

MEMORANUM

TO: City Council
FROM: Steve Westbay
DATE: May 3, 2016
RE: Draft Ordinance – Use of Public Rights-of-Way for Private Purposes

Materials in this packet include a draft ordinance, survey summaries from business owners and image models depicting the west side of Main Street on the 100 block. The ordinance findings and WHEREAS statements will be developed for the final draft ordinance which is scheduled for public hearing on May 10th. Work on the visual model presentations are still under development. These images help to visually depict the criteria details established by the ordinance.

The ordinance begins with several sections assigning administrative authority, defining license types, describing application contents and ascribing procedural review. Section 9.40.080 includes the standards and provisions for regulating accessways (sidewalks). The standards are categorized under the following: 1. General Standards that apply to all proposed private uses; 2. Merchandise Display standards that set forth dimensional limits for exhibiting merchandise on sidewalks; and 3. Sidewalk Cafe seating standards.

One significant factor in this discussion relates to “public” street furnishings (bike racks, benches, trash receptacles) and how the City decides to rearrange these features. The use of flexible experimentation, along with coordination with businesses and property owners may be one alternative approach for addressing the rearrangement of public furnishings.

It seems that the key to a successful ordinance is predicated on balancing the commitment for providing functional public accessways and spaces, and allowing businesses enhancement opportunities that are guided by an orderly set of standards – a balanced approach can result in a more vibrant and attractive downtown. The draft ordinance attempts to strike that balance.

Based on the initial input provided to date, a vibrant public discussion is anticipated to occur. Staff is prepared to make necessary changes to the ordinance as the Council deliberates the directives for the ordinance.

DRAFT Ordinance – Use of Public Rights-of-Way for Private Purposes

Section 1.

Gunnison Municipal Code, Title 8, Chapter 8.20, Sidewalk Vendors is hereby repealed.

Section 2.

Gunnison Municipal Code, Title 9, Chapter 9.40, Use of Public Rights of Way for Private Purposes is hereby repealed and reenacted to read as follows:

9.40.010 Purpose

The purpose of this Chapter is to manage the use of public rights-of-way in a manner that is flexible, adaptable, and protects the community’s health, safety and welfare.

9.40.20 Definitions

- A. “Accessway” means that portion of the public sidewalk section designated as the clear and continuous pedestrian corridor for use and enjoyment by the general public.
- B. “Barrier” means any fence, landscaped planter, rope or other perimeter enclosures used to separate cafe sidewalk seating areas from the public accessway or required curb clearance established within the public rights-of-way.
- C. “License” means a Revocable License Agreement, addressing the terms for using a portion of the public rights-of-way for private purposes.
- D. “Licensee” means any property owner, business owner, representative, or assignee that is the signatory to a valid Revocable License Agreement and who is responsible for the maintenance, upkeep and general conformance of the standards established by this Chapter.
- E. “Merchandise Display” means stands, tables, freestanding merchandise or other features intended for sale to the general public that is placed within the public rights-of-way. For the purposes of administering this Chapter, sandwich board signs shall be considered a merchandise display.
- F. “Permanent Physical Feature” means trees, public signage, street lights, fire hydrants, decks, and porch roofs extending into the rights-of-way and any other features deemed by the City Manager to be a permanent feature.

9.40.030 Applicability

This Chapter applies to all public rights-of-way within the City of Gunnison incorporated limits. Any private roads and sidewalks serving development within the city limits are not affected by the standards established herein, but private ways intended for the purposes of public use shall be subject to Section 4.1 (Adequate Public Facilities), Section 4.2 (Road Construction Standards), Section 4.5 (Pedestrian Circulation Facilities) and any other applicable standards established by the *City of Gunnison Land Development Code*.

9.40.040 Administrative Authority and Responsibility

The City Manager, or a designee assigned by the City Manager, shall have the administrative authority over the provisions of this Chapter of the Municipal Code.

9.40.050 Revocable License Agreement Required

All use of public rights-of-way for private purposes requires a Revocable License Agreement (License) approved by the City of Gunnison.

Exceptions: Placing irrigation pumps, irrigation pump covers, mail boxes and landscaping improvements compliant with the *Land Development Code* (Section 4.6, Landscaping, Buffering and Screening) and parking of currently licensed private vehicles within the rights-of-way pursuant to *Municipal Code*, Chapter 5.30 (Traffic) shall not be subject to licensing requirements established in this Chapter.

9.40.060 License Types, Application, and Process

A. Physical improvements within the public rights-of-way for private purposes are subject to the standards and conditions established by this Chapter. Two types of licenses are established by this Chapter:

1. **Permanent Feature License Agreement.** Revocable License Agreement applications requesting the placement of apparatus, facilities, posts, any structural element of a building extending into the right-of-way or other permanent physical features shall be subject to review and approval of a Revocable License Agreement acted on by the City Council at a regular or special meeting. Applications proposing cafe sidewalk seating shall be classified as a Permanent Feature License Agreement.
2. **Administrative Use License Agreement.** A Revocable License Agreement application proposing the placement of merchandise, displays, racks, sandwich boards or other features that are temporary in nature, are subject to administrative approval by the City Manager under the provisions of this Chapter.

B. **Interpretation Authority.** The City Manager shall have the discretionary authority to determine if a license application is classified as a Permanent feature or an Administrative Use License Agreement. The City Manager may submit any Administrative Use License Agreement application to the City Council for consideration.

C. **Minimum Application Contents.** All Revocable License Agreement applications shall include, at a minimum, the following information and materials.

1. **Name, Street and Mailing Address, Telephone Number, and Power of Attorney.** The proposed licensee name, address and telephone number. If the licensee is to be represented by an agent, a letter signed by the licensee granting power of attorney to the agent shall be submitted, authorizing the agent to represent the licensee and stating the representative's name, street and mailing address and phone number.

2. **Legal Description.** The legal description and street address, if such exists, of the property on which the improvement is to be located.
3. **Disclosure of Ownership.** A disclosure of ownership of the property to which the application applies.
4. **Vicinity Map.** An eight and one-half inch by 11 inch vicinity map locating the subject property within the City of Gunnison.
5. **Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposed private use of the public right-of-way complies with the applicable review standards established in this Chapter.
6. **Plan View and Elevation Drawing.** Any license application proposing to develop a Permanent Feature within public rights-of-way shall provide a scaled plan view (map) and elevation drawing depicting the feature, the continuous and clear accessway, and any other permanent feature located on the sidewalk adjacent to the business front.
7. **Barriers.** All applications proposing barriers shall include cut sheets or design illustrations depicting the proposal design.

C. **Process.** Five stages comprise the process for the use of public rights-of-way for private purposes as described below.

1. **Pre-Application Conference.** The licensee is encouraged, but not required to meet with the Community Development Department staff prior to the submittal of a Revocable License Agreement application.
2. **Application Submittal.** The licensee must provide a complete application to the Community Development Department prior to scheduling a formal review.
3. **Staff Review.** The Community Development Director or an assigned designee shall review the application within five working days of the application submittal. Upon review completion, the Community Development Department shall notify the applicant of any omissions or required additional information.
4. **Decision.** All Permanent Physical Feature license applications shall be submitted to and discussed by the City Council at a work session, prior to scheduling any action at a regular meeting. Administrative Use License Agreement shall be approved by City Manager or designee.
5. **Post Decision Actions.** All uses of public rights-of-way for purposes that are subject to license application review shall be memorialized through the execution of a Revocable License agreement defining the terms by which the licensee shall comply.

- D. **Insurance and Indemnification.** The revocable License Agreement shall be a binding contract approved as to form by the City Attorney. The licensee/property owner hereby agrees to indemnify, defend, and save harmless the city, its officers, agents, and employees, against any and all claims for personal injury or property damage, including reasonable attorney's fees arising out of or connected in any way with the licensee's use of the public right-of-way. The Licensee shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars covering the Licensee's operation on the sidewalk. Such insurance shall name the City as an additional insured.

- E. **Application Fee.** The application fee for a license agreement shall be determined by resolution approved by the City Council.

- G. **Termination.** Upon termination of the license, the licensee shall immediately remove any permanent features, personal property, furnishings, display and equipment from the right-of-way. The public right-of-way shall be restored to its original condition.

9.40.070 Land Development Code Applicability

- A. **Sidewalk Facilities.** Pedestrian circulation facility improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the Pedestrian Circulation Facilities standards established in Section 4.5 of the *City of Gunnison Land Development Code*.

- B. **Landscaping.** Landscaping improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the standards established in Section 4.5 (Landscaping, Buffers and Screening) of the *City of Gunnison Land Development Code*.

- C. **Signage.** All signs and banners in the public rights-of-way shall be subject to Section 4.8.H of the *City of Gunnison Land Development Code*, which includes the requirement to maintain a current and valid Administrative License Agreement.

9.40.080 Commercial, B-1, CBD Districts

Uses within the Commercial, B-1, and CBD Districts proposing to use public rights-of-way for private purposes shall be subject to the standards established herein.

A. General Standards.

- 1. **Accessway.** All public sidewalks shall maintain a minimum six feet wide clear and continuous pedestrian corridor. The accessway shall, in most cases, be located between the property line and any irrigation ditch located within the right-of-way. No clear and continuous accessway shall be located within the curb clearance area. Horizontal transitions of accessways shall not exceed an off-set of greater than three feet and shall have a uniform transition geometry between off-sets to accommodate easy pedestrian movement. **NOTE: Create Graphic for this description.**

2. **Curb Clearance.** Proposed uses on public sidewalks shall be arranged and conducted in a manner to maintain a minimum three feet of clear distance from the curb edge. Placement of permanent features, merchandise displays or other items shall not create a barrier greater than 15 feet in length that preclude pedestrians from moving between parking stalls and the accessway. **NOTE: Create (YES/NO) Graphic for this description.**
3. **Americans with Disabilities Act Standards.** Any proposed use of public rights-of-way for private purposes shall fully comply with all provisions of the Americans with Disabilities Act (ADA).
4. **Vertical Clearance.** Any proposed use of public rights-of-way for private purposes shall maintain a minimum seven feet of vertical clearance distance from the sidewalk grade.
5. **Sound System Noise Level.** The maximum noise level for any sound system equipped with speakers within the public rights-of-way shall not exceed 60 decibels.
6. **Electric Cords or Other Tripping Hazard.** The use of electric cords or other features not specifically addressed herein, but that could create a tripping hazard, are prohibited.

B. Merchandise Display Standards.

1. Merchandise displays located on public sidewalks shall be contained in no more than two display clusters per business frontage.
2. The aggregate maximum coverage area of displays shall be 35 square feet of the sidewalk surface area directly adjacent to the business store front. For the purposes of administering this Chapter, the display of sandwich boards shall be considered a merchandise display, and signage standards established by the *City of Gunnison Land Development Code* (Section 4.8) shall apply.
Reader note: Business frontage widths vary in the CBD but the vast majority are 25' wide. The 35SF number is approximately equal to 10% of the total sidewalk area fronting a (25' wide) business. A percent coverage as a function of building frontage could also be used as the established standard of measure.
3. Merchandise displays shall be removed from the public rights-of-way after business hours.

C. Sidewalk Cafe Standards.

1. Sidewalk cafe seating shall be arranged in a manner that complies with all provisions of Section 9.40.080.A General Standards.
2. Sidewalk cafe seating shall be licensed for use between March 15th and November 15th. The licensee may be required to discontinue sidewalk cafe seating at any time as determined and ordered by the City Manager.

3. Sidewalk cafe seating shall be located directly adjacent to the business wall-plane or property line. Alternative seating layout may be considered if Section 9.40.080.A General Standards are satisfied.
4. Sidewalk cafe seating may extend onto an adjacent business only upon written agreement by the adjacent property owner and under the condition that insurance indemnification provisions protecting the City's interest are satisfied.
5. Tables, chairs and other features associated with sidewalk cafe seating shall not interfere with the pedestrian accessway or the curb clearance area. Chairs next to the pedestrian accessway shall be placed at a ninety-degree angle so as not to obstruct pedestrian movement.
6. Smoking in the cafe seating area is prohibited.
7. Sidewalk cafe seating associated with a business serving alcoholic beverages shall be limited to the specified Premise established by a current Colorado State and City Liquor License. The specified premise shall abut directly to the building wall plane/property line bordering the licensee's business.
8. Sidewalk cafe seating associated with a business serving alcoholic beverages shall have a barrier bordering the liquor license's established Premise. Sidewalk cafe seating businesses not serving alcohol are not required to, but may install a barrier.
9. Perimeter barriers associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
 - a. **General.** The location, design and construction of all barriers is subject to review and approval by the City Council.
 - b. **Design Concept.** The physical design of the barrier shall be compatible with the design of the building, shall be visually appealing and help to separate the dining/seating area from the side.
 - c. **Open Appearance.** Barriers shall be at least 70 percent open (transparent) in order to maintain visibility of street level activity.
 - d. **Height.** Barriers shall be a minimum height of 36 inches and may not exceed 42 inches in height.
 - e. **Anchoring.** Barriers may be anchored through the use of recessed sleeves and posts or weighted bases, or other means approved by the City. When removed, the resulting surface must be flush with the sidewalk.
 - f. **Support Members.** Stanchions or other vertical supporting members that have a base shall not create a tripping hazard. The stanchion base shall not be domed or more than one-half inch above the sidewalk surface.

- g. **Use of Planters.** Planters may be used in situations where no barrier is required. All planters must have living plants contained within them. Dead plants must be replaced or the planter removed from public view.
- h. **Prohibited Materials.** Fabric inserts of any size, chain-link, cyclone fencing, standard wire gage material or similar small soft metal materials are prohibited from being used as part of the barrier.

10. **Furniture and Features.** Furniture and features associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:

- a. The licensee shall ensure that tables, chairs and other materials do not interfere with pedestrian movement in the accessway.
- b. Chairs next to the pedestrian accessway shall be placed at a 90-degree angle so as not to obstruct pedestrian movement.
- c. Furniture and features must maintain a good visual appearance without visible fading, dents, tears, rust or chopped/peeling paints.
- d. All furniture and features must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
- e. Furniture and features must not be secured to trees, lampposts, street signs, hydrant or any other public street infrastructure by any means during restaurant operation hours or when the business is closed.

11. **Lighting.** Lighting will be required for outdoor dining areas where food will be eaten during evening hours. Lighting features shall be decorative and complement the architectural character of the building façade. Lighting features will illuminate only the sidewalk area and shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers.

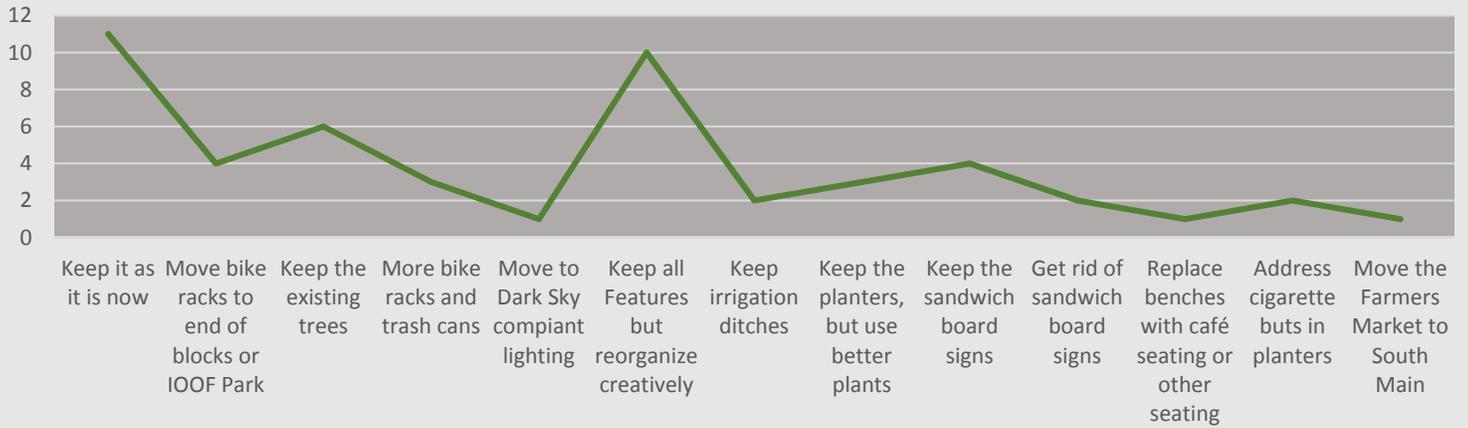
12. **Maintenance.** The licensee shall keep the outdoor dining area clear from litter, food scraps, and soiled dishes and utensils at all times. Debris generated from the business shall not be disposed in public trash receptacles located in the public rights-of-way. Private trash receptacles shall be emptied daily. At the end of each business day the Licensee is required to clean (sweep and wash) the entire sidewalk in and around the sidewalk seating area. No debris shall be swept, washed or blown into the sidewalk, gutter or street.

9.40.090 Residential Districts (Reserved)

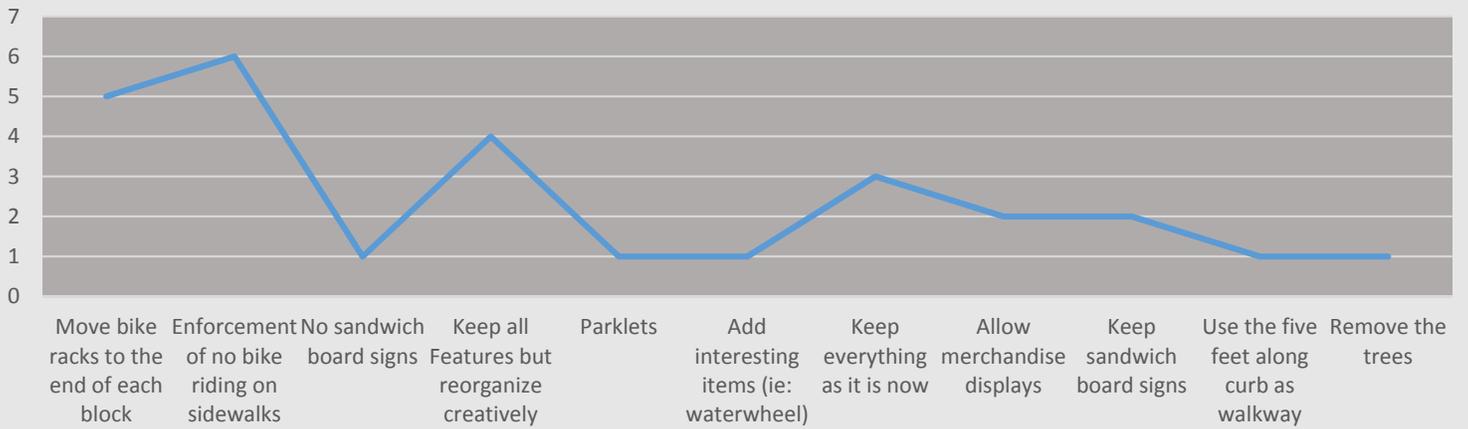
9.40.100 Industrial District (Reserved)

GUNNISON MAIN STREET SIDEWALK SURVEY RESULTS

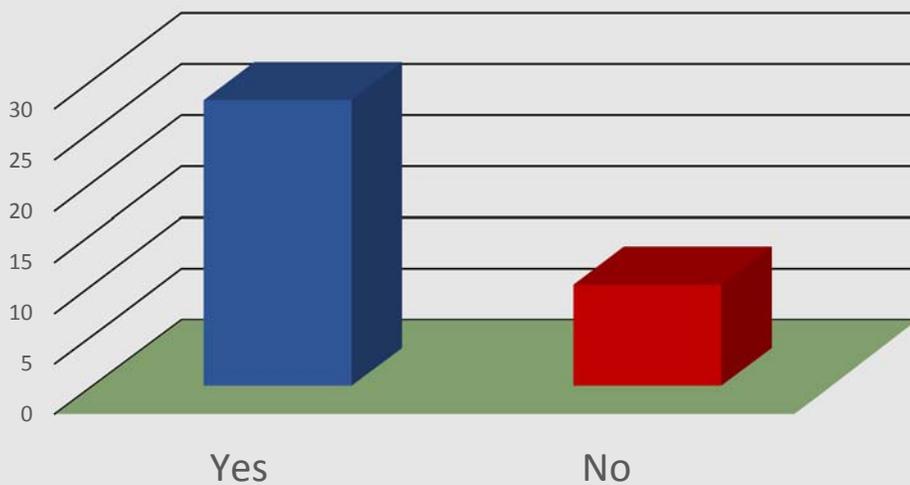
Are there features/activities now that you definitely want to keep or remove from Downtown?



Do you have other ideas to make pedestrian passage along the sidewalks more convenient and enjoyable?



Do you like the idea of sidewalk café seating?

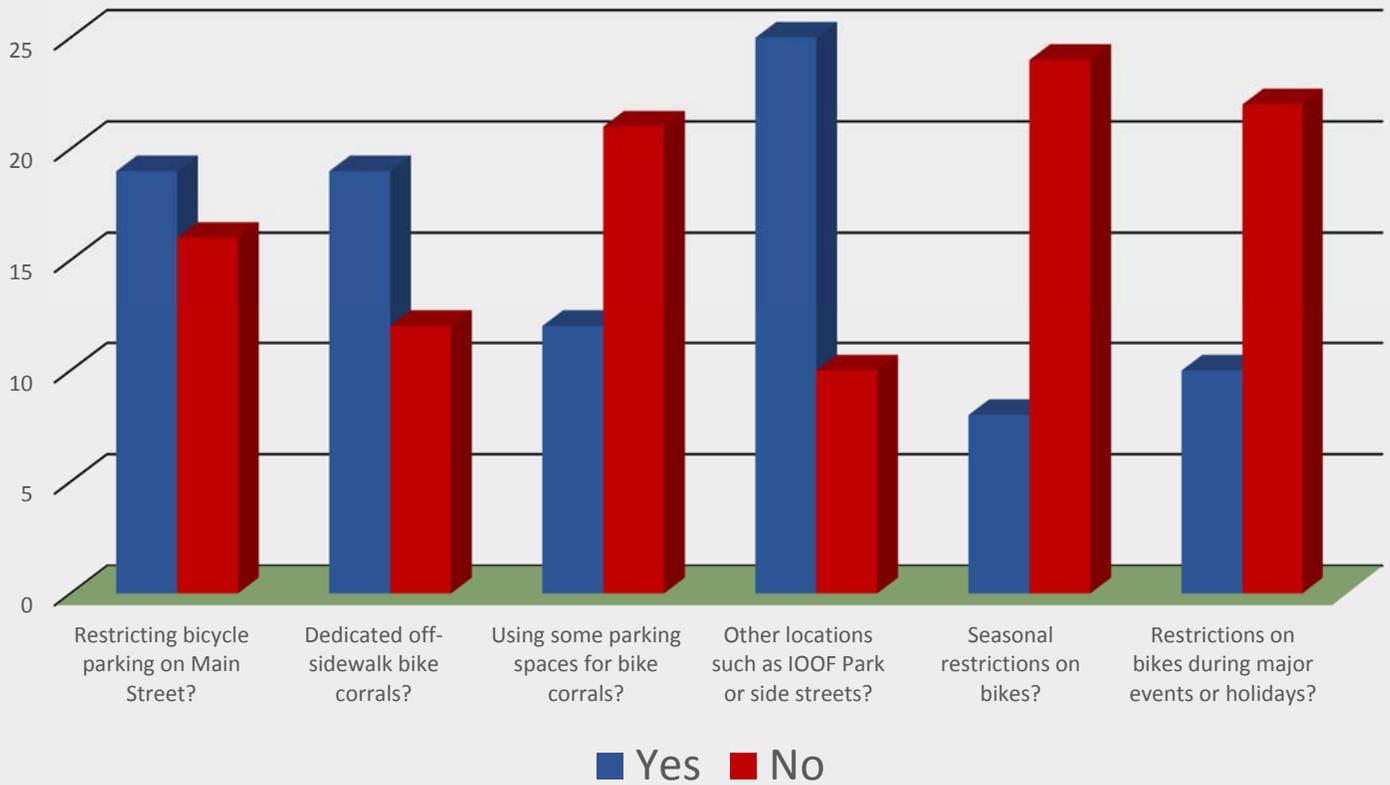


GUNNISON MAIN STREET SIDEWALK SURVEY RESULTS

Your thoughts on sidewalk café seating?

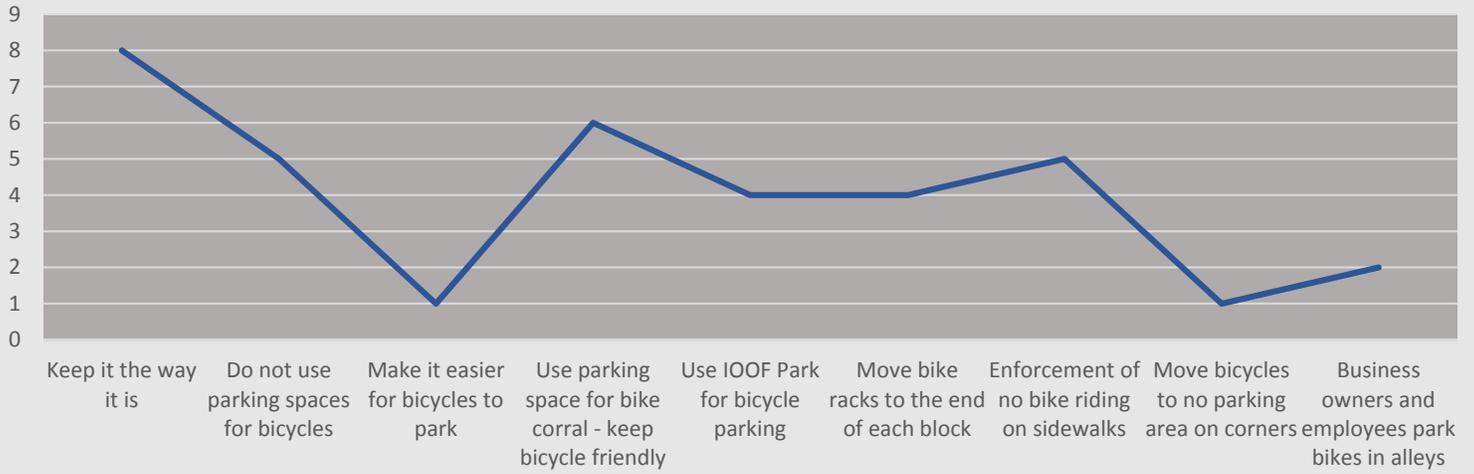


Bicycles Downtown - Would you favor:



GUNNISON MAIN STREET SIDEWALK SURVEY RESULTS

Do you have other suggestions for bicycle parking?



Other comments:



GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

Are there things/activities now (bike racks, benches, trash containers, planters, trees, sandwich boards, merchandize displays, canopies, street lighting, irrigation, etc.) that you definitely want to keep or want to be removed from Downtown?

- Keep all – Put bike racks to end of blocks. Make an area just for bike parking.
- Keep the nice trees.
- Wouldn't mind having the green bench (and cigarette trash) removed from the front of our store. People just sit there and smoke and it just travels into the store, we cannot keep our front door open during nice weather [Hope and Glory].
- We'd like to keep a bike rack but would give up the parking spot in front of shop to use for bike parking. I would like to see more bike racks and trash cans. I would also like to see the entire city move to Dark Sky compliant lighting.
- I think they all serve a good purpose but perhaps the placement of any and all of them could be improved. My observation is bicycles accumulate at restaurants and bars, almost exclusively at late afternoon/evening. Benches can go where businesses are that don't use sidewalk displays.
- We currently have too much stuff on our sidewalks. There are seven benches and six bike racks on my side of the street plus everything else that makes the sidewalk cluttered. With some creativity some of these items could be combined in a useful and still artistic fashion to cut down on the clutter.
- Definitely want to keep irrigation, trees and planters.
- A trash can is needed on the side street of the Toggery (Virginia). I like sandwich boards as it helps identify business sales, lunch specials and a quick reference. Keep the ditch!! No other town has them.
- The benches are ok, but not comfortable to sit on, especially when it is cold! I think some/all could be replaced with café seating or other seating, perhaps an option for each business?? Sandwich boards are the most constricting items on the sidewalk. Maybe they should go.
- Benches, trash containers, trees, canopies, lighting, irrigation keep them all.
- I believe the planters take up too much space, especially since they don't have nice plants in them.
- Keep all of them. Close one lane and make sidewalk bigger. Go European Style!!
- I love the planters out front and would like to keep them there. However, patrons of other establishments seem to like to use our planter out front as an ashtray. I would like to see if we could keep some sort of foliage year round to discourage them from being an ashtray. Maybe businesses could sponsor a planter year round or seasonal?? Also how about requiring bars that allow smoking to provide outside ashtrays for their patrons?
- Keep the items already on the sidewalks, possibly add more benches.
- Bike racks, trash cans, benches, trees should all be kept. Irrigation ditches most definitely should be kept as long as we have street lighting. Awnings etc most. YES! YES!
- Remove bike racks from the sidewalk. Place them either at the end of the streets or maybe in the IOOF Park.
- Bike racks, our customers tend to prefer bikes. Chalk boards.
- Keep trash cans to keep litter down! Benches- we see people using them lots. Sandwich boards help promote the businesses and educate the consumer. Street lighting helps with visibility.
- In my opinion we need to leave the benches, trashcans, and street lighting as they are. If we have alternative bike parking, then we could move the bike racks. One possibility is on the south side of Virginia, as there are no store entrances other than H & R Block, which is very much seasonal.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- Another alternative is using the IOOF Park. Enforcement would be key here, as people still lock bikes up to trees, lights and posts as well as ride on the sidewalk. I believe it goes without saying we need to keep the trees.
- I don't like the type of trees. They're messy. Maybe lights year round. Taller would be nice.
- Keep All.. We were told 4 years ago that sandwich boards were not allowed. But now everyone has one - so we are putting it back out.
- All are good. Perhaps fewer bike racks.
- Keep benches, trash containers, planters, trees, canopies, street lighting.
- Sandwich boards and merchandize displays...I believe sidewalk merchandize display racks should be allowed only when town wide "Sidewalk Sale". Sandwich boards I believe are unnecessary during business hours.
- Keep Benches, trash containers, more planters, sandwich boards, trees.
- Currently, Main Street sidewalks have two rows of obstacles. The most noticeable row of obstructions are in line with the trees and include: bike racks, city signage, awning posts, sandwich boards, trash cans, light posts, fire hydrants and possibly planters. Even if you remove all the "optional" items and leave only trees (although I suppose you could remove those), posts and fire hydrants, it does not offer a walking lane. It could offer a weaving lane, to move toward the street to go around slower-moving pedestrians.
There is another obstacle row consisting mostly of benches, and I've heard council assert that "no one" uses the benches (although one person I saw using the bench in front of Pat's Screen Printing was Matt Schwartz), but those benches are used far more frequently than council seems to think, and for much more of the year than one might guess. Shoppers (if we want to generalize, women) will linger in stores much longer if their non-shopper companions (generalizing: husbands) have someplace outside to sit and wait. The bench obstacle row also includes sandwich boards, newspaper boxes, and, if merchants are adhering to current requirements, merchandise. Twenty-four square feet means a merchant could effectively block the transit lane. If there were a way to combine the obstacles all into one row, it would free up transit space. To do this, benches would end up in the middle of the sidewalk, closer to cars and with people walking behind them. This may not be as inviting for people to sit, so I'm not sure it's a viable option. Unless you put in S-curved benches that gave the sitter a choice of facing the street or the storefronts. Maybe it's still not viable. Or perhaps round benches that circle the trees? Since I haven't really answered the question, I would like to say that my favorite sidewalk feature is the waterwheel installed seasonally by high school students in front of Castle Creek Guitars or 126 N. Main. The ditches used to be a unique feature (although yet another sidewalk obstacle) and conversation starter, and this simple waterwheel seems to attract a lot of comment.
- Satisfied with current set up.
- Keep trees, benches, trash, lights. Need more recycling containers.
- Bike racks.
- I like the sidewalk additions, they bring interest and life to downtown. I'd love to see more outdoor seating available and it become more pedestrian friendly. Right now, it feels like the cars have right-a-way and it's dangerous to cross the streets.
- Enforce the bike law.
- Everything should be kept, however it needs to be placed in an organized manner to accommodate all uses and those with ADA needs.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- From my 20 + years vantage point on the first block of Main. I think the amenities on Main Street (bike racks, benches, canopies, etc) serve the public well. I like the pretty little café tables that have pooped up outside of Double Shot and the flower shop. The merchandize displays outside of Treads & Threads on holidays are fun & stir interest. I like the bikes parked outside businesses. I've even had tourists comment that they knew the Firebrand must serve good food because of all the bikes parked outside. The tables, benches, trees, canopies, and bikes encourage a slow-paced enjoyment of our town and make it inviting and picturesque.

Do you have other ideas to make pedestrian passage along the sidewalks more convenient and enjoyable?

- Put bike racks at end of each sidewalk block. No bike riding on sidewalks.
- I don't care for sandwich boards and other signs in the walk area.
- There needs to be more patrolling of cyclists and skateboarders on the sidewalks. Several of my customers have almost been run over when leaving the shop.
- Remove and rearrange all items. - planters, benches, newspaper stands.
- Parklets in a few parking spots.
- I think the merchandise display on the sidewalk is inviting and good for business. Remove some benches & bike racks where they are not used on a regular basis.
- I fear you are going to kill Main Street when you further limit parking on the street. Do not make it into a pedestrian mall or people will just take their business elsewhere.
- The waterwheel at the old Gallery 126 is very cool. Makes the sidewalk interesting.
- Bikes are a part of the charm of our town. If there are specific areas that need a better parking system due to overcrowding, that could be considered, but it doesn't seem to be a problem most times in most areas.
- Move bike racks. IOOF Park, Courthouse, Blackstocks, IRS parking space on South Main St.
- I do not see a problem with the people using the sidewalks now. Even in the summer with more people.
- Allow merchants to have stuff on sidewalks as this attracts visitor's attention.
- I think sandwich boards attract visitors to explore by encouraging their interest.
- I feel the streets are fine no further improvements needed.
- Slow traffic on Hwy 50! Figure out how to make peds and & bikes feel safer when crossing @ 50 & 135.
- A clear walk way and not so zig-zaggy. Benches against buildings and trash cans by street.
- I think that business owners, who are legal to do so (insurance), should be able to use the sidewalks as they wish out to the last 5', which is the newer section of the sidewalks. 5' is adequate for pedestrian travel and is greater than the required 4' travel corridor. Most merchants as it is now do not put out an abundance of sale items or displays anyway. In my opinion, all the sandwich boards are also not too big as it is.
- Enforce no bicycles on sidewalks.
- Remove the Big trees – They block our signage. Do more flower pots and smaller trees.
- I watch tourists in front of my office in the summer. They seem to enjoy our downtown. I haven't observed pedestrian passages as being an issue.
- Is there an existing ordinance for no smoking within so many feet of businesses? I believe this is an issue and I prefer as a no smoking experiment. Also who will be cleaning the sidewalks?

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- In addition to the probably unpalatable option of putting benches in the same line as the trees, a friend suggested the concept of vertical bike racks, and locating them all on the side streets. I looked up vertical racks, and I'm not sure they save any space, but if all bike racks were located along the wide side-street walks, where there are no trees, trash cans, benches or store doors, that might make Main look less cluttered. There is plenty of room on the north side of the Toggery and Nu Vista Credit Union, for instance, to locate two or three bikes racks each. There is probably space north of Pat's Screen Printing, although the bikes might end up parked on rocks. Perhaps a larger rack could be placed at IOOF, and there's probably room for at least one alongside Tango, although there are more business doors along that sidewalk. Maybe Bank of the West would like to swap its planter, the main function of which is to direct pedestrians out away from the cars that might be exiting the drive-through, for a bike rack that would accomplish the same thing. Whether this means that many bicyclists would simply park their bikes in front of whatever store they're visiting, I don't know, and you would have to decide if bikes in front of bike stores counted as a merchandise display or parking. Moving bike racks to the side streets seems like an easy and fairly inexpensive experiment to try.
- Just do not create clutter and force pedestrians into the street. Police Dept should enforce no street skates, skateboards, & bicycles on sidewalks. Ticket the punks!
- Reduce 4 lane traffic to 2 lane traffic on first 2 blocks North Main.
- Ditch parking, expand sidewalks. Move stop light north a street, that will slow traffic and encourage pedestrian traffic and more customers to explore downtown.
- Move bike racks to corners or utilize (1) parking space on each side of the first 3 blocks for bikes. Move trash cans to corners on side street, the sides of Virginia, Tomichi, Georgia.
- Keep but better organization.
- Safe and convenient pedestrian passage along the sidewalks is important, but we need to consider the bigger picture. Main Street needs to be safer for pedestrians, cyclists and motorists. If we slow traffic on Main, everyone will be safer. With slower traffic on Main, cyclists won't be pushed to use the sidewalks for safety. If traffic lights sense bicyclists in the street at intersections, bicyclists won't be forced to walk (or ride) up on the curb to trigger the walk signal.

Do you like the idea of sidewalk café seating... Your thoughts?

- I think it would be great! In some location and only if other amenities such as benches & trees can be preserved.
- I don't really have an opinion on this except to say that coffee shops and restaurants need to maintain a cleaner sidewalk area regardless!!
- We'd love to have sidewalk seating. It creates an attractive, vibrant atmosphere downtown. If you visit nearly any other town, café seating is extremely common. With such wide sidewalks, it is a no-brainer for Gunnison! This will improve the vitality of downtown especially CBD.
- They should have the right to be there as much as merchandise. Given the accumulation of bicycles at night, it may need to be restricted. A possible fire hazard.
- Having lived here since 1951 I believe I am correct in saying that there are only 4 to 5 months that one would consider eating outside and that would just be for lunch because it's too cold most evenings.
- No. Even though it's nice to sit outside it narrows the sidewalk too much.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- It would be nice if there were an option for businesses – either benches or chairs or café seating depending on the type of business and their preference.
- Like it but don't feel it can work. The streets are already too narrow with car traffic, bikes. Example opening driver side doors on Main St.-SCARY.
- In a limited capacity where it is appropriate.
- Defiantly yes.
- It encourages people to linger and take in our town. It creates a sense of community.
- Where?? Where does anyone believe this seating could possibly fit? Seriously Ridiculous!!
- Yes! And More of it! Our customers ask us all the time if we will get it.
- It creates a vibrancy of a “happening” downtown, which helps all businesses causing cars to slow down and encourages more walking traffic.
- I like café seating. I believe the restaurants that choose to do so, such as High Alpine, should be allowed this on a trial basis this summer. As long as it still adheres to the travel corridor rule, why not. The example I mentioned has a well-defined area, which along with their balcony would provide a great experience for people. Other restaurants have this as well. It would provide for the city the ability to test how this would work throughout this summer season.
- Absolutely!
- This is downtown Gunnison, NOT EUROPE with cobblestone streets and outdoor eating. We have (2) State Highways with a lot of traffic. Which will cause too much exhaust from trucks & cars. Our sidewalks are roughly 14ft. So taking away 6ft you will have people walking around trees and posts from the overhangs. WON'T WORK. Then there's alcohol outside. This will not be watched without somehow fencing it in and having someone outside watching all the time. Kids will pass it along on the Street. I can go on & on about how this will not help our business. We designed an upper deck. But until everything is final we are not going to spend a dime!!!
- Minimal and seasonal.
- Yes, but two top tables only and not smoking.
- Whether I'm in favor or not seems less relevant than a council saying, “We want to declutter the sidewalks, but let's talk about adding features at the same time.” That's bad for PR if you tell everyone else you want to remove their benches, but it's okay for food and drink establishments to set out seating. Are you also talking about erecting little fences? If so, now you're adding serious sidewalk clutter. The little tables set out by Double Shot and Spin a Christmas Tale look cute and inviting to me, as did the one Gallery 126 used to put out (perhaps not in the public right-of-way since it was in their alcove), but these are definitely obstacles people have to maneuver around. If the tables go along the tree line, which is where Spin a Tale likes to put theirs, I think it's a bit more pedestrian friendly than up against the building. But I don't know what liquor laws require, if someone such as High Alpine Brewery wants to put out a table or tables. (Tables, plural, really starts to sound cluttered, especially when working around awning posts.)
- Use standard awnings, allow tables and chairs on sidewalks. Often the street scape creates more atmosphere = sales tax!!
- Yes, but music should not be loud enough for neighbors to hear.
- Yes, just as long as there is still sidewalk walking area and more than single file.
- Love it. Please allow this.
- It is already difficult just to walk up and down Main Street.

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- Maybe..If the sidewalks were wider. Like the idea of utilizing a parking space, but don't know how that would be fair.
- If parking space is used for seating.
- I like the idea of café seating, but there currently isn't a lot of room for it. I believe the existing uses of sidewalks are appropriate, but do not allow sufficient space for a lot of sidewalk dining. Restricting bicycles is not a reasonable solution to this problem. Sidewalk dining is a great idea, but needs to be considered as part of a comprehensive review of downtown that might include narrowing of the roadway, widening the sidewalks, sidewalk bump-outs, dedicated bike lanes and revised traffic flows. Until the comprehensive plan is completed, perhaps café style tables could be allowed on a case by case basis- clearly there is room for tables here and there.

Do you have other suggestions for bicycle parking?

- I love that downtown is so bike friendly, keep it that way.
- Just like drivers, cyclists are going to want to park their bikes in front of the establishments they are frequenting. What's the solution?? Would hate to see valuable parking spaces used for bicycles.
- We want people to bike downtown. Let's make parking as easy as possible.
- Using parking spots is a great idea! Please don't take away the bike friendliness of Gunnison. We are spending a lot of marketing dollars to get more bikers here.
- Perhaps in the alley after normal business hours. We could probably benefit from cleaning up the alley space and adding lighting to minimize drunken misbehavior.
- Since bikes are vehicles then maybe they should park on the street.
- We like having kids ride their bikes and park in front of Circus Train. It's only temporary.
- The bike racks that are currently on the sidewalks, I don't believe create too much clutter. I just wish people would abide by the rules and not ride their bikes on the sidewalks.
- Use IOOF Park.
- I think the bike racks are ok like they are, but I do like off-sidewalk corrals or other locations.
- NO! WHY!! Why change what works now and spend the extra \$\$ WHY??
- Take away a parking spot in front of our building and replace it with a huge bike rack.
- Leave it as is.
- 2 bike racks per block, on the ends of each block.
- I would be okay with, but do not favor, restricting bike parking.
- I don't know where off-sidewalk corrals would go. Using parking spaces is a bad idea – the spaces all get used, and I would feel very uneasy leaving my bike that close to traffic. Especially if it's close to drivers upset about not having anywhere to park. Side streets or IOOf? Yes--see above. Seasonal restrictions? No. Our bike rack is filled year-round, and if my employees didn't ride their bikes, they would drive and park in two-hour spaces (disregarding my admonishments to not do so), disappearing out the door every two hours to move their cars.
- Do not take out parking on N Main St, S Main St or Highway 50, (Tomichi Ave.) People will not walk to restaurants. Make the bicycles obey existing traffic rules. Put bicycle over on Virginia & New York. Not on Main & Tomichi.
- Side streets – especially if they match new bike crossings.
- Use IOOF Park!
- Enforcement of NO BIKES on sidewalks would help.
- Stop them from riding on sidewalks.

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- I am adamantly opposed to restricting bicycle parking on Main. Additional bike parking in dedicated off-sidewalk corrals or at the IOOF park could be helpful, but the parking area would have to be 100% protected from motor vehicles. Just ask Mochas how many times their bike rack has been dragged around by passing cars. There would have to be a curb or some barrier to avoid damage to bikes.

Other comments, suggestions:

- Take the time to think through all of the ramifications of changing downtown and include all citizens not just building owners.
- Thanks for letting business owner's voices be heard!
- Would love to have someone from the City/City council let the Main street businesses know what the overall plan is. There are many rumors floating around that directly affect us.
- Bicycle traffic is generally not in support of the gift shops, clothing shops, galleries etc.
- Before you turn Gunnison into a walk about just look at Montrose and Grand Junction. It sure didn't work for them. I believe businesses in Gunnison will migrate off of Main Street when people cannot conveniently park close to that business. Just face it --- most of the year Gunnison is stuck with just the locals and we aren't interested in lounging around down town. Perhaps downtown businesses should be open from 9am until 9pm and make some effort to accommodate tourists as well as locals, particularly in the summer. Why not utilize the IOOF park on Main Street with shade, benches, bike racks? Take out that less than lovely water feature and create more lounging spots. You would find from the City of Montrose just how many people utilize the blocked off street downtown... I'll bet not many because most all of the good businesses left the downtown area. They used to have a great downtown shopping district until they made it difficult to park and started blocking off streets. I'd say if some businesses want sidewalk café eating then they should take 15 or 20 feet out of the front of their building and create a space. As a tax payer it's not my job to provide them a place to do business.
- I don't understand any tearing up or changing right now. You are planning a huge project next year.
- The trash receptacles do need to be either increased in numbers or emptied and cleaned (the area around) more often during the busy summer months! The newspaper stands could all go to one central location, not in front of each business. They are pretty obsolete!
- Get the Meter Maid to work marking tires. I don't see here very often.
- I will not be interested in outside seating at all!!
- We would suggest pruning the lower branches of the trees.
- Thank You!
- Thanks for asking and let's keep Gunnison beautiful user friendly and charming.
- I have heard from other business owners that they would like to paint the bench in front of their business a bright color. If it's done well, why not. They are trying to invite people into their business. To do everything I mentioned we need better enforcement of the bicycle/skateboard rules and better sign placement. Some people see the signs. The key is to allow visitors the opportunity to really see what we have to offer. I think the above suggestions would add to that.
- Leave things less controlled. More friendly and lively. Too many rules feels unfriendly, too planned.
- Thank you for asking!

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- No bicycles allowed, driven or walked on sidewalks.
- You didn't ask about merchandise displays, and maybe that's being saved for another day. But since merchandise makes up a lot of the clutter in the summer months, it ought to be addressed. We use a 5 x 2-foot covered rack, and in the mornings we put it against the building (in the main traffic corridor), and in the afternoons we move it in line with the bike rack (at the end of the street, where no parking spaces exist). We do this for the sole purpose of preserving merchandise, which otherwise doesn't survive more than four days in the sun without fading. I think the outdoor displays generate a fair amount of sales and traffic for Gunnison merchants, who really have a window from say late June through perhaps mid-October to make enough money to survive most of the rest of the year. I think it helps us, up at the north end of the 200 block, show people that there is some retail all the way up there. I've heard several people over the years suggest that pedestrian flows could be improved by relocating the traffic light at Main and Virginia to Main and Georgia. I know this is a CDOT decision, and I believe the city would have to foot the expensive bill for this, but this might do more to aid traffic flow than any of the pejorative options of requiring merchants to go without items (benches, merchandise, sandwich boards, café seating) they deem important. I have to assume, if a merchant puts something outside, it's because he or she feels it helps their business. Sorry to turn a one-page survey into three, but that's what happens when you ask for my opinion.
- I must begin by expressing my concerns and utter amazement upon receiving this "Survey". The fact that whomever was responsible for this survey doesn't know the name of this business, doesn't know who owns it and doesn't know that we do have a sidewalk sign license with insurance waiver just tells me that no matter what direction we go, this will end up a mess. After 12 years of business in this community, hundreds of employees, thousands of tax dollars and too many community projects to mention, is it too much to expect that a communication from the city would at least have the right name on it? The fact that we are addressing this issue now, with a deadline of this summer, is just a ridiculous example of how this will be rushed through without proper planning. We should be starting the implementation of a process that had been debated and decided upon throughout last winter. What is the sudden rush? Why does the City all of the sudden feel pressured to act?
This city council has shown me over the years that they have no real sense of responsibility for their actions and how they effect this community. When it comes to the issuance of licensing for the sales of controlled substances this becomes most evident. With the continued focus on tightening liquor laws there seems to be no thought as to planning for the future as it will evolve. How do you justify the continued permitting of drive through liquor stores? A bad idea when originally implemented and even worse now. Many states have already outlawed them. Approval of an on premise consumption liquor license for a gas station? How about a shot while you're filling up? If you don't believe this is a problem, just check with the G.P.O. as to the number of DUI's traced back to that license vs the rest of the restaurant liquor licenses in town. I do see that this concept did not originate here in Gunnison but again, did the question of whether the city needed this even come into play?

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How about the sheer number of cannabis licenses issued, their locations and feasibility? A cannabis license and a liquor license that share the same patio? I guess there is no way that that could be a problem. How many is enough? Of course supply and demand will dictate how many "recreational pot shops" actually survive but does the city not have any responsibility to the community or even to the individuals that will lose most if not all of their life savings on a business venture. Over the past two years there has been an increase in petty crime in the Gunnison area. Is it a direct result of new cannabis laws, a shift in demographics or just the symptoms of a community experiencing growing pains? I personally think it is a combination of all these factors.

We would not support sidewalk cafes because it is impacted by the same decision making process, there will be unintended consequences if approved. What is the goal other? than someone has told you it would be cool. Possibly some may think that there is revenue that they are missing out on. If just making money and getting "rich" is the only motivation for opening a business in Gunnison, then possibly they are in the wrong location. There are restaurants in Gunnison that have patios as a part of their business plans so if there was an overwhelming demand wouldn't there be more?

For over forty years I have always enjoyed the activity of Gunnison's downtown area in the summer and would like to see it enhanced not commercialized. Although not perfect, the current usage of benches, landscaping and trash receptacles is a positive for the area.

1. The 6 foot, continuous corridor is a great idea and we feel it should be from building outward, possibly permanent roofs or coverings which would require benches to be moved or somehow become a part of tree planters, flower beds etc.
2. Bicycle parking must be removed from the sidewalk. Can the no parking {red zones} be utilized as bike parks without losing parking spaces? Possibly inset the racks a foot or two into the sidewalk area at the corners?
3. A common awning design for businesses that don't have them. Existing awnings could be incorporated as a way to provide continuous covered walkways year around. How nice it would be to be able to stroll main street year around without fighting weather.
4. I don't know what happened to the idea of turning the east side of main and Virginia into a permanent public venue but we feel it would be a great way to enhance the downtown experience and would help solve numerous issues including bicycle parking.
5. Most of the restaurants downtown are smaller and utilize the exterior as waiting areas. Enhancing these areas with more benches, planter boxes and shelter would be a way to make the downtown area more appealing. Adding a couple of cafe tables would in my opinion lead to increased costs, lowered standards of service and quality and eventually would hurt overall business. One thing that many operators lose sight of is

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that "all business is not good business" if you really care about the end product, not just \$\$\$.

6. If Sidewalk cafes are implemented there are regulations that should be implemented:
 - a. Businesses should pay a reasonable rent or fee for usage of public areas to conduct private business upon variance approval.
 - b. Operations serving alcohol must fence or enclose service area to ensure that access and regress occur through licensed premises and not directly onto sidewalk.
 - c. A representative of the licensee must be present in the enclosed service area at all times. (Alcohol passed from patios to underage drinkers is common place, especially in college towns)
 - d. Operators must be responsible for maintaining cleanliness and appearance of area.

In closing I will add that 12 years ago, when we purchased the Oasis, we took a once very popular restaurant turned bar, back in to a thriving restaurant. The Saturday evening prior to our closing the purchase there were exactly 3 cars parked on the 1st two blocks N. Main at 7:00pm. Now there are maybe 3 empty spots. Although we will not say that we are responsible for this turn around, we have definitely been a part of the resurgence of Gunnison's downtown evening viability. Please allow the hard work and innovation of the individuals that have brought this energy to the downtown area to continue without trying to push the visions of a few that don't have the experience or in some cases the nerve to take the risk.

- Sales Tax is key... Do not omit parking. Putting in additional parking near downtown has merit in addition to existing parking.
- BICYCLES & SKATEBOARDS: the riders are all healthy enough to walk a few blocks. Riding on downtown sidewalks should be prohibited. Many elderly, handicapped not only need space to walk but cannot move fast enough to get out of bike & skateboard riders. Parking of bikes on Main Street are not a problem. They really don't take up much space when locked to a tree or the bike racks. However, these should be reserved for tourists, customers. Business owners and employees should park their bikes in the alley behind their store. Concern about vandalism in the alleys is overstated and rarely occurs. SOUTH SIDE MAIN & TOMICHI: The right-of-way is very wide and beyond the control of CDOT. With distinctive pavers a downtown, visible, public plaza could be established in the middle of the street. It would be much more visible than IOOF. Temporary furniture could be used in the summer season. Temporary pedestals could be used to display antique autos, etc. promoting as each big event is about to occur. In addition, a large arch could be placed across the intersection to distinguish the center of Gunnison. The arch could be designed with symbols of all the activities available here (sports, fishing, etc.) or some other feature that is Gunnison's brand. One side might be carved wood, the other steel for structure with imbedded/cut-out, etc. designs on that side. Jane Chaney, retired from the Tourism Association, tried unsuccessfully a few years ago to help downtown businesses to come up with a brand. It is still needed. PARKING: Any Main Street improvements should preferably increase parking spaces. Nothing should be done that will decrease the current number of spaces. The increase in the parking limit fine has helped discourage business owners and employees from dominating the Main Street spaces.
- April 29, 2016 phone call: Debbie Phelps, 219 Tiama Trail, Castle Mtn, 641-1273 (phone ID: Ralph Kiwatkowski) Customers, even non-residents should have a voice in the sidewalk issue

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She will not be out of town during meetings, hearing on this. Moving bike racks end block, won't work if not enforce. Benches serve customers of individual businesses, moving them to a central area does not serve them. Outdoor seating, not enough room even if take all furniture away, only few feet left to get around. Brewery already has outdoor seating with their balcony. Concerned about liquor being passed illegally from sidewalk dining. We are rural, small town, not Boulder or Cherry Creek, don't need to try to be. Sidewalks will be congested, no place to sit or park so people will go to CB instead. Cops should be visible, walking downtown, community policing.

- Thank you for looking at this! Highway 50 is frightening to cross especially 50 and 135.
- Thanks for asking for input!! Please feel free to call me with any questions 275-9081.













