

Minutes of the
Public Input Meeting of the City of Cherry Hills Village, Colorado
Held on Wednesday, March 2, 2011, at 6:30 p.m.
At the Village Center

INTRODUCTION

Present at the meeting were the following staff members: Mr. Robert Zuccaro, Community Development Director; Ms. Emily Kropf, Community Development Clerk; and Mr. David Foster, Deputy City Attorney for the City of Cherry Hills Village, Colorado.

Also present was Mr. Andy Nielsen, member of the Residential Standards Development Committee; Mr. Steve Szymanski, member of the Residential Standards Development Committee; Mr. Abe Barge from Winter and Company; and Ms. Mary Phillips from Winter and Company.

Approximately 25 residents from the City were present, as well.

AGENDA ITEMS

Proposed Changes to City's Zoning Standards

Mr. Zuccaro began the meeting at 6:30 p.m. by welcoming residents and introducing Mr. Barge and Ms. Phillips from Winter and Company, the consultant firm hired by the City. Mr. Zuccaro thanked the residents for attending and discussed the purpose of the public input meeting.

Mr. Zuccaro said that the last major revision of the City's zoning standards occurred around 1970. The majority of the residential lots abide by the same zoning standards today. Over the past few decades, property values and the size of houses have increased. Mr. Zuccaro continued that new houses are currently twice the size of the City-wide average.

Several concerns have been expressed by residents, including views being blocked and the character of the neighborhood changing. Mr. Zuccaro said that the City's Residential Development Standards Committee (RDSC) had been working hard to evaluate current zoning standards to see if anything should be changed.

In September 2009, the RDSC released its final recommendation which incorporated the use of a bulk plane, floor area ratio (FAR) and increase in building height. Mr. Zuccaro explained that the City Council has reviewed the RDSC's recommendations and subsequently hired Winter and Company to study the concept of a bulk plane in relation to different zone districts and neighborhoods.

After two years of study, the City is now prepared to start writing ordinances to propose to the City Council. Mr. Zuccaro said that after this meeting the Planning and Zoning Commission and the City Attorney will begin to write the ordinances. There will be more public hearings in the future. If residents would like to stay involved, they can subscribe to the City's RDSC e-mail list.

Winter and Company Presentation

Mr. Barge and Ms. Phillips began the presentation from Winter and Company.

Mr. Barge explained that the community had expressed several concerns regarding current housing trends in the City. These include: looming structures, solar access, privacy, views and overall mass and scale.

Mr. Barge noted that the objective for the evening was to learn about zoning standards and to explore current recommendations. He then discussed the posters on display. The posters describe the project, demonstrate current conditions and establish what new developments would look like with new regulations.

Mr. Barge began by defining a bulk plane as a standard that lowers height limits near the edges of lots by establishing an inclined plane over which buildings may not protrude. The recommended bulk plane for the City would allow a taller starting height at the front of the lot and a lower starting height at the rear of the lot and an angle of 40 degrees. The adoption of this regulation would require that buildings fit in the area defined by the bulk plane.

Mr. Barge then defined floor area ratio (FAR). This zoning standard relates floor area to lot size. For example, if a 10,000 square foot lot has a 5,000 square foot house located on it, there is a FAR of .5. The size of the lot will determine the maximum size of the house. The design of the home is not affected by FAR, only the size is affected. Mr. Barge provided an example of a house with a FAR of .14, which is average for the neighborhood. Mr. Barge then identified a house in the same neighborhood with a FAR of .23, which is above average. Mr. Barge identified a house with a FAR of .5, which is the largest building that could be built on the lot. The RDSC is recommending a standard FAR of .23. Mr. Barge said that the recommended use of FAR is intended to balance effectiveness, predictability, context sensitivity, flexibility and integration of existing conditions.

Mr. Barge discussed the RDSC's final recommendation which increases the maximum building height allowed. In exchange for using bulk plane and FAR standards, the Committee has recommended that the maximum building height be raised from 30 feet to 35 feet. This standard encourages flexibility and provides compromise. If the City were to adopt these recommendations, the edges of the building would be lower, but the middle of the building could be higher.

Mr. Barge then discussed the impact of such standards in the community. Mr. Barge identified one type of building currently seen in the City as a narrow lot (Context F). In the

illustration, it is relatively constrained. The current building would not fit in the new building envelope determined by the bulk plane. The two story building mass at the front of the structure would actually fit in the envelope but the rear would not. Also, long, tall walls are not encouraged by the bulk plane. Furthermore, the building would exceed the FAR standard. Although these standards would place limitations on development, there are many design choices still available.

Mr. Barge identified a number of additional considerations in order to accommodate existing conditions and encourage flexibility. There might be recommended exceptions for gable roof ends, dormers and chimneys. These structures might extend through the building envelope. Mr. Barge indicated that there would also be a special bulk plane for accessory structures in the R-1 and R-2 districts.

The next issue Mr. Barge discussed was the structures that would be included in the FAR. All above ground structures would be counted in the FAR. Structure accessories would also be counted. The RDSC recommended that re-graded land be addressed by the FAR standard, as well.

Mr. Barge ended the presentation by stating that the next step in the process is a study session with the Planning and Zoning Commission.

Mr. Zuccaro then explained how the RDSC ultimately decided on the recommended use of a bulk plane and FAR. The rationale for the use of these standards is based on new construction.

Group Question and Answer

During this portion of the meeting, residents were able to direct questions and comments to Mr. Zuccaro and Mr. Barge.

The first question was where height measurement would begin. Mr. Barge responded that this is yet to be determined. There has been some discussion about lots located on slopes. Communities have used a variety of options in order to address such complications. For instance, two or three points on the lot could be measured in order to establish the overall building height.

The second question was about specific issues in given lots and the variance process. Mr. Barge responded that there is potential for an intermediate process in cases that do not meet the City's current variance threshold.

The third question discussed the rigidity of the proposed standards. Mr. Barge responded that a bulk plane would create a stricter envelope rather than stricter limitations on design. He also added that most buildings built over the past ten years will fit in the proposed building envelope. The proposed standards are meant to address only the few houses where there are extreme issues.

The fourth question was whether neighbors will have to be notified prior to new construction. Mr. Zuccaro responded that this is yet to be determined, but that this was a recommendation of the RDSC.

The fifth question dealt with HOA approval and rights. Mr. Zuccaro responded that only the City's standards are enforced when building permits are issued. The City advises all permit applicants to acquire HOA approval and will continue to do so. One resident then praised the City for improving communication with local HOA's.

The sixth question was what other towns in Metro Denver have adopted these standards. Mr. Barge responded Boulder, Colorado. Several residents commented that the City is more comparable to areas located on the East Coast. Mr. Barge listed Winter Park, Florida, as one example. Mr. Barge also said that in more affluent communities these standards are often found.

The seventh question was how the proposed changes would allow the City to compete with other high-end towns. Several residents responded to this question. One resident stated that the City is already competing. Another resident said that the community is no longer charming or unique. Higher property taxes should not be required considering the building of massive structures that detract from the community. Another resident claimed that property values are dropping as a result of current trends. Another resident applauded the City's efforts to establish new zoning standards.

The eighth question was if there was any more information about the FAR standard. Mr. Barge responded that they are currently further along exploring the implications of bulk planes rather than the FAR standard, but that part of the process will involve adjusting the FAR as needed to compliment the proposed bulk plane.

Mr. Zuccaro introduced Mr. Szymanski to the residents at this time. Mr. Szymanski discussed how the RDSC reached its final recommendation. He said that the Committee had chosen a solution that was softer than other communities. The Committee decided to take an evolutionary stance. It was also concluded that bulk plane and FAR standards should be adopted together.

The ninth question was if the City currently approves design criteria. Mr. Zuccaro responded that the City does not have the authority. He also said that there was some discussion from the RDSC, but it was ultimately decided that the HOA should have that authority. There is a current concept of neighbor notification, however.

One resident said that the current zoning standards are not addressing the concerns of the community. He is very much in favor of reasonable limitations.

The tenth question was how the City was tasked with the project. Mr. Zuccaro responded that there had been a number of concerns voiced. The City Council directed staff to address ongoing issues and appointed the RDSC to study the issue. The City Council had voted not to take action 10 years ago when it considered a similar issue.

The eleventh question was what the projected date is for the implementation of new standards. The resident who asked this question discussed three lots that are for sale surrounding her property. She is concerned that without new zoning standards the construction that will take place will be detrimental to her property value. She also asked how fast new standards can be adopted in order to protect her property. Mr. Zuccaro responded that staff hopes to have something presented to City Council within the first half of 2011, but that the public review process can have an unpredictable timeline.

The twelfth question addressed new standards for grading sites. Mr. Barge responded that the issue has to be looked at in the future. Several residents commented that re-grading causes issues for neighbors, and they would like these sites to be checked. They also inquired as to whether a bulk plane or FAR standard would resolve the issue.

The thirteenth question was what data was available to prove that property prices are actually dropping. Several residents responded that the value of their homes have dropped over the past few years. Mr. Barge responded that areas which have adopted these standards (namely historic communities) have shown an increase in value. He continued that in Boulder, Colorado, it was found that large homes being built were not economical, and size does not necessarily determine value.

One resident discussed current development trends that have negatively impacted her property. She said that without the FAR standard huge homes can be built. In the R-3 zone, long hallways are used to attach accessory structures. She also stated that the amount of run-off a neighbor has created has negatively impacted her property. She said that times have changed in the City. The resident then provided a poster with several pictures attached that illustrated her concerns.

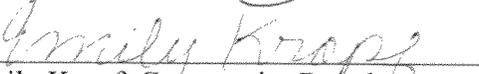
At this time, Mr. Zuccaro suggested that everyone break into smaller groups in order to discuss any issues further or speak with him or Mr. Barge on an individual basis. Residents were asked to submit individual comments worksheets and any additional written comments.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.



Robert A. Zuccaro, Community Development
Director



Emily Kropf, Community Development Clerk