



REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT

Tuesday, September 28, 2021

Chair Marantino led the Planning Commission and audience in the Pledge of Allegiance. Meeting commenced at 7:00 p.m.

MEMBERS PRESENT AT ROLL CALL

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

Commissioner Rogers moved to **EXCUSE** Commissioner Pettinger from the September 28, 2021 meeting; *Commissioner Roberts* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes: Marantino, Caldwell, Rogers, Steffen, Roberts, Villasenor, and Damuth
Damuth will be voting members for the meeting**

OTHERS PRESENT

Planning Director Patrick Waller, Administrative Assistant Charlotte Squires, City Attorney Jim Neu and Joely Denkinger, Chanel 10 Salvador Tovar-Guzman, Jacquelyn Johnson, Mike Johnson, Ava Bowles, Matt Morgan, Dave Ebeler, Gerado Mojarro, Grady Hazelton, Jeff Simonson, Dave Burkes, Shanna Huser, Jeff Wadley, Tyler Kelly

APPROVAL OF MINUTES

Commissioner Rogers moved to **APPROVE** August 31, 2021 Regular Planning Meeting Minutes *Commissioner Damuth* seconded the motion. The motion **CARRIED** with the following vote:

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

2021-042 ZONING VARIANCE 124 W 2ND STREET SUITE A

The Chair called the Applicant(s) Jacquelyn & Mike Johnson

Others sworn in Tyler Kelly and Shanna Huser

Confirmed Public Notice was met

Commissioner Rogers recused herself from this agenda item and Commissioner Dow will be a voting member for this application.

Exhibit A an additional support letter is included at the end of the minutes labeled Exhibit A 142 W. 2nd Street Sign Variance.

PURPOSE

The applicant, MWJ LLC, is requesting a variance from the maximum sign area in the Central Business Zone District (CBD). The Rifle Municipal Code allows for sign area of 75 square feet in the CBD. The applicant has been approved for a 60 square foot sign on the front of the building and is requesting to put another sign on the side of the building that would add an additional 65 square feet.

STAFF REPORT

Planning Director Patrick Waller shared there was another comment sent via email after packets went out and put on top of your packets and will be marked as Exhibit A 2021-042 142 W. 2nd Street Suite A.

Planning Director Waller went through the Staff Report and shared the front of the building sign was approved through the sign application process, it did meet all the code requirements. The sign on the side of the building to be 65 square feet, and the limit in the Central Business District (CBD) is 75 square feet of total signage and that is the reason for the variance request from the applicant. The sign on the front of the building that was approved is 60 square feet and as mentioned in the CBD zone district signage maximum is 75 square feet and there is no limit of total wall signs. Some important items to consider, we are not looking at the content of the sign just the square area of the signage and this would require 5 votes for approval.

While Staff recommends that the Variance request is denied, if the Board of Adjustment approves the application, the following conditions are suggested:

1. The variance is approved for a wall sign on the eastern side of the building and is limited to a maximum of 65 square feet.

APPLICANT PRESENTATION

Ms. Johnson shared that the practical difficulties on the list have not been met, but we have dealt with some practical difficulties. I know our building lands in the CBD, but we are not central on West 2nd Street. There are 4 brick and mortar stores or business on 2nd Street collecting sales tax. That being said we are trying to employ every aspect necessary to bring people to 2nd Street, hence the big sign on the building. The sign was done by the Rifle welding group and it and to finally see their hard work upon the wall will be that little icing on the cake.

Commissioner Steffen replied if 65 square feet is what we are going to use then the sign is a little bit bigger at 68 square feet.

Chair Marantino asked if there is any intention of having it lit.

Ms. Johnson replied no we close at 4:30pm.

PUBLIC COMMENT:

Chair Marantino opened the public hearing and asked if there was anyone in the audience that wished to comment on the agenda item before them.

Tyler Kelly shared being the manager at the Brenden Theater can verify how hard it is to bring people to W. 2nd Street it doesn't have the same dominance as the business district on 3rd Street does, and appreciates the investments that the Johnson's have made on W. 2nd Street. The rules that are in place would be for a particular store front, but when you are talking visibility all the way around and the spot on the building can also be seen when heading south on Railroad and give another opportunity to bring people to W. 2nd Street. Tyler shared he supports the sign.

Shanna Huser shared being on the north end of town is just as difficult as being at the Johnson's location the signage is needed and is in favor of the sign.

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

COMMISSION QUESTIONS AND COMMENTS

Commissioner Damuth asked Staff under number one of the criteria, minor additions or structural or cosmetic changes can this not be just considered cosmetic changes.

Planning Director Waller replied from Staff's perspective because a sign requires a permit it elevates itself above the minor cosmetic change. If we looked at a minor cosmetic change for every sign then a variance would be granted for every application.

Commissioner Villasenor asked what is the code if they were in a different business district, what is the maximum square footage for signs in other districts.

Planning Director Waller replied it is based off linear feet of street frontage, there is not a maximum but based off linear building facing the street. The downtown is the only one with the maximum square footage.

Chair entertained a motion

Motion Made:

Commissioner Steffen moved to **APPOVE** 2021-042 Zoning Variance 124 W 2nd Street Suite A with all Staff's Recommendations:

1. The variance is approved for a wall sign on the eastern side of the building and is limited to a maximum of 65 square feet.

Commissioner Damuth seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes: Marantino, Caldwell, Steffen, Roberts, Damuth and Dow
No: Villasenor

Commissioner Rogers returned to the meeting – Commissioner Dow is no longer a voting member

2021-043 CONDITIONAL USE PERMIT 200 W. 20TH STREET (KINGS CROWN MHP)

The Chair called the Applicant(s) Jeff Simonson

Others sworn in Ava Bowles

Confirmed Public Notice was met

PURPOSE

The applicant is requesting approval for the expansion of the pre-existing mobile home park known as King's Crown. The park currently has 134 spaces and the applicant is proposing to add 66 mobile home spaces to the western portion of the park. The property is located in the MDR zone district, where mobile home parks require Conditional Use Permit approval.

STAFF REPORT

Planning Director Patrick Waller went through the Staff Report and shared the water, sewer and streets all will be maintained by the applicant. The applicant plans to mirror what is already on the property. In the northwest corner there will be additional outdoor storage. The expiation portion needs to meet the existing criteria outlined in the Rifle Municipal Code. Per the site plan there are a few areas of the Mobile Home Park Development Standards that needed some adjustment: 1) Minimum Mobile Home Spaces need to be 3600 s.f. 2) Buffer setbacks 25 feet. 3) Common Open Space / Recreational Area needs to be at least 15%. The applicant has come up with a plan to meet that. 4) Maintenance 5) Landscaping, 1 tree per lot. They will need a CDOT Access Permit and Engineer Verification once all the infrastructure is in place and meets the criteria.

Staff recommends that Planning Commission APPROVE Conditional Use Permit 2021-043 subject to the following conditions:

1. All representations made by the Applicant in the application and during the public hearing shall be conditions of approval, unless specifically altered by the Planning Commission.
2. The operation of the facility shall be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.
3. The applicant shall be in compliance with Mobile Home Development Standards as identified in Section 16-9-60. To demonstrate this compliance the applicant shall address the following items, prior to the issuance of the Conditional Use Permit.
 - a. The applicant shall update the plans to show that all lots meet the minimum 3,600 square feet minimum mobile home space requirement.
 - b. The applicant shall be required to install at least one tree with a two-inch caliper trunk of a species suitable for the Rifle area per mobile home space once the units are installed. The applicant shall provide documentation showing the types of trees that will be planted prior to the issuance of the Conditional Use Permit.
 - c. The applicant shall submit documentation that adequate provisions have been made for the maintenance of open space, grounds, recreational areas, and facilities.
 - d. The applicant shall update the submitted plans to demonstrate that at least 15% of the mobile home park is reserved as a park or other common open space that is suitable for active recreation.
4. Prior to the installation of units on the property, the applicant shall obtain a CDOT access permit and shall complete any infrastructure upgrades as required by CDOT. Documentation that this condition has been met shall be submitted to City Staff.
5. Prior to the issuance of the Conditional Use Permit, the applicant shall address referral comments and update the civil plans as identified in the September 7, 2021 referral letter from Mountain Cross Engineering.
6. Prior to the issuance of the Conditional Use Permit, the applicant shall update the plans to show a fire hydrant in the northwest corner of the property as required by Colorado River Fire Rescue.
 - a. As part of the Building Permit process, the applicant shall work with Colorado River Fire Rescue to install a Knox Box or Knox Box Padlock on the storage lot gate.
7. The facility shall be operated in compliance with Rifle Municipal Code requirements for Mobile Home Parks.
8. Once infrastructure installation is complete and before the installation of any units, the applicant shall provide documentation from a Professional Engineer indicating that all infrastructure and utilities have been installed per plans or with changes as approved by City Staff.

APPLICANT PRESENTATION

Mr. Simonson explained this project started in the late 70's in the oil shale boom, and was approved for 300 units for the master plan stand point, up to the 2000 it only developed a 106 spaces. In the 2000 time period they were approached by the city regarding a regional drainage project in the process of dedication of the easement for the regional drainage pipe through their property they also created a rededication plat form 300 down to 200 and subsequently created the first 33 spaces in the C section of the park. The 66 units were also going to be constructed and developed by the park which includes Stillwell Avenue and Sims Avenue. This project is not a redevelopment it has been a plan project for a

long time. As Staff mentioned some of the issues; the open space the park will need to dedicate some open space on the west side of the property and ultimately in the future there will likely be some single family homes developed when Fairway Avenue extension is completed and the open space would buffer between the mobile homes and the single family residential units. The conditions that Staff brought forward, we don't have any issues with those conditions and will be working with CDOT on the Access Permit.

COMMISSION QUESTIONS AND COMMENTS

Commissioner Rogers asked where the single family homes be located on the west side.

Mr. Simonson replied the single family homes would be a future proposal.

Commissioner Steffen asked the 15% is supposed to be inside the existing mobile home park.

Mr. Simonson replied yes with in the mobile home park, the western limits would expand to include additional open space.

Commissioner Steffen asked will that be developed into open space or left as dirt.

Mr. Simonson replied the proposal at this time would to make it pass open space, trails.

Commissioner Steffen commented with the existing open space in the center of the park now, how much more open space do you need to get to the 15%.

Mr. Simonson replied they would need south of the storage lot and would offset the property line off 107 feet.

Commissioner Villasenor asked when Fairway Avenue would go through, not at this time but would rather be in the future and not triggered by this project.

Mr. Simonson replied that is correct. Kings Crown dedicated a right of way for Fairway Avenue.

Attorney Jim Neu replied the City charges a Fairway Avenue fee for any new construction in the area, and this has been a big issue for this neighborhood for decades and believes the City has all the right of way from the deeds from 3 parties.

Commissioner Steffen asked if CDOT traffic study shows that another access point is needed are you ready to put in another access point.

Mr. Simonson replied at this point and time we will work with CDOT and see if that is something that needs to happen. When CDOT came through with the bypass they came through with the project being developed, what CDOT did not do is give them an access permit. We will work with CDOT to address the issues.

Attorney Jim Neu replied that is between the developer and CDOT we just identify it to confirm nothing is lost in the process.

Commissioner Rogers mentioned the topography plays a role in how this is laid out, is land going to be flattened or are the lots going to climb up the hill and then addressing the drainage issues.

Mr. Simonson replied generally the east and west streets are relatively running at flat grades, the 1 to 4% area we don't want to go in and tear up the site, it lends itself to sloping east to west and then north to south without a bunch of earth work needing to be done. The drainage issues are easily taken care of, when the regional detention pond was put in place the developments north of Kings Crown built the oversized pipe to take all the drainage from this facility.

Commissioner Caldwell asked parking spaces for each space will be 2 car parking, and knows there are some parking issues in the park currently.

Mr. Simonson replied yes 2 car parking, parking issues is a common thing everywhere. That's why they are doing the storage lot obviously is a necessary element.

Chair Marantino asked is it just going to be a lot.

Mr. Simonson replied it will be a secured lot with a security fence around it.

Chair Villasenor replied when putting in this many units open space is important, which was talked about with the 15% and it does appear there is a park in the area. Is there pedestrian access to the park, will there be some gates in the fence?

Mr. Simonson replied there is the central park in the area off 24th Street; pedestrian access is on the road ways and with the new streets sidewalks are being proposed.

PUBLIC COMMENT:

Chair Marantino opened the public hearing and asked if there was anyone in the audience that wished to comment on the agenda item before them.

Ava Bowles shared she is not against the idea and Rifle needs more affordable housing; wants to know 1) Would like the existing park tenants will get the same treatment as the new part use of the open space, a tree in their yards. The current open space in the park is blocked off and the park that was there has been removed. 2) Traffic getting onto HWY 13 – By-Pass is very dangerous on the south side of the park and on the north side the park 24th Street is very congested. The pedestrian crossing is unsafe, Please get Fairway Avenue open. 3) Parking issues, there are cars doubled park and trailers parked along the streets and almost cannot access the street to leave the park. The tenants are using the streets instead of the current storage area. Don't let them just fix up the new area and don't forget us that have lived there for a long long time.

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

COMMISSION DISCUSSION:

Chair Marantino replied his biggest concern is the traffic, being very familiar with the area and have seen the amount of traffic and congestion on 24th Street. This does fall under the category of affordable housing and is needed in Rifle and it is a lot of extra traffic for an area that is already congested.

Commissioner Rogers asked is there an HOA associated with the park

Mr. Simonson replied because it is in a common ownership with the park LLC they

Attorney Jim New replied there is management and there is no individual ownership so no HOA

Commissioner Rogers replied so no collective group to help dictate parking issues, landscaping and open space.

Commissioner Steffen asked this is all city water and sewer right.

Mr. Simonson replied the park is on city water and sewer but everything is privately owned and maintained inside the park.

Commissioner Steffen asked how it is metered.

Mr. Simonson replied there is a master meter; there is 2 master meters currently.

Commissioner Rogers replied the park will plow their streets as well.

Mr. Simonson replied that is correct.

Commissioner Caldwell asked can we request they refurbish their existing open space.

Planning Director Waller replied the way it is structured right now is prior to issuing the conditional use permit were going to get a look at their open space calculation. But it will be a Staff decision of whether or not it meets the criteria. Which was mentioned early that 15% that needs to be reserved for active recreation as possible.

Attorney Neu replied we are looking at a conditional use permit for the use and you got a lot more information in your packet because they are on their way to site plan so all that will happen at the administrative level and then that will be in force at that level as well but the 15% of the gross area should be developed and maintained as a park or other common open space suitable for active recreation so that's something that Patrick will be looking at site plan approval stage; then making sure that it stays that way throughout the life of the park.

Chair Marantino replied in perspective of staff notes most of the consensus from the board our concerns are the open space, the parking and traffic. 66 more units we are talking about a hundred and forty more cars and that much more parking traffic.

Attorney Neu replied this expansion puts Fairway Avenue back on our radar a little bit more, Patrick will look into the fund, grants and infrastructure bill and all that we hear about. This is pretty important and has been for a long time, I think we should raise it up a little bit on our list because it would serve a ton of population in Rifle.

Chair Marantino replied that neighborhood would benefit from it and maybe readdressing the entrance you were sharing and making that an entrance only or one way or something like that. I have experienced that.

Attorney Neu replied with the CDOT access permit, CDOT is an expert in accessing their highway, I don't think they are done with that, we all have our own perception of what safety is but CDOT has a pretty good one on accessing their highway and will figure that out.

Commissioner Villasenor replied just to summarize the thoughts so if we approve what they are bringing today it's still contingent on CDOT access permit and it would require the green open space. As far as parking in their mobile home park

Planning Director Waller replied they meet the city code requirements, we only require 2 spaces per unit.

Chair Marantino asked and that can be enforced by their- own onsite management.

Planning Director Waller replied correct, the city would not monitor the private streets.

Attorney Neu replied the city can enforce the maintenance of the open space though.

Chair Marantino asked for a motion

Motion Made:

Commissioner Caldwell moved to **APPOVE** 2021-043 Conditional Use Permit 200 W. 20th Street (Kings Crown MHP) with all Staff's Recommendations:

1. All representations made by the Applicant in the application and during the public hearing shall be conditions of approval, unless specifically altered by the Planning Commission.
2. The operation of the facility shall be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.

3. The applicant shall be in compliance with Mobile Home Development Standards as identified in Section 16-9-60. To demonstrate this compliance the applicant shall address the following items, prior to the issuance of the Conditional Use Permit.
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4. Prior to the installation of units on the property, the applicant shall obtain a CDOT access permit and shall complete any infrastructure upgrades as required by CDOT. Documentation that this condition has been met shall be submitted to City Staff.
5. Prior to the issuance of the Conditional Use Permit, the applicant shall address referral comments and update the civil plans as identified in the September 7, 2021 referral letter from Mountain Cross Engineering.
6. Prior to the issuance of the Conditional Use Permit, the applicant shall update the plans to show a fire hydrant in the northwest corner of the property as required by Colorado River Fire Rescue.
 - a. As part of the Building Permit process, the applicant shall work with Colorado River Fire Rescue to install a Knox Box or Knox Box Padlock on the storage lot gate.
7. The facility shall be operated in compliance with Rifle Municipal Code requirements for Mobile Home Parks.
8. Once infrastructure installation is complete and before the installation of any units, the applicant shall provide documentation from a Professional Engineer indicating that all infrastructure and utilities have been installed per plans or with changes as approved by City Staff.

Commissioner Damuth seconded the motion. The motion **CARRIED** with the following vote:

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

2021-037 SITE PLAN RESIDENTIAL USE 2128 RAILROAD AVENUE

The Chair called the Applicant(s) Juan Solis

Others sworn in Grady Hazelton, Shanna Huser, Matt Morgan, Dave Burkes, Jeff Wadley, and Sharon Ebeler

Confirmed Public Notice was met

PURPOSE

The applicant is requesting approval to convert an existing office building into a residential use with a total of 17-units. The applicant plans to phase the units in over time.

STAFF REPORT

Planning Director Patrick Waller went through the Staff Report and shared it is an existing office building that is mostly vacant right now. The site plan provided shows the paved alleyway in back as well as parking areas in the rear and front. The property has been rezoned from light industrial and currently the use proposed switches for this multi family dwelling units is considered a use by right within this zone district, all that they're required to do is go through a site plan review process. Site plan review is normally done at staff level but our code identify specifically that this needs to go to Planning Commission. The parking issues that were looked at proposed 20 parking spaces and 28 parking spaces required and the number of spaces shown on the site plan were different than what was on site; there are currently only 27 parking spaces. CDOT identified that they had no issues with the existing access and the change of use. Landscaping the code specifically requires once 50% of the building is renovated or changed that is when our landscaping requirements kick in. Any change of use from the existing office space to the residential units is subject to all our impact fees including water, waste water, and park land and off street impact fees the applicant will be required to pay those for all the units. Building permits will be required for each individual unit and so the applicants plan is to phase in the units over time. The first initial permit will be for the shell of the building to make sure that it meets all fire life safety requirements.

Staff recommends that the Planning Commission **APPROVE** the site plan for the conversion of the existing building at 2128 Railroad Avenue to a residential use with 17 one-bedroom units, subject to the following conditions:

1. Prior to the issuance of the Building Permit, the applicant shall provide documentation from a Professional Engineer that the existing water service line is adequate for the change in use. If the lines are not adequate, the applicant shall upgrade these lines as part of the Building Permit process.
 - a. The applicant shall meet City of Rifle Utility requirements including those identified in the referral comments from September 3, 2021.
2. The issuance of the Building Permit shall be subject to payment of City of Rifle Fees.
3. The applicant shall apply for and receive a Building Permit before any work is started on the conversion.
4. The applicant shall receive required Certificates of Occupancy before occupying any of the proposed residential units.
5. Building Permit submittals for future units shall provide documentation that the proposal is in compliance with Rifle Municipal Code parking requirements.
6. Once the applicant renovates more than 50% of the building, they shall be required to submit a landscaping plan that meets Rifle Municipal Code requirements and install new landscaping. Every submitted building permit shall demonstrate whether 50% of the building has been remodeled.

Staff is adding an additional condition to the Staff Recommendations number 7 to read as:

7. Prior to the issuance of the initial Certificate of Occupancy the applicant shall repair the asphalt in the back parking area and shall restripe the parking area.

APPLICANT PRESENTATION

Mr. Solis shared this is a project that's going to help a lot of people because we run out of places to live and everybody needs a place to live and this is going to help a lot of people get off the streets.

COMMISSION QUESTIONS AND COMMENTS

Chair Marantino asked this is for 17 units and there are currently other businesses in there.

Mr. Solis replied there is only going to be 17 units and no other business, the business there will be gone and when everything is done everything is going to be apartments.

Chair Marantino asked so the intention for it is to become apartments for the record.

Mr. Solis replied yes.

Chair Marantino asked is there room for all the parking needed there.

Planning Director Waller replied there is Staff went out and confirmed that on site visit.

Commissioner Rogers mentioned it looks like they are going to be 1 bedroom apartments.

Mr. Solis replied yes.

Commissioner Villasenor asked what would need to be done to the landscape to bring it up to code.

Planning Director Waller replied there is limited landscaping and basically it would require some additions to and changes to the islands on either side of the access, the applicant would need to provide panting in locations of trees that would work for our landscaping code.

Commissioner Damuth asked what the availability of parking if it were to go over.

Planning Director Waller replied the way the approval is structured every time the applicant comes in for a building permit were going to look at parking to make sure it's still meeting our requirements meeting all the recommendations so it won't go over.

Commissioner Rogers asked it looks like you are not changing the exterior of the building at all, or doing in new front area.

Mr. Solis replied no.

Commissioner Rogers asked if there was an elevator in the building.

Mr. Solis replied no.

PUBLIC COMMENT:

Chair Marantino opened the public hearing and asked if there was anyone in the audience that wished to comment on the agenda item before them.

Grady Hazelton shared he owns Wing Nuts the north property adjacent and was in attendance for the rezoning concerning this property which was a zoom meeting and it was his understanding that this was going to be some possible smaller maybe 2 or 3 bedroom apartments upstairs, retail downstairs and I had the intentions to be in support of it. We do have a housing issue; the building has been mostly vacant for most of the time. Since the time I went on record to say I support the project there has been a track record with the building, we won't go into all the details for staff is well aware of all the history. Mr. Hazelton shared he has a lot of concerns on the traffic in and out of there, he doesn't have any problems sharing access between the 2 lots, it has been done that way for 15 years and it's worked well. The trash has been a big problem there has been people that have been living in the apartments and trash stacked outside his restaurant to the point he had to put up a shield so the customers didn't have to look at all the trash. There is no open space whatsoever around that building for kids to play. If it is 1

bedroom apartments I'm guessing this isn't geared towards families this is probably geared toward single people or maybe a couple but if there are kids involved they have nowhere to go and if that area is all used for parking they won't have a place to play. The kids have been playing in his parking lot of the restaurant. Dogs, I never had to pick up poop before and in the last year it had to be done almost daily. There is a bad track record and he does not approve this plan at all; as far as 17 units it is completely out of control.

Shanna Houser shared she is the owner of Elmer Glass east of the adjacent property and shared she was in favor of the project at the rezoning for we are needing some affordable housing and for the right people that's okay, but when it's not the right type of people outside my back door it kind of gives me a creepy feeling when I pull up and I see people sleeping in vehicles or vehicles that are completely damaged. There are times she works late and since then have installed some security cameras just because the fact she does worry about her safety not to mention the premises around the building. Her parents Matt and Jo Morgan own the lot north and the property between the two buildings is private property. With Napa going in on 21st Street a lot of people have been using that space as a thoroughfare just to go though. The alley is not paved and there is a concern for the amount of trash the amount of people that are going to be going through the space between the buildings. There are arrangements at times we need to have a customer's vehicle stay outside overnight, what happens if something gets broken and that's where the type of people I've noticed in there are not the type of people that I think is best for our community right there and would hope that we would be choosing a better type of people. Ms. Houser said she don't like to judge because everybody deserves a second chance.

Mr. Solis replied you have something against us the people that were there, you are saying that they are all bad people.

Chair Marantino asked Ms. Houser as a procedural thing to address your comments to the board.

Ms. Houser replied her biggest concerns is she would like it to be known she don't want people to be traveling through the two parking areas; keeping trash in the dumpster on their own property and making sure it is big enough to accommodate all the trash that is going out. There has been times visiting with the trash guy out there and he literally has so much that when he dumps it he leaves it scattered over my parking lot and then I have to pick it up and she does not approve of the project and would rather the project not go through for that many units and like Grady if it was opened up to businesses or something like that it could probably be a good fit.

Dave Burkes shared he doesn't know how anyone on lot 5 could back out with the other parking spots put in on the site, unless it was a motorcycle. There was a personal deal that he was involved in while making a delivery to Wing Nutz through their back door, one of Mr. Solis tenants pulled up behind and just started screaming at him that he was blocking the alley and didn't feel that it was an issue and was brushing it off and he continued to scream. Dave went on to say he explained he was making a delivery at Wing Nutz and will move the vehicle as soon as he was done. After making the delivery he moved the vehicle and the tenant got behind him and just honked his horn all the way out. That is not type of tenants that are conducive for that area. The commercial building that has been there for many years doesn't matter how much powdered sugar we put on it still going to be a commercial building. We do need housing, 17 units your saying 1 bedroom units and in reality how many people do you know have 1.5 cars in today's work environment, it should be immediately raised to 2 cars and see how the parking works out. Dave shared he is with the others, yes we need responsible housing and the track record needs to be looked at; to see how the track record is working take a look at 3rd and Park Avenue and take a look at his other housing projects. Make your decision from there.

Matt Morgan shared his biggest concern is the parking and they will encroach on the space between his two buildings and getting the vehicles parked in there would hurt our business. The other is the dog messes that we have had to clean up. Mr. Morgan replied he is not for this project at all.

Jeff Wadley thanked all the staff for their time and effort into the meetings. Mr. Wadley shared he is the owner of the two properties south of this property and was for the zoning change at first because reading the definition, Mr. Wadley read the community service business district (CS) code; went on to say it is for retail and commercial use to benefit the citizens and does see residential is a permitted use. That permitted use was intended to correlate with the other retail or commercial business use of that facility and that why I said the zoning change was fine. He has been under the same similar misconception; this building use has changed radically. 17 units in the building there will be a parking problem; those cars can't turn around, where those cars are going to turn around parking in the alley without going on private property and the alley only goes in and out one way. Open space 15% of the developed building and doesn't see where they are going to come up with that on that property. Mr. Wadley mentioned there is no streets to park on, you can't park on Hwy 13 nor in the alley and block the right away, but that probably will end up happening. The fear of the business in the area on 21st Street will catch all the overflow parking; the 1.5 calculation for parking spaces per unit needs to be updated. There is no place to remove snow, no place to store the snow on the property and would have to be hauled off. If there are children where are they going to play, there is no place for children to play. The trash is a huge problem; Mr. Wadley shared he had already visited with Mr. Solis about the trash. CS zoning is one thing but going to total residential is something else in a light industrial neighborhood; that is what's going on in that neighborhood and is not conducive to children playing in the neighborhood. Mr. Wadley asked if there would be some improvement or community funding that comes from the development of this size that will improve parks or the right of way for children to get to the park whether it is walking or on a bicycle. Mr. Wadley shared he needs to know the reliance of the light industrial zoning (LI) in that area is going to be maintained; you build an airport then a subdivision goes around the airport and then everybody complains about the airport and he is not interested in hearing those complaints in a few years because there's noise in his industrial area. Mr. Wadley shared he did not have any damage or vagrancy on his property until this last year; and now has vagrancy breaking into vehicles and stealing batteries, sleeping in vehicles that they've broken into that belong to him, there are a lot of security issues.

Sharon Ebeler replied she is the tenant at the property and has been for the last 26 years; the reason she came to the meeting is to share if she has to move and finding another location she is looking at the time frame of how this building is going to be developed out and how much time she will have to find something else.

Chair Marantino asked Ms. Ebeler if she was aware the plans were to make the building all residential.

Ms. Ebeler replied I just found out.

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

COMMISSION DISCUSSION:

Commissioner Steffen asked Patrick, Planning Director to address that community services part of not all totally residential.

Planning Director Waller explained each of the zoning districts have the intent written behind them really that the regulatory piece is that use table piece and this use is allowed by right in that zone district so that's the way Staff looks at it for approval of multi-family dwelling.

Attorney Jim Neu replied this code provision was added a long, long time and to have Planning Commission look at the site plan because multi-family building can be very big. You can have a medium density residential (MDR) lot with lots of neighbors in there and this building gets put in with just Staff review and there's no public process and that was the intent of the planning commission's review of the site plan. When this one came it was interesting because it's an existing building with the

conversion but it still seemed very relevant and needed Planning Commission to look at the site plan and most of the things heard tonight was on his mind landscaping, recreation, parking so you have heard everything and that is why this application is here. This is something the code would look at but the code is more black and white, do you meet it okay then staff is kind of done. This project has a little more art to it and need seven smart minds looking at it and given some direction, this is a tough one. It is a use by right so it is allowed, how many units that's not for sure, a lot of things can be probably addressed with comments from commission or you can just flat right out vote on it.

Chair Marantino asked is there people currently living in the building now.

Attorney Jim Neu replied not at the moment.

Chair Marantino replied it sounds like there is a whole lot of activity there.

Attorney Jim Neu replied there is history that from Staff's perspective wasn't relevant to provide to you in the staff report. We're trying to get the rules to be understood and followed and we are in the process.

Commissioner Caldwell asked when the applicant came to us what was approved.

Planning Director Waller replied the rezoning was approved from light industrial (LI) to community services (CS) based off commissioners and then City Council's final approval. The CS opens up a new use table to the applicant so they can have new uses that go on that property; some are subject to site plan come to conditional use permits some of which are not allowed that may be allowed in LI.

Commissioner Rogers replied it was not just this building it was that whole area.

Planning Director Waller replied that's a separate application, and that application did come in front of commission for the entire part of that north triangle area and that was denied or withdrawn so the only thing CS in that area is this particular property. Shared they do have the option to continue a hearing if you want more information, if you thing something needs worked on that's always an option for you.

Commissioner Steffen asked when it was initially discussed to have commercial on the bottom and some residential what brought those changes about.

Mr. Solis replied the commercial side is never going to work there, the building was built because of the oil fields and since the oil fields are gone there's nobody interested in commercial buildings right now everything is empty. Mr. Solis shared he has been planning this for a long time and it doesn't work to do commercial in Rifle, nobody needs an office; everybody needs an apartment in Rifle but not an office space.

Attorney Jim Neu asked is there 17 offices now

Mr. Solis replied there are 18 offices right now, before the same people, same traffic, same everything I don't know what we changed the mentality of the building because the office there are going to be how many cars in those parking spaces; and office needs more parking than an apartment.

Planning Director Waller replied for the board's clarification this was approved back in 1982 and so now we are looking at it through the lens of our current code and they didn't have parking standards at that time.

Chair Marantino stated the need for office space is probably diminish somewhat but you do have one tenant in there now that does need it, so it is not completely gone. As the parking is concerned I would agree with that the parking is different for residential versus commercial but it is different you have twenty four parking as opposed to just daytime business hours type of parking. Listening to the public comments he has the same concerns and it sounds like there's a lot of activity at this building when we

don't have any residents in there currently, the parking is a concern the neighboring businesses and remembers when this first came up and he was under the same impression that this is going to be split use; it was going to have some commercial and residential and it sounds like now it is all residential and don't see how that fits into the neighborhood.

Commissioner Damuth replied he has concerns with the lack of open space, recreation areas there's no park. Commissioner Damuth asked where the closet park is; Joyce Park and having to cross HWY 13

Attorney Jim Neu replied Deerfield Park.

Commissioner Villasenor asked is there any requirements for open space with 17 units.

Planning Director Waller replied there are not, if it was a subdivision yes.

Commissioner Rogers replied with all the public comments presented she would have a hard time passing this; she believes in mixed use approach if the applicant wants to go back to the drawing board of commercial downstairs and residential upstairs she would be more in favor of that typically with residential parking issues with commercial you have residents leaving during the day and business can use those spaces and then there is more parking available. 17 units without all the other amenities is not a good plan.

Commissioner Roberts replied she agrees 17 units sound like a lot and not very much square footage for each apartment.

Commissioner Steffen asked if we moved to deny it can we deny it with the applicant having an option to come back and bring something else to the board.

Chair Marantino replied to Staff if they can help with verbiage as far as options we can approve, approve with conditions or deny it or is there a forth option of tabling it or....

Attorney Jim Neu replied that is another option you can continue it with direction and the things I'm hearing from the public and think commission is grabbing onto as well, reduction in units would be one thing because we have parking and traffic circulation issues you reduce the units and you could....

Commissioner Steffen replied from his point of view he wants to make sure he makes a motion I want to deny 17 units. Something totally different would have to come back.

Attorney Jim Neu asked is there general consensus on that, just trying to organize

Chair Marantino replied yes he is hearing it as a consensus that 17 residential units are too much for that property. Understands that there are 18 office spaces currently but 17 residential units with the things that come along with residency in the commissions view too much for that property.

Attorney Jim Neu replied then to continue probably doesn't make sense because it's going to take a real close look at solving this. A denial is what he is hearing if that is the way commission wants to go then the issues the applicant can think about to re-apply would be reduced units, so definitely looking at open space, make the parking plan work look at traffic circulation, pet relief area thing about the alley circulation, potential fencing to mitigate the interactions with the neighbors, are there any other issues?

Chair Marantino replied trash.

Attorney Jim Neu replied if commission wants to make a motion Staff has the direction to help steer the applicant with future plans for the property.

Chair Marantino asked for a motion

Motion Made:

Commissioner Steffen moved to **DENY** 2021-037 Site Plan Residential Use 2128 Railroad Avenue
Commissioner Caldwell seconded the motion. The motion **CARRIED** with the following vote:

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

2021-0449 TEXT AMENDMENT – CHILDCARE FACILITY

The Chair called the Applicant(s)

Confirmed Public Notice was met

PURPOSE

In 2021 the Colorado State Legislature passed HB21-1222 which was intended to help make it easier for people to operate “child care homes” within a residence. The State Statute defines child care homes as “a state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the child care is provided”.

If a use meets this definition, the new statute requires local governments treat these facilities as residences for the purposes of licensures and local regulations, including zoning, land use development, fire, and life safety, and building codes.

This proposed Text Amendment is intended to align the City of Rifle Zoning Code with State of Colorado law.

STAFF REPORT

Planning Director Patrick Waller went through the Staff Report and shared the changes to be made to the code.

Staff recommends that Planning Commission **RECOMMEND APPROVAL** to the City Council of the proposed text amendments as outlined in the staff report for Case # 2020-049.

COMMISSION QUESTIONS AND COMMENTS No Comments

PUBLIC COMMENT:

Chair Marantino opened the public hearing and asked if there was anyone in the audience that wished to comment on the agenda item before them.

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

COMMISSION DISCUSSION: No Comments

Chair Marantino asked for a motion

Motion Made:

Commissioner Steffen moved to recommend to City Council to **APPOVE** 2021-049 Text Amendment-Childcare Facilities with all Staff’s Recommendations. *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

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

COMMENTS AND ADJOURNMENT

Planning Director Waller shared there will be a new planner starting October 13th, and excited to have her come in from North Carolina.

Commissioner Villasenor shared on Saturday October 2nd speaking of the Grand Hogback trails they are having the Grand Hogback extravaganza by Rambo, it's not a race it's just fundraising; there's going to be tables and booths and dice rolling and it's going to be really fun. Come out at 8:00 and sign up its \$25.00 and all the money goes right back into the next phase to get more mountain bike trails.

Commissioner Caldwell shared October 8th Rifle High School will be celebrating their football champions and the presentation of the championship rings to the kids and encourage everyone in the public to come out and support the Rifle Bears.

Commissioner Rogers shared after mountain biking all day they can go to the Ute Theater an Eagles Tribute band playing starts either 7 or 8 p.m., and should be a lot of fun.

Chair Marantino adjourned the meeting at 8:50 p.m.

Dustin Marantino, Chairman

Date

Signed Copy on file

Charlotte Squires Administrative Assistant

Date

Exhibit A
142 W. 2nd St Sign Variance
(add to the mint)

From: [Patrick Waller](#)
To: [Charlotte Squires](#)
Subject: FW: 124 W. 2nd St, MWJ LLC sign Variance
Date: Monday, September 27, 2021 11:57:32 AM

Hi Charlotte,

Can we make sure this comment gets printed for Planning Commission and it is included in the public record.

Patrick Waller
City of Rifle Planning Director
970-665-6499
pwaller@rifleco.org

From: John Savage [mailto:savagejw@slcjbs.com]
Sent: Monday, September 27, 2021 11:52 AM
To: Patrick Waller
Cc: 'Johnson Construction, Inc. (mike@johnconinc.com)'; 'SALLY M. BRANDS (sally.brands@gmail.com)'; 'Jeb John B Savage (JBSinCO@gmail.com)'
Subject: 124 W. 2nd St, MWJ LLC sign Variance

We are the neighboring property to the east. Johnson Construction's renovations and signage have been a great asset to the street scene on 2nd St. We have no objection to the requested Variance and hope P&Z will approve the request.

John Savage; savagejw@slcjbs.com
Savage Land Co
201 Railroad/PO Box 1926, Rifle, CO 81650
Mobile: 970-379-6745; fax: 970-625-0803

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