

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
BOB BEDA, CHAIR	X		
DUSTY SZYMANSKI	X		
ERICH FERCHAU	X		
MAGGIE LLOYD			X
CAROLYN RIGGS	X		
GREG LARSON	X		
COUNCILMEMBER ELLEN HARRIMAN	X		

**OTHERS PRESENT:** DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, AUSTIN CANNEY.

**CALL TO ORDER AT 7:00 PM BY CHAIR BOB BEDA**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**CONSIDERATION OF THE JUNE 9, 2010 MEETING MINUTES**

Commissioner Riggs moved to approve the June 9, 2010 meeting minutes as amended.

Commissioner Larson seconded the motion.

Roll Call Yes: Dusty, Erich, Bob, Greg, and Carolyn

Roll Call No:

Roll Call Abstain: Ellen – was not present at the June 9<sup>th</sup> meeting.

Motion Carried

**PUBLIC HEARING AND ACTION – PUBLIC HEARING AND ACTION: CONDITIONAL USE, CU 10-3, SUBMITTED BY AUSTIN M. CANNEY TO OPERATE A HOT DOG CART AS A TEMPORARY COMMERCIAL ACTIVITY IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE.**

Commissioner Riggs excused herself due to a conflict of interest and left the room.

**Open Public Hearing.** Chair Bob Beda opened the public hearing at approximately 7:00 pm.

**Proof of publication was shown for the record.**

**Review of Process.** Planner Ruggera gave an overview of the process of a conditional use application and summarized the application. The applicant, Austin Canney, proposes the operation of a seasonal hot dog cart at 117 West Georgia Avenue also known as All Sports Replay. The legal description is Lots 1 through 4, Block 12, Original Gunnison, City and County of Gunnison.

**Applicant Presentation.**

Austin Canney stated he has lived in Gunnison for the last 8 years. He wants to create his own niche in the community by operating a hot dog cart and providing late night food. In creating another aspect for quick meals he located in the downtown area. People can walk to the site and he is open Monday through Friday, 11 a.m. to 3 p.m. Austin stated he has a commercial kitchen located at The Brick Cellar.

A letter of support from Stephen J. Pierotti from Gunnison Country Publications dated, June 8, 2010 was entered for the record.

**Staff Presentation.**

**Commission Discussion.**

Commissioner Szymanski stated that he feels the hotdog cart is a good amenity, which it is quick and easy and he has never had any problems in regard to traffic. He feels it is a good benefit to the community. Councilor Harriman agreed.

Commissioner Ferchau asked Director Westbay how liability issues are dealt with and whether it required a lease or agreement [between the applicant and the property owner]. Director Westbay said that he assumes there is some kind of agreement. Mr. Canney stated that he carries his own insurance. Commissioner Ferchau asked about restroom access and public restroom requirements. Director Westbay stated that with the nature of the business the City can mandate a restroom requirement but hasn't in the past. Regarding liability, it is a civil matter and not City business.

Commissioner Szymanski asked the applicant if he is planning to have any seating for customers. The applicant replied that having seating under the awning at All Sports Replay has been discussed. Commissioner Szymanski stated that if tables are provided restrooms may be needed. The applicant stated that it works out that customers eat and go to All Sports Replay. Commissioner Szymanski asked if there are there other places that the cart could be moved to or if it would require a conditional use. Director Westbay explained the events permit process. Mr. Canney stated he is working at the Broncos event on Thursday and the Gunnison River Festival. He said he is "all about special events."

Commissioner Larson stated that it is a nice clean application.

Chair Bob Beda closed the public hearing at 7:21 p.m.

**ACTION**

During the regular Planning and Zoning Commission meeting held on June 23, 2010, Commissioner Larson moved, and Councilor Harriman seconded, and the Commission voted to APPROVE Conditional Use Application CU 10-3, submitted by Austin Canney for the operation of a seasonal hot dog cart at 117 West Georgia Avenue, based on the following findings of fact:

**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*.
2. The Planning and Zoning Commission finds that this conditional use application is for a temporary commercial activity of a hot dog cart in the Central Business District zone.
3. The Planning and Zoning Commission finds that the hours of operation are during the summer months, Monday through Friday 11 a.m. to 3 p.m.
4. The Planning and Zoning Commission finds that the hot dog cart use is compatible with neighborhood uses.

5. The Planning and Zoning Commission finds that the hot dog cart is operated under a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment.
6. The Planning and Zoning Commission finds that the applicant has State and City sales tax licenses.

The Planning and Zoning Commission finds that a seasonal hot dog cart will not be a detriment to the community's health, safety and welfare.

Roll Call Yes:           Dusty, Erich, Bob, Greg, Ellen  
Roll Call No:  
Roll Call Abstain:  
Motion Carried

Commissioner Riggs returned.

**UNSCHEDULED CITIZENS.** There were none.

**COUNCIL UPDATE.** Councilor Harriman updated the Commission on recent City Council business: At the June 22, 2010 meeting:

- the single agenda item was a 3.2 beer license for Wal-Mart;
- Council adjourned to executive session to discuss a zoning matter.

There will be two band concerts this week, on Thursday and Friday.

### COMMISSIONER COMMENTS

**ACTION:** Commissioner Szymanski moved to excuse Commissioner Lloyd from the June 23, 2010 regular meeting. Commissioner Larson seconded the motion.

Roll Call Yes:           Erich, bob, Carolyn, Ellen, Greg, Dusty  
Roll Call No:  
Roll Call Abstain:  
Motion Carried

- Erich commented on the APA journal

**PLANNING STAFF UPDATE.** Director Westbay reported that:

- The VanTuyl Ranch Management Plan Focus Group met to discuss the draft report. The most significant discussion was regarding the location for the public facilities. Regarding the actual report, there were few comments from the Focus Group.
- The Gunnison Valley Hospital has submitted a conditional use application.
- The Fire Regulations Board met today there is not a burn ban at this time, however they are keeping a close eye on the situation.

### ADJOURN TO WORK SESSION

Chair Beda adjourned to a work session at approximately 7:37 p.m.

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Bob Beda, Chair

Attest:

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Andie Ruggera, Secretary