

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
HARVEY HARRIMAN – VICE CHAIR	X		
JIM SEITZ	X		
BOB BEDA	X		
JOHN TALIAFERRO	X		
DELANEY KEATING	X		
COUNCILMEMBER ELLEN HARRIMAN	X		

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER KIM ANTONUCCI, PLANNING TECHNICIAN ANDIE RUGGERA, CITY CLERK GAIL DAVIDSON, JAKE AND ROBYN SHAW, WAYNE BROWN, CINDY SMOCK, DOUG AND ELEANOR FLYNN, SHARALEE PEDERSON, HEIDI FINN, BILL YOUNG, DALE AND BARB SHAW, MITCHELL GOEMAN, DAVE AND DAWN KINATEDER, LISA THOMASONBRUCE VANBUSKIRK, MARLENE BERGMAN, SARA DAVIS, JON AND MOLLY MUGGLESTONE, HEIDI MAGINS, SUSAN GORE, CHRIS AND BRIONY COADY, HEIDI COADY, ALIXANDRA KLEIN, PHIL AND JANET CROSSLEY, CAMILLE FALK, SARAH PHIPPS, LAURIE EGELSTON, AND RICHARD KARAS.

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

PLEDGE OF ALLEGIANCE TO THE FLAG

OATH OF OFFICE TO RE-APPOINT DIANE LOTHAMER AND JIM SEITZ

City Clerk Gail Davidson administered the oath of office to re-appoint Diane Lothamer and Jim Seitz to the Planning and Zoning Commission. The appointed Members took their seat at the Commission table.

PUBLIC HEARING AND ACTION – CONDITIONAL USE APPLICATION, CU 07-3, SUBMITTED BY SAGE MOUNTAIN SCHOOL FOR THE OPERATION OF A SCHOOL AT 513 NORTH 14TH STREET (R-2 ZONE)

Commissioner John Taliaferro stepped down from discussion and action due to a conflict of interest.

Chair Diane Lothamer opened the public hearing at approximately 7:04p.m.

Proof of publication was shown for the record.

Planner Kim Antonucci gave an overview of the application stating the applicant has been issued conditional use permits for two other locations. The school is pursuing a permanent site at 513 North 14th Street which is located in a R2 Zone. Kim referenced an addendum to the staff report, dated May 23, 2007.

Heidi Finn, Executive Director of the Sage Mountain School, represented the applicant. Ms. Finn explained that the school has to move from its current location on North Boulevard Street by the fall of 2007. She requested the Commission to consider the application. Ms. Finn read a letter of support from Kathy Norris, dated May 23, 2007. Ms. Finn referred to a letter, dated May 21, 2007, that she wrote addressing issues noted in the staff report. Ms. Finn expressed the schools willingness to address all issues and concerns.

The following public comment was received:

Barb Shaw - 521 North 14th Street

Ms. Shaw believes the proposed site is not the right location for the Sage Mountain School. She stated the following concerns:

- The on-street parking is always full – pictures from Doug Kennedy were referenced;
- Heavy traffic on 14th – not safe for children;
- Valuation of their property going down;
- Increased risk of liability on their property;
- Parking and use of alley to drop children off;
- Lack of sidewalks on either side of 14th Street – concerned about the safety of the children; and
- Noise control and fire safety.

Sarah Davis – 421 North 14th Street.

Ms. Davis stated support for the Sage Mountain School and said that parents dropping off their children could park in front of her house. She stated education is more important than parking or tax rates. Ms. Davis said she would not mind if Sage Mountain School moved into the neighborhood.

Lisa Thomason – Educator and mother of two children that attend Sage Mtn. School. Ms. Thomason stated there are 8 parking spaces in the alley and parents could drop them off by the garage. She stated there is a privacy fence and a line of sight to watch the students either go to the upper level or to the receiving room on the ground level. Ms. Thomason said if parents would use the north/south alley there would be no traffic on 14th Street.

Alex Kline – New art teacher at Sage Mtn. School.

Ms. Kline stated instead of thinking negatively we should be thinking positively and creatively to solve issues and make a solution. She stated the school is always reaching out into the community and that they are open minded.

Dawn Kinateder – Son is a student of Sage Mtn. School.

Ms. Kinateder stated the school will only have students K-8th Grade. There will be no traffic other than parents dropping off their children. She stated the proposed site has much more room to play than the current location. Ms. Kinateder asked the

Commission to look at both sides and that the school is more than willing to do whatever they need to make the location work.

Commissioner Bob Beda referenced the addendum to the staff report and asked the audience if they knew what the staff concerns were.

Director Steve Westbay explained that the change of use from a residence to a school requires compliance with the International Building Codes (2003). He stated that all of the first floor walls (interior and exterior) would have to have a one hour fire rating. If the second floor is used, the wall must be made of non-combustible materials such as brick. Egress issues would also have to be addressed such as an elevator, additional stairs, and conformance with American Disabilities Act (ADA) standards.

Chair Diane Lothamer stated concern on if the property could function as a school.

Jake Shaw – 521 N 14th Street.

Mr. Shaw stated he did not feel the school belonged in the neighborhood. He stated the applicant would be better off finding a vacant lot and placing a structure on it for the school. Mr. Shaw didn't think that parents dropping off their children in the alley would work.

Camille Falk – has two children that are students at Sage Mtn. School.

Ms. Falk stated there is a lot to consider and that many families are affected. She said the Commission and the community needs to work together to make the school work for the future of all children. Ms. Falk asked everyone to consider all points of view.

Sarah Phipps

Ms. Phipps stated bids came in at 1.2 million to renovate the building at 101 North 8th into a school. She stated a lot of buildings don't comply with building codes and hoped the Commission would work with the school to find something that works.

Kenneth Crossley – student at Sage Mtn. School.

Mr. Crossley asked the Commission to help the kids if the proposed building did not work.

Sharalee Pederson – Owns an office across from the current location and owns two properties near the proposed location.

Ms. Pederson stated parking has never been an issue at the current location and they are always very quiet and considerate. She doesn't see a problem and thinks the proposed site could work for the school.

The following items were entered into the record:

- 17 pictures of parking on 14th Street from Doug Kennedy;
- The addendum to the staff report, dated May 23, 2007;

- Letter of support from Heidi Finn, dated May 21, 2007;
- Letter of support from Kathy Norris/Arden Anderson, dated May 23, 2007;
- Letter of support from Matthew S. Kuehlhorn, dated May 23, 2007;
- Letter of concern from Rick and Dottie Williams, dated May 21, 2007;
- Letter of opposition from Mitchell Goeman, dated May 22, 2007;
- Letter of opposition from Doug Kennedy, dated May 18, 2007;
- Letter of concern from Mike Maciejko, dated May 18, 2007;
- Letter of support from Dustin Hite, dated May 11, 2007;
- Letter of opposition from Jennifer Chiappini, dated May 17, 2007;
- Letter of opposition from Dale and Barb Shaw, dated May 17, 2007;
- Letter of opposition from Thelma Reece, dated May 17, 2007; and
- Letter of support from Evan Strauss, dated May 18, 2007.

The Commission and staff discussed parking and traffic issues, building constraints, and inadequate landscaping. Director Steve Westbay stated the main issue is the intensity of the use. He continued saying we can discuss trip generation, parking, and the IBC Code, but the concern is with trying to fit something in that just doesn't fit in on the proposed site.

The Commission stated their appreciation of the school and encouraged them to find a place that would work with room to grow and where they can be happy. Discussion ensued on the options of denying the application, continuing the public hearing, or remanding the application back to the applicant.

Chair Diane Lothamer closed the public hearing at approximately 8:20p.m.

Commissioner Harvey Harriman moved to deny application CU 07-3, a Conditional Use application submitted by Sage Mountain School to operate a school at 513 North 14th Street 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 *2007 City of Gunnison Master Plan*.
2. The Planning Commission finds that this Conditional Use request is for a 30-student school to be located in an existing residence in the R-2 residential zone.
3. The Planning and Zoning Commission finds that based on public testimony, the proposed school will affect the health, safety and welfare of the neighborhood.
4. The Planning and Zoning Commission finds that the building does not conform to the 2003 International Building Codes, and that substantial improvements will be required to make it conform.
5. The Planning and Zoning Commission finds that the site is not capable of serving the parking and dropoff requirements for a 30-student school with four teachers.
6. The Planning and Zoning Commission finds that the City's Land Development Code states that "an application that fails to comply with any applicable review standard shall

be denied", and that the application does not meet the seven review criteria as defined in the Land Development Code.

Commissioner Jim Seitz seconded the motion.

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

Roll Call No: None

Motion Carried

PUBLIC HEARING AND ACTION – CONDITIONAL USE APPLICATION, CU 07-4 SUBMITTED BY WAYNE AND JUDY BROWN TO OPERATE A TEMPORARY BARBEQUE STAND IN THE COMMERCIAL ZONE DISTRICT

Commissioner John Taliaferro rejoined the Commission.

Chair Diane Lothamer opened the public hearing at approximately 8:40p.m.

Proof of publication was shown for the record.

Planner Kim Antonucci reviewed the process for a conditional use application and stated a temporary commercial activity must apply for a conditional use permit. Kim stated the only issues regarding the request were egress and fire safety issues.

The applicant, Wayne Brown stated he would like to place his BBQ trailer at 501 West Tomichi Avenue. Mr. Brown stated he would place flower barrels on the site as he did last year.

No public comment was received.

The Commission discussed the conditions listed in the staff report. Chair Diane Lothamer closed the public hearing at approximately 8:50p.m.

Commissioner Harvey Harriman moved to approve Conditional Use, CU 07-4 submitted by Wayne and Judy Brown to operate a temporary barbeque stand in the commercial zone 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 2007*.
2. The Planning Commission finds that this conditional use application is for a temporary commercial use of a barbeque stand in the Commercial Zone.
3. The Planning and Zoning Commission finds that a restaurant is compatible with the neighborhood uses.
4. The Planning and Zoning Commission finds that the health, safety and welfare of the community will not be jeopardized if conditions are imposed.

- 5. The Planning and Zoning Commission finds that the application meets all of the provisions of the City's Land Development Code and the 2003 International Building Codes based on the following conditions:

CONDITIONS:

- 1. A fire extinguisher (minimum size of 2A-10B-C) shall be present and visible in the cooking area.
- 2. The tent is to remain open on two sides while the restaurant is open for business.
- 3. Flower pots and other landscaped features shall be placed along the highway frontage which shall be easily visible to passersby and vehicles.
- 4. That the applicant provide the Community Development staff with a copy of the food establishment license from the Colorado State Department of Public Health and Environment.

Commissioner Bob Beda seconded the motion.

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

Roll Call No: None

Motion Carried

CONSIDERATION OF MAY 9, 2007 MEETING MINUTES

Commissioner Jim Seitz moved to approve the May 9, 2007 regular meeting minutes as presented. Councilmember Ellen Harriman seconded the motion.

Roll Call Yes: Harvey, Diane, Delaney, John, Ellen, and Jim

Roll Call No: None

Abstain: Bob – was not present at the May 9th meeting.

Motion Carried

COUNCIL UPDATE

Councilmember Ellen Harriman reported that City Council appointed Jim and Diane to the Planning Commission, approved final plat of Meadow Vista South, approved the modification of easement for Van Tuyl Village, approved minor subdivision of Gunnison Center Lot 8, and approved the first reading of ordinance 6 and 7, series 2007.

ADJOURNED

Chair Diane Lothamer closed the meeting at approximately 9:15p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary