

<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		
GREG LARSON	X		
DELANEY KEATING			X
COUNCILMEMBER ELLEN HARRIMAN	X		

**OTHERS PRESENT:** DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, PLANNING TECHNICIAN PAM CUNNINGHAM, MAGGIE LLOYD, RICHARD KARAS, TIM SEIBERT

**I. CALL TO ORDER AT 6:07 pm BY CHAIR DIANE LOTHAMER**

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

**III. CONSIDERATION OF THE AUGUST 12, 2009 MEETING MINUTES.** Commissioner Harriman moved to approve the August 12, 2009 meeting minutes as presented. Commissioner Seitz seconded the motion.

Roll Call Yes: Bob, Diane, Ellen, Jim, Harvey  
 Roll Call No:  
 Roll Call Abstain:  
 Not Present: Greg, Delaney  
 Motion Carried

**IV. POSSIBLE ACTION: ZA 09-1 COMPLETING REVIEW OF PUD DEVELOPMENT STANDARDS AND POSSIBLE RECOMMENDATION ON OUTSTANDING ITEMS**

Director Westbay explained the procedure for tonight’s meeting. He stated that a series of public hearings have been held and the purpose of this meeting is to clean up some items for the recommendation to City Council. The Commission will make a recommendation based on the remand. He said there was no need for a public hearing as there has been ample opportunity. He recommended that the Commission focus on an “if/then” scenario regarding the remaining issues in the sense, “If we were back 3 months ago, what would we do with these specific sections?” Further stating, “There will be discussion about the nature of the recommendation and those recommending denial may be thinking about what is not in the development standards—how would we want it written for the City to review and have authority to regulate land uses on the property?” He referred the Commissioners to the staff summary of Exhibit B.

(Note: For ease of reference, the text being discussed has been inserted. The issue to be addressed is in red. New language is underlined.)

**Item A: 2.7.1 Development Phase Submittal and Acceptance Requirements for all PUD Phases.** Prior to, or concurrent with, the City’s acceptance of any initial (Sketch Plan) submittal for subdivision or site-specific development application for

any Phase, excluding Phase 1, a development submittal complying with the provision of this section (Section 2.7) shall be submitted to the City of Gunnison as a PUD Major Change for review and approval. This review and approval shall be limited to the components as identified below in this Section 2.7. Thereafter, subdivision or site specific development plan applications will be accepted for processing within the specific phase.

Prior to the acceptance of a Development Phase Submittal, the previous phase shall be at least 50 percent developed in terms of Minimum Residential Dwelling Units and Non-Residential Floor Area.

Discussion:

Director Westbay stated the issue is that staff proposed that 50 percent of the developable area (based on floor area) and developable unit counts must be completed prior to proceeding to a subsequent phase of development, while the applicant wants it to be 50 percent of developable land area. He asked Tim Seibert if he would like to add anything.

Mr. Seibert stated, "Our concern stems from being able to move to a different type of land use. We agree we shouldn't jump from one commercial area to another. The concern is the ability to make land available that hasn't been available before. Once that land area is started, then that percentage of floor area or dwelling units cap came into play. Phase II is the issue. We have to have percent developed before Phase III or Phase IV. Our concern is being able to have the flexibility to hit the market. We know the IM district will be slow absorption. We have had some interest in the property, but not 50 percent."

Commissioner Harriman asked, "If you are thinking that the IM may not develop as quickly, why not put it in a different phase?" Mr. Seibert responded, "In an earlier version [of the PUD] we had it in Phase VI or VII but we moved the City two-acre site and the emergency services site into that area, and to make sure those were available we thought it best to put it in that phase. We know we have to extend the utilities to the RV Park."

Chair Lothamer asked, "If it were not for the RV Park, would the 50 percent work?" Mr. Seibert responded, "If it weren't for the RV resort we would probably phase more of the development on the north with the CM and residential village. We think that area has some market value. If it weren't for having to extend the utilities through the IM to the RV resort, that would have some bearing." Chair Lothamer observed, "The RV Park is the driver of the project. So you wouldn't be able to do the RV for years."

Commissioner Seitz stated, "The reason for the phasing the way it is, is the RV Park. Why isn't it in Phase I? It is the driving financial element." Mr. Seibert responded, "The emergency services was in Phase IV or V, and it was requested that we make it available earlier. We feel there is some demand early for property in the IM and because utilities will be there and it is an economic driver, we shouldn't be prohibited from proceeding if we have a big user in another phase, because everything is there to support it. We agree that in the residential area development should be together."

Director Westbay suggested that the language in 2.7.1 be changed to read:

- 2.7.1 Development Phase Submittal and Acceptance Requirements for all PUD Phases.** Prior to, or concurrent with, the City's acceptance of any initial (Sketch Plan) submittal for subdivision or site-specific development application for any Phase, excluding Phase I, a development submittal complying with the provision of this section (Section 2.7) shall be submitted to the City of Gunnison as a PUD Major Change for review and approval. This review and approval shall be limited to the components as identified below in this Section 2.7. Thereafter, subdivision or site specific development plan applications will be accepted for processing within the specific phase.

Excluding Phases I through III, no development phase submittal will be accepted by the City until the previous Phase is at least 50 percent developed in terms of minimum residential dwelling units and non-residential floor area. Phase IV non-residential usage in the CM District shall not be permitted for development until 50 percent of the Phase II Commercial District floor area is developed.

Commissioner Beda asked where the City is in terms of total residential build-out. Director Westbay responded that residential buildout is probably about 90 percent and in West Gunnison and the R3 there are about 2,400 units [undeveloped]. Commissioner Beda responded, "They have been given maximum buildout and in 140 years in Gunnison we haven't been able to do that, will they ever get past Phase IV?" Director Westbay responded, "We are trying to limit expansion of utilities into the hinterlands." Chair Lothamer stated, "They could ask for a Major Change to change the phasing."

Commissioner Harriman observed "So [with the suggested changed language] you have combined I, II, and III into one phase." Mr. Seibert replied, "It allows it, but it doesn't have to be." Commissioner Harriman asked, "What happens in Phase IV if [the percent of] development doesn't get reached in Phase I, II, and III?" Director Westbay responded: "Phase IV would be submitted, but there would be no additional phases after IV until 50 percent of the residential area is completed." Commissioner Harriman asked, "So Phase IV could start at same time as Phase I?" Director Westbay responded, "Yes, because we have excluded I, II and III." Chair Lothamer stated, "The southern portion can go ahead and be developed, but the north portion can't be spread out." Then she asked how the stormwater plan would be phased. Director Westbay and Councilor Harriman stated that it has to be done before anything else. Director Westbay stated, "This is setting up the timing for review of the phases."

Commissioner Beda asked "What triggers the start of the buffers, landscaping, and berms?" Mr. Seibert responded that they would be planned and designed in terms of the submittal. Commissioner Beda asked, "When do they get built?" Mr. Seibert said that they would be built concurrent with development.

Commissioner Larson arrived at 6:45.

- Item B. 3.3.6 Energy Conservation** (Also section 4.3.6 and section 5.3.5). All subdivisions shall provide opportunities for solar access that allows for passive, active, or natural heating, cooling, and energy production opportunities to each of the proposed lots, when feasible. Such opportunities may include, but are not limited to:

- A. Siting of structures or building envelopes to take optimum advantage of passive cooling and heating opportunities.
- B. Adjusting building setback lines to promote the optimum spacing of structures to create adequate solar access.
- C. Orienting the longest dimension of each lot within thirty degrees of south, unless the subdivider demonstrates that for certain lots:
  - 1. The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation;
  - 2. Buildings will be constructed as part of the subdivision project (as in condominium) and the buildings themselves will be properly oriented with adequate solar exposure;
  - 3. Topography makes variations from the prescribed orientation desirable to reduce grading or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy infeasible;
  - 4. The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation.
- D. Easements for solar access. In order to provide for the maximum feasible use of solar energy within subdivisions, the City may require establishment of easements for some or all of the lots to protect access to sunlight. Where required, solar access easements:
  - 1. Shall be established on each parcel for the benefit of neighboring parcels within the subdivision;
  - 2. Shall be recorded concurrent with recordation of the subdivision map;
  - 3. The burdens and benefits of the solar easement shall be transferable and run with the land to subsequent grantees of the original grantor(s) and grantee(s);
  - 4. Shall protect solar exposure during the period from 10 a.m. to 2 p.m. Mountain Standard Time Zone on the winter solstice, unless topographical conditions or other overriding design considerations make protection of some other, equivalent time interval more desirable;
  - 5. The description of the easement shall include:
    - a. A plan and orthographic view of the easement area in relation to lot lines, together with notations on the maximum height of structures or vegetation which may occupy the easement area;

- b. A written description specifying the easement as a plane limiting the height of structures or vegetation, such plane beginning at a line clearly defined in relation to ground elevation and lot line location, and extending upward at a specific angle (altitude) in a specific direction (azimuth);
- c. The restrictions placed on vegetation, structures or other objects which would impair or obstruct passage of sunlight through the easement; and,
- d. Any terms or conditions under which the easement may be revised or terminated.

The establishment of solar easements is not intended to result in reducing allowable densities or the percentage of a lot which may be occupied by structures under zoning in force at the time the easement is established. Such easements will not be required when:

- 1. A plan for building construction and landscaping is approved in conjunction with the subdivision approval, and the plan will provide an acceptable level of solar exposure, as provided in the energy element of the general plan; or
- 2. The size and shape of the parcels together with the yard and height restrictions of the zoning regulations will allow subsequent development of each parcel in a way which will not eliminate acceptable solar exposure for neighboring parcels within the subdivision.

Discussion:

Director Westbay stated that the language is new language that the Commission has not had an opportunity to discuss. He said that staff feels there are potential problems with prohibiting vegetation because there could be a heat island effect. Mr. Seibert responded: “We have been testing this language in Boulder. It is how the trees are placed relative to the shadow. It takes more planning and thought for the builder and homeowner, but once they experience the ability to have the light they “get it”. It means careful tree planting. The biggest problem is evergreen planting.”

Staff suggested the changes to the language in Section D.4. After some discussion the Commissioners agreed with the language as modified.

**Item C: Table 4.2: R-2 Dimensional Standards**

Standard	Requirement
Minimum setback from side lot line	7.5 feet provided that one additional foot of setback shall be required for each two feet (a 1:2 ratio) of building height over 22 feet <del>for generally north facing lot lines</del>

Tim Seibert stated that the new energy conservation language addresses this issue and that the language could be stricken.

Richard Karas asked how, and from which point, the four hours per day in 3.3.6 D.4 (Item B, above) will be measured. Considerable discussion followed about the definition of height of a building. Commissioner Seitz suggested the language be deleted as indicated, Chair Lothamer agreed. No one disagreed.

**Item D: TABLE 6.2: C DISTRICT DIMENSIONAL STANDARDS**

Standard	Requirement
Minimum Landscaping area	<del>20</del> 10 percent not including required buffers

This issue relates to landscaping at the travel plaza. Staff suggests 20 percent. Tim Seibert explained that the applicants feel with the buffers on Hwy 50, and on the east and south, that 10 percent is plenty for landscaping. Commissioner Larson stated, “I think 20 percent is a lot of area; there has to be room for the business. I want to include the buffer [in the percentage of landscaping].”

Director Westbay stated, “We need to look at Tomichi and how we wish we had done things differently.” Commissioner Seitz stated, “The reason for a PUD is to improve things. This is a use that needs buffering. I like the 20 percent.” Commissioner Beda stated that he would like to include the buffer in the percentage.

Discussion followed regarding setbacks. Commissioner Harriman asked how much area is in the setbacks that would be available for landscaping and Mr. Seibert calculated the square footage for each of the buffers. Commissioner Harriman expressed concern in making exceptions for the landscaping requirement for a particular zone district. Chair Lothamer stated that essentially, the requirement could be left at 10 percent and still result in 20 percent.

The consensus was to leave the 10 percent requirement.

Standard	Requirement
Minimum Landscaping area	10 percent not including required buffers

**Item E:** This is new language, suggested by staff, that the Planning Commission has not reviewed. Mr. Seibert stated that the applicant is okay with the language. Director Westbay suggested that the language be changed as follows:

**7.3.1 Landscaping (CM District).**

D. Landscaped Buffer for Drive-in Facilities. Lots within the CM district developed for Drive-in Facilities, as defined by the GMC, shall provide a landscaped buffer along the entire length of the drive-through lane. Said buffer shall meet the following standards:

1. ~~The buffer shall be located between the drive through lane and the adjacent right of way or property line, and shall be landscaped and maintained with the planting described below. — Drive through lanes and facilities shall not be located within all lot line setback areas. The buffer shall be a minimum of 4 feet wide and located between the drive-through lane and the adjacent right-of-way or property line, and shall be landscaped and maintained with the planting described below.~~
2. The buffer screen shall consist of an opaque fence or masonry wall, a compact evergreen hedge, or dense foliage. The screen shall be at least 36 inches in height at the time of installation, and shall reach a height of 48 inches within two years of planting. If the screen includes a wall or fence, evergreen plantings shall be installed on both sides, to visually break up lengthy horizontal sections.
3. No drive-through window shall be permitted on the side of a building adjacent to any residential district, unless the proposed drive-through window faces the fifty-foot landscaped buffer described in Section 7.3.1.C, above.

The Commission recommended that #2 be re-written to differentiate between the height of a masonry wall and the height of vegetative barrier. Staff will work on the wording and bring it back next week for action.

**Item F:**        **7.3.6 Additional Standards.** The following additional standards shall apply to development within the CM district:

~~L. — Drive in Facility~~

It was determined that this new language is not necessary.

**Item G:**        **8.2 Permitted Uses and Parking Space Requirements.** The following uses are permitted in this zoning district. Uses not listed below are prohibited.

- A. At the time a site specific plan is developed for the CRV District, the plan shall illustrate all “for-sale” sites and “rental sites”. A maximum of 210 “for-sale” sites shall be permitted within the entire District.<sup>1</sup>

**TABLE 8.1: CRV Permitted Uses and Parking Space Requirements**

PERMITTED USES	NUMBER OF SITES PERMITTED <sup>2</sup>	PARKING REQUIRED
Manufactured housing on individual sites (Park Model Units)	80 <del>25</del> maximum	2 spaces per unit
Recreational Vehicle Park Sites on individual sites	270 maximum	2 spaces per site/RV site (including RV), plus 1 parking space for each five sites for guests

Note: these footnotes have been changed to reflect discussion that took place:

<sup>1</sup> To be in the pro/con statement for next meeting.

<sup>2</sup> The specifics of conveyance of ownership needs to be addressed

Regarding the number of “for sale” sites allowed, Director Westbay stated that “the argument against it is to allow the market to do what it can, or will it be a defacto residential development in the future.”

Commissioner Seitz stated, “We talked about having individual private ownership scattered. We see that in West Gunnison, how difficult it is to get everyone to agree. I would be in favor of zero individual sites. They should all be rented. Selling is not a good idea.”

Richard Karas stated, “There are two ways of thinking about this. The applicants say this will be a high-end expensive development, when in the long run, they often become affordable housing. One of the best ways for that to develop is to have individual owners. It involves where it will end up, particularly with the direction the RV industry is going.” Commissioner Harriman stated, “I see a potential slum.” Dr. Karas stated that in Pitkin and Eagle counties they are nice, and offer affordability. Director Westbay responded that “affordability goes away with private roads and utilities.”

Chair Lothamer asked, “What is the issue with the number of park model units?” Director Westbay responded that it is “what *is* a park model?”

Commissioner Seitz raised the issue of the sewer line size and cleaning velocity. Considerable discussion followed and Mr. Seibert stated that the number the applicant suggested was based on the recommendation of an RV consultant. The Commission reached consensus on 80 units.

Discussion turned again to the number of “for sale” units. Chair Lothamer observed that one issue is the method of conveyance. Councilor Harriman asked if there could be a requirement that if the land is redeveloped there is a buy-back. Director Westbay responded that the only way would be first right of refusal. Mr. Seibert stated that a management company could handle rental of the owned units.

Commissioner Beda observed one would not be able to tell which sites are rentals and which are owned. Commissioner Larson agreed. Director Westbay responded that the issue is reconsolidation of land use. Commissioner Seitz asked, "If something changes in the future, what do you do with it? Then you *would* be able to tell the difference, by the height of the weeds." He continued, "We hope for the best and plan for the worst. We have to be the devil's advocate." Commissioner Beda stated, "It isn't our job to say it is a bad idea." Commissioner Seitz responded, "The issue is the land use now and 50 years from now. That is why we can express concern."

Commissioner Larson stated, "We can't say it isn't a good idea." Commissioner Seitz said, "I am saying there are a lot of situations that could cause a negative impact on the community. If they could give us statistics, I might be convinced. I haven't seen any other communities that are advising us to jump on this. I see a lot of concern." Commissioner Beda stated, "Obviously there are investors that see the opposite." Commissioner Larson said, "They wouldn't invest if they thought it would fail in 50 years."

Commissioner Harriman observed, "The question is the *number* of "for sale" sites, not "*none*" for sale." Chair Lothamer said, "That *could* be the question." Commissioner Larson said, "The concerns Jim expressed are the same no matter how many are for sale. I don't have a problem with the 210. It is their business."

Commissioner Harriman asked Mr. Seibert, "So you think this is an element of the plan that will be attractive to a developer?" Mr. Seibert responded, "We think that market trends indicate that. Correct. Originally, we didn't want any restriction. We wanted flexibility to do both. But, we were asked to put a number in the plan."

Chair Lothamer stated, "There could be issues in the future. We have to trust they will make good decisions. If you allow any for sales, you will have those issues."

Richard Karas said, "I have a question for Tim. [Regarding] if they are all for sale, or if it is none. If it is all for rent, all of the cost of the infrastructure goes toward the renters. If it is for sale, the developer can recoup some of the expense. So, does the number present a calculation of minimizing business risk?" Mr. Seibert responded, "I would assume that. There would be maintenance fees for the owners. If you can defray the cost by looking in the future by getting "X" dollars back that helps the business model." Dr. Karas continued, "Once you have sold the property, the HOA will collect. Whereas the rental lots, when vacant, the developer pays it. By picking a number, it determines the viability of the project."

Director Westbay said, "The issue is, what would occur if you have 200 to 300 different owners and interim land use versus long term use."

Commissioners Beda and Larson both said they support having sites for sale. Commissioner Harriman said, "If you have an RV park for rent or for sale, it doesn't make any difference, there will be problems in the future." Commissioner Beda responded, "You might *not* have 200 owners, it could be one investor." Commissioner Seitz replied, "Anything other than one owner is a mistake." Commissioner Harriman and Chair Lothamer agreed and Commissioner Harriman stated, "It is a bad idea all the way around."

Director Westbay asked the Chair if she would like staff to draft a recommendation that there are differing views regarding multiple owners in the long range. Commissioner Seitz said, "I just don't

like individual owners” and Chair Lothamer added, “That will present problems in the future.” She directed staff to draft a pro and con statement for the next meeting.

**Item H: 8.3.1 Additional Development Standards – Commercial RV Resort District**

A. General Operation Standards

6. Utility design, installation and maintenance shall be in compliance with the provisions of the *City of Gunnison Municipal Code*. Utilities including but not limited to water service lines, sewer service lines, irrigation ditches, and street lighting electrical services that are specific to service of sites and buildings within the CRV District, shall be considered private utilities and the maintenance services responsibilities shall be that of the Owner and Operator. The City will be responsible for the maintenance and operation of primary water trunk lines, sewer mains, large irrigation ditches, primary electrical transmission lines, substations, major electrical transformers, major switch gear and the other primary utility facilities serving the entire PUD.

Each lot and/or site will be required to pay a capital investment fee at the time the lot or site is developed. ~~or when the subdivision is approved.~~

The issue is the last paragraph, Commission agreed with the added language, as amended.

**Item I: 9.3 Development Standards.** All future development and use in the C/WP district are subject to the standards set forth herein, and may only be amended through a PUD Major Change application.

- 9.3.2 The existing facilities within the C/WP District may remain. Development of ~~new~~ **additional** facilities is prohibited. ~~and may only be allowed through a PUD Major Change application.~~ No expansion of existing facilities shall be allowed. ~~Maintenance of existing facilities is permitted.~~

- 9.3.3 In the event that any existing facilities are destroyed they may be replaced with an as-built structures identical to the size and height of the existing facilities, if they comply with Avigation Easement requirements.

The Commission agreed upon the language as amended.

**Item J: 9.3 Development Standards.**

- 9.3.5 Utility design, installation and maintenance shall be in compliance with the provisions of the *City of Gunnison Municipal Code*, subject to the provisions of Section 7.1 of the Annexation Agreement. Utilities including, but not limited to water service lines, sewer service lines, irrigation ditches, street lighting and electrical services that are specific services provided for the private facilities and buildings within the C/WP District, shall be considered private utilities and the maintenance services shall be the property owner’s

responsibility. The City will be responsible for the maintenance and operation of primary water trunk lines, sewer mains, large irrigation ditches, primary electrical transmission lines, substations, major electrical transformers, major switch gear and the other primary utility facilities serving the entire PUD.

Each lot and/or site will be required to pay a capital investment fee at the time the lot or site is developed. ~~or when the subdivision is approved.~~

The Commission agreed upon the language as amended.

**Item K: TABLE 11.2: GOV District Dimensional Standards**

Standard	Requirement
Minimum lot coverage landscaping	15 percent not including buffers

Commissioner Harriman asked about the percent of landscaping required within the existing city limits and his concern that if these are less stringent than what the standards allow in other districts there will be problems in the future with people asking for exceptions. Director Westbay stated that 15percent is greater than current standards.

The Commissioners accepted the 15 percent requirement.

**Item L: 16.5.4 Requirements (CM district).** The following concepts shall be reflected on all development plans prepared pursuant to this section:

- D. Parking. No more than 50 percent of all required parking shall be located between the building front façade and the adjacent public right-of-way.

Tim Seibert stated that the challenge is not having 50 percent of the parking between the right-of-way and the building. He also asked which side is the front façade if it is a corner lot. He said, "I understand the intent is for big box stores, but it hits the small guy more. The intent is to put parking where it is less visible by splitting it up, enforcement would be difficult. I can propose new language, look at other standards." There was considerable discussion about the 50 percent issue. Commissioner Larson asked if there could there be a sliding scale based on the use. Chair Lothamer responded that the standard is set on how many are needed. Councilor Harriman observed that "You can't predict what it will be for the life of the building." Commissioner Seitz suggested that parking could be at the rear entrance as well. Tim Seibert said, "If you want it, you are making the recommendation." Commissioner Seitz explained that this issue came up on other projects prior to Gunnison Rising. Chair Lothamer said, "You just have to put parking on the sides."

The Commission agreed to leave the language as written.

**Item M:** Director Westbay suggested revised language in his memo to the Commission:

**16.8 Sign Regulations.** The objective of this section is to create the framework for a comprehensive and balanced system of signage control and thereby to provide an attractive and effective balance between signage and the environment.

**16.8.1 Purpose.** The regulation of signs shall be based upon the following principles:

- A. Signs help to provide a positive economic climate for business and industry by encouraging better communication with the public, and providing information to the traveling public.
- B. Signs must provide easy and legible identification.
- C. Signs must be compatible with adjacent buildings and uses.
- D. Signs must be visually pleasing and of high quality design.

**16.8.2 Requirements.** All signs in Gunnison Rising shall adhere to the following regulations. Any signage not provided for in the following shall be deemed prohibited.

- A. Wall signs shall be located on a building elevation/façade, in accordance with location restrictions contained within the City of Gunnison Land Development Code Sign Standards, as they currently exist, and as they may be amended in the future.
- B. All signs erected, maintained, constructed, relocated, modified, or altered in any way must obtain a Sign Permit from the City of Gunnison.
- C. Freestanding Signs within 400 feet of the Highway 50 right-of-way shall be permitted pursuant to Sections 16.8.3 and 16.8.4 below.
- D. Wall Signs within 400 feet of the Highway 50 right-of-way (ROW) shall be restricted pursuant to Section 16.8.5 below.
- E. All other signs shall comply with the requirements of the *Gunnison Municipal Code* as it currently exists or as may be amended.

**16.8.3 Freestanding Signs Adjacent to Highway 50.** In addition to signs which may be permitted by the *Gunnison Municipal Code*, the following type and number of freestanding signs are permitted on properties within 400 feet of the Highway 50 right-of-way:

**Table 16.1: Multi-Tenant Freestanding Sign Regulations**

TYPE	LOCATION	MAX. # OF SIGNS PER ZONING DISTRICT	MAXIMUM HEIGHT	MAXIMUM SIGN AREA	MAXIMUM NUMBER OF TENANTS LISTED ON SIGN
Multi-tenant Commercial Center signs	Commercial / Mixed Use Zoning District	Two	25 feet	100 square feet maximum aggregate; up to 50% of sign area may be allocated to primary tenant and logo areas	Ten
Multi-tenant Commercial Center signs	Commercial District south of Highway 50	One	25 feet	100 square feet maximum aggregate; up to 50% of sign area may be allocated to major tenant and logo areas	Ten
Multi-tenant Business Park signs	Industrial Modified Zoning District	One	25 feet	100 square feet maximum aggregate; up to 50% of sign area may be allocated to major tenant and logo areas	Ten

**Table 16.2: Low-Profile Freestanding Sign Regulations**

TYPE	LOCATION	MAXIMUM NUMBER PER ZONING DISTRICT	MAXIMUM HEIGHT	MAXIMUM SIGN AREA
Residential Subdivision Entrance Signs	Residential Village Zoning District	One	6 feet	50 square feet maximum
RV Resort Identification signs	Commercial RV Zoning District	Two	6 feet	50 square feet maximum
Government Office Identification Signs	Government Zoning District	One	6 feet	50 square feet maximum

**16.8.4 Additional Freestanding Sign Requirements.**

- A. Location. No Freestanding Sign shall be located within the buffer area established adjacent to Highway 50. All Freestanding Signs must maintain a minimum setback of at least eight (8') feet from any public right-of-way. Signs greater than six (6) feet tall (including sign area and sign structure) shall conform to the building setbacks of the zoning district in which the parcel is located.
- B. Illumination. Freestanding Signs may be internally illuminated or illuminated via spot lighting or similar external forms. Internally illuminated signs shall have an opaque background with only letters and logo illuminated. The illumination of signs is permitted, provided **that the**

~~full-cutoff fixture requirements~~ and luminaire standards meet the requirements of other exterior lighting as set forth in Section 15.12. ~~Lighting of signs shall be shielded so as to concentrate the illumination upon the area of the sign and to prevent glare upon the street and/or adjacent property. Lighting of signs shall not be directed upward into the night sky, and shall not interfere with the vision of drivers or pedestrians, either on the property or adjacent thereto.~~

- C. Materials. All materials of any Freestanding Sign shall be compatible and harmonious with the materials of the building, center, or subdivision identified by the sign.
- D. Colors. All colors of any Freestanding Sign shall be compatible and harmonious with the color(s) of the building, center, or subdivision identified by the sign. Furthermore, text on a Freestanding Sign is limited to three (3) colors.
- E. Items of Information. The items of information on a Freestanding Sign shall be limited to the name of the subdivision, business(es) or business center, address, telephone number, and/or business/center/subdivision logo. Please refer to the sketches below for illustrations of the two types of freestanding signs described in the tables above.

**16.8.5 Wall Sign Requirements.** Wall signs shall be allowed within Gunnison Rising to advertise businesses and services within the CM District with the additional restrictions set forth in sections A-F listed below.

- A. Location: ~~Wall signs shall be located on a building elevation/façade, in accordance with location restrictions contained within the City of Gunnison Land Development Code Sign Standards, as they currently exist, and as they may be amended in the future. Wall signs located on a~~ Only buildings with wall plane elevations that directly abut is within 400 feet of the Highway 50 ROW, and that faces the Highway ROW, may utilize Highway frontage in calculating allowable sign area; ~~off-premises signs are prohibited, except for those permitted by the free-standing sign standards established herein. Wall signs located on a building elevation/façade that faces opposite the Highway ROW, and signs located more than 400 feet from the Highway ROW, may not utilize Highway frontage in the allowable sign area calculation.~~
- B. Size: ~~Wall signs facing the Highway 50 ROW shall be included in the total permitted sign area for a property.~~ The size of wall signs facing the Highway 50 ROW shall be no larger than 100 square feet or equal to the allowed sign area calculated based on the store front dimension, whichever is most restrictive.
- C. Illumination: Wall signs may be internally illuminated. Internally illuminated signs shall have an opaque background with only letters and logo illuminated.

- D. Materials: All materials of any sign shall be compatible and harmonious with the materials of the building, center, or subdivision identified by the sign.
- E. Colors: All colors of any sign shall be compatible and harmonious with the color(s) of the building, center, or subdivision identified by the sign. Furthermore, text on a wall sign is limited to three (3) colors.
- F. Items of Information: The items of information on a wall sign shall be limited to the name of the subdivision, business(es) or business center, address, telephone number, and/or business/center/subdivision logo.
- ~~G. Other aspects of wall signs not addressed herein shall conform to the City of Gunnison Land Development Code Sign Standards, as they currently exist, and as they may be amended in the future.~~

The Commission had no issues with 16.8.1 through 16.8.5, as amended.

Chair Lothamer asked Director Westbay what the next step should be. He replied that staff can come back for one more meeting with the revised verbiage, for action. He asked the Commission if they could meet on Thursday, October 1<sup>st</sup> at 7:00 p.m. for action at a Special Meeting. All agreed. Tim Seibert will be unable to attend.

Commissioner Seitz observed that the energy conservation and solar orientation issues created a lot of discussion, particularly with one community member. He said that since there won't be another public hearing, he would like for Steve Schechter to be provided with the new language.

Chair Lothamer said that the rest of the agenda would be deleted, but asked for a motion to excuse Commissioner Keating.

#### ACTION

During the regular Planning and Zoning Commission meeting held on September 23, 2009, Commissioner Harriman moved, and Commissioner Larson seconded, and the Commission voted to excuse Commissioner Keating.

Roll Call Yes: Jim, Bob, Diane, Ellen, Greg and Harvey  
Roll Call No:  
Roll Call Abstain:  
Motion Carried

#### V. ADJOURN

Chair Diane Lothamer adjourned the meeting at approximately 8:58 p.m.

\_\_\_\_\_  
For Diane Lothamer, Chair

Attest:

\_\_\_\_\_  
Pam Cunningham, Secretary