**ORDINANCE NO. 10**
**SERIES 2013**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO ADOPT THE GUNNISON RISING MASTER DRAINAGE STUDY AS APPENDIX F AND MAKE TYPOGRAPHICAL CORRECTIONS TO APPENDIX A, WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS**

**WHEREAS**, Section 15.150.070.F.1 (Major Changes), of the *City of Gunnison Land Development Code*, states that changes altering the concept or intent of the planned unit development including increased density may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data, which is processed by following Section 15.150.030 (Procedures) of the *City of Gunnison Land Development Code*; and

**WHEREAS**, Gunnison Valley Properties, LLC, as owner of the property, 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 *Municipal Code* of the City of Gunnison, Colorado, on June 26, 2013; and

**WHEREAS**, Section 15.60.060 of the *City of Gunnison Land Development Code* states that approval of a PUD constitutes a zone district amendment and approval may only occur if the application meets the majority of the PUD Purposes (Section 15.60.060.A), all PUD Standards (15.60.060.C) and all Review Standards for Map Amendments (Section 15.150.060); and

**WHEREAS**, on June 26, 2013 the Planning and Zoning Commission of the City of Gunnison reviewed the PUD Purposes, PUD Standards and Review Standards for Map Amendments and recommended approval of the PUD Major Change application to the City Council based on findings of fact established through the proceedings record; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public hearing on the Major Change application to the PUD on July 23, 2013.

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

Section 1. Based upon the application seeking a Major Change to an existing PUD of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application, and the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

A. The *Gunnison Rising PUD Development Standards* (November 2009) were previously approved by City Council and recorded with the Gunnison County Clerk and Recorder in association with the Gunnison Rising Annexation.

B. 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*, *Gunnison Rising Annexation Agreement* (December 3, 2009), the *Supplement to Annexation Agreement* (September 14, 2010), *Second Supplement to Annexation Agreement* (July 26, 2011), and the *Gunnison Rising PUD Development Standards*.

C. The request is to amend the following components of the *Gunnison Rising PUD Development Standards*:

Appendix A: Development Phasing:

A.4.5 Phase V, C. Utility Improvements: This phase will be accompanied by a Development Phase Submittal as defined in Section 2.7

of these *PUD Development Standards.* The Development Phase Submittal will define necessary domestic water, wastewater, storm water, irrigation and electric system utility requirements needed to serve Phase V, as well as the systems' sizing needs to extend services to adjacent future development phases.

A.4.6 Phase VI, B.3. A traffic signal will be installed at the intersection of Highway 50 and Adams when the CDOT determines that Average Daily Trips (ADT) on Highway 50 and intersecting collector roads warrant the installation. Off-site impacts from the transportation study as defined in Section 2.7 of these *PUD Development Standards* are required to be addressed. The City may exercise any authority granted by CDOT for the installation of traffic signals prior to meeting "warranted thresholds."

A.4.6 Phase VI, C. Utility Improvements: This phase will be accompanied by a Development Phase Submittal as defined in Section 2.7 of these *PUD Development Standards.* The Development Phase Submittal will define necessary domestic water, wastewater, storm water, irrigation and electric system utility requirements needed to serve Phase VI, as well as the systems' sizing needs to extend services to adjacent future development phases.

A.4.8 Phase VIII, C. Utility Improvements: This phase will be accompanied by a Development Phase Submittal as defined in Section 2.7 of these *PUD Development Standards.* The Development Phase Submittal will define necessary domestic water, wastewater, storm water, and electric system utility requirements needed to serve Phase VIII, as well as the systems' sizing needs to extend services to adjacent future development phases.

Appendix F: Stormwater Management Master Plan:
Adoption of the *Master Drainage Study for Gunnison Rising*, dated April 4, 2013.

D. The request fulfills a requirement set forth in Section 11.8 of the *Gunnison Rising Annexation Agreement* (and supplements to the *Agreement*) to provide a *Stormwater Management Master Plan.*

E. The stormwater drainage system design was based on directives in the *City of Gunnison Draft Stormwater Management Manual* and the *Urban Storm Drainage Criteria Manual*, Volumes I, II, and III, (UDFCD, 2001).

F. Development of the *Gunnison Rising Master Drainage Study* has been reviewed and assessed by the City Engineer and the Community Development Director from its initial draft through the final plan development.

G. The approval of this Major Change will be a positive attribute for the protection of the community's health, safety and welfare.

H. The application meets the majority of the PUD Purposes (Section 15.60.060.A), all PUD Standards (15.60.060.C) and all Review Standards for Map Amendments (Section 15.150.060), and the proposed changes are consistent with the original intent of the PUD previously approved.

Section 2. 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 is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. The Major Change to the PUD, as described in Section 1, subparagraph C, is hereby approved and shall be amended in the *Gunnison Rising PUD Development Standards* (November, 2009).

Section 4. 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.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 13th day of August, 2013, on first reading, and introduced, read, and adopted on second and final reading this 27th day of August, 2013.

Mayor

(SEAL)

ATTEST:

City Clerk

Ordinance Published in Full in the
Gunnison Country Times Newspaper
August, 22, 2013

EXHIBIT A

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 E¼ corner of said Section 31; Thence S 00°23'38" W 1324.57 Ft. to the Southeast corner of the NE¼SE¼ of said Section 31; Thence S 89°43'41" W 1339.66 Ft. to the Southwest corner of the NE¼SE¼ 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 E½S½S½NE¼SE¼ 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 ¼ 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 SE1/4SW1/4 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 S10°59'31" E 483.90 Ft.; Thence S 29°21'37" E 1146.79 Ft. to the Northeast corner of the SE1/4NW1/4 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.