



## REGULAR PLANNING COMMISSION MEETING Tuesday, September 26, 2022

**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
  - b. Utility design
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  - e. Access Road Information
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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 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
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  - c. Turn Lane Warrant information on Railroad
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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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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**

SIGNATURE ON FILE

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

\_\_\_\_\_  
Date

SIGNATURE ON FILE

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

\_\_\_\_\_  
Date