

Minutes of the Planning & Zoning Commission  
Of the City of Cherry Hills Village, Colorado  
Tuesday, January 27, 2009  
Held at 6:00 p.m.  
At the Village Center

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

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

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

**APPROVAL OF MINUTES**

The minutes for November 11, 2008.

1<sup>st</sup> Motion- Commissioner Iverson motioned to approve the minutes as amended.

2<sup>nd</sup> Motion- Commissioner Kerr seconded the motion.

The minutes were approved unanimously.

**AGENDA ITEM 4A Study Session: Traffic Signalization and Signage at University Boulevard and Quincy Avenue**

Mr. Zuccaro introduced Pam Livingston, Cherry Hills Village Elementary Principal, Rick Collier, Cherry Creek School District, Steve Hersey, Colorado Department of Transportation (CDOT), Jay Goldie, Cherry Hills Public Works Director, Sergeant Jodi Sansing, Cherry Hills Police Department and Eric Ensey, City Manager.

Mr. Zuccaro explained that issues surrounding traffic signalization at the intersection of Quincy Avenue and University Boulevard were previously discussed in 1994. At the time the City recommended keeping the existing all red pedestrian crossing, forgoing a proposed left-turn arrow for southbound traffic on University Boulevard and increasing enforcement to deal with safety issues.

Chairman Plotkin asked Mr. Hersey what lead to the recent installation of signs limiting the “no right turn on red” restriction to Monday through Friday from 7:00 am to 5:00 pm.

Steve Hersey  
Colorado Department of Transportation

Mr. Hersey explained that his engineer recently made a recommendation to add a new sign just below the “no right turn on red” sign limiting the restriction 7:00 am to 5:00 pm, Monday through Friday. By making the requirement less restrictive, CDOT felt traffic flow and efficiency would improve at the intersection.

Chairman Plotkin asked Mr. Hersey if he felt that sight distance was concern when the decision was made to modify the “no right turn on red” sign.

Mr. Hersey responded that sight distance was not a concern.

Chairman Plotkin cited the Cherry Hills Village Master Plan and how the Commission was guided to review conditions at existing intersections and recommend ways to improve conditions so as to lessen traffic congestion. Chairman Plotkin explained that the new right turn signs at the intersection do not address the period of time in which Cherry Hills Village Elementary was not in session, particularly during the summer months. He further stated that the “no right turn on red” sign was only half of the traffic congestion issue. Chairman Plotkin stated that the dedicated pedestrian crosswalk signal was the other half of the issue. He also asked Mr. Hersey if he had ever considered placing a “no right turn on red when pedestrians are present” sign.

Mr. Hersey answered that “no right turn on red when pedestrians are present” signs were used in other areas of the Denver Metro area, but that he was particularly concerned with the use of the sign at this intersection. He explained that drivers do not universally understand the meaning of the phrase “when pedestrians are present,” in turn leading to a safety concern when the rule is not fully understood.

Commissioner Christman suggested a consideration of using a right turn sign like the one at the intersection of Quebec and Belleview Avenue. She described how the sign was bright and visible, indicating when vehicles could make a right turn.

Commissioner Iverson asked Mr. Hersey who made the decisions about the traffic light and its operation at the intersection of Quincy Avenue and University Boulevard.

Mr. Hersey answered that CDOT was responsible for making those decisions.

Commissioner Iverson had observed that in the morning the intersection seemed to have longer cycles and asked Mr. Hersey to elaborate the timing of the signalization.

Mr. Hersey answered that the cycle of time in which the traffic lights operate can be depicted in terms of a circle divided into different pie shapes representing different time spans. He said that upon a pedestrian pushing the crosswalk button, and individual time phase must reach its completion and then traffic lights turn all red so as to accommodate the pedestrian. He further stated that the overall circle of time continues to count and is not interrupted but then resumes its normal operation accounting for the additional time taken to accommodate the pedestrian’s crossing. Mr. Hersey said that the overall time cycle must continue in operation even during a pedestrian crossing so as to account for traffic flow for Belleview Avenue to Hampden Avenue.

Commissioner Iverson suggested that the times of all red pedestrian crossings should operate only during the times in which the schoolchildren are present and the school is in operation.

Mr. Hersey stated that if the all red pedestrian crossing operates at different times during the day, the periods of time in which it is not in operation pose a danger to pedestrians who have the expectation that they will be able to cross safely and under the same conditions they did previously during the day. He explained that by maintaining consistency at the intersection, the concern for safety of pedestrians is lessened and the efficiency of traffic flow is satisfied.

Mr. Zuccaro commented that he had brought the question of alternating times for the all red pedestrian crossing to Mike Dungan, the City’s engineer, from Muller Engineering. He said that Mr. Dungan expressed concern for alternating the times because of safety.

Chairman Plotkin stated that there were two issues being discussed: the all red pedestrian crossing and the “no right turn on red” sign. He said that although these issues may be related, he wanted to address them individually. Chairman Plotkin asked Pam Livingston to comment on the issue of the “no right turn on red” sign and if she would ever consider allowing a “no right turn on red” except when pedestrians are present sign.

Pam Livingston  
Principal, Cherry Hills Village Elementary

Ms. Livingston said that she would be concerned with the safety of the schoolchildren if the no right turn on red sign were altered or removed. She explained that vehicles traveling through the intersection often pay more attention to traffic and do not look for pedestrians trying to cross the street. Ms. Livingston said that schoolchildren were particularly in greater danger because they are not as visible to drivers.

Chairman Plotkin proposed the idea that a police officer be present at the intersection of Quincy Avenue and University Boulevard during the all red pedestrian crossing. He asked if having a police officer present would mitigate Ms. Livingston's concerns about having different times of the all red pedestrian crossing.

Ms. Livingston answered that she was not aware if drivers would be more alert and aware if a police officer were present at the intersection, but that her main concern were those drivers who did not look for present pedestrians while attempting to make a right turn.

Commissioner Iverson asked Ms. Livingston if she would object to making the "no right turn on red" sign enforced between the busiest morning and afternoon hours during the school's operation instead of the current 7:00am to 5:00pm time period. He said that such a possibility would better accommodate traffic turning right on University Boulevard during the middle of the day as well as early in the morning and late at night.

Ms. Livingston answered that the schoolchildren have an expectation of how the intersection operates and how they may cross University Boulevard safely. She said that without a clear understanding of how the intersection operates, there could be a dangerous situation for the children.

Rick Collier  
Cherry Creek Schools  
Executive Director of Facility Support

Mr. Collier explained that in his experience dealing with the issue of safety at intersections for over 70 other schools within the Cherry Creek School District, signage at the intersections only serves as an advisory tool to drivers flowing through the intersections. He said that drivers do not respond differently to the presence of police officers and signs do not satisfy the safety concerns at these intersections. He stated that Ms. Livingston and the Cherry Hills Village Elementary School continually educated children about how the intersections operate and how they may safely cross the street. Mr. Collier explained that changing those expectations would jeopardize their safety. He said that he supports the all red pedestrian crossing because it protects the schoolchildren.

Chairman Plotkin asked Mr. Hersey if he would support keeping the no right turn on red sign enforced for certain times of the morning and afternoon to accommodate the safety concerns of the Cherry Hills Village Elementary, but lifting the restriction during other times of the day.

Mr. Hersey responded that CDOT would not support such a proposal because it does not satisfy the consistency of operation he would like to see at the intersection and it would be too great a challenge to enforce the alternating time. He explained that the new fluorescent yellow sign that indicates no right turn on red between 7:00am to 5:00pm, Monday through Friday, is very clear and concise. Mr. Hersey explained that if CDOT were to indicate specific time spans for both the morning and afternoon, drivers would not process the additional information appropriately; therefore, creating dangerous conditions for pedestrians. He said that the more information that you require drivers to read, the more likely the information given on signs will be misunderstood, ignored, or not read at all.

Commissioner Iverson asked Mr. Hersey if the all red pedestrian crossing is unique to this intersection.

Mr. Hersey answered that an all red pedestrian crossing is not common. He stated that the all red pedestrian crossing could have a reverse impact on safety because it sends the message that other intersections will operate in the same way.

Commissioner Poche stated that he felt the intersection operation should not change and that the all red pedestrian crossing kept children safe, which is the priority concern. He said that the “no right turn on red” has been the rule for many years.

Chairman Plotkin asked if the current way in which the intersection operates satisfies the Cherry Hills Village Elementary and the Cherry Creek School district.

Mr. Collier stated that both parties were satisfied with the way the intersection exists presently. He said that he would also like to consider the recommendations and opinions of Saint Mary’s Academy for future discussions.

Chairman Plotkin asked that during any future hearings and study sessions on this subject, representatives of the Saint Mary’s Academy School be invited and have the opportunity to comment.

**AGENDA ITEM 4B Study Session: Review of Floodplain Management Regulations**

Mr. Zuccaro addressed the Commission saying that the study session for review of the floodplain management regulations will be divided into two different topics: a review of the procedures for adding bank stabilization to existing drainage channels located within the floodplain and a general review of the floodplain development regulations in light of the recently adopted Master Plan.

Mr. Zuccaro explained that the City Code currently requires applicants who wish to perform bank stabilization on their properties to go through the public hearing process and seek approval of a floodplain development permit. Mr. Zuccaro stated that the City Council has requested that an administrative review procedure be considered for future bank stabilization projects. He further stated that bank stabilization helped reduce sedimentation and increased safety. He explained that the administrative review is intended for bank stabilization of existing channels that have a demonstrated erosion and stabilization problem. Mr. Zuccaro explained that the administrative review would likely follow the same review criteria outlined for all floodplain development permits.

Mr. Zuccaro said that a new subsection would be added to the City Code allowing for an administrative review process. He said that within the subsection, a clear definition of bank stabilization would be stated, the applicant would need to demonstrate that an erosion and bank stabilization problem exists, and the administrative review would only be available for existing channels. Mr. Zuccaro stated a 404 permit from the Army Corp of Engineers may also still be required.

Commissioner Iverson said that he supports an administrative review process.

Commissioner Christman stated that the adopted Master Plan encourages the City to maintain the current floodplain management regulations and to revise only when necessary. She expressed her concern that an administrative review procedure would make it easier for applicants to modify floodplains.

Commissioner Iverson stated that the Master Plan called for the review of the floodplain management regulations in order to determine what regulations made sense and which ones did not.

Commissioner Christman responded that she did not think that the review of the floodplain management regulations be done in small sections, but rather the Commission should have the opportunity to review the entire process, including but not limited to bank stabilization. She read the City of Westminster's Statement of Purpose, Section 11(8.3): "...to encourage and facilitate urban water resource management techniques for the reduction of pollution and enhancement of the environment." Commissioner Christman stated that she believed the City of Cherry Hills Village should facilitate this type of regulation. She said that natural and relatively undisturbed floodplains should be maintained so as to keep up levels of ground water supply and maintain vegetation for wildlife. She said that she felt the Commission should be careful with the review of floodplain management regulations and review other communities similar to Cherry Hills Village. Commissioner Christman emphasized that she felt it was important to look at the all of the City's floodplain management regulations as well as the entire floodplain section of the Master Plan and review other communities' floodplain regulations, before making minor revisions to the current process.

Commissioner Iverson stated that the City's floodplain management regulations should not differ significantly from the standards of other comparable communities. He explained that his concern was with the review criteria for floodplain development permits. He said that demonstrating hardship and good and sufficient cause was appropriate for the approval of a variance but should not be required for a floodplain development permit.

Commissioner Blucher said that in 1978, the City Council added to the floodplain development ordinance the requirements of demonstrating good and sufficient cause as well as hardship. She said that review of floodplain development applications by the Planning and Zoning Commission was also added. She requested that staff provide information about the decisions made by City Council during the 1978 revisions so the Commission could better understand why the Code was revised to include those changes. Commissioner Blucher said that by reviewing some of the history of how the City Code evolved, the Commission could make a more informed decision on whether to allow administrative review of bank stabilization.

Mr. Zuccaro explained that the intent of the study session is to review bank stabilization and the overall floodplain development regulations separately. He asked that the Commission make recommendations on the bank stabilization issue because the City Council asked that the issue move forward.

Chairman Plotkin asked the Commission if it was comfortable reviewing the proposal of an administrative review for banks stabilization without being able to look at floodplain development regulations in a broader context or does the majority feel that it can not be adequately reviewed without consideration of the whole process.

Attorney Foster explained that, based on a recent request for a bank stabilization project, the City Council recognized that the applicant would have to go through extensive public hearing process with the Planning and Zoning Commission and City Council in order to stabilize the channel running through his property. He said that because of the burdensome nature of the process, the City Council requested that staff explore process to simplify the approval of bank stabilization projects.

Chairman Plotkin explained that the Commission has reviewed several floodplain development applications requesting bank stabilization and in most instances approved the application. He said that based on this experience, he thought it was appropriate to have an administrative review process for bank stabilizations.

Chairman Plotkin said that he felt it was the responsibility of the Planning and Zoning Commission to establish a list of requirements that staff can use for administrative review of bank stabilization.

Commissioner Kerr said that it was important to include a list of criteria that would indicate whether an applicant would be eligible for an administrative review. She said that if the applicant did not meet all the criteria, it would be necessary to hold a public hearing before the Commission and City Council for review.

### **Reports**

None.

Commissioner Plotkin adjourned the meeting at 9:01p.m.

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Ira Plotkin  
Chairman

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Matthew Eckenwiler  
Community Development Clerk