

PLANNING AND ZONING COMMISSION  
JUNE 4, 2014 MEETING PACKET  
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**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 5/29/2014**

**DATE:** WEDNESDAY, JUNE 4, 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 14-5, submitted by Ashley and Jackie Burt for the operation of a school in the Commercial zone district.
- V. ANNUAL THREE-MILE REVIEW**
- VI. CONSIDERATION OF THE MAY 28, 2014 MEETING MINUTES**
- VII. COUNCIL UPDATE**
- VIII. COMMISSIONER COMMENTS**
- IX. PLANNING STAFF UPDATE**
- X. ADJOURN**

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

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

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STAFF REPORT  
CONDITIONAL USE  
Orsch School – Ashley and Jackie Burt

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: June 4, 2014  
RE: Conditional Use Application CU 14-5, Orsch Private School

**CODE PROVISIONS**

The City's *Land Development Code (LDC)*, Section 2.4 states that a school requires a Conditional Use permit to operate in the Commercial zone district. Conditional Uses are 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 to ensure compatibility of the uses at a particular location and to 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 applicants, Ashley and Jackie Burt, are requesting the operation of the Orsch private school at 200 North Spruce Street within the Commercial zone district. The legal description of the property is the west 94' of Lots 7-12, Block 10, Original Gunnison, City and County of Gunnison, Colorado.

The applicants' narrative states:

“Summary of project:

- Purchase 200 N. Spruce.
- Place a 1,972 square foot addition on the North end of the building.
- Move the existing Orsch school from its current location at the Gunnison Arts Center to its new home at 200 N Spruce...

Existing Building:

The existing building was built in 1975 and consists of 1,949 square feet on one ground floor.

- Lot size is 14,100
- Lot coverage is 13.8% - within the maximum of 50%
- Landscaping is 33.5% - in excess of the required 10%

Proposed addition:

The proposed addition will consist of a prefabricated building. This will be set on a foundation built by Christopher Klein Construction. CKC will prepare the site, handle utility hookups, and integrate it with the existing building.

- New building will be a single story of approximately 1,972 square feet.
- Combined lot coverage will be 27.8%
- Landscaping coverage will not appreciably change.
- New building will satisfy ADA requirements for entrance, and bathrooms.

Parking:

- Prior use required significantly more parking than this proposed use. Space will still be available around the new building for off-street parking, and any future use will still have space to reconfigure for additional off-street parking if it is necessary.
- The historical parking needs for Orsch are known, and very limited. Teachers predominantly walk or ride bikes. The students do not yet drive. There are not many

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other vehicles coming and going. Student drop off is a busy time, and the proposal for that appears below, however, none of those cars park. Orsch has successfully made parking work at the GAC – which has zero off-street, very limited on-street, and very limited drop off areas. We are confident the new location will be an easier proposition.

- The subject property is surrounded on four sides by parking. There are County owned public lots to the North and East. There is the old City Market site, labeled “public parking” directly adjacent to the west. And finally, the South and West sides of the property are flanked with on-street parking. There are no other businesses who utilize this street parking.
- Gunnison’s Land Development Code has specific parking requirements for “Elementary and Middle Schools”. It requires 1 space for every classroom, as well as 1 space for every 300 square feet of office space.
  - We will have approximately 60 students in this location. That equates to 2-3 normal classrooms from a total number perspective.
  - Orsch does not use “classrooms” in the traditional sense. The building will have as many small spaces and nooks for students as we can provide. Further, the children are not divided into “classes” or “classrooms”.
  - We believe that 3 spaces will meet the spirit and intent of this section.
- The site plan delineates 5 off-street spaces.

Traffic Flow:

- Student drop off will occur on the South and West sides of the building. There is ample street frontage for parents to drop off students in these areas. We can cone them as necessary to provide a visual warning to other traffic, and/or to deter parking in those spots during drop off.”

SITE ASSESSMENT

The proposed site is within the Commercial zone district with the Central Business District to the south. Surrounding uses include County government offices, two church facilities, a single-family residence, dentist office and retail. The existing structure was built in 1975 and originally used for a bank and as an optometrist’s office for over 25 years. The building has been vacant since September 2012. The structure is 1,949 square feet with an established parking lot and mature landscaping. The applicant proposes a prefabricated addition of approximately 1,972 square feet for a total of 3,921 square feet. The site can accommodate the proposed addition and meet the requirements of the *LDC*.

The Orsch School has been operating out of the Gunnison Arts Center since Conditional Use approval in 2011. This location posed some concerns in regard to safety (Main Street and Tomichi Avenue intersection) impacts on parking (loading area) and compatibility with



**STAFF REPORT**  
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Orsch School – Ashley and Jackie Burt

the downtown area.

Because the school enrollment numbers are relatively small, the school was able to function fairly well at this location; however, the proposed location will serve the needs of the school while providing a safer environment for the children and more compatibility with the surrounding neighborhood.

**TRAFFIC**

The proposed site is located on Virginia Avenue which is a major collector and Spruce Street which is designated as a local street. Based on the *Institute of Transportation Engineers, Trip Generation, 6<sup>th</sup> Edition (ITE)*, the Orsch school enrollment numbers would generate approximately 68 trips per day (56 trips during the morning peak hour and 12 trips during the afternoon peak hour). Existing student enrollment numbers and resulting traffic volumes will not have a noticeable impact on the level of service at the intersection.

**PARKING AND CHILD DROP-OFF/PICK-UP**

The *LDC* requires one off-street parking space per classroom plus one space per 300 square feet of office space. The applicant is proposing three classrooms (including the addition) and five off-street parking spaces. The site may accommodate additional parking depending upon the configuration of the proposed addition.

The applicant’s narrative proposes adjacent properties (County parking lots and the Catholic Church (old City Market)) as part of the school’s parking plan. Adjacent private property may not be used to fulfill off-street parking requirements of a land use.

Typically a designated off-street loading zone would be required for a school use. Since the school has limited enrollment, drop-off and pick-up may be on the Spruce and Virginia rights-of-way (ROW). The applicant’s narrative makes reference to coning off portions of the ROW during loading hours. The public ROW may not be used exclusively for the school’s use.

**ESTABLISHMENTS WITH A LIQUOR LICENSE**

The State of Colorado requires that establishments that sell alcohol be a minimum of 500 feet from schools or daycare facilities. The former school location, at the Gunnison Arts Center, was located within 500 feet of approximately 15 establishments that have a license to sell alcohol. The proposed location meets the minimum separation requirement.



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**BUILDING CODE CONSIDERATIONS**

Based on provisions of the *International Building Code*, this is a change in building occupancy; the historic occupancy designation is “B” (Business). The Orsch School use is classified by the *IBC* as “E” (Education). The Building Official and Fire Marshal have inspected the site and found the structure adequate for a school use. A Change of Occupancy permit will be required for the existing structure and a Building Permit for the addition.

**DEPARTMENTAL COMMENTS:**

Building Official: The building is in compliance with the *International Building Code*. A Change of Occupancy permit is required. The addition will require a building permit.

Fire Marshal: The building will need to be inspected prior to approval by both Eric (Building Official) and myself.

Parks and Recreation Department: No issue.

Police Department: The following comments were received from Keith Robinson, Chief of Police:

“Use of 200 N Spruce St. as a school facility does not readily appear to be a concern. However, several areas referred to in the documentation should be considered or clarified.

1. The diagonal parking spaces on the south side of the building, 300 Blk. W. Virginia, are currently used on a regular basis. This use is ongoing even though the building, 200 N. Spruce, is currently empty indicating that residents, employees and customers in the area still use the spaces. Use of those spaces exclusively for Orsch School would not occur. Further use of those spaces as a drop off would need to be in accordance with current parking regulations, at the time. Further no plans are in place that I know of to change those spaces from diagonal parking spaces.
2. Parking along the west side of the property, 200 Blk. N. Spruce, is also on a city street and does not grant exclusive use of the parking to the applicant. Further use of those spaces as a drop off would need to be in accordance with current parking regulations, at the time.
3. Discussion of a temporary drop off area marked or dedicated for a specific time, will need to be discussed further if it is to utilize the street.
4. Material presented by the applicant references the county parking lots, in the area as available parking. Those lots are under Gunnison County ownership and control and I am not aware of any provision to insure that they are available for parking other than County business. Inclusion of County owned parking lots as part of a parking solution or plan could have future implications if the County were to restrict parking.
5. Material presented by applicant references the old City Market property as public parking. As with the County parking lots the City does not have control or formal agreements, that I am aware, for public use of that area. The property is owned by the Catholic Church and the sign located on the north side of the property specifically limits usage to Church activity. The City has informally been involved in getting permission to use the area for persons using the bus stop or large events where parking downtown might be limited. There are two public parking signs, one each on the south and east side of the property, which cause some confusion. Inclusion of this parking area as part of a parking solution or plan could have future implications if the Catholic Church were to restrict parking or develop the land.

Overall I believe that off street parking requirements are met by the Applicants plan. The forgoing is only presented to clarify that any planning to use the surrounding public and private parking areas for overflow parking could be limited in the long term. As a practice Orsch School activity is not a high parking demand but does exist on special occasions and may have an impact

on surrounding public streets. That said it is not dissimilar to parking around any of the public schools for their special events.”

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 operate a school in the Commercial zone district which requires Conditional Use approval based on the City’s *Land Development Code*.
2. The proposed school is compatible with the surrounding neighborhood.
3. 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 proposed location will serve the purpose of the school and provide a safer environment and compatibility with the neighborhood.
4. Because the school enrollment numbers are relatively small, undue traffic congestion, parking or loading issues should not be created by this use.
5. Use of adjacent private property and the exclusive use of a public ROW are not allowed as part of a parking plan. The site proposes five off-street parking spaces which is adequate to serve the Orsch School.
6. The Building Official and Fire Marshal have inspected the proposed 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*.
7. The proposed Orsch School is a benefit to the community and the proposed location protects the community’s health, safety and welfare.

#### 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 3, Education, Goal: An informed community will exercise its civic responsibilities and the City will continue to collaborate with all governmental and private agencies to nurture educational opportunities in the City.

Chapter 3, Education, Policy 5. Encourage Education, Arts & Literacy Programs: Provide support to other community entities that offer education, arts and cultural programs.

**B. Conformance to Codes.** The use shall conform to all other applicable provisions of this *LDC* and the *City of Gunnison Municipal Code*, including but not limited to:

1. **Zone District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, Section 2.4 (Principal Use Table) and Section 2.6 (Base Zone district Dimensional Standards).

**No Conflict:** Based on Table 2-3, Principal Use Table, schools are designated as a Conditional Use in all zone districts of the City, including the Commercial zone district in this instance. 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 200 North Spruce site is appropriate for the Orsch School and meets the dimensional standards, off-street parking requirements and landscaping.

2. **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 Orsch School complies with the Special Use Regulations of the *LDC*.

3. **General Development Standards.** All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 4 of this *LDC*.

**No Conflict:** The site meets the standards and criteria in Section 4 of the *LDC*. Any proposed addition will be subject to staff review. The addition is subject to a building permit and must comply with the *LDC* and the *International Building Code*.

4. **Natural Resource Protection Standards.** All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 5, Natural Resource Protection Standards, of this *LDC*.

**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:** A school is compatible with the surrounding uses and situated in an ideal location between residential districts and the commercial and downtown areas.

- 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.

**Possible Conflict:** The school's student population is relatively small and the number of daily shuttles is low. The school is positioned along a major collector street (Virginia) and a local street (Spruce). This intersection functions well and the school use should not cause undue traffic congestion or dangerous conditions.

The site provides five off-street parking spaces but does not provide a designated loading area. The applicant's narrative proposes coning off the ROW during loading times to deter traffic. A public ROW may not be used exclusively for a private use. Additionally, the applicant proposes the use of adjacent parking areas (County Government Parking and Catholic Church lot (old City Market)). Adjacent private property may not be used as part of a parking solution or plan for the Orsch School.

- 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:** Enrollment levels of the Orsch School are relatively small and there are no obvious conflicts with the surrounding properties.

- 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.

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**No Conflict:** The Building Official and Fire Marshal inspected the building and the existing structure is adequate to serve the Orsch School. A Change of Occupancy permit will be required prior to opening. Any addition to the facility will require a building permit.

**G. Environment.** The use shall not cause significant deterioration to water resources, stormwater volume and quality, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

**No Conflict.**

**ACTION**

During the Planning and Zoning Commission meeting held on June 4, 2014, Commissioner \_\_\_\_\_ moved, and Commissioner \_\_\_\_\_ 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*.

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9. 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.
10. 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*.
2. 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*.

**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):** ASHLEY + JACKIE BURT

**Phone #:** 970 275 6009 **Fax #:** \_\_\_\_\_ **E-Mail:** aburt@gunnisonbank.com

**Mailing Address:** 303 E San Juan Ave

**City:** GUNNISON **State:** CO **Zip:** 81230

**Legal Description**

**Site Address of Property:** 200 N. SPRUCE **Zoning:** C  
**Block:** 10 **Lot(s):** wa4/lots 7-12 **Addition:** Original Gunnison

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

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

**Summary of Request:** Conditional use request to relocate Orsch to 200 N. Spruce.

**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** 5/12/14  
\_\_\_\_\_  
**Date** \_\_\_\_\_

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Variance          | <b>For Office Use Only</b>                     |
| <input type="checkbox"/> Major Subdivision          | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Zoning Amendment      |
| <input type="checkbox"/> Mobile Home/RV Park        | <input type="checkbox"/> PUD               | <input type="checkbox"/> Subdivision Exemption |
| <input type="checkbox"/> Consolidated Application   |  | <input type="checkbox"/> Vacation              |

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# Assessor Property Record Search

## Owner and Parcel Information

### Owner Name & Mailing Address

MCKENZIE LAURIE JANE REVOCABLE TRUST  
KELLAND THOMAS DAVIS  
28240 COUNTY ROAD 18  
STERLING, CO 80751-8928

Business Name: NA

Today's Date: May 8, 2014  
Appraisal Year: 2013

Account Number: R001669  
Parcel Number: 3701-363-27-002  
Account Type: Commercial  
Economic Area: Econ Area 1  
Tax District: 100  
Mill Levy: 49.778

Property Location: 200 N SPRUCE ST, GUNNISON  
Neighborhood: COMMERCIAL OFF HWY  
LEA: COMMERCIAL OFF HWY 50-135 (12330)  
Subdivision: GUNNISON ORIGINAL  
Condo:  
Legal Description: W 94FT LOTS 7-12 BLK 10 ORIGINAL GUNNISON B703 P618 #614854  
Parcel Notes: TOTAL PARCEL = 14,100 SF

Parcel Map [Show Parcel Map](#)  
Building Photos [Building Images](#)  
Building Sketches [Building Sketches](#)  
[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
\$84,600	\$24,530	\$152,500	\$44,230	\$237,100	\$68,760

## Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2013	\$237,100	\$68,760	49.778	\$3,422.72
2012	\$205,150	\$59,500	44.152	\$2,627.03
2011	\$205,150	\$59,500	44.343	\$2,638.41
2010	\$349,050	\$101,230	40.939	\$4,144.25
2009	\$349,050	\$101,230	39.757	\$4,036.76
2008	\$360,000	\$104,400	41.387	\$4,331.76
2007	\$360,000	\$104,400	36.186	\$3,789.88
2006	\$243,430	\$70,590	43.784	\$3,102.52

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
OFFICES-LAND	Commercial	0.324	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
07/27/2012		DAVIS KELLAND THOMAS ETAL	MCKENZIE LAURIE JANE REVOCABLE TRUST ETAL	N/A	614854	QUIT CLAIM DEED - NO FEE
03/30/1992	\$100,000	Unknown	Unknown	Improved	B000703P0006	SPEC WARR DEED - FEE

## Building Information

### Building Number 1:

Occupancy Type	Quality of Construction	Average	Stories	Primary Heating System
OFFICE	Average		1	Domestic Hot Water
Building Description: Medical Offices	Exterior Condition: Average		Roof	Landscaping
Original Year Built: 1975	Interior Condition		Exterior	

<b>Effective Year Built</b>	1980	<b>Bedrooms</b>	0	<b>Foundation</b>	Concrete
<b>Percent Complete</b>	100%	<b>Bathrooms</b>	0	<b>Windows</b>	
<b>Building Square Footage or Units:</b>					
<b>Above-grade Living Area</b>	1,949 sqft				
<b>Finished Basement</b>	0 sqft				
<b>Unfinished Basement</b>	0 sqft				
<b>Garage</b>	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 5, 2014

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#### Summary of project:

- Purchase 200 N. Spruce.
- Place a 1,972 square foot addition on the North end of the building.
- Move the existing Orsch school from its current location at the Gunnison Arts Center to its new home at 200 N. Spruce.
- 200 N. Spruce is zoned Commercial, and as such requires a conditional use approval. That approval is the purpose of this application.

#### Existing Building:

The existing building was built in 1975 and consists of 1,949 square feet on one ground floor.

- Lot size is 14,100
- Lot coverage is 13.8% - within the maximum of 50%
- Landscaping is 33.5% - in excess of the required 10%

#### Proposed addition:

The proposed addition will consist of a prefabricated building. This will be set on a foundation built by Christopher Klein Construction. CKC will prepare the site, handle utility hookups, and integrate it with the existing building.

- New building will be a single story of approximately 1,972 square feet.
- Combined lot coverage will be 27.8%
- Landscaping coverage will not appreciably change.
- New building will satisfy ADA requirements for entrance, and bathrooms.

#### Parking:

- Prior use required significantly more parking than this proposed use. Space will still be available around the new building for off-street parking, and any future use will still have space to reconfigure for additional off-street parking if it is necessary.
- The historical parking needs for Orsch are known, and very limited. Teachers predominantly walk or ride bikes. The students do not yet drive. There are not many other vehicles coming and going. Student drop off is a busy time, and the proposal for that appears below, however, none of those cars park. Orsch has successfully made parking work at the GAC - which has zero off-street, very limited on-street, and very limited drop off areas. We are confident the new location will be an easier proposition.
- The subject property is surrounded on four sides by parking. There are County owned public lots to the North and to the East. There is the old City Market site, labeled "public parking" directly adjacent to the West. And finally, the South and West sides of the property are flanked with on-street parking. There are no other businesses who utilize this street parking.
- Gunnison's Land Development Code has specific parking requirements for "Elementary and Middle Schools". It requires 1 space for every classroom, as well as 1 space for every 300 square feet of office space.
  - We will have approximately 60 students in this location. That equates to 2-3 normal classrooms from a total number perspective.

- Orsch does not use “classrooms” in the traditional sense. The building will have as many small spaces and nooks for students as we can provide. Further, the children are not divided into “classes” or “classrooms”.
- We believe that 3 spaces will meet the spirit and intent of this section.
- The site plan delineates 5 off-street spaces.

Traffic Flow:

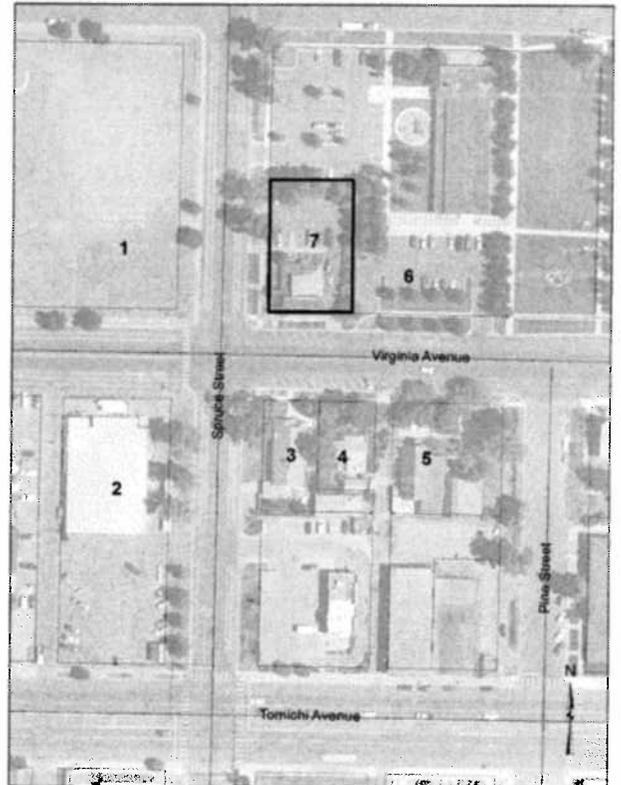
- Student drop off will occur on the South and West sides of the building. There is ample street frontage for parents to drop off students in these areas. We can cone them as necessary to provide a visual warning to other traffic, and/or to deter parking in those spots during drop off.



200 N. Spruce  
CU 14-5

The following adjacent property owners were notified via certified mail:

- 1 Bishop of Pueblo  
1001 N. Grand Avenue  
Pueblo, CO 81003
- 2 M&C Enterprises  
900 N. 11<sup>th</sup> Street  
Gunnison, CO 81230
- 3 John B. Schmidt  
317 W. Virginia Avenue  
Gunnison, CO 81230
- 4 Margaret Zembower  
311 W. Virginia  
Gunnison, CO 81230
- 5 Bishop and Diocese of Colorado  
Episcopal Church  
1300 Washington Street  
Denver, CO 80203-2008
- 6 Board of County Commissioners  
200 E. Virginia Avenue, Suite 104  
Gunnison, CO 81230
- 7 Laurie Jane McKenzie Revocable Trust  
Kelland Davis  
28240 County Road 18  
Sterling, CO 80751



Kelland T. Davis  
423 county Road 13  
Gunnison, Colorado 81230  
(970) 209-5934  
Kellytdavis@yahoo.com

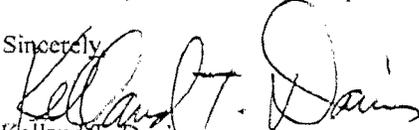
5-10-14

City of Gunnison Planning Department  
201 W. Virginia Ave.  
Gunnison, Co. 81230

To whom it may concern:

Laurie J. McKenzie (co-owner) and I authorize Ashley and Jackie Burt to apply for a conditional use for our building located at 200 N. Spruce.

Sincerely



Kelland T. Davis

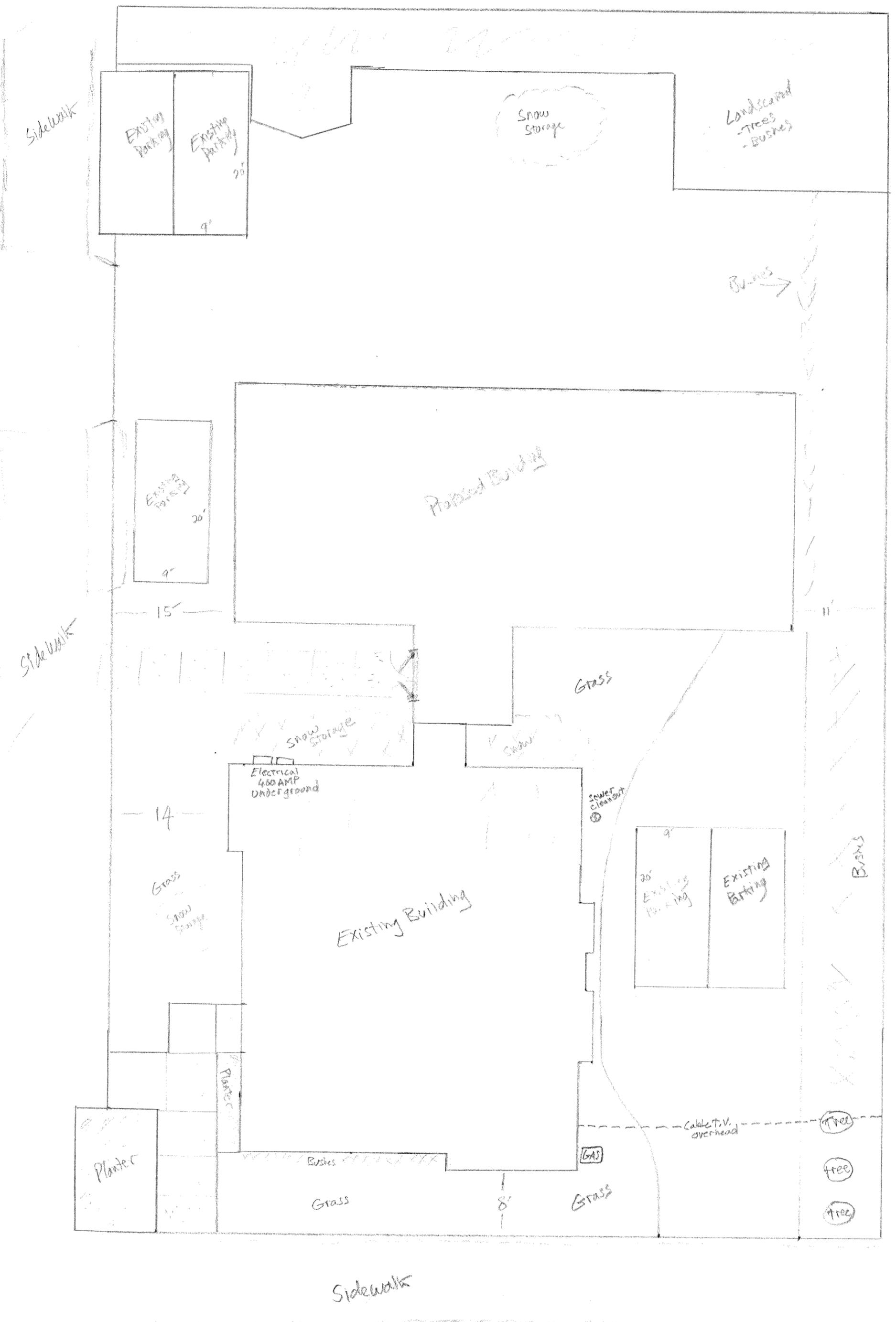
Site Plan:

Ashley and Jackie Burt  
200 N. Spruce  
Gunnison, CO

Total parcel 14,100 square feet:

**Dimensional standards:**

<u>Dimension</u>	<u>Required</u>	<u>Actual</u>
Structures	50% max	27.8% or 3,921 sq ft - as proposed
Landscaping	10% min	33.5% - 4,722 sq ft
Parking	3 spaces	5 spaces



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STAFF REPORT  
*THREE-MILE PLAN ANNUAL REVIEW*

To: Gunnison Planning and Zoning Commission  
From: Community Development Staff  
Date: June 4, 2014  
Cc: Gunnison County Planning Commission

**STATE STATUTE PROVISIONS**

Pursuant to Title 29, Article 20, *Colorado Revised Statutes (CRS)*, the State gives broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions. Local governments also have the power to regulate the location of activities and developments that may result in significant changes in population density, to provide for phased development of services and facilities, and to regulate the use of land on the basis of impacts. The statute authorizes and encourages local governments to cooperate or contract with other units of government for planning and regulating land.

Once a *Three Mile Plan* has been established, it must be annually reviewed C.R.S. §31.12.105 1EI:

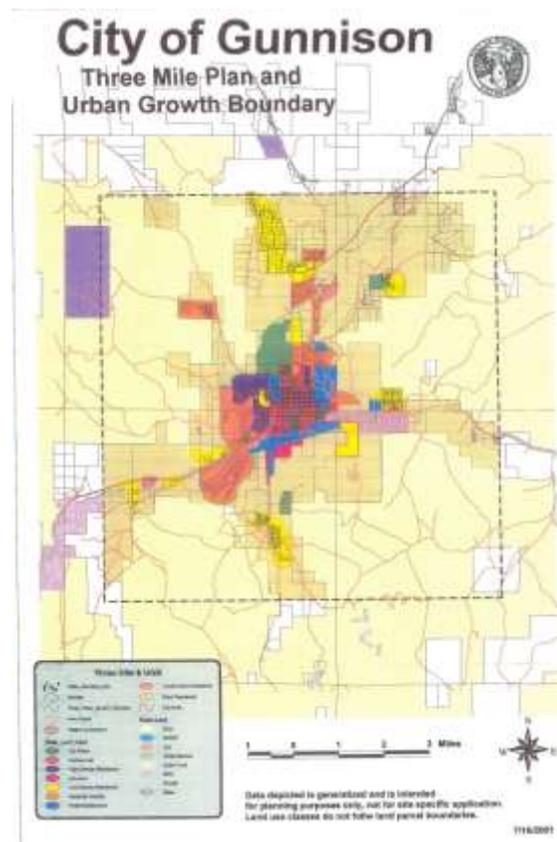
“... Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character...to be provided by the municipality and the proposed land uses for the area. **Such plan shall be updated at least once annually...**”

**EXISTING *THREE-MILE PLAN* DOCUMENTS**

***Three Mile Plan:*** The current *Three Mile Plan* was last revised in December 1997 and is the guiding document for development within the three-mile planning boundary. The plan discusses existing conditions and future development potential, goals and objectives, preferred land use patterns, as well as implementation actions.

***Three Mile Plan Intergovernmental Agreement:*** The *Three Mile Plan Intergovernmental Agreement (IGA)* was executed on July 3, 2001 between the City of Gunnison and the Gunnison Board of County Commissioners. It provides the policy for intergovernmental coordination, including the joint review process. The *IGA* also provides for a process to resolve disputes that may arise as a result of changes in circumstances after the execution of the agreement.

***Wastewater Treatment Facility Agreement:*** The *Wastewater Treatment Facility Agreement* was also



executed on July 3, 2001 between the City and County and is the sole agreement regarding wastewater collection and treatment between the two entities. The agreement states that there is sufficient capacity to serve the areas contained within the three-mile planning area. The agreement sets forth provisions for capacity charges, facility operations, user fees, discontinuance of service, regulatory jurisdictions, and dispute resolution. One of the main provisions within this agreement relates to the protection of the City's sales tax, which states that "the City shall not be obligated to accept wastewater for treatment ... from any property that is approved by the County for retail or commercial use which generates sales tax revenue..."

### ***CITY OF GUNNISON MASTER PLAN***

Chapter 5 of the *City of Gunnison Master Plan (2007)* addresses some of the issues and topics regarding future development in the Three Mile area. In fact, the City's *Master Plan* provides significant revisions to future land uses, redesignates the Three Mile and Urban Growth Boundary, and established policy directives to help address future development in the surrounding area.

#### **Excerpt from the *City of Gunnison Master Plan (2007)*:**

##### **Urban Growth Boundary (UGB)**

The urban growth boundary (UGB) was last mapped in 1997 with projected land uses identified within that boundary. The UGB and Three-Mile Boundary have been moderately revised for this plan to reflect changing conditions in the area, such as population growth, infrastructure extensions, and transportation needs. However, the *Three-Mile Plan* will need to be further reviewed by both the City and the County and revised accordingly.

##### **Consequences of Existing Land Use Development Patterns**

Existing land use patterns within the urban growth boundary are problematic in several respects. Most of the residential ranchette properties that have been developed in recent years have a sprawling nature to them, and are contrary to compact land development patterns.

Secondly, these properties typically rely on individual septic disposal systems (ISDSs), and not a central sewer system. As a consequence, the City's water quality and potable water systems could be threatened.

Thirdly, traffic patterns are placing increasing pressure on existing roads, particularly on Highway 135 just north of the City limits. (*See Chapter 8, Transportation*).

### **ANNEXATIONS**

**Gunnison Rising.** Gunnison Rising was annexed into the City on January 31, 2010, increasing the city area by 633 acres. The following table indicates specific zoning district designations, assigned residential unit caps (minimum and maximum), the number of recreation vehicle space allocations, and the maximum amount of non-residential floor area for Gunnison Rising.

Land Use	PUD Zoning District Designation	Acres	Residential Unit Minimum	Residential Unit Cap	Gross Floor Area Non-Residential	Recreational Units
Single-Family Residential	R-1	16	1	4	Per Conditional Use*	N/A
Residential	R-2	234	235	340	Per Conditional Use*	N/A
School District Site	R-2 M	10	N/A	N/A	N/A	N/A
Residential Village	R-2 M	63	100	270	Per Conditional Use*	N/A
Commercial / Mixed Use	C M	48	0	120	174,000	N/A
Parks/Open Space	O	62	N/A	N/A	N/A	N/A
Highway 50 ROW Dedication	N/A	13	N/A	N/A	N/A	N/A
Recreational Resort	CRV	64	N/A	N/A	10,000	350
Commercial	C	5	N/A	N/A	20,000	N/A
Business & Research Park	I M	37	N/A	N/A	250,000	N/A
Western Pavilion	C/WP	12	N/A	N/A	Existing structures to remain	N/A
Government	GOV	17	N/A	N/A	70,000	N/A
Equestrian Meadows	O/E	52	N/A	N/A	N/A	N/A
<b>TOTAL</b>		<b>633</b>		<b>734</b>	<b>484,000</b>	<b>350</b>

\*(Note: Non-residential uses which may be allowed through conditional use approval are not reflected in this table.)

**VanTuyl Ranch.** In 2012 the City initiated an *Annexation Petition* for the VanTuyl Ranch property and the 5.32 acre parcel owned by the Gunnison County Library Board. The City annexed the 389.58 acres on February 12, 2013. The VanTuyl Ranch and Library Site are designated as follows:

Land Use	PUD Zoning District Designation	Acres	Residential Unit Minimum	Residential Unit Cap	Gross Floor Area Non-Residential	Recreational Units
Agriculture and Open Space	AG	384.26	1	4	533,602	N/A
Library	LIB	5.32	N/A	N/A	26,000	N/A
<b>TOTAL</b>		<b>389.58</b>	<b>1</b>	<b>4</b>	<b>546,602</b>	<b>0</b>

### THREE-MILE BOUNDARY AND URBAN GROWTH BOUNDARY

The attached maps show the existing Three-Mile Boundary (square shape); the existing Urban Growth Boundary; proposed boundary changes; and, sewer service areas within the three-mile area.

The Urban Growth Boundary can be defined as an area in which urban growth is encouraged considering two factors: need and location. The Urban Growth Boundary should not be confused with the sewer service areas that extend outside of the Urban Growth Boundary.

**REVIEW OF PAST THREE-MILE COUNTY REFERRAL APPLICATIONS**

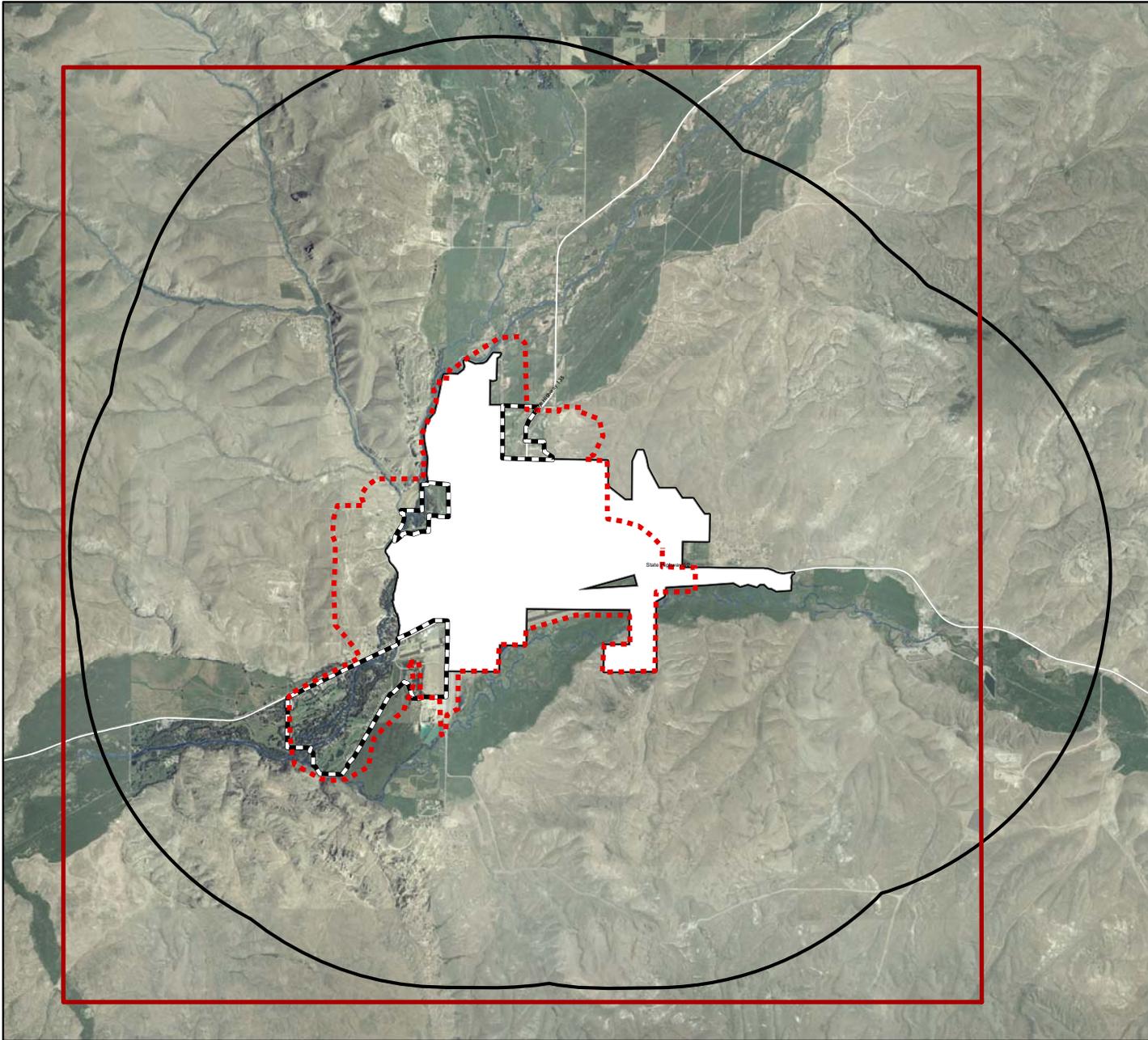
<b>App#</b>	<b>Name</b>	<b>Location</b>	<b>Comments</b>	<b>Date Reviewed by PZ</b>
LUC 2013-23	KVLE Radio	North Highway 135	Three-Mile designation of Moderate Density Residential (1 to 6 units per acre). No stated concern. The request was to remove the radio tower and equipment shed and replace with a new tower and shed.	November 13, 2013
LUC-2013	Land Use Change for Ted and Kim Bemis Subdivision	County Road 33 adjacent to Dos Rios Golf Course within the Dos Rios Subdivision. (Lot 8, Dos Rios Unit 2, also known as 444 Camino Del Rio).	Three-Mile designation of Moderate Density Residential (1 to 6 units per acre). No stated concern. Central water and sewer services were already at the site and the subdivision request was compatible with the surrounding neighborhood.	December 12, 2013

**STAFF OBSERVATIONS**

1. Revision of the *Land Development Code* was completed and adopted in 2014. While the updated standards do not affect future land uses in the Three-Mile area, the development standards will apply to any areas contemplated for future annexation.
2. An update of the *City of Gunnison Master Plan (Comprehensive Plan)* will begin in 2014. When the *Comprehensive Plan* is completed in 2015 an update of the *Three-Mile Plan* will be initiated.
3. Revisions to the *Intergovernmental Agreement* should be considered when the *Three-Mile Plan* is updated.

**RECOMMENDATIONS**

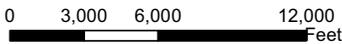
1. Begin exploring sources funding sources for the *Three-Mile Plan* update.
2. Include the *Three-Mile Plan* update in the FY2015 budget.
3. Review and analyze existing land use patterns within the three-mile planning area and address future related development potential as part of the Master Plan update.



## Proposed Three-Mile Boundary and Urban Growth Boundary

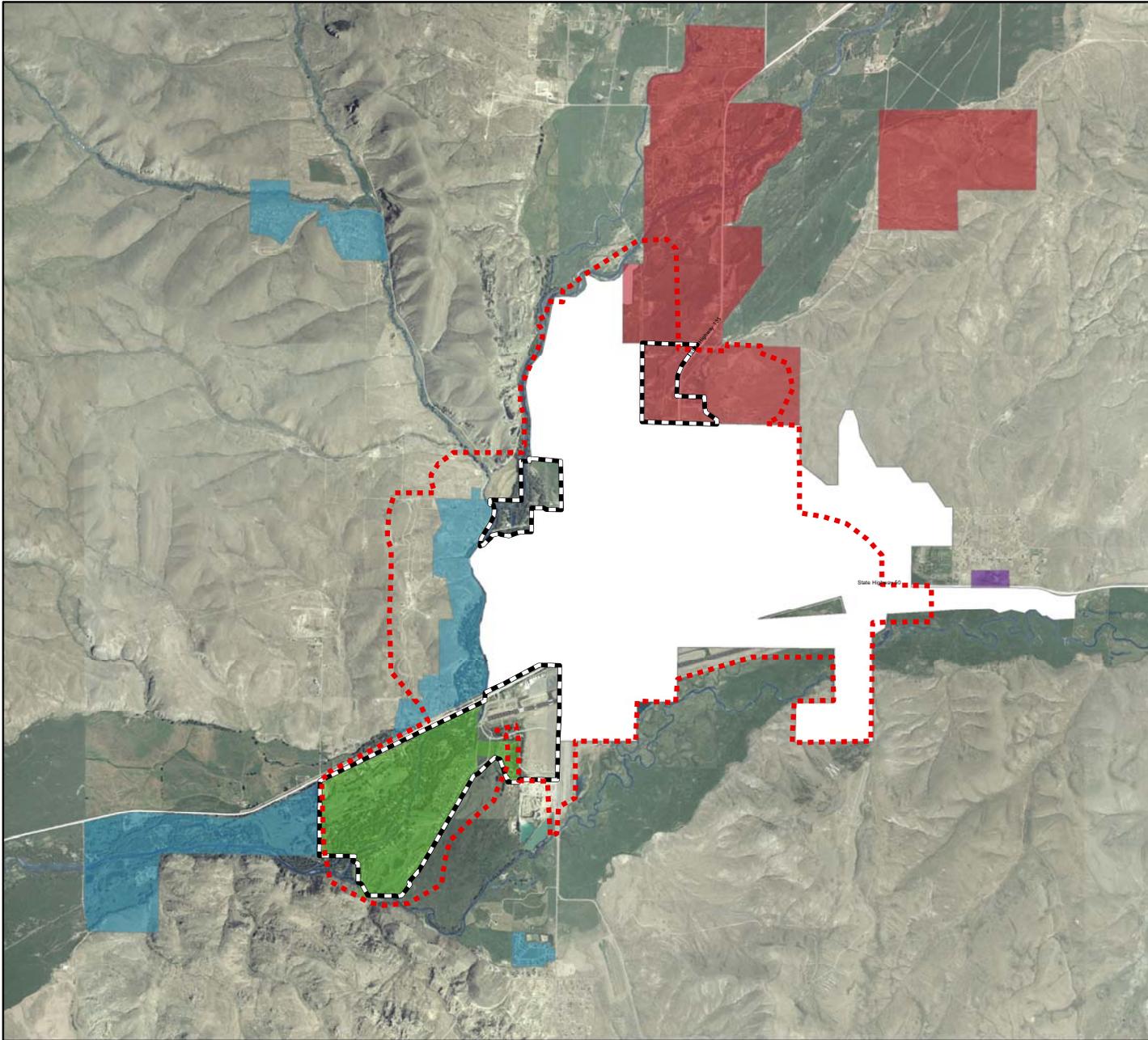
### Legend

- Existing Urban Growth Boundary
- Existing Three-Mile Boundary
- Proposed Urban Growth Boundary
- City Boundary
- Proposed Three-Mile Boundary



Community Development  
 201 West Virginia Avenue  
 PO Box 239  
 Gunnison, CO 81230  
 970-641-8090

November 8, 2011



# Sewer Service Areas

## Legend

-  City Service Extension Area
-  Dos Rios Sewer
-  Dos Rios Water & Sewer
-  North Sewer District
-  Existing Urban Growth Boundary
-  Proposed Urban Growth Boundary
-  City Boundary



Community Development  
 201 West Virginia Avenue  
 PO Box 239  
 Gunnison, CO 81230  
 970-641-8090

November 8, 2011



DRAFT MINUTES MAY 28, 2014  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING

7:00PM

Page 1 of 10

<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, Tom Pulaski, Jani Pulaski, Nancy Pierce, Russ Forrest, Rick Lamport, Jan Bjornstad, Colleen Strauss, and Lisa Holland.

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

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:01 p.m.

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

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

**Applicant Presentation.** Tom Pulaski addressed the Commission. He stated that in addition to the information already provided to the Commission, they are proposing to build an 11-unit carport and a storage unit on the large vacant area on the west side of the property. Director Westbay stated that this will be under a building permit so the *Building Code* will address any issues.

In response to a question from the Commission, Mr. Pulaski said that the property line issue [which was brought up at the May 14<sup>th</sup> meeting by an adjoining property owner] has been resolved.

**Public Input.** There was none.

**Staff Presentation.** Planner Ruggera reviewed the Staff Observations and stated she had nothing further to add.

**Commission Discussion.** There was none.

**Close Public Hearing.** Chair Larson closed the public hearing at 7:05 pm.

**COMMISSION ACTION.** During the Planning and Zoning Commission meeting of May 28, 2014, Commissioner Beda moved, Commissioner Cave 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.

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

Because the Public Hearing for CU 14-1 was scheduled for 7:20 and there were a few minutes remaining, Chair Larson revised the order of the agenda to allow the Pulaski's application for SB 14-1, Minor Subdivision Final Plat to be considered next.

- V. **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.

Commissioner Ferchau and Commissioner Niemeyer asked staff for clarification on process for the minor subdivision and townhome plat, which Director Westbay answered.

**Review of the Process.** Planner Ruggera reviewed the process for a Minor Subdivision Final Plat. She noted that the Conditions on the Preliminary Plat approval have been met except for the new water line, which is a Condition for the Final Plat.

**Applicant Presentation.** The applicant had nothing further to add.

**Public Input.** There was none

**Commission Discussion.** There was none.

**Close Public Hearing.** Chair Larson closed the public hearing \_\_7:30 p.m.

#### **ACTION**

During the Planning and Zoning Commission meeting of May 28, 2014, Commissioner Niemeyer moved, Commissioner Tocke 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).
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.

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

Motion carried

**VI. 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.

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:20 p.m.

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

**Review of the Process.** Planner Ruggera reviewed the process for a Conditional Use for a Daycare Center. In 2006, a Conditional Use for a daycare school was granted for the property at 617 West Virginia, which allows up to 12 children. A use for more than 12 children is a daycare center. The applicant is purchasing the 611 West Virginia site and the two properties would be operated as two separate facilities with the younger children at the 617 W. Virginia location and the older children at 611 West Virginia.

**Applicant Presentation.** Nancy Pierce and Jennifer Bjornstad addressed the Commission. Ms. Pierce stated that in 2007 she started the Seasons School House. The business is now a nonprofit. The facility is operating at full capacity with a waiting list. The applicant stated she wants to have a summer program where children will have shelter from the summer storms [as opposed to programs in the park]. She said that in talking to parents and researching, a lot of summer programs don't have an academic piece, which her program will.

**Public Input.** There was none

**Staff Presentation:** Planner Ruggera stated that the proposed site at 611 West Virginia currently does not meet the requirement of two off street parking spaces. The applicant will move the fence along Virginia Avenue to provide that space.

Planner Ruggera reviewed the Staff Observations. The existing daycare school functions well and there have been no reported issues since the school opened. The Fire Marshal and Building Official have inspected the proposed site and found the structure is adequate but fire alarms and

fire extinguishers must be installed. Drop off and pickup locations for 611 West Virginia are proposed using the two off-street spaces and the Virginia Avenue right-of-way. Staff is recommending approval with two Conditions.

**Commission Discussion**

- Commissioner Tocke asked how many children will be at the new facility. Ms. Pierce replied that there will be about twelve. She said enrollment fluctuates with attrition.
- Commissioner Niemeyer asked if there had been any feedback from the neighbors. Director Westby replied that there has not been because it is a historical use and the neighbors have adjusted.
- Commissioner Tocke asked if the house in-between the two properties had just sold. Ms. Pierce responded that it has been in short sale. She submitted an offer but it was not accepted because they did not want a waiting list of offers. She is hoping that someday the new owners will rent it out to her. She said she will keep the daycare center quiet on both sides and get along with the neighbors.
- Commissioner Beda observed that the ORSCH was on the other side of the alley for a while. He also observed that 611 W. Virginia is close to the alley. Director Westbay responded that it is probably a nonconforming structure. Ms. Pierce stated that the door on that side will be used for an emergency exit only.

**Close Public Hearing.** Chair Larson closed the public hearing 6:28 p.m.

**ACTION**

During the regular Planning and Zoning Commission meeting held on May 28, 2014, Councilor Ferguson moved, and Commissioner Niemeyer 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*.
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.

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

Because the Public Hearing for the next agenda item was published to begin at 7:40, Director Westbay invited Russ Forrest, Gunnison County Director of Community Development, and Rick Lamport, County Airport Manager, to provide an update on the *Airport Master Plan* and Community Builders Consortium. The gentlemen addressed the Commission.

Commissioner Ferchau asked if they had received any complaints about the test flights at the airport. Mr. Lamport responded that two complaints were received because the helicopter wasn't operating in the normal place. He explained that the company doing the test flights does tail rotor design and they need to test them at high altitude. The testing requires winds below three miles per hour, which is why the testing is so early in the morning.

Mr. Forrest gave an update on the Courthouse project and said that some walls are being constructed. Commissioner Beda stated it was fortunate no one got hurt when the building started coming down. Director Westbay said that some of the old bricks will be used as an architectural feature on the inside.

Director Westbay stated that the City and County will be involved with the Community Builders Consortium Group, which was formed as an exercise with the Sonoran Institute. It involves community ideas to work collaboratively to further common needs and causes. He said that the line of communication [between the City and County] is important.

Director Westbay said that the County will be starting an *Airport Master Plan* and that he and County staff have talked about him being on the technical advisory committee. He said it is important for the City to be involved.

Mr. Lamport said that the *National Plan of Integrated Systems* was created by the Department of Transportation. The Gunnison-Crested Butte Regional Airport is designated as a Part 139 Airport. Because of that, the Feds need to know where to put the dollars that comes out of the users fees. The FAA distributes the money through a viable master plan. The plan will guide the leveraging of those dollars.

Commissioner Beda and Councilor Ferguson provided anecdotal information about the early days of the airport.

- VII. 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.

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:40 p.m.

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

**Review of the Process.** Planner Ruggera reviewed the process for a Vacation. She stated that this portion of 10<sup>th</sup> Street has never been used as a thoroughfare.

**Applicant Presentation.** Russ Forrest stated that the vacation request is for southernmost part of 10<sup>th</sup> Street that has been owned and maintained by the County. He stated that [to the eye] it already appears that the property is part of the airport. He said that the County needs to have control of the property to be consistent with FAA rules.

Mr. Lamport interjected that the Airport is certified under Part 139 and regulated by the FAA. He said that under Part 139, one of the rules is “proximity” which refers to airspace of defined dimensions. He said that during one of the studies it identified that the old Public Works building was obstructing the airspace. The Airport received an AIP grant to remove the old building. He said that in his title search he found that the southern section of 10<sup>th</sup> Street hadn’t been vacated and in order to comply with FAA rules the street has to be removed from obstructing airspace. It is part of a land swap for land owned by the County by the observatory. Mr. Forrest interjected that it is an issue of which fund in the County owns which property. The use of that land in the future will be decided in the *Master Plan* process.

Mr. Forrest said that staff looked at the criteria for a Vacation. He said there is a sewer line and stormwater line running through the area. He said staff has discussed the need to establish an easement and will recommend this to the County Planning Commission. He said he appreciates City staff’s perspective and County staff feels the request meets the City’s criteria.

**Public Input.** There was none.

**Staff Presentation:** Director Westbay said that to make sure the utilities function appropriately, it is necessary to deal with some dated issues on conveyance of utilities. He said there is a 23-inch main that serves majority of the city running through the Airport property. He said there are historical issues with stormwater as well. He said that these issues can be dealt with in the *Airport Master Plan* and that the City and County staffs can work together to resolve issues.

#### **Commission Discussion**

Commissioner Tocke asked when the *Airport Master Plan* process will begin. Mr. Lamport said he hopes to have the kick-off in July and it should be finished in early 2016. He added that, if during the course of the *Master Plan*, some type of development is decided upon, the County would like the flexibility of rerouting the storm drain at its expense, and if so, easement language would be developed.

Councilor Ferguson stated that the applicant has made a compelling argument. He said that normally he would oppose vacating the street because the City has made some mistakes in vacating properties in the past. He said he is not going to oppose this Vacation, but we should ask ourselves if we really need to do this. Chair Larson added that if it was a smaller entity that could move to another section in town, he would be thinking hard about it, but the Airport is important and won't be moving to any other location in town.

**Close Public Hearing.** Chair Larson closed the public hearing 7:55 p.m.

### **ACTION**

During the regular Planning and Zoning Commission meeting held on May 28, 2014, Commissioner Cave moved, Commissioner Beda 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.
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.

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

Roll Call No:

Roll Call Abstain:

Motion carried

- VIII. CONSIDERATION OF THE MAY 14, 2014 MEETING MINUTES.** Councilor Ferguson moved and Commissioner Cave seconded, to approve the May 14, 2014 meeting minutes as presented.

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

Roll Call No:

Roll Call Abstain:

Motion carried

- IX. COUNCIL UPDATE.** Councilor Ferguson advised that the Council took care of some housekeeping items at the May 27<sup>th</sup> meeting and had nothing to report.

**X. COMMISSIONER COMMENTS**

- Chair Larson reported that he was involved with interviews for consultants for the *Comprehensive Plan*. He said that all were well-qualified and had excellent strong points and it was very informative.
- Commissioner Beda stated that everyone is looking forward to a good tourist season. He said that Telluride is having a festival every weekend and that last year their 90-day festival schedule produced \$51 million in sales tax revenue.
- Councilor Ferguson stated that the *Master Plan* consultant interviews were the highlight of his week. He said the interviews were well done, interesting, and the applicants had lots of great ideas. He said he is excited to begin the process with terrific partners.

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

- Staff is working on the Community Analysis for the *Comprehensive Plan*;
- The Growler was last weekend and 700 riders participated;
- Regarding the City Hall renovation, staff is working on the HVAC scope of work;
- Dan Brauch from the Colorado Department of Parks and Wildlife, and Director Westbay went to the CWCB meeting and the City and CPW were awarded \$460,000 for a river

- restoration grant. The entire project will have a \$780,000 value and will take a year and a half;
- He will give City Council an update on fires and flooding next week;
  - Staff is working on the grounding concepts for the *Comprehensive Plan* which is formulation of the basis, goals objectives, and rules of the planning process;
  - Lots of current planning applications are coming in;
  - The Planning and Zoning Commission meetings in June will be on June 4<sup>th</sup> and June 25<sup>th</sup>.
    - Commissioner Niemeyer said he will be on business travel on June 25<sup>th</sup> and asked to be excused from the meeting.

**XII. MOTION TO EXCUSE COMMISSIONER NIEMEYER FROM THE JUNE 25, 2014 PLANNING AND ZONING COMMISSION MEETING.** Commissioner Cave moved, Councilor Ferguson seconded, and the Commission voted to Excuse Commissioner Niemeyer from the June 25, 2014 P&Z meeting.

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

**XIII. ADJOURN.** Chair Larson adjourned the meeting at 8:00 p.m.

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Greg Larson, Chair

Attest:

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Pam Cunningham  
Secretary