

PLANNING AND ZONING COMMISSION  
MAY 28, 2014 MEETING PACKET  
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**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 5/21/2014**

**DATE:** WEDNESDAY, MAY 28, 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 14-4, submitted by Tom and Jani Pulaski, to allow townhomes at 101 North 10<sup>th</sup> Street, within the Commercial zone district.

**7:20pm**

**V. PUBLIC HEARING AND POSSIBLE ACTION**—Conditional Use application, CU 14-1, submitted by Nancy Pierce for the operation of a daycare center at 611 and 617 West Virginia located within the Commercial zone district.

**7:40pm**

**VI. PUBLIC HEARING AND POSSIBLE ACTION**—Vacation of a recorded right-of-way application, VF 14-1, submitted by Russ Forrest, Gunnison County Community Development Director, for the request to vacate a portion of south 10<sup>th</sup> Street bounded by Railroad Avenue on the north and the Gunnison – Crested Butte Regional Airport to the east, south and west.

**VII. POSSIBLE ACTION** – Minor Subdivision, Final Plat SB 14-1, submitted by Tom and Jani Pulaski, to subdivide one parcel into two parcels located at 101 North 10<sup>th</sup> Street.

**VIII. CONSIDERATION OF THE MAY 14, 2014 MEETING MINUTES**

**IX. COUNCIL UPDATE**

**X. COMMISSIONER COMMENTS**

**XI. PLANNING STAFF UPDATE**

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

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: May 28, 2014  
RE: Conditional Use - Townhomes

**CODE PROVISIONS**

The City's *Land Development Code (LDC)*, Section 2.6 states that townhomes require a Conditional Use permit to operate in the Commercial (C) zone district. Conditional Uses are those land uses that are generally compatible with the permitted uses in a zone district, 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.

**APPLICANTS**

The applicants, Tom and Jani Pulaski, are requesting a Conditional Use on their property for the use of townhomes. 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.
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.

**STAFF REPORT**  
**Conditional Use**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

...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. In order to achieve this, the applicant has submitted an application for a Minor Subdivision, Conditional Use (for the Townhomes) and Variance (with the ZBOAA for front setbacks).

A public hearing was held with the Commission on May 14, 2014 for the Minor Subdivision – Preliminary Plat. The Commission approved the Preliminary Plat with Conditions giving the applicants the authority to submit a Final Plat application.

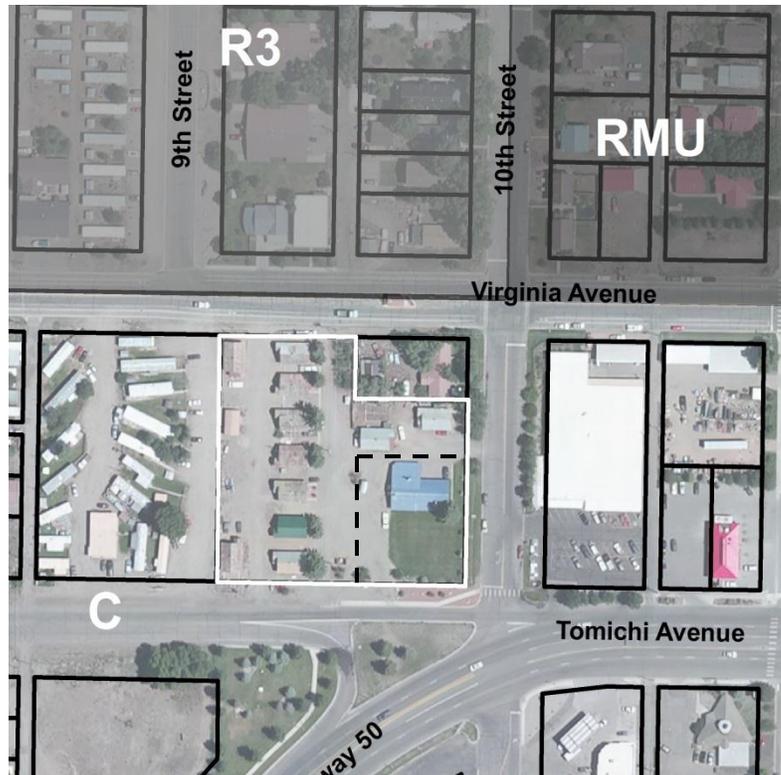
If the Minor Subdivision, Conditional Use and Variance applications are approved, the applicants could then pursue the Townhome Plat. Common Interest Community (townhomes) plats are categorized as Subdivision Exemptions which are processed at staff level and approved by the Community Development Director.

**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, Conoco, and Metamorphosis) to the east and south.

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



**Figure 1**

# STAFF REPORT

## Conditional Use

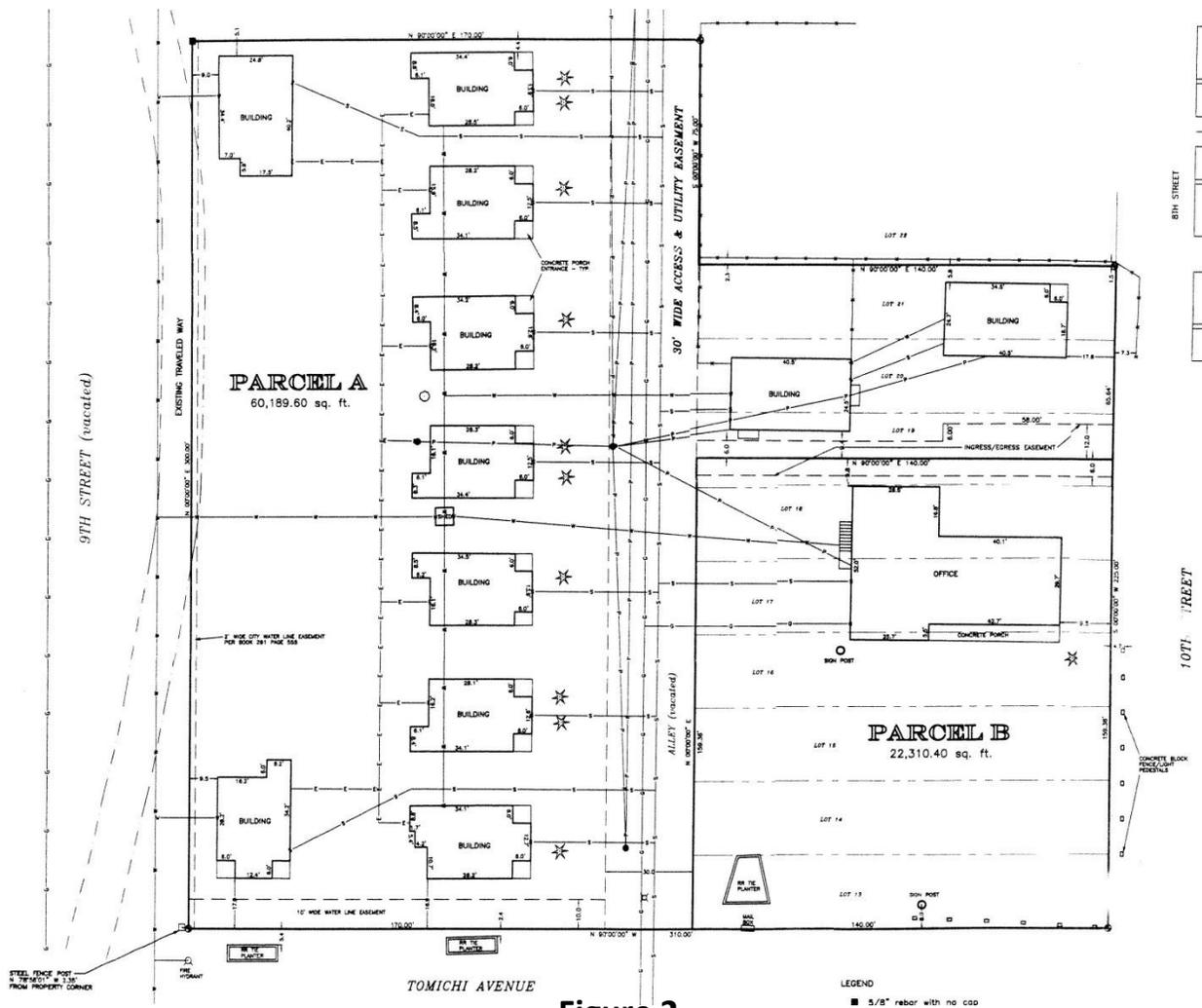
### Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street

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.

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



**Figure 2**

**STAFF REPORT**  
**Conditional Use**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

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.

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.

A Variance application will be pursued prior to the Townhome Plat application. An approved Variance for the two units will permit 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.

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 Conditional Use application for the use of Townhomes. A Minor Subdivision, Preliminary Plat to subdivide the parcel was approved by the Commission on May 14, 2014. Final plat review by the Commission is on May 28, 2014.
2. The townhome use is compatible with the surrounding neighborhood.
3. The applicant intends to pursue platting a common interest community with restrictive covenants that includes five single-family dwellings and six duplex structures (17 units) on the proposed subdivision Parcel A.
4. 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.
5. An ingress/egress easement is proposed off 10<sup>th</sup> Street along Parcel A and B for shared access.
6. Site access is provided within the 30' utility easement and non-motorized public access through this easement is proposed.
7. A new water line is proposed for the resultant Parcel B.

STAFF REPORT  
Conditional Use  
Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street

8. 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 requested subdivision does not affect the health, safety and welfare of the community.

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:**

Chapter 6, Housing, Goal: Gunnison’s housing inventory includes diverse housing types in mixed use areas. A wide price range is sufficient to meet the needs of all income levels including a healthy rental market with well-maintained rental units.

**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:

- a. **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).

**Possible Conflict:** The purpose of the Commercial zone district is to provide locations for offices, service uses, hotel accommodations and businesses retailing durable and convenience goods.

The residential use has been on this site since the 1950’s and is compatible with the surrounding neighborhood. The site has two nonconforming structures (units) in regard to the front setback. A Variance application has been submitted and a public hearing with the Zoning Board of Adjustments and Appeals is scheduled for June 11, 2014.

- b. **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:** The proposed common interest community complies with Section 3 of the *LDC*.

- c. **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 (Parcel A) contains 5 single-family residences and 6 duplex structures (17 units). Ample space is provided on the site to meet parking and landscaping requirements.

Appropriate easements have been established through the Minor Subdivision of the property.

STAFF REPORT  
Conditional Use  
Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street

**d. 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*.

**No Conflict.**

**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:** The common interest community plat is compatible with the existing neighborhood. The townhome designation on the existing units will not alter the appearance of the site, but will allow individual ownership of the dwelling units.

**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 existing units. Traffic will remain at current levels.

The applicant has dedicated a non-motorized public access in the north/south vacated alley and utility easement.

**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:** The townhome use will not create a nuisance.

**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.

**Possible Conflict:** A new private water service line is required for the unit on Parcel B. A 10' easement has been provided on the south boundary of Parcel A to benefit Parcel A and B.

**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.**

**STAFF REPORT**  
**Conditional Use**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

**ACTION**

During the Planning and Zoning Commission meeting of May 28, 2014, Commissioner \_\_\_\_\_ moved, Commissioner \_\_\_\_\_ seconded and the Planning and Zoning Commission voted to APPROVE Conditional Use application, CU 14-4, submitted by Tom and Jani Pulaski for the use of townhomes at 101 North 10<sup>th</sup> Street, 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 Conditional Use to allow the applicant to pursue a common interest community plat.
3. The Planning and Zoning Commission finds that an application for a Minor Subdivision of a 1.9 acre parcel into two lots has been submitted and the townhomes are proposed on the resultant Parcel A.
4. The Planning and Zoning Commission finds that the site is developed and the common interest community is compatible with the surrounding neighborhood.
5. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established through the Minor Subdivision.
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.
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. The Commission further finds that a Variance Application has been submitted and will be reviewed by the Zoning Board of Adjustments and Appeals on June 11, 2014.
9. The Planning and Zoning Commission finds that the review standards for Conditional Uses have been or will be met based on the following condition:

**Condition:**

1. The applicant shall construct a new private water service line to serve Parcel B.

**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

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

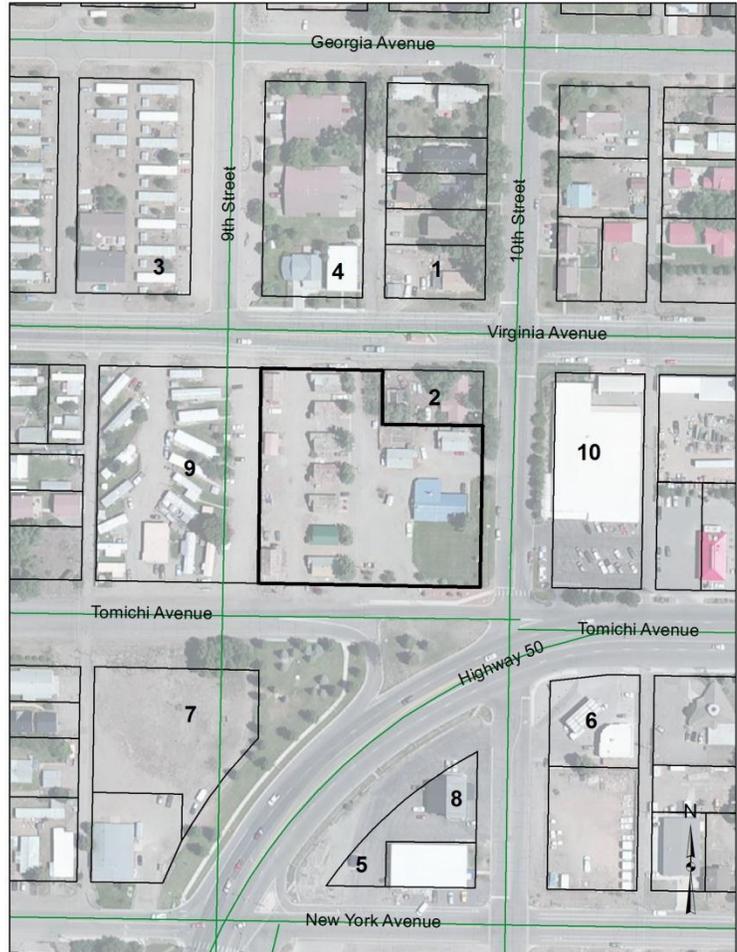
Thank you for your consideration

Tom and Jani Pulaski  
Owners 101 N. 10th Street

101 N. 10<sup>th</sup> Street  
SB 14-1

The following adjacent property owners were notified via certified mail:

- 1 James Dirksen  
902 W. Virginia Avenue  
Gunnison, CO 81230
- 2 Larry Matkovich  
1035 Washington Street  
Canon City, CO 81212-8550
- 3 Harry Miles  
c/o James Miles  
PO Box 1162  
Gunnison, CO 81230
- 4 Miller CJZA Properties, LLC  
618 N. Iowa Street  
Gunnison, CO 81230
- 5 Jason Mullins  
PO Box 33  
Gunnison, CO 81230
- 6 Pester Marketing Company  
4643 S. Ulster Street, Ste 350  
Denver, CO 80237-2694
- 7 Salmon Rentals, LLC  
28 Wild Goose Lane  
Gunnison, CO 81230
- 8 Priscilla Swanson  
901 W. Tomichi Avenue  
Gunnison, CO 81230
- 9 Dale Weaver  
212 Columbine Road  
Gunnison, CO 81230
- 10 West Tomichi Land Company, LLC  
820 W. Tomichi Avenue  
Gunnison, CO 81230



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Page: 1 of 1  
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**WARRANTY DEED**

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

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

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 Ajarlan*  
Avedis Ajarlan aka Avedis J. Ajarlan  
*Avedis J. Ajarlan*

*Menas Jamil Ajarlan*  
Menas Jamil Ajarlan aka Minas Ajarlan

STATE OF COLORADO }  
County of Gunnison } ss.



0501057

# 500 Year Floodplain Delineation

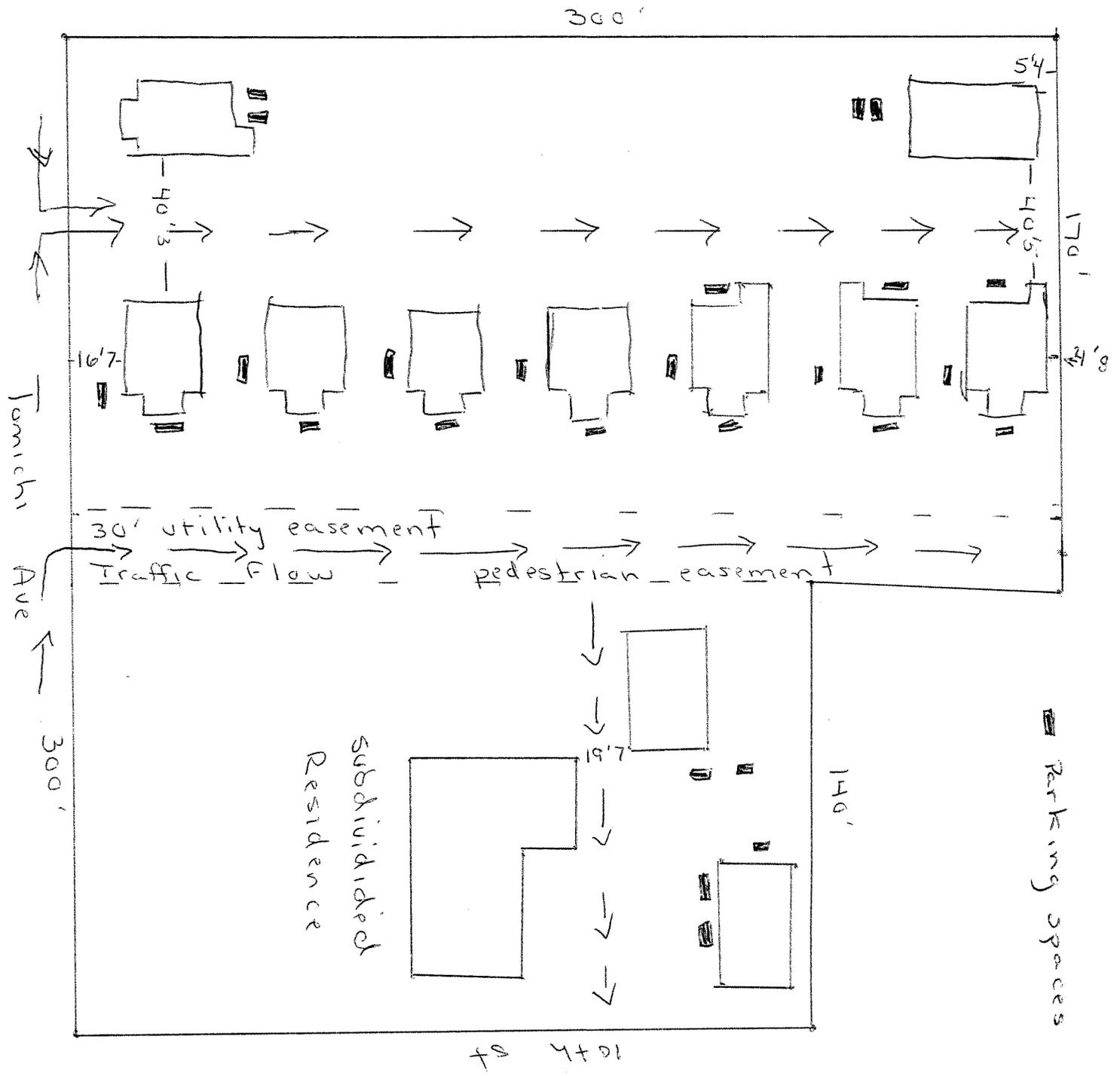
1 inch = 200 feet

60 120 360 480 Feet

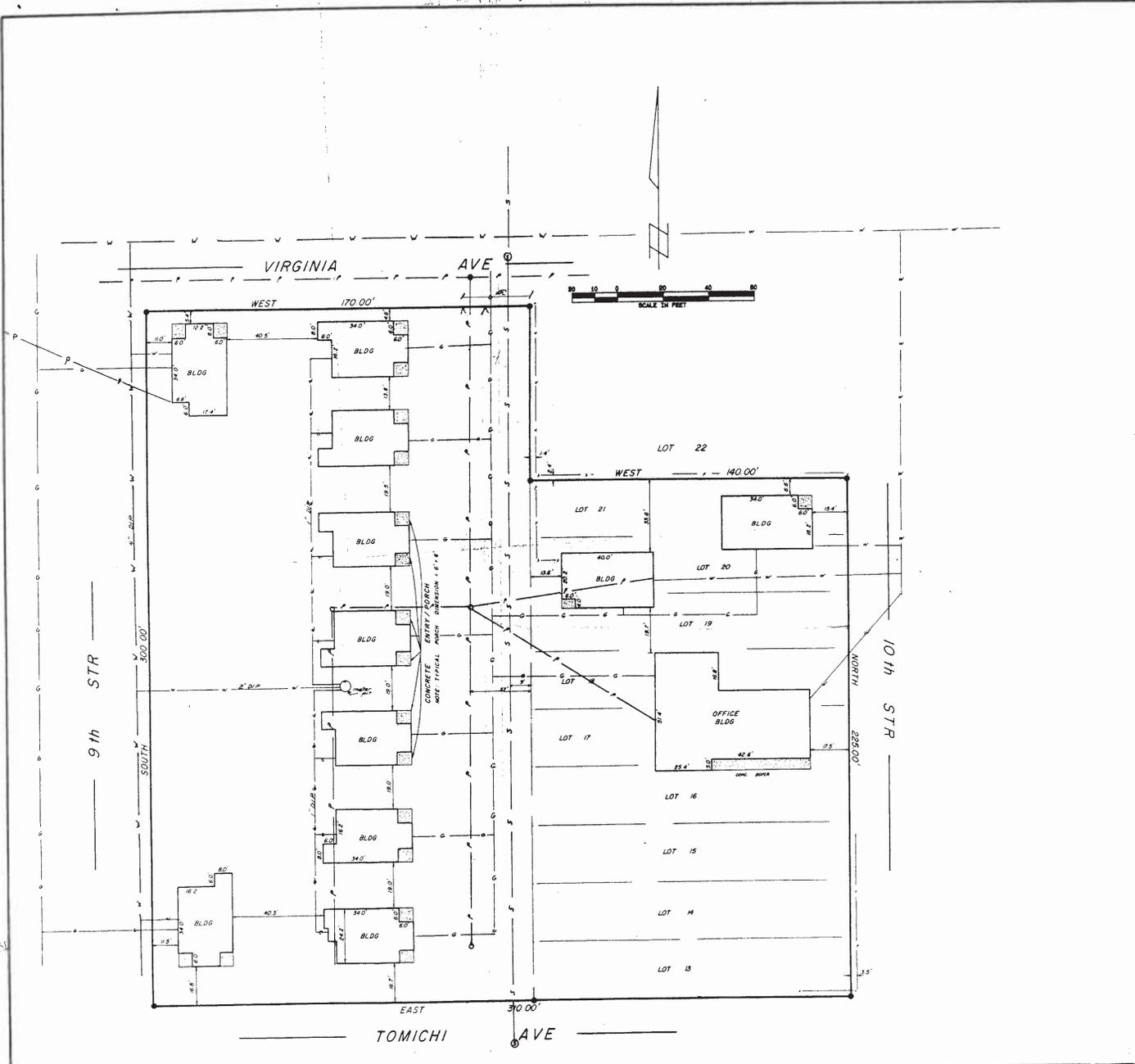
## Legend

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Subject Property



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

35,700 sq ft  
 72 Acres

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STAFF REPORT  
CONDITIONAL USE

Nancy Pierce – 611 & 617 W. Virginia Ave.

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: May 28, 2014  
RE: Application CU 14-1, Daycare Center

CODE PROVISIONS

The City's *Land Development Code (LDC)*, Section 2.4 states that a Daycare Center is Conditional in the Commercial zone district (**Pending approval of Text Amendment ZA 14-1 to the LDC**) and requires a Conditional Use permit. Conditional Uses are those land uses that are generally compatible with the permitted uses in a zone district, 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, Nancy Pierce, is requesting to operate a Daycare Center at 611 and 617 West Virginia Avenue. The legal description of the property is: Lots 1 and 2 and the north half of the adjacent east/west alley [611 W. Virginia] and Lots 4 and 5 and the north half of the adjacent east/west alley, [617 W. Virginia], Block 14, West Gunnison Addition, City and County of Gunnison, Colorado.

The applicants' narrative states:

“Seasons Schoolhouse proposes to expand the current daycare center at 617 W Virginia Ave to include the existing residence at 611 W Virginia Ave. The square footage of the residence at 611 is approximately 952 square feet. The additional building and parcel will allow Seasons Schoolhouse to expand the number of children that can attend the center. It is expected that the building at 611 W. Virginia will allow 10-12 additional children to attend seasons. School program offerings will include a summer camp program for approximately 10-12 children. During the school year Seasons will have after-school programs and expanded preschool program offerings. The school is licensed by the State of Colorado to care for children ages 2 ½ - 12 years of age. Hours of operation will generally be from 7:30 am – 5:30 pm. Seasons contracts, on occasion, with the local Department of Health and Human Services (DHHS) to provide childcare in the evening during parenting classes such as “Love and Logic” that DHHS offers.

Seasons anticipates that there will be one additional staff parking place in the alley behind 611 W Virginia. Two additional off-street parking spaces are available in front of the existing building – these are accessed from the alley that runs north to south between the subject parcel and the Marcue parcel. Parents dropping off children typically park on

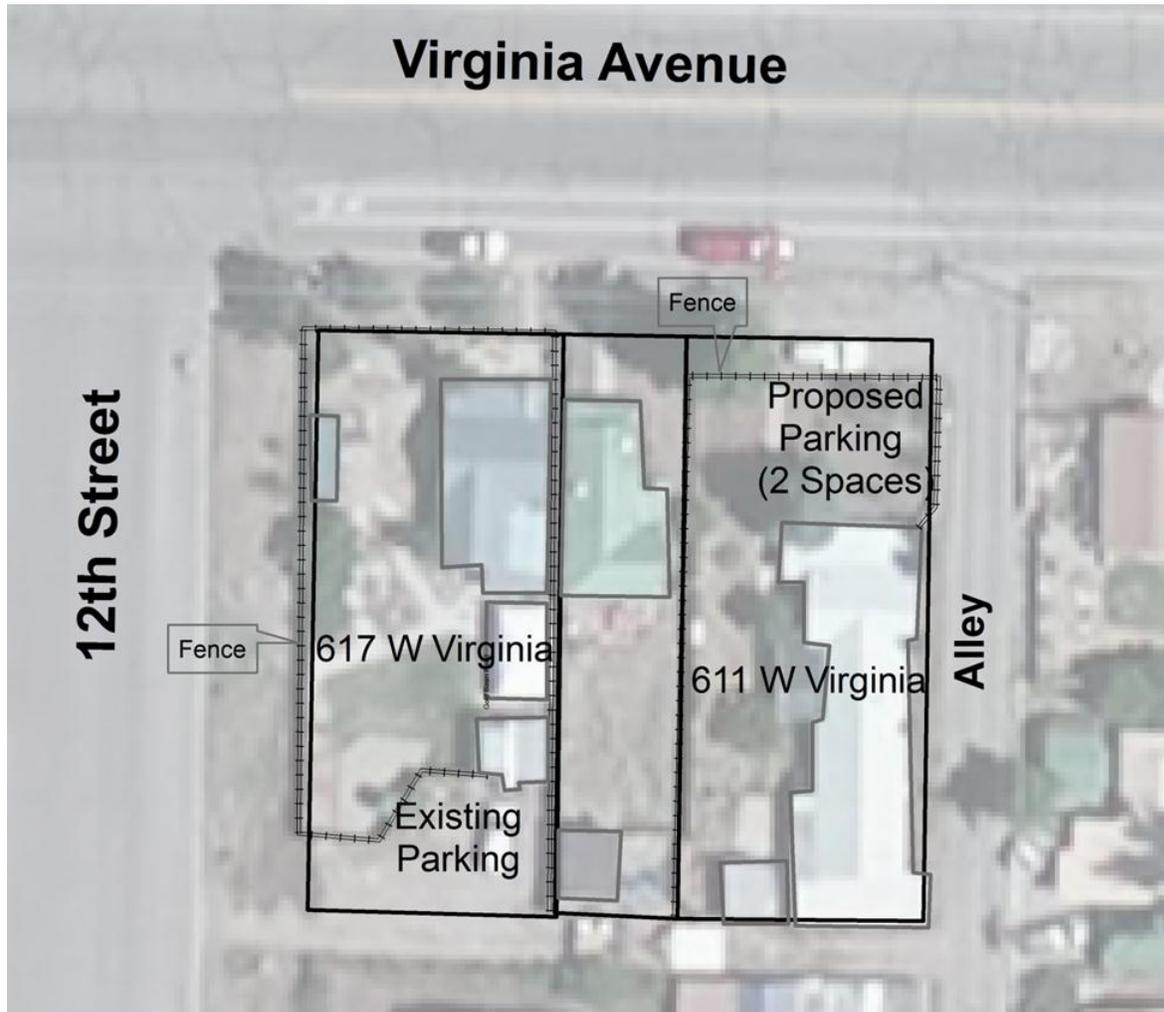
STAFF REPORT  
CONDITIONAL USE  
Nancy Pierce – 611 & 617 W. Virginia Ave.

Virginia for several minutes. There have not been any parking or traffic congestion issues with current facility nor do we anticipate any issues with the additional building.

The additional building at 611 W Virginia will allow seasons to expand the number of children that we can serve in the community. Expanded childcare and preschool offerings are a much needed resource in the City of Gunnison; most childcare facilities are at capacity and there are few options for families. The proposed use is compatible with the existing neighborhood. The neighborhood is a mix of commercial, single-family and multi-family uses.”

SITE ASSESSMENT

The applicant was granted a Conditional Use for a daycare school on October 11, 2006 for the property located at 617 West Virginia Avenue. A daycare school allows up to 12 children at the site. The applicant is proposing to expand to a daycare center (more than 12 children) by purchasing 611 West Virginia Avenue (as shown below).



STAFF REPORT  
CONDITIONAL USE

Nancy Pierce – 611 & 617 W. Virginia Ave.

The two properties would be organized and operated as two separate facilities with younger children at the 617 West Virginia location and older children at 611 West Virginia. The two properties are separated by a parcel that is 25' by 117.5' known as 615 West Virginia.

Adjacent zoning is Commercial, R-2M and B-1. Surrounding uses include a dentist's office to the north with the remaining surrounding properties as residential uses, including a bed and breakfast to the east.

The operation at the existing daycare facility (617 West Virginia) has met all dimensional standards, off-street parking and landscaping requirements of the *LDC* during prior Conditional Use approval. The proposed site at 611 West Virginia currently does not provide the required two off-street parking spaces.

The applicant's narrative states there is one space behind the house (in the vacated east/west alley) and two spaces along Virginia; however, the space behind the house is actually the southern neighbor's property and the spaces along Virginia are in the right-of-way.

Upon discussing the parking issues with the applicant, the proposal is to move the fence along Virginia Avenue west (from the alley) 30'2" and south (closer to the house) 29'3". This area will provide adequate space for the two required parking spaces that are accessible from the north/south alley.

The drop-off and pick-up area for 611 West Virginia is proposed on the created parking spaces and by utilizing street parking on Virginia Avenue. Virginia Avenue is used as the loading area at the existing facility at 617 West Virginia and has functioned well.

DEPARTMENTAL COMMENTS:

Building Official: Building safety inspection was on 5/13/2014. Based off the requirements of the 2009 International Building Code, the daycare center is allowed at the 611 West Virginia Site.

Fire Marshal: Fire Safety inspection was on 5/13/2014.

Parks and Recreation Department: No issue.

Police Department: Parking off alley and the proposed parking space in the vacated east/west alley need to be verified.

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 approval to expand the daycare school into a daycare center utilizing 611 and 617 West Virginia within the Commercial zone district which requires conditional use approval based on the City's *Land Development Code*.
2. A daycare center (more than 12 children) is compatible with the surrounding neighborhood.

STAFF REPORT  
CONDITIONAL USE

Nancy Pierce – 611 & 617 W. Virginia Ave.

3. The existing daycare school located at 617 West Virginia functions well and there have been no reported issues since the school's opening.
4. The 611 West Virginia site has been inspected by the Building Official and Fire Marshal. The structure is adequate for the proposed use and will require fire alarms and fire extinguishers in accordance with the International Building and Fire codes.
5. Drop-off and pick-up locations for 611 West Virginia are proposed using the two off-street spaces and the Virginia Avenue right-of-way (curb).
6. The proposed daycare center is a benefit to the community and protects the community's health, safety and welfare.

REVIEW STANDARDS

The LDC (Chapter 15.130.050) contains the following 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 3, Education, Policy 4: Support improvements and expansion of educational facilities.

Chapter 3, Education, Policy 4.1: Encourage the expansion of facilities to meet the needs of the community.

Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Sprawl will be avoided through effective infill and compact growth. Residential, commercial and industrial land uses are appropriately located and interspersed with parks and open space, providing a balanced environment in which to live, work and play.

**B. Conformance to Code. The use shall conform to all other applicable provisions of this Land Development Code including but not limited to:**

**a. Zone District Standards: The purpose of this zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article 7, Use and Dimensional Standards.**

**No Conflict:** The purpose of the Commercial zone district is to provide locations for offices, service uses, hotel accommodations and businesses retailing durable and convenience goods.

**b. Site Development Standards: Parking, Landscaping, sign and improvements standards.**

**Possible Conflict:** The daycare facility at 617 West Virginia meets the requirements of the LDC. The expanded site of 611 West Virginia does not meet required off-street parking requirements. The applicant will move a portion of a private fence along Virginia Avenue to accommodate the required parking spaces for a daycare center use.

STAFF REPORT  
CONDITIONAL USE

Nancy Pierce – 611 & 617 W. Virginia Ave.

- 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:** The daycare center (both locations) is appropriate and compatible with the surrounding uses. The established daycare facility at 617 West Virginia Avenue functions well in the community and there have been no issues at this site since it's opening.

- 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 applicant uses curb side drop-off and pick-up at the 617 West Virginia location and traffic has not been an issue at this site. The expanded location of 611 West Virginia Avenue will provide two off-street spaces for loading in addition to the West Virginia right-of-way.

- 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:** The daycare center hours are Monday through Friday from 7:30 am to 5:30 pm. The daycare center should not create a nuisance to the neighborhood.

- 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 expanded site (611 West Virginia) has been inspected by the Building Official and the Fire Marshal and the house provides adequate facilities for a daycare center. Fire alarms and a fire extinguisher will be required on site prior to opening.

- G. Environment.** *The use shall not cause significant deteriorations to water resources, 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 28, 2014, Commissioner \_\_\_\_\_ moved, and Commissioner \_\_\_\_\_ seconded, and the Commission voted to APPROVE Conditional Use application CU 14-1, submitted by Nancy Pierce for the operation of a daycare center, based on the following Findings of Fact and Conditions:

**Findings of Fact:**

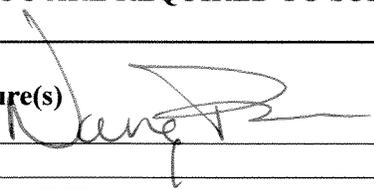
1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.

STAFF REPORT  
CONDITIONAL USE  
Nancy Pierce – 611 & 617 W. Virginia Ave.

2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a daycare center (more than 12 children) in the Commercial zone district.
3. The Planning and Zoning Commission finds that the proposed use is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the proposed site plan (dated May 21, 2014) complies with the dimensional standards, landscaping and parking requirements of the *Land Development Code*.
5. The Planning and Zoning Commission finds that the applicant meets the Conditional Use review standards stated in the *LDC*.
6. The Planning and Zoning Commission finds that the daycare center provides essential services to the community.
7. The Planning and Zoning Commission finds that the expanded site at 611 West Virginia has been inspected by the Building Official and Fire Marshal and that fire alarms and fire extinguishers are required on the site in accordance with the International Building and Fire codes.
8. The Planning and Zoning Commission finds that the daycare center will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

**Conditions:**

1. A Change of Occupancy permit shall be obtained with final inspections from the Building Official and Fire Marshal prior to opening.
2. The site is subject to review and approval by the Community Development Director to ensure that two off-street parking spaces are accommodated on the 611 West Virginia site prior to opening.

|   |   |  |
|---|---|--|
| <b>Applicant Name(s):</b> Nancy Pierce  |   |  |
| <b>Phone #:</b> 275-5193  | <b>Fax #:</b> _____ <b>E-Mail:</b> nan.pie@pcrs.net |  |
| <b>Mailing Address:</b> 617 W Virginia Ave  |   |  |
| <b>City:</b> Gunnison   | <b>State:</b> CO <b>Zip:</b> 81230                  |  |
| <b>Legal Description</b>  |   |  |
| Site Address of Property: 611 W Virginia Ave Zoning _____   |   |  |
| Block: 14 Lot(s): 1& 2 and N1/2 alley Addition: West Gunnison   |   |  |
| <b>Disclosure of Ownership- Please provide one of the following:</b>  |   |  |
| <input checked="" type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments<br><input type="checkbox"/> Liens <input checked="" type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements                                    |   |  |
| <b>Summary of Request:</b>  |   |  |
| Conditional use request for 611 W Virginia Ave to use as daycare center for 10-12 children.   |   |  |
| <b>Attachments:</b> <input checked="" type="checkbox"/> Vicinity Map (8.5"X11") <input checked="" type="checkbox"/> Description of Proposal   |   |  |
| <input checked="" type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)  |   |  |
| <input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant)  |   |  |
| <input checked="" type="checkbox"/> Site Plan (11"x17") <b>to scale</b> , 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) |   |  |
| <b>YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION</b>  |   |  |
| <b>Signature(s)</b><br>  | Date <u>5/6/2014</u><br>Date _____                  |  |
| <b>For Office Use Only</b>  |   |  |
| <input type="checkbox"/> Conditional Use  | <input type="checkbox"/> Variance                   | <input type="checkbox"/> Zoning Amendment      |
| <input type="checkbox"/> Major Subdivision  | <input type="checkbox"/> Minor Subdivision          | <input type="checkbox"/> Subdivision Exemption |
| <input type="checkbox"/> Mobile Home/RV Park  | <input type="checkbox"/> PUD                        | <input type="checkbox"/> Vacation              |
| <input type="checkbox"/> Consolidated Application   |   |  |

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### **Project Description**

Seasons Schoolhouse proposes to expand the current daycare center at 617 W Virginia Ave to include the existing residence at 611 W Virginia Ave. The square footage of the residence at 611 is approximately 952 square feet. The additional building and parcel will allow Seasons Schoolhouse to expand the number of children that can attend the center. It is expected that the building at 611 W. Virginia will allow 10-12 additional children to attend Seasons. School program offerings will include a summer camp program for approximately 10-12 children. During the school year Seasons will have after-school programs and expanded preschool program offerings. The school is licensed by the State of Colorado to care for children ages 2 ½ - 12 years of age. Hours of operation will generally be from 7:30 am-5:30 pm. Seasons contracts, on occasion, with the local Department of Health and Human Services (DHHS) to provide childcare in the evening during parenting classes such as "Love and Logic" that DHHS offers.

Seasons anticipates that there will be one additional staff parking place in the alley behind 611 W Virginia. Two additional off-street parking spaces are available in front of the existing building—these are accessed from the alley that runs north to south between the subject parcel and the Marcue parcel. Parents dropping off children typically park on Virginia for several minutes. There have not been any parking or traffic congestion issues with current facility nor do we anticipate any issues with the additional building.

The additional building at 611 W Virginia will allow Seasons to expand the number of children that we can serve in the community. Expanded childcare and preschool offerings are a much needed resource in the City of Gunnison; most childcare facilities are at capacity and there are few options for families. The proposed use is compatible with the existing neighborhood. The neighborhood is a mix of commercial, single-family and multi-family uses.

### **Adjacent Property Owners**

#### **Elizabeth Marcue**

123 N Blvd St, Gunnison, CO 81230

#### **Evan Strauss**

119 N Blvd St. Gunnison, CO 81230

#### **Bruce Brennise**

PO Box 869, Gunnison, CO 81230

#### **Darrick Zirker**

Gunnison Family Dentistry

2613 Rushmore Dr., Iowa City, IA 52246

#### **John Perusek**

PO Box 404, Gunnison, CO 81230

#### **Arden Anderson**

608 W Virginia Ave, Gunnison, CO 81230

#### **Raquel Archuleta**

110 N 12<sup>th</sup> St Gunnison, CO 81230

#### **Michael Stanifer**

42874 Hidden Valley Dr. Paonia, CO 81428

#### **Patrick Stark**

PO Box 3353, Crested Butte, Co 81224

617 W. Virginia  
CU 14-1

The following adjacent property owners were notified via certified mail:

- |    |  |    |   |
|----|--|----|---|
| 1  | Elizabeth Marcue<br>123 N. Boulevard<br>Gunnison, CO 81230                                       | 11 | Anabel Hite<br>611 W. Virginia Avenue<br>Gunnison, CO 81230 |
| 2  | Evan Strauss<br>119 N. Boulevard<br>Gunnison, CO 81230   | 12 | James McLoughlin<br>PO Box 696<br>Crested Butte, CO 81224   |
| 3  | Bruce Brennisse<br>PO Box 869<br>Gunnison, CO 81230  | 13 | Boyd Pederson<br>PO Box 294<br>Gunnison, CO 81230-0294      |
| 4  | Darrick Zirker<br>2613 Rushmore Drive<br>Iowa City, IA 52246                                     |    |   |
| 5  | John Perusek<br>PO Box 404<br>Gunnison, CO 81230   |    |   |
| 6  | Arden Anderson<br>608 W. Virginia<br>Gunnison, CO 81230  |    |   |
| 7  | Elizabeth Christensen<br>Raquel Archuleta<br>110 N. 12 <sup>th</sup> Street<br>Gunnison, CO 8120 |    |   |
| 8  | Devon Daney<br>Michael Stanifer<br>42847 Hidden Valley Drive<br>Paonia, CO 81428                 |    |   |
| 9  | Patrick Stark Estate<br>PO Box 3353<br>Crested Butte, CO 81224                                   |    |   |
| 10 | Nancy Pierce<br>617 W. Virginia<br>Gunnison, CO 81230  |    |   |



|   |   |
|---|---|
| Assessor Quick Links<br><a href="#">Gunnison Assessor Home</a><br><a href="#">Find Property Records</a> |  <h1 style="margin: 0;">Assessor Property Record Search</h1> |
|---|---|

**Owner and Parcel Information**

|   |    |   |                                       |
|---|----|---|---------------------------------------|
| <b>Owner Name &amp; Mailing Address</b>   |    | <b>Today's Date:</b> May 6, 2014                            | <b>Account Number:</b> R001341        |
| HITE ANABEL B<br>611 W VIRGINIA AVE<br>GUNNISON, CO 81230-3044                                  |    | <b>Appraisal Year:</b> 2013                                 | <b>Parcel Number:</b> 3701-354-50-017 |
| <b>Business Name:</b>   | NA |   | <b>Account Type:</b> Residential      |
|   |    |   | <b>Economic Area:</b> Econ Area 1     |
|   |    |   | <b>Tax District:</b> 100              |
|   |    |   | <b>Mill Levy:</b> 44.152              |
| <b>Property Location:</b> 611 W VIRGINIA AVE, GUNNISON  |    | <b>Parcel Map</b>   | <a href="#">Show Parcel Map</a>       |
| <b>Neighborhood:</b> GUN RES IN COMMERCIAL  |    | <b>Building Photos</b>                                      | <a href="#">Building Images</a>       |
| <b>LEA:</b> GUNN RES 3126 TO 6250 SQFT (10010)  |    | <b>Building Sketches</b>                                    | <a href="#">Building Sketches</a>     |
| <b>Subdivision:</b> WEST GUNNISON   |    | <a href="#">Generate Neighboring Owner List by Distance</a> |                                       |
| <b>Condo:</b>   |    | <a href="#">Search Sales By Subdivision</a>                 |                                       |
| <b>Legal Description:</b> LOTS 1 & 2 & N2 OF E/W ALLEY ADJ BLK 14 WEST GUNNISON #566091 #585570 |    |   |                                       |
| <b>Parcel Notes</b> TOTAL PARCEL = 5,875 SF   |    |   |                                       |

**2013 Assessment Information**

| Land Actual Value | Land Assessed Value | Building Actual Value | Building Assessed Value | Total Actual Value | Total Assessed Value |
|-------------------|---------------------|-----------------------|-------------------------|--------------------|----------------------|
| \$42,800          | \$3,410             | \$84,850              | \$6,750                 | \$127,650          | \$10,160             |

**Prior Year Assessment Information**

| Year | Actual Value | Assessed Value | Mill Levy | Ad Valorem Taxes |
|------|--------------|----------------|-----------|------------------|
| 2013 | \$127,650    | \$10,160       | 49.778    | \$505.74         |
| 2012 | \$152,380    | \$12,130       | 44.152    | \$535.56         |
| 2011 | \$152,380    | \$12,130       | 44.343    | \$537.88         |
| 2010 | \$160,160    | \$12,750       | 40.939    | \$521.97         |
| 2009 | \$160,160    | \$12,750       | 39.757    | \$519.08         |
| 2008 | \$119,330    | \$9,500        | 41.387    | \$404.12         |
| 2007 | \$119,330    | \$9,500        | 36.186    | \$355.84         |
| 2006 | \$104,640    | \$8,330        | 43.784    | \$376.52         |

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

**Land Information**

| Land Description     | Land Type   | Acres | Site Access | Electricity | Sewer   | Water   | Other Attributes   |
|----------------------|-------------|-------|-------------|-------------|---------|---------|--------------------|
| SINGLE FAM.RES.-LAND | Residential | 0.135 | YEAR ROUND  | YES         | CENTRAL | CENTRAL | LAND TYPE - MEADOW |

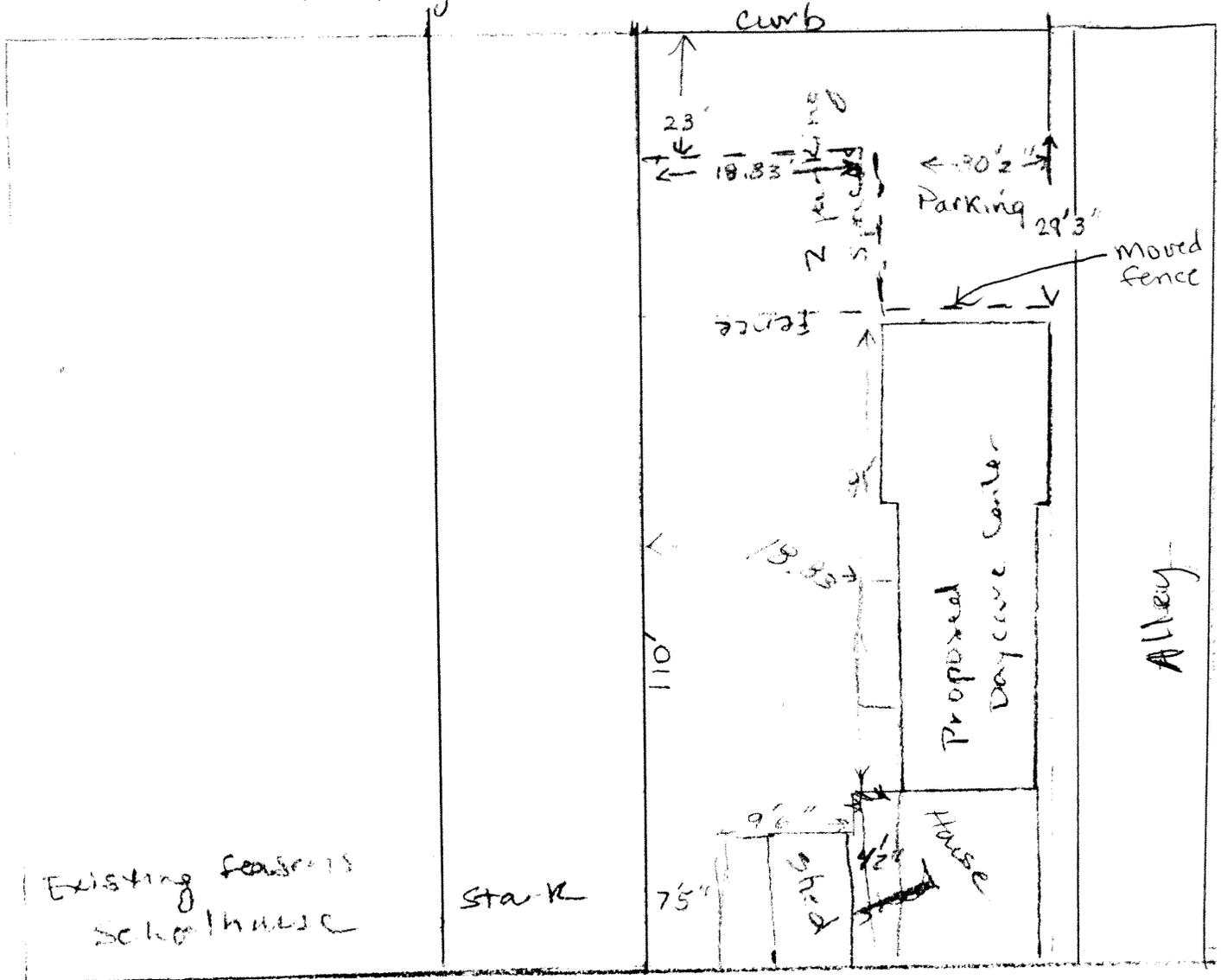
**Sales Information**

| Sale Date  | Sale Amount | Grantor                    | Grantee                    | Vacant or Improved (at time of sale) | Reception #  | Deed Type                |
|------------|-------------|----------------------------|----------------------------|--------------------------------------|--------------|--------------------------|
| 07/25/2008 |             | HITE DUSTIN A              | HITE ANABEL B              | N/A                                  | 585570       | QUIT CLAIM DEED - NO FEE |
| 06/16/2006 | \$200,000   | STARK CHARLES PATRICK ETAL | HITE DUSTIN A ETAL         | Improved                             | 566091       | GEN WARR DEED - FEE      |
| 06/03/2004 | \$132,500   | PROCTOR ANDREW D ETAL      | STARK CHARLES PATRICK ETAL | Improved                             | 542749       | WARRANTY DEED - FEE      |
| 06/06/1995 | \$60,500    | Unknown                    | Unknown                    | Improved                             | B000765P0004 | GEN WARR DEED - FEE      |

**Building Information**

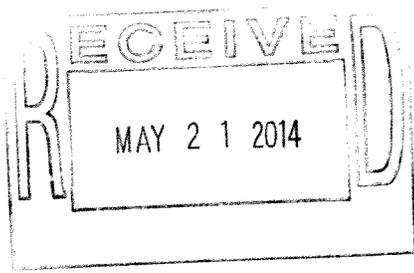
| Building Number 1:  |                         |          |                        |                      |                    |                 |
|---------------------|-------------------------|----------|------------------------|----------------------|--------------------|-----------------|
| Occupancy Type      | Quality of Construction | Stories  | Primary Heating System | Building Description | Exterior Condition | Roof            |
| OLD STYLE           | Fair                    | 1        | Primary Heating System | OLD STYLE            | Average            | Preformed Metal |
| Original Year Built | Interior Condition      | Exterior | Landscaping            | 1883                 |                    |                 |

W Virginia Ave



Vacated Alley

Archuleta



West  
Garrison  
Lots 1 & 2, BIK 14  
611 W Virginia Ave

**STAFF REPORT**  
**VACATION OF RIGHT-OF-WAY AND EASEMENT**  
**A Portion of South 10<sup>th</sup> Street**

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: May 28, 2014  
RE: Vacation Application VF 14-1

**PROCESS**

The process for a vacation application is defined in the Subdivision Standards section of the *Land Development Code (LDC)* in Section 12.11. Vacation applications are subject to two public meetings. The first is a Public Hearing with the Planning and Zoning Commission, who shall make a recommendation to City Council to approve, approve with conditions, deny the application, or remand the application back to the applicant with instructions for modifications.

The second meeting is a public meeting (not a hearing) with City Council who shall consider the recommendation of the P&Z. Council shall approve, approve with conditions, deny the application, or remand the application back to the applicant.

**APPLICATION**

The applicant is Gunnison County, represented by Russ Forrest, Gunnison County Community Development Director. The request is to vacate 10<sup>th</sup> Street south of Railroad Avenue. The applicant's narrative states the following:

“The Gunnison County Airport controls the land to the south and to the east and west of the southern-most portion of 10<sup>th</sup> Street. Gunnison County is respectfully requesting that a southern portion of 10<sup>th</sup> Street be vacated and conveyed to the Gunnison County Airport to satisfy requirements imposed by the Federal Aviation Administration (FAA)...

...The airport was awarded a FAA grant leveraging AIP (Airport Improvement Program) Entitlement funding to acquire land identified as Parcel 38, for protecting approaches to the airport and the removal of Public Works buildings. The Public Works buildings were identified as obstructions to the Part 77 surfaces which are airspaces of defined dimensions around an airport required to be free of obstacles for the purpose of providing safe navigation to airport approaching and departing or operating in the vicinity of an airport.

Finally we wanted to take the opportunity to provide our perspective on the criteria for a vacation and how it may relate to this request:

1. Access to a Public Road...Response: This criteria is met in that, the County owns the land to the east, west, and south of the subject property. No lands shall be left without access due to this action.
2. Easements...Response: Although subject to BOCC approval, County staff is aware of the need to grant an easement under the current parking lot at the airport. Staff will make every effort to facilitate this easement. The applicant is not aware of any utility easements associated with the subject property, so we believe this criteria is met.
3. Master Plan...Response: We can find no evidence that this proposal would be inconsistent with the Master Plan. It will support the continued use of a major public facility in the City of Gunnison that is vital for transportation and tourism. It also will have no practical impact since the land is already used by the County and County is the adjacent property owner to the south, east, and west.

**STAFF REPORT**  
**VACATION OF RIGHT-OF-WAY AND EASEMENT**  
**A Portion of South 10<sup>th</sup> Street**

4. Transfer or Sales of Lots...Response: This criteria is met in that there are no conflicts with any other land owners.

Again we appreciate the opportunity to make this application and believe it meets the City's criteria for a vacation..."

**SITE ASSESSMENT**

The requested portion of 10<sup>th</sup> Street is south of Railroad Avenue and surrounded by the Gunnison-Crested Butte Regional Airport on the east, south and west. The property to the northwest of the proposed vacation is an industrial use.

The right-of-way (ROW) was historically used to access the County Public Works main building and storage shed. This portion of 10<sup>th</sup> Street has never been used as a public thoroughfare. Several rights-of-ways have been vacated in the past (See Figure 1 below) for the use and function of the airport.

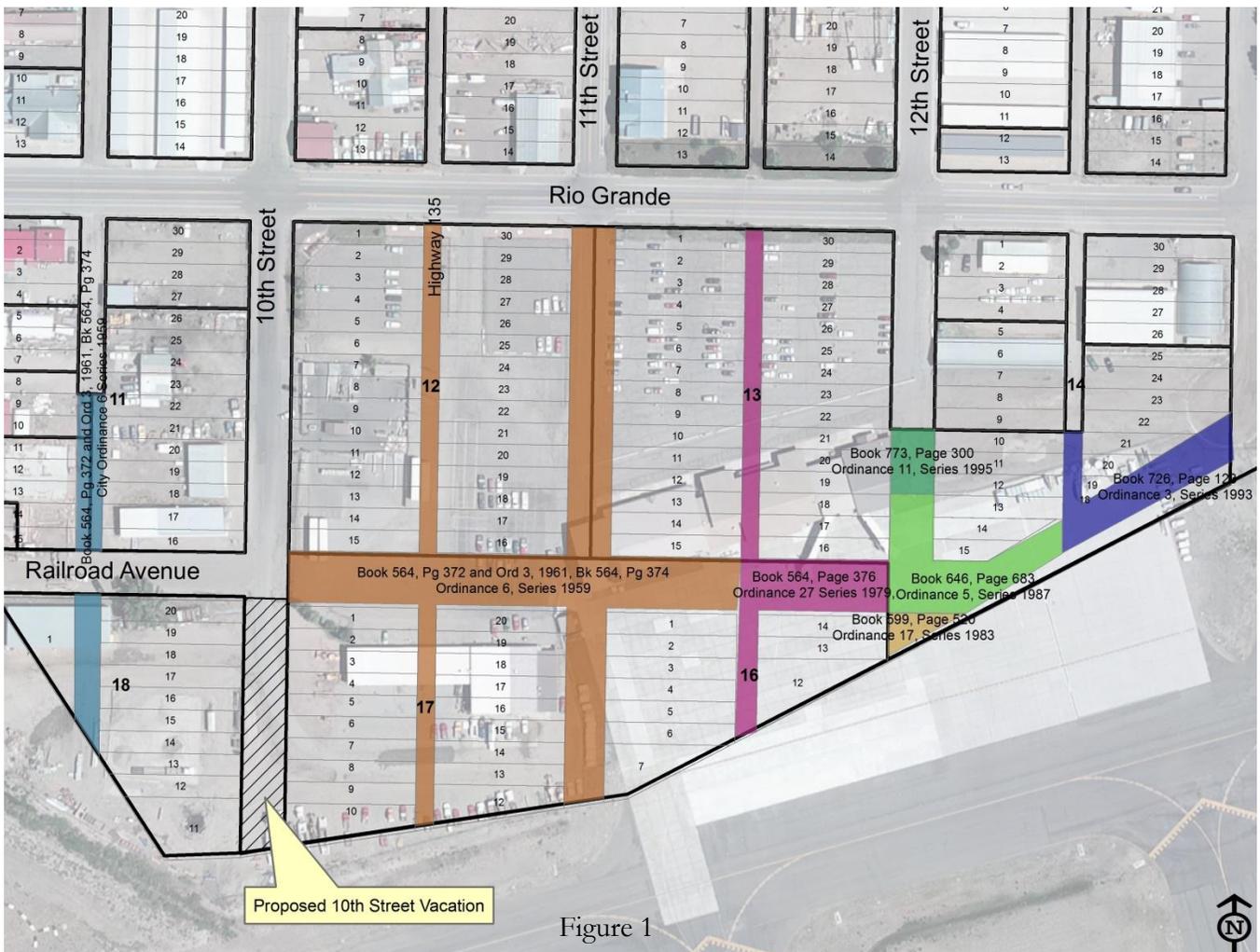


Figure 1

**STAFF REPORT**  
**VACATION OF RIGHT-OF-WAY AND EASEMENT**  
**A Portion of South 10<sup>th</sup> Street**

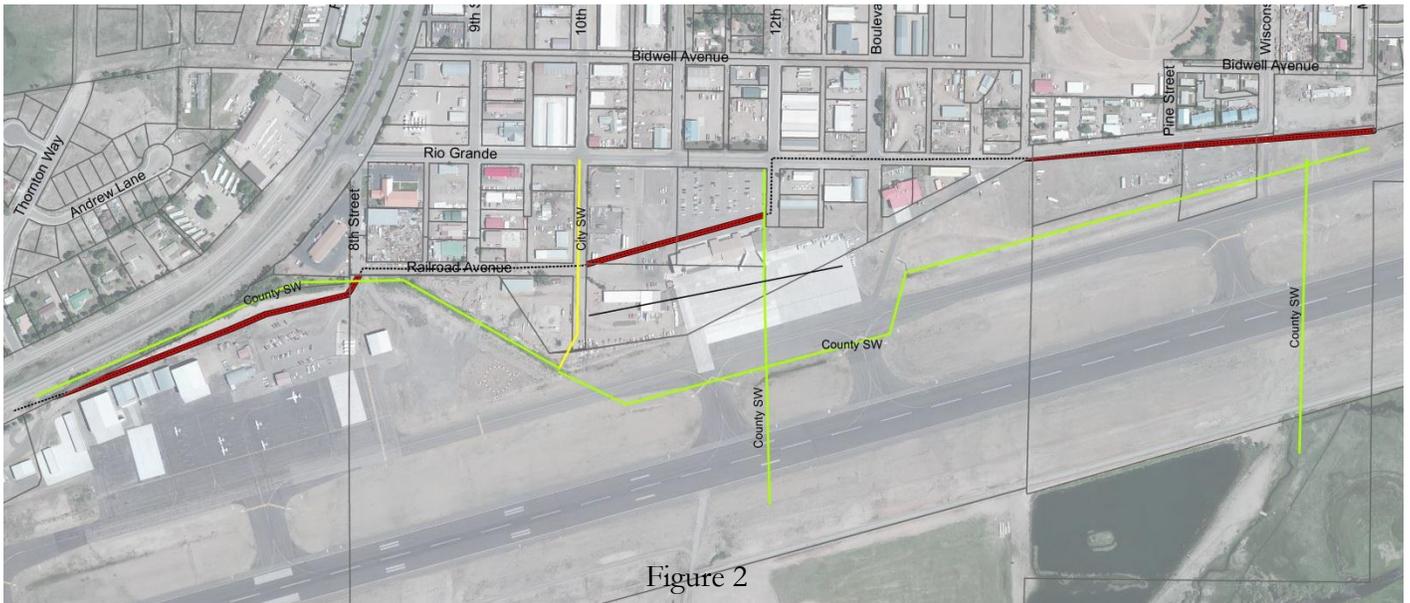
The FAA has identified portions of the Airport and City as Parcel 38 which includes blocks 12, 17 and 18, Rio Grande Addition and the south 10<sup>th</sup> Street segment (See Figure 1 above). The 10<sup>th</sup> Street segment is identified by the FAA as an area that might create an undue risk or interference with the use and operation of the Gunnison-Crested Butte Regional Airport.

**EXISTING UTILITIES**

A City stormwater drain is located in 10<sup>th</sup> Street and terminates at a drainage swell within the airport property (See Figure 2 below). The drainage swale connects to other airport stormwater drains and is a part of the Airport's drainage system. A 20' wide easement (10' each side of the utility line) will be required for maintenance of the City's stormwater drain within 10<sup>th</sup> Street.

A large sewer main is adjacent or within the airport property from approximately Main Street to west Highway 50 (See Figure 2 below). This sewer line serves large portions of the City and easements to the City are crucial for the protection and maintenance of the sewer lines. The figure below indicates the sewer line and proposed easements (in red) on the airport property. A 20' wide easement is proposed within the airport property.

County staff has invited Community Development staff to participate on the steering committee to update the *Gunnison-Crested Butte Regional Airport Master Plan*. Utilities will be part of the discussion to determine the location and extent of utility line easements, within the airport, that are necessary to serve the City and the County's interests.



**CITY STAFF REVIEW**

- Police Chief**: No issues.
- Parks & Rec. Director**: No issues.
- Building Official**: No issues.
- Fire Marshall**: No issues.
- Public Works Director**: No issues.
- City Engineer**: No issues.

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
A Portion of South 10<sup>th</sup> Street

**Water & Sewer Superintendent:** We need the easement for water and sewer across the old Public Works parking lot and for stormwater drain down south 10<sup>th</sup> Street.

**Electric Superintendent:** As long as easement still exists for underground electric feeding old county building and airport terminal.

**STAFF OBSERVATIONS**

1. The applicant is requesting to vacate a portion of the 10<sup>th</sup> Street right-of-way (ROW).
2. The adjoining property owner of the proposed vacated ROW is Gunnison County and the property is used for the Gunnison-Crested Butte Regional Airport.
3. The vacation of the 10<sup>th</sup> Street segment will not affect any future street extensions defined in the *City of Gunnison Master Plan*. Furthermore, the vacation of this ROW segment will not create land-locked parcels or deny legal access to any parcel.
4. A stormwater drain and possibly underground electric are within the 10<sup>th</sup> Street ROW and a 20' easement will be required for the maintenance of those public utilities.
5. The County was awarded grant funding by the FAA to protect approaches to the airport and for the removal of the old Public Works building. In the FAA report the proposed 10<sup>th</sup> Street ROW is listed as part of the protection area.
6. The City and the County have been negotiating over the years to determine the location and extent of utility line easements within the airport that are necessary to serve the City and the County's interests. City Community Development staff will be participating in the steering committee to update the *Gunnison-Crested Butte Regional Airport Master Plan*.
7. A large sewer line that runs east to west is within portions of the Gunnison-Crested Butte Regional Airport. A 20-foot wide utility easement within the airport property will allow for the maintenance of the existing City sewer line.

**REVIEW STANDARDS**

The *Land Development Code* Section 12.11 E. contains four specific standards that must be met in order for a vacation of a recorded plat, right-of-way or easement to be approved.

**1. Access to a Public Road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road. Furthermore, there shall be an express reason for and a derived benefit to the City for a vacated roadway request.**

**No Conflict:** The vacation of the 10<sup>th</sup> Street ROW segment and the utility easement will not create any land-locked parcel.

**2. Easements. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.**

**Possible Conflict:** A 20' easement is required in the vacated 10<sup>th</sup> Street ROW for the maintenance of a stormwater drain and any other public utilities.

A large sewer main is adjacent or within the airport property from approximately Main Street to West Highway 50. This sewer line serves large portions of the City and a 20' easement to the

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
A Portion of South 10<sup>th</sup> Street

City is crucial for the protection and maintenance of the sewer lines. The legal descriptions of these easements have been created and stamped by Tim Pearson, Professional Land Surveyor.

**3. Master Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions and recommended actions of the Master Plan.**

**Possible Conflict:**

Chapter 8, Transportation, Policy 1.12: Discourage the vacation of alley or street rights of way in an effort to integrate them into multi-use travel corridors.

Chapter 8, Transportation, Policy 5.3: Protect right-of-ways that may be used for future transit systems.

The vacation of this portion of 10<sup>th</sup> Street has no effect on future street extensions identified in the *City of Gunnison Master Plan (2007)* and terminates at the Gunnison-Crested Butte Regional Airport. An easement will be required for the maintenance of public utilities.

**4. Transfers or Sales of Lots. A subdivision plat may be vacated if none of its lots has been sold or transferred; or if there have been sales or transfers there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.**

**Not Applicable.** A subdivision plat is not being vacated.

**ACTION**

During the regular Planning and Zoning Commission meeting held on May 28, 2014, Commissioner \_\_\_\_\_ moved, Commissioner \_\_\_\_\_ seconded, and the Commission voted to recommend APPROVAL to City Council of Vacation Application, VF 14-1 submitted by Gunnison County, to vacate a portion of the 10<sup>th</sup> Street right-of-way with the following findings of fact and conditions:

**Findings of Fact:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents, staff reports, applicable provisions of the *City of Gunnison Master Plan* and *Land Development Code*, and written and verbal testimony submitted during the public hearing held for this application.
2. The Planning and Zoning Commission finds that the applicant requests that a segment of the south 10th Street right-of-way be vacated.
3. Pursuant to *Colorado Revised Statutes*, upon vacation of the portion of the right-of-way described, the adjoining owners get equal portions. The Planning and Zoning Commission finds that Gunnison County owns property surrounding the vacated right-of-way.
4. The Planning and Zoning Commission finds that the vacation of the south 10<sup>th</sup> Street segment is not in conflict with future street extensions as contemplated by the *City of Gunnison Master Plan (2007)*.
5. The Planning and Zoning Commission finds that the vacation of this ROW segment will not create land-locked parcels or deny legal access to any parcel.

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
A Portion of South 10<sup>th</sup> Street

6. The Planning and Zoning Commission finds that the establishment of a 20-foot wide utility easement within the vacated ROW area will allow for the maintenance of a stormwater drain and other public utilities.
7. The Planning and Zoning Commission finds that the FAA awarded Gunnison County with grant leveraging entitlement funding to acquire land for protecting approaches to the airport and for the removal of the old Public Works buildings.
8. The Planning and Zoning Commission finds that the south 10<sup>th</sup> Street segment is identified as an area that might create an undue risk or interference with the use and operation of the Gunnison-Crested Butte Regional Airport.
9. The Planning and Zoning Commission finds that City Community Development staff will be participating on the steering committee to update the *Gunnison-Crested Butte Regional Airport Master Plan*. The Commission further finds that utilities will be part of the discussion to determine the location and extent of utility line easements within the airport that are necessary to serve the City and the County's interests.
10. The vacation of the south 10<sup>th</sup> Street ROW will protect the health, safety and welfare of the community with the following Conditions:

**Conditions:**

1. The vacated segment of south 10<sup>th</sup> Street shall reserve a 20-foot utility easement. The location of this easement shall be finalized prior to approval and recording of the 10<sup>th</sup> Street ROW.
2. Easements for the east/west sewer line shall be recorded prior to, or concurrent with, the approval and recording of the vacated 10<sup>th</sup> Street right-of-way.

**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):** Gunnison County, Colorado (Point of Contact is Russell Forrest)

**Phone #:** (970) 641-7929 **Fax #:** (970) 641-8585 **E-Mail:** rforrest@gunnisoncounty.org

**Mailing Address:** 221 N. Wisconsin St., Suite D  
**City:** Gunnison **State:** Co **Zip:** 81230

**Legal Description**  
 Site Address of Property: 10th St. Vacation Zoning N/A - Right of Way  
 Block: Adj. Blk 17 & 18 Lot(s): Addition: Rio Grande Addition

**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 request that the City of Gunnison vacate a portion of Right of way on south 10th street. See Attached Letter

**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

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To: Steve Westbay  
Community Development Director

From: Russell Forrest and Rick Lamport

Date: May 6, 2014

Subject: Request to vacate a southern portion of 10<sup>th</sup> Street

---

The Gunnison County Airport controls the land to the south and to the east and west of the southern-most portion of 10<sup>th</sup> street. Gunnison County is respectfully requesting that a southern portion of 10<sup>th</sup> street be vacated and conveyed to the Gunnison County Airport to satisfy requirements imposed by the Federal Aviation Administration (FAA).

Gunnison-Crested Butte Regional Airport is a commercial service airport and classified under the National Plan of Integrated Airports as a Non-Hub Primary Airport and regulated by the Federal Aviation Administration under FAR Part 139.

The airport was awarded a FAA grant leveraging AIP (Airport Improvement Program) Entitlement funding to acquire land identified as Parcel 38, for protecting approaches to the airport and the removal of Public Works buildings. The Public Works buildings were identified as obstructions to the Part 77 surfaces which are airspaces of defined dimensions around an airport required to be free of obstacles for the purpose of providing safe navigation to aircraft approaching and departing or operating in the vicinity of an airport.

The airport must provide evidence that it has acquired control over the parcels by acquiring a fee title to Parcel 38, that the parcel in its entirety is subject to no liens, encumbrances, reservations or exceptions which in the opinion of the FAA might create an undue risk or interference with the use and operation of the airport and agrees to prevent any future permanent structures being erected on said parcels so as to prevent impacts to air navigation in the vicinity of the airport unless approved by the FAA.

Finally we wanted to take the opportunity to provide our perspective on the criteria for a vacation and how it may relate to this request:

- 1. Access to a Public Road.** No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road. Furthermore, there shall be an express reason for and a derived benefit to the City for a vacated roadway request.

**Response:** This criteria is met in that, the County owns the land to the east, west, and south of the subject property. No lands shall be left without access due to this action.

2. **Easements.** In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.

**Response:** Although subject to BOCC approval, County staff is aware of the need to grant an easement under the current parking lot at the airport. Staff will make every effort to facilitate this easement. The applicant is not aware of any utility easements associated with the subject property, so we believe this criteria is met.

3. **Master Plan.** A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implement the applicable intent statements, specific directions and recommended actions of the *Master Plan*.

**Response:** We can find no evidence that this proposal would be inconsistent with the Master Plan. It will support the continued use of a major public facility in the City of Gunnison that is vital for transportation and tourism. It also will have no practical impact since the land is already used by the County and the County is the adjacent property owner to the south, east, and west.

4. **Transfers or Sales of Lots.** A subdivision plat may be vacated if none of its lots has been sold or transferred; or if there have been sales or transfers there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

**Response:** This criteria is met in that there are no conflicts with any other land owners.

Again we appreciate the opportunity to make this application and believe it meets the City's criteria for a vacation. We are happy to answer any questions the Council, Planning Commission, and/or staff may have related to this application.

Please find attached the following:

- Attachment A: Application
- Attachment B: Vicinity Map and Adjacent Property owners
- Attachment C: Area requested for vacation on 10<sup>th</sup> Street
- Attachment D: Location of sewer utility underneath Airport parking lot

Adjacent Owners and Vicinity Map  
to Proposed 10<sup>th</sup> Street Vacation  
VF 14-1

The following adjacent property owners were notified via certified mail:

- 1 RV Commercial Rentals  
1708 California Street, NE  
Albuquerque, NM 87110-6834
- 2 Board of County Commissioners  
200 E. Virginia Avenue, Suite 204  
Gunnison, CO 81230



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Assessor  
Quick  
Links  
Gunnison  
Assessor  
Home  
Find  
Property  
Records



*B.C.*

**Owner and Parcel Information**

**Owner Name & Mailing Address**

GUNNISON COUNTY AIRPORT  
200 E VIRGINIA AVE  
GUNNISON, CO 81230-2248

**Business Name:** NA

**Today's Date:** May 6, 2014  
**Appraisal Year:** 2013

**Account Number:** R002287  
**Parcel Number:** 3787-021-33-002  
**Account Type:** Exempt  
**Economic Area:** Econ Area 1  
**Tax District:** 100  
**Mill Levy:** 44.152

**Property Location:** 711 RIO GRANDE AVE, GUNNISON

**Neighborhood:** 12070

**LEA:** ECON 1 MEADOW (12070)

**Subdivision:** RIO GRANDE ADDITION (GUNNISON)

**Condo:**

**Legal Description:** LOTS 1-30 & THE N/S ALLEY & THE W 1/2 OF 11TH ST BETWEEN THE S EDGE OF RIO GRANDE AVE & THE N EDGE OF RAILROAD AVE BLK 12 RIO GRANDE ADDN (W2 OF PARK LOT-AIR TERMINAL)

**Parcel Notes:** TOTAL PARCEL = 21.52 AC (COUNTY SHOP) W2 OF PARKING LOT OF AIR TERMINAL

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

**2014 Assessment Information**

| Land Actual Value | Land Assessed Value | Building Actual Value | Building Assessed Value | Total Actual Value | Total Assessed Value |
|-------------------|---------------------|-----------------------|-------------------------|--------------------|----------------------|
| \$110,370         | \$32,010            |                       |                         | \$110,370          | \$32,010             |

**Prior Year Assessment Information**

| Year | Actual Value | Assessed Value | Mill Levy | Ad Valorem Taxes |
|------|--------------|----------------|-----------|------------------|
| 2011 | \$146,200    | \$42,400       | 44.343    | \$0.00           |
| 2010 | \$300,000    | \$87,000       | 40.939    | \$0.00           |
| 2009 | \$300,000    | \$87,000       | 39.757    | \$-1.00          |
| 2008 | \$315,000    | \$91,350       | 41.387    | \$-1.00          |
| 2007 | \$315,000    | \$91,350       | 36.186    | \$-1.00          |
| 2006 | \$224,000    | \$64,960       | 43.784    | \$-1.00          |

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

**Land Information**

| Land Description   | Land Type | Acres  | Site Access | Electricity | Sewer   | Water   | Other Attributes   |
|--------------------|-----------|--------|-------------|-------------|---------|---------|--------------------|
| EXEMPT-COUNTY-LAND | Exempt    | 21.520 | YEAR ROUND  | YES         | CENTRAL | CENTRAL | LAND TYPE - MEADOW |

**Sales Information**

| Sale Date | Sale Amount | Grantor | Grantee | Vacant or Improved (at time of sale) | Reception # | Deed Type |
|-----------|-------------|---------|---------|--------------------------------------|-------------|-----------|
|-----------|-------------|---------|---------|--------------------------------------|-------------|-----------|

No sales associated with this parcel.

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: May 5, 2014

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Filed for record the 13th day of August, A.D. 1985, at 9:15 o'clock A.M. Joanne M. Reittinger Recorder

Reception No. 389328

BOOK 620 PAGE 631

By Joanne M. Reittinger Deputy

WARRANTY DEED

THIS DEED, made this 9th day of August, 1985, between NICHOLAS J. LYPPS and MICHAEL I. POTOKEK, of the County of Gunnison and State of Colorado, of the first part, and the COUNTY OF GUNNISON, COLORADO, whose legal address is 200 East Virginia Avenue, Gunnison, CO 81230, of the County of Gunnison and State of Colorado, of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described parcel of land, situate, lying and being in the County of Gunnison and State of Colorado, to wit:

A tract of land within the City of Gunnison, State of Colorado, according to the plat of the Rio Grande Addition to the City of Gunnison on file in the office of the Clerk & Recorder of Gunnison County under Reception No. 247973, which tract is more particularly described as follows:

STATE DOCUMENTARY FE

DATE 8/13/85

No Fee

Beginning at a point which is the southeast corner of Block 18 in said Rio Grande Addition; thence North 0°04' East 122.88 feet to the POINT OF BEGINNING; thence South 73°33'21" West 155.42 feet; thence North 34°13' West 50.75 feet; thence North 73°33'21" East 185.23 feet; thence South 0°04' West 50.41 feet to the POINT OF BEGINNING; said tract containing 8,231 square feet, more or less, and including all or parts of Lots 13, 14, 15 and 16 of said Block 18.

Bearings and distances used herein are relative to the recorded plat of the Rio Grande Addition.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and 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 said parties of the first part, 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 the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said parties of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensembling and delivery of these presents they are well seized of the premises above conveyed, as of 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, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever.



A parcel of land, being a portion of 10th Street, according to the Plat of Rio Grande Addition to the City of Gunnison, filed at Reception No. 247973 in the records of Gunnison County, Colorado, being more particularly described as follows:

Commencing at the northwest corner of Block 17, said Rio Grande Addition, the POINT OF BEGINNING of the herein described parcel; thence the following courses:

1. South 00°00'00" East 274.81 feet along the west boundary of said Block 17 to the south boundary of said Rio Grande Addition (this leg is platted as S 00°04' W) ;
2. South 81°28'00" West 50.56 feet along said boundary to the southeast corner of Block 18, said Rio Grande Addition (this leg is platted as S 81°32' W);
3. North 00°00'00" East 282.31 feet along the east boundary of said Block 18 to the northeast corner of said Block 18 (this leg is platted as N 00°04' E);
4. North 00°00'00" East 50.00 feet along the south boundary of Railroad Avenue, said Rio Grande Addition to the POINT OF BEGINNING.

Basis of bearings is NORTH between city monument at the intersection of Main Street with Tomichi Avenue and a similar monument at the intersection of Main Street with Denver Avenue.  
Record bearings shown on the Plat of Rio Grande Addition have been rotated 00°04' counter-clockwise.

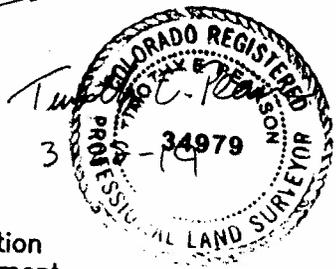
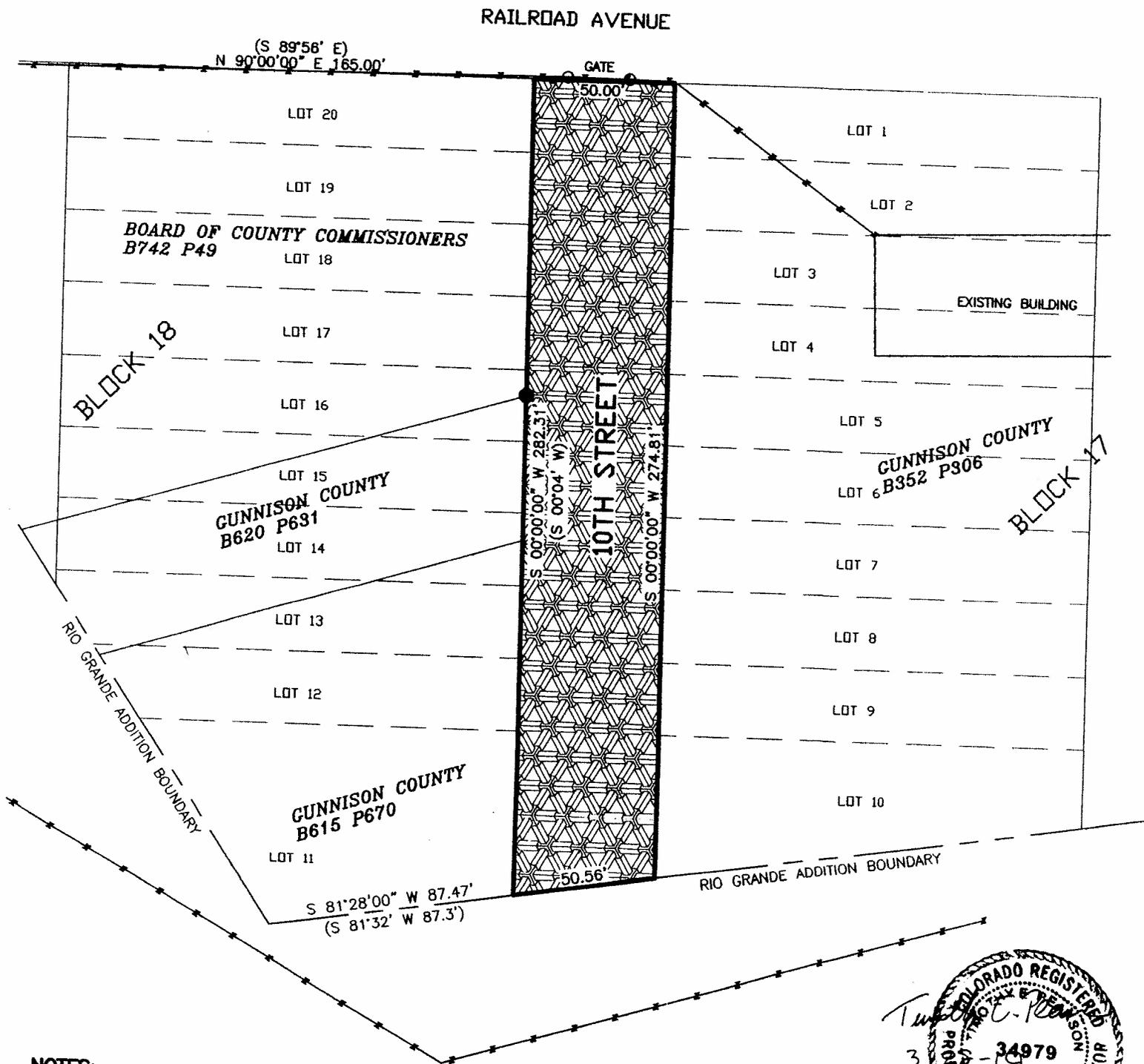
This parcel contains 0.32 acres, more or less.

*Timothy E. Pearson*

3-28-14



**10TH STREET VACATION**  
 ADJACENT TO BLOCKS 17 & 18  
 RIO GRANDE ADDITION TO THE CITY OF GUNNISON  
 GUNNISON COUNTY, COLORADO

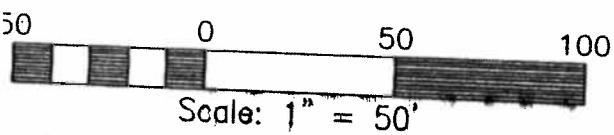
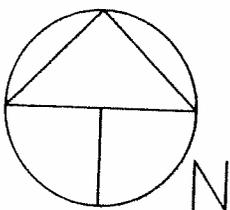


**NOTES:**

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.
2. Lot corners were established using information on the Plat of Rio Grande Addition (Rec. No. 247973), supplemented by information on City of Gunnison plat prepared by Fisher Engineering (1960).
3. Record bearings shown on the Plat of Rio Grande Addition have been rotated 00°04' counter-clockwise. Record bearings and distances are shown in parentheses.

**LEGEND**

- Found rebar with aluminum cap stamped "LS 18469"
- x-x- Fence
- Vacated portion of 10th Street



Description of newly created easement through Gunnison County Airport property prepared for the City of Gunnison.

A parcel of land within Blocks 12 and 13, and within vacated 11th Street and Railroad Avenue adjacent to said Blocks 12 and 13, and within the vacated alleys within said Blocks 12 and 13, according to the official plat of Rio Grande Addition to the City of Gunnison, being more particularly described as follows:

A strip of land, 20 feet wide, lying 10 feet on each side of the following described centerline:

Commencing at the northeast corner of said Block 13, thence S 00°00'00" E 181.90 feet along the east boundary of said Block 13 to the POINT OF BEGINNING, thence the following courses along said centerline:

1. South 73°30'29" West 166.78 feet;
2. South 73°16'57" West 301.60 feet;
3. South 74°41'04" West 250.11 feet to the west boundary of said Block 12 extended, the TERMINUS of the herein described centerline.

This parcel contains 0.33 acres more or less.

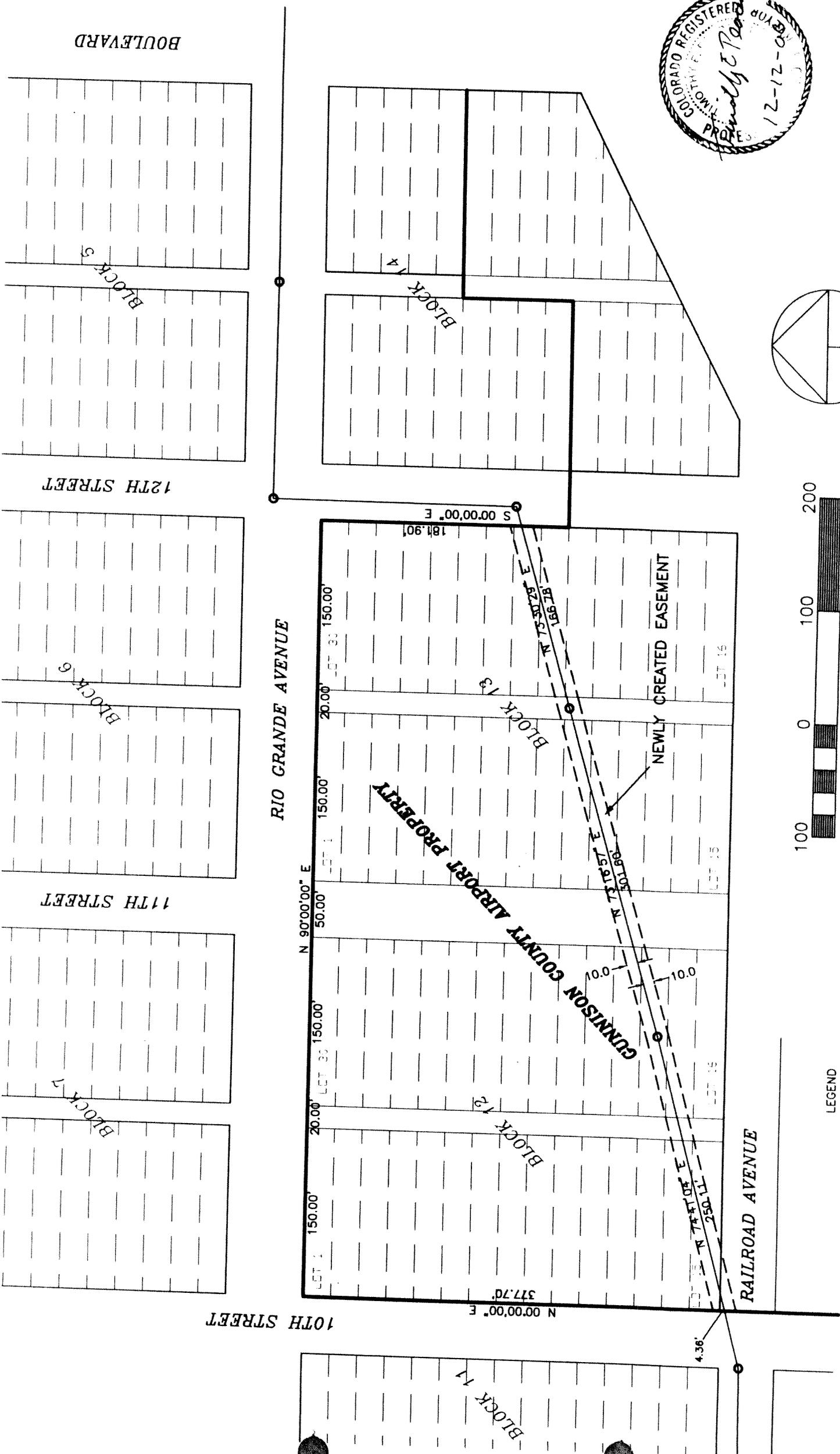
Basis of bearings is north along Main Street as defined by city monuments at the intersections of Main Street with Tomiche Avenue, and Main Street with Denver Avenue.



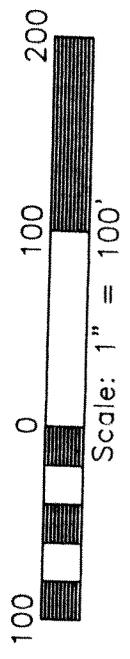
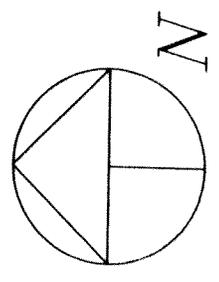
*Timothy E Pearson*

12-12-06

PEARSON SURVEYING  
GUNNISON, CO 81230  
970-641-2910



PEARSON SURVEYING  
 GUNNISON, CO 81230  
 970-641-2910



LEGEND  
 ○ MANHOLE

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

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: May 28, 2014  
RE: Minor Subdivision - Final 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 the Planning Commission at a public hearing;
2. Review and recommendation of the Final Plat by the Planning Commission (with no public hearing); and action on the Final Plat by City Council (with no public hearing).

The Planning and Zoning Commission reviewed and approved the Preliminary Plat application on May 14, 2014 with the following findings of Fact and Conditions:

**Findings of Fact:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a 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 required for the resultant Parcel B.
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 Conditions:

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

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.
4. A new water line is required for Parcel B.

The Planning and Zoning Commission reviews the Final Plat application and may recommend to City Council to approve, approve with conditions, remand the application for additional information, or deny the application.

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.
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

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

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. In order to achieve this, the applicant has submitted an application for a Minor Subdivision, Conditional Use (for the Townhomes) and Variance (with the ZBOAA for front setbacks).

If the Minor Subdivision, Conditional Use and Variance 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.

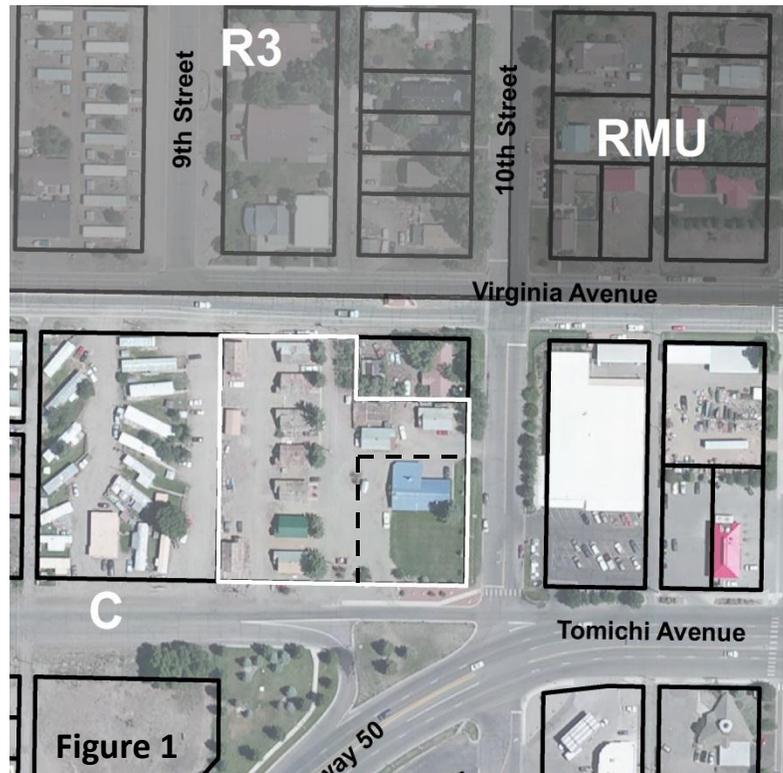
**SITE ASSESSMENT**

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, Conoco, and Metamorphosis) to the east and south.

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.

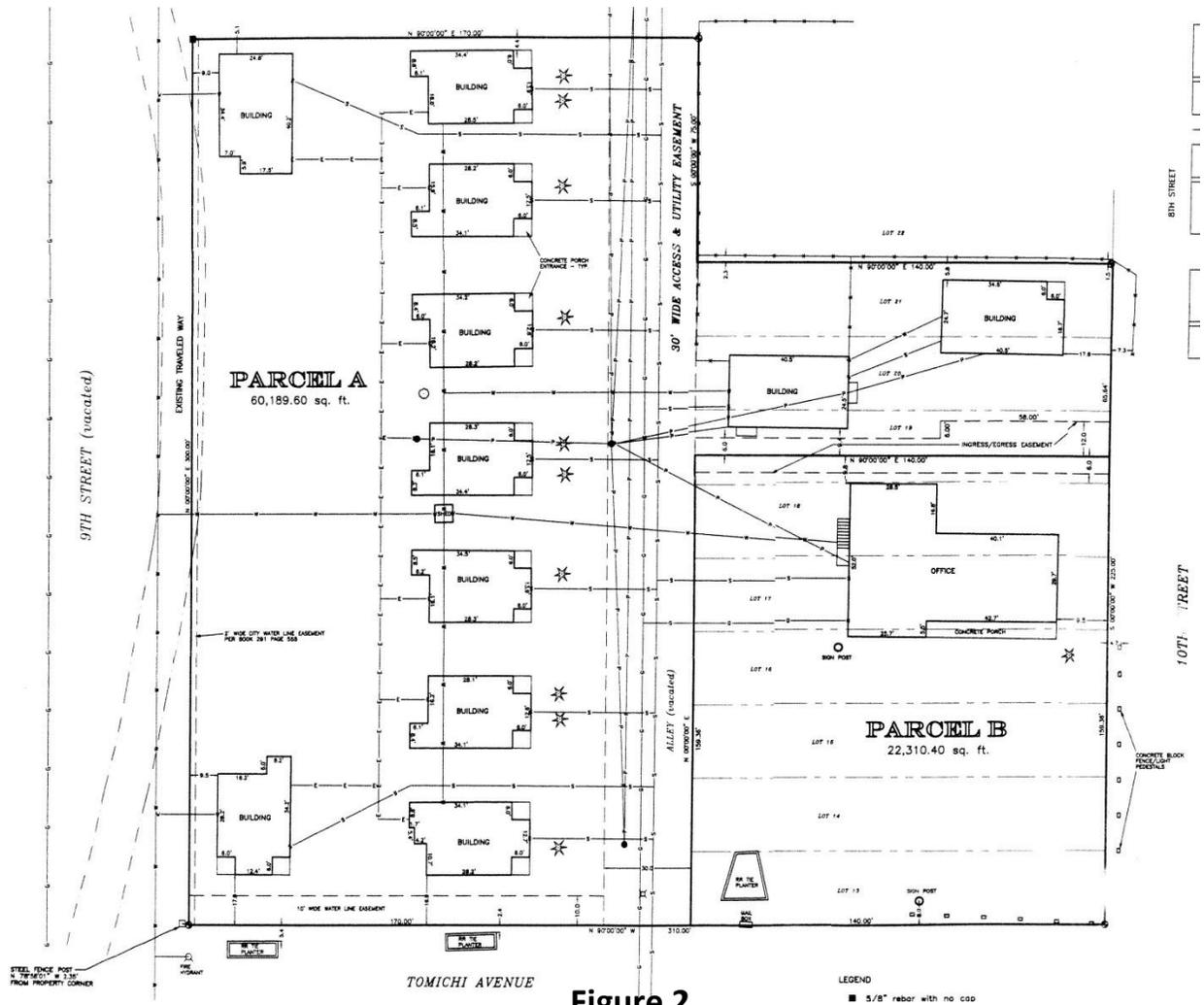


**STAFF REPORT**  
**Minor Subdivision – Final Plat**  
**Tom and Jani Pulaski – 101 North 10<sup>th</sup> Street**

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.



**Figure 2**

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

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.

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 has allowed 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. A new service water line is proposed for the resultant Parcel B.
9. 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.
10. The requested subdivision does not have an adverse effect the health, safety and welfare of the community.

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

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.**

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 Final 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 Final Plat.

**STAFF REPORT**  
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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 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 includes a dedication 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.

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**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.

**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 28, 2014, Commissioner \_\_\_\_\_ moved, Commissioner \_\_\_\_\_ seconded and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council, of Minor Subdivision Final 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 plat 17 of the units as a common interest community (townhomes).

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

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.
6. The Planning and Zoning Commission finds that a non-motorized public access within the 30' wide north/south utility easement is to be dedicated to the City when the plat is recorded.
7. The Planning and Zoning Commission finds that a new service water line is required for the resultant Parcel B.
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:

**Condition:**

1. A new service water line is required for Parcel B.

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| <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, Planning Technician Pam Cunningham, Hope Jones, Emily Jones, Geoff Heller, Tom Pulaski, Jani Pulaski, and Jessie Weaver

**I. CALL TO ORDER AT \_ 7:00 M BY CHAIR GREG LARSON**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. UNSCHEDULED CITIZENS.** There were none

**IV. PUBLIC HEARING – CU 14-2, FOR THE OPERATION OF A FOOD VENDOR TRUCK AS A TEMPORARY COMMERCIAL ACTIVITY IN THE CENTRAL BUSINESS DISTRICT.**

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:02 p.m.

**Proof of publication.** There was proof of publication.

**Review of the Process.** Planner Ruggera reviewed the process for a Text Amendment. The applicant is Hope Jones, who proposes the operation of a food service truck as a temporary commercial activity at 301 West Tomichi.

**Applicant Presentation.** Hope Jones addressed the Commission. She explained that she is seeking approval for a gourmet food truck north of Safeway. It is being built and will be done the first part of July. The food she serves will be locally sourced; if it is not found in the Gunnison Valley, it will be local to Colorado. She will serve breakfast and lunch six days a week and will do catering also.

Commissioner Beda asked if it will be a truck or a trailer and Ms. Jones responded that it is a truck.

**Public Input.** Emily Jones addressed the Commission and said that the food truck would be a great addition to the community and give great options for breakfast and lunch.

**Staff Presentation.** Planner Ruggera reviewed the Staff Observations. The Staff Observations include that the Applicant will be required to obtain a City sales tax license, a type K fire extinguisher, a Type 1 kitchen hood system and a certificate from the department of Public Health and Environment.

Planner Ruggera stated that in the Review Standards there is a possible conflict because the permit has not yet been received from the Colorado Department of Public Health and Environment; there is a Condition that the permit it is a requirement prior to opening.

Commissioner Beda observed that the application is for a temporary commercial activity and asked the applicant if the truck will be open in the winter. She responded that it depends upon how busy the summer is.

Commissioner Ferchau asked what the process is if the Applicant wants to add other locations. Director Westbay responded that the Conditional Use is dependent upon location and site conditions and that she would have to go through the process again for another location.

### **Commission Discussion**

Chair Larson stated it is a novel idea to use locally-sourced food.

Councilor Ferguson stated there is a history of food service trailers at the same location, so this is not unfamiliar.

**Close Public Hearing.** Chair Larson closed the public hearing at 7:08 p.m.

- V. **COMMISSION ACTION.** During the regular Planning and Zoning Commission meeting held on May 14, 2014, Commissioner Beda moved, and Commissioner Cave 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 truck 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 truck in the Central Business District.
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 truck 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 truck 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 truck 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 truck 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.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, Ferguson, Cave, Beda

Roll Call No:

Roll Call Abstain:

Motion carried

**VI. PUBLIC HEARING – MINOR SUBDIVISION, PRELIMINARY PLAT, SB 14-1, SUBMITTED BY TOM AND JANI PULASKI.**

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:12 p.m.

**Proof of publication.** There was proof of publication.

**Review of the Process.** Planner Ruggera reviewed the process for a Text Amendment. The application is to subdivide a parent parcel of less than four acres. A Minor Subdivision is a two-step review process which includes a review of the preliminary plat by the Planning and Zoning Commission at a public hearing and a review and recommendation of the final plat by the P&Z, with no public hearing, followed by action by City Council, with no public hearing. The applicants would like to subdivide the main house from the remaining 17 structures and plat the five single unit structures and six duplex structures as townhomes. The applicant held a pre-application conference with the Commission on March 26, 2014 requesting a Map Amendment to rezone the property from Commercial to R3 Residential, a Minor Subdivision and a Conditional Use for a home business. After the original request, staff pursued a Text Amendment to make townhomes Conditional in the Commercial zone district. The applicants have since withdrawn the applications to rezone the property and for the Conditional Use for a Home Business and have submitted a Conditional Use application for the Townhome land use. If the Minor Subdivision and Conditional Use applications are approved, the applicants could then pursue the Townhome plat, which would be processed at staff level.

**Applicant Presentation.** Tom Pulaski addressed the Commission. He explained that they are proposing to subdivide 2,000 square feet from the 1.9 acre parcel. They want to have individual ownership of the large house.

**Public Input.** Jessie Weaver addressed the Commission. She stated that she owns 50 Hi Trailer Park and that there has been some controversy over a fence going up and she wants to be clear where the fence will be. Mr. Pulaski stated he was not aware of a controversy and that the property has been surveyed and asked Ms. Weaver if the stakes are in the right place. Ms. Weaver replied she is disputing how it runs because the old survey stakes have been moved.

Director Westbay responded that the fence location is outside the scope of this hearing. He said that a licensed surveyor doing the plat has established the corners. He said that at this time, we would have to rely on the surveyor of record. Ms. Weaver said she would want to have a survey done. Director Westbay stated that the parties could ask the surveyor to explain how he came to the survey. Ms. Weaver stated that vacated Ninth Street belongs to 50 HI. Mr. Pulaski stated he believes the survey stakes show that.

Director Westbay stated that a Condition could be established that the final survey will be reviewed by the neighbor.

Chair Larson stated that there will be a separate meeting regarding the rest of the property.

**Staff Presentation.** Planner Ruggera went over the draft plat and explained access for non-motorized public access, ingress and egress and the utility easements. She stated staff is requesting some changes and that the Conditions reflect those changes.

Mr. Pulaski stated there will be a finalized survey and a certain amount of land will be dedicated to the townhomes.

Commissioner Beda asked if there will be access from Virginia and Tomichi. Director Westbay responded that there will be non-motorized public access. He also said that the detail associated with the application is the utilities and easements.

Mr. Pulaski said there will be a dedicated water line from the southwest corner to the house so that it doesn't impact the townhomes.

Commissioner Beda observed that in the Conditions and Findings it is stated that the water line is *proposed*. He said there should be a Condition that it is *necessary*.

Commissioner Beda asked if, for some reason the Text Amendment to the LDC making the Townhome use Conditional is not approved after the subdivision is approved, it will affect the applicants. Director Westbay responded that all indications are that the Council will pass the revisions to the *LDC*. But, if they aren't approved, Mr. Pulaski would still have the option to rezone.

Commissioner Ferchau asked if there is any limitation on the large lot in terms of what other single-family structures can be put there in the future. Director Westbay replied that it would be under the density provisions, but there could be subsequent single-family residences.

Mr. Pulaski said they have no plans to add more residences.

**Commission Discussion.** No further discussion.

**Close Public Hearing.** Chair Larson closed the public hearing 7:29 p.m.

**ACTION.** During the Planning and Zoning Commission meeting of May 14, 2014, Councilor Ferguson moved, Commissioner Niemeyer 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 Conditions:

#### FINDINGS OF FACT

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a 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 required for the resultant Parcel B.
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 Conditions:

#### CONDITIONS

1. The Final Plat application shall comply with all provisions of the City's *Land Development Code*.
2. The description of the 10 foot-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 foot-wide north/south utility easement.
4. A new water line is required for Parcel B.

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

**VII. CONSIDERATION OF THE APRIL 23, 2014 MEETING MINUTES.** Commissioner Cave moved and Councilor Ferguson seconded, to approve the April 23, 2014 meeting minutes as amended.

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

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

- He shared with Council that the Upper Gunnison River Water Conservation District (UGRWCD) had a reception and dinner for representatives of the seven downstream water compact users. It was an informative opportunity to meet people with an interest in water. Representatives were from Aurora, California, Wyoming, the Colorado Attorney General's Office and others. He said that in listening to their knowledge and perspectives, he sensed there is a strong commitment to find ways to work together. He was encouraged that from this diversity of folks there is a common theme. Colorado has a commitment to seven downstream states and can't divert water that is already committed. The encouraging theme is that people are willing to think outside the box by reaching consensus and working together. There is hope for progress.
- Commissioner Ferchau asked about the status of the marijuana issue and where municipalities might go on the issue. Director Westbay responded that staff is preparing for a work session with City Council next week to discuss the ballot initiative. Commissioner Ferchau said he is interested in knowing if the issue of edibles and unintended consequences is shifting the dialogue. Director Westbay responded that it is not shifting the value-based dialogue, but the State is honing in on packaging and testing. There are specific provisions to address how they test and quantify THC.

Commissioner Beda commented that Aurora just passed an ordinance limiting retail sales to 25 outlets that cannot be closer than 1000 feet from any school, church, or residence. He said if the City were to do something like that, there is nothing on Main or the CBD that is not within 1,000 feet of a church. Director Westbay responded that the *State Statutes* give local jurisdictions the leeway to reduce setbacks.

- Councilor Ferguson stated that DOLA awarded a grant to Region 10 to do a study identifying the broadband needs of Region 10. Because there is a diversity of needs a revised RFP for a consultant has been published. He is hopeful this will result in clear information to help Region 10 work together.

**IX. COMMISSIONER COMMENTS**

- Chair Larson commented on the loss of Dr. John Wacker, stating that he was an asset to WSCU and the community, he will be missed.
- Commissioner Tocke thanked the Commission for excusing him from the last meeting.

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

- numerous planning applications have been received, which will be before the Commission in the next few meetings;
- the GOCO grant for trails was not recommended by GOCO staff for approval;
- the CWCB staff is recommending approval of the river restoration grant application for \$460,000;
- RFPs for consultants for the *Comprehensive Plan* were published and submittals have been received from three firms for updating the *Comprehensive Plan* and from two facilitation consultants—interviews will be held next week or after Memorial Day;
- the Community Analysis for the *Comprehensive Plan* is coming along;
- staff has spent several days reviewing the 400 pages of rules to enact the statutory provisions for retail marijuana and staff will be discussing the issue with Council in the upcoming weeks;
- staff has also been discussing the renovations of City Hall and the City has received a DOLA grant for the HVAC system;
- about 90 people participated in Ana’s Pledge;
- the course for the ProChallenge bike race has been announced; and,
- the Growler will be held on Memorial Day.

Chair Larson asked how all of the planning projects that have been submitted will impact progress on the *Comprehensive Plan*. Director Westbay responded that the next step is identifying the basic goals and ground rules, organizing committees, etc. Chair Larson said that we need to keep it moving forward, even if extra meetings are necessary.

**XI. ADJOURN.** Chair Larson adjourned the meeting at 7:57 p.m.

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Greg Larson, Chair

Attest:

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Pam Cunningham  
Secretary