

RECORD OF PROCEEDINGS

Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 14, 2016 at 6:30 p.m.
At the Village Center

CALL TO ORDER

Chair Savoie called the meeting to order at 6:32 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Chair Peter Savoie, Vice Chair Al Blum, Commissioner David Wyman, Commissioner Dori Kaplan, Commissioner Mike LaMair, and Commissioner Bill Lucas.

Present at the meeting were the following staff members: Marcus McAskin, Deputy City Attorney; Emily Kropf, Special Projects Coordinator; and Cesarina Dancy, Community Development Clerk.

APPROVAL OF MINUTES

Commissioner Lucas made a motion, which was seconded by Commissioner Kaplan, to approve the March 8, 2016 minutes as written.

The motion passed unanimously.

AGENDA ITEMS

- a. *Proposed Amendments to Article XI of the Chapter 16 of the Municipal Code Establishing O-2, Open Space, Conservation and Historic Area District and Section 16-4-10 and 16-15-40 for Corresponding Changes to Open Space Zoning Regulations*

Ms. Kropf stated Staff is presenting for recommendation to City Council a draft ordinance establishing the O-2, Open Space, Conservation and Historic Area District, and that the intent of the ordinance is to create a new zoning category for properties that the City may acquire for open space, conservation or historic use. She continued to say that Staff presented a previous version of the draft at a May 10th study session. The following changes have been made to the since then:

- Equestrian uses and facilities and museums, public libraries and galleries can only be operated by a nonprofit entity
- City Council may designate the Parks, Trails and Recreation Commission or an oversight committee to recommend approval of funding for improvements, repairs or activities
- The City Manager may designate and authorize temporary alternative off-site parking areas
- The City Manager is to consult with the fire department, chief of police, public works director and city engineering prior to approving any temporary alternative off-site parking areas
- Additional language has been added to amend the zoning map categories and clean up sign permitting requirements

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Commissioner LaMair asked if the amendments only apply to property the City may acquire in the future or to current property as well.

Ms. Kropf replied that it could apply to current property as well.

Chair Savoie asked are all uses nonprofit or can a for profit entity use the space for fundraising.

Commissioner Wyman stated yes all are nonprofit.

Commissioner LaMair asked if cellular uses that are for profit would be allowed.

Chair Savoie stated that any cellular goes through the conditional use process.

Deputy City Attorney McAskin stated that commercial use is a broad term and that the ordinance could be amended to reflect a temporary conditional use.

Chair Savoie stated that the equestrian use is the only use specifically stated to have nonprofit use.

Commissioner Wyman stated that the document is not a concrete planning document. He continued to say that there are a lot of what ifs that are not addressed. He asked if the land preserve was the holder of the conservation easement.

Chair Savoie asked an audience member for how the Quincy Farms Committee was viewing the amendments.

Lucinda Greene, member of the QFVC, replied that time is of the essence. She stated that the references apply to this property and not necessarily all future properties. She stated that it has not been determined if the land preserve would be the holder of the conservation easement.

Commissioner LaMair asked if current zoning or the conservation easement was more restrictive.

Chair Savoie stated that a similar property in another part of the city could have different issues. He continued to say that this zoning category was designed for Quincy Farms.

Vice Chair Blum asked if the City was applying for the zoning change.

Commissioner Wyman replied yes.

Commissioner Wyman stated that there could be unknown costs. He continued to say that the pond on the property has high salinity and it could be costly to drain if it was ever needed.

Chair Savoie stated that the Commission cannot be concerned with any potential costs at this time. He continued to say that any other uses would have to come back to the Commission.

Ms. Greene stated that the QFVC report states that the R-1 zoning does not permit public access and that the property will require rezoning and that the O-1 zoning does not provide enough flexibility.

Commissioner LaMair stated that page one of the ordinance should be clarified for O-1 and O-2 zoning.

Commissioner Lucas stated that the language in Section 16-11-120 is directly from the QFVC report and that he agreed with Chair Savoie that this could not apply to John Meade park.

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Vice Chair Blum stated that any other zoning changes would have to come before the Commission regardless.

Commissioner Kaplan stated that this is a carefully worded document that will not open any floodgates.

Commissioner LaMair made a motion, which was seconded by Commissioner Blum to approve the proposed amendment to Article XI of Chapter 16 of the Municipal Code Sections 16-4-10 and 16-15-40 for corresponding changes to open space zoning regulations with the addition of clearer language and distinction between O-1 and O-2 on page 1 of the draft.

The motion was approved with a 5-1 vote.

b. Proposed Amendment to Section 16-2-40 of Chapter 16 of the Municipal Code Concerning Procedures for Text Amendments and Rezoning of Property

Ms. Kropf stated that Staff is presenting for recommendation to City Council a draft ordinance concerning procedures for text amendments and rezoning of property. She stated that the intent of the ordinance is to clarify the procedures for text amendments and rezoning of property and update notice requirements to be consistent with the City's current practices.

Ms. Kropf stated that a draft ordinance was presented to City Council on June 7th and approved on first reading with one minor change to Section 16-2-40(a) that a property owner may only seek to rezone his or her own property. She continued to say that the draft ordinance will go back to City Council on July 19th for public hearing and second reading.

Chair Savoie asked for further explanation.

Deputy City Attorney McAskin stated that when a landowner initiates a rezoning there is a requirement to mail notices certified mail return receipt, and that often the applicant has trouble getting all of the mailing receipts back. He continued to say that the applicant should not be held accountable for those who are notified not picking up their mail.

Chair Savoie stated that this is a cleanup item.

Commissioner Wyman asked where in the code are text amendments defined.

Ms. Kropf replied there is no definition.

Deputy City Attorney McAskin stated that it would not be an issue to add the definition.

Commissioner Wyman made a motion, which was seconded by Chair Savoie, to recommend to the City Council approval of the proposed amendment to Section 16-2-40 of Chapter 16 of the Municipal Code concerning procedures for text amendments and rezoning of property with the addition of a definition of text amendment added in Chapter 16 Article I.

The motion passed unanimously.

NEW BUSINESS

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Chair Savoie stated that the former mayor of the city, Doug Scott recently passed away and that the Commission would like to extend condolences to his family.

Commissioner LaMair stated that City Council unanimously denied the recommendation to lower the height limit on new homes.

Ms. Kropf stated that she would send the minutes of the meeting to the Commission.

Vice Chair Blum asked why did the Commission review the height limit.

Chair Savoie stated that it was brought to the Commission as a review after the standards had been in place.

Chair Savoie made a motion, which was seconded by Commissioner Kaplan, to reduce the overall height limit to 30 feet in all zone districts except for R-1.

The motion passed unanimously.

Chair Savoie asked if the passed motion could now return to City Council.

Deputy City Attorney McAskin stated it could be brought back in the form of an ordinance.

ADJOURNMENT

The meeting was adjourned at 7:21 p.m.



Peter Savoie, Chairman



Cesarina Dancy, Community Development Clerk