



# Cherry Valley Event Venue Use by Special Review

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BOARD OF COUNTY COMMISSIONERS | AUGUST 9, 2022

File No./Name: US2021-003  
8635 South State Highway 83, Franktown, CO 80116

# Property Owners



## Louie Miller

- Colorado native (Montrose, CO)
- Spent much of early childhood at grandparent's cattle ranch in Nucla, CO
- 27 years in health insurance industry
- Lived in Parker for 25 years
- Moved to Franktown Oct 2019



## Pamela Solly

- Lived in CO since 1980
- Spent most of career in the mining industry
- Experienced business owners
- Married to Louie for almost 35 years
- We have two daughters, ages 23 and 28



*Bank Barn with Gambrel Roof – 1911*





# History of the Property



- Property was settled in 1864 by George Birmingham (signed by President Ulysses S. Grant)
- One of the earliest homesteads in Douglas County, Colorado
- Owner, Clint Whittier, commissioned the construction of the historic bank barn with gambrel roof; construction was completed in 1911
- Long history of dairy farms operated on the property
- The barn was one of the first barns built with a cement foundation to meet new (at that time - 1911) FDA guidelines for dairy farms
- One of Clint Whittier's most notable ancestors is John Greenleaf Whittier, the poet

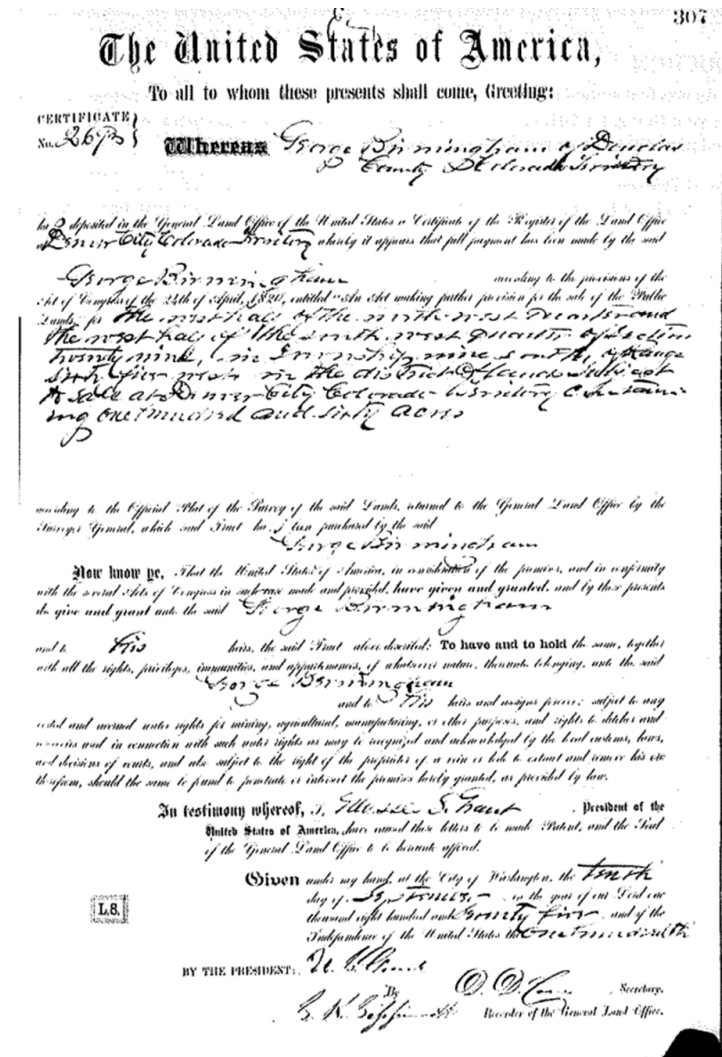


Figure 1 George Birmingham Land Patent

# History of the Property



Figure 6 Clinton Whittier Barn, Photo by Jens Olkjer, 1911, Courtesy of Carl Olkjer

This magnificent barn was a sight to be seen, and it received the attention it deserved. On Saturday, July 15, 1911, a barn dance, and large party took place for the dedication of the barn. The newspaper article on the next page describes this 1911 structural spectacle.



# Strong History of Social Gatherings on the Property



Index to Historical Social Gatherings			
Document	Date	Publication	Description
1	1890 - 1910	DougCO Archives	In 1915 (see Document 8), Clinton Whitter moved the Case Grange and Community Building onto his property. Per this archived document, the Case Grange remained on the property even when Warren O'Brien owned the property.
2	May 09 1902	The Castle Rock Journal	A very pleasant dance was given at the home of Mr. and Mrs. Clinton Whittier last Sunday night. Quite a large crowd gathered, in spite of the threatening weather.
3	Aug 04 1904	The Castle Rock Journal	There was a pleasant little surprise party on Mr. and Mrs. Clinton Whittier [?] on Saturday evening.
4	Jul 23 1909	Elbert County Banner	Mr. and Mrs. Clinton Whittier are entertaining friends from the Springs. The dance at Case Hall was well attended and enjoyed by all Friday night. Good music, and a jolly good crowd was present. - NOTE: The Case Grange was used for many social gatherings of all kinds. Per Document 8 below, Clinton Whittier moved the Case Grange to his property.
5	Nov 26 1910	The Record Journal of Douglas County	Charlie Larson and wife and Andy and wife visited the home folks recently and also took in the "turkey shoot" at Clinton Whittier's Saturday.
6	Jul 21 1911	Elbert County Banner	About 200 attended Clint Whittier's barn dance Saturday night; eleven were out from Denver.
7	Jul 21 1911	The Elbert County Tribune	LARGE CROWDS ATTEND BARN DANCE AT WHITTIER'S RANCH One of most enjoyable events of the [?] was the dance given by Clinton Whittier last Saturday night. The occasion being the dedication of his new barn just completed. People came from all parts of the country not only to dance but to see the finest and largest barn in Eastern Colorado.
8	Apr 30 1915	The Elbert County Tribune	Clint Whittier is moving the Case Hall (Grange Building) to his home ranch this week.





# Strong History of Social Gatherings on the Property



Index to Historical Social Gatherings			
Document	Date	Publication	Description
9	Jul 02 1915	The Elbert County Tribune	The Dutch telephone line held their annual meeting last Saturday at Case Hall. NOTE: Formerly the Case Grange, which Clinton Whittier moved to his property (see Document 8). O. B. Frink, Joe Hagapiel, Clint Whittier and E.J. Morriman were re-elected as directors. An elaborate dinner was spread at the noon hour as the Cherry people know how to entertain. There were 40 autos present and the crowd numbered about 400. In the ball game Case beat Elbert 37 to 0. The dance in Whittier's barn at night was a decided success.
10	Jul 02 1915	The Elbert County Tribune	The game Saturday afternoon between Elbert and Chase at the Clint Whittier ranch, resulted 17 to 9 in favor of Chase. In justice to Elbert we will say that it was not the regular nine that played that day.
11	Jul 02 1915	The Record Journal of Douglas County	Mr. Chas, Montgomery and Modeste O'Brien were the guests of M.E. Pouppirts Saturday. They also attended the dance at Clint Whittier's.
12	Jul 15 1915	The Record Journal of Douglas County	A big dance at Clint Whittier's Saturday night and those present report a very good time. Dietrich's orchestra furnished the music.
13	Jun 30 1916	The Record Journal of Douglas County	The Telephone picnic at Clint Whittier's was a grand success. The ball game between Elbert and Cherry ended in a victory for Elbert the score being 14 to 10. Mr. F.P. Smith was elected President of the Telephone Co.; Mr. Joe Hagapiel, Sect. and Treas. And Mr. Dave Gray Manager.
14	Oct 27 1916	The Record Journal of Douglas County	The cold weather does not seem to cool the enthusiasm of the candidates and people. An exceedingly large crowd attended the Republican Rally at Clint Whittier's Friday night. Every one had a thoroughly good time. About 200 people crowded into Whittier's hall and the interest was very gratifying.
15	Aug 10 1923	The Record Journal of Douglas County	The dance at Clint Whittier's Saturday night was well attended and enjoyed by all. Don't forget the one on this Saturday night, August 11th.
16	Aug 2019	Real Estate Brochure Miranda Washington, MB Home and Ranch	One of a kind Colorado original Homestead! So many possibilities - country retreat, wedding/event venue or home to you and your animals.... See photos from brochure



# Cherry Valley Event Venue Background



- In 1989, Louie had the idea to develop a wedding venue
- Found a property in Arvada, created a business plan and named the project Two Ponds because it had two ponds on the property
- At that time, we were newly married and ultimately didn't feel we had the resources to move forward with the project
- For 30 years we kept the idea alive, but never found the right property
- In summer of 2019, a friend who lives in Franktown told me our property was for sale
- Since Louie always wanted to return to his "country roots" and DougCo allowed event venues on +35 acres, we thought the property was perfect and finally embarked on our journey to develop an event venue
- Ironically, our Franktown property has two ponds on it



# Cherry Valley Event Venue Management Plan Summary



## Hours of Operation\*

Friday 3:00 pm to 11:00 pm  
Saturday 2:00 pm to 11:00 pm  
Sunday 11:00 am to 8:00 pm

## Employees & Event Staff

1 FT and 1 PT Employee  
15 Event Staff (caterers, florist, etc.)  
Owners on site during all events  
Professional beverage service required

## Events and Patrons

Maximum 100 events per year  
150 patrons, including bridal party

## Parking

34 space off-street parking  
3 off-street spaces (2 accessible)  
Parking prohibited on street

## Traffic Controls

37 maximum vehicles per event  
Shuttle bus for 37+ vehicles  
Surveillance video for monitoring  
Annual Report to DougCo

## Noise Limits

40 dB(A) 7:00 am to 7:00 pm  
35 dB(A) 7:00 pm to 7:00 am  
Complies with DougCo A-1 Noise Limits for Event Venues

\*Teardown:

Fri and Sat 11:00 pm to 12:00 am  
Sunday 8:00 pm to 9:00 pm

## Fire Protection

Automatic fire sprinkler system  
FFPD annual site inspections, as necessary per FFPD  
Inspection & permit for tents





# Cherry Valley Event Venue Management Plan Summary (continued)



## **Bus Service PRIOR to Start of Event**

- Each bus = 80 person capacity
- Bus 1 (early bus) picks up at hotel and arrives at CV approx. 1 hr before start of event
- Bus 2 (late bus) picks up at hotel and arrives at CV approx. 30 minutes before event

## **Bus Service AFTER Event**

- Bus 1 (early bus) departs CV approx. 2 – 2 ½ hours before event ends to return guests to the hotel
- Bus 2 (late bus) departs CV venue at the end of the event to return guests to the hotel

## **Bus Log**

- Bus log maintained for each event and made part of the annual compliance report



# Water



- **Previous Augmentation Plan (former property owner)**
  - 12.6 acre-feet per year of not-nontributary Upper Dawson Aquifer ground water
  - For use of 2 single family residents, use in barn, stock watering of large domestic animals, storage, and irrigation of lawn, garden, pasture, hay and trees on property and greenhouses
- **Amended Augmentation Plan (Solly/Miller)**
  - 1.75 acre-feet per year of not-nontributary Upper Dawson Aquifer ground water
  - For use of single family residence, irrigation of lawn, garden and trees, in-building commercial, livestock watering up to 12 large domestic animals, and fire protection through existing well or through new wells.
- **Final Decree**
  - Water Referee signed November 22, 2021
  - Alternate Water Judge signed December 20, 2021
- **New Well Permit Issued**
  - January 5, 2022



# Traffic Safety & Access Permit



***Traffic safety has been a major focus of this proposal.***

## **Background**

- The site access has serviced large events for decades.
- Everyone recognizes that some sections of SH-83 are less safe than other similar highways. CDOT completed a safety study and is now working on design of safety features at select locations. This may include a southbound left turn lane at the site access intersection, to service Lucas Ave. on the east side (only 2 public comment).
- However, the site access intersection does not have a bad crash history. CDOT crash data from 2016-2020 (most current available at the time) showed no “intersection related” crashes at the intersection of SH-83 & Project Access/CR-76 (Lucas Ave). Only 1 crash occurred at the Lucas Ave. intersection. A southbound hit and run driver left the roadway and hit a fence (single vehicle).
- The actual sight distance from the site access exceeds CDOT requirements.
- The applicant has been meeting and coordinating with CDOT and County traffic engineers for the last 18 months. They agree that a new right turn lane would be effective mitigation for the peak event traffic. They agree that event traffic should be monitored to confirm that the proposed event operating plan is working.





# Traffic Safety & Access Permit



## Event Traffic Flow

- Due to the location of major population centers and the hotel partner, it was assumed that 80% of Project traffic would travel to/from the north on SH-83.
- The largest traffic flow would be inbound traffic from the north during the hour before an event starts. (to be mitigated).
- Maximum of 37 vehicles allowed on the property for all events. On average, this would mean one inbound vehicle every 1.6 minutes during the hour of peak inbound flow.
- Event traffic would not overlap with the typical highway peak periods.
- Shuttle Busing provided for events with +37 vehicles.
- Designated on-site parking area (no parking allowed on highway shoulder).



# Traffic Safety & Access Permit



## Traffic Study & Proposed Traffic Mitigation Measures

- TurnKey Consulting prepared a traffic study (3/4/22) per requirements of the State Highway Access Code.
  - Skip Hudson is a licensed professional engineer with 38 years of traffic engineering experience.
  - He served as a CDOT regional traffic and safety engineer for 3 years and served as a statewide traffic and safety engineer for the Federal Highway Administration.
- The Study evaluated future traffic conditions with 20 years of growth based on CDOT traffic data, meaning that existing traffic data was not the basis.
- The peak event traffic flow would be mitigated by constructing a new southbound right turn deceleration lane on SH-83 (800-ft long per CDOT standards).
- The site access would be widened and paved to accommodate larger vehicles.
- Event contracts and attendee information would clearly state the limitations for on-site parking and the shuttle use requirements.



# Traffic Study (Continued)



## Traffic Commitments are Enforceable

- Douglas County's approval (use by special review) is valid for 1 year and it can be revoked if the applicant violates the specific conditions of approval.
- The CDOT Access Permit will include a condition that CDOT has the right to modify or close the access if traffic safety or operational problems arise.

## Compliance & Traffic Monitoring Plan

- Video surveillance equipment will be installed at the site access and used before, during, after every event to monitor traffic in and out of the property.
- This ongoing data would be used to verify the commitments and assumptions used in the traffic study:
  - Number and timing of events per year.
  - Site access traffic volumes by specific movement, timing, direction of travel, and vehicle type.
- The data would be compiled and summarized in a Traffic Compliance Report prepared by a professional engineer. The report would be provided to Douglas County annually.





# Noise Study

## Cerjan Consulting



- **Noise Compliance Considerations**

- The noise assessment was completed by Jeff Cerjan with Cerjan Consulting LLC who has over 22 years of acoustical consulting experience and has conducted numerous acoustical studies for music venues.
- The acoustical modeling software and the applied acoustical propagation standards are both internationally recognized.
- The acoustical model was calibrated to a similar outdoor event venue based on actual measurements of live music.
- The applicable noise level limits for zone A-1 for the venue are 40 dBA (7am to 7pm) and 35 dBA (7pm to 7am) at a location 25ft outside the site property line. Thus, the Event Center is considered compatible in zone A-1 for noise if these limits can be achieved.
- Outdoor noise levels at all surrounding residences were predicted to be less than 30 dBA with a majority below 20 dBA. This range of outdoor noise levels are similar to or quieter than that for an outdoor rural neighborhood at night.



# Our Neighbors to the West

cherry valley  
EVENT VENUE





# Our Neighbors to the North





# Our Neighbors to the East





# Our Neighbors to the South



# Benefits to the Local Communities

- Preserve the history of this amazing barn and pristine property
- Develop a property that Douglas County and local communities can be proud of
- Enable people to enjoy and experience this gem of a property
- Charitable giveback
  - Local schools
  - Churches and others
- Employment opportunities for local communities
- Tax revenue to Douglas County
- Revenue generation for local hotels and restaurants
- Low impact business to our agriculture neighbors





Thank You!

