



REGULAR PLANNING COMMISSION MEETING

Tuesday, June 30, 2020

Prior to Planning Commission Meeting:
Planning Workshop 6:00 p.m.

Chair Marantino called the Regular Planning Meeting to order at 7:05p.m.

Chair Marantino led the Planning Commission and audience in the Pledge of Allegiance.

MEMBERS PRESENT AT ROLL CALL

Marantino, Caldwell, Pettinger, Rogers, Villasenor, Steffen, Roberts and Damuth

OTHERS PRESENT

Planning Director Nathan Lindquist, Planner Brian Rusche, City Attorney Richard Peterson-Cremer, Ch. 10 Michael Churchill, Brent Cose, Mark Dyson, Richard Sinnott, seven other unidentified individuals

APPROVAL OF MINUTES

Commissioner Rogers moved to **APPROVE** minutes from the February 25, 2020 Regular Planning and Board of Adjustment Meeting *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes: Marantino, Caldwell, Pettinger, Rogers, Villasenor, Steffen and Roberts

2020-009 OTHER – HISTORIC LANDMARK 127-131 W 3RD STREET

The Chair called the Applicant(s) Mark Dyson

Confirmed Public Notice was met

PURPOSE

A request a Historic Landmark Designation of the former Fulton Garage building, located at 127, 129, and 131 W. 3rd Street.

STAFF REPORT

Planner Brian Rusche went over the staff report and explained Staff's recommendations.

Staff recommends that the Planning Commission (acting as the Historic Preservation Board) recommend approval to City Council of the Fulton Garage as a Local Historic Landmark.

APPLICANT PRESENTATION

Mr. Dyson explained he is one of the partners invested in the property. The building was not renovated or taken care of in the past and they spent the money to convert the upstairs into three (3) dwellings, each with their own bathroom. For the front retail space was done up good and the back garage area needs a new roof and the estimates have been from 65,000 to 75,000 to repair the roof and reroof the structure. It is an old bow string truss building we need to preserve.

PUBLIC COMMENT:

No public comments

COMMISSION QUESTIONS AND COMMENTS

Commissioner Rogers replied this was presented to the Downtown Development Authority (DDA) and there is a letter in the packet that addresses their comments. The board felt this was a good idea and supports and recommending to Planning and Zoning to approve the historic landmark designation for the building. The process of getting approval of historic landmark status, then Mr. Dyson will be looking at applying for different state historic grants

Mr. Dyson replied this is the 2nd historic building he has done and likes to take an existing building and make it use full again. He shared some past projects and was able to use tax credits on those buildings and want to be able to get some historic tax credits to use on this building and create useable space. He continued by saying if something else pops up like a grant of course we would love it, but we haven't heard of anything else out there and anything else you have to borrow and we would rather not have any more debt than what is necessary.

Commissioner Villasenor replied the building used to have 12 to 14 foot tall glass store front windows, do you also plan on using this money to bring back the store front.

Mr. Dyson explained he is not getting any free money this is tax credits on money already spent, the bulk of it is going to be spent to repair the roof. There is a bid out – Elmer Glass was in there and there is a big picture of them replacing the windows upstairs. He continued saying we want to do downstairs for the building is ugly right now compare to when it was all glass store front, that is our goal. It will have to wait to see what kind of rent we can get out of the Garco Sewing Works space because that will have a big impact on what money is available. I really want to see that glass back in the building and the building will look so beautiful again.

Chair Marantino asked if there was anyone in the public that wanted to be heard, seeing and hearing no one closed the public hearing.

COMMISSION DISCUSSION

No other comments

Motion Made:

Commissioner Steffen moved to **RECOMMEND** to City Council to **APPROVE** 2020-009 Other - Historic Landmark for 127-131 W 3rd Street with all Staff's Recommendations. *Commissioner Rogers* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes: Marantino, Caldwell, Pettinger, Rogers, Villasenor, Steffen and Roberts

2020-010 CONDITIONAL USE PERMIT 2181 10TH STREET S.

The Vice Chair called the Applicant(s) Richard Sinnott

Confirmed Public Notice was met

Commissioner Steffen recused himself from the meeting. Commissioner Damuth will be a voting member.

PURPOSE

A request to operate a retail marijuana cultivation facility within a two-story, 11,990 square foot building in the Light Industrial (LI) zone district.

STAFF REPORT

Planner Brian Rusche went over the staff report and explained Staff's recommendations. He noted that in the staff report under comments that the building has already been used for this prior and the information in the packets is work that has already been done. This is already set up for this type of use.

Staff recommends that the following conditions be attached to an approval of Conditional Use Permit 2020-10 subject to:

1. The Conditional Use Permit shall only be valid in conjunction with a Retail Marijuana Cultivation Operation license awarded by the City Manager. If a license is not awarded within 1-year of approval by the P&Z, the permit shall become null and void;
2. No improvements for this operation shall occur within the building until a building permit is issued and a license is granted by the City Manager.
3. The Conditional Use Permit shall become null and void if the grow operation is discontinued for 12 consecutive months;
4. Failure to comply with any and all licenses required by the City of Rifle and/or the State of Colorado for the purpose of growing retail marijuana, shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.

APPLICANT PRESENTATION

Mr. Sinnott explained they are going to have a cultivation facility and sell flower within the state of Colorado there will be two (2) doing the growing. The recommendations from Staff are okay.

PUBLIC COMMENT:

No public comments

COMMISSION QUESTIONS AND COMMENTS

Commissioner Rogers asked Planner Rusche about the code change to allow retail back in 2018 south of the river is there a limited amount allowed.

Planner Rusche replied the current ordinance breaks it into four (4) categories; there is medical, retail, sales and cultivation. The total number of retail in Rifle is capped at three (3) and two (2) of them are currently south of I-70 in the zone that permits them and the other one is a pre-existing medical that is on Railroad Avenue. There is a limit of seven (7) grow facilities, which we are not near that limit yet. All of this is decided by the City Council. This permit is just going back to what was permitted in the past and also permitted now under the current ordinance. To clarify they can apply for retail sales license, they will have one year to do that. The reason for this application was the building was not being used for marijuana and now needs to be approved to use the building again for the grow operation.

Commissioner Roberts asked if these are the same people involved prior.

Planner Rusche replied he does not believe so, and they also have to go back to council and get approval under the new ordinances. Background checks will still need to be finished up; Mr. Sills is still involved as he was in the past. They all will be brought up to current standards.

Chair Marantino asked if there was anyone in the public that wanted to be heard, seeing and hearing no one Closed the public hearing.

COMMISSION DISCUSSION

No other comments

Motion Made:

Commissioner Rogers moved to **APPROVE** 2020-010 Conditional Use Permit 2181 10th Street S. with all Staff's Recommendations. *Commissioner Roberts* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes: Marantino, Caldwell, Rogers, Villasenor, Roberts and Damuth
No: Pettinger

Commissioner Steffen re-joined the meeting. Commissioner Damuth is no longer a voting member

2020-012 OTHER – 2009 ACCESS CONTROL PLAN

The Chair called on Staff for a presentation

Confirmed Public Notice was met

PURPOSE

A request to make amendments to the 2009 Access Control Plan for the State Highway 13 corridor, beginning at the intersection of Railroad Avenue and the Rifle Bypass – State Hwy 13, and then north to Dokes Lane.

STAFF REPORT

Planner Brian Rusche went through the Staff report explaining impacts and communication with property owners within the corridor.

Staff recommends that the Planning Commission recommend approval of the proposed changes to the Access Control Plan (ACP), which reflect and implement changes made to the Comprehensive Plan and further the City's goals for development.

PUBLIC COMMENT:

Mr. Cose explained he is still not sure what the full plan is, asked if it was to put a stop light in at 30th Street; and who is in charge of the lights in Rifle.

Planning Director Nathan Lindquist replied before we can think about doing a stop light at 30th Street we have to change CDOT's plan. Regarding the lights it is a partnership between CDOT and the City; the City has to own the lights but CDOT has to approve them.

Planner Rusche shared if the citizens in the audience or watching the meeting have any further questions after tonight they can reach out and ask, my contact number are 970-665-6497.

An unidentified male (not sworn in) shared that it feels like cancer to him. He objects to the whole plan but the stop light; that is a good idea because Hwy 13 needs to be slowed down and change the speed limit from the stop light on 30th Street all the way through Rifle he is all for it. If we give you an okay for the construction then we are opening the door for later and that is my opinion and thanked the Commission for their time.

Planning Director Nathan Lindquist replied there is a plan like this that was approved in 2009 as a whole it is very similar. Per the 2009 plan was designed to have the development north of Rifle, this new plan is to help create the need for the light at 30th Street and make developing north of Rifle harder.

Chair Marantino shared as long as he has been on the board there has been a major focus on infill and concentrating on the core of Rifle in opposed to urban sprawl. Going further and further out cost a lot of money and our focus is to stay inside the town.

Chair Marantino asked if there was anyone in the public that wanted to be heard, seeing and hearing no on Closed the public hearing.

COMMISSION QUESTIONS AND COMMENTS

Commissioner Pettinger shared she is glad to see they are going by the plan with the infill in the city and not trying to go north; and a good way to keep us on that plan and would like to see a light at 30th Street to protect the kids going to Wamsley. Also shared she really likes and thinks it is a good thing.

Commissioner Villasenor shared she agreed with Sharon and getting a light at 30th Street would be great.

COMMISSION DISCUSSION

No other comments.

Motion Made:

Commissioner Steffen moved to **RECOMMEND** to City Council to **APPROVE** 2020-012 Other-2009 Access Control Plan with all Staff's Recommendations. *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes: Marantino, Caldwell, Pettinger, Rogers, Villasenor, Steffen and Roberts

Chair Marantino shared he really appreciates the folks from the community coming out; it really helps us provide some context to these decisions we make. So often these matters come before us and they affect your community or your neighborhood specifically and so often we don't have anybody to come out and share their thoughts and concerns. We do appreciate the input. We hope your questions were address and if anything should happen you will be notified again.

COMMENTS & ADJOURNMENT

Commissioner Rogers and Roberts shared the famers market is still happening on line at RifleFamersMarket.com to order Monday through Thursday noon to noon and pick up on Friday night. The bands schedules to play are playing on line at the Ute Theater. The Farmers Market is going really well, so on line and order some fruit and vegetables along with some add-on items such as breads and coffee.

The meeting was adjourned at 8:20 p.m.

Dustin Marantino, Chairman

Date

SIGNATURE ON FILE

Charlotte Squires, Planning Administrative Assistant

Date