

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 2/3/2012**

**DATE: WEDNESDAY, FEBRUARY 8, 2012
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

- 7:00pm**
- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE TO THE FLAG**
 - III. CONSIDERATION OF THE JANUARY 25, 2012 MEETING MINUTES**
 - IV. UNSCHEDULED CITIZENS**
 - V. COUNCIL UPDATE**
 - VI. COMMISSIONER COMMENTS**
 - VII. PLANNING STAFF UPDATE**
 - VIII. ADJOURN TO WORK SESSION**

WORK SESSION

- I. DISCUSSION OF THE VANTUYL RANCH ANNEXATION APPLICATION**
- II. DISCUSSION OF EXISTING SIGN CODE ENFORCEMENT**

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**

THIS PAGE INTENTIONALLY LEFT BLANK

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 - after consideration of minutes		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Navid Navidi, Vicki Roach Archuleta, Larry Meredith, Ellen Harriman

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE JANUARY 11, 2012 MEETING MINUTES

Commissioner Carolyn Riggs moved to approve the January 11, 2012 meeting minutes with a date correction. Commissioner Stu Ferguson seconded the motion.

Roll Call Yes: Erich, Bob, Stu and Carolyn

Roll Call No:

Roll Call Abstain: Greg – was not present at the January 11th meeting.

Motion carried

IV. VANTUYL RANCH ANNEXATION PETITION AND APPLICATION

Director Steve Westbay gave an overview of the Annexation Petition and Application stating that much of the application is based off the *VanTuyl Ranch Management Plan*. He explained that the *VanTuyl Ranch Management Plan* is a sub-area plan of the *City of Gunnison Master Plan*. Steve described the *Master Plan* as the blueprint for land use and the key document for moving the annexation forward.

City Council signed off on the petition and approved the process to move forward with the annexation application in November, 2011. Steve gave an overview of the three-phase process for annexation and stated that the process is driven by Colorado State Statutes. The application is in the first phase, initial scoping, and the application document was routed to City departments and applicable agencies for review. Notices were also sent to property owners adjacent to the VanTuyl Ranch.

Steve stated the application review with the Planning and Zoning Commission is this meeting and a joint meeting with the Planning and Zoning Commission and City Council is scheduled for March 7, 2012. The second phase, Impact Report and Final Scoping, follows the same process as phase one. During the final phase City Council reviews the annexation application concurrent with the Planning and Zoning Commission review of the PUD Zoning application. If City Council determines the application substantially complete and it meets the eligibility requirements two ordinances would be approved: one for the annexation and the other for the PUD zoning.

Director Westbay gave an overview of the project and discussed the allowed land uses, utilities and possible traffic impacts from development. Allowed land uses on the ranch include: Habitat

Protection, Agriculture Operations, Snow Storage, Public Facilities (10± acres of the Ranch), and a Library. Steve stated utilities are located adjacent to the library and public facilities site and minimal service lines would be required.

Commissioner Ferchau stated he knows that land use was talked about previously and inquired if the allowed land uses [as defined in the *VanTuyl Ranch Management Plan*] could be changed.

Director Westbay stated the land uses may be modified and suggested if land uses were to be changed that the management plan be amended at the same time as the review of the annexation application.

Commissioner Riggs inquired on dedication of the three County roads adjacent to the Ranch. Steve stated the main reason the City does not wish dedication of County Roads 13, 14 and 15 is that one side of each road is adjacent to the Ranch and the other side serves unincorporated Gunnison County. The City would want dedication of the roads if properties on both sides of the road were going to be annexed.

Commissioner Riggs asked why the City should annex the ranch. Steve replied that ranch management and annexation of the property is incorporated into staff work plans and the *Master Plan* and the *VanTuyl Ranch Management Plan* both give direction to annex the property. Annexing the ranch would also give the City control to manage the property without seeking County approval and allows for City policing and enforcement.

Larry Meredith, representing the Library Board, stated he has been working with the architect and Steve Westbay. Mr. Meredith stated the Library Board as a whole has not looked at the document in detail. He stated the Board did have some questions and will meet in a week to take a better look at the document. Mr. Meredith thanked the Planning and Zoning Commission and Staff for all their work.

Navid Navidi stated he owns property adjacent to the Ranch on County Road 13 and has resided there since 1994. Mr. Navidi stated he has several concerns regarding the proposed land uses. He stated some [concerns] have to do with the view and how traffic and parking will impact the neighbors. He stated the following:

- The City put a trail on the Ranch and it increased human activity which has resulted in lots of weeds;
- A 10 acre site is proposed as public facilities on a land area that has already been ruined by existing snow storage. The proposed snow storage area is moved further to the north and would ruin more hay producing land;
- When the City develops new structures, that are not necessary, the City has to maintain them using tax dollars;
- He doesn't like the dog park; there is no need for it. There is open country all around Gunnison;
- He understands that people are asking for these [public facilities] services, but why are they being duplicated when we already have these services within the City;
- Doing less on the Ranch is more;
- People are asking for access to public lands when we already have access;
- Who is going to clean the dog park; and

- He sees an encroachment to Bill Parkers operation and he doesn't think the City should impact his business.

Commissioner Erich Ferchau asked Mr. Navidi, in the spirit of economic growth, what he feels is the appropriate use for the Ranch. Mr. Navidi replied that it needs to remain an agricultural use as it is now and that it is an important view shed for a lot of people.

Commissioner Stu Ferguson stated he is in walking distance of the Ranch and walks his dog on a leash. He stated there was huge community input to develop the management plan. It is just a guideline or vision with some flexibility in uses and the plan is not cast in stone. The plan sets the tone and proposes to keep as much land as open space as possible. Stu stated that Mr. Navidi's points are heard and that we all agree that the intent [for the Ranch] is to keep as much open space as possible.

Director Steve Westbay stated the Planning and Zoning Commission needed to discuss how they want to move forward and prepare for the joint meeting with City Council scheduled for March 7, 2012. The Commission discussed proposed uses and zoning on the Ranch. Steve suggested the Commission read through the zoning and development standards section of the staff report and focus on the guideline statements and staff observations for discussion at the next meeting.

V. UNSCHEDULED CITIZENS. There were none

VI. COUNCIL UPDATE. Councilor Ed Seymour updated the Commission on recent Council business:

- Council was updated on the Crested Butte Mountain Resort new ski terrain;
- Listened to an update from the Upper Gunnison River Conservancy District;
- Passed a resolution supporting the Creative District Designation;
- Discussed Council's list of priorities;
- Held a public hearing regarding Text Amendment ZA 11-3 for retail sales establishments in the Industrial district, subject to Conditional Use review; and
- Council took action on releasing funds for budget Contracts for Service and Continuing Challenge Grants.

VII. COMMISSIONER COMMENTS

Commissioner Greg Larson moved to excuse Commissioner Dusty Szymanski from the January 25th meeting. Commissioner Stu Ferguson seconded the motion.

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

Roll Call No:

Roll Call Abstain

Motion carried

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

- Staff has been working on an Emergency Operation Plan;
- Steve has been working on the lighting code; and
- The Text Amendment to allow retail sales, under Conditional review, in the Industrial district is moving forward.

IX. ADJOURN TO WORK SESSION. Chair Beda adjourned the meeting at approximately 8:55 p.m.

Bob Beda, Chair

Attest:

Andie Ruggera, Secretary

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: February 8, 2012
RE: VanTuyl Ranch Annexation – Initial Scoping Comments

A joint meeting with the Planning and Zoning Commission and City Council is scheduled for March 7, 2012. Under the City’s annexation policy this joint meeting is required as part of the Initial Scoping Review process and its purpose is to establish a list of comments regarding the proposed annexation application.

The following list of comments has been compiled by the Community Development Department staff. The Planning and Zoning Commission is requested to review this list and be prepared to discuss any changes that may be warranted.

- The City Council and the Library Board will initiate discussions regarding the annexation agreement contents and street improvement recommendations proposed by City staff. Final annexation agreement content must be mutually established by both parties prior to the annexation and zoning ordinance approvals. Procedure efficiency will be gained if this negotiation process begins sooner rather than later in the review process.
- Section 4.0.4.C (General Development Standards) of the PUD zoning will be amended by including a statement addressing the ranch and agriculture lease. Specifically, the PUD only permits agriculture uses, it does not set forth agriculture management directives. The agriculture lease document will set forth agriculture management details.
- Municipal Code regulations controlling weeds and dogs are not sufficient to address recreation and agriculture activities at the ranch, and other lands in the City used for agriculture operations. Nuisance regulations (Section 5.30) and Animal Control regulations (Section 5.40) in the Municipal Code need to be updated to address existing shortfalls. These amendments should not be a reason to delay annexation, but they are very relevant to future management of the ranch and other agriculture uses within the City limits.
- A land-locked parcel owned by Mr. Dick Sweitzer exists on the western edge of Char-Mar Park. Mr. Sweitzer offered to work with the City to quit-claim the parcel to the City. This action item has no direct relationship to the annexation process but is an important housekeeping chore to be completed.
- Annexation Application, Section 4.04.C.5 (Parking Requirements). The last sentence of this Section will be deleted. The sentence is not a standard and is not necessary and reads as follows:
“Specifically, there is an opportunity for the Library and the Community School to provide parking needs for the trail head, and coordinating appropriate agreements between the City and these parties is considered an important strategy to be implemented.”
- Mr. VanTuyl gifted the library site to the County with a deed restriction. The deed restriction (Reception # 572456) reads as follows:
The Property herein is conveyed to the County upon the covenant, condition, and restriction that the Property (i) shall be owned only by the County, or a library board or library district duly established pursuant to statute, and (ii) shall be used only as a public library and any ancillary uses incidental thereto or for other

public uses of the Property that are complementary to and do not interfere with the use of the Property as a public library.

Section 4.04.D.1 (PUD Library District) of the Annexation Application sets forth the permitted uses for the library parcel. Pursuant to a request from the Library Board, this section will be amended to reflect the specific use language contained in the original deed from Mr. VanTuyl to the County.

- The City Attorney has reviewed the Annexation Petition and the Annexation Map. He has directed that the annexation legal description be amended. The legal description amendment will include the distinct legal descriptions of the Library parcel and the City owned ranch property, which is consistent with statutory requirements for the annexation survey. Surveyor Tim Pearson is working on this legal description amendment.

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: February 8, 2012
RE: Existing Sign Code Enforcement

During the past couple of months there has been a proliferation of message boards being used by businesses in the City. This has led to difficulty in administration of the sign code because the existing regulations have ambiguous directives. This memorandum provides a summary of existing sign code regulation conflicts and discusses the options being considered by staff to address the situation.

Three definitions in the existing sign code play into the code's interpretation (LDC 15.100.030).

- *Changeable Copy Sign means a sign on which the message changes, either manually or automatically, on a lamp bank or through mechanical or electronic means.*
- *Flashing Sign means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention, excluding changeable copy signs.*
- *Moving or Flashing Signs mean signs which are designed to move, or have parts designated to move, or which have parts that appear to move, or flashing signs. Signs or sign parts which are inadvertently moved by wind or changeable copy signs, including time-and temperature displays, are not prohibited.*

Section 15.100.040.H (Prohibited Signs) of the LDC prohibits "...*Moving or flashing signs (except as noted in the definition of "moving or flashing signs" in the GMC 15.100.030).*"

The conflicting interpretation is rooted in the "prohibited" statement and its exception clause, and the definition of "Moving or Flashing Signs." Historically, staff has interpreted the exception clause to be directed at the signs such as those found on the Bank of the West building and the Gunnison Bank and Trust building, which display time-temperature and community events, but do not advertise the business.

The existing sign code ambiguities and the proliferation of electronic message centers leaves the zoning administrator in a tenuous situation. There are three action options that are being considered by staff in regard to this situation. First, the existing sign code may be enforced using the historic interpretation that such signs are allowed if they display only time and temperature, and do not include business advertisement messages. Second, a Text Amendment to the LDC is initiated to repeal the existing sign code and replace it with the draft sign code that has been developed. Third, the staff can assess the existing sign code and determine whether or not its intent is to allow advertising messages for the said business.

At this point in time it seems that the most efficient course of action is to move forward with the Text Amendment option.