

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Theresa Hanacek	X		
Greg Larson	X		
Councilor Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planning Technician Michelle Spain, Stephen G Howard, Ryan Gates, Cassie Slentz, O. A. Pesnell, Jr.

**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 – CONDITIONAL USE APPLICATION- CU 16-4, SUBMITTED BY O. A. PESNELL JR., FOR CONSTRUCTION OF A SINGLE FAMILY DWELLING AND AN ACCESSORY DWELLING UNIT IN THE CENTRAL BUSINESS DISTRICT.**

**Open Public Hearing.** Chair Larson opened the public hearing at approximately 7:00 p.m.

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

**Review of the Process.** Director Westbay reviewed the process. Chapter 7.2 of the Land Development Code addresses the procedure of a Conditional Use application. It states that the Planning and Zoning Commission will hold 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 or modifications. As noted in the introduction Mr. Pesnell is proposing to build a single story residence containing 1,500 sq. ft. and an auxiliary dwelling unit of 720 sq. ft. with the lower level being storage. This property is located at the corner of Virginia and Colorado in the Central Business District (CBD). This parcel is vacant at this time and has been used as a single family residence in the past. There are no standards in the CBD district but Mr. Pesnell has indicated that he will be allowing off street parking on this parcel. Findings and facts will be addressed later in this presentation.

**Applicant Presentation.** O. A. Pesnell Jr. introduced himself and submitted his address. Mr. Pesnell indicated what he intended to build on this lot. One Single Family residence and an auxiliary unit. Mr. Pesnell reiterated the reason for his Public Hearing. No further questions for the applicant.

**Public Input.**  
No public input.

**Staff Presentation.**  
Director Westbay indicated that the parcel is vacant at this time. In the past it was used as a single family residence but the structure burned down in 2010 and we lost two members of our community. It is removed from the primary corridors of the Central Business District and is adjacent to residential uses on the north and north/east side of the parcel. One of the issues in the staff report is there is a potential for a service line that crosses the eastern side of the parcel on the alley side. If a water and service main crosses the property an easement must be granted to service, the other property. The service line has not been located and needs to be addressed at this time. Director Westbay indicated that he will add a finding and condition to this report. Commissioner Ferchau asked for clarification on this water line issue. Director Westbay indicated that historically in this area there were single

service lines connected to multiple dwellings. This line may have been installed in the 1940s. It may or may not be located on this parcel. Also the location of the service main will need to be addressed as well. Discussion on various locations. There is a tap from the prior structure that can be used. Moving the main was discussed and who would pay the fees for this. Mr. Pesnell responded that it might be located on the west side next to the alley. The auxiliary unit will be close to this area. If that service is underneath the building that will be a problem and Mr. Pesnell acknowledge this. He and Director Westbay have discussed holding the Certificate of Occupancy for the accessory unit until this is clarified. Discussion ensued on holding the Certificate of Occupancy. Mr. Pesnell had no desire to locate his unit on the water main. He will do whatever it takes to build this unit properly and locate it where it is most convenient for all. Commissioner Ferchau asked why the City has not done a locate on this. Director Westbay responded that this is not a City line. Mr. Pesnell reiterated that this approach will be the best for all concerned. Discussion ensued on various tap locations, fees, and easements.

Bob O'Hayre was introduced. He was attending this meeting as an adjoining property owner. He asked for clarification on the service line. Was it the house immediately to the south? Director Westbay indicated it could be two houses. Mr. O'Hayre stated that the line had been located there for a long time and the owner of this house probably has an Easement by Prescription already in place. Discussion on who will be financially responsible for the moving of the service line if need be. Conditional Use standards were discussed.

#### **Commission Discussion.**

Commissioner Beda repeated that there is a big need for additional housing and this was a good fit.

Director Westbay indicated that other uses could be determined in the future.

**Close Public Hearing.** Chair Larson closed the public hearing at 7:18 p.m.

#### **ACTION**

During the Planning and Zoning Commission meeting of August 10, 2016, Councilman Schwartz moved, Commissioner Niemeyer seconded and the Planning and Zoning Commission voted to APPROVE Conditional Use application, CU 16-4 submitted by O.A. Pesnell, Jr. for the construction of a single family dwelling unit and an accessory dwelling unit at 121 North Colorado Street, 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 a single family dwelling unit and an accessory dwelling unit in the Central Business District.
3. The Planning and Zoning Commission finds that residential dwellings at this location is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that final review of the site will be conducted during the building permit process.

5. The Planning and Zoning Commission finds that an existing private water service line, serving adjoining property to the south may be located within the property subject to this conditional use application.
6. The Planning and Zoning Commission finds that residential dwelling units will not affect the health, safety or welfare of the community.
7. The Planning and Zoning Commission finds that the review standards for Conditional Uses have been or will be met based on the following condition:  
Add additional info

**Condition:**

1. The applicant shall apply for a building permit prior to Conditional Use expiration of August 10, 2019.
2. If a private water service line crosses the subject property, the execution of a recorded easement shall be required or another means to change the service line relocation shall be determined. Resolution of any potential conflict regarding the water line shall be a condition of the issuance of the building permit Certificate of Occupancy for the proposed Accessory Dwelling structure.

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

Roll Call No:

Roll Call Abstain:

Motion carried

**IV. CONSIDERATION OF THE JULY 27, 2016 MEETING MINUTES.**

Commissioner Tocke moved and Commissioner Hanacek seconded, to approve the July 27, 2016 meeting minutes as presented.

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

Roll Call No:

Roll Call Abstain: Niemeyer did not attend this meeting.

Motion carried

**V. COUNCIL UPDATE.**

Councilman Schwartz commenced his review.

- The meeting on August 2<sup>nd</sup> was cancelled.
- Minutes were approved.
- Finance Director Ben Cowan indicated an 8.5% increase on sales tax at this time. There is still \$100,000.00 left for council to spend for the strategic planning budget.
- Approved a lease on the Lazy K unit for rent. It is currently with a WSCU swim coach. The terms of the lease were discussed. Commissioner Ferchau asked about improving the other units. Director Westbay responded that we should be hearing in the next 3-5 weeks from the University of Colorado Denver - Center for Community Development, on the Lazy K Master Plan. At that point City staff could apply for a planning grant through DOLA to possibly finish The Silver Sage restaurant and the remaining dwelling units. Director Westbay indicated we should do a cost benefit study on this. Bids would need to be acquired after the design is submitted. Councilman

Schwartz indicated that there are many items to be looked at. Commissioner Ferchau asked if this could be finalized in 2-3 weeks. Director Westbay responded closer to 4 months if a grant is approved. Design must be finished then bids can be requested.

- Councilman Andy Sovick is now the trails commission representative. The Trails Commission is looking for a county wide trails list of priorities. Director Westbay suggested to council that they review the 2013 Trails Master Plan and see if there are any priorities that need to be looked at or revised. Councilman Schwartz stated that this would be a two-part process. What the City needs to do in the City area and what the City could do to support projects in the County. This may help in grant requests also.

#### **VI. COMMISSIONER COMMENTS.**

None so noted.

#### **VII. PLANNING UPDATE.**

Director Westbay summarized the following:

- Director Westbay will run for a position on the Colorado Association of Storm Water and Flood Plain Management Board.
- We are currently working with Mr. Bratton on a lift station for Gunnison Rising.
- Finish easements on trials grants. Looking at starting construction on the eastern side of the trail on the Cemetery Ditch.
- Work on Capital Plans and the budget for 2017 is starting.
- CWCB has granted an extension but would like us to have a new contract executed for this grant. We should be breaking ground on this project next summer. This will involve the Piloni Ditch, Palisade ditch 1 & 2, and the Wilson ditch. This will be large project.
- Building permits are up. Five new residential requests and three new commercial remodels. Eric Jansen is very busy.
- Down town business taxes are up over 12.7% in sales tax revenue through May 2016.
- Dog Park was discussed. Working on the fencing and a pavilion may be started in the future. Pioneer Museum parcel was discussed in relationship to the dog park.
- TAP grants were submitted. We will know the outcome in October.
- The Flap grant was not approved. CDOT road widening near Arrowhead and in that canyon was discussed. Other FLAP grants in other counties were discussed.
- Comprehensive Plan may be addressed. Director Westbay suggested that this Commission get involved in the trails program and reviews. Field trip for review of unimproved and undeveloped properties may be scheduled in the near future and make it a joint project with Council. Visit the extension through WSCU campus, and the finishing of the Highway 135 corridor area. Look at the Rio Grande extension and the Wilson Ranch extension. Also look at the existing structures in place. Some platforms on the twin bridges may need to be improved. Concrete aprons would be a great improvement for road bikes.

#### **VIII. ADJOURN.** Chair Larson adjourned the meeting at 7:44 p.m.

Attest:

\_\_\_\_\_  
Greg Larson, Chair

\_\_\_\_\_  
Michelle Spain, Secretary