



## REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT MINUTES

Tuesday, October 29, 2013

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

### MEMBERS PRESENT AT ROLL CALL:

**ROLL CALL: Bascom, Rogers, Elliott, Pettinger, Mead, Marantino and Caldwell**

### OTHERS PRESENT:

Planning Director Nathan Lindquist, Planner Hannah Klausman, City Attorney Jim Neu, Administrative Assistant Charlotte Squires, City Television Station Michael Churchill, Mark Sills, Rollo Johns, Jesse Miller, Nettie Miler, Mike Miller, Dan Meskin, Buddy Lyke, Linda Brynildson, Scott Brynildson, Pat Cooley, John Kuersten.

### APPROVAL OF SEPTEMBER 24, 2013 REGULAR PLANNING COMMISSION MEETING MINUTES

*Commissioner Rogers* moved to **APPROVE** September 24, 2013 Planning Commission Meeting Minutes  
*Commissioner Mead* seconded the motion. The motion **CARRIED** with the following vote:

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

**Correction to the Agenda was brought up. Conditional Use Permit 2013-7 is 2013-9.**

### ZONING VARIANCE 2013-2 2157 WHITERIVER AVENUE AND CONDITIONAL USE PERMIT 2013-8 2157 WHITERIVER AVENUE

*The Chair* called up the applicant(s) Scott & Linda Brynildson

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

**Purpose:** The applicant requests approval of a Variance to allow for a reduced landscaping depth of 5 feet and a Conditional Use Permit for a limited tow yard.

**Staff Report:** Staff recommends that Planning Commission APPROVE Variance 2013-2 and Conditional Use Permit 2013-8 with the following conditions:

### Variance Recommendations:

1. The applicant shall landscape the 5 foot landscaping depth according to code's requirements for new construction.  
The applicant shall install an in-ground irrigation system to water the landscaped areas.
2. Before any work may begin on the site the applicant must submit a site plan that shows the landscaping, fence location, and paving. The site plan must include a drainage study done by a professional engineer that will be reviewed by the City Engineer.
3. All work described above shall be completed by May 30, 2014.

### Conditional Use Permit Recommendations:

1. The applicant shall landscape a 5 foot landscaping depth according to code's requirements for new construction.
2. The applicant shall install an in-ground irrigation system to water the landscaped areas.
3. The parking lot shall be paved and enclosed by a solid opaque or screened fence measuring 6 feet in height.
4. No more than 6 vehicles may be on site that have the appearance of being damaged or have pieces missing. No specific damaged vehicle may be on site for more than 6 months.
5. Before any work may begin on the site the applicant must submit a site plan that shows the landscaping, fence location, and paving. The site plan must include a drainage study done by a professional engineer that will be reviewed by the City Engineer.
6. All work described above shall be completed by May 30, 2014. Failure to do so shall result in immediate cessation of the Limited Tow Yard and complete vacation of all activities on the site.

**Public Comments:**

*Mr. Lyke* explained he lived in Rifle for 29 years and the lot in question has always been use in the manner it is being used currently and feels it is the best use at this time.

*Mr. Kuersten* explained he was a tenant on that property for many years, starting in 2001- 2002. At the time we worked with the City and our name is on the fence permit. City Manager, through discussion, didn't want a commercial use on that property. The City would not issue a building permit or a water tap due to the size of the property and the proximity of the entrance onto Highway 13. They gave us approval to use it as a storage lot and required a second (2<sup>nd</sup>) entrance for safety. Our understanding is that it was approved to be a storage lot and that is all the City would allow it to be. The City requested no landscaping back then.

*Mr. Morgan* explained he is the owner of Elmer Glass and have recently rented the building next door to P & K Auto. It is in my best interest if this can be approved. If you turn him down then he might move out and there goes my rent, it is a snowball effect.

*Mr. Cooley* explained he is the owner of P & K Auto Body. He runs a tow service through the body shop and is the reason he needs the storage lot. Mr. Cooley explained he tows vehicles for municipalities, and insurance companies. The lot is for impounding autos involved in accidents. The lot will not be used for a salvage lot, to take autos apart or anything like that.

**Commissioners Questions and Comments:**

*Commissioner Pettinger* asked how long an auto will be stored on the lot.

*Mr. Cooley* replied two (2) days to twenty (20) days or so. The only time they might stay there longer is if they are abandoned by the owner. Then the public authorities would have to follow regulations to dispose of the auto. Mr. Cooley stated he does not do any private towing, such as autos from parking lots for that would constitute a longer stay. Mr. Cooley said he tows for municipalities, for Police Departments, State Patrol and County.

*Commissioner Elliott* explained some of the requirements maybe too strict. That property was the end of town at one point and it was zoned light industrial. Now that the town is growing one of our goals is to rezone that area. Commissioner Elliott shared trying to landscape and irrigate the lot is a waste of water and energy due to the lack of easement around the fence. If they fix and screen the fence with the green or tan covering and keep the weeds down that would be fine. There is no need to pave the lot; hopefully that area will change in the future.

*Commissioner Rogers* explained the Comprehensive Plan was a major undertaking and there are a lot of different goals that are trying to be achieved. One of the goals is the quality first impression when you enter Rifle.

This corner has been the eye sore for a long time. It wasn't until there was stricter code enforcement that the site was cleaned up, or presentable. Is impounded autos on that lot the image we want to convey? With all the work and money spent on the comprehensive plan, is this the first impression we want to give visitors?

*City Attorney* asked that for the record both Zoning Variance 2013-2 and Conditional Use Permit 2013-8 be addressed together before the Board of Adjustment and Planning Commission.

*Commissioner Mead* explained that there is no water tap on the property and in your recommendations staff recommended the applicant needs to install an irrigation system. With no water tap, how can they do that? Was the testimony correct that the City won't allow a water tap for that property?

*Staff* replied the property owner would need to obtain water service. Regarding not allowing a tap on the property, Staff is not sure what was said back in 2000.

*Mr. Kuersten* with the City not allowing a building on the property due to the amount of traffic on that intersection, they wouldn't allow a water tap. Why would the owner want to pay a huge tap fee when they can't recover any cost?

*Staff* explained for a five (5) foot landscaping strip and the amount of water that would be used; we estimated the tap fee at about \$750.00. There is a cost, but reduced from a full tap fee cost.

*Commissioner Caldwell* asked if xeriscaping could be considered, or to look something that would not require any water.

*Staff* explained that xeriscaping still requires bushes and they can put in the type that takes less water. There are several fescues, grasses that can be used that give a nice vegetation look, but minimal water use.

*Commissioner Marantino* explained would like to come up with some inexpensive way to beautify the entrance into Rifle and at the same time to find a way to let the current business continue to occupy the property and use it as a tow yard.

*Chair Bascom* explained he would like to see something that would clean up the appearance of the lot. With the setbacks required however it would cut the lot down to almost being unusable.

*Staff* explained that with the Zoning Variance and Conditional Use Permit being heard together, recommendations of the Conditional Use Permit would apply. The Conditional Use Permit for the use of a limited tow yard is recommending a limit to six vehicles on the lot that have a towed quality to them and no vehicles can be there more than six months. That would place some type of limit but still allow them to operate their business. Staff wants to be consistent with other conditional use permits that were approved around town; with the property below code, we recommended the property owners update landscaping and appearance of the property.

*Mr. Brynildson* explained the very tip of the property is not owned by me and that was cut off due to the permit for the fence. That corner would be a great place to do the landscaping or place a stature. I can install an opaque fence so when people coming into Rifle could not see into the lot. The police department request that the tow yard be in the City Limits.

**Motion Made:**

*Commissioner Elliott* moved to **APPROVE** Zoning Variance 2013-2 and Conditional Use Permit 2013-8 2157 Whiteriver Avenue with amended conditions: **1)** the applicant shall screen the existing fence to hide elements of low visual interest. **2)** The applicant shall employ weed control to maintain a clean appearance on the property. **3)** The Conditional Use Permit is valid for a term of 7 years upon which it will be reevaluated. **4)** The subject Conditional Use Permit 2013-8 shall be valid for one (1) year from the date of approval October 29, 2013. Within the one-year period, the applicant must establish the land use and screen the fence or the permit shall be considered null and void. *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Bascom, Pettinger, Mead, Elliott, Marantino and Caldwell No- Rogers**

**CONDITIONAL USE PERMIT 2013-6 3010 AIRPORT ROAD**

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

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

**Purpose:** The applicant requests approval of a Conditional Use Permit for a Medical Marijuana Cultivation (MMC) Operation.

**Staff Report:** Staff recommends that Planning Commission Approve Conditional Use Permit 2013-6 subject to the following conditions:

1. The Conditional Use Permit shall only be valid in conjunction with a Medical 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. The Conditional Use Permit shall only allow planting and harvesting of marijuana intended for medical marijuana dispensaries; growing for retail use outside of the medical marijuana statutes is not permitted regardless of how Amendment 64 is interpreted and implemented unless expressly allowed by City Council through amendment to the Rifle Municipal Code;
5. 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 marijuana shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.
6. 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:** No Comments

**Motion Made:**

*Commissioner Mead* moved to **APPROVE** Conditional Use Permit 2013- 6 3010 Airport Road, with Staff’s recommendation *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Bascom, Rogers, Mead, Elliott, and Caldwell No- Pettinger and Marantino**

**CONDITIONAL USE PERMIT 2013-9 777 BUCKHORN DRIVE**

*The Chair* called up the applicant(s) Mike Miller & Dan Meskin

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

**Purpose:** The applicant requests approval of a Conditional Use Permit for a Medical Marijuana Cultivation (MMC) Operation.

**Staff Report:** Staff recommends that Planning Commission APPROVE Conditional Use Permit 2013-9 subject to the following conditions:

1. The Conditional Use Permit shall only be valid in conjunction with a Medical 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. The Conditional Use Permit shall only allow planting and harvesting of marijuana intended for medical marijuana dispensaries; growing for retail use outside of the medical marijuana statutes is not permitted regardless of how Amendment 64 is interpreted and implemented unless expressly allowed by City Council through amendment to the Rifle Municipal Code;
5. 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 marijuana shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.
6. 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:** No Comments

**Motion Made:**

Commissioner Mead moved to **APPROVE** Conditional Use Permit 2013-9 777 Buckhorn Drive, with Staff's recommendation Commissioner Caldwell seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Bascom, Rogers, Mead, Elliott, and Caldwell No- Pettinger and Marantino**

**ANNEXATION 2013-2 RUDD ANNEXATION**

**Withdrawn**

**MEMBER COMMENT AND ADJOURNMENT**

Chair Bascom adjourned the meeting at 8:05 p.m.

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Ned Bascom, Chairman

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Date

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Charlotte Squires, Planning Technician

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Date