Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 22, 2009, 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; Commissioner Jacque McIntyre; Commissioner Joe Poche; Commissioner Stephanie Bluher, Commissioner Laura Christman; and Commissioner Jim Rubin.

Commissioner Ann Kerr was absent.

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

Chairman Plotkin welcomed Jim Rubin, who was newly appointed to the Commission.

APPROVAL OF MINUTES

Commissioner Christman made a motion, seconded by Commissioner McIntyre, to accept the September 8, 2009 minutes as written. The motion passed unanimously.

ELECTION OF CHAIR AND VICE-CHAIR

Chairman Plotkin asked for nominations for the positions of Chair and Vice-Chair.

Commissioner Christman nominated Ira Plotkin for the position of Chairman. Commissioner Poche seconded the nomination. Ira Plotkin was unanimously elected to serve as Chairman for a new term.

Commissioner McIntyre nominated Commissioner Christman for the position of Vice-Chair, seconded by Commissioner Poche. Commissioner Christman was unanimously elected to serve as Vice-Chair.

Commissioner Plotkin and Commissioner Christman being present at the meeting accepted the offices of Chair and Vice-Chair, respectively.

Commissioner Bluher, since she was absent at Commissioner Iverson's last meeting, expressed her appreciation for Mr. Iverson's service on the Commission.

AGENDA ITEMS

Proposed Amendments to Section 16-16-50 of the Municipal Code Concerning Exterior Lighting

Mr. Zuccaro began by reminding the Commission of the discussion at the July 28th meeting. The Commission had requested that Staff come up with some language for two options, Option A that would allow for fully-shielded and non-shielded light sources, and Option B that only allows fully-shielded light sources, but exempts existing lights from the requirements. Neither option limits the amount of lights that may be installed on a property.

Mr. Zuccaro said that Staff has some concerns about the grandfathering clause in the Option B because of the difficulty in verifying when fixtures were purchased or installed in order to enforce the requirements. He said that there were two additional options to consider; updating and strengthening the existing performance standards without implementing maximum lumen and fixture standards, or maintaining the current code and exploring other avenues such as publishing lighting design guidelines and using educational tools to encourage alternative lighting and preserve "dark skies."

Mr. Zuccaro asked if the Commission had any questions concerning the proposed amendments or the additional options.

Commissioner Christman asked about exemptions for certain types of lighting and whether there was any current language in the code about holiday and recreational lighting.

Mr. Zuccaro responded that there was no language in the current code addressing holiday and recreational lighting but that language could be added to the proposed amendments, perhaps specifying a 30-day window on either side of a holiday for lighting.

Chairman Plotkin said that in his reading of the proposed amendments, enforcement would be dependent on a complaint and then the code enforcement official making a determination of the lumen output of each bulb. He said that in "grandfathering" the existing lights there would be an issue with barns that are tall with very bright security lights that are not shielded.

Mr. Zuccaro said that under the proposed amendments, there are lots of lights that would be nonconforming lights in the City. He also indicated that the nuisance code currently addresses light glare complaints by measuring foot candles, and these provisions could address some of the light glare issues.

The Commission briefly discussed types of lighting that exists in the city including lights installed for safety. The Commission also discussed publishing an article in the Crier about lighting for those whose lights would be grandfathered under Option B.

Commissioner Rubin asked if there were many complaints about lighting and if lighting is truly an issue in the city.

Mr. Zuccaro responded by saying that about a year ago there was an individual that complained about several properties and that resulted in code enforcement on a few of those properties. Mr. Zuccaro stated that he was aware of no other complaints on residential properties.

Commissioner Bluher suggested that there should be something guiding new construction so that the rural character of the city is maintained. She suggested that requirements might be added early in the process that would be addressed by builders prior to planning and buying light fixtures when building a new residence.

Commissioner Christman suggested that since a builder would have to pull an electrical permit on a new house there could be some kind of lighting review at that time. Types of lighting and light output could be looked at prior to permitting.

Mr. Zuccaro said some type of lighting review could be put in place prior to permitting for construction of new single family residences. He said that "lumens per acre" standard is suggested by the International Dark Sky Association ("IDA") as a measurement for lighting.

Commissioner Rubin said that he had talked with the Police regarding his own property and they suggested lighting in front of the property for safety purposes. Coordination with the police department will be necessary when pursuing new lighting standards.

Chairman Plotkin asked what the Commission thought about the two proposals and the alternative options.

Commissioner Bluher said she was interested in the educational alternative as long as work is continued toward code language that would guide new builders during the permit process.

Mr. Zuccaro said that brochures and materials about lighting could be produced that would be available at the front counter for use in community education.

Chairman Plotkin said his own lights were not in conformance with these standards but he would prefer to see code language expressing the standards for lighting. Lights for new single family residences would be those most affected by the amendment since existing lighting would be grandfathered.

Commissioner Poche suggested using education to bring the homes with grandfathered lighting into voluntary compliance.

Chairman Plotkin said he would entertain a motion and asked if someone wished to make one.

Commissioner Poche made a motion, seconded by Commissioner Christman, to recommend Option B with revisions.

Chairman Plotkin asked the Commission what sorts of revisions they would like to see in Option B.

Commissioner Christman suggested that the following types of lighting need to be addressed in Option B: landscape lighting; flag/sculpture lighting; recreational use lighting; and motion detector lighting.

Mr. Zuccaro said staff will look into resources for educational materials. He said that the IDA has pretty good material and staff will see what sorts of educational materials and guidelines might be compiled and produced for community education.

Mr. Zuccaro said staff will also research what other communities are doing related to landscape lighting, flag/sculpture lighting, recreational use lighting and motion detector lighting.

The Commission unanimously agreed to pursue Option B with revisions.

REPORTS

The R3A Buffer Amendment went before City Council; they didn't approve it, they decided to rewrite it and send it back to the Planning and Zoning Commission.

The Amendment regarding the ½ acre lot setbacks was approved on first reading. The homeowners associations affected by the Amendment will be notified about the Public Hearing on second reading.

The Residential Development Standards Committee is tentatively planning to present their report to City Council on October 20th.

Village Center focus groups will be meeting all day Wednesday, September 23, 2009. Mr. Zuccaro invited the Commission to attend. There will be a Public Meeting from 6:30 p.m. to 8 pm to give the consultants a chance to speak with members of the community.

ADJOURNMENT

A motion was made by Commissioner Bluher seconded by Commissioner Christman to adjourn the meeting at 7:18 p.m.

The motion passed unanimously.

The meeting adjourned at 7:18 p.m.

Ira Plotkin, Chairman

Laurel Landsman, Community Development Clerk