

OFFICIAL MINUTES JUNE 4, 2014
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

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

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

- 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 Tietler 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