

AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
SPECIAL MEETING
Rev 3/17/11

DATE: THURSDAY, MARCH 24, 2011
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

- 7:00PM**
- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE TO THE FLAG**
 - III. CONSIDERATION OF THE FEBRUARY 23, 2010 MEETING MINUTES**
 - IV. UNSCHEDULED CITIZENS**
 - V. COUNCIL UPDATE**
 - VI. COMMISSIONER COMMENTS**
 - VII. PLANNING STAFF UPDATE**
 - VIII. ADJOURN INTO WORKSESSION**

WORKSESSION

- I. LAND DEVELOPMENT CODE UPDATE**

**TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL
NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON
COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090**

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Dusty Szymanski	X		
Erich Ferchau	X		
Ed Seymour	X		
Carolyn Riggs	X		
Greg Larson	X		
Councilor Ellen Harriman	X		

OTHERS PRESENT: Director Steve Westbay, Planner Andie Ruggera

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

PLEDGE OF ALLEGIANCE TO THE FLAG

**THREE-MILE COUNTY REFERRAL GUNNISON COUNTY ELECTRIC ASSOCIATION
LAND USE CHANGE TO CONSTRUCT A STORAGE YARD AT 37857 US HIGHWAY 50**

Planner Andie Ruggera gave an overview of the request to construct a storage yard at the old Towner property. Director Steve Westbay discussed the application and the surrounding uses and stated that staff wants to support the application. The letter to the County Planning Commission was revised to include a statement regarding the compatibility of the proposed use to the surrounding neighborhood.

Commissioner Greg Larson moved to authorize Chair Bob Beda to sign the letter regarding the GCEA land use change to construct a storage yard and forward the letter to the County Planning Commission. Commissioner Carolyn Riggs seconded the motion.

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

CONSIDERATION OF THE FEBRUARY 9, 2011 MEETING MINUTES

Commissioner Greg Larson moved to approve the February 9, 2011 meeting minutes as presented and to excuse Commission Ed Seymour from the February 9th meeting. Councilor Ellen Harriman seconded the motion.

Roll Call Yes: Dusty, Erich, Bob, Carolyn, Ellen and Greg
Roll Call No:
Roll Call Abstain: Ed – was not present at the February 9th meeting.
Motion Carried

UNSCHEDULED CITIZENS

There were none.

COUNCIL UPDATE

Councilor Ellen Harriman updated the Commission on recent Council business. At the February 22, 2011 regular meeting the Council discussed:

- Approved a license agreement for a pedicab;
- Approved a contract for service for the Gunnison Sage-Grouse Festival and Summit for \$500;

- Approved a MOU on Emergency Communications with West Region Management Group;
- Approved a MOU on Governmental Entities Energy Collaboration;
- Passed Resolution No. 2 Series 2011, supporting the GOCO Grand Fund Application for the South Teller Ball Fields Improvements Project;
- Approved second reading of Ordinance 2, Series 2011 on prohibiting the retail sale, distribution, cultivation and dispensing of medical marijuana; and
- Passed Resolution No. 3, Series 2011, approving the 2011 regular Municipal Election to be conducted as a mail ballot election.

COMMISSIONER COMMENTS

Commissioner Erich Ferchau encouraged people to get involved with the Sage-Grouse Summit.

Commissioner Carolyn Riggs stated she was hosting a Weatherization Workshop at the Brick Cellar on March 7th.

PLANNING STAFF UPDATE

Director Steve Westbay provided an overview of his semi-annual report regarding the Community Development Department. Steve also gave an overview of the site plan for the Outdoor Discovery Center and discussed the access issues they are facing.

ADJOURN

Chair Bob Beda adjourned to a work session at approximately 7:53 p.m.

Bob Beda, Chair

Attest:

Andie Ruggera, Secretary

MEMORANDUM

TO: City Council
 FROM: Steve Westbay
 DATE: March 15, 2011
 RE: Overview of the Draft *Land Development Code* Update

Introduction

The codified 1997 *City of Gunnison Land Development Code (LDC)* is referred to as a unified code; a single document containing zoning standards, subdivision standards, and a systematic set of review processes. The updated *LDC* is also a unified code. The intent of a unified code is to allow users to find all related land use control provisions in one source document.

The updated *LDC* represents a systematic combination of restructuring the document contents, establishing tangible and specific standards, and in some cases the elimination of certain regulations that have not been working effectively. The new *LDC* structure includes 15 sections and several appendices; the following table highlights the new content structure and its relationship to the existing *LDC* content structure.

New Code Sections	Existing Code
Section 1. Administration	Chapter 15.10 Administration
Section 2. Zoning Districts	Chapter 15.50 Zone District Standards Chapter 15.60 Purposes of Zone Districts Chapter 15.70 Use and Dimensional Standards
Section 3. Specific Use Regulations	Chapter 15.70 Use and Dimensional Standards
Section 4. General Development Standards	Chapter 15.80 Off-Street Parking Standards Chapter 15.90 Landscape and Illumination Standards Chapter 15.100 Sign Standards Chapter 15.110 Improvements Standards Chapter 15.190 Large Retail Development Design Standards
Section 5. Natural Resource Protection Standards	A new section including some components of Chapter 15.110 Improvements Standards
Section 6. Development Review Procedures	Chapter 15.120 Development Review Procedures
Section 7. Conditional Uses	Chapter 15.130 Conditional Uses
Section 8. Variances and Waivers	Chapter 15.140 Variances
Section 9. Amendments to the <i>Land Development Code</i> and Official Zoning Map	Chapter 15.150 Amendments to the <i>Land Development Code</i> and Official Zoning Map
Section 10. Nonconformities	Chapter 15.170 Nonconformities
Section 11. Subdivision Standards	Chapter 15.160 Subdivision – PUD Subdivision
Section 12. Incentives	New Section
Section 13. Design Review Procedure	Chapter 15.180 Design Review Procedure
Section 14. Violations, Penalties and Enforcement	Chapter 15.20 Enforcement
Section 15. Definitions	Chapter 15.40 Definitions
Appendix A – Preferred Plant List	New Section
Appendix B – Landscape Submittal Requirements	New Section
Appendix C – Protection of Trees and Vegetation During Construction Activities	New Section
Appendix D – Development and Natural Resource Protection Standards Waivers	New Section

While many elements of the *LDC* adopted in 1997 are included in this updated *LDC*, the new *Code* has a more detailed set of standards, and it includes terms to provide more flexibility and certainty. This executive summary focuses on defining relationships between the existing *LDC*, summarizes the contents of the new *LDC*, and highlights important policy provisions.

Section 1: Administration

Section 1 of the new *LDC* is nearly identical to the Chapter 15.10 of the existing *Code*. This section establishes the City's "authority" under various parts of the *Colorado Revised Statutes (CRS)* to establish local land use control standards. It also establishes the "applicability" of land control in regard to state and federal exemptions. Both the existing *LDC* and the draft *LDC* update exempt essential services activities from land development review.

Section 2: Zoning Districts

This section combines several Chapters from the 1997 *LDC*. Specifically, it includes purpose statements, use tables and dimensional standards that are found in Chapters 15.60 and 15.70 of the existing *Code*. The Entrance Overlay district has been eliminated because new buffer standards established in Section 4 are intended to fulfill the purposes of the Entrance Overlay district. Another significant change relates to Planned Unit Developments (PUD). The PUD section in the existing *Code* only allows a variation in dimensional standards; it does not provide a means to mix land uses. The new *LDC* allows two PUD types; a PUD-Overlay (PUD-O) and a PUD-Mixed Use (PUD-M). The PUD-O is treated essentially the same as the existing *LDC* whereby a PUD can be proposed in any district, restricting the uses to those traditional uses allowed in the various districts, but allowing the developer to modify dimensional standards such as setback and proportional lot coverage. The PUD-M allows developers to mix residential development with accommodations, retail and services land use categories, and allows for modification of dimensional standards.

Section 2 also includes several common definitions used regularly by staff and clients. One of the most significant definition additions is "Designated Housing Types" found in Table 2-2. The housing types defined in the new *Code* recognize several housing type that were not clearly established in the 1997 *LDC*. These new housing types include Zero Lot Line Dwellings, Townhouse Units, and Upper Story Residential Units. The new *Code* allows for zero lot line residential development if it is carried out on an entire block. Townhouses are residential units separated by a party-wall, and this definition will help in the platting of common interest communities (townhomes and condominiums). Upper story residential units would be allowed in Commercial and Industrial districts where the business would be on the ground level and the residential unit would be on the upper story of the building.

The new Principal Use Table (Table 2-3) is a critical component of this section. While the new table is similar to the 1997 *LDC*, it is much more comprehensive. The new table is also very specific to grouping land use types with the table's format including **general use categories** (residential, industrial, etc.); **sub-categories** (i.e. household, congregate housing); and **specific use designations** (single family, duplex, nursing home).

Dimensional Use Tables (Table 2-4 and Table 2-5) establish standards for setback, height and percent coverage for buildings, landscaping and parking. The Residential Dimensional Use Table has been changed in several ways including lot sizes, setbacks, density and minimum floor area size. Lot size standards have been changed to allow for townhomes to be platted with yards, and also for multiple family developments. New side and rear setbacks have been developed to increase setback as building height increases; this change is proposed in order to provide solar access for all lots. The new *Code* also allows for minimum building sizes to be much smaller than the existing *LDC*.

Section 3: Specific Use Standards

The 1997 *LDC* contains special use standards including sexually oriented businesses, temporary commercial activities, RV resorts and mobile home parks. The new Section 3 contains a significantly expanded list of Specific Use Standards. All Specific Use Standards are cross-referenced on the Principal Use Tables (Tables 2-4 and 2-5). In terms of residential uses, this section includes provisions for zero lot line development; outlines standards for townhome developments; defines criteria for developing accessory dwellings; and addresses mobile home parks and group home uses. In terms of non-residential uses it addresses standards for uses that include, but are not limited to: daycare uses; churches; hotel and accommodation units; conveniences stores with fuel pumps and canopies; and, provisions applied to industrial uses.

This section also includes standards for renewable energy systems which address photovoltaic arrays and wind turbine systems. It also contains a detailed section for mineral extraction uses.

Section 4: General Development Standards

The General Developments Standards section is the most comprehensive section of the new *LDC*. Section 4.1 contains a comprehensive set of policy standards related to utility and infrastructure services. Section 4.1 addresses the need for domestic water, sewer utilities, transportation system, irrigation and electric service levels to be established in conjunction with new development.

Section 4.2, Road Construction, and Section 4.3, General Site Access, establish standards for the design of the street system and driveways. These standards define the geometric design (i.e. street widths, curve radii) of streets, intersections, and driveways. These sections also establish site distance requirements and intersection separation provisions.

The existing *LDC* does not contain driveway design standards, which has created some development problems by allowing unsafe and/or dysfunctional driveway designs. Additionally, the existing *LDC* only contains basic geometric street standards. Driveway standards in the new *Code* will help to eliminate the development of unsafe access and the new street geometric design standards reflect proper engineer design directions. The new street standards also include new road sections designs (Figure 11) that provide more variety for future development and appropriate rights-of-way (ROW) area to accommodate vehicular movement, pedestrian circulation and installation of utilities.

Section 4.4, Off-Street Parking and Loading, is similar the standards in Chapter 15.80 of the existing *LDC* which were amended in 2004 with the adoption of the Large Scale Retail Design Standards. Table 4-7, Off-Street Parking Requirements, establishes the minimum parking requirements for related land use types, and has been expanded to include a more comprehensive list of land uses. Section 4.4 also addresses the design of disabled parking which is mandated by the American with Disabilities Act. This section establishes geometric design standards for parking space size and aisle width. Facilitating emergency access is one of several factors associated with geometric parking design. A major emphasis of this section has been to minimize the number of required parking spaces, while providing safe and functional access. The new *LDC* provides developers the opportunity to justify reduced parking demand numbers where a mixture of uses generates demand at different time intervals. This section also includes design standards for loading facilities when they are a part of a development and land use application.

The *LDC* update includes a new sub-section, Section 4.5, Pedestrian Circulation Facilities. This section is intended to promote policies of the *City of Gunnison Master Plan* related to non-motorized transportation. Sidewalks, accessways, and multi-use trails are the three types of pedestrian facilities contemplated by the new *LDC*. The *LDC* update requires that new subdivisions have sidewalks on both side of the street, and that sidewalk extensions within existing developed areas of the city be developed in accordance a

sidewalk extension plan. The staff has begun to work on the sidewalk extension plan which will be included as a new component of the *City of Gunnison Trails Master Plan*.

Section 4.6, Landscaping, Buffering, and Screening, contains several new components including, but not limited to: a plant pallet list with xeriscape and other native species; revisions to landscape standards in the Industrial District; and buffer standards for street frontage and addresses screening standards for outdoor storage, trash dumpsters and mechanical equipment. A Plant Species List (Appendix A) was developed with the help of CSU Extension Office staff and is intended to provide customers with a comprehensive list of plants that can survive in the Gunnison climate. This list provides information regarding drought tolerance, size and solar exposure need. Xeriscape planting will be permitted on lots and previously disturbed areas that may not be suitable for manicured lawn areas.

The buffer section is new to the *LDC* but is consistent with existing *City Code* policies for the landscaping of the street and front yard areas. The buffer standards replace the existing Highway Entrance Overlay zone district. The Highway Entrance Overlay district has been cumbersome to administer and ineffective in cases where lots are being redeveloped. The new buffer standards establish a systematic program to address all streetscape areas in the City. Generally, the buffer area is established from the street edge to the front yard setback. It includes planting standards for trees and ground cover, but is also intended to be flexible for existing lots along the highways that cannot accommodate the minimum buffer requirements.

Section 4.7, Outdoor Storage and Display, is the ending point of review by the Planning and Zoning Commission. It is anticipated that changes to this section will be made in conjunction with the upcoming review by the P&Z.

The updated Sign Code is contained in Section 4.8. While this section has not been reviewed by the P&Z and amendments are anticipated, an overview of some of the relevant provisions is addressed in this summary.

Signs exempt from the *LDC* include but are not limited to: public information signs; ball field signs on city property; historic signs as designed by the Planning and Zoning Commission; and, window signs. Prohibited signs include, but are not limited to: flashing or moving signs; wind signs; off-premise signs; and, signs with neon tubing. However, illuminated signs are permitted if they meet certain conditions. Sandwich board signs and subdivision identification signs are allowed. Sandwich board signs located on public rights-of-way are subject to a license agreement administered by the staff and are not subject to Council review.

The methodology for calculating sign area has not changed from the existing 1997 *LDC* but more specific direction is given for determining how to designate the sign area. The maximum permitted sign area does not include small non-illuminated suspended signs, and non-illuminated window signs. The allowed height of free standing signs is also identical to that allowed in the existing *LDC*. Multi-family district sign standards have been significantly eased and the sign standards in the R-1, R-1M and R-2 districts are identical to those in the existing *LDC*.

Outdoor Lighting Standards are contained in Section 4.10. These standards differ from standards in the existing *LDC*, but are very similar to those in the *Gunnison Rising PUD Development Standards*. Specific standards require full cut-off fixtures and the lighting from one lot cannot project glare onto adjacent lots.

Section 4.11, Large Scale Retail, is basically identical to the big-box standards contained in the existing *LDC*.

Section 5: Natural Resource Protection Standards

The Natural Resource Protection Standards contain criteria for stormwater management, slope protection, grading and erosion control and wetland/stream corridor protection. The stormwater protection standards reference a draft document titled *The City of Gunnison Stormwater Management Manual*. The *Stormwater Management Manual* contains a list of related policies, a section defining application materials for different types of development, and defines comprehensive engineering criteria for the design and construction of new stormwater utilities. The planning staff is working with Terry Zerger to develop the *City of Gunnison Stormwater Management Manual*, but the draft manual is not yet ready for public distribution and review.

Slope protection standards are a new section of the *LDC* and are included in response to future development in Gunnison Rising that will occur on slopes and ridgeline areas. The slope protection standards include ridgeline development criteria requiring structures to step the building mass with the slope angle. There are also limits on the amount of cut and fill change that can occur on developed sites. This section contains standards for the design and construction of retaining walls and requires that restoration standards are fulfilled on all projects with soil disturbance.

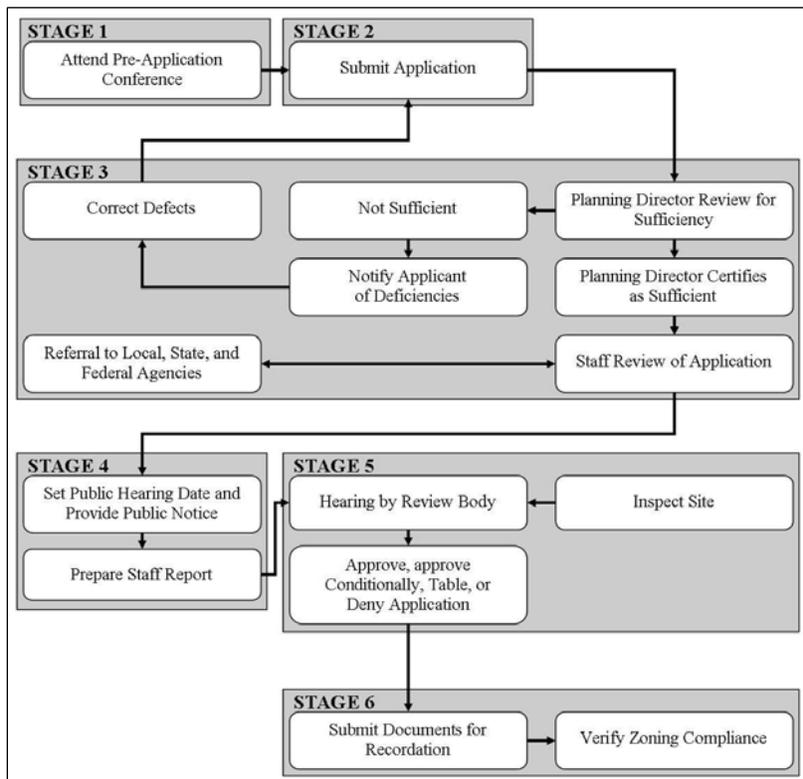
The wetlands and stream corridor protection standards have been developed in response to the *Master Plan* policies calling for the development of related resource protection standards. The draft standards establish a 50 foot setback from stream corridor banks and floodway channels. However, it does allow development within designated floodplains. This section also establishes setback provisions from the major ditches to ensure that future access and maintenance areas are available.

Section 6: Development Review Procedures

The contents in the new *LDC* from this point forward are very similar to the existing *LDC*. Section 6 is a general reference section setting forth the process and procedures for reviewing development applications. One change is that development reviews are now segregated into two classes. The first class, *Land Use Development Applications*, includes conditional uses, variances, vesting requests, subdivisions and zoning map amendments. The other category is called a *Site Development Application*, which includes all administrative reviews such as a building permit review, grading permits, flood development permits, fire code requirements and other site-specific development applications.

The development review process contains six stages as noted in the diagram. This is the same process used in the existing *Code*. This process is applied to all development applications, but administrative application processes are modified for efficiency purposes.

Section 6 establishes other elements to ensure that due



process responsibilities are set forth in the *Code*. For example, it defines public hearing notice contents, publication requirements, mailing requirements, property posting mandates, and minimum application contents.

Section 7: Conditional Uses

Conditional Uses are those land uses which are generally compatible with the permitted uses in a zone district, but require site-specific review of location, design, intensity, configuration, and operating characteristics. This section of the new *LDC* is, for the most part, identical to the existing *Code*. Conditional Use application approvals require conformance with Dimensional Standards found in Section 2 and Specific Use Standards found in Section 3 of the new *LDC*.

Section 8: Variances and Development Standard Waivers

The variance component of the new *Code* is very similar to the existing *Code*. Variances are granted for development requiring lenience from the Dimensional Standards (i.e. setback, lot coverage, height) because of site or building conditions. The major change to this section is the addition of a waiver process from Section 4, General Development Standards, and Section 5, Natural Resource Protection Standards.

The existing *LDC* contains a “deviation” provision (Section 15.110.030.F), but it only allows departure from road and sidewalk design standards; no other standards may be considered for a waiver. The new *LDC* contains a very comprehensive waiver provision whereby the majority of standards established in Section 4, General Development Standards, and Section 5, Natural Resource Protection Standards, may be granted a waiver, but only if the waiver meets a specific set of criteria. The decision-making body for a waiver request is either the City Council, the Planning and Zoning Commission, or staff, depending upon the specific standards being considered for waiver. Appendix D of the new *LDC* is a table containing a list of all applicable standards from Sections 4 and 5, and assigns a decision-making body to each standard that may be subject to waiver review.

Some inherent cautions were considered in drafting the waiver provisions. First, the decision authority corresponds to the standard’s magnitude of importance; the assignments are qualitative. For example, staff waiver authority was generally assigned to technical detail matters, and waivers affecting neighboring property, City services or other critical functions were assigned to the Planning and Zoning Commission and/or City Council.

The waiver process was also considered. Waivers associated with Land Use Development applications (subdivision, rezoning etc.) are tied to the due process matters, which include public hearings with the Council and/or P&Z. Administrative waivers processed with Site Development applications are considered under a formal process with application and review procedures, but they are not subject to notification requirements. Finally, waiver decisions must be considered in relation to an appropriate set of criteria. For example, the City cannot approve a waiver, wetland encroachment or other matter that is contrary to state or federal law.

Section 9: Amendments to the Land Development Code and Official Zoning Map

The existing *LDC* addresses PUD applications in three separate chapters. The draft *LDC* update combines those chapters with this Section 9. Text and rezoning amendments from the existing *LDC* are essentially identical, with the exception of more detailed application content requirements.

As previously noted, the draft *LDC* update segregates PUDs into two different classes: PUD-Overlay (PUD-O) and PUD-Mixed Use (PUD-M). PUD-O applications may modify dimensional standards and uses are restricted to those permitted by the underlying base district. PUD-M applications are intended to promote a mixture of compatible residential non-residential uses, resulting in a development that provides

services and employment opportunities in close proximity to housing. PUD-M developments are allowed only in the RMU, R-3 and Commercial district zones.

PUD application contents were modified to address some of the issues that came up during the Gunnison Rising PUD application. Submittal requirements refer to new Section 5, Protection of Natural Resources, and the *City of Gunnison Stormwater Management Manual* to ensure resource protection.

New requirements and standards for a PUD were made more comprehensive and the review criteria and the wording changed slightly.

Section 10: Nonconformities

Nonconformities are existing uses, structures and lots which were lawfully established pursuant to the zoning and building regulations in effect at the time of their development but which, because of subsequent *Code* amendments, do not conform to the existing *LDC*. This section is identical to the existing *LDC* Chapter 15.170 Nonconformities.

Section 11: Subdivision Standards

The most significant change to the subdivision section is the updated application content requirements. The revised application contents are more specific, to ensure that final engineering plans are adequate for development and that plat contents are complete. However, the draft *LDC* update includes a Modification provision whereby potentially erroneous application contents can be omitted from the application submittal. Preliminary and Final subdivision application materials may be omitted by this Modification provision. All Modification requests are subject to approval by the Planning and Zoning Commission and the applicant must demonstrate that the modification is justified and not contrary to the purposes for subdivisions.

Subdivision review standards, subdivision improvements agreement criteria, and road vacation plat provisions are identical to those in the existing *LDC*. The PUD Subdivision review standards found in the existing *LDC* were modified and linked to related rezoning criteria found in Section 9 of the draft *LDC* update.

Section 12: Incentives

The Incentives section is new. The purpose of this section is to provide incentives for specific development applications. Incentives may be granted for Site Development Plans that exceed the minimum requirements of the *LDC* and accomplish high-priority planning goals such as the preservation of open space and natural features, and development of attainable housing.

The *LDC* update includes a density bonus provision if a development plan includes attainable housing units. The Planning and Zoning Commission will be exploring other incentive programs such as transfer of development rights. Future discussions will occur as the P&Z reviews this section of the draft *LDC*.

Section 13: Design Review Procedure

This section is nearly identical to the existing *LDC* Chapter 15.180, Design Review Procedures, which addresses Large Retail Development Standards.

Section 14: Violations, Penalties and Enforcement

This section is nearly identical to the existing *LDC* Chapter 15.20, Enforcement. This section was updated to clarify procedures for enforcement of the *LDC*. The Violations and Penalties section is nearly identical to the existing *LDC*.

Section 15:` Definitions

This section replaces the existing *LDC* Chapter 15.40, Definitions, and has been updated with abbreviations and definitions applicable to the revised *LDC*.