

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: July 22, 2011
RE: P&Z Work Session July 27th

Yesterday I spoke with Bob Beda regarding the upcoming work session. Because I will not be at next week's meeting it is recommended that the P&Z focus on Sections 4.8.F (Temporary Signs) and 4.8.G (Computation of Sign Area), and resume the discussion of electronic sign standards at the first meeting in August.

I anticipate and support the P&Z discussing electronic sign standards, but recommend that if it becomes unproductive, to move forward into the Temporary Signs and sign area criteria. I appreciate the opportunity for enjoying some vacation time and look forward to addressing electronic sign code standards in August. Thanks.

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AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 7/22/11

DATE: WEDNESDAY, JULY 27, 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 22, 2011 MEETING MINUTES
 - IV. UNSCHEDULED CITIZENS
 - VIII. COUNCIL UPDATE
 - IX. COMMISSIONER COMMENTS
 - X. PLANNING STAFF UPDATE
 - XI. 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, Pam Christian, Drew Nelson, Marjorie Scarpella, Jim Christian, Ken Bergan, Larry Jensen, April Jensen, Phil Chamberland, Mary Fisher, Mike Miller.

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE JUNE 8, 2011 MEETING MINUTES

Commissioner Larson moved to approve the June 8, 2011 meeting minutes as presented.

Commissioner Szymanski seconded the motion.

Roll Call Yes: Dusty, Erich, Bob, Greg

Roll Call No:

Roll Call Abstain:

Passed by Majority

IV. PUBLIC HEARING AND POSSIBLE ACTION: Conditional Use Application CU 11-2, submitted by Pamela Christian to operate a dog care and boarding facility in the Industrial Zone district.

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 Conditional Use 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.

Applicant Presentation. Pamela Christian and Drew Nelson introduced themselves to the Commission. Ms. Christian explained that a doggy day care is a facility where people bring dogs during the day, and the staff watches the dogs and plays with them in a supervised play yard, both indoors and outdoors. People pick up their dogs at the end of the day. They will have a flexible schedule for people to leave the dogs—it could be for an hour, half hour, or whole day. Boarding is for overnight and is indoors. She explained that boarded dogs, as long as they pass temperament tests, would play outside all day and then sleep in their kennels. She said she was active with a doggy daycare facility on the Front Range. She said doggy day care is the darling of the pet services industry and it is a recession-proof industry. She said [humans] have become pet

parents and care about how pets are treated. This is a dog loving community and this facility would be good for the community.

She stated that she has written a full business plan which she entered it into a state competition and took first place.

Ms. Christian said that she and Mr. Nelson have been looking for a location for quite a while and that noise is always an issue with dogs. She explained that dogs' off-leash playing is a happy sound not frustrated barking. To reduce noise they will put up an eight foot privacy fence to avoid distraction and teasing. The indoor kennels will have four foot metal privacy panels to reduce noise.

She stated that she and Mr. Nelson visited all of the neighbors to introduce themselves and talk about what they are planning to do. She said the BLM office people bring dogs to work and many of the other businesses are just storage sites, so no one actually works at the site.

She visited the Oh Be Dogful doggy daycare in Crested Butte and the owner said she has not had one complaint from anyone in the industrial park, which is a more condensed area [than Gunnison's Industrial zone]. She also visited a neighbor of Oh Be Dogful and they had no complaints.

Ms. Christian explained that they will be required to have a state license from the Department of Agriculture and will be bound by regulations regarding clean up, size of kennel, activity, prep area, drainage, and ventilation. The State will want diagrams and will have on-site visits, and it will take 90 days [to be licensed].

Drew Nelson explained that he has 14 years of experience as a dog trainer and 174 dogs have come through his classes. He said that the Gunnison Neighborhood Services staff comes to his classes to explain laws, so the classes also teach owners the laws, and dog safety. He explained that by training dogs in a class setting, the dogs are being socialized, which reduces barking in the house. The goal is to calm down the barking and dog socialization is the key.

He said that at the daycare facility they will be working with strict guidelines of temperament and they strive for good canine citizens.

Ms. Christian said that Laura VanRenselaar from the Animal Welfare League was unable to attend, but she is supportive [of the business being proposed]. They are not competing businesses, because the doggy daycare will be for-profit and AWL is not-for-profit.

Commissioner Szymanski asked about the limits on boarding times and Ms. Christian responded that there will be no limit. The applicants conducted a survey over the winter, asking people about day care and boarding. The results showed that in this community people aren't leaving town because they don't have an option for leaving pets. Of the 60 surveys returned, over half of the respondents have two dogs. The facility will be open seven days a week, 12 hours a day.

Commissioner Szymanski asked what the existing business at the site is. Mr. Nelson replied that it is Alpine Rustic, and they build pool tables. He said that tourists arriving from the airport will see a more appealing property with the proposed facility. Ms. Christian said that the building is a

perfect fit. She said that Mr. Nelson will be having training classes at the facility and there will be very light retail (collars, leashes, and dog food).

Commissioner Ferchau asked if the State imposes a boarding capacity based on square footage. Mr. Nelson replied that they do and they also require one person for every 15 dogs. The kennels also have to be a certain size. Ms. Christian said the State also restricts the number of dogs in the play yard. They will also board cats, but on a smaller scale.

Commissioner Larson observed that in the play areas, the sun can get intense, especially in July and August. He asked if the applicants are planning any trees or roofing. Mr. Nelson responded that they are, and that City ordinances and State regulations require it. He said there will also be access to the inside from the play yard if the dogs just want to lie on the cool concrete. Ms. Christian said they will also have comfy sofas for the dogs.

Commissioner Beda asked for clarification on waste disposal. The response was that drains go into the City sewer. Mr. Nelson also stated that they will pick up feces outside right away to check for diseases and parasites.

Commissioner Beda asked whether the applicants will be administering medications. The applicants responded that the animals will be required to be vaccinated before they are approved for admittance. Dr. Liz Gordon will do on-site vaccinations if necessary.

The applicants were excused.

Public Input. Chair Beda asked if any members of the public wished to speak. Phil Chamberlain addressed the Commission in support of the application. He stated he has known the applicants for a while and that they will make this venture successful. He said that they are bringing a niche that has to be filled. He said he has had an opportunity to work with CB Welding who shares the same drive as Oh Be Dogful in Crested Butte, and they have never heard any noise from that facility. He opined that the business model is one that will not be noisy and he agreed that visually, the site will be more attractive than it is now. He said that the location near the airport is very convenient for travelers and the business will be creating jobs. He said, "In my opinion this is a no brainer."

Staff Presentation. Planner Ruggera reviewed the Staff Observations, Review Standards, Findings of Fact and recommended Conditions.

Director Westbay asked the applicants if the recommended hours of operation works with their business plan. Ms. Christian responded that although they will list the hours as 6:00 am to 6:00pm, there may be instances when someone would have to stay late for emergencies or to accommodate people whose flights are late.

Director Westbay said that there are sight distance provisions in the Code and he would like to see a fencing plan when the applicants apply for the building permit for the fence.

Director Westbay entered an e-mail from Cathie Elliott supporting the application, into the public record. He also entered an e-mail from Stu Ferguson, who was unaware of procedures on e-mail. Electronic copies will be saved in the file and a hard copy will also be available. Chair Beda

entered the e-mail from Cathie Elliott as Exhibit A and the e-mail from Commissioner Ferguson as Exhibit B.

Commission Discussion.

Chair Beda suggested striking Condition #3 related to hours of operation. The other Commissioners agreed.

Director Westbay suggested a change to Condition #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.~~

Director Westbay said he will look at the *Code* provisions and work with the applicants to develop a landscaping plan that is appropriate for the site. He said he will help find a creative way to make it work. He said if a waiver is required, there is a variance provision that the Zoning Board of Adjustments and Appeals can address, but it won't deter the opening of the business.

Chair Beda closed the public hearing at 7:42 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on June 22, 2011, Commissioner Szymanski moved, and Commissioner Larson 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 findings of fact and conditions as amended:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for 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.
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 Pet Animal Care Facilities Act Rules and Regulations.
3. Landscaping on the site shall meet the requirements of the *Land Development Code*.
4. Dog waste shall be drained into the City's Waste Water System; no runoff can be directed into the Stormwater System.

Roll Call Yes: Dusty, Erich, Bob, Greg

Roll Call No:

Roll Call Abstain:

Passed by Majority

- 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.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:43 pm.

Proof of publication was shown for the record.

Review of Process. Planner Ruggera gave an overview of the process of a Conditional Use application. 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.

Applicant Presentation. Mike Miller addressed the Commission. He clarified that it is really not "satellite transmission," but rather, "satellite receiving"; distribution is by cable. He said that Time Warner Cable provides internet, phone and video service. They have five local locations including 412 W. Tomichi (office), 410 W. Tomichi (storage), and next door is the "tech ops center." He said the current arrangement is not functional and they have had to close the office at times because of fumes emitting from Standard Tire. They want to consolidate all five sites at 1000 North Main. He explained that it will be a better location for customers with a bigger lobby and more convenient. Their plan is to moving the customer service center, offices, and warehouses this year, and next year install the satellite dish and tech ops center.

Mr. Miller explained that when the new satellite dish is installed it will consolidate six dishes to one simulcast dish that is bigger and looks at 32 satellites. It will have capacity for expanded programming, so they should never have to put up another dish. Mr. Miller explained that the new dish will be bigger; 16 ft in height and 30 feet in length. It will increase the quality of the signal and reception. He explained that the second phase, removing the 6 dishes at the current site, will be a benefit to community. At the new location, the dish will be shielded [from view of the street] by the Sears building, the Community Center, and the 1000 N. Main building. To the north will be the Six Points building. There will also be an 8 foot fence. He said there will also be a generator; which is large, but quiet. It runs on natural gas, but won't be visible.

Chair Beda asked where the vehicles and bucket trucks will be stored. The applicant responded that they will be in the parking spaces in front or on the east side, by Sears.

Commissioner Ferchau asked if this will enable Time Warner to expand services. Mr. Miller responded that they will rewire, and could add new services and clean things up. Commissioner Ferchau asked if they will move the microwave dish. Mr. Miller replied that they won't, unless the property is sold, because it is a licensed microwave route. They will upgrade the microwave to two-way transmission, as a backup.

Public Input. There was none.

Staff Presentation. Planner Ruggera provided an overview of the Staff Observations, Review Standards, and suggested Conditions.

Director Westbay suggested that the Commission consider changes to the recommendations in the Review Standards. He said that there is a possible conflict to C. "Use Appropriate and Compatible" and E. "Nuisance" because of the need to screen outdoor storage. He stated for the record that outdoor storage is an accessory use, not a primary use, so it can be considered in that light.

Commissioner Ferchau asked if the setback on the dish conforms. Director Westbay responded that there are drainage easements, so the fence can't obstruct those. Commissioner Ferchau asked if fencing can encompass an easement. Director Westbay responded that it can, but it creates a nightmare. He said that it is a critical utility corridor, which can be problematic in a tight area. Discussion followed regarding the utility easement and Director Westbay advised the applicant he would have to move the dish slightly to avoid the utility easement.

Discussion followed about the eight foot fence and the need for a building permit.

Chair Beda asked why the Review Standards don't mention landscaping. Planner Ruggera explained that the site currently complies with the dimensional standards. Chair Beda asked if a condition should be added. Director Westbay suggested adding a Finding that the existing landscaping and parking complies with LDC standards. Commissioner Ferchau cautioned that in a Conditional Use approval landscaping shouldn't be a high cost requirement when the site has been gravel all these years.

Chair Beda asked if there is a problem if the project permit is not completed within one year. Director Westbay replied that the building permit is part of the Conditional Use [and restricts the time for completion].

Commission Discussion. There was none.

Chair Beda closed the public hearing at 8:18 p.m.

ACTION: During the regular Planning and Zoning Commission meeting held on June 22, 2011, Commissioner Larson moved and Commissioner Szymanski 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 100 North Main Street, Suite 4, 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 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, landscaping 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 conditions are fulfilled:

CONDITIONS:

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.

VI. EXCUSE COMMISSIONERS FERGUSON AND RIGGS AND COUNCILOR SEYMOUR.

Commissioner Larson moved and Chair Beda seconded, to excuse Commissioners Ferguson and Riggs and Councilor Seymour.

Roll Call Yes: Dusty, Erich, Bob, Greg

Roll Call No:

Roll Call Abstain:

Passed by Majority

VII. UNSCHEDULED CITIZENS. There were none.**VIII. COUNCIL UPDATE.** Councilor Seymour was not present. Director Westbay said that at the June 21st City Council meeting the Council received:

- information on Sewer Slip Line Bids;
- an update on water issues from the Water Attorney;
- a Habitat for Humanity Request;
- an update on ORE activities;
- a request for an additional appropriation for the Ice Rink Zamboni;
- a GOCO contract for the Teller Ball Field Renovation;
- a request from the American Legion Building Historic Designation; and
- the Downtown Parking and Traffic Study.

IX. COMMISSIONER COMMENTS

- Commissioner Ferchau asked if, when members of the P&Z miss a meeting, the members who are present could get paid extra. Director Westbay advised Commissioner Ferchau that he [Commissioner Ferchau] could discuss it with City Council.
- Commissioner Ferchau asked what the City's plan is for landscaping the Recreation Center. Director Westbay replied that it is slow with the budget process and they are working on it. Commissioner Ferchau asked, if it was a private business, how long they would have to complete landscaping. He said he is fine with that kind of consideration being given to people, we all have budget constraints, and he is glad we are consistent. He said he doesn't like the inconsistency of enforcement because it is complaint driven.
- Commissioner Larson said he attended Mountain Connect, a meeting about rural broadband connection speeds.
- Commissioner Szymanski asked if there had been any discussion about making the lap pool at the Rec Center a saline pool because the chlorine is really high in it. Director Westbay advised him to talk to the Rec Center staff.

X. PLANNING STAFF UPDATE

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

- proposed some amendments to the *Annexation Agreement* to facilitate development of the CDOW site and the Schuck Corporation is reviewing them;
- been working with the CDOW on finalizing an easement across the VanTuyl Ranch;
- been working on the Annexation Petition for the VanTuyl Ranch;
- been working on the budget; and
- working on website improvements.

He reminded members that the Safety Expo is this weekend.

XI. ADJOURN. Because three members are absent, those present decided not to adjourn to work session. Chair Beda adjourned the meeting at approximately 8:30 p.m.

Bob Beda, Chair

Attest:

Pam Cunningham, Secretary