

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
Rev 4-7-16**

**DATE: WEDNESDAY, APRIL 13, 2016
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

REGULAR MEETING

7:00 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS**
- IV. CONSIDERATION OF THE MARCH 9, 2016 MEETING MINUTES**
- V. THREE-MILE COUNTY REFERRAL – SUBMITTED BY O.A. PESNELL TO RELOCATE HIS JEEP RENTAL BUSINESS TO LOT 5 OF THE FLYING E RANCH**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. ADJOURN TO WORK SESSION**

WORK SESSION: DISCUSSION OF THE DOWNTOWN CORRIDOR AND SIDEWALK CAFÉ STANDARDS

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.

DRAFT MINUTES MARCH 9, 2016 7:00PM
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MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Michelle Spain.

I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. PUBLIC HEARING AND POSSIBLE ACTION – MAJOR CHANGE TO A PUD APPLICATION, ZA 16-2, SUBMITTED BY GUNNISON VALLEY PROPERTIES LLC, TO MODIFY THE GROSS FLOOR AREA AND PHASING OF THE COMMERCIAL/MIXED USE DISTRICT WITHIN TABLE 2.1 (PUD ZONING, LAND USE, DWELLING UNITS AND NON-RESIDENTIAL ALLOCATIONS); SECTION 2.6 (HIGHWAY ACCESS CONTROL PLAN); AND, APPENDIX A (DEVELOPMENT PHASING) WITHIN THE *GUNNISON RISING PUD DEVELOPMENT STANDARDS*.

Open Public Hearing. 7:02pm

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

Review of the process by Director Westbay. This proposal has three different amendment actions.

- 1) Table 2.1: PUD Zoning and Land Use Allocations
- 2) Section 2.6: Highway Access Control Plan
- 3) Appendix A: Development Phasing

These are commercial uses elements. Location was discussed and the area size. Residential caps were discussed. Table 2.1 is the major part of the discussion. This request is to change the gross floor area non-residential from 174,000 sq. ft. to 380,000 sq. ft. Residential caps in this section were discussed. The total of 120 still remains the same, but the allocation is 20 for residential units in WSCU Foundation and 100 to be used for private development rights of Gunnison Valley Properties, LLC. Title to this property was discussed. Section 2.6 of the PUD addresses out dated language in the high way access control plan and is formally cleaning up wording. The 3rd component is PUD development phasing plan. The applicant would like to increase the developed land area in the CM district from 16 acres to 48 acres and add 15 acres to Open Space. Numerous narrative changes were listed in the staff report. Traffic plan was reviewed and modifications were submitted. Water and wastewater demands were reviewed. The existing

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square feet of 176,000 gives a ratio of 9 to 1. By increasing the floor area to 380,000 sq. ft. this will be 4 to 1 ratio. This is a more efficient way to utilize the needs of the community regarding parking, infrastructure needs etc. The Meadows Mall was used as an example for this ratio request. There are numerous criteria statements in this report.

Applicant Presentation. Dennis Minchow, with the Schuck Communities, was introduced and explained his position in regards to representing the applicant. The request is for increase in floor area and the change of phasing was re-stated. WSCU's building potential was discussed. The 260,000 sq. ft. request does not indicate that they have a commercial entity in mine at this time. It does allow for future growth.

Commissioner Ferchau indicated that he was unaware of a master plan at WSCU in place at this time. Currently WSCU is allotted 20 spaces for units. His questions was what if they want to increase this at a later date? Director Westbay responded that the original master plan is set in place. A major change to the PUD would have to be resubmitted. This is considered a living document and will need to be updated periodically. WSCU has some sketch planning completed at this time. There is no formal agreement at this time. WSCU indicated that they are satisfied with this allocation. Both parties are willing to look at the plans with the City to see that they fit into the PUD plan. The gifted deeds need to be subdivided for right away dedications and road easements. So in the future we will need to formally subdivide this parcel. Director Westbay also reviewed our existing community area. In 2007-08 we did a land use inventory. We were probably 80% build out then. In planning for new commercial development areas we will run out of locations. We are running out of residential build out space locally. This is one reason we approved the Gunnison Rising area.

Councilman Schwartz asked about dealing with schools and local zoning laws. At this time the school entitlement does not exist. This basically clarifies the areas. Director Westbay responded that at this time it is not the schools property. This basically clarifies the situation on the request. This property is in the foundation's name. Commissioner Ferchau responded that WSCU Foundation would not want to turn this over to the State. The State will not build housing for faculty. Mr. Minchow indicated that there is a gray area when title is given to the State and it is deed restricted. These provisions run with the land.

Public Input.

Ralph E (Butch) Clark III introduced himself. He discussed the traffic on Georgia and Escalante. He indicated that this should be made into a fire access. He had concerns about the safety of students in general. He was concerned that traffic from the North would use Colorado to by-pass the downtown area. He discussed a bridge. Affordable housing needs were discussed. There is a need for housing not just for students and faculty. Eco-friendly units were presented and designs were discussed. Information from the annexation in 2008 and 2009 that he submitted needs to be reviewed for this PUD. We have one of the highest pressured gas lines in the State of Colorado. We need to utilize gas from Ohio Creek for use in the City. There are other products that can be harnessed for future efficient use. Various techniques were presented.

Commissioner Larson indicated that the PUD addresses the solar requirements that are in the PUD.

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Mr. Clarke also indicated that we need to prepare for any possible gas mishap. Biochar was discussed and the process was reviewed for capturing waste material. One item in the financial plan estimates for cost of construction but this seemed to be low. Director Westbay injected that that these costs were directly related to the Metro District that is under review by Council. They are not related to this application. Mr. Clarke indicated that so many times these major projects will drag out and then costs get increased. He recommended that they approve this project in steps. What are the projections to fill these vacant areas in the City? Future forecasting on who and when these people will come to this area needs to be looked at.

Commissioner Ferchau asked about the donation of his property. Mr. Clarke responded that the funds were disbursed into a foundation. Mr. Clarke reviewed the renting requirements of BLM land and how you can then put up housing. The requirements for housing were discussed. This must be designed for mobile use and then removed after the lease is up. Yurts have been looked at for housing, with group areas for cooking, and showers. Mr. Clarke reiterated the desire to properly plan for these housing areas. Try to figure out all the various costs of expansion for public care, hospitals, police, and utilities. We need to plan for the access from Highway 50 to Gunnison Rising. The City does not have a current bypass route. Mr. Clarke indicated he had submitted a bypass route back in 2007. Director Westbay responded that the requirement for this was recorded in the annexation.

Ellen Harriman declined to comment.

Staff Presentation. Director Westbay stated that the findings were located on page 16 and 17.

Commission Discussion.

Commissioner Tocke asked why the commercial use/ mixed area were broken down into 2 phases. Director Westbay indicated it had to do with the development of the highway access issues to this area. Phase 2 was to get a small component approved without a full movement access point being developed. Phase 4 was a major intersection from Highway 50 into the subdivision. Mr. Minchow also indicated that it had to do with the requirements on Georgia and Escalante and the buffer involved in this area.

Commissioner Niemeyer asked about the concerns on the sewage flows. Director Westbay indicated that there will need to be a lift system. Also additional maintenance issues will be needed for this area. Flush is the problem. As development occurs this issue will be gone. Demand and the economy will facilitate this mitigation sooner.

Close Public Hearing. Chair Larson closed the public hearing at 7:57pm

Commission Action.

RECOMMENDATION

During the Planning & Zoning Commission meeting held on March 9, 2016, Commissioner Tocke moved, Commissioner Niemeyer seconded and the Planning & Zoning Commission voted to recommend APPROVAL, to City Council of zoning amendment application ZA 16-2, for a

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Major Change to the *Gunnison Rising PUD Development Standards*, based on the following findings of facts:

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, Gunnison Rising Annexation Agreement* (December 3, 2009), the *Supplement to Annexation Agreement*, and the *Gunnison Rising PUD Development Standards*.
2. The Planning and Zoning Commission finds that the *Gunnison Rising PUD Development Standards* (November 2009) were approved by City Council and recorded with the Gunnison County Clerk and Recorder in association with the Gunnison Rising Annexation.
3. The Planning and Zoning Commission finds that a major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
4. The Planning and Zoning Commission finds that the request is to amend the following components of the *Gunnison Rising PUD Development Standards*.
 - Table 2.1: PUD Zoning and Land Use Allocations
 - Section 2.6: Highway Access Control Plan; and
 - Appendix A: Development Phasing.
5. The Planning and Zoning Commission finds that this proposed change may have a significant effect on the ability of existing retail space to compete when there are few contributing factors to expand the total market. This situation could lead to the cannibalization of existing retail businesses in the city. (Note: See language on page 15, Policy #9).
6. The Planning and Zoning Commission finds that the applicant should confer with the WSCU Foundation to determine if the existing development rights established for the Commercial/Mixed Use Zone district fulfill their potential needs.
7. The Planning and Zoning Commission finds that, based on the Findings cited above, the approval of this Major Change is not a detriment to the community's health, safety and welfare.

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

Roll Call No:

Roll Call Abstain:

Motion Passed

7:20 pm

IV. PUBLIC HEARING AND POSSIBLE ACTION- TEXT AMENDMENT APPLICATION, ZA 16-1, SUBMITTED BY STEVEN WESTBAY, DIRECTOR OF COMMUNITY DEVELOPMENT, PROPOSING TO AMEND TREE AND BUFFER PLANTING REQUIREMENTS (TABLE 4-11 MINIMUM TREE AND SHRUB PLANTINGS) AND SECTION 4.6 F.3 (ZONE DISTRICT BOUNDARY BUFFER). THE TEXT

**AMENDMENT ALSO CORRECTS MINOR TYPOGRAPHICAL ERRORS WITHIN
THE CITY OF GUNNISON LAND DEVELOPMENT CODE.**

Open Public Hearing. 8:00Pm

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

Applicant Presentation.

Planner Ruggera commenced her review of the application.

- Section 10.3 of the LDC was explained. Changes are located in Table 4-11, changes to the Minimum Tree and Shrub Plantings. These modifications will allow more consistency in each of the zoned districts. Clarification in the buffer area was added.
- Section 4.6, the waiver application will be considered at public hearing and require public notice. The minimum buffer standards were modified.
- Section 4-7, Off- Street parking areas are subject to driveway access standards.
- Section 9 Development Standard Waivers; this will be changed to a public hearing notice.
- Table 9-1, changed the Minimum Tree and Shrub Plantings from a variance procedure approval by the Community Development director.
- Section 12 Subdivision Standards 12.1 Purpose. Development Improvement Costs. Provide provisions and documentation ensuring that defined improvement funding borne by the developer for public utilities and facilities are secure and protect the fiscal well-being of the City.
- An addition not in the packet. Table 2-4. The Dimensional Standards. The townhouse requirement, minimum lot frontage width requirement. Currently it is at 25'. We are requesting to change it to 20' to agree with the minimum building width with in the zone districts.

Applicant.

None

Public Input.

None

Staff Presentation.

Ruggera indicated that this would give consistency to the Land Development Code.

Commission Discussion.

Close Public Hearing. Chair Larson closed the public hearing at 8:04

Commission Action.

RECOMMENDATION

During the Planning and Zoning Commission meeting held on March 9, 2016, Commissioner

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Beda moved, Commissioner Cave 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 modify the tree and buffer planting requirements within Table 4-11 (Minimum Tree and Shrub Plantings) and Section 4.6 F.3 (Zone District Boundary Buffer) 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 provides consistency and flexibility within the *LDC*.
3. The Planning and Zoning Commission finds that proposed amendments clarifies the administrative 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.

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

Roll Call No:

Roll Call Abstain:

Motion Passed

Director Westbay wanted to indicate that the Code is working but we do need to look at the changes periodically. OVPP indicated that we should be flexible on affordable housing. Director Westbay will be looking at all aspects of affordable housing. In the next 4-8 weeks Director Westbay will be doing a code diagnosis for potential issues with affordable housing. There are many items that need to be looked at. He indicated that the staff is very efficient on the application reviews for all requests.

Chairman Larson agreed that this Code is a living document and housing needs are being reviewed appropriately.

Housing needs in Crested Butte are different than the housing needs in the City. Director Westbay will be looking at affordable housing issues and various incentives that can be given for development.

Commissioner Beda also agreed with the different needs for affordable housing in the various locations. Commissioner Ferchau indicated that he would also help with this. ICC is looking at going to a performance based building code.

V. UNSCHEDULED CITIZENS

Mr. Clarke came forward. Commissioner Ferchau asked if Mr. Clarke had solicited companies coming to this region with their products. Mr. Clarke responded there is so much on the internet concerning these companies. Also many of the current suppliers have had to get financing to operate in our area. This would be a major problem for these companies. Long term purchase power contracts are usually what they have had to enter into. Commissioner Ferchau asked why Mr. Clarke had not pursued this. Mr. Clarke responded that new developers should approach this aspect. BLM lands being used for housing. Director Westbay indicated that the County is the area that would be able to use this concept. The City has no proximity to BLM lands for this land lease concept. Discussion of the affordable housing needs. Mr. Clarke described an overcrowding situation in an area located in the City limits. This is common in areas in Colorado. Sprawling development was discussed in unincorporated Gunnison County. Commissioner Ferchau indicated that many of these people prefer to live this way, to conserve their funds. Small homes were discussed. Can this be done in the \$25,000.00 area? The sewage & water tap fees eat up much of this. Accessory dwelling units are allowed in the City.

Mr. Clarke reviewed some of the eco systems in other areas of the country. Recycled goods such as shipping containers were discussed. These items could be used as alternative housing materials. Chairman Larson thanked Mr. Clarke and staff will email his information to this Commission.

VI. CONSIDERATION OF THE FEBRUARY 24, 2016 MEETING MINUTES

Commissioner Tocke moved, and Councilman Schwartz seconded, to approve the February 25, 2016 meeting minutes as presented with requested corrections.

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

Roll Call No:

Roll Call Abstain: Larson and Cave

Absent:

Motion Passed by Majority

VII. COUNCIL UPDATE Councilman Schwartz commenced his review.

- On March 1st council accepted the contract with Strategic Government Resources for the recruitment of the new City Manager. Michael Tanner is here and working with the City.
- Update on the Farmers' Market Multi-Day City event permit for 2016
- Appointed Councilwoman Morrison as ex-officio member to the Chamber Board. Councilman Schwartz was appointed to the visitor's center board.
- March 8th Council approved the Farmers' Market event permit, and approved the Parker Pasture lease with changes.
- Gunnison Rising Metro Dist. was presented. Council did not like the 45 Mill Levy, council would like it decreased to a 35 Mill Levy. Taxes would escalate on new residential and commercial development.
- Public Improvement Fee (PIF) was discussed. Credit 1.55% sales tax would be removed from the City and go to service bonds. Council's concern was the decrease of this fee

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and how it would affect the City's budget. These sales tax revenues are hard to determine at this time. The deals were not specific. We need to protect the sales tax base. Discussion on how many actual sales will be in this area. The model plan was in compliance. The public hearing will be March 30th.

- Initiation of a sidewalk reorganization process. Some of the local businesses would like to offer café seating. This needs to be looked at as an entire project. Sandwich boards, display of goods, bike racks, garbage cans, planters etc. Moving or removing some items may be required. It currently is a challenge to walk down Main Street at this time. ADA compliance is an issue. The goal is to accomplish this by July 5th. Staff has been asked to initiate the review.
- Commissioner Ferchau asked about how we are engaging the business owners. Acting City Manager Achen responded that the Chamber could send out a bi-weekly email with a survey. Mr. Achen indicated that council is trying to re-establish communications with the chamber. Going door to door would be very time consuming. Instead they could come to the City or a representative could go to the citizen.
- Commissioner Ferchau encouraged personal contact with the business owners. He thought the emails were lost in each one's busy days.

VIII. COMMISSIONER COMMENTS

- Commissioner Beda stated that the recent planning magazine had 3 good articles. Signs, Tiny Homes and VRBO rentals. They all seem to apply to our community.
- Councilman Schwartz indicated that Salida is embracing Tiny Homes. Commissioner Beda stated that the biggest question was whether they were classified as real property or chattels. If they have no tie-in to utilities how will this work. Many are being built on trailers. Are they truly set up for safety?
- Commissioner Niemeyer got a letter from a concerned citizen on an upcoming meeting on affordable housing, and quality rentals. Meeting is March 17th at 10am.

IX. PLANNING STAFF UPDATE

- Director Westbay indicated that with Spring Break coming up can we reschedule the 2nd monthly meeting. Some of our staff will be out of the office. There are other projects that staff needs to address also. Next meeting will be April 13th.

Adjourn 8:55 pm

Attest:

Greg Larson, Chair

Michelle Spain, Secretary

April 13, 2016

Gunnison County Planning Commission
200 West Virginia
Gunnison, CO 81230

RE: Monson Creek Outfitters – Jeep Rental (LUC-15-00029)

Dear Commissioners:

Thank you for providing the opportunity to comment on the proposed Monson Creek Outfitters – Jeep Rental on Colorado State Highway 135, which is within the unincorporated Flying E Subdivision. The following comments are based on the submitted application material and its relation to the *Gunnison Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado* and the *City of Gunnison Master Plan*.

Based on the existing Three-Mile Map, the property is within a designated Rural Residential (1 unit per 5-35 or more acres) land use area and the site is located outside of the Urban Growth Boundary. One of the objectives of the *Three-Mile Plan* is to encourage infill development within the City limits and to “Limit new commercial and industrial development to lands within or immediately adjacent to existing City commercial and industrial zones.”

Historically, the City has expressed concern regarding proposed retail sales developments and the potentially detrimental effect on sales tax revenues that support the City’s General Fund. Ironically, this business was previously located in Gunnison, but the site was sold to a marijuana establishment that will likely produce greater retail sales.

Practically speaking, the relocation of this business to the unincorporated location will have no major effect upon city revenues. The crux of this matter is leveled at the need to follow coherent policies directing orderly and sustainable growth along the fringe highway corridors, the City’s ongoing efforts to encourage more intense urban land uses within the urban service territory, and the unified jurisdictional desire to protect revenues dedicated to general fund services within the city.

Long term consequences associated with hap-hazard land use decisions that result in sprawling land use patterns served by substandard highway access, inadequate water/sewer services, and other urban services is not an appropriate legacy to contemplate.

In summary, it is the responsibility of the County and City to begin earnest planning efforts addressing growth and development in the Three Mile territory. If this LUR application is

approved, it is requested that the development of a highway landscape buffer be established to create a visually appealing highway corridor edge. The County may also consider a means to secure an east/west pedestrian easement on this LUR application site that may eventually allow for direct connection to the Slaughter House Road and the VanTuyl Ranch. The City also encourages the County to address stormwater management and water quality best management practices for any development to protect the domestic groundwater source.

We appreciate the opportunity to review this application.

Sincerely,

Greg Larson
Chair, Planning and Zoning Commission

MEMORANDUM

TO: City Council
FROM: Steve Westbay
DATE: April 5, 2016
RE: Sidewalk Cafe Standards

Introduction

Recently, the Council directed staff to plan a strategy to implement a program for managing the public streetscape for the downtown corridor. Initial work on this task has included the inventory and mapping exercise to define existing street features. On March 14th, staff members, Leia Morrison and Matt Schwartz met to review the mapped information and discuss the project needs. Some of the more salient ideas discussed at the meeting included developing a survey to gain information and feedback from business owners, how the use and placement of existing street features may be reorganized to accommodate a more functional and appealing sidewalk configuration, what standards may be used to manage the private use of the public sidewalk system, and how to address the potential for sidewalk cafe seating.

In an attempt to provide more order and meaning to the effort, it is recommended that the process be segmented into more specific tasks which include the following program elements:

1. Review and address sidewalk cafe seating standards and procedures so related changes may commence during this upcoming summer season;
2. Define changes to public street furniture, trash receptacles, bike racks, and planter arrangements that can be accomplished in the near future; and
3. Work with business owners to implement the rearrangement task of public features and manage the use of public spaces for merchant display.

The critical path for implementing changes this summer requires that cafe seating be placed as the first part of the programming. This first step will also help to guide other actions and programs because it requires that certain parameters be established for ensuring effective and efficient public sidewalk functions. This memorandum provides a summary of existing *Municipal Code* provisions that direct the use of public sidewalks, it describes standards used by other jurisdictions to manage sidewalk cafe seating and concludes with a framework to move forward with actions that implement the Council's directive.

Existing Municipal Code Standards

The *City of Gunnison Municipal Code* presently regulates the use of public rights-of-way (ROWs) under the Business Regulations (Title 8) and Public ways and Properties (Title 9). Section 8.20 (Sidewalk Vending) of the Municipal Code sets forth a series of standards for public vending. While these standards are somewhat antiquated, they serve as a basis for regulating the display of merchandise within ROWs servicing the Commercial and Central Business Districts. The existing standards require liability insurance be established that includes the City as an additional insured on the policy of any vendor. Standards also include dimensional measures regulating the placement and size of vending stands. Vendors are not allowed to display merchandise on sidewalks less than 10' wide; the stand must be placed against the adjacent building front and cannot exceed 4' width, 6' length and 7' height; and displays cannot create dangerous conditions or impede emergency ingress/egress into any building.

Section 9.40.030 (Structures, signs and retail display) of the Municipal Code prohibits the placement of structures, signs or retail displays without written permission of the City and terms and conditions are fully executed by a City License Agreement. Standards established under this code section are similar to the business regulations defined in Section 8.20, with the exception that it assigns a minimum 4' clear tread width or comply with ADA requirements, whichever is more restrictive.

In summary, existing Municipal Code provisions, while somewhat antiquated, provide direction for managing use of public spaces. Some of the initial issues identified within the existing code are as follows:

- The codes do not assign the administrative responsibility to a specific department. Management is under the general responsibility of public works, community development and neighborhood services, so the oversight responsibility is confusing.
- Applying code provisions in two different sections of the municipal code is confusing and ineffective. From a procedural and interpretation standpoint the standards should be contained in only one section of the *Municipal Code*.
- The standards are somewhat antiquated and do not provide uniform direction that establishes a balance between the need to ensure public use and circulation is properly addressed and desire by merchants to derive a potential benefit for using these public spaces. Finding a balance that creates safe and vibrant spaces in the city's commercial corridors is critical for the success of the contemplated changes.
- The Municipal Code only addresses the use of ROWs in the Commercial District and the Central Business Districts. The 2014 Land Development Code update included an amendment to permit restaurants to operate in the B-1 District which encompasses real property on Highway 135 between Ohio Avenue and Denver Avenue. The developed properties in the B-1 District may be ideal for boutique dining establishments that could benefit from outdoor seating that may be configured within the highway ROW.

Criteria Used by Other Jurisdictions

In preparation for this discussion a review of several other municipal codes was completed to assess a menu of standards presently used to address sidewalk cafe seating. Some general provisions seem to be reoccurring within the municipal standards reviewed. For example, every municipality treats public sidewalk uses as a revocable contact and all jurisdictions either charge for the use or have permit fee provisions – several require the requisition of fees for attorney services associated with the application. The majority of the other codes reviewed require liability indemnification for the use in the public space. Most of the jurisdictions establish a minimum clear tread width distance, usually between 5' and 7' that must be maintained for safe and efficient pedestrian movement; many codes define clear widths at the curb edge. The majority of codes address accessibility provisions for emergency ingress/egress needs. Several apply design standards for barrier fences. Several codes address design standards for tables, seating and umbrella furnishings. Other factors that are addressed include conditions related to audio systems, hours of operation, and lighting and glare issues. Maintenance and cleaning is also a common factor addressed in other codes. It is appropriate for the Council to consider what standards may be most appropriate to apply and provide staff with direction that best fit the needs of Gunnison.

Conclusion

It is proposed that the current emphasis be directed towards addressing sidewalk cafe provisions so business owners may have the opportunity to use the sidewalk system this coming summer. The existing configuration of public street features and the potential to rearrange furnishing will be a work in progress. The rearrangement tasks are proposed to be dealt with on a staff level initially and with coordination of business owners. It is also suggested that outreach be conducted to inform business owners of the existing City standards addressing vending display and signage.

CITY	Permit Duration	Fee	Liability Indemnify City	Curb Clearance	Premises Frontage use only	Clear Travel Width	ADA & Emergency Access	Vertical Clearance	Design – Boundary Fencing	Design Seating Material	Design-Table Size	Design-Umbrellas	Design – Lighting & Glare	Maintenance Cleaning	Others
Crested Butte	1 year	\$3.00/SF/YR	\$1 million	3'	Required	7'	7'/2% xslope; IBC Accessible	NA	42" permanent material; attractive material	NA	NA	Prohibited	NA	Upkeep req.	Date Restrictions; No heating devices; Liquor premise modification; No street features impediments;
Durango CO	1 year	Set annually by resolution	Amount not specified		Required	5'	Minimum 44" accessible route	NA	Min 36" detectable barrier	No reflective material	No reflective material	Req. minimum 7' vert. clearance – no log/signs			No cooking units or grills in public seating area; No off-season storage of stuff; "appropriate" waste receptacles; Limited hours of operation based on adjacent uses; Noise level restrictions apply; Administrative conditional approvals can be applied.
Ouray CO	1 year – features removed prior to snow; permit expires 1/1	\$150/yr	Per statute Govt. Immunity limitation	Cannot obstruct. vehicular traffic	Required	6'		NA		Req. metal or heavy furnishings	Req. metal or heavy furnishings	Req 6'-5" vert. clearance		"Proper" maintenance Req.	Serving alcohol in seating w/in ROW; Applicant pays city legal fees
Steamboat CO		Set annually by resolution	\$500,000		Required	6'	No encroach into access path	NA	Permeant barrier system req. can't encroach into access path						Detailed site plan req. for application; Prohibited adjacent to Residential zones; Remove merchandise displays daily & define all fixed/portable features
Ft Collins CO	Agreement Specifies duration terms	\$1.00/SF/YR	No less than statute limit		Defined by individual permit	Defined by indiv. permit	Minimum 44" accessible route	7'	Bolted down; Rail Color Req; Metal or fabric	Traditional & compatible to bldg.;	Traditional & compatible to bldg.	NA		Maintain sanitary conditions – powerwash 2X per year	Prohibit Umbrella Advertising; Pay all city attorney time fees; Transfer notification clauses; Numerous default clauses; Permitted hours; Noise standard 55 dB@ perimeter;
Raleigh NC	1 year	\$300 seating & \$200 amplifi Permits		2'	Defined by individual permit	5' parallel to street & ADA Access		7' No Tents allowed	If fencing is requested it must be approved	Durable material but no plastic or unfinished wood	Durable material but no plastic or unfinished wood			Req. to clean & maintain 6' perimeter in clean/sanitary condition; wash sidewalks daily	Permittee may be req. to remove features on 24 hr. notice for community events, etc; Comply w/ all health & safety reg's.; Umbrellas/accessories removed daily;

CITY	Permit Duration	Fee	Liability Indemnify City	Curb Clearance	Premises Frontage use only	Clear Travel Width	ADA & Emergency Access	Vertical Clearance	Design – Boundary Fencing	Design Seating Material	Design-Table Material	Design-Umbrellas	Design – Lighting & Glare	Maintenance Cleaning	Others
St. Joseph MO	1 year	\$300/yr			Required	5'	5'	7'		Required	Required	Special Standards	No glare to impede vehicles/Peds	Upkeep req.	Electric cords prohibited; Sound System limitations; Site Triangle @ corner lots;
Murrieta CA		Same as Condt. Use App	Req. Liability Release	3'	Required	ADA; Calf Bldg Code;	44"	7'	Req. w/ alcohol service; visually appealing; 36"-48" Ht	Req. "high design standards"	Wood/Metal high quality; dark earth tone	Solid color No bright or neon effect ; 7' ht.; no advertising		Upkeep req	Audio system only w/ CC approval; Visual appearance req. for boundary fencing; List of prohibited materials; Planter standards; No sidewalk cover or decking; Signage prohibited in area;
Covina CA	1 year	Set annually by resolution			Required							Only if they do not impede on public space	No glare to impede vehicles/Peds	Meet CA food service standards;	Defines specific districts for seating use; Not permitted in ROW- max 2' encroachment into ROW; P&Z Approval Req.