

TO: City Council  
FROM: Community Development Staff  
DATE: October 22, 2015  
RE: Text Amendment to the *LDC*

A Text Amendment has been initiated by Steve Westbay, Community Development Director for a Major Change to a PUD to amend the permitted uses for the Industrial Modified Business and Research Park (IM) District within the *Gunnison Rising PUD Development Standards*.

The amendment proposes to modify Table 10.1, Industrial Modified District Permitted Uses and Parking Space Requirements to include museums as a permitted use.

A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data and must comply with the PUD Purposes, PUD Standards and Review Standards for Map Amendments.

The Planning and Zoning Commission held a public hearing on September 23, 2015 regarding this request. All Commission members support the proposed Major Change to a PUD and unanimously voted to recommend approval of this text amendment.

The Council packet contains the staff report with the Commission recommendation and the draft ordinance.

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TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: September 23, 2015  
RE: *Gunnison Rising PUD Development Standards – Major Change*

#### CODE PROVISIONS

The *Land Development Code (LDC)*, Section 10.7 H.1. (Major Changes) states “changes which alter the concept or intent of the planned unit development including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in the final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.” A public hearing is required and all major changes to the PUD must be recorded with the Gunnison County Clerk and Recorder.

The Planned Unit Development *LDC* Section 10.3 D. through F. specifies that a Major Change to a PUD application be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission recommends to City Council, to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

#### APPLICATION

This application is for a major change to a PUD amending the permitted uses for the Industrial Modified Business and Research Park (IM) District within the *Gunnison Rising PUD Development Standards*. A zoning amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director or the owner of, or holder of, a recognized interest in that real property whose zoning is proposed to be amended. This application was initiated by the Community Development Director with concurrence by the property owners.

Application contents include minimum application requirements listed in *LDC* section 10.4 and the *Gunnison Rising PUD Development Standards* (City of Gunnison Ordinance No. 13, Series 2009).

Documents relevant to this review include, but are not limited to:

- *Gunnison Rising PUD Development Standards*;
- *Gunnison Rising Annexation Agreement*;
- *Gunnison Rising Supplement to Annexation Agreement*;
- *Gunnison Rising – “Authentically Colorado” Master Plan Level Updated Traffic Impact Analysis* (May 19, 2008);
- *City of Gunnison Land Development Code*; and
- *City of Gunnison Master Plan*.

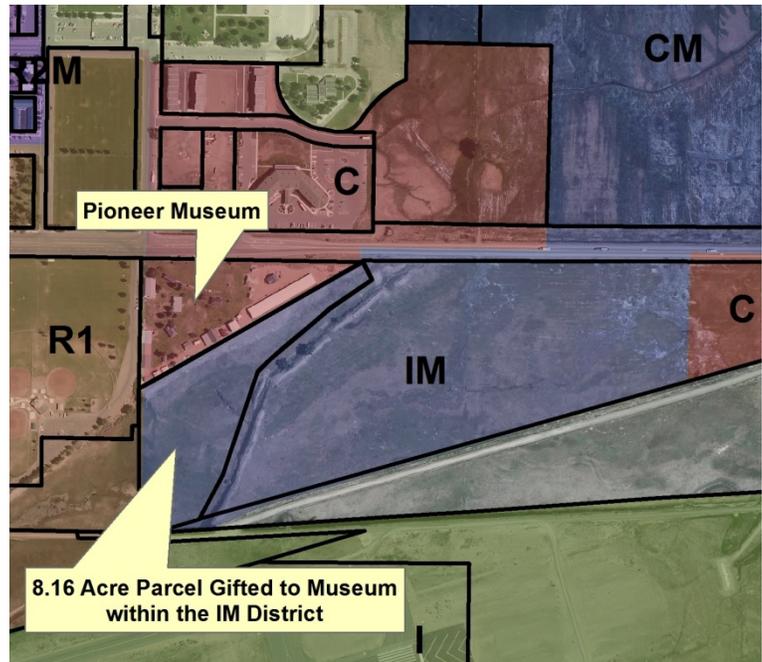
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Table 10.1 (Industrial Modified District Permitted Uses and Parking Space Requirements) lists permitted uses within the IM District. In August, 2015, an 8.16 acre parcel of land within the IM District was subdivided and gifted to the Gunnison County Pioneer and Historical Society by Gunnison Valley Properties, LLC. In order for the Pioneer Museum to expand their operation onto the gifted property, a museum use must be listed as a permitted use within the IM District. The site is a logical location for the expansion of the museum and is compatible with other permitted uses within the IM District.

**IM DISTRICT SITE REVIEW**

The Pioneer Museum and is bounded on the north by Highway 50 and on the south by the airport service road (County Road 49). The district comprises of 37 acres for office-oriented light industrial uses as well as research and development uses. The Gunnison Rising PUD Development Standards limit the 37 acre district to a maximum aggregate non-residential floor area of 250,000 square feet.

The following changes are proposed in Table 10.1, Industrial Modified District Permitted Uses and Parking Space Requirements:



PERMITTED USES	PARKING REQUIRED
Agricultural feed and equipment supply store	1 space per 250 square feet
Automobile sales, service and rental	1 space per employee plus 1 space per 500 square feet
Cabinet and carpenter shop	1 space per 500 square feet
Catering services	1 space per 500 square feet
Commercial parking lots and garages	1 space per employee in addition to public spaces
Government administrative facilities, services and buildings	1 space per 300 square feet
Laboratories	1 space per 500 square feet
Laundry and dry cleaners	1 space per 250 square feet

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Lumber and building supply store	1 space per 250 square feet
Mobile home and recreational vehicle sales and service	1 space per employee of the business plus one space per 500 square feet
Museum	1 space per 500 square feet of the main structure
Photographic studios	1 space per 500 square feet
Printing establishments	1 space per 300 square feet
Professional offices (as principal use)	1 space per 300 square feet
Publishing business	1 space per 300 square feet
Radio and television studios	1 space per 300 square feet
Recreation or athletic club	1 space per 250 square feet of activity area, plus one space per employee
Rental, repair and service of light motorized and non-motorized tools and equipment and large	1 space per 500 square feet
Repair and maintenance of small appliances, electronics and sporting goods	1 space per 500 square feet
Satellite or electronic reception devices	1 space per employee
Secretarial, copying and related service	1 space per 250 square feet
Sign making and sign sale or repair shop	1 space per 250 square feet
Tailor, tack or shoe repair services	1 space per 250 square feet
Upholstery shop	1 space per 250 square feet
Veterinary clinic	1 space per 250 square feet
Wholesale businesses	1 space per 500 square feet

DEPARTMENTAL COMMENTS:

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

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STAFF OBSERVATIONS

1. 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.
2. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
3. The request is to amend Table 10.1, Industrial Modified District Permitted Uses and Parking Space Requirements to include museums as a permitted use.
4. The proposed amendment does not alter the purposes of a PUD (*LDC*, Section 10.7 A.) and zoning previously reviewed and approved, within the *Gunnison Rising PUD Development Standards*, by City Council.
5. Gunnison Valley Partners, L.L.C. and the Pioneer Museum Board of Directors, fully support this major change application.
6. This major change request will enhance the community's health, safety and welfare.

PUD ZONING REVIEW – PURPOSES, STANDARDS, AND CRITERIA

**Reader note: Direct quotes from the LDC are highlighted.**

**Purposes of a Planned Unit Development (PUD)**

The *City of Gunnison Land Development Code*, Section 10.7, states purposes as: In that the public health, safety and general welfare may be furthered in an era of increasing urbanization, commercial and industrial development, and growing demand for housing of all types and design, these procedures are intended to encourage Planned Unit Developments (PUDs) in the City for the following purposes:

1. To allow and encourage compatible uses to be developed in a manner sensitive to natural features and processes, and that are compatible with surrounding land uses;  
**No Conflict.** A museum as a permitted use allows the land to be developed adjacent to the existing Pioneer Museum, which was subdivided in August, 2015. Expansion of the museum at this location is appropriate. The eastern fringe of the subdivision is located at a natural boundary that is an irrigation ditch. The inclusion of museums as a permitted use in the IM District does not change the design standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.
2. To promote greater flexibility in the placement of structures so as to preserve and take advantage of the site's unique, natural resource or scenic features and to avoid or mitigate any hazardous area;  
**No Conflict.** Permitting museums in the IM District does not diminish the preservation of natural ecological conditions on this site, which are protected through the *Gunnison Rising PUD Development Standards*.
3. To encourage more efficient use of land, public streets, utilities, and governmental services;  
**No Conflict.** See comment in 1. above.

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4. To provide quality open space and recreational amenities, and create interesting public spaces and neighborhoods through exceptional and innovative design;  
**No Conflict.** The museum also borders Jorgensen Park and the future City Dog Park and these adjoining uses enhance the city's entrance.
  
5. To achieve a compatible land use relationship with surrounding areas;  
**No Conflict.** Permitting museums in the IM District allows the expansion of the Pioneer Museum that is compatible with the surrounding area.
  
6. To promote architectural variety and design, focusing on enhancing the character and quality of the development; and,  
**No Conflict.** Permitting a museum use in the IM District does not change the design standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.
  
6. To incorporate streetscape designs, landscaping, public spaces, and multi-modal transportation facilities, and building facades that enhance the community's built environment.  
**No Conflict.** Permitting museums in the IM District is compatible with adjacent land uses as outlined in the *Gunnison Rising PUD Development Standards*.

**STANDARDS FOR A PUD ZONE DISTRICT**

Based on the *LDC*, Section 10.7 E. (PUD Requirements and Standards): All requirements and standards identified herein shall be applied to PUD applications, regardless of the type of PUD and are subject to approval by the decision-making body:

1. **Permitted/Conditional Uses.** Uses in a PUD Zone District Overlay shall only include permitted and Conditional Uses contemplated by the underlying zone district. Uses within a PUD-M zone district shall be limited to residential uses contemplated in the RMU and Commercial zone districts.  
**Not Applicable.** The affected property was designed as a PUD where the amendment occurs and was never zoned as a traditional zone district.
  
2. **Dimensional Standards.** Dimensional standards may be amended but must comply with the following provisions:
  - a. the maximum height of any building, structure or facility shall be 35 feet;
  - b. setbacks may be amended but provisions providing solar access to all lots and/or occupied buildings must be made in the PUD zone district development standards;
  - c. the maximum residential density shall only be that of the RMU zone district in the PUD-M.**No Conflict.** Permitting a museum use in the IM District does not change the dimensional standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.
  
3. **Landscaping Standards.** Amendment to the City's landscaping standards must comply with the following provisions:

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- a. **Percent Coverage.** The minimum landscape area percent coverage (§2.6, Base Zone District Dimensional Standards) may not be reduced.
- b. **Landscaping.** Excepting the minimum percent coverage, buffering and landscaping standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.6 of this *LDC*.

**No Conflict.** Permitting a museum use in the IM District does not change the landscaping standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.

4. **Special Use Regulations.** Specific Use Regulations (Section 3) shall be maintained.

**Not Applicable.**

5. **Road Standards.** Street section dimensions may be modified. The designated width of rights-of-way and other geometric designs established in §4.2 may be amended for dedicated public rights-of-way, but only if the amendments provide safe and efficient accommodation for pedestrians and vehicles; adequate emergency access; functional utility services; and integrated streetscape design.

**Not Applicable.** The major change request does not alter the road standards set forth in the *Gunnison Rising PUD Roadway Master Plan* or related standards established in the *LDC*.

6. **Off-Street Parking.** The standards for minimum off-street parking may be amended, but only if they are justified by a parking study prepared by the applicant as contemplated in §4.4 D.2 of this *LDC*. Disabled access parking ratios may not be reduced.

**No Conflict.**

7. **Pedestrian Circulation.** Pedestrian circulation standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.5 of this *LDC*.

**Not Applicable.** The major change request does not alter the pedestrian circulation standards set forth in the *Gunnison Rising PUD Development Standards*.

8. **Subdivision Regulations.** The requirements of Section 12, Subdivision, shall apply to all PUDs unless otherwise specifically exempted by this Section of the *LDC*.

**No Conflict.**

9. **Open Space Areas.** Open space in a PUD zone district shall be limited to indoor and outdoor recreation and community facilities characterized by potentially light or moderate impact on traffic, the natural environment, and surrounding neighborhoods. Such facilities include, but are not limited to: country clubs; golf courses; athletic fields; skateboard parks; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, and basketball courts; and ice skating rinks. Open space land area may also include natural areas such as public parks, trails, greenbelts or natural land preservation areas. Open space land area may not be used for high intensity commercial recreation such as aerial tramway; alpine or water slides; amusement rides; auto, cycle and go-cart

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race tracks; campgrounds; stadiums; drive-in theaters; horse or dog racing tracks; shooting ranges; stables; zoos or other similar commercial recreation uses.

**Not Applicable.** The major change request does not alter open space areas set forth in the *Gunnison Rising PUD Development Standards*.

**10. Required Open Space Area.** At a minimum, a PUD development shall set aside 15 percent of the site's total gross area for open areas, plazas, courtyards, sitting areas and other similar public-accessible spaces. At its discretion, the decision-making authority may require additional private open areas or public trail dedications based on a review of the following factors:

- a. the *City of Gunnison Master Plan* and adopted sub-area master plans;
- b. unique drainage, topographic, vegetation or other such physical conditions;
- c. type and density of development; or
- d. overall need for open space and recreational facilities.

**Not Applicable.** The major change request does not alter open space areas set forth in the *Gunnison Rising PUD Development Standards*.

**11. Open Space Ownership and Maintenance.** All open areas or trails provided in a PUD shall be owned and maintained as common (private) open areas by the developer, owner of the property or an organization established for the ownership and maintenance of common open areas, unless the City Council accepts public dedication of the open areas.

**Not Applicable.** The major change request does not alter open space areas set forth in the *Gunnison Rising PUD Development Standards*.

**12. Phased Development and Open Space.** When a PUD is developed in phases, a proportional amount of any required open space, recreation areas and other community benefits shall be included in each phase such that the project, as it is built, will comply with the overall density and open space requirements of this *LDC* at the completion of each phase of development.

**Not Applicable.** The major change request does not alter open space areas set forth in the *Gunnison Rising PUD Development Standards*.

#### **PUD REVIEW CRITERIA**

The *Land Development Code*, Section 10.7 F. states: In addition to meeting the Review Standards for a zoning amendment (§10.6), PUD zoning applications must meet the following review criteria:

1. The proposed PUD encourages innovation in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space.

**No Conflict.** Permitting a museum use in the IM District does not change the design standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.

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2. The proposed PUD encourages land development that, to the greatest extent possible, preserves natural vegetation; respects natural topographic and geologic conditions; incorporates the unique, natural and scenic features of the landscape; and refrains from adversely affecting flood corridors, soil, drainage, and other natural ecological conditions.

**No Conflict.** Permitting a museum use in the IM District does not change standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.

3. The proposed PUD design standards combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

**Not Applicable.** Permitting a museum use in the IM District does not change the design standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.

4. The proposed PUD allows efficient design and use of solar access.

**Not Applicable.** Permitting a museum use in the IM District does not change the solar access standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.

5. The PUD provides for adequate, accessible, and properly located open and recreation space, schools or other facilities.

**Not Applicable.** The major change request does not alter open space areas.

6. The PUD promotes the efficient use of land resulting in a network of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.

**Not Applicable.** The major change request does not alter infrastructure as outlined in the *Gunnison Rising PUD Development Standards*.

7. The PUD proposes specific uses permitted within a PUD zone district and must be of a type and so located as to be compatible with surrounding neighborhoods, community character, the *City of Gunnison Master Plan* and other adopted plans.

**No Conflict.** A museum in the IM District is compatible with the surrounding area and complies with the *Master Plan*.

8. The PUD plan protects environmentally sensitive areas, and occurs on land physically suited to construction.

**No Conflict.**

9. The PUD proposes residential density and maximum non-residential floor area that will be compatible with the internal neighborhood design and will not have an adverse effect on the adjacent community area.

**Not Applicable.** The major change request does not alter floor areas set forth in the *Gunnison Rising PUD Development Standards*.

10. The PUD plan proposes at least 15 percent of the total gross area for common open

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space, and at least one half of this common open space shall be developed for recreation which may include playing fields, tennis courts, picnic sites, trails, fishing access and similar recreation sites.

**Not Applicable.** The major change request does not alter floor areas set forth in the *Gunnison Rising PUD Development Standards*.

11. The PUD plan provides a higher quality development than found in traditional zone districts.

**Not Applicable.**

12. The boundary between a PUD and adjacent land uses shall provide an adequate transition between land uses.

**No Conflict.** Permitting museums in the IM District is compatible with adjacent land uses as outlined in the *Gunnison Rising PUD Development Standards*.

### REVIEW STANDARDS FOR MAP AMENDMENTS

LDC Section 10.6 states that: An application for an Amendment to the Official Zoning Map shall comply with the following standards:

- A. Consistent with *Master Plan*. The proposed amendment shall be consistent with the *City of Gunnison Master Plan*.

**No Conflict.**

*City of Gunnison Master Plan*, Chapter 2, Community Character, Policy 3: New developments along the City's edges will improve the entrances and complement the City's community character and sense of place.

*City of Gunnison Master Plan*, Chapter 4, Environment, Policy 1.4: Maintain surface and ground water quality to ensure healthy drinking water, recreation opportunities and viable habitat conditions for aquatic and terrestrial wildlife.

*City of Gunnison Master Plan*, Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined. New developments will demonstrate high-quality urban design while protecting the rural landscapes surrounding the city. Sprawl will be avoided through effective infill and compact growth. Residential, commercial and industrial land uses are appropriately located and interspersed with parks and open space, providing a balanced environment in which to live, work and play.

*City of Gunnison Master Plan*, Chapter 9, Utilities and Infrastructure, Policy 1: The City will remain fiscally responsible as both the utility provider and the advocate for the consumers. In financing public infrastructure, the City will ensure that new development pays its fair share.

*City of Gunnison Master Plan*, Chapter 10, Parks and Recreation, Policy 3: City of Gunnison will support the County and other entities in their efforts to conserve view

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sheds, open space and agricultural uses of City interest through conservation easements, land acquisitions and other implementation methods.

- B. Consistent with Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

**No Conflict:** Amending the use table to permit a museum use within the IM District is consistent with the purposes of a PUD as outlined above and with the purpose of the IM District as set forth in the *Gunnison Rising PUD Development Standards*.

- C. Compatibility with Surrounding Zone Districts and Uses. The development permitted by the proposed Amendment shall be compatible with surrounding zone districts, land uses, and neighborhood character.

**No Conflict:** A museum in the IM District is compatible with the surrounding development and surrounding uses outlined in the *Gunnison Rising PUD Development Standards*.

- D. Changed Conditions or Error. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one or more errors in the boundaries shown on the Official Zoning Map have occurred.

**No Conflict:** A portion of land within the IM District was subdivided and gifted to the Pioneer Museum that is adjacent to the subdivided parcel. A museum in the IM District is compatible with the surrounding area.

## RECOMMENDATION

During the Planning & Zoning Commission meeting held on September 23, 2015, Commissioner Tocke moved, Commissioner Niemeyer seconded and the Planning & Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 15-3, for a Major Change to a PUD, Table 10.1 regarding permitted uses within the IM District, based on the following findings of facts:

Findings of Fact:

1. The Planning and Zoning Commission finds that 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*, and the *Gunnison Rising PUD Development Standards*.
2. The Planning and Zoning Commission finds that 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.

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3. The Planning and Zoning Commission finds that a major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
4. The Planning and Zoning Commission finds that the request is to amend Table 10.1, Industrial Modified District Permitted Uses and Parking Space Requirements to include museums as a permitted use.
5. The Planning and Zoning Commission finds that the proposed amendment does not alter the purposes of a PUD (*LDC*, Section 10.7 A.) and zoning previously reviewed and approved by City Council.
6. The Planning and Zoning Commission finds that a museum use is appropriate and compatible with other permitted uses within the IM District.
7. The Planning and Zoning Commission finds that community benefits are increased as a result of this Major Change because the Pioneer Museum will be able to expand their operation that is an attraction for tourism, provides community education and helps to enhance the City's entrance.
8. The Planning and Zoning Commission finds that Richard Bratton, representing the Gunnison Valley Properties, L.L.C., stated that they fully support this Major Change.
9. The Planning and Zoning Commission finds that based on the findings cited above, the approval of this Major Change will not be a detriment to the community's health, safety and welfare.