



PLANNING COMMISSION MEETING

Notice is hereby given that the Planning Commission will hold a meeting at **7:00 pm, on Wednesday, March 27, 2024**, in the City Council Chambers at **38 West Center Street**.

AGENDA

1. Roll Call
2. Invocation/Inspirational Thought
3. Pledge of Allegiance
4. Public Forum (Public comments may be delivered in person at the meeting or submitted to the City Recorder prior to 5:00 pm on the meeting date for presentation to the City Council)
5. Review and Approval of Minutes – February 27, 2024
6. Public Hearing, Discussion and Possible Action Items
 - a. Creation of a Single Family Residential (R-1) Zone
 - b. Rezoning of Approximately 3 acres from R-2 to RC near 230 East 300 North (Hwy 89)
7. Discussion Items and Possible Action Items
 - a. Modification of Water Impact Fee
 - b. Rezoning Existing Commercial Properties from RC to CC (Commercial)
8. General Discussion and Staff Reports
9. Adjournment

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Pgs 3-8

Pg 2

ADA NOTICE

If you are planning to attend this Public Meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City Office ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING/POSTING

The undersigned duly appointed City Recorder for the municipality of Gunnison City hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the Gunnison Gazette, Gunnison, UT, 84634, posted on www.gunnisoncity.org, as well as posted on the State of Utah's Public Notice Website.

BY: _____
Valerie Andersen, City Recorder



Memorandum

To: Mayor Nay and City Council via Planning Commission

From: Dennis L. Marker, City Administrator

Date: February 23, 2024

Re: Modification of Water Impact Fee

Action Type: Legislative

Discussion and Possible Action item:

At the last Planning Commission meeting, the Commission asked that a market study be conducted to show what impact fees are being charged by surrounding communities. At this time, we are still waiting for responses from some of the surveyed communities, but we will provide what we can at the upcoming meeting.

Planning Commission Responsibilities

State law requires that the municipal legislative body must treat an impact fee enactment as if it were a land use regulation for public notice purposes. According to state noticing requirements, all land use regulations must first be reviewed by the Planning Commission and a recommendation provided to the City Council prior to Council adoption of the regulations. As such the Planning Commission should provide a recommendation to the City Council on changes to the water impact fee.

Standard of Review

No standard of review is provided within state law by which the Planning Commission can formulate its recommendation on this matter.

Basis of Decision

State law provides that a reasonable basis must be identified for small, rural communities to adopt or modify any impact fees. One of the reasonable tests is whether or not an engineering study is prepared as part of the consideration. Ensign Engineering prepared, and the Council subsequently adopted, the Gunnison Water Master Plan in December 2023. That study includes a detailed description of impact fee related regulations and provides a calculated **maximum allowable water impact fee of \$6,927.20** per equivalent residential connection (ERC).



Memorandum

To: Planning Commission
From: Dennis L. Marker, City Administrator
Date: February 2, 2024
Re: Rezone of 3 acres from R-2 to R&C at 230 East 300 North (Highway 89)
Action Type: Legislative

PUBLIC HEARING, Discussion and Possible Action Item

Background

In 2021, the acting Zoning Administrator, Rod Taylor, initiated a zone change on behalf of Jon Mogle. Mr. Mogle owns a 5.4-acre parcel of land adjacent to Highway 89 between 200 East and 300 East. The property currently has a split zoning of RC and R-2 on it. A public hearing was held on this matter during the February 2021 Planning Commission meeting (unfortunately no minutes could be found) and the matter was tabled. Mr. Mogle is asking that this be brought back to the Planning Commission for a final recommendation to the City Council.

Planning Commission Action Needed

State law requires that any rezone/code amendment request must be reviewed by the Planning Commission and only after a public hearing on the matter can a recommendation be sent to the City Council for consideration. There is no limitation to the number of public hearings that can be held on a rezoning application. Like any code change, the Planning Commission must ultimately weigh the requested change against established review criteria as noted below.

Standard of Review

The Gunnison City Land Use Code (GCLU) provides review factors for considering any request to change zoning or amend the city's code. Any request to amend the city's zoning regulations may be considered in light of the future intended uses, in this case, approximately 40 townhomes. Because rezoning requests, unlike administrative applications like a building permit, are legislative in nature, The Planning Commission can recommend any conditions it feels appropriate to mitigate concerns or protect the public health, welfare and safety.

The following matrix provides some information for Planning Commission to consider relative to the review factors from GCLU Section 603.

Review Factor per GCLU Section 603	Items for Consideration
1. The effect of the proposed amendment on the overall well-being of the City.	<p>The subject property is currently vacant, underutilized property with full access to public utilities. Development of the property would increase the general tax base of the city with only limited expansion of infrastructure. This means there would be more residents to help cover infrastructure maintenance costs and reduce the need to increase other city revenue sources (e.g. taxes). (see Response to Question 4)</p>
2. The effect of the proposed amendment on the public health, welfare, and safety.	<p>The main concerns for this question are traffic, public safety, and utility capacity.</p> <p>Traffic: The development will be located adjacent to Hwy 89 with access onto 200 East, which was recently expanded and improved to include sidewalk, curbing and gutter. The existing local roads have a carrying capacity of over 5,000 cars per day with minimal traffic. The development would add approximately 220 trips per day to the area. Due to the potential traffic impacts and proximity to Hwy 89, a Traffic Study is warranted to address street design and traffic impacts.</p> <p>Public Safety: Adding 40 new homes to the city, whether as town homes, single family homes, or apartments, will increase the potential demand for public safety services (I.E., law enforcement, Fire protection, EMS). Typically, new development of owner occupied or managed rental properties similar to those proposed will serve a demographic of younger families or more mature occupants looking to downsize. Public safety impacts are anticipated to be very similar to other single-family neighborhoods in the city.</p> <p>Utility Capacity: The city currently only uses four of its seven sewer lagoons so there is ample sewer treatment capacity for 40 new homes. The city's development code requires that all new developments must provide water to serve irrigation purposes. This will apply to any new development. Gunnison doesn't currently require dedication of water for culinary purposes, although a recent water master plan study by Ensign Engineering indicates the city is not able to meet its state required peak day demands. Gunnison is working to resolve this matter with the construction of a new well in the next couple of years. New development would "buy-in" to that new well by paying impact fees and/or providing water shares to be turned over to the city's wells.</p>
3. The effect of the proposed amendment on the interests of the City, and its residents.	<p>There is a growing demand for more, and affordable, housing in Gunnison. Several business owners have shared that a lack of housing supply has caused potential employees to turn down jobs in the city. Other potential buyers have expressed frustration with the lack of supply, the age of available housing stock and the inflated cost of units. The proposed development will not only add housing units, but also serve a first-home market that can't afford the 2,400 square foot homes on $\frac{1}{4}$ to $\frac{1}{2}$ acre lots prevalent in Gunnison. The lack of housing is limiting the city's economic growth.</p>

<p>4. The ability of the City, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.</p>	<p>See answer to Question 2 above.</p> <p>The long-term ability of the city to provide services to the development is predicated on tax revenues and utility fee revenues. Ideally, any development would generate enough annual revenues to cover the annual maintenance cost of the supporting infrastructure. Generally, single family, $\frac{1}{4}$ acre lot developments (3.75 units/acre) do not pay their way in this respect. The proposed development would have densities between 8 and 10 units/acre, which would generate revenues near, if not exceed, the annual maintenance needs of the infrastructure immediately adjacent to the development (future replacement costs and funding obligations excluded).</p>
<p>5. Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.</p>	<p>Adjoining property was developed with $\frac{1}{3}$ acre lots for single family homes.</p> <p>The current R-2 zoning would permit, “by right”, around 25 units on the property (E.g., 6 duplexes and 13 townhomes) (see figure 1 below). With the entire property zoned RC, the maximum number of units (using the townhome design proposed) would be 39. The difference between the current potential and the possible development is that the city’s multi-family architectural and landscaping standards would help buffer existing homes, provide open spaces and bring community appeal (see figure 2 below). Gunnison cannot impose any such standards on single family or two-family dwellings according to State code.</p>
<p>6. The suitability of the properties for the uses and activities proposed.</p>	<p>The property is “flat”, vacant ground adjacent to all city services. Development potential is limited based on building designs, site layout, and city landscaping and parking standards.</p>
<p>7. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the City’s Land Use Ordinances, and any other Ordinances required to implement the amendment.</p>	<p>The city’s general plan goals include 1) Stimulate community growth and strength through the development of safe, appealing, and affordable housing, and 2) attract new residents through the development of diverse, moderate-income housing for young professionals, families, and retirees. One of the specific strategies to accomplish these goals is to “revisit and revise zoning code to allow for both smaller lot sizes for single-family homes and multi-family housing units, such as semi-detached duplexes, multi-family apartments and retirement or assisted living homes.”</p>

Staff Recommendation:

It is recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed rezone request based on the following findings and conditions:

Findings

- The General plan supports stimulating community growth and strength through the development of safe, appealing, and affordable housing.
- The recent multi-family development standards adopted by the city provide standards for the above general plan goals to be accomplished.

- Providing housing options other than single family homes on large lots, provides more and affordable housing options for residents and potential employees of local businesses, which is in the city's best interest for economic prosperity.
- There is capacity within the city's utility systems for the new growth so long as city development standards and requirements are met (I.E., payment of impact fees, dedication of water, etc.).
- The proposed housing development will increase the city's tax base while having limited amounts of infrastructure expansion.
- The request is consistent with the review criteria found in GCLU Section 603.

Conditions

- A traffic impact study be completed to ensure existing street designs are sufficient to handle the additional traffic loads from the development.
- Any development of the property complies with the city's multi-family and/or commercial development standards.
- That development of the property includes extension of sidewalk, curb and gutter and improvements along Highway 89.
- That the City Council enters into any appropriate development agreements prior to approving the requested rezoning. Such agreements may consider zoning reversion options if development does not occur as anticipated or in a timely manner.

Note to Planning Commission:

Any motion for recommendation should include specific findings and desired conditions. The above findings and conditions may be modified or added to at the discretion of the Commission. A motion may simply reference the “findings and conditions in the staff report” if no changes are desired.



Figure 1: Concept development of potential development under current zoning.



Figure 2: Concept plan showing potential development under full RC Zone based on developer's home design.

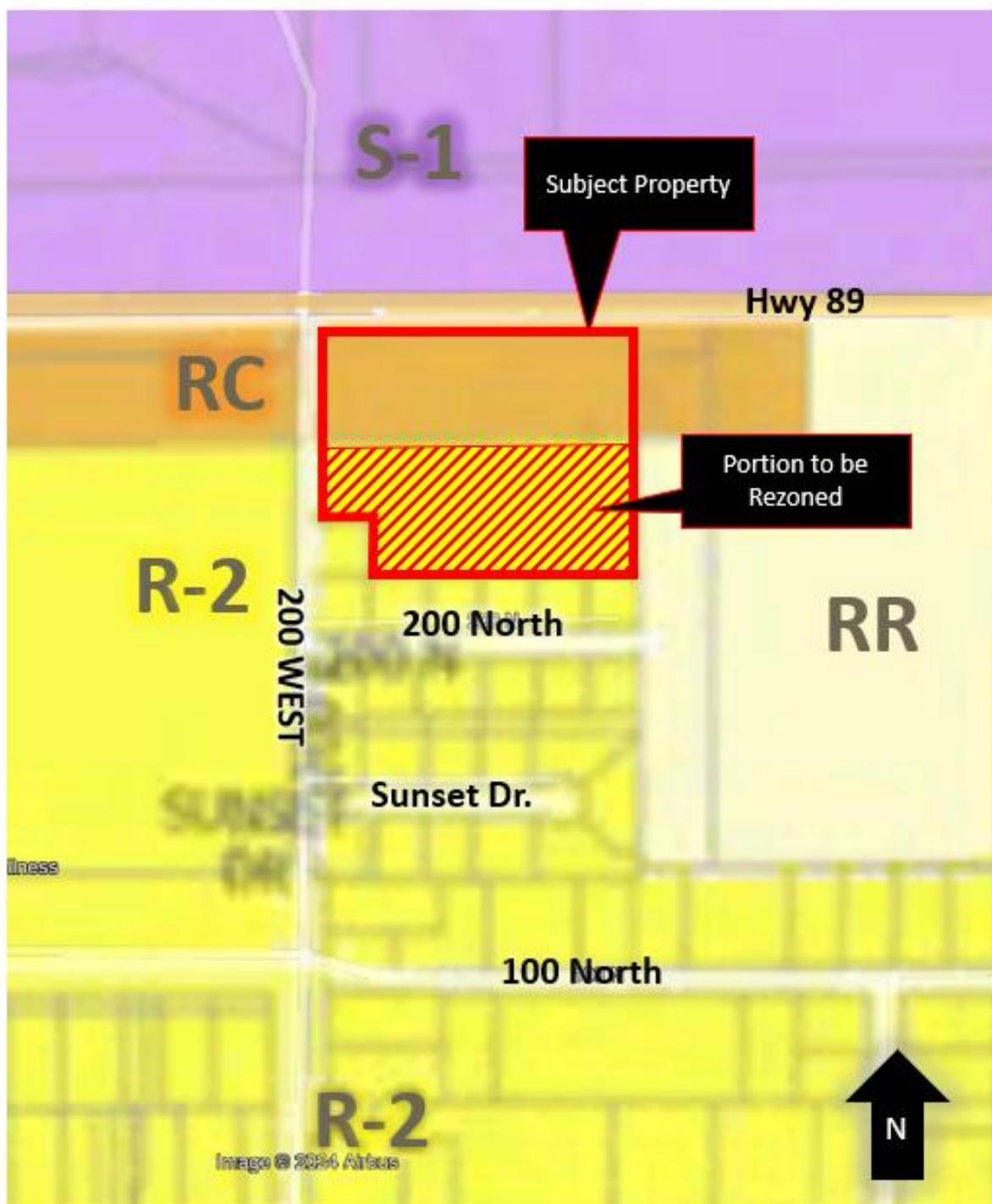


REZONE REQUEST

From R-2 to RC

Location: 230 East 300 North

Acres: 5.4 +/-





Memorandum

To: Planning Commission
From: Dennis L. Marker, City Administrator
Date: February 23, 2024
Re: Creation of an R-1 Single Family Zone
Action Type: Legislative

PUBLIC HEARING, Discussion and Possible Action Item

Background

In November 2023, the City Council initiated a request for the Planning Commission to consider the creation and application of an R-1 (Single Family only) zone. The citizens who requested the Council move this issue forward have indicated a desire to rezone small portions of existing R-2 neighborhoods so that only single-family residential dwellings can be constructed on vacant properties in those areas. After some discussion, the Planning Commission, during its February meeting, asked that a public hearing be held before forwarding a negative recommendation to the City Council for the suggested code amendment.

Planning Commission Action Needed

State law requires that any rezone/code amendment request must be reviewed by the Planning Commission and only after a public hearing on the matter can a recommendation be sent to the City Council for consideration. There is no limitation to the number of public hearings that can be held on a rezoning application. Like any code change, the Planning Commission must ultimately weigh the requested change against established review criteria as noted below.

Standard of Review

The Gunnison City Land Use Code (GCLU) provides review factors for considering any request to change zoning or amend the city's code. Any request to amend the city's zoning regulations may be considered in light of the future intended uses, in this case, the future rezoning of existing R-2 neighborhoods for single family only uses. Because rezoning requests, unlike administrative applications like a building permit, are legislative in nature, the Planning Commission can recommend any conditions it feels appropriate to mitigate concerns or protect the public health, welfare and safety.

The following matrix provides some information for Planning Commission to consider relative to the review factors from GCLU Section 603.

Review Factor per GCLU Section 603	Items for Consideration
1. The effect of the proposed amendment on the overall well-being of the City.	<p>State law now mandates that internal accessory dwelling units be allowed in any primarily single family zone (UCA 10-9a-530). This effectively makes each single-family home a potential duplex in any R-1 zone that could be adopted. The impacts from a two-dwelling unit structure that looks like a single-family home compared to a designed duplex is merely aesthetics. Because an R-1 zone would have little difference from current R-2 zoning, there would be negligible benefit to the overall well-being of the city.</p> <p>Furthermore, there are many case studies which are available from the Utah League of Cities and Towns, where large lot single family development patterns have resulted in the over-expansion of infrastructure and beyond long term sustainable ways, which results in increased long-term maintenance costs and tax burdens to citizens.</p>
2. The effect of the proposed amendment on the public health, welfare, and safety.	<p>Traffic: The main concern expressed for having an R-1 zone is to limit traffic caused by two-family homes. According to the International Transportation Engineering Society (ITE), a detached single-family home will generate on average about 11.5 vehicle trips per day (one trip = leaving to or returning from a destination). Attached single family homes will generate 5.5 trips in the same time period. This means that the two uses are nearly equivalent in traffic generation potential. (The ITE does not distinguish between a single-family home and a home with an accessory dwelling unit).</p> <p>Public Safety: The demographics of duplex residents compared to accessory dwelling residents is very similar. Both target lower income, small households. Granted, there can be better property owner policing when a tenant is in the same home as the owner, but general impacts would be similar to surrounding neighborhoods.</p> <p>Utility Capacity: There is little difference between the modern, fully finished, single family home with three-four bathrooms and a duplex unit that may have one to two bathrooms. Households in smaller duplex units are also generally smaller in household members compared to single-family homes. The differences between an R-2 zone designation and a new R-1 zone will have little comparative impact on city utilities.</p>
3. The effect of the proposed amendment on the interests of the City, and its residents.	<p>There is a growing demand for more, and affordable, housing in Gunnison. Several business owners have shared that a lack of housing supply has caused potential employees to turn down jobs in the city. Other potential buyers have expressed frustration with the lack of supply, the age of available housing stock and the inflated cost of units. Several property owners have inquired about splitting their property in order to capitalize on vacant and underutilized assets. The general sentiment at this time is a desire to facilitate more growth that benefits the city. See comments to question 1.</p>

4. The ability of the City, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.	See answer to Question 1-3 above.
5. Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.	The expressed intention of having a new R-1 zone is to replace existing R-2 zone areas. The two zones would still contain existing single-family homes and be required to facilitate multiple unit dwellings. Only developable lands would be used in accordance with city development standards.
6. The suitability of the properties for the uses and activities proposed.	Some property owners argue that their home value will drop if non-single-family homes are built close to them. Many studies ⁱ have shown that development of multi-family units near single family areas had limited depreciation impact and in fact resulted in higher property values in some areas where redevelopment occurred.
7. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the City's Land Use Ordinances, and any other Ordinances required to implement the amendment.	The city's general plan goals include 1) Stimulate community growth and strength through the development of safe, appealing, and affordable housing, and 2) attract new residents through the development of diverse, moderate-income housing for young professionals, families, and retirees. One of the specific strategies to accomplish these goals is to "revisit and revise zoning code to allow for both smaller lot sizes for single-family homes and multi-family housing units, such as semi-detached duplexes, multi-family apartments and retirement or assisted living homes." Creating an R-1, Single Family only zone is not consistent with these goals from the General. Developers can choose to build only single-family homes in an R-2 zoned area if they choose. Home buyers can choose to purchase a home in a single family home neighborhood if they choose.

Staff Recommendation:

It is recommended that the Planning Commission forward a negative recommendation to the City Council for the proposed creation of an R-1 Single Family zone based on the following findings:

Findings

- Creating an R-1 zone would have little impact difference from the current R-2 zone.
- There are many case studies that indicate single family only development patterns result in non-sustainable growth patterns which could impose long-term financial burdens on the city and its businesses.
- Creation of the proposed zone is not consistent with the stated goals and strategies of the city's General plan

- There is capacity within the city's utility systems for the new growth so long as city development standards and requirements are met (I.E., payment of impact fees, dedication of water, etc.).
- The proposed housing development will increase the city's tax base while having limited amounts of infrastructure expansion.
- The request is consistent with the review criteria found in GCLU Section 603.

ⁱ The following is a noncomprehensive list of list of studies or briefs on the subject of single family home values relative to multi-family housing developments:

<https://d36oiwf74r1rap.cloudfront.net/wp-content/uploads/HighDensity-Feb2021.pdf>

https://ualr.edu/publicaffairs/files/2016/06/lr_multifamily_report_final.pdf

<https://www.emerald.com/insight/content/doi/10.1108/IJHMA-05-2023-0064/full/html>

https://cra.gmu.edu/pdfs/research_reports/recent_reports/Richmond_PHA_April_2010.pdf

https://www.jchs.harvard.edu/sites/default/files/rr07-14_obrainsky_stein.pdf

https://furmancenter.org/files/media/Dont_Put_It_Here.pdf