

RECORD OF PROCEEDINGS

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 23, 2018 at 6:30 p.m.
at the Village Center

Chair Savoie called the meeting to order at 6:33 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chair Peter Savoie, Vice Chair Mike LaMair, Commissioner David Wyman, Commissioner Bill Lucas, Commissioner Doris Kaplan, Commissioner Peter Niederman, and Commissioner Jennifer Miller.

Present at the meeting were the following staff members: Rachel Granrath, Community Development Director; Marcus McAskin, Deputy City Attorney; and Alex Bergeron, Community Development Clerk.

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Commissioner Wyman made a motion, which was seconded by Commissioner Lucas, to approve the following items on the Consent Agenda:

- a. Approval of Minutes – December 21, 2017

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- a. *Proposed amendments to Municipal Code Section 16-20 concerning Expanded Use applications for nonprofit institutions, public facilities, private clubs, public recreational facilities and nonprofit recreational facilities.*

Community Development Director Rachel Granrath introduced the proposal. She explained that the City Council is spearheading the proposed amendments and that they have had approximately four study sessions on the topic.

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Ms. Granrath explained the Expanded Use approval process as it is represented in Article 20 of the City's Zoning Code (noting that it is currently the only method of expanded use approvals) and described the five triggers for initiating that process.

Ms. Granrath explained how the proposed Code revision would create a bifurcated expanded use process: one path for major applications and one for minor applications. She noted that another change would be a pre-application meeting with City staff rather than with the Planning and Zoning Commission as the Code currently prescribes.

Ms. Granrath explained that the Code as currently written does not provide for any regulation over public institutions. She identified Cherry Hills Village Elementary as being such an institution which currently does not need to adhere to the City's Expanded Use process.

Chair Peter Savoie asked if Cherry Hills Village Elementary is the only public institution exempt from the Expanded Use process. Ms. Granrath identified Denver Water as being the only other.

Commissioner David Wyman asked if the City itself is subject to the Expanded Use process. Ms. Granrath replied that City facilities in the C-1 district are exempt, but that the City is not exempt as it relates to parks, trails and recreation facilities.

Ms. Granrath explained that as part of the proposed revision, Expanded Use applications are considered to be major applications unless requested and approved by the City to be a minor application and that the application must satisfy one of three criteria to be deemed as minor application. She added that minor applications, once designated as such, would go through a more streamlined process which does not include a public hearing but rather an administrative approval by the City Manager.

Ms. Granrath outlined current and proposed submittal requirements. She explained how the number of approval criteria would increase from seven to 10.

Vice Chair Mike LaMair said that it is challenging to decipher which language is existing and which is proposed because of how the report is being presented. Ms. Granrath concurred and said that the language has been re-worked so many times that it cannot be neatly redlined for review.

Ms. Granrath identified proposed changes for the conditions of approval.

Vice Chair LaMair asked if all the conditions of approval need to be complied with. Ms. Granrath replied that they are options rather than criteria and are to be considered on a case-by-case basis per the relevancy to an application and proposed scope of work.

Commissioner Jennifer Miller asked why the language limits the authority of the Planning and Zoning Commission. Deputy City Attorney Marcus McAskin replied that they are not eliminating authority and explained that because of the way the Code is currently written, the Boards of Directors of public institutions are able to overrule decisions of this Commission, and that the changes strengthen the City's ability to enforce its own rules.

Commissioner Miller proposed adding language that allows the Planning and Zoning Commission to review minor applications instead of just the City Manager. Vice Chair LaMair agreed, and proposed a notification provision so that the Commission is made aware of minor applications.

Chair Savoie asked for recent cases which came before the Commission to be classified as major or minor applications to clarify the scope of those classes. He concluded that there does not appear to be much changing because so many applications appear to be classified as major applications. The Commissioners discussed the topic.

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Commissioner Doris Kaplan asked what the difference in fees would be between a minor and major Expanded Use application. Ms. Granrath replied that any differences have not yet been established and that is something which is done by City Council resolution. Commissioner Kaplan asked if any fee differences would represent an incentive for applicants to seek a certain application classification. Ms. Granrath replied that the classifications inherently incentivize because major applications require more action on the part of the applicant and agreed that it would be clear if an application would represent a major or minor project.

Commissioner Miller expressed her view that minor applications could rapidly develop into major applications and that a vetting process should be in place so that residents feel that they are being heard.

Vice Chair LaMair asked for clarification on who is driving the changes and for what reason. Ms. Granrath replied that City Council is interested in being able to have a clearer process and procedure for Expanded Use applications as well as clear conditions and regulations in order to reach a development agreement with the applicant. She assured the Commissioners that any and all input from them is welcomed and offered to set up a study session with City Council.

Commissioner Wyman inquired about the definitions of key terms of the language. Chair Savoie agreed that some terms as written appear to be ambiguous and subjective, and Commissioner Kaplan concurred. The Commissioners discussed the topic.

Commissioner Peter Niederman made a motion, which was seconded by Commissioner Wyman, for members of the Planning and Zoning Commission to have a study session with the City Council with the Commissioners first receiving documentation outlining the Code as it exists and as proposed.

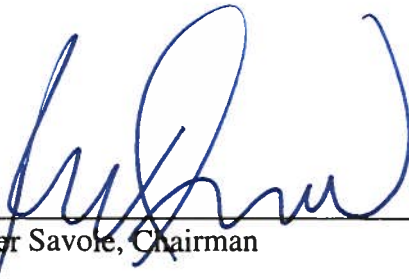
The motion passed unanimously.

REPORTS

Ms. Granrath informed the Commission that a RFP was issued for professional services to assist in the Municipal Code Modernization project.

ADJOURNMENT

The meeting was adjourned at 7:29 p.m.


Peter Savoie, Chairman


Alex Bergeron, Community Development Clerk