Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 8, 2009, 2009 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chairman Ira Plotkin called the meeting to order at 6:33 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chairman Ira Plotkin; Vice Chairman Kevin Iverson; Commissioner Ann Kerr; and Commissioner Joe Poche.

Absent were: Commissioner Jacque McIntyre; Commissioner Stephanie Bluher; and Commissioner Laura Christman

Also present at the meeting were the following staff members: Mr. Rob Zuccaro, Planning Manager; Ms. Laurel Landsman, Community Development Clerk; and Attorney Joan Fritsche, for the City of Cherry Hills Village, Colorado.

APPROVAL OF MINUTES

Commissioner Iverson made a motion to accept the August 25, 2009 minutes with changes noted, the motion was seconded by Commissioner Kerr. The motion passed unanimously.

AGENDA ITEMS

Proposed Amendments to Section 16-8-90 and 16-9-30(d) of the Municipal Code Concerning Accessory Structure and Recreational Use Setbacks

Mr. Zuccaro began the discussion of the proposed Amendments to Section 16-8-90 and 16-9-30(d) of the Municipal Code Concerning Accessory Structure and Recreational Use Setbacks by saying that the difference in the principal and accessory/recreational setbacks for the R4, ½-Acre Residential District and the R3A Variable Lot Residential District had caused some difficulties for staff because there appeared to be no rationale for the difference. The accessory/recreational setbacks are significantly more restrictive than the principal setbacks compared to other districts. He said that staff found that up until 1970 the accessory setbacks had always been less than or equal to the primary structure setback. After that date the R4 changed and the accessory setbacks exceeded the primary structure setbacks. In 1996 when the R3A was established, only the ½ acre lots had the more restrictive accessory/recreational setbacks. Staff recommends changing the setbacks so that they are consistent with the setbacks from other districts.

Mr. Zuccaro stated that City Council had reviewed the proposal and asked staff to come before the Planning and Zoning Commission with the proposed amendments and then come back to the Council with the Commission's recommendations.

The Commissioners discussed the discrepancy in the setbacks and asked for clarification on the history as to whether there was a rationale for the setbacks to be set forth this way.

Mr. Zuccaro said that in his research he had not found anything to indicate why the setbacks in these districts were different.

Commissioner Iverson moved, and Commissioner Kerr seconded, to recommend approval by City Council of the Proposed Amendments to Section 16-8-90 and 16-9-30(d) of the Municipal Code Concerning Accessory Structure and Recreational Use Setbacks.

Chairman Plotkin asked for a vote on the motion.

Commissioner Poche - Aye
Chairman Plotkin – Aye
Commissioner Iverson – Aye
Commissioner Kerr – Aye

The motion passed unanimously.

Proposed Amendments to Sections 16-8-8- and 17-6 of the Municipal Code Concerning R-3A Buffer Requirements and Procedures for Removing Buffers from Subdivision Plats

Mr. Zuccaro said these proposed amendments regarding buffer requirements and removal of buffers came about because of a request from the Buell Mansion owners last year. The City Council has looked at this issue and has had three study sessions.

Mr. Zuccaro stated that the amendments address the buffer requirement between R3A lots and non-platted lots of a different size. There is a 100 foot buffer between the Buell and the Reserve subdivision; this proposal only addresses the 50 foot buffer. This proposal also creates a procedure for removing the buffer from subdivision plats. Covington and Buell are the only two subdivisions which could be affected by this proposal although the Covington subdivision does not have this particular type of buffer. The consent of all property owners adjacent to the buffer in Buell has been received to eliminate the buffer.

Chairman Plotkin asked if it was known what the rationale was for creating the buffer in the first place between the zoning districts.

Mr. Zuccaro responded that the buffer was set up to protect the adjacent larger size lot owners; but since the adjacent lot owners seem to favor the removal of the buffer, their interests would seem to be served in establishing a process to remove the buffer.

Chairman Plotkin asked if the procedure would set a precedent for future subdivisions with the buffer requirement.

The Commissioners discussed the procedure for removal of a buffer and whether the procedure could also be used for removal of a buffer in other districts.

Commissioner Iverson said in page three, subject to administrative process "copies of the title commitments…" was described as a requirement while later in the document "in lieu of title commitment…" is used. He suggested that this language should be changed to clarify the purpose of the required documents.

Attorney Fritsche said to clarify the language usage, the title commitment reference is only for administrative review. The second reference regarding requiring a legal document was only for removal of the buffer, to demonstrate ownership of the property.

Mr. Zuccaro said rather than deleting the entire section it could be amended to say that three copies of title commitments or other required document were required.

The Commissioners discussed the nature of the buffer, saying that owners can't use the property within the buffer for accessory structures. The setbacks are currently "trumped" by the buffer but with removal of the buffer the setbacks would be the measurement for structures, fences and any other allowed uses.

Commissioner Poche cited the Master Plan and said it seemed that this buffer was an issue of trying to regulate density between R3A and R1 lots and the Commissioners briefly discussed the issue of density.

The Commissioners discussed the fact that many of the property owners want to build something to beautify their property but can't because of the buffer, and if the owners and adjacent owners want to eliminate the buffer there didn't seem to be a reason not to do so.

Mr. Zuccaro pointed out that the way the amendment is currently written it only applies to one buffer in the R3A zoning district

Chairman Plotkin said he would entertain a motion on the amendments.

Commissioner Kerr made a motion, seconded by Commissioner Iverson, to recommend approval by City Council of the Amendments to Sections 16-8-8- and 17-6 of the Municipal Code Concerning R-3A Buffer Requirements and Procedures for Removing Buffers from Subdivision Plats with the changes discussed.

Commissioner Poche - Aye
Chairman Plotkin – Aye
Commissioner Iverson – Aye
Commissioner Kerr – Aye

The motion passed unanimously

REPORTS

Mr. Zuccaro stated that Residential Design Standards Committee might have something to present to City Council in October.

The next meeting of the Planning and Zoning Commission will be September 22, 2009.

Chairman Plotkin thanked Commissioner Iverson for his service on the Planning and Zoning Commission as this is his last meeting as a Commissioner.

ADJOURNMENT

A motion was made by Commissioner Iverson, seconded by Commissioner Kerr, to adjourn the meeting at 7:08 p.m.

The motion passed unanimously.

The meeting adjourned at 7:08 p.m.

Ira Plotkin, Chairman

Laurel Landsman, Community Development Clerk