



REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT MINUTES

Tuesday, September 25, 2012

Chair Ned Bascom called the Regular Planning Meeting to order at 7:00 p.m.

MEMBERS PRESENT AT ROLL CALL:

ROLL CALL: Bascom, Rogers, Plum, Pettinger, Mead, Elliott, Clifton, Rossilli and Caldwell

OTHERS PRESENT:

Assistant City Manager Matt Sturgeon, Planner Nathan Lindquist, Assistant City Attorney Cassia Furman, Administrative Assistant Charlotte Squires, City Television Station Jim Bell, Phil Hoey, John & Bobbie Starr, Bruce Mills, Kirk Swallow, Debby Ellsworth, Lindsey Ellsworth, Jim Buescu, Sean Mello, Bob Rensberry, Charles Ellsworth, Jeff Simonson, Bill Bullock, Damian Ellsworth, Dave Herberger.

APPROVAL OF AUGUST 28, 2012 REGULAR PLANNING COMMISSION MEETING MINUTES

*Commissioner Rogers moved to **APPROVE** August 28, 2012 Planning Commission Meeting Minutes with changes to roll 2nd page change Commissioner Mead Approving and seconding CUP 2012-4. Commissioner Plum seconded the motion. The motion **CARRIED** with the following vote:*

ROLL CALL: YES- Bascom, Rogers, Pettinger, Plum, Rossilli, Elliott and Mead, NO-

ZONING VARIANCE 2012-1 365 7TH STREET SOUTH

The Chair called up the applicant(s) Phil Hoey

The Chair verified public notice requirements had been met.

The Chair Audience sworn in Kirk Swallow

Purpose: The applicant requests approval of a variance for 1) an 80' foot pole sign that exceeds the 16-foot height maximum ; 2)a 454 square-foot pole sign that exceeds the approximately 100 square-foot sign maximum; 3)relief from the 20% fenestration (windows) requirement for the north side of the building.

Staff Report:

Kum and Go is proposing a new gas station/convenience store at the corner of South 7th Street and Taughenbaugh Boulevard. This would replace their current store and be expanded into the site currently occupied by the Rusty Cannon motel. The Site Plan for the new store is currently in process with the Planning Department.

Kum and Go's three variance requests are discussed individually below:

- 1) **An 80-foot pole sign that exceeds the 16-foot height maximum.** The code limits sign height to "the height of the principal building OR 25 feet, whichever is less." In this case, the proposed new Kum and Go building is 16 feet, meaning that the maximum pole sign height is 16 feet. Currently Kum and Go has an approximately 40-foot sign on site. Staff recommends allowance of a new pole sign no taller than the currently existing sign. An 80-foot sign would be out of character with signs in the surrounding area.
- 2) **A 454 square-foot pole sign that exceeds the approximately 100 square-foot sign maximum.** The code limits the square footage of freestanding signs to "1 square foot for each lineal foot of building frontage". In this case the pole sign could be approximately 100 square feet. This appears to be approximately the size of the currently existing Kum and Go pole sign. Staff recommends allowance of square footage no

greater than the square footage of the currently existing sign. A 454 square footage sign would be out of character with signs in the surrounding area.

- 3) **Relief from the 20% fenestration requirement for the north side of the building.** Code requires 20% fenestration (windows, doors, curtain walls, etc) on building facades that face streets. The purpose is to create buildings that are attractive and inviting to pedestrians and auto traffic. In this case, Kum and Go's north façade faces South 7th Street. It includes a glass door and a small window. It is not the main entrance to the building and is the location of the restrooms, which makes windows difficult to include. In order to add visual interest, Kum and Go has proposed 3 colors of bricks, an awning, and the "sail" over the Kum and Go sign. Staff recommends approval of the variance for fenestration on the north façade.

Mr. Hoey explained currently there is an existing pole sign on the site that is about 55 feet tall. Driven the site many times, it is impossible to see the sign until you get on the exit ramp. In order for that sign to be as effective as it could be it needs to be visible from the interstate in order to pull traffic into the site. Our request is for an 80 foot pole sign basically standing above the tree line so it is visible from the interstate.

Staff asked and you are still requesting the square footage of 400 for the sign.

Mr. Hoey replied yes, the 17 X 34 oval we have a existing today a 123square feet oval.

RECOMMENDATION

Staff recommends that Planning Commission APPROVE Variance 2012-1 with the following conditions:

1. A new pole sign shall be no taller than the currently existing sign.
2. The square footage of a new pole sign shall be no greater than the square footage of the currently existing sign.
3. The north façade shall be constructed as shown in the variance submittal materials.

Public Comments:

Mr. Swallow explained as a business owner I took down a 50 -60 foot pole seven (7) or eight (8) years ago put up a monument sign for better visual effects in Rifle. I feel that an 80 foot sign would be like staff said and undermine the nice view that everyone has of Rifle when they come into this place. There are I-70 signs out on the interstate that represent the business that are available and the customers can see the Kum & Go sign out there before they hit the Rifle exit. I think you are setting a bad precedent for our visual presents in Rifle if you ok this sign.

Commissioners Questions and Comments:

Commissioners asked are all the signs in that area in the code, so this sign would be a lot bigger and taller?

Staff replied they are not all in today's current code, but this sign would be significantly taller and longer then the other signs.

Commissioner This would set precedent if we allow this to variance to put something at 80 feet tall. If you put another one out that out shines everyone else as you go down I-70 it doesn't make sense to me. Then we are going to have sign wars. I feel that the size should stay at its current size.

In terms of the building, is it going to be turned differently from the current way the building is facing, where is the entrance going to be?

Mr. Hoey explained it will face the same direction as it does today. The main entrance will be facing east.

Commissioner has the Staff and the board ruled consistently on sign height in the past? Would be in favor of keeping the sign at its current height.

Mr. Chair replied yes we have. We have been relatively consistent.

Closing Comments:

Mr. Hoey replied as we look at the other signs out there, I totally understand what you are saying about setting precedent and not wanting a sign to out shine the others. I would say given the location of our site and where that sign is, it faces other barriers that aren't faced by those other signs. When you are driving down you can see the Burger King sign, you can see those other signs. Even those, ours is at a similar height, Burger Kings that is elevated you can see it better, given the natural barriers that exist with our sign is not visible. That would be my closing comments and that is why we request a variance.

Motion Made:

Commissioner Rogers moved to **APPROVE** Zoning Variance 2012-1 365 7th Street South with all Staff's recommendations 1) A new pole sign shall be no taller than the currently existing sign. 2) The square footage of a new pole sign shall be no greater than the square footage of the currently existing sign. 3) The north façade shall be constructed as shown in the variance submittal materials. *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: YES- Bascom, Rogers, Pettinger, Plum, Rossilli, Elliott and Mead, NO-

CONDITIONAL USE PERMIT 2012-5 818 Taughenbaugh Blvd

The Chair called up the applicant(s) Bruce Mills, John Starr

The Chair verified public notice requirements had been met.

Purpose: The applicant requests approval of a Conditional Use Permit for a staging area for a construction company. The tenant, Colorado Maintenance Group, will have an office space in the building. The shop space in the building will serve as storage of materials and light carpentry and painting.

Staff Report:

The property is zoned Tourist Commercial. Currently, the Tourist Commercial zone district does not permit carpentry shops which makes this use prohibited at this location. Community Service zoning allows carpentry shops as a conditional use. Staff is recommending a zoning change for this property and the commercial area of Taughenbaugh Boulevard around it from Tourist Commercial to Community Service. If Planning Commission approves this Conditional Use Permit, it must be under the condition that Planning Commission and City Council approve the zoning change to Community Service.

The applicant has agreed to run any noise emitting equipment inside of the shop to avoid impacts on surrounding properties.

RECOMMENDATION

Staff recommends that Planning Commission APPROVE Conditional Use Permit 2012-5 with the following conditions:

1. The applicant shall operate all noise-emitting equipment indoors.
2. This Conditional Use Permit is only valid if the zoning of the property is changed to Community Service.

Public Comments: No Comments

Commissioners Questions and Comments:

Confirmed the applicant understood the issue with the zoning that it has to be approved, by City Council.

Mr. Mills replied the way I am hearing this is if the City Council does not approve the zoning change, then we're out.

Staff explained another reason for the zoning change, the tourist commercial zone allowed for a powder coating business in the same building where as it specifically excludes a carpentry business. In staff's opinion the impact of those two uses is the same. The zoning doesn't make a lot of sense.

Commissioner asked the landscaping going in will it be just the north end of the building or will you be doing all the property?

Mr. Mills replied no, when we do this we will put in a new sewer service line to repair a sewer line that is broken, put in a sidewalk, and a short retaining wall. Then re-landscape the whole west side of the property.

Closing Comments:

Commissioner asked about staff recommendations regarding City Council approval, if the zoning has not been approved through City Council yet, how do we handle that?

Staff explained you are approving with the condition that the zoning is changed. That would need to be approved by both Planning Commission and City Council. If City Council denies the map amendment then the recommendation (This Conditional Use Permit is only valid if the zoning of the property is changed to Community Service) is declined.

Motion Made:

Commissioner Plum moved to **APPROVE** The Conditional Use Permit 2012-6 818 Taughenbaugh Blvd with all Staff's recommendations. *Commissioner Elliott* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: YES- Bascom, Rogers, Pettinger, Plum, Rossilli, Elliott and Mead, NO-

CONDITIONAL USE PERMIT 2012-5 3885 AIRPORT ROAD

The Chair called up the applicant(s) Jeff Simonson, Charles Ellsworth Damian Ellsworth

The Chair verified public notice requirements had been met.

Purpose: The applicant requests approval of a Conditional Use Permit for an asphalt and concrete batch plant. Accessory uses to the plant itself include storage of material on site, and crushing of stored material, such as rock, asphalt and concrete.

Staff Report:

The property is zoned Industrial. Asphalt and Concrete Batch Plants are a conditional use in an Industrial zone. This is one of only two Industrial areas in the City of Rifle – the other is at the West Rifle interchange. The Comprehensive Plan envisions this area of Rifle as a center for industrial employment, including uses that may not be appropriate closer to residential and commercial centers.

The area surrounding the property is composed of the Airpark – a large industrial and commercial planned development. Currently the Airpark is undeveloped. The proposed asphalt and concrete batch plant is compatible with the future uses expected around it, as they are expected to be of a similar industrial nature.

The applicant will be required to make landscaping and building façade improvements to bring the property up to City standards. The operations on site will be organized so as to provide minimal visual impacts to Airport Road.

RECOMMENDATION

Staff recommends that Planning Commission **APPROVE** Conditional Use Permit 2012-6 with the following conditions:

1. The applicant shall landscape the property's Airport Road frontage according to code's requirements for new construction. This shall occur by October 31, 2013.
2. The applicant shall improve the façade of the blue building on site; either to meet requirements of code (bottom 25% have brick, stone, or the like wainscot and the metal be painted an earth tone) or improvements that make an equivalent aesthetic improvement as proposed by the applicant and approved by Staff. This shall occur by October 31, 2013.
3. Colors of new buildings shall be earth-toned.
4. Operators shall remain in compliance with all permitting agencies having oversight and provide copies of issued permits (and renewals) to the City of Rifle.

5. Truck traffic shall use Mamm Creek Interchange for all activities except jobs serving projects south of Interstate 70. The plant operators will take every effort to encourage/direct vendors not associated with ownership of the concrete and asphalt plants to do the same.

Public Comments: No Comments

Commissioners Questions and Comments:

Commissioner asked for clarification of the location going east on Airport Road there is a blue warehouse is that 319 and you turn there and go back behind the Co-Gen plant?

Mr. Ellsworth replied no- at that blue warehouse you take that entrance into it. The blue warehouse is part of the property.

Commissioner asked in terms of the drainage into Dry Creek are you comfortable with everything is going to be contained.

Staff replied the Rifle Airpark did a comprehensive drainage analyzes about the whole area. Jeff Simonson and Yancy Nicole with Sopris engineering did that design. Staff is confident it will all work together.

Staff explained the applicant will be doing a site plan which goes over the issues as drainage, other impacts on the city streets and those issues will be worked through at site plan review.

Commissioner asked in regards to recommendation # 5 regarding truck traffic, what is the percentage that will be going west on Airport Road.

Mr. Ellsworth replied it would be work for Airport Road of a street off Airport Road maybe a grand total of 5% or less.

Closing Comments: No Comments

Motion Made:

Commissioner Mead moved to **APPROVE** The Conditional Use Permit 2012-5 3885 Airport Road with all Staff's recommendations. *Commissioner Plum* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: YES- Bascom, Rogers, Pettinger, Plum, Rossilli, Elliott and Mead, NO-

MAP AMENNDMENT 2012-1 REZONING TOURIST COMMERCIAL (TC) TO COMMUNITY SERVICE (CS) ZONING

The Chair called up the applicant(s) *Staff*

The Chair verified public notice requirements had been met.

Purpose: Planning Commission and Staff request that City Council approve Map Amendment 2012-1 – a rezoning of the Taughenbaugh Boulevard commercial area from Tourist Commercial zoning to Community Service zoning. See the map below for the area under consideration.

Staff Report:

The purpose of the rezoning is to increase flexibility for properties in the area and align the zoning with the Comprehensive Plan. The Comprehensive Plan considers the Taughenbaugh commercial area (zoned Tourist Commercial) and the Airport Road commercial area (zoned Community Service) to be similar in character and future intent. Community Service zoning allows as a *Conditional Use* many uses such as *carpentry shops, equipment leasing, and Auto Body Shops*. However, these uses are prohibited in the Tourist Commercial zone. This rezoning will give properties on Taughenbaugh Boulevard new options for tenants; provided they are in character with the surrounding uses as determined by the Conditional Use Permit process. The only uses that Community Service zoning makes less permissible are *campgrounds, golf courses, and motor freight service centers*. These uses are neither likely nor desirable in this area. In the short term, the rezoning will positively affect at least one property owner who is seeking to have a light carpentry use that is currently prohibited under Tourist Commercial zoning.

RECOMMENDATION

Planning Commission and Staff recommend that City Council APPROVE Map Amendment

Public Comments: No Comments

Commissioners Questions and Comments:

Commissioner asked this rezoning is not going to make it more difficult for current property owners to do what they are already doing.

Staff replied unless it is a golf course or truck stop

Commissioner replied it will make all things basically equal.

Closing Comments: No Comments

Motion Made:

Commissioner Mead moved to **RECOMMEND** to City Council to **APPROVE** Map Amendment 2012-1 Rezoning TC to CS with all Staff's recommendations. *Commissioner Rogers* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: YES- Bascom, Rogers, Pettinger, Plum, Rossilli, Elliott and Mead, NO-

MEMBER COMMENT AND ADJOURNMENT

Chair Bascom adjourned the meeting at 7:50 p.m.

Ned Bascom, Chairman

Date

SIGNED COPY ON FILE

Charlotte Squires, Planning Technician

Date