

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, PLANNING TECHNICIAN ANDIE RUGGERA, JIM AND CAROL TOWNSEND, CAROL MARTIN, EARLE O’HAGAN, BRYAN MILLER, AND RICHARD KARAS.

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC HEARING – CONDITIONAL USE CU 07-10, SUBMITTED BY BRYAN MILLER AND LYNN SIKKINK FOR AN ACCESSORY DWELLING UNIT AT 720 NORTH BOULEVARD

Chair Diane Lothamer opened the public hearing at approximately 7:01p.m.

Proof of publication was shown for the record.

Director Steve Westbay reviewed the process for a conditional use permit. Steve stated the applicant Bryan Miller is requesting an accessory dwelling unit at 720 North Boulevard. There currently is a dwelling on the site that the applicant is in the process of demolishing. Mr. Miller would like to build a garage with an accessory dwelling unit at a later date.

Steve discussed the site plan and stated the parking was adequate with two spaces for the primary residence and one space for the accessory dwelling unit. The Electric Superintendent noted in the staff report that all structures would have to be set back ten feet from an overhead power line that runs down the alley. Steve stated the applicant had already started tearing down the existing structure and had not obtained a state permit to demolish a structure; however the State has contacted Mr. Miller and he has paid the fee for a Demolition Permit.

Bryan Miller presented his application and stated he and his wife have just moved to Gunnison and found the lot at 720 North Boulevard. He stated he thought he followed the correct path for removing the asbestos siding on the existing structure. Mr. Miller

apologized and stated he did talk to the state and paid for a Demolition Permit. He stated two adjoining residents have accessory buildings. Mr. Miller stated his property is 10,125 square feet and his proposed building size is minimal. He stated a 10 foot setback from the rear property line (alley) is fine.

The following public comment was received:

Jim Townsend – adjoining property owner at 507 West Arthur Avenue

Mr. Townsend stated concern for the accessory dwelling unit and believed it was not conducive to the neighborhood. He stated the site plan showed the proposed garage/accessory unit way too close to the alley and believed it would create problems with traffic flow and snow removal. Mr. Townsend stated he was adamantly against the accessory dwelling unit and the possibility of the unit being used as a rental. He stated he was not opposed to Mr. Miller building a primary unit and garage.

Earle O'Hagan – adjoining property owner at 716 North Boulevard Street

Mr. O'Hagan stated his main concern is Mr. Miller subdividing the property and/or making the property an apartment complex. Mr. O'Hagan stated the neighborhood is an older section of town with small single story homes. He believed the site plan showed the proposed buildings too close to the property lines. He stated he does not want a big house shadowing his property.

Carol Townsend – adjoining property owner at 507 West Arthur Avenue

Ms. Townsend stated Mr. Miller's proposed garage was located directly across from their garage and asked if the garage could be flipped and accessed off of Arthur Avenue. She suggested he either move the garage to the north or increase the setback to 33 feet from the alley.

Bryan Miller – applicant at 720 North Boulevard Street

Mr. Miller stated there is a major ditch along Arthur Avenue. He stated he wants to be neighborly and is willing to change his site plan for the proposed garage.

Director Steve Westbay

Steve stated Mr. Miller has land use rights to his property. He suggested a minimum of 10 feet from the alley (rear setback) and 5 feet from the side setback and stated it might be a good idea for the applicant to meet with concerned neighbors and see if they can work something out.

The Commission discussed the staff recommendations, findings, and conditions.

Chair Diane Lothamer closed the public hearing at approximately 8:10p.m.

CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

Commissioner Harvey Harriman moved to approve Conditional Use, CU 07-10, submitted by Bryan Miller and Lynn Sikkink, for an accessory dwelling unit at 720 North Boulevard 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 (no written comments were received); and 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 an accessory dwelling in the R-2 Zone.
3. The Planning and Zoning Commission finds that no more than two dwelling units are permitted on this parcel based on the existing Land Development Code.
4. The Planning and Zoning Commission finds that accessory dwelling units contain no less than 300 square feet and no more than 700 square feet of floor area.
5. The Planning and Zoning Commission finds that an accessory dwelling unit is compatible with the neighborhood uses.
6. The Planning and Zoning Commission finds that capital investment fees for sewer services need to be collected at the time of Building Permit issuance for the proposed accessory dwelling unit.
7. Alleys receive a lower priority of general maintenance and snow plowing and the Planning and Zoning Commission finds that the residents using alleys should be aware of this fact.
8. The Planning and Zoning Commission finds that overhead electrical lines run through the alley and the City Electric Superintendent noted that a 10 foot building setback from the line is needed.
9. The Planning and Zoning Commission finds that the application meets all of the provisions of the City's Municipal Code based on the following conditions:

CONDITIONS:

1. That the applicant shall build the single-family home prior to the accessory dwelling unit.
2. A certificate of occupancy on either proposed unit shall not be issued until the existing structure is demolished.
3. The applicant shall apply for a building permit for the accessory dwelling unit on or before August 8, 2010.
4. The accessory dwelling unit shall contain no less than 300 square feet and no more than 700 square feet of habitable floor area.
5. Building permit applications submitted in association with this conditional use approval shall include site plans demonstrating compliance with all provisions of the Gunnison Land Development Code.
6. All dwelling units and accessory structures shall be setback a minimum of 10 feet from the existing overhead power line lines and/or a minimum of five feet from the rear property line, which ever is greater.

Commissioner Jim Seitz seconded the motion.

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

Roll Call No: None

Motion Carried

CONSIDERATION OF JULY 25, 2007 MEETING MINUTES

Commissioner Jim Seitz moved to approve the July 25, 2007 regular meeting minutes as amended. Commissioner John Taliaferro seconded the motion.

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

Roll Call No: None

Motion Carried

COUNCIL UPDATE

Councilmember Ellen Harriman reported that City Council held a work session and discussed sidewalk vendors, a resolution setting fees for each department, a license agreement, a contract with the Gunnison Valley Public Arts Program to paint one water tank as previously presented, and Paula Swenson discussed the proposed location for the animal shelter.

ADJOURNED

Chair Diane Lothamer closed the meeting at approximately 8:30p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary