

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
Rev 3/13/2015**

DATE: WEDNESDAY, MARCH 18, 2015
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

REGULAR MEETING

7:00pm

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS**
- IV. PUBLIC HEARING – TEXT AMENDMENT ZA 15-1, SUBMITTED BY STEVE WESTBAY, DIRECTOR OF COMMUNITY DEVELOPMENT, REQUESTING AN AMENDMENT TO RECLASSIFY A MAJOR SUBDIVISION TO A MINOR FOR A DEMONSTRATED COMMUNITY BENEFIT AND TO CORRECT TYPOGRAPHICAL ERRORS WITHIN THE *LDC*.**
- V. COUNCIL UPDATE**
- VI. COMMISSIONER COMMENTS**
- VII. PLANNING STAFF UPDATE**
- VIII. ADJOURN TO WORKSHOP**

7:30pm **WORKSHOP REGARDING DRAFT MARIJUANA CODES**

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.

STAFF REPORT

Text Amendment to the *Land Development Code*

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: March 18, 2015
RE: ZA 15-1, Text Amendment to the *Land Development Code*

CODE PROVISIONS

The *Land Development Code (LDC)*, Section 10.3 specifies that a text amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission establishes a recommendation to City Council to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

A Text Amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the city, an owner of a business within the city, or any person who holds a recognized interest in real property within the city.

APPLICATION

The applicant for this Text Amendment is Steven Westbay, the City of Gunnison Community Development Director. The application proposes to amend Section 12, Subdivision Standards, regarding a subdivision reclassification from a major to a minor subdivision and typographical errors throughout the *LDC*.

PROPOSED AMENDMENT

The new Section 12.3.B, Subdivision Reclassification shall be read as follows:

B. Subdivision Reclassification. Major Subdivisions may, at the discretion of the Community Development Director, be reclassified as a Minor Subdivision, prior to the application submittal.

- 1. Purpose.** A subdivision reclassification is intended to afford a means for a defined Major Subdivision to be reclassified to a Minor Subdivision, if the proposal provides a demonstrated community benefit that may include, but not be limited to, preservation of public open space, development of affordable housing, trail development or to facilitate the purpose of an organization providing a valuable community benefit.
- 2. Process.** Prior to the submittal of a formal subdivision application, the applicant may submit a formal written document to the Director requesting the reclassification of a Major Subdivision to a Minor Subdivision. The written request shall explain how the specific characteristics of said subdivision comply with the Reclassification Review Standards. The Director will provide a written notification of the decision to the applicant and the Commission. The Commission is authorized to deny the Directors decision.

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3. **Reclassification Review Standards.** An application for a Subdivision Reclassification shall comply with the following standards:
 - a. **Community Benefit.** The proposed subdivision will provide a derived community benefit as described in the Purposes of this subsection.
 - b. **Utility Services.** Public utility services (water, wastewater, electrical, gas, stormwater) are easily available to the land tract proposed for subdivision and only private service extensions are anticipated.
 - c. **Dedications.** The land tract is serviced by existing city streets and easements (trails, utilities) and/or the dedication of public streets and easements can be addressed be through the Minor Subdivision Review process.
 - d. **Non-Motorized Facilities.** The extension of non-motorized transportation facilities can be addressed though the Minor Subdivision process.
 - e. **Consistency with the Master Plan.** The intended uses shall be consistent with the *City of Gunnison Master Plan*.

4. **Subdivision Requirements.** A reclassification approval shall not be construed as a waiver from any of the established requirements for subdivision established by the *Land Development Code*.

B.C. Planned Unit Development Subdivision (PUD). ...

The following are typographical errors or proposed corrections to the LDC:

- Table 2-3 Principal Use Table, change bed and breakfasts from prohibited to permitted in the Commercial zone district.

TABLE 2-3 PRINCIPAL USE TABLE											
Specific Uses		RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Accommodations	Bed and breakfasts				C	C	C	C	P		§3.7 A.1.
	Hostels				C	C	C	C	P		§3.7 A.2.
	Hotels and motels						C	P			§3.7 A.3.
	RV Parks					C			C	C	§3.7.A.4.

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- Table 4-7 Off-Street Parking Requirements.

Table 4-7 Off-Street Parking Requirements			
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED	
Residential Use Categories (§3.2)			
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	2.0 per dwelling unit	
	Multi-Family Dwellings, and Upper Floor Residential	1 st Unit	2.0 per dwelling unit
		Each additional unit	1.75 per dwelling unit
	Accessory Dwelling Unit	1.0 per Accessory Dwelling Unit	
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities, hostels	1.0 per bed	
	Nursing Homes	1.0 per employee, plus 1 visitor space per 2 beds	
	Assisted Living	1.0 per employee, plus 1 visitor space per 4 beds	
Accommodations	Hotels, and Motels and Hostels	1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)	
	Hostels	1.0 per 2 beds	
	Bed and Breakfasts	1 space per guest room, plus 2 spaces for the owner/manager's unit	

- Section 4.8 Signs, D. 3. Exemptions.

3. ~~Flags, limited to three flags per lot.~~ The maximum individual size of a permanently displayed flag shall be 40 square feet.

- Table 4-12 Schedule of Requirements for Nonresidential Zone Districts

TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS (CBD, I, C) (CONTINUED)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	<p>Time/Temperature/Community Announcement signs:</p> <p>The display area of less than 16-15 square feet shall not be included in the allowable sign area; provided, however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.</p>	1 per building face or per business storefront	

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- Table 4-14 Schedule of Requirements for Single-Family and Duplex Zone Districts

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX ZONE DISTRICTS			
(R-1, R-1M, R-2)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited:	Identification signs (§4.8 C.38.q): 4 square feet	1 per building	6 feet
Awning signs (§4.8 C.38.c.)	Temporary Signs (§4.8 C.38.ee. and §4.8 F): 36 square feet	1 per street frontage	12 feet
Canopy signs (§4.8 C.38.f.)			
Changeable signs (§4.8 C.38.g.)	EMC (§4.8 C 38 k): 12 square feet of sign area.	<u>1 per street frontage</u>	Allowed for churches, schools, and community buildings only.
Electronic Message Centers (§4.8 C.38.k and §4.8 H.3.b.)			
Joint Identification signs (§4.8 C.38.s.)			
Marquee signs (§4.8 C.38.t.)	<u>Free Standing signs</u>	<u>1 per street frontage</u>	<u>Allowed for churches, schools, and community buildings only.</u>
Portable signs (§4.8 C.38.w.)	<u>(§4.8 C.38.n.): calculated PSA or 12 square feet maximum.</u>		
Roof signs (§4.8 C.38.aa.)			
Vending Machine signs (§4.8 C.38.hh.)			
Wind signs (§4.8 C.38.jj.)			

- Section 9. Development Standard Waivers, Section 9.1 C. 2.

2. Planning and Zoning Commission Waivers. Waivers that are determined by the Commission and/or administratively by staff are related to Site Development Applications. Waivers recommended to City Council considered by the Commission are acted upon as a public hearing agenda item at a meeting. Waivers considered by the Commission are acted upon at a regular meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this *LDC*.

- Section 12, Subdivision Standards, Section 12.3 A. Minor Subdivision.

2. Minor Subdivision. A Minor Subdivision is a subdivision which proposes not more than eight lots or units and which subdivides a parent parcel of less than four acres or an approved subdivision reclassification. A Minor Subdivision is subject to an expedited subdivision ~~two~~

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three-step review process, wherein the Sketch Plan and Final Plat reviews by the Commission have been deleted. The applicable review steps are as follows:

- a. **Step One.** Review of the Preliminary Plat by the Commission at a public hearing, as described in §12.6, Preliminary Plat Review.
 - b. **Steps Two and Three.** Review of the Final Plat by the Commission and City Council, as described in §12.7, Final Plat Review.
- Section 16.2 General Terms Defined

Recreational vehicle	A pickup camper, motor home, travel trailer, tent trailer, vehicle and tent or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy. <u>Recreation vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than seven days on private property within a 30-day period.</u>
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DEPARTMENTAL COMMENTS

- Building Official: No issue.
- Fire Marshal: No issue.
- Parks and Recreation Department: No issue.
- Police Department: No issue.
- Public Works Director: No issue.
- City Engineer: No issue.
- Water and Sewer Superintendent: No issue.
- Electric Superintendent: No issue.
- City Attorney, Kathy Fogo: No issue.

STAFF OBSERVATIONS

1. The proposed Text Amendment requests amendments to Section 12, Subdivision Standards and other typographical corrections within the *Land Development Code*.
2. The amendment proposes criteria for the reclassification of a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit. Review standards are also proposed that must be met for approval of a subdivision reclassification.
3. The *LDC* currently prohibits a bed and breakfast in the Commercial District zone; however, a hostel is permitted. Staff believes this is a typographical error and that a bed and breakfast should be permitted in the Commercial District zone.
4. Under Table 4-7, Off-Street Parking Requirements, hostels are listed in two locations with two different parking requirements. Staff believes a hostel should be required to provide one off-street space per 2 beds.
5. In Section 4.8 Signs, D.3. Exemptions the proposal is to remove the flag limitation. Also in Signs section a mathematical correction is proposed and the addition of freestanding signs in residential zones for churches, schools and community buildings only.

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6. A correction to the Waivers section (Section 9) is proposed to clarify the regular meeting versus a public hearing process by the Planning and Zoning Commission.
7. A typographical correction is proposed to Section 12.3 Subdivision Types to clarify the process for a minor subdivision.
8. The proposed amendments protect the health, safety and welfare of the community.

REVIEW STANDARDS FOR TEXT AMENDMENTS

LDC Section 6.8 C., states that “...an application that fails to comply with any applicable review standard shall be denied.” The *LDC* Section 10.5 states that “...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:”

A. Consistent with Purposes. The proposed amendment shall be consistent with the purposes of this *Land Development Code*.

No Conflict. Purposes of the *LDC* are cited in Section 15.10.030 and include the following headings:

1. *Establish Development Standards* for the review of all proposed development in the City.
- 2) *Protect Quality of Life* by promoting the community’s general health, safety and welfare.
- 3) *Establish Review Process* that is clear, consistent, predictable and efficient.
- 4) *Provide for Orderly Development* of the City that is well-ordered and safe.
- 5) *Conserve Property Values* and respect interests of property owners and citizens.

The proposed amendment fulfills the purpose of the *LDC*. The amendment addresses needed corrections and typographical errors within the *LDC*.

B. No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

No Conflict: The proposed text amendment does not conflict with any sections of the *LDC*.

C. Consistent with *Master Plan*. The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

No Conflict: The proposed text amendment is consistent with the *City of Gunnison Master Plan*.

D. Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

No Conflict: The proposed amendment is intended to preserve the public health, safety and general welfare of the community.

RECOMMENDATION

During the Planning and Zoning Commission meeting held on March 18, 2015, Commissioner _____ moved, Commissioner _____ seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 15-1, for a Text Amendment to Section 12, Subdivision Standards,

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specifically regarding a subdivision reclassification from a major to a minor subdivision and typographical errors throughout the *LDC*, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that the amendment establishes a means to reclassify a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit.
3. The Planning and Zoning Commission finds that proposed amendments enhance staff direction or correct errors within the *LDC*.
4. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
5. The Planning and Zoning Commission finds that based on the record of the application proceedings, approval of this Text Amendment protects the community's health, safety and welfare.