

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, February 28, 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, and Commissioner Steve Szymanski.

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

Absent were Commissioner Peter Savoie and Commissioner Jim Rubin.

**APPROVAL OF MINUTES**

Vice Chair Christman made a motion, which was seconded by Commissioner Szymanski, to accept the February 14, 2012 minutes as written. The motion passed unanimously.

**AGENDA ITEMS**

*Cherry Hills Country Club Expanded Use Application for Driving Range Fence (Public Hearing)*

Mr. Zuccaro stated that staff is presenting a request by Cherry Hills Country Club for an Expanded Use Permit to replace an existing 40-foot driving range fence with a 60-foot fence adjacent to S. University Boulevard. The applicant recently requested a Major Event Permit to host the 2012 U.S. Amateur Championship, which included raising the driving range fence temporarily to 90 feet. The applicant is requesting that the fence be permanently raised to 60 feet.

Mr. Zuccaro continued that the proposed fence includes the installation of 11 black steel poles that are 24 inches at the base and taper to 16 inches at the top and polyethylene netting between the poles with 3/8-inch rope. There is an issue of members hitting golf balls over the existing fence as a result of new technology. The applicant has stated that there is a need for at least a 60-foot fence in order to prevent any balls from going over onto S. University Boulevard. The applicant has provided photo simulations of the proposed fence from different vantage points.

Mr. Zuccaro said that there is a proposed Development Agreement that covers installation and maintenance of the fence; removal of the fence if it is damaged or the driving range is no longer used; or if there is a health, safety or welfare concern. Staff received a comment letter from a resident, which has been provided to the Commission on the dais. The letter recommends that the driving range be reconfigured so that the balls are driven towards the club rather than S. University Boulevard. Mr. Zuccaro added that the applicant has addressed the feasibility of this suggestion, as well as several other alternatives, in a justification letter.

Mr. Zuccaro added that staff has provided findings for the Expanded Use Permit review criteria and recommends approval of the request with the condition that prior to the City Council hearing the applicant shall provide structural plans stamped by a Colorado registered professional engineer to ensure that the fence is designed for wind loads in accordance with the City's adopted building codes.

Vice Chair Christman asked if the Development Agreement has a provision for tree and landscape maintenance.

Mr. Zuccaro responded that there is a provision in the Development Agreement that requires any tree in the landscape buffer between the club and S. University Boulevard be replaced with a like species if it is removed or damaged. Staff considered requiring a tree of similar size, but survival of a more mature tree could be difficult in this location.

Vice Chair Christman asked if the applicant would be able to plant a small tree.

Mr. Zuccaro replied that there is a minimum caliper size of 2 inches in the current proposal.

Vice Chair Christman said that the tree buffer would not exist for another 60 or 100 years.

Mr. Zuccaro responded that there is not a feasible way to immediately replicate the landscape buffer if one of the trees dies.

Vice Chair Christman asked if there are faster growing trees than what is currently planted on site. She added that a large conifer would provide screening year-round.

Mr. Kevin Hood, General Manager of the Cherry Hills Country Club, said that there are some evergreen trees in the buffer.

Chairman Plotkin declared the public hearing open.

Mr. Hood introduced Ms. Lynn Moore from the Davis Partnership; Mr. Steve Barlow, President of the Cherry Hills Country Club; and Mr. George Solich, Denver Chairman of the upcoming BMW Championship. Mr. Hood stated that the applicant initiated the request for an Expanded Use Permit due to a storm last July that resulted in the current driving range fence leaning 25 degrees to the west, as well as the upcoming 2012 U.S. Amateur Championship and the 2014 BMW Championship. Mr. Hood added that the applicant would like to remove the damaged fence and install a more functional fence.

Mr. Hood continued that there are several reasons to replace the existing fence, including an obligation to improve community safety. The proposed fence is expected to capture 100% of the balls hit from the driving range. If the fence is replaced, the Country Club would also be able to remove the damaged fence, provide facilities that support major championship tournaments and avoid impacting surrounding properties.

Mr. Hood stated that an increase in the height of the fence is necessary due to longer golf ball drives as a result of improved technology and player ability. Members are currently able to hit balls over the 40-foot fence. Additionally, there is limited physical space to accommodate other containment modes. The trajectory study provided by the applicant is based on a 320-yard carry for tournament play and 300-yard carry for members. Mr. Hood said that the average carry for tournament play has increased approximately 15% over the last 20 years. He added that an estimated small percentage of members of the Country Club have a 300-yard carry. The proposed fence is estimated to capture 100% of the balls hit by tournament players and members of the Country Club from the middle of the tee box.

Mr. Hood said that there were several alternatives considered prior to the applicant's request. One option was to align the driving range to the south, but the driving range would cross the Country Club's main entrance and require relocation of the tennis facility. Additionally, the left side of the driving range would be open to S. University Boulevard, requiring a taller fence. Another option was to align the driving range to the west, but there would be the operational concern of moving the tee box away from the golf shop. This option would also limit the driving range and require a 120-foot fence, which would not be a functional or cost-efficient solution. Another alternative was to extend and lower the tee box, but this would require relocating the driving range onto property that does not belong to the Country Club.

Vice Chair Christman responded that there is the additional alternative of increasing the height of the fence and moving it further west onto the Country Club's property in front of the tree buffer. Vice Chair Christman continued that if the fence was moved 5 to 10 feet west, the existing evergreen trees could be used as a buffer. She added that the tee box might have to be moved back a couple of feet, as well.

Mr. Hood stated that the applicant did consider this option but felt that it was not feasible. He continued that this solution would require removing the fence from the existing tree canopy; moving the tee box onto property that does not belong to the Country Club; and limiting the width of the driving range.

Vice Chair Christman asked if it was possible to move the members that have a 300-yard carry further back in the tee box.

Mr. Hood replied that members cannot stand behind other players in the tee box due to safety concerns.

Vice Chair Christman responded that it seems as though the applicant benefits from the screening of the proposed fence at the expense of surrounding properties. She added that she would like to see if it is possible to move the fence into the middle of the tree canopy.

Mr. Hood said that this option could be considered, but he has a few initial concerns. First, the applicant does not want to damage the existing trees. In order to achieve a straight line, it is likely that several trees would be damaged in the process. Second, shortening the range would require an increase in the height of the fence. The fence would then be higher than the tree canopy increasing visibility.

Vice Chair Christman replied that it would be more visible for the Country Club but not for surrounding properties.

Mr. Hood stated that the fence has been in its current location since 1922 and there might be varying perspectives regarding the visibility of the existing fence. The applicant's intent is to maintain the current location and appearance of the fence. Mr. Hood continued that the proposed fence has been designed to have a permanent height of 60 feet but will be able to expand to 90 feet during tournament play with the use of guide wires. The fence includes the installation of 11 black poles with a diameter of 16 inches, which would be a reduction in the number of poles that are currently installed. Mr. Hood presented a series of simulated views of the proposed fence. He added that the applicant considered a 70 or 80-foot fence but felt that the 60-foot fence would be able to capture the vast majority of the balls hit by members.

Commissioner Szymanski asked if the fence to the south of the driving range is 60 feet in height.

Mr. Hood said that the fence to the south is 40 feet in height.

Chairman Plotkin asked how far the back of the driving range is from the fence.

Mr. Hood responded that from the back of the tee box to the foot of the fence is approximately 300 yards.

Chairman Plotkin asked how far the back of the tee box is to the front of the tee box.

Mr. Hood replied that there is approximately 60 to 70 yards in the tee box itself.

Chairman Plotkin asked if it was possible to move the tee box further west.

Mr. Hood responded that moving the tee box further back would require placing it on property that does not belong to the Country Club. Mr. Hood concluded that the proposed fence aims to minimize an increase in height; obscure additional height through an existing tree buffer; improve the appearance of the fence; meet the needs of ball containment; enhance community safety; and enable the Country Club to host tournaments that benefit the local economy.

Commissioner Szymanski asked how many balls have been hit over the fence by members that damaged cars.

Mr. Hood responded that in the last couple years there have been about two balls that were hit over the fence.

Commissioner Szymanski asked who is responsible if a ball hits a car on S. University Boulevard.

Mr. Hood said that he would have to check with the Country Club's insurance agent, but he believes that it might be the person who hit the ball.

Chairman Plotkin asked what the detriment would be if the applicant required lower density balls during tournament play.

Mr. Hood replied that lower density balls are not allowed during tournament play.

Vice Chair Christman asked what the diameter of the current poles is.

Mr. Hood responded that the current poles are 4 inches in diameter.

Vice Chair Christman stated that the applicant is proposing replacing 4-inch poles with 16 inch-poles.

Commissioner Poche responded that the applicant is reducing the number of poles from 27 to 11.

Vice Chair Christman asked if the applicant has provided a photo simulation of the proposed fence during winter.

Mr. Hood replied that some of the pictures used for the photo simulations were taken in late fall. He added that they can be considered a reasonable interpretation of the proposed fence during winter.

Vice Chair Christman responded that the deciduous trees will not cover the fence during winter.

Commissioner Kerr said that the screening that the trees provide today will be the same for the proposed fence.

Vice Chair Christman stated that the current poles are small and leaning towards the west, which makes them difficult to see.

Mr. Hood responded that the poles are leaning due to the damage from the storm in July.

Vice Chair Christman said that the Commission recommended approval to install a 90-foot fence for the 2012 U.S. Amateur Championship and is not restricting the applicant's ability to host such events.

Mr. Hood replied that the applicant would like to use the proposed 60-foot fence to be able to reach the 90-foot temporary fence that was recommended for approval.

Chairman Plotkin asked if the 90-foot fence is temporary.

Mr. Hood responded yes.

Mr. Stan Gallery, resident of 4201 S. University Boulevard, stated that he had submitted a comment letter to the Commission opposing the proposed fence. He continued that the photo simulations might not accurately depict the fence and would like to see a sample pole if possible. Mr. Gallery added that the existing trees intended to provide a buffer might die, and the applicant would be unable to screen the fence from surrounding properties. He also asked whether the poles were going to taper from 24 inches to 16 inches in diameter from the base to the top.

Mr. Hood replied no. He stated that the poles will be 16 inches in diameter from the base to the top.

Commissioner Poche asked if the Country Club could leave the current fence and erect a temporary fence during tournaments.

Mr. Hood responded that it would be challenging from an engineering perspective. He added that a minimum of 11 cranes would be needed to erect a temporary fence, and the cost would be substantial. The applicant is also not 100% certain that it is possible to erect a temporary 90-foot fence.

Commissioner Poche asked if the Country Club is prepared to replace any trees that die with trees of similar size.

Mr. Hood replied that the Country Club has a tree master plan and is trying to acquire as many large trees as possible. It is the Country Club's goal to maintain a quality entrance to the facility, as well as be a good neighbor to the community.

Commissioner Poche asked what the Country Club would do tomorrow if one of the trees died.

Mr. Hood responded that the applicant would try to find a deciduous tree of similar size as soon as possible.

Vice Chair Christman asked if the Commission recommended approval of a 90-foot temporary fence that the applicant had no intent of erecting.

Mr. Hood replied that the Country Club has every intention of erecting the temporary fence that was recommended for approval.

Vice Chair Christman said that the applicant's request does not affect its ability to host tournaments as the Commission previously recommended approval of a 90-foot temporary fence.

Mr. Hood replied that the applicant's request would help in erecting a 90-foot temporary fence.

Mr. Gallery stated that the existing fence should not be altered. He added that replacing the fence might cause damage to a number of trees, and the screening provided will not be able to be replicated for decades.

Mr. Barlow said that in order to erect a 90-foot temporary fence a 60-foot fence is required from an engineering perspective. He continued that the applicant has an arborist who visits every year and evaluates the life span of every tree. The arborist identifies any trees that will need to be replaced over time and develops a strategic plan to obtain replacement trees. Mr. Barlow added that the members of the Country Club do not want a fence that is not aesthetically pleasing either. The Country Club also does not want to negatively impact the residents using Cherry Hills Drive who will have to look directly at the fence if it is moved further west and the height is additionally increased.

Vice Chair Christman stated that the proposed fence looks fairly industrial. She asked if there was an alternative fence that looks less industrial.

Mr. Hood replied that the proposed fence is necessary as the black netting provides a decreased weight and wind load.

Vice Chair Christman asked why the applicant cannot wait until surrounding residents have a chance to see the 90-foot temporary fence already recommended for approval. She asked if the applicant can erect the temporary fence and then see if any neighbors oppose it.

Mr. Hood responded that the applicant would like to construct the proposed fence before the beginning of the golf season on April 15, 2012. If the proposed 60-foot fence is approved then it will be possible to erect a temporary 90-foot fence for the 2012 U.S. Amateur Championship in August.

Vice Chair Christman stated that there are no photo simulations of the proposed fence for six or seven months out of the year. She continued that the photo simulations also do not depict an industrial fence.

Mr. Hood replied that the netting will be the same as the existing fence, and the poles will be screened by the tree canopy, which reaches a height of 60 feet. The increase in pole diameter will be the only visual change.

Vice Chair Christman replied that the tree canopy will not exist during winter and will not be able to provide screening for the poles. She added that the existing fence does not look as industrial as the proposed fence.

Chairman Plotkin said that the fence can only be seen peripherally when driving down S. University Boulevard. He added that only the surrounding properties will directly see the poles.

Commissioner Kerr stated that the existing fence will have to be replaced eventually. She asked if that would require larger poles.

Mr. Hood responded that larger poles would be needed in order to reach a height of 90 feet for tournaments.

Commissioner Kerr said that the City should not prohibit the applicant's ability to host tournaments.

Vice Chair Christman replied that she does not have an issue with the applicant increasing the height of the fence to 90 feet during tournaments, but she is trying to see if there is a way to reduce the industrial appearance of the proposed fence.

Mr. Solich stated that the 60-foot fence is needed for safety purposes. He continued that the Country Club has outgrown the height of the existing fence as a result of technology. While there are only two documented incidents of balls being driven over the fence, but the number of incidents could increase tomorrow. Mr. Solich added that the applicant has a contract with the Professional Golfers' Association of America that states that the Country Club must have a fence that is substantial enough to capture any balls hit by the players during the 2014 BMW Championship.

Vice Chair Christman asked if the proposed fence could be moved west at all.

Mr. Solich responded that the fence is moved as far west as possible. He added that if the fence was moved further west, it would be in the middle of the tree canopy and would require an additional increase in height.

Ms. Moore stated that the fence should be kept in its current location in order to maintain the life span of the trees. The Country Club's arborist should pay special attention to any trees that are likely to die in this location and will plan accordingly for replacement trees. Ms. Moore added that the Country Club can also add vines to the fence to provide additional screening.

Vice Chair Christman asked if a minimum caliper size of 2 inches was required because it would be impossible to plant a larger tree.

Mr. Hood responded that the issue of limited space would have to be addressed.

Commissioner Szymanski asked if the applicant would agree to a reasonable minimum size for any trees that die and need to be replaced.

Mr. Hood replied that it could certainly be considered. He added that vines probably could not be added to the net due to structural concerns, but they could be added to the poles, which could also be painted brown rather than black.

Vice Chair Christman responded that brown is less visually impactful.

Commissioner Szymanski asked if the applicant would be required to obtain a new Expanded Use Permit if the height of the fence remained at 40 feet but the diameter of the poles was increased.

Deputy City Attorney Foster replied that he would have to check the original application.

Mr. Zuccaro stated that if there is an expansion of the facilities a new Expanded Use Permit would be required.

Commissioner Szymanski asked if the applicant is planning to replace the fencing towards the north and south of the driving range.

Mr. Hood responded no.

Commissioner Kerr stated that it does not seem as though the existing 40-foot fence is an option due to safety concerns.

Mr. Hood replied that the 40-foot fence allows for exposure that the Country Club does not want.

Vice Chair Christman asked if there was any other way to mitigate the industrial appearance of the proposed fence.

Mr. Hood responded that he is not aware of any additional options other than painting the poles a different color.

Mr. Gallery stated that the golf balls should be driven towards the Country Club rather than away from it.

Commissioner Poche asked if it would be possible to reverse the direction of the driving range.

Mr. Hood responded that reserving the direction of the driving range would require removing several trees and installing a 120-foot fence on the west side of the driving range.

Commissioner Szymanski asked if the fence has always been 40 feet.

Mr. Hood responded yes to the best of his knowledge.

Chairman Plotkin declared the public hearing closed. He said that the City has provided the Commission with a motion to recommend approval of the proposed Expanded Use Permit.

Commissioner Szymanski made a motion to approve the request by the applicant for an Expanded Use Permit to install a new driving range fence at a height of 60 feet as proposed with the following conditions: that prior to the City Council hearing, the applicant shall provide structural plans stamped by a Colorado registered professional engineer to ensure that the fence is designed for wind loads in accordance with the City's adopted building codes; the applicant shall replace any tree that dies with a tree that is at least 20 feet in height; and the applicant shall paint the poles in a color scheme that camouflages.

Vice Chair Christman asked if there is a condition that requires the applicant to place vines on the poles.

Mr. Hood said that he would have to check if placing vines on the poles will affect the fence's warrantee.

Deputy City Attorney Foster replied that the Commission can place a condition on the motion, and if the applicant has a problem meeting the condition, it can be addressed at the City Council hearing.

Vice Chair Christman added a condition that requires the applicant to submit an on-going landscape plan to minimize any visual impact that is approved by the City.

Commissioner Kerr seconded the motion, which was approved unanimously.

**REPORTS**

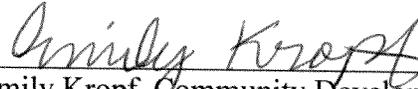
Mr. Zuccaro stated that there were no reports.

**ADJOURNMENT**

The meeting was adjourned at 7:45 p.m.



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Laura Christman, Vice Chair



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Emily Kropf, Community Development Clerk