

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 ADMINISTRATIVE ASSISTANT PAM CUNNINGHAM, RICHARD KARAS

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC HEARING AND ACTION – CONDITIONAL USE APPLICATION, CU 07-9, SUBMITTED BY BILL O'ROURKE AND SUSAN TEAL FOR AN ACCESSORY DWELLING UNIT (GARAGE AND APARTMENT) IN THE R-2 DISTRICT.

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

Proof of publication was shown for the record.

Director Steve Westbay gave an overview of the application to request the construction of an accessory dwelling unit over a garage at 600 W. Gothic. The legal description is Lots 13-14 Block 25 of the West Gunnison Addition. The proposed site plan has been reviewed for dimensional standards. Mr. Westbay stated that the dimensional standards for the lot would be 1.9 units, which exceeds dimensional standard limits. He has discussed nuances in the *Land Development Code (LDC)* with regard to dimensional standards with the City Attorney. The applicants had previously submitted an application prior to Community Development receiving a legal opinion and the application was withdrawn. The City Attorney's opinion is that since the lot is in *LDC* as a legal lot the application could be submitted.

Applicant O'Rourke stated his desire to build a garage apartment of approximately 700 square feet. He stated that the neighborhood is an old fishing village and he wants to build similar finishes with the neighborhood. He does not have specific plans in place, pending approval. The proposed structure would be built on the alley.

There was no public comment. The Chair opened the discussion for questions from the Commission.

Commissioner Seitz noted that existing parking is on city property but according to the site plan parking requirements have been met. Applicant O'Rourke advised that a gate on the alley is available to pull vehicles into the yard and that there is room behind the existing house for 1-2 vehicles. Seitz noted that the staff report indicates that there is not an issue when applied to code requirements. He advised the applicant that in regard to snow removal alleys are a low priority.

Commissioner Seitz asked the applicant if he/they live in the house now. The applicant stated that they no longer live at the property but rent the house out. Commissioner Seitz asked for clarification on the code regarding owners living on-site. Director Westbay left to check the LDC. In his absence, Commissioner Keating noted that everything in the subject neighborhood is rentals, but that other owners live on the property.

Seitz noted that on the site plan the gas line is going under footprint for the garage, which the Building Department won't allow. The applicant stated that they are planning to do excavation and will relocate the gas line. Seitz observed that those issues will come up with the building permit.

Director Westbay returned and advised that under §15.70.020 A. 3, "The primary dwelling unit shall be occupied by the property owner. The accessory dwelling unit shall not be condominiumized or sold and shall not be rented to visitors for periods of less than 30 days." He stated that there could be a condition on approval.

Chair Lothamer stated the application could be approved but the property would have to be sold to someone who wants to live on-site. Applicant O'Rourke stated he/they are looking for a long-term benefit to the community and are not planning to sell the property.

Chair Lothamer stated it would be noted that the applicants withdrew their application.

The public hearing was closed at 7:18pm.

**ROAD DEVIATION REQUEST – CHRIS MACARAK SOUTH 6TH STREET,
ADJACENT TO THE PALISADE TOWNHOMES**

The applicant was not present. Director Westbay explained that the staff report is lengthy because there is not a procedure in place to address deviations. He stated that historically deviations have gone through the Planning and Zoning Commission, who then makes recommendations to City Council. He further explained that with the

development of the *West Gunnison Neighborhood Plan* there are provisions promoting the utilization of Low Impact Development (LID) designs. This specific instance requests 32' pavement skewed to the west right-of-way allowing a larger frontage on one side. The second part of the request is a retention swale on the larger side of the right-of-way with a curb and gutter on the opposite side. In their analysis of 6th Street, Staff is not in support of the offset, but is in favor of LID designs. The application does not contain the detail necessary to assess the design. The City Engineer and Director Westbay discussed the application and came up with Finding #8 on pg 22 of the agenda. Further information that is needed includes the physical characteristics of the soil, permeability, and percolation rates to determine capacity. Storm intensity and how much water goes into the soil must be determined to make a recommendation. Staff used 10 year Costin Curve data to predict a 10-year storm event. Staff believes this is the best model available.

Director Westbay explained that the geometry of slopes and depth on both sides of the road should be considered. The proposed design is not appropriate to protect property on both sides of the road. He further explained that filtering media is also a consideration. LID systems operate similarly to septic systems, which require certain gravels to make the filtering media work. The proposed system doesn't have water cleansing properties. Vegetation for the swale and maintenance are also issues.

Director Westbay observed that another issue to be addressed is on-street parking. In the R3 zone a 32' road section is adequate for local streets but parking must be modified for collector streets or arterial streets.

Westbay stated that the Subdivision Improvements Agreement bonding is not yet in place. Without it, it would be premature to grant such a use for the project. Staff recommends the application be remanded back with directions.

DISCUSSION:

Commissioner Seitz noted concern with LID design in the West Gunnison Neighborhood area with the potential for subsurface water and winter freezing. He expressed concern about whether the design would work if there were early spring storms on top of frozen soil, so that the water couldn't soak in.

Chair Lothamer expressed concern about approving one block in the West Gunnison Neighborhood using a LID design without knowing what the entire design for the area will be.

Commissioner Ellen Harriman observed there is no sidewalk design and that, although it may be an old drawing, it depicts an alley being vacated. Director Westbay stated it is an old drawing and there is not a request for a vacation.

Chair Lothamer asked if the request is remanded does it mean the applicant can then design the block and then request approval? The Commission must be sure the block will be compatible for the entire area and that the above details must be addressed. She would like to raise the issue with City Council about a full engineering report on the West Gunnison Neighborhood. She observed that if developers pay for engineering reports on separate projects there would not be a comprehensive study. She suggested that the City should do a study of the entire area and put out an RFP. This would cost money, but the City would be better off because developers would know what to do. Director Westbay stated that the proposal is for a storm water structure that does not provide cleansing properties and that approval would be premature.

Public Comment:

Richard Karas noted that the staff recommendation is for an engineered design using the Costin Curve predicting a 10-year event. He stated that other models are available and suggested something on a larger scale than a 10 year event. He also suggested using two models. Director Westbay explained that the Natural Resource Conservation Service developed models for small storm events and that he and the City Engineer discussed models using Gunnison's typical short, but high intensity events. He said that the typical design is for a 5-year event but that staff used a 10 year event as a "fudge factor". He observed there is also the concept of freezing as Commissioner Seitz suggested. If there is a rapid melt in the spring, on top of frozen soil, that would be different from a storm event. It is impossible to design for every possible event, so contingencies must be designed for.

Chair Lothamer observed that the design shouldn't be based on the ditches being empty as they will most likely have water in them from "up stream." She asked whether Planning and Zoning should remand, or send a recommendation to the City Council to remand. Director Westbay stated that City Council will take action on the P&Z recommendation. Lothamer stated that there should be a P&Z comment that the City should do a "grand engineered design" for drainage in the West Gunnison Neighborhood rather than having developers do them independently.

Commissioner Ellen Harriman asked if the project can go forward without an engineering "master plan." Director Westbay stated that the Certificate of Occupancy (CO) is not contingent upon this, but that a CO is contingent upon bonding.

Commissioner Taliaferro observed that these issues will come up as other developments are established. Director Westbay stated that it is important to make sure 6th Street works. The current application it isn't a bad design but the City should establish factors to design the whole street, not just one block.

Discussion followed about how to make a recommendation to the City Council, the need to have a full engineering study for the West Gunnison Neighborhood, and the wording of recommendation #8 on page 22 of the agenda packet. Lothamer suggested that the action should be to recommend that P&Z concurs with the recommendation of the staff.

Commissioner Harvey Harriman observed that if P& Z recommends to City Council that the application be remanded Instruction #8 (pg 22) is superfluous. The P&Z worked out the proposed findings and recommendations to be forwarded to City Council.

Commissioner Harvey Harriman moved that the Chris Macarak Road Deviation Request dated June 11, 2007 be sent to City Council with a recommendation they remand back to the applicant with the following findings.

1. The Planning and Zoning Commission finds that this deviation request depicts a 32-foot wide road section with curb and gutter on one edge and a swale on the other edge.
2. The Planning and Zoning Commission finds that this deviation request proposes to off-set road centerline, which increases the effective frontage width for one side of the street. This configuration is not considered appropriate by the City Staff.
3. Development of a LID design storm water facility must consider local soil characteristics, design event considerations, volume design factors, structure grading details, filtration media, plant material types and other factors. The Planning and Zoning Commission finds that submitted application materials for this request were devoid of the engineering details necessary to adequately address the proposal.
4. The Planning and Zoning Commission finds that long-term maintenance considerations must be addressed for this deviation request.
5. The Planning and Zoning Commission finds that the proposed deviation does not include development of sidewalks for the street design.
6. The Draft *West Gunnison Neighborhood Plan* advocates development of LID storm water facilities, and the City staff supports the premise of using this type of system

for the neighborhood. However, the Planning Commission finds that in this case design details and other factors related to the applicant's development need to be addressed before approving this deviation request.

7. The Draft *West Gunnison Neighborhood Plan* advocates development of street sections that are narrower than those traditionally found in the City. City staff supports the premise of developing narrower street design. However, the Planning and Zoning Commission finds that this area will be developed to a fairly high residential density and on-street parking will be needed.
8. The Planning and Zoning Commission finds that the City staff recommends this deviation request be remanded back to the applicant with specific instructions to consider for re-submittal of the request. Those instructions include the following:
 - The applicant will submit a grass swale design developed by an Engineer registered in the State of Colorado.
 - The grass swale design will include an assessment of the local soil physical characteristics to ensure that soil percolation rates are adequate to fulfill the design objectives.
 - The engineer design will provide storm intensity duration frequency curve, using the Costin Curve data, and this data will predict the intensity of a 10 year storm event.
 - The grass swale design will define the specific trapezoidal channel geometry proposed for use in this case.
 - The revised road section will provide the design for both side of the road section and the road center line shall not be off-set.
 - The revised design shall include a discussion of filter media proposed for the grass swale.
 - The revised design shall include the proposed seed mix for the swale.
 - The revised design shall include a maintenance program proposed for the facility.
 - The revised design shall address the road section geometry and either demonstrates that on-street parking will not be warranted or will assess how on-street parking can be accommodated with the reduced street width.

- The applicant and his engineer will meet with the Community Development Director and the City Engineer in a pre-application conference to discuss the submittal scope and the staff may add reasonable additional requirements to be addressed.
9. That the City of Gunnison conduct a full engineering design for drainage in the West Gunnison Neighborhood.

Commissioner Jim Seitz seconded the motion.

Roll Call Yes: Seitz , H. Harriman, Lothamer, Keating, Taliaferro, E. Harriman
Roll Call No: none
Motion Carried

CONSIDERATION OF THE OCTOBER 10, 2007 MEETING MINUTES

Commissioner Ellen Harriman moved to approve the October 10, 2007 meeting minutes as presented. Commissioner John Taliaferro seconded the motion.

Roll Call Yes: H. Harriman, Lothamer, Keating, Taliaferro, E. Harriman, Seitz
Roll Call No: none
Motion Carried

UNSCHEDULED CITIZENS

Richard Karas observed that after a recent trip through New Mexico with his wife, upon returning to Gunnison they noted that Gunnison is the prettiest town they had seen on the trip. He said this is due in part to the Planning and Zoning Commission upholding the *Land Development Code*.

COUNCIL UPDATE

Councilmember Ellen Harriman reported that:

- The City Council adopted the City Drug Policy for commercial trucker driver licenses.
- The City Christmas tree has been selected.
- The City Manager reported that at the November 28th review agencies will be invited to make a statement regarding the Gunnison Rising Annexation.
- An RFP is due on the 30th for the ice rink.
- The City Council evaluated the City Manager.
- The Youth City Council will help with the flu shot clinic at Public Works on the 16th.
- There was a report from the Regional Transportation Authority. There will be free bus trips between Gunnison and Crested Butte starting December 1st. New buses will gradually be put in service. The City Council is discussing an RTA tax renewal with a slight increase for the south end of the valley.

- The employee compensation package for the City is not finished yet. Management Staff has asked the Colorado Municipal League for new comparison numbers for peer cities for the salary survey. The original survey included cities with large populations, which skewed the results.
- The Tourism Association meeting was not well attended and will be re-played on the 19th at 5:00 or 5:30.

Chair Lothamer opened the floor for questions:

- The question was raised about whether the Events Coordinator position is still in the budget. Ellen Harriman answered that it is. The Tourism Association is interested in helping define the position. City Council will budget for the position but it hasn't been resolved how the position will be structured.

Commissioner Seitz moved to excuse Commissioner Beda.

Roll Call Yes: Lothamer, Keating, Taliaferro, E. Harriman, Seitz, H.
Harriman

Roll Call No: none

Motion Carried

COMMISSIONER COMMENTS

Commissioner Seitz noted there was an article in last week's *Journal* about Gunnison. Chair Lothamer noted that it raised interesting issues communities along Hwy 50 face.

PLANNING STAFF UPDATE

- Director Westbay is working on a reimbursement agreement for 7th Street, which was constructed by Mike Cole. An estimate has been developed and he will be working with the City Attorney to write the agreement.
- He and the attorney haven't discussed the draft annexation policy lately, but will try to have it to City Council later this month.
- The Gunnison Rising Annexation Application Phase 2 is coming together. Staff is developing a 3D model to present to the Commission and others.
- Next week he will be meeting with City Council on the *West Gunnison Neighborhood Plan*. He reported that Diane Miller, a financial consultant, is working on the 4th phase which includes funding models for improvements. He will share his memo to Council with P&Z, which will include an overview of the *Land Development Code* and the *West Gunnison Neighborhood Plan*.
- Westbay reported that the final module of the *Land Development Code* is about 200 pages and he is not sure how to approach going through it. He suggested setting up a subcommittee to iron out details and come back to P&Z as a whole. He will go through the draft first and then sit down with a couple of people to go through it. There was consensus on that approach. Chair Lothamer and Commissioner Taliaferro volunteered

to serve on the subcommittee. Director Westbay offered to make copies for all members. Most agreed that they would rather wait until the subcommittee reviews it. Some prefer an electronic copy and a few requested paper copies.

At the November 28th meeting review agencies have been invited to discuss Gunnison Rising. Westbay would like the meeting to be a Work Session. Chair Lothamer suggested that it be opened as a Regular Meeting to approve minutes and then the Commission go to a Work Session. Westbay stated that he has asked review agencies to provide comments before December 22, but that comments will be accepted through January. Chair Lothamer asked when a financial impact report will be available. Westbay stated the consultants are working on the Phase 2 plan and developing formulas that will be available in January.

Richard Karas noted that the applicants have not put marketing on their web site. He observed that there will be people interested in that and it bears on the viability of the project. Karas asked if the public will be invited to comment at the meeting on the 28th. Westbay stated that the meeting is for review agencies but he will write a summary. The agencies invited include Gunnison County Planning, the County Commissioners, the Gunnison Basin Sage Grouse Strategic Committee, the BLM, County Public Works, and the manager of the Gunnison/Crested Butte Regional Airport. It will be an opportunity for open dialogue with them and P&Z. Richard Karas suggested the meeting would be more productive with more structure.

ADJOURN

Chair Diane Lothamer closed the meeting at approximately 8:15 p.m.

Diane Lothamer, Chair

Attest:

Pam Cunningham, Substitute Secretary