



## **CITY OF RIFLE PLANNING COMMISSION REGULAR MEETING**

**Tuesday March 25, 2014  
Rifle City Hall – Council Chambers**

- 6:00 PM Workshop – Options for Land Use Code Updates & Mobile Vending Code Changes
- 7:00 PM Convene Regular Planning Commission Meeting
- 7:01 PM Roll Call
- 7:02 PM February 25, 2014 Planning Commission Meeting Minutes
- 7:03 PM Text Amendment 2014-1 Mobile Vending
- 7:20 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: April 29, 2014*



**CITY OF RIFLE**  
202 RAILROAD AVENUE • P.O. BOX 1908 • RIFLE, CO 81650  
WWW.RIFLECO.ORG



## REGULAR PLANNING COMMISSION MEETING MINUTES

Tuesday, February 25, 2014

*Vice -Chair Helen Rogers* called the Regular Planning Meeting to order at 7:00 p.m.

### MEMBERS PRESENT AT ROLL CALL:

**ROLL CALL: Rogers, Elliott, Pettinger, Elliot, Mead, Marantino, Caldwell, Fuller and Sieber**

### OTHERS PRESENT:

Planning Director Nathan Lindquist, Planner Hannah Klausman, City Attorney Jeff Conklin, Administrative Assistant Charlotte Squires, City Television Station Jim Bell, Mark Sills.

### APPROVAL OF DECEMBER 10, 2013 SPECIAL PLANNING COMMISSION MEETING MINUTES

*Commissioner Pettinger* moved to **APPROVE** December 10, 2013 Special Planning Commission Meeting Minutes *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Rogers, Pettinger, Elliott, Mead, Caldwell, Marantino Abstained- Fuller**

### CONDITIONAL USE PERMIT 2014-1 2185 10<sup>th</sup> STREET SOUTH

*The Chair* called up the applicant(s) Mark Sills

*The Chair* verified public notice requirements had been met.

**Purpose:** The applicant requests approval of a Conditional Use Permit for an expansion of an existing Medical and Retail Marijuana Cultivation (MMC) Operation

**Applicant:** Stated there are four (4) apartments on the second floor of the building and the proposed business would like to keep the current apartments for employees. This would also help with security. Mr. Sills also wanted to confirm if one business does not move forward with the expansion then the other cultivation business in an adjacent building on the same lot, may be allowed to expand to this building.

**Staff Report:** Staff recommends that the following conditions be attached to an approval of Conditional Use Permit 2014-1 subject:

1. The Conditional Use Permit shall only be valid in conjunction with the appropriate Marijuana Cultivation Operation license awarded by the City Manager;
2. No improvements for this operation shall occur within the building until a license is granted by the City Manager. If a license is not awarded within 1-year of approval by the P&Z, the permit shall become null and void;
3. The Conditional Use Permit shall become null and void if the grow operation is discontinued for 12 consecutive months;
4. Should the applicant move operations from the building at 2185 10<sup>th</sup> Street South, the Conditional Use Permit shall become null and void for that building UNLESS an approved recreational marijuana grow operation businesses that already operates on Lot 7 receives a City license for the site within one year of the vacation by this applicant.
5. The Conditional Use Permit for the four (4) residences shall become null and void, and all residential uses shall be discontinued and vacated prior to receiving a Medical and Retail Marijuana Cultivation Operation

license awarded by the City Manager. The units may be used as caretaker units occupied by employees of the business, or as office space for the business.

6. Failure to comply with any and all licenses required by the City of Rifle and/or the State of Colorado for the purpose of growing medical and retail marijuana shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.
7. The production of marijuana infused products on the premises is not approved by this Conditional Use Permit. Only cultivation may occur on site.

**Public Comments:** No Comments

**Commissioners Questions and Comments:**

Can the grow operations expand to other neighboring lots?

*City Attorney* replied no they can only expand on the existing property they are currently occupying. This is a unique property with four (4) existing buildings.

Tenant knows they will need to vacate the apartment?

*Mr. Sills* replied yes they do know.

**Motion Made:**

*Commissioner Elliot* moved to **APPROVE** Conditional Use Permit 2014-1 2185 10th Street South, with Staff's recommendation 1-4; 6-7 and changes to recommendations 5 to read "The Conditional Use Permit shall allow two (2) residential uses to be used as caretaker units occupied by employees of the business and the other two (2) units will need become null and void". *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Rogers, Pettinger, Elliott, Mead, Caldwell, Marantino, and Fuller**

**MEMBER COMMENT AND ADJOURNMENT**

*Staff* discussed the solar project at City Hall which will attach to the Xcel electrical system is at no cost to the City of Rifle. City Market Fuel Station on 14<sup>th</sup> Street will be opening mid April.

*Vice Chair Rogers* adjourned the meeting at 7:35 p.m.

\_\_\_\_\_  
Helen Rogers, Vice-Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charlotte Squires, Planning Technician

\_\_\_\_\_  
Date

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



**MEMORANDUM**

**To:** Planning and Zoning Commission  
**From:** Nathan Lindquist, Planning Director  
**Date:** March 18, 2014  
**Re:** 5 – Year Comprehensive Plan Review

The Planning Commission adopted the Comprehensive Plan in 2009. The Comprehensive Plan is meant to serve as the vision of what Rifle’s citizens would like Rifle to be in 25 years. It was developed through an intensive public process and any major changes to the Plan’s principles would require a new public process. It is meant to serve as a guide for land use decisions made by City staff, Planning Commission, and City Council.

The Comprehensive Plan recommends that a review of the City’s Comprehensive Plan occur every 5 years. This ensures that the goals of the plan are relevant as the community and the economy continue to change. It is a large document that Planning Commissioners are encouraged to read in depth. An online version can be downloaded at the City of Rifle Planning Department webpage, under “long-range planning”: <http://www.rifleco.org/index.aspx?nid=150>

The following is some of the most important information from the Plan. At the end of this memo, Staff has included recommendations for further implementation of, and updates to, the Comprehensive Plan.

**CITY OF RIFLE VISION STATEMENT (Updated to City Council’s 2014 version)**

*Rifle in 2035 is a regional center that:*

- *Has preserved its small town values and cohesive sense of community;*
- *Has a sustainable and growing economic base that offers ample employment, housing, and business opportunities;*
- *Is well-planned, environmentally responsible, and resource efficient;*
- *Has diverse neighborhoods that are safe, secure and have convenient access to services and amenities;*
- *Offers a premier and integrated system of recreational, educational, and cultural activities for all ages and income levels.*

**COMPREHENSIVE PLAN’S KEY PRINCIPLES TO GUIDE FUTURE DEVELOPMENT**

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



The following principles are important in guiding development towards meeting the City’s Vision Statement. They are important to consider when making land use decisions. See page 72 of Comprehensive Plan for a more detailed description of the principles.

- 1. Strongly Discourage “Leap-Frog” Development.** This prevents development occurring far away from city services, and avoids creating disconnected neighborhoods and unfunded long-term infrastructure costs.
- 2. Accounting for Growth.** Growth should “pay its own way” by making sure new development funds its own impacts on the community’s streets, parks, water and sewer systems.
- 3. Create Mixed-Use Neighborhoods.** Make sure commercial and residential areas are walkable to one another and attractive.
- 4. Increase and Mix Densities in Appropriate Locations.** Allow multi-family and multi-story buildings where appropriate.
- 5. Ensure Appropriate Land Use Transitions.** Make sure that land uses do not cause negative impacts on each other; such as industrial near residential.
- 6. Revise the Land Use and Development Code to Support the Comprehensive Plan.** See the table below for the code changes recommended by the Comprehensive Plan and the current status of each item.

ITEMS SUBSTANTIALLY COMPLETED	STATUS
Revise downtown code to meet City’s vision.	Done, with updates needed
Improve Planned Unit Development (PUD) Standards to encourage high-quality neighborhood development.	Done
Ensure that pedestrian and bike connectivity is incorporated in new development.	Bike Plan created, implementation in progress
Require minimum 5-foot sidewalks (attached and detached) in all new residential developments.	Done
Require adjacent developments to have interconnected streets.	Done through PUD Standards
Require that all proposed subdivisions and major construction projects shall include a geologic/soils report addressing site conditions.	Done
Assure that zoning provides adequate protection to wetlands.	Open Space zone created
Developer shall provide accurate FEMA floodplain data.	Done
Require development applicants to address plant and animal resources and habitat areas particularly near Rifle and Government Creeks, and the Colorado River.	Done on case-by-case basis.
Create “one-stop shop” for development review and codes.	Always in process of improvement
ITEMS IN PROGRESS	STATUS
Reduce land use nuisances and unsightly appearance of industrial areas.	In process on case-by-case

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



	basis; rezoning of North Rifle light industrial area would implement further
Include performance standards for heavy equipment usage, outdoor storage, truck servicing, equipment leasing, etc.	Done through Conditional Use Permits
Improve first impressions of Rifle along Key Corridors (Airport Road, Hwy 13, Hwy 6, Railroad Avenue) by implementing design guidelines and protection from visual blight associated with industrial uses, outdoor storage and heavy equipment servicing through landscaping and fencing.	Done through landscaping code; implemented through Conditional Use Permits and Variances; City also seeking grant funding for improvements.
Develop methods for existing businesses to include street trees, buildings frontage on key corridors, screened surface parking and consolidated signage.	Case-by-case basis.
<b>ITEMS WITH REDUCED URGENCY DUE TO RECESSION</b>	<b>STATUS</b>
Prohibit restaurants, hotels, common household goods, personal service, medical offices, in light industrial and industrial zones.	Restaurants and hotels still permitted in industrial zones, less demand due to recession
Create low-density residential zones to preserve rural landscapes.	These properties have stayed in the County

**STAFF RECOMMENDATIONS**

To continue implementation of the Comprehensive Plan, and revise the Plan where necessary, Staff recommends moving forward with these action items:

- Update downtown code to reflect the Downtown Strategic Plan and improve the coordination between the Code and likely development types.
- Work with property and business owners to rezone Light Industrial area of North Rifle to Community Service zoning.
- Update Comprehensive Plan to discourage dense or multi-family residential development in fringe developments (Rim Rock, Bryce’s Valley) and encourage residential development in the core of town.
- Continue to evaluate Conditional Use Permits and Variances on a case-by-case basis, balancing the needs of businesses with the goals of the Comprehensive Plan.



**MEMORANDUM**

**TO:** PLANNING AND ZONING COMMISSION  
**FROM:** NATHAN LINDQUIST, PLANNING DIRECTOR  
**DATE:** March 19, 2014  
**SUBJECT:** Text Amendment 2014-1; Temporary Uses Code Revisions

**REQUEST**

City Council requests that Planning Commission consider revisions to the regulations regarding Temporary Uses, what are often called mobile vendors. These are food vendors that set up a trailer or a truck on a parking lot and sell food to the public.

City Council directed Staff to work on the Temporary Use regulations after a request from a citizen, Mike Davis, who would like to set up a snowcone vending operation in the summer. See the attached photo of Mr. Davis' snowcone trailer. Under current regulations, the snowcone vending operation could not get a permit at the desired location in North Rifle near City Market because the Code requires that only two (2) temporary use permits may be given out in North Rifle, and both of those permits have been taken by other applicants. Temporary Use Permits are given on a first-come, first-serve basis. Council requested that staff develop a code revision that would allow a seasonal operation such as a snowcone vendor to be able to operate in spite of the current limits.

**BACKGROUND**

The Planning Commission and City Council approved the current Temporary Use regulations in 2009. The number of temporary uses to be allowed was decided as: three (3) temporary use permits in South Rifle, two (2) in North Rifle, and (1) in West Rifle. These numbers were arrived at after much discussion on the effects of temporary vendors on restaurants. The concern was that restaurants are at a disadvantage to mobile vendors because they have invested in a permanent building. Still, there was a desire to have some Mobile Vending options in town, and thus the limits in each part of town were developed as a compromise. However, no distinction was made between vendors that provide full meals and vendors that provide a seasonal item such as snowcones, lemonade, ice cream, etc.

**STAFF RECOMMENDATION**

Given the amount of thought that went into creating the temporary use regulations in 2009, Staff does not recommend re-opening a discussion on the overall number of vendors allowed. A simple solution could be to create a different category for the vending of "seasonal items" such as snowcones, lemonade, or ice cream, not to exceed five months in a calendar year. Seasonal vending would be permitted outside of the limits on vendors that serve entrée items such as burritos, hot dogs, or other "meal" items. Other details that staff would recommend:

## DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



- Other code requirements for temporary uses such as being located in a paved parking lot, having the appropriate health licenses, and locating in a commercially zoned area would also apply to seasonal mobile vendors.
- Time limits on the amount of time the seasonal vending operation can be on-site (5 months recommended). The trailer would need to be removed from the site for the remainder of the year.
- Size limits on seasonal vending trailers (10' X 10' maximum)
- Permit costs and application process shall be the same

On the next page, see the red-lined edits of the Code for the actual changes that would be made if the Planning Commission is in agreement with Staff's recommendations.

### FINDINGS

Pursuant to Section 16-5-360, the Commission shall consider the following criteria before approving a Conditional Use Permit (**staff comments shown in bold italics**):

1. Conformance of the proposal with the City of Rifle Municipal Code;  
**The proposal conforms with the process for amending the Rifle Municipal Code.**
2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;  
**Seasonal vending would be limited to commercial areas and limited in size to avoid undue visual impacts.**
3. The desirability for the proposed use in the specific area of the City;  
**This type of use is already approved for commercial areas.**
4. The potential for adverse environmental effects that might result from the proposed use;  
**None.**
5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;  
**The Comprehensive Plan does not specifically address this issue, but it can be construed to assist the economic development goals of the Comprehensive Plan.**
6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and  
**Adherence to the guidelines proposed should not affect property values.**
7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to 13-4-120 of the Code, if applicable.  
**Not applicable.**

### RECOMMENDATION

Staff recommends that Planning Commission recommend to City Council approval of Text Amendment 2014-1.



**CODE REVISIONS** (changes are in red underline or ~~strikethrough~~)

**Sec. 16-3-90. Temporary uses.**

(a) Definition. *Temporary use* shall, for purposes of this Chapter, mean any outdoor retail and/or wholesale sales use on a short-term basis in one (1) location, including but not limited to: produce stands; prepared food stands; vehicles with kitchen facilities; and excluding temporary promotions or sidewalk sales by permanent businesses on their own property or in the public right-of-way pursuant to a valid encroachment permit. *Temporary sales structure* shall mean a structure for the purpose of storing or displaying goods for sale for a nonpermanent term outside of a preexisting building or structure, including but not limited to produce stands, tents, tables, racks, canopies, carts and trailers and other vehicles.

(b) Permit required. It shall be unlawful for any person to conduct or establish any temporary sales use or structure within the City until a temporary use permit has been approved by the Planning Director, exempting specific circumstances as described herein. Temporary uses may only be permitted in designated zone districts as described herein upon approval of the Planning Director as provided in these regulations. Temporary use permits shall be valid for one (1) year from the date of issuance and shall be maintained on the approved location.

(c) Nonfood sales prohibited. All temporary uses selling nonfood items are prohibited in all zone districts except as part of an approved master plan or as excepted below.

(d) Exceptions. The following temporary uses shall be exempt from obtaining a temporary use permit pursuant to this Chapter.

(1) Temporary uses associated with not-for-profit organizations, groups or community events (i.e., Christmas tree sales, Boy Scout sales, etc.), provided that such uses operate for no more than two (2) months out of the calendar year and meet the location requirements described herein.

(2) Special community events or festivals, such as a farmers' market, which shall be reviewed under the City's special events permit process. Temporary sales uses associated with a community event shall be subject to all licensing requirements, including sales tax.

(3) Temporary uses to be conducted on public property (sidewalks, etc.), which shall be subject to the City's encroachment permit regulations at Chapter 11, Article II.

(e) Temporary produce sales. Temporary produce sales are permitted in the Community Service (CS) and Tourist Commercial (TC) zone districts, as long as such sales operate for no more than sixty (60) days out of the calendar year. There shall be no limit on the number of produce sales in permitted areas. Temporary produce sales must still obtain a permit under this Chapter and obtain a sales tax license.

(f) Seasonal food sales. Seasonal food items such as snowcones, lemonade, ice cream, and other non-entrée items are permitted in the Community Service (CS) and Tourist Commercial (TC) zone districts. Seasonal food sales are permitted on a seasonal basis not to exceed five (5) months out of the calendar year. There shall be no limit on the number of seasonal food sales in permitted areas. Seasonal food sales shall be limited to a trailer or other structure no

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



greater than 10' by 10' in size. Seasonal food sales shall meet all performance standards and permitting requirements for temporary uses contained in this section.

~~(f)~~ (g) Prepared food temporary uses.

Formatted: Indent: Left: 5.8 pt, First line: 14.4 pt, Right: 3.05 pt, Space Before: 0 pt, Line spacing: Multiple 1 li

Formatted: Expanded by 2.25 pt

(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 four (4) geographic districts, with the applicable permit criteria:

a. South Rifle District. The South Rifle District includes all land zoned for temporary uses within the City south of the Colorado River. Three (3) prepared food vendors shall be permitted at any one (1) time.

b. North Rifle District. The North Rifle District includes all land zoned for temporary uses within the City that is north of the Central Business District. Two (2) prepared food vendors shall be permitted at any one (1) time.

c. West Rifle District. The West Rifle District includes all land zoned for temporary uses within the City that is west of the Central Business District, north of the Colorado River and south of 3rd Street. One (1) prepared food vendor shall be permitted at any one (1) time.

d. 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 at the City Hall/Library Civic Plaza. (2) The following restrictions apply to prepared food temporary use permits in each district:

a. South Rifle District, North Rifle District, West Rifle District. Applicants that meet all of the temporary use permit criteria shall receive permits on a first-come, first-serve basis until the limit on the number of permits in the requested district is reached. Each permit shall be valid for one (1) year. If an applicant holding a valid temporary use permit wishes to renew the permit, the applicant may submit a new application before the one-year time limit expires and receive first review and approval priority regardless of other submitted applications for that district. If the applicant allows the permit to expire before submitting a new application, that permit shall be open to new applicants on a first-come, first-served basis.

b. Central Business District.

1. Prepared food temporary use applications are due to the Planning Department by March 1 of each year. By April 1, a maximum of three (3) Central Business District permits will be issued to vendors that meet all application criteria for the following year (April 1 through March

31). If more than three (3) valid applications are submitted by March 1, the Planning Director or his or her designee will choose three (3) vendors that receive the highest scores based on

## DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



application criteria established by the Planning Director by January 1 of each year and set forth in the Mobile Vending Application. If fewer than three vendors apply before March 1, qualified vendors shall be accepted throughout the year until the maximum number permitted is reached. Each permit shall be valid from April 1 to March 31 of a given year, regardless of when issued.

2. Prepared food vendors shall not be permitted on public rights-of-way.

3. The maximum cart size for prepared food vending carts in the Central Business District shall be eight (8) feet long by six (6) feet wide by eight (8) feet tall. Vehicle-based vendors shall not be permitted. Vending carts and equipment must be removed when not in operation.

4. Temporary use permits for the Library/City Hall Civic Plaza shall be issued via the Rifle Parks Vending Permit application process, but shall still count towards the three (3) vendors permitted in the Central Business District.

(e)(h) Temporary use standards. The following standards shall apply to temporary uses in all permitted districts:

- (1) Temporary uses shall operate in the approved location through the length of the permit.
- (2) The use meets all setbacks, buffers from incompatible adjacent uses and other requirements of its specific zoning district.
- (3) The applicant has all licenses required by this Code and state law, including a sales tax license.
- (4) For food sales, the applicant has evidence of Colorado Department of Public Health and Environment approval.
- (5) The use occurs on a paved surface with marked parking spaces.
- (6) The hours of operation of the temporary use shall be reviewed and approved based upon the nature of the use and the location. During hours in which the operation is to be closed, the site will be vacated except for any structures approved as part of the application.
- (7) Adequate off-street parking is provided to serve the use, and the use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site or interfere with the flow of vehicle or pedestrian traffic.
- (8) The use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the proposed location. Factors such as location, access, traffic generation, noise, light, dust control and hours of operation will be considered.
- (9) The proposed use and structure have a neat and clean appearance and properly disposes of any trash within fifty (50) feet of the use with evidence of the location of legal trash disposal.

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



(10) Proposed lighting shall not glare onto adjoining properties or onto public streets.

(11) No merchandise shall be displayed within thirty (30) feet of an intersection of the curb line of any two (2) streets; within the required setback area of the parcel on which the use is to be located; within ten (10) feet of any curb cut; or within one hundred fifty (150) feet of any structure primarily used as a residence.

(12) Signs shall be limited to twenty-four (24) square feet of signage affixed to the temporary use structure. No flags, banners or other signage shall be permitted.

(13) Noisemakers of any kind, including amplifiers, shall be prohibited.

| ~~(h)~~ (i) Revocation of permit. In addition to any other available remedies, permits issued pursuant to this Section may be revoked or suspended by the Planning Director based on evidence of fraud, misrepresentation, an incorrect statement contained in the application for a permit, failure to comply with permit conditions, failure to cure any violation within five (5) days of notice from the Planning Director or any other violation of this Code or state statute. Written notice of the suspension or revocation, along with supporting grounds therefor, shall be mailed, postage prepaid, to the permittee at his or her last known address or hand-delivered to the permittee at least three (3) days prior to the effective date of the suspension or revocation. The Planning Director may, whenever he or she determines that it is necessary for the immediate preservation of the public health, safety or welfare, immediately suspend a permit issued hereunder. Such suspension shall be for a period not to exceed seven (7) days, during which time notice shall be given within the provision of this Section.

| ~~(h)~~ (i) Application and review. All applications for temporary uses will be reviewed according to the procedures set forth in Article V of this Chapter. Application submittal requirements are specified in Article VI of this Chapter. (Ord. 2 §2, 2009; Ord. 8 §2, 2011)

