

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, March 10, 2015 at 6:30 p.m.  
At the Village Center

**CALL TO ORDER**

Vice Chair Savoie called the meeting to order at 6:34 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 Peter Niederman, and Commissioner Doris Kaplan.

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

Absent from the meeting was Commissioner Jim Rubin.

**APPROVAL OF MINUTES**

Commissioner Niederman noted on page four of the January 13, 2015 minutes, he was referred to as "Vice Chair Niederman" instead of "Commissioner Niederman".

Commissioner Szymanski made a motion, which was seconded by Commissioner Wyman to approve the January 13, 2015 minutes with this correction.

The motion passed unanimously.

**AGENDA ITEMS**

- a. Request by Denver First Church of the Nazarene for a Minor Subdivision Amendment to Vacate a 20-Foot Wide Drainage and Utility Easement Over Lot 1, Block 1, Highline Meadows in Cherry Hills Lot Consolidation.

Mr. Zuccaro stated that staff is presenting what is considered a "clean up" item for the development of Denver First Church. He displayed a vicinity map which indicated the location of the property and of the easement, and stated that lots 1 through 5, Block 1 of Highline Meadows in Cherry Hills were consolidated by the applicant in 2014 as part of an expansion project by Denver First Church of the Nazarene the included construction of a parking lot over these lots. He stated that since there was a change in use of the property, the applicant is requesting vacation of the easement.

Mr. Zuccaro directed the Commission to Table 1 in the staff report, and stated that staff was recommending approval of the request.

Vice Chair Savoie asked if there was also a drainage easement on the opposite side of the street.

Mr. Zuccaro replied that there is a drainage vault underground which all the water flows into.

Vice Chair Savoie asked if the City Engineer is comfortable with this proposal.

Troy Carmann, City Engineer, replied that he was comfortable with the vacation of this easement. He continued to say that the easement had more significance when the area in question was developed into two separate lots.

Commissioner Wyman asked if the land had been recontoured.

Mr. Zuccaro replied yes. He continued to say that everything is currently draining into the underground vault.

Commissioner Szymanski made a motion, which was seconded by Commissioner Wyman, to approve the request by Denver First Church of the Nazarene for a minor subdivision amendment to vacate an unused 20-foot wide drainage and utility easement located within Lot 1, Block 1, Highline Meadows in Cherry Hills Lot Consolidation, based on the findings outlined in Table 1 of the March 10, 2015 staff memorandum.

The motion passed unanimously.

- b. Request by Blue Hill Land Company LLC for a Minor Subdivision and Floodplain Development Permit for the South ½ of Block 7, Higgins South Broadway Heights together with Vacated East Kenyon Avenue Adjacent to the South.

Mr. Zuccaro stated that staff is recommending that the public hearing for the Blue Hill Subdivision request be continued to the April 14, 2015 meeting. He continued to say that the applicant has not provided two outstanding easement documents that will need to be reviewed by the City Attorney and staff prior to the hearing. He stated that the applicant has been informed of the continuance and the requirement to submit the outstanding documents.

Vice Chair Savoie made a motion, which was seconded by Commissioner Niederman, to continue the public hearing for the Blue Hill Subdivision Minor Subdivision Application to the April 14, 2015 Planning and Zoning Commission meeting at 6:30 pm.

The motion passed unanimously.

- c. Request by GB&L Cherry Hills, LLC for the Final Plat for the George W. Calkins Trust Subdivision, 5100 East Quincy Avenue.

Mr. Zuccaro stated that staff is presenting the Final Plat review for subdivision of approximately 17.9 acres of land into seven single-family residential lots ranging in gross area from 2.5 to 3.2 acres, named the George W. Calkins Trust Subdivision.

Mr. Zuccaro outlined the process which has led to the final plat review, including the Sketch Plat and Preliminary Plat. He stated that the Final plat is in conformance with the Preliminary Plat, and that all formatting and documentation requirements have been met. He continued to say that the land dedication requirement was also met, with a total of 7.53% of the area of the subdivision to be dedicated.

Mr. Zuccaro noted that the applicant has requested that the subdivision improvement deadline be set at 10 years from the City Council approval of the Final Plat. He stated that a typical

subdivision improvement deadline would be one to two years with an opportunity for extension. He continued to say because of the unique nature of the request, the applicant has agreed to include a restriction on the property prohibiting conveyance or issuance of building permits on any of the lots until the City approves final construction documents, issues a development permit for the subdivision improvements, and obtains a performance security. He continued to say that the applicant has further agreed that if the subdivision improvements are not commenced within 10 years the City Council may vacate the Final Plat by resolution but retain all the public easements dedicated to the city.

Mr. Zuccaro stated that while this is a unique request, staff is comfortable with the terms and recommends approval.

Commissioner Blum asked if the HOA would need to be established before the lots were sold.

Mr. Zuccaro replied that the notes on the plat and the draft CC&R in the packet address the HOA.

Commissioner Szymanski asked what would happen if the City made changes to infrastructure requirements in the future.

Mr. Zuccaro replied that the subdivision would be held to the current standards and that an updated cost estimate would be required in order to get an accurate security deposit. He continued to say that the proposal had limited infrastructure.

Commissioner Wyman asked why was the applicant asking for 10 years and was this a typical request.

Mr. Zuccaro replied that he would let the applicant answer regarding the time line. He continued to say that nothing in the code refers to a specific time frame for development, but that one year for improvements is typical with the option to apply for extensions.

Commissioner Niederman asked for a description of the homes.

Mr. Zuccaro replied that while there is no information relating specifically to the design of the homes, all of the requirements for the R-1 zone district were met and were even more restrictive on some of the lots.

Commissioner Niederman asked about the letter that was in the packets.

Mr. Zuccaro stated that it was submitted after the City Council meeting. He continued to say that the letter was not speaking to the legal requirements but was clarifying the author's statements.

Keith Neale, representative of the applicant thanked staff and the Commission for working with them. He stated that the reasoning for asking for a 10 year timeline was that there are multiple family members who are owners of the property and they are all not ready to move forward at this time.

Vice Chair Savoie asked if they were waiting until all the lots were sold to make improvements.

Mr. Neale replied that there is not a timetable for sale. He continued to say that only minor improvements were needed and all were interior.

Commissioner Niederman asked what Mr. Neale's role is with the Koelbel family.

Mr. Neale replied that he is representing the land owners.

Commissioner Kaplan asked how many landowners were involved.

Mr. Neale replied two.

Commissioner Blum made a motion, which was seconded by Commissioner Szymanski to approve the George W. Calkins Trust Final Plat application as submitted based on the findings and analysis in the March 10, 2015 staff memorandum.

The motion passed unanimously.

d. *Proposed Rules of Procedure Amendment Concerning Planning and Zoning Commission Meeting Dates*

Mr. Zuccaro stated that based on feedback from the Commission, staff is proposing an amendment to the current Rules of Procedure to change meetings of the Planning and Zoning Commission from two scheduled meetings to one scheduled meeting per month, with a provision to hold a second monthly meeting if necessary.

The Commission engaged in a discussion regarding circumstances which may require the second monthly meeting. Mr. Zuccaro stated that staff would only like approved minutes for development projects being presented for City Council hearings, so there could be a potential delay when approval of minutes is necessary. Mr. Zuccaro also stated that the elimination of the second meeting could cause some delays for development projects in general.

Commissioner Niederman made a motion, which was seconded by Commissioner Szymanski, to recommend to City Council approval of the amendment to the Commission's Rules of Procedure to eliminate the second regular meeting of the month, with a provision to allow the Commission to schedule a second meeting if needed.

The motion passed unanimously.

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

Commissioner Blum nominated Vice Chair Savoie as Chairman and Commissioner Jim Rubin as Vice-Chairman of the Planning and Zoning Commission.

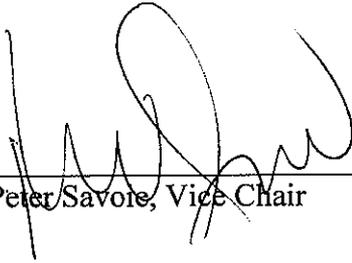
The Chairman and Vice Chairman were elected unanimously.

**ADJOURNMENT**

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

The motion passed unanimously.

The meeting was adjourned at 7:15 p.m.



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Peter Savore, Vice Chair



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Cesarina Dancy, Community Development Clerk