ORDINANCE NO. 2
SERIES 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO AMEND TABLE 2.1: PUD ZONING AND LAND USE ALLOCATIONS; SECTION 2.6: HIGHWAY ACCESS CONTROL PLAN; AND APPENDIX A: DEVELOPMENT PHASING WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS

WHEREAS, Section 10.7 H. 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 10.3 (Procedures) of the *City of Gunnison Land Development Code*, and

WHEREAS, Gunnison Valley Properties, LLC has filed an application with the City of Gunnison, Colorado, seeking approval of a Major Change to an existing PUD; and

WHEREAS, Section 10.7 C. of the *City of Gunnison Land Development Code* states that approval of a PUD constitutes a zoning amendment. Approval may only occur if the application meets the majority of the PUD Purposes (Section 10.7 A.), all PUD Standards (10.7 E.) and all Review Standards for Map Amendments (Section 10.6); and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to Section 6.7 (Provisions of Public Notice) of the *Land Development Code*, on March 9, 2016; and

WHEREAS, on March 9, 2016 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 April 12, 2016;

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

D. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.

E. The Major Change amends the following components of the *Gunnison Rising PUD Development Standards*:
- Table 2.1: PUD Zoning and Land Use Allocations
- Section 2.6: Highway Access Control Plan; and
- Appendix A: Development Phasing.

F. The amendment does not alter the purposes of a PUD (*LDC*, Section 10.7 A.) and zoning previously reviewed and approved by City Council.

G. The Major Change may have a significant effect on the ability of existing retail space to compete when there are few contributing factors to expand the total market. This situation could lead to the cannibalization of existing retail businesses in the city.

H. The applicant should confer with the WSCU Foundation to determine if the existing development rights established for the Commercial/Mixed Use Zone district fulfills their potential needs.

I. The approval of this Major Change will is not a detriment to the community's health, safety and welfare.

WHEREAS, 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.

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

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

TABLE 2.1: PUD ZONING, LAND USE, DWELLING UNITS AND NON-RESIDENTIAL ALLOCATIONS

Land Use	PUD Zoning District Designation	Acres	Residential Unit Minimum	Residential Unit Cap	Gross Floor Area Non-Residential	Recreational Units
Single-Family Residential	R-1	16	1	4	Per Conditional Use*	N/A
Residential	R-2	234	235	340	Per Conditional Use*	N/A
School District	R-2 M	10	N/A	N/A	N/A	N/A
Residential Village	R-2 M	63	100	270	Per Conditional Use*	N/A
Commercial / Mixed Use	C M	48	0	120***	380,000**	N/A
Parks/Open Space	O	62	N/A	N/A	N/A	N/A
Highway 50 ROW Dedication	N/A	13	N/A	N/A	N/A	N/A
Recreational	CRV	64	N/A	N/A	10,000	350
Commercial	C	5	N/A	N/A	20,000	N/A
Business & Research Park	I M	37	N/A	N/A	250,000	N/A

Western Pavilion	C/WP	12	N/A	N/A	Existing structures to remain	N/A
Government	GOV	17	N/A	N/A	70,000	N/A
Equestrian Meadows	O/E	52	N/A	N/A	N/A	N/A
TOTAL		**633**		**734**	**730,000**	**350**

**(Note: Non-residential uses which may be allowed through conditional use approval are not reflected in this table. ** Gross Floor Area Non- Residential Allocations: A maximum floor area of 120,000 square feet is allocated to real property deeded to the Western State Colorado University Foundation. The remaining 260,000 square feet of floor area is allocated to real property controlled by Gunnison Valley Partners and/or their heirs, successors, assigns and designees.*
****Residential Unit Cap Allocations: 20 residential dwelling units are allocated to real property deeded to the Western State Colorado University Foundation. The remaining 100 dwelling unit count is allocated to real property controlled by Gunnison Valley Partners and/or their heirs, successors, assigns and designees.*

2.6 Highway Access Control Plan. All design and construction of Highway 50 improvements will be directed by the *Intergovernmental Agreement among the City of Gunnison, the County of Gunnison and the State of Colorado Department of Transportation (November 5, 2013)* and by the *City of Gunnison U.S. Highway 50 Access Study* approved by CDOT and the City.

APPENDIX A: DEVELOPMENT PHASING

A.4.2 Phase II

A. Land Uses: This phase includes approximately 48 acres of the Commercial/Mixed Use area (CM District) located north of Highway 50; 15 acres of Open Space (O District); 37 acres of Industrial Modified Business and Research Park (IM District) which will include the Public Works facility site; and the five acre Travel Plaza (C District) located south of Highway 50.

B. Traffic Improvements: CDOT Highway Access Permits will be required. All design and construction of Highway 50 improvements will be directed by the *Highway Access Control Plan* approved by CDOT and the City. Off-site impacts from the transportation study as defined in Section 2.7 of these PUD Development Standards are required to be addressed.

1. Highway 50 will be widened in Phase II, with a three lane configuration to the eastern boundary of the phase. Installation of turn lanes and modifications to the lane geometry, as needed, to facilitate these anticipated highway improvements will also be completed in this Phase. Setbacks from the Highway 50 right-of-way must match the ultimate width of Highway 50 at the final Phase.

2. Lengthen the existing drainage structures and box culvert for future trail crossing to match the proposed roadway section will be completed by the applicant. Required signage and striping will be provided in compliance with CDOT and/or the *Manual of Uniform Traffic Control Devices* (MUTCD) requirements. Stop signs will be used at these improved intersections until signalized controls are required by the City or as stipulated by the approved Highway Access Control Plan.

3. The right-of-way serving the extension of College Avenue will be platted and dedicated to the City, and this street will be improved and connected into the development within the Commercial Mixed Use District.

4. Internal public streets, sidewalks and trails will be developed as required by subdivision development agreements.

5. A traffic signal will be installed at the intersection of Highway 50 and the entrance into the CM Zone when the CDOT determines that Average Daily Trips (ADT) on Highway 50, and intersecting collector roads warrant the installation in accordance with the study requirements described in Section 2.7 of these *PUD Development Standards*.

6. Installation of internal public streets, sidewalks, and trails as required by subdivision development agreements.

7. Georgia Avenue will be extended into the development.

8. Improvements will be completed at the Georgia / Escalante intersection.

9. Installation of the required Escalante and Georgia improvements as required by Western State College University and the City pursuant to agreement and easement dedication terms

10. Implementation of the necessary site, landscaping, and parking improvements at the Aspinall-Wilson Center as required by the Western State College Foundation will also occur in this phase.

A.4.4 Phase IV

A. Land Uses: This phase includes the western portion of the Residential Village area (R-2M district), which is approximately 27 acres in size and approximately 2 acres of Parks/Open Space (O District).

B. Traffic Improvements: All design and construction of Highway 50 improvements will be directed by the *Highway Access Control Plan* approved by CDOT and the City. Off-site impacts from the transportation study are required to be addressed.

1. Highway 50 will be improved to a three lane configuration between the eastern and western boundaries of this Phase IV adjacent to Highway 50. Setbacks from the Highway 50 right-of-way must match the ultimate width of Highway 50 at the final Phase.

2. Installation of turn lanes and modifications to the lane geometry as needed to facilitate these anticipated highway improvements will be completed in this Phase IV.

3. Signage and striping will be provided in compliance with CDOT standards and/or the *Manual of Uniform Traffic Control Devices* (MUTCD) requirements.

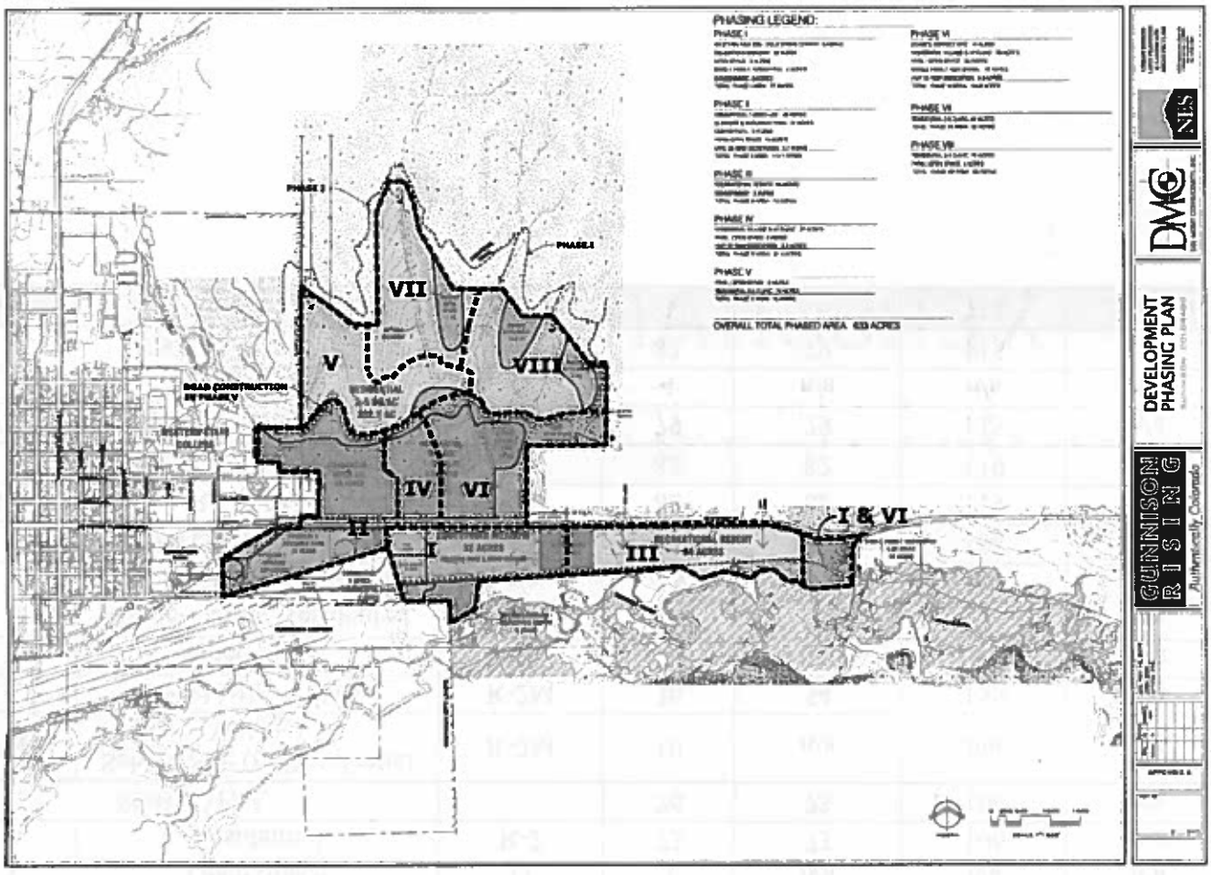
4. Stop signs will be used at these improved intersections until signalized controls are required by the City or as stipulated by the approved Highway Access Control Plan.

5. Installation of internal public streets, sidewalks and trails as required by subdivision development agreements.

6. Installation of the Escalante Drive Buffer when development activity other than the City Loop trail commences within 500 feet of Escalante

TABLE A.1: Development Phases

Phase	Land Use	PUD Zoning District Designation	Acreage	Residential Unit Minimum	Residential Unit Cap	Non-Residential Square Feet
I	Commercial/Western Pavilion	C/WP	9	n/a	n/a	**
	Open Space/Equestrian Meadow	O/E	52	n/a	n/a	n/a
	Government	GOV	9	n/a	n/a	37,058
	Single-Family Residential	R-1	4	1	1	n/a
	Open Space	O	3	n/a	n/a	n/a
	SUBTOTAL		77	1	1	37,058
II	Commercial/Mixed Use	CM	48	n/a	120	380,000
	Open Space	O	15	n/a	n/a	n/a
	Business & Research Park	IM	37	n/a	n/a	250,000
	Commercial (Travel Plaza)	C	5	n/a	n/a	20,000
	Existing Highway 50 ROW	n/a	5.7	n/a	n/a	n/a
	SUBTOTAL		110.7		120	650,000
III	Commercial R V	CRV	64	n/a	n/a	10,000
	Government	GOV	8	n/a	n/a	32,942
	SUBTOTAL		72			42,942
IV	Residential Village	R-2M	27	43	116	n/a
	Open Space	O	2	n/a	n/a	n/a
	Existing Highway 50 ROW	n/a	2.4	n/a	n/a	n/a
	SUBTOTAL		31.4	43	116	n/a
V	Open Space	O	3	n/a	n/a	n/a
	Residential	R-2	73	73	106	n/a
	SUBTOTAL		76	73	106	n/a
VI	School Site (in Residential Village)	R-2M	10	n/a	n/a	n/a
	Residential Village	R-2M	36	54	155	n/a
	Open Space	O	38	n/a	n/a	n/a
	Single-Family Residential	R-1	12	1	3	n/a
	Existing Highway 50 ROW	n/a	4.9	n/a	n/a	n/a
	SUBTOTAL		100.9	55	158	n/a
VII	Residential	R-2	82	82	119	n/a
	SUBTOTAL		82	82	119	n/a
VIII	Residential	R-2	79	79	115	n/a
	Open Space	O	4	n/a	n/a	n/a
	SUBTOTAL		83	79	115	
TOTAL			633		734	730,000



Section 2. 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 12th day of April, 2016, on first reading, and introduced, read, and adopted on second and final reading this 26th day of April, 2016.

(SEAL)

Richard Hagan
Mayor

ATTEST:

Gail A Davidson
City Clerk

Published by Title in the
Gunnison Country Times
April 21, 2016

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.