

TO: City Council
FROM: Community Development Staff
DATE: April 12, 2016
RE: Major Change to a PUD

A Text Amendment has been submitted by Gunnison Valley Properties for a Major Change to a PUD to amend three components to the *Gunnison Rising PUD Development Standards*.

The amendment proposes to modify the following:

1. Table 2.1: PUD Zoning and Land Use Allocations
2. Section 2.6: Highway Access Control Plan; and
3. Appendix A: Development Phasing.

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 March 9, 2016 regarding this request. All Commission members supported the proposed Major Change to a PUD and unanimously voted to recommend approval of this Major Change.

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

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MAJOR CHANGE TO A PUD
Gunnison Valley Properties, LLC

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: March 9, 2016
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.

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;*
- *City of Gunnison U.S. Highway 50 Access Study;*
- *City of Gunnison Land Development Code;* and
- *City of Gunnison Master Plan.*

APPLICATION

The applicant is Gunnison Valley Properties, LLC. The application proposes three amendment components to the approved *Gunnison Rising PUD Development Standards*:

1. Table 2.1: PUD Zoning and Land Use Allocations
2. Section 2.6: Highway Access Control Plan; and
3. Appendix A: Development Phasing.

Application contents include the minimum submittal requirements listed in *LDC* section 10.4. The application contents also include specific editorial/narrative for the three proposed amendment components.

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Component 1 – Table 2.1

The application proposes to change the allowed square footage of non-residential gross floor area in the Commercial/Mixed Use (CM) Zone district to 380,000 square feet. The existing approved PUD zoning (Table 2.1, PUD Zoning, Land Use, Dwelling Units and Non-Residential Allocations) allows up to 174,000 square feet of gross floor area for non-residential uses in the CM district.

The Commercial/Mixed Use Zone district site is located directly north of Highway 50, east of the Holiday Inn (Wilson Subdivision) and the Aspinnall-Wilson Center. The zone district is comprised of 48 acres for commercial and residential uses with the concept of encouraging vertically-mixed facilities on the same site. The *Gunnison Rising PUD Development Standards* limit the 48-acre zone district to a maximum residential unit cap of 120 units and a maximum gross floor area for non-residential uses to 174,000 square feet. The application also proposes to clarify use and floor area allocations for Gunnison Valley Partners LLC, and the WSCU Foundation who acquired a deed for real property located within the PUD Commercial Mix Use District.

The following changes are proposed regarding the maximum gross floor area for non-residential uses in the Commercial/Mixed Use Zone district:

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 Site	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	CM	48	0	120***	174,000 380,000**	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	IM	37	N/A	N/A	250,000	N/A
Western Pavilion	C/WP	12	N/A	N/A	Existing structures to remain	N/A

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Government	GOV	17	N/A	N/A	30,000 70,000	N/A
Equestrian Meadows	O/E	52	N/A	N/A	N/A	N/A
TOTAL		633		734	484,000 730,000	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.

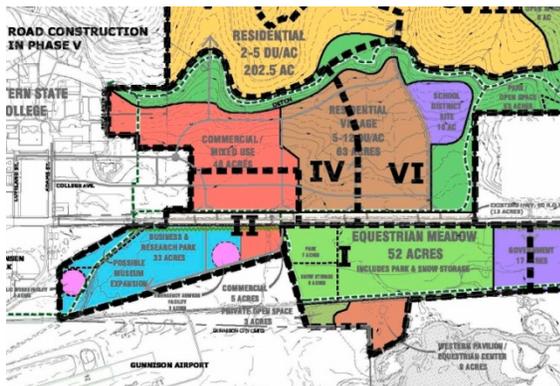
Component 2 – Section 2.6

The application also requests an amendment of Section 2.6 of the *Gunnison Rising PUD Development Standards* regarding the completed Highway Access Control Plan:

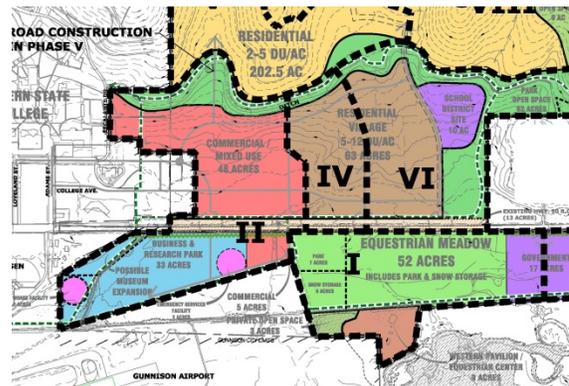
2.6 Highway Access Control Plan. ~~Prior to, or concurrent with, accepting either any subdivision or site specific development plan application for any PUD District, excluding Government District (GOV District), the City of Gunnison and the Colorado Department of Transportation must approve the Gunnison Rising 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.**

Component 3 – PUD Development Phasing Plan

The PUD Development Phasing amendment proposes to increase the developed land area in the CM District during Phase II from 16 acres (presently allowed) to 48 acres (proposed). In essence, this phasing amendment accelerates the development of real property within the CM District. Therefore, all the Commercial/Mixed Use development area is now proposed in Phase II along with 15 acres of the adjacent open space.



EXISTING Phasing Map



PROPOSED Phasing Map

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Changes to the specific proposed amendments to the *Gunnison Rising PUD Development Standards*, Appendix A, are requested as follows:

APPENDIX A: DEVELOPMENT PHASING

A.4.2 Phase II

- A. Land Uses: This phase includes approximately 24 ~~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: ~~Prior to initiating submittal of any subdivision or development plan in Phase II, development of the Highway Access Control Plan with CDOT shall be fulfilled and adopted pursuant to the annexation agreement.~~ 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

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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 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; ~~the remaining 24 acres of the Commercial/Mixed Use area (CM District);~~ and approximately 17 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.

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5. Installation of internal public streets, sidewalks and trails as required by subdivision development agreements.
- ~~6. Georgia Avenue will be extended into the development.~~
- ~~7. Improvements will be completed at the Georgia / Escalante intersection.~~
- ~~8. Installation of the required Escalante and Georgia improvements as required by Western State College and the City pursuant to agreement and easement dedication terms~~
- ~~9. 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.~~
106. Installation of the Escalante Drive Buffer when development activity other than the City Loop trail commences within 500 feet of Escalante Drive

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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	18,200 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
II	Commercial/Mixed Use	CM	16 <u>48</u>	n/a	<u>120</u>	61,000 <u>380,000</u>
	Open Space	<u>O</u>	<u>15</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
	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			71.7 <u>110.7</u>		60 <u>120</u>
III	Commercial R V	CRV	64	n/a	n/a	10,000
	Government	GOV	8	n/a	n/a	11,800 32,942
	SUBTOTAL			72		21,800 <u>42,942</u>
IV	Residential Village	R-2M	27	43	116	n/a
	Commercial/Mixed Use	CM	32	n/a	100	113,000
	Open Space	O	172	n/a	n/a	n/a
	Existing Highway 50 ROW	n/a	2.4	n/a	n/a	n/a
	SUBTOTAL			70.4 <u>31.4</u>	43	176 <u>116</u>
V	Open Space	O	3	n/a	n/a	n/a
	Residential	R-2	73	73	106	n/a
	SUBTOTAL			76	73	106
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			79.9 <u>100.9</u>	55	158
VII	Residential	R-2	82	82	119	n/a
	SUBTOTAL			82	82	119
VIII	Residential	R-2	79	79	115	n/a
	Open Space	O	4	n/a	n/a	n/a
	SUBTOTAL			104 <u>83</u>	79	115
TOTAL			633		734	484,000 <u>730,000</u>

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Traffic Impacts

The Major Change application includes an assessment from LSC Transportation Consultants Inc. (February 25, 2016) of the change in vehicle trip generation based on the proposed increase to commercial floor area. Based on this revised assessment, the weekday traffic will increase slightly but peak-hour demands in the morning will reduce slightly with afternoon peak-hour about the same. The updated report also notes that the Saturday peak-hour demand will increase slightly.

Water and Wastewater Flow Projections

The Major Change application includes an assessment from Del-Mont Consultants Inc. (June 11, 2012) of utility services impacts based on the proposed increase to commercial floor area. The Del-Mont report states that domestic average daily water and corresponding wastewater demands for the entire development will increase about eight percent for the entire project.

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: Confirm there is no change in waste water flows that could affect the City's waste water treatment plant.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

STAFF OBSERVATIONS

Potential Impact to Existing Commercial Activity

During the Gunnison Rising annexation review, the City contracted with BBC Research and Consulting Inc. to conduct a fiscal impact analysis of the annexation on the local economy. The BBC report states that "...*retail development at Gunnison Rising will produce additional sales and sales tax revenue for the city only to the degree new retail opportunity reduces leakage from the existing market or provides additional options for tourists. Cannibalization, when new retail development "steals" sale from existing retail, does not produce new sales tax revenue.*"

The existing permitted retail floor area (176,000 SF) is a significant under-utilization

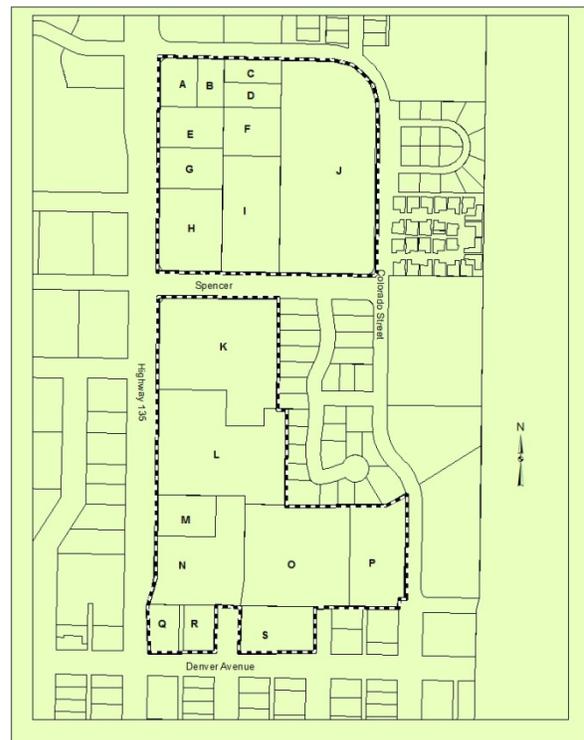


Figure 1 Meadows Village Commercial Development

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of the land area. It is safe to assume that at least 25 percent of the land area in the Commercial/Mixed Use District will be required for streets, trails and other dedications. Therefore the net development area (subdivided parcel excluding rights-of-way dedications) will be approximately 37 acres. The net ratio of land area to building floor area under the existing *PUD Development Standards* is about 9:1; a very limiting land area use. Increasing the non-commercial floor area to 380,000 square feet will change the net land area/floor area ratio to about 4.2:1.

For comparison purposes, staff assessed the Meadows Village commercial development area as depicted in Figure 1. The area of all **developed** parcels in Meadows Village is 1,515,648 square feet (35.3 acres). The total existing non-residential floor area of the existing developed lots in this study area is 291,434 square feet; a 5.2:1 (net land area/floor area) ratio.

TABLE 1 MEADOWS VILLAGE COMMERCIAL DENSITY

Map Reference	Developed Area	Vacant Parcels Area	Building Square Footage	Description of Use
A	31,000		2,050	Auto Corral
B		21,284		Vacant commercial
C		23,125		Vacant commercial
D		23,125		Vacant commercial
E		43,543		Vacant commercial
F	45,476		9257	Six Points
G	43,542		5908	Grease Monkey/Alexander Ortho
H	87,120		5,500	Community Banks of Colorado
I	110,039		25,888	True Value
J	153,767		47,655	Community Center
	170,755			
K	209,480		43,938	Wal-Mart
L	199,611		48,839	City Market
M	40,946		4,200	Palisades Saloon
N	120,343		30,467	Meadows Mall
O	174,240		58,865	Hospital
P	94,525			
S	33,105			
Q	23,217		4,092	Hi Country Service
R	23,958		4,775	Gunnison Family Medical Center
Total	1,515,648	111,041	291,434	

Relationship to Western State Colorado University

Approximately 11.8 acres of the Commercial/Mixed Use Zone district was deeded to Mr. Stephen Trippe who in 2012, donated this real property to the Western State College Foundation. These subdivisions of property were conveyed without City approval and a subdivision application approval will be required prior to development of these parcels.

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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. The increase of aggregate floor area in the Commercial/Mixed Use Zone 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. Increased floor area in the Commercial/Mixed Use Zone district will 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 A.1 above.
4. To provide quality open space and recreational amenities, and create interesting public spaces and neighborhoods through exceptional and innovative design;
No Conflict. The increase of floor area in the Commercial/Mixed Use district and the changes to the phasing plan do not affect the open space within Gunnison Rising.
5. To achieve a compatible land use relationship with surrounding areas;
No Conflict. This Major Change addresses the entitlement allocations between the real property under the control of the WSCU and Gunnison Valley Properties, LLC. The allowed land uses in this future development are integrated and compatible.
6. To promote architectural variety and design, focusing on enhancing the character and quality of the development; and,
No Conflict. The existing permitted non-residential floor area in the Commercial/Mixed Use Zone district is not considered to be an efficient use of real property and this is a substantial argument for increasing the non-residential floor area with this future development area.

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The highway capacity and service area will not be significantly affected by the proposed additional aggregate floor area. Assessing utility demands is somewhat limited because utility extension designs to Gunnison Rising are conceptual; however, the estimated buildout demands are derived and the service demands are capable of being served. The increased non-residential floor area will not significantly affect utility service demands at full buildout.

7. To incorporate streetscape designs, landscaping, public spaces, and multi-modal transportation facilities, and building facades that enhance the community's built environment.

No Conflict. The increase of non-residential floor area in the CM district and changes to the phasing plan do not change the design standards of the PUD 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 Major Change request does not include alteration to approve uses in this district and as specified in the *Gunnison Rising PUD Development Standards*.

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. This PUD Major Change is to modify the allowed non-residential floor area entitled for development. No other dimensional standard amendments are proposed.

3. **Landscaping Standards.** Amendment to the City's landscaping standards must comply with the following provisions:
 - 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. This Major Change does not change the landscaping standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*.

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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 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

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may require additional private open areas or public trail dedications based on a review of the following factors:

- c. the *City of Gunnison Master Plan* and adopted sub-area master plans;
- d. unique drainage, topographic, vegetation or other such physical conditions;
- e. type and density of development; or
- f. 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.

No Conflict. The major change request does not alter the open space ownership or maintenance 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.

No Conflict. The major change request does not alter open space areas set forth in the *Gunnison Rising PUD Development Standards*; however, alters the phasing of open space.

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. The increase of aggregate floor area in the Commercial/Mixed Use Zone district does not change the design standards of the PUD as outlined in the *Gunnison Rising PUD Development Standards*. Furthermore mixed use with commercial and residential development is allowed in the Gunnison Rising PUD.

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.

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No Conflict. The increase of aggregate floor area in the Commercial/Mixed Use Zone district does not diminish the preservation of natural ecological conditions on this site, which are protected through 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.

No Conflict. The increase of aggregate floor area in the Commercial/Mixed Use Zone 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.

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

Not Applicable.

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.

No Conflict. The existing permitted non-residential floor area in the Commercial/Mixed Use Zone district is not considered to be an efficient use of real property and this is a substantial argument for increasing the non-residential floor area.

The service function of the highway will not be significantly affected by the proposed additional aggregate floor area. Assessing utility demands is somewhat simplified because utility extension designs to Gunnison Rising are conceptual at this point in time. The increased non-residential floor area will not significantly affect utility service demands at full buildout.

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. City of Gunnison Master Plan, Chapter 2, Community Character, Goal: Community character and its sense of place will be the backbone for development in the City. Gunnison's historic character, downtown, and Western State Colorado University continue to enhance the unique identity of the town.

City of Gunnison Master Plan, Chapter 7, Economics, Policy 4: Assure attractive and financially strong commercial zone districts.

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

No Conflict.

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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.

Possible Conflict. The existing permitted floor area in the PUD Commercial/Mixed Use Zone district is very minimal and does not allow for the efficient use of real property or utilities. The proposed 380,000 square feet of non-residential floor area may have a significant effect on the ability to capture a greater market share in the regional economic service area.

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

Possible Conflict. See the previous review narrative addressing the University campus and the Commercial Mixed Use District.

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.

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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 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: The major change request is consistent with the purpose of the zone district.

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: The major change request does not alter zone districts or uses set forth 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.

Possible Conflict: There are no conditions that have changed since the approval of the Gunnison Rising Annexation. However, the existing allowed non-residential floor area (176,000 SF) is very limiting and does not represent an efficient use of land.

RECOMMENDATION

During the Planning & Zoning Commission meeting held on March 9, 2016, Commissioner Tocke moved, Commissioner Niemeyer seconded and the Planning & Zoning Commission voted to recommend APPROVAL, to City Council of zoning amendment application ZA 16-2, for a Major Change to the *Gunnison Rising PUD Development Standards*, based on the following findings of facts:

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

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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.
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 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.
5. The Planning and Zoning Commission finds that this proposed 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. (Note: See language on page 15, Policy #9).
6. The Planning and Zoning Commission finds that 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.
7. The Planning and Zoning Commission finds that, based on the Findings cited above, the approval of this Major Change is not a detriment to the community's health, safety and welfare.