Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 10, 2012 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chairman Ira Plotkin called the meeting to order at 6:30 p.m.

ROLL CALL

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

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Patrick Weathers, Police Commander; Troy Carmann, City Engineer; Joan Fritsche, Assistant City Attorney; and Emily Kropf, Community Development Clerk.

APPROVAL OF MINUTES

Vice Chair Christman made a motion, which was seconded by Commissioner Savoie, to accept the December 6, 2011 minutes as written. The motion passed unanimously.

AGENDA ITEMS

Request by George G. and Marijane S. Hutchison of 4444 South University Boulevard for a Floodplain Development Permit to Renovate a Well House in the Special Flood Hazard Area (Public Hearing)

Mr. Zuccaro stated that staff is presenting a request for a Floodplain Development Permit for 4444 South University Boulevard for recommendation to City Council for final consideration. The proposal is to renovate an existing well pump house on the property. The existing pump house is approximately 10' by 11' and will be renovated in generally the same footprint.

Mr. Zuccaro showed the subject property on a vicinity map and stated that the well house is located close to the City's open space area.

Mr. Zuccaro continued that the proposed renovation includes raising the foundation of the structure and the surrounding grades, replacing the brick and mortar structure with a wood frame, stucco and stone veneer structure to match the design of the existing residence on the property, and adding a small covered porch to the well house entrance and a concrete walkway.

Mr. Zuccaro stated that the proposal to raise the surrounding grade requires a 404 Permit from the Army Corps of Engineers due to the disturbance of wetlands near the pump house. The applicant has provided documentation of the 404 Permit, which has been included in the application materials.

Mr. Zuccaro said that the review criteria for a Floodplain Development Permit are outlined in Municipal Code Section 16-17-60. Staff has provided findings for each of the standards

in Table 1 of the staff report. Mr. Zuccaro added that the City's Engineer, Mr. Troy Carmann, is present if the Commission has any questions for him regarding the request.

Vice Chair Christman asked if the proposal would disturb any cattails or other foliage.

Mr. Zuccaro responded that the applicant might know if the grading could potentially disturb any foliage.

Chairman Plotkin declared the public hearing open and asked the applicant to address the Commission.

Mr. Alan Bronson of WBC Engineering stated that he could address Vice Chair Christman's question regarding any disturbance to the wetlands. He continued that the applicant was required to obtain two permits from the Army Corps of Engineers. The Army Corps of Engineers permitted the applicant to fill up to 4,000 square feet of wetland for the reconstruction of the pump house. The applicant plans to only fill approximately 1,600 square feet. The area to be filled is immediately adjacent to the structure in order to grade away from the raised foundation. Mr. Bronson added that there would be a few cattails and wetland plants that would have to be removed. The second part of the permit is to replace a culvert.

Vice Chair Christman asked if the grading could take place without removing any of the foliage.

Mr. Bronson responded no. He added that it would be necessary in order to raise the structure.

Vice Chair Christman asked if the applicant would be willing to limit any disturbance to an area of 1,600 square feet.

Mr. Bronson responded yes.

Vice Chair Christman asked if the applicant's plans to only disturb 1,600 square feet were specified in the application.

Mr. Zuccaro responded yes. He continued that the plans show an area of disturbance of 1,600 square feet. If the applicant were to exceed this number, a new application would have to be submitted.

Commissioner Savoie stated that he thought that the Municipal Code did not allow any structures to be built in the floodplain.

Mr. Zuccaro responded that he was not sure how the structure came to exist in its current location as the pump house appears to be over 20 years old and was subsequently grandfathered in. Mr. Zuccaro continued that the City does not allow any development or improvements without permit approval, which involves meeting technical criteria and demonstrating hardship.

Vice Chair Christman asked if the hardship is that the structure is falling apart.

Mr. Zuccaro responded yes. He continued that the applicant was asked to address the hardship requirement in a letter, which has been included in the application materials.

Chairman Plotkin stated that the public hearing was closed and that he would entertain a motion.

Commissioner Szymanski made a motion to recommend to City Council approval of the request for a Floodplain Development Permit to renovate a well pump house within the special flood hazard area with the condition that the applicant's engineer provide a statement after the work is completed that the construction was done in accordance with the plans and hydraulic study provided in the application materials and will result in no rise in base flood elevations.

Commissioner Rubin seconded the motion, which was approved unanimously.

Request by Cherry Hills Country Club for a Major Event Permit to Host the 2012 United States Amateur Golf Championship on August 13-19, 2012 (Public Hearing)

Mr. Zuccaro stated that staff is presenting a request for a Major Event Permit for Cherry Hills Country Club for recommendation to City Council for final consideration. The 2012 U.S. Amateur Golf Championship is scheduled for August 13th through the 19th, 2012. Cherry Hills Country Club will serve as the host course for the event. The first two days of competition will take place at Cherry Hills Country Club and CommonGround Golf Course. The final five days of competition will take place solely at Cherry Hills Country Club.

Mr. Zuccaro continued that the applicant has provided estimates for daily attendance, which range between 2,000 and 2,500 attendees, including workers, volunteers, spectators and participants on-site. The event is on a much smaller scale in comparison to the most recent event that the Country Club hosted in 2005, the U.S. Women's Open. However, any event with over 2,000 attendees requires a Major Event Permit from the City.

Mr. Zuccaro stated that limited parking will be available on the Country Club property, as well as three support sites. The three supports sites are located at St. Mary's Academy, Kent Denver and the Mountain View property, which is located in Denver. Shuttle service is proposed from all support sites dropping off at the Country Club. No formal pedestrian access is being proposed for the event.

Mr. Zuccaro said that the applicant has provided a traffic and parking study. He continued that the traffic and parking study demonstrates that the level of service at the studied intersections is not expected to be impacted. As a result, no additional traffic controls signals are being proposed. A directional signage plan is being proposed in order to guide the public and participants to appropriate parking areas. "No parking" signage is also to be placed at the entries to surrounding neighborhoods.

Mr. Zuccaro continued that a temporary driving range fence is proposed in the location of the existing fence. The current driving range fence is 40 ft. tall and the proposal is to increase the height of the fence to 90 ft. for the event. The Country Club has talked to the City about permanently raising the height to 60 ft. at some point in the future, which will require an Expanded Use Permit from the City under a separate application. Mr. Zuccaro showed photo simulations of the existing fence and the proposed temporary fence.

Mr. Zuccaro stated that there is one additional support site being proposed which is a television compound located at the Johnson Property, three vacant 1-acre residential lots at the northwest corner of S. University Boulevard and E. Quincy Avenue. The television compound will include equipment and facilities for NBC, which will be broadcasting the event. Staff has worked with the applicant on setbacks and staging in order to maximize the distance from the nearest residence. The Country Club is proposing a setback of 100 ft. from the north property line, 50 ft. from the southwest property line and 25 ft. from the southeast and east property lines. No setback would be required from the west property line that borders the Country Club property. The applicant has provided conceptual staging

documents to demonstrate that the equipment and facilities can fit in the proposed envelope on the property.

Mr. Zuccaro said that there will be electrical generators located in the television compound that will be running during the broadcast, including overnight during broadcast days. The City's noise ordinance allows up to 65 dB at a neighboring property boundary between 7:00 a.m. and 9:00 p.m. and up to 50 dB at all other times. According to the applicant, the electrical generators used in the compound will have a noise level of 62 dB 25 ft. from the generators and at a distance of 100 ft. the generators are anticipated to have a noise level of 44 dB. The closest residential lot is located 100 ft. from the north setback.

Mr. Zuccaro continued that the satellite transmission facilities proposed for the compound fall under the definition of a Wireless Communication Facility in the City's zoning ordinance. As a result, the applicant proposes that the Major Event Permit approval also include approval to operate the Wireless Communication Facility. Specific design and approval criteria for such facilities are outlined in Municipal Code Sec. 16-16-130(c). In accordance with Subsection (c)(18), staff has asked the applicant to provide a statement on the radio frequency emissions of the facilities installed on the site compared to the established federal standards. Staff recommends that prior to the City Council hearing that the applicant provide such documentation. Considering the temporary nature of the proposed facilities, staff finds that all other design and approval criteria in Subsection (c) have been met.

Mr. Zuccaro stated that the applicant has been working with the City's Police Department and South Metro Rescue Authority in order to establish a contingency plan covering issues such as medical emergencies, security, safety threats, severe weather and evacuations. The contingency plan has been drafted and is included in the application materials. The Police Department will be providing extra duty police officers for security and traffic control during the event. Mr. Zuccaro added that Commander Weathers is present if the Commission has any questions for him regarding the contingency plan.

Mr. Zuccaro said that a Major Event Development Agreement has been drafted and is intended to memorialize the requirements and conditions of the Major Event Permit. The agreement also includes provisions for public notification of the event starting 30 days prior to the event start date and the Country Club providing their main phone number in the notifications for information and complaints.

Mr. Zuccaro continued that the review standards for a Major Event Permit are outlined in Municipal Code Sec. 16-21-100. Staff has provided findings for each of the standards in Table 1 in the staff report. Staff recommends approval of the Major Event Permit with the condition that prior to the City Council hearing the applicant shall provide documentation required by Municipal Code Sec. 16-16-130(c)(18) related to the federal radio frequency requirements.

Vice Chair Christman asked if the Major Event Permit is limited to five days after the end of the event.

Mr. Zuccaro responded that the Major Event Permit specifies dates for the set-up and breakdown of the event. There are different date thresholds for breakdown of the event on-site and at the support sites.

Vice Chair Christman asked why a portion of the Major Event Permit is extended until October 15, 2012.

Mr. Zuccaro stated that the applicant requested October 15, 2012 for on-site improvements.

Vice Chair Christman asked why October 15, 2012 was necessary.

Mr. Zuccaro responded that the applicant might know why October 15, 2012 was the date requested.

Vice Chair Christman asked what type of fuel the generators use.

Mr. Zuccaro responded that the applicant might know the type of fuel used.

Vice Chair Christman asked if there is a contingency plan in place if the generators produce more noise than expected.

Mr. Zuccaro responded that a specific contingency plan has not been proposed because the applicant was asked to demonstrate compliant with the noise ordinance upfront. If the generators do not meet the requirements set forth by the noise ordinance, the generators will have to be relocated or the applicant will have to provide a screen or barrier.

Chairman Plotkin asked if it would be possible to contact the Colorado Department of Transportation (CDOT) to modify the stoplight located at S. University Boulevard and E. Quincy Avenue during the event in order to assist the shuttles driving to and from Kent Denver and the Country Club considering that school is not in session.

Mr. Zuccaro said that the City could contact CDOT to see if the stoplight could be temporarily changed.

Chairman Plotkin declared the public hearing open and asked the applicant to address the Commission.

Chris Manley, representative of the Country Club, thanked the Commission for hearing the applicant's request for approval of the Major Event Permit. He continued that the U.S. Amateur Golf Championship is the oldest golf tournament in the United States. It offers all of the prestige of other tournaments but only involves 10% of the scope. Mr. Manley presented a chart depicting the average attendance during the 2005 U.S. Women's Open and the projected attendance for the 2012 U.S. Amateur.

Mr. Manley continued that October 15, 2012 was proposed for the breakdown of on-site improvements because it was recommended by the Country Club's contractor. Mr. Manley added that he believes that the generators use diesel fuel and if the generators violate the noise ordinance, the Country Club will be forced to relocate them according to the Major Event Development Agreement.

Vice Chair Christman asked if the generators will produce any fumes.

Mr. Manley responded that NBC has placed the generators within 100 ft. of homes and has not experienced any issues as a result.

Vice Chair Christman asked if the applicant could provide a letter from NBC stating so.

Mr. Manley added that the proposed generators are commonly used. He also said that he needs to confirm that the generators use diesel fuel.

Commissioner Szymanski asked if the television compound will have its own rest rooms and catering.

Mr. Manley responded yes.

Chairman Plotkin stated that the public hearing was closed and that he would entertain a motion.

Commissioner Szymanski made a motion to recommend to the City Council approval of the request for a Major Event Permit to host the 2012 U.S. Amateur with the condition that prior to the City Council hearing the applicant shall provide a statement from a qualified professional outlining the radio frequency emissions of the facilities installed on the television compound sites compared to the established federal standards.

Commissioner Kerr seconded the motion, which was approved unanimously.

Review of Amendment to Municipal Code Section 16-8-80 Concerning R-3A Buffer Requirements

Mr. Zuccaro stated that staff is presenting an amendment to the Municipal Code Sec. 16-8-80 concerning the R-3A zone district buffer requirements for recommendation to City Council for final consideration. The amendment changes the allowed uses within the 50-foot buffers between R-3A and larger lots internal to a subdivision to include fences, walls, driveways, patios and decks. No changes are proposed to be made to the allowed uses in the 100-foot buffer required between R-3A lots and larger lots external to the subdivision or the 50-foot buffer required between R-3A lots and public road rights of way.

Mr. Zuccaro continued that the only buffer in the City that the amendment would apply to is located in the Buell Mansion Subdivision. The residents of this subdivision are in support of the amendment to the Municipal Code. The only other R-3A area in the City is the Covington Subdivision but there is not a buffer located there that would be subject to the amendment. Mr. Zuccaro added that any future R-3A subdivisions with such a buffer would be subject to the amendment.

Chairman Plotkin asked where the Covington Subdivision is located.

Commissioner Savoie responded that the Covington Subdivision is located near the Colorado Community Church.

Vice Chair Christman stated that she does not have an issue with the concept of the amendment but with the language. She stated that it seems as if the intent of the allowed uses within the buffers in Municipal Code Sec. 16-8-80(d)(i) is to allow landscaping and trails rather than stating that they must be maintained.

Mr. Zuccaro responded that he agreed.

Vice Chair Christman suggested that the language be changed to state that such uses are permitted rather than must be maintained.

Chairman Plotkin asked if any change in the language of the amendment would require approval from the homeowners.

Mr. Zuccaro responded no.

Vice Chair Christman asked if it is necessary to state that landscaping is allowed under other fifty foot buffers in Sec. 16-8-80(d)(ii). She added that this was already stated previously under one hundred foot buffers and fifty foot buffers in Sec. 16-6-80(d)(i).

Ms. Fritsche responded that there are two different kinds of fifty foot buffers.

Vice Chair Christman stated that the language in Sec. 16-8-80(d)(ii) should also be changed to state that the allowed uses are permitted rather than must be maintained. Vice Chair Christman asked what structures are not allowed within the buffer.

Mr. Zuccaro responded that no accessory structures are allowed within the buffer. This includes sheds, pools and sports courts.

Commissioner Savoie asked if these structures are defined as accessory structures in the Municipal Code.

Mr. Zuccaro responded yes. He continued that the proposed amendment contains the original language which specified pools and courts as structures not allowed within the buffer.

Vice Chair Christman asked if walls are allowed in the buffer.

Mr. Zuccaro responded yes. He continued that any fence or wall that meets the zoning requirements can be placed within the buffer.

Vice Chair Christman suggested that the language in Sec. 16-8-80(d)(ii) be changed to state that the buffer must be free of any accessory or recreational structures, such as pools and tennis courts.

Chairman Plotkin asked if there were any other suggestions.

Commissioner Savoie asked if the amendment should be rewritten and presented to the Commission at a later date.

Mr. Zuccaro responded that the next Commission meeting is scheduled for January 24, 2012.

Chairman Plotkin stated that Vice Chair Christman and Commissioner Savoie will be unable to attend the next meeting.

Commissioner Rubin stated that he did not think the amendment needed to come before the Commission again once rewritten.

Commissioner Savoie stated that he did not have an issue with Commissioner Rubin's suggestion.

Chairman Plotkin made a motion to recommend to City Council approval of the amendment to Municipal Code Sec. 16-18-80 concerning amendments to the R-3A buffer requirements containing the new language as proposed by the Commission.

Commissioner Kerr seconded the motion, which was approved unanimously.

REPORTS

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

ADJOURNMENT

The meeting was adjourned at 7:18 p.m.

Ira Plotkin, Chairman

Emily Kropf, Community Development Clerk