

<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, AMY STEVENS, ARDEN ANDERSON, KATHY NORRIS, LYNN HAVEL, PAUL ELAM, DORENE ELAM, CINDY VIEHMAN.

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

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

**III. PUBLIC HEARING AND POSSIBLE ACTION: CONDITIONAL USE APPLICATION CU 08-5, SUBMITTED BY AMY STEVENS FOR A BED AND BREAKFAST AT 221 N. BOULEVARD IN THE R2M ZONE.**

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

Proof of publication was shown for the record.

Planner Ruggera reviewed the process for a conditional use application and explained that the applicant, Amy Stevens, is requesting to operate a Bed and Breakfast Inn at 221 North Boulevard Street which is located in the R-2M (Duplex/Multifamily Residential) district zone. The legal description of the site is Lots 20 through 22, Block 11, West Gunnison Amended, City and County of Gunnison. The request is to operate a three-room Bed and Breakfast out of the existing four bedroom dwelling.

Four letters from the public were entered into the public record.

Planner Ruggera outlined the potential code conflicts.

The Applicant, Amy Stevens addressed the Commission and stated that many of the grievances of neighbors are the same issues she currently deals with [with her tenants]. She explained that the intent of her proposal is to benefit her family's investment as well as the community by changing the use to that of a short term rental. She indicated that she will be living at the house permanently and that if she is away her mother will be there. Guests will be required to read and sign the house rules. The rules will include evening and morning quiet time and each visitor will

have a designated parking space that will be well marked. She further stated that she hopes the neighbors will approach her if there are issues and that she will concede to their concerns.

## PUBLIC COMMENTS

Paul Elam - 225 N. Boulevard. Mr. Elam stated that the proposal is a good idea and that it will be good for the neighborhood in the respect that it will get rid of some existing problems, such as parking and noise.

Arden Anderson – 608 W. Virginia. Mr. Anderson agreed that the proposed change might be beneficial. He did express concern that “upscale clientele” may not be attracted to the property and that it could turn into a youth hostel for lower income folks. If that were the case, the clients might not be as restrained and responsible as if it were a bed and breakfast. If the business attracts that kind of clientele, it will take more attention and assurance to avoid problems. He asked how enforcement of the conditions would be handled. Director Westbay responded that the general procedure is that if a complaint is received he responds. He explained that under Condition #5, if there are complaints about nuisances the conditional use permit would come back before Commission for further review.

Cindy Viehman - 602 W. Virginia. Ms. Viehman reiterated concerns with parking. She stated that her biggest concern is how the Conditions will be enforced and that she would like to see a protocol so that the neighbors don't have to complain in order to get action. She stated that the proposed project would improve the neighborhood *if* Ms. Stevens improves the property and clientele. However, she asked how neighbors can get immediate action instead of procedural action [by going before the Planning and Zoning Commission]. Director Westbay responded that the Commission has revisited Conditional Use permits when issues have arisen and that he is charged with code enforcement and will do so if necessary.

## COMMISSIONER COMMENTS

Commissioner Seitz observed that the parking area in the alley is congested and that when it snows it will make maneuvering into the parking spaces more difficult. Discussion about the possible parking configuration followed.

Commissioner Seitz express concern with Finding #4 which states “the **owner** shall reside at the bed and breakfast inn,” which conflicts with the code definition of a bed and breakfast inn which reads “a private home containing no more than nine lodging units that provides short-term lodging for a charge to the public, generally for periods of less than one month, having an **owner or manager** residing on the site, in which no more than two daily family-style meals are provided, to guests of the inn only.”

Councilor Harriman inquired whether a commercial kitchen would be required by the State. Planner Ruggera responded that a change of use permit will be required which will involve meeting all building codes and Department of Public Health codes. She also introduced a new

Finding and Condition stating that the bed and breakfast must meet standards of the Colorado Department of Public Health and Environment.

Commissioner Harriman suggested modifications to Condition #5 (which will become #7) to read: "Nuisances to the neighborhood including, but not limited to, noise, traffic, and on-street parking shall not be tolerated. If at any time the operation of the facility is found to be in violation of the *City Code* or conditions regarding bed and breakfast businesses, then this conditional use permit shall be deemed null and void."

Dorene Elam asked where snow from the applicant's parking area will be stored. Commissioner Seitz stated that a snow storage area should be added to the site plan.

Commissioner Seitz reiterated that he is uncomfortable with the wording of a Condition that is contrary with the *Code*. Discussion followed. Chair Lothamer suggested changing Finding #6 and Condition #4 to read "the owner or manager shall reside..."

Chair Lothamer closed the public hearing at 8:03 p.m.

## STAFF COMMENTS

Director Westbay reviewed the changes and additions to the Findings of Facts and Conditions.

## ACTION

During the regular Planning and Zoning Commission meeting held on November 12, 2008 Commissioner Harvey Harriman moved, and Commissioner Delaney Keating seconded, and the Commission voted to APPROVE Conditional Use Application CU 08-5, submitted by Amy Stevens for a bed and breakfast inn at 221 North Boulevard Street, 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 three-room bed and breakfast inn in the R-2M district zone.
3. The Planning and Zoning Commission finds that a bed and breakfast inn provides short-term lodging and that the request is not for a boarding or rooming house which provides long-term lodging.

4. The Planning and Zoning Commission finds that the proposed bed and breakfast inn is compatible with the neighborhood uses.
5. The Planning and Zoning Commission finds that four off-street parking spaces are required for the three-room bed and breakfast inn.
6. The bed and breakfast inn use is similar to a home business. The Planning and Zoning Commission finds that this business indicates the need for the owner or manager to reside at the property.
7. The Planning and Zoning Commission finds that the bed and breakfast shall be operated under any requirements or standards of the Colorado Department of Public Health and Environment.
8. Parking in the alley is not functional and snow storage is not indicated on the site plan. The Planning and Zoning Commission finds that a new and expanded configuration for parking is needed as well as snow storage areas.
9. The Planning and Zoning Commission finds that snow removal of alleys are a lesser priority than streets.
10. 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, on-street parking must be limited, and traffic levels must be insignificant to mitigate possible nuisances.
11. 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. Guests of the bed and breakfast inn shall park in the designated off-street parking spaces located off the alley.
2. The bed and breakfast inn shall be for short-term (periods of less than one month) lodging only. A boarding or rooming house that provides long-term (periods of more than one month) lodging is not allowed.
3. No more than three rooms shall be occupied by guests at any time.
4. The owner or manager shall reside at the bed and breakfast inn.

5. The applicant must provide Community Development staff a written confirmation from the Colorado State Department of Public Health and Environment that demonstrates compliance with related State standards.
6. The applicant shall provide a revised site plan to the Community Development Department and shall develop three exterior parking spaces in the rear yard and snow storage areas.
7. Nuisances to the neighborhood including, but not limited to, noise, traffic, and on-street parking shall not be tolerated. If at any time the operation of the facility is found to be in violation of the City code or conditions regarding bed and breakfast businesses, then this conditional use permit shall be deemed null and void.

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

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

Director Westbay provided a summary of changes he has made to the draft *Land Development Code*. Staff will have a fully revised version of the *Land Development Code* available for each Commissioner within a week. He asked the Commissioners to look at the following standards and to give comments back to him prior to the December 10<sup>th</sup> meeting: Parking standards (4.3), Landscaping and Buffering (4.9), Outdoor Storage (4.10), and Large Scale Retail (4.13).

#### **V. CONSIDERATION OF THE OCTOBER 8, 2008 MEETING MINUTES.**

Commissioner Harriman moved to approve the October 8, 2008 meeting minutes as corrected. Councilor Harriman seconded the motion.

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

#### **VI. CONSIDERATION OF THE OCTOBER 22, 2008 MEETING MINUTES.**

Commissioner Harriman moved to approve the October 22, 2008 meeting minutes as presented. Commissioner Seitz seconded the motion.

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

**VII. MOTION TO EXCUSE COMMISSIONER BEDA.** Commissioner Seitz moved to excuse Commissioner Beda. Commissioner Harriman seconded the motion.

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

Roll Call No:

Roll Call Abstain:

Motion Carried

### **VIII. UNSCHEDULED CITIZENS.**

Richard Karas addressed the Commission. He stated that the County Planning Commission is considering an application involving a subdivision on CR 13, which the Planning and Zoning Commission has commented on. He stated that the lack of a 3-Mile Plan will [have severe ramifications] because of contemplated developments in that area. He said that the County must make decisions [that will impact the City] without understanding what the City wants.

### **IX. COUNCIL UPDATE**

Councilor Ellen Harriman updated the Commission on the November 11<sup>th</sup> City Council meeting and other recent business:

- the Budget hearing was held; it may be necessary to cut the budget further;
- Matthew Birnie addressed Council regarding affordable housing;
- the Gunnison Prairie Dog is likely to be listed. The Sage Grouse Coordinator will handle both species and the position will become the “Wildlife Coordinator”. City funding that has helped fund the Sage Grouse Coordinator position will be diverted to help fund the Housing Director position instead;
- a final letter from the Department of Housing has been received; the new housing director and advisory board will meet to discuss the needs assessment;
- Council received an update on the annexation from Director Westbay. The City Attorney has provided each Councilor a copy of the draft agreement, and the Councilors have given comments back to him. The agreement will be given to the applicants through their lawyer. When their comments come back to Council the parties will negotiate any differences and then a public meeting will be scheduled.

The following action was taken:

- the City Manager’s 2009 contract was approved;
- the alley in West Gunnison was vacated but Council reserved the right to have a trail there in a future; and,
- increases in electric, water and sewer rates were approved.

The City Manager reported:

- Steve Westbay received his certification as a Floodplain Manager, as did Eric Jansen;
- the City, County, and college are discussing a feasibility study for a community data center which would move the Dispatch Center to the college;
- the County Commissioners granted the City an easement on the library site for the trail;
- construction of the Railroad Grade Segment of the trail is going well;

- a \$21 million renovation of Taylor Hall will take place; and,
- construction of the pool is moving along, but is 2 to 3 weeks behind schedule.

**X. COMMISSIONER COMMENTS.**

- Chair Lothamer said she appreciated the City Attorney's comments about the annexation and expressed the importance of community buy-in.
- Councilor Harriman reported that the ice rink opening was exciting, with many community members attending and anxious to skate.
- Commissioner Seitz stated that an article in the *Commission Journal* about cul-de-sacs and a "fused grid" that allows for pedestrian and bicycle connectivity is very interesting.

**XI. PLANNING STAFF UPDATE**

Director Westbay provided updates from the Community Development Department:

- the Bridge-to-Bridge Engineering RFP's have been received and will be reviewed shortly; and,
- staff continues to work on the Land Development Code revisions.

**XII. ADJOURN**

Chair Lothamer closed the meeting at approximately 8:55 p.m.

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Diane Lothamer, Chair

Attest:

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Pam Cunningham, Secretary