

APPROVED MINUTES SEPTEMBER 20, 2006
 CITY OF GUNNISON
 PLANNING & ZONING COMMISSION
 SPECIAL MEETING
 Rev 10/4/06

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

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER KIM ANTONUCCI, PLANNING TECHNICIAN ANDIE RUGGERA, CITY MANAGER KEN COLEMAN, PUBLIC WORKS DIRECTOR KEN “TEX” BRADFORD, JERRY DENTON, BRIAN MUTH, JAMES MILES, DUSTIN BROWN, BOB GYDESEN, TERRY PETERSON, KEVIN DIETRICH, SUE OBERLY, CHAD ROBINSON, JEFF WILKINSON, ERICH FERCHAU, GARY SHONDECK, AND LESLIE PETERS.

CALL TO ORDER AT 7:00PM BY CHAIR LOTHAMER

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSIDERATION OF AUGUST 23, 2006 MEETING MINUTES

Commissioner Jim Seitz moved to approve the meeting minutes of August 23, 2006 as amended. Commissioner Bob Beda seconded the motion.

Roll Call Yes: Harvey, Diane, Ellen, Bob, and Jim

Roll Call No: None

Motion Carried

PUBLIC HEARING AND RECOMMENDATION

ZA 06-5 – ZONING AMENDMENT – CITY PUBLIC WORKS, MAJOR CHANGE TO AN EXISTING PUD

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

Proof of publication was shown for the record.

Planner Kim Antonucci reviewed the application, and the specific procedural requirements for a PUD Major Change. Kim also gave an overview of the historical industrial use at the site for approximately the past 120 years and presented the terms of the existing PUD zoning designation.

Public Works Director Ken Bradford provided an overview of the existing operations and the Major Amendment request to construct a new storage building in the southwest corner of the site to be used for storage of equipment and material for the Water Department operations.

The following public comments were received:

Jerry Denton – adjacent property owner at 113 N. 7th Street

Mr. Denton read a petition signed by approximately 35 people in opposition of the application and the petition was entered into the record. Mr. Denton stated he would like more time to petition the application and read his letter dated September 19, 2006 which was also entered into the record. The letter expressed concern for noise, pollution, and the loss of sunlight from the 21 foot high building.

Brian Muth – adjacent property owner at 109 N. 7th Street

Mr. Muth stated concern about traffic issues, solar blockage from the new building at the proposed site, noise, and concern about the grading work that has already occurred in preparation of the new building. He also stated the new building would lower the value of his property.

Gary Shondeck – owner of a Wildwood townhome to the west of the site

Mr. Shondeck voiced opposition to the proposal and did not feel the expansion of an industrial use was appropriate for the neighborhood. Mr. Shondeck noted that the uses would increase as the city grows and had concerns about future city shop operations and stated the City needed to have a better plan for the future.

Dustin Brown – adjacent property owner at 1205 W. Virginia

Mr. Brown was concerned about solar blockage, noise and other impacts associated with the shop expansion.

Ken Coleman – City Manager

Mr. Coleman stated the city shop operations have not changed in the past 24 years when he started as a Public Works employee then became the Director of Public Works. Ken noted the site was used for coal gasification in the late 1800's and that the site's electrical substation was constructed in the 1950's. Ken stated landscaping and new buildings have significantly improved the conditions of the shop. He continued stating that shop operations will continue at the site and the city will continue to be a good neighbor and improve site conditions. Ken confirmed that the traffic patterns would not change if the new building is installed.

Jerry Denton noted that the city has cleaned up the site except for the proposed shop building and the location of the water refill tank. Mr. Denton stated he was very pleased with the City Shops until 2002 when he noticed the traffic, fumes, and noise issues.

Ken Coleman stated water fill operations have always occurred on the site and is a beneficial use that protects the city's water rights. Ken also noted that the street sweeper sludge de-watering pads were placed on the site to improve the operation.

Jerry Denton noted concern about other government operators (CDOT, CB, MT. CB., County) using the water filling station and stated it is time for the county to have their own station.

Ken Coleman responded that a water fill structure is proposed at the new County Public Works facility on Gold Basin Road and is planned for construction in the next couple of years.

Gary Shondeck inquired about the Planning and Zoning Commissions role in the application process and stated it should be the Commission's responsibility to protect the property owner's integrity. The Commission stated it is their role to make a recommendation to City Council and that Council has the ultimate decision.

Ken Bradford stated the new structure would not increase any activity in terms of additional vehicles or operations as they presently exist and would only provide additional covered parking.

Sue Oberly – adjacent property owner at 1208 W. Tomichi
Ms. Oberly voiced concern about the building height and how it would block her view. She had purchased her property thinking that the storage of materials would only be six feet in height.

A letter from Dan McKenna, dated August 2, 2006, was entered into the record.

Director Steve Westbay noted that the operations are allowed under the current zoning and that the major change would not increase activity to a greater level than presently exist. He noted that buildings are allowed to be 35 feet tall in all districts and this building will be much lower than the maximum height standard (approximately 21 feet tall). Westbay noted the issue to be addressed relates to mitigation which could be accomplished through screening between adjacent uses.

The Planning and Zoning Commission discussed the specific change in the PUD being the construction of a new storage building in the southwest corner of the site. It was determined that the nearest building was approximately 10 feet from the adjacent fence.

Steve Westbay noted the original PUD approval specified prohibited uses and considered the other shop operations as allowed. Prohibited uses included rock crushing, asphalt batch plant use, expansion of the animal kennel facilities, and other uses that may be objectionable.

Jerry Denton voiced concern about noise and felt the city should be cited for violations.

The Commission discussed the historical use of the site; how mitigation measures could be applied; and the possibility of moving the structure to another part of the site. After a detailed discussion, the Commission felt altering the setbacks and constructing a five foot berm with a privacy fence (6 feet) on top of the berm was an acceptable means for screening mitigation.

Chair Diane Lothamer closed the public hearing at approximately 8:50 p.m. and stated that Councilmember Ellen Harriman will not be voting as she will vote at the City Council level.

Commissioner Harvey Harriman moved to recommend approval to the City Council application ZA 06-5, submitted by the City Public Works Department, for a major change to an existing PUD at 1100 W. Virginia Avenue with the following findings of fact and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the City Public Works Department has initiated this application.
2. The Planning and Zoning Commission finds that this application seeks to memorialize all previous amendments to the PUD, as well as approve the placement of a new Water Department storage building.
3. The Planning and Zoning Commission finds that this application includes the application contents, public hearing records, master plan provisions, and the City's Land Development Code.
4. The Planning and Zoning Commission finds that the site is located in the 100-year flood plain, and that additional building codes must be followed when new buildings are proposed.
5. The Planning and Zoning Commission finds that this site has been used industrially since 1882.
6. The Planning and Zoning Commission finds that the site is surrounded by residential uses.
7. The Planning and Zoning Commission finds that emergency access is adequately addressed.
8. The Planning and Zoning Commission finds that the conditions from the 1992 PUD will need to be modified, either because those conditions have been met or circumstances have changed.

9. The City Shops are located at the terminus of Virginia Avenue, which is designated as a proposed major collector street in the Transportation Plan.
10. The Planning and Zoning Commission finds that this application is compatible with the majority (six of the eleven) purposes of a PUD.
11. The Planning Zoning Commission finds that the four review standards for zoning amendments have been or will be met based on the following conditions:

CONDITIONS:

1. Dog pound may not be expanded and will be sound proofed as is reasonably possible.
2. Noise levels shall not exceed the requirements in the Colorado State Statutes for an Industrial Zone.
3. No rock crushing or gradation operations may be permitted on site.
4. No asphalt mixing or other operations that will release noxious odors are permitted on site.
5. The City should continue to research and utilize any possible sound baffling material to be affixed to fences or buildings adjacent to residences.
6. Vehicles utilizing the water storage tanks shall turn off engines while filling.
7. All existing fencing shall remain in place (except Condition 9 below).
8. The setbacks for the new storage building shall be 13 feet on the west side, 10 feet on the east, and 15 feet on the south.
9. The Public Works Department shall construct a berm (5 feet tall) around the perimeter of adjacent parcels (east, west & south) and construct a six foot tall privacy fence on top of the berm feature, which shall be installed by December 31, 2008.
10. Facility changes shall be in substantial compliance with the PUD Plan dated August 26, 2006.

Commissioner Jim Seitz seconded the motion.

Roll Call Yes: Bob, Diane, Jim, and Harvey

Roll Call No: None

Motion Carried

RECOMMENDATION – SB-06-1 – FINAL PLAT, VAN TUYL VILLAGE PROPOSING 42 SINGLE FAMILY LOTS; 19 DUPLEX LOTS; 18 MULTI-FAMILY LOTS; ONE COMMERCIAL LOT; AND 3 OPEN SPACE LOTS.

The Commission and Jeff Wilkinson discussed the proposed landscaping in the three open space lots and the letter from Parks and Rec Director Dan Ampietro. There was also discussion on the findings of fact and conditions.

Commissioner Harvey Harriman moved to recommend approval to City Council application SB 06-1, Van Tuyl Village Final Plat with the following findings and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that this application is for a major subdivision of a 29.93 acre parcel of property.
2. The Planning Zoning Commission finds that this application includes application contents, public hearing records, master plan provisions, and the City's Land Development Code.
3. The Planning and Zoning Commission finds that the applicants are simultaneously requesting a zoning change for a portion of the R-2M zone to R-3.
4. The Planning and Zoning Commission finds that the commercial portion of the final plat cannot be approved without an access permit from the Colorado Department of Transportation for Van Tuyl Circle at Highway 135.
5. The Planning and Zoning Commission finds that the commercial portion of the Van Tuyl Village has received sketch and preliminary plan approval. The Planning Commission further finds that the commercial portion can proceed with the final plat process once the application contents are complete.
6. The Planning and Zoning Commission finds that the applicants have dedicated a portion of property to the City along County Road 13, but that language will need to be included in the Certificate of Dedication and Ownership on the final plat.
7. The Planning and Zoning Commission finds that the applicants plan to dedicate the open space parcels to the City, but that language will need to be included in the Certificate of Dedication and Ownership on the final plat.
8. The Planning and Zoning Commission finds that the proposed road standards for Vulcan Street are adequate, and that a deviation from road standards will need to be considered by City Council.
9. The Planning and Zoning Commission finds that the nine review standards for subdivisions have been or will be met based on the following conditions:

CONDITIONS:

1. That the final plat show appropriate language in the Certificate of Dedication and Ownership for County Road 13 and the open space parcels.
2. That City Council shall consider the road width deviation for Vulcan Street.
3. That the Commercial portion of the subdivision be platted as one lot until an access permit and final plat application for the commercial portion is approved by CDOT and the City, respectively.
4. That a Subdivision Improvements Agreement with appropriate collateral be executed between the City and the applicants prior to or at the time of recording of the final plat.

Commissioner Bob Beda seconded the motion.

Roll Call Yes: Jim, Diane, Bob, and Harvey

Roll Call No: None

Motion Carried

ADJOURNED

Chair Diane Lothamer closed the meeting at approximately 9:20 p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary