

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 10, 2013 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chair Christman called the meeting to order at 6:30 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chair Laura Christman, Vice Chair Peter Savoie, Commissioner Al Blum, Commissioner Joe Poche, Commissioner Jim Rubin, Commissioner Steve Szymanski and Commissioner David Wyman.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Maureen Herr Juran, Deputy City Attorney; Troy Carmann, City Engineer; and Emily Kropf, Special Projects Coordinator.

APPROVAL OF MINUTES

Vice Chair Peter Savoie made a motion, which was seconded by Commissioner Szymanski, to accept the August 13, 2013 minutes.

The motion passed unanimously.

AGENDA ITEMS

Kent Denver Expanded Use Permit Application to Build an Approximately 16,450 Square Foot Gymnasium Addition (Public Hearing)

Mr. Zuccaro stated that staff is presenting a request by Kent Denver School for an expanded use permit for an approximately 16,450 square-foot gymnasium addition. The preliminary application was reviewed by the Commission on August 13, 2013. The addition is proposed to be 35 feet above natural grade, and the closest property is located 570 feet to the west.

Mr. Zuccaro continued that the gymnasium is proposed to have a seating capacity of 800 persons and will include locker rooms, concession stand facilities and an atrium. Modifications to the site include additional and reconfigured parking to the north and west of the proposed addition. A total of 49 parking spaces are being added around the gymnasium, bringing the total parking on campus to 780 spaces. Based on the gymnasium expansion and other uses on campus, a total of 980 are required by the base zoning code. However, the zoning code allows up to a 40% reduction in parking if the needs of the use can be adequately met. The applicant's request constitutes a 20% reduction in parking for the campus. In 2010, the applicant was granted a 15% reduction in parking for the dining hall expansion.

Mr. Zuccaro said that the applicant has provided additional information in response to the Commission's concerns from the preliminary application review on August 13, 2013. The applicant has proposed to add no parking signs along the entry drive and limit concurrent events that exceed available parking within a walking distance, which is defined as a ¼ mile radius of each concurrent event. The applicant has also provided a Phase III Drainage Report, revised lighting plan, traffic study and parking lot landscaping plan.

Mr. Zuccaro stated that the City Engineer has recommended approval of the drainage report, and staff has recommended approval of the parking lot landscaping plan. The proposed lighting plan has also been recommended for approval as it is in compliance with the zoning ordinance. The architectural accent lighting proposed during the preliminary review has since been removed. The traffic study states that if an event occurs in the proposed gymnasium during peak afternoon hours that there would not be an impact to traffic on E. Quincy Avenue. There would be an impact to vehicles leaving the site, however, which would result in reduced level of service and could potentially result in a safety issue when exiting the property by turning left onto E. Quincy Avenue.

Mr. Zuccaro added that the addition is to be located over an existing sanitary sewer line, and the applicant has agreed to relocate the line before a certificate of occupancy is issued. Lastly, a draft development agreement has been provided, which addresses several issues, including: installation of signage; limiting concurrent events that exceed available parking; and providing uniformed traffic control for vehicles exiting the property during peak hours.

Mr. Zuccaro continued that staff's analysis of each of the submittal requirements outlined in Municipal Code Section 16-20-50 is provided in the staff memorandum. Staff has recommended approval of the request with three conditions. First, prior to the City Council hearing, the applicant shall provide a mitigation plan satisfactory to the City Engineer addressing the adverse impact to vehicles leaving the campus during events at the gymnasium. Second, prior to the City Council hearing, the applicant shall submit a final draft of the development agreement satisfactory to the City Attorney limiting concurrent use of facilities to ensure adequate parking and to provide no parking signs along the entry drive. Third, prior to a certificate of occupancy being issued, the applicant shall submit verification that the sewer easement has been established.

Commissioner Szymanski asked if the police could issue citations for vehicles parked along the entry drive.

Mr. Zuccaro replied that the entry drive is a private road, and the applicant would be responsible for enforcing no parking along the drive.

Chair Christman asked if the restriction of 10 events per year that require uniformed traffic control applies during the non-school year, as well.

Mr. Zuccaro responded that the restriction applies during the school year only because it is based on normal traffic for the property with additional attendees as a result of an event at the gymnasium. Mr. Zuccaro added that he spoke with the Police Commander and was told that the City cannot commit to an unlimited number of events but is comfortable with staffing up to 10 events per year.

Commissioner Poche asked if the applicant can hire other police personnel.

Mr. Zuccaro replied that the City has mutual aid agreements with other jurisdictions, and the Police Department would make an effort to find other personnel if it was unable to provide officers during an event.

Chair Christman asked if the fields could be used for overflow parking.

Mr. Zuccaro said that unpaved parking cannot be counted in the parking requirement.

Chair Christman stated that she asked about the limit of 10 events during the non-school year because of the property's use for overflow parking during large events like golf tournaments.

Mr. Zuccaro replied that the limit of 10 events will not apply to events like golf tournaments because uniformed traffic control is already being provided. The limit is related to the applicant's events.

Commissioner Rubin stated that the limit should only apply to events that take place in the gymnasium.

Vice Chair Savoie said that there could be a conflict with concurrent events.

Mr. Zuccaro said that the traffic study analyzes standard traffic and the additional impact of any event on campus. The same traffic issues occur no matter where the event is located on the property.

Commissioner Poche stated that the City is not being consistent. Denver First Church did not have to restrict the number of events that occurred on the property.

Vice Chair Savoie stated that Denver First Church had to limit the number of cars.

Commissioner Poche said that the number of cars should be limited rather than the number of events. He added that the police should be used for additional traffic control.

Deputy City Attorney Juran stated that she understands that the Police Department cannot commit to a number of events that it would be unable to staff. She also understands the Commission's concerns regarding safety. She suggested that language be added that allows the City Manager to approve events that exceed the limit of 10 events.

Commissioner Rubin asked if school employees could be used for traffic control.

Mr. Zuccaro replied that only uniformed officers can be used on a public street.

Commissioner Wyman asked why the traffic study identifies the square footage of the gymnasium as 12,213 square feet but the staff memorandum lists it as 16,450 square feet.

Mr. Zuccaro replied that the traffic study identifies the square footage of the gymnasium itself and does not include the locker rooms, concession stand facilities, and atrium.

Commissioner Wyman asked if the 20% parking reduction applies to all parking on the property.

Mr. Zuccaro said yes.

Commissioner Wyman stated that if there was an emergency in the field house the fire department would most likely cut through the parking lot by the stadium.

Mr. Zuccaro said that the proposal was sent to South Metro Fire Rescue and there were no negative comments or requests based on the proposed layout.

Vice Chair Savoie stated that there should be no parking on any of the roads as safety should be the first priority.

Commissioner Poche responded that signage could ruin the property's rural character.

Chair Christman stated that the fields will most likely be used for overflow parking.

Vice Chair Savoie replied that people still park on the entry drive. The two concerns he has are parking and access as the area is already heavily congested. He asked if there were any public comments.

Mr. Zuccaro stated that no one has signed up to speak, but the applicant is present and would like to address the Commission.

Commissioner Szymanski said that the school currently has a 15% parking reduction. The difference between the existing 15% and proposed 20% is 50 parking spaces.

Commissioner Blum asked what the maximum number of cars allowed during concurrent events is.

Mr. Jerry Walker, representative for the applicant, stated that he would like to defer any questions about parking and access to the traffic engineer and architect. He continued that the limit of events that require uniformed traffic control was proposed by the Police Department due to staffing concerns. He understands that an event that has an additional 300 persons over the base will trigger the requirement for uniformed traffic control, which he does not believe will be an issue based on the school's schedule of events. The proposed parking reduction is based on the need for overflow parking, but it can be argued that the fields provide additional spaces. The signage along the entry drive will also state that vehicles will be towed at the owner's expense.

Commissioner Wyman asked if the additional 300 persons refer to spectators only or if it includes participants.

Mr. Walker replied that the development agreement states that the school is allowed 10 events in which there are 300 persons over the base, which is 750 to 800 individuals, and concludes between 2 p.m. and 7 p.m. The maximum seating capacity of the gymnasium is 800 so it does not seem likely that the threshold of 1,100 individuals will be crossed frequently, if at all.

Commissioner Wyman said that it would not be an issue unless a concurrent event took place.

Vice Chair Savoie asked what would happen if there was also a football game.

Mr. Walker said that a basketball game and football game take place in different seasons. He continued that the school already provides adequate parking for its base.

Chair Christman asked if the need for uniformed traffic control is based on the time that an event ends.

Vice Chair Savoie replied that 1,100 persons is the threshold for which uniformed traffic control is required.

Mr. Walker said that the service level reduction occurs on the school's property only. He added that the main function of the gymnasium is for practice. The events that are to take place in the addition are already occurring on the property.

Commissioner Blum responded that an event that begins at 3 p.m. could create an issue.

Mr. Walker said that a service level reduction on E. Quincy Avenue was not found for entering the campus at 3 p.m. The police provide traffic control every morning for the school, but individuals leaving the property in the afternoon are more dispersed and traffic control is not needed.

Mr. Zuccaro stated that it is not practical for the City to monitor the school's base with additional persons in attendance. The threshold is 300 individuals for any event that is expected to conclude between 2 p.m. and 7 p.m.

Mr. Walker replied that he cannot agree to that condition. He continued that basketball games have over 300 persons in attendance.

Mr. Zuccaro said that staff has not been able to fully address the traffic issues in the development agreement, which was submitted only a few hours before the hearing. It might be an issue of timing. There is a solution, but it has not been agreed upon yet.

Chair Christman stated that she has noticed the school's hardship in regards to scheduling athletic activities during the last year. She believes that the Commission should give the City and the school the flexibility to allow the school to function without creating a traffic hazard.

Mr. Walker added that he would prefer to increase the number of events allowed that exceed the threshold if the Police Department is able to meet the school's needs. He agrees with Mr. Zuccaro that it might be an issue of timing.

Commissioner Rubin stated that the school should not have to incur additional responsibility. The limit of events that require uniformed traffic control should only apply to the gymnasium.

Mr. Walker said that there are not additional games scheduled this year or next. There will be more concurrent events though.

Vice Chair Savoie asked if traffic control should be required when there are more than 1,100 individuals on-campus.

Deputy City Attorney Juran said that the intent of the development agreement is to allow 300 persons in addition to the base.

Vice Chair Savoie asked if the Commission is prepared to recommend approval of the parking reduction, signage and development agreement.

Commissioner Szymanski suggested that the limit of events be removed and the threshold of persons in attendance be changed to 1,000 and revisited in 6 months.

Commissioner Wyman asked if practices were taken into account in the traffic study.

Vice Chair Savoie replied that practices are too small to impact traffic.

Mr. Walker added that the signs will be installed on the west side of the drive and not the east side as the development agreement states.

Vice Chair Savoie suggested extending the signs to the drop off point.

Mr. Walker agreed.

Commissioner Wyman stated that there is a typo in section 2.2 of the development agreement.

Chair Christman stated that the applicant can revise the proposal and come back to the Commission or continue with the review process and present the request to City Council.

Mr. Walker replied that he believes an agreement can be reached before the City Council hearing.

Vice Chair Savoie made a motion to recommend approval of the request by Kent Denver School for an expanded use permit to allow an approximately 16,450 square-foot gymnasium addition as proposed with the following conditions: the applicant shall provide a mitigation plan satisfactory to the City Engineer addressing the adverse impact of vehicles leaving the property during events at the gymnasium; the applicant shall submit a final draft of a development agreement satisfactory to the City Attorney limiting concurrent use of facilities to ensure adequate parking and to provide no parking signs along the entry drive; and the applicant shall submit verification that the sewer easement has been established.

Commissioner Poche seconded the motion, which was unanimously approved.

ADJOURNMENT

The meeting was adjourned at 7:52 p.m.



Laura Christman, Chair



Robert A. Zuccaro,
Community Development Director