

PLANNING AND ZONING COMMISSION
DECEMBER 21, 2011 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 12/16/2011**

**DATE: WEDNESDAY, DECEMBER 21, 2011
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

7:00pm CALL TO ORDER

- I. PLEDGE OF ALLEGIANCE TO THE FLAG**
- II. CONSIDERATION OF THE DECEMBER 14, 2011 MEETING MINUTES**
- III. PUBLIC HEARING AND POSSIBLE ACTION:** ZA 11-3, submitted by the Church of the Good Samaritan, represented by Sue Ruffe, requesting a Text Amendment to the *LDC* to allow retail sales establishments, subject to Conditional Use review, within the Industrial zone district.
- IV. PUBLIC HEARING AND POSSIBLE ACTION:** CU 11-3, submitted by the Church of the Good Samaritan, represented by Sue Ruffe, requesting operation of a retail sales establishment within the Industrial zone district.
- V. UNSCHEDULED CITIZENS**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**

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

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

**ALL PLANNING & ZONING COMMISSION MEETINGS
ARE USUALLY BROADCAST 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: Community Development Director Steve Westbay, Planning Technician Pam Cunningham

I. CALL TO ORDER AT 7:05 PM BY CHAIR BOB BEDA

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE NOVEMBER 16, 2011 MEETING MINUTES

Commissioner Larson moved to approve the November 16, 2011 meeting minutes as presented. Commissioner Ferguson seconded the motion.

Roll Call Yes: Dusty, Stu, Bob, Greg

Roll Call No:

Roll Call Abstain

So carried

IV. EXCUSE COUNCILOR SEYMOUR, COMMISSIONER FERCHAU AND COMMISSIONER RIGGS.

Commissioner Ferguson moved to EXCUSE Councilor Seymour, Commissioner Ferchau and Commissioner Riggs. Commissioner Larson seconded the motion.

Roll Call Yes: Dusty, Stu, Bob, Greg

Roll Call No:

Roll Call Abstain

So carried

V. DISCUSSION OF TEXT AMENDMENT TO THE LDC TO ALLOW THE USE OF LAND WITHIN THE CITY FOR GUNNISON FOR RETAIL SALES ESTABLISHMENTS, SUBJECT TO CONDITIONAL USE REVIEW, WITHIN THE INDUSTRIAL ZONE DISTRICT. Director Westbay reviewed the memo regarding the proposed text amendment and provided a list of pros and cons to the text amendment:

Pros

- diversification of the sales tax base
- opportunity for additional business development which we haven't seen before (incubator, small businesses)
- it would address some of the historic use considerations we have seen in the Industrial district where there has been a retail component. Retail sales in the Industrial district have been geared toward professional sales operations (i.e., electrical service supplies, rental companies, the airport has a retail component)

- The main consideration is traffic impacts. There are new form-based codes that deemphasize the land use but look at transportation impacts, circulation, and architectural design. It is mixing uses.

Cons

- It would reduce the availability of land to fulfill the purposes of the Industrial district and could erode the availability for true industrial uses in the future.
- It may create competition with the CBD. The functions of the CBD are oriented on the highway frontage, so it is a bit different.
- It may cause neighbor conflicts. The staff has talked about this with the applicant and explained they should be aware that activities next door may not be the best for retail use, there could be noise, etc.
- It could increase traffic, but the nature of the types of retail will be similar to what are there now.

Questions, comments:

Commissioner Ferguson commented that the mixed uses characterize Gunnison's Industrial district. Historically, the Industrial district has been mixed all along, and this parcel has been for a long time. [We need to consider] what fits Gunnison? Are we really giving up anything? Industrial businesses aren't beating a path to the door.

Director Westbay interjected that the City has been lambasted because of the lack of Industrial space. His response is that the City has annexed Gunnison Rising which has an industrial component. When permits were really going and land was really at a premium, it was more the market that was driving the cost of industrial land, rather than a lack of space. Quite a bit of the Industrial district is unimproved.

Commissioner Ferguson stated that in his tenure on Council the nature of variances was that it wasn't that land wasn't available; it was there was more financial opportunity in other districts. There is a lot of vacant land in the Industrial district.

Commissioner Szymanski asked if anyone been turned down in a similar situation. Director Westbay responded that someone wanted to purchase the same property for a church. That would have been problematic because of regulations for sexually oriented businesses. The *Code* prohibits churches in the Industrial district to accommodate sexually oriented businesses. He was not aware of anyone that has been turned down. There have been some retail uses accessory to the primary use.

VI. UNSCHEDULED CITIZENS. There were none

VII. COUNCIL UPDATE. Councilor Seymour was not present but Director Westbay updated the Commission on recent Council business that he was aware of:

- It was announced to Council that the USA ProCycling Challenge will be in Gunnison again next year;
- The City has started an internship program with the college. Ten thousand dollars has been budgeted for 2012. The City has been working with the college to develop the program rapidly. Hopefully there will be a good response.

- Council talked about provisions for benefits for part time staff;
- Council is looking at two letters of support—one for a grant being submitted by the County Public Health Department for Livewell Colorado promoting healthy living; the other is for a Bear Ranch land swap that will include 300 acres adjacent to Curecanti Recreation area in exchange for privatizing forest service land.

VIII. COMMISSIONER COMMENTS

- Commissioner Szymanski forgot the last meeting;
- Commissioner Larson reported that the economic development group is moving forward and taking applications;
- Commissioner Ferguson had nothing to report.

IX. PLANNING STAFF UPDATE. Director Westbay updated the Commission on recent department activity:

- staff evaluations have been ongoing;
- staff has been preparing for the text amendment;
- staff will be meeting with the NRCS to discuss the Agricultural Management plan on the VanTuyl Ranch;
- the office has been dealing with a local complaint between a church and the neighbors;
- staff had to determine contiguity for the VanTuyl Ranch;
- the Trails Master Plan work continues; and
- staff has been developing Work Plans for 2012.

X. ADJOURN TO WORK SESSION. Chair Beda adjourned the meeting at approximately 7:30 p.m.

Bob Beda, Chair

Attest:

Pam Cunningham, Secretary

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STAFF REPORT

Text Amendment to the *Land Development Code* Church of the Good Samaritan – Sue Ruffe

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: December 21, 2011
RE: *Text Amendment regarding retail sales establishments in the Industrial district – ZA 11-3*

CODE PROVISIONS

The *Land Development Code (LDC)*, Section 15.150.030 specifies that a text amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission establishes a recommendation to City Council, to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

A text amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the City, an owner of a business within the City, or any person who holds a recognized interest in real property within the City.

APPLICATION

The applicant, the Church of the Good Samaritan represented by Sue Ruffe, is requesting a Text Amendment to the *LDC* to allow retail sales establishments, subject to Conditional Use review, within the Industrial zone district. The applicant proposes the amendment of Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts). The applicant's narrative states:

"...The property is currently for sale, and the applicant believes that the highest and best use of the current structure is a retail establishment. The building is designed as such, and has historically been used for commercial purposes. As seen in the draft future code for the City of Gunnison, there are more retail permitted uses in Industrial zoning. While this is only a draft, it is possible that if the new Code were in effect, a text amendment may not be required, in this instance.

...The use of retail at this location would not adversely affect the health, safety, or welfare of the public. As a matter of fact, it might preserve those three requirements more than an industrial type business would at that location. An industrial business might produce noise, traffic, vibrations, glare, or odors which a commercial building such as this would not. This property is adjacent to Residential (R-3) zoning directly to the north and Commercial (C) zoning diagonally to the northwest."



STAFF REPORT
 Text Amendment to the *Land Development Code*
 Church of the Good Samaritan – Sue Ruffe

HISTORY

The property at 304 S. 10th Street, owned by the Church of the Good Samaritan, has historically operated as the Opportunity Shop. A Conditional Use permit was issued for retail sales on the subject site in 1966. The condition for approval stated that if the use was discontinued or the property sold or rented, the Conditional Use permit shall become void. The original building (built in 1890) was moved to the site in 1967 and the Opportunity Shop was opened. An addition to the structure was completed in 1972. The Opportunity Shop was in operation until approximately late 2010 and the property is currently for sale.

LAND DEVELOPMENT CODE

The *LDC* specifies that the purpose of the Industrial zone district 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.

The existing *LDC* (Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts) prohibits retail sales establishments in the Industrial zone district. The *LDC* does allow sales of automobiles, heavy equipment, agricultural feed and supplies and similar uses. However, several commercial-oriented businesses with accessory retail sales are, or have been, located in the Industrial zone district. Because traffic volumes and public exposure is limited, large retailers would not be attracted to locating in the Industrial district. However, small retail outlets may thrive in this area.

PROPOSED AMENDMENT

The proposed amendment to the *LDC*, Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts) regarding retail sales establishments is highlighted below:

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
Commercial and Office Uses					
Clubs operated by and for their members	C	A	A	P	
Commercial lodging	P	C	A	P	
Commercial parking lots and garages	P	C	A	A	
Drive-in facility	P	C	A	P	GMC 15.70.040(A)
Drive-in food or beverage facility	P	C	A	P	GMC 15.70.040(A)
Indoor amusement and entertainment establishments	P	A	A	P	

STAFF REPORT
 Text Amendment to the *Land Development Code*
 Church of the Good Samaritan – Sue Ruffe

Indoor and outdoor eating and drinking establishments	C	A	A	C	
Medical marijuana centers	P	P	P	P	
Professional offices	A	A	A	C	
Publishing business	A	A	A	A	
Radio and television studios	A	A	A	A	
Recreational vehicle park	P	P	C	P	
Retail sales establishment	C	A	A	C	GMC 15.70.040(B)
Sexually oriented businesses	P	P	P	A	GMC 15.70.040(D)
Temporary commercial activities	P	C	C	P	GMC 15.70.040(C)
Personal Services					
Bank, credit and loan services	C	A	A	P	

VACANT OR UNIMPROVED LAND

Adequate Industrial space for future growth has historically been a topic of discussion. The adjacent figure indicates vacant or unimproved land within the Industrial zone district. The Gunnison-Crested Butte Regional Airport encompasses the majority of the Industrial zone district however large tracts of land are still available. The highlighted parcels represent 8.9 acres that are either unimproved and being used as outdoor storage or vacant with no use. Excluding the airport property, 30 acres of industrial land has been improved leaving 29.7% of the industrial district unimproved.



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 REPORT

Text Amendment to the *Land Development Code* Church of the Good Samaritan – Sue Ruffe

City Attorney, Rod Landwehr: “First of all, text amendments are a request for legislative action by the City Council. As such, they are not constrained by principles of due process to prohibit *ex parte* contact with the applicant or other members of the public regarding this request. In other words, both the applicant and the public at large are free to discuss this matter in advance of action by the City Council with members of the Planning and Zoning Commission, which will make a recommendation to the City Council, and the City Council itself.

While there do not appear to be any specific legal issues with respect to the requested zone text amendment, there are some policy issues that need to be considered in making the decision as to whether or not to make the text amendment requested by this application.

One purpose of the land development ordinance is to assure the availability of lands within the City of Gunnison for all types of uses contemplated under the Land Development Code. The principal retail sales zone districts are the Central Business District and the Commercial District. The Industrial District is obviously intended to preserve lands for the industrial purposes allowed under the Industrial Zone District. While retail sales may be an appropriate accessory use to an industrial use of the property, allowing purely retail sales within the Industrial Zone may have the effect of limiting the availability of land for industrial purposes.

Assuming that the retail sales use generates more revenue than an industrial use of the same property on a per square foot basis, allowing retail sales within the Industrial Zone may have the effect of shifting the use of these industrially-zoned properties away from traditional industrial uses, and towards retail uses. This would make less land available for industrial development.

It also has the effect of spreading the retail sales area of the City across a wider area, thus diluting the concentration of retail sales in our CBD and CD districts.”

STAFF OBSERVATIONS

1. The applicant is requesting a Text Amendment to the *LDC* to allow retail sales establishments in the Industrial zone district, subject to Conditional Use review.
2. The applicant owns property at 304 South 10th Street which is located in the Industrial zone district.
3. The *LDC* allows accessory retail sales in the Industrial zone district.
4. The *LDC* allows retail sales establishments in the Central Business District (CBD) and Commercial (C) zone districts and subject to Conditional Use review in the Professional Business (B1) zone district.
5. The availability of Industrial land in the City, or the lack thereof, has been an issue raised on several occasions. Land availability in the Industrial zone district has been

STAFF REPORT

Text Amendment to the *Land Development Code* Church of the Good Samaritan – Sue Ruffe

affected by historically high land values which may be a function of availability demand. However, approximately 29.7 percent of the industrial land area remains undeveloped, indicating that relatively high land costs have contributed to limited development.

6. There are 8.9 acres of vacant or unimproved land which is 29.7 percent of the land in the Industrial zone district (excluding the airport property).
7. Supporting observations include:
 - Diversification of the sales tax base;
 - Opportunity for additional business development;
 - Historic use in the Industrial district includes a retail component. Retail sales in the Industrial district have been geared toward professional sales operations (i.e., electrical service supplies, rental companies, airport retail component);
 - Traffic impacts of small-scale retail will be minimal; and
 - Many modern codes promote mixed use development.
8. Opposing observations include:
 - Reduction of the availability of land to fulfill the purposes of the Industrial district and the availability of land for true industrial uses in the future;
 - Possible competition with the CBD;
 - Possible neighbor conflicts because of activities that may not be compatible with retail use; and
 - It could increase traffic.

REVIEW STANDARDS FOR TEXT AMENDMENTS

Reader note: Direct quotes from the LDC are highlighted. *LDC* Section 15.120.060.C, states that “...an application that fails to comply with any applicable review standard shall be denied.” The *LDC* Section 15.150.050 states that “...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:”

15.150.050 A. Consistent with Purposes. The proposed amendment shall be consistent with the purposes of this *Land Development Code*.

Possible Conflict: The text amendment is consistent with the purposes of the *LDC* which are to: 1) Establish Development Standards; 2) Protect Quality of Life; 3) Establish Review Process; 4) Provide for Orderly Development of the City; and 5) Conserve Property Values. The Conditional Use review of retail sales establishments in the Industrial zone district ensures that there is compatibility with surrounding uses and adequate parking is provided.

Allowing retail in the Industrial district may have some affect on the demand of retail space in the Commercial and CBD districts. However, it is anticipated that the demand impact should be minimal because these commercial areas have high vehicle and pedestrian volumes; traditional retail sales are a function of location. It is anticipated that retail

STAFF REPORT

Text Amendment to the *Land Development Code*
Church of the Good Samaritan – Sue Ruffe

functions that may locate in the Industrial district will be small niche-market retail businesses.

15.150.050 B. No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

No Conflict: The proposed text amendment does not conflict with any sections of the *LDC*.

15.150.050 C. Consistent with *Master Plan*. The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

Possible 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.

Chapter 5, Land Use and Growth – Policy 1.10: Evaluate locations for additional industrial zoning within the City.

Chapter 5, Land Use and Growth – Policy 1.13: Discourage sprawling commercial strip corridors.

Several commercial-oriented businesses with accessory retail sales are located in the Industrial zone district. These accessory sales functions are compatible with the purposes of the Industrial zone district. Small retail establishments may thrive in this area as long as the use is compatible with the surrounding area and adequate parking is provided.

15.150.050 D. Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

No Conflict: The text amendment does not affect the public health, safety and general welfare and environment by allowing retail sales establishments, subject to Conditional Use review. Conditional Use review ensures that the use is compatible with the surrounding neighborhood and that adequate parking is provided.

RECOMMENDATION

During the Planning & Zoning Commission meeting held on December 21, 2011, Commissioner _____ moved, Commissioner _____ seconded and the Planning & Zoning Commission voted to recommend APPROVAL, to City Council of zoning amendment application ZA 11-3, for a text amendment to allow retail sales establishments within the Industrial zone district, subject to Conditional Use review, based on the following findings of fact:

STAFF REPORT

Text Amendment to the *Land Development Code* Church of the Good Samaritan – Sue Ruffe

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 Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 15.150.050).
3. The Planning and Zoning Commission finds that the proposed Text Amendment allows retail sales establishments in the Industrial zone district, subject to Conditional Use review.
4. The Planning and Zoning Commission finds that Conditional Use review will ensure the compatibility of surrounding uses and that adequate parking is provided.
5. The Planning and Zoning Commission finds that commercial-oriented businesses with accessory retail sales are currently located in the Industrial zone district.
6. The Planning and Zoning Commission finds that this Text Amendment promotes the diversification of the sales tax base and increases opportunity of new business development.
7. The Planning and Zoning Commission finds that retail uses will likely be limited to smaller businesses with minor traffic demand.
8. The Planning and Zoning Commission finds that the amendment is consistent with the purposes of the Industrial zone district because future retail uses will likely be small niche-market businesses.
9. The Planning and Zoning Commission finds that based on the findings cited above, the approval of this text amendment protects the community's health, safety and welfare.

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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):

Sue Ruffe

Phone #: 209-1593 **Fax #:** _____

E-Mail: sruffe@roadrunner.com

Mailing Address: 26 Wild Goose Lane

City: Gunnison

State: CO

Zip: 81230

Summary of Request:

Conditional Use and Text Amendment

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: 304 S. 10th Street Zoning Industrial

Block: 37 Lot(s): 1, 2, 3 Addition: West Gunnison #601746

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)

Sue Ruffe

Date Nov 21, 2011

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

To: City of Gunnison

From: Sue Ruffe as Authorized Agent for The Bishop and Diocese of Colorado

Date: November 19, 2011

Subject: Request for Text Amendment to the City of Gunnison Land Development Code to change the permitted use for Retail Sales Establishment in Industrial Zoning from "Prohibited" to "Conditional" AND to request a Conditional Use Permit for Lots 1-3, Block 37, West Gunnison (The Opportunity Shop) for Commercial use in an Industrial zone.

On January 6, 1966, the City of Gunnison Planning Commission recommended for the above referenced parcel the following: "It was regularly moved by Dale Cowan, seconded by Elton Jardon, to recommend to the Board of Adjustment and Appeals that the conditional use be approved with the definite stipulation that if it ever ceases to be used as an opportunity shop, it cannot be used, sold, leased or rented as a residence. Furthermore, in case the property is sold, leased, or rented to any other person, persons, corporation or company the conditional use permit shall become void and shall revert to Industrial Zone."

The property is for sale, and the applicant believes that the highest and best use of the current structure is a retail establishment. The building is designed as such, and has historically been used for commercial purposes. As seen in the draft future code for the City of Gunnison, there are more retail permitted uses in Industrial zoning. While this is only a draft, it is possible that if the new Code were in effect, a text amendment may not be required, in this instance.

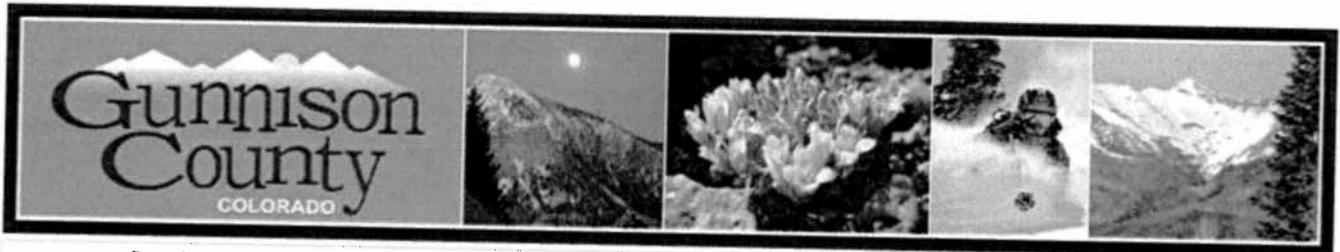
It is doubtful that the entire building would be used for retail display, however there will still be sufficient parking (7 spaces) to meet Code requirements. The use of retail at this location would not adversely affect the health, safety, or welfare of the public. As a matter of fact, it might preserve those three requirements more than an industrial type business would at that location. An industrial business might produce noise, traffic, vibrations, glare, or odors which a commercial building such as this would not. This property is adjacent to Residential (R-3) zoning directly to the north and Commercial (C) zoning diagonally to the northwest.

There are adequate utilities to the property, roads, and area not covered by structures. The 2100sf building sits on a lot size of 9375sf, approximately 22% of the property. Historically, traffic to past commercial uses has been minimal, and continuing the existing use will not cause significant deterioration to water resources, wetlands, wildlife, habitat, scenic characteristics, or other natural features. The use should not cause undue traffic congestion, dangerous traffic conditions, or incompatible service delivery, parking, or loading problems.

The property is presently under contract and expected to sell to someone who plans to continue the existing use as the Opportunity Shop, and even wants to maintain the name. In that case, the number of employees and hours of operation would be similar, though probably more than one day per week.

It is understood and accepted that the Industrial zone district requires minimum landscaping of 10% of the parcel of which 60% shall be live cover. This parcel would require 935.5sf of landscaping, of which 562.5sf (minimum) will be live cover. The site map shows plans for this, as well as off street parking.

We respectfully appreciate your consideration for a concurrent application for the Text Amendment and Conditional Use Permit.



Search Sales By Subdivision		Previous Parcel	Next Parcel	Gunnison Home
Owner and Parcel Information				
Owner Name	BISHOP & DIOCESE OF COLORADO EPISCOPAL DIOCESE OF COLORADO		Today's Date	November 17, 2011
Mailing Address	1300 WASHINGTON ST DENVER, CO 80203-2008		Parcel Number	3787-021-18-002
Location Address	304 S 10TH ST		Account Number	R002242
Account Type	Exempt		Mill Levy	40.939
Neighborhood	GUNNISON INDUSTRIAL		Tax District	100
Subdivision	WEST GUNNISON		Business Name	OPPORTUNITY SHOP
Economic Area	Econ Area 1		Acres	0.22
Zoning	G - I : INDUSTRIAL		LEA	
Legal Description	LOTS 1-3 BLK 37 WEST GUNNISON #601746		Parcel Map	Show Parcel Map
			Building Photos	Building Images
Generate Neighboring Owner List by Distance				

Current Year Assessment Information			
Land Value	Building Value	Total Value	Assessed Value

Prior Year Assessment Information				
Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2010	\$ 409,790	\$ 118,840	40.939	\$ 0.00
2009	\$ 409,790	\$ 118,840	39.757	(\$ 1.00)
2008	\$ 400,210	\$ 116,060	41.387	(\$ 1.00)
2007	\$ 400,210	\$ 116,060	36.186	(\$ 1.00)
2006	\$ 158,140	\$ 45,860	43.784	(\$ 1.00)

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
EXEMPT/CHURCH - LAND	0.22	MEADOW	YEAR ROUND	YES	CENTRAL	CENTRAL

Sales Information						
Sale Date	Type of Document	Reception	Vacant or Improved	Grantor Name	Grantee Name	Amount
2010-10-26	SPEC WARR DEED - NO FEE	601746		CHURCH OF THE GOOD SAMARITAN	BISHOP & DIOCESE OF COLORADO THE	

Improvement Information Hide Building Details						
Description	Built As Description	Actual Year Built	Effective Year Built	Living Area Sq Ft	Sketch	
Retail Store	Retail Store	1890	1970	2,130	Show Sketch	
Building Quality	Building Condition	Stories	Bed Rooms	Baths	Basement Area	Percent Complete
Fair	Average	1	0	0	0	100%

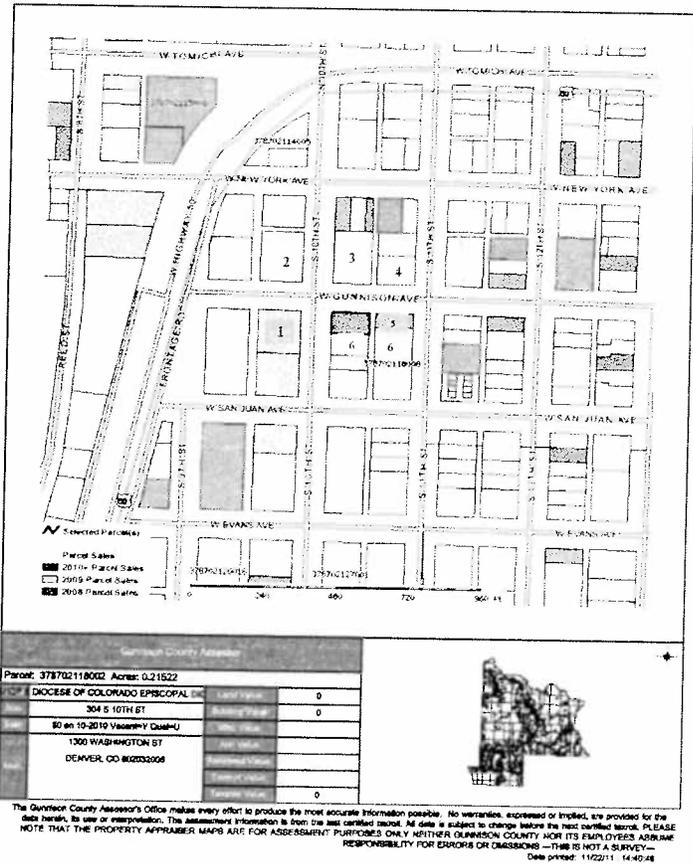
Building Sub Areas	
Description	Square Footage or Units
SizeRetail	2,130
COMMERCIAL FST	2,130

Search Sales By Map Grid	Previous Parcel	Next Parcel	Gunnison Home
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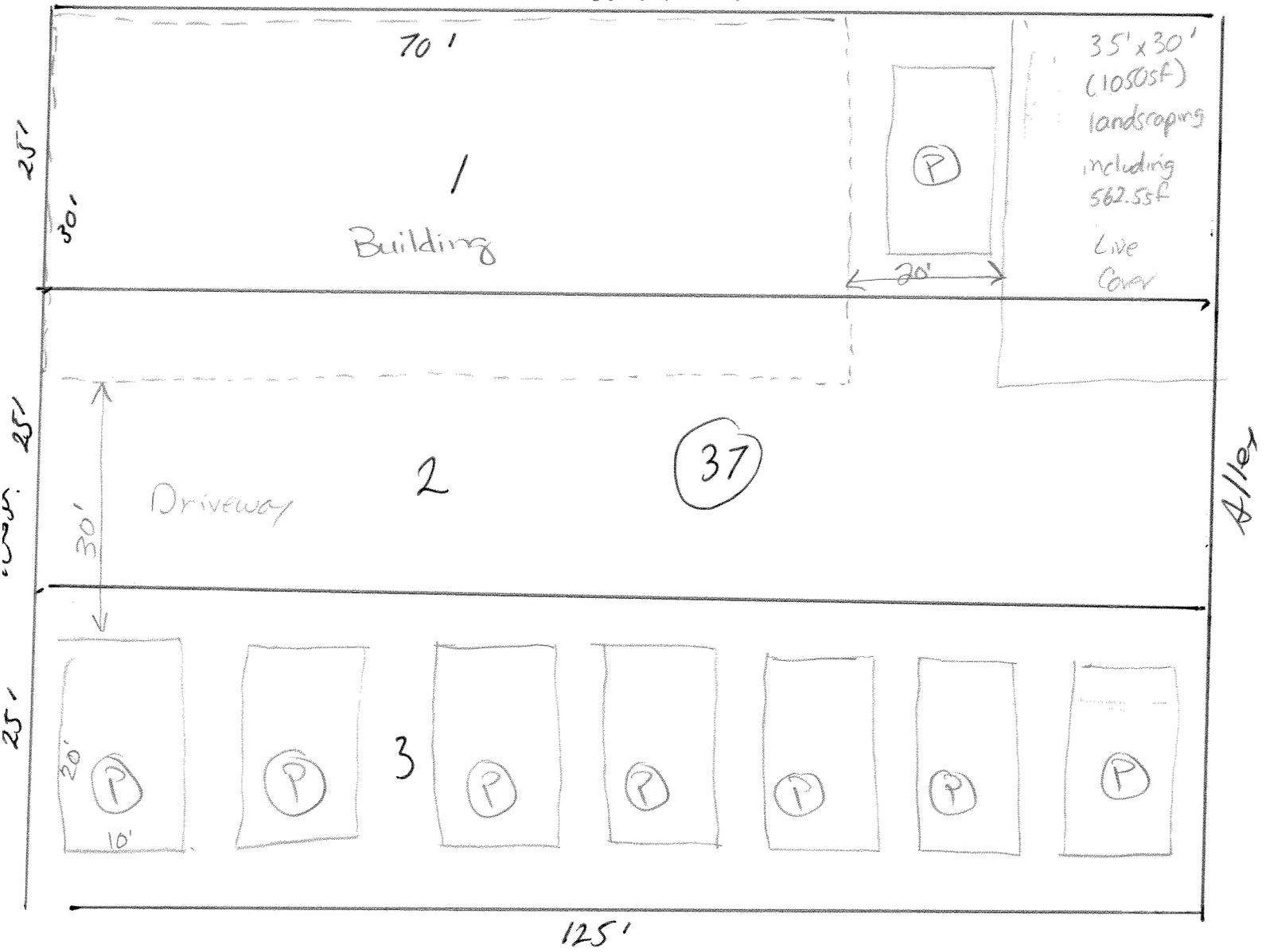
The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. All assessment information is subject to change before the next certified tax roll. Website Updated: October 22, 2011

Certified Mailings of Public Notice were sent to the following:

1. Charles Hause
922 W. Gunnison #2
Gunnison, CO 81230
2. Mitchell Evans
P.O. box 1311
Gunnison, CO 81230
3. Community Foundation of the
Gunnison Valley
805 W. Tomichi Avenue
Gunnison, CO 81230
4. Eva Garcia
P.O. Box 715
Gunnison, Co 81230
5. Bret Bradfield
609 N. Pine
Gunnison, CO 81230
6. Buttermore Family Trust
(2 properties)
410 Santa Ana Avenue
Newport Beach, CA 92663-4126
7. Sue Ruffe
26 Wild Goose Lane
Gunnison, CO 81230
(Applicant)



Cunnison Ave.



STAFF REPORT
CONDITIONAL USE
Church of the Good Samaritan – Sue Ruffe

TO: Planning Commission
FROM: Community Development Staff
DATE: December 21, 2011
RE: Conditional Use Application CU 11-6

CODE PROVISIONS

The City's *Land Development Code (LDC)*, Table 15.70.030 classifies retail sales establishments as a Conditional Use (**pending approval of Text Amendment to the LDC, ZA 11-3**), 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 the Church of the Good Samaritan, represented by Sue Ruffe, requesting the operation of a retail sales establishment within the Industrial zone district. This application is submitted in conjunction with Text Amendment application, ZA 11-3, to allow the use of land for retail sales establishments, subject to conditional use review, in the Industrial zone district. The property is located at 304 South 10th Street and the legal description is Lots 1 through 3, Block 37, West Gunnison Addition, City and County of Gunnison. The applicant's narrative states:

“...The property is currently for sale, and the applicant believes that the highest and best use of the current structure is a retail establishment. The building is designed as such, and has historically been used for commercial purposes...”

It is doubtful that the entire building would be used for retail display, however there will still be sufficient parking (7 spaces) to meet Code requirements. The use of retail at this location would not adversely affect the health, safety, or welfare of the public. As a matter of fact, it might preserve those three requirements more than an industrial type business would at that location. An industrial business might produce noise, traffic, vibrations, glare, or odors which a commercial building such as this would not. This property is adjacent to Residential (R-3) zoning directly to the north and Commercial (C) zoning diagonally to the northwest.



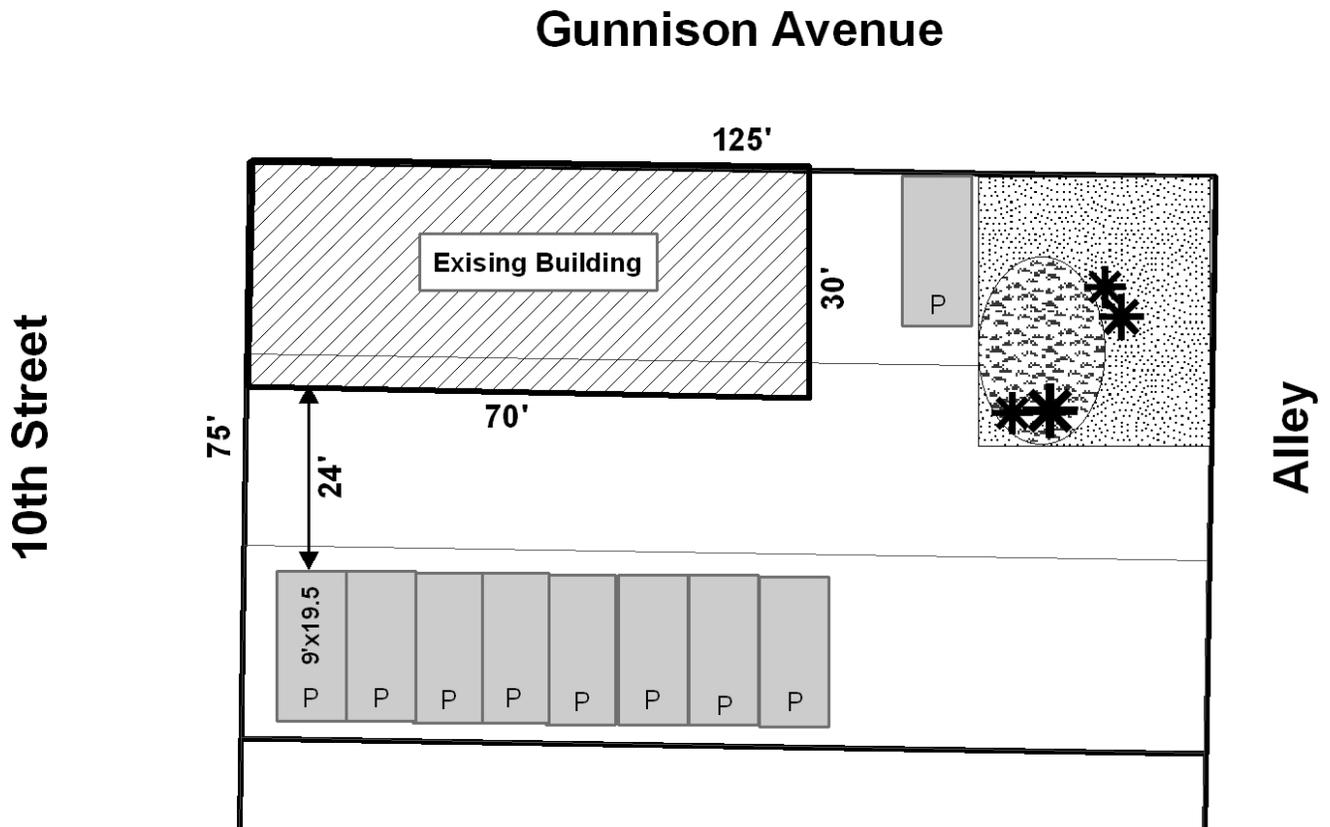
There are adequate utilities to the property, roads, and area not covered by structures. The 2100sf building sits on a lot size of 9375sf, approximately 22% of the property. Historically, traffic to past

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commercial uses has been minimal, and continuing the existing use will not cause significant deterioration to water resources, wetlands, wildlife, habitat, scenic characteristics, or other natural features. The use should not cause undue traffic congestion, dangerous traffic conditions, or incompatible service delivery, parking, or loading problems.

The property is currently under contract and expected to sell to someone who plans to continue the existing use as the Opportunity Shop, and even wants to maintain the name. In that case, the number of employees and hours of operation would be similar, though probably more than one day per week.

It is understood and accepted that the Industrial zone district requires a minimum landscaping of 10% of the parcel of which 60% shall be live cover. This parcel would require 935.5sf of landscaping, of which 562.5sf (minimum) will be live cover. The site map shows plans for this, as well as off street parking.”



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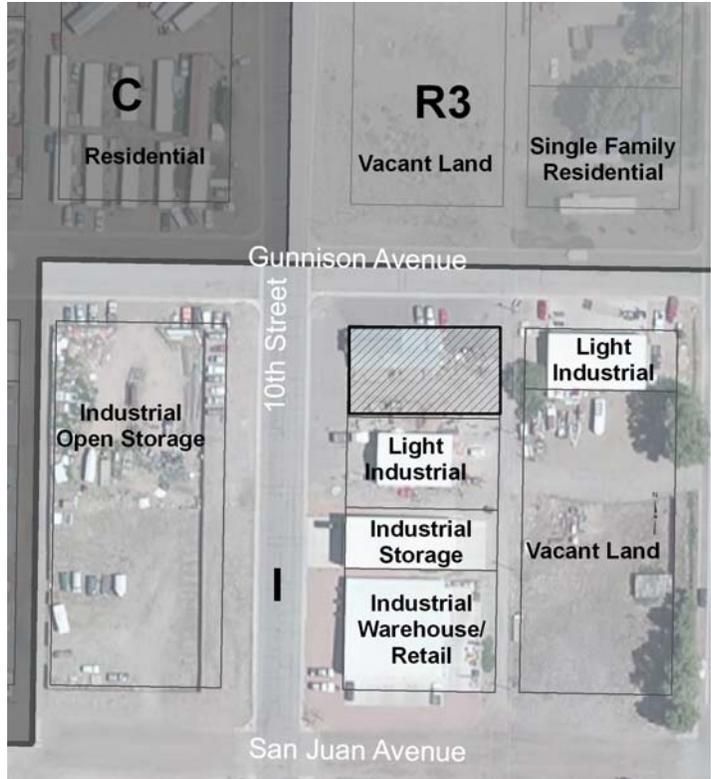
HISTORY

A Conditional Use permit was issued for retail sales (Opportunity Shop) on the subject site in 1966. The condition for approval stated that if the use was discontinued or the property sold or rented, the Conditional Use permit shall become void. The original building (built in 1890) was moved to the site in 1967 and the Opportunity Shop was opened. An addition to the structure was completed in 1972. The Opportunity Shop was in operation until approximately a year ago and the property is currently for sale.

SITE ASSESSMENT

The proposed thrift store site is located on the corner of Gunnison Avenue and 10th Street. The R3 (Multi-Family Residential) zone district is directly to the north and the Commercial zone district is located northwest of the site. Surrounding uses include light industrial and vacant land to the west, south and east with residential and vacant land to the north.

The site provides ample square footage to meet the dimensional standards and landscaping requirements of the LDC. The LDC requires seven off-street parking spaces and 937.5 square feet of landscaped area, of which 562.5 square feet shall be live cover. The site plan indicates the required off-street parking spaces and proposes a landscaped area.



DEPARTMENTAL COMMENTS:

Building Official: A safety inspection will be required prior to occupancy of building.

Fire Marshal: There will need to be an inspection prior to operation of business.

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 has submitted, in conjunction with this Conditional Use request, an application for a Text Amendment to the LDC, to allow retail sales establishments in the Industrial zone district, subject to Conditional Use review.

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2. The applicant is requesting approval for the operation of a thrift store within the Industrial district zone, requiring Conditional Use approval (subject to approval of text amendment ZA 11-3) based on the City's *Land Development Code*.
3. The site has historically been used as a thrift store (Opportunity Shop) since 1967 and closed in 2010.
4. The property is under contract and the new owner would like to reopen the thrift store and maintain the same name (Opportunity Shop).
5. The thrift store has historically been and is currently compatible with the surrounding neighborhood.
6. The LDC requires seven off-street parking spaces for the retail sales use. The site plan indicates nine spaces.
7. The LDC requires 937.5 square feet of landscaped area, of which 562.5 square feet shall be live cover. The site currently does not have any landscaping.
8. The thrift store must be inspected by the Building Official and Fire Marshal to ensure fire and life safety requirements.

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 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.*

Possible 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 seven off-street parking spaces and 937.5 square feet of landscaped area, of which 562.5 square feet shall be live cover. The site plan indicates adequate off-street parking spaces and 1050 square feet of

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proposed landscaping. The applicant will have to meet the live cover landscaping requirements.

A sign permit shall be required for any business advertisement request.

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 thrift store is compatible with the neighborhood. The R3 (Multi-Family Residential) zone district is directly to the north with the Commercial zone district diagonal to the northwest.

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 reopening of the thrift store will not be enough to cause traffic congestion. Traffic has not been an issue historically.

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: The thrift store will not create a nuisance to or impact the surrounding properties. A retail use on this site is considered to be more advantageous and compatible with adjacent residential uses than a traditional industrial use.

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: An inspection of the facility, by the Building Official and Fire Marshall, is needed to ensure life and safety requirements.

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.

ACTION

During the regular Planning and Zoning Commission meeting held on December 21, 2011, Commissioner _____ moved, and Commissioner _____ seconded, and the Commission voted to APPROVE Conditional Use Application CU 11-6, submitted by Church of the Good Samaritan to operate a thrift store in the Industrial district, based on the following findings of fact and conditions:

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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 the applicant has submitted, in conjunction with this Conditional Use request, an application for a Text Amendment to the LDC, to allow retail sales establishments in the Industrial zone district, subject to Conditional Use review.
3. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a thrift store in the Industrial zone district.
4. The Planning and Zoning Commission finds that the thrift store is compatible with the neighborhood.
5. The Planning and Zoning Commission finds that seven off-street parking spaces are required by the *LDC* and nine spaces are indicated on the site plan.
6. The Planning and Zoning Commission finds that 562.5 square feet of live cover landscaping is required on the site.
7. The Planning and Zoning Commission finds that the thrift store must be inspected by the Building Official and Fire Marshal to ensure fire and life safety requirements.
8. The Planning and Zoning Commission finds that the thrift store will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITIONS:

1. Landscaping on the site shall meet the requirements of the *Land Development Code*.
2. The thrift store shall be inspected by the Building Official and Fire Marshal to ensure fire and life safety requirements prior to opening.
3. This Conditional Use shall only be valid upon approval of Text Amendment to the *LDC*, ZA 11-3, to allow retail sales establishments in the Industrial zone district, subject to Conditional Use review.