

**ORDINANCE NO. 13
SERIES 2009**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUBJECTING A NEWLY-ANNEXED PARCEL OF PROPERTY LOCATED IN SECTION 1, TOWNSHIP 49 NORTH, RANGE 1 WEST, SECTION 36, TOWNSHIP 50 NORTH, RANGE 1 WEST, SECTIONS 5 AND 6, TOWNSHIP 49 NORTH AND SECTIONS 30 AND 31, IN TOWNSHIP 50 NORTH, RANGE 1 EAST, NEW MEXICO PRINCIPAL MERIDIAN (THE GUNNISON RISING ANNEXATION), CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, TO THE LAND DEVELOPMENT CODE OF THE CITY OF GUNNISON, COLORADO; APPROVING THE GUNNISON RISING PUD DEVELOPMENT STANDARDS AND ESTABLISHING THE ZONING DISTRICTS OF SAID PARCEL AND AMENDING THE ZONING DISTRICT DESIGNATION OF A PARCEL WHICH IS APPROXIMATELY THREE ACRES; GRANTING VESTED RIGHTS THEREIN; AND AMENDING THE ZONING MAP OF THE CITY OF GUNNISON, COLORADO.

WHEREAS, pursuant to a Petition for Annexation filed with the City of Gunnison, Colorado, all but approximately three acres of the property described in Exhibit A attached hereto has been annexed into the City of Gunnison, Colorado; and

WHEREAS, Gunnison Valley Partners, LLC, Donna R. Bratton, and Gunnison Gateway, LLC, as owners of the parcel of property described in Exhibit A, have submitted a zoning application requesting that the property be incorporated into a Planned Unit Development and zoned with the zoning district designations established in the Gunnison Rising PUD Development Standards; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, conducted a public hearing pursuant to public notice as required by the Gunnison Municipal Code commencing April 8, 2009, and concluding August 12, 2009; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, made and forwarded to the City Council a recommendation of denial of such application for zoning dated August 12, 2009; and

WHEREAS, the City Council of the City of Gunnison, Colorado, has negotiated certain changes to the zoning application; and

WHEREAS, the City Council of the City of Gunnison, Colorado, pursuant to public notice as required by the Gunnison Municipal Code, conducted a public hearing on said zoning application on November 18, 2009;

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

Section 1. Based upon the application seeking the incorporation into a Planned Unit Development and the zoning classification of the property described in Exhibit A, attached hereto and incorporated herein by this reference, the evidence presented to the City Council at the public hearing on the application, the recommendation of the Planning and Zoning Commission of the City of Gunnison, and the changes to the Gunnison Rising PUD Development Standards agreed to by the property owners and the City, the City Council hereby finds as follows:

A. The Gunnison Rising PUD Development Standards mitigate the conflicts of the proposed uses of the property described in Exhibit A with the City's Master Plan as identified in the recommendation of the Planning and Zoning Commission of the City of Gunnison.

B. The exclusion of certain property from the property described in Exhibit A preserves critical riparian areas and potential sage grouse habitat from future development.

C. The trail system proposed allows for alternative forms of transportation within the area.

D. The inclusion of the property in a Planned Unit Development gives the City of Gunnison the ability to manage the growth of a large area adjacent to the prior boundaries of the City.

E. The Gunnison Rising PUD Development Standards provide the following benefits beyond those required by the City of Gunnison Land Development Code, including but not limited to:

- Standards to manage storm water runoff from the development;
- Standards requiring setback buffers from wetlands to protect riparian habitat;
- Standards prohibiting development within designated flood hazard areas; and
- Standards requiring buffer areas to reduce visual impact and reduced development density on hillsides to further reduce visual impact.

F. The land uses and underlying zoning districts contained in the Gunnison Rising PUD Development Standards are compatible with each other and the adjacent land uses and zone districts.

Section 2. Based upon the foregoing, the City Council of the City of Gunnison, Colorado, hereby determines that the incorporation into a Planned Unit Development and zoning district designations within the property described in the attached Exhibit A, as contained in the Gunnison Rising PUD Development Standards, is in the best interests of the City of Gunnison and its citizens.

Section 3. The real property described in Exhibit A is hereby declared to be a Planned Unit Development, subject to the Gunnison Rising PUD Development Standards dated November, 2009, which are hereby approved and adopted. The real property described in Exhibit A is assigned the zoning district designations as set forth in the Gunnison Rising PUD Development Standards dated November, 2009.

Section 4. In accordance with the “Gunnison Rising Annexation Agreement” dated December 3, 2009, that has been or will be entered into by the City of Gunnison and the owners of the property described in Exhibit A, the Gunnison Rising PUD Development Standards constitute a “vested property right” pursuant to Section 15.120.070(E) of the Gunnison Municipal Code and Article 68, Title 24, Colorado Revised Statutes. The Community Development Director shall publish a notice in the designated newspaper of general circulation within the City of Gunnison advising the general public of the approval of the site specific development and creation of a vested property right. Based on the circumstances recited in the “Gunnison Rising Annexation Agreement”, the period of vesting of such property right is extended to December 31, 2029.

Section 5. The official zoning map of the City of Gunnison, Colorado, shall be amended to reflect the addition of the property described in Exhibit A to the City of Gunnison and the zoning district designations contained in the Gunnison Rising PUD Development Standards.

Section 6. Publication and Effective Date. The City Clerk is hereby directed to publish this ordinance in full after its final passage. This ordinance shall become effective thirty days after such publication.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 8th day of December, 2009, on first reading, and introduced, read, and adopted on second and final reading this 22nd day of December, 2009.

ATTEST:

City Clerk

Mayor

Published in its entirety in the Gunnison Country
Times Newspaper on December 31, 2009

GUNNISON RISING PUD PLAN
Overall PUD Zoning Description

A tract of land situated in Section 1, Township 49 North, Range 1 West, Section 36, Township 50 North, Range 1 West, Sections 5 & 6, Township 49 North and Sections 30 & 31, Township 50 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, State of Colorado, more particularly described as follows:

Beginning at the E $\frac{1}{4}$ corner of said Section 31; Thence S 00°23'38" W 1324.57 Ft. to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence S 89°43'41" W 1339.66 Ft. to the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence S 00°06'24" W 1364.37 Ft. to the South Right-of-Way of U.S. Highway 50; Thence N 89°47'13" E 1335.75 Ft. along said South Right-of-Way; Thence N 89°46'08" E 2629.52 Ft. along said South Right-of-Way to a curve; Thence 568.43 Ft. along the arc of a curve to the right along said South Right-of-Way having a radius of 1382.50 Ft., a central angle of 23°33'29" and a chord of S 80°51'50" E 564.44 Ft. to a reverse curve; Thence 897.91 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1005.00 Ft., a central angle of 51°11'25" and a chord of S 83°46'55" E 868.34 Ft. to a compound curve; Thence 278.27 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1980.00 Ft. a central angle of 08°03'09" and a chord of N 83°10'10" E 278.04 Ft.; Thence S 67°42'16" W 53.30 Ft.; Thence S 40°54'57" W 145.71 Ft.; Thence S 23°32'39" W 126.67 Ft.; Thence S 04°53'25" E 223.24 Ft.; Thence S 03°24'52" W 398.71 Ft.; Thence S 85°33'42" W 700.92 Ft.; Thence N 66°21'06" W 93.44 Ft.; Thence N 58°06'04" W 191.98 Ft.; Thence S 68°05'02" W 44.26 Ft.; Thence N 85°52'10" W 94.86 Ft.; Thence N 48°17'08" W 297.80 Ft.; Thence S 89°20'32" W 198.37 Ft.; Thence S 57°04'57" W 163.61 Ft.; Thence S 31°48'25" W 68.93 Ft.; Thence N 74°42'38" W 467.51 Ft.; Thence S 73°08'43" W 414.66 Ft.; Thence N 60°44'16" W 376.57 Ft.; Thence S 85°00'41" W 740.78 Ft.; Thence S 86°55'49" W 1238.95 Ft.; Thence S 86°09'44" W 1447.72 Ft.; Thence S 07°27'36" W 470.05 Ft.; Thence S 61°10'21" W 472.51 Ft.; Thence N 01°10'36" W 131.32 Ft.; Thence S 89°46'10" W 704.62 Ft. to a Point on the East boundary of the Gunnison County Airport Property Conveyed to Gunnison County by court order, recorded May 29, 2002 at reception number 520716; Thence N 16°24'30" W 1182.48 Ft. along said Airport Boundary; Thence S 73°35'30" W 2887.24 Ft. along said Airport Boundary to the West line of Government Lot 1 of said Section 1; Thence N 00°08'15" W 637.48 Ft. along the West line of Government Lot 1 of said Section 1 to the Southerly line of the Pioneer Society Addition to the City of Gunnison; Thence N 59°40'00" E 992.74 Ft. along said Addition to the South Right-of-Way of U.S. Highway 50; Thence N 89°45'50" E 31.74 Ft. along said South Right-of-Way; Thence N 00°14'10" W 10.00 Ft. along said South Right-of-Way; Thence N 89°45'50" E 422.59 Ft. along said South Right-of-Way; Thence N 00°19'28" E 199.26 Ft. to the South line of the Wilson Subdivision; Thence N 89°44'13" E 298.29 Ft. to the Southeast corner of said Subdivision; Thence N 00°24'42" E 749.87 Ft. to the Northeast corner of said Subdivision; Thence S 90°00'00" W 665.54 Ft. to the Northwest corner of said Subdivision; Thence N 00°20'16" E 160.44 Ft. to the North line of the Western State College tract of land described in Book 592 Page 374, Gunnison County Records; Thence S 89°59'20" W 354.96 Ft. to the Northwest corner of said tract of land; Thence N 00°20'16" E 573.73 Ft. to the Northwest corner of the E $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 36; Thence N 89°59'34" E 723.64 Ft. to the East line of said Section 36; Thence N 00°25'34" E 998.76 Ft. to the East $\frac{1}{4}$ corner of said Section 36; Thence N 00°16'22" W 1408.93 Ft. to a point on the West line of Section 31; Thence S 53°25'47" E 1135.40 Ft.; Thence S 89°58'56" E 366.73 Ft.; Thence N 00°33'12" W 1911.81 Ft. to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31; Thence N 22°23'07" E 572.25 Ft.; Thence S 88°48'33" E 267.61 Ft.; Thence S 21°46'27" E 386.90 Ft.; Thence S 10°59'31" E 483.90 Ft.; Thence S 29°21'37" E 1146.79 Ft. to the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31; Thence N 89°39'15" E 820.64 Ft.; Thence S 35°58'54" E 582.64 Ft.; N 89°39'15" E 536.57 Ft.; Thence S 35°50'18" E 1042.33 Ft.; Thence N 89°41'54" E 272.84 Ft. to the Point of Beginning containing 636.91 Acres, more or less.