

CHERRY HILLS VILLAGE
COLORADO

2460 E. Quincy Avenue
Cherry Hills Village, CO 80113
www.cherryhillsvillage.com

Joint Public Safety Facility
Telephone 303-789-2541
FAX 303-761-9386

City Council Agenda

Tuesday, September 2, 2025

City Hall, 2450 East Quincy Avenue, Cherry Hills Village, CO 80113

This meeting will be held in-person at City Hall with no electronic participation.

To attend in person: There is no need to sign up to attend in person. If you would like to speak during audience participation there will be a signup sheet in Council Chambers.

To watch the meeting (no participation): City Meeting Videos on the City website or City of Cherry Hills Village YouTube Channel

6:30 PM Regular Meeting

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Presentation: Proclamation for Harriet LaMair
5. Audience Participation Period (limit 5 minutes per speaker)
6. Reports from Members of City Boards and Commissions
 - a. Parks, Trails and Recreation Commission 2026 Work Plan
7. Consent Agenda
 - a. Approval of August 19, 2025 Minutes
8. Items Removed from Consent Agenda
9. Unfinished Business
 - a. Council Bill 1, Series 2025; Amending Sections 16-2-20, 16-3-10, 16-3-230, 16-4-230, and 16-7-130 of the Municipal Code Related to Corrections to the Zoning Map, Aligning Recreational Structures with the Definition for Recreational Structures, Addressing Wall Signs on Commercial Property, Clarifying Tree Mitigation Requirements, and Correcting a Cross Reference in the Code (*second and final reading*)

Agenda Continues on Second Page

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, 48 hours in advance.

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10. New Business
 - a. Public Hearing: Resolution 24, Series 2025; Approving a Floodplain Variance for Fill Dirt at 4301 South High Street (*Public Hearing*)
 - b. Council Bill 2, Series 2025; Amending Section 2-4-40(b) of Chapter 2 the Municipal Code Concerning Qualifications of Municipal Judges (*first reading*)
 - c. Resolution 25, Series 2025: Allowing for Electronic Participation by City Council Members in City Council Meetings by Rescinding the City Council Policy on Electronic Participation in City Council, Board, Commission and Committee Meetings, Adopting the City Council Policy on Electronic Participation in City Council Meetings, Adopting the City Council Policy on Electronic Participation in Board, Commission and Committee Meetings, and Amending the City Council Rules of Procedure
11. Reports
 - a. Mayor
 - b. Members of City Council
 - c. City Manager and Staff
 - i. 2026 City Council Meeting Dates
 - d. City Attorney
12. Adjournment

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ITEM: REPORTS FROM MEMBERS OF CITY BOARDS AND COMMISSIONS

MEMORANDUM

TO: HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL
FROM: EMILY BLACK, PARKS PROJECT & OPERATIONS MANAGER
SUBJECT: PARKS, TRAILS, AND RECREATION COMMISSION 2026 WORK PLAN
DATE: SEPTEMBER 2, 2025

ISSUE

Presenting a 2026 Work Plan (**Exhibit A**) per the recently updated City Council Liaison Program Policy.

DISCUSSION

City Council reviewed and updated the Liaison Program Policy in January 2025. The two most important updates for Boards and Commissions are in Section 5(b) as follows:

“...b. To allow enhanced and direct communication between City Council and the boards, commissions, and committees:

- i. Each City board, commission, and committee prepare an annual Work Plan or report to be reviewed by the City Council.*
- ii. Each City board, commission, and committee provide periodic and no less than annual status reports, which may include recommendations to the City Council, to the City Council at a City Council meeting.”*

The Parks, Trails, and Recreation Commission (PTRC) has historically prepared a “PTRC Projects & Priorities” document each fall to inform the budget and the plan for PTRC for the following year. Using this document as a starting point, PTRC revised it to create a plan, discussing changes across multiple meetings. PTRC approved the final 2026 Work Plan on June 12, 2025 (**Exhibit A**).

Chair Mary Presecan and Vice Chair Tory Leviton will attend the Council meeting to present the Work Plan and answer any questions Council may have.

BUDGET IMPACT

Items from the Work Plan have been incorporated into the City's draft 2026 budget. The only cost included in the Work Plan that is beyond the typical Parks budget is an additional \$10,000.00 for Park Signage in conjunction with the new Parks & Trail Maps.

RECOMMENDED MOTION

None; this item is for Council feedback only.

ATTACHMENTS

Exhibit A: Parks, Trails, and Recreation Commission 2026 Work Plan

Parks, Trails, and Recreation Commission 2026 Work Plan

In January 2025, City Council updated the City Council Liaison Program Policy to include the requirement that each City board, commission, and committee prepare an annual Work Plan or report to be reviewed by the City Council. The Parks, Trails, and Recreation Commission will present this 2026 Work Plan to Council in mid-2025.

Per PTRC's bylaws and the Municipal Code, the responsibilities of the Commission are below:

Purpose of the Commission

a) The Parks, Trails and Recreation Commission has been established to advise City Council on matters related to parks, trails, recreation and open space within the community. The Commission shall meet at the direction of City Council for the following specific reasons:

- (1) To make recommendations with the purpose of improving and maintaining the City's park and open space system consistent with the provisions of Chapter 11, Article III of the Code;
- (2) To evaluate and make recommendations concerning the acquisition of additional trails, trail connections, pocket parks, wildlife refuge areas, protected view areas, open space parks and recreational parks;
- (3) To make recommendations with the purpose of protecting and maintaining the streams and water features that exist in the City;
- (4) To review and make recommendations on the Recreation Reimbursement Program to meet the recreation needs of the community;
- (5) To make recommendations to the Planning and Zoning Commission concerning the adoption of that portion of a Master Plan concerning park and trail development;
- (6) To recommend annual budget priorities to the City Council for capital projects related to parks, trails, open space and recreation;
- (7) To develop and recommend an annual recreation and event program and budget to the City Council; and
- (8) To recommend long-range financing plans for open space acquisition;

b) The Commission shall meet in accordance with the provisions of the Municipal Code to:

- (1) Review and make comments and recommendations on preliminary plat subdivision development applications concerning the dedication of land, in accordance with Chapter 17 of this Code; and
- (2) Act in accordance with any other duties as required by other provisions of this Code as enacted by the City Council from time to time.

c) In addition, the Parks, Trails and Recreation Commission shall have such other duties as assigned by the City Council, by motion, from time to time.

In accordance with PTRC's responsibilities, the following projects are anticipated for 2026:

Improvements in City Parks and Trails (\$10,000)

This item appears annually on PTRC's Projects and Priorities list. It is a \$10,000 line item budgeted in the Arapahoe County Open Space Fund. Funds can be used for various Park or Open Space improvements, including: play equipment, shelter improvements, horse arena upgrades, etc. or for programming in City parks. The use for the funds is typically determined during the calendar year they are budgeted, for something that comes to PTRC's attention or to contribute towards an already budgeted project in order to improve it. For example, in recent years, this line item has been used to contribute to additional signage around the City when it was requested by residents and PTRC members and to contribute additional funds to the Dahlia Hollow playground project. It gives PTRC the flexibility to respond to Parks needs during the year.

Special Events (\$21,500)

This is an annual item. PTRC's annual special events include:

- Scavenger Hunt (May)
- Movie Night (August)
- Winter Celebration (December)

Last year, PTRC added hosting a table for Bike to Work Day (typically June). This is a very minimal cost that did not require adjusting the budget. Part of this line item (\$5,000) also contributes toward the Spring Clean Up, but that event is planned and run primarily by Public Works.

Reviewing Applications and Requests from Residents (\$0)

PTRC will continue to review applications and requests from residents and make recommendations to the Planning & Zoning Commission and City Council. The most recent example of this type of application is the request for a gate on a public trail by the Cherry Hills Park HOA. Another type of review PTRC has provided in recent years include making recommendations regarding the placement of sculpture in parks and open spaces (whether on loan or permanent acquisitions) in coordination with the Cherry Hills Village Art Commission. The number of applications that PTRC reviews has declined in recent years due to subdivision requests becoming less frequent, as well as the recent ballot initiative that changed the process for trail vacations.

Reviewing Bench and Tree Donation Applications (\$0; costs are offset by donations)

PTRC will continue to review and make recommendations to City Council regarding requests for bench and tree donations from residents. This program has been going on for at least 25 years for benches, and PTRC recently expanded the program to include trees to provide another option for residents. On average, PTRC reviews approximately three requests per year.

Park Signage (\$10,000)

New Parks & Trails maps are being developed in 2025 and will be available by 2026. PTRC will use the new maps to create permanent signs for parks to help residents navigate the trail system. PTRC will consider whether to add only one sign at John Meade Park and consider increasing signage in subsequent years based on resident feedback.

Review E-bike Regulations (\$0)

PTRC will learn more about current ebike regulations in the City, local region, and state level, types of ebikes, and enforcement of the current City code. The Commission will consider whether or not to revisit the current rules in the Municipal Code.

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Minutes of the City Council of the City of Cherry Hills Village, Colorado
held on Tuesday, August 19, 2025, at 6:30 PM
at City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

Council held a study session at 5:30 PM.

CALL TO ORDER

Mayor Brown called the meeting to order at 6:30 PM.

ROLL CALL OF MEMBERS

Mayor Katy Brown, Mayor Pro Tem Earl Hoellen, Councilors Doug Robinson, Susan Maguire, and Karen Fisher were present on roll call. Also present were City Manager Chris Cramer, City Attorney Kathie Guckenberger, Community Development Director Paul Workman, Finance Director Kelly Newman, Police Commander Brennan Leininger, and City Clerk Laura Gillespie.

Absent: Councilors Robert Eber and Dave Heller were absent.

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None.

REPORTS FROM MEMBERS OF CITY BOARDS AND COMMISSIONS

None.

CONSENT AGENDA

Mayor Pro Tem Hoellen moved, seconded by Councilor Maguire, to approve the following items on the Consent Agenda:

6a. Approval of July 15, 2025 Minutes

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS**The 2024 Audited Financial Statements**

Director Newman introduced Paul Niedermuller and Molly Quinn from CLA, the City's audit firm.

Mr. Niedermuller explained the auditor's responsibilities and role; the 2024 audit was more robust than past audits because of the expenditure of ARPA funds and associated federal regulations.

Ms. Quinn explained CLA had issued an unmodified or clean opinion on the financial statements and single audit, the highest opinion possible; the significant deficiency on the financial statements was having a secondary level of review for journal entries and purchase card transactions; the material weakness on the financial statements was how the ARPA funds were recorded and this resulted in a restatement; the significant deficiency for the single audit was having a secondary level of review on the ARPA report; it was determined that the fiduciary fund did not meet the criteria under GASB 84, so it was removed as a fiduciary fund.

Lorraine Trotter, Professional Management Solutions, the City's consultant for financial services, reviewed the 2024 financial statements, audit highlights, fund balance, different types of funds, revenues and expenditures, GIDs, the small funds, and debt.

Council discussed government funds; the percentage of revenues from property tax; typos in the audit; assets and liabilities; restricted funds; the policy of using restricted funds before using unrestricted funds; employee leave time banks and liabilities; investments; beneficial rate on the COPs; budget surpluses and long term expenses; and timing of the audit.

Director Newman reviewed the City's corrective actions in response to the audit: the City would monitor all revenues and complete a year end review of unearned revenues to determine proper classification; the City would create and enact financial reporting procedures through a technical memo for proper handling of and reporting of funding such as ARPA; and the City would create and enforce a journal entry and purchase card purchase approval and entry process to increase compensating controls to ensure proper recording of purchases.

Mayor Pro Tem Hoellen moved, seconded by Councilor Maguire, to approve the Audit of the Financial Statements of the City of Cherry Hills Village for year-end December 31, 2024.

The motion passed unanimously.

Public Hearing: Resolution 23, Series 2025; Approving a Site Plan Amendment for Renovations to and the Replacement and Addition of Accent Lighting at the Park at 1 Buell Mansion Parkway

Mayor Brown asked if any Council member had any conflicts of interest. Hearing none Mayor Brown opened the Public Hearing at 7:47 PM.

Director Workman indicated the applicant could not attend tonight's meeting but had stated via email that they were supportive of Council moving forward with the hearing this evening; all legal notification requirements had been met and provided to staff. Director Workman stated the application was for Buell Mansion to renovate a portion of their existing park including accent lighting; the subject area was located just west of the pool and patio area; the site was zoned O-1 and had been used as a private gathering place since the Buell Mansion neighborhood was developed in the late 90s and early 2000s; the details of the application were included in Council's packet and included three primary goals: update the planting and lighting around the pool, add a small patio space for gathering, and maintenance on the timbers around the existing playground.

Director Workman reviewed the criteria in the Municipal Code; Municipal Code Criterion 1: The proposed development is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semirural character of the City; the subject property was identified in the Future Land Use Map in the City's Master Plan as private recreation; the description of the use states this category includes lands owned by public or other private organizations used for private recreational purposes; the request was for renovations and accent lighting to a private park; the requested use was consistent with the Future Land Use Map; Criterion 1 had been met.

Municipal Code Criterion 2: The proposed development complies with all applicable City ordinances and is consistent with other City policies and plans; there were no new structures proposed that would need to meet any setback requirements or generate a new parking calculation; there was no modification to any existing parking; the request for accent lighting met the applicable requirements that they be turned off between 11:00 PM and sunrise the following day and that accent lighting be shielded and not significantly visible by adjacent properties; there was no known inconsistencies with any City policy or plan; Criterion 2 had been met.

Municipal Code Criterion 3: The bulk and scale of any proposed buildings, structures, or expansions thereto is consistent with the context of the site and does not materially change the physical character or function of the surrounding area; there were no new buildings or structures proposed so Criterion 3 was not applicable.

Municipal Code Criterion 4: Drainage systems are designed to utilize natural materials and low-maintenance best management practices to the maximum feasible extent, and

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to appear consistent with the character of the surrounding area; there was an extremely small increase in the total impervious area; the impervious addition had been reviewed by ICON Engineering, the City's engineering consultant, and they had no comments on the application; Criterion 4 had been met.

Municipal Code Criterion 5: The proposed development will not result in unreasonable traffic congestion or create a safety hazard to vehicular or pedestrian traffic and adequate provisions will be provided to manage any traffic-related issues; the scope of work did not increase any vehicle traffic; the site would remain the private park that it had been for decades; there were no changes proposed that were expected to pose greater risk to safety than currently existed; Criterion 5 had been met.

Municipal Code Criterion 6: Construction will be timed and staged to minimize impacts on adjacent residential properties, including but not limited to lighting, visual impacts, vibration, and noise; the scope of work was traditional landscape maintenance and installation of some accent lighting; the applicant had committed to meeting the City's approved; Criterion 6 had been met.

Director Workman stated staff received one request for more information from a resident of Buell Mansion neighborhood but they did not express support or opposition to the request; the Planning and Zoning Commission (P&Z) held a public hearing on July 8, 2025, P&Z asked questions related to the existing conditions and the number of lights; there was no public testimony; P&Z noted that after over 20 years the park was likely in need of some maintenance and updates; P&Z voted unanimously to recommend approval of the application.

Mayor Brown asked why these modifications required an application.

Director Workman replied a public hearing site plan amendment approval was required because it was a nonresidential property and the modification was within 100 feet of the property line.

Mayor Brown asked for confirmation that the neighboring property owners had been noticed.

Director Workman confirmed they had been noticed and had not reached out.

Councilor Maguire asked if a retaining wall was being added.

Director Workman clarified it was landscape timbers to delineate from the part space to the grass area.

Councilor Maguire asked about the short red flagstone wall referenced in the application.

Director Workman replied it was a seating wall rather than a retaining wall.

Councilor Maguire asked about the statement that the wall would create a flat area; it sounded like they were shoring something up and excavating underneath.

Director Workman replied there might be some earth work associated with that part of the project but the wall would not retain dirt.

Council Maguire asked for confirmation that the wall did not count as a structure and trigger Criterion number 3.

Director Workman confirmed that was correct.

Mayor Brown added even if the wall did count as a structure it would meet Criterion 3 because it was consistent with the context of the site and did not change the physical character of the area.

Councilor Fisher asked how late the park was open; it seemed the park would close before the time the lights had to be turned off.

Director Workman agreed the pool would likely close much earlier than 11:00 PM but the lighting was more of an accent feature and would be on during the evening hours and when the pool was not open in the colder weather months.

Councilor Fisher noted she had attended events at the Buell Mansion that had gone past 11:00 PM.

Director Workman replied that might be so but the accent lights should be turned off at 11:00 PM.

Mayor Brown noted the applicant was not present; she opened the public comment portion of the public hearing. Hearing no public comments the public comment portion of the public hearing was closed. Mayor Brown asked for a motion.

Councilor Robinson moved, seconded by Councilor Maguire, to approve Resolution 23, Series 2025, a resolution approving a Site Plan Amendment for renovations to and the replacement and addition of accent lighting at the Buell Mansion Park at 1 Buell Mansion Parkway.

Mayor Brown asked for Council discussion. Hearing none, Mayor Brown asked for a vote.

The motion passed unanimously.

Mayor Brown closed the Public Hearing at 7:59 PM.

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Council Bill 1, Series 2025; Amending Sections 16-2-20, 16-3-10, 16-3-230, 16-4-230, and 16-7-130 of the Municipal Code related to corrections to the zoning map, aligning recreational structures with the definition for recreational structures, addressing wall signs on commercial property, clarifying tree mitigation requirements, and correcting a cross reference in the Code (*first reading*)

Director Workman presented the housekeeping amendments to Chapter 16 on first reading; staff and the City Attorney collected housekeeping amendments discovered in the day-to-day administration of the Code and once enough had been collected staff packaged them and brought them to P&Z and Council for consideration; the first proposed amendment was to the official zoning map section to reflect current technologies and best practices.

Mayor Pro Tem Hoellen suggested adjusting the amended language for Section 16-2-20 to read “If the official zoning map needs correction as a result of drafting errors, omissions, or inconsistencies with previously approved ordinances to rezone property in the prior official zoning map, the City Council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map.”; and strike the next sentence and go on to “No such corrections shall...”

Councilor Maguire questioned the use of the word “prior”.

City Attorney Guckenberger replied staff would look at that language and bring something back for second reading.

Councilor Maguire moved, seconded by Councilor Robinson to approve, on first reading, Council Bill 1, Series 2025, amending Sections 16-2-20, 16-3-10, 16-3-230, 16-4-230, and 16-7-130 of the Cherry Hills Village Municipal Code related to corrections to the zoning map, aligning recreational structures with the definition for recreational structures, addressing wall signs on commercial property, clarifying tree mitigation requirements, and correcting a cross reference in the Code.

The following votes were recorded:

Hoellen	yes
Maguire	yes
Robinson	yes
Fisher	yes

The vote on Council Bill 1, Series 2025 was 4 ayes 0 nays. The motion carried.

Hybrid Meetings

Mayor Brown questioned the word “teleconference” in the purpose statement of the draft policy since all Council members participating remotely were required to have their cameras on.

Councilor Maguire asked to reopen the discussion of requiring four Council members to be present in-person to hold a meeting, and indicated it related to phone and video.

Mayor Brown replied it would be difficult for a Council member joining only by phone to consider the same facts as a Council member joining by video.

Councilor Robinson stated requiring video presupposed the Council member was joining the meeting with a computer or other device rather than calling from a cab; he agreed with Mayor Brown.

Councilor Maguire noted if a Council member joining electronically had technical issues they could call in.

Mayor Brown indicated the largest concern would be Council members participating by phone instead of video in quasi-judicial matters, public hearings, and executive sessions.

Councilor Maguire returned to the requirement that four Council members be present in-person; if three Council members had to be out of town, allowing Council members to participate remotely would allow the meeting to occur rather than be cancelled or rescheduled; if technical issues resulted in lack of a quorum then the meeting would have to be cancelled but it would have had to be cancelled anyway.

Mayor Brown distinguished between cancelling a meeting with advance notice because of known absences versus coming prepared to have a meeting and having to cancel in the middle because of technical difficulties.

Councilor Maguire indicated almost all municipalities allowed hybrid meetings; technical difficulties that resulted in the Councilor not being able to participate were relatively rare; it would better to have the meeting with more Council members joining remotely and the slight risk of widespread technology issues than to have to cancel the meeting because fewer than four Council members were in-person.

Mayor Brown stated if Council was going to reopen discussion on the requirement to have four Council members in-person they should postpone the discussion until all of Council was present.

Councilor Maguire agreed; it was a real benefit; the concern was relatively unlikely to occur.

Mayor Brown replied she would probably cancel or reschedule a meeting at which fewer than four Council members could attend in-person, even if the policy allowed it.

Councilor Robinson stated the requirement to have four Council members in-person was a compromise position; he was on five boards right now and he did not like the

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hybrid meetings; hybrid communication was less effective than in-person; he was not supportive of hybrid meetings but he was willing to compromise; the requirement of four Council members in-person was as few as he was willing to go.

Mayor Pro Tem Hoellen agreed with Councilor Robinson; he would not be able to support a hybrid policy without the requirement of four Council members in-person.

Councilor Fisher indicated she did not believe the issue of requiring four Council members in-person needed to be reopened and was comfortable with the draft policy with that requirement.

Mayor Brown added the intent is for the business of the City to move forward with as much participation as possible, but not to make the meeting mostly remote.

Councilor Maguire stated she might bring up the issue again in a year based on how the experience goes.

Mayor Brown clarified Section B.9 of the draft Council policy meant that all votes would be by roll call only if a member of Council was participating electronically; Sections B.9, B.10, B.11 and C.7, C.8, and C.9 of the draft Council policy were standard procedure and did not need to be reiterated in the policies.

Council discussed Section B.13 of the draft Council policy and directed staff to amend it to state the Mayor would determine when to discontinue electronic participation by a Council member due to technical issues interfering with the meeting.

Council discussed Section C.1 of the draft Council policy and Section A.1 of the draft Board policy and directed staff to amend them to use the wording “when meeting in-person is impractical, impossible, or unlawful.”

Mayor Pro Tem Hoellen suggested adding that all votes should be by roll call in all electronic meetings.

REPORTS

Mayor

Mayor Brown reported Dine for the High Line was September 12th, she was unable to attend but Councilor Fisher would attend.

Members of City Council

Mayor Pro Tem Hoellen had no report.

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Councilor Maguire reported she received a call from a Glenmoor resident who said he had gotten a letter from Glenmoor Country Club stating they would file an amended site plan asking for pickle ball courts.

Director Workman replied staff had not yet received an application; if and when staff received an application they would let Council know.

Councilor Robinson asked for Council's help finding three more residents to sign up for the Citizens Local Government Academy for the minimum of 10 to hold the Academy.

Councilor Fisher asked for an update about e dirt bikes.

Commander Leininger reported the Police Department had received several complaints and was taking the issue seriously; they had been doing a lot of internal education; officers had been contacting kids on the bikes and parents of the kids to educate them about the laws and regulations; in the last couple weeks the Police Department had noticed a significant decrease in the amount of e dirt bikes on the roads and in the amount of complaints; he and a sergeant were out on their bikes for a week on the roads and the High Line Canal, making contact with people and educating them on the rules and regulations; the Police Department had received great cooperation from the parents

Councilor Fisher noted she had attended the swearing in ceremony and asked if it was rare to have a K-9 dog trained in fentanyl detection.

Commander Leininger replied most K-9 dogs were trained on cocaine, methamphetamine, and other major drugs; fentanyl was fairly new within the last few years and not many K-9 dogs were trained to detect it; both the City's K-9s, Tuco and Shadow, were trained to detect fentanyl.

Councilor Maguire complimented the Policy Department on National Night Out.

City Staff

Commander Leininger reported National Night Out had been successful; last week the Police Department swore in two lateral officers and the new K-9 dog; the Department now had K-9 coverage seven days a week on the graveyard shift.

City Clerk Gillespie reported the application deadline for the Citizens Local Government Academy was August 29, 2025; she reminded Council to send their possible Charter amendments to her to compile; she asked for Council feedback on a new Council legacy plaque that would be consistent with the aesthetic of the existing Butterfield plaque, with a format of individual plaques for each name so that more could be added over the years, and with a group photo of the current Council at the top.

Council was supportive of the legacy plaque.

City Manager Cramer indicated staff would move forward with figuring out a budget for the legacy plaque.

City Attorney

City Attorney Guckenberger updated Council on the land use litigation.

City Manager

City Manager Cramer reported last night South Metro Fire Rescue voted to place a 33% mill levy increase on the November 2025 ballot; the City's district representative Rich Sokol voted against the measure as too much of an increase; the federal zip code bill that would give the City its own zip code passed the House but has yet to be considered by the Senate.

Mayor Brown added Senator Bennet's office asked for more information behind the request and the City provided it; Councilor Fisher wrote an article about the issue for the next Crier issue.

City Manager Cramer invited Council to the employee appreciation BBQ.

EXECUTIVE SESSION

Mayor Pro Tem Hoellen moved, seconded by Councilor Maguire, to enter into Executive Session pursuant to Section 24-6-402(4)(b), C.R.S., to receive legal advice on specific legal questions regarding a proposed floodplain variance to add fill dirt at 4301 S. High Street and regarding potential changes to the Municipal Code provisions regarding municipal court and municipal court operations, and further to return to the City Council meeting at the conclusion of the Executive Session.

The following votes were recorded:

Hoellen	yes
Maguire	yes
Robinson	yes
Fisher	yes

The vote on the Executive Session was 4 ayes 0 nays. The motion carried.

Council entered Executive Session at 8:59 PM.

RETURN TO OPEN SESSION

Council returned to open session at 10:25 PM.

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Item 7a
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Possible Council Direction to City Staff

Council directed staff to prepare an ordinance for consideration at the September 2, 2025 Council meeting that removes the Arapahoe County residency requirement for municipal court judges.

ADJOURNMENT

The meeting adjourned at 10:27 PM.

(SEAL)

Kathleen Brown, Mayor

Laura Gillespie, City Clerk

CHERRY HILLS VILLAGE
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2450 E. Quincy Avenue
Cherry Hills Village, CO 80113
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Village Center
Telephone 303-789-2541
FAX 303-761-9386

ITEM: 9a

MEMORANDUM

TO: HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL

FROM: PAUL WORKMAN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: COUNCIL BILL 1, SERIES 2025, A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE, AMENDING SECTIONS 16-2-20, 16-3-10, 16-3-230, 16-4-230, AND 16-7-130 OF THE MUNICIPAL CODE RELATED TO CORRECTIONS TO THE ZONING MAP, ALIGNING RECREATIONAL STRUCTURES WITH THE DEFINITION FOR RECREATIONAL STRUCTURES, ADDRESSING WALL SIGNS ON COMMERCIAL PROPERTY, CLARIFYING TREE MITIGATION REQUIREMENTS, AND CORRECTING A CROSS REFERENCE IN THE CODE (SECOND AND FINAL READING)

DATE: SEPTEMBER 2, 2025

ISSUE:

Should the City Council ("Council") vote to approve Council Bill 1, Series 2025, (**Exhibit A**) to make certain changes to Chapter 16 of the Municipal Code ("Code")?

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 years, 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.

PROPOSED AMENDMENTS:

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 is proposing specific amendments to the Code.

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The City Council 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.

For the ease of the Council, the format of the proposed amendments are as follows:

AMENDMENT NUMBER

General Section to be amended		
Issue	Proposed Update	Rationale/Intent
The identified issue created by the current language (or lack of language) in the Code.	What the update is trying to accomplish.	How the proposed amendment will be of benefit.

Revised Section: *Specific section to be revised: The existing section with proposed modifications. **Bolded language** is an addition and a ~~line through~~ is a deletion.*

The proposed amendments are discussed here and the full text of each Section is provided in the exhibits:

PROPOSED AMENDMENT #1:

Section 16-2-20 – Official zoning map adopted.		
Issue	Proposed Update	Rationale/Intent
The current language is outdated and should be updated to reflect current technology and management of the official zoning map.	Update the Code to reflect current technology and best practices.	The City no longer relies on a paper copy for the official zoning map. Updating this language is more reflective of current technology and best practices.

Revised Section: 16-2-20(e): ~~*Destruction and Replacement of Corrections to the Official Zoning Map. In the event If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, needs correction as a result of drafting errors, omissions, or inconsistencies with previously approved ordinances to rezone properties, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting errors or omissions in the prior official zoning map, but n*~~*No such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the city clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Cherry Hills Village, Colorado, as adopted in section 16-2-20 of the Municipal Code."*

-This change was identified during the review of the Glenmoor Country Club Site Plan Amendment application where staff discovered an error in the zoning map. It was identified that

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the language could more clearly address such a situation. Additionally, zoning maps are rarely kept in paper format anymore, instead they are now kept digitally. This language aligns with how the City currently maintains the zoning map along with current best practices.

-This change has been updated in accordance with Council direction at first reading on August 19, 2025 (see Item 7a of this Council packet for draft minutes).

PROPOSED AMENDMENT #2¹:

Table 16-3-10.C.1 – Minimum Building Setbacks and Floor Area Ratio.		
Issue	Proposed Update	Rationale/Intent
The current reference to “Recreational Facilities” is not a defined term.	Update the term to “Recreational Structures”, which is a term that is currently defined in Sec.16-9-130.	Create consistency in the Code so that the referenced term is defined.

Revised Table: 16-3-10.C.1: *Residential Accessory Buildings, Accessory Structures, and Recreational ~~Facilities~~ Structures.*

Revised Note 4 in Table: 16-3-10.C.1: *⁴Lots in the R-1 zoning district that are at least 5 acres in area are allowed additional accessory buildings, structures, and recreational ~~facilities~~ structures, as follows:*

Revised Note 5 in Table: 16-3-10.C.1: *⁵Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational ~~facilities~~ structures.*

-This change was identified during general administration of the Code. Particularly, staff receives consistent questions from contractors and homeowners asking about recreational facilities versus recreational structures.

-No change since first reading.

PROPOSED AMENDMENT #3²:

Table 16-3-10.C.2 – Minimum Building Setbacks and Floor Area Ratio.		
Issue	Proposed Update	Rationale/Intent
The current reference to “Recreational Facilities” is not a defined term.	Update the term to “Recreational Structures”, which is a term that is currently defined in Sec.16-9-130.	Create consistency in the Code so that the referenced term is defined.

¹ Entirety of this table is not provided in the memorandum. See Exhibit C.

² Entirety of this table is not provided in the memorandum. See Exhibit D.

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Revised Table: 16-3-10.C.2: *Residential Accessory Buildings, Accessory Structures, and Recreational ~~Facilities~~**Structures**.*

Revised Note 4 in Table: 16-3-10.C.2: *⁴Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational ~~facilities~~**structures**.*

-This change was identified during general administration of the Code. Particularly, staff receives consistent questions from contractors and homeowners asking about recreational facilities versus recreational structures.

-No change since first reading.

PROPOSED AMENDMENT #4:

Section 16-3-230. – Permanent signs.		
Issue	Proposed Update	Rationale/Intent
The current language does not permit illuminated wall signs in the City's one property that is zoned C-2, Limited Commercial District.	It is an important part of a business's operation to have an illuminated sign on the building. Furthermore, all existing wall signage on this property is illuminated.	Create consistency with existing conditions and create visibility for the City's small commercial property.

Revised Section: 16-3-230(b):
Illumination.

- (1) *Artificial illumination shall be permitted only for:*
 - a. *Subdivision entry signs; ~~and~~*
 - b. *Detached signs on nonresidential lots; and*
 - c. ***Attached wall-mounted signs for lots zoned C-2, Limited Commercial District.***
- (2) *Illumination, where allowed, shall be provided only from a concealed and focused light source directed in a manner that prevents illumination beyond the face or surface area of the sign.*
- (3) *If a sign is illuminated, the light source shall be turned off between the hours of 11:00 p.m. and sunrise the following morning.*

-This change was identified during the review of a building permit application. Existing wall signs at this property are currently illuminated and it is industry standard to allow wall-mounted commercial signage to be illuminated.

-No change since first reading.

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Author's Note: This change would only apply to the one commercial property in the City located north of E. Hampden Avenue. This would **not** apply to any private school or church property. Regarding Cherry Hills Elementary, the City is preempted by the state and not authorized to review or approve any signage (or any other building activity) for a public school for compliance with City standards. That responsibility rests solely with the state.

PROPOSED AMENDMENT #5:

Section 16-4-230. – Tree preservation.		
Issue	Proposed Update	Rationale/Intent
The current language makes a reference to a section of Code that does not exist, and the language does not specify which setbacks are to be used to apply the tree mitigation requirements.	Update the language to reference a section of Code that exists and clarify which setbacks apply for tree mitigation.	Ensure that the Code reference is accurate and clarify which setbacks apply for tree mitigation.

Revised Section: 16-4-230(b)(1):

*Generally. Any established tree removed from within the minimum **primary structure** setback area required in the R-1, R-2, R-3, R-3A, R-4, or R-5 zoning districts by Section 16-3-10, General Lot and Building Standards for Residential Zoning Districts must be replaced in accordance with the requirements of subsection ~~(ed)(2)~~, below, if the tree was removed:*

- a. In conjunction with:

 - i. Development of a new residence; or*
 - ii. An expansion of an existing residence that increases the floor area of such residence by fifty percent (50%) or more; or**
- b. Within the twelve (12) months preceding the date upon which a building permit application for such development or expansion was submitted.*

-This change was identified during general administration of the Code. Particularly, staff receives consistent questions from contractors and homeowners asking which setbacks apply and why the referenced section of the Code does not exist.

-No change since first reading.

PROPOSED AMENDMENT #6³:

Table 16-7-130. – Discretionary Approvals and Permits.		
Issue	Proposed Update	Rationale/Intent
The current language incorrectly makes a reference to a section of Code that discusses the membership, term, and rules of procedure for the Planning and Zoning Commission.	Update the language to reference the correct section of the Code.	Ensure that the Code reference is accurate.

³ Entirety of this table is not provided in this memorandum. See Exhibit G.

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Revised Table 16-7-130 – Discretionary Approvals and Permits (under Site Development-Site Plan or Site Plan Amendment):

All development that is above the thresholds set out in Section 16-7-120~~(e)~~; or that includes the development or expansion of a cemetery or columbarium that is accessory to a place of assembly

-This change was identified during general administration of the Code.

-No change since first reading.

PLANNING AND ZONING COMMISSION:

On July 8, 2025, the Commission discussed the proposed text amendments at a duly noticed public meeting. The Commission asked questions related to how often to expect these types of amendments, how these amendments get identified, and how staff coordinates with the City Attorney on these amendments. The Commission did not recommend any changes to the proposed amendments. See **Exhibit H** for draft meeting minutes.

RECOMMENDED MOTION:

“I move to approve, on second and final reading, Council Bill 1, Series 2025, amending Sections 16-2-20, 16-3-10, 16-3-230, 16-4-230, and 16-7-130 of the Cherry Hills Village Municipal Code related to corrections to the zoning map, aligning recreational structures with the definition for recreational structures, addressing wall signs on commercial property, clarifying tree mitigation requirements, and correcting a cross-reference in the Code.”

EXHIBIT(S):

Exhibit A: Ordinance 1, Series 2025

Exhibit B: Section 16-2-20 – Official zoning map adopted.

Exhibit C: Table 16-3-10.C.1 – Minimum Building Setbacks and Floor Area Ratio.

Exhibit D: Table 16-3-10.C.2 – Minimum Building Setbacks and Floor Area Ratio.

Exhibit E: Section 16-3-230. – Permanent signs.

Exhibit F: Section 16-4-230. – Tree preservation.

Exhibit G: Table 16-7-130 – Discretionary Approvals and Permits.

Exhibit H: Draft Planning and Zoning Commission Meeting Minutes

COUNCIL BILL 1
SERIES OF 2025

INTRODUCED BY: _____
SECONDED BY: _____

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTIONS 16-2-20, 16-3-10, 16-3-230, 16-4-230, AND 16-7-130
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE RELATED TO
CORRECTIONS TO THE ZONING MAP, ALIGNING RECREATIONAL
STRUCTURES WITH THE DEFINITION FOR RECREATIONAL STRUCTURES,
ADDRESSING WALL SIGNS ON COMMERCIAL PROPERTY, CLARIFYING
TREE MITIGATION REQUIREMENTS, AND CORRECTING A CROSS-
REFERENCE IN THE CODE**

WHEREAS, the City of Cherry Hills Village (“City”) is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City is authorized to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, pursuant to the authority outlined herein, the City Council established zoning regulations codified in Chapter 16 of the Cherry Hills Village Municipal Code (“Municipal Code”), which regulations include correcting the official zoning map, defining recreational structures, wall signage on commercial property, tree mitigation, and processing land use applications; and

WHEREAS, pursuant to Section 16-7-40(b)(11) of the Municipal Code, and upon the request of City Council, after reviewing and applying Chapter 16, the Community Development Director (“Director”) has identified and recommends the amendments proposed herein to provide additional clarity, precision, and consistency in the application of that chapter; and

WHEREAS, at a meeting held on July 8, 2025, pursuant to Section 16-7-370(b) of the Municipal Code, the Planning and Zoning Commission recommended that City Council approve the amendments proposed by the Director; and

WHEREAS, pursuant to Sections 16-7-10(d)(1)(b) and 16-7-370(a) of the Municipal Code, and in consideration of the health, safety, and welfare of the public, the City Council desires to amend Chapter 16 of the Municipal Code as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. **Section 16-2-20(e) Amended.** Subsection (e) of Section 16-2-20 of the Cherry Hills Village Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strike through~~:

Sec. 16-2-20. – Official zoning map adopted.

(e) ~~Destruction and Replacement of~~ Corrections to the Official Zoning Map. ~~In the event If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, needs correction as a result of drafting errors, omissions, or inconsistencies with previously approved ordinances to rezone properties,~~ the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. ~~The new official zoning map may correct drafting errors or omissions in the prior official zoning map, but n~~No such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall ~~be identified by the signature of the Mayor attested by the city clerk,~~ and bear the seal of the City under the following words: "This ~~is to certify that this is the Official Zoning Map of the City of Cherry Hills Village, Colorado, as adopted in section 16-2-20 of the Municipal Code.~~"

Section 2. **Table 16-3-10.C.1 Amended.** Table 16-3-10.C.1-Minimum Building Setbacks and Floor Area Ratio, located in Section 16-3-10 of the Cherry Hills Village Municipal Code, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Table 16-3-10.C.1. Minimum Building Setbacks and Floor Area Ratio					
Standard	Residential Zoning District				
	R-1	R-2	R-3	R-4	R-5
Single-Family Detached Dwellings					
Min. Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Min. Side Setback	50 ft.	40 ft.	25 ft.	10 ft. / 30 ft. ¹	7.5 ft.
Min. Rear Setback	50 ft.	40 ft.	25 ft.	25 ft.	25 ft.
Max. Floor Area Ratio ²	23%	23%	25%	30%	30%
Residential Accessory Buildings, Accessory Structures, and ~~Recreational Facilities~~ <u>Structures</u> ³					
Max. Number	3 ⁴	3	3	2	2
Max. Combined Floor Area	1,100 sf. ⁴	750 sf.	650 sf.	500 sf.	500 sf.

and Footprint ⁵					
Front Setback	75 ft. ⁴	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	25 ft. ⁴	25 ft.	25 ft.	15 ft.	7.5 ft.
Rear Setback	25 ft. ⁴	25 ft.	25 ft.	15 ft.	7.5 ft.
Nonresidential Buildings					
Min. Front Setback (Generally)	150 ft.	150 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Front Setback (State Highways)	50 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Side Setback	50 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Rear Setback	100 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Max. Floor Area Ratio ²	23%	23%	25%	N/A ⁶	N/A ⁶
Table Notes: ¹ The first measurement is minimum setback / the second measurement is minimum sum of side setbacks. ² The floor area ratio standard shall not apply on legal lots of record with a net lot area of 10,000 square feet or less. ³ Guest houses are allowed only in the R-1 and R-2 zoning districts as provided in Sec. 16-2-610, <i>Guest Houses</i> . Guest houses are subject to the floor area limitations of Sec. 16-2-610, <i>Guest Houses</i> , and the floor area ratio limitations for the lot, but are not counted against the floor area and footprint limitations under this table subheading. Guest houses that are located in accessory buildings are counted against the maximum number limitations and are subject to the setback limitations under this table subheading. ⁴ Lots in the R-1 zoning district that are at least 5 acres in area are allowed additional accessory buildings, accessory structures, and recreational ~~facilities~~ <u>structures</u> , as follows:					
Lot Area		Max. Number			

At least	Up to, but no including		Max. Combined Floor Area and Footprint ⁴
5 ac.	10 ac.	4	1,800 sf.
10 ac.	15 ac.	5	2,250 sf.
15 ac.	20 ac.	6	2,700 sf.
20 ac.	not limited	7	3,150 sf.
⁵ Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational ~~facilities~~ <u>structures</u> .			
⁶ Nonresidential buildings are not allowed in the R-4 and R-5 zoning districts.			

Section 3. Table 16-3-10.C.2 Amended. Table 16-3-10.C.2-Minimum Building Setbacks and maximum building coverage (R-3A), located in Section 16-3-10 of the Cherry Hills Village Municipal Code, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strike through~~:

Table 16-3-10.C.2. Minimum Building Setbacks and maximum building coverage (R-3A)					
Standard	Adjusted Lot Area ¹				
	2.5 ac. or more	1.25 to 2.5 ac. ²	1 to 1.25 ac. ²	0.5 to 1 ac. ²	16,000 sf. to 0.5 ac. ²
Minimum Setbacks for Principal Buildings					
Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	50 ft.	40 ft.	25 ft.	15 ft.	Total of 15 ft. ³
Rear Setback	50 ft.	40 ft.	25 ft.	25 ft.	25 ft.
Residential Accessory Buildings, Accessory Structures, and Recreational ~~Facilities~~ <u>Structures</u>					
Max. Number	3	3	3	3	2
Max. Combined Floor Area	1,100 sf.	750 sf.	650 sf.	500 sf.	500 sf.

and Footprint ⁴					
Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	25 ft.	25 ft.	25 ft.	15 ft.	7.5 ft.
Rear Setback	25 ft.	25 ft.	25 ft.	15 ft.	7.5 ft.
Minimum Buffers ⁵					
R-1 Zoning District ⁶	—	100 ft.	100 ft.	100 ft.	100 ft.
R-2 Zoning District ⁶	—	—	100 ft.	100 ft.	100 ft.
S. University Blvd. and E. Hampden Ave.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Maximum Lot Coverage					
Max. Lot Coverage	20%	20%	20%	30%	30%
Table Notes: ¹ Adjusted lot area is the Lot Area, plus the area of all adjoining public rights-of-way bounded by the lot line that bounds the right-of-way, the projections of the roughly side or rear (as applicable) lot lines into the right-of-way, and such lines or curves that represent an outward projection of the lot lines that bound the right of way up to a distance of 30 feet or to the centerline of the right-of-way, whichever distance is shorter. ² The first measurement is "at least" / the second measurement is "up to, but not including". ³ Side setbacks must total 15 feet, but one side setback may be as little as zero feet (a "zero lot line"), provided that: (1) if a side setback is less than 7.5 feet, the Director has confirmed that there is sufficient area between the building and the side lot line for adequate maintenance and emergency access, or appropriate easements are provided over the adjacent lot for these purposes; (2) the spacing between buildings that are constructed on adjacent lots is not less than 10 feet. ⁴ Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational ~~facilities~~ <u>structures</u>. ⁵ Buffers are measured from the zoning district or right-of-way boundary line, even if the boundary line is not a lot line.					

⁶ Improvements within these buffers are limited to a permanent landscaped area which may include trees, plants, trails, and comparable landscape features. Buffer areas must be free of all other improvements, buildings or structures.

Section 4. Section 16-3-230(b) Amended. Subsection (b) of Section 16-3-230, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 16-3-230. – Permanent signs.

(b) Illumination.

- (1) Artificial illumination shall be permitted only for:
 - a. Subdivision entry signs; ~~and~~
 - b. Detached signs on nonresidential lots; and
 - c. Attached wall-mounted signs for lots zoned C-2, Limited Commercial District.
- (2) Illumination, where allowed, shall be provided only from a concealed and focused light source directed in a manner that prevents illumination beyond the face or surface area of the sign.
- (3) If a sign is illuminated, the light source shall be turned off between the hours of 11:00 p.m. and sunrise the following morning.

Section 5. Section 16-4-230(b)(1) Amended. Subsection (b)(1) of 16-4-230 of the Cherry Hills Village Municipal Code is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 16-4-230. – Tree preservation.

(b) Applicability.

(1) Generally. Any established tree removed from within the minimum primary structure setback area required in the R-1, R-2, R-3, R-3A, R-4, or R-5 zoning districts by Section 16-3-10, *General Lot and Building Standards for Residential Zoning Districts* must be replaced in accordance with the requirements of subsection (~~ed~~)(2), below, if the tree was removed:

- a. In conjunction with:
 - i. Development of a new residence; or
 - ii. An expansion of an existing residence that increases the floor area of such residence by fifty percent (50%) or more; or
- b. Within the twelve (12) months preceding the date upon which a building permit application for such development or expansion was submitted.

Section 6. Table 16-7-130 Amended. Table 16-7-130.-Discretionary Approvals and Permits, located in Section 16-7-130 of the Cherry Hills Village Municipal Code, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Table 16-7-130 Discretionary Approvals and Permits						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued/Adopted By	Reference ¹
Land Use/Zoning						
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	N/A	PZC	City Council	Art. II, Div. 4, <i>Requirements and Conditions for Conditional Uses</i>
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PZC	City Council	Sec. 16-2-40, <i>Standards for Rezoning</i>
Major Special Event Permit	Setup, operation, and tear-down of major special event	Prior to commencement of setup of major special event	Special events that are not subject to permitting.	PZC (see Sec. 16-7-330, <i>Major Special Events</i> , for specific requirements)	City Council	Art. II, Div. 6, <i>Major Special Events</i> , and Sec. 16-7-330, <i>Major Special Events</i>
Site Development						

Site Plan or Site Plan Amendment	All development that is above the thresholds set out in Section 16-7-120(e); or that includes the development or expansion of a cemetery or columbarium that is accessory to a place of assembly	Prior to issuance of building permit that expands or modifies a building or allows for intensification of its use; or prior to issuance of GESC permit, whichever comes first	Single-family detached buildings and accessory buildings on individual residential lots	PZC	City Council	<i>passim</i>
Development Agreement; Improvement Agreement; Public Improvement Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans; vesting development rights	Prior to issuance of construction permits, or as set out in the development agreement	Agreements that may be approved administratively (see Table 16-7-120, <i>Administrative Approvals and Permits</i>)	PZC	City Council	Sec. 16-7-365, <i>Agreements (Development, Improvements, Major Special Events, and Vested Rights; Article VII, Division 5, Vested Rights</i>

Floodplain Development Permit	Development within a Special Flood Hazard Area (see Secs. 16-5-130, Establishment of Floodplain Development Permit, and 16-5-140, Compliance)	Prior to issuance of building permit or GESC Permit within Special Flood Hazard Area or area subject to a LOMR-F	N/A	Floodplain Administrator and PZC	City Council	Art. V, <i>Floodplain Management and Flood Damage Prevention</i> ; Sec. 16-7-360, <i>Floodplain Development Permit</i>
Vacation/Abandonment						
Vacation of Easement or Right-of-Way	Vacation of plats or abandonment of easements or rights-of-way	N/A	N/A	N/A	City Council	Ch. 11, Art. V, Cherry Hills Village Municipal Code
Amendments						
Text Amendment to this Chapter	Amending the text of this Chapter	N/A	N/A	PZC	City Council	Art. IV and Sec. 8.3, Cherry Hills Village Home Rule Charter
Master Plan Amendment	Amending the text or maps of the Master Plan	N/A	N/A	PZC	City Council	Sec. 8.3, Cherry Hills Village Home

						Rule Charter
Relief						
Variance	Authorizin g developme nt which does not strictly comply with the requireme nts of this Chapter	Prior to issuance of permits that authorize the constructio n or site work	Variances shall not authorize uses which are otherwise prohibited in the zoning district, nor authorize developme nt that does not comply with the Floodplain Managem ent Regulation s	Director	BOAA	Sec. 16-7- 410, <i>Variances</i>
Floodplai n Variance	Authorizin g departures from the standards set out in Art. V, <i>Floodplain Managem ent and Flood Damage Prevention</i>	Prior to issuance of building permit or GESC Permit within Special Flood Hazard Area or area subject to a LOMR-F	N/A	Floodplain Administrato r and PZC	City Council	Art. V, <i>Floodplain Managem ent and Flood Damage Preventio n</i> ; Sec. 16-7-530, <i>Floodplain Variances</i>

Administrative Appeals	See Secs. 16-7-540, <i>Administrative Appeals to Board of Adjustment and Appeals</i> ; and 16-7-550, <i>Administrative Appeals to City Council</i>
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this Chapter or other parts of the Cherry Hills Village Municipal Code.	

Section 7. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 8. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 9. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 10. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. ____ Series 2025, by the City Council of the City of Cherry Hills Village, Colorado this __ day of _____, 2025.

(SEAL)

Kathleen Brown, Mayor

ATTEST:

Approved as to form:

Laura Gillespie, City Clerk

Kathie B. Guckenberger, City Attorney

Published in the Villager
Published: _____
Legal #: _____

Sec. 16-2-20. - Official zoning map adopted.

- (a) Generally. The zoning districts established by Section 16-2-10, Establishment of Zoning Districts, shall be located as shown on the official zoning map which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this Chapter.
- (b) Identification of Official Zoning Map. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 16-2-20 of the Municipal Code of the City of Cherry Hills Village, Colorado," together with the effective date thereof.
- (c) Amendments to Official Zoning Map.
- (1) If, in accordance with the provisions of this Chapter and Articles IV and VIII of the City Charter, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map after the amendment has been approved by the City Council, together with an entry on the official zoning map as follows: On (date) by official action of the City Council, the following changes were made in the Official Zoning Map: (brief description of nature of change), which entry shall be signed by the Mayor and attested by the City Clerk.
- (2) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Chapter.
- (d) Conflicting Maps. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the City Clerk shall be the final authority as the current zoning status of land and structures in the City.
- (e) Destruction and Replacement of Official Zoning Map. In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the city clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Cherry Hills Village, Colorado, as adopted in Section 16-2-20 of the Municipal Code."

(Ord. 7, §1, 2019)

Table 16-3-10.C.1.**Minimum Building Setbacks and Floor Area Ratio**

Standard	Residential Zoning District				
	R-1	R-2	R-3	R-4	R-5
Single-Family Detached Dwellings					
Min. Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Min. Side Setback	50 ft.	40 ft.	25 ft.	10 ft. / 30 ft. ¹	7.5 ft.
Min. Rear Setback	50 ft.	40 ft.	25 ft.	25 ft.	25 ft.
Max. Floor Area Ratio ²	23%	23%	25%	30%	30%
Residential Accessory Buildings, Accessory Structures, and Recreational Facilities ³					
Max. Number	3 ⁴	3	3	2	2
Max. Combined Floor Area and Footprint	1,100 sf. ⁴	750 sf.	650 sf.	500 sf.	500 sf.
Front Setback	75 ft. ⁴	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	25 ft. ⁴	25 ft.	25 ft.	15 ft.	7.5 ft.
Rear Setback	25 ft. ⁴	25 ft.	25 ft.	15 ft.	7.5 ft.

Table 16-3-10.C.1.**Minimum Building Setbacks and Floor Area Ratio**

Standard	Residential Zoning District				
	R-1	R-2	R-3	R-4	R-5
Nonresidential Buildings					
Min. Front Setback (Generally)	150 ft.	150 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Front Setback (State Highways)	50 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Side Setback	50 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Rear Setback	100 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Max. Floor Area Ratio ²	23%	23%	25%	N/A ⁶	N/A ⁶

Table 16-3-10.C.1.**Minimum Building Setbacks and Floor Area Ratio**

Standard	Residential Zoning District				
	R-1	R-2	R-3	R-4	R-5

Table Notes:

¹ The first measurement is minimum setback / the second measurement is minimum sum of side setbacks.

² The floor area ratio standard shall not apply on legal lots of record with a net lot area of 10,000 square feet or less.

³ Guest houses are allowed only in the R-1 and R-2 zoning districts as provided in Sec. 16-2-610, Guest Houses. Guest houses are subject to the floor area limitations of Sec. 16-2-610, Guest Houses, and the floor area ratio limitations for the lot, but are not counted against the floor area and footprint limitations under this table subheading. Guest houses that are located in accessory buildings are counted against the maximum number limitations and are subject to the setback limitations under this table subheading.

⁴ Lots in the R-1 zoning district that are at least 5 acres in area are allowed additional accessory buildings, accessory structures, and recreational facilities, as follows:

Lot Area		Max. Number	Max. Combined Floor Area and Footprint ⁴
At least	Up to, but no including		
5 ac.	10 ac.	4	1,800 sf.
10 ac.	15 ac.	5	2,250 sf.
15 ac.	20 ac.	6	2,700 sf.
20 ac.	not limited	7	3,150 sf.

Table 16-3-10.C.1.
Minimum Building Setbacks and Floor Area Ratio

Standard	Residential Zoning District				
	R-1	R-2	R-3	R-4	R-5

⁵ Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational facilities.

⁶ Nonresidential buildings are not allowed in the R-4 and R-5 zoning districts.

Table 16-3-10.C.2.**Minimum Building Setbacks and maximum building coverage (R-3A)**

Standard	Adjusted Lot Area ¹				
	<u>2.5</u> ac. or more	1.25 to <u>2.5</u> ac. ²	1 to 1.25 ac. ²	0.5 to 1 ac. ²	16,000 sf. to 0.5 ac. ²
Minimum Setbacks for Principal Buildings					
Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	50 ft.	40 ft.	25 ft.	15 ft.	Total of 15 ft.
Rear Setback	50 ft.	40 ft.	25 ft.	25 ft.	25 ft.
Residential Accessory Buildings, Accessory Structures, and Recreational Facilities					
Max. Number	3	3	3	3	2
Max. Combined Floor Area and Footprint ⁴	1,100 sf.	750 sf.	650 sf.	500 sf.	500 sf.
Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	25 ft.	25 ft.	25 ft.	15 ft.	7.5 ft.
Rear Setback	25 ft.	25 ft.	25 ft.	15 ft.	7.5 ft.
Minimum Buffers ⁵					
R-1 Zoning District ⁶	—	100 ft.	100 ft.	100 ft.	100 ft.

Table 16-3-10.C.2.**Minimum Building Setbacks and maximum building coverage (R-3A)**

Standard	Adjusted Lot Area ¹				
	<u>2.5</u> ac. or more	1.25 to <u>2.5</u> ac. ²	1 to 1.25 ac. ²	0.5 to 1 ac. ²	16,000 sf. to 0.5 ac. ²
R-2 Zoning District ⁶	—	—	100 ft.	100 ft.	100 ft.
S. University Blvd. and E. Hampden Ave.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Maximum Lot Coverage					
Max. Lot Coverage	20%	20%	20%	30%	30%

Table 16-3-10.C.2.**Minimum Building Setbacks and maximum building coverage (R-3A)**

Standard	Adjusted Lot Area ¹				
	<u>2.5</u> ac. or more	1.25 to <u>2.5</u> ac. ²	1 to 1.25 ac. ²	0.5 to 1 ac. ²	16,000 sf. to 0.5 ac. ²

Table Notes:

¹ Adjusted lot area is the Lot Area, plus the area of all adjoining public rights-of-way bounded by the lot line that bounds the right-of-way, the projections of the roughly side or rear (as applicable) lot lines into the right-of-way, and such lines or curves that represent an outward projection of the lot lines that bound the right of way up to a distance of 30 feet or to the centerline of the right-of-way, whichever distance is shorter.

² The first measurement is "at least" / the second measurement is "up to, but not including".

³ Side setbacks must total 15 feet, but one side setback may be as little as zero feet (a "zero lot line"), provided that: (1) if a side setback is less than 7.5 feet, the Director has confirmed that there is sufficient area between the building and the side lot line for adequate maintenance and emergency access, or appropriate easements are provided over the adjacent lot for these purposes; (2) the spacing between buildings that are constructed on adjacent lots is not less than 10 feet.

⁴ Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational facilities.

⁵ Buffers are measured from the zoning district or right-of-way boundary line, even if the boundary line is not a lot line.

⁶ Improvements within these buffers are limited to a permanent landscaped area which may include trees, plants, trails, and comparable landscape features. Buffer areas must be free of all other improvements, buildings or structures.

Sec. 16-3-230. - Permanent signs.

(a) Authorized Permanent Signs. The following signs shall be authorized as permanent signs upon issuance of a sign permit in accordance with this Section:

(1) *R-1, R-2, R-3, R-3A, R-4, R-5, O-1, and O-2 Zoning Districts.* Within the R-1, R-2, R-3, R-3A, R-4, R-5, O-1, and O-2 Zoning Districts:

a. *Residential Subdivision Entrances.* Two (2) permanent signs are allowed at each entry into a platted subdivision from a public right-of-way, provided that such signs are located within an easement, outlot, or on a lawfully existing permanent fence or structure owned or maintained collectively by the owners of lots within the subdivision (e.g., by a homeowners' association). Such signs shall not exceed a total of twenty-five (25) square feet of sign area per entry, and shall not exceed eight (8) feet in height.

b. *Residential Lots.* Each residential lot may include residential signs as allowed by Section 16-3-210(c)(6).

c. *Nonresidential Lots.* Each nonresidential lot may include:

- i. One (1) permanent sign (either attached or detached) not exceeding twenty-five (25) square feet of sign area. If detached, the sign area is allowed for each face, the sign shall not exceed eight (8) feet in height.
- ii. One (1) permanent detached sign not exceeding three (3) square feet of sign area for each face (a total of six (6) square feet of sign area for a two-sided sign), and three (3) feet in height, located within ten (10) feet of the principal vehicular entrance to the property.
- iii. Not more than ten (10) signs (either attached or detached) containing noncommercial messages. No sign shall exceed two (2) square feet in sign area. If detached, the sign shall not exceed three (3) feet in height.

(2) *C-1 and C-2 Zoning Districts.* Within the C-1 and C-2 Zone Districts:

a. Within the C-1 Zoning District: One (1) sign not to exceed six (6) square feet in sign area is allowed for each lot. If detached, the sign shall not exceed five (5) feet in height.

b. Within the C-2, Limited Commercial Zone District:

- i. Attached signs that do not exceed twenty-five (25) square feet of sign area are allowed as follows:
 1. One (1) per ground-floor tenant, located on the side of the building on which the principal entrance to the tenant's space is located;
 2. One (1) per corner ground-floor tenant, located on the side elevation of the building; and
 3. One (1) per ground-floor tenant, located on the rear elevation of the building.

- ii. Two (2) detached signs, not to exceed twenty-five (25) square feet of sign area, and not to exceed six (6) feet in height.

(b) Illumination.

- (1) Artificial illumination shall be permitted only for:
 - a. Subdivision entry signs; and
 - b. Detached signs on nonresidential lots.
- (2) Illumination, where allowed, shall be provided only from a concealed and focused light source directed in a manner that prevents illumination beyond the face or surface area of the sign.
- (3) If a sign is illuminated, the light source shall be turned off between the hours of 11:00 p.m. and sunrise the following morning.

(Ord. 7, §1, 2019)

Sec. 16-4-230. - Tree preservation.

(a) Generally. The purpose and intent of this Section is to provide minimum requirements for protecting established trees in order to preserve the semi-rural character of the Village and qualities associated with that character, while protecting the health, safety and general welfare of the community. The City Council finds that these regulations are necessary in order to:

- (1) Preserve the privacy and value of existing homes;
- (2) Preserve the semi-rural character of the community;
- (3) Screen nighttime light pollution from roads and adjacent properties; and
- (4) Preserve wildlife habitat and shade.

(b) Applicability.

(1) *Generally.* Any established tree removed from within the minimum setback area required in the R-1, R-2, R-3, R-3A, R-4, or R-5 zoning districts by Section 16-3-10, General Lot and Building Standards for Residential Zoning Districts must be replaced in accordance with the requirements of subsection (c)(2), below, if the tree was removed:

a. In conjunction with:

- i. Development of a new residence; or
- ii. An expansion of an existing residence that increases the floor area of such residence by fifty percent (50%) or more; or

b. Within the twelve (12) months preceding the date upon which a building permit application for such development or expansion was submitted.

(2) *City Rights-of-Way.* Established trees shall not be removed from City rights-of-way without prior written permission from the City. Where the City approves removal of an established tree from a City right-of-way (e.g., to facilitate development on an adjacent lot), the City may require replacement of the tree.

(3) *Exceptions.* This Section does not require replacement of established trees that are:

- a. Listed on the State of Colorado Noxious Weeds Lists A, B, or C, as designated by C.R.S. § 35-5.5-108(2)(a), as amended; or
- b. Listed in Section 7-4-10, Cherry Hills Village Municipal Code.

(c) Transplantation. In lieu of replacement, established trees may be transplanted to another location within the same lot, or from the right-of-way to the lot. However, if transplanted trees do not survive at least thirty-six (36) months after planting, they shall be replaced as required by this section within six (6) months after it is determined that they did not survive.

(d) Replacement Requirements.

(1)

Established trees that have been or will be removed must be replaced, in the aggregate, as provided in Table 16-4-230, Tree Replacement Schedule.

Table 16-4-230 Tree Replacement Schedule	
Size of Tree Removed	Aggregate Caliper Inches of Required Replacement Trees
Small (DBH 6 in. or more, but less than 10 in.)	2 in.
Medium (DBH 10 in. or more, but less than 20 in.)	6 in.
Large (DBH 20 in. or more)	10 in.

(2) All replacement trees shall have a minimum caliper size of two (2) inches at the time of planting.

(e) Noxious Species. No species of tree shall be planted if it is listed on the State of Colorado Noxious Weeds Lists A, B, or C, as designated by C.R.S. § 35-5.5-108(2)(a), as amended, or in Section 7-4-10, Cherry Hills Village Municipal Code.

(f) Waiver of Replacement Requirements. The Director may authorize a waiver from the replacement requirements of this Section upon the written request of the applicant if it is demonstrated that:

- (1) The removal of the established tree is beyond the reasonable control of the applicant, or a professional arborist has issued a written recommendation that the established tree be removed because of the poor or unhealthy condition of the tree; and
- (2) The requested waiver of the replacement requirements affords reasonable protections to adjacent properties (*i.e.*, the removed tree did not have a substantial role in buffering the actively used areas of the subject property from the actively used areas of adjacent property); and will not cause a material, undesirable change in the character of the neighborhood or have an adverse effect on the physical or environmental conditions of the surrounding property.

(Ord. 7, §1, 2019; Ord. 18, § 1, 2022)

Table 16-7-130 Discretionary Approvals and Permits						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued/Adopted By	Reference ¹
Land Use/Zoning						
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	N/A	PZC	City Council	Art. II, Div. 4, <i>Requirements and Conditions for Conditional Uses</i>
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PZC	City Council	<u>Sec. 16-2-40</u> , <i>Standards for Rezoning</i>
Major Special Event Permit	Setup, operation, and tear-down of major special event	Prior to commencement of setup of major special event	Special events that are not subject to permitting.	PZC (<i>see Sec. 16-7-330, Major Special Events</i> , for specific requirements)	City Council	Art. II, Div. 6, <i>Major Special Events</i> , and <u>Sec. 16-7-330</u> , <i>Major Special Events</i>
Site Development						

Table 16-7-130

Discretionary Approvals and Permits

Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued/Adopted By	Reference ¹
Site Plan or Site Plan Amendment	All development that is above the thresholds set out in <u>Section 16-7-20(c)</u> ; or that includes the development or expansion of a cemetery or columbarium that is accessory to a place of assembly	Prior to issuance of building permit that expands or modifies a building or allows for intensification of its use; or prior to issuance of GESC permit, whichever comes first	Single-family detached buildings and accessory buildings on individual residential lots	PZC	City Council	<i>passim</i>
Development Agreement; Improvements Agreement; Public Improvements Agreement (however titled)	Providing timing and security for implementation of infrastructure construction plans or landscape plans; vesting development rights	Prior to issuance of construction permits, or as set out in the development agreement	Agreements that may be approved administratively (see Table 16-7-120, <i>Administrative Approvals and Permits</i>)	PZC	City Council	<u>Sec. 16-7-365, Agreements (Development, Improvements, Major Special Events, and Vested Rights; Article VII, Division 5, Vested Rights</u>

Table 16-7-130**Discretionary Approvals and Permits**

Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued/Adopted By	Reference ¹
Floodplain Development Permit	Development within a Special Flood Hazard Area (see Secs. <u>16-5-130</u> , Establishment of Floodplain Development Permit, and <u>16-5-140</u> , Compliance)	Prior to issuance of building permit or GESC Permit within Special Flood Hazard Area or area subject to a LOMR-F	N/A	Floodplain Administrator and PZC	City Council	Art. V, <i>Floodplain Management and Flood Damage Prevention</i> ; <u>Sec. 16-7-360</u> , <i>Floodplain Development Permit</i>
Vacation/Abandonment						
Vacation of Easement or Right-of-Way	Vacation of plats or abandonment of easements or rights-of-way	N/A	N/A	N/A	City Council	<u>Ch. 11</u> , Art. V, Cherry Hills Village Municipal Code
Amendments						
Text Amendment to this Chapter	Amending the text of this Chapter	N/A	N/A	PZC	City Council	Art. IV and <u>Sec. 8.3</u> , Cherry Hills Village Home Rule Charter
Master Plan Amendment	Amending the text or maps of the Master Plan	N/A	N/A	PZC	City Council	<u>Sec. 8.3</u> , Cherry Hills Village Home Rule Charter
Relief						

Table 16-7-130**Discretionary Approvals and Permits**

Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued/Adopted By	Reference ¹
Variance	Authorizing development which does not strictly comply with the requirements of this Chapter	Prior to issuance of permits that authorize the construction or site work	Variances shall not authorize uses which are otherwise prohibited in the zoning district, nor authorize development that does not comply with the Floodplain Management Regulations	Director	BOAA	<u>Sec. 16-7-410, Variances</u>
Floodplain Variance	Authorizing departures from the standards set out in Art. V, <i>Floodplain Management and Flood Damage Prevention</i>	Prior to issuance of building permit or GESC Permit within Special Flood Hazard Area or area subject to a LOMR-F	N/A	Floodplain Administrator and PZC	City Council	Art. V, <i>Floodplain Management and Flood Damage Prevention</i> ; <u>Sec. 16-7-530, Floodplain Variances</u>
Administrative Appeals	See Secs. <u>16-7-540, Administrative Appeals to Board of Adjustment and Appeals</u> ; and <u>16-7-550, Administrative Appeals to City Council</u>					

TABLE NOTE:

¹ References are provided for convenience only and are not intended to limit the application of this Chapter or other parts of the Cherry Hills Village Municipal Code.

Minutes of the Planning and Zoning Commission of Cherry Hills Village, Colorado
held on Tuesday, July 8, 2025, at 5:00 PM
at City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

CALL TO ORDER

Chair Lucas called the meeting to order at 5:03 PM.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners:

Commissioner David Wyman
Commissioner Amy Lay
Chair Bill Lucas
Vice Chair Britta Miles
Commissioner Sheida Lahabi
Commissioner Doug Kelsall

Absent from the meeting were the following Planning and Zoning Commissioners:

Commissioner Shari Leigh

Present at the meeting were the following staff members:

Joshua Myers, Assistant City Attorney
Paul Workman, Community Development Director
Jan Peciak, Planning and Building Permit Technician

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

CONSENT AGENDA**Approval of Minutes – February 11, 2025**

Commissioner Wyman identified that Page 5, Paragraph 3, the last sentence be changed it to say, “The old regions are being updated and refreshed.”

Commissioner Wyman moved, seconded by Commissioner Kelsall, to approve the minutes of February 11, 2025, with the correction noted.

The motion passed unanimously.

NEW BUSINESS**Public Hearing – Buell Mansion requests approval for a Site Plan Amendment for renovations to their park and accent lighting – Paul Workman, Community Development Director**

Community Development Director Workman began his presentation on Buell Mansion's site plan amendment request. He gave general information about the applicant, their location, and the purpose of the amendment.

Mr. Workman reminded the Commission that there are six approval criteria for a site plan amendment, of which the first one is that the application is consistent with the Master Plan. The current land use is private recreation, and it has been historically. Since this request is asking for renovations and accent lighting in a private park, this meets the first approval criteria.

The second approval criterion is whether it complies with the city ordinances. Mr. Workman stated that there are no new structures proposed that would need to meet any setback requirements or that would generate any new parking needs. There are no modifications to the existing parking. The accent lighting will meet the requirement that it be turned off from 11 pm to sunrise the following day and that it will be shielded and not significantly visible from adjacent properties. He said there are no known inconsistencies with any other city policy or plan.

Mr. Workman continued that the third criterion relates to buildings and structures. As no new building or structure is being proposed and there is no modification or expansion to an existing building or structure by this application, this criterion has been met.

The fourth approval criterion is related to drainage systems. The city engineer has reviewed the application, noting a slight increase in impervious area, and has no comment.

Mr. Workman continued that the fifth approval criterion is that there is no increase in traffic or no new safety concern has been created. The scope of work does not increase vehicular traffic, and no new safety concerns are being created as the area will remain a private park.

The final approval criterion is related to construction and construction timing. The scope of work is standard landscape maintenance and the installation of accent lighting. The applicant will comply with all construction times and will have no impact on construction.

Staff received one request for more information, and the resident did not express support or opposition to the application. This concludes Mr. Workman's presentation.

Chair Lucas asked if anyone had any initial questions before the applicant's presentation. Commissioner Kelsall inquired about the additional lighting, including any

up-lighting, to ensure compliance with the dark sky guidelines. He also asked if any of the HOA residents have expressed any concerns over the project. Mr. Workman said he will answer in part, and the applicant will answer the rest. Mr. Workman stated that there are about 20 lights proposed. Also, he is unsure of the identity of the one person who requested additional information and cannot say if it was an HOA resident or not. He knows the HOA has solicited its members for support for the project. Chair Lucas said that he lives in Devonshire Heights and is on the HOA. He knows that the residents of that HOA did receive notice of the application, and he is not aware of any concerns from anyone.

Commissioner Wyman asked about the timing of the project. Mr. Workman responded that Buell Mansion has initiated landscaping work that does not require approval, but the remaining work is pending the approval of this application before completion. Commissioner Wyman stated that this feels like a simple refresh of the park. Mr. Workman agreed. After over 25 years, they are ready to invest in a public space within a private neighborhood.

Vice Chair Miles asked if the reason for the site plan amendment was due to the lighting. Mr. Workman replied that it was a combination of that and the work is within 100 feet of a property line.

Mr. Workman then stated that a representative of the applicant was present today and could answer questions that the Commission had.

Dave Graham of Phase One Landscapes introduced himself and explained the locations where lights are being added and the scope of the landscape work.

Chair Lucas asked if all the additional lights met the dark sky requirements. Mr. Workman replied that the project has met all the appropriate city codes.

Commissioner Lay disclosed that she is a resident of the Buell Mansion neighborhood and does not have an issue with this either as a resident or as a commissioner. Mr. Workman asked, specifically for the record, if Commissioner Lay felt she can make an impartial decision based on the information that she has received. Commissioner Lay confirmed that she could.

Chair Lucas made a motion to recommend approval of the application. Commissioner Kelsall seconded the motion.

A voice vote was recorded with all ayes and no nays.

The motion passed unanimously.

House Keeping Code Amendments – Staff is proposing amendments to the code related to correcting the official zoning map, consistently identifying recreational structures, lighting for wall signage in the C-2 zone district, and clarification regarding tree mitigation – Paul Workman, Community Development Director.

Community Development Director Workman began his presentation on the housekeeping amendments. He stated that back in 2019, the City approved a comprehensive code modernization to the zoning ordinance. As a matter of practice, over time, code administration creates additional clarity. These changes are not meant to change the intent of the code or city policy but to help with clarity, consistency, and understanding of the zoning ordinance.

Mr. Workman started by saying the first item is related to the zoning map. He presented the commission with an older map that is no longer in use, highlighting how fading, staining, and corrections have made it almost unreadable. Due to technology, zoning maps are now kept in digital format, and this amendment intends to modernize the code to reflect this digital reality. He went on to say that zoning maps are a reflection of the ordinances that have zoned every property. Any ordinance for any rezoning will always supersede the map. This amendment does not change any zoning. If an error is found on the map, it can be changed to reflect the actual zoning of the property.

Commissioner Wyman asked if this means the map will be available in the cloud. Mr. Workman confirmed that the map would be hosted online or in the cloud.

Mr. Workman continued that the second and third proposed amendments are sister amendments, in that they are the same change in two different tables. The reason for the change is that the term “Recreational Facilities” is not defined. They are to be changed to the term “Recreational Structures”, which is defined by the Code.

Mr. Workman went on to talk about the fourth amendment. He stated that currently, the code does not allow for wall signage in the C-2 zone district to be illuminated. However, businesses need to have a visible sign when it gets dark, and the existing signs are illuminated. This amendment is to align the code with existing conditions. Mr. Workman emphasized that this is only for the one commercial property in the city that is zoned C-2. This does not have any impact on signs located on private schools, clubs, or churches. Related to public schools, the City is pre-empted by the State.

Mr. Workman continued with the fifth proposed amendment. He said this is to provide clarity on the applicable setbacks and correct an incorrect cross reference. The code discusses trees in the setback, and architects and contractors often ask the City whether this is the primary or accessory structure setback. This would clarify that the setback to be used is the primary structure setback. Additionally, this part of the code incorrectly cross-references a non-existent part of the code. This amendment would update the cross reference to the correct section of code.

Mr. Workman finished with the sixth and final amendment. He said that this part of the Code talks about thresholds for site plan amendments, but the current cross reference is to the roles and responsibilities of the Planning and Zoning Commission. The proposed amendment corrects the cross-reference.

Mr. Workman said this finishes his presentation, and he is available for any questions anyone may have.

Commissioner Kelsall asked how often the Commission should expect these types of housekeeping amendments. He also inquired about the City's confidence that no new mistakes are being made in the process. Mr. Workman answered that staff is always looking for these types of corrections while conducting day-to-day business. Ideally, these types of housekeeping amendments are presented to the commission every 3-5 years, when there is a collection of them. The last time it was done was in 2021. Due to the manageable number of amendments that are being corrected this round, staff is confident that no new incorrect cross references will be created.

Chair Lucas asked if code amendments are sent to the city attorney's office for review? Mr. Workman confirmed that they are. The City Attorney's office is a source for amendments, as the last amendment proposed was generated by that office.

Commissioner Miles inquired about the zoning maps, specifically how the City handles outdated or incorrect maps, and the format in which these maps are maintained. Mr. Workman explained that all the maps have a small disclaimer that the map is the City's best effort at an accurate representation of the current zoning status of all the properties. He also stated that the updated code reference does not mention how the zoning map will be stored. This was intentional so that the map can keep up with any new technology that may come.

Vice Chair Miles made a motion to recommend approval of the amendments. Commissioner Wyman seconded the motion.

A voice vote was recorded with all ayes and no nays.

The motion passed unanimously.

REPORTS

City Staff

Mr. Workman introduced the land use legislation that was passed by the state legislature in 2024. He summarized the four bills that were passed and are relevant to Cherry Hills Village: HB24-1007, HB24-1152, HB24-1313, and SB24-174. Mr. Workman answered questions about these bills. He then continued to say that in May of this year, several municipalities filed a complaint with the State about two of the bills, one of which is HB24-1313, and an executive order from the governor that directed state agencies to withhold state funding to communities that have not made progress towards the land use bills. Mr. Workman said that the City Council is very aware of all

these items and is actively keeping up with them. Commissioner Wyman asked how these bills affect churches in the City. Mr. Workman explained that this is a slightly different matter, as the religious land use and institutionalized persons act is applicable and it can vary from circumstance to circumstance. Commissioner Kelsall suggested that the Commission draft a letter to send to the City Council expressing their concern about these land use bills. Mr. Workman volunteered to draft a letter. Chair Lucas thanked Mr. Workman for volunteering and agreed that it is important to express the Commission's unanimous concern to the City Council.

City Attorney

none

Members of the Planning and Zoning Commission

none

ADJOURNMENT

Chair Lucas adjourned the meeting at 6:20 pm.

William Lucas, Chair

Jan Peciak, Planning and Building Permit Technician

Item: 10a

MEMORANDUM

TO: HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL

FROM: PAUL WORKMAN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING – RESOLUTION 24, SERIES 2025, A RESOLUTION
APPROVING A FLOODPLAIN VARIANCE FOR FILL DIRT AT 4301 S. HIGH
STREET

DATE: SEPTEMBER 2, 2025

ISSUE:

Should the City Council (“Council”) vote to approve Resolution 24, Series 2025 (**Exhibit A**), a resolution approving a Floodplain Variance request for fill dirt at 4301 S. High Street?

APPLICANT:

The City of Cherry Hills Village

PROPERTY OWNERS:

Dean Sheikh Living Trust, Rene Schneider Sheikh Living Trust

SUBJECT PROPERTY:

4301 S. High Street

FLOODPLAIN:

Little Dry Creek

SURROUNDING ZONING & LAND USE:

The subject property is currently zoned R-1; 2.5-Acre Residential District.

Surrounding Zoning and Uses:

North	E. Quincy Avenue and O-1; Cherry Hills Country Club
East	R-1; Single-family detached homes
South	R-1; Single-family detached homes
West	R-1; Single-family detached homes

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VICINITY MAP:



BACKGROUND:

The Cherry Hills Village Municipal Code (“Code”) allows for development activity in the floodplain through two processes. One process is the Floodplain Development Permit (**Exhibit B**), which is an administrative process that allows for bank stabilization and pond or lake dredging. The other process is the Floodplain Variance (**Exhibit C**), which is a public hearing process and is required for all other development activities in the floodplain. The term “floodplain” is defined in Chapter 16 of the Code as: *“any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir”*. A floodplain is generally characterized by two components. One component is known as the “floodway” (the blueish/purplish color on the vicinity map) and the other component is known as the “floodplain fringe” (the red color on the vicinity map). The floodway is where water is expected to “flow” during flood and non-flood conditions. The floodplain fringe is where water is expected to “pool” or be “stored” during a flood event. This area is often referred to as “ineffective flow area” since it does not contribute to the “flow” during a flood event.

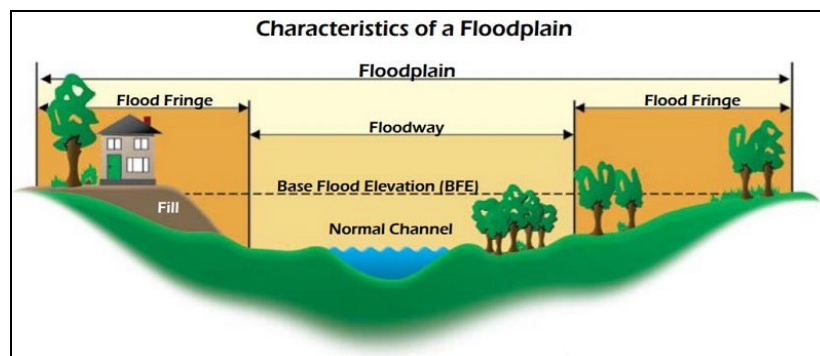


Figure 1 – Characteristics of a floodplain

The subject property of this application is largely encumbered by both floodway and floodplain fringe (ineffective flow area). The floodway is a result of the presence of Little Dry Creek and

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the historic nature of that water way. It is a “natural” floodplain. The ineffective flow area is a result of the culvert under E. Quincy Avenue that was installed by the City many years ago and is not a “natural” condition. It is an artificial condition created by the E. Quincy Avenue culvert. The culvert under E. Quincy Avenue is undersized for a flood event which results in the ineffective flow on the subject property during a flood event. In short, the culvert that was installed by the City many years ago is big enough to convey water during a flood event, but not big enough to prevent pooling/ineffective flow on the subject property during a flood event.

REQUEST:

The City of Cherry Hills Village is requesting that the City Council approve a Floodplain Variance for fill dirt at 4301 S. High Street to remove a portion of the ineffective flow area from the floodplain map to facilitate future development of the property with a home.

As a result of conversations with the City’s engineering consultant, ICON Engineering, the property owner hired Advanced Water Resources Engineering (“AWARE”) to submit a floodplain development permit to stabilize the east bank of Little Dry Creek on the subject property (**Exhibit D**). The scope of work also included the removal of an abandoned building that was in the floodplain and partially blocking the culvert under E. Quincy Avenue as well as the addition of fill dirt, at least in part from the bank stabilization work, in the area of ineffective flow (**Exhibit E**). The addition of fill dirt removes that portion of the property from the floodplain and results in an area of the property outside of the floodplain that would allow a future home to meet the setback requirements (**Exhibit F**). After three review cycles, ICON Engineering issued a letter to staff recommending that the floodplain development permit be approved (**Exhibit G**). Subsequently, staff issued an approval letter for the application on December 6, 2023 (**Exhibit H**). Based on this approval, the owner began and has since completed construction of the improvements identified in the application. AWARE, on behalf of the property owner, is currently pursuing a Letter of Map Revision (“LOMR” pronounced lowmer), which is the Federal process through the Federal Emergency Management Agency (“FEMA”) to formally change the boundaries of the floodplain. Until the LOMR is approved by FEMA, the boundaries of the floodplain are not technically changed.

During a periodic update from ICON Engineering to staff regarding the LOMR process, staff identified that the Floodplain Development Permit was not the appropriate process for the scope of work that was done. Specifically, changing the boundaries of the floodplain requires approval of a Floodplain Variance, which generated this application.¹ Staff and ICON Engineering met with the property owners on July 9, 2025, to inform them that this application would be pursued by the City. It is important to note that regardless of whether this application went through the Floodplain Variance process previously or now, staff would still recommend approval of the application based on the approval criteria analysis provided below.

While the application was processed as a Floodplain Development Permit and not a Floodplain Variance, the project still results in a more functional floodplain, a safer floodplain, a “No-Rise”

¹ Staff and ICON Engineering have modified how these applications are reviewed and approved to avoid a similar anomaly in the future.

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condition for the Base Flood Elevation (“BFE”), and a residential lot with a buildable footprint outside of the floodplain. Specifically:

- The work restored and stabilized a deteriorating section of Little Dry Creek that adversely affected the flood-carrying capacity of the City’s E. Quincy Avenue culvert. Post-construction conditions provide a long-term stable channel section due to the shallower angle of the bank that will convey small storm events without erosion, and large storm events with less scour (the erosion of soil and sediment around structures caused by flowing water), all of which reduce the potential damage to private and public infrastructure.
- An abandoned building that was located in the floodplain and impeding the hydraulics of the E. Quincy Avenue culvert was removed from the floodplain. Not only does the removal of the structure eliminate the potential for it to be damaged to the point of failure and create large debris that could be carried downstream during a flood event, but the removal of the structure also improved the functionality of the E. Quincy Avenue culvert.
- Earthwork associated with the project included grading to the east overbank of Little Dry Creek. This work was material to the no-rise certification of the project. Reducing the severity of the grade in the overbank increases functionality and volume during a flood event, allowing the no-rise condition (**Exhibit I**).
- Nearly the entire property is encumbered by the floodplain. This makes the future development of a home on the property difficult due to federal, state, and local floodplain requirements. The property is also zoned R-1, which entitles the property owner to the development of a home on the property, subject to other requirements like the setback requirements. The entitlement of the zoning of the property can conflict with the requirements for development in the floodplain. The project removes that potential conflict. The fill dirt associated with the project, in the area of ineffective flow, removes that portion of the property from the floodplain and results in a property that can be developed in a manner that meets the setback requirements of the R-1 zone district without having a future home located in the floodplain.

FLOODPLAIN VARIANCE CRITERIA AND DETAILED ANALYSIS:

- Governing Code Sections: **16-7-530 – Floodplain variances** and **16-7-360 – Floodplain permits**.

Section 16-7-530(f):

Approval Standards (Generally). A floodplain variance may be granted for purposes other than **Functionally Dependent Uses** (functionally dependent uses are not applicable for this application) **only upon a finding by the City Council that:**

- (1) **The relevant factors in Section 16-7-360, Floodplain Development Permit, subsection (e)(2) (including standards referenced therein) have been weighed and favor the grant of the floodplain variance.**

Staff Analysis:

See staff analysis for Section 16-7-360 below.

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- (2) The floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.**

Staff Analysis:

The bank stabilization work, the removal of the structure that encroached on the culvert entrance, and the relocated/new fill dirt not only increased the functionality of the culvert by enhancing drainage but also facilitated grading conditions that created a buildable footprint outside of the floodplain in the R-1 zone district without any rise to the BFE. The flood hazards for this property are reduced by a minimum amount of earthwork to convey water safely downstream.

This criterion has been met.

- (3) The floodplain variance is only issued upon:**

- a. Showing a good and sufficient cause;**
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and**
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with other City laws or ordinances.**

Staff Analysis:

- a. There is good and sufficient cause to approve the floodplain variance based on the improved safety and increased functionality of the floodplain that will provide benefits for not only the subject property, but the larger community. Additionally, the portion of the property that is removed from the floodplain is not a historic floodplain, and is only in the floodplain due to a man-made improvement. Furthermore, the creation of a buildable area, outside of the floodplain, removes the possibility of a conflict between the regulations for constructing a home in the floodplain and the zoning requirements.
- b. By not granting the variance, the site would be left with a floodplain encumbrance, created by a man-made improvement, that prevents the construction of a home that meets the requirements of the R-1 zone district, which would reduce the uses allowed on that property. Additionally, based on the approval of the Floodplain Development Permit, the applicant has completed the proposed work.
- c. The project results in a “No Rise” condition establishing that the proposed work does not increase the BFE. This is confirmed through the LOMR process the owner is currently going through. As described above, the work results in a safer and more efficient floodplain with a buildable footprint outside of the floodplain.

These criteria have been met.

- (4) Any applicant to whom a variance is granted shall be given written notice that the building or structure will be permitted to be built with the lowest floor elevation**

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below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Staff Analysis:

Not applicable. No building is proposed. The scope of work is for bank stabilization and to add fill dirt to remove a portion of the ineffective flow from the floodplain map. This criterion anticipates that the application is for development in the floodplain.

This criterion has been met.

Section 16-7-360(c) Referenced Standards.

- (1) The bank stabilization design and/or description of dredging procedures (as applicable) shall follow all applicable regulations of the Arapahoe County Stormwater Management Manual (“ACSM”) and Urban Drainage and Flood Control District (UDFCD) – now Mile High Flood District (“MHFD”) - criteria, and, with regard to dredging of ponds and lakes, the state dam safety requirements, as each of them may be amended from time to time.**

Staff Analysis:

While there was an anomaly related to the processing of the application for the described scope of work, the technical requirements of the ACSM and MHFD were met and will be confirmed through the LOMR process.

- (2) Hydraulics shall meet the following standards, as determined by the City Engineer:**
- a. For bank stabilization, floodplain hydraulics shall be analyzed in accordance with Section 12.2.6 of the ACSM, and the analysis shall demonstrate that the bank stabilization will not alter the floodplain boundary or increase base flood elevations.**
 - b. For dredging of ponds and lakes, the analysis shall demonstrate that the dredging will not alter the floodplain boundary or increase base flood elevations.**

Staff Analysis:

There is no increase to the BFE and this application is to correct the anomaly in the approval of the scope of work (i.e., considering a floodplain variance given the ultimate alteration of the floodplain boundary). There was no dredging done as a part of the scope of work.

These criteria have been met.

Section 16-7-360(e) Approval Standards.

- (1) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on the applicant’s demonstration of compliance with the standards set out in the referenced standards identified in subsection (c), above, and confirmation that the analysis in subsection (c)(2), above, is technically competent.**

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Staff Analysis:

See staff's analysis for these criteria above on Page 6.

(2) The Floodplain Administrator may also consider all of the provisions of Article V, Floodplain Management and Flood Damage Prevention, and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;**
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;**
- c. The danger that materials may be swept onto other lands to the injury of others;**
- d. The compatibility of the proposed use with existing and anticipated development;**
- e. The safety of access to the subject property in times of flood for ordinary and emergency vehicles;**
- f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;**
- g. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the subject property;**
- h. The necessity to the facility of a waterfront location, where applicable;**
- i. The availability of alternative locations, not subject to flooding or erosion damage for the proposed use, buildings, structure, or improvement; and**
- j. The relationship of the proposed use to the Master Plan as it pertains to the subject property.**

Staff Analysis:

- a. The danger to life and property as a result of the work is improved. The floodplain is now more efficient and the threat the abandoned building posed is removed, which improves safety downstream in the case of a large flood event.
- b. There are no facilities proposed. At such time that a facility is proposed, staff will review the application against the applicable code requirements that are adopted at that time.
- c. The danger that materials may be swept onto other lands to the injury of others is no longer present since the abandoned building was removed.
- d. There is no proposed change in use. The site remains undeveloped. However, there is now a buildable footprint outside of the floodplain, which is compatible with existing and anticipated development. The site remains zoned R-1.
- e. The work performed increases the safety of access to the subject property. There is now more area outside of the floodplain for access and emergency response during a flood event.

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- f. The cost of providing governmental services as a result of this project are likely decreased due to the increased functionality of the floodplain and the culvert.
- g. A No Rise Certificate was provided by AWARE as a part of the Floodplain Development Permit approval stating that there is no increase to the Base Flood Elevation. This will be confirmed through the LOMR process as well.
- h. Not applicable.
- i. There is no proposed use, building, or structure as a part of this work. The bank stabilization had to be done in that location since that is where the bank was located. The area that was removed from the floodplain had to be in that location due to the grading associated with the bank stabilization that was done to improve the safety and efficiency of the floodplain.
- j. As Council is aware, a hallmark of the Master Plan is the acknowledgement and preservation of natural open spaces. The Vision Statement in the Master Plan states: “...*The City’s Vision is defined by: A character defined by natural open space, views, and a safe and serene environment...*”. This application is consistent with this statement since the area removed from the floodplain is not a natural open space. It is ineffective flow, within the floodplain, that is created by the man-made improvement of the E. Quincy Avenue culvert. Guiding Principle #2 in the Community Character chapter of the Master Plan states: “*The City’s development code and associated regulations should balance efforts to preserve and enhance the desired character of the community with private property rights where reasonably possible*”. The scope of work creates a safer and more efficient floodplain that benefits the E. Quincy Avenue culvert, while also removing conflicts between the floodplain regulations and the zoning requirements. The approval of this application is consistent with the character of the community as noted above and allows the property owner or future owner to pursue a building permit for a home, consistent with the R-1 zoning, outside of the floodplain. Furthermore, LU-2-c of the Master Plan states: “*Enforce floodplain regulations.*” Once the anomaly in the processing of the information was identified, staff undertook efforts to create and process the application before the Council. This ensures that the City is enforcing its floodplain regulations. Additionally, the application meets the approval criteria regardless of the procedural anomaly and when an application meets the approval criteria the City is enforcing its floodplain regulations by approving that application. Finally, the scope of work does not change the use or zoning of the property, which is consistent with the Future Land Use Map for a large-lot single-family residential use.

These criteria have been met.

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PUBLIC NOTICE:

Public Notice:

Notice requirements for public hearings are outlined in Section 16-7-255. A minimum of 15 days prior to the hearing date, mailed notice of the hearing was sent to all property owners within 1,500 feet by first class U.S. mail, one public notice sign was posted on the property facing S. High Street, and notice of the hearing was published in the August 15, 2025, edition of *The Denver Post*. Notice was also posted on the City's notice board and City website. All notice requirements have been met.

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission ("Commission") held a duly noticed public hearing on August 12, 2025, to discuss this application. Staff presented a summary of the staff memo including the anomaly in the processing of the application and compliance with the approval criteria. The Commission asked questions related to the difference in Lower Bank 1 and Lower Bank 2, the type of vegetation that was implemented as a part of the scope of work, and how development upstream would impact the floodplain on this property. ICON Engineering responded that the primary difference is that Lower Bank 2 is intended to slow and hold water and release it more slowly into the culvert. ICON went on to say that the plantings that were implemented are commonly used for these types of applications given their propensity to "lay down" during a flood event rather than break. Staff responded that new development upstream of the subject property is required to meet Colorado water law, which requires properties to discharge stormwater at historic rates. Therefore, development upstream has no impact on the subject property, related to the floodplain. The Commission voted unanimously to recommend that the Council vote to approve the request. The draft minutes of this meeting are included in this packet as **Exhibit J**.

RECOMMENDED MOTION:

"I move to approve Resolution 24, Series 2025, a resolution approving a Floodplain Variance request for fill dirt at 4301 S. High Street."

ATTACHMENTS:

- Exhibit A – Resolution 24, Series 2025
- Exhibit B – Section 16-7-360 Floodplain Development Permit
- Exhibit C – Section 16-7-530 Floodplain Variance
- Exhibit D – AWARE narrative from the Floodplain Development Permit
- Exhibit E – AWARE drawings from the Floodplain Development Permit
- Exhibit F – Setback drawing for pre and post construction
- Exhibit G – ICON Approval of the Floodplain Development Permit
- Exhibit H – Staff Approval of the Floodplain Development Permit
- Exhibit I – AWARE No Rise Certification
- Exhibit J – August 12, 2025, Draft Planning and Zoning Commission Minutes

**RESOLUTION NO. 24
SERIES 2025**

**INTRODUCED BY:
SECONDED BY:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE
APPROVING A FLOODPLAIN VARIANCE FOR FILL DIRT AT 4301 S. HIGH STREET**

WHEREAS, the Dean Sheikh Living Trust and the Rene Schneider Sheikh Living Trust (“Owners”) are the record property owner of property located at 4301 S. High Street, and more particularly described in Exhibit A, attached hereto and incorporated herein (“Property”); and

WHEREAS, following the City's administrative approval of an administrative Floodplain Development Permit, Owners improved a portion of the Property as more thoroughly described in an application for approval of a Floodplain Variance (“Application”), which included the addition of fill dirt and resulted in a change to the floodplain boundaries on the Property; and

WHEREAS, City discovered an anomaly in the processing of the Floodplain Development Permit, and determined that the work performed pursuant to that permit required a floodplain variance because it changed the floodplain boundaries on the Property; and

WHEREAS, the Owner has consented to the City processing a Floodplain Variance application as required by Article VII, Division 4, Section 16-7-360 of the Cherry Hills Village Municipal Code (“Code”) to change the floodplain boundaries on the property; and

WHEREAS, the Planning and Zoning Commission (“P&Z”) held a duly noticed public hearing on August 12, 2025, to consider the Application, and following the conclusion of the public hearing, P&Z voted to recommend approval of the Application to City Council, based on the evidence and testimony presented at such hearing; and

WHEREAS, pursuant to the Code, the City provided notice of a City Council public hearing to be held on September 2, 2025; and

WHEREAS, the City Council thereafter held such duly noticed public hearing on the Application, where evidence and testimony were presented to the City Council; and

WHEREAS, the City Council determines that testimony and other evidence in the record supports findings that the proposed Floodplain Variance, as presented in the Application, and outlined by staff's findings in staff's report, meets the criteria outlined in Section 16-7-530(c) of the Code and all other applicable provisions of the Code and does so find.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
CHERRY HILLS VILLAGE:**

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Floodplain Variance Approved. The Floodplain Variance referenced herein is hereby approved.

Section 3. Effective Date. This Resolution shall be effective immediately upon its adoption.

Section 4. Repealer. All resolutions or parts thereof in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution or revive any resolution.

Section 5. Severability. If any provision of this resolution is found by a court of competent jurisdiction to be invalid, the remaining provisions of this resolution will remain valid, it being the intent of the City that the provisions of this resolution are severable.

Introduced, passed and adopted at a
regular meeting of City Council this __ day
of _____, 2025, by a vote of _ yes and _ no.

(SEAL)

Kathleen Brown, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Gillespie, City Clerk

Kathie B. Guckenberger, City Attorney

Exhibit A
Legal Description

4301 S. HIGH STREET, CHERRY HILLS VILLAGE, CO 80113
LEGAL DESCRIPTION:

That Part Of Blks 6 & 7 Cherrys Gdns Desc As Beg At The Ne Cor Of Blk 6 Of Sd Sub Th S 190 Ft Th W
480 Ft Th N 190 Ft Th E 480 Ft To Beg Tog W/ Vac Rd

Sec. 16-7-360. Floodplain development permit.

- (a) Generally. The Floodplain Administrator may grant a floodplain development permit if it is demonstrated that the application complies with the applicable requirements of Article V, *Floodplain Management and Flood Damage Prevention*, and the criteria for approval set out in subsection (c), below. The floodplain development permit is required before construction or development commences within any special flood hazard area or area that is the subject of a LOMR-F.
- (b) Limitations.
 - (1) Floodplain development permits may be granted only for the following types of development:
 - a. Bank stabilization; and
 - b. Dredging of ponds and lakes
 - (2) Any other proposed development within any special flood hazard area or area that is the subject of a LOMR-F shall require a floodplain variance.
- (c) Referenced Standards.
 - (1) The bank stabilization design and/or description of dredging procedures (as applicable) shall follow all applicable regulations of the Arapahoe County Stormwater Management Manual ("ACSM") and Urban Drainage and Flood Control District ("UDFCD") criteria, and, with regard to dredging of ponds and lakes, the state dam safety requirements, as each of them may be amended from time to time.
 - (2) Hydraulics shall meet the following standards, as determined by the City Engineer:
 - a. For bank stabilization, floodplain hydraulics shall be analyzed in accordance with Section 12.2.6 of the ACSM, and the analysis shall demonstrate that the bank stabilization will not alter the floodplain boundary or increase base flood elevations.
 - b. For dredging of ponds and lakes, the analysis shall demonstrate that the dredging will not alter the floodplain boundary or increase base flood elevations.
- (d) Special Notice Requirements.
 - (1) The applicant shall provide written notification of the request to all owners of property that are adjacent to the bank stabilization request and with floodplain intersecting the property. Such written notification shall be sent by certified mail, return receipt requested. No decision shall be made on the application until at least 15 days have elapsed after the date of the notice.
 - (2) The Director may waive notice requirements for bank stabilization projects that are necessary to avoid an imminent threat to public safety.
- (e) Approval Standards.
 - (1) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on the applicant's demonstration of compliance with the standards set out in the referenced standards identified in subsection (c), above, and confirmation that the analysis in subsection (c)(2), above, is technically competent.
 - (2) The Floodplain Administrator may also consider all of the provisions of Article V, *Floodplain Management and Flood Damage Prevention*, and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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- c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the subject property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 - g. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the subject property;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use, building, structure, or improvement; and
 - j. The relationship of the proposed use to the Master Plan as it pertains to the subject property.
- (f) Decision or Referral to City Council.
- (1) The Floodplain Administrator may approve, approve with conditions, or deny an application or, in the Floodplain Administrator's reasonable discretion, present the application for review and decision by the City Council at a public meeting.
 - (2) The Floodplain Administrator's discretion includes, but is not limited to, applications that may negatively impact other properties.
 - (3) Notice of the City Council meeting shall be provided as set out in subsection (d), above.
 - (4) The City Council review shall be based on the approval standards of subsection (e), above.
- (Ord. 7, §1, 2019; Ord. 3, § 4, 2022)

Sec. 16-7-530. Floodplain variances.

- (a) Generally. Floodplain variances are required for development within areas of special flood hazards or areas covered by a LOMR-F, except for the limited development that is permissible by Floodplain Development Permit.
- (b) Variances for Historic Buildings and Structures. The City Council may issue variances for the reconstruction, rehabilitation, or restoration of buildings or structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the building or structure's continued designation as historic, and the variance is the minimum necessary to preserve the historic character and design of the building or structure.
- (c) Quantum of Proof.
 - (1) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in area, contiguous to and surrounded by lots with existing buildings or structures constructed below the base flood level, provided that the record shows compliance with the approval standards set out in (and referenced by) this Section.
 - (2) As the lot area increases beyond one-half (½) acre, the technical justification required for issuing a floodplain variance increases.
- (d) Conditions of Approval. Upon consideration of the relevant factors in Section 16-7-360, *Floodplain Development Permit*, subsection (c) (including standards referenced therein), and the intent of Article V, *Floodplain Management and Flood Damage Prevention*, the City Council may attach such conditions to the granting of floodplain variances as it deems necessary to further the purpose and objectives of Article V, *Floodplain Management and Flood Damage Prevention*, as stated in Section 16-5-30, *Statement of Purpose*.
- (e) Limitations. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (f) Approval Standards (Generally). A floodplain variance may be granted for purposes other than Functionally Dependent Uses (see subsection (g), below, for Functionally Dependent Uses) only upon a finding by the City Council that:
 - (1) The relevant factors in Section 16-7-360, *Floodplain Development Permit*, subsection (e)(2) (including standards referenced therein) have been weighed and favor granting the floodplain variance.
 - (2) The floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) The floodplain variance is only issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with other City laws or ordinances.
 - (4) Any applicant to whom a variance is granted shall be given written notice that the building or structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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- (g) Approval Standards (Functionally Dependent Uses). A floodplain variance may be granted for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
- (1) The grant of the floodplain variance is limited by the provisions of subsections (b), (c), (d), (e), and (f), above, as applicable; and
 - (2) The building, structure, or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (h) Records. The Floodplain Administrator shall maintain a record of all actions on floodplain variances, and shall report outcomes to the Federal Emergency Management Agency upon request.
- (Ord. 7, §1, 2019; Ord. 1, §3, 2024)



**FLOODPLAIN DEVELOPMENT PERMIT APPLICATION
SUPPLEMENTAL NARRATIVE**

for

**LITTLE DRY CREEK BANK STABILIZATION
AT 4301 SOUTH HIGH STREET**

PREPARED FOR:

Rene and Dean Sheikh

38 Sedgwick Drive
Cherry Hills Village, CO 80113
773.259.5541

PREPARED BY:

Advanced WAter Resources Engineering, LLC
900 Forest Street
Denver, CO 80220
303.908.0619

JUNE 2023

REVISED OCTOBER 2023

Property Location and Description.

The subject property, 4301 South High Street, is located within the Northeast Quarter of Section 11, Township 5 South, Range 68 West of the 6th Principal Meridian in Cherry Hills Village, Arapahoe County, Colorado. It is located within the Cherry Gardens subdivision and is bordered by Quincy Avenue to the north, South High Street to the east, and a single-family residence to the south. Little Dry Creek borders the property on the west side, flowing from the south to the north under Quincy Avenue and into the Cherry Hills Country Club golf course.

The total area of the lot is approximately 2.42 acres. The total area of disturbance of the proposed project will be greater than one acre; thus, a stormwater construction permit application is being submitted with this application. Additionally, a State permit has been issued and is included with this submittal. The current ground cover consists of sparsely dense trees, shrubs, native grasses, and weeds. The soil consists of loamy alluviums, which are well-draining soils designated as Hydrologic Soil Group B. A small portion of the lot on the east side drains toward High Street with slopes less than 2 percent. The remainder of the site drains westerly toward Little Dry Creek. Approximately 80 percent of the lot is mapped within a Special Flood Hazard Area (SFHA), Little Dry Creek's 100-year floodplain, on the effective Flood Insurance Rate Map (FIRM) published by FEMA. The effective FIRM enclosed in the "References" section at the end of this letter report shows the property relative to the floodplain. At the completion of this project, a Letter of Map Revision will be submitted to FEMA for approval of a new floodplain delineation; however, floodplain elevations will not have changed.

Because most of the lot is mapped within the 100-year floodplain, the project proposed herein requires a Floodplain Development Permit. Additionally, a demolition permit will be obtained to remove an existing structure prior to construction of this project.

Project Description.

The proposed project is the stabilization of the eastern bank of Little Dry Creek. The reach of Little Dry Creek adjacent to 4301 South High Street is considered unstable and thus vulnerable to erosion and loss of property during a high flow event. The project will entail excavating and re-grading the eastern bank to a point just above the Normal High Water Elevation. A sloped bank and overbank area will be created that will have greater stability than the current incised, sparsely vegetated vertical bank given the soil types of the alluvium. The bank and overbank widths will range from 10 to 40 feet in width, measured from the top of stream bank. Moving east, a terrace zone will be created to add more overbank stability and foster the natural habitat of the creek's floodplain. This will provide a more sustainable ecosystem along this reach of the creek.

A bioengineered approach will be administered to achieve stability and promote the natural state of

the stream bank and overland areas. Native plants and shrubs will be densely planted and protected with heavy biodegradable erosion control fabric, which will also reinforce the soil while the native plantings establish their root systems. The following additional methods will be implemented:

- Mid- to top of bank construction will utilize soil lifts with embedded fabric.
- Willow cuttings will be established behind woody protection such as log protection measures.
- Willow cuttings planted in the mid- to top- bank soil lifts.
- Cottonwood logs and willow logs will be placed along the exposed bank just above the normal high water line.
- Native seed mix will be used on the bank and overbank along the entire reach. The seed mix is tabulated below:

Table A-7. Riparian/creek edge seed mix – moist to wet soils
(Recommended for riparian streambank/low terraces below the 5-year flood elevation.)

Common Name	Scientific Name	Growth Season	Growth Form	% Mix	Lb/ac (PLS ¹)
Grasses					
Inland saltgrass	<i>Distichlis stricta</i>	Cool	Sod	15	1.7
Creeping spikerush	<i>Eleocharis palustris</i>	Cool	Sod	15	1.5
Baltic rush	<i>Juncus balticus</i>	Cool	Sod	15	0.1
Switchgrass	<i>Panicum virgatum</i>	Warm	Sod	12	1.9
Western wheatgrass	<i>Pascopyrum smithii</i>	Cool	Sod	8	4.4
Green needlegrass	<i>Nasella viridula</i>	Cool	Bunch	10	3.3
Prairie cordgrass	<i>Spartina pectinata</i>	Warm	Sod	10	3.1
Wooly sedge	<i>Carex lanuginosa</i>	Cool	Sod	5	1.0
Nebraska sedge	<i>Carex nebrascensis</i>	Cool	Sod	5	0.6
Wildflowers					
Wild Bergamot	<i>Monarda fistulosa</i>			1	0.1
Yarrow	<i>Achillea millefolium</i>			1	0.02
Blue vervain	<i>Verbena hastata</i>			2	0.1
Nuttall's sunflower	<i>Helianthus nuttallii</i>			1	0.2
TOTAL PLS POUNDS/ACRE					18.02

¹PLS = Pure Live Seed – If broadcast seeding, double the rate

Recontouring of the upland areas will also promote vegetative growth along the creek, as well as floodplain habitat. Excavated materials will be placed in the upper area of the lot effectively in the ineffective flow areas created by the Quincy Avenue bridge crossing.

Hydraulic Evaluation.

AWARE used the data prepared by a licensed Colorado surveyor as the topographic base for evaluating the 100-year floodplain. Specifically, floodplain hydraulics were evaluated using HEC-RAS. Pre-project conditions were compared to post-project conditions to determine if the proposed project would incur any rise in the 100-year water surface elevation. The results of the evaluation are below, and the hydraulic models are enclosed with this application. The model files for each condition are listed below the results table. As indicated in the results table, it is anticipated that the proposed project will not incur a rise in the 100-year water surface elevation that is greater than 0.00 feet.

Comparison of Pre- and Post-Project Flood Elevations			
Cross Section	Proposed 100-Year Flood Elevation (ft)	Existing 100-Year Flood Elevation (ft)	Expected Rise in 100-Year Flood Elevation (ft)
15687	5368.47	5368.49	-0.02
16656	5369.61	5369.62	-0.01
15621	5369.55	5369.56	-0.01
15602	5369.52	5369.54	-0.02
15552	5369.47	5369.49	-0.02
15502	5369.42	5369.44	-0.02
15490	5369.41	5369.42	-0.01
15447	5369.41	5369.43	-0.02
15407	5369.42	5369.42	0.00
15380	5369.41	5369.42	-0.01
15350	5369.38	5369.41	-0.03
15319	5369.36	5369.41	-0.05
15293	5369.32	5369.40	-0.08
15282	5369.17	5369.39	-0.22
15276	5369.21	5369.39	-0.18
15264	5369.13	5369.39	-0.26
15261	5369.10	5369.14	-0.04
15247	5369.00	5369.18	-0.18
15238	5368.57	5368.57	0.00
Bridge			
15181	5367.01	5367.01	0.00

Model Files.

Project Name: LDC Bank At 4301

Post-Project Plan: LittleDryCreek4301HighPro

PRE-project: Plan – LDC_EC_9-1-23; Geometry – 4301EC; Flow – 2003FHADPeaks POST-project:

Plan – LDC_PC_9-1-23; Geometry – LittleDryPC; Flow – 2003FHADPeaks

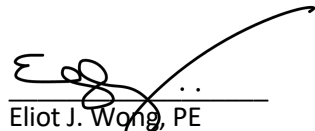
References.

Enclosed please find the relevant effective FEMA FIRM, Cross sections, Grading Plan and Work Map.

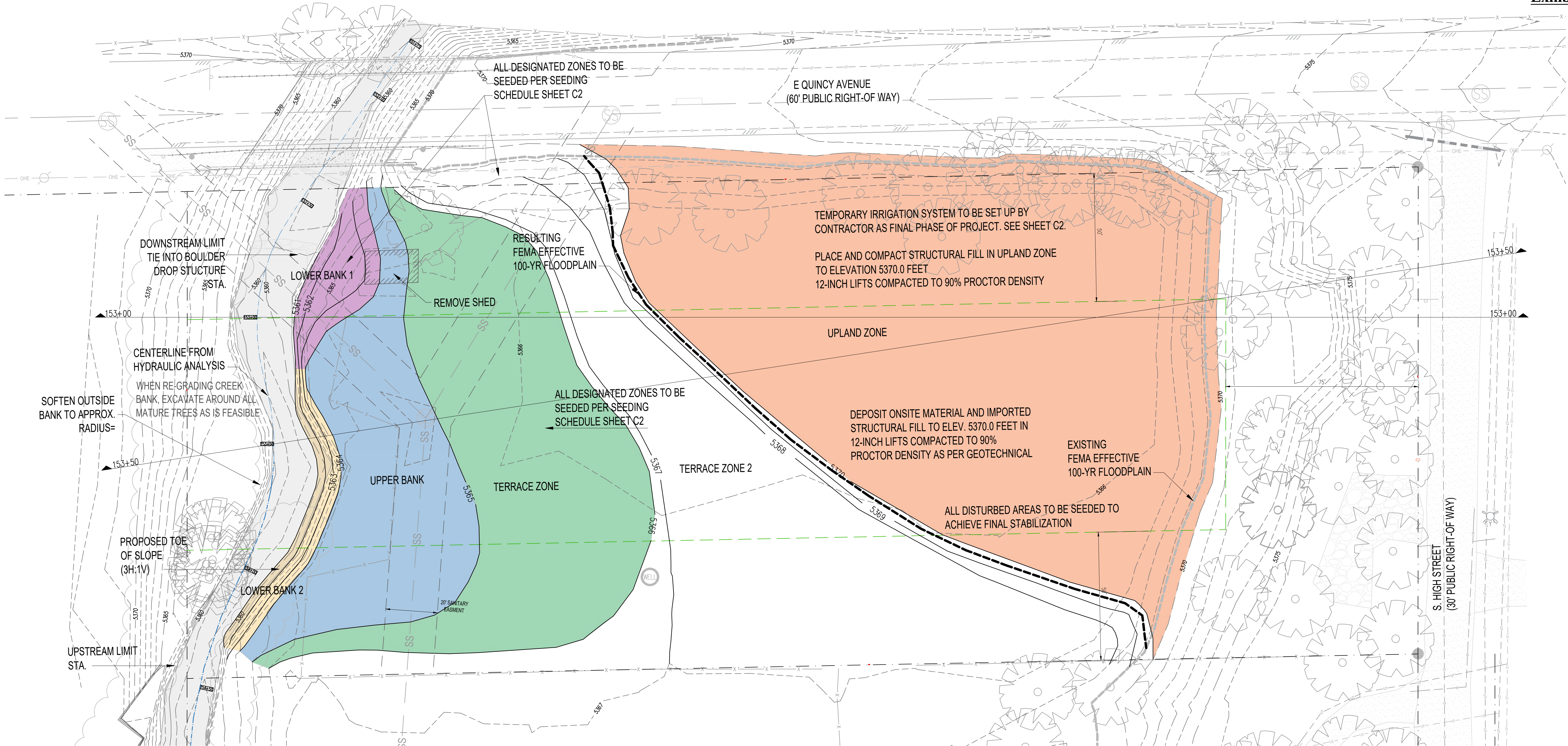
Request.

Based on the need to restabilize the bank of Little Dry Creek along this reach of the waterway, the positive effects that doing so will have on the health of the creek and the ecosystem of the creek and its floodplain, and since it has been shown that the proposed project will not cause a rise in 100-year water surface elevations, we humbly request issuance of a Floodplain Development Permit for the Little Dry Creek Bank Stabilization project at 4301 South High Street.

The information provided herein is accurate and true to the best of my knowledge as of the date of this report.


Eliot J. Wong, PE
Principal Engineer
Advanced **W**ater Resources Engineering, LLC
303.908.0619





UTILITY NOTE:

THE LOCATION OF UTILITIES SHOWN HEREON WAS ESTABLISHED FROM SURFACE EVIDENCE. EXISTING UTILITY MARKERS AND UTILITY LOCATES. THE EXACT LOCATION OF BURIED UTILITIES IS UNCERTAIN. PRIOR TO ANY EXCAVATION THE CONTRACTOR SHOULD CONTACT THE UTILITY NOTIFICATION CENTER. AWARE MAKES NO GUARANTEE EITHER EXPRESSED OR IMPLIED THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. AWARE FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION DEPICTED ALTHOUGH THE UTILITIES ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE AT THE TIME OF THE SURVEY.

BENCHMARK STATEMENT:

ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC SURVEY (NGS) MONUMENT DESIGNATION W409, PID KK1489. THE STATION IS LOCATED IN THE CITY OF ENGLEWOOD AT THE INTERSECTION OF EAST HAMPDEN AVENUE AND SOUTH DOWNING STREET, IN THE NORTHWEST 1/4 OF SECTION 2, T 5 S, R 68 W, AT U. S. HIGHWAY 285 MILEPOST 260.95. THE MARK IS A PUNCH HOLE, TOP CENTER ON A STAINLESS STEEL ROD DRIVEN TO REFUSAL, ENCLOSED IN A 5-INCH PVC PIPE WITH LOGO LID, SURROUNDED BY A CONCRETE COLLAR FLUSH WITH THE GROUND. IT IS 20.1 M (65.9 FT) EAST FROM THE CENTER OF DOWNING STREET, 15.3 M (50.2 FT) SOUTH FROM THE CENTERLINE OF THE EAST BOUND LANES OF EAST HAMPDEN AVENUE.

ELEVATION 5381.07 (NAVD88 DATUM)

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER SECTION 11, T5S, R68W OF THE 6TH P.M. MONUMENTED ON THE WEST END BY A FOUND 2.5" ALUMINUM CAP IN A RANGE BOX, STAMPING IS ILLEGIBLE, AND ON THE EAST END BY A FOUND 3.25" ALUMINUM CAP STAMPED PLS 11434, IN RANGE BOX, AND IS CONSIDER TO BEAR N88°51'16"E, A DISTANCE OF 2,668.70

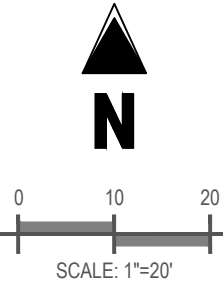
LEGEND

- PROPERTY LINE
- EXISTING 100 YR FLOOD PLAIN
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING FENCE LINE
- EXISTING SANITARY SEWER
- TREES
- SETBACK
- RESULTING 100 YR FLOOD PLAIN

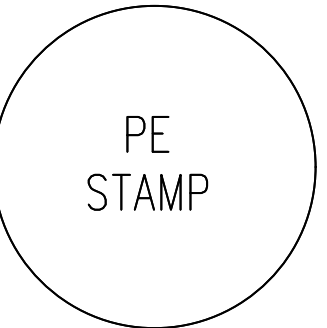
ZONE DESIGNATIONS:

- LOWER BANK1 - LIVE COTTONWOOD AND WILLOW STAKES WITH DEGRADABLE COCONUT WITH NET EROSION CONTROL BLANKETS AND TRENCHED FOOTER LOGS, RIPRAP, AND SOIL TOE PROTECTION RE: SHEET C3, SHEET C3 1246 SQ FT
- LOWER BANK2 - LIVE COTTONWOOD AND WILLOW STAKES WITH VEGETATED GEOGRID AND TRENCHED FOOTER LOGS, RIPRAP, AND SOIL TOE PROTECTION RE: SHEET C2, SHEET C3 1037 SQ FT
- UPPER BANK - NATIVE VEGETATION SEEDING WITH LIVE COTTONWOOD AND WILLOW PLANTINGS WITH DEGRADABLE STRAW EROSION CONTROL BLANKETS RE: SHEET C2 6930 SQ FT
- TERRACE - NATIVE GRASS WITH DEGRADABLE STRAW EROSION CONTROL BLANKETS 11500 SQ FT
- UPLAND ZONE 30173 SQ FT

ALL ZONES TO BE SEEDED PER SEEDING SCHEDULE (SHEET C2)
CONTRACTOR SHALL FOLLOW INSTALLATION NOTES (SHEET C2) FOR ALL
INSTALLATION. ENGINEERS SHALL BE CONTACTED PRIOR TO ANY CHANGE MADE TO
ANY INSTALLATION.



900 Forest Street
Denver, CO 80220
303.908.0619



Know what's below.
Call before you dig.

NO.	DESCRIPTION:	REVISIONS:	DATE:

PROJECT NO.

PROJECT TITLE:

4301 S. HIGH ST
BANK STABILIZATION

DRAWING TITLE:

RESTORATION
OVERVIEW

SCALE:

1" = 20'

DATE:

09/21/2023

DESIGN:

EJW

DRAWN:

FRC

CHECK:

EJW

DRAWING NO.

C1

FOOTER LOG INSTALLATION NOTES
(SEE DETAIL 1 & 2 SHEET C3)

- Excavate a trench a minimum of 18 inches below streambed elevation and 3 to 4 feet wide. Toe of proposed 3:1 bank shall start in the existing channel bed approximately 4 feet horizontal from the elevation 5360.0 grade break (i.e. 4 feet from the approximate toe of existing bank).
- Place degradable coconut netted ECB in the trench, leaving two feet of fabric overhanging on the streamside face. Fill this area with granular compactable rock starting at a depth of 18 inches (minimum) below channel bed. Rock backfill should be a minimum of 12 inches in depth and compacted to 95% Proctor and shaped to support footer logs.
- Install two footer logs in a stackable manner as shown. Rock backfill below logs and geogrids above shall be placed in twelve-inch sections with geotextile fabrics separating each lift.
- Riprap with D75= 9 inches shall be placed on top and in between footer logs and soil shall fill the voids. Twelve inches of compacted soil shall be placed between the footer logs and the first geogrid.
- Backfill and combine vegetative plantings or enriched soil behind and above geogrids. Include live stakes and dormant post plantings in the openings of the revetment below stream-forming flow stage, live stakes, bare root, or other upland methods at the top of the bank.
- Place lowest footer log to the expected scour depth (18" min.) at a slight angle away from the direction of the stream flow.
- Use logs with a minimum diameter of 16 inches. Logs should be crooked and with an irregular surface.
- Infill voids with riprap and plant-promoting soil.
- Continue this process of excavated trenches with alternating layers of cuttings and
- This system should be limited to a maximum of 8 feet in total height, including the 18 plus inches below the stream bed. Each section length along the stream should not exceed 20 feet.

VEGETATED GEOGRID INSTALLATION NOTES
(SEE DETAIL 1 SHEET C3)

- 12-inch deep geogrids shall be installed to create a 3H:1V bank starting approximately between elevation 5360.0 to 5361.5 feet and stacked to 5365.0 feet.
- Beginning between elevation 5360.0 and 5361.5 feet, place a 6- to 8-inch layer of live branch cuttings on top of the rock-filled geogrid with the growing tips at right angles to the streamflow. The basal ends of branch cuttings should touch the back of the excavated slope.
- Cover this layer of cuttings with geotextile leaving an overhang. Place a 12-inch layer of soil suitable for plant growth on top of the geotextile before compacting it to ensure good soil contact with the ranches. Wrap the overhanging portion of the geotextile over the compacted soil to form the completed geotextile wrap.
- Continue this process of excavated trenches with alternating layers of cuttings and geotextile wraps until the bank is restored to its original height.
- This system should be limited to a maximum of 8 feet in total height, including the 1.5 plus feet below the streambed. The length should not exceed 20 feet for any one unit along the stream.
- Branch cuttings should protrude only slightly from the geotextile wraps.
- Live materials—Live branch cuttings that are brushy and root readily required and shall be 4 to 6 feet long.

RECOMMENDED SEED MIX:

COMMON NAME	SCIENTIFIC NAME	GROWTH SEASON	GROWTH FORM	% MIX	Lb/ac (PLS)
GRASSES					
Inland saltgrass	<i>Distichlis stricta</i>	Cool	Sod	15	1.7
Creeping spikerush	<i>Eleocharis plaustris</i>	Cool	Sod	15	1.5
Baltic rush	<i>Juncus balticus</i>	Cool	Sod	15	0.1
Switchgrass	<i>Panicum virgatum</i>	Warm	Sod	12	1.9
Western wheatgrass	<i>Pascopyrum smithii</i>	Cool	Sod	8	4.4
Green needlegrass	<i>Nasella viridula</i>	Cool	Bunch	10	3.3
Prairie cordgrass	<i>Spartina pectinata</i>	Warm	Sod	10	3.1
Woolly sedge	<i>Carex lanuginosa</i>	Cool	Sod	5	1.0
Nebraska sedge	<i>Carex nebrascensis</i>	Cool	Sod	5	0.6
WILDFLOWERS					
Wild Bergamont	<i>Monarda fistulosa</i>			1	0.1
Yarrow	<i>Achillea millefolium</i>			1	0.02
Blue vervain	<i>Verbena hastata</i>			2	0.1
Nuttall's Sunflower	<i>Helianthus nuttallii</i>			1	0.2
TOTAL PLS POUNDS/ACRE					18.02

PLS = Pure Live Seed - If broadcast seeding, double the rate

EROSION CONTROL BLANKET (ECB)/OPEN
WEAVE TEXTILE (OWT) INSTALLATION NOTES
(ALL SEEDED AREAS SHALL BE PROTECTED WITH
ECB OR OWT)

ALL ECBs or Open Weave Textiles installed in lower bank zones shall be Long Term Degradable products with a 36-month functional longevity. Blankets installed in the upper bank zone should have Extended Term Functional Longevity of 24 months.

GENERAL

- Prepare a stable and firm soil surface free of rocks and other obstructions.
- Apply soil amendments as necessary to prepare seedbed.
- Place fertilizer, water, and seed in accordance with manufacturer recommendations and local/state regulations.
- Blankets and OWTs are unrolled parallel to the primary direction of flow.
- Ensure the product maintains intimate contact with the soil surface consistently over the entirety of the installation.
- Do not stretch or allow material to bridge over surface inconsistencies. Staple/stake ECB/OWTs to soil such that each staple/stake is flush with underlying soil. Install anchor trenches, seams and terminal ends as specified.
- Install ECB/OWTs after application of seed, fertilizer, mulches (if necessary) and other necessary soil amendments, unless soil in-filling of the OWT is required.
- For ECBs, if soil in-filling, install ECB, apply seed, and other soil amendments lightly brush or rake 0.3 to 0.7 inches of topsoil into ECB matrix to fill the product thickness.

INITIAL ANCHORING.

Utilize one of the following:

1. Staples. Install ECBs/OWTs 3 feet beyond the shoulder of the slope onto flat final grade. Secure roll end with a single row of stakes/staples on 1 foot centers.
2. Anchor Trench. Excavate a 6 inch by 6 inch anchor trench. Extend the upslope terminal end of the ECBs/OWTs 3 feet past the anchor trench. Use stakes or staples to fasten the product into the bottom of the anchor trench on 1 foot centers. Backfill the trench and compact the soil into the anchor trench. Apply seed and any necessary soil amendments to the compacted soil and cover with remaining 1 foot terminal end of the ECBs/OWT. Fold product over compacted soil in anchor trench to overlap downslope material. Secure terminal end of ECBs/OWTs with a single row of stakes or staples on 1 foot centers.
3. Staple Check. Construct a stake/staple check slot along the top edge of the ECBs/OWTs by installing two rows of staggered stakes/staples 4 inches apart on 4 inch centers.
4. Single Net Product Anchor Trench. Excavate a 6 inch by 6 inch anchor trench. Position roll such that the leading end of the roll is downslope and upside down. Apply seed and necessary soil amendments. Extend product 1 foot downslope of anchor trench and place material in anchor trench (upside down). Secure terminal end and material in anchor trench with staples at 1 foot intervals. Fill anchor trench with soil and compact. Apply seed and necessary soil amendments to fill placed in anchor trench. Move remaining roll over and downslope of anchor trench and proceed unrolling ECB/OWT downslope. (Roll was initially reversed, thus folding material over anchor trench will result in the net side up and correct rolling downslope over the anchor trench).

SEAMS.

Utilize one of the following:

1. Adjacent Seams. Overlap edges of adjacent ECBs/OWTs by 2 to 4 inches or by abutting products as defined by manufacturer. Use a sufficient number of stakes or staples to prevent seam or abutted rolls from separating.
2. Consecutive Rolls. Shingle and overlap consecutive rolls 2 to 6 inches in the direction of flow.
3. Secure staples through seam at 1 foot intervals.
4. Check Seam. Construct a stake/staple check seam along the top edge of ECBs/OWTs for slope application and at specified intervals in a channel by installing two staggered rows of stakes/staples 4 inches apart on 4 inch centers.
5. Slope Interruption Check Slot. Excavate a trench measuring 6 inches wide by 6 inches deep. Secure product to the bottom of the trench. Fold product over upslope material and fill and compact the trench on the downslope side of check slot and seed fill. Continue rolling material downslope over trench.

TERMINAL ENDS.

Utilize one of the following:

1. Staples. Install ECBs/OWTs 3 feet beyond the end of the channel and secure end with a single row of stakes/staples on 1 foot centers. Stakes/staples for securing blankets and OWTs to the soil have a minimum length of 6 inches.
2. Anchor Trench. Excavate a 6 inch by 6 inch anchor trench. Extend the terminal end of the ECB/OWT 3 feet past the anchor trench. Use stakes or staples to fasten the product into the bottom of the anchor trench on 1 foot centers. Backfill the trench and compact the soil into the anchor trench. Apply seed and any necessary soil amendments to the compacted soil and cover with remaining 1 foot terminal end of the ECB/OWT. Secure terminal end of ECB/OWT with a single row of stakes or staples on 1 foot centers.
3. Check Slot. Construct a stake/staple check slot along the terminal end of the ECB/OWT by installing two rows of staggered stakes/staples 4 inches apart on 4 inch centers.

SLOPE INSTALLATIONS.

- At the top of slope, anchor the ECBs/OWTs according to one of the methods detailed in Section above.
- Securely fasten all ECBs/OWTs to the soil by installing stakes/staples at a minimum rate of 1.3 per square yard within the body of the blanket.
- For the most effective ECB/OWT installation, use stake/staple patterns and densities as recommended by the manufacturer.
- For adjacent and consecutive rolls of ECBs/OWTs, follow seaming instructions detailed above.
- The terminal end of the ECB/OWT installation must be anchored using one of the methods detailed above.

CHANNEL INSTALLATIONS.

- Construct an anchor trench at the beginning of the channel across its entire width according to Section above.
- Follow the manufacturer's installation guidelines in constructing additional anchor trenches or stake/staple check slots at intervals along the channel reach and at the terminal end of the channel, and according to Section above.
- Unroll ECB/OWTs down the center of the channel in the primary water flow direction.
- Securely fasten all ECBs/OWTs to the soil by installing stakes/staples at a minimum rate of 1.7 per square yard. For adjacent and consecutive rolls of ECB/OWTs, follow seaming instructions detailed in Section above.
- All terminal ends of ECBs/OWTs must be anchored using one of the methods detailed in Section above.
- Significantly higher anchor rates and longer stakes/staples may be necessary with some ECB/OWT installations.

EROSION CONTROL BLANKET MAINTENANCE NOTES

1. INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND PERFORM NECESSARY MAINTENANCE.
2. FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.
3. WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.
4. ECBs SHALL BE LEFT IN PLACE TO EVENTUALLY BIODEGRADE, UNLESS REQUESTED TO BE REMOVED BY THE LOCAL JURISDICTION.
5. ANY ECB PULLED OUT, TORN, OR OTHERWISE DAMAGED SHALL BE REPAIRED OR REINSTALLED. ANY SUBGRADE AREAS BELOW THE GEOTEXTILE THAT HAVE ERODED TO CREATED A VOID UNDER THE BLANKET, OR THAT REMAIN DEVOID OF GRASS SHALL BE REPAIRED, RESEEDED AND MULCHED AND THE ECB REINSTALLED.

UPPER BANK ZONE INSTALLATION NOTES

LIVE WILLOW AND COTTONWOOD STAKINGS INSTALLATION NOTES (ALSO INSTALLING IN BOTH LOWER BANK ZONES).

- Collect willow or cottonwood cuttings from a local, native stand that is in healthy condition.
- Thin no more than 2/3 of each total plant. Willow cuttings for pole plantings should generally be at least 1/2 inch in diameter or larger. Larger diameter cuttings have a greater supply of stored energy for rooting than smaller diameter cuttings. Bigger diameter and longer lengths are better suited for severely eroded areas and fluctuating water levels.
- Ideally, cuttings should be collected during the dormant season to ensure the highest success rate. Cuttings can be collected during the growing season if all the leaves are removed from the stem, although establishment success will be lowered. Spring plantings are generally more successful than fall plantings.
- Prepare cuttings by trimming off the top to remove the terminal bud, allowing a majority of the energy in the stem to be sent to the lateral buds for rooting and sprouting.
- The cuttings can be tied into bundles for ease of transportation to the site.
- Soak the bundles for 5 to 7 days.
- The cutting should extend several inches into the permanent water table to ensure adequate moisture for sprouting. At least 1/2 to 2/3 of the cutting should be below ground to prevent the cutting from being ripped out during high flows. Two to 3 feet should be below ground surface.
- Pole plantings are usually planted with a power auger or a punch bar. It is critical to ensure the soil is packed around the cutting to prevent air pockets. "Mudding" (filling the hole with water and then adding soil to make a mud slurry) can remove air pockets.
- Plant a minimum of two rows of cuttings to cover the range in fluctuating water levels. This can be achieved by planting in a triangular pattern with stakes planted 2 to 3 feet apart.
- Shrub willows should be planted within channel banks. Willow tree species and cottonwoods can be planted along the upper bank and floodplain areas.
- It is important that the cuttings be placed in water immediately following harvesting if they are going to be planted during the next week. The cuttings can also be kept in cold storage (32 to 35o F) for up to 6 months. After removal from cold storage, soak the cuttings for 5 to 7 days prior to planting.

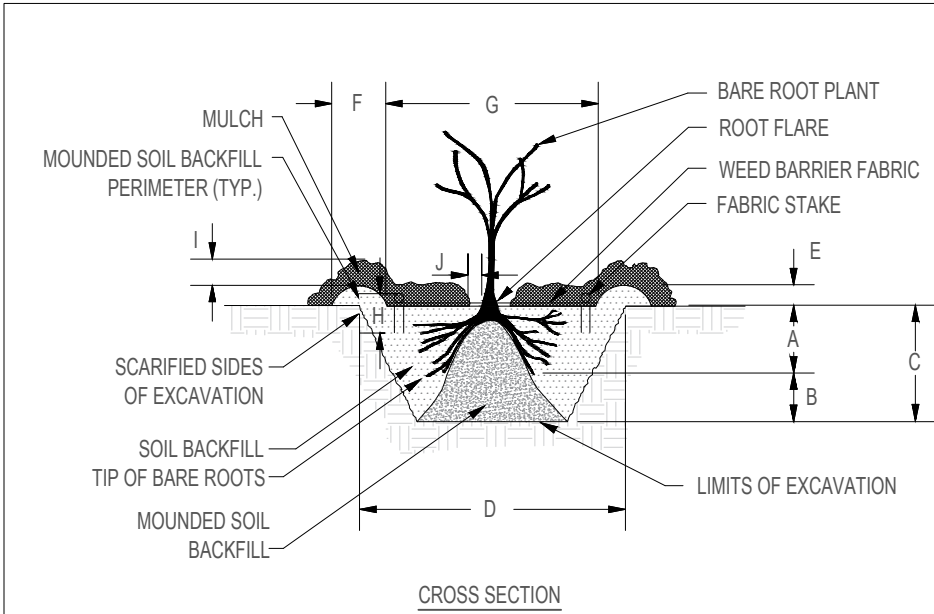
LOWER BANK 1 INSTALLATION NOTES
(SEE DETAIL 2 SHEET C3)

- Proposed bank shall be reconstructed as described in the Lower Bank 2 Zone installation instructions. Lower Bank Zone 1 does not call for vegetated geogrids. The bank will be regraded with live stakes planted. Banks will be protected with degradable blankets, as shown, and seeded per Seeding Schedule (Sheet C3)

LIVE STAKING INSTALLATION NOTES
(SEE DETAIL 1, 2 & b SHEET C3)

LIVE STAKINGS INSTALLATION NOTES (SEE DETAIL 1, 2 & b SHEET C3)

- Stakes shall be 0.5 to 1.5 inches in diameter and 2 to 3 feet long.
- The materials must have side branches clearly removed with the bark intact.
- Basal ends shall be cut at an angle or point for easy insertion into the soil. Tops should be cut square.
- Materials shall be installed the same day that they are prepared.
- Degradable coconut (with net) erosion control blankets should be placed on entire re-graded area.
- Tamp live stakes into the ground at right angles to the slope and diverted downstream.
- The installation may be started at any point on the slope face.
- The live stakes shall be installed 2 to 3 feet apart using triangular spacing. The density of the installation will range from 2 to 4 stakes per square yard.
- The buds should be oriented up.
- Four-fifths of the length of the live stake should be installed into the ground, and soil should be firmly packed around it after installation.
- Do not split the stakes during installation. Stakes that split should be removed and replaced.
- An iron bar can be used to make a pilot hole in firm soil.
- Tamp the stake into the ground with a dead blow hammer (hammer head filled with shot or sand).
- Live materials—Live branch cuttings that are brushy and root readily are required and shall be 4 to 6 feet long.
- Entire area shall be seeded per seeding schedule (Sheet C2)



IRRIGATION NOTES

Water for irrigation, soaking of plants and cuttings, and dust control is the responsibility of the Contractor. Sites may require extended periods of irrigation to ensure vegetation establishment. Irrigation systems may be on the surface or underground. Water must be clean, free of contaminants, and have a turbidity of less than 20 NTU. Use water from a public source of known quality or a local groundwater well near the site. Temporary irrigation should be applied only during the plant establishment period, usually the first growing season. Irrigation should progress to less frequent and deeper (longer duration) schedules after the first growing season. If irrigating from the adjacent stream, be sure to obtain water rights or irrigate during "free river" conditions. If water rights are not available, use a water truck.

Irrigation can occur through any of a combination of the following methods:

- Hand watering.
- Water truck.
- Water tubes or hydrogel packs.
- Drip system irrigation.
- Spray head irrigation.

- The top 1 to 2 inches of soil should be moist, but not saturated.
- Initial irrigation should maintain moist soil in the seed bed, watering up to twice a day.
- Once the grasses begin to establish, the roots will penetrate into the soil more deeply.
- At this point, irrigation should be reduced to three or four times a week.
- For a longer duration, allow for up to 6 inches of moisture in the soil.
- Irrigation frequency shall be one to two times per week in the summer months.
- Irrigation should cease in the Fall and Winter to allow the plants to harden.
- Where an access road is available near the seeded area, a water truck may be used to spray-irrigate seeded areas.

Time of Year	Frequency	Time of Day	Soil Moisture Depth
Mid-April (Cool Season) Mid-May (Warm Season)	1-2 times per day until temperatures reach 80 degrees F.	Once in early morning. Once in late evening.	Maintain soil moisture to 2-inch depth.
Early June to July	Every other day. More often if temperatures are above 90 degrees.	Early morning or late evening.	Maintain soil moisture to 6-inch depth. Cycle and soak technique may be used to reach 4-inch depth.
July to Mid-August	One application per week.	Early morning or late evening.	Maintain soil moisture to 6-inch depth.
Mid-August to Mid-September	One application every other week.	Early morning or late evening.	Maintain soil moisture to 6-inch depth.
Mid-September and on	Withhold watering to allow plants to harden for winter.	NA	NA

Dimension ²	Name	Typical Unit	Guidelines ³	Description
A	Planting depth	Varies	Plant at same depth as in container (SUDAS 2011)	Planting depth of the container plant.
B	Height of mounded soil backfill	Inches	6" (SUDAS 2011)	Height of mounded loose soil placed into over-excavated planting pit.
C	Depth of planting pit	Varies	Plant at same depth as in container (SUDAS 2011)	Depth of the planting pit; accommodates dimension of container as well as mounded loose soil at bottom of pit.
D	Width of planting pit	Varies	1 ½ to 2 times the width of the container (SUDAS 2011)	Over-excavated width of the planting pit; accommodates the width of the container.
E	Height of mounded soil perimeter	Inches	3" (SUDAS 2011)	Height of berm constructed along the perimeter of the planting hole using soil backfill material; helps retain water.
F	Width of mounded soil perimeter	Inches	8" (ISA 2014)	Width of berm constructed along the perimeter of the planting hole using soil backfill material; helps retain water.
G	Width of weed barrier fabric	Inches		Width of fabric placed on surface to control weeds within the mounded soil backfill perimeter
H	Fabric stake length	Inches	4"-6"	Length of steel staples or degradable resin spikes used to secure weed barrier fabric
I	Thickness of mulch	Inches	3" (SUDAS 2011)	Thickness of mulch
J	Gap between mulch and plant stem/trunk			Room between plant stem/trunk and mulch.



900 Forest Street
Denver, CO 80220
303.908.0619

PE
STAMP



Know what's below.
Call before you dig.

DATE:

REVISIONS:
NO. DESCRIPTION:

PROJECT NO.

PROJECT TITLE:

4301 S. HIGH ST
BANK STABILIZATION

DRAWING TITLE:

INSTALATION NOTES

SCALE:

DATE:
09/21/2023

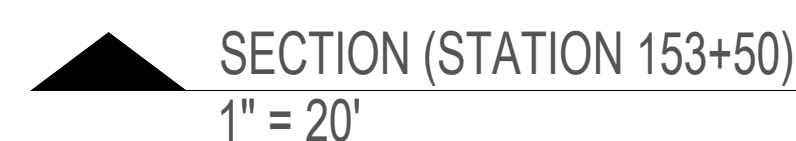
DESIGN:
EJW

DRAWN:
FRC

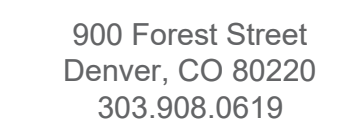
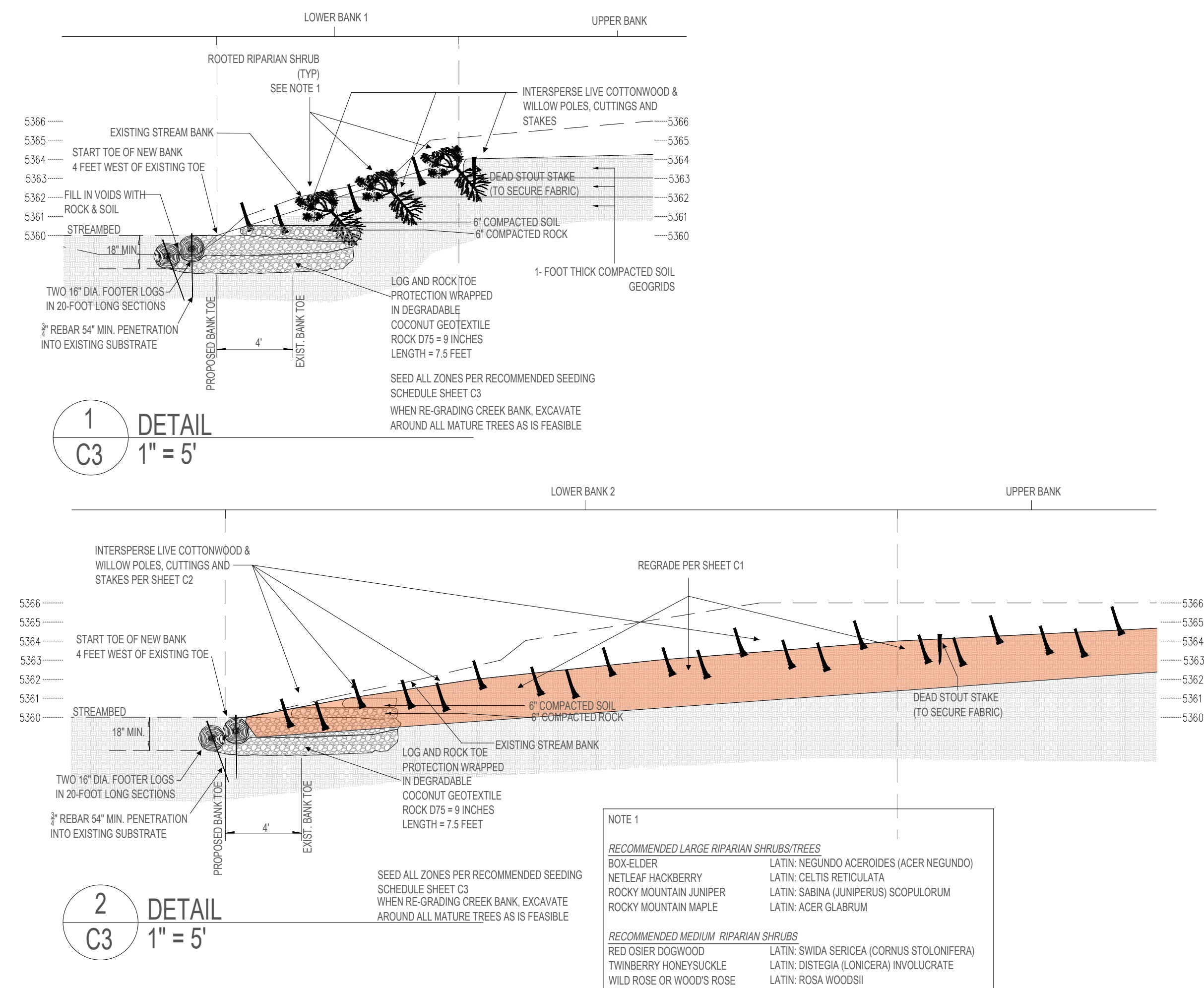
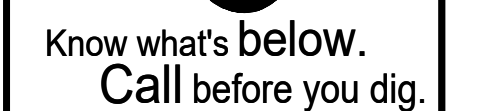
CHECK:
EJW

DRAWING NO.

C2



Quantities provided in table are an approximation to be used for informational purposes. The contractor is responsible for assessing and quantifying materials needs.

PE
STAMP[illegible]

PROJECT NO.

PROJECT TITLE:

4301 S. HIGH ST
BANK STABILIZATION

DRAWING TITLE:

SECTIONS

SCALE:

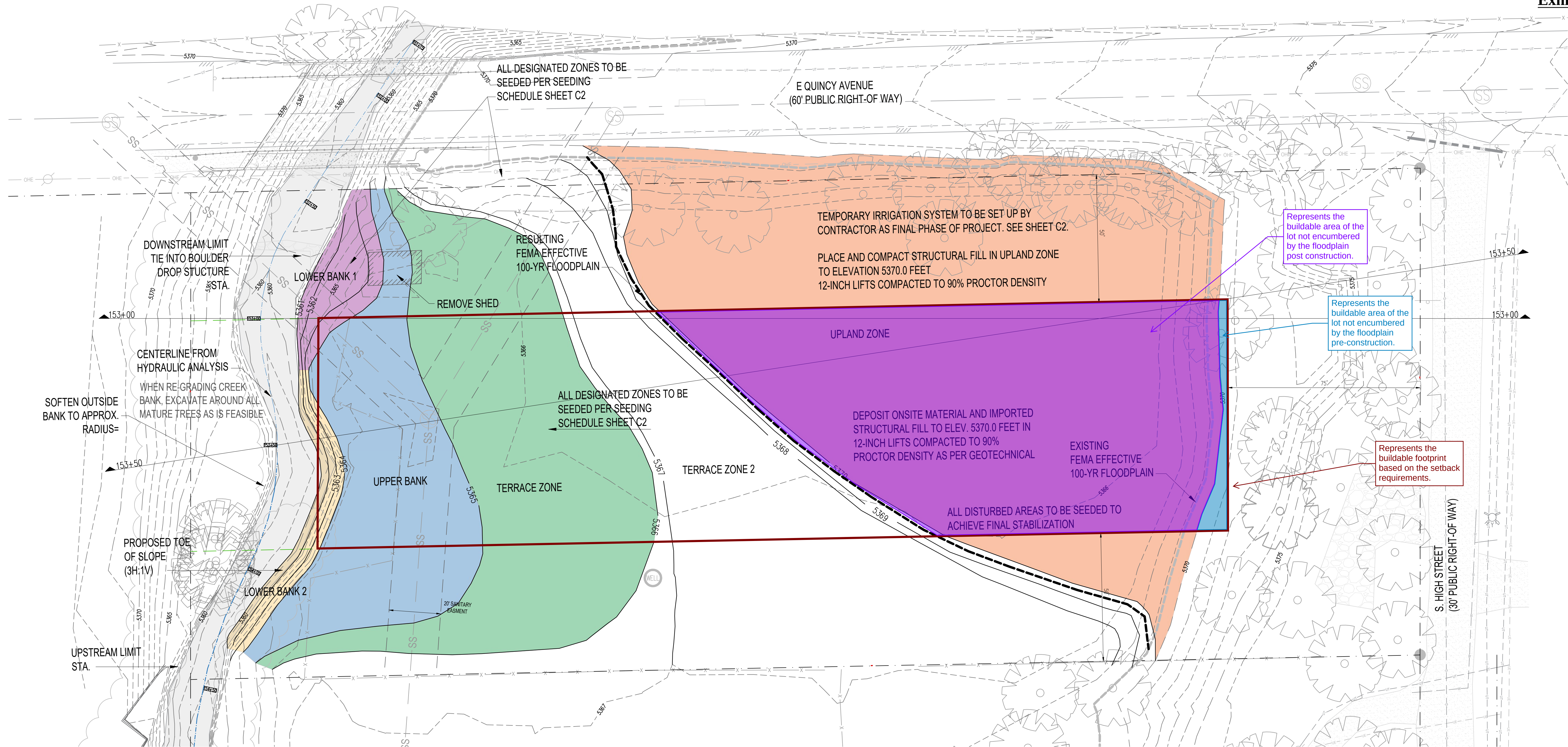
DATE:
09/21/2023

DESIGN:
EJW

DRAWN:
FRC

CHECK:
EJW

DRAWING NO.
C3



7000 S Yosemite Street, Suite 120
Centennial, Colorado 80112
303-221-0802
iconeng.com



November 8, 2023

Mr. Paul Workman
Community Development Director
2450 E. Quincy Avenue
Cherry Hills Village, CO 80113
pworkman@cherryhillsvillage.com

RE: 4301 S. High Street – Bank Stabilization

Paul,

ICON Engineering has reviewed the floodplain development permit application for the subject property. This submittal included a permit narrative including a work map and a hydraulic model (See Figures 2, 3 below). This floodplain permit is recommended for approval.

There are important notes to highlight in this recommendation for approval:

- a. Existing building. The existing concrete block building, known to be a former US West phone building, is proposed as removed. This demolition must precede any other earthwork or bank stabilization work.
- b. Bank Stabilization. This work is bank stabilization. The plan shows a restored condition that matches existing conditions at the edge of water (with known temporary excavation below the water surface to armor the toe of slope). The upland grading establishes floodplain connectivity, lower velocities, decreased scour potential, and floodplain mitigation for the property. It is imperative the construction work is completed by a licensed and experienced stream restoration contractor to avoid complications with floodplain or wetland permits.

We find that the permit request as submitted meets the conditions of administrative approval for floodplain development compliant with bank stabilization. This work restores the east side of Little Dry Creek previously filled with sediment and agricultural activities that diminishes the infiltration, ponding, and slower velocities associated with wider, lower, more natural stream banks. (See figure 8 below.)

Sincerely,

A handwritten signature in black ink, appearing to read "T. Carmann", written over a horizontal line.

Troy W. Carmann, PE
ICON Engineering, Inc.

**CHERRY HILLS VILLAGE
COLORADO**

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Cherry Hills Village, CO 80113
www.cherryhillsvillage.com

Village Center
Telephone 303-789-2541
FAX 303-761-9386

December 6, 2023

Eliot J. Wong, P.E.
AWARE
900 Forest St
Denver, CO 80220
The listed representative

RE: **Approval Letter for 4301 S. High St. (Floodplain Development Permit)
Bank Stabilization of Little Dry Creek**

Mr. Wong:

After the third round of review for the above application, the Cherry Hills Village Planning Division, along with our consultants and review partners, have determined that the above Floodplain Development Permit meets the approval criteria.

Section 16-7-360:

(c) Referenced Standards.

- (1) The bank stabilization design and/or description of dredging procedure (as applicable) shall follow all applicable regulations of the Arapahoe County Stormwater Management Manual ("ACSM") and Urban Drainage and Flood Control District ("UDFCD") criteria, and, with regard to dredging of ponds and lakes, the state dam safety requirements, as each of them may be amended from time to time.
- The applicant's plans have been reviewed by ICON Engineering and determined to meet the requirements of the ACSM and Mile High Flood District (formerly UDFCD).
- (2) Hydraulics shall meet the following standards, as determined by the City Engineer:
 - a. For bank stabilization, floodplain hydraulics shall be analyzed in accordance with Section 12.2.6 of the ACSM, and the analysis shall demonstrate that the bank stabilization will not alter the floodplain boundary or increase base flood elevations.
 - b. For dredging of ponds and lakes, the analysis shall demonstrate that the dredging will not alter the floodplain boundary or increase based flood elevations.
- The applicant's plans have been reviewed by ICON Engineering and determined to meet the requirements of the ACSM and Mile High Flood District (formerly UDFCD).

(e) Approval Standards.

- (1) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on the applicant's demonstration of compliance with the standards set out in the referenced standards identified in subsection (c) above, and confirmation that the analysis in subsection (c)(2), above, is technically competent.
- See above.

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- (2) The Floodplain Administrator may also consider all of the provisions of Article V, Floodplain Management and Flood Damage Prevention, and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the subject property in time of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of street and bridges, and public utilities and facilities such as sewer, gas, electric, and water systems;
 - g. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the subject property;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use, building, structure, or improvement; and
 - j. The relationship of the proposed use to the Master Plan as it pertains to the subject property.
- The proposed project will improve the condition of the bank and revise the amount of property in the floodplain which will reduce the danger to life and property.
 - There is no facility proposed. This approval is for earthwork only.
 - During construction materials will be stored outside the floodplain so there will be no threat regarding materials being swept onto other property. Post construction the site will be seeded and not have material storage.
 - There is no proposed use associated with the application. However, the work will result in a site that has a more buildable area that is outside of the floodplain where a home could be built.
 - The access to the property is not located in the floodplain and no changes to access are proposed as a part of this application.
 - There is no impact to providing governmental services as a result of this work. The scope of the project is to stabilize an existing bank that does not currently require governmental services.
 - The applicant has provided, and ICON Engineering has verified that there is no change in the Base Flood Elevation as a result of the proposed work.
 - Not applicable.
 - There is no new use, building or structure proposed as a part of this scope of work. The bank is currently located in the floodplain and will remain in the floodplain after construction. The purpose of this project is to improve the stability of the east bank of Little Dry Creek on the subject property.
 - There is no proposed use with this scope of work. However, the site is zoned R-1, which is consistent with the City's Future Land Use Map.

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Next Steps:

1. The current escrow balance will be utilized for any remaining consultant review time. Consultants often invoice the city one to two months behind the current month. Once the City receives the last invoice for this application and pays the cost for review (likely not until December or January) any remaining funds from the deposit will be returned.
2. A demolition permit is required for the existing building on the property to be removed.
3. Prior to starting construction, you must receive your stormwater permit from the Code Enforcement Division.

Please reach out with any questions.

Sincerely,

Paul Workman
Community Development Director

Enclosed: NA

cc'd: Jan, Peciak, Planning and Building Permit Technician
Troy Carmann, City Engineer (ICON Engineering)
Dean and Rene Sheikh, Owner

“NO-RISE” CERTIFICATION

THIS IS TO CERTIFY THAT I AM A DULY QUALIFIED REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF COLORADO.

IT IS FURTHER TO CERTIFY THAT THE TECHNICAL DATA PROVIDED WITH THIS CERTIFICATION SUPPORTS THE FACT THAT THE PROPOSED IMPORTATION AND PLACEMENT OF FILL IN THE INEFFECTIVE FLOW AREAS OF LITTLE DRY CREEK IMMEDIATELY UPSTREAM OF QUINCY STREET AT 4301 S. HIGH ST. IN CHERRY HILLS VILLAGE WILL NOT CAUSE ANY RISE IN 100-YEAR FLOOD ELEVATIONS ON LITTLE DRY CREEK ABOVE THE 100-YEAR FLOOD PROFILES PUBLISHED IN FEMA FLOOD INSURANCE STUDY NO. 08005CV004C, ARAPAHOE COUNTY, COLORADO (REVISED SEPTEMBER 28, 2018).

PLEASE REFER TO THE FOLOWING ENCLOSED DOCUMENTS, WHICH SUPPORT THIS NO-RISE CERTIFICATION:

1. EXISTING AND PROPOSED LITTLE DRY CREEK HYDRAULIC MODELS (HEC-RAS)
2. EXISTING AND PROPOSED CONDITIONS 100-YEAR FLOOD ELEVATIONS COMPARISON TABLE



SIGNATURE: _____
NAME (PRINTED): ELIOT J. WONG, PE
COMPANY NAME: Advanced WAter Resources Engineering (AWARE)
DATE: 28 SEPTEMBER 2023
PHONE NUMBER: 303.908.0619
ADDRESS: 900 FOREST ST.
DENVER, CO 80220

CITY ACCEPTANCE

FLOODPLAIN ADMINISTRATOR

DATE

DRAFT

DRAFT

**EXHIBIT J
DRAFT**

Minutes of the Planning and Zoning Commission of Cherry Hills Village, Colorado
held on Tuesday, August 12, 2025, at 5:00 PM
at City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

CALL TO ORDER

Chair Lucas called the meeting to order at 5:00 PM.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners:

Commissioner David Wyman
Chair Bill Lucas
Vice Chair Britta Miles
Commissioner Sheida Lahabi
Commissioner Doug Kelsall

Absent from the meeting were the following Planning and Zoning Commissioners:

Commissioner Shari Leigh
Commissioner Amy Lay

Present at the meeting were the following staff members:

Kathie Guckenberger, City Attorney
Justen Hamann, Assistant City Engineer
Paul Workman, Community Development Director
Jan Peciak, Planning and Building Permit Technician

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

CONSENT AGENDA

none

NEW BUSINESS**Public Hearing – Floodplain Variance at 4301 S. High Street to add fill dirt
– Paul Workman, Community Development Director**

The Community Development Director began his presentation by providing general information about the site and the floodplain in the area. He explained that the City Code allows for development in the floodplain in two different application types. One application type is the floodplain development permit for administrative review and approval, and the second application type is the floodplain variance for public hearing review and approval.

Mr. Workman continued by noting that a few years ago, the owners of 4301 S. High Street hired a civil engineer, Mr. Wong with AWARE Engineering, to assist them with a floodplain development permit to stabilize the eastern bank of Little Dry Creek on their property. The application also proposed to remove an abandoned building that was in the floodplain and partially blocked the culvert that goes under E. Quincy Avenue and the addition of fill dirt to remove a portion of the site from the floodplain map to create a buildable area on the property. The application was reviewed by ICON Engineering, the City's engineer, and recommended for approval. Subsequently, it was approved by the City in December of 2023. The approved work has since been completed and the property is currently in the Letter or Map Revision or LOMR process with the Federal Emergency Management Agency or FEMA to formally amend the floodplain map.

Mr. Workman stated that during a periodic update from ICON, it was discovered that the floodplain development permit process was not the appropriate process for the scope of work that was done. Specifically, to change the boundaries of the floodplain, a floodplain variance through a public hearing process is the appropriate process, which is why this application is before the Commission. Mr. Workman added that the City and ICON met with the property owner in July of this year to inform them that the City will be pursuing a floodplain variance.

Mr. Workman informed the Commission that if this application had gone through the floodplain variance process originally, staff would still have recommended approval. The scope of work creates a more functional and safer floodplain, it still creates a no-rise condition to the base flood elevation, and it creates a buildable lot outside of the floodplain. This work stabilized a section of Little Dry Creek to help it convey water during a storm event, which will help reduce damage to public and private infrastructure. He went on to say that the removal of the abandoned building will help by not impeding floodwater from entering the culvert under Quincy Avenue. It also eliminated the risk of the building becoming damaged during a flood event and having potential debris causing damage downstream to the culvert and other properties. Mr. Workman further explained how the work created a buildable R-1 lot outside of the floodplain.

Mr. Workman stated that, as with any application, there are specific approval criteria. He stated that the first and fourth approval criteria of the first applicable Section of code are not relevant to this type of application. The second criterion is that this is the minimum necessary to afford relief. He continued to say that the bank stabilization and adding fill dirt was the minimum amount of earthwork necessary based on grading. The scope of work to remove the abandoned building, add fill dirt, create a buildable and safer lot, creates a more functional floodplain, and helps convey floodwaters through the culverts under Quincy Avenue, which meets the second criterion.

Mr. Workman continued that the next applicable Section of code, specifically the third approval criterion, has three parts to it. The first part is that there is good and sufficient cause, which this application meets as it improved the functionality of the floodplain for the property owner and the community at large. The second is that by not granting the variance, it leaves the property encumbered with a floodplain that covers most of the lot and leaves no buildable area which creates a hardship. He continued to say that the third part is that the work results in a no-rise condition, which was documented during the floodplain development permit review and will be confirmed through the LOMR process. This meets the third approval criterion.

Mr. Workman said that the following approval criteria can be found in Section 16-7-360(c). The first part is that the bank stabilization follows the Arapahoe County Stormwater Management Manual and the Mile High Flood District procedures. He went on to say that while there was an anomaly related to the processing of the application, the technical requirements have been met and will be confirmed through the LOMR process. The second requirement is that floodplain hydraulics will meet the Arapahoe County Stormwater Management Manual standards, and that the base flood elevation and floodplain boundary will not change. The base flood elevation did not change, and this application is to correct the anomaly with the floodplain boundary.

Mr. Workman went on to say that the last set of approval criteria can be found in Section 16-7-360(e). The second part has 10 specific approval criteria, and he went on the record and read through all of them as detailed in the staff report and how this application met them.

This concluded Mr. Workman's presentation, and he asked if anyone had any questions.

Commissioner Kelsall inquired about the lot's location and whether, upon building a house on it, the house's location would be similar to that of the property just south of it. Mr. Workman said that while the ultimate position of the house would be up to the owners, he did agree that he would expect it to be similar to the house just south of the lot.

Commissioner Miles then asked for clarification on the difference between what was approved in the floodplain development permit and this application involving the fill dirt. Mr. Workman responded that everything within the scope of work in the floodplain

development permit was properly reviewed and approved, except for the fill dirt. The fill dirt would alter the boundaries of the floodplain once approved by FEMA, which is the reason for the floodplain variance.

Commissioner Wyman asked about the difference in the lot size between what was on the application and what the county records show. Mr. Workman explained that while the county keeps good records, their information can vary depending on when the last survey was received and other factors. The City usually relies on the applicant's information, as they should have the most current data.

Commissioner Wyman then inquired about the details of the applicant's plan. Mr. Hamann from ICON provided information about the different areas in the applicant's drawing and the reasons for them. Commissioner Wyman also asked several questions regarding vegetation and soil types, which Mr. Hamann answered.

Commissioner Wyman then asked how the recent legislation, which aims to increase urban density, will affect the amount of runoff water entering the creeks and whether that will impact the floodplain. Mr. Workman replied that there should not be any increase in runoff water downstream, as any development upstream will have to maintain the quantity, quality, and manner of flow at historic levels.

Chair Lucas asked if anyone had more questions, and hearing none, he inquired if anyone wanted to make a motion.

Vice Chair Miles made a motion to recommend approval of the application. Commissioner Wyman seconded the motion.

The following votes were recorded:

Commissioner Wyman	Aye
Chair Lucas	Aye
Vice Chair Miles	Aye
Commissioner Lahabi	Aye
Commissioner Kelsall	Aye

The motion passed unanimously.

REPORTS

City Staff

Mr. Workman posed a question to the Commission about glass and how the Commission would interpret the opacity requirements when it comes to this type of material. He began by stating that an architect recently asked him if glass could be

used as a gate material. Mr. Workman said he is posing a similar question to the Commission. He continued to say that this is not a question of opacity vs transparency, but rather if the nature of the opacity found in glass is in line with City Code and the Master Plan. A discussion ensued, regarding various aspects of glass, including materiality, longevity, quality, and durability, and their potential application to the Master Plan. The question of regulation and enforcement was also discussed. Mr. Workman thanked the Commission for their input.

Mr. Workman also informed the Commission that a meeting will take place in September, and the topic will be fences adjacent to state highways.

City Attorney

Mrs. Guckenberger gave a short update on the status of the lawsuit about the land legislation items.

Members of the Planning and Zoning Commission

none

ADJOURNMENT

Chair Lucas adjourned the meeting at 6:04 pm.

William Lucas, Chair

Jan Peciak, Planning and Building Permit Technician

CITY OF CHERRY HILLS VILLAGE
COLORADO

2450 E. Quincy Ave.
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ITEM: 10b

MEMORANDUM

TO: HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL

FROM: CHRIS CRAMER, CITY MANAGER

SUBJECT: COUNCIL BILL 2, SERIES 2025; AMENDING SECTION 2-4-40(B) OF CHAPTER 2 OF THE MUNICIPAL CODE CONCERNING QUALIFICATIONS OF MUNICIPAL JUDGES (FIRST READING)

DATE: SEPTEMBER 2, 2025

ISSUE

Shall City Council approve Council Bill 2, Series 2025, amending Section 2-4-40(b) of the Chapter 2 of the Municipal Code concerning qualifications of municipal judges (Exhibit A) on first reading?

BACKGROUND

In an effort to provide more options to the City as it relates to Municipal Court, staff is exploring various modernization efforts. One of these efforts is to expand who can serve as municipal judges by making the following amendment to Municipal Code Section 2-4-40(b), with deletions in ~~strike~~through:

“The Municipal Judge (including alternate judges) shall be a citizen of the United States, over the age of thirty (30) years, a person duly licensed to practice law in the State with at least five (5) years’ experience as a practicing attorney or judge, ~~a resident of the County~~ and, in the opinion of City Council, an individual of good moral character with judicial temperament.”

BUDGET IMPACT

This amendment could potentially cause an increase in overall judicial program costs as the court system is modernized.

RECOMMENDED MOTION

“I move to approve Council Bill 2, Series 2025, amending Section 2-4-40(b) of Chapter 2 of the Municipal Code concerning qualifications of municipal judges on first reading.”

ATTACHMENTS

Exhibit A: Council Bill 2, Series 2025

COUNCIL BILL 2
SERIES OF 2025

INTRODUCED BY: _____
SECONDED BY: _____

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 2-4-40(B) OF CHAPTER 2 OF THE CHERRY HILLS VILLAGE
MUNICIPAL CODE CONCERNING QUALIFICATIONS OF MUNICIPAL JUDGES**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority, and as set forth in Section 6 of Article XX of the Colorado Constitution, the City is authorized to legislate upon, provide, regulate, conduct, and control the creation of municipal offices and to define, regulate, and alter the powers, duties, qualifications, and terms or tenure of all municipal offices, including municipal courts and the election and appointment of the officers thereof; and

WHEREAS, Section 7.1 of the City's Home Rule Charter ("Charter") created a Municipal Court endowed with the jurisdiction to hear and determine all cases arising under the Charter or the ordinances of the City, which functions shall be exercised by one or more municipal judges appointed by City Council who meet qualifications established by ordinance; and

WHEREAS, Section 2-4-40 of the Cherry Hills Village Municipal Code ("Municipal Code") provides that City Council shall appoint a Municipal Judge to preside over, supervise, and direct the operation of the Municipal Court, as well as one or more alternate judges when necessary, which judges shall meet qualifications established therein; and

WHEREAS, City Council desires to eliminate the requirement that the Municipal Judge and alternate judges shall be a resident of the County.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE,
ORDAINS:**

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Municipal Judge Qualifications Amended. Sub-section(b) of Section 2-4-40 of the Municipal Code, entitled *Appointment and qualifications of municipal judge*, is hereby amended to read in full as follows, with deletions shown in ~~strike through~~:

(b) The Municipal Judge (including alternate judges) shall be a citizen of the United States, over the age of thirty (30) years, a person duly licensed to practice law in the State with at least five (5) years' experience as a practicing attorney or judge, a

resident of the County and, in the opinion of the City Council, an individual of good moral character with judicial temperament.

Section 3. Safety Clause. The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety and welfare.

Section 4. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 5. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Cherry Hills Village Municipal Code.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. _____, Series 2025, by the City Council of the City of Cherry Hills Village, Colorado this _____ day of _____, 2025.

(SEAL)

Kathleen Brown, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Gillespie, City Clerk

Kathie B. Guckenberger, City Attorney

Published in *The Villager*

Published: _____

Legal #: _____

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COLORADO

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ITEM: 10c

MEMORANDUM

TO: HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL

FROM: LAURA GILLESPIE, CITY CLERK

SUBJECT: RESOLUTION 25, SERIES 2025; ALLOWING FOR ELECTRONIC PARTICIPATION BY CITY COUNCIL MEMBERS IN CITY COUNCIL MEETINGS BY RESCINDING THE CITY COUNCIL POLICY ON ELECTRONIC PARTICIPATION IN CITY COUNCIL, BOARD, COMMISSION AND COMMITTEE MEETINGS, ADOPTING THE CITY COUNCIL POLICY ON ELECTRONIC PARTICIPATION IN CITY COUNCIL MEETINGS, ADOPTING THE CITY COUNCIL POLICY ON ELECTRONIC PARTICIPATION IN BOARD, COMMISSION AND COMMITTEE MEETINGS, AND AMENDING THE CITY COUNCIL RULES OF PROCEDURE

DATE: SEPTEMBER 2, 2025

ISSUE

Shall City Council approve Resolution 25, Series 2025, allowing for electronic participation by City Council members in City Council meetings by rescinding the City Council Policy on Electronic Participation in City Council, Board, Commission, and Committee Meetings, adopting the City Council Policy on Electronic Participation in City Council Meetings, adopting the City Council Policy on Electronic Participation in Board, Commission and Committee Meetings, and amending the City Council Rules of Procedure (Exhibit A)?

BACKGROUND

Council has discussed this issue at the following meetings: April 1, 2025 (Exhibit E), May 20, 2025 (Exhibit F), July 15, 2025 (Exhibit G), and August 19, 2025 (Item 7a of this Council packet).

UPDATES

Based on direction received at the August 19, 2025 meeting the following updates have been made to the proposed policies (see Exhibits B through D for redlines):

Electronic Participation Policy for City Council Meetings:

- *Sections 3.B.9, 3.B.10, and 3.B.11*: Regarding electronically recording the meeting, live streaming the meeting, and posting draft minutes of the meeting. These are standard procedure and have been deleted.
- *Section 3.B.12 (now 10)*: Amended to read “The Mayor may discontinue the use of Electronic Participation by a Council member during a Meeting...”
- *Section 3.C.1*: Amended to read “Meetings will be held entirely by Electronic Participation only when the City Council, Mayor, or the City Manager determines that meeting in-person is impractical, impossible, or unlawful.”
- *Section 3.C.7*: Added “All votes shall be conducted by roll call.”
- *Sections 3.C.7, 3.C.8, and 3.C.9*: Regarding electronically recording the meeting, live streaming the meeting, and posting draft minutes of the meeting. These are standard procedure and have been deleted.
- *Section 3.C.10 (now 8)*: Amended to read “The Mayor may discontinue...”

Electronic Participation Policy for Board, Commission and Committee Meetings:

- *Section 3.A.1*: Amended to read “The City Manager determines that meeting in-person is impractical, impossible, or unlawful.”
- *Sections 3.A.4, 3.A.5, and 3.A.6*: Regarding electronically recording the meeting, live streaming the meeting, and posting draft minutes of the meeting. These are standard procedure and have been deleted.
- *Section 3.A.11 (now 8)*: Amended to read “The Board Chair may discontinue...” to be consistent with the amendment to the City Council policy.

City Council Rules of Procedure (Attachment C to Exhibit A):

- No additional changes have been made to the City Council Rules of Procedure. Article 9 of the City Council Rules of Procedure states “Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular meeting and shall be acted upon no sooner than at the next meeting of Council as an agenda item. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.” Staff is presenting Resolution 25, Series 2025 and associated policies for Council action at tonight’s meeting following submission of the proposed amendments at the previous meeting.

DISCUSSION

Changes made prior to the August 19, 2025 Council meeting:

Electronic Participation Policy for City Council Meetings:

- *Section 3.B.1:* No change to the affirmation of Council members' intent to attend as many meetings in-person as possible. Electronic participation will be used infrequently for emergency and rare convenience purposes.
- *Section 3.B.2:* Allows up to two Council members to participate electronically in a Council meeting, or be absent from a Council meeting, on a first-come, first-served basis. **At least four Council members must be present in-person for a Council meeting to proceed.** If more than two Council members will be absent or participate electronically the Mayor will cancel or reschedule the Council meeting.
- *Section 3.B.3:* No restriction as to number of meetings per year in which Council member participates electronically.
- *Section 3.B.4:* Allows Council members who are participating electronically to participate in public hearings, quasi-judicial matters, and executive sessions.
- *Section 3.B.4:* Clarifies if a Council member participating electronically loses connection during a quasi-judicial matter they will not be allowed to rejoin the meeting until after the quasi-judicial matter has concluded, and will not be allowed to participate or vote on the matter.
- *Section 3.B.6:* Does not allow electronic participation for oaths of office.
- *Section 3.B.7:* Does not allow the public or board, commission, or committee members to attend or participate in meetings electronically, only in-person.
- *Section 3.B.12:* Remove the language stating the city clerk will attempt reconnection if the connection of a Council member is lost, and remove the language about technological difficulties.
- *Section 3.B.14:* States consent is not required from a quasi-judicial applicant for hybrid meetings.
- *Section 3.C.1:* Remove the language referencing COVID-19 and keep the language referencing public health orders and regulations.
- *Section 3.C.10:* No change to the language stating the city clerk will attempt reconnection if the connection of a Council member is lost, and no change to the language about technological difficulties.

Electronic Participation Policy for Board, Commission and Committee Meetings:

- *Section 3.A.1:* Remove the language referencing COVID-19 and keep the language referencing public health orders and regulations.

City Council Rules of Procedure:

- *Article 6:* Updated to reference the new policy.

BUDGET IMPACT

Staff does not anticipate any budget impact from these changes.

RECOMMENDED MOTION

“I move to approve Resolution 25, Series 2025, allowing for electronic participation by City Council members in City Council meetings by rescinding the City Council Policy on Electronic Participation in City Council, Board, Commission, and Committee Meetings, adopting the City Council Policy on Electronic Participation in City Council Meetings, adopting the City Council Policy on Electronic Participation in Board, Commission and Committee Meetings, and amending the City Council Rules of Procedure.”

ATTACHMENTS

- Exhibit A: Resolution
Attachment A: Electronic Participation Policy for City Council Meetings
Attachment B: Electronic Participation Policy for Board, Commission and Committee Meetings
Attachment C: City Council Rules of Procedure
- Exhibit B: Electronic Participation Policy for City Council Meetings (redlined)
- Exhibit C: Electronic Participation Policy for Board, Commission and Committee Meetings (redlined)
- Exhibit D: City Council Rules of Procedure (redlined)
- Exhibit E: April 1, 2025 City Council Minutes (excerpt)
- Exhibit F: May 20, 2025 City Council Minutes (excerpt)
- Exhibit G: July 15, 2025 City Council Minutes (excerpt)

**RESOLUTION NO. 25
SERIES 2025**

**INTRODUCED BY:
SECONDED BY:**

**A
RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
ALLOWING FOR ELECTRONIC PARTICIPATION BY CITY COUNCIL MEMBERS IN
CITY COUNCIL MEETINGS
BY RESCINDING THE CITY COUNCIL POLICY ON ELECTRONIC PARTICIPATION
IN CITY COUNCIL, BOARD, COMMISSION AND COMMITTEE MEETINGS,
ADOPTING THE CITY COUNCIL POLICY ON ELECTRONIC PARTICIPATION
IN CITY COUNCIL MEETINGS,
ADOPTING THE CITY COUNCIL POLICY ON ELECTRONIC PARTICIPATION
IN BOARD, COMMISSION AND COMMITTEE MEETINGS,
AND AMENDING THE CITY COUNCIL RULES OF PROCEDURE**

WHEREAS, the City Council of the City of Cherry Hills Village ("Council") is authorized under its home rule charter and pursuant to its general municipal powers to adopt policies and procedures in furtherance of its municipal functions and authority; and

WHEREAS, in November 2020 Council approved a policy for electronic participation in City Council, board, commission and committee meetings in the case of a declared local disaster emergency (the "Policy") pursuant to Resolution 35, Series 2020, and in May 2021, Council updated its Rules of Procedure (the "Rules") pursuant to Resolution 13, Series 2021 to reference the Policy; and

WHEREAS, Council desires to rescind the Policy, adopt a Policy for Electronic Participation in City Council Meetings, adopt a Policy for Electronic Participation in Board, Commission and Committee Meetings, and amend the Rules to allow Council members to participate electronically in City Council meetings, including public hearings, quasi-judicial matters, and executive sessions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. The City Council hereby rescinds the Policy for Electronic Participation in City Council or Board, Commission and Committee Meetings (adopted by Resolution 35, Series 2020 and amended by Resolution 4, Series 2022).

Section 2. The City Council hereby adopts the Policy for Electronic Participation in City Council Meetings as reflected in **Attachment A**, a copy of which is attached to this resolution.

Section 3. The City Council hereby adopts the Policy for Electronic Participation in Board, Commission and Committee Meetings as reflected in **Attachment B**, a copy of which is attached to this resolution.

Section 4. The City Council hereby amends the City Council Rules of Procedure as reflected in **Attachment C**, a copy of which is attached to this resolution.

Section 5. If any part or provision of this resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this resolution, it being the intention of the City Council that the various provisions hereof are severable.

Section 6. This resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of City Council this ___ day
of _____, 2025, by a vote of _ yes _ no.

(SEAL)

Kathleen Brown, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Gillespie, City Clerk

Kathie B. Guckenberger, City Attorney

ATTACHMENT A

Policy for Electronic Participation in City Council Meetings

CITY COUNCIL POLICY FOR ELECTRONIC PARTICIPATION IN CITY COUNCIL MEETINGS

I. Purpose

The purpose of this policy is to allow City Council to meet and conduct City business by teleconference, video conference, or other electronic means ("Electronic Participation").

II. Scope

This policy shall apply to regular and special meetings, including study sessions, of the City Council of the City of Cherry Hills Village ("Meetings").

This policy incorporates the rules of procedure adopted by the City Council and supplements those rules to facilitate the conduct of Meetings by Electronic Participation. City Council may participate and vote in all matters within the scope of their authority at Meetings conducted by Electronic Participation.

III. Policy

A. The City Council may hold, and a member of the City Council may participate in, a duly noticed Meeting by Electronic Participation only in accordance with this policy.

B. Electronic Participation by City Council Members in Otherwise In-Person Meetings

1. City Council members affirm their intent to attend as many Meetings in-person as possible. Electronic Participation will be used infrequently for emergency and rare convenience purposes.
2. A limit of two Council members may participate in a Meeting by Electronic Participation, or be absent from a Meeting. At least four Council members, not including the Mayor, must be present in-person for a Meeting to proceed. If more than two Council members will be absent or participate by Electronic Participation the Mayor will cancel or reschedule the Meeting.
3. There is no limit to the number of Meetings per year a City Council member may attend by Electronic Participation.

4. Council members participating by Electronic Participation may participate in public hearings, quasi-judicial matters, and executive sessions. If a Council member participating by Electronic Participation loses their connection during a quasi-judicial matter, the Council member will not be permitted to rejoin the Meeting until after the quasi-judicial matter is concluded, and will not be permitted to participate or vote on the quasi-judicial matter.
5. City Council members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual City Council member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.
6. Oaths of office shall be administered in-person only, except in accordance with Section III.C. of this policy.
7. No other person shall participate in any Meeting by Electronic Participation except in accordance with Section III.C. of this policy.
8. City Council members attending by Electronic Participation shall have their cameras on at all times, and shall be in a private, secure, focused space with a good internet connection and low noise. Council members attending by Electronic Participation shall join the Meeting at least 10 minutes prior to the meeting start time.
9. All votes shall be conducted by roll call.
10. The Mayor may discontinue the use of Electronic Participation by a Council member during a Meeting where such connection or participation results in delays or interference in the Meeting process.
11. Consent is not required from a quasi-judicial applicant in order for City Council to hold a quasi-judicial public hearing when up to two City Council members are participating by Electronic Participation in otherwise in-person Meetings.

C. Meetings Held Entirely by Electronic Participation

1. Meetings will be held entirely by Electronic Participation only when the City Council, Mayor, or the City Manager determines that meeting in-person is impractical, impossible, or unlawful.
2. The Clerk or City Manager shall contact City Council members at least twenty-four hours in advance of a regular or special Meeting to provide

notice of a Meeting conducted entirely by Electronic Participation under this policy.

3. The public shall receive at least twenty-four hours' notice of:
 - a. the time of the Meeting;
 - b. the fact that the Meeting will be conducted using Electronic Participation; and
 - c. the means by which the public may join the Meeting electronically.
4. The City Council shall provide adequate opportunity for the public to participate in the Meeting that is commensurate with the similar opportunity that is routinely given during in-person Meetings. The public may submit written comments and materials to the City Clerk by the deadline indicated on the meeting agenda. Written comments and materials received by the deadline shall be distributed to the City Council members prior to the Meeting and be made part of the record.
5. Members of the public must contact the City Clerk by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
6. The City Clerk shall initiate the Electronic Participation a reasonable time before the scheduled time of the Meeting.
7. All votes shall be conducted by roll call.
8. The Mayor may discontinue the use of Electronic Participation by members or citizens during a Meeting where such connection or participation results in delays or interference in the Meeting process. If connection of a Council member is lost, the City Clerk shall make at least two attempts to re-initiate the connection. If a quorum is no longer present, the City Council shall adjourn the Meeting. If technological difficulties impair the orderly processing of quasi-judicial matters or other public hearings, the City Council may continue the matter to a date and time certain.
9. All members of the City Council, at least one City staff member, and applicant and witnesses in quasi-judicial matters, must be able to clearly communicate with one another by Electronic Participation and be able to hear or read all discussion, evidence, and testimony in a manner designed to allow notice and participation.

10. Members of the public must be able to hear or read all discussion, presentations, evidence, testimony, and votes, unless not feasible as determined by the presiding officer of the City Council.
11. The City Council may convene executive sessions in Meetings conducted by Electronic Participation if such sessions otherwise conform to the requirements of Colorado law. City Council members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual City Council member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.

D. Quasi-Judicial Matters at Meetings Held Entirely by Electronic Participation

1. Meetings will be held entirely by Electronic Participation only in accordance with Section III.C. of this policy.
2. Except for any public hearing initiated by the City or based on an appeal of an action initiated by the City, each applicant must consent to holding a public hearing electronically. Such consent must be in writing and must be received by the City Clerk no later than thirteen business days prior to the Meeting in order for the public hearing to be held electronically. If such consent is not received the public hearing will not be scheduled.
3. All notices of the public hearing shall include a notification that the public hearing will be conducted electronically, that advance registration for public comment is required, and that information for participation will be provided on the meeting agenda.
4. The meeting agenda must clearly state: (1) that the public hearing will be conducted electronically; (2) that advance registration for public comment is required; (3) the method by which the public may participate; and (4) the deadline for registration and submittal of exhibits by members of the public.
5. An applicant's final submittal of all exhibits to be referenced during the public hearing must be received by the City Clerk no later than thirteen business days prior to the Meeting to ensure all materials are included in the City Council packet. All exhibits are required to be clearly named and labeled.

6. The City Clerk shall send the City Council packet to the City Council members and to the applicant and shall require confirmation of receipt.
7. An applicant's final presentation must be received by the City Clerk no later than 9:00 a.m. the business day before the Meeting.
8. The applicant will appear by video with audio as directed by the City Clerk. The public hearing must be continued in the absence of both video and audio. The applicant should remain connected until the conclusion of the public hearing.
9. Members of the public must contact the City Clerk by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
10. Members of the public must submit any exhibits by the deadline indicated on the meeting agenda. The City Clerk will share exhibits during the appropriate testimony. Members of the public are not permitted to share their screen.
11. Members of the public must disconnect from the meeting platform once they have concluded their testimony. They are encouraged to watch the remainder of the Meeting on the City website.
12. A member of the public may only speak once during a public hearing.
13. The standard for public participation is substantial compliance. Technological errors preventing a particular member(s) of the public from participating in a public hearing shall not invalidate the hearing proceedings, unless the City Council determines that such an error fails to comply with due process requirements under applicable law.
14. The City Manager may choose to continue any public hearing conducted under this policy to a date and time certain if the City Manager determines it is not possible or prudent to hold the public hearing by electronic means.
15. The City Council may continue a public hearing to a date and time certain for reasons set forth in the Municipal Code, to provide additional public participation or obtain additional information, or upon request of the applicant.

E. Reasonable Accommodations

1. The City shall provide reasonable accommodations and shall waive or modify provisions of this policy to provide equal access to Meetings.

ATTACHMENT B

Policy for Electronic Participation in Board, Commission and Committee Meetings

CITY COUNCIL POLICY FOR ELECTRONIC PARTICIPATION IN CITY BOARD, COMMISSION AND COMMITTEE MEETINGS

I. Purpose

The purpose of this policy is to allow City boards, commissions and committees to meet and conduct City business by teleconference or other electronic means, including video conferencing, ("Electronic Participation") when meeting in person is impractical, impossible, or unlawful. A separate policy governs Electronic Participation for City Council.

II. Scope

This policy shall apply to all regular and special meetings, including study sessions, ("Meeting" or "Meetings") of all City boards, commissions, and committees ("Boards").

This policy incorporates the rules of procedure adopted by the body holding the Meeting, and supplements those rules to facilitate the conduct of Meetings by Electronic Participation. To the extent applicable, Board members may participate and vote in legislative and administrative matters within the scope of their authority at Meetings conducted by Electronic Participation. In addition, Boards may participate and vote in quasi-judicial matters within the scope of their authority at Meetings conducted entirely in-person or entirely by Electronic Participation in accordance with this policy.

III. Policy

Any City board, commission, or committee may hold, and a member of a Board may participate, in a duly noticed Meeting of such body by Electronic Participation only in accordance with this policy.

A. Requirements for Conducting Meetings via Electronic Participation. The Board may conduct Meetings using Electronic Participation only if all of the following conditions are met:

1. The City Manager determines that meeting in person is impractical, impossible, or unlawful;
2. All members of the Board, at least one City staff member, and applicant and witnesses in quasi-judicial matters, can clearly communicate with one another by Electronic Participation and can hear or read all discussion, evidence, and testimony in a manner designed to allow notice and participation;
3. All votes are conducted by roll call;

4. Members of the public can hear or read all discussion, presentations, evidence, testimony, and votes, unless not feasible as determined by the presiding officer of the Board;
5. The public receives at least twenty-four hours' notice of:
 - a. the time of the Meeting;
 - b. the fact that the Meeting will be conducted using Electronic Participation; and
 - c. the means by which the public may join the Meeting electronically.
6. The Board shall provide adequate opportunity for the public to participate in the Meeting that is commensurate with the similar opportunity that is routinely given during in-person Meetings. The public may submit written comments and materials to the staff liaison by the deadline indicated on the meeting agenda. Written comments and materials received by the deadline shall be distributed to the Board members prior to the Meeting and be made part of the record.
7. The Board may convene executive sessions in Meetings conducted by Electronic Participation if such sessions otherwise conform to the requirements of Colorado law. Board members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual Board member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.
8. The Board Chair may discontinue the use of Electronic Participation by members or citizens during a Meeting where such connection or participation results in delays or interference in the meeting process. If connection of a Board member is lost, the staff liaison shall make at least two attempts to re-initiate the connection. If a quorum is no longer present, the Board shall adjourn the meeting. If technological difficulties impair the orderly processing of quasi-judicial matters, the Board may continue the matter to a date and time certain.

B. Arranging for Electronic Participation

1. The staff liaison or City Manager shall contact Board members at least twenty-four hours in advance of a Meeting to provide notice of a Meeting conducted under this policy.
2. Members of the public must contact the staff liaison by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.

3. The staff liaison shall initiate the Electronic Participation a reasonable time before the scheduled time of the Meeting.

C. Quasi-Judicial Matters

1. Quasi-judicial public hearings must be held entirely in-person or entirely by Electronic Participation.
2. Except for any public hearing initiated by the City or based on an appeal of an action initiated by the City, each applicant must consent to holding a public hearing electronically. Such consent must be in writing and must be received by the staff liaison no later than thirteen business days prior to the Meeting in order for the public hearing to be held electronically. If such consent is not received the public hearing will not be scheduled.
3. All notices of the public hearing shall include a notification that the public hearing will be conducted electronically, that advance registration for public comment is required, and that information for participation will be provided on the meeting agenda.
4. The meeting agenda must clearly state: (1) that the public hearing will be conducted electronically; (2) that advance registration for public comment is required; (3) the method by which the public may participate; and (4) the deadline for registration and submittal of exhibits by members of the public.
5. An applicant's final submittal of all exhibits to be referenced during the public hearing must be received by the staff liaison no later than thirteen business days prior to the Meeting to ensure all materials are included in the Board packet. All exhibits are required to be clearly named and labeled.
6. The staff liaison shall send the Board packet to the Board members and to the applicant and shall require confirmation of receipt.
7. An applicant's final presentation must be received by the staff liaison no later than 9:00 a.m. the business day before the Meeting.
8. The applicant will appear by video with audio as directed by the staff liaison. The public hearing must be continued in the absence of both video and audio. The applicant should remain connected until the conclusion of the public hearing.
9. Members of the public must contact the staff liaison by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
10. Members of the public must submit any exhibits by the deadline indicated on the meeting agenda. The staff liaison will share exhibits during the appropriate testimony. Members of the public are not permitted to share their screen.

11. Members of the public must disconnect from the meeting platform once they have concluded their testimony. They are encouraged to watch the remainder of the Meeting on the City website.
12. A member of the public may only speak once during a public hearing.
13. The standard for public participation is substantial compliance. Technological errors preventing a particular member(s) of the public from participating in a public hearing shall not invalidate the hearing proceedings, unless the Board determines that such an error fails to comply with due process requirements under applicable law.
14. The City Manager may choose to continue any public hearing conducted under this policy to a date and time certain if the City Manager determines it is not possible or prudent to hold the public hearing by electronic means.
15. The Board may continue a public hearing to a date and time certain for reasons set forth in the Municipal Code, to provide additional public participation or obtain additional information, or upon request of the applicant.

D. Reasonable Accommodations.

1. The City shall provide reasonable accommodations and shall waive or modify provisions of this policy to provide equal access to Meetings.

ATTACHMENT C
City Council Rules of Procedure

**CHERRY HILLS VILLAGE
CITY COUNCIL
RULES OF PROCEDURE**

Adopted August 7, 2012

Amended March 3, 2015; January 19, 2016; May 18, 2021; May 17, 2022, and September 2, 2025

ARTICLE 1.	<u>Authority.</u> <i>Section 1.</i> These Rules of Procedure are adopted by the City of Cherry Hills Village City Council pursuant to the authority vested in Section 3.7 of the City of Cherry Hills Village Home Rule Charter and Section 2-2-10 of the City of Cherry Hills Village Municipal Code. Deviations from these Rules that do not violate the Charter or any law may be permitted at the discretion of the Mayor.
ARTICLE 2.	<u>Roles and Responsibilities.</u> <i>Section 1.</i> Refer to Article III of the Charter.
ARTICLE 3	<u>Meetings.</u> <i>Section 1.</i> The City Council consists of the Mayor and six Council members. Four members of the Council constitute a quorum (see Section 3.7 of the Charter). The Mayor is not counted for the purposes of establishing a quorum. <i>Section 2.</i> An organizational meeting shall be held at the first Council meeting in the month of January following each regular City election (see Section 3.7 of the Charter). At this meeting elected City Council members and the Mayor-elect shall assume the duties of office; the newly elected Mayor and Council members shall take their oath of office; and the Mayor Pro Tem shall be elected by the Council. <i>Section 3. Regular Meetings.</i> (A) Regular meetings of the City Council shall be scheduled for the first and third Tuesday of each month with the following exceptions: • In July only one meeting shall be held on the third Tuesday of the month. • In December only one meeting shall be held on the second Wednesday of the month. • Regular meetings that fall on a major secular or religious holiday shall be rescheduled or cancelled. Regular meetings may be rescheduled or cancelled at the discretion of the Mayor, provided that the Council shall meet at least once each month as required by Charter Section 3.7. All meetings will be held at the Village Center at 2450 East Quincy Avenue, or at such other venue as Council shall select and provide notice thereof in accordance with applicable law. All meetings will begin at 6:30 p.m. unless otherwise noted on the agenda. City Council meetings may be conducted electronically, and Electronic Participation in City Council meetings is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings.

	(B) The order of business at regular meetings shall be as follows unless adjusted by the Mayor. 1. Call to Order 2. Roll Call of Members 3. Pledge of Allegiance 4. Audience Participation 5. Reports from City Boards, Commissions and Committees 6. Consent Agenda 7. Items Removed From Consent Agenda 8. Unfinished Business 9. New Business 10. Reports a. Mayor b. Members of City Council c. City Manager and Staff d. City Attorney 11. Adjournment (C) The Mayor may adjust the order of business and allow scheduled presentations, at a time and in a manner most convenient for the public, staff, and Council. <i>Section 4.</i> Special meetings of the Council shall be called by the City Clerk on the oral request of the Mayor, or of any two members of the Council, on at least 24 hours' advanced written or telephonic notice to each member of the Council, but a special meeting may be held on shorter notice if all members of the Council are present or those absent waive notice thereof (Section 3.8 of the Charter) provided that public notice requirements for the meeting are met. Special meetings may be conducted electronically, and Electronic Participation in special meetings is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings. <i>Section 5.</i> The purpose of a study session shall be to hear, study, and discuss matters in a forum that allows for more attention to the matter than a regular meeting. Study sessions shall be open to the public but audience participation will not necessarily be taken. No business shall be transacted and no formal action shall be taken at a study session. However, the Council may by consensus provide City staff with direction concerning agenda related items. When possible, study sessions shall be held directly before a regular meeting of the Council. Study sessions may be conducted electronically, and Electronic Participation in study session is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings. <i>Section 6. Executive Sessions</i> (A) Executive sessions may only be held at a regular or special meeting and shall comply with the provisions of C.R.S. § 24-6-402.
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(B) A motion to move into executive session from a regular or special meeting shall set forth the matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. The motion shall include specific citation to the provision of C.R.S. § 24-6-402 authorizing the executive session. The motion shall be approved by 2/3 majority or more of the Council members present on roll call.

(C) The Council shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public.

(D) Discussions that occur during executive session, except attorney-client privileged communications as identified in C.R.S. § 24-6-402(d.5)(II)(A), shall be recorded by making an audio recording that shall be retained for ninety (90) days after the date of the executive session. The audio recording shall be kept for the required ninety (90) days by the City Attorney unless the City Attorney was the topic of the executive session.

(E) All persons present shall preserve the confidentiality of the matters discussed in executive session.

(F) Executive sessions may be conducted electronically, and Electronic Participation in executive sessions is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings.

Section 7. Agendas and Council Packet.

(A) The agenda shall be maintained by the City Clerk and may be modified by the City Manager or Mayor. The City Manager will submit a proposed agenda to the Mayor for review prior to the Council packet being distributed. Any Council member may submit to the City Clerk items for the agenda, which shall be included on the agenda for the next scheduled meeting if provided to the City Clerk at least 24 hours prior to distribution of the Council packets. Draft agendas shall be made available to the City Council at the previous meeting. Agendas shall be posted at the location designated by Council for notices of meetings at least 24 hours prior to any regular or special meeting. The agenda shall be made available to the public through the City website or by request at the Village Center.

(B) The Council packet shall generally be provided to Council members no later than the Wednesday preceding any regularly scheduled meeting. Supporting information not available the Wednesday before the meeting may be provided to Council subsequent to the packet or at the meeting. The Council packet shall be made available to the public through the City website or by request at the Village Center. A public copy of the Council packet will be provided at the Council meeting.

Section 8. The Mayor, Mayor Pro Tem, or other designated Council member in their absence, shall serve as the presiding officer in the conduct of meetings. In the event of

	absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted to Council members by the Charter and Municipal Code (Sections 3.3, 5.1 and 5.5 of the Charter). References to the Mayor's powers and duties during a Council meeting in these Rules shall apply to the presiding officer at the meeting. <i>Section 9.</i> At all times, the discussions and motions of the Council and remarks of members of the public shall be directed to the Mayor, and shall be preceded by recognition from the Mayor. <i>Section 10. General Discussion.</i> (A) Each member of Council shall be afforded an opportunity to speak on the matter under discussion before moving on to another topic of discussion. The Mayor may set a time limit on any such discussion of members of Council. (B) Council members shall not be permitted to explain their vote during a roll call. Such explanation is permitted during the discussion of the question or motion. <i>Section 11. Audience Participation.</i> (A) Any person may speak to the Council on any matter during the Audience Participation period at the beginning of each regular and special Council meeting. The City Clerk shall post an audience participation sign-up form before each regular meeting. Immediately prior to the audience participation portion of the meeting, the City Clerk shall hand the sign-up form to the Mayor. The Mayor shall call those signed up to speak before Council in the order they have signed up. (B) Audience participation shall be limited to 5 minutes per speaker. (C) The Mayor may restrict cumulative or redundant presentations. (D) Those attending Council meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Council. The Mayor may take any reasonable steps to maintain the order and dignity of Council meetings. <i>Section 12. Public Hearings</i> (A) Public hearings will be held as required by the Charter and the Municipal Code. The Mayor will open each hearing and allow any person in attendance to address the issue subject to the rules contained in Section 11 concerning audience participation. The purpose of any Public Hearing shall be to: (1) allow applicants an opportunity to present evidence in support of their application; (2) ensure compliance with due process principles; and (3) provide everyone an opportunity to present their views and recommendations on the issue that is the subject of the hearing. (B) The Mayor and Council members shall not debate or challenge the position of any speaker, but may question a speaker in order to fully understand their position.
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	The Mayor and Council shall reserve their comments on public testimony until the issue is before the Council for discussion. (C) Written communications submitted directly to City staff or Council must be submitted at least 24 hours in advance of the public hearing to ensure inclusion in the record. Written comments or postings related to a public hearing that are submitted on the City's social media, including but not limited to Facebook, shall not be considered part of the record, unless specifically included in the record via staff report or by acknowledgement of Council. All written materials submitted to the City Clerk or the Council at the public hearing shall be considered part of the record. (D) Public hearings may be conducted electronically, and Electronic Participation in public hearings is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings. <i>Section 13. Method of Voting</i> (A) On motions that do not require a roll call of votes, the Mayor shall ask that all those in favor of the motion signify by saying yes. Those members in favor shall give said sign. The Mayor shall then ask that all those opposed signify by saying no. Those members opposed shall give said sign. The Mayor shall signify if the motion passes or fails. The City Clerk shall record the results of the motion in the minutes of the meeting. (B) On motions that require a roll call of votes, the Mayor shall ask the City Clerk for a roll call. The City Clerk shall perform the roll call and record each member's vote in the minutes. The Mayor shall signify if the motion passes or fails. (C) All votes shall be conducted by roll call if any Council member is attending by Electronic Participation <i>Section 14.</i> If a member of Council has a personal, financial or other conflict of interest, or appearance thereof that would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Council member to require recusal, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by Council, and the recusing Council member shall then not participate in any discussion or vote of the matter. <i>Section 15.</i> Record of proceedings shall be taken by the City Clerk in the form of written minutes. Written minutes will be prepared by the City Clerk and be presented for Council's approval at the next regular or special meeting. Following approval, the written minutes will be made available to the public at the Village Center and on the City website. <i>Section 16.</i> City Council meetings shall be live-streamed on the City website and the recordings of the meetings maintained on the City website.
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ARTICLE 4.	<u>Ordinances</u> <i>Section 1.</i> Any legislative action by the Council shall be by adoption of an ordinance. All other matters may be decided by adoption of a motion or resolution as the Council deems appropriate. <i>Section 2.</i> The Mayor, any Council member, or the City Manager may request that a proposed ordinance be placed on a Council agenda. A proposed ordinance may be introduced by any member of Council. Introduction may be by title only, or in full text (Section 4.5 of the Charter). Where feasible, the person proposing the ordinance may present the proposed text together with a written or oral explanation for the purpose and content of the proposed ordinance at a regularly scheduled meeting before first consideration. <i>Section 3.</i> Any ordinance approved on first consideration shall be placed on the agenda of the next regular or special Council meeting for second and final consideration provided said meeting is at least six days after passage on first consideration. The proposed ordinance must be completed in written form and a copy provided to each Council member before second consideration (Section 4.5 of the Charter). If a public hearing is required for the second consideration of an ordinance then said ordinance shall be placed on the agenda of the next regular or special meeting after the required publication is accomplished. <i>Section 4.</i> Emergency ordinances shall be governed by the procedures set out in Section 4.5 of the Charter. <i>Section 5. Ordinances and Public Hearings for Rezonings and Vested Rights</i> (A) Approval on first consideration of an ordinance does not constitute final approval or indicate approval of the ordinance at second consideration. An approval on first consideration will authorize second consideration of the ordinance and set the date for the future public hearing, consistent with allowing an applicant the requisite process and hearing opportunity provided for in the Municipal Code. (B) The public hearing will be held on second consideration of the ordinance. The second consideration and public hearing shall include the full staff presentation, applicant presentation, and public comments. (C) Public hearings may be conducted electronically, and Electronic Participation is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings.
ARTICLE 5	<u>Conflicts of Interest and Ethical Considerations.</u> <i>Section 1.</i> Members of Council shall adhere to Article IX of Chapter 2 of the Municipal Code, the Code of Ethics.

ARTICLE 6	<u>Attendance and Absences.</u> <i>Section 1.</i> The Council must have a quorum to do business. Therefore, governance of the City requires that all members of the Council attend Council meetings in order to fulfill their obligation to the citizens of the City by fully participating in the process of government. Additionally, each member of the Council has an obligation to his or her fellow members to be informed and attend Council meetings. <i>Section 2.</i> Attendance by Electronic Participation is permitted in accordance with the City Council Policy for Electronic Participation in City Council Meetings. <i>Section 3.</i> If it is necessary for a Council member to be absent from a regular meeting of the Council, the Council member shall notify the Mayor and City Clerk prior to the meeting. <i>Section 4.</i> If it is necessary for the Mayor to be absent from a regular meeting of the Council, the Mayor shall notify the City Clerk's office prior to the meeting.
ARTICLE 7	<u>Finances.</u> <i>Section 1.</i> The City shall pay or reimburse the Mayor and Council members for necessary bona fide expenses incurred in service on behalf of the City if authorized, itemized and maintained as a matter of public record. The City will pay or reimburse the Mayor and Council members for travel expenses and mileage allowance according the City's generally applicable policies governing employee travel expenses and mileage allowance (Sections 3.6 and 5.3 of the Charter). <i>Section 2.</i> The City will not pay or reimburse the Mayor or Council members for any costs associated with a member's spouse attending any related function.
ARTICLE 8	<u>Electronic Mail and Social Media</u> <i>Section 1.</i> Electronic communications such as email shared among the Council may constitute a meeting to which open meetings and open records requirements may apply. The Elected Officials Email Policy included as Appendix A to these Rules shall provide a guide to elected officials.
ARTICLE 9	<u>Amendment of Rules.</u> <i>Section 1.</i> Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular meeting and shall be acted upon no sooner than at the next meeting of Council as an agenda item. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.
ARTICLE 10	<u>Robert's Rules of Order</u> <i>Section 1.</i> To the extent helpful, relevant and not inconsistent with these Rules, Robert's Rules of Order Newly Revised shall apply.

CITY COUNCIL POLICY FOR ELECTRONIC PARTICIPATION IN CITY COUNCIL MEETINGS

I. Purpose

The purpose of this policy is to allow City Council to meet and conduct City business by teleconference, video conference, or other electronic means ("Electronic Participation").

II. Scope

This policy shall apply to regular and special meetings, including study sessions, of the City Council of the City of Cherry Hills Village ("Meetings").

This policy incorporates the rules of procedure adopted by the City Council and supplements those rules to facilitate the conduct of Meetings by Electronic Participation. City Council may participate and vote in all matters within the scope of their authority at Meetings conducted by Electronic Participation.

III. Policy

A. The City Council may hold, and a member of the City Council may participate in, a duly noticed Meeting by Electronic Participation only in accordance with this policy.

B. Electronic Participation by City Council Members in Otherwise In-Person Meetings

1. City Council members affirm their intent to attend as many Meetings in-person as possible. Electronic Participation will be used infrequently for emergency and rare convenience purposes.

~~2. Any member of City Council may participate in any Meeting by Electronic Participation. There is no limit to the number of City Council members who may participate in a Meeting by Electronic Participation. A limit of two Council members may participate in a Meeting by Electronic Participation, or be absent from a Meeting. At least four Council members, not including the Mayor, must be present in-person for a Meeting to proceed. If more than two Council members will be absent or participate by Electronic Participation the Mayor will cancel or reschedule the Meeting.~~

2.3. There is no limit to the number of Meetings per year a City Council member may attend by Electronic Participation.

- 3.4. Council members participating by Electronic Participation may participate in public hearings, quasi-judicial matters, and executive sessions. If a Council member participating by Electronic Participation loses their connection during a quasi-judicial matter, the Council member will not be permitted to rejoin the Meeting until after the quasi-judicial matter is concluded, and will not be permitted to participate or vote on the quasi-judicial matter.
- 4.5. City Council members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual City Council member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.
- 5.6. Oaths of office shall be administered in-person only, except in accordance with Section III.C. of this policy.
- 6.7. No other person shall participate in any Meeting by Electronic Participation except in accordance with Section III.C. of this policy.
- 7.8. City Council members attending by Electronic Participation shall have their cameras on at all times, and shall be in a private, secure, focused space with a good internet connection and low noise. Council members attending by Electronic Participation shall join the Meeting at least 10 minutes prior to the meeting start time.
- 8.9. All votes shall be conducted by roll call.
- ~~9. The Meeting shall be electronically recorded and the recording posted on the City website, except for executive sessions.~~
- ~~10. When feasible, the Meeting shall be live streamed to the City website.~~
- ~~11. Draft minutes of the Meeting shall be made available for public inspection as soon as is feasible.~~
10. The City Council Mayor may discontinue the use of Electronic Participation by a Council member during a Meeting where such connection or participation results in delays or interference in the Meeting process. ~~If connection of a Council member is lost, the City Clerk shall make at least two attempts to re-initiate the connection. If a quorum is no longer present, the City Council shall adjourn the Meeting. If technological difficulties impair the orderly processing of quasi-judicial matters or other public hearings, the City Council may continue the matter to a date and time certain.~~

42.11. Consent is not required from a quasi-judicial applicant in order for City Council to hold a quasi-judicial public hearing when up to two City Council members are participating by Electronic Participation in otherwise in-person Meetings.

C. Meetings Held Entirely by Electronic Participation

1. Meetings will be held entirely by Electronic Participation only when the City Council, Mayor, or the City Manager determines that meeting in-person is impractical, impossible, or unlawful~~not practical or prudent due to public health orders and regulations, or lack of a quorum due to members in quarantine or isolation for COVID-19.~~
2. The Clerk or City Manager shall contact City Council members at least twenty-four hours in advance of a regular or special Meeting to provide notice of a Meeting conducted entirely by Electronic Participation under this policy.
3. The public shall receive at least twenty-four hours' notice of:
 - a. the time of the Meeting;
 - b. the fact that the Meeting will be conducted using Electronic Participation; and
 - c. the means by which the public may join the Meeting electronically.
4. The City Council shall provide adequate opportunity for the public to participate in the Meeting that is commensurate with the similar opportunity that is routinely given during in-person Meetings. The public may submit written comments and materials to the City Clerk by the deadline indicated on the meeting agenda. Written comments and materials received by the deadline shall be distributed to the City Council members prior to the Meeting and be made part of the record.
5. Members of the public must contact the City Clerk by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
6. The City Clerk shall initiate the Electronic Participation a reasonable time before the scheduled time of the Meeting.
- 6.7. All votes shall be conducted by roll call.
- ~~7. The Meeting shall be electronically recorded and the recording posted on the City website, except for executive sessions;~~

~~8. When feasible, the Meeting shall be live streamed to the City website;~~

~~9. Draft minutes of the Meeting shall be made available for public inspection as soon as is feasible;~~

~~10-8.~~ The ~~City Council~~ Mayor may discontinue the use of Electronic Participation by members or citizens during a Meeting where such connection or participation results in delays or interference in the Meeting process. If connection of a Council member is lost, the City Clerk shall make at least two attempts to re-initiate the connection. If a quorum is no longer present, the City Council shall adjourn the Meeting. If technological difficulties impair the orderly processing of quasi-judicial matters or other public hearings, the City Council may continue the matter to a date and time certain.

~~11-9.~~ All members of the City Council, at least one City staff member, and applicant and witnesses in quasi-judicial matters, must be able to clearly communicate with one another by Electronic Participation and be able to hear or read all discussion, evidence, and testimony in a manner designed to allow notice and participation.

~~12-10.~~ Members of the public must be able to hear or read all discussion, presentations, evidence, testimony, and votes, unless not feasible as determined by the presiding officer of the City Council.

~~13-11.~~ The City Council may convene executive sessions in Meetings conducted by Electronic Participation if such sessions otherwise conform to the requirements of Colorado law. City Council members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual City Council member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.

D. Quasi-Judicial Matters at Meetings Held Entirely by Electronic Participation

1. Meetings will be held entirely by Electronic Participation only in accordance with Section III.C. of this policy.
2. Except for any public hearing initiated by the City or based on an appeal of an action initiated by the City, each applicant must consent to holding a public hearing electronically. Such consent must be in writing and must be received by the City Clerk no later than thirteen business days prior to the Meeting in order for the public hearing to be

held electronically. If such consent is not received the public hearing will not be scheduled.

3. All notices of the public hearing shall include a notification that the public hearing will be conducted electronically, that advance registration for public comment is required, and that information for participation will be provided on the meeting agenda.
4. The meeting agenda must clearly state: (1) that the public hearing will be conducted electronically; (2) that advance registration for public comment is required; (3) the method by which the public may participate; and (4) the deadline for registration and submittal of exhibits by members of the public.
5. An applicant's final submittal of all exhibits to be referenced during the public hearing must be received by the City Clerk no later than thirteen business days prior to the Meeting to ensure all materials are included in the City Council packet. All exhibits are required to be clearly named and labeled.
6. The City Clerk shall send the City Council packet to the City Council members and to the applicant and shall require confirmation of receipt.
7. An applicant's final presentation must be received by the City Clerk no later than 9:00 a.m. the business day before the Meeting.
8. The applicant will appear by video with audio as directed by the City Clerk. The public hearing must be continued in the absence of both video and audio. The applicant should remain connected until the conclusion of the public hearing.
9. Members of the public must contact the City Clerk by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
10. Members of the public must submit any exhibits by the deadline indicated on the meeting agenda. The City Clerk will share exhibits during the appropriate testimony. Members of the public are not permitted to share their screen.
11. Members of the public must disconnect from the meeting platform once they have concluded their testimony. They are encouraged to watch the remainder of the Meeting on the City website.
12. A member of the public may only speak once during a public hearing.

13. The standard for public participation is substantial compliance. Technological errors preventing a particular member(s) of the public from participating in a public hearing shall not invalidate the hearing proceedings, unless the City Council determines that such an error fails to comply with due process requirements under applicable law.
14. The City Manager may choose to continue any public hearing conducted under this policy to a date and time certain if the City Manager determines it is not possible or prudent to hold the public hearing by electronic means.
15. The City Council may continue a public hearing to a date and time certain for reasons set forth in the Municipal Code, to provide additional public participation or obtain additional information, or upon request of the applicant.

E. Reasonable Accommodations

1. The City shall provide reasonable accommodations and shall waive or modify provisions of this policy to provide equal access to Meetings.

CITY COUNCIL POLICY FOR ELECTRONIC PARTICIPATION IN CITY BOARD, COMMISSION AND COMMITTEE MEETINGS

I. Purpose

The purpose of this policy is to allow City boards, commissions and committees to meet and conduct City business by teleconference or other electronic means, including video conferencing, ("Electronic Participation") when meeting in person is impractical, impossible, or unlawful. A separate policy governs Electronic Participation for City Council.

II. Scope

This policy shall apply to all regular and special meetings, including study sessions, ("Meeting" or "Meetings") of all City boards, commissions, and committees ("Boards").

This policy incorporates the rules of procedure adopted by the body holding the Meeting, and supplements those rules to facilitate the conduct of Meetings by Electronic Participation. To the extent applicable, Board members may participate and vote in legislative and administrative matters within the scope of their authority at Meetings conducted by Electronic Participation. In addition, Boards may participate and vote in quasi-judicial matters within the scope of their authority at Meetings conducted entirely in-person or entirely by Electronic Participation in accordance with this policy.

III. Policy

Any City board, commission, or committee may hold, and a member of a Board may participate, in a duly noticed Meeting of such body by Electronic Participation only in accordance with this policy.

A. Requirements for Conducting Meetings via Electronic Participation. The Board may conduct Meetings using Electronic Participation only if all of the following conditions are met:

1. The City Manager determines that meeting in-person is impractical, impossible, or unlawful~~not practical or prudent due to public health orders and regulations, or lack of a quorum due to members in quarantine or isolation for COVID-19;~~
2. All members of the Board, at least one City staff member, and applicant and witnesses in quasi-judicial matters, can clearly communicate with one another by Electronic Participation and can hear or read all discussion, evidence, and testimony in a manner designed to allow notice and participation;

3. All votes are conducted by roll call;
- ~~4. The Meeting is electronically recorded and the recording posted on the City website, except for executive sessions;~~
- ~~5. When feasible, the Meeting is live streamed to the City website;~~
- ~~6. Draft minutes of the Meeting are made available for public inspection as soon as is feasible;~~
- ~~7.4.~~ Members of the public can hear or read all discussion, presentations, evidence, testimony, and votes, unless not feasible as determined by the presiding officer of the Board;
- ~~8.5.~~ The public receives at least twenty-four hours' notice of:
 - a. the time of the Meeting;
 - b. the fact that the Meeting will be conducted using Electronic Participation; and
 - c. the means by which the public may join the Meeting electronically.
- ~~9.6.~~ The Board shall provide adequate opportunity for the public to participate in the Meeting that is commensurate with the similar opportunity that is routinely given during in-person Meetings. The public may submit written comments and materials to the staff liaison by the deadline indicated on the meeting agenda. Written comments and materials received by the deadline shall be distributed to the Board members prior to the Meeting and be made part of the record.
- ~~10.7.~~ The Board may convene executive sessions in Meetings conducted by Electronic Participation if such sessions otherwise conform to the requirements of Colorado law. Board members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual Board member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.
- ~~11.8.~~ The Board Chair may discontinue the use of Electronic Participation by members or citizens during a Meeting where such connection or participation results in delays or interference in the meeting process. If connection of a Board member is lost, the staff liaison shall make at least two attempts to re-initiate the connection. If a quorum is no longer present, the Board shall adjourn the meeting. If technological difficulties impair the orderly processing of quasi-judicial matters, the Board may continue the matter to a date and time certain.

B. Arranging for Electronic Participation

1. The staff liaison or City Manager shall contact Board members at least twenty-four hours in advance of a Meeting to provide notice of a Meeting conducted under this policy.
2. Members of the public must contact the staff liaison by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
3. The staff liaison shall initiate the Electronic Participation a reasonable time before the scheduled time of the Meeting.

C. Quasi-Judicial Matters

1. Quasi-judicial public hearings must be held entirely in-person or entirely by Electronic Participation.
2. Except for any public hearing initiated by the City or based on an appeal of an action initiated by the City, each applicant must consent to holding a public hearing electronically. Such consent must be in writing and must be received by the staff liaison no later than thirteen business days prior to the Meeting in order for the public hearing to be held electronically. If such consent is not received the public hearing will not be scheduled.
3. All notices of the public hearing shall include a notification that the public hearing will be conducted electronically, that advance registration for public comment is required, and that information for participation will be provided on the meeting agenda.
4. The meeting agenda must clearly state: (1) that the public hearing will be conducted electronically; (2) that advance registration for public comment is required; (3) the method by which the public may participate; and (4) the deadline for registration and submittal of exhibits by members of the public.
5. An applicant's final submittal of all exhibits to be referenced during the public hearing must be received by the staff liaison no later than thirteen business days prior to the Meeting to ensure all materials are included in the Board packet. All exhibits are required to be clearly named and labeled.
6. The staff liaison shall send the Board packet to the Board members and to the applicant and shall require confirmation of receipt.
7. An applicant's final presentation must be received by the staff liaison no later than 9:00 a.m. the business day before the Meeting.
8. The applicant will appear by video with audio as directed by the staff liaison. The public hearing must be continued in the absence of both video and audio. The applicant should remain connected until the conclusion of the public hearing.

9. Members of the public must contact the staff liaison by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
10. Members of the public must submit any exhibits by the deadline indicated on the meeting agenda. The staff liaison will share exhibits during the appropriate testimony. Members of the public are not permitted to share their screen.
11. Members of the public must disconnect from the meeting platform once they have concluded their testimony. They are encouraged to watch the remainder of the Meeting on the City website.
12. A member of the public may only speak once during a public hearing.
13. The standard for public participation is substantial compliance. Technological errors preventing a particular member(s) of the public from participating in a public hearing shall not invalidate the hearing proceedings, unless the Board determines that such an error fails to comply with due process requirements under applicable law.
14. The City Manager may choose to continue any public hearing conducted under this policy to a date and time certain if the City Manager determines it is not possible or prudent to hold the public hearing by electronic means.
15. The Board may continue a public hearing to a date and time certain for reasons set forth in the Municipal Code, to provide additional public participation or obtain additional information, or upon request of the applicant.

D. Reasonable Accommodations.

1. The City shall provide reasonable accommodations and shall waive or modify provisions of this policy to provide equal access to Meetings.

**CHERRY HILLS VILLAGE
CITY COUNCIL
RULES OF PROCEDURE**

Adopted August 7, 2012

Amended March 3, 2015; January 19, 2016; May 18, 2021; and May 17, 2022

ARTICLE 1.	<u>Authority.</u> <i>Section 1.</i> These Rules of Procedure are adopted by the City of Cherry Hills Village City Council pursuant to the authority vested in Section 3.7 of the City of Cherry Hills Village Home Rule Charter and Section 2-2-10 of the City of Cherry Hills Village Municipal Code. Deviations from these Rules that do not violate the Charter or any law may be permitted at the discretion of the Mayor.
ARTICLE 2.	<u>Roles and Responsibilities.</u> <i>Section 1.</i> Refer to Article III of the Charter.
ARTICLE 3	<u>Meetings.</u> <i>Section 1.</i> The City Council consists of the Mayor and six Council members. Four members of the Council constitute a quorum (see Section 3.7 of the Charter). The Mayor is not counted for the purposes of establishing a quorum. <i>Section 2.</i> An organizational meeting shall be held at the first Council meeting in the month of January following each regular City election (see Section 3.7 of the Charter). At this meeting elected City Council members and the Mayor-elect shall assume the duties of office; the newly elected Mayor and Council members shall take their oath of office; and the Mayor Pro Tem shall be elected by the Council. <i>Section 3. Regular Meetings.</i> (A) Regular meetings of the City Council shall be scheduled for the first and third Tuesday of each month with the following exceptions: • In July only one meeting shall be held on the third Tuesday of the month. • In December only one meeting shall be held on the second Wednesday of the month. • Regular meetings that fall on a major secular or religious holiday shall be rescheduled or cancelled. Regular meetings may be rescheduled or cancelled at the discretion of the Mayor, provided that the Council shall meet at least once each month as required by Charter Section 3.7. All meetings will be held at the Village Center at 2450 East Quincy Avenue, or at such other venue as Council shall select and provide notice thereof in accordance with applicable law. All meetings will begin at 6:30 p.m. unless otherwise noted on the agenda. City Council meetings may be conducted electronically, <u>and Electronic Participation in City Council meetings is permitted,</u> in accordance with the

City Council Policy for Electronic Participation in City Council, ~~Board, Commission and Committee~~ Meetings.

(B) The order of business at regular meetings shall be as follows unless adjusted by the Mayor.

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Audience Participation
5. Reports from City Boards, Commissions and Committees
6. Consent Agenda
7. Items Removed From Consent Agenda
8. Unfinished Business
9. New Business
10. Reports
 - a. Mayor
 - b. Members of City Council
 - c. City Manager and Staff
 - d. City Attorney
11. Adjournment

(C) The Mayor may adjust the order of business and allow scheduled presentations, at a time and in a manner most convenient for the public, staff, and Council.

Section 4. Special meetings of the Council shall be called by the City Clerk on the oral request of the Mayor, or of any two members of the Council, on at least 24 hours' advanced written or telephonic notice to each member of the Council, but a special meeting may be held on shorter notice if all members of the Council are present or those absent waive notice thereof (Section 3.8 of the Charter) provided that public notice requirements for the meeting are met. Special meetings may be conducted electronically, and Electronic Participation in special meetings is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings.

Section 5. The purpose of a study session shall be to hear, study, and discuss matters in a forum that allows for more attention to the matter than a regular meeting. Study sessions shall be open to the public but audience participation will not necessarily be taken. No business shall be transacted and no formal action shall be taken at a study session. However, the Council may by consensus provide City staff with direction concerning agenda related items. When possible, study sessions shall be held directly before a regular meeting of the Council. Study sessions may be conducted electronically, and Electronic Participation in study session is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings.

Section 6. Executive Sessions

	(A) Executive sessions may only be held at a regular or special meeting and shall comply with the provisions of C.R.S. § 24-6-402. (B) A motion to move into executive session from a regular or special meeting shall set forth the matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. The motion shall include specific citation to the provision of C.R.S. § 24-6-402 authorizing the executive session. The motion shall be approved by 2/3 majority or more of the Council members present on roll call. (C) The Council shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public. (D) Discussions that occur during executive session, except attorney-client privileged communications as identified in C.R.S. § 24-6-402(d.5)(II)(A), shall be recorded by making an audio recording that shall be retained for ninety (90) days after the date of the executive session. The audio recording shall be kept for the required ninety (90) days by the City Attorney unless the City Attorney was the topic of the executive session. (E) All persons present shall preserve the confidentiality of the matters discussed in executive session. <u>(F) Executive sessions may be conducted electronically, and Electronic Participation in executive sessions is permitted, in accordance with the City Council Policy for Electronic Participation in City Council Meetings.</u> <i>Section 7. Agendas and Council Packet.</i> (A) The agenda shall be maintained by the City Clerk and may be modified by the City Manager or Mayor. The City Manager will submit a proposed agenda to the Mayor for review prior to the Council packet being distributed. Any Council member may submit to the City Clerk items for the agenda, which shall be included on the agenda for the next scheduled meeting if provided to the City Clerk at least 24 hours prior to distribution of the Council packets. Draft agendas shall be made available to the City Council at the previous meeting. Agendas shall be posted at the location designated by Council for notices of meetings at least 24 hours prior to any regular or special meeting. The agenda shall be made available to the public through the City website or by request at the Village Center. (B) The Council packet shall generally be provided to Council members no later than the Wednesday preceding any regularly scheduled meeting. Supporting information not available the Wednesday before the meeting may be provided to Council subsequent to the packet or at the meeting. The Council packet shall be made available to the public through the City website or by request at the Village Center. A public copy of the Council packet will be provided at the Council meeting.
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	<i>Section 8.</i> The Mayor, Mayor Pro Tem, or other designated Council member in their absence, shall serve as the presiding officer in the conduct of meetings. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted to Council members by the Charter and Municipal Code (Sections 3.3, 5.1 and 5.5 of the Charter). References to the Mayor's powers and duties during a Council meeting in these Rules shall apply to the presiding officer at the meeting. <i>Section 9.</i> At all times, the discussions and motions of the Council and remarks of members of the public shall be directed to the Mayor, and shall be preceded by recognition from the Mayor. <i>Section 10. General Discussion.</i> (A) Each member of Council shall be afforded an opportunity to speak on the matter under discussion before moving on to another topic of discussion. The Mayor may set a time limit on any such discussion of members of Council. (B) Council members shall not be permitted to explain their vote during a roll call. Such explanation is permitted during the discussion of the question or motion. <i>Section 11. Audience Participation.</i> (A) Any person may speak to the Council on any matter during the Audience Participation period at the beginning of each regular and special Council meeting. The City Clerk shall post an audience participation sign-up form before each regular meeting. Immediately prior to the audience participation portion of the meeting, the City Clerk shall hand the sign-up form to the Mayor. The Mayor shall call those signed up to speak before Council in the order they have signed up. (B) Audience participation shall be limited to 5 minutes per speaker. (C) The Mayor may restrict cumulative or redundant presentations. (D) Those attending Council meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Council. The Mayor may take any reasonable steps to maintain the order and dignity of Council meetings. <i>Section 12. Public Hearings</i> (A) Public hearings will be held as required by the Charter and the Municipal Code. The Mayor will open each hearing and allow any person in attendance to address the issue subject to the rules contained in Section 11 concerning audience participation. The purpose of any Public Hearing shall be to: (1) allow applicants an opportunity to present evidence in support of their application; (2) ensure compliance with due process principles; and (3) provide everyone an opportunity to present their views and recommendations on the issue that is the subject of the hearing.
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(B) The Mayor and Council members shall not debate or challenge the position of any speaker, but may question a speaker in order to fully understand their position. The Mayor and Council shall reserve their comments on public testimony until the issue is before the Council for discussion.

(C) Written communications submitted directly to City staff or Council must be submitted at least 24 hours in advance of the public hearing to ensure inclusion in the record. Written comments or postings related to a public hearing that are submitted on the City's social media, including but not limited to Facebook, shall not be considered part of the record, unless specifically included in the record via staff report or by acknowledgement of Council. All written materials submitted to the City Clerk or the Council at the public hearing shall be considered part of the record.

(D) Public hearings may be conducted electronically, and Electronic Participation in public hearings is permitted, in accordance with the City Council Policy for Electronic Participation in City Council, ~~Board, Commission and Committee~~ Meetings.

Section 13. Method of Voting

(A) On motions that do not require a roll call of votes, the Mayor shall ask that all those in favor of the motion signify by saying yes. Those members in favor shall give said sign. The Mayor shall then ask that all those opposed signify by saying no. Those members opposed shall give said sign. The Mayor shall signify if the motion passes or fails. The City Clerk shall record the results of the motion in the minutes of the meeting.

(B) On motions that require a roll call of votes, the Mayor shall ask the City Clerk for a roll call. The City Clerk shall perform the roll call and record each member's vote in the minutes. The Mayor shall signify if the motion passes or fails.

(C) All votes shall be conducted by roll call if any Council member is attending by Electronic Participation

Section 14. If a member of Council has a personal, financial or other conflict of interest, or appearance thereof that would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Council member to require recusal, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by Council, and the recusing Council member shall then not participate in any discussion or vote of the matter.

Section 15. Record of proceedings shall be taken by the City Clerk in the form of written minutes. Written minutes will be prepared by the City Clerk and be presented for Council's approval at the next regular or special meeting. Following approval, the written minutes will be made available to the public at the Village Center and on the City website.

	<i>Section 16.</i> City Council meetings shall be live-streamed on the City website and the recordings of the meetings maintained on the City website.
ARTICLE 4.	<u>Ordinances</u> <i>Section 1.</i> Any legislative action by the Council shall be by adoption of an ordinance. All other matters may be decided by adoption of a motion or resolution as the Council deems appropriate. <i>Section 2.</i> The Mayor, any Council member, or the City Manager may request that a proposed ordinance be placed on a Council agenda. A proposed ordinance may be introduced by any member of Council. Introduction may be by title only, or in full text (Section 4.5 of the Charter). Where feasible, the person proposing the ordinance may present the proposed text together with a written or oral explanation for the purpose and content of the proposed ordinance at a regularly scheduled meeting before first consideration. <i>Section 3.</i> Any ordinance approved on first consideration shall be placed on the agenda of the next regular or special Council meeting for second and final consideration provided said meeting is at least six days after passage on first consideration. The proposed ordinance must be completed in written form and a copy provided to each Council member before second consideration (Section 4.5 of the Charter). If a public hearing is required for the second consideration of an ordinance then said ordinance shall be placed on the agenda of the next regular or special meeting after the required publication is accomplished. <i>Section 4.</i> Emergency ordinances shall be governed by the procedures set out in Section 4.5 of the Charter. <i>Section 5.</i> Ordinances and Public Hearings for Rezoning and Vested Rights (A) Approval on first consideration of an ordinance does not constitute final approval or indicate approval of the ordinance at second consideration. An approval on first consideration will authorize second consideration of the ordinance and set the date for the future public hearing, consistent with allowing an applicant the requisite process and hearing opportunity provided for in the Municipal Code. (B) The public hearing will be held on second consideration of the ordinance. The second consideration and public hearing shall include the full staff presentation, applicant presentation, and public comments. (C) Public hearings may be conducted electronically, <u>and Electronic Participation is permitted</u>, in accordance with the City Council Policy for Electronic Participation in City Council, ~~Board, Commission and Committee~~ Meetings.
ARTICLE 5	<u>Conflicts of Interest and Ethical Considerations.</u> <i>Section 1.</i> Members of Council shall adhere to Article IX of Chapter 2 of the Municipal Code, the Code of Ethics.

ARTICLE 6	<u>Attendance and Absences.</u> <i>Section 1.</i> The Council must have a quorum to do business. Therefore, governance of the City requires that all members of the Council attend Council meetings in order to fulfill their obligation to the citizens of the City by fully participating in the process of government. Additionally, each member of the Council has an obligation to his or her fellow members to be informed and attend Council meetings. <i>Section 2. Attendance by Electronic Participation is permitted in accordance with the City Council Policy for Electronic Participation in City Council Meetings.</i> <i>Section 32.</i> If it is necessary for a Council member to be absent from a regular meeting of the Council, the Council member shall notify the Mayor and City Clerk prior to the meeting. <i>Section 43.</i> If it is necessary for the Mayor to be absent from a regular meeting of the Council, the Mayor shall notify the City Clerk's office prior to the meeting.
ARTICLE 7	<u>Finances.</u> <i>Section 1.</i> The City shall pay or reimburse the Mayor and Council members for necessary bona fide expenses incurred in service on behalf of the City if authorized, itemized and maintained as a matter of public record. The City will pay or reimburse the Mayor and Council members for travel expenses and mileage allowance according the City's generally applicable policies governing employee travel expenses and mileage allowance (Sections 3.6 and 5.3 of the Charter). <i>Section 2.</i> The City will not pay or reimburse the Mayor or Council members for any costs associated with a member's spouse attending any related function.
ARTICLE 8	<u>Electronic Mail and Social Media</u> <i>Section 1.</i> Electronic communications such as email shared among the Council may constitute a meeting to which open meetings and open records requirements may apply. The Elected Officials Email Policy included as Appendix A to these Rules shall provide a guide to elected officials.
ARTICLE 9	<u>Amendment of Rules.</u> <i>Section 1.</i> Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular meeting and shall be acted upon no sooner than at the next meeting of Council as an agenda item. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.
ARTICLE 10	<u>Robert's Rules of Order</u> <i>Section 1.</i> To the extent helpful, relevant and not inconsistent with these Rules, Robert's Rules of Order Newly Revised shall apply.

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Councilor Fisher added she supported anything that benefitted not just the health and wellbeing of students but also of staff; the support of neighbors and of the Planning and Zoning Commission was important.

Mayor Brown called for a vote on the motion.

The motion passed 5 yes to 0 no.

Mayor Brown closed the Public Hearing at 8:17 PM.

Item 9b. Resolution 14, Series 2025; Accepting a Donation from the Cherry Hills Village Police Foundation on Behalf of the Cherry Hills Village Police Department

Deborah Burger, 36 Cherry Hills Farm Drive, and Mark Griffin, 3236 Cherryridge Road, representing the Cherry Hills Village Police Foundation, presented a donation of \$25,000 on behalf of the Cherry Hills Village Police Foundation, a designated gift from Patricia and Jack Future specifically for a K-9 dog.

Council thanked the Police Foundation.

Chief Lyons stated the dog's name was Shadow and Officer Michael Anderson had been selected as the handler; they would begin K-9 academy on Monday.

Councilor Maguire moved, seconded by Councilor Fisher, to approve Resolution 14, Series 2025, accepting a donation from the Cherry Hills Village Police Foundation on behalf of the Cherry Hills Village Police Department.

The motion passed unanimously.

Item 9c. Board and Commission Member Terms

Clerk Gillespie explained several board and commission member terms would end on May 20, 2025; some members desired reappointment and some did not; in addition, there was a resignation on the Art Commission; applications had been solicited in the Village Crier, on the City website, and City social media accounts; in addition to new applications, staff had one application from the last two years; the Parks, Trails and Recreation Commission section of the Municipal Code directed Council to appoint a member from each District.

Council agreed to reappoint members who had served no more than one term and desired reappointment, and per the Board and Commission Recruitment Policy consider members who had served more than one term and desired reappointment along with any applicants.

Councilor Heller volunteered to review applications, conduct interviews, and make recommendations. Council asked staff to ask Councilor Eber to volunteer.

Item 9d. Hybrid/Virtual Meetings

City Clerk Gillespie explained this discussion was a request from Council; conducting hybrid or virtual meetings outside of a COVID situation would be a change in Council's policy; benefits might be more flexibility for Council members to attend more meetings and have more Council members at more meetings; challenges included technology, security, staffing, and quality of the meetings; if Council wanted to allow hybrid or virtual meetings staff had a list of questions and considerations, and staff would bring back suggested amendments to the applicable Council policies.

Council discussed allowing hybrid or virtual participation during quasi-judicial matters or executive sessions; how the live-stream would view members joining remotely; comparison of various platforms; security concerns; rules of etiquette; ensuring

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members joining virtually had an equal opportunity to speak; other municipalities and organizations that allow remote participation; the benefit of more participation superseding technology issues; the number and type of Council meetings in Cherry Hills Village and in Greenwood Village; pros and cons of limiting the number of meetings a Council member can join remotely; costs to upgrade the Council Chambers system; a possible trial period; the preference of in person discussions; remote participation for boards and commissions; remote participation for members of the public.

REPORTS

Mayor

Mayor Brown reported on the proposed rehabilitation treatment facility on Monaco Street; she had attended the public hearing and explained what she had learned from the applicant; the City could submit a letter of response to the application.

Councilor Maguire asked if Chief Lyons had any concerns about the facility.

Chief Lyons replied he did not have concerns at this time.

Council agreed the City should submit a letter of response.

Mayor Brown provided an update on the bills moving through the state legislature; she would attend the Metro Mayors Caucus tomorrow.

Council discussed the state bills and possible counter arguments.

Council discussed the inquiries about traffic during audience participation and the plan to conduct a traffic study in 2026.

Members of City Council

Councilor Fisher asked staff to include information on the community liaison in the letter regarding the Monaco facility; she wished everyone happy Passover.

Councilor Robinson complimented Deputy City Manager/Director Goldie and Director Workman on their respective presentations.

Mayor Pro Tem Hoellen complimented Mayor Brown on her report in the Village Crier; he asked Chief Lyons about security coordination with construction traffic at Kent Denver.

Councilor Heller reported he would be attending the next Centennial Airport Community Noise Roundtable meeting and noted they were hybrid.

City Manager and City Staff

Chief Lyons reported the Citizens Academy would start on Thursday.

Clerk Gillespie asked for Council's opinion on a proposed schedule for the Quincy Farm Big Barn ribbon cutting on May 20, 2025 before that evening's Council meeting. Council agreed.

City Manager Cramer recognized Deputy City Manager/Director Goldie and Director Workman for their respective memos and presentations.

City Attorney

City Attorney Guckenberger had no report.

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Council thanked CHLP for the tremendous work to raise awareness and engagement in quality programming; CHLP would continue to raise funds to cover their costs for programs, strategic assistance to the City, and marketing and research; they would annually assess capital projects for potential fundraising efforts.

Council agreed with staff's proposed timeline on projects: 2025 projects would continue throughout 2025; the draft of the 2026 Annual Plan would be presented to Council in August 2025; the discussion regarding an MOU update with CHLP would begin in late 2025 and continue into 2026; finalization of the goals and objectives in the vision document would occur in 2026; the Council liaison assignment for Quincy Farm would remain active through completion of all of these projects; Council thanked staff.

Hybrid Meetings

City Manager Cramer reported staff had researched other municipalities and agreed most conducted hybrid meetings, and all hybrid meetings were clumsy and awkward; staff did not recommend any technology changes; Greenwood Village had fewer regular meetings per year than Cherry Hills Village; staff recommended if remote participation was allowed it be limited to Council; staff recommended remote participation not be allowed for boards, commissions, and committees; if quasi-judicial matters were not allowed to be hybrid it would be impracticable to schedule, an alternate would be to reduce the number of regular meetings and not allow remote participation; if quasi-judicial matters were allowed to be hybrid staff requested as much notice as possible.

Council agreed, if hybrid meetings were allowed, to limit virtual participation to Council members only, and to limit hybrid meetings to Council meetings only.

Council and staff discussed it would be challenging if not impossible for the Mayor to run the meeting remotely; six weeks' notice of Councilors' intent to participate in a meeting remotely would be ideal, and three weeks' minimum, for staff to be able to schedule quasi-judicial public hearings; Councilors preferred that in-person participants be able to see remote participants and vice versa; the inherent awkwardness of audio and video with hybrid meetings; a trial period would be the same as an actual change since the current policy did not allow remote participation; there was some support for reducing the number of regular meetings per year to 20 instead of having a hybrid option; Councilors participating remotely should log in early and be in a private, secure, focused space with a good internet connection and low noise; potential for negative feelings among Council about which meetings Councilors chose to participate in remotely; concerns about keeping executive sessions confidential; being in person for controversial issues.

Council directed staff to propose policy changes to allow remote participation, for infrequent use for emergency and rare convenience purposes, with the requirements about logging in early and being in a private, secure, focused space with a good internet connection and low noise. Council would discuss allowing remote participation for quasi-judicial matters, public hearings, and executive sessions, further when considering the policy changes.

Council agreed oaths of office should be conducted in person.

REPORTS**Mayor**

Mayor Brown discussed the complaint brought by Colorado municipalities against Governor Polis concerning home rule; Council would be watching very closely and considering any actions the City might be interested in taking.

RECORD OF PROCEEDINGS

Hybrid Meetings

Mayor Brown noted additions and amendments had to be submitted in writing at a regular meeting and could be acted upon at the next meeting; Council would not vote tonight.

Clerk Gillespie explained staff had determined the best way forward if Council decided to allow hybrid meetings was to rescind the current electronic participation policy, adopt a new policy just for City Council, a second policy just for City Boards, Commissions, and Committees, and amend the City Council Rules of Procedure; staff had made best efforts to synthesize the discussion from the last meeting; the draft language presented tonight was for Council feedback.

Mayor Brown noted Council's discussion on this item at the May 20, 2025 meeting was not clear in the minutes or the video; there were several times when someone would make a comment but the rest of Council did not respond, and it was not clear if Council was agreeing with the comment or not; Council needed to make sure there was consensus on the main points before moving onto wordsmithing; the first item was no restriction to the number of meetings per year or number of Council members per meeting.

Council discussed pros and cons of hybrid meetings and the best interests of the City; reasons for wanting hybrid meetings such as planned vacations and work trips versus unexpected family illness; expectations of attending meetings in-person; enforcement of attending in-person as much as possible; having fewer regular meetings versus hybrid meetings.

Mayor Brown indicated the momentum of the discussion headed to hybrid meetings; she asked for a nod of heads.

Council discussed benefits of in-person meetings; benefits of increased participation with hybrid meetings; acceptability of missing some meetings; the disruption to conducting a meeting caused by allowing hybrid participation; challenges with having no limit on the number of hybrid meetings per year or the number of Council members that could participate remotely at each meeting; the negative image of a semi-empty dais especially for in-person public participants; limiting the number of Council members that could participate remotely to two per meeting; the Mayor's discretion to cancel or reschedule meetings if more than two members wanted to participate remotely; having all of Council participate remotely if more than two members wanted to participate remotely.

Council agreed remote public participation would not be allowed during hybrid meetings.

Council discussed difficulties with the technology set up and options; requiring four Council members to be in-person in order to hold a meeting so that technical difficulties do not result in lack of a quorum.

Council agreed to limit the number of Council members participating remotely to two per meeting; Council agreed to not limit to the number of meetings per year.

Council discussed allowing hybrid participation for public hearings, quasi-judicial matters, and executive sessions; scheduling challenges if hybrid participation was not allowed for these items; ensuring all Council members were basing their decisions on the same set of facts and evaluating the credibility and motivation of the witness in quasi-judicial matters; having Council members in-person for hot topic issues; the Charter required Council members to vote on all issues unless they had a conflict of interest; public perception; if Council members participating remotely were not allowed to participate in quasi-judicial matters they would have to leave the hybrid meeting entirely to avoid any influence on the proceeding and for clarity of the record; if Council members participating remotely were allowed to participate in quasi-judicial matters but

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lost connection they would have to remain out of the hybrid meeting for the remainder of the quasi-judicial matter; there was also a legal concern with ethical breach during executive sessions.

Councilor Fisher was in favor of hybrid meetings for public hearings and executive sessions; she preferred hybrid meetings for quasi-judicial matters but was fine either way.

Councilor Robinson was opposed to hybrid meetings for quasi-judicial matters; he was in favor of hybrid meetings for public hearings and executive sessions.

Councilor Maguire was in favor of hybrid meetings for quasi-judicial matters, public hearings, and executive sessions.

Mayor Pro Tem Hoellen was in favor of hybrid meetings for quasi-judicial matters but would not do so himself; he was in favor of hybrid meetings for public hearings and executive sessions.

Councilor Eber was in favor of hybrid meetings for quasi-judicial matters if hybrid meetings were allowed at all; he was in favor of hybrid meetings for public hearings and executive sessions.

Councilor Heller was in favor of hybrid meetings for quasi-judicial matters, public hearings, and executive sessions.

A majority of Council gave direction to staff to bring back a policy that allowed electronic participation for quasi-judicial matters, public hearings, and executive sessions.

Mayor Brown indicated the draft policy should be amended to remove the last two sentences of Section 3.B.12 regarding the City Clerk attempting to reestablish a lost connection and the meeting being continued if there are repeated technical difficulties.

Council agreed to remove the reference to COVID-19 in Section 3.C.1 and keep the reference to public health emergencies for entirely remote meetings.

Councilor Maguire asked if a quasi-judicial waiver was needed from the applicant for hybrid meetings.

City Attorney Guckenberger noted she would look into the issue.

Mayor Brown stated she could live with the language staying in Section 3.C.10.

Council agreed participating remotely would be on a first come first served basis and could be reserved as early as possible.

Mayor Pro Tem Hoellen left the meeting at 8:47 PM

Mayor Brown clarified instead of a two member remote limit it should be clear that a quorum in-person was required to have the meeting, and the other two members could be remote or absent.

City Manager Cramer noted staff would present updated draft language at the next meeting and Council would not vote until the following meeting.

City Council took a recess from 8:49 PM to 8:56 PM.

CHERRY HILLS VILLAGE
COLORADO

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ITEM: 11c(i)

MEMORANDUM

TO: HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL

FROM: LAURA GILLESPIE, CITY CLERK

SUBJECT: 2026 CITY COUNCIL MEETING DATES

DATE: SEPTEMBER 2, 2025

2026 City Council Meeting Dates:

January 6, 2026
January 20, 2026
February 3, 2026
February 17, 2026 – Retreat during the day, Regular meeting in evening
March 3, 2026
March 17, 2026
April 7, 2026
April 21, 2026
May 5, 2026
May 19, 2026
June 2, 2026
June 16, 2026
July 14, 2026 (only one meeting in July on the third Tuesday)
August 4, 2026
August 18, 2026
September 1, 2026
September 15, 2026
October 6, 2026
October 20, 2026
November 3, 2026
November 17, 2026
December 9, 2026 (Wednesday) – Will have to be rescheduled due to Hanukkah (Dec 5-12)

It is noted that there is no conflict with New Year's Day (Jan 1), Rosh Hashanah (Sep 12-13), or Yom Kippur (Sep 20-21) in 2026. Staff has not received any feedback from the community on adding additional holidays to the list.