Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 25, 2014 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chair Christman called the meeting to order at 6:35 p.m.

ROLL CALL

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

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director; Marcus McAskin, Deputy City Attorney; Troy Carmann, City Engineer; and Cesarina Dancy, Community Development Clerk.

Absent from the meeting were Commissioner Steve Szymanski and Commissioner Kassie Jensen.

APPROVAL OF MINUTES

Commissioner Blum made a motion, which was seconded by Commissioner Wyman, to accept the November 12, 2013 minutes as written. The motion passed unanimously.

AGENDA ITEMS

George W. Calkins Trust Subdivision Preliminary Plat Review (5100 E Quincy Ave).

Mr. .Zuccaro stated that staff is presenting a review of a Preliminary Plat for subdivision of approximately 17.9 acres of land into seven single-family residential lots. The site is zoned R-1, 2 ½ Acre Residential District and is currently developed with one single-family residence. The majority of the site is vacant land with no improvements. He stated that the property is bordered by E. Quincy Ave to the north and S. Dahlia St to the west. There is an existing private road that transects the property north to south. Mr. Zuccaro stated that there is an existing on-street trail on S. Dahlia St to the west and an off-street paved trail between the site and E. Quincy Ave.

Mr. Zuccaro continued that there are two adjacent "out-parcels" to the north of the subject site zoned R-1 and developed with single family residences. These "out-parcels" are not part of this subdivision proposal. He stated that the subdivision to the north of the site is zoned R-4, and the subdivision to the west is zoned R-1. To the east is a single-family residence zoned R-1, and to the south are three single-family residences zoned R-1. Also to the south is the Arapahoe Tennis Center, which is zoned O-1.

Mr. Zuccaro outlined the three steps of subdivision review:

1. Sketch plat. The Planning and Zoning Commission reviewed the sketch plat on January 25, 2011 and provided individual comments on the subdivision layout and the open space dedication requirement. The PTRC also reviewed the sketch plat on January 13, 2011 and provided feedback on the open space dedication requirement.
2. Preliminary plat. This is what is currently in front of the Commission for review. It includes detailed plans for the lot layout, easements, open space dedication, infrastructure requirements and an outline of a subdivision improvement agreement. The PTRC

reviewed this document on January 9, 2014.The preliminary plat requires that Planning and Zoning also send referrals to surrounding jurisdictions, public entities, city departments, and utility companies.

3. Final plat. The final plat should be consistent in every respect with the preliminary plat. The Planning and Zoning Commission reviews the final plat at a regular meeting and may approve, approve conditionally or disapprove the final plat. The plat is then signed by all parties and recorded.

Mr. Zuccaro displayed the preliminary plat. He stated that the plat consists of three map documents: page one is the legal description, vicinity map, total area and open space; page two is the lot layout, surrounding properties, easements, topography, and open space; page three shows development standards which include fencing, landscape restrictions, and building envelopes. Mr. Zuccaro noted that the proposed building envelopes are more restrictive than what city code requires in the R-1 zoning district.

Mr. Zuccaro called attention to the following on the plat: driveway access points, clear sight triangles, the preserved view corridors, and landscape height restrictions.

Mr. Zuccaro stated that the applicant was required to submit a letter detailing the 7.5% open space requirement and an outline of the development agreement. He stated these documents are located in exhibit B of the Commission packets.

Mr. Zuccaro stated that there are three main criteria that need to be addressed in the preliminary plat: land dedication, subdivision requirements, and design principles.

Mr. Zuccaro gave a summary of the PTRC review of the preliminary plat. The PTRC voted four in favor and one against a motion to recommend the preliminary plat based on the following conditions: the vegetation along E. Quincy Ave between the property line and the perimeter fence shall be limited to six feet in height; the pocket park along the private road shall be moved no less than twenty feet north to enhance the view corridor; the pocket park in the southwest corner shall be transferred to the northeast corner; and fencing along E. Quincy Ave shall be limited to split-rail style fencing.

Mr. Zuccaro stated that the applicant has agreed to conditions one and two. Condition three was not agreed upon, but the applicant has added additional landscape restrictions. Condition four was also not agreed upon, but the applicant has proposed an alternative fencing design. Mr. Zuccaro continued that the applicant has provided an explanation of each of these conditions in exhibit B.

Mr. Zuccaro stated that the applicant has met all requirements of the submittal of the plat. This includes: engineering requirements, land dedication letter, will serve letters from utilities, and a summary of agreement for public and private improvements, including cost estimates. Mr. Zuccaro did note that the last cost estimate was from 2011; therefore, staff recommends that a new updated estimate be submitted.

Mr. Zuccaro stated that staff recommends the updated fence requirements be included in the subdivision information and development agreement.

Mr. .Zuccaro stated that in regards to design principles, which reference conformance with the City Master Plan, the PTRC recommends that additional restrictions be placed on fencing along E. Quincy Ave, as well as open space dedication on the north side of the property.

Mr. Zuccaro stated that there are no new streets proposed. However, two of the proposed lots will have direct access to E. Quincy Ave. This is discouraged under City Code, but there is

nothing in the code which prohibits this. The applicant has reported that additional interior roads would add too much impervious surface and would detract from the semi-rural feel of the city.

Mr. Zuccaro stated that a preliminary drainage plan has been submitted with the application. There will be two retention ponds on the property.

Mr. Zuccaro stated that all new utilities shall be underground, as per city code. City code does not provide for existing utilities.

Mr. Zuccaro stated that the proposed trail easement meets the intent of City design principles by providing an alternate route connecting Quincy Trail users to the trail on S. Dahlia St, which connects directly to the Highline Canal.

Mr. Zuccaro stated that the applicants have met the public notice requirements by mailing notice of the public hearing to all property owners within 500 feet of the subdivision 10 days prior to the hearing date. In addition, a sign was posted on the property facing E. Quincy Ave and notice of the hearing was also posted on the city's website and public message board at least 15 days prior to the hearing. Mr. Zuccaro directed the Commission to the written comments which were received by staff.

Mr. Zuccaro stated that staff recommends approval of the preliminary plat by the Commission with the following conditions:

1. Prior to the City Council preliminary plat hearing, the applicant shall include the details of the E. Quincy Ave fence design on the preliminary plat and include the fence in the subdivision improvement summary letter and cost estimate.
2. Prior to the City Council preliminary plat hearing, the applicant shall provide an updated cost estimate for the public and private improvements.
3. Prior to the City Council preliminary plat hearing, the applicant shall adequately address the PTRC conditions of approval.
4. The applicant shall include the required Xcel Energy dry utility easement on the final plat.

Commissioner Blum asked would there be an HOA in the subdivision.

Mr. Zuccaro replied that yes there would be an HOA and their responsibilities will include drainage maintenance, infrastructure maintenance, and maintaining the uniform fence.

Chair Christman asked how these items would be enforced.

Mr. Zuccaro stated that all provisions will be in the subdivision improvement agreement that will be reviewed with the final plat.

Commissioner Wyman asked what do the abbreviations FFE and RRE stand for.

Mr. Zuccaro replied that FFE is finished floor elevation and RRE is roof ridge elevation of what could be built under current zoning.

Chair Christman stated that the two driveways crossing the Quincy Ave trail were of concern, as it is a very busy pedestrian trail.

Mr. Zuccaro replied that there are several existing driveways which cross the Quincy Ave trail currently.

Chair Christman asked what the policies for driveways that cross trails are. She continued that this is a public safety issue.

Mr. Zuccaro replied that driveways across public trails are discouraged but not prohibited in the code.

Chair Christman asked whose responsibility it would be to maintain a driveway that crossed a trail.

Mr. Zuccaro replied that it is the homeowner's responsibility to maintain their own driveway.

Chair Christman asked who would have the right of way in this situation.

Mr. Zuccaro replied that a homeowner would not be allowed to block the trail, and that the police department could be consulted for further clarification.

Mr. Zuccaro stated that the proposed driveways have clear sight triangles, where they cross trails, which assist both motorists and pedestrians. He continued that private drives and access easements through the lots could be considered as an alternative, but would add to the paved area of the subdivision.

Chair Christman asked if the existing telephone poles could be moved.

Mr. Zuccaro replied that there is no utility easement shown on the plat and that would have to be researched.

Chair Christman asked how the strip of land between the private road and the property boundary would be treated and if it could be fenced off.

Mr. Zuccaro replied that the strip would have to be reserved for access..

Vice Chair Savoie asked how many homes are currently served by the private road.

Mr. Zuccaro replied that there are seven homes currently using the private road.

Commissioner Rubin asked if there were any undeveloped home sites included in this access.

Mr. Zuccaro replied that they are all developed.

Commissioner Wyman asked who currently owns the road.

Mr. Zuccaro replied a property owner south of the proposed subdivision is who owns the road and the other property owners have easements.

Chair Christman asked if there would be any reason for the City to not accept the dedication of land as an easement.

Mr. Zuccaro stated that there were no reasons he was aware of. The trails are under easement in order to maintain the gross area of the property.

Chair Christman asked are there any parks in the City currently which are easements and not dedications.

Mr. Zuccaro replied that there is one which is not named, near Woodie Hollow Park. It is open space which was dedicated to the city via easement.

Commissioner Blum asked what a pocket park is.

Mr. Zuccaro stated that it is not defined. It would be up to the city to determine what improvements to make in those areas. He continued to say that it is the obligation of the subdivision to provide land or cash for open space; any construction improvements are up to the City.

Commissioner Blum asked would these parks be city maintained.

Mr. Zuccaro replied yes.

Commissioner Wyman asked would the parks be dedicated fee simple or as an easement.

Mr. Zuccaro replied they would be an easement.

Vice Chair Savoie asked why did the PTRC ask for the park to be moved to the Quincy Ave side.

Mr. Zuccaro replied that it was in order to preserve the view corridor and openness.

Commissioner Rubin asked how the trail would be constructed.

Mr. Zuccaro stated that the trail on the preliminary plat is an illustration of what could potentially be there, but the City would have to decide at a future date how to construct a trail.

Vice Chair Savoie asked what type of fence would be installed along the trail.

Mr. Zuccaro replied that current fence plans indicate a 6 ft. open rail fence.

Chair Christman asked what is open rail and is it metal.

Mr. Zuccaro said that is not defined.

Commissioner Wyman asked would the height restrictions for vegetation be retroactively applied to existing out parceled lots.

Mr. Zuccaro replied no.

Commissioner Blum asked would the trail connect to the private road.

Mr. Zuccaro replied that there could be direct access.

Vice Chair Savoie asked was there ever discussion about extending the trail down the east side of the property.

Mr. Zuccaro replied that was discussed with the sketch plat review and this is seen as a compromise solution between the developer and the PTRC.

Chair Christman asked would there be any special regulations regarding lighting.

Mr. Zuccaro replied that all homes would have to follow standard zoning policies regarding the dark sky ordinance but nothing in addition was included with the plat.

Keith Neal, representative for the landowner, began by clarifying that the poles on Dahlia are in the City right of way and it would be up to the City to pursue moving them.

Mr. Neal stated that the Calkins family has owned this property since the early 1950s. They are seeking to plat the property under the R-1 zoning standards. They are not asking for any exceptions to code or zoning. He continued that this is not a zoning, land use or entitlement case.

Mr. Neal stated that the PTRC has approved their plans based on conditions previously discussed, after three public meetings, site visits, negotiations and revisions.

Mr. Neal stated that the current proposal is in compliance with the Master Plan of the City, as they are seeking to preserve views and respect property rights. They are keeping with the semi-rural feel of the city by restricting the building envelopes of the home sites.

Jeff Vogel, land planner for the applicant, displayed a graphic of the proposed development. He noted that much thought went into the placement of the home sites, as opposed to planning sites in rectangular shapes. He continued that existing drainage was a major factor in the planning of the property, as was existing topography of the land.

Mr. Vogel stated that one of the goals of the development is to provide a series of views, similar to the development at Cherry Hills Park. He continued that it is impossible to have all views in one location, but it is possible to have a series of changing views.

Mr. Vogel stated that there is an additional open space in the Dahlia St corner of the property which borders the Arapahoe Tennis Club.

Mr. Vogel stated that only two of the seven proposed driveways cross E. Quincy Ave. He continued that he worked with staff to establish sight triangles. He also stated that the pedestrian always has the right of way.

Mr. Vogel stated that the fencing along the trail would be an open or split rail type fence, not wrought iron. He stated that the fencing along E. Quincy Ave would be a combination of open wood fencing, open metal fencing and solid wall. This is in order to preserve openness as well as to provide sound protection. Mr. Vogel provided a graphic of what the proposed combination fence could look like. He continued that there would also be shrubbery and landscaping which would be restricted to six feet in height in order to protect the views of Mt. Evans.

Commissioner Wyman asked how much beyond the paved trail on the south side of E. Quincy Ave is considered right of way.

Mr. Zuccaro answered that there is about four feet from the trail edge to the property line.

Chair Christman stated that there are five driveways as part of this subdivision which cross the public trail. She continued that she is concerned about the public safety in these areas.

Mr. Vogel replied that the sight triangles add additional unobstructed area between the trails and driveways. He continued that homeowners are responsible for maintaining their own driveways. He also said that there are 6 feet between the trail and any wall or fencing and the vegetation will be height restricted.

Chair Christman stated that she does not have a good feel for this in regards to public safety. She also asked could the developers address the dedication fee simple versus easement to the city.

Mr. Neal replied that there are no restrictions on the overlook pocket park. The City can improve it as they choose.

Commissioner Wyman asked why the land was not dedicated fee simple.

Mr. Vogel replied that in order to comply with R-1 zoning lot area and to meet the open space requirement of the City it did not work.

Chair Christman asked if they met the 7.5% requirement.

Mr. Neal replied that yes they did meet the requirement.

Chair Christman asked if they dedicated the parks fee simple would they still meet the 2.5 acre lot size requirement.

Mr. Vogel replied no.

Commissioner Rubin asked what type of accessory and recreational structures homeowners would be allowed to install in the restricted areas.

Mr. Vogel replied that nothing could be installed that would violate the drainage.

Commissioner Blum asked about the solid wall indicated in the fencing plan. He stated that the recommendation of the PTRC was split rail type fencing. He continued that a wall could block the view of Pike's Peak.

Mr. Neal replied that the original proposal was for a solid fence and the PTRC objected so they came to this compromise of using several types of fencing.

Commissioner Blum asked why they are not using a full iron fence.

Mr. Vogel replied the solid sections of fence will help with sound diffusion.

Chair Christman asked could a fence be more than 50% solid.

Mr. Zuccaro replied that a solid wall can be constructed as long as it meets setback requirements and landscaping provisions.

Mr. Vogel stated that the proposed fence is a mix of solid and open and has provisions for landscaping.

Mr. Zuccaro stated that per city code, there is a menu of options for landscaping and setbacks when erecting a fence. Two of the three criteria have to be met.

Commissioner Rubin asked what the distance between the walls and the fence is.

Mr. Vogel stated ten feet.

Commissioner Wyman asked how far is the wall set back from the property line.

Mr. Vogel stated ten to fifteen feet.

Chair Christman asked what types and sizes of shrubbery will be used along the fence.

Mr. Vogel stated it will be a combination of types. It will be a double row of shrubs and ornamental grasses that will not exceed six feet in height.

Mr. Neal stated that the sight triangles have been engineered to standard.

Chair Christman stated that they might not be engineered for how cyclists use the trail.

Vice Chair Savoie stated that the most important corridor to protect is the east corridor. With several large homes it could appear like a solid wall. He continued that a fence which is 2/3 open will not provide much of a sound barrier.

Vice Chair Savoie asked where are the fifty foot setbacks measured from for the lots that don't face Quincy Ave,

Mr. Zuccaro stated that the setbacks will be measured from the property line along Quincy Ave.

Vice Chair Savoie stated that the fifty foot setbacks should be changed to seventy five so that the homes do not from a giant wall along E. Quincy Ave.

Commissioner Rubin asked if there is any way to reduce the number of driveways on E. Quincy Ave.

Mr. Neal stated that other options were considered but adding interior roads will detract from the rural character of the City. He continued that perhaps some additional traffic enforcement or blinking signs along E. Quincy Ave. could be beneficial.

Vice Chair Savoie asked if the grade of the property would be changing.

Mr. Vogel replied no.

Mr. Zuccaro stated that homeowners would have the authority to grade their own property within current standards when the homes are built.

Commissioner Wyman asked how much could the grade change.

Mr. Zuccaro stated that there are no restrictions except for berms but anything above historical grade will change the overall height allowance of the home.

Chair Christman opened the hearing for public comment. She reminded those who wanted to speak that they will be limited to three minutes and they are not to ask any questions directly to the applicants.

Murhpy and Phyllis Hautin, of 5094 E Quincy Ave, stated that they are in support of the proposed development. They continued that they have met with the Calkins family, and feel that a lot of time, effort, and money has been put into this project. They fell that the project is 100% in the character of Cherry Hills Village. They also stated that the driveways onto E. Quincy Ave. are preferable to extra roads throughout the subdivision. It is Mrs. Hautin's experience that cyclists ride on the road as opposed to the trail. Mrs. Hautin stated that she hopes they Commission approves the project, as it is private property.

Stephanie Bluher, of 101 Glenmoor Lane, stated that she is with the Cherry Hills Village Land Preserve whose purpose is to preserve the pastoral environment of the City and maintain low density housing. She continued that she supports the recommendations of the PTRC. She stated that the Master Plan refers to scenic treasures which should be preserved. She feels that any open space should be flipped from the southwest to the northeast part of the property. She continued that the design principle standards are the minimum standards and the developers could do more in the northeast corner of the property.

Debbie Welles, of 4950 Sanford Circle W, stated that she has been a resident of the City for 32 years. She continued that the dedicated trail system has kept property values high and it is in the

interest of the community to preserve the scenic vistas. She stated that the Blue Ribbon Panel defined the corridor which would be affected by this development. She stated that it is important to respect the rights of property owners but that the values in the Master Plan should be given serious attention. She continued that she likes the proposed plans but feel they can be improved.

Dan Sheldon, of 6375 E Tufts Ave., stated that as a resident of the Village, the proposal is well thought out and planned. He continued that the planned alternative trail connection will provide safe access to the trailhead on Dahlia. He stated that driveways on E. Quincy Ave are not ideal, but they are better than adding more impervious surfaces. He stated that in addition to being a resident of the Village, he is also a member of Arapahoe Tennis Club. While not on the board of directors for the Club, he stated that the applicant has continued to keep the Club well informed, and that the Club has no position on the application at this time. He continued that as a developer himself, he thought that this plan is responsible and well thought out and he hopes the Commission will pass it.

Carolyn Kemp, of 5350 E Quincy Ave, stated that her property borders the Calking property to the east and she is very distressed with the view corridor, as the proposed house on lot 7 will block her views. She continued that she does not feel her property was given any consideration in this plan. She continued that she has a driveway on E. Quincy Ave and it is very dangerous. She stated that she has a stop sign on her driveway to encourage visitors to stop before they pull out.

Ryan Cunningham, of 3981 Nassau Circle E, stated that there are no lights on the trail on Quincy which makes it dangerous. He also stated that the Charlou neighborhood has a similar fence concept and it is not pleasant to the eye. He continued that the multiple styles of fence combined looks too eclectic. He also stated that the ATC property near the open space at the southwest corner of the property is used for overflow parking and that the proposed open space at the southwest corner of the property is the least valuable portion of the property. He stated that the bike path is heavily used.

Eric Springer, of 5144 E Princeton Ave, stated that change is inevitable, but should be done in a smart way. He stated that this plan will not save his view corridors. He continued that he does not like the three separate fencing materials. He also stated that more driveways onto E. Quincy Ave are not a good idea, and the path on Quincy could stay icy in the winter due to shade.

Jeff Welborn, of 4901 S Fairfax St, stated that he is grateful to the Calkins family for years of enjoying the property and that development on the property is inevitable. He stated that time should be taken with this property to keep in line with the Master Plan goals of preserving views and open space. He also stated that the city or land preserve could be aggressive and purchase some of the land in order to reduce the density to make the space more open.

Jeff Bennis, of 3 Tenaya Lane, stated that the open space near the ATC is useless and not the best use of the land. He stated that it would be better to make one large public space instead of making a loop around the property. He continued that a solid fence would damage the scenic corridor and the character of the City.

Chair Christman closed the public comment portion of the hearing, and called for a five minute break.

Chair Christman stated that the applicant was entitled to five minutes to respond to the public comments.

Mr. Neal stated that he appreciated all comments. He continued that trail access is valuable. He stated that due to all the concerns regarding fencing on E. Quincy Ave, the applicants have agreed to make an open rail fence only on E. Quincy Ave.

Commissioner Wyman asked if it would be horizontal in orientation.

Mr. Neal stated yes but the applicants would like the flexibility to pick the design.

Commissioner Wyman asked what the fence height would be.

Mr. Neal stated that they would likely be four feet in height.

Chair Christman thanked the applicants for their work.

Chair Christman stated that the Commission has received a lot of information and does not want to rush into a decision. She thanked the applicants for their gracious fence concession.

Commissioner Wyman made a motion to continue the hearing in two weeks, which was seconded by Commissioner Rubin.

Mr. Zuccaro clarified that any motion to continue should reflect the next meeting date which is March 11, 2014 at 6:30 p.m.

The motion passed unanimously.

Deputy City Attorney McAskin stated that City code states that a decision must be made within 60 days of the public hearing.

Chair Christman stated that the Commission plans to move swiftly. The hearing will be public, but not open to public comment since the public hearing was closed.

Commissioner Blum made a motion to adjourn, which was seconded by Commissioner Wyman.

The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

Laura Christman, Chair

Rob Zuccaro, Community Development Director