

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 25, 2013 at 6:30 p.m.
At the Village Center

CALL TO ORDER

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

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Vice Chair Peter Savoie, Commissioner Al Blum, Commissioner Joe Poche, Commissioner Steve Szymanski and Commissioner David Wyman.

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

Absent were Chair Laura Christman and Commissioner Jim Rubin.

APPROVAL OF MINUTES

Commissioner Al Blum made a motion, which was seconded by Commissioner Steve Szymanski, to accept the May 14, 2013 minutes.

The motion passed unanimously.

AGENDA ITEMS

Proposed Amendments to Approval Process for Public Recreation Facilities in O-1, Open Space, Parks and Recreation District

Mr. Zuccaro stated staff is following up on a proposal to amend Article 20 of the Zoning Ordinance that would change the review and approval process for public recreation facilities in the O-1 Zone District. He continued that the Parks Trails Recreation Commission has worked hard on a proposal for how the approval process works and they would like to be directly involved in the review of specific types of facilities. Mr. Zuccaro added the Commission's involvement would be the exact type of review that takes place when the private clubs and private schools want to expand. The way the current zoning code is written, in any of the O-1 zoned city parks any development other than trails or open space (such as playground equipment, riding arenas, etc.) must go through a public hearing process before the Planning and Zoning Commission and the City Council. The PTRC has made a recommendation that they become the review body for those specific types of facilities in the O-1 Zoning District in lieu of the Planning and Zoning Commission. Mr. Zuccaro continued that staff came with an original proposal which included the PTRC conducting the reviews. This proposal also included having an optional public hearing process. The proposal also included minor modifications to previously approved facilities for approval by Staff. A joint study session with Staff and the PTRC was held and as a result a compromised ordinance which removes the *option* for a public hearing and now *requires* a public hearing. This is shown in Exhibit A.

Mr. Zuccaro stated that as a result of the study session staff deleted in its entirety the minor modification section which allows administrative approval for additions or changes to certain pre-existing facilities, as this was not the problem the original ordinance was attempting to solve. Mr. Zuccaro emphasized that all this ordinance does is replace the

Planning and Zoning review with PTRC review for specific types of facilities only in O-1 Zoning Districts. If the Planning and Zoning Commission members approve, this ordinance will be presented for first reading at an upcoming City Council Meeting.

Vice Chair Savoie inquired as to who initiated the recommendation that the PTRC become the review body. Mr. Zuccaro replied the PTRC, he then went on to explain the PTRC is interested in installing climbing rocks in one of the City parks. After reviewing the City Code, a climbing wall is not included in the list of permitted uses. Mr. Zuccaro explained that although the installation of the climbing rocks seems minor, if it is not on the list, it cannot be allowed without going through the Article XX - Conditional Use process. Mr. Zuccaro consulted with the City Attorney and it was decided that climbing rocks are a recreational facility and cannot be approved without going through an application process and presentations to the Planning and Zoning Commission and City Council. A public hearing would also need to be conducted. The PTRC wanted to know if there was a better way to move through the process rather than going through the Planning and Zoning Commission, City Council and holding additional Public Hearings, as the PTRC also conducts their own Public Hearings. They would like to see their process conducted in the same manner as private clubs and schools during an expansion process.

Commissioner Poché inquired if this was the consensus of the Board at the study session, as he was not present. Mr. Zuccaro replied yes, it was the consensus of this Board.

Mr. Zuccaro stated this proposal was presented to the PTRC the week of June 17th and they have approved this version of the draft.

Vice Chair Savoie asked if City Council has discussed this at all.

Mr. Zuccaro replied that while this amended ordinance has not been officially presented to City Council there are several Council members who are aware of it.

Vice Chair Savoie wanted to know if there has been any feedback from Council Members.

Mr. Zuccaro said he believes some Council Members are aware of the ordinance and would support some form of the ordinance.

Vice Chair Savoie asked if any Planning and Zoning Commission members had any questions or comments.

Commissioner Szymanski commented the process has been flushed out and has empowered the PTRC a little more.

Vice Chair Savoie inquired if the Commission is happy with the language.

Commissioner Szymanski stated he is happy with the language.

Vice Chair Savoie asked Commissioner Wyman if he had any comments.

Commissioner Wyman replied he did not.

Commissioner Blum made a motion to approve the proposed amendments to Article XX of the Zoning Ordinance replacing the Planning and Zoning Commission review of Public Recreation Facilities with an equivalent review procedure for the Parks, Trails and Recreation Commission.

Commissioner Szymanski seconded the motion, which was unanimously approved.

Sight Triangle Discussion

Mr. Zuccaro identified item number two as a discussion item. Mr. Zuccaro stated staff is seeking direction to possible amendments on clear sight requirements at residential intersections and wanted to begin the discussion by clarifying a contradiction that presently exists in the code, which currently provided two ways to measure the sight triangle. Mr. Zuccaro would like the Commission to consider if a better sight triangle restriction might be more appropriate.

Mr. Zuccaro defined a sight triangle as the clear sight area on a corner where one is not allowed to place anything (trees, fencing, and signage) that will obstruct the views of motorists and will prevent them from seeing other vehicles, pedestrians and bicyclists. The triangle is measured with each leg 50' back from the street edge or right of way line. A height requirement in the sight triangle of 2 ½ feet up to 10 feet must remain clear and obstructed.

Vice Chair Savoie asked if older properties were grandfathered in. Vice Chair Savoie gave the example of property that is fifty years old and now has bushes that have grown to a height of twenty feet high and block the views at an intersection. What can be done?

Mr. Zuccaro stated there are two areas of consideration; the City's right of way and the property of the homeowner. It becomes very easy for the City to maintain the area in the right of way or speak to the homeowner about maintaining it themselves. When dealing with private property, it becomes more difficult, especially if the homeowner is not willing to remove the blockage.

Vice Chair Savoie inquired if this was true even if it is in the right of way?

Mr. Zuccaro responded that within the City the size of the right of way varies and referred to Figure A of the staff memo, exhibiting a 50' sight triangle from the street edge and a 50' sight triangle from the right of way. Mr. Zuccaro also stated there are areas within the City where the right of way between the curb and the property line measures 10ft, 12ft and even up to 15ft.

Commission Szymanski asked if the photo in Figure A is a real intersection with Cherry Hills Village. Mr. Zuccaro replied that it was.

Commission Szymanski inquired about the photo's location. Mr. Zuccaro said he believes it is in either Cherry Hills North or East.

Mr. Zuccaro said the code currently reads that the most restrictive regulation shall be used when enforcing the space within the sight triangle. The triangle being measured from the right of way line is the most restrictive. Staff believes this becomes excessive when a homeowner is applying to install a fence or landscaping.

Vice Chair Savoie asked what other cities do.

Mr. Zuccaro replied that it differs within surrounding cities. In Centennial (Figure C from the staff memo), they have a minimum sight triangle of 30' measured from the curb line. Mr. Zuccaro continued with Greenwood Village (Figure D from the staff memo) who has a sight triangle of 25' from the property line. Lastly, Littleton (Figure E from the staff memo) has a sight triangle of 35' measured from the right of way.

Mr. Zuccaro stated that Staff's recommendation is to move the sight triangle back to the street edge to be less onerous. The benefit of measuring from the property line would be

that allows for street expansion or the addition of sidewalks or trails, but there are a few areas in the City where these types of expansion or additions are likely to take place.

Mr. Zuccaro asked the commission if would they prefer to use the property line versus the street edge for sight triangle measurements. The recommendation from the City Engineer is to use the property line, as it preserves the City's rights to the highest degree, but it may make sense to measure from the street edge. Mr. Zuccaro also clarified that staff's recommendation is that the sight triangle only apply to City streets with a design speed of 30 mph or less. Any streets with a speed greater than 30 mph would be regulated by AASHTO sight triangle standards, which are much more restrictive.

Vice Chair Savoie asked if AASHTO would only apply on Hampden, University and Belleview.

Mr. Zuccaro said yes and possibly Happy Canyon, depending on the design speed.

Vice Chair Savoie inquired about Quincy and Mr. Zuccaro replied it would not be regulated by AASHTO.

Mr. Zuccaro demonstrated on ArapaMap the intersection of Tufts and Downing. Mr. Zuccaro stated the City Engineer is recommending a 25' sight triangle at all controlled intersections, meaning intersections with stop signs. Mr. Zuccaro stated there are only a few uncontrolled intersections within the City. Those primarily exist in areas where dirt roads remain. At any uncontrolled intersections, Staff recommends a 50ft sight triangle.

Vice Chair Savoie asked which corner of a controlled intersection is impacted by the sight triangle. Is it the corner with the stop sign or all corners?

Mr. Zuccaro stated all corners of an intersection with a stop sign must adhere to the sight triangle requirements.

Commissioner Wyman inquired about the sight triangle for driveways.

Mr. Zuccaro replied that driveways are not included in sight triangle regulations.

Commissioner Wyman inquired about the measurement of sight triangle from the bike path or recreational paths. Should it be measured from the street edge?

Mr. Zuccaro stated that Staff's recommendation is that it be measured from the path edge if that is more restrictive.

Vice Chair Savoie questioned the usefulness of the regulation if it's not enforced.

Mr. Zuccaro replied that it is enforced now on new permits or when complaints are made on existing properties.

Vice Chair Savoie commented that it seems the code is enforced for new residences, but not for existing. Additionally, he inquired if this code only applies to new construction.

Commissioner Poché asked when the City will begin applying new regulations to everything.

Mr. Zuccaro replied that when new zoning regulations go into effect, existing structures are typically grandfathered in and the City has limited enforcement authority. He followed by saying that if there were a very serious safety issues, the City would look at all enforcement options within the Code. A 50 foot sight triangle would be onerous for the

City to enforce on existing vegetation and landscaping, however a 25 foot sight triangle would be less onerous and could be enforced more easily by Code Enforcement Officers.

Vice Chair Savoie asked if the Commission would agree to a 25 foot sight triangle providing trees were no greater than 20" in diameter with a sight plane of 2 ½ to 10 feet.

Commission Blum inquired if there were any wooden fences in the Village that might be causing an obstruction in the sight triangle.

Mr. Zuccaro replied that there were none to his knowledge.

Vice Chair Savoie commented that he is concerned about enforcement.

Commissioner Wyman stated he believes the entire sight triangle should be clear of any objects, as he is worried about the obstruction of children or cyclist by fences or vegetation/landscaping.

Commissioner Poché inquired as to how this should be enforced?

Commissioner Wyman stated he believes it should be tracked and enforced moving forward as it would be too cumbersome on the City to enforce retroactively, unless there is a specific complaint and a significant safety issue.

Mr. Zuccaro stated this would be easy to enforce with new permits. He believes the City's staff may need to put some thought into enforcement and what it would require of staff. There may be a need to survey the City and proactively work on the most dangerous corners.

Vice Chair Savoie requested to clarify the issue that a 25 foot sight triangle should contain no vegetation with a diameter greater than 20". He would also like to include that any existing vegetation with a diameter greater than 20" be allowed to remain as long as it is clear cut in the sight plane.

Commissioner Wyman agreed with Vice Chair Savoie and asked that no trees be removed and that no new planting of vegetation would be allowed.

Mr. Zuccaro stated he would like to leave this as an open discussion item when the final draft of the ordinance is presented for review and that he understands the Commission to say they are generally supportive to amending this ordinance as staff recommends. He will work with the City attorney on the issue of grandfathering.

Members of the Board concurred.

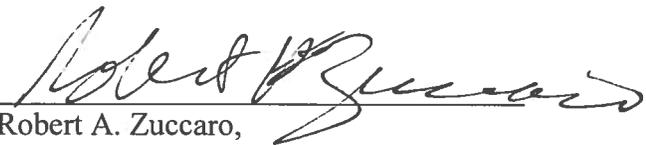
Commissioner Syzmanski made a motion to adjourn. Commissioner Wyman seconded the motion, which was unanimously approved.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.



Laura Christman, Chair


Robert A. Zuccaro,
Community Development Director