



TO: City Council  
FROM: Andie Ruggera, Senior Planner  
DATE: August 25, 2020  
RE: ZA 20-1 Gunnison Rising - Major Change to a PUD

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Since the packet was produced last Friday, staff met with the applicants, County staff (Manager, Airport Manager and County Attorney) and a consultant to discuss the Avigation Easement. An Avigation Easement is a three dimensional area on the flight paths into the airport that ensures a clear flight path for planes that both the County and the FAA needs. Two versions of the Avigation Easement exist; one recorded in 2010 and one recorded in 2018, which has created questions on this easement. Staff from both the City and County along with the applicant believe an agreement to update and replace the two recorded versions is needed. An updated agreement would include: a new easement document with language added to address formal acceptance by all parties (Applicant, County and City) stating that the new easement is the controlling document, to add some additional agreed language from the PUD Standards, and that an FAA Form 7460 (requires verification with the FAA on the height of structures) be required for development.

Staff is recommending tabling the action on the Annexation Agreement to September 8<sup>th</sup> to allow the revised easement as an attachment to the Agreement.

Attached is Ordinance No. 8, with the removal of Section 3 that would have approved the Annexation Agreement in connection with approval of the Ordinance on first reading.

**ORDINANCE NO. 8  
SERIES 2020**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT FOR THE GUNNISON RISING PUD DEVELOPMENT AND MAP AMENDMENT TO REZONE THE PIONEER MUSEUM FROM PUD IM TO C**

**WHEREAS**, Section 10.7 H. 1. (Major Changes), of the *City of Gunnison Land Development Code*, states that changes altering the concept or intent of the planned unit development including increased density may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data, which is processed by following Section 10.3 (Procedures) of the *City of Gunnison Land Development Code*, and

**WHEREAS**, Gunnison Valley Properties, LLC, Western Colorado University Foundation, and the Gunnison Pioneer and Historical Society has filed an application with the City of Gunnison, Colorado, seeking approval of a Major Change to an existing PUD and Map Amendment to the Official Zoning Map; and

**WHEREAS**, the legal description of the proposed PUD is contained in Exhibit A, attached hereto and incorporated herein, which legal description includes the addition of east 5.2 acres of Tract B, Wilson Subdivision; and

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

**WHEREAS**, the Gunnison Rising PUD application is based on a conceptual planning effort in partnership with local leaders from the City, County and Western Colorado University; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to Section 6.7 (Provisions of Public Notice) of the *Land Development Code*, on February 12, 2020, and continued to February 26, 2020; and

**WHEREAS**, on February 26, 2020, the Planning and Zoning Commission of the City of Gunnison reviewed the PUD Purposes, PUD Standards and Review Standards for Map Amendments and recommended approval of the PUD Major Change application to the City Council, and on March 11, 2020, confirmed the approval recommendation based on findings of fact and conditions established through the proceedings record; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public hearing on the Major Change application to the PUD that opened on March 24, 2020, and continued to April 28<sup>th</sup>, May 12<sup>th</sup>, May 26<sup>th</sup>, June 1<sup>st</sup>, June 9<sup>th</sup>, June 23<sup>rd</sup>, July 14<sup>th</sup>, July 28<sup>th</sup>, August 11, and closed on August 25, 2020;

**WHEREAS**, the City Council worked with the applicant to amend the *Annexation Agreement* that outlines responsibilities of the developer and the City and includes land dedications for emergency services, school district, parks and trails, public transportation and affordable housing.

**WHEREAS**, based upon the application seeking a Major Change to an existing PUD and Map Amendment of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application, the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. The 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, 2020 Comprehensive Plan, Gunnison Rising Annexation Agreement* (December 3, 2009), the *Supplement to Annexation Agreement* (September 14, 2010), *Second Supplement to Annexation Agreement* (July 26, 2011), *Fiscal Impact Analysis*, and the *Gunnison Rising PUD Development Standards*.

- B. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
- C. The request is to amend the following components of the *Gunnison Rising PUD Development Standards*:
  - a. PUD Development Standards
  - b. Appendix A - Site Vicinity Map
  - c. Appendix C - Illustrated Conceptual Plan
  - d. Appendix D - Zoning Districts Plan
  - e. Appendix E - Street Network Plan and Cross-Sections
  - f. Appendix F - Parks, Open Space, Trails Plan
  - g. Appendix G - Public Facilities Plan
  - h. Appendix I - Wastewater Capacity Studies
  - i. Appendix J - Electric Service Expansion Study
  - j. Appendix O - Xeriscape Requirements and Plant List
  - k. Appendix P - Gunnison Rising CCRs
- D. The addition of a parcel of land owned by Gunnison Valley Properties described as the east 5.2 acres of Tract B, Wilson Subdivision is part of the Map Amendment to rezone from the Land Development Code's Commercial zone district to the Gunnison Rising PUD Zoning as illustrated on Appendix D, Zoning Districts Plan of the *PUD Development Standards*.
- E. The Pioneer Subdivision, Rec No. 634608, was part of the 2009 Gunnison Rising PUD and is part of the Map Amendment to rezone from PUD IM to the Land Development Code's Commercial zone district.
- F. Based on the Findings cited above and the Conditions below, the approval of this Major Change is not a detriment to the community's health, safety and welfare.

**WHEREAS**, based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the approval of the Major Change to the PUD on the property herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

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

Section 1. The Major Change to the PUD application is approved.

Section 2. The Amended *Gunnison Rising PUD Development Standards* dated August 25, 2020, are approved.

~~Section 3. The Amended Annexation Agreement dated \_\_\_\_\_, 2020, is approved and shall be recorded with the Gunnison County Clerk and Recorder.~~

Section 3. ~~4.~~ Gunnison Valley Properties and the City shall continue to work together to finalize the financial plan for the public infrastructure, particularly public roads, which the plan may include financing tools available to the parties, prior to development of the property, excluding the Government Campus.

Section 4. ~~5.~~ The Map Amendment to the Pioneer Subdivision is approved.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 25<sup>th</sup> day of August, 2020, on first reading, and introduced, read, and adopted on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

Published in the Newspaper  
*Gunnison Country Times*  
September 3, 2020.

## EXHIBIT A

### Planned Unit Development Description:

A tract of land within Section 31, Township 50 North, Range 1 East, Section 36, Township 50 North Range 1 West, Sections 5 and 6, Township 49 North, Range 1 East, Section 1, Township 49 North, Range 1 West, all within the New Mexico Principal Meridian, County of Gunnison, State of Colorado. better described as beginning at the E1/4 corner of said Section 31;  
thence along the east line of the NE1/4 SE1/4 of said Section 31 S01°16'08"W 1324.71 feet to the S1/16 corner common to Sections 31 and 32;  
thence along the north line of that property described in Reception #598628 Gunnison County Records N67°03'56"W 539.01 feet;  
thence along the west line of that property described in Reception #598628 Gunnison County Records S08°10'38"E 207.66 feet;  
thence along the south line of the NE1/4 SE1/4 of said Section 31 N89°26'55"W 873.46 feet to the SE1/16 corner of said Section 31;  
thence along the east line of the W1/2 SE1/4 of said Section 31 S00°55'07"W 1324.48 feet to the E1/16 corner common to Sections 31 and 6;  
thence along the east line of the Gov't Lot 2 of said Section 6 S00°42'50"E 48.81 feet to the South right of way line of U.S. Highway 50;  
thence along said right of way the following seven (7) courses  
S89°21'57"E 1330.25 feet; S89°22'18"E 2573.04 feet; S89°43'18"E 117.80 feet;  
along a curve turning to the right with an arc length of 632.19 feet, with a radius of 1382.50 feet, with a chord bearing of S76°16'18"E, with a chord length of 626.70 feet,;  
along a curve turning to the left with an arc length of 738.83 feet, with a radius of 1005.00 feet, with a chord bearing of S84°13'48"E, with a chord length of 722.30 feet,;  
along a curve turning to the left with an arc length of 147.93 feet, with a radius of 1980.00 feet, with a chord bearing of N83°45'12"E, with a chord length of 147.90 feet,;  
N79°37'12"E 157.88 feet;  
thence leaving said right of way S68°33'21"W 49.93 feet;  
thence S41°46'03"W 145.71 feet;  
thence S24°23'44"W 126.67 feet;  
thence S04°02'20"E 223.24 feet;  
thence S04°15'57"W 398.71 feet to the north line of that property described in Reception #567628 Gunnison County Records;  
thence along the northerly line of that property described in Reception #567628 Gunnison County Records the following (8) eight courses  
S86°24'47"W 700.92 feet; N65°30'01"W 93.44 feet; N57°14'59"W 191.99 feet;  
S68°56'07"W 44.26 feet; N85°01'05"W 94.86 feet; N47°26'03"W 297.80 feet;  
N89°48'23"W 198.37 feet;  
S57°56'02"W 150.73 feet to the NE corner of that property described in Reception #595412;  
thence along the northerly line of that property described in Reception #595412 Gunnison County Records the following (12) twelve courses  
S57°56'02"W 12.88 feet; S32°39'31"W 68.93 feet; N73°51'33"W 467.51 feet;  
S73°59'49"W 414.66 feet; N59°53'11"W 376.57 feet; S85°51'46"W 740.78 feet;  
S87°46'54"W 1238.95 feet; S87°00'49"W 1447.72 feet; S08°18'41"W 470.05 feet;  
S62°01'26"W 472.51 feet; N00°36'51"W 131.34 feet;  
N89°22'45"W 703.98 feet to the east line of that property described in Reception #520716 Gunnison County Records;  
thence along the east line of that property described in Reception #520716 Gunnison County Records N15°33'34"W 1181.80 feet;  
thence along the north line of that property described in Reception #520716 Gunnison County Records S74°28'28"W 2712.49 feet;  
thence leaving said north line along the easterly line of Pioneer Subdivision recorded Reception #634608 Gunnison County Records the following (5) five courses  
N32°36'28"E 211.31 feet; N19°53'08"E 449.88 feet; N46°19'57"E 406.83 feet;  
N54°08'51"E 211.68 feet; N28°45'04"W 77.19 feet;  
thence N60°36'51"E 13.41 feet to the south right of way line of U.S. Highway 50;  
thence along said right of way S89°00'51"E 27.37 feet;  
thence continuing along said right of way N00°59'09"E 10.00 feet;  
thence continuing along said right of way S89°00'51"E 423.60 feet;  
thence leaving said right of way along the west line of said Section 6 N00°49'00"E 50.00 feet to the NW corner of said Section 6;  
thence along the west line of said Section 31 N01°20'49"E 851.38 feet to the north line of Tract B Wilson Subdivision recorded Reception #459307 Gunnison County Records;  
thence along the north line of said Tract B N89°03'53"W 303.09 feet to the east line of that property described in Book 592 Page 374 Gunnison County Records;  
thence along said east line N01°16'23"E 211.06 feet to the NE corner of that property described in Book 592 Page 374 Gunnison County Records;

thence along the north line of that property described in Book 592 Page 374 Gunnison County Records N89°04'33"W 354.50 feet to the west line of the E1/2 SE1/4 SE1/4 of said Section 36;  
thence along said west line and continuing along the west line of the E1/2 S1/2 S1/2 NE1/4 SE1/4 of said Section 36 N01°15'23"E 590.53 feet to the NW corner of said E1/2 S1/2 S1/2 NE1/4 SE1/4;  
thence along the north line of said E1/2 S1/2 S1/2 NE1/4 SE1/4 S89°02'38"E 658.79 feet to the west line of said Section 31;  
thence along the west line of the SW1/4 of said Section 31 N01°20'49"E 991.60 feet to the W1/4 corner of said Section 31;  
thence along the west line of the SW1/4 NW1/4 of said Section 31 N00°35'13"E 1319.38 feet to the N1/16 corner common to Sections 31 and 36;  
thence along the west line of the N1/2 NW1/4 of said Section 31 N00°35'10"E 89.55 feet;  
thence leaving said west line S52°34'41"E 1135.40 feet;  
thence S89°07'50"E 366.73 feet;  
thence N00°17'54"E 1911.81 feet;  
thence N23°14'13"E 572.25 feet;  
thence S87°57'27"E 267.61 feet;  
thence S20°55'21"E 386.90 feet;  
thence S10°08'25"E 483.90 feet;  
thence S28°30'31"E 1146.79 feet;  
thence S89°29'39"E 820.64 feet;  
thence S35°07'48"E 582.64 feet;  
thence S89°29'39"E 536.57 feet;  
thence S34°59'12"E 1042.33 feet to the north line of the NE1/4 SE1/4 of said Section 31;  
thence along said north line S89°27'00"E 273.94 feet to the point of beginning,  
Said tract as described contains 634.43 acres more or less.