

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
DIANE LOTHAMER, CHAIR	X		
MARTIN FROEHLICH	X		
JIM SEITZ	X		
BOB BEDA	X		
JOHN TALIAFERRO	X		
DELANEY KEATING	X		
COUNCILMEMBER ELLEN HARRIMAN	X		

**OTHERS PRESENT:** DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, PAM CUNNINGHAM, RICHARD KARAS

**CALL TO ORDER AT 7:02 PM BY CHAIR DIANE LOTHAMER**

**I. PLEDGE OF ALLEGIANCE TO THE FLAG**

**II. OATH OF OFFICE TO RE-APPOINT BOB BEDA AND TO APPOINT MARTIN FROEHLICH**

City Clerk Gail Davidson administered the oath of office to re-appoint Bob Beda and to appoint Martin Froehlich to the Planning and Zoning Commission. The appointed Members took their seat at the Commission table. Chair Lothamer welcomed Commissioner Froehlich.

**III. ELECTION OF CHAIR AND VICE CHAIR**

Chair Lothamer asked for nominations for Chair and indicated she would be willing to serve. There were no other nominations.

MOTION TO ELECT Commissioner Lothamer as Chair. Commissioner Seitz moved that Commissioner Lothamer be nominated to serve another term as Chair. Councilor Beda seconded. Councilor Harriman moved that Diane Lothamer be elected by acclamation. Councilor Beda seconded.

Roll Call Yes: Martin, Diane, Delaney, John, Ellen, Bob, Jim

Roll Call No:

Abstain:

Motion Carried

Commissioner Jim Seitz nominated Commissioner Bob Beda as Vice Chair. Councilor Harriman seconded and moved that Bob Beda be elected by acclamation.

Roll Call Yes: Bob, Martin, Diane, Delaney, John, Ellen, Jim

Roll Call No:

Abstain:

Motion Carried

#### IV. GLATIOTIS LUC APPLICATION, THREE-MILE REVIEW

Planner Ruggera presented the application and explained the accompanying maps. She indicated that the parcel is within the Urban Growth Boundary with the north one half portion designated as low to moderate density (1 unit per 5 acres) and the south one half portion as moderate density (1 to 6 units per acre). The City's *Master Plan* projected Urban Growth Boundary designates the parcel as 1 to 4 units per acre. The applicant is proposing 6 wells and the sewer is paid up through the North Sewer District.

Access is via County Road 13 (Slaughter House Road) with an east-west 24 foot easement through lots 1 and 2A to the subject parcel ending with a "Y" intersection. Director Westbay indicated that the Fire Protection District prefers a hammerhead or cul-de-sac. The proposed subdivision adds to the confusion of the surrounding area and roads as proposed do not meet any City street standards.

Planner Ruggera indicated there is no potential for annexation of the subdivision as proposed because of ownership and access.

Director Westbay stated that the Tail Water-Whipp (Whipp) Ditch is close to the building envelope on lot 6. He is not sure if the City has water rights to the Whipp Ditch. He stated that he would like to make an adjustment in the letter to the County Planning Commission to make an assessment of water rights. To include the ditch on the periphery of a building envelope is problematic and should be considered by the County. He further stated that statutory requirements allow whatever distance is necessary to accommodate needs for ditch owners to maintain ditches.

Richard Karas, from the County Planning Commission, stated that what is shown on the diagram is a 25 foot easement boundary.

Discussion followed regarding the road easement. Director Westbay pointed out that the reason for the strong statement in the staff report regarding future annexation is because of the road easement. Chair Lothamer pointed out that the idea of the *Three Mile Plan* is that [outlying subdivisions] meet city standards so they can be annexed sometime in the future. So, therefore, if the subdivision is approved as proposed [the Commission] could be saying the City won't annex it. Director Westbay said that in the same context, the City doesn't use hammerhead intersections. Commissioner Froehlich observed it would be important to have traffic information to consider an annexation. Director Westbay stated that within LUR, we don't know what will be happening on the large tracts to the north and that the City has concerns about excessive traffic flows. A traffic count was done this week related to the Library site and the future VanTuyl Ranch annexation and there is a lot of traffic on Vulcan and Spencer. Chair Lothamer observed that Vulcan Street narrows considerably at the north and wondered if it could be widened further north. Director Westbay said that would require a reverse curve into the VanTuyl Ranch property. The concern is that Vulcan would become a main road and would change the character of the neighborhood. Discussion continued about potential traffic impacts on County Road 13 and Slaughterhouse Road. If the property is to be eligible for annexation there must be a thirty foot easement on each lot.

Ownership of the lots is uncertain, but if Mr. Glatiotis owns all of the property he could increase the easement and reduce the potential for developable space.

Commissioner Beda noted that the City code doesn't allow landlocked parcels. Director Westbay said that the assumption is that the 24 foot easement precludes a landlocked situation but the dimension of the easement is not in keeping with City standards. Chair Lothamer suggested that language be put in the letter and observed that since the developer already has taps for the City sewer they probably don't care about annexation. As an aside, discussion took place related to sewer taps and the possibility of revising the MOU with the County to reserve some taps in case there is an impact on water quality and quantity.

Commissioner Seitz noted that land ownership patterns [in the subject property] is similar to West Gunnison and the City may be coming to a resolution on those issues. So, the Commission shouldn't negate the possibility for annexation based on land ownership.

Chair Lothamer stated that the Commission should make it clear in the letter to the County Planning Commission that, without road easements that meet City code, the property will not be feasible for annexation. She also suggested that a paragraph should be added that City staff will check on operation and maintenance of the Whipp ditch as well as City water rights in the ditch.

Commissioner Beda noted that the well permit states that return flow from the use of the well must be through an individual waste water disposal system where the water is returned to the same stream system in which the well is located. He wondered if that makes the well permit invalid. Chair Lothamer stated that is why augmentation water is required and that [the developer] can buy augmentation water from Blue Mesa.

**MOTION TO AUTHORIZE CHAIR LOTHAMER TO SIGN THE LETTER TO THE COUNTY PLANNING COMMISSION REGARDING THE GLATIOTIS APPLICATION, LUC 2008-3.** Commissioner Taliaferro moved that Chair Lothamer be allowed to sign the letter to the County Planning Commission, with the proposed changes. Councilor Harriman seconded the motion.

Roll Call Yes: Jim, Bob, Martin, Diane, Delaney, Ellen, John

Roll Call No:

Abstain:

Motion Carried

## **V. LAND DEVELOPMENT CODE, MODULE 1, INTRODUCTION**

Director Westbay stated that the *Land Development Code (LDC)* is on the agenda in anticipation of Richard Grice being at the meeting on May 28<sup>th</sup>, but he won't be able to meet with the Commission until June 4<sup>th</sup>, which will be a special meeting. Mr. Grice asked that the Commissioners look at the draft *LDC* in a broad context and at policy elements (rather than grammar) and that they come to the June 4<sup>th</sup> meeting prepared to discuss policy issues. Chair Lothamer asked that staff prepare a summary of how the new version is radically different from the current code.

Considerable discussion followed. The main points are indicated below:

- Article 2, Zone Districts - change of acronyms and other changes;
  - Section 2.2.1. B.1 no allowance for retail?
  - Section 2.2.1. B.4. Industrial – last sentence, is that too onerous?
  - There should be language in B1 (zone) regarding vacation and short-term rentals.
  - Bed and Breakfasts are not allowed under Conditional Use in B1, but we have had one before. Hotels and motels are conditional in B1 and that is a higher intensity of activity.
  - RV parks should be conditional.
  - Is a columbarium allowed (same as mausoleums?)
  - The potential increase in the size of the jail was contentious-we need a note regarding that.
  - Section 2.6.1, Parts 3 & 4 have identical language but are talking about different things.
  - Under R1, maximum density is 3.5 and the lot area is 8,000 how does that work?
  - It may be the only place open space is required is for planned development, but it doesn't indicate what the requirement might be. Clarification is needed whether it apply to big subdivisions under the existing zoning.
  - Update tables 2.6.7 and 2.6.8. The Commission asked staff to go through the dimensional standards and point out differences and to double check all numbers in the dimensional standards (for the next meeting). They also asked staff to look at GIS and check the existing square footage of lots (in various zones).
  - Do we want to allow zero lot lines in residential areas? (Director Westbay pointed out that a recent variance request on South Colorado indicated that the entire block of South Colorado had as little as 3.5 foot lot lines.) How would this be implemented and applied across the board? If this were allowed to occur a provision would be needed for distance between buildings. The Commission should ask Richard Grice how to apply this policy consistently. It would have to be for the entire block.
  - Provisions for alternate energy sources:
    - Are there provisions for solar? Solar issues for new development and view corridors. Would need a "bubble" above a house to maximize solar efficiency.
    - There are wind energy issues in some communities.
- Director Westbay will look into all those provisions.
- The only way to mix commercial and residential is accessory. The PD overlay has a maximum height of 45 feet. We should talk about that. Director Westbay will check the IBC and building heights to make sure they jive.
  - The Special Districts are WSC and Entrance Overlay.
  - Would West Gunnison be a special district? (Only if zoned in a unique manner. It could be a PUD overlay.)
  - What does 3.1.2A mean? (Explanation: If it is allowed under a Conditional Use or permitted use in another district it has to be considered a similar use.
  - The Commission should discuss asphalt batch plants and whether temporary use should be allowed. Technically it is mining, which is not an allowed use.

- Language may need to be more specific about some things in different zones (i.e., communication towers).
- Chapter 3 is for the Director of Community Development to figure out. Chair Lothamer asked for Director Westbay's input to see if the code is enforceable and workable.
- Residential Use standards were discussed briefly.
- Accessory Dwelling Units must be shorter and smaller than the primary dwelling. Section B states that the owner must occupy the main dwelling. Is that enforceable? Director Westbay stated that we shouldn't permit accessory dwelling units in R1 or R1M. There should be something in the code for no plumbing in accessory units in R1 or R1M. The Commission should ask Mr. Grice how to ensure enforceability. Director Westbay observed that usually a dwelling unit is defined as having a kitchen.
- Outdoor displays and sales are prohibited in CBD. (As an aside, Director Westbay explained that there is a code provision regarding this and he is in the process of writing to merchants to stress the liability and access issues.) Outdoor displays and sales are allowed in the CBD and Commercial. (See editor's note on 3.8.9 regarding adding an area limit, perhaps as a percentage of indoor retail sales area.) When storage takes up parking spaces it becomes a visibility problem.
- Is signage allowed on the right-of-way? (If signage extends into the right-of-way the merchant must have insurance and sign a license agreement.)
- It would be helpful to know the differences in temporary uses.
- What are Complexes? (Section 3.10)

In summary, Richard Grice will be here on June 4<sup>th</sup> to go over the LDC in more detail. The Land Development Code will also be on the agenda for May 28<sup>th</sup>. Staff will prepare a summary of how it compares with the current code and determine if is enforceable. Chair Lothamer asked the Commissioners to be prepared to discuss the use tables at the next meeting. She also observed that one of the difficulties is the current zoning map and the proposed annexations. The Commission may need to get the Code together so that new annexations come in under existing zoning.

#### **VI. CONSIDERATION OF THE APRIL 9, 2008 MEETING MINUTES.**

Commissioner Taliaferro moved to approve the April 9, 2008 meeting minutes as amended. Commissioner Seitz seconded the motion.

Roll Call Yes: Bob, Diane, Ellen, Jim, John

Roll Call No:

Abstain: Delaney, Martin

Motion Passed by Majority

#### **VII. COUNCIL UPDATE**

Councilmember Ellen Harriman reported that the City Council:

- awarded a liquor license to the Flying Burritos restaurant on South Main;

- was presented with an American flag from the American Legion by Larry Dolezal. The flag flew in Afghanistan on July 4, 2007 and it is hoped it can be displayed in Council Chambers;
- appointed the new Planning and Zoning Commissioners;
- signed the VanTuyl lease to Joanne Wenman;
- agreed to fund \$3,000 to ORE for a valley-wide energy summit;
- agreed to an MOU with the County and other municipalities related to flooding; and,
- spent time discussing metropolitan districts with a consultant who was hired to educate the Council [about these funding mechanisms], which was good preparation for the public meeting with Gunnison Rising next week.

She also reported that:

- Greg Summers was promoted Street Superintendent, to replace Paul Morgan, who has taken a position at the college;
- the City will receive the Civic Economics report on June 17<sup>th</sup>;
- there will be a joint meeting on June 11<sup>th</sup> to finalize West Gunnison;
- June will be a busy month in town, Ride the Rockies will be in Gunnison the same weekend as the VFW convention;
- the Telescope is on its way to Gunnison;
- the Tourism Association reported that Gunnison was featured in several magazines recently.

### **VIII. PLANNING STAFF UPDATE**

Director Westbay reported that:

- at the May 28<sup>th</sup> meeting he hopes to present the final plan for West Gunnison, which will be preparation for the joint meeting with City Council and the Stakeholders to discuss financing issues. Then we will go through process of adopting the plan.
- at the May 28<sup>th</sup> meeting he would like to continue review of the Land Development Code;
- Gunnison Rising meets with the City Council on May 20<sup>th</sup>;
- the Wildland Fire Academy will be in town May 31<sup>st</sup> through June 6<sup>th</sup>;
- staff and committee members toured the CityScape application sites today;
- the SculptTour Artist's Reception is Friday, May 16<sup>th</sup> at 7:00pm;
- two meetings of the West Gunnison Stakeholders were held in May;
- Andie finished updating the census database and counted an additional 181 units;
- school zone traffic counts were done related to construction of the new library;
- the County Library Board on board with the annexation of VanTuyl Ranch;
- staff will be working on a GoCo Grant for one-time funding of trails and will be working with the Trails Committee to identify priorities for funding;
- the RFP for 313 S. Boulevard is due May 30<sup>th</sup>. A committee will be formed in June to review the RFP's. Councilor Harriman volunteered to be on the committee. (Director Westbay asked others who are interested to let him know.)
- Community Development got new computers recently, which caused some difficulties, most of which have been worked out;

- he broke his collarbone in a biking accident a few weeks ago, but will be back in action in three weeks.

## IX. UNSCHEDULED CITIZENS

Richard Karas reported that the Hardrock Ready Mix proposal for an asphalt plant is on the County Planning Commission meeting schedule. He stated that many issues bear on the City and on traffic in the City. He felt the City should have a representative at the meeting. The proposed site is on the dump road at the old Columbine pit. It is a permitted mining. They will only do mixing on site as the pit is mined out. The operation is in connection with a paving project in Crested Butte, but it is a permanent application and they expect a lot of future business.

## X. COMMISSIONERS UPDATE

Commissioner Beda thanked the Council for its confidence and welcomed Commissioner Froehlich. He also voiced special thanks to Harvey Harriman for his years of service. Director Westbay will draft a resolution from the Commission.

Commissioner Froehlich stated he is looking forward to serving in his position and assisting local government. He recognized the difficult decision the Council had to make and recognized there is a lot of work for the Commission to do.

Chair Lothamer stated that there was a recent *Denver Post* article about homeowner's associations and the effect that foreclosures is having on them. They are not able to collect dues, so can't perform their functions. Richard Karas stated that the City of Vallejo, California filed for bankruptcy because of bad police and fire labor contracts, and that other cities in California are on the verge of bankruptcy. Commissioner Taliaferro stated that Birmingham, Alabama is also going bankrupt because of three metropolitan districts they bonded.

Commissioner Keating stated she is glad to be back and thanked the others for their understanding of her absences recently.

Commissioner Taliaferro stated that Sunday liquor sales begin on July 6<sup>th</sup> and could result in increased sales tax revenue.

Councilor Harriman reported that she and Mayor Ferguson attended a Rotary Club meeting on Sunday. Rotary and the Gunnison Area Foundation are cooperating with the Dolly Parton Imagination Book Club in which children between the ages of 1 and 5 receives a book in the mail each month. Ms. Parton started the program in her hometown to improve literacy of adults and children. She is trying to grow the program in other places. It is being started in Gunnison County and requires that the parents sign the child up. The hope is that each child receives 60 books by time they are six years old.

**ADJOURN**

Chair Diane Lothamer closed the meeting at approximately 9:05p.m.

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Diane Lothamer, Chair

Attest:

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Pam Cunningham, Secretary