

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
JIM SEITZ	X		
BOB BEDA	X		
HARVEY HARRIMAN	X		
DELANEY KEATING	X		
MARTIN FROEHLICH			X
COUNCILMEMBER ELLEN HARRIMAN	X		

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, PLANNING TECHNICIAN PAM CUNNINGHAM, RICHARD KARAS, INEZ LIGHT.

I. CALL TO ORDER AT 7:01 BY VICE CHAIR DIANE LOTHAMER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONTINUED PUBLIC HEARING AND POSSIBLE ACTION, CONDITIONAL USE APPLICATION—CU 08-4, SUBMITTED BY BRAD CROSBY FOR A HOME BUSINESS IN THE R3 ZONE DISTRICT.

Chair Lothamer called the public meeting to order at 7:02. The applicant was not present.

Planner Ruggera introduced two recommendations; one recommendation is for denial, based on the vagueness of the application. She stated that the applicant was unable to attend the meeting and will be out of town until December 25th.

Chair Lothamer stated that it is difficult to come to any conclusions because there are so many unanswered questions.

Commissioner Seitz asked if it had been suggested to the applicant that he withdraw the application. Planner Ruggera stated that she did speak with the applicant on August 25th and informed him there was a chance the application would be denied. He decided to see what the Commission's choice would be, rather than withdrawing the application.

Commissioner Seitz stated that there are too many unanswered questions [to make a favorable decision].

Commissioner Beda agreed and stated that, considering the property is not owner occupied, he felt uncomfortable [approving the application without the applicant present to answer questions].

Commissioner Keating and Councilor Harriman voiced their agreement.

Chair Lothamer stated that [in reviewing applications] the Commission must look at the use, has a need to know what is proposed, and expects the applicant to come and answer questions.

Commissioner Harriman asked if the applicant had been told he could send a surrogate. Planner Ruggera stated that the applicant had been so advised and he said that no one was available to represent him.

Chair Lothamer asked if there were any public comments: there were none. No written comments have been received.

Chair Lothamer closed the public meeting at 7:06p.m.

Commissioner Harvey Harriman moved to DENY Conditional Use application CU 08-4 for a home business in the R3 Zone district with the following findings of fact:

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; staff reports and comments, and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan 2007*.
2. The Planning and Zoning Commission finds that this conditional use application is for a home business in the R-3 zone.
3. The Planning and Zoning Commission finds that the proposed home business is for a one-on-one day spa, yoga studio, and garden.
4. The Planning and Zoning Commission finds that the applicant was not present to provide additional information at the public hearing on August 13, 2008 and the continued public hearing on August 27, 2008.
5. The Planning and Zoning Commission finds that the seven review standards (Chapter 15.130.050) could not be met for conditional use approval. The Planning and Zoning Commission further finds that the application contents were vague as to the number of clients, space utilization, and the yoga and garden use.
6. The Planning and Zoning commission finds that the applicant's address is in Crested Butte and that the city utility bills for this address are not in his name. The Planning and Zoning Commission further finds that by definition a home business shall be within a residential building or accessory structure for gain or support by residents of the dwelling.
7. A home business by definition is accessory to the primary use, which is a residential dwelling. The existing dwelling size is approximately 1,217 square feet. The Planning and Zoning Commission finds that defining a spatial limitation for this

business in the existing dwelling is an important element of the *Code* and the application contents did not address the square footage proposed for this use.

Councilor Harriman seconded the motion.

Roll Call Yes: Jim, Bob, Diane, Delaney, Ellen, Harvey
Roll Call No:
Abstain:
So Carried

IV. LAND DEVELOPMENT CODE MODULE 2.

Director Westbay introduced the discussion by stating that in his opinion, *Title 14 Technical Codes* is most germane to *Article 4, General Development Standards*. Consequently, he developed a new chapter: *Title 14 Streets, Driveways Sidewalk Design and Construction Standards*. He stated that *Stormwater Standards* and *Grading Standards* should also be put into a separate technical code section. He also stated that the *Parking Standards* in the draft *LDC* are similar to what are currently in place. Director Westbay asked for comments, and suggested that the Commission go through the *Streets and Driveways* section for the meeting's discussion.

Discussion topics included:

- Organization of the document and whether design standards should reference technical codes or whether the codes should be stated in the articles. Chair Lothamer opined that it would not be as user friendly to reference technical codes and would cause applicants to have to “jump around” the document to find references. Commissioner Harriman stated that he felt that Director Westbay's organization of the material was easier to work with. After more discussion Director Westbay said he would reformat the information into Module 2.
- Streets – staff made note of language corrections and discussed some issues that were identified:
 - Sub-local streets
 - widths – pros/cons of narrower streets
 - bicycle lanes
 - connection with grids
 - utility and right-of-way width for offset sidewalks
 - Lane Separations
 - Private Streets
 - should be discouraged
 - Cul-de-sacs
 - Vertical Alignment
 - Horizontal alignment
 - Curb and Gutter
 - conflicts with page 1
 - cross reference to drainage standards
 - Street Dedications

- staff will rewrite #1
- delete #3
- Part Width streets
 - staff will rewrite to make more clear
- Additional rights of way
 - add criteria
- Roadside delineators
 - add criteria
 - will be part of subdivision improvements agreement

At the next meeting discussion items will include sidewalks, pedestrian connections and trails as well as hill slope development, stormwater, and drainage.

Chair Lothamer suggested that Director Westbay consult the City Attorney about the suggested language that “All new subdivisions and site specific development plans shall be required [emphasis added] to dedicate and install trails where trail alignments, as depicted in the *City of Gunnison Trails Master Plan*, front on the subject real property boundary.”

Richard Karas, member of the audience, suggested that language regarding mixed use pedestrian/bicycle trails from the *Large Retail Development Design Standards* be incorporated into the new *LDC* language.

MOTION TO EXCUSE COMMISSIONER FROEHLICH.

Councilor Seitz moved to excuse Commissioner Froehlich. Commissioner Harriman seconded the motion.

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

Roll Call No:

Abstain:

Motion Carried

CONSIDERATION OF THE AUGUST 13, 2008 MEETING MINUTES. Commissioner Seitz moved to approve the July 23, 2008 meeting minutes as corrected. Commissioner Beda seconded the motion.

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

Roll Call No:

Roll Call Abstain:

UNSCHEDULED CITIZENS - none

COUNCIL UPDATE

Councilor Ellen Harriman updated the Commission on the City Council meeting of August 26, 2008. The Council:

- voted to restripe the bicycle lanes on New York;
- signed a License Agreement for the House of China;

- signed a Law Enforcement Assistance Grant;
- heard the Second Quarter Financial Report;
- voted to accept the Insurance Reserve Fund into the General Fund;
- signed the License Agreement with the County and Library Board for the trails easement, pending approval by the Community Foundation of the Gunnison Valley, (who is the overseer of the VanTuyl gift to the County);
- heard the City Manager's report;
 - there is a vacancy in the City Clerk's office for a Municipal Court Clerk / Secretary II;
 - there were slightly fewer cars registered at the car show but it was a successful event;
 - the ice facility is on schedule and on budget;
 - there will be tours of the aquatics facility next month;
 - the City's radio equipment has been moved to one location on W Mountain;
 - the City Council budget session will be on September 16th; and
 - the Gunnison Valley Energy summit will be held on September 10th and 11th.

COMMISSIONER COMMENTS

- The Commissioners discussed requiring applicants to appear before the Commission when an application is being considered and how difficult it is to enforce;
- The Commissioners asked about the status of Gunnison Rising. Director Westbay stated that the City Council is in the negotiating stage.

PLANNING STAFF UPDATE

Director Westbay and Planner Ruggera provided updates from the Community Development Department:

- Planning and Zoning Commission meetings in September will be on the 10th and 17th. On the 17th the meeting will begin at 6:00 and will be a field trip to the VanTuyl Ranch. Commissioners should meet at City Hall and travel to the site in a City van. There will be no meeting on the 24th;
- staff is working on the VanTuyl annexation document, which should be ready for review in 6 weeks or so and in the meantime, staff will do public outreach to get community input on appropriate uses for the ranch;
- an application for a street/alley vacation will be on the agenda for September 10th;
- staff will continue working on the *Land Development Code*;
- staff has been working on the budget;
- staff has been working with the County to form an agreement to move City-owned sculptures to the Blackstock Government Center. The reason is to locate the sculptures in a central location for ease of viewing and security reasons;
- a Conditional Use application for a bed and breakfast will be on the agenda in November.

ADJOURN

Chair Lothamer closed the meeting at approximately 9:07 p.m.

Diane Lothamer, Chair

Attest:

Pam Cunningham, Secretary