



WESTMINSTER
COLORADO

**AGENDA
PLANNING COMMISSION PRE-MEETING**

Tuesday, October 11, 2022

***A light dinner for Commissioners and staff will be served from
6:00-6:30 p.m. in the kitchen off
City Council Chambers***

***Sound Check in Council Chambers
6:30-6:45 p.m***

***Pre-Meeting Begins at 6:45 p.m.
Council Chambers Board Room
Main Level, City Hall***

ITEM NO. 1: Items for Planning Commission Discussion

- None at this time

ITEM NO. 2: Upcoming Planning Commission Meeting Agenda Items

October 25, 2022 No Meeting
November 8, 2022 Posada Variance Application

ITEM NO. 3: Items on This Evening's Agenda

- 3a) Update of Planning Commission By-Laws

Prepared by: Jennifer Baden, Associate Planner



PLANNING COMMISSION MEETING AGENDA

1. ROLL CALL
2. CONSIDERATION OF PREVIOUS MEETING MINUTES
Meeting Minutes of September 27, 2022
3. CONSIDERATION OF NEW BUSINESS
 - a. Update to Planning Commission By-Laws

Prepared by: Jennifer Baden, Associate Planner

4. OLD BUSINESS
5. MISCELLANEOUS BUSINESS
6. ADJOURNMENT

PLEASE NOTE

The following are the procedures used by the Planning Commission for in-person meetings.

For virtual participation guidelines please visit www.cityofwestminster.us/pc

1. This meeting will be open to the public however public testimony will not be accepted.

NOTE: Persons needing an accommodation, such as an interpreter for another language, or who have an impairment that requires accommodation, must notify the Planning Aide no later than noon on the Thursday prior to the scheduled Planning Commission hearing to allow adequate time to discuss arrangements. Please call 303-658-2092/TTY711 or State Relay or email jbaden@cityofwestminster.us to make a reasonable accommodation request.



WESTMINSTER

CITY OF WESTMINSTER
PLANNING COMMISSION
Meeting Minutes
September 27, 2022

1. ROLL CALL

The regular meeting was called to order at 7:00 pm by Chair Jim Boschert. Present were Vice-Chair Joe McConnell, Commissioners Chennou Xiong, Lawrence Dunn, Tracy Colling and David Carpenter. Excused from attendance were Commissioners Rick Mayo, David Tomecek and Elisa Torrez. Also present: Staff members Jacob Kasza, Senior Planner, Greg Graham, Deputy City Attorney and Jennifer Baden, Associate Planner. Virtual Staff attendees: John McConnell, Interim Planning Manager. With the roll called, Chair Boschert stated that the alternate would be voting.

CONSIDERATION OF MINUTES

Meeting Minutes from September 13, 2022.

Commissioner Dunn made a motion to accept the minutes from the September 27, 2022 Planning Commission meeting. Vice-Chair McConnell seconded the motion. The minutes were unanimously accepted (6-0).

2. CONSIDERATION OF NEW BUSINESS AND PUBLIC HEARINGS

3a) a. Public Hearing and Action on a Sign Variance Request for PF Chang's at 14416 Delaware Street.

Jacob Kasza, Senior Planner, entered into the record the agenda memorandum, attachments, and public notice affidavit of publication from the *Westminster Window* on September 15, 2022. Mr. Kasza narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend that the Planning Commission deny a Sign Variance request for PF Chang's located at 14416 Delaware Street.

Chair Boschert asked staff which sign locations staff are opposed to. Mr. Kasza responded that staff is opposed to both locations.

The applicant team, represented by Howard Kahn of PFCB Market Partners, was present and narrated a PowerPoint presentation.

Chair Boschert opened the floor for discussion and questions from the Commissioners to the staff.

Commissioner Carpenter asked the applicant if there were any identifying markings or words on the proposed signage. The applicant responded no.

Commissioner Carpenter asked the applicant to explain how the mature trees on the site would be affected if the proposed signage was moved back 10 feet to meet the setback requirement. The applicant responded that the canopy of the trees would likely cover the sign and the sign would not be as impactful.

Commissioner Carpenter asked the applicant why this was being considered as signage and not public art. The applicant responded that City staff informed the applicant this was considered signage.

Commissioner Carpenter asked staff why this is considered signage and not public art. Mr. Kasza responded that public art is art that by definition, is owned and maintained by the City in perpetuity. The Orchard has already fulfilled their public art requirement as required by the City. The applicant was directed to apply as a sign as it meets the definition of a sign in the City's newly adopted sign regulations in Section 11-11-16, W.M.C.

Commissioner Carpenter asked staff if the red balls in front of Target was approved as signage. Mr. Kasza responded with that he does not believe that the balls are a trademark of the Target brand. In this specific case, staff's analysis was to understand if the horses are used as a device to attract attention to the business.

Vice-Chair McConnell asked staff to explain the setback. Mr. Kasza responded the setback for incidental signs is 10 feet for signs of 6 square feet and 15 feet for signs above 6 square feet. The actual setback will be 60 feet for a 40 square foot sign or for anything above 6 feet, the applicant would need to have the sign 15 feet from the property line. Staff does not agree with the applicant that moving the sign 10 or even 15 feet back would be in the way of the trees.

Commissioner Dunn asked the applicant why they do not build the horse to 7 feet high. The applicant responded that PF Chang's has done this before and it is not as impactful and impressive as the larger horse.

Chair Boschert asked staff about the mature trees that are potentially being impacted. Mr. Kasza responded that the City does have regulations for trees, however as long as they meet the overall quantity of trees (1 per 500 and 50 square feet of landscaped area) they are allowed to remove and replace.

Chair Boschert asked if the City would allow the trees to be removed and not replaced. Mr. Kasza stated the City would have to discuss this further.

Commissioner Xiong asked staff if the applicant met the setback requirements, if the City would be in support. Mr. Kasza responded that there are three main issues – the height, the overall area, and the setback. The variance request is being heard by the Planning Commission because the staff finds the application does not meet two of the six criteria for administrative approval.

Commissioner Xiong asked the applicant about the impacts of the art design and if there would be an impact on revenue. The applicant responded that while there would not be a financial impact there would be an impact on the overall guest experience and there would be a loss of a photo opportunity for the guests.

Commissioner Xiong asked staff if this variance was to be granted, would this give PF Chang's an unfair advantage over other brands. Mr. Kasza responded that a lot of brands use objects or devises to create "brand identity". Staff's concern is that there will be more requests to install larger signs that the Sign Code allows.

Chair Boschert asked staff if the setback was met this would still not be enough for staff to support. Mr. Kasza responded this is correct because there are other criteria not being met and cited the criteria not being met.

Commissioner Colling asked staff to reiterate why this not being considered as public art. Mr. Kasza responded that the city doesn't have a specific allowance of how much private art someone can have on their property. He stated that this item is being heard before the Planning Commission because Staff has determined that this meets the definition of a sign and it is regulated under the Sign Code.

Commissioner Colling asked staff if there is any way this can be defined as public art. Mr. Kasza responded that principally, since this is a key component of their brand, this directly attracts attention to the business.

Commissioner Xiong asked the applicant if they are willing to make the proposed sign smaller. The applicant responded that in their experience a smaller sign is not impactful.

Vice-Chair McConnell asked the applicant about locations with smaller signs, are they aware of any issues with the smaller signs. The applicant responded no.

Mr. McConnell added that the newly adopted Sign Code was adopted in December 2021. He added that due to a Supreme Court ruling, sign regulations cannot regulate wording/text/content on signage. A sign definition has to include language that indicates that any sort of device that is intended to attract the attention of someone off the premise to seek services. He added that the ballyards at Target were approved under the previous sign code.

Commissioner Colling asked Mr. McConnell if there are any circumstances that would allow this sign to be considered part of the architecture. Mr. McConnell responded that in Westminster, the City's Retail Commercial Design Guidelines (RCDG) prohibit what is called "franchise architecture." The incorporation of this sign into the building architecture would then be considered inconsistent with the RCDG.

Chair Boschert opened the public hearing at 7:42 pm.

There was no public testimony.

Chair Boschert closed the public hearing at 7:45 pm.

Chair Boschert asked for staff and applicant rebuttal.

The applicant stated that as they don't see the horses as a sign to draws guests to their building. The horse in the front of the building is not in a location that is visible to the street. The horse that is in the back could potentially be viewed as a sign. The applicant requests that they be allowed to have the horse in the front and eliminate the one in the back of the building.

Chair Boschert clarified that the applicant is requesting to reduce to one statue. Mr. Kasza responded that even if there was one statue, they would exceed both the height and size requirement criteria.

Commissioner Dunn motioned that the Planning Commission deny this request for a sign variance for an incidental sign for the setback, height, and the sign area because the variance does not meet two of the six criteria required for a sign variance. The criteria not met were the first and second, as the Planning Commission finds that no special circumstances or conditions of the lot exist and that the sign regulations would be weakened by approval of this variance.

Vice-Chair McConnell seconded the motion.

Commissioner Dunn stated that he is at a crossroads with this motion because at first glance he does not see anything wrong with giving PF Chang's the horses and that 4 of the 6 criteria are met. The reason he motioned for denial is because the second criteria and the weakening of the Sign Code Regulations and granting this variance potentially opens the flood gates, he does not want The Orchard to look like the Las Vegas strip, he feels the integrity of the Sign Code should be protected and since the applicant admitted there would not financial impacts, he is in support of denial. He also mentioned that the Planning Commission is not charged with arguing points of law that are already law, signage is signage and art is art.

Commissioner Carpenter stated that he feels this is art and not signage. He stated he feels the criteria has been met and will not be supporting the motion. He went on to express his displeasure that this is even being brought forth to the Planning Commission.

Commissioner Colling stated that she agrees with Commissioner Carpenter and this feels this is art. She also states that she understands that this does go against the Sign Code as it's currently written and for this reason will support the motion of denial. She stated that the City should revise the Sign Code.

Vice-Chair McConnell stated that he wasn't part of the vote for the revised Sign Code. He also understands the importance of staying within reasonable size. He also stated that he agrees with the 14-foot horse to be visible.

Commissioner Carpenter responded to Commissioner Colling that the motion on the table is both A and B - if Commissioner Colling doesn't think the variance would weaken the sign code, then she could still vote against the motion that is on the table.

Commissioner Xiong stated that he is conflicted with this motion. He believes that the horse is iconic and acknowledged that the granting of this variance could bring a snowball effect and increase the number of sign variance requests. He stated that he believes the City should revise the Sign Code.

Chair Boschert stated that he believes that the City has to be consistent with the enforcement of the Sign Code and he will support the motion of denial.

The motion did not pass (3-3).

Commissioner Colling motioned that the Planning Commission recommended approval of sign variance for an incidental sign for the setback, height, and the sign area because the variance meets the criteria for this application.

Commissioner Carpenter seconded the motion.

Commissioner Xiong asked staff if we approve this motion, what is the likelihood of businesses coming forward requesting changes to variance. Mr. Kasza stated that staff receives weekly complaints from someone not granted a sign permit. There will be someone that mentions this sign in particular.

Commissioner Carpenter thanked Vice-Chair McConnell with his understanding of topography. He stated that he believes that the Sign Code would not be weakened because this is art.

Vice-Chair McConnell stated he understands the slippery slope point of view and he also needs to take into consideration that this an iconic symbol of a restaurant with 200+ locations.

Commissioner Colling asked staff to clarify that if applicant's that could potentially come forward that ask for signage, they would need to come to Planning Commission and there would be an opportunity to review each request based on the current code. Mr. Kasza confirmed that would be the case if there are no changes to the Code.

Commissioner Colling stated that she is still in support of the artwork at this location.

Commissioner Xiong asked the applicant to confirm the locations of the statues. The applicant responded the locations of Broomfield, Loveland, and future location of Northfield. The applicant also stated that if this horse is indeed iconic to the restaurant, this could adversely

deter patrons dining at the Westminster location when they could go to Broomfield which is ten minutes away.

The motion passed 4-2.

4. ADJOURNMENT

The meeting was adjourned at 8:15 pm.

THE WESTMINSTER PLANNING COMMISSION

Jim Boschert, Chairperson

A full recording of the meeting has been posted on The City of Westminster website.
www.cityofwestminster.us/pc

CITY OF WESTMINSTER
PLANNING AND ZONING COMMISSION

RESOLUTION

APPROVAL OF BY-LAWS AND RULES OF PROCEDURE

WHEREAS, Title 11 of the Westminster Municipal Code requires that the Planning and Zoning Commission make and adopt by Resolution its own By-Laws, subject to approval of the City Council and in conformity with the applicable statutes and ordinances.

NOW, THEREFORE, be it resolved by the Planning and Zoning Commission of the City of Westminster that the attached shall constitute the By-Laws and Rules of Procedure of the Planning and Zoning Commission, hereinafter called the "Commission."

Passed and adopted this Q 4/Rday of

January

9 1995.

Chairperson

Attest:

Mary | Dara
Secretar

CITY OF WESTMINSTER
PLANNING AND ZONING COMMISSION
BY-LAWS AND RULES OF PROCEDURE

A. Applicability of Rules:

In addition to the Charter and Ordinances of the City of Westminster and applicable state statues, these rules shall govern all proceedings before the Commission of the City of Westminster. If there is any conflict between these rules and the above-cited laws, the laws shall prevail. These rules replace and supersede any previously adopted bylaws or rules of procedure.

B. Officers:

1. Officers of the Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary. At its first regular meeting of an odd-numbered calendar year, the Commission shall elect one of its members to be Chairperson and one of its members to be Vice-Chairperson, for a two-year term. In the event that either position becomes vacant before the end of the term, the Commission shall elect a regular member to serve as Chairperson or Vice-Chairprerson until the end of the term. [Alternate language: If the position of Chairperson becomes vacant before the end of the term, the Vice-Chairperson

shall become Chairperson until the end of the term, and the Commission shall elect a member to become Vice-Chairperson until the end of the term.] [Optional language: No member shall be eligible for election as Chairperson or Vice-Chairperson unless that member has previously served at least one year as a member of the Commission; provided, however, that if no member is so eligible, the Commission shall elect the member it deems best qualified.] Elections shall be by secret ballot; conducted by the Secretary. The City Manager shall designate a member of City Staff to serve as Secretary. The Secretary shall not have a vote in the proceedings of the Commission.

2, Temporary Chairperson. In the case of the absence of the Chairperson and the Vice-Chairperson, the Secretary shall call the Commission to order and call the roll of members. If a quorum is found to be present, the Commission shall choose, by a majority vote of those present, a Chairperson of the meeting to act until the Chairperson or Vice-Chairperson appears.

3. The Chairperson shall preside at all meetings, shall rule on all points of order or procedure and on the admissibility of evidence, unless, on motion duly made, the Chairperson is overruled by a majority vote of the members present. The Chairperson shall sign required documents for proceedings of the Commission over which the Chairperson presided.

4. The Vice-Chairperson shall assume the duties of the Chairperson in the Chairperson's absence.

5. The Secretary shall record the minutes of the meetings. The Secretary, or other staff of the City Planning Division as directed by the City Manager, shall receive and process all applications, petitions, and other business of the Commission, store the Commission's records, and assure that Commission members receive meeting agendas.

C. Alternate Member:

The alternate member of the Commission shall attend the meetings of the Commission and shall have all of the rights and powers of the regular member, except that the alternate member shall not vote or otherwise participate in a matter before unless fewer than all regular members are in attendance at a meeting in a voting capacity, and the public hearing on a matter is continued, the alternate member shall vote on the matter unless the regular member whose place was taken by the alternate listens to the tape of the prior public hearing, reviews the exhibits, and becomes familiar with the matter before the Commission. If a different regular member is absent at the meeting to which the public hearing has been continued, the alternate may vote on the matter in the absent member's place. A member, regular or alternate, may not vote on a matter for which the public hearing has been continued in the member's absence unless the member has listened to the tape of the prior public hearing, reviewed the exhibits, and become familiar with the matter before the Commission.

the Commission

D. Attendance Requirements:

Whenever a member is absent from two (2) consecutive regular meetings or any three (3) regular meetings in a six*month period, the member shall receive notification from the Chairperson. If a member is absent from four (4) consecutive regular meetings or twenty-five percent (25%) of the regular meetings in a fiscal year, unless excused by the Commission, the matter shall be referred to City Council.

E. Meetings:

1. Regular Meetings:

Regular meetings shall be on the second (2nd) and fourth (4th) Tuesdays of each month if there are matters pending.

2. Special Meetings:

Special meetings may be called by the Chairperson, by a majority of the members at a regular meeting, or by a poll of all members, with the majority assenting. All members shall be notified of the special meeting at least twenty-four (24) hours prior to the session.

3. Meetings shall begin at 7:00 P.M.

4. Roberts Rules of Order shall be used as a guide at all meetings.

5. The Commission shall not take any official action, except at a regular or special meeting.

F. Quorum:

A majority of the members of the Commission in office at the time shall be a quorum for the transaction of business at all Commission meetings. All motions, decisions, and other actions of the Commission shall be by majority vote of those present. If the vote is a tie, the action is defeated.

G. Motions and Voting:

1. All motions presented by members require a second. The Chairperson shall have the same rights and privileges of making motions and voting as any other member. Whenever possible, a motion shall be made prior to discussion by the Commission.

2. A roll call vote may be taken on any question at the discretion of the Chairperson or upon demand of any member. The vote shall be entered upon the

the Commission minutes of proceedings. It shall not be in order for members to explain their votes during the roll call, but members may do so after the roll is complete.

3. No member of the Commission shall vote on any question in which the member has a financial interest other than the common public interest, or on any question concerning the member's own conduct, but on all other questions, each member who is present shall vote unless excused by the unanimous consent of the remaining members present.

H. Rules of Evidence:

Formal rules of evidence need not be followed, but the evidence should be of such nature that it would be commonly accepted by reasonable and prudent persons in the conduct of their affairs.

1. Public Hearings:

1. The Chairperson shall announce the application or other matter to be considered, and briefly explain the procedure to be followed.

2. The hearing shall be conducted in such manner to provide a reasonable opportunity for all interested parties to speak. The Chairperson may limit testimony which tends to be repetitive, cumulative, speculative, or irrelevant.

3. The order for the hearing shall be as follows:

a. The Chair will open the hearing.

b. City Staff will present the application or other matter, and appropriate documents will be entered in the record.

c. A presentation will be made by the applicant or a representative of the applicant.

d. Additional comments will be made by the Staff.

e. Testimony will be heard from proponents of the application or petition.

f. Testimony will be heard from opponents of the application or petition.

g. The applicant will be given the opportunity for rebuttal if there is testimony in opposition.

the Commission
h. The Staff will make final comments and give the Staff recommendation.

i. Members of the Commission may ask questions.

j. The Chairman will close the hearing, and a motion regarding the matter will be requested.

k. The motion will be discussed by the members.

l. The motion shall be voted upon.

J. Continuances:

. may continue any matter to a later date upon motion of any member and majority vote thereon.

K, Attendance by City Staff:

When the Commission needs to confer with a member of City Staff on any matter relating to zoning or planning, the City Manager shall be asked to request that such Staff member attend any regular or special meeting of the Commission.

CITY OF WESTMINSTER
PLANNING AND ZONING COMMISSION

RESOLUTION

APPROVAL OF BY-LAWS AND RULES OF PROCEDURE

WHEREAS, Title II of the Westminster Municipal Code requires that the Planning and Zoning Commission make and adopt by Resolution its own By-Laws, subject to approval of the City Council and in conformity with the applicable statutes and ordinances.

NOW, THEREFORE, be it resolved by the Planning and Zoning Commission of the City of Westminster that the attached shall constitute the By-Laws and Rules of Procedure of the Planning and Zoning Commission, hereinafter called the "Commission."

Passed and adopted this 14th day of June, 2022.

Chairperson

Attest:

Secretary

CITY OF WESTMINSTER
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE

A. Applicability of Rules:

1. In addition to the Charter and Ordinances of the City of Westminster and applicable state statutes, these rules shall govern all proceedings before the Commission of the City of Westminster. If there is any conflict between these rules and the above-cited laws, the laws shall prevail. These rules replace and supersede any previously adopted bylaws or rules of procedure.

B. Officers:

1. Officers of the Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary.
2. Election of Officers
 - a. Biennially, at its first regular meeting of an odd-numbered calendar year, the Commission shall elect one of its members to be Chairperson and one of its members to be Vice-Chairperson, each for a two-year term.
 - b. No member shall be eligible for election as Chairperson or Vice-Chairperson unless that member has previously served at least one year as a member of the Commission; provided, however, that if no member is so eligible, the Commission shall elect the member it deems best qualified.
 - c. Elections shall be by secret ballot and conducted by the Secretary, unless there is only one candidate nominated for the position, in which case a roll call vote may be used.
 - d. In the event that either position of Chairperson or Vice-Chairperson becomes vacant before the end of the term, the Commission shall elect a regular member to serve as Chairperson or Vice-Chairperson until the end of the term.
 - e. The City Manager shall designate a member of City Staff to serve as Staff Liaison, and this Staff Liaison shall be the Commission Secretary. The Secretary shall not have a vote in the proceedings of the Commission.
3. Duties of Officers
 - a. The Chairperson shall preside at all meetings, shall rule on all points of order or procedure and on the admissibility of evidence, unless, on motion duly made, the Chairperson is overruled by a majority vote of the members present. The Chairperson shall sign required documents for proceedings of the Commission over which the Chairperson presided.
 - b. The Vice-Chairperson shall assume the duties of the Chairperson in the Chairperson's absence.
 - c. The Secretary shall record the minutes of the meetings. The Secretary, or other staff of the City Planning Division as directed by the City Manager,

shall receive and process all applications, petitions, and other business of the Commission, store the Commission's records, and ensure that Commission members receive meeting agendas.

4. Temporary Chairperson

- a. In the case of the absence of the Chairperson and the Vice-Chairperson, the Secretary shall call the Commission to order and call the roll of members. If a quorum is found to be present, the Commission shall choose, by a majority vote of those present, a Temporary Chairperson of the meeting to act until the Chairperson or Vice-Chairperson appears.

C. Alternate Members:

1. The alternate members of the Commission shall attend the meetings of the Commission and shall have all the rights and powers of the regular members, except that the alternate member shall not vote in a matter before the Commission unless fewer than all regular members are in attendance at the meeting.
2. If an alternate member attends a meeting in a voting capacity, and the public hearing on a matter is continued, the alternate member shall vote on the matter unless the regular member whose place was taken by the alternate listens to the tape of the prior public hearing, reviews the exhibits, and becomes familiar with the matter before the Commission.
3. If a different regular member is absent at the meeting to which the public hearing has been continued, the alternate member may vote on the matter in the absent member's place.

D. Member Emeritus:

1. The City Council shall designate a member of the Commission a Member Emeritus at such times and for such service as council deems appropriate. A Member Emeritus is welcome to continue attendance at a Commission meeting, and the Chairperson and members of the Commission may request the opinion or information of the Member Emeritus during the portion of the Commission meeting when members of the public customarily speak. The Member Emeritus will not be a voting member, or an alternate member, of the Commission.

E. Attendance Requirements:

1. Whenever a member or alternate member is absent and unexcused from two (2) consecutive regular meetings or any three (3) regular meetings in a six-month period, the member shall receive notification from the Chairperson.
2. If a member is absent and unexcused from four (4) consecutive regular meetings or twenty-five percent (25%) of the regular meetings in a fiscal year, the matter shall be referred to City Council.
3. Excused absence shall mean an absence in instances of family emergency,

work-related commitments, medical necessity or vacation outside of the Denver metropolitan area involving the member or alternate member.

4. Unexcused absence shall mean an absence when no prior notification is provided to the Chairperson or Secretary. An absence can also be deemed unexcused when notification is provided to the chairperson or staff liaison, but the reason for absence does not meet the requirements of an excused absence. An absence is unexcused when it is not related to the instances of family emergency, work-related commitments, medical necessity or vacation outside of the Denver metropolitan area involving the board or commission member.
5. In order for an absence from a meeting to be termed "excused," the member shall provide notification to the Chairperson or Secretary, by telephone or in written form, at least twenty-four (24) hours in advance of any regular or special meeting. Such notification may be excused by the Chairperson only in extenuating circumstances, which shall be considered on a case-by-case basis. The member will be required to provide a reason for the requested absence, which will be reviewed by the chairperson and declared at the meeting as an excused or unexcused absence by the chairperson. Upon a motion by any unaffected member of the Commission at the same or next following meeting, the decision of the Chairperson as to whether the absence is excused or unexcused may be reviewed and either sustained or overturned by a vote of the entire board or commission. A record of this decision shall be made in the minutes of the meeting.

F. Meetings:

1. The Commission shall not take any official action, except at a Regular or Special meeting.
2. Regular meetings shall be on the second (2nd) and fourth (4th) Tuesdays of each month if there are matters pending.
3. Special meetings may be called by the Chairperson, by a majority vote of the members in attendance at a regular meeting, or by a poll of all members, with the majority assenting. All members shall be notified of the special meeting at least twenty-four (24) hours prior to the session.
4. Meetings shall begin at 7:00 P.M. unless otherwise noticed to the Commission at least twenty-four (24) hours prior to the session.
5. A Pre-Meeting may be scheduled for the purposes of the Commission discussing logistical and procedural questions of that night's meeting agenda with City Staff. No action shall be taken on specific matters due to come before the commission. Pre-Meetings shall begin one half-hour prior to the start of a Regular or Special meeting unless otherwise noticed to the commission. Pre-Meetings shall be open to the public.
6. The Commission may hold study sessions on days and at times mutually agreed

to by the Commission. When practicable, a study session shall be held during a Regular meeting. These sessions shall be for the purpose of discussing matters of Commission business with members of city staff, hearing presentations from non-staff individuals, and any other lawful purpose. The Commission shall take no official action at a study session. The Secretary shall publish the date, time, place and agenda for any study session. Study sessions shall be open to the public.

7. The Commission may hold a closed executive session in conjunction with a regular or special meeting or a study session for the purpose of consulting with the City Attorney or their deputy for legal advice. A super-majority two-thirds vote of the Commission is required to enter executive session.

8. Roberts Rules of Order shall be used as a guide at all meetings.

G. Quorum:

1. A majority of the members of the Commission in office at the time shall be a quorum for the transaction of business at all Commission meetings.

H. Motions and Voting:

1. All motions presented by members require a second. The Chairperson shall have the same rights and privileges of making motions and voting as any other member. Whenever possible, a motion shall be made prior to discussion by the Commission.
2. A roll call vote may be taken on any question at the discretion of the Chairperson or upon demand of any member. The vote shall be entered upon the minutes of the Commission proceedings. Members shall not explain their votes during the roll call vote, but members may do so after the vote is complete.
3. All motions, decisions, and other actions of the Commission shall be by majority vote of those present. If the result of the vote is a tie, the action is defeated.
4. Any member, regular or alternate, may not vote on a matter for which the public hearing has been continued in the member's absence unless the member has listened to the tape of the prior public hearing, reviewed the exhibits, and become familiar with the matter before the Commission.
5. No member of the Commission shall vote on any question in which the member has a financial interest other than the common public interest, or on any question concerning the member's own conduct, but on all other questions, each member who is present shall vote unless excused by the unanimous consent of the remaining members present.

I. Rules of Evidence:

1. Formal rules of evidence need not be followed, but the evidence should be of such nature that it would be commonly accepted by reasonable and prudent persons in the conduct of their affairs.

J. Public Hearings:

1. The Chairperson shall announce the application or other matter to be

considered, and briefly explain the procedure to be followed.

2. The hearing shall be conducted in such manner to provide a reasonable opportunity for all interested parties to speak. Public testimony shall be limited to five minutes except when modified by a majority vote. The Chairperson may limit testimony which tends to be repetitive, cumulative, speculative, or irrelevant.
3. The order for the hearing shall be as follows:
 - a. The Chairperson will open the hearing.
 - b. City Staff will present the application or other matter, and appropriate documents will be entered in the record.
 - c. A presentation will be made by the applicant or a representative of the applicant.
 - d. Additional comments will be made by the Staff.
 - e. Public testimony will be heard from proponents and opponents of the application or petition.
 - f. The applicant will be given the opportunity for rebuttal after the conclusion of public testimony.
 - g. The Staff will make final comments and give the Staff recommendation.
 - h. Members of the Commission may ask questions.
 - i. The Chairman will close the hearing, and a motion regarding the matter will be requested.
 - j. The motion will be discussed by the members.
 - k. The motion shall be voted upon.
 - l. Members shall have the opportunity to explain their vote.

K. Continuances:

1. The Commission may continue any matter to a later date upon motion of any member and majority vote thereon.

L. Attendance by City Staff:

1. When the Commission needs to confer with a member of City Staff on any matter relating to zoning or planning, the City Manager shall be asked to request that such Staff member attend any regular or special meetings of the Commission.

CITY OF WESTMINSTER PLANNING COMMISSION
BYLAWS AND RULES OF PROCEDURE

- A. Applicability. In addition to the Charter and Ordinances of the City of Westminster and applicable state statutes, these Bylaws and Rules of Procedure (the “Rules”) shall govern all proceedings before the City of Westminster Planning Commission (the “Commission”). In the event of a conflict between these Rules and any of the above-cited laws, such laws shall prevail. These Rules replace and supersede any previously adopted bylaws or rules of procedure.
- B. Officers – Election and Duties.
1. Officers. The officers of the Commission shall consist of a Chair and a Vice-Chair.
 2. Secretary. The City Manager shall designate a member of City staff to serve as Secretary and perform the duties assigned thereto as set forth herein. The Secretary shall not have a vote in the proceedings of the Commission.
 3. Officer Elections. At its first regular meeting of each odd-numbered calendar year, the Commission shall elect one of its members as Chair and one of its members as Vice-Chair, each for a two-year term. In the event either position becomes vacant before the end of the two-year term, the Commission shall, at its first regular or special meeting after such vacancy occurs, elect a regular member to serve as Chair or Vice-Chair, as applicable, until the end of the term. (Alternate language: If the position of Chair becomes vacant before the end of the term, the Vice-Chair shall become Chair until the end of the term, and the Commission shall elect a member to become Vice-Chair until the end of the term.) [Optional language: No member shall be eligible for election as Chair or Vice-Chair unless that member has previously served at least one year as a member of the Commission; provided, however, that if no member is so eligible, the Commission shall elect the member it deems best qualified.] Elections shall be by secret ballot conducted by the Secretary.
 4. Absence of Chair, Vice-Chair. The Vice-Chair shall assume the duties of the Chair in the Chair’s absence. In the case of the absence of both the Chair and the Vice-Chair, the Secretary shall call the Commission to order and call the roll of members. If a quorum is found to be present, the Commission shall choose, by a majority vote of those present, a Chair of the meeting to act until the Chair or Vice-Chair appears.
 5. Duties of the Chair. The Chair shall preside at all meetings, shall rule on all points of order or procedure and on the admissibility of evidence, unless, on motion duly made, the Chair is overruled by a majority vote of the members present. The Chair shall sign required documents for proceedings of the Commission over which the Chair presided.
 6. Duties of the Secretary. In addition to any other duties set forth in these Rules, the Secretary shall record the minutes of the meetings; receive and process all applications, petitions, and other business of the Commission; store the Commission’s records; and ensure Commission members receive meeting agenda materials.

- C. Alternate Members. Alternate members of the Commission shall attend Commission meetings and shall have all of the rights and powers of regular members, except that alternate members shall not vote or otherwise participate in a matter before the Commission unless fewer than all regular members are in attendance at the meeting. If an alternate member attends a meeting in a voting capacity, and a public hearing on a matter is continued, the alternate member shall vote on the matter unless the regular member whose place was taken by the alternate listens to the tape of the prior public hearing, reviews the exhibits, and becomes familiar with the matter before the Commission. If a different regular member is absent at the meeting to which the public hearing has been continued, the alternate may vote on the matter in the absent member's place. A member, regular or alternate, may not vote on a matter for which the public hearing has been continued in the member's absence unless the member has listened to the tape of the prior public hearing, reviewed the exhibits, and become familiar with the matter before the Commission.
- D. Member Attendance. Whenever a member is absent from two (2) consecutive regular meetings or any three (3) regular meetings in a six-month period, the member shall receive notification thereof from the Chair. If a member is absent from four (4) consecutive regular meetings **or** twenty-five percent (25%) of the regular meetings in a fiscal year, unless excused by the Commission, the matter shall be referred to City Council.
- E. Meetings. The Commission shall not take any official action, except at a regular or special meeting.
1. Regular Meetings. Regular meetings shall be held on the second (2nd) and fourth (4th) Tuesdays of each month if there are matters pending.
 2. Special Meetings. Special meetings may be called by the Chair [with one other member], by a majority of the members at a regular meeting, or by a poll of all members with the majority assenting. All members shall be notified of the special meeting at least twenty-four (24) hours prior to the session.
 3. Meeting Time. Meetings shall begin at 7:00 P.M.
 4. Rules of Procedure. ROBERTS RULES OF ORDER shall be used as a guide at all meetings.
- F. Quorum. A majority of the members of the Commission in office at the time shall be a quorum for the transaction of business at all Commission meetings. All motions, decisions, and other actions of the Commission shall be by majority vote of those present. If the vote is a tie, the action is defeated.
- G. Motions and Voting.
1. All motions presented by members require a second. The Chair shall have the same rights and privileges of making motions and voting as any other member. Whenever possible, a motion shall be made prior to discussion by the Commission.
 2. A roll call vote may be taken on any question at the discretion of the Chair or upon demand of any member. The vote shall be entered upon the minutes of the Commission

proceedings. It shall not be in order for members to explain their votes during the roll call, but members may do so after the roll is complete.

3. No member of the Commission shall vote on any question in which the member has a financial interest other than the common public interest, or on any question concerning the member's own conduct, but on all other questions, each member present shall vote unless excused by the unanimous consent of the remaining members present.

H. Rules of Evidence. Formal rules of evidence need not be followed, but the evidence should be of such nature that it would be commonly accepted by reasonable and prudent persons in the conduct of their affairs.

I. Public Hearings.

1. The Chair shall announce the application or other matter to be considered, and briefly explain the procedure to be followed.
2. The hearing shall be conducted in such manner to provide a reasonable opportunity for all interested parties to speak. The Chair may limit testimony which tends to be repetitive, cumulative, speculative, or irrelevant.
3. The order for the hearing shall be as follows:
 - a. The Chair will open the hearing.
 - b. City staff will present the application or other matter, give their recommendation, and enter appropriate documents into the record.
 - c. The applicant or representative thereof will make a presentation.
 - d. City staff may make additional comments.
 - e. The Chair will open public testimony.
 - (i) Public testimony will be heard from proponents of the application or petition.
 - (ii) Public testimony will be heard from opponents of the application or petition.
 - f. The Chair will close public testimony.
 - g. The applicant will be given opportunity for rebuttal.
 - h. City staff will make final comments.
 - i. Members of the Commission may ask questions.
 - j. The Chair will close the hearing and request a motion on the matter.
 - k. The motion will be discussed by the members.
 - l. The Chair will ask the Secretary to conduct a rollcall vote on the motion.

J. Continuances. The Commission may continue any public hearing to a date certain upon motion of any member and majority vote thereon.

- K. Attendance by City Staff. When the Commission needs to confer with a member of City staff on any matter relating to areas within the Commission's authority, the Chair shall make such request through the City staff liaison.