

**CHERRY HILLS VILLAGE**  
**COLORADO**

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
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Village Center  
Telephone 303-789-2541  
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**City Council Agenda**  
Tuesday, May 5, 2015

6:30 p.m.

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Audience Participation Period (limit 5 minutes per speaker)
5. Consent Agenda
  - a. Approval of Minutes – April 21, 2015
  - b. 2014 Audit
6. Items Removed From Consent Agenda
7. Unfinished Business
  - a. Public Hearing – Council Bill 6, Series 2014; Proposed Amendment to Municipal Code Section 16-20-10 Establishing Expanded Use Review Criteria (*Public Hearing and second and final reading*)
8. New Business
9. Reports
  - a. Mayor
  - b. Members of City Council
  - c. Reports from Members of City Boards and Commissions
  - d. City Manager and Staff
  - e. City Attorney
10. Adjournment

Notice: Agenda is subject to change.  
If you will need special assistance in order to attend any of the City's public meetings, please notify the City of Cherry Hills Village at 303-789-2541, 48 hours in advance.

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 21, 2015 at 6:30 p.m.  
At the Village Center

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

**ROLL CALL**

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Alex Brown, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Special Projects Coordinator Emily Kropf, Accounting Clerk Jessica Sager, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Laura Smith.

Absent: none

**PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

**AWARD PRESENTATION**

Mayor Pro Tem A. Brown explained that Council appreciated City Manager Patterson's increased emphasis on professional development and training for City staff. He noted that this was seen in the certification of departments, training on and off site, and attendance at conferences. He congratulated City Manager Patterson on recently completing the International City and County Managers Association Certification Program and presented him with an award of recognition.

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

Mayor Pro Tem A. Brown removed Item 6e from the Consent Agenda.

Mayor Pro Tem A. Brown moved, seconded by Councilor Griffin to approve the following items on the Consent Agenda:

- a. Approval of Minutes – April 7, 2015
- b. Resolution 12, Series 2015; Amending Resolution 10, Series 2015 and Concerning the Appointment of Members to the Quincy Farm Committee

- c. Contract for Services with A-1 Chipseal for the 2015 Chip Seal CIP Program
- d. Contract for Services with A-1 Chipseal for the 2015 Slurry Seal CIP Project

The motion passed unanimously.

### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **Colorado Department of Local Affairs Broadband Grant**

Deputy City Manager/Director Goldie explained that the Utility Line Undergrounding Study Committee (ULUSC) and City staff often receives notices of grants. Staff recently received notice from the Colorado Department of Local Affairs (DOLA) for an initiative to expand regional broadband planning efforts. Staff has been in contact with DOLA's Regional Field Manager and has been told that although this grant is intended for rural areas with poor broadband connection the City's proposed project may qualify for funding due to its low density and potential regional impact for the South Metro area. The City Engineer has put together a cost estimate for the study. If the grant is approved staff would return to Council with a request for a supplemental appropriation for the matching funds and also conduct a Request for Proposals for the project work.

Mayor Pro Tem A. Brown asked if ICON Engineering had experience with this type of project in other communities.

Deputy City Manager/Director Goldie replied that designs for broadband systems had been a part of past projects for ICON Engineering.

Mayor Pro Tem A. Brown asked if Council would be required to approve the matching funds.

Deputy City Manager/Director Goldie replied they would not.

Mayor Christman asked about the cost estimate.

Deputy City Manager/Director Goldie replied that the cost estimate had come from ICON Engineering.

Mayor Christman asked if the project would provide broadband to all residents.

Deputy City Manager/Director Goldie replied that this project was just for the broadband backbone which would allow private companies to connect to residences.

Mayor Pro Tem A. Brown asked if the connections to residences would be fiber or wireless.

Deputy City Manager/Director Goldie replied that that would depend on the individual provider.

Mayor Pro Tem A. Brown noted that the application referenced the possible November 2015 election.

Councilor Hoellen suggested that reference be removed as it associated the study with the election which was an inaccurate association.

Mayor Christman noted that the statement that the project will benefit all residents was inaccurate as well.

Councilor Hoellen suggested that "all" be removed.

Deputy City Manager/Director Goldie explained that a project to deliver broadband directly to all residents would be much more expensive than the proposed project.

Mayor Christman asked where the broadband backbone would be located.

Deputy City Manager/Director Goldie replied that the location was currently unknown and that was what the study would determine.

Mayor Christman noted that the backbone might or might not follow the undergrounding of utility lines.

Councilor Hoellen asked why the map of overhead lines was included in the proposal.

Mayor Pro Tem A. Brown suggested using a generic map of the City instead so as not to distract from the grant application.

Mayor Christman asked what would happen to the grant money if the grant was approved but Council did not approve the matching funds.

Deputy City Manager/Director Goldie replied that the City would not receive the grant money if Council did not approve the matching funds.

Councilor Gallagher asked when the City would know if it had received the grant.

Deputy City Manager/Director Goldie replied that it was a rolling timeline.

Special Projects Coordinator Kropf added that to her knowledge the turnaround time might be as short as 30 days.

Deputy City Manager/Director Goldie noted that the grant application required permission from the governing body and that the governing body could rescind the application.

Mayor Christman expressed concern that if the Council was not willing to approve the matching funds that the City should not apply for the grant in the first place.

Councilor Hoellen indicated that if Council was willing to consider the study that the grant should be applied for now and if the City was awarded the grant the Council could evaluate at that time if the matching funds were available.

Mayor Pro Tem A. Brown noted that Council had encouraged staff to apply for grants and that the information from the proposed study would be valuable for various future projects. He asked about the matching funds for the project cost versus the contingency funds.

Deputy City Manager/Director Goldie replied that the matching funds would consist of \$15,000 for the consultant fees and \$7,500 for the project contingency.

Mayor Pro Tem A. Brown indicated he was glad ICON Engineering had experience with these types of proposals.

Mayor Pro Tem A. Brown moved, seconded by Councilor VanderWerf to approve Item 6e.

The motion passed unanimously.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **Resolution 14, Series 2015; Rescinding Outdated or Inapplicable Policies**

Special Projects Coordinator Kropf explained that during the 2014 City Council retreat, staff was asked to compile a comprehensive list of policies that have been previously approved by City Council. Based on a review of minutes from the 1960's to present, staff had compiled a list of policies to rescind, update or adopt. Staff had reviewed the list of items to determine if each policy reflects current standards. The list of City policies that would remain in effect if all updated or new policies are approved was included as Exhibit B to the staff memorandum. Resolution 14, Series 2015 would rescind fourteen policies as outlined in the staff memorandum and in the proposed resolution.

Councilor Hoellen asked if any policies from the original list that could not be found did not need to be officially rescinded because they had not existed in the first place.

Special Projects Coordinator Kropf confirmed that was correct and the policies proposed to be rescinded by Resolution 14, Series 2015 had at some point been formally adopted by Council.

Mayor Christman asked about the policies labeled as "N/A" on the updated list of City Policies included as Exhibit B.

Special Projects Coordinator Kropf replied that staff had no suggested changes to those policies and they would remain in effect as is.

Deputy City Manager/Director Goldie noted that staff had one change to the proposed resolution and that was the removal of number 8, Designation of Park and Trail Committee as City's Tree Board, which staff did not wish to rescind but rather to amend. He explained that this policy was regarding Tree City USA which the City was very involved in and staff would bring an amended version to a future meeting for Council's consideration.

Mayor Christman asked if a Tree Board should be appointed.

Deputy City Manager/Director Goldie replied that the Parks, Trails and Recreation Commission (PTRC) served as the City's Tree Board and the amended policy would clarify that role. He indicated that the Tree Board had one annual task and most of the work was done by the City's Parks, Trails and Recreation Administrator Ryan Berninzoni who presented an annual review to the PTRC.

Councilor Griffin indicated he appreciated seeing the policy regarding Election Issues and Public Comments at Council Meetings being rescinded.

Councilor Griffin moved, seconded by Councilor VanderWerf to approve Resolution 14, Series 2015, as amended deleting item number eight, rescinding outdated or inapplicable policies as proposed in Exhibit A of the April 21, 2015 staff memorandum.

The motion carried unanimously.

Resolution 15, Series 2015; Amending and Reaffirming Council Policies Concerning Investments, Council Rules of Procedure, Council Liaison Program, and Communications

Special Projects Coordinator Kropf explained that some of the existing policies required minor modifications to accurately reflect the City's current standards, and that Resolution 15, Series 2015 proposed amendments to four of the City's policies as outlined in the staff memorandum and proposed resolution.

Mayor Christman asked Council for their opinions on the Investment Policy.

Councilor Griffin replied that he had reviewed the Investment Policy and was comfortable with the amendments.

Director Proctor noted that staff had used the sample from the Colorado Government Finance Officers Association as a template.

Councilor Hoellen indicated that the investment policy provided guidelines if and when the City decided to pursue an optimal investment strategy and earn more than nominal returns, and that to date they had only invested in very low return, very safe investment instruments that provided a nominal return. He noted that policies obviously apply whether an activity is underway or not, but since the City was not currently investing in anything other than CDs and Colotrust, the policy guidelines weren't relevant at this time.

Councilor Gallagher asked if the City has ever had an investment advisor.

Director Proctor replied that they had not.

Mayor Christman noted that the policy authorizes the City to have an investment advisor.

Director Proctor confirmed that the policy allows the City to have an investment advisor.

Councilor Griffin noted that because of the fees associated with an investment advisor and current interest rates the net return would likely be negative.

Mayor Christman indicated that Council had discussed the other policies during various study sessions.

Councilor Griffin moved, seconded by Councilor Gallagher to approve Resolution 15, Series 2015, amending and reaffirming City Council policies concerning investments, rules of procedure, liaison program and communications as proposed in Exhibit A of the April 21, 2015 staff memorandum.

The motion carried unanimously.

#### Resolution 16, Series 2015; Adopting Customer Service Standards for Cable Operators

Special Projects Coordinator Kropf explained that in 1994 the City adopted customer service standards for cable operators in accordance with the then existing cable franchise agreement between the City and Comcast. The standards were adopted in an effort to assist residents who were having problems with cable providers. The most recent franchise agreement was approved in 2002 and stated that the grantee shall comply with such standards. In 2013 the Colorado Communications and Utility Alliance (CCUA) released new customer service standards and encouraged communities to adopt the updated version to account for recent changes in technology. Staff has been

in contact with Comcast to report the proposed changes and has not received any comments or concerns. The City Attorney reviewed the recommended customer service standards and provided a summary of the revisions from the 1994 version compared to the current standards.

Councilor Hoellen noted that Section 1.18 of the franchise agreement required Comcast to comply with City-adopted customer service standards which the City can amend from time to time.

Special Projects Coordinator Kropf confirmed that was correct.

Councilor Hoellen noted that the cost of compliance was usually passed down to the customers.

City Attorney Michow asked if the City had a record of customer complaints against Comcast.

Special Projects Coordinator Kropf replied that staff had not found any record of complaints.

Mayor Christman asked if the issue regarding average time to answer a call had been resolved.

City Attorney Michow replied that she was not sure but could get that information for Council.

Mayor Christman suggested that the number of complaints might be low because residents were not aware of their rights. She indicated that the 2013 standards included significant rights. She asked staff to publicize the standards in the Village Crier and on the City website.

Councilor K. Brown noted that the standards applied to cable only.

Mayor Pro Tem A. Brown noted that he had not known about the minimum burial depth for cables and agreed that publicizing the standards was important.

Councilor Griffin asked if the City could require Comcast to provide a la carte pricing.

City Attorney Michow indicated that question would be best referred to Ken Fellman as the City's legal advisor on the CCUA. She noted that she would follow up with Mr. Fellman.

Councilor Hoellen asked if the definition of cable service was found in the State statute since it was not included in the proposed standards, and if the standards would apply to satellite providers.

City Attorney Michow replied the definition was in State statute and only applied to service in the rights-of-way and not to satellite providers.

Mayor Pro Tem A. Brown moved, seconded by Councilor Griffin to approve Resolution 16, Series 2015, adopting customer service standards for cable operators as proposed in Exhibit A of the April 21, 2015 staff memorandum.

The motion carried unanimously.

#### Resolutions 17-22, Series 2015; Adopting New City Policies

Special Projects Coordinator Kropf explained that in staff's review, it was noted that certain topics had not been previously addressed through written policy. Resolutions 17 through 22, Series 2015 proposed several new policies or major revisions to existing policies to address these outstanding issues.

Councilor VanderWerf asked about the last bullet point in the Utility Undergrounding Policy, Resolution 18, Series 2015.

Deputy City Manager/Director Goldie explained that the City could use the 1% Xcel Fund for public utilities but not for undergrounding utilities on private property, so the policy was important in order to encourage undergrounding on private property. He noted that the policy would most likely be used when an HOA or group of neighbors wanted to set up a Special Improvement District in order to underground utilities and the City would pay a portion of the cost, up to 50% up to \$500 per household. He indicated that \$500 was the number from the old policy and that would not pay for very much based on current cost estimates, but it was important to have a limit since the cost was so high. While homeowners could apply for help from the City, the City did not have to approve every request.

Mayor Christman asked if the policy created an unreasonable expectation that the City would pay.

Deputy City Manager/Director Goldie indicated that the policy allowed for up to \$500 per household.

Mayor Christman indicated that the section should be reworded to clarify that the maximum was \$500.

Mayor Pro Tem A. Brown noted that this was the same as the current policy which had been adopted in 1994.

Councilor K. Brown asked if this fund was for undergrounding the poles or the service to the house.

Deputy City Manager/Director Goldie replied that this was for the service to the house and the poles if they were on private property. He added that undergrounding of poles could be funded by the 1% Xcel Fund if they were located in the public right-of-way.

Mayor Christman indicated that this policy might be inconsistent with the policies just passed by the Council. She expressed concern with number 2 of the policy which allowed for use of public funds to pay for undergrounding of private service lines.

Deputy City Manager/Director Goldie explained that the section allowed for the City to move or underground a private pole depending on the situation and the broader public benefit.

Mayor Christman questioned the necessity of the section.

Councilor K. Brown indicated that it was important for the City to have criteria outlined for when it might be appropriate for the City to underground private lines because residents might question the decision.

City Attorney Michow indicated that the section was discretionary.

Mayor Pro Tem A. Brown added that the public benefit would determine the use of public funds.

Mayor Christman expressed concern that public funds could be used to underground private lines but that there were no cost amounts included in the section.

Councilor Hoellen indicated that the ULUSC would present its report to Council in June and that report would include cost amounts.

Mayor Christman expressed concern that some property owners would benefit and others would not.

Councilor Hoellen replied that Mayor Christman's questions were well founded and the issue of fairness had been much discussed by the ULUSC.

Deputy City Manager/Director Goldie added that this section of the policy had been well vetted by the ULUSC and it was not the intent of the policy to write a blank check for undergrounding of private lines. Rather it gave the City the ability to complete a project under particular circumstances.

Mayor Christman asked if approval by Council would be required.

Deputy City Manager/Director Goldie replied that staff would keep the Council well informed of projects and progress.

Councilor Hoellen indicated that it was impossible for any undergrounding projects to go forward without Council's approval because of the cost.

Deputy City Manager/Director Goldie agreed.

Mayor Christman expressed concern with fairness.

Councilor K. Brown indicated that everything the City does benefits some residents more than others, for example maintenance of the horse arenas benefited equestrians more than non-equestrians. She added that the Council needed the flexibility and ability to consider use of public funds in relation to undergrounding.

Mayor Christman noted that many residents had already paid to underground their utilities and now the City might pay to underground other residents' utilities. She expressed concerns with fairness and disclosure. She indicated that the City had to make clear where residents' tax money was going.

Councilor Hoellen indicated that full transparency and disclosure was very important to the ULUSC.

Mayor Christman asked about the first point in section 3 of the policy stating that the City will support the formation of Special Improvement Districts, and the third point which stated that the City will assist in the coordination and collection of taxes once a district is legally formed.

Mayor Pro Tem A. Brown indicated that the City currently did this for Special Improvement District Number 7.

City Attorney Michow added that the City was required to do so under State statute.

Mayor Christman asked in relation to the Council Member Attendance at Commission Meetings Policy if Council members could attend meetings so long as they leave before a quasi-judicial matter begins.

City Attorney Michow confirmed that was correct.

(i) Resolution 17, Series 2015; Amending and Restating the City's Purchasing Policy

Councilor VanderWerf moved, seconded by Mayor Pro Tem A. Brown to approve Resolution 17, Series 2015, updating the Purchasing Policy as proposed in Exhibit B of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(ii) Resolution 18, Series 2015; Adopting the City's Utility Undergrounding Policy

Councilor VanderWerf moved, seconded by Mayor Pro Tem A. Brown to approve Resolution 18, Series 2015, adopting a Utility Undergrounding Policy as proposed in Exhibit C of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(iii) Resolution 19, Series 2015; Adopting the City's Check Controls Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 19, Series 2015, adopting a Check Controls Policy as proposed in Exhibit D of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(iv) Resolution 20, Series 2015; Adopting the City's Council Member Attendance at Commission Meetings Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 20, Series 2015, adopting a Council Member Attendance at Commission Meetings Policy as proposed in Exhibit E of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(v) Resolution 21, Series 2015; Adopting the City's Candidate Forum Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 21, Series 2015, adopting a Candidate Forum Policy as proposed in Exhibit F of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(vi) Resolution 22, Series 2015; Adopting the City's Fund Balance/Finance Reserve Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 22, Series 2015, adopting a Fund Balance/Finance Reserve Policy as proposed in Exhibit G of the April 21, 2015 staff memorandum.

The motion carried unanimously.

Resolution 23, Series 2015; Application for a Transfer of Ownership for a Hotel and Restaurant Liquor License at 1400 E. Hampden Avenue Suite 100 for G4 Alliance LLC DBA South Philly Cheese Steaks

City Clerk Smith presented the application for a transfer of ownership from G4 Alliance LLC DBA South Philly Cheese Steaks. She noted that the applicant, Mike Gelinas, was present to answer any questions from Council. She indicated that staff including City Attorney Michow and the Police Department had reviewed the application and background materials and found that all requirements in the City Code and State statutes had been met. She stated that staff recommended approval of the application.

Mayor Christman asked Mr. Gelinas if the Mayor of Englewood was a good friend of his.

Mr. Gelinas replied that was correct.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve Resolution 23, Series 2015; A Resolution Approving the Application for a Transfer of Ownership for a Hotel and Restaurant Liquor License as Requested by G4 Alliance Inc. DBA South Philly Cheese Steak at 1400 East Hampden Avenue Suite 100 in the City of Cherry Hills Village.

The motion carried unanimously.

## **REPORTS**

### **Mayor's Report**

Mayor Christman noted that the Council Retreat would be held on Saturday May 2<sup>nd</sup> at the Kent Denver Cafeteria from 8:30 a.m. to 2:30 p.m. and would be catered. She indicated that Kent Denver had offered to let the Council use the room for free but in order to avoid any future perception of inappropriateness she suggested paying \$100 for use of the facility. She explained this cost was consistent with rental fees at other facilities. She indicated that the main thing to be discussed at the Retreat was the City's Mission Statement and that City Manager Patterson had staff comments for Council to consider. She explained that the conversation would also deal with City priorities, use of funds, various funding options, and long term planning.

Mayor Christman reported that the Scientific and Cultural Facilities District had asked for the City's support on their reauthorization and City Clerk Smith had drafted a letter for Council to sign if they agreed.

Mayor Christman reported that the City's offer on a property had not been accepted but the sale of the property had not yet closed. She added that she had been busy discussing open space with residents.

### **Members of City Council**

Councilor Gallagher apologized that he would miss the May 2<sup>nd</sup> Council Retreat but he had a unique family opportunity. He indicated that he would meet with Mayor Christman prior to the retreat to give her his input.

Councilor Griffin reported that he had met, along with PTRC Commissioner Rob Ganger and Mr. and Mrs. Abrams, with several concerned neighbors from the north side of Cherryridge who had expressed that they felt their concerns were not adequately addressed by the John Meade Park Master Planning consultants. He had advised them to attend a City Council or PTRC meeting to express their concerns. He also reported that he was pleased to be moving forward with the creation of the Cherry Hills Village Police Foundation, a private foundation to promote public safety by providing educational programs, to include scholarships, providing equipment, support and assistance to the personnel and families of the City of Cherry Hills Village Police Department, and in promoting public safety and the facilitation of improved community based law enforcement services. He noted that he was working on this project with the Mayor, City Manager, Chief, and Russell Stewart, who had offered to do the legal work pro bono. He invited the other Council members to participate.

Mayor Pro Tem A. Brown had no report but noted he was not able to attend the May 5<sup>th</sup> meeting.

Councilor VanderWerf reported that the next two artists to have art displays in the Community Room would be Bette MacDonald and Jerry Lemon, both residents. She commended everyone who had worked on the Policy Log and thanked staff especially for their efforts.

Councilor Griffin recognized Special Projects Coordinator Kropf for her work.

Councilor K. Brown reiterated the commendation for the extraordinary work involved in the Policy Log.

Councilor Hoellen thanked Special Projects Coordinator Kropf and the other staff members who had worked on the Policy Log.

### **Members of City Boards and Commissions**

None

### **City Manager & Staff**

City Manager Patterson reported that Department Monthly Reports and Unaudited Financial Statements were included in Council packets; the John Meade Park Master Planning process was progressing and the next public input meeting was scheduled for Thursday June 11<sup>th</sup> at 5:30 p.m. tentatively in the Joint Public Safety Facility; the Police Department was undergoing a complete IT system upgrade; Public Works and Park staff were gearing up for summertime operations; the City now had online payments set up for Court tickets thanks to the hard work of Accounting Clerk Jessica Sager; Director Zuccaro was attending the annual American Planners Association meeting in Seattle; the City's IT providers, Technetronic Solutions, would no longer be providing support

services so City staff was meeting with the suggested new providers and would work on a Request for Proposal for IT services; the Administration Team would be going to lunch on Thursday at the Cherry Hills Country Club for Administrative Professionals Day; three new Police Officers and one new Sergeant would be sworn in at 3pm tomorrow, as well as a presentation for John Bayman who had transferred from an officer position to Code Enforcement/Stormwater; he had placed a draft memo regarding long range issues for the City for Council to consider in relation to the Council Retreat discussions; he thanked Council for their support of the Policy Log project and thanked Special Projects Coordinator Kropf for the marvelous job she had done on the project.

Councilor Griffin asked if the HVAC system in the Council Chambers could be improved.

Deputy City Manager/Director Goldie replied that he would work on that.

#### Planning and Zoning Commission Vacancy

City Clerk Smith explained that there was a vacancy on the Planning and Zoning Commission and asked for Council direction.

Council directed staff to advertise the position on the City's website and in the next issue of the Crier as well as determine if past applicants were interested in reapplying.

#### **City Attorney**

City Attorney Michow had no report.

#### ADJOURNMENT

The meeting adjourned at 8:01 p.m.

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Laura Christman, Mayor

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Laura Smith, City Clerk

CHERRY HILLS VILLAGE  
COLORADO

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

ITEM: 5b

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MEMORANDUM

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**TO:** HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

**FROM:** KAREN PROCTOR, DIRECTOR OF FINANCE AND ADMINISTRATION

**SUBJECT:** THE 2014 AUDITED FINANCIAL STATEMENTS

**DATE:** MAY 05, 2015

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**ISSUE:**

Section 3.10 of the Charter requires that each year the City of Cherry Hills Village has an independent audit of the financial affairs of the City performed by a certified public accountant, experienced in municipal accounting.

**DISCUSSION:**

On tonight's Consent Agenda for approval by the Council is the *Audit of the Financial Statements of the City of Cherry Hills Village as of and for the year ended December 31, 2014*. The audit was completed by John Cutler & Associates. Attached you will find copies of the audit and an unqualified audit letter. To quote John Cutler & Associates Report:

"In our opinion, the financial statements...present fairly, in all material respects, the respective financial position of the government activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Cherry Hills Village, Colorado, as of December 31, 2014, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America."

**STAFF ANALYSIS:**

Staff has provided a Management Discussion and Analysis at the front of the audit. The financial highlights for 2014 include:

- The assets of the City of Cherry Hills Village exceeded its liabilities at the close of fiscal year 2014 by \$34.0 million (net position). Of this amount, \$15.8 million (unrestricted net position) may be used to meet the City's ongoing obligations to citizens and creditors.

## CITY OF CHERRY HILLS VILLAGE

- At the close of fiscal year 2014, the City of Cherry Hills Village governmental funds reported combined ending fund balances of \$16.6 million, an increase of \$1,534,036 in comparison with the prior year. Approximately 47% or \$6.5 million is available for spending at the government's discretion (unassigned fund balance).
- At the end of the fiscal year 2014, fund balance for the General Fund was \$6.8 million and the Capital Fund was \$6.8 million.
- General Fund (combined with the Capital Fund) actual revenues exceeded budgeted revenue by \$1,013,495 for the fiscal year 2014 and actual expenditures were \$839,740 less than budgeted expenditures.

Governmental Accounting Standards Board Statement 54 was adopted by the City in 2011. This standard clarified the definitions of governmental fund type, requiring the Capital Fund to be combined with the General Fund in the Financial Statements. However, staff will continue to account for and show the General Fund and Capital Fund separately in any monthly financial reports.

John Cutler from John Cutler & Associates will be in attendance at the meeting. Should Council desire to pull the audit from the Consent Agenda, staff and/or John Cutler can address any questions you might have.

### **RECOMMENDED MOTION:**

"I move to approve the *Audit of the Financial Statements of the City of Cherry Hills Village as of and for the year ended December 31, 2014.*"

### **ATTACHMENTS:**

Exhibit A: The 2014 Audited Financial Statements

**CITY OF CHERRY HILLS VILLAGE, COLORADO**

**BASIC FINANCIAL STATEMENTS**

**December 31, 2014**

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## **FINANCIAL SECTION**



**JOHN CUTLER**  
& ASSOCIATES

Honorable Mayor and Members of the City Council  
City of Cherry Hills Village  
Cherry Hills Village, Colorado

**INDEPENDENT AUDITORS' REPORT**

**Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Cherry Hills Village, as of and for the year ended December 31, 2014, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

**Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Cherry Hills Village as of December 31, 2014, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## Other Matters

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 26 and 27 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual fund schedules listed in the table of contents are presented for purposes of additional analysis and are not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund schedules are fairly stated in all material respects in relation to the financial statements as a whole.

*John Luttrell & Associates, LLC*

April 15, 2015

## Management's Discussion and Analysis

As management of the City of Cherry Hills Village, we offer this narrative overview and analysis of the financial activities of the City of Cherry Hills Village for the fiscal year that ended December 31, 2014. Please read it in conjunction with the Auditors' Report at the front of this report and the City's financial statements, which follow this section.

### Financial Highlights

- The assets of the City of Cherry Hills Village exceeded its liabilities at the close of fiscal year 2014 by \$34.0 million (net position). Of this amount, \$15.8 million (unrestricted net position) may be used to meet the City's ongoing obligations to citizens and creditors.
- At the close of fiscal year 2014, the City of Cherry Hills Village governmental funds reported combined ending fund balances of \$16.6 million, an increase of \$1,534,036 in comparison with the prior year. Approximately 47% or \$6.5 million is available for spending at the government's discretion (unassigned fund balance).
- At the end of the fiscal year 2014, fund balance for the general fund was \$6.8 million and the capital fund was \$6.8 million.
- General fund actual revenues exceeded budgeted revenue by \$1,013,495 for the fiscal year 2014 and actual expenditures were \$839,740 less than budgeted expenditures.

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the City of Cherry Hills Village basic financial statements. The basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

**Government-wide financial statements.** The government-wide financial statements report information on all activities of the City. The statement of net position includes all of the City's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The *statement of net position* presents information on all of the City of Cherry Hills Village assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City of Cherry Hills Village is improving or deteriorating.

The *statement of activities* presents information showing how the City of Cherry Hills Village net position changed during fiscal year 2014. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.

Thus, revenues and expenses reported in this statement for some items will result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

The governmental activities of the City include general government, judicial, data processing, community development, Village Crier, public safety, public works and parks, recreation and open space.

**Fund financial statements.** The fund financial statements provide more detailed information about the City's most significant funds – not the City as a whole. Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes.

- Some funds are required by State law and bond covenants.
- The City Council establishes other funds to control and manage money for particular purposes (like the Parks and Recreation Fund) or to show that it is properly using certain taxes and grants (like the Conservation Trust Fund and the Arapahoe County Open Space Fund).

**Governmental funds** – All of the City's basic services are included in governmental funds, which focus on (1) how cash and other financial assets can readily be converted to cash flow in and out and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view that helps determine whether or not there are more or fewer financial resources that can be spent in the near future to finance the City's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, additional information at the bottom of the governmental funds statement is provided that explains the relationship between them.

**Proprietary Funds** – The City of Cherry Hills Village maintains one type of proprietary fund. *Enterprise Funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The City uses an enterprise fund to account for its Water and Sewer Fund. This fund is considered to be a major fund of the City of Cherry Hills Village.

### **Financial Analysis of the City As A Whole**

**Net Position.** As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City of Cherry Hills Village, assets exceeded liabilities by \$34,174,504 at the close of the 2014 fiscal year.

A portion of the City of Cherry Hills Village's net assets (50% total) reflects its investment in capital assets (e.g., land, buildings, machinery, and equipment). The City of Cherry Hills Village uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending.

An additional portion of the City of Cherry Hills Village net position (4%) represents resources that are subject to external restrictions for how they may be used. The remaining balance of unrestricted net assets (\$15,782,877) may be used to meet the City's obligations to citizens and creditors.

At the end of the current fiscal year, the City of Cherry Hills Village is able to report positive balances in net assets for the City as a whole, as well as for its governmental activities as a whole. The same situation held true for the prior fiscal year.

### City of Cherry Hills Village Net Position

	Governmental Activities 2014	Governmental Activities 2013	Business-Type Activities 2014	Business-Type Activities 2013
Current and other assets	\$20,974,021	\$19,476,570	\$700,188	\$798,421
Capital assets	\$20,649,207	\$20,676,320	\$224,649	\$248,261
<b>Total assets</b>	<b>\$41,623,228</b>	<b>\$40,152,890</b>	<b>\$924,837</b>	<b>\$1,046,682</b>
Long-term liabilities outstanding	\$3,227,782	\$3,943,783	\$0	\$0
Other liabilities	\$5,115,712	\$5,158,724	\$30,067	\$115,839
<b>Total liabilities</b>	<b>\$8,343,494</b>	<b>\$9,102,507</b>	<b>\$30,067</b>	<b>\$115,839</b>
Net assets:				
Invested in capital assets, net of related debt	\$16,919,488	\$16,224,173	\$224,649	\$248,261
Restricted	\$1,247,490	\$1,199,246	\$0	\$0
Unrestricted	\$15,112,756	\$13,626,964	\$670,121	\$682,582
<b>Total net assets</b>	<b>\$33,279,734</b>	<b>\$31,050,383</b>	<b>\$894,770</b>	<b>\$930,843</b>

### Changes in Net Position

#### Governmental activities

- Governmental-type activities increased the City's total net position by \$2,229,351 from 2013.
- The increase in total net position is due to the remaining cost of the Joint Public Safety building, in addition to the purchase of equipment for police and public works and a decrease in liabilities resulting from the South Suburban asset payment for 2014.

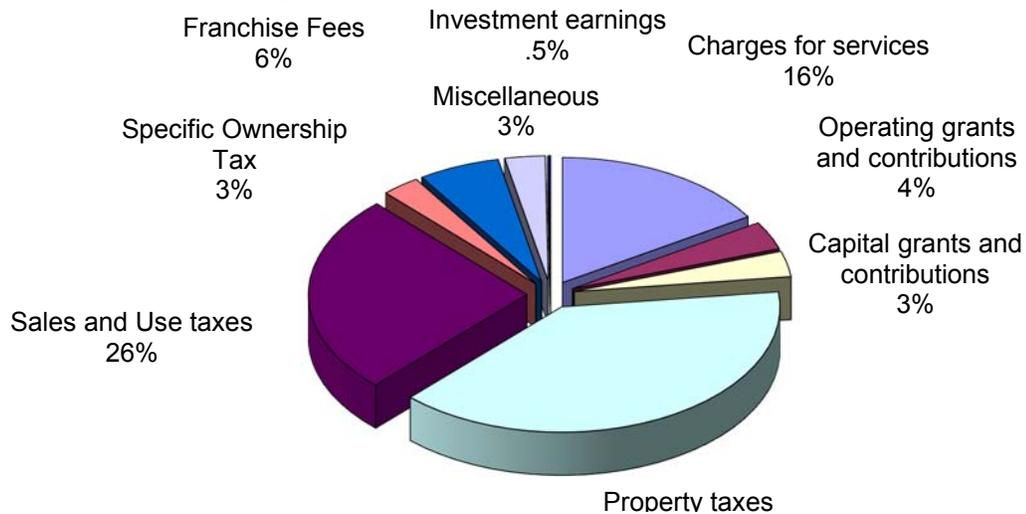
#### Business Type Activities

- Business-type activities decreased the City's total net position by \$36,073 from 2013.
- The decrease is due mainly to an increase in needed sewer repairs and maintenance.

## City of Cherry Hills Village Changes in Net Position

	Governmental Activities 2014	Governmental Activities 2013	Business- type Activities 2014	Business- type Activities 2013
<b>Revenues</b>				
<b>Program Revenues</b>				
Charges for services	\$1,600,135	\$1,299,440	\$33,793	\$46,207
Operating grants and contributions	\$359,873	\$362,891	\$0	\$0
Capital grants and contributions	\$325,031	\$190,737	\$29,000	\$56,700
<b>General Revenues</b>				
Property taxes	\$3,866,545	\$3,987,584	\$0	\$0
Sales and Use taxes	\$2,551,799	\$2,336,723	\$0	\$0
Specific Ownership taxes	\$279,490	\$258,436	\$0	\$0
Franchise taxes	\$597,610	\$567,599	\$0	\$0
Miscellaneous	\$296,081	\$58,435	\$0	\$0
Investment earnings	\$20,803	\$23,742	\$844	\$842
Special Item, Donation of Land	\$0	\$1,400,000	\$0	\$0
<b>Total revenues</b>	<b>\$9,897,367</b>	<b>\$10,485,587</b>	<b>\$63,637</b>	<b>\$103,749</b>
<b>Expenses</b>				
General Government	\$1,516,513	\$1,368,749	\$0	\$0
Judicial	\$106,703	\$99,729	\$0	\$0
Public Safety	\$3,032,430	\$2,917,634	\$0	\$0
Public Works	\$1,097,309	\$952,199	\$0	\$0
Community Development	\$456,045	\$452,668	\$0	\$0
Parks, Recreation, and Open Space	\$1,426,267	\$1,344,414	\$0	\$0
Village Crier	\$19,854	\$16,364	\$0	\$0
Other	\$12,895	\$12,642	\$99,710	\$43,962
<b>Total expenses</b>	<b>\$7,668,016</b>	<b>\$7,164,399</b>	<b>\$99,710</b>	<b>\$43,962</b>
Increases in net position	\$2,229,351	\$3,321,188	-\$36,073	\$59,787
Net position, beginning	\$31,050,383	\$27,729,195	\$930,843	\$871,056
Net position, ending	<b>\$33,279,734</b>	<b>\$31,050,383</b>	<b>\$894,770</b>	<b>\$930,843</b>

## Revenue by Source - Governmental Activities



### Financial Analysis of the City's Funds

The City of Cherry Hills Village uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. In 2011, the City adopted a new accounting pronouncement which requires it to classify fund balance based mainly on the extent to which the City is bound to honor constraints on how the funds are allowed to be spent.

#### Governmental Funds

The focus of the City of Cherry Hills Village governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City of Cherry Hills Village financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of fiscal year 2014, the City of Cherry Hills Village governmental funds reported combined ending fund balances of \$16.6 million, an increase of \$1,534,036 in comparison with the prior year. Approximately 39% of this total amount (\$6.5 million) constitutes unassigned fund balance, which is available for spending at the City's discretion. The remainder of the fund balance is reserved to indicate that it is not available for new spending because it has already been committed, restricted or is nonspendable.

The General Fund is the chief operating fund of the City of Cherry Hills Village (and is combined with the Capital Fund for audit purposes). At the end of fiscal year 2014, unassigned fund balance of the General Fund, combined with the Capital Fund, was \$6.5 million; while total fund balance reached \$13.6 million. As a measure of the Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures.

Unassigned fund balance represents 98% of total General Fund/Capital Fund expenditures, while total fund balance represents 207% of that same amount.

The Parks and Recreation Fund began receiving revenues in 2006. This fund had a positive balance of \$957,490 at the end of 2014 and will continue to receive revenues as ordered by the South Suburban exclusion.

### ***South Suburban Exclusion***

On March 22, 2007 the Colorado Court of Appeals sent the litigation between The City of Cherry Hills Village and South Suburban Park and Recreation District back to the trial judge for further proceedings. This litigation involves the City's decision to withdraw from South Suburban following the 2003 City election authorizing the exclusion. Following the trial in August 2004, the trial judge approved the exclusion, but ordered the City to pay South Suburban \$9,660,838, the fair market value of certain parks and facilities in the City.

Both parties appealed the trial judge's order. Under the Court of Appeals decision, the exclusion stands, but the Court held that Colorado law does not require payment of fair market value as a condition for exclusion under these circumstances. Upon appeal, the trial judge was to reconsider the evidence and make new findings to support any judgment awarding compensation to South Suburban. In May 2008, the trial court issued a second opinion, again ordering the City to pay South Suburban the sum of \$9,660,838. This second opinion contained virtually no explanation of how the trial court arrived at the precise figure it had previously determined was the fair market value of the parks in the City and made no specific findings on the other factors that the Court of Appeals directed the trial court to consider.

As a result, in May 2008 the City filed an appeal with the Colorado Court of Appeals. Also in the spring of 2008, the City filed a motion to stay payment of the \$9,660,838 judgment pending the decision by the Colorado Court of Appeals. The court granted the City's motion, but stipulated that the City must pay the District the 2007 asset payment plus interest from December 1, 2007 to the date of payment, which was August 1, 2008. The City received an unfavorable ruling by the Colorado Court of Appeals in 2009 and was required to make the principal and interest payments on the assets for 2008 and 2009.

### **Proprietary Fund**

The Water and Sewer Fund accounts for all revenue and expenses associated with the consolidation and operations of water and sewer utilities under the auspices of the City. In 2014, sewer administration fees of \$12 per year and sewer repairs and maintenance fees of \$150 per year were charged to residents under the Englewood total service agreement. Expenditures exceeded revenues in this fund by \$36,073 in 2014.

## General Fund Budgetary Highlights

The original 2014 budget was modified to add a supplemental appropriation for \$57,101 for reimbursement to the Western Golf Association for permit review fees.

The General Fund expenditures in 2014 were \$839,740 under budget and revenues were \$1,013,495 over budget. This resulted in an increase to the General Fund balance over budget of \$1,853,235 and a favorable ending fund balance over budget of \$2,871,462.

## Capital Asset and Debt Administration

**Capital assets.** The City of Cherry Hills Village investment in capital assets as of December 31, 2014 amounts to \$20.9 million. This investment in capital assets includes land, buildings, vehicles, equipment, and sewer lines.

Capital asset events during the 2014 fiscal year included the following:

- New police equipment and vehicles in the amount of \$173,026
- New public works equipment and vehicles in the amount of \$28,832

### City of Cherry Hills Village's Capital Assets (net of accumulated depreciation)

	2014	2013
Land	\$15,393,400	\$15,393,400
CIP	\$0	\$0
Buildings and Improvements	\$4,338,151	\$4,436,348
Software	\$70,082	\$80,519
Equipment	\$847,574	\$766,053
Sewer Lines	\$224,649	\$248,261
<b>Total Capital Assets</b>	<b>\$20,873,856</b>	<b>\$20,924,581</b>

**Long-term debt.** At the end of the 2014 fiscal year, the City of Cherry Hills Village had total long-term debt outstanding of \$3,971,844. This total debt represents the South Suburban obligation (\$3,710,780) and accrued compensated absences (\$261,064).

## **Economic Factors, Next Year's Budget and Rates**

The City of Cherry Hills Village sales tax rate remains at 3.5% and the mill levy is 14.722.

In preparing the 2015 budget, the City of Cherry Hills Village had to take several factors into consideration. In 2011, the City Council approved the creation of a new Capital Fund and approximately \$9 million of the General Fund balance was transferred to the Capital Fund at that time. In addition, 1 mill (\$292,295) of property tax revenue from the Parks Fund was moved to the Capital Fund for 2015. The 2015 budget was adopted on the assumption that property tax revenues would increase just slightly (1%) from 2014 and other revenues would remain constant or increase slightly.

During the 2014 fiscal year, fund balance in the General Fund (to include the Capital Fund) increased to \$13.6 million (from \$12.5 million). The General Fund (to include the Capital Fund) balance is projected to end 2015 at approximately \$9 million.

The adopted 2015 fiscal year total budget appropriations are \$12.2 million, an increase of \$2,735,000 from 2014. This increase is due to additional capital expenditures, salary and insurance increases.

## **Requests For Information**

This financial report is designed to provide a general overview of the City of Cherry Hills Village's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to:

Karen Proctor  
Director of Finance and Administration  
303-783-2723

City of Cherry Hills Village  
2450 E. Quincy Ave.  
Cherry Hills Village, Colorado 80113

Or

[kproctor@cherryhillsvillage.com](mailto:kproctor@cherryhillsvillage.com)

## **BASIC FINANCIAL STATEMENTS**

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF NET POSITION

As of December 31, 2014

	GOVERNMENTAL ACTIVITIES	BUSINESS TYPE ACTIVITIES	TOTALS	
			2014	2013
<b>ASSETS</b>				
Cash and Investments	\$ 16,612,216	\$ 700,188	\$ 17,312,404	\$ 15,975,088
Receivables				
Property Taxes	3,905,065	-	3,905,065	3,882,370
Sales and Other	385,752	-	385,752	407,836
Accounts Receivable	12,758	-	12,758	9,697
Prepaid Items	58,230	-	58,230	-
Capital Assets, Not Depreciated	15,393,400	-	15,393,400	15,393,400
Capital Assets, Depreciated Net of Accumulated Depreciation	5,255,807	224,649	5,480,456	5,531,181
<b>TOTAL ASSETS</b>	<b>41,623,228</b>	<b>924,837</b>	<b>42,548,065</b>	<b>41,199,572</b>
<b>LIABILITIES</b>				
Accounts Payable	231,315	-	231,315	405,849
Accrued Expenses	37,000	-	37,000	2,286
Unearned Revenue	29,130	-	29,130	-
Escrow Deposits	169,140	30,067	199,207	233,569
Noncurrent Liabilities				
Due within One Year	744,062	-	744,062	750,489
Due in More Than One Year	3,227,782	-	3,227,782	3,943,783
<b>TOTAL LIABILITIES</b>	<b>4,438,429</b>	<b>30,067</b>	<b>4,468,496</b>	<b>5,335,976</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Deferred Property Tax Revenue	3,905,065	-	3,905,065	3,882,370
<b>NET POSITION</b>				
Investment in Capital Assets	16,919,488	224,649	17,144,137	16,472,434
Restricted for Parks and Recreation	957,490	-	957,490	929,246
Restricted for Emergencies	290,000	-	290,000	270,000
Unrestricted	15,112,756	670,121	15,782,877	14,309,546
<b>TOTAL NET POSITION</b>	<b>\$ 33,279,734</b>	<b>\$ 894,770</b>	<b>\$ 34,174,504</b>	<b>\$ 31,981,226</b>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF ACTIVITIES  
Year Ended December 31, 2014

<u>FUNCTIONS/PROGRAMS</u>	<u>EXPENSES</u>	<u>PROGRAM REVENUES</u>	
		<u>CHARGES FOR SERVICES</u>	<u>OPERATING GRANTS AND CONTRIBUTIONS</u>
<b>PRIMARY GOVERNMENT</b>			
<b>Governmental Activities</b>			
General Government	\$ 1,516,513	\$ -	\$ -
Judicial	106,703	335,137	-
Community Development	456,045	1,211,560	-
Village Crier	19,854	17,262	-
Public Safety	3,032,430	36,176	-
Public Works	1,097,309	-	359,873
Parks and Recreation	1,426,267	-	325,031
Interest on Long Term Debt	12,895	-	-
Total Governmental Activities	<u>7,668,016</u>	<u>1,600,135</u>	<u>359,873</u>
<b>Business-Type Activities</b>			
Water and Sewer	<u>99,710</u>	<u>33,793</u>	<u>29,000</u>
Total Business-Type Activities	<u>99,710</u>	<u>33,793</u>	<u>29,000</u>
Total Primary Government	<u>\$ 7,767,726</u>	<u>\$ 1,633,928</u>	<u>\$ 359,873</u>

GENERAL REVENUES

- Property Taxes
- Specific Ownership Taxes
- Sales and Use Taxes
- Franchise Fees
- Interest
- Miscellaneous

SPECIAL ITEM

- Donation of Land

TOTAL GENERAL REVENUES

CHANGE IN NET POSITION

NET POSITION Beginning

NET POSITION Ending

The accompanying notes are an integral part of the financial statements.

NET (EXPENSE) REVENUE AND  
CHANGE IN NET POSITION

GOVERNMENTAL ACTIVITIES	BUSINESS-TYPE ACTIVITIES	TOTALS	
		2014	2013
\$ (1,516,513)	\$ -	\$ (1,516,513)	\$ (1,368,749)
228,434	-	228,434	228,830
755,515	-	755,515	403,244
(2,592)	-	(2,592)	264
(2,996,254)	-	(2,996,254)	(2,819,293)
(737,436)	-	(737,436)	(589,308)
(1,101,236)	-	(1,101,236)	(1,153,677)
(12,895)	-	(12,895)	(12,642)
<u>(5,382,977)</u>	<u>-</u>	<u>(5,382,977)</u>	<u>(5,311,331)</u>
-	(36,917)	(36,917)	58,945
<u>-</u>	<u>(36,917)</u>	<u>(36,917)</u>	<u>58,945</u>
(5,382,977)	(36,917)	(5,419,894)	(5,252,386)
3,866,545	-	3,866,545	3,987,584
279,490	-	279,490	258,436
2,551,799	-	2,551,799	2,336,723
597,610	-	597,610	567,599
20,803	844	21,647	24,584
296,081	-	296,081	58,435
<u>-</u>	<u>-</u>	<u>-</u>	<u>1,400,000</u>
<u>7,612,328</u>	<u>844</u>	<u>7,613,172</u>	<u>8,633,361</u>
2,229,351	(36,073)	2,193,278	3,380,975
<u>31,050,383</u>	<u>930,843</u>	<u>31,981,226</u>	<u>28,600,251</u>
<u>\$ 33,279,734</u>	<u>\$ 894,770</u>	<u>\$ 34,174,504</u>	<u>\$ 31,981,226</u>

CITY OF CHERRY HILLS VILLAGE, COLORADO

BALANCE SHEET  
GOVERNMENTAL FUNDS  
As of December 31, 2014

	General Fund	Parks and Recreation Fund	Other Governmental Funds	TOTAL GOVERNMENTAL FUNDS	
				2014	2013
<b>ASSETS</b>					
Cash and Investments	\$ 11,892,166	\$ 2,619,311	\$ 2,100,739	\$ 16,612,216	\$ 15,177,639
Property Taxes Receivable	2,426,051	1,479,014	-	3,905,065	3,882,370
Accounts Receivable	12,758	-	-	12,758	8,725
Other Receivables	384,018	1,734	-	385,752	407,836
Prepaid Items	58,230	-	-	58,230	-
Interfund Receivable	1,542,491	-	-	1,542,491	1,542,491
<b>TOTAL ASSETS</b>	<b>\$ 16,315,714</b>	<b>\$ 4,100,059</b>	<b>\$ 2,100,739</b>	<b>\$ 22,516,512</b>	<b>\$ 21,019,061</b>
<b>LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY</b>					
<b>LIABILITIES</b>					
Accounts Payable	\$ 86,194	\$ 117,709	\$ 27,412	\$ 231,315	\$ 320,077
Accrued Expenses	34,628	2,372	-	37,000	2,286
Unearned Revenue	-	-	29,130	29,130	-
Escrow Deposits	168,157	983	-	169,140	203,502
Interfund Payable	-	1,542,491	-	1,542,491	1,542,491
<b>TOTAL LIABILITIES</b>	<b>288,979</b>	<b>1,663,555</b>	<b>56,542</b>	<b>2,009,076</b>	<b>2,068,356</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>					
Deferred Property Tax Revenue	2,426,051	1,479,014	-	3,905,065	3,882,370
<b>FUND EQUITY</b>					
Nonspendable	58,230	-	-	58,230	-
Restricted	290,000	-	2,044,197	2,334,197	1,913,642
Committed	6,799,887	957,490	-	7,757,377	6,954,734
Unassigned	6,452,567	-	-	6,452,567	6,199,959
<b>TOTAL FUND EQUITY</b>	<b>13,600,684</b>	<b>957,490</b>	<b>2,044,197</b>	<b>16,602,371</b>	<b>15,068,335</b>
<b>TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY</b>	<b>\$ 16,315,714</b>	<b>\$ 4,100,059</b>	<b>\$ 2,100,739</b>		

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds.	20,649,207	20,676,320
Long-term liabilities are not due and payable in the current period and are not reported in the funds. These include long term obligation of (\$3,710,780), and Accrued Compensated Absences (\$261,064).	(3,971,844)	(4,694,272)
Net position of governmental activities	<u>\$ 33,279,734</u>	<u>\$ 31,050,383</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS  
Year Ended December 31, 2014

	General Fund	Parks and Recreation Fund	Other Governmental Funds	TOTAL GOVERNMENTAL FUNDS	
				2014	2013
<b>REVENUES</b>					
Property Taxes	\$ 2,399,568	\$ 1,466,977	\$ -	\$ 3,866,545	\$ 3,987,584
Specific Ownership Taxes	101,740	177,750	-	279,490	258,436
Sales and Use Taxes	2,521,988	-	-	2,521,988	2,307,871
Franchise Fees	597,610	-	-	597,610	567,599
Licenses and Permits	1,211,560	-	-	1,211,560	855,912
Intergovernmental	389,684	-	325,031	714,715	582,480
Charges for Services	371,313	-	-	371,313	426,900
Miscellaneous	65,835	-	247,508	313,343	75,063
Interest	13,437	4,761	2,605	20,803	23,742
<b>TOTAL REVENUES</b>	<b>7,672,735</b>	<b>1,649,488</b>	<b>575,144</b>	<b>9,897,367</b>	<b>9,085,587</b>
<b>EXPENDITURES</b>					
<b>Current</b>					
General Government	1,450,509	-	619	1,451,128	1,245,602
Judicial	106,703	-	-	106,703	99,729
Community Development	456,045	-	-	456,045	452,668
Village Crier	19,854	-	-	19,854	16,364
Public Safety	2,857,783	-	-	2,857,783	2,805,063
Public Works	1,011,125	-	-	1,011,125	869,287
Parks and Recreation	-	872,619	173,970	1,046,589	926,174
Debt Service					
Principal	-	735,730	-	735,730	734,784
Interest	-	12,895	-	12,895	12,642
Capital Outlay	665,479	-	-	665,479	1,197,591
<b>TOTAL EXPENDITURES</b>	<b>6,567,498</b>	<b>1,621,244</b>	<b>174,589</b>	<b>8,363,331</b>	<b>8,359,904</b>
<b>NET CHANGE IN FUND BALANCES</b>	<b>1,105,237</b>	<b>28,244</b>	<b>400,555</b>	<b>1,534,036</b>	<b>725,683</b>
FUND BALANCES, Beginning	12,495,447	929,246	1,643,642	15,068,335	14,342,652
FUND BALANCES, Ending	<u>\$ 13,600,684</u>	<u>\$ 957,490</u>	<u>\$ 2,044,197</u>	<u>\$ 16,602,371</u>	<u>\$ 15,068,335</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES  
Year Ended December 31, 2014

Amounts Reported for Governmental Activities in the Statement of Activities  
are Different Because:

Net Changes in Fund Balances - Total Governmental Funds	\$ 1,534,036
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlay \$295,897, exceeded depreciation (\$275,857) and loss on disposal of assets (\$47,153) in the current period.	(27,113)
Repayment of long-term debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position. These include debt payments of \$735,730 and change in accrued compensated absences of (\$13,302).	<u>722,428</u>
Change in Net Position of Governmental Activities	<u><u>\$ 2,229,351</u></u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF NET POSITION  
 PROPRIETARY FUND TYPE  
 As of December 31, 2014

ASSETS	2014	2013
Current Assets		
Cash and Investments	\$ 700,188	\$ 797,449
Accounts Receivable	-	972
Total Current Assets	<u>700,188</u>	<u>798,421</u>
Noncurrent Assets		
Capital Assets, net of accumulated depreciation	<u>224,649</u>	<u>248,261</u>
TOTAL ASSETS	<u>924,837</u>	<u>1,046,682</u>
LIABILITIES		
Current Liabilities		
Accounts Payable	-	85,772
Escrow Deposits	<u>30,067</u>	<u>30,067</u>
TOTAL LIABILITIES	<u>30,067</u>	<u>115,839</u>
NET POSITION		
Investment in Capital Assets	224,649	248,261
Unrestricted	<u>670,121</u>	<u>682,582</u>
TOTAL NET POSITION	<u>\$ 894,770</u>	<u>\$ 930,843</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF REVENUES, EXPENSES  
AND CHANGES IN NET POSITION  
PROPRIETARY FUND TYPE  
Year Ended December 31, 2014

	<u>2014</u>	<u>2013</u>
OPERATING REVENUES		
Charges for Services	<u>\$ 33,793</u>	<u>\$ 46,207</u>
TOTAL OPERATING REVENUES	<u>33,793</u>	<u>46,207</u>
OPERATING EXPENSES		
Operations	70,207	8,228
General and Administrative	5,891	12,122
Depreciation	<u>23,612</u>	<u>23,612</u>
TOTAL OPERATING EXPENSES	<u>99,710</u>	<u>43,962</u>
OPERATING INCOME	<u>(65,917)</u>	<u>2,245</u>
NON-OPERATING REVENUES (EXPENSES)		
Interest Income	<u>844</u>	<u>842</u>
TOTAL NON-OPERATING REVENUES (EXPENSES)	<u>844</u>	<u>842</u>
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS	<u>(65,073)</u>	<u>3,087</u>
Capital Contributions- Tap Fees	<u>29,000</u>	<u>56,700</u>
CHANGE IN NET POSITION	(36,073)	59,787
NET POSITION Beginning	<u>930,843</u>	<u>871,056</u>
NET POSITION, Ending	<u><u>\$ 894,770</u></u>	<u><u>\$ 930,843</u></u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF CASH FLOWS

PROPRIETARY FUND TYPE

Year Ended December 31, 2014

Increase (Decrease) in Cash and Cash Equivalents

	<u>2014</u>	<u>2013</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash Received from Customers	\$ 34,765	\$ 45,606
Cash Paid to Suppliers	<u>(161,870)</u>	<u>(20,655)</u>
Net Cash Provided (Used) by Operating Activities	<u>(127,105)</u>	<u>24,951</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Capital Contributions	29,000	56,700
Escrow Deposits Received	-	84,335
Net Cash Provided by Capital and Related Financing Activities	<u>29,000</u>	<u>141,035</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Interest Received	<u>844</u>	<u>842</u>
Net Increase in Cash and Cash Equivalents	(97,261)	166,828
CASH AND CASH EQUIVALENTS, Beginning	<u>797,449</u>	<u>630,621</u>
CASH AND CASH EQUIVALENTS, Ending	<u>\$ 700,188</u>	<u>\$ 797,449</u>
RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED BY OPERATING ACTIVITIES		
Operating Income	<u>\$ (65,917)</u>	<u>\$ 2,245</u>
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities		
Depreciation	23,612	23,612
Changes in Assets and Liabilities		
Accounts Receivable	972	(601)
Accounts Payable	<u>(85,772)</u>	<u>(305)</u>
Total Adjustments	<u>(61,188)</u>	<u>22,706</u>
Net Cash Provided by Operating Activities	<u>\$ (127,105)</u>	<u>\$ 24,951</u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

STATEMENT OF FIDUCIARY NET ASSETS  
AGENCY FUND- SPECIAL IMPROVEMENT DISTRICT NO.7  
December 31, 2014

	<u>Agency Fund</u>
ASSETS	
Cash and Investments	<u>\$ 25,361</u>
LIABILITIES	
Due to Property Owners	<u>25,361</u>
TOTAL LIABILITIES	<u><u>\$ 25,361</u></u>

The accompanying notes are an integral part of the financial statements.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The City of Cherry Hills Village, Colorado (the “City”) is a continuation of the Town of Cherry Hills Village after adoption of its Home Rule Charter in 1966. The City is governed by a Mayor and six-member council elected by the residents.

The accounting policies of the City of Cherry Hills Village, Colorado conform to generally accepted accounting principles as applicable to governments. Following is a summary of the more significant policies.

**Reporting Entity**

In accordance with governmental accounting standards, the City of Cherry Hills Village has considered the possibility of inclusion of additional entities in its basic financial statements.

The definition of the reporting entity is based primarily on financial accountability. The City is financially accountable for organizations that make up its legal entity. It is also financially accountable for legally separate organizations if City officials appoint a voting majority of the organization’s governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the City. The City may also be financially accountable for governmental organizations that are fiscally dependent upon it.

Based on the application of these criteria, the City does not include additional organizations in its reporting entity.

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the City. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of the given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Government-Wide and Fund Financial Statements** (Continued)

*Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current *financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Property taxes, specific ownership taxes, grants, and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the City.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**  
(Continued)

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the City's practice to use restricted resources first, then unrestricted resources as they are needed.

In the fund financial statements, the City reports the following major governmental funds:

The *General Fund* is the City's primary operating fund. It accounts for all financial resources of the City, except those required to be accounted for in another fund.

The *Parks and Recreation Fund* accounts for allocated property tax revenues for parks and recreation activities.

The City reports the following major proprietary fund:

The *Water Fund* accounts for the financial activities associated with the provision of water services.

Additionally, the City reports the following fund type:

The *Agency Fund* accounts for resources to support the activities of the Special Improvement District No. 7. The City holds all assets in a purely custodial capacity.

**Cash and Investments**

Cash equivalents include investments with original maturities of three months or less. Investments are recorded at fair value.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Capital Assets**

Capital assets, which include property and equipment, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the City is depreciated using the straight line method over the following estimated useful lives:

Buildings and Improvements	50 years
Machinery and Equipment	10-25 years
Vehicles	5-10 years
Infrastructure (Sewer Lines)	25-50 years

**Compensated Absences**

The City's employees are allowed to accumulate Paid Time Off ("PTO") Program where employees accrue PTO hours ranging from 184 to 264 hours per year depending on the employee's years of service. Employees of the City are allowed to bank a maximum of 160 hours of PTO. Hours in excess of 160 at the end of the calendar year will be paid out at a rate of 50%. Upon termination of employment from the City, an employee will be compensated for accrued time off at the employee's current pay rate.

These compensated absences are recognized when due in the governmental fund types. A liability has been recorded in the government-wide financial statements for the accrued compensated absences.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**Long-Term Obligations**

In the government-wide financial statements, and proprietary fund type in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net assets. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position and balance sheets will sometimes report a separate section for deferred outflows or resources. This separate financial statement element, *deferred outflow of resources*, represents a consumption of net position and fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of financial position and balance sheets will sometimes report a separate section for deferred inflows or resources. This separate financial statement element, *deferred inflow of resources*, represents an acquisition of net position and fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

**Property Taxes**

Property taxes are levied on November 1 and attach as an enforceable lien on property on January 1. Taxes are payable in full on April 30 or in two installments on February 28 and June 15. The County Treasurer's office collects property taxes and remits to the City on a monthly basis.

Since property tax revenues are collected in arrears during the succeeding year, a receivable and corresponding deferred revenue are recorded at December 31. As the tax is collected in the succeeding year, the deferred revenue is recognized as revenue and the receivable is reduced.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Fund Balance Classification**

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable – This classification includes amounts that cannot be spent because they are either not spendable in form or are legally or contractually required to be maintained intact. At December 31, 2014, the City’s nonspendable fund balance are prepaid expenses.
- Restricted – This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. The City has classified the following amounts as restricted:
  1. Emergency Reserves are restricted because their use is restricted by State Statute for declared emergencies.
  2. Land Donation Fund: The fund balance in this fund is restricted because their use is restricted by donors.
  3. Open Space Fund: The fund balance in this fund is restricted because their use is restricted by vote.
  4. Conservation Trust Fund: The fund balance in this fund is restricted because their use is restricted by State statute.
- Committed – This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the City Council. These amounts cannot be used for any other purpose unless the City Council removes or changes the specified use by taking the same type of action (ordinance or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. As of December 31, 2014, the City committed \$6,799,887 of its General Fund fund balance to be used for capital projects. In addition, the City has committed \$957,490 of the fund balance in the Park and Recreation Fund to be used for parks and open space projects and maintenance.
- Assigned – This classification includes amounts that are constrained by the City Council intent to be used for specific purposes, but are neither restricted nor committed. As of December 31, 2014, the City does not have any assigned fund balances.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

- Unassigned – This classification includes the residual fund balance for the General Fund. The Unassigned classification also includes negative residual fund balance of any other governmental fund that cannot be eliminated by offsetting of Assigned fund balance amounts.

The City would typically use restricted fund balances first, followed by Committed resources, and then Assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend Unassigned resources.

**Comparative Data**

Comparative total data for the prior year has been presented in the accompanying financial statements in order to provide an understanding of changes in the City's financial position and operations. However, complete comparative data in accordance with generally accepted accounting principles has not been presented since its inclusion would make the financial statements unduly complex and difficult to read.

Data in these columns do not present financial position or results of operations in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data.

**NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**Budgets and Budgetary Accounting**

The City follows these procedures in establishing the budgetary data reflected in the financial statements:

- In October, the City staff submits to the City Council a proposed operating budget for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
- Public hearings are conducted to obtain taxpayer comments.
- Prior to December 31, the budget is legally enacted through passage of a resolution.
- The City Administration is authorized to transfer budgeted amounts between departments within any fund. However, any revisions that alter the total expenditures of any fund must be approved by the City Council.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY** (Continued)

- Budgets are legally adopted for all funds of the City. Budgets for the General and Special Revenue Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP). The Budgetary comparison presented for the Enterprise Fund is presented on a non-GAAP budgetary basis. Capital outlay and debt payments are budgeted as expenditures.
- Budgeted amounts in the financial statements are as originally adopted or as amended by the City Council. All appropriations lapse at year end. Colorado governments may not exceed budgeted appropriations at the fund level.

**NOTE 3: DEPOSITS AND INVESTMENTS**

A summary of deposits and investments as of December 31, 2014 follows:

Petty Cash	\$ 350
Cash Deposits	4,898,854
Investments	<u>12,438,561</u>
Total	<b><u>\$ 17,337,765</u></b>

Cash and investments are reported in the financial statements as follows:

Governmental Activities	\$ 16,612,216
Business-type Activities	700,188
Fiduciary Funds	<u>25,361</u>
Total	<b><u>\$ 17,337,765</u></b>

**Deposits**

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations. At December 31, 2014, State regulatory commissioners have indicated that all financial institutions holding deposits for the City are eligible public depositories. Amounts on deposit in excess of federal insurance levels must be collateralized by eligible collateral as determined by the PDPA. PDPA allows the financial institution to create a single collateral pool for all public funds held. The pool is to be maintained by another institution, or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Deposits** (Continued)

Custodial Credit Risk – Deposits (Continued)

The City has no policy regarding custodial credit risk for deposits.

At December 31, 2014, the City had deposits with financial institutions with a carrying amount of \$4,898,854. The bank balances with the financial institutions were \$4,972,802. Of these balances, \$750,000 was covered by federal depository insurance and \$4,222,802 was covered by collateral held by authorized escrow agents in the financial institutions name (PDPA).

**Investments**

Interest Rate Risk

The City has a formal investment policy that limits interest rate risk by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity and by investing operating funds primarily with durations of no longer than five years, money market mutual funds, or similar investment pools.

Credit Risk

Colorado statutes specify in which instruments the units of local government may invest which includes:

- Obligations of the United States and certain U.S. government agency securities
- General obligation and revenue bonds of U.S. local government entities
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

The above investments are authorized for all funds and fund types used by Colorado municipalities.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Investments** (Continued)

Credit Risk (Continued)

The City had invested \$12,438,561 in the Colorado Government Liquid Asset Trust and the Colorado Surplus Asset Fund Trust (COLOTRUST and CSAFE); investment vehicles established for local government entities in Colorado to pool surplus funds and are registered with the State Securities Commissioner. They operate similarly to a money market fund and each share is equal in value to \$1.00. Investments consist of U.S. Treasury and U.S. Agency securities and repurchase agreements collateralized by U.S. Treasury and U.S. Agency securities. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities owned are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the entities. Colotrust is rated AAA and CSAFE is rated AAAM by Standard and Poor's.

**NOTE 4: INTERFUND BALANCES**

The General Fund advanced \$1,542,491 to the Parks and Recreation Fund. The advance originally covered a negative cash balance in the Parks and Recreation Fund related to the South Suburban Parks and Recreation District Obligation described in Note 6. The City has budgeted the write off of the advance in its 2015 budget.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS  
December 31, 2014

**NOTE 5: CAPITAL ASSETS**

Capital assets activity for the year ended December 31, 2014 is summarized below:

	<u>Balances</u> <u>12/31/13</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balances</u> <u>12/31/14</u>
<b>Governmental Activities</b>				
Capital Assets, not depreciated				
Land	\$ 15,393,400	\$ -	\$ -	\$ 15,393,400
Total Capital Assets, not depreciated	<u>15,393,400</u>	<u>-</u>	<u>-</u>	<u>15,393,400</u>
Capital Assets, depreciated				
Buildings	4,986,859	-	-	4,986,859
Software	104,367	-	-	104,367
Machinery and Equipment	<u>2,380,388</u>	<u>295,897</u>	<u>145,183</u>	<u>2,531,102</u>
Total Capital Assets, depreciated	<u>7,471,614</u>	<u>295,897</u>	<u>145,183</u>	<u>7,622,328</u>
Less Accumulated Depreciation				
Buildings	550,511	98,197	-	648,708
Software	23,848	10,437	-	34,285
Machinery and Equipment	<u>1,614,335</u>	<u>167,223</u>	<u>98,030</u>	<u>1,683,528</u>
Total Accumulated Depreciation	<u>2,188,694</u>	<u>275,857</u>	<u>98,030</u>	<u>2,366,521</u>
Total Capital Assets, depreciated, Net	<u>5,282,920</u>	<u>20,040</u>	<u>47,153</u>	<u>5,255,807</u>
Governmental Activities, Capital Assets, Net	<u>\$ 20,676,320</u>	<u>\$ 20,040</u>	<u>\$ 47,153</u>	<u>\$ 20,649,207</u>
<b>Business-Type Activities</b>				
Capital Assets, depreciated				
Sewer Lines	\$ 708,364	\$ -	\$ -	\$ 708,364
Total Capital Assets, depreciated	<u>708,364</u>	<u>-</u>	<u>-</u>	<u>708,364</u>
Less: Accumulated Depreciation				
Sewer Lines	<u>460,103</u>	<u>23,612</u>	<u>-</u>	<u>483,715</u>
Total Accumulated Depreciation	<u>460,103</u>	<u>23,612</u>	<u>-</u>	<u>483,715</u>
Business-Type Activities, Capital Assets, Net	<u>\$ 248,261</u>	<u>\$ (23,612)</u>	<u>\$ -</u>	<u>\$ 224,649</u>

Depreciation expense was charged to functions/programs of the City as follows:

**Governmental Activities**

General Government	\$ 52,083
Public Safety	127,494
Public Works	86,184
Parks and Recreation	<u>10,096</u>
Total	<u>\$ 275,857</u>

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 6: LONG-TERM DEBT**

**Governmental Activities**

Following is a summary of long-term debt transactions for the governmental activities for the year ended December 31, 2014.

	<u>Balance</u> <u>12/31/13</u>	<u>Additions</u>	<u>Payments</u>	<u>Balance</u> <u>12/31/14</u>	<u>Due In</u> <u>One Year</u>
South Suburban Obligation	\$ 4,446,510	\$ -	\$ 735,730	\$ 3,710,780	\$ 734,625
Accrued Compensated Absences	<u>247,762</u>	<u>13,302</u>	<u>-</u>	<u>261,064</u>	<u>9,437</u>
Total	<b><u>\$ 4,694,272</u></b>	<b><u>\$ 13,302</u></b>	<b><u>\$ 735,730</u></b>	<b><u>\$ 3,971,844</u></b>	<b><u>\$ 744,062</u></b>

Accrued Compensated Absences are being paid from resources generated by the General Fund.

**South Suburban Obligation**

The City initiated exclusion from the South Suburban Parks and Recreation District (the "District"). The resulting litigation produced an order from the District Court dated November 2004. The order requires the City to pay the District \$9,660,838 for the conveyance and transfer of facilities, including water rights, parks, trails, and other considerations.

The City's appeals process ended in November 2009 with a final decision by the Colorado Supreme Court, denying the appeal. The City is required to make annual principal and interest payments, beginning in December 2006 through 2019. Interest on the obligation accrues at the two-year Treasury bill rate.

Annual debt service requirements for the outstanding obligation at December 31, 2014 are estimated at a .51% interest rate and are as follows:

<u>Year Ended December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2015	\$ 734,625	\$ 18,925	\$ 753,550
2016	744,039	15,178	759,217
2017	744,039	11,384	755,423
2018	744,039	7,589	751,628
2019	<u>744,038</u>	<u>3,795</u>	<u>747,833</u>
Total Debt Service Requirements	<b><u>\$ 3,710,780</u></b>	<b><u>\$ 56,871</u></b>	<b><u>\$ 3,767,651</u></b>

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 7: RETIREMENT COMMITMENTS**

**Police Pension Plan**

Plan Description - The City contributes to a single employer money purchase pension plan (Plan) on behalf of police officers. All full time, paid police employees of the City are members of the Plan.

Funding Policy - The contribution requirements of plan members and the City are established and may be amended by the City Council. Both the City and the employee contribute 8.0% of the employee's covered salary. Employees vest in 25% of the City contributions after one year of employment and an additional 25% each year thereafter. Employees fully vest after four years of participation in the Plan. During the year ending December 31, 2014 the City contributed \$136,903 to the Plan, equal to the required contributions. All Plan assets are managed by the International City/County Management Association Retirement Corporation.

**Non-Sworn Managers Pension Plan**

The City contributes to a single-employer defined contribution money purchase pension plan (the "Plan") on behalf of non-sworn managers. All non-sworn managers are required to participate in the Plan. The contribution requirements are established and may be amended by the City Council. The city is required to contribute 5% the employee's covered salary and employees contribute 11% of covered salary. Employees fully vest in the Plan immediately.

During the year ended December 31, 2014, the City contributed \$36,071 to the Plan, equal to the required contributions. All Plan assets are managed by the International City/County Management Association Retirement Corporation.

**Deferred 457 Compensation Plan**

The City has a deferred compensation plan (the "Plan") created in accordance with Internal Revenue Code Section 457. Participation in the Plan is optional for employees. The City matches the contribution of participating employees up to 3% of sworn police officer salaries and up to 5% of other non-management employee salaries. Total contributions to the Plan during the year ended December 31, 2014, were \$186,365. The Plan is administered by the International City/County Management Association Retirement Corporation.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 8: CONSOLIDATION OF WATER AND SANITATION DISTRICTS**

The City has taken action to dissolve certain water and sanitation districts and other entities which have provided services to areas within the City limits. The City will provide water and sanitation services to these and future areas through service contracts with the Board of Water Commissioners to the City and County of Denver (Denver) and the City of Englewood (Englewood).

**Denver**

The City has entered into a “total service” contract with Denver to provide water service within the City’s service area, even though only part of the City is being served at this time. Although the City retains legal title to the water distribution facilities, Denver is responsible for all operations and maintenance, including all replacements of the facilities. Denver bills users within the City directly.

**Englewood**

The City has a service and maintenance contract with Englewood to provide sanitation services to certain areas within the City. Under the terms of the contract, Englewood treats City sewage and provides routine maintenance services. Englewood bills City residents for these routine services and retains all billing collections. Non-routine major repairs are billed directly to the City. The City retains title to all sewer lines and is responsible for major maintenance and future costs of those lines.

The City has entered into a “total service” contract with Englewood to provide water within two small areas of the City. Englewood is responsible for all operations and maintenance, including all replacements of the distribution facilities within the service areas and bills users directly.

**City of Cherry Hills Village Sanitation District**

On September 8, 2011 the City entered into an Agreement with the City of Cherry Hills Village Sanitation District (the “District”) to provide certain administrative, operation and maintenance services with respect to the Wastewater Collection System for the purpose of operating, maintaining and bringing the Wastewater Collection System to standard pending the transfer and conveyance of the Wastewater Collection System to the District and the inclusion of the Service Area into the District’s territorial boundaries.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 9: COMMITMENTS AND CONTINGENCIES** (Continued)

**Special Improvement District No. 7**

In 2000, the Special Improvement District No. 7 (the “District”) issued \$595,000 Special Assessment Bonds, Taxable Series 2000A and \$930,000 Special Assessment Bonds, Tax Exempt Series 2000B. These bonds were issued to finance improvements within the District. The bonds accrued interest at rates ranging from 5.8% to 8.75% per year.

The Series 2000A bonds were paid in full as of December 31, 2011. During the year ended December 31, 2012, the District issued \$585,000 Special Improvement District Revenue Refunding Note, Series 2012 to advance refund the Special Assessment Bonds, Tax Exempt Series 2000B. The note accrues interest at a rate of 2.6% per year. Interest payments are due semi-annually on June 15 and December 15. Principal payments on the note is due annually on December 15, through 2020.

The City is not obligated for this debt and is only acting as an agent for the property owners in collecting assessments and paying the required debt service. The activities of the District are recorded in the City’s Agency Fund and the outstanding debt is not recorded on the City’s financial statements. Outstanding bonds at December 31, 2014 totaled \$440,000.

**Denver Christian Schools**

In October 2003, the City issued Denver Christian Schools Project Revenue Bonds to provide financial assistance to a private sector entity to acquire equipment and to construct and renovate certain buildings and educational facilities deemed to be in the public interest.

Neither the City, State, nor any political subdivision thereof is obligated in any manner for the repayment of the bonds. Accordingly, the bonds are not reported as a liability in the City’s financial statements. Outstanding bonds at December 31, 2014 totaled \$1,463,662.

**South Metro Fire Rescue Authority**

The City entered into an MOU with South Metro Fire Rescue Authority in February of 2011 for the planning and design of a public safety facility.

In September of 2011, the City entered into an Intergovernmental Agreement with the Authority to construct, own, and operate a common public safety facility. Ownership of the facility will be determined by a calculation of the aggregate amount of contributions made by each party to the Agreement. Upon completion of the construction, ongoing operating costs will be calculated based on the percentage share of ownership interest. The original Agreement expired in December 31, 2012 and automatically renews upon the same terms and conditions for one-year periods.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

**NOTE 9: COMMITMENTS AND CONTINGENCIES** (Continued)

**South Metro Fire Rescue Authority** (Continued)

The City began construction of the facility in March of 2012 and the construction was substantially completed by December 31, 2012. The City's Police Department along with the South Metro Fire Rescue Authority moved into the new facility in January of 2013. The City's portion of the building cost is recorded as Buildings on the City's government-wide financial statements.

Under the terms of the operations agreement, South Metro Fire Rescue Authority is responsible for paying 50 percent of the buildings utility costs and 20 percent of the building telephone and internet services. During the year ended December 31, 2014, the South Metro Fire Rescue Authority paid \$28,023 to the City for reimbursement of these operating costs under the terms of the agreement.

**Tabor Amendment**

Colorado voters passed an amendment to the State Constitution, Article X, Section 20, which has several limitations, including revenue raising, spending abilities, and other specific requirements of state and local government. On November 5, 1996, voters within the City approved the collection, retention and expenditure of the full revenues generated by the City in 1996 and subsequent years for street improvement projects, capital projects, basic municipal services and/or lawful municipal purposes, notwithstanding the provisions of the Amendment.

The City has established an emergency reserve, representing 3% of qualifying expenditures, as required by the Amendment. At December 31, 2014, the emergency reserve of \$290,000 was recorded in the General Fund.

**REQUIRED SUPPLEMENTARY INFORMATION**

CITY OF CHERRY HILLS VILLAGE, COLORADO

GENERAL FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014			VARIANCE	2013 ACTUAL
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)	
REVENUES					
Property Taxes	\$ 2,395,226	\$ 2,395,226	\$ 2,399,568	\$ 4,342	\$ 2,469,764
Specific Ownership Taxes	96,250	96,250	101,740	5,490	258,436
Sales and Use Taxes	2,067,018	2,067,018	2,521,988	454,970	2,307,871
Franchise Fees	420,000	420,000	597,610	177,610	567,599
Licenses and Permits	853,357	853,357	1,211,560	358,203	855,912
Intergovernmental	379,631	379,631	389,684	10,053	391,743
Charges for Services	392,000	392,000	371,313	(20,687)	426,900
Miscellaneous	45,260	45,260	65,835	20,575	47,789
Interest	10,498	10,498	13,437	2,939	12,301
TOTAL REVENUES	<u>6,659,240</u>	<u>6,659,240</u>	<u>7,672,735</u>	<u>1,013,495</u>	<u>7,338,315</u>
EXPENDITURES					
Current					
General Government	2,019,500	2,039,500	1,450,509	588,991	1,245,602
Judicial	89,063	89,063	106,703	(17,640)	99,729
Community Development	462,527	462,527	456,045	6,482	452,668
Village Crier	17,800	17,800	19,854	(2,054)	16,364
Public Safety	2,785,539	2,785,540	2,857,783	(72,243)	2,805,063
Public Works	994,808	994,808	1,011,125	(16,317)	869,287
Capital Outlay	980,900	1,018,000	665,479	352,521	1,190,898
TOTAL EXPENDITURES	<u>7,350,137</u>	<u>7,407,238</u>	<u>6,567,498</u>	<u>839,740</u>	<u>6,679,611</u>
NET CHANGE IN FUND BALANCE	(690,897)	(747,998)	1,105,237	1,853,235	658,704
FUND BALANCE, Beginning	<u>11,477,220</u>	<u>11,477,220</u>	<u>12,495,447</u>	<u>1,018,227</u>	<u>11,836,743</u>
FUND BALANCE, Ending	<u>\$ 10,786,323</u>	<u>\$ 10,729,222</u>	<u>\$ 13,600,684</u>	<u>\$ 2,871,462</u>	<u>\$ 12,495,447</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

PARKS AND RECREATION FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014		VARIANCE Positive (Negative)	2013 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Property Taxes	\$ 1,472,944	\$ 1,466,977	\$ (5,967)	\$ 1,517,820
Specific Ownership Taxes	177,750	177,750	-	-
Interest	10,000	4,761	(5,239)	8,781
TOTAL REVENUES	<u>1,660,694</u>	<u>1,649,488</u>	<u>(11,206)</u>	<u>1,526,601</u>
EXPENDITURES				
Current				
Personal Services	450,619	416,432	34,187	404,131
Supplies and Materials	24,500	24,910	(410)	23,237
Utilities	33,200	19,713	13,487	23,847
Contractual Services	71,729	64,040	7,689	41,547
Maintenance	55,500	47,530	7,970	78,265
Other	276,521	299,994	(23,473)	270,679
Debt Service				
Principal	735,730	735,730	-	734,784
Interest	12,895	12,895	-	12,642
Capital Outlay	-	-	-	6,693
TOTAL EXPENDITURES	<u>1,660,694</u>	<u>1,621,244</u>	<u>39,450</u>	<u>1,595,825</u>
NET CHANGE IN FUND BALANCE	-	28,244	28,244	(69,224)
FUND BALANCE, Beginning	<u>1,031,611</u>	<u>929,246</u>	<u>(102,365)</u>	<u>998,470</u>
FUND BALANCE, Ending	<u>\$ 1,031,611</u>	<u>\$ 957,490</u>	<u>\$ (74,121)</u>	<u>\$ 929,246</u>

See the accompanying independent auditors' report.

**COMBINING AND INDIVIDUAL FUND SCHEDULES**

CITY OF CHERRY HILLS VILLAGE, COLORADO

NONMAJOR GOVERNMENTAL FUNDS  
 COMBINING BALANCE SHEET  
 December 31, 2014

	LAND	ARAPAHOE	CONSERVATION	TOTALS	
	DONATION	COUNTY	TRUST	2014	2013
	FUND	OPEN SPACE	FUND		
		FUND			
<b>ASSETS</b>					
Cash and Investments	\$ 648,599	\$ 727,882	\$ 724,258	\$ 2,100,739	\$ 1,664,657
<b>TOTAL ASSETS</b>	<u>\$ 648,599</u>	<u>\$ 727,882</u>	<u>\$ 724,258</u>	<u>\$ 2,100,739</u>	<u>\$ 1,664,657</u>
<b>LIABILITIES AND FUND BALANCE</b>					
<b>LIABILITIES</b>					
Accounts Payable	\$ -	\$ 27,412	\$ -	\$ 27,412	\$ 21,015
Unearned Revenue	-	29,130	-	29,130	-
<b>TOTAL LIABILITIES</b>	<u>-</u>	<u>56,542</u>	<u>-</u>	<u>56,542</u>	<u>21,015</u>
<b>FUND BALANCES</b>					
Restricted	648,599	671,340	724,258	2,044,197	1,643,642
<b>TOTAL FUND BALANCES</b>	<u>648,599</u>	<u>671,340</u>	<u>724,258</u>	<u>2,044,197</u>	<u>1,643,642</u>
<b>TOTAL LIABILITIES AND FUND BALANCES</b>	<u>\$ 648,599</u>	<u>\$ 727,882</u>	<u>\$ 724,258</u>	<u>\$ 2,100,739</u>	<u>\$ 1,664,657</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

NONMAJOR GOVERNMENTAL FUNDS  
 STATEMENT OF REVENUES, EXPENDITURES  
 AND CHANGES IN FUND BALANCES  
 Year Ended December 31, 2014

	LAND DONATION FUND	ARAPAHOE COUNTY OPEN SPACE FUND	CONSERVATION TRUST FUND	TOTALS	
				2014	2013
REVENUES					
Intergovernmental	\$ -	\$ 265,440	\$ 59,591	\$ 325,031	\$ 190,737
Other	244,444	3,064	-	247,508	27,274
Interest	935	1,477	193	2,605	2,660
TOTAL REVENUES	<u>245,379</u>	<u>269,981</u>	<u>59,784</u>	<u>575,144</u>	<u>220,671</u>
EXPENDITURES					
General Government	619	-	-	619	-
Parks and Recreation	-	173,652	318	173,970	84,468
TOTAL EXPENDITURES	<u>619</u>	<u>173,652</u>	<u>318</u>	<u>174,589</u>	<u>84,468</u>
CHANGE IN FUND BALANCES	244,760	96,329	59,466	400,555	136,203
FUND BALANCES, Beginning	<u>403,839</u>	<u>575,011</u>	<u>664,792</u>	<u>1,643,642</u>	<u>1,507,439</u>
FUND BALANCES, Ending	<u>\$ 648,599</u>	<u>\$ 671,340</u>	<u>\$ 724,258</u>	<u>\$ 2,044,197</u>	<u>\$ 1,643,642</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

LAND DONATION FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014		VARIANCE Positive (Negative)	2013 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Interest	\$ 1,000	\$ 935	\$ (65)	\$ 1,057
Other	1,100	244,444	243,344	7,537
TOTAL REVENUES	2,100	245,379	243,279	8,594
EXPENDITURES				
General and Administrative	620	619	1	-
TOTAL EXPENDITURES	620	619	1	-
NET CHANGE IN FUND BALANCE	1,480	244,760	243,280	8,594
FUND BALANCE, Beginning	396,627	403,839	7,212	395,245
FUND BALANCE, Ending	\$ 398,107	\$ 648,599	\$ 250,492	\$ 403,839

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

ARAPAHOE COUNTY OPEN SPACE FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014		VARIANCE Positive (Negative)	2013 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Open Space Shareback	\$ 115,000	\$ 129,570	\$ 14,570	\$ 124,886
Intergovernmental	-	135,870	135,870	-
Other	1,600	3,064	1,464	19,737
Interest	1,200	1,477	277	1,386
TOTAL REVENUES	<u>117,800</u>	<u>269,981</u>	<u>152,181</u>	<u>146,009</u>
EXPENDITURES				
Parks and Recreation	<u>189,500</u>	<u>173,652</u>	<u>15,848</u>	<u>83,227</u>
TOTAL EXPENDITURES	<u>189,500</u>	<u>173,652</u>	<u>15,848</u>	<u>83,227</u>
NET CHANGE IN FUND BALANCE	(71,700)	96,329	168,029	62,782
FUND BALANCE, Beginning	<u>485,928</u>	<u>575,011</u>	<u>89,083</u>	<u>512,229</u>
FUND BALANCE, Ending	<u>\$ 414,228</u>	<u>\$ 671,340</u>	<u>\$ 257,112</u>	<u>\$ 575,011</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

CONSERVATION TRUST FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014		VARIANCE Positive (Negative)	2013 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Intergovernmental	\$ 50,000	\$ 59,591	\$ 9,591	\$ 65,851
Interest	250	193	(57)	217
TOTAL REVENUES	<u>50,250</u>	<u>59,784</u>	<u>9,534</u>	<u>66,068</u>
EXPENDITURES				
Parks and Recreation	<u>30,000</u>	<u>318</u>	<u>29,682</u>	<u>1,241</u>
NET CHANGE IN FUND BALANCE	20,250	59,466	39,216	64,827
FUND BALANCE, Beginning	<u>615,215</u>	<u>664,792</u>	<u>49,577</u>	<u>599,965</u>
FUND BALANCE, Ending	<u>\$ 635,465</u>	<u>\$ 724,258</u>	<u>\$ 88,793</u>	<u>\$ 664,792</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

WATER AND SEWER FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014		VARIANCE Positive (Negative)	2013 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Tap Fees	\$ -	\$ 29,000	\$ 29,000	\$ 56,700
Sewer Administration Fees	1,812	2,328	516	31,104
Sewer Repairs and Maintenance Fees	22,650	31,440	8,790	4,103
Miscellaneous	-	25	25	11,000
Interest	800	844	44	842
TOTAL REVENUES	<u>25,262</u>	<u>63,637</u>	<u>38,375</u>	<u>103,749</u>
EXPENDITURES				
Legal Fees	1,000	1,287	(287)	3,452
Contractual Services	10,000	-	10,000	-
Repairs and Maintenance	100,000	70,207	29,793	8,228
Other	854	4,604	(3,750)	8,670
Depreciation Expense	26,750	23,612	3,138	23,612
TOTAL EXPENDITURES	<u>138,604</u>	<u>99,710</u>	<u>38,894</u>	<u>43,962</u>
NET INCOME	<u>\$ (113,342)</u>	<u>(36,073)</u>	<u>\$ 77,269</u>	<u>59,787</u>
NET POSITION, Beginning		<u>930,843</u>		<u>871,056</u>
NET POSITION, Ending		<u>\$ 894,770</u>		<u>\$ 930,843</u>

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

AGENCY FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2014

	2014		VARIANCE Positive (Negative)	2013 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Assessment Revenue	\$ 66,432	\$ 71,278	\$ 4,846	\$ 71,105
Interest on Assessments	15,840	15,773	(67)	40,253
Interest Income	1,000	43	(957)	35
Other	5,915	-	(5,915)	-
TOTAL REVENUES	89,187	87,094	(2,093)	111,393
EXPENDITURES				
Treasurer's Fees	822	870	(48)	1,114
Debt Service				
Principal	75,000	70,000	5,000	75,000
Interest Expense	13,365	12,360	1,005	14,762
TOTAL EXPENDITURES	89,187	83,230	5,957	90,876
NET CHANGE IN FUND BALANCE	-	3,864	3,864	20,517
FUND BALANCE, Beginning	20,574	21,497	923	980
FUND BALANCE, Ending	\$ 20,574	\$ 25,361	\$ 4,787	\$ 21,497

See the accompanying independent auditors' report.

CITY OF CHERRY HILLS VILLAGE, COLORADO

AGENCY FUND  
 STATEMENT OF CHANGES IN ASSETS AND LIABILITIES  
 Year Ended December 31, 2014

	BALANCE DECEMBER 31, 2013	ADDITIONS	DEDUCTIONS	BALANCE DECEMBER 31, 2014
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
ASSETS				
Cash and Investments	\$ 21,497	\$ 87,094	\$ 83,230	\$ 25,361
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
LIABILITIES				
Due Property Owners	21,497	87,094	83,230	25,361
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
TOTAL LIABILITIES	<u>\$ 21,497</u>	<u>\$ 87,094</u>	<u>\$ 83,230</u>	<u>\$ 25,361</u>

See the accompanying independent auditors' report.

## **STATE COMPLIANCE**

The public report burden for this information collection is estimated to average 380 hours annually.

<b>LOCAL HIGHWAY FINANCE REPORT</b>		City or County: Arapahoe
		YEAR ENDING : December 2014
This Information From The Records Of (example - City of _ or County of _): City of Cherry Hills Village	Prepared By: Phone:	Karen L. Proctor 303-783-2723

**I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE**

ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for nonhighway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

**II. RECEIPTS FOR ROAD AND STREET PURPOSES**

**III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES**

ITEM	AMOUNT	ITEM	AMOUNT
<b>A. Receipts from local sources:</b>		<b>A. Local highway disbursements:</b>	
1. Local highway-user taxes		1. Capital outlay (from page 2)	435,794
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	604,842
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	10,243
2. General fund appropriations	963,230	b. Snow and ice removal	30,994
3. Other local imposts (from page 2)	392,994	c. Other	6,443
4. Miscellaneous local receipts (from page 2)	0	d. Total (a. through c.)	47,680
5. Transfers from toll facilities		4. General administration & miscellaneous	229,999
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	292,411
a. Bonds - Original Issues		6. Total (1 through 5)	1,610,726
b. Bonds - Refunding Issues		<b>B. Debt service on local obligations:</b>	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	
7. Total (1 through 6)	1,356,224	b. Redemption	
<b>B. Private Contributions</b>		c. Total (a. + b.)	0
<b>C. Receipts from State government</b> (from page 2)	254,502	2. Notes:	
<b>D. Receipts from Federal Government</b> (from page 2)	0	a. Interest	
<b>E. Total receipts (A.7 + B + C + D)</b>	1,610,726	b. Redemption	
		c. Total (a. + b.)	0
		3. Total (1.c + 2.c)	0
		<b>C. Payments to State for highways</b>	
		<b>D. Payments to toll facilities</b>	
		<b>E. Total disbursements (A.6 + B.3 + C + D)</b>	1,610,726

**IV. LOCAL HIGHWAY DEBT STATUS**

(Show all entries at par)

	Opening Debt	Amount Issued	Redemptions	Closing Debt
<b>A. Bonds (Total)</b>				0
1. Bonds (Refunding Portion)				
<b>B. Notes (Total)</b>				0

**V. LOCAL ROAD AND STREET FUND BALANCE**

	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
		1,610,726	1,610,726		0

Notes and Comments:

**LOCAL HIGHWAY FINANCE REPORT**

STATE:  
Colorado  
YEAR ENDING (mm/yy):  
December 2014

**II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL**

ITEM	AMOUNT	ITEM	AMOUNT
<b>A.3. Other local imposts:</b>		<b>A.4. Miscellaneous local receipts:</b>	
a. Property Taxes and Assessments		a. Interest on investments	
b. Other local imposts:		b. Traffic Fines & Penalties	
1. Sales Taxes		c. Parking Garage Fees	
2. Infrastructure & Impact Fees		d. Parking Meter Fees	
3. Liens		e. Sale of Surplus Property	
4. Licenses		f. Charges for Services	
5. Specific Ownership &/or Other	392,994	g. Other Misc. Receipts	
6. Total (1. through 5.)	392,994	h. Other	
c. Total (a. + b.)	392,994	i. Total (a. through h.)	0
	(Carry forward to page 1)		(Carry forward to page 1)

ITEM	AMOUNT	ITEM	AMOUNT
<b>C. Receipts from State Government</b>		<b>D. Receipts from Federal Government</b>	
1. Highway-user taxes	227,877	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	26,625	d. Federal Transit Admin	
d. Other (Specify)		e. U.S. Corps of Engineers	
e. Other (Specify)		f. Other Federal	
f. Total (a. through e.)	26,625	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	254,502	3. Total (1. + 2.g)	
			(Carry forward to page 1)

**III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL**

	ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)	TOTAL (c)
<b>A.1. Capital outlay:</b>			
a. Right-Of-Way Costs			0
b. Engineering Costs		17,068	17,068
c. Construction:			
(1). New Facilities			0
(2). Capacity Improvements			0
(3). System Preservation		418,726	418,726
(4). System Enhancement & Operation			0
(5). Total Construction (1) + (2) + (3) + (4)	0	418,726	418,726
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)	0	435,794	435,794
			(Carry forward to page 1)

Notes and Comments:

**CHERRY HILLS VILLAGE  
COLORADO**

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

ITEM: 7a

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**MEMORANDUM**

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**TO:** HONORABLE MAYOR CHRISTMAN AND MEMBERS OF THE CITY COUNCIL

**FROM:** EMILY KROPF, SPECIAL PROJECTS COORDINATOR

**SUBJECT:** COUNCIL BILL 6, SERIES 2014; PROPOSED AMENDMENT TO MUNICIPAL CODE SEC. 16-20-10 ESTABLISHING EXPANDED USE REVIEW CRITERIA (PUBLIC HEARING AND SECOND AND FINAL READING)

**DATE:** MAY 5, 2015

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**ISSUE:**

Should the City Council approve on second and final reading Council Bill 6, Series 2014, amending Municipal Code Section 16-20-10 to establish general review criteria for the expanded use permit process (Exhibit A)?

**BACKGROUND:**

Municipal Code Section 16-20-10 establishes the expanded use permit process for nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities (Exhibit B). An expanded use permit is required for the establishment of new institutions, clubs and facilities; the physical alteration of any building or structure by more than 1,000 square feet; the creation, addition, modification or increase in size of any parking area; the addition or increase in number, size or intensity or a change or modification in the direction of existing exterior lighting; and the creation, addition, modification or increase in outdoor recreational fields or facilities.

Under the current Code, the Planning and Zoning Commission reviews applications to establish, expand or increase institutions, clubs and facilities, and the Parks, Trails and Recreation Commission reviews applications for public recreational facilities (Exhibit C). The Planning and Zoning Commission also reviews applications for public recreational facilities at the request of the City Council. The Planning and Zoning Commission and/or Parks, Trails and

**CHERRY HILLS VILLAGE  
COLORADO**

Recreation Commission determines whether an application meets the requirements of the zoning ordinance based on the application, evidence and testimony presented at a public hearing and makes a recommendation to the City Council. The City Council determines whether the application meets the same requirements based on the application, evidence and testimony and the recommendations of the Planning and Zoning Commission and/or Parks, Trails and Recreation Commission.

Currently, there are no other specific review criteria to base decisions on other than the technical zoning standards and submittal requirements. A typical planning review process should include more specific criteria so that the City Council can make more consistent and legally defensible decisions. A memorandum from the City Attorney discussing the need for such review criteria is provided as Exhibit D.

**DISCUSSION:**

*City Council Review*

The City Council approved the proposed ordinance on first reading at the April 7, 2015 meeting with a change to 16-20-10(b)(5), revising the word “would” to “could” (Exhibit E).

*Parks, Trails and Recreation Commission Review*

The Parks, Trails and Recreation Commission reviewed a draft amendment and recommended approval to the City Council on February 12, 2015 with the suggestion of removing repetitive language (Exhibit F).

*Planning and Zoning Commission Review*

The Planning and Zoning Commission reviewed a draft amendment and recommended approval to the City Council on September 9, 2014 (Exhibit G).

*Public Notice*

Notice of the public hearing was published in the April 16, 2015 edition of The Villager. Staff has not received any comments from the public in response.

*Peer Communities Summary*

The table below summarizes the review criteria of several peer communities for expanded use requests. Such standards are used to ensure that development is regulated and the character of the municipality is maintained.

Municipality	Code	Review	Criteria
Cherry Hills Village (Exhibit H)	Zoning	Conditional Use	Proposed use is specified as authorized conditional use within applicable zone district; at size and intensity contemplated at proposed location, is necessary for neighborhood immediately benefited by proposed use and compatible with surrounding community; will not be detrimental to health, safety or general welfare of persons residing or working in vicinity, or to property, improvements or potential development in vicinity or proposed use (determination may be based

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COLORADO**

			on: nature of proposed site, including size, shape and topography and proposed size, location and arrangement of structures; accessibility and patterns of pedestrian and vehicular traffic, including type and volume of such traffic, location of points of ingress and egress and adequacy of off-street parking and loading, where applicable; degree of conformity with requirements and conditions listed in Sec. 16-18-20 and 16-18-30, as applicable; and provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage); will comply with applicable zoning district regulations and all other applicable provisions of Chapter and Code and will not be inconsistent with Master Plan; and where applicant for proposed conditional use also requests variance to standard imposed by Chapter, City Council may grant such variance as part of approval of condition use upon finding that all criteria for approval of variance are met as set forth by Sec. 16-3-50.
<b>Greenwood Village (Exhibit I)</b>	Land Development	Master/Site Development Plan	MDP: development conforms to comprehensive plan; is compatible with surrounding land uses; and adequately mitigates adverse impacts it causes, including impacts on traffic, view corridors, noise, property values and provision of public services. SDP: development conforms to comprehensive plan; is compatible with surrounding land uses; adequately mitigates adverse impacts it causes, including impacts on traffic, view corridors, noise, property values and provision of public services; and conforms to general development objectives.
<b>Boulder (Exhibit J)</b>	Land Use Regulation	Concept/Site Plan	Characteristics of site and surrounding areas (location, neighborhoods, development, architecture, natural features, prominent views); community policy considerations (conformity to comprehensive plan and other ordinances, goals, policies and plans); applicable criteria, review procedures and submissions requirements; permits and processes; opportunities/constraints related to transportation; environmental opportunities and constraints (wetlands, view corridors, floodplains, wildlife corridors, endangered and protected species and habitats); appropriate range of land uses; and appropriateness or necessity for housing.
<b>Vail (Exhibit K)</b>	Zoning	Conditional Use	Relationship and impact of use on development objectives; effect of use on light and air; distribution of population; transportation facilities, utilities, schools, parks and recreation facilities and other public facilities and public facilities' needs; effect upon traffic (congestion, automotive and pedestrian safety, convenience, traffic flow, control, access, maneuverability, removal of snow from streets and parking areas); effect upon character of area in which proposed use is to be located (scale and bulk of proposed use in relation to surrounding uses); such other factors and criteria as commission deems applicable; and environmental impact report for proposed use.
<b>Malibu, CA (Exhibit L)</b>	Zoning	Site Plan	Compatible with development in adjacent area in relation to size, bulk and height; will not have significant adverse impact on natural resources and will make provisions for preservation of natural hydrology, plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and natural features; remedial grading exceeding 5,000 cubic yards to mitigate geotechnical hazard and will not result in significant adverse impact on visual or biological resources; does not obstruct visually impressive scenes of Pacific Ocean, offshore islands, Santa Monica Mountains, canyons,

**CHERRY HILLS VILLAGE  
COLORADO**

			valleys or ravines from main viewing area of any affected principal residence; will not affect solar access; consistent with general plan, local coastal program, municipal code and city standards; complies with all applicable requirements of state and local law; and a sea wall, bulkhead or other shoreline protective device is necessary to protect existing structure and/or existing or new sewage disposal system.
<b>Scarsdale, NY (Exhibit M)</b>	Site Plan Review	Site Plan	Non-residential buildings and multi-family dwellings are to be designed to avoid or minimize: creation of or seriously aggravating a traffic or other hazard; any significant impairment of use, enjoyment or value of properties in surrounding areas; any incongruous or detrimental change in prevailing character of neighborhood; and any deterioration of appearance of area. For expansion of pre-existing facilities: changes which have taken place since erection of structure which have led to proposed expansion or enlargement; anticipated future need for further expansion or enlargement; whether proposed expansion or enlargement is for educational, religious or benevolent purposes; whether any curtailment of or relocation of proposed or existing facilities would result in unnecessary hardship; alternatives and relative costs thereof available to provide for proposed expansion or enlargement; and size and shape of lot, size, shape and location of existing buildings and relationship thereto of proposed expansion or new buildings.
<b>Winter Park, FL (Exhibit N)</b>	Land Development	Conditional Use	Proposed plan is consistent with applicable goals, objectives, policies and standards in city comprehensive plan; plan meets or exceeds all other minimum standards and requirements; site plan, use, business type, operating hours, noise, parking and traffic impact will be compatible with existing and anticipated land use activities in immediate neighborhoods and surrounding areas; adequate facilities and services necessary will be available; building size, floor area ratio, height and mass will be compatible with zoning code requirements and consistent with scale and character of immediate neighborhood; site is landscaped and irrigated in and around buildings, sidewalks and buffering neighboring land; traffic shall not, on a daily or peak-hour basis, degrade level of service on adjacent roads or intersections or raise any traffic safety hazards; site plan provides onsite parking to meet code and expected demands of proposed use; adequate provisions have been made for light, air, access and privacy in arrangement of buildings; architectural design and aesthetic features are compatible with surrounding area; adequate light shall be provided in parking areas and interior streets; and proposed use will not create noise, intensity of activity, traffic, overflow, parking, stormwater runoff or any condition that degrades value and peaceful use of adjacent properties or economy of adjacent businesses or negatively impacts existing character or future use of surrounding neighborhood or adjacent properties.

**RECOMMENDATION:**

Staff recommends that the following review criteria be adopted for the evaluation of expanded use requests:

## CHERRY HILLS VILLAGE COLORADO

1. The proposed use is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semi-rural character of the City.
2. The proposed use complies with all applicable City ordinances and is consistent with all other City policies and plans.
3. The bulk and scale of any proposed design is compatible with the site and the character of the surrounding area.
4. Drainage and transportation systems are designed to encourage the use of natural materials and comply with the character of the surrounding area.
5. The proposed use will not result in unreasonable traffic congestion or create a safety hazard to vehicular or pedestrian traffic and adequate provisions will be provided to manage any traffic-related issues.
6. Sufficient parking in terms of parking spaces and areas to accommodate parking needs is provided and designed to minimize the impact on the character of the surrounding area.
7. Adverse impacts on adjacent properties as a result of the proposed scope of work will be eliminated, mitigated, or reasonably controlled, including but not limited to lighting and noise.

Staff's proposed language also requires approval of a new expanded use permit for any increase or modification to a previously approved use that could result in increased traffic or parking demands or an increase in the number of employees, enrollment, attendees or memberships above previously approved limits. The language additionally states that any expanded use permit approved or conditionally approved by the City shall expire within two years of the date of approval if the improvements or use described in the permit application are not constructed or commenced.

### **RECOMMENDED MOTION:**

"I move to approve on second and final reading Council Bill 6, Series 2014 as submitted in Exhibit A of the May 5, 2015 staff memorandum, amending Municipal Code Section 16-20-10 to establish general review criteria for the expanded use permit process."

### **ATTACHMENTS:**

Exhibit A: Council Bill 6, Series 2014

Exhibit B: Municipal Code Section 16-20-10

Exhibit C: Municipal Code Section 16-20-40

Exhibit D: City Attorney Memorandum

Exhibit E: City Council Minutes

Exhibit F: Parks, Trails and Recreation Commission Minutes

Exhibit G: Planning and Zoning Commission Minutes

Exhibit H: Cherry Hills Village Zoning Code

Exhibit I: Greenwood Village Land Development Code

Exhibit J: Boulder Land Use Regulation Code

**CHERRY HILLS VILLAGE**  
**COLORADO**

Exhibit K: Vail Zoning Code

Exhibit L: Malibu Zoning Code

Exhibit M: Scarsdale Site Plan Review Code

Exhibit N: Winter Park Land Development Code

COUNCIL BILL NO. 6  
SERIES OF 2014

INTRODUCED BY: \_\_\_\_\_  
SECONDED BY: \_\_\_\_\_

**A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY HILLS VILLAGE  
REPEALING AND RE-ENACTING SECTION 16-20-10 OF CHAPTER 16 OF THE CHERRY  
HILLS VILLAGE MUNICIPAL CODE CONCERNING NONPROFIT INSTITUTIONS, PRIVATE  
CLUBS, PUBLIC RECREATIONAL FACILITIES AND NONPROFIT RECREATIONAL  
FACILITIES, BY THE ADDITION OF REVIEW CRITERIA FOR EXPANDED USE PERMIT  
REQUESTS**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted zoning regulations codified in Chapter 16 of the Municipal Code that, in relevant part, establish requirements for the expansion of all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities; and

WHEREAS, the City has determined that it is necessary to clarify review criteria for expanded use permit requests to ensure that development is regulated and the character of the City is maintained.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

**Section 1.** Section 16-20-10 of the Cherry Hills Village Municipal Code, entitled "General," is hereby amended to read as follows:

**Sec. 16-20-10. General.**

- (a) The purpose of this Article is to establish procedures, and submittal requirements and review criteria which the City will use to review and approve certain uses, or expansions or increases to those uses. For purposes of this Article, references to the "Commission" shall mean either the Planning and Zoning Commission or the Parks and Trail Commission, as designated in Paragraph 16-20-40(1) of this Chapter.
- (b) The procedures and submittal requirements set forth in this Article shall apply to all requests to establish all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities and shall apply to requests to expand or increase all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities to the extent such request seeks:
  - (1) The physical alteration of any building or structure by more than one thousand (1,000) square feet;

(2) The creation, addition, modification or increase in size of any parking area, including the reconfiguration or alteration of the size, number or location of one (1) or more parking spaces or drive aisles;

(3) The addition or increase in number, size or intensity, or a change or modification in direction of existing exterior lighting other than changes or modifications which are determined by the City Manager to bring exterior lighting into greater conformance with the requirements of this Article; or

(4) The creation, addition, modification or increase in outdoor recreational fields or recreational facilities, including, but not limited to, playgrounds, parks, courts and swimming pools; or

(5) Any increase or modification to a previously approved use that could result in increased traffic or parking demands or an increase in the number of employees, enrollment, attendees or memberships above previously City approved limits, or above maximum levels documented in a prior application reviewed and approved or conditionally approved by the City.

(c) In addition to the standards of this Chapter, as applicable, all requests submitted under this Article XX shall be evaluated based on the following general standards:

(1) The proposed use is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semi-rural character of the City.

(2) The proposed use complies with all applicable City ordinances and is consistent with all other City policies and plans.

(3) The bulk and scale of any proposed design is compatible with the site and the character of the surrounding area.

(4) Drainage and transportation systems are designed to encourage the use of natural materials and comply with the character of the surrounding area.

(5) The proposed use will not result in unreasonable traffic congestion or create a safety hazard to vehicular or pedestrian traffic and adequate provisions will be provided to manage any traffic-related issues.

(6) Sufficient parking in terms of parking spaces and areas to accommodate parking needs is provided and designed to minimize the impact on the character of the surrounding area.

(7) Adverse impacts on adjacent properties as a result of the proposed scope of work will be eliminated, mitigated, or reasonably controlled, including but not limited to lighting and noise.

(d) The City Manager can require any or all of the information required in Section 16-20-50 below that impacts the area affected by the proposed activity, or is otherwise required by this Code. In addition, the City Manager may request that the applicant

hold a meeting with affected neighbors and the City in order to make the determination. (~~Prior code 6-19-1; Ord. 13, 2000; Ord. 17, 2000; Ord. 13 §1, 2013~~)

- (e) Any expanded use permit approved or conditionally approved by the City shall automatically expire if the improvements described in the permit application are not constructed or the use is not commenced within two (2) years of the date of City approval. The City Manager or his or her designee may grant extensions of time to the permit expiration date, not to exceed six (6) months, for good cause shown but only if an application for such extension is made in writing and filed with the City prior to the end of the applicable two (2) year expiration period.

**Section 2. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

**Section 3. Effective Date.** This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. \_\_\_\_\_, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura Smith, City Clerk

\_\_\_\_\_  
Linda C. Michow, City Attorney

Published in *The Villager*

Published: \_\_\_\_\_

Legal #: \_\_\_\_\_

## Cherry Hills Village Municipal Code

shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the City's costs and expenses for planning and engineering review services, attorney and other consultant fees and other direct expenses incurred with regard to said application. Any balance remaining in the escrow account at the conclusion of said application, such as approval, denial or withdrawal, shall be returned to the applicant without interest. In the event said funds are exhausted before completion of said application, the applicant will make a supplemental deposit to said escrow account in an amount determined by the City Manager. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. (Prior code 6-18-9; Ord. 14, 1999; Ord. 9 §1, 2003)

**Sec. 16-19-160. Repealer.**

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68, Title 24, C.R.S. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof shall no longer be in effect. (Prior code 6-18-10; Ord. 14, 1999)

**ARTICLE XX**

**Nonprofit Institutions, Private Clubs, Public Recreational  
Facilities and Nonprofit Recreational Facilities**

**Sec. 16-20-10. General.**

(a) The purpose of this Article is to establish procedures and submittal requirements which the City will use to review and approve certain uses, or expansions or increases to those uses. For purposes of this Article, references to the "Commission" shall mean either the Planning and Zoning Commission or the Parks and Trail Commission, as designated in Paragraph 16-20-40(1) of this Chapter.

(b) The procedures and submittal requirements set forth in this Article shall apply to all requests to establish all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities and shall apply to requests to expand or increase all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities to the extent such request seeks:

(1) The physical alteration of any building or structure by more than one thousand (1,000) square feet;

(2) The creation, addition, modification or increase in size of any parking area, including the reconfiguration or alteration of the size, number or location of one (1) or more parking spaces or drive aisles;

(3) The addition or increase in number, size or intensity, or a change or modification in direction of existing exterior lighting other than changes or modifications which are determined by the City Manager to bring exterior lighting into greater conformance with the requirements of this Article; or

## Cherry Hills Village Municipal Code

(4) The creation, addition, modification or increase in outdoor recreational fields or recreational facilities, including, but not limited to, playgrounds, parks, courts and swimming pools.

(c) The City Manager can require any or all of the information required in Section 16-20-50 below that impacts the area affected by the proposed activity, or is otherwise required by this Code. In addition, the City Manager may request that the applicant hold a meeting with affected neighbors and the City in order to make the determination. (Prior code 6-19-1; Ord. 13, 2000; Ord. 17, 2000; Ord. 13 §1, 2013)

### **Sec. 16-20-20. Procedures generally.**

Any application by a nonprofit institution, private club, public recreational facility or nonprofit recreational facility is subject to the review processes set forth in Sections 16-20-30 and 16-20-40 below. (Prior code 6-19-2; Ord. 17, 2000; Ord. 9 §1, 2003)

### **Sec. 16-20-30. Preliminary application review process.**

(a) An applicant shall be required to submit a preliminary application for review by the Planning and Zoning Commission. The preliminary application submittal shall include a letter of intent fully describing the intended use or expanded or increased use of the property, a site plan containing information required in Subparagraphs 16-20-50(3)a through (3)f, (3)m and (3)p below and an appropriate number of eleven-inch-by-seventeen-inch reductions of the site plan as determined by the Community Development Director.

(b) The Planning and Zoning Commission shall review the preliminary application packet to determine if it is consistent with the standards set forth in this Chapter and will suggest to the applicant whatever changes, if any, are recommended in the application.

(c) The City Manager may waive this preliminary application process upon written request from the applicant and after making a determination that the application is sufficiently complete to advance to the public hearing process identified in Section 16-20-40 below.

(d) This preliminary application review process shall not apply to applications for City-owned or -leased public recreational facilities. (Prior code 6-19-2; Ord. 13 §2, 2013)

### **Sec. 16-20-40. Application review process.**

Upon receipt of a complete application, upon payment of all fees and after determination that sufficient information has been presented, the City Manager will subject the application to the following review and approval procedures:

(1) Commission review and recommendation. Except for applications to establish, expand or increase public recreational facilities, the Planning and Zoning Commission shall review all applications submitted pursuant to this Article. The Parks, Trails and Recreation Commission shall review all applications to establish, expand or increase public recreational facilities, and when referred by the City Council, the Planning and Zoning Commission shall also review such applications.

**Cherry Hills Village Municipal Code**

(4) The creation, addition, modification or increase in outdoor recreational fields or recreational facilities, including, but not limited to, playgrounds, parks, courts and swimming pools.

(c) The City Manager can require any or all of the information required in Section 16-20-50 below that impacts the area affected by the proposed activity, or is otherwise required by this Code. In addition, the City Manager may request that the applicant hold a meeting with affected neighbors and the City in order to make the determination. (Prior code 6-19-1; Ord. 13, 2000; Ord. 17, 2000; Ord. 13 §1, 2013)

**Sec. 16-20-20. Procedures generally.**

Any application by a nonprofit institution, private club, public recreational facility or nonprofit recreational facility is subject to the review processes set forth in Sections 16-20-30 and 16-20-40 below. (Prior code 6-19-2; Ord. 17, 2000; Ord. 9 §1, 2003)

**Sec. 16-20-30. Preliminary application review process.**

(a) An applicant shall be required to submit a preliminary application for review by the Planning and Zoning Commission. The preliminary application submittal shall include a letter of intent fully describing the intended use or expanded or increased use of the property, a site plan containing information required in Subparagraphs 16-20-50(3)a through (3)f, (3)m and (3)p below and an appropriate number of eleven-inch-by-seventeen-inch reductions of the site plan as determined by the Community Development Director.

(b) The Planning and Zoning Commission shall review the preliminary application packet to determine if it is consistent with the standards set forth in this Chapter and will suggest to the applicant whatever changes, if any, are recommended in the application.

(c) The City Manager may waive this preliminary application process upon written request from the applicant and after making a determination that the application is sufficiently complete to advance to the public hearing process identified in Section 16-20-40 below.

(d) This preliminary application review process shall not apply to applications for City-owned or -leased public recreational facilities. (Prior code 6-19-2; Ord. 13 §2, 2013)

**Sec. 16-20-40. Application review process.**

Upon receipt of a complete application, upon payment of all fees and after determination that sufficient information has been presented, the City Manager will subject the application to the following review and approval procedures:

(1) Commission review and recommendation. Except for applications to establish, expand or increase public recreational facilities, the Planning and Zoning Commission shall review all applications submitted pursuant to this Article. The Parks, Trails and Recreation Commission shall review all applications to establish, expand or increase public recreational facilities, and when referred by the City Council, the Planning and Zoning Commission shall also review such applications.

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a. The City Manager shall refer the application to the appropriate Commission by setting the same on the next available Commission agenda. The Commission shall hold a public hearing preceded by public notice thereof as provided in Subsection 16-2-40(c) of this Chapter.

b. The Commission shall determine whether the application meets the requirements of this Chapter based on the application and on evidence and testimony presented at the public hearing, if any. The Commission may recommend approval, approval with conditions or denial of the application. The Commission may table the matter to a date certain pending the provision of further information.

c. The Commission shall have the authority to hear and make recommendation to the City Council regarding any requests for variances to this Chapter brought in conjunction with the application process outlined in this Article. In hearing such requests, the Commission will utilize the criteria contained in Section 16-3-50 of this Chapter and follow the rules of procedure applicable to the Board of Adjustment and Appeals.

### (2) City Council review procedure.

a. Only after a recommendation is made by the Commission shall the complete application be set for public hearing in front of the City Council. Notice shall be given of the public hearing pursuant to the requirements of Subsection 16-2-40(c) of this Chapter.

b. The City Council shall determine whether the application meets the requirements of this Chapter based on the application, the Commission's recommendation and evidence and testimony presented at the public hearing, if any. The City Council may approve, approve with conditions or deny the application. In the case of public recreational facilities, the City Council may refer the application to the Planning and Zoning Commission for a recommendation before the City Council makes a final determination. The City Council may also table the matter to a date certain pending the provision of further information.

c. The City Council shall have the authority to hear and decide any requests for variances to this Chapter brought in conjunction with the application process outlined in this Article. In hearing such requests, the City Council will utilize the criteria contained in Paragraphs 16-3-50(b)(1) through (9) of this Chapter. A majority vote of a quorum of the City Council present and voting shall be required to approve any variance brought in conjunction with the application process outlined in this Article.

d. The City Council shall have the authority to hear and decide any appeals of the City Manager's decision made in conjunction with the application process outlined in this Article. In hearing such requests, the City Council will utilize the criteria contained in Subsection 16-3-30(a) of this Chapter. A majority vote of a quorum of the City Council present and voting shall be required to reverse or affirm, wholly or partly, or to modify any decision of the City Manager made in conjunction with the application process outlined in this Article.

e. The City Council may require reasonable conditions, other than the minimum requirements and conditions established in this Article, deemed reasonably essential for the

## Cherry Hills Village Municipal Code

health, safety and general welfare of the public. (Prior code 6-19-2; Ord. 13, 2000; Ord. 14, 2001; Ord. 9 §1, 2003; Ord. 13 §3, 2013)

### **Sec. 16-20-50. Submittal requirements.**

A complete application for a nonprofit institution, private club, public recreational facility or nonprofit recreational facility or an expanded or increased use of an existing nonprofit institution, private club, public recreational facility or nonprofit recreational facility includes review by staff, city consultants and referral agencies and must contain the following:

(1) Letter of intent requesting public hearings in front of the Planning and Zoning Commission and City Council and describing fully the intended use or expanded or increased use of the property.

(2) An application fee of three hundred dollars (\$300.00).

(3) A site plan which shall be an original drawing in black ink on twenty-four-inch-by-thirty-six-inch media and contain the following information:

a. Project name, type of proposal, legal description of the plan's land area, date of the drawing, scale (one [1] inch = fifty [50] feet or one [1] inch = one hundred [100] feet), north arrow and names and addresses of the owner, planner and surveyor.

b. Vicinity map with north arrow (scale of one [1] inch = two thousand [2,000] feet) with an emphasis on the major roadway network within one (1) mile of the proposal.

c. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties, including yard requirements of the zone districts.

d. The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structures, the uses to be contained within and the location of entrances and loading points.

e. Historic, existing and proposed contours expressed in one-foot increments based upon the USGS datum.

f. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, compact, handicap, etc.) and types of surfacing, such as asphalt, concrete, etc., in compliance with the provisions of Article 16 of this Chapter, and Chapter 11, Article II of this Code.

g. Public and private utility service lines and/or main lines with appurtenances.

h. Location of existing easements of record within one-tenth foot (0.1) of actual location.

i. All walks, open and recreation areas, with a description of these improvements.

j. Location of outdoor trash receptacle systems.

Councilor VanderWerf shared that the Art Commission is focused on entry features and a piece in front of the JPSF for placement of art. They are aware of public concerns and their goal is not to add a lot of art around the City, but if there is a good location and the right art piece is available they will pursue those pieces.

**PROPOSED AMENDMENT TO MUNICIPAL CODE SEC 16-20-10**  
**ESTABLISHING EXPANDED USE**

Emily Kropf presented the proposed amendment. The City is seeking a recommendation from the PTRC, to City Council, for approval of an amendment to Municipal Code Sec. 16-20-10 establishing review criteria for the expanded use permit process. Under the current code the PTRC reviews applications to establish, expand, or increase public recreational facilities based on the application, evidence and testimony presented at a public hearing and makes a recommendation to City Council. The planning review process should include more specific criteria so the City Council can make more consistent and legally defensible decisions.

The City is requesting that the following criteria be adopted:

1. The proposed use is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semi-rural character of the City.
2. The proposed use complies with all applicable City ordinances and is consistent with all other City policies and plans.
3. The bulk and scale of any proposed design is compatible with the site and the character of the surrounding area.
4. Drainage and transportation systems are designed to encourage the use of natural materials and comply with the character of the surrounding area.
5. The proposed use will not result in unreasonable traffic congestion or create a safety hazard to vehicular or pedestrian traffic and adequate provisions will be provided to manage any traffic-related issues.
6. Sufficient parking in terms of parking spaces and areas to accommodate parking needs is provided and designed to minimize the impact on the character of the surrounding area.
7. Adverse impacts on adjacent properties as a result of the proposed scope of work will be eliminated, mitigated, or reasonably controlled, including but not limited to lighting and noise.

Mr. Eber questioned whether the criteria under number two requiring that the proposed use comply with all City ordinances is necessary since it is the law.

Mr. John Kokish moved, seconded by Ms. Colleen Dougherty to recommend adoption of the proposed amendment of Municipal Code Sec. 16-20-10 establishing review criteria for the expanded use permit process, with a suggestion that the City Attorney review the language in number two that states the proposed use will comply with all City ordinances, to determine if this language is necessary. The motion passed unanimously.

**CONSENT AGENDA**

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve the following items on the Consent Agenda:

- a. Approval of Minutes – September 16, 2014
- b. Contract for Services – City Auditor; John Cutler and Associates

The motion carried unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

**Public Hearing - Council Bill 4, Series 2014; Amending Municipal Code Section 17-4-30 Concerning Engineering and Construction Standards (Public Hearing and second and final reading)**

Special Projects Coordinator Kropf presented Council Bill 4, Series 2014 on second and final reading. She noted that there had been no changes since first reading.

Mayor Tisdale opened the public hearing at 6:45 p.m. Hearing no comments the public hearing was closed at 6:46 p.m.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve on second and final reading Council Bill 4, Series 2014, amending Municipal Code Section 17-4-30 updating the engineering and construction criteria in conjunction with the subdivision of land, as submitted in Exhibit C of the October 7, 2014 staff memorandum.

The following votes were recorded:

Katy Brown	yes
Mark Griffin	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on the Council Bill 4-2014: 6 ayes. 0 nays. The motion carried.

**NEW BUSINESS**

**Council Bill 6, Series 2014; Amending Municipal Code Section 16-20-10 Establishing Expanded Use Review Criteria (first reading)**

Special Projects Coordinator Kropf presented Council Bill 6, Series 2014 on first reading. She explained that Municipal Code Section 16-20-10 establishes the expanded use permit process for nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities. An expanded use permit is required for the establishment of new institutions, clubs and facilities; the physical alteration of any building or structure by more than 1,000 square feet; the creation, addition, modification or increase in size of any parking area; the addition or increase in number, size or intensity or a change or modification in the direction of existing exterior lighting; and the creation, addition, modification or increase in outdoor recreational fields or facilities.

Under the current Code, P&Z reviews an expanded use proposal to determine whether the application meets the requirements of the zoning ordinance based on the application, evidence and testimony presented at a public hearing and makes a recommendation to the City Council. The City Council then determines whether the application meets the same requirements based on the application, evidence and testimony and P&Z's recommendation. There are no other specified review criteria to base decisions on other than the technical zoning criteria. She indicated that staff believed a typical planning review process should include more specific criteria so that both P&Z and the City Council can make more consistent and legally defensible decisions. She explained that P&Z and the City Council have been asked to review options for adding general criteria to the expanded use permit process to ensure that development is regulated and the character of the City is maintained. She noted that a summary of the criteria used in several peer communities was included in staff's memo. She indicated that the P&Z held a study session on July 22<sup>nd</sup> and reviewed draft council bills on August 12<sup>th</sup> and September 9<sup>th</sup>.

Councilor K. Brown clarified that recreational facilities were reviewed by the Parks, Trails and Recreation Commission rather than the Planning and Zoning Commission.

Councilor VanderWerf indicated that proposed criteria #2, "The proposed use is consistent with the goals and strategies of the Master Plan, including preservation of the semi-rural character of the City" reintroduced a subjective element.

Director Zuccaro replied that the current criteria only required that the application comply with zoning requirements and that staff could evaluate the technical criteria. Therefore staff believed that other criteria should be established for P&Z and PTRC to consider in order to meet the intent of the Master Plan. He added that additional criteria would provide more legally defensible findings.

Councilor A. Brown noted that the table in the staff memo showing criteria used by peer municipalities did not include view corridors or remedial grading above a certain volume.

Special Projects Coordinator Kropf replied that view corridors had been included in an early draft of the council bill but had been removed because view corridors were covered by the Master Plan.

Director Zuccaro added that a concern with remedial grading would overlap with existing criteria and that height from natural grade was already addressed specifically by the current Code.

Councilor A. Brown suggested that the proposed language of Section 16-20-10(c) be changed from "comply" to "be evaluated" because of the subjective nature of the criteria. He added that criteria #2 of that section be changed from "is consistent" to "furthers" or "implements". He questioned criteria #4 of that section because most institutions in the City will be surrounded by residential neighborhoods and questioned how their compatibility with the surrounding area would be evaluated since by their nature they have a different bulk and scale compared to residential neighborhoods. He also asked how criteria #7 would work with the existing parts of the Code that address parking requirements.

Director Zuccaro replied that criteria #7 would be in addition to the existing parking regulations in the Code.

Councilor A. Brown noted that criteria #8 also needed clarity as to whether the intent was to mitigate only those adverse impacts associated with the improvement or if it would also include any existing adverse impacts.

Councilor Roswell suggested that Council consider tabling the council bill.

Councilor K. Brown indicated she agreed with Councilor A. Brown. She noted that many of the criteria were subjective and ambiguous which would make it more difficult to defend a decision and therefore does not achieve the objective. She asked who would define "adverse" in criteria #8.

Councilor A. Brown agreed with Councilor K. Brown and questioned how the City would reach a conclusion that an application complied with such criteria.

Mayor Tisdale noted that a Rule 106 action could occur if the City denied an expanded use permit application based upon the proposed criteria.

City Attorney Michow explained that the purpose of the council bill was to improve upon the current analysis conducted by City Council, P&Z and PTRC when evaluating expanded use applications. She noted that currently there were no criteria and that posed a greater legal risk than the proposed criteria. She appreciated Councilor A. Brown's suggested revision from "comply" to "be evaluated" as that was a more accurate description. She added that Colorado courts have long upheld municipal criteria with the proposed level of subjectivity and that such compatibility standards had been long on the books. She noted that these criteria were not like those used for lighting standards where lumens could be clearly measured and that subjectivity was necessarily built into these criteria.

Mayor Tisdale acknowledged P&Z's work on the proposed council bill.

Councilor A. Brown indicated he supported the adoption of additional criteria but was uncomfortable with the proposed council bill.

Councilor A. Brown moved, seconded by Councilor K. Brown to table Council Bill 6, Series 2014.

The motion carried unanimously.

#### Board and Commission Terms

City Clerk Smith presented Council Bill 7, Series 2014 and Resolution 18, Series 2014 for Council's consideration. She explained that at the September 16<sup>th</sup> meeting Council had discussed changing board and commission terms to end at the same time with consideration for the election timeline. She noted that terms for the Board of Adjustment and Appeals (BOAA) and Parks, Trails and Recreation Commission (PTRC) ended in May, terms for the Public Art Commission (PAC) ended in various months, and terms for the Planning and Zoning Commission (P&Z) ended in Septembers. Staff had prepared the proposed changes which would adjust the terms for P&Z and PAC so that terms ended in May, joining BOAA and PTRC.

Councilor Roswell indicated that this issue should be addressed by the new Council in January rather than the current Council.

Councilor A. Brown suggested that having all board and commission terms end at the same time may not be the most desirable system and that staggering them throughout the year might be beneficial as it would allow Council to revisit past applicants as new positions became available over the course of the year. He indicated that formalizing Council's policy on board and commission recruitment and terms would be helpful for future Councils and volunteered to work with staff on writing such a policy.

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, September 9, 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, Vice Chair Peter Savoie, Commissioner Steve Szymanski, 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; Emily Kropf, Special Projects Coordinator; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Commissioner Jim Rubin and Commissioner Peter Niederman.

**APPROVAL OF MINUTES**

Commissioner Szymanski made a motion, which was seconded by Commissioner Wyman, to accept the August 12, 2014 minutes as written. The motion passed unanimously.

Ryan Kauffman, representative from Sprint, thanked the Commission for all of their work in regards to the BMW Golf Tournament. He displayed a photo of the COW (cell on wheels) which was used during the tournament. He stated that the tower was used for 2800 calls on the busiest day, and had 365,000 hits on the 4G network for data per day. He stated there were 130,000 hits on older networks per day for data. He stated that the Sprint COW was used by many, and he hoped they would be included with the initial special event permit if another event arises.

**AGENDA ITEMS**

*a. Proposed Amendment to Municipal Code Sec. 16-20-10 Establishing Expanded Use Review Criteria*

Ms. Kropf stated that staff is presenting for consideration a proposed amendment to Municipal Code Section 16-20-10; establishing general review criteria for the expanded use permit process. She stated that the Commission was asked to discuss options for adding general criteria to the review process to ensure that development is regulated and the character of the City is maintained. Currently, there are no other standards to base decisions on other than technical zoning criteria. She continued that the Commission held a study session on July 22<sup>nd</sup> and reviewed a draft ordinance on August 12<sup>th</sup>. She stated that based on the Commission's feedback, the draft ordinance has been revised and is attached as Exhibit A.

Ms. Kropf stated that Staff has since removed the review standard that the proposed use will not be detrimental to the public health, safety and welfare. She stated that Staff found that this requirement is adequately addressed in Section 16-1-20.

Ms. Kropf stated that lighting and noise were added to the last review standard, which discusses adverse impacts on adjacent properties. She continued that the other new provisions that deal with an increase or modification to a previously approved use and the two-year expiration period have not been changed.

Chair Christman stated that there were no variations from what the Commission had previously discussed.

Vice Chair Savoie asked what was the motivation behind the ordinance.

Mr. Zuccaro replied that the City Attorney suggested it as a way to make determinations by the Commission more legally defensible.

Vice Chair Savoie asked if City Council has seen the ordinance yet.

Mr. Zuccaro replied no.

Commissioner Blum made a motion, which was seconded by Commissioner Szymanski, to recommend to City Council approval of the proposed amendment to Municipal Code Section 16-20-10 as provided in Exhibit A of the September 9, 2014 staff memorandum, establishing review criteria for expanded use permit requests.

The motion passed unanimously.

Chair Christman asked when the proposal would be presented to City Council.

Mr. Zuccaro replied the October 2014 meeting.

*b. Proposed Amendment to Municipal Code Sec. 16-16-10(d) Concerning Off-Street Parking Surface Requirements*

Mr. Zuccaro stated that Staff is presenting for consideration and recommendation to the City Council an ordinance allowing the City Manager or City Council to approve up to 30% of the required parking serving a public, semipublic, commercial, or other nonresidential uses to be natural, non-hardened surfaces.

Mr. Zuccaro stated that this draft amendment is in response to a request by the Planning and Zoning Commission at the August 12, 2014 meeting to allow parking requirements to be counted in vacant fields. He continued that by allowing a certain amount of the required parking to take place on natural surfaces, the intent is to provide an incentive to preserve natural undeveloped areas and the semi-rural character of the Village.

Mr. Zuccaro provided the example of Denver First Church of the Nazarene, who recently had a development request. This request included 221 non-paved parking spaces. However, the applicant would have had to request variances to the hard-surfacing, striping, landscaping, and lighting requirements. He continued to say that ultimately the applicant developed a hard-surface parking lot of 265 spaces.

Mr. Zuccaro stated some pros for allowing parking to take place in undeveloped fields: promoting preservation of natural open spaces; helps to preserve the semi-rural character of the Village; less impervious pavement may improve water quality and reduce the need for drainage detention and other drainage infrastructure; eliminates the need for costly infrastructure that may be seldom used.

## Cherry Hills Village Municipal Code

## ARTICLE XVIII

## Conditional Uses

**Sec. 16-18-10. Legislative purpose.**

The City Council hereby declares that certain uses of land designated as conditional uses within any zone district may be authorized by City Council subject to compliance with the standards and review and approval procedures set forth in this Article. Such uses may exist within the corporate limits of the City only upon application to and review by the Planning and Zoning Commission and approved by the City Council based on findings by the Planning and Zoning Commission and City Council that:

(1) The proposed use is specified as an authorized conditional use within the applicable zone district.

(2) The proposed use, at the size and intensity contemplated and at the proposed location, is necessary for the neighborhood immediately benefited by the proposed use and compatible with the surrounding community.

(3) The use proposed will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or to property, improvements or potential development in the vicinity of the proposed use. This determination may, without limitation, be based on:

a. The nature of the proposed site, including its size, shape and topography and the proposed size, location and arrangement of structures;

b. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of such traffic, location of points of ingress and egress and the adequacy of off-street parking and loading, where applicable;

c. The degree of conformity with the requirements and conditions listed in Sections 16-18-20 and 16-18-30 below, as applicable; and

d. The provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage.

(4) The proposed use will comply with the applicable zoning district regulations and all other applicable provisions of this Chapter and of this Code, and will not be inconsistent with the Master Plan.

(5) Where an applicant for a proposed conditional use also requests a variance to a standard imposed by this Chapter, the City Council may grant such variance as part of the approval of the conditional use upon a finding that all criteria for approval of a variance are met as set forth by Section 16-3-50. (Prior code 6-17-1; Ord. 7, 1999; Ord. 9 §1, 2003; Ord. 11 §1, 2003)

**Sec. 16-18-20. Requirements and conditions for specific uses.**

(a) Guardhouses. In addition to meeting all other requirements of this Article, guardhouses are permitted in the R-1, R-2, R-3, R-4, R-5 and R-3A Zone Districts, subject to the following:

(d) Steps. The steps for annexation requests are set forth in the Review Process table.

(e) Review criteria. The City Council shall consider the criteria set forth in Section 31-12-116, C.R.S., when reviewing a proposed annexation.

(f) Zoning of annexed area.

(1) Temporary. The City Council, by Charter, may determine temporary zoning and establish a temporary zoning district or districts.

(2) Permanent. Within thirty (30) days after the effective date of an ordinance of annexation, the Planning and Zoning Commission shall hold a public hearing to consider the appropriate zoning for the annexed area, in accordance with Section 16-2-280. Within fifteen (15) days of such hearing, the Planning and Zoning Commission shall transmit its recommendation to the City Council, which shall, within ninety (90) days after the effective date of the annexation ordinance, adopt an ordinance zoning the annexed property. (Prior code 15.06, 15.06.020; Ord. 32 §1, 2011)

**Sec. 16-2-30. Rezoning.**

(a) Description. This Section governs a change in the zoning of property.

(b) Submittal requirements. The submittal requirements for a rezoning application are set forth in the Submittal Requirements table, provided that the application may be filed by the Director, the City Council or the property owner.

(c) Steps. The steps required to process a rezoning application are set forth in the Review Process table.

(d) Review criteria. In reviewing the proposed rezoning, the Planning and Zoning Commission and the City Council shall consider whether the rezoning:

(1) Is in conformance with the Comprehensive Plan;

(2) Is compatible with surrounding land uses; and

(3) Adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services. (Prior code 15.52.005(part), 15.52.010, 15.52.030, 15.52.160; Ord. 32 §1, 2011)

**Sec. 16-2-40. Master Development Plan.**

(a) Description. The MDP establishes the general land uses on property, including development criteria and restrictions, development standards and design guidelines, and allows flexibility in establishing specific building architecture and site layout details. The MDP requires a subsequent SDP to provide the level of detail discussed in this Section.

(b) Applicability.

(1) An MDP is required with initial zoning of property to TC and as a concurrent application (formerly a preliminary development plan) in an MC District.

(2) An MDP is required in the B-1, B-2, B-3, B-4 and LI zone districts when an exception from the zone district requirement and limitations are warranted by virtue of the design and amenities.

(c) Submittal requirements. The submittal requirements for an MDP application are set forth in the Submittal Requirements table.

(d) Steps. The steps required to process an MDP application are set forth in the Review Process table.

(e) Review criteria. In reviewing an MDP, the Planning and Zoning Commission and the City Council shall consider whether the proposed MDP:

(1) Is in conformance with the Comprehensive Plan;

(2) Is compatible with surrounding land uses; and

(3) Adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services. (Prior code Title 14, 15.38; Ord. 32 §1, 2011)

#### **Sec. 16-2-50. Site Development Plan.**

(a) Description. An SDP is a detailed development plan for a property zoned B-1, B-2, B-3, B-4 or LI, property not owned by the City and zoned O-1, O-2 or A, and as the final step in the MDP process for property zoned TC or MC.

(b) Applicability. An SDP is required for:

(1) A scrape-off of all or a majority of existing improvements;

(2) A modification to an existing building that increases the NFA and parking requirements;

(3) An open space reduction of more than five percent (5%) or a reduction in open space that would result in a percentage lower than the minimum established for the specific property; or

(4) Development of a vacant parcel.

(c) Submittal requirements. The submittal requirements for an SDP application are set forth in the Submittal Requirements table.

(d) Steps. The steps required to process an SDP application are set forth in the Review Process table.

(e) Review criteria. The Director, the Planning and Zoning Commission and the City Council shall consider the following criteria when reviewing an SDP application, unless the applicable MDP provides for different criteria:

(1) Whether the development is in conformance with the Comprehensive Plan;

(2) Whether the development is compatible with surrounding land uses;

(3) Whether the development adequately mitigates any adverse impacts it causes, including, without limitation, adverse impacts on traffic, view corridors, noise, property values and the provision of public services;

(4) Whether the development is in conformance with the development criteria, restrictions and standards set forth in the MDP;

(5) Whether the development is in conformance with the general development objectives set forth in Section 16-21-20 of this Chapter; and

(6) In cases involving parcels zoned O-1 or O-2, whether the Parks, Trails and Recreation Commission has reviewed the proposal.

(f) Modifications. If an applicant wishes to modify an approved SDP, the applicant shall submit a request for such modification to the Director. The Director shall determine whether the proposed modification is a major, minor or administrative modification.

(1) Major modification.

a. Description. A major modification is one which would alter the concept or intent of the SDP, including without limitation increases in density, changes in height, reductions of open space or parking, changes in development standards or changes in governing agreements.

b. Submittal requirements and steps. The submittal requirements and review steps are the same as for an initial SDP application.

c. Review criteria. The City Council shall consider whether the modification:

1. Is in conformance with the Comprehensive Plan;

2. Is compatible with surrounding land uses;

3. Adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services; and

(2) Minor modification. A minor modification is one that does not increase the approved density, height or floor area ratio, nor decrease the open space or parking requirements by more than five percent (5%) or decrease an approved setback.

a. Submittal requirements and steps. A minor modification shall be submitted to the Planning and Zoning Commission, including such information necessary to inform the Planning and Zoning Commission of the substance of the proposed modification and its effect on surrounding properties.

b. Review criteria. The Planning and Zoning Commission shall consider whether the modification:

1. Is in conformance with the Comprehensive Plan;

2. Is compatible with surrounding land uses; and

3. Adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services.

(3) Administrative modification.

a. Description. Authority is delegated to the Director to make administrative modifications to previously approved and recorded SDP, subject to the following conditions and limitations:

1. The modification shall be for the sole purpose of correcting an administrative or clerical error, such as correction of inaccurate legal descriptions, inaccurate topographic information and other technical information.

2. No administrative modification shall be made by the Director until the Director has reviewed the information submitted to the City Council at the time of the City Council's approval of the SDP, and the Director has determined that the information as corrected conforms with the City Council's intent in approving the original SDP request.

3. No administrative modification shall be made by the Director which would have the effect of increasing density, diminishing a setback or authorizing any use not specifically approved by the City Council, or otherwise enable any property or building to be used in violation of this Code.

b. Submittal requirements and steps. A request for an administrative modification of an SDP shall be submitted to the Director, including such information necessary to inform the Director of the substance of the modification and its effect on surrounding properties.

c. Review criteria. The Director shall consider whether the modification:

1. Is in conformance with the Comprehensive Plan;

2. Is compatible with surrounding land uses; and

3. Adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services. (Prior code Title 14, 15.38, 15.40, 15.52.140; Ord. 14 §2, 2010; Ord. 32 §1, 2011; Ord. 22 §§1, 2, 2012)

- (d) **Annexations/Six-Month Rule:** If an owner of property not located within the city, for which a development review application is approved, fails to annex the property to the city within six months of the date of approval, the approval shall expire unless the approving agency extends the time period, upon a finding of good cause predicated upon a written request of the applicant delivered to the city manager before the expiration of the six-month period.
- (e) **Rescission of Development Approval:** If, after use review, site review, Planned Development (PD), Planned Residential Development (PRD), or Planned Unit Development (PUD) approval is granted pursuant to this chapter, the owner of property desires to develop, instead, under the provisions of chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, the owner may request rescission of such use review, site review, PD, PRD or PUD approval by filing a written request for rescission with the city manager. The manager will grant a rescission of such use review, site review, PD, PRD, or PUD approval if no building permit has been issued for the development and neither the city nor the developer has taken any actions in detrimental reliance on the terms of the development agreement. The manager may also rescind a site review, PD, PRD, or PUD approval if the existing or proposed development complies with all the use, form, and intensity requirements of chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, and there is no substantial public benefit in maintaining the original approval. An owner may also request a rescission of a use review or special review approval in order to return the property to a use that is permitted as a matter of right, or as a conditional use if it is able to meet all applicable standards for such use under this title.

Ordinance No. 7577 (2007)

#### 9-2-13. Concept Plan Review and Comment.

- (a) **Purpose of Concept Plan Review:** The purpose of the concept plan review step is to determine a general development plan for the site, including without limitation, land uses, arrangement of uses, general circulation patterns and characteristics, methods of encouraging use of alternative transportation modes, areas of the site to be preserved from development, general architectural characteristics, any special height and view corridor limitations, environmental preservation and enhancement concepts, and other factors as needed to carry out the objectives of this title, adopted plans, and other city requirements. This step is intended to give the applicant an opportunity to solicit comments from the planning board authority early in the development process as to whether the concept plan addresses the requirements of the city as set forth in its adopted ordinances, plans, and policies.
- (b) **Projects Required to Complete Concept Review and Comment:** Any applicant for a development that exceeds the "Site Review Required" thresholds set forth in Paragraph 9-2-14(b)(1), B.R.C. 1981, shall complete the concept review process prior to submitting an application for site review.
- (c) **Application Requirements:** A concept plan should be a preliminary plan for the development of a site of sufficient accuracy to be used for discussing the plan's conformance with adopted ordinances, plans, and policies of the city. The concept plan provides the public, the city manager, and the planning board opportunity to offer input in the formative stages of the development. An application for a concept plan review and comment may be filed by a person having a demonstrable property interest in land to be included in a site review on a form provided by the manager and shall include the following:
  - (1) The written consent of the owners of all property to be included in the development;
  - (2) A context map, drawn to scale, showing the site and an area of not less than a 300-foot radius around the site, including streets, zoning, general location of buildings, and parking areas of abutting properties;
  - (3) A scaled and dimensioned schematic drawing of the site development concept and an area of not less than 200 feet around the site, showing:
    - (A) Access points and circulation patterns for all modes of transportation;
    - (B) Approximate locations of trails, pedestrian and bikeway connections, on-site transit amenities, and parking areas;

- (C) Approximate location of major site elements, including buildings, open areas, natural features such as watercourses, wetlands, mature trees, and steep slopes; and
  - (D) Proposed land uses and approximate location;
- (4) Architectural character sketches showing building elevations and materials; and
- (5) A written statement that describes, in general, how the proposed development meets this title, city plans and policies, and addresses the following:
- (A) Techniques and strategies for environmental impact avoidance, minimization, or mitigation;
  - (B) Techniques and strategies for practical and economically feasible travel demand management techniques, including without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials, or programs that may reduce single-occupant vehicle trip generation to and from the site; and
  - (C) Proposed land uses and, if it is a development that includes residential housing type, mix, sizes, and anticipated sale prices, the percentage of affordable units to be included; special design characteristics that may be needed to assure affordability.
- (d) Public Notice of Application: After receiving an application, the city manager shall provide public notification pursuant to Section 9-4-3, "Public Notice Requirements," B.R.C. 1981.
- (e) Additional Information or Processes: Based on the concept plan submission, and to the extent that such requirements can be determined from the information provided by the applicant, the city manager will identify additional information or processes that may be needed prior to or concurrent with site review, such as:
- (1) Variances and exceptions to existing standards necessary to achieve the defined objectives for the site, and the process and approving agency for the required changes;
  - (2) Processes, permits, and approvals that may be needed, including without limitation, wetland permits, floodplain permits, flood map revisions, special large water user or sanitary sewer pretreatment agreements, rezonings, or Boulder Valley Comprehensive Plan changes;
  - (3) Need for any further environmental studies or impact studies; and
  - (4) Public infrastructure improvements needed to serve the development, including without limitation, transportation improvements such as streets, alleys, transit stops, and shelters, other alternative mode facilities and connections, and acceleration and deceleration lanes, water, wastewater, and flood control.
- (f) Review of and Comment on Concept Plans: Upon receipt of an application for a concept plan review, the city manager will review the submitted materials for general compliance with the requirements of this title, and prepare staff comments. The scope of staff comments will differ from application to application, at the discretion of the manager. The manager will forward the application, any comments received from neighbors and other interested persons, and any staff comments to the planning board. The planning board shall review the concept plan at a public meeting held pursuant to the provisions of Subsection 2-3-1(b), B.R.C. 1981. Planning board members may provide individual comments on the concept plan. A concept plan review and comment shall not relieve the applicant of the burden required to seek approvals for elements of the plan that require review and approval under the Boulder Revised Code.
- (g) Guidelines for Review and Comment: The following guidelines will be used to guide the planning board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The planning board may consider the following guidelines when providing comments on a concept plan:

- (1) Characteristics of the site and surrounding areas, including without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including without limitation, mature trees, watercourses, hills, depressions, steep slopes, and prominent views to and from the site;
- (2) Community policy considerations, including without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including without limitation, sub-community and sub-area plans;
- (3) Applicable criteria, review procedures, and submission requirements for a site review;
- (4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;
- (5) Opportunities and constraints in relation to the transportation system, including without limitation, access, linkage, signalization, signage and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;
- (6) Environmental opportunities and constraints, including without limitation, the identification of wetlands, important view corridors, floodplains, and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site, and at what point in the process the information will be necessary;
- (7) Appropriate ranges of land uses; and
- (8) The appropriateness of or necessity for housing.

Ordinance Nos. 5669 (1994); 5777 (1998); 5994 (1998); 6093 (1999)

#### 9-2-14. Site Review.

- (a) Purpose: The purpose of site review is to allow flexibility and encourage innovation in land use development. Review criteria are established to promote the most appropriate use of land, improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to assure consistency with the purposes and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community, to ensure compatibility with existing structures and established districts, to assure that the height of new buildings is in general proportion to the height of existing, approved, and known to be planned or projected buildings in the immediate area, to assure that the project incorporates, through site design, elements which provide for the safety and convenience of the pedestrian, to assure that the project is designed in an environmentally sensitive manner, and to assure that the building is of a bulk appropriate to the area and the amenities provided and of a scale appropriate to pedestrians.
- (b) Scope: The following development review thresholds apply to any development that is eligible or that otherwise may be required to complete the site review process:
  - (1) Development Review Thresholds:
    - (A) Minimum Thresholds for Voluntary Site Review: No person may apply for a site review application unless the project exceeds the thresholds for the "minimum size for site review" category set forth in table 2-2 of this section or a height modification pursuant to Subsection (e) below on any lot is requested.
    - (B) Minimum Thresholds for Required Site Review: No person may apply for a subdivision or a building permit for a project that exceeds the thresholds for the "concept plan and site review required" category set forth in table 2-2 of this section until a site review has been completed.
    - (C) Common Ownership: All contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, or site review approval, shall be considered as one property for the purposes of determining whether the maximum site review

## 12-16-6: CRITERIA; FINDINGS:

- A. Factors Enumerated: Before acting on a conditional use permit application, the planning and environmental commission shall consider the following factors with respect to the proposed use:
1. Relationship and impact of the use on development objectives of the town.
  2. Effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities and public facilities needs.
  3. Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the streets and parking areas.
  4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
  5. Such other factors and criteria as the commission deems applicable to the proposed use.
  6. The environmental impact report concerning the proposed use, if an environmental impact report is required by chapter 12 of this title.
- B. Necessary Findings: The planning and environmental commission shall make the following findings before granting a conditional use permit:
1. That the proposed location of the use is in accordance with the purposes of this title and the purposes of the zone district in which the site is located.
  2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
  3. That the proposed use will comply with each of the applicable provisions of this title. (Ord. 29(2005) § 38: Ord. 10(1998) § 9: Ord. 22(1996) § 3: Ord. 36(1980) § 1: Ord. 8 (1973) § 18.600)

Malibu Municipal Code							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>		<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">Title 17 ZONING</a> <a href="#">Chapter 17.62 DEVELOPMENT PERMITS</a>							

### **17.62.040 Site plan review.**

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and a coastal morphologist; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

1. Construction, reconstruction or addition to a building on a non-beachfront lot resulting in height increases over the base eighteen (18) feet up to twenty-eight (28) feet in height for a pitched roof and twenty-four (24) feet for a flat roof as measured from finished or natural grade, whichever results in a lower building height;
2. Remedial grading within the Malibu Country Estates Overlay District necessary to maintain existing building pads and slopes and to restore a building site as constructed in the original grading plan for Tract 30134;
3. Grading not exceeding one hundred (100) cubic yards total cut and fill within the Malibu Country Estates Overlay District;
4. Satellite or communication devices and antennas within the Malibu Country Estates Overlay District which exceed one meter in diameter and that project above rooflines or are visible from public streets or sidewalks, where necessary to accommodate the technical requirements of the equipment;
5. Visually non-permeable sports court fences, not exceeding twelve (12) feet in height;
6. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46) that comply with the Most Restrictive Design Criteria set forth in Section 17.46.070;
7. Reduction of the one hundred (100) foot setback from an ESHA to no less than fifty (50) feet;
8. Reduction of setback and open space requirements by no more than twenty (20) percent, except that front yard setbacks may be reduced by no more than fifty (50) percent;
9. Remedial grading over five thousand (5,000) cubic yards, but not exceeding a cumulative of fifteen thousand (15,000) cubic yards per property;
10. Sea walls, bulkheads, or any other shoreline protective devices;
11. Exemption from the hillside development ordinance provided that it can be demonstrated that the proposed development cannot be seen from public scenic areas;
12. For institutional development, height increases over the base district maximum of eighteen (18) feet up to a maximum of thirty-five (35) feet in height for flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries where consistent with all applicable Malibu Local Coastal Program policies and development standards. Roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two feet higher than the structure roof height (screens included).

B. Application Submittal. An application shall be filed with the planning division. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city

coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Notice of Application Filing. Within ten (10) calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a five hundred (500) foot radius of the proposed project, but in no event fewer than the owners and occupants of ten (10) developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be one thousand (1,000) feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

D. Findings and Action. The planning manager/director shall approve, deny, or approve with conditions a site plan review not sooner than twenty-one (21) calendar days nor later than thirty (30) days after the date of the notice of application filing. These deadlines are directory and no decision shall be subject to invalidation solely on the ground that it was made after the deadline. For a project that is referred to the ERB, action by the planning manager/director on a site plan review shall occur within sixty (60) calendar days after the date of notice of application filing. The planning manager/director may approve or conditionally approve the application if the application meets all of the following criteria. Site plan reviews may be referred to the planning commission at the discretion of the planning manager/director.

1. The project is compatible with other development in the adjacent area in relation to size, bulk, and height;
2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features;
3. Remedial grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California licensed geologist and reviewed and approved by the city geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources;
4. The project does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in Section 17.40.040(A)(17);
5. That the project does not affect solar access, as defined by staff;
6. The project is consistent with the city's general plan, local coastal program, municipal code, and city standards;
7. The proposed project complies with all applicable requirements of state and local law;
8. A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the city's coastal engineer.

E. Notice of Decision. The planning manager/director shall inform the applicant and interested parties of the action, by letter, and stamp the plans approved or denied. Action of the planning manager/director shall be final, unless appealed to the planning commission in accordance with the procedures of Section 17.04.220.

F. Expiration. An approved site plan review shall expire three years from the date of the notice of decision letter, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no

building permit is required, the site plan review approval shall expire three years from the date of the notice of decision letter if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved. The planning manager/director may grant up to four one-year extensions of the expiration of a site plan review approval, if the planning manager/director finds that the conditions, including but not limited to changes in the zoning ordinance, under which the site plan review approval was issued have not significantly changed.

G. Compliance. No certificate of occupancy shall be issued, nor any authorization to connect utilities, until final inspection has determined that the construction complies with the approved plans. (Ord. 373 § 6, 2013; Ord. 293 § 3(D), 2006; Ord. 261 § 17, 2004)

Village of Scarsdale, NY  
Wednesday, July 9, 2014

## Chapter 251. SITE PLAN REVIEW

**[HISTORY: Adopted by the Board of Trustees of the Village of Scarsdale during codification 3-14-1989 by L.L. No. 10-1989 (see Ch. 1, General Provisions, Art. II); amended in its entirety 10-10-1989 by L.L. No. 18-1989. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

- Planning Board — See Ch. 77.
- Building construction — See Ch. 132.
- Environmental quality review — See Ch. 152.
- Flood damage prevention — See Ch. 167.
- Freshwater wetlands — See Ch. 171.
- Diversion of watercourses — See Ch. 302.
- Zoning — See Ch. 310.
- Subdivision of land — See Ch. A319.

### § 251-1. Site plan and approval required; review procedures.

- A. Whenever any nonresidential building or any multifamily dwelling is proposed to be erected or enlarged or altered or whenever any dwelling or other structure is proposed to be erected, enlarged or altered on a lot at a distance from the street or on a lot approved by the Planning Board under the provisions of § 7-738 of the Village Law, a site plan for such building shall be submitted to the Planning Board for review and approval, approval with modifications or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- B. In considering and approving site plans, the Planning Board shall hold public hearings and may impose appropriate conditions and safeguards with respect to parking, means of access, impact on streets and traffic, screening, signs, landscaping, architectural features, location and dimensions of buildings, setbacks, impact of the proposed use on adjacent land uses, conformity with the village's Comprehensive Plan and such other elements as may reasonably be related to the health, safety and general welfare of the community.

### § 251-2. General requirements and considerations.

- A. In the case of each nonresidential building in any Residence A District, the Planning Board may prescribe:
  - (1) The maximum height of all such buildings, which height shall not be greater than the maximum height of residential buildings permitted by this Code.

- (2) The maximum percentage of the gross area of the lot which may be occupied by the buildings and improvements.
  - (3) The maximum length and width of all such buildings.
  - (4) The minimum distances which such buildings must set back from front, rear and side lot lines, which distances shall not be less than the minimum distances which residential buildings are required by this Code to be set back from such lot lines in the district in which the lot is located.
  - (5) The minimum number of parking spaces to be provided and maintained on the lot, which number shall not be less than the minimum number required by § 310-70 of Chapter 310, Zoning.
- B. Such requirements may be prescribed after taking into consideration, among other factors, the general character of the neighborhood, the size and location of buildings in the vicinity, extent and types of uses to be made of the proposed building or buildings and traffic conditions and parking facilities in the area, and such requirements shall be consistent with the public health, safety and general welfare of the community and shall be designed, insofar as practicable, to avoid or minimize:
- (1) Creation of or seriously aggravating a traffic or other hazard.
  - (2) Any significant impairment of the use, enjoyment or value of properties in surrounding areas.
  - (3) Any incongruous or detrimental change in the prevailing character of the neighborhood.
  - (4) Any deterioration of the appearance of the area.

### § 251-3. Expansion of preexisting nonresidential and multifamily buildings.

- A. If the proposed nonresidential or multifamily building or buildings are designed to expand or enlarge facilities existing on October 11, 1966, and presently used for the same or similar purposes, the Planning Board shall take into consideration, in addition to the above considerations, the following:
- (1) Changes which have taken place since the erection of such existing building or buildings which have led to the proposed expansion or enlargement.
  - (2) Any anticipated future need for further expansion or enlargement.
  - (3) Whether the proposed expansion or enlargement is for educational, religious or benevolent purposes.
  - (4) Whether any curtailment of or relocation of the proposed or existing facilities would result in unnecessary hardship.
  - (5) Alternatives, if any, and the relative costs thereof available to provide for the proposed expansion or enlargement.
  - (6) The size and shape of the lot, the size, shape and location of existing buildings and the relationship thereto of the proposed expansion or new buildings.
- B. The Planning Board, in determining the requirements to be imposed in connection with proposed nonresidential and multifamily buildings designed to expand or enlarge existing facilities, shall attempt to establish a reasonable balance between any unnecessary or unreasonable hardship to the users of the existing facilities found to exist after

consideration of the factors set forth above and a reasonable modification of the standards otherwise applicable to nonresidential or multifamily buildings.

#### **§ 251-4. Special application requirements in Village Center Area.**

In the Village Center Area, any application for site plan approval shall be accompanied by a plan indicating how the applicant proposes to mitigate any potential impacts upon parking and traffic conditions which may occur during the period of project construction. Approval of such a plan, with such modifications as may be required by the Planning Board, shall be a required element precedent to site plan approval.

- management details, including swales, berms, piping or other methods used to achieve compliance.
7. Street graphics and outdoor lighting; include the locations and sizes of all signs and the intensity and nature of all proposed lighting (required only for final approval).
  8. Floodplain; provide contours and elevation of 100-year flood, when applicable.
  9. For projects meeting the requirements for city-wide public notice, applicants shall also submit at the time of application fully rendered digital 3-D digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement. Additionally, all adjacent buildings and site improvements within 100 feet of the proposed site should be included within the digital 3-D images for review of the context with the immediately surrounding properties.
  - h. *Exceptions.* Any applicant may request that some of the required information described in the preceding subsections be omitted from the conditional use application, for good cause, contingent upon the approval of the planning director.
- (2) For conditional use approvals not involving buildings over 10,000 square feet or not involving three-story buildings within the central business district geographic area as defined in this Code, the planning director shall determine the applicable submittal requirements from the list provided in the previous subsection.
- (j) *Standards for consideration of conditional use requests.* The decision of the planning and zoning commission shall consider the following applicable standards as a basis for its recommendations to the city commission. Before any proposed conditional use may be approved or approved with conditions by the city commission, they shall conclude that the following applicable standards are satisfied. All actions to approve conditional uses by the planning and zoning commission and the city commission shall presume as a matter of fact that the following applicable standards have been met by the applicant regardless of whether they are specifically enumerated in writing or in discussion as part of the motion for approval.
- (1) That the proposed plan is consistent with all applicable goals, objectives, policies and standards in the city comprehensive plan;
  - (2) That the proposed plan meets or exceeds all other applicable minimum standards and requirements as set forth in this section and this article;
  - (3) That the proposed site plan and proposed use, business type, operating hours, noise, parking and traffic impact will be compatible with existing and anticipated land use activities in the immediate neighborhood and that such application will be compatible with the character of the surrounding area;
  - (4) That adequate facilities and services necessary to service the development associated with the proposed site plan will be available and in place at the time of impact of the development or phase thereof;
  - (5) That the building size, floor area ratio, height and mass are compatible with the zoning code requirements and consistent with the scale and character of the immediate neighborhood.
  - (6) That the proposed site is properly landscaped and irrigated in and around buildings, along sidewalks, and buffering neighboring land. The topographical and natural features of the site shall be given priority consideration, thus assuring the retention of the trees. The developer, furthermore, shall make provisions for the continued

maintenance of landscaped areas, open spaces, and recreational areas. Other screening and buffering may also be required when necessary to protect the integrity of the surrounding area;

- (7) That traffic generated from the proposed uses shall not, on a daily or peak-hour basis, degrade the level of service on adjacent roads or intersections or raise any traffic safety hazards; that driveway and curb cut access directs traffic onto more heavily traveled roadways and away from residential neighborhoods;
  - (8) That the site plan provides onsite parking to meet the Code required and expected demands of the proposed use;
  - (9) That adequate provisions have been made for light, air, access, and privacy in the arrangement of buildings, one to another and to neighbors;
  - (10) That the architectural design and aesthetic features of the building plans are compatible with the surrounding area;
  - (11) That adequate light shall be provided in all parking areas and interior streets. This shall include the replacement of light poles with appropriate illumination appropriately spaced;
  - (12) That the proposed use does not create through noise, intensity of activity, traffic, overflow, parking, stormwater runoff, etc., any conditions that degrade the value of adjacent properties, the peaceful use of adjacent properties, degrade the economy of adjacent businesses or negatively impacts the existing character or future use of the surrounding neighborhood or adjacent properties.
- (k) *Additional standards and submittal requirements for conditional use requests.* In addition to the general standards for conditional uses, certain conditional uses require other, more specific information and a determination that criteria and standards are achieved. These are as follows:
- (1) *Drive-in business.*
    - a. The city, as an existing urbanized area, does not lend itself to the establishment of new transportation corridors or to the expansion of existing streets. As a result, the city must strive to maintain the most effective and efficient movement of traffic on the existing road network. Since the drive-in components of any business can increase traffic congestion, create safety hazards and adversely impact adjacent neighborhoods or existing streets when they are improperly designed or located, the city has determined that in order to protect the safety and convenience of its citizens, drive-in components of any business shall be conditional uses to be disapproved, approved or approved with conditions. In addition to the site plan and building plan submittals previously outlined, all applications for drive-ins shall contain the following information if required by the city planning staff:
      1. Applicants shall submit a traffic data and impact analysis, including the average daily traffic on adjacent streets and the peak-hour(s) traffic on adjacent streets. This data shall also include daily and peak-hour traffic generation to and from the site, as well as the distribution of trips to the various entrances and exits. The peak-hour analysis shall be for the peak hour(s) of the business as well as the peak hours of the adjacent roadways. This data shall also include an analysis of internal traffic flow, including the nature and adequacy of stacking areas for average and peak periods. Relevant accident history data shall also be considered.
      - 2.