

**OFFICIAL MINUTES JANUARY 9, 2013  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

**7:00PM**

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<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
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 and Planner Andie Ruggera, and Cole Haberer.

**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. PUBLIC HEARING – SB 12-5, PRELIMINARY PLAT, AN APPLICATION BY DRAKE GUNNISON PARTNERS, LLC, TO SUBDIVIDE ONE LOT (4.8 ACRES) INTO FOUR LOTS, LOCATED IN THE COMMERCIAL ZONE DISTRICT**

**Open Public Hearing.** Chair Carolyn Riggs opened the public hearing at 7:01 p.m.

**Proof of Publication** was shown for the record.

**Application Process Review.** Director Steve Westbay summarized the process for a Major Subdivision which is an application proposing more than eight lots or which subdivides a parent parcel of four acres or greater. Major Subdivisions are subject to a four step process:

1. review of Sketch Plan by the Planning and Zoning Commission at a public hearing;
2. review of the Preliminary Plat by the Planning and Zoning Commission at a public hearing;
3. review and recommendation of the Final Plat by the Planning and Zoning Commission (with no public hearing); and
4. action on the Final Plat by City Council (with no public hearing).

The applicant, Drake Gunnison Partners, LLC, represented by Cole Haberer, is requesting a Major Subdivision (preliminary plan) application to subdivide 4.8 acres into four lots. The legal description of the site is Lot 80, Re-plat of Lot 80, VanTuyl Village Subdivision (reception number 580957).

Director Steve Westbay began reviewing the application stating the proposed subdivision is located south of VanTuyl Circle and bordered by Sydney Street and Highway 135. He continued stating the application was straight forward with a basic concept and basic circulation for its pad sites. The internal private roads will be enforced through a declaration of covenants that seem very tight.

CDOT has granted the City an Access Permit for a full movement intersection at VanTuyl Circle and Highway 135. The Permit is allowed with conditions that there will never be a traffic light signal and that if there is a long-term safety hazard at the intersection the permit would be pulled.

Director Westbay continued his review and stated the Preliminary Plat submittal is the nuts and bolts portion of the subdivision. He stated there are some loose ends to be addressed, mainly with the irrigation ditch alignment, but nothing major needs to be addressed.

**Applicant Presentation.** The applicant, Cole Haberer, addressed the Commission. He stated that he has talked to staff regarding changes to the engineering utility plans. The majority of changes have already been made including the alignment of the irrigation ditch and shifting Bowman Street to the south to align with the center-line of VanTuyl Circle. Mr. Haberer thanked the Commission and stated they are very excited about this development

**Public Input.** Chair Riggs asked for public comments. There were none.

**Staff Presentation.** Director Steve Westbay stressed the importance of the engineering component during the preliminary phase and stated he didn't have anything further to present.

**Commission Discussion.** The Commission discussed the access permit at VanTuyl Circle and Highway 135. Steve Westbay stated that in the future if a street light was warranted at this location, it would be determined through CDOT State Codes.

Bowman Street was discussed and Commissioner Erich Ferchau asked why the City was burdening the applicant with improving Bowman. Steve Westbay replied the City did not ask the applicant to improve Bowman. The applicant asked if they could improve the street for greater circulation and emergency access to the development. The City is facilitating the request of the applicant to use the City's deeded property.

**Close Public Hearing.** Chair Riggs closed the public hearing at 7:26 p.m.

#### **ACTION**

Commissioner Greg Larson moved, Commissioner Erik Niemeyer seconded and the Planning and Zoning Commission voted to APPROVE the Major Subdivision Preliminary Plat, SB 12-5, Blue Mesa Shopping Center with the following findings of fact and conditions:

#### **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 application is for a Major Subdivision of a 4.8 acre parcel into four lots and the proposed lot configurations comply with minimal lot size and frontage standards established by the *LDC*.
3. The Planning and Zoning Commission finds that the property is located in the Commercial zone district and that the applicant intends to follow the City development standards for this district.
4. The Planning and Zoning Commission finds that the Preliminary Plat submittal includes detailed civil engineering plans that have been reviewed by the City Engineer and personnel from the Public Works Department and no major issues were found.
5. The Planning and Zoning Commission finds that the irrigation ditch alignment is shown outside the easement on the utility plan and the final plan will depict it within the existing 15 foot easement adjacent to Highway 135.

6. The Planning and Zoning Commission finds that alignment of the irrigation ditch within Bowman Street will be adjusted on documents submitted for Final Plat submittal.
7. The Planning and Zoning Commission finds that Final Plat documents will include two additional fire hydrants for internal service to the development.
8. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established and the Declaration of Covenants will be reviewed at Final Plat.
9. The Planning and Zoning Commission finds that a Traffic Impact Study was prepared and the report estimates approximately 1,429 vehicle trips per day will occur at build-out.
10. The Planning and Zoning Commission finds that the applicant desires a full movement intersection at VanTuyl Circle and Highway 135 and a Highway Access Permit application has been submitted to CDOT.
11. The Planning and Zoning Commission finds that Bowman Street, located on the south boundary of the proposed subdivision, is a deed restricted parcel with the restriction mandating the real property will be used as public right-of-way functions. The Planning and Zoning Commission further finds that the access as illustrated does not have appropriate alignment with VanTuyl Circle and the documents for the Final Plat submittal will depict the access in a proper alignment.
12. The Planning and Zoning Commission finds that the 15 foot easement and the Highway 135 right-of-way improvements allow for an eight foot-wide sidewalk, utilities and landscape buffer.
13. The Planning and Zoning Commission finds that the nine review standards for subdivisions have been or will be met based on the following Conditions:

**Conditions**

1. The Final Plat application shall comply with all provisions of the City's *Land Development Code*.
2. Use of Bowman Street shall comply with restrictions set forth by the deed and approved by the City Council.
3. The Final Plan submittal shall depict the center of the proposed Bowman Street aligning with the east/west centerline of VanTuyl Circle.
4. The Final Plan submittal shall depict the irrigation ditch along the eastern boundary of the property within the existing 15 foot easement adjacent to Highway 135.
5. Final Plat documents will include two additional fire hydrants for internal service to the development.

Roll Call Yes: Erich, Andy, Carolyn, Ellen, Erik and Greg

Roll Call No:

Roll Call Abstain:

Motion carried

- V. **CONSIDERATION OF THE DECEMBER 12, 2012 MEETING MINUTES.** Commissioner Greg Larson moved and Commissioner Erik Niemeyer seconded to approve the December 12, 2012 meeting minutes as amended.

Roll Call Yes: Erik, Erich, Carolyn, Ellen, Andy and Greg

Roll Call No:

Roll Call Abstain:

Motion carried

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

- held a public hearing regarding the VanTuyl Ranch Annexation into the City of Gunnison;
- held a public hearing regarding the VanTuyl Ranch PUD Zoning;
- held a public hearing and approved first reading of an ordinance for a 5% increase in electric utility rates;
- held a public hearing and approved a tavern liquor license from Knoll Holdings dba The Last Chance;
- appointed Ken (Tex) Bradford and Will Dowis to the MEAN/NMPP Executive Board;
- designated City Councilors to Committee appointments; and
- approved first reading of an ordinance regarding the Municipal Criminal Code, Marijuana Violations.

**VII. COMMISSIONER COMMENTS.**

Commissioner Greg Larson moved to excuse Bob Beda from the January 9, 2013 regular meeting. Mayor Ellen Harriman seconded the motion.

Roll Call Yes: Erik, Erich, Andy, Carolyn, Ellen and Greg

Roll Call No:

Roll Call Abstain:

Motion carried

Commissioner Erik Niemeyer moved to excuse Andy Tocke from the January 23, 2013 work session meeting. Commissioner Greg Larson seconded the motion.

Roll Call Yes: Erich, Andy, Carolyn, Ellen, Greg and Erik

Roll Call No:

Roll Call Abstain:

Motion carried

The Commission congratulated Erik on the new addition to his family and commended staff on their work with CDOT for the Highway Access Permit at VanTuyl Circle and Highway 135.

**VIII. ADJOURN TO WORK SESSION.** Chair Riggs adjourned the meeting to a work session at 7:55 p.m.

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Carolyn Riggs, Chair

Attest:

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Andie Ruggera, Secretary