

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
Rev 12/5/2014**

DATE: WEDNESDAY, DECEMBER 10, 2014
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

REGULAR MEETING

7:00pm

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS**
- IV. PUBLIC HEARING – CONDITIONAL USE, CU 14-6 SUBMITTED BY JOSEPH HARMON FOR THE OPERATION OF A CHURCH IN THE CENTRAL BUSINESS DISTRICT**
- V. CONSIDERATION OF THE NOVEMBER 12, 2014 MEETING MINUTES**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. ADJOURN TO WORK SESSION**

WORK SESSION

UPDATE ON COMPREHENSIVE PLAN PUBLIC OPINION SURVEY

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.

STAFF REPORT
CONDITIONAL USE
Joseph Harmon – 137 West Tomichi Avenue

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: December 5, 2014
RE: Conditional Use Application CU 14-6, Operation of a Church in the CBD

CODE PROVISIONS

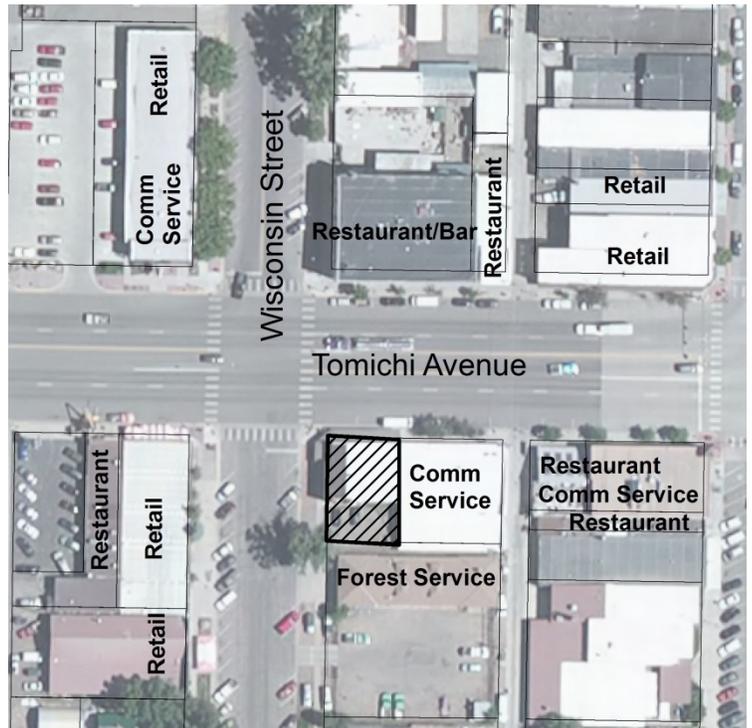
The City's *Land Development Code (LDC)*, Section 2.6 states that a church requires a Conditional Use permit to operate in the Central Business District (CBD). Conditional Uses are those land uses that are generally compatible with the permitted uses in a district zone, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

The *LDC* Section 7.2 specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification.

APPLICATION

The applicant, Joseph Harmon, proposes the operation of a church at 137 West Tomichi Avenue. The legal description is the west 50 feet of Lots 1 through 3, Block 28, Original Gunnison, City and County of Gunnison. The applicant's narrative states:

"I am proposing to place a Christian church at 137 W. Tomichi Ave. Right now we have a small congregation of four people, but we are looking to grow. We will be meeting there Sundays at 11 am and 7 pm, and Wednesday evenings 7 pm. We also have prayer every morning around 7 am. We would also utilize the property for any type of evangelizing we may be doing such as meeting for outreaches, potlucks and concerts. The proposed use does conform to codes. The proposed use will not use many resources because it won't be used all day through the week. Parking and traffic shouldn't be an issue due to times of meeting. It should not cause a nuisance to the surrounding



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establishments, but benefit it. The facilities are adequate as they are. And the property in its proposed usage will not have any adverse impacts on the surrounding environment.”

SITE ASSESSMENT – 137 WEST TOMICHI AVENUE

The subject site is located in the Central Business District fronting Tomichi Avenue. Surrounding Commercial uses include retail, commercial service, professional office, restaurants and bars and public service. The site has two suites on the ground floor and residential units on the second floor. The applicant is utilizing one suite for the proposed church and the other suite is a professional office.

The applicant proposes to meet daily at 7 am in the morning and on Sunday and Wednesday for church service. The *LDC* does not require parking or landscaping in the Central Business District. The church use with the proposed hours of operation should not impact downtown on-street parking.

DEPARTMENTAL COMMENTS:

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

STAFF OBSERVATIONS

1. The applicant is requesting to operate a church in the Central Business District which requires conditional use approval based on the City's *Land Development Code*.
2. The proposed use is compatible with the surrounding neighborhood.
3. Surrounding uses include retail, commercial service, professional offices, and restaurants/bars.
4. The hours of operation are Sundays, Wednesday evenings and daily at 7 a.m.
5. The congregation currently consists of four members.
6. The proposed use will enhance the community's health, safety and welfare.

REVIEW STANDARDS

The *LDC* Section 7.5 contains seven specific standards that must be met for a Conditional Use Application to be approved:

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

No Conflict:

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

B. Conformance to Codes. The use shall conform to all other applicable provisions of this *LDC* and the *City of Gunnison Municipal Code*, including but not limited to:

1. **Zone District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, Section 2.4 (Principal Use Table) and Section 2.6 (Base Zone district Dimensional Standards).

No Conflict: The purpose of the Central Business District is to provide for the business and civic functions that make up the City's core. The CBD has a strong pedestrian character and provides for concentrated commercial activity. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and those of visitors to the community.

2. **Specific Use Regulations.** All Conditional Use applications shall comply with all applicable Special Use Regulations set forth in Section 3 of this *LDC*.

No Conflict: A church use is compatible with the surrounding neighborhood and the Central Business District. The church use complies with Section 3 of the *LDC*.

3. **General Development Standards.** All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 4 of this *LDC*.

No Conflict: The CBD does not require off-street parking and landscaping.

4. **Natural Resource Protection Standards.** All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 5, Natural Resource Protection Standards, of this *LDC*.

Not Applicable.

C. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

No Conflict: A church is compatible with the neighborhood.

D. Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

No Conflict: Traffic generated by the church should be minimal. The hours of operation are outside of peak business hours and should not impact downtown parking demands.

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E. Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

No Conflict: A church should not impact or create a nuisance to surrounding uses.

F. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

No Conflict: The site provides adequate public facilities.

G. Environment. The use shall not cause significant deterioration to water resources, stormwater volume and quality, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

No Conflict

ACTION

During the regular Planning and Zoning Commission meeting held on December 10, 2014, Commissioner _____ moved, and Commissioner _____ seconded, and the Commission voted to APPROVE Conditional Use Application CU 14-6, submitted by Joseph Harmon for the operation of a church at 137 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 the operation of a church in the Central Business District.
3. The Planning and Zoning Commission finds that the surrounding uses of retail, commercial services and professional offices are compatible with the operation of a church.
4. The Planning and Zoning Commission finds that the hours of operation are Sundays, Wednesday evenings and daily at 7 a.m.
5. The Planning and Zoning Commission finds that a church in the CBD will not be a detriment to the community's health, safety and welfare.

Application Fact Sheet
City of Gunnison Land Development Code
Minimum Application Contents
In accordance with §6.5 C.

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

Applicant Name(s): Joseph Harmon

Phone #: (970) 275 2263 **Fax #:** _____ **E-Mail:** da-harmonator@yahoo.com

Mailing Address: 110 N. 7th St

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

Legal Description

Site Address of Property: 137 W. Tomichi Ave **Zoning:** CRD
Block: 28 **Lot(s):** W 50ft 1-3 **Addition:** original Gunnison

Disclosure of Ownership- Please provide one of the following:

- Assessor Parcel Info Mortgage Deed Judgments
 Liens Contract Easement Agreement Other Agreements

Summary of Request: Seeking a conditional use for a church

- Attachments:** Vicinity Map (8.5"X11") Description of Proposal
- Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)
- Vested Property Rights Authorization of Agent (Power of Attorney from Owner, if not the 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. Include a table for all dimensional requirements based on §2.6. (See attached sample)

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

Signature(s)

Date _____
Date _____

For Office Use Only

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

370136331013 370136366007

370136332004

N WISCONSIN ST

W TOMICHI AVE

378701218020

378701218006

Parcel Sales 378701218005

-  2014+ Parcel Sales
-  2013 Parcel Sales
-  2012 Parcel Sales
-  2011 Parcel Sales
-  2010 Parcel Sales
-  2009 Parcel Sales

378701217002

378701217004

378701217009

378701217025

S WISCONSIN ST

0 69 138 207 276 ft

Gunnison County Assessor

Parcel: 3787-012-17-003 Acres: 0.043

Name:	QUINN SHOPPES PARTNERSHIP	Land Value:	46880
Site:	137 W TOMICHI AVE, GUNNISON	Building Value:	225170
Sale:		Total Value:	272050
Mail:	1700 ESTY LN GUNNISON, CO 81230-9639	Assessed Value:	48450
		2013 Taxes	



I am proposing to place a Christian church at 137 W. Tomichi Ave. Right now we have a small congregation of four people, but we are looking to grow. We will be meeting there Sundays at 11 am and 7 pm, and Wednesday evenings 7pm. We also have prayer every morning around 7 am. We would also utilize the property for any type of evangelizing we may be doing such as meeting for outreaches, potlucks and concerts. The proposed use does conform to codes. The proposed use will not use many resources because it won't be used all day through the week. Parking and traffic shouldn't be an issue due to times of meeting. It should not cause a nuisance to the surrounding establishments, but benefit it. The facilities are adequate as they are. And the property in its proposed usage will not have any adverse impacts on the surrounding environment.

AUTHORIZATION OF AGENT

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

Joseph Harmon ^{The ~~Deer~~ Christian} DBA Fellowship Church 137 W. Tomichi Ave. Suite A & B 970-275-2263
Name Address Phone

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

Legal description and street address of the property for which application is being made:

W50' of lots 1-3, Block 28, Original Gunnison

Type(s) of permit applied for:

- 1) Conditional Use Application
- 2) _____
- 3) _____
- 4) _____

FIRST OWNER OF RECORD:

STAN & SUSAN Esty
Printed Name of Property Owner

Stan J. Esty Susan A. Esty
Signature of Property Owner

10/19/14
Date

SECOND OWNER OF RECORD:

Robert N. Carr
Printed Name of Property Owner

Robert N. Carr
Signature of Property Owner

10/19/14
Date

50' Bldg

45'

75'

50'

1 inch = 20 feet

DRAFT MINUTES NOVEMBER 12, 2014
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

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MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda			X
Sharon Cave	X		
Greg Larson	X		
Councilor Stu Ferguson			X

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera.

I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none

IV. CONSIDERATION OF THE OCTOBER 22, 2014 MEETING MINUTES. Commissioner Tocke moved and Commissioner Niemeyer seconded, to approve the October 22, 2014 meeting minutes as corrected.

Roll Call Yes: Ferchau, Cave, Niemeyer, and Tocke

Roll Call No:

Roll Call Abstain: Larson

Motion carried

V. COUNCIL UPDATE. Councilor Ferguson updated the Commission on recent Council business:

- Council held hearing on the budget and the Council tabled the hearing due to concerns from the Chamber of Commerce; and
- Council discussed implementing marijuana regulations with an anticipated completion in July, 2015.

VI. COMMISSIONER COMMENTS. Commissioner Niemeyer moved and Commissioner Cave seconded to excuse Commissioner Beda and Councilor Ferguson from the November 12th regular meeting.

Roll Call Yes: Ferchau, Tocke, Larson, Cave and Niemeyer

Roll Call No:

Roll Call Abstain:

Motion carried

VII. PLANNING UPDATE. Director Westbay provided an update on recent Community Development activities:

- Staff is continuing work on the Peaks to Parks grant and CWCB grant;
- Staff is in the process of moving to our new offices; and
- Staff tuned into the State Demographer Forecasting meeting.

VIII. ADJOURN. Chair Larson adjourned the meeting to Work Session at 7:30 p.m.

Attest:

Greg Larson, Chair

Andie Ruggera, Secretary