



**CITY OF RIFLE  
PLANNING COMMISSION REGULAR MEETING  
PUBLIC HEARING**

**October 25, 2022  
Rifle City Hall – Council Chambers**

**Regular Meeting**

7:00 PM Convene Regular Planning Commission

7:01 PM Roll Call

7:02 PM Approve Minutes from September Planning Commission Meeting

7:05 PM **PUBLIC HEARING** 2022-047 - Text Amendment Package  
(to address: two-unit dwellings, multi-unit dwellings in commercial areas, minimum residential lot sizes in commercial areas, accessory dwelling unit fees, tow yards, accessory storage structures for commercial uses, principal uses on residential property, and food trucks.)

7:40 PM Consider Combining November and December Meetings on December 13, 2022

7:45 PM Member Comments and Adjournment

*The order and times of agenda items listed above are approximate and intended as a guideline for the Planning Commissioners.*

*Next Regular Planning Commission Meeting TBD, 2022*





## REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT

Tuesday, September 26, 2022

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**Chair Marantino**- Led the Planning Commission and audience in the Pledge of Allegiance.

Meeting commenced at 7:01 p.m.

### **Members Present at roll call:**

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

### **Others Present:**

- Planning Director Patrick Waller, Senior Planner Geir Sverdrup, City Attorney Lawrence Bond, Administrative Assistant Yesica Lovo, City Clerk Misty Williams, Chanel 10 Michael Churchill.

James & Shana Garcia, Lisa Knox, Jessica Riddle, Dan Kazak, Kent Joliey, Alice Kuersten, Melissa Carter, Milton Rodas, John Kuersten, Harold Martinez, Mark Hayes, Janey Dyke, Teri & Terry Davis, Mary Bridges, Daniel Wyrzykowski, Tianna Davis, Robert Peters, Kaitlyn Kuersten, Ben Snyder, Connie Taylor.

### **APPROVAL OF MINUTES**

#### **Minutes for July 26, 2022**

*Commissioner Caldwell* moved to **APPROVE** the July 26, 2022 Regular Planning Meeting minutes.

*Commissioner Rogers* seconded the motion.

The motion **CARRIED** with the following vote:

- **Yes:** Marantino, Caldwell, Rogers, Villasenor, Steffen, Roberts, Damuth, and Dow

#### **Minutes for August 26, 2022**

*Commissioner Rogers* moved to **APPROVE** the August 26, 2022 Regular Planning Meeting minutes.

*Commissioner Roberts* seconded the motion.

The motion **CARRIED** with the following vote:

- **Yes:** Marantino, Caldwell, Rogers, Villasenor, Steffen, Roberts, Damuth, and Dow

## **2022-032/033 Preliminary Plan and PUD Rezoning Request**

### ***Chair Marantino***

Called applicant(s) up: Fernando Argiro, Jeff Simonson & John Kuersten

Confirmed that public notice was met.

### ***Staff Report:***

*Planning Director Patrick Waller*

Shared the details of the staff report; Staff recommends approval of the preliminary plan application and a recommendation of approval of the rezoning request, with conditions, to be sent to City Council.

### ***Applicant Presentation:***

*Mr. John Kuersten* - shared presentation including a floor plan video.

### ***Public Comments:***

*Chair Marantino* Opened the public hearing and asked if anyone in the audience wished to comment on the agenda item before them.

Harold Martinez, Mary Bridges, Terry Davis, Connie Taylor, James Martinez, Janey Dyke, Dan Kazak, Robert Peters, Kaitlyn Kuersten, Mark Hayes, and Milton Rodas, shared their comments.

*Chair Marantino* asked if anyone else wanted to comment further. Seeing no one, the public input portion of the hearing was closed

***Commission Discussion:*** There was discussion between Commissioner's, Staff and applicant.

## **2022-032 Preliminary Plan**

*Chair Marantino* asked for a motion

*Commissioner Steffen* moved to **APPROVE** Preliminary Plan 2022-032 **with 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. All Staff and referral agency comments (including comments from Mountain Cross Engineering, City of Rifle Public Works, City of Rifle Utilities, Colorado River Fire Rescue, and Xcel Energy) shall be incorporated into the Final Plat submittal as noted in referral comments attached to this Staff Report, including but not limited to:
  - a. Floodplain issues
  - b. Utility design
  - c. Turn Lane Warrant information on Railroad
  - d. Stormwater Detention Areas

- e. Access Road Information
3. The applicant shall provide a maintenance and access agreement for the shared access to the development, for City Staff review, as part of the Final Plan application.
4. The applicant shall record an easement, identify cross section information, and provide maintenance information to the satisfaction of Colorado River Fire Rescue regarding the emergency access easement, prior to the recording of the Final Plat.
5. The applicant shall supply HOA documents for City Staff review, for maintenance of common areas as part of the Final Plat application.
6. The applicant's proposed PUD shall be amended as follows:
  - a. Sidewalks shall be required to be 5' within the development
  - b. Carports shall have a front yard setback of 10 feet.
  - c. All properties shall be developed with a storage shed.
  - d. Siding options and building footprints shall not be replicated on adjoining lots.
  - e. Sheds shall not be permitted in the front yard setback.
7. The applicant shall provide updated engineered plans that will be reviewed and accepted by referral agencies as part of the Final Plat application. The updated plans shall address comments, to the satisfaction of the referral agency, that were provided at Preliminary Plan. Additional modifications may be required as part of this review.
8. The applicant shall install a six foot privacy fence along the northern property boundary.
9. The applicant shall work with City and Legal Staff to address the requirements for owner occupied units.

*Commissioner Damuth* seconded the motion.

After the motion was made, but before it was voted on, the applicant asked Planning Commission to consider their request regarding the removal of the requirement for a turn lane analysis. Based on that request Planning Commission took the following action on the item:

The motion was Denied with the following vote:

***Roll Call:***

**Yes:**

**No:** Marantino, Caldwell, Rogers, Villasenor, Steffen, Roberts, and Damuth

After considering and discussing the applicant's request regarding the turn lane analysis *Chair Marantino* asked for a motion

*Commissioner Steffen* moved to **APPROVE** Preliminary Plan 2022-032 **with 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. All Staff and referral agency comments (including comments from Mountain Cross Engineering, City of Rifle Public Works, City of Rifle Utilities, Colorado River Fire Rescue, and Xcel Energy) shall be incorporated into the Final Plat submittal as noted in referral comments attached to this Staff Report, including but not limited to:
  - a. Floodplain issues
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  - e. Access Road Information
3. The applicant shall provide a maintenance and access agreement for the shared access to the development, for City Staff review, as part of the Final Plan application.
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  - d. Siding options and building footprints shall not be replicated on adjoining lots.
  - e. Sheds shall not be permitted in the front yard setback.
7. The applicant shall provide updated engineered plans that will be reviewed and accepted by referral agencies as part of the Final Plat application. The updated plans shall address comments, to the satisfaction of the referral agency, that were provided at Preliminary Plan. Additional modifications may be required as part of this review.
8. The applicant shall install a six foot privacy fence along the northern property boundary.
9. The applicant shall work with City and Legal Staff to address the requirements for owner occupied units.

*Commissioner Damuth* seconded the motion.

The motion **Carried** with the following vote:

***Roll Call:***

**Yes:** Marantino, Caldwell, Rogers, Villasenor, Steffen, Roberts, and Damuth

**No:**

**2022-033 PUD Rezoning Request**

*Chair Marantino* asked for a motion

*Commissioner Villasenor* moved to **RECOMMEND** to City Council Approval of PUD

Rezoning Request 2022-033 with 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. All Staff and referral agency comments (including comments from Mountain Cross Engineering, City of Rifle Public Works, City of Rifle Utilities, Colorado River Fire Rescue, and Xcel Energy) shall be incorporated into the Final Plat submittal as noted in referral comments attached to this Staff Report, including but not limited to:
  - a. Floodplain issues
  - b. Utility design
  - c. Turn Lane Warrant information on Railroad
  - d. Stormwater Detention Areas
  - e. Access Road Information
3. The applicant shall provide a maintenance and access agreement for the shared access to the development, for City Staff review, as part of the Final Plan application.
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  - a. Sidewalks shall be required to be 5' within the development
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  - c. All properties shall be developed with a storage shed.
  - d. Siding options and building footprints shall not be replicated on adjoining lots.
  - e. Sheds shall not be permitted in the front yard setback.
7. The applicant shall provide updated engineered plans that will be reviewed and accepted by referral agencies as part of the Final Plat application. The updated plans shall address

comments, to the satisfaction of the referral agency, that were provided at Preliminary Plan. Additional modifications may be required as part of this review.

8. The applicant shall install a six foot privacy fence along the northern property boundary.
9. The applicant shall work with City and Legal Staff to address the requirements for owner occupied units.

*Commissioner Caldwell seconded the motion.*

The motion **CARRIED** with the following vote

***Roll Call:***

**Yes:** Marantino, Caldwell, Rogers, Villasenor, Steffen, Roberts, and Damuth

**No:**

**Comments and Adjournment: 9:20 PM**

\_\_\_\_\_  
Dustin Marantino, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Yesica Lovo Administrative Assistant

\_\_\_\_\_  
Date

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



**MEMORANDUM**

TO: City of Rifle Planning Commission  
FROM: Patrick Waller, Planning Director  
DATE: October 25, 2022  
SUBJECT: Text Amendment Application

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**Background**

Since transitioning from the previous Planning Director, Staff has been keeping a list of Text Amendments to the Rifle Municipal Code. The following are Staff's recommendations to Planning Commission for Text Amendments.

**Two-Unit Dwellings**

The Code currently allow for multi-unit dwellings as a use by-right in MDR and MDR-X zone districts (it does not allow the use in LDR). A multi-unit dwelling is considered three or more dwellings, but the code does not identify duplexes or townhome dwellings as a use allowed in residential zones. Historically, the City has interpreted these residential uses as allowed in certain residential zone districts. This use is already identified in the zoning code, so it only needs to be added to the use table.

*Proposed Change (in red)*

Sec. 16-3-320. Schedule of uses for residential districts.

The following is the schedule of uses for the LDR, MDR and MDR-X Zone Districts:

| <b>USE</b> | <b>LDR</b> | <b>MDR</b> | <b>MDR-X</b> |
|------------|------------|------------|--------------|
| Duplex     | *          | P          | P            |
| Townhome   | *          | P          | P            |

**Multi-Unit Dwellings in Commercial Areas**

Multi-Unit dwellings are considered a use by-right in Tourist Commercial and Community Service zone districts. However, the Code requires a Site Plan review in front of the City of Rifle Planning Commission. Occasionally these commercial locations have difficult compatibility fits with neighboring businesses. Staff suggests that multi-unit dwellings in these locations be considered through Conditional Use Permit applications.

*Proposed Change (in red)*

Sec. 16-3-420. Schedule of uses for commercial and industrial districts.

The following is the schedule of uses for the CS, TC, LI and I Zone Districts. For the Central Business District, see Section 16-18-1010 of this Chapter.

| <b>USES</b>               | <b>CS<sup>1</sup></b> | <b>TC<sup>1</sup></b> | <b>LI</b> | <b>I</b> |
|---------------------------|-----------------------|-----------------------|-----------|----------|
| Multiple-family dwellings | P C                   | P C                   | *         | *        |

**Minimum Lot Sizes in Commercial Areas**

The City Code currently identifies a minimum lot size of 6,000 square feet per unit in the commercial zone district. Staff has historically interpreted this to only be required for



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single-family development. For any sort of high density development in commercial locations, it is almost impossible for a project to meet this requirement. Staff recommends clarifying this requirement similarly to the changes that were made in the residential zone districts, where it is identified as a single-family requirement.

*Proposed Change (in red)*

Sec. 16-3-440. Schedule of requirements for commercial and industrial districts.

The following is the schedule of requirements for the CS, TC, LI and I Zone Districts. For the Central Business District, see Section 16-18-1010:

| <b>ZONING REQUIREMENTS</b>   | <b>TC, CS</b>             | <b>LI, I</b>   |
|--|---------------------------|--|
| Minimum Yard Requirements:   |                           |  |
| Front Yard Setback   |                           |  |
| Federal Interstate   | 100 feet                  | 100 feet   |
| State Highway  | 50 feet                   | 20 feet  |
| Local Street   | 15 feet                   | 15 feet  |
| Side Yard Setback [if corner lot, see §16-3-450(e)]                    | 10 feet                   | 10 feet  |
| Rear Yard Setback  | 15 feet                   | 5 feet; 20 feet if abutting a residential zone district    |
| Minimum Lot Area:  |                           |  |
| Nonresidential   | 10,000 sq. ft.            | 10,000 sq. ft.   |
| <b>Single Family Minimum Lot Size Residential</b>                      | <b>6,000 sq. ft./unit</b> | <b>N/A <del>Maximum</del> — <del>Building Height</del></b> |
| Building heights in excess of 35 feet require a conditional use permit | 35 feet                   | 35 feet  |

**Accessory Dwelling Unit Fees**

Staff has had a number of conversations with property owners who have identified City impact fees as a significant barrier to ADU construction. Currently the City gives ADU’s a break on water and wastewater fees; the applicant is required to pay 60% of what would be charged for a single-family residence. However, both Parkland and Offsite Street Impact fees are required to be paid fully. Based on this fee structure, impact fees for an ADU permit are as follows:

| <b>City of Rifle ADU Impact Fees</b> |                    |
|--------------------------------------|--------------------|
| Wastewater                           | \$3496.03          |
| Water                                | \$3549.17          |
| Offsite Street                       | \$6034.77          |
| Parkland                             | \$3554.26          |
| <b>Total</b>                         | <b>\$16,634.23</b> |

The Rifle Municipal Code caps the square footage of an ADU at 850 square feet and does not allow more than two bedrooms. Because of these caps, an ADU has less of an impact on City of Rifle services. Staff’s suggestion is that ADU’s are required to pay 60% of the fee that is required by Offsite Street and Parkland fees. This would make

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those fees consistent with Water and Wastewater fees and would make the overall impact fee cost \$12,850.77.

*Proposed Change (in red)*

Section 16-3-60 Accessory Dwelling Units

(11) Fees. Accessory dwelling units shall be subject to 60% of all impact fees of general applicability for new single-family residential dwellings, including ~~but not limited to~~ parkland dedication fees, water rights dedication fees, water and sewer impact fees and any impact fees associated with a defined area.

**Tow Yard Use**

Since 2014 the City has seen three applications for tow yards. A tow yard is not a defined use in the Rifle Municipal Code and the City has used Section 16-3-120 - Uses Not Itemized, to process these applications as Conditional Use Permits in the Light Industrial zone district. Staff would like to define and codify this interpretation as follows:

*Proposed Change (in red)*

*Tow Yard a lot used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.*

Sec. 16-3-420. Schedule of uses for commercial and industrial districts.

The following is the schedule of uses for the CS, TC, LI and I Zone Districts. For the Central Business District, see Section 16-18-1010 of this Chapter.

| <b>USES</b>     | <b>CS<sup>1</sup></b> | <b>TC<sup>1</sup></b> | <b>LI</b> | <b>I</b> |
|-----------------|-----------------------|-----------------------|-----------|----------|
| <b>Tow Yard</b> | *                     | *                     | C         | P        |

**Accessory Storage Structures for Commercial Uses**

Section 16-3-430(f)(3) of the Rifle Municipal Code requires that any Accessory Structure for a commercial use to apply for a Conditional Use Permit. The code section also has strict requirements that limit the maximum size to 300 square feet, requirements that the structure is not placed in a highly-visible location, and that the structure's facades and architectural details are not pre-fabricated metal or plastic.

In order to eliminate the Conditional Use Permit process, Staff would like to change the code section to allow the Planning Director to make the decision on whether or not the proposed accessory structure meets code requirements. The code section, will still allow an appeal to be heard by Planning Commission.

*Proposed Change (in red)*

(3)Accessory storage structures for commercial use. A property with a permitted commercial use may apply ~~for a conditional use permit~~ for an accessory storage structure. The maximum size shall be three hundred (300) square feet. The structure's facades and architectural details shall not be pre-fabricated metal or plastic, and the

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structure shall not be placed in a highly-visible location. **The proposal shall be reviewed and approved or denied by the City of Rifle Planning Director. The applicant may appeal the Planning Director's decision to the Planning Commission through the Conditional Use Permit process.**

**One Principal Use on Residential Property**

The Rifle Municipal Code currently only allows one primary use on a residential property while multiple primary uses are allowed on a commercial property. For example, an applicant may have both a single-family residence and a commercial business on a commercially zoned property.

At the same time, the code allows for a variety of light commercial uses (office, beauty salons, dentist offices, etc.) in residential districts with the approval of a Conditional Use Permit. While Staff generally agrees with the requirement that a residential use should be the primary use on the property, there are some locations in the City where an additional use may be appropriate provided that it is approved via a Conditional Use Permit.

*Proposed Change (in red)*

Sec. 16-3-70. - Principal and accessory uses.

The primary land use occurring on a lot is referred to as a principal use. One (1) principal use is permitted on lots within residential zone districts (LDR, MDR and MDR-X) unless specifically permitted by a planned unit development **or through approval of a conditional use permit**. More than one (1) principal use is permitted on nonresidential lots, and said uses may occur in more than one (1) structure. (Prior code 17.03.160)

**Food Trucks**

Currently the Municipal Code allows six food truck permits within commercial areas. These permits are issued on a first-come, first-served basis and the City has issued all six permits. Staff has received numerous inquiries asking for additional food truck spaces and has not permitted any additional locations based on the licensing capacity.

Staff is recommending that Planning Commission increase the overall food truck limit to eight and also recommends that an additional two food trucks are permitted provided that they operate for less than 10-days in a calendar year.

*Proposed Changes (in red)*

Section 16-3-90

(g) Prepared food temporary uses.

(1) A limited number of prepared food temporary uses shall be permitted in the Community Service (CS), Tourist Commercial (TC) and Central Business District (CBD) zone districts. For purposes of prepared food temporary use permits, the City is divided into the following two (2) geographic districts, with the applicable permit criteria:

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- a) General Commercial District. ~~Six (6)~~ Eight (8) prepared food vendors shall be permitted in areas of the City zoned Tourist Commercial (TC) and Community Service (CS). Two (2) additional temporary use permits may be issued in accordance with this chapter, provided that the use does not operate for longer than 10-days in a calendar year.
- b) Central Business District. Three (3) prepared food vendors shall be permitted in the Central Business District at any one (1) time on private property or on public plazas.