

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 13, 2015 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Vice Chair Savoie called the meeting to order at 6:31 p.m.

ROLL CALL

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

Present at the meeting were the following staff members: Robert Zuccaro, Community Development Director and Cesarina Dancy, Community Development Clerk.

APPROVAL OF MINUTES

Mr. Zuccaro requested to defer the approval of minutes to the end of the meeting. The Commission agreed.

AGENDA ITEMS

- a. *Proposed Amendments to Municipal Code Sections 16-1-10 and 16-18-20 to Remove the Current Restriction that Guard Houses Only be Allowed for Private Streets.*

Mr. Zuccaro stated that staff is presenting a request for amendments to Code Sections 16-1-10 and 16-18-20 to allow guard houses on public roads. He continued to say that currently City Code only allows guard houses on private roads.

Mr. Zuccaro stated that the Cherry Hills Farm subdivision is requesting this amendment as they would like to construct a guard house at the entrance to the subdivision that faces University Boulevard. He continued to say that the proposed guard house would not include a gate or be intended to restrict access to the subdivision.

Mr. Zuccaro displayed the original conceptual plan of Cherry Hills Farm from 1978. He indicated that on the original plan, a tract of land, designated as Parcel E, was platted to the HOA for the purpose of an observation only guard house.

Mr. Zuccaro stated that the intent of the HOA is in line with the original plan of the neighborhood. He continued to say that currently City Code does not allow guard houses on public streets.

Mr. Zuccaro stated that there was a listing of pros and cons in the staff memorandum. He continued to say that the Commission could recommend to City Council approval as drafted or with conditions, recommend denial, or recommend continuance pending further information.

Commissioner Niederman asked are there currently any guard houses on public roads.
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Mr. Zuccaro replied no. He continued to say that the other guard houses in the City are on private roads, such as Glenmoor and the Buell Mansion. He stated that this is a unique situation, as Cherry Hills Farm is the only subdivision with public roads with a tract of land platted for a guard house.

Commissioner Niederman asked when the ordinance was put into place why were only private roads designated.

Mr. Zuccaro replied that he did not know. He continued to say that there was a request by the HOA in 1985 requesting the privatization of the roads, but that the HOA did not receive full neighborhood support.

Commissioner Blum asked if there was a variance process that could be used.

Mr. Zuccaro replied that typically variances are related to zoning codes and this would be a variance for use, which is not typical for the variance process. He continued to say that variance criteria are difficult to meet.

Commissioner Niederman asked if this ordinance change could be applied elsewhere in the City.

Mr. Zuccaro replied that it is unlikely as the guard house would have to be on a tract of land that was owned by an HOA.

Vice Chair Savoie asked what if other neighborhoods donated land to their respective HOAs.

Mr. Zuccaro replied that they would have to sell the land to the HOA and go through the subdivision process with the City.

Vice Chair Savoie asked if the Calkins property would be allowed a guard house.

Mr. Zuccaro replied that the main road of that property is already a private road. He continued to say that there was a requirement of adequate space in order to have enough room to construct the guard house and have travel lanes around the guardhouse that could impact their ability to build a guardhouse.

Commissioner Blum asked if any other communities have requested a guard house.

Mr. Zuccaro replied no.

Commissioner Rubin asked if there would be a gate.

Mr. Zuccaro replied that the City would not support a gate on public roads.

Commissioner Blum stated that a negative could be traffic backing up onto University Boulevard.

Mr. Zuccaro replied that traffic stacking would be evaluated by the City Engineer. He continued to say that visitors would not be required to stop at the guard house.

Kelly Digby, of 21 Cherry Hills Farm Drive, stated that she was the current president of the HOA. She stated that the HOA has expressed the need for a comfort station for the guard for several reasons. She stated that the HOA is looking to replace their security equipment and a new structure is necessary to house it. She continued to say that if the guard is able to be in the comfort station at times, the car will not be constantly running. She stated that the HOA has plans to convert the existing patrol car to an electric car.

Mrs. Digby stated that there are no plans to put up a gate or signage in relation to the guard house. She displayed a rendering of the proposed guard house, noting its location is setback from University Boulevard.

Mr. Zuccaro stated that details of design should not be discussed at this time as they will be part of the conditional use application which will be heard by the Commission at a later date.

Commissioner Niederman asked if all of the residents of the neighborhood were in favor of this plan.

Mrs. Digby replied that there is no opposition to the proposal.

Commissioner Niederman made a motion, which was seconded by Commissioner Rubin to recommend approval of the amendments to Municipal Code Sections 16-1-10 and 16-18-20 to remove the current restriction that guard houses only are allowed for private streets as drafted in the January 15, 2015 staff memorandum. He continued to say that the recommendation is based on the finding that, subject to a Conditional Use Permit, guard houses may be considered a suitable use for certain subdivisions within the Village that do not have private roads.

The motion passed unanimously.

APPROVAL OF MINUTES

Mr. Zuccaro directed the Commission to turn to page 2 of their draft minutes. He indicated that the Arapahoe Tennis Club was given the opportunity to review the minutes which is not standard procedure, but that they had concerns about the minutes following the City Council meeting. He continued to say that the ATC indicated a discrepancy in the minutes. Mr. Zuccaro stated that the portion of the minutes in question was then transcribed verbatim.

Mr. Zuccaro stated that the summary minutes were indicated in the strike through and the verbatim transcription was indicated by underline. He continued to say that the Commission is under no obligation to adopt the verbatim minutes.

Mr. Zuccaro stated that he and Cesarina Dancy had listened to the recording multiple times and he is confident that what was transcribed is accurate. He continued to say that the attorney for the ATC is disputing the accuracy of the verbatim transcription.

Vice Chair Savoie asked what the gist of the issue was.

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Mr. Zuccaro replied that staff had recommended a membership cap as a way to address parking and traffic. He continued to say that the ATC is stating that they were unaware of the condition of the membership cap. Mr. Zuccaro said that in the transcript staff explains that the in the current proposal there is a membership limit as a condition of the Expanded Use Permit application.

Commissioner Szymanski stated that the Commission did not want to miss anything that was discussed in the April meeting when the motion was made in the June minutes.

Mr. Zuccaro stated that the membership condition was not adopted in June. He continued to say that the membership limit was added only as a way to ensure appropriate parking.

Mr. Zuccaro stated that the Commission should adopt minutes which they feel accurately reflects the discussion.

Commissioner Niederman asked if the changes to the minutes as presented by staff accurately reflected what was heard by both members of staff that listened to the recording.

Mr. Zuccaro replied yes.

Commissioner Niederman made a motion, which was seconded by Commissioner Blum to adopt the most recent minutes of the December 2, 2014 meeting as presented.

The motion passed unanimously.

Commissioner Rubin asked for clarification regarding the different proposals and conditions.

Mr. Zuccaro replied that the ATC made a new application and staff requested that they include a note which limited membership in relation to parking. He continued to say that the note that was added included the phrase "enrollment is currently limited to...". Mr. Zuccaro stated that staff and the City Attorney felt that eliminating the word "currently" was an important suggestion for City Council.

Mr. Zuccaro continued to say that the applicant does not want the word "currently" stricken and that the applicant has stated they did not agree to this condition.

Vice Chair Savoie asked where the application currently stands.

Mr. Zuccaro replied that currently City Council asked for additional information regarding lights and the membership restriction issue, so the hearing has been continued.

NEW BUSINESS

Vice Chair Savoie stated that he would like to discuss the frequency of the meetings of the Commission. He continued to say that most business could be handled by meeting once monthly.

Mr. Zuccaro replied that development cases may need to be heard on the second scheduled meeting of the month as they are often under time limitations. He continued to say that he could check with City Council.

Vice Chair Savoie stated that applicants could be accommodated for an additional meeting when necessary.

Commissioner Niederman asked if there are any upcoming development cases.

Mr. Zuccaro replied no.

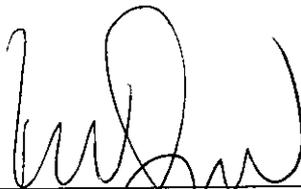
Mr. Zuccaro stated that there is potentially an upcoming meeting to be held jointly with the PTRC in order to discuss updates to the Master Plan.

ADJOURNMENT

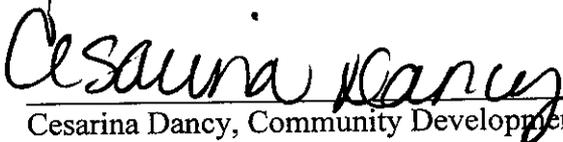
Commissioner Wyman made a motion, which was seconded by Commissioner Szymanski, to adjourn the meeting.

The motion passed unanimously.

The meeting was adjourned at 7:19 p.m.



Peter Savoie, Vice Chair



Cesarina Dancy, Community Development Clerk