

**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, August 10, 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; Commissioner Joe Poche; Commissioner Jacque McIntyre;  
Commissioner Savoie; and Commissioner Ann Kerr.

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

Absent were Vice Chair Laura Christman and Commissioner Jim Rubin.

**APPROVAL OF MINUTES**

Commissioner Savoie made a motion, seconded by Commissioner Kerr, to accept the June  
22, 2010 minutes as written. The motion passed unanimously

**AGENDA ITEMS**

*Proposed Ordinance Creating Standards for the Preservation of Established Trees and  
Minimum Tree Planting for New Development*

Mr. Zuccaro presented the Proposed Ordinance for review and recommendation. He went  
over the requirements for preservation of trees and minimum tree planting for new  
development that are described in the staff memorandum. He said that there is a correction  
he would like to propose in Section b(6)(a) and (c) that the references to rear and side yard  
setbacks be changed to "front, rear and side yard setbacks."

Commissioner Savoie said he had two general comments. He suggested that the definition  
be changed to caliper size rather than diameter at breast height (DBH) and that it be used  
throughout the document. He also suggested that references to front, rear and side yards be  
defined as "Setbacks" and be capitalized throughout the document.

The Commissioners agreed and Chairman Plotkin suggested that the "Setbacks" definition  
be added to the very beginning of the new section 16-16-160.

Mr. Zuccaro said he would add the language in any relevant place throughout the  
ordinance.

Chairman Plotkin asked for clarification about the number of trees required per lineal feet  
of foundation.

Mr. Zuccaro said the concept is a minimum requirement of 1 tree for every 40 lineal feet of  
foundation. He said the Commission could determine whether to have this tree planting  
requirement as well as the requirements for preservation or could choose not to include this  
requirement in the ordinance.

Mr. Zuccaro said that staff had identified a loophole whereby owners could remove trees prior to having their tree survey done so that they would not have to meet the tree preservation requirements. He suggested that it be required that all trees removed during the previous year be identified in the survey. The tree survey submitted would be certified by some professional such as an arborist or engineer.

Commissioner Savoie suggested that the requirement on the tree survey for "date of removal" be deleted as it would be too difficult for property owners to determine the date of removal when identifying trees removed during the previous year.

Commissioner Poche asked whether dead trees would have to be identified on the survey.

Mr. Zuccaro said that as it is currently written, dead trees would have to be identified on the survey and suggested changing the definition of an established tree to "a living tree six inches or more in diameter."

The Commissioners discussed the regulation of trees inside the building envelope and agreed that only trees in front, side, rear yards and rights-of-way should be regulated.

Mr. Zuccaro said the last item was the dead tree allowance. He suggested that if the City approves allowing a dead tree to remain on a property, that language should be added that at any time in the future the City could require removal of the dead tree.

The Commissioners asked that staff come back with language without the minimum 40 lineal feet per foundation requirement and with the language changes requested regarding tree preservation and the addition of language regarding the dead tree allowance.

## **REPORTS**

Mr. Zuccaro reported on Rezoning Floodplain Areas to O-1, Open Space, Parks and Recreation Area District as part of the Master Plan Review Follow-Up.

Mr. Zuccaro said that at the June 8<sup>th</sup> meeting the Commission had asked staff to conduct further research to determine if there were any possible property tax benefits to property owners who rezoned portions of their residential property as open space as well as the history of residential properties with both residential and open space zoning.

Mr. Zuccaro reported that staff spoke with Cyndy Roy, residential real estate appraiser with Arapahoe County who works regularly in Cherry Hills Village. Ms. Roy explained that the presence of floodplain and/or open space zoning on a residential property in Cherry Hills Village does not negatively affect property values when compared to properties that do not include floodplain and/or open space zoning. Therefore, there is no adjustment made to these properties.

Mr. Zuccaro said that there are approximately 60 properties in the Village that include both residential and open space zoning. The properties were established with the joint zoning when they were annexed into the Village. Staff found no evidence suggesting that the City had approached any of the property owners to request that portions of their property be rezoned to open space.

Mr. Zuccaro suggested two possible approaches in the absence of financial incentives: 1) Writing letters to property owners with floodplain intersecting their property and encouraging them to make an application to the City for rezoning, pointing out the possible benefits to wildlife habitat, water quality, and floodplain capacity by limiting development within the floodplain through the open space zoning designation. The City could also offer an incentive of providing an expedited review process and/or the waiver of application review fees for such requests; or 2) Not proactively contact owners, but still adopt a policy

that the City will incentivize any request to rezone floodplain areas to open space zoning by allowing an expedited review process and/or the waiver of application review fees.

The Commissioners discussed the approaches and decided that it made sense to wait until after the new floodplain map has been approved in December of this year. At that time an article could be published in the Crier about the rezoning and could inform residents about incentives for rezoning their floodplain area.

Commissioner McIntyre made a motion, seconded by Commissioner Kerr, to recommend to the City Council that once the new floodplain map has been approved, incentives be given for rezoning floodplain areas to the O-1, Open Space, Parks and Recreation Area District, in the form of a waiver of application review fees and an expedited review process as well as the publication of an article in the Crier.

The motion was unanimously approved.

The next regularly scheduled meeting of the Commission is August 24, 2010.

### **ADJOURNMENT**

A motion was made by Commissioner Savoie, seconded by Commissioner Kerr, to adjourn the meeting at 7:24 p.m.

The motion passed unanimously.

The meeting adjourned at 7:24 p.m.

  
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Ira Plotkin, Chairman

  
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Laurel Landsman, Community Development Clerk