

MEMBERS	PRESENT	ABSENT	EXCUSED
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, PLANNING TECHNICIAN PAM CUNNINGHAM, BETSY BAIR, MARK LANDWERT, CHUCK JORDAN, TL LIVERMORE, DENNIS MINCHOW, KEN COLEMAN.

I. CALL TO ORDER AT 7:02 PM BY CHAIR BOB BEDA

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE JULY 7, 2010 MEETING MINUTES

Councilor Harriman moved to approve the July 7, 2010 meeting minutes as presented.

Commissioner Larson seconded the motion.

Roll Call Yes: Erich, Bob, Carolyn, Greg, Ellen

Roll Call No:

Roll Call Abstain: Dusty

Motion Carried

IV. PUBLIC HEARING AND ACTION – Conditional Use Application CU 10-5, submitted by Gunnison Valley Hospital for the expansion of hospital operations in the PUD R-3 (Multi-family residential) district zone.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:05pm.

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 is Gunnison Valley Hospital, represented by Betsy Bair and Mark Landwert. The request is to utilize the property zoned PUD R-3 (multi-family residential) adjoining the Gunnison Valley Hospital for future expansion of the hospital and additional parking. The legal description of the property is Lot 12, The Meadows, Phase 1R, City and County of Gunnison, Colorado.

Applicant Presentation. Betsy Bair, CEO of Gunnison Valley Health, addressed the Commission. She stated the application has to do with additional parking. Currently parking is at a premium and many employees must park on the streets. She said there is limited parking for rehab patients and that there are traffic flow issues with staff, patients, and emergency access. The proposed parking would provide sufficient additional parking for the current building as well as the addition.

Commissioner Ferchau stated that his recollection from the July 7th meeting was that parking wasn't an issue. Ms. Bair replied that the hospital frequently receives complaints from patients. She also stated that with the addition and remodeling of the hospital, the registration and outpatient services will be moved and the main access will be off Colorado Street, which will provide a "drive-through" access.

Director Westbay said that Commissioner Ferchau's recollection was correct. He explained that because the hospital project was done in two applications, City and hospital staff looked at the parking functionality in case the expansion of hospital operations into the PUD R-3 zone was not approved, with the assumption of a plan to accommodate parking without the conditional use.

Chair Beda asked if there were any further questions.

Mark Landwert, representing Neenan Architects, advised the Commission that a meeting had been held with 12 to 14 local subcontractors and that the project managers are trying to involve as many local contractors as possible on the project.

Public Input: There was none.

Staff Presentation. Planner Ruggera stated that in determining the dimensional standards, the entire site was reviewed [the Commercial and PUD R3 district]. Staff determined that 106 parking spaces are required and the applicant is proposing 151. The proposed expansion provides the existing emergency access and additional public access to the hospital, additional parking, snow storage, and stormwater management. The staff observed possible conflicts in conformance to *Code* and expressed concerns with mitigating noise, odor, dust and glare to the Meadows Village subdivision to the north during construction. Staff suggested that landscape and lighting plans should be submitted with the building permit to mitigate these conflicts.

Commissioner Ferchau asked about the lighting requirements. Director Westbay replied that the City's current lighting standards are nebulous to administer. He said he and the applicant(s) discussed fixtures that will address night glare and the helicopter flight path. The applicant is proposing full cutoff fixtures for the function of the helipad.

Chair Beda asked if an aviation agreement is required. Director Westbay replied that he, Mr. Landwert, and the County attorney will discuss that issue, since it is County property.

Commission Discussion.

Chair Beda reviewed the review standards and findings of fact and condition.

Commissioner Riggs asked if the intersection of Colorado and Escalante has been discussed with the College. Director Westbay replied that extensive discussions were held with the college during the annexation process and that Escalante will not be a through-street in the future, which should mitigate traffic issues at that intersection.

Chair Beda closed the public meeting at 7:22 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on July 21, 2010, Commissioner Larson moved, and Commissioner Riggs seconded, and the Commission voted to APPROVE Conditional Use application CU 10-5, submitted by Gunnison Valley Hospital to utilize the property zoned PUD R-3 adjoining the Gunnison Valley Hospital for future expansion of the hospital and additional parking, 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*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for future expansion of the hospital and additional parking in the PUD R-3 district.
3. The Planning and Zoning Commission finds that the expansion of the hospital to the PUD R-3 site is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the *LDC*, Chapter 15.80, Off-Street Parking Standards, does not classify parking requirements for a hospital. The Commission further finds that 106 parking spaces are required as determined by the Community Development Director through analyzing historical use and the number of employees during the daytime shift. The Planning and Zoning Commission further finds that the applicant is proposing a total of 151 parking spaces to accommodate visiting doctors, outpatients, and adjacent Gunnison Health facilities.
5. The Planning and Zoning Commission finds that the Gunnison Valley Hospital was granted a conditional use for the continued operation and expansion of the hospital on July 7, 2010.
6. The Planning and Zoning Commission finds that the development plans submitted for building permit issuance will include an exterior lighting plan using full-cut-off fixtures and a landscaping plan using plant covers that help to form buffers between the hospital and adjacent land uses.
7. The Planning and Zoning Commission finds that the hospital facility will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITIONS:

1. The applicant shall mitigate any possible nuisances of noise, odor, dust and glare to the adjoining Meadow Village subdivision during construction.

V. RESOLUTION NUMBER 3, SERIES 2010: A resolution of the Planning and Zoning Commission of the City of Gunnison, Colorado, recommending adoption, to the City Council, of the *VanTuyl Ranch Management Plan* (dated August, 2010) as a sub-area master plan and a companion document to the *City of Gunnison Master Plan* (April 25, 2007).

Staff Presentation: Director Westbay explained that in the past few weeks a great deal of activity has taken place to finalize the *Management Plan* to present it for adoption. A joint meeting of the Planning and Zoning Commission and City Council was held on June 29th at which the main topics of discussion were the location of the public facilities and parameters of the agriculture operations. City Council and the P&Z had a site visit on July 8th and there was continued discussion with City Council on July 13th. The public facility site was discussed with City Council because the Focus Group could not come to consensus on the location and deferred to Council. Council's directive was to propose Site 1 (near Vulcan and CR 13). That site is designated in the maps and within the narrative of the plan. The second discussion was regarding the agriculture operation. At the joint meeting Council and the P&Z asked that there be a consideration to provide flexibility. Staff drafted new language for consideration. The final draft of the *Management Plan* reflects changes from discussion with Council on July 13th.

Director Westbay introduced an e-mail from Alan Schroeder of the Bureau of Reclamation (BOR) that addresses the Colorado Division of Wildlife (CDOW) quit claim deed and deed restrictions of the river corridor. Director Westbay explained that the plan does not contemplate any of the CDOW conservation area. Gunnison Trails has proposed extension of the trail through Ranch property to BOR land across the Gunnison River. BOR opposes the trail extension. The *VanTuyl Ranch Management Plan* shows a spur trail that provides access to the river but is otherwise innocuous. Director Westbay said he has responded to Mr. Schroeder and assured him that these and other topics will be discussed with BOR in the future.

A second e-mail was received from Joellen Fonken of Gunnison Nordic. Staff provided to P&Z modified language in the plan that accommodates Gunnison Nordic's final comments regarding the Ranch and also made an amendment to the Nordic trail map.

Councilor Harriman asked for clarification of where the CDOW property is along the river. Staff will make grammatical changes to reflect that CDOW owns the property along the river.

Discussion turned to the proposed language change regarding prohibiting dogs on the Nordic trails. The language was changed to read that all *groomed* ski tracks on the VanTuyl Ranch are closed to dogs.

Director Westbay observed that the VanTuyl Ranch planning process was an excellent way to get the community involved and that the City appreciates funding from GOCO for the planning process. Implementation of the plan will be long-range.

Councilor Harriman asked how negotiations will be handled when questions arise regarding where irrigation water should go and where ski trails will go. City Manager Ken Coleman replied that the priorities identified in the plan will help in the management of the Ranch. Because irrigation water is applied seasonally [during the summer and fall] there will be no impact in the winter. He continued, saying that the [potential] conflict is with grazing and recreation, which is why the plan defines the priorities. The [agriculture] conservation plan will be more definitive in what the City will request of

lessees. The plan makes it clear to all users what the rules are up front. As far as resolving questions, the City Manager or designated representative(s) will address those issues.

Discussion turned to terms of the ranch lease and how future leases may be affected by the *Management Plan*. City Manager Coleman explained that the current lease is a three year lease and is in the second year. As a legal document, it could override the plan, but new leases will reflect the *Management Plan*.

Commissioner Szymanski asked if the current lessee feels there has been a resolution that they can work with. City Manager Coleman replied that there has been give and take and that many of the lessee's desires have been addressed by providing flexibility in the plan.

Councilor Harriman stated that she is uncomfortable with grazing having a lower priority than recreation [because agriculture was supposed to be a higher priority]. City Manager Coleman replied that grazing and maintaining hay meadows and the irrigation system are two different things. The issue with grazing is related to water quality and because recreation is more neutral to water quality it was given a higher priority.

Discussion turned to wording of the resolution. Commissioners Larson and Chair Beda recommended some minor changes.

Public Comment: TL Livermore addressed the group, stating he is a member of the Focus Group that worked on the *Management Plan*, and that he grew up on Tincup Street, with the Ranch as his backyard. He said it has been an interesting process with a lot of groups represented. Although he is a daily recreationist on the Ranch, he would argue in favor of moving the agriculture component to the same level of recreation. He said that bogs along the trail cause some recreationists to have to go into the agriculture area and that recreation could impact the nature of irrigation. In fact, installing the path altered the irrigation. He continued, saying that sometimes flood irrigation is not compatible with summer recreation—waders are required to get to the river from May to October. Regarding the term of the lease, the Mayor told him that City Council can't commit future councils, but it seems the more invested the agriculture tenant is, the better care he will take of the land. He suggested an annual lease be considered that could be renewed or not by either party because it takes a while for tenants to learn the land.

Commissioner Ferchau asked who reviews the lease. City Manager Coleman stated that staff works with the lessee and takes a recommendation to Council. Commissioner Ferchau asked if the plan has adequate process for change over time. City Manager Coleman stated that it will allow for adjustments for whatever the operation might be. He said he believes the lease document will probably evolve to reflect more of the language from the plan and that there is enough flexibility that there won't be major issues. He said there will be concerns by different users, but the document gives clarity for addressing issues.

Director Westbay pointed out that the management section of the plan (Table 3.10.6) shows the prohibited, permitted, or conditionally permitted uses that are allowed on the Ranch. He said that this could expand in the future and will be adopted and amended as necessary.

Commissioner Szymanski commended staff, the Focus Group, the Parker's and everyone's time that went into the plan. He said he agrees with TL that the longer the tenant is on the Ranch the more invested they will be and the more knowledge they will have. He said the beauty of the opportunity

with the Parkers being on the Ranch, the voice [of the public] that came to the meetings, and the voice of recreationists and multi-user groups all happening on public land is a beautiful and special thing that creates a lot of interest. He said that it makes him more excited to live in Gunnison knowing it is happening and that the dynamic effort takes a lot of work, and is not going unnoticed.

Director Westbay said that he sees the opportunities of a long term lease and the philosophies being brought to the agriculture operations as excellent philosophies. He said it is a work in process for all of us to move forward and support in a manageable way.

Councilor Harriman introduced Resolution Number 3, Series 2010 and asked that it be read by title only by the Chairman. Chair Beda read: A Resolution of the Planning and Zoning Commission of the City of Gunnison, Colorado, recommending adoption, to the City Council, of the *VanTuyl Ranch Management Plan* (dated August, 2010) as a sub-area master plan and a companion document to the *City of Gunnison Master Plan* (April 25, 2007). Councilor Harriman moved adoption of Resolution 3, Series 2010. Commissioner Riggs seconded the motion.

Discussion: Chair Beda asked if there is a problem with reading and passing in July a document that is dated in August. Director Westbay replied that the document will be adopted by the Council in August, which is why it is dated August. There being no further discussion, the Commission was polled and the resolution was adopted unanimously.

VI. SCHEDULED CITIZEN: DENNIS MINCHOW AND DICK BRATTON, GUNNISON VALLEY PARTNERS, LLC REGARDING GUNNISON RISING VARIANCE REQUEST.

Dennis Minchow stated that he appreciates Council and staff helping to come up with a plan to move forward. He informed the Commission that the Gunnison Valley Partners (GVP) have an opportunity to sell 40 acres of commercially zoned property in Gunnison Rising. He said that the investor doesn't have any current plans for development at this time; they are investors in development, not developers. He said that what he and his partners are asking for, and propose, is to sell a piece of land without the full subdivision platting process. He explained that without having any layout for the Commercial property at this time, to go through the full three-step subdivision process and all documents required under the current *Code* would be a waste of staff, consultant, Commission and Council time in reviewing a fictitious plan because it wouldn't be what would ultimately be built. They are trying to move quickly because the CDOW is planning to build a facility on the south side of the highway. Under the *Annexation Agreement* a number of studies must be done before any development can take place. The sale of the 40 acres provides the funding to do the studies to accommodate the CDOW site and move the process forward. He said that Director Westbay proposed that GVP go through the platting process but defer the requirements of the preliminary plat until such time as there is a true development application. He said that Director Westbay proposed and the partners agree with a strong plat note so that the buyer is on notice of everything that must be done prior to development. Mr. Minchow continued, saying that they are not requesting a waiver of the requirements, but rather a deferral. It does require an amendment to the *Annexation Agreement* and Gunnison Valley Partners will work with City staff and the attorney to draft language for that amendment. The draft will be presented to City Council on August 3 so that GVP can get further direction from Council.

Chair Beda asked if there were any questions.

Councilor Harriman informed the Commission that part of what the Council talked about was an escrow account to guarantee the studies are done. She said that those studies are critical and it is incumbent upon the City to make it work.

Commissioner Larson said that it is a good way to get to the end result.

Commissioner Szymanski asked Mr. Minchow what the consequences are if it is not passed. Mr. Minchow replied that if they can't sell the 40 acres they won't have funding available to do all of the studies. Along with the studies, the bank has a lien on the property for the CDOW. So, if they don't have the funds to release the land and do the studies, it could put the CDOW facility off. Without a sale, they don't have the money to do all of the things required for CDOW to move forward. He said they aren't intentionally trying to use the CDOW site for leverage; it is a reality of the economy, not just in mountain towns, but on the Front Range as well.

Councilor Harriman asked about the other lands that aren't dedications, but promises for the future. Mr. Minchow responded that the donations to the Western State College Foundation are part of a contract between Gunnison Valley Partners and Gunnison Gateway (the Wilson Family). The property for the Museum is still set aside. But that would be the same process [a subdivision would be required] and GVP needs to have money to release it from the bank. He said they weren't anticipating that the CDOW would be able to proceed at the pace they are going or to raise funds as fast as they have.

Director Westbay said that the essence of what the Commissioners need to understand is the provisions in the subdivision process. As a matter of practicality, it serves no interest to have GVP do a major subdivision with utility and road plans when in fact it is "fictitious." He said that he, the City Manager, and the City Attorney have discussed waiver provisions in the *Code* and accompanying plat notes that protect the interests of the community. The process of a major subdivision is: sketch plan with a public hearing; if approved, the application goes to a preliminary plan (with a public hearing) which is the nuts and bolts of subdivision review and includes sewer profiles, road sections, etc.; at the final plan review the applicant brings the final plat and accompanying documents and the P&Z makes a final recommendation to Council, who then considers it at a regular meeting without a public hearing.

Councilor Harriman asked whether it will be the entire process, but truncated. Director Westbay replied that it will be illustrative but will be supplemented and the sketch plan will have a plat with provisions substituting the utilities. There will also be amendments to the *Annexation Agreement*.

Commissioner Larson asked what the process will be. Director Westbay stated that staff has determined a calendar and the final plat date is October 12th. Mr. Minchow said that the timeline works, but the key is coordination with staff and turnaround time between the sketch plan, preliminary plan and the final plan. City Manager Coleman explained that another controlling element in the timeline is publication dates for public hearings. Director Westbay said that the plat restriction will be that future development will comply with the PUD, the *Annexation Agreement* and *Code* provisions. Future development would essentially be a subdivision.

Commissioner Szymanski asked what the consequence is if we do this. Director Westbay replied that the negative consequence is the practical application for staff because they don't know who the developer is.

Chair Beda asked why the seller is [coming before the Commission] rather than the buyer. Mr. Minchow explained that GVP has to work out the process in order to sell the property. He said they could sell it today and create an illegal subdivision. Instead, they are creating a 40 acre piece.

Chair Beda asked if, theoretically, a potential buyer could sell it again. Director Westbay said that a future sale would be confined to the deed restrictions.

Mr. Minchow said that along with the platting they will start the RETA contributions to the City and if it sells again there will be more RETA contribution.

Chair Beda asked if the requirements for buffers, berms, and landscaping will still be in place. Mr. Minchow said that they will still be intact because they run with the land.

Chair Beda asked about highway extensions and access points and whether there will be access to the land in question. Mr. Minchow replied that there are two highway access points on the roadway access plan and access from the Georgia Street extension.

Director Westbay explained that this is strictly information at this point. It is prior to the quasi-judicial process and as long as there is not an application in hand the Commission can discuss it.

VII. UNSCHEDULED CITIZENS. TL Livermore asked how the CDOT highway access plan works. Director Westbay replied that the City and CDOT manage the findings of the report. The process is involved and includes community meetings and meetings with land owners. The plan will look at intersections. TL asked what would happen if someone purchases the property and CDOT says no to the plan. Director Westbay said that CDOT could change the distance of separation for intersections and that each intersection will be permitted. The Developer is responsible for the cost of the highway access plan.

VIII. COUNCIL UPDATE. Councilor Harriman updated the Commission on recent City Council business: Council:

- heard from Dusty Szymanski who has applied for a Challenge Grant to bring the Colorado Strawbale Association annual conference to Gunnison;
- received a Challenge Grant application for Gunnison Mud Runs;
- discussed an application from the Gunnison Arts Center for a free standing sign on the west side of the Arts Center in the City easement;
- heard the discussion with Mr. Minchow and Mr. Bratton; and
- Chief Robinson gave an update on preparations for the Hells Angels visit.

IX. COMMISSIONER COMMENTS

- Commissioner Szymanski asked about the Hells Angels and the impact on local business;
- Commissioner Riggs reported that she attended the Colorado Downtown Institute's Destination Downtown seminar. She said it was informative and she learned some interesting things about upper level dwelling units in the Commercial zone.
- Chair Beda commented that one of the main points of discussion with the annexation was the bypass. He said that Montrose merchants aren't happy with their bypass and that Delta is proposing one and the Delta merchants there are upset. He said Montrose is closing the downtown streets every Thursday night to get pedestrians downtown.

- Commissioner Ferchau asked TL Livermore if there is any talk about having the Farmers Market two days per week. TL replied that it is probably too much work for the volunteers and that most of the vendors go to Crested Butte on Sunday, so it isn't likely.
- X. Chair Beda asked for a motion to excuse Commissioner Lloyd. Councilor Harriman moved, Commissioner Larson seconded and the Commission voted to excuse Commissioner Lloyd.
- XI. **PLANNING STAFF UPDATE.** Director Westbay reported that:
- Last week he sent an e-mail discussing use of the internet by P&Z members and implications to Sunshine laws. He asked the Commissioners to refrain from the use of e-mail involving City matters. The two e-mails sent last week [between Commissioners] are available for public disclosure and are in the Community Development files. Chair Beda added that e-mail communication is equivalent to having a meeting without the public present. He said that the Metropolitan Recreation District has adopted a policy that e-mail is allowed, but public notice must be given. Director Westbay said that he will work on an update to the by-laws that will address those provisions. He said the *Statutes* do allow electronic meetings to occur, but there must be public notice. Commissioner Riggs said e-mail is a great avenue for getting information from staff, but Commissioners can't open e-mails from each other.
- XI. **ADJOURN**
Chair Beda adjourned the meeting at approximately 9:08 p.m.

Bob Beda, Chair

Attest:

Pam Cunningham, Secretary