

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, June 10, 2014 at 6:30 p.m.  
At the Village Center

### **CALL TO ORDER**

Chair Christman called the meeting to order at 6:38 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, and Commissioner David Wyman.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Marcus McAskin, Deputy City Attorney; Troy Carmann, City Engineer; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Commissioner Steve Szymanski and Commissioner Jim Rubin.

### **APPROVAL OF MINUTES**

Vice Chair Savoie made a motion, which was seconded by Commissioner Wyman, to accept the May 13, 2014 minutes as written. The motion passed unanimously.

Commissioner Blum made a motion, which was seconded by Commissioner Wyman, to accept the April 22, 2014 minutes as written. The motion passed unanimously.

### **AGENDA ITEMS**

#### **Request by the Arapahoe Tennis Club for an Expanded Use Permit to Build a Paddle Court and Paddle Hut (Public Hearing).**

Mr. Zuccaro stated that Staff is presenting a request by the Arapahoe Tennis Club for an Expanded Use Permit to build a paddle court and paddle hut. He continued that this is a new application from what the Commission previously heard. He stated that while the paddle court and paddle hut are the same as the original submission, they are in a new location which does not require a setback variance. He continued that the applicant has also removed the request to add additional lighting to the existing tennis courts.

Mr. Zuccaro displayed a vicinity map of the property and indicated that the surrounding residential properties are zoned R-1 residential. He continued that the Arapahoe Tennis Club is zoned O-1, Open Space, Parks and Recreation District. Mr. Zuccaro stated that setbacks in the O-1 district are 75 feet from the front property line and 50 feet from the rear and side property lines.

Mr. Zuccaro displayed a graphic of the Arapahoe Tennis Club property and indicated the proposed location of the paddle court and paddle hut. He continued that the previous application required a setback variance but the current application does not.

Mr. Zuccaro stated that the design of the paddle hut slightly changed from the original application, as the new design includes a rooftop patio and there are additional walkway connections. He continued that the proposed height of the hut is 18 feet.

Planning and Zoning Commission Meeting

June 10, 2014

Chair Christman asked what the total height of the paddle hut is from grade to the top.

Mr. Zuccaro replied that the grade slopes on the property and the center elevation to the top of the lights is 28 feet.

Commissioner Blum asked if there were lights on the existing paddle courts, and were they this same elevation.

Mr. Zuccaro replied that yes the current courts had lights, and that the applicant could confirm the exact elevation, but it appears that they are the same elevation.

Chair Christman asked what is the maximum height for recreation lighting for residential use.

Mr. Zuccaro replied that there is no maximum height. He continued to say that the Code has a requirement which requires any recreational use light over 12 feet in height have time requirements for when it can be in use.

Mr. Zuccaro displayed a graphic which indicated the proposed property improvements by the applicant. He indicated the new landscaping on the west and south sides of the property as well as in the area which houses the dumpster.

Mr. Zuccaro stated that the photometric plans were included with the application and should be added as a note to the development agreement. He continued that the photometric plan includes back screens on the lighting to screen the light sources.

Mr. Zuccaro displayed a graphic which indicated how the proposed landscaping would shield the lighting. He stated that the trees would be 12 and 15 feet tall at planting and would reach 45-60 feet at maturity.

Chair Christman stated it would take many years for the trees to reach maturity.

Mr. Zuccaro replied that the trees on the west side will be 15 feet at planting and will provide an immediate screen. He continued that as they mature, more screening will be provided. He stated that the trees on the south side will be 12 feet at planting and the back shields will also be in place.

Chair Christman asked what amount of screening the trees would provide.

Mr. Zuccaro stated that the applicant provided a line of sight diagram with their application materials and that Staff feels that compliance has been demonstrated.

Chair Christman stated that she did not see how 15 foot tall trees would provide adequate screening, and that there is no way to know what type of screening they will provide in the next 10 years.

Mr. Zuccaro stated that it is difficult to analyze. He continued to say that total screening cannot be guaranteed but that the plans submitted provide acceptable mitigation.

Mr. Zuccaro stated that the only outstanding item from the submittal requirements is the drainage requirement. He continued that the City Engineer has requested additional information of the applicant and that receiving his additional information should be a condition of approval. He stated that Troy Carmann, the City Engineer was present at the meeting and was available to answer any questions.

Mr. Zuccaro stated that Staff is recommending conditional approval with the following conditions: the applicant shall provide a revised Phase III Drainage Report meeting the City Engineer's conditions; and the applicant shall amend the site plan sheets to show the drainage pond volume and size of outlet restrictors.

Chair Christman asked what the parking requirements are in relation to this Expanded Use Permit request.

Mr. Zuccaro replied that the parking study was waived for the first application, and it is waived for the current application. He continued that Staff determined that the paddle hut and paddle court are primarily used in the winter, when the pool and tennis courts are not in use. He continued to say that the parking impact due to the new structures was negligible.

Chair Christman asked how many spaces are currently available.

Mr. Zuccaro replied that there are currently 50 spaces in the gravel lot and 40 spaces in the field located to the north.

Vice Chair Savoie asked if the club owns the field.

Mr. Zuccaro replied yes.

Chair Christman asked how many parking spaces does current zoning require.

Mr. Zuccaro replied that the current conditions were not analyzed for parking.

Mr. Zuccaro continued to say that this is a similar situation to the Expanded Use Permit that Kent Denver applied for when converting a grass field to a turf field. He stated that a parking analysis was not completed at that time.

Don MacKenzie, President of Arapahoe Tennis Club thanked the Commission for their consideration. He introduced Dan Sheldon, head of the Paddle Tennis Committee, and Becky DeCook, attorney for the club.

Mr. MacKenzie stated that the club has had many months of dialogue with the surrounding neighbors, and they are combining the interests and desires of the club with the interests of the neighbors and the City requirements.

Mr. MacKenzie stated that 12 and 15 foot trees are a significant height at planting, and given the fact that some are blue spruce, will grow quickly.

Mr. MacKenzie stated that the maintenance items mentioned by the neighbors are already being worked on. He continued to say that the dumpster enclosure, plantings, and painting are already underway. He stated that the gravel from the parking lot is being shoveled from the road back into the lot weekly, as gravel in the road was listed as a concern by the neighbors.

Mr. MacKenzie stated that all neighbors have been provided with the name and phone number of the club manager in case there are any further concerns. He continued to say that the club has submitted signed letters from the majority of neighbors and the club has addressed 100% of the neighbors' concerns.

Mr. MacKenzie stated that the parking spaces in the field are rarely used except in the case of a large event. He continued to say that the largest party at the club is in the spring, and cars are counted on the half hour. Last year's count had a maximum of 77 cars.

Mr. MacKenzie stated that the occupancy of the pool is 200, and users of the pool are counted on the half-hour as well. He stated that the pool occupancy never gets close to capacity.

Mr. MacKenzie stated that he has reviewed 34 years of minutes of board meetings for the club, and a parking problem has never been mentioned.

Chair Christman asked if the membership could increase.

Mr. MacKenzie stated that the last increase in membership was 10 years ago, when the number of families increased to 225. He continued to say that the current board has no interest in growth, the club is fiscally sound, and there is no intent to change. He stated that the current membership is 217 families.

Mr. Zuccaro stated that Staff had previously recommended that an enrollment limit be included in the development agreement. If the membership increased above 220, the club would need to return to the City to ask for an amendment to the Expanded Use Permit.

Mr. MacKenzie stated that the current bylaws of the club have a maximum membership of 225 families. He continued to say that he was not happy about adding this provision, but would take it into consideration in order to receive the permit.

Vice Chair Savoie asked if there is ever any overflow parking onto the street.

Mr. MacKenzie replied that members only park on the street when the parking lot is being regraded.

Vice Chair Savoie asked if there is ever parking on the street during events.

Mr. MacKenzie replied that the handbook for the club states that members are not to park on the road. He continued to say that visitors rarely park on the street and when they do it is Tenaya, not Dahila.

Vice Chair Savoie asked if "no parking" signs could be installed.

Mr. Zuccaro replied that the impact of adding signs could be analyzed.

Chair Christman stated that it is important to be fair to all applicants in regards to parking. She asked if enrollment was above 220 families would parking still be in compliance.

Mr. Zuccaro stated that the intent of Staff was to limit enrollment. He continued to say that there are no major concerns at this time, but an enrollment increase could trigger traffic issues.

Deputy City Attorney McAskin stated that a note could be added so that an increase in enrollment would require the applicant to apply for an amendment to the Expanded Use Permit. He continued to say that the City Manager and Mr. Zuccaro determine if a parking study is required, and that it should be left to the discretion of Staff to determine if this study is merited.

Chair Christman asked if a simple note could be added to the development agreement.

Deputy City Attorney McAskin stated that the development agreement is between the City Council and the applicant, and an enrollment limit can be set forth in the agreement.

Mr. MacKenzie stated that the parking should be addressed not the membership. He continued to say that by using the calculations outlined in the City Code, they would need 80 parking spots with four persons per vehicle. That would mean attendance at an event would exceed 320

Planning and Zoning Commission Meeting

attendees. He continued to say that an event that size has not occurred there in decades. He also stated that the City Code uses a formula of two parking stalls for every employee which is unnecessary.

Mr. Zuccaro replied that the allotment for employee spots is such as shift and work times often overlap.

Chair Christman stated that the parking regulations have likely never been checked for the club.

Vice Chair Savoie replied that if the parking is not a problem there is no need to do a parking study.

Chair Christman replied that when the parking lot was designed there was never a parking analysis completed.

Vice Chair Savoie stated that if the neighbors are not complaining there is not a problem.

Chair Christman stated that the parking analysis may never be addressed but it needs to at some point. She continued to say that she has personally parked on the street in front of the club, and that visitors may not know the overflow lot is available.

Mr. MacKenzie stated that they are a private club and not an assembly space. He continued that they have approximately 1500 square feet under roof, which would limit any room to assemble. He continued to say that assembly space regulations do not apply to such a small club.

Chair Christman stated that the issue is not the number of members but the number of cars.

Mr. MacKenzie replied that the club could provide signage to direct visitors to the extra parking lot. He continued that this would add additional landscaping and maintenance costs.

Chair Christman asked who is responsible for turning the lights off on the tennis courts.

Mr. MacKenzie stated that the individual players are responsible for turning their court lights off. He continued that the club is considering timers for the court lights.

Mr. Sheldon stated that on page 3 of the resubmittal the applicants included timers to all existing and new courts.

Chair Christman asked if the timers were tamper proof.

Mr. Sheldon replied that the timers have a lock box on them and only the club president and board members have keys.

Commissioner Blum asked if the new lights are the same height as the existing lights.

Mr. MacKenzie replied that they are the same height but are angled so they emit less light.

Mr. Sheldon stated that the measurements in Mr. Zuccaro's staff report were inaccurate. He continued that the total height of the lights is 20 feet, not 28 feet as previously reported. Chair Christman opened the public comment portion of the meeting.

Pam Clute, of 4300 S. Dahlia St, read a letter from her husband who could not attend. Mrs. Clute stated that Mr. Clute feels that the club has ignored their neighbors for 25 years, but appreciates the efforts of the club to make improvements, and that improvements should be made

before a permit is issued. She continued that the lights should be tamper proof and that the noise from the rooftop deck be contained to the inside of the paddle hut.

Karyn Bristow, of 5 Blackmer Rd., stated that she is concerned about the outdoor patio. She continued that the applicant should make improvements before they are allowed to install a new court. She stated that there should be a system in place to ensure all improvements are implemented and that landscaping is very important to her.

Chair Christman closed the public comment portion of the meeting.

Mr. MacKenzie stated that the rooftop deck was part of the original plan, and the only change made was a closed to open railing. He stated that the patio does not even cover the entire footprint of the hut which is 562 square feet.

Vice Chair Savoie asked if there would be lights on the rooftop deck.

Mr. MacKenzie replied that there would only be lights on the staircase, and under the railing. He continued that the deck would primarily be used for viewing and filming tournaments.

Mr. Sheldon stated that the club has started the improvements requested by the neighbors even though the Expanded Use Permit has not been granted. He continued to say that the only lights would be for safety, for example, rope lighting around the base of the deck.

Chair Christman stated that the development agreement would address all issues. She continued to say that there should not be a limit on membership unless there was with the other private clubs.

Mr. Zuccaro replied that there is no enrollment limit with the other clubs that he is aware of. He continued to say that only St. Mary's Academy has an enrollment limit that is related to traffic and parking analyses. He stated that if their enrollment increases by more than 10% of their limit, they are required to come to the City for approval.

Vice Chair Savoie asked what the next step was.

Mr. Zuccaro replied that the Planning and Zoning Commission could approve the Expanded Use Permit with any restrictions to be put in the development agreement between the Commission and City Council.

Mr. MacKenzie stated that any improvements to the club would be maintained.

Chair Christman asked where the lighting would be addressed.

Mr. Zuccaro replied that any lighting would be fully shielded per City Code.

Chair Christman asked could there be restrictions placed on parking, as well as signs directing overflow.

Mr. MacKenzie replied that it is hard to equate attendance to any one event with parking.

Mr. Zuccaro stated that it is easier to enforce the number of cars than the number of attendees to any event.

Commissioner Blum asked where overflow parking would go.

Chair Christman said they could use shuttles to offsite locations.

Planning and Zoning Commission Meeting

June 10, 2014

Mr. Zuccaro asked if the Commission was interested in a membership restriction.

Vice Chair Savoie stated that if the parking was capped membership restriction would not be needed.

Commissioner Blum asked if there was a time restriction on the rooftop deck.

Mr. Mackenzie replied that all lights would be out at 11 pm.

Vice Chair Savoie stated that he was concerned about the noise in relation to the rooftop deck.

Mr. Zuccaro replied that the nuisance ordinance limits noise to 60 decibels at any time of day or night.

Commissioner Blum moved to recommend approval of the request by Arapahoe Tennis Club for an Expanded Use Permit to build a paddle court and paddle hut expansion with the following conditions:

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 volume and size of outlet restrictors.
3. Prior to the City Council hearing, a draft development agreement shall be provided that addresses the following items:
  - a. Those items agreed to by the applicant and outlined as item numbers one through eleven on page three of the June 10, 2014 Letter of Intent.
  - b. Limitation on the lighting for the Paddle Hut to low voltage lighting adjacent to or under the stairs and along the base of the rooftop deck.
  - c. Designation of an overflow parking area to accommodate 40 vehicles in the field north of the existing parking lot, including signage and development restrictions to ensure that the area be reserved for parking.
  - d. Noise limitations reflecting the requirements of Municipal Code Section 7-1-30(4).
  - e. A limitation on events that would exceed a demand for 90 parking spaces and an administrative approval process for special events exceeding a demand for 90 parking spaces if the applicant demonstrates that adequate off street parking can be provided.
  - f. Limitation on use of the Paddle Hut roof-top deck from 11:00 p.m. to sunrise the next day.

Vice Chair Savoie seconded the motion.

The following votes were recorded:

Chair Christman	yes
Vice Chair Savoie	yes
Commissioner Blum	yes
Commissioner Wyman	abstain

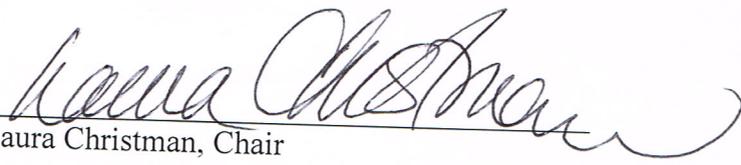
The motion passed.

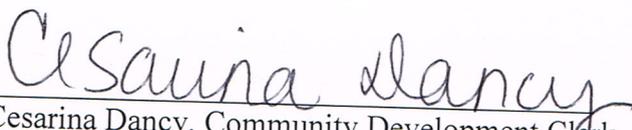
Planning and Zoning Commission Meeting

June 10, 2014

**ADJOURNMENT**

The meeting was adjourned at 7:56 p.m.

  
Laura Christman, Chair

  
Cesarina Dancy, Community Development Clerk