

PLANNING AND ZONING COMMISSION
JUNE 23, 2012 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 6/6/2012**

DATE: WEDNESDAY, JUNE 13, 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. SWEARING IN OF NEW PLANNING AND ZONING COMMISSION MEMBERS**
 - IV. VANTUYL RANCH ANNEXATION PHASE 2 – DETAILED SCOPING**
 - V. CONSIDERATION OF THE MAY 23, 2012 MEETING MINUTES**
 - VI. UNSCHEDULED CITIZENS**
 - 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 posted at City Hall and on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

**ALL PLANNING & ZONING COMMISSION MEETINGS
ARE USUALLY BROADCAST LIVE ON LOCAL CABLE CHANNEL 15**

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MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Dusty Szymanski	X		
Erich Ferchau	X		
Stu Ferguson	X		
Carolyn Riggs	X		
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Melissa Kacel, Bret and Regina Bradfield

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

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

Open Public Hearing. Chair Bob Beda opened the public hearing at approximately 7:03 p.m.

Proof of publication was shown for the record.

Review of Process. Planner Ruggera gave an overview of the process of a Conditional Use application. The applicant is requesting approval to operate a temporary commercial activity of a food service trailer, Colorado Lucky Dog, in the Commercial zone district and the Central Business District which requires conditional use approval based on the City's *Land Development Code*. The applicants, Melissa Kacel and Cannon Leatherwood, propose the operation (Colorado Lucky Dog) at two alternative locations. The proposed locations are 1000 North Main Street (True Value) and 301 West Tomichi Avenue (north of Safeway) located within the Commercial zone district and the Central Business District respectively. The legal description of 1000 North Main Street is Lots 5 through 7, Gunnison Center Phase 1C, City and County of Gunnison. The legal description of 301 West Tomichi Avenue is Lots 21 through 24, Block 147, West Gunnison Amended, City and County of Gunnison.

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

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

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

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

Public Input. No one was present.

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

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

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

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

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

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

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

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

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

ACTION

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

FINDINGS OF FACT:

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

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

Roll Call No:

Roll Call Abstain:

Motion carried

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

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

Proof of publication was shown for the record.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Ferchau said the building is the right size at the right time, but there may not be a whole lot of opportunity in the future. He said that this use has little impact. He asked about exterior lighting of the building. Mr. Bradfield replied that there is outdoor lighting on the building.

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

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

ACTION

During the regular Planning and Zoning Commission meeting held on May 23, 2012, Commissioner Larson moved, and Commissioner Szymanski seconded, and the Commission voted to APPROVE Conditional Use Application CU 12-4, submitted by Bret Bradfield to operate a retail use (pawn shop) in the Industrial district, based on the following findings of fact and condition:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a retail use (pawn shop) in the Industrial zone district.
3. The Planning and Zoning Commission finds that the pawn shop is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that nine off-street parking spaces are required by the *LDC* and ten spaces are indicated on the site plan.
5. The Planning and Zoning Commission finds that off-street parking generated by the general service and retail use are dependent upon the continued lease (or ownership) of the southern property
6. The Planning and Zoning Commission finds that 750 square feet of live cover landscaping is required and approximately 2,185 square feet of trees and shrubs are located on the site.
7. The Planning and Zoning Commission finds that the retail use (pawn shop) will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITION:

1. If the lease on Lots 21 and 22, Block 37, West Gunnison is terminated; adequate parking must be provided for the uses on the parcel owned by Bradfield's. This Conditional Use shall be suspended until review by the Planning and Zoning Commission in the event the lease is terminated.
 Roll Call Yes: Erich, Stu, Bob, Carolyn, Ed, Dusty and Greg
 Roll Call No:
 Roll Call Abstain:
 Motion carried

V. CONSIDERATION OF THE MAY 9, 2012 MEETING MINUTES

Commissioner Riggs moved to approve the May 9, 2012 meeting minutes as presented.
 Commissioner Szymanski seconded the motion.
 Roll Call Yes: Erich, Stu, Bob, Greg, Ed, Dusty and Carolyn
 Roll Call No:
 Roll Call Abstain:
 Motion carried

VI. UNSCHEDULED CITIZENS

There were none

VII. COUNCIL UPDATE

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

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

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

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

VIII. COMMISSIONER COMMENTS

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

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

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

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

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

Chair Beda said there should be an exit strategy. We can make all the policy we want, for example the stipulation of windows on the front of the building, but we need to make sure things are not onerous.

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

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

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

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

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

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

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

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

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

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

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

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

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

Bob Beda, Chair

Attest:

Andie Ruggera, Secretary

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: June 13, 2012
RE: VanTuyl Ranch Annexation Staff Report – Phase 2 Detailed Scoping

Process Overview

Resolution 15, Series 2007 of the City of Gunnison sets forth existing municipal annexation policies. This resolution establishes a three-step process for annexation: Step 1 (Initial Scoping); Step 2 (Impact Report and Final Scoping); and Step 3 (Annexation Negotiations and Public Hearings). The VanTuyl Ranch Annexation is in step two of the City’s annexation policy process.

Step 2 of the City’s process requires staff to conduct a review and report to the P&Z at a regular meeting. The staff report includes a review of all comments provided by review agencies. After the P&Z review is completed a joint meeting with Council and P&Z is convened and comments regarding the application are formalized. The Final Scoping process (Steps 2) concludes with a submittal of City comments to the annexation applicant. The City’s formal comments are not conditions or mandates, but may include specific directives and positions that should be considered by the applicant.

Step 3 sets forth the process requirements necessary to complete the annexation pursuant to *Colorado Revised Statute (CRS)* procedures. The *CRS* requires that the City Council review the annexation petition and act on a resolution determining whether or not the petition is substantially complete. If the annexation petition is determined to be substantially complete, the resolution sets a public hearing date to consider if the annexation property is “eligible” under the terms of the *CRS* and/or whether there are existing “limitations” concerning the annexation petition.

The *CRS* has several stipulations regarding public notice requirements for the eligibility hearing. One of the major considerations is that an *Annexation Impact Report* be developed and submitted to the County at least 25 days prior to the public hearing. The City’s annexation resolution requires that the zoning of the property be established concurrently with annexation. Therefore, as the Council works on the eligibility review, the P&Z conducts review of the proposed zoning of the annexation property. The process is concluded when the Council holds the eligibility public hearing and a public hearing for the P&Z Recommendation on the initial zoning application. Thereafter, ordinances are considered under first and second reading.

Project Description

The proposed annexation territory contains approximately 390 acres and is located to the north and west of the Palisade subdivision. This territory is bound on the south by County Road 15 and the Community School and on the east by County Road 13. The annexation includes real property owned by the City of Gunnison (≈ 384 acres) and the Gunnison Library property (≈ 5 acres).

Annexation will result in two enclaves as defined by the *CRS*. An enclave is an unincorporated (county) parcel surrounded by property within the City boundary. In October 2011, the enclave property owners (Mrs. Opal Weaver and Albert M. Starika Family Trust) were sent letters stating that the annexation was being initiated. These property owners were invited to contact City staff if they wished to discuss the possibility of being included in the annexation. Neither property owner responded to the City letter.

Proposed Land Use and Zoning

Proposed annexation land uses are limited to habitat protection, passive recreation, public education facilities and agriculture production. These uses are considered appropriate and compatible with the underlying need to protect the alluvial aquifer.

Future development of the annexed territory will be regulated by a Planned Unit Development (PUD) zoning designation. The Library district and the Agriculture and Open Space district are the two proposed zones under the PUD. The PUD Library district establishes standards that allow for the development of a building up to 26,000 square feet. The Agriculture and Open Space district encompasses the entirety of the City-owned property. Uses in this Agriculture and Open Space district are devised as a master planned program allowing for traditional agriculture production, recreation, public education activities and development of a water well field. Future facilities in the Agriculture and Open Space district are identical to the facilities proposed in the *VanTuyl Ranch Management Plan*.

Utility Service Considerations

The future library and public facility sites are located adjacent to existing water, wastewater, and electrical utility services and significant utility extensions are not anticipated. Major development of the Ranch headquarters is not contemplated, and water and wastewater services will continue to be from the domestic well and the individual sewage disposal system, respectively.

It is anticipated that a major future utility function in the Agriculture and Open Space district will be the development of municipal water wells and a delivery system to supply increased future domestic water service demands. Existing City water right decrees contemplate future development of domestic wells and related facilities. The proposed PUD permits the development of these facilities in the Ranch.

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.

Streets

Three existing county roads are located adjacent to the proposed annexation boundary. Slaughterhouse Road abuts the east Ranch boundary, County Road 14 is the Ranch driveway and County Road 15 provides access to the Starika and Weaver residences on the south boundary. The annexation does not contemplate the rededication of these roads from the County to the City.

Realignment of the intersection at Spencer, Quartz, County Road 15 and 11th Street is being contemplated to facilitate safe vehicle movement. The existing intersection is not properly aligned and it presents potential traffic movement issues, but a segment of the library site is needed to facilitate the new alignment. The Library Board representatives are considering this realignment matter but no decisions

have been made. If the Council and Library Board agree to the realignment, related cost responsibilities will be negotiated between the two parties and formalized in the *Annexation Agreement*.

Traffic Impacts

The Fox Higgins Transportation Group developed the *VanTuyl Ranch Annexation and Gunnison Library Traffic Study* (July 23, 2008). This report addresses future traffic demands generated by the Ranch and the Library site. The Community School trip generation and peak demand periods are the most significant traffic factors to consider in association with the Library and other future traffic demands generated by the annexation. The traffic study notes that library and trailhead uses will not add significant traffic to area roadways when the Community School traffic is at its peak, which is during morning and mid-afternoon time periods. The report also states the annexation land uses will be easily accommodated by the existing network of roadways in the area.

Summary of the Step 1 Review

On March 7, 2012 the City Council and Planning and Zoning Commission held a joint meeting to discuss this annexation application. Major topics of discussion included:

- Why annex the Ranch?
- Should other adjacent lands be included in the annexation?
- What tasks need to be accomplished?

Why Annex. Annexation will provide the City autonomous authority over the Ranch which will facilitate protection of the City's interests over time. This annexation was also contemplated in the 1997 and 2007 *City of Gunnison Master Plans*, as well as the *VanTuyl Ranch Management Plan* (2010). The Ranch is a community icon and annexation is an appropriate step to ensure the long term protection of this asset.

Inclusion of Adjacent Lands. City Council and the P&Z discussed adjacent land tracts that might be included in the annexation. Staff noted that enclave parcel owners were contacted early in the process but gave no indication of their interest in being annexed. It was concluded adjacent property owners could independently pursue annexation; but that including other private lands in this annexation is not appropriate.

Tasks to Complete. The Council, P&Z and staff discussed a list of tasks to be addressed. Following is a summary and status of tasks identified in the Step 1, Initial Scoping process.

- **TO BE COMPLETED.** The City Council and the Library Board will initiate discussions regarding the annexation agreement contents and street improvement recommendations proposed by City staff; specific improvements contemplate the realignment of the intersection at Quartz Street, Spencer Avenue and 11th Streets. Final annexation agreement contents must be mutually established by both parties prior to the annexation and zoning ordinance approvals. Procedure efficiency will be gained if this negotiation process begins sooner rather than later in the review process.
- **COMPLETED.** A comment from the Step 1 process indicated a need to address the relationship between the PUD zoning controls and the agriculture lease stipulations. Section 4.0.4.C (General Development Standards) of the PUD zoning has been amended to include a statement addressing the ranch and agriculture lease. Specifically, the PUD permits agriculture uses, but it does not set forth agriculture management directives. The agriculture lease document will direct agriculture operation management.
- **TO BE COMPLETED.** *Municipal Code* regulations controlling weeds and dogs are not sufficient to address recreation and agriculture activities at the Ranch or other lands in the City used for

agriculture operations. Nuisance regulations (Section 5.30) and Animal Control regulations (Section 5.40) in the *Municipal Code* must be updated to address existing shortfalls. These amendments should not be a reason to delay annexation, but they are very relevant to future management of the Ranch and other agriculture land use within the City limits.

- **IN PROCESS.** According to County Assessor records Mr. Dick Sweitzer, whose family was one of the original developers of the Palisades Subdivision, still owns real property on the western edge of the subdivision. Mr. Sweiter wishes to quit-claim this property to the City. The property in question includes a one foot wide strip along the western edge of the Palisades subdivision and a small tear-drop shape tract located in the middle of Quartz Street. In order to gain clear title to this real property, heirs of the Pittman family, who were also involved in the original Palisade subdivision, were located and also asked to sign a quit-claim deed. It is anticipated that the quit-claim deeds will be recorded in next few weeks.



- **COMPLETED.** Annexation Application, Section 4.04.C.5 (Parking Requirements). The last sentence of this Section will be deleted. The sentence is not a standard and is not necessary. The deleted sentence read as follows: “*Specifically, there is an opportunity for the Library and the Community School to provide parking needs for the trail head, and coordinating appropriate agreements between the City and these parties is considered an important strategy to be implemented.*”
- **COMPLETED.** Section 4.04.D.1 (PUD Library District) of the Annexation Application sets forth the permitted uses for the library parcel. Pursuant to a request from the Library Board, this section was amended to reflect the specific deed restriction language contained in the original deed from Mr. VanTuyl to the County. Section 4.04.D.1 now reads as follows:

The Property herein is conveyed to the County upon the covenant, condition, and restriction that the Property (i) shall be owned only by the County, or a library board or library district duly established pursuant to statute, and (ii) shall be used only as a public library and any ancillary uses incidental thereto or for other public uses of the Property that are complementary to and do not interfere with the use of the Property as a public library.

- **COMPLETED.** During the Step 1 review the City Attorney requested that the annexation legal description be amended to include parcel description of both the Library parcel and the City owned ranch property. Surveyor Tim Pearson completed the legal description amendments.

Step 2 – Detailed Scoping Comments

The Step 2 review process was initiated by sending a letter requesting formal comments (April 4, 2012) to 10 different agencies and organizations. The contacts included, but are not limited to: Gunnison County, RE-1J Schools and the Colorado Division of Parks and Wildlife (CPW). Two responses, summarized below, were received.

Gunnison Trails. Mr. Dave Wiens submitted an email (April 7, 2012) which noted that Gunnison Trails is specifically interested in the recreation and trail component of the plan, and the annexation proposal supports these components.

RE-1J Schools. Mr. Jon Nelson (Superintendent) submitted an email (April 2012) noting that there are no concerns with the proposed annexation by the School District.

Annexation Policy Review

Exhibit A of Resolution 15, Series 2007 sets forth a series of philosophy guidelines to be considered for annexations. The following narrative discusses the *VanTuyl Ranch Annexation Petition and Application* submittal in relation to these City annexation guideline statements.

STATEMENT 1

The City’s annexation philosophy is to evaluate proposed annexations in relation to the capacity of community services and facilities to accommodate development.

- 1. The annexation of land should minimize the length of vehicle trips generated by development of the land.***

POSSIBLE CONFLICT. Annexation land uses will generate additional vehicle traffic, primarily from the future Library site functions and vehicles parking at trailheads. However, the Library site and trailheads are located in the immediate proximity to the existing developed city urban core. The proximity of these facilities provides city residents the choice to leave the car at home and walk or bike to the Ranch and Library.

A traffic impact report assessing the annexation was developed by Fox/Higgins. The report notes that “...*the annexation land uses as proposed will be easily accommodated by the existing network of roadways in the area.*”

- 2. The annexation of land should minimize the short and long-term costs of providing community service and facilities which benefit the annexed area.***

POSSIBLE CONFLICT. Utility service extensions and related capital costs will be minimal since the majority of the Ranch will remain undeveloped. However, future capital improvements on the Ranch will be considered on a case-by-case basis and budgeted through approved General Revenue Fund allocations.

- 3. Annexation of land should encourage infill development and generally ensure that land is immediately contiguous to other land in the City that is already receiving services. The City’s edge should be clearly defined and leapfrog or scattered site developments are to be discouraged.***

NO CONFLICT. The proposed annexation property is determined to have at least 1/6 contiguity to the existing municipal boundary. Furthermore, the future Library and public facilities sites are located immediately adjacent to the City’s developed urban area.

4. *Additional extension of City utilities should not be made outside the city limits without formal approval by the City Council.*

POSSIBLE CONFLICT. If the annexation does not occur the Library District and City Council would have to establish agreements for the future utility service when library building construction takes place. The only other contemplated utility extensions are to serve future public facilities on the southeast corner of the Ranch, adjacent to Vulcan Street.

5. *The annexation of land should be allowed only if a fiscal impact study detailing the economic impacts of the proposed development has been conducted. At a minimum, the fiscal impact study will address City, School District, Fire District and Western State College impacts.*

NO CONFLICT. A fiscal impact report, following the requirements of the Colorado Revised Statutes, has been developed. The report will be forwarded to the Board of County Commission as part of the eligibility hearing process.

6. *Proposed annexations will be accompanied by an advisory master plan submittal addressing land use, transportation, cultural and environmental resources, and utilities.*

NO CONFLICT. See the *VanTuyl Ranch Annexation Petition and Application* (November 22, 2011).

STATEMENT 2

The City's annexation philosophy should give appropriate consideration to the need for open space and critical habitat areas.

1. *Proposed annexations should avoid impacts to critical sage grouse habitat.*

NO CONFLICT. Colorado Department of Parks and Wildlife mapping indicates that the Ranch is in existing occupied sage grouse habitat. However, the riparian and hay meadow environs such as those found on the Ranch are not critical for sage grouse. Furthermore, the Ranch will remain as public open space and managed to enhance riparian habitat.

2. *Proposed annexations should avoid impact to wetlands.*

POSSIBLE CONFLICT. A wetland inventory was conducted as part of the *VanTuyl Ranch Management Plan*. No proposed facilities are located in designated wetlands. The *Management Plan* contemplates potential wetland impacts from construction of proposed trails, but these potential impacts will be addressed on a case-by-case basis following permit requirements from the Army Corps of Engineers.

3. *Proposed annexations should preserve ground water recharge areas and avoid development in areas with high ground water.*

NO CONFLICT. Protection of ground water is a major policy directive established in the land use controls being proposed by this annexation application.

4. *Proposed annexations should avoid development within designated flood plains.*

NO CONFLICT. Future land uses proposed for the Ranch prohibit the construction of buildings in Special Flood Hazard Areas.

STATEMENT 3

The City's annexation philosophy will promote quality developments.

1. *Proposed annexations should allow for the logical extension of existing City streets.*
NO CONFLICT. Street extensions are not proposed on the annexation property. However, the existing street alignment of Quartz Street and 11th Street is off-set and improvements of the intersection are warranted in conjunction with the future Library facility construction.
2. *Proposed annexation should allow for the logical extension of domestic water, irrigation water, sewer and electrical infrastructure.*
NO CONFLICT. There are no major utility extensions proposed by the annexation application.
3. *Proposed annexations should promote best management strategies for storm water drainage control.*
POSSIBLE CONFLICT. The *VanTuyl Ranch Management Plan* outlines the need for stormwater management on the Ranch, but the proposed PUD does not specify specific stormwater standards. Future stormwater facility designs will be predicated on Improvement Regulations contained in the *City of Gunnison Land Development Code*. The Draft *Land Development Code* being reviewed by the P&Z includes detailed stormwater standards.
4. *Proposed annexations should provide a broad mix of housing types to support the diverse income mix of citizens, and provide a proportional share of essential housing.*
NOT APPLICABLE. Housing development is not contemplated in the annexation application.
5. *Proposed annexations should provide retail commercial uses that enhance the City's sales tax base.*
NOT APPLICABLE. Commercial retail use is not contemplated in the annexation application.
6. *Proposed annexations should comply with policies of the City's Master Plan and Three Mile Plan.*
NO CONFLICT. The *VanTuyl Ranch Annexation Petition and Application* has been developed following the directives for the *VanTuyl Ranch Management Plan*, which is an adopted City sub-area master plan. Additionally, the *City of Gunnison Master Plan* (2007) sets forth this annexation as an action item, and the *Gunnison Three Mile Plan and Urban Growth Boundary* (1997) designates the Ranch as a City Park.

Staff Observations

1. The Ranch annexation will have a fairly minimal effect on utility service delivery because future facilities are located in the proximity of existing utilities.
2. Street improvements and maintenance services will increase. The Quartz Street realignment will be relatively expensive and financing responsibilities will be established in an *Annexation Agreement* between the City and the Library Board. Formal resolution to this topic is essential for the annexation process to move forward in an efficient manner.
3. The proposed annexation will have no effect on the existing designated County Roads 13, 14 and 15 which abut the Ranch.

4. Two enclave parcels will be created as a result of this annexation. The owners of these properties were formally notified of the annexation and were invited to consider being included in this annexation process. To date, neither property owner has responded to this invitation.
5. Presently, the Sheriff has law enforcement authority at the Ranch. Annexation will allow the Gunnison Police Department to provide protection under the *Municipal Code* regulations.
6. Annexation will establish the City's autonomous land use authority for the Ranch.
7. Gaining direct land use authority will aid in decisions regarding future trail extension to the CPW property, and future domestic water facility development by the City.
8. The proposed PUD zoning and land use plan are intended to fulfill the oversight objectives of the *VanTuyl Ranch Management Plan*.
9. A number of staff services must be considered for the Ranch operations. The majority of staffing and service tasks for the Ranch will occur regardless of the annexation outcome.
10. The majority of existing task responsibilities falls upon the Public Works Department.
11. The existing revenues generated from the house and agriculture lease are minimal and less than will be required to cover all tasks required to manage the Ranch. Future capital improvements on the Ranch will be considered through the Five-Year Capital Plan which is used to prioritize all capital projects in the city.
12. The proposed annexation fulfills the philosophy guideline statements to be considered for annexation as set forth in Exhibit A of Resolution 15, Series 2007.
13. The final step of this annexation is directed at fulfilling annexation procedural requirements of the *Colorado Revised Statutes (CRS, Title 31, Article 12 Part 1)*. Moving forward with this final phase of the annexation process is contingent upon addressing the terms of annexation agreement between the Library Board and City Council.

From: [david wiens](#)
To: [Steve Westbay](#)
Cc: [Pam Cunningham](#)
Subject: Re: Request for Agency Review - VanTuyl Ranch Annexation
Date: Saturday, April 07, 2012 8:35:30 AM

Hi Steve,

I have just read the document and have no suggestions. Gunnison Trails, of course, is most interested in the recreation and trail component of the plan and I feel like the conceptual ideas we have supported are well represented. It's a big document with tons of information; nice work on this! Let me know if myself or Gunnison Trails can contribute more. Thanks,

Dave Wiens
Director - [Gunnison Trails, Inc.](#)
Gunnison, Colorado
970-275-0485

From: Pam Cunningham <PCunningham@cityofgunnison-co.gov>
To: Dave Weins <daveonpine@yahoo.com>
Sent: Friday, April 6, 2012 12:56 PM
Subject: Request for Agency Review - VanTuyl Ranch Annexation

The attached letter is from Steve Westbay. Thank you for your assistance.

From: [Jon Nelson](#)
To: [Pam Cunningham](#)
Subject: RE: Request for Agency Review - VanTuyl Ranch Annexation
Date: Friday, April 20, 2012 2:27:51 PM

I have looked at this and see nothing that causes the school district any alarm. Hope it all goes smoothly.

Regards,

Jon Nelson
Superintendent
Gunnison Watershed School District RE1J
800 North Boulevard
Gunnison, CO 81230
970-641-7760
970-641-7777 - fax

From: Pam Cunningham [mailto:PCunningham@cityofgunnison-co.gov]
Sent: Friday, April 06, 2012 12:54 PM
To: Jon Nelson
Subject: Request for Agency Review - VanTuyl Ranch Annexation

The attached letter is from Steve Westbay. Thank you for your assistance.