



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, March 22, 2011

10:30 AM

City & County Building, Room 391

Members Present: Johnson, Montero, Robb, Sandoval

Members Absent: Madison

Other Council Nevitt, Lehmann

Present:

Committee Staff: Shelley Smith

Bill Requests

BR11-0153 Rezones 2090 S. Galapago from E-TU-C to U-MX-3 in Council District 7.

Chris Gleissner, Community Planning & Development

Chris Gleissner, Community Planning & Development, presented the map amendment to rezone 2090 S. Galapago Street in the Overland neighborhood from E-TU-C to U-MX-3.

The site is surrounded by a mix of residential structures with commercial structures along Evans Avenue. The applicant is proposing a small business use on the site, consistent with the land use plans for the area which is identified as an area of change in Blue Print Denver. The Planning Board and Community Planning and Development recommend approval.

A motion offered by Councilmember Johnson, duly seconded by Councilmember Sandoval to file a bill to rezone 2090 S Galapago Street from E-TU-C to U-MX-3 carried by the following vote:

AYES: Johnson, Montero, Robb, Sandoval(4)

NAYS: (None)

ABSENT: Nevitt, Madison(2)

ABSTAIN: (None)

BR11-0154 Rezones the parcel at Pennsylvania and E. 14th Ave. from G-MS-5 to G-RO-5 in Council District 10.

Chris Gleissner, Community Planning & Development

Councilwoman Robb introduced the legislative rezoning proposal for the area around 14th Avenue and Pennsylvania Street to be changed to G-RO-5. She explained that the proposed zoning is consistent with how similar areas in the City were handled under the new zoning code. She noted that this is largely a correction of an oversight in the implementation of the new code. Chris Gleissner, Community Planning and Development, explained that the proposed zoning better reflects the mixture of uses in the area. It was created specifically to encompass the distinct mix of uses within the previously zoned R-4 districts--such as this area. Both Community Planning and Development and the Planning Board have recommended the change. Councilwoman Robb explained that she had notified every affected property owner and also briefed Capitol Hill United Neighborhoods. No opposition to the proposal was identified.

A motion offered by Councilmember Sandoval, duly seconded by Councilmember Johnson to file a bill to rezone a 3.42 acre area around 14th Avenue and Pennsylvania Street from G-MU-5 to G-RO-5 carried by the following vote:

AYES: Johnson, Montero, Robb, Sandoval(4)

NAYS: (None)

ABSENT: Nevitt, Madison(2)

ABSTAIN: (None)

BR11-0151 Food Producing Animal Ordinance.

Tina Axelrad, Community Planning & Development; Katherine Cornwell, DEH; Kerry Buckey, City Attorney's Office

Councilman Nevitt explained the background for the proposal--noting that people have complained about the difficulty of keeping food producing animals in Denver and that the process is cumbersome, expensive, time consuming, and raises questions of equity. At the same time, legitimate concerns have been raised about the potential impact on the neighborhood quality of life. A group was convened including Community Planning and Development, Animal Control, leaders in the sustainable food movement, City Attorney's Office and others. The proposal is the result of that group's work.

Tina Axelrad, CPD, explained in detail the current process and proposed zoning changes. (See attachments.) Denver currently allows food producing animals in all zone districts as a secondary use to a primary residential one. To keep the animals, residents must submit an application to the city for a *Zoning Permit with Informational Notice* ("ZPIN"). The ZPIN process includes providing written notice to registered neighborhood organizations and posting notice on the property that a permit has been requested. Residents seeking a food producing animal permit must also

notify adjacent homeowners and request letters of support. The Denver Zoning Administrator then considers the application and all public comments, and decides whether to approve, approve with conditions, or deny the permit. Ms. Axelrad noted that the current process is unenforceable in terms of assuring that applicants talk to neighbors and lacks specific criteria and consistent standards for approving the permits.

The proposed Denver Zoning Code amendment would change the zoning review process to allow a certain number and kind of food producing animal without a ZPIN process, subject to specific standards to avoid adverse impacts on neighboring properties. These include requiring shelters to be located in the back 50% of open space and at least 10 feet from a neighbor's dwelling unit, and prohibiting slaughter. If standards are not followed, the city would enforce the ordinance in the same way it enforces other such violations: issuing notices, working with the resident to correct problems, and finally via court action. Under the proposal, residents could keep up to eight (8) chickens and/or ducks and two small goats. Any variation in the number or type of animal would trigger a review by zoning.

Doug Kelley, Animal Control, presented the current process and proposed changes for handling food producing animals. He noted that currently residents are required to obtain a fowl or livestock permit from the Denver Department of Environmental Health (DEH)--in addition to the permit from zoning--in order to keep chicken, ducks or goats. The process includes pre-permit and subsequent annual inspection/renewal of the permit. Besides permit requirements, residents must comply with Denver's other animal control laws that govern treatment or management of domestic animals including prohibitions on cruelty and neglect, herding or grazing, damages to public or private property, and proper handling of animal waste.

The proposed amendments to animal law would allow up to 8 female chicken/ducks and 2 dwarf goats without a permit from DEH, similar to how residents' dogs, cats, honeybees, and other domestic animals are handled in the City. In addition, specific standards for keeping the animals will apply, such as requirements for a predator-proof sleeping shelter and access to a certain amount of permeable outdoor space. Keeping of different types or numbers of food producing animals would still require a livestock or fowl permit. In addition, goats would be required to be leashed when not on their owners' property and animals will be subject to noise restrictions and the corresponding enforcement process that is currently imposed when complaints are received about barking dogs.

Keeping food producing animals would still be subject to specific standards under the Animal Code to assure their wellbeing and to protect neighboring properties. Enforcement would involve current Animal Control tools including

working with the owner, issuing a citation or summons, and ultimately court action.

Mr. Kelley explained that the department is still considering whether to require a one-time license that would allow the Department to advise potential owners on the law's requirements and encourage micro-chipping the animals and allow the development of a location database to facilitate reuniting lost animals with their owners.

Councilmembers raised a number of questions:

How does the shelter requirement interact with zoning open space requirement? (The zoning open space requirements still apply, but only permanent structures--including coops--count against the open space requirement. Not all coops are considered permanent, however.)

What about sales? (Retail sales are prohibited in residential areas.)

What about public outreach and comments? (A summary of the proposal has been sent to RNOs, discussed twice at INC and at a community forum, a planning board hearing was conducted (with 20 of 22 speakers in favor), and formal comments have been received from three neighborhood associations, with two in support of the amendment, and one opposed).

What are the fiscal impacts of the requirements and proposed licensing on animal control? (Current staff could handle the workload according to conversations with other jurisdictions regarding enforcement workloads).

Councilman Nevitt proposed deferring action on the proposal for two weeks to provide more time to answer Councilmembers questions and provide public information.

A motion offered by Councilmember Sandoval, duly seconded by Councilmember Johnson to defer Committee action on CB11-0151 carried by the following vote:

AYES: Johnson, Robb, Sandoval(3)
NAYS: (None)
ABSENT: Nevitt, Madison, Montero(3)
ABSTAIN: (None)