

**OFFICIAL MINUTES NOVEMBER 14, 2012  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

**7:00PM**

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<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Carolyn Riggs, Chair	X		
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Greg Larson	X		
Councilor Ellen Harriman	X		

OTHERS PRESENT: Community Development Director Steve Westbay and Planner Andie Ruggera, Jon Hauser, and Will Schoemaker.

**I. CALL TO ORDER AT 7:03 PM BY CHAIR CAROLYN RIGGS**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. UNSCHEDULED CITIZENS.** There were none.

**IV. CONSIDERATION OF THE OCTOBER 24, 2012 MEETING MINUTES.** Commissioner Greg Larson moved and Commissioner Bob Beda seconded to approve the October 24, 2012 meeting minutes as presented.

Roll Call Yes: Erich, Andy, Carolyn, Ellen, Bob and Greg

Roll Call No:

Roll Call Abstain: Erik – was not present at the October 24<sup>th</sup> meeting.

Motion carried

**V. PUBLIC HEARING – SB 12-5, AN APPLICATION BY DRAKE GUNNISON PARTNERS, LLC, TO SUBDIVIDE ONE LOT (4.8 ACRES) INTO FOUR LOTS, LOCATED IN THE COMMERCIAL ZONE DISTRICT**

**Open Public Hearing.** Chair Riggs opened the public hearing at 7:05 p.m.

**Proof of Publication** was shown for the record.

**Application Process Review.** Planner Andie Ruggera summarized the process for a Major Subdivision which is an application proposing more than eight lots or which subdivides a parent parcel of four acres or greater. Major Subdivisions are subject to a four step process:

1. review of Sketch Plan by the Planning and Zoning Commission at a public hearing;
2. review of the Preliminary Plat by the Planning and Zoning Commission at a public hearing;
3. review and recommendation of the Final Plat by the Planning and Zoning Commission (with no public hearing); and
4. action on the Final Plat by City Council (with no public hearing).

The applicant, Drake Gunnison Partners, LLC, represented by Jon Hauser, is requesting a Major Subdivision (sketch plan) application to subdivide 4.8 acres into four lots. The legal description of the site is Lot 80, Re-plat of Lot 80, VanTuyl Village Subdivision (reception number 580957).

Director Steve Westbay began reviewing the application stating the proposed subdivision is located south of VanTuyl Circle and bordered by Sydney Street and Highway 135. He continued stating

the application was straight forward with a basic concept and basic circulation for its pad sites. The internal private roads will be enforced through a declaration of covenants. The key piece in reviewing this application is the access at VanTuyl Circle and Highway 135. The City and the applicant have been working on an application to CDOT for a full movement intersection at this location. The City will be meeting with CDOT on December 5<sup>th</sup> to discuss the access permit application. The access permit application does not mandate this subdivision application. Director Westbay continued his review and discussed the review standards for subdivision approval.

**Applicant Presentation.** The applicant, Jon Hauser, addressed the Commission. He stated that he would like to develop the site into four parcels and has two specific uses for the site: the Tractor Supply Store and O'Reilly Auto Parts. Mr. Hauser continued stating the subdivision would be enforced by a declaration of covenants. Each site must meet the dimensional standards of the City's *Land Development Code* as there will not be shared parking between lots.

Mr. Hauser expressed that the access is very important to them [the developer] and the challenge will be to see CDOT's point of view. He discussed undeveloped Bowman Street and stated the original plan was to utilize the street, however, because of the expense to improve the street, other options are being explored.

**Public Input.** Chair Riggs asked for public comments. There were none.

**Staff Presentation.** Director Steve Westbay stated he didn't have anything further to present.

**Commission Discussion.** Commissioner Erik Niemeyer inquired on the landscaping on the lots and stated he noticed Lot 1 was proposed with only seven percent landscaping. Director Westbay responded, asking the Commission to not get too hung up on the proposed use and dimensional standards for the site as those site specific items will be reviewed at the staff level, when a building permit application is submitted.

The Commission discussed the estimated timeframe for the Highway Access Permit through CDOT. Director Westbay stated if issues can be settled at the December 5<sup>th</sup> meeting the permit could be completed within four weeks.

The Commission discussed the lot layout, access points and Bowman Street. Mr. Hauser stated they [the developer] would love to use Bowman Street for circulation; however, he doesn't think they can afford to improve it. Mr. Hauser told the Commission he appreciated their time and they will move forward in good faith.

**Close Public Hearing.** Chair Riggs closed the public hearing at 7:38 p.m.

#### **ACTION**

During the Planning and Zoning Commission meeting of November 14, 2012 Commissioner Greg Larson moved, Commissioner Erik Niemeyer seconded and the Planning and Zoning Commission voted to approve the Major Subdivision Sketch Plan, SB 12-5, Blue Mesa Shopping Center with 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 application is for a Major Subdivision of a 4.8 acre parcel into four lots and the proposed lot configurations comply with minimal lot size and frontage standards established by the *LDC*.
3. The Planning and Zoning Commission finds that the property is located in the Commercial zone district and that the applicant intends to follow the City development standards for this district.
4. The Planning and Zoning Commission finds that all lots are required to be served by all utilities and proper utility line sizes, and that appropriate easements for utilities and access will have to be established at Preliminary and Final subdivision review.
5. The Planning and Zoning Commission finds that an irrigation ditch that is located on the eastern portion of the property will have to be buried within the existing 15 foot easement adjoining the eastern property line.
6. The Planning and Zoning Commission finds that the applicant desires a full movement intersection at VanTuyl Circle and Highway 135 and a Highway Access Permit application has been submitted to CDOT.
7. The Planning and Zoning Commission finds that Bowman Street, located on the south boundary of the proposed subdivision, is a deed restricted parcel with the restriction mandating the real property for use as public right-of-way functions. The Planning and Zoning Commission further finds that the access as conceptually illustrated does not have appropriate alignment with Sydney Street.
8. The Planning and Zoning Commission finds that the 15 foot easement and the Highway 135 right-of-way improvements must allow for an eight foot wide sidewalk, utilities, a landscape buffer and the irrigation ditch.
9. The Planning and Zoning Commission finds that the nine review standards for subdivisions have been or will be met based on the following Conditions:

**Conditions**

1. The Preliminary Plat application shall comply with all provisions of the City's *Land Development Code*.
2. Use of Bowman Street shall comply with restrictions set forth by the deed and approved by the City Council.
3. The center of the proposed Bowman Street access way shall align with the east/west centerline of VanTuyl Circle.
4. Preliminary Plat submittal shall include plan details (plan view, sections, and profiles) as needed to adequately assess the design and development components along the Highway 135 frontage.

Roll Call Yes: Erich, Andy, Carolyn, Bob, Ellen, Erik and Greg

Roll Call No:

Roll Call Abstain:

Motion carried

**VI. COUNCIL UPDATE.** Councilor Harriman updated the Commission on recent Council business. The Council:

- approved a letter of support for the Gravity Gromm Indoor Freestyle Gravity Center Business Proposal;

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- approve a letter of support for the Cement Creek/Deadman's Gulch Trail Bridge;
- discussed the 2013 Budget, specifically grants and contracts for service;
- discussed the wireless internet connection for the Community Center;
- approved a letter of support for the 2013 USA Pro Challenge race event;
- set a public hearing for a utility rate increase for January 8, 2013 at 7:00 p.m.;
- approved a statement of opposition for the water rights on the Vista Business Center property; and,
- accepted a letter of resignation from Mayor Houck, effective January 1, 2013 and appointed Ellen Harriman as the new mayor when the resignation is effective.

**VII. COMMISSIONER COMMENTS.**

- Commissioner Ferchau thanked the Commission for excusing him at the last regular meeting; and,
- Chair Carolyn Riggs thanked staff for the copy of Chapters 4 and 5 of the draft *LDC*.

**VIII. PLANNING STAFF UPDATE.** Director Westbay updated the Commission on recent activity in the Community Development Department:

- Steve has completed the annual performance appraisals for his staff and it is a good reflection period—the staff works hard and has completed a lot of work;
- the City will meet with CDOT on December 5<sup>th</sup> regarding the Highway 50 Access Control Plan;
- the VanTuyl Ranch Eligibility Hearing will be held on Nov 27<sup>th</sup> to determine if the VanTuyl Ranch is eligible for annexation—the initial zoning hearing will be held on December 12<sup>th</sup>;
- Pam and Andie have been working on the *Non-Motorized Transportation Plan*—they conducted a survey at WSCU regarding modes and routes of travel and Andie has been doing outreach at the coffee shops; and,
- staff is processing a street deviation request submitted by Habitat for Humanity regarding their project at New York Avenue and 6<sup>th</sup> Street.

**IX. ADJOURN TO WORK SESSION.** Chair Riggs adjourned the meeting to a work session at 8:05 p.m.

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Carolyn Riggs, Chair

Attest:

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Andie Ruggera, Secretary