

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, PLANNING TECHNICIAN PAM CUNNINGHAM, DOUG ENGEL, LEE CONNALLY, GENE PATTERSON.

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE AUGUST 11, 2010 MEETING MINUTES

Commissioner Riggs moved to approve the August 11, 2010 meeting minutes as presented.

Commissioner Larson seconded the motion.

Roll Call Yes: Dusty, Maggie, Bob, Ellen, Greg, Carolyn

Roll Call No:

Roll Call Abstain:

Motion Carried

IV. PUBLIC HEARING AND ACTION – Conditional Use Application CU 10-6, submitted by Doug Engel and Lee Connally to operate a food service within a trailer as a temporary commercial activity in the Commercial (C) zone.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:04 pm.

Proof of publication was shown for the record.

Review of Process. Director Westbay gave an overview of the process of a conditional use application and summarized the application. The applicants, Doug Engel and Lee Connally, propose the operation of a food service trailer (Lee's Filling Station) at 508 West Tomichi Avenue also known as Gunnison Tire. The legal description of the site is Lots 13 through 16, Block 13, Original Gunnison, City and County of Gunnison.

Applicant Presentation. Doug Engel and Lee Connally addressed the Commission. Mr. Engel stated that the City required them to be here [to complete a conditional use application] in order to operate the Filling Station out of the parking lot at Gunnison Tire. He said it is going well and everyone loves it.

Commissioner Lloyd asked if the operation will be year-round. Ms. Connally stated that they will try to operate year-round.

Chair Beda observed that there used to be a similar or larger trailer used for tire storage in the same location [occupied by the food service trailer]. Commissioner Szymanski asked the

applicants if they have plans for future storage. Ms. Connally replied that they have reduced their tire inventory and don't need as much storage.

The Commissioners asked if parking has been an issue. Director Westbay said that the parking being generated is minimal and the applicants agreed.

Discussion turned to landscaping. Director Westbay stated that it is not required for an accessory, temporary use.

Commissioner Szymanski asked if the hours of operation might go past 5:00 in the future. Mr. Engel said that the hours may change later in the year.

Chair Beda asked about water and sewage. Ms. Connally replied that the trailer is hooked up to water from the building and the sinks drain into the sewer drain. Mr. Engle stated that the State Department of Health and Public Safety has accepted the arrangement.

Public Comment: Gene Patterson stated that the business is a nice addition to what is available in Gunnison and that the working public seems to take advantage of it. She also stated that it is spotless inside.

Staff Presentation. Director Westbay said the application is in keeping with similar types of structures. No written comments from the public have been received. The operation has been permitted by the Colorado Department of Health. Staff allowed the applicants to open prior to the conditional use hearing, which has allowed observation of the project and has given staff a good feeling about the operation in terms of the parking. He stated that as long as safety is addressed, staff is supporting the operation.

Commission Discussion.

Chair Beda asked about the finding related to hours of operation. He asked if, since it is a finding and not a condition, the applicants would be constrained from changing the hours of operation. Director Westbay replied that Finding #4 could be changed to read that "the hours and days may change as needs of the business change through time".

The Commissioners expressed support for the business because of the quality of food, additional choices for the public and location.

Close Public Hearing. Chair Beda closed the public hearing at 7:25 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on August 25, 2010, Commissioner Larson moved, and Commissioner Szymanski seconded, and the Commission voted to APPROVE Conditional Use Application CU 10-6, submitted by Doug Engel and Lee Connally for the operation of a seasonal food service trailer at 508 West Tomichi Avenue, based on the following findings of fact as amended:

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 food service trailer in the Commercial district.
3. The Planning and Zoning Commission finds that this food service facility is an accessory use on this property.
4. The Planning and Zoning Commission finds that the hours of operation are Monday through Friday 7:30 a.m. to 5 p.m. but hours and days may change as needs of the business change through time.
5. The Planning and Zoning Commission finds that the food service trailer use is compatible with neighborhood uses.
6. The Planning and Zoning Commission finds that the food service trailer is operated under a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment.
7. The Planning and Zoning Commission finds that the applicant has State and City sales tax licenses.
8. The Planning and Zoning Commission finds that a food service trailer will not be a detriment to the community's health, safety and welfare.

Roll Call Yes: Maggie, Bob, Carolyn, Ellen, Dusty, Greg

Roll Call No:

Roll Call Abstain:

Motion Carried

- V. PUBLIC HEARING AND ACTION** – SB 10-3, an application by Gunnison Valley Partners, LLC, for a Major Subdivision Sketch Plan, within Gunnison Rising of 40.18 acres in the PUD Commercial/Mixed Use (CM) district.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:31 pm.

Proof of publication was shown for the record.

Review of Process. Director Westbay gave an overview of the process of a conditional use application and summarized the application, which is subject to a four step review process. The applicant is Gunnison Valley Partners, LLC, who proposes to subdivide a portion of Gunnison Rising creating a 40.191 acre parcel to be known as Gunnison Rising Subdivision No. 1, Tract A. The legal description of the created parcel is a portion of the southwest quarter of Section 31, Township 50 North, Range 1 East of the New Mexico Principal Meridian, City and County of Gunnison, Colorado. The legal description is fully described within the application contents.

Chair Beda advised the Commission that this is a four step quasi-judicial process. He advised the Commissioners that they are not allowed to speak to anyone about the application except at a public hearing. He said that if anyone asks about the application they can refer them to staff for facts. Director Westbay added that Commissioners may also note for the record that they had been approached by a member of the public but that they don't feel their judgment is influenced by the conversation.

Chair Beda added that if anyone has any financial gain or loss from the application they must recuse themselves from public discussion or hearings.

Applicant Presentation. Director Westbay stated that on August 24th City Council met to review the *Supplement to the Annexation Agreement*, which is specific to this application. The staff has been working to put together cost figures for the three primary plans that will be required (Stormwater Management, Highway Access, and Water Quality and Quantity). The plans are noted in the *Annexation Agreement* and must be completed before subdivision can occur. Therefore, the Commission can't take action on the subdivision application until the *Supplement to the Annexation Agreement* is approved. Council set a special meeting on September 7th. Once Council has acted, it authorizes the Planning and Zoning Commission to take action. Because of this, the Commission cannot take action tonight. Staff recommends that the Commission continue the public hearing. The applicants aren't present because they are aware no action will take place.

Commissioner Larson asked how the delay affects the timeline. Director Westbay replied that it hurts, but staff is working hard to fulfill the obligation to move it forward. He said that any delay is critical, specifically the Highway Access Plan. Councilor Harriman added that the applicants chose the timeframe.

Staff Presentation. Director Westbay summarized the editorial changes to the staff report and provided an update on the *Supplement to the Annexation Agreement*, which is a legislative action.

Commission Discussion.

Commissioner Larson moved and Commissioner Riggs seconded to continue the public hearing until September 8, 2010 at 7:00 PM to be held in the City Council Chambers.

Chair Beda asked if there was further discussion. Because the public hearing was still open Commissioner Larson moved to withdraw his motion and Commissioner Riggs concurred.

Discussion continued.

Commissioner Riggs asked if the sale is going to take place and what will happen to the proposed sale if the subdivision is not approved. Director Westbay replied that although there is a scheduled closing in November, there is no guarantee of the sale. He said that the sale could not occur without the subdivision approval and went on to explain the process to clear title.

Director Westbay explained that this is a unique situation being driven by the *Annexation Agreement* and the three plans and creates legal title for the property to be conveyed. He said that the plat notes prevent any future development until the provisions are met.

Councilor Harriman said that it is in the City's best interest to help the applicants move the process forward.

Commissioner Szymanski asked for clarification on the effect of removing Finding #9 regarding the dedication of open space. Director Westbay replied that the open space is protected in the *Annexation Agreement* and can come to the City at any time the City feels it is needed. Commissioner Szymanski asked if this action will set precedent for future processes. Director Westbay said that the *Supplement to the Annexation Agreement* is a onetime deal. He continued, by explaining the Phasing Plan in the *Gunnison Rising PUD Development Standards*. He said that the 40-acre subdivision is part of Phase 2 and development cannot move forward until the Utility Master Plan is in place.

Director Westbay reviewed the staff observations and suggested that the Commissioners review the *Gunnison Rising PUD Development Standards*, Section 2.7 (which were distributed to the Commission on a CD, but are also available on the City's website). He explained that Finding #4 is not a waiver and that because there will be deed restrictions on the property there is no sense in asking for a utility plan that will not address what will occur in the future.

Director Westbay reviewed the review standards, staff observations, and findings.

ACTION. During the regular Planning and Zoning Commission meeting held on August 25, 2010, Commissioner Larson moved, Commissioner Szymanski seconded, and the Commission voted to continue the public hearing until September 8, 2010 at 7:00 PM to be held in the City Council Chambers.

Roll Call Yes: Maggie, Bob, Carolyn, Ellen, Dusty, Greg
Roll Call No:
Roll Call Abstain:

Motion Carried

VI. ACTION: Councilor Harriman moved and Commissioner Larson seconded to excuse Commissioner Ferchau.

Roll Call Yes: Dusty, Maggie, Bob, Carolyn, Greg, Ellen
Roll Call No:
Roll Call Abstain:

Motion Carried

VII. UNSCHEDULED CITIZENS. There were none.

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

- received public input on a hotel and restaurant liquor license for the Blue Iguana and the public hearing was continued because the applicants weren't present;
- received public input and voted to grant a franchise to Atmos Energy Corporation, to furnish, sell and distribute natural gas within the City;

- heard an update from Tammy Scott regarding the Chamber of Commerce; and,
- voted to grant a contract for service for “Sportsmen and Ranchers Together for the Hungry”;

The Council heard additional announcements:

- The Chamber is trying to organize a candidate forum on September 27th.
- Senator Udall will be here on September 7th at the Legion Park pavilion to answer questions.

IX. COMMISSIONER COMMENTS.

- Chair Beda asked staff to distribute copies of an article from the American Planning Association’s *The Commissioner* regarding conditional uses.
- Chair Beda asked if the Commission could do a site visit of duplexes in the R2 Zone. It was determined that the September 22nd meeting will be moved to the 15th at 6:00 for the site visit. If Commissioners know of properties to visit as examples, let staff know.
- Commissioner Szymanski stated that the Colorado Strawbale Association is holding a conference on September 17th and 18th in conjunction with the Environmental Studies program at the college. The conference is geared toward people of all knowledge and interest levels. There is a free keynote address by Randy Udall about climate change as well as a home tour showcasing strawbale homes and a hands-on workshop at the VanTuyl Ranch.

X. PLANNING STAFF UPDATE. Director Westbay reported that:

- staff is working on an application to the American Planning Association to nominate the *VanTuyl Ranch Management Plan* for a national award;
- the Gunnison Rising Subdivision is moving forward;
- he gave his semi-annual report to Council and will provide it to the P&Z in the next packet; and,
- the Fire Department has been busy with a variety of calls.

XI. ADJOURN

Chair Beda adjourned the meeting at approximately 8:45p.m.

Bob Beda, Chair

Attest:

Pam Cunningham, Secretary