

AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
SPECIAL MEETING
Rev 8/12/11

DATE: MONDAY, AUGUST 15, 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. PUBLIC HEARING AND POSSIBLE ACTION:** Conditional Use Application CU 11-4, submitted by Gunnison Council for the Arts, for the operation of a school in the Central Business District (CBD).

**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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STAFF REPORT
CONDITIONAL USE

Gunnison Council for the Arts – 102 South Main Street

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: August 15, 2011
RE: Conditional Use Application CU 11-4, Orsch Private School

CODE PROVISIONS

The City's *Land Development Code (LDC)*, Section 15.70.030 states that a school requires a conditional use permit to operate in the Central Business District (CBD). Conditional uses are 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 to ensure compatibility of the uses at a particular location and to 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 the Gunnison Council for the Arts, Inc, represented by Jon Schumacher, who is requesting the operation of the Orsch private school at the Gunnison Arts Center. The school is proposed to operate on the second floor of the building located at 102 South Main Street within the Central Business District. The legal description of the property is Tract A, resurvey of lots 1-3, Block 29, Original Gunnison, B712 P804, City and County of Gunnison, Colorado. The applicants' narrative states:

The Gunnison Council of the Arts, Inc. (Council for the Arts) and Orsch, LLC (Orsch) a private K-8 school, have been in negotiations for the execution of a Lease Agreement providing for Orsch's year-round use of the entire upstairs of the Gunnison Arts Center (GAC) Building. While the agreement contemplates a Landlord/Tenant relationship, the Council for the Arts considers the Orsch curriculum to be an enhancement of the arts education classes already offered by The Gunnison Arts Center. It is the Council for the Arts understanding that this Lease agreement is considered by the City to be a "Change in Use" under the Land Development Code, which requires the approval of the Planning Commission. We respectfully request the Commission's approval of the proposed use. The Council for the Arts and Orsch have concluded it is a win/win situation for the following reasons:

- 1. UTIMATE COLLABORATION – A building full of kids would bring much needed energy to the building. Our renewed mission is to "inspire creativity and innovation", which fits really well with the mission of Orsch...*
- 2. FINANCIAL STABILITY FOR THE GAC – The last four years have been a struggle for non-profit organizations. The Arts tend to get hit the hardest when the economy is depressed...*
- 3. ADAPTING TO CHANGE – The Arts needs of the community have changed over the course of 10 years, largely due to the GAC cultivating arts in Gunnison...*
- 4. FILLING THE GAPS – While the GAC has done a good job of cultivating traditional arts in the Valley, there is a new need for creative education that the public school system is not fulfilling. There are many parents that feel their kids are not being artistically stimulated in school and are looking for ways to fulfill that need.*

STAFF REPORT CONDITIONAL USE

Gunnison Council for the Arts – 102 South Main Street

The Board of the Gunnison Council for the Arts appreciates the support the City of Gunnison has provided over the years and looks forward to working with you to inspire innovation and creativity in our community. Thank you for your time and consideration.

READER NOTE: Supporting applicant narrative from Orsch is as follows:

Thank you for bearing our request for a change of use at the Gunnison Arts Center. While this is formally a change of use, many of the issues we will address are a large part of the location's historical use. Due to the plethora of prior school age classes, the location is no stranger to parking, pickups, drop offs, and pedestrian traffic. It is a busy area, but being busy is part of a vibrant downtown. Below, please find some details of our plans to mitigate any potential issues.

Parking/Drop off Plan

There are a total of 65 students enrolled for the 2011-2012 school year. This number is subject to some minor fluctuation, but will be fairly accurate. This number breaks down further as follows:

- *The 65 students represent a total of 42 families
 - 21% walk to school.
 - 24% Carpool with another family.
 - The end result is that we expect approximately 25 vehicles to drop students off on a daily basis.*
- *Drop off occurs over a half an hour period around 9am each morning. The area is quite busy at 8 am, but by 9 am it becomes quiet. Pick up occurs over a half an hour period around 3:30 each afternoon. This is prior to the busy after-work rush that picks up closer to 5:00.*
- *With 25 vehicles over a half an hour period, we are unlikely to have more than 4-5 at any one time.*
- *The building is situated in a manner allowing drop off on all four sides.
 - South main has parking spaces which will be used briefly for drop off.
 - Tomichi Avenue has parking spaces which will be used briefly for drop off.
 - The alley has good access for drop off.
 - Finally, as necessary, students may be dropped off on New York Street and walk down the alley, or down the sidewalk on South Main Street.
 - None of these access points differ from the historical use of the building.*
- *Employees include 5 Full time teachers/ 3 half time teachers.
 - 6 of the 8 employees walk or ride bikes year round. Employees who do need to drive will be asked to avoid the prime drop off/pick up areas for parking.*

Pedestrian Plan:

The building is located at a major intersection containing traffic signals, crossing request buttons, pedestrian signals, and crosswalks. Students and parents will utilize the systems currently in place. Orsch has historically incorporated "urban hikes" as transportation to parks and open space, as well as being an event themselves. The children have a culture of being well behaved pedestrians. An additional benefit is a vibrant downtown – pedestrian traffic adds to this element.

Recess Plan:

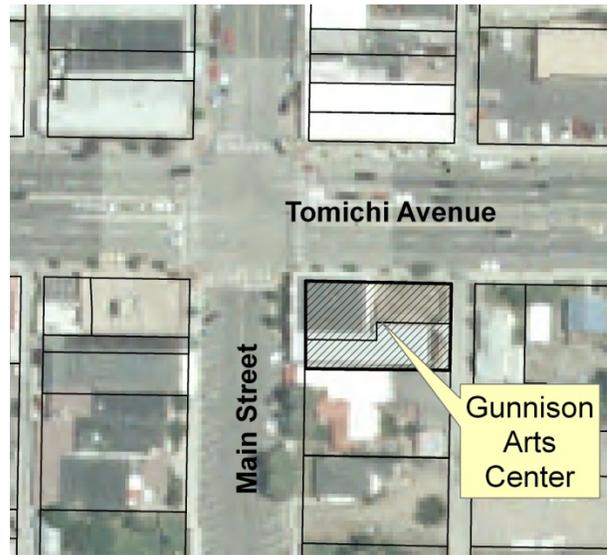
The recess plan will not deviate significantly from the plan of the last two years, and has therefore been well tested. Small group recesses are scattered throughout the week as needed utilizing the courtyard, surrounding parks and other public spaces. Lunch time urban hikes to parks and open space often occur from 12:00-1:00pm. Other urban hikes take place as necessary. Excursions are supervised, and the culture of good pedestrian habits and citizenship is reinforced. The interface with the public and downtown is a component of their well rounded experience...

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SITE ASSESSMENT

The proposed site is shared with the Gunnison Arts Center on the corner of Main Street and Tomichi Avenue. Surrounding uses include retail stores, professional offices and restaurants. The building is a two story structure and based on County Records, the Arts Center facility is approximately 6,000 square feet in size. The facility is on the Colorado Register of Historic Buildings.



TRAFFIC

The proposed school is located on the corner of Tomichi Avenue and Main Street, which has the highest volume of vehicular traffic within the City. The intersection is a controlled full-movement intersection, which means that it is a light-controlled intersection and vehicle movement includes through travel and left/right turn. The street section width on both Main Street and Tomichi Avenue is 100 feet wide. The geometric design of each street includes four through-lanes and center turn lanes. The lane width is reduced on the South Main Street frontage adjacent to the Arts Center; approximately five parking spaces were converted to a landscape planter.

In August 2010, an automated traffic count study was conducted on Main Street and Tomichi Avenue. The study indicates that peak traffic hours are somewhat varied on weekdays with the mornings and noon traffic generating the largest numbers. On a typical morning between 8:00 AM and 9:00 AM the total intersection traffic volume exceeds 1,150 vehicles. Noon traffic volumes are the highest of the day with about 1,250 trips per hour. Total intersection traffic daily volumes are about 16,000 trips per day. The existing street system is adequate to serve these traffic volume thresholds. However, based on the Gunnison Rising annexation traffic data, future volumes (25 year timeframe) at this intersection are projected to be much higher and the *Level of Service* (LOS) at this intersection will be a problem. LOS is a measure of vehicle movement time through and intersection; the wait-time factor is measure from A (excellent) to F (gridlock). The existing Level of Service at this intersection is efficient and accommodates existing traffic volumes.

The application narrative states that parents shuttling students will account for about 25 vehicle trips in the morning and another 25 in the afternoon. The application also notes that there are eight employees, but only two employees drive to work. Based on the *Institute of Transportation Engineers Trip Generation, 6th Edition (ITE)*, the Orsch School enrollment numbers would generate approximately 100 trips per day. Existing student enrollment numbers and resulting traffic volumes will not have an appreciable impact on the intersection’s LOS.

The topic of designating this intersection as a school zone is central to the consideration of this proposed Conditional Use. However, it should be noted that the applicant has not requested a school zone designation.

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Presently, streets adjacent to all public schools in the City are designated as school zones, with speed limits (20 miles per hour) and signage to notify that children are present. The speed limit for Tomichi Avenue is 35 miles per hour (mph) and Main Street is 25 mph. Because the Colorado Department of Transportation (CDOT) has authority over Highways 50 and 135, designating the adjacent neighborhood as a school zone would require approval by CDOT. The staff feels that issues with a school zone designation are related to efficient vehicle movement and enforcement.

The school zone designation topic was discussed with Police Chief Keith Robinson and Captain Chris Wilson. Based on this conversation the staff position is that a school zone designated at this intersection is not appropriate. The basis of this staff position includes the following:

- the school's student population is relatively small and the number of daily shuttles is low;
- there will be no bus service associated with the proposed school;
- the intersection is signalized and is equipped with electronic pedestrian crosswalks;
- the school's curriculum includes frequent "urban hikes" – students frequently walk to different community destinations and are taught pedestrian safety rules;
- the existing intersection, which functions at an excellent LOS, is a critical node the City's street network and reducing the speed limit would affect the LOS; and,
- police enforcement of the school zone speed limit at this intersection would be impractical.

In summary, the existing intersection LOS functions very efficiently; traffic generated from the proposed school will not have a significant impact on the intersection LOS; designating this intersection as a school zone is not supported by City staff.

PARKING AND CHILD DROP OFF/PICK UP

The proposed site is in the Central Business District (CBD), which does not require parking. Typically, one space per employee and a designated off-street loading zone is required for a school use. Orsch employees include five full-time and three part-time teachers; the application notes that only two employees drive to work.

All parking on the frontage of the Gunnison Art Center is designated with a two hour limit. While the school will generate increased parking demand, school hours (8:30 to 4:00) will not overlap with the afternoon/evening parking demand.

The Gunnison Arts Center conducted dance lessons for several years. Parent shuttling for those lessons utilized building frontage parking primarily on East Tomichi, but also on South Main. Ideally, the site would have a designed drop-off zone which would be separated from the street, but the historic shuttling practices have demonstrated that shuttling can be conducted safely. Based on City Police Department data there have been three accidents at the Tomichi/Main intersection in the past five years. The records indicate that none of the reported accidents were attributed to automobile parking ingress/egress movement.

ESTABLISHMENTS WITH A LIQUOR LICENSE

The State of Colorado requires that establishments that sell alcohol be a minimum of 500 feet from schools or daycare facilities; licensing rules are silent in regard to co-occupancy prohibition. There are approximately 15 establishments that have a license to sell alcohol, located within 500 feet of the

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proposed school, including the Gunnison Arts Center. The existing establishments are allowed to renew their Liquor Licenses without being affected by the 500 foot regulation; however, any new establishment seeking a Liquor License would be subject to the rule. City Council has the authority to exempt the distance rule and allowance of future new Liquor Licenses would be considered on a case by case basis.

State liquor licensing rules require licensees to maintain a designed premises area where the sale and consumption of alcohol is permitted to occur. The Gunnison Art Center's designated premise area is on both the first and second floors of the building. The existing license must be amended to comply with the *State Liquor Code* to limit the designated premises to the first floor. This is an administrative change coordinated between the Arts Center and the City Clerk.

BUILDING CODE CONSIDERATIONS

Based on provisions of the *International Building Code*, this is a change in building occupancy; the present occupancy designation is "A" (Assembly) and "B" (Business). The Orsch use is classified by the *IBC* as "E" (Education). There are three primary factors to consider regarding *Building Code* regulations: 1) the building is accessible under the provisions of the Americans with Disabilities Act; 2) the building is equipped with a fire sprinkler system and has emergency existing signage; and, 3) the building is a registered historic structure.

The existing stairway from the main lobby to the second floor does not comply with the *IBC* because there is no landing at the midway point of the stairs. Since the Arts Center is a designated historic building this structural stair element is permitted, but a handrail is required. The *IBC* requires that at least one bathroom on the second floor be remodeled to meet ADA accessibility standards. Additional details regarding *IBC* and International Fire Code requirements are detailed in the staff comments below.

DEPARTMENTAL COMMENTS:

Building Official: The following are requirements for the operation of a school based on the 2009 *International Building Code*:

1. The existing restrooms shall be made accessible or:

Section 310.9.4 and 1104.1.4. Where toilet rooms are provided, at least one accessible family or assisted-use toilet room complying with Section 1109.2.1 of the International Building Code shall be provided, or;

Section 605.1.10. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible family or assisted-use toilet or bathing facility constructed in accordance with Section 1109.2.1 of the International Building Code is permitted. The family or assisted-use facility shall be located on the same floor and in the same area as the existing facilities.

2. The existing interior stairway shall have a structurally sound handrail installed.

Section 1106.2. Where the Code Official determines that a component or a portion of a building or structure is dangerous as defined in this code and is in need of repair, or

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replacement by provisions of this code, only that specific component or portion shall be required to be repaired, strengthened, or replaced.

A building permit will be required based on these necessary building modifications, and a final inspection made prior to occupancy of the second floor.

Fire Marshal: As a result of a fire inspection, the following items were noted:

1. Total occupant load for the second floor is 182 occupants.
2. Second floor north exit needs repaired as it does not open properly.
3. First Floor exit north side needs to open in the direction of exit travel.
4. Corridors on the second floor, in the old portion of the building, need to have lighted exit signage and emergency lighting.

A couple of other items were noticed on the inspection pertaining to the building code. There were no handicap accessible restrooms on the second floor. The first floor north stair does not have a landing at the 12th step.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: Is parking an issue? Downtown businesses already have parking issues for customers. There is no place available for drop off and pick up of children other than in the street. Does this area become a school zone on Tomichi Avenue and South Main? This is very much a concern. If it is a school zone who pays for the cost of signage? If it is a school zone, the Colorado Department of Transportation (CDOT) involvement will be required for speed limits on Highway 50/Tomichi Avenue and Highway 135/Main Street. The proposed school is very close to three establishments selling alcohol. What about the Arts Center selling alcohol at special events or other businesses on Main Street?

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 school in the Central Business District which requires Conditional Use approval based on the City's *Land Development Code*.
2. The existing LOS for the intersection of Main Street and Tomichi Avenue is functioning very efficiently; traffic generated from the proposed school will not have a significant impact on the intersection LOS.
3. Designating this intersection as a school zone is not supported by City staff; the relative size of the student population is a significant factor of the staff's position.
4. The school is proposed within 500 feet of approximately 15 establishments that have a liquor license to sell alcohol. Any new liquor license might be denied by the City Council, based on the relative location of this school to the new liquor license location.
5. The Gunnison Arts Center liquor license must be amended to comply with the *State Liquor Code* to limit the designated premises to the first floor of the building.

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6. While the school will generate increased parking demand, school hours (8:30 to 4:00) will not overlap with the afternoon/evening parking demand. Because the school enrollment numbers are relatively small, and due to the fact that parking demand for the school occurs during the day rather than in the evening, parking demands are considered to be reasonable and will not have a significant adverse impact upon downtown parking demand.
7. Based on City Police Department data there have been three accidents at the Tomichi/Main intersection in the past five years, but none of the accidents were attributed to automobile parking ingress/egress movement.
8. Based on provisions of the International Building Code, this is a change in building occupancy; the present occupancy designation is “A” (Assembly) and “B” (Business). The Orsch use is classified by the IBC as “E” (Education).
9. Modifications are needed to the proposed structure for the school use that conform to the *2009 International Building Code* and *2009 International Fire Code* before a Change in Occupancy will be issued for the second floor of the Gunnison Arts Center building.

REVIEW STANDARDS

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

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

No Conflict:

Chapter 3, Education, Goal: An informed community will exercise its civic responsibilities and the City will continue to collaborate with all governmental and private agencies to nurture educational opportunities in the City.

Chapter 3, Education, Policy 5. Encourage Education, Arts & Literacy Programs: Provide support to other community entities that offer education, arts and cultural programs.

2. *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 the 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 Chapter 15.70 GMC, Use and Dimensional Standards.*

Possible Conflict: Based on Table 15.70.010, schools are designed as a Conditional Use in all zone districts of the City, including the CBD in this instance. Because the enrollment levels of the proposed school are relatively small there are no obvious conflicts with the purposes of the CBD, which is to provide for the business and civic functions that make up the City’s core.

The application narrative states that this use will add vitality to the Arts Center and downtown; this combined use will help provide financial stability to the Arts Center and will promote cultivation of arts in the community.

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Off-street parking is not required in the CBD and, under the provisions of the *LDC*, a Conditional Use may apply conditions to mitigate potential affects that may occur by any Conditional Use, which includes the potential mandate for off-street parking. However, because the school enrollment numbers are relatively small, and due to the fact that parking demand for the school occurs during the day rather than in the evening, parking demands are considered to be reasonable and will not have a significant adverse impact upon downtown parking demand.

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

Possible Conflict: See criteria statement 2.a., above. If a new sign is proposed, it will have to meet City sign code standards.

3. 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.

Possible Conflict: As previously stated, enrollment levels of the Orsch School are relatively small and there are no obvious conflicts with the purposes of the CBD, which is to provide for the business and civic functions that make up the City's core.

4. 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.

Possible Conflict: The school zone designation topic was discussed with Police Chief Keith Robinson and Captain Chris Wilson. Based on this conversation the staffs position is that a school zone designation at this intersection is not appropriate. The basis of this staff position includes the following:

- the school's student population is relatively small and the number of daily shuttles is low;
- there will be no bus service associated with the proposed school;
- the intersection is signalized and is equipped with electronic pedestrian crosswalks;
- the school's curriculum includes frequent "urban hikes – students frequently walk to different community destinations and are taught pedestrian safety rules;
- the existing intersection, which functions at an excellent LOS is a critical node the City's street network and reducing the speed limit would affect the LOS; and
- police enforcement of the school zone speed limit at this intersection would be impractical.

In summary, the existing intersection LOS functions very efficiently; traffic generated from the proposed school will not have a significant impact on the

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intersection LOS; designating this intersection as a school zone is not supported by City staff.

5. ***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: See Criteria statement 2.a., above regarding parking demand.

6. ***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: Modifications to the second floor of the proposed building are required based on comments from the City's Fire Marshal and Building Official. Modifications include providing an accessible restroom, repairing the second floor north exit, modifying the first floor exit on the north side, and installing lighted exit signage and emergency lighting.

The approval of this Conditional Use will require an administrative change to the Gunnison Arts Center Liquor License. Specifically, the liquor license must be amended to limit the designated premises on the first floor. This is an administrative change coordinated between the Arts Center and the City Clerk.

7. ***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.

ACTION

During the special Planning and Zoning Commission meeting held on August 15, 2011, Commissioner _____ moved, and Commissioner _____ seconded, and the Commission voted to APPROVE Conditional Use application CU 11-4, submitted by Gunnison Council for the Arts, LLC for the operation of the Orsch School at 102 South Main Street, 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 school in the Central Business District.

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3. The Planning and Zoning Commission finds that the existing LOS for the intersection of Main Street and Tomichi Avenue is functioning very efficiently; traffic generated from the proposed school will not have a significant impact on the intersection LOS.
4. The Planning and Zoning Commission finds that designating this intersection as a school zone is not supported by City staff; the relative size of the student population is a significant factor of the staff position.
5. The school is proposed within 500 feet of approximately 15 establishments that have a liquor license to sell alcohol. Any new liquor license might be denied by the City Council, based on the relative location of this school to the new liquor license location.
6. The Planning and Zoning Commission finds that the Gunnison Arts Center liquor license must be amended to comply with the *State Liquor Code* to limit the designated premises to the first floor of the building.
7. The Planning and Zoning Commission finds that because the school enrollment numbers are relatively small, and due to the fact that parking demand for the school occurs during the day rather than in the evening, parking demands are considered to be reasonable and will not have a significant adverse impact upon downtown parking demand.
8. The Planning and Zoning Commission finds that based on City Police Department data there have been three accidents at the Tomichi and Main intersection in the past five years, but none of the accidents were attributed to automobile parking ingress/egress movement.
9. The Planning and Zoning Commission finds that based on provisions of the *International Building Code*, this is a change in building occupancy; the present occupancy designation is “A” (Assembly) and “B” (Business). The Orsch use is classified by the IBC as “E” (Education).
10. The Planning and Zoning Commission finds that modifications are needed to the proposed structure for the school use that conform to the *2009 International Building Code* and *2009 International Fire Code* before a Change in Occupancy will be issued for the second floor of the Gunnison Arts Center building.
11. The student population size and number of employees has a very significant relationship to the potential impacts of this Conditional Use and the Planning and Zoning Commission finds that setting an upper limit threshold on the number of student is a reason solution to address additional impacts.
12. The Planning and Zoning Commission finds that operation of the Orsch school will not be a detriment to the community’s health, safety and welfare as long as the following conditions are fulfilled:

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CONDITIONS:

1. Future designation of the intersection of Main Street and Tomichi Avenue as a school zone is not to be considered. If it is determined by the City Council that the need for such a designated exists, the school shall terminate operations at this location.
2. The Gunnison Arts Center liquor license must be amended to comply with the *State Liquor Code* to limit the designated premises to the first floor of the building.
3. If the location of the school is cited as the primary reason for the denial of a new liquor license, a review of this Conditional Use approval shall be initiated and the Conditional Use approval may be subject to revocation.
4. Modifications to the Arts Center Building as determined by the City Building Official and Fire Marshal, shall be initiated immediately. The timing to allow the Change of Occupancy and inhabitation of the Arts Center by the Orsch School is subject to determination by the City Building Official. The Building Official shall determine that all necessary life-safety issues are appropriately addressed, and that building conditions are safe for students and employees prior to the approved occupancy by the school.
5. This Conditional Use approval sets the maximum student enrollment to 100 students. If the enrollment exceeds this threshold this approval is subject to a new conditional use application.

Application Fact Sheet

City of Gunnison Land Development Code
Minimum Application Contents
In Accordance With 15.120.030 C.

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

Applicant Name(s): GUNNISON COUNCIL FOR THE ARTS, INC.

Phone #: (970) 641-4029 **Fax #:** N/A **E-Mail:** gcartsdirector@gunnison.cc

Mailing Address: 102 S. Main Street, PO Box 1772

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

Summary of Request: The Gunnison Council for the Arts, Inc. is seeking approval for the year-round use of the second floor of the Gunnison Arts Center by the private school Orsch. A copy of the proposed Lease Agreement is attached.

Disclosure of Ownership- Please provide one of the following:

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

Legal Description: Lots 1, 2 and 3, Block 29, City of Gunnison, according to the official plat of ORIGINAL GUNNISON, County of Gunnison, State of Colorado

Site Address of Property: **102 S. Main Street, Gunnison, CO 81230** Zoning: **Central Business District**

Block: **29** Lot(s): **1-3** Addition: **Gunnison**

Attachments: Vicinity Map (8.5"x11") Written Narrative/Description of Proposal

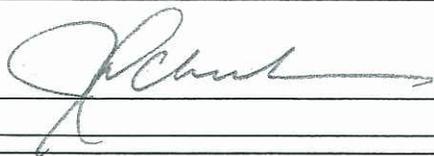
Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)

n/a Vested Property Rights n/a Letter/Authorization of Agent (from Owner if not applicant)

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)



*on behalf of BoD
of Gunnison Council for the
Arts, Inc.*

Date 7-29-11
Date _____

For Office Use Only

- Conditional Use Variance Zoning Amendment
- Major Subdivision Minor Subdivision Subdivision Exemption
- Mobile Home/RV Park PUD Vacation
- Consolidated Application

Narrative for the Conditional Use Application

Dear Planning Commission:

The Gunnison Council of the Arts, Inc. (Council for the Arts) and Orsch, LLC (Orsch), a private K-8 school, have been in negotiations for the execution of a Lease Agreement (Exhibit A) providing for Orsch's year-round use of the entire upstairs of the Gunnison Arts Center (GAC) Building. While the agreement contemplates a Landlord/Tenant relationship, the Council for the Arts considers the Orsch curriculum to be an enhancement of the arts education classes already offered by The Gunnison Arts Center. It is the Council for the Art's understanding that this Lease agreement is considered by the City to be a "Change in Use" under the Land Development Code, which requires the approval of the Planning Commission. We respectfully request the Commission's approval of the proposed use. The Council for the Arts and Orsch have concluded it is a win/win situation for both organizations for the following reasons:

1. **ULTIMATE COLLABORATION** - A building full of kids would bring much needed energy to the building. Our renewed mission is to "inspire creativity and innovation", which fits really well with the mission of Orsch. Orsch strives to be on the cutting edge of best practices - offering students creativity, independence and experience. More information about the GAC and Orsch can be viewed at www.gunnisonartscenter.org and www.orsch.net. The collaborative possibilities between the GAC and Orsch are endless - art classes, music classes, children's theater groups, family arts nights, school of rock, etc.
2. **FINANCIAL STABILITY FOR THE GAC** - The last four years have been a struggle for non-profit organizations. The Arts tend to get hit the hardest when the economy is depressed. We are no exception. The biggest financial burden we have is the cost of utilities in the building. The majority of the space is under-utilized or not utilized at all. Orsch's financial contribution and presence will greatly ease this burden and help to better utilize the upstairs space. This added financial stability will help to keep the GAC out of crisis mode and will allow it to focus on filling the gaps in community Arts needs and fundraising.
3. **ADAPTING TO CHANGE** - The Arts needs of the community have changed over the course of 10 years, largely due to the GAC cultivating arts in Gunnison. Until recently, many of the people felt that the GAC only catered to certain members of the Arts community. In response, we are making efforts to expand our target market through diverse programming that is not necessarily tied to the facility. This summer we offered 51 traditional community arts classes and unfortunately only 8 classes filled. The rest were cancelled. The added exposure to the Arts by the presence of Orsch will substantially enhance the mission of the GAC.
4. **FILLING THE GAPS** - While the GAC has done a good job of cultivating traditional arts in the Valley, there is a new need for creative education that the public school system is not fulfilling. There are many parents that feel their kids are not being artistically stimulated in school and are looking for ways to fulfill that need.

The Board of the Gunnison Council for the Arts appreciates the support the City of Gunnison has provided over the years and looks forward to working with you to inspire innovation and creativity in our community. Thank you for your time and consideration.

Sincerely,

Gunnison Council for the Arts, Inc.

July 28, 2011

Dear Planning Commission,

Thank you for hearing our request for a change of use at the Gunnison Arts Center. While this is formally a change of use, many of the issues we will address are a large part of the location's historical use. Due to the plethora of prior school age classes, the location is no stranger to parking, pickups, drop offs, and pedestrian traffic. It is a busy area, but being busy is part of a vibrant downtown. Below, please find some details of our plans to mitigate any potential issues.

Parking / Drop off Plan

There are a total of 65 students enrolled for the 2011-2012 school year. This number is subject to some minor fluctuation, but will be fairly accurate. This number breaks down further as follows:

- The 65 students represent a total of 42 Families
 - 21% Walk to school.
 - 24% Carpool with another family.
 - The end result is that we expect approximately 25 vehicles to drop students off on a daily basis.
- Drop off occurs over a half an hour period around 9am each morning. The area is quite busy at 8 am, but by 9 am it becomes quiet. Pick up occurs over a half an hour period around 3:30 each afternoon. This is prior to the busy after-work rush that picks up closer to 5:00.
- With 25 vehicles over a half an hour period, we are unlikely to have more than 4-5 at any one time.
- The building is situated in a manner allowing drop off on all four sides.
 - South main has parking spaces which will be used briefly for drop off.
 - Tomichi Avenue has parking spaces which will be used briefly for drop off.
 - The alley has good access for drop off.
 - Finally, as necessary, students may be dropped off on New York Street and wall down the alley, or down the sidewalk on South Main Street.
 - None of these access points differ from the historical use of the building.
- Employees include 5 Full time teachers/3 half time teachers.
 - 6 of the 8 employees walk or ride bikes year round. Employees who do need to drive will be asked to avoid the prime drop off / pick up areas for parking.

Pedestrian Plan:

The building is located at a major intersection containing traffic signals, crossing request buttons, pedestrian signals, and crosswalks. Students and parents will utilize the systems currently in place. Orsch has historically incorporated “urban hikes” as transportation to parks and open space, as well as being an event themselves. The children have a culture of being well behaved pedestrians. An additional benefit is a vibrant downtown – pedestrian traffic adds to this element.

Recess Plan:

The recess plan will not deviate significantly from the plan of the last two years, and has therefore been well tested. Small group recesses are scattered throughout the week as needed utilizing the courtyard, surrounding parks and other public spaces. Lunch time urban hikes to parks and open space often occur from 12:00-1:00pm. Other urban hikes take place as necessary. Excursions are supervised, and the culture of good pedestrian habits and citizenship is reinforced. The interface with the public and downtown is a component of their well rounded experience.

Thank you for your consideration. Please allow us to address further concerns should you have them.

Orsch

Names and Mailing Addresses of Adjoining Property Owners

3787-012-04-014
MCKINNIS KELLY I
199 BEVINGTON RD # B
GUNNISON, CO 81230-9301

3787-012-41-002
LAND MIND LLC
775 SIERRA VISTA WAY
GUNNISON, CO 81230

3787-012-04-009
CLIGGETT CHARLES F
PO BOX 867
GUNNISON, CO 81230

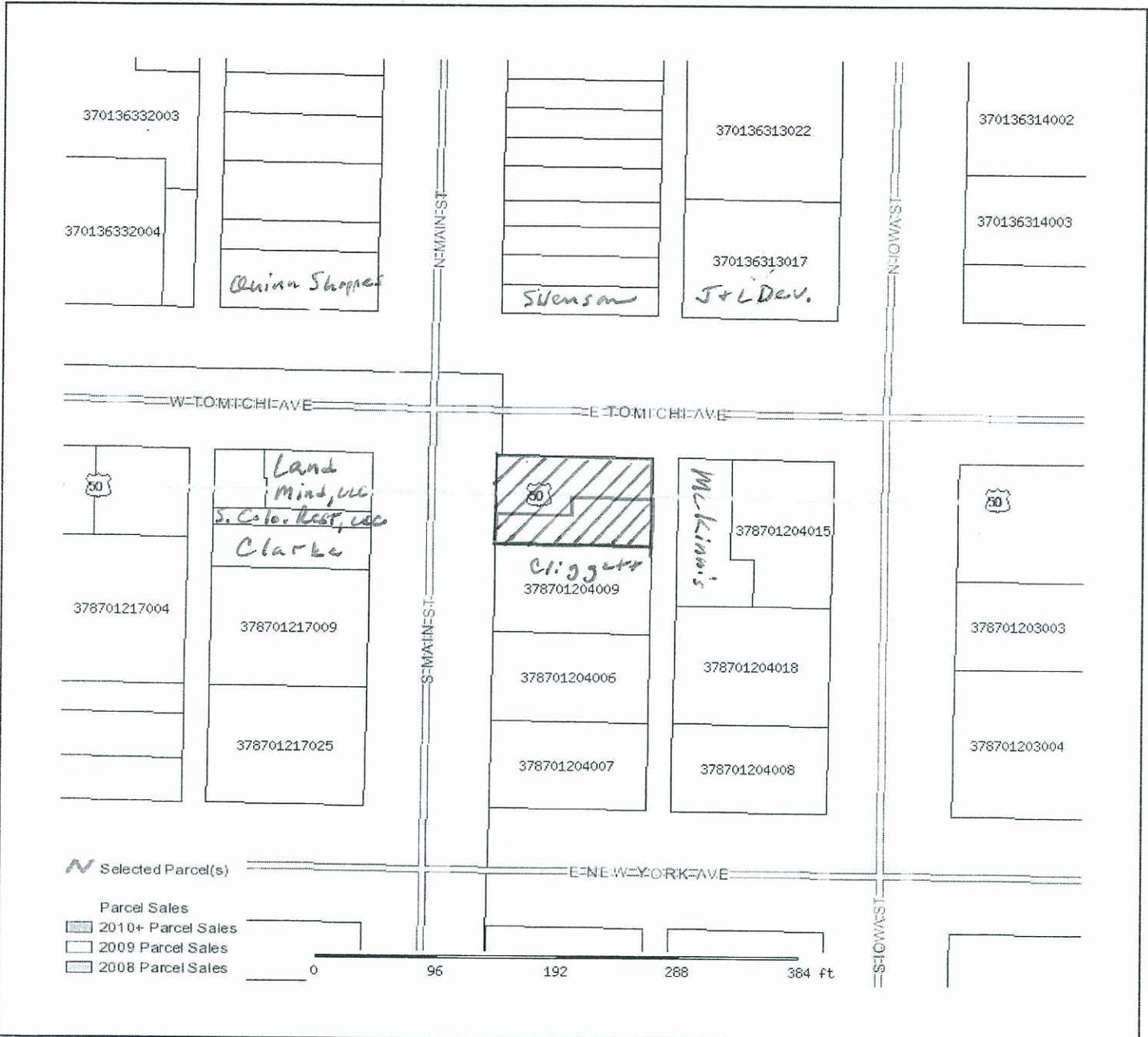
3787-012-17-010
CLARKE JEFFREY A & CHARMAINE TRUST #1
PO BOX 293
GUNNISON, CO 81230

3787-012-17-026
S COLORADO RESTAURANT LLC C/O CHRISTOPHER SCRIMING
107 S MAIN ST
GUNNISON, CO 81230-2332

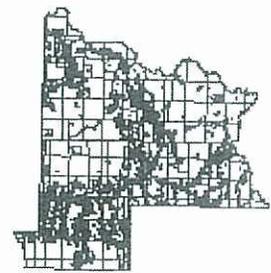
3701-363-78-004
SWENSON, JASON et al.
350 FAIRWAY LANE
GUNNISON, CO 81230

3701-363-13-017
J&L DEVELOPMENT, LLC
PO BOX 2300
GRAND JUNCTION, CO 81502

3701-363-32-006
QUINN SHOPPES PARTNERSHIP
1700 ESTY LANE
GUNNISON, CO 81230



Gunnison County Assessor			
Parcel: 378701204017 Acres: 0.095292			
Name:	GUNNISON COUNCIL FOR THE ARTS INC	Land Value:	0
Site:	102 S MAIN ST	Building Value:	0
Sale:	\$0 on 03-1999 Vacant=Y Qual=U	Misc Value:	
Mail:	PO BOX 1326 GUNNISON, CO 81230	Just Value:	
		Assessed Value:	
		Exempt Value:	
		Taxable Value:	0



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---

STATE DOCUMENTARY FEE
DATE 9/30/92
\$ 20.00

THE FIRST NATIONAL BANK OF GUNNISON, for the consideration of two hundred thousand dollars (\$200,000.00) and other valuable consideration in hand paid, hereby sells and conveys to GUNNISON COUNCIL FOR THE ARTS, INC. a Colorado non-profit corporation, whose address is P.O. Box 1326, Gunnison, CO 81230, the following real property in the County of Gunnison and State of Colorado, to wit:

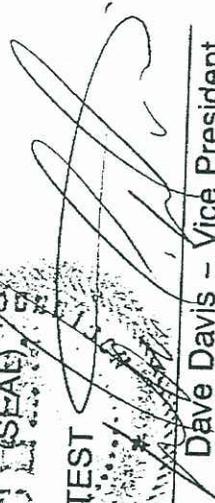
Lots 1, 2 and 3, Block 29, City of Gunnison, according to the official plat of ORIGINAL GUNNISON,

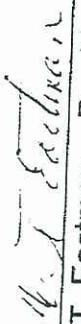
County of Gunnison,
State of Colorado,

with all appurtenances, and warrants the title to the same, subject to all easements of record or in place; all reservations, covenants or rights of way, of record; all real or personal property taxes for 1992, due and payable in 1993.

Signed with an effective date of September 30, 1992.

THE FIRST NATIONAL BANK OF GUNNISON

ATTEST
By: 
Dave Davis - Vice President

By: 
W. T. Eastman - President

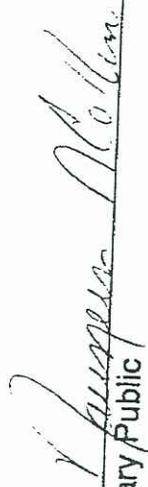
STATE OF COLORADO)
County of Gunnison) ss.

The foregoing instrument was acknowledged before me this 29th day of SEPTEMBER, 1992, by W. T. EASTMAN AND DAVE L. DAVIS.

Witness my hand and official seal.

My commission expires: _____




Notary Public

