

APPROVED MINUTES FEBRUARY 22, 2006  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 3/3/06

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, PLANNER KIM ANTONUCCI, STEPHEN FUTRELL, AND RICHARD KARAS.

**CALL TO ORDER AT 7:00PM BY CHAIR LOTHAMER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC HEARING**

Chair Lothamer stated a letter was received from Martin Klinowski, dated February 22, 2006, to formally withdraw application ZA 06-1. The application was a combined zoning amendment and conditional use request at 301 North Iowa.

**PUBLIC HEARING CONTINUED**

Chair Lothamer continued the public hearing at approximately 7:10p.m. for Conditional Use application, CU 06-1, to construct an accessory dwelling at 612 North 11<sup>th</sup> Street.

Director Westbay discussed a condition of recording a notice of approval with the Gunnison County Clerk and Recorder. He stated there were two components of the recorded document, the physical description of the property and that the accessory dwelling can not exceed 700 square feet.

Director Westbay entered the following documents into the record:

- Site plan of the garage and accessory dwelling at 612 North 11<sup>th</sup> Street, signed by the owner, Stephen Futrell and dated February 22, 2006;
- North, East, South, and West elevation plans for 612 North 11<sup>th</sup> Street, signed by Stephen Futrell and dated February 22, 2006; and

- 1<sup>st</sup> and 2<sup>nd</sup> floor plans of 612 North 11<sup>th</sup> Street, signed by Stephen Futrell and dated February 22, 2006.

No public comment was received regarding the proposed use.

The Commission discussed and amended the findings and conditions for approval.

The public hearing was closed at approximately 7:30p.m.

### **CONSIDERATION OF FEBRUARY 8, 2006 MEETING MINUTES**

Commissioner Beda moved to approve the meeting minutes of February 8, 2006 as amended. Commissioner Seitz seconded the motion.

Roll Call Yes: Lothamer, Pallaoro, Ellen, Beda, and Seitz

Roll Call No: None

Abstain: Harvey and Houck – were not present at the February 8<sup>th</sup> meeting.

Motion Carried

### **POSSIBLE RECOMMENDATION – CONDITIONAL USE, CU 06-1, SUBMITTED BY STEPHEN AND DESHA FUTRELL, TO CONSTRUCT AN ACCESSORY DWELLING AT 612 NORTH 11<sup>TH</sup> STREET.**

Commissioner Harriman moved to approve conditional use application CU 06-1 with seven findings and five conditions. Commissioner Seitz seconded the motion.

Commissioner Houck asked if he should abstain due to missing the public hearing on February 8<sup>th</sup>. Director Westbay recommended abstaining from voting. Commissioner Harriman withdrew his motion due to his absence on February 8<sup>th</sup>. Commissioner Seitz withdrew his second of the motion.

Commissioner Beda moved to approve conditional use application CU 06-1, to construct an accessory dwelling at 612 North 11<sup>th</sup> Street, with the following findings and conditions:

#### **FINDINGS OF FACT**

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. A site plan, building floor plans and building elevations have been entered in the public record for this application and the Planning Commission finds that the scope of the development application will be in conformance with those plans entered into the record.

3. The Planning Commission finds that the application requests the approval of an accessory dwelling on the second story of the new structure, and that dwelling shall have a floor area of no less than 300 square feet and no more than 700 square feet.
4. The Planning & Zoning Commission finds that the primary structure is a one-story dwelling unit (approximately 960 square feet) set back approximately 33' from the 11th Street right-of-way.
5. The Planning and Zoning Commission finds that the accessory structure considered in this application is to be set back approximately 10' from the rear property line adjoining the alley that abuts Lots 5, 6 and the North 20 feet of Lot 7, Block 80, West Gunnison, City of Gunnison, Colorado, more commonly known as 612 N. 11<sup>th</sup> Street, Gunnison, Colorado.
6. The Planning & Zoning Commission finds that based on the application materials, there is a probability that the accessory dwelling might evolve into a second single family dwelling on the R-2 lot; this is not permitted in this zone district.
7. The Planning & Zoning Commission finds that this proposed structure is considered to be accessory and incidental because it is located in the rear of the property to the east of the primary building.

#### CONDITIONS

1. The accessory dwelling shall have a maximum floor area of 700 square feet and a minimum floor area of 300 square feet.
2. Any additions or remodels of the accessory dwelling, requiring a building permit, shall also require a Conditional Use amendment to be considered by the Planning and Zoning Commission.
3. Prior to the issuance of a Building Permit, the Community Development Director shall record a notice of approval with the Office of the Gunnison County Clerk and Recorder. At a minimum the notice shall describe the accessory dwelling and the conditions established herein.
4. The applicant shall be responsible for paying the recording fees for the Notice of approval document.
5. This conditional use shall expire three years from the date of approval if a building permit is not issued.

Commissioner Seitz seconded the motion.

Roll Call Yes: Lothamer, Pallaoro, Ellen, Beda, and Seitz

Roll Call No: None

Abstain: Harvey and Houck – did not hear the public hearing on February 8<sup>th</sup>.

Motion Carried

#### **MASTER PLAN UPDATE**

Planner Antonucci discussed the status of the Master Plan Process. Antonucci reminded the Commission of the Smart Growth Workshop on March 16<sup>th</sup>, at the Aspinnall-Wilson Center, from 9a.m. to 4p.m.

Antonucci reviewed upcoming meeting agendas, stating Community Character Design and Housing will be discussed on March 1<sup>st</sup> and on March 15<sup>th</sup> Director Westbay will discuss land use scenarios.

### **COUNCIL UPDATE**

Councilmember Harriman stated Council discussed buying a new sewer camera, purchasing a used van, listened to a presentation from Chief Anderson, and heard a report on the Fishburn Fire on 313 South Boulevard.

### **COMMISSIONER COMMENTS**

Commissioner Beda inquired on the building at 509 West Virginia, built by Marc Lucas and stated the building had already been sold. Beda asked staff to look at the conditions, particularly the condition requiring a fence to be built, as stated in the approved conditional use permit granted to Mr. Lucas.

Chair Lothamer stated conditional use permits are very difficult to enforce and they will have to be looked at when the Land Development Code gets updated.

### **ADJOURNED**

Chair Lothamer closed the meeting at approximately 8:10p.m.

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Diane Lothamer, Chair

Attest:

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Andie Ruggera, Secretary