

**ORDINANCE NO. 3  
SERIES 2014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, APPROVED PURSUANT TO ORDINANCE 11, SERIES 2006, TO AMEND THE CONDITIONS AND LIMITATIONS WITHIN THE PUD COMMERCIAL ZONE DISTRICT CLASSIFICATION OF BLOCK 14, ORIGINAL GUNNISON, CITY AND COUNTY OF GUNNISON.**

**WHEREAS**, this Major Change to a PUD application has been processed under the 1997 *City of Gunnison Land Development Code*; and

**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 changes in final governing documents 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 County, as owner of the property described as Block 14, Original Gunnison, City and County of Gunnison, has filed an application with the City of Gunnison, Colorado, seeking approval of a Major Change to a 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 January 22, 2014; 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 January 22, 2014 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 with conditions 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 January 28, 2014;

**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 herein described, the evidence presented to the City Council during the public hearing on the application, the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. The PUD Commercial zoning (November 2006) was previously approved by City Council and recorded with the Gunnison County Clerk and Recorder.
- 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*, *City of Gunnison Master Plan* and the proceeding records associated with the initial PUD application (ZA06-6), which resulted in the passage of the City of Gunnison Ordinance 11, Series 2006.
- C. It is the intention of the City Council in regulating land uses under the confines of the *Land Development Code*, to fully exercise all relevant powers conferred on it by the laws of the State of Colorado, including but not limited to the following:
  1. Home Rule Municipality. All of the powers reserved to the city as a home rule municipality under Article XX of the *Colorado Constitution*.
  2. State Enabling Legislation. All powers granted to the City by:

- a. Article 20 of title 29, C.R.S. the provision of the Local Government Land Use Control Enabling Act of 1974 (article 20 of title 29, C.R.S).
  - b. Article, 67, of title 24, C.R.S., which authorize the planned unit development approach to land development.
  - c. Article 23 of title 31, C.R.S., which enables municipalities to adopt zoning regulations and subdivision requirements.
  - d. All Other Powers Authorized. All other powers authorized by *Statute* or by common law for the regulation of land uses, land development and subdivision, including but not limited to, the power to abate nuisances.
- D. A driving factor for the submittal of the County's 2006 PUD application is due to the fact that parking demand standards related to the underlying Commercial district zoning in effect at that time were not achievable without building a major parking facility. The PUD zoning amendment was passed by the City Council (Ordinance 11, Series 2006) with specific standards for future uses, dimensional standards, and on-site parking.
- E. The 2006 PUD allowed 80,350 square feet of floor area which included space for an enlarged detention facility. The Gunnison County Detention Center has since been constructed at another location diminishing the need for the approximately 40,000 square feet of additional space.
- F. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
- G. The specific application request of this PUD Major Change is to reduce the PUD parking requirement, established by Ordinance 11, Series 2006, from the required minimum of 43 off-street parking spaces to 35 off-street parking spaces.
- H. The existing Land Development Code requires approximately 145 off-street parking spaces for the facility size and use.
- I. The County PUD Major Change application (ZA13-6) establishes that the Courthouse redevelopment will result in 43,500 SF of building floor area which is a 46 percent reduction in permitted maximum floor area established by Ordinance 11, Series 2006.
- J. The County PUD Major Change application (ZA13-6) establishes that the Courthouse redevelopment will provide 47,490 SF of landscaped area, an increase of 125 percent when compared to the required minimum landscaped area (21,060 SF) established by Ordinance 11, Series 2006.
- K. Administrative staffing numbers have changed at the Courthouse site since 2006 including a reduction of employees by 48 percent.
- L. The inherent activities of the existing and future Courthouse generate parking demand that exceeds the existing and future parking capacity of the site. City Council finds that periodically intense Courthouse activities affect neighbors.
- M. While the proposed Courthouse redevelopment does not provide parking spaces to fulfill the generated on-site parking demand, the approved 2006 PUD determined that reducing parking standards below the threshold set forth by the City's *Land Development Code* for such a facility was appropriate. The County Major Change application (ZA13-6) reasons that the parking reduction request considered herein is commensurate to the reduced building area, and this reduction allows for the protection of the civic courtyard.

- N. The Courthouse provides valuable services to the Community and is an integral component of the downtown area.
- O. Finding M of Ordinance 11, Series 2006 noted that the County needed to address the future relocation of the existing wastewater main line located under the Courthouse, and this PUD Major Change application (ZA13-6) includes a Utilities drawing depicting the proposed realignment of the main. An engineered plan and profile drawings are required to assess the proposed alignment and ensure that the wastewater has adequate fall. It is in the best interest of the City for maintaining this critical utility service, to obtain a surveyed easement with adequate dimension to meet City service needs across those portions of County-owned real property affected by the waste water main realignment.
- P. The public parking in the downtown area is a community wide issue and the Board of County Commissioners and the City Council must work together to find equitable solutions to resolve the existing and future parking issues.
- Q. The Planning and Zoning Commission finds that, based on the Findings cited above, the approval of this Major Change does not negatively impact the community's health, safety and welfare as long as the conditions and limitations contained in Section 3 have been met.

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.

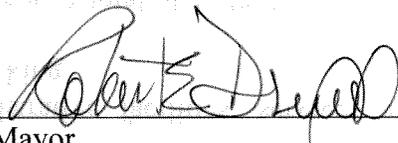
Section 3. The Major Change to the PUD is hereby approved and the PUD Commercial zone district is specifically conditioned upon the following limitations and conditions:

- A. Uses Allowed: Government administrative facilities, services and buildings; professional offices; and off-street parking.
- B. Maximum Square Footage of Floor Area: A total of 50,000 square feet.
- C. Maximum Size of Building Footprint: 33,250 square feet.
- D. Maximum Building Height: 43 feet; architectural projections such as cupolas, cornices, etc. may be a maximum of 45 feet in height.
- E. Minimum Setback: The minimum setback between any building on the site and the property line shall be 10 feet.
- F. Minimum Parking Spaces: 35 off-street parking spaces shall be provided.
- G. Maximum Percentage of Lot Coverage for Parking: 18 percent or 14,570 square feet.
- H. Minimum Landscape Percentage Coverage: 26 percent or 21,060 square feet.
- I. Other Development Standards: All other development standards not noted herein shall comply with those standards of the Gunnison Municipal Code.
- J. Site Plan: An illustrative site plan has been provided with the application and that site plan will serve as an administrative document in the assessment of future development of the site. Any significant alterations of the site plan dated November 7, 2013, may be subject to City staff and City Council review.

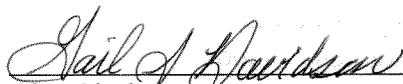
- K. Prior to issuance of a building permit, the County shall provide plans and profiles of the proposed wastewater main relocation established by a Colorado licensed professional engineer, and those engineered plans are subject to review, modification and approval by the City Engineer.
  
- L. Prior to issuance of any Certificate of Occupancy by the City's Building Official, the County shall record a non-exclusive easement dedicated to the City of Gunnison to address specific notification procedures, repair and restoration responsibilities associated with site disturbance and details to establish a utility easement (20 foot width) along the wastewater main plan view alignment. The easement legal description shall be developed under the supervision of a surveyor licensed by the State of Colorado. The easement instrument shall be subject to review and approval by the City Council, prior to recording.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 28th day of January, 2014, on first reading, and introduced, read, and adopted on second and final reading this 11th day of February, 2014.



  
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Mayor

ATTEST:

  
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City Clerk