

**RECORD OF PROCEEDINGS**

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Minutes of the Parks, Trails & Recreation Commission  
City of Cherry Hills Village, Colorado  
Thursday, January 13, 2011  
at the Village Center

Commission members in attendance: Jane Soderberg, Ann Gallagher, William Callison, Katy Brown, Jim Fairbairn, Jeff Ferrell, Karen Barsch, Councilmember Klasina VanderWerf. Employees present: Ryan Berninzoni, Parks, Trails and Recreation Administrator, Robert Zuccaro, Community Development Director and Pamela Broyles, Administrative Assistant.

Absent: None

**CALL TO ORDER**

Ms. Jane Soderberg called the meeting to order at 6:30 p.m.

**APPROVAL OF THE NOVEMBER 11, 2010 MINUTES**

Ms. Katy Brown moved to approve the November 11, 2010 minutes. Mr. Jim Fairbairn seconded the motion and it passed unanimously.

**AUDIENCE PARTICIPATION**

Geoff Landry  
5130 Nassau Circle West  
Cherry Hills Village, CO

Mr. Landry reported that he is here on behalf of the Cherry Hills Village Land Preserve (CHLP) to convey a few points to the PTRC regarding the Calkins Trust Property. The Calkins family agreed to meet with the CHLP to discuss their interests and concerns. The goal of the CHLP is to preserve the maximum amount of the property's natural state while respecting the Calkins interest. Mr. Landry expressed that they believe the highest investment is additional open space and protecting the vistas, meeting the public's interests and achieving the goals of property owners. He added that the position of the CHLP is consistent with the Cherry Hills Village Master Plan. Mr. Landry stated that through the City's planning process certain areas were identified as iconic treasures that citizens highly prioritized for protection and the Calkins property is one of them. He reported that during public meetings Cherry Hills Village identified public values as protecting vistas, scenic views, open land and natural areas that contribute to the quality of life and scenic trails. Mr. Landry noted that the Calkins property is private and property rights are fully respected by the CHLP. Mr. Landry referred to the 2005 Blue Ribbon Panel Report and the 2008 Cherry Hills Village Master Plan as a vision for the community. The Cherry Hills Land Preserve highlighted the following goals that were discussed with the Calkins family:

- Land dedication should be meaningful space that works to maintain openness through and along the property.
- Quincy is a major vehicular and pedestrian trail. The concept of a "gift to the street" might include significant setbacks along Quincy with no fencing or low open fencing and possible building height limits.
- Public access through the property from Quincy to Dahlia to enhance the trail access and linkage to the High Line Canal Trail.
- Support public and private funding to maintain additional open space on a portion of this land. The Cat Anderson fund could serve to assist in meeting the costs of keeping additional open space on this property.

**CALKINS TRUST PROPERTY (5100 E QUINCY AVENUE) SKETCH PLAT REVIEW**

Mr. Zuccaro, Community Development Director, addressed the PTRC and provided a brief overview of the applicant's proposal and the subdivision review process. The Calkins property is 17.9 acres and is located at 5100 East Quincy Avenue. The applicant is proposing to create 7 residential lots. The property is zoned R1, which is a 2.5 acre minimum lot size for that zone district. The applicant is proposing 1.3 acres of open space easements in the subdivision with additional restrictions on the building envelope in order to preserve view corridors internal to the subdivision. In the R1 zone district the standard setbacks for the residences are 75 feet from the front of each lot and 50 feet from the sides and rear. Mr. Zuccaro indicated that there is currently one residence on the property, but the majority of the property is vacant and undeveloped.

Mr. Zuccaro explained that the subdivision review process is really a three step process that includes a Sketch Plat, Preliminary Plat and a Final Plat. He noted that we are currently at the sketch plat stage and the purpose is for the applicant to meet with the PTRC and the Planning Commission to get initial comments and suggestions on what they are proposing to conform to the City's Code, the Master Plan and other relevant City policies. This process assists the applicant so when they come back for the second stage, which is the Preliminary Plat, they have a more completed application. Mr. Zuccaro noted that the Sketch Plat does not go before City Council.

Mr. Zuccaro referred to the Preliminary Plat as the meat of the review process. He explained that this process is where all relevant information is gathered for review including the Development Agreement, technical studies, drainage studies and infrastructure. He indicated that both the PTRC and Planning Commission will hold public hearings during this stage to review the plan. The PTRC and Planning Commission will then make a formal recommendation to City Council and Council will also hold a public hearing. Mr. Zuccaro stated that City Council has the option to approve the subdivision, deny it, or approve it with conditions.

Mr. Zuccaro reviewed the last stage, which is the Final Plat Review. He indicated that most of the issues should be worked out by this stage and there shouldn't be any significant changes to the document. Mr. Zuccaro reported that the Final Plat will come back to the PTRC and Planning Commission for recommendations before going to City Council.

Mr. Zuccaro explained that the entire process will take several months to get through and a more complete and detailed application will be coming before the PTRC for review. Mr. Zuccaro recommends that the PTRC focus on the following during the Sketch Plat process:

- Conformation of the proposal with Section 17-3-30 of the Subdivision Regulations, which outlines a requirement for land dedication of 7.5 percent of the gross area of the land being subdivided, or cash payment in lieu of dedication, to be used for the development of open space, parks and trails.

Mr. Zuccaro indicated that the applicant is proposing a dedication of 1.3 acres of "Open Space Easement" for trail connections to the west and south sides of the subdivision. The City's subdivision code allows a dedication to take place by dedicating land, paying cash in lieu or a combination and it is up to the City to work with the applicant to come up with a good solution that works for all parties. Staff is recommending that the PTRC make recommendations on what the applicant is proposing.

- Conformance of the proposal with the Open Space/Parks/Trails/and Recreation section of the City's Master Plan.

Staff is asking that the PTRC review the Master Plan and make recommendations based on what the applicant is proposing and what the Commission feels would meet the goals and objectives of the Master Plan and provide feedback to the applicant.

- Conformance of the proposal with the 2005 “Blue Ribbon Panel” report.

Staff is asking that the PTRC review the Blue Ribbon Panel report and determine what the City would like to see as far as the parks, trails and open space. Mr. Zuccaro stated that staff pointed out the topic of scenic vistas from the Blue Ribbon Panel report because there are specific scenic vistas in the report that cross the applicant’s property. The report also points out berms and fences and the impact that they have on vistas and open space.

Keith Neale  
Koelbel and Company  
5291 East Yale Avenue  
Denver, CO

Mr. Neale addressed the Commission and noted that his firm has partnered with the Calkins family to plat the property at 5100 East Quincy. He reported that the property has been in the family since 1956 and Mr. George Calkins currently resides on the property. Mr. Neale explained that they have been very diligent in reading through and understanding the Master Plan’s restrictions and requirements.

Jeffrey Vogel  
Vogel and Associates  
475 West 12<sup>th</sup> Avenue, Suite E  
Denver, CO 80204

Mr. Vogel reported that the Calkins family subdivision was initiated approximately 7 months ago and they have researched the Master Plan for goals and objectives and their goal is to maintain the integrity of the property. He stated that they developed a Community Outreach Program based on the significance of the property in terms of Quincy Avenue, the vistas and trail connections. He indicated that they met with adjacent property owners and stake holders to better understand their goals. The Arapahoe Tennis Club requested that they not put a home right next to the tennis center and asked them to consider an open space buffer. Other comments included connectivity, views and maintaining the rural character as being important. Mr. Vogel reviewed the drainage ditch patterns on the property and the mountain views from Quincy Avenue. He reported that vegetation is sparse on the property and the property is mainly used for agricultural purposes. He reported that the elevation change on the property is 5,570 to 5,490. Mr. Vogel noted that the community’s comments were used as the framework for their planning.

Mr. Vogel reported that their plans include 2.5 minimum acre lots, the required setbacks and building heights and they are not requesting any variances at this time. He stated that home site configurations were developed based on views and drainage patterns. Mr. Vogel presented a diagram of the proposed 7 home sites. The diagram showed a visually open space to the south that includes a 180’ to 245’ wide corridor. Mr. Vogel indicated that their intent is to maintain the rural character by having private driveways to each one of the units instead of new roads interior to the subdivision. He pointed out that the land plan took into consideration the rural character, smart energy, good solar orientation on all homes, and natural drought strategies. They are proposing a soft surface trail to provide access to the High Line Canal and Arapahoe Tennis Club to address connectivity concerns and they added a buffer for the Arapahoe Tennis Club. They are also providing a 30’ wide off trail easement to help facilitate connectivity.

Mr. Vogel also presented a diagram that shows images of what views would look like with the structures developed to the maximum extent.

Mr. Vogel concluded his presentation acknowledging that they were mindful of vista views, views of Pikes Peak and maintaining the rural character during their planning.

Ms. Soderberg commended Mr. Vogel for taking the Master Plan to heart. She added that the consideration taken for the energy efficiency, the greater building setbacks and the open space within the development are amazing and the Commission has never had a developer incorporate these new green technologies recommended by the Master Plan. She stated it is very exciting and the Commission appreciates the care they have taken.

Ms. Soderberg reported that the Commission established an Inventory Committee in late 2009 for the purpose of following the recommendations of the Master Plan to establish an inventory of potential open space sites, historic properties, and scenic vistas that could provide public value and contribute to openness, scenic views and support the preservation of open trails, natural open spaces, wetlands and wildlife habitat. In early 2010 the Inventory Committee identified and inventoried open space properties that could potentially be developed including the Calkins property. The Inventory Committee met again in November 2010 to walk the properties and make a list of possible locations for future parks and trails.

Ms. Soderberg reported that the Inventory Committee's recommendations for the Calkins property are to preserve the views not just internal but external to the subdivision. The Committee would like to see an open space park that has views from Quincy Avenue and a trail to preserve the scenic vistas. She indicated that a meandering trail between Quincy and Dahlia would provide a scenic vista. The Committee would also like to see fencing and berms along Quincy Avenue be as open as possible, and not solid where they would block off views completely. Ms. Soderberg invited Commission members to make additional comments and ask questions.

Mr. Callison also commended the group for their consideration of the Master Plan. Mr. Callison noted that the majority of the open space in the current plan is being used as a buffer and he questioned whether a 15 foot trail easement going all the way would be of more value to the public than a 70 foot buffer.

Mr. Vogel responded that it is something they can discuss and the goal is to work in concert with all parties.

Mr. Zuccaro pointed out that in the end it is the City and ultimately City Council that has the final decision authority on the makeup of the land dedication. The code states that City Council can require cash in lieu or a land dedication. Mr. Zuccaro strongly recommended continued dialogue throughout the process to come to a consensus.

Ms. Brown commended the group for reaching out to the neighbors and stated that after hearing some of the feedback they received from the neighbors it helped her to understand how they got to where they are. Ms. Brown indicated that her initial reaction is that the Arapahoe Tennis Club and those immediate neighbors have been very well served and protected, but the general population of Cherry Hills Village might have some different preferences. Ms. Brown noted that a concern as they move forward is what the fencing along Quincy Avenue and the interior fencing guides might look like. She asked that some thought be given to preserve that view corridor without having odd fence lines, etc.

Mr. Neale responded that they are sensitive to her request and there will be covenants with definitive restrictions in place on fencing, but he added that security is an issue that they also have to consider.

Ms. Barsch expressed some concern that the trail that the public would be using dead-ends onto a private drive without any kind of connection to either Quincy or other trails. She asked if there was an option for a public easement.

Mr. Fairbairn stated that he respects the Calkins family and the developers and how they laid everything out. He would also like to see more meandering trails, but respects the Calkins family wanting to develop their property that they have owned since 1956. Mr. Fairbairn stated that it has been nice for the community to have this space open for so many years and the Village has totally enjoyed it. Mr. Fairbairn indicated that the Arapahoe Tennis Club seems to be where a large chunk of open space is located just to the north and he does not see that benefiting Cherry Hills Village residents all that much. Mr. Fairbairn said he would like to find a way to work with the Calkins family and the public on what is best for Cherry Hills Village residents accessing the property. He indicated that he would prefer to see more trail space either along the entire south border, or where the natural drainage ditch passes through.

Ms. Soderberg also commented that a trail along the drainage area would be a desirable location.

Mr. Neale responded that they did consider putting a trail through the corridor, but they are very concerned with putting the public basically through everyone's back yard and they feel it would significantly impact the value of the home sites.

Ms. Soderberg pointed out that the scenic vistas are on the Quincy corridor and the Commission's goal is to preserve a vista for the community.

Mr. Neale responded that there is a difficult balance between the property rights as well as the desires of Cherry Hills Village. He feels they have taken a big step with self imposed restrictions.

Ms. Brown questioned whether the subdivision would be a gated community.

Mr. Neale responded that it would not be a gated community.

The commission questioned if there would be restrictions on tree heights.

Mr. Neale responded that they have considered some restrictions in the open space area, but again it is a tough balance when restricting tree heights and types of trees.

Mr. Callison asked if it would be in the covenants that a gate cannot be installed.

Mr. Neale responded that they do not have the right or authority to restrict a gate on the private section of E. Quincy Avenue because it was under separate ownership from the Calkins.

Ms. Soderberg thanked Mr. Neale again for the presentation and for taking so many things into consideration. She stated that to summarize the recommendations the pocket of open space is not desirable to the Commission, but a location further up and closer to Quincy would satisfy the mandates of the Master Plan.

**SUBCOMMITTEE DISCUSSIONS****a. Summary Sheet**Trail Enhancement Update

Mr. Ferrell reported that a meeting was held with one of the property owners adjacent to the proposed Stanford Avenue Trail and they were very receptive to the idea of designating the abandoned roadway as a possible trail. They expressed concern that people try to drive up the abandoned roadway and they have a particular interest in discouraging or eliminating the possibility of vehicle use. Mr. Ferrell stated that the Commission needs to continue to explore this and talk with other property owners.

Ms. Soderberg stated that they have made contact and tentatively arranged a meeting with other property owners

Special Events Update

Ms. Brown reported that the 2010 Holiday Tree Lighting Event went great. Santa and the Clydesdales were a big success.

The 2011 Movie Night has been scheduled for Saturday, August 27, 2011.

The Special Events Committee will meet in the near future to plan the equestrian event and car show.

Website and Signage

Ms. Soderberg asked if something could be posted on the City sign to encourage residents to sign up for community emails.

Communications/Crier Article - Ann Gallagher

There was nothing to report on this subject.

General Updates

Mr. Callison reported that he is meeting with Ms. Polumbus in February to discuss art pieces in the community.

**b. Parks, Trails and Recreation Enhancement**Discussions on Park Improvements at Dahlia Hollow Park

Mr. Berninzoni reported that the PTRC will hold a public input meeting on February 10, 2011 on the proposed park improvements at Dahlia Hollow Park. Mr. Berninzoni addressed the City Code that requires any park improvements or enhancements to go before the Planning and Zoning Commission for a recommendation before going to City Council. Mr. Berninzoni reported that staff feels that although it is one extra step it is a good step. Mr. Berninzoni also reported that letters to residents will be mailed next week. Mr. Berninzoni reported that he will also post two notices at Dahlia Hollow Park that will include pictures of the play boulders. Mr. Berninzoni reported that he has received some negative feedback about the proposed park improvements after the Village Crier article came out.

Ms. Brown indicated that she feels there is a lot of interest in the park improvement, but she is concerned that the residents that come to the meetings are the ones who are against any improvement. She would like to find a way to encourage all voices are heard

Mr. Berninzoni indicated that he plans to conduct a survey in the area similar to the survey done on the High Line Canal once the weather cooperates.

Ms. Soderberg requested that a schematic of the proposed improvements be printed on the back of the letter being mailed to residents.

Ms. Barsch asked for clarification if the Parks Commission recommends moving forward with the park improvements, will the proposal also need to go before the Planning and Zoning Commission.

Mr. Berninzoni responded that the proposal will need to go before Planning and Zoning, but it will be a staff presentation and not a public hearing.

### **REPORTS**

#### Update on Portable Restroom

Mr. Berninzoni reported that the Parks, Trails and Recreation Commission (PTRC) approved placing a portable restroom at Three Pond Park in early fall of 2010 and presented a recommendation to City Council in late fall of 2010 where City Council approved the recommendation. During this time a resident living near Three Pond Park came forward and expressed concerns. Over the next month Parks Commissioner Karen Barsch met with this resident to address his concerns and the Parks Department was on the verge of installing the portable restroom when the resident came to City Council and adamantly opposed installing a restroom at Three Pond Park or at any site within the City. Mr. Berninzoni read the following statement from the City Council minutes to the PTRC:

“Mayor Wozniak recommended that PTRC revisit the issue and have another public hearing to be sure that the adjacent property owners are aware of the issue and have a chance to express their opinions. He indicated that there was a recognized need for a portable restroom along the High Line Canal. He indicated that PTRC member Karen Barsch had spoken to the residents adjacent to the Three Pond Park location but that it appeared that location was more controversial than was originally thought. He directed staff to work with PTRC to re-examine the location.”

Mr. Berninzoni recommended three options that the PTRC can consider and either move forward or stop the progress of the portable restroom.

The first option is to reopen the discussion and look at other locations. Mr. Berninzoni indicated that he is hesitant to search for a new location because he believes that the PTRC has already looked at every location possible.

The second option is to reopen discussion and resend letters to the adjacent neighbors around Three Pond Park to see if the neighbors will come to a PTRC meeting so the Commission can address their concerns.

The third option is to let it die and address the concept at a future time.

Mr. Berninzoni recommended that the PTRC resend letters to adjacent homeowners and give them the opportunity to voice their concerns. He noted the PTRC has worked hard over the past year studying and surveying this topic.

Mr. Barsch questioned if there was only one resident that addressed City Council regarding this issue.

Mr. Berninzoni responded that there was only one resident at the meeting, but the resident stated that there are other neighbors who are also opposed and willing to come forward.

Mr. Callison responded that the PTRC has already considered this issue and made a recommendation to City Council and he does not want to rehear it. He suggested that the recommendation go back to City Council and they can make their decision. Mr. Callison

stated that the PTRC is not City Council's child and if City Council doesn't want to support the portable restroom then that is City Council's choice. Mr. Callison indicated that Council is reacting to one person and the PTRC has already heard all of this.

Mr. Berninzoni responded that the Mayor is trying to give this resident a voice before moving forward.

Ms. Gallagher asked if the PTRC held a public meeting on the proposed portable restroom at Three Pond Park.

Mr. Berninzoni confirmed that staff sent four letters to adjacent neighbors around Three Pond Park.

Ms. Soderberg noted that the resident said he found out about the proposed portable restroom after the PTRC meeting. She indicated that a recommendation was presented to City Council so that Council would make a decision and instead they referred it back to the PTRC. Ms. Soderberg noted that the PTRC has the option to reaffirm their recommendation to move forward with the portable restroom and the resident can address City Council.

Mr. Berninzoni commented that although he believes the portable restroom will be a good addition and will help with the problem, it will not solve the problem. He indicated that the Commission has the option not to move forward and not pursuing the issue is something the Commission can consider.

Ms. Soderberg stated that the approval of the portable restroom was a temporary solution and was to be placed at Three Pond Park on a trial basis where after six months the Commission could determine if the restroom was being properly used.

Ms. Brown indicated that the PTRC can decide to move forward with their recommendation based on the best information they have and City Council can either agree or disagree.

Councilmember VanderWerf commented that City Council did not have a chance to discuss the issue as a group.

Ms. Barsch asked if the Planning and Zoning Commission (P&Z) will also have to hold a meeting regarding the portable restroom at Three Pond Park.

Mr. Berninzoni responded that he believes the topic will need to go before the P&Z Commission, but he will check with Rob Zuccaro to make sure.

Ms. Barsch suggested that if the issue does need to go before P&Z then maybe that is the action the resident can take to have his voice heard.

Ms. Gallagher pointed out that if the PTRC hears the issue again then this resident will address the PTRC with his concerns and if the PTRC decides to move forward with another recommendation to City Council then this resident is going to go before City Council to be heard again and all we are doing is double dipping. Ms. Gallagher suggested that the PTRC refer it back to City Council with a recommendation that the Commission reaffirms their decision and let the resident address City Council.

Ms. Brown indicated that the only question is whether the PTRC feels there is any new information to be gained by holding another public hearing on the topic and if their isn't then she agrees with referring it back to City Council.

Ms. Soderberg indicated that the resident is upset that he was not heard before this body, but the PTRC followed proper procedure by mailing a letter and holding a public meeting.

Mr. Callison stated that even if there is more information brought forward he does not believe the information will be drastic or will do anything to change the decision. He stressed that the Commission followed proper procedure and there is no reason to get information on top of information on top of information. He stated that the Commission can't constantly go back and revisit this issue as they have already been dealing with this for over six months.

Mr. Berninzoni encouraged Commission members that feel strongly about this issue to be present at the City Council meeting.

MS. KATY BROWN MOVED THAT SINCE PROPER PROCEDURE WAS FOLLOWED FOR THE PROPOSAL OF A PORTABLE RESTROOM AT THREE POND PARK, THE PARKS COMMISSION REPRESENTS THEIR RECOMMENDATION AS IT STAND TO CITY COUNCIL. MR. BILL CALLISON SECONDED THE MOTION.

Ann Gallagher	aye
Bill Callison	aye
Katy Brown	aye
Jane Soderberg	aye
Jeff Ferrell	aye
Karen Barsch	aye

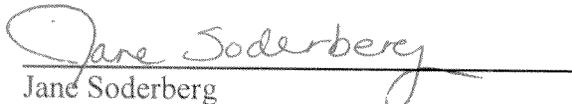
THE MOTION PASSED UNANIMOUSLY.

#### City Council Report

Councilmember VanderWerf reported that resident Mr. Chuck Schloss addressed City Council regarding another summer series event to take place in 2011. Mr. Schloss initiated a series of speakers from CU Boulder who appeared at Kent Denver to give talks on Astronomy. Mr. Schloss is eager to expand on this program. Some of the concerns are staff time and places that can facilitate this type of event. Kent Denver has been very cooperative, but has expressed concern over the number of events and weekends that are being utilized. City Council suggested that members of the PTRC could volunteer at some of the events to help support the series.

#### ADJOURNMENT

There being no further business the meeting was adjourned at 8:20 p.m. The next scheduled PTRC meeting is February 10, 2011

  
 Jane Soderberg  
 Committee Chairperson

  
 Ryan Berninzoni  
 Parks, Trails and Recreation Administrator

  
 Pamela Broyles  
 Administrative Clerk

Parks & Trails Commission  
 01/13/11