



CHERRY HILLS VILLAGE COLORADO

2450 E. Quincy Avenue
Cherry Hills Village, CO 80113
www.cherryhillsvillage.com

City Hall
Telephone 303-789-2541
FAX 303-761-9386

Planning and Zoning Commission Study Session Agenda Tuesday, June 8, 2021 Following the conclusion of the June 8th, 2021 Regular Meeting **In Person Meeting**

Meeting Information

To watch the live stream of the meeting or watch the recording later:

- 1) City website – [City Council Videos, Agendas, Packets, Minutes](#)
- 2) City YouTube channel – [City of Cherry Hills Village YouTube](#)

The Planning and Zoning Commission will hold a study session on Tuesday, June 8, 2021 to discuss the topics of Land Use Regulations Housekeeping Amendments. Please visit one of the links listed above to listen or watch the meeting.

Agenda

1. Call to Order
2. Roll Call of Members
3. Discussion
 - a. Land Use Regulations Housekeeping Amendments
4. Adjournment

Notice: Agenda is subject to change.
If you will need special assistance in order to attend any of the City's public meetings, please notify the City of Cherry Hills Village at 303-789-2541, 72 hours in advance.



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MEMORANDUM

TO: CHAIR LAMAIR AND MEMBERS OF THE PLANNING AND ZONING COMMISSION

FROM: PAUL WORKMAN, SENIOR PLANNER

SUBJECT: STUDY SESSION – HOUSEKEEPING CODE AMENDMENTS

DATE: JUNE 8, 2021

I. ISSUE:

Discuss 11 topics for potential housekeeping amendments to the City's land use regulations **(Exhibit A)**.

II. BACKGROUND:

The City Council, after a recommendation from the Planning and Zoning Commission, approved a comprehensive update to the City's land use regulations in October of 2019. Over the last year and a half, the regulations have generally been well received by members of the public, staff, and the development community. However, in coordination with the public and the development community, staff has identified certain sections that would benefit from additional clarity, consistency, or more information.

III. DISCUSSION:

In order to ensure that the City's land use regulations continue to create the built environment that reflects the desires of the residents of Cherry Hills Village, staff would like to discuss specific potential amendments to the land use regulations. The current regulations generally meet the needs of residents, staff, and the development community, but there are opportunities for improvement.

Most of the 11 topics that are identified in Exhibit A are straight forward. However, there are a few that deserve more information ahead of the discussion with the Planning and Zoning Commission.

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Proposed Amendment 6:

Amend Section 2-6-10 to add a reference to Chapter 20 for Planning and Zoning Commission recommendations for Wireless Communication Facilities (WCF).

Currently, Section 2-6-10(2) authorizes the Planning and Zoning Commission to “implement the provisions of Chapters 16 and 17 of this Code and shall perform all functions and powers referred to in said chapters where reference is made.” Prior to the October 2019 Code modernization, regulations governing WCFs were in one section of Chapter 16 – specifically, Section 16-16-130. However, the ordinances implementing the Code modernization removed the WCF regulations from Chapter 16 and placed them in their own chapter, Chapter 20. Staff is proposing this amendment to restore the Commission’s historic authority to implement Code provisions regarding WCFs.

Proposed Amendment 7:

Amend the Code to address accessory structures (sport courts, pools, gazebos, etc.) on lots without a primary structure (home).

The Code does not specifically restrict or allow accessory structures on lots without a primary structure. Because the code does not address this topic, there is confusion for property owners, staff, and the development community as to whether or not this is allowed and, if allowed, what the requirements are. Historically, the City has allowed accessory structures with no primary structure without explicit direction in the Code. In order to create clarity that the City allows or does not allow this, staff would like to discuss the topic with the Commission. To be consistent with historical practice staff would recommend allowing this, but include some additional regulations.

Proposed Amendment 9:

Allow the option to continue to hold Pre-Application Neighborhood Input Meetings in a virtual format post COVID restrictions.

Chapter 18 of the Municipal Code (Building Regulations) requires that prior to the submittal of an application for a permit to construct a new single-family home, a commercial structure, community or institutional structure, an addition to any structure that increase the square footage by 50% or more or adds a second story to an existing one-story structure that the applicant conduct a Pre-Application Neighborhood Input Meeting. These meetings are intended to facilitate information between future applicants and their surrounding property owners with the ultimate goal to limit surprises on both sides.

Currently, the Code does not explicitly allow these meetings virtually. However, these meetings have been held virtually since the beginning of the pandemic. The feedback that staff has received is that contractors, property owners, and adjacent property owners like to have these meetings virtually. The ability to log-in to the meeting from anywhere in the world with an internet connection makes it easier for people to attend the meeting. It is common for attendees to participate in these meetings from outside of the City and/or the State of Colorado. Therefore,

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staff is recommending that language be added that allows an option for these meetings to happen virtually to increase transparency and public participation.

Proposed Amendment 10:

Unify public notification requirements for all application types related to distance and time and allow for website notification rather than newspaper notification.

Prior to conducting the public hearings that are discussed in Chapter 16 of the Municipal Code (Zoning), there is a public notification period. Public notification is required in three ways. First, there is a requirement for publication of the notice of public hearing. This is currently done in The Villager newspaper. Second, there is a requirement for posting of the public hearing on the subject property. This is done via the creation of a sign that is then placed on the property. Finally, there is requirement for mailed notification of the public hearing. This is done by obtaining property ownership records through Arapahoe County and then mailing the notice via first class mail.

As currently written, the public notification requirements are different based on the application type. This creates confusion and ambiguity for applicants, staff, and the public when there is more than one application under consideration. Different notification requirements lead to inconsistency with regard to who receives notice, which creates an undesirable perception. Having one standardized set of public notification requirements eliminates confusion and increases transparency.

As a part of the current public notification process, staff is required to coordinate with a newspaper “of general circulation in the City of Cherry Hills Village” for purposes of publishing the notification. This type of notification was an industry standard for decades. However, with today’s technology, physical copies of newspapers are increasingly hard to find and most people who have a newspaper subscription use the online version. Therefore, notification via the newspaper is not as effective as it once was. Additionally, if people are getting the notification online already, it makes sense to have it on the City’s website where the City has control. Ultimately, published notification on the City’s website can be more effective and would be provided in a format that is more familiar to the user. The trend to move from newspaper notification to website notification has become an accepted practice. Other Denver-area communities that allow notification on their website rather than by newspaper include:

City Brighton
City of Castle Rock
City of Englewood
City of Golden
City of Greenwood Village
City of Thornton
Town of Parker

Based on this, staff is recommending that the notification requirements be unified, and the published notification requirement be updated from the newspaper to the City’s website.

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The Planning and Zoning Commission can expect staff to bring similar housekeeping amendments for discussion in the future. Not only is this responsible code management, but it ensures that the land use regulations reflect the built environment that the residents of Cherry Hills Village deserve.

IV. PUBLIC NOTICE AND COMMENT:

Not Applicable

V. RECOMMENDED MOTION:

Not applicable

VI. ATTACHMENTS:

Exhibit A: Table of Possible Amendments for Discussion

APPROVAL TOPIC:

Section 16-7-130 – Discretionary Approvals.			
Number	Issue	Proposed Update	Rationale/Intent
1	The Code does not give specific guidance on discretionary approvals (i.e., roll call vote via resolution). This would add clarity.	Update the Code to require resolutions for the approval of discretionary land use approvals.	Additional clarity is beneficial to applicants, staff, and Council. Approval by resolution is also easier to research in the future.

DEFINITION TOPICS:

Section 16-9-130 – Rules of Construction, Acronyms, and Definitions.			
Number	Issue	Proposed Update	Rationale/Intent
2	The references to timelines in this Section are inconsistent with 16-2-740 for short-term rentals.	Correct all references in this Section to 30-days and remove 90-day references for short-term rentals.	Create additional consistency and clarity.
3	The current definition for “accessory structure” includes things like built-in firepits and barbeques which are counted against the max number of allowed accessory structures.	Clarify that the definition for “accessory structure” does not include built-in firepits and barbeques.	The intent of the code is to limit the number of enclosed structures, so additional clarity in the definition is necessary.
Section 17-2-50 – Definitions.			
Number	Issue	Proposed Update	Rationale/Intent
4	The definition for the Master Plan references the specific year the Master Plan was adopted.	Update the definition for “Master Plan” in Chapter 17.	Removing the reference to the year would define the Master Plan as the adopted version at any given time and eliminate the need for future Code amendments as the Master Plan is updated.

ROLES AND RESPONSIBILITIES TOPICS:

Section 20-3-125 – Application Fees and Escrows.			
Number	Issue	Proposed Update	Rationale/Intent
5	Applicants are responsible for executing an escrow agreement, not the Director.	Change the reference in Section 20-3-125(d)(2)(a) from Director to Applicant.	Correct the language for accuracy.
Section 2-6-10 – Powers and Duties.			
Number	Issue	Proposed Update	Rationale/Intent
6	The current language does not list Chapter 20 in the list of Chapters that the Planning and Zoning Commission shall implement.	Change Section 2-6-10 to add a reference to Chapter 20 for Planning and Zoning Commission recommendations for Wireless Communication Facilities (WCF).	Restore Planning and Zoning Commission’s authority to recommend.

USES AND STRUCTURES TOPICS:

Section 16-3-10 – General Lot and Building Standards for Residential Zoning Districts.			
Number	Issue	Proposed Update	Rationale/Intent
7	The Code does not specifically restrict or allow accessory structures on lots without a primary structure.	Specifically address accessory structures on lots without a primary structure.	The Code should clearly address this issue one way or another. Staff recommends adding language to specifically allow this, with additional regulations.
Section 16-2-120 – Land Use by Zoning District.			
Number	Issue	Proposed Update	Rationale/Intent
8	The ability to have horses and equestrian facilities in the R-1, R-2 zone districts and in the R-3 and R-3A zone districts for properties over one (1) acre was not explicitly carried over during the Code Modernization.	Clarify that horses and equestrian facilities are allowed in R-1 and R-2 zone districts and in the R-3 and R-3A zone districts when properties are over one (1) acre in size.	Create consistency with historical uses and practices.

MEETING TOPICS:

Section 18-11-80 – Preapplication Neighborhood Input Meeting.

Number	Issue	Proposed Update	Rationale/Intent
9	The Code does not currently explicitly allow these meetings virtually.	Explicitly allow Neighborhood Input Meetings to be done virtually in a post COVID world.	Having the option to continue to have these meetings electronically is convenient for applicants, residents, and staff. Additionally, it increases the likelihood for participation as attendance can be from anywhere with an internet connection.

Section 16-7-255 – Public Notice. and Section 17-3-115 – Notice of Hearing.

Number	Issue	Proposed Update	Rationale/Intent
10	Having different notification requirements for different land use application types creates confusion for applicants and residents. Notification in the newspaper is limited to those who receive the newspaper and is increasingly less popular.	Update public notice requirements so that all notifications for land use applications are the same and allow for notification to occur on the City’s website rather than the newspaper.	Unifying land use notification requirements creates consistency and limits confusion. Notifying via the City’s website allows greater transparency as anyone with an internet connection can view the notification.

SPELLING CORRECTION:

Section 16-7-360 – Floodplain Development Permit.

Number	Issue	Proposed Update	Rationale/Intent
11	Correct the misspelling of “follows”.	Correct a spelling error in 16-7-360(c)(1).	Fix the spelling.