

**RECORD OF PROCEEDINGS**

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Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, June 22, 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 Peter Savoie; and Commissioner Jacque McIntyre.

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

Absent were Commissioner Ann Kerr and Commissioner Jim Rubin

**APPROVAL OF MINUTES**

Commissioner Savoie made a motion, seconded by Commissioner Poche, to accept the June 8, 2010 minutes as written. The motion passed unanimously.

**AGENDA ITEMS**

*Study Session – Residential Development Standards Committee (RDSC) Recommendations on Preservation of Natural Surroundings*

Mr. Zuccaro introduced Mr. Douglas Stallworthy, the City Attorney Intern, who will present on the RDSC's recommendations for Preservation of Natural Surroundings. He stated that feedback from this study session will provide the basis for Staff to prepare a draft ordinance for the Commission's review.

Mr. Stallworthy said that prior to the City's development the natural landscape was grassland and cotton wood trees. So it is more accurate to say that the preservation under discussion would be preservation of the streetscape and screening of properties. He said the goal is to preserve the predominant streetscape in Cherry Hills Village of narrow, tree-lined streets and the screening of adjacent homes.

Mr. Stallworthy talked about examples of properties in the staff memorandum that show the landscaping pre-construction and post-construction. One example indicates the lack of trees after construction leaving the property with inadequate screening. In another example a house is shown under construction that covers much of the lot area with little or no landscaping.

Mr. Stallworthy said that the RDSC recommendations are intended to reduce adverse impacts on adjacent property owners by protecting the landscape buffer between properties; preserve established landscaping that provides shade, and preserve screening of adjacent homes. He presented the RDSC and staff recommendations, described in the staff memorandum dated June 22, 2010, to the Commission.

Chairman Plotkin asked if the homeowners present wished to speak to the Commission.

Tony Patinella, who resides at 5040 S Franklin Street spoke to the Commission. He said he lives directly behind 131 Summit Blvd. He said he commends the Commission on their work with tree preservation. Mr. Patinella said his neighbors at 131 Summit Blvd. removed a berm, bushes and other landscaping that had acted as screening. He suggested that neighbor approval prior to landscaping be required. He said good things come through

neighbors talking with each other. He is in favor of preserving the landscaping as well as trees.

The Commissioners discussed whether neighbors who are concerned about the lack of screening should put in landscaping on their own property to act as screening if their neighbors have removed an existing buffer of landscape between the properties.

Chairman Plotkin said the ideal situation would be if property owner A and property owner B can talk and resolve the issue between them. However, if an ordinance is passed, the City is obligating the property owner to maintain a landscape buffer at his expense to screen his property from an adjacent property.

Commissioner Savoie said that the recommendations do not require anyone to plant any new trees so the buffer that is being maintained is of existing trees only.

Chairman Plotkin asked if the other community members present would like to speak to the Commission.

Nina Itin, of 4685 S. Ogden Street, the northern neighbor to 4715 S Ogden Street, asked if the other recommendations of the RDSC would be addressed tonight. After hearing that they would not be addressed, she said she would like to address the landscaping issue. She said the house (at 4715 S Ogden Street) takes up the majority of the lot from front to back, filling the site. She said the owner apparently has no plans to do landscaping. She said she was also concerned about drainage from the lot because of the lack of landscaping and that the ground level had been changed in the back part of the lot in order to build the house. She encouraged the Commission to protect the privacy of residents.

Nick and Carol Mathers, who reside at 120 Summit Blvd., are on the south side of 131 Summit Blvd. They said they were very familiar with the trees and landscaping on the property prior to the new construction. They said mature trees that were removed were 35 feet high. They said the neighbor took down the trees to make the roof mounted solar system work better. They suggested that the Commission address solar panels with respect to tree removal. They said they were not consulted before the trees were removed and that they tried to talk to their neighbor about the trees but were unsuccessful. They said the City should require a landscape plan for new development.

Chairman Plotkin asked if there is any language for neighbor input in the recommendations.

Mr. Zuccaro replied that the RDSC report recommends a required notification of neighbors that would be non-binding but still provide a forum for neighbors to comment.

Commissioner Savoie and Vice Chair Christman discussed the impact that the ordinance might have made had it been in place prior to 131 Summit Blvd being built. If the owner had not removed trees or had moved large trees during the development of the property, they would not have been required to plant any new trees.

Vice Chair Christman said she thought that there were three major issues: 1) Preservation of existing landscaping/replacement if you take trees out; 2) Minimum landscaping requirement; and 3) Maintaining a dead tree if owner's wished to save it for wildlife habitat.

In response to some discussion regarding whether bushes and shrubs should be included, Commissioner Savoie said the RDSC spent a lot of time on this issue. He said that a full review of the landscape plan by the neighbors or the City would be too onerous if every bush and shrub had to be reviewed. The RDSC felt that the character of the Village was best served by preserving the large trees.

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Mr. Stallworthy said another reason shrubs were not addressed is that they grow faster and may be replaced more easily by homeowners.

Vice Chair Christman said that large trees on a property impact that property and any neighbor's landscaping that is close to the trees. Homeowner's base their landscape plans on the landscape of their immediate neighbors. She said she saw the preservation of the natural surroundings as a "big tree" issue and not a landscape issue. She said a minimum landscape requirement for the City of Cherry Hills Village is not unreasonable.

Commissioner Poche said he is concerned about maintaining the property owner's rights.

Mr. Stallworthy said that other communities had minimum landscaping requirements.

Commissioner Poche said that diseased, dead or decaying trees should not be allowed.

Mr. Stallworthy said that the ordinance that addresses dead, broken, and diseased trees is the nuisance code. He said that diseased trees may be considered a nuisance but the code doesn't specifically require removal of the tree.

Vice Chair Christman said that there isn't a mitigation plan for mature trees along private roads and access to driveways if the trees are destroyed by large construction vehicles going down the roads during construction. She said huge construction vehicles driving over the private roads kill the trees eventually. A mitigation plan should cover the period when development is in process and the access to the construction site is over a private road.

Mr. Zuccaro said that this proposal does contain language for a mitigation plan when the trees are in the setback of the property. He said that staff would look into adding language to the proposed ordinance regarding construction vehicles damaging trees when using private roads for access to construction sites.

Chairman Plotkin asked the Commissioners if they had any additional comments or language for each of the ten recommendations described in the June 22, 2010 staff memorandum. Each of the ten recommendations in the memorandum was reviewed and the Commission provided staff with consensus direction on each item

Chairman Plotkin said if there were no additional comments, were there any reports for the Commission.

**REPORTS**

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

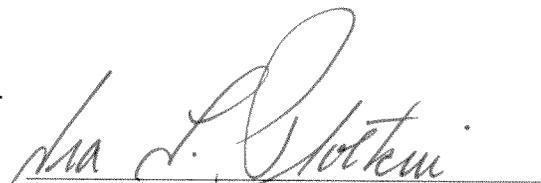
The next regularly scheduled meeting of the Commission is July 13, 2010.

**ADJOURNMENT**

A motion was made by Commissioner Christman and seconded by Commissioner Savoie to adjourn the meeting at 8:25 p.m.

The motion passed unanimously.

The meeting adjourned at 8:25 p.m.

  
Ira Plotkin, Chairman

  
Laurel Landsman, Community Development Clerk