

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, Melissa Kacel, Bret and Regina Bradfield

I. CALL TO ORDER AT 7:02 PM BY CHAIR BOB BEDA

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. PUBLIC HEARING AND ACTION: Conditional Use Application CU 12-3, Submitted by Melissa Kacel and Cannon Leatherwood to operate a food service within a trailer as a temporary commercial activity in the Commercial (C) zone district and the Central Business District (CBD).

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:03 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 is requesting approval to operate a temporary commercial activity of a food service trailer, Colorado Lucky Dog, in the Commercial zone district and the Central Business District which requires conditional use approval based on the City's *Land Development Code*. The applicants, Melissa Kacel and Cannon Leatherwood, propose the operation (Colorado Lucky Dog) at two alternative locations. The proposed locations are 1000 North Main Street (True Value) and 301 West Tomichi Avenue (north of Safeway) located within the Commercial zone district and the Central Business District respectively. The legal description of 1000 North Main Street is Lots 5 through 7, Gunnison Center Phase 1C, City and County of Gunnison. The legal description of 301 West Tomichi Avenue is Lots 21 through 24, Block 147, West Gunnison Amended, City and County of Gunnison.

Applicant Presentation. Melissa Kacel addressed the Commission. She explained that Colorado Lucky Dog is a gourmet hot dog trailer that she purchased in the past year. She is proposing to set it up at two locations and at special events.

Commissioner Ferguson said he has seen the trailer at the applicant's house and has no problem with it.

Chair Beda said a few people started out in a trailer and progressed from there; it works well and the locations [being proposed] are great locations. He said he likes the pictures of what the operation looks like.

Ms. Kacel said she is trying to support Colorado businesses. The applicant said that Delaney Keating at RoShamBo designed the graphics and the Sign Guys and Gal did the signs.

Public Input. No one was present.

Staff Presentation. Planner Ruggera reviewed the application. She said that the proposed use is compatible with the surrounding neighborhood at both locations and the hours of operation are Monday through Sunday 10 a.m. to 6 p.m. The applicants are proposing to operate at either location for a minimum two day period based on availability with planned summer events. The applicant has obtained State and City sales tax licenses. The applicant has been permitted through the Colorado Department of Public Health and Environment for “Colorado Lucky Dog, LLC.” She said that there are no conflicts with the review standards and staff had no comments.

Commissioner Ferchau inquired on why this operation is a conditional use if restaurants are allowed in Commercial and CBD.

Director Westbay stated that the operation won’t provide full facilities like other restaurants and that because it changes locations it isn’t a restaurant. The Conditional Use is to ensure the operation meets the standards of the *LDC*.

Commission Discussion. Commissioner Ferguson said some folks discovered that they do better by staying in one location. He asked if it matters if they stay at one location. Director Westbay replied that they have two locations so it doesn’t matter if they stay at one. If they wanted a different location they would have to come back to the Commission. He said that special events will be covered under the special events permit.

Commissioner Ferchau asked if they can add a third location. Director Westbay said he is hesitant to do that; a third location should be reviewed in a formal way. Commissioner Ferchau asked if there is a way to do that without coming back to the Commission. Director Westbay replied that the Conditional Use is site-specific and tied to the land not the operation. Commissioner Ferchau asked if she could come back to staff with a third site to simplify the process. Director Westbay said that would be a blanket application and does not follow the standards of the *LDC*. He said that allowing these uses as permitted in a zone district would require a text amendment to the *LDC*.

Commissioner Ferchau said that he would like to make it a more simplified process.

Commissioner Szymanski stated that this would be a good discussion for the *LDC* review.

Commissioner Riggs asked if there is a distinction between a food trailer and a food truck. Director Westbay responded that there have never been food trucks in town that he can think of and that the food truck would probably fall more into a use of public right-of-way.

Chair Beda closed the public hearing at 7:20 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on May 23, 2012, Commissioner Larson moved, and Councilor Seymour seconded, and the Commission voted to APPROVE Conditional Use Application CU 12-3, submitted by Melissa Kacel and Cannon Leatherwood for the operation of a seasonal food service trailer at 1000 North Main Street and 301 West Tomichi Avenue, based on the following findings of fact:

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 a temporary commercial activity of a food service trailer in the Commercial district and in the Central Business District.
3. The Planning and Zoning Commission finds that the hours of operation are Monday through Sunday 10 a.m. to 6 p.m. but hours may change as needs of the business change through time.
4. The Planning and Zoning Commission finds that the food service trailer will operate at either location for a minimum two day period based on availability with planned summer events.
5. The Planning and Zoning Commission finds that the food service trailer use is compatible with neighborhood uses at both locations.
6. The Planning and Zoning Commission finds that the food service trailer is operated under a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment.
7. The Planning and Zoning Commission finds that the applicant has State and City sales tax licenses.
8. The Planning and Zoning Commission finds that a food service trailer will not be a detriment to the community's health, safety and welfare.

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

Roll Call No:

Roll Call Abstain:

Motion carried

IV. PUBLIC HEARING AND ACTION: Conditional Use Application CU 12-4, submitted by Bret Bradfield for the operation of a retail sales establishment (Pawn Shop) in the Industrial (I) zone district.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:21 p.m.

Proof of publication was shown for the record.

Review of Process. Planner Ruggera stated that a retail sales establishment in the Industrial zone district requires Conditional Use approval based on the City's *Land Development Code*. The applicant is Bret Bradfield, who is requesting the operation of a retail sales establishment within the Industrial zone district. The property is located at 303 South 11th Street and the legal description is Lots 21 through 24, Block 37, West Gunnison Addition, City and County of Gunnison.

Applicant Presentation. Bret Bradfield addressed the Commission. He stated that he wants to open a pawn shop to make additional income. Commissioner Beda asked if Trader's Rendezvous is still a pawn shop. Mr. Bradfield stated Trader's Rendezvous takes some items.

Commissioner Ferguson stated that pawn shop owners have to submit a weekly report to the Police Department and must have a valid State ID.

Public Input. Chair Beda asked if there had been any input from the public. Planner Ruggera read the following letters into the public record:

A letter dated May 21, 2012 by Melanie B. Smith, stating strong opposition to the retail sales establishment.

A letter dated May 14, 2012 by Donna Phelps, stating support for the retail sales request.

Staff Presentation. The site is adjacent to retail, light industrial and residential uses. The proposed pawn shop is compatible with the surrounding neighborhood. The *LDC* requires nine off-street parking spaces for the retail sales and general service use. The site plan indicates ten spaces. Fulfillment of required off-street parking generated by the general service and retail use are dependent upon the continued lease (or ownership) of the southern property. The *LDC* requires 1,250 square feet of landscaped area, of which 750 square feet shall be live cover. The site has approximately 2,185 square feet of live cover (trees and shrubs). She stated that staff had no issues. She then summarized the applicable review standards.

Commission Discussion. Commissioner Ferguson said that this is a terrific example of taking advantage of an opportunity at a location. He said a pawn shop is a great idea and the Conditional Use is appropriate.

Commissioner Riggs said she is somewhat concerned with the Opportunity Shop and the pawn shop creating a zone and wondered if there is a potential for rezoning. Director Westbay responded that he didn't think so. He said that this is an example of a type of business that is more compatible in the Industrial zone district than the Commercial. A pawn shop doesn't have a lot of street frontage need or the tourist draw of other retail.

Commissioner Ferguson said that it is taking advantage of what we have to promote business opportunities.

Commissioner Riggs said it is a great idea, but we need to be aware of Conditional Uses popping up in Industrial areas.

Commissioner Ferchau said that this use has little impact. He asked about exterior lighting of the building. Mr. Bradfield replied that there is outdoor lighting on the building.

Chair Beda observed that this property has come full circle [used to be a junk yard] and thinks this [pawn shop] is a great thing. It is good to take opportunities around things that are in place.

Chair Beda closed the public hearing at 7:35 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on May 23, 2012, Commissioner Larson moved, and Commissioner Szymanski seconded, and the Commission voted to APPROVE Conditional Use Application CU 12-4, submitted by Bret Bradfield to operate a retail use (pawn shop) in the Industrial 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*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a retail use (pawn shop) in the Industrial zone district.
3. The Planning and Zoning Commission finds that the pawn shop is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that nine off-street parking spaces are required by the *LDC* and ten spaces are indicated on the site plan.
5. The Planning and Zoning Commission finds that off-street parking generated by the general service and retail use are dependent upon the continued lease (or ownership) of the southern property
6. The Planning and Zoning Commission finds that 750 square feet of live cover landscaping is required and approximately 2,185 square feet of trees and shrubs are located on the site.
7. The Planning and Zoning Commission finds that the retail use (pawn shop) will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITION:

1. If the lease on Lots 21 and 22, Block 37, West Gunnison is terminated; adequate parking must be provided for the uses on the parcel owned by Bradfield's. This Conditional Use shall be suspended until review by the Planning and Zoning Commission in the event the lease is terminated.

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

Roll Call No:

Roll Call Abstain:

Motion carried

V. CONSIDERATION OF THE MAY 9, 2012 MEETING MINUTES

Commissioner Riggs moved to approve the May 9, 2012 meeting minutes as presented.

Commissioner Szymanski seconded the motion.

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

Roll Call No:

Roll Call Abstain:

Motion carried

VI. UNSCHEDULED CITIZENS

There were none

VII. COUNCIL UPDATE

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

- took action on the Power Cable Injection Project Bid;
- approved the Sage Grouse Impact Study Contract for Service in the amount of \$1,000;
- appointed Councilors Harriman and Seymour to the Gunnison Valley Housing Authority;
- had the first reading of the Sign Code Ordinance. He noted that the Total Permitted Sign Area for freestanding signs in the Commercial zone district was modified to 15 square feet;
- approved a Resolution for the purchase of the Communications Center Property; and,
- heard a report from Finance Director Wendy Hanson.

Regarding the Communications Center, Chair Beda asked if the FAA regulates the towers, etc. Director Westbay responded that there is no Airport Overlay zone. Councilor Seymour said that Chuck Dotts is working closely with the County on this and that the bigger concern is solid internet connectivity. Commissioner Riggs asked what the County's responsibility is for the Communications Center. Director Westbay responded that the City supports the operation at 50% and the County, Crested Butte and Mt. Crested Butte share the other 50%. Commissioner Ferguson gave a brief history.

Councilor Seymour said that Director Westbay talked to Council about the Commission meeting of May 9th and the discussion concerning economic development. Councilor Seymour said that the Council feels that right now it makes sense for the Commission to stay focused on the *LDC* and that it might be a better use of time. He said that the Economic Development Council is a more appropriate body to address the issue.

VIII. COMMISSIONER COMMENTS

Commissioner Szymanski said that this might be his last meeting. Councilor Seymour said that City Council re-advertised the vacancies and it will most likely be a month before appointments are made by Council.

Commissioner Ferchau asked about Steve's idea of getting a large retail representative in to talk to the Commission and stated he assumes we are still getting some representatives to Gunnison. Commissioner Szymanski observed that it sounds like the Commission was given different direction by Council. Commissioner Ferchau said he posed the question again two weeks ago. Director Westbay said it should be open to other business types.

Commissioner Ferchau said it helps us understand economic development for our businesses. Councilor Seymour said that he thinks if someone came in from a large retail firm that would be ok. Commissioner Larson said it would be better to address design standards before an applicant comes in. The Commission should get the information beforehand to be better educated.

Commissioner Szymanski said this is very reminiscent of the discussion two weeks ago and asked Director Westbay what transpired at City Council. Director Westbay said that he discussed two topics with Council: the land use elements of large scale retail and an Economic Development Summit. Council felt it is appropriate for the Commission to deal with the land use piece. He said if it is the Commission's wish to get a consultant for large retail, Council would see that as

appropriate, but nothing broader. Councilor Seymour said if the Commission is discussing big box standards and someone [from a large scale retail firm] came in, it would be ok.

Chair Beda said there should be an exit strategy.

We can make all the policy we want, for example the stipulation of windows on the front of the building, but we need to make sure things are not onerous.

Commissioner Szymanski agreed that hearing from industry experts would be beneficial, he just wanted to be sure what Council wants. The Commission should spend time on developing standards.

Commissioner Ferguson said there is benefit to ask questions up front before applications come in.

Commissioner Larson said that economic development is outside the parameters of the Planning Commission.

Commissioner Riggs inquired about the cost to obtain outside professionals to attend a work session with the Commission. Councilor Seymour asked Commissioner Ferchau who he contacted. Commissioner Ferchau replied that he contacted Target and Wal-Mart and they said they would come [to a meeting with the Commission]. They recognize there are issues but asking ahead of time they saw as a favor for public relations.

Commissioner Ferguson said the Commission needs to keep a focus on what is working [design standards].

Director Westbay asked Commissioner Ferchau if he has the contact information. Commissioner Ferchau said the Commission should draft questions and ideas. Commissioner Larson said that staff should give them the existing code and attach the PUD Standards for Gunnison Rising. Commissioner Ferchau said that if we are bringing in people from out of state we need to be prepared.

Commissioner Riggs asked at what point are we soliciting? It feels like we are. Commissioner Larson stated we don't have a lot of experience with large retail standards. Chair Beda stated we are only soliciting information. Commissioner Larson stated it is no different than the Sign Code and soliciting businesses for their input.

Commissioner Szymanski said it would be helpful to have them come in and answer questions.

Director Westbay offered his assistance in drafting a letter and compiling information for large retail representatives.

Commissioner Szymanski stated that he wants the letter to be clear that we are not soliciting and anticipates good questions drafted in the letter. He said it would be wise for the Commission to take this step-by-step and decide if this code is still what we want to do. He said that large retail stores [Target, Wal-Mart and others] may have standards in writing.

Commissioner Ferguson said that Commissioner Riggs made a good point – we don't want to give the impression of solicitation.

Councilor Seymour asked what's next [in the *LDC*]. Director Westbay replied that the next section is Natural Resources. He said that the City Council message was for the Commission to move on with revising the *LDC*.

- IX. PLANNING STAFF UPDATE.** Director Westbay updated the Commission on recent activity in the Community Development Office:
- Staff has been doing some background work for Gunnison Rising including a boundary line adjustment and a text amendment to amend the square footage for commercial uses in the CM (Commercial / Mixed Use) district;
 - Staff has drafted an updated to the *Trails Master Plan*;
 - He met with the Colorado Division of Parks and Wildlife (CPW) and they are still talking about the Discovery Center;
 - Last week staff worked on a grant with the CPW and the Gunnison Basin Roundtable of the Colorado Water Conservation Board (CWCB) for river restoration adjacent to the VanTuyl Ranch. The screening committee endorsed the application so it will be considered by the CWCB at their June meeting.
 - Stage One fire restrictions are in place.
- X. ADJOURN.** Chair Beda adjourned to a Work Session at 8:25.

Bob Beda, Chair

Attest:

Andie Ruggera, Secretary

