

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
JIM SEITZ	X		
BOB BEDA	X		
HARVEY HARRIMAN	X		
DELANEY KEATING			X (left at 7:32)
MARTIN FROEHLICH	X		
COUNCILMEMBER ELLEN HARRIMAN			X

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, PLANNING TECHNICIAN PAM CUNNINGHAM, BRAD COFFEY AND MISSOURI ANN DONNELL.

I. CALL TO ORDER AT 7:02 BY CHAIR DIANE LOTHAMER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. PUBLIC HEARING AND POSSIBLE ACTION, VACATION APPLICATION – VF 08-1 SUBMITTED BY BRAD COFFY TO VACATE THE NORTH/SOUTH ALLEY, BLOCK 2, ISLAND ADDITION, ADJACENT TO 1709, 1795 AND 1800 WEST TOMICHI FOR A UTILITY EASEMENT.

Chair Lothamer called the public meeting to order at 7:03.

Proof of publication was shown for the record.

Planner Ruggera reviewed the process for a vacation application and stated that the applicant is requesting to vacate the north/south alley in Block 2, Island Addition. The alley adjoins three properties belonging to the applicants, David Donnell and Gary Powers.

Mr. Coffey explained that the alley in question has been platted but has never existed. He explained that when Powers built his house the alley was used as an easement for utilities. The alley is surrounded by private property on three sides. The adjoining property owners and Mr. Coffey would like to move the fences and split up the property.

Chair Lothamer asked if the alley is used for access. Mr. Coffey stated that there is a private easement on the west side of 1795 W. Tomichi (Mr. Powers’ property).

Commissioner Beda asked if the Commission had considered a request to vacate this alley before. Director Westbay stated that it had. The issue before was with gaining an easement from a prior property owner for 1795 W. Tomichi. That easement has since been granted.

Commissioner Froehlich asked the applicant to explain the fencing. Mr. Coffey explained that there is existing fencing on the property lines, creating a “no man’s land” where the “alley” exists between the fences. He explained that if the alley is vacated the property

owners want to move the fence to the middle of the alley so there is no dispute about who maintains the property.

Commissioner Froehlich asked Director Westbay if it is allowable to have a fence on the alley [because of the underground utilities.] Director Westbay stated that it is standard practice. He further explained that the most logical element is that it [removing the “no man’s land”] gives a definition of maintenance [because the property owners would maintain the property on their side of the fence].

Commissioner Froehlich asked about maintenance of the utilities [and how to deal with the fence]. Director Westbay stated that Public Works crews deal with that issue periodically. They take the fence down and put it back up.

Mr. Coffey explained that all of the utilities in the alley are taps; that there is no main extension. He further explained that within the 20 foot alley the sewer is on one side and the gas and electric are on the other, so the fence could run down the middle between them.

Commissioner Beda asked if an agreement would be needed with the utility owners since all of the service lines are private. Director Westbay stated that the agreement would be established with a quit claim deed. Commissioner Beda asked if the property owners would need liability coverage. Director Westbay explained there is not a liability issue because it is an easement. He stated that the City Attorney did not raise the issue and that if someone is injured in some way by a utility it would be a civil issue.

Commissioner Beda observed that vacating the alley would preclude Coffey from subdividing. Director Westbay stated that if Mr. Coffey proposed a subdivision he would have to provide adequate frontage. He further explained that in the 1980’s there were many vacations in the area that created problems. Commissioner Seitz stated that the Commission can’t make the same mistake again (as in the 1980’s). He further stated that the Commission has been advised to take care in vacating because of pedestrian corridors and trails. However, there seems to be no possible future connections to this easement.

PUBLIC COMMENT. Missouri Ann Donnell addressed the Commission. She stated that her father is the property owner of 1800 W. Tomichi and that he is in favor of the vacation.

STAFF COMMENT: Director Westbay explained that this is a unique situation. In most cases staff is reluctant to support vacation of alleys. In the “Staff Comments” on the Staff Report there is a conflict in staff views. The Public Works Director is opposed, as is the City Manager. In that context, Community Development staff is relying on the attorney’s opinion and intuition to recommend approval. The attorney agrees with CD Staff support and the logic that the alley goes nowhere, so it is valid [to recommend vacation].

Chair Lothamer asked [if opposition] is mainly about the trail. Director Westbay stated that it is not, as the alley is landlocked.

Commissioner Froehlich asked about the proposed future use of 1415 W. Tomichi. Director Westbay stated that at this time it is a PUD, based on a site-specific development plan that includes cabins, RV spaces, tennis courts, and a restaurant.

Commissioner Seitz observed that this is déjà vu of previous discussions. He opined that Council could pass something to prohibit further vacations, but feels that it would be a mistake in situations like this; that the reasonableness of something not happening [in the future] outweighs what could happen down the road. The alley is a no man's land and no one takes care of it; vacating it would clean up that part of the neighborhood.

Discussion followed about possible reasons for objections from other City staff.

Chair Lothamer closed the public hearing at 7:31.

ACTION

During the regular Planning and Zoning Commission meeting held on September 10, 2008, Commissioner Harriman moved to recommend to City Council to APPROVE Vacation Application VF 08-1 submitted by Brad and Cheryl Coffey based on the following findings of fact and condition:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this application includes the application contents, staff reports, applicable provisions of the City *Master Plan* and *Land Development Code*, and comments made during the public hearing held for this application.
2. The Planning and Zoning Commission finds that private utilities are located within the alley and an easement will be required for utility maintenance to the three adjoining properties.
3. The Planning and Zoning Commission finds that the alley is unimproved and is not used to access any properties.
4. Weeds are growing in the alley and neighbors at this point do not maintain this area. The Planning and Zoning Commission finds that the vacation of this alley will eliminate the City's landscape maintenance needs and the visual appeal of this neighborhood will be improved.
5. The Planning and Zoning Commission finds that the alley terminates at private property and is adjoined by three parcels.
6. The Planning and Zoning Commission finds that a slim possibility exists for the development of the Gunnison River Corridor Trail at this location.

7. The Planning and Zoning Commission finds that the City Attorney did not object to the alley vacation request.
8. The Planning and Zoning Commission finds that the review standards for vacation applications have been met based on the following condition:

Condition:

1. The north/south alley shall be utilized as a utility easement for maintenance of service lines to adjoining properties.

Commissioner Bob Beda seconded the motion.

Roll Call Yes: Jim, Diane, Delaney, Martin, Bob, Harvey
Roll Call No: None
Motion Carried

Commissioner Keating asked to be excused to attend another function.

IV. CONTINUED DISCUSSION OF THE *LAND DEVELOPMENT CODE* MODULE 2.

Director Westbay explained that he had made changes to the Road Construction Standards based on the last discussion.

Discussion followed on the following topics:

- 4.1.2 Streets
 - N. Partial width street - an example would be between the boundary of a development and undeveloped property;
 - Q. Designated Mountain Roads - when the average grade exceeds 8%;
 - In the future the Commission should return to this discussion to decide if roads should be allowed over 8% or if standards should be developed at some future point in time when it becomes necessary.
 - L. Curb and Gutter - would be tied to stormwater management criteria.
 - staff made note of corrected language;
 - discussion of LIDs, ground freezing and storm events;

- 4.2 General Site Access.
 - Table 4.2.B.e.
 - change R-2M to RMU;
 - staff will rework the curb cut conflicts;
 - discussion of curb cuts and R3;
 - staff may need to include geographic elements (i.e., Main and Tomichi) in the explanations;
 - off street parking.
 - The effect that narrowing the street right-of-way, while maintaining the grid pattern, will have on the number of units allowed per acre, since the lots will be larger.
 - wide paved streets are necessary for bike lanes.
 - C. Shared Driveways
 - E. Property Lines
 - Should read: “Driveways and sidewalks shall be set back at least three (3) feet from an adjacent property line.”
 - G. Driveway Opening Requirements
 - correct number conflicts in 1 and 2.
 - H. Driveway spacing
 - the language “to the maximum extent feasible” should be deleted and an “Exceptions” section added;
 - language to get developers to use collector roads should be added [rather than curb cuts onto arterial streets];
 - staff will look at CDOT standards.
 - I.1.a. Driveway Design Requirements
 - Is there too much detail? Should Construction Standards be referenced instead?
 - a. should read “All driveways serving four (4) or more **required** parking spaces,…”
 - I.2. Geometric Design Requirements
 - discussion regarding Fire Department access;
 - d. delete “to the maximum extent feasible.”
 - I.3. Other driveway construction standards
 - e. delete in entirety;
 - g. would require that the entire sidewalk be 6 inches at the time of development since the location of curb cuts wouldn’t be known;
 - k. double check reference to *Larimer County Road Standards*;
 - m. is there too much construction detail? Staff will re-work and perhaps tabulate the information.
 - I.4. Intersection and driveway visibility.
 - punctuation was corrected;
 - staff will double check the setbacks and correct the diagram.

Director Westbay will rewrite the *Grading Standards* and *Stormwater Control Standards* for the first meeting in October.

V. CONSIDERATION OF THE AUGUST 27, 2008 MEETING MINUTES.

Commissioner Seitz moved to approve the August 27, 2008 meeting minutes as presented. Commissioner Harriman seconded the motion.

Roll Call Yes: Bob, Diane, Harvey, Jim
Roll Call No:
Roll Call Abstain: Martin
Motion passed by majority.

VI. MOTION TO EXCUSE COUNCILOR HARRIMAN AND COMMISSIONER KEATING. Councilor Beda moved to excuse Councilor Harriman and Commissioner Keating. Commissioner Seitz seconded the motion.

Roll Call Yes: Harvey, Diane, Martin, Jim, Bob
Roll Call No:
Abstain:
Motion Carried

VII. UNSCHEDULED CITIZENS. There were no unscheduled citizens.

VIII. COUNCIL UPDATE

Councilor Ellen Harriman was attending the Gunnison Valley Energy Summit and not present. Director Westbay updated the Commission on the September 9th City Council Meeting and other recent business:

- two Council members, City staff and the Gunnison Rising applicants met with representatives of the college on Monday to discuss the Georgia Street extension;
- the Arts Council gave an annual update and talked about their continuing grant;
- Council signed an Intergovernmental Agreement with the County to establish a Sculpture Park;
- Council approved a supplemental reimbursement agreement for water quality and quantity evaluation for the Gunnison Rising annexation site domestic water;
- there will be a ribbon cutting for the VanTuyl Ranch Trail on September 16th at 8:00 a.m.;
- the Budget Retreat will be next week; and,
- the branding fence from the IOOF Park will be moved to the Pioneer Museum.

IX. COMMISSIONER COMMENTS. There were no comments.

X. PLANNING STAFF UPDATE

Director Westbay provided updates from the Community Development Department:

- Management Staff held a budget retreat and they will be taking a balanced budget to Council, although it was difficult to arrive at;
- GOCO staff has recommended funding of the Bridge to Bridge project to the GOCO Board, so funding is looking favorable; and,
- the Floodplain Manager's Conference in Crested Butte this week has been beneficial for he and the Building Official to attend.

Planner Ruggera advised that two Conditional Uses will be on the October 8th agenda. One is for a home business and one is to build a new structure at the site of RA's Garage on West Tomichi.

The meeting next week will be a site visit to VanTuyl Ranch. Meet at City Hall at 6:00.

XI. ADJOURN

Chair Lothamer closed the meeting at approximately 9:28 p.m.

Diane Lothamer, Chair

Attest:

Pam Cunningham, Secretary