

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

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, PLANNING TECHNICIAN PAM CUNNINGHAM, TIM SEIBERT, DENNIS MINCHOW, SUSAN WYMAN, SCOTT EFFNER, RALPH “BUTCH” CLARK III, RICHARD KARAS, MELISSA “ZOE” FRYER, CHRIS LEWARCHIK, STEVE SCHECHTER, MORRILL GRIFFITH, DONALD MCLEOD, MARGARET MCLEOD, VIKKI ROACH ARCHULETTA, JON BROWN, TRAVIS SCHEEFER.

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE APRIL 29, 2009 MEETING MINUTES.

Commissioner Seitz moved to APPROVE the April 29, 2009 meeting minutes as corrected. Commissioner Harriman seconded the motion.

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

Roll Call No:

Motion Carried

IV. PUBLIC HEARING AND POSSIBLE ACTION. CONDITIONAL USE APPLICATION, CU 09-1, submitted by Susan Wyman and Scott Effner for an accessory dwelling unit at 303 N. Pine in the R-2 Zone District.

Chair Diane Lothamer opened the public hearing at approximately 7:03 p.m.

Proof of publication was shown for the record.

Planner Ruggera reviewed the process for a conditional use permit and gave an overview of the application. The applicants are requesting to construct a garage and accessory dwelling unit at 303 North Pine Street, which is located in the R-2 (Duplex Residential) district. The legal description of the site is Lots 13 through 16, Block 7, Original Gunnison.

The applicant, Susan Wyman explained that she and her husband would like to demolish the existing garage and put up a new garage and build a home and garage for her mother. The garage and cottage would be contiguous, meets the setbacks, and is a one story building.

Commissioner Seitz asked about snow storage and the applicant explained the snow storage area.

PUBLIC COMMENTS: there were none.

STAFF COMMENTS: Planner Ruggera explained that because the floor area allowed is different than the Commission has seen in the past, definitions are included in the staff report. She reviewed the departmental comments.

Commissioner Seitz observed that Condition #4 should be re-worded to read: “A separate *water* shutoff valve shall be provided for the accessory dwelling.”

Chair Lothamer asked if a demolition permit will be required. Director Westbay explained that the State Department of Health gives mixed messages and provided some recent examples. He said that if the Condition states that a demolition permit shall be obtained, the applicants will be directed to contact the Department of Health to find out whether a permit will be required.

Director Westbay noted for the record that the applicants have opened a company as hydrologists and have offered to do pro-bono work on the VanTuyl Ranch. He stated that this situation has not affected the staff report. The Chair noted this for the record.

COMMISSION DISCUSSION:

Councilor Harriman said that the proposal seems like a good idea.

Commissioner Keating suggested that Condition #8 should be reworded to read, “A State Demolition Permit shall be obtained prior to the removal of the existing shed *if required.*”

Chair Lothamer closed the public meeting at 7:15.

ACTION:

During the regular Planning and Zoning Commission meeting held on May 13, 2009 Commissioner Harriman moved, and Councilor Harriman seconded, and the Commission voted to APPROVE Conditional Use Application CU 09-1, submitted by Susan Wyman and Scott Effner for the construction of an accessory dwelling unit at 303 North Pine 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 an accessory dwelling unit in the R-2 district.

3. The Planning and Zoning Commission finds that the proposed accessory dwelling unit will be located on a lot that meets the minimum lot size requirement established by the *Land Development Code*.
4. The Planning and Zoning Commission finds that the development of the accessory dwelling unit on this site adds to the City's housing inventory and will help to fulfill affordable housing needs.
5. The Planning and Zoning Commission finds that the Water Superintendent has requested a separate water shut-off valve for the accessory dwelling unit.
6. The Planning and Zoning Commission finds that the Water Superintendent has requested a backflow prevention valve for the sewer service line.
7. The Planning and Zoning Commission finds that capital investment fees must be collected at the time of Building Permit issuance for the proposed accessory dwelling unit.
8. Alleys receive a lower priority for general maintenance and snow plowing and the Planning and Zoning Commission finds that the residents using alleys should be aware of this fact.
9. The Planning and Zoning Commission finds that an accessory dwelling unit is compatible with neighborhood uses.
10. The Planning and Zoning Commission finds that three off-street parking spaces are required for the single family residence and the accessory dwelling unit.
11. The Planning and Zoning Commission finds that the property owner is required to reside on site.
12. The existing garage to the rear of the property will be removed. The Planning and Zoning Commission finds that a State Demolition Permit MAY be needed before the garage is removed.
13. 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 accessory dwelling unit shall have a habitable floor area no less than 300 square feet and no more than 700 square feet.
2. The property owner shall reside on site as required by the City's *Land Development Code*.

3. Building permit applications submitted in association with this conditional use approval shall include site plans demonstrating compliance with all provisions of the City's *Land Development Code*.
4. A separate water shut-off valve shall be provided for the accessory dwelling unit.
5. A backflow prevention valve shall be provided at the sewer service line.
6. A utility plan shall be provided demonstrating the location and size of existing and proposed lines for water and sewer.
7. The accessory dwelling unit will require capital fee payments at the time of building permit issuance.
8. A State Demolition Permit shall be obtained prior to the removal of the existing shed if required.
9. The applicant shall apply for a building permit for the accessory dwelling unit on or before May 13, 2012.

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

Roll Call No:

Motion Carried

V. PUBLIC HEARING AND POSSIBLE ACTION. CONDITIONAL USE APPLICATION, CU 09-2, submitted by Jon Brown for an accessory dwelling unit at 412 N. 14th.

Chair Diane Lothamer opened the public hearing at approximately 7:17 p.m.

Proof of publication was shown for the record.

Planner Ruggera reviewed the process for a conditional use permit and gave an overview of the application. The applicant is requesting to construct an accessory dwelling unit in the R-2 (Duplex Residential) district. The legal description of the site is Lots 9 through 10, Block 152, West Gunnison Addition.

The applicant explained he wants to get rid of a shed and replace it with a garage and apartment above it. The 700 square foot unit falls within the guidelines.

Chair Lothamer asked about snow storage, which the applicant explained.

PUBLIC COMMENT:

Jonathan Houck stated that he owns property directly east of the applicant's and uses it as a rental property. He stated that he has reviewed the plans and thinks it is a nice design. He further stated that other people who were contacted were not in opposition and he supports the proposal.

Morrill Griffith owns the house next door to the applicant on the north. He stated that he plans to do the same thing in the future on his property. He said that he has no problem with the proposal, that the property will look better and increase property values.

Commissioner Seitz stated that the applicant's proposed accessory dwelling is 27 feet high. He asked Mr. Griffith if he had a problem with being robbed of solar access. Mr. Morrill stated that he did not.

Steve Schechter addressed the Commission about solar setbacks and provided the Commission with a diagram of solar shading on 50 foot lots.

Travis Scheefer, who designed the project, addressed the Commission. He stated that in designing the building he tried to keep it as low as possible with a 1:12 shed roof so that the north side is as low as it can be and won't block any more solar access than a two story structure would.

Ralph "Butch" Clark stated that a year ago he provided the Commission with an illustration of solar shadowing calculations. He said he would be happy to work with the applicant or others. He opined that given references within the code to not block solar gain it would be a good exercise to calculate for each application.

Chair Lothamer said the Commission will put that issue in the tickler file for the *Land Development Code* update.

STAFF COMMENTS: Planner Ruggera reviewed the departmental comments and stated that there is one possible conflict with the standards which is that the building mass of the garage and accessory dwelling structure will be larger than the existing home. However, the building footprint of the new structure would be smaller than the existing home. She stated that Condition #4 will be changed to read: "A state demolition permit shall be obtained prior to the removal of the existing shed, *if required*." She also added an additional finding which will become #8 and will read: "The Planning and Zoning Commission finds that the overhead electrical lines run through the alley and the City of Gunnison electrical clearance standards must be maintained" and the following findings will be renumbered.

COMMISSION DISCUSSION:

Condition #4 will be changed as previously stated and Condition #5 will be changed to read: "A separate *water* shut-off valve shall be provided for the accessory dwelling unit."

Commissioner Seitz observed that regarding the conflict because of size, the footprint makes a big difference because [in this instance] it is a tighter lot than the last one [CU 09-1 previously discussed]. Commissioner Keating observed that the varying pitches help [with the mass].

Commissioner Seitz stated that it is important [for the Commission] to attempt to bring up solar [access in reviewing applications] as well as viewsapes.

Chair Lothamer closed the public hearing at 7:32p.m.

ACTION:

During the regular Planning and Zoning Commission meeting held on May 13, 2009 Commissioner Harriman moved, and Commissioner Seitz seconded, and the Commission voted to APPROVE Conditional use Application CU 09-2, submitted by Jon Brown for the construction of an accessory dwelling unit at 412 North 14th 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 an accessory dwelling unit in the R-2 district.
3. The Planning and Zoning Commission finds that the proposed accessory dwelling unit will be located on a lot that meets the minimum lot size requirement established by the *Land Development Code*.
4. The Planning and Zoning Commission finds that the development of the accessory dwelling unit on this site adds to the City's housing inventory and will help to fulfill affordable housing needs.
5. The Planning and Zoning Commission finds that the Water Superintendent has requested a separate water shut-off valve for the accessory dwelling unit.
6. The Planning and Zoning Commission finds that capital investment fees must be collected at the time of Building Permit issuance for the proposed accessory dwelling unit.
7. Alleys receive a lower priority for general maintenance and snow plowing and the Planning and Zoning Commission finds that the residents using alleys should be aware of this fact.

8. The Planning and Zoning Commission finds that the overhead electrical lines run through the alley and the City of Gunnison electrical clearance standards must be maintained.
9. The Planning and Zoning Commission finds that an accessory dwelling unit is compatible with neighborhood uses.
10. The existing shed to the rear of the property will be removed. The Planning and Zoning Commission finds that a State Demolition Permit may be needed before the shed is removed.
11. The Planning and Zoning Commission finds that three off-street parking spaces are required for the single family residence and the accessory dwelling unit.
12. The Planning and Zoning Commission finds that the property owner is required to reside on site.
13. 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 accessory dwelling unit shall have a floor area no less than 300 square feet and no more than 700 square feet.
2. The property owner shall reside on site as required by the City's *Land Development Code*.
3. Building permit applications submitted in association with this conditional use approval shall include site plans demonstrating compliance with all provisions of the City's *Land Development Code*.
4. A State Demolition Permit shall be obtained prior to the removal of the existing shed, if required.
5. A separate water shut-off valve shall be provided for the accessory dwelling unit.
6. A utility plan shall be provided demonstrating the location and size of existing and proposed lines for water and sewer.
7. The accessory dwelling unit will require capital fee payments at the time of building permit issuance.
8. The applicant shall apply for a building permit for the accessory dwelling unit on or before May 13, 2012.

Director Westbay asked the Chair for a five minute recess. Chair Lothamer called a five minute recess at approximately 7:35 p.m.

Chair Lothamer called the meeting back to order at 7:43 p.m.

VI. CONTINUATION OF PUBLIC HEARING AND POSSIBLE ACTION, ZA 09-1, BY GUNNISON VALLEY PARTNERS FOR THE REQUEST OF A PLANNED UNIT DEVELOPMENT (PUD) ZONING IN THE PROPOSED GUNNISON RISING ANNEXATION.

Chair Lothamer reopened the public meeting at 7:43p.m. and stated that the staff report will be reviewed and then there will be an opportunity for public comment.

Director Westbay reviewed the process of a map amendment application. Within 21 days of closing the public hearing the Planning and Zoning Commission will make a recommendation to City Council approve, approve with conditions, deny, or remand the application back to the applicant. The City Council shall consider the recommendation of the P&Z at a public hearing requiring public notice. The Council shall, by ordinance, approve or deny the proposed amendment or shall remand it to the applicant with instructions for modification. He further explained that an important part of the process is tied to eligibility elements and that after eligibility is determined the public process moves forward.

Director Westbay entered the following documents into the record:

- A. Gunnison Rising PUD Map Amendment Application ZA09-1;
- B. Gunnison Rising Annexation Phase 1, City Document Files (AX-660);
- C. Gunnison Rising Annexation Phase 2, City Document Files (AX-660);
- D. Gunnison Rising Annexation Post Phase 2, City Document Files (AX-660);
- E. Gunnison Valley Partners LLC. Annexation Petition, City Document File AX-660);
- F. *Gunnison Rising Annexation Agreement*
- G. Minutes, public hearing comments, and written correspondences submitted by the public for the record;
- H. *City of Gunnison Land Development Code*;
- I. *City of Gunnison Master Plan*;
- J. *City of Gunnison Trails Master Plan*;
- K. *City of Gunnison Water Master Plan* (Black & Veatch, 2007); and,
- L. *City of Gunnison Wastewater Master Plan Final Report* (Black & Veatch, 2006).

For the benefit of those in attendance, Director Westbay reviewed the chronology of the annexation application and explained Phases 1, and 2, and Post Phase 2. He stated that if the P&Z and City Council consider the annexation to be appropriate, there will be two documents guiding the annexation; the *Annexation Agreement* and the *PUD Development Standards*. The *Annexation Agreement* finalizes financial responsibilities [of the applicants], utilities, vesting, off site impacts and mitigation, and other technical elements. The *PUD Development Standards* have 11 specific development standard categories:

1. Permitted Uses;
2. Dimension Standards (height, setbacks, etc.);

3. Parking Space Standards (number of spaces for permitted uses);
4. Landscaping and Exterior Lighting Standards;
5. Fencing Standards;
6. Snow Storage Standards;
7. Screening Standards;
8. Architectural Standards;
9. Flood Damage Prevention Standards;
10. Wetland Setback Standards; and
11. Habitat and Wildlife Management Standards.

Director Westbay stated all other elements of the *Land Development Code* not contained in the above standards will apply [to development of the annexed area].

For the benefit of the audience, Director Westbay gave a brief overview of the development components and associated issues addressed in the staff report including:

- Phasing (which will require P&Z review at each phase);
- The roadway system, which has several issues identified by staff including the impacts on Highway 50. CDOT highway standards are applied at half-mile separations and the City's highway consultant feels the state will be stringent on those standards. Another roadway issue is the internal roadway; the two Collector streets (College Avenue and Georgia), lack connectivity to the residential community. This is partly driven by the college and partly by the proposed land uses. Staff feels this is a major constraint.
- Water rights – several concerns will be addressed by the Water Court. Staff is relying on the City's water attorney for recommendations from the court;
- the domestic water supply – Wright Water Engineers identified numerous issues concerning surface water influences on potential long-term water quality and the need to have contingencies;
- Water utilities – early in the process the City Engineer identified issues related to fire flows and water aging. Those issues are still evident, but are not as prevalent since area is smaller now than originally proposed;
- Irrigation - gravity flow will work on north side of Highway 50 (south of the Cemetery Ditch), and two ditches on the south side of Tomichi have been identified;
- Waste water – on the north side of Highway will be gravity fed to a trunk line to county road 49 and will then flow through a lift station to the mains;
- Electrical utilities within site have not been designed—extension costs are astronomical and will be the responsibility of the applicants;
- Open space;
- Habitat protection;
- Wetlands setbacks – staff has recommended a 100 foot setback;
- Flood hazard areas;
- Geologic hazards – the Colorado Geologic Survey has identified several issues including debris flow hazards, soil erosion issues, and geo-technical engineering procedures that should be implemented; and,

- Cultural resources – a letter from Susan Collins, State Archaeologist was provided for the record. Ms. Collins has reviewed Dr. Stiger’s report and has found that five sites are of significant value and should be addressed.

Chair Lothamer asked for clarification about the phasing plan and the requirement that each phase will go through a “Major Change” review process. Director Westbay explained that in the applicant’s original PUD Code there was a Chapter 3 that contained development review. The P&Z and staff had concerns because it superseded the City’s *Land Development Code*. Staff recommended that a review of the nuts and bolts of the project be reviewed at every phase. One major reason is to make sure the cumulative elements of the utilities in the initial phases are adequate in order to move forward with future phases. This is addressed in Section 2.6 in the *Staff Recommendation on the PUD Development Standards*. There would be a public hearing for each phase and the P&Z would make recommendations to City Council. If a phase is approved, then the developers can proceed with that phase.

Commissioner Harriman asked how the State Archaeologist’s report affects the phasing. Director Westbay stated that he doesn’t know at this time. Ms. Collins recommends a data recovery program be initiated that is consistent with Department of the Interior standards. This will provide a knowledge base before development occurs to preserve archaeological elements or at least [document] the knowledge [gained from the data recovery program].

Commissioner Harriman asked if Dr. Stiger can do the study or if it has to be an outsider. Director Westbay replied that it would be proactive to involve the City, the college, the applicant and the State Archaeologist. He said that State Historical Funds would be available but it is something that has to be reviewed in more detail.

Dennis Minchow explained five sites [that were identified]: one is the railroad grade; one is an old foundation south of Tomichi Village on the alluvial fan; and the other three are north of the Cemetery Ditch on ridge tops, which would not be developed until future phases. So, there is time to do the research before construction.

Chair Lothamer asked Tim Seibert for an update. Mr. Seibert provided copies of the applicant’s redline version of the *PUD Development Standards* which is the applicant’s response to the April 24th (which is identical to the May 13th) *Staff Recommendation on the Gunnison Rising PUD Development Standards*, which includes changes, modifications, and additions. He stated, “We recognize that you may not agree with our changes. We have reviewed and summarized our changes by chapter. There are new additions including screening standards, signage provisions, and development review standards related to phasing and how those reviews are triggered. We are also working on a completed version with all of the graphics and intend to have that next week. We also have an update on the boundary issues that we will explain at a later time.”

PUBLIC COMMENT: Chair Lothamer asked for public comment. The text of the public comments is provided as an attachment to these minutes.

STAFF COMMENTS: Director Westbay introduced into the record written comments received from the following, which are included as an attachment to the agenda:

- Ryan Blazer

Director Westbay asked City Manager Ken Coleman to come forward. Director Westbay explained that a situation has arisen in regard to the annexation eligibility hearing. There were survey errors in the original application. The City Attorney's opinion is that based on the territory change, it was not a substantial change to the eligibility process. The applicants have looked at other elements of the boundary along the railroad grade and have noted discrepancies in the boundary with the pedestrian trail following the railroad grade. The applicants want to make amendments to the boundaries for eligibility. Staff felt there might be [legal] issues in terms of the process and how to handle this hearing [the P&Z public hearing] in relation to the City Council's eligibility hearing. Ken Coleman spoke with the City Attorney about this and, rather than Steve reporting the information second hand, asked Mr. Coleman to elaborate.

City Manager Coleman addressed the Commission: "My question was, in regard to this public hearing, how changes in eligibility review would affect this process. The attorney's answer is that you (P&Z) are reviewing the PUD standards. That is your charge, not the annexation agreement or eligibility. Just the land use issues and how it will be used in the zoning mechanism. He feels your review can continue on the timeframe you feel is appropriate and does not require continuing the public hearing if you don't feel it necessary. There will be no vote by City Council on the annexation without eligibility being determined. That is a whole other track that is in play."

Chair Lothamer asked, "So we can go ahead, do what we do, and send a recommendation to City Council?" City Manager replied in the affirmative.

Chair Lothamer stated that her personal preference is to plow through and get done [with the zoning application]. City Manager Coleman replied that the attorney feels that is appropriate.

Commissioner Seitz stated that he is confident there isn't a major problem as long as the surveys don't come back [raising issues related] to contiguity.

City Manager Coleman stated that a fair statement in the Commission's recommendation to City Council would be that eligibility has not been resolved. He further stated that Tim [Seibert] provided a map of the areas being changed. The land uses suggested are not being modified. He further said, "As Steve [Westbay] pointed out, it is south of the railroad grade, so there is no conflict with state property, sewer or the trail easement. Not having the ISDS for the I-Bar on state property and including that in the annexation makes sense. This is the time to get it straight. Make sure the boundary lines are accurate and that contiguity is established by requirements of statutes. It is up to you if you want to continue so that you have time to review responses."

Chair Lothamer stated that she wants the public to come every time. They have the right to see what the applicants have said.

Dennis Minchow addressed the Commission and said: "This was clearly our mistake in preparing the annexation boundary. It wasn't our intent to annex county land. With further surveying we discovered other issues with the railroad grade. I believe the CDOW doesn't want our septic on their land. We request that P&Z not close the hearing and extend it to give members and the public a chance to review both documents and provide feedback."

Chair Lothamer stated that the Commission has been working hard so that it doesn't appear it is holding up the process.

Discussion turned to future meeting schedules. It was determined that a work session will be held on May 20th and on June 17th and that the public hearing could be continued to June 24th. Review of the applicant's redline response will begin on May 20th. Chair Lothamer asked for a matrix [of issues to discuss].

Tim Seibert stated, "The redline version is our cut at your cut. I hope the red doesn't scare you. I would like to have an opportunity to have another work session to go through the redline piece so that we are all on the same page. We may have to agree to disagree on some issues. There are some items that we redlined [in order] to have a further discussion to make sure we understand them. If the 17th is an appropriate date for a work session and a public hearing after that date, that will give staff time. They could give comments back to us. Some [of the redline comments] are editorial and are not substantive."

Commissioner Seitz stated that his perusal of the documents is that it is not as ominous as it looks because it is only printed on one side of the page.

Chair Lothamer asked for a motion to continue this hearing to June 24th and that [staff and the applicant] get everything on the web site [so the public can review it].

ACTION

During the regular Planning and Zoning Commission meeting held on May 13, 2009 Commissioner Harriman moved to CONTINUE the public hearing for Zoning Amendment ZA 09-1 until June 24, 2009 at 7:00 p.m. Commissioner Seitz seconded the motion.

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

Roll Call No:

Motion Carried

Commissioner Harriman stated that, regarding the work session, the Commission has had good input from the public but he is not sure if he has all of the statements everyone gave. He asked if staff could make a list of those things that have been suggested that the Commission should consider for the work session so that nothing is overlooked. Staff answered in the affirmative.

Chair Lothamer stated that the public is welcome to come to the work sessions if they want to.

VII. UNSCHEDULED CITIZENS: There were none

VIII. COUNCIL UPDATE. Councilor Harriman had no report, as there was no meeting on May 12th. The current City Council was re-elected entirely. The reorganization meeting will be held on Monday, May 18th at 7:00 p.m.

IX. STAFF REPORT: Director Westbay reported:

- The High School building permit was issued and the Lake School project is moving forward;
- There will be a CDOW meeting on May 21st regarding prairie dog conservation;
- Staff met with the Census and a local committee is being formed to address the 2010 census;
- The CityScape Committee met today and is making recommendations;
- Regarding the VanTuyl Ranch Management Plan, three consultants have been interviewed and a recommendation is forthcoming;
- Last night there was a fire adjacent to the Guerrieri's and two buildings were destroyed; and,
- There will be a Conditional Use application on the May 27th agenda.

X. COMMISSION DISCUSSION: Chair Lothamer asked the Commission if there were any comments.

Commissioner Seitz moved and Commissioner Harriman seconded the motion to excuse Commissioner Beda.

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

Chair Lothamer addressed those present stating that the Commission needs a new member and that anyone who has been a resident of the city for one year and who is eligible to vote should consider applying for the Planning Commission.

X. ADJOURN

Chair Lothamer closed the meeting at approximately 9:25p.m.

Diane Lothamer, Chair

Attest:

Pam Cunningham, Secretary

Text of Public Comments Received on May 13, 2009

Steve Schechter again provided his diagram of solar shadowing. He stated that he has looked at the standards for the R2 and R2M districts and they will have the same problems as VanTuyl Village. A 22 foot tall building will shade a single family single story to the north so they [the house on the north] will not get any passive solar. The only way to heat a home in the R2M is with active systems unless you ask that everything in the development be single story. You [the Commission] should ask the proponents to go with a single height requirement in that area. In R2, 70 foot lots would mostly work, but I ask that the set back from the lot side be 10 feet instead of 7.6. Energy will be very expensive, this is a cold place. You will have people who can't afford to live here in the future. I hope the proponents take it to heart and that the City does. His exhibit was entered into the record.

Richard Karas – I have a procedural and code question. Staff has supplied a copy of the Review Standards and Purpose for a Planned Unit Development. Is it verbatim? Director Westbay answered in the affirmative. Dr. Karas then stated, “If it is, it means that there are no absolutes – if the layout didn't allow efficient design and solar access but if the majority [of the review standards] are met it would be ok. Regarding the standards on the second page it states, “Every PUD shall be in conformance with the *Gunnison Municipal Code*, the *City Master Plan* and other adopted plans.” Must all of them be met, or a majority?”

“Number six is of concern – “Community Benefits - In return for flexibility in land use mix and design standards, the goal of a PUD is to provide a higher quality of development than found in traditional zone districts.” The onus of proving that is on the applicant, not the staff. Unless that is done you have an obligation not to make an affirmative recommendation. Regarding the Review Standard 15.150.060, there are a number of elements in the *Master Plan* that are at odds with the application. The *Master Plan* has goals for energy efficiency, traffic, and sprawl. The onus of demonstrating this lies with the applicant – then you judge. That process hasn't occurred.”

“I have heard two versions about the waste water. Tim said that wastewater north of the highway would be gravity feed. Steve said it would go through a lift station. There is a huge difference on cost.” Director Westbay replied that the entire property will be pumped. Karas: “So everything north of the highway does not need lifting?” Westbay: “It is gravity feed to two lift stations adjacent to Jorgensen Park.” Karas: “If I am a molecule of water will I have been lifted?” Westbay: “If you are a molecule of wastewater, yes.” Karas: “That is a large energy requirement.”

“This plan has a lot of features that have been discussed, illustrative drawings of how land might be developed. The question is, how much of that is what will happen? Is there anything that limits the “big box” to 55,000 square feet, could it be 110,000? It should be understood that there is nothing that binds it to that. We saw layouts of streets, parks in the housing development; to my knowledge, this was illustrative only. As you know, I serve on the County Planning Commission and one of my colleagues is in favor of inclusionary housing and always wanted that included. There is nothing in the LUR that requires

affordable housing; they are not bound by that. I hope you can see the point. As thorough as the documents are, if it isn't in there, no one is bound. Be sure you have looked fully that all conditions of the *Code* are met, that onus of the applicant are satisfied and that you have what you need and I would ask that you put the redline on the website.”

Ralph “Butch” Clark III. “I support what Steve and Richard said. There have been so many changes; it is hard for the public to track. We heard there will be more. I urge you to wait to extend public hearing opportunities until everything is final so that the public knows where it is at. One of the things I find difficult is to track the difference between what is proposed and what is said in parts of the plan for how much development there will be in different parts of the plan. It says a cap, is it a real cap? That makes a difference for capital planning for the community. You have to set money aside for that and you need to know what you are setting aside for.”

“What is also necessary is probably some provision to try to address what is in this *Wall Street Journal* article on Deserted Building Sites. There is an opportunity within the landscaping provisions to provide surety (bonding) for cleanup, so that the landscaping works. It may be necessary to provide bonding if you have scraped off the earth and nothing happens. There are strict provisions for landscaping within a year, but not for leaving the land scraped off. It will be costly to ask for bonding but will help with problems that are evident elsewhere.”

“There has been emphasis on the views, particularly of the travel plaza and commercial research office area. The context appeared to be from the highway. One of our treasures is the museum; it would be looking onto the tops of warehouses, there will be noise, trash, etc. Or, there could be tremendous infill to raise that area up, but that is probably not feasible.”

“There is a need to address traffic; how to cross intersections - at the commercial travel plaza – how do pedestrians get across? There is a need for adding more turn lanes than indicated on the graphic. A lot of people who may be working may want to go shopping across the street [but can't cross]. There could be a bridge (or two) there.”

“There was talk about what might go from the surface into the water. Talk to Theo Colburn on endocrine disruptor research. She has indicated there is a need to look at a lot more in water quality analysis than what we are doing now. Her research indicates we don't know what the impacts are.”

“The illustrative plan indicates that providing the traditional irrigation ditches would be difficult, but there is a lot of emphasis on irrigating landscaping. You need to go back to the old traditional grid system to provide adequate irrigation capabilities. Turning on the water if you are running down the lengths [of the proposed roads] without the ability to turn the water different ways can cause flooding. You need smaller units that are manageable.”

“The need is to provide connections to trails and for the public and residents to go between houses so they don’t have to walk half a mile to the next street. It is not pedestrian friendly. This will become important to society.”

“What may also be necessary down the road is trying to look at the berms and the 4:1 up to 6 feet doesn’t do that much. At certain intersections they need to be reduced for trucks turning onto Highway 50 for visual contact. This became a problem with County Road 42.”

“What may be necessary is to address the speed so that by the time you get to the industrial park it is 35 mph. You need to talk to CDOT about that. Fast traffic in pedestrianized areas can create havoc. In other places you need to provide blockage of sight.”

“[Regarding the *Staff Recommendation on PUD Development Standards*] there are a lot of comments and footnotes that the Planning Department has put in there that raise good questions. Some of them are very important considerations for our whole community. No decision should be made until all the blanks are filled in.”

“Insulation of irrigation ditches.”

“One of the other things that probably will be important is trying to figure out how to address the articulation of buildings within the community because there are a lot of ways to build now. Some were pioneered as long ago as 3,000 years ago and will become more popular. Those may not meet the kind of examples that were talked about in the initial application. It will be a difficult challenge to see how to incorporate that. Such and waddle and cob using local materials. That may be more appropriate and should be allowed. It shouldn’t all be expensive building processes that now are being recognized.”

“There is possibly a need to plan trail usages for the prairie dog as well. If that receives the same kind of attention as the Sage Grouse that will be important.”

“Design of the RV park in terms of size and space for RV units. The same thing is true in regard to the trucking plaza. Trucks are 55 feet. That is not presented in the tables.”

Director Westbay responded to several of Dr. Clark’s comments: “Regarding landscaping and grading - in the *PUD Development Standards* there are 11 elements [guiding the PUD], as well as the *Land Development Code* which has not been updated, and it is a huge leap of faith that new *Land Development Code* will have that [standards for landscaping and grading].”

Clark: “It is also a leap of faith as to what is included in the building envelope. The builder wants to sculpt the outdoor area and shapes what happens on the surface. There needs to be more specificity of how you plan and evaluate the potential. A lot of Gunnison at the moment is fairly flat. When you start building on the hillsides it is different. These things need to be addressed because grandfathering causes problems. Take things that have been done elsewhere is helpful. It would be helpful on the next version of illustrative plan – trying to

figure out where retention ponds may be located because we will be having more intense weather events and this area is prone to flash flooding- how to manage that better and use those spaces for recreation at other times.”

Steve Schechter asked if the comment period will be extended if there will be changes [to the proposed annexation]. Chair Lothamer responded that how that will work out we will find out.

Richard Karas: “I think many of you know the applicants conducted a telephone poll to ascertain community views. One of the things that was said during the course of the poll led to another issue. That question was “If you knew that the following things would happen would that change your view?” One was “If you knew that all the buildings in the development would be built to the latest energy saving standards...” I talked to the applicants and asked where the provision is in any of the documents that guarantees that. Their answer was that it is in covenants that cover all development and makes sure that as property changes hands covenants will ensure [certain things]. We have not seen covenants or particulars. I want to warn you of the danger of good intent. I have no doubt of the integrity of the applicants. There are examples in the County. High integrity people came before the Commission with good intentions that unfortunately did not occur. For instance, the ice rink outside of Crested Butte and access to Whetstone outside Baxter Gulch. The developers were unable to complete them. I have no doubt of the good intentions, particularly insuring that as land is developed, that energy efficiency standards and greenhouse reduction standards are passed along and honored. Also, outline in a public forum, on the record, what are the contents of the covenants? Once this is approved anything not in writing is null and void. Care is appropriate.”