

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 22, 2014 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Chair Christman called the meeting to order at 6:31 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chair Laura Christman, Commissioner Al Blum, Commissioner Jim Rubin, and Commissioner Kassie Jensen.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Marcus McAskin, Deputy City Attorney; Troy Carmann, City Engineer; Commander Patrick Weathers, Commander of Cherry Hills Village Police Department; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Vice Chair Peter Savoie, Commissioner Steve Szymanski and Commissioner David Wyman.

**APPROVAL OF MINUTES**

Commissioner Blum made a motion, which was seconded by Commissioner Rubin, to accept the February 25, 2014 minutes as written. The motion passed unanimously.

**AGENDA ITEMS**

*Agenda Item 4.a. Request by the Western Golf Association for a Major Event Permit to Host the 2014 BMW Golf Championship at Cherry Hills Country Club from September 1<sup>st</sup> through the 7<sup>th</sup>, 2014; a Floodplain Development Permit Associated with the Major Event Permit; and a Wireless Communications Facility Approval for Television Broadcasts Associated with the Major Event Permit*

Mr. Zuccaro stated that the Western Golf Association is requesting review of a Major Event Permit to host the 2014 BMW Championship at Cherry Hills Country Club from September 1<sup>st</sup> through the 7<sup>th</sup> of this year. Mr. Zuccaro continued by explaining the purpose and intent of the Major Event permitting process and the review criteria.

Mr. Zuccaro outlined the process for review of a Major Event Permit. The first stage in the process is the Preliminary Application Review, which was completed by the Planning and Zoning Commission on February 26, 2013. The next step is the Final Application Review, which is what is being presented to the Commission currently. The commission may recommend approval, approval with conditions or denial of the request to the City Council or continue the hearing if additional information is needed. The City Council will then review the proposal to make a final determination.

Mr. Zuccaro noted that the applicant is proposing to begin staging for the event starting June 1<sup>st</sup>. He noted that despite several outstanding items on the application, which are noted in staff's recommended conditions, staff is recommending that the Commission consider making a recommendation on the application this evening, with staff's conditions and any other conditions the Commission deems necessary, so that the application can be reviewed by the City Council in May prior to the June 1<sup>st</sup> start date.

Mr. Zuccaro continued by reviewing the anticipated schedule for the tournament, including: pre-tournament staging to take place June 1 through August 31; the tournament week of September 1 through September 7, during which attendance is anticipated to range from 11,000 to 27,000 of the busiest days of Thursday through Sunday; and post-tournament breakdown September 8 through October 12.

Mr. Zuccaro gave a summary of the properties in and out of the City that are proposed to be used as support service sites. He continued by highlighting the parking sites, bus and shuttle circulation routes and drop-off sites and reviewed how different attendees would access the golf course for the tournament. Mr. Zuccaro indicated that the main parking area proposed for the event is located at Peoria and E-470 and that this site will include 9,000 parking spaces to accommodate the majority of public attending the event and the applicant has been working with CDOT on plans to temporarily restripe University Avenue in order to create a bus drop-off lane for the busses shuttling attendees from this location. Mr. Zuccaro stated that other support service sites to be used for storage of materials and equipment, construction staging and temporary office trailers were discussed.

Mr. Zuccaro stated that the use of Cherry Hills Drive as a drop-off location and shuttle route is an area of concern for staff as this is a private road which is jointly owned by the property owners in the subdivision. He stated that the City would prefer that no residential streets be used if at all possible. He continued that the applicant needs to provide written authorization from the homeowners on Cherry Hills Drive. He continued that this is a narrow road and the City has concerns about the potential impact this would have on the residents and the possible damage to the roadway. Mr. Zuccaro further stated that the proposed route would continue onto Gilpin Street, which is also a residential street and will be chip sealed this summer, and staff was concerned with the negative impact to property owners along Gilpin and possible damage to the road.

Mr. Zuccaro outlined the submittal requirements for the Major Event Permit. He noted that among the submittal requirements was a traffic and parking analysis and that the City had hired an independent Professional Traffic Operations Engineer to assist in reviewing the proposal. He noted that the consultant, Mr. Curtis Row, with Kimley Horn and Associates, was present to answer any questions. He noted that traffic and parking were of particular concern to staff as far as possible impacts to the community, especially considering how remote and inconvenient the public parking is, which could result in many attendees attempting to find close-in parking in City neighborhoods. Mr. Zuccaro stated that staff has asked the applicant to consider public transit options for the event to greatest extent possible to help reduce the parking and traffic impacts. Mr. Zuccaro stated that staff was also concerned that a private vehicle and taxi drop-off location wasn't identified, as there would likely be a high demand for this due to the lack of parking near the event. He continued that the applicant has indicated they are working with St. Mary's on a possible location, but written authorization has not been provided and staff is concerned that school will be in session during the event.

Mr. Zuccaro stated that the Police Department has been working with the event organizers on security and traffic control for the event and Police Commander Patrick Weathers was present to answer any questions. Mr. Zuccaro also noted that South Metro Fire Rescue Authority has been working with the event organizers and staff on emergency medical planning and that a private medical group would also provide services for the event.

Mr. Zuccaro reviewed associated requests by the applicant and displayed diagrams indicating the location of each of the following items which are in addition to the Major Event Permit:

- An increase in the height of the existing driving range fence from 60' to 90' in height in order to accommodate professional golfers.

- A Floodplain Development Permit that would allow temporary structures to be constructed in the floodplain.
- A Wireless Communication Facility to accommodate the television broadcast equipment.

Mr. Zuccaro noted that the City's Floodplain Development Permit requirements include the submittal of documentation related to floodproofing structures in the floodplain to make sure that they are safe an analysis of the impact of those structures on flood elevations on up and down stream properties. Mr. Zuccaro stated that the applicants have not yet provided the required analysis so staff has not been able to make any findings on this portion of the request. Mr. Zuccaro continued that the City Engineer, Mr. Troy Carmann with Icon Engineering, is present to answer any questions.

Mr. Zuccaro stated that the Wireless Communication Facility proposed on the Howard Johnson property has met all criteria with the exception of providing confirmation of setbacks on the property. He continued that the City needs confirmation that the broadcasting equipment meets the accessory structure setbacks for the zone district, which are the minimum needed to meet the permit requirements.

Mr. Zuccaro stated that there is a time constraint related to this request, as the permit needs approval by City Council before staging is set to begin June 1, 2014. He continued that Staff has identified a list of conditions that should be satisfied before the request moves to City Council. He continued that Staff will work closely with the applicant to confirm the conditions are met.

Mr. Zuccaro reviewed each condition, which included the following:

1. Prior to the City Council hearing, the application shall be amended to include a taxi and personal vehicle drop off location within close proximity to the main public entrance to the event. This shall include written authorization from the property owner of the drop off site and amendments to the signage plan for adequate directional signage.
2. Prior to the City Council hearing, signed letters of authorization shall be submitted for all proposed support service sites. (Currently, outstanding support service sites without written authorization include: 3600 S. Clarkson Street; Hackstock Property; St. Mary's Academy; First Plymouth Church; Highline Community Church; Cherry Hills Park Owners)
3. Prior to the City Council hearing, the electrical generator dB level description in the application documents shall be updated to reflect the information in the spec sheets and include the following statement: "Electrical generators shall comply with the maximum noise levels in compliance with Municipal Code Section 7-1-30(4). Any generator found by the City to not be in compliance with this Code Section shall be immediately relocated or shielded so that it is in full compliance with the maximum noise levels."
4. Prior to the City Council hearing, the evacuation plan will be amended to state that the Police or Fire Chief, in consultation with the PGA TOUR, shall have the authority to suspend play and call for an evacuation if deemed necessary to protect public health, safety and welfare.
5. Prior to the City Council Hearing, the Traffic and Parking Analysis shall be amended and additional information supporting the Traffic and Parking Analysis shall be provided to address the following items:
  - a. The traffic and parking analysis should be amended to include the number of shuttle buses provided for each parking area. Although the passenger capacity needed for each parking area is provided, the actual number of buses provided is needed in order to demonstrate that the calculated capacity can be accommodated.

- b. The traffic and parking analysis should be amended to show a 20-foot cone spacing for the bus drop off area on southbound University Boulevard so that personal vehicles are less likely to pull into the drop off area. This was amended in the text of the document but needs to be amended in the exhibits as well.
  - c. The traffic and parking analysis should be amended to include the information that will be distributed to ticket holders related to parking options and should incorporate clear information on alternative transportation options, such as maps and directions to light rail and other public transit near the event, and include the statement "No Parking is Available at or Near the Event."
  - d. The traffic and parking analysis should be amended to include additional information and analysis on the pedestrian queuing and staging areas at the bus loading area along University Boulevard for peak times to ensure adequate capacity.
  - e. The traffic and parking analysis should be amended to evaluate the use of an all-red traffic light signal phase, with eastbound right turn movement out of the Country Club restricted on red, in order to ensure adequate gaps in traffic for the buses to exit.
  - f. Due to the high probability of attendees seeking parking close to the event, staff finds that enforceable no parking zones need to be established throughout surrounding neighborhoods that are within walking distance of the event. The traffic and parking analysis should be amended to include a specific plan for the number of signs, location and spacing, and a timeline for when the signs will be installed and removed. Staff has also requested verification that the event organizers have contracted with a sign company to provide the signage outlined in the final plan as part of the Major Event Permit.
  - g. In order to ensure prompt response to parking violations, staff finds that an on-call tow truck should be provided. The event permit should be amended to reflect that a tow truck service will be provided by the applicant for the duration of the event with a company mutually agreed upon by the applicant and Police Department.
  - h. The E-470/Peoria parking area is located in Douglas County. Staff has requested that written confirmation from Douglas County be provided indicating that they have reviewed and approved of the parking plan within their jurisdiction.
  - i. The shuttle loading area for BMW owners is proposed north of the club along Cherry Hills Drive. Cherry Hills Drive is also designated for deliveries and access to the golf course for caddy parking on the par three course. Cherry Hills Drive is a private road located on a tract owned jointly by all property owners in the subdivision. Use of the road will require written authorization of all owners of the subdivision, which has not yet been provided. Staff recommends as a condition of approval that this written authorization be provided.
6. Prior to the City Council hearing, the signage plan shall be amended to include the following:
    - a. In coordination with CDOT, placement of variable message boards placed along S. University Boulevard prior to the event and the restriping of S. University Boulevard to warn drivers of the anticipated disruptions.
    - b. Directional signage for the as yet to be determined private vehicle and taxi loading area.
    - c. Neighborhood no parking signs, as discussed in more detail under the Parking and Traffic Analysis section.
  7. Prior to the City Council hearing, the applicant shall provide a complete floodplain analysis in conformance with the City's Floodplain Management Regulations found in Municipal Code Sections 16-17-50, 16-17-60 and 16-17-70.
  8. Prior to the City Council hearing, the Johnson Property site plan shall be amended to show minimum setbacks for the television compound broadcast equipment equal to those for accessory structures in the R-3 Zone District (50' front and 25' side and rear setbacks). Other support buildings and equipment may encroach into these setbacks.

Commissioner Blum asked what was the protocol for reimbursement of fees and expenses as requested by the applicant.

Mr. Zuccaro replied that all applicants pay review fees as part of the application process, including those for subdivisions, variances and any City Development application. He stated that Major Event Permits are unique in that the City Council can authorize reimbursement of the permit review fees from the admissions excise tax revenues that the City collects for the event. He continued that the applicant has requested that the City consider using the excise tax revenue to also pay for additional event expenses such as police overtime pay related to the event, restriping of University Boulevard and no-parking sign rental expenses. He stated that historically applicants have paid for any police overtime and other expenses incurred by the City.

Mr. Zuccaro stated that the tournament will have a significant impact on the city and city resources and the excise tax is the only source of revenue. Mr. Zuccaro noted that Cherry Hills Village is unique in that there are no hotels and limited restaurants within the city boundaries and that other Cities hosting similar event would gain tax revenue from those sources.

Commissioner Rubin asked if traffic would be monitored along the major intersections located on Quincy Avenue, University Boulevard and Hampden Avenue. He continued that he is concerned with traffic backing up into neighborhoods.

Mr. Zuccaro replied that the applicant's traffic engineer was present and that he could answer that question in more detail.

Chair Christman asked about any potential conflicts with school drop off and pick up times.

Mr. Zuccaro stated that the question could also be deferred to the applicant.

Chair Christman asked if the church parcel proposed for staging at Clarkson and Hampden was zoned R-1.

Mr. Zuccaro replied that it is zoned R-3.

Chair Christman stated that staging is not part of residential use. She asked if any notices had been posted regarding the use planned on the property.

Mr. Zuccaro replied that the only notices posted were adjacent to the Cherry Hills Country Club.

Chair Christman asked if staging is allowed in residential districts.

Mr. Zuccaro replied that the Major Event Permit allows for property to be used for staging with the written consent of the property owner.

Chair Christman asked what the staging would consist of.

Mr. Zuccaro replied that he understood the property at Clarkson and Hampden was to be used for staging the contrition of temporary structures for the tournaments and that the applicant would need to clarify more specifically how the property would be used.

Chair Christman asked between what hours the staging would be allowed to take place.

Mr. Zuccaro replied that normal construction hours in the City would apply.

Commissioner Blum asked were any fall sports taking place at Kent Denver considered.

Mr. Zuccaro stated that the applicant has received a written authorization from Kent Denver but was not aware of the discussions with Kent.

Chair Christman asked if the structures in the floodplain were temporary in nature and would the floodplain be returned to its original state once they were removed.

Mr. Zuccaro stated that they are waiting for the floodplain report but it is his understanding that everything will be returned to its original state.

Chair Christman asked what type of impact the floodplain has on the St. George's property.

Mr. Zuccaro replied that only portions of the property are in the floodplain but any use of the property in the floodplain will need to be considered in the floodplain report.

Commissioner Blum asked if approval for floodplain development will need to be reviewed by FEMA.

Mr. Zuccaro replied that FEMA does not need to review this type of permit. He noted that the City also has provided the application to Urban Drainage and Flood Control District and they did not voice any objections as long as the City permitting procedures were followed.

Chair Christman asked what a reasonable walking distance to the event is.

Mr. Zuccaro replied that generally speaking  $\frac{1}{4}$  to  $\frac{1}{2}$  mile is considered walking distance to a transit oriented development. The distance from St. Mary's to Cherry Hills Country Club is .7 miles, but attendees would likely be willing to walk farther to the event.

Chair Christman stated that she feels patrons would try to find parking closer and walk two miles or further since the main parking area is located so far away.

Chris Manley, stated his is the representative for the applicant and a member of the Country Club, thanked Mr. Zuccaro for all of his assistance with their application. He stated that the BMW golf tournament is the second oldest tournament in the United States and benefits the Evans Scholarship Fund, which has over 10,000 alumni.

Mr. Manley stated that the potential economic impact to the city is \$400,000 based on anticipated tax revenues, and the economic impact to the Denver area is between 35-50 million dollars.

Mr. Manley stated that he would like to address some of the conditions mentioned in the Staff report. He continued that St. Mary's Academy would be used for drop off for licensed operators only, such as taxis and limousines, and that private vehicles would be directed to Belleview Station to catch the shuttles designated for light rail users.

Commissioner Blum asked if the ADA requirements for parking had been met.

Mr. Manley replied that the church location was the designated handicapped parking location.

Mr. Manley stated that reimbursement of permit fees and additional police department costs would be greatly appreciated.

Mr. Manley displayed a diagram of Cherry Hills Drive. He stated that the committee has met with four of the eight property owners and all four are in support of the traffic plan. He continued that there might not be enough time to get consent from the other homeowners and asked if the City would accept less than 100% authorization from the owners.

Planning and Zoning Commission Meeting

Chair Christman stated that Cherry Hills Drive is a private drive not designed for heavy traffic, and that the homeowners maintain their own road.

Mr. Manley replied that the applicant would cover any restoration costs to the road that were necessary after the event.

Chair Christman asked if the City could authorize use of the private road for this type of event.

Mr. Zuccaro replied that it is an unusual circumstance as many private roads are owned or controlled by their HOA but this road is jointly owned by property owners in the subdivision.

Mr. Manley stated that all structures proposed in the floodplain are temporary in nature.

Mr. Manley stated that the sports events at Kent Denver have been coordinated around the event.

Chair Christman asked about possible interference with school drop off and pick up times.

Mr. Manley replied that the first tee time is at 11:15 am and that most patrons would arrive no earlier than 10:00 am. He continued that the last tee time is at 6:00 pm, and most patrons would stay towards the end of play as it tended to be the better players at those times.

Chair Christman asked if there was an emergency situation, which would be the final authority.

Commander Weathers of the Cherry Hills Village Police Department replied that in case of inclement weather a consensus would need to be reached between the event staff and Chief of Police and Fire Chief. He continued that in the event of an evacuation situation due to an emergency such as a terrorist event the Chief of Police would have the final say.

Commissioner Blum stated that Cherry Hills Drive is private property and that some homeowners may not consent.

Commissioner Rubin stated that it is the applicant's responsibility to make contact with all property owners and show the City evidence of contact.

Mr. Manley replied that information was sent out to all homeowners and the applicant will try again to obtain consent.

Chair Christman asked would there be legal issues with the use of the private road if any homeowners do not give consent.

Deputy Attorney McAskin replied that he believes in the 1940s and 1950s that there was limited public access established on a small portion of the road, but the remainder of the road does not have public access and is privately owned. He stated that a takings claim was unlikely due to the temporary nature of the use of the road. He continued that legal concerns about maintenance issues could be handled in the development agreement.

Chair Christman asked if the agreement would include indemnification for the City.

Deputy Attorney McAskin replied that the agreement is currently being drafted.

Commissioner Jensen asked if there was some type of emergency access easement over the road.

Mr. Zuccaro stated that indemnification for the City could be added as a Commission recommended condition if inclusion of this in the agreement wasn't currently clear. He continued that the road is unique in that it has no access easements that he is aware of.

Chair Christman stated that the City should not impact private property rights. She continued that she has concerns regarding the neighbors near the St. George's property.

Mr. Zuccaro replied that notices can be posted on all the service sites before the City Council hearing.

Commissioner Rubin stated that it is important to know how these residential sites will be used. He continued that they should be used for as short a time as possible, and the City should be informed of what types of operations and equipment will be on the sites.

Commissioner Blum moved to approve the Major Event Permit requested by the Western Golf Association to host the 2014 BMW Championship at Cherry Hills Country Club, and the associated requests for a floodplain development permit and wireless communications facility approval, with approved with the following conditions:

1. Prior to the City Council hearing, the application shall be amended to include a taxi and personal vehicle drop off location within close proximity to the main public entrance to the event. This shall include written authorization from the property owner of the drop off site and amendments to the signage plan for adequate directional signage.
2. Prior to the City Council hearing, signed letters of authorization shall be submitted for all proposed support service sites. (Currently, outstanding support service sites without written authorization include: 3600 S. Clarkson Street; Hackstock Property; St. Mary's Academy; First Plymouth Church; Highline Community Church; Cherry Hills Park Owners)
3. Prior to the City Council hearing, the electrical generator dB level description in the application documents shall be updated to reflect the information in the spec sheets and include the following statement: "Electrical generators shall comply with the maximum noise levels in compliance with Municipal Code Section 7-1-30(4). Any generator found by the City to not be in compliance with this Code Section shall be immediately relocated or shielded so that it is in full compliance with the maximum noise levels."
4. Prior to the City Council hearing, the evacuation plan will be amended to state that the Police or Fire Chief, in consultation with the PGA TOUR, shall have the authority to suspend play and call for an evacuation if deemed necessary to protect public health, safety and welfare.
5. Prior to the City Council Hearing, the Traffic and Parking Analysis shall be amended and additional information supporting the Traffic and Parking Analysis, shall be provided to address the following items:
  - a. The traffic and parking analysis should be amended to include the number of shuttle buses provided for each parking area. Although the passenger capacity needed for each parking area is provided, the actual number of buses provided is needed in order to demonstrate that the calculated capacity can be accommodated.
  - b. The traffic and parking analysis should be amended to show a 20-foot cone spacing for the bus drop off area on southbound University Boulevard so that personal vehicles are less likely to pull into the drop off area. This was amended in the text of the document but needs to be amended in the exhibits as well.
  - c. The traffic and parking analysis should be amended to include the information that will be distributed to ticket holders related to parking options and should incorporate clear information on alternative transportation options, such as maps and directions to light rail and other public transit near the event, and include the statement "No Parking is Available at or Near the Event."

- d. The traffic and parking analysis should be amended to include additional information and analysis on the pedestrian queuing and staging areas at the bus loading area along University Boulevard for peak times to ensure adequate capacity.
  - e. The traffic and parking analysis should be amended to evaluate the use of an all-red traffic light signal phase, with eastbound right turn movement out of the Country Club restricted on red, in order to ensure adequate gaps in traffic for the buses to exit.
  - f. Due to the high probability of attendees seeking parking close to the event staff finds that enforceable no parking zones need to be established throughout surrounding neighborhoods that are within walking distance of the event. The traffic and parking analysis should be amended to include a specific plan for the number of signs, location and spacing, and a timeline for when the signs will be installed and removed. Staff has also requested verification that the event organizers have contracted with a sign company to provide the signage outlined in the final plan as part of the Major Event Permit.
  - g. In order to ensure prompt response to parking violations, staff finds that an on-call tow truck should be provided. The event permit should be amended to reflect that a tow truck service will be provided by the applicant for the duration of the event with a company mutually agreed upon by the applicant and Police Department.
  - h. The E-470/Peoria parking area is located in Douglas County. Staff has requested that written confirmation from Douglas County be provided indicating that they have reviewed and approved of the parking plan within their jurisdiction.
  - i. The shuttle loading area for BMW owners is proposed north of the club along Cherry Hills Drive. Cherry Hills Drive is also designated for deliveries and access to the golf course for caddy parking on the par three course. Cherry Hills Drive is a private road located on a tract owned jointly by all property owners in the subdivision. Use of the road will require written authorization of all owners of the subdivision, which has not yet been provided. Staff recommends a condition of approval that this written authorization be provided.
6. Prior to the City Council hearing, the signage plan shall be amended to include the following:
    - a. In coordination with CDOT, placement of variable message boards placed along S. University Boulevard prior to the event and the restriping of S. University Boulevard to warn drivers of the anticipated disruptions.
    - b. Directional signage for the as yet to be determined private vehicle and taxi loading area.
    - c. Neighborhood no parking signs, as discussed in more detail under the Parking and Traffic Analysis section.
  7. Prior to the City Council hearing, the applicant shall provide a complete floodplain analysis in conformance with the City's Floodplain Management Regulations found in Municipal Code Sections 16-17-50, 16-17-60 and 16-17-70.
  8. Prior to the City Council hearing, the Johnson Property site plan shall be amended to show minimum setbacks for the television compound broadcast equipment equal to those for accessory structures in the R-3 Zone District (50' front and 25' side and rear setbacks). Other support buildings and equipment may encroach into these setbacks.
  9. Prior to the City Council hearing, the applicant shall post signage on all support sites, and provide a definitive plan as to how each support site will be used.
  10. Prior to the City Council hearing, the applicant shall include a statement of indemnification to the City in the agreement between the City and the Western Golf Association.

Commissioner Jensen seconded the motion, which was approved unanimously.

*Agenda Item 4.b. Request by Arapahoe Tennis Club for an Expanded Use Permit to install a Paddle Court and Paddle Hut; a Front-Yard Setback Variance for the Paddle Court and Paddle Hut; and the Addition of Lights to Existing Tennis Courts*  
 Planning and Zoning Commission Meeting

Mr. Zuccaro stated that the Arapahoe Tennis Club is requesting an Expanded Use Permit to install a Paddle Court and Paddle Hut; a Front-Yard Setback Variance for the Paddle Court and Paddle Hut; and the Addition of Lights to Existing Tennis Courts.

Mr. Zuccaro displayed an aerial view showing the Arapahoe Tennis Club and the adjacent properties. He stated that The Arapahoe Tennis Club is zoned O-1, Open Space, Parks and Recreation Area District. Private clubs are an allowed use in the O-1 Zone District provided that such use may only be approved, expanded or increased in accordance with Article XX of the Zoning Ordinance. Setbacks in the O-1 Zone District are 75 feet from the front property line and 50 feet from the side and rear property lines. This setback applies to all structures. The property is 6 acres in size and developed with a 7,668 square foot club house, swimming pool, playground, eight tennis courts, four paddle courts, tennis practice wall and gravel parking lot. The Club has an enrollment maximum of 220 families. Surrounding properties are zoned R-1, 2.5-Acre Residential District.

Mr. Zuccaro stated that the existing paddle courts were granted a setback variance in 1982. He continued that the Planning and Zoning Commission can review and grant variances in conjunction with Expanded Use Permits.

Mr. Zuccaro displayed the lighting plan which the applicant provided. He indicated that the lighting and photometric plans are provided on Sheets 3 and 5 of the site plan. Sheet 3 includes the lighting plans for the paddle courts and Sheet 5 includes the lighting plans for the tennis courts. Lighting cross sections demonstrating sight lines to the light source from adjacent property lines and street right of ways are provided. The lights nearest the adjoining property lines include back-shields to help reduce light levels at the property line and shield the light source from view.

Mr. Zuccaro reviewed the recreational lighting regulations which are contained in Section 16-16-50(5) and include the following requirements: 1) Lights taller than 12 feet in height must be turned off from 11:00 p.m. to sunrise the next day; 2) Lights may not result in a light level greater than 0.2 foot candles measured at an adjoining property lines; 3) Lights with an output greater than 1,800 lumens may only be used if the light source is not visible from adjoining lots or streets.

Mr. Zuccaro stated that Staff finds that requirement No. 1 above is met: All of the proposed lights exceed 12 feet in height and are subject to the time restriction. General Note No. 3 on Sheet 1 of the site plan addresses the requirement that lights need to be turned off from 11:00 p.m. to sunrise the next day.

Mr. Zuccaro stated Staff finds that requirement No. 2 above is met: Photometric plans for each set of lights are provided on Sheets 3 and 5 demonstrating that the 0.2 foot candle limit is not exceeded at any adjacent property line.

Mr. Zuccaro stated that Staff finds that requirement No. 3 above is not met: The cross section does not adequately demonstrate that the light source for the paddle court light nearest to the road will not be visible. Based on the sight line provided, it appears the light source could be visible. A more detailed diagram showing the actual light source within the fixture may help to demonstrate line of sight or other mitigation may be needed to shield the light. If the Commission recommends approval of the proposal, Staff recommends that a condition be included that additional information or an alternative plan be provided so that the light source of the paddle court lights is not visible from the adjacent street.

Planning and Zoning Commission Meeting

Mr. Zuccaro indicated a series of restrictive notes on page one of the site plan:

1. A description of the request.
2. The enrollment policy. Applicant states enrollment is limited to 220 families and will not increase with this expansion.
3. Lighting time limit. The Applicant states all tennis court lighting will be turned off from 11 pm until sunrise each day.

Mr. Zuccaro stated that the Commission has a supplemental memo which includes a letter from the 1960s containing the original proposal for the ATC. Mr. Zuccato noted that the proposal indicated that membership would be limited to 150 families, but that it wasn't clear if this was an original condition of approval.

Mr. Zuccaro stated that staff does not recommend approval of the setback variances. He continued that the applicant has not demonstrated a hardship and there are alternative locations on the property where the development could be accommodated without a variance.

Mr. Zuccaro stated that Staff recommends denial of the proposed Expanded Use Permit based on the lack of justification for the proposed setback variance.

Mr. Zuccaro continued that if the Commission is inclined to recommend approval of the variance and Expanded Use Permit, Staff recommends that the following conditions be part of the recommendation:

1. Prior to the City Council hearing, the applicant shall provide a revised Phase III Drainage Report meeting the City Engineer's conditions.
2. Prior to the City Council hearing, the applicant shall amend the site plan sheets to show the drainage pond location and size of outlet restrictors.
3. Prior to the City Council hearing, the applicant shall amend the lighting plans to provide additional information demonstrating that the light source is not visible from the adjacent street or an alternative design or mitigation shall be provided so that the light source is not visible from the adjacent street.

Commissioner Blum stated that some a homeowner complained about inadequate notification and posting.

Mr. Zuccaro replied that only adjacent property owners receive written notice and the property owner that complained is not adjacent to the property. He continued that all return receipts were verified by the City, a notice was posted and verified with a signed affidavit, and notice of the hearing was on the City website as well as the notice board.

Commissioner Blum asked if the notice could be posted on a trash can.

Mr. Zuccaro replied that as long as the notice is visible from the street it meets the requirements for posting.

Chair Christman asked what the parking requirements are for 220 families.

Mr. Zuccaro stated that parking requirements were not analyzed based on the conditions that the proposal does not increase enrollment at the club and that the expanded use of a paddle court facility is primarily used in the winter, which is off peak from the other club uses.

Chair Christman stated that the Commission needs to be consistent on parking requirements for Expanded Use permits. She continued that the Commission cannot grant something to a private club that would not be granted to a church or school.

Mr. Zuccaro replied that previous applications involved the additions of major assembly spaces which have specific parking requirements.

Chair Christman asked what were the reasons that lights were allowed to be on until 11 pm.

Mr. Zuccaro replied that City code allows recreational lighting 12 ft. high or taller to be in use except between the hours of 11 pm to sunrise.

Chair Christman asked did any of the other private clubs have tennis court lighting.

Mr. Zuccaro replied that he was not aware of any.

Commissioner Jensen asked was there currently lights on the tennis courts.

Mr. Zuccaro replied that the only lights currently were on the existing paddle courts.

Chair Christman asked if there were any other O-1 spaces using lights.

Mr. Zuccaro replied that he was not aware of any.

Don McKenzie, representative and president of the board of the Arapahoe Tennis Club, thanked Mr. Zuccaro for all of his thorough research on their proposal. He stated that the ATC received a very positive response from their mailing and that their notice sign was posted on a tree visible from the road.

Mr. McKenzie continued that the location for expansion that he was proposing was the best for the neighboring properties. He continued that along with the expansion, there are plans for landscaping and maintenance improvements.

Mr. McKenzie stated that it is not the members of the ATC who are littering on Dahlia. He continued that there is a public parking lot on the end of Dahlia and it is active all day with people using the trails.

Mr. McKenzie displayed an image of the ATC property. He indicated the areas of proposed expansion and several alternate locations that were considered. He stated that the proposed location is the least impactful to all neighbors. He continued that the some of the alternate locations would involve removing very mature trees and would not be as aesthetically pleasing.

Mr. McKenzie stated that the ATC keeps records of parking and there are no issues with not having enough parking available. He continued that paddle tennis is a winter sport and the parking lot is less than half full in the winter months and there are only two events a year that they host for paddle tennis where parking also take place in the field north of the parking lot

Mr. McKenzie stated that other nearby jurisdictions do have lights on their tennis courts. He continued that the Denver Country Club is in the process of adding paddle courts.

Mr. McKenzie stated that he has met with the neighbors adjacent to and across the street from the ATC and they have discussed the project, concealing the dumpster and additional landscaping. He continued that the ATC is a good neighbor and no fireworks have been permitted there in decades.

Mr. McKenzie stated that the membership increased from 185 families to 220 families approximately 10 years ago. He continued that the ATC is not in a growth period and there is no new membership planned. He continued that if this proposal is not approved, he would likely come back to request an alternate location.

Chair Christman asked why the lights were on until 11:00 pm.

Mr. McKenzie stated that the ATC follows City regulations regarding lighting. He continued that paddle league play begins at 6:30 and 8:00 pm, and play is typically completed by 10:00 pm.

Mr. McKenzie displayed a photo of what the proposed lights for the paddle court would look like. He indicated that they have a bonnet shield on them.

Chair Christman asked if non-ATC members play in the paddle league.

Mr. McKenzie replied that there are a fixed number of spots in the league and members have first right to those spots. If members do not fill the spots, they open to non-members.

Chair Christman asked about the addition of a new court in relation to number of players.

Mr. McKenzie stated that the new court would be for members only during league play and the maximum impact would be four additional cars.

Chair Christman asked how is additional traffic handled during tournaments.

Mr. McKenzie stated that the ATC has a graded field that is used for overflow parking. He continued that he has never seen parking overflow onto Dahlia St. He continued that events which involve over 100 people, such as weddings, members are asked to use a valet service.

Chair Christman asked why the lights would need to be on until 11:00 pm.

Mr. McKenzie stated that the pool closes at 9:00 pm and they could turn the lights off at 10:00 pm. He continued that the ATC is meeting the City code at this time. He continued that the only courts that would be lit are the two which are closest to the clubhouse and would be least impactful to neighbors.

Chair Christman opened the meeting for public comment.

Dale DeLeo, of 4980 E. Quincy Ave., stated that the noise from the club does not bother him. He continued that the lighting on the tennis courts is not necessary as there are not many people at the club at those times. He also stated that he did not think the lighting requirements would make the lighting useful enough for night play. He continued by saying that it does not appear that landscaping has ever been a priority at the club.

Karyn Bristow, of 5 Blackmer Road, stated that she has met with Mr. McKenzie and Mr. Sheldon and is concerned about the lighting being concentrated to the one area. She continued that she is concerned about the shields over the lights and the general commitment level of the ATC to make general property improvements. She asked if the Commission received her letter and photos.

Mr. Zuccaro replied that no information from her had been received.

Mrs. Bristow showed the Commission photos of the dumpster, landscaping and propane tank. She stated that she is concerned with potential increase in noise levels. She continued to say that the light is disturbing and does not fit into the master plan of the city.

Planning and Zoning Commission Meeting

Bill Schneider, of 11 Blackmer Road, stated that he was not notified of the meeting. He stated that he enjoys the quaintness of the club in his neighborhood, and that surrounding trees tend to soften both sound and light. He stated that he is bothered by the sconces on the front of the main building which seem to shine directly out. He continued to say that his property line is very close to the ATC and he was concerned that an addition would take away from a nice area.

Commissioner Jensen asked Mr. Schneider to indicate his property line in relation to the club, and he did so.

Pam Clute, of 4300 S. Dahlia St, stated that the lights from the ATC have been shining into her second floor bedrooms for 25 years. She stated that the lights and noise are worse in the summer when parties and tournaments are taking place. She continued that an increase in courts will lead to more lighting and noise. She stated that this would affect the quality of life of nearby residents. She stated that she is happy about mitigation of some of the lights and additional landscaping. She also indicated that many of the members are non-residents and add traffic to the City.

Commissioner Blum asked which lights shine in her windows.

Mrs. Clute replied the lights which are indicated on court P4 on the graphic.

Mr. McKenzie replied that the ATC is interested in making all the improvements mentioned but this is about a variance request. He stated that city staff can measure the new lighting after mitigation.

Commissioner Jensen asked if the new courts would require a new propane tank.

Mr. McKenzie replied no.

Mr. McKenzie stated that the property of the ATC is well maintained and well irrigated. He continued that all adjacent homeowners knew the club was in existence when they purchased their homes.

Mr. McKenzie stated that regarding the notification procedures, his staff did exactly as the City requested. He continued to say that there are approximately 111 members of the club that are non-residents and that is a low percentage compared to similar clubs.

Mr. McKenzie stated that if the ATC is granted the setback variance they will move forward with the landscaping improvements. He continued to say that the concentration of lighting will have the least impact as opposed to it being spread over the property.

Mr. McKenzie apologized to Mr. Schneider for not receiving a notification. He continued to say that the ATC would change the sconces on the front of the building.

Mr. McKenzie stated that he was not aware that Mrs. Clute was affected by the existing lights. He stated that those lights would be mitigated.

Mr. McKenzie stated that the additional court would only allow a maximum of four players so light, noise and activity should not be an issue.

Dan. Sheldon introduced himself as a representative of the applicant along with Mr. McKenzie and a member of the club. Mr. Sheldon showed a rendering of the proposed paddle hut and stated that the new hut will actually reduce noise because it will take people inside who would otherwise be on the platforms and playground outside.

Planning and Zoning Commission Meeting

Mr. Sheldon stated that USTA league play starts in one week and there will be an increase of players at the club.

Commissioner Jensen asked what paddle tennis is.

Mr. Sheldon replied that it is a cross between tennis and squash that is scored like traditional tennis.

Chair Christman closed the public portion of the hearing.

Chair Christman asked if the paddle hut was considered an assembly space.

Mr. Zuccaro stated that it was not considered in this case.

Chair Christman stated that this should be considered. She continued that the ATC could not be granted something that was not granted to a church or school in regards to parking.

Commissioner Rubin asked if the court was moved out of the setbacks would the Commission still review the proposal under Expanded Use.

Mr. Zuccaro replied yes.

Commissioner Blum asked if the existing paddle court lighting was grandfathered in.

Mr. Zuccaro replied yes.

Chair Christman stated that if these lights are granted then every private club will ask for lights.

Commissioner Rubin asked if lights are permitted on private courts.

Mr. Zuccaro replied yes.

Chair Christman stated that the proposed tennis court lights were not supported by the City's Master Plan Policies and that other private clubs in the City did not have tennis court lights.

Chair Christman made a motion to deny the proposal by Arapahoe Tennis Club for an Expanded Use Permit for a paddle court and paddle hut expansion and addition of tennis court lights based on the tennis court lights not being consistent with the policies of the City's Master Plan and a lack of justification for the proposed setback variance as outlined in analysis of the variance review criteria in the April 8, 2014 staff memorandum.

The motion was seconded by Commissioner Blum.

The motion passed unanimously.

Commissioner Rubin made a motion to adjourn, which was seconded by Commissioner Blum.

The motion passed unanimously.

### **ADJOURNMENT**

The meeting was adjourned at 9:21 p.m.  
Planning and Zoning Commission Meeting



Laura Christman, Chair



Cesarina Dancy, Community Development Clerk