4 - EXISTING PADDLE COURTS
- TREE CANOPY MASSING



NOTE - (S) EVERGREEN TREES HAVE BEEN ADDED IN THE AREA BETWEEN THE EXISTING PADDLE COURTS AND THE KEATING PROPERTY

811
Know what's below.
Call before you dig.
CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG. GROUNDWORK MEMBERS UTILITIES

DHM DESIGN
3041 Broadway
Suite 300
Denver, CO 80202
www.dhmdesign.com

HKS HARRIS KOCHER SMITH
11201 Lindsey Street
Denver, Colorado 80233
P-303-823-6000 F-303-823-6311
harriskochersmith.com

ARAPAHOE TENNIS CLUB
EXPANDED USE PERMIT

4450 SOUTH DAHLIA STREET

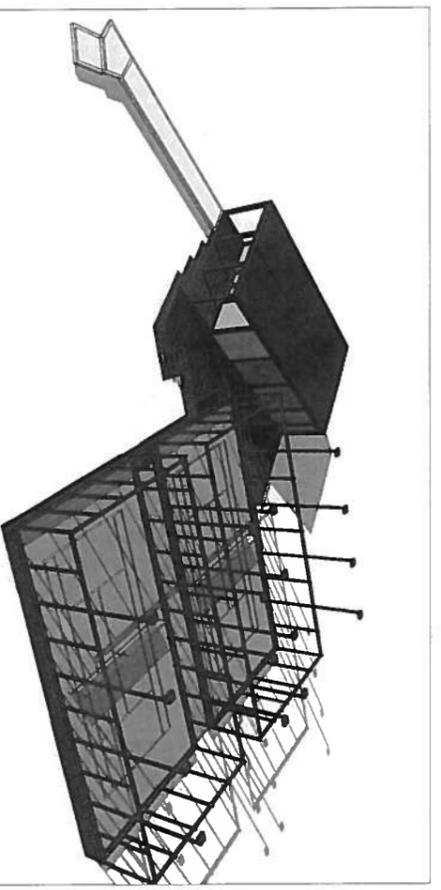
ISSUE DATE:	09.26.14
DATE	12.23.14
BY	Mark Brunner
REVISION COMMENTS	Re-Submitted
DATE	12.15.14
BY	Mark Brunner
REVISION COMMENTS	Submitted

SHEET NO.
5.0
6 OF 7

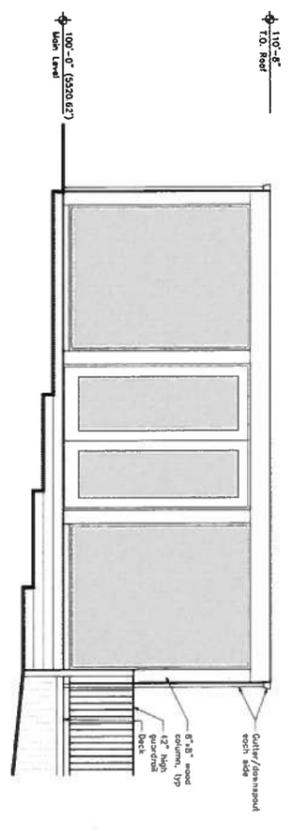
ARAPAHOE TENNIS CLUB

EXPANDED USE PERMIT

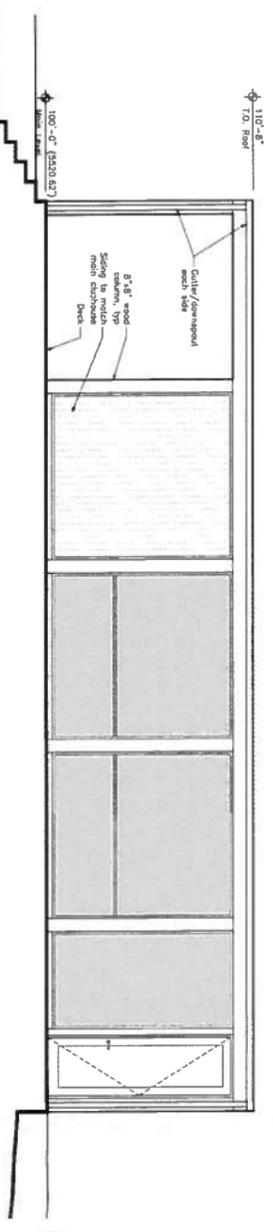
SITUATED IN THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
COUNTY OF ARAPAHOE, STATE OF COLORADO.



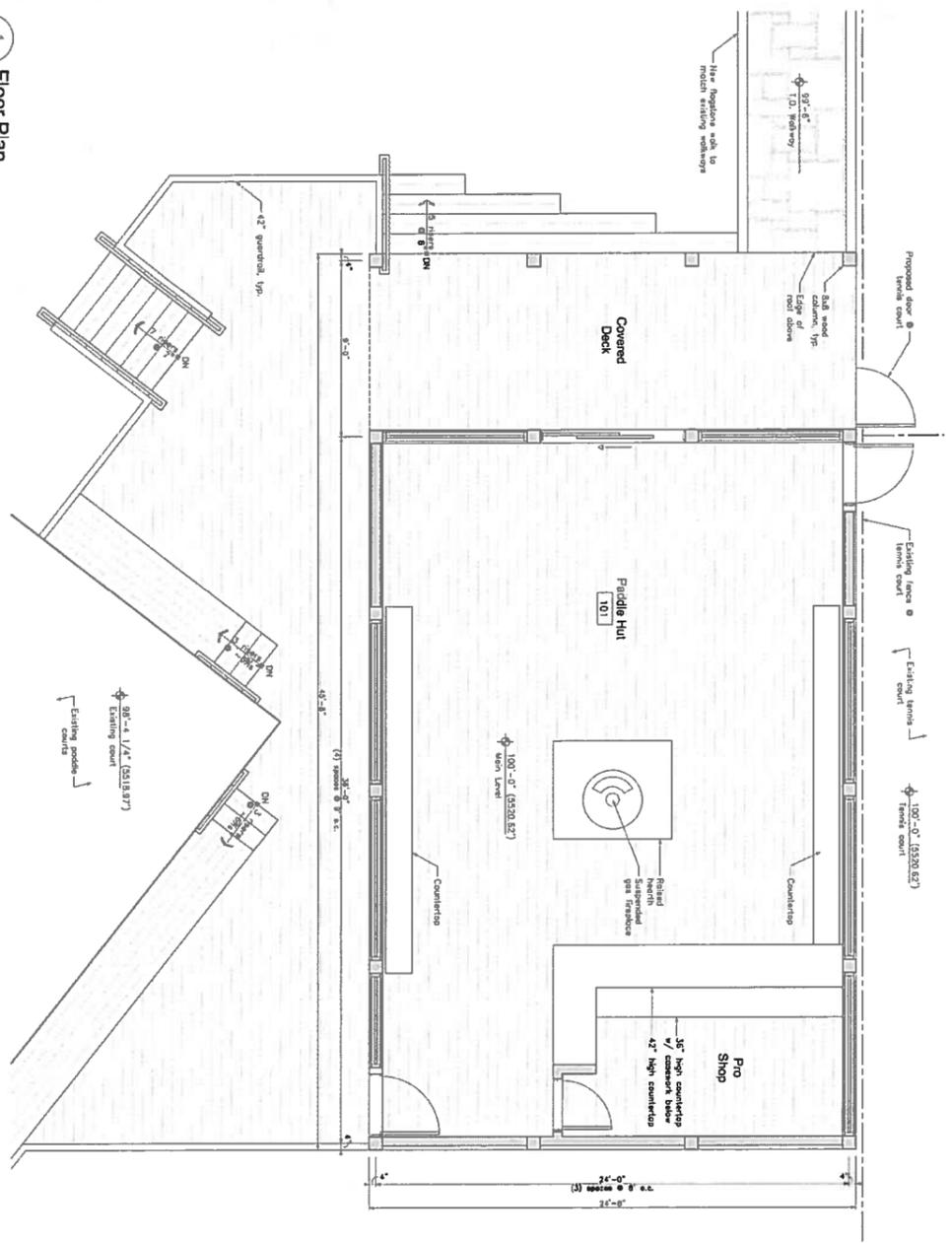
AXONOMETRIC VIEW - PADDLE HUT



3 West Elevation
1/4" = 1'-0"



2 South Elevation
1/4" = 1'-0"



1 Floor Plan
1/4" = 1'-0"

FILEPATH: X:\GASPER\ARAPAHOE TENNIS CLUB - 1401815_D0\CA00\SHEETS\ATC_D02.DWG LAYOUT: 8.0
PLOT DATE: MON 12/15/14 5:28:53 PM BY: MARK BRUNNER

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

811
Know what's below.
Call before you dig.
CALL A BUSINESS DAY IN ADVANCE BEFORE YOU DIG. GRADE. OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

DHM DESIGN
3001 S. Broadway
Suite 300
Denver, CO 80209
www.dhmdesign.com

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-823-8300 F: 303-823-6311
harris@hks.com

ARAPAHOE TENNIS CLUB
EXPANDED USE PERMIT

4450 SOUTH DAHLIA STREET

ISSUE DATE:	09.26.14	REVISION COMMENTS:
DATE:	09.26.14	REV Comments
DATE:	11.24.14	REV Comments
DATE:	12.15.14	Submit Revisions

SHEET NO.
6.0
7 OF 7

**CITY OF CHERRY HILLS VILLAGE, COLORADO
DEVELOPMENT AGREEMENT
ARAPAHOE TENNIS CLUB
PADDLE COURT AND PADDLE HUT ADDITION**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into and made between **ARAPAHOE TENNIS CLUB**, a Colorado nonprofit corporation whose address is 4450 South Dahlia Street, Cherry Hills Village, Colorado 80113, hereinafter referred to as “ATC”, and the **CITY OF CHERRY HILLS VILLAGE, COLORADO**, a Colorado home rule municipal corporation whose address is 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113, hereinafter referred to as the “City.” ATC and the City shall collectively be referred to as the “Parties.”

This Agreement shall be effective following execution by ATC and immediately upon the date of the authorized execution of this Agreement by the City’s Mayor or Mayor Pro Tem (such date being here in after referred to as “Effective Date”).

RECITALS AND PRESENTATIONS:

WHEREAS, ATC represents that it is the sole owner of the following described property located in the City of Cherry Hills Village, County of Arapahoe, State of Colorado:

The ATC property commonly addressed and known as 4450 South Dahlia Street, Cherry Hills Village, Colorado, and as more particularly described in the legal description attached as **Exhibit A**

(the “Property”); and

WHEREAS, ATC is planning specific site improvements to the Property including the addition of one (1) additional paddle court and the construction of a paddle hut of approximately 875 square feet as more thoroughly described in a revised application for approval of an expanded use or expansion of use submitted on or about September 26, 2014 and as amended and reviewed and approved conditionally by the City Council on January 6, 2015, such application being authorized by Article XX, Chapter 16 of the Municipal Code for the City of Cherry Hills Village; and

WHEREAS, Section 16-20-50(10) of the Municipal Code requires that ATC and the City enter into a development agreement defining all terms and conditions of approval; and

WHEREAS, with the addition of the paddle court and paddle hut, ATC voluntarily agrees to mitigate parking and traffic concerns associated with the Application and also voluntarily agrees to other conditions to mitigate the impacts of the development on the surrounding neighborhood; and

WHEREAS, the Parties desire to document and memorialize the terms and conditions that will govern the development and the future operation of ATC.

NOW, THEREFORE in consideration of the mutual promises, covenants, and agreements to the Parties, the approval by the City of the Application, and other good and valuable considerations, the sufficiency and adequacy of which are hereby acknowledged by the Parties, the Parties agree as follows:

1.0 DEFINITIONS.

- “Application” shall mean the revised application for the approval of an Expanded Use submitted to the City by ATC on or about September 26, 2014, in accordance with Article XX, Chapter 16 of the Municipal Code for the City of Cherry Hills Village, including supporting plans, documents, mapping, drawings, landscape plans, and other illustrations titled “Arapahoe Tennis Club – Expanded Use Permit” which detail plans related to the New Paddle Court and the Paddle Hut (the “Expanded Use Plan Set.” The Expanded Use Plan Set includes six (6) sheets including a cover sheet, paddle court & hut layout, site plan (including landscape plans), elevations, photometric/lighting plan, and lighting adjustments to be made to the existing paddle courts at the ATC.
- “Development Plan” shall mean the Expanded Use Plan Set, as modified and amended as a result of negotiations with the Planning and Zoning Commission and as may be further modified through conditional approval by the City Council, dated _____, 2014 and attached hereto as Exhibit B.
- “Existing Paddle Courts” shall mean the four (4) existing paddle courts (P1, P2, P3 and P4) as more particularly shown on the Development Plan.
- “Existing Parking Lot” shall mean the existing gravel parking area that can accommodate approximately fifty (50) vehicles.
- “New Paddle Court” shall mean the one (1) additional paddle court as more particularly shown in the Development Plan and Application.
- “Overflow Parking Lot” shall mean the open field or turf area located immediately to the north of ATC’s existing gravel parking lot that can accommodate approximately sixty (60) vehicles.
- “Paddle Hut” shall mean the approximate 875 square foot structure more particularly shown and referenced in the Application.
- “Special Events” shall mean uses of the Property that generate demand for more than 110 parking spaces, including but not limited to annual membership events, weddings, paddle tournaments, tennis tournaments, or similar events.

2.0 USE AND OPERATION OF ATC PROPERTY.

- 2.1 Overflow Parking Lot Requirements. A scaled and dimensioned site plan of the Overflow Parking Lot is included within **Exhibit B** and is incorporated herein by reference. The Overflow Parking Lot plan identifies the access points to the

Overflow Parking Lot and the proposed location of the directional signage required by this Section 2.1. Prior to issuance of a certificate of occupancy for the Paddle Hut, ATC shall install two (2) directional signs within or proximate to the Existing Parking Lot which identifies the existence and location of the Overflow Parking Lot, in the locations depicted in **Exhibit B**. In conformance with the Application, the addition of the New Paddle Court and Paddle Court will not cause the total number of parking spaces on the Property to be less than 110 spaces. ATC shall be prohibited from making any improvements to the Overflow Parking Lot that would reduce the parking capacity of the Overflow Parking Lot to below sixty (60) vehicles.

2.2 General Development Plan Improvements. Prior to the issuance of a certificate of occupancy for the Paddle Hut, ATC shall undertake and complete the following improvements as set forth in the Development Plan and Application:

- (A) Install all landscaping and other improvements as shown and depicted in the Development Plan.
- (B) Convert from propane to gas and remove the existing propane tank from the property.
- (C) Install LED lights on all Existing and New Paddle Courts and adjust all recreation use lighting downward so that the lights are parallel with the playing surface. The LED lights on the New Paddle Court will be installed with back shields.
- (D) Install tamper-proof timers on the Existing Paddle Courts and the New Paddle Court to ensure that all recreation use lighting is automatically turned off at the time required by Section 16-16-50(b)(5) of the Municipal Code, as the same may be amended from time to time, or in accordance with such other restrictions as are set forth in this Agreement.

2.3 Continuing Maintenance of Property. All existing improvements on the Property and all improvements set forth in Section 2.2(A) – (D) above shall, at ATC's expense, be maintained in a good condition and repair. In addition, ATC shall sweep or shovel the gravel spill on South Dahlia Street back into the Existing Parking Lot on a regular basis, but no less frequently than two times (2x) per month for the period commencing April 1st and ending on October 31st, and one time (1x) per month for the period commencing November 1st and ending on March 31st in each calendar year. ATC shall not be required to obtain a permit from the City to perform this work within the South Dahlia Street right-of-way, unless the City notifies ATC in writing that a permit is required.

2.4 Construction of New Paddle Court and Paddle Hut – Building Permit. ATC shall commence construction of the New Paddle Court and Paddle Hut proposed by the Application within two (2) years of the date on which the Application is approved by City Council and shall complete the construction in accordance with all applicable laws, including the adopted uniform building, construction, fire, and safety codes of the City. The City's approval of the Application shall automatically expire in the event ATC has not commenced construction of the New Paddle Court and New

- Paddle Hut prior to the expiration of the two-year time period. The City Manager may approve an extension of the initial two-year time period for an additional one (1) year where the City Manager finds that ATC requested an extension in writing prior to the initial two-year expiration date and that just cause for the requested extension exists.
- 2.5 Exterior Lighting. The lighting associated with the Existing and New Paddle Courts and the Paddle Hut must comply with all applicable provisions of the Municipal Code. For purposes of this Agreement, ATC agrees to comply with the exterior lighting regulations for “Recreation use lighting” as outlined in Section 16-16-50(b)(5) of the Municipal Code, provided however ATC agrees that the lighting on the New Paddle Court will be turned on only on those evenings when the New Paddle Court is in use.
- 2.6 Noise. ATC’s use of the Property shall comply with all applicable noise and/or nuisance regulations of the City of Cherry Hills Village set forth in Municipal Code Sections 7-1-30(4) and 7-1-40(8), as may be later amended or adopted by the City.
- 2.7 Landscaping. ATC shall install and maintain in a living and healthy condition all new landscaping shown, described and depicted in the Development Plan. Any dead, diseased, or unhealthy landscaping materials shall be promptly replaced with materials of like kind and size and any trash or debris shall be timely removed from the property. ATC shall install trees that are described and depicted in the Development Plan on the north side of the New Paddle Court, ATC shall prune landscaping at South Dahlia Street entrance for line of sight egress from the Existing Parking Lot as determined by the Community Development Director in conformance with this Section 2.8. Using the methodology depicted in the definition of “sight triangle” contained in Section 16-15-20 of the Municipal Code, the clear sight area shall be the area bounded on two (2) sides by the edge of pavement lines and a line joining points along said lines twenty-five (25) feet from the point of the edge of pavement line intersection. Nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the adjacent streets.
- 2.8 Parking Requirements – Special Events. ATC shall provide adequate parking for all Special Events. ATC shall have the ability to apply to the City for a special event permit to hold up to twelve (12) Special Events per calendar year. At least sixty (60) days prior to any Special Event, ATC shall provide to the City sufficient information demonstrating that adequate off-street parking can be provided for the Special Event. Such parking shall include a minimum of one parking space for every two persons estimated to attend the event in addition to adequate parking for ATC staff and other support personnel for the Special Event (including but not limited to caterers, volunteers, video crews, tournament sponsors, and other similar support personnel as may be required). ATC shall provide a written agreement or easement that evidences ATC’s right to use additional off-street parking for the Special Event on property not owned by ATC (“Additional Parking Site(s)”) in a form reasonably satisfactory to the City Manager in his or her sole discretion. The application materials shall also contain a parking plan demonstrating whether: (1) Special Event participants will be

shuttled to and from the Additional Parking Site(s); (2) whether valet parking or similar parking management services will be offered at the Special Event; or (3) a proposed alternate arrangement. The City shall approve, approve with conditions, or deny the permit within thirty (30) days following the date on which ATC has submitted all required application materials to the City. Denial of a permit request may be appealed to the City's Board of Adjustment and Appeals as provided in Article III of Chapter 16 of the Municipal Code. The 60-day advance application deadline may be waived by the City Manager in his or her sole discretion, upon good cause shown.

- 2.9 General Public Notice of ATC Special Events Encouraged. ATC is encouraged to provide a schedule or other form of list or information identifying all Special Events planned or proposed for the Property, including events that may result in traffic, parking, or attendance in excess of that experienced during customary or typical day-to-day ATC operations. Such schedule or notice is encouraged to be posted on ATC's website (<http://www.arapahoetennisclub.net/>) in a location that may be accessed by members of the general public.
- 2.10 Ongoing Coordination with Abutting Property Owners Required. ATC shall provide abutting property owners (including but not limited to property owners along S. Dahlia Street, Tenaya Lane, and Blackmer Road) with the name, cell phone number and email address of the ATC manager, as updated to account for changes in personnel, so that such residents/abutting property owners may contact the manager directly regarding any issues or concerns with ATC operations including but not limited to: (1) landscape maintenance; (2) trash/debris clean-up; (3) noise; or (4) Special Events.
- 2.11 There is a strictly enforced enrollment policy at ATC. The enrollment in ATC will not increase due to the addition of the New Paddle Court and Paddle Hut. The parking demand and traffic impact will not increase with the addition of the New Paddle Court and Paddle Hut. ATC's enrollment is currently limited to 220 families. ATC agrees the City may request written confirmation of ATC's enrollment no more than once annually.

3.0 MISCELLANEOUS PROVISIONS.

- 3.1 Delays. The Parties have executed this Agreement such that completion of the improvements shall be subject to strikes, accidents, acts of God, weather conditions which justify a delay of construction in light of standard practices in the building profession, inability to secure labor, fire regulations or restrictions imposed by any government or governmental agency, or other delay resulting from events which are beyond the control of the delaying party and which are agreed to by the Parties as justifying delay.
- 3.2 Waiver of Breach. A waiver by any Party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

- 3.3 Waiver of Rights. ATC has entered into this Agreement voluntarily for the purpose of obtaining approval of its Application. Nothing contained herein shall be deemed an admission by ATC concerning the interpretation, applicability or effect of the Municipal Code or shall be constitute or be construed as a waiver of any rights ATC may have or may assert under the Municipal Code.
- 3.4 No Waiver of Government Immunity. 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 of Cherry Hills Village, 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, Part 1 of the Colorado Revised Statutes.
- 3.5 Binding Effect. The Parties hereto agree that this Agreement, by its terms, shall be binding upon the successors, heirs, legal representatives, and assigns thereof and shall constitute covenants running with the Property. To the extent permitted by law, ATC and all future successors, heirs, legal representatives, and assigns of ATC shall be jointly and severally responsible for all terms, conditions, and obligations set forth in this Agreement.
- 3.6 No Third Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and ATC, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third person on such Agreement. It is the express intention of the City and ATC that any person other than the City or ATC receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.
- 3.7 Remedies and Enforcement. Any activity or use of the Property that does not comply with the terms of this Agreement constitutes a violation of the City's approval of the expanded use permit and a violation of the Municipal Code. In addition to any other rights or remedies provided by law, the City may initiate any one or more of the following actions: (1) delay processing of any pending land use application; (2) issue stop work orders; (3) refuse to issue or approve any land development permit including but not limited to building permits, right-of-way permits, or certificates of occupancy; (4) issue a citation to ATC or any contractor for violating the requirements of the Municipal Code; or (5) initiate legal proceedings in any appropriate court of law. In the event of a violation or breach of this Agreement, notice of such shall be given in writing by the City to ATC in the manner provided in Section 3.14 below. In the event such violation or breach is not cured within fifteen (15) calendar days of receipt of written notice, or if cure of the violation or breach may not be completed within said 15 day period, or if cure of the violation or breach has not begun within said 15 day period and pursued with due diligence, the City may exercise any of the remedies set forth in this Section 3.6. Notwithstanding anything to the contrary herein, the City, in its sole discretion, need not provide advance notice or a cure period any may immediately undertake any of the remedies set forth above

- if necessary to enforce any provision of the Municipal Code or if reasonably necessary to preserve the public health, safety or welfare.
- 3.8 Attorney's Fees. If ATC breaches this Agreement, ATC shall pay the City's reasonable costs and attorney's fees incurred in the enforcement of the terms, conditions, and obligations of the Agreement.
- 3.9 Assignment and Release. All or part of the rights, duties, obligations, responsibilities, or benefits set forth in this Agreement shall not be assigned by ATC without the express written consent of the City of Cherry Hills Village which consent may be withheld at the City's discretion for any or no reason.
- 3.10 Paragraph Captions. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.
- 3.11 Severability. Invalidation of any of the provisions of this Agreement or any paragraph sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.
- 3.12 Integration and Amendment. This Agreement represents the entire agreement between the Parties concerning this Application and there are no oral or collateral agreements or understandings concerning this Application. This Agreement shall not supersede or amend previously approved development agreements between the City and ATC. This Agreement may be amended only by an instrument in writing signed by the Parties.
- 3.13 Incorporation of Exhibits. Unless otherwise stated in this Agreement, exhibits referenced in this Agreement shall be incorporated into this Agreement for all purposes. Application materials, construction plans, and other documentation referenced in this Agreement are public records on file and available for review at the City of Cherry Hills Village, Village Center, 2450 East Quincy Avenue, Cherry Hills Village, Colorado.
- 3.14 Review of Referenced Documents. ATC hereby understands and acknowledges that the public documents referenced in this Agreement, including but not limited to the Cherry Hills Village Municipal Code, were, prior to the execution of this Agreement, and are presently, available for review and inspection at the Cherry Hills Village Center, 2450 East Quincy Avenue, Cherry Hills Village, Colorado during regular business hours. ATC has reviewed such documentation, or elected not to review such documentation, prior to execution of this Agreement.
- 3.15 Notices. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by United States Mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the mailing address for such party, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States Mail.

3.16 Authority. The undersigned signatories represent that they have the authority to execute this Agreement on behalf of their organizations and to contractually bind their respective organizations.

DATED THIS _____ DAY OF _____, 2015.

CITY OF CHERRY HILLS VILLAGE, a
Colorado home rule municipal corporation

By: _____
Mayor Douglas M. Tisdale

ATTEST:

APPROVED AS TO FORM:

Laura Smith, City Clerk

Linda Michow, City Attorney

ARAPAHOE TENNIS CLUB, a Colorado
nonprofit corporation

By: _____

Printed Name: _____

Title/Position: _____

ATC Address: 4450 S. Dahlia Street
Cherry Hills Village, CO 80113

P.O. Box 3399
Littleton, CO 80161-3399

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this ____ day of _____, 2015, by _____
as _____ of the ARAPAHOE TENNIS CLUB, a Colorado nonprofit
corporation.

Notary

My Commission Expires: _____

(SEAL)

EXHIBIT A
LEGAL DESCRIPTION

TRACT 1, CANTITOE,
COUNTY OF ARAPAHOE,
STATE OF COLORADO.

DEVELOPMENT PLAN

EXHIBIT B

---DRAFT---

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, December 2, 2014 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 Peter Savoie, Commissioner Steve Szymanski, Commissioner Al Blum, Commissioner David Wyman, and Commissioner Jim Rubin.

Present at the meeting were the following staff member : Robert Zuccaro, Community Development Director; Linda Michow, City Attorney; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Chair Laura Christman and Commissioner Peter Niederman.

APPROVAL OF MINUTES

Commissioner Szymanski made a motion, which was seconded by Commissioner Rubin, to accept the October 28, 2014 minutes as written. The motion passed unanimously.

AGENDA ITEMS

- a. *Request by the Arapahoe Tennis Club for an Expanded Use Permit to Build a Paddle Court and Paddle Hut.*

Mr. Zuccaro stated that staff is presenting a request by the Arapahoe Tennis Club for an Expanded Use Permit to install a paddle tennis court with lights and a paddle hut. He continued to say that the Club had previously submitted a similar request in June of 2014, which was approved by the Planning and Zoning Commission with conditions, but that the applicant did not move forward to City Council with their request. He stated that the applicant was back with a revised request.

Mr. Zuccaro displayed a vicinity map of the area surrounding the Arapahoe Tennis Club. He continued to say that the Club is surrounded by properties which are zoned R-1, which is the 2.5 acre zone district.

Planning and Zoning Commission Meeting

December 2, 2014

Mr. Zuccaro displayed a current site plan of the Club as well as a proposed plan. He indicated the location of the proposed court and hut.

Mr. Zuccaro stated that the proposed paddle court is 30 feet by 60 feet, and that it will be 91 feet and 11 inches from the west property line and 151 feet and 9 inches from the north property line. He continued to say that the height of the court is 16 feet to the top of the fence and 24 feet to the top of the lights.

Mr. Zuccaro stated that the proposed paddle hut is 45 feet 8 inches by 24 feet. The paddle hut is located 50 feet 7 inches from the nearest property boundary to the east. He continued to say that the height of the paddle hut is 10 feet 8 inches. Mr. Zuccaro noted that the new paddle hut design does not have a rooftop deck as the previous design did.

Mr. Zuccaro stated that the applicant had stated prior to the meeting that as a private club, they were exempt from Article 16, which indicates lighting requirements.

Mr. Zuccaro stated that staff feels that the minimum standards for recreational lighting use should be applied. He continues to say that the lighting code provides that a recreational light 12 feet in height should not be illuminated from 11 p.m. to sunrise, and should not have an output greater than 2 foot candles.

Mr. Zuccaro stated that the applicant has provided photometric plans which meet the intent of the City code.

Mr. Zuccaro stated that the Arapahoe Tennis Club currently has an enrollment cap of 220 families. He continued to say that the addition of any members would require an additional Expanded Use Permit from the City.

Mr. Zuccaro stated that the approval of this proposal is not expected to increase membership as the court only accommodates 4 players at a time. He continued to say that paddle tennis is primarily a winter sport, which is the off peak season for the Club.

Mr. Zuccaro stated that the new proposal does not require any drainage documentation, as they would only be adding 1400 square feet, which is below the threshold to require a drainage review.

Mr. Zuccaro stated that traffic and parking study is not recommended by staff. He stated that this is the same recommendation which was given with the June 2014 proposal.

Mr. Zuccaro stated that staff is recommending approval of the request. He continued to say that all notification requirements were met by the applicant. He stated that additional comment letters were received since the packets were sent out and copies are provided for all the commissioners.

Don MacKenzie, president of the Arapahoe Tennis Club, stated that he would like to share all the new information since the last proposal. He stated that the ATC has been trying to find a way to have an incremental increase in facilities in conjunction with being a good neighbor.

Mr. MacKenzie stated that the original proposal required a setback variance, which they then eliminated and the Planning and Zoning Commission approved in June of 2014. He continued to say that since that time, the ATC has been conducting more research and having more dialogue with neighbors.

Mr. MacKenzie displayed a graphic of the ATC campus and indicated the different areas which were considered for locating the improvements. He indicated areas on the property with mature and existing trees.

Mr. MacKenzie stated that the new proposal was further from the neighbors and did not have any effect on drainage. He also stated that the improvements are now located near the tallest trees and exceed the minimum setback requirements. He continued to say that he has received positive letters in support of the expansion from the immediate neighbors.

Mr. MacKenzie stated that the ATC has already made several improvements to the property, including the addition of LED lighting, which reduces the light output by 1/5. He continued to say that the enrollment of the ATC has stayed the same for many years, and that they do not have any parking issues at the club.

Mr. MacKenzie stated that the ATC is converting to underground gas as to eliminate the propane tank which the neighbors complained about. He continued to say that the rooftop deck from the original paddle hut design was removed because of the comments of the neighbors.

Mr. MacKenzie stated that he would like to address some of the comments from the letters of objection. He stated that the timers on the courts automatically go off at 11 p.m. He continued to say that club members never park on Dahlia, and that the club has more overflow parking than originally thought. He also stated that he has Arizona Cypress trees at his own residence which are approximately 38 feet in height.

Mr. MacKenzie stated that the new LED lighting that has been installed on courts 3 and 4 has reduced the light output by 1/5. He continued to say that the ATC is in full compliance of the City's municipal code 16-16-50, even though private clubs are listed as an exemption.

Mr. MacKenzie stated that the improvements are in no way related to a motive to increase revenue. He stated that the maximum number of players these improvements could add is 4. He continued to say that the club has spent over \$150,000 on improvements in response to comments from the neighbors.

Mr. MacKenzie stated that the Calkins family had originally expressed approval of the expansion project of the ATC, but he felt that they had changed their mind since their own project had gotten approval.

Planning and Zoning Commission Meeting

December 2, 2014

Vice Chair Savoie thanked the applicant. He reminded members of the public that they were limited to 5 minutes to speak.

Commissioner Szymanski stated that he had been renting the home at 1 Blackmer Road for two years while his house is being built. He stated that he has not talked to anyone from the ATC, or any neighbors regarding this issue. He continued to say that he was not present for the previous hearing but has read all the documentation and feels that he can make an impartial determination in these proceedings.

Commissioner Szymanski asked what the purpose of the paddle hut is.

Mr. MacKenzie replied that the hut allows spectators to watch while being indoors, as paddle tennis is primarily a winter sport. He continued to say that the proposed hut is much smaller than the original design and did not contain any plumbing. He also stated that one side of the hut will be used to house the tennis pro year-round.

Commissioner Szymanski asked was it similar to a hockey warming hut.

Mr. MacKenzie replied yes.

Commissioner Szymanski asked when the last major improvement to the ATC was.

Mr. MacKenzie replied that in 1983 courts 3 and 4 were added.

Commissioner Szymanski asked were the courts primarily used at night.

Mr. MacKenzie replied that the league games start at 6 and 8 p.m. four nights per week. He continued to say that the league games normally ended at 10 p.m.

Commissioner Szymanski asked if nonmembers will be using the new courts.

Mr. MacKenzie replied that the ATC has a guest policy which limits a member to bringing a guest no more than four times per month. He continued to say that the new court would be exclusively for the use of members. He stated that currently there are not any non-members in the current league program.

Commissioner Szymanski asked if guests were ever allowed to play alone.

Mr. MacKenzie replied no.

Vice Chair Savoie asked if the paddle hut would be heated.

Planning and Zoning Commission Meeting

December 2, 2014

Mr. MacKenzie replied yes.

Commissioner Blum asked what paddle tennis is.

Mr. MacKenzie replied that it is played on a court ¼ the size of a regular tennis court. He stated that it is like squash in that it utilizes the wall during play.

Commissioner Blum asked if the photo showing the view from Tenaya was the new LED lighting.

Mr. MacKenzie replied no.

Commissioner Rubin asked if the overflow parking area would be surfaced.

Mr. MacKenzie replied that it would remain as a field. He stated that it would be less impactful to leave it as it is, and that it currently has good drainage.

Commissioner Wyman stated that he had a question but that he is a member of the ATC and would not be voting.

City Attorney Michow stated that he should recuse himself and would not be able to ask any questions.

Commissioner Blum asked if there could be any tracking of mud onto Dahlia from the field.

Mr. MacKenzie replied that it could happen but that the club would comply with the development agreement they reached with the City.

Pam and Peter Clute, of 4300 S. Dahlia St., stated that they had submitted letters to the Commission. Mrs. Clute stated that she was upset because she thought this issue was resolved. Mr. Clute displayed several photos showing the ATC at night from their property. Mr. Clute stated that the proposed parking area acts as a basin to catch water from the Calkins property. He continued to say that there was resurfacing of an existing court going on a Sunday and he called the CHVPD. He stated that in the last few years, the parking, noise, and traffic from the club has gotten worse. He stated that the ATC is not a good neighbor and that he felt they were a public nuisance. Mr. Clute stated that there is a fence up on the Calkins property to keep the ATC from trespassing on it. He stated that they should not be allowed to make any additional improvements on their property, that traffic laws should be enforced, and the neighborhood should be respected.

Karyn Bristow, of 5 Blackmer Road, stated that she feels the new plan is worse than the original plan. She stated that she has done research on the effects of LED lighting, and that there are some undesirable side effects. She continued to say that with the court located at a higher location, the light will be more obvious, and that the noise and traffic is already bad. She stated that this disturbs the peace and tranquility of the City. She stated that her research on the Arizona Cypress tree shows that it is not a good tree for this planting zone.

Planning and Zoning Commission Meeting

December 2, 2014

Kelly Kim, of 2 Blackmer Road, stated that in his 5 years of living in the neighborhood, he has never received any communication from the ATC regarding any special events or expansion plans. He continued to say that good neighbors have good communication in letting people know when there is a large party, etc. He stated that there is a lack of trust with the neighbors regarding the ATC.

Cathrine Gilbert, of 4265 S. Eudora Street, stated that she has not received any communication from the ATC as she is not an immediate neighbor. She stated that the proposed changes only suit the purposes of the ATC. She continued to say that the ATC has no interest in improving the quality of life in the City. She stated that she thinks there is a push to get this approved before the Calkins property is developed. She stated that she would like to know how the cap on membership will be checked. She stated that these changes go against the Master Plan of the City.

Mr. MacKenzie stated that the output of LED light is scientifically proven to be less. He continued to say that the Clute property will likely be blocked from any light once the lot labeled as #1 on the Calkins property is developed. He continued to say that the ATC has never trespassed onto the Calkins property and that the fence was temporarily removed to bring in large amounts of clay in order to resurface the courts.

Mr. MacKenzie stated that the ATC can communicate with their membership regarding speeding, but they cannot control anyone who speeds down Dahlia Street in the City. He continued to say that the gravel in the parking lot is being raked weekly off of Dahlia Street.

Mr. MacKenzie stated that two of the neighbors who are in opposition tonight were in favor of the last proposal. He continued to say that the number of lights on the court have been reduced from 8 to 6 per court and are LED.

Mr. MacKenzie stated that the ATC is attempting to lessen the noise by making the paddle hut totally enclosed, as opposed to the original proposal, which had a rooftop deck. He continued to say that the ATC will find the correct species of tree for the area.

Mr. MacKenzie stated that he has not introduced himself to every neighbor in the area; but that the ATC would be glad to notify neighbors of special events.

Commissioner Blum asked Mr. MacKenzie to display sheet 1.0 again. He asked Mr. MacKenzie to indicate the existing and proposed landscaping. He continued to ask if the trees were deciduous.

Mr. MacKenzie replied that they were evergreen.

Vice Chair Savoie asked what the planting height of the new trees would be.

Mr. MacKenzie replied they would be 12 feet high at planting and would have drip line irrigation.

Commissioner Blum asked what the total height of the lighting was.

Mr. MacKenzie replied that the lights were 23 feet in height.

Commissioner Rubin asked if the elevation of the court could be dropped at all.

Mr. MacKenzie replied that the drainage could be complex if the court was lowered. He continued to say that the courts need a minimum of 28 inches below the surface for the gas heaters to blow. He continued to say that he has cypress trees at his own home which are 38 feet in height.

Commissioner Szymanski stated that lighting and parking seem to be the two main issues. He asked if the ATC would be willing to reduce the hours the courts were lit. He also asked when the existing lighting would be changed to LED.

Mr. MacKenzie replied that the lights would be changed immediately with all the other improvements.

Commissioner Szymanski asked if the Commission did not approve the plan would the ATC still move forward with the improvements.

Mr. MacKenzie replied that he was unsure, and that the ATC would complete the plan which they were previously approved for. He continued to say that this may delay construction of the paddle hut, but the Development Agreement is good for 3 years.

Vice Chair Savoie asked how the overflow parking would be handled.

Mr. Zuccaro replied that a condition of the previous proposal was the parking threshold and that the ATC would need to come to the City to show there was adequate parking. He stated this is similar to the processes the church sites follow.

Mr. MacKenzie stated that the development agreement stated the maintenance required for landscaping as well as new signage.

Commissioner Blum asked if the development agreement designated the height of the trees at planting.

Mr. Zuccaro replied that it would be an addition to the development agreement, as it currently does not specify sizes. He continued to say that the City code has minimum planting sizes listed.

Commissioner Rubin stated that he voted against the first proposal because of the setback variance that was requested. He continued to say that he was absent from the June hearing. He

stated that the new proposal diminished the impact to the neighboring properties and that many concerns have been addressed.

Commissioner Blum stated that he agrees with Commissioner Rubin but he would like for the applicant to meet with Staff to discuss tree species and sizes.

Commissioner Szymanski stated that he agreed with both Commissioner Blum and Commissioner Rubin. He continued to say that he was fine with the location of the paddle hut. He stated that maybe the Commission could explore a connection between hours lighting is allowed and tree height.

Vice Chair Savoie stated that may be too complex. He continued to say could the ATC limit the hours of operation of the lights to end at 9 p.m.

Mr. Zuccaro stated that the Commission could add that as a condition of approval.

Vice Chair Savoie stated that the ATC has done an admirable job. He stated that it is not the job of the Planning and Zoning Commission to regulate bad behavior, traffic, or if drivers stop at stop signs. He stated if the proposed changed meet zoning criteria that is the concern of the Commission.

Commissioner Blum stated that the trees should be taller at planting.

Vice Chair Savoie stated the larger the tree at planting, the greater chance the tree will fail.

Commissioner Blum asked if there was a denser tree that could be planted. He continued to say that play on the court could be suspended at 9 p.m.

Commissioner Szymanski stated that any conditions of approval should include any conditions from the June 10, 2014 meeting which staff thinks is relevant.

Commissioner Rubin made a motion, which was seconded by Commissioner Blum, to recommend approval of the request by the Arapahoe Tennis Club for an Expanded Use Permit to build a paddle court and paddle hut expansion with the following conditions:

1. Lights on Paddle Court shall be turned off from 9pm to Sunrise the next day.
2. Landscape screening north of the Paddle Court 5 shall include Austrian Pines or other similar evergreen tree to be approved by staff, with a minimum height of 16 feet.
3. The field north of the existing parking lot shall be designated an overflow parking area to accommodate 60 vehicles and include directional signage and a development restriction to ensure that the area is reserved for parking.
4. Noise limitation reflecting the requirements of Municipal Code Section 7-1-30(4).

5. Limitation on events that would exceed a demand for 110 parking spaces and an administrative approval process for special events exceeding this parking demand if the applicant demonstrates that adequate off-street parking can be provided.
6. Cant all existing and new paddle court lights down so they are parallel with the ground.
7. Installation of back shields on the paddle court lighting.
8. Provide and update as needed surrounding residents the name and cell phone number of the club manager so they may contact her in the event of any issue with respect to the club.
9. Require that any gravel spilled onto South Dahlia Street shall be shoveled back into the parking lot.
10. Require landscape maintenance and trash/debris cleanup.
11. Trim landscaping back on Dahlia to improve egress lines of sight from the parking lot.

The following votes were recorded:

Vice Chair Savoie	yes
Commissioner Szymanski	yes
Commissioner Rubin	yes
Commissioner Blum	yes
Commissioner Wyman	abstain

The motion passed.

ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Laura Christman, Chair

Cesarina Dancy, Community Development Clerk

3550 SOUTH GILPIN STREET
ENGLEWOOD, COLORADO

December 12, 1963

The Board of Trustees
Cherry Hills Village

Gentlemen:

As owners of Tract 1 in the subdivision known as Cantitoe (copy of plat attached), we wish to apply for a change of zoning for this Tract to F-1 and for approval of the following use and construction.

It is proposed that a private tennis and swimming club be established on Tract 1, to be known as the Arapahoe Tennis Club. Copies of a proposed site plan and floor plan of the clubhouse are also attached. If F-1 zoning is permitted, the Club will buy the land in early 1964. The Club will be limited to 150 family members, most of whom will reside in the Cherry Hills - Greenwood Village area.

In general, the concept behind the Club is to provide family type activities centering about swimming and tennis. The plan shows that a swimming pool and four tennis courts are planned for immediate construction, with areas set aside for future expansion if necessary. The Clubhouse is designed as a very simple pavilion, and there will be no organized dining and bar facilities. An area for expansion of the Clubhouse has also been shown, and in each case this structure will be 200 feet from property lines.

The Club hopes to be in operation by early summer of 1964, with the major construction accomplished in the spring. Your consideration of this matter, as well as your ideas and suggestions, would be greatly appreciated. Representatives of the Club would be happy to present their ideas to you in greater detail upon your request.

Sincerely yours,

CANTITOE ASSOCIATES

Elton Parks, Jr.



George H. B. Gould

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

Mr. Zuccaro stated that the Arapahoe Tennis Club is requesting 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.

Mr. Zuccaro displayed an aerial view showing the Arapahoe Tennis Club and the adjacent properties. He stated that The Arapahoe Tennis Club is zoned O-1, Open Space, Parks and Recreation Area District. Private clubs are an allowed use in the O-1 Zone District provided that such use may only be approved, expanded or increased in accordance with Article XX of the Zoning Ordinance. Setbacks in the O-1 Zone District are 75 feet from the front property line and 50 feet from the side and rear property lines. This setback applies to all structures. The property is 6 acres in size and developed with a 7,668 square foot club house, swimming pool,

Planning and Zoning Commission Meeting

April 22, 2014

playground, eight tennis courts, four paddle courts, tennis practice wall and gravel parking lot. The Club has an enrollment maximum of 220 families. Surrounding properties are zoned R-1, 2.5-Acre Residential District.

Mr. Zuccaro stated that the existing paddle courts were granted a setback variance in 1982. He continued that the Planning and Zoning Commission can review and grant variances in conjunction with Expanded Use Permits.

Mr. Zuccaro displayed the lighting plan which the applicant provided. He indicated that the lighting and photometric plans are provided on Sheets 3 and 5 of the site plan. Sheet 3 includes the lighting plans for the paddle courts and Sheet 5 includes the lighting plans for the tennis courts. Lighting cross sections demonstrating sight lines to the light source from adjacent property lines and street right of ways are provided. The lights nearest the adjoining property lines include back-shields to help reduce light levels at the property line and shield the light source from view.

Mr. Zuccaro reviewed the recreational lighting regulations which are contained in Section 16-16-50(5) and include the following requirements: 1) Lights taller than 12 feet in height must be turned off from 11:00 p.m. to sunrise the next day; 2) Lights may not result in a light level greater than 0.2 foot candles measured at an adjoining property lines; 3) Lights with an output greater than 1,800 lumens may only be used if the light source is not visible from adjoining lots or streets.

Mr. Zuccaro stated that Staff finds that requirement No. 1 above is met: All of the proposed lights exceed 12 feet in height and are subject to the time restriction. General Note No. 3 on Sheet 1 of the site plan addresses the requirement that lights need to be turned off from 11:00 p.m. to sunrise the next day.

Mr. Zuccaro stated Staff finds that requirement No. 2 above is met: Photometric plans for each set of lights are provided on Sheets 3 and 5 demonstrating that the 0.2 foot candle limit is not exceeded at any adjacent property line.

Mr. Zuccaro stated that Staff finds that requirement No. 3 above is not met: The cross section does not adequately demonstrate that the light source for the paddle court light nearest to the road will not be visible. Based on the sight line provided, it appears the light source could be visible. A more detailed diagram showing the actual light source within the fixture may help to

demonstrate line of sight or other mitigation may be needed to shield the light. If the Commission recommends approval of the proposal, Staff recommends that a condition be included that additional information or an alternative plan be provided so that the light source of the paddle court lights is not visible from the adjacent street.

Mr. Zuccaro indicated a series of restrictive notes on page one of the site plan:

1. A description of the request.
2. The enrollment policy. Applicant states enrollment is limited to 220 families and will not increase with this expansion.
3. Lighting time limit. The Applicant states all tennis court lighting will be turned off from 11 pm until sunrise each day.

Mr. Zuccaro stated that the Commission has a supplemental memo which includes a letter from the 1960s containing the original proposal for the ATC. Mr. Zuccato noted that the proposal indicated that membership would be limited to 150 families, but that it wasn't clear if this was an original condition of approval.

Mr. Zuccaro stated that staff does not recommend approval of the setback variances. He continued that the applicant has not demonstrated a hardship and there are alternative locations on the property where the development could be accommodated without a variance.

Mr. Zuccaro stated that Staff recommends denial of the proposed Expanded Use Permit based on the lack of justification for the proposed setback variance.

Mr. Zuccaro continued that if the Commission is inclined to recommend approval of the variance and Expanded Use Permit, Staff recommends that the following conditions be part of the recommendation:

1. Prior to the City Council hearing, the applicant shall provide a revised Phase III Drainage Report meeting the City Engineer's conditions.
2. Prior to the City Council hearing, the applicant shall amend the site plan sheets to show the drainage pond location and size of outlet restrictors.
3. Prior to the City Council hearing, the applicant shall amend the lighting plans to provide additional information demonstrating that the light source is not visible from the adjacent street or an alternative design or mitigation shall be provided so that the light source is not visible from the adjacent street.

Commissioner Blum stated that some a homeowner complained about inadequate notification and posting.

Mr. Zuccaro replied that only adjacent property owners receive written notice and the property owner that complained is not adjacent to the property. He continued that all return receipts were verified by the City, a notice was posted and verified with a signed affidavit, and notice of the hearing was on the City website as well as the notice board.

Commissioner Blum asked if the notice could be posted on a trash can.

Mr. Zuccaro replied that as long as the notice is visible from the street it meets the requirements for posting.

Chair Christman asked what the parking requirements are for 220 families.

Mr. Zuccaro stated that parking requirements were not analyzed based on the conditions that the proposal does not increase enrollment at the club and that the expanded use of a paddle court facility is primarily used in the winter, which is off peak from the other club uses.

Chair Christman stated that the Commission needs to be consistent on parking requirements for Expanded Use permits. She continued that the Commission cannot grant something to a private club that would not be granted to a church or school.

Mr. Zuccaro replied that previous applications involved the additions of major assembly spaces which have specific parking requirements.

Chair Christman asked what were the reasons that lights were allowed to be on until 11 pm.

Mr. Zuccaro replied that City code allows recreational lighting 12 ft. high or taller to be in use except between the hours of 11 pm to sunrise.

Chair Christman asked did any of the other private clubs have tennis court lighting.

Mr. Zuccaro replied that he was not aware of any.

Commissioner Jensen asked was there currently lights on the tennis courts.

Mr. Zuccaro replied that the only lights currently were on the existing paddle courts.

Planning and Zoning Commission Meeting

April 22, 2014

Chair Christman asked if there were any other O-1 spaces using lights.

Mr. Zuccaro replied that he was not aware of any.

Don McKenzie, representative and president of the board of the Arapahoe Tennis Club, thanked Mr. Zuccaro for all of his thorough research on their proposal. He stated that the ATC received a very positive response from their mailing and that their notice sign was posted on a tree visible from the road.

Mr. McKenzie continued that the location for expansion that he was proposing was the best for the neighboring properties. He continued that along with the expansion, there are plans for landscaping and maintenance improvements.

Mr. McKenzie stated that it is not the members of the ATC who are littering on Dahlia. He continued that there is a public parking lot on the end of Dahlia and it is active all day with people using the trails.

Mr. McKenzie displayed an image of the ATC property. He indicated the areas of proposed expansion and several alternate locations that were considered. He stated that the proposed location is the least impactful to all neighbors. He continued that the some of the alternate locations would involve removing very mature trees and would not be as aesthetically pleasing.

Mr. McKenzie stated that the ATC keeps records of parking and there are no issues with not having enough parking available. He continued that paddle tennis is a winter sport and the parking lot is less than half full in the winter months and there are only two events a year that they host for paddle tennis where parking also take place in the field north of the parking lot

Mr. McKenzie stated that other nearby jurisdictions do have lights on their tennis courts. He continued that the Denver Country Club is in the process of adding paddle courts.

Mr. McKenzie stated that he has met with the neighbors adjacent to and across the street from the ATC and they have discussed the project, concealing the dumpster and additional landscaping. He continued that the ATC is a good neighbor and no fireworks have been permitted there in decades.

Mr. McKenzie stated that the membership increased from 185 families to 220 families approximately 10 years ago. He continued that the ATC is not in a growth period and there is no

new membership planned. He continued that if this proposal is not approved, he would likely come back to request an alternate location.

Chair Christman asked why the lights were on until 11:00 pm.

Mr. McKenzie stated that the ATC follows City regulations regarding lighting. He continued that paddle league play begins at 6:30 and 8:00 pm, and play is typically completed by 10:00 pm.

Mr. McKenzie displayed a photo of what the proposed lights for the paddle court would look like. He indicated that they have a bonnet shield on them.

Chair Christman asked if non-ATC members play in the paddle league.

Mr. McKenzie replied that there are a fixed number of spots in the league and members have first right to those spots. If members do not fill the spots, they open to non-members.

Chair Christman asked about the addition of a new court in relation to number of players.

Mr. McKenzie stated that the new court would be for members only during league play and the maximum impact would be four additional cars.

Chair Christman asked how is additional traffic handled during tournaments.

Mr. McKenzie stated that the ATC has a graded field that is used for overflow parking. He continued that he has never seen parking overflow onto Dahlia St. He continued that events which involve over 100 people, such as weddings, members are asked to use a valet service.

Chair Christman asked why the lights would need to be on until 11:00 pm.

Mr. McKenzie stated that the pool closes at 9:00 pm and they could turn the lights off at 10:00 pm. He continued that the ATC is meeting the City code at this time. He continued that the only courts that would be lit are the two which are closest to the clubhouse and would be least impactful to neighbors.

Chair Christman opened the meeting for public comment.

Dale DeLeo, of 4980 E. Quincy Ave., stated that the noise from the club does not bother him. He continued that the lighting on the tennis courts is not necessary as there are not many people at the club at those times. He also stated that he did not think the lighting requirements would make

Planning and Zoning Commission Meeting

April 22, 2014

the lighting useful enough for night play. He continued by saying that it does not appear that landscaping has ever been a priority at the club.

Karyn Bristow, of 5 Blackmer Road, stated that she has met with Mr. McKenzie and Mr. Sheldon and is concerned about the lighting being concentrated to the one area. She continued that she is concerned about the shields over the lights and the general commitment level of the ATC to make general property improvements. She asked if the Commission received her letter and photos.

Mr. Zuccaro replied that no information from her had been received.

Mrs. Bristow showed the Commission photos of the dumpster, landscaping and propane tank. She stated that she is concerned with potential increase in noise levels. She continued to say that the light is disturbing and does not fit into the master plan of the city.

Bill Schneider, of 11 Blackmer Road, stated that he was not notified of the meeting. He stated that he enjoys the quaintness of the club in his neighborhood, and that surrounding trees tend to soften both sound and light. He stated that he is bothered by the sconces on the front of the main building which seem to shine directly out. He continued to say that his property line is very close to the ATC and he was concerned that an addition would take away from a nice area.

Commissioner Jensen asked Mr. Schneider to indicate his property line in relation to the club, and he did so.

Pam Clute, of 4300 S. Dahlia St, stated that the lights from the ATC have been shining into her second floor bedrooms for 25 years. She stated that the lights and noise are worse in the summer when parties and tournaments are taking place. She continued that an increase in courts will lead to more lighting and noise. She stated that this would affect the quality of life of nearby residents. She stated that she is happy about mitigation of some of the lights and additional landscaping. She also indicated that many of the members are non-residents and add traffic to the City.

Commissioner Blum asked which lights shine in her windows.

Mrs. Clute replied the lights which are indicated on court P4 on the graphic.

Mr. McKenzie replied that the ATC is interested in making all the improvements mentioned but this is about a variance request. He stated that city staff can measure the new lighting after mitigation.

Planning and Zoning Commission Meeting

April 22, 2014

Commissioner Jensen asked if the new courts would require a new propane tank.

Mr. McKenzie replied no.

Mr. McKenzie stated that the property of the ATC is well maintained and well irrigated. He continued that all adjacent homeowners knew the club was in existence when they purchased their homes.

Mr. McKenzie stated that regarding the notification procedures, his staff did exactly as the City requested. He continued to say that there are approximately 111 members of the club that are non-residents and that is a low percentage compared to similar clubs.

Mr. McKenzie stated that if the ATC is granted the setback variance they will move forward with the landscaping improvements. He continued to say that the concentration of lighting will have the least impact as opposed to it being spread over the property.

Mr. McKenzie apologized to Mr. Schneider for not receiving a notification. He continued to say that the ATC would change the sconces on the front of the building.

Mr. McKenzie stated that he was not aware that Mrs. Clute was affected by the existing lights. He stated that those lights would be mitigated.

Mr. McKenzie stated that the additional court would only allow a maximum of four players so light, noise and activity should not be an issue.

Dan. Sheldon introduced himself as a representative of the applicant along with Mr. McKenzie and a member of the club. Mr. Sheldon showed a rendering of the proposed paddle hut and stated that the new hut will actually reduce noise because it will take people inside who would otherwise be on the platforms and playground outside.

Mr. Sheldon stated that USTA league play starts in one week and there will be an increase of players at the club.

Commissioner Jensen asked what paddle tennis is.

Mr. Sheldon replied that it is a cross between tennis and squash that is scored like traditional tennis.

Planning and Zoning Commission Meeting

April 22, 2014

Chair Christman closed the public portion of the hearing.

Chair Christman asked if the paddle hut was considered an assembly space.

Mr. Zuccaro stated that it was not considered in this case.

Chair Christman stated that this should be considered. She continued that the ATC could not be granted something that was not granted to a church or school in regards to parking.

Commissioner Rubin asked if the court was moved out of the setbacks would the Commission still review the proposal under Expanded Use.

Mr. Zuccaro replied yes.

Commissioner Blum asked if the existing paddle court lighting was grandfathered in.

Mr. Zuccaro replied yes.

Chair Christman stated that if these lights are granted then every private club will ask for lights.

Commissioner Rubin asked if lights are permitted on private courts.

Mr. Zuccaro replied yes.

Chair Christman stated that the proposed tennis court lights were not supported by the City's Master Plan Policies and that other private clubs in the City did not have tennis court lights.

Chair Christman made a motion to deny the proposal by Arapahoe Tennis Club for an Expanded Use Permit for a paddle court and paddle hut expansion and addition of tennis court lights based on the tennis court lights not being consistent with the policies of the City's Master Plan and a lack of justification for the proposed setback variance as outlined in analysis of the variance review criteria in the April 8, 2014 staff memorandum.

The motion was seconded by Commissioner Blum.

The motion passed unanimously.

Commissioner Rubin made a motion to adjourn, which was seconded by Commissioner Blum.

Planning and Zoning Commission Meeting

April 22, 2014

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 10, 2014 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chair Christman called the meeting to order at 6:38 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 and Commissioner Jim Rubin.

APPROVAL OF MINUTES

Vice Chair Savoie made a motion, which was seconded by Commissioner Wyman, to accept the May 13, 2014 minutes as written. The motion passed unanimously.

Commissioner Blum made a motion, which was seconded by Commissioner Wyman, to accept the April 22, 2014 minutes as written. The motion passed unanimously.

AGENDA ITEMS

Request by the Arapahoe Tennis Club for an Expanded Use Permit to Build a Paddle Court and Paddle Hut (Public Hearing).

Mr. Zuccaro stated that Staff is presenting a request by the Arapahoe Tennis Club for an Expanded Use Permit to build a paddle court and paddle hut. He continued that this is a new application from what the Commission previously heard. He stated that while the paddle court and paddle hut are the same as the original submission, they are in a new location which does not

Planning and Zoning Commission Meeting

June 10, 2014

require a setback variance. He continued that the applicant has also removed the request to add additional lighting to the existing tennis courts.

Mr. Zuccaro displayed a vicinity map of the property and indicated that the surrounding residential properties are zoned R-1 residential. He continued that the Arapahoe Tennis Club is zoned O-1, Open Space, Parks and Recreation District. Mr. Zuccaro stated that setbacks in the O-1 district are 75 feet from the front property line and 50 feet from the rear and side property lines.

Mr. Zuccaro displayed a graphic of the Arapahoe Tennis Club property and indicated the proposed location of the paddle court and paddle hut. He continued that the previous application required a setback variance but the current application does not.

Mr. Zuccaro stated that the design of the paddle hut slightly changed from the original application, as the new design includes a rooftop patio and there are additional walkway connections. He continued that the proposed height of the hut is 18 feet.

Chair Christman asked what the total height of the paddle hut is from grade to the top.

Mr. Zuccaro replied that the grade slopes on the property and the center elevation to the top of the lights is 28 feet.

Commissioner Blum asked if there were lights on the existing paddle courts, and were they this same elevation.

Mr. Zuccaro replied that yes the current courts had lights, and that the applicant could confirm the exact elevation, but it appears that they are the same elevation.

Chair Christman asked what is the maximum height for recreation lighting for residential use.

Mr. Zuccaro replied that there is no maximum height. He continued to say that the Code has a requirement which requires any recreational use light over 12 feet in height have time requirements for when it can be in use.

Mr. Zuccaro displayed a graphic which indicated the proposed property improvements by the applicant. He indicated the new landscaping on the west and south sides of the property as well as in the area which houses the dumpster.

Mr. Zuccaro stated that the photometric plans were included with the application and should be added as a note to the development agreement. He continued that the photometric plan includes back screens on the lighting to screen the light sources.

Mr. Zuccaro displayed a graphic which indicated how the proposed landscaping would shield the lighting. He stated that the trees would be 12 and 15 feet tall at planting and would reach 45-60 feet at maturity.

Chair Christman stated it would take many years for the trees to reach maturity.

Mr. Zuccaro replied that the trees on the west side will be 15 feet at planting and will provide an immediate screen. He continued that as they mature, more screening will be provided. He stated that the trees on the south side will be 12 feet at planting and the back shields will also be in place.

Chair Christman asked what amount of screening the trees would provide.

Mr. Zuccaro stated that the applicant provided a line of sight diagram with their application materials and that Staff feels that compliance has been demonstrated.

Chair Christman stated that she did not see how 15 foot tall trees would provide adequate screening, and that there is no way to know what type of screening they will provide in the next 10 years.

Mr. Zuccaro stated that it is difficult to analyze. He continued to say that total screening cannot be guaranteed but that the plans submitted provide acceptable mitigation.

Mr. Zuccaro stated that the only outstanding item from the submittal requirements is the drainage requirement. He continued that the City Engineer has requested additional information of the applicant and that receiving his additional information should be a condition of approval. He stated that Troy Carmann, the City Engineer was present at the meeting and was available to answer any questions.

Mr. Zuccaro stated that Staff is recommending conditional approval with the following conditions: the applicant shall provide a revised Phase III Drainage Report meeting the City Engineer's conditions; and the applicant shall amend the site plan sheets to show the drainage pond volume and size of outlet restrictors.

Chair Christman asked what the parking requirements are in relation to this Expanded Use Permit request.

Mr. Zuccaro replied that the parking study was waived for the first application, and it is waived for the current application. He continued that Staff determined that the paddle hut and paddle court are primarily used in the winter, when the pool and tennis courts are not in use. He continued to say that the parking impact due to the new structures was negligible.

Chair Christman asked how many spaces are currently available.

Mr. Zuccaro replied that there are currently 50 spaces in the gravel lot and 40 spaces in the field located to the north.

Vice Chair Savoie asked if the club owns the field.

Mr. Zuccaro replied yes.

Chair Christman asked how many parking spaces does current zoning require.

Mr. Zuccaro replied that the current conditions were not analyzed for parking.

Mr. Zuccaro continued to say that this is a similar situation to the Expanded Use Permit that Kent Denver applied for when converting a grass field to a turf field. He stated that a parking analysis was not completed at that time.

Don MacKenzie, President of Arapahoe Tennis Club thanked the Commission for their consideration. He introduced Dan Sheldon, head of the Paddle Tennis Committee, and Becky DeCook, attorney for the club.

Mr. MacKenzie stated that the club has had many months of dialogue with the surrounding neighbors, and they are combining the interests and desires of the club with the interests of the neighbors and the City requirements.

Mr. MacKenzie stated that 12 and 15 foot trees are a significant height at planting, and given the fact that some are blue spruce, will grow quickly.

Mr. MacKenzie stated that the maintenance items mentioned by the neighbors are already being worked on. He continued to say that the dumpster enclosure, plantings, and painting are already

Planning and Zoning Commission Meeting

June 10, 2014

underway. He stated that the gravel from the parking lot is being shoveled from the road back into the lot weekly, as gravel in the road was listed as a concern by the neighbors.

Mr. MacKenzie stated that all neighbors have been provided with the name and phone number of the club manager in case there are any further concerns. He continued to say that the club has submitted signed letters from the majority of neighbors and the club has addressed 100% of the neighbors' concerns.

Mr. MacKenzie stated that the parking spaces in the field are rarely used except in the case of a large event. He continued to say that the largest party at the club is in the spring, and cars are counted on the half hour. Last year's count had a maximum of 77 cars.

Mr. MacKenzie stated that the occupancy of the pool is 200, and users of the pool are counted on the half-hour as well. He stated that the pool occupancy never gets close to capacity.

Mr. MacKenzie stated that he has reviewed 34 years of minutes of board meetings for the club, and a parking problem has never been mentioned.

Chair Christman asked if the membership could increase.

Mr. MacKenzie stated that the last increase in membership was 10 years ago, when the number of families increased to 225. He continued to say that the current board has no interest in growth, the club is fiscally sound, and there is no intent to change. He stated that the current membership is 217 families.

Mr. Zuccaro stated that Staff had previously recommended that an enrollment limit be included in the development agreement. If the membership increased above 220, the club would need to return to the City to ask for an amendment to the Expanded Use Permit.

Mr. MacKenzie stated that the current bylaws of the club have a maximum membership of 225 families. He continued to say that he was not happy about adding this provision, but would take it into consideration in order to receive the permit.

Vice Chair Savoie asked if there is ever any overflow parking onto the street.

Mr. MacKenzie replied that members only park on the street when the parking lot is being regraded.

Vice Chair Savoie asked if there is ever parking on the street during events.

Planning and Zoning Commission Meeting

June 10, 2014

Mr. MacKenzie replied that the handbook for the club states that members are not to park on the road. He continued to say that visitors rarely park on the street and when they do it is Tenaya, not Dahila.

Vice Chair Savoie asked if “no parking” signs could be installed.

Mr. Zuccaro replied that the impact of adding signs could be analyzed.

Chair Christman stated that it is important to be fair to all applicants in regards to parking. She asked if enrollment was above 220 families would parking still be in compliance.

Mr. Zuccaro stated that the intent of Staff was to limit enrollment. He continued to say that there are no major concerns at this time, but an enrollment increase could trigger traffic issues.

Deputy City Attorney McAskin stated that a note could be added so that an increase in enrollment would require the applicant to apply for an amendment to the Expanded Use Permit. He continued to say that the City Manager and Mr. Zuccaro determine if a parking study is required, and that it should be left to the discretion of Staff to determine if this study is merited.

Chair Christman asked if a simple note could be added to the development agreement.

Deputy City Attorney McAskin stated that the development agreement is between the City Council and the applicant, and an enrollment limit can be set forth in the agreement.

Mr. MacKenzie stated that the parking should be addressed not the membership. He continued to say that by using the calculations outlined in the City Code, they would need 80 parking spots with four persons per vehicle. That would mean attendance at an event would exceed 320 attendees. He continued to say that an event that size has not occurred there in decades. He also stated that the City Code uses a formula of two parking stalls for every employee which is unnecessary.

Mr. Zuccaro replied that the allotment for employee spots is such as shift and work times often overlap.

Chair Christman stated that the parking regulations have likely never been checked for the club.

Vice Chair Savoie replied that if the parking is not a problem there is no need to do a parking study.

Planning and Zoning Commission Meeting

June 10, 2014

Chair Christman replied that when the parking lot was designed there was never a parking analysis completed.

Vice Chair Savoie stated that if the neighbors are not complaining there is not a problem.

Chair Christman stated that the parking analysis may never be addressed but it needs to at some point. She continued to say that she has personally parked on the street in front of the club, and that visitors may not know the overflow lot is available.

Mr. MacKenzie stated that they are a private club and not an assembly space. He continued that they have approximately 1500 square feet under roof, which would limit any room to assemble. He continued to say that assembly space regulations do not apply to such a small club.

Chair Christman stated that the issue is not the number of members but the number of cars.

Mr. MacKenzie replied that the club could provide signage to direct visitors to the extra parking lot. He continued that this would add additional landscaping and maintenance costs.

Chair Christman asked who is responsible for turning the lights off on the tennis courts.

Mr. MacKenzie stated that the individual players are responsible for turning their court lights off. He continued that the club is considering timers for the court lights.

Mr. Sheldon stated that on page 3 of the resubmittal the applicants included timers to all existing and new courts.

Chair Christman asked if the timers were tamper proof.

Mr. Sheldon replied that the timers have a lock box on them and only the club president and board members have keys.

Commissioner Blum asked if the new lights are the same height as the existing lights.

Mr. MacKenzie replied that they are the same height but are angled so they emit less light.

Mr. Sheldon stated that the measurements in Mr. Zuccaro's staff report were inaccurate. He continued that the total height of the lights is 20 feet, not 28 feet as previously reported. Chair Christman opened the public comment portion of the meeting.

Planning and Zoning Commission Meeting

June 10, 2014

Pam Clute, of 4300 S. Dahlia St, read a letter from her husband who could not attend. Mrs. Clute stated that Mr. Clute feels that the club has ignored their neighbors for 25 years, but appreciates the efforts of the club to make improvements, and that improvements should be made before a permit is issued. She continued that the lights should be tamper proof and that the noise from the rooftop deck be contained to the inside of the paddle hut.

Karyn Bristow, of 5 Blackmer Rd., stated that she is concerned about the outdoor patio. She continued that the applicant should make improvements before they are allowed to install a new court. She stated that there should be a system in place to ensure all improvements are implemented and that landscaping is very important to her.

Chair Christman closed the public comment portion of the meeting.

Mr. MacKenzie stated that the rooftop deck was part of the original plan, and the only change made was a closed to open railing. He stated that the patio does not even cover the entire footprint of the hut which is 562 square feet.

Vice Chair Savoie asked if there would be lights on the rooftop deck.

Mr. MacKenzie replied that there would only be lights on the staircase, and under the railing. He continued that the deck would primarily be used for viewing and filming tournaments.

Mr. Sheldon stated that the club has started the improvements requested by the neighbors even though the Expanded Use Permit has not been granted. He continued to say that the only lights would be for safety, for example, rope lighting around the base of the deck.

Chair Christman stated that the development agreement would address all issues. She continued to say that there should not be a limit on membership unless there was with the other private clubs.

Mr. Zuccaro replied that there is no enrollment limit with the other clubs that he is aware of. He continued to say that only St. Mary's Academy has an enrollment limit that is related to traffic and parking analyses. He stated that if their enrollment increases by more than 10% of their limit, they are required to come to the City for approval.

Vice Chair Savoie asked what the next step was.

Mr. Zuccaro replied that the Planning and Zoning Commission could approve the Expanded Use Permit with any restrictions to be put in the development agreement between the Commission and City Council.

Mr. MacKenzie stated that any improvements to the club would be maintained.

Chair Christman asked where the lighting would be addressed.

Mr. Zuccaro replied that any lighting would be fully shielded per City Code.

Chair Christman asked could there be restrictions placed on parking, as well as signs directing overflow.

Mr. MacKenzie replied that it is hard to equate attendance to any one event with parking.

Mr. Zuccaro stated that it is easier to enforce the number of cars than the number of attendees to any event.

Commissioner Blum asked where overflow parking would go.

Chair Christman said they could use shuttles to offsite locations.

Mr. Zuccaro asked if the Commission was interested in a membership restriction.

Vice Chair Savoie stated that if the parking was capped membership restriction would not be needed.

Commissioner Blum asked if there was a time restriction on the rooftop deck.

Mr. Mackenzie replied that all lights would be out at 11 pm.

Vice Chair Savoie stated that he was concerned about the noise in relation to the rooftop deck.

Mr. Zuccaro replied that the nuisance ordinance limits noise to 60 decibels at any time of day or night.

Commissioner Blum moved to recommend approval of the request by Arapahoe Tennis Club for an Expanded Use Permit to build a paddle court and paddle hut expansion with the following conditions:

1. Prior to the City Council hearing, the applicant shall provide a revised Phase III Drainage Report meeting the City Engineer's conditions.
2. Prior to the City Council hearing, the applicant shall amend the site plan sheets to show the drainage pond volume and size of outlet restrictors.
3. Prior to the City Council hearing, a draft development agreement shall be provided that addresses the following items:
 - a. Those items agreed to by the applicant and outlined as item numbers one through eleven on page three of the June 10, 2014 Letter of Intent.
 - b. Limitation on the lighting for the Paddle Hut to low voltage lighting adjacent to or under the stairs and along the base of the rooftop deck.
 - c. Designation of an overflow parking area to accommodate 40 vehicles in the field north of the existing parking lot, including signage and development restrictions to ensure that the area be reserved for parking.
 - d. Noise limitations reflecting the requirements of Municipal Code Section 7-1-30(4).
 - e. A limitation on events that would exceed a demand for 90 parking spaces and an administrative approval process for special events exceeding a demand for 90 parking spaces if the applicant demonstrates that adequate off street parking can be provided.
 - f. Limitation on use of the Paddle Hut roof-top deck from 11:00 p.m. to sunrise the next day.

Vice Chair Savoie seconded the motion.

The following votes were recorded:

Chair Christman	yes
Vice Chair Savoie	yes
Commissioner Blum	yes
Commissioner Wyman	abstain

The motion passed.

Planning and Zoning Commission Meeting

June 10, 2014

November 5, 2014

To The Cherry Hills Village Planning and Zoning Commission:

Having seen the Notice of Public Hearing in The Villager about the Extended Use Permit for the Arapahoe Tennis Club to be held on Tuesday, November 11 at 6:30pm, I am sending my protests/comments in before the date of the public hearing as required.

I am Pam Clute of 4300 S. Dahlia St. on the NE corner of Quincy and Dahlia. I have the same concerns about the new Extended Use Plan as I had about the ATC's Extended Use Plan from this summer. I am distressed about the likelihood of an increase in lights, noise and traffic that will negatively impact us and all homes in the neighborhood of the ATC in terms of both property value and quality of life.

There are, however, two disturbing new differences. 1.) The new court will be even closer to us. 2.) The ATC's Development Plan from July included a number of conditions that would have made a new court and paddle hut with party roof at least a little more tolerable.

I particularly liked the July provision for tamperproof timers to ensure all recreational lighting would be turned off by 11pm. This would have presumably turned off most of the noise as well. The current plans only mention lights for the proposed new court.

Also, the new plan doesn't mention painting the propane tank in front of Paddle Court P4. Will the changed location of the proposed new paddle court require a new propane tank and, if so, will it be painted?

I am enclosing three pages of the ATC's July Development Plan with the conditions highlighted that would have made a new court and paddle hut with party roof somewhat more tolerable. Basically, this is most of section 2 except what is included in the new plans. I sincerely hope these provisions will be included in a new Development Plan if the Extended Use Permit is approved - which, of course, I hope it won't be.

Thank you for your consideration.

Sincerely,



Pam Clute

4300 S. Dahlia St.

Cherry Hills Village, CO 80113

2.0 USE AND OPERATION OF ATC PROPERTY.

- 2.1 Overflow Parking Lot Requirements. A scaled and dimensioned site plan of the Overflow Parking Lot is attached to this Agreement as **Exhibit B** and is incorporated herein by reference. The Overflow Parking Lot site plan identifies the access points to the Overflow Parking Lot and the proposed location of the directional signage required by this Section 2.1. Prior to issuance of a certificate of occupancy for the Paddle Hut, ATC shall install two (2) directional signs within or proximate to the Existing Parking Lot which identifies the existence and location of the Overflow Parking Lot, in the locations depicted in **Exhibit B**. In conformance with the Application, the addition of the New Paddle Court and Paddle Court will not cause the total number of parking spaces on the Property to be less than ninety (90) spaces. ATC shall be prohibited from making any improvements to the Overflow Parking Lot that would reduce the parking capacity of the Overflow Parking Lot to below forty (40) vehicles.
- 2.2 General Site Plan Improvements. Prior to the issuance of a certificate of occupancy for the Paddle Hut, ATC shall undertake and complete the following improvements as set forth in the Site Plan and Application:
- (A) Install all landscaping as shown and depicted in the Site Plan.
 - (B) Construct a painted concrete trash enclosure to screen ATC's trash and recycling containers.
 - (C) Paint the existing propane tank (located immediately to the west of Existing Paddle Court P4).
 - (D) Adjust all recreation use lighting on the Existing Paddle Courts downward so that the lights are parallel with the playing surface of the Existing Paddle Courts.
 - (E) Install the new recreation lighting associated with the New Paddle Court in accordance with Section 2.2(D) above.
 - (F) Install tamperproof timers on the Existing Paddle Courts and the New Paddle Court to ensure that all recreation use lighting is automatically turned off at the time required by Section 16-16-50(b)(5) of the Municipal Code, as the same may be amended from time to time.
- 2.3 Continuing Maintenance of Property. All existing improvements on the Property and all improvements set forth in Section 2.2(A) – (G) above shall, at ATC's expense, be maintained in a good condition and repair. In addition, ATC shall sweep or shovel the gravel spill on South Dahlia Street back into the Existing Parking Lot on a regular basis, but no less frequently than two times (2x) per month for the period

commencing April 1st and ending on October 31st, and one time (1x) per month for the period commencing November 1st and ending on March 31st in each calendar year. ATC shall not be required to obtain a permit from the City to perform this work within the South Dahlia Street right-of-way, unless the City notifies ATC in writing that a permit is required.

2.4 Construction of New Paddle Court and Paddle Hut – Building Permit. ATC shall commence construction of the New Paddle Court and Paddle Hut proposed by the Application within two (2) years of the date on which the Application is approved by City Council and shall complete the construction in accordance with all applicable laws, including the adopted uniform building, construction, fire, and safety codes of the City. The City’s approval of the Application shall automatically expire in the event that a building permit is not issued prior to the expiration of the two-year time period. The City Manager may approve an extension of the initial two-year time period for an additional one (1) year where the City Manager finds that ATC requested an extension in writing prior to the initial two-year expiration date and that just cause for the requested extension exists.

2.5 Exterior Lighting – Paddle Courts. The lighting associated with the Existing Paddle Courts and the New Paddle Court must comply with all applicable provisions of the Municipal Code, specifically including the exterior lighting regulations for “Recreation use lighting” as outlined in Section 16-16-50(b)(5) of the Municipal Code, as amended from time to time.

2.6 Exterior Lighting - Paddle Hut. The exterior lighting associated with the Paddle Hut shall be limited to: (1) low voltage safety lighting proposed to be installed in the Paddle Hut stairway to be constructed to access the Paddle Hut rooftop deck (the location of the stairway is shown and depicted in the south elevation of Sheet 7.0 of the Expanded Use Plan Set); and (2) low voltage safety lighting proposed to be installed along the base of the Paddle Hut rooftop deck safety railing. The location of any low voltage lighting, together with any and all low voltage lighting fixture details and technical specifications are included within the Expanded Use Plan Set. All low voltage lighting shall comply with all applicable provisions of the Municipal Code and the adopted uniform building, construction, fire, and safety codes of the City. Any additional exterior lighting of the Paddle Hut shall be prohibited.

2.7 Paddle Hut – Use Restriction. The rooftop deck on the Paddle Hut shall not be used for any purpose whatsoever between the hours of 11:00 p.m. and 7:00 a.m. the following day.

2.8 Noise. ATC’s use of the Property shall comply with all applicable noise and/or nuisance regulations of the City of Cherry Hills Village, as now existing or as may be later amended or adopted by the City.

2.9 Landscaping. ATC shall install and maintain in a living and healthy condition all new landscaping shown, described and depicted in the Site Plan. Any dead, diseased, or unhealthy landscaping materials shall be promptly replaced with materials of like kind and size.

According to the internet, this is equal to the sound of a normal conversation at 3 feet.

- 2.10 **Parking Requirements – Special Events.** ATC shall provide adequate parking for all Special Events. ATC shall have the ability to apply to the City for a special event permit to hold up to twelve (12) Special Events per calendar year. At least sixty (60) days prior to any Special Event, ATC shall provide to the City sufficient information demonstrating that adequate off-street parking can be provided for the Special Event. Such parking shall include a minimum of one parking space for every two persons estimated to attend the event in addition to adequate parking for ATC staff and other support personnel for the Special Event (including but not limited to caterers, volunteers, video crews, tournament sponsors, and other similar support personnel as may be required). ATC shall provide a written agreement or easement that evidences ATC's right to use additional off-street parking for the Special Event on property not owned by ATC ("Additional Parking Site(s)") in a form reasonably satisfactory to the City Manager in his or her sole discretion. The application materials shall also contain a parking plan demonstrating whether: (1) Special Event participants will be shuttled to and from the Additional Parking Site(s); (2) whether valet parking or similar parking management services will be offered at the Special Event; or (3) a proposed alternate arrangement. The City shall approve, approve with conditions, or deny the permit within thirty (30) days following the date on which ATC has submitted all required application materials to the City. Denial of a permit request may be appealed to the City's Board of Adjustment and Appeals as provided in Article III of Chapter 16 of the Municipal Code. The 60-day advance application deadline may be waived by the City Manager in his or her sole discretion, upon good cause shown.
- 2.11 **General Public Notice of ATC Special Events Encouraged.** ATC is encouraged to provide a schedule or other form of list or information identifying all Special Events planned or proposed for the Property, including events that may result in traffic, parking, or attendance in excess of that experienced during customary or typical day-to-day ATC operations. Such schedule or notice is encouraged to be posted on ATC's website (<http://www.arapahoetennisclub.net/>) in a location that may be accessed by members of the general public.
- 2.12 **Ongoing Coordination with Abutting Property Owners Required.** ATC shall provide abutting property owners (including but not limited to property owners along S. Dahlia Street, Tenaya Lane, and Blackmer Road) with the name, cell phone number and email address of the ATC manager, as updated to account for changes in personnel, so that such residents/abutting property owners may contact the manager directly regarding any issues or concerns with ATC operations including but not limited to: (1) landscape maintenance; (2) trash/debris clean-up; (3) noise; or (4) Special Events.

3.0 MISCELLANEOUS PROVISIONS.

- 3.1 **Delays.** The Parties have executed this Agreement such that completion of the improvements shall be subject to strikes, accidents, acts of God, weather conditions which justify a delay of construction in light of standard practices in the building profession, inability to secure labor, fire regulations or restrictions imposed by any government or governmental agency, or other delay resulting from events which are

November 25, 2014

To the Planning and Zoning Commission:

This is my second letter regarding the Extended Use Permit application from the Arapahoe Tennis Club. We live at on the SE corner of Dahlia and Quincy directly across the field from the ATC. I am sending a second letter because a number of events have occurred since my first letter.

First, we received both a phone call and an email from Dan Sheldon offering to give us a "dime tour" of all of the improvements planned for the ATC. (We have not taken him up on this offer yet.)

Then, we noticed the ATC had posted the Notice of Public Hearing on a tree near their driveway. (I had been informed at the Village Center that this wasn't required.)

Next, we received via certified mail a copy of the Notice of Public Hearing.

A few days later, we received via certified mail a letter asking for our support for their Extended Use Application and a copy of 10/29 Extended Use Application.

Of course, all of this is appreciated. However, it would all have seemed more sincere if it had come before I had sent my first letter. Further, not every neighbor who had been at the Planning and Zoning Meetings this summer received these voice mails, emails and certified letters. Why not?

We still would like to see all of Section Two from July's Development Plan included in this new Extended Use Application, especially all of the provisions involving lighting including the tamper-proof timers for the lights.

We still don't like the new location - further up the hill where the light and noise will penetrate even further and 10 parking spaces will be lost increasing parking problems on Dahlia and more traffic from people driving around looking for parking.

Arizona Cypress looks like a nice tree and grows quickly, but is not recommended above 3000 feet according to the USDA Natural Resources Conservation Service.

The switch from propane to gas is great. However, while the switch to LED is probably an improvement, it still presents some problems:

.The lights now no longer shine directly into our windows. This is partly due to the current parallel position of the lights as well as the switch to LED. I find nothing in writing guaranteeing they will always stay in the parallel position.

.Also, although they aren't shining on our house any more, they aren't improving the night sky either. When we look south now, we see what looks like a giant blue tinted TV screen permanently tuned to the paddle tennis channel featuring players running back and forth. I'm not sure this is what the Master Plan had in mind in terms of preserving a "dark sky" and blending into the natural setting. Here, I'm talking about the current courts down in the lower elevation of their SW corner. A new court positioned uphill at

November 25, 2014

their highest elevation to the NW will completely dominate the landscape and the night sky when lit.

July's provisions in Section Two are still greatly needed to maintain quality of life and property values in this Cherry Hills Village neighborhood, especially if the ATC is allowed to put their new court up the hill. The current courts are a nuisance. This new one will make everything worse.

Adding ANY new court will not benefit our neighborhood or Cherry Hills Village in terms of property values or quality of life. The primary purpose of adding a court seems to be facilitating the ease of holding large paddle tennis tournaments for the ATC. Is this really necessary?

My family and I thank you so much for your time and attention.

Sincerely,

Three handwritten signatures in blue ink. The first signature is 'Peter Clute', the second is 'Pam Clute', and the third is 'Mark W. Hoover'.

Mr. and Mrs. Peter Clute and Family
4300 S. Dahlia Street
Cherry Hills Village, CO 80113

Dr. Michael and Karyn Bristow
5 Blackmer Road
1 Blackmer Road
Cherry Hills Village, Colorado 80113

November 25, 2014

TO: Cherry Hills Village Planning and Zoning Commission and ATC President Donald MacKenzie,

My husband and I have lived at 5 Blackmer Road, Cherry Hills Village (CHV) since 1999 and we also own a home at 1 Blackmer Road. I have reviewed the new ATC Expanded Use Application of October 2014 and the subsequent letter from Donald MacKenzie of November 17, 2014 re: Expanded Use Permit. We feel that we, as well as our neighborhood, will be directly and adversely affected by this new proposal.

In reviewing the new ATC Expanded Use Application, we are particularly concerned about the following:

*There is NO mention of using "fully shielded" lighting fixtures which, under Cherry Hills Village Ordinance No.11 2010 Section 16-16-50(b)(5), would certainly be required for lighting a new paddle court.

*There is NO mention of using tamper-proof timers to insure that the paddle court lights will be switched off by 11:00 p.m., even though in our prior agreement of June/July 2014 there was a provision for this.

*There is NO mention of ATC's promise of July 2014 that the gravel at the driveway entrance would be controlled.

*Losing 10 parking spaces to accommodate the new paddle court may add to the parking pollution along Dahlia and Blackmer Road. This would increase the residential 'intensity' which the CHV Master Plan seeks to avoid.

* We are also deeply concerned that the Cherry Hills Village Master Plan which promotes a semi-rural character for CHV by preserving our "dark sky" will be compromised by the addition of lighting which ATC has proposed. Our city passed Ordinance No.11 Series 2010, Section 16-16-50 Exterior Lighting (a) that "...preserves the semi-rural character of the Village and the qualities associated with this character, including the ability to view stars against a dark sky..." We realize that lighting is needed at the Club to meet recreational and safety purposes. However, we are significantly concerned about the "light trespass" due to the proposed new paddle court on an elevated site.

*Although ATC tries to depict how much light would be visible to a person standing on the road (ATC EUP, sheet no. 3.0) the information they provide is irrelevant. ATC does not include any information regarding what the light levels (measured in foot-candles) would be at the various property lines (including adjoining property lines). Our city ordinance of 2010 No.11 Section 16-16-50 (b)(1) states “...light source must not {be} directly visible from adjoining lots or streets or result in a light level greater than 0.2 foot- candles when measured at the ground level ...” A foot-candle is equivalent to one lumen per square foot, or 10.764 lux. In other words, the illumination produced by the source of one candle at a distance of one foot is a foot-candle. Candles measure brightness and lumens measure the power of the light.

*It appears from ATC’s drawings that the new proposed paddle court lights will reach 24 feet high above a higher grade than the paddle courts to the south of the Club. The mature pine trees by the existing wall will not be suitable to mitigate the light and noise pollution from this elevated paddle court. The pine trees are appropriate for our climate and promote a “semi-rural” vision. However, they are not sufficient to screen the elevated paddle court because they are not dense enough. One only needs to stand in our yard at 1 or 5 Blackmer Road to see and hear this insufficient screening of the existing tennis wall. Also, it appears the height of the proposed lighting on the paddle court may in fact exceed the height of the existing structures per ATC’s sheet 4.0.

*According to Ordinance No. 11, Series 2010, 16-16-50 (b)(2) “Each light fixture shall not exceed a maximum output of 1800 lumens (approximately equivalent to a 100 watt incandescent bulb)...” The color temperature emitted from a 100 watt incandescent bulb is equivalent to 2800 degree Kelvins. ATC has started to replace existing lighting with LEDs. LEDs, although more costly in the beginning, will offer ATC long term benefits such as substantial operating and energy cost reductions, and longer life of the bulbs. However, most LED bulbs fall in the 4000 to 7500 degree Kelvin range. The color temperature of the bulbs could definitely compromise our “ability to view stars against a dark sky” which is part of the purpose and intent stated in 16-15-50 (a).

According to the Dark Sky Society, “...light sources rated over 3000 Kelvin; and outdated Mercury Vapor bulbs are prohibitive for preserving a Dark Sky environment (“Guidelines for Good Exterior Lighting Plans” <http://www.darkskysociety.org/>).” In addition, ATC’s new LED bulbs may also pose increased health risks to us, our animals and our adjoining neighbors.

*LED lights produce a fair amount of light in the blue spectrum, especially LED light bulbs in the higher Kelvin range. “Blue wavelengths—which are beneficial during daylight hours because they boost attention, reaction times, and mood—**seem to be the most disruptive at night**”, according to the Harvard Health News Letter, May 2012. Therefore, the addition of energy-efficient lighting is increasing our exposure to blue wavelengths, especially after sundown. “Even dim light can interfere with a person’s circadian rhythm and melatonin secretion. Even a small amount of light, eight lux which is the level of brightness exceeded by most table lamps and about twice that of a night light, has an effect on a person’s sleep” as

reported by Stephen Lockley, a Harvard sleep researcher (Harvard Health Newsletter, May 2012). Further, the article states "Light at night is part of the reason so many people don't get enough sleep and researchers have linked short sleep to increased risk for depression, as well as diabetes and cardiovascular problems". LED lights may be a more efficient option than fluorescent lights, but since they produce a fair amount of light in the blue spectrum, LEDs may end up compromising our health.

*The additional trees that ATC proposes to use to screen the new paddle court on the north side are not suitable either. Arizona Cypress trees are not recommended for our Colorado planting zone. The Arizona Cypress trees which are listed in the USDA Plant Fact Sheet are "not recommended for elevations over 3000 ft.". Cherry Hills Village has an elevation of 5,426 feet. Also, these trees are "susceptible to fire and need proper protection." They have a hardiness limit of approximately 0.14 to 1 degree Fahrenheit. Obviously, our winter temperatures can be far below that. In fact, Denver set a new record low of -14 degrees on November 13, 2014. According to Current Results Research News and Science: "The coldest nights in Denver get to zero degrees Fahrenheit or below. Temperatures in negative territory happen seven times a year on average."

The noise emanating from the ATC is already a nuisance. The noise varies, but it is particularly disruptive when there are paddle court players at night. The combination of noise and light is remarkably disturbing. It is unsettling to us and to our animals who live in direct line with the new proposed paddle court. Thus, we are acutely prevented from enjoying our homes to the fullest.

In conclusion, we, as owners of properties directly affected by any ATC expansion, remain extremely concerned about light, noise pollution, and increased traffic. Also, our neighborhood will not be enhanced by the ATC addition of a new paddle court to the north of the Club property.

Sincerely,



Dr. Michael and Karyn Bristow

Robert Zuccaro

From: Jeff Bennis <JeffBennis@5280partners.com>
Sent: Monday, December 01, 2014 10:34 AM
To: Robert Zuccaro
Subject: ATC New Facilities

Ron—hello. I am unable to attend tomorrow evening's planning and zoning meeting regarding the new court and warming hut at ATC. Don McKenzie has done a very good job of keeping us informed and in the loop on the project. The new LED lights recently installed have greatly reduced the light spillover from the courts. Moving the new court to the currently unused (and well shielded) northwest section of the property makes a lot of sense. The design and location of the new warming hut look good to us as well. We are in agreement with all aspects of the revised plans. Best regards, Jeff Bennis (3 Tenaya Lane Englewood CO 80113).

Timothy J. Keating
1 Tenaya Lane
Cherry Hills Village, CO 80113

December 1, 2014

Mr. Robert A. Zuccaro
Community Development Director
City of Cherry Hills Village
2450 East Quincy Avenue
Cherry Hills Village, CO 80113

Dear Mr. Zuccaro:

My wife Stephanie Keating and I own a house located at 1 Tenaya Lane (which we bought in 2002), and which is directly adjacent to the Arapahoe Tennis Club ("ATC" or the "Club").

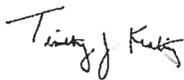
Earlier this year, I had the opportunity to meet with Messrs. Don MacKenzie (President) and Dan Sheldon (Paddle Expansion Committee Chair) of ATC to discuss the Club's planned expansion of the Club's paddle tennis facilities and related improvements. Messrs. MacKenzie and Sheldon recently shared the Club's revised and updated architectural plans with us.

Throughout this process, Messrs. MacKenzie and Sheldon invited our comment and feedback, which we provided in considerable detail. Among other issues, we expressed concerns about adequacy of privacy (for both the Club and us) as well as the mutual benefit that would result from improved and additional landscaping by ATC. Messrs. MacKenzie and Sheldon fully understood our concerns and offered a series of remedial measures, all of which are completely satisfactory to us.

On the basis of the Club's undertakings to remediate the impact of the expansion plans and generally improve the maintenance of the overall Club landscaping on the property as set forth above, we write in support of ATC's expansion plans as proposed. Moreover, we are confident that ATC is committed to remaining a good neighbor to the residents of Tenaya and Blackmer Lanes, the roads immediately adjacent to the Club.

Please do not hesitate to call me (720-889-0131) if you have any questions or if I can be of any further assistance.

Sincerely yours,



Timothy J. Keating

**Dr. Kelly Kim & Dr. Judy Chiang
2 Blackmer Road
Cherry Hills Village, Colorado 80113**

December 1, 2014

**TO: Cherry Hills Village Planning and Zoning Commission and Arapahoe Tennis Club
(ATC) President Donald MacKenzie,**

We have lived at 2 Blackmer Road, Cherry Hills Village (CHV) since 2009. We have reviewed the new ATC Expanded Use Application of October 2014. We feel that we and our neighbors will be directly and adversely affected by this new proposal.

There are 3 issues that concern us:

- 1) Lighting. Despite the safeguards that are supposedly in place, the lights are very visible at night and are a distraction to the neighbors. Such lighting should not be a nuisance to the neighbors.**
- 2) Noise. It is not uncommon to hear loud noise coming from ATC late at night, despite the 11 PM curfew. This has not changed over the years.**
- 3) Traffic. This is already an issue with ATC and the adjoining Dahlia trailhead to the Highline Canal. This will get worse with the enlargement of ATC.**

This expansion of ATC is feeling like an increasingly commercial venture in Cherry Hills Village and is not consistent with the semi-rural appeal of Cherry Hills Village. We have also been disappointed by the lack of communication from ATC with its neighbors. We were never notified directly of this planned expansion (we found out from our neighbors). Despite living here for more than 5 years, we have never been notified of any of the special events at ATC (which directly affects our neighborhood) or of a contact person to discuss issues with ATC.

We request that this Expanded Use Application be rejected.

Sincerely,

Kelly Kim, MD & Judy Chiang, MD

Robert Zuccaro

From: bradcalcins <bradcalcins@msn.com>
Sent: Tuesday, December 02, 2014 2:22 PM
To: Robert Zuccaro
Cc: llcalcins@icloud.com
Subject: ATC Expanded Use Permit

Dear Mr. Zuccaro,

As the owners of GBL Cherry Hills LLC, the 17.9 acres adjacent to the north side of the Arapahoe Tennis Club, my sister Lisa and I would like to formally object to the plan for an Extended Use Permit that Arapahoe Tennis Club has submitted dated October 29, 2014. Specifically we object to the new paddle court that is being proposed where the practice tennis wall is currently.

Even though we are not excited about the additional traffic one would assume additional courts will bring, our biggest concern is with the proposed light fixtures and specifically the height. The photometric study claims there will be minimal light pollution, but it has been my experience that landscaping cannot fully block out the effects of even LED fixtures and these studies don't often reflect the realities of any given situation. Specifically, with it's proximity to their Northern and our Southern property lines it is hard to imagine that it isn't going to have a negative impact on our and other neighboring properties from the lights in the evening as well as the additional noise the court will bring.

If it is determined by the Planning and Zoning Commission and Council that the plan should be approved, we would at least request that the allowable hours of operation be limited to 9 pm on any given night. Unfortunately neither I nor my sister will be able to be present at tonight's meeting, but feel free to reach out to me with any questions or clarifications. Thanks in advance for you consideration.
Brad Calcins

GB&L Cherry Hills LLC
7268 S. Tucson Way
Centennial, CO 80112
303-733-4627

DATE: December 2, 2014
TO: All Members of the Cherry Hills Village Planning and Zoning Commission and Cherry Hills Village City Council
FROM: Kathleen Gilbert
4265 S. Eudora St.
CHV, CO 80113 Tel. (303) 751-9900
RE: Concerns About Request by Arapahoe Tennis Club (ATC) for an Expanded Use Permit to Construct Paddle Hut and Additional Paddle Court

This letter is in response to ATC's third request for an Expanded Use Permit to construct a new paddle court and a paddle hut at the ATC. I remain opposed to ATC's building an additional lighted paddle court, a paddle hut and additional lighting. This letter repeats and reiterates my concerns about ATC's plans to construct a paddle hut, a new paddle court remove natural landscape for 60+ new parking spaces on ATC's existing land.

I have been a resident of Cherry Hills Village for more than 21 years. Our home is 0.3 miles from the Arapahoe Tennis Club (ATC).

Concerns:

- a. ATC currently has 4 well-lit, if not overly lit, paddle courts. Typically 4 people use each court at a time. If the existing courts are available from 7:30 a.m. until 10:00 p.m. (14.5 hours per day, i.e., more than 100 hours per week), with four courts there are more than 400 hours per week of paddle court availability. On a per person basis, that is, 4 people per court times 400 hours = 1600 person hours per week currently of paddle court availability.

The membership of ATC allows for 225 member families. (Only about half of these families are residents of Cherry Hills Village.) If 100% of the families have someone who plays paddle tennis (highly unlikely), then each of those members currently have more than seven hours per week every week of the year to play paddle tennis without adding a court.

In ATC's first presentation to the Planning & Zoning Commission, Mr. MacKenzie noted that as many as 50% of the players who use ATC paddle courts are not members of ATC.

It may be that the primary reason ATC is seeking to build an additional paddle court and a hut is to run more tournaments, possibly as a source of revenue for the club, and certainly an increased nuisance for the community.

- b. I am concerned that the plans currently presented by ATC for additional parking do not result in all parking at ATC strictly complying with Cherry Hills Village Municipal Code Sec. 16-16-10, particularly in terms of required minimum landscaping, size, markings and quantity of spaces.

Robert Zuccaro

From: Peter Clute <pete@cluteoil.com>
Sent: Tuesday, December 02, 2014 9:05 AM
To: Robert Zuccaro
Subject: Fwd: Night view of the tennis courts from the southeast
Attachments: IMG_1371.JPG; Attached Message Part

Rob,

View from Tenaya Lane. These pictures were taken with an iphone and NO flash. Original sent to Karen yesterday. If I lived south of the ATC I would have a big problem with this setting. Old Daniels place is under remodel. Very little activity at the Keating mansion. Don't know about the other property. Have to conclude that the neighbors to the south of the ATC are just not around enough to care.

Pete Clute

303-547-0461

----- Forwarded Message -----

Subject: Night view of the tennis courts from the southeast

Date: Mon, 1 Dec 2014 18:15:58 -0700

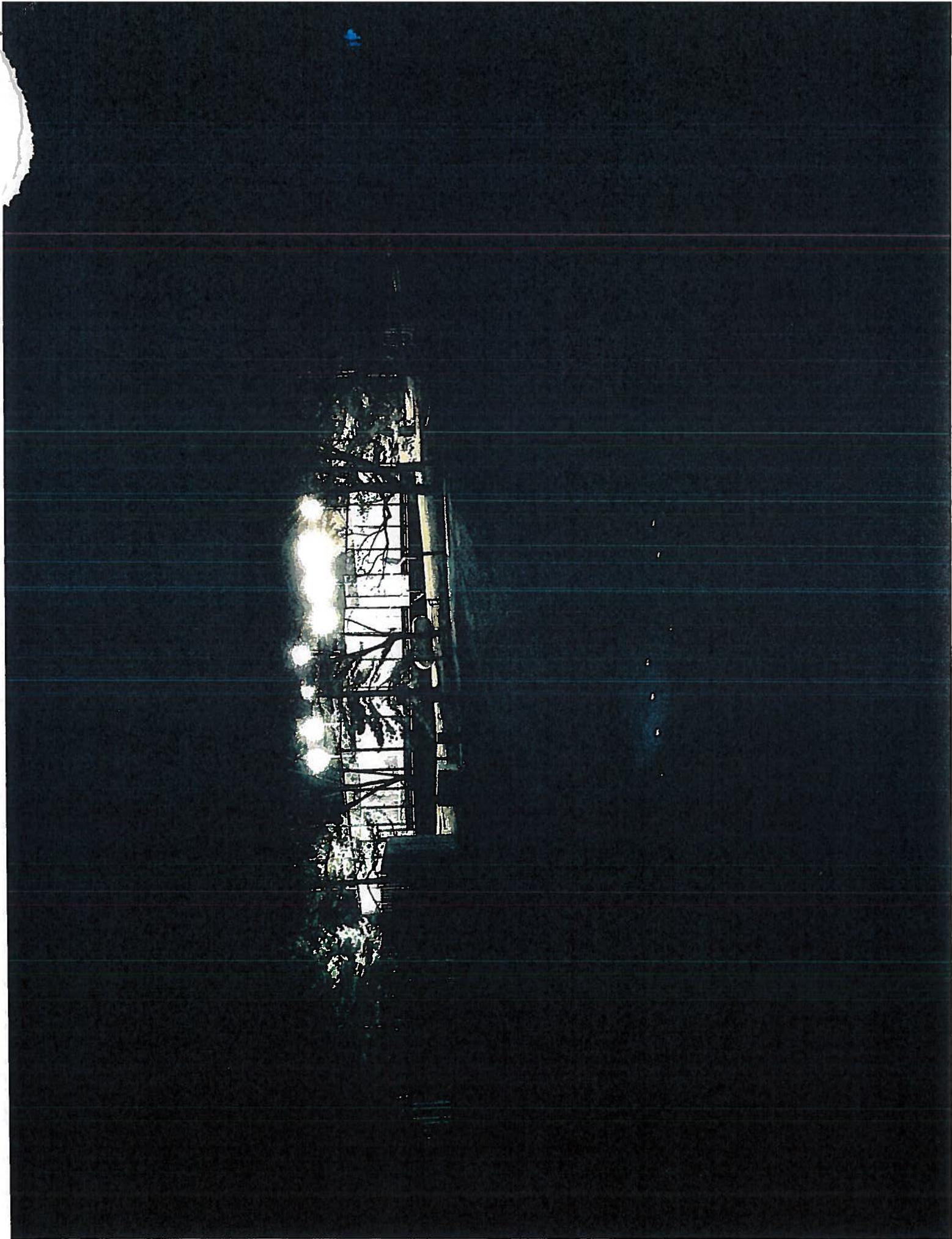
From: Clute Oil <pete@cluteoil.com>

To: kabris@comcast.net



This email has been checked for viruses by Avast antivirus software.

www.avast.com



Robert Zuccaro

From: Peter Clute <pete@cluteoil.com>
Sent: Tuesday, December 02, 2014 9:06 AM
To: Robert Zuccaro
Subject: Fwd: Night view of the tennis courts from your property on Saturday night
Attachments: IMG_1375.JPG; Attached Message Part

Rob,

Picture of lit paddle tennis courts from Bristow property just west of Dahlia taken Saturday (11/29) night. Original was forwarded to Karen Bristow yesterday.

Pete Clute

----- Forwarded Message -----

Subject: Night view of the tennis courts from your property on Saturday night

Date: Mon, 1 Dec 2014 18:13:37 -0700

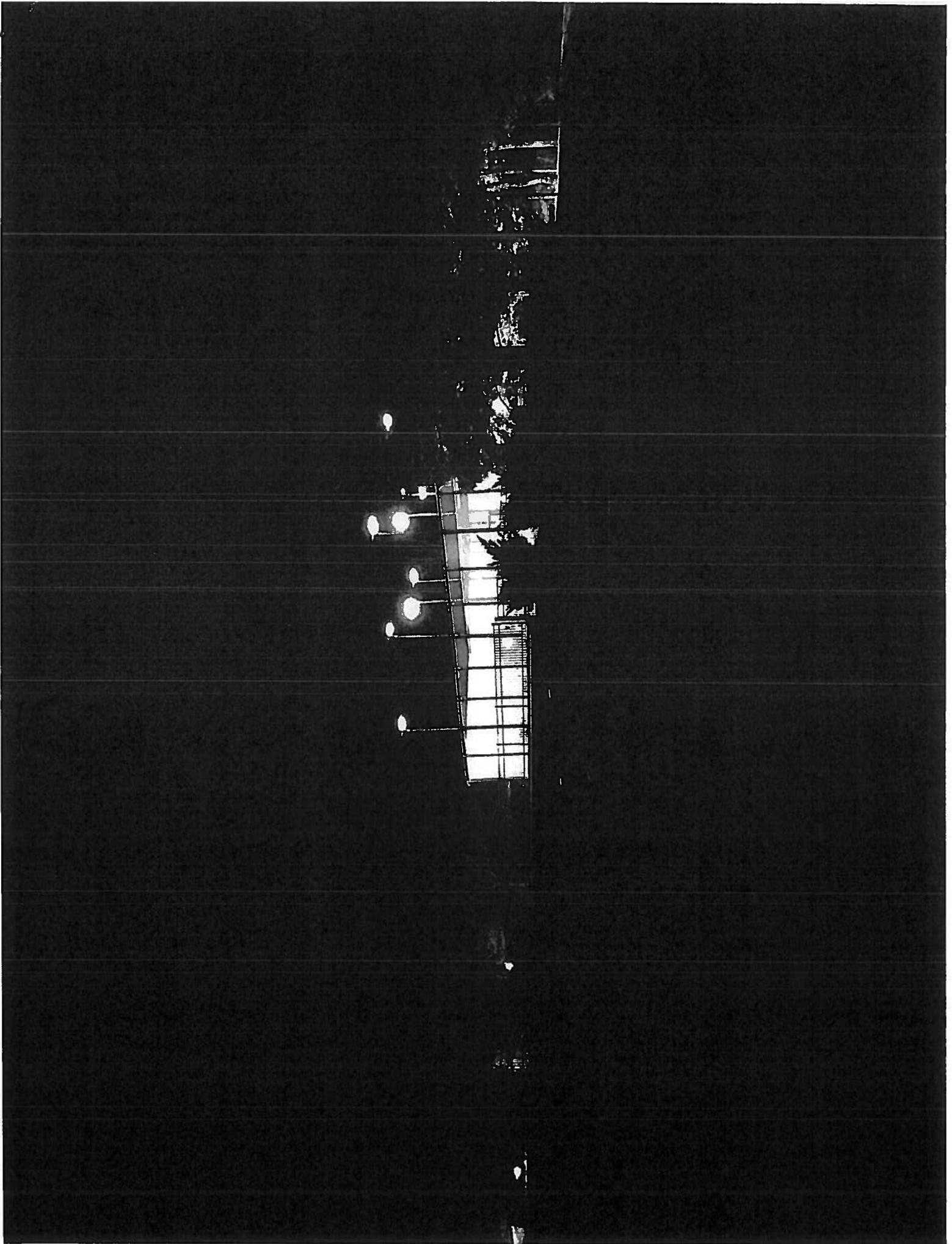
From: Clute Oil <pete@cluteoil.com>

To: kabris@comcast.net <kabris@comcast.net>



This email has been checked for viruses by Avast antivirus software.

www.avast.com



Robert Zuccaro

From: Peter Clute <pete@cluteoil.com>
Sent: Tuesday, December 02, 2014 9:38 AM
To: Robert Zuccaro
Subject: Fwd: Photo
Attachments: IMG_2615.JPG; Attached Message Part

Rob,

Pam took this picture from our driveway with her iphone. Slightly zoomed, no flash. We see this every night that they play paddle tennis from our home. Some nights these people are so loud the sound carries through all of the closed doors and windows into our family room. Can clearly hear screaming, yelling, cursing. If you go outside, you can hear entire conversations on no wind days. Have called CHVPD more than once.

The week before Thanksgiving I was out in our yard working during the day when I observed a car speeding eastbound on Quincy from Colorado Blvd. The driver (a woman) failed to stop at the 4 way stop at Dahlia and turned south on Dahlia. Now, where do you think she went at a high rate of speed down Dahlia? The Arapahoe Tennis Club. Watched her turn in. Upset I spoke to my wife. We did not think it was worth pursuing. However, we see this type of behavior demonstrated over and over again. Most of these scofflaws turn in to the ATC. The people going to the Highline are far more sedate and law abiding. They, for the most part, seem to respect the neighborhood and our traffic laws.

Pam and I have lived here for over 25 years. It seems to us that the traffic, lights and noise have become much worse the past few years. We know that the ATC has increased its membership and puts on regional tournaments. For a small tennis club that was supposed to be a quiet neighborhood club when it started 50 years ago, it has become something else. In no way does it now benefit the neighborhood or add to the rural character of Cherry Hills Village.

In reading the proposed plan we noticed the loss of 10 parking spaces. Where at peak times will these people park? From past behavior my best guess is anywhere they can. Which means they are going to park all over the neighborhood with no regard for any of us that live here.

Having paddle tennis courts lit until 11 PM at night and hearing loud shouting and cursing from the courts is not my idea of a rural setting. This neighborhood does not need any more lights, noise or traffic.

Pete Clute
4300 South Dahlia Street
Cherry Hills Village, CO 80113
cell: 303-547-0461
office: 303-779-4216

----- Forwarded Message -----

Subject: Photo
Date: Tue, 2 Dec 2014 08:17:23 -0700
From: Pamela Clute <piclute@gmail.com>
To: Peter Clute <pete@cluteoil.com>



**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: 17b

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: LAURA SMITH, CITY CLERK

SUBJECT: BOARD AND COMMISSION VACANCIES

DATE: JANUARY 6, 2015

ISSUE

The City currently has several vacancies on City Boards and Commissions as a result of the November 2014 election and a resignation:

- Board of Adjustment and Appeals (BOAA) – 2 vacancies
- Planning and Zoning Commission (P&Z) – 1 vacancy
- Parks, Trails and Recreation Commission (PTRC) – 1 vacancy

DISCUSSION

In late November staff posted notice that the City was accepting applications for the Board and Commission openings on the City's website, sent an email notification to people signed up through the website, and posted on the City's Facebook page.

Staff has since received four new applications: 2 for BOAA, 1 for P&Z, and 1 for PTRC.

Per the Board and Commission Policy adopted by Council at the November 18, 2014 meeting staff has contacted six residents who have applied within the last two years. At the time packets were sent out staff received confirmation that three past applicant would like to be considered for the PTRC opening.

NEXT STEPS

Staff is asking for Council appointment of two Councilors to conduct interviews and make recommendations to Council in order to fill the Board and Commission vacancies.

**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: 17c

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: EMILY KROPF, SPECIAL PROJECTS COORDINATOR

SUBJECT: CITY COUNCIL POLICY LOG

DATE: JANUARY 6, 2015

At the 2014 City Council retreat, staff was asked to compile a comprehensive list of policies that have been previously approved by the City Council. It was suggested that the City Council review the policies and adopt those that are current and applicable by resolution. Policies that are no longer appropriate are to be made null and void.

Based on a review of City Council minutes from the 1960's to the present, as well as items that are used for routine City business, staff has compiled a draft policy log in which Council-approved policies, administrative policies, position statements and plans and manuals are included (Exhibit A). An abstract has been provided for each item and summarizes discussion regarding the issue and any action taken. Staff recommends that the draft policy log be reviewed by the City Council and an agenda item be set at a future date for discussion.

ATTACHMENTS:

Exhibit A: Draft City Council Policy Log (to be provided on the dais)

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: 17c

MEMORANDUM

TO: HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

FROM: LAURA SMITH, CITY CLERK

SUBJECT: CITY COUNCIL STUDY SESSIONS, WORKING SESSIONS AND RETREATS

DATE: JANUARY 6, 2015

ISSUE

Staff is seeking Council direction on several issues outlined below. These topics may be appropriate for separate study sessions, working sessions and/or retreats.

DISCUSSION

Pledge of Allegiance

Since 2012 children from Cherry Hills Village Elementary School and St. Mary's Academy have attended Council meetings to lead the Council in the pledge of allegiance. Staff is seeking direction from Council on two points:

- Does Council wish to continue including the pledge of allegiance at the beginning of Council meetings?
- If so, does Council wish to continue having children lead the pledge?

December Council Meeting

Interest has been expressed in changing the December Council meeting, traditionally held the second Tuesday in November, to a different evening during the second week of November. Holding the meeting that week would maintain the timeline needed for second and final reading of the budget, while changing the evening would allow the Planning and Zoning Commission to maintain their regularly scheduled meeting on the second Tuesday of every month.

City Attorney Training Sessions

City Attorney Michow has indicated that her office can provide training to Council on a number of issues including land use, quasi-judicial proceedings, etc.

City Council Rules of Procedure

The Council passed its Rules of Procedure (Exhibit A) in 2012. The new Council may wish to review these Rules and make amendments as it deems appropriate.

City Council Liaison Concept and Assignments

Confusion has been expressed over the City Council liaison program and its benefit has been questioned. Additionally, if Council decides to maintain the liaison program new assignments will have to be made due to the change in Council members. The current liaison assignments are attached as Exhibit B.

Community Outreach and the Village Crier

Interest has been expressed in changing the publication schedule of the Crier to be published more frequently and to utilize the publication to notify residents of upcoming issues for the Council and City.

Board and Commission Terms

Interest has been expressed in changing all Board and Commission member terms to end on the third Tuesday in May, instead of the current staggered timeframes. The staff memo on this issue presented on October 7, 2014 is attached as Exhibit C.

City Council Policy Log

In response to direction from the 2014 City Council retreat, Special Projects Coordinator Emily Kropf has prepared a City Council Policy Log. Her memo is included in Council packets.

ATTACHMENTS:

Exhibit A – City Council Rules of Procedure

Exhibit B – City Council Liaison Assignments

Exhibit C – October 7, 2014 Board and Commission Terms Staff Memo

**CHERRY HILLS VILLAGE
CITY COUNCIL
RULES OF PROCEDURE**

Adopted August 7, 2012

ARTICLE 1.	<p><u>Authority.</u></p> <p><i>Section 1.</i> These Rules of Procedure are adopted by the City of Cherry Hills Village City Council pursuant to the authority vested in Section 3.7 of the City of Cherry Hills Village Home Rule Charter and Section 2-2-10 of the City of Cherry Hills Village Municipal Code.</p>
ARTICLE 2.	<p><u>Roles and Responsibilities.</u></p> <p><i>Section 1.</i> Refer to Article III of the Charter.</p>
ARTICLE 3	<p><u>Meetings.</u></p> <p><i>Section 1.</i> The City Council consists of the Mayor and six Council members. Four members of the Council constitute a quorum (see Section 3.7 of the Charter). The Mayor is not counted for the purposes of establishing a quorum.</p> <p><i>Section 2.</i> An organizational meeting shall be held at the first Council meeting in the month of January following each regular City election (see Section 3.7 of the Charter). At this meeting elected City Council members and the Mayor-elect shall assume the duties of office; the newly-elected Mayor and Council members shall take their oath of office; and the Mayor Pro Tem shall be elected by the Council.</p> <p><i>Section 3. Regular Meetings.</i></p> <p>(A) Regular meetings of the City Council shall be scheduled for the first and third Tuesday of each month except for December. In December one meeting shall be held on the second Tuesday of the month. Regular meetings may be rescheduled or cancelled at the discretion of the Mayor, provided that the Council shall meet at least once each month as required by Charter Section 3.7. All meetings will be held at the Village Center at 2450 East Quincy Avenue, or at such other venue as Council shall select and provide notice thereof in accordance with applicable law. All meetings will begin at 6:30 p.m. unless otherwise noted on the agenda.</p> <p>(B) The order of business at regular meetings shall be as follows unless adjusted by the Mayor.</p> <ol style="list-style-type: none"> 1. Call to Order 2. Roll Call of Members 3. Pledge of Allegiance 4. Audience Participation 5. Consent Agenda

6. Items Removed From Consent Agenda
7. Unfinished Business
8. New Business
9. Reports
 - a. Mayor
 - b. Members of City Council
 - c. Members of City Boards and Commissions
 - d. City Manager and Staff
 - e. City Attorney
10. Adjournment

(C) The Mayor may adjust the order of business and allow scheduled presentations, at a time and in a manner most convenient for the public, staff, and Council.

Section 4. Special meetings of the Council shall be called by the City Clerk on the oral request of the Mayor, or of any two members of the Council, on at least 24 hours notice to each member of the Council, but a special meeting may be held on shorter notice if all members of the Council are present or those absent waive notice thereof (Section 3.8 of the Charter).

Section 5. The purpose of a study session shall be to hear, study, and discuss matters in a forum that allows for more attention to the matter than a regular meeting. Study sessions shall be open to the public but audience participation will not necessarily be taken. No business shall be transacted and no formal action shall be taken at a study session. However, the Council may by consensus provide City staff with direction concerning agenda related items. When possible, study sessions shall be held from 6:00 to 6:30 p.m. directly before a regular meeting of the Council.

Section 6. Executive Sessions

(A) Executive sessions may only be held at a regular or special meeting and shall comply with the provisions of C.R.S. 24-6-402.

(B) A motion to move into executive session from a regular or special meeting shall set forth the matter to be discussed including specific citation to the provision of C.R.S. 24-6-402 authorizing the executive session. The motion shall be approved by a 2/3 majority of the Council members present on roll call.

(C) The Council shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public.

(D) Discussions that occur during executive session shall be recorded by making an audio recording that shall be retained for ninety days after the date of the executive session. The audio recording shall be kept for the required 90 days by the City Attorney unless the City Attorney was the topic of the executive session.

(E) All persons present shall preserve the confidentiality of the matters discussed in

executive session.

Section 7. Agendas and Council Packet.

(A) The agenda shall be maintained by the City Clerk and may be modified by the City Manager or Mayor. The City Manager will submit a proposed agenda to the Mayor for review prior to the Council packet being distributed. Any Council member may submit to the City Clerk items for the agenda, which shall be included on the agenda for the next scheduled meeting if provided to the City Clerk at least 24 hours prior to distribution of the Council packets. Draft agendas shall be made available to the City Council at the previous meeting. Agendas shall be posted at the location designated by Council for notices of meetings at least 24 hours prior to any regular or special meeting. The agenda shall be made available to the public through the city website or by request at the Village Center.

(B) The Council packet shall generally be provided to Council members no later than the Friday preceding any regularly scheduled meeting. Supporting information not available the Friday before the meeting may be provided to Council at the meeting. The Council packet shall be made available to the public through the city website or by request at the Village Center. A public copy of the Council packet will be provided at the Council meeting.

Section 8. The Mayor, Mayor Pro Tem, or other designated Council member in their absence, shall serve as the presiding officer in the conduct of meetings. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted to Council members by the Charter and Municipal Code (Sections 3.3, 5.1 and 5.5 of the Charter).

Section 9. At all times, the discussions and motions of the Council and remarks of members of the public shall be directed to the Mayor, and shall be preceded by recognition from the Mayor.

Section 10. General Discussion.

(A) Each member of Council shall be afforded an opportunity to speak on the matter under discussion before moving on to another topic of discussion. The Mayor may set a time limit on any such discussion of members of Council.

(B) Council members shall not be permitted to explain their vote during a roll call. Such explanation is permitted during the discussion of the question or motion.

Section 11. Audience Participation.

(A) Any person may speak to the Council on any matter during the Audience Participation period at the beginning of each regular and special Council meeting. The City Clerk shall post an audience participation sign-up form before each regular meeting. Immediately prior to the audience participation portion of the meeting, the City Clerk shall hand the sign-up form to the Mayor. The Mayor shall call those signed

up to speak before Council in the order they have signed up.

(B) Audience participation shall be limited to 5 minutes per speaker.

(C) The Mayor may restrict cumulative or redundant presentations.

(D) Those attending Council meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Council. The Mayor may take any reasonable steps to maintain the order and dignity of Council meetings.

Section 12. Public Hearings

Public hearings will be held as required by the Charter and the Municipal Code. The Mayor will open each hearing and allow any person in attendance to address the issue subject to the rules contained in Section 11 concerning audience participation. The purpose of any Public Hearing shall be the presentation by any persons of their views and recommendations on the issue that is the subject of the hearing. The Mayor and Council members shall not debate or challenge the position of any speaker, but may question a speaker in order to fully understand their position. The Mayor and Council shall reserve their comments on public testimony until the issue is before the Council for discussion.

Section 13. Method of Voting

(A) On motions that do not require a roll call of votes, the Mayor shall ask that all those in favor of the motion signify by saying yes. Those members in favor shall give said sign. The Mayor shall then ask that all those opposed signify by saying no. Those members opposed shall give said sign. The Mayor shall signify if the motion passes or fails. The City Clerk shall record the results of the motion in the minutes of the meeting.

(B) On motions that require a roll call of votes, the Mayor shall ask the City Clerk for a roll call. The City Clerk shall perform the roll call and record each member's vote in the minutes. The Mayor shall signify if the motion passes or fails.

Section 14. If a member of Council has a personal, financial or other conflict of interest, or appearance thereof that would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Council member to require recusal, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by Council, and the recusing Council member shall then not participate in any discussion or vote of the matter.

Section 15. Record of proceedings shall be taken by the City Clerk in the form of written minutes as well as audio recording. Audio recordings will be made available to the public on the city website as soon as reasonably possible after the meeting. Written minutes will be prepared by the City Clerk and be presented for Council's approval at the next regular or special meeting. Following approval, the written minutes will be made available to the public at the Village Center and on the city website.

<p>ARTICLE 4.</p>	<p><u>Ordinances</u></p> <p><i>Section 1.</i> Any legislative action by the Council shall be by adoption of an ordinance. All other matters may be decided by adoption of a motion or resolution as the Council deems appropriate.</p> <p><i>Section 2.</i> The Mayor, any Council member, or the City Manager may request that a proposed ordinance be placed on a Council agenda. A proposed ordinance may be introduced by any member of Council. Introduction may be by title only, or in full text (Section 4.5 of the Charter). Where feasible, the person proposing the ordinance may present the proposed text together with a written or oral explanation for the purpose and content of the proposed ordinance at a regularly scheduled meeting before first consideration</p> <p><i>Section 3.</i> Any ordinance approved on first consideration shall be placed on the agenda of the next regular or special Council meeting for second and final consideration provided said meeting is at least six days after passage on first reading. The proposed ordinance must be completed in written form and a copy provided to each Council member before second consideration (Section 4.5 of the Charter). If a public hearing is required for the second consideration of an ordinance then said ordinance shall be placed on the agenda of the next regular or special meeting after the required publication is accomplished.</p> <p><i>Section 4.</i> Emergency ordinances shall be governed by the procedures set out in Section 4.5 of the Charter.</p>
<p>ARTICLE 5</p>	<p><u>Conflicts of Interest and Ethical Considerations.</u></p> <p><i>Section 1.</i> Members of Council shall adhere to Article IX of Chapter 2 of the Municipal Code, the Code of Ethics.</p>
<p>ARTICLE 6</p>	<p><u>Attendance and Absences.</u></p> <p><i>Section 1.</i> The Council must have a quorum to do business. Therefore, governance of the City requires that all members of the Council attend Council meetings in order to fulfill their obligation to the citizens of the City by fully participating in the process of government. Additionally, each member of the Council has an obligation to his or her fellow members to be informed and attend Council meetings.</p> <p><i>Section 2.</i> If it is necessary for a Council member to be absent from a regular meeting of the Council, the Council member shall notify the Mayor and City Clerk prior to the meeting.</p> <p><i>Section 3.</i> If it is necessary for the Mayor to be absent from a regular meeting of the Council, the Mayor shall notify the City Clerk's office prior to the meeting.</p>
<p>ARTICLE 7</p>	<p><u>Finances.</u></p>

	<p><i>Section 1.</i> The City shall pay or reimburse the Mayor and Council members for necessary bona fide expenses incurred in service on behalf of the City if authorized, itemized and maintained as a matter of public record. The City will pay or reimburse the Mayor and Council members for travel expenses and mileage allowance according to the City's generally applicable policies governing employee travel expenses and mileage allowance (Sections 3.6 and 5.3 of the Charter).</p> <p><i>Section 2.</i> The City will not pay or reimburse the Mayor or Council members for any costs associated with a member's spouse attending any related function.</p>
ARTICLE 8	<p><u>Electronic Mail and Social Media</u></p> <p><i>Section 1.</i> Electronic communications such as email shared among the Council may constitute a meeting for which open meetings and open records requirements may apply. The Elected Officials Email Policy included as Appendix A to these Rules shall provide a guide to elected officials.</p>
ARTICLE 9	<p><u>Amendment of Rules.</u></p> <p><i>Section 1.</i> Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular meeting and shall be acted upon no sooner than at the next meeting of Council as an agenda item. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.</p>
ARTICLE 10	<p><u>Robert's Rules of Order</u></p> <p><i>Section 1.</i> To the extent helpful, relevant and not inconsistent with these Rules, Robert's Rules of Order Newly Revised shall apply.</p>

CITY COUNCIL LIAISON ASSIGNMENTS

Revised March 18, 2014

	Liaison	Alternate
<u>PUBLIC SAFETY:</u>		
Police Department	<i>Tisdale</i>	<i>Griffin</i>
South Metro Fire Department	<i>Roswell</i>	<i>VanderWurf</i>
<u>PUBLIC WORKS:</u>		
Public Works	<i>A. Brown</i>	<i>Stewart</i>
Parks & Trails Division	<i>K. Brown</i>	<i>VanderWurf</i>
Tree City USA	<i>A. Brown</i>	<i>VanderWurf</i>
<u>COMMUNITY DEVELOPMENT:</u>		
Community Development	<i>Griffin</i>	<i>VanderWurf</i>
<u>FINANCE & ADMINISTRATION:</u>		
Finance Division	<i>A. Brown</i>	<i>Griffin</i>
Gift Fund Program	<i>Griffin</i>	<i>Roswell</i>
Consultant Review	<i>Stewart</i>	<i>Roswell</i>
General Legal Matters	<i>Stewart</i>	<i>Tisdale</i>
Telecommunications & Technology	<i>Tisdale</i>	<i>VanderWurf</i>
Compensation Review	<i>Roswell</i>	<i>Griffin</i>
<u>CITY BOARDS AND COMMISSIONS:</u>		
Board of Adjustment & Appeals	<i>Griffin</i>	<i>Roswell</i>
Parks, Trails & Recreation Commission	<i>K. Brown</i>	<i>VanderWurf</i>
Public Art Commission	<i>VanderWurf</i>	<i>Stewart</i>
<u>OTHER AGENCIES:</u>		
DRCOG	<i>Tisdale</i>	<i>Griffin</i>
CML Policy Making Committee	<i>Tisdale</i>	<i>Stewart</i>
Arapahoe County Mayors & Managers	<i>Tisdale</i>	<i>Stewart</i>
Events Committee	<i>VanderWurf</i>	<i>A. Brown</i>
The Crier Committee	<i>VanderWurf</i>	<i>K. Brown</i>
High Line Canal Working Group	<i>VanderWurf</i>	<i>Tisdale</i>
Centennial Airport Noise Roundtable	<i>K. Brown</i>	<i>Tisdale</i>

**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: 9b

MEMORANDUM

TO: HONORABLE MAYOR TISDALE AND MEMBERS OF THE CITY COUNCIL

FROM: LAURA SMITH, CITY CLERK

SUBJECT: BOARD AND COMMISSION TERMS

DATE: OCTOBER 7, 2014

ISSUE

At the September 16, 2014 meeting City Council directed staff to adjust board and commission member terms so that all terms end in May in order to better align with the November City election cycle.

DISCUSSION

Current Terms

The City currently has four boards and commissions:

<u>Board/Commission</u>	<u>Term End</u>	<u>Origin</u>
Board of Adjustment and Appeals (BOAA)	May	Municipal Code Section 16-3-10
Planning and Zoning Commission (P&Z)	September	Municipal Code Section 2-6-30
Parks, Trails and Recreation Commission (PTRC)	May	Municipal Code Section 2-8-30
Public Art Commission (PAC)	May/July	Resolutions Appointing Members

At the September 16, 2014 meeting City Council appointed P&Z Chair Laura Christman to an interim term ending in January of 2015.

New Terms

Council Bill 7, Series 2014 will amend the Municipal Code so that P&Z terms end in May. Resolution 18, Series 2014 will amend current and future PAC terms to end in May. In both cases current members' terms will be extended rather than shortened. This is in keeping with City Council terms which were extended rather than shortened as a result of the change in City elections from April to November, in compliance with CRS 31-10-109(1)(b) which states that terms of election officials shall not be shortened by a change in election date.

Staff proposes that P&Z Chair Laura Christman's interim term be extended to May 2015 to maintain consistency with the other P&Z terms.

RECOMMENDED MOTION

"I move to approved Council Bill 7, Series 2014; amending Section 2-6-30 of the Municipal Code regarding Planning and Zoning Commission terms."

"I move to approve Resolution 18, Series 2014; amending current and future terms of the Public Art Commission to end in May."

ATTACHMENTS

Exhibit A – Council Bill 7, Series 2014

Exhibit B – Resolution 18, Series 2014

**COUNCIL BILL 7
SERIES OF 2014**

**INTRODUCED BY:
SECONDED BY:**

**AN ORDINANCE
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 2-6-30 OF THE MUNICIPAL CODE
REGARDING PLANNING AND ZONING COMMISSION TERMS**

WHEREAS, in accordance with Article XX, Section 6 of the Colorado Constitution, the City of Cherry Hills Village is a home rule municipality of the State of Colorado governed by a local charter ("Home Rule Charter"); and

WHEREAS, Section 2-6-30 of the Municipal Code states that Planning and Zoning Commission member terms shall expire on the third Tuesday in September of each year; and

WHEREAS, the City Council has determined that all City board and commission member terms should end in May in order to align with the November City election cycle; and

WHEREAS, the City Council desires to amend current and future Planning and Zoning Commission terms to end in May; and

WHEREAS, the City Council desires to extend rather than shorten current terms.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 2-6-30 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 2-6-30. Terms of office; organization.

(a) The terms of office of the members of the Planning and Zoning Commission shall be for overlapping terms of three (3) years as provided by the City Charter. Each member shall therefore be appointed for a three-year term with terms expiring the third Tuesday in ~~September~~May of each year.

Section 2. The City Council hereby makes the following amendments to the terms of current Planning and Zoning Commission members:

<u>Name</u>	<u>Previous Term Expired</u>	<u>New Term Expires</u>
Laura Christman	January 2015	May 2015
Al Blum	September 2015	May 2016
David CP Wyman	September 2015	May 2016
Jim Rubin	September 2015	May 2016
Peter Savoie	September 2015	May 2016
Peter Niederman	September 2016	May 2017
Steve Szymanski	September 2017	May 2018

Section 3. **Effective Date.** This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. __, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado, on the ____ day of _____, 2014.

Douglas M. Tisdale, Mayor

ATTEST:

Approved as to form:

Laura Smith, City Clerk

Linda C. Michow, City Attorney

Published in the Villager

Published: _____

Legal # _____

RESOLUTION NO. 18
SERIES 2014

INTRODUCED BY:
SECONDED BY:

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CURRENT AND FUTURE TERMS
OF THE PUBLIC ART COMMISSION TO END IN MAY**

WHEREAS, Section 3.1 of the City of Cherry Hills Village City Charter authorizes the City Council to “delegate to board and commissions...such functions, powers and authority of the City as it deems proper and advisable”; and

WHEREAS, Resolution 6, Series 2011 established the Public Art Commission; and

WHEREAS, current Public Art Commission member terms expire in various months depending on the month of their original appointment; and

WHEREAS, the City Council has determined that all City board and commission member terms should end in May in order to align with the November City election cycle; and

WHEREAS, the City Council desires to amend current and future Public Art Commission terms to end in May; and

WHEREAS, the City Council desires to extend rather than shorten current terms.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE THAT:

Section 1. The City Council hereby resolves that all future Public Art Commission member terms shall end in May.

Section 2. The City Council hereby makes the following amendments to the terms of current Public Art Commission members:

<u>Name</u>	<u>Previous Term Expired</u>	<u>New Term Expired</u>
Teresa Harbaugh	July 2015	May 2016
Douglas Smooke	July 2016	May 2017
Ann Polumbus	May 2017	May 2017
Gay Warren	July 2017	May 2018

This Resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this __ day of _____, 201__, by a vote of _ yes and _ no.

(SEAL)

Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Smith, City Clerk

Linda C. Michow, City Attorney