

Minutes of the Planning & Zoning Commission
Of the City of Cherry Hills Village, Colorado
September 23, 2008
Held at 6:30 p.m.
At the Village Center

Community Development Clerk Eckenwiler called the meeting to order at 6:30p.m.

ROLL CALL OF MEMBERS

The following Commissioners were present: Ira Plotkin, Kevin Iverson, Joe Poche, Laura Christman, and Stephanie Blucher. The following Commissioners were absent: Jacque McIntyre and Ann Kerr.

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

AGENDA ITEM 3- Election of Chair and Vice Chair

Mr. Eckenwiler called for nominations for the position of Chair.

Commissioner Poche nominated Ira Plotkin for the position of Chair.

Commissioner Iverson seconded the nomination.

Ira Plotkin	aye
Kevin Iverson	aye
Joe Poche	aye
Laura Christman	aye
Stephanie Blucher	aye

Vote on Chairman position 5 ayes, 0 nays.

Chairman Plotkin called for nominations for the position of Vice-Chair.

Commissioner Blucher nominated Commissioner Christman for the position of Vice-Chair.

Commissioner Christman seconded the nomination.

Commissioner Poche nominated Commissioner Iverson for the position of Vice-Chair.

Chairman Plotkin seconded the nomination.

Discussion was held by the Planning and Zoning Commission and it was agreed that the election for the position of Vice-Chair would be tabled to the next meeting.

APPROVAL OF MINUTES

The minutes for August 26, 2008.

1st motion- Commissioner Iverson motioned to approve the minutes as presented.

2nd motion- Commissioner Poche seconded the motion to approve the minutes.

Ira Plotkin	aye
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Kevin Iverson aye
Joe Poche aye
Laura Christman aye
Stephanie Blucher aye

The minutes were approved by a vote of 5 ayes, 0 nays.

AGENDA ITEM 5A- Consideration of Draft Rules of Procedure

Mr. Zuccaro addressed the Commission explaining that staff was bringing forth Rules of Procedure for the Planning and Zoning Commission to evaluate and discuss. He said the Cherry Hills Village Municipal Code states that the Commission should adopt Rules of Procedure and that no such Rules of Procedure currently exist. Mr. Zuccaro stated that, based on the feedback from this discussion, staff will present a final version of the Rules of Procedure to the Commission at a subsequent meeting for adoption.

Commissioner Iverson suggested removing Sections 2 and 3 from Article 2. He said that these sections were beyond the scope of the Commission's responsibilities. Commissioner Iverson further explained that items such as the social, economic, and environmental conditions of the City were not applicable when determining recommendations for an application.

Chairman Plotkin asked for clarification from Mr. Zuccaro on the two sections being discussed.

Mr. Zuccaro stated that the intent was to mirror the objectives of the Commission outlined in the Code.

Commissioner Blucher read Municipal Code Section 17-2-20 (Subdivisions), relating its content to the reference to social, economic, and environmental conditions stated in Section 2, Article 2.

Commissioner Iverson stated that he believed it was the duty of the Commission to review all applications brought forth by examining the requirements of the Code. He said that if the requirements are met, the Commission should, by definition, approve the applications, and if not, deny the application. Commissioner Iverson believed that the statements in Section 2, Article 2 were in conflict with the Municipal Code.

Mr. Zuccaro suggested that staff rewrite Sections 2 and 3 of Article 2 to more accurately reflect the language and intention of the Municipal Code.

Deputy City Attorney Foster explained that the Rules of Procedure do not alter the review criteria for any application that the Planning and Zoning Commission would consider.

Chairman Plotkin stated that Articles 3 and 4 accurately reflect what currently exists in the Municipal Code and by having them listed in the Rules of Procedure, the Commission then has an additional document that it can reference if a resident of Cherry Hills Village requests further clarification regarding membership and election of officers and their duties.

Commissioner Christman suggested that an item be added to Article 4 indicating that so long as the Commission has a Chair, the election of the vice-chair position may be voted and determined at any meeting thereafter that the Commission deems necessary.

Chairman Plotkin stated that Article 5, Behavior and Ethics, seemed to be a statement of the usual business practice and behavior of the Commission and that it did not exceed the definitions of the Municipal Code.

Commissioner Iverson asked Mr. Zuccaro if Sections 3, 4, and 5 of Article 5 were constructed directly from the Municipal Code.

Deputy City Attorney Foster answered that he believed Sections 3, 4, and 5 of Article 5 were taken from the existing Code. He also stated that he felt it would satisfy the Rules of Procedure to reference the Code of Ethics section of the Municipal Code.

Commissioner Iverson said that he believed that Sections 3, 4, and 5 of Article 5 should be removed because it is unnecessary for the Rules of Procedure to restate content which already exists and governs the Commission within the Municipal Code.

Mr. Zuccaro stated that Articles 1 through 6 will be replaced by referencing the Code of Ethics.

Commissioner Blucher asked if agendas are available sooner than as stated in Article 6.

Mr. Zuccaro stated that any for any public hearing a notice is posted prior to the agenda being posted. He said the agenda is most often posted on the Friday prior to the regularly scheduled meeting.

Commissioner Christman stated that the Chair and the City Manager should have the authority to determine the order the agenda and not be limited to the order stated in Article 7, nor should they need the majority of the Commission's approval for changes.

Chairman Plotkin stated that the order listed in Article 7 was the typical order the Commission would follow for meetings and any changes to that order usually took place during the meeting in which it is deemed necessary to do so.

Mr. Zuccaro explained that it is much easier for staff to organize packets and establish an agenda for meetings when there is a standard order of business to follow, although he saw no harm in adding language that would allow the Chair and City Manager to make changes to the agenda order prior to any meeting.

Commissioner Christman stated that Section 3, Article 8 should be changed to require that 4 Commissioners be present at a Special Meeting because it follows the other requirement of needing 4 Commissioners to have a quorum. She further stated that 1 of the 4 Commissioners present should have to be either the Chair or Vice-Chair.

Discussion was held by the Commission regarding the appropriate time necessary to notify the public of a special meeting.

Mr. Zuccaro said that a requirement of a specific time period could be added. Commissioner Christman said the time period should be business days.

Commissioner Iverson asked if the 10 minute time limit in Article 9 applied to the applicant as well as those individuals who represent and speak on behalf of the applicant.

Deputy City Attorney Foster clarified that there was not intended to be a distinction between an applicant and those who represent the applicant.

Agreement was made among the Commission that a time limit be included in the Rules of Procedure and that when necessary, the Chair may, at his discretion, allow an additional time to speak and/or limit time to speak.

The Commission agreed that the second sentence of Section 4, Article 9 should be removed.

Discussion was held by the Commission regarding the annual review of the master plan outlined in Article 11 and questioned the need for an annual public hearing.

Deputy City Attorney said that other jurisdictions notify the community of an annual review of the Master Plan as indicated in Article 11. He said that during these reviews, citizens often comment on the Master Plan and speak to the Commission regarding the items they think should

be added, removed, and modified. Deputy City Attorney Foster explained further that it is not necessary that the Commission hold a public hearing annually to review the Master Plan.

The Commission agreed to make the requirement for an annual public hearing on the master plan optional.

Commissioner Blucher requested that word “bylaws” be changed to Rules of Procedure in Article 12.

Mr. Zuccaro stated that the modifications discussed would be incorporated and the amended Rules of Procedure would be presented at the next meeting for adoption.

Reports

There were no reports for the Commission to review.

Adjournment

Chairman Plotkin adjourned the meeting at 8:15p.m.

Ira Plotkin
Chairman

Matthew Eckenwiler
Community Development Clerk