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## Land Use, Transportation & Infrastructure Committee Summary Minutes

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**Tuesday, October 25, 2011      10:30 AM      City & County Building, Room 391**

**Members Present:** Lehmann, Montero, Robb, Shepherd, Susman

**Members Absent:** Lopez

**Other Council  
Present:**

**Committee Staff:** Gretchen Williams

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### Bill Requests

**BR11-0748      Changes the zoning classification from I-1 and UO-2 to C-MX-20 on property at 2555 31st Street in Council District 9.**  
*Deirdre Oss, Community Planning & Development*

The request was actually to rezone to C-MX-20 and UO-2 (use overlay allowing billboards). Following the meeting, Councilwoman Montero and the applicant continued to discuss the issue of retaining the UO-2 in the zoning. The applicant amended the application and is seeking only C-MX-20 zoning for this site.

**AYES:** Lehmann, Montero, Robb, Shepherd, Susman(5)

**NAYS:** (None)

**ABSENT:** Lopez(1)

**ABSTAIN:** (None)

Councilman Lopez arrived at the meeting.

Councilwoman Robb said she is the sponsor of the proposed amendment, and she wanted to hold it in Committee while it goes to the Planning Board on November 2 and has adequate review by staff and neighborhood organizations before moving it on to the full Council. The proposed amendment will come back to Committee following Planning Board hearing and review.

The intent of the text amendment is to provide reasonable flexibility for property owners

when the configuration of private land is changed following governmental action such as right-of-way vacation (adding land to a parcel) or condemnation (removing land from a parcel). The proposal would change two types of processes: 1) the zone lot amendment process; and 2) the ability to expand a compliant use or nonconforming use on the zone lot so impacted.

Current rules do not allow vacated right-of-way to be amended into a private property zone lot if it creates or expands any existing non-conformity. The proposed change would mitigate that impact on private property.

Councilwoman Robb said if the alley behind houses was vacated, the land would be split between the adjacent property owners and they could use their half of the former right-of-way for parking. Kerry Buckey, Assistant City Attorney, said these actions typically involve small slivers, but there are instances when such government action could impact an adjacent zone lot.

The property owner would need to apply for a zone lot amendment, which carries a \$50 fee. All of the current notifications and processes for vacation of right-of-way remain in place.

This 6-acre site just west of I-25 is in an Area of Change with mixed and changing land

**BR11-  
0779**

**Approves Zoning Code Text Amendment #10: Zone Lot Amendments and Use Expansions Triggered by Government Action**

*Michelle Pyle, Community Planning & Development*

uses, including the Regency Tower student housing. It is within the 41st & Fox transit station area, and it has a significant grade change from west to east, which will influence the development pattern reflected in the final site plan. All RNOs were notified and several submitted letters of support.

Community Planning & Development found the proposed zoning is consistent with adopted plans, including Comprehensive Plan 2000, Blueprint Denver and the Transit Area Plan, which calls for in-fill development and a variety of housing opportunities, which is the applicant's intent. That plan recommends rezoning as necessary to implement the plan.

Councilman Montero indicated she was troubled by the application only due to the proposed continuance of the right to install billboards. The applicant said that right exists under the current zoning, and while there is no plan to put up a billboard right now, they did not want

to give up a right. He indicated a willingness to discuss that aspect further.

Committee voted to move the application forward with the knowledge that discussions will continue and the application may be amended.

## **Presentations**

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd to hold the bill until after the Planning Board reviews the proposal carried by the following vote:

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AYES: <fornames><for\_text>( <forcoun>)</for\_text>

NAYS: <againstnames><against\_text>( <againstcount>)</against\_text>

ABSENT: <absentnames>

ABSTAIN: <abstainnames><abstain\_text>( <abstaincount>)</abstain\_text>

### **1**

#### **Public Works Permits for Tables, Chairs and Railings**

*Rob Duncanson, Tina Scardina, Lindsey Strudwick and Michael Holm, Public Works*

Tina Scardina, Public Works, explained that in September, the right-of-way inspectors were asked to visit every business with street furniture in order to verify safety and see if the owner had the required "Public Occupancy Permit." About 220 properties were visited, and only about one-half of the owners did have permits. Some did not know they needed a permit; others had a permit in 2010 but had not renewed in 2011.

The original permit is \$150 and renewals are \$100. The point of the inspections is to be sure the sidewalk furniture is safe and that room is left for safe passage by pedestrians, baby strollers and wheelchairs.

Public Works will soon start sending email annual reminders to update the permits, but it will be about another year before permit-holders able to renew on-line.

Councilwoman Susman suggested permits good for longer than one year, or not charging for renewals. Ms. Scardina said conditions change, and annual inspections are necessary to be sure things are still safe.

Councilman Lopez said there is lots of confusion about permit requirements in some parts of his district. The out-reach needs to be multi-cultural for the Asian and Latino populations.