

**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
8-20-15**

**DATE: WEDNESDAY, AUGUST 26, 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. PUBLIC HEARING AND POSSIBLE ACTION – CONDITIONAL USE APPLICATION- CU 15-3, SUBMITTED BY CHRISTOPHER SANCHEZ, ACME HEALING CENTER OF GUNNISON, LLC, FOR THE OPERATION OF A RETAIL MARIJUANA STORE IN THE INDUSTRIAL ZONE DISTRICT.**
- IV. UNSCHEDULED CITIZENS**
- V. CONSIDERATION OF THE AUGUST 12, 2015 MEETING MINUTES**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. 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.

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

TO: Planning Commission  
FROM: Community Development Staff  
DATE: August 26, 2015  
RE: Conditional Use Application CU 15-3,

**CODE PROVISIONS**

The City's *Land Development Code (LDC)*, Section 2.4 Principal Use Table, classifies a retail marijuana establishment as Conditional, requiring a Conditional Use permit to operate in the Industrial (I) district zone. Conditional Uses are those land uses which are generally compatible with the permitted uses in a district zone, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

The *LDC* Section 7.2 specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the Applicant with instructions for modification.

**APPLICATION**

The applicant, Christopher Sanchez, Acme Healing Center of Gunnison, LLC, is requesting the operation of a retail marijuana establishment within the Industrial district zone. The property, commonly known as The Last Chance, is located at 620 South 9<sup>th</sup> Street and the legal description is Lots 10 through 13, Block 8, Rio Grande Addition, City and County of Gunnison. The applicant's narrative states:

“Acme Healing Center of Gunnison, LLC (AHCG) plans to utilize the premises located at 620 S. 9<sup>th</sup> St, Gunnison, CO 81230 as a facility for one (1) Retail Marijuana Store. This operation entails the sale of Retail marijuana, and manufactured marijuana products such as edibles, tincture, topicals and drinks. Any and all goods containing marijuana shall be restricted to a secured, limited-access area within the building. Only clientele ages 21 and up are allowed in this restricted area.

The intended site will undergo minimal changes to the interior as reflected on the site plan. This site was used as a bar for many years. The current layout is advantageous for us; we intend to maintain it and promote a one-on-one experience with our customers.

To prevent clientele from backing out into Rio Grande from the parking lot, we will set out decorative planters, with dual use as parking barriers and landscaping.

The exterior shall remain the same; the exception being that the permanent signage will be updated to reflect this location as being AHCG's place of business and moved to the southwest corner of the parking lot. We will heed the sizing stipulations for signage held by the city. Signage shall not display any graphics bearing the likeness of any part of the marijuana plant, nor will we advertise marijuana or marijuana-products anywhere off-

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

premises in the city that is in plain view of the general public. (ie billboards, off-premise signs, etc.). Advertising will be limited to news publications, magazines, periodicals, and internet/social media, and sponsorships of charitable events.

Marijuana-related odors shall be addressed with an updated mechanical system in our building's ventilation. This process is already underway, and its effectiveness shall be verified by the building inspector. Additionally, all marijuana within the building will be sealed in air-tight containers.

AHCG's hours of operation will reflect those dictated by the city, 8am to 10pm, Monday through Saturday, and 1 pm to 6 pm on Sundays.

The proposed site meets current city zoning requirements; it is located in the Industrial zoning district and is not located on real property that fronts, abuts, or is adjoining to any Residential District zone. The site is not located within a 1,000 feet of any school, mental health facility, or daycare center.

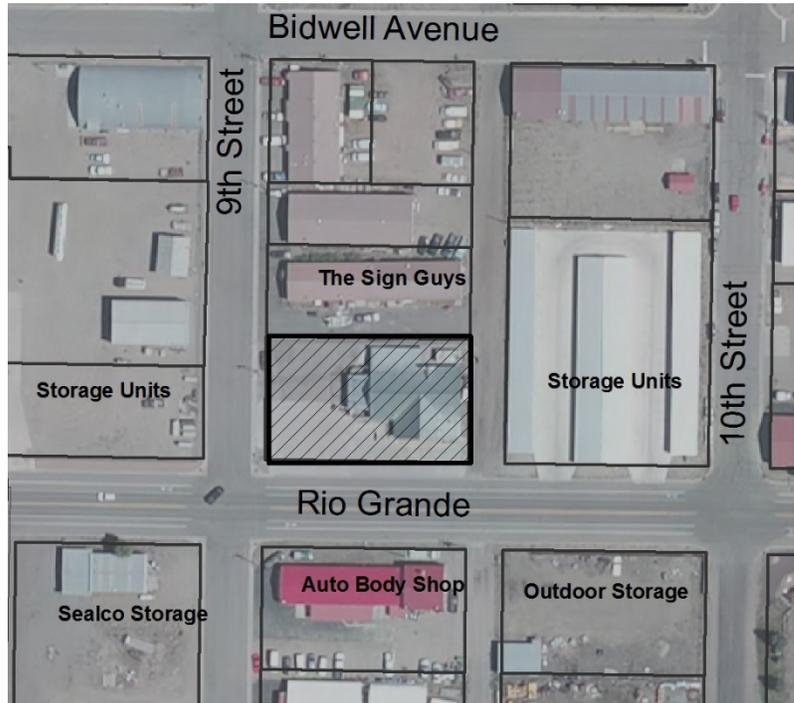
Starting with this first step in the application process, Acme Healing Center of Gunnison, LLC strives to comply with all applicable regulations from the city.”

**SITE ASSESSMENT**

Surrounding uses mostly include storage units and outdoor storage with some light industrial, manufacturing and auto repair uses. The Gunnison-Crested Butte Regional Airport is located to the southeast of the site.

The total square footage of the site is 16,000 and the existing structure is approximately 4,028 square feet. The *LDC* requires 16 off-street parking spaces for a retail store use (one off-street space per 250 square feet of retail area). The site plan indicates 16 parking spaces with two access points on Rio Grande Avenue and one access point on 9<sup>th</sup> Street. The Community Development Director has the authority to reduce the requirement 25% to 12 off-street parking spaces.

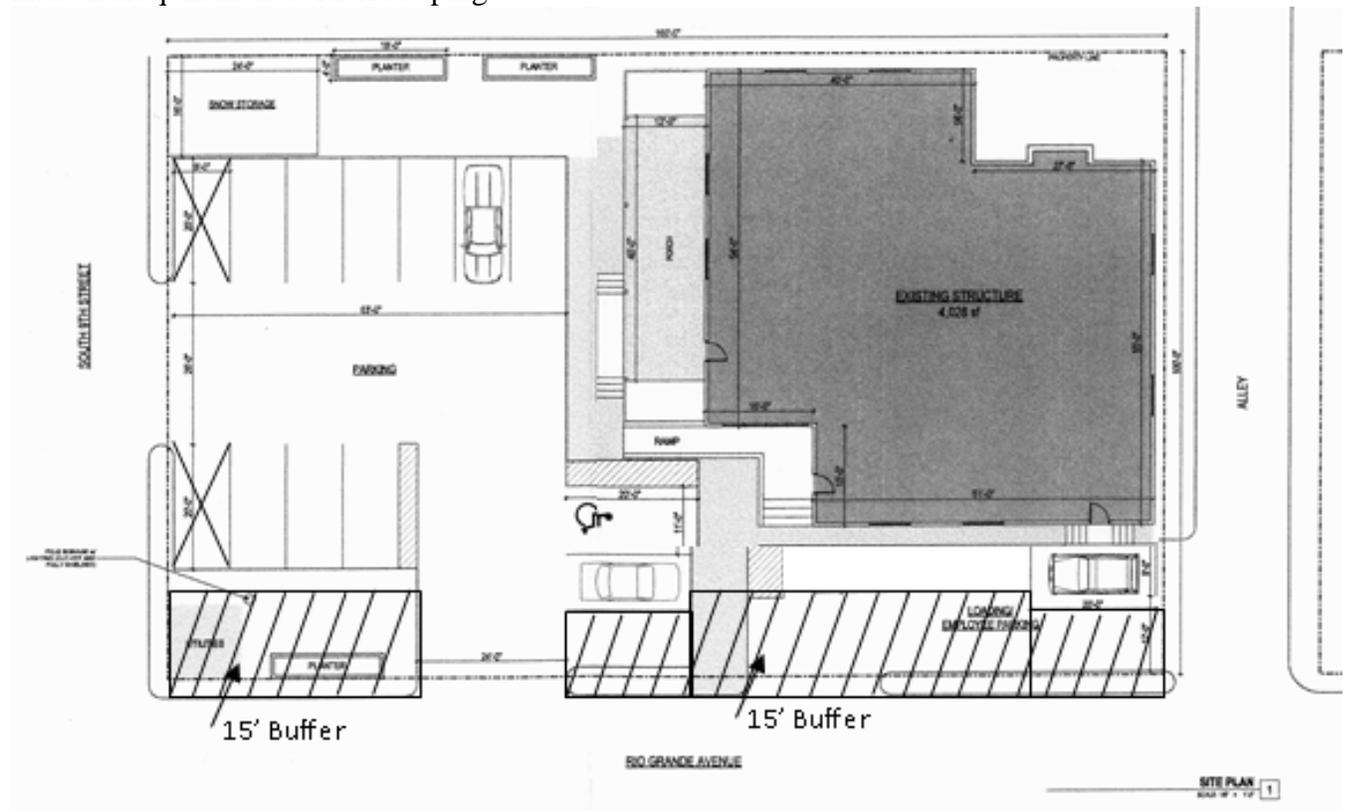
The existing parking lot is asphalt with no curb. Historically vehicles have backed out of the parking lot onto Rio Grande Avenue which is



STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

prohibited within the *LDC*. The submitted site plan indicates separation of the parking lot from the street; however, it is unclear if the separation is the installation of curb and gutter or painted lines. Clarification of the parking configuration and approval of the site plan by the Community Development Director will be required.

The *LDC* requires 1,600 square feet of landscaped area for this site. Landscaping in the Industrial District requires a combination of xeriscape plants, mulch, permeable surface for drainage, planters, or other coverage approved by the Director. The site allows ample room to meet the requirements of landscaping.



The *LDC* requires a 15 foot-wide street buffer along the Rio Grande Avenue street frontage. Within the buffer one tree for each 50 lineal feet and one shrub per each 20 lineal feet of street frontage is required. This site requires four trees and eight shrubs. Based on the location and existing conditions of this site, staff is recommending a waiver for two off-street parking spaces, which encroach three feet into the buffer area, and a waiver for the tree planting requirement. A minimum of eight shrubs would be required and could be placed in planters along Rio Grande Avenue.

The applicant has submitted an application to the City Clerk and the State of Colorado for a Retail Marijuana Establishment License. Requirements of the license include, but are not limited to, inspection of the premises to ensure compliance with the Building and Fire Codes, submittal of a mechanical exhaust / ventilation design plan by a licensed professional, submittal of a site

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

plan and floor plan and compliance with all sections of the *LDC*. This Conditional Use is contingent upon approval and issuance of the Marijuana License.

**DEPARTMENTAL COMMENTS:**

Building Official: In addition to the Fire Marshal's comment, the applicant will need to provide adequate plans for mechanical exhaust and odor control measures in accordance with the mechanical codes and the City ordinance prior to commencing operation of the establishment.

Fire Marshal: The Building Official, my assistant and I will need to do a walk through inspection prior to any permit being issued.

Parks and Recreation Department: No issue.

Police Department: The parking lot is currently not separated from the street by a curb, so there is no on street parking. Diagram does not indicate if the proposed parking lot edges are a physical separation from the street. If, physical separation is proposed what is it? If physical driveway access is obtained, adjacent streets (Rio Grande and 9<sup>th</sup>) should be considered for no parking and be posted. Parking is restricted to 15 feet from fire hydrants and 5 feet from driveways, available on street parking space is limited. From diagram provided exact space available for on street parking could not be determined.

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 the operation of a retail marijuana establishment in the Industrial zone district which requires conditional use approval based on the City's *Land Development Code*.
2. Surrounding uses include storage, light industrial and manufacturing.
3. The proposed retail marijuana establishment is compatible with the surrounding neighborhood as long as certain conditions are fulfilled.
4. The *LDC* requires 16 off-street parking spaces for the retail sales use, based off the existing structure square footage. The site plan indicates 16 spaces; however, it is unclear whether curbs or paint lines are proposed. The site is currently an open curb design that is asphalted and backing onto Rio Grande Avenue is prohibited.
5. The *LDC* requires a minimum of 1,600 square feet of landscaping that is a combination of xeriscape plants, mulch, permeable surface for drainage, planters, or other coverage approved by the Director.
6. A 15 foot-wide buffer is required along Rio Grande Avenue with four trees and eight shrubs. Staff recommends a waiver of three feet where two off-street parking spaces are located and a waiver for the tree planting requirement.
7. The applicant has submitted an application for a Marijuana License to the City and the State for a Retail Marijuana Establishment and is under review.
8. Inspection of the facility will be required prior to issuance of a Retail Marijuana Establishment License.

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

9. A mechanical exhaust / ventilation design plan by a registered engineer is required prior to issuance of a Retail Marijuana Establishment License.
10. The approval of this Conditional Use is contingent upon the issuance of a license for a marijuana facility.

REVIEW STANDARDS

**A. General Compliance Criteria and Standards.** All city licensed marijuana establishments shall meet the following minimum criteria and standards.

**1.** Marijuana establishments shall not be located within 1000 feet of a public school; private or charter school; daycare school, center, or home; and mental health facilities. The measure is established as a straight line drawn between any points of the respective property boundaries and is designated by the *Marijuana Establishment Buffer Map* adopted by the City Council. If any portion of deeded real property is intersected in any manner by a designated buffer boundary the entire deeded property is prohibited from being licensed as a marijuana establishment.

**No Conflict.** The site is located outside of the buffer and within the Industrial District.

**2.** Licensed marijuana establishments shall not be located on real property that fronts, abuts or is adjoining to any Residential District zone (R-1,R-1M, R-2, RMU, R-3, PUD-Residential).

**No Conflict.** The site is located outside of the buffer and within the Industrial District.

**3.** Licensed Marijuana establishments are subject the district zone location standards as set forth in Table 2-3 (Principal Use Table) of this *LDC*.

**No Conflict.**

**4.** Marijuana establishment signage shall include only the registered business or trade name, address, and telephone number of the marijuana establishment. Display of graphic/images of any portion of a marijuana plant on signage associated with marijuana establishments shall be prohibited. Sign standards for marijuana establishments shall comply with all provisions of this *LDC* or other applicable city laws and regulations.

**5. No Conflict.** Sign permits shall be administered and approved by the Building Official.

**6.** Except for permanent signage as permitted in Section 4.8, Signs of this *LDC*, it shall be unlawful for any person licensed by the City of Gunnison, or any other person to advertise any marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: billboard, Off-Premise Sign, or other outdoor general advertising device as defined in

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

- this *LDC*; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to a person in a public place, left upon a motor vehicle or posted upon any public or private property.
- No Conflict.** Sign permits shall be administered and approved by the Building Official.
7. Licensed marijuana establishments shall comply with all provisions, standards and regulations of this *LDC*.
- Possible Conflict.** A 15 foot-wide waiver is required along Rio Grande Avenue with four trees and eight shrubs. Staff is recommending a waiver of three feet at two locations for off-street parking spaces and a waiver for the tree planting requirement.
8. Licensed marijuana establishments shall be served by city water, wastewater, and electrical utility services and shall comply with all provisions, standards and regulations specified in the Utilities (Title 12), *City of Gunnison Municipal Code*.
- No Conflict.** The site is served by city water, wastewater and electric.
9. All licensed marijuana establishments shall comply with all applicable requirements of Colorado State Law.
- Possible Conflict.** The applicant has not received license approval from the City or the State. This Conditional Use will be contingent upon license approvals.
10. Licensed marijuana establishments shall comply with Code of Colorado Regulations, Medical Use of Marijuana and the Code of Colorado Regulations, Retail Marijuana Code.
- Possible Conflict.** The marijuana facility is pending License approval with the City and the State.
11. Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment. Licensed marijuana establishments involved in the sale, transfer, packaging, processing, cultivation, production, extraction or destruction of plants and their parts, devices, designed for the use of marijuana and marijuana products, or other marijuana related operations and activities, shall provide an approved source capture system capable of removing particulate and odors as required to achieve levels that do not constitute a nuisance to adjacent occupants, structures and properties.
- Possible Conflict.** A mechanical exhaust / ventilation design plan by a registered engineer has not been submitted. A plan that is approved by the Community Development Department is required prior to approval of the marijuana license.
12. **Building Standards.** Licensed marijuana establishments shall be located in buildings that comply with the International Code Council codes adopted by the City and in effect at the time of the license application submittal.

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

**Possible Conflict.** An inspection of the facility and approval of a floor plan and mechanical exhaust / ventilation plan will be required prior to approval of the marijuana license.

**13. Hours of Operation.** Licensed marijuana establishments shall not sell, distribute, or initiate the transport of Marijuana or Marijuana Products at any time other than between the hours of 8:00 am and 10:00 pm, Mountain Standard Time, Monday through Sunday, except that Retail Marijuana Establishment hours are limited on Sunday to the hours of 1:00 pm to 6 pm, Mountain Standard Time.

**No Conflict.** Proposed hours of operation comply with hours of operation standards.

**14.** Director or designee shall perform inspections of all licensed marijuana establishments at their discretion. Inspections shall include review of operations and maintenance records.

**Not Applicable.** Inspections of operations and maintenance records will occur once a marijuana license has been issued and the facility is in operation.

**B. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana establishments).** A licensed retail marijuana establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

**1. Building Standards.** Licensed retail establishments shall be located in buildings that comply with occupancy standards established in the International Code Council codes adopted by the City and in effect at the time of the license application submittal.

**Possible Conflict.** An inspection of the facility and approval of a floor plan and mechanical exhaust / ventilation plan will be required prior to approval of the marijuana license.

**2.** Licensed retail establishments shall be located on lots in buildings that comply with the regulations in the *LDC* including, but not limited to, landscape standards, buffer standards, lighting standards, screening standards and parking standards.

**Possible Conflict.** A new site plan indicating off-street parking, landscaping and a 15 foot-wide buffer will need to be submitted and approved prior to issuance of a marijuana license. The Director has reduced the off-street parking requirement by 25% (from 16 spaces to 12 spaces) and is requesting a buffer waiver for the tree planting requirement and for three feet in two sections where off-street parking is located.

**3.** Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.

**Not Applicable.** Compliance with window glazing standards will be required and approved prior to issuance of a Certificate of Occupancy.

**4.** Off-premises retail marijuana establishment storage facilities are prohibited.

**No Conflict.**

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

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 7, Economics, Goal: A diversified local economy will support the economic and employment needs of residents and account for social character, land use patterns and global economic and global energy concerns.

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

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

**No Conflict:** The purpose of the Industrial zone district is to provide areas for a broad-range of manufacturing, production, product transport, and other industrial uses. These industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities.

- b. **Specific Use Regulations.** All Conditional Use applications shall comply with all applicable Special Use Regulations set forth in Section 3 of this *LDC*.

**Possible Conflict:** See marijuana establishment regulations above.

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

**Possible Conflict.** A new site plan indicating off-street parking, landscaping and a 15 foot-wide buffer will need to be submitted and approved prior to issuance of a marijuana license. The Director has reduced the off-street parking requirement by 25% (from 16 spaces to 12 spaces) and is requesting a buffer waiver for the planting of trees requirement and for three feet in two sections where off-street parking is located.

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

**No Conflict.**

**C. Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

**Possible Conflict:** A marijuana establishment is compatible with the surrounding neighborhood with the off-street parking reduction and buffer waiver for parking and the

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

planting of trees. A site visit by the Building Official and Fire Marshal will ensure compliance of Building and Fire Codes and Mechanical codes in regard to the exhaust / ventilation system.

**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:** Traffic should not be impacted by this use as long as off-street parking is correctly situated to prohibit vehicles from backing onto Rio Grande Avenue. An approved site plan will be required prior to marijuana license approval.

**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.

**Possible Conflict:** A mechanical exhaust / ventilation system by a licensed professional is required prior to a Certificate of Occupancy to mitigate possible odor nuisances.

**F. Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

**No Conflict:**

**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 regular Planning and Zoning Commission meeting held on August 26, 2015, Commissioner \_\_\_\_\_ moved, and Commissioner \_\_\_\_\_ seconded, and the Commission voted to APPROVE Conditional Use Application CU 15-3, submitted by Christopher Sanchez for the operation of a retail marijuana establishment at 620 South 9<sup>th</sup> Street within the Industrial district and buffer waiver, 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 retail marijuana establishment in the Industrial zone district.

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

3. The Planning and Zoning Commission finds that the retail marijuana establishment is compatible with the surrounding neighborhood as long as certain conditions are fulfilled.
4. The Planning and Zoning Commission finds that 16 off-street parking spaces are required by the *LDC* and the Director is reducing the parking by 25% for a total of 12 off-street parking spaces.
5. The Planning and Zoning Commission finds that backing onto Rio Grande Avenue is prohibited and two access points off Rio Grande Avenue and one access point off 9<sup>th</sup> Street are indicated on the site plan.
6. The Planning and Zoning Commission finds that a 15 foot-wide buffer is required along Rio Grande Avenue and waives the tree planting requirement along with a waiver of three feet on two sections, twenty feet long, for two off-street parking spaces as indicated on the site plan.
7. The Planning and Zoning Commission finds that an inspection by the Building Official and Fire Marshall is required to ensure compliance with Building, Fire and Mechanical Codes.
8. The Planning and Zoning Commission finds that the applicant has submitted a license to the City and the State of Colorado for a Retail Marijuana Establishment and this Conditional Use is contingent upon license approval.
9. The Planning and Zoning Commission finds that the retail marijuana establishment will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITION:

1. A site plan indicating off-street parking, landscaping and street buffer shall be approved by the Community Development Director.
2. The required buffer shall be established and maintained by the applicant.
3. A site inspection of the property is required by the Building Official and the Fire Marshal.
4. A HVAC exhaust / ventilation system designed by a registered engineer shall be submitted and approved by the Building Official and a Mechanical Permit is required for installation of the system. Final inspection and approval of the system is required prior to Certificate of Occupancy.

STAFF REPORT  
CONDITIONAL USE  
Christopher Sanchez – 620 South 9<sup>th</sup> Street

5. This Conditional Use approval is contingent upon the issuance of the City of Gunnison and State of Colorado license for a Retail Marijuana Establishment.

**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):** Christopher Sanchez

**Phone #** 970.216.1079 **Fax #:** N/A **E-Mail:** aubrey@acmehealingcenter.com

**Mailing Address:** 157 Hwy 550  
**City:** Ridgway **State:** CO **Zip:** 81432

**Legal Description**  
 Site Address of Property: 620 S 9th St, Gunnison **Zoning** Industrial  
 Block: 8 Lot(s): 10-13 Addition: #626222

**Disclosure of Ownership- Please provide one of the following:**  
 Assessor Parcel Info     Mortgage     Deed     Judgments  
 Liens     Contract     Easement Agreement     Other Agreements

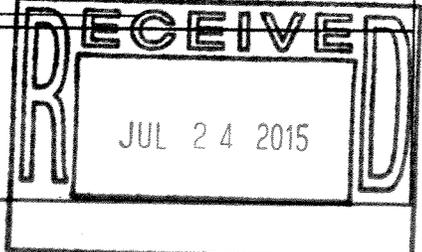
**Summary of Request:**  
 Retail Marijuana sales at 620 S 9th St Gunnison CO 81230

**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)** Chris Sanz **Date** 6.22.15  
 \_\_\_\_\_ **Date** \_\_\_\_\_

**For Office Use Only**  
 Conditional Use     Variance     Zoning Amendment  
 Major Subdivision     Minor Subdivision     Subdivision Exemption  
 Mobile Home/RV Park     PUD     Vacation  
 Consolidated Application



## **Narrative of Proposed Use**

### **Acme Healing Center of Gunnison, LLC**

Acme Healing Center of Gunnison, LLC (AHCG) plans to utilize the premises located at 620 S. 9<sup>th</sup> St, Gunnison, CO 81230 as a facility for one (1) Retail Marijuana Store. This operation entails the sale of Retail marijuana, and manufactured marijuana products such as edibles, tincture, topicals and drinks. Any and all goods containing marijuana shall be restricted to a secured, limited-access area within the building. Only clientele ages 21 and up are allowed in this restricted area.

The intended site will undergo minimal changes to the interior as reflected on the site plan. This site was used as a bar for many years. The current layout is advantageous for us; we intend to maintain it and promote a one-on-one experience with our customers.

To prevent our clientele from backing out into Rio Grande from the parking lot, we will set out decorative planters, with dual use as parking barriers and landscaping.

The exterior shall remain the same; the exception being that the permanent signage will be updated to reflect this location as being AHCG's place of business and moved to the southwest corner of the parking lot. We will heed the sizing stipulations for signage held by the city. Signage shall not display any graphics bearing the likeness of any part of the marijuana plant, nor will we advertise marijuana or marijuana-products anywhere off-premises in the city that is in plain view of the general public. (ie billboards, off-premise signs, etc.). Advertising will be limited to news publications, magazines, periodicals, and internet/social media, and sponsorships of charitable events.

Marijuana-related odors shall be addressed with an updated mechanical system in our building's ventilation. This process is already underway, and its effectiveness shall be verified by the building inspector. Additionally, all marijuana within the building will be sealed in air-tight containers.

AHCG's hours of operation will reflect those dictated by the city, 8am to 10pm, Monday through Saturday, and 1 pm to 6 pm on Sundays.

The proposed site meets current city zoning requirements; it is located in the Industrial zoning district and is not located on real property that fronts, abuts, or is adjoining to any Residential District zone. The site is not located within a 1,000 feet of any school, mental health facility, or daycare center.

Starting with this first step in the application process, Acme Healing Center of Gunnison, LLC strives to comply with all applicable regulations from the city.

Assessor  
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Assessor  
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Property  
Records](#)



# Assessor Property Record Search

## Property Record Card (PRC)

### Owner and Parcel Information

**Owner Name & Mailing Address**  
YDLC LLC C/O DONALD CALHOUN  
38151 US HIGHWAY 50  
GUNNISON, CO 81230-8730  
**Business Name:** LAST CHANCE THE

**Today's Date:** July 22, 2015  
**Appraisal Year:** 2015

**Account Number:** R002272  
**Parcel Number:** 3787-021-29-008  
**Account Type:** Commercial  
**Economic Area:** Econ Area 1  
**Tax District:** 100  
**Mill Levy:** 56.217

**Property Location:** 620 S 9TH ST, GUNNISON  
**Neighborhood:** GUNNISON INDUSTRIAL  
**LEA:** INDUSTRIAL (12410)  
**Subdivision:** RIO GRANDE ADDITION (GUNNISON)  
**Condo:**  
**Legal Description:** LOTS 10-13 BLK 8 RIO GRANDE ADDN #626222  
**Parcel Notes:** STATEMENT OF AUTHORITY #584681 RECORDED JUNE 23 2008 SG WARREN HOLDINGS LLC

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

### 2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$124,620	\$36,140	\$143,670	\$41,660	\$268,290	\$77,800

### Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$252,550	\$73,240	56.217	\$4,117.33
2013	\$252,550	\$73,240	49.778	\$3,645.75
2012	\$319,090	\$92,530	44.152	\$4,085.37
2011	\$319,090	\$92,530	44.343	\$4,103.06
2010	\$345,770	\$100,280	40.939	\$4,105.36
2009	\$345,770	\$100,280	39.757	\$3,999.00
2008	\$335,290	\$97,230	41.387	\$4,035.00
2007	\$335,290	\$97,230	36.186	\$3,530.44
2006	\$307,330	\$89,130	43.784	\$3,914.28

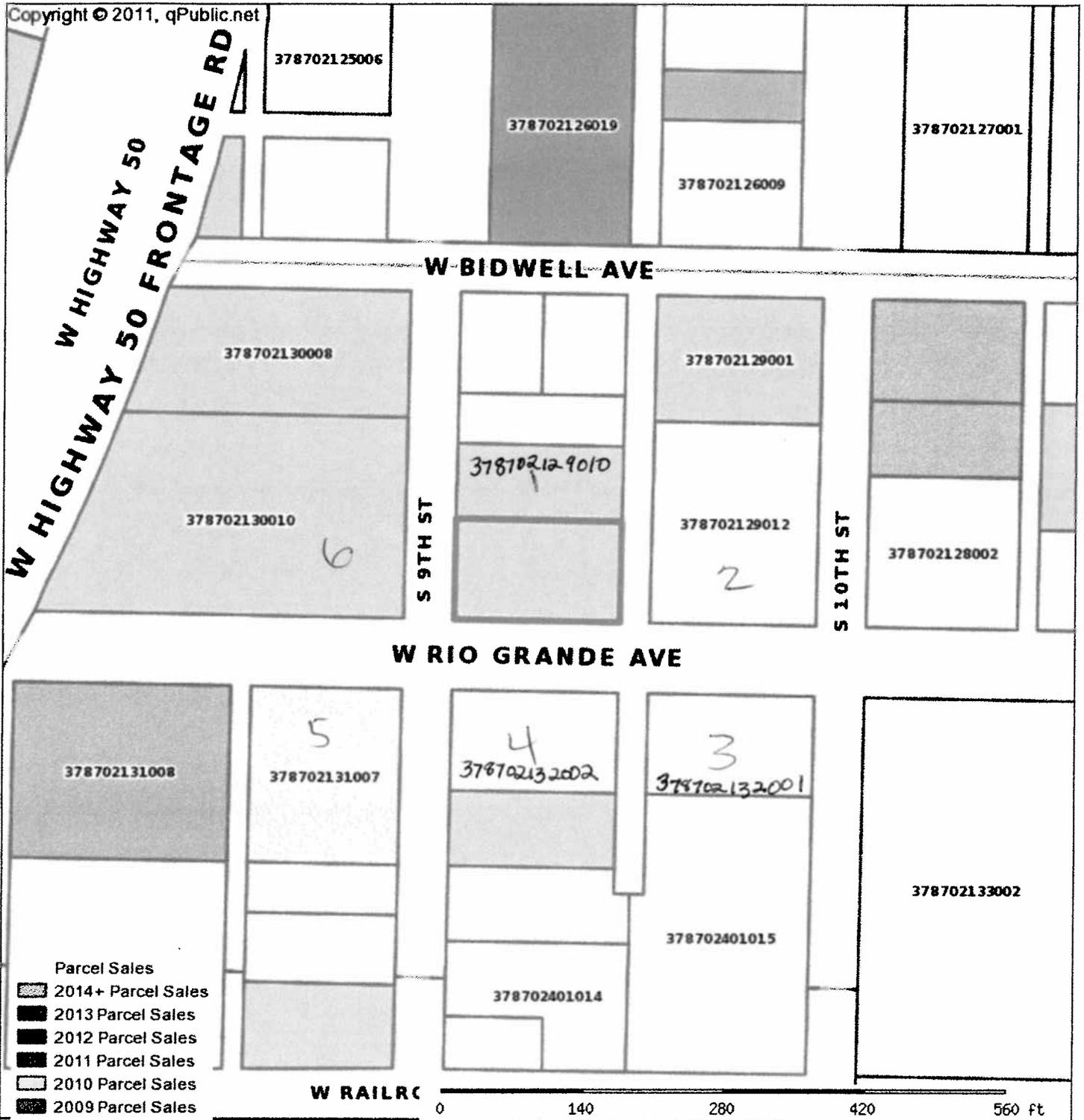
Contact the Treasurer's Office for current property tax amount due. Do not use the figures above to pay outstanding property taxes.

### Land Information

Land Description	Land Type	Acres	Site Access	Electricity	Sewer	Water	Other Attributes
SPEC.PURPOSE-LAND	Commercial	0.379	YEAR AROUND GOVT MAINTAINED	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE PRIMARY - MEADOW SITE IMPROVEMENTS - CURBS AND OR GUTTER SITE IMPROVEMENTS - PAVED OR CONCRETE DRIVEWAY VIEWS - TYPICAL OR AVERAGE

### Sales Information

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
04/07/2014		KNOLL HOLDINGS LLC	YDLC LLC	N/A	626222	SPEC WARR DEED - NO FEE
11/20/2012	\$266,000	YDLC LLC	KNOLL HOLDINGS LLC	Improved	616844	GEN WARR DEED - FEE



- Parcel Sales**
- 2014+ Parcel Sales
  - 2013 Parcel Sales
  - 2012 Parcel Sales
  - 2011 Parcel Sales
  - 2010 Parcel Sales
  - 2009 Parcel Sales

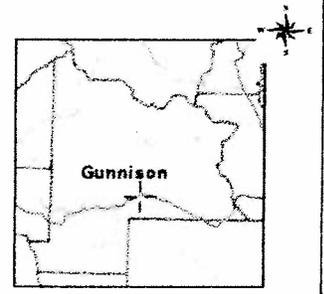
**W RAILROAD**

0 140 280 420 560 ft

**Gunnison County Assessor**

Parcel: 3787-021-29-008 Acres: 0.379

Name:	YDLC LLC C/O DONALD CALHOUN	Land Value:	152630
Site:	620 S 9TH ST, GUNNISON	Building Value:	166460
Sale:		Total Value:	319090
Mail:	38151 US HIGHWAY 50 GUNNISON, CO 81230-8730	Assessed Value:	92530
		2013 Taxes	



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## Assessor Property Record Search

### Property Record Card (PRC)

#### Owner and Parcel Information

<b>Owner Name &amp; Mailing Address</b>	<b>Today's Date:</b> July 24, 2015	<b>Account Number:</b> R002275	
JOHNSON RYAN ETAL JOHNSON VICKI 612 S 9TH ST GUNNISON, CO 81230-3908	<b>Appraisal Year:</b> 2015	<b>Parcel Number:</b> 3787-021-29-010	
<b>Business Name:</b> SIGN GUYS THE		<b>Account Type:</b> Commercial	
		<b>Economic Area:</b> Econ Area 1	
		<b>Tax District:</b> 100	
		<b>Mill Levy:</b> 56.217	
<b>Property Location:</b> 612 S 9TH ST, GUNNISON		<b>Parcel Map</b> <a href="#">Show Parcel Map</a>	
<b>Neighborhood:</b> GUNNISON INDUSTRIAL		<b>Building Photos</b> <a href="#">Building Images</a>	
<b>LEA:</b> INDUSTRIAL (12410)		<b>Building Sketches</b> <a href="#">Building Sketches</a>	
<b>Subdivision:</b> RIO GRANDE ADDITION (GUNNISON)		<a href="#">Generate Neighboring Owner List by Distance</a>	
<b>Condo:</b>		<a href="#">Search Sales By Subdivision</a>	
<b>Legal Description:</b> LOTS 7-9 BLK 8 RIO GRANDE ADDN #629759			
<b>Parcel Notes</b> TOTAL PARCEL = 12,375 SF			

#### 2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$98,760	\$28,640	\$150,370	\$43,610	\$249,130	\$72,250

#### Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$210,230	\$60,960	56.217	\$3,427.03
2013	\$210,230	\$60,960	49.778	\$3,034.48
2012	\$372,050	\$107,890	44.152	\$4,763.54
2011	\$372,050	\$107,890	44.343	\$4,784.17
2010	\$277,550	\$80,490	40.939	\$3,295.18
2009	\$277,550	\$80,490	39.757	\$3,212.20
2008	\$247,400	\$71,740	41.387	\$2,980.08
2007	\$247,400	\$71,740	36.186	\$2,608.08
2006	\$222,300	\$64,460	43.784	

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## Assessor Property Record Search

### Property Record Card (PRC)

#### Owner and Parcel Information

**Owner Name & Mailing Address**  
TOMICHI LANDMARK NO 1 LLC  
767 RIO VISTA RD  
GUNNISON, CO 81230-4103  
**Business Name:** BUDGET GARAGES & STORAGE

**Today's Date:** July 24, 2015  
**Appraisal Year:** 2015

**Account Number:** R033810  
**Parcel Number:** 3787-021-29-012  
**Account Type:** Commercial  
**Economic Area:** Econ Area 1  
**Tax District:** 100  
**Mill Levy:** 56.217

**Property Location:** 617 S 10TH ST, GUNNISON  
**Neighborhood:** GUNNISON INDUSTRIAL  
**LEA:** INDUSTRIAL (12410)  
**Subdivision:** RIO GRANDE ADDITION (GUNNISON)  
**Condo:**  
**Legal Description:** LOTS 14-21 BLK 8 RIO GRANDE ADDN #495736 #521905  
**Parcel Notes** TOTAL PARCEL = 33,000 SF

**Parcel Map** [Show Parcel Map](#)  
**Building Photos** [Building Images](#)  
**Building Sketches** [Building Sketches](#)  
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#### 2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$218,240	\$63,290	\$323,870	\$93,920	\$542,110	\$157,210

#### Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$523,610	\$151,850	56.217	\$8,536.52
2013	\$523,610	\$151,850	49.778	\$7,558.77
2012	\$819,510	\$237,660	44.152	\$10,493.17
2011	\$819,510	\$237,660	44.343	\$10,538.56
2010	\$750,210	\$217,560	40.939	\$8,906.69
2009	\$643,090	\$186,500	39.757	\$7,426.84
2008	\$315,730	\$91,560	41.387	\$3,800.36
2007	\$287,100	\$83,260	36.186	\$3,012.84
2006	\$227,700	\$66,030	43.784	

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# Assessor Property Record Search

**Property Record Card (PRC)**

**Owner and Parcel Information**

<p><b>Owner Name &amp; Mailing Address</b> GUNNISON COUNTY PIONEER &amp; HISTORICAL SOC PO BOX 824 GUNNISON, CO 81230-0824</p> <p><b>Business Name:</b> QWEST UTILITY BUILDING</p>	<p><b>Today's Date:</b> July 24, 2015 <b>Appraisal Year:</b> 2015</p>	<p><b>Account Number:</b> R002281 <b>Parcel Number:</b> 3787-021-32-001 <b>Account Type:</b> Commercial <b>Economic Area:</b> Econ Area 1 <b>Tax District:</b> 100 <b>Mill Levy:</b> 56.217</p>
<p><b>Property Location:</b> 921 W RIO GRANDE AVE, GUNNISON <b>Neighborhood:</b> GUNNISON INDUSTRIAL <b>LEA:</b> INDUSTRIAL (12410) <b>Subdivision:</b> RIO GRANDE ADDITION (GUNNISON) <b>Condo:</b> <b>Legal Description:</b> LOTS 27-30 BLK 11 RIO GRANDE ADDN #525539 <b>Parcel Notes</b> TOTAL PARCEL = 16,500 SF</p>	<p><b>Parcel Map</b> <a href="#">Show Parcel Map</a></p> <p><b>Building Photos</b> <a href="#">Building Images</a></p> <p><b>Building Sketches</b> <a href="#">Building Sketches</a></p> <p><a href="#">Generate Neighboring Owner List by Distance</a></p> <p><a href="#">Search Sales By Subdivision</a></p>	

**2015 Assessment Information**

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$124,620	\$36,140	\$10,570	\$3,070	\$135,190	\$39,210

**Prior Year Assessment Information**

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$139,510	\$40,460	56.217	\$2,274.54
2013	\$139,510	\$40,460	49.778	\$2,014.05
2012	\$184,450	\$53,490	44.152	\$2,361.69
2011	\$184,450	\$53,490	44.343	\$2,371.91
2010	\$249,810	\$72,450	40.939	\$2,966.03
2009	\$249,810	\$72,450	39.757	\$2,892.56
2008	\$163,060	\$47,290	41.387	\$1,968.16
2007	\$163,060	\$47,290	36.186	\$1,723.32
2006	\$132,210	\$38,340	43.784	

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## Assessor Property Record Search

### Property Record Card (PRC)

#### Owner and Parcel Information

<b>Owner Name &amp; Mailing Address</b>		<b>Today's Date:</b> July 24, 2015	<b>Account Number:</b> R002282
PLOTTS MARTIN L ETAL PLOTTS ROBERTA L 718 SENECA DR GUNNISON, CO 81230-9712		<b>Appraisal Year:</b> 2015	<b>Parcel Number:</b> 3787-021-32-002
<b>Business Name:</b>	GUNNISON COUNTRY COLLISION INC		<b>Account Type:</b> Commercial
			<b>Economic Area:</b> Econ Area 1
			<b>Tax District:</b> 100
			<b>Mill Levy:</b> 56.217
<b>Property Location:</b>	702 S 9TH ST, GUNNISON	<b>Parcel Map</b> <a href="#">Show Parcel Map</a>	
<b>Neighborhood:</b>	GUNNISON INDUSTRIAL	<b>Building Photos</b> <a href="#">Building Images</a>	
<b>LEA:</b>	INDUSTRIAL (12410)	<b>Building Sketches</b> <a href="#">Building Sketches</a>	
<b>Subdivision:</b>	RIO GRANDE ADDITION (GUNNISON)	<a href="#">Generate Neighboring Owner List by Distance</a>	
<b>Condo:</b>		<a href="#">Search Sales By Subdivision</a>	
<b>Legal Description:</b>	LOTS 1-4 BLK 11 RIO GRANDE ADDN B792 P534		
<b>Parcel Notes</b>	TOTAL PARCEL = 16,500 SF		

#### 2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$124,620	\$36,140	\$244,340	\$70,860	\$368,960	\$107,000

#### Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$300,670	\$87,190	56.217	\$4,901.56
2013	\$300,670	\$87,190	49.778	\$4,340.16
2012	\$401,350	\$116,390	44.152	\$5,138.87
2011	\$401,350	\$116,390	44.343	\$5,161.08
2010	\$356,880	\$103,500	40.939	\$4,237.19
2009	\$356,880	\$103,500	39.757	\$4,127.00
2008	\$382,280	\$110,860	41.387	\$4,599.12
2007	\$382,280	\$110,860	36.186	\$4,023.64
2006	\$272,880	\$79,140	43.784	\$3,476.88

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

#### Land Information

Land Description	Land Type	Acres	Site Access	Electricity	Sewer	Water	Other Attributes
SPEC.PURPOSE-LAND	Commercial	0.379	YEAR ROUND	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE PRIMARY - MEADOW

#### Sales Information

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
10/18/1996	\$152,000	Unknown	Unknown	Improved	B000792P0005	GEN WARR DEED - FEE
02/04/1993	\$100,000	Unknown	Unknown	Improved	B000720P0000	GEN WARR DEED - FEE

#### Building Information

##### Building Number 1:

Occupancy Type	PAINT SHOP	Quality of Construction	Fair	Stories	1	Primary Heating System
<b>Building Description</b>	Light Commercial - Manufacturing Utility Bldg	<b>Exterior Condition</b>	Average	<b>Roof</b>		<b>Domestic Hot Water</b>
<b>Original Year Built</b>	0	<b>Interior Condition</b>		<b>Exterior</b>		<b>Landscaping</b> 0

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## Assessor Property Record Search

### Property Record Card (PRC)

#### Owner and Parcel Information

<b>Owner Name &amp; Mailing Address</b>		<b>Today's Date:</b> July 24, 2015	<b>Account Number:</b> R026742
SCALES JAMES R III PO BOX 778 GUNNISON, CO 81230-0778		<b>Appraisal Year:</b> 2015	<b>Parcel Number:</b> 3787-021-31-007
<b>Business Name:</b> ALL STAR GAS			<b>Account Type:</b> Commercial
			<b>Economic Area:</b> Econ Area 1
			<b>Tax District:</b> 100
			<b>Mill Levy:</b> 56.217
<b>Property Location:</b> 1005 W RIO GRANDE AVE, GUNNISON		<b>Parcel Map</b> <a href="#">Show Parcel Map</a>	
<b>Neighborhood:</b> GUNNISON INDUSTRIAL		<b>Building Photos</b> <a href="#">Building Images</a>	
<b>LEA:</b> INDUSTRIAL (12410)		<b>Building Sketches</b> <a href="#">Building Sketches</a>	
<b>Subdivision:</b> RIO GRANDE ADDITION (GUNNISON)		<a href="#">Generate Neighboring Owner List by Distance</a>	
<b>Condo:</b>		<a href="#">Search Sales By Subdivision</a>	
<b>Legal Description:</b> LOTS 24-30 BLK 10 RIO GRANDE ADDN #603433			
<b>Parcel Notes</b> TOTAL PARCEL = 26,250 SF			

#### 2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$181,380	\$52,600	\$85,530	\$24,800	\$266,910	\$77,400

#### Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$245,220	\$71,120	56.217	\$3,998.18
2013	\$245,220	\$71,120	49.778	\$3,540.22
2012	\$357,620	\$103,710	44.152	\$4,579.01
2011	\$357,620	\$103,710	44.343	\$4,598.81
2010	\$507,250	\$147,100	40.939	\$6,022.13
2009	\$507,250	\$147,100	39.757	\$5,860.40
2008	\$361,360	\$104,790	41.387	\$4,347.92
2007	\$361,360	\$104,790	36.186	\$3,804.00
2006	\$246,440	\$71,470	43.784	

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## Assessor Property Record Search

### Property Record Card (PRC)

#### Owner and Parcel Information

<b>Owner Name &amp; Mailing Address</b> TOMICHI LANDMARK NO 1 LLC 767 RIO VISTA RD GUNNISON, CO 81230-4103		<b>Today's Date:</b> July 24, 2015	<b>Account Number:</b> R071579
<b>Business Name:</b> NA	<b>Appraisal Year:</b> 2015	<b>Parcel Number:</b> 3787-021-30-010	<b>Account Type:</b> Commercial
<b>Property Location:</b> 610 W US HIGHWAY 50 FRONTAGE ROAD , GUNNISON	<b>Parcel Map</b> <a href="#">Show Parcel Map</a>	<b>Economic Area:</b> Econ Area 1	<b>Tax District:</b> 100
<b>Neighborhood:</b> COMMERCIAL W HWY 50	<b>Building Photos</b> NA	<b>Mill Levy:</b> 56.217	<b>Building Sketches</b> NA
<b>LEA:</b> COMMERCIAL HWY 50 SERVICE RD (12370)	<a href="#">Generate Neighboring Owner List by Distance</a>		<a href="#">Search Sales By Subdivision</a>
<b>Subdivision:</b> RIO GRANDE ADDITION (GUNNISON)			
<b>Condo:</b>			
<b>Legal Description:</b> LOTS 6-21 AND ADJ N/S ALLEY BLK 9 RIO GRANDE ADDN #630578			
<b>Parcel Notes</b> TOTAL PARCEL = 64,358 SF			

#### 2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$374,490	\$108,600	\$360,290	\$104,480	\$734,780	\$213,080

#### Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
No Prior Year Assessment History associated with this parcel				

#### Land Information

Land Description	Land Type	Acres	Site Access	Electricity	Sewer	Water	Other Attributes
WAREHOUSE/STORAGE-LAND	Commercial	1.477	YEAR ROUND	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE PRIMARY - MEADOW

#### Sales Information

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
12/30/2014		AEQUITAS VERITAS LLC	TOMICHI LANDMARK NO 1 LLC	N/A	630675	CORRECTION DEED - NO FEE
12/23/2014	\$838,954	AEQUITAS VERITAS LLC	TOMICHI LANDMARK NO 1 LLC	Improved	630578	GEN WARR DEED - FEE
11/05/2014		SWEITZER OIL INC	AEQUITAS VERITAS LLC	N/A	630392	CORRECTION DEED - NO FEE
09/22/2014	\$385,000	SWITZER OIL INC	AEQUITAS VERITAS	Improved	629002	GEN WARR DEED - FEE

#### Building Information

##### Building Number 1:

<b>Occupancy Type</b>	Mini Storage	<b>Quality of Construction</b>	Fair	<b>Stories</b>	1	<b>Primary Heating System</b>	
<b>Building Description</b>	Mini Warehouse	<b>Exterior Condition</b>	Excellent	<b>Roof</b>		<b>Domestic Hot Water</b>	
<b>Original Year Built</b>	0	<b>Interior Condition</b>		<b>Exterior</b>		<b>Landscaping</b>	0
<b>Effective Year Built</b>	2014	<b>Bedrooms</b>	0	<b>Foundation</b>	Slab		
<b>Percent Complete</b>	75%	<b>Bathrooms</b>	0	<b>Windows</b>			

##### Building Square Footage or Units:

<b>Above-grade Living Area</b>	23,547 sqft
<b>Finished Basement</b>	0 sqft
<b>Unfinished Basement</b>	0 sqft



<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 Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planning Technician Michelle Spain

**7:01p.m.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC HEARING AND POSSIBLE ACTION – VACATION APPLICATION VF 15-1, SUBMITTED BY SALMON RENTALS LLC, TO VACATE A UTILITY EASEMENT WITHIN PREVIOUSLY VACATED 9<sup>TH</sup> STREET.**

Public hearing tabled for unscheduled citizen.

**UNSCHEDULED CITIZEN**

Maureen O'Donnell introduced herself and stated when she came to Gunnison in 1972. She gave a brief history of her relocation to this City. She discussed her current situation renting at Pulaski's Rentals. She indicated that she wanted to rent additional space for her clothing salvation project. She discussed the rent increases that have been executed on her and other occupants in this facility. Utilities being charged to one unit for many unit users and rent increases were discussed.

Niemeyer asked if this was in the lease agreement.

O'Donnell responded no. She continued to discuss the available rentals for low income citizens in Gunnison. She would like to see additional low income housing made available. Discussion of the upkeep on her unit, and HUD regulations on rent was reviewed.

Larson opened up for questions from commission members.

Ferchau asked what she was paying for rent.

O'Donnell responded \$875.00 per month for approximately 810 sq. ft. of living space.

Tocke responded that O'Donnell brought up good issues concerning the current housing. She has contacted legal aid and they reviewed with her what the landlord was able to legally do with his/her property.

Beda -No questions.

Cave -No questions.

Schwartz asked what she thinks the City could do concerning this type of situation.

Larson responded that we as the P & Z Commission were unable to modify anything approved in the past. But this commission will take this into consideration for other items that may be presented to this commission.

Tim Mobley, an additional unscheduled citizen, discussed his landlord issues.

Westbay responded. This property was subdivided with an approved application that was presented to the Planning and Zoning Commission in the past. He discussed the utility situation. The affordable housing issue in this valley is being reviewed by many entities. A Nexus study needs to be done concerning this. What this board can do was discussed. Senior housing needs to be discussed with the County.

Beda asked if O' Donnell was here at this meeting because of the affordable housing issues for this project. Discussion commenced on how the approval of the Pulaski request was written.

O'Donnell asked if there was any way this commission could make provisions for renters.

Westbay responded that it is certainly a legal issue and this commission is unable to act in that capacity.

Larson thanked the citizens for their participation.

Ended: 7:45p.m.

**PUBLIC HEARING AND POSSIBLE ACTION – VACATION APPLICATION VF 15-1, SUBMITTED BY SALMON RENTALS LLC, TO VACATE A UTILITY EASEMENT WITHIN PREVIOUSLY VACATED 9<sup>TH</sup> STREET.**

**Open Public Hearing.** Chair Greg Larsen opened the public hearing at 8:05pm.

**Proof of Publication.** Proof of publication was shown for the record.

**Review of Process.** Director Westbay reviewed the process. P&Z will review and make recommendations to Council. The legal description of the parcel was discussed. The Boundary Line adjustment in 2014 is the legal. Vacations are reviewed to determine any future potential utility problems. None so noted.

Ferchau asked about a deed restriction on Tract B. Westbay indicated that this Parcel could not be subdivided. It will not make the dimension standards of subdividing.

**Applicant Presentation.** Joe Salmon and Bill Nesbitt introduced themselves. Nesbitt thanked all commission members for their service. He then reviewed the request to vacate a portion of a north/south power line easement within previously vacated 9th Street that is adjacent to Block 21, West Gunnison Amended. Due to the alley entrance to the property the owner then changed access to Tomichi. The owner gave an additional 5 feet per Tract to meet the 20' easement off the alley. Tract C is sold at this time and the new owner will be applying for building permit.

Beda asked about the easements and the location of the Sears building and what Tract it was located

on. Nesbitt responded Tract D.

Westbay reviewed vacation of rights-of-way as defined by State Statute. Discussion on the locations of the easements. Westbay would like to have the City Attorney review this.

Tocke asked about item number two of the Staff Report, vacation of easements. Westbay responded that we are not asking for any future utility needs to this parcel.

Nesbitt reviewed the access from the alley and from the City Park. No one is being cut off by access. This is why the owner added the 5 feet to each Tract. The Sears renters have a small building in place that will be relocated.

Tocke asked about Tract D easement location.

Niemeyer responded to the small area at the bottom of the tract. Nesbitt responded that this vacation is included to this area also.

**Public Input.** None

**Staff Presentation.** No further discussion.

**Commission Discussion.** None

**Close Public Hearing.** 8:10 p.m.

**Commission Action.**

Commissioner Niemeyer moved, Commissioner Cave seconded, and the Commission voted to recommend APPROVAL to City Council of Vacation Application, VF 15-1 submitted by Salmon Rentals, LLC, to vacate portions of a north/south utility easement within previously vacated 9th Street, adjacent to Block 21, West Gunnison Amended with the following 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 is requesting to vacate a portion of a north/south utility easement within previously vacated 9th Street that is adjacent to Block 21, West Gunnison Amended.
3. The Planning and Zoning Commission finds that the 25 foot utility easement was originally recorded in Gunnison County in 1962 (as a power line easement) and was amended as a utility easement in 1975 at Book 437, Page 394.
4. The Planning and Zoning Commission finds that the City does not have any utilities located within the north/south utility easement nor are any utilities planned at this location in the future.
5. The Planning and Zoning Commission finds that the site contains two east/west easements with a centralized 20 foot easement providing access and utility extensions for tracts A through D and the northern 25 foot utility easement adjacent to Tracts B and C.

6. The Planning and Zoning Commission finds that vacation of portions of the north/south 25 foot power line easement will allow for reasonable utilization of Tract B.
7. The Planning and Zoning Commission finds that the vacation of this easement will not be a detriment to the health, safety and welfare of the community.

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

### **CONSIDERATION OF THE JULY 15, 2015 MEETING MINUTES**

Commissioner Cave moved and Commissioner Tocke seconded, to approve the July 15, 2015 meeting minutes as presented.

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

### **COUNCIL UPDATE**

Schwartz commenced his review.

- River Festival cancellation and rescheduling worked well.
- Update on senior transportation program. The City has contributed approximately \$20,000.00 this year. This program is currently a 5 day a week service. This program is tied to the senior center and the hospital. Funding was discussed.
- Tax liens placed on properties discussed on unpaid utilities. This was recommended by Ben Cowan, Finance Director. Niemeyer asked if this was a large number of delinquent payments. This tax lien process was discussed. The City attorney indicated that we should not do this on delinquent electric portion. Cowan suggested that payments go to electric portion first. This new policy was discussed and should this be made public of all land owners.

Ferchau discussed the charging of owners for delinquent utilities by former renters. He was not in agreement with this policy. Schwartz will discuss this with Council.

Niemeyer asked about security deposits up front. This could increase harder times for low income people. Ferchau asked if a loss rate is calculated in the initial rates.

Beda asked if the City collected a security deposit. Westbay indicated yes.

This will be passed on to other staff in the City for further discussion.

- July 28<sup>th</sup> the Pioneer Museum subdivision passed.
- Accepted the financial audit report.
- Signed with another company to invest funds at a better rate.
- Passed Marijuana violations on 2<sup>nd</sup> Reading.
- Time of Use Metering was passed on the 1<sup>st</sup> Reading. Available to commercial owners now.
- August 5<sup>th</sup> meeting devoted to strategic planning. One more meeting on this.
- Last night OVPP presentation from the County. Three wish list priorities for the Valley.

- 1) Build a business development center at WSCU
- 2) Downtown Renaissance
- 3) Medical Tourism

The City will give \$50,000.00 to this project. Council will need to decide what the City's role is in this development. Westbay indicated that this is a good analysis on who is bringing in the dollars and where the services are. Ferchau asked what constituted Main Street. Westbay responded that the Highway 50 sector is where the traffic counts are. The downtown area is not the only area that should be looked at for these funds.

- The City officially closed on the Diamond K property aka Lazy K Resort. Items reviewed were storm water location, park space, road alignment improvements.
- Gunnison County Commissioners have approved staff to pursue a special coordinated ballot for this fall concerning Senate Bill 152 Broad Band. The County Commissioners have agreed to pay the bill for the costs of this election. This is the first step to getting funds for this project.

### COMMISSIONER COMMENTS

Niemeyer - None

Ferchau brought up the concerns on the suicides by our young people in the last few months. Tocke indicated that he does not feel this is unique to this community.

Tocke stated the time of use electric idea is being put in many home designs. Peak & off peak rates were discussed. The City will shift their peak rates as need be.

Beda - None

Cave - None

Larson - None

Commission Ferchau requested to be excused from the August 26, 2015 Planning & Zoning meeting since he will be out of town.

Commissioner Cave moved and Councilman Schwartz seconded, to excuse Commissioner Ferchau from the August 26, 2015 meeting.

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

Roll Call No:

Roll Call Abstain:

Motion carried

### PLANNING STAFF UPDATE

Steve Westbay commenced his review.

- September the 3<sup>rd</sup>. 6:00 – 8:00 p.m.at Fred Field Center the City will have a workshop for the Complete Streets Project. Bill Fox with Fox, Tuttle, Hernandez will attend this meeting. Various designs will be discussed.

DRAFT MINUTES AUGUST 12, 2015  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING

7:00PM

Attest:

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Greg Larson, Chair

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Michelle Spain, Secretary