

**ORDINANCE NO. 13  
SERIES 2006**

**AN ORDINANCE APPROVING A MAJOR CHANGE TO A PREVIOUSLY-APPROVED PUD CONSISTING OF PORTIONS OF BLOCKS 104, 105, 106, AND 113, WEST GUNNISON, TOGETHER WITH ADJACENT VACATED STREETS AND ALLEYS, COUNTY OF GUNNISON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED IN EXHIBIT A AND COMMONLY DESCRIBED AS THE “CITY SHOPS”, AND IMPOSING CONDITIONS THEREON.**

**WHEREAS**, the City of Gunnison, through its Public Works Department, as owner of the property hereinafter described, has filed an application with the City of Gunnison, Colorado, seeking approval of a major change to an existing PUD; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the City Code of the City of Gunnison, Colorado, on September 29, 2006; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison, Colorado, recommended to the City Council the approval of the requested change to the PUD by a recommendation adopted September 29, 2006; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public hearing on the requested change to the PUC on October 10, 2006;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:**

Section 1. Based upon the application seeking rezoning of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a change to the previously-approved PUD on the property hereinafter described, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That the change to the PUD requested in the application consists of memorializing earlier minor revisions approved administratively, which are generally described as follows:
  1. A reduction in size of the City Shops building previously constructed on the PUD from the originally approved 14,000 square feet to 12,600 square feet;
  2. A change in the location of a 5,300 square foot storage building constructed along the west side of the subject property; and
  3. The prior construction of a 5,040 square foot building for the Electric Department, rather than an expansion of the main Shop building.
- B. That in addition to the previous administratively-approved minor changes, the application seeks a major change to allow for the construction of a 4,590 square foot building (102' x 45'), which is 22 feet tall, on that portion of the PUD described as Lots 1 through 5, both inclusive, Block 113, West Gunnison.
- C. That the requested change is consistent with the Master Plan of the City of Gunnison in that it satisfies the intent of the Master Plan "...to provide necessary public utilities, facilities, and services to meet the needs of the current and future population." The proposed expansion of the Public Works facility is necessary to meet the needs of the community, both presently and as it grows.

- D. That the proposed use is consistent with the purposes of the zone district in which the property is located in that a PUD allows the opportunity to provide a mix of uses in a single coordinated facility. The underlying use is best described as an industrial use, and this application meets a majority of the eleven purposes stated in the Municipal Code for a PUD. The proposed changes are consistent with the original intent of the PUD previously approved.
- E. That while the proposed changes to the Public Works facility can create adverse impacts to surrounding residential uses, such impacts can be mitigated by the imposition of conditions upon the PUD as approved.
- F. That the Public Works facility needs to grow in response to the continuing growth of the Gunnison community.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the approval of the major change to the previously-approved PUD on the property herein described and upon the conditions set forth herein, is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. That the major change to the PUD which has been previously approved, as described in Section 1, subparagraphs A and B, and as further set forth on the PUD Amendment Development Plan revised August 26, 2006, which Plan is incorporated herein, is hereby approved.

Section 4. That the legal description of the real property which comprises said PUD is as set forth in Exhibit A, attached hereto and incorporated herein by this reference, located in the City of Gunnison, County of Gunnison, State of Colorado.

Section 5. That the approval of the major change to the PUD is subject to the following conditions:

- A. The dog pound located within the facility may not be expanded and will be sound-proofed as is reasonably possible.
- B. Noise levels from activities conducted within the PUD shall not exceed the requirements of the Colorado State Statutes for an Industrial Zone.
- C. No rock-crushing or gradation operations may be conducted on the site.
- D. No asphalt mixing or other operations that will release noxious odors are permitted on the site.
- E. The City should continue to research and utilize any possible sound-baffling material to be affixed to fences or buildings adjacent to residences.
- F. Vehicles utilizing the water storage tank shall turn off engines while filling.
- G. A five-foot tall berm, with a six-foot tall privacy fence on top of the berm, shall be constructed on the three sides of the parcel of land on which the new water department storage building is to be constructed, which are adjacent to residential uses.
- H. A five-foot tall berm shall be constructed in the Virginia Street right-of-way, and it will extend from the approximate center line of 7<sup>th</sup> Street to the approximate east property line of Lot 12, Block 106 West Gunnison Amended; the berm will be constructed directly south and adjacent to the existing chain-link fence constructed along the shop's property line.
- I. The existing Water Truck Loading Pump Station shall be modified by reorienting the filling pipe approximately 180 degrees which will require the filling process to occur within the Shop's open storage yard. An internal truck access circulation pattern will be established in a manner to eliminate the need for trucks to back into the said facility.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 10th day of October, 2006, on first reading, and introduced, read, and adopted on second and final reading this 24th day of October, 2006.

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Mayor

(SEAL)  
ATTEST:

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City Clerk

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Exhibit A

#### EXHIBIT A

PUD Amendment Plan is the property legally described as follows: A tract of land located in the SW1/4 of Section 35, Township 50 North, Range 1 West, of the New Mexico Principal Meridian and as Recorded on the Official Plat of West Gunnison Amended, Island Addition, recorded with the County Clerk and Recorder of Gunnison County, Colorado, and as described as follows:

Beginning at the southwest corner of Lot 17, Block 105, as shown on the plat of West Gunnison Amended Island Addition; thence west 515 feet on the north right-of-way line of Virginia Avenue to a point on the east line of Lot 12, Block 106, thence south 15 feet on the east line of Lot 12, Block 106 projected; thence west 175 feet parallel to the north right-of-way of Virginia Avenue to a point on the centerline of previously vacated Sixth Street; thence north 15 feet on the centerline of previously vacated Sixth Street; thence east 20 feet on the north right-of-way of Virginia Avenue; thence north 0°04'00" east 165 feet parallel to the centerline of previously vacated Sixth Street; thence north 89°56'00" west 20 feet to a point on the centerline of Sixth Street; thence north 185 feet along the centerline of Sixth Street to the intersection of Sixth Street and the centerline of Georgia Avenue; then east 370 feet along the centerline of Georgia Avenue to the centerline of Seventh Street; thence north 141.29 feet on the centerline of Seventh Street; thence east and parallel to the centerline of Ohio Avenue 208.71 feet; thence north and parallel to the centerline of Seventh Street 208.71 feet to the south right-of-way line of Ohio Avenue, as recorded in Book 484, page 470, of record with the County Clerk and Recorder of Gunnison County, Colorado; thence east 111.29 feet on the south right-of-way line of Ohio Avenue to the northeast corner of Lot 24, Block 104, West Gunnison Amended; thence south 700 feet on the west right-of-way line of Eighth Street to the point of beginning.

Together with Lots 1 through 5, both inclusive, Block 113, and all vacated streets and alleys within the described boundary.

County of Gunnison, State of Colorado

The basis of bearing shall be the same as on the plat.