

APPROVED MINUTES JANUARY 26, 2005
CITY OF GUNNISON - PLANNING & ZONING COMMISSION
REGULAR MEETING

rev. 2/1/05

<u>MEMBERS</u>	<u>PRESENT ABSENT EXCUSED</u>
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DIANE LOTHAMER, CHAIR	X
HARVEY HARRIMAN – VICE CHAIR	X
JIM SEITZ	X
BOB BEDA	X
KURT SCHRAM	X
JONATHAN HOUCK	X
COUNCILMEMBER THOMAS SMITS	X

OTHERS PRESENT: COMMUNITY DEVELOPMENT DIRECTOR STEVEN WESTBAY, CITY PLANNER KIM ANTONUCCI, PLANNING TECHNICIAN ANDIE RUGGERA, VICKI ROACH ARCHULETA, ELLEN HARRIMAN, RICHARD KARAS, RALPH “BUTCH” CLARK, TL LIVERMORE, JIM AND DONNA O’CONNOR, JEFF WALKER, GIFFORD AND ELAINA JAUREGUI, SHARALEE PEDERSON, RANDY BOSTON, DAN CRESS, DR. FRANK PRYBL, JIM ADAMS, BILL KNOWLES, RICK BETINE, GARY HANEY, KEITH BRENNISE, KURT BIESEMAYER, CASEY STILLINGS, AND OTHER CONCERNED CITIZENS.

I. CALL TO ORDER AT 7:00 BY CHAIR LOTHAMER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF THE JANUARY 12, 2005 MEETING MINUTES

Commissioner Beda moved to approve the January 12, 2005 meeting minutes.

Commissioner Harriman seconded the motion.

Roll Call Yes: Seitz, Houck, Smits, Harriman, Beda, and Lothamer

Roll Call No: None

Abstain: Schram – was absent at the January 12 meeting.

Motion Carried

IV. SB 04-4 SUBDIVISION, PRELIMINARY PLAT – JAMES AND DONNA O’CONNOR

Chair Lothamer opened the public hearing at approximately 7:05 p.m.

Proof of publication was shown for the record.

Planner Antonucci gave a short summary of the preliminary plat.

The applicant, James and Donna O'Connor explained to the Commission their request to subdivide the subject property. Mr. O'Connor asked for clarification of the comments by the City Engineer and the sewer clean out in the proposed lot B2.

Councilmember Smits stepped down from discussion/vote at this time.

City staff gave an overview of the preliminary plat and there was discussion between staff and Commissioners regarding the following:

- Access issues – 50 feet verses 75 feet
- Historic drainage problems
- Possible number of units
- Private road relating to units
- Possible increased traffic pattern
- Pedestrian path in alley way
- Landscaping and vegetation
- Utilities on proposed subdivision

With there being no public comment the public hearing was closed at approximately 7:40 p.m.

Commissioner Harriman moved to amend the conditions in the draft approval for SB 04-4. Commissioner Schram seconded the motion.

Roll Call Yes: Seitz, Beda, Houck, Schram, Harriman, and Lothamer

Roll Call No: None

Motion Carried

Commissioner Seitz moved to amend Commissioner Harriman's motion of the conditions to omit the first condition. Commissioner Beda seconded the motion.

Roll Call Yes: Harriman, Houck, Schram, Beda, Seitz, and Lothamer

Roll Call No: None

Motion Carried

Commissioner Harriman moved to approve the preliminary plat for SB 04-4, with the following findings and conditions:

Findings:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the City of Gunnison Land Development Code; and the City of Gunnison Master Plan Volumes I and II (1994).

2. The Planning and Zoning Commission finds that the applicant requests a minor subdivision dividing one parcel into two lots.
3. The Planning and Zoning Commission finds that the subject property is zoned R-3 and surrounding uses are residential and a public school.
4. The Planning and Zoning Commission finds that the unimproved alley to the east of the parcel experiences extensive use by foot and bike traffic, and the City staff has initiated work to prohibit vehicular use of the alley.
5. The Planning and Zoning Commission finds that any developments on this parcel will require a site plan review to address drainage, utilities, and other site specific issues.
6. An existing utility easement for a sewer main and cleanout is located within the frontage of lot B2. The planning commission finds that the Public Works personnel stated a desire that the driveway alignment avoid the cleanout if possible.
7. The Planning and Zoning Commission finds that adding additional frontage to lot B2 will provide room for a functional driveway alignment that could avoid the existing sewer main and cleanout.

Conditions:

1. The Final plat shall contain a note directing that no driveway or other improvements will interfere with the existing sewer line and cleanout without prior approval by the City of Gunnison Public Works Director.
2. Any site specific development plan for lot B2 must include a grading and drainage plan established by a licensed engineer registered in the State of Colorado which will be reviewed by the City Engineer and must comply with the City Engineer recommendations. Neither site B1 nor any other properties shall be adversely affected by site grading and drainage improvements conducted on Lot B2.
3. Access will need to be designed to accommodate emergency vehicles.

Commissioner Schram seconded the motion.

Roll Call Yes: Seitz, Beda, Houck, Schram, Harriman, and Lothamer

Roll Call No: None

Motion Carried

V. CU 04-10 CONDITIONAL USE – GIFFORD AND ELAINA JAUREGUI
Councilmember Smits rejoined the Commission for discussion/vote.

Chair Lothamer opened the public hearing at approximately 7:50 p.m.

Proof of publication was shown for the record.

Director Westbay summarized the mixed uses in the subject property block.

The following documents were entered into the record:

- Letter from David Meyer, dated January 25, 2005
- Letter from Tony Ramirez, dated January 26, 2005

- Letter from Jackie Freimark, dated January 24, 2005
 - Three pages of signatures in support of Mr. and Mrs. Jauregui
 - Letter from Sharalee Pederson, dated January 26, 2005
 - Letter from Randy Boston, dated January 26, 2005
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- Before and after pictures of previously owned property by Mr. and Mrs. Jauregui.

The applicant, Gifford and Elaina Jauregui, presented their application and stated originally they were given a draft approval with conditions and felt they could meet all those conditions. The applicants mentioned their intended operating hours would be eight a.m. to six p.m. with all other hours being emergency service only. Mr. and Mrs. Jauregui informed the Commission of their intentions to significantly improve the property with exterior work and landscaping. The applicant also stated they understood the Conditional Use, if approved, could be pulled at any time. There was discussion between the Commission and applicants regarding the size of the two garage bays, frequency of vehicle repair, a sand/oil separator, concern of backing into the garage bays, and concern of the business trying to expand at the proposed location.

The following public comments were received:

Sharalee Pederson – stated support for the applicants and said they would be an attribute to the community.

Dan Cress – in favor of the conditional use, mentioned there is a need for the towing business, the applicants show pride in their ownership of property, and would like to see the Commission enable the Jauregui's to continue their towing business.

Randy Boston, owner of Berfield's Stage Stop Market– read his letter stating his support for the applicants.

Jim Adams – spoke in favor of Gifford and Elaina and stated he felt the proposed towing business would not threaten or adversely affect surrounding businesses.

Dr. Frank Prybl – supported the applicants and mentioned Gifford's character of always willing to go the extra mile.

Bill Knowles, was hired to help the applicants find a property for the proposed use – recommended approval of the conditional use and addressed some of the concerns the City staff listed in their report.

Rick Betine – current neighbor, supported the applicants and stated the noise from the towing business had never been a problem and Gifford and Elaina are great neighbors.

Ralph "Butch" Clark – stated the applicants are an asset to the City and hopes the Commission will move forward with an approval of the conditional use.

Gary Haney – supports the Jauregui's and stated he does not see any ground for concern with the proposed conditional use.

Jeff Walker – in favor of the applicants spoke of their professionalism and willingness to improve the property.

Keith Brennise – stated he had a concern over the possible noise at first and changed his mind after Gifford left the loudest tow truck in the Alley and no noise was heard from inside his home. Mr. Brennise asked if applicants eventually moved would the conditional use go away at that time. Director Westbay answered yes.

Kurt Biesemeyer – stated support for the conditional use application.

Casey Stillings – in favor of the applicants stated she would like to see the Commission grant them the business opportunity.

Director Westbay gave an overview discussing with the Commission the following:

- Mixed use of the neighborhood
- Parking – on street and off street
- Room for and frequency of impounded vehicles
- Snow removal of alleys
- Enforcement of conditions
- Renting of the subject property home

The public hearing was closed at approximately 9:20 p.m.

Commissioner Harriman moved to approve the conditional use application CU 04-10 submitted by Gifford and Elaina Jauregui with the following findings and conditions:

Findings:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the City of Gunnison Land Development Code; and the City of Gunnison Master Plan Volumes I and II (1994).
2. The Planning and Zoning Commission finds that the property is within the Commercial zone district but it has been traditionally used as a single family residence. The Planning Commission further finds that the site is within the City's Entrance Overlay Zone.
3. The Planning and Zoning Commission finds that the application requests the operation of a commercial towing business, minor automobile repairs, and residential use.
4. The business use as proposed, could generate excessive noise; visual impacts and potential blight of the site and neighborhood; light pollution; and excessive parking along the Tomichi street edge. The Planning Commission therefore finds that certain restrictions on the use are necessary to protect the health, safety and welfare of the community.
5. The Planning Commission finds that the use of the garage for minor automobile repairs will require the installation of an oil separator drain filter and construction of appropriate fire wall separation between the living area and garage.

6. The Planning and Zoning Commission finds that the uses described in the application would be in direct conflict with the City of Gunnison Land Development Code and the Master Plan if appropriate mitigation measures are not mandated.
7. The Planning and Zoning Commission finds that based on the Land Development Code, an application that fails to comply with any applicable review standard shall be denied

Conditions:

1. No more than three tow truck shall be parked on the site. All commercial tow trucks shall be parked directly to the north of the garage or inside the garage.
2. The tow truck parking area shall be paved within one year of the date of approval of this conditional use.
3. The existing hedge along the northern property boundary shall not be removed without approval of the adjacent neighbor to the north and the Community Development Director.
4. This conditional use permit approval shall not run with the land and is valid only for the applicants, Gifford and Elaina Jauregui of Triple Cross Towing.
5. Use of the garage shall only be for minor automobile service and repair such as replacement of belts, batteries, starters alternators, general tune ups and other related repairs; engine rebuilding, and major work on transmission and drive trains is not permitted.
6. Use of the garage for minor repairs as described above shall only occur after a building permit application receives a temporary or final certificate of occupancy.
7. Impounded vehicles or vehicles in for maintenance repairs shall be stored exclusively in the existing garage; no storage of customer vehicles shall occur outside of the garage.
8. Bay doors must remain closed during any automobile service repair work.
9. The Applicant must adhere to the landscaping standards required by the Entrance Overlay Zone.

Commissioner Beda seconded the motion.

Roll Call Yes: Seitz, Houck, Schram, Smits, Beda, Harriman, and Lothamer

Roll Call No: None

Motion Carried

**VI. BIG BOX MORATORIUM – DISCUSSION ITEM
DESIGN STANDARDS**

Director Westbay overviewed the tentative meeting schedule for the moratorium. There was discussion on Chair Lothamer working with Westbay to make revisions to the draft and the Commission agreed that was a good idea.

VII. UNSCHEDULED CITIZENS

Ralph “Butch” Clarke mentioned a report with interesting design considerations of a farmer’s market place, multi-layering, designing for public walking access, non-toxic

materials for construction, and an energy efficient design. Mr. Clarke stated the report was available for review by the Commission.

VIII. COUNCIL UPDATE

Councilmember Smits stated at the regular City Council meeting Jane Chaney from the Tourism Association gave an update, they met the Civic Economics consultants, Ashley King gave an update on the Gunnison Arts Center, the contracts for service and Continuing Challenge Grants were approved to be signed, the Multi-Day Events Permit was approved, Andie Ruggera gave an update on programs in the Community Development Department, City Manager Mark Collins will be attending leadership training, and Police Chief Jim Keehne gave a report of 2004.

IX. ADJOURNED at approximately 10:05 p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary