

PLANNING AND ZONING COMMISSION
JUNE 25, 2014 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
Rev 6/20/2014**

DATE: WEDNESDAY, JUNE 25, 2014
TIME: 5:30 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

WORK SESSION

5:30 pm **COMPREHENSIVE PLAN GROUNDING CONCEPTS**
(Sandwiches will be provided)

REGULAR MEETING

7:00pm

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS**
- IV. PUBLIC HEARING AND POSSIBLE ACTION - VF 14-3, submitted by Sweitzer Oil and Whetsone & Associates, for the request to vacate a utility easement within Block 9, Rio Grande Addition, City and County of Gunnison.**
- V. CONSIDERATION OF THE JUNE 4, 2014 MEETING MINUTES**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. ADJOURN TO CONTINUED WORK SESSION**

WORK SESSION

CONTINUATION OF DISCUSSION ON COMPREHENSIVE PLAN GROUNDING CONCEPTS

To comply with ADA regulations, people with special needs are requested to contact the City of Gunnison Community Development Department at 641-8090.

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

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City of Gunnison Planning and Zoning Commission

DRAFT

Comprehensive Plan Grounding Process

June 2014

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INTRODUCTION

This document is intended to be used by the Planning and Zoning Commission (P&Z) as needed during the development of the city's *Comprehensive Plan* update. It establishes the grounding process that will provide direction throughout the planning process. Documenting the concepts of a grounding process at the onset of the plan can be useful later because it outlines basic expectations that can be referred to throughout the planning process. Grounding factors, listed as under the following set of questions, are summarized in this document and will be used by the P&Z as guidelines throughout the process.

- What is the system that is being considered?
- What time horizon is being contemplated?
- What are the geographic bounds being considered?
- What is the purpose of the process?
- What is the process meant to achieve?
- What are the hopes and fears of participants?
- What are the project's givens?
- What are the expected outcomes?
- Who is responsible for developing the plan?
- What are the deliverables?
- Other Questions

GROUNDING PROCESS SUMMARY

What is the System?

Identifying a specific system is somewhat nebulous because of the immense topics that may be incorporated into a comprehensive plan. Generally, system components fall into categories including land use, economics, transportation, and environment. The *Colorado State Statutes* (§30-28-106) provides some detail regarding subject matter, but the *Statutes* focus mainly on the physical development needs of communities. Topics cited by *State Statute* include planning for streets and highways; public places and facilities; public utilities; water supply; alternative energy resources; natural hazards; species of special concern; wetlands; natural resources; recreation and tourism; and regional planning efforts. The initial topic categories contemplated in the city's *Comprehensive Plan* update are as follows:

- Economic Conditions
- Environmental Conditions
- Social Functions
- Land Use Analysis
- Housing Conditions
- Utilities Services
- Transportation Services
- Recreation Facilities
- Tourism

What is the Time horizon?

There is no standardized timeframe to consider when conducting a comprehensive plan, projecting further than 20 years becomes speculative. The P&Z has determined that the time horizon be set at 20 years maximum.

What are the geographic bounds of the plan?

The P&Z has determined that the geographic boundary of the plan will be the city limits and designated Urban Growth Boundary. However, the P&Z believes that discussion of the Three-Mile area is prudent and will be included in the *Comprehensive Plan* update.

What is the purpose of the process?

Based on a review of historic records the City completed its first *Master Plan* in 1981 and it was updated in 1994 and in 2007. Updating the *Comprehensive Plan* is a cyclic process occurring approximately every 10 years. However, there have been numerous policy decisions occurring since 2007 that make the existing plan somewhat obsolete. The act of planning is important because it allows community members to interact with City staff and appointed and elected officials helping to build positive community relationships. The P&Z has established the following **Purpose Statement** for this *Comprehensive Plan* process.

The purpose of this planning process is to explore existing community conditions, desired future conditions, and to develop a Comprehensive Plan that will help direct community development in a manner consistent with the desired future community conditions expressed in the Comprehensive Plan.

What is the process meant to achieve?

The P&Z believes that a the *Comprehensive Plan* update should focus upon strategic guidelines that help direct the physical development of the community. The final product will be used to evaluate budget decisions; it will contain data and general policy directives to consider when deliberating land use decisions; and it will serve as a general blueprint to guide the future of the community in a focused direction.

What are the hopes and fears of participants?

The P&Z hopes to develop a plan that is utilitarian in context and that will be used rather than placed on a shelf and forgotten. Involving the entire community is also desired. Public outreach will be a focal point at the onset of the process, and continued public input will be sought as the draft plan is reviewed during the adoption process. Input will be sought from a diverse cross section of the community and opinions and thoughts from all social classes and ethnic backgrounds are encouraged.

While specific fears are not readily defined, there is concern that the process will lead into meaningless topical debates fraught with minutia. Another concern is related to public participation because this plan is being developed concurrently with other planning processes including the *City Parks and Recreation Plan Update* and the County Community Builders Forum. The process timeline is very aggressive at the onset and will require extensive collaboration to meet the timeline.

What are the givens that will direct the plan's development?

1. As stated in the *City Charter*, the Planning and Zoning Commission is responsible for the development of the *Comprehensive Plan*. Under the oversight of the Planning and Zoning Commission, the *Comprehensive Plan* will be developed in partnership with the public. Final review and adoption will involve a public review process with the Planning and Zoning Commission. After the Commission completes its review it will formally recommend adoption to City Council.
2. Public involvement is open to anyone and opinions will be respected.
3. A Technical Review committee comprised of at-large community members and City representatives will assist the Planning and Zoning Commission during the development of the plan.
4. Defining a community vision intrinsically requires creative thinking and exploration of desired future community conditions; the *Comprehensive Plan* will be strategic in context, and will promote realistic policy directives that are fiscally responsible and realistically achievable.
5. Existing plans that have been adopted are the:
 - *Non-Motorized Transportation Plan*
 - *VanTuyl Ranch Management Plan*
 - *West Gunnison Neighborhood Plan*
 - *Gunnison Rising PUD Development Standards*

- *Official Zoning Map*
 - *Land Development Code*
6. The *Comprehensive Plan* will generally focus on a 20 year time horizon.
 7. The *Comprehensive Plan* will focus on the incorporated geographic boundary of the city and the geography of the Three Mile Planning Area.

Can these plans be updated or retire if new input identifies changing vision or a desire for a new direction or possibly a reality check?

What are the expected outcomes?

In the simplest of terms, the expected outcome is to complete and adopt the *Comprehensive Plan* in the next 18 to 24 months.

Who is responsible for developing the plan?

As noted above, the Planning and Zoning Commission is responsible for development of the *Comprehensive Plan*. Final review and plan adoption will involve a public review process by the Planning and Zoning Commission. After the final review process is complete, the P&Z will make a formal recommendation to City Council.

A Technical Review Committee consisting of Planning and Zoning Commission representatives, City staff members and selected citizens will be established to help facilitate detailed review and provide direction during development of the plan.

What are the deliverables?

Several reports will be presented to the Planning and Zoning Commission and City Council during the review process. Since the City is administering development of the plan the question of deliverables, which usually identifies the number of hard-copies and electronic copies that are required under a contract with a consulting firm, is moot.

FACILITATION PROCESS CALENDAR

While a complete project calendar is provided in Attachment 1, this summary provides an overview of the public outreach process that will be accomplished in the next two months.

July 1, 2014

Present “Sense of Place” (history, culture, economy) from the Community Analysis to the City Council and Planning and Zoning Commission joint meeting

- Short PowerPoint or Poster Session to present main findings

June 1- August 31, 2014

Determine **Key Issues** and reinforce **Sense of Place**. This will be done by holding public work meetings, interviewing **Stakeholders** and **Community Leaders**, and through a community survey

Stakeholders

- School children – what do they like the most about Gunnison / what would they wish for?
- WSCU students – what attracted them to Gunnison / what keeps them here or why are they leaving?
- Working parents – what are the obstacles?
- Young Professionals –why do they choose to work here and not elsewhere?
- Retirees or people nearing retirement – what makes a community inviting for them?
- Academic experts
- Community experts

- Hispanic community – what are the barriers? What amenities would they like to see? What amenities do they take advantage of?
- Public officials
- Community at large
- Visitors to the community (to determine what can be improved / what they like)

Community Leaders (see Attachment 2)

Reinforce Sense of Place

- Ask stakeholders to share information about their culture
- Use creative tools
 - Mural art or art contests telling a story of peoples' perceptions of Gunnison
 - Storytelling – how people see the community
 - “Walk Shops” – have people go on a tour of the community, take pictures of favorite places, places that need attention, upload to social media site
 - Power-Point presentation in a window display downtown – passersby can provide input via social media

June – August 2014

Determine Potential Issues to Address

- Commitment to enhance identity
 - Policies to enhance the evolving identity of the community
- Managing growth (**implies growth is a problem – use neutral term**)
 - Population trends
 - Projecting age shift in the population and providing age-related amenities
 - Define growth potential within the city boundary and urban growth boundary
 - Assess development trends in the Three-Mile Planning Area and provide details about those trends and how they affect City development aspirations
 - Assess the downtown character and define redevelopment ideas as they pertain to the downtown
- Strengthening the unique qualities of Gunnison
 - Capitalizing upon the healthy lifestyle and longevity
 - Small town atmosphere
 - **Historic qualities – ranching, mining, education, tourism**
- Support for a diverse economy
 - **Successful** Small scale retail
 - WSCU functions
 - Agriculture
- Integration of immigrants into the community
- Assess land use policies and existing systems that may assist families living under the poverty level
 - Increasing number of female heads of household
 - Social Service Transportation
- Disparity between income and housing costs
 - Affordable housing
 - Ratio of owner occupied / renter occupied units
 - Upgrades to blighted residential areas
 - Housing mix
- Transportation
 - Reducing truck traffic and congestion on Main Street

- Parking downtown
- Implementation of the *Non-Motorized Transportation Plan – update/revise* – Pedestrian Facilities
- Complete Streets
 - Art contest
 - GPS exercise – have people plot their favorite paths and locations, as well as locations in need of improvement
 - Public revitalization of space
- Recreation
 - Implementation of the *Non-Motorized Transportation Plan – Multi-Use Trails*
 - Coordinate with the City Parks and Recreation Department to facilitate efficiencies between this *Comprehensive Plan* update and the upcoming *Parks and Recreation Master Plan*.

CONCLUSION

Many thoughts discussed in this document are programmatic in nature. The P&Z believes that identifying basic process themes (project purpose, givens, geographic bounds, timeframes, etc.) through the grounding process is an important first step. The P&Z will refer to the guidelines contained in this documented grounding process as needed during the development of the city's *Comprehensive Plan* update.

POTENTIAL STEERING COMMITTEE MEMBERS AND PERSONS TO INTERVIEW			
CHECK APPLICABLE COLUMN			
ATTACHMENT 2 – COMMUNITY LEADERS			
	STEERING COMMITTEE	INTERVIEW	
CITY GOVERNMENT AFFILIATES			
Ken Coleman			City Manager
Wendy Collins			City Finance Director
Gail Davidson			City Clerk
Keith Robinson			Police Chief
Dan Ampietro			Director, Parks and Rec
Steve Westbay			Director, Community Development
Ken Bradford			Director, Public Works
Andy Ruggera			City Planner
Dennis Spritzer			Fire Marshal/Fire Chief
Bob Drexel			Mayor
Stu Ferguson			Mayor ProTem
Richard Hagan			City Councilor
Carolyn Riggs			City Councilor
Anne Steinbeck			City Councilor
Greg Larson			Planning and Zoning Commission
Erich Ferchau			Planning and Zoning Commission
Erik Niemeyer			Planning and Zoning Commission
Andy Tocke			Planning and Zoning Commission
Sharon Cave			Planning and Zoning Commission
Marla Larson			BOZA Member
COUNTY AFFILIATES			
Matthew Birnie			County Manager
Marlene Crosby			Deputy County Manager
Russ Forrest			Assistant County Manager – Economic and Community Development
Neal Starkebaum			Assistant Director
Cathie Pagano			Planner
Crystal Lambert			Building/Environmental Health Official
Carol Worrall			Public Health Director
Ellen Pederson			Multicultural Resources / Health Navigator
Meghan Dougherty			Family Advocacy Support Team
Rick Lamport			Airport Manager
Kristy McFarland			County Assessor
Phil Chamberland			County Commissioner
Jonathan Houck			County Commissioner
Paula Swenson			County Commissioner
AJ Cattles			County Planning Commission
Karl Fulmer			Gunnison Valley Regional Housing Authority
Rogene McKiernan			Gunnison MetRec Director

POTENTIAL STEERING COMMITTEE MEMBERS AND PERSONS TO INTERVIEW			
CHECK APPLICABLE COLUMN			
ATTACHMENT 2 – COMMUNITY LEADERS			
	STEERING COMMITTEE	INTERVIEW	
STATE AND FEDERAL AGENCIES			
Brian St.George			BLM Field Office Manager
J Wenum			CDOW Area Wildlife Manager
(vacant)			Superintendent, Curecanti National Recreation Area
John Murphy			Forest Supervisor, GMUG
Frank Kugel			UGRWCD, General Manager
EDUCATIONAL INSTITUTIONS			
Greg Salsbury			President, WSCU
Brad Baca			Vice President of Finance, WSCU
Brian Barker			Director of Marketing and Media Relations, WSCU
Greg Smith			Enrollment Communications Strategist, WSCU
Doug Tredway			Superintendent, RE1J
Lisa Starkebaum			RE1J School Board President
Jim Woytek			Principal, Gunnison Elementary School
Andy Hanks			Principal, Gunnison High School
OTHER MUNICIPAL GOVERNMENT AFFILIATES			
Todd Crossett			Crested Butte Town Manager
David Clayton			Mt. CB Town Manager
Carlos Velado			Mt. CB Director Community Development
Bill Buck			Mt. CB Mayor
Aaron Huckstep			Crested Butte Mayor
PRIVATE SECTOR CONTACTS			
??			Economic Development Council
Tammy Scott			Chamber of Commerce
Pam Loughman			Gunnison Crested Butte Tourism Association
Pam Montgomery			Gunnison Valley Community Foundation
Jim Seitz			Former City and County Planning Commissioner
Dick Bratton			Developer / Gunnison Valley Partners
Ashley Burt			Bank President
Bob Meldrum			Business Owner / Real Estate Investments
Dan McKenna			Business Owner / Wet Grocer
Bob Williams			Engineer
Priscilla Swanson			Business Owner / Metamorphosis
Stephanie Dawes			Business Owner / Toggery
Mike Darnell			Business Owner / True Value
John Fullmer			Business Owner / Ace
Terry Morrow			Business Owner / High Country Liquor

POTENTIAL STEERING COMMITTEE MEMBERS AND PERSONS TO INTERVIEW			
CHECK APPLICABLE COLUMN			
ATTACHMENT 2 – COMMUNITY LEADERS			
	STEERING COMMITTEE	INTERVIEW	
Devon Bennett			Business Owner / Power Stop
Nancee Goodrich			Business Owner / Tango
Nancy Lapello			Business Owner / Bean
Kelly Osness			Business Owner / Treads N Threads
Gaylen Houston			Business Owner / Paper Clip
Jeannie Kelley			Business Owner / Circus Train
Janet Lucas			Business Owner / Boomerang
Cathie Elliott			Business Owner / Clarke Agency
Heidi Mangus			Business Owner / Firebrand
Steve Williams			Bank President
Kirk Mueller			Business Owner / Gunnison Shipping
Daniel LeVeuvre			Business Owner / Marios
Marshall Taylor			Business Owner / Gene Taylors
Chris Alton			Rotary / Paper Clip
Pam Christian			Rotary / Business Owner / Waggin' Tails
James Hahn			Rotary / Retired Business Professor
Peter Harding			Rotary / Architect and Builder
Marilyn Laverty			Rotary / Entrepreneur and Small Business Coach
Jeni Rogers			Rotary / Employment Resource Specialist
Gary Shondeck			Rotary / Insurance and Investment
Marcia Wireman			Rotary / CFO Gunnison County Electric
Susan Wyman			Business Owner / Whetstone & Associates
Andris Zobs			Business Owner / Integrated Design Solutions

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STAFF REPORT
VACATION OF EASEMENT
Lots 1-26, Block 9, Rio Grande Ave

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: June 25, 2014
RE: Vacation Application VF 14-3

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 Sweitzer Oil and Whetstone Associates. The request is to vacate an existing utility easement in the vacated north/south alley in Block 9, Rio Grande Addition, City and County of Gunnison, CO. The applicant’s narrative states:

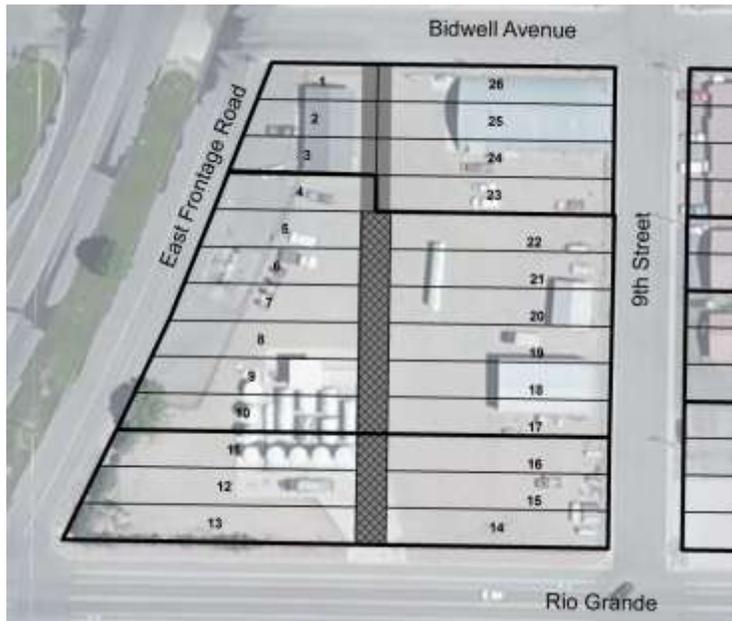
“The purpose of this letter is to request the removal of a utility easement that crosses Lots 1-26, Block 9, Rio Grande Addition. Lots 4-10 and 17-22 are presently under contract and Lots 1-3 and 23-26 were recently sold to Susan A. Wyman and Scott Effner (Whetstone & Associates). Both Whetstone & Associates (under contract to buy Lots 4, 5 and 22) and the buyer of the remaining lots would like to have the utility easement removed so they can construct improvements on the property. The removal of the easement is a condition of the purchase agreement.

...We have already had preliminary discussions about the easement and it appears there are no utilities running along that easement and utilities are accessible from the streets surrounding the lots.”

SITE ASSESSMENT

The property is located in the Industrial zone district and has been historically used by Sweitzer Oil for bulk fuel sales. The Highway 50 frontage road bounds the site to the west, with Precision Alignment (vehicle repair) and the City Police Department and Dispatch Center to the north. Industrial uses and retail (The Last Chance) are located to the east and south with accommodation uses (Alpine Inn & Suites) also to the south within the Commercial zone district.

The north/south alley (hashed area adjoining Lots 5-22) was vacated by



STAFF REPORT
VACATION OF EASEMENT
Lots 1-26, Block 9, Rio Grande Ave

Ordinance No. 18, Series 1980, which also reserves a 20 foot wide non-exclusive utility easement. Additionally, a utility easement was granted by Sweitzer Oil, Inc. to the City of Gunnison that includes the vacated alley and an extension to the north (20 feet wide and 100 feet long) to Bidwell Avenue, for a total area that is 20 feet wide and 325 feet in length (shaded in grey).

The City does not have any utilities within this utility easement. All utilities are located in the streets surrounding Block 9 and future utilities are not planned within the easement.

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.

Water & Sewer Superintendent: No issues.

Electric Superintendent: No issues.

STAFF OBSERVATIONS

1. The applicant is requesting to vacate a utility easement within Block 9, Rio Grande Addition.
2. The alley (adjacent to Lots 5-22) in Block 9 was vacated reserving a utility easement by Ordinance 18, Series 1980.
3. A grant of easement (Book 553, Page 858) was given to the City by Sweitzer Oil, Inc. that is 20' wide, within the vacated alley and extends north 100' to the south line of Bidwell Avenue for a total area that is 20' wide and 325' in length.
4. The City does not have any utilities located within the utility easement nor are any utilities planned at this location in the future.

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 north/south alley was previously vacated by Ordinance 18, Series 1980. The vacation of the utility easement will not affect the access to a public road.

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

No Conflict: The City reserved a 20' wide easement in Block 9 in 1980. The City does not have any utilities located in the easement and has no intention of future extensions through Block 9.

STAFF REPORT
VACATION OF EASEMENT
Lots 1-26, Block 9, Rio Grande Ave

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 9, Utilities and Infrastructure, Goal: The City will efficiently deliver its public utilities and continue to be fiscally responsible in the construction of high-quality public infrastructure, making forward-looking decisions that maintain low operational, maintenance and energy costs.

The vacation of this utility easement is consistent with the intent of the *City's Master Plan*.

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 June 25, 2014, Commissioner _____ moved, Commissioner _____ seconded, and the Commission voted to recommend APPROVAL to City Council of Vacation Application, VF 14-3 submitted by Sweitzer Oil and Whetstone & Associates, to vacate the utility easement within Block 9, Rio Grande Addition with 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, 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 to vacate an easement located within a previously vacated alley (City of Gunnison Ordinance 18, Series 1980).
3. The Planning and Zoning Commission finds that the applicant requests to retract a grant of easement from Sweitzer Oil, Inc. to the City of Gunnison (Book 553, Page 858) that includes the vacated north/south alley and strip 20' wide and 100' in length extending north of the vacated alley.
4. The Planning and Zoning Commission finds that utilities are not located within the easement and are not planned at this location in the future.
5. The vacation of this easement will not be a detriment to the health, safety and welfare of the community.

Filed for record the 14th day of August A.D. 1980 at 3:15 o'clock P.M. Joanne M. Reitinger
 Exception No. 352279 GRANT OF EASEMENT By Joanne M. Reitinger DEEDS

This Grant of Easement is executed this 12th day of August, 1980 by Sweitzer Oil, Inc., a Colorado corporation, as follows:

1. Purpose. The purpose of this Grant of Easement is to provide a means for extending utility service between the north right-of-way line of Rio Grande Avenue and the South right-of-way line of Bidwell Avenue through Block 9, Rio Grande Addition, according to the official plat thereof of record in the office of the Clerk and Recorder of Gunnison County, Colorado, through real property owned by Sweitzer Oil, Inc., a Colorado corporation.

2. Grant. Sweitzer Oil, Inc., a Colorado corporation hereby grants to the City of Gunnison, Colorado, an easement and right-of-way for the construction of underground utilities in the location described as follows:

Commencing at the Southeast corner of Lot 14, Block 9, City of Gunnison, according to the plat of Rio Grande Addition of record in the office of the Clerk and Recorder of Gunnison County, Colorado, thence west 125 feet along the south line of said Lot 14 to the point of beginning, thence north 325 feet parallel to the east line of said Block 9 to a point on the north line of said Block 9; thence west along the north line of said Block 9 at distance of 20 feet; thence south 325 feet along a line parallel to the east line of said Block 9 to a point on the south line of Block 9; thence east 20 feet along the south line of said Block 9 to the point of beginning.

3. Reservations. Sweitzer Oil, Inc., a Colorado corporation, hereby reserves the following rights and privileges:

3.1 To require the City of Gunnison, in the event of it's utilization of the easement and right-of-way granted herein, to conduct it's surveying, construction, maintenance, and repair of all utility lines within said easement and right-of-way in a manner least disruptive to the business operation being conducted upon the real property through which said easement and right-of-way passes, and property immediately adjacent thereto on the east and west.

3.2 To relocate said easement and right-of-way upon property adjoining the original location of said easement and right-of-way on either the east or west, with the prior written approval of the City of Gunnison, which approval shall not be unreasonably withheld. The criteria upon which said relocation shall be determined by the City of Gunnison shall be whether or not such relocation would detrimentally effect the utility service afforded by said easement, as determined by engineering principles commonly used in the industry. Any such relocation shall be at the sole cost and expense of Sweitzer Oil, Inc., a Colorado corporation.

4. This Grant of Easement shall be binding upon the successors and assigns of Sweitzer Oil, Inc., a Colorado corporation and the City of Gunnison, Colorado, and shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, Sweitzer Oil, Inc., a Colorado corporation has executed the foregoing Grant of Easement on the day first above written.

ATTEST:

SWEITZER OIL, INC., a Colorado corporation

Robert S. Sweitzer
 Robert S. Sweitzer, Assistant Secretary

by Charles W. Sweitzer, Jr.
 Charles W. Sweitzer, Jr., President



STATE OF COLORADO)
) ss
County of Gunnison)

The above and foregoing Grant of Easement was signed before me this 12th day of August, 1980 by Charles W. Sweitzer, Jr. as president and Robert S. Sweitzer, as Assistant Secretary of Sweitzer Oil, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires: ~~My Commission expires Jan. 28, 1984~~



Armin R Nesbit
Notary Public

AN ORDINANCE VACATING THE NORTH-SOUTH ALLEY LOCATED IN BLOCK 9, RIO GRANDE ADDITION OF THE CITY OF GUNNISON, STATE OF COLORADO.

WHEREAS, all of the property located in Block 9, City of Gunnison, according to the official plat of RIO GRANDE ADDITION, as recorded in the office of the County Clerk and Recorder of Gunnison County, Colorado, is in a single ownership; and

WHEREAS, at the present time there exists no need for a public access to the interior of Block 9 as described above;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, HEREBY ORDAINS:

Section 1. That the alley, running in a north-south direction located within Block 9, RIO GRANDE ADDITION, City of Gunnison, County of Gunnison, State of Colorado, be and the same hereby is vacated.

Section 2. The vacation of the above described alley shall become effective upon the recording with the Clerk and Recorder of Gunnison County an easement granting unto the City of Gunnison, its successors and assigns, as well as all other providers of utilities in the City of Gunnison, State of Colorado, an easement approved by the City for the installation and maintenance of such utilities.

INTRODUCED, READ, AND ORDERED PUBLISHED this 22nd day of July, 1980.

(SEAL)

ATTEST:

Marian L. Hicks
Clerk

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

[Signature]
Mayor

I, Marian L. Hicks, Director of Finance of the City of Gunnison, County of Gunnison, State of Colorado, hereby do certify that the above is a true and correct copy of an ordinance introduced, read in full, passed on first reading at a regular meeting of the City Council held on the 22nd day of July, 1980, and introduced a second time and read thereafter, finally passed and adopted on the 12th day of August, 1980.

(SEAL)

ATTEST:

Published in the
Gunnison Country Times
July 28, 1980

Marian L. Hicks
Director of Finance and
Ex-officio City Clerk



May 27, 2014

Mr. Steve Westbay
City of Gunnison
Planning Department
201 W. Virginia
Gunnison, CO 81230

RE: Lots 1-26, Block 9 Rio Grande Addition

Dear Mr. Westbay:

The purpose of this letter is to request the removal of a utility easement that crosses the above referenced property. Lots 4-10 and 17-22 are presently under contract and Lots 1-3 and 23-26 were recently sold to Susan A. Wyman and Scott Effner (Whetstone & Associates). Both Whetstone & Associates (under contract to buy Lots 4, 5 and 22) and the buyer of the remaining lots would like to have the utility easement removed so they can construct improvements on the property. The removal of the easement is a condition of the purchase agreement.

Please advise me of the process to remove the easement. We have already had preliminary discussions about the easement and it appears there are no utilities running along that easement and utilities are accessible from the streets surrounding the lots. The sale of the largest parcel is scheduled for June 30, 2014.

Thank you very much.

Sincerely,

Erich Ferchau
Listing Broker
RE/MAX Community Brokers



RE/MAX Community Brokers
131 N Main Street, Gunnison, CO 81230
Office (970) 641-1188, Fax (970) 641-5776

www.gunnisonforsale.com



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Applicant Name(s): SWEITZER OIL, INC

Phone #: 970-641-3529 Fax #: 641-5302 E-Mail: mmbride@gcca.coop

Mailing Address: _____

City: Gunnison State: CO Zip: 81230

Legal Description

Site Address of Property: 522 W. Hwy 50 Zoning _____
Block: 9 Lot(s): 4-22 Addition: RIO GRANDE

Disclosure of Ownership- Please provide one of the following:

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

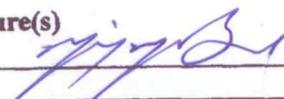
Summary of Request:

Request the North/South utility easement be removed.

- 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 5-27-14
Date _____

For Office Use Only

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

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Assessor Property Record Search

Owner and Parcel Information

Owner Name & Mailing Address	
SWEITZER OIL INC PO BOX 180 GUNNISON, CO 81230-0180	
Business Name:	NA

Today's Date:	May 27, 2014
Appraisal Year:	2014

Account Number:	R071228
Parcel Number:	3787-021-30-007
Account Type:	Commercial
Economic Area:	Econ Area 1
Tax District:	100
Mill Levy:	49.778

Property Location:	FRONTAGE RD, GUNNISON
Neighborhood:	COMMERCIAL W HWY 50
LEA:	COMMERCIAL HWY 50 SERVICE RD (12370)
Subdivision:	RIO GRANDE ADDITION (GUNNISON)
Condo:	
Legal Description:	LOTS 4-10 & 17-22 AND N/S ALLEY BLK 9 RIO GRANDE ADDN B408 P318 B723 P517 B723 P518
Parcel Notes	TOTAL PARCEL = 1.108 AC

Parcel Map	Show Parcel Map
Building Photos	NA
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
\$290,010	\$84,100	\$120,040	\$34,810	\$410,050	\$118,910

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2013	\$410,050	\$118,910	49.778	\$5,919.08

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
SPEC.PURPOSE-LAND	Commercial	1.108	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.						

Building Information

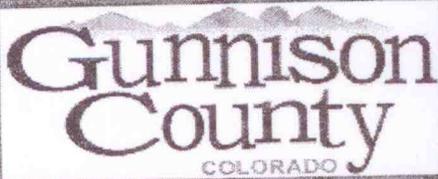
Building Number 1:

Occupancy Type	WAREHOUSE	Quality of Construction	Fair	Stories	1	Primary Heating System	
Building Description	Light Commercial Commodity Warehouse	Exterior Condition	Average	Roof		Domestic Hot Water	
Original Year Built	0	Interior Condition		Exterior		Landscaping	0
Effective Year Built	1995	Bedrooms	0	Foundation	Conversion		
Percent Complete	100%	Bathrooms	0	Windows			

Building Square Footage or Units:

Above-grade Living Area	2,400 sqft
Finished Basement	0 sqft
Unfinished Basement	0 sqft

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Assessor Property Record Search

Owner and Parcel Information

Owner Name & Mailing Address	
SWEITZER OIL INC PO BOX 180 GUNNISON, CO 81230-0180	
Business Name:	NA

Today's Date:	May 27, 2014
Appraisal Year:	2014

Account Number:	R002277
Parcel Number:	3787-021-30-004
Account Type:	Vacant
Economic Area:	Econ Area 1
Tax District:	100
Mill Levy:	49.778

Property Location:	W RIO GRANDE AVE, GUNNISON
Neighborhood:	12370
LEA:	COMMERCIAL HWY 50 SERVICE RD (12370)
Subdivision:	RIO GRANDE ADDITION (GUNNISON)
Condo:	
Legal Description:	LOTS 11-16 BLK 9 RIO GRANDE ADDN & N/S ALLEY INCLUDED. B480 P474 B588 P857 #481222 #481223 #481224 #483870
Parcel Notes	TOTAL 25,837.5 SF

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
\$155,030	\$44,960			\$155,030	\$44,960

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2013	\$155,030	\$44,960	49.778	\$2,238.02
2012	\$232,540	\$67,440	44.152	\$2,977.61
2011	\$232,540	\$67,440	44.343	\$2,990.49
2010	\$300,070	\$87,020	40.939	\$3,562.51
2009	\$300,070	\$87,020	39.757	\$3,459.64
2008	\$224,790	\$65,190	41.387	\$2,698.00
2007	\$224,790	\$65,190	36.186	\$2,358.96
2006	\$178,280	\$51,700	43.784	\$2,263.64

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
VACANT IND LOTS	Vacant	0.593	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 27, 2014

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Applicant Name(s): Susan A Wyman and Scott Effner

Phone #: 041-7471 Fax #: _____ E-Mail: swyman@whetstone-associates.com

Mailing Address: 303 N Pine St.

City: Gunnison State: CO Zip: 81230

Legal Description

Site Address of Property: 516 W. Hwy 50 Zoning _____
Block: 9 Lot(s): 1-3 and 23-26 Addition: Rio Grande

Disclosure of Ownership- Please provide one of the following:

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

Summary of Request:

Request the North/South utility easement be removed

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)

Susan A. Wyman Date 5/28/14
Scott Effner Date 5/28/14

- For Office Use Only**
- | | | |
|---|--|--|
| <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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Assessor Property Record Search

Owner and Parcel Information

Owner Name & Mailing Address
WYMAN SUSAN A ETAL
EFFNER SCOTT
303 N PINE ST
GUNNISON, CO 81230-2611
Business Name: WHETSTONE ASSOCIATES

Today's Date: May 27, 2014
Appraisal Year: 2014

Account Number: R071227
Parcel Number: 3787-021-30-006
Account Type: Commercial
Economic Area: Econ Area 1
Tax District: 100
Mill Levy: 49.778

Property Location: 516 US HIGHWAY 50 , GUNNISON
Neighborhood: COMMERCIAL W HWY 50
LEA: COMMERCIAL HWY 50 SERVICE RD (12370)
Subdivision: RIO GRANDE ADDITION (GUNNISON)
Condo:
Legal Description: LOTS 1-3 & 23-26 BLK 9 RIO GRANDE ADDN #620209
Parcel Notes: TOTAL PARCEL = 23,000 SF

Parcel Map [Show Parcel Map](#)
Building Photos NA
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
\$138,000	\$40,020	\$454,600	\$131,830	\$592,600	\$171,850

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2013	\$521,340	\$151,190	49.778	\$7,525.95

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
SPEC.PURPOSE-LAND	Commercial	0.528	YEAR AROUND GOVT MAINTAINED	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE - MEADOW SITE IMPROVEMENTS - AVERAGE FENCING SITE IMPROVEMENTS - GUTTER SITE IMPROVEMENTS - PAVED OR CONCRETE DRIVEWAY UNIQUE CHARACTERISTICS - HIGHWAY INFLUENCE VIEWS - TYPICAL OR AVERAGE

Sales Information

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
05/15/2013	\$365,000	SWEITZER OIL INC	WYMAN SUSAN A ETAL	Improved	620209	WARRANTY DEED - FEE

Building Information

Occupancy Type	WAREHOUSE	Quality of Construction	Fair	Stories	1	Primary Heating System
Building Description	Light Commercial Commodity Warehouse	Exterior Condition	Average	Roof		Domestic Hot Water
Original Year Built	1975	Interior Condition		Exterior		Landscaping
Effective Year Built	1975	Bedrooms	0	Foundation	Slab	
Percent Complete	100%	Bathrooms	0	Windows		

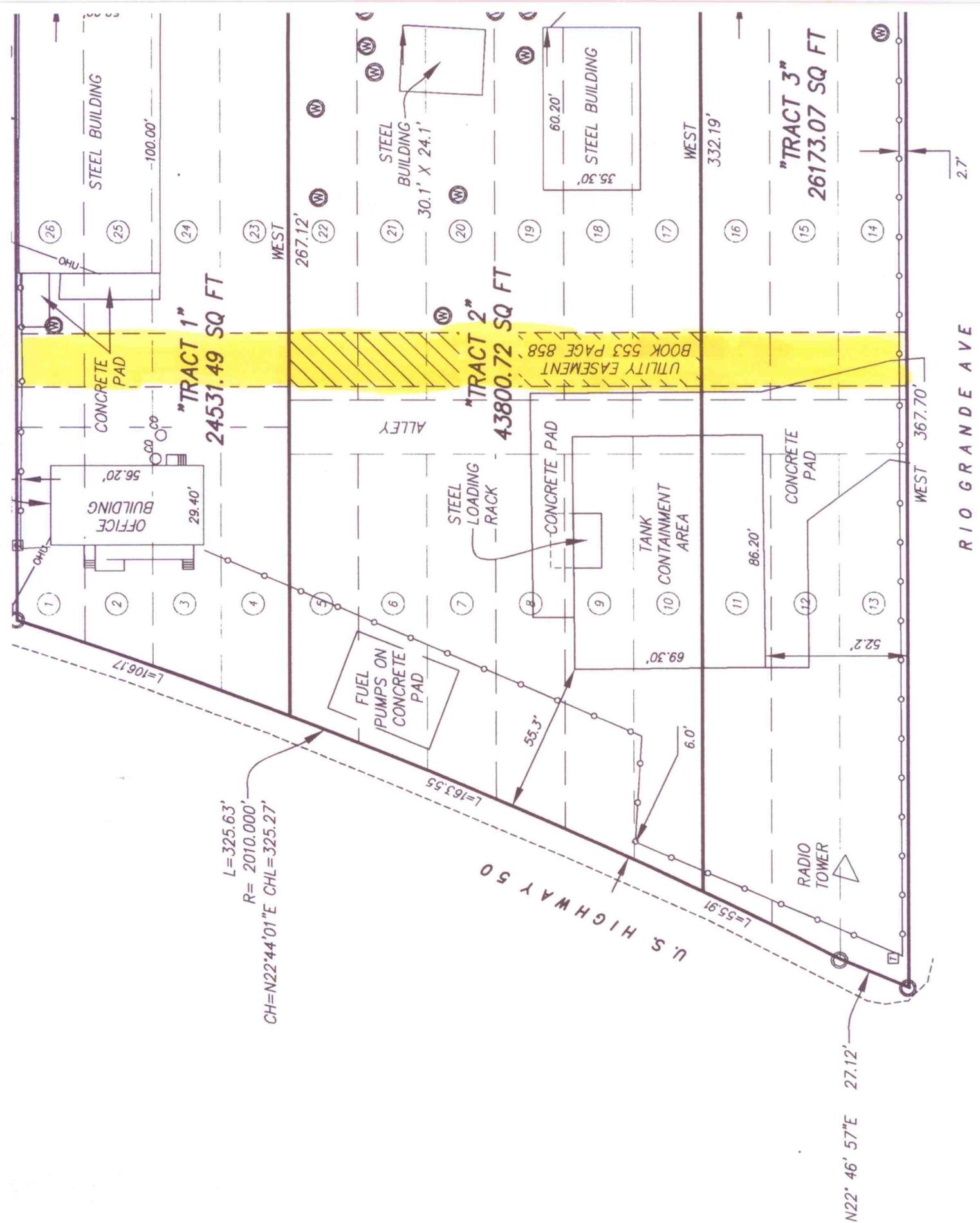
Building Square Footage or Units:	
Above-grade Living Area	5,100 sqft
Finished Basement	0 sqft
Unfinished Basement	0 sqft
Garage	0 sqft

Building Number 2:						
Occupancy Type	OFFICE	Quality of Construction	Fair	Stories	1	Primary Heating System
Building Description	Office Building	Exterior Condition	Average	Roof		Domestic Hot Water
Original Year Built	2007	Interior Condition		Exterior		Landscaping
Effective Year Built	2007	Bedrooms	0	Foundation	Concrete	
Percent Complete	100%	Bathrooms	0	Windows		

Building Square Footage or Units:	
Above-grade Living Area	1,624 sqft
Finished Basement	0 sqft
Unfinished Basement	1624 sqft
Garage	0 sqft

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 27, 2014

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PROPERTY DESCRIPTION OF SUBJECT PROPERTY:

TRACT 1 - BOOK 488 PAGE 318; Lots 1 to 4, both inclusive, and Lots 23 to 26, both inclusive, Block 9, Rio Grande Addition to Gunnison, according to the plat of said addition on file and of record in the office of the County Clerk and Recorder of Gunnison County, Colorado, and including a strip of land 20 feet wide and 100 feet long, the same being the North 100 feet to the alley in said Block 9, Rio Grande Addition to Gunnison, Colorado, according to the plat thereof.

TRACT 2 - BOOK 723 PAGE 518; Lots 5 through 10, both inclusive, and Lots 17 through 22, both inclusive, Block 9, City of Gunnison, according to the official plat of RIO GRANDE ADDITION to said City, on file and of record in the office of the Clerk and Recorder of Gunnison County, Colorado.

TRACT 3 - BOOK 480 PAGE 474; Lots 11 through 16, both inclusive, Block 9, City of Gunnison, according to the official plat of RIO GRANDE ADDITION to said City, on file and of record in the office of the Clerk and Recorder of Gunnison County, Colorado, TOGETHER WITH vacated North/South alley in said Block 9.

GENERAL NOTES:

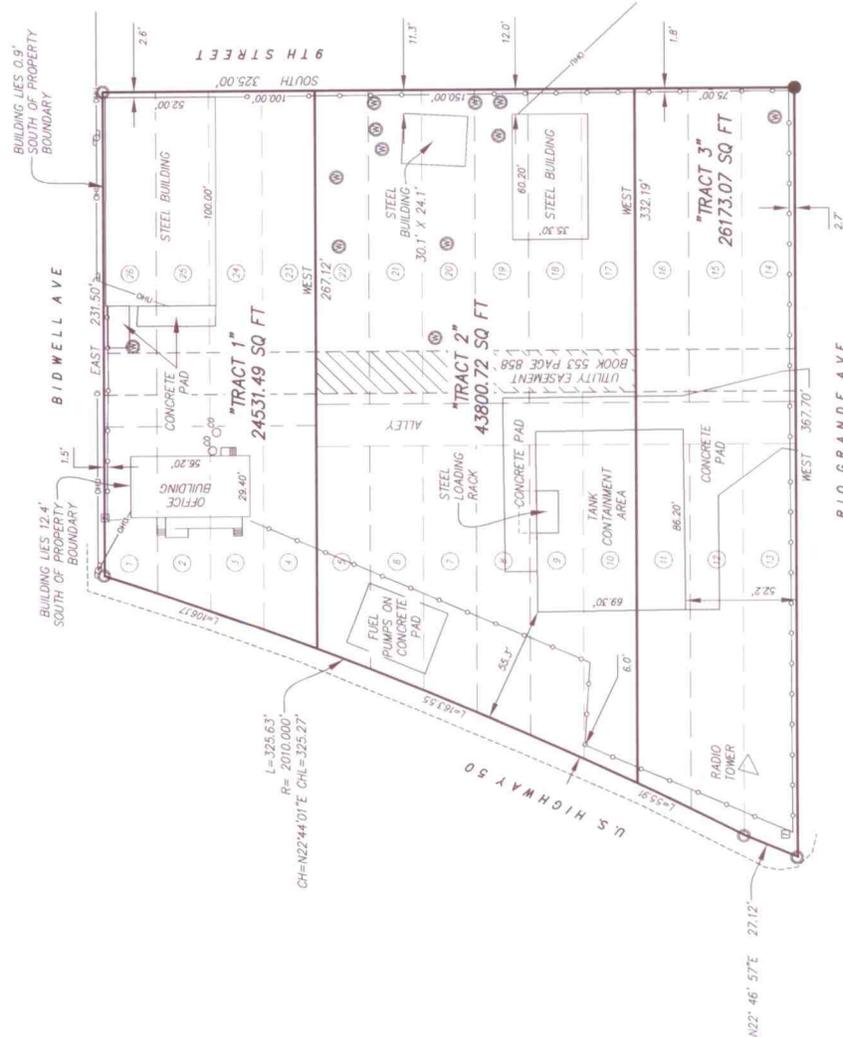
- Lot corners established using information on the recorded plat of RIO GRANDE ADDITION to said City, on file and of record in the office of the Clerk and Recorder of Gunnison County, Colorado, and the plat of said addition on file and of record in the office of the County Clerk and Recorder of Gunnison County, Colorado, are being part of both "Tract 2" and "Tract 3". Performance of additional title work is recommended by this surveyor to ascertain the tract/s which actually contain/s the shaded area.
- Recorded rights of way and/or easements affecting subject property and shown or noted herein were obtained from information provided by client.
- Shaded area shown herein is the area represented by the Gunnison County Assessor's records as being part of both "Tract 2" and "Tract 3". Performance of additional title work is recommended by this surveyor to ascertain the tract/s which actually contain/s the shaded area.
- "Tract 1", (as described in Warranty Deed recorded in Book 408 at page 318 of the records of Gunnison County), is described ambiguously as being Lots 1-4, Lots 23-26, "including a strip of land 20 feet wide and 100 feet long, the same being the North 100 feet to the alley in said Block 9". Since the alley in said Block 9 does not extend north of the north boundaries of Lots 5 and 22, this description is being interpreted to include the strip of land 20 feet wide and 100 feet long, as described in the Warranty Deed. Performance of curative work is recommended by this surveyor to eliminate this ambiguity.

SURVEYOR'S CERTIFICATE

I, Brenda G. Kriester, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge. Monuments have been found or set as shown or noted herein.

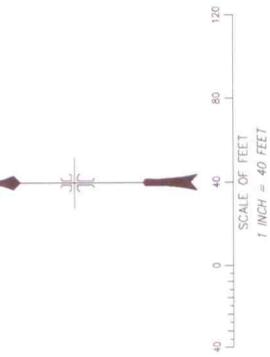
Dated this _____ day of _____ A.D. 20____

Brenda G. Kriester
Colorado P.L.S. No. 33647



LEGEND

- PROPERTY CORNER - FOUND ALUMINUM CAP MONUMENT INSCRIBED "L.S. 37690"
- PROPERTY CORNER - SET PLASTIC CAP MONUMENT INSCRIBED "L.S. 33647"
- BUILDING
- ⊞ TELEPHONE PEDESTAL
- ⁶⁰ SEWER CLEAN OUT
- ⊙ MONITORING WELL (AVAILABLE INFORMATION ONLY)
- ① LOT NUMBER INSIDE CIRCLE SYMBOL
- EASEMENT BOUNDARY
- PROPERTY LINE OF SUBJECT PROPERTY
- FENCELINE
- OVERHEAD UTILITIES
- EDGE OF ASPHALT
- ▨ SHADED AREA - SEE NOTE #3



IMPROVEMENT SURVEY PLAT OF SWETZER OIL, INC. PROPERTY,
(SEE PROPERTY DESCRIPTION ABOVE)

RIO GRANDE ADDITION TO GUNNISON,
CITY OF GUNNISON,
GUNNISON COUNTY, COLORADO
A.K.A. 1009 BIDWELL AVENUE

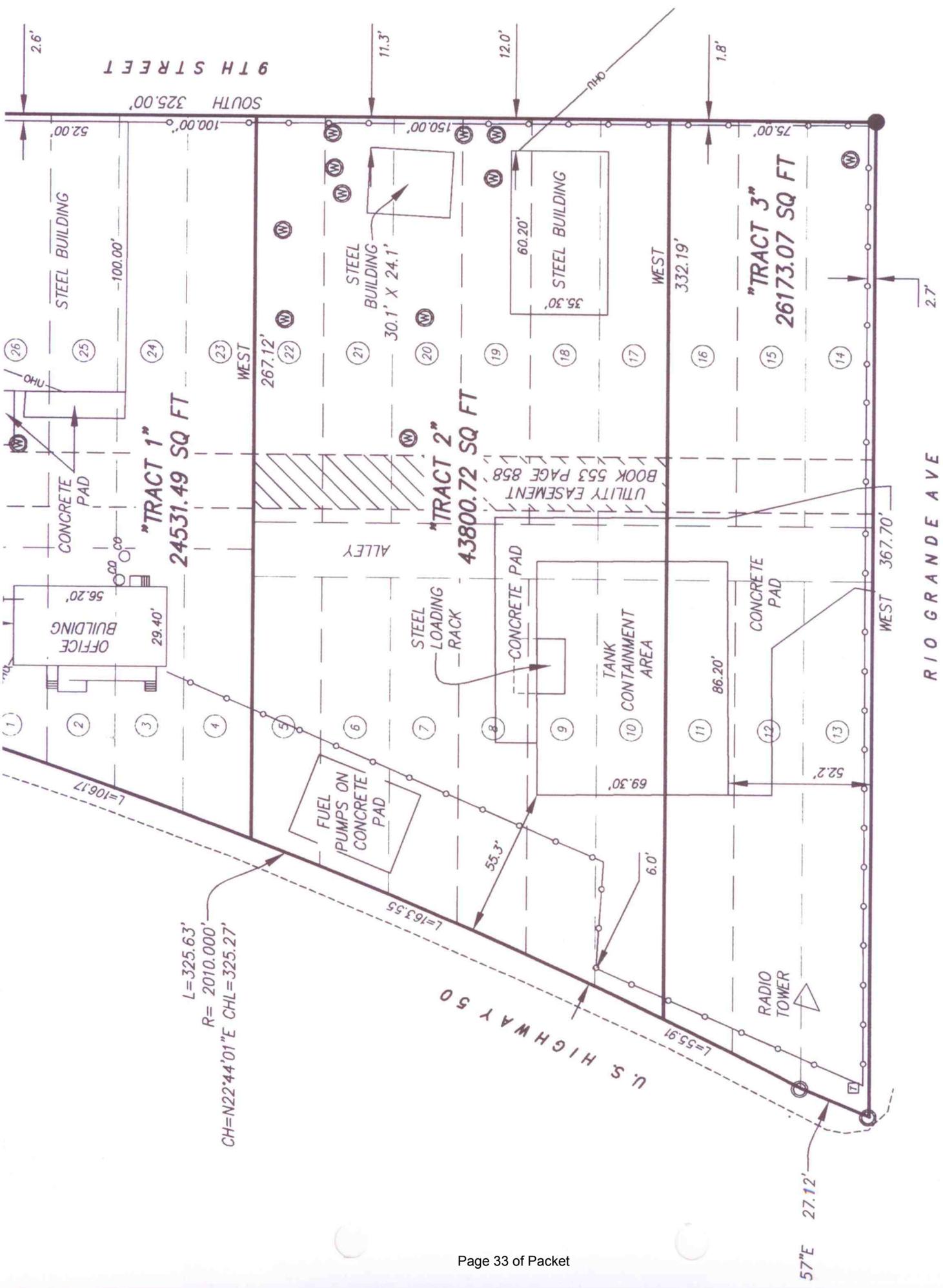


BUCKHORN GEOTECH
Civil, Structural & Geotechnical Engineers

313 North Main Street
97064-1245, Fax: No. 970-641-5885
970-641-5885
www.buckhorngeotech.com

DATE: 05-27-10
REV. DATE:
PROJECT: 170-Switzer Oil, SP

DRAWING NUMBER: V-1



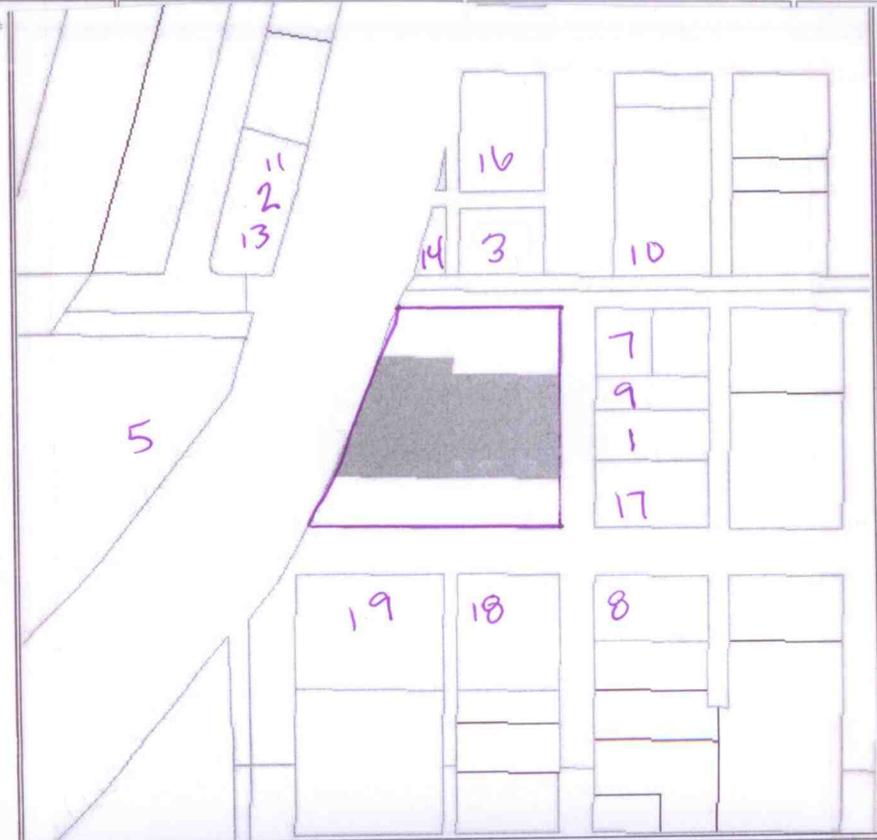


Assessor Property Record Search

150 Feet Refresh With New Distance

Print Mailing Labels at 150 Feet

Count	Parcel #	Owner	Address	City	State	Zip
1	3787-021-29-010	KENNEDY FAMILY TRUST	704 N 14TH ST	GUNNISON	CO	81230
2	3787-021-63-001	GUNNISON MOTORSPORTS INC	500 W US HIGHWAY 50 STE 105	GUNNISON	CO	81230
3	3787-021-25-002	LANDRY ENTERPRISES SOUTH LLC	963 FAIRWAY LN	GUNNISON	CO	81230
4	3787-021-63-002	TOWNSEND JAMES WAY ETAL TOWNSEND CAROL RAE	500 W US HIGHWAY 50 STE 104	GUNNISON	CO	81230
5	3787-022-00-096	WESTERN LUMBER INC	PO BOX 300	GUNNISON	CO	81230
6	3787-021-63-005	500 WEST HIGHWAY 50 LLC	PO BOX 1121	GUNNISON	CO	81230
7	3787-021-65-001	R & R PRECISION MACHINING INC	PO BOX 1305	GUNNISON	CO	81230
8	3787-021-32-002	PLOTTS MARTIN L ETAL PLOTTS ROBERTA L	718 SENECA DR	GUNNISON	CO	81230
9	3787-021-29-006	H & H INVESTMENTS LLC	PO BOX 983	GUNNISON	CO	81230
10	3787-021-26-019	GUNNISON CITY OF	PO BOX 239	GUNNISON	CO	81230
11	3787-021-63-003	KADLEC FRITZ D	500 W US HIGHWAY 50 STE 105	GUNNISON	CO	81230
12	3787-021-30-007	SWEITZER OIL INC	PO BOX 180	GUNNISON	CO	81230
13	3787-021-63-004	TOMICHI LANDMARK NO 2 LLC	323 S TELLER ST	GUNNISON	CO	81230
14	3787-021-25-004	SCHUPP KATHRYN P	PO BOX 1450	GUNNISON	CO	81230
15	3787-021-30-006	WYMAN SUSAN A ETAL EFFNER SCOTT	303 N PINE ST	GUNNISON	CO	81230
16	3787-021-65-002	R & R PRECISION MACHINING INC	PO BOX 1305	GUNNISON	CO	81230
17	3787-021-29-008	KNOLL HOLDINGS LLC	PO BOX 7148	GUNNISON	CO	81230
18	3787-021-31-007	SCALES JAMES R III	PO BOX 778	GUNNISON	CO	81230
19	3787-021-31-008	TJB LLC	1011 RIO GRANDE AVE	GUNNISON	CO	81230
20	3787-021-30-004	SWEITZER OIL INC	PO BOX 180	GUNNISON	CO	81230
21	---					



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

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Ashley and Jackie Burt, Kelland Davis, Traci Busse, John Cattles, Deb Hoffman, Bob Tyler.

- I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS.** There were none
- IV. PUBLIC HEARING AND POSSIBLE ACTION** - Conditional Use application, CU 14-5, submitted by Ashley and Jackie Burt for the operation of a school in the Commercial zone district.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:04 p.m.

Proof of publication. Proof of publication was entered into the record.

Review of the Process. Planner Ruggera reviewed the process for a Conditional Use for a School in the Commercial zone district.

Applicant Presentation. Ashley Burt stated the property is currently under contract and they plan to purchase a manufactured structure to build onto the existing structure. Mr. Burt stated his application identified the use of other surrounding parking facilities. He stated he only put this in his application because coming from the Art's Center they had no parking. The site plan specifies five off-street parking spaces which meet the requirements of the Land Development Code. Mr. Burt stressed that the use is self-contained and the off-street parking is adequate for the school use.

Commissioner Cave inquired to the number of school teachers for the upcoming year. Mr. Burt responding that Jackie Burt is looking at four full-time teachers for next year.

Public Input. Bob Tyler stated we need the school in this town and there are 70 kids that attend. He stated he didn't know of anyone who is unhappy or that is not passionate about the school. He said it [Orsch School] is a lot of magic.

Deb Hoffman stated her daughter attends Orsch School. The school is an asset to the community and provides for those parents and children that want out of the public schools. She stated the community needs something beyond public schools and encouraged the Commission to visit when the school is in session. Ms. Hoffman continued saying the school builds strong individuals and the teaching is a new way of thinking and approach. She would like to see the school continue and encouraged the Commission to grant the use request.

Planner Ruggera read the following documents into the record:

- Letter of support from Sarah and Frank Cutrona, owner of Ol' Miner Steakhouse, dated June 4, 2014;
- Letter of support from Kerry Lefebvre, owner of Mario's Pizza and Pasta, dated June 4, 2014;
- Letter of support from Heidi Magnus, owner of Firebrand Deli, dated June 4, 2014;
- Letter of concern, requesting conditions from John Cattles, Gunnison County Facilities Maintenance Director, dated May 30, 2014;
- City Ordinance No. 13, Series 1999 vacating Pine Street and Deed Granting Covenants and Executory Interest (Reception No. 499856).

Ashely Burt stated he estimates that Orsch students and staff spend approximately \$60,200 annually on downtown restaurants and the three letters of support reflect the economic benefits to the community and the level of respect and good citizenship of the students.

Staff Presentation. Planner Ruggera stated the Orsch School has been operating out of the Gunnison Arts Center since Conditional Use approval in 2011. That location caused some concerns in regard to safety, impacts to parking and the overall compatibility with the downtown area. Planner Ruggera summarized how the proposed site is compatible with the surrounding neighborhood and the site meets the requirements of the *LDC*.

Commission Discussion. Commissioner Niemeyer stated he agreed with the comments from Mr. Tyler and Ms. Hoffman and that the school is an asset to the community.

Commissioner Ferchau stated the issues with parking have been clarified and he always enjoys the school children in the downtown area.

Commissioner Beda stated the school has been before the Commission several times over the years and the Orsch School is a big asset to the town. He referenced the letter from the County stating he was on the Commission in 1999 when the Pine Street vacation request was submitted. There were long discussions and the Planning Commission recommended to City Council to deny the request. Council granted the request with a covenant that states the vacated street shall be a public park.

John Cattles, Facilities Maintenance Director for Gunnison County, stated he is no word smith and understands it [vacated Pine Street] is a park. The intent of his letter was to set some standards. The County understands there is public space and parks but several of the offices in the buildings have privacy concerns. When groups use parks they usually need to ask for permission.

Commissioner Larson stated he was concerned with the Arts Center location at first in regard to safety. He stated the new location is great and applauded Jackie Burt for the safety and function of the students in the downtown area the last few years.

Close Public Hearing. Chair Larson closed the public hearing at 7:28 pm.

COMMISSION ACTION. Commissioner Beda moved, and Commissioner Niemeyer seconded, and the Commission voted to APPROVE Conditional Use application CU 14-5, submitted by Ashley and Jackie Burt for the operation of the Orsch School at 200 North Spruce Street, 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*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a school in the Commercial zone district.
3. The Planning and Zoning Commission finds that the Orsch School is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the Orsch School has been operating out of the Gunnison Arts Center since Conditional Use approval in 2011. The school has functioned relatively well at this location; however, the 200 North Spruce location will serve the purpose of the school and provide a safer environment and compatibility with the neighborhood.
5. The Planning and Zoning Commission finds that the site plan indicates five off-street parking spaces which are adequate to serve the Orsch School.
6. The Planning and Zoning Commission finds that the loading area is proposed using the Virginia Avenue and Spruce Street ROW.
7. The Planning and Zoning Commission finds that because the school enrollment numbers are relatively small, the school use should not cause undue traffic congestion or dangerous conditions.
8. The Planning and Zoning Commission finds that the Building Official and Fire Marshal have inspected the facility and found the structure adequate for school use. A Change in Occupancy will be required prior to opening. Any additions to the site must conform to the *2009 International Building and Fire Code* and the *LDC*.
9. The Planning and Zoning Commission finds that a Deed Granting Covenants and Executory Interest was recorded with the Vacation of Pine Street and that Pine Street shall be a public park, open space, garden space and recreational area.
10. The student population size and number of employees has a significant relationship to the potential impacts of this Conditional Use and the Planning and Zoning Commission finds that setting an upper limit threshold on the number of students is a reasonable solution to address additional impacts.
11. The Planning and Zoning Commission finds that operation of the Orsch school 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 is required prior to opening. The proposed addition requires a Building Permit and shall comply with the *Land Development Code* and the *International Building Code*.

The maximum student enrollment shall be subject to maximum occupancy of the structures and compliance with off-street parking standards and any other applicable standard within the *LDC*.

V. **ANNUAL THREE-MILE REVIEW.** Planner Ruggera gave an overview of the Three-Mile Plan annual review and referral applications the Commission reviewed in 2013. The Commission discussed annexation of public lands and the proposed urban growth boundary.

VI. **CONSIDERATION OF THE MAY 28, 2014 MEETING MINUTES.** Commissioner Cave moved and Commissioner Tocke seconded, to approve the May 28, 2014 meeting minutes as presented.

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

Roll Call No:

Roll Call Abstain:

Motion carried

VII. **COUNCIL UPDATE.** Councilor Ferguson advised that the Council had an hour long review of the budget and that the finances are well managed. He stated the auditor did a good job.

VIII. **COMMISSIONER COMMENTS.** Commissioner Ferchau stated when crossing Main Street or Tomichi Avenue, the pedestrian safety signs give a false sense of security.

IX. **PLANNING UPDATE.** Director Westbay stated staff is working on the Master Plan and staff may be ready for a work session to discuss the update on June 25th.

X. **ADJOURN.** Chair Larson adjourned the meeting at 7:52 p.m.

Greg Larson, Chair

Attest:

Andie Ruggera
Secretary