

**AGENDA
CITY OF GUNNISON PLANNING &
ZONING COMMISSION
WORK SESSION
Rev 2/22/2013**

DATE: WEDNESDAY, FEBRUARY 27, 2013
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

WORK SESSION

**DISCUSSION OF THE DRAFT *LAND DEVELOPMENT CODE*
Section 14 – Incentives; and,
Section 15 – Design Review Procedures**

**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.

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Section 13. Incentives

§13.1 PURPOSE

The purpose of this Section is to provide incentives for specific types of land uses and/or creative site plans that exceed the minimum requirements of this *LDC* and accomplish high-priority planning goals, including the preservation of open space and natural features and development of attainable housing.

§13.2 GENERAL PROVISIONS

- A. Combination with Other Bonuses.** Unless otherwise expressly stated, the density bonuses of this Section may be combined, provided that the total cumulative density bonus shall not exceed the maximum density allowed by the underlying zoning district by more than 50 percent.
- B. No Guarantee of Density.** The provisions of this Section shall not be interpreted as guarantees of achievable density. Developments using bonus provisions shall be subject to all other applicable regulations of this *LDC*. These other regulations or site-specific conditions may prevent maximum bonus density levels from being achieved due to the character of the land or surrounding uses.
- C. Review and Approval Procedure**
 - 1. Projects requesting bonuses under this Section for land that has not been platted, or for land that is being re-platted, shall be reviewed during the subdivision process, as set forth in Section 12.
 - 2. Projects requesting bonuses under this Section that have already completed the subdivision process shall be required to submit a Development Plan, and shall be reviewed under the Development Plan process as set forth in §12.3.
 - 3. A separate rezoning process shall not be necessary to approve the density increases granted through these processes.

§13.3 ATTAINABLE HOUSING DENSITY BONUS

- A. Purpose.** This Section is intended to create an incentive to provide a variety of attainable housing for persons living and/or working in the City.
- B. Eligibility.** All residential subdivisions and developments in residential zoning districts are eligible for the attainable housing density bonus set forth in this Section.
- C. “Attainable” Defined.** For the purposes of this *LDC* and Section, “attainable housing units” shall mean the following:
 - 1. Renter-Occupied Attainable Housing Units**
 - a.** Housing units that are attainable to households earning 60 percent of the Gunnison County Area Median Income or below adjusted for household size.

- b. To qualify as attainable units, housing costs (i.e., rent and utility expenses) must not exceed 30 percent of the maximum income for an imputed household size based on 60 percent of the Gunnison County Area Median Income. The imputed household size is equal to one and one-half (1.5) times the number of bedrooms in the unit. For example, rent on a two-bedroom unit would be equal to 30 percent of the monthly limit of a three-person family; for a three-bedroom unit the rent should not exceed 30 percent of the monthly income of a four-and-one-half-person family – the midpoint of the range of a four- and five-person family.

If the property owner does not pay all utility expenses, then a utility allowance, computed by the Gunnison County Housing Authority, must be subtracted from the housing cost to determine the maximum rent.

2. Owner-Occupied Attainable Housing Units

- a. Housing units that are attainable to households earning 80 percent of the Gunnison County Area Median Income or below adjusted for household size.
 - b. To qualify as attainable units, housing costs must not exceed 40 percent of the 80 percent Gunnison County Area Median Income, adjusted for household size.
3. **Gunnison County Area Median Income, Defined.** The Gunnison County Area Median Income is the current applicable area median income for Gunnison County published by the U.S. Department of Housing and Urban Development.

D. Maximum Permitted Density Bonus. Except in the R-1 district, subject to the standards and review criteria set forth in this Section, for every one attainable housing unit provided, the applicant shall be eligible for a bonus of one-half (0.5) unit that may be used only for the development of additional attainable units. In no case shall the development density exceed 50 percent of the maximum density permitted in the underlying base zoning district.

E. Development and Design Standards

- 1. **Minimum Lot Size/Area.** Notwithstanding the minimum lot area requirements set forth in the underlying base zoning district, the following requirements shall apply to residential subdivisions and developments that include attainable housing units pursuant to this Section:
 - a. **Single-Family Detached Attainable Units.** The minimum lot size for single-family, detached attainable housing units included in a subdivision or development shall be 4,500 square feet and the minimum lot frontage may be reduced to 22.5 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are attainable. If less than 40 percent of the total units are attainable, then the minimum lot size shall be no less than 90 percent of the underlying base zoning district lot area requirement and no reduction in frontage will be granted.
 - b. **Two-Family Attainable Units.** The minimum lot size for two-family attainable housing units included in a subdivision or development shall be 5,000 square feet (2,500 sf/unit) and the minimum lot frontage may be reduced to 22.5 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are attainable. If less than 40 percent of the total units are attainable, then the minimum lot size shall be no less than 90 percent of the underlying base zoning district lot area requirement for two-

family residential uses and no reduction in frontage will be granted.

- c. Multi-Family Developments Containing Attainable Units.** The minimum lot size for a multi-family structure or development containing at least 40 percent attainable housing units may be reduced by 12 percent of the required lot area defined in Table 2-4 Residential Dimensional Standards) and the minimum lot frontage may be reduced to 80 feet. If less than 40 percent of the total units area attainable, then the minimum lot size shall be no less than 95 percent of the underlying base zoning district lot area requirement for multi-family residential uses and no reduction in frontage will be granted.
- 2. Dispersal Required.** Attainable housing units shall be dispersed within a residential subdivision or development.
- 3. Public Sewers and Water Required.** All developments containing attainable housing units shall be served by public central sewer service and public water service.
- 4. Short-Term Rentals Prohibited.** Attainable housing units shall not be leased or rented for tenancies of less than 30 days.
- 5. Deed Restriction Required.** Attainable housing units developed pursuant to this Section shall be deed-restricted to assure the availability of the unit for sale or rent to persons meeting the income guidelines and definition set forth in §13.3 C. above, for a period of time no less than 20 years. The mechanism used to restrict the unit shall be approved by the City Attorney.

§13.4 TRANSFER OF DEVELOPMENT RIGHTS

Reserved for Future Use

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Section 14. Design Review Procedure

§14.1 PURPOSE

This Section establishes the required review and approval procedures for design review, which is the review procedure for determining compliance with the site planning and building design standards of this *LDC*.

§14.2 APPLICABILITY

Design review must be successfully completed in accordance with the requirements of this Section prior to the start of any of the following activities in any zone district:

- A. New Development.** Development of new large retail sales establishments.
- B. Building Additions.** Any addition of more than 10,000 square feet to the building floor area of an existing retail sales establishment with an existing building floor area larger than 40,000 square feet.
- C. Building and Site Alterations.** Any alteration or addition to an existing large retail sales establishment affecting the external building appearance, number or location of buildings, function of on-site vehicular/pedestrian circulation, or landscape, screening and buffering features.
- D. New or Modified Pad Sites.** Any alteration, deletion, or addition to pad and/or liner building sites that were included in the original design review approval.

§14.3 GENERAL REQUIREMENTS

A design review approval is a binding development order and all improvements reflected on approved site plans must be completed. All restrictions and conditions of design review approval must be fulfilled as follows:

- A. Permit Applications.** No development application or building permit shall be approved unless the site plan reflects all required improvements.
- B. Certificate of Occupancy.** All improvements reflected on approved site plans must be constructed prior to issuance of the certificate of occupancy. All terms and conditions of design review approval must be met at the time of issuance of the certificate of occupancy, including but not limited to the provisions of §14.7, Abandoned Building Standards.
- C. Temporary Certificate of Occupancy.** A temporary certificate of occupancy, with a maximum one-year duration, may be issued where an improvement cost estimate, prepared by a Colorado-licensed civil engineer, is submitted along with a development improvement agreement secured by corporate surety bond, irrevocable letter of credit, cash and/or other means acceptable to the community development director. The agreement's collateral amount shall equal 125 percent of the cost as determined to be satisfactory by the Community Development Director.

§14.4 APPLICATION, REVIEW, AND DECISION

A. Preapplication Conference. Prior to the submission of development applications, applicants shall attend a preapplication conference as set forth in §6.4, Stage 1: Preapplication Conference. The purpose of the conference is to respond to questions the applicant may have regarding application procedures, standards, or regulations required by this chapter.

B. Submittal Requirements. A complete application for design review shall be submitted to the Community Development Director as set forth in §6.6, Stage 3: Staff Review of Development Application. In addition to the minimum submittal requirements specified in §6.5 C, Minimum Application Contents, a complete, scaled site plan shall be submitted showing all the existing and proposed uses, lot dimensions for the specified property, and shall, at minimum, include the following:

1. A narrative addressing the proposed development, explaining and tabulating the land uses for the entire site, including planned open spaces, potential traffic generation, overall character and architectural style, the relationship of the proposed development to existing developments within 700 feet of the proposed development’s boundaries, and other related development features;
2. Architectural elevations for all façades, a description and sample of building materials, and a description of design elements;
3. Existing topographic contours at two-foot intervals;
4. Final grades and grading plan, with topographic contours at two-foot intervals;
5. Erosion control plans;
6. Site information, including:
 - a. gross area of the site;
 - b. percent of area devoted to streets and vehicular circulation;
 - c. percent of area devoted to open space and common open space;
 - d. square footage of the building footprint of each structure;



FIGURE 34 DESIGN REVIEW PROCEDURE

- e. percent of area devoted to each land use type proposed;
- f. calculations of gross and net densities, including estimated total floor area for any nonresidential uses per acre;
- g. bearing, distance and curve radii of property boundaries;
- h. existing and proposed structures in relation to the exterior property lines, existing and proposed streets;
- i. setbacks, including corner setbacks and intersection visibility triangles;
- j. curb lines and sidewalks;
- k. floodplains, drainageways, and any proposed detention/retention locations;
- l. drainage plan prepared by Colorado-licensed engineer;
- m. landscaping and screening plan established by a landscape architect who is an active member of the American Institute of Architects;
- n. fences and walls, in plan view and section;
- o. loading and accessibility spaces;
- p. ingress and egress points and intersection design, with sections showing turn lanes, etc.;
- q. off-street parking layout and internal circulation plan, in plan view;
- r. refuse locations;
- s. existing and proposed utility lines and fire hydrants;
- t. a master sign plan consisting of five elements that shall govern all signs within the development: location, materials, size, color and illumination;
- u. outdoor lighting plan including the tear sheets for all proposed fixtures, location, mounting height and shielding characteristics of each lighting fixture, both proposed and any already existing on the site;
- v. location map relative to off-site streets and properties;
- w. detailed traffic study per §4.10 G. 1, Transportation Impact Study Requirements;
- x. baseline automobile and truck traffic data for all adjacent neighborhoods within 700 feet of the development site served by local and minor collector streets that link to the development site;
- y. proposed waivers, calling out each waiver using illustrative plans and elevations, and

describing in narrative form how each proposed waiver complies with the provisions of §14.5, Waivers; and

- z. Any additional information requested on a community development department checklist or that may be necessary as requested by the director to clearly define the intended use of the property and compliance with the applicable standards.
- C. Completeness Review.** The application’s completeness review shall be accomplished in accordance with the requirements of §6.6 A, Completeness Review.
- D. Posting and Public Notification.** Once the application is deemed complete by the community development director, the required public notices shall be issued as set forth in §6.7, Stage 4: Provision of Public Notice.
- E. Review and Decision.** The planning Commission shall review each application for design review and act to approve, approve with conditions, remand back to the applicant, or deny the application pursuant to §6.8 0, Action by Decision-Making Body. Design review applications that are being processed concurrently with rezonings or Conditional Use permits must be reviewed and approved concurrently with the other required approvals.
- F. Notice of Decision.** Within five working days of action by the decision-making body on a design review application, the Community Development Director shall mail notice of the decision to the applicant.
- G. Expiration of Approval.** An approved design review application shall expire 12 months from the date of approval unless a complete building permit application has been submitted and all required fees paid. The applicant may request vesting of the approved site-specific development plan as described in §6.9, Stage 6: Actions Following Development Approval.

§14.5 WAIVERS

A waiver is intended to provide flexibility in site and architectural design. Alternative site and architectural design elements may be proposed, but a waiver shall not be granted if the deviation from standards will reduce architectural design quality or decrease site development safety or mitigation of conflict with neighboring uses.

Waivers may be requested as part of design review applications. The decision-making body may approve such waivers in accordance with the following requirements.

- A. Submittal.** A request for a waiver shall be made at the time of the initial application or at any time prior to closing of the Planning and Zoning Commission public hearing. Submittals must comply with the provisions of §14.4 B, Submittal Requirements, and shall, at minimum, include those materials listed in §6.5, C., Application Contents.
- B. Consideration.** Waivers will be considered for the following reasons:
 - 1. Boundaries, Easement, or Title Constraints.** If an easement or a legal or physical hardship would prevent the building of a structure pursuant to site development standards, a waiver may be approved; provided, that the approved waiver is the minimum necessary to accommodate the hardship.

2. **Public Outdoor Space Development.** In order to form an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk, a waiver may be approved; provided, that the street yard area shall have landscaping, low walls, a tree canopy or other similar site improvements along the sidewalk designed for pedestrian interest, comfort, and visual continuity.
3. **Number and Design of Parking Spaces.** A waiver of the required number and/or design of parking spaces may be approved; provided, that the need for existing and future parking is addressed; and the configuration provides for the safety of pedestrians and vehicles.
4. **Orientation.** A waiver may be approved where it is shown that the change in orientation will not adversely affect the overall appearance of the development.
5. **Water, Air Quality, and Energy Conservation.** A waiver may be approved where it is shown that water, air quality, and/or energy conservation will be enhanced. However, a water conservation waiver shall not be used to limit or eliminate vegetation cover.
6. **Vehicular Transportation and Circulation.** A waiver may be approved where it is consistent with the approved transportation impact study.
7. **Landscaping, Screening, and Buffering.** A waiver may be approved where the change from design review standards will mitigate adverse impacts to adjoining uses.
8. **Building Design Standards.** A waiver may be approved for §4.10 J.2, Ground Floor Façades; §4.10 J.3, Articulation, and §4.10 M., Materials and Colors. The request must include a description of the alternative elements that will be used to break up larger building mass and emphasize pedestrian scale, show an obvious contrast in building wall planes and justify the preference for alternative materials and colors.

C. Approval. Waivers may be approved in accordance with Section 9 of this *LDC*.

1. The proposed waiver meets the intent of the design review process (§4.10C. and E);
2. The proposed waiver does not increase conflicts with adjoining uses;
3. The proposed waiver does not reduce the architectural design quality of the development as specified in §4.10 J.1, Intent;
4. The proposed waiver is not in conflict with the *City of Gunnison Master Plan* and does not adversely impact the health, safety, or welfare of the community; and
5. The waiver is not in conflict with any other applicable purposes of the *City of Gunnison Land Development Code*.

§14.6 APPEALS

Final design review decisions made by the Planning and Zoning Commission may be appealed by the applicant, a city resident, or a City property owner to the City Council. The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within 30 days of the date

the final decision was mailed. The City Council, after holding a public hearing, may affirm, modify, reverse or remand the application back to the Planning and Zoning Commission with specific directions.

§14.7 ABANDONED BUILDING STANDARDS

No certificate of occupancy shall be issued for any new building or space that is subject to the provisions of this Section without compliance with the following requirements:

- A. Vacated Building Maintenance and Appearance.** All properties developed for commercial purposes, including those abandoned by the applicant in favor of new development regulated by this chapter, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect. This maintenance requirement shall be established by a covenant or other document considered satisfactory to the City Attorney, memorializing this requirement. At a minimum the following maintenance functions shall occur:
1. The building shall remain fully illuminated inside within 100 feet of all public entrances, and outside including all parking lot areas, consistent with the historic practice.
 2. Glazing shall not be boarded and broken windows shall be replaced immediately.
 3. Vegetated landscaping shall be watered, trimmed and mowed during the growing season. Dead vegetation shall be replaced immediately.
 4. Graffiti shall be immediately removed from the site.
 5. Painted or stained building surfaces shall be painted or stained at least every three years or when the surface starts to peel, crack, or fade.
 6. Snow removal shall occur within 24 hours after all snow storms.

§14.8 DESIGN REVIEW STANDARD OBJECTIVES

Approved design review applications shall comply with the applicable standards of the *LDC*, including those of §4.10, Large Scale Retail. In carrying out the purpose of this Section with respect to the external design and siting of the buildings, it is the intent of this Section that the City shall exercise the minimum control necessary to achieve the overall objectives thereof. Approval shall be considered in accordance with the following objectives:

- A. Architecture.** Encourage architectural design features that mitigate the visual impacts of the size and scale of large retail sales establishments.
- B. Neighborhood Compatibility.** Assure that large retail development site planning promotes compatibility with surrounding residential, commercial areas, and other areas in the city.
- C. Pedestrian Friendly.** Promote pedestrian-friendly design and public transit access.
- D. Environmental Sustainability.** Encourage best development practices for energy conservation, watershed management, and air quality protection.

- E. Efficient Transportation Design.** Advance transportation design elements that provide safe and efficient internal circulation and are integrated with the external transportation system.
- F. Master Plan Compliance.** Require compliance of the development's design elements and the development's location with the *City of Gunnison Master Plan*.