Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, May 10, 2011 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chairman Ira Plotkin called the meeting to order at 6:35 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chairman Ira Plotkin, Vice Chair Laura Christman, Commissioner Joe Poche and Commissioner Peter Savoie.

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

One resident was in attendance.

Absent were Commissioners Ann Kerr, Jacque McIntyre and Jim Rubin.

APPROVAL OF MINUTES

Commissioner Savoie made a motion, which was seconded by Vice Chair Christman, to accept the April 26, 2011 minutes with the correction that Vice Chair Christman stated that she supports a floor area ratio (FAR) of .23 in the R-2 zone district.

The motion to approve the minutes as amended passed unanimously.

AGENDA ITEMS

Preliminary Application for Major Event Permit – 2012 US Amateur Golf Championship at Cherry Hills Country Club

Mr. Zuccaro stated that Cherry Hills Country Club has requested a review of a Preliminary Application for a Major Event Permit for the 2012 US Amateur Golf Championship. The event is scheduled for August 13th through the 19th, 2012. In order for the Country Club to host the tournament, a Major Event Permit is required by the City. While the tournament is anticipated to be smaller than past events, it must be reviewed in order to determine if it meets the City's standards, which are outlined in Article XXI of the City's Zoning Ordinance.

Mr. Zuccaro continued that the Commission is responsible for reviewing the Preliminary Application. A Final Application detailing emergency medical services, security, sanitation and fencing will be reviewed by the Commission at a later date. The Final Application will then be presented to City Council at a public hearing.

Vice Chair Christman asked if the Commission was responsible for determining if the Preliminary Application meets the standards for approval of a major event as outlined in the City's Code.

Mr. Zuccaro responded that the Commission does not need to make findings on these standards until the Final Application has been submitted for review.

Chairman Plotkin asked when the 2012 school year begins at Cherry Hills Village Elementary School.

Vice Chair Christman responded that the school year begins on August 22nd. She continued that the school will be hosting an orientation and teaching program during the week of the 15th, but the school can change its start date up to 60 days prior.

Mr. Zuccaro introduced Mr. Chris Manley, Treasurer of the Cherry Hills Country Club.

Mr. Manley stated that the Country Club will serve as the host course for the event, with the first two days of rounds taking place at the Country Club and CommonGround Golf Course in Aurora, and the final 5 days taking place exclusively at the Country Club. Throughout the course of the week, 62 players will be eliminated until only 2 remain on Sunday. Mr. Manley continued that the majority of attendees will be players, coaches and family. The anticipated level of activity on the ground is 10% of what was experienced in 2005 when the Country Club hosted the US Women's Open.

Mr. Manley introduced Mr. Robert Felsburg, a Traffic Engineer hired by the Cherry Hills Country Club.

Mr. Felsburg stated that his firm prepared the traffic and parking management plans for the Country Club. He explained that the parking lots located at St. Mary's Academy will be reserved for members and handicapped individuals. Sport utility vehicles will be used to shuttle attendees from this location to the Country Club. The parking lots located at Kent Denver will be reserved for volunteers. 15 person passenger vans will be used to shuttle volunteers from this location. The parking lots located at Mountain View will be used for general patronage. 40 person passenger vans will be used to shuttle attendees from this location. The Country Club's parking lot will be used as a drop off and boarding location for the shuttles.

Mr. Felsburg continued that the directional signing plan designed for the tournament discourages individuals from driving and parking on City streets. Volunteers are the only individuals who will be driving through residential areas. Signs will warn violators that their cars will be towed if parked in these areas, as well. Mr. Felsburg concluded that following a study of recent traffic volumes in the area, it was found that there would be no impact as a result of additional traffic during the tournament.

Commissioner Savoie asked if the Country Club will be requesting assistance from police during the event.

Mr. Manley responded that the Country Club will have police officers at the Country Club, Kent Denver and the traffic signal located at East Quincy Avenue.

Chairman Plotkin asked if the shuttles will be going back and forth throughout each day.

Mr. Felsburg responded that beginning on Thursday the shuttles will most likely go back and forth several times throughout the day.

Chairman Plotkin asked if Mr. Felsburg agreed that the shuttles could be an inconvenience in regards to the traffic signal located at East Quincy Avenue. Chairman Plotkin suggested utilizing South Colorado Boulevard to East Hampden Avenue instead.

Commissioner Savoie stated that the traffic at this location will not be as inconvenient as it would be if Cherry Hills Village Elementary School was in session.

Mr. Felsburg stated that he would look into the alternative route as a possible option but thinks it will be inefficient. He continued that the Colorado Department of Transportation was able to override the signal at East Quincy Avenue in 2005.

Mr. Foster asked if the Country Club had considered using larger buses in an effort to reduce the number of vehicle trips.

Mr. Felsburg responded that larger buses could result in additional problems. For instance, there might be times in the day when buses are half empty. Also, there is greater availability of smaller shuttles.

Vice Chair Christman congratulated the representatives from the Country Club for receiving the opportunity to host the tournament. She asked to see written confirmation at a later date from St. Mary's Academy, Kent Denver and Cherry Hills Village Elementary School regarding any agreements reached regarding the event. Vice Chairman Christman also asked if the general patronage parking was included in the price of the admission ticket.

Mr. Manley said that general patronage parking is included in the price of the ticket.

Vice Chair Christman stated that she remembered concerns expressed by residents in 2005 regarding the paths utilized from St. Mary's Academy to the Country Club.

Mr. Felsburg responded that there were some concerns regarding a bridal trail that was used instead of the sidewalk during the US Women's Open. St. Mary's Academy was the drop off location for all shuttles. In 2012, shuttles are expected to drop off attendees at the Country Club. This will result in a decreased level of foot traffic on the bridal trail.

Commissioner Savoie asked if the Country Club will be open for regular business during the event.

Mr. Manley responded that the Country Club would not be open for regular business.

Chairman Plotkin asked when the Final Application will be presented.

Mr. Zuccaro responded that the Final Application must be submitted at least 6 months prior to the event.

Study Session – Tree Preservation Zoning Standards

Mr. Zuccaro stated that staff was seeking input from the Commission regarding the proposed standards for the preservation of established trees during development. The Residential Development Standards Committee (RDSC) recommended that the City adopt regulations to protect established trees located within the setbacks during construction and replace such trees if removed or destroyed. The Commission reviewed the proposed standards in June and August of 2010. The Commission recommended to City Council a proposed ordinance that required a replacement ratio of 2:1 inches of cumulative caliper size of replacement trees to the caliper size of established trees removed.

Mr. Zuccaro continued that while City Council endorsed the general concept of the proposal, it referred the ordinance back to the Commission for further study. City Council asked that the Commission consider eliminating the requirements for preservation within the building envelope, as well as a replacement ratio of 2:1. City Council suggested that the Commission consider a lower replacement rate, capping the required number of trees, or simply requiring a one-tree-for-one-tree replacement. The Commission decided to

readdress the issue once the proposed changes to the City's zoning standards had been discussed.

Chairman Plotkin asked what the penalty was for not abiding by the proposed ordinance.

Mr. Zuccaro responded that the City could withhold a certificate of occupancy if a resident chose not to abide by the ordinance. The City could also enforce certain penalty provisions outlined in the City's code that would require the resident to pay a daily fine.

Mr. Zuccaro asked what the Commission feels is an appropriate replacement rate.

Chairman Plotkin responded that he believes a replacement rate of 1:1 is appropriate.

Mr. Zuccaro stated that the Commission can also consider a replacement rate related to caliper size.

Commissioner Savoie agreed and stated that it is not comparable to replace a large tree with a caliper of 50 inches with a small tree with a caliper of 2 inches.

Chairman Plotkin stated that while he understands that residents want to maintain privacy, he does not feel that it is the developer's obligation to do so.

Vice Chair Christman responded that it is difficult for a neighbor to maintain privacy when a developer has removed a number of established trees. The neighbor is unable to plant a similar privacy screen until the trees have matured, which can take up to 20 years.

Chairman Plotkin responded that it is not the developer's responsibility to replace a neighbor's privacy screen.

Commissioner Savoie stated that the RDSC relied on the City's Master Plan to create the proposed ordinance, which sought to preserve the semi-rural characteristic of the City. Commissioner Savoie asked if the issue was that the RDSC recommended a replacement rate of 1.5:1, while the Commission recommended a replacement rate of 2:1.

Mr. Zuccaro responded that the increase in replacement rate seemed to be City's Council main issue. He continued that staff was seeking input from the Commission regarding applicability of the proposed standard on the property, as well as the replacement requirement.

Commissioner Poche asked if the City can prevent trees from being removed altogether. He continued that Denver has adopted an ordinance that prohibits the removal of established trees in the setback.

Commissioner Savoie responded that there is no logical reason to remove trees in the setback unless it is to obtain access to the property. He also stated that the ordinance should be punitive.

Mr. Zuccaro proposed three alternatives that the Commission can recommend to City Council:

1) A replacement ratio of 1:1 with no relation to caliper size.
2) A replacement ratio determined by caliper size. For instance, trees with a caliper size between 6 to 10 inches have a replacement ratio of 1:1. Trees with a caliper size between 10 to 20 inches have a replacement ratio of 2:1. Trees with a caliper size between 20 to 30 inches have a replacement ratio of 3:1. The resident can also choose to replace the removed tree with one of similar caliper size.

3) A replacement ratio of 1.5:1 of cumulative caliper size of replacement trees to established trees removed.

Vice Chair Christman stated that it seems as though the community's main concern is the removal of the privacy screen provided by established trees. She asked if adopting a standard based on caliper size would address this issue.

Commissioner Savoie asked if the Commission wants to limit the applicability of the proposed standard to the setback or the building envelope.

Chairman Plotkin responded that he supports limiting the applicability of the proposed standard to the setback.

Commissioner Poche asked if the proposed standard would only be applied to new development or additions of 50% or more of existing structures. He continued that residents who are not constructing new homes or large additions will still be able to remove established trees without penalty.

Chairman Plotkin stated that a replacement ratio of 1.5:1 is a major investment for residents. He continued that the concept seems paradoxical due to the fact that residents want to preserve open space in the City but maintain privacy, as well.

Commissioner Poche responded that the concept is meant to focus on the sustainability of trees.

Ms. Maureen William, resident of R-3, said that her neighbor recently constructed a new house and removed approximately 40 Russian olive trees. Her neighbor was also allowed to increase the grading of his property by 4 feet. Ms. William continued that there is no screening between the back of her property and the structure built on the back of her neighbor's lot as a result of the tree removal.

Vice Chair Christman stated that Russian olive trees are one of the exemptions of the proposed ordinance. She continued that she would like to see a replacement ratio that is higher than 1:1. She would like for residents to think twice before removing trees.

Chairman Plotkin asked the Commissioners which option they are in favor of.

Commissioner Savoie stated that he supports the third option, which has a replacement ratio of 1.5:1 based on cumulative caliper size.

Commissioner Poche stated he supports prohibiting the removal of trees in the setback.

Vice Chair Christman agreed with Commissioner Poche.

Commissioner Savoie stated that this option was not a practical solution.

Vice Chair Christman responded that she would support the third option, as well. She believes that a monetary disincentive should also be incorporated.

Commissioner Poche stated that the third option still allows for the replacement of established trees with smaller trees, which does not address the issue of privacy.

Vice Chair Christman asked how the Commission can address the issue in a meaningful way.

Commissioner Savoie stated that the ordinance might not be able to resolve all issues but will cause individuals to think before removing trees.

Mr. Zuccaro stated that it seems as though the Commission is leaning towards the RDSC's recommendation of a replacement rate of 1.5:1 and to only have the ordinance applied in the building envelope. Staff will draft the ordinance with these standards for review.

Study Session – Retaining Wall Zoning Standards

Mr. Zuccaro stated that staff was seeking input from the Commission regarding the development of zoning standards for retaining walls. While this was not an RDSC recommendation, City Council directed staff to develop retaining wall standards due to concerns about retaining walls that have been constructed in recent years. City Council discussed several specific properties that have retaining walls set close to property lines.

Mr. Zuccaro continued that currently the City Code limits the height of retaining walls to 6 feet and requires a structural review of retaining walls over 4 feet. The Commission was asked to provide direction regarding: setbacks, height limits, landscape buffering and material and design requirements.

Vice Chair Christman asked if it is possible to place a fence on top of a retaining wall according to the existing ordinance.

Mr. Zuccaro responded that it depends on the property and the circumstances.

Vice Chair Christman asked if there is anything in the City's Code that prohibits the use of a retaining wall on a property that has been regraded.

Commissioner Savoie responded that all structures on a property cannot exceed 30 feet in height from the historic grade.

Vice Chair Christman stated that it is possible for residents to grade out their yards and loom over neighboring properties.

Chairman Plotkin asked what the specific issue is regarding one retaining wall identified as problematic.

Mr. Zuccaro responded that residents have expressed concerns regarding the visual impact of the mass of the retaining wall.

Commissioner Savoie stated that he would understand if the retaining wall was located in the setback.

Mr. Zuccaro responded that concerns have been expressed by the community. He continued that the concept of a zoning standard is partially an expression of how the community wants to look.

Chairman Plotkin stated that he has no issue with retaining wall zoning standards that pertain to the setback.

Vice Chair Christman stated that it seems wrong that residents can avoid regulation by grading or terracing existing hills. While she understands that certain properties located on hills need additional support from retaining walls, it does not mean that the entire area should be regraded.

Chairman Plotkin suggested that retaining walls should be limited by height and setback in order to create consistency among the zoning standards.

Commissioner Savoie asked if the Commission was in favor of prohibiting retaining walls within the setback.

Mr. Zuccaro stated that it would not be practical to prohibit all retaining walls within the setback. Rather, the Commission could recommend a minimum setback from the property line.

Chairman Plotkin asked what the minimum setback is for fences.

Mr. Zuccaro responded that there is not a minimum setback for a fence unless it is parallel to a street. He continued that it seems as though the Commission is leaning towards treating retaining walls similarly to fences. Mr. Zuccaro added that staff can study other cities and come back with a minimum setback recommendation, which is what City Council would like to see.

Commissioner Savoie stated that the proposed standard should prohibit fences that are 6 feet and situated on top of retaining walls.

Vice Chair Christman responded that this might cause issues in terms of safety.

Commissioner Poche stated that a formula for height and distance in which the retaining wall would collapse onto itself rather than the neighboring property might be an appropriate solution.

Commissioner Savoie responded that he thinks that the Commission is in agreement that no combination of a fence and retaining wall should exceed 6 feet from finished grade within the setback. The minimum setback from the property line should be 8 feet for a retaining wall that is 6 feet in height.

Mr. Zuccaro asked if the proposed standards should be required for smaller retaining walls shorter than 4 feet.

The Commission unanimously responded yes.

Mr. Zuccaro asked if the combination of a fence and retaining wall should be allowed within the building envelope.

Chairman Plotkin and Commissioner Poche responded yes.

Mr. Zuccaro asked if tiering should be required for retaining walls that exceed the maximum height.

The Commission unanimously responded yes.

Mr. Zuccaro asked what the maximum height should be for a single wall.

The Commission unanimously responded 6 feet.

Commissioner Savoie asked if there should be a required setback for each tier.

Commissioner Poche responded that there should be a combined setback of 3:4.

Mr. Zuccaro asked if there should be material and design requirements.

Commissioner Savoie asked if other cities have material requirements for retaining walls.

Mr. Zuccaro responded that some cities have material requirements, but that these are often for commercial properties.

REPORTS

Mr. Zuccaro stated that there were no reports at this time.

The next Commission meeting was tentatively scheduled for May 31, 2011.

ADJOURNMENT

A motion was made by Commissioner Savoie and seconded by Vice Chair Christman to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 8:46 p.m.

Ira L. Plotkin

Ira Plotkin, Chairman

Emily Kropf

Emily Kropf, Community Development Clerk