

CITY OF LEADVILLE
 PLANNING AND ZONING COMMISSION AND CITY COUNCIL
 JOINT MEETING AND PUBLIC HEARING
 Tuesday, January 13, 2015

City Council Members <u>Present:</u> Luke Finken Mike Canty Jake Mohrmann (arrived at 5:04) Max Duarte Gwen Shepherd Greg Labbe <u>Absent:</u> Jaime Stuever, Mayor	Planning & Zoning Commissioners <u>Present:</u> Cindy DeMarco Julie Lundgren Sarah Mudge, Vice Chair Jason Nepp Caroline Koehler (alternate) Joseph Swyers (recused) <u>Absent:</u> Jim Anderson Cameron Millard Victor Christian (alternate)	STAFF PRESENT: Sarah Dallas, Planning Official and Administrative Services Manager Joseph Swyers, City Clerk and alternate P&Z Commissioner (recusing as P&Z Commissioner)
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City Council and Planning & Zoning met in a special public session in the Council Chambers of City Hall. Planning & Zoning Commission Vice-Chair Mudge called the meeting to order at 5:00 PM. Roll Call was taken.

(5:00 p.m.) Planning & Zoning Commission Vice Chair Mudge called to order the hearing for three conditional use permits for harboring chickens: Joab Sosa at 502 East 5th Street, Kayla Polston & Brian Garcia at 818 Maple Street, and Erin Farrow at 323 East 6th Street and explained the meeting and hearing procedures.

(5:06 p.m.) Joab Sosa at 502 East 5th Street.

Planning Official Dallas reviewed the notifications made, staff report encompassing the criteria for the land use permit and the evidence and documents.

(5:11 p.m.) Applicant's presentation.

Joab Sosa made the following points or representations.

- He is in full compliance at this time.
- The chicken coop accents the house.

(5:12 p.m.) Persons in favor:

Kathy Gillette, 506 East 5th Street, said that she lives next door, the chickens are quiet, and the chicken coop looks better than her or the applicant's houses. Her question about the \$75 fee being too high was briefly discussed.

(5:14 p.m.) Persons against: None.

(5:14 p.m.) Applicant's rebuttal: none.

(5:14 p.m.) Commissioner Lundgren moved to close the public input portion of this meeting for Joab Sosa.

Commissioner DeMarco seconded. Roll call: unanimous yes. Chair Mudge opened the meeting to deliberation by the planning commission and city council. Questions were asked of the applicant. Points (with attributions) included:

- The \$75.00 fee should be reconsidered. (Labbe)
- The enclosure at the bottom of the structure is the chicken's outdoor area. (Sosa)
- The chickens are well provided for space. (Mudge)

(5:18 p.m.) Commissioner Lundgren moved to approve the Conditional Use Permit for Joab Sosa for harboring of chickens at 502 East 5th Street. Commissioner Koehler seconded. Roll call: unanimous yes.

(5:19 p.m.) Chair Mudge closed the public hearing for Joab Sosa at 502 East 5th Street.

(5:19 p.m.) Kayla Polston & Brian Garcia at 818 Maple Street.

Chair Mudge opened the hearing for the conditional use permit for Kayla Polston & Brian Garcia at 818 Maple St. Planning Official Dallas reviewed the notifications made, staff report encompassing the criteria for the land use permit and the evidence and documents.

Councilmember Canty recused himself and left the room.

Planning Official Dallas reviewed the notifications made, staff report encompassing the criteria for the land use permit and the evidence and documents.

(5:20 p.m.) Applicant's presentation.

Kayla Polston presented some pictures to the commission,

(5:24 p.m.) Persons against: None.

(5:24 p.m.) Persons against: None.

(5:24 p.m.) Applicant's rebuttal: none.

(5:24 p.m.) Commissioner DeMarco moved to close the public hearing portion of this meeting for 818 Maple Street, Kayla Polston & Brian Garcia. Commissioner Nepp seconded. Roll call: unanimous yes. Chair Mudge opened the meeting to deliberation by the planning commission and city council. Questions were asked of the applicant. Points (with attributions) included:

- The photos show the entire chicken run and coop. (Polston)
- Brian's dad is the tenant of the house, but Brian and Kayla are the one's raising the chickens. (Polston)

(5:26 p.m.) Commissioner DeMarco moved that Planning & Zoning recommend that City Council approve the Conditional Use Permit for Kayla Polston & Brian Garcia to house and harbor chickens on their property at 818 Maple Street. Commissioner Lundgren seconded. Roll call: unanimous yes.

Councilmember Canty returned to the council meeting.

(5:27 p.m.) Erin Farrow at 323 East 6th Street.

Chair Mudge opened the hearing for the conditional use permit for Erin Farrow at 323 East 6th Street. Planning Official Dallas reviewed the notifications made, staff report encompassing the criteria for the land use permit and the evidence and documents.

(5:31 p.m.) Applicant's presentation.

Erin Farrow said she wants to harbor chickens for the eggs and company.

(5:34 p.m.) Persons against: None.

(5:34 p.m.) Persons against: None.

(5:34 p.m.) Applicant's rebuttal: none.

Questions were asked of the applicant. Points (with attributions) included:

- 'Mild concern' about rebar sticking up from concrete blocks around the chicken coop being a hazard. (Labbe)
- The proposed shelter would need to meet setbacks. (Nepp)

(5:34 p.m.) Commissioner Nepp moved to close the public input portion of this hearing. Commissioner Koehler seconded. Roll call: unanimous yes.

(5:36 p.m.) Chair Mudge cited the previous practice of allowing 2 years for a limit in case they discontinue harboring chickens. Discussion resulted in recommending to City Council to include that in their motions for all three conditional use permits for harboring chickens.

(5:37 p.m.) Commissioner Koehler moved to approve the harboring of chickens at 323 East 6th Street. Commissioner Nepp seconded. Roll call: unanimous yes.

(5:38 p.m.) Chair Mudge adjourned the planning and zoning meeting.

(5:43 p.m.) Mayor Pro Tem Finken convened the special meeting of city council. Roll call was taken.

(5:43 PM) Public comments: None.

(5:43 PM) Agenda Revisions: None.

(5:43 p.m.) Joab Sosa at 502 East 5th Street.

Mayor Pro Tem Finken moved to approve the conditional use permit to allow Joab Sosa to keep up to six chickens at 502 East 5th Street and the permit shall expire if the keeping of chickens desists for more than two years.

Councilmember Canty seconded. Roll call: unanimous yes.

(5:44 p.m.) Kayla Polston & Brian Garcia at 818 Maple Street.

Mayor Pro Tem Finken moved to approve the conditional use permit to allow Kayla Polston & Brian Garcia to keep up to six chickens at 818 Maple Street, Leadville, Colorado and the permit shall expire if the keeping of chickens desists for more than two years. Councilmember Labbe seconded. Roll call: Except for Councilmember Canty who abstained, unanimous yes.

(5:46 p.m.) Erin Farrow at 323 East 6th Street.

Councilmember Canty moved to approve the conditional use permit for Erin Farrow at 323 East 6th Street with the condition that the conditional use shall expire if the keeping of chickens desists for more than two years.

Councilmember Labbe seconded. Roll call: unanimous yes.

(5:47 p.m.) Bills:

Councilmember Canty moved to approve payment of bills. Councilmember Labbe seconded. Finance Director McGinnis and Administrative Services Manager answered questions about some of bills. Roll call: unanimous yes.

(5:50 p.m.) Mayor Pro Tem Finken adjourned the meeting of the Leadville City Council.