Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 12, 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 Jim Rubin; Commissioner Jacque McIntyre; 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 was Commissioner Peter Savoie.

APPROVAL OF MINUTES

Commissioner Christman made a motion, seconded by Commissioner McIntyre to accept the August 24, 2010 minutes as written. The motion passed unanimously

AGENDA ITEMS

Election of Chair and Vice Chair

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

Commissioner Kerr nominated Ira Plotkin for the position of Chairman. Commissioner Rubin seconded the nomination. Ira Plotkin was unanimously elected to serve as Chairman.

Commissioner Rubin nominated Laura Christman for the position of Vice Chair, seconded by Commissioner Poche. Laura 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.

Proposed Amendments to Floodplain Management Regulations

Mr. Zuccaro presented several amendments to the City's Floodplain Management Regulations for review and recommendation to the City Council. He said the amendments are necessary in order to adopt the updated Flood Insurance Study and Flood Insurance Rate Maps (FIRMs) for the City and to match the minimum requirements for the City's continued participation in the National Flood Insurance Program (NFIP) Community Rating System (CRS).

Mr. Zuccaro said the City receives a rating from FEMA based on the level of floodplain management activities that the City performs. The community rating makes property owners eligible for discounts on flood insurance. There are approximately 200 properties in the City that are impacted by a FEMA regulated floodplain and flood insurance is mandatory for any federally backed financing on buildings located in the floodplain.

Mr. Zuccaro said that Staff also recently met with a representative of the Colorado Water Conservation Board, (CWCB) who serves as the State's liaison between the local jurisdictions and FEMA. The CWCB is tasked with periodically reviewing a community's floodplain regulations to ensure that they meet the minimum standards established by FEMA for the NFIP. As a result of that meeting, several changes and additions were requested by the CWCB; those changes and additions are included in the proposed amendments.

The Commissioners asked for clarification regarding the CRS rating and Mr. Zuccaro explained that the ratings range from 1 to 10 with lower ratings resulting in higher discounts on flood insurance. He said the City's rating is currently an 8 which is typical for most cities.

Mr. Zuccaro said that Staff recommends approval of the proposed amendments.

Chairman Plotkin asked if the Commissioners had any questions for Mr. Zuccaro.

Vice Chair Christman asked if the new regulations would change our standards pertaining to building in the floodplain.

Mr. Zuccaro explained that our regulations are stricter than the FEMA regulations. If someone wants to build in the floodplain they have to request a special exception from City Council. The applicant has to prove a hardship that causes the need to build within the floodplain. The proposed amendments do not change any of our current processes or review criteria.

Vice Chair Christman asked about the new provisions related to parking recreational vehicles in the floodplain.

Mr. Zuccaro said that recreational vehicles can't be parked in the City unless they are screened but if they are parked in a floodplain they must be screened and the time limitation specified in the FEMA regulations must be met.

Chairman Plotkin asked what the City would have to do to get a lower CRS rating.

Chairman Kerr asked if the gap between a 7 and 8 was so significant that we could not get the lower rating or if there was any way to achieve it. She asked what it would take to go from a rating of 8 to 7.

Mr. Zuccaro said we would have to earn 400+ additional points in order to come down one rating point. He said that some examples of ways to earn points would be to put deed restrictions over floodplain on property and additional floodplain planning.

Chairman Plotkin asked if staff could do some further research and itemize what has to be done and what activities could be undertaken to improve the City's rating.

Mr. Zuccaro explained that the City submits documentation to FEMA on an annual basis and meets with FEMA every five years to review our rating. Staff recently met with FEMA for our five year review, part of this process is to determine if there are other activities to obtain additional points. Although there may be additional activities that the City may engage in it would be difficult to do enough to reduce the City's rating to 7.

Chairman Plotkin said that it was good that the City has the opportunity to submit to FEMA each year to revisit the CRS rating.

Motion Regarding Proposed Amendments to Floodplain Management Regulations

Commissioner Kerr made a motion, seconded by Commissioner McIntyre to recommend to the City Council approval of the proposed amendments to the City's Floodplain Management Regulations as outlined in Exhibit A to the October 12, 2010 staff memorandum.

The motion was unanimously approved.

Proposed Ordinance Creating Standards for the Preservation of Established Trees

Mr. Zuccaro presented the revised tree preservation ordinance for consideration and recommendation to the City Council. He reminded the Commissioners that at their meeting on August 24, 2010 they had voted, by a vote of five for and one against, to recommend approval of the ordinance to City Council. City Council's first reading of the ordinance was September 8, 2010. The Council voted unanimously to refer the draft ordinance to the Planning and Zoning Commission for further study. While the Council endorsed the general concept of the ordinance, they asked that the Commission consider the following: 1) that the requirement for preservation of trees inside the building envelope went farther than the RDSC recommendation to preserve trees only in setbacks and rights-of-way; and, 2) a replacement rate of 2:1 in caliper size could be burdensome and costly. The City Council crunched the number of trees that would be needed to replace large trees and asked that consideration be given to a lower replacement rate and/or to capping the required number of trees.

The ordinance has been modified so that only trees in the setbacks and rights-of-way are required to be preserved or replaced and has changed the replacement rate of trees to equal the caliper size of the trees that are removed and capped the number of replacement trees at a maximum of 5 per tree removed. For purposes of clarification, some additional minor amendments have been made.

Staff recommends approval of the revised proposed ordinance.

Chairman Plotkin asked if the Commissioners had any questions or comments.

Commissioner Poche said he thought that five replacement trees were too many. He said he was concerned about their growth habits and ability to survive.

Commissioner McIntyre asked if there could be language regarding a general spacing relationship for the trees.

Commissioner Kerr said she thought that since there is not an immediate "trade" of little trees for big trees that we should go back to the original recommendation of the RDSC regarding setbacks.

Vice Chair Christman said that City Council suggested that the Commission should come up with other incentives for planting trees. To create incentives by taking money out of the building permit fees takes money away from the City that it needs to cover its costs.

Commissioner Poche suggested that if there are incentives to not remove trees that there will be little impact on building permit fees.

Vice Chair Christman said perhaps in the tree survey plan they can note the type of tree to be planted and the tree's growth habit.

Mr. Zuccaro said that there is a "tree formula method" used by landscape architects to appraise the value of a tree and assigning it a monetary value. If such a formula was used a value could be rated for the replacement tree based on the value of the removed trees.

Commissioner Rubin said what about overly treed lots that need to be thinned. He was concerned that owners would not be able to remove trees that needed to be removed. He asked specifically about the RDSC recommendation.

Mr. Zuccaro said that the RDSC had decided that it was essential to preserve the character of the village with respect to trees and to protect homeowners' privacy. The RDSC considered tree protection and preservation as a part of all the concepts they discussed including bulk plane. They talked about incentives and finally decided that it would overly complicate the recommendations.

Chairman Plotkin said his impression of the RDSC report is that it primarily addressed building size and said that if we don't look at that issue first we may have to change the landscape requirements after the building size has been addressed.

The Commissioners asked about other City ordinances that address preservation of mature trees.

Mr. Zuccaro said that Denver has a simple ordinance – you cannot take out mature trees. He doesn't know what the penalties are if you do remove a tree.

Chairman Plotkin said he would like to see something similar to the Denver ordinance or to have a study session with City Council to discuss the landscape preservation ordinance.

Commissioner Rubin said he thought the Commission should deal with the bulk plane standard first before considering the proposed ordinance for Preservation of Established Trees.

There was a general discussion as to whether the bulk plane standard should be addressed prior to the ordinance for the preservation of trees.

Chairman Plotkin asked whether there was a motion to table the proposed ordinance.

Motion Regarding the Proposed Ordinance Creating Standards for the Preservation of Established Trees

Vice Chair Christman made a motion, seconded by Commissioner Poche, to table the proposed ordinance pending further study by the Planning & Zoning Commission.

The motion passed unanimously.

Mr. Zuccaro said that the Bulk Plane Study will be finalized soon. It is anticipated that the final Bulk Plane Study will be presented to City Council in November before coming to the Commission. Mr. Zuccaro explained that after the study is finalized he anticipates that there will be a series of public input meetings that will include the Planning and Zoning Commission prior to an ordinance being drafted.

REPORTS

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

The next regularly scheduled meeting of the Commission is October 26, 2010.

ADJOURNMENT

A motion was made by Commissioner Christman seconded by Commissioner Kerr, to adjourn the meeting at 7:44 p.m.

The motion passed unanimously.

The meeting adjourned at 7:44 p.m.

Ira Plotkin, Chairman

Laurel Landsman, Community Development Clerk