

OFFICIAL MINUTES APRIL 23, 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, and Planning Technician Pam Cunningham

I. CALL TO ORDER AT 7:04 PM BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none

IV. CONSIDERATION OF THE MARCH 26, 2014 MEETING MINUTES. Councilor Ferguson moved and Commissioner Beda seconded, to approve the March 26, 2014 meeting minutes as corrected.

Roll Call Yes: Niemeyer, Ferchau, Larson, Cave, Beda, Ferguson
Roll Call No:
Roll Call Abstain:
Motion carried

V. EXCUSE COMMISSIONER TOCKE. Commissioner Niemeyer moved and Commissioner Cave seconded, to EXCUSE Commissioner Tocke from the April 24, 2014 Planning and Zoning Commission meeting.

Roll Call Yes: Ferchau, Larson, Beda, Ferguson, Cave, Niemeyer
Roll Call No:
Roll Call Abstain:
Motion carried

VI. PUBLIC HEARING – ZA 14-1, TEXT AMENDMENT TO THE LDC REGARDING TABLE 2-3 PRINCIPAL USE TABLE AND TYPOGRAPHICAL CORRECTIONS TO SECTION 4, GENERAL DEVELOPMENT STANDARDS.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:10 p.m.

Proof of publication. There is proof of publication

Review of the Process. Planner Ruggera reviewed the process for a text amendment. The applicant is Steve Westbay. The application proposes to amend Table 2-3 Principal Use Table and other typographical errors in Section 4, General Development Standards within the *LDC*.

Planner Ruggera gave a brief overview of the proposed changes and asked the Commission for input on the proposal to make Firewood Production a Conditional Use in the Commercial zone district.

Discussion followed regarding the buffer requirements and sight line triangle for plantings. Planner Ruggera will add the 30-foot sight triangle to the diagram. The buffer and landscaping requirements are for new construction and are part of the building permit approval.

Commissioner Ferchau pointed out that the diagram should be changed to read “plantings shall be set back at least 5’ from the curb.” Planner Ruggera will make those changes.

Commissioner Beda asked for clarification of what constitutes firewood production. Planner Ruggera replied that it is stockpiling, cutting, splitting, selling, and hauling firewood. Commissioner Beda said that in Montrose they are discouraging people from bringing logs into town to stop the spread of pine beetles and asked if the US Forest Service should be consulted.

Chair Larson replied that the question before the Commission is just whether it is an allowed use in the Commercial and Industrial zone districts.

Director Westbay stated that one of the issues is that there wasn’t a good subcategory in the new *LDC* to address firewood production. He asked the Commission if they want it to be allowed in the Commercial zone district. He said that there have been complaints in the past with firewood production in the Commercial zone district without a Conditional Use. He said that citizens also have the right to initiate a text amendment to make the change themselves.

Commissioner Ferchau said he is fine with making it a Conditional Use [in the Commercial zone district]. Director Westbay added that a Conditional Use is a use by right with stipulations of hours and noise.

Commissioner Beda stated that it becomes an enforcement issue and in the past [the Commission] has approved Conditional Uses and the conditions have not been enforced; the conditions are complaint driven.

Chair Larson said that he would want to let the neighbors weigh in before granting a Conditional Use.

Commissioner Niemeyer asked if the implication is that if firewood production is not allowed in the Commercial zone district, the only place it would be allowed is in the Industrial area. Director Westbay responded that is correct.

Commissioner Niemeyer asked if there will be an application in the future [if the Code is changed to allow firewood production as a Conditional Use in the Commercial zone district]. Director Westbay replied that it is a possibility.

Commissioner Niemeyer stated that allowing it in the Industrial zone district is the best option and that as long as it is Conditional and we have oversight, we can manage it in the Commercial zone district.

Commissioners Ferchau, Larson, Beda, Cave and Councilor Ferguson agreed.

Public Input. There was none.

Staff Presentation. Staff had nothing further to add.

Commission Discussion

Commissioner Niemeyer suggested that the following language be added to Staff Observation #5: "...these dimensions are ADA compliant."

Chair Larson closed the public hearing.

ACTION. During the Planning and Zoning Commission meeting held on April 23, 2014 Commissioner Beda moved, Commissioner Niemeyer seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 14-1, for a Text Amendment to Section 2.4 Principal Use Table and Section 4 General Development Standards, based on the following 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 the amendment proposes to modify Table 2-3 Principal Use Table to the following: Townhomes as Conditional in the Commercial zone district; Daycare Centers as Prohibited in the Central Business District and Conditional in the Commercial zone district; and Firewood Processing and Sales to be included under the Manufacturing and Production Category as permitted in the Industrial district and Conditional under the Commercial district.
3. The Planning and Zoning Commission finds that a minimum width of 11' for van accessible spaces was unintentionally omitted from the 2014 LDC and is proposed with this amendment.
4. The Planning and Zoning Commission finds that the amendment proposes to correct typographical errors to the text and Figure 16 within Section 4.6 F. Buffering and Screening.
5. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 15.150.050).

The Planning and Zoning Commission finds that based on the record of this Text Amendment application the recommended approval of this Text Amendment protects the community's health, safety and welfare.

Roll Call Yes: Ferchau, Larson, Cave, Ferguson, Niemeyer, Beda
Roll Call No:
Roll Call Abstain:
Motion carried

VII. COUNCIL UPDATE. Councilor Ferguson updated the Commission on recent Council business. At the April 22nd meeting, the Council:

- Invested heavily in street infrastructure by deciding to spend cash reserve to get more seal coat, top coat and repaving done on the city streets.
- Initiated a ballot issue on the sale, growing, and testing of medical and recreational marijuana and directed staff to prepare the appropriate documents. Although it has not been determined which election the ballot issue will be on, hopefully it will be ready for the November ballot. Discussion continued about the pros and cons of legalization, edibles, testing, regulation, and labeling.
- The Council also heard that the Board of County Commissioners are hiring consultants to try to clarify the roles of the Tourism Association and the Chamber of Commerce to define who is responsible for what and to build better coordination.

VIII. COMMISSIONER COMMENTS

There were none.

IX. PLANNING UPDATE. Director Westbay provided a summary of recent activity in the Community Development Office

- Community Cleanup was last week, there was quite a bit of participation;
- the Courthouse building permit was issued;
- the Bike Rodeo is May 3rd; and,
- Capital planning is underway

X. ADJOURN. Chair Larson adjourned to a Work Session at 7:55 p.m.

Greg Larson, Chair

Attest:

Pam Cunningham
Secretary