

OFFICIAL MINUTES APRIL 27, 2016 7:00PM
 CITY OF GUNNISON PLANNING AND ZONING COMMISSION
 REGULAR MEETING

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 7:00pm

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS

IV. PUBLIC HEARING AND POSSIBLE ACTION – CONDITIONAL USE APPLICATION- CU 16-1, SUBMITTED BY MARK SCHUMACHER WITH THREE RIVERS OUTFITTING, INC. TO OPERATE A GUIDED RECREATIONAL BUSINESS WITHIN A TEMPORARY STRUCTURE IN THE CENTRAL BUSINESS DISTRICT (CBD).

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:02 p.m.

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

Review of Process. Planner Ruggera commenced the application review.

The City’s *Land Development Code (LDC)*, Section 2.6 states that a temporary commercial activity requires a Conditional Use permit to operate in the Commercial (C) zone district and in the Central Business District (CBD). Conditional Uses are those land uses that 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.

The applicant, Mark Schumacher, Three Rivers Outfitting, is requesting the operation of a booking facility for guided recreational activities as a temporary commercial activity at 301 West

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Tomichi Avenue (north of Safeway). The legal description is Lots 21 through 24, Block 147, West Gunnison Amended, City and County of Gunnison.

This site has been used in the past by other businesses for temporary uses. This is the first time an applicant has requested a temporary structure be erected on the site. The applicant is requesting to place a weatherport that is 448 square feet (32 feet by 14 feet) and a smaller shade tent for the temporary operation. In addition, two barrel planters, a freestanding sign, and temporary fence to prohibit access from the Safeway parking lot (to the west) is proposed. Because this structure is over 200 sq ft a building permit will be required with inspections from the Building Official and the Fire Marshall.

Applicant Presentation.

Mark Schumacher, president of Three Rivers Resort and Outfitters was introduced. Mr. Schumacher indicated that he will block off the area so cars will not be able to pass through. The intent is to keep the cars from parking on this area, but still allow foot traffic. The weather port will be used as shade for the employees. A building permit will be applied for after this meeting. Parking was discussed and access will be from Pine Street. This will be used primarily for booking for walk ins. Commissioner Niemeyer indicated that this was a good use of this parcel. Commissioner Beda asked what would be stored in the weatherport. Mr. Schumacher responded rafts, paddles, life jackets. These will be used for any trips in this area also. Mr. Schumacher stated that here will be no electricity to this weatherport. A small solar panel will be used to charge batteries for the cell phones. Commissioner Beda responded that this was a great idea. Commissioner Larson indicated they should have good Highway 50 traffic. Commissioner Cave indicated it is a good location especially with the Cattleman's Days event. Councilman Schwartz approved of this use too.

Public Input. None

Staff Presentation.

Planner Ruggera indicated there are a couple conditions as listed in the staff recommendation. Director Westbay explained the building permit exemption for a storage unit only. This one will be occupied.

Commission Discussion.

Close Public Hearing. Chair Larson closed the public hearing at 7:12 pm

ACTION

During the regular Planning and Zoning Commission meeting held on April 27, 2016, Commissioner Beda moved, and Commissioner Niemeyer seconded, and the Commission voted to APPROVE Conditional Use Application CU 16-1, submitted by Mark Schumacher, Three Rivers Outfitting, for the operation of a seasonal recreation booking facility at 301 West Tomichi Avenue, based on the following findings of fact:

FINDINGS OF FACT:

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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 a temporary commercial activity for a recreational booking facility in the Central Business District.
3. The Planning and Zoning Commission finds that the hours of operation are daily 8 a.m. to 8 p.m.
4. The Planning and Zoning Commission finds that the recreational service use is compatible with neighborhood uses.
5. The Planning and Zoning Commission finds that the applicant must comply with the 2009 International Building and Fire Codes for the temporary structures.
6. The Planning and Zoning Commission finds that the landscaped whiskey barrels help to meet the landscaping and buffer requirements of the *Land Development Code*.
7. The Planning and Zoning Commission finds that a recreational booking facility will not be a detriment to the community's health, safety and welfare.

Conditions:

1. Inspection and approval of the temporary structure (weatherport) is required by the Building Official and Fire Marshall prior to opening.
2. Location of the structure, planters, and fence/barrier on the site is subject to the approval of the Community Development Director.

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

Roll Call No:

Abstain:

Absent: Tocke

Motion: Carried

Commissioner Niemeyer moved, and Councilman Schwartz seconded, and the Commission voted to excuse Commissioner Tocke from this meeting.

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

Roll Call No:

Abstain:

Absent: Tocke

Motion: Carried

V. Minutes of the April 13, 2016 Meeting

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Commissioner Ferchau moved, and Commissioner Cave seconded, and the Commission voted to approve the minutes of the April 13, 2016 meeting as presented.

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

Roll Call No:

Abstain: Schwartz

Absent: Tocke

Motion: Passed by Majority

VI. COUNCIL UPDATE

Councilman Schwartz commenced his update.

- FLAP (Federal Lands Access Project) Grant proposal was reviewed last night. Trail projects have been added. This was brought to council's attention at a County Trails Commission meeting. The goal is to collaborate with the County on this new trail. This breakdown would be for the City to guarantee the 17% match which will amount to \$260,000.00. The funds were discussed as to where they would be distributed in the budget. The County would write and administer the grant and maintain the trail after it is completed. Staff has been instructed to pursue this. An additional \$10,000.00 in funds will need to be used to scope this project. Funds will come from the federal highway funds. Other projects were discussed. Commissioner Ferchau asked about crossing the Wilson meadow. Director Westbay indicated that this is still in the long range plan. There are more issues on the Wilson parcel. Sage grouse, wetlands, agricultural, and airport issues are a few items that need to be addressed. This plan is more achievable at this time.
- Council will file a letter of opposition on Division 4 Water Court Case RE: Gunnison River Upstream City Wells.
- Council will write a letter of support to Hickenlooper, Gardner, Schwartz NWCCOG. Back the new water plan and conservation measures now. This supports the Federal Drought Action Plan Priority for the Colorado River Basin.
- Passed Ordinance #1, #2, #3. All 2nd readings. One change in Section 4.4. Parking language was corrected.

VII. COMMISSIONER COMMENTS

Councilman Schwartz - none

Commissioner Cave requested to be excused from the next meeting. Another person has requested to be on this board. Commissioner Cave will step down from this position. Council will act on this in May.

Commissioner Beda -none

Commissioner Larson met with the new chamber director Eric. Commissioner Larson was impressed indicated he would be good in this position.

Commissioner Ferchau- none

Commissioner Niemeyer moved, and Councilman Schwartz seconded, and the Commission voted to excuse Commissioner Cave from the next meeting On May 11th.

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

VIII. PLANNING STAFF UPDATE

Director Westbay commenced his review.

- Currently working on sidewalk survey. Sidewalk café seating is receiving mixed reviews. Merchandise on the walk way is good. Commissioner Ferchau asked what percentage of Main Street has responded. 70 surveys were given out. 30+ may be back at this time. Commissioner Ferchau encouraged staff to acquire as many as possible. Commissioner Niemeyer asked about some mock up drawings. Planner Ruggera is working on them now. A draft will be ready on Friday. The Ordinance is being drafted with our attorney. The private use of public rights of way, and Dimensional Standards are being reviewed. A Public Hearing will be set. Staff will be compiling the responses of the surveys for the next council meeting. Commissioner Larson indicated that the bike racks in the middle of the block could be relocated closer to the curb. Director Westbay indicated that obstruction by passengers from cars are also being reviewed. Benches relocated to over the irrigation ditches could open up walking areas. Rearranging the living room is basically what we will be doing. This is a very timely ordinance and review. This is a big liability for the City so insurance will be needed. Commissioner Beda asked if this could be a nuisance code violation with odors. Director Westbay indicated this should not be a conflict. Commissioner Ferchau indicated that they are monitoring the streets. Bike traffic is heaviest at 4pm to later. Fire safety was discussed. This will be an experiment. Issues will be there but nothing that cannot be solved. Commissioner Ferchau indicated that the post supporting the over hangs would need to be worked around. The majority of the post are all at 5' set back. Cleaning up the alleys and using them for overflow bike traffic was discussed. Councilman Schwartz indicated that we have surveyed our Main Street business owners and not just the general public. Councilman Schwartz visited with Eric at the Chamber. They sent out a survey of their own to all of their members. 80% were in favor of café seating. Sending out a survey to the general public was contemplated, timing was the issue. Following up is a good idea. Commissioner Ferchau indicated that the Main Street clientele was tourist driven. Director Westbay indicated that this is a community issue and not just for the downtown merchants. Discussion ensued on who would use the café seating. Commissioner Larson indicated that we have a very mixed use on Main Street from old to young. At the end of summer, we will need to review this.
- Director Westbay had a meeting with CDOT this past week. They are very receptive to our ideas. Region 3 head engineer, the other senior engineer and additional CDOT staff. The focus is on Tomichi. A protected bike lane and a crossing at Legion Park to Jorgenson Park. Medium refuge will be a protected area shaped in a Z. This design was discussed. There will also be a rapid flashing beacon. One block each side Tomichi and Main Street will also be a component of this design. 11th street will have a pedestrian crossing. This will be a good traffic slow down area. Commissioner Ferchau asked about the intersection. Director Westbay responded Iowa to Main and Main to Wisconsin. There will be a public meeting on May 26, 2016, to unveil some of these designs to the public. Initiation of Colorado Pedal Program. We will be starting discussions for applying for this grant.

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Region 3 CDOT is our partner on this grant application. Diagonal parking on a state highway was hard to get. This was a good discussion.

- Community Clean-up was a success with approximately 110 participants. Many groups participated and WSCU had a great turn out.
- Director Westbay indicated that he would be submitting this application for the City Manager position.

IX. ADJOURN 7:57 p.m.

Attest:

Greg Larson, Chair

Michelle Spain, Secretary