

**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
Rev 6/16/16**

**DATE: WEDNESDAY, JUNE 22, 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. PUBLIC HEARING AND POSSIBLE ACTION – BUFFER WAIVER APPLICATION, SUBMITTED BY LOFTS OF GUNNISON, LLC AND REPRESENTED BY DON MAIMONE, FOR ZONE DISTRICT BUFFER WAIVER AT 713 NORTH WISCONSIN STREET.**

**7:20 P.M.**

- IV. PUBLIC HEARING AND POSSIBLE ACTION – TEXT AMENDMENT APPLICATION, ZA 16-3, SUBMITTED BY STEVEN WESTBAY, COMMUNITY DEVELOPMENT DIRECTOR, TO AMEND SECTIONS 1.7. K. DENSITY AND 8.1. C. DIMENSIONAL STANDARDS VARIANCES AUTHORIZED.**
- V. CONSIDERATION OF THE MAY 25, 2016 MEETING MINUTES**
- VI. EXCUSE ERICH FERCHAU FROM THE JUNE 22, 2016 MEETING**
- VII. EXCUSE MATT SCHWARTZ FROM THE JUNE 22, 2016 MEETING**
- VIII. COUNCIL UPDATE**
- IX. COMMISSIONER COMMENTS**
- X. PLANNING STAFF UPDATE**
- XI. 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.

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: June 17, 2016  
RE: Waiver Request – Zone District Buffer

#### CODE PROVISIONS

*City of Gunnison Land Development Code (LDC)*, Section 9.1, Development Standard Waivers, defines the procedures and required showing to obtain waivers from the standards established in Section 4, General Development Standards and Section 5, Natural Resource Protection Standards.

Waivers are authorization to differ from the literal terms of established standards that would not be contrary to the public interest in cases where the literal application from the standards are warranted by site factors or where alternative design are proposed that meet the purposes of the *LDC*.

#### APPLICATION

The applicant, Lofts of Gunnison, LLC, represented by Don Maimone, is requesting a Zone District Buffer waiver at 713 North Wisconsin Street also known as Alpenhaus Apartments. The legal description of the property is Parcel 1, Boundary Line Adjustment, Reception Number 612660, Mountain View Addition 1, City and County of Gunnison, Colorado. The applicants' narrative states:

“...The subject property lies 197' north of Denver Ave, on the West side of Wisconsin Street at 713 N. Wisconsin. The property south and west, across the alley from the subject property is zoned residential (R-1). The subject property north and east across Wisconsin Street are zoned Commercial (C), but this property, even though zoned Commercial, is currently being used as multi-family residential.

This is a 2 story apartment building on the subject property that contains 12 residential units. My client has recently done extensive remodeling of the interior and exterior of the building. He has also replanted a large greenbelt area, planted trees, installed a sprinkler system and is maintaining the landscaping. The parking areas have also had the elevations corrected have been newly paved and are being well maintained. What is currently missing from this project, and is being constantly requested by the residents, are garages for parking their cars and for storing their equipment.

When we proposed the garages, as shown on the site plan, we were informed that we needed a 20' landscape buffer adjoining the alley and the residential property to the west. In the description, that Landscaping Buffer and Screening allows for waivers, and it appears that this section (4.6) is intended to protect the front yards and street view of residential properties.

My client's property is essentially a residential use facing out on Wisconsin Street, and with that in mind, we are requesting permission to add a garage structure facing the alley that has the same use and character as the residential properties across the alley to the west...

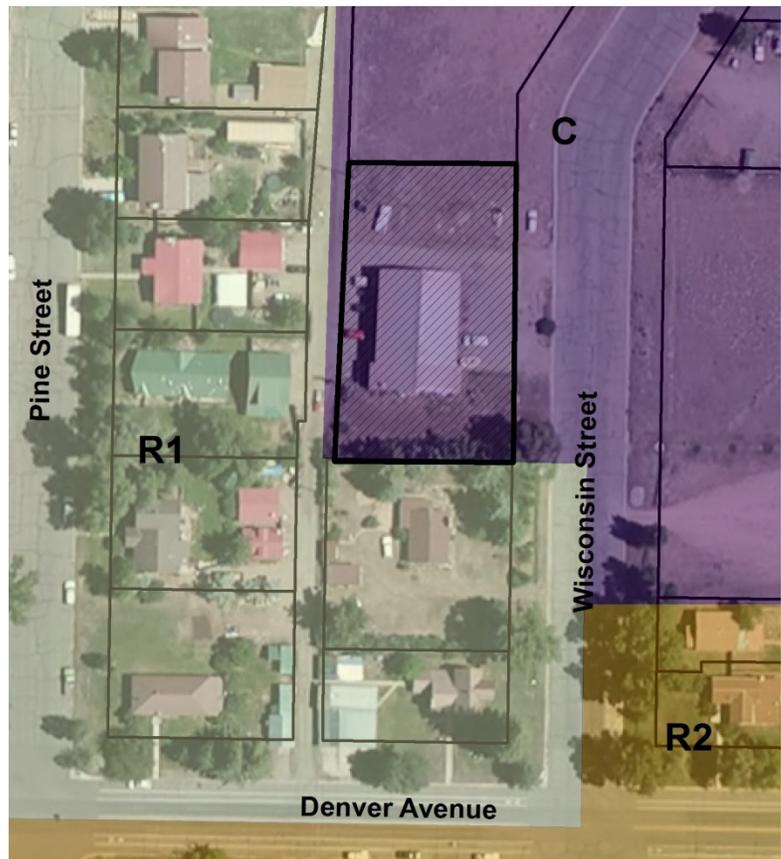
...In my opinion the proposed garage structure will not cause any physical or financial impacts on the neighbors, and in my view is the highest and best use for the site, also contributing the most potential valuation increase to the tax rolls.

We are therefore asking for a waiver of the Buffer setback of 20' for the Landscaping and Screening requirements at the back of this property..."

#### SITE ASSESSMENT

The property is located within the Commercial zone district on the west side of Wisconsin Street and north of Denver Avenue. The Single-Family Residential (R1) zone district is adjacent on the south and west of the property and Commercial is to the north and east.

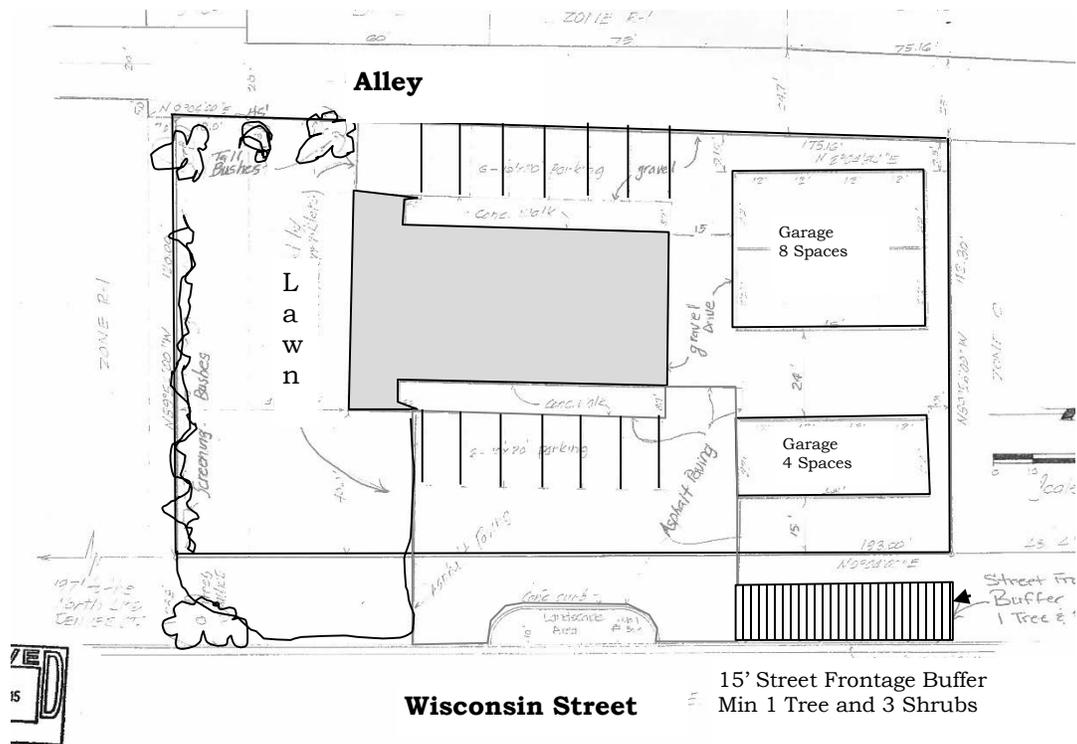
The applicant intends to construct 12 garage spaces (two structures) to the north of the apartment structure for use by the tenants of the 12 units on the site. The site currently has 12 off-street parking spaces, adding the proposed garage structures would bring the site into compliance in regard to the off-street parking requirements (two off-street parking spaces per unit).



The units are accessed off Wisconsin Street and the alley. The access and six off-street parking spaces adjacent to Wisconsin Street are paved and the alley access and six parking spaces to the west are gravel. The redevelopment of this site will require all access and parking areas be paved to comply with the *LDC*.

The improvement of this site also requires compliance with street and zoning buffers and landscaping requirements. The *LDC* states a landscaped (zoning) buffer shall be planted on the boundary between a Commercial zone district and any Residential zone

district and a street buffer is required along a street frontage. The site is bounded by the R1 residential district on the south and the west. A 20' buffer, measured from the back edge of the curb, is required along the zoning district. The subject site is situated in a unique configuration in that the zone district boundary is in the alley and on the south boundary line adjacent to another private property. The vast majority of zoning boundaries occur within streets. The intent of the zone district buffer is to provide a landscaped buffer and screening along a street frontage that is measured from the back of the curb. Alleys do not have a curb to measure from and are for the purpose of alternative vehicular transportation and services.



A local street frontage buffer is required along Wisconsin Street that is 15 feet from the back of the curb. A minimum of one tree and three shrubs will be required within this buffer along Wisconsin Street north of the parking access.

**STAFF OBSERVATIONS:**

1. The applicant is requesting a waiver for the zone district buffer on the west property boundary which requires four evergreen trees and five shrubs per 100 feet of zone district boundary.
2. The applicant is proposing construction of two garage structures that would provide 12 additional off-street parking spaces, bringing the site into compliance with the LDC in regard to off-street parking.
3. The subject property is located in a unique location with a zoning boundary within the alley to the west and an adjacent property to the south. Typically zone boundaries are located within the street right-of-way.

4. The adjoining properties to the west of the site are screened with fences and mature trees.
5. A street buffer (15 feet wide) along Wisconsin Avenue is required with a minimum of one tree and three shrubs.

## REVIEW CRITERIA

Section 9.4 (Review Criteria) states that “... All waiver application approvals shall be found to be in compliance with the General Criteria (A) and the criteria established for the relevant code sections applicable to the waiver request below:”

### A. General Criteria

1. consistent with the *City of Gunnison Master Plan*;

**No Conflict:** The request is consistent with the City’s Master Plan.

2. approval of the waiver will not jeopardize the community’s health safety and welfare;

**No Conflict:** The zone district boundary is located to the west of the property within the alley. Typically zone boundaries are located within a street right-of-way. Approval of the waiver will not jeopardize the community’s health, safety and welfare.

3. there are special circumstances or conditions which are peculiar to the land or building for which the Waiver is sought that is more suitable, functional, or is a better site design;

**No Conflict:** The zone district boundary is located to the west of the property within the alley. Typically zone boundaries are located within a street right-of-way. A street buffer along Wisconsin Street is required to buffer the new garage structures.

4. no Waiver shall result in a detriment to City services in terms of service function, general maintenance restrictions, and increased City costs for service and maintenance;

**No Conflict:** This waiver will not be a detriment to the City.

5. the developer is responsible for all development costs unless shared costs are determined by City Council;

**No Conflict.**

6. no Waiver shall be approved that is in conflict with any prevailing State or Federal law or regulation;

**No Conflict.**

7. the granting of the Waiver will not be injurious to the neighborhood surrounding the land where the waiver is proposed, and is otherwise not detrimental to the public welfare or the environment;

**No Conflict.** The waiver is not injurious to the neighborhood.

**8.** no Waiver will negatively affect the promulgation of any other development standard of this *LDC*.

**No Conflict.**

## **B. Landscaping, Buffer and Screening (§4.6)**

**1.** Alternative design, specifications and layout are set forth in a detailed landscape plan that satisfies the purpose and intent of the landscape, buffering and screening standards.

**Possible Conflict:** A 15-foot buffer if required on the east boundary along Wisconsin Street. Waiver of the zone district buffer on the west boundary meets the intent of the *LDC* as the location of the zoning boundary is not typical. However, there are rather substantial distinctions between the R-1 and Commercial Districts and screening using an opaque fence, hedge, wall or other feature helps to mitigate potential conflicts. A screening treatment can have a similar effect to a buffer.

**2.** Reductions from the required buffer setbacks shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a waiver due to rights-of-way width, road section constraints or lot dimensions.

**No Conflict:** The location of the zone district boundary is not typical since it is located within the alley. As noted above screening can serve to mitigate conflicts in similar manner to buffering.

**3.** Waivers from buffer dimensional standards that protect residential property from non-residential property are not permitted unless it is found that the denial of the Waiver would render the property undevelopable.

**No Conflict.** A denial would not render the property undevelopable.

**4.** The Waiver is necessary for the placement of public utilities, public ditches, or stormwater facilities, and in which case an alternative buffer/landscape plan is proposed that fulfills the requirements to the maximum extent feasible.

**Not Applicable:**

**5.** Waiver from plant species types do not permit or create situations causing the proliferation of noxious weeds.

**Not Applicable.**

**6.** Waivers that preclude required site restoration or revegetation of disturbed areas shall not be granted.

**Not Applicable.**

**7.** Waivers from fences and walls shall not interfere with street or driveway site distance requirements required by the *LDC*.

**Not Applicable.**

**8.** Fence and wall Waivers shall not result in the use of plywood or sheet metal.

**Not Applicable.**

**9.** Waivers from service area screening shall not create a visual detriment to adjacent residential uses or from view of any public street.

**Not Applicable.**

**ACTION**

At the Planning and Zoning Commission meeting of June 22, 2016, Commissioner \_\_\_\_\_ moved, and Commissioner \_\_\_\_\_ seconded to APPROVE the request by Lofts of Gunnison, LLC, represented by Don Maimone, for a zone district waiver at 713 North Wisconsin Street, based on the following findings of fact and condition:

Findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; provisions of the *City of Gunnison Land Development Code*; and the *City of Gunnison Master Plan (2007)*.
2. The Planning and Zoning Commission finds that the applicant is requesting a waiver for the zone district buffer on the west property boundary which requires four evergreen trees and five shrubs per 100 feet of zone district boundary.
3. The Planning and Zoning Commission finds that the applicant is proposing construction of two garage structures that would provide 12 additional off-street parking spaces, bringing the site into compliance with the *LDC* in regard to off-street parking.
4. The Planning and Zoning Commission finds that the subject property is located in a unique location with a zoning boundary within the alley to the west and an adjacent property to the south. Typically zone boundaries are located within the street right-of-way.
5. The Planning and Zoning Commission finds that distinct difference (use types, intensity of use, etc.) exist between the R-1 and Commercial Districts and screening can serve a mitigation measure to reduce potential conflicts.
6. The Planning and Zoning Commission finds that the adjoining properties to the west of the site are buffered with the alley, fences and mature trees.
7. The Planning and Zoning Commission finds that a street buffer along Wisconsin Avenue and adjacent to the new garage structure is required.

8. The Planning and Zoning Commission finds that the application does not diminish the long term health, safety, and welfare of the community.

Condition:

1. A street buffer (15 feet wide) along Wisconsin Avenue and adjacent to the new garage structure is required with a minimum of one tree and three shrubs.
2. A six foot screening treatment shall be constructed along the alley property line (west) and on the north property line, in a manner to screen the proposed parking facilities. The screening treatment shall be consistent with the Land Development Code (Section 4.6.4) standards and subject to approval by the Community Development Director.

**Applicant Name(s):** DON M. MAIMONE

**Phone #:** 641-9725 **Fax #:** 641-9725 **E-Mail:** \_\_\_\_\_

**Mailing Address:** 307 North Main St. #2-D

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

**Legal Description**  
 Site Address of Property: 713 N. WILSONSIN ST. Zoning C  
 Block: a portion of BLK 2 Lot(s): Parcel 1 Addition: MT. VIEW ADDITION No. 1

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

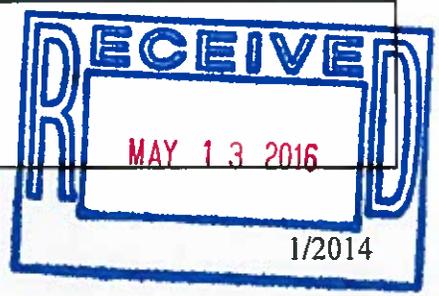
**Summary of Request:** To allow reduction of Buffer area along alley.

**Attachments:**  Vicinity Map (8.5"x11") <sup>(3)</sup>     Description of Proposal <sup>4</sup>  
 Names, Addresses and Map of <sup>6</sup> Adjoining Property Owners (From Assessor's Office) <sup>5</sup>  
 Vested Property Rights     Authorization of Agent (Power of Attorney from Owner, if not the applicant) <sup>7</sup>  
 Site Plan <sup>8</sup> (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)** Don M. Maimone    Date May 11, 2016  
 \_\_\_\_\_ Date \_\_\_\_\_

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



**GUNNISON COUNTY ASSESSOR  
PROPERTY PROFILE**

<b>Account #:</b> R071212	<b>Local #:</b>	<b>Parcel #:</b> 370136206037
<b>Tax Year:</b> 2016	<b>Levy:</b> 54.9290	<b># of Imps:</b> 1
<b>Tax Dist:</b> 100	<b>Map #:</b>	<b>LEA:</b> 10000
<b>PUC:</b>	<b>Initials:</b> WILLIAM	<b>Acct Type:</b> Residential
<b>Assign To:</b> UnAssigned		<b>Created On:</b> 08/29/2013
		<b>Active On:</b> 02/18/2015
		<b>Inactive On:</b>
		<b>Last Updated:</b> 02/17/2016

**Owner's Name and Address**

LOFTS OF GUNNISON LLC  
2902 TRAYLOR BLVD STE 206  
ROCKPORT, TX 78382 - 3646

**Property Address**

**Street:** 713 N WISCONSIN ST  
**City:** GUNNISON

**Business Name**

ALPENHAUS APARTMENTS

**Sales Summary**

Sale Date	Sale Price	Deed Type	Reception #	Book	Page #	Grantor
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**Legal**

PARCEL 1 BOUNDARY ADJ PLAT #612660

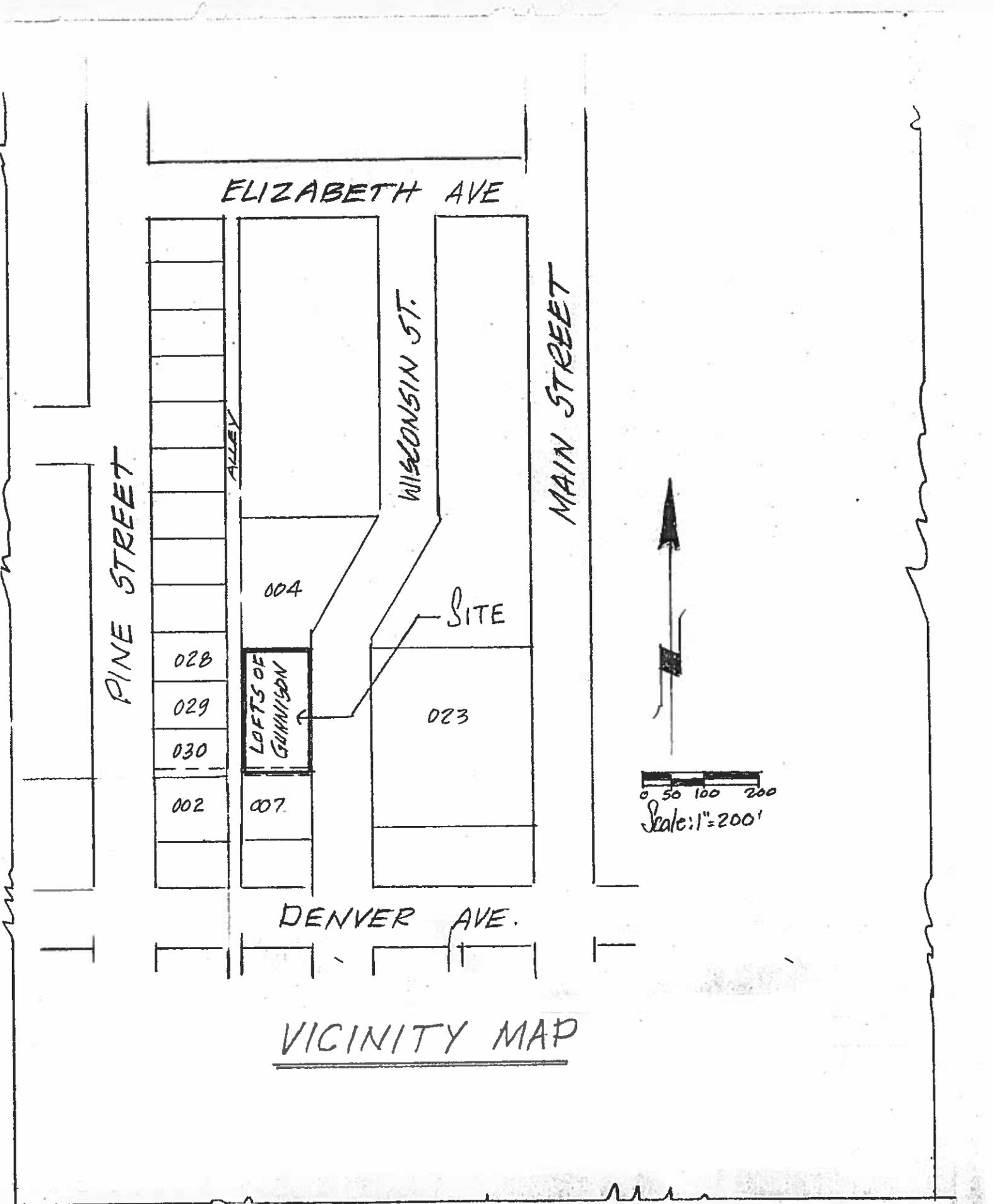
Section	Township	Range	Qtr	QtrQtr	Government Lot	Government Tract
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**Subdivision Information**

Sub Name	Block	Lot	Tract
MOUNTAIN VIEW ADDITION 1	2		

**Land Valuation Summary**

Land Type	Abst Cd	Value By	Net SF	Measure	# of Units	Value/Unit	Actual Val	Asmt %	Assessed Val
Residential	1125	MRA	22,475	Square Feet	22,475 000000	\$2.60	\$58,357	7.96%	\$4,645
<b>Class</b>				<b>Sub Class</b>					
<b>Land Subtotal:</b>					0.52		\$58,357		\$4,645



VICINITY MAP

(3)

## **Request for a Buffer Waiver – 713 N. Wisconsin**

The subject property lies 197' north of Denver Ave, on the West side of Wisconsin Street at 713 N. Wisconsin. The property south and west, across the alley from the subject property is zoned residential (R-1). The subject property and the property north and east across Wisconsin Street are zoned Commercial (C), but this property, even though zoned Commercial, is currently being used as multi-family residential.

This is a 2 story apartment building on the subject property that contains 12 residential units. My client has recently done extensive remodeling of the interior and exterior of the building. He has also replanted a large greenbelt area, planted trees, installed a sprinkler system and is maintaining the landscaping. The parking areas have also had the elevations corrected, have been newly paved and are being well maintained. What is currently missing from this project, and is being constantly requested by the residents, are garages for parking their cars and for storing their equipment.

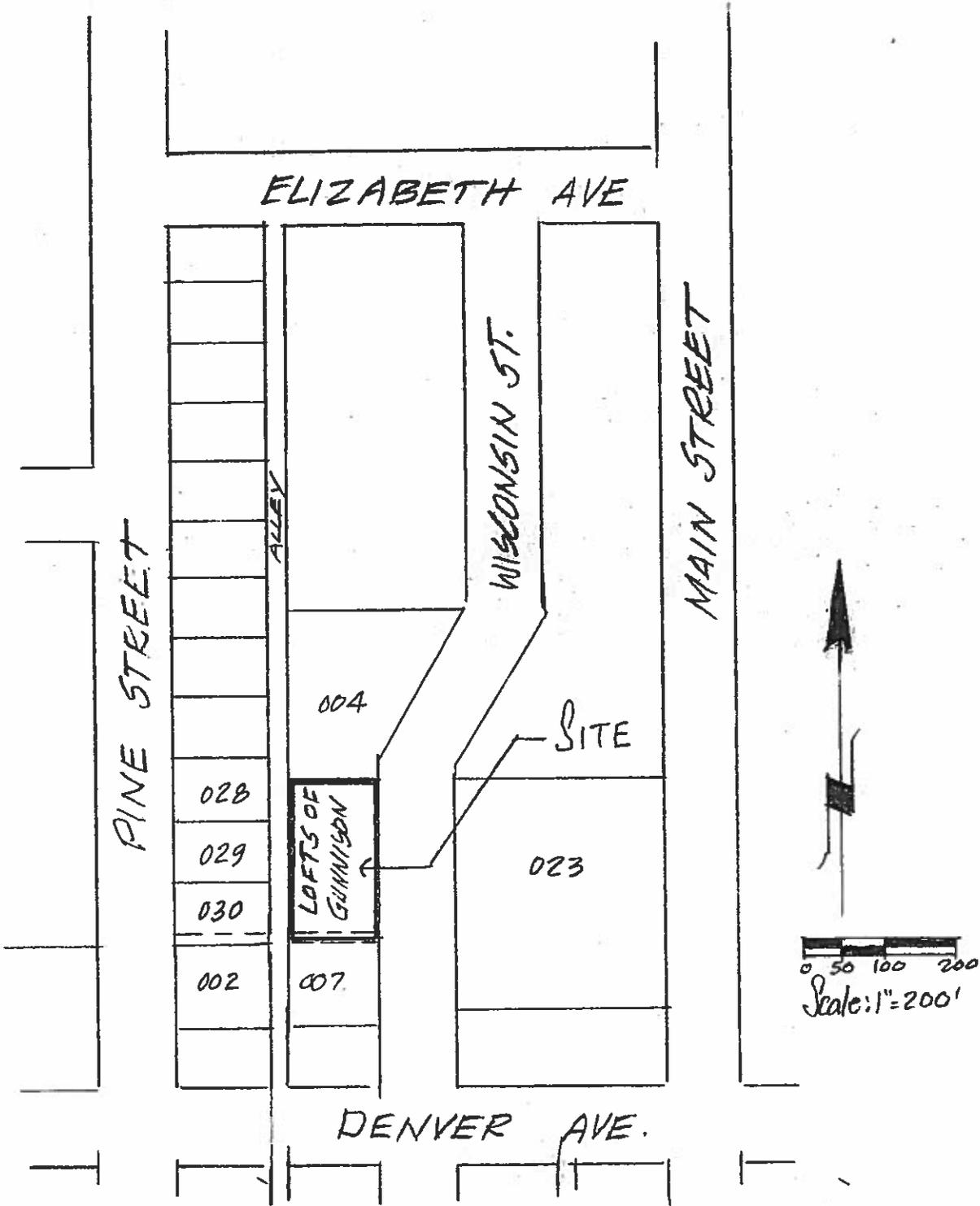
When we proposed the garages, as show on the site plan, we were informed that we needed a 20' Landscape Buffer adjoining the alley and the residential property to the west. In the description, that Landscaping Buffer and Screening allows for waivers, and it appears that this section (§4.6) is intended to protect the front yards and street view of residential properties.

My client's property is essentially a residential use facing out on Wisconsin Street, and with that in mind, we are requesting permission to add a garage structure facing the alley that has the same use and character as the residential properties across the alley to the west.

I am submitting a site plan and photographs of what the tenants are facing relative to structures and views currently. In my opinion the proposed garage structure will not cause any physical or financial impacts on the neighbors, and in my view is the highest and best use for the site, also contributing the most potential valuation increase to the tax rolls.

We are therefore asking for a waiver of the Buffer setback of 20' for the Landscaping and Screening requirements at the back of this property, and approval of this revised site plan.

(4)



MAP OF ADJOINING PROPERTY  
(SEE OWNERS LIST)

(5)

OWNERS LIST

To accompany Map of adjoining property

<u>Parcel No.</u>				
028	.....	Tara M. <sup>Devalois</sup> <del>Devatis</del> .....	<del>724</del> <sup>720</sup> N. Pine St. ,	Gunnison, Co. 81230 ✓
029	.....	Joseph M. Engleman ....	718 N. Pine St. ,	Gunnison, Co. 81230 ✓
030	.....	Jamie Lynn Antonarez ..	716 N. Pine St. ,	Gunnison, Co. 81230 ✓
002	.....	Richard Scott Jackson .	714 N. Pine St. ,	Gunnison, Co. 81230 ✓
004	.....	Robert Tyler Martineau.	P.O.Box 41, Crested Butte,	Co. 81224/
007	.....	Bradford B. Wayland ...	4817 Hazel Ave. Philedelphia,PA.	19143 ✓
023	.....	CWC Holdings, LLC .....	2200 S.Valencia St. Denver, Co.,	80231 ✓
004	.....	Mt. Calvary Lutheran Church	PO. Box 662 Gunnison, Co	81230 ✓

(6)

with corrections

**Reports**

Parcel List

Legend

Measure

**Parcel Information Table**

Parcel Number: 0011020105

Account Type: Residential

Physical Address: 2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646

Subdivision: MOUNTAIN VIEW ADDITION 1

Lot/Block: 800

Acres: 0.318

Number of Buildings: 1

Total Above Grade Sq Ft: 4,594

**Valuation Summary**

Total Current Value: \$353700

Current Assessed Value: \$28160

Mill Levy: 54.929

Last Year's Property Taxes: \$1,546.00

**Parcel Information Table**

Parcel Number	Account Type	Physical Address
0011020105	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020106	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020107	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020108	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020109	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020110	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020111	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020112	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020113	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020114	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020115	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020116	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020117	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020118	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020119	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646
0011020120	Residential	2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646

**Owner/Ship Information**

Name: LOTS OF GUNNISON LLC

Mailing Address: 2902 TRAYLOR BLVD STE 206 DICKSON, TX 75282-3646

**Available Layers**

- Parcels
- Parcel Numbers
- Lakes & Rivers
- Named Streams
- FEMA Flood Plains
- Roads
- Yearly Sales
- Tracing Districts
- Economic Areas
- Sections
- Townships
- Aerials 2011 (3 FI)
- Aerials 2012 (1 FI)
- Aerials 2013 (3 FI)

**Additional Options**

Search

Zoom In

Zoom Out

Full Screen

Print

Layers

Home

**AUTHORIZATION OF AGENT**

I/We, the undersigned owner(s) of the following described real property located in the City of Gunnison, Colorado, hereby authorize the following individual(s):

<u>DON M. MAIMONE</u>	<u>307 N. MAIN ST. 2-D</u>	<u>(970)644-9725</u>
Name	Address	Phone

to act in my/our behalf concerning the application for action under the *Land Development Code* of the City of Gunnison.

Legal description and street address of the property for which application is being made:

PARCEL 1. LOFTS OF GUNNISON - REC. NO. 609953  
71.3 NORTH WISCONSIN ST., GUNNISON, CO. 81230

Type/s of permit applied for:

- 1) BUFFER WAIVER 3) -
- 2) - 4) -

FIRST OWNER OF RECORD: Lofts of Gunnison, LLC

Ron Watson - Manager  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

5/9/16  
Date

SECOND OWNER OF RECORD:

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

rev 12/08  
approved by City Attorney

(7)

Assessor Quick Links

[Gunnison Assessor Home](#)

[Find Property Records](#)

## Assessor Property Record Search

**Property Record Card (PRC)**

**Owner and Parcel Information**

<b>Owner Name &amp; Mailing Address</b> LOFTS OF GUNNISON LLC 2902 TRAYLOR BLVD STE 206 ROCKPORT, TX 78382-3646 <b>Business Name:</b> ALPENHAUS APARTMENTS	<b>Today's Date:</b> May 19, 2016 <b>Appraisal Year:</b> 2015	<b>Account Number:</b> R071212 <b>Parcel Number:</b> 3701-362-06-037 <b>Account Type:</b> Residential <b>Economic Area:</b> Econ Area 1 <b>Tax District:</b> 100 <b>Mill Levy:</b> 56.217
<b>Property Location:</b> 713 N WISCONSIN ST, GUNNISON <b>Neighborhood:</b> GUN RES IN COMMERCIAL <b>LEA:</b> GUNNISON RESIDENTIAL IMPROVED (10000) <b>Subdivision:</b> MOUNTAIN VIEW ADDITION 1 <b>Condo:</b> <b>Legal Description:</b> PARCEL 1 BOUNDARY ADJ PLAT #612660 <b>Parcel Notes</b> BOUNDARY ADJUSTMENT PLAT #612660 RECORDED MAY 1 2013 TOTAL PARCEL = 22,475 SF	<b>Parcel Map</b> <a href="#">Show Parcel Map</a> <b>Building Photos</b> <a href="#">Building Images</a> <b>Building Sketches</b> NA <a href="#">Generate Neighboring Owner List by Distance</a> <a href="#">Search Sales By Subdivision</a>	

**2016 Assessment Information**

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$58,360	\$4,650	\$295,340	\$23,510	\$353,700	\$28,160

**Prior Year Assessment Information**

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2015	\$353,700	\$28,160	54.929	\$1,546.80
2014	\$361,870	\$28,800	56.217	\$1,619.06
2013	\$361,870	\$28,800	49.778	\$1,433.62

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
MULTI-UNITS(9 +)-LAND	Residential	0.516	YEAR AROUND GOVT MAINTAINED	INSTALLED	CENTRAL INSTALLED	DOMESTIC INSTALLED	LAND TYPE PRIMARY - MEADOW SITE IMPROVEMENTS - PAVED OR CONCRETE DRIVEWAY SITE IMPROVEMENTS - CURBS AND OR GUTTER VIEWS - SCENIC OR ABOVE AVERAGE

**Sales and Conveyance Information**

Sale Date	Sale Amount	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
No sales associated with this parcel.						

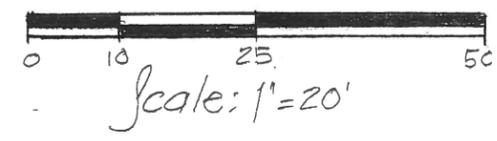
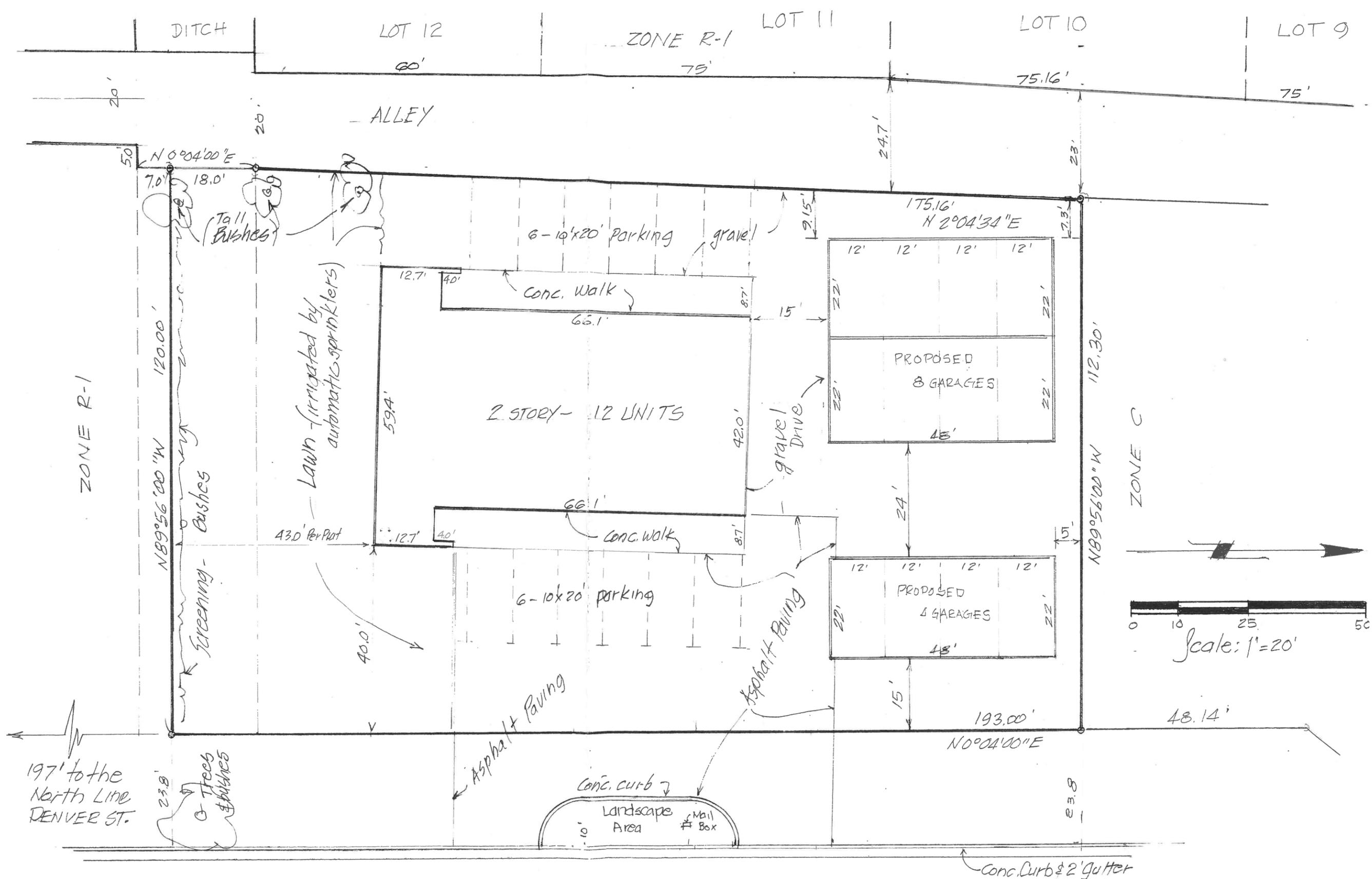
**Building Information**

Building Number 1:							
Occupancy Type	Apartment	Quality of Construction	Fair	Stories	2	Primary Heating System	
Building Description	APARTMENTS	Exterior Condition	Average	Roof	Seamed Metal - Painted	Domestic Hot Water	
Original Year Built	1966	Interior Condition	Average	Exterior	Brick	Landscaping	0
Effective Year Built	1975	Bedrooms	12	Foundation	Concrete		
Percent Complete	100%	Bathrooms	12	Windows	Average		

Building Square Footage or Units:	
Above-grade Living Area	6,594 sqft
Finished Basement	0 sqft
Unfinished Basement	0 sqft
Garage	0 sqft

The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. All assessment information is subject to change before the next certified tax roll. Website Updated: May 1, 2016

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WISCONSIN AVE.

**SITE PLAN TO ACCOMPANY**  
 REQUEST for a BLUFFER WAIVER  
 OWNER: LOFTS OF GUNNISON, LLC  
 prepared by DON M. NAIMONE (970) 641-9725  
 307 No. Main - 2-D, GUNNISON, CO 81230

10/6/15 Jmm  
 9/17/15

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: June 22, 2016  
RE: ZA 16-3, Text Amendment to the *Land Development Code*

### **CODE PROVISIONS**

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

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

### **APPLICATION**

The applicant for this Text Amendment is Steven Westbay, the City of Gunnison Community Development Director. The application proposes to amend Sections 1, Administration (1.7.K. Density) and 8, Variances (8.1.C. Dimensional Standards Variances Authorized).

### **PROPOSED AMENDMENT**

Proposed amendments include the following:

#### **Section 1.7 K. Density:**

3. When applying a density standard to the net land area of a parcel, ~~all~~ resulting fractions with 0.65 or lower shall be rounded down to the lower whole number and resulting fractions that are 0.66 or higher shall be rounded up to the higher whole number.

#### **Section 8.1 General:**

**C. Dimensional Standards Variances Authorized.** Variance from the dimensional standards of the underlying zone district shall be authorized only for minimum lot area, maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, minimum landscape area, and buffer width.

## DEPARTMENTAL COMMENTS

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

City Attorney, Kathy Fogo: No issue.

## STAFF OBSERVATIONS

1. The proposed Text Amendment requests amendments to Sections 1.7.K. Density and 8.1.C. Dimensional Standards Variances Authorized within the *Land Development Code*.
2. The amendment proposes a change to the density calculation rounding and the addition of minimum lot area to variances to provide flexibility.
3. The proposed amendments protect the health, safety and welfare of the community.

## REVIEW STANDARDS FOR TEXT AMENDMENTS

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

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

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

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

The proposed amendment fulfills the purpose of the *LDC*. The amendment addresses needed modifications within the *LDC*.

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

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

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

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

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

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

### **RECOMMENDATION**

During the Planning and Zoning Commission meeting held on June 22, 2016, Commissioner \_\_\_\_\_ moved, Commissioner \_\_\_\_\_ seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 16-3, for a Text Amendment to modify Sections 1, Administration (1.7.K. Density) and 8, Variances (8.1.C. Dimensional Standards Variances Authorized) with 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 reasonable flexibility within the *LDC*.
3. The Planning and Zoning Commission finds that proposed amendments clarifies the administrative direction 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.

<b>Applicant Name(s):</b> Steven Westbay – Director of Community Development		
<b>Phone #:</b> <u>970-641-8152</u> <b>Fax #:</b> _____ <b>E-Mail:</b> <u>swestbay@gunnisonco.gov</u>		
<b>Mailing Address:</b> <u>201 W. Virginia Avenue</u>		
<b>City:</b> <u>Gunnison</u> <b>State:</b> <u>Colorado</u> <b>Zip:</b> <u>81230</u>		
<b>Legal Description:</b> <b>NOT APPLICABLE</b>		
Site Address of Property: _____ Zoning _____ Block: _____ Lot(s): _____ Addition: _____		
<b>Disclosure of Ownership- Please provide one of the following:</b> <b>NOT APPLICABLE</b>		
<input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments  <input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements		
<b>Summary of Request:</b> This Text Amendment application proposes to amend Section 1.7.K.3 (net density measure) and Section 8.1.C (Dimensional Standards Variances Authorized) of the <i>City of Gunnison Land Development Code</i> . The intent is to provide clear interpretation of the LDC and provide reasonable flexibility in development situations facing potential hardship.		
<b>Attachments:</b> <input type="checkbox"/> Vicinity Map (8.5"X11") <input type="checkbox"/> Description of Proposal: <b>See Summary of Request above.</b>  <input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)  <input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant)  <input type="checkbox"/> Site Plan (11"x17") <b>to scale</b> , 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)		
<b>YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION</b>		
<b>Signature(s)</b> <div style="text-align: center; margin-top: 10px;">  </div> _____ Date: June 1, 2016 _____ _____ Date: _____		
For Office Use Only		
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Variance	<input type="checkbox"/> Zoning Amendment
<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Mobile Home/RV Park	<input type="checkbox"/> PUD	<input type="checkbox"/> Vacation
<input type="checkbox"/> Consolidated Application		

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	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 7:03 pm**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. PUBLIC HEARING AND POSSIBLE ACTION – CONDITIONAL USE APPLICATION- CU 16-3, SUBMITTED BY EVAN AND COLLEEN STRAUSS, FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL (3 UNITS) IN THE COMMERCIAL ZONE DISTRICT.**

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:04 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 multi-family residential use requires a Conditional Use permit to exist in the Commercial (C) district zone. Conditional Uses applications are reviewed by the Planning and Zoning Commission after 15 days’ public notice. The Commission may approve, deny or remand the application back to the applicant. The applicant is Evan and Collen Strauss who are requesting a Conditional Use for the construction of three dwelling units in the Commercial Zoned District. The legal description of the property is Parcel A, Boundary Line Adjustment, Shelafo Property, City and County of Gunnison, Colorado. The applicants are looking at building a duplex with a garage apartment, or doing a triplex. Density requirements were reviewed and a possible text amendment was discussed.

**Applicant Review.**

Evan and Colleen Strauss introduced themselves. The Strauss’s indicated that their intention was to build three residential units on this parcel that is located near WSCU. The area is mostly residential and this request would fit in the neighborhood. No further questions from the Commission.

**Public Input:** None

**Staff Presentation:** Planner Ruggera discussed the existing density and asked if Commission wanted this changed. Various scenarios were discussed. Commissioner Larson brought up the incentives section of the LDC as well as Commissioner Niemeyer. Director Westbay responded that it was not the zoning but the use of the parcel as it related to affordable housing. These incentives could be for any zoning but the incentives would also have a deed restriction. One of the three units would have to conform to the requirements set for deed restriction. The applicant asked for clarification of this. If you meet the standards than a plan can be made for further density. 20% increase and avoid the text amendment process. The applicant was not receptive to this for this request. Commissioner Ferchau indicated that we should look at rounding up at .50. He liked the rounding up scenario. Discussion made on the threshold for rounding up. Mike Cole's property was discussed from the last meeting. Mr. Strauss indicated that the property line had been changed in the past on this parcel. Commissioner Tocke also asked questions on the units per acre for RMU and R-2. Director Westbay responded that they followed the prior code. Director Westbay indicated that parking and landscaping really dictate the density provisions. Director Westbay agreed on the text amendment for rounding up was the easiest way to change this. Planner Ruggera proposed changes to condition number two. Modify this by removing all after Table 2-5. Discussion on building on this parcel. Commissioner Ferchau asked if this would set back the construction on this parcel. Mr. Strauss indicated it would now be spring. Director Westbay responded that mid-July may be the earliest to take this to Council. Mr. Strauss indicated that he will get the design stage going with this approval. Mr. Strauss will see if concrete could be done this October. Councilman Schwartz wanted this to move faster for the applicant but timing with notices must be met. Commissioner Ferchau liked the concept of more units available.

**Commission Discussion.** No further comments noted.

**Close Public Hearing.** Chair Larson closed the public hearing at 7:21 p.m.

#### ACTION

During the Planning and Zoning Commission meeting of May 25, 2016, Commissioner Beda moved, Commissioner Ferchau seconded and the Planning and Zoning Commission voted to APPROVE Conditional Use application, CU 16-3 submitted by Evan and Colleen Strauss for the construction of multi-family dwelling units (3) on Parcel A, Boundary Line Adjustment, Shelafo Property, with the following findings of fact and conditions:

#### Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Conditional Use to allow the applicant to construct multi-family dwelling units (three) in the Commercial zone district.

3. The Planning and Zoning Commission finds that multi-family dwellings at this location is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the site provides ample room to comply with the standards of the *LDC* and final review of the site will be conducted during the building permit process.
5. The Planning and Zoning Commission finds that the proposed residential use will not have a significant effect on future City sales tax revenues.
6. The Planning and Zoning Commission finds the *LDC* currently allows a maximum of two units on this site and an additional unit is subject to approval of a Text Amendment to the *LDC*.
7. The Planning and Zoning Commission finds that multi-family dwelling units will not affect the health, safety or welfare of the community.
8. The Planning and Zoning Commission finds that the review standards for Conditional Uses have been or will be met based on the following condition:

Conditions:

1. The applicant shall apply for a building permit prior to Conditional Use expiration of May 25, 2019.
2. A Text Amendment to the *LDC*, to allow three units on this site, is subject to City Council approval. This Conditional Use approves two units and a third unit is contingent upon approval of a Text Amendment to the *LDC*.

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

Roll Call No:

Abstain:

Absent:

Motion: Passed

#### **IV. SCHEDULED CITIZEN- JASON MULLINS**

Jason Mullins introduced himself. He and his wife Stephanie have the coffee shop on the corner rounding Tomichi named Gunnison Coffee Company. They currently lease the location behind the Metamorphosis Salon. As of recently the owner, Priscilla Swanson would like to sell her business and possibly some of the total parcel. Mr. & Mrs. Mullins have owned Gunnison Coffee Company for eight years and have a great relationship with Ms. Swanson. They also have a CDOT lease on this parcel. Because of the Commercial zoning if you subdivide you will need 8000 sq ft. That would leave 7846 sq ft left for this odd shaped parcel. Mr. Mullins would like a variance or amendment to the current zoning code. The various configurations for this parcel were discussed. Common Interest Community had been looked at, as well as other options. Director Westbay responded 8000 sq ft lots just fit well. This lot is a very oddly shaped parcel. This may be moved through the Zoning Board of Appeals. Commissioner Larson indicated that he did not feel the

need to change the lot size for all lots. The odd size could be changed with a variance. Councilman Niemeyer stated that there is just not much that can be done with this parcel. The square footage of the current building was discussed. Director Westbay would like to confer with legal counsel on this request. Commissioner Larson indicated that a variance would work here. A license agreement was granted years ago for this coffee shop. Commissioner Ferchau asked about the density issues. Mr. Mullins had been notified that this parcel may go up for sale on June 1<sup>st</sup>. He is working with the owner on all of the ways to make this happen. Timing for public notice, a text amendment, were discussed. Commissioner Niemeyer stated the existing use makes sense. Director Westbay would like to review the code before setting this meeting. Mr. Mullins and Director Westbay will get together and review this request. Mr. Mullins thanked the Commission for their time.

#### **V. Minutes of the May 11, 2016 Meeting**

Commissioner Tocke moved, and Commissioner Niemeyer seconded, and the Commission voted to approve the minutes of the May 11, 2016 meeting with the following corrections. Councilman Schwartz requested that the dates in the last meeting and the actual dates for City Manager finalist interviews be changed to June 13, 14, 15. Amended.

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

Roll Call No:

Abstain: Ferchau. Did not attend this meeting.

Absent:

Motion: Passed by Majority

#### **VI. COUNCIL UPDATE**

Councilman Schwartz commenced his review.

- Work session on May 17<sup>th</sup>. Finalized the FLAP Grant Application.
- Work session with Darren Brady, WSCU intern. Presentation of fixed assets and governmental accounting.
- Gunnison Art Center update Sundays at 6pm, Multi-Day event permit.
- Street improvement projects bids were reviewed.
- City Court reorganization. Interim City Manager voiced concerns on how the City Clerk was appointed. Two councilmen need to serve as liaisons to the judge.
- Interviews and then the appointment of new Planning and Zoning member.
- Draft review of the Parks & Recreation Advisory Commission. This was then added to the agenda for the next meeting.
- The marijuana shops and volume were discussed. The issue will be readdressed in 3 and 6 month intervals. Commissioner Beda indicated that at the initial review of the shops it was stated that we should not put a limit on the numbers. Factors on this market were discussed.
- 500 Colorado Wildfire & Incident command folks will be here for 6 days in June. They have applied for a challenge grant for \$1,000.00 and this was granted.
- Liquor licensing hearing for Double Shot Cyclery and this was approved.

- Erin Carlson appointed City Challenge Grant Committee.
- Lilly Westbay gave a presentation and reviewed the success of Project Graduation.
- Approved the street contracts not to exceed \$655,000.00.
- Set two public hearings for two Marijuana Shops.
- Accepted Councilman Stu Ferguson’s resignation.
- Resolution No. 4, Series 2016. Creating Parks & Recreation Advisory Committee.
- Canceled June 14<sup>th</sup> Meeting
- Resolution No. 6, Series 2016. Setting Use of Public Rights-of-Way for Private Business Application Fee of \$50.00.
- Ordinance No. 4, Series 2016. Use of Public Rights-of-Way for Private Purposes, passed 2<sup>nd</sup> reading.
- Pet license passed
- Ordinance No. 6. City Purchasing Policy passed.
- Council will meet this Friday morning at 7:30am for the decision of the finalists for City Manager position.

June schedule. Reviewed for out of office. June 15<sup>th</sup> & 22<sup>nd</sup> will now be set for the next meetings. Planner Ruggera will be gone from June 8<sup>th</sup> – 18<sup>th</sup>. Director Westbay will also be out of the office.

Commissioner Ferchau will not be here on June 22<sup>nd</sup>. Councilman Schwartz will not attend the June 22<sup>nd</sup> meeting either.

**VII. COMMISSIONER COMMENTS**

None

**VIII. PLANNING STAFF UPDATE**

Director Westbay commenced his review.

Lorin Crandall and Christopher Enderson, with the University of Colorado-Denver, were introduced and gave their presentation on Lazy K Project.

**IX. ADJOURN 8:30 p.m.**

Attest:

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Greg Larson, Chair

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Michelle Spain, Secretary