

PLANNING AND ZONING COMMISSION
DECEMBER 12, 2012 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 12/3/2012**

DATE: WEDNESDAY, DECEMBER 12, 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. UNSCHEDULED CITIZENS**
- IV. ZA 12-3, BY THE CITY OF GUNNISON AND THE GUNNISON COUNTY LIBRARY DISTRICT TO ESTABLISH PUD ZONING FOR THE VANTUYL RANCH AND LIBRARY SITE.**
- V. STREET DEVIATION REQUEST FROM HABITAT FOR HUMANITY, FOR THEIR PROJECT LOCATED AT 6TH STREET AND WEST NEW YORK AVENUE.**
- VI. CONSIDERATION OF THE NOVEMBER 28, 2012 MEETING MINUTES**
- VII. COUNCIL UPDATE**
- VIII. COMMISSIONER COMMENTS**
- IX. PLANNING STAFF UPDATE**
- X. ADJOURN**

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

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera and Planning Technician Pam Cunningham, Jerry Kowal, Julie Robinson, Heidi Daughan, Rhonda Connaway, and Julie Wiggin.

I. CALL TO ORDER AT 7:00 PM BY CHAIR CAROLYN RIGGS

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none

IV. CONSIDERATION OF THE NOVEMBER 14, 2012 MEETING MINUTES. Councilor Harriman moved and Commissioner Larson seconded to approve the November 14, 2012 meeting minutes as corrected.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Riggs, Beda, Larson, Harriman
 Roll Call No:
 Roll Call Abstain:
 Motion carried

V. STREET DEVIATION REQUEST FROM HABITAT FOR HUMANITY FOR THEIR PROJECT LOCATED AT 6TH STREET AND WEST NEW YORK AVENUE.

Staff Presentation. Director Westbay explained the process of reviewing development standards and read Section 15.110.010.F (Deviations) of the *LDC*. He explained that the interpretation of the phrase “may be granted by the City” is that City Council will be final authority. He further explained that neither the *Municipal Code* nor the *LDC* address procedures for deviations. (Because there is no procedure for deviations, this is not a public hearing.) He gave an overview of the Guerrieri addition, which was recorded in 1981.

Director Westbay summarized the staff review of the site assessment; referenced the *West Gunnison Neighborhood Plan*; gave a history of the drainage plan for West Gunnison; and reviewed the staff comments. He pointed out the Fire Marshal’s comments regarding the importance of alleys for fire control and emergency response. Director Westbay stated that the staff and applicant are both concerned with the cost of street and alley improvements.

Applicant Presentation. The applicant, Habitat for Humanity of Gunnison Valley Board (Habitat), is represented by Jerry Kowal. Dr. Kowal addressed the Commission. He stated that the applicant has equally valid concerns and alternative measures to address the City’s concerns. He stated that the property was acquired due to the generous support of both the City and County. He said that Habitat for Humanity has a history of being a housing provider for families in need. The Habitat communities are tight and community-based. They are green communities that include

green space for a sense of quiet. Dr. Kowal explained that although the property is zoned R3, they will be providing single-family housing with covenants and deed restrictions for single family housing in perpetuity.

Dr. Kowal acknowledged that alleys can be unsightly, but observed that streets can be unsightly as well. He said that Habitat doesn't just build houses and walk away—they stay in contact with the families. They have an attorney helping the families with estate planning. They try to enforce and renew covenants to address issues such as trash accumulation. He stated that a former City Councilman criticized Habitat properties for being trashy. This issue has been addressed by the covenants.

He then addressed the fire safety issue. He observed that there are communities and neighborhoods designed without alleys and Habitat feels they can do equally well.

Dr. Kowal stated that the Habitat for Humanity Board is not sure they would be getting a return for their money with the alley. Habitat does not do frills, they build basic well-built houses but they are considering the possibility of garages for this project. They won't have dumpsters on the street and residents will take trash out on trash day.

He made the following observations:

- green spaces create drainage problems and by paving the alley there will be the added issue of stormwater;
- the wild grass existing behind the Westhaven Condos is a source of emergency access;
- there is a gas line in the alley that consumes the 20 foot right-of-way by meandering through the alley;
- five feet along the rear property line will be a utility easement and unbuildable;
- the City Engineer says that they will have to remove the "muck" (topsoil) in the alley and replace it with Class 6 road base, which is an added expense.

Regarding staff's observation that the deviation would set a precedent, Dr. Kowal said that the decision should be based on the value or merit of the request. He would like for the Commission to look at the merit.

He then addressed City Manager Coleman's concern with the cost estimates for the alley and explained how the costs were arrived at.

Commission Questions.

Commissioner Ferchau asked if the proposal is to eliminate the alley and create green space. The applicant replied that it would be eventually. They are not asking for an alley vacation and it would be used as an easement anyway. Commissioner Ferchau compared it to the County affordable housing project which has no alleys and has green space in the middle. He said that the notion of not making improvements and keeping it attractive is an issue. Another issue is that the City has had to come back and make the improvements [for other projects]. He observed that the cost is large and it is a precedent—all developers have the issue of doing it affordably.

Commissioner Ferchau then asked about capitalizing the developing costs. Dr. Kowal explained that Habitat pays as they go, they don't want to be land developers. The County bought this property for affordable housing purposes. Habitat still has to address the alley, power, phone and gas.

Commissioner Ferchau asked Director Westbay about the developments in the Industrial District [where streets and alleys have not been paved]. Director Westbay explained that the City tried to make a Special Improvements District through a ballot initiative for the property owners in the Industrial district, but it failed. So, over the years the City has made those improvements out of City coffers. Commissioner Ferchau asked for clarification whether Habitat is being dealt with as a developer and Director Westbay replied that they are. Dr. Kowal stated that the Habitat board knew that they would be expected to "pay their way." He said their first project was on South 12th and the infrastructure was already there. They are just wondering if other alternatives are possible and if it can be done without an alley.

Councilor Harriman asked Director Westbay if the West Gunnison Neighborhood Plan addresses the drainage and Director Westbay replied that there is a detailed drainage plan.

Councilor Harriman then asked about the width of streets in West Gunnison in general. Director Westbay responded that the primary corridor is Thornton Way which has, for the most part, a 90 foot right-of-way. Sixth and 7th Street, San Juan and the portions of Bidwell that have not been vacated are 60 feet wide. The large parcel where the old movie theatre was is lot and blocks. He said that traffic volumes and street width don't affect the Habitat development. The *West Gunnison Neighborhood Plan* contemplated minimal development without curb and gutter.

Commissioner Beda asked about the width of New York by this property. Director Westbay replied that it decreases to about 40 feet in some areas. In the area of the Habitat property it is about 60 feet. Commissioner Beda asked if the alley is developed between 6th Street and 7th Street and Director Westbay replied that it was paved in a "phase 1" portion. Commissioner Beda asked why the West Haven developer wasn't required to put in alleys. Director Westbay responded that he does not know why; they should have been.

Councilor Harriman asked if the West Haven Condos could perhaps share the cost. Director Westbay responded that he didn't think the City could mandate it.

Dr. Kowal stated that the back rear decks on the West Haven Condos are eight feet off the alley and that an alley will be noisy for those people. He said that is not Habitat's issue, but it is Habitat's concern; they want to be good neighbors.

Commissioner Tocke summarized the merits of not putting in the alley—green space, drainage, cost, light development, quiet, uninterrupted space behind the houses. Dr. Kowal added that fire safety can be accommodated. Does the alley warrant the cost? They would like to look at other alternatives. He said that he has looked at how other cities have dealt with alleys. He said that in a neighborhood in Detroit they have landscaped the alleys. Habitat would rather not mess with the natural landscape. He has also looked at how the alley surface can be done inexpensively but the City Engineer says the top soil has to be removed. Commissioner Tocke asked if the applicants know any history of the alley behind West Haven being surfaced and Dr. Kowal responded that he is not sure, but it has been accessed by heavy equipment to put in the sewer line.

Chair Riggs observed that the property to the south is R3, and asked how many multi-family units could potentially be there in the future. Director Westbay responded that potentially 30 units could be there. Chair Riggs asked if there has been any contact with those property owners. Dr. Kowal responded that they have had some conversations with adjacent owners, but there are no immediate plans.

Commissioner Ferchau asked the applicant how many total units they are proposing. The response was that there will probably be nine homes with possibly 11 residences (two would be duplexes); there will be six in this phase and three in the next phase. He explained that the issue is the circumstances of the families. It could be someone with a disability, it could be the quality of housing they are in now, and sometimes it is a single individual with special circumstances.

Commissioner Larson asked if an individual bought the lot would they be required to develop the alley. Director Westbay replied that yes, if they are a block and a half removed from utilities they would be required to install the infrastructure before a building permit is issued. Director Westbay explained that Habitat could do a reimbursement agreement which would mean they would be reimbursed by future developers. It is a 15 year agreement, but there is no guarantee that someone will develop in that time.

Commissioner Beda asked if Habitat has talked to the West Haven HOA. Dr. Kowal replied that there was meeting but he was unable to attend, so others can speak to that.

Public Input. Chair Riggs asked for public comments.

Julie Wiggin (507 N. 8th St.) Ms. Wiggin stated that she has two rental units in the West Haven Condos and that she is also president of the West Haven HOA, however, she is here speaking for herself. She said that at the meeting they discussed that if the alley was not developed they would like to see the green space there, but some other issues have come up since then. Habitat sent Julie Robinson to speak at the meeting and she showed them the prospective development plans. Ms. Wiggin said that her concern is that if the alley is not developed it would eventually have to be put in, and then it would be gravel. She would like it to be paved if the alley is required. She said that the prospective plan showed garages for every house which would be accessed from 6th Street. She would be in support of that, but garages are not a given at this point. She would like to see a requirement for garages and driveways so it doesn't turn into the situation on 12th Street (the other Habitat property) where the back of the properties don't look good. She said that, down the road, if the alley isn't vacated, she doesn't want to be held financially liable for improving the alley.

Councilor Harriman asked Ms. Wiggin if the condo HOA has talked about what the impact of the alley would be. Ms. Wiggin replied that they don't like the idea of the alley—that was the consensus of the homeowners. They don't want to be financially responsible, and the decks will be close to the alley. She explained that most of the condos have a sliding glass door facing east, which faces the alley. They would rather see green space rather than an alley. She said that the green space was dug up to put in the sewer lines and they would like to see it replanted with native plants or grass. She also wonders how it will be maintained if it is not turned into an alley.

Commissioner Ferchau asked Ms. Wiggin if the condo association has considered buying 20 feet of property along their back boundary line and moving the alley.

Heidi Daughan (8355 Hwy 135). Ms. Daughan stated she attended the West Haven HOA meeting in October. She supports Habitat's ideals and ideas for the development. Their idea for keeping it green is a benefit for everyone—both Habitat and the condos. She said she understands rules and regulations and respects that, but every situation is unique. She said that the developments that have put creeks through what would have been alleys created a nice neighborhood. She said that, as an individual, she supports that. She continued, saying that, as a board member, the owners voted that they were in support of maintaining the green space as opposed to developing the alley. She said that "When I purchased the condo I had no expectations of anyone encroaching on the property that I thought I owned and see my dollars going down. When everyone purchased there, that was their understanding. Encroaching on decks creates a whole new living space for those people. I request the Planning Commission and the City to consider developing the alley in a different way than what you are accustomed to. Green space would be advantageous to everyone." She said she has not lived in the condo, but she has friends who have, and they enjoyed the greenery outside the decks. The alley will be an invasion.

Commissioner Tocke asked Ms. Daughan if they have had any issues of service in the alley. Ms. Daughan replied that they have not had any problems in the ten years she has owned the condo. She said that the 5th Street access to the condos is fairly adequate.

Erik Niemeyer inquired why an alley wasn't required at the time West Haven was developed and Director Westbay replied that it should have been and he is not sure why it wasn't.

Commissioner Larson asked why Westhaven won't be required to share the cost. Director Westbay said he would have to ask the City Attorney. In most cases, if there is a reimbursement agreement there is a mechanism to do that, but in this case there isn't such an agreement.

Commissioner Ferchau asked again about developing a lot away from utilities and gave the example of a gas line being put in and then lots along the line being developed later. If one of those lots chooses not to use gas, do they have to pay? Director Westbay said that is a good question. It is clearer in the case of a sewer line.

Ms. Daughan asked Commissioner Ferchau to explain his recommendation for West Haven. He explained that West Haven has a lot depth of 125 feet and the Habitat lots are 145 ft. He suggested taking buying 20 from the Habitat lot depth to add to the West Haven lot depth and that they help pay for construction of the alley that would be shifted 20 feet over. It would be a mutual benefit. He also suggested that maybe the Habitat houses could be built like the West Haven condos.

Dr. Kowal stated he liked the idea and it will create a lot of discussion.

Chair Riggs asked if there are any other Commissioner Comments.

Commissioner Beda asked what the procedure is if the item is tabled. Director Westbay said it could be opened again and reviewed and that there are no time constraints.

Chair Riggs asked the applicant if the discussion tonight has led to possible changed in the application. Dr. Kowal responded that there are all kinds of opportunities. He said, "From a personal standpoint, I like Erich's proposal. We are trying to find a fair solution. I would like to wait and see where this board goes and then we will discuss options."

Commissioner Niemeyer said, “At first I thought this was a slam dunk. In listening to the discussion, it makes me question that conclusion. Is there wiggle room? Can we ameliorate the fire safety and ask the Fire Marshal to reexamine the plat?” Director Westbay said, “Under the *International Fire Code*, it would probably meet code. I think it is a larger issue than fire safety. It is a service issue and future cost to the City—utility corridors, easy access to trash. The second is future cost. If this property is not required to develop the alley now, in the future the City may have to fund it with funds that come out of other services. Third, we spent a substantial amount of time on the *West Gunnison Plan* to design a neighborhood in context for the future. There are 120 acres that could accommodate up to 2,000 units and we had to come to terms with roads and utilities in a functional synchronized way. It is a blue print.” He continued by saying that the Rock Creek design is interesting, but those are private streets and open space areas. The City does not maintain them, the County does. They are substandard streets in the city.

Julie Wiggin pointed out that Rainbow Meadows doesn't have alleys. Director Westbay responded that area is a federal jurisdictional wetland but there is a utility easement in it. He said the owners there have been breaking federal law and building in the wetland.

Ms. Wiggin asked what the chances are of vacating the alley. Director Westbay responded that the City would not support that. He said the extension of this alley to the south has been contemplated. Ms. Wiggin replied that the first building was in the 1990's and there have been no access problems.

The applicant stated, “We aren't changing the design, the street pattern is the same. The alley would not be developed, but trash would be handled the same as the other neighbors. As far as fire access, there is better access around the back because it is R3 with single-family homes which gives more room on the sides for access.”

Director Westbay said that another issue is the urban trail system in West Gunnison. Having driveway curb cuts causes safety problems and Thornton Way is a major trail corridor.

Director Westbay said that he supports what Habitat for Humanity does, but it is his job to follow the *City Code*.

Commissioner Ferchau said, “We have been given the opportunity to make a decision that doesn't significantly burden one party (West Haven), we have the opportunity to redesign the block if we so choose. We didn't require it for West Haven. If we treat Habitat like a developer, then they should have the opportunity to reconfigure and address the issues. Given the circumstances, perhaps the City needs to reevaluate the fact that we have something that is dysfunctional and redesign the area.”

Director Westbay stated that the Commission would have to readdress the master plan, or they could reconfigure the neighborhood. That is a private discussion.”

Commissioner Ferchau said that owners of land to the south need to get involved. “The City needs to be flexible and not burden someone if we can.”

Commissioner Niemeyer said, “I agree with Erich, our role is to enforce and administer the *LDC*. Another role is to adjust it over time for the good of the community when the community

expresses a need. Erich suggests we look for a solution for betterment of all parties. I think we need to table this to get more information and provide an opportunity for alternative outcomes.”

Commissioner Beda observed, “This is the most interesting application I have seen. In this one, it is not a benefit to either party. As Erich brought up, there may be alternatives. I don’t see how we can go with it as a deviation; there may be other alternatives that are win/win for all.”

Commissioner Tocke said, “I think there are a whole bunch of options out there that could work.”

Dr. Kowal stated, “There are undiscovered options. Posing the question was my intent. I would like to leave things as they are. We feel that we have shown that, although it deviates from the plan. One of the big changes is that we have gone from 3- and 4-plexes to single family; I’m not sure it is the same situation in terms of fire access.” Director Westbay asked if it will be deed restricted. Dr. Kowal responded that it will be. “It is meant for families in need and can’t be passed on to heirs. We maintain that.”

Julie Robinson asked, “If we are only required to develop it [the alley] to where we own, how would the City get through there if there is no way out?” Director Westbay responded that it would be an alley to nowhere. Ms. Robinson asked, if there could be signs stating that it is for emergency vehicles only or a pedestrian path.

Commissioner Tocke said to the applicant, “Staff has made their comments, and you try to refute their position and their position is in terms of the *West Gunnison Plan*. I would like to see more effort toward new solutions.”

Director Westbay said, “What I would like to point out is that in West Gunnison we had no idea how it would develop. It had no streets or utility extensions. It could become blight in the future if it is developed half a block at a time. It has to be bigger than half a block development.” Commissioner Tocke said, “We need to search for the creativity that may be out there.” Director Westbay said, “I have no problem with an alternative, this is part of a whole.”

Commissioner Ferchau said, “I appreciate all the work that went into the document [*West Gunnison Neighborhood Plan*], but if something comes up sometime later we might have done it differently.” He then asked again about someone buying a lot on the corner and having to put in all of the improvements. Director Westbay said the City can’t tell them they have to put the alley all the way to San Juan. Commissioner Ferchau said, “So that would be an exception. It is contrary to your objective.”

Commissioner Larson said, “When I first read this, based on cost savings alone, it sets a bad precedent. There are a lot more issues than cost—the setback from condos, that could be a safety issue. Getting more information and tabling now is a good course of action.”

Director Westbay explained that if it is tabled the staff has some work to do and the P&Z has to make a decision [within a time frame]. He recommended that it be remanded.

Chair Riggs asked for a motion.

Motion. During their regular Planning and Zoning Commission meeting of November 28, 2012 Commissioner Larson moved and Commissioner Tocke seconded to remand the application back to the applicant.

Discussion

Director Westbay said that direction needs to be given to staff if it is remanded. He asked, "Are you asking for alternative configurations, that there be no alley, and how it would function in the confines in the neighborhood?"

Chair Riggs said, "I would like to see an alternative solution to the deviation, specifically a more concrete development plan of the lots proposed to give us a better idea of traffic flow, volume, access, and more information on possible partnerships and collaborations."

Commissioner Larson said, "I would like to see it encompass the area to the south and see what effects development might have to properties to the south."

Dr. Kowal suggested that a denial might be best. "That would let us come up with something new rather than an alternative."

Commissioner Niemeyer asked if there is a waiting period and Director Westbay responded that there is not.

Commissioner Beda asked what would happen if they withdraw. Director Westbay said they could do that and come back with a new plan.

Commissioner Ferchau said, "Given what Jerry was saying about being representatives, if we remand it, it tells Council we think there are alternatives that can be entertained by the City that would be beneficial to all. I think we proceed to remanding."

The applicant said, "We are trying to see where this takes us."

Chair Riggs said the remand provides more time.

Commissioner Beda said, "If we deny, it gives a stronger message. If we remand it says something else needs to be done." Commissioner Harriman said that if Council feels they have to support the Commission, they are more likely to deny.

Rhonda Connaway, from Habitat, asked if the Council meeting would still be scheduled for January. It would be. Councilor Harriman observed that a remand would give them the option of when to schedule the meeting.

Ms. Connaway said, "Steve has been clear that the staff recommendations are guided exclusively by the *West Gunnison Plan*. Our issue is not that, it is a good plan, I read it. What has surfaced is that it doesn't feel good to all of us. But we have to be clear what you are telling us. Are you telling us the *West Gunnison Plan* is it?"

Commissioner Larson said, "All documents are living documents; times and things change, so should the document. Staff is basing their recommendations on the plan. The P&Z and City Council have more latitude."

Director Westbay asked the Commission to provide direction if the application is remanded. He said he would like the Commission to consider withdrawing the motion and table it. Then he can draft some findings about how to proceed with the remand, for example, development of a more specific plan, addressing fire concerns, concerns with neighbors regarding the alley, and the effect that alterations of the alley would have on properties to the south. He could have finding at the next meeting.

Dr. Kowal stated that the guidelines would limit creativity and still force it into the relatively rigid community plan.

Commissioners Larson and Tocke withdrew the motion.

New Motion. During their regular Planning and Zoning Commission meeting of November 28, 2012 Commissioner Larson moved and Commissioner Niemeyer seconded to table the item until the December 12, 2012 meeting at 7:30 p.m.

Roll call Yes: Niemeyer, Ferchau, Tocke, Riggs, Beda, Larson, Harriman

Roll Call No:

Roll Call Abstain:

Motion Carried

Commissioner Niemeyer told the applicant, "This will help you and structure the direction you need to go and the things that may be negotiable."

Chair Riggs summarized that the next meeting is Dec 12th at 7:30 p.m. At that time the Commission will reconsider the application with the findings that staff will draw up.

Dr. Kowal thanked the Commission.

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

- passed a resolution establishing annexation eligibility for the VanTuyl Ranch; December 12th is the date for the zoning public hearing;
- set the mil levy for the County at the same assessment it has been;
- adopted the City budget on first reading, budgeting flat at \$16,812,375;
- chose to spend an additional million from reserves on streets and alleys. She said that this is what will happen in West Gunnison. We all end up paying for someone else's streets and alleys. Commissioner Ferchau said one of the other considerations is the notion of deferring that requirement and enable them, as they sell properties, to escrow a proportionate amount so they don't have to be burdened at the front.
- Council also conducted the evaluation of the City Manager

Councilor Harriman also reported that:

- tomorrow is the deadline for applications for City Council to replace Mayor Houck;

- the Christmas tree will be lit on Friday; it was donated by Rocky Mountain Real Estate;
- equipment for wireless at the Community Center will be installed the second week of December.

VII. COMMISSIONER COMMENTS. There were none.

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

- Work on the Highway Access Control plan is ongoing.

IX. ADJOURN. Chair Riggs adjourned the meeting to at 9:25 p.m.

Carolyn Riggs, Chair

Attest:

Pam Cunningham, Secretary

STAFF REPORT
VANTUYL RANCH AND GUNNISON COUNTY LIBRARY

TO: Planning and Zoning Commission
From: Steve Westbay
Date: December 12, 2012
RE: VanTuyl Ranch and Gunnison County Library PUD Development and Zoning Application – ZA 12-3

SUMMARY OF MAP AMENDMENT (ZONING) PROCESS

Article 15 (Amendments) of the *City of Gunnison Land Development Code (LDC)*, specifies that applications shall be reviewed by the City of Gunnison Planning and Zoning Commission (P&Z) at a public hearing conducted at least 15 days after public notice. The P&Z shall make a recommendation to City Council to approve, approve with conditions, deny, or remand the application back to the applicant. The City Council shall consider the recommendation of the P&Z at a public hearing requiring public notice. The Council shall, by ordinance, approve or deny the proposed amendment or shall remand it to the applicant with instructions for modification.

APPLICATION

VanTuyl Ranch and Gunnison Library Planned Unit Development (PUD) is a 384-acre land area, owned by the City of Gunnison and the Gunnison County Library District. The City and the Library Board are co-applicants for this PUD zoning application and this application has been submitted in conjunction with an annexation petition. While significant overlaps exist between the annexation review and this PUD zoning, the elements of this staff report strive to limit discussion to the land use, recreation activity, transportation, utilities, environmental protection and other physical development parameters embodied in the proposed PUD zoning application. The applicant's narrative states:

The real property affected by this PUD zoning application is located north of the Gunnison Community School and County Road 15, north and west of the Palisades Subdivision, and west of County Road 13.

Two districts are being proposed: the Agriculture and Open Space (AG) district and the Library (LIB) district. Land uses in the AG district will be limited to habitat protection, passive recreation activity, public education facilities, agriculture production and snow storage. These uses complement the underlying need to protect the alluvial aquifer which is the City's domestic water source. The LIB district will be developed for the Gunnison Community Library according to a set of planning parameters that ensure its use will be in accordance with this proposed public institutional activity.

RECORD CONTENTS

Documents and testimony relevant to this review include, but are not limited to the following:

- A. VanTuyl Ranch PUD Map Amendment Application ZA 12-3;
- B. VanTuyl Ranch Annexation Phasing and Scoping Files, City Document Files;
- C. *City of Gunnison and Gunnison County Library Annexation Petition*, City Document File;
- D. *VanTuyl Ranch Annexation Impact Report*, City Document Files;
- E. Minutes, public hearing comments, and written correspondences submitted by the public for the record;
- F. *VanTuyl Ranch Management Plan*;
- G. *City of Gunnison Land Development Code*;

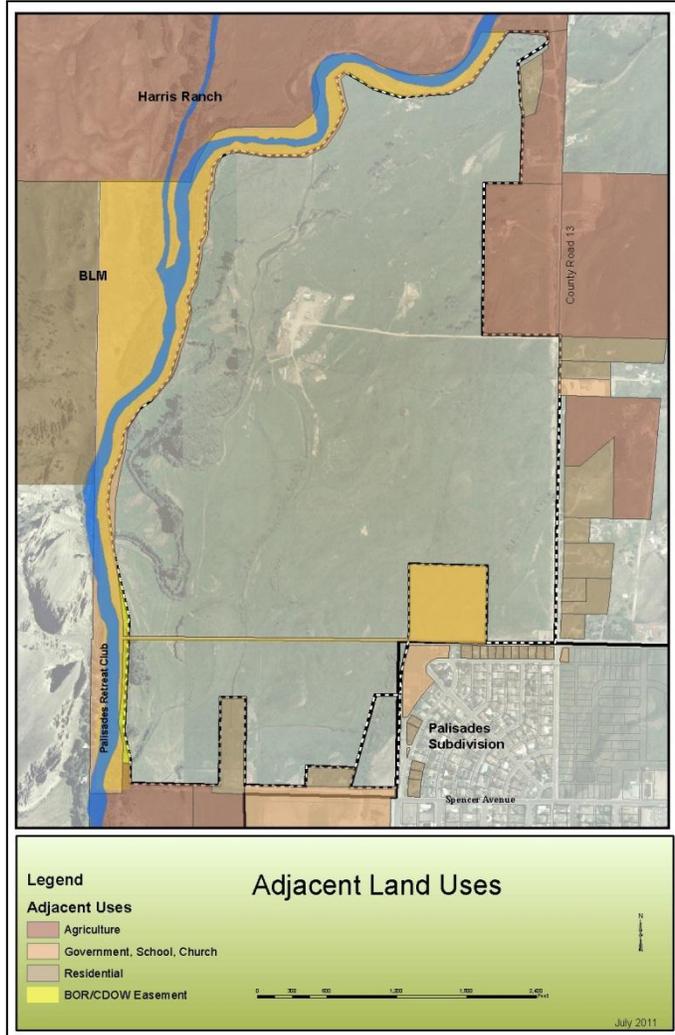
STAFF REPORT
VANTUYL RANCH AND GUNNISON COUNTY LIBRARY

- H. *City of Gunnison Master Plan; and,*
- I. *City of Gunnison Trails Master Plan.*

SITE ASSESSMENT

Adjacent City Land Uses. The Ranch and the library site adjoin the Palisades subdivision and Char-Mar Park on the southeast boundary. The VanTuyl Village subdivision is adjacent to the southeast corner of the Ranch and includes single family, duplex and multi-family residential and commercial uses. The Community School, the High School and single family residential uses are located to the south of the Ranch.

Adjacent County Land Uses. Unincorporated Gunnison County surrounds the Ranch to the west, north and east. Lands to the north and west of Tract A are either federal land or private property used for agriculture. The Colorado Division of Parks and Wildlife own all of the real property along the river corridor adjacent to the Ranch. To the east is Slaughter House Road which serves as access to rural single family residences and agricultural parcels. A portion of Slaughter House Road (County Road 13), from the existing city boundary to the ranch driveway was not included in the annexation due to a survey conflict between the property line and the road.



Existing Ranch Uses. The ranch headquarters and related agricultural outbuilding are located in the central portion of the Ranch and are accessed from the ranch driveway (County Road 14) that intersects Slaughter House Road (County Road 13). Headquarter facilities include one single family dwelling, several barns, animal stalls and other out-buildings. Presently, the City leases the Ranch to Parker Pastures, who produces a variety of food, poultry, and dairy and beef products.

The adjacent river corridor, owned and managed by the CDPW allows public fishing access to 1.5 miles of Class I trout fishery from the existing trailhead located at Char-Mar Park. A 20-foot wide public access tract trending from the Char-Mar Park to the river channel is also owned by the CDPW. The City has a trails cross-easement for the eastern portion of this access tract.

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UTILITIES OVERVIEW

Water. City water rights include provisions for the development of three additional domestic production wells on the Ranch. Future wells and water mains will be located in the Agriculture Operations Land Use Area.

Potable water and fire flow demand for the future development on the Ranch and library site can be met by the capacity of the existing water utilities. A private well is located at the ranch headquarters for domestic use for the single family dwelling. This well will remain for the use of the ranch headquarters.

Wastewater. The ranch house is served by an Individual Septic Disposal System (ISDS). If the ranch house ISDS fails it may be replaced. No other ISDS will be permitted on the Ranch. Vault privies may be developed along the trail system at designated locations that can be accessed by vehicles for maintenance. A sewer main serving the North Gunnison County Sewer District, running parallel to Slaughter House Road, is located in a dedicated easement within the Ranch boundary.

The library site will be served by the municipal wastewater system.

Electrical. Existing overhead electrical lines owned by the Western Area Power Administration (WAPA), Gunnison County Electric Association (GCEA) and the City bisect the Ranch. The WAPA lines are within recorded easements (Bk. 287, Pg. 346 and Bk. 771 Pg. 346). In October 2001, GCEA recorded a series of older easements (circa 1950's) that had not previously been recorded. Because these easements were not recorded at the time the City purchased the Ranch, they are invalid. City staff offered to work with GCEA to establish formal easements but to date, GCEA has not requested any action be taken.

The ranch headquarters is served by an overhead line owned and operated by the Gunnison County Rural Electric Association. The library site will be served by the existing City electrical system.

Irrigation. The existing irrigation ditches on the Ranch are the Piloni Ditch and the Whipp Ditch.

Telephone, Gas, and Cable. At the future library site and public facilities site these utilities will be provided by private service providers. The ranch headquarters is presently served by propane and CenturyLink phone service only.

TRANSPORTATION / ACCESS

Automobile access to the proposed Public Facilities Land Use Area is off County Road 13 and Vulcan Street. County Road 13 is considered two separate road segments – the east/west segment and the north/south segment. Vulcan Street is the southerly extension of the County Road 13 north/south segment.

Access to the ranch headquarters area is from the ranch driveway (County Road 14), but public automobile access to the headquarters is discouraged. Approximately 144 trips per day are anticipated as a result of the public facility improvements. Traffic from ranch operations should not change from historic levels.

Non-motorized access to the Ranch is obtained through Char-Mar Park and north of the Community School. Mapping data indicates there are 343 residential units within the City limits

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that are 2,000 feet from an access point which is considered to be an optimum limit for non-motorized access. Designated trailheads will provide public vehicle parking and access to the community facilities and trails.

NATURAL RESOURCE PROTECTION

The *VanTuyl Ranch Management Plan* defines an adaptive management process for groundwater protection, surface hydrology protection, agricultural resource management, habitat protection, and public recreation management to preserve the natural environment and to limit the impacts of human activity on plant and animal species on the property.

GENERAL DEVELOPMENT COMPONENTS

Land Use and Zoning Districts. Future land uses in the annexation will include the development of a new library facility and management of the ranch land following the directives of the *VanTuyl Ranch Management Plan*.

Two districts, the Library district and the Agriculture and Open Space district, will be established by this PUD. The Library district (PUD-Library) provides specific design and use directives. The Agriculture and Open Space district (PUD-Agriculture and Open Space) establishes specific standards for long term habitat and resource protection, as well as recreation, agricultural, and public facilities management.

PUD Development Standards. All development standards set forth in the *City of Gunnison Municipal Code*, as presently adopted and as it may be amended in the future, apply to the VanTuyl Ranch PUD, except for the standards specified in the PUD in the following categories: Use Standards, Dimensional Standards, Landscape Standards, Parking Standards, Management Standards Subdivision and Conflict.

General Development Standards. The VanTuyl Ranch PUD has the following standards that specifically regulate the Planned Unit Development:

Building Permit Requirements. No building or other structure shall be constructed, erected or maintained on any lot, nor shall any addition thereto or alteration or change thereto be made until complete plans and specifications have been submitted to the Gunnison Building Department and by it, approved in writing, as evidenced by issuance of applicable City building permit.

Mandatory Site Improvement Envelopes. Buildings, street buffers, residential buffers, parking lots and other developed facilities, except for designated trails, shall be governed by a Site Improvement Envelope designated at the time of a site-specific development plan. At a minimum, the Site Improvement Envelope shall maintain a minimum 15-foot buffer from public street edges (curb edge). Additionally, a minimum 25-foot buffer shall be maintained for any building, accessory building or parking area constructed in this PUD and any residential development located adjacent to the PUD boundary. These buffers are subject to the specific minimum landscaping standards set forth for the specific PUD districts.

Nature's Envelope and Site Landscaping. The only location where ornamental vegetation planting shall be permitted is in the Site Improvement Envelope, and a designated transition envelope that shall extend no more than 30 feet from the Site Improvement Envelope. The Transition Envelope will provide a gradational change from the Site Improvement Envelope and the natural landscape (Nature's Envelope). Alteration to the existing landscape will be

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permitted only within the designated Site Improvement Envelope and transition envelope. The Nature's Envelope is that portion of the site that must remain as a natural landscape. Irrigation of the natural vegetation is permitted. In the event that revegetation within Nature's Envelope is needed, only plant types that comply with the provisions set forth in the *VanTuyl Ranch Management Plan*, shall be used.

Site Development Improvement Envelope Adjustments. The designated Site Improvement Envelope may be adjusted as a Minor Change as long as the adjustment does not impede into the buffer of any residential use, jurisdictional wetland, existing major ditch, or negatively affect street front landscaping. If the proposed adjustment exceeds these cited features then the adjustment shall be processed as a Major Change.

Wetland Setbacks. No building, parking surface or other impervious coverage shall be located within 100 feet of a jurisdictional wetland. Exceptions to this standard shall be allowed for trail surface platforms, informational kiosks, facilities located in pocket parks that may be developed along proposed trails, and hay storage pole barns.

Parking Requirements. Parking space allocation requirements shall be one space per 300 square feet of building floor area. Aisle, landscape islands and stall dimensions shall conform to parking standards contained in the *City of Gunnison Municipal Code*, and as it may be amended. However, parking for specific uses may be provided on separate adjacent lots, provided an acceptable plan guaranteeing the availability and accessibility of the parking is approved as part of the development review.

Specific PUD District Standards. The following standards and criteria are specific to each of the two established PUD districts.

PUD Library District. The PUD-Library district uses shall be contained on a 5.32 acre parcel as designated on the PUD Zoning Map. The following are specific development standards directing the library design theme.

Primary and Accessory Uses. Uses shall be limited to a public library and any ancillary uses incidental thereto or for other public uses of the property that are complementary to and do not interfere with the use of the property as a public library.

Dimensional Standards

Maximum Floor Area. The primary structure shall have a maximum gross floor area of 26,000 square foot gross floor area. Accessory structures shall be permitted with a 2,000 square foot gross floor area maximum limit.

Building Height. The maximum height shall be 35 feet.

Setbacks. Setbacks shall be subject to the site improvement envelope established as part of the site-specific development plan.

Maximum Impervious Area. The area of impervious coverage shall not exceed 50 percent of the Site Improvement Envelope as established during the development plan review.

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Site Improvement and Nature’s Envelope. In addition to the Site Improvement Envelope standards defined in Section C.2 (Site Improvement Envelope), the designated Site Improvement Envelope of the PUD-Library district shall not exceed 50 percent of the entire PUD-Library district area.

Uses in Nature’s Envelope shall be limited to kiosks, water features and passive recreation uses, picnic areas, and enhancement of natural vegetation features.

Landscaping Criteria. Landscaping requirements are hereby established for site area landscaping and interior parking lots within the PUD-Library district. Site area landscaping shall be in conformance with the following criteria:

TABLE 1 PUD-LIBRARY DISTRICT MINIMUM PLANTING CRITERIA		
Landscaping Planting	Trees and Shrubs	Ground Cover
Street Buffer	1 tree and 2 shrubs per 50 lineal feet of street frontage	Up to 85 percent of ground cover may be xeriscape planting
Adjacent Residential Buffer	4 trees and 5 shrubs per 50 lineal feet	Up to 100 percent of the ground cover may be xeriscape
Improvement Envelope and Transition Area	No requirement	Up to 100 percent of the ground cover may be xeriscape plantings
Natural Area	All landscape alterations are subject to subject review and approval and shall follow plant criteria established in the <i>VanTuyl Ranch Management Plan</i> .	

PUD ZONING REVIEW – PURPOSES, STANDARDS, AND CRITERIA

Reader Note: Direct quotes from the LDC are highlighted and City of Gunnison Master Plan policy statements are underlined.

Purposes of a Planned Unit Development (PUD)

Based on the *City of Gunnison Land Development Code*, Section 15.60.060, an approval of a PUD constitutes a zone district amendment and is established by rezoning an area in an existing zone district to PUD zoning or by initial zoning of newly annexed territory to PUD zoning. A PUD proposal must meet the majority, but not all, of the following specific purposes:

15.60.060 A.1 To encourage innovation in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space.

No Conflict. The VanTuyl Ranch PUD Development Standards focus on implementing the directives set forth in the *VanTuyl Ranch Management Plan*. The *VanTuyl Ranch Management Plan* addresses the appropriate and compatible land uses, the preferred land use plan, allowed uses, and management practices to result in the desired future condition for each of the land uses in the annexation area.

The purpose of the PUD Library district will be to facilitate the development and operation of a community library facility as well as accommodating the accessory uses and facilities typically found at this type of public building. The primary library building will be approximately 18,000 square feet, and is provided a floor area standard that will allow up to 26,000 square feet of facility area.

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The purpose of the PUD Agriculture and Open Space district is to ensure that sustainable management practices will be utilized to protect the existing habitat and water quality and quantity that presently exist on the Ranch. Uses including traditional agricultural production, recreation, public education activities and the development of a water well field are contemplated. Specific management functions will follow the provisions set forth in the *VanTuyl Management Plan*.

15.60.060 A. 2. To encourage land development that, to the greatest extent possible, preserves natural vegetation; respects natural topographic and geologic conditions; incorporates the unique, natural and scenic features of the landscape; and refrains from adversely affecting flood corridors, soil, drainage, and other natural ecological conditions.

No Conflict. The *VanTuyl Ranch Management Plan* defines an adaptive management process for groundwater protection, surface hydrology protection, agricultural resource management, habitat protection, and public recreation management to preserve the natural environment and to limit the impacts of human activity on plant and animal species on the property.

City of Gunnison Master Plan, Chapter 4, Environment, Goal: Conserve and enhance where possible natural resources and critical fish and wildlife habitat by working with the County of Gunnison and other entities to: Policy 2.1

15.60.060 A. 3. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

No Conflict. Please refer to 15.60.060 A. 1 above.

15.60.060 A. 4. To allow efficient design and use of solar access.

No Conflict. Adequate solar access is provided.

15.60.060 A. 5. To provide for adequate, accessible, and properly located open and recreation space, schools or other facilities.

No Conflict. The Agriculture and Open Space district contains approximately 378.94 acres, and this area is designated to remain open space.

The application does not include any proposed future school sites. A public facilities area consisting of approximately nine acres is located on the southeast corner of the Ranch, adjacent to the intersection of Vulcan Road and County Road 13.

15.60.060 A. 6. To provide for necessary commercial, recreational, cultural, transportation and education facilities conveniently located to housing.

No Conflict. Mapping data indicates there are 343 residential units within the City limits that are 2,000 feet from an access point which is considered to be an optimum limit for non-motorized access. Designated trailheads will provide public vehicle parking and access to the community facilities and trails.

15.60.060 A. 7. To promote the efficient use of land resulting in a network of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.

No Conflict. Please refer to 15.60.060 A. 1 above.

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City of Gunnison Master Plan, Chapter 4, Environment, Goal: Natural features and resources will be preserved. Area river systems remain a focus for conservation, protection, and recreation. The air continues to be clean, stars illuminate the dark nighttime skies and the rivers run clear.

Policy 1: Protect water resources and the City's absolute and conditional water rights through efficient and expanded uses of water.

City of Gunnison Master Plan, Chapter 8, Transportation, Goal: Gunnison's transportation system will emphasize alternative modes of travel including pedestrian, bicycle, and a well-integrated public transit system. Growth continues to be accommodated through a planned system of streets and trails, which contribute to the vitality of the City.

15.60.060 A. 8. To enable new land developments to be compatible with adjacent and nearby land developments.

No Conflict. Please refer to 15.60.060 A. 1, above.

15.60.060 A. 9. To ensure that development takes account of environmentally sensitive areas, and occurs on land physically suited to construction.

No Conflict. Please refer to 15.60.060 A. 2, above.

15.60.060 A. 10. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community and achieves beneficial relationships with the surrounding area.

No Conflict. Please refer to 15.60.060 A. 1, above.

City of Gunnison Master Plan, Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined. New developments will demonstrate high-quality urban design while protecting the rural landscapes surrounding the City. 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.

15.60.060 A. 11. To create a method for the permanent preservation of historic buildings, landmarks and/or sites.

No Conflict. Please refer to 15.60.060 A. 1, above.

STANDARDS FOR A PUD ZONE DISTRICT

Based on the LDC, Section 15.60.060. C (Standards) Every PUD must be in conformance with the *Gunnison Municipal Code*, the *City Master Plan* and other adopted plans. Design and layout requirements otherwise applicable to the development and zone district regulations may be varied within a PUD where the variation will produce a benefit to the community over traditional zone district standards. The following standards and requirements shall apply to all PUD zone districts:

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15.60.060 C. 1. Land Use District Designations. Every PUD shall be divided into one or more land use districts as established in the *LDC*, Section 15.50.010 C. Zone Districts.
NO CONFLICT: The PUD Zoning includes the following:

TABLE 2 PUD ZONING, LAND USE, DWELLING UNITS AND NON-RESIDENTIAL ALLOCATIONS				
Land Use	PUD Zoning District	Acres	Residential Unit Cap	Gross Floor Area Non-Residential
Agriculture and Open Space	AG	378.94	2	See Table 4 PUD Development Standards
Library	LIB	5.32	N/A	26,000

The PUD Agriculture and Open Space district consists of the entire Ranch area owned by the City of Gunnison. There are four land use areas established in this district which are specifically described in the *VanTuyl Ranch PUD Zoning Application* and in the *VanTuyl Ranch Management Plan*.

15.60.060 C. 2. Open Space Land Use District. For the purpose of a PUD zone district only, an Open Space land use district may be used for the purpose of defining areas within a PUD zone district to be used for either public or private open space and recreation uses.
NO CONFLICT: An Open Space Land Use district has been specified within the PUD and contains approximately 378.94 acres of open space.

The Ranch property provides a prime outdoor laboratory that has not been available in the past and collaborations with the university and school district will provide enhanced educational opportunities. Managed sustainable agricultural operations protect the aquifer and provide the added community benefit of local food production, as do the community gardens. The trails system provides access to the Gunnison River as well as providing health and wellness benefits to the community.

Library facilities provide many social and economic benefits. The new facility is anticipated to be integrated with educational programs of the RE-1J Schools and Western State Colorado University. Furthermore, the library facilities will provide space for meetings and continued outreach for children’s reading programs and related services for the entire community.

15.60.060 C. 3. Land Use District Uses. Specific uses permitted within a PUD zone land use district must be of a type and so located as to be compatible with surrounding neighborhoods, community character, the *City of Gunnison Master Plan* and other adopted plans.
NO CONFLICT: *City of Gunnison Master Plan*, Chapter 2, Community Character, Policy 3: New developments along the City’s edges will improve the entrances and complement the City’s community character and sense of place.

City of Gunnison Master Plan, Chapter 4, Environment, Policy 7.2: Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities.

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The specific facilities and uses for the land use areas, as contemplated in the *VanTuyl Ranch Management Plan*, are set forth as the following:

TABLE 3 FACILITIES AND USES ALLOWED BY LAND USE AREA				
Use Description	Agricultural Operations	Habitat Protection	Public Facilities	Snow Storage
Domestic Well Field and Water Service Delivery	P	P	P	P
Trails	P	P	P	P
Parking	C		P	P
Single Family Dwelling	P			
Produce Sale	C			
Ag Out Buildings	P		P	
Education Facilities	C		P	
Recreation Buildings	C		P	
Irrigation Facilities	P	P	P	P
Dog Park			P	
Maintenance Facilities			P	
Community Gardens			P	
Agricultural Production	P	P	P	P

P = Permitted C = Conditional

15.60.060 C. 4. Land Use District Density. The net density of a PUD land use district zone is not necessarily required to precisely correspond with the net density of zoning on adjacent properties, but instead should reflect the existing character of the area or the character of the area proposed in the *City Master Plan* and other adopted plans. The density should result from the proper design of the PUD including provisions for adequate infrastructure, open space, amenities, complementary building types and design. Maximum net density, either expressed as maximum residential units or maximum square footage of nonresidential uses, shall be specified in the PUD zone districts. **NO CONFLICT:** A maximum of 2 units are proposed in the VanTuyl Ranch Annexation. Please refer to 15.60.060 C.1. above.

15.60.060 C. 5. Open Space. At least 20 percent of the total gross area of every PUD shall consist of common open space. At least half of this common open space shall be developed for recreation which may include play fields, tennis courts, picnic sites, trails, fishing access and similar recreation sites for use by all PUD residents. Provisions shall be made for permanent care and maintenance of open spaces according to the provisions in GMC 15.160.100(F). **NO CONFLICT:** The Agriculture and Open Space district contains approximately 378.94 acres, and this area is designated to remain open space. Care and maintenance of the Ranch is specified in the *VanTuyl Ranch Management Plan*.

15.60.060 C. 6. Community Benefits. In return for flexibility in land use mix and design standards, the goal of a PUD is to provide a higher quality development than found in traditional zone districts. Every PUD must consider and offer community benefits in the form of park land dedication, public recreation facilities including community centers, trails, greenbelts, natural and/or historic preservation areas, and other amenities which may be identified in the *City Master Plan* and other adopted plans, or which may be goals of the City Council. **NO CONFLICT:** Please refer to 15.60.060 C.2. above.

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15.60.060 C. 7. PUD Perimeter. The boundary between a PUD and adjacent land uses shall provide an adequate transition between land uses.

NO CONFLICT: The VanTuyl Ranch PUD Development Standards focus on implementing the directives set forth in the *VanTuyl Ranch Management Plan*. The *VanTuyl Ranch Management Plan* addresses the appropriate and compatible land uses, the preferred land use plan, allowed uses, and management practices to result in the desired future condition for each of the land uses in the annexation area.

15.60.060 C. 8. Phasing of Development. Where a PUD is developed in phases, a proportional amount of any required open space, recreation areas and other community benefits shall be included in each phase such that the project, as it is built, will comply with the overall density and open space requirements of this code at the completion of each phase of development.

NO CONFLICT: Funding for capital improvements in the Agriculture and Open Space district will be subject to City capital improvement plans and annual budgets approved by City Council. The following capital improvement prioritization was developed based on ease of implementation, available revenues versus project expenses, staffing limitations, and derived benefits. While the prioritization assigns a preference for implementation of specific improvements, there may be “opportunity” projects where funding is currently available and should take precedence. Capital improvements are categorized into a highest, medium and lowest priority project list. It is not possible to determine specific dates of the improvements.

TABLE 4 AGRICULTURE AND OPEN SPACE DISTRICT CAPITAL IMPROVEMENTS PRIORITIZATION		
Highest Priority	Medium Priority	Lowest Priority
Trail Extensions	Dog Park	Barn
Utility Extensions	Community Gardens	Tool Shed
Access and Parking	Trailhead / Interpretive Facility	Greenhouse
Restrooms	Storage / Maintenance Facility	Animal Holding Pens
Landscaping and Buffers		

Library District. Development of the proposed library facility will occur when funding for the project is secured. A specific date for development has not been set.

REVIEW STANDARDS FOR MAP AMENDMENTS

LDC Section 15.120.060.C, states that “...an application that fails to comply with any applicable review standard shall be denied.” The LDC, Section 15.150.060 states that “...an application for an amendment to the official zoning map shall comply with the following four standards:”

15.150.060 A. Consistent with *Master Plan*. The proposed amendment shall be consistent with the *City of Gunnison Master Plan*.

NO CONFLICT: The following excerpts from the city of Gunnison *Master Plan* (April 25, 2007) are applicable to this PUD Map Amendment Application.

City of Gunnison Master Plan, Chapter 2, Community Character, Policy 3: New developments along the City’s edges will improve the entrances and complement the City’s community character and sense of place.

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City of Gunnison Master Plan, Chapter 4, Environment, Policy 7.2: Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities.

City of Gunnison Master Plan, Chapter 4, Environment, Policy 1.4: Maintain surface and ground water quality to ensure healthy drinking water, recreation opportunities and viable habitat conditions for aquatic and terrestrial wildlife.

City of Gunnison Master Plan, Chapter 4, Environment, Policy 2.1: Support policies for sage grouse preservation.

City of Gunnison Master Plan, Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined. New developments will demonstrate high-quality urban design while protecting the rural landscapes surrounding the City. 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.

City of Gunnison Master Plan, Chapter 5, Land Use and Growth, Policy 1.7: Develop a “recreational open space” zone district and determine appropriate location for this district.

City of Gunnison Master Plan, Chapter 5, Land Use and Growth, Policy 2.8: Annex the City-owned VanTuyl Ranch to protect the City’s wellheads and the aquifer recharge area and to provide an opportunity for housing.

City of Gunnison Master Plan, Chapter 6, Economics, Policy 6.3: Create a master plan for the VanTuyl Ranch that includes scientific agricultural research and cultural resources (working ranch in progress) attractive to tourists.

City of Gunnison Master Plan, Chapter 8, Transportation, Goal: Gunnison’s transportation system will emphasize alternative modes of travel including pedestrian, bicycle, and a well-integrated public transit system. Growth continues to be accommodated through a planned system of streets and trails which contributes to the vitality of the City.

City of Gunnison Master Plan, Chapter 10, Parks and Recreation, Goal: Community parks and facilities will provide year-round, affordable recreational opportunities for residents and visitors balancing open space with private property rights. The City will collaborate with public and private entities to provide access to public lands.

City of Gunnison Master Plan, Chapter 10, Parks and Recreation, Policy 1: The City of Gunnison will maintain, improve, replace or establish new City park lands and facilities and plan park resources to meet the future needs of residents.

City of Gunnison Master Plan, Chapter 10, Parks and Recreation, Policy 3: The City of Gunnison will support the County and other entities in their efforts to conserve viewsheds, open space and agricultural uses of City interest through conservation easements, land acquisitions and other implementation methods.

City of Gunnison Master Plan, Chapter 10, Parks and Recreation, Policy 3.1 Work with the ranching community to identify open space and agricultural areas that should be preserved.

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15.150.060 B. Consistent with Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is designated.

NO CONFLICT: The objective of this PUD is to fulfill the directives of the *VanTuyl Ranch Management Plan*, which provides the vision for the long-term management of the natural resources found on the property. The other objective is to provide for the future development of a library on the property owned by the Gunnison County Library District.

PUD Agriculture and Open Space (AG) District, Purpose: There are four land use areas established in this district which are specifically described in the *VanTuyl Ranch Management Plan*; Agriculture Operations, Habitat Protection, Public Facilities, and City Snow Storage. The following general development standards apply to the Agriculture and Open Space district. Specific permitted uses and dimensional standards will apply to each land use area.

PUD Library (LIB) District, Purpose: The PUD-Library district uses shall be contained on a 5.32-acre site located at the intersection of Spencer Avenue and 11th Street. Access to the library will be from driveways intersecting with the existing roads. Public institution services typically found in library facilities include but are not limited to: book and document repository, reference library operations, administration offices, and public research amenities.

15.150.060 C. Compatibility with Surrounding Zone Districts and Uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses, and neighborhood character.

NO CONFLICT: Please refer to 15.150.060 B. above.

The VanTuyl Ranch PUD Development Standards focus on implementing the directives set forth in the *VanTuyl Ranch Management Plan*. The *VanTuyl Ranch Management Plan* addresses the appropriate and compatible land uses, the preferred land use plan, allowed uses, and management practices to result in the desired future condition for each of the land uses in the annexation area.

15.150.060 D. Changed Conditions or Error. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one or more errors in the boundaries shown on the official zoning map have occurred.

NO CONFLICT: Please refer to 15.150.060 C. above.

RECOMMENDATION

During the Planning & Zoning Commission meeting held on December 12, 2012, Commissioner _____ moved, Commissioner _____ seconded and the Planning and Zoning Commission voted to recommend APPROVAL of Zoning Amendment application ZA 12-3 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; public comments and application contents of the VanTuyl Ranch Annexation Petition; 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 PUD zoning meets all criteria standards cited in the *LDC* for such zoning.

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3. The Planning and Zoning Commission finds that this Map Amendment application is being processed on a parallel track with the Annexation Application, and this process is consistent with the City's adopted annexation policy (Resolution 15, Series 2007).
4. The Planning and Zoning Commission finds that this zoning application is submitted in conjunction with an annexation petition for the VanTuyl Ranch and Gunnison Library, to create two PUD districts: the Agriculture and Open Space district and the Library district.
5. The Planning and Zoning Commission finds that Larry Meredith, from the Gunnison County Library District has provided written comments and is support of the Zoning Application as presented.
6. The Planning and Zoning Commission finds that the VanTuyl Ranch PUD Development Standards implement the directives set forth in the *VanTuyl Ranch Management Plan* that was adopted by City Council in August, 2010.
7. The Planning and Zoning Commission finds that the Ranch and library site uses are limited to habitat protection, passive recreation activity, public education facilities, agriculture production, snow storage and the public library.
8. The Planning and Zoning Commission finds that the PUD zoning will serve to enhance the community's health, safety and welfare.

Applicant Name(s): City of Gunnison and Gunnison County Library District

Phone #: (970) 641-8152 **Fax #:** (970) 641-8051 **E-Mail:** swestbay@cityofgunnison-co.gov

Mailing Address: P.O. Box 239 (City) 307 N. Wisconsin (Gunnison County Library District)

City: Gunison **State:** CO **Zip:** 81230

Summary of Request: Two districts are being proposed: the Agriculture and Open Space (AG) district and the Library (LIB) district. Land uses will be limited to habitat protection, passive recreation, public education facilities, agriculture production and snow storage and a community library.

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: See Enclosure 1 of application Zoning _____

Block: _____ Lot(s): _____ Addition: _____

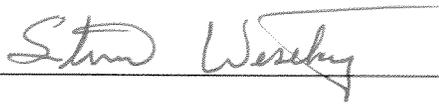
Attachments: Vicinity Map (8.5"X11") Written Narrative/Description of Proposal

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)  Date 11-14-12

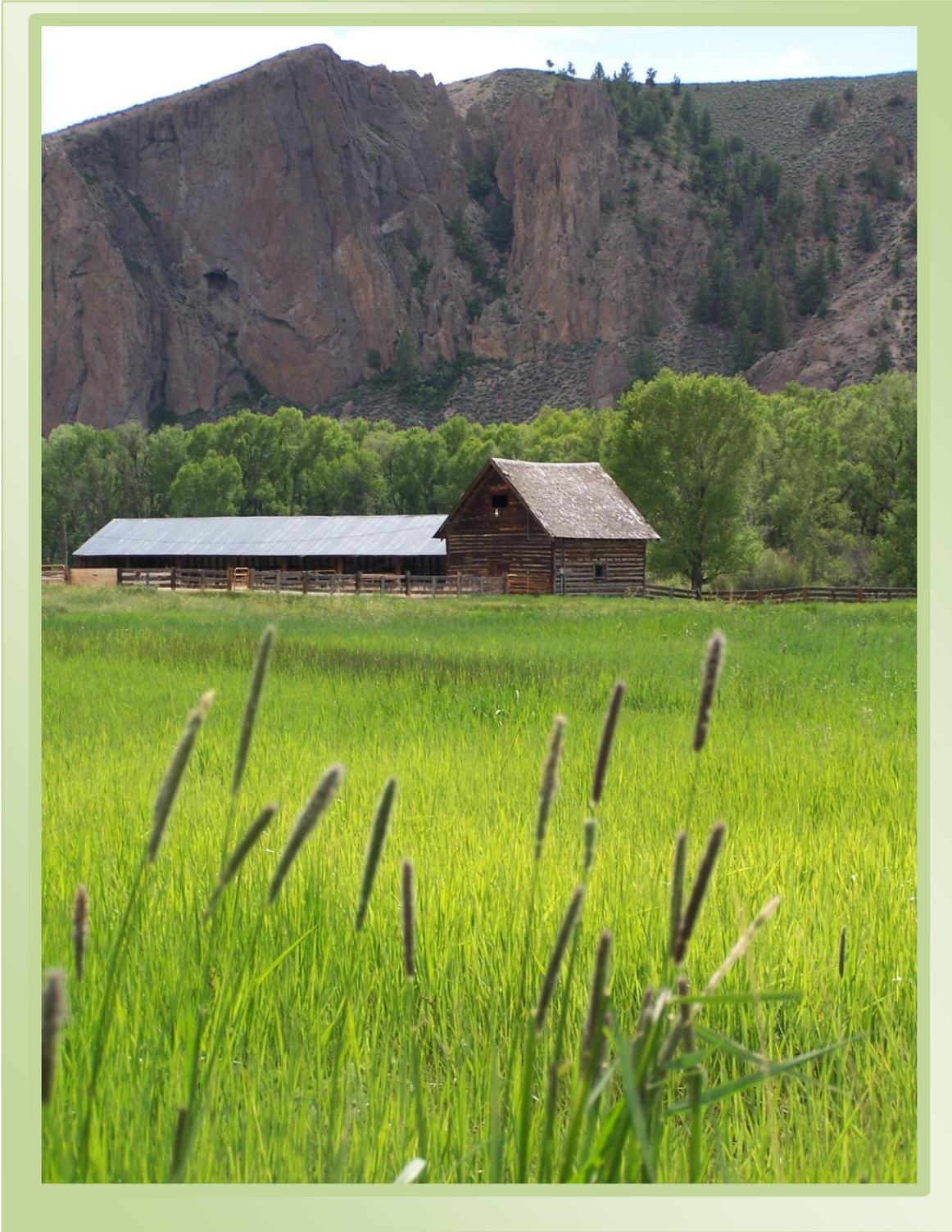
_____ Date _____

For Office Use Only

Conditional Use Variance Zoning Amendment
 Major Subdivision Minor Subdivision Subdivision Exemption
 Mobile Home/RV Park PUD Vacation
 Consolidated Application

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Van Tuyl Ranch PUD Development Standards
and Zoning Application
December 2012



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VanTuyl Ranch Initial PUD Zoning Application

I. SECTION 15.150.040. APPLICATION CONTENTS

A. Minimum Contents. Section 15.120.030.C.1

1. **Name of Applicant:** City of Gunnison
Attn: Steven Westbay, Community Development Director
Address: PO Box 239
Gunnison CO, 81230
Telephone: (970)641-8152

2. Section 15.120.030.C.2

Legal Description: The complete metes and bounds legal description for the entire land area to be annexed is included on the *Annexation Petition Map*, which has been duplicated in Enclosure 1.

3. Section 15.120.030.C.3

Disclosure of Ownership:

City of Gunnison Deed: Reception Number: 714808
Library Board Deed: Reception Number: 588016

4. Section 15.120.030.C.4

Vicinity Map (8.5" x 11"): See Figure 1

5. Section 15.120.030 C.5

Written Description: The real property affected by this PUD zoning application is located north of the Gunnison Community School and County Road 15, north and west of the Palisades Subdivision, and west of County Road 13.

Two districts are being proposed: the Agriculture and Open Space (AG) district and the Library (LIB) district. Land uses in the AG district will be limited to habitat protection, passive recreation activity, public education facilities, agriculture production and snow storage. These uses complement the underlying need to protect the alluvial aquifer which is the City's domestic water source. The LIB district will be developed for the Gunnison Community Library according to a set of planning parameters that ensure its use will be in accordance with this proposed public institutional activity.

6. Section 15.120.030 C.6

Names and Addresses of Adjacent Property Owners: See Enclosure 2.

7. Section 15.120.030 C.7

Vested Property Rights. No vested property rights are being proposed as part of this PUD Development Standards and Zoning Application.

8. Section 15.120.030 D

Consolidation. The City of Gunnison and the Gunnison County Library District Board are co-applicants in the annexation of this property and are submitting all required materials under one application.

Section 15.150.040.B

Precise Wording of Text Amendment. Not Applicable.

Section 15.150.040 C

Map Amendment

Section 15.150.040.C.1

Zone Districts. The Ranch and the properties along County Road 13 are not within the city limits and are not zoned. The adjacent City zoning includes single- and multi-family districts and the Gunnison Community School PUD district. The Vicinity Map (Figure 1) illustrates the project boundary and surrounding land uses. The Adjacent Zoning Map (Figure 2) illustrates the zoning districts that are within the city limits adjacent to the area to be annexed.

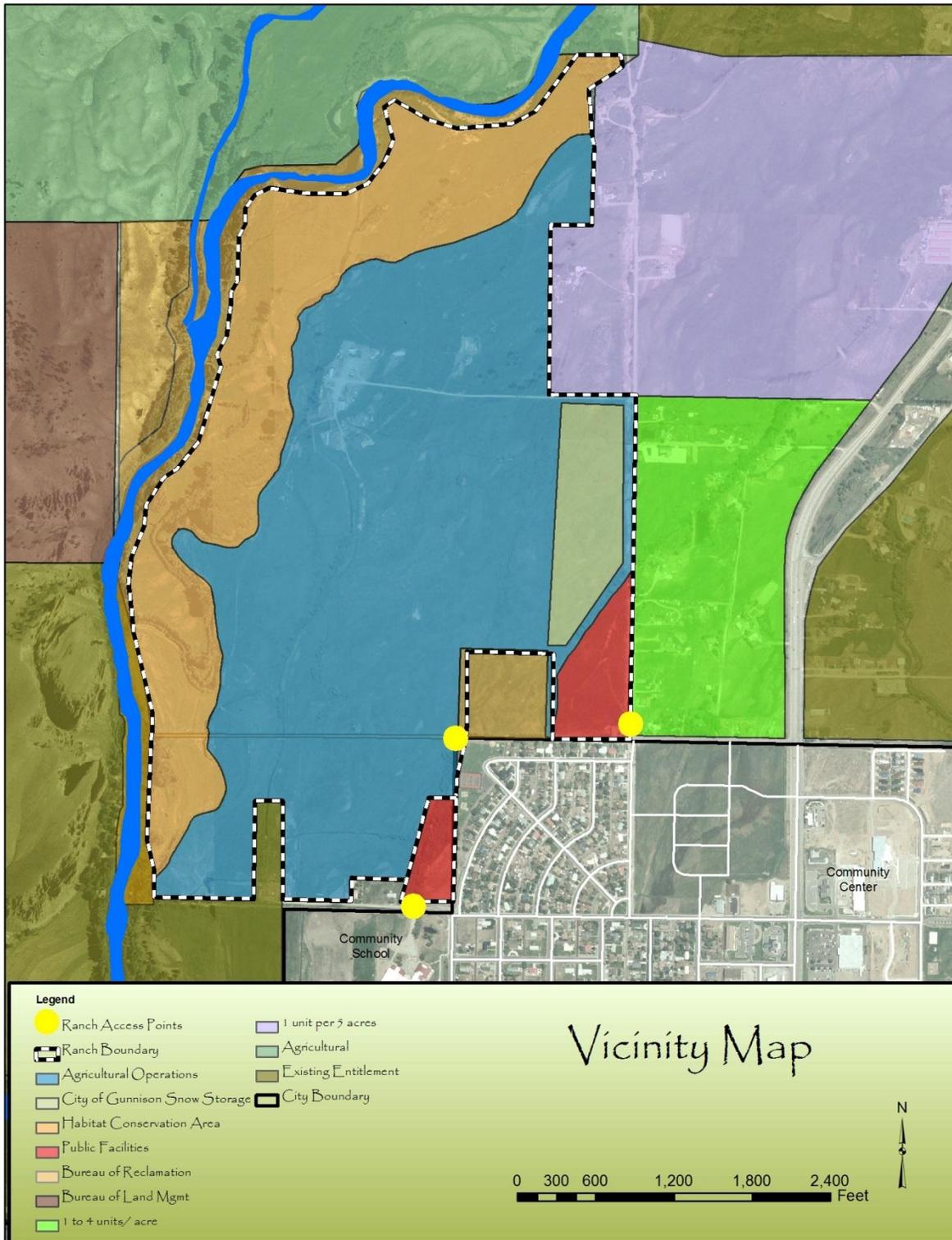


FIGURE 1 VICINITY MAP

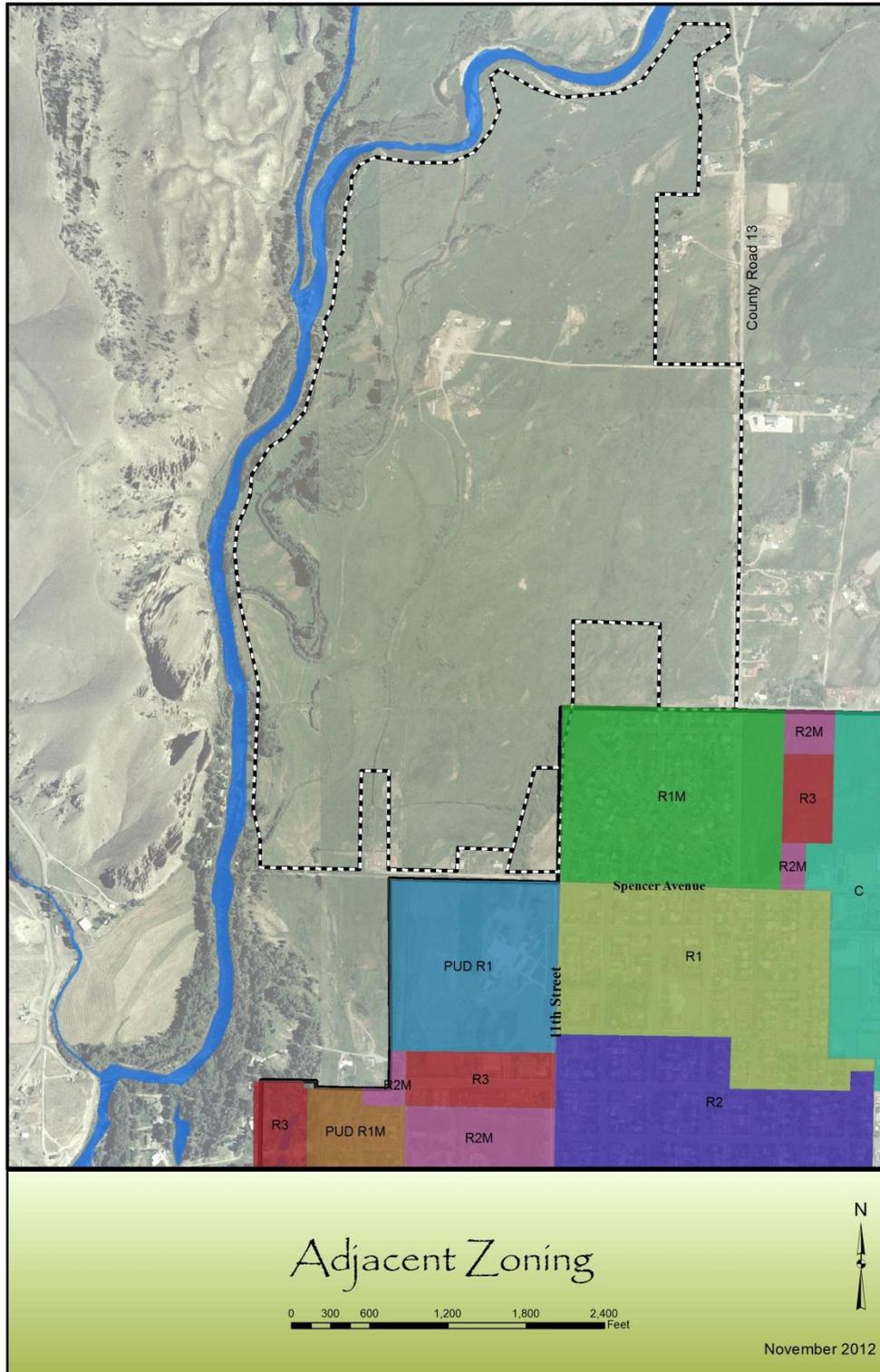


FIGURE 2 ADJACENT ZONING

Section 15.150.040.C.2

Survey Map. Figure 3 is the reduced sized Zoning Map for this PUD zoning application. Boundary descriptions for the established districts correspond to the Annexation Map legal descriptions. Survey Tracts (A and B), owned by the City, constitute the Agricultural Open Space district, and the legal description for the library parcel constitutes the Library district boundary.

Section 15.150.040.C.3

Existing Uses. The 378.94 acre VanTuyl Ranch is immediately adjacent to the City of Gunnison on the northwest boundary of the city limits. The Ranch is flanked to the east by Slaughterhouse Road (County Road 13) and to the west by the Gunnison River State Wildlife Area, which is owned and managed by the Colorado Division of Parks and Wildlife. Rural residential and agricultural land uses are found along County Road 13 and the eastern portion of the Ranch property. Vehicle access to the Ranch is from County Road 14 which is a quarter-mile long driveway from County Road 13. The RE-1J Community School is adjacent to the southern ranch boundary, along County Road 15. The 5.32 acre future Gunnison Community Library site is unimproved real property contiguous to the Ranch on two sides.

The real property being considered under this zoning application has been operating as a ranch for more than a century with the majority of the area being either in hay production or used for seasonal grazing.

Section 15.150.040.C.4

Statement of Intended Development. Ranch uses will be limited to habitat protection, passive recreation activity, public education facilities, agriculture production and snow storage. These uses complement the underlying need to protect the alluvial aquifer which is the City's domestic water source. The library site will be developed according to a set of planning parameters that ensure its use will be in accordance with this proposed public institutional activity. The library site is located directly adjacent to the Gunnison Community School and in proximity to residential development areas, which is considered to be very appropriate because of its easy access.

- a. **Social and Community Assets.** Planned management of the VanTuyl Ranch protects the City's domestic water source. Annexing the property will allow the City of Gunnison Police Department to enforce the *Gunnison Municipal Code* in the area to be annexed. Until the property is annexed, law enforcement and emergency access must be managed through an intergovernmental agreement allowing for inter-jurisdictional cooperation. The Ranch property provides a prime outdoor laboratory that has not been available in the past and collaborations with the university and school district will provide enhanced educational opportunities. Managed sustainable agricultural operations protect the aquifer and provide the added community benefit of local food production, as do the community gardens. The trails system provides access to the Gunnison River as well as providing health and wellness benefits to the community.

Library facilities provide many social and economic benefits. The new facility is anticipated to be integrated with educational programs of the RE-1J Schools and Western State Colorado University. Furthermore, the library facilities will provide space for meetings and continued outreach for children's reading programs and related services for the entire community.

- b. **Environmental Stewardship.** Annexation of the property will allow the City to enforce land uses and activities to protect the natural resources on the property pursuant to the *VanTuyl Ranch Management Plan*. The *VanTuyl Ranch Management Plan* emphasizes an adaptive management approach to the spectrum of natural resources found on the Ranch. Resource management elements addressed in the *VanTuyl Ranch Management Plan* include water quality protection, riparian and wetland protection, agriculture production management. It also addresses the management of recreation activities and public safety.

- c. **Transportation.** Motorized traffic impacts resulting from the new land uses are not anticipated to be substantial¹. Traffic in the area will increase as the result of the public facility improvements generating approximately 144 trips per day. Ranch operations will not change from historic levels.

Automobile access to the Public Facilities Land Use Area is gained off County Road 13 and Vulcan Street. County Road 13 is considered two separate road segments – the east/west segment and the north/south segment. From Highway 135, the east/west segment has a relatively narrow (two-lane) paved surface, providing access between the Ranch and Highway 135. The north/south segment, also a two-lane paved road, serves rural residential uses.

Vulcan Street is the southerly extension of the County Road 13 north/south segment. Vulcan Street ends at the Spencer Street intersection and provides primary access to a residential neighborhood comprised mostly of single family dwelling units.

Access to the ranch headquarters area is from the ranch driveway (County Road 14), but public automobile access to the headquarters is restricted. The headquarters will have managed access administered by the City Manager or authorized representative(s).

Designated trailheads will provide public vehicle parking and access to the community facilities and trails.

- d. **Design Standards.** Development within the VanTuyl Ranch PUD will conform to the PUD design standards and design review procedures. The provisions of these *PUD Development Standards* do not exonerate compliance with any applicable state or federal regulations.

II. SECTION 15.150.070 ADDITIONAL PROCEDURES AND REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT ZONING DISTRICTS

Section 15.150.070.A.

PUD Zoning District Application Review Procedures Not Applicable.

Section 15.150.070.B.

Additional Application Contents

Section 15.150.070.B.1.

Preapplication Conference. Not Applicable

Section 15.150.070.B.2.

Zoning Plan Submittal. This document, along with the *VanTuyl Ranch Management Plan*, other PUD Zoning Application materials and applicable sections of the *Gunnison Municipal Code (GMC)* and the *VanTuyl Ranch Management Plan*, serve as the framework for directing development on the Ranch.

Section 15.150.070.B.2.a.

Minimum Contents listed in GMC 15.150.040(A) and the map amendment information in GMC 15.150.040 (C). See Section I. A and I. C.

¹*VanTuyl Ranch Annexation and Gunnison Library Traffic Study*, Fox Higgins Transportation Group, LLC. July 23, 2008.

Section 15.150.070.B.2.b.

PUD Zoning Plan Map. The Zoning Plan Map application contents are specifically addressed in the following sub-sections of this application.

Section 15.150.070.B.2.b.i. (A)

Generally, where each type of use is located within the PUD and an indication of the total acreage which will be devoted to each use. Figure 5 is an illustrative land use map. Table 1 defines general use categories and the land area measure for the intended uses.

TABLE 1 PUD ZONING, LAND USE, DWELLING UNITS AND NON-RESIDENTIAL ALLOCATIONS				
Land Use	PUD Zoning District	Acres	Residential Unit Cap	Gross Floor Area Non-Residential
Agriculture and Open Space	AG	378.94	2	See Table 4 PUD Development Standards
Library	LIB	5.32	N/A	26,000

Section 15.150.070.B.2.b.i. (B)

Proposed Districts labeled on the plan. Figure 3 is the Zoning Map for this application submittal showing proposed districts and labels.

Section 15.150.070.B.2.b.i. (C)

Areas designated for residential uses shall also indicate the maximum number of dwellings

The proposed *VanTuyl Ranch PUD Development Standards* will allow one additional dwelling unit to be developed at the ranch headquarters. Section 15.150.070.i (I) of this application contains the proposed *PUD Development Standards*.

Section 15.150.070.B.2.b.i. (D)

The minimum acreage which will be dedicated to common open space. The Agriculture and Open Space district contains approximately 378.94 acres, and this area is designated to remain open space.

Section 15.150.070.B.2.b.i.(E)

Internal circulation systems. Figure 4 depicts the internal circulation trails. Refer to Section 15.150.040.C.4 of this application for a description of the street system.

Section 15.150.070.B.2.b.i.(F)

The acreage and location of areas to be dedicated for school sites or other public uses. This application does not include any proposed future school sites. A public facilities area consisting of approximately nine acres is located on the southeast corner of the Ranch, adjacent to intersection of Vulcan Road and County Road 13.

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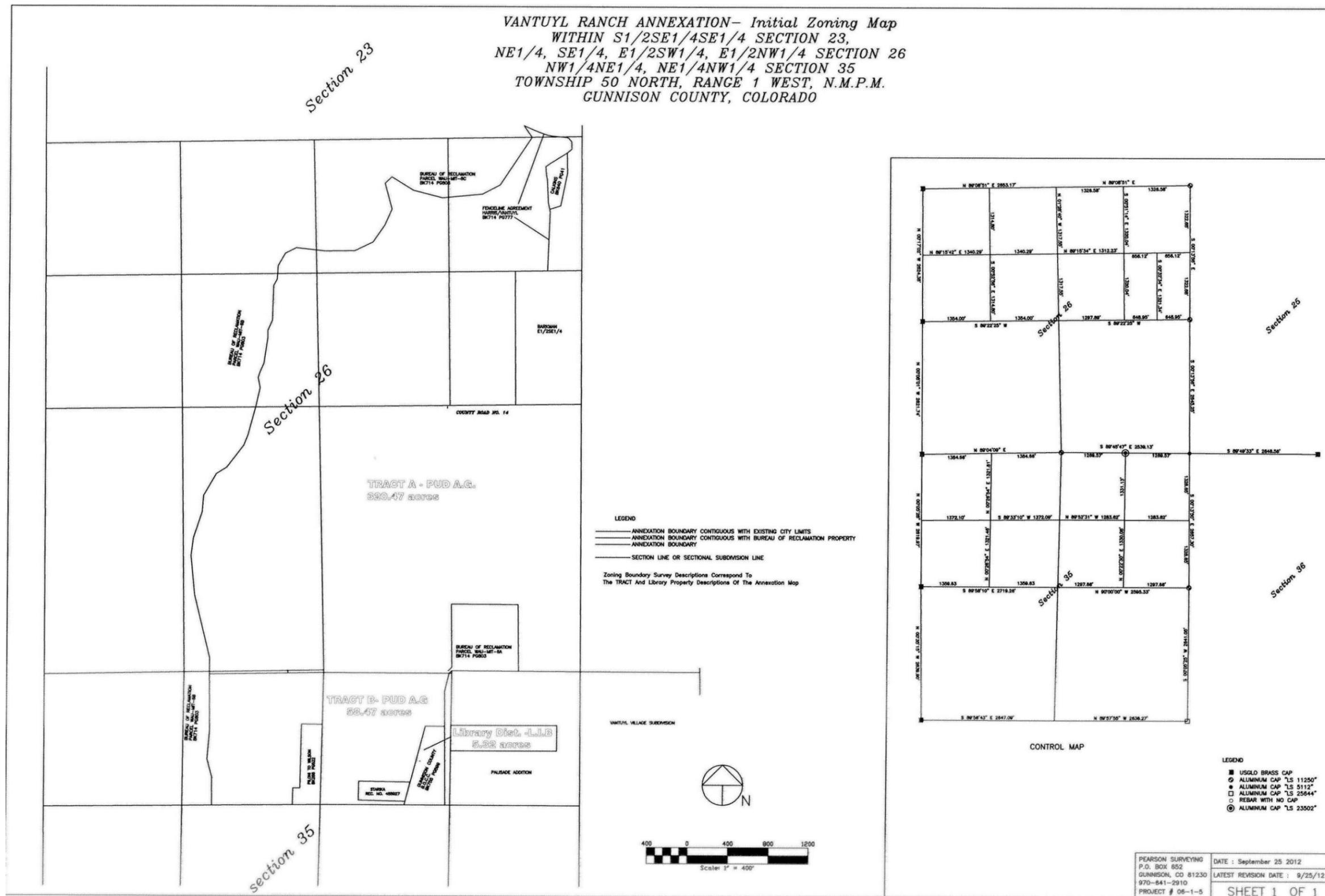


FIGURE 3 ZONING MAP

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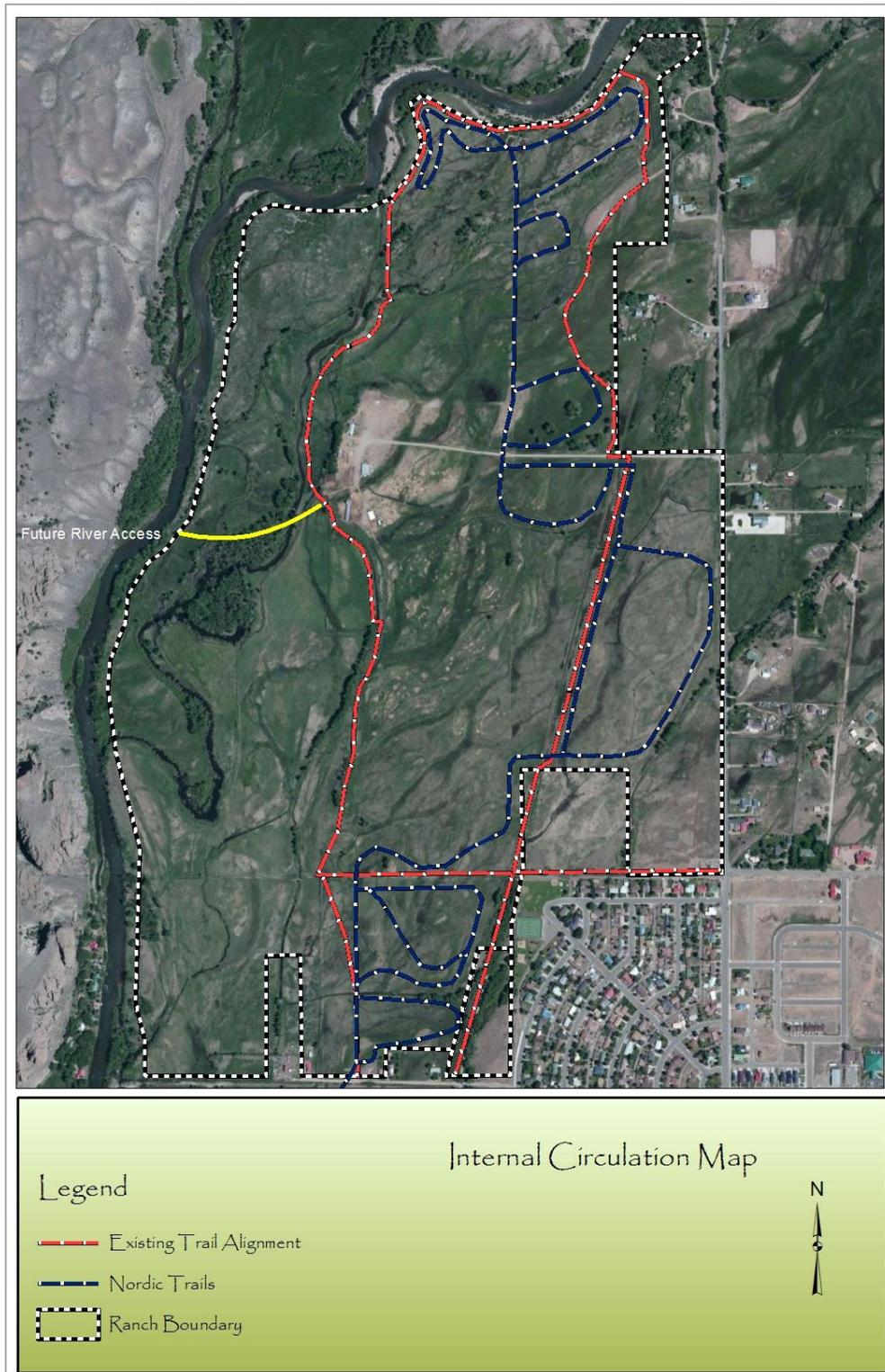


FIGURE 4 INTERNAL CIRCULATION MAP

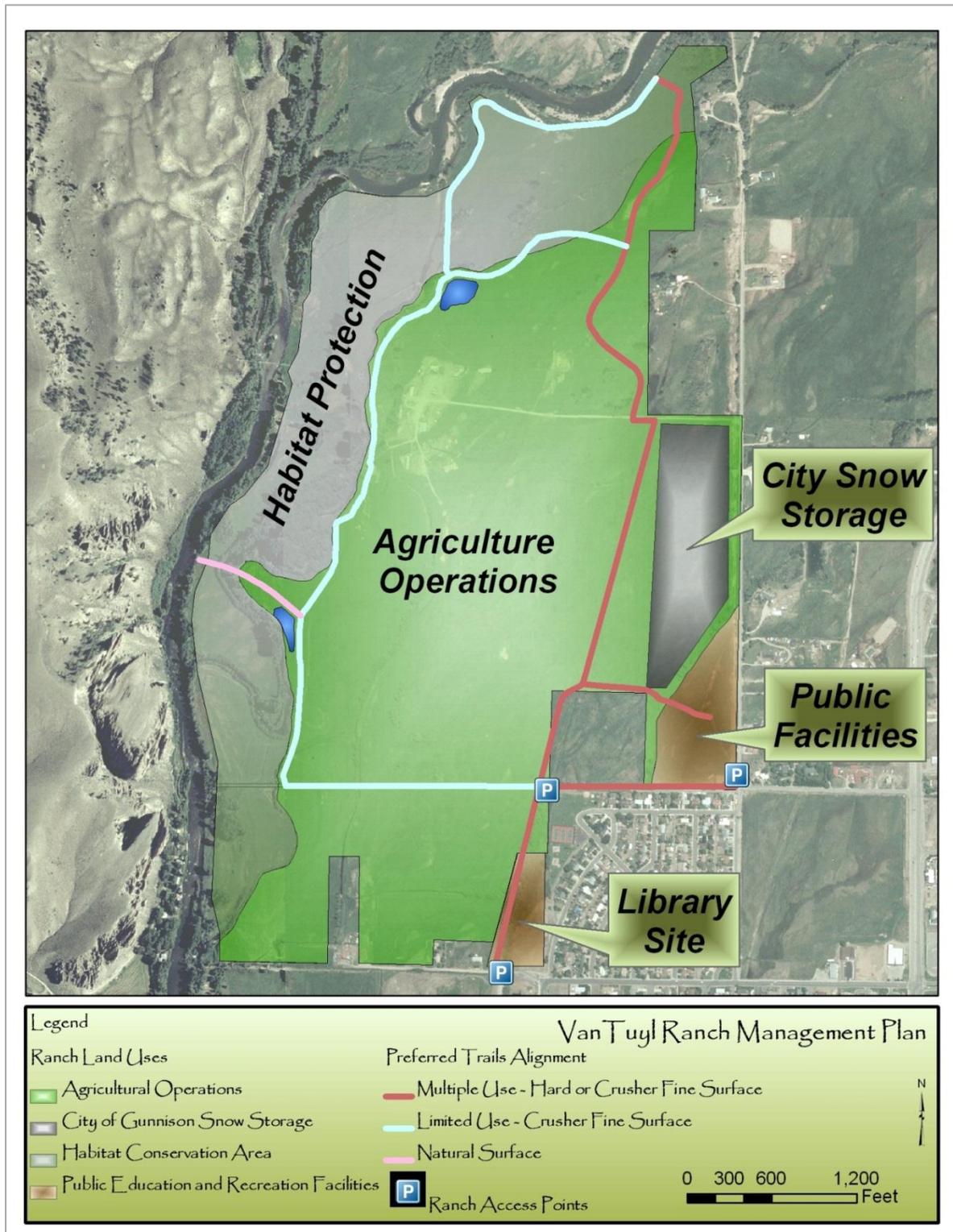


FIGURE 5 LOCATIONS FOR PUBLIC FACILITIES

Section 15.150.070.B.2.b.i.(G)

Descriptions of the general character of all proposed land use districts in the PUD and plans showing the location and size of each district within the PUD.

I. Agriculture and Open Space District (378.94 acres). The purpose of the PUD Agriculture and Open Space district is to ensure that sustainable management practices will be utilized to protect the existing habitat and water quality and quantity that presently exist on the Ranch. Permitted uses include: sustainable agricultural production under managed conditions including hay production; raising livestock in defined areas; seasonal grazing on designated pastures; recreational open space including trails and access to the Gunnison River; City snow storage; and, the ranching facilities in the headquarters area. Ranching facilities include one single family dwelling, several barns, animal stalls and other out-buildings. Not more than two dwelling units will be allowed.

Future public facilities on a nine-acre site at the southeast corner of the Ranch will accommodate education, recreation, gardening and other community-oriented facilities and activities. This Public Facilities Land Use Area is located in a manner to minimize the land area impact, allow for the efficient extension of utilities, and provide easy public access. Facilities will include: a barn; community garden; dog park; greenhouse and garden area; pasture and horse arena; horse training area; large animal pens; restroom; small animal pens; storage building; and, trailhead shelter/interpretive area.

Just north of the public facilities is an 18.9 acre site to be used for City snow storage in the winter and agriculture operations the remainder of the year.

II. Library District (5.32 acres). The PUD Library district uses shall be contained on a 5.32-acre site located at the intersection of Spencer Avenue and 11th Street. The purpose of the PUD Library district will be to facilitate the development and operation of a community library facility and accessory uses. Allowed uses include public institution services typically found in library facilities such as: book and document repository; reference library operations; administrative offices; and, public research amenities. A floor area standard will allow up to 26,000 square feet of facility area. The conceptual plan anticipates an 18,000 square foot primary structure and one auxiliary structure of 1,000 square feet. A portion of the trails system is on the west boundary of the library site.

The Planned Unit Development shall be developed only according to the approved and recorded zoning plan and development plan and all supporting data. The recorded final PUD zoning plan, development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the PUD as set forth therein. Any proposed changes to this PUD shall be subject to either the provisions for Major Changes, or Insubstantial Changes as stipulated by the *City of Gunnison Land Development Code*, as it may be amended in the future.

Section 15.150.070.B.2.i.(H).

Provisions for water, irrigation ditches, sewer, refuse collection, storm water collection, telephone, electricity, gas and cable television, if applicable.

I. Water. The Ranch holds an enormously important role in the development of future water utilities that will serve the City. City water rights include provisions for the development of three additional domestic production wells. Future wells and water mains will be located in the Agriculture Operations Land Use Area.

A private well is located at the ranch headquarters for domestic use for the single family dwelling. This well will remain for the use of the ranch headquarters. The City’s existing water distribution system is available to provide the library site domestic water and will be its source for fire flow.

II. Wastewater. The ranch house will be served by an Individual Septic Disposal System (ISDS). If the ranch house ISDS fails it may be replaced. No other ISDS will be permitted on the Ranch. Vault privies may be developed along the trail system at designated locations that can be accessed by vehicles for maintenance.

The library site will be served by the municipal wastewater system.

III. Electrical. The ranch headquarters is served by an overhead line owned and operated by the Gunnison County Rural Electric Association. The library site will be served by the existing City electrical system.

IV. Irrigation. The existing irrigation ditches on the Ranch are the Piloni Ditch and Whipp Ditch.

V. Telephone, Gas, and Cable. At the future library site and public facilities site these utilities will be provided by private service providers. The ranch headquarters is presently served by propane and CenturyLink phone service only.

Section 15.150.070.B.2.i.(I).

PUD Development Standards

I. Purpose and Intent. The purpose of the PUD Library district will be to facilitate the development and operation of a community library facility as well as accommodating the accessory uses and facilities typically found at this type of public building. The primary library building will be approximately 18,000 square feet, and is provided a floor area standard that will allow up to 26,000 square feet of facility area.

The purpose of the PUD Agriculture and Open Space district is to ensure that sustainable management practices will be utilized to protect the existing habitat and water quality and quantity that presently exist on the Ranch. Uses including traditional agricultural production, recreation, public education activities and the development of a water well field are contemplated. Specific management functions will follow the provisions set forth in the *VanTuyl Management Plan*.

II. Definitions

“Agricultural Facilities” shall mean equipment, facilities, and other features generally found in ranching and equestrian stable operations and include, but are not limited to; barns, stalls, equipment storage buildings, outbuildings, offices, garages, and well houses.

“Site Development Improvement Envelope” shall mean a perimeter designation line within which all buildings, facilities, ornamental landscaping, access ways and other related improvements must occur.

“Building Height” shall mean the vertical distance between the average grade of a structure and the highest point of the structure, or to the coping of a flat roof, or to the highest ridge of a sloping roof.

“Cultural Facilities” shall mean buildings and other facilities for educational or cultural purposes, and include, but are not limited to, educational classrooms, libraries, information kiosk, and museums.

“*Dwelling Unit*” shall mean one or more rooms occupied by one family or group of people living independently from any other family or group of people and having not more than one indoor cooking facility, which is limited to the use of the one family or group. For the purposes of this PUD, dwelling units will be limited to single family residential units.

“*Floor Area Gross*” shall mean the total floor area, measured to the outside surface of the building’s enclosing exterior walls, and shall include habitable attic space, closets, service areas, hallways, interior walls, mechanical rooms, interior and exterior corridors and stairwells.

“*Grade or Average Grade*” shall mean the average of the finished ground level of each of the four principal elevations. Generally, the ground level will be measured at the midpoint of an elevation unless retaining walls or significant grade change on a given elevation changes the midpoint measurement.

“*Impervious Coverage*” shall mean the portion of a lot covered by material forming any unbroken surface impervious to water including, buildings, streets, driveway, parking lots and other impermeable materials.

III. Applicability of PUD Development Standards

A. Land Development Code Conformance. All development standards set forth in the *City of Gunnison Municipal Code*, as presently adopted and as it may be amended in the future, shall apply to the VanTuyl Ranch PUD, except for the following standard categories as set forth herein.

1. **Use Standards.** Each proposed district contains a specific list of permitted uses. Only those stated uses shall be allowed within each PUD district.
2. **Dimensional Standards.** This PUD includes specific standards for minimum lot size, maximum percent building coverage, maximum percent impermeable surface coverage, and minimum setback requirements.
3. **Landscape Standards.** This PUD includes specific landscape standards to be applied to the VanTuyl Ranch PUD. The PUD requires development of landscape buffers on street frontages and adjacent to residential land uses. These buffers are considered appropriate to protect existing uses and ensure visually attractive future developments.
4. **Parking Standards.** Design, construction and maintenance of parking facilities shall comply with the *City of Gunnison Land Development Code* except as set forth in C.5, below.
5. **Management Standards.** The *VanTuyl Ranch Management Plan* constitutes specific documentation of all related policies applied to the City-owned ranch, and is therefore incorporated by reference and shall be used to direct land use decisions for the PUD-Agriculture and Open Space district.
6. **Subdivision.** The subdivision and conveyance of real property other than the library site shall be prohibited. In no case shall the future subdivision of the library site result in a lot area less than 2.5 acres in size.

B. Conflicts. If there is any conflict between the provisions of this *VanTuyl Ranch PUD Master Plan* and the provisions of the *City of Gunnison Municipal Code*, or any other ordinances, resolutions or regulation of the City of Gunnison, the more restrictive provisions shall prevail and govern the development.

C. General Development Standards. All development standards set forth in the *City of Gunnison Land Development Code*, and as it may be amended in the future, shall apply to the VanTuyl Ranch PUD except for the following standards that specifically regulate this Planned Unit Development:

- 1. Building Permit Requirements.** No building or other structure shall be constructed, erected or maintained on any lot, nor shall any addition thereto or alteration or change thereto be made until complete plans and specifications have been submitted to the Gunnison Building Department and by it, approved in writing, as evidenced by issuance of applicable City building permit.
- 2. Mandatory Site Improvement Envelopes.** Buildings, street buffers, residential buffers, parking lots and other developed facilities, except for designated trails, shall be governed by a Site Improvement Envelope designated at the time of a site-specific development plan. At a minimum, the Site Improvement Envelope shall maintain a minimum 15-foot buffer from public street edges (curb edge). Additionally, a minimum 25-foot buffer shall be maintained for any building, accessory building or parking area constructed in this PUD and any residential development located adjacent to the PUD boundary. These buffers are subject to the specific minimum landscaping standards set forth for the specific PUD districts.
- 3. Nature’s Envelope and Site Landscaping.** The only location where ornamental vegetation planting shall be permitted is in the Site Improvement Envelope, and a designated transition envelope that shall extend no more than 30 feet from the Site Improvement Envelope. The Transition Envelope will provide a gradational change from the Site Improvement Envelope and the natural landscape (Nature’s Envelope). Alteration to the existing landscape will be permitted only within the designated Site Improvement Envelope and transition envelope. The Nature’s Envelope is that portion of the site that must remain as a natural landscape. Irrigation of the natural vegetation is permitted. In the event that revegetation within Nature’s Envelope is needed, only plant types that comply with the provisions set forth in the *VanTuyl Ranch Management Plan*, shall be used.

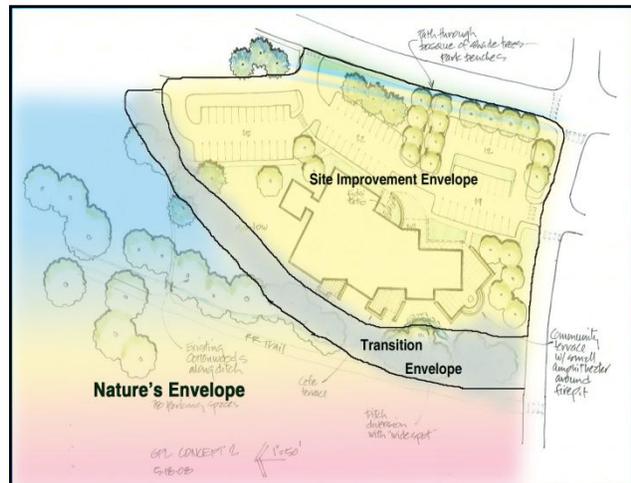


FIGURE 6 NATURE'S ENVELOPE

- 4. Site Development Improvement Envelope Adjustments.** The designated Site Improvement Envelope may be adjusted as a Minor Change as long as the adjustment does not impede into the buffer of any residential use, jurisdictional wetland, existing major ditch, or negatively affect street front landscaping. If the proposed adjustment exceeds these cited features then the adjustment shall be processed as a Major Change.
- 5. Wetland Setbacks.** No building, parking surface or other impervious coverage shall be located within 100 feet of a jurisdictional wetland. Exceptions to this standard shall be allowed for trail

surface platforms, informational kiosks, facilities located in pocket parks that may be developed along proposed trails, and hay storage pole barns.

6. **Parking Requirements.** Parking space allocation requirements shall be one space per 300 square feet of building floor area. Aisle, landscape islands and stall dimensions shall conform to parking standards contained in the *City of Gunnison Municipal Code*, and as it may be amended. However, parking for specific uses may be provided on separate adjacent lots, provided an acceptable plan guaranteeing the availability and accessibility of the parking is approved as part of the development review.

D. Specific PUD District Standards. Two PUD districts are established by these standards: 1) the PUD-Library district (PUD-LIB); and, 2) the PUD-Agriculture and Open Space district (PUD-AG). The following standards and criteria are specific to each of the established PUD districts.

1. **PUD Library District.** The PUD-Library district uses shall be contained on a 5.32 acre parcel as designated on the PUD Zoning Map. The following are specific development standards directing the library design theme.

- a. **Primary and Accessory Uses.** Uses shall be limited to a public library and any ancillary uses incidental thereto or for other public uses of the property that are complementary to and do not interfere with the use of the property as a public library.

- b. **Dimensional Standards**

- i. **Maximum Floor Area.** The primary structure shall have a maximum gross floor area of 26,000 square foot gross floor area. Accessory structures shall be permitted with a 2,000 square foot gross floor area maximum limit.

- ii. **Building Height.** The maximum height shall be 35 feet.

- iii. **Setbacks.** Setbacks shall be subject to the site improvement envelope established as part of the site-specific development plan.

- iv. **Maximum Impervious Area.** The area of impervious coverage shall not exceed 50 percent of the Site Improvement Envelope as established during the development plan review.

- c. **Site Improvement and Nature’s Envelope**

- i. In addition to the Site Improvement Envelope standards defined in Section C.2 (Site Improvement Envelope), the designated Site Improvement Envelope of the PUD-Library district shall not exceed 50 percent of the entire PUD-Library district area.

- ii. Uses in Nature’s Envelope shall be limited to kiosks, water features and passive recreation uses, picnic areas, and enhancement of natural vegetation features.

- d. **Landscaping Criteria.** Landscaping requirements are hereby established for site area landscaping and interior parking lots within the PUD-Library district. Site area landscaping shall be in conformance with the following criteria:

TABLE 2 PUD-LIBRARY DISTRICT MINIMUM PLANTING CRITERIA		
Landscaping Planting	Trees and Shrubs	Ground Cover
Street Buffer	1 tree and 2 shrubs per 50 lineal fee of street frontage	Up to 85 percent of ground cover may be xeriscape planting
Adjacent Residential Buffer	4 trees and 5 shrubs per 50 lineal feet	Up to 100 percent of the ground cover may be xeriscape
Improvement Envelope and Transition Area	No requirement	Up to 100 percent of the ground cover may be xeriscape plantings
Natural Area	All landscape alterations are subject to subject review and approval and shall follow plant criteria established in the <i>VanTuyl Ranch Management Plan</i> .	

2. **PUD Agriculture and Open Space District.** The PUD Agriculture and Open Space district consists of the entire Ranch area owned by the City of Gunnison. There are four land use areas established in this district which are specifically described in the *VanTuyl Ranch PUD Zoning Application* and in the *VanTuyl Ranch Management Plan*.
 - a. **Agriculture Operations and Agriculture Management Plan.** This PUD permits agriculture uses, it does not set forth agriculture management directives. Agriculture operation standards shall be set forth in any agriculture lease document subject to approval by the City Manager. All operational standards shall comply with the directives of the *VanTuyl Ranch Management Plan* as adopted and amended in the future.
 - b. **Permitted Facilities and Uses.** The specific facilities and uses for the land use areas, as contemplated in the *VanTuyl Ranch Management Plan*, are set forth in Table 2.

TABLE 3 FACILITIES AND USES ALLOWED BY LAND USE AREA				
Use Description	Agricultural Operations	Habitat Protection	Public Facilities	Snow Storage
Domestic Well Field and Water Service Delivery	P	P	P	P
Trails	P	P	P	P
Parking	C		P	P
Single Family Dwelling	P			
Produce Sale	C			
Ag Out Buildings	P		P	
Education Facilities	C		P	
Recreation Buildings	C		P	
Irrigation Facilities	P	P	P	P
Dog Park			P	
Maintenance Facilities			P	
Community Gardens			P	
Agricultural Production	P	P	P	P
P = Permitted C = Conditional				

B. Dimensional Standards. Dimensional Standards for the uses and facilities set forth in the *VanTuyl Ranch Management Plan* shall be followed in this PUD Agriculture and Open Space district pursuant to the following table and measures defined herein.

TABLE 4 DIMENSIONAL STANDARDS FOR USES AND FACILITIES		
Facility	Land Use Area	Coverage/ Measure
Dwelling Unit	Ag Operation/HQ	2,500 SF
Community Bldg.	Public Facilities	2,500SF
Outdoor Dog Park	Public Facilities	See Management Plan
Public Parking	Public Facilities	80 spaces
Storage/Maintenance	Public Facilities	1,500 SF
Restrooms	Public Facilities	800 SF
Community Gardens	Public Facilities	2 acres
Small Animal Pens	Public Facilities	7,000 SF
Large Animal Pen	Public Facilities	14,000 SF
Barn	Public Facilities	2,000 SF
Greenhouse	Public Facilities	4,000 SF
Horse Training	Public Facilities	1 acre

- i. Building Height. The maximum height of any building or structure shall be 35 feet.
- ii. Setbacks. Setbacks shall be subject to the Site Improvement Envelope established as part of the site-specific development plan, and follow prescribed setback buffer dimensions required in Section III.D.1.d of these PUD Development Standards.
- iii. Maximum Impervious Area. The area of impervious coverage shall not exceed 70 percent of the Site Improvement Envelope as established during the site development plan review.

C. Residential Dwellings. One additional dwelling unit, not to exceed 2,500 square feet, may be developed in the headquarters area in addition to the existing/original ranch house dwelling unit.

D. Site Improvement Envelope. Improvements within the Public Facilities Land Use Area shall be contained within that area bordered by County Road 13 on the east and the Whipp Ditch; see the *VanTuyl Ranch Management Plan*. The *Plan* also contemplated the development of Public Facilities within the designated ranch headquarters and on a site adjacent to the Library and Community School. Any future public facilities proposed at the ranch headquarters shall be subject to a Major Amendment to this PUD.

Section 15.150.070.B.2.i.(J).

Written and graphic material demonstrating to the Planning Commission and City Council how modifications will produce a living environment, landscape quality and lifestyle better than that produced by the existing standards.

The VanTuyl Ranch PUD Development Standards focus on implementing the directives set forth in the *VanTuyl Ranch Management Plan*. The *VanTuyl Ranch Management Plan* addresses the appropriate and compatible land uses, the preferred land use plan, allowed uses, and management practices to result in the desired future condition for each of the land uses in the annexation area.

Section 15.150.070.B.2.ii.
Site Topographic Map

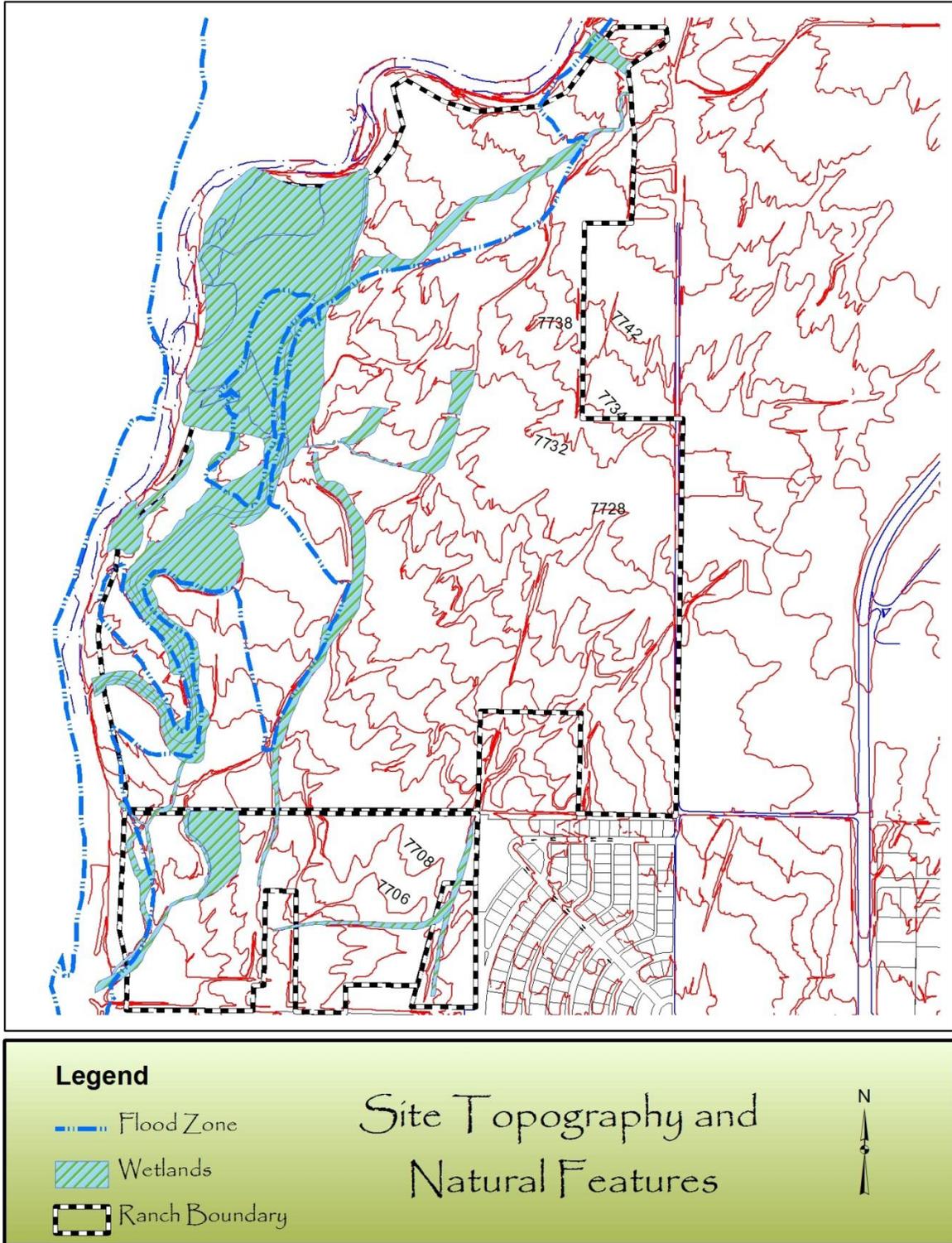


FIGURE 7 SITE TOPOGRAPHY AND NATURAL FEATURES

Section 15.150.070.B.2.iii.

Written Statement of Concept for the PUD

Section 15.150.070.B.2.iii.A.

An explanation of the objectives to be achieved by the PUD and a statement of purpose for each district within the PUD.

I. OBJECTIVES. The objective of this PUD is to fulfill the directives of the *VanTuyl Ranch Management Plan*, which provides the vision for the long-term management of the natural resources found on the property. The other objective is to provide for the future development of a library on the property owned by the Gunnison County Library District.

II. PUD AGRICULTURE AND OPEN SPACE (AG) DISTRICT. The PUD Agriculture and Open Space district consists of the entire Ranch area owned by the City of Gunnison.

Purpose. There are four land use areas established in this district which are specifically described in the *VanTuyl Ranch Management Plan*; Agriculture Operations, Habitat Protection, Public Facilities, and City Snow Storage. The following general development standards apply to the Agriculture and Open Space district. Specific permitted uses and dimensional standards will apply to each land use area.

III. PUD LIBRARY (LIB) DISTRICT

Purpose. The PUD-Library district uses shall be contained on a 5.32-acre site located at the intersection of Spencer Avenue and 11th Street. Access to the library will be from driveways intersecting with the existing roads. Public institution services typically found in library facilities include but are not limited to: book and document repository, reference library operations, administration offices, and public research amenities.

Section 15.150.070.B.2.iii.B.

A development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD are anticipated to begin and be completed.

I. Agriculture and Open Space District. Funding for capital improvements in the Agriculture and Open Space district will be subject to City capital improvement plans and annual budgets approved by City Council. The following capital improvement prioritization was developed based on ease of implementation, available revenues versus project expenses, staffing limitations, and derived benefits. While the prioritization assigns a preference for implementation of specific improvements, there may be “opportunity” projects where funding is currently available and should take precedence. Capital improvements are categorized into a highest, medium and lowest priority project list. It is not possible to determine specific dates of the improvements.

TABLE 5 AGRICULTURE AND OPEN SPACE DISTRICT CAPITAL IMPROVEMENTS PRIORITIZATION		
Highest Priority	Medium Priority	Lowest Priority
Trail Extensions	Dog Park	Barn
Utility Extensions	Community Gardens	Tool Shed
Access and Parking	Trailhead / Interpretive Facility	Greenhouse
Restrooms	Storage / Maintenance Facility	Animal Holding Pens
Landscaping and Buffers		

II. Library District. Development of the proposed library facility will occur when funding for the project is secured. A specific date for development has not been set.

Section 15.150.070.B.2.iii.C.

Copies of any special covenants, conditions and restrictions which will govern the use of occupancy of the PUD; provided that the applicant may impose additional covenants, conditions and restrictions on any particular area in connection with the platting of such area.

The real property governed by this PUD zoning will not be subject to any covenants. The *VanTuyl Ranch Management Plan* has been adopted by the City as a sub-area plan of the *City of Gunnison Master Plan*. Long term management of the PUD must comply with the directions established in the *VanTuyl Ranch Management Plan*.

Section 15.150.070.B.2.iii.D.

A statement by a licensed engineer which shall provide evidence of the following:

- (1) Based on anticipated demand, the proposed water source is adequate to serve the PUD.**
- (2) Based on anticipated demand, the proposed method of sewage treatment and existing sewage treatment facilities are adequate to serve the PUD.**
- (3) The general manner in which storm drainage will be handled.**
- (4) The general manner in which provision will be made for any potential natural hazards in the area such as steep slopes, erosive soils, avalanche areas, landslide areas, floodplain areas and unstable soils.**

Potable water and fire flow demand for the future development on the Ranch and library site can be met by the capacity of the existing water utilities. The ranch headquarters will continue to be served by the existing permitted well. Wastewater services for the future development of the Ranch and library site can be met by the capacity of the existing wastewater utility system. The ranch headquarters will continue to be served by the existing Individual Sewage Disposal System. Future development on the Ranch and library site must be designed to not exceed historic stormwater discharge flow. Flood hazards are the only natural hazard of significance. No buildings are contemplated to be developed in any designed flood hazard areas designated by the Federal Emergency Management Agency. (Terry Zerger, City Engineer)

Section 15.150.070.B.2.iii.E.

Easements showing vested legal access for ingress and egress from a public road to the PUD in accordance with Chapter 15.110 GMC.

Existing overhead electrical lines owned by the Western Area Power Administration (WAPA), Gunnison County Electric Association (GCEA) and the City bisect the Ranch. The WAPA lines are within recorded easements (Bk. 287, Pg. 346 and Bk. 771 Pg. 346). In October 2001, GCEA recorded a series of older easements (circa 1950's) that had not previously been recorded. Because these easements were not recorded at the time the City purchased the Ranch, they are invalid. City staff offered to work with GCEA to establish formal easements but to date, GCEA has not requested any action be taken.

In 2004, Gunnison County installed a wastewater trunk line that parallels the north/south alignment of Slaughterhouse Road (CR13). This trunk line serves dwelling units within the North Gunnison Sewer District. On February 9, 2012 the easement for this sewer line was recorded.

CenturyLink phone service to the ranch headquarters is the only existing private utility in the annexation territory. Private utility service extensions to the annexation will be minimal except for the future library facility needs.

Section 15.150.070.B.2.iii.F.

Evidence that the PUD has been designed with consideration of the site's natural environment and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation or unique or historic features.

The *VanTuyl Ranch Management Plan* defines an adaptive management process for groundwater protection, surface hydrology protection, agricultural resource management, habitat protection, and public recreation management to preserve the natural environment and to limit the impacts of human activity on plant and animal species on the property.

Section 15.150.070.B.2.iii.G.

Any other information or exhibits which the applicant or the community development director deems pertinent in evaluating the proposed PUD.

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Enclosure 1 Legal Description

Legal Description
VanTuyl Ranch Annexation to the City of Gunnison
Within S1/2SE1/4SE1/4 Section 23
S1/2SW1/4SW1/4 Section 25
NE1/4, SE1/4, E1/2SW1/4, E1/2NW1/4 Section 26
NW1/4NE1/4, NE1/4NW1/4 Section 35
Township 50 North, Range 1 West, N.M.P.M.
Gunnison County, Colorado

Tract A

A parcel of land within S1/2SE1/4SE1/4 of Section 23, S1/2SW1/4SW1/4 of Section 25, and NE1/4, SE1/4, E1/2SW1/4, and E1/2NW1/4 of Section 26, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado, being more particularly described as follows:

Commencing at the southeast corner of said Section 26, as marked by a brass cap stamped "LS 5112" set in concrete, this being the POINT OF BEGINNING of the herein described parcel; thence the following courses around said parcel:

1. North 89°45'46" West 609.27 feet along the south boundary of said Section 26 to the southeast corner of The United States of America property, Parcel WAU-MIT-6A, as described by deed recorded in Book 714 at page 803 in the records of Gunnison County;
2. North 00°50'01" West 660.00 feet along the east boundary of said property to the northeast corner of said property (this leg being previously recorded as North 00°48'18" West);
3. North 89°45'46" West 660.00 feet along the north boundary of said property; (this leg being previously recorded as North 89°44'03" West);
4. South 00°50'01" East 625.00 feet along said boundary (this leg being previously recorded as South 00°48'18" East);
5. South 44°42'07" West 49.03 feet along said boundary to the south line of said Section 25 (this leg being previously recorded as South 44°43'50" West);
6. North 89°45'46" West 1234.86 feet along said boundary to the south quarter corner of said Section 25, as marked by an aluminum cap monument stamped "LS11250" (this leg being previously recorded as North 89°44'03" West);
7. South 89°04'09" West 1132.90 feet along said boundary to the east boundary of the United States of American property, Parcel WAU-MIT-6B, as described by deed recorded in Book 714 at page 803 in said records (this leg being previously recorded as South 89°07'34" West);
8. North 00°15'39" West 137.53 feet along said boundary (this leg being previously recorded as North 00°13'56" West);
9. North 13°48'34" West 640.53 feet along said boundary (this leg being previously recorded as North 13°45'09" West);
10. North 05°47'19" West 391.95 feet along said boundary (this leg being previously recorded as North 05°45'09" West);
11. North 07°16'10" East 173.09 feet along said boundary (this leg being previously recorded as North 07°19'35" East);

12. North 18°14'09" East 273.07 feet along said boundary (this leg being previously recorded as North 18°17'34" East);
13. North 04°36'11" East 162.57 feet along said boundary (this leg being previously recorded as North 04°39'36" East);
14. North 30°37'32" East 48.95 feet along said boundary (this leg being previously recorded as North 30°40'57" East);
15. North 29° 52'15" East 201.21 feet along said boundary (this leg being previously recorded as North 29°55'40" East);
16. North 58°12'00" East 120.87 feet along said boundary (this leg being previously recorded as North 58°15'25" East);
17. North 37°32'07" East 271.09 feet along said boundary (this leg being previously recorded as North 37°35'32" East);
18. North 21°35'07" East 110.48 feet along said boundary (this leg being previously recorded as North 21 °38'32" East);
19. North 15°08'12" East 160.77 feet along said boundary (this leg being previously recorded as North 15°11'37" East);
20. North 15°27'15" East 132.88 feet along said boundary (this leg being previously recorded as North 15°30'40" East);
21. North 12°46'26" East 188.55 feet along said boundary (this leg being previously recorded as North 12°49'51" East);
22. North 11°58'39" East 103.38 feet along said boundary (this leg being previously recorded as North 11°55'14" East);
23. North 17°57'05" East 52.70 feet along said boundary (this leg being previously recorded as North 18°00'03" East);
24. North 23°13'42" East 100.51 feet along said boundary (this leg being previously recorded as North 23°17'07" East);
25. North 08°28'14" East 254.64 feet along said boundary (this leg being previously recorded as North 08°31'29: East);
26. North 00°25'40" East 73.86 feet along said boundary (this leg being previously recorded as North 00°29'05" East);
27. North 24°18'08" East 109.55 feet along said boundary (this leg being previously recorded as North 24°21'33" East);
28. North 01°32'24" East 340.21 feet along said boundary (this leg being previously recorded as North 01°35'49" East);
29. North 27°58'16" East 71.16 feet along said boundary (this leg being previously recorded as North 28°01'41" East);
30. North 03°18'54" East 56.53 feet along said boundary (this leg being previously recorded as North 03°22'07" East 57.67 feet) to the south boundary of the NE1/4NW1/4 of said Section 26, also to the southeast corner of the

United States of America property, Parcel WAU-MIT-6C, as described by deed recorded in Book 714 at page 803 in said records;

31. North 03°18'54" East 77.83 feet along the easterly boundary of said Parcel (this leg being previously recorded as North 03°22'07" East);

32. North 30°06'12" East 145.27 feet along said boundary (this leg being previously recorded as North 30°06'12" East);

33. North 62°34'15" East 117.47 feet along said boundary (this leg being previously recorded as 62°36'48" East);

34. South 83°32'50" East 284.85 feet along said boundary (this leg being previously recorded as 83°30'17" East);

35. North 89°13'24" East 298.97 feet along said boundary (this leg being previously recorded as North 89°15'57" East);

36. North 64°31'10" East 201.42 feet along said boundary (this leg being previously recorded as North 64°33'43" East);

37. North 34°42'53" East 201.81 feet along said boundary (this leg being previously recorded as North 34°45'26" East);

38. North 23°55'34" East 174.11 feet along said boundary (this leg being previously recorded as North 23°58'07" East);

39. North 15°15'19" West 264.15 feet along said boundary (this leg being previously recorded as North 15°12'46" East);

40. North 46°21'57" East 91.82 feet along said boundary (this leg being previously recorded as North 46°24'30" East);

41. South 58°42'10" East 254.86 feet along said boundary (this leg being previously recorded as South 58°39'37" East);

42. South 75°22'43" East 293.83 feet along said boundary (this leg being previously recorded as South 75°20'10" East);

43. North 84°33'52" East 395.71 feet along said boundary (this leg being previously recorded as North 84°36'25" East);

44. North 62°22'56" East 201.27 feet along said boundary (this leg being previously recorded as North 62°25'29" East);

45. North 33°35'53" East 565.01 feet along said boundary (this leg being previously recorded as North 33°38'26" East) to the north boundary of said Section 26;

46. North 34°46'30" West 138.31 feet to the centerline of the Gunnison River, also the Terminus of the Boundary Line Agreement described in Book 714 at page 777 in said records;

47. South 66°16'06" East 100.00 feet along said boundary to an existing fence corner;

48. South 67°12'10" East 70.04 feet along said boundary and along an existing fenceline (this leg being previously recorded as South 66° 16'05" East 67.58 feet);

49. South 70°38'45" East 78.98 feet along said boundary and fenceline;

50. South 81°03'18" East 55.50 feet along said boundary and fenceline (this leg being previously recorded as South 78°17'40" East 54.02 feet);
51. South 84°41'28" East 138.78 feet along said boundary and fenceline (this leg being previously recorded as South 86°23'16" East 139.76 feet);
52. South 68°35'10" East 20.10 feet along said boundary and fenceline (this leg being previously recorded as South 69°47'05" East 21.85 feet);
53. South 39°05'26" East 41.53 feet along said boundary and fenceline (this leg being previously recorded as South 45°48'40" East 38.26 feet);
54. South 02°44'46" East 75.75 feet along said boundary and fenceline (this leg being previously recorded as 05°07'16" East 80.32 feet);
55. South 50°24'27" East 58.12 feet along said boundary and fenceline (this leg being previously recorded as 63.41 feet) to the northeast corner of the Calkins property as described by deed recorded in Book 640 at page 43 in said records;
56. South 58°06'46" West 189.13 feet along the northerly boundary of said property;
57. South 54°55'38" West 61.96 feet along said boundary to an existing fence corner, being the northwest corner of said property as called for in said deed;
58. South 03°44'09" East 85.13 feet along the westerly boundary of said property;
59. South 12°57'53" East 42.18 feet along said boundary;
60. South 02°47'21" East 233.77 feet along said boundary;
61. South 12°39'31" East 63.47 feet along said boundary to the southwest corner of said property;
62. South 08°20'26" East 27.37 feet along said Boundary Line Agreement described in Book 714 at page 777 (this leg being previously recorded as South 05°58'53" East 27.38 feet);
63. South 02°04'02" East 582.39 feet along said east boundary and an existing fenceline (this leg being previously recorded as 581.91 feet) to the south boundary of the NE1/4NE1/4 of said Section 26;
64. South 89°15'34" West 319.13 feet along said south boundary to the northwest corner of the E1/2SE1/4NE1/4 of said Section 26;
65. South 00°32'34" East 1321.34 feet along the west boundary of said E1/2SE1/4NE1/4 to the southwest corner of said E1/2SE1/4NE1/4;
66. North 89°22'25" East 648.90 feet along the south boundary of said E1/2SE1/4NE1/4 to the east boundary of said Section 26;
67. South 00°13'56" East 2644.61 feet along said east boundary to the POINT OF BEGINNING.

Tract B (Includes Gunnison County Library District property – Reception No. 588016)

A parcel of land within the NW1/4NE1/4 and the NE1/4NW1/4 of Section 35, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado, being more particularly described as follows:

Commencing at the northeast corner of said Section 35, as marked by a brass cap stamped “LS 5112” set in concrete, thence South 45°02’01” West 1875.97 feet to a point on the intersection of westerly boundary of the Palisade Addition to the City of Gunnison, according to the plat thereof, filed at Reception No. 231640 in the records of Gunnison County, with the south boundary of said NW1/4NE1/4 of Section 35, this point also being the southeast corner of the Gunnison County Library Board property as described by deed recorded at Reception No. 588016 in said records, thence North 89° 51’ 32” West 403.446 feet along said south boundary to the southwest corner of said property, the POINT OF BEGINNING of the herein described parcel; thence the following courses around said parcel:

1. North 89°51’32” West 831.13 feet along said south boundary to the southwest corner of said NW1/4NE1/4, this point also being the southeast corner of that property described by deed recorded in Book 288 at page 522 of said records;
2. North 00°58’42” East 794.40 feet along the east boundary of said NE1/4NW1/4, and the east boundary of said property to the northeast corner of said property (this leg being previously recorded as North 794.4 feet);
3. North 89°01’18” West 206.00 feet along the north boundary of said property to the northwest corner of said property (this leg being previously recorded as West 206.00 feet);
4. South 00°58’42” West 634.40 feet along the west boundary of said property (this leg being previously recorded as South 634.4 feet);
5. North 89°01’18” West 70.00 feet along said boundary (this leg being previously recorded as West 70.0 feet);
6. South 00°58’42” West 167.22 feet along said boundary to the south boundary of said NE1/4NW1/4 (this leg being previously recorded as South 160.00 feet);
7. South 89°33’10” West 801.24 feet along said boundary to the east boundary of the United States of America property, Parcel WAU-MIT-6B, as described by deed recorded in Book 714 at page 803 in said records;
8. North 00°28’27” West 283.55 feet along said boundary (this leg being previously recorded as North 00°25’02” West 283.47 feet);
9. North 15°22’32” West 181.07 feet along said boundary (this leg being previously recorded as North 15°19’07” West);
10. North 04°48’16” East 276.29 feet along said boundary (this leg being previously recorded as North 04°51’41” East);
11. North 00°37’35” West 438.45 feet along said boundary (this leg being previously recorded as North 00°34’31” West);
12. North 00°15’39” West 127.24 feet along said boundary to the southwest corner of the United States of America property, Parcel WAU-MIT-6A, as described in said Book 714 at page 803 (this leg being previously recorded as North 00°13’56” West);
13. North 89°04’09” East 1132.93 feet along said boundary to the east boundary of said NE1/4NW 1/4 (this leg being previously recorded as North 89°07’34” East);
14. South 89°45’46” East 1244.19 feet along said boundary to the west boundary of said Palisade Addition (this leg being previously recorded as South 89°44’03” East);

15. South 14°05'00" West 182.13 feet along said boundary;

16. South 00°36'00" East 348.95 feet along said boundary to the northeast corner of said Gunnison County Library Board property;

17. North 89°32'00" West 190.10 feet along the north boundary of said property to the northwest corner of said property;

18. South 14°42'26" West 808.21 feet along the west boundary of said property to the POINT OF BEGINNING.

TOGETHER WITH the Gunnison County Library Board property, described by deed recorded at Reception No. 588016 in said records, being more particularly described as follows:

Township 50 North, Range 1 West, NMPM.

A tract of land within the NW1/4NE1/4 of Section 35, said township and range being more particularly described as follows:

Commencing at the northeast corner of Section 35 (as marked by a brass cap monument set in concrete at the northeast corner of the Palisade Addition); thence South 45°04'11" West 1876.21 feet to a point on the intersection of westerly boundary of the Palisade Addition to the City of Gunnison with the South boundary of said NW1/4NE1/4 of Section 35, this being the POINT OF BEGINNING for the herein described tract; thence the following courses around said tract.

1. North 00°36'00" West 780.92 feet along the westerly boundary of said Palisade Addition;
2. North 89°32'00" West 190.10 feet;
3. South 14°42'26" West 807.80 feet to a point on the southerly boundary of said NW1/4NE1/4;
4. South 89°50'41" East 403.36 feet along said southerly boundary to the POINT OF BEGINNING of the herein described tract.

EXCEPTING THEREFROM the Starika property as described by deed recorded at Reception No. 488927 in said records.

Enclosure 2 Adjacent Land Owners

The following meet the definition of “adjacent owners” and have been notified via certified mail of the annexation public hearing:

Albert M. Starika Trust
912 Scenic Drive
Ft. Collins, CO 80526-5108
370135000031

George Zahradka
710 W. Spencer
Gunnison, CO 81230
370135126012

Allen Hunter
840 Lilac Glen Court
Colorado Springs, CO 80906-7693
370135116002

Glenn Calkins
964 County Road 13
Gunnison, CO 81230
370100000085

Christopher Wilson
430 Tincup Drive
Gunnison, CO 81230
370135116013

Gunnison County Library Board
307 N. Wisconsin
Gunnison, CO 81230
370135000029

Chris Chandler
17 Quartz
Gunnison, CO 81230
370135127006

Gunnison RE1J School District
800 N. Boulevard
Gunnison, CO 81230
370100000158

Clare Nelson
19 Quartz
Gunnison, CO 81230
370135127007

James Gelwicks
P.O. Box 539
Gunnison, CO 81230
370135116003

Colorado Division of Parks and Wildlife
300 W. New York
Gunnison, CO 81230
370100000140

James R. Baril
414 Tincup Drive
Gunnison, CO 81230
370135116004

Colorado Division of Parks and Wildlife
6060 Broadway
Denver, CO 80216-1029
370100000140

James G. Stanley
13 Quartz Street
Gunnison, CO 81230
370135127004

Dianne Haberman, et al
433 Tincup Drive
Gunnison, CO 81230
370135117005

Jane Ross
10 Quartz
Gunnison, CO 81230
370135126009

Dorothy Sammons
8 Quartz
Gunnison, CO 81230
370135126010

John Stefanic
12 Quartz
Gunnison, CO 81230
370135126026

Frank Romano
32 North Road
Gunnison, CO 81230
370135104011

Jonathan Coady
6 Quartz
Gunnison, CO 81230
370135126011

Joseph Michael Kunes
15 Quartz Street
Gunnison, CO 81230
370135127005

Keith Roberts
23 Quartz
Gunnison, CO 81230
370135127001

Melvin D. Cave
416 Tincup Drive
Gunnison, CO 81230
370135116005

Opal Weaver
440 County Road 15
Gunnison, CO 81230
370135000002

Philip L. Crossley
408 Tincup Drive
Gunnison, CO 81230
370135116001

Rebecca Barkman
900 County Road 13
Gunnison, CO 81230
370100000137

Richard S. Jackson
714 N. Pine Street
Gunnison, CO 81230
370135000027

Robert Drexel
21 Quartz
Gunnison, CO 81230
370135127008

Rose Marra
2009 Hatton Court
Columbia, MO 65203-5471
370135116008

Sandra Cory
428 Tincup Drive
Gunnison, CO 81230
370135116012

The Lamberson Family, LLC
5866 County Road 76
Parlin, CO 81239
370135116006

Tomichi Landmark No. 2 LLC
323 S. Teller Street
Gunnison, CO 81230
370135000028

Troy S. Rothe
426 Tincup Drive
Gunnison, CO 81230
370135116010

Vernon L. Bauer Family Trust
389 HWY 52
Erie, CO 80516
370135116007

William Goddard, Jr.
P.O. Box 1485
Ardmore, OK 73402-1485
370100000133

William J. Krall
424 Tincup Drive
Gunnison, CO 81230
370135116009

The following do not meet the definition of “adjacent owners” but are close neighbors and were notified by regular mail of the annexation public hearing:

Callie Robertson
454 Palisades Retreat Club Road
Gunnison, CO 81230
37013500009

Kelland Davis
423 County Road 13
Gunnison, CO 81230
37012500091

Cynthia Asbury
125 Snowflake Trail
Gunnison, CO 81230
37012500802

Kelly Hildreth
P.O. Box 1341
Gunnison, CO 81230
37010000017

Donald J. Archuleta
383 County Road 13
Gunnison, CO 81230
370125000114

Loretta J. Schoenmakers
299 County Road 13
Gunnison, CO 81230
370125000063

Freeman, John and Diane Galt
P.O. Box 562
Ardmore, OK 73402-0562
370135000006

Lynn A Johnson
2326 Crabtree Drive
Centennial, CO 80121-2646
370135000013

Gene Simillion
220 S. Wisconsin
Gunnison, CO 81230
370100000165

Michaela Driver
890 County Road 13
Gunnison, CO 81230
370100007002

Gunnison Colorado Congregation of Jehovah's
Witnesses
204 N. 12th
Gunnison, CO 81230
370125005001

Michael Fightmaster, etal
P.O. Box 1623
Gunnison, CO 81230
370125000064

Jack and Jean Gilmore
5360 E. 189th Street
Overbrook, KS 66524-9177
370135000012

Navid Navidi
P.O. Box 81
Gunnison, CO 81230
370125000089

Jimmy Jones
1306 E. Brooke Lake Drive
Houston, TX 77077-3204
370135000016

Palisades Retreat Club
P.O. Box 1584
Gunnison, CO 81230
370100000043

John M Hunt Family Trust
2850 Classic Drive, Unit 1304
Highlands Ranch, CO 80126-5082
370135000011

Richard H. Haynes Living Trust
123 County Road 13
Gunnison, CO 81230
370125000111

Joseph and Deborah High
6252 Lemans Dr.
Corpus Christi, TX 78414-6131
370135000005

Richard Simillion
280 Silversage
Gunnison, CO 81230
370100000126

Ronald J. Crosby
519 Sunset Drive, SW
Ardmore, OK 73401-3257
37013500017

Russell Dryer
189 County Road 13
Gunnison, CO 81230
37012500046

Snowflake Family Trust
248 Columbine Road
Gunnison, CO 81230
370125008001

Timothy M. Reynolds
661 County Road 13
Gunnison, CO 81230
370125005005

William Gregg Buckhanan
685 County Road 13
Gunnison, CO 81230
370125000020

William O Stehlin
38 Old Farm Road
Charlottesville, VA 22903-4723
370135000015

William P. Glatiotis, Jr.
2240 Kuhio Avenue, Apt. 2503
Honolulu, HI 96815-2816
370125008004

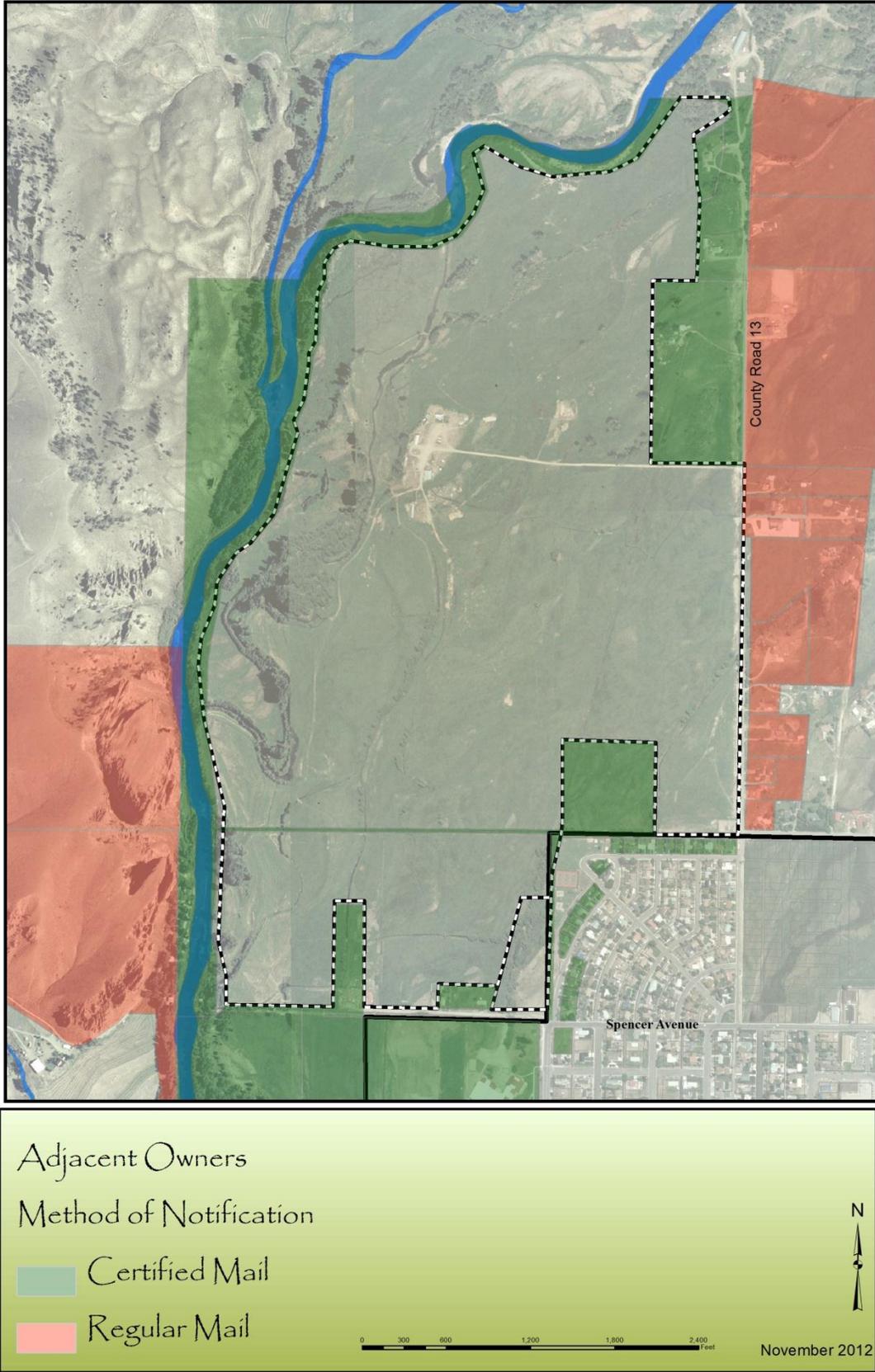


FIGURE 8 ADJACENT OWNERS METHOD OF NOTIFICATION

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December 6, 2012

The Gunnison County Library District is comfortable with the Zoning Application for the Van Tuyl property and the 5+ acres belonging to the Library District. We appreciate all the work that has gone into this project. We have been involved from the beginning and have monitored the plan.

Steve Westbay and his staff have done an outstanding job on this project.

Thank you for the opportunity to comment on it. I'm sorry I can't be present at the upcoming meeting to respond in person.

Larry Meredith

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ZA 12-3 VanTuyl Ranch Zoning
Public Comments received

November 21, 2012: A resident of the Palisades Subdivision came to the office and stated concern that the Library location will generate more traffic in the Palisades. He observed that more cars are using County Road 13, Tincup and Quartz as a route to the Community Schools, thereby avoiding the streetlight at the intersection of Spencer and 135. His concern is that the Library will add to the increased traffic.

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MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: December 12, 2012
RE: Habitat for Humanity – Alley Construction Deviation Recommendation

During the November 28th Planning and Zoning Commission (P&Z) meeting the alley deviation application staff report (Enclosure 1) was reviewed and discussed. Public comments regarding the request were also taken; public comments are summarized in the Draft minutes (Enclosure 2).

One of the discussion topics at the November 28th meeting was the possibility of the West Haven Condominium Association purchasing a 20-foot-wide swath of the Habitat site on the rear property line (west line) and subsequently dedicate this real property as a right-of-way so that the alley can be constructed within this swath. This would enable a buffer to be established on the back side of the condominiums. Please note that gas and sewer lines are already buried in the alley right-of-way and they would have to be relocated or, the existing alley alignment would have to be dedicated as a utility easement.

The P&Z directed staff to prepare a recommendation to remand the Deviation request back to the applicant with findings that contain directives for the applicant and the City Council to consider.

PLANNING AND ZONING COMMISSION RECOMMENDATION

During their regular Planning and Zoning Commission meeting of December 12, 2012 Commissioner _____ moved and Commissioner _____ seconded this recommendation to REMAND the Habitat for Humanity Road Deviation Request (received November 9, 2012) with the following findings:

1. The Planning and Zoning Commission finds that this deviation request is to exclude development of the north/south alley adjacent to the Habitat for Humanity Project.
2. The Planning and Zoning Commission finds that the Habitat for Humanity project is located in the *Guerrieri Addition to the Town of Gunnison* and is part of the *West Gunnison Neighborhood Plan*.
3. The Planning and Zoning Commission finds that the *LDC Street Design Standards* (Section 15.110.020.D) require streets to generally conform to the City's street plan adopted as a component of the *City's Master Plan* or, if a plan has been adopted by the City for the neighborhood of the proposed development, the development's street system shall generally conform to that plan.
4. The Planning and Zoning Commission finds that the *West Gunnison Neighborhood Plan* contemplates the full-length development of this alley.
5. The Planning and Zoning Commission finds that the applicant shall address the following topics in more detail in order for the City to consider this Deviation request.
 - Address alternative solutions that may be considered to meeting the needs of Habitat for Humanity, adjacent neighbors in the West Haven Condominiums, and service needs provided by the City.

- Provide a more specific development plan depicting illustrative lot layouts with conceptual driveway layout, building footprints, landscaping, and public and private utilities.
- Provide an overview of emergency access impacts that would result from the deviation request. The overview should, at a minimum, include narrative and graphics demonstrating emergency access provisions.
- There was tentative discussion regarding the potential for neighbors to purchase 20 feet on the backend of the Habitat lots to facilitate moving the alley alignment further to the east and to provide a landscape buffer on the rear lot line of the West Haven Condominiums.
- The Habitat for Humanity representatives and P&Z discussed the possibility of alternative solutions, although the only alternative discussed to date was to align the alley on real property that may be purchased by West Haven Condominiums, as noted in the previous bullet.
- In order to consider the potential alley realignment further to the east, the applicant must identify the implications to future development located from the Habitat site to Bidwell Street.

Habitat for Humanity Alley Deviation Request

Submitted by Habitat for Humanity Board members

December 11, 2012

Habitat committee members have discussed many of the issues regarding the alley right-of-way bordering the west end of our newly acquired property in West Gunnison. We believe that the green space option is still the best option, in part, because of factors beyond our control. Considerations include:

- During the initial development phase of the West Haven Condominiums, alley construction did not take place and the resulting cost burden is borne disproportionately by subsequent developers. This action has transferred the financial burden to others as a result of decisions made years ago.
- Given that the alley was not a required part of the initial West Haven Condominium construction, a natural gas line has been placed in the alley right-of-way in what has been described as unstable soil (muck). Removing the soil to install structural fill becomes a significant challenge with no knowledge of the impact of excavation on the existing gas main or individual feeder lines in the right-of-way.
- We have learned by way of utility locates that the gas main in the right-of-way was installed by snaking a path along the entire width of the 20 foot alley. This careless placement of the gas line has further complicated the removal of unstable soils and the placement of structural fill.
- Given that recent housing sub divisions have been developed within the Gunnison community without the inclusion of alleys, the issue of fire safety must have been addressed in these developments. A response by a local insurance agent as to the premium difference of a given home having an alley or no alley was that it made no difference. These realizations suggest that there are some solutions that may be more acceptable to all parties involved that do not threaten the safety of homeowners and the protection of property in this scenario.

Committee members who have pondered this issue have collectively come up with, what we believe, is a quality solution to the problem and one that has presented creative compromise in the proposed solution.

Alley Deviation Request Proposal-

In general, our recommendation is to leave the alley right-of-way a “green Space”. Adjustments to this general theme are as follows:

- The right-of-way will become a “Non Disturb Easement” or “Non Disturb Right-of-Way”. This suggests that the current 20 foot alley designation will be a contoured, well drained, and natural perennial grass comparable to what it has been for many years. No trees, shrubs, or structures of any kind e.g. cars, trucks, forts, trash cans, or any other objects will be permitted in this space. It will not be a public vehicular access but will be designated for emergency vehicles only. This is similar to what it has been for the last 18 years except that satellite dishes will not be allowed to occupy this space.
- Habitat for Humanity will include this space and subsequent regulations in our covenants that will be a part of this property. We are planning an HOA which will contribute to the monitoring of the “Non Disturb” space. Habitat plans to be ongoing owners of a parcel of property (the easement in the vacated Gunnison Avenue) to retain membership in the HOA and share in the monitoring responsibility.
- As part of the HOA requirements, modest fees collected by this HOA will be used to keep vegetation appropriately cut. HOA rules and monetary provisions will insure ongoing upkeep.
- The maintenance of a dense carpet of grasses will support a low impact development model which contributes to a positive environmental value. Snow removal will seldom be necessary and will be carefully done by the City when snow accumulation dictates. Plowing on frozen soils will maintain the landscape’s integrity and the contour of the land surface will maintain good drainage.

Though this proposal may need some adjusting, the conceptual framework of a “Non Disturb” option is that it maintains a green space, respects the concerns of the West Haven property owners, addresses the need for emergency vehicle access, and provides for a visually aesthetic approach to the current right-of-way.

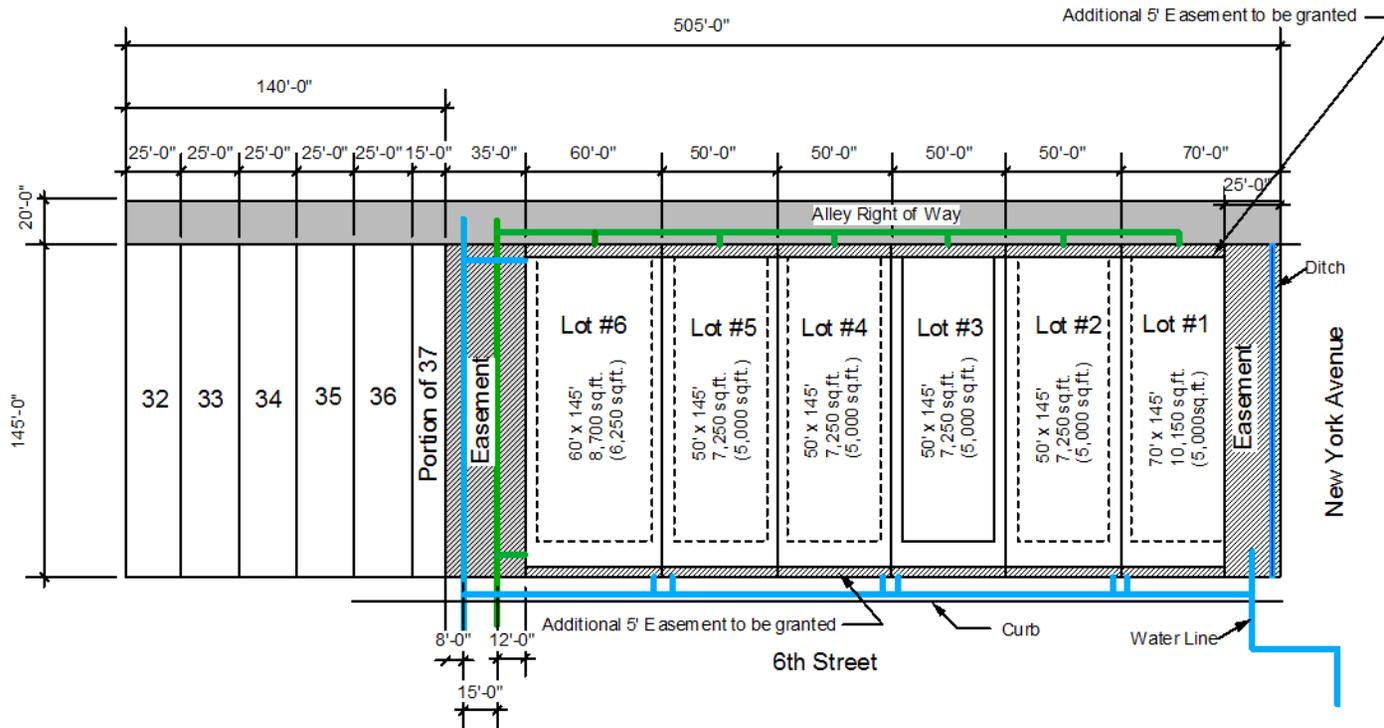
As we consider this option for the Habitat property, we also suggest that this treatment be extended to San Juan Avenue on the south. We suggest that the same provisions be in place for the property owners to our south at the time these properties are developed.

In addition, we have considered the option that Erich Ferchau proposed. It is very insightful but eliminates the green space and requires an expensive buy in on the part of all involved. Our committee members appreciate his creative insight, but at this time choose to continue to support a low impact approach.

Response to Steve Westbay's request for more detail regarding the proposed Habitat community

- Specific lot development plans have been submitted and are also attached. This drawing shows lot layouts, lot sizes, building envelopes, all setbacks, current and proposed easements, and all water and sewer lines (including tap locations) for the property in question. Any additional details at this time are premature. The proposed homes are likely to be similar to those habitat homes built in the 400 block of south 12th Street except for the inclusion of garages and vehicular access from the street comparable to The Meadows subdivision. Since we attempt to build our homes to accommodate specific families, floor plans and exact structure footprints are unknown at this time.
- Emergency access provisions would be comparable to those in place for "W" Mountain Ranch, Meadows Vista South, and The Meadows subdivisions. We are not qualified to provide tactical response plans and procedures but feel they must be in place for the above-mentioned subdivisions and would likely be the same.
- As stated, we appreciate Erich Ferchau's suggestion on augmenting the alley, but prefer to reduce the financial burden on Habitat as well as on the West Haven property owners. In addition, we would like to retain green space and keep our development one of low impact by favoring the no-alley position.
- The Habitat committee members believe that the alternative solution proposed earlier in this document is both creative and practical. It makes sense for this application since we should not be responsible for earlier mistakes made. This scenario makes this request and proposal unique and addresses the issue of precedent setting. These factors are specific to this property and are not the result of any action by Habitat for Humanity.

Habitat for Humanity of Gunnison Valley - Development Layout



BLOCK 120
GUERRIERI ADDITION
WEST GUNNISON
(Wills' Way Community)
Lots 1 - 6

Revised 12/10/2012