

APPROVED MINUTES JULY 27, 2005
 CITY OF GUNNISON
 PLANNING & ZONING COMMISSION
 REGULAR MEETING
 Rev 8/31/05

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
HARVEY HARRIMAN – VICE CHAIR	X		
JIM SEITZ	X		
BOB BEDA			X
KURT SCHRAM	X		
JONATHAN HOUCK	X		
COUNCILMEMBER ELLEN HARRIMAN	X		

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER KIM ANTONUCCI, PLANNING TECHNICIAN ANDIE RUGGERA, RICHARD KARAS, JEFF OULTON, HEIDI FINN, MARK LUCAS, SARAH PHIPPS, JOE MATYK, ANN STEINBECK, DON MAIMONE, LISA DAWSON, PHIL CROSSLEY, RICK AKE, PHILLIP ROBINSON, ARDON ANDERSON, LORI EGLESTON, KEITH BRENNISE, TL LIVERMORE, ROXIE RULE, JIM AND DONNA O’CONNOR, AND OTHER CONCERNED CITIZENS.

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF THE JULY 13, 2005 MEETING MINUTES

Commissioner Seitz moved to approve the July 13, 2005 regular meeting minutes as presented. Commissioner Harriman seconded the motion.

Roll Call Yes: Lothamer, Houck, Schram, Ellen, Harvey, and Seitz

Roll Call No: None

Motion Carried

IV. PUBLIC HEARING AND POSSIBLE RECOMMENDATION;
 LARKSPUR MEADOWS, SB 05-3 – SKETCH PLAN

Chair Lothamer opened the public hearing at approximately 7:03pm.

Proof of publication was shown for the record.

Director Westbay gave an overview of the Larkspur Meadows Sketch Plan application. The application proposes to subdivide 10.04 acres into 32 lots for single family use, two lots with 18 townhome units, and three open space lots. Westbay stated the application

was the same submittal as in 2004. There was discussion on neighborhood land uses, three easements affecting the property, geology and soils, hydrology and wetlands, lot area and density, street circulation, vehicle trip generation, storm water drainage, irrigation ditch design, domestic water supply, sanitary sewer service and other buried utilities.

Joe Matyk and Don Maimone, the applicants, presented the application. Mr. Maimone expressed due to the ground water, there would be no basements. Discussion between the Commission, applicants, and staff ensued, and was not limited to the following:

- Driveways off of Thornton Way;
- Future extensions of irrigation ditches;
- Access into West Gunnison through Bidwell Avenue; and
- Concern of utility service for all of West Gunnison (utilities are available for the subject property).

The following public comment was received:

Anne Steinbeck – owns five acres that borders some of the subject property.

Ms. Steinbeck expressed concerns for traffic, street configuration, lot shapes, and water rights issues. Ms. Steinbeck stated there have been attempts to move ditches in the past and was concerned her water rights would not be preserved.

Phil Robinson – 910 West Highway 50.

Mr. Robinson stated concern of access into the proposed subdivision through Thornton Way. He further stated Thornton Way is not a full 90 foot right-of-way, and that it is only 70 feet. Mr. Robinson stated his property is for sale and he has a prospective buyer; however, he believes the buyer will not want the property now because of the uncertainty of Thornton Way.

Rick Ake – 1000 West Highway 50.

Mr. Ake expressed concern for traffic on Thornton Way and the Frontage Road. He stated concern for the possibility of widening Thornton Way and possibly decreasing property values with the proposed development. Mr. Ake stated he had no opposition to the application, although his main concern is Thornton Way and asked the Commission to take a close look at the road.

Roxie Rule – 1255 Bidwell Avenue.

Ms. Rule stated concern of traffic on Bidwell Avenue and stated there are already traffic issues on Reed Street and the Highway Frontage Road. Ms. Rule asked the Commission to take a close look at the traffic issues.

The public hearing was recessed at 8:00p.m.

Chair Lothamer reopened the public hearing at 9:55p.m.

There was discussion on the findings of fact and conditions located in the packet. Chair

Lothamer explained the process for a major subdivision and stated West Gunnison is very difficult to deal with and a lot of attention will be given to that area.

The public hearing was closed at 10:10p.m.

Commission Harriman moved to approve the application SB 05-3, Larkspur Meadows, Sketch Plan, with the following 16 findings and 15 conditions:

FINDINGS:

1. The Planning and Zoning Commission finds that the Larkspur Meadows sketch plan application record is predicated on documentation cited previously in this memorandum.
2. The Planning and Zoning Commission finds that concerns exist regarding adequate services to facilitate the ultimate development of Larkspur Meadows. The lack of service availability in regard to roads, water, sewer, drainage and other physical improvements could be a driving reason to deny the Larkspur Meadows preliminary subdivision plan.
3. The Planning and Zoning Commission finds that at least one additional utility easement will be required for proposed water and sewer services. The Planning and Zoning Commission further finds that other easements will be required to serve irrigation water distribution needs, storm water drainage, roads and other utilities.
4. Planning and Zoning Commission finds that this site is subject to high water table conditions that will affect engineering design and construction of utilities and building structures.
5. The Planning and Zoning Commission Finds that existing zoning entitlements would allow approximately 270 units within the subdivision rather than the 49 units being purported in the application. The Planning and Zoning Commission further finds that all planning and design considerations will need to account for maximum build-out.
6. The Planning and Commission finds that the applicant may apply for a zoning amendment that would be processed in conjunction with preliminary review.
7. The Planning and Commission finds that Thornton Way and Andrew Lane lengths are exceeding the cul-de-sac length standard (500' max) established by the Land Development Code. The Planning and Zoning Commission further finds that the applicant will need to seek a deviation from the City Council; this deviation is not supported by the Planning and Zoning Commission.
8. The Planning and Zoning Commission finds that a road width deviation is proposed for Thornton Way (from 54' to 40'). The Planning and Zoning Commission does not support this deviation because of potential very significant vehicle trips to be generated by neighboring land uses.
9. The applicant proposes that future road improvements, if necessary, would be the responsibility of off-site land owners. The Planning and Zoning Commission find that there is no way to implement this cost-sharing concept unless a special improvements district or other taxing concepts was established.
10. The Planning and Zoning Commission finds that the proposed development will only have one developed access point which creates potential problems for emergency vehicle access.
11. The Planning and Zoning Commission finds that extension of the ditch irrigation system is an important and necessary utility component to address at Preliminary Plan.
12. The Planning and Zoning Commission finds that existing zoning entitlements of this and neighboring sites could generate somewhere between 20,000 and 34,000 trips per day.
13. The Planning and Zoning Commission finds that the sketch plan layout will create three double front lots if Bidwell Avenue is extended along the north lot line of the site.
14. The Planning and Zoning Commission finds that the most effective stormwater control plan will involve the entire West Gunnison neighborhood. A series of site specific storm water control

facilities will be problematic to administer, expensive to maintain, and most likely functionally impaired.

15. The Planning and Zoning Commission finds that appropriate easements for storm water facilities will need to be established at Preliminary Plan. Additionally, the Preliminary Plan will need to establish a detailed program addressing long term storm water facility management.
16. The Planning and Zoning Commission finds that the proposed development potentially conflicts with several Subdivision Development Standards (LDC Section 15-16-8). The Planning and Zoning Commission further finds it will be the developer's responsibility to address and overcome these issues at Preliminary Plan.

CONDITIONS:

1. The Preliminary Plan submittal will include a site survey with at least two control point ties along with surveyed bearing and distance measures for all lot lines.
2. One additional utility easement shall be depicted on the Preliminary Plan for utilities crossing Lots 13 and 24.
3. Additional utility easements will be required to serve irrigation water distribution needs, storm water drainage, roads and other utilities.
4. The Preliminary Plan application shall contain a complete on-site ditch irrigation plan.
5. The Preliminary Plan shall adequately address engineering design elements for construction of utilities and building structures that may be affected by high ground water conditions.
6. Preliminary Plan shall include a service commitment letter from the West Gunnison Sanitation District.
7. Unless it can be demonstrated to the satisfaction of the City during Preliminary Plan review, no basements shall be allowed in the development.
8. Design of all utilities shall be done in accordance with existing zoning entitlements that allow approximately 270 units, unless the applicant submits a complete zoning amendment application for the residential use contemplated by the Larkspur development.
9. The Preliminary Plan shall either limit the maximum cul-de-sac length to 500 feet or prior to Preliminary Plan submittal the applicant shall submit a road deviation request to the City Council to resolve this issue.
10. The Preliminary Plan shall either establish a 54 foot pavement section for Thornton Way or prior to Preliminary Plan submittal the applicant shall submit a road deviation request to the City Council to resolve this issue.
11. The maximum radius of the proposed cul-de-sac shall be 45 feet as required by the Land Development Code. Lot frontages on cul-de-sacs shall be a minimum of 50 feet in length.
12. The Preliminary Plan application shall include a Transportation Impact study in compliance with the provisions of Enclosure 1 of the Memorandum for the Record.
13. Lots 1, 22, 23, 25 and 33 shall be reconfigured to have access from a local street rather than Thornton Way. Shared driveways, serving no more than two units may be considered, but direct access to Thornton Way shall be prohibited.
14. The Preliminary Plan shall provide a storm water drainage control plan established by a Colorado Registered Engineer. The storm water control plan at a minimum shall maintain historic storm water discharge from the site to adjacent real property and rights-of-way. All storm water control facilities shall have adequately sized easements for reasonable maintenance needs.
15. The Preliminary Plan shall include a detailed program addressing long term storm water facility management. The plan shall include the anticipated scope for long-term maintenance to financial requirements to fulfill this obligation.

Commissioner Schram seconded the motion.

Roll Call Yes: Seitz, Lothamer, Houck, Schram, and Harvey

Roll Call No: None

Recuse: Ellen – City Council Member
Motion Carried

V. PUBLIC HEARING AND POSSIBLE RECOMMENDATION;
SAGE MOUNTAIN SCHOOL, CU 05-5 – CONDITIONAL USE TO
OPERATE A SCHOOL IN A TEMPORARY LOCATION; 123 N
BOULEVARD

The public hearing was opened at approximately 8:00pm.

Proof of publication was shown for the record.

Director Westbay gave an overview of the application. Sage Mountain School is requesting a temporary location for the 2005-2006 school year. The applicant is proposing 20 students and two teachers. Westbay continued stating the application is problematic due to the subject property being located in the B1 zoning district. There was discussion on the issues of surrounding uses related to liquor licenses, traffic on Virginia and Boulevard, impacts related to the International Building Code (IBC), parking, and safety of the students.

Mark Lucas represented the applicant. Mr. Lucas asked the Commission to keep in mind the request is for a temporary location. Mr. Lucas stated they are willing to comply with the IBC. He further stated there is a lot of parking in the area and to remember enrollment is limited to 20 young children.

The following public comment was received:

Keith Brennise – 109 North Boulevard Street

Mr. Brennise stated concern of the demographics of the area and the precedence that would be set if the conditional use was granted. He also expressed concern of parking, significant traffic on both Virginia and Boulevard, increased use of the alley, inadequate room for students for recreational activity, noise levels, after hour functions, and the appearance of the historic structure being changed.

Ardon Anderson – 608 West Virginia Avenue

Mr. Anderson expressed he does not have a big concern of the project as a whole; however, is concerned with parking. He stated that Virginia and Boulevard are very busy streets and that the school is temporary reduces the level of concern for him.

Sarah Phipps

Ms. Phipps stated a fence will be built for the children and will match the existing picket fence on part of the property. She continued saying in trying to find a

temporary location, the proposed property seemed to be the best. Ms. Phipps also addressed parking stating the school's office is in the Smith Opera House and some parking would be available there.

Heidi Finn – Interim Director

Ms. Finn submitted letters of support and signatures of support. The following were entered for the record:

- Letter of support from Kathryn Merritt, dated July 27, 2005;
- Letter of support from Susan Gore, dated July 27, 2005;
- Letter of support from Dan Rubinoff, dated July 8, 2005;
- Letter of support from Lynna Frymoyer, dated July 22, 2005;
- Letter of support from Cea Mount, MD, dated July 26, 2005;
- Letter of support from Michael and Lisa Dawson, dated May 22, 2005;
- Letter of support from Julie Wiggin, CPA, dated July 27, 2005; and
- Seven signatures of support for the temporary school.

Ms. Finn continued stating the children will be supervised, a fence will be built, there is plenty of parking, the property owner has granted approval, there is plenty of outdoor playing space for 20 children, and there will be many field trips.

Jeff Oulton – parent of student

Mr. Oulton encouraged the Commission to grant the conditional use and stated the school was an opportunity for 20 children. Mr. Oulton stated the problems are only logistical.

Lori Egleston

Ms. Egleston stated the problems are logistical and can be solved easily. She further mentioned that there is a need for an alternative school and hopes the Commission will grant approval.

Phil Crossley – 408 Tincup Drive

Mr. Crossley stated it was the parent's responsibility to assure that their children were safe and it should not be up to the government. Mr. Crossley stated the school is needed and asked the Commission to consider the application.

Discussion ensued, and was not limited to the following:

- Virginia and Boulevard are major collector streets – may need a school zone;
- Concern of a temporary use becoming a permanent use – may need to limit for 1 year;
- There is a market for this type of school;
- Empathy for the project – the City is trying to help and doesn't want to hasten things through that could possibly lead to disaster;
- Concern of meeting required building codes;
- Possibly continuing the hearing in two weeks;
- Need for additional comments from Police, Fire, and Building Departments;

- Would like the applicants to know the answers to issues and be prepared;
- Different neighborhood than the permanent location for Sage Mountain School;
and
- Possibility of holding a special meeting to continue the public hearing in one week.

Commissioner Harriman moved to continue the public hearing, for CU 05-5, Sage Mountain School, to August 3, 2005 at 7:00p.m. Commissioner Seitz seconded the motion.

Roll Call Yes Lothamer, Houck, Schram, Ellen, Seitz, and Harvey

Roll Call No: None

Motion Carried

VI. PUBLIC HEARING AND POSSIBLE RECOMMENDATION:
CITY OF GUNNISON, VF 05-1 – TO PROHIBIT MOTOR VEHICLES IN
AN UNIMPROVED ALLEY

Chair Lothamer opened the public hearing at 9:15p.m.

Proof of publication was shown for the record.

Director Westbay presented the application and gave a history of the alley. Westbay stated there was a public hearing on April 27, 2005 and at that meeting the Commission remanded the application back to staff. Staff contacted property owners in an attempt to establish an alternative pedestrian access. Westbay discussed adjacent land uses, existing and future development, emergency vehicular access, and City Code provisions.

The following documents were entered into the record:

- Letter of opposition from Jim and Donna O'Connor, dated July 27, 2005
- Letter of opposition from Nicole O'Connor, dated July 27, 2005

The following public input was received:

James and Donna O'Connor – owners of adjacent property

The O'Connor's expressed their constant use of the alley to access a shed and stated they would hate to lose the vehicular use of the alley. They stated if the application is approved, their property value would be diminished and are 100% against the proposal.

There was discussion on the unimproved alley regarding traffic and pedestrian use.

With no further public comment the public hearing was closed at 9:50p.m.

The Commission did not take action on this application.

VII. UNSCHEDULED CITIZENS

TL Livermore expressed frustration regarding the sound system. Mr. Livermore stated the Commission and audience can not be heard on cable television and asked the Commission to look into the matter.

VIII. ADJOURNED at approximately 10:20 pm.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary