

Minutes of the  
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado  
Held on Tuesday, January 12, 2021 at 6:30 p.m.  
Virtual Meeting

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

**ROLL CALL**

Present at the meeting were the following Planning and Zoning Commissioners: Chair LaMair, Commissioner Dori Kaplan, Commissioner David Wyman, Commissioner Britta Miles, Commissioner Bill Lucas, and Commissioner Earl Hoellen.

Absent from the meeting were the following Planning and Zoning Commissioners: Vice Chair Jennifer Miller

Present at the meeting were the following staff members: Chris Cramer, City Manager/Community Development Director, Kathie Guckenberger, City Attorney, Paul Workman, Senior Planner, Laura Gillespie, City Clerk, and Ethen Westbrook, Community Development Clerk.

**AUDIENCE PARTICIPATION PERIOD**

None

**NEW BUSINESS**

a. Denver First Church of the Nazarene Site Plan Amendment, Rezoning, and Preliminary Plat

City Manager/Community Development Director Chris Cramer and Senior Planner Paul Workman gave a presentation on the three different applications from the Denver First Church of the Nazarene which include a site plan amendment, rezoning, and preliminary plat. Mr. Cramer gave background on the property which included location of the subject property, adjacent properties, ownership history of the subject property, parcel history of the subject property, and land use case history. Mr. Cramer gave an overview of each of the applicant's requests and the criteria to be used by the commission for each case.

Mr. Workman explained the site plan amendment application and the applicant's request to reduce the number of threshold parking spaces to be maintained by the subject property. He discussed how the number of parking spaces is calculated and stated the request from the applicant has shown the reduction of parking spaces can be met based on staff analysis. Mr. Workman spoke on each of the criterion for the site plan amendment and staff analysis for each criterion. Senior Planner Workman discussed the portion of code that addresses parking reductions. He explained the contracts the applicant has proposed as part of their site plan amendment application.

Mr. Workman explained the rezoning application and the applicant's request to rezone the subject property from R-1 to R-4. He discussed the code criteria that staff used to provide a recommendation of approval for this application. Senior Planner Workman described a broad interpretation of the Future Land Use/Development Map within the city master plan and its relation to the applicant's request. Mr. Workman spoke on how the applicant's request meets the criteria of a change occurring to better meet the City's master plan and maintaining the character of the surrounding neighborhood.

Mr. Workman explained the preliminary plat application and the applicant's request to create 4 new lots with the subject area. He described the subdivision process in its entirety. Mr. Workman discussed the municipal code that explains submittal requirements for preliminary plat applications. He described the drainage for the subject area and potential new lots. Senior Planner Workman stated after analysis from staff and referral partners, staff recommended to approve the preliminary plat application.

Mr. Cramer stated the staff recommendations of approval for the site plan amendment, rezoning, and preliminary plat applications with some additional conditions to be met for the site plan amendment and preliminary plat applications.

Chair LaMair opened questions for the site plan amendment application from the commission. He asked about the execution of the required agreement and the possible penalties if there is failure to fulfill obligation of the agreement.

Mr. Cramer stated there are enforcement terms in the agreement as well as the enforcement capabilities from the city municipal code. He explained the reactionary nature of the city Code Enforcement Division.

City Attorney Kathie Guckenberger explained the agreement has a provision that includes a complaint process in regards to the subject property. She explained a similar provision in the shared parking agreement.

Mr. Workman explained that the city doesn't assume the applicant will be a bad actor in the community but enforcement can take place if needed.

Chair LaMair asked how the neighborhoods and area surrounding are notified of a large event being held for the applicant.

Engineer Jeremiah Simpson of Kimley Horn stated the shared parking agreement has provisions for outreach in regards to large events taking place.

Commissioner Wyman asked when the Church acquired the land.

Mr. Workman stated the city gained its information from the Arapahoe County assessor's records.

Steve Ferris, one of the applicant's representatives, stated the applicant has a recorded deed with a date of 1997.

Commissioner Hoellen asked about the availability of the applicant's master calendar, the information regarding event attendance, and the agreement with BRAVE Church being available to the city.

Mr. Workman stated the information will be available to the city but provisions were provided to allow some flexibility.

Mr. Cramer reassured that the city can gain this type of information when needed.

Commissioner Hoellen stated the root of the issue could possibly be parking with events. He asked about the contingency that requires the shared parking agreement to be completed within 90 days, and if this requirement is not met, will the application be denied.

Mr. Workman explained that the approval of the site plan amendment would not be executed until the agreement was executed.

Commissioner Hoellen asked about the agreement with BRAVE Church and the potential other entities that could provide parking assistance.

Mr. Workman explained the potential other entities were to allow for other parking opportunities if needed and that the solution with BRAVE Church isn't necessarily the only option available to the applicant.

Attorney Randall Sampson explained the intent of the agreement provision and how some language in the agreement could be changed to reflect the intent in a better fashion.

Commissioner Lucas asked about the term of the shared parking agreement.

Attorney Sampson stated the city is a third-party beneficiary with the shared parking agreement and due to that, the city is involved but does not have information on the term for the shared parking agreement. He also explained that the site plan agreement with the applicant and the city will run with the land.

Chair LaMair opened questions for the rezoning application from the commission.

Commissioner Wyman asked if the current subject property is a conforming R-1 lot.

Mr. Cramer confirmed the current lot is conforming to the R-1 zone district.

Commissioner Wyman asked about the past rezoning, the master plan, and why this rezoning meets the current master plan.

Mr. Cramer stated the current rezoning is compatible with the character of the area and helps meet the current master plan.

Commissioner Wyman asked why the R-1 zone would be incompatible for a residential lot.

Mr. Cramer stated the R-1 zone would not be incompatible but would not meet the charter of the area.

Commissioner Wyman stated the R-1 zone district would allow for residential use throughout the community and expanded uses.

Mr. Cramer stated the master plan has context for the consistency of zoning with the surrounding neighborhood.

Commissioner Lucas described the R-3A zone district with the neighboring Covington neighborhood. He stated the R-5 may fit better with the surrounding area.

Mr. Cramer stated the neighboring area also has some larger lots that were considered as part of the broader perspective related to the requested rezoning for the subject area.

Chair LaMair opened questions for the preliminary plat application from the commission. He asked about the stormwater and detention land area and if it gets dedicated to the city.

Mr. Workman stated the land area stays with the owner of the land but there is a perpetual easement to be associated with that land area.

Mr. Ferris of the applicant's representation gave a presentation on the background and intent of the applicant's request regarding the site plan amendment, rezoning, and preliminary plat.

Attorney Valissa Tsoucaris, a member of the applicant's team, went over history of the property and past applications.

Engineer John Aldridge of the applicant's team spoke on the parking analysis that was completed for the subject property.

Executive Pastor Darren Reed of the applicant's team spoke on the applicant's commitment to the limitation of attendance to 2100 people.

Engineer Jim Godwin of the applicant's team spoke on the drainage and stormwater plan for the subject property.

Mr. Ferris spoke on next steps if approval of all three applications is received and the agreement with city staff's recommendation.

Chair LaMair opened questions for the applicant from the commission in regards to the site plan amendment.

Commissioner Hoellen asked about further enforcement provisions.

Attorney Tsoucaris stated the neighborhood and city are able to access the information when needed and monthly reports to both the neighborhood and city does not seem necessary.

Chair LaMair asked about the applicant's calendar.

Attorney Tsoucaris stated funerals and weddings are not normally on the calendar.

Chair LaMair asked why a funeral service for a public servant would not be on the calendar.

Attorney Tsoucaris explained these funerals occur within a few days notice.

Commissioner Hoellen asked about the calendar being created as part of the agreement required.

Attorney Tsoucaris stated if having these types of events affects approval they can be put on the calendar.

City Attorney Kathie Guckenberger stated the agreement defines "special event" as expecting a certain parking demand rather than by type of event.

Mr. Cramer asked if the city could require the applicant to notify the city and Covington HOA when there is an addition or change to the calendar.

Chair LaMair asked about the parking analysis completed by the applicant and parking ratios.

Engineer Jeremiah Simpson stated he did agree with the applicant's analysis and the parking ratios could potentially be revisited in future code modernizations but is not inaccurate.

Mr. Cramer stated City Council was also looking at place of assembly parking ratios but no intent to be addressed at this point.

Chair LaMair opened questions for the applicant from the commission in regards to the rezoning application.

No questions.

Chair LaMair opened questions for the applicant from the commission in regards to the preliminary plat application.

Commissioner Wyman asked about stormwater and the connection to the Covington neighborhood.

Engineer Godwin stated the line ties into the existing storm sewer that was created at the time of the construction of the existing parking lot and heads east which ties into the neighboring storm sewer.

Commissioner Wyman asked about sanitary service in Monroe street.

Mr. Ferris stated there is a receptacle at the corner of the existing parking lot on Monroe Street that takes storm water from the applicant's property and the Covington neighborhood.

City Engineer Brian Valentine of Kimley Horn stated the line in question should be noted as a sanitary sewer line.

Chair LaMair opened public comment.

Mr. Pasquale Riggi, speaking for the Covington neighborhood, spoke in opposition to the applicant's requests in regards to the site plan amendment, rezoning, and preliminary plat due to the timing of the proposed project, the notification from the applicant to the Covington neighborhood, parking management, and the lack of a detailed proposed development plan.

Mr. Imber spoke in opposition to the applicant's requests in regards to the site plan amendment, rezoning, and preliminary plat due to parking management.

Ms. Winslow Waxter spoke in opposition to the applicant's requests in regards to the site plan amendment, rezoning, and preliminary plat due to the potential impacts of parking and development at a lot on Jefferson Avenue.

Chair LaMair closed public comment.

Mr. Cramer stated the burden of proof is on the applicant and thus it is traditional to allow the applicant to make statements after the public comment portion of the meeting.

Mr. Ferris stated the applicant does believe code compliance has been met in regards to their requests. He discussed unrelated parking in the area, the wall at the subject property, timing of the applications and projects, and the applicant's calendar.

Commissioner Hoellen stated his concerns with parking, traffic, and notification of large events. He explained conditions that he would recommend take place in order for approval.

Chair LaMair asked about the potential referral partners mentioned in the agreement in regards to building permit review.

Mr. Workman explained the potential referral partners, such as utility companies, may have an opportunity for comments prior to issuance of a building permit.

Commissioner Kaplan exited the meeting.

Commissioner Hoellen made a motion to recommend to City Council approval of the request by Denver First Church of the Nazarene for their site plan amendment for their property at 3500 south block of Monroe subject to the following condition(s).

1. The shared parking agreement with Brave Church must be executed within 90 days of approval of the site plan amendment by City Council.
2. Prior to the issuance of permits resulting in any site demolition or site work, the applicant will be required to submit appropriate documentation to the City and applicable referral partners for review and approval, and notification to the Covington HOA.
3. The site plan amendment be modified such that it provides that Denver First Church advise the City and the Covington HOA as soon as reasonably practicable:
  1. Of any scheduled special event either by sending an updated master calendar or by other written notice
  2. Any time the attendance at any Sunday service exceeds 2000

The motion was seconded.

	AYES	NAYS
HOELLEN	X	
KAPLAN	ABSENT	ABSENT
LAMAIR	X	
LUCAS	X	
MILES	X	
MILLER	ABSENT	ABSENT
WYMAN		X
<b>TOTAL</b>	<b>4</b>	<b>1</b>

The motion passed.

Commissioner Lucas made a motion to recommend to City Council approval of the request by Denver First Church of the Nazarene to rezone the property on the 3500 south block of Monroe from R-1 to R-4.

The motion was seconded.

	AYES	NAYS
HOELLEN	X	
KAPLAN	ABSENT	ABSENT
LAMAIR	X	
LUCAS	X	
MILES	X	
MILLER	ABSENT	ABSENT
WYMAN		X
<b>TOTAL</b>	<b>4</b>	<b>1</b>

The motion passed.

Commissioner Miles made a motion to recommend to City Council approval of the request by Denver First Church of the Nazarene for their preliminary plat for their property at the 3500 south block of Monroe, subject to the following condition(s).

1. At the time of final plat submittal, all final drainage reports and plans must be submitted and prior to approval of the final plat all final drainage reports and plans must be approved by the applicable agencies.
2. As required by City Code, the applicant shall agree to terms for public and/or private improvements via a Subdivision Improvement Agreement (SIA).

The motion was seconded.

	AYES	NAYS
HOELLEN	X	
KAPLAN	ABSENT	ABSENT
LAMAIR	X	
LUCAS	X	
MILES	X	
MILLER	ABSENT	ABSENT
WYMAN		X
<b>TOTAL</b>	<b>4</b>	<b>1</b>

The motion passed.

Mr. Cramer discussed next steps regarding the three cases heard at tonight's public hearing.

**REPORTS**

*a. Members of the Planning and Zoning Commission*

None

*b. City Staff*

Mr. Cramer provided updates regarding the master plan update, the Planning and Zoning Commission rules of procedures, and election of Chair and Vice Chair for the commission.

*c. City Attorney*

None

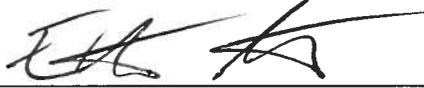
**ADJOURNMENT**

Chair LaMair adjourned the meeting at 10:13 p.m.



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Mike LaMair, Chair



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Ethen Westbrook, Community Development Clerk

