PLANNING AND ZONING COMMISSION
APRIL 25, 2012 MEETING PACKET
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AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 4/20/2012

DATE: **WEDNESDAY, APRIL 25, 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. 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

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

V. CONSIDERATION OF THE APRIL 11, 2012 MEETING MINUTES

VI. CONSIDERATION OF THE APRIL 18, 2012 MEETING MINUTES

VII. UNSCHEDULED CITIZENS

VIII. COUNCIL UPDATE

IX. COMMISSIONER COMMENTS

X. PLANNING STAFF UPDATE

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

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STAFF REPORT
CONDITIONAL USE
Kathleen MacCarthy – 509 West Virginia Avenue

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: April 25, 2012
RE: Conditional Use Application CU 12-2, Veterinary Clinic

CODE PROVISIONS

The City's *Land Development Code (LDC)*, Section 15.70.030 states that a veterinary clinic requires a Conditional Use permit to operate in the Commercial (C) district. Conditional Uses are those land uses that are generally compatible with the permitted uses in a zone district, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

The *LDC* Section 15. 130.020D specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification.

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. The applicants' narrative states:

> *Gunnison Valley Veterinary Clinic, LLC is a newly established business that will provide veterinary services to the citizens of Gunnison and surrounding communities. Gunnison Valley Veterinary Clinic will offer in-home and office appointments. We intend to use the space at 509 W. Virginia to provide out-patient services including health care exams, dentistry, and surgical procedures which require specialized equipment and sanitary conditions that cannot be easily obtained outside of a hospital setting. The use of this space is consistent with the city of Gunnison Master Plan as the property lies within the appropriate Zoning District Standards for Commercial properties approved for veterinary use. The site contains adequate parking, well-manicured landscaping, and appropriate signage for the commercial complex. Use of the site for small-animal veterinary services is compatible with the neighboring Gunnison Valley Animal Welfare League and Gunnison Valley Health offices. Traffic congestion and dangerous traffic conditions will not exist because four on-site parking spaces are available with additional parking available along W. Virginia Avenue. It is anticipated that only one appointment will be scheduled every 30 minutes, alleviating any potential traffic congestion. Operation of the facility will not create nuisance or disruptive conditions. Hours of operation will follow typically business hours (8am – 5pm, M-F). The facility will not be used for boarding or kenneling however occasional observation/hospitalization of emergency cases may require overnight care. Sterility of the veterinary office and equipment, and sanitary grounds maintenance are of the utmost importance for maintaining proper biosecurity and human-animal health and safety*

standards. The facility is a level one-story facility with adequate public access to handle the proposed use. No deterioration of the environmental resources on site will be caused by the proposed use of the facility.

SITE ASSESSMENT

The subject site is located on West Virginia Avenue in the Commercial zone district. The site contains four units: single-family adobe home (adjacent to the alley), two contractors' offices and the unit for the proposed veterinary clinic. The proposed unit is accessed off Virginia Avenue and has four off-street parking spaces dedicated to that unit.

Surrounding uses include a single-family residence and a vacant structure to the north in the Multi-family Residential (R-3) zone district, professional offices to the west, a single-family residence and auto repair to the east, and a single-family residence, auto repair and commercial retail to the south.

In 2005 a Conditional Use was approved for this site to allow a three-unit structure specifically permitting two contractors' offices (CU 05-1). The subject unit was proposed as a medical or dental office and parking requirements were based off that use (four off-street parking spaces). A veterinary office is similar in function to a medical or dental office in regard to hours of operation, customer flow and traffic patterns. Since the construction and occupation of the structure there have been no access or traffic issues.

DEPARTMENTAL COMMENTS:

Building Official: No issue.
Fire Marshal: No issue.
Parks and Recreation Department: No issue.
Police Department: No issue.
Public Works Director: No issue.
City Engineer: No issue.
Water and Sewer Superintendent: No issue.
Electric Superintendent: No issue.

STAFF OBSERVATIONS

1. The applicant is requesting a veterinary clinic in the Commercial zone district, which requires Conditional Use approval based on the City's *Land Development Code*.
2. A veterinary clinic is similar in use to a dental or medical office.
3. Surrounding uses include professional offices, single-family residences, contractors' offices and automobile repair.
4. A small-animal veterinary clinic is compatible with the surrounding neighborhood.
5. Parking requirements generated by this Conditional Use are met on the proposed site.
6. The clinic may have occasional observation/hospitalization of emergency cases requiring overnight care. It is unlikely the occasional overnight stay will cause any noise nuisance.

REVIEW STANDARDS

The LDC (Chapter 15.130.050) contains the following seven specific standards that must be met for a Conditional Use application to be approved:

A. Consistency with Master Plan. The use shall be consistent with the City of Gunnison Master Plan.

No Conflict:

Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Sprawl will be avoided through effective infill and compact growth. Residential, commercial and industrial land uses are appropriately located and interspersed with parks and open space, providing a balanced environment in which to live, work and play.

Chapter 5, Land Use and Growth, Policy 1.4: Amend standards to encourage mixed use developments and modify the *Land Development Code* accordingly.

Chapter 7, Economics, Goal: A diversified local economy will support the economic and employment needs of residents and account for social character, land use patterns and global economic and global energy concerns.

Chapter 7, Economics, Goal: Assure attractive and financially strong commercial zone districts.

Chapter 7, Economics, Policy 3 – Sustainable Businesses: Encourage independent businesses that do not rely on the importation of goods or services.

B. Conformance to Code. The use shall conform to all other applicable provisions of this Land Development Code including but not limited to:

a. Zone District Standards: The purpose of this zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article 7, Use and Dimensional Standards.

No Conflict: The purpose of the Commercial zone district is to provide for commercial and service businesses in a pattern that allows ease of access by both vehicles and pedestrians. The subject site was granted a Conditional Use application in 2005 and Unit B was originally proposed as a medical or dental office. A veterinary clinic is similar in use to a medical or dental office.

b. ***Site Development Standards: Parking, Landscaping, sign and improvements standards.***
No Conflict: The *LDC* requires one off-street parking space per 300 square feet for a professional service office and four spaces are dedicated to Unit B. The site provides sufficient on-site parking and landscaping.

C. ***Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.***
No Conflict: A small-animal veterinary clinic on this site is compatible with the surrounding neighborhood. The 2005 Conditional Use application proposed this unit as a medical or dental office. A veterinary clinic is a similar use in regard to hours of operation, customer flow and traffic patterns.

D. ***Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.***
No Conflict: The additional traffic from a veterinary clinic will not be enough to cause traffic congestion or dangerous traffic conditions. Up to two appointments per hour are proposed for the veterinary clinic. The proposed use is similar with past professional service uses.

E. ***Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.***
Possible Conflict: It is unlikely a small-animal veterinary clinic would produce noise. Hours of operations are Monday through Friday, 8am to 5pm, however, there may be occasional observation/hospitalization of emergency cases that require overnight care. Kenneling will not be a primary function and impacts are anticipated to be minimal.

F. ***Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.***
No Conflict: The proposed veterinary clinic facilities meet the *LDC* development standards.

G. ***Environment. The use shall not cause significant deteriorations to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.***
No Conflict: The proposed use should not have adverse impacts on the environment.

ACTION
During the regular Planning and Zoning Commission meeting held on April 25, 2012, Commissioner _____ moved, and Commissioner _____ 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:

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 am to 5 pm.

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:

1. Boarding and kenneling of animals shall be limited to occasional observations/hospitalization of emergency care cases.

Application Fact Sheet
City of Gunnison Land Development Code
Minimum Application Contents
In Accordance With 15.120.030 C.

City of Gunnison
P.O. Box 239
Gunnison, CO 81230
(970)641-8090

Applicant Name(s): Kathleen MacCarthy DVM

Phone #: 970-222-3565 **Fax #:** 970-315-3589 **E-Mail:** kmseward@gunnisonveterinary.co

Mailing Address: 402 Sierra Vista Way

City: Gunnison **State:** CO **Zip:** 81230

Summary of Request:

Disclosure of Ownership- Please provide one of the following:

☑ Assessor Parcel Info ☐ Mortgage ☐ Deed ☐ Judgments

☐ Liens ☐ Contract ☐ Easement Agreement ☐ Other Agreements

Legal Description

Site Address of Property: 509 W. Virginia Unit B Zoning commercial

Block:____ Lot(s):____ Addition:____

Attachments: ☑ Vicinity Map (8.5"X11") ☑ Written Narrative/Description of Proposal

☑ Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)

☐ Vested Property Rights ☑ Letter/Authorization of Agent (from Owner if not applicant)

☑ Site Plan (11"x17") **to scale**, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4. (See attached sample)

YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION

Signature(s) Kathleen MacCarthy, DVM Date 3/28/12

Date

For Office Use Only

☒ Conditional Use ☐ Variance ☐ Zoning Amendment

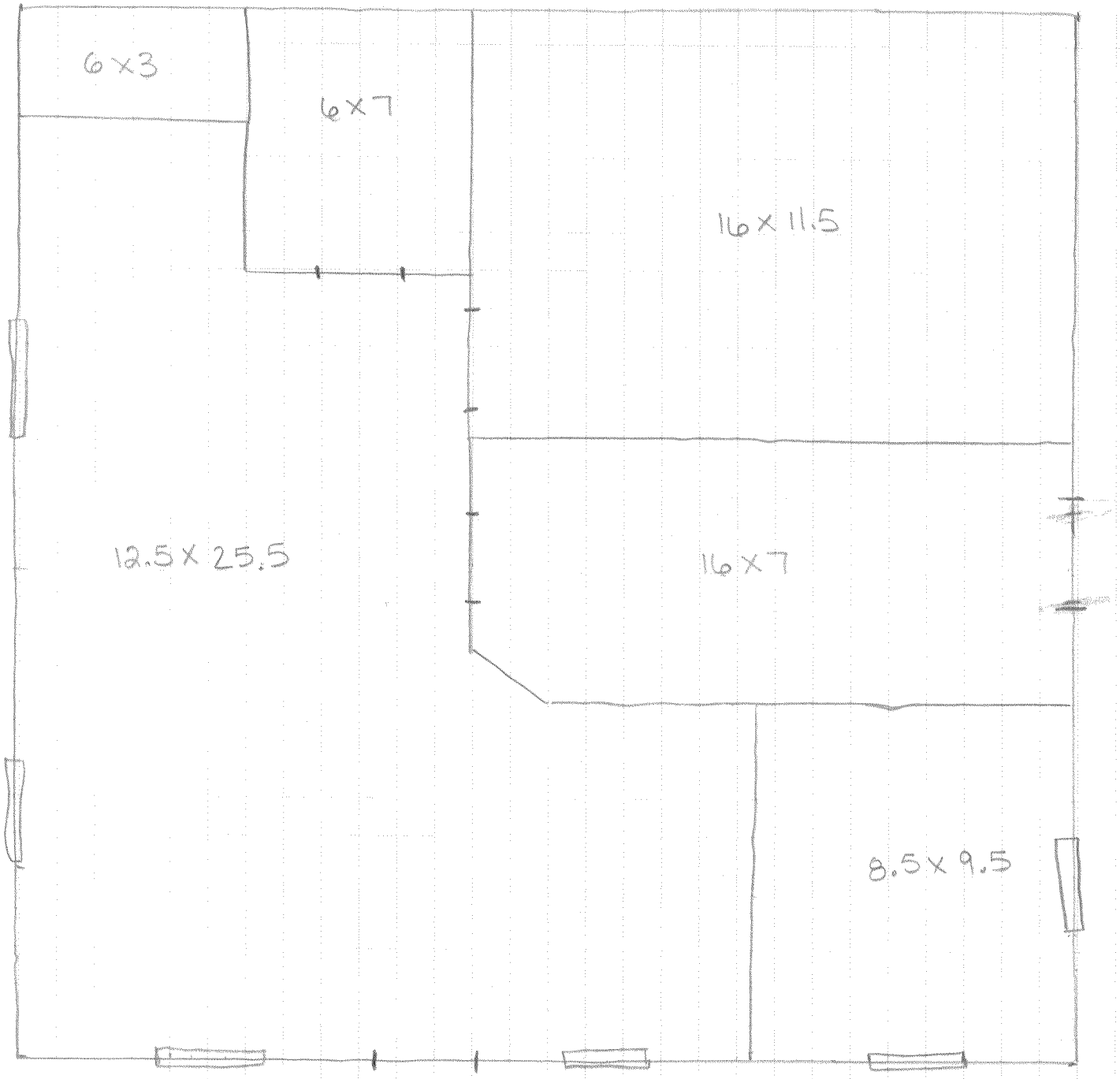
☐ Major Subdivision ☐ Minor Subdivision ☐ Subdivision Exemption

☐ Mobile Home/RV Park ☐ PUD ☐ Vacation

☐ Consolidated Application

Description of Proposal

Gunnison Valley Veterinary Clinic, LLC is a newly established business that will provide veterinary services to the citizens of Gunnison and surrounding communities. Gunnison Valley Veterinary Clinic will offer in-home and office appointments. We intend to use the space at 509 W. Virginia to provide out-patient services including health care exams, dentistry, and surgical procedures which require specialized equipment and sanitary conditions that cannot be easily obtained outside of a hospital setting. The use of this space is consistent with the city of Gunnison Master Plan as the property lies within the appropriate Zoning District Standards for Commercial properties approved for veterinary use. The site contains adequate parking, well-manicured landscaping, and appropriate signage for the commercial complex. Use of the site for small-animal veterinary services is compatible with the neighboring uses and may enhance the mixture of immediate uses because of its proximity to neighboring Gunnison Valley Animal Welfare League and Gunnison Valley Health offices. Traffic congestion and dangerous traffic conditions will not exist because four on-site parking spaces are available with additional parking available along W. Virginia Avenue. It is anticipated that only one appointment will be scheduled every 30 minutes, alleviating any potential traffic congestion. Operation of the facility will not create nuisance or disruptive conditions. Hours of operation will follow typically business hours (8am – 5pm, M–F). The facility will not be used for boarding or kenneling however occasional observation/hospitalization of emergency cases may require overnight care. Sterility of the veterinary office and equipment, and sanitary grounds maintenance are of the utmost importance for maintaining proper biosecurity and human-animal health and safety standards. The facility is a level one-story facility with adequate public access to handle the proposed use. No deterioration of environmental resources on site will be caused by the proposed use of the facility.



29' x 29.3'

Sq.ft.: 850

1 blk = 1 sq.ft.

AUTHORIZATION OF AGENT

I/We, the undersigned owner(s) of the following described real property located in the City of Gunnison, Colorado, hereby authorize the following individual(s):

Kathleen MacCarthy, DVM 402 Sierra Vista Way 970-222-3565
Name Address Phone

to act in my/our behalf concerning the application for action under the Land Development Code of the City of Gunnison.

Legal description and street address of the property for which application is being made:
509 W. Virginia Unit #2, Gunnison, CO. 81230

Type(s) of permit applied for:

1) Conditional Use Permit 2) _____

3) _____ 4) _____

FIRST OWNER OF RECORD:

Futures Real Estate & Land Ventures, LLC
Printed Name of Property Owner

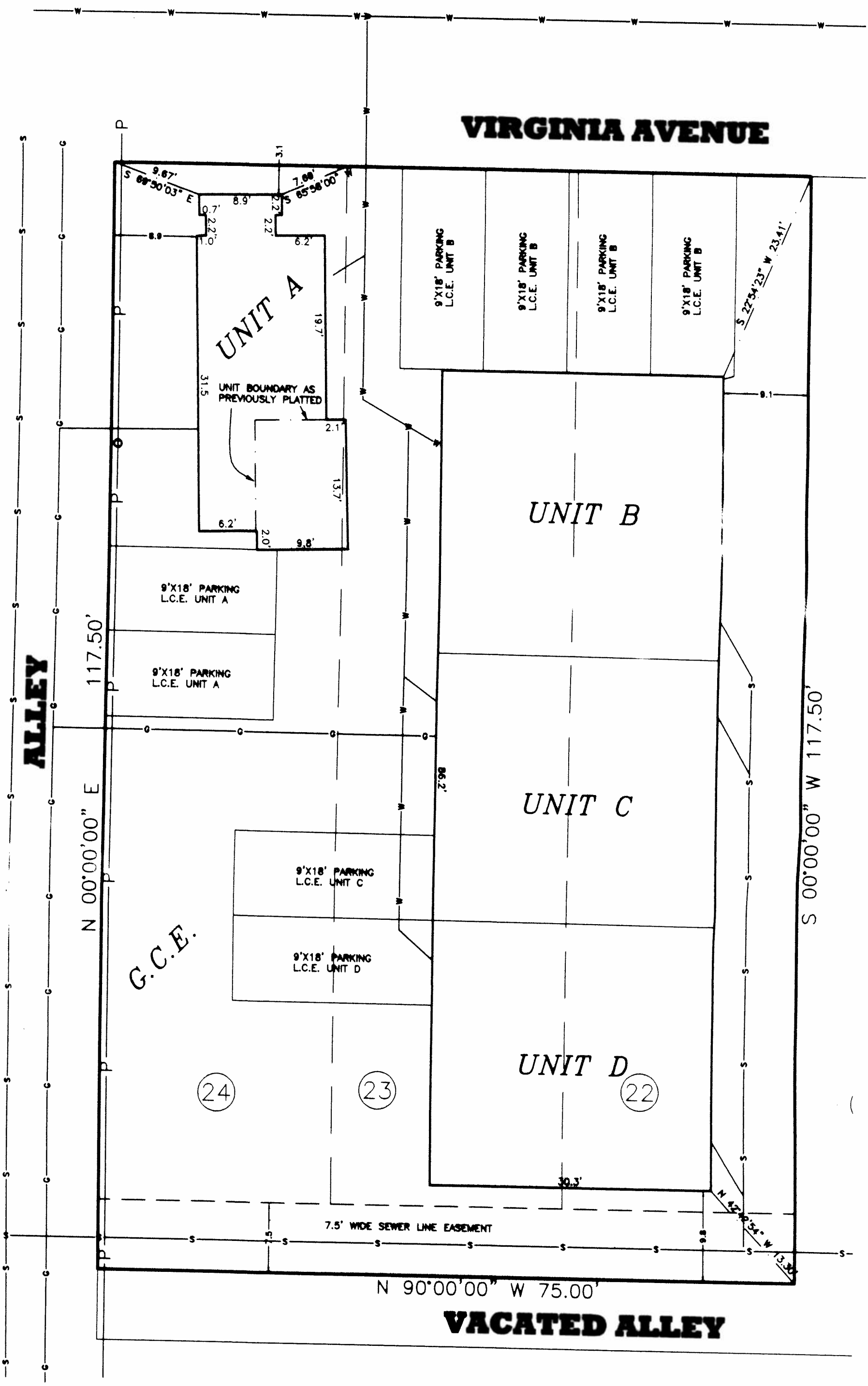
Mark D. Pike 3-2-12
Signature of Property Owner Date

SECOND OWNER OF RECORD:

Futures Real Estate & Land Ventures, LLC
Printed Name of Property Owner

3-2-12
Signature of Property Owner Date
Steve Pike

rev 12/08
Approved by the City Attorney



LEGEND

G.C.E. General Common Element
L.C.E. Limited Common Element

Certified Mailings of the Legal Notice
Were Sent to the Following Adjacent Property Owners:

A. Janice Welborn
508 W. Virginia Avenue
Gunnison, CO 81230

B. Earl Partsch
301 S. 2nd Street
Gunnison, CO 81230

C. Harold Yale
1350 County Road 17
Gunnison, CO 81230

D. Douglas Engel
508 West Tomichi
Gunnison, CO 81230

E. Sara Phillips
119 N. 14th Street
Gunnison, CO 81230

F. Futures Real Estate and Land Ventures
734 Elk Ranch Lane
Fort Collins, CO 80524-8342

G. Patricia White Special Needs Trust
5368 county Road 46
Johnstown, CO 80534-9160

Gary Shondeck
342 Meadowlark Trail
Gunnison, Co 81230

William Matthews, III
114 N. Boulevard, Suite 105
Gunnison, CO 81230

Ellyn Houghton
76 Kubler Street
Crested Butte, CO 81224-9683

Cynthia Mount
406 Crocus Road
Gunnison, CO 81230

Velocity Property, LLC
P.O. Box 294
Gunnison, CO 81230

Kurt Pederson
2445 Shavano Circle
Montrose, CO 81401-9843

Edward Howard
114 N. Boulevard, Suite 204
Gunnison, CO 81230

D Sanchez, LLC
P.O. Box 7152
Gunnison, CO 81230

Thompson Family Trust
1990 Emerald Drive
Longmont, CO 80504-7775

Walter Keith
14255 County Road 730
Gunnison, CO 81230

STAFF REPORT
Three-Mile County Referral
Vista Business Center Land Use Change

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: April 25, 2012

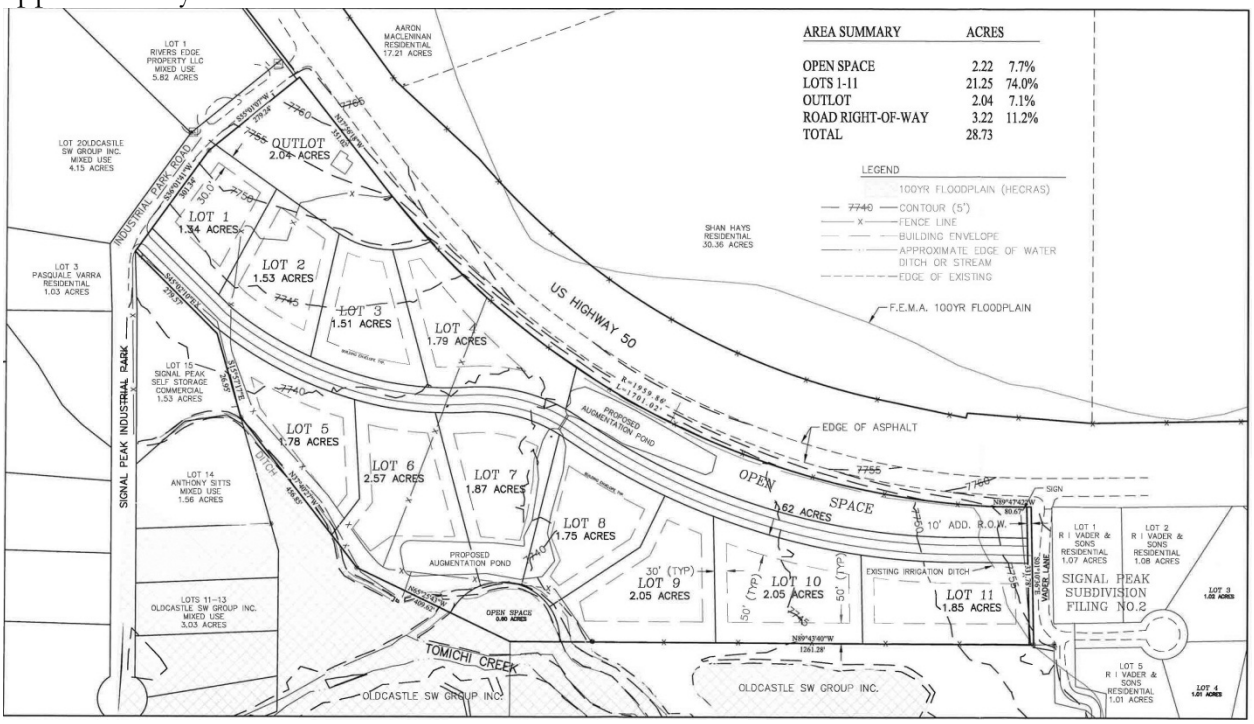
PROCESS

The *Three Mile Plan/Urban Growth Boundary Intergovernmental Agreement* (IGA) specifies the procedure for the review of projects within the Three Mile Planning Boundary and the Urban Growth Boundary. Procedures for such review are outlined in Section III, B.a. of the IGA.

The IGA states "The County Planning Staff shall provide the City Planning Staff with a copy of the complete submittal package at least thirty (30) days prior to the initial action on the application. The City shall provide any comments … at least 5 days prior to the first scheduled hearing…The decision as to whether to review the Proposed Development Application and whether it shall be reviewed by the City Planning Staff, the City Planning Commission, or the City Council, or some or all other groups, shall be at the discretion of the City; provided however that all Major Impact Proposed Development Applications shall be reviewed by the Technical Review Committee."

Project Description.

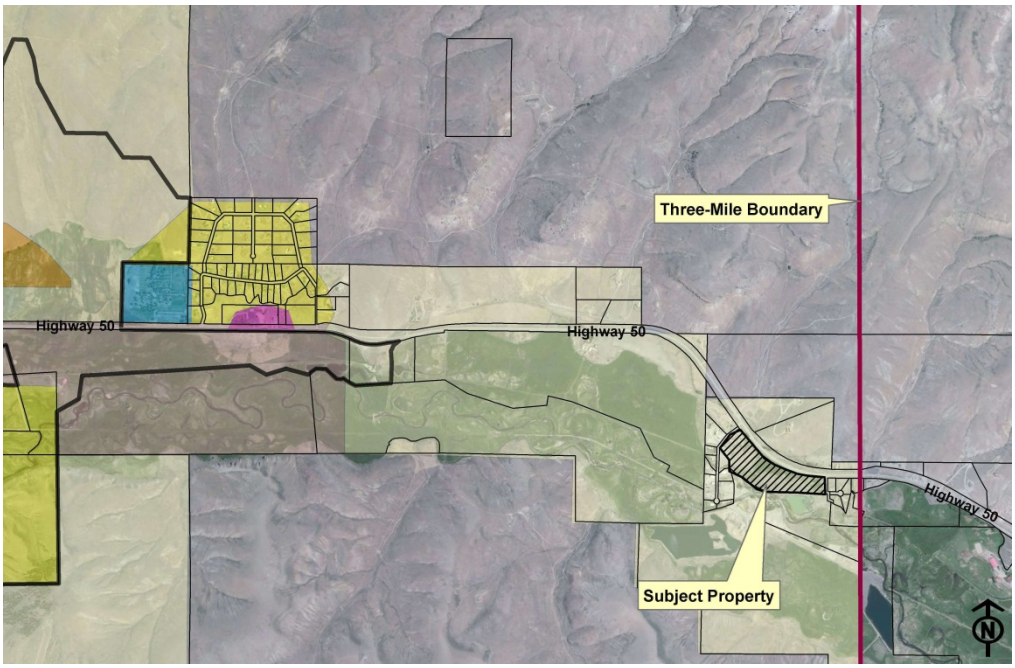
The applicant is Hal Hearne, who is representing the property owner W.K. Edwards. The applicant is proposing to subdivide a 28.7 acre parcel into 12 lots ranging in size from 1.25 to 2.15 acres each. The existing house, barn, shop and out-buildings will remain on approximately 2 acres.



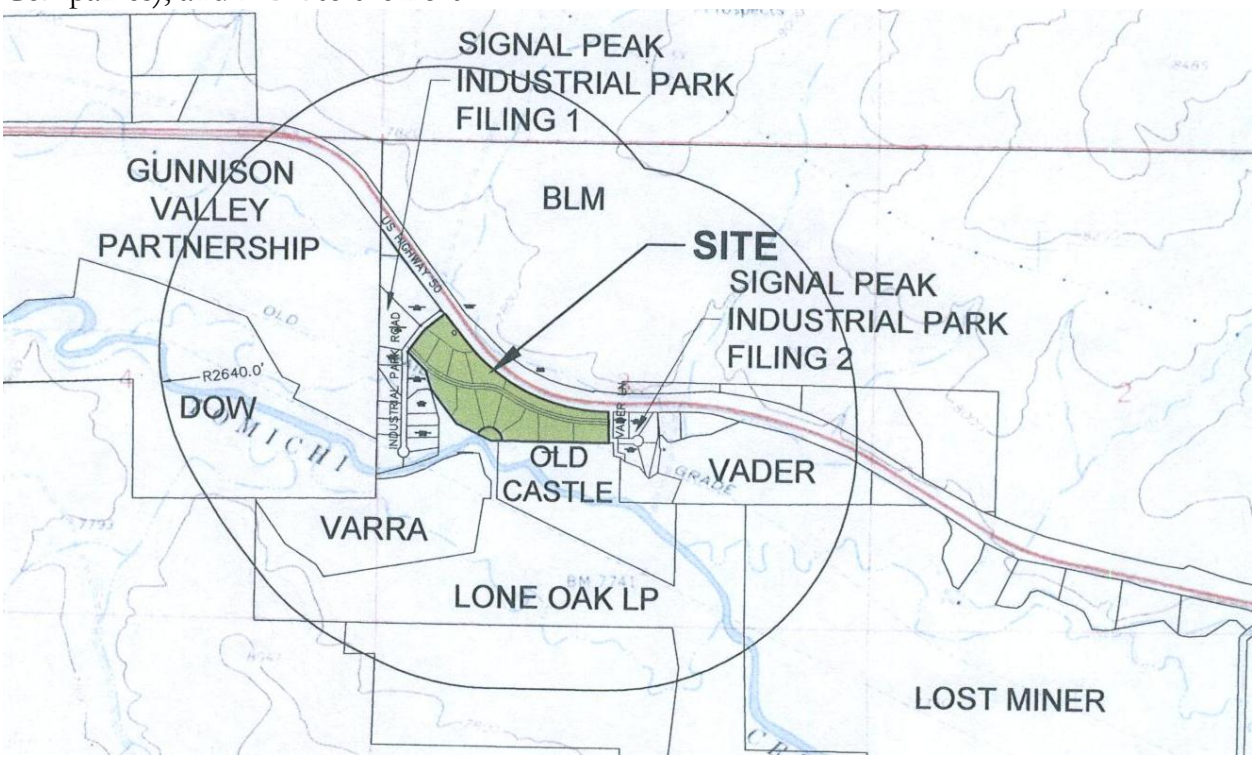
The proposed lots will be accessed through a new road to be constructed through the meadow from east to west connecting at either end to the two existing industrial roads accessed off Highway 50. The request includes the following permitted uses:

- all manufacturing businesses or industries as permitted by Gunnison County;
- contractor's yards or storage buildings;
- warehousing and mini-storage;
- all wholesale uses;
- automobile service and repair;
- machinery and transportation equipment, storage, sales, rental, and service;
- public utilities;
- freight or trucking terminals;
- building material storage yard;
- mixing plants for asphalt, concrete, plaster, or mortar;
- bulk storage of petroleum products;
- kennels or hospitals for animals;
- commercial laundries;
- propane companies;
- wood and mineral processing/milling; and,
- a residential unit (one unit per lot up to 2,500 square feet) may only be constructed or used if it is located within, or attached to, a building housing another permitted use or is accessory to the primary use of the site.

Three-Mile Plan Designation. The proposed storage yard is located within the three-mile area and outside the *Urban Growth Boundary* designated in the *Three-Mile Plan (1997)*. Based on the Three-Mile map, the proposed site is located in the rural residential land use area.



Surrounding Uses. Surrounding uses include industrial and residential uses within the Signal Peak Industrial Park, agricultural uses, Varra gravel pit and concrete plant (aka United Companies), and BLM to the north.



Utilities. The water augmentation plan includes up to two ponds and will be constructed per State requirements. Well service includes one well per two to three lots. The applicant is proposing to use an ISDS for each lot, as all lots are more than the minimum one acre in size for an ISDS.

Roads and Access. A new road is proposed to extend west from Vader Lane to Industrial Park Road and access easements from these roads have been obtained. Vader Lane and Industrial Park Road are both accessed from Highway 50.

Landscape Buffer. Open space is proposed along Highway 50 to buffer the project as well as the use of berms, landscape vegetation and screening to mitigate the visual impact from Highway 50.

April 25, 2012

Gunnison County Planning Commission
200 West Virginia
Gunnison, CO 81230

RE: Vista Business Center Subdivision

Dear Commissioners:

Thank you for giving us the opportunity to comment on the sketch plan for the Vista Business Center. The following comments are based on the submitted application material and its relation to the *Gunnison Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado* and the *City of Gunnison Master Plan.*

Based on the existing Three-Mile Map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside of the Urban Growth Boundary. One of the objectives of the *Three-Mile Plan* is to encourage infill development within the City limits and to "Limit new commercial and industrial development to lands within or immediately adjacent to existing City commercial and industrial zones."

While the proposed industrial use is not contemplated by the *Three-Mile Plan* because it is not immediately adjacent to existing City Industrial zones, the adjacent area is the Signal Peak Industrial Park. It seems that this application is compatible with the adjacent uses.

The City Planning and Zoning Commission supports the application intent to develop a highway landscape buffer to mitigate visual impacts. The open space/buffer width appears to be approximately 100 feet between Highway 50 and proposed building envelopes. The City Planning and Zoning Commission also supports the proposed development of a berm which will include trees, shrubs and groundcover for visual screening.

Access is proposed off Industrial Park Road and Vader Lane, which are accessed off Highway 50. It is assumed that the applicant, the County and CDOT will coordinate on the highway access. Please note that the City is working with the Gunnison Rising developers and the Colorado Department of Transportation (CDOT) on a Highway Access Control Plan. The Highway Access Control Plan will establish minimum intersection separation standards for the Gunnison Rising Annexation and define certain geometric design criteria of lanes and intersection. This Highway Access Control Plan will be initiated by August 2012 and will take nine months to one year to complete.

The City also assumes that the County will address stormwater management and water quality concerns that are associated with industrial uses. There is a possibility that in the future the City may expand its domestic water supply system into the Tomichi Creek basin and for this and other obvious reasons it is an important for both the City and County to consider water quality impacts. Water quality Best Management Practices should be employed to mitigate possible water quality degradation.

We appreciate the opportunity to review this application. Please let us know if the preliminary plan changes substantially from this application.

Sincerely,

Bob Beda
Chair, Planning and Zoning Commission

Sketch Plan Application Narrative

A. NOTIFICATIONS – At this time the applicant is not aware of any federal permits required for this project.

B. SPECIAL GEOLOGRAHIC AREA OR DISTRICT- At this time the applicant is not aware that this project is within special geographic area or district.

C. AREA AND PHSING OF DEVELOPMENT- All of the land under the same ownership is shown on the attached plans. At this time, there is no phasing off this project.

D. APPLICATION AND REVIEW FEES- The Applicant is aware of the application and review fees and will pay such fees as required.

E. Copy of Property Tax Certificate – See Exhibit A

F. DRAFT COPY OF NARRATVE AND MAP SUBMITALS- Plans and supporting documents have been submitted along with this narrative.

G. TOTAL MUNBER OF COPIES- One copy of the Sketch Plan documents was been submitted for review. After the documents are deemed complete, the additional number of required copies will be submitted.

H. General Information in Narrative

1. **Applicant**:
   Hal Hearne
   1641 County Rd. 771, Ohio City, CO 81237
   970-641-5845 Home
   970-209-7848 Cell
   970-641-5845 Fax
   hlhearne@pcrs.net

   Letter of Consent – **See Exhibit B**
2. **Property Owner:**
   W. K. Edwards
   43950 US Highway 50, Gunnison, CO 81230
   970-641-3643 Home
   970-765-5647 Cell
   No Fax
   No Email
   Letter of consent: **See Exhibit B**
3. **Location:** 43950 Hwy 50, Gunnison, CO 81230
   Legal description: **See Exhibit C**
   Copy of Deed: **See Exhibit D**
4. **Date of Application:** _____
5. **Status of Parcel as a Legal Lot:** 28.7 Acres—**See Exhibit D**
6. **List of Adjacent Landowners: See Exhibit E & F**
7. **Identification of Present Land Use and Previously–Approved Uses:**
   1. Ranch Land – Home SF 2180, Barn SF 700, Shop SF 1888
   2. Location of Structures – All structures are located in the northwest corner of the property (designated as Outlot on proposed layout plan – 2.04 acres)

SCANNED

8. **Mineral Resources** – Hay meadow was tested at one time for Gravel Pit Material (no knowledge of test results).
9. **Project Description**: **(see Exhibit G Site Plan)**
We plan to divide the approximately 26 acre existing hay meadow into 11 lots ranging in size from 1.25 to 2.15 acres each. There is also an Outlot (Lot 12) which will remain as is with the existing house, barn, shop, and out buildings on approx 2 acres. The Outlot will be cleaned up and the 98-year-old Vader barn can hopefully be restored. As shown on the Development Layout Plan, access to the proposed lots will be provided via a new road to be constructed through the meadow from east to west connecting at either end to the two existing industrial roads which access Highway 50. The proposal includes up to 2500 sq ft. of residential space per lot, serviced individually by an ISDS. Lot owners may be required to provide an engineered ISDS to meet the needs of their respective business operations in order to meet County and State requirements. The water augmentation plan, having up to two (2) ponds will be constructed as per state requirements. It is the intent that each well service two to three lots. It is the goal of the developer to provide 20 to 30 percent Open Space area as well as to mitigate (via the use of berms, landscaping, screening, building material selection, etc) the visual impact of the project as viewed from Highway 50 and neighboring properties. It is the developer's intent to preserve, as much as possible, the surrounding landscape and to improve the physical aesthetics of those portions of the project which must, as in necessity, be visible from Highway 50 and neighboring parcels.
    a. **Uses and activities as per protective convents.**
        1. Permitted uses. It is the intention of the DECLARANT to provide a project specifically suited for industrial and heavy commercial use. In furtherance of this intention, permitted uses include the following:
        2. All manufacturing businesses or industries as permitted by Gunnison County;
        3. Contractors' yards or storage buildings;
        4. Warehousing and mini-storage;
        5. All wholesale uses;
        6. Automobile service and repair;
        7. Machinery and transportation equipment, storage, sales, rental, and service;
        8. Public utilities;
        9. Freight or trucking terminals;
        10. Building material storage yard
        11. Mixing plants for asphalt, concrete, plaster, or mortar;
        12. Bulk storage of petroleum products;
        13. Kennels or hospitals for animals;
        14. Commercial laundries;
        15. Propane Companies;
        16. Wood & Mineral Processing/Milling

    In addition, accessory uses may be allowed in conjunction with other specifically-permitted uses. One such accessory use is the establishment of not more than one residential unit to be constructed and used on each site within the project. A residential unit may only be constructed or used if it is located within, or attached to, a building housing another permitted use or is accessory to the primary use of the site. No residential unit may exceed 2500 square feet of floor area.

Storage and stockpiling of materials.

Merchandise, supplies, equipment, or materials of any kind shall be stored within a building, shed, or screened area.

Waste and refuse treatment.

i. All solid waste shall be stored within metal containers, which shall be kept inside a building, shed, or screened area.

ii. No refuse shall be burned on any site within the project.

iii. Waste and sewage systems shall be designed and constructed as to meet the needs of each individual site an shall be approved in advance of their construction by the county sanitarian of the County of Gunnison, State of Colorado.

iv. Any use which generates any toxic, hazardous, or dangerous waste material shall have designed and constructed adequate facilities for the holding of such waste material in such a manner as it is impossible for the waste material to escape from the holding facility. All such waste materials shall be removed and disposed of in accordance with law and applicable regulations of the State, Federal, or local governments. An oil and sand separator will be required for all floor drains.

v. Snow storage. Adequate snow storage areas shall be provided along all interior driveways, parking areas, service yards, and storage areas so as to permit removal of snow without damaging screening, landscaping, and other plantings within the site.

b. **Offsite resources** – United gravel pit scales are approximately 200 ft. from the proposed road. Many options exist in close proximity to this property for obtaining material necessary for the construction of roads, septic systems, foundations, and landscaping.

c. **Seasonal and Hours of Operation-** 24 hour if needed as long as lot owners follow the covenants

d. **Phasing-** This project is not intended to be phased.

I. Maps and Site Plan Sheets

1. Vicinity Map. **See Exhibit H**
2. Natural Features. **See Exhibit I**
3. Site Plan. **See Exhibit F**
4. Development Layout Map. **See Exhibit G**

J. Roads and Trails System Plan. See Exhibit J

K. Access and Other Easements. See Exhibit G

L. Flood hazard Areas. See Exhibit K

M. Geologic Hazard Areas. See Exhibit L

N. Location of Site within Wildfire Area. See Exhibit M

O. Wildlife Habitat. See Study by Gunnison County

P. Location of Wetlands. See Wetlands Evaluation by CO. Land and Water Specialists – **Exhibit N**

Q. Development on Ridgelines. N/A

R. Developments Impacting Agricultural Lands. Vista Business Center is not adjacent to agriculture land. Two ditches exist to irrigate the 28 acres with subsequent spillage into Tomichi Creek.

S. Lands Beyond Snowplowed Access. N/A

T. Development on Inholdings in national Wilderness. N/A

U. Development on Property Above Timberline. N/A

V. Water Supply Plan. The water augmentation plan includes up to 2 ponds and will be constructed per State requirements. The construction of the ponds may take place in phases as the need for material becomes more apparent while constructing the roads and driveways. It is estimated that there is sufficient material available for construction of the road if the south pond is completed as phase I. It is intended that individual wells will service two to three lots. See **Exhibit O & P**

W. Sewage Disposal. It is our intent to use ISDS for each lot, as all lots are more than one acre in size. We have met with the county Sanitarian about the possibility of the use of an ISDS for each Lot.

X. General Site Plan Standards & Lot Measurements. See Site Plan Exhibit G

Y. Setbacks from Property lines and Road Rights of Way. Referenced from Covenants Section 4A Articles 1-3 as follows and as per Gunnison County Land Use Regulations: Landscape buffer zones – Each site within the project shall be improved with the following landscape buffer zones:

1. A minimum of fifteen feet at the interior property lines, dividing one site from another.
2. A minimum of fifteen feet at all property lines contiguous with the business park boundary.
3. A minimum of ten feet at all property lines contiguous with an interior road boundary.

Z. Landscaping Plan. See Exhibit G2 From Covenants Section 4 as follows:

Landscape buffer zones – Each site within the project shall be improved with the following landscape buffer zones:

1. A minimum of fifteen feet at the interior property lines, dividing one site from another.
2. A minimum of fifteen feet at all property lines contiguous with the business Center boundary.
3. A minimum of ten feet at all property lines contiguous with an interior road boundary.
4. All landscape buffers shall be designed and constructed so as to mitigate the visual impact of site development. Sight lines from Colorado Highway 50 shall be required to be shown for location and effect of earth mounding, screening, and planting.
5. Landscape development shall be in accordance with the following criteria:
   a. All landscape improvements shall be according to the plans approved in advance by the association, and shall be maintained in a sightly and well-kept, healthy condition.
   b. All existing top soil shall be stripped and stockpiled prior to major regrading and redistributed over all disturbed areas prior to revegetation.
6. Planting.
   a. All disturbed unimproved areas, including street setback areas and drainage swales, shall be revegetated from seed with a mixture of native grasses, low shrubs, and wild flowers indigenous to the surrounding area.
   b. Undisturbed areas, if any, should be left in their natural condition.
   c. Dense plantings of deciduous and evergreen trees for the purpose of screening should be as follows: forty percent four-foot to six-foot tall trees, with a minimum of sixty percent one-year old plant materials.
   d. Dense planting of tall deciduous shrubs for the purpose of screening should be as follows: twenty percent "five-gallon size" or equal, and eighty percent of all shrubs shall be a minimum of one year old.
7. Irrigation.
   a. All irrigation of landscape areas shall be of adequate design and maintained to ensure the healthy condition of such landscape development as has been previously approved.

b. Revegetated areas shall be watered either by manual means or by use of a temporary above-ground sprinkler system for a minimum of one full year (one growing season) to assure that adequate moisture is available to establish ground cover planting.

c. Trees and shrubs used for screening should be watered by a permanent underground emitter or trickle system to assure adequate moisture for the life of the plant.

8. No Structures or improvements except landscaping-related improvements shall be constructed within the buffer strip along Colorado Highway 50 as shown upon the plat.
9. Excavation, grading, and drainage.

a. All excavations shall be backfilled, compacted as necessary, and graded to blend with the adjoining contours.

b. All finished contours and all disturbed areas shall be smoothed with gradual transition at grade changes.

c. All mounds or berms constructed upon a site shall be of broad base with sides not to exceed a 2:1 slope.

d. Abrupt changes in grade, where necessary, shall be accomplished with landscape retaining walls and planted infill.

e. Retaining walls should have a natural appearance as to texture and color.

f. Drainage shall be facilitated by drainage swales and installation of culverts under driveways and streets as necessary.

AA. Reclamation and Noxious Weed Control. We acknowledge Gunnison County Weed Control Commission specifications.

BB. Grading and Drainage Plans

CC. Water Impoundment. The Development includes a 7 acre foot pond to be created in two phases. Phase 1 of the pond will be constructed to create roadway material. Phase 2 will be completed for excavation of material for building sites after roads are built, at which time augmentation for well sites, and fire protection will take place.

DD. Schools, Parks, and Common Areas. Request will be made for a school bus stop to be provided at the west end of the new road where it intersects Industrial Park Rd.

EE. Solid and Hazardous Wastes. The needs of individual lot owners regarding disposal of solid or hazardous material is not known at this time. The use of concrete or approved plastic holding tanks, as per State and County requirements, would be assessed at the time of individual application for Building/ISDS permit. **See Article 4N,** which reads as follows:

Waste and refuse treatment.

1. All solid waste shall be stored within approved containers, which shall be kept inside a building, shed, or screened area.
2. No refuse shall be burned on any site within the project.
3. Waste and sewage systems shall be designed and constructed as to meet the needs of each individual site an shall be approved in advance of their construction by the county sanitarian of the County of Gunnison, State of Colorado.
4. Any use which generates any toxic, hazardous, or dangerous waste material shall have designed and constructed adequate facilities for the holding of such waste material in such a manner as it is impossible for the waste material to escape from the holding facility. All such waste materials shall be removed and disposed of in

accordance with law and applicable regulations of the State, Federal, or local governments. Oil and sand separator will be required for all floor drains.

FF. Protective Covenants or Restrictions. See Exhibit Q The Covenants recognize the Energy and Resource Conservation sections of the Gunnison County Building Regulations. The Covenants recognize Section 13-107 of the Land Use Regulations in reference to Installation of Solid-fuel-burning devices. The Covenants recognize Section 13-114 of the Land Use Regulations in reference to Exterior Lighting. The Covenants recognize Section 13-110 of the Land Use Regulations in reference to Use and Maintenance of Open Space Areas. The Covenants recognize Section 11-109 of the Land Use Regulations in reference to Domestic Animal Control.

GG. Structural Design. See Exhibit Q. The Developer has no plans to erect structures on the site. Covenants allow for the construction of structures on the sites.

HH. Access Easements. See Exhibit R. Access easement agreements have been obtained for access on both Industrial Park Road and Vader Lane.

EXHIBIT I

VICINITY MAP

2/3/12

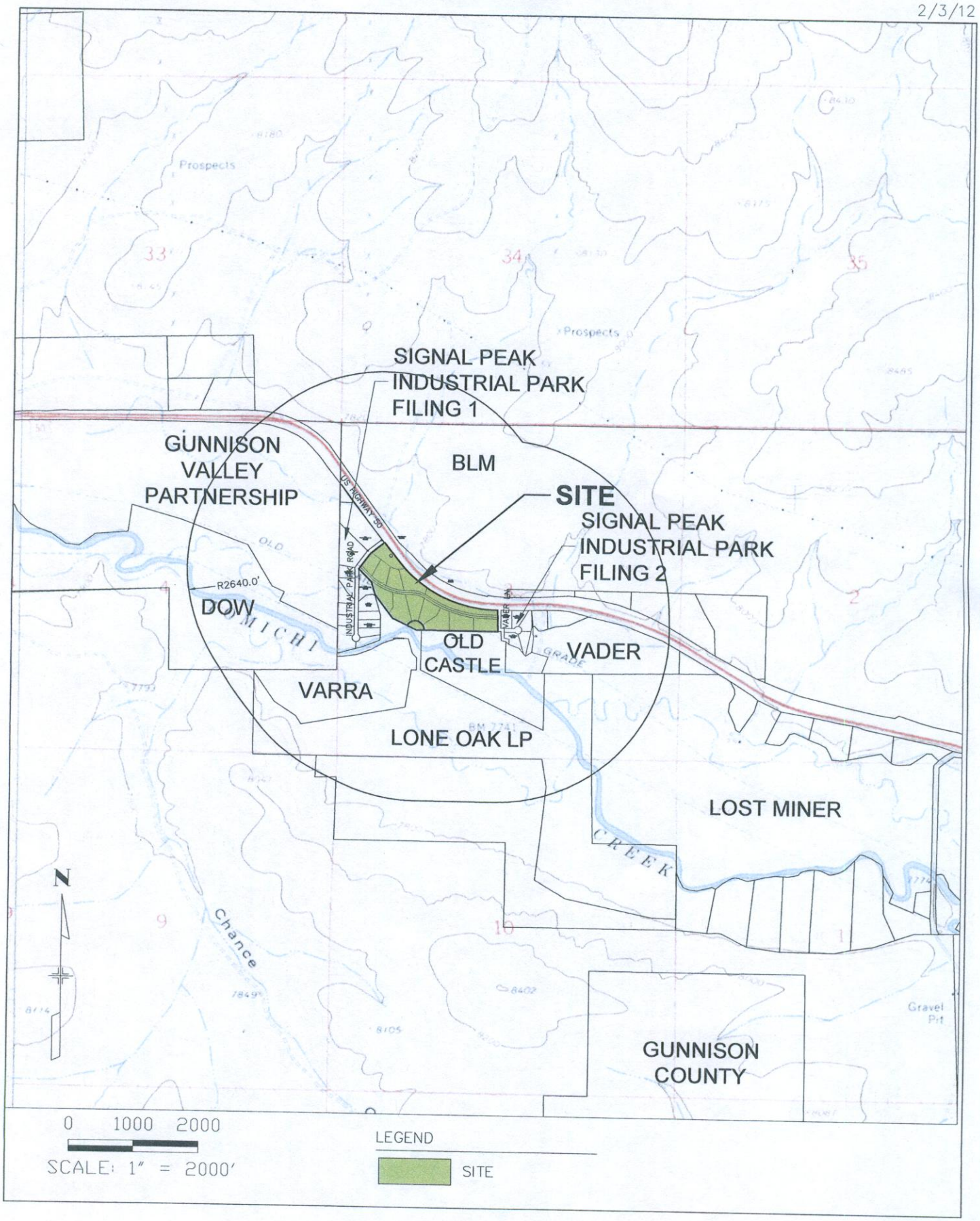
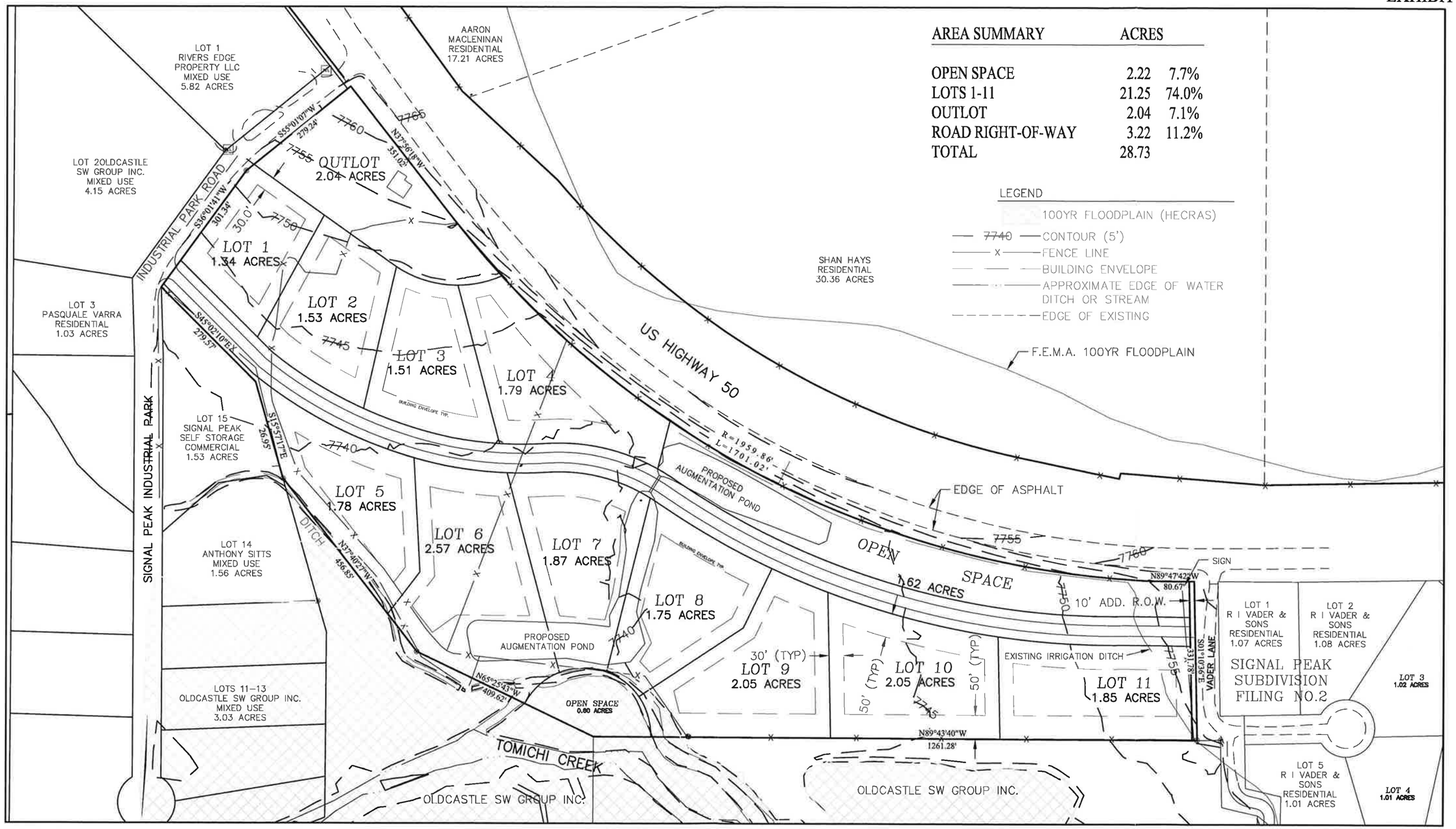


EXHIBIT G



AREA SUMMARY	ACRES	
OPEN SPACE	2.22	7.7%
LOTS 1-11	21.25	74.0%
OUTLOT	2.04	7.1%
ROAD RIGHT-OF-WAY	3.22	11.2%
TOTAL	28.73	

LEGEND

- 100YR FLOODPLAIN (HECRAS)
- 7740 CONTOUR (5')
- x FENCE LINE
- BUILDING ENVELOPE
- APPROXIMATE EDGE OF WATER DITCH OR STREAM
- EDGE OF EXISTING

NOTES:
1. THERE SHALL BE NO DISTURBANCE OF LAND, EXCEPT FOR ROADS, WITHIN 25' OF WETLANDS.

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
272 Goren St. Colorado 81224
(970) 349-6384

VISTA BUSNESS CENTER
GUNNISON COUNTY, COLORADO

EXHIBIT G
DEVELOPMENT LAYOUT PLAN

DWG.: DevLayout | PROJECT: 11065.00 | DATE: 3/10/12 | SHEET 1 OF 1

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, Planning Technician Pam Cunningham, Mike Grosse, Peg Yale, Bob Maurer, Warren Wilcox, Chris Madison, Wayne Castka, Vicky Castka, Paula Swenson, Navid Navidi, Ken Coleman, Debbie Stewart, Rick Miller, John Solanik, Vicki Johnson, Kirsten Dickey.

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 12-1, SUBMITTED BY MICHAEL GROSSE FOR A SINGLE-FAMILY RESIDENCE IN THE COMERCIAL (C) DISTRICT.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:01pm.

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 Mike Grosse, who is requesting a single-family residence at 614 West New York Avenue which is located in the Commercial district. The legal description of the property is the south 60 feet of lots 10 through 12, Block 25, West Gunnison Addition, City and County of Gunnison, Colorado.

Applicant Presentation. Michael Grosse addressed the Commission and stated he would like to put a single-family unit in the property.

Public Input. Chair Beda asked if any members of the public wished to speak. There were none. Planner Ruggera stated that on March 22, 2012, she received phone call from Kevin Donovan, who owns the property at 605 West New York. He stated he fully supports the proposed use. This was entered into the public record.

Staff Presentation. Planner Ruggera reviewed the Staff Observations and Review Standards as outlined in the staff report. The lot and existing structures are nonconforming to the *LDC* in regard to the minimum lot size, maximum lot coverage, and setbacks. The application meets all of the review standards, but Planner Ruggera pointed out than in regard to "Nuisances," the applicant should be aware that nuisances from single-family dwellings are minimal, but surrounding Commercial uses may generate impacts and the applicant should be aware that these non-residential uses will continue.

Mr. Grosse stated in regard to the nonconforming lot, he is in discussions with Mark Sniffen (owner of the adjacent parcel at 110 S. 12th) about buying back the land that was previously sold to him, which should bring the property back into conformance.

Commission Questions

- Commissioner Ferchau asked Mr. Grosse if he owns property. Mr. Grosse responded that he is waiting for clear title from the Odd Fellows because all of the members who are on the title are deceased. He has put together a lease [with IOOF Grand Lodge in Pueblo] with a right to act on their behalf.
- Chair Beda asked how long the building has been unoccupied. Commissioner Ferguson stated it had been over 15 years.

Commission Discussion. None of the Commissioners had any issues with the proposal and Director Westbay stated that is staff's opinion as well.

Chair Beda closed the public hearing at 8:08 p.m.

ACTION
During the regular Planning and Zoning Commission meeting held on April 11, 2012, Commissioner Larson moved, Commissioner Riggs seconded, and the Commission voted to APPROVE Conditional Use application CU 12-1, submitted by Michael Grosse for a single-family residence at 614 West Virginia Avenue, located in the Commercial zone district, 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 2007*.

2. The Planning Commission finds that this Conditional Use application is for a single-family residential use in the Commercial zone district.

3. The Planning and Zoning Commission finds that a single-family residence is compatible with the neighborhood uses. The Planning and Zoning Commission further finds that surrounding non-residential uses, noise, dust, traffic and adjacent uses will continue.

4. The Planning and Zoning Commission finds that the lot and the structure are nonconforming to the *Land Development Code* in regard to the minimum lot size, maximum lot coverage of structures and building setbacks.

5. The Planning and Zoning Commission finds that the two off-street parking spaces required for this Conditional Use are present on the parcel.

6. The Planning and Zoning Commission finds that a building permit will be required for the interior remodeling of the structure to a single-family residence.

7. The Planning and Zoning Commission finds that the single-family residence will not be a detriment to the community's health, safety and welfare.

Roll Call Yes: Dusty, Erich, Stu, Bob, Carolyn, Greg, Ed
Roll Call No:
Roll Call Abstain:
Motion carried

IV. CONSIDERATION OF THE MARCH 14, 2012 MEETING MINUTES

Commissioner Riggs moved to approve the March 14, 2012 meeting minutes as presented. Commissioner Larson seconded the motion.
Roll Call Yes: Dusty, Erich, Stu, Bob, Carolyn, Greg, Ed
Roll Call No:
Roll Call Abstain:
Motion carried

V. **UNSCHEDULED CITIZENS.** There were none.

VI. COUNCIL UPDATE.

Councilor Seymour updated the Commission on recent Council business:

- On March 27th Council
  - took action on the Farmers Market events permit;
  - approved Gunnison Partners' request to waive fees and for a Challenge Grant for the 8th Street school house renovation project;
  - approved the purchase of a new truck for the Electric Department (which was in 2012 budget);
  - received an update from Mary Vader on the Gunnison County Housing Authority and Ken Coleman also gave an update on meetings he had attended. Subsequent to that meeting, Councilors Drexel, Harriman and Seymour and City Manager Coleman took a tour with Ms. Vader to visit the senior housing and proposed Habitat for Humanity housing;
- On April 3rd Council had a work session
- On April 10th Council:
  - heard an update from Randy Phelps on the hospital;
  - took action on the sewer slip line bid which stayed the same as what was budgeted;
  - took action on the Firemen's pension death benefit, raising it from $100 to $500 for retired firefighters;
  - passed a resolution recognizing and commending Rod Landwehr;

VII. COMMISSIONER COMMENTS

- Commissioner Riggs stated that Restaurant Week is April 20-29th. There are 20 participating restaurants in Gunnison who will be offering specials from 18.80% off to $18.80 (1880 was the year of Gunnison's founding).

VIII. PLANNING STAFF UPDATE.

Director Westbay updated the Commission on recent department activity:

- there will be a Conditional Use and Three Mile Review on the agenda for April 25th;

- discussions have begun with Gunnison Rising for a boundary line adjustment and Highway Access Control Plan;
- staff has been working with WSC applicants on the City's internship program;
- the Creamery building is being remodeled and will house a vision center;
- there have been several wildfires in the last few days; and,
- Director Westbay noted that Rod Landwehr served the City with a lot of wisdom and advise, which was given humbly and graciously, and he will be missed.

Commissioner Ferchau asked if there is a fire ban. Director Westbay responded that the Western Regional committee is meeting in Montrose tomorrow and they will communicate with media after the meeting. The Wildfire Board, federal and local agencies that make that determination.

IX. Because the Public Hearing for ZA 12-1 was published for 7:30, Chair Beda recessed the meeting at 7:17 until 7:30.

X. THE MEETING WAS CALLED BACK TO ORDER AT 7:30 PM BY CHAIR BOB BEDA

XI. PUBLIC HEARING AND POSSIBLE ACTION: TEXT AMENDMENT APPLICATION ZA 12-1, PROPOSING THE ADOPTON OF A MODIFIED CHAPTER 15.100 SIGN STANDARDS, OF THE CITY OF GUNNISON LAND DEVELOPMENT CODE.

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:30 pm.

Commissioner Ferguson recused himself.
Commissioner Larson recused himself.

Proof of publication was shown for the record.

Review of Process. Director Westbay gave an overview of the process of a Text Amendment application. He advised the Commission that they may take action at a later date, and have the option to continue the public hearing as long as it is not closed.

Applicant Presentation. As the Applicant, Director Westbay explained the application. He said that the application was made based on directives from Council and the Commission. The Planning and Zoning Commission has been working on the *Sign Code* for quite some time. He stated that a detailed focus on *Sign Code* regulations is warranted at this time because the existing *Code* lacks necessary specificity, directives are confusing, and it does not address modern sign technologies.

Director Westbay provided a history of review and development of the proposed *Sign Code*. He said there has been considerable public outreach, including an article in the newspaper and personal visits to 125 businesses to explain the proposed *Code*.

The proposed amendment will repeal the existing *Sign Standards* and replace them with the new *Sign Code.* He provided an overview of the 11 sections of the proposed *Sign Code*.

Director Westbay explained that one of the underlying currents of this discussion is Electronic Sign Standards. He said that staff looked at 20 different municipal codes that integrate modern sign technology. Example standards from the United States Sign Council (USSC) were also used in development of the new *Sign Code*. He said the USSC presents standards from the business and industry side, rather than government. The proposed *Sign Code* contains performance-based standards about how to regulate the size, copy change rate, and illumination.

Another important element of the proposed *Sign Code* is Sandwich Board signs. Director Westbay explained that Sandwich Board signs are unique situations. On private property, they would be Freestanding signs and are permitted. However, in the public right-of-way, it is different. The issue isn't the desire to limit and regulate the signs; it is the function of the street and sidewalk in the CBD and the liability issue. Any structure in the right-of-way presents potential liability to the City. The new *Sign Code* allows Sandwich Board signs with performance standards that address space, ADA, and ingress and egress. It also has provisions for a License Agreement to address liability and to have the City as an additional insured.

Director Westbay reviewed the Staff Observations. He stated that regulatory bounds have been relaxed in several instances:

- incidental signs are not counted toward the Total Permitted Sign Area;
- off-premise signs are contemplated in the new *Code*, but the sign area would be allotted to the off-site property;
- total square footage of Freestanding signs would be increased from 50 square feet to 60 square feet;
- Window signs up to 12 square feet are exempt;
- in regard to Sandwich Board signs the [City's] number one duty is to ensure safety;
- Electric Message Centers are considered under the new *Sign Code*.

Public Input. Included in the public record are:

- a memo from Director Westbay with recommended changes to the proposed *Sign Code*;
- a letter from Mike Darnell stating that: motion signs attract business; off-premise signs should be considered; the Planning and Zoning Commission should focus on the health, safety and welfare of the community; decision makers should provide businesses support for success.
- a letter from Delaney Keating addressing: lighted signs; the location and appropriate number of sandwich board signs; the potential of limiting banners to a 30 day period; and that Off-premise signs should be developed in good taste.

Chair Beda clarified that, regarding Sandwich Board signs and License Agreements, the License Agreement is not new, but Sandwich Board signs are. Director Westbay further explained that historically, the process has been that License Agreements go to City Council, which is laborious to staff and Council. Revisions to the *Code* include provision of the *Public Street Code* and will include a provision for an Administrative License Agreement that would not have to go to City Council but that the City Manager can sign or send to Council.

Chair Beda asked if any members of the public wished to speak.

- Rick Miller addressed the Commission. He asked why Councilor Seymour and Commissioners Riggs and Ferchau were at the table since they have an interest in downtown businesses. Director Westbay responded that the City Attorney was contacted about members recusing

themselves. She provided opinions based on her knowledge of potential liabilities. She said that Commissioners Ferguson and Larson should recuse themselves because they purchased an Electronic Message Center for the computer store and have the potential for monetary gain based on the decisions on the *Sign Code* because they purchased a sign that is not allowed under the current *Sign Standards* and prior to approval of the new *Sign Code*. Mr. Miller responded that he thinks it is poor representation.

Commissioner Ferchau stated that he raised the question also [about whether he should recuse himself]. He said, "It is a quandary we face in a lot of the matters in the *LDC* discussion; there are a lot of us that are benefitting by decisions here. We feel we enable businesses to be successful and agree we are all benefitting. Apparently there was something in the joint meeting [with City Council and the Planning and Zoning Commission] that emphasized their [Commissioners Ferguson's and Larson's] benefit from the sign in place. He stated he acknowledges the issue, but doesn't have an answer.

City Manager Ken Coleman provided further explanation. Staff did follow-up on a question posed concerning conflict of interest. It pertained particularly to a sign that was purchased that is not currently allowed, and if the *Code* were passed it would be allowed. They [Ferguson and Larson] would make gain in something already purchased. The others [Seymour, Riggs, and Ferchau] have signs that are already allowed.

Commissioner Ferchau observed that others on the Commission have Sandwich Boards and lighting that is are allowed, how do we address this *LDC*? Is it on a line item basis? Director Westbay responded that the *LDC* review is a legislative process; meaning that it is for the community at large, not individual property. The Planning and Zoning Commission has the prerogative to address the *LDC*. City Manager Coleman said that Council wants to see the *LDC* as a whole, but there is a question on the *Sign Code* that needed to be resolved and taken care of separately.

Mr. Miller stated, "I believe that the electronic sign in question is an approved sign under the existing *Code*. The new *Sign Code* is a matter of interpretation. I own one of the signs as well and was asked to stop using its full function because the interpretation is that it is not allowed. I think there is misbalance on way things are being handled – we are allowing sandwich boards."

Mr. Miller listed his specific concerns and made some observations:

- "Electronic signs – the proposed *Sign Code* stifles all opportunities of these signs;
- The newspaper article asked if they fit character of the community – what is the character of the community? I propose it is a service hub to the valley; we aren't a national historic district, when we refer to the character that is how it should be referred to;
- Regarding them causing a distraction – to me a distraction would be that you notice them. No one has had an accident because of the "Pizza" sign – the *purpose* is to draw attention.
- He asked the dollar amount of having the City as additional insured for License Agreements for Sandwich Board signs. Director Westbay responded that the amount of coverage comes from *State Statute* ($600,000) but insurance companies have $1 million coverage.
- Prohibited signs include inflatable signs – there are some for special events that should be allowed (such as inflatable gorillas);

- The definition of Animated signs and Patterned Illusionary Movement signs means that I can't have a tracing boarder on my sign, or flashing;
- Who enforces 5,000 nits under the General regulations – the "nit picker"?
- *General Regulations for Illuminated signs* says that the National Oceanic and Atmospheric Administration (NOAA) determines Apparent Sunset. Why should I have to call NOAA to find out when to turn my sign off?
- Under Electronic Message Centers it says I cannot have scrolling, traveling, flashing spinning, rotating or moving effects – I can have a single message and can't use any of the technology that was referred to earlier.
- I am beside myself, not because I purchased one, I would have the same complaints if I hadn't. I encourage you to come to Main Street and try to support yourself. As a businessman I can ensure you I won't do anything to deter from the community. I purchased a piece of equipment I felt was approved under the *Code*. I have been told by Council members they think that sign is atrocious. I have had effective return on that sign. It is an effective way to translate my message to my clients. It gives a clear message. That is what a sign is about.
- I hope that the P&Z takes a lot longer look at Electronic signs and Sandwich Board signs making sure the technology that is here today can be used. We have to do everything we can to keep up. We will not become Las Vegas; there will not be a proliferation. There are five out there and 400 businesses. It is an alternative way to get the message across. I ask you to allow them and the full function of them. I don't want to call NOAA but would entertain a curfew on highly illuminated signs. We have gone way over board. We are making government thicker everyday and tougher to do business on Main Street every day. It is tough out there. Take another look at this. Walk downtown and talk to these people. I can show you what it [my sign] can do.
- I appreciate the ability to sit in front of you. Let's go back to a handshake and pat on the back [and less regulation]."

  Chair Beda responded that "One of the reasons we are here is different interpretations. That is why we pulled this out; we are faced with it now." Mr. Miller responded, "But illuminated signs have to be password protected. It is just a complication. This is a complaint-driven issue. There have been about six complaints. I put a message on my sign and had 15 people come in and 12 phone calls. I haven't had any complaints. So I tripled the return compared to complaints."

Warren Wilcox addressed the Commission, stating he has been a resident since 1968. He made several observations:

- "One of the complaints I hear is that we [City residents] know where we are going to get to a business, but we have a lot of visitors who say they can't find anything in Gunnison. You have to address the fact that it isn't greedy business owners, but people who are trying to find a service.
- I have never been offended by any sign I have seen in this county, I can't understand why anyone would be. One of the first things I saw when I came here was bank signs with time, temperature, and announcements, and thought that was a nice service.
- Regarding businesses on the east/west streets off of Main, it is difficult to tell what is in those buildings; it should be feasible for them to have large enough signs to tell what business is there.

- A lot of people who can afford to travel are older – those are the ones with money and willing to spend it. We need to make it easier for them to find businesses.
- I don't understand the idea of 1997 being the grandfathering point, if you are changing it now, why not use this date? It doesn't seem like a logical path to pick some date out of the air.
- I don't understand some of the electronic problems; they are not any more distracting than the bank sign."

  Commissioner Ferchau asked Mr. Wilcox if there are there any aspects he finds too limiting, and if, in principle, he is fine with signage. Mr. Wilcox responded, "I understand you are making them larger – that is good. I have never noticed anything that caused irritation. [The electronic sign standards] may be too far into the process of detail that makes it not reasonable. You shouldn't have to have a password or limit the timing of brightness. A sign is a sign. If it gets that hard to operate, it is too complicated. I shouldn't have to hire someone to change a sign."

  Councilor Seymour stated that regarding sign size, "Under this proposed *Sign Code*, I don't think there is a sign in the city that would push that envelope." Mr. Wilcox responded, "I think that is good, a necessary change. Under the current economy people can't afford to build new signs."

Chris Madison addressed the Commission and made some observations:

- "I agree with what both gentlemen said.
- Electronic signs – that is the biggest question. You referred to the United States Sign Council. One thought is that with all these functions being regulated, it would be stifling their use if they have to be limited. If they are programmed to do these things, then they must be okay at a higher level. They have never been too distracting. I understand that we need to preserve as much as can as far as the look and feel of Gunnison, but we don't want to be stifling. People will go out of town; we can't bring in revenue if people are going to Montrose because regulations impede business growth.
- I suggest you take a good look at electronic signs, they are here to stay.
- If signs are built with the functions, they are meant to be used that way.
- Think about the future of the community and try to help businesses grow."

Paula Swenson addressed the Commission. She said:

- "I got in trouble in 1986 when I put a chalk board on the sidewalk.
- I commend you for taking this on, it is long overdue. The *Sign Code* is ambiguous for business owners and property owners. It [revising the *Sign Code*] is hard and grueling and people get upset.
- There are a few things that are good: increase in size, Sandwich Boards to be legal, I am also thankful that it is administrative review for License Agreements.
- Regarding electronic signs, there are lots of pros and cons. You shouldn't have to ask NOAA, just have a time frame."

Commissioner Ferchau asked, "So you support electronic signage with a scheduled time?" Ms. Swenson replied that she mostly looked at sandwich board signs. There is give and take to keep it under control.

Kirstin Dickey addressed the Commission. She stated she recently opened a sign shop and will be a downtown merchant. She observed:

- "The new standards are easier;
- I love the window lettering;
- One thing that concerns me is banners. [In her letter], Delaney [Keating] mentioned that under 30 days is good. I don't like banners as permanent signage. It is a concern with the look and feel of Gunnison. If I were writing these I would move banners to temporary signage.
- Off-premise signage – will there be some kind of distance?" Director Westbay said that there is no specification. Ms. Dickey responded, "That concerns me. What if a Main Street business is advertising for the airport? The signage should be for your space." Several Commissioners responded:
  - Chair Beda interjected that it is because of limiting on some square footage.
  - Commissioner Riggs said that "When we focused on it we used my business as example – putting a sign on Main Street to get people to turn a corner and walk down a block. We are trying to create opportunities for businesses that are not in prominent locations."
  - Councilor Seymour said that it also allows use of window space in a different way, or a vacant store front.
  - Commissioner Ferchau stated, "What you are pointing out is there will be different opinions, some in favor, some not. Are we doing the most we can to promote business? We won't all be happy, but we need maximum flexibility. Specifically on banners – I have mixed feelings on whether I like them or not. Temporary versus not – most people that shop downtown are not permanent residents, it is the visitors. So to them, if they are here a week, the banner is only here a week. The next week other people see it. Sometimes they can be weathered and tacky. Maybe we could have a time of year to take them down. Bright orange "Welcome Hunters" signs have always served a purpose. Everyone is here because they love being here. Rick [Miller] could have bought a larger sign, but he doesn't want it to look like Vegas either."

John Solanek addressed the Commission. He said,

- "Mr. Miller and Mr. Wilcox said a lot. I want to reiterate the character of town. Three dimensional formation and movement creates energy. Energy is contagious. It is understanding and being sensitive to the brick and mortar environment we live in, not the internet.
- We do have more people coming in who don't know where they are going.
- Sandwich Boards create the opportunity to stop to see what is there. It makes sense to create that in the personality of a town.
- I have travelled with my kids a lot this winter and it is constant - why does Gunnison refuse to come up to specific terms that everyone else has? The national economy is the same everywhere. It feels different everywhere. [At a recent hockey tournament] we had eight different teams here and I was a coordinator so it was a convenience for people to ask where to go to eat. So, I gave directions. So often the responses were that they have never seen a town that refuses to promote themselves; there was no energy or feel; one person said they didn't know a business was open until people came out. It [Electronic Signs] creates that movement, excitement and energy that this town seems to lack. The illusion of something going on will stop people and create three dimensional activity of movement.

- I encourage you to really lighten up on the sign laws. Sandwich boards create community.

Wayne Caska addressed the Commission and stated that he and his wife have a business on Main Street.

- He asked whether the City will allow restaurants to put offsite signs on Highway 50 so that as people travelling through will stop by knowing other businesses besides McDonalds and Taco Bell are here. They need to see good food establishments. Director Westbay replied that it would be allowed under the new *Code*.
- He said that regarding Electronic signs, they should be ok, if they are tasteful, but he wouldn't want to see all businesses have them, and they should be small.

Navid Navidi addressed the Commission. He said:

- "For the record, I agree with everything Rick and Warren said. Let people have flexibility. Let them use the full potential of the sign. I have been in business her for 30 years; there are a lot of people who make decisions who don't rely on making money in Gunnison. Let the businesses in this town breathe."

Vicki Johnson of The Sign Guys addressed the Commission. She said:

- "I have read a lot of codes. This is easy to read. It is in the middle of the codes I have read.
- Where are real estate signs? Are they temporary signs?
- Allowing Wall signs to be 12 inches away from the wall is a good addition.
- I don't see Electric signs restricting businesses. You should let business do what can to promote themselves."

John Solanek returned to the podium:

- "Signs that are existing right now, based on old school signs that are too big, do they have to be smaller?" Director Westbay replied that, "All nonconforming signs existing prior to the existing *Sign Code* are grandfathered. If it needs repair, they can fix it. If there are structural problems, we will allow them to change that. When the business is gone for more than six months or year, then that sign is no longer allowed to be used. For example, the Safeway sign; they can keep that sign as long as their total sign area is not exceeded. Once they take the sign down, it can't go back up." Mr. Solanek asked, "With all of this restriction, is it stopping community businesses from upgrading their curb appeal?" Director Westbay responded, using the Safeway sign as an example. It would have to be reduced to 60 square feet if they took down the old sign. Regarding the Pizza Mountain sign; if they decide they want a new sign, the size would it be reduced. They could apply for an Historic sign where the sign is exempt and the sign area isn't counted.
- Commissioner Ferchau clarified that it is the sign, not the sign area. He continued, by saying, "We have heard comments that we need to allow more square footage. What if there was no *Sign Code* and it was limitless? How different would it look? We are self-limiting individually. It probably wouldn't look any different. We aren't allowing that to happen. We concluded we are ok with some limitations. We have public hearings to make sure we are consistent with what the public thinks."

Warren Wilcox observed that looking at signs on Main Street in pictures of 1890, think about how energetic it looked then as compared to now.

Commission Questions
Commissioner Ferchau clarified that for Off-premise signs, the location that has the sign is the one that has to count the square footage. He then asked about the square footage for signage on buildings with two street frontages. Director Westbay stated that the aggregate sign area would still be 150 square feet. It would be proportional to the square footage.

Commission Discussion
Commissioner Szymanski said, "It was great public input. We have been working on it a long time, hearing it from you is helpful. It is challenging. As far as our process, we need to go back into this for more discussion."

Commissioner Ferchau: "I appreciate your input and concur that we need more flexibility and more openness to flashing and moving signs; we need to make some corrections and cleanup some things (i.e., banners and real estate signs)."

Councilor Seymour: "I appreciate the input. We heard a lot about the Electronic Message signs. By most interpretations the current *Code* does not allow them. We have taken a great leap. We can go back and look at them. We need to support business as much as we can. This Board is heavily presented by businesses. We also want to preserve the character of the community. I am excited to look at it again; clean a few things up. We have a good foundation and are in a good position to move forward."

Commissioner Riggs: "I mirror those sentiments. Thank you for contributing. It is good to have fresh eyes on it. Mike Darnell said it best – this is a living document and will be evolving. We do need to continue discussion at the next meeting. I encourage you to attend and provide input."

Chair Beda: "Thank you all for coming. This is my third or fourth time working on this since I've been here. This has been the most positive. We know businesses are hurting. We know we need to give them a break. We can all work together. If we didn't have anything it probably wouldn't look different. We are going to revisit this." He asked Director to explain the procedure to continue discussion.

SW: Procedure was discussed. The Commission has 21 days to take action, or could extend the time period since the City is the applicant. It was decided to close public hearing and take action at a later date.

Chair Beda closed the public hearing at 9:23 p.m. It was decided to continue discussion on April 18th at 7:00 p.m.

XII. ADJOURN. Chair Beda adjourned the meeting at 9:28.

_____
Bob Beda, Chair

Attest:

_____
Pam Cunningham

MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Dusty Szymanski			X
Erich Ferchau	X		
Stu Ferguson	X (recused)		
Carolyn Riggs	X		
Greg Larson	X (present for first action, then recused)		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planning Technician Pam Cunningham

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. MOTION TO EXCUSE COMMISSIONER SZYMANSKI. Commissioner Larson moved and Commissioner Riggs seconded to excuse Commissioner Szymanski.
Roll Call Yes: Erich, Bob, Carolyn, Greg, Ed
Roll Call No:
Roll Call Abstain:
Motion carried

IV. Commissioners Ferguson and Larson will be recused.

V. DISCUSSION AND POSSIBLE ACTION: TEXT AMENDMENT APPLICATION ZA 12-1, PROPOSING THE ADOPTON OF AN AMENDED CHAPTER 15.100 SIGN STANDARDS, OF THE *CITY OF GUNNISON LAND DEVELOPMENT CODE*.

Staff had provided the Commission with a comparison of sign codes from other municipalities pertaining to lighted signs. Chair Beda reviewed the spreadsheet and gave a recap of comments received at the public hearing. He said that in the *Gunnison Country Times* on-line "Myvote" question last week, 75% of those voting did not object to Sandwich Boards or Electronic signs. Chair Beda said he met with Rick Miller to learn about the functionality of Rick's Electronic sign and also looked at the manufacturer's website. According to the sign industry on-line publication "Signs of the Times" (www. signweb.com), there have been cases against city bodies having a "knee jerk" response to signs. Director Westbay interjected that the Acting City Attorney says that "as long as we are regulating the sign and not the message we are safe." Chair Beda said he spent some time driving around to look at signs and observed that during the Sage Grouse Festival there were trailer signs with blinking lights at the east side of town and one at Denver and Main advertising the festival. One of the trailers probably belonged to CDOT and one to the City. He opined that if municipalities are using them to get attention, they must be effective. He also observed that a business on North Main has a monument sign with colors so bright and intense he had to stop to see if it was electronic, but it is paint. He also said there is a restaurant in town that puts pinwheels on the bike rack. He also asked if the college would have to do a license agreement to put up sandwich board signs advertising sporting events. Director Westbay replied that they would. He said there is a business in town that has large signs advertising the Crested Butte ski area, which is an off-premise sign. He said he didn't see any signs that were offensive and reiterated

Commissioner Ferchau's question of last week; "What if we didn't have any code, would it look any different in Gunnison?"

Director Westbay went over the recommended changes to the *Sign Code*. He said that changes to policy matters are left for the Commission to give guidance; the redlines and strikeouts are housekeeping items.

Commissioner Ferchau said that "in general I was surprised that there weren't more changes, given the focus of the public hearing. If I were to generalize the public hearing, it was pro-business, flexibility, and banners. The general consensus was that electronic signs are ok, and there was some discussion about more flexibility." He said he was surprised that the section on banners was added and said he would like to take that section out. Councilor Seymour said he would take the Banner section out for the sake of getting the Text Amendment through. Commissioner Riggs said that it doesn't make sense to take banners out; it should be in the *Sign Code*. Discussion continued about banners being used as permanent signage. Director Westbay said that by definition, they are signs. The City we doesn't regulate the material the sign is made out of, it only regulates safety. If it meets the definition of a sign, which is to generate business, it would require a sign permit. It doesn't matter what it is made out of. He said that "banners" go across the street and are what Public Works allows. When discussion turned to what "Welcome Hunters" signs are, Director Westbay explained administration of those would be at the discretion of the *Code* administrator.

Director Westbay asked for direction on the section on banners. Commissioner Ferchau said that he is fine with leaving it out and would like Greg and Stu's input since it isn't in the sign code. Commissioner Riggs said that just because of the materials used it doesn't become a banner. A banner is used for events. Director Westbay said that the "Banner" section will be removed from the recommended *Sign Code*.

Each of the sections containing redlining was discussed and the following changes were made (recommended changes were accepted unless stricken; new changes are in red):

15.100.020 Applicability. Discussion turned to the "grandfathering" date of January 28, 1997. Commissioner Ferchau stated that the ability to enforce the grandfather clause would be easier from today forward. Councilor Seymour asked Director Westbay if there are any examples of signs nonconforming with the new *Code* that were in place in 1997. Director Westbay replied that he couldn't think of any, but there may be some without a permit. Commissioner Ferchau opined that if there is a violation today that is of material impact to anyone, we would know about it. He reiterated that the date should start today. Director Westbay said he would prefer 1997, but the Commission can pick the date. Councilor Seymour said he is comfortable with 1997. Director Westbay said it will be isolated instances and is probably a moot point. Councilor Seymour said he would agree if it [the recommended new *Sign Code*] were stricter, but we are making it looser. If it were stricter he would give a person the benefit of the doubt. The logic is this is when the *Sign Code* began. Chair Beda asked who would call about a date; it is a moot point. Director Westbay said that if there was a complaint he would have to research it. Chair Beda asked, "If that complaint said it would be permitted under the new code, would it be a valid complaint?" Director Westbay said it could be because we have signs that are without a permit. Chair Beda said it should be whatever is easiest for staff and Commissioner Ferchau agreed.

15.100.010 Purpose and Intent. Commissioner Ferchau proposed that the purpose and intent of a sign is to "create distraction and get attention". That is what signs are for. Commissioner Riggs said that "if we include words like that we are opening the door for more EMCs and distractions, when we are trying to maintain the sanctity and the atmosphere of the community that we love." Commissioner Ferchau said, "The signs in the window draw attention. They are to attract people to your building. In the same spirit we need to recognize the purpose of the sign." Commissioner Riggs asked, "do we need to say it or can it be assumed; it is a given. Do we need to write it in there?" Director Westbay said "it doesn't drive any standard" and recommended that the language be changed to read:

15.100.010 Purpose and Intent.
The purpose of this Section is to provide information to the public; identify businesses, services and activities; and, establish uniform control of signs. It is the intent of the regulations set forth in this Section to:

A. recognize that signs are a necessary means of visual communication to attract attention to business.

15.100.030 Definitions.

Discussion of the definitions of "Apparent Sunrise" and "Apparent Sunset." Chair Beda pointed out the Estes Park and Woodland Park use the terms "dusk" and "dawn." Commissioner Ferchau said he was fine with using those terms. The following language was stricken:

~~*"Apparent Sunsrise"* means the time of sunrise as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date.~~

~~*"Apparent Sunset"* means the time of sunset as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date.~~

Commissioner Ferchau asked staff to provide the dates of the revisions of the sign codes of the other towns that were used for comparison. Staff will prepare that information.

"Sign Types"

2.a. *"Electrically Activated signs"* are animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

i. *"Flashing"* means any sign that contains an intermittent or flashing light source, or includes the illusion of intermittent or flashing light by means of animated electronic function whose illumination is characterized by a repetitive cycle of illumination and non-illumination. ~~in which the period of illumination is either the same as or less than the period of non- illumination~~. For the purposes of this ordinance, flashing will not be defined as occurring if the frame static display period exceeds five seconds or

more.

~~*4. "Banner"* means a sign painted on cloth or vinyl and hung over a street or entrance, or on a wall. Banners may announce special events or sales.~~

5. "*Brand-Name sign*" means a word, name, or symbol, especially one legally registered as a trademark, used by a manufacturer or merchant to identify its products distinctively from others of the same type and usually prominently displayed.

26. "Revolving, Rotating or Spinning sign" is a sign that has the capability to revolve three hundred and sixty degrees (360º) about an axis. See also: *Animated Sign, Mechanically Activated Sign*.

Discussion regarding whether barber poles are a spinning sign. Someone observed that an earlier version of the *Sign Code* addressed barber poles and asked staff to look for that language tomorrow. [Staff note: an earlier version contained the following language under Prohibited Signs]:

> A. Prohibited Signs. The following signs shall not be permitted, erected or maintained in the City:
> 1. Signs with visible flashing, moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time/temperature/community announcement signs, traditional barber poles, display of public or community events, and gauges and dials which may be animated to the extent necessary to display correct measurement;

Councilor Seymour asked if it matters if it is a barber pole or something else. If it is something else of similar size and function, but it isn't a barber pole, is it a conflict? Is a barber pole a sign, or is it décor? Commissioner Riggs asked if it is a brand name sign. Commissioner Ferchau said, "So if barber poles are not signs, we don't need to reference them." Councilor Seymour said he was fine with exempting barber poles. Commissioner Riggs said "they don't need an exemption; they aren't signs."

28. "*Sale sign*" means a temporary sign advertising a special sale of merchandise or service.

32. *"Time/Temperature/Community Announcement sign"* means a sign which displays information of interest to the community such as the current time and temperature or community announcements and bearing no commercial statements.

15.100.050 Prohibited Signs.

K. revolving, rotating and spinning signs;

15.100.060 Temporary Signs.

~~A. Banners~~

~~***1.****In the public right-of-way. Banners in the public right-of-way are administered under an Administrative License Agreement in accordance with GMC 9.40 unless they are for a City-approved function.*~~

~~***2.****Banners for Special Events or Sales. Banners or signs for special events shall be permitted no more than six times per year for two-week intervals each. Such signs and banners shall not exceed 24 square feet in area.*~~

C. Real Estate Signs. Real Estate signs are exempt under 15.100.040 L. (Exemptions).

D. Sale Signs. A sale sign shall be permitted no more than six times per year for two-week intervals each. A sale sign shall not exceed 24 square feet in area.

15.100.080 General Regulations.

B. Illumination.

5. all illuminated signs must comply with the maximum luminance level of 500 cd/m² or nits at least one-half hour before dusk ~~Apparent Sunset~~ ~~as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date.~~ All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until dawn ~~Apparent Sunrise, as determined by the NOAA~~, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

Discussion of *Illuminated signs* followed. Commissioner Riggs said that lighted signs should only be on during hours of operation. Commissioners Beda and Ferchau disagreed. Commissioner Seymour said that window displays usually stay on at night. Commissioner Riggs said that "the question comes from knowing what goes on after 10 at night. There is no one on the streets to see the signs. For businesses open at night an electronic sign across the street [on a closed business] interferes with business. Are those signs effective when they aren't open or are they more effective when the business is open? What is the point of seeing a sign for something when the business is closed? I would be thinking about it during their hours of operation." Commissioner Ferchau said that "all of us voluntarily do things that alienate some form of business to our business. We can't make sign decisions based on a person's reaction to a sign. Not everything is within your decision-making power. You are right; there are not a lot of people at night. But for efficiency, if no one is out there, who is it offending?" Commissioner Riggs said she enjoys being able to walk down the street and not have things flashing at 2 am. She asked, "Are we limiting the business if we say they can't have a sign on when they are not open?" Chair Beda said, "Yes, we are limiting business. We shouldn't constrain businesses that aren't open seven days a week. We need to create the energy [that John Solanek referred to at the public hearing]; even if the businesses aren't open. It used to be a joke that we roll up the sidewalks at 5:00 and all day on Sunday; now it is real. If it looks dead it is dead."

Commissioner Riggs said, "Signage comes into play and can assist business, but the issue comes from the lack of volume of people, not inadequate signage." Chair Beda said, "There is technology out there they can use. Otherwise, businesses would have to cover up their [other] signs when they aren't open." Commissioner Riggs asked if every liquor store and bar can keep their neon on. Chair Beda responded that they can, but have to reduce the brightness at night.

Commissioner Ferchau brought up the argument thatEelectronic signs have limitations and uses that the sign industry sees as acceptable and asked how we can we further limit them. Director Westbay responded that he spoke with a sign manufacturer who said that illumination is controllable. Chair Beda observed that other towns are using that standard and it is an industry standard.

C. Electronic Message Centers (EMCs). ~~As a guideline, scrolling, traveling, flashing, spinning, rotating, any moving effects and all dynamic frame effects or patterns of illusionary movement or simulated movement should be avoided.~~ The following standards apply:

Councilor Seymour asked if this section is acceptable. Commissioner Ferchau wanted to acknowledge the valuable public input. He said that if signs have capabilities, we should acknowledge those and if a sign has the function to lessen brightness at night, there is no problem. He asked how we can enable creativity in signs. Councilor Seymour said "What we have is reasonable. If we open door further we will run into having a hard time passing this code. I understand the capability of the signs. But, for example, there are cars that go over 100 mph and we don't allow them to drive that fast on Main Street." Commissioner Ferchau clarified that a lighted sign with a bottle of beer trickling is ok because of the size, but if it were more than 2.5 square feet we draw the line. Commissioner Riggs said that, "as written we are more lenient than other municipalities". Commissioner Ferchau said he was wary of comparing to other cities, "I like being innovative and want to be a leader of communities."

No further changes were made to the EMC section.

G. Signs ~~or Banners~~ in the Public Right-of-Way**.** Any sign ~~or banner~~ in the public right-of-way is subject to an administrative license agreement and shall be compliant with all sign standards. The staff may refer the application to City Council for any reason. The City Manager or their designee may issue an administrative license agreement to allow the sign in accordance with GMC 9.40 as long as:
1. the City is carried as "additionally insured" on a current insurance policy; and,
2. proof of coverage is provided to the City Clerk and remains in effect for the duration of the permit issued.

H. Sandwich Board Signs

Commissioner Riggs said that it is important to keep in mind that the License Agreement is an added cost to business. She said she loses an opportunity to advertise because she can't afford the coverage. Chair Beda asked if she could you afford a lawsuit. Commissioner Ferchau stated that the lawsuit would be against the City, but asked, under the

Governmental Immunity Act, what are we protecting? Director Westbay said it is protecting the City against negligence. Commissioner Riggs said that as a Commissioner she understands, but as business owner, she doesn't understand. Commissioner Ferchau said we have the City Attorney's opinion; but we also have trash cans, grates, bikes and trees in the public right-of-way. Chair Beda responded that the City says we are going to have planters, bikes, and trash cans and the City takes the risk and makes sure things are safe and maintained; whereas the City has no control over Sandwich Board signs. Chair Beda stated that if it is private property on the public right-of-way, it [a license agreement] isn't new. Commissioner Ferchau asked if, when the *Sign Code* goes into effect, someone will go around and tell people they have to be in compliance. Director Westbay responded that the City will enforce the *Code*.

Director Westbay reviewed the Review Standards and draft Recommendation and asked if there are any changes.

Commissioner Ferchau asked Councilor Seymour if, regarding the public hearing and the more relaxed interpretation of public signs, community input is consistent with what City Council wants. Councilor Seymour said, "This is a big leap because EMCs are currently not allowed and we are [recommending] allowing them. We have some pretty common sense regulations. It is a good compromise for the whole community. I have been trying to get input from people I talk to. At the public hearing we had three individuals say they want less regulation than this and more flexibility for EMCs." Commissioner Ferchau said, "The people that were specific were very specific for more flexibility, there were some who endorsed it, some were receptive, but in general, let's not get carried away." Councilor Seymour said, "My feel of the community, Council, and the Commission is, we have made compromise, what we have can fit the entire community best. It is the nature of compromise. We have something that, if we recommend it, will be adopted." Commissioner Ferchau asked, "Is there reservation about moving forward, based on the public hearing? We haven't addressed flexibility that came from the public hearing. Did we do our job? Was there an opportunity that was missed if we didn't go there? Are you saying it wouldn't go beyond us?" Councilor Seymour said, "That is what my gut tells me."

Director Westbay reviewed the Findings.

Commissioner Ferchau asked what happens if someone appeals and says they want a bigger sign. Director Westbay responded, "There are no variances for Sign Standards. We would have to change the *Code*." Councilor Seymour added, that "By doing this, we are demonstrating the *Code* can be changed. With new technology, down the road, we can have another Text Amendment." Director Westbay pointed out that there is no perfect code. He said, "We have given it a lot of thought. There may be nuances that we can't administer. Codes can be changed if it is needed." Commissioner Ferchau asked how long that would take. Director Westbay responded that the recent Text Amendment to allow retail use in the Industrial zone district took three months.

Chair Beda said, "We need to look at Woodland Park's code. They are the only ones that addressed the item. I don't want to have to redo this in 6 months or a year." He reviewed some of the highlights of the public hearing; read from Mike Darnell's letter; summarized that Rick Miller wants to use to the full capability of his electronic sign; and read from the public hearing notes. He said he thinks it is boring if the display change is slow. He said, "I don't know if we are all the way there. I'm ok with it either way. These signs are out there, we will see a lot more." Commissioner Ferchau said, "I'm ok

with it, you're fine with it, Carolyn is not fine with it, Ed says he can live with it. We can wait, to see what Dusty says, but he probably won't like it. The bottom line is, it is moving the right direction. I say we move on." Councilor Seymour said, "I prefer to take action tonight unless we really want to hash it over again." Chair Beda asked, "Will we make any changes in a week?" There was consensus that there probably wouldn't be any changes in a week.

Commissioner Ferchau asked if there is a mechanism to make it clear to Council that there was a public hearing and it was unanimous for flexibility. Director Westbay responded that they will have the minutes of the P&Z Public Hearing and Council will have another Public Hearing. Councilor Seymour said he also reported on the Public Hearing. Commissioner Ferchau said that the "only distinction would be our recognition of that. We tried to keep it balanced."

RECOMMENDATION
During the Planning and Zoning Commission meeting held on April 18, 2012 Commissioner Riggs moved, Councilor Seymour seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 12-01, for a Text Amendment to the *LDC* repealing the existing *Sign Code* (Section 15.100) and reenacting a new *Sign Code* (Section 15.100) as amended, 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 an update of the existing *Sign Code* regulations is warranted because the existing *Code* lacks necessary specificity, directives are confusing, and it does not address modern sign technologies.

4. The draft *Sign Code* employs a performance-based structure. The Planning and Zoning Commission finds that this structure addresses critical performance standards including but not limited to the location, size and height, flashing, illumination and construction of signage.

5. The Planning and Zoning Commission finds that the regulatory bounds of the proposed *Sign Code* have been relaxed in several instances to enhance business marketing opportunities and simplify administration of the *Code*.

6. The Planning and Zoning Commission finds that a controversial part of the proposed *Sign Code* relates to the regulation of Electronic Message Centers (EMCs).

7. The capabilities of modern Electronic Message Centers can cause signs to flash and they can be programmed to display Patterned Illusionary Movement. The Planning and Zoning Commission finds that specific standards have been included in the proposed *Sign Code* to limit the size of Electronic Message Centers as well as Flashing and Patterned Illusionary Movement.

8. The Planning and Zoning Commission finds that in conjunction with the processing of the proposed *Sign Code* Text Amendment, City Council will be asked to amend Chapter 9.40 of the *Gunnison Municipal Code* to process Sandwich Board sign applications in any public ROW under an *Administrative License Agreement* to be approved by the City Manager. The Planning and Zoning Commission further finds that the proposed amendment to Chapter 9.40 will allow for efficient promulgation of the *Municipal Code*.

9. The City Attorney has recommended certain amendments to the proposed *Sign Code* and the Planning and Zoning Commission finds that the Community Development Director has been directed to include those amendments in the proposed *Sign Code* to be submitted to the City Council.

10. The Planning and Zoning Commission finds that based on the record of this Text Amendment application the recommended approval of this Text Amendment protects the community's health, safety and welfare.

Roll Call Yes: Erich, Bob, Carolyn, Greg, Ed
Roll Call No:
Roll Call Abstain:
Motion carried

VI. ADJOURN. Chair Beda adjourned the meeting at 8:45.

_____
Bob Beda, Chair

Attest:

_____
Pam Cunningham