

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, NAVID NAVIDI, TIM SEIBERT

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE JUNE 17, 2009 MEETING MINUTES. Councilor Harriman moved to APPROVE the June 17, 2009 meeting minutes as presented. Commissioner Harriman seconded the motion.

Roll Call Yes: Bob, Diane, Ellen, Jim, Harvey (Delaney not present for vote)
Roll Call No:
Motion Carried

IV. CONSIDERATION OF THE JUNE 24, 2009 MEETING MINUTES. Councilor Seitz moved to APPROVE the June 24, 2009 meeting minutes as corrected. Commissioner Harriman seconded the motion.

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

V. PUBLIC HEARING AND POSSIBLE ACTION. CONDITIONAL USE APPLICATION, CU 09-4, submitted by Navid Navidi to operate a towing business in the Commercial Zone District.

Chair Diane Lothamer opened the public hearing at approximately 7:05 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 Navid Navidi, owner of H&H Towing. Mr. Navidi owns two adjacent lots located at 203 West Highway 50 and the old A&W site. The subject parcel is located in the Commercial District Zone and the Entrance Overlay Zone. The legal description of the site is lot 13 and the north 20 feet of lot 14, Island Acres Subdivision, City

and County of Gunnison. The request is for three uses: auto service and repair; towing; and the sale of automobiles, recreational vehicles, heavy equipment and machinery. The applicant has already moved into the existing structure.

The Applicant, Navid Navidi, addressed the Commission. He stated that he will be doing the same thing he has been doing for the last 27 years; towing, some repair of trucks, and display of vehicles for sale including boats, RV's, and trailers. The site won't be used for storing wrecked vehicles.

Mr. Navidi said that he has an issue with Condition 1 ("Broken client vehicles shall not be stored on the lot outside of the service building"). He said that vehicles waiting for parts will be stored outside. Chair Lothamer asked if they would be stored in a parking space and the applicant replied in the affirmative. Mr. Navidi stated that the property was part of the Ford dealership and they stored vehicles waiting for repair to be stored outside. He continued by saying that the property is in the same district as Precision Alignment, Mechanic on Duty and Sun Sports. He said he doesn't engage in a lot of repairs, so there won't be a lot of vehicles, but a few. Chair Lothamer asked if they will be wrecked and the applicant replied the wrecked cars will be at the New York location.

Councilor Harriman asked if the existing landscaping meets the *Code*. Planner Ruggera replied that there is one pine tree in the northeast corner of the property and railroad ties lining the southern boundary. The site plan provided shows some landscaping that does meet requirements, but the landscaping does not currently exist at the site. Mr. Navidi asked if the trees on the A&W lot count toward the landscaping. Planner Ruggera replied that the application is only for Lot 13 and the north 20 feet of Lot 14, so the A&W site does not count. Mr. Navidi replied that there is some landscaping that Marzolf (the former owner) provided and it was approved by the City. He said he is planning on doing some more, but doesn't agree with 1,380 square feet of live landscaping that will be dead most of the year. Chair Lothamer responded that the staff report says that four trees are required on the highway frontage, but the rest can be anywhere else on the lot. Mr. Navidi asked if the landscaping on the A&W site could be counted as long as he owns it and, if he happens to sell it, he could provide more landscaping. Director Westbay asked if the issue is the location of the water. Mr. Navidi replied that the issue is that property is paved, so he would have to take up pavement to put in trees. Director Westbay replied that staff is caught in a quagmire [of enforcing code that previous staff did not enforce]. Director Westbay asked the applicant if there could be landscaping around the building and the applicant replied there could be, as long as he doesn't have to pull up pavement. He said the shrubs are dead, but will be replaced. Chair Lothamer suggested that one solution would be for the applicant to revise the application to include the A&W property. Director Westbay suggested assigning a number of street trees for the frontage and clumping the trees.

Chair Lothamer said that if the A&W lot were included a larger square footage of landscaping would be required but that perhaps the landscaping on the A&W lot would be enough [to meet the minimum]. In that case, the application would have to be revised. Mr. Navidi asked what can be done to not have to take more time to go through this process.

Director Westbay replied that the issue on highway corridors is the landscape buffer and that parking cars in the buffer creates a problem. Mr. Navidi asked if he could put trees in the display area. Director Westbay replied that there are options, but he would need to account for sight distances. Mr. Navidi pointed out that the conditions state that there shall be no vehicles in the landscaping area. Discussion then followed about how many vehicles, of what size, and for what duration can be stored in the landscaped area.

Director Westbay and Planner Ruggera suggested re-wording Conditions 1, 3, 5, and 6, as follows and Commissioner Seitz suggesting adding a new Condition 7:

1. Broken client vehicles shall not be stored on the lot outside of the service building in a manner that creates a continuous visual (15 day) problem. Chair Lothamer suggested that it read: "Broken client vehicles shall not be stored on the lot outside of the service building for more than 15 days."
3. The operator may have automobiles, trailers, recreational vehicles, or other similar machines on the lot and displayed for sale however, the number of such machines longer than 25 feet on display at any one time is limited to ten.
4. A maximum of three autos, boats, RV's etc. may be on display in the front yard at any one time, and the maximum length is 25 feet.
5. Landscaping, as illustrated on the site plan shall be completed by July 31, 2010. A minimum of 2,308 square feet of landscaping is required, of which 1,384 square feet shall be live cover, including a minimum of 11 trees of which, four shall be along the highway frontage.
6. The approval of this Conditional Use only applies to 203 West Highway 50 described as Lot 13 and the north 20 feet of Lot 14, Island Acres Subdivision 2. No element of this conditional use approval is permitted on Lots 15 and 16, Island Acres Subdivision 2, which was the previous A&W site.
7. This Conditional Use will expire if all conditions are not met by July 31, 2010.

The Applicant stated he doesn't mind putting trees in the display area, but can he put equipment there? He reminded the Commission that Precision Auto has the same situation—cars along the road for sale. Chair Lothamer responded that when the Commission works on the Code, they work on what they want to see, not what is there now. If Precision went out of business, the new landscaping provisions would apply. Director Westbay said the Commission could limit the number of vehicles on the frontage. The Applicant replied there will only be three vehicles there.

PUBLIC COMMENTS: there were none.

STAFF COMMENTS: Planner Ruggera made a correction to Finding 2: “The Planning and Zoning Commission finds that this conditional use application is for a towing business, vehicle and equipment repair, and the sale of vehicles, recreational vehicles, and commercial equipment.”

COMMISSION DISCUSSION:

Commissioner Harriman pointed out that in regard to Condition 3 the definition of “live cover” does not mean that it has to be a carpet [of grass] but that the canopy of trees and shrubs counts.

Commissioner Beda asked if the arch [left by the prior owner] could count as landscaping [since similar structures were allowed at 922 W. Gunnison]. The applicant said he would like that to count and that there are three of them. Director Westbay said that it would be fair to count those structures as non-vegetative landscaping.

Commissioner Beda opined that for a use that hasn’t changed at all, it is a cumbersome process for someone to buy a building and have to do this each and every time. It seems [the Commission] gets more restrictive and it makes it harder for people to come in here to do anything. Director Westbay said that when the Commission gets to Module 4 of the *Land Development Code* there are administrative provisions that will address the issue. Commissioner Seitz pointed out that progress can only be made when things change. He said he appreciates it when people come in to [go through the process]. He said it is good for business and the City when progress slowly gets made.

Commissioner Seitz asked Director Westbay if there is anything in the *West Gunnison Neighborhood Plan* that might come into play [in relation to the application]. Director Westbay responded that New York Avenue is still an access street and the frontage is still in place and there will be public transit somewhere in that area, but nothing should directly affect the site.

Commissioner Beda asked Mr. Navidi what happens to the conditional use that was approved for 703 W. Tomichi. Mr. Navidi said as far as he is concerned it can go away. Planner Ruggera said she just received an application from someone else for auto repair at that site.

Commissioner Seitz pointed out a correction in the Code Provisions cited in the staff report (it should read Table 15.70.030).

Chair Lothamer closed the public hearing at 7:44 p.m.

ACTION: During the regular Planning and Zoning Commission meeting held on July 8, 2009 Commissioner Harriman moved, and Commissioner Beda seconded, and the Commission voted to APPROVE Conditional Use Application CU 09-4, submitted by Navid Navidi for a towing business, 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 towing business, vehicle and equipment repair, and the sale of vehicles, recreational vehicles, and commercial equipment.
3. The Planning and Zoning Commission finds that the towing business, H&H Towing is compatible with the neighborhood uses as long as certain conditions are fulfilled.
4. The Planning and Zoning Commission finds that the character of the highway frontage and uses are important to the community appearance and therefore uses and activities must be limited to functions compatible with this area.
5. The Planning and Zoning Commission finds that business hours are Monday through Friday, 8 a.m. to 5 p.m. with occasional after-hour emergency call-outs.
6. The subject site is located within the Entrance Overlay zone district. The Planning and Zoning Commission finds that 2,308 square feet of landscaping is required with a minimum of: 1,384 square feet of the landscaped area as live cover and a minimum of 11 trees of which four must be along the highway frontage.
7. The Planning and Zoning Commission finds that the storage of broken client vehicles will remain at 901 West New York Avenue which is owned by the applicant.
8. The Planning and Zoning Commission finds that repairs of client vehicles will be made within the existing structure.
9. The Planning and Zoning Commission finds that 11 off-street parking spaces are required on the site.
10. The Planning and Zoning Commission finds that all Dimensional Standards, Landscaping and Entrance Overlay sections of the *Land Development Code* must be addressed.
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. Broken client vehicles shall not be stored on the lot outside of the service building for more than 15 days.

2. Outside storage of materials is prohibited.
3. The operator may have automobiles, trailers, recreational vehicles, or other similar machines on the lot and displayed for sale however, the number of such machines longer than 25 feet on display at any one time is limited to ten.
4. A maximum of three autos, boats, RV's etc. may be on display in the front yard at any one time, and the maximum length is 25 feet.
5. Landscaping, as illustrated on the site plan shall be completed by July 31, 2010. A minimum of 2,308 square feet of landscaping is required, of which 1,384 square feet shall be live cover, including a minimum of 11 trees of which four shall be along the highway frontage.
6. The approval of this conditional use only applies to 203 West Highway 50 described as Lot 13 and the north 20 feet of Lot 14, Island Acres Subdivision 2. No element of this conditional use approval is permitted on Lots 15 and 16, Island Acres Subdivision 2, which was the previous A&W site.
7. This Conditional Use will expire if all conditions are not met by July 31, 2010.

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

Roll Call No:

Motion Carried

VI. UNSCHEDULED CITIZENS: there were none.

VII. COUNCIL UPDATE. Councilor Harriman reported on the City Council meeting of July 7, 2009, the Council:

- held a work session and did not take any action but is feeling positive about a Challenge Grant application for the Gunnison Rock and Race Festival which was a nice addition to Whitewater Festival and will get lots of publicity for Gunnison;
- agreed to accept grant for the Police Department for tazers and other equipment;
- discussed an energy partnership among the municipalities; and,
- had a long discussion on the annexation matrix and came to the conclusion that some of the items are duplications and the remaining issues to be decided are the tough ones.

The Council also heard that:

- the Cash Back program has given out \$13, 500;
- Tex has gotten the three sized waste disposal containers for "Pay as you Throw" and is deciding where to display them;
- there will be a community recycling bin in IOOF Park;

- three bids have been received for the solar pre-heat at the pool;
- the Wet Grocer softball tournament is this weekend; and,
- the Stingrays are having their first swim meet at the new pool.

VII. PLANNING STAFF UPDATE:

Director Westbay reported that the RFP for bids for the Bridge to Bridge project have been advertised. The full design is in place as is most of the permitting. The project is on track.

Planner Ruggera reported there will be an upcoming conditional use for 702 W. Tomichi for auto repair.

Planner Ruggera also reported that a new Downtown Streetscape and Parking committee has been formed as a follow up on the Community Revitalization Partnership report. The committee met and did an overview of what it wants to accomplish, looked at illustrative designs, and discussed the possibility of talking to CDOT about narrowing Main Street and signage for parking at the old City Market site. The committee will meet 5 or 6 times before coming to City Council. The committee members are Rick Miller, Ken Coleman, Chris Osness, Erich Ferchau, Paul Hower, TL Livermore, CJ Miller, Kirsten Nieymayer, Patrick Farrell, Andie Ruggera, and Sara Sanders. A Commissioner asked if there will be a parking study. Planner Ruggera replied that it was hoped that the Community Revitalization Partnership group would have done that, but that was not the case. She said the Police Department just did a survey of local businesses regarding parking and she will get a copy to the Commissioners.

VIII. COMMISSIONER COMMENTS:

- Commissioner Harriman reported that he went on bike ride on the VanTuyl Trail and that it is a great surface; wide and level. He said that if the whole trail system is like that it will be wonderful.

IX. ADJOURN

Chair Diane Lothamer adjourned the meeting into a work session at approximately 7:58.p.m.

Diane Lothamer, Chair

Attest:

Pam Cunningham, Secretary