

PLANNING AND ZONING COMMISSION  
MAY 14, 2014 MEETING PACKET  
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**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 5/9/2014**

**DATE:** WEDNESDAY, MAY 14, 2014  
**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. UNSCHEDULED CITIZENS**
- IV. PUBLIC HEARING AND POSSIBLE ACTION—Conditional Use Application, CU 14-2, submitted by Hope Jones for the operation of a food vendor truck as a temporary commercial activity in the Central Business District.**

**7:15pm**

- V. PUBLIC HEARING AND POSSIBLE ACTION—Minor Subdivision application, Preliminary Plat, SB 14-1, submitted by Tom and Jani Pulaski. The property is legally described 101 N. 10<sup>th</sup> Street, Gunnison, Colorado.**
- VI. CONSIDERATION OF THE APRIL 23, 2014 MEETING MINUTES**
- 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 on the City website at [www.cityofgunnison-co.gov](http://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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STAFF REPORT  
CONDITIONAL USE  
Hope Jones – Delish

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: May 14, 2014  
RE: Conditional Use Application CU 14-2, Temporary Commercial Activity

#### CODE PROVISIONS

The City's *Land Development Code (LDC)*, Section 2.6 states that a temporary commercial activity requires a Conditional Use permit to operate in the Commercial (C) zone district and 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, Hope Jones, propose the operation of a food service truck (Delish) as a temporary commercial activity at 301 West Tomichi Avenue (north of Safeway). The legal description is Lots 21 through 24, Block 147, West Gunnison Amended, City and County of Gunnison. The applicant's narrative states:

“Delish is a locally sourced and owned gourmet food truck coming to the Gunnison Valley this July. Hope Jones is the owner and Chef of Delish Food Truck. One other employee, Emily Jones, will accompany Hope. Our farm to truck concept will bring our customers the finest and freshest ingredients made and produces in Colorado.

Delish will be a fast service truck mainly serving an American type cuisine with a gourmet touch. We will serve a variety of pastries, breakfast items, lunch items, and desserts. You can get more information my checking our website out at:

[www.delishgunnison.com](http://www.delishgunnison.com)

Delish will have a menu that changes with the seasons and the farmers. The menu will also change weekly or daily due to the ingredients available. We will also do off-premise catering.

Delish plans to operate mainly out of a 22-foot freightliner truck with a full commercial kitchen installed and inspected by the health department. We have a commissary agreement filed with Kathleen Curry at The Local Market in Gunnison. We will mainly use this kitchen for water, storage and some food preparation. All cooking will be done on the truck.

STAFF REPORT  
CONDITIONAL USE  
Hope Jones – Delish

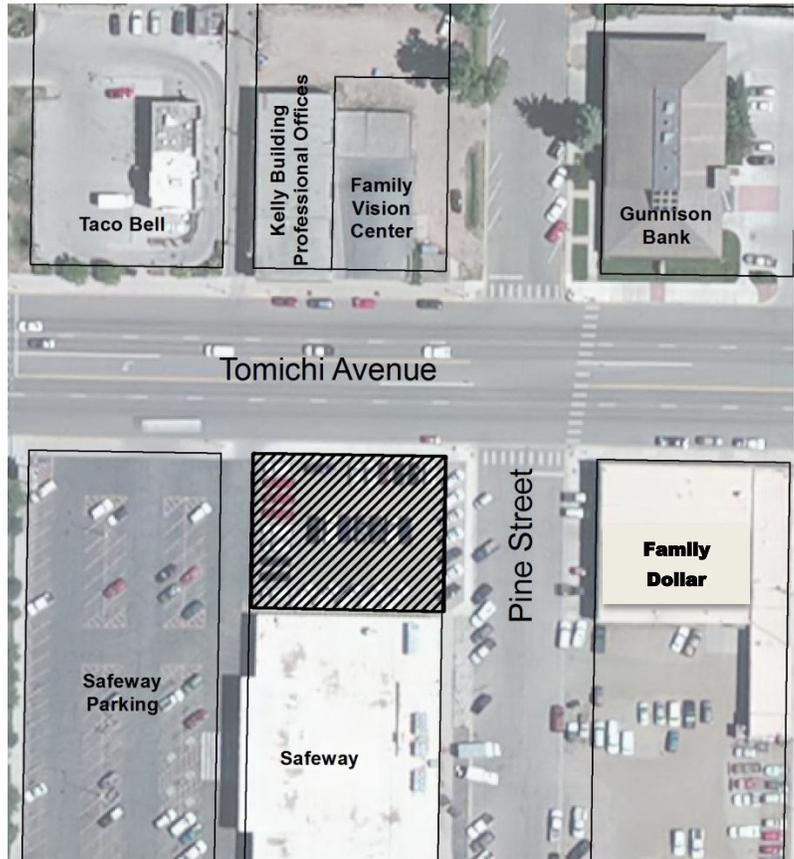
When Delish isn't doing a catered event or festival, we will to park at 301 West Tomichi Avenue in Gunnison. This lot is an ideal central location that is visible to a high amount of traffic. In the summer hours, a few nice picnic tables and flower planters will accompany the eye-catching food truck. Customers will be able to enjoy their meal outside on our picnic tables or take it with them to go. In the winter hours, customers will be able to stay in their vehicle and drive directly up to the service window..."

SITE ASSESSMENT – 301 WEST TOMICHI AVENUE

The subject site is located in the Central Business District fronting Tomichi Avenue. Surrounding Commercial uses include Safeway to the south, Family Dollar to the east; and Taco Bell, professional offices, Family Vision Center and The Gunnison Bank to the north.

The site was used by John Roberts Motor Works for new vehicle display until the business moved to their new location on Highway 50. The site is vacant with a gravel base. The food service truck would be the primary use on this site. Placement of the truck is proposed on the center frontage of the property.

The *LDC* does not require parking or landscaping in the Central Business District. The site provides ample space for the placement of the food service trailer. Access is gained off Pine Street and the alley adjacent to the Safeway parking lot.



DEPARTMENTAL COMMENTS:

Building Official: Is there grey water storage and a portable toilet?

Fire Marshal: A Type K fire extinguisher will be needed on the food service trailer. A Type 1 kitchen hood system with UL extinguishing system listed in the hood is required.

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.

STAFF REPORT  
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Hope Jones – Delish

Electric Superintendent: No power is available at the site.

STAFF OBSERVATIONS

1. The applicant is requesting approval to operate a temporary commercial activity of a food service truck, Delish, 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. The hours of operation are 7 a.m. to 3 p.m. Friday through Wednesday and closed on Thursdays.
4. Delish is proposing to operate at 301 West Tomichi Avenue and other planned summer events.
5. The applicant will need to obtain State and City sales tax licenses.
6. A Type K Fire Extinguisher will be required and well as a Type 1 Kitchen Hood System.
7. The applicant will need a permit through the Colorado Department of Public Health and Environment for "Delish, by Hope Jones, LLC."

REVIEW STANDARDS

The *LDC* Section 3.13 C. sites review standards applicable to temporary commercial uses and activities:

1. No lighting or electrical service shall be provided without an electrical permit;
2. Temporary use structures shall be subject to the *International Building Code* and *International Fire Code* as deemed applicable by staff;
3. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
4. The site of the temporary use shall be cleared of all debris at the end of the temporary use;
5. All temporary structures shall be cleared from the site within five days after the use is terminated;
6. Written permission of the property owner for the temporary use shall be provided
7. Adequate parking shall be provided for the use, as determined by the Community Development Director;
8. Required parking for other uses shall remain available;
9. Adequate traffic control measures shall be provided;
10. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
11. When appropriate, adequate provisions for crowd control shall be provided.

**Possible Conflict:** The food service trailer use is allowed in the Central Business District and is compatible with the surrounding neighborhood.

The applicant will provide a permit from the Colorado Department of Public Health and Environment. Details on the kitchen hood system will need to be approved by the Community Development Department.

There is ample space for parking and traffic flow through the site.

STAFF REPORT  
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Hope Jones – Delish

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:**

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*.

**Possible Conflict:** (See Criteria Above) The food service trailer use is allowed in the Central Business District and is compatible with the surrounding neighborhood.

The applicant will provide a permit from the Colorado Department of Public Health and Environment. Details on the kitchen hood system will need to be approved by the Community Development Department.

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 site provides ample space for traffic circulation and set up of the food service trailer.

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.**

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Hope Jones – Delish

**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 food service trailer is compatible with the neighborhood and is a complementary business amenity in the surrounding vicinity.

**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:** The site provides adequate parking for the food service use. Traffic generated by the food service trailer should be minimal.

**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 food service trailer will 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:** City water and sewer services will not be needed for this seasonal use.

**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 May 14, 2014, Commissioner \_\_\_\_\_ moved, and Commissioner \_\_\_\_\_ seconded, and the Commission voted to APPROVE Conditional Use Application CU 14-2, submitted by Hope Jones for the operation of a seasonal food service trailer at 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 Central Business District.

STAFF REPORT  
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Hope Jones – Delish

3. The Planning and Zoning Commission finds that the hours of operation are daily 7 a.m. to 3 p.m. except for Thursday's and planned summer events.
4. The Planning and Zoning Commission finds that the food service trailer use is compatible with neighborhood uses.
5. The Planning and Zoning Commission finds that a Type K Fire Extinguisher and a Type 1 Kitchen hood system (with the UL rating on the hood) will be required in the food service trailer.
6. The Planning and Zoning Commission finds that the food service trailer will be 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 will need to obtain 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.

Conditions:

1. A copy of a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment shall be provided to the Community Development Department prior to opening.
2. State and City Sales Tax Licenses shall be acquired prior to opening.
3. Inspection and approval of the food service trailer is required by the Building Official and Fire Marshall prior to opening.
4. Location of the truck on the site is subject to the approval of the Community Development Director.

**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):** Hope Jones (Delish by Hope Jones LLC)

**Phone #:** 719.849.3150 **Fax #:**                      **E-Mail:** hopejones\_w@hotmail.com

**Mailing Address:** 1071 Candlelight Lane

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

**Legal Description**  
Site Address of Property: 301 W Tomichi Ave Zoning CBD  
Block: 147 Lot(s): 21-24 Addition: West 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:**  
To park Delish Food Truck at the property listed above. for temporary commercial activity.

**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)** Hope Jones **Date** 4/9/14  
Date \_\_\_\_\_

**For Office Use Only**  
 Conditional Use     Variance     Zoning Amendment  
 Major Subdivision     Minor Subdivision     Subdivision Exemption  
 Mobile Home/RV Park     PUD     Vacation  
 Consolidated Application

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# Assessor Property Record Search

**Owner and Parcel Information**

**Owner Name & Mailing Address**  
JOHN ROBERTS MOTOR WORKS COMPANY  
212 W US HIGHWAY 50  
GUNNISON, CO 81230-3932  
**Business Name:** NA

**Today's Date:** April 8, 2014  
**Appraisal Year:** 2013

**Account Number:** R002076  
**Parcel Number:** 3787-012-19-001  
**Account Type:** Vacant  
**Economic Area:** Econ Area 1  
**Tax District:** 100  
**Mill Levy:** 44.152

**Property Location:** 212 W US HIGHWAY 50 , GUNNISON  
**Neighborhood:** 12360  
**LEA:** COMMERCIAL CBD (12360)  
**Subdivision:** WEST GUNNISON  
**Condo:**  
**Legal Description:** LOTS 21-24 BLK 147 WEST GUNNISON #539143 #539311  
**Parcel Notes:** TOTAL PARCEL = 12,500 SF

**Parcel Map** [Show Parcel Map](#)  
**Building Photos** [Building Images](#)  
**Building Sketches** NA  
[Generate Neighboring Owner List by Distance](#)  
[Search Sales By Subdivision](#)

**2013 Assessment Information**

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$115,000	\$33,350			\$115,000	\$33,350

**Five Year Assessment Information**

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2013	\$115,000	\$33,350	49.778	\$1,660.10
2012	\$156,250	\$45,310	44.152	\$2,000.54
2011	\$156,250	\$45,310	44.343	\$2,009.18
2010	\$268,750	\$77,940	40.939	\$3,190.79
2009	\$268,750	\$77,940	39.757	\$3,098.68
2008	\$256,250	\$74,310	41.387	\$3,075.48
2007	\$256,250	\$74,310	36.186	\$2,689.00
2006	\$212,500	\$61,630	43.784	\$2,698.40

Contact the Treasurer's Office for current property tax amount due. Do not use the figures above to pay outstanding property taxes.

**Land Attributes**

Land Description	Land Type	Acres	Site Access	Electricity	Sewer	Water	Other Attributes
VACANT COM LOTS	Vacant	0.287	YEAR ROUND	YES	CENTRAL	CENTRAL	LAND TYPE - MEADOW

**Sale History**

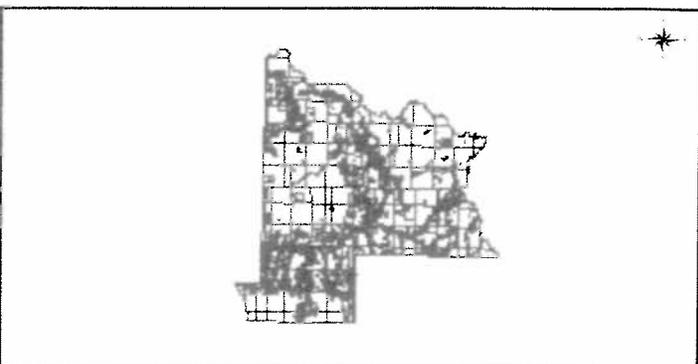
Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
02/25/2004		ROBERTS JOHN STANDISH ETAL	JOHN ROBERTS MOTOR WORKS COMPANY	N/A	539311	GEN WARR DEED - NO FEE
02/16/2004	\$200,000	PAULSEN RICHARD D ETAL	ROBERTS JOHN STANDISH ETAL	Vacant	539143	GEN WARR DEED - FEE

The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. All assessment information is subject to change before the next certified tax roll. Website Updated: April 6, 2014

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Gunnison County Assessor			
Parcel: 3787-012-19-001 Acres: 0.287			
Name	OHN ROBERTS MOTOR WORKS COMPAN	Land Value	156250
Site	212 W US HIGHWAY 50 , GUNNISON	Building Value	0
Sale	0 on 2004-02-25 Reason= Qual=	Assessed Value	45310
Mail	212 W US HIGHWAY 50 GUNNISON, CO 81230-3932	Total Value	156250
			0
			0
			0



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HWY 50



Google earth      feet 200      meters 70

# Vicinity Map



## Description of Proposal

Delish is a locally sourced and owned gourmet food truck coming to the Gunnison Valley this July. Hope Jones is the owner and Chef of Delish Food Truck. One other employee, Emily Jones, will accompany Hope. Our farm to truck concept will bring our customers the finest and freshest ingredients made and produced in Colorado.

Delish will be a fast service truck mainly serving an American type cuisine with a gourmet touch. We will serve a variety of pastries, breakfast items, lunch items, and desserts. You can get more information by checking our website out at: [www.delishgunnison.com](http://www.delishgunnison.com)

Delish will have a menu that changes with the seasons and the farmers. The menu will also change weekly or daily due to the ingredients available. We will also do off-premise catering.

Delish plans to operate mainly out of a 22-foot freightliner truck with a full commercial kitchen installed and inspected by the health department. We have a commissary agreement filed with Kathleen Curry at The Local Market in Gunnison. We will mainly use this kitchen for water, storage and some food preparation. All cooking will be done on the truck.

When Delish isn't doing a catered event or festival, we wish to park at ~~212 W US~~<sup>301 W Tomichi</sup> Highway 50 in Gunnison. This lot is an ideal central location that is visible to a high amount of traffic. In the summer hours, a few nice picnic tables and flower planters will accompany the eye-catching food truck. Customers will be able to enjoy their meal outside on our picnic tables or take it with them to go. In the winter hours, customers will be able to stay in their vehicle and drive directly up to the service window. Please see the attached diagram for examples.

### Planned hours of operation:

Mon.- 7am-3pm (Safeway lot)  
Tues.- 7am-3pm (Safeway lot)  
Wed.- 7am-3pm (Safeway lot)  
Thurs.- Closed  
Fri.- 7am-3pm (Safeway lot)  
Sat.- 7am-3pm (Safeway lot)  
Sun.- 7am-3pm (Safeway lot)

This will vary seasonally and may change depending on catering events scheduled throughout the week.



Authorization letter/ Lease agreement

To whom it may concern:

I *M. A. Mungias*, authorize Delish Food Truck to park at the lot of ~~212 W~~ <sup>301 W Tomichi</sup> US Highway 50, Gunnison CO, 81230. I understand by signing this authorization, I am allowing the Delish Food Truck (Delish by Hope Jones LLC) to sell food and operate the business from the property listed above.

Delish by Hope Jones LLC, will pay \$200.00 before the 5<sup>th</sup> of every month to the owner of the property starting in July of 2014. Delish will give a 30 day notice if Delish by Hope Jones LLC decides to vacate the property. The owner of the property will give Delish at least a 30 day notice if the property is sold or if there is any other reason Delish can no longer operate at the property.

By signing below, both the Property Owner and Delish by Hope Jones LLC agree to the terms discussed above.

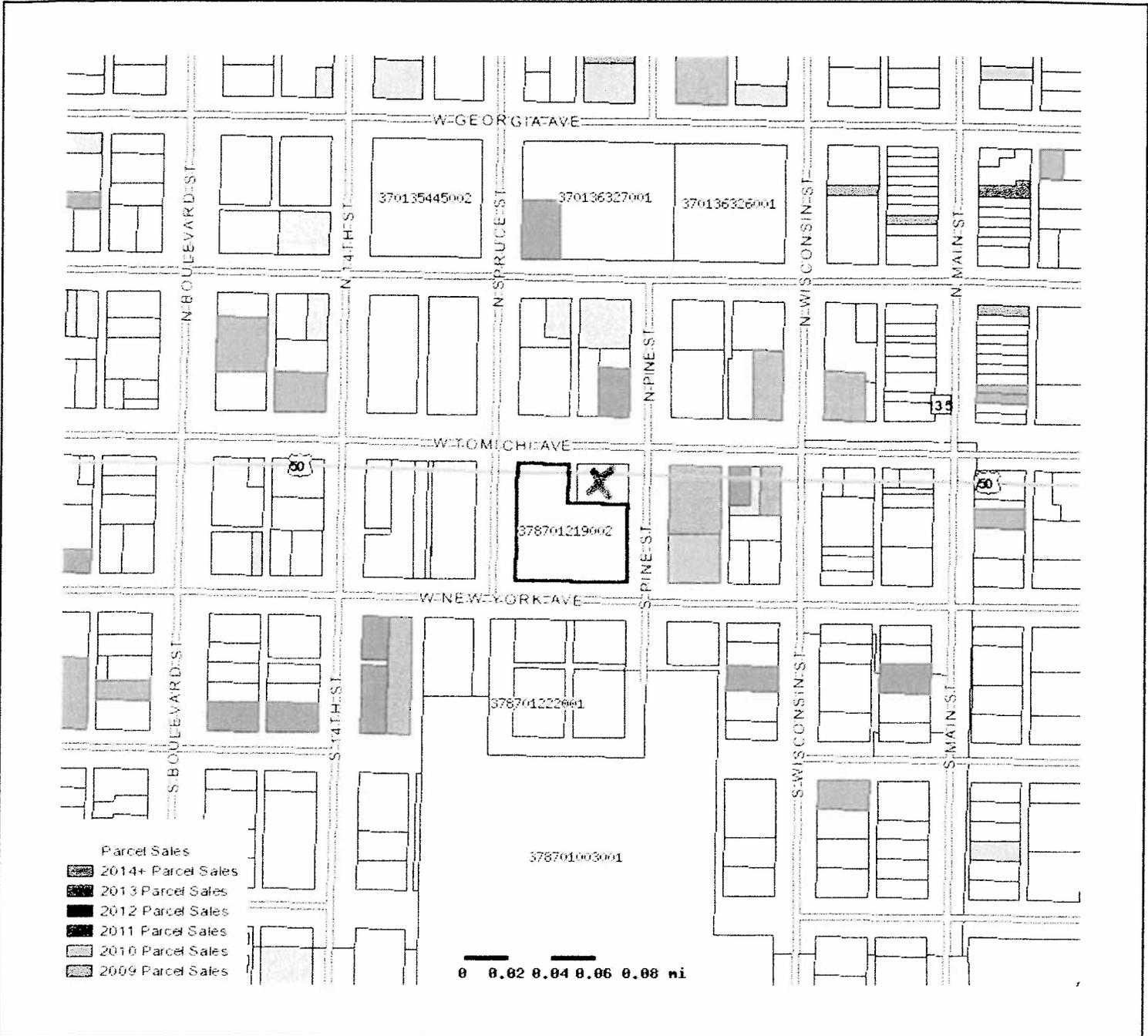
*M. A. Mungias*  
(Property Owner)

Date: *4-15-14*

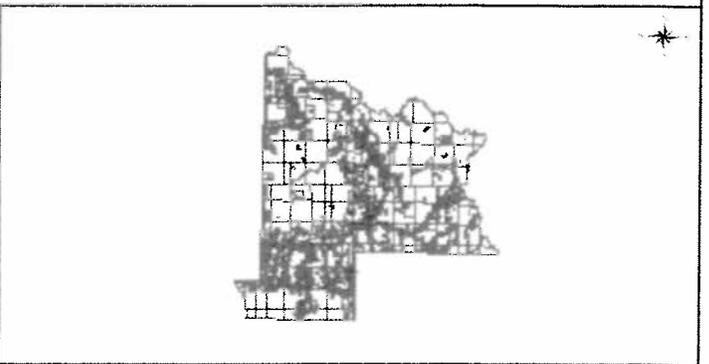
*Hope Jones*  
(Hope Jones - Delish Food Truck Owner)

Date: April 15, 2014

# Adjoining Property Owners



Gunnison County Assessor			
Parcel: 3787-012-19-002 Acres: 1.52			
Name	SAFeway STORES INC C/O CPTS #617	Land Value	695630
Site	112 S SPRUCE ST, GUNNISON	Building Value	444370
Sale	\$557,532 on 1996-01-22 Reason= Qual=	Assessed Value	330600
Mail	1371 OAKLAND BLVD STE 200	Total Value	1140000
	WALNUT CREEK, CA 94596-8408		0
			0
			0



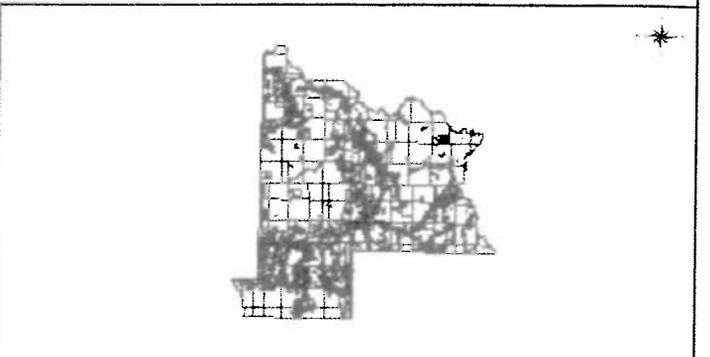
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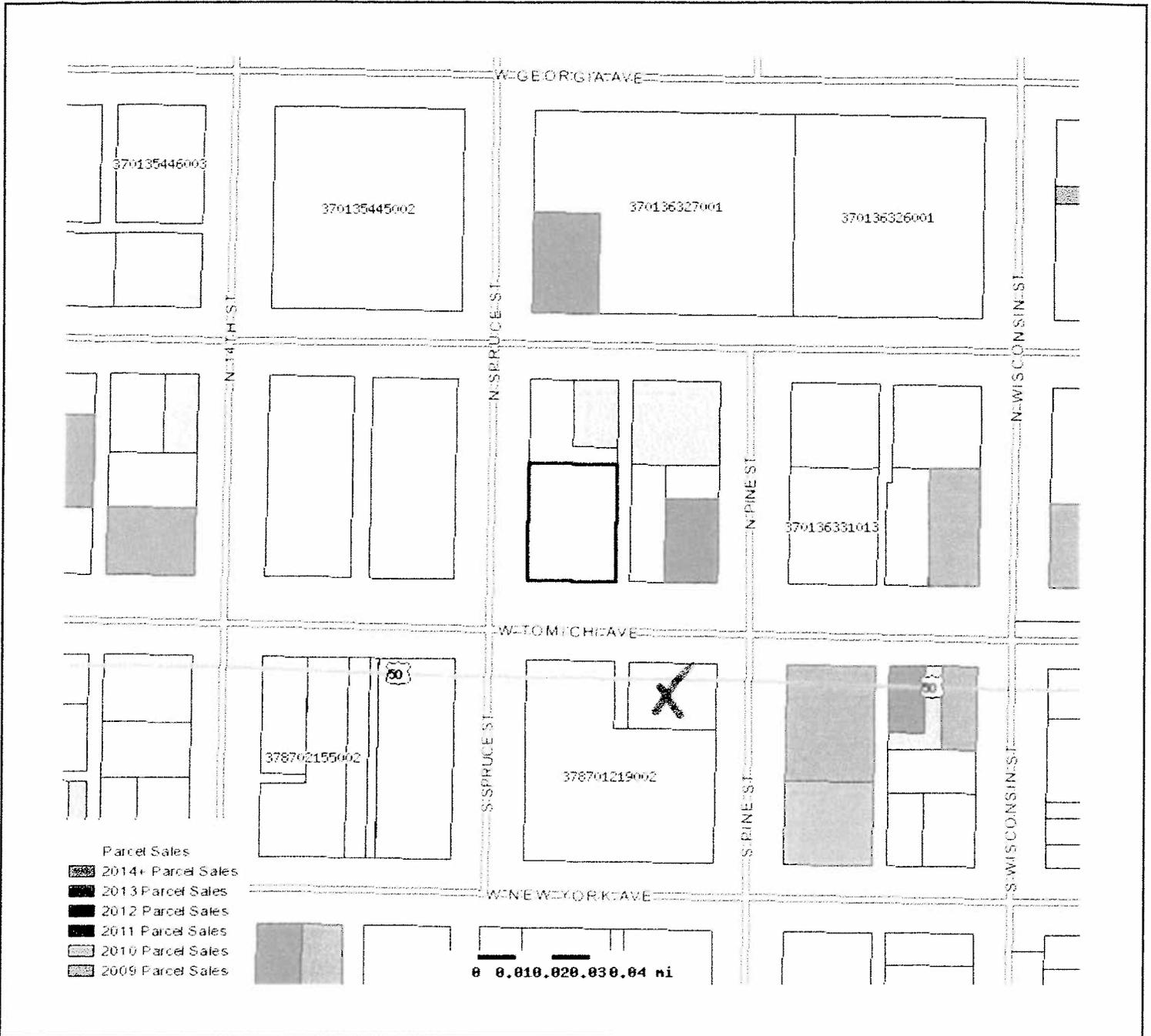


- Parcel Sales
- 2014+ Parcel Sales
  - 2013 Parcel Sales
  - 2012 Parcel Sales
  - 2011 Parcel Sales
  - 2010 Parcel Sales
  - 2009 Parcel Sales

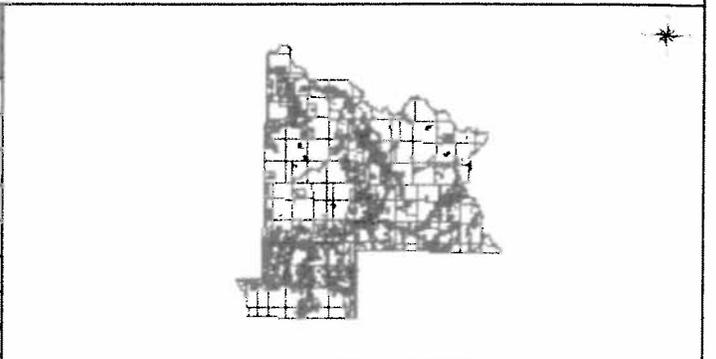
Gunnison County Assessor			
Parcel: 3787-012-18-024 Acres: 0.502			
Name	A&A HOLDING LLC	Land Value	0
Site	231 W TOMICHI AVE, GUNNISON	Building Value	0
Sale	0 on 2013-03-13 Reason= Qual=	Assessed Value	0
Mail	6616 W 10760 N	Total Value	0
	HIGHLAND, UT 84003-3414		0
			0
			0



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 Date printed: 04/16/14 : 11:08:07



Gunnison County Assessor			
Parcel: 3701-363-30-004 Acres: 0.502			
Name	ROTHE PATRICIA A	Land Value	213280
Site	310 W TOMICHI AVE, GUNNISON	Building Value	307970
Sale	\$ 19,300 on 1997-04-15 Reason= Qual=	Assessed Value	151160
Mail	PO BOX 1709	Total Value	521250
	MONTROSE, CO 81402-1709		0
			0
			0



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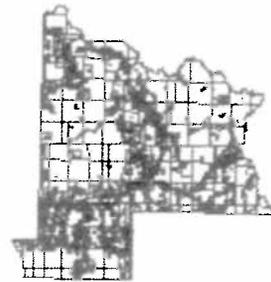
- Parcel Sales
- 2014+ Parcel Sales
  - 2013 Parcel Sales
  - 2012 Parcel Sales
  - 2011 Parcel Sales
  - 2010 Parcel Sales
  - 2009 Parcel Sales

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Gunnison County Assessor

Parcel: 3701-363-30-008 Acres: 0.17

Name	LAZY J K PROPERTIES LLC	Land Value	109380
Site	304 W TOMICHI AVE, GUNNISON	Building Value	587150
Sale		Assessed Value	190600
Mail	PO BOX 1268	Total Value	696530
	GUNNISON, CO 81230-1268		0
			0
			0

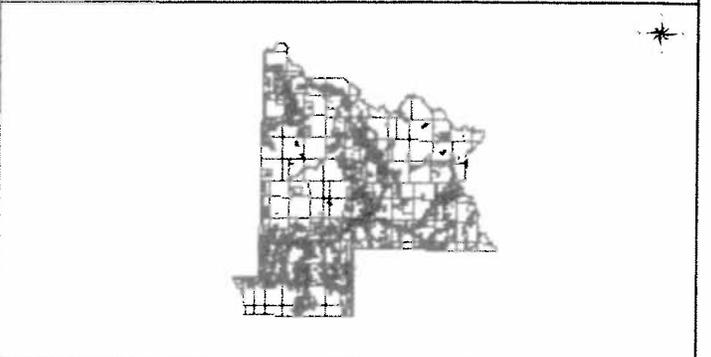


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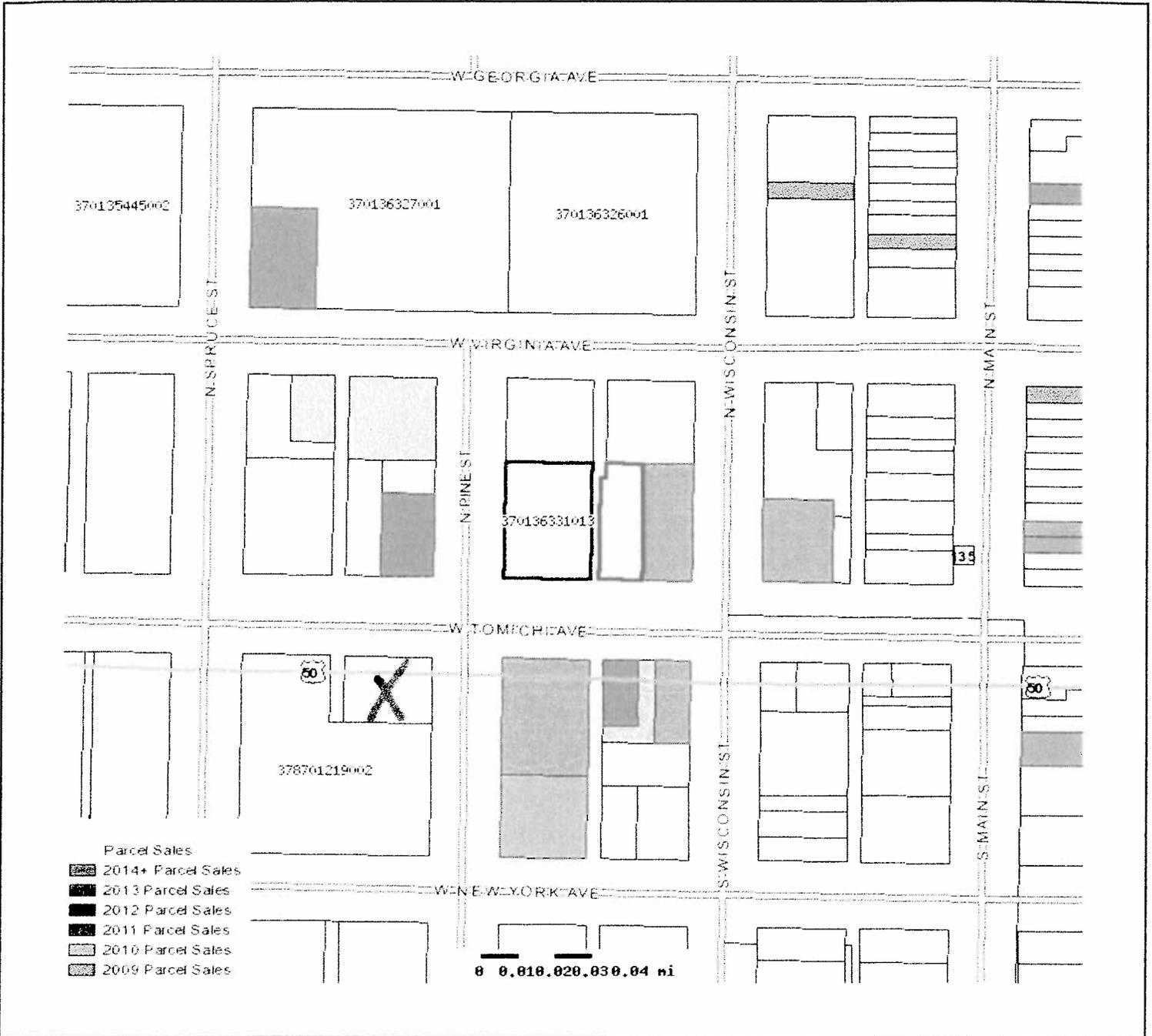


Gunnison County Assessor			
Parcel: 3701-363-30-009 Acres: 0.217			
Name	FAMILY VISION CENTER LLC	Land Value	117190
Site	302 W TOMICHI AVE UNIT A, GUNNISON	Building Value	191140
Sale	\$300,000 on 2012-03-28 Reason= Qual=	Assessed Value	89420
Mail	302 W TOMICHI AVE STE A	Total Value	308330
	GUNNISON, CO 81230-2726		0
			0
			0

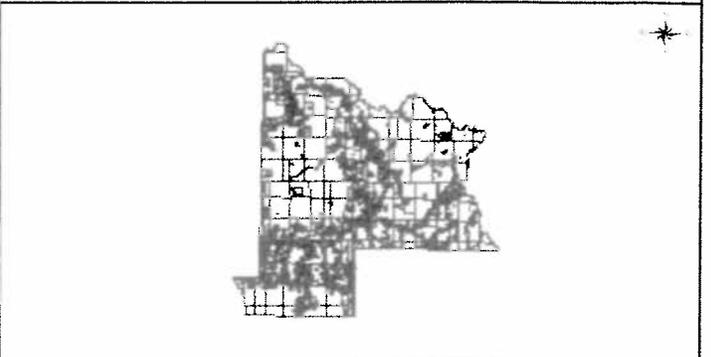


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Date printed: 04/16/14 : 16:30:28



Gunnison County Assessor			
Parcel: 3701-363-31-013 Acres: 0.703			
Name	GUNNISON BANK & TRUST COMPANY	Land Value	288370
Site	232 W TOMICHI AVE, GUNNISON	Building Value	1267220
Sale		Assessed Value	454020
Mail	232 W TOMICHI AVE	Total Value	1565590
	GUNNISON, CO 81230-2721		0
			0
			0



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**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: May 14, 2014  
RE: Minor Subdivision - Preliminary Plat

**CODE PROVISIONS**

The City's *Land Development Code (LDC)* Section 12.3 defines the types of subdivision within the City. This request is classified as a Minor Subdivision, which is an application proposing not more than eight lots or units and which subdivides a parent parcel of less than four acres. A Minor Subdivision is subject to an expedited subdivision two-step review process, wherein the Sketch Plan review by the Commission has been deleted. The applicable review steps are as follows:

1. Review of the preliminary plat by Planning Commission at a public hearing;
2. Review and recommendation of the final plat by Planning Commission (with no public hearing); and action on the final plat by City Council (with no public hearing).

The public hearing scheduled for May 14, 2014 is for Preliminary Plat. The Planning and Zoning Commission may take action to approve, approve with conditions, remand the application for additional information, or deny the application. Approval of the Preliminary Plat shall not constitute final approval of the subdivision, but rather constitutes authorization only to proceed with an application for Final Plat.

**APPLICANTS**

The applicants, Tom and Jani Pulaski, are requesting a Minor Subdivision of their property into two parcels. The legal description of the property is Lots 1 through 21, Block 17, along with the north/south alley in Block 17, West Gunnison Addition, City and County of Gunnison, Colorado. The applicants' narrative states:

“...This property lies directly west and across 10<sup>th</sup> street from Ace Hardware. Currently there are twelve structures on a 1.92 acre parcel. These structures were moved from Crested Butte in 1955 and were at first a motel, and most recently long term rental housing.

My wife, Jani, and I Propose to split off the main house on the south east corner of this property to become its own separate parcel, thus requiring a minor subdivision change. The remaining eleven structures, we propose turning into individual ownership town homes instead of rentals...

...Our personal reasons for requesting these changes are two fold.

1. We bought this property in 2005 with the intention of turning it into a commercial endeavor. The economic climate has changed dramatically since then, and the possibility of this property becoming a commercial entity seems unlikely.

**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

2. As Jani and my personalities are, we desire and require a high degree of pride in ownership. Since purchasing, we changed the property as many of you recall from a major eye sore on a highly visible corner within the city limits of Gunnison, to an attractive, orderly handsome cluster of homes.

...If Jani and I sold this property to other owners to be maintained as rentals, there is no guarantee that the property would be well maintained in a visually attractive manner.

As a Town Home Association with strict requirements and covenants, the current visual attractive would not only be maintained but enhanced. This creates a positive end result within the city limits of Gunnison.”

#### HISTORY OF APPLICATION

The applicants would ultimately like to subdivide the main house from the remaining 17 units and plat the 5 single unit structures and 6 duplex structures as townhomes. The applicant held a pre-application conference with the Commission on March 26, 2014 requesting a Map Amendment (from Commercial to R3 Residential), a Minor Subdivision and a Conditional Use for a home business (massage therapy).

The Map Amendment was proposed since Townhomes are prohibited in the Commercial district and allowed in the R3 zone district. After the original request staff pursued a Text Amendment to the LDC to make corrections and changes to the land use table. One of which is to make townhomes Conditional in the Commercial zone district.

The applicant has since withdrawn the application to rezone the property and the Conditional Use for a Home Business. The applicant has submitted a Conditional Use application for the Townhome land use and, because of public hearing requirements, the application will be reviewed at a separate public hearing and will be dependent upon the approval of the Text Amendment.

If the Minor Subdivision and Conditional Use applications are approved, the applicants could then pursue the Townhome Plat. Townhome plats are categorized as a Subdivision Exemption which are processed at staff level and approved by the Community Development Director.

#### SITE ASSESSMENT

The property is located within the Commercial zone district with the R3 and RMU residential districts to the north. Neighborhood uses include residential to the west and north and commercial retail and service (Ace Hardware, Pizza Hut, 1<sup>st</sup> Stop, and Metamorphosis) to the east and south.

**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

The property is 1.9 acres (82,500 square feet) and is adjacent to three street frontages of Virginia Avenue, 10<sup>th</sup> Street and Tomichi Avenue. The site contains a total of 18 units with a “main house” and 17 units also known as “the cabins.” The cabins are currently long-term rentals.

In the adjacent diagram the parcel is shown in white and the proposed subdivision is indicated as a dashed line. The resultant parcels would be 20,000 square feet for the main house and 62,500 square feet for the remaining 17 units.

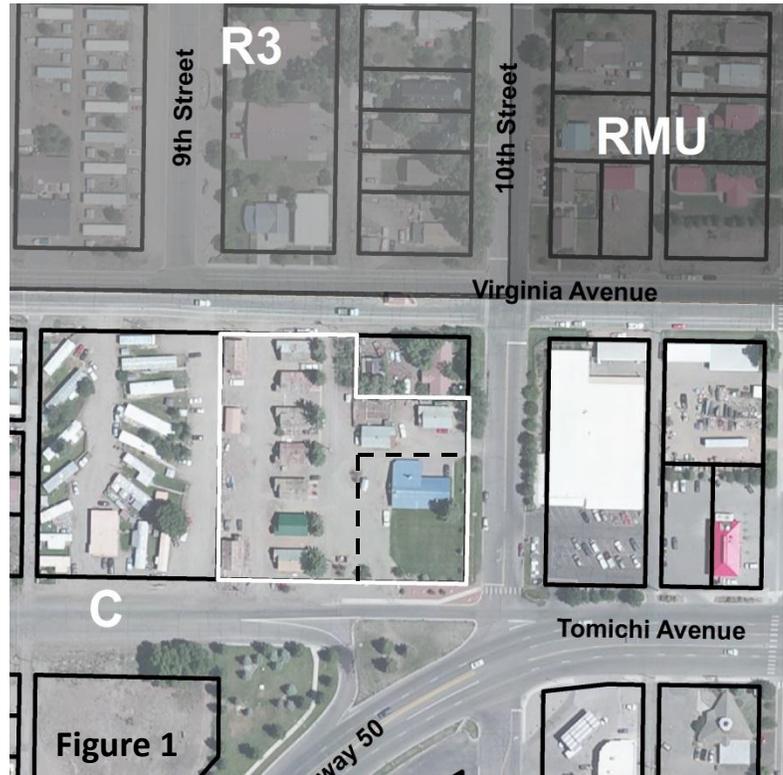
Access to the site is off Virginia Avenue, Tomichi Avenue approximately 150 feet west of the Highway 50 intersection, and 10<sup>th</sup> Street. Site access separation and access visibility measures are adequate to serve the property uses. The site provides ample space for off-street parking and access. The *LDC* requires two off-street parking spaces per unit for a total of 24 spaces. The site meets this requirement.

The site provides ample space for off-street parking and access. The *LDC* requires two off-street parking spaces per unit for a total of 24 spaces. The site meets this requirement.

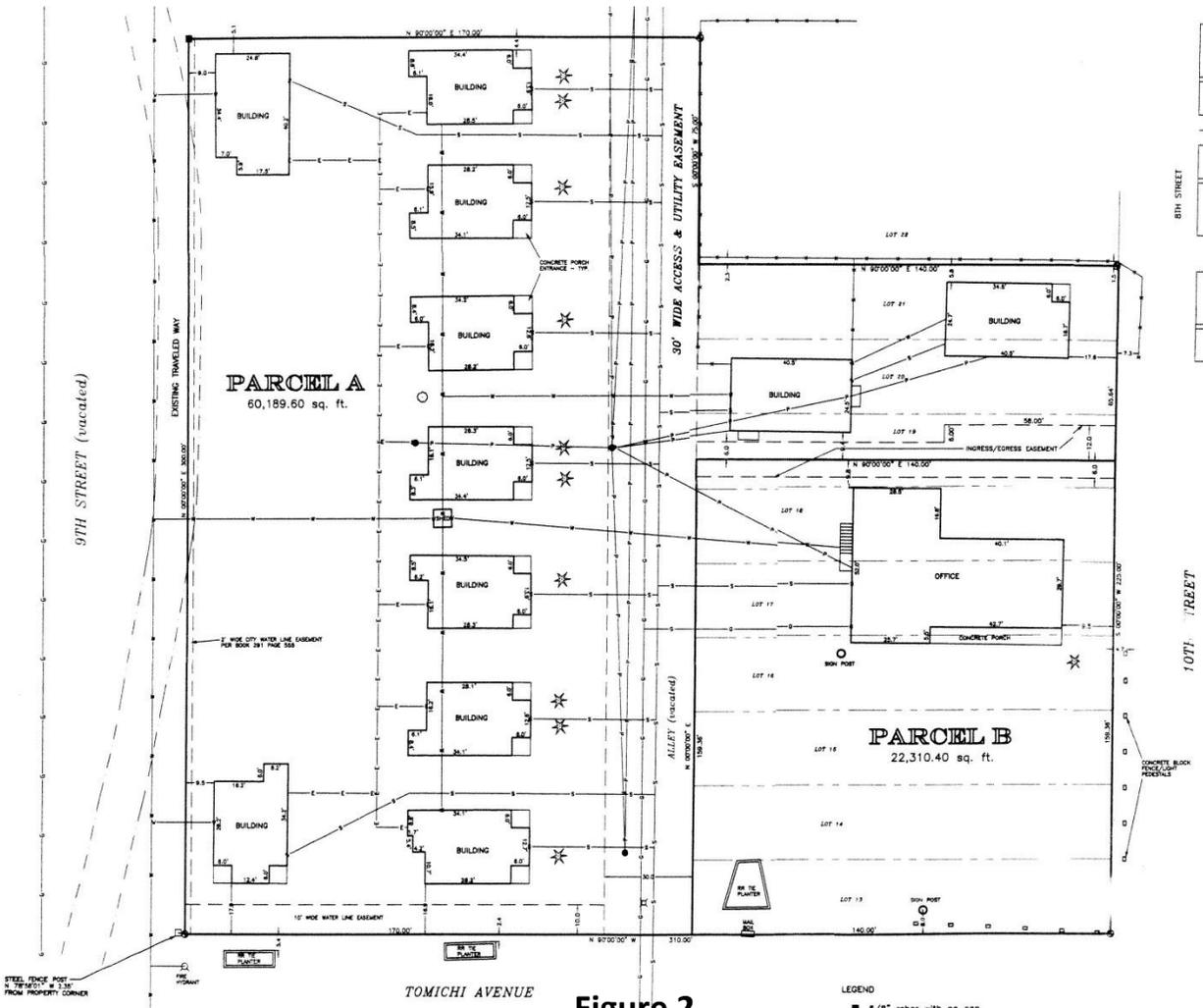
City utilities (sewer and electric) and a gas line are located within the vacated north/south alley. A 30’ utility easement is proposed on the Minor Subdivision Plat to allow for maintenance and repair of utility lines as needed. Additionally, the applicant proposes to dedicate a public pedestrian access within the utility easement.

City water is served to the property from the west within vacated 9<sup>th</sup> Street. Two units have an individual water line from the main and the remaining units share one main with individual lines branching to each unit. A new water line to the main house (Parcel B as shown on Figure 2) is proposed with a ten foot wide utility easement along the southern portion of the property in Parcel A.

An ingress/egress easement is proposed along the shared boundary of Parcels A and B on the north portion of Parcel B and the 10<sup>th</sup> Street access. The easement provides access to all units in both parcels.



**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**



**Figure 2**

The two units adjacent to Virginia Avenue are considered nonconforming in regard to the front setback requirement of 15 feet. The setback for the two units is approximately five feet. The LDC allows normal maintenance, repairs and alterations to a nonconforming structure as long as the nonconformity is not extended by an enlargement or expansion that increases its nonconformity.

The nonconforming structures are not an issue for the Minor Subdivision, however, a Variance with the Zoning Board of Adjustments and Appeals will be pursued prior to the Townhome Plat application. An approved Variance for the two units will protect the location of the structures in the event of damage or reconstruction.

**DEPARTMENTAL COMMENTS**

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: A new water line will be required for Parcel B.

Electric Superintendent: No issue.

**STAFF OBSERVATIONS**

1. The applicant is requesting a Minor Subdivision to subdivide one parcel into two parcels. A Conditional Use application has been submitted for the use of Townhomes and is scheduled for a public hearing on May 28, 2014.
2. The subdivision of the subject property is compatible with the surrounding neighborhood.
3. The subdivision would allow the applicant to divide the 17 units from the main house.
4. Passage of the active Text Amendment application will allow the applicant to pursue a townhome common interest community with restrictive covenants as a Conditional Use.
5. City utilities and a gas line are in the vacated north/south alley and vacated 9<sup>th</sup> Street. A 30' easement is proposed for the maintenance and repair of public utilities and for non-motorized pedestrian access. In addition, a 10' utility easement is proposed on the south portion of Parcel A.
6. An ingress/egress easement is proposed off 10<sup>th</sup> Street along Parcel A and B for shared access.
7. Site access is provided within the 30' utility easement and non-motorized public access through this easement is proposed.
8. Corrections will be required on the plat to address the easement dedications and labels to include a non-motorized pedestrian access.
9. A new water line is proposed for the resultant Parcel B.
10. There are two nonconforming structures on the site in regard to the front setback. A minimum of 15 feet is required and an approximate five foot setback exists. A Variance application will be pursued prior to a Townhome Plat application.
11. The requested subdivision does not affect the health, safety and welfare of the community.

**REVIEW STANDARDS**

The *LDC* Section 12.8 contains eight specific standards that are used by the Planning and Zoning Commission and City Council to consider for all subdivision applications. Based on the *LDC* Section 6.8, **an application that fails to comply with any applicable review standard shall be denied.**

**A. Master Plan.** The proposed subdivision shall carry out the purpose and spirit of the Master Plan and conform to all of the Plan's applicable intent statements, specific directions and recommended actions. It shall be designed to be compatible with surrounding land uses, to protect neighbors from undesirable noise, glare and shadows and shall not cause adverse effects on their privacy, solar access and views. The following excerpts from the Master Plan are applicable to this subdivision.

**No Conflict.**

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**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

Chapter 2, Community Character, Policy 3: New developments along the City's edges will improve the entrances and complement the City's community character and sense of place. Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined. New developments will demonstrate high-quality urban design while protecting the rural landscapes surrounding the City. Sprawl will be avoided through effective infill and compact growth.

**B. Zone District Standards.** The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the use.

**Possible Conflict.** The site contains 18 residential units that have existed at this site since 1955. Two of the units are nonconforming to the *LDC* in regard to the front setback requirement. The applicant will be pursuing Conditional Use approval for townhome use and a Variance to address the nonconforming setbacks.

**C. Improvements.** The proposed subdivision shall be provided with improvements which comply with Section 4 and 5.

**No Conflict.** The site is already improved and utilities exist to the site.

1. **Streets.** Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.

**No Conflict:** The site has existing private drives and an easement is proposed on the Preliminary Plat to address ingress and egress off 10<sup>th</sup> Street.

2. **Utilities.** Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision. As a condition of obtaining water service, any water rights which run with the property shall be dedicated to the City.

**No Conflict.** Utilities exist to the site. A new water line will be placed for the unit on the created Parcel B and a 10' utility easement along the southern boundary of Parcel A for the use by Parcel A and B, is proposed on the Preliminary Plat.

3. **Landscaping.** Landscaping, buffering and screening as required by Section 4.6 shall be achievable given the underlying lot widths and rights-of-way dimensions.

**No Conflict:** The site is already developed and has mature landscaping and planters.

4. **Phases.** If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities, and streets that are necessary for creating and sustaining a stable environment.

**Not Applicable.**

**D. Natural Features.** The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The

**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

system of roadways and the lot layout shall be designed to take advantage of visual qualities of the areas. Natural features and native vegetation shall be preserved whenever possible.

**Not Applicable.**

- E. **Floodplains.** Tracts of land or portions thereof lying within the one hundred year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.

**No Conflict.** The property is not within a special flood hazard area.

- F. **Future Streets.** When a tract is subdivided into lot(s) or parcel(s) which are intended for future re-subdivision, such lot(s) or parcel(s) shall be so arranged so as to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connectors for such re-subdivision.

**No Conflict.** The 30' north/south easement will include the right for non-motorized public access.

- G. **Common Recreation Facilities.** Where a development is proposed to contain common recreation facilities, such facilities shall be so located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

**Not Applicable.**

**H. Lots and Blocks**

1. **Pattern.** The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than 300' nor more than 1,200' in length.

**No Conflict.** The proposed lot sizes, shapes and orientation are appropriate and consistent with the surrounding neighborhood.

2. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

**Not Applicable.**

3. **Right Angles.** Side lot lines shall be approximately at right angle or radial to street lines.

**No Conflict.** Lot lines are appropriately angled.

4. **Double Frontage Lots.** Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of the topography or orientation. A planting and screening easement of at least 10" shall be provided along the portion of the lot which abuts such a Collector or Arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

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**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

**No Conflict.**

**5 T Intersections.** The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a “T” intersection.

**No Conflict.**

**6. Solar Energy.** For the purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

**Not Applicable.**

**ACTION**

During the Planning and Zoning Commission meeting of May 14, 2014, Commissioner \_\_\_\_\_ moved, Commissioner \_\_\_\_\_ seconded and the Planning and Zoning Commission voted to APPROVE the Minor Subdivision Preliminary Plat, SB 14-1, Pulaski Subdivision with 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 application is for a Minor Subdivision of a 1.9 acre parcel into two lots and the proposed lot configurations comply with minimum 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 ultimately make 17 of the units into a townhome common interest community.
4. The Planning and Zoning Commission finds that the subdivision of the subject property is compatible with the surrounding neighborhood.
5. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established and will be completed at Final Plat.
6. The Planning and Zoning Commission finds that a non-motorized public access will be provided in the 30’ wide north/south utility easement.
7. The Planning and Zoning Commission finds that a new water line is proposed for the resultant Parcel B.

**STAFF REPORT**  
**Minor Subdivision – Preliminary Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

8. The Planning and Zoning Commission finds that there are two nonconforming structures on the site in regard to the front setback. A minimum of 15 feet is required and an approximate five foot setback exists. A Variance Application will be pursued prior to a Townhome Plat application.
9. The Planning and Zoning Commission finds that the eight review standards for subdivisions have been or will be met based on the following Condition:

**Conditions:**

1. The Final Plat application shall comply with all provisions of the City's *Land Development Code*.
2. The description of the 10' wide water line easement will be amended to a private utility easement benefitting Parcels A and B.
3. Dedication language will include the provision for non-motorized public access through the 30' wide north/south utility easement.

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**Applicant Name(s):** \_\_\_\_\_

**Phone #:** 641 88 97 **Fax #:** \_\_\_\_\_ **E-Mail:** thomaspuhaski@yahoo

**Mailing Address:** 870 CR 20

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

**Summary of Request:**  
From commercial to R3 and minor subdivision

**Disclosure of Ownership- Please provide one of the following:**

Assessor Parcel Info     Mortgage     Deed     Judgments

Liens     Contract     Easement Agreement     Other Agreements

**Legal Description**

Site Address of Property: 101 N 10<sup>th</sup> st    Zoning \_\_\_\_\_

Block: 17    Lot(s): 13-21    Addition: \_\_\_\_\_

**Attachments:**     Vicinity Map (8.5"x11")     Written Narrative/Description of Proposal

Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)

Vested Property Rights     Letter/Authorization of Agent (from Owner if not 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. Includes a table for all dimensional requirements based on 15-7-4. (See attached sample)

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

**Signature(s)** Thomas Puhaski    Date 3/3/14

\_\_\_\_\_    Date \_\_\_\_\_

**For Office Use Only**

Conditional Use     Variance     Zoning Amendment

Major Subdivision     Minor Subdivision     Subdivision Exemption

Mobile Home/RV Park     PUD     Vacation

Consolidated Application

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Tomichi Cabins  
minor subdivision change

Table of contents

1. written narrative
2. neighborhood map
3. warranty deed
4. Adjoining neighbors
5. Flood plane study
6. Traffic Flow + parking plan
7. site plan

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March 4, 2014

City of Gunnison  
Planning and Zoning

Tom and Jani Pulaski  
870 County Rd 20  
Gunnison, CO 81230

To Whom it May Concern:

This zoning change, and minor subdivision proposal concerns the property address at 101 N. 10th Street, Gunnison, Colorado

This property lies directly west and across 10th street from Ace Hardware. Currently, there are twelve structures on a 1.92 acre parcel. These structures were moved from Crested Butte in 1955 and were at first a motel, and most recently long term rental housing.

My wife, Jani, and I propose to split off the main house on the south east corner of this property to become its own separate parcel, thus requiring a minor subdivision change. The remaining eleven structures, we propose turning into individual ownership town homes instead of rentals, thus requiring a zoning change from commercial to R3 residential

These would become very affordable homes in a great location for an entry level home buyer. As pride of ownership applies and town home convenience require, the property will be well maintained in a neat and orderly fashion.

Our personal reasons for requesting these changes are two fold.

1. We bought this property in 2005 with the intention of turning it into a commercial endeavor. The economic climate has changed dramatically since then, and the possibility of this property becoming a commercial entity seems unlikely.
2. As Jani and my personalities are, we desire and require a high degree of pride in ownership. Since purchasing, we changed the property as many of you recall from a major eye sore on a highly visible corner within the city limits of Gunnison, to an attractive, orderly handsome cluster of homes.

In order to do this, and make a living I, Tom Pulaski have to do the majority of the repairs, maintenance and up keep. At the age of 60 and not getting any younger, I have found that I no longer desire to do the maintenance and upkeep required since renters seem to be able to destroy things faster than I can fix them.

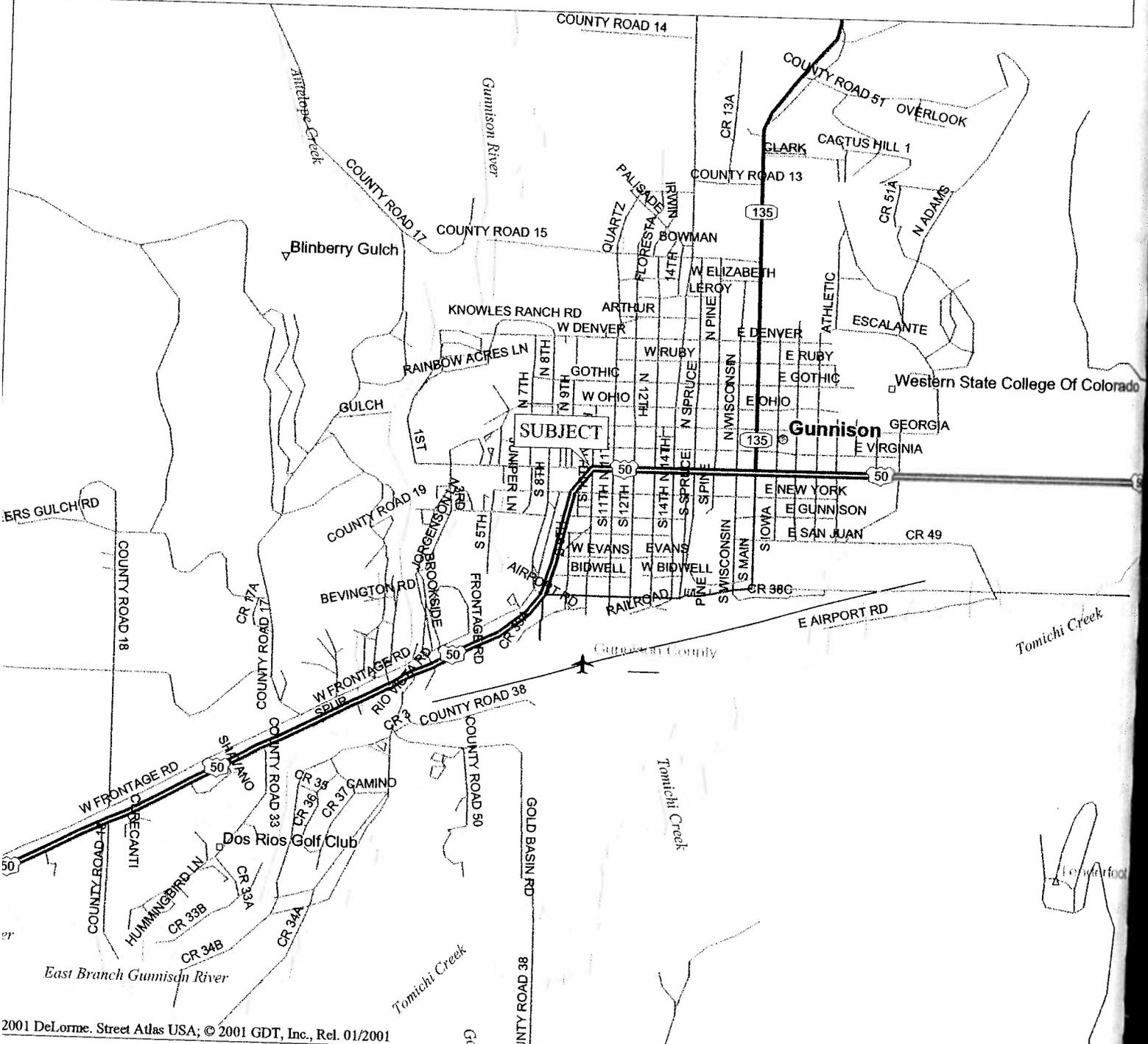
If Jani and I sold this property to other owners to be maintained as rentals, there is no guarantee that the property would be well maintained in a visually attractive manner.

As a Town Home Association with strict requirements and covenants, the current visual attractive would not only be maintained but enhanced. This creates a positive end result within the city limits of Gunnison

Thank you for your consideration

Tom and Jani Pulaski  
Owners 101 N. 10th Street

# NEIGHBORHOOD MAP



2001 DeLorme. Street Atlas USA; © 2001 GDT, Inc., Rel. 01/2001

Scale 1:31,250 (at center)  
2000 Feet  
1000 Meters

- Local Road
- Major Connector
- State Route
- Walkway/Stairway
- US Highway
- Point of Interest
- County Seat
- Airfield
- Summit
- Geographic Feature
- Sched Service Airport
- Population Center
- Water
- River/Canal
- Intermittent River



0501057

**WARRANTY DEED**

THIS DEED, Made effective the 29th day of April, 2005, between

**Avedis Ajarian aka Avedis J. Ajarian and Menas Jamil Ajarian aka Minas Ajarian**

of the \* County of **Gunnison** and State of , grantor(s), and

**Thomas J. Pulaski and Janice Wedmore Pulaski, in joint tenancy**

whose legal address is **870 County Rd. 20  
 Gunnison, CO 81230**

of the \* County of **Gunnison** and State of **Colorado**, grantee(s) :

**WITNESSETH**, That the grantor(s) for and in consideration of the sum of **Nine Hundred Seventy Nine Thousand and 00/100 DOLLARS**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all real property together with improvements, if any, situate, lying and being in the \* County of **Gunnison** and State of Colorado, described as follows:

**Lots 13 through 21, Block 17, City of Gunnison, according to the official plat of TOWN OF WEST GUNNISON, recorded June 15, 1880 at Reception No. 17078,**

**TOGETHER WITH** the following described parcel of land: **Beginning at the point of intersection of the Easterly boundary of 9th Street and the Southerly boundary of Virginia Avenue; thence South 300 feet to the Northerly boundary of Tomichi Avenue; thence Easterly along the Northerly boundary of Tomichi Avenue to the Westerly boundary of the alley in Block 17; thence North along said alley to the Southerly boundary of Virginia Avenue; thence Westerly along said Virginia Avenue to the Point of Beginning. Said property has sometimes been referred to as Lots 1 through 12, Block 17, West Gunnison, however the said official Amended Plat of the Town of West Gunnison recorded at Reception No. 17078 does not depict this property platted as lots.**

**TOGETHER WITH** the North-South alley lying in Block 17, TOWN OF WEST GUNNISON bounded by Virginia Avenue on the North and Tomichi Avenue on the South.

**All in the City of Gunnison, according to the official Amended Plat of TOWN OF WEST GUNNISON, recorded June 15, 1880 at Reception No. 17078.**

**County of Gunnison,  
 State of Colorado.**

also known by street and number as: **101 North 10th Street, Gunnison CO 81230**  
 assessor's schedule or parcel number: **R001268 / 370135436009**

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** the said premises above bargained and described, with appurtenances, unto the grantees, their heirs and assigns forever. And the grantor(s), for themselves, their heirs and personal representatives, do covenant, grant, bargain, and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents they are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except **taxes for the year 2005 and subsequent years, and those matters appearing of public record.**

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

**IN WITNESS WHEREOF**, the grantor(s) have executed this deed on the date set forth above.

*Avedis Ajarian*  
 Avedis Ajarian aka Avedis J. Ajarian  
*Avedis J. Ajarian*

*Menas Jamil Ajarian*  
 Menas Jamil Ajarian aka Minas Ajarian

STATE OF COLORADO } ss.  
 County of Gunnison



Owner Name	Parcel Number	Account Number	Assessor Site Address	Business Name	Owner Mail Address	Mail City	Mail State	Mail Zip Code	Account Type	Legal
DIRKSEN JAMES D	370135433003	R001251	902 W VIRGINIA AVE		902 W VIRGINIA AVE	GUNNISON	CO	812303444	Residential	LOTS 13-15 BLK 8 WEST GUNNISON B575 P781 #498742 #525773
MATKOVICH LARRY LEIGH	370135436005	R001267	123 N 10TH ST		1035 WASHINGTON ST	CANON CITY	CO	8121128550	Residential	LOTS 22,23,24 BLK 17 WEST GUNNISON #565176
MILES HARRY F ETAL	370135432002	R041323	1010 VIRGINIA AVE		PO BOX 1162	GUNNISON	CO	812301162	Residential	IMPROVEMENT ONLY (OFFICE) ON HOLDEN VILLAGE MOBILE HOME PARK (BLK 7 WEST GUNNISON) LAND OWNED BY JAMES I MILES ETAL
MILES JAMES I ETAL	370135432001	R001248	201 N NINTH ST		PO BOX 1162	GUNNISON	CO	812301162	Residential	BLK 7 EX N/S ALLEY WEST GUNNISON #489773
MILLER CIZA PROPERTIES LLC	370135433002	R001250	216 N NINTH ST		618 N IOWA ST	GUNNISON	CO	812302228	Residential	LOTS 1-12 BLK 8 W GUNNISON B381 P174-5 #501516
MULLINS JASON	378702114005	R045382	901 W TOMICHI AVE B	GUNNISON COFFEE COMPANY	PO BOX 33	GUNNISON	CO	81230	Commercial	IMPROVEMENT ONLY ON A PT OF TRACT IN BLK 22 CONTAINING PART OF LOTS 11-20 E/W ALLEY & N/S ALLEY WEST GUNNISON, LAND OWNED BY SWANSON PRISCILLA L
PESTER MARKETING COMPANY	378702113002	R002221	821 W TOMICHI AVE	1ST STOP	4643 S ULSTER ST STE 350	DENVER	CO	802372694	Commercial	PART LOT 1, LOTS 2-5 N3.7FT LOT 6 BLK 23 WEST GUNNISON #581293
SALMON RENTALS LLC	378702115008	R031442			28 WILD GOOSE LN	GUNNISON	CO	812304107	Vacant	LOTS 18-24 & TR ADJ TO LOTS 17-24 BLK 21 WEST GUNNISON #586705
SWANSON PRISCILLA L	378702114004	R002224	901 W TOMICHI AVE	METAMORPHOSIS SALON & SPA	901 W TOMICHI AVE	GUNNISON	CO	812303488	Commercial	TR IN BLK 22 CONTAINING PART OF LOTS 11-20 E/W ALLEY & N/S ALLEY WEST GUNNISON #501748
WEAVER DALE	370135437007	R001273	1006 W TOMICHI AVE	50 - HI MOBILE HOME PARK	212 COLUMBINE RD	GUNNISON	CO	812309798	Residential	LOTS 1,2,13-24 & ALLEY ADJ TO LOTS 19-24 & VACATED 9TH ST BETWEEN BLKS 17 & 18 WEST GUNNISON BLOCK 18 #565427
WEST TOMICHI LAND COMPANY LLC	370135435001	R001264	820 W VIRGINIA AVE	ACE HARDWARE	820 W TOMICHI AVE	GUNNISON	CO	812303438	Commercial	LOTS 1-12,19-24 WITH E/W ALLEY, BLK 16 WEST GUNNISON #537983

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# 500 Year Floodplain Delineation

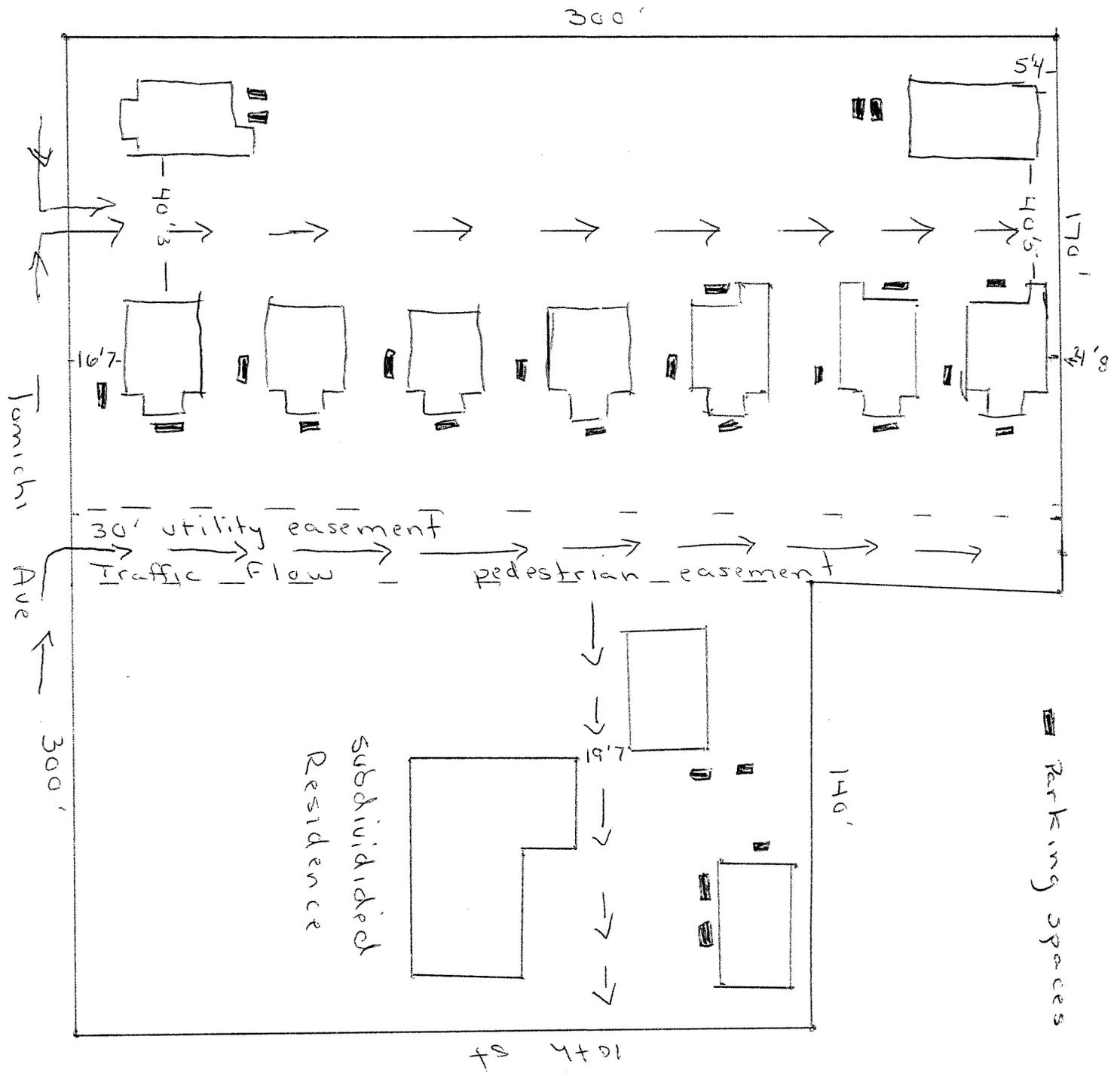
1 inch = 200 feet

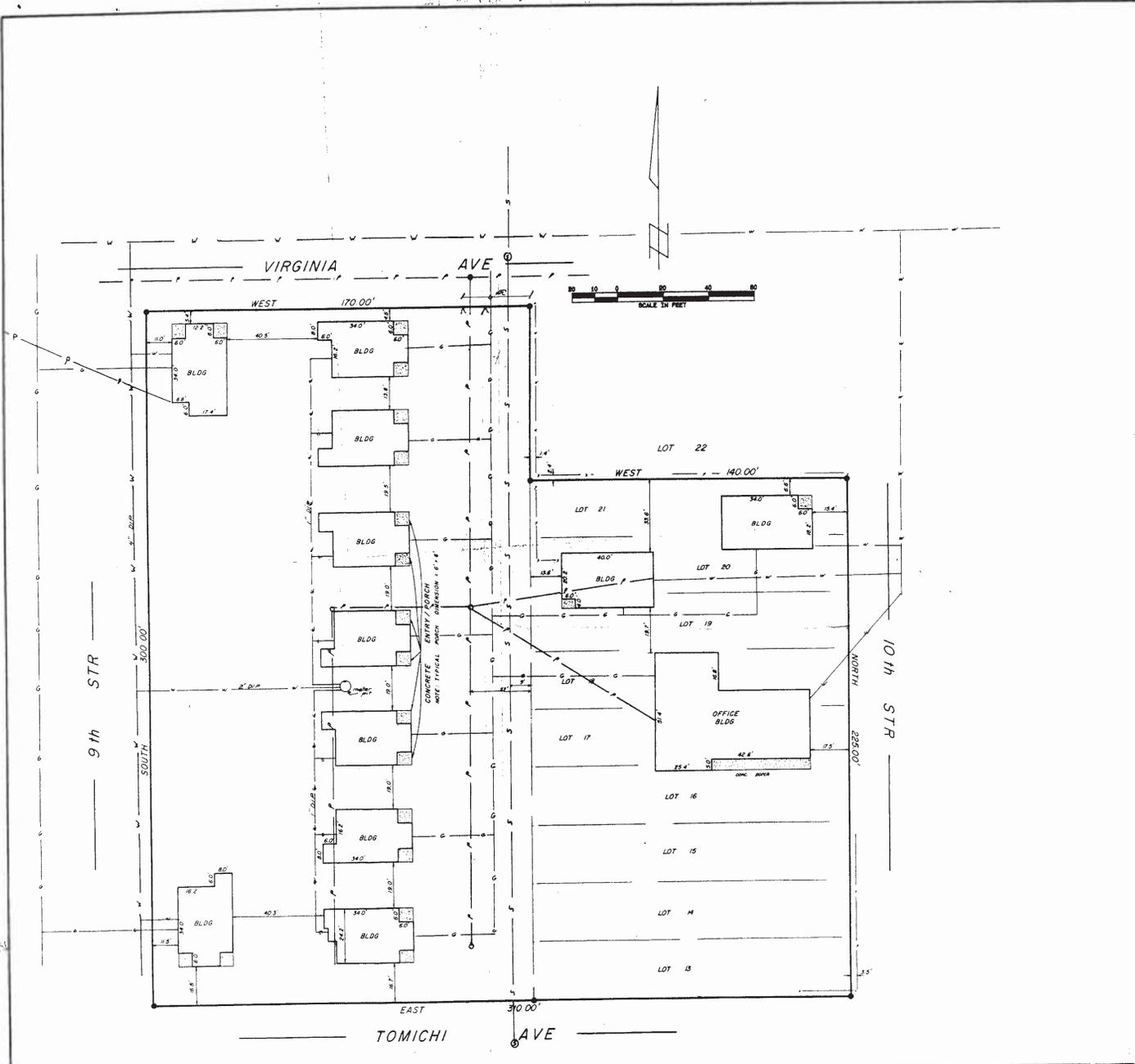
60 120 360 480 Feet

## Legend

—— S\_FLD\_HAZ\_LN

Subject Property





**Legal Description**

Lots 13 through 21, Block 17, City of Gunnison, according to the official plat of TOWN OF WEST GUNNISON, bearing Reception No. 17078;

TOGETHER WITH the following described parcel of land: Beginning at the point of intersection of the Eastern boundary of 9th Street and the Southern boundary of Virginia Avenue; thence South 100 feet to the Northern boundary of Tomichi Avenue; thence East along the Northern boundary of Tomichi Avenue to the Western boundary of the alley in Block 17; thence North along said alley to the Southern boundary of Virginia Avenue; thence West along said Virginia Avenue to the point of beginning. Said property has sometimes been referred to as Lots 11 through 12, Block 17, West Gunnison, however, the official AMENDED plat of the TOWN OF WEST GUNNISON, bearing Reception No. 17078 does not show this property platted as Lots.

TOGETHER WITH the North-South alley lying in Block 17, TOWN OF WEST GUNNISON bounded by Virginia Avenue on the North and Tomichi Avenue on the South.

All in the City of Gunnison, according to the official AMENDED Plat of TOWN OF WEST GUNNISON, bearing Reception No. 17078;

County of Gunnison,  
State of Colorado,

- LEGEND**
- Property corner - set steel stake w/ metal cap "LS 11250"
  - Fence
  - Overhead City electric power lines
  - Underground City water lines
  - Underground City sewer line (8" diameter)
  - Property line of property surveyed
  - Underground gas lines

**GENERAL NOTES:**  
 Lots corners established using information on the recorded plat of WEST GUNNISON, said plat being supplemented (for purposes of practical location) by information on City of Gunnison plat prepared by Fisher Engineering (1960), said plat available from City Planning Office. Survey measurements based on City monument at center of intersection of Main Street with Tomichi Avenue and using Main Street as defined by City monuments as a basis of bearing of NORTH.

**IMPROVEMENT PLAT CERTIFICATE**  
 I hereby certify that this Improvement Location Plat was prepared for Benison Bank & Trust. I further certify that the improvements on the above described parcel, on this date of July 7, 1999, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by the improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any encroachment or burdening any part of said parcel, except as noted on this drawing.

Date: July 7, 1999  
 James P. Furey  
 Colorado L. S. No. 11250  
 Gunnison, Colorado 81230



**Notes on Utility Locations**

Underground water lines were located from City records and are approximate locations only - exact locations can only be determined by running electric current through lines and using magnetic locator to pick up current locations - this to be done by City employees at time a subdivision application is made to the City.

Underground gas lines were located from Greeley Gas Co. records and are approximate locations only - exact locations can only be determined by running electric current through lines and using magnetic locator to pick up current locations - this to be done by Gas Co. employees at time a subdivision application is made to the City.

Sewer line located by assuming straight line run between sewer manhole covers at Tomichi and Virginia Avenues - sewer service lines will be impossible to locate exactly as no method exists to determine their positions.

<b>IMPROVEMENT SURVEY PLAT</b> <b>50 HI MOTEL PROPERTY</b> within <b>BLOCK 17, WEST GUNNISON AMENDED</b> <b>CITY OF GUNNISON, COLORADO</b>	
PREPARATION DATE: <u>July 7, 1999</u> ENGINEER AND LAND SURVEYING P. O. BOX 1307, GUNNISON, CO. 81230	LATEST REV. DATE/NO: <u>Aug 10, 1999</u> SHEET <u>1</u> OF <u>1</u>

35,700 sq. ft.  
 72 Acres

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**PULASKI SUBDIVISION  
WITHIN BLOCK 17,  
WEST GUNNISON AMENDED  
CITY OF GUNNISON  
GUNNISON COUNTY, COLORADO**

**CERTIFICATE OF DEDICATION AND OWNERSHIP**  
WE, Thomas J. Pulaski and Janice Wedmore Pulaski, being the owners of the land described as follows:  
Lots 13 through 21, Block 17, City of Gunnison, according to the official plat of TOWN OF WEST GUNNISON, recorded June 15, 1880 at Reception No. 17078.

TOGETHER WITH the following described parcel of land: Beginning at the point of intersection of the Easterly boundary of 9th Street and the Southerly boundary of Virginia Avenue; thence South 300 feet to the Northerly boundary of Tomichi Avenue; thence Easterly along the Northerly boundary of Tomichi Avenue to the Westerly boundary of the alley in Block 17; thence North along said alley to the Southerly boundary of Virginia Avenue; thence Westerly along said Virginia Avenue to the Point of Beginning. Said property has sometimes been referred to as Lots 1 through 12, Block 17, West Gunnison, however the said official Amended Plat of the Town of West Gunnison recorded at Reception No. 17078 does not depict this property platted as lots.

TOGETHER WITH the North-South alley lying in Block 17, TOWN OF WEST GUNNISON bounded by Virginia Avenue on the North and Tomichi Avenue on the South.

All in the City of Gunnison, according to the official Amended Plat of TOWN OF WEST GUNNISON, recorded June 15, 1880 at Reception No. 17078 in Gunnison County, Colorado,

have laid out, platted and subdivided the same as shown on this plat and do hereby dedicate and convey to the owners of parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof Thomas J. Pulaski and Janice Wedmore Pulaski have subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

By \_\_\_\_\_ By \_\_\_\_\_  
Thomas J. Pulaski Janice Wedmore Pulaski

State of Colorado )  
County of Gunnison )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2014, by \_\_\_\_\_

My commission expires \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

**ATTORNEY'S OPINION**

I, \_\_\_\_\_, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is held in the name of \_\_\_\_\_ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Attorney-at-Law

**CITY COUNCIL APPROVAL**

This plat is approved for filing and the City hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "Street Maintenance" set forth above, and further accepts the dedication of the easements shown hereon.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

CITY OF GUNNISON

By: \_\_\_\_\_  
Mayor

**PLANNING COMMISSION APPROVAL**

This plat is approved by the City of Gunnison Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

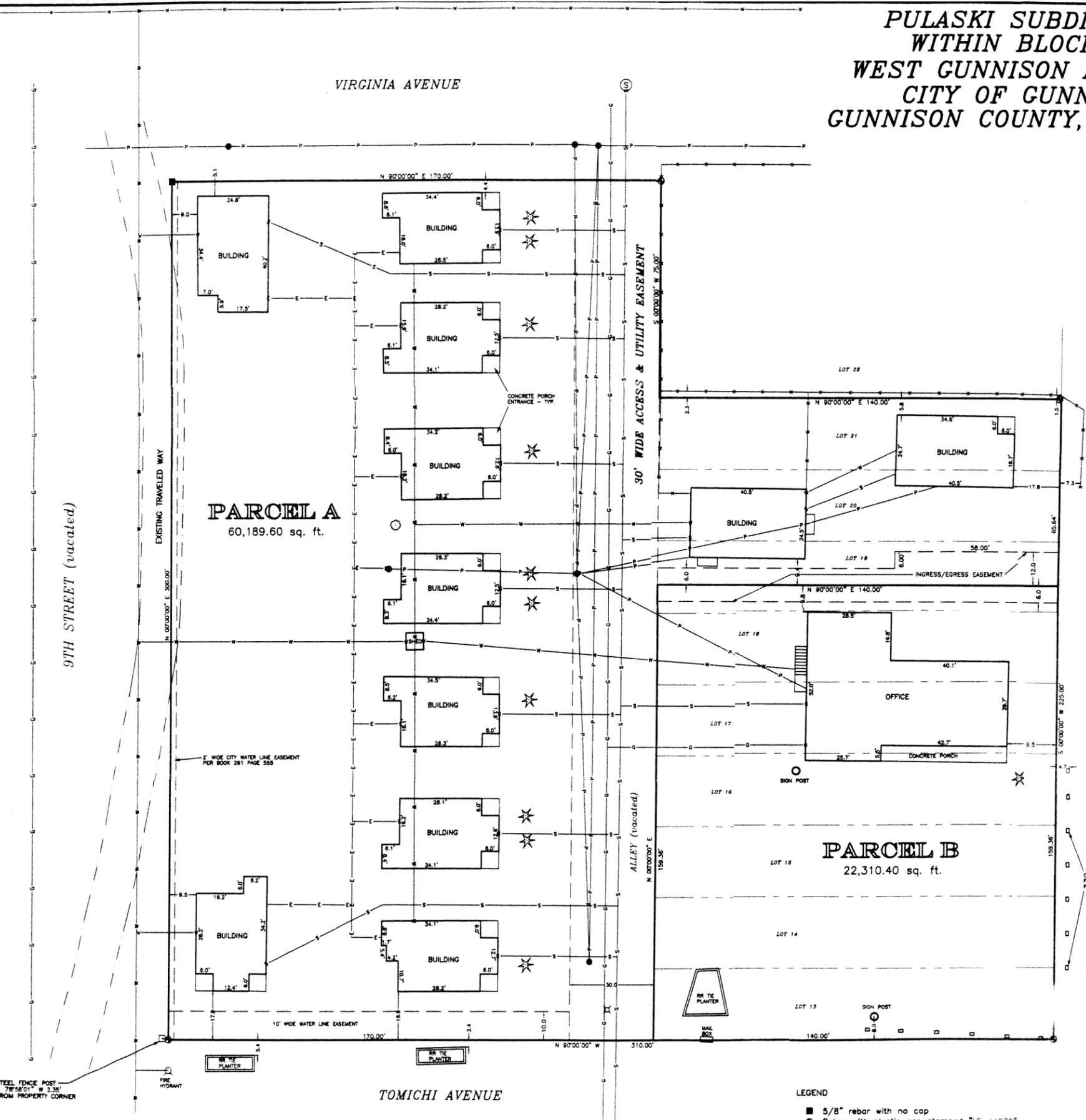
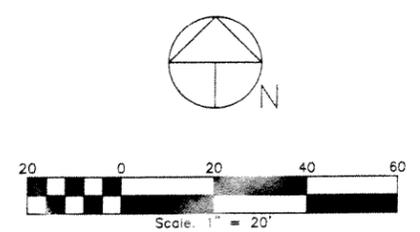
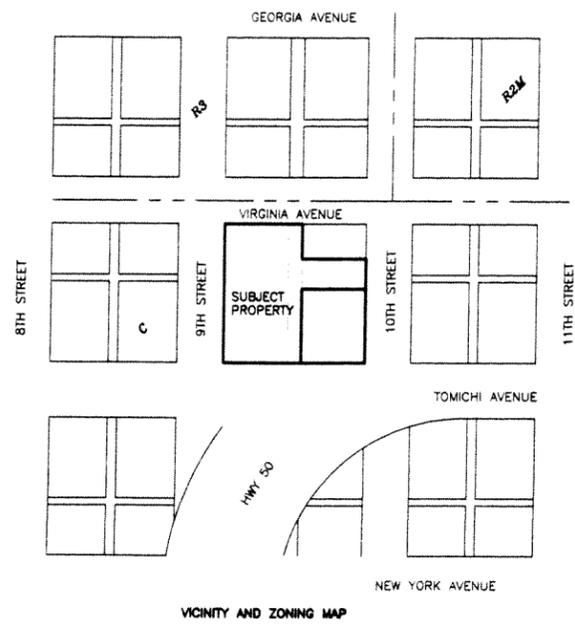
\_\_\_\_\_  
Chairman

**RECORDER'S CERTIFICATE**

This plat was filed for record in the office of the County Clerk and Recorder of Gunnison County at \_\_\_\_\_ M on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, Reception No. \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder

By: \_\_\_\_\_  
Deputy



- LEGEND**
- 5/8" rebar with no cap
  - Rebar with plastic cap stamped "LS 34979"
  - Found steel fence post as noted
  - P— Overhead utility lines
  - X— Fence
  - S—S— Underground sewer line
  - W—W— Underground water line
  - G—G— Underground gas line
  - E—E— Underground electric line

**SURVEYOR'S CERTIFICATE**  
I, \_\_\_\_\_, E. Pearson, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

**CERTIFICATE OF STREET AND UTILITY MAINTENANCE**  
Public notice is hereby given that neither the dedicated roads nor the public utilities shown on this plat will be maintained by the City of Gunnison until and unless the subdivider constructs the streets and roads and utilities in accordance with the subdivision agreement, if any, and the subdivision regulations in effect at the date of the recording of this plat and approval of the City has been received.

**NOTES:**  
1. Property was located by field measurements from city monument at the intersection of Main Street with Tomichi Avenue. Basis of bearings is NORTH between said monument and a similar monument at the intersection of Main Street with Denver Avenue.

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**DRAFT MINUTES APRIL 23, 2014  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

**7:00PM**

**Page 1 of 4**

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
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 a “no brainer” 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 22<sup>nd</sup> 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 3<sup>rd</sup>; and,
- Capital planning is underway

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

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Greg Larson, Chair

Attest:

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Pam Cunningham  
Secretary