

APPROVED MINUTES DECEMBER 14, 2005
 CITY OF GUNNISON
 PLANNING & ZONING COMMISSION
 REGULAR MEETING
 Rev 12/28/05

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

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNING TECHNICIAN ANDIE RUGGERA, RICHARD KARAS, MIKE PELLETIER, TL LIVERMORE, PAUL H. GERY, JOHN DEVORE, DENNIS STECKEL, RALPH “BUTCH” CLARK AND OTHER CONCERNED CITIZENS.

CALL TO ORDER AT 7:00PM BY CHAIR LOTHAMER

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC HEARING

Chair Lothamer opened the public hearing at approximately 7:04p.m. for Zoning Amendment ZA 05-6, for the request to rezone 202 East Georgia Avenue from R2 to B1 and for Conditional Use CU 05-9, for the request of a government administrative office in the B1 district.

Proof of publication was shown for the record.

Director Westbay gave an overview of the application.

Mike Pelletier, the Gunnison County Long Range Planner, stated the county has looked at the conditions of approval in the draft recommendation and they were comfortable with those conditions. The Commission questioned the hours of operation and the possibility of late-night operation. Mr. Pelletier stated the operation hours would mostly be from 8-5, Monday through Friday and that there was a slight possibility of a few after-hour meetings.

The following public comments were received:

Paul H. Gery – 314 North Iowa, directly north of the subject property

Mr. Gery was in favor of the application and stated he did not see a problem with the proposed use by the county. He mentioned the county use would be an improvement from previous uses. He also stated he felt the expansion of the county seemed reasonable and natural. Mr. Gery liked that the county is maintaining the home look for the social service facility. Mr. Gery stated he felt comfortable with the application after meeting with the county representatives and was assured a new garage would not be built.

Ralph “Butch” Clark – County resident

Mr. Clark stated the request was considered spot zoning. He stated the Planning and Zoning Commission has taken caution in the past with rezoning requests. Mr. Clark stated the community is going to grow and we need to learn how to cope with it. He stated the proposed zoning request needs clarification on what is intended and that spot zoning is not the way to address these types of issues.

Dennis Steckel – 312 South 12th Street

Mr. Steckel stated he had served on the Planning and Zoning Commission for 10 years. He stated concern for properties surrounding the County Court House and thought the prospect of the County, trying to buy up property surrounding the court house, could be worrisome to a buyer. Mr. Steckel stated there needs to be a master plan of the neighborhood.

John DeVore – County Manager

Mr. DeVore stated the subject property is contiguous with the court house block. He stated the contract to purchase the property is set to close the end of January and is contingent on the approval of the rezoning request.

Chair Lothamer closed the public hearing at approximately 7:35p.m.

CONSIDERATION OF NOVEMBER 9, 2005 MEETING MINUTES

Commissioner Seitz moved to approve the meeting minutes of November 9, 2005 as amended. Commissioner Harriman seconded the motion.

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

Roll Call No: None

Motion Carried

POSSIBLE RECOMMENDATION – ZONING AMENDMENT – ZA 05-6, BY GUNNISON COUNTY FOR THE REQUEST TO REZONE 202 EAST GEORGIA AVENUE FROM DUPLEX RESIDENTIAL (R2) TO THE BUSINESS PROFESSIONAL DISTRICT (B1)

Commissioner Harriman moved to recommend approval to City Council for application ZA 05-6, to rezone 202 East Georgia Avenue from R2 to B1 with the following 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 applicants would like to rezone 202 E. Georgia from R-2 zoning to the B-1 Zoning District.
 3. The Planning and Zoning Commission finds that this zone change is compatible with the residential neighborhood and the existing zoning in the surrounding area.
 4. The Planning and Zoning Commission finds that the site plan depicts an appropriate amount of landscaping and parking for the uses intended by the county.
 5. The Planning and Zoning Commission finds that the application is consistent with the review standards as stated in the Land Development Code for amendments to the official zoning map (see: LDC 15-15-5).
 6. The Planning Commission finds that this map amendment is consistent with the intent and provisions of the City of Gunnison Master Plan (Volume II).
 7. The Planning and Zoning Commission finds that the rezoning will not conflict with adjacent uses and that traffic impacts will be minimal.
 8. The Planning and Zoning Commission finds that the community health, safety, and welfare will not be affected in any detrimental manner as a result of this approval.

Commissioner Seitz seconded the motion.

Roll Call Yes: Houck, Pallaoro, Seitz, and Harvey

Roll Call No: Lothamer

Abstain: Ellen

Motion Carried

POSSIBLE RECOMMENDATION – CONDITIONAL USE – CU 05-9 BY GUNNISON COUNTY FOR THE REQUEST OF A GOVERNMENT ADMINISTRATIVE OFFICE AT 202 EAST GEORGIA AVENUE IN THE BUSINESS PROFESSIONAL DISTRICT (B1)

Commissioner Houck moved to approve application CU 05-9, for the request for a government administrative office at 202 East Georgia Avenue in the B1 district, with the following findings and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that this conditional use permit is valid only if Zoning Amendment ZA-05-6 is approved by City Council.
2. The Planning and Zoning Commission finds that the applicant is requesting a conditional use permit to allow certain government administrative offices to function in the B-1 Zone.
3. The Planning and Zoning Commission finds that the parcel in question is located adjacent to dwellings, businesses and other governmental administrative offices.
4. The Planning and Zoning Commission finds that the applicant will need to consult with the Public Works Department prior to paving the parking area.

5. The Planning and Zoning Commission finds that the applicant will need to apply for a change of use permit from a residential use to a commercial use with the City of Gunnison Building Department.
6. The Planning and Zoning Commission finds that according to the Land Development Code, government administrative facilities can include uses that may impact the neighborhood, and that these uses will need to be restricted or prohibited.
7. The Planning and Zoning Commission finds that to maintain the residential character of the neighborhood, other impacts will need to be mitigated, such as maintaining the residential appearance of the building and landscape.
8. The Planning and Zoning Commission finds that the application has addressed the review standards in the Land Development Code; and that those review standards will be met based on the following conditions:

CONDITIONS:

1. That the conditional use permit is valid only for the applicant, Gunnison County.
2. That the conditional use permit prohibits governmental administrative facilities such as maintenance/storage facilities, law enforcement centers, detention facilities, or safe houses
3. That overnight stays by clients are prohibited.
4. That the applicant must obtain a change of use permit from the Building Department, which will require approval from the Public Works Department and Community Development Department.
5. That the County will maintain the residential nature of the building and its landscape. Any changes to the building that require a building permit would require review by staff.
6. The Community Development Director is authorized to revoke this conditional use permit or require the applicant to amend their application, if neighbors are negatively affected.
7. If the City Council remands or denies application ZA 05-6 for a Zoning Amendment, this conditional use permit becomes invalid.

Commissioner Harriman seconded the motion.

Roll Call Yes: Seitz, Pallaoro, Harvey, and Houck

Roll Call No: Lothamer

Abstain: Ellen

Motion Carried

THREE MILE COUNTY REFERRAL – LUC 2005-74; THORNTON ESTATES – FOR 27 SINGLE FAMILY LOTS

Commission discussed the following:

- The property originally being approved for multi-family apartments in 1978;
- The proposed lot density being twice the City's recommended density within the Three-Mile Area;

- The street name Thornton Way should be changed to prevent duplication of street names within the county;
- Streets are proposed to be treated with magnesium chloride – there was discussion on how the treated roads could affect the aquifer;
- Increased traffic issues with many new subdivisions in the subject area that affect Highway 135 and County Road 48; and
- The North Sewer Extension.

Commissioner Houck moved to authorize Chair Lothamer to work with Director Westbay to amend the letter to the County Planning and Zoning Commission and sign the letter. Commissioner Seitz seconded the motion.

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

Roll Call No: None

Motion Carried

THREE MILE COUNTY REFERRAL – LUC 205-54, WYMAN – FOR AN INDUSTRIAL/COMMERCIAL USE OF A WOOD SHOP WITHIN THE URBAN GROWTH BOUNDARY

Director Westbay stated he met with County Planning Director Joanne Williams and discussed the proposed use. Director Williams stated the application cannot be looked at as a home occupation. If the County approves the use the applicant would have to get a variance for a 300 foot buffer, which may be a difficult outcome to achieve. The County may be looking at their codes for cottage type industries in the near future.

Richard Karas stated he thought the City should exercise their rights under the IGA so that City views are taken more seriously and that it would be a matter of setting precedence.

Commissioner Harriman moved to authorize Chair Lothamer to sign the letter to the County Planning and Zoning Commission as revised. Commissioner Houck seconded the motion.

Roll Call Yes: Lothamer, Pallaoro, Ellen, Houck, and Harvey

Roll Call No: Seitz

Motion Carried

UPDATE ON THE MASTER PLAN

Director Westbay gave an update on the master plan. There was discussion on upcoming work sessions with Planning and Zoning Commission, the Steering Committee, and City Council.

UNSCHEDULED CITIZENS

Ralph “Butch” Clark stated the County Commissioners set up a committee for the detention facility and that the City might want to consider getting involved as the facility

would most likely be in the three mile area. Mr. Clark stated the first meeting was around January 11th.

Mr. Clark asked the Commission to try to identify how to protect solar access in the three mile area.

Mr. Clark stated there was an affordable housing meeting the end of January. He mentioned there is a lot of desire for affordable housing within the three mile area and not much public space for housing.

Mr. Clark asked the Commission to think about economic development and the flip side of restrictive covenants. Mr. Clark stated some people who want more economic development don't want their neighborhoods involved.

COUNCIL UPDATE

Councilmember Harriman stated Council approved the budget, approved a number of ordinances and resolutions, heard reports on several commissions, and held an executive session.

COMMISSIONER COMMENTS

Commissioner Seitz moved to excuse Commissioner Beda from the meeting of December 12, 2005. Commissioner Harriman seconded the motion.

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

Roll Call No: None

Motion Carried

ADJOURNED

Chair Lothamer closed the meeting at approximately 9:45p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary