

PLANNING AND ZONING COMMISSION
JUNE 22, 2011 MEETING PACKET
TABLE OF CONTENTS

Page #	Description
1	Agenda
3-6	Meeting Minutes of June 8, 2011
7-26	Conditional Use Application CU 11-2, to operate a dog day care and boarding facility in the Industrial Zone district
7-12	Staff Report
13-26	Application
27-47	Conditional Use Application CU 11-3, to operate a satellite transmitted cable facility in the Commercial Zone district
27-32	Staff Report
33-47	Application

Please bring a copy of the Sign Code language that was provided with the May 11 meeting packet. If you need a copy, please let us know

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AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 6/17/11

DATE: WEDNESDAY, JUNE 22, 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 JUNE 8, 2011 MEETING MINUTES**
 - IV. PUBLIC HEARING AND POSSIBLE ACTION: Conditional Use Application CU 11-2, submitted by Pamela Christian to operate a dog day care and boarding facility in the Industrial Zone district.**
- 7:40pm**
- V. PUBLIC HEARING AND POSSIBLE ACTION: Conditional Use Application CU 11-3, submitted by Time Warner Cable to operate a satellite transmitted cable facility in the Commercial Zone district.**
 - VI. UNSCHEDULED CITIZENS**
 - VII. COUNCIL UPDATE**
 - VIII. COMMISSIONER COMMENTS**
 - IX. PLANNING STAFF UPDATE**
 - X. ADJOURN INTO WORKSESSION**

WORKSESSION

- I. LAND DEVELOPMENT CODE UPDATE.** (Discussion will continue with Section 4.8 Signs)

**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.

**ALL PLANNING & ZONING COMMISSION MEETINGS
ARE USUALLY BROADCASTED LIVE ON LOCAL CABLE CHANNEL 15**

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

OTHERS PRESENT: Director Steve Westbay, Planner Andie Ruggera, Planning Technician Pam Cunningham, Randall Phelps, Mark Landwert, Elizabeth Bair

I. CALL TO ORDER AT 7:03 PM BY CHAIR BOB BEDA

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE MAY 25, 2011 MEETING MINUTES

Commissioner Ferchau moved to approve the May 11, 2011 meeting minutes as presented. Commissioner Riggs seconded the motion.

Roll Call Yes: Dusty, Erich, Stu, Bob, Carolyn, Greg, Ed

Roll Call No:

Roll Call Abstain:

Motion Carried

IV. PUBLIC HEARING AND POSSIBLE ACTION: Zoning Amendment ZA 11-2, submitted by Gunnison Valley Hospital to rezone a parcel of land from R-3 (Multi-family Residential) to C (Commercial).

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

Proof of publication was shown for the record.

Review of Process. Planner Ruggera gave an overview of the process of a zoning amendment. The applicant is Gunnison Valley Hospital, represented by Randy Phelps and Mark Landwert. The request is to rezone the property zoned PUD R-3 (multi-family residential) to Commercial. The legal description of the property is Lot 12, The Meadows, Phase 1R, City and County of Gunnison, Colorado.

Applicant Presentation. Randy Phelps, CEO of Gunnison Valley Hospital, addressed the Commission. He stated that the request is to rezone the property immediately east of the new addition. The reason is that it is more appropriate for the parcel to be zoned like the rest of the hospital property. In the master planning for the hospital, the next addition will be added to the east of the new addition, which will be primarily for type B occupancy (administrative and medical offices).

Chair Beda asked the Commission if they had questions for the applicants, they had none and the applicants were excused.

Public Input. There was none.

Staff Presentation. Director Westbay explained that the discussion about rezoning the property was initiated when the Conditional Use discussion took place a year ago. At that time, the construction schedule prohibited pursuing rezoning. He agreed with Mr. Phelps that the hospital is preparing for the community's future needs and future expansion of the hospital will contribute to growth of the community. No comments were received from the Departmental Staff reviews. He stated that changes in the neighborhood are significant enough to warrant rezoning, with the daycare facility being added to the neighborhood and the original R3 rezoned to R1M, as well as the synergism of land uses between the college and the hospital. He pointed out that the proposed landscaping plan is cognizant of the neighboring areas and includes buffers to mitigate impacts.

Commission Discussion. Chair Beda polled the Commission for input.

Commissioner Ferchau stated that his experience in the past was that for rezoning in a PUD the entire PUD had to be rearranged. But that in an earlier conversation he asked Director Westbay [if that would apply in this situation] and Director Westbay said that in this case, it is a separate parcel, so the rest of the PUD is not subject to review. Director Westbay followed up by saying that the record of the Meadows PUD is vague, but essentially there are only two amendments from the underlying zoning—the landscaping and the sign code.

Commissioner Ferguson stated that it is a straight forward application. He observed that in some other places hospitals move to another location for expansion. Should that occur, having this site zoned Commercial might not be the best thing. Director Westbay gave the example of Penrose Hospital in Colorado Springs. Instead of moving to another location they started land acquisitions and rezoning to develop a campus, which is another option. He said that in the land use pattern [of the Gunnison Hospital], Denver Street doesn't function as a residential street, it is a primary corridor. He said he doesn't think the uses are incompatible as long as there is appropriate traffic circulation.

Commissioner Ferchau asked if the Commission should look at the other noncommercial pieces in the neighborhood, such as the flower shop, and rezone them. He asked if this process could be bypassed and carry that property along with this one. Director Westbay replied that there is a mechanism in place—a map amendment process. When the City creates a new zoning map it can do that as part of the legislative process. Commissioner Ferchau said he felt it would be a good idea to “piggy back” with this proposal. Mr. Phelps interjected that the Hospital bought the flower shop and the house on the corner. Commissioner Ferchau asked if there is any reason why the applicants aren't applying to have it rezoned. Mr. Phelps replied that they hadn't thought about it. Director Westbay said that since the Hospital owns the property, when the Commission looks at creating a new zoning map this could be one of the properties that is rezoned under the map amendment.

Chair Beda closed the public hearing at 8:20 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on June 8, 2011, Commissioner Larson moved, and Commissioner Riggs seconded, and the Commission voted to recommend APPROVAL to the City Council, Zoning Amendment application ZA 11-2, submitted by Gunnison

Valley Hospital to rezone the PUD R-3 zoned property to Commercial, 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 Zoning Amendment application is to rezone Lot 12, The Meadows, Phase 1R from PUD R-3 to Commercial district.
3. The Planning and Zoning Commission finds that rezoning of the PUD R-3 parcel to Commercial is compatible with existing zoning of the hospital structure site and the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the Gunnison Valley Hospital was granted Conditional Use approvals for the continued operation and expansion of the Commercially zoned property on July 7, 2010 and on the PUD R-3 zoned property on July 22, 2010.
5. A landscaping plan that meets the minimum requirements of the *LDC* has been submitted and approved. The Planning and Zoning Commission finds that the landscaping plan indicates plant cover that helps form buffers between the hospital and adjacent residential land uses.
6. The Planning and Zoning Commission finds that rezoning of the PUD R-3 parcel to Commercial complies with the review standards for a zoning amendment.
7. The Planning and Zoning Commission finds that the zoning map amendment will not be a detriment to the community's health, safety and welfare.

Roll Call Yes: Dusty, Erich, Stu, Bob, Carolyn, Greg, Ed

Roll Call No:

Roll Call Abstain:

Motion Carried

V. UNSCHEDULED CITIZENS. There were none.

VI. COUNCIL UPDATE. Councilor Seymour updated the Commission on recent Council business.

- The Council has had work sessions the past two weeks at those sessions Council discussed;
 - the memo from Director Westbay concerning communication between Council and the Commission regarding revisions to the LDC; and,
 - their "wish lists" which include infrastructure, roads, and sidewalks.

VII. COMMISSIONER COMMENTS

- Commissioner Ferchau asked what the process is if a downtown business owner wants to take a tree down because it obstructs a sign. Director Westbay responded that the Director of Public Works is the street trees administrator, and that Council generally makes a decision on

those requests. Considerable discussion followed about the ramifications of allowing one business owner to remove a tree; the species of trees planted; that a variety of trees should be planted; and, that the method of pruning can either cause the tree to grow taller than the signs and develop a nice canopy, or it can force the tree to stay short, thereby obstructing signs.

VIII. PLANNING STAFF UPDATE

Director Westbay provided an update on activity in the Community Development department:

- staff has started review of the annexation petition for the VanTuyl Ranch;
- the department received an open records request related to fire codes;
- two Conditional Use applications will be on the next meeting agenda;
- Director Westbay made a presentation to City Council about the need for map amendments move the Discovery Center forward;
- Governor Hickenlooper was at the fire station today to sign a bill related to wildland fire mitigation training and cloud seeding; and
- The City Attorney is back from vacation and staff has been discussing several issues with him.

IX. ADJOURN . Chair Beda adjourned the meeting to a work session at approximately 7:43 p.m.

Bob Beda, Chair

Attest:

Pam Cunningham, Secretary

Pamela Christian – Waggin’ Trails

TO: Planning Commission
FROM: Community Development Staff
DATE: June 22, 2011
RE: Conditional Use Application CU 11-2

CODE PROVISIONS

The City’s *Land Development Code (LDC)*, Table 15.70.030 classifies a dog day care and boarding facility as a Conditional Use, requiring a Conditional Use permit to operate in the Industrial (I) district zone. Conditional Uses are those land uses which are generally compatible with the permitted uses in a district zone, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

The *LDC* Section 15.130.020 D specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the Applicant with instructions for modification.

APPLICATION

The applicant is Pamela Christian, who is requesting the operation of a dog day care and boarding facility at 800 Rio Grande Avenue. The legal description of the site is Lots 14 through 17, Block 7, Rio Grande Addition, City and County of Gunnison, Colorado. The applicant’s narrative states:

Waggin’ Trails is a proposed new business to be located in the City of Gunnison and therefore falls into the City of Gunnison’s Master Plan. Waggin’ Trails business is pet services – day care and boarding – filling a void in our community, and it is our intention to initially bring one full-time job and 6-8 part-time jobs to Gunnison.

The doggy day care and boarding business is pretty simple. People drop their dogs off at various times through out the day to have them play and socialize with other dogs. Staff is outside in the play yards at all time supervising the dogs. Dogs are pack animals and are happiest when they are spending time with other dogs. When they are off leash and playing they are happy and not barking. Barking dogs are often unhappy in their situation and let you know about it. Based on our personal experience with similar facilities, we do not expect unreasonable barking at our facility. Day care hours end at 6pm. All dogs staying the night will have played all day and will then sleep in their indoor kennels. They will not have access to any outdoor space in the evenings. We anticipate putting very tired dogs to bed for the evening.

We will put an 8’ privacy fence around the outdoor play yards so that the dogs will not be disturbed or disturb by anyone passing by. The only ones allowed inside the play yards will be trained staff. Inside the privacy fence will be separate play yards allowing us to put dogs with similar dispositions together further enhancing compatibility and reducing barking.

We offer various packages for day care ranging from one hour to a full day. Other day care facilities have specific drop off time and pick up time. With a flexible schedule we do not anticipate creating any unusual traffic in this neighborhood. Furthermore, this location offers 8 off street parking spaces.

Pamela Christian – Waggin’ Trails

Another important aspect of a doggy day care and kennel business is cleanliness. We cannot risk any dog getting sick from another dog. We will have a strict policy of staff cleaning up after a dogs’ elimination immediately and placing the waste in a trash bin to be hauled away. The outdoor surface is an asphalt/ dirt combo and makes it easy to completely remove dogs’ elimination. The indoor play area will have a rubber floor and again, very easy to clean up should an accident happen inside. We will not be putting waste in the buildings plumbing system.

We feel that this proposed location is ideal for our business. There are other businesses nearby, but none right next door. It brings a much-needed service to our community and the location makes it easy for people to drop their dogs off with us while they are at work or play in Gunnison. It is extremely convenient for travelers leaving from the airport to board their dogs with us or traveling out of town by car. We anticipate marketing to our tourist to leave their dogs with us while they spend the day white river rafting or fishing. We cannot think of a more ideal location for us to run our business.

SITE ASSESSMENT

The proposed dog day care and boarding facility site is located along the north side of Rio Grande Avenue and west of 11th Street. Surrounding uses include the BLM office and construction offices to the east, the Airport to the south, light industrial uses (Gunnison Excavation and Waste Management) to the west and vacant land directly to the north.

The site provides ample square footage to meet the dimensional standards and landscaping requirements of the LDC. The LDC requires eight off-street parking spaces and 1,500 square feet of landscaped area, of which 900 square feet shall be live cover. The site plan indicates the required off-street parking spaces and landscaped area; however, the site does not contain any live cover vegetation.



STATE LICENSING REQUIREMENT

The dog day care and boarding facility falls under the Pet Animal Care Facilities Act (PACFA) program that is a licensing and inspection program dedicated to protecting the health and well-being of those animals in pet care facilities throughout Colorado. The program is regulated by the State of Colorado Department of Agriculture and a license will be required for the proposed facility.

ENVIRONMENTAL IMPACT MITIGATION

Environmental issues associated with this type of operation are noise, odor and possible contamination from dog fecal matter. Noise is inherent with these types of operations and is addressed by managing the hours of operations. Potential odor and environmental issues caused from dog fecal matter is addressed by the proper removal of the waste.

Most indoor kennel facilities are cleaned by a hose and waste water is directed to a floor drain. If any surfaces, either indoor or outdoor, are to be cleaned by water, the runoff must be drained into the Waste Water System; no runoff can be directed on into the Stormwater System.

DEPARTMENTAL COMMENTS:

Building Official: No building code related issues foreseen.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: Limited on-street parking around proposed site.

Public Works Director: No comment.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

STAFF OBSERVATIONS

1. The Applicant is requesting approval for the operation of a dog day care and boarding facility within the Industrial district zone, requiring Conditional Use approval based on the City’s *Land Development Code*.
2. The proposed facility will have one large outdoor play area, one small outdoor play area and an indoor play area.
3. Dog day care hours end at 6 pm and all dogs staying the night at the facility will not have access to outdoor space in the evenings.
4. An eight foot privacy fence is proposed around the outdoor play areas.
5. The *LDC* requires 1,500 square feet of landscaping on the site, of which 900 shall be live cover.
6. The facility falls under the Pet Animal Care Facilities Act and a license is required by the State of Colorado Department of Agriculture.
7. Possible nuisances include noise and odor. Staff recommends that certain conditions be placed on the proposed use to mitigate these potential nuisances.
8. If any surfaces, either indoor or outdoor, are to be cleaned by water, the runoff must be drained into the Waste Water System; no runoff can be directed on into the Stormwater System.

REVIEW STANDARDS

The LDC (Chapter 15.130.050) contains the following seven specific standards that must be met for a Conditional Use Application to be approved:

- A. *Consistency with Master Plan.* The use shall be consistent with the City of Gunnison Master Plan.**

Possible Conflict:

Chapter 4, Environment, Policy 1.4: Maintain surface and ground water quality to ensure healthy drinking water, recreation opportunities and viable habitat conditions for aquatic and

terrestrial wildlife. All waste water must be directed to the City’s Wastewater System; no waste water can enter the Storm Water System.

Chapter 7, Economics, Goal: A diversified local economy will support the economic and employment needs of residents and account for social character, land use patterns and global economic and global energy concerns.

Chapter 7, Economics, Policy 3 – Sustainable Businesses: Encourage independent businesses that do not rely on the importation of goods or services.

B. Conformance to Code. *The use shall conform to all other applicable provisions of this Land Development Code including but not limited to:*

- a. Zone District Standards: The purpose of this zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article 7, Use and Dimensional Standards.*

No Conflict: The purpose of the Industrial district zone is to provide for industrial activity, both general and light, and service businesses in areas where conflicts with commercial, residential and other land uses can be minimized.

- b. Site Development Standards: Parking, Landscaping, sign and improvements standards.*

Possible Conflict: The LDC requires eight off-street parking spaces and 1,500 square feet of landscaped area, of which 900 square feet shall be live cover. The site plan indicates eight off-street parking spaces and 1,888 square feet of washed rock; however, there is no live cover on the site. The applicant will have to meet the live cover landscaping requirements.

A sign permit shall be required for any business advertisement.

C. Use Appropriate and Compatible. *The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.*

No Conflict: The dog day care and boarding facility is compatible with the neighborhood as long as certain conditions are met. The facility may produce noise and odor that can be mitigated through limited outdoor play hours and proper disposal of dog fecal matter. The facility is required to obtain a Pet Animal Care Facilities License by the State of Colorado Department of Agriculture.

D. Traffic. *The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.*

No Conflict: The additional number of vehicles associated with the dog day care and boarding facility will not be enough to cause traffic congestion.

E. Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

Possible Conflict: The dog day care and boarding facility may produce noise and odor and must be operated in a manner that addresses possible nuisances to the surrounding neighborhood. Outdoor play will be limited to daytime hours and an eight foot privacy fence will be placed for the play yards. Disposal of dog fecal matter shall follow the rules and regulations of the State of Colorado PACFA and the specific conditions applied to the application request.

F. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the Applicant shall propose necessary improvements to address service deficiencies which the use would cause.

Possible Conflict: It may be necessary to retrofit the facility with a floor drain system attached to the City’s waste water main.

G. Environment. The use shall not cause significant deteriorations to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

Possible Conflict: The proposed use should not have adverse impacts on the environment as long as fecal matter is disposed of properly.

ACTION

During the regular Planning and Zoning Commission meeting held on June 22, 2011, Commissioner _____ moved, and Commissioner _____ seconded, and the Commission voted to APPROVE Conditional Use Application CU 11-2, submitted by Pamela Christian to operate a dog day care and boarding facility in the Industrial district, 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 the operation of a dog day care and boarding facility in the Industrial district.
3. The Planning and Zoning Commission finds that the dog day care and boarding facility is compatible with the neighborhood as long as certain conditions are fulfilled.

STAFF REPORT
CONDITIONAL USE
Pamela Christian – Waggin’ Trails

4. The Planning and Zoning Commission finds that the facility falls under the Pet Animal Care Facilities Act and a license is required by the State of Colorado Department of Agriculture.
5. The Planning and Zoning Commission finds that eight off-street parking spaces are required by the *LDC* and eight spaces are available.
6. The Planning and Zoning Commission finds that an eight foot privacy fence will be placed around the outdoor play yards.
7. The Planning and Zoning Commission finds that 900 square feet of live cover landscaping is required on the site.
8. The Planning and Zoning Commission finds that if any surface, either indoor or outdoor, are to be cleaned by water, the runoff must be drained into the Waste Water System; no runoff can be directed on into the Stormwater System.
9. The Planning and Zoning Commission finds that the dog day care and boarding facility will not be a detriment to the community’s health, safety and welfare as long as the following conditions are fulfilled:

CONDITIONS:

1. A Pet Animal Care Facilities License shall be obtained from the State of Colorado Department of Agriculture and a copy must be provided to the Community Development Director.
2. The facility shall follow the rules and regulations of the Pet Animal Care Facilities Act Rules and Regulations for the disposal of dog fecal matter.
3. Hours of operation for the outdoor play yards shall be restricted to 7:00 am to 7:00 pm.
4. Landscaping on the site shall meet the requirements of the *Land Development Code*.
5. Dog waste shall be drained into the City’s Waste Water System; no runoff can be directed on into the Stormwater System.

Name: PAMELA CHRISTIAN **Phone #:** 641-1873

Fax #: **E-Mail:** pjeparise@benolivia.com

Mailing Address: 111 EAGLE TRAIL ROAD
City: Gunnison **State:** CO **Zip:** 81230

Power of Attorney
Name: see attached
Phone: **Fax:** **Email:**
Mailing Address:
City: **State:** **Zip:**

Legal Description
Address of Property: 800 Rio Grande Ave Gunnison, CO 81230
Block: 7 **Lot:** 14-17
Addition: Rio Grande **Zone:** T

Disclosure of Ownership- Please List All and Provide Documentation
 Owners Mortgages Judgments Liens
 Agreements that run with the land Contract Easements

Enclosures
 Vicinity Map (8.5"X11") & Site Plan (11"X17") Written Description of Proposal Names, Addresses and Map of Adjoining Property Owners
 Vested Property Rights Letter from Owner(If Not Applicants) Letter from Co-Owner
 Letter of Power of Attorney From Owner Certified mail/paid postage

Brief Summary: We are looking to use the existing building at 800 Rio Grande for a doggy day care & Boarding business.

Signature P. M. C. **Date** 5-26-11

For Office Use Only circle which apply

Conditional Use(CU)	Variance(VA)	Zoning Amendment(ZA)	Subdivision(SB)
Mobile Home Park			Exemption(SBE)
RV Park			
PUD(PD)	Vacation (VF)	Consolidated Application	
Minor			
Major	Other: _____		
Reference # _____			

RECEIVED
 MAY 26 2011

Waggin' Trails Comments on the Review Standards

Waggin' Trails is a proposed new business to be located in the City of Gunnison and therefore falls into the City of Gunnison's Master Plan. Waggin' Trails business is pet services -- day care and boarding -- filling a void in our community, and it is our intention to initially bring one full-time job and 6-8 part-time jobs to Gunnison.

The doggy day care and boarding business is pretty simple. People drop their dogs off at various times through out the day to have them play and socialize with other dogs. Staff is outside in the play yards at all time supervising the dogs. Dogs are pack animals and are happiest when they are spending time with other dogs. When they are off leash and playing they are happy and not barking. Barking dogs are often unhappy in their situation and let you know about it. Based on our personal experience with similar facilities, we do not expect unreasonable barking at our facility. Day care hours end at 6pm. All dogs staying the night will have played all day and will then sleep in their indoor kennels. They will not have access to any outdoor space in the evenings. We anticipate putting very tired dogs to bed for the evening.

We will put a 8' privacy fence around the outdoor play yards so that the dogs will not be disturbed or disturb by anyone passing by. The only ones allowed inside the play yards will be trained staff. Inside the privacy fence will be separate play yards allowing us to put dogs with similar dispositions together further enhancing compatibility and reducing barking.

We offer various packages for day care ranging from one hour to a full day. Other day care facilities have specific drop off time and pick up time. With a flexible schedule we do not anticipate creating any unusual traffic in this neighborhood. Furthermore, this location offer 8 off street parking spaces.

Another important aspect of a doggy day care and kennel business is cleanliness. We cannot risk any dog getting sick from another dog. We will have a strict policy of staff cleaning up after a dogs' elimination immediately and placing the waste in a trash bin to be hauled away. The outdoor surface is an asphalt/dirt combo and makes it easy to completely remove dogs' elimination. The indoor play area will have a rubber floor and again, very easy to clean up should an accident happen inside. We will not be putting waste in the buildings plumbing system.

We feel that this proposed location is ideal for our business. There are other businesses nearby, but none right next door. It brings a much-needed service to our community and the location makes it easy for people to drop their dogs off with us while they are at work or play in Gunnison. It is extremely convenient for travelers leaving from the airport to board their dogs with us or traveling out of town by car. We anticipate marketing to our tourist to leave their dogs with us while they spend the day white river rafting or fishing. We cannot think of a more ideal location for us to run our business.

AUTHORIZATION OF AGENT

I/We, the undersigned owner(s) of the following described real property located in the City of Gunnison, Colorado, hereby authorize the following individual(s):

Pamela M Christian 111 Eagle Trail Rd Gunnison, CO
Name Address Phone
303 880 3425

to act in my/our behalf concerning the application for action under the Land Development Code of the City of Gunnison.

Legal description and street address of the property for which application is being made:

LOTS 14-17 BIK 7 RIO GRAND ADDN #54256
800 RIO GRAND AVE GUNNISON CO 81230

Type(s) of permit applied for:

- 1) Waggin' Tails 2) _____
3) _____ 4) _____

FIRST OWNER OF RECORD:

Kenneth R BERGAN
Printed Name of Property Owner

Kenneth R Bergan
Signature of Property Owner

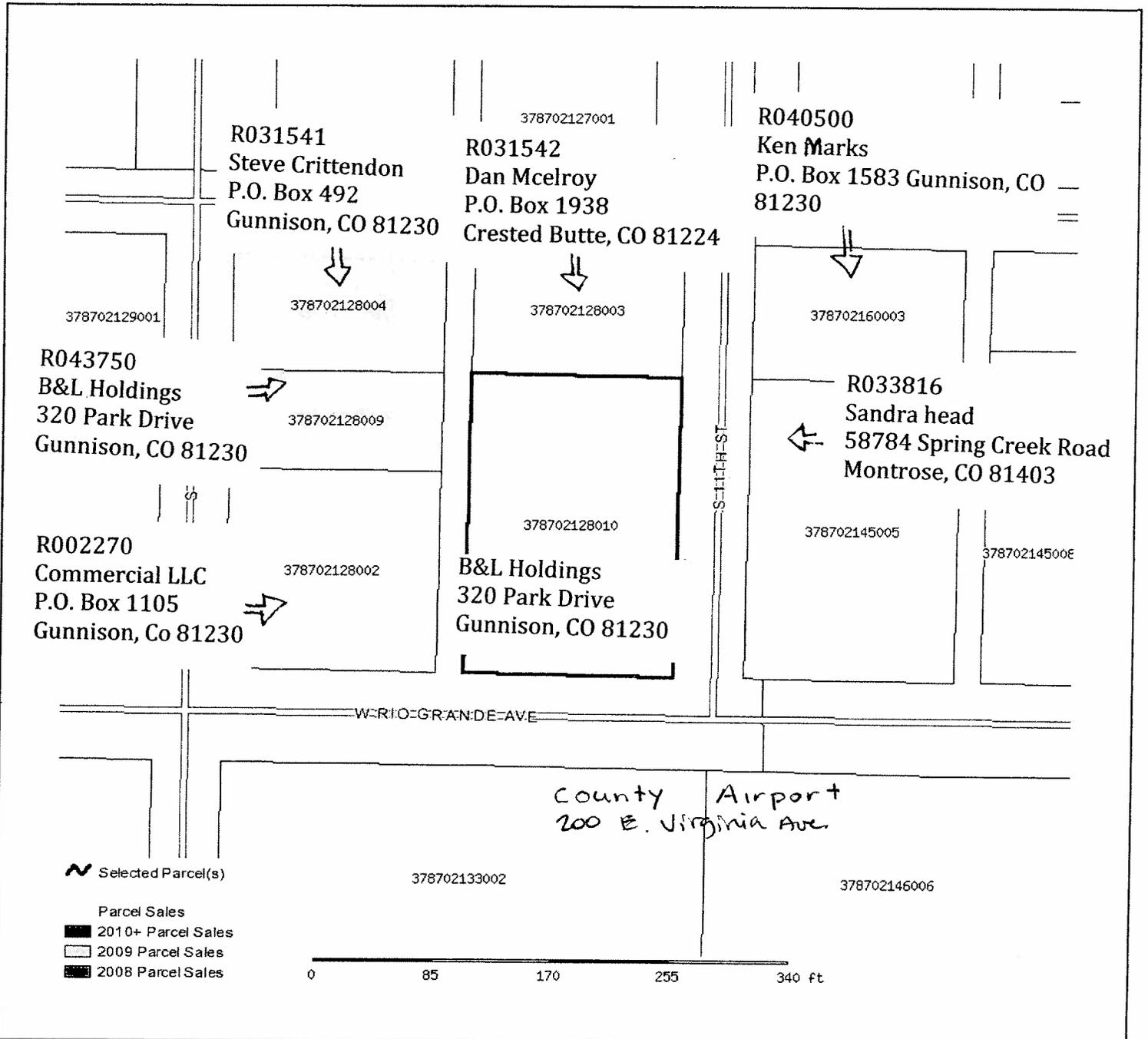
5-24-11
Date

SECOND OWNER OF RECORD:

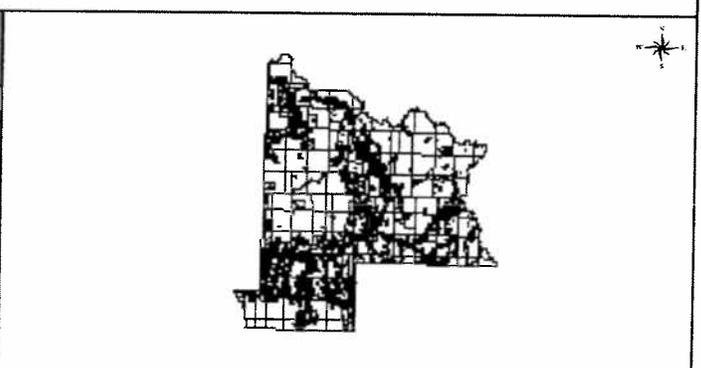
Mary T BERGAN
Printed Name of Property Owner

Mary T. Bergan
Signature of Property Owner

5-24-11
Date



Gunnison County Assessor			
Parcel: 378702128010 Acres: 0.774793			
Name:	L HOLDINGS LLC C/O KENNETH R BERG	Land Value:	261560
Site:	804 W RIO GRANDE AVE	Building Value:	224280
Sale:	\$445,000 on 04-2004 Vacant=Y Qual=Q	Misc Value:	
Mail:	320 PARK DR GUNNISON, CO 812309330	Just Value:	
		Assessed Value:	
		Exempt Value:	
		Taxable Value:	485840



The Gunnison County Assessor's Office makes every effort to provide the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER GUNNISON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 05/24/11 : 17:44:33

On May 31, 2011, Notices of Public Hearing were sent via certified mail to the following adjacent property owners:

Steve Crittendon
P.O. Box 492
Gunnison, CO 81230
Site address: 881 W. Bidwell

B&L Holdings
320 Park Drive
Gunnison, CO 81230
Site address: 614 S. 10th and 804 W. Rio Grande

Commercial LLC
P.O. Box 1105
Gunnison, CO 81230
Site address: 808 W. Rio Grande

Dan McElroy
P.O. Box 1938
Gunnison, CO 81230
Site address: Lots 23-26 Block 7 Rio Grande Addition

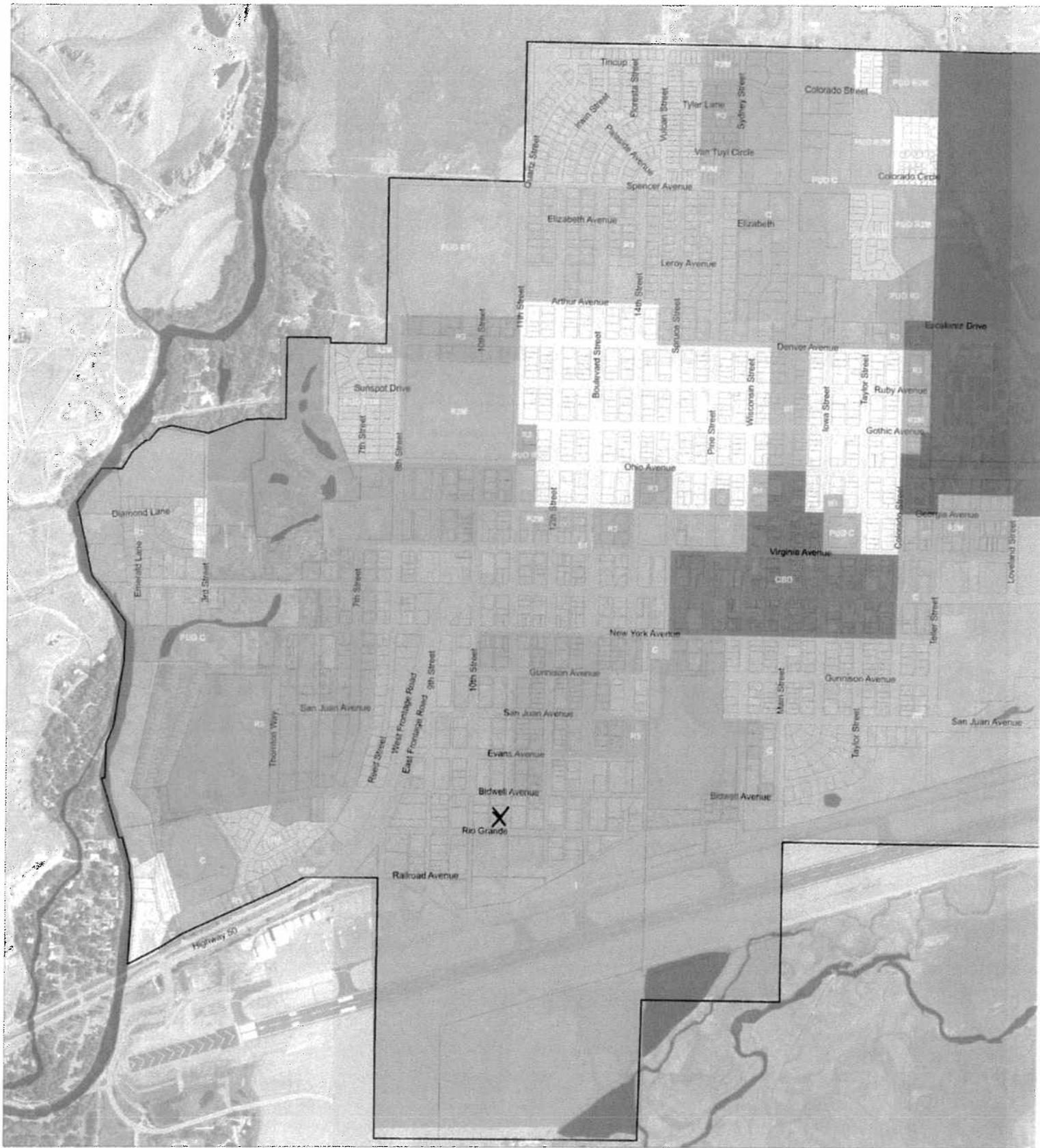
Ken Marks
P.O. Box 1583
Gunnison, CO 81230
Site address: 600 S. 11th #103

Debra S. Sporcich
P.O. Box 606
Crested Butte, CO 81224
Site address: 601 S. 11th #102

Spallone Construction
P.O. Box 1145
Gunnison, CO 81230
Site address: 600 S. 11th #101

Gunnison County
200 East Virginia
Gunnison, CO 81230
Site address: Gunnison/Crested Butte Regional Airport

Pamela Christian
111 Eagle Trail Road
Gunnison, CO 81230



Waggin' Trails Doggy Daycare and Pet Boarding

*Where Every Day
is a Waggin' Good Day!*



111 Waggin' Trails Lane
Gunnison, Colorado 81230

970-641-WAGS

pam@waggintrails.com

www.waggintrails.com

Submitted by Pamela Christian * 111 Eagle Trail Road * Gunnison, CO 81230
(970) 641-1873 * pjcparis@benolivia.com

Table of Contents

Executive Summary	3
Business Description	7
Definition of the Market	7
Description of Products and Services	16
Organization and Management	19
Marketing and Sales Strategy	20
Financial Management	21
Appendices	23

Executive Summary

The shift of dogs from simply pets to valuable family members has resulted in the emergence of a recession-proof niche in the pet industry market. One of the most profitable and popular businesses to emerge from this shift is the concept of daycare for dogs, commonly referred to as 'doggy daycare.' Waggin' Trails will specialize in caring for dogs that would otherwise be left alone at home while owners work or take care of other daily obligations. Additionally, we will offer state of the art boarding kennels for dogs and cats, dog training, select retail sales, and grooming. We will honor our commitment to providing dogs and cats in our facility with abundant social interaction and human contact, thus offering owners peace of mind in knowing their beloved family pets are receiving the utmost in personal care and attention.

Our Vision:

We envision a world in which people deeply care for the physical and emotional well being of their pets. We realize that in today's busy world it is next to impossible for some pet owners to give their pets the exercise and undivided attention they need every day. We believe it is critical to find the right balance between socialization, exercise, playtime, and training for their dogs.

Waggin' Trails will be a small business aimed at changing the way people utilize traditional dog training, pet daycare, and boarding services. The vision manifests itself in three ways:

1. We will consistently produce outstanding service.
2. We will be recognized as the leader in pet care in the Gunnison Valley.
3. We will be steadfast in our commitment to healthy interaction with pets to promote well-being and good health.

Our key to success will be providing superior pet care, competitive pricing, and excellent customer service.

Our plan is to operate out of a story and a half 4,000 square foot metal building on a half-acre of land directly across from the Gunnison Airport. The lower level will accommodate daycare, boarding, minimal retail sales, and grooming while the upstairs will accommodate boarding for cats. The location

is superior being in the city limits and its' proximity to Highway 50 and the Airport.

We will start the business with one full-time business manager and 6 trained, part time staff. Two part time employees will man shifts of 6 hours each every day.

Waggin' Trails will be established as a limited liability company under the name Waggin' Trails, LLC. It is our intent to increase sales and our client base resulting in a cash flow breakeven within seven months of commencing operations.

As a well-respected dog trainer and canine authority in the Gunnison area with more than 13 years experience, Drew Nelson will provide unparalleled expertise and name recognition in his role as Waggin' Trails manager. He is considered the most experienced working dog trainer in the county where he has successfully worked with over 125 dogs. Demand for his abilities is spreading through the Western Slope and he is now slated to begin offering classes in Montrose. He has earned a great reputation in the dog owners' community through his rescue efforts in conjunction with Gunnison Valley Animal Welfare. His unique abilities with dogs have enabled him to rehabilitate abused animals and get them placed in loving, forever homes. His outstanding people skills have permitted him to work successfully with pet owners to help resolve problems and create strong bonds with their pets.

As a former fundraiser and advertising professional, Drew's strong marketing and business background will be an asset to the day-to-day operations of the facility as well as with long term planning.

As a former sales rep for Xerox and Microsoft, Waggin' Trails co-owner Pamela Christian has a strong skill set in sales and marketing. Additionally, Pam has worked many years as a community volunteer raising money for various organizations. She is emerging as a community leader in her present role of President-Elect of the Gunnison Rotary Club.

Co-owner James Christian has enjoyed 30 years of experience in private equity and corporate banking. He is currently a Managing Member of Benolivia, LLC, a Gunnison-based investment and corporate advisory company. Previously, Jim was a Managing Director at Anschutz Investment Company, a private family investment office responsible for corporate acquisitions and

divestitures, senior management recruitment and oversight, strategic planning, financial management, and Board governance for companies totaling \$1 billion in equity investment. Jim has also held various investment banking positions.

Customers of Waggin' Trails will be required to sign both a medical waiver and a pet care agreement limiting liability with regard to services offered, including daycare, training, boarding, and grooming.

Today in the United States, 64.1% of households own a pet compared with 56% in 1988. We have 93.6 million owned cats and 77.5 million owned dogs. 56% of cat owners have more than one cat and 24% of dog owners have two dogs.

The Pet Industry continues to perform as recession resistant, according to the American Pets Products Association (APPA). Overall spending in the Pet Industry grew by 6.2% from \$45.53 billion in 2009 to \$48.35 billion in 2010.

The APPA forecasts continued growth through 2011 with a total spending to exceed \$50 billion, a 5.1% increase. (Industry Statistics and Trends according to APPA's 2011/2012 National Pet Survey).

Waggin' Trails is in the unique position of having no local competition for the services offered. Due to the relatively new nature of doggy daycare in the Gunnison area, there are many potential customers.

Our financial projections show a start up of \$154k revenue at the end of the first year and growing to \$354k revenue by year five. Because of the relatively low fixed costs of the business, it is projected to become cash flow positive within seven months and generate healthy profit margins and cash flow (despite projections showing initial low utilization of the facilities) and growing conservatively from there.

GOAL Statement:

- As leaders in the market of non-medical pet services for the Gunnison area, we will be the premier one-stop-shop for dogs and cats in the Gunnison Valley.
- We will control significant market share and increase profits as we grow and expand.

- We will provide solid customer service and deliver quality pet care through knowledgeable staff and modern facilities.
- We will increase utilization month by month during the first year. Our business plan is based on very conservative utilization rates, reaching an average of 19% by end of year one.
- We will achieve our goal by providing pets the very best 'home away from home' experience.

MISSION Statement:

- We will provide a positive environment for the animals we house day or night.
- We will provide a safe, clean, comfortable, and fun environment to include indoor and outdoor arenas for off-leash socializing and playtime to be utilized for both daycare and boarding.
- We will provide unsurpassed 'peace of mind' for clients through our provision of exemplary animal care.

Keys to Our Success

A growing industry, a superior location, a state of the art facility, no local competitors, a caring and qualified staff, and experienced business-minded owners are among the numerous advantages in opening Waggin' Trails. But three additional advantages will truly set Waggin' Trails apart from other business in the Gunnison Valley:

1. Waggin' Trails will be a predominately cash business. Aside from the initial investment and subsequent cash lay-out to purchase retail products, no other aspects of the services offered will require large cash outlays. This offers tremendous benefits to the day-to-day cash flow of the business. We will not be building up accounts receivable and thus the inherent risks of non-payment. We will have strict control of the daily cash within the business.
2. The work force in the Gunnison Valley is very conducive to the type of employees Waggin' Trails will employ. The local college is an asset for hiring part-time students for shorter shifts throughout the week. Gunnison is not a typical 9-5 workplace. Workers often hold several jobs, taking shift work as it is available.

3. Waggin' Trails will take advantage of the latest technology on the market. Because the success of Waggin' Trails is in providing outstanding customer service, offering web cams for pet owners to check in on their animals at their convenience eliminates worry and concern. Being able to send electronic photos of dogs having fun at daycare will retain and grow our customer base. Managing our business with the latest software applications will keep us current on our pet clients and vaccinations, our inventories, and our daily daycare and boarding guests. These technologies assist greatly in workflow and scheduling, which are the most administratively challenging aspects to the business.

Business Description

The Company:

Waggin' Trails, LLC will be a new business in the Gunnison Valley offering daycare, socialization, and training for dogs, pet boarding and grooming for dogs and cats, and industry-specific retail sales.

Doggy daycare will be an organized, controlled and monitored environment where pre-screened, non-aggressive dogs will interact and play throughout the day in a secure and safe environment. Waggin' Trails will specialize in supervising and exercising dogs all day long. Dogs will be supervised at all times while in our program. We will provide stimulation, socialization, attention, and exercise for dogs in our care.

Waggin' Trails will offer cutting-edge pet services in the Gunnison Valley. We will strive to be the best choice for clients and their pets. Our goal is to be the premier one-stop-shop for dogs and cats in the Gunnison Valley by providing solid customer service and quality pet care through knowledgeable staff and modern facilities. We realize pet care is a luxury. Therefore, we will promise our customers a beneficial service that fits with their lifestyle on a long-term basis. At Waggin' Trails, we will view pets as members of the family. Through quality exercise and interaction, we will honor our commitment to provide pets with an excellent, happy experience.

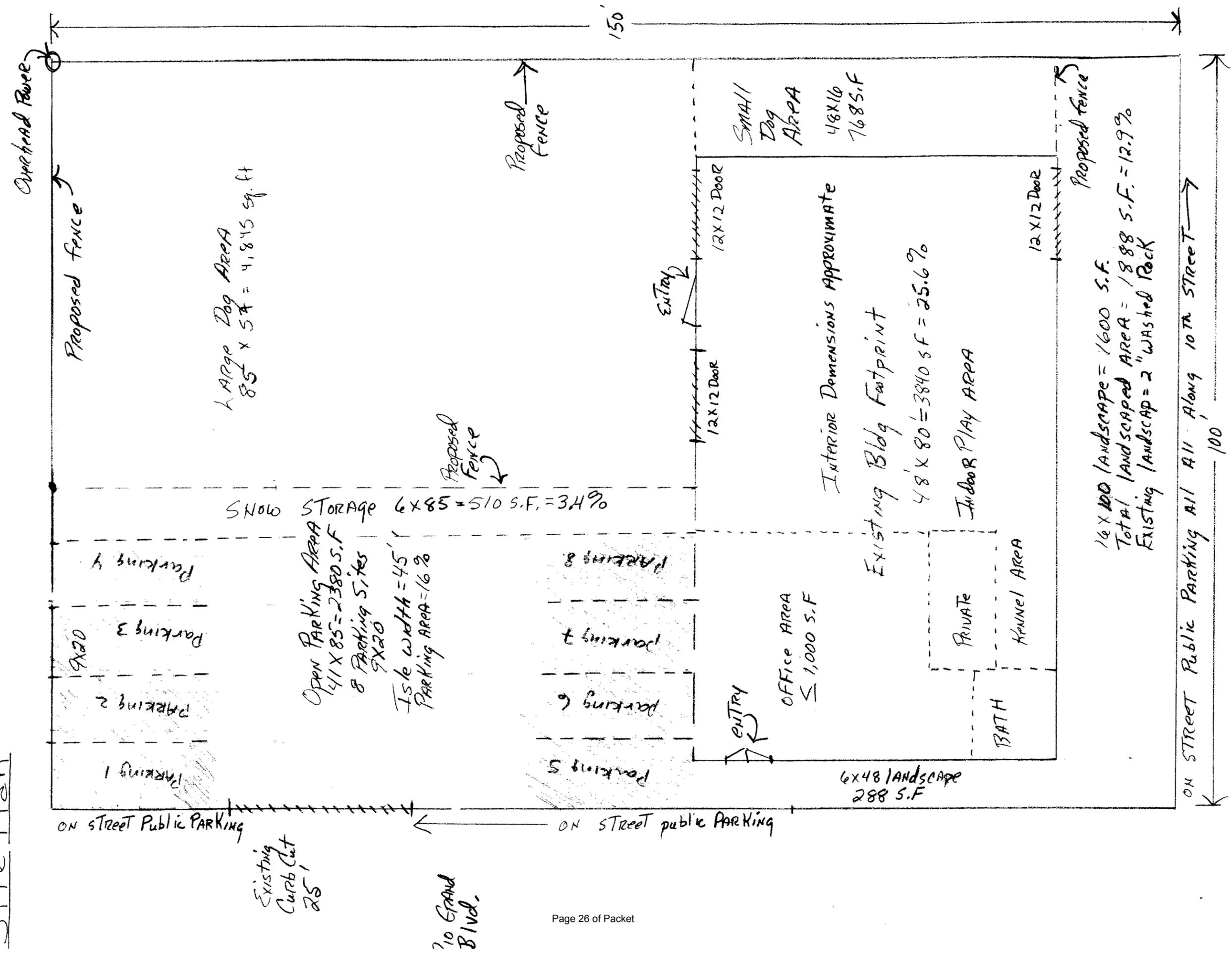
Scale 1/4" = 3' N →

All storm Drainage ends up here

Existing Storm DRAIN

Existing 25' City Alley

Site Plan



Large Dog Area
85' x 54' = 4,845 sq. ft

Open Parking Area
41 x 85 = 2380 S.F.
8 Parking Sites
9 x 20

Isle width = 45'
PARKING AREA = 16%

SNOW STORAGE 6 x 85 = 510 S.F. = 34%

OFFICE AREA
≤ 1,000 S.F.

SMALL Dog AREA
48 x 16
768 S.F.

Interior Dimensions APPROXIMATE

Existing Bldg Footprint

48' x 80' = 3840 S.F. = 25.6%

INDOOR PLAY AREA

BATH
PRIVATE
KENNEL AREA

16 x 100 LANDSCAPE = 1600 S.F.
TOTAL LANDSCAPED AREA = 1888 S.F. = 12.9%
EXISTING LANDSCAP = 2" WASHED ROCK

11th Street

Lot Size 100 x 150
15,000 S.F.

ON STREET Public PARKING All Along 10th STREET

STAFF REPORT
CONDITIONAL USE

Time Warner Cable – 1000 North Main Street, Suite 4

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: June 22, 2011
RE: Conditional Use Application CU 11-3, Satellite Transmitting Cable Facility

CODE PROVISIONS

The City's *Land Development Code (LDC)*, Section 15.70.030 states that a satellite transmitting facility requires a conditional use permit to operate in the Commercial (C) District. Conditional uses are those land uses that are generally compatible with the permitted uses in a district zone, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

The *LDC* Section 15.130.020D specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification.

APPLICATION

The applicant is Time Warner Cable, represented by Mike Miller, who is requesting to operate a cable television facility in the Commercial district. The legal description of the property is Lots 5-7, Gunnison Center Phase 1C, City and County of Gunnison, Colorado. The applicants' narrative states:

Time Warner Cable, (TWC) provides video, internet and phone services to the communities of Gunnison and Crested Butte utilizing state of the art fiber technology.

TWC currently utilizes 5 locations spread throughout Gunnison in order to maintain a Customer Service Center, offices, material storage and the technical operations center that allow us to provide the above mentioned services to the community.

TWC is looking to consolidate these 5 locations into a single location to help streamline operations and make our Customer Service Center more convenient and accessible to our customers and the community. The proposed new location at 1000 N. Main Street would provide adequate space to consolidate our operation into one more centralized location and provide a newer more convenient and accessible location for our customers to visit.

TWC will complete this consolidation in two phases. In 2011 we will move our Customer Service Center, material storage and offices to the new locations at 1000 Main Street.

In late 2011 or 2012 we will complete phase two by moving the technical operation center to the new location. The technical operations currently consists of 6 satellite dishes, satellite receivers, fiber optic

STAFF REPORT
 CONDITIONAL USE

Time Warner Cable – 1000 North Main Street, Suite 4

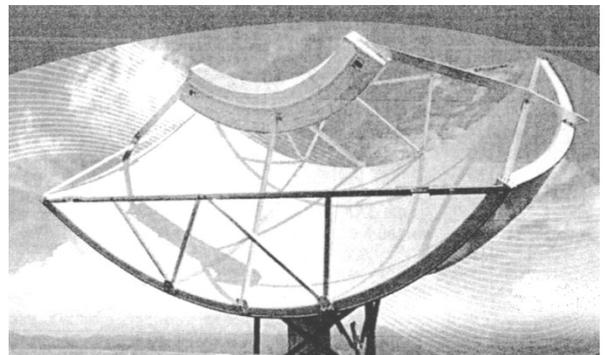
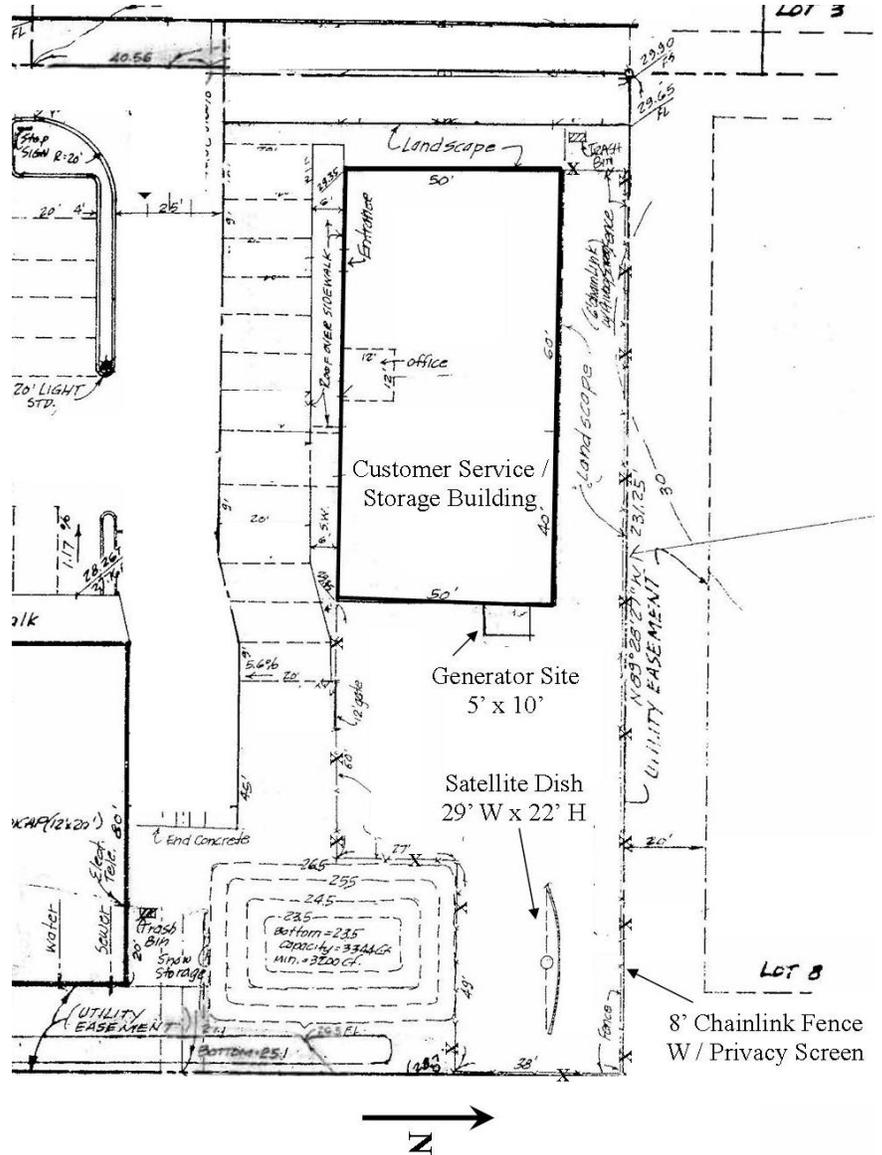
cables, backup generator and other equipment needed to provide video, internet and phone services to the community. To complete this move we need to relocate or replace the 6 satellite dishes and backup generator for our existing technical operations center at 412 W. Tomichi Ave. Current zoning at the new location allows for the technical operations center with the exception of the satellite dishes and the backup generator. This conditional use permit application is being submitted to allow TWC to install a single satellite receiving dish and relocate our existing backup generator to the new location at 1000 Main Street...

SITE ASSESSMENT

The proposed site is shared with Sears and True Value to the south and is surrounded by commercial uses. The Community Center is to the east, Wal-Mart and City Market are to the south, Community Banks, Alexander Orthodontics, and Gunny Lube are west and vacant land (future Six Points location) and Auto Corral are to the north.

The site will provide a consolidated location for a customer service center, offices, material storage, technical operations and the satellite dish.

The proposed satellite dish is an antenna that can simultaneously receive signals from up to 35 satellites. The proposed satellite dish would replace the existing six dishes located at 412 West Tomichi Avenue. The satellite dish spans approximately 29 feet in length and has a mounted height of 22 feet. The applicant is proposing to place the satellite dish in the



STAFF REPORT
CONDITIONAL USE

Time Warner Cable – 1000 North Main Street, Suite 4

northeast corner of the property, east of the existing building and south of Sears. Outdoor storage will be located on the site within the privacy fenced area.

The existing technical operations center has a Cummins Quiet Site 125 KW backup generator. The generator will be moved to the new site to the east of the existing building. The site plan indicates an 8 foot privacy fence around the generator and the satellite dish to minimize the visual impacts to surrounding neighbors.

The site has been used for commercial uses in the past and meets the requirements of the *LDC* in regard to the dimensional standards, landscaping and off-street parking. The *LDC* requires 10 off-street parking spaces (one space per 500 square feet), 13 parking spaces are available.

DEPARTMENTAL COMMENTS:

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

STAFF OBSERVATIONS

1. The applicant is requesting approval to operate a satellite transmitting cable facility in the Commercial district which requires conditional use approval based on the City's *Land Development Code*.
2. A cable facility is compatible with the surrounding neighborhood.
3. The proposed use complies with the dimensional standards and parking requirements of the *LDC*.
4. The *LDC* requires 10 off-street parking spaces and the existing parking is adequate to meet the proposed use.
5. The proposed satellite is approximately 29 feet in length and has a mounted height of 22 feet and will be placed in a manner to comply with the *LDC* setback standards.
6. The proposed site would consolidate the existing five locations to one location.
7. The new satellite will replace the six existing satellite dishes at the current location at 412 West Tomichi Avenue and the old satellites will be removed.
8. An eight foot privacy fence is proposed around the backup generator and satellite location.

STAFF REPORT
CONDITIONAL USE

Time Warner Cable – 1000 North Main Street, Suite 4

REVIEW STANDARDS

The LDC (Chapter 15.130.050) contains the following seven specific standards that must be met for a Conditional Use application to be approved:

A. Consistency with Master Plan. The use shall be consistent with the City of Gunnison Master Plan.

No Conflict:

Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined. New developments will demonstrate high-quality urban design while protecting the rural landscapes surrounding the City. Sprawl will be avoided through effective infill and compact growth. Residential, commercial and industrial land uses are appropriately located and interspersed with parks and open space, providing a balanced environment in which to live, work and play.

Chapter 7, Economics, Policy 4 – Commercial Businesses: Assure attractive and financially strong commercial zone districts.

B. Conformance to Code. The use shall conform to all other applicable provisions of this Land Development Code including but not limited to:

a. Zone District Standards: The purpose of this zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article 7, Use and Dimensional Standards.

No Conflict: The purpose of the Commercial district is to provide for commercial and service businesses in a pattern that allows ease of access by both vehicles and pedestrians. There are no conflicts with the use or dimensional standards in the LDC.

b. Site Development Standards: Parking, Landscaping, sign and improvements standards.

No Conflict: The LDC requires 10 off-street parking spaces for a cable facility. The site provides 13 adjoining off-street parking spaces south of the building.

C. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

No Conflict: The satellite transmitting cable facility is appropriate and compatible with the surrounding commercial uses.

STAFF REPORT
CONDITIONAL USE

Time Warner Cable – 1000 North Main Street, Suite 4

D. Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

No Conflict: Access is gained off Spencer Avenue. The site was developed for commercial uses with a private drive that runs north to south and exits onto Colorado Street. A cable facility should not cause undue traffic congestion or dangerous traffic conditions in this area.

E. Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

No Conflict: One satellite dish is proposed at this site and is located to the east of the existing building and north of the Sears and True Value stores. The location of the satellite will be screened from bounding streets: Main, Spencer and Colorado and complies with height and dimensional standards.

The backup generator is screened by the existing building and the privacy fence. The generator is very quiet and should not have any impact on surrounding neighbors.

F. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

No Conflict

G. Environment. The use shall not cause significant deteriorations to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

No Conflict: A detention area is located to the east of the existing building and the privacy fence and satellite dish are located to the north of the drainage area.

ACTION

During the regular Planning and Zoning Commission meeting held on June 22, 2011, Commissioner _____ moved, and Commissioner _____ seconded, and the Commission voted to APPROVE Conditional Use application CU 11-3, submitted by Time Warner Cable to operate a satellite transmitting cable facility at 1000 North Main Street, Suite 4, based on the following findings of fact and conditions:

STAFF REPORT
CONDITIONAL USE

Time Warner Cable – 1000 North Main Street, Suite 4

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 the operation of a satellite transmitted cable facility in the Commercial district.
3. The Planning and Zoning Commission finds that the proposed use is compatible with *LDC* use standards.
4. The Planning and Zoning Commission finds that the proposed use complies with the dimensional standards and parking requirements of the *Land Development Code*.
5. The Planning and Zoning Commission finds that the existing six satellite dishes located at 412 West Tomichi Avenue will be taken down and replaced with one satellite dish located at 1000 North Main Street, Suite 4.
6. The Planning and Zoning Commission finds that an eight foot privacy fence will be installed to minimize visual impacts from the satellite dish and backup generator.
7. The Planning and Zoning Commission finds that outdoor storage of materials will be on the site within the eight foot privacy fence.
8. The Planning and Zoning Commission finds that the applicant meets the Conditional Use review standards stated in the *LDC*.
9. The Planning and Zoning Commission finds that the satellite transmitting cable facility will not be a detriment to the community's health, safety and welfare as long as the following condition is fulfilled:

CONDITION:

1. The applicant shall install the satellite dish and an eight foot privacy fence as indicated on the site plan dated May 26, 2011.
2. Storage of outdoor materials shall be completely screened within the eight foot privacy fence made of an opaque material.

Application Fact Sheet
 City of Gunnison Land Development Code
 Minimum Application Contents
 In Accordance With 15-12-3(C)

City of Gunnison
 P.O. Box 239
 Gunnison, CO 81230
 (970)641-8090

Applicant Name(s): Time Warner Cable Mike Miller

Phone #: 641-4774 **Fax #:** 641-6159 **E-Mail:** Mike.miller@twcable.com

Mailing Address: 412 W. Tomichi Ave

City: Gunnison **State:** CO **Zip:** 81230

Summary of Request:
Attached

Disclosure of Ownership- Please provide one of the following:

- Assessor Parcel Info Mortgage Deed Judgments
 Liens Contract Easement Agreement Other Agreements

Legal Description

Site Address of Property: 1000 N. Main St Suite 4 Zoning C1
 Block: _____ Lot(s): _____ Addition: _____

- Attachments:** Vicinity Map (8.5"x11") Written Narrative/Description of Proposal
 Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)
 Vested Property Rights Letter/Power of Attorney from Owner (If Not Applicants)
 Site Plan (11"x17") **to scale**, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4. (See Attached Sample.)

YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION

Signature(s) Mike Miller Date 5-26-11
 _____ Date _____

For Office Use Only

Conditional Use(CU) Variance(VA) Zoning Amendment (ZA)
 Major Subdivision (SB) Minor Subdivision (SB) Subdivision Exemption (SBE)
 Mobile Home/RV Park PUD(PD) Vacation (VF) Consolidated Application

Narrative for Conditional Use Permit Application by Time Warner Cable

Application for Use Permit at 1000 N. Main St. Suite 4, Gunnison, CO 81230

Time Warner Cable (TWC) provides video, internet and phone services to the communities of Gunnison and Crested Butte utilizing state of the art fiber technology.

TWC currently utilizes 5 locations spread throughout Gunnison in order to maintain a Customer Service Center, offices, material storage and the technical operations center that allow us to provide the above mentioned services to the community.

TWC is looking to consolidate these 5 locations into a single location to help streamline operations and make our Customer Service Center more convenient and accessible to our customers and the community. The proposed new location at 1000 N. Main Street would provide adequate space to consolidate our operation into one more centralized location and provide a newer more convenient and accessible location for our customers to visit.

TWC will complete this consolidation in two phases. In 2011 we will move our Customer Service Center, material storage and offices to the new location at 1000 Main Street.

In late 2011 or 2012 we will complete phase two by moving the technical operation center to the new location. The technical operations currently consists of 6 satellite dishes, satellite receivers, fiber optic cables, back up generator and other equipment needed to provide video, internet and phone services to the community. To complete this move we need to relocate or replace the 6 satellite dishes and backup generator for our existing technical operations center at 412 W. Tomichi Ave. Current zoning at the new location allows for the technical operations center with the exception of the satellite dishes and backup generator. This conditional use permit application is being submitted to allow TWC to install a single satellite receiving dish and relocate our existing backup generator to the new location at 1000 Main Street.

Satellite Receiving Equipment (Dishes)

Most of you have seen the dish farm directly north of our Customer Service Center at 412 W. Tomichi. There are currently 6 satellite dishes used to receive the satellite feeds for over 250 digital and analog channels. The dishes range in size from the smallest at 3.7 meters to the largest being 5 meters. Some of these dishes were installed over twenty years ago. Over time and from the harsh weather conditions some of the dishes have seen a reduction in their ability to receive a quality satellite signal. These dishes are in a fenced yard but are visible from Highway 50 and from Virginia Street and are somewhat of an eyesore.

TWC wishes to replace the 6 satellite dishes with a single Simulast 5 meter dish at the new location. This single antenna (satellite dish) is able to view up to 35 satellites and will replace the existing 6 dishes at the Tomichi Ave location. The Simulast measures 16.6 feet in height and

29.1 feet in length. The mounted height would be approximately 22 feet to the upper edge of the antenna. See included Simulsat details attachment. By installing the single 5 meter Simulsat we significantly reduce the visual impact to the surrounding residents and businesses and we increase the signal quality we receive from the satellites and provide to our customers.

The Simulsat antenna would be placed on the East side of the property at 1000 N. Main Street, just to the North of the Sears building. This location would provide limited visibility from the West, South and the East. See included site plan. The visibility would also be reduced by placing an 8 foot chain link fence with privacy slats along the North and East property lines enclosing the area the dish will be installed.

The six satellite dishes located at the 412 Tomichi Ave location would be removed eliminating the negative visual impact to surrounding residents. The replacement Simulsat 5 meter dish will provide increase signal quality for not only the existing services we provide, it will also allow us to add more high definition programming.

Backup Generator

The existing technical operations center has a Cummins Quiet Site 125 KW backup generator to provide power in case of a commercial power outage. This back up power source is mandatory for us to provide reliable service to our customers. The generator currently sits on the North side of the building at 410 Tomichi Ave visible from Virginia Street. This creates a negative visual impact to surrounding residents. At the new location it will be placed along the East side of the building and will be completely hidden from view from any direction by the 8 foot chain link fencing to be installed. See included Site Plan.

The Cummins Quiet Site generator is very quiet and will have no impact to surrounding residents or businesses. The generator is so quiet you can stand next to it while running and carry on a conversation. See attached generator specification sheet.

The generator will be removed from the 410 Tomichi Ave location eliminating the negative visual impact and eliminating possible vandalism issues.

Authorization of Agent

I/we, the undersigned owner/s of the following described real property located in the City of Gunnison, Colorado, hereby authorize:

~~Time Warner Cable / Mike Miller~~
~~D+Stand Holdings LLC~~ 1000 N. MAIN ST 9706413332
Name Address Phone No.

to act in my/our behalf in applying for the following application/s permits from the City of Gunnison, as required by the UBC regulations and the City of Gunnison Land Development Code pertaining to zoning, building, sanitation and developments. Let it also be known that there are amendments to the 1994 UBC as stated in Chapter 14 Article 1:3 of the Gunnison Municipal Code book.

Legal property description (quarter sections, section, township and range, or Lot and Addition/Subdivision name plus street address assigned by the Building Official):

GUNNISON CENTER PHASE 1C
LOTS 5, 6 + 7

Type/s of permit or application applied for:

1) _____ 2) _____

Signature: M J Danell _____ Date: 4-29-11
Property Owner of Record

Signature: _____ Date: _____
Property Owner of Record

Signature: _____ Date: _____
Property Owner of Record

NOTARY SEAL:



[Search Sales By Subdivision](#)
 [Previous Parcel](#)
 [Next Parcel](#)
 [Gunnison Home](#)

Owner and Parcel Information	
Owner Name	D & S LAND HOLDINGS LLC
Mailing Address	320 LEROY AVE GUNNISON, CO 81230
Location Address	1000 N MAIN ST
Account Type	Commercial
Neighborhood	GUNNISON CENTER 1-C
Subdivision	GUNNISON CENTER PHASE IC
Economic Area	Econ Area 1
Zoning	NONE
Legal Description	LOTS 5 - 7 GUNNISON CENTER PHASE IC #503024 #538973
Parcel Notes	TOTAL PARCEL = 110,039 SF STATEMENT OF AUTHORITY #582735 MAR 14 2008 D & S LAND HOLDINGS LLC
	Generate Neighboring Owner List by Distance

Current Year Assessment Information			
Land Value	Building Value	Total Value	Assessed Value
\$ 943,210	\$ 2,090,340	\$ 3,033,550	\$ 879,730

Prior Year Assessment Information				
Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2010	\$ 2,198,170	\$ 637,470	40.939	\$ 26,097.38
2009	\$ 2,168,170	\$ 628,770	39.757	\$ 25,010.16
2008	\$ 3,260,000	\$ 945,400	41.387	\$ 39,138.24
2007	\$ 2,700,000	\$ 783,000	36.186	\$ 28,345.72
2006	\$ 1,831,580	\$ 531,160	43.784	\$ 23,268.12

Contact the Treasurer's Office for current property tax amount due. Do not use the figures above to pay outstanding property taxes.

Land Information						
Description	Acres	Land Type	Site Access	Electricity	Sewer	Water
MERCHANDISING-LAND	2.41	MEADOW	YEAR ROUND	YES	CENTRAL	CENTRAL

Sales Information						
Sale Date	Type of Document	Reception	Vacant or Improved	Grantor Name	Grantee Name	Amount
2000-06-22	TREASURERS DEED - FEE	503024	Vacant	GUNNISON CENTER PROPERTIES LLC	D & S LAND HOLDINGS LLC	\$ 242,000

Improvement Information						
Description	Built As Description	Actual Year Built	Effective Year Built	Living Area Sq Ft	Sketch	
Retail Store	Retail Store	2000	2000	25,888	Show Sketch	
Building Quality	Building Condition	Stories	Bed Rooms	Baths	Basement Area	Percent Complete
Fair	Average	1	0	0	0	100%

Building Sub Areas		
Description	Square Footage or Units	
SECOND	1,000	
FIRST	24,888	

Description	Built As Description	Actual Year Built	Effective Year Built	Living Area Sq Ft	Sketch
Commercial	"RETAIL, WAREHOUSE"	2007	2007	5,000	Show Sketch

Building Quality	Building Condition	Stories	Bed Rooms	Baths	Basement Area	Percent Complete
Fair	Average	0	0	0	0	100%

Building Sub Areas

Description	Square Footage or Units
FIRST	5,000

[Search Sales By Tax Area](#)

[Search Sales By Map Grid](#)

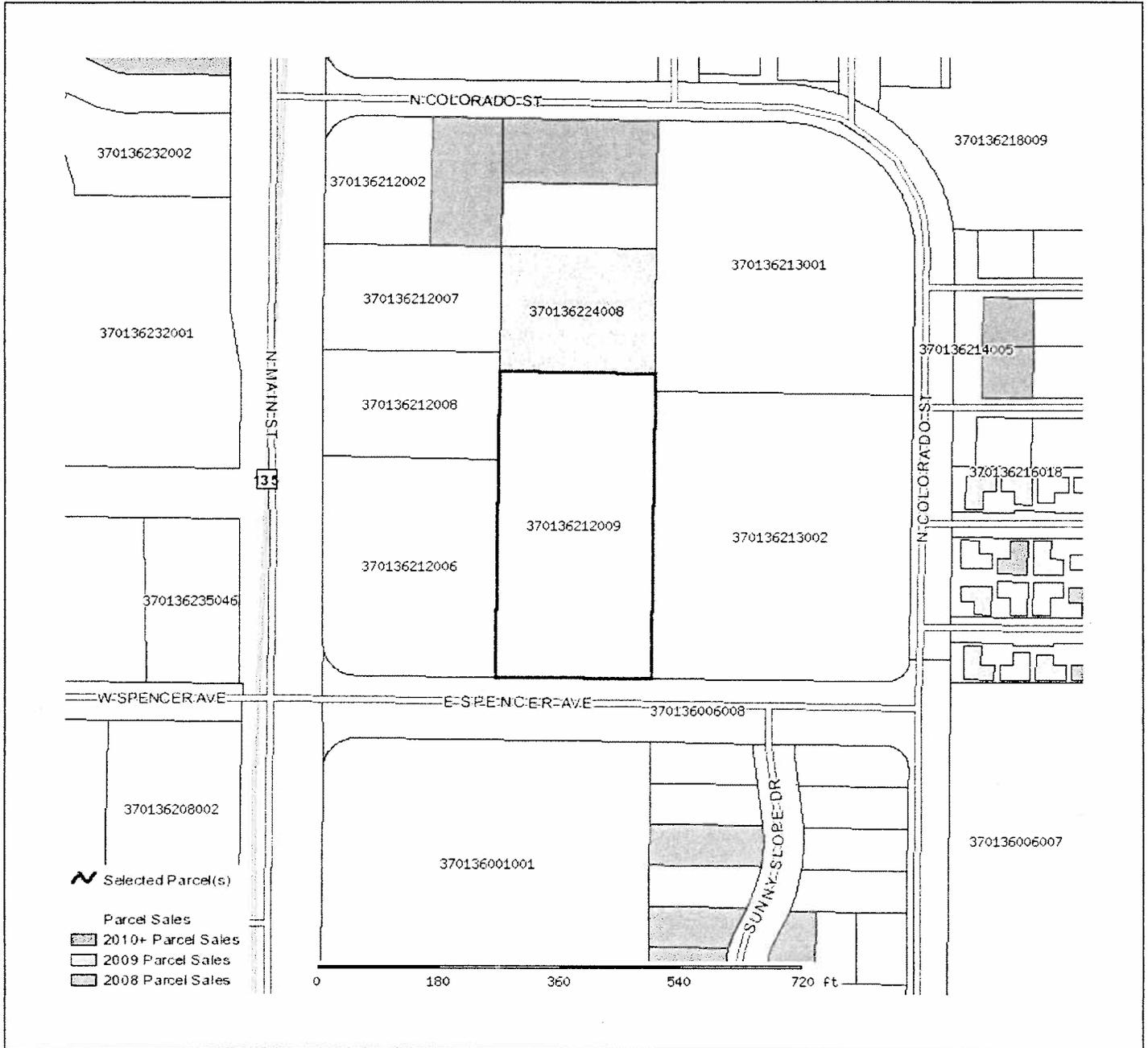
[Previous Parcel](#)

[Next Parcel](#)

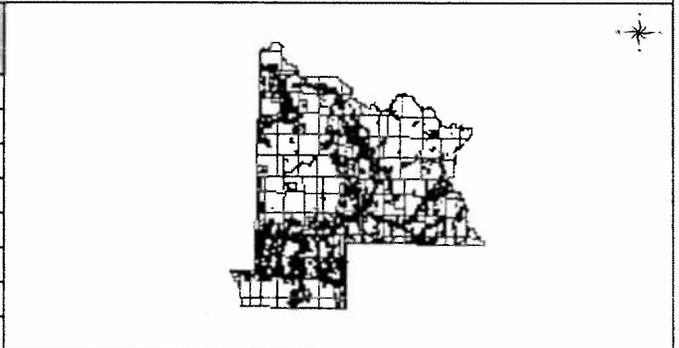
[Gunnison Home](#)

The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. All assessment information is subject to change before the next certified tax roll. Website Updated: April 28, 2011

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Gunnison County Assessor			
Parcel: 370136212009 Acres: 2.526147			
Name:	D & S LAND HOLDINGS LLC	Land Value:	943210
Site:	1000 N MAIN ST	Building Value:	2090340
Sale:	\$242,000 on 06-2000 Vacant=Y Qual=Q	Misc Value:	
Mail:	320 LEROY AVE GUNNISON, CO 81230	Just Value:	
		Assessed Value:	
		Exempt Value:	
		Taxable Value:	3033550



The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER GUNNISON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 04/29/11 : 17:26:58

On May 31, 2011, Notices of Public Hearing were sent via certified mail to the following adjacent property owners:

D&S Holdings
320 Leroy Avenue
Gunnison, CO 81230
Site address: 1000 N. Main St.

WalMart Real Estate Business Trust
P.O. Box 8050
Bentonville, AR 72712-8055
Site address: 900 N. Main

West Virginia of Gunnison LLC
202 E. Tomichi
Gunnison, CO 81230
Site address: 913 Sunny Slope Dr.

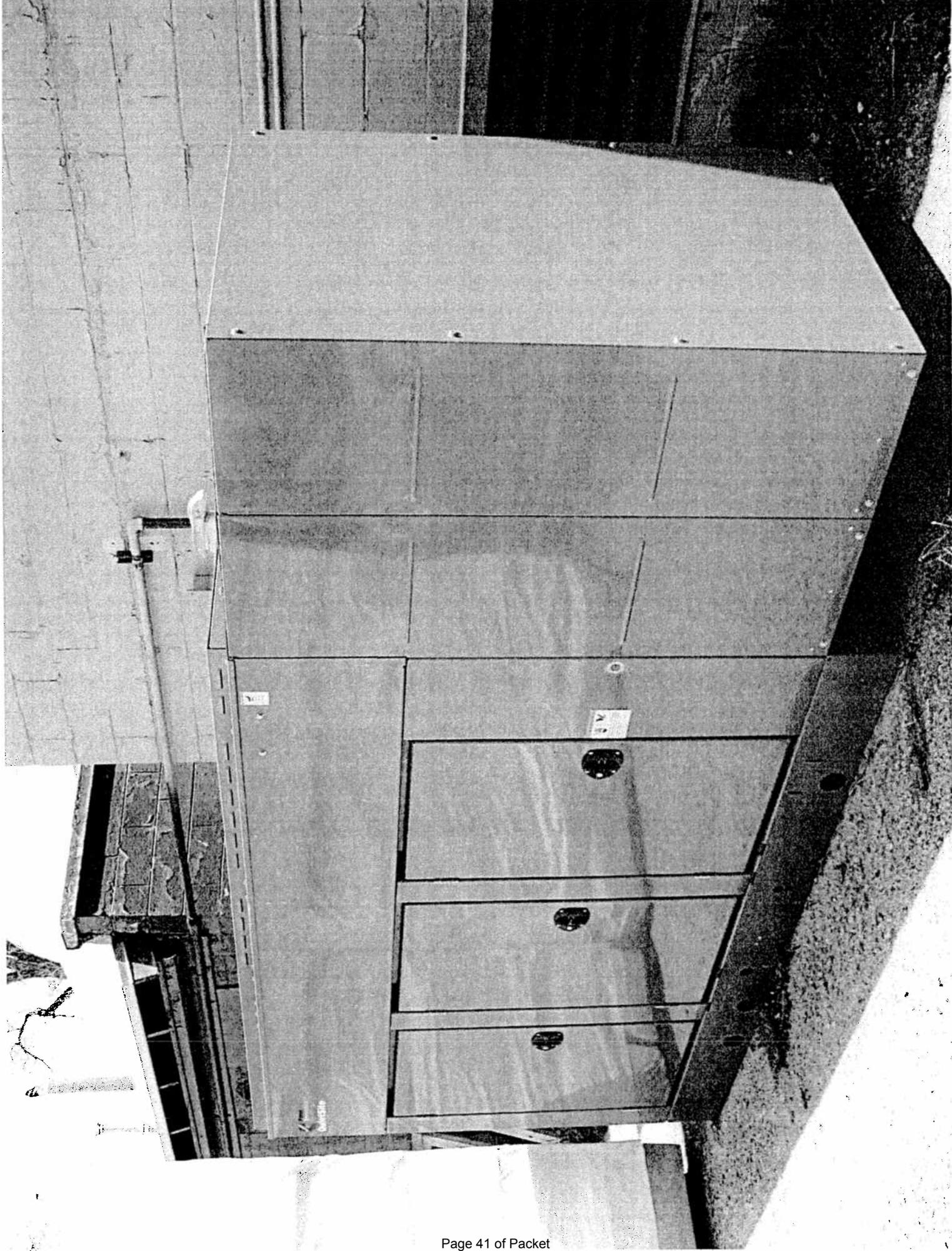
Steven Landry, etal
1198 N. Main
Gunnison, CO 81230
Site address: 1198 N. Main

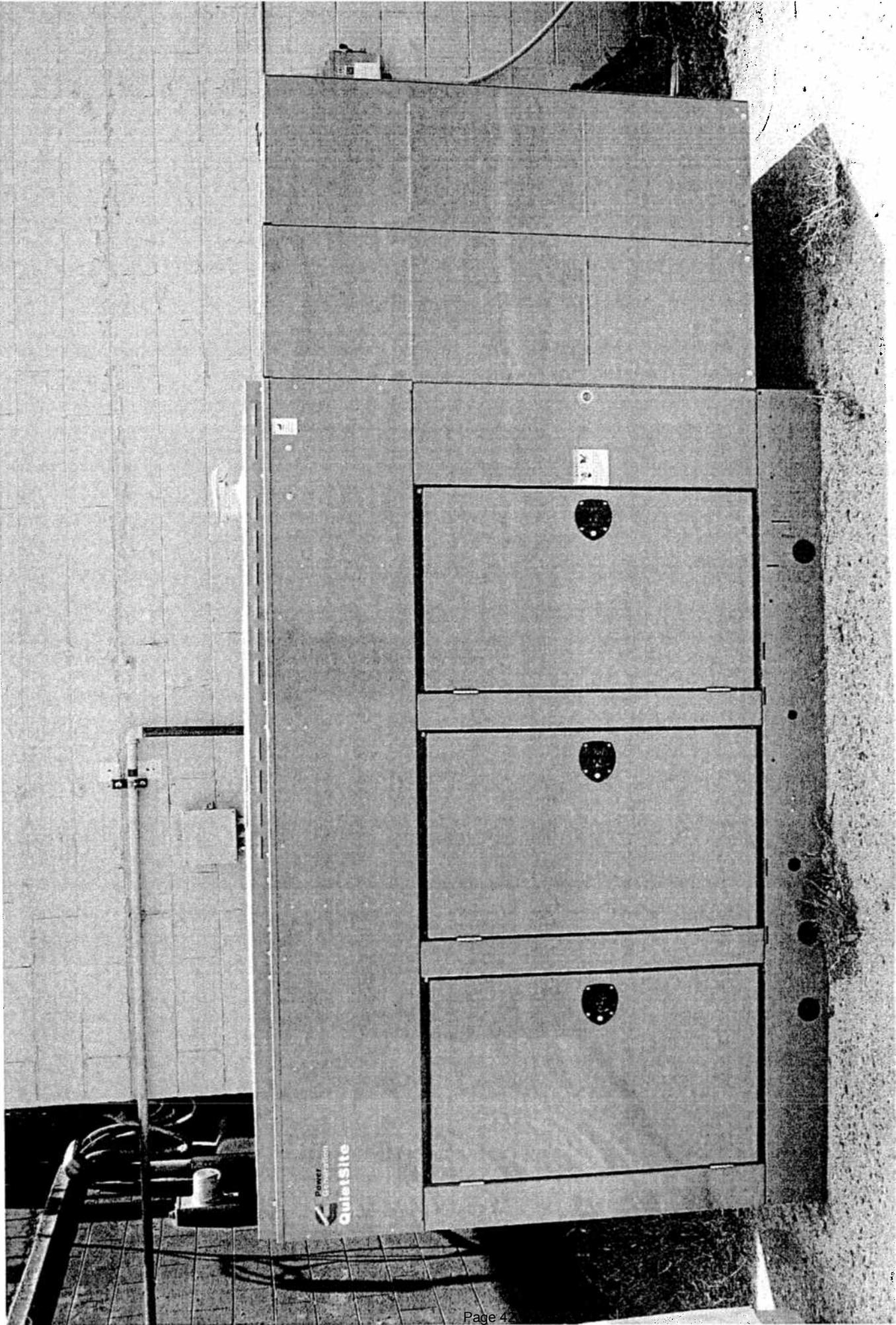
Community Banks of Colorado
127 W. 4th St.
Pueblo, CO 81003
Gunnison, CO 81230
Site address: 1100 N. Main

William Nehrer
4465 Esta Lane
Soquel, CA 95073-2100
Site address: 1140 N. Main

Six Points Evaluating and Training
320 S. 14th St.
Gunnison, CO 81230
Site address: Lots 8d and 8E of Lot 8 Gunnison Center

Time Warner Cable
412 W. Tomichi
Gunnison, CO 81230

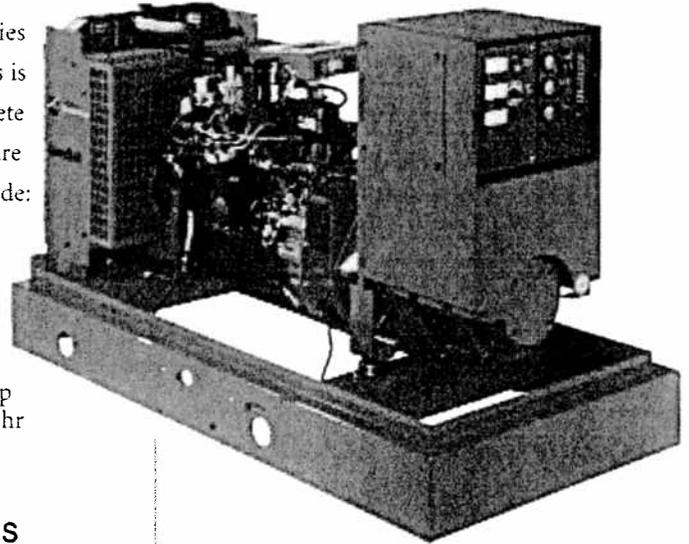




SPARK-IGNITED GENERATOR SETS

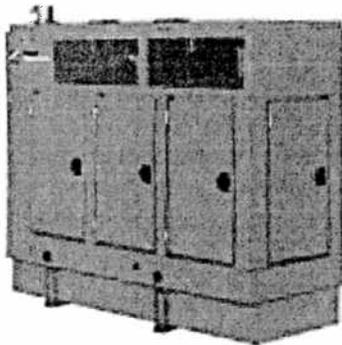
Our spark-ignited generator sets, 6 to 150 kW, are available with natural gas, propane, and combined fuel systems. They can be used in a variety of life-support and related applications, including small health care facilities and retail businesses. Installation and hookup to the fuel source lines is both basic and convenient. As with our diesel generator sets, a complete selection of voltages, accessories, generator set, and control options are available for customizing to your specific needs. Major features include:

- Multiple control system options including those that are NFPA 110 compliant
- Natural Gas, Propane, or combination fuel systems
- Weather protective enclosures
- Some models available with optional low emissions closed loop fuel control system and 3-way catalyst which meets 1.5gm/hp-hr



QUIET SITE™ SOUND ATTENUATED GENERATOR SETS

Quiet Site provides two levels of sound attenuation to comply with stringent noise requirements. Sound attenuated housings can be factory installed or up-fitted on existing generator sets by the local distributor as requirements emerge.



All features, options, and accessories of Cummins Power Generation® diesel gensets up to 200 kW and spark-ignited gensets from 6 to 150 kW are available with Quiet Site enclosures. And Quiet Site can be configured for other stationary or trailerized applications.

Quiet Site housings silence and protect the complete generator set, optimizing both genset performance and sound treatment to achieve

low noise performance. Major features include:

- 15 to 200 kW, 60 Hz, 12.5 to 175 kW, 50Hz (Diesel)
- 20 to 150 kW, 60 Hz, 30.0 to 115 kW, 50 Hz (Spark-ignited)
- First stage: 65 to 80 dB(a) with full load at 7 meters
- Second stage: 61 to 72 dB(a) with full load at 7 meters
- Compact footprint, low profile design
- Easy access to all major generator, engine, and control components for servicing
- Upgrade kits

Model	Fuel	Power Output Rating Standby (kW)		Prime Power (kW)	
		60Hz	50Hz	60Hz	50Hz
GNAA‡	Natural Gas	6.0	4.7	5.4	4.2
	Propane (Vapor)	7.0	5.5	6.3	5.0
GNAB‡	Natural Gas	10.0	7.8	9.0	7.0
	Propane (Vapor)	11.5	9.0	10.4	8.1
GNAC‡	Natural Gas	14.0	10.9	12.6	9.8
	Propane (Vapor)	16.0	12.5	14.4	11.3
GGDB	Natural Gas	20	16	N/A	N/A
	Propane*	20	16	N/A	N/A
GGFD	Natural Gas	35	N/A	N/A	N/A
	Propane*	35	N/A	N/A	N/A
GGFE	Natural Gas	42	30	N/A	N/A
	Propane*	47	35	N/A	N/A
GGHE	Natural Gas	60	50	N/A	N/A
	Propane*	60	50	N/A	N/A
GGHF	Natural Gas	70	55	N/A	N/A
	Propane*	75	60	N/A	N/A
GGHG	Natural Gas	85	N/A	N/A	N/A
	Propane*	85	N/A	N/A	N/A
GGHH	Natural Gas	100	75	N/A	N/A
	Propane*	100	75	N/A	N/A
GGKB	Natural Gas	125	105	115	95
	Propane*	125	105	115	95
GGKB	Natural Gas	150	115	135	105

‡ CARB (California Air Resources Board) Certification Available
* Liquid or Vapor

Generator Set

The general specifications provide representative configuration details. Consult the outline drawing for installation design.

See outline drawing 500-3252 for installation design specifications.

Unit Width, in (mm)	40.0 (1016)
Unit Height, in (mm)	56.4 (1433)
Unit Length, in (mm)	104.8 (2662)
Unit Dry Weight, lb (kg)	3190 (1447)
Unit Wet Weight, lb (kg)	3285 (1490)
Rated Speed, rpm	1800
Voltage Regulation, No Load to Full Load	±0.5%
Random Voltage Variation	±0.5%
Frequency Regulation	Isochronous
Random Frequency Variation	±0.5%
Radio Frequency Interference	IEC 801.2, Level 4 Electrostatic Discharge IEC 801.3, Level 3 Radiated Susceptibility IEC 801.4, Level 4 Electrical Fast Transients IEC 801.5, Level 5 Voltage Surge Immunity

Cooling	Natural Gas		Propane	
	Standby	Prime	Standby	Prime
Fan Load, HP (kW)	17.7 (13.2)	17.7 (13.2)	17.7 (13.2)	17.7 (13.2)
Coolant Capacity with radiator, US Gal (L)	6.8 (25.7)	6.8 (25.7)	6.8 (26.0)	6.8 (26.0)
Coolant Flow Rate, Gal/min (L/min)	64.0 (242.2)	64.0 (242.2)	64.0 (242.2)	64.0 (242.2)
Heat Rejection To Coolant, Btu/min (MJ/min)	7131.0 (7.6)	6921.0 (7.3)	7131.0 (7.6)	6921 (7.3)
Heat Radiated To Room, Btu/min (MJ/min)	1374.0 (1.5)	1304.0 (1.4)	1374.0 (1.5)	1304 (1.4)
Maximum Coolant Friction Head, psi (kPa)	5.0 (34.5)	5.0 (34.5)	5.0 (34.5)	5 (34.5)
Maximum Coolant Static Head, ft (m)	60.0 (18.3)	60.0 (18.3)	60.0 (18.3)	60 (18.3)
Air				
Combustion Air, scfm (m ³ /min)	400.0 (11.3)	380.0 (10.8)	400.0 (11.3)	380.0 (10.8)
Alternator Cooling Air, scfm (m ³ /min)	1308.0 (37.0)	1308.0 (37.0)	1308.0 (37.0)	1308.0 (37.0)
Radiator Cooling Air, scfm (m ³ /min)	9187.0 (260.0)	9187.0 (260.0)	9187.0 (260.0)	9187.0 (260.0)
Max. Static Restriction, in H ₂ O (Pa)	0.50 (124.50)	0.50 (124.50)	0.5 (124.5)	0.5 (124.5)

Rating Definitions

Standby Rating based on: Applicable for supplying emergency power for the duration of normal power interruption. No sustained overload capability is available for this rating. (Equivalent to Fuel Stop Power in accordance with ISO3046, AS2789, DIN6271 and BS5514). Nominally rated.

Prime (Unlimited Running Time) Rating based on: Applicable for supplying power in lieu of commercially purchased power. Prime power is the maximum power available at a variable load for an unlimited number of hours. A 10% overload capability is available for limited time. (Equivalent to Prime Power in accordance with ISO8528 and Overload Power in accordance with ISO3046, AS2789, DIN6271, and BS5514). This rating is not applicable to all generator set models.

Base Load (Continuous) Rating based on: Applicable for supplying power continuously to a constant load up to the full output rating for unlimited hours. No sustained overload capability is available for this rating. Consult authorized distributor for rating. (Equivalent to Continuous Power in accordance with ISO8528, ISO3046, AS2789, DIN6271, and BS5514). This rating is not applicable to all generator set models.

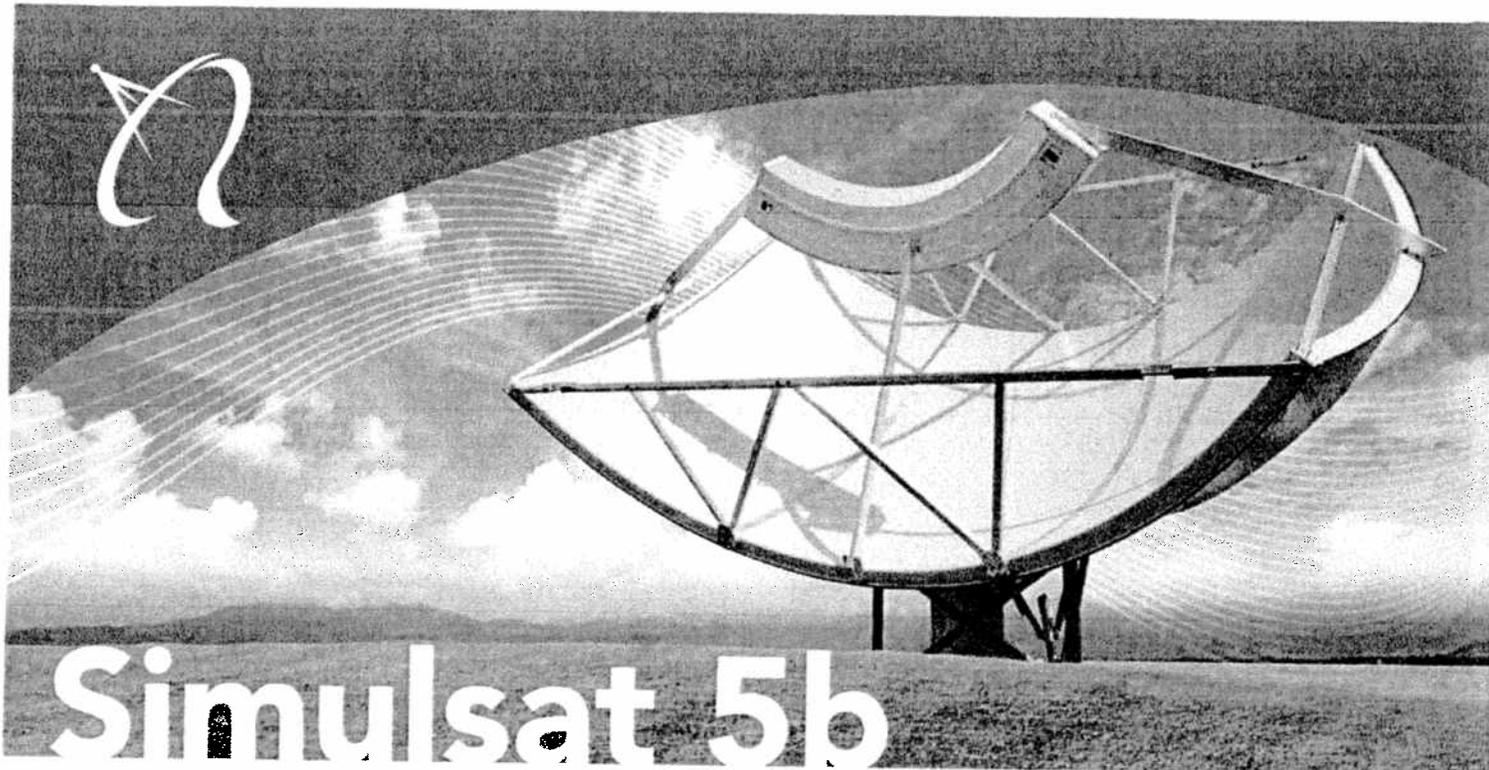
Site Derating Factors

Natural Gas

Engine power available up to 2850 ft (868 m) altitude at ambient temperatures up to 104°F (40°C). Above 2850 ft (868 m) derate at 3% per 1000 ft (305 m), and 1% per 10°F (2% per 11°C) above 104°F(40°C).

Propane

Engine power available up to 2850 ft (868 m) altitude at ambient temperatures up to 104°F (40°C). Above 2850 ft (868 m) derate at 3% per 1000 ft (305 m), and 1% per 10°F (2% per 11°C) above 104°F(40°C).



Features

- Market Leader in Multibeam Technology Since 1979
- One Antenna Performs Like 35 Parabolics
- Fixed Antenna With No Moving Parts to Service
- Commercial Quality Composite Construction
- Programming Movement. Due to Constant Satellite Programming Changes, Simulsat Users Can Add Another Feed Without Having to Purchase Another Antenna
- Receives, With Uniform Performance, Signals From All Satellites Within a 70 Degree View Arc.

Summary

The Simulsat™ 5b Multibeam Earth Station is the world's only antenna that can simultaneously receive signals from up to 35 satellites within a 70° view arc, with equal performance on each satellite. Simulsat is approximately equivalent in cost to three commercial C-Band parabolic antennas, but performs like 35. Since an increasing number of applications require multiple satellite reception, return on initial investment is immediate.

Benefits

- Increased Revenue Stream
- Lowers Overall Costs – Return on Initial Investment is Immediate
- Requires Less Space – Simulsat is the size of 1 ½ parabolics
- Curbs Real Estate Costs – Best Alternative to Antenna Farms
- Outperforms Retrofits – Simulsat receives, with uniform performance, signals from all satellites within a 70 degree view arc.

Applications

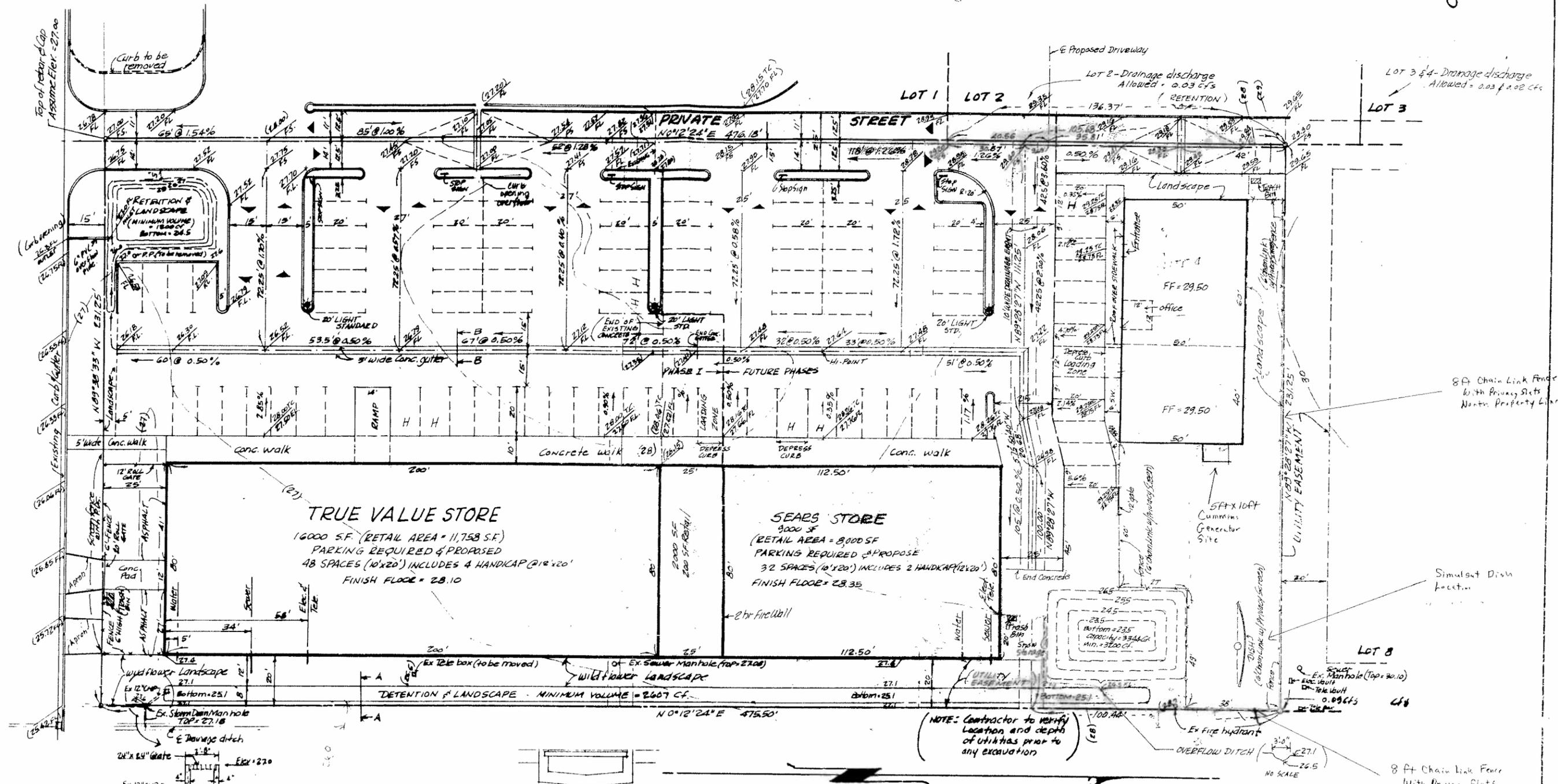
- Broadcasters
- Cable Television
- Universities/Distance Learning
- Television and Radio
- Military/Government
- Corporations

Specifications: Simulsat 5b Multibeam Antenna

SIMULSAT 5b

ELECTRICAL	C-Band	Ku-Band
Frequency	3.4 - 4.2 GHz	10.7 - 12.75 GHz
Gain (+/-1dB across the view arc)	44.5 dBi	47.5 dBi
Beamwidth	1.0 degrees	0.4 degrees
VSWR	1.3	1.3
Feed Cross-Pol. Isolation	35 dB	35 dB
MECHANICAL		
Reflector Size	5.05m x 8.86m (16.6' x 29.1')	
Mount	Galvanized Steel	
Arc Coverage	70 degrees	
Number of Simultaneous Feeds	Up to 35 Satellites	
Reflector Construction	Composite Fiberglass	
Reflector Pieces	3 Sections	
Mount Type (Fixed)	Low / Standard / High Mount Low HW / Standard HW	
SHIPPING INFORMATION		
Shipping Weight	6,300 lbs (2,858 kg)	
Max Weight (Off-Load Ship Crates)	3,400 lbs (1,542 kg)	
ENVIRONMENTAL		
Wind Loading - Operational	90 mph (144.8 km/h)	
Wind Loading - Survival	125 mph (201.2 km/h)	
	160 mph (257.5 km/h)	
Foundation Size (Area)	125 mph 13' x 14' (4.0 x 4.3m)	
	160 mph 16' x 16' (4.9 x 4.9m)	
FOUNDATION CONCRETE		
Foundation Concrete 125 mph (201.1 km/h)	18.2 yd ³ (13.9m ³)	

SPENCER AVENUE



PHASE I & II NOTES:

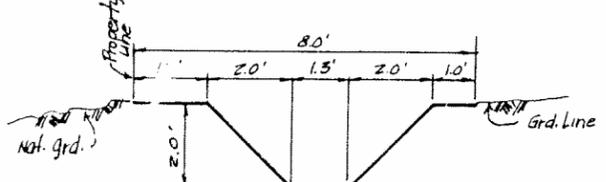
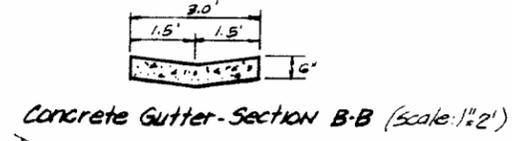
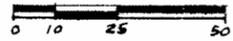
- Total Area of Land is 110,038 SF.
 - % Allowable Proposed (Phase I & II)
- Building Area - 50% 55,019 SF. 32,000 SF.
- Parking Area - 40% 44,015 SF. 41,052 SF.
- Landscape Area - 10% 11,004 SF. 20,000 SF.
- Snow Storage Area - Required 1,145 SF. 2,250 SF.
- Retention Area - Required 3,204 Cu.ft. 5,170 Cu.ft.
- Parking Spaces are 10'x20' # 9'x20' (required = 90 proposed = 93)
- Handicap Parking Spaces are 12'x20' (required = 6 proposed = 7)
- Parking Area is paved with Concrete
- Drainage Calculations are in conformance with the drainage study submitted for "The Meadows PUD Subdivision". Total: Lot 1, 2, 3, 4, 5, 6, 7 = 0.23 cfs. Allowable discharge from lots 5, 6, 7 = 0.09 cfs. Allowable discharge from lot 7 = 0.03 cfs.

LEGEND:

- H - denotes Handicap Parking.
- F.L. - indicates Flow Line of Curb.
- (27) - indicates existing Elevations.
- (27) - indicates existing Contours.
- 27.00 indicates proposed elevations.
- 27- - indicates proposed contours.

- Revised - 10/5/00
- Added overflow ditches
 - Catch basin for release of 0.32 cfs at SE Corner of Property
 - Contractor to verify location and depth of utilities prior to any excavation

Scale: 1" = 20'



SITE PLAN of TRUE VALUE STORE
 Located on Lots 5, 6, & 7, The Gunnison Center
 Phase I-C, City and County of Gunnison, Colorado.
 for
D&S LAND HOLDINGS, L.L.C.
 320 Leroy Avenue, Gunnison, Co. 81230 (970) 641-6670

Revised - Nov. 3, 2006 / Added Phase III BLDG.
 Revised - April 21, 2005
 Revised - May 2, 2011 add fencing
 Prepared by:
Don M. Maimone - 307 North Main St. Ste. 2-D
Gunnison, Co. 81230 (970) 641-9725
 July 13, 2000 Revised August 31, 2000 R.L.S. 30105