

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, August 25, 2015 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chair Savoie called the meeting to order at 6:30 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chair Peter Savoie, Vice Chair Jim Rubin, Commissioner Al Blum, Commissioner Peter Niederman and Commissioner Mike LaMair.

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

Absent from the meeting were Commissioner David Wyman and Commissioner Doris Kaplan.

APPROVAL OF MINUTES

Vice Chair Rubin made a motion, which was seconded by Commissioner Blum, to accept the June 9, 2015 and July 14, 2015 minutes as written.

The motion passed unanimously.

AGENDA ITEMS

a. *Proposal for Amendments to Municipal Code Section 16-16-40 Concerning Fences.*

Mr. Zuccaro stated that in July, the Planning and Zoning Commission had a joint study session with the PTRC to discuss the issue of solid fencing along trails. He continued to say as a result of this study session, staff was given direction for draft amendments to the current fencing code.

Mr. Zuccaro displayed photos of several types of fences which are currently located along city trails. He stated that the concern over solid fencing along trails stems from concerns over safety, protection of views, protection of rural character, and a tunneling effect that solid fencing on both sides of a trail can create.

Mr. Zuccaro displayed a table showing the current fence code. He stated that properties along state highways are allowed to increase their fence height to 8 feet, and that any legally nonconforming fence can be repaired at a rate of 25% repairs every two years without having to bring the entire fence into conformance.

Mr. Zuccaro stated that currently there are very few front yard fences in the City, and that the majority of those are located in the R-1 Zone District.

Mr. Zuccaro displayed a table of the proposed fence code amendments. He stated that the proposal for fences adjacent to trails is to allow a maximum height of 4 feet with a 50% openness requirement.

Commissioner Blum asked about the fence that is on the property adjacent to Kent Denver.

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Mr. Zuccaro replied that if the amendments were adopted, it would be considered legally nonconforming.

Vice Chair Rubin asked if a fence 4 feet in height would keep coyotes out.

Mr. Zuccaro replied that a coyote could jump over a fence higher than 4 feet. He stated that some owners have put coyote rollers on the tops of their fences.

Chair Savoie asked what the requirement would be for a front yard along a trail.

Mr. Zuccaro replied that there are some on-street trails, and that depending on zone district, fences could be 4 or 6 feet in height as well as 50% open.

Vice Chair Rubin stated that 4 feet seems low, and that if a fence is 50% open, 6 feet would not make that much of a difference.

Chair Savoie asked what the recommendation of the PTRC was.

Mr. Zuccaro stated that he would be presenting this at a later date to the PTRC. He continued to say that open rail fences are often 4 feet in height.

Commissioner Niederman stated that fences 6 feet in height would provide more security and privacy along the trails.

Mr. Zuccaro stated that landscaping can also be planted for more security and privacy.

Commissioner LaMair asked what the front yard setbacks are.

Mr. Zuccaro replied that in the R-1 and R-2 Zone Districts there is a 75 foot front setback, and in the R-3 and R-4 Zone Districts there is a 50 foot front setback. He continued to say that fences do not have setback requirements; fences can be located on the property lines.

Vice Chair Rubin asked what would the fence requirements be on a corner lot.

Mr. Zuccaro replied that currently a 6 foot solid fence is allowed all around the property. He continued to say that under this new amendment, an exception could be made for a rear yard that is adjacent to a side yard in the front setback area to allow for a 6 foot fence.

Mr. Zuccaro stated that in addition to the amendments, the only design requirement would be to no longer allow chain link fence.

Commissioner LaMair stated that he was concerned about security and the ability of a 4 foot fence to keep dogs and horses on their respective sides.

Mr. Zuccaro stated that the PTRC has found that fences 4 feet in height are adequate for the equestrian community.

Commissioner LaMair asked what the next steps in the process are.

Mr. Zuccaro replied that the PTRC would have a chance to review the amendments, and then it may possibly come back before the Planning and Zoning Commission. He stated that City Council would have two readings of the amendments, with one being a public hearing.

Commissioner LaMair stated that a 6 foot fence that is 75% open would still provide security.

Commissioner Blum stated that with a backyard facing a side yard the backyard would need privacy and this could be clarified in the ordinance.

Chair Savoie stated that a fence that is 6 feet in height that is 75% open with a maximum height of 4 feet in front yards would be suitable.

Vice Chair Rubin asked if HOA covenants would allow these changes.

Mr. Zuccaro replied that homeowners are obligated to follow whichever is more restrictive of the HOA covenants and City codes.

Lucinda Greene, resident, stated that the equestrian community feels that 4 feet is an acceptable height to provide safety to both horses and dogs. She continued to say that an area of concern to the equestrian community is areas that freeze on the trails due to shade from fencing and vegetation.

Chair Savoie stated that the privacy of residents overrides freezing areas on the trails.

Mr. Zuccaro stated that if the PTRC has differing recommendations from the Commission, the proposal could come back before the Commission in the future.

b. Draft Master Plan Implementation Plan

Mr. Zuccaro stated that at the joint study session of the PTRC and the Planning and Zoning Commission, both commissions, as well as City Council, stated that no major changes were needed to the Master Plan. He continued to say that all the parties involved agreed that what was needed was a formal implementation plan for the Master Plan.

Mr. Zuccaro stated that many of the items in the draft implementation plan are administrative. He stated that each item was given a priority, status, and action items where applicable. He continued to say that all of the goals and strategies are identical to the Master Plan; the only new item in this document is the implementation.

Commissioner LaMair stated that a table of contents would be useful.

The Commission discussed the following items:

1. Page 3, item 1a. Mr. Zuccaro stated that many questions come up regarding higher density residential facilities, such as a senior living facility. He stated that staff strongly discourages these types of applications.

Commissioner Niederman stated that many in the Denver Metro area are aware of the strict zoning requirements and allowances in the City. He continued to ask if there was any City recreational use for the property located at the intersection of University and Quincy.

Mr. Zuccaro replied that the property is divided into 4 one acre parcels with a private access road. He continued to say that the City currently does not have any active recreational areas.

Chair Savoie stated that traffic at the intersection would make it difficult to have any kind of recreation facility in this location.

2. Page 4, item 4a. Mr. Zuccaro stated that currently residents are eligible for a 15% discount on flood insurance due to the City's rating.

Commissioner Blum asked what floodplain development had occurred with the Blue Hill Subdivision application.

Mr. Zuccaro replied that there were only curb improvements in the floodplain.

3. Page 4, item 5a. Commissioner LaMair stated that property owners could benefit more tax wise from a conservation easement as opposed to the land being zoned open space.

4. Page 5, item 7a. Chair Savoie stated that both items 7a and 7b should be given higher priority.

Commissioner LaMair asked why paved parking was required as opposed to gravel.

Mr. Zuccaro replied that paved surfaces are able to be striped and provide better access for emergency vehicles in inclement weather.

5. Page 7, item 3b. Chair Savoie stated that there were other sites in the City that could benefit from pedestrian crossing areas.

6. Page 7, item 4a. Commissioner Niederman stated that landscaping along University should be a priority.

7. Page 8, item 7c. Mr. Zuccaro stated that Cherry Hills Village is one of the only cities in the Metro area that does not have a construction use tax and an exemption on tax for deliveries into the City. He continued to say that this tax, if passed, would replace the service expansion fee.

Commissioner Blum asked what the tax rate would be.

Mr. Zuccaro replied 3%. He continued to say that there was an informational meeting regarding the issue on August 27, 2015.

8. Page 11, item 7a. Mr. Zuccaro stated that the increased interest in ground mounted solar panels raises the issue of additional buffering or setback requirements.

9. Page 12, item 1a. Chair Savoie asked if there were any partnerships in the works.

Mr. Zuccaro replied that City Council has looked at many parcels of land. He continued to say that the main issue is that land cannot be purchased above appraisal price.

Commissioner LaMair stated that it would be prudent to have a fund set up so that City Council had access to funding when quick decisions needed to be made.

10. Page 13, item 5d. Commissioner LaMair stated that conservation easements could be pursued.

Mr. Zuccaro replied that the City is working with Denver Water on the Highline Canal zoning. He continued to say that the City of Centennial has rezoned the canal to open space.

11. Page 25, all items. Mr. Zuccaro stated that the City is working with the City of Englewood to relocate the public works department to a shared facility in Englewood.

Commissioner LaMair asked what happened with the agreement on the facility with Denver Water.

Mr. Zuccaro replied that Denver Water decided to terminate the agreement.

12. Page 27, item 1a. Commissioner Blum stated that traffic in the City is a major concern and should be an immediate priority.

13. Page 27, item 3a. Mr. Zuccaro stated that the Belleview Interchange Study will only study internal traffic.

Commissioner Blum stated that it should be expanded to include all traffic.

14. Page 31, item 4a. Mr. Zuccaro stated that the City will be partnering with the City of Englewood to construct on-street bicycle routes along S. Clarkson St.

15. Page 32, item 1a. Mr. Zuccaro stated that there were policies and procedures adopted for dissolution and continuation of service for sanitary sewer and water districts.

16. Page 33, item 6. Commissioner Niederman stated that the cellular service is an ongoing problem in the City and addressing it should be an immediate priority.

Mr. Zuccaro replied that the company the City works with to install antennae throughout the City is willing to install whatever is requested; however, the City has been told repeatedly by a variety of service providers that there are not enough subscribers to justify their costs.

Vice Chair Rubin thanked Mr. Zuccaro for all of his hard work on this project.

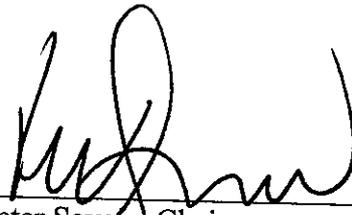
Chair Savoie added that he is always impressed with the work and organization of City staff.

ADJOURNMENT

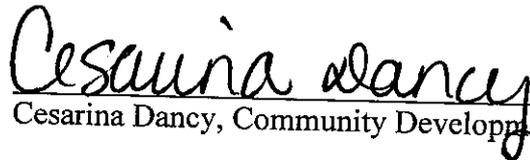
Vice Chair Rubin made a motion, which was seconded by Commissioner Blum, to adjourn the meeting.

The motion passed unanimously.

The meeting was adjourned at 8:40 p.m.



Peter Savoie, Chairman



Cesarina Dancy, Community Development Clerk