



City of Federal Heights
Planning & Zoning
Commission

June 23, 2020



City Hall
2380 W. 90th Avenue
Federal Heights, CO 80260
303-428-3526
303-412-3598 Fax

Planning and Zoning Commission

AGENDA: SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS

JUNE 23, 2020
6:00 P.M.

GoToMeeting Information

Tue, June 23, 2020
6:00 PM (MDT)

[https://global.gotomeeting.com/join/
488095461](https://global.gotomeeting.com/join/488095461)

**You can also dial in using your
phone:**

United States: +1 (872) 240-3212
Access Code: 488-095-461

CALL TO ORDER

Roll Call

- 1. Approval of Minutes: February 24, 2020**
- 2. A discussion and recommendation on Planning & Zoning Resolution 20-PZ-03 regarding the adoption of an Electronic Meeting Policy. (Renaë Stavros)**
- 3. A discussion and recommendation on Planning & Zoning Resolution 20-PZ-04 regarding Ordinance 20-__ regulating Temporary Signage. (Renaë Stavros)**
- 4. Call to the Public**
- 5. Staff Comments**
- 6. Commissioners' Comments**
- 7. Adjournment**



Federal Heights

Planning and Zoning Commission

MEETING MINUTES: REGULAR SESSION
CITY HALL COMMUNITY ROOM

February 24, 2020
6:00 P.M.

City Hall
2380 W. 90th Avenue
Federal Heights, CO 80260
303-428-3526
303-412-3598 Fax

CALL TO ORDER

Chair Richardson called the February 24, 2020 Regular Meeting of the Planning and Zoning Commission to order at 6:00 p. m.

Roll Call

Members Present: Chair Richardson, Vice Chair Jensen and Commissioners Fink, Murphy, Parke and Vallero. Also present: Community Development Director Williams and City Planner Stavros. Commissioners Acosta and Bridgette were absent. It was announced that there was a quorum in attendance.

1. Election of Officers

City Planner Stavros called for nominations for the position of Chair of the Planning and Zoning Commission. Commissioner Vallero nominated Sharon Richardson, seconded by Commissioner Murphy. Sharon Richardson was unanimously elected as Chair of the Planning and Zoning Commission for 2020.

City Planner Stavros called for nominations for the position of Vice Chair of the Planning and Zoning Commission. Chair Richardson nominated Commissioner Vallero, seconded by Commissioner Fink. Mike Vallero was unanimously elected as Vice Chair of the Planning and Zoning Commission for 2020.

2. Approval of Minutes: January 6, 2020

MOTION was made by Vice Chair Vallero, seconded by Commissioner Murphy to approve the Minutes of January 6, 2020 with no changes. The motion passed unanimously.

3. Adoption of Planning & Zoning Commission By-Laws (*Tim Williams*)

Community Development Director Williams noted that no changes have been made to the By-Laws this year and offered to answer any questions regarding the By-Laws. **MOTION** was made by Commissioner Parke, seconded by Commissioner Fink to approve the adoption of the Planning & Zoning Commission By-Laws. The motion passed unanimously.

4. Discussion Item: Annual Training

Community Development Director Williams narrated a PowerPoint presentation regarding the responsibilities of the Planning and Zoning Commission.

5. Call to the Public

No members of the public were present.

6. Staff Comments

Director Williams and City Planner Stavros welcomed Ken Murphy, the new Planning and Zoning Commissioner, to the Planning and Zoning Commission.

7. Commissioners' Comments

Chair Richardson noted that City Council had approved of wrapping some of the utility boxes in the City and asked when that would happen. Director Williams responded that he would obtain that information for the Commissioners.

8. Adjournment

Chair Richardson noted that the next Planning and Zoning Commission meeting would be held on March 30, 2020. Having no further business, the meeting was adjourned at 6:37 p.m.

Respectfully Submitted,

Sharon Richardson, Chair

ATTEST:

Tim Williams, Community Development Director



Federal Heights

TO: Chair Sharon Richardson and the P&Z Commission

THROUGH: Tim Williams, Community Development Director

FROM: Renae Stavros, City Planner

RE: Electronic Meeting Policy

DATE: June 23, 2020

City Hall
2380 W. 90th Avenue
Federal Heights, CO 80260
303-428-3526
303-412-3598 Fax

The Municipal Code allows the Planning and Zoning Commission to adopt bylaws that govern the times, dates, locations and procedures of meetings provided that they are consistent with all applicable laws and local ordinances that govern such meetings to protect the transparency of the public process and to ensure the rights of individuals to participate in local government are not infringed. The COVID-19 outbreak requires that the Planning and Zoning Commission meet using electronic means. Staff have been working with the City Council to ensure that such meetings are as inclusive as possible and still protect the rights of the public to participate and comment on any items under consideration.

The City Attorney drafted the attached Electronic Meeting Policy for the Planning and Zoning Commission to consider adopting. The policy is written very broadly. It seeks to address not just this emergency but unforeseen future emergencies and scenarios, with the goal of making sure that such policies clearly state that electronic meetings are never considered a viable substitute for in-person meetings. As such, the attached policy seeks to provide guidance that will be applicable not just to this emergency but other scenarios including hybrid electronic/in-person meetings as needed. Staff will be available to provide answers to any questions that may arise. The attached policy is submitted for Commission consideration and adoption by voice vote.

A RESOLUTION OF THE CITY OF FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION ADOPTING AN ELECTRONIC PARTICIPATION MEETING POLICY

WHEREAS, in accordance with Section 70-31 “Duties” of the Federal Height Municipal Code, the Planning Commission may adopt bylaws regarding the administrative duties regarding matters, which includes meetings provided such do not conflict with Code or Charter; and

WHEREAS, on March 10, 2020, Governor Jared Polis in accordance with the Colorado Disaster Emergency Act (“Act”), C.R.S. §24-33.5-704, by proclamation, declared a state of emergency in Colorado to provide access to resources, legal flexibility, and protect vulnerable communities, all to better contain the outbreak of the COVID-19 virus; and

WHEREAS, in accordance with C.R.S. §24-33.5-709, on March 17, 2020, the City Manager declared a local disaster (“Declaration of Disaster”); and

WHEREAS, since March 25, 2020 Governor Polis has issued a series of Executive Order causing to be issued Public Health Orders by the Colorado Department of Public Health and Environment (“CDPHE”) implementing Stay at Home and Safer at Home and Safer at Home in the Vast Great Outdoors restrictions imposing requirements to slow the spread of the disease with the current Order to extend till June 1, 2019 ;and

WHEREAS, both CDPHE and Tri-County Health remain cautious and stress the importance of social distancing, limits on the size of gatherings and personal protection such as face coverings for public gatherings; and

WHEREAS, the Planning Commission now has necessary business that requires that it meet as a body and, thus, desires to adopt an Electronic Meeting Policy so it can fulfill its duties in a manner consistent with the requirements and guidelines set forth by CDPHE and Tri-County Health.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION:

The Planning Commission does hereby adopt the following Electronic Participation Meeting Policy.

ELECTRONIC PARTICIPATION MEETING POLICY

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a Commissioner may participate in regular, study or special meetings by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). Electronic Participation

has inherent limitations because Electronic Participation effectively precludes a Commissioner from contemporaneously observing documentary information presented during meetings; from fully evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing nonverbal explanations (pointing at graphs and charts) during a speaker's presentation or testimony. A Commissioner may find that these limitations in Electronic Participation may produce inefficiencies in meetings and may undermine the decision-making process and thus desires to permit Electronic Participation only under emergency situations.

II. Policy.

A Commissioner may participate by Electronic Participation in a Planning Commission meeting only in accordance with this Policy.

A. Emergency Situations

In the event the Planning Commission is unable to meet at the day, hour, and place fixed by the rules and procedures of the Planning Commission because meeting in-person is not practical or prudent due to an emergency, resulting from, for example, an accident, illness, weather condition or other natural disaster, epidemic or pandemic, meetings when necessary to conduct Planning Commission business may be conducted by Electronic Participation only if all of the following conditions are met:

1. The Chair determines that meeting in person is not practical or prudent, because of an emergency;
2. All participating members of the Commission can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the emergency. In the event that the nature of the emergency precludes the physical attendance of the public, appropriate arrangements, if feasible will be made to permit the public to remotely observe and listen to the meeting and provide public comment.
4. At least one member of the Commission is present at the regular meeting location, unless not feasible due to the emergency;
5. All votes are conducted by roll call;
6. Minutes of the regular or special meeting are taken and promptly-recorded, and such records are open to public inspection; and
7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, advising that some members of the Commission may participate electronically, and if feasible, the right of the public to monitor the meeting from another location.

III. Arranging for Electronic Participation.

- A. To arrange to participate via Electronic Participation, a Commissioner shall:

1. Contact the Chair in advance of the meeting to determine if arrangement for Electronic Participation is possible. Commissioners shall endeavor to advise the Chair of their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.

2. The Planning Commission shall to the extent feasible initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the Chair shall attempt to re-initiate the connection.

IV. Reasonable Accommodations.

The Planning Commission shall provide reasonable accommodation and may modify provisions of this Policy to provide disabled members of the Commission or public access to Planning Commission meetings.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY OF FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION THE 23rd DAY OF JUNE, 2020.

Attest:

Approved:

Tim Williams, Director of Community
Development

Sharon Richardson
Chair, Planning and Zoning Commission



Federal Heights

TO: Chair Sharon Richardson and the P&Z Commission

THROUGH: Tim Williams, Community Development Director

FROM: Renae Stavros, City Planner

RE: Temporary Sign Code

DATE: June 23, 2020

City Hall
2380 W. 90th Avenue
Federal Heights, CO 80260
303-428-3526
303-412-3598 Fax

There is a unique situation associated with the regulation of temporary banner and window signage. The intent of the code as it was written was to allow 100 square feet of banner and/or window signage per business or per demised space in multi-tenant buildings. The Code as it was written allows for 100 square feet per building.

The following language is being proposed to be added to the code to correct the intent.

Sec. 70-606. - *Temporary signs.* (10) b. Maximum *sign* area: 100 square feet for all temporary building *signs, per building. For multi-tenant buildings, the maximum sign area is 100 square feet per demised space.*

Attached to this memo is a draft ordinance with the language above for council consideration. If directed to move forward with this change, staff will present this to the Planning and Zoning Commission for review and recommendation, then bring the ordinance back to council for formal review and approval.

**PLANNING AND ZONING COMMISSION
RESOLUTION NO. 20-PZ-04-A**

INTRODUCED BY:

**A RESOLUTION OF THE FEDERAL HEIGHTS PLANNING AND ZONING
COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN
ORDINANCE AMENDING SECTION 70-606 OF THE FEDERAL HEIGHTS
MUNICIPAL CODE REGARDING TEMPORARY SIGNS.**

WHEREAS, to ensure compliance with applicable law, the City desires to amend the existing version of the Sign Code pertaining to banner and window signage; and

WHEREAS, the Federal Heights Planning and Zoning Commission has reviewed the ordinance amending Section 70-606 of the Federal Heights Municipal Code regarding temporary signs, and considered the merits of this ordinance; and

WHEREAS, the Federal Heights Planning and Zoning Commission wishes to make a recommendation to City Council regarding the ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION:

1. That the Federal Heights Planning and Zoning Commission recommends approval of the ordinance amending Section 70-606 of the Federal Heights Municipal Code to the Federal Heights City Council with no changes.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION THE 23RD DAY OF JUNE, 2020.

Attest:

Approved:

Tim Williams
Community Development Director

Sharon Richardson, Chair
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
RESOLUTION NO. 20-PZ-04-B**

INTRODUCED BY:

**A RESOLUTION OF THE FEDERAL HEIGHTS PLANNING AND ZONING
COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN
ORDINANCE AMENDING SECTION 70-606 OF THE FEDERAL HEIGHTS
MUNICIPAL CODE REGARDING TEMPORARY SIGNS.**

WHEREAS, to ensure compliance with applicable law, the City desires to amend the existing version of the Sign Code pertaining to banner and window signage; and

WHEREAS, the Federal Heights Planning and Zoning Commission has reviewed the ordinance amending Section 70-606 of the Federal Heights Municipal Code regarding temporary signs, and considered the merits of this ordinance; and

WHEREAS, the Federal Heights Planning and Zoning Commission wishes to make a recommendation to City Council regarding the ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION:

1. That the Federal Heights Planning and Zoning Commission recommends approval of the ordinance amending Section 70-606 of the Federal Heights Municipal Code to the Federal Heights City Council with the following changes:

Changes:

1. _____

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE
FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION THE 23RD DAY OF
JUNE, 2020.

Attest:

Approved:

Tim Williams
Community Development Director

Sharon Richardson, Chair
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
RESOLUTION NO. 20-PZ-04-C**

INTRODUCED BY:

**A RESOLUTION OF THE FEDERAL HEIGHTS PLANNING AND ZONING
COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN
ORDINANCE AMENDING SECTION 70-606 OF THE FEDERAL HEIGHTS
MUNICIPAL CODE REGARDING TEMPORARY SIGNS.**

WHEREAS, to ensure compliance with applicable law, the City desires to amend the existing version of the Sign Code pertaining to banner and window signage; and

WHEREAS, the Federal Heights Planning and Zoning Commission has reviewed the ordinance amending Section 70-606 of the Federal Heights Municipal Code regarding temporary signs, and considered the merits of this ordinance; and

WHEREAS, the Federal Heights Planning and Zoning Commission wishes to make a recommendation to City Council regarding the ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION:

1. That the Federal Heights Planning and Zoning Commission recommends that the Federal Heights City Council not approve of the ordinance amending Section 70-606 of the Federal Heights Municipal Code to the Federal Heights City Council for the following reasons.

Reasons:

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE FEDERAL HEIGHTS PLANNING AND ZONING COMMISSION THE 23RD DAY OF JUNE, 2020.

Attest:

Approved:

Tim Williams
Community Development Director

Sharon Richardson, Chair
Planning and Zoning Commission

ORDINANCE NO. 20-__

INTRODUCED BY:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS,
COLORADO, AMENDING ARTICLE XI OF CHAPTER 70 OF THE FEDERAL
HEIGHTS MUNICIPAL CODE REGARDING SIGN REGULATIONS**

WHEREAS, to ensure compliance with applicable law, the City desires to amend the existing version of the Sign Code pertaining to banner and window signage.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS,
COLORADO:

Section 1. Sec. 70-606. - *Temporary* signs. (10) of Article XI of Chapter 70, of the Federal Heights Municipal Code is amended to read as follows:

(10) Temporary building signs including banners and window signage in the R-3, R-4, C-1, and I-1 zone districts.

- a. Duration: *Temporary*.
- b. Maximum sign area: 100 square feet for all temporary building signs **per building. For multi-tenant buildings, maximum sign area is 100 square feet per demised space.**
- c. Maximum sign height: Not to exceed building height.
- d. Maximum number: Unlimited.
- e. *Temporary* building signs shall be affixed to a building in a taut, fully displayed condition.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Federal Heights Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the protection of the health, welfare and safety

of the community.

Section 6. Violations of this ordinance are subject to the penalties set forth in Section 1-15 of Federal Heights Municipal Code or as otherwise provided in this ordinance.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, THE _____ DAY OF _____, 2020.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, THE _____ DAY OF _____, 2020.

Linda S. Montoya

ATTEST:

Patti K. Lowell, CMC, City Clerk

APPROVED AS TO FORM:

William P. Hayashi, City Attorney

PUBLISHED: _____