

| <b>MEMBERS</b>               | <b>PRESENT</b> | <b>ABSENT</b> | <b>EXCUSED</b> |
|------------------------------|----------------|---------------|----------------|
| 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, GREG WINSLOW, NAVID NAVIDI, PAUL GERY, DEBRA NAVIDI, ELIZABETH FOLKERTH, GIFFORD JAUREGUI.

**I. CALL TO ORDER AT 7:00 BY CHAIR DIANE LOTHAMER**

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

**III. PUBLIC HEARING AND POSSIBLE ACTION, CONDITIONAL USE APPLICATION – CU 08-6 SUBMITTED BY GREG WINSLOW FOR A HOME BUSINESS IN THE R2 ZONE DISTRICT.**

Chair Lothamer called the public meeting to order at 7:02.

Proof of publication was shown for the record.

Planner Ruggera reviewed the process for a conditional use application and explained that the applicant, Greg Winslow, is requesting to operate his West Elk Windshield business at 322 North Iowa Street. The legal description of the site is Lots 1 through 4, Block 3, Original Gunnison, City and County of Gunnison. The property belongs to Ms. Betsy Folkerth and an authorization of agent form for Greg Winslow has been submitted. The site is located on the corner of Iowa and Ohio with access to the existing single family home off Ohio Avenue. The applicant is requesting to build a garage in the southeast portion of the property with approximately one half of the structure for the operation of a home business.

Mr. Winslow explained that he has formerly worked out of his vehicle, then rented a shop at 513 S. Main. He stated that he now lives in town and would like to build a garage and operate his business out of it. He read his letter to the Commission. He stated that the garage would be an enhancement to the neighborhood and that he would like a permanent structure rather than a weather port. He stated that the exterior of the new structure would match the house. He explained that the business is conducted inside and there would be no outside storage.

When asked about deliveries, he responded that he generally receives a truck delivery once a week. He said that he works on 12 to 15 cars per week on average, although some weeks he works on fewer cars. He explained that he conducts his business in Gunnison generally on

Mondays, Wednesdays, and Fridays and in Crested Butte on Tuesdays and Thursdays, although this can vary. He said he has been a one-man business for 17 years and the business will not grow. He stated that the in-home business will be a benefit to him, as business owner, but that the garage is also upgrading the back alley neighborhood.

The Commissioners asked several questions:

Chair Lothamer asked if Mr. Winslow's business requires the use of power tools. The applicant responded that it does, but he uses power tools only about 10 to 15 times per year, and then for only 3 to 10 minutes. He said that most of his work is done by hand and that there are not a lot of power tool options.

Commissioner Froehlich asked about signage. The applicant stated he is not interested in having signage.

Commissioner Beda asked what types of trucks make deliveries. Mr. Winslow responded that RAC Transport makes the deliveries; sometimes in a small truck and sometimes in a semi.

Commissioner Harriman asked Mr. Winslow if he lives on the property. Mr. Winslow responded that he does and that Ms. Folkerth, the property owner and his domestic partner, has given him permission to build the garage as an asset to the home.

Commissioner Froehlich asked if the garage will have plumbing. Mr. Winslow stated that it will not have plumbing, but will have electricity, he is not sure whether he will have natural gas hooked up.

PUBLIC COMMENT. Paul Gery addressed the Commission, stating that he is Mr. Winslow's neighbor to the south. He stated that anything that Mr. Winslow and Ms. Folkerth do would be fine with him, as they are very concerned with the appearance of the property.

STAFF COMMENT: Planner Ruggera stated that the surrounding use is single and multi-family to the north, single family to the east and west, and single family and government to the south. She explained that four off-street parking spaces are required, which has been met, as have the dimensional standards. She stated that there are four issues: noise, traffic, signage and storage. The garage mass must be smaller than the residence, and storage must be inside. If noise, traffic or storage become a nuisance for the neighborhood the applicant will be required to come back before the Commission.

Commissioner Beda suggested that Finding #4 should be changed to read, "The Planning and Zoning Commission finds that a total of five to ten vehicles *may* be worked on in one week or one to two vehicles per day."

Chair Lothamer closed the public hearing at 7:21.

## ACTION

During the regular Planning and Zoning Commission meeting held on October 8, 2008 Commissioner Harriman move that the Commission vote to APPROVE Conditional Use Application CU 08-6, submitted by Greg Winslow for a home business operation of West Elk Windshields, based on the following findings of fact 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; 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-2 zone district.
3. The Planning and Zoning Commission finds that the proposed home business of West Elk Windshields is compatible with the neighborhood uses.
4. The Planning and Zoning Commission finds that a total of five to ten vehicles may be worked on in one week or one to two vehicles per day.
5. The Planning and Zoning Commission finds that the new garage, which is proposed to be 1,470 square feet, is accessory in form and should not be enlarged.
6. The Planning and Zoning Commission finds that snow removal in alleys is a lesser priority than streets.
7. The business must be conducted in a manner that is not disruptive to the surrounding neighborhood uses. The Planning and Zoning Commission finds that noise levels must be minimal, outside storage must be prohibited and traffic levels must be insignificant to mitigate possible nuisances.
8. 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. The home business shall be operated entirely within the garage structure.
2. No more than two client vehicles shall be on the site at any time.
3. The garage shall not be larger than 1470 square feet unless this conditional use permit is amended.

Nuisances to the neighborhood including, but not limited to, noise, traffic, and outside storage shall not be tolerated. If such issues arise this Conditional Use Permit shall be subject to additional review by the Planning and Zoning Commission.

Commissioner Beda seconded the motion.

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

**IV. PUBLIC HEARING AND POSSIBLE ACTION, CONDITIONAL USE APPLICATION – CU 08-7 SUBMITTED BY NAVID NAVIDI FOR A TOWING BUSINESS IN THE COMMERCIAL ZONE DISTRICT.**

Chair Lothamer called the public meeting to order at 7:23.

Proof of publication was shown for the record.

Planner Ruggera reviewed the process for a conditional use application and stated that the applicant is Navid Navidi who owns H&H Towing. Mr. Navidi owns the parcel located at 702 West Tomichi Avenue that is within the Commercial zone and the Entrance Overlay zone. The applicant proposes to demolish the existing structure and build a 4,800 square foot facility that includes five bays and an office. The new facility would be for the storage of all H&H towing trucks.

The applicant, Mr. Navidi, stated that “there are a couple of the conditions I can’t live with.” Those conditions are related to parking and repairs. He stated that the new building will be a nice building and that the current building was used for auto repair for several years and was unsightly. Mr. Navidi said he will not store junk or towed vehicles. He stated that storage will be at his other business location, 901 W. New York. He said that the only thing that will be at the subject site will be tow trucks, which will usually be inside, especially at night. He said during the day the tow trucks will be outside, on his property, not on the streets. He further stated that vehicles being worked on will be inside.

Chair Lothamer asked which side of the new building the overhead doors would be on. Mr. Navidi stated that access to the garage will be off of 12<sup>th</sup> Street and off of Tomichi for customers. He said he won’t be using the alley for the trucks.

Chair Lothamer stated that the property is in the Entrance Overlay Zone, which requires extra landscaping in front and no entrance off Tomichi. Mr. Navidi stated that there is currently an entrance off of Tomichi. Chair Lothamer explained that the access will have to change.

Commissioner Froehlich observed that it would be a good place for trees and landscaping. He expressed concern about the residential units behind the property and asked if there will be a provision about hours of operation. Director Westbay replied that such a provision can be added. He also stated that the proposed business is not a use by right in the Commercial

zone and that is the reason for the condition that the applicant must come back before the Commission with a specific site plan to be approved at a regular meeting prior to issuance of a building permit.

Commissioner Harriman observed that Mr. Navidi's public statement indicates he will do repair work at the location but the application doesn't indicate that. Mr. Navidi responded that the application states he would house the operation of H&H Towing at the site.

Director Westbay stated the reason for the condition that no mechanical work can be conducted on the site is that it was the understanding of staff that equipment would be stored inside the facility. Staff previously made the same recommendation for a similar business (Triple Cross Towing). He further explained that staff was under the impression that the towing rigs would be inside the garage. Commissioner Froehlich asked if this could be mitigated by a fence. Director Westbay said that is something the Commission could consider.

Commissioner Beda asked why the trucks cannot be parked on the applicant's property. He observed that the issue on the other property alluded to by Director Westbay, was that the tow trucks could not be parked on the street.

Chair Lothamer asked Mr. Navidi how many tow trucks he has. He replied that he has six and passed around a picture of five of his trucks. He stated he is not ashamed of his trucks and does not want to fence them in because he wants to use them as advertising. He stated that his competitor has a truck parked on Tomichi Avenue seven days a week, towed cars stored on the street, and does repairs in the alley. He stated that his competitor is no longer living at that site.

Commissioner Beda observed that NAPA has their shop trucks parked in their lot, as does Time Warner Cable, Bill and Monty's, and others. He asked if those businesses are in the Commercial zone and Director Westbay replied that they are, and that they are conditional uses.

Director Westbay said that the staff recommendation can be revised to include provisions for parking, which must be included in the site-specific development plan. Eleven spaces will be required and the plan must identify where they are to be located.

Chair Lothamer stated that her main concern is that junk vehicles not be stored on site. Mr. Navidi replied that he will lease the West New York building to RTA and the junk vehicles will be stored outside at that location. He said that he will move into the existing structure on West Tomichi on November 1<sup>st</sup> and will use it until next May. Between November 1<sup>st</sup> and May, four rigs will be parked outside.

Chair Lothamer asked for public comment.

**PUBLIC COMMENT:** Gifford Jauregui addressed the Commission. He stated that he is Mr. Navidi's competitor (he owns Triple Cross Towing). He stated that, although it will be

competition for him, he thinks the Commission should let Mr. Navidi operate his business at the West Tomichi site. He said that Mr. Navidi has nice trucks and that his business would look better than what is currently on the site. He said that Mr. Navidi takes pride in what he does. He stated when he (Mr. Jauregui) was before the Commission, the conditions were hard and that trying to operate with those conditions almost put him out of business. He opined that Mr. Navidi would take good care of the property and would be a positive addition to the community.

STAFF COMMENTS:

Director Westbay stated that this operation is a conditional use because of the character of the operation. The Industrial zone permits this type of use by right. He said that the Highway Corridor and Entrance Overlay zone are for the betterment of the community and that is the reason for the conditions. Also, the site plan was not adequate in content to help staff get a grasp on how the site will work. As currently proposed, the size, landscaping, and aisle width don't meet the standards.

Chair Lothamer expressed concern about eleven off-street parking spaces and that, during the transition period, inoperable vehicles should not be stored on the site. Mr. Navidi assured her they won't be.

Commissioner Harriman stated that he would like to see a site plan with better information and that the parking issues must be resolved, as well as the issue about repairs being conducted on site. He said that the application is ambiguous and recommended the public hearing be continued until the questions are answered.

Chair Lothamer observed that the applicant says he is moving into the existing building on November 1<sup>st</sup> and that the conditional use being considered is for something that will occur later, rather than what will occur on November 1<sup>st</sup>. Director Westbay stated that parameters could be put in place for when the new building is built and to address the temporal element.

Commissioner Harriman stated that he still recommends the public hearing be continued. He suggested that staff provide the applicant with models of site plans.

Mr. Navidi stated that the property used to be an auto repair shop and he purchased it for that reason. He said that it used to be unsightly, but it won't look that way in the future. He said that currently the property is being used as an office and used cars are being sold from there.

Director Westbay responded that it was an existing non-conforming use before, but that when a business is closed for a year, the grandfather clause goes away [necessitating the conditional use application]. He stated that the one-year vacancy of the property negates the historical element of prior use.

Commissioner Beda cited all of the repair shops along the entrance to town and observed that the majority are in the Commercial zone. Director Westbay replied that the *Code* says they are non-conforming.

Commissioner Harriman recommended that staff sit down with the applicant and give him examples and names of people that can help. The application and site plan need work and the Commissioners cannot tell what the applicant is planning to do.

The applicant responded “If there is no enforcement, what is the use in talking about this? What about Triple Cross Towing [parking trucks on the street, repairing cars in the alley and parking cars on the street]?” Director Westbay replied that the vehicle used by Triple Cross is not a PUC vehicle, it is privately owned and it doesn’t have signage. Discussion related to Triple Cross Towing followed.

Chair Lothamer observed that something must be in place prior to the November 1<sup>st</sup> move to the existing building and agreed that the Commission should defer action.

Director Westbay asked the Commission for guidance related to commercial vehicles being parked on the site, specifically how many, and whether they can be parked on the frontage on private property.

Commissioner Beda asked where the tow trucks will be parked while the existing building is being used. Mr. Navidi stated that some will be in the back and some in the front. He said there is plenty of room for parking now, because the larger building isn’t there.

Commissioner Beda said that the Commission should allow the use temporarily until the other building is built. Director Westbay responded that it is still necessary to be sure that standards and setbacks are met. He said there must be an interim site plan for parking, use, and hours of operation.

Chair Lothamer stated that there is obviously a misunderstanding about repairs being done on site and that the Commission needs clarification. She said she would like to continue the hearing until October 22<sup>nd</sup>.

#### **ACTION**

During the regular Planning and Zoning Commission meeting held on October 8, 2008 Commissioner Harriman moved to CONTINUE the public hearing for Conditional Use Application CU 08-7. Commissioner Froehlich seconded the motion.

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

#### **V. PROPOSED GUNNISON RISING PUD**

Director Westbay explained the background and the process:

Staff and the City Council asked the applicants for a zoning plan and application. The applicants were told that once the documents were received, staff would provide comments

to the applicants, ask Winston Associates to review the comments, and forward them to the Planning and Zoning Commission for review. He explained that it is unusual for the Commission to be talking about zoning, but because this is an annexation, it is legislative in content, so the Commission may provide comments.

He said that the majority of the PUD Code is based on the existing *Land Development Code (LDC)*. As the Commissioners are aware, there are issues in refining the *LDC*. The applicants are aware there will be changes to the *LDC*.

Chair Lothamer observed that if the PUD is based on the existing *Code* and the *LDC* is changed, staff will have to work with Gunnison Rising under the old code.

Commissioner Harriman asked why the Commission is looking at this now, when the applicants haven't proven their eligibility. He opined that this is Council's job, and that once the annexation is put together, then the Commission would have purview. Director Westbay stated that he is just asking the Commission for input.

Chair Lothamer stated that the Commission should refer the applicants to their master plan and the high quality development they proposed. The PUD Code does not contain any information about how that high quality development will be achieved.

Director Westbay gave a brief overview of the comments that he provided on each chapter.

- Chapter 1 – contains little relevance and no code-specific provisions;
- Chapter 2 – sets up residential and floor area caps; there is no provision to make sure the distribution of land use is guided in the future through phasing; the minimum number of dwelling units must be identified;
- Chapter 3 – the number of conditional uses is a concern, as well as hillside development;
- Chapter 4 – basically identical to existing code;
- Chapter 5 – concerns are related to the airport zone and uses on the I-Bar ranch;
- Chapter 6 – uses are contrary to what is permitted in the commercial area;
- Chapter 7 – definitions are missing;
- Chapter 9 – question the types of uses; the Commission was lead to believe this was to be a business park, not industrial; and,
- Chapter 16 – proposes 174,000 square feet of commercial mixed zone (anything over 50,000 would fall under the big box standards).

Director Westbay asked the Commission for input either as individuals or, through discussion at a future meeting if there is anything they would like to address in addition to the comments he has provided.

Chair Lothamer asked that Director Westbay draft a letter from the Planning and Zoning Commission about the "big picture" for the annexation. She said that each of the zones must have options that are enforceable.

**VI. MOTION TO EXCUSE COMMISSIONERS KEATING AND SEITZ.**

Commissioner Harriman moved to excuse Commissioners Keating and Seitz. Councilor Harriman seconded the motion.

Roll Call Yes: Bob, Diane, Martin, Ellen, Harvey

Roll Call No:

Abstain:

Motion Carried

**VII. CONSIDERATION OF THE SEPTEMBER 10, 2008 MEETING MINUTES.**

Review of the September 10, 2008 meetings was deferred until the next meeting.

**VIII. UNSCHEDULED CITIZENS.** There were no unscheduled citizens.

**IX. COUNCIL UPDATE**

Councilor Ellen Harriman updated the Commission on the October 7<sup>th</sup> City Council Meeting and other recent business. The Council discussed:

- the budget, especially contracts for service and grants;
- how to help the Food Pantry in an appropriate way (probably in-kind);
- employee compensation;
- amending the agreement with MEAN to participate in wind power and coal to avoid purchasing energy in the open market at higher rate;
- the franchise name for Time Warner;
- the alley vacation for Brad Coffey;
- low head hydro (probably isn't feasible, but that line item will be left in the budget and may be used for a feasibility study for other alternative energy);
- the possibility of an automated trash collection system; and,
- RTA renewal.

The Council heard that:

- the pool is moving forward, a bit behind schedule;
- the ice rink is on schedule;
- the GOCO BRIDGE TO BRIDGE Trails Grant was awarded;
- phone interviews have been conducted for the Housing Coordinator and an RFP has gone out for a needs assessment; and,
- the VanTuyl ranch house will be advertised to the public for lease.

**X. COMMISSIONER COMMENTS.** There were no comments.

**XI. PLANNING STAFF UPDATE**

Director Westbay provided updates from the Community Development Department:

- City staff have been moving sculptures to the Blackstock Government site;
- RFPs will go out for the trails engineering and surveying;
- City staff met with the County on the MOU for trail easements;
- staff is working on the next phase of preparation for the census, which is census blocks; and,

- staff continues to work on the *Land Development Code* and the VanTuyl Ranch annexation.

Planner Ruggera advised that a Three-Mile review for the County's Industrial Park on Gold Basin Road will be on the next agenda.

## **XII. ADJOURN**

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

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Diane Lothamer, Chair

Attest:

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Pam Cunningham, Secretary