



# City of Federal Heights Planning & Zoning Commission

April 25, 2023



# Federal Heights

## Planning and Zoning Commission

City Council Chambers | 2380 W. 90<sup>th</sup> Avenue, Federal Heights, CO 80260

### AGENDA: REGULAR MEETING

APRIL 25, 2023  
6:00 P.M.

#### **CALL TO ORDER**

##### **Roll Call**

1. Election of Officers
2. Approval of Minutes: November 29, 2022
3. Planning Commission Training Video (*Tim Williams*)
4. Call to the Public
5. Staff Comments
6. Commissioners' Comments
7. Adjournment



# Federal Heights

## Planning and Zoning Commission

REGULAR MEETING MINUTES  
NOVEMBER 29, 2022  
6:00 P.M.

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

### CALL TO ORDER

The November 29, 2022, Regular Meeting of the Planning and Zoning Commission was called to order by Chair Richardson at 6:01 p.m.

### ROLL CALL

Commission members in attendance were Chair Sharon Richardson, Vice Chair Ken Murphy and Commissioners Kevin Dougherty, and Mike Vallero. Also present were Community Development Director Tim Williams and City Planner Stephanie Lubanovic. Commissioner Thomas Acosta was absent and Commissioner Rita Parke's absence was excused. It was announced that a quorum was in attendance.

#### **1. Approval of Minutes: October 25, 2022**

**MOTION** was made by Commissioner Vallero, seconded by Commissioner Dougherty for approval of the Minutes of October 25, 2022. All commissioners present voted yes.

#### **2. A discussion and decision on Planning & Zoning Resolution 22-PZ-04 regarding a draft ordinance reducing the distance of the side yard setback for accessory structures in the R-1 Zone District from 15 feet to 5 feet.**

Community Development Director Williams presented the staff report which included the history of the City's code and the 15-foot setbacks in the R-1 zone district. In 2002 the zone district was changed from a 25-foot setback to a 15-foot setback. The Northborough neighborhood is the only neighborhood in the R-1 district. Within the neighborhood, there are 353 properties, of which 51 are corner lots. Three of the 51 homes are in compliance with the code's 15-foot setback regulation. Williams said that ten of the 51 corner lot properties have water meters located in the side yard area and that the Public Works Department needs access to those meters for the purposes of meter reading and repairs. The right-of-way dedication for all the streets in the R-1 Zone District is 50 feet wide for utilities, roads, sidewalks and alleys. It is land that is not owned by the individual property owners. With that information, it appears that the majority of the side yard fences in this neighborhood that were built directly at the back of the sidewalk were constructed in the public right of way. Further examination of the plat revealed that the subdivision also has dedicated drainage and utility easements along these side yard setbacks.

City Council has indicated a desire to reduce the side yard setback in this zone district from the current 15-foot dimension to the smallest dimension possible, which is five feet from the actual property line which will coincide with the dedicated easements and provide adequate access for utilities in this area. City Council is asking for a

recommendation from the Planning and Zoning Commission. If the change to the City code is approved, City Council has recommended that each property owner be informed that any changes to the fences will require them to be moved to the proper location following the adoption of the smaller five-foot setback. City Council also recommended that surveys be required with building permits for structures on corner lots as a matter of policy due to the discrepancy between the perceived property line location, the actual property line location and the existence of an additional utility easement.

Commissioner Vallero asked how many non-compliant corner lot fences had been permitted. Community Development Director Williams replied that since 1998, four properties have pulled permits. These are legally non-compliant until they have to replace a section of the fence or the whole fence.

Vice Chair Murphy asked why it is the homeowner's responsibility to get a survey rather than the responsibility of the City. Director Williams said that it is the owner's responsibility to build on the property line. Surveys done on a case-by-case basis are less expensive than a neighborhood-wide survey.

Chair Richardson emphasized that if a fence has to be removed for a non-compliant water meter, for example, the City will not be responsible for the cost to replace it. If the City were to remove a legally compliant fence, the City would need to pay to replace it.

**MOTION** was made by Commissioner Vallero, seconded by Commissioner Dougherty to adopt Planning and Zoning Resolution 22-PZ-0A, a resolution recommending that City Council adopt the ordinance with no changes. All commissioners present voted yes.

**3. Call to the Public**

No comments were offered.

**4. Staff Comments**

Community Development Director Williams noted that the City Attorney's office had asked whether a city attorney needed to attend tonight's meeting and staff had informed them that that would not be necessary.

**5. Commissioners' Comments**

Chair Richardson asked if any change had been made to require that Conditional Use applicants be present when the Planning and Zoning Commission is considering an application. Director Williams responded that no changes had been made, but that he would check with the City Attorney to determine the options available.

**6. Adjournment**

The meeting was adjourned at 7:09 p.m.

Respectfully Submitted,

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Sharon Richardson, Chair

ATTEST:

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Tim Williams, Community Development Director