



REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENTS

Tuesday, March 30, 2021

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

Chair Marantino called the Regular Planning Meeting and Board of Adjustment to order at 7:00 p.m.

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

MEMBERS PRESENT AT ROLL CALL

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

Commissioner Caldwell moved to **EXCUSE** Commissioner Pettinger from the March 30, 2021 meeting; *Commissioner Rogers* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes: Marantino, Caldwell, Rogers, Roberts, Villasenor, and Damuth

Damuth will be a voting member for the meeting

OTHERS PRESENT

Planning Director Patrick Waller, Administrative Assistant Charlotte Squires, City Attorney Richard Peterson-Cremer (via zoom), Chanel 10 Michael Churchill, David Ebeler, Mike Taylor, Keith Levinson, Kristen Peterson, Derek Baxter, Adalberto Saucedo Chavez, Joseph Ramos

APPROVAL OF MINUTES

Commissioner Caldwell moved to **APPROVE** minutes from the October 27, 2020 Regular Planning Meeting *Commissioner Villasenor* seconded the motion. The motion **CARRIED** with the following vote:

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

2020-010 ZONING VARIANCE TBD VACANT LOT CONER OF 2 12TH AND UTE AVENUE

The Vice Chair called the Applicant(s) Adalberto Saucedo

Confirmed Public Notice was met

PURPOSE

A request a variance from the rear yard setback requirement for a new single-family home at TBD E. 12th Street; the request is for a 10'-3" setback, reduced from the 20' setback required by code.

APPLICANT PRESENTATION

Mr. Saucedo Chavez explained due to the hillside and grade of the property he would like approval for a variance in the rear yard setback to allow for him to build on the property.

Chair Marantino asked the applicant if he plans on living in the house.

Mr. Chavez replied yes.

STAFF REPORT

Attorney Richard Cramer went through the Staff Report explaining some of the criteria and sharing that Staff did not see any issues with the applicant's request. Attorney Cramer explained the lot is a peculiar shape, characteristic and such the owner has requested a variance.

Staff recommends that Planning Commission, acting as the Board of Adjustment, **APPROVE** the variance to allow for the rear yard setback to be 10'-3" instead of 20'.

COMMISSION QUESTIONS AND COMMENTS

Chair Marantino asked Mr. Chavez if he wanted to add anything else.

Mr. Chavez replied he said everything.

Commissioner Steffen asked Attorney Cramer if there is any other lots in the area affected in the same way as this lot is that can come up if this is granted.

Attorney Cramer replied it does not appear to be any other lots, there is an alley running behind several of the adjacent lots but this one backs up on Morrow Drive. It is kind of a particular concern just for that lot.

Commissioner Caldwell asked the property is pretty steep, will there be any retaining walls to hold up the soils.

Mr. Chavez replied there will be retaining walls on the side and a walkout basement. They will bring the grade up between 2 and 3 feet.

PUBLIC COMMENT: opened meeting at 7:10pm closed at 7:20pm

Chair Marantino opened the public hearing, asked if there was any wishing to speak on the matter.

Mr. Baxter shared he lives across of the property and representing the neighbor that lives next door; we are all opposed to this. We are unsure about the building and haven't seen any actual plans and are you trying to move the house back or forward and how this will blend in with the neighborhood. Mr. Baxter shared concern the structure would be setting down low and the roof would be street level and wanted to confirm the roof would be at same height as the neighborhood.

Chair Marantino replied we are just talking about is the setback for Morrow Drive and took the site plan down to Mr. Baxter to see the layout and due to the shape and hillside on the property is the reason for the request for the variance.

Commissioner Steffen replied he did say he is going to have a walkout basement and assume he is digging into the high part and the front will be facing 12th Street.

Planning Director Patrick Waller shared what we would look for is that setback from Morrow the ten foot piece and then the next step the applicant would go through if approved by the board tonight it would come forward to the city with building plans and then they would be required to meet all the building codes at that time. The only thing the commission (Zoning Board) is looking at tonight is that ten foot setback.

Planning Administrative Assistant Charlotte Squires shared that the items being presented at the meetings is available on line at www.rifleco.org under services, Planning Department you will look at the Planning Commission and there is a packet you can pull that up and this information is in that.

Mr. Baxter asked if mailers are sent out.

Planning Administrative Assistant Squires shared mailers are sent out to all properties within 200 feet. we do three public notices one is the sign on the property we/applicant mails notices out and it is in the newspaper 10 days prior to the public hearing so at least one will catch the property owners in that radius and anybody else with concerns.

Chair Marantino asked does this give the information you wanted to know.

Mr. Baxter replied yes, it shows the 20 feet from 12th Street and there will be a lot of earth to move.

Chair Marantino asked if there is anybody else in the audience that would like to address this.

Mr. Ebeler shared he had a couple of questions, one is trying to understand the need for the setback; is the setback due to the house size or dirt-hillside what is the reason for the setback. Is he trying to put a bigger house on something we purchased and now we've realized we can't build it there so now we ask for a variance. Shared concern about the speeding traffic on Morrow Drive and if a path would be put in for the people that walks the road, pedestrian activity on the road.

Planning Director Waller shared the setbacks are standard across zone districts and there are certain lots where in Staff's opinion it meets the criteria to grant a variance based on topography, the way the lot is shaped, those short of things. The variance processes have been around as long as there have been land use codes. Each case is looked at on site specific basis, and it is up to the board to make that decision whether or not it meets the identified criteria. It looks like there are five criteria that they've identified that the board has to make part of their findings. *Waller* shared the application is specifically looking at that 10 foot setback one of the review criteria is that the granting of the variance will not be detrimental to the public health, safety or welfare and so that was Staff's finding and then it's up to this board to decide.

Chair Marantino asked if there were anyone else in the audience that wished to speak on the matter. Seeing none *Chair Marantino* brought it back to the Commissioners and applicant.

Chair Marantino asked Mr. Chavez had anything else he wanted to add.

Mr. Chavez shared the questions he asked the first person was saying it was about the house. The main level of the house will be level same as the street, the basement will be what we fill in the hole and out back of the hillside. It will look similar to what is approval; he is not trying to set anything weird it is just going to be a regular house with a garage off 12th Street.

Chair Marantino asked on the site plan if the corner is it the house or deck.

Mr. Chavez shared it is both the house and deck. Do to the shape of the lot is where the setback issue comes in just for the corner of the house.

Commissioner Villasenor asked approximately how many square feet the house will be.

Mr. Chavez shared around 1700 square feet.

Commissioner Rogers shared so considerably less than what it's showing on the site plan.

Commissioner Steffen replied that the site plan is showing the lot size. It is a small lot.

Commissioner Rogers shared the 1700 square foot house is not that much different than what else is going on in the neighborhood.

Chair Marantino asked if anyone else in the audience want to address this issue. Seeing no one else the public hearing was closed. 7:20p.m.

COMMISSION DISCUSSION -

Commissioner Rogers shared there are a lot of cars that use Morrow Drive, along with kids and bikes, that is one of the reasons the trail was built to encourage kids and families to use that trail instead of the roadway. We can continue to encourage the use to the trail would be helpful. I don't see an issue with granting of the variance.

Motion Made:

Commissioner Steffen moved **APPOVE** Zoning Variance to allow the 10'3" set back with all Staff's Recommendations. *Commissioner Villasenor* seconded the motion. The motion **CARRIED** with the following vote:

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

2021-009 CONDITIONAL USE PEMRIT 3010 AIRPORT ROAD

The Vice Chair called the Applicant(s) Mike Taylor and Keith Levinson

Confirmed Public Notice was met

PURPOSE

A request for approval of a Conditional Use Permit for a Medical and Retail Marijuana Cultivation (MMC) Operation. A previous Conditional Use Permit was approved for 3010 Airport Road in 2013, but due to the vacation of the operation for more than 12 months a new CUP is required per Rifle Municipal Code.

APPLICANT PRESENTATION

Mr. Taylor explained this is a good opportunity and good building, we've known it's been used previously for marijuana cultivation and hasn't been operational business in twelve (12) months and want to take this step to start the process and get off on the right foot.

STAFF REPORT

Attorney Richard Cramer went through the Staff Report explaining some of the criteria and sharing that Staff did not see any issues with the applicant's request.

Staff recommends that Planning Commission APPROVE Conditional Use Permit 2021-1 subject to the following conditions:

1. The Conditional Use Permit shall only be valid in conjunction with a Marijuana Cultivation Operation license awarded by the City Clerk and City Manager.
2. No improvements for this operation shall occur within the building until a license is granted 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;
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 medical marijuana shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.

COMMISSION QUESTIONS AND COMMENTS - No Comments

PUBLIC COMMENT: Opened Public Hearing at 7:41 pm Closed Public Hearing at 7:43

Chair Marantino opened the public hearing, asked if there was any wishing to speak on the matter. Seeing none then the public hearing is now closed.

COMMISSION DISCUSSION -

Chair Marantino asked if they already operate in other marijuana facilities in the area.

Mr. Levinson replied he operates in Aurora since 20016 a manufacturing facility; we have a laboratory.

Mr. Taylor replied he has been cultivating about 6 years and is on the board of a company called Cannibal we basically deal with farm solutions, irrigation, packaging supply chain and been consulting for some cultivation facilities. We are looking forward to getting this site up and going.

Chair Marantino asked have you seen the conditions and nothing catching your eye there.

Mr. Taylor they have taken a look at the building and know some work needs to be done on it to get it up to code and just want to do it the right way.

Commissioner Steffen asked your grow will always be contained to the one building there?

Mr. Taylor replied yes, there will be smell mitigation, and we have visited with some of the neighbors in the area and let them know the plan as well.

Motion Made:

Commissioner Rogers moved **APPOVE** Conditional Use Permit 2021-010 at 3010 Airport Road with all Staff's Recommendations. *Commissioner Steffen* seconded the motion. The motion **CARRIED** with the following vote:

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

COMMENTS & ADJOURNMENT

Commissioner Rogers shared the New Ute Theater in May is planning Thursday night concerts out on the patio. The Famer's Market will be starting up June 18th the website is riflefamersmarket.com for applications as a vendor along with date and times and will be held at Heinz Park.

Planning Administrative Assistant Squires shared there is still a vacant position on the Planning Commission Board; if you are interested please submit your interest to the City of Rifle.

The meeting was adjourned at 7:48 p.m.

Dustin Marantino, Chairman

Date

Signed Copy on file

Charlotte Squires, Planning Administrative Assistant

Date