

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 27, 2010 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 Chair Laura Christman; Commissioner Joe Poche;  
Commissioner Jacque McIntyre; Commissioner Jim Rubin; and Commissioner Ann Kerr

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

Absent was Commissioner Peter Savoie.

**APPROVAL OF MINUTES**

The April 13, 2010 Minutes will be approved at the next meeting.

**AGENDA ITEMS**

*Proposed Addition of Satellite Dish Antenna Regulations to the City's Zoning Ordinance  
(Continued from April 13, 2010 Meeting)*

Mr. Zuccaro said that, as requested at the April 13, 2010 meeting, staff performed research regarding satellite dish antenna regulations in peer communities and communities in the area. He said that the communities reviewed provided a wide range of regulations.

Mr. Zuccaro said two changes have been made in the proposed draft ordinance. The words "or diagonal measurement" have been added to the text in Section 1, Section 8 and Section 10. This new text should help to clarify how to measure the maximum size of a satellite dish antenna that is not round. The second addition is the phrase "or to receive or transmit fixed wireless signals via satellite" to Section 12 of the draft ordinance. This text has been added to cover satellite dish antennas that are used for internet or other communications services which are covered by OTARD.

Chairman Plotkin asked if there were any questions or comments for staff.

Commissioner Poche said he is still concerned with terming the satellite dish antenna an accessory structure. He said yards may be cluttered with other items that are not termed accessory structures.

Mr. Zuccaro said when it comes to satellite dish antenna regulations; a lot of cities do regulate them. Landscape ornaments or artwork are not regulated by the City and are looked at in a different way than accessory structures.

Chairman Plotkin said that one meter or less dishes may be on sites without regulation. The satellite dish antennas that are being considered as accessory structures are the larger antennas.

Mr. Zuccaro said that a conditional use permit would give the person who wants additional large dishes a means of applying for them and the neighbors an opportunity to comment on that application.

Chairman Plotkin asked if there were any other comments or questions.

Chairman Plotkin opened the floor to the public. Mr. Mark Derbyshire of 5050 S El Camino Drive brought his comments before the Commission. He spoke again about his concerns about the method of measurement for oddly shaped satellite dish antenna and the diagonal measurement language.

Deputy City Attorney Foster asked if Mr. Derbyshire had another method of measuring the oddly shaped dishes.

Mr. Derbyshire said that engineers would use a measurement called "equivalent diameter" in order to measure them.

Vice Chair Christman said we want to comply with the OTARD standards and asked if the OTARD standard says "diagonal measurement" and if we said "diagonal measurement" would that satisfy the OTARD standard.

The Commissioners discussed language that might be included that would show OTARD compliance to help clarify the measurement question.

Mr. Derbyshire said that "one meter or equivalent" might be used but that could prove difficult for City staff to determine.

Deputy City Attorney Foster said that property owners may not be able to prove that the dish is OTARD compliant.

Mr. Zuccaro said that more general language might be better. That leaves the door open for measuring the satellite dish antennas in different ways.

The Commissioners discussed changing the language and how the ordinance might be administered if the "one meter or equivalent" language was used. The fact that the manufacturer's specification sheets for the satellite dish antenna use "one meter or equivalent" was also discussed.

Chairman Plotkin asked if the commissioners agreed that the language should be changed to "one meter or equivalent as determined by the Community Development Director."

The Commissioners agreed that the proposed ordinance should be changed to incorporate the "one meter or equivalent" language.

Mr. Derbyshire said that he continues to be concerned about the amortization provision, the measurement of the dishes, addressing amateur services and the screening of satellite dishes. He presented research of his own regarding amortization in other communities.

Chairman Plotkin asked Deputy City Attorney Foster about Colorado Statutes regarding amortization.

Deputy City Attorney Foster said that his legal opinion is that we are not talking about use in this instance, that the City is only limiting structures. The City would be amortizing the structures not the use of the structures.

Chairman Plotkin asked if there were any other questions.

Vice Chair Christman asked if many people would actually be impacted by the amortization of the satellite dish antennas. If it isn't going to have a significant impact on getting rid of unused dishes for ten years is there any point in leaving the amortization provision in the language of the ordinance.

The Commissioners asked Mr. Derbyshire if the amortization provision was his biggest concern with the ordinance.

Mr. Derbyshire said amortization was his biggest concern along with the fairness of singling out satellite dish antennas for amortization.

Chairman Plotkin asked for a consensus on whether to remove the amortization provision or leave the language as is with the understanding that individuals could apply for a conditional use permit.

Vice Chair Christman said that since it appears that few people will be impacted by the amortization, that the ordinance be implemented without the amortization language.

The Commissioners agreed that the amortization language should be deleted.

*Proposed Amendments to the Zoning Ordinance Regarding Satellite Dish Antenna*

Commissioner Christman made a motion, seconded by Commissioner Poche to recommend to the City Council approval of the proposed amendments to the City's Zoning Ordinance as outlined in Exhibit A to the staff memorandum dated April 27, 2010 for the purpose of adopting comprehensive regulations concerning satellite dish antennas, subject to the change in the language regarding the definition of measurement and the deletion of the amortization clause.

The motion passed unanimously.

Christman Plotkin asked Mr. Zuccaro if there were any reports for the Commission.

**REPORTS**

Mr. Zuccaro said there were no reports at this time.

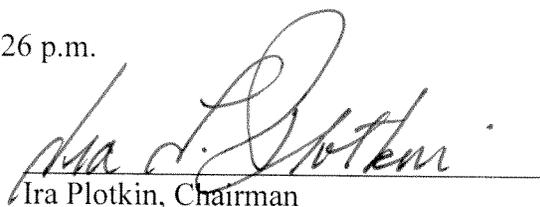
The next regularly scheduled meeting of the Commission is May 11, 2010.

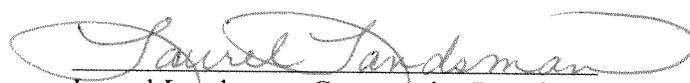
**ADJOURNMENT**

A motion was made by Vice Chair Christman and seconded by Commissioner Kerr to adjourn the meeting at 7:26 p.m.

The motion passed unanimously.

The meeting adjourned at 7:26 p.m.

  
Ira Plotkin, Chairman

  
Laurel Landsman, Community Development Clerk