

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 and Planner Andie Ruggera

CALL TO ORDER AT 7:01 PM BY VICE-CHAIR GREG LARSON

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSIDERATION OF THE DECEMBER 14, 2011 MEETING MINUTES

Commissioner Stu Ferguson moved to approve the December 14, 2011 meeting minutes as presented.

Commissioner Dusty Szymanski seconded the motion.

Roll Call Yes: Greg, Dusty and Stu

Roll Call No:

Roll Call Abstain: Erich and Carolyn – were not present at the December 14th meeting.

Motion carried

PUBLIC HEARING AND POSSIBLE ACTION: ZA 11-3, submitted by the Church of the Good Samaritan, requesting a Text Amendment to the LDC to allow retail sales establishments, subject to Conditional Use review, in the Industrial zone district.

Vice-Chair Greg Larson opened the public hearing at approximately 7:02 p.m.

Proof of publication was shown for the record.

Planner Andie Ruggera reviewed the process for a Text Amendment to the LDC. The applicant is requesting an amendment to Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts) allowing retail sales establishments within the Industrial zone district, subject to Conditional Use review.

Cathie Elliot, representing the applicant, stated the Church owns property at 304 South 10th Street and operated a thrift store (Opportunity Shop) at the site since the 1960’s. Ms. Elliot stated a Conditional Use permit was issued for the retail sales use in 1966 with the conditional that if the property was sold the Conditional Use would be void. The applicant is asking for the Text Amendment to allow the new owner of the property to continue the retail sales use.

Dwight Weaver, who resides at 811 West New York Avenue, stated he has no objection to the Text Amendment request.

Jesse Weaver, potential buyer of the property at 304 South 10th Street, stated she is planning on buying the property if retail use is allowed.

Planner Andie Ruggera reviewed the application, discussed the staff observations and review standards for a Text Amendment and provided the following pros and cons of the request:

Supporting observations for the Text Amendment 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.

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.

Commissioner Dusty Szymanski stated that allowing retail sales in the Industrial district could be of value. The Opportunity Shop is established in the Industrial district and it makes sense to continue that use. He doesn't see a lot of people wanting to do retail in the Industrial district.

Commissioner Erich Ferchau stated that he thinks businesses that are going to thrive in this area are not going to take away from the Commercial and CBD districts. He thinks the Text Amendment request is good.

Commissioner Stu Ferguson stated he thinks the request is really appropriate and makes good sense. He has no concern at all about using up the Industrial space and thinks the Text Amendment allows opportunity for businesses. Commissioner Ferguson stated for the record that he thinks having uses subject to Conditional Use approval is very appropriate.

Vice-Chair Greg Larson closed the public hearing at approximately 7:15 p.m.

Commissioner Stu Ferguson moved to recommend approval, to City Council, Text Amendment application ZA 11-3, to allow retail sales establishments within the Industrial zone district, subject to Conditional Use review, based on the following 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 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.

Commissioner Carolyn Riggs seconded the motion.

Roll Call Yes: Dusty, Erich, Greg, Carolyn and Stu

Roll Call No:

Roll Call Abstain

Motion carried

PUBLIC HEARING AND POSSIBLE ACTION: CU 11-3, submitted by the Church of the Good Samaritan, requesting operation of a retail sales establishment within the Industrial zone district.

Vice-Chair Greg Larson opened the public hearing at approximately 7:16 p.m.

Proof of publication was shown for the record.

Planner Andie Ruggera reviewed the process for a Conditional Use application and stated the applicant is requesting a Condition Use to operate a retail use (thrift store) at 304 South 10th Street. The legal description is Lots 1 through 3, Block 37, West Gunnison Amended, City and County of Gunnison.

Cathie Elliott, representing the applicant, stated they are looking for a Conditional Use permit to allow retail sales at 304 South 10th Street. Ms. Elliott stated they acknowledge the findings of fact and conditions listed in the staff report.

Commissioner Stu Ferguson asked if any of the conditions pose a hardship for the applicant. Cathie stated there was no hardship.

Commissioner Dusty Szymanski inquired on the landscaping requirements and asked if the proposed use follows the dimensional standards of the Industrial zone district. Director Steve Westbay stated yes.

The Commission asked if outdoor storage should be addressed with this request. Director Westbay stated that outdoor storage could be addressed with this application if the Commission wishes to.

Vice-Chair Greg Larson closed the public hearing at approximately 7:25 p.m.

Commissioner Stu Ferguson moved to approve Conditional Use Application CU 11-6, submitted by Church of the Good Samaritan to operate a retail use (thrift store) in the Industrial district, based on the following findings of fact and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record;

and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.

2. The Planning and Zoning Commission finds that 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 retail use (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 structure 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.

Commissioner Dusty Szymanski seconded the motion.

Roll Call Yes: Erich, Carolyn, Greg, Dusty and Stu

Roll Call No:

Roll Call Abstain

Motion carried

UNSCHEDULED CITIZENS. There were none.

COUNCIL UPDATE. Director Steve Westbay stated the Council evaluated City Manager Ken Coleman and were pleased with his performance.

COMMISSIONER COMMENTS

Commissioner Erich Ferchau moved to excuse Councilor Ed Seymour and Commissioner Bob Beda.

Commissioner Dusty Szymanski seconded the motion.

Roll Call Yes: Stu, Carolyn, Greg, Dusty, and Erich

Roll Call No:

Roll Call Abstain

Motion carried

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

- The Planning and Zoning Commission has done great job over the last year and a lot has been accomplished;

- Would like to see the LDC update completed in 2012;
- There has been a lot of discussion on the Discover Center and the project will probably move forward in 2012.

ADJOURN. Vice-Chair Greg Larson adjourned the meeting at approximately 7:38 p.m.

Greg Larson, Vice-Chair

Attest:

Andie Ruggera, Secretary