



REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT MINUTES

Tuesday, April 29, 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, Pettinger, Elliot, Mead, Caldwell, Fuller, Marantino and Sieber

OTHERS PRESENT:

Planning Director Nathan Lindquist, Planner Hannah Klausman, City Attorney Jeff Conklin, Administrative Assistant Charlotte Squires, City Television Station Michael Churchill, Esau Ruiz, Lian Ruiz, Rick Johnson, Jeff Wadley, Vickie Suminski, Jim Suminski, Rose Rauman, Russell Rauman.

APPROVAL OF MARCH 25, 2014 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Fuller moved to **APPROVE** March 25, 2014 Regular Planning Commission Meeting Minutes. *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

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

ZONING VAIANCE 2014-1 LOT 1 ARNOLD MINOR SUBDIVISION

Commissioner Pettinger recused herself. *Commissioner Sieber* will be a voting member.

The Chair called applicant up Esau Ruiz

The Chair verified public notice requirements had been met.

Purpose: The applicant requests approval of a Variance to allow for a reduced side yard setback of 5 feet on the south property line. Rifle Municipal Code Section 16-13-100(4) requires five (5) feet minimum or one (1) foot for every two (2) feet of building height, whichever is greater. The proposed single family house has a building height of 25 feet, requiring a 12 foot side yard setback per code.

Staff Report:

Lot 1, Arnold Subdivision, is located partially within FEMA's 100 year floodplain. New 2008 FEMA floodplain maps show the 100 year floodplain shifting further into the property reducing the building envelope of the property. The physical condition of the site no longer allows the applicant to build his desired house.

Staff recommends that Planning Commission APPROVE Variance 2014-1 with the following conditions.

1. The applicant shall not place a unit closer than five feet from the side yard property line on Lot 1

Public Comments:

City Attorney explained that Mrs. Pettinger comments are as a citizen for there is no one present to submit comments on her behalf.

Mrs. Pettinger shared the lot is very small and a house of 2,900 sq. ft. concerns her being built on such a small lot. . The closest fire hydrant is at Park and 9th Street, and with the home being so far away is a concern. She has also seen a 5 foot wall of water come down Hickman Gulch and with the home on the edge adds concern regarding the ditch and flooding. Any kind of excavation disturbance is going to take time for the ground to settle.

Commissioners Questions and Comments:

Commissioner Fuller what is the proposed square footage of the structure? Concerned that construction material and other items and debris will get into the creek.

Mr. Ruiz replied the home is 2,900 square feet with a 20 X 19 single car garage. With the home being moved toward the south the creek is further away.

Staff explained the flood plain regulations are in place to protect the gulch. The City Engineer and Building Inspector will watch the embankment during construction for debris and sloughing.

Commissioner Elliott asked if there are any utilities or easements in planned the 5 foot south side yard setback

Mr. Ruiz replied there is nothing south of the proposed structure and no plans for any utilities between the proposed and existing residential structure south of the property.

Motion Made:

Commissioner Mead moved to **APPROVE** Zoning Variance 2014-1 Lot 1 Arnold Minor Subdivision with Staff's recommendation. *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

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

Commissioner Pettinger returned to her seat. *Commissioner Sieber* will no longer be a voting member.

CONDITIONAL USE PERMIT 2014-2 2157 WHITERIVER AVENUE

The Chair called applicant up Rose Rauman and Jim Suminski

The Chair verified public notice requirements had been met.

Purpose: The applicant requests approval of a Conditional Use Permit for a Limited Tow Yard.

Applicant: Mr. Suminski read through the conditions and explained the cost involved. He also mentioned with screening, it prevents the tenant to sell the impounded cars after 30 days to recover the cost.

Staff Report: Staff recommends Planning Commission APPROVE CUP 2014-2 with the following conditions:

1. The applicant shall submit a landscape plan showing landscaping pockets adjacent to Whiteriver Avenue.
2. The applicant shall install an in-ground irrigation system to water the landscaped areas.
3. The tow yard shall be paved and enclosed by a solid opaque or screened fence measuring 6 feet in height.
4. 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.
5. All work described above shall be completed by August 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.
6. No more than 8 towed vehicles may be on the outdoor storage site at one time. A specific vehicle may not be stored outdoors for more than 60 days.

Public Comments: No Comments

Commissioners Questions and Comments:

Staff explained condition 3 should have read “The tow yard shall be paved or graveled and enclosed by a solid opaque or screened fence measuring 6 feet in height.”

Commissioner Mead explained in the past it has been talked about hand watering a few shrubs, can this be considered for this property?

Staff replied it could be considered for the landscaping. Think of the conditions as a menu and feel free to offer amendments.

Commissioner Elliott explained other storage yards in the neighborhood are screened and the screening does fit in with the neighborhood.

Commissioner Fuller asked about tire and battery sells, will those be new of coming off the impounded autos and what liability is there with the impounded autos?

Mrs. Rauman explained new batteries and new tires. They have insurance to cover the vehicles in the tow yard. That is why they rented the fenced-in yard; they are responsible for damage both inside and outside of the vehicles.

Commissioner Caldwell asked if the impound lot can be used as a sales yard too? The screen on the fence would be provide safety for the impounded cars not being so visible, but then for the sell lot it would restrict visibility for customers to see and look what is for sale.

Mrs. Rauman explained the adjacent lot to the north has a screened fence and you can see every car in there. If someone is going to break in they are going to. The screen will prohibit people to see a vehicle for sell in there or a sign in the window. In our business, we are required to sell the vehicles and given 60 days to sell.

Vice Chair Rogers explained the vision for this area is community service, and would like to see it that area, and would like to leave the landscaping in the conditions.

Commissioner Sieber asked about the limit of towed vehicles allowed in the lot.

Staff explained if the number gets changed to include a prohibition on salvaged vehicles (the applicant said they don't salvage vehicles), but to add that into the conditions. Making the motion to limit the number or use and fill up the entire and not set a number.

Mrs. Rauman explained with the nine (9) to ten (10) vehicles are in the lot now and is not near full. You could easily get twenty (20) to twenty-five (25) vehicles on the lot. Most of the time we won't have that many during the winter time it could get crazy; I would like to see 25 vehicles allowed.

Commissioner Elliott explained looking at the lot and pictures, there is not much area to landscape.

Commissioner Pettinger explained that taking care of the weeds in the right of way and having some plants by the building would help with the landscaping requirements.

Mr. Suminski explained a storage yard keeps getting mentioned but the lot is being used more like a parking lot.

Staff explained parking lots are required to be paved, that is why it is being called a storage yard.

Commissioners discussed among themselves to amend the recommendations as:

1. Applicant shall submit a landscape plan.
2. Irrigation system will be part of the landscaping plan explaining how they plan on watering.
3. To add graveled and enclosed by a solid opaque fence.
4. Site plan must be provided by a licensed landscape contractor, and will be reviewed by Staff
5. All work shall be completed by September 30, 2014.
6. No more than twenty-five (25) towed vehicles may be on the outdoor storage site at one time and may not be stored more than sixty (60) days. Vehicles in a salvaged condition may not be on the lot more than (30) thirty days. All stored vehicles must stay inside the fenced area.

7. Review in five (5) years.

Motion Made:

Commissioner Elliott moved to **APPROVE** Conditional Use Permit 2014-2 2157 Whiteriver Avenue amending Staff's recommendations to read as:

1. The applicant shall submit a landscape plan showing landscaping pockets adjacent to Whiteriver Avenue.
2. The tow yard shall be graveled or paved and enclosed by a solid opaque or screened fence measuring 6 feet in height.
3. Before any work may begin on the site the applicant must submit a site plan that shows the landscaping and fence location by a licensed Landscape contractor that will be reviewed by the City Engineer.
4. All work described above shall be completed by September 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.
5. No more than 25 towed vehicles may be on the outdoor storage site at one time. A specific vehicle may not be stored outdoors for more than 60 days. Vehicles in a "salvaged" condition may not be stored on site.
6. This conditional use permit is valid for a period of five (5) years at which time it will be reviewed by the Planning and Zoning Commission.

Commissioner Mead seconded the motion. The motion **CARRIED** with the following vote:

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

CONDITINAL USE PERMIT 2014-3 216 E. 21ST STREET

The Chair called applicant up Rick Johnson and Jeff Wadley

The Chair verified public notice requirements had been met.

Purpose: The applicant requests approval of a Conditional Use Permit for a Heavy Equipment Storage Yard.

Staff Report: Staff recommends Planning Commission APPROVE CUP 2014-3 with the following conditions:

1. The Heavy equipment storage yard shall be graveled or paved and make use of dust suppression methods. The City will make semi-annual inspections for dust repression and adequate surfacing to avoid mud on city streets. The City reserves the right to revoke this Conditional Use Permit due to a failed inspection.
2. The applicant shall submit a landscape plan showing pockets of landscaping at the entrance to the property adjacent to the Public Right of Way.
3. The applicant shall install an in-ground irrigation system to water the landscaped areas.
4. The lot shall be enclosed by a solid opaque or screened fence measuring 6 feet in height.
5. All work described above shall be completed by August 30, 2014. Failure to do so shall result in immediate cessation of the Heavy Equipment Storage Yard and complete vacation of all activities on the site.

Public Comments: No Comments

Commissioners Questions and Comments:

Vice Chair Rogers asked how the lot drains

Mr. Johnson explained it drains to 21st Street to Whiteriver. The dust is coming from 21st Street.

Commissioner Elliot asked if there would be any problem putting up signage if the fence is screened.

Mr. Wadley explained there is no drainage off the property into the alley, the gravel in the lot is over 2 feet deep. All the water coming down the alley from Gunbarrel Square and Wing Nutz, north of the property is causing the alley to have pot holes. The City has been very earnest in trying to keep the building at 224 E 21st Street from flooding. The City has built the alley up and the alley is much higher than the building. The soil around the metal building had to be moved from the building to prevent erosion. Wing Nutz has the alley blocked with sheds, coolers, and trash so there is no egress from the alley. If you needed to exit north for an emergency you could not, the alley is a big problem. Mr. Wadley mentioned is appreciates the forward thinking for the north end of town. If it relies on an opaque fence it will get done. The Conex being discussed is located in the back of the yard and not all that visible; all the attraction we can do for business is where we need to focus.

Vice Chair Rogers reading through the conditions and mentioned landscaping.

Mr. Wadley explained there are trees on two sides of the property. There is no water on the property.

Commissioner Elliott asked why the City was working on 21st Street, was the drainage part of the plan.

Staff replied they will get with the City Engineer and find out.

Motion Made:

Commissioner Mead moved to **APPROVE** Conditional Use Permit 2014-3 216 E. 21st Street amending Staff's recommendations to read as: The Heavy equipment storage yard shall be graveled or paved and make use of dust suppression methods. The City will make semi-annual inspections for dust repression and adequate surfacing to avoid mud on city streets. The City reserves the right to revoke this Conditional Use Permit due to a failed inspection.

1. The applicant shall maintain existing tree vegetation adjacent to 21st Street and add decorative mulch/stones around the tree base.
2. The lot shall be enclosed by a solid opaque or screened fence measuring 6 feet in height.
3. All work described above shall be completed by September 30, 2014. Failure to do so shall result in immediate cessation of the Heavy Equipment Storage Yard and complete vacation of all activities on the site.
4. This conditional use permit is valid for a period of five (5) years at which time it will be reviewed by the Planning and Zoning Commission.

Commissioner Caldwell seconded the motion. The motion **CARRIED** with the following vote:

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

TEXT AMENDMENT 2014-2 DOWNTOWN ZONING UPDATES

The Chair called Staff

The Chair verified public notice requirements had been met.

Purpose: One of the recommendations of the Downtown Strategic Plan was to revise two sections of the Downtown Zoning Code. The Code was adopted in 2011 with the goals of fostering high-quality development in the downtown and providing ease of use for developers. The recommended revisions are intended to further those goals.

Staff Report:

The first recommendation is to revise Code Section 16-18-830:

The Code will continue to require that surface parking is tucked away on the back or the side of properties, so that major streets such as 2nd Street or 3rd Street have a “main street” walkable design with buildings fronting the street.

Staff recommends one of two options: either the “discouraged” percentage be reduced to 25%, or the minimum building coverage requirement be eliminated altogether. The majority of DDA members recommended reducing the “discouraged” percentage to 25%, and the preferred percentage to 35%.

The second recommended downtown code revision is regarding *non-conformities*. Non-conformities are a part of the Code that deals with the “grandfathering-in” of conditions on an existing building or property.

In order to improve the non-conformities section of Code, staff recommends eliminating the following section 16-18-1110:

Public Comments: No Comments

Commissioners Questions and Comments: No Comments

Motion Made:

Commissioner Caldwell moved to **RECOMMEND** to City Council to **APPROVE** Text Amendment 2014-2
Commissioner Mead seconded the motion. The motion **CARRIED** with the following vote:

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

Motion Made:

Commissioner Elliott moved to **RECOMMEND** to City Council to **APPROVE** Text Amendment 2014-2
Commissioner Mead seconded the motion. The motion **CARRIED** with the following vote:

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

ELECTION OF OFFICERS

Paper vote by anonymous Rogers accepted Chair and Elliott accepted Vice Chair.

MEMBER COMMENT AND ADJOURNMENT

Chair Rogers adjourned the meeting at 8:35 p.m.

Helen Rogers, Chairman

Date

Charlotte Squires, Planning Technician

Date