

Minutes of the Planning & Zoning Commission
Of the City of Cherry Hills Village, Colorado
November 11, 2008
Held at 6:30 p.m.
At the Village Center

Chairman Plotkin called the meeting to order at 6:30p.m.

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

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

APPROVAL OF MINUTES

The minutes for October 14, 2008:

Commissioner Christman explained that on page 3, in the third full paragraph, clarification should be made in her statement and Mr. Rubin's statement regarding the floodplain ordinance requirements, replacing the LOMR requirements.

Commissioner Iverson requested a revision to his comments on page 5, to more accurately reflect his comments.

1st Motion- Commissioner Iverson motioned to approve the minutes as amended.

2nd Motion- Commissioner Christman seconded the motion.

The minutes were approved unanimously.

The minutes for October 28, 2008

Commissioner Iverson requested that the word "would" be changed to "should" in paragraph 8 of page 2.

1st Motion- Commissioner Christman motioned to approve the minutes as amended.

2nd Motion- Commissioner Iverson seconded the motion to approve the minutes.

The minutes were approved unanimously.

AGENDA ITEM 4A- Revisions to proposal for amendment to Chapter 17 of the Municipal Code concerning the creation of procedures for review of minor amendments to subdivision plats

Mr. Zuccaro said that changes had been made to the proposed amendment to Chapter 17 of the Municipal Code based on the comments received from the Commission at the previous meeting. He said that the word "faster" be replaced with the word "efficient" in the Purpose statement. Mr. Zuccaro said that on page 2, additional submittal requirements had been added related to alterations of private covenants or easements. He explained that notification procedures had been added emphasizing the requirement that all property owners indicated on the affected plat be notified. In addition the review requirements had been modified to reflect that all submittal requirements must be met, that there needs to be consistency with the purpose

statement at the beginning of the subdivision ordinance, and that there is no adverse impact to adjacent property owners.

Commissioner Iverson asked for an explanation of how a plat is created.

Mr. Zuccaro explained that a property owner would come to the city with an application and go through a sketch, preliminary and final plat review process.

Commissioner Iverson asked why the City would want different standards for the amendment of a plat as opposed to the creation of a plat, specifically as it relates to the review criteria.

Mr. Zuccaro explained that during the creation of a plat, a property owner has a development right to subdivide land as long as he has met the zoning criteria and other technical criteria in the subdivision code. Once the City has approved a plat, there should be a different set of criteria to amend the plat. Because the City Council has already given their blessing on the plat and it has met all of the technical criteria in the code, an applicant would then have the burden of demonstrating a good and sufficient cause for any amendment.

Commissioner Iverson asked if the term “affected property owner” used in Section 17-3-440 was a defined term and how the City would know who needed to be notified under this section of the code.

Mr. Zuccaro explained that this meant anyone who owned property that was the subject of an amendment initiated by the City Manager would be notified prior to the application. He further explained that the notification procedures included in the proposal will still need to be followed by the City.

Commissioner Iverson asked why a title commitment is required.

Mr. Zuccaro explained that a title commitment was needed to determine all of the parties are that are benefitted or burdened. He further explained that those property owners who are benefitted or burdened would have a document reflecting this recorded against their property.

Commissioner Christman further explained that there are easements predating a plat, and that may appear on the plat by referenced, and if someone were to ask to have that easement vacated from the plat it wouldn't be clear from the plat alone who was benefitted or burdened. She further explained that these easements could reach beyond the plat in questions and that a title commitment would be necessary to determine all of those impacted.

Commissioner Iverson asked if the terms “benefitted” and “burdened” were legally defined terms and if you are part of the plat are you a benefitted or burdened party.

Mr. Zuccaro stated that he believed that they are legally defined terms and that just be being on the plat does not make you a benefitted or burdened party.

Commissioner Iverson asked why it was necessary to require a written legal opinion from the applicant that all required approvals have been granted.

Commissioner Christman said that such a requirement is very common in other jurisdictions and that the purpose is to make the applicant's attorney do the legal work instead of the City's attorneys.

Commissioner Iverson asked the Commission why approval standard number 6 under Section 17-3-460 was a necessary if everyone signs off on it.

