

July 14, 2020

**CITY OF GUNNISON COUNCIL  
PUBLIC HEARING MINUTES**

9:00 A.M.

The City Council public hearing meeting opened at 9:00 a.m. on Tuesday, July 14, 2020, in Council Chambers located at 201 W. Virginia Avenue, Gunnison, Colorado, by Mayor Jim Gelwicks. Councilor Jim Miles, City Manager Russ Forrest, City Clerk Erica Boucher, Deputy Clerk Cassie Mason, Community Development Director Anton Sinkewich, and Senior Planner Andie Ruggera, and Dick Bratton of Gunnison Valley Properties were physically present. Councilor Mallory Logan, Councilor Diego Plata and City Attorney Kathy Fogo attended remotely. Also attending remotely were Alex Joyce of Cascadia Partners and Ron Welborn of Gunnison Valley Properties. Councilor Boe Freeburn was absent. Citizen Joe Deluca attended remotely. There was a Council quorum.

**PUBLIC HEARING**

Mayor Gelwicks called the public hearing to order on Tuesday, July 14, 2020, at 9:03 a.m. in Council Chambers located at 201 W. Virginia Avenue. Mayor Gelwicks stated that in attendance were Mayor Pro Tem Jim Miles, City Manager Russ Forest, City Clerk Erica Boucher, Community Development Director Anton Sinkewich, Senior Planner Andie Ruggera, Deputy Clerk Cassie Mason, and applicant Dick Bratton. In attendance via Zoom were Councilors Logan and Plata along with City Attorney Kathy Fogo. Mayor Gelwicks stated that the purpose of the continued public hearing from June 23, 2020, was to receive input on the merits of a Major Change to a PUD application, ZA 20-1, to revise zoning designations and amend the Gunnison Rising PUD Development Standards and review the annexation agreement as well.

The mayor confirmed that the public hearing was properly noticed.

Mayor Gelwicks asked for an update by staff on progress. Community Development Director Anton Sinkewich stated that, since the last meeting, staff had received updated application materials, a draft annexation agreement and a fiscal analysis report that had been reviewed by staff with additional updates being made by the Applicant. Sinkewich stated that the fiscal analysis report is being reviewed by a third party consultant. This review had not yet been completed, but will be presented at subsequent hearings.

Community Development Director Sinkewich stated that the Annexation Agreement content had been substantially completed with the applicant. It was simplified by referencing the content that had been agreed upon in the PUD. The finalized annexation agreement and fiscal analysis report would be available to Council and reviewed by staff before the next public hearing. Sinkewich then turned the presentation over to Alex Joyce of Cascadia Partners, presenting on behalf of the Applicant.

City Manager Russ Forrest asked Sinkewich to clarify for Council what the PUD amendment document and Annexation Agreement are, and explain the idea of putting key information into the PUD.

Community Development Director Sinkewich explained that the PUD amendment is essentially a new document outlining the overall development master plan of the project and criteria for how the plan will be implemented. The Annexation Agreement was the preexisting document with the property to be annexed, which needed to be updated given the significant changes that were made. To resolve inconsistencies between the documents, staff found it most efficient to remove much of the content from the Annexation Agreement and simply make references to the agreed-upon content in the PUD document.

Gelwicks noted for the record that he was not wearing a mask for health reasons.

Alex Joyce began his Power Point presentation by sharing his screen and acknowledging the collaborative discussions with City staff that had taken place since the last hearing that had resulted in lots of great changes, which he would summarize. He stated that he feels they have reached a set of agreeable final changes to the PUD and Annexation Agreement, making them compatible and simpler. He stated that the four main topics of his presentation would be key final revisions to

the PUD Development Standards, expanded road design options, final changes to the Annexation Agreement, and a summary of the fiscal impact analysis.

Alex Joyce called attention to the explicit link that has been created within the PUD to the land dedications called out in the Annexation Agreement. The link was created to give the City assurance about its right, during the Phase development review process, to require applicants to include land dedication in the planning documents. Another change was to ensure compliance with height limitations in the Maker District in Main Street Zone consistent with the Avignation easement with the airport. Another change was fixing the use table for Main Street to allow duplexes in the Main Street Zone and add an explicit allowance for breweries, wineries and distilleries in the Main Street and Maker Districts.

Councilor Logan asked if marijuana retailers were addressed in the PUD. Andie Ruggera stated that the development code standards were referenced, which include distance requirements for marijuana retail establishments from Residential zone districts. She stated that she would need to look more closely, but thought that marijuana retailers would be restricted to the southern portion. Joyce stated that he would have somebody from his team take a look and they could circle back to the issue.

Joyce continued his summary of changes. Another change was to the outdoor lighting section so that it is consistent with the City's policy and also consistent with the Avignation Easement.

Another area change was to allow for street design flexibility based on context and phasing. There is not a one-size-fits-all for road design, explained Joyce, since we cannot predict every design we may want to incorporate over the course of the project. With the approval of Public Works director, this allows flexibility at the time of permit application.

Another change was slightly changing zone district boundaries to match the latest block layout – the placement of streets. The Main Street District was pulled back so that it doesn't cross the highway. Similarly, they created a clean Maker District boundary on the south. The Maker District boundary was pulled a little to east so that the RV parcel isn't split by the new Ute access road. There were no major changes made to the area within any zoning district.

Mayor Gelwicks asked if the governmental access area was still designated in the eastern portion of the Maker District. Alex Joyce responded yes, and that there was a preliminary plat application from the BLM going through the City's processes.

Dick Bratton noted that the federal General Services Administration would make a determination of the bidder on August 31. Joyce stated that Gunnison Valley Properties had been designated as an eligible applicant for the BLM office building.

Joyce continued with a slide on updates to the Road Classification and Access Map, and explained that the fundamentals hadn't changed, but that refinements had been made based on feedback from the engineers. The PUD exhibits were updated to reflect that.

Next, Joyce presented the latest set of roadway design concepts. He explained that the fixed variables remain minimum road width, snow storage, active management, pedestrian and bicycle facilities, and irrigation water supply. The design standards now show two flavors of road: one for a commercial context and another for a residential or park context. Gateway Streets are critical movement streets and will have a wide multi-use path on either side of the street.

Mayor Gelwicks noted that the path is for both bikes and pedestrians and that they would eventually deal with the issue of whether electrified bikes belong in the street or pathway. Gelwicks asked if the intention was for bike riding to be allowed in the commercial areas in front of commercial buildings. Alex Joyce indicated, yes, the multi-use path would be a 12-foot wide path and could accommodate everybody safely. Cyclists could choose to ride in the roadway, as always.

Alex Joyce continued with a presentation of the different 'flavors' of residential streets, with different designs for different traffic volume streets and topographical considerations.

Access Point B is viewed as one of the most important north-south connectors and a place to think about connecting commerce and recreation. The Town Center Gateway Street design is for this purpose.

Mayor Gelwicks stated that something that he'll need to think about is consistency because in Gunnison's most intense and current commercial areas, the City requires skateboarders and bikers to dismount. If the new commercial district were to rival that intensity, the City would have a different standard, stated Mayor Gelwicks. Alex Joyce stated that we have the luxury to plan for the users we anticipate rather than retrofitting to accommodate people safely.

Joyce continued with a summary of Annexation Agreement changes: housekeeping changes to reflect what has already happened (names, references, etc.), removing items that aren't consistent with City policies or inconsistent with better policies in the PUD, giving the City more flexibility for land use dedications, a non-legally binding statement that the City will make a good faith effort to secure \$7 million in funding for infrastructure in exchange for affordable housing, and revised RETA to allow tax revenue to be used on projects within or related to the PUD and exempt deed restricted housing from RETA.

Mayor Gelwicks asked if the escrow account would be held by the City. Alex Joyce confirmed that was correct.

Councilman Plata asked for an example of a project "related to the PUD". Alex Joyce explained that if there are offsite improvements that are triggered by a permit application, for instance Georgia Ave, which isn't part of the PUD boundaries, but that is determined by City Staff during the permit review process a need to be upgraded to serve a portion of the PUD, then RETA funds could be used for that public infrastructure. Mayor Gelwicks indicated that he anticipates that the largest cost that would be attributed to the PUD would be converting the north side of Escalante into a suitable street for the City of Gunnison, which would be a whole road rebuild or initial build. He also noted that there is a section of Georgia that is outside of the PUD that would be an area where the money could be used. Alex Joyce mentioned various infrastructure cost implications he could foresee outside the PUD boundaries.

Alex Joyce next presented a summary table of land dedication acreage changes. The emergency service and public works storage had been halved to a total of 2 acres. Dedicated snow storage remained at 5 acres, but would now include Convention Center parking areas for snow storage in the winter months. School Facility would still be dedicated 10 acres. The acreage could be split into multiple smaller parcels. Open Space was increased from 62 to 100 acres because the ridgetops would be explicitly preserved, designated for long-term preservation. Public Parks would still be integrated at required intervals into developed neighborhoods. That acreage could vary from 10-20+ acres. Affordable housing was dedicated a range from 5-10 acres depending on how the City spends its allowance. Up to 200 units could be accommodated in different zones. A multi-family project would have different land space needs than a single family project, hence the acreage range.

City Manager Russ Forrest asked about flexibility if the School District were to decide that it doesn't want additional land for schools, but more acres were wanted for housing. Alex Joyce said that there are two levels of flexibility. He explained that the City has a 25% buy right flexibility. He explained that the City can use 25% of the acres dedicated to emergency service, public works, or schools for something else. He explained that there is also language that allows for flexibility upon the mutual agreement of the annexor and the City, so that if both agree that another use is beneficial, there is a pathway to agreed-upon flexibility.

Alex Joyce next presented a map showing eligible areas for public works and emergency service facilities. Dick Bratton asked about the potential facility placement at the Event Center and asked if that might interfere with the development of the Event Center. Alex Joyce explained the process by which the facility would be integrated into the development. When the property owner came to the City to pull a permit, the City could say they have a need for public works facility. It would be up to the applicant to integrate that use into an overall site plan. There is latitude on how to integrate them from a functional perspective, stated Alex Joyce. Dick Bratton said that could interfere with the development and that he thinks it should be somewhere else. City Manager Russ Forrest indicated that it sounded like an issue on the applicant-side that could be discussed further.

Mayor Gelwicks asked if the two acre dedication could be four half-acres. Alex Joyce indicated that the intent was for it to be two contiguous acres, but that anything could be possible within negotiations with the City at the time of the application. Dick Bratton said that such a facility would be easier accommodated in the light industrial center. Russ Forrest indicated that the Council should understand that the applicant would need to propose something consistent with the PUD, and that the City would have the right to ask for a governmental use or affordable housing, and before the applicant could move forward, there would have to be a mutual agreement about how to work it into the specific land plan for that phase. Alex Joyce agreed with this summary.

Alex Joyce then presented a map of eligible areas for school sites. There is a requirement that there is some level of public access to open space and that they are integrated into the neighborhood.

Mayor Gelwicks asked, hypothetically, if the school district decided its needs were less than ten acres, whether the school district could garner proceeds off the other acres. Alex Joyce indicated that there is nothing precluding that currently, as long as it is consistent with the PUD itself as an allowed or conditional use. Mayor Gelwicks asked if the school district were to use 20% of its acres for affordable new teacher housing, would that count against the 200 units of affordable housing dedicated. Alex Joyce answered that it would not count against the 200 units.

Alex Joyce then presented the areas eligible for affordable housing. He highlighted intersections of the Gateway Streets and Georgia that are commercial areas that can include affordable housing with the Annexer's approval, so long as it is above the ground floor. The ground floor activity in these areas would be preserved for an active use. City Manager Forrest clarified that the red areas on the map were donut-hole areas where affordable housing could be put in above the ground floor, if mutually agreed upon by the City and the Applicant.

Mayor Gelwicks asked if part of the written criteria for affordable housing would be deed restrictions. Alex Joyce indicated that, mechanically, the City gets the land. As long as it is affordable to the two defined income bands, the question of deed restriction would be up to the City. The income bands are explicit, explained Joyce, the mechanics of how that is ensured would be a decision that the City needs to make. Mayor Gelwicks confirmed that if the City used a third party like Habitat for Humanity, then that would be the restriction rather than a one-size-fits-all deed restriction approach.

Alex Joyce then presented a map showing the 60-foot "reserved easement" that appears on most roadway circulation exhibits that had been carried over from the previous PUD and Annexation Agreement. Senior Planner Andie Ruggera explained that there had been a lot of discussion about a bypass. Upon exploring a bypass, many unresolved issues that had been identified in order to actually connect with Hwy 135. Senior Planner Andie Ruggera asked for direction from Council regarding the bypass and whether the easement should continue to be included.

Mayor Gelwicks asked if the question is to drop all portions of the dashed easement shown on the map, or if there some portion that would be desirable. Senior Planner Andie Ruggera clarified that the easement hadn't been given yet, but the language in the annexation agreement stated that they would give us the easement. Mayor Gelwicks stated that his thoughts were that it could still be valuable to have an easement that connects with the Signal Peak area, even if it were a dirt connection. There was a discussion by Dick Bratton, Mayor Gelwicks, Councilman Plata, City Manager Russ Forrest and Senior Planner Andie Ruggera about factors limiting the feasibility of a bypass connection to 135. Mayor Gelwicks indicated that he sees value in retaining the yellow portion of the easement.

Councilor Logan asked what the benefit would be of removing the easement. Alex Joyce said that there is every expectation that there would be trail connections, but that they wouldn't necessarily be 60-feet wide. He said there would need to be easements negotiated for power that cross Western Colorado University, so they had contemplated this easement being a potential connection in for that utility. From a utility connection perspective, stated Joyce, there could be some necessity, but for trail access, it wouldn't need to be 60-feet wide. Regardless of how the conversation concluded, stated Joyce, the expectation was that some connection would have to be maintained for power along the portion of the easement highlighted yellow.

Councilmember Mallory Logan indicated that she did not see the need to remove the 60-foot easement if they weren't sure about the bypass. If the bypass is a serious consideration, stated Logan, the City wouldn't want to do that ten years from now after a nice neighborhood had been established already. The bypass should be an immediate conversation.

Alex Joyce clarified that the annexation agreement doesn't call it a bypass, but rather a "reserved easement" and that it is 60-feet wide, which isn't very wide.

Mayor Gelwicks asked how wide the planned roadway was in the residential area. Alex Joyce indicated 60-65 feet. Mayor Gelwicks asserted that the easement shown along the roadways, then, were a moot point and that the only part that needed to be discussed was the yellow portion of the easement. Alex Joyce talked about routing on the dashed portion of the easement that wasn't along the road map. Dick Bratton stated that the dotted line aligned with Access D was challenging to route in terms of topography. Mayor Gelwicks stated that since there was already a 60-foot wide route connecting the highway to the northern point of the development, that portion seemed to be moot. The question, stated the Mayor, was whether you should have a 60-foot wide public access along the yellow portion, potentially for utilities.

Alex Joyce proposed removing all the dotted easement indicated on the map except for the yellow portion at the north, with no determination of exactly it would be for. Mayor Pro Tem Miles agreed and suggested also removing the bypass language. Alex Joyce indicated that the Annexation Agreement doesn't contain the word bypass. City Attorney Fogo asked if they should specifically say "not a bypass" since that was the history on it was there. Mayor Gelwicks said yes, not a bypass, and that he didn't think a bypass would ever work and couldn't see the issue impacting us in the near future. Alex Joyce confirmed to Dick Bratton that the northern yellow portion of the dotted easement was the only section that would be maintained. Mayor Gelwicks reserved his right to change his mind.

Alex Joyce then moved on to the Fiscal Impact Report. He said the analysis boiled down to what would be built, how fast it would be developed, and the types of uses. Joyce presented a table showing the total estimated revenues versus expenses over 25 years, showing \$67.5 million in net revenue. He explained that the analysis used an average cost approach, taking the actual current budget and calculating an average cost per resident cost to provide services. Alex Joyce confirmed that the revenue estimate was specifically for the City.

Alex Joyce concluded his presentation.

Mayor Gelwicks asked if there were additional questions from Council. There were no questions from Council. Mayor Gelwicks asked if there were comments from the general public. There were no comments or question questions. Mayor Gelwicks asked if there were any additional comments from staff. City Manager Russ Forrest explained that the next step would be to prepare a document that would be essentially a contract between the City and the Applicant. Mayor Gelwicks asked and received confirmation that Council would have a chance to think about the document. Community Development Director Anton Sinkewich indicated that staff expected to have a completed third-party review of the fiscal analysis within the next few days.

City manager Russ Forrest asked if there were any significant issues where the City may not be in agreement with the Applicant. Community Development Director Sinkewich indicated that significant progress had been made and that staff and the Applicant were on the same page. Dick Bratton thanked the City for the time and effort made in reaching an agreement. Mayor Gelwicks asked if City Attorney Fogo was clear on what had been discussed and the wordsmithing that needed to be done. Attorney Fogo confirmed that she is clear on the work that needed to be done and that there should be a set of documents for Council to review in short order. Alex Joyce received clarification that he would need to send a final Annexation Agreement to City staff by the end of the day on July 21<sup>st</sup> in order to get in the Council's next Council packet.

Mayor Gelwicks stated that there would be a final opportunity for the public to comment on July 28<sup>th</sup>. There would be a first reading of an Ordinance at the first Council meeting in August. The Mayor asked if there was any objection to continuing the public hearing to 5:30 p.m. on Tuesday, July 28<sup>th</sup>, 2020. The Mayor requested final comments. There were none.

With no further comments, Mayor Gelwicks continued the public hearing to 5:30 p.m. on Tuesday, July 28th, 2020. Mayor Gelwicks adjourned the meeting at 10:43 a.m.



*Jim Gelwicks*  
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Mayor

Attest:

*E. Bauder*  
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City Clerk