

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, Planner Andie Ruggera, Kathleen MacCarthy, Nathan Seward, Sara Phillips, and Deborah Callihan.

**I. CALL TO ORDER AT 7:00 PM BY CHAIR BOB BEDA**

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

**III. PUBLIC HEARING AND POSSIBLE ACTION: CONDITIONAL USE APPLICATION CU 12-2, SUBMITTED BY KATHLEEN MACCARTHY FOR THE OPERATION OF A VETERINARY CLINIC IN THE COMMERCIAL (C) DISTRICT.**

**Open Public Hearing.** Chair Bob Beda opened the public hearing at approximately 7:02 p.m.

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

**Review of Process.** Planner Ruggera gave an overview of the process of a Conditional Use application. The applicant, Kathleen MacCarthy, DVM, is requesting the operation of a veterinary clinic at 509 West Virginia Avenue which is located in the Commercial (C) district. The legal description of the property is Virginia Business Park Condos, Unit B, Reception #564384, located in Block 13, West Gunnison Addition, City and County of Gunnison, Colorado.

**Applicant Presentation.** Ms. MacCarthy addressed the Commission. She stated that she is starting to put together a veterinary practice that will have more office space and treatment facilities for special procedures, dentistry, etc.

Commissioner Szymanski asked if she is currently practicing. Ms. MacCarthy replied that she has been practicing as a mobile vet is working with someone doing large animal care.

Chair Beda asked if her practice will be a veterinary clinic or a veterinary hospital. Ms. MacCarthy replied that her accreditation is for a clinic, she may try to do a veterinary hospital down the line. Chair Beda asked what the hours of operation would be. Ms. McCarthy responded that the normal hours would be Monday through Friday from 8:00 a.m. to 5:00 p.m., but there might be occasions that customers can't leave work and an appointment might be after 5:00 p.m. There may be occasional Saturday mornings as well.

**Public Input.** Chair Beda asked if anyone from the public wished to speak.

Bill Matthews, owner of a Smith Opera House condo, stated he had received a notice in the mail. He asked a good friend, Pam Christian, about the need [veterinary clinic] and she said it would be a

good addition to the city and service to the community. He said he doesn't think there would be any issues or conflict and likes the use.

Sara Phillips – resides at 119 North 14<sup>th</sup> Street [the adobe house next door to the proposed site]. Ms. Phillips stated she is pro-business but her bedroom is about ten feet away from the proposed veterinary clinic. She asked if there would be sound mitigation for overnight care of animals. She is concerned about noise, but thinks it sounds like a great business.

Deborah Callihan, from the Gunnison Valley Animal Welfare League (GVAWL), addressed the Commission. She said the GVAWL has complete and utter support for the proposed veterinary clinic. She said the first thing Ms. MacCarthy did [when she moved to Gunnison] was contact GVAWL. She said that Ms. MacCarthy has been running around to do right by GVAWL and her business is primarily mobile. She continued by saying that Ms. MacCarthy is well-educated and she is pleased to have her in the community.

Ms. MacCarthy said that she did talk about some sound proofing with the owners of the building and they agreed something could be worked out. She said she is aware of the concerns and will work with Ms. Phillips to mitigate noise if it necessary.

**Staff Presentation.** Planner Ruggera gave an overview of the application. In 2005 a Conditional Use was approved at this site to allow a three-unit structure specifically permitting two contractors' offices. The subject site was proposed as a medical or dental office and parking requirements were based off that use. The similarities of the proposed use to a medical or dental office were discussed. A review of the staff observations and the review standards were provided.

**Commission Discussion.** The Commission discussed the hours of operation and amended the finding of fact regarding clinic hours to include flexibility for periodic after hour and Saturday activities.

Councilor Seymour said he has no concerns and thanked Ms. McCarthy for bringing her business here.

Chair Beda said that there is a veterinary clinic on South 11<sup>th</sup> and there have been no issues that we know of and that they do boarding of animals. There also used to be a vet clinic at 611 West Virginia as well. Commissioner Beda thanked staff.

Chair Beda closed the public hearing at 7:18 p.m.

### **ACTION**

During the regular Planning and Zoning Commission meeting held on April 25, 2012, Commissioner Larson moved, and Commissioner Szymanski seconded, and the Commission voted to APPROVE Conditional Use application CU 12-2, submitted by Kathleen MacCarthy, DVM for the operation of a veterinary clinic at 509 West Virginia Avenue, Unit B, located in the Commercial zone district, based on the following Findings of Fact and Condition:

#### 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 2007*.

2. The Planning Commission finds that this Conditional Use application is for the operation of a veterinary clinic in the Commercial zone district.
3. The Planning and Zoning Commission finds that a veterinary clinic is compatible with the neighborhood uses and is similar to professional service-oriented uses operating at the site in the past.
4. The Planning and Zoning Commission finds that the four off-street parking spaces required for this Conditional Use are present on the parcel.
5. The Planning and Zoning Commission finds that the clinic hours are Monday through Friday, 8 a.m. to 5 p.m. with periodic Saturday or after hour activity.
6. The Planning and Zoning Commission finds that boarding and kenneling of animals will be limited to occasional observation/hospitalization emergency cases.
7. The Planning and Zoning Commission finds that the operation of a veterinary clinic will not be a detriment to the community's health, safety and welfare as long as the following condition is fulfilled.

**Condition:** Boarding and kenneling of animals shall be limited to occasional observation/hospitalization of emergency care cases.

Roll Call Yes:                   Dusty, Stu, Bob, Greg and Ed

Roll Call No:

Roll Call Abstain:

Motion carried

#### **IV. THREE-MILE COUNTY REFERRAL, VISTA BUSINESS CENTER SUBDIVISION.**

Director Westbay gave an overview of the application and staff report. Staff has prepared a draft letter to the Gunnison County Planning Commission.

Commissioner Ferguson inquired on the proposed uses and if retail sales were a component.

Director Westbay said he doesn't see anything that raises a red flag or any retail uses.

Commissioner Ferguson said he is concerned with retail sales.

Commissioner Szymanski said he is concerned with water quality impacts and would like to drive out to the site and look at the lay of the land.

Commissioner Ferguson said that the site is very close to Tomichi Creek and would like to call the County's attention to the concern of stormwater runoff and the creation of an ISDS on each lot.

Director Westbay explained the sewer system for Gunnison Rising and said that sewer mains will extend through Gunnison Rising to Dick Bratton's house. There was a conceptual discussion about a larger line size to the RV site and then decreasing the line as it goes towards Bratton's residential area. The County may contemplate sewer lines out to the Industrial area, but the contemplated capacities on Rio Grande are restricted with the Annexation Land Use. It would be cost prohibitive and it is doubtful the County would add on to the sewer system.

Commissioner Ferguson inquired on the use of a sewer package plant on the site. Director Westbay replied that the State doesn't allow the small plants anymore.

The Commission discussed the proposed industrial uses and the availability of industrial zoned vacant land within the City limits. Commissioner Ferguson stated some of the proposed used he would not like to see within the City.

Commissioner Beda stated some of the uses don't seem like light industrial. During the Gunnison Rising Annexation there was concern of the annexation being too far out and now we are putting it [industrial uses] back out there. There were many objections in the annexation discussions of the proposed industrial area. What if uses change in the subdivision? Will the ISDS still fit the use?

The Commission discussed the draft letter to the County Planning Commission and made some revisions stating the City's concern for stormwater, buffering and screening of Highway 50, access and the opposition to retail sales.

**ACTION:** Councilor Ferguson moved and Councilor Larson seconded and the Commission voted to approve the letter to the Gunnison County Planning Commission, as amended and to authorize Chair Beda to sign the letter.

Roll Call Yes: Dusty, Bob, Stu, Greg, Ed.

Roll Call No:

Roll Call Abstain:

Motion carried

**V. CONSIDERATION OF THE APRIL 11, 2012 MEETING MINUTES.**

Commissioner Szymanski moved to approve the April 11, 2012 meeting minutes as corrected. Chair Beda seconded the motion.

Roll Call Yes: Ed, Bob and Dusty

Roll Call No:

Roll Call Abstain: Stu, Greg

Motion carried

**VI. CONSIDERATION OF THE APRIL 18, 2012 MEETING MINUTES.**

Chair Beda moved to approve the April 18, 2012 meeting minutes as corrected. Councilor Seymour seconded the motion.

Roll Call Yes: Ed and Bob

Roll Call No:

Roll Call Abstain: Dusty, Stu, Greg

Motion carried

**VII. MOTION TO EXCUSE COMMISSIONERS FERCHAU AND RIGGS.**

Commissioner Larson moved and Commissioner Ferguson seconded to excuse Commissioners Ferchau and Riggs.

Roll Call Yes: Dusty, Stu, Bob, Greg, Ed

Roll Call No:

Roll Call Abstain:

Motion carried

**VIII. UNSCHEDULED CITIZENS.** There were none

**IX. COUNCIL UPDATE.**

Councilor Seymour updated the Commission on recent Council business. The Council:

- Held interviews for City Attorney. It was an interesting process with five excellent candidates. Pending formal approval by Council, Kathy Fogo will be the City Attorney and John Schumacher will be the secondary City Attorney.
- Passed a resolution commending Jim Miles for his service as Fire Chief;
- Tweaked the VanTuyl Ranch lease after all parties came to some agreements;
  - Commissioner Ferguson said he has been walking on the VanTuyl Ranch trail and it is very pleasant and that Bill Parker and the City are doing a great job.
  - Councilor Seymour said that the fence improvements on the Ranch will eliminate a lot of issues;
- Approved an agreement with Red Cross to use the Community Center as an emergency shelter;
- Approved the use of reserve funds for street improvements: \$1 million from the General Fund for streets and alleys, \$141,000 for the Reed Street project and \$50,000 for sidewalk replacement;
  - Commissioner Larson inquired on repaving Escalante Drive for the ProCycling Challenge. Director Westbay replied that the City Public Works did patch some sections and will patch more by the Tenderfoot Daycare Center. An offer was put out to the college to cost share on repaving Escalante Drive, but the City hasn't heard anything yet.
- Jim Cochran gave an update on the Gunnison-sage Grouse. They will conduct a study early this fall for listing. They may come back to the City looking for grant money.

**X. COMMISSIONER COMMENTS.**

- Commissioner Larson stated that the report from Cathie Elliott regarding Government regulatory processes is complete. Before going public with the report, the Economic Development Council will talk to government managers and administrators.
- Chair Beda said that last weekend tons of people were using the VanTuyl Ranch trails.

**XI. PLANNING STAFF UPDATE.**

- Director Westbay said that the Council did an excellent job with the City Attorney interviews;
- Staff has been reviewing FEMA mapping;
- Staff is working on a boundary line adjustment for property east of the college;
- Staff provided Council with the *Sign Code* recommendation
- At coming meetings the P&Z discussions will be to move forward with working on the LDC.

**XII. ADJOURN.** Chair Beda adjourned the meeting at 8:15.

Attest:

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Bob Beda, Chair

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Andie Ruggera, secretary