

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, May 14, 2013 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Chair Christman called the meeting to order at 6:36 p.m.

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chair Laura Christman, Commissioner Al Blum, Commissioner Jim Rubin, Commissioner Steve Szymanski and Commissioner David Wyman.

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; and Emily Kropf, Community Development Clerk.

Absent were Vice Chair Peter Savoie and Commissioner Joe Poche.

**APPROVAL OF MINUTES**

Commissioner Jim Rubin made a motion, which was seconded by Commissioner Wyman, to accept the April 23, 2013 minutes with one correction.

The motion passed unanimously with the exception of Chair Christman who abstained from the vote due to her absence during the previous meeting.

Commissioner Wyman asked if Chair Christman can sign the approved minutes from the previous meeting if she was absent.

Chair Christman replied that she can sign the minutes as long as the minutes have been approved by a motion.

**AGENDA ITEMS**

*Annual Master Plan Review*

Chair Christman stated that she asked that the order of the agenda items be switched as the annual review of the Master Plan is integrally tied to the proposed amendments to the approval process for public recreation facilities.

Mr. Zuccaro stated that staff is presenting the annual Master Plan review. There is a section in the Commission's Rules of Procedure that states that the Commission is to conduct an annual review of the City's Master Plan in May of each year. The purpose of the review is to evaluate existing policies, recommend any new policies and evaluate implementation strategies. Staff has provided an Implementation Priority Worksheet, which lists all goals and strategies included in the Master Plan, a matrix for categorization of priority or action and identification of areas that have been deferred to the Parks, Trail and Recreation Commission (PTRC) or City Council to address directly.

Mr. Zuccaro said that the Commission can direct staff regarding any action items in order to implement recommendations from the Master Plan. Some examples of past action items include the tree preservation and exterior lighting ordinances. There has also been research

regarding open space, zoning and property values as a result of the Commission's direction following the Master Plan review.

Chair Christman stated that she carefully reviewed the Master Plan and found that one of the Commission's jobs is to create and implement recommendations and report back to City Council whether the goals and objectives of the Master Plan have been achieved. She continued that the Residential Development Standards PTRC did a phenomenal job bringing forward a large part of the Master Plan that has since gone through the public and planning process and was approved by City Council. Chair Christman added that she was unaware that the Parks, Trail and Recreation PTRC should have been addressing the Master Plan, as well.

Chair Christman continued that the Master Plan states that the "Village values participation, communication and collaboration. In pursuit of those values, the Village staff and elected and appointed officials should utilize appropriate means to keep residents updated and informed. The Village should support communication and involvement of the Village government, residents, businesses, nonprofit organizations, associations and other government entities". Chair Christman added that this is important because the Master Plan was intended to increase community and public involvement in development of the Master Plan, which was previously an issue.

Chair Christman stated that the Master Plan states under the goals and strategies of the Open Space, Parks, Trails and Recreation system that the "legacy of open space in Cherry Hills Village is our present source of inspiration and creates in us all a responsibility to protect and preserve our meadows, trails, wetlands and mountain vistas". She continued that the "Open Space, Parks Trails and Recreation system in the Village should be compatible with the natural landscape and be designed to take into account the ecological functions of the particular locale, e.g., flood damage minimization, erosion control, water quality protection and wildlife habitat".

Chair Christman said that a strategy of the open area and scenic treasures is to "develop design standards for structures and facilities in public areas that encourage blending into the natural setting and that minimize impact on the environment and on scenic vistas". A goal of the natural resource infrastructure is to "identify and preserve land and water areas that are important to natural vegetation and to wildlife habitat". A strategy of this goal is to "develop guidelines for the identification and protection of areas on public lands that are important to vegetation and wildlife environments". A goal of the trails system is to "implement consistent, functional design standards for trail markers, signage, bridges and install (manmade) elements such as trash cans, sign posts and benches". Another goal is to "develop ways for the Parks, Trails and Recreation Department to set and adhere to consistently high standards in maintaining the trails system".

Chair Christman stated that there are a lot of specific areas that the Commission should have been developing, including design standards for City parks. The public has the opportunity to communicate and create standards before the Parks, Trails and Recreation PTRC and thus avoid the issues brought forward by the PTRC. The PTRC does not seem sure of what it should be doing and is also seeking to lessen the impact of staff. If there are cogent and publically approved standards for parks, it might be possible to find ways to improve upon the system.

Chair Christman asked if staff could discuss what the PTRC should be doing.

Mr. Zuccaro said that the largest portion of the Master Plan addresses the Open Space, Parks, Trails and Recreation system. The Commission can discuss prioritization of the goals and strategies of the plan and Implementation Priority Worksheet. Staff can also arrange a joint study session with the Commission and the PTRC.

Chair Christman responded that collaboration often works better than dictation.

Commissioner Blum asked how the Commission should respond if several goals and strategies have been deferred to the PTRC.

Mr. Zuccaro replied that following the annual Master Plan review several years ago the Commission asked the PTRC to prioritize the goals and strategies of the plan associated with open space, parks, trails and recreation through the Implementation Priority Worksheet. He added that he does not know the outcome of the discussion as he was not present at the PTRC's meeting.

Commissioner Blum said that the PTRC appears not to have responded.

Mr. Zuccaro responded that there is not an updated Implementation Priority Worksheet. He added that he can look further into the matter to see if there have been any additions made to the worksheet.

Commissioner Szymanski asked if the Commission or the PTRC should update the worksheet.

Mr. Zuccaro responded that the Commission could ask the PTRC to update the worksheet.

Chair Christman said that the Commission can help the PTRC prioritize as there is a lot of information that needs to be updated. After reading the proposed amendments to the approval process for public recreation facilities and the minutes of the PTRC's meetings, it seems apparent that the proposed amendments would not be necessary if there were certain design standards. Prioritizing the goals and strategies of the Master Plan is an important task as it focuses on one of the key elements of the plan.

Commissioner Szymanski asked how often the PTRC meets.

Mr. Zuccaro replied that the PTRC usually meets on the second Thursday of every month.

Commissioner Rubin stated that there might be a conflict between what the Commission and the PTRC do. The Commission focuses on development standards for private property while the PTRC focuses on public space. He continued that the Commission can give the PTRC encouragement and advice but should not give or take away powers from the PTRC.

Chair Christman responded that the prioritization fell between the cracks, and there is a tremendous amount of work that needs to be accomplished. She added that the updated worksheet should at least come before the Commission before it is presented to City Council as the Commission is charged with the annual review of the Master Plan. A study session between the Commission and the PTRC might help lighten the load, as well.

Commissioner Wyman asked if the PTRC acts as an advocacy group rather than a regulatory body. As it relates to the proposed amendments, the PTRC has been given a power that normally the Commission holds. He asked if there is an inherent conflict of interest. He asked if the PTRC's objective is to promote parks, trails and open space in response to immediate or relatively short-term public demand or to implement the Master Plan. The PTRC will also respond to what the Commission wants to do to a certain extent.

Chair Christman said that traditionally the PTRC has acted as a gatherer of information. The Commission has been assigned the responsibility of implementing the Master Plan by ordinance. The Commission can give the PTRC as much authority to assist as it chooses. If

the PTRC acts as an advocate of the community in regards to the Master Plan, it would be valuable to have the PTRC's input.

Commissioner Rubin replied that he does not know that the Commission should be involved in parks and open space.

Chair Christman said that the prioritization of goals and strategies should go through the Commission because there are structures in the parks that could affect property owners. It is important that the Commission maintains oversight. Chair Christman added that the Commission has rarely overruled a recommendation by the PTRC.

Mr. Zuccaro stated that according to the City's charter, the Commission may prepare and submit to City Council for its approval a Master Plan for the physical development of the City and any areas adjacent thereto. Typically the Commission is responsible for recommending a final plan to City Council, but implementation is assigned to various groups and ultimately the City Manager. The reason that the Master Plan is brought before the Commission each year is to try and find different policies to prioritize.

Commissioner Szymanski said that the PTRC has requested additional clarification, and the Commission and the PTRC should meet and see what assistance can be provided.

Chair Christman agreed.

Commissioner Blum said that the Commission does not know what the PTRC has already accomplished in regards to implementation of the Master Plan. The first step is to see what has been completed.

Mr. Zuccaro replied that the Chair of the PTRC, Bill Lucas, is present to answer any questions.

Mr. Lucas stated that a joint meeting would encourage collaboration. The PTRC members are not sure what they are allowed to do, which can be frustrating. For example, there are shelters in Mead Park that are intended to cover the picnic tables but were probably designed before the tables were purchased because it is difficult to sit at the tables with the shelters. Mr. Lucas said that he did not know if there should be a series of public hearings for something so simplistic. The PTRC also discussed installing play rocks at Dahlia Park. There were two public hearings, but the matter was tabled. The PTRC would like some clarification as to what it is allowed to do. He asked how the PTRC can make the parks and open space more community-minded but keep within the scope of the Master Plan. He also does not recall seeing the Priority Implementation Worksheet, but he has only been a member of the PTRC for the past two years.

Chair Christman stated that the PTRC can create design guidelines for items like shelters and play rocks.

Commissioner Rubin stated that City Council determines funding priorities, and if it wants to fund a project and has the PTRC to oversee it then the Commission may not need to be involved in the technical design of the project as long as it complies with the Master Plan.

Mr. Lucas said that the Commission would want to be involved if a proposed structure violated a setback requirement.

Chair Christman said that a collaborative approach makes sense.

Commissioner Blum asked at what point the Commission should be involved.

Mr. Zuccaro responded that the next agenda item addresses the review process. A structure located in a park, open space or recreational area would be required to go through the same process as recently approved Kent Denver athletic field modifications, for example.

Commissioner Blum asked if relocating a swing set would require the same process.

Mr. Zuccaro said yes. Article XX of the Municipal Code requires a special exception for modifications to existing athletic facilities and public recreation facilities.

Commissioner Blum replied that the effect is far-reaching. He suggested that the decision to move a swing set should be done by staff.

Commissioner Wyman said that the request by Kent Denver was on private property. He questioned whether the analogy can be applied to public recreation facilities.

Mr. Zuccaro responded that it is not an analogy. Both improvements to private schools and public recreation facilities are addressed by the same code section. The only permitted uses allowed in the O-1 zone district include: unimproved open space, bridle and pedestrian paths, growing and preservation of trees and other nursery stock and protection of watercourses and watersheds from erosion and floods. Any other use would have to be permitted as a special exception in accordance with Article XX. A public recreation facility is defined as a "recreational facility for the use of the general public, including golf courses, parks, playgrounds, swimming pools, tennis courts and similar recreational uses". Any modification to a playground would therefore require review.

Chair Christman said that the members of the PTRC proposed the amendments because what they should be doing is unclear. If the recommendations of the Master Plan are implemented, however, it will not be as confusing.

Commissioner Rubin asked if the PTRC is expected to create criteria for each park.

Chair Christman replied that the PTRC would not create criteria for each park but implement design standards for structures and facilities in common areas that encourage blending into the natural setting and minimizing the impact on the environment.

Commissioner Rubin said that the language allows for specific proposals to come forward and then go through the public hearing process. It would be difficult to try and anticipate every detail that should be included in the design standards.

Commissioner Wyman asked if Chair Christman thinks criteria should be developed beyond what is provided.

Chair Christman responded that the worksheet provides an outline, but the PTRC should determine if additional criteria is needed.

Commissioner Blum asked if Article XX should be changed to exclude minor modifications.

Chair Christman replied that she does not understand why a public park would not have public input. If minor modifications were excluded, a horse arena could be expanded by 10% and a public hearing would not be required.

Commissioner Rubin said that the proposal would go before City Council for approval.

Chair Christman responded that it would not as written.

Commissioner Szymanski asked if the questions listed in the worksheet have been discussed by the Committee.

Mr. Zuccaro said that there was an effort to discuss the questions several years ago, but they have not been addressed on an annual basis.

Mr. Lucas replied that he is interested to take the worksheet back to the PTRC for discussion. He continued that he agrees with Commissioner Rubin that it can be difficult to anticipate design standards and uses for future projects.

Chair Christman stated that the zoning ordinance addresses the use of public areas, which would require a change in zoning.

Mr. Zuccaro responded that a public recreation facility is an allowed use but not a use by right.

Mr. Lucas asked if the review process would apply to the replacement of a swing set with a jungle gym.

Chair Christman responded that the location and use of the playground was previously approved.

Mr. Zuccaro said that under the current code replacing the swing set with a jungle gym may not require review if it is determined that the use has not changed. Increasing the size of a playground from 500 to 2,000 square feet might require review, however. There are some uses that are design-specific. For instance, a public restroom in a park might have been approved with a specific type of siding, shingles or color. The City could not change any of those items without approval. A playground might be looked at differently than a public restroom, but the footprint, height and location of the playground would be vital for approval.

Mr. Lucas stated that the playground at Mead Park is not ideal as it is situated below several pine trees, and the pine needles make it difficult to walk across the playground. He asked what it would take to move the playground to a different area and if it would involve a long drawn-out public process.

Commissioner Wyman asked if the playground at Mead Park is not visited often because there is another playground located nearby with higher visibility.

Mr. Lucas added that the other playground is also nicer.

Commissioner Wyman stated that moving the park might be a worthwhile idea as there are two competing playgrounds.

Mr. Lucas asked what it would take to move the playground.

Commissioner Wyman replied that the first step is to figure out where the playground is to be moved to.

Chair Christman added that safety must also be addressed.

Mr. Lucas responded that reviewing the playground for safety concerns is understandable and would be respected, but there seems to be a number of additional hurdles.

Chair Christman stated that she does not understand why there is opposition to public input and the hearing process. The Commission frequently hears comments from residents regarding the appearance of structures like wireless communication facilities.

Mr. Lucas stated that the review process requires a public hearing before the Commission and City Council. He asked how many public hearings are necessary to install play rocks.

Chair Christman replied that this is the downside of being charged to communicate and collaborate with the public.

Commissioner Rubin stated that he does not believe that the Commission should be involved if there is not a change in use. If a public recreation facility is being added or there is a change in use in which neighbors might be affected, the proposal should be reviewed by the PTRC and approved by City Council.

Chair Christman said that the review process is not written that way. The process requires that the proposal goes through certain levels of review. A collaborative discussion might help identify scenarios in which proposals do not need to be reviewed by the Commission. The PTRC does not need approval to add a third swing to a swing set, however.

Mr. Lucas stated that the PTRC is trying to address small items while the Commission is concerned with larger issues. He continued that the PTRC wants to be more efficient and move forward on smaller items.

Chair Christman added that preservation of habitat is also important. The City currently does not have a policy on preservation of habitat and cuts all grass to 2-½ inches.

Commissioner Blum asked if there is a consensus in regards to modifying the review process for minor items rather than modifications or expansions that affect adjacent property owners. He added that he believes that a joint meeting will help to demarcate responsibility.

Commissioner Rubin replied that the PTRC and the Commission seem to be close to agreement. He understands that the PTRC wants to identify a simpler review process.

Commissioner Szymanski asked if the PTRC votes on projects.

Mr. Zuccaro responded that there is not a codified process in which the PTRC officially approves development on any property.

Chair Christman stated that the PTRC plays a role in the subdivision process.

Mr. Zuccaro stated that while review before the PTRC has been an unofficial part of the process the code does not require a public hearing before the PTRC.

Commissioner Szymanski said a joint meeting should be held to see how the Commission can help the PTRC and establish its authority.

Mr. Zuccaro stated that the Municipal Code offers some clarification regarding the roles of the Commission and the PTRC. It states that the Commission has been established to “prepare and maintain, subject to periodic revision and amendments as necessary, a Master Plan as described by state statute and to submit the proposed Master Plan, or any amendments thereto, to the City Council for the Council’s adoption, modification or rejection.” It also states that one of the roles of the PTRC is to “make recommendations to the Planning and Zoning Commission concerning the adoption of that portion of the Master Plan concerning park and trail development.”

Commissioner Rubin asked if staff believes that there are any changes that should be made to the Master Plan.

Mr. Zuccaro replied that staff does not have any recommendations for change to the Master Plan.

Chair Christman said that she does not want to change the Master Plan but implement what exists.

Mr. Zuccaro asked if there are any amendments, implementation priorities or action items that the Commission would like staff to review.

Commissioner Blum responded that he would like to see an updated Implementation Priority Worksheet to include "completed" tasks.

Mr. Zuccaro stated he would add a column to the table for "completed" tasks.

Commissioner Wyman said that he would like to know what goals and objectives have been achieved and what items have been placed on hold.

Mr. Zuccaro stated that he will present an updated worksheet as a report during a future meeting. He added that he will also coordinate with Chair Christman and Mr. Lucas to establish a time when the Commission and PTRC can meet.

Chair Christman asked if there are any upcoming agenda items.

Mr. Zuccaro said that staff will be presenting a few amendments to the zoning ordinance. He proposed that the joint study session be held during the Commission's first meeting in June.

Chair Christman and Mr. Lucas agreed.

Commissioner Wyman made a motion to table the second agenda item regarding the proposed amendments to the approval process for Public Recreation Facilities in the O-1, Open Space, Parks and Recreation District.

Commissioner Rubin seconded the motion, which was unanimously approved.

### ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

  
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Laura Christman, Chair

  
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Robert A. Zuccaro,  
Community Development Director