Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, July 28, 2009 at 6:30 p.m.
At the Village Center

CALL TO ORDER

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

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chairman Ira Plotkin; Vice Chairman Kevin Iverson; Commissioner Jacque McIntyre; Commissioner Stephanie Bluher; and Commissioner Ann Kerr.

Also present at the meeting were the following staff members: Mr. Robert Zuccaro, Planning Manager; and Ms. Laurel Landsman, Community Development Clerk.

Absent were Commissioners Laura Christman and Joe Poche.

APPROVAL OF MINUTES

Commissioner Iverson made a motion to accept the July 14, 2009 minutes as written, the motion was seconded by Commissioner Kerr. The motion passed unanimously.

AGENDA ITEMS

Lighting Code Review (Study Session)

Mr. Zuccaro began the discussion of the lighting code review by going over the residential, commercial and nuisance lighting codes, information from the International Dark-Sky Association (IDA), and lighting codes from other communities. He said Boulder had the most comprehensive code language and that Greenwood Village has very specific light uniformity requirements that the Commissioners may want to review.

The Commissioners discussed City of Cherry Hills Village Municipal Code, Section 16-16-50, and enforcement issues related to the Section. The Commission asked Mr. Zuccaro to review what staff had done last year to address the issue.

Mr. Zuccaro said staff had performed a random search of about sixty properties and 60% of those properties were in violation of the code. He mentioned that City Council had reviewed the possibility of an amendment last year and decided to table the issue at the time. Mr. Zuccaro said that the issue is before the Commission again because the newly adopted Master Plan calls for a review of the City's lighting codes.

Mr. Zuccaro went on to explain that violations were determined in two ways – the light bulb has to be in a direct line of sight (unshielded) and cause a shadow on the public right-of-way. He said that properties that were in violation were notified that they were not in compliance with Section 16-16-50 and those homeowners changed their lighting. Chairman Plotkin asked if the City had received complaints about any of the lights along roadways and trails.

Mr. Zuccaro responded that there were some complaints about glaring lights and entry lights at driveways that impacted roadways and trails. He said the code is currently silent about entry lights.

Chairman Plotkin said that given the fact that City Council did not think they should change the language and there has not been a citizen outcry, he questioned whether there was a need to amend the language.

Commissioners McIntyre and Bluher said that they would like to encourage people not to put in such bright lights and asked if something could be established to that effect during the permit process.

Mr. Zuccaro discussed different ways that lighting could be inspected and reviewed as part of a permit.

A discussion of lighting and safety was begun by Commissioner Iverson, who said that individuals should be able to have sufficient lighting on their own properties for purposes of protection; deterrent lighting on properties that would not constitute a nuisance to neighbors.

Commissioner Bluher mentioned that her HOA contains covenants about being mindful of the lighting on properties and not affecting their neighbors' enjoyment of theirs.

Discussion ensued about the nuisance code and whether it covered enough of the lighting issues. It was suggested that if there is a huge spotlight on a structure shining into your house then the nuisance code would cover it and that the nuisance code may not cover enough of the glare issues.

Commissioner Plotkin suggested that it might be worth putting lighting standards into the building code. With more new gates going up with lights maybe an entry lighting standard would be a good idea.

Lighting on commercial properties was discussed; particularly how parking lot lighting is handled in the code.
In response to a question from Commissioner Iverson, Mr. Zuccaro said that commercial property owners submit a photometric plan as that business comes in – the business must meet the requirements of Section 16-16-20.

Mr. Zuccaro talked about levels of brightness and that lumens are the best way to determine how bright a light will be. Homeowners could put in bulbs with lower lumens in their fixtures to soften the lighting and keep down glare.

Further discussion of the language for the lighting code ensued. The language might include an exterior light fixture plan, with specified lumens and a requirement that all new fixtures be cut off. New permits could require cut off fixtures while old fixtures could be "grandfathered" in.

The Commission discussed the proposed code amendment that was presented to the City last year. The consensus of the Commission was to again propose this language in the context of the newly adopted Master Plan.

Prior to making a final recommendation to the City Council, the Commission asked that staff also draft language that would require cut-off light fixtures for all new lighting and present this language to the Commission at a future meeting.

REPORTS

Mr. Zuccaro had two reports:

A discussion about changing the R-3A Buffer requirement was pulled off the City Council Agenda because they wanted to review the language more. The first reading will be before

City Council then it will come to the Planning and Zoning Commission; and, after the Commission's review, go back to Council for second reading.

A wireless company called NewPath Networks will be constructing microcellular antennas on existing utility poles – a repeater system – throughout Cherry Hills Village. AT&T, and other carriers, may choose to pay to be on this infrastructure and the system will boost their signals.

Mr. Zuccaro reported that he had talked to the Chief of Police and the Chief sent an e-mail to the officers asking them to be aware of bicyclists and whether they are attending to traffic signs and signals.

The next meeting of the Planning and Zoning Commission will be on our regularly scheduled meeting date in four weeks.

ADJOURNMENT

A motion was made by Commissioner Bluher, seconded by Commissioner Iverson, to adjourn the meeting at 7:16 p.m.

The motion passed unanimously.

The meeting adjourned at 7:16 p.m.

Ira Plotkin, Chairman

Laurel Landsman, Community Development Clerk