

Minutes of the Planning & Zoning Commission
Of the City of Cherry Hills Village, Colorado
Planning and Zoning Commission
Held at 6:30 p.m.
On June 16, 2008
At the Village Center

Chairman Kerry Sullivan called the meeting to order at 6:00p.m.

The following Commissioners were present: Kerry Sullivan, Kevin Iverson, Kristy Schloss, Roy Watts, Ira Plotkin, and Joe Poche. The following Commissioners were absent: Ann Kerr

The following City staff members were present: City Manager Eric Ensey, Planning Manager Rob Zuccaro, City Attorney David Foster, and Community Development Clerk Matthew Eckenwiler.

APPROVAL OF MINUTES

The minutes for April 22, 2008 were not included in the packets for review and therefore no action was taken.

AGENDA ITEM 3A- Discussion of Proposed Amendment to Section 16-16-50 of the Municipal Code Concerning Exterior Lighting

Mr. Zuccaro addressed the Commission stating that staff had received a letter from a concerned citizen regarding exterior lighting throughout the Village especially relating to light spill upon public trails and rights-of-way. He said that a list of properties to investigate was received with the letter and since that time, staff has conducted investigations. Mr. Zuccaro stated that several properties investigated did seem to violate the exterior lighting code, Section 16-16-50. He explained that of the 60 randomly sampled properties throughout the neighborhood, 29 of those properties appeared to be in violation of the exterior lighting code. Mr. Zuccaro explained that the majority of lights that appeared to be in violation of the code were entry lights atop fences and brick pillars typically at driveway entrances.

Mr. Zuccaro said that staff went before City Council on May 6, 2008 to address the exterior lighting code issue as well as to seek direction regarding enforcement the requirements. City Council requested that staff rewrite some of the language of the code as well as review enforcement of exterior lighting section of the zoning ordinance.

Mr. Zuccaro explained that staff reviewed language written by the International Dark Sky Association (IDSA) and IDSA's standards concerning bulb cut-off standards in comparison to the City's existing standards. Mr. Zuccaro explained that there were two specific tests outlined in the code: the bulb's visibility in a direct line of sight and the intensity of glare to potentially cast a visible shadow. He said that if a bulb is visible, a wattage standard would be enforced. He stated that the IDSA recommended a maximum wattage of 100 watts although staff recommended 60 watts for Cherry Hills Village.

Commissioner Plotkin asked for clarification regarding the statement "all exterior lights shall be designed and oriented in a way to minimize glare." He said there does not exist a way to measure such a violation and he was curious to know how the City planned to enforce "glare."

Mr. Zuccaro responded that the nuisance section of the code covers a foot candle standard as a way to measure glare although it does not cover light glare within a public right-of-way. He said

that staff had considered setting a foot candle standard although such a regulation would be more difficult to enforce considering the multiple designs of light sources already constructed within the neighborhood.

Commissioner Plotkin asked if staff was satisfied with the proposed 60 watt standard to minimize glare and lights spill. Mr. Zuccaro replied that staff wanted a stricter standard for wattage than what the IDSA was proposing.

Commissioner Plotkin asked what the penalty would be if a resident was found to be in violation of the code. Mr. Zuccaro explained that such an offense would be considered a zoning violation.

Chairman Sullivan asked Mr. Zuccaro if the wattage requirement would apply to the common entry lights that have multiple bulbs in one light. He was curious to know if each bulb would be added to determine the overall wattage or if each bulb could be 60 watts per bulb no matter how many bulbs an individual light might take. Mr. Zuccaro explained that further research would have to be done in order to calculate whether multiple lower wattage bulbs would have a different impact on glare as would a single 60 watt bulb.

Commissioner Schloss expressed concern that the code was being modified because of the numerous violations discovered through the Village and therefore was potentially being changed as a means of accommodating those existing violators. Mr. Zuccaro explained that by limiting the change to only a wattage change, residents who currently violate the code would only have to change bulbs and not an entire light fixture.

Further discussion was held regarding the proposed modifications to the exterior lighting code, Section 16-16-50 of the City Code. The Commission agreed with the proposed changes and encouraged staff to review different bulb options so as to include more variations of lighting.

AGENDA ITEM 3B- Discussion of Proposed Amendment to Section 16-1-10 of the Municipal Code Concerning the Definition of Accessory Use or Structure

Mr. Zuccaro explained that the City had recently been approached by an architect who was proposing an accessory building separated from the principle building by 2” to 3” (inches). The proposed amendment is being brought forward to define the distance necessary to separate primary and accessory structures. The separation proposed by the architect appeared to be an attempt to separate a guest room from the primary house in order to take advantage of less restrict accessory structure setbacks. Mr. Zuccaro said that while such a proposal meets the requirements of the building code, it does not seem to fulfill the intent of the City’s zoning code for distinction between accessory and primary structures and their separation.

Chairman Sullivan asked what Mr. Zuccaro felt was the intentions of the architect regarding his construction project. Mr. Zuccaro answered that the accessory structure setbacks allow for a secondary building to be closer to the property line than the primary structure, therefore detaching the structure into two separate buildings, the architect has found a way to design his structure to meet accessory structure setbacks therefore allowing a larger structure than if it met the more restrictive primary structure setbacks.

Mr. Zuccaro explained that the code as it currently existed, did not list a minimum separation distance. He said that the building code listed a requirement that no two buildings separated by less than 6-feet, is not allowed to have any openings. Mr. Zuccaro explained that because of the requirement, staff felt it was an appropriate to require principle buildings and accessory buildings be separated by a minimum distance of 6-feet.

Discussion was held by the Commission regarding the proposed modifications. The Commission directed Mr. Zuccaro to add the definition of “minimum fire separation.” The Commission approved of the amendment pending the proposed addition.

Commissioner Sullivan adjourned the meeting at 7:23p.m.

Kerry Sullivan
Chairman

Matthew Eckenwiler
Community Development Clerk