



REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT MINUTES

Tuesday, June 24, 2014

Chair Helen Rogers called the Regular Planning Meeting and Board of Adjustment 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:

Planner Hannah Klausman, City Attorney Jeff Conklin, Administrative Assistant Charlotte Squires, City Manager Matt Sturgeon, Jim Miller, City Television Station Jim Bell and Michael Churchill, Charles Penwell, Bruce & Sharon Harper, Lori & Larry Schmueser, Lori & Bruce Hoffman, Cindy Hoest, Terry Secor, Gary Miller, John Scalzo.

APPROVAL OF APRIL 29, 2014 REGULAR PLANNING COMMISSION MEETING AND BOARD OF ADJUSTMENT MINUTES

Commissioner Pettinger moved to **APPROVE** April 29, 2014 Regular Planning Commission Meeting and Board of Adjustment Minutes with correction to page 5. *Commissioner Marantino* seconded the motion. The motion **CARRIED** with the following vote:

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

MAP AMENDMENT REZONE 2014-1 2090 WHITERIVER AVENUE

The Chair called applicant up

The Chair verified public notice requirements had been met.

Purpose: The applicant requests that Planning Commission approve Map Amendment 2014-1 a rezoning of 2090 Whiteriver from Light Industrial (LI) zoning to Medium Density Residential (MDR) zoning

Staff Report: Staff recommends that Planning Commission APPROVE Map Amendment 2014-1.

Staff explained that this needs to go to City Council on July 16, 2014. Even though the applicant is not present, commission could make a motion.

Public Comments: No Comments

Commissioners Questions and Comments: No Comments

Motion Made:

Commissioner Mead moved to **RECOMMEND** to City Council to **APPROVE** Map Amendment Rezone 2014-1 with Staff's recommendation. *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

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

CONDITIONAL USE PERMIT 2014-4 2090 WHITERIVER AVENUE

The Chair called applicant (not present)

The Chair verified public notice requirements had been met.

Staff Report: *Staff* recommended the conditional use be tabled to the July 29, 2014 meeting when the applicant could be present to respond to the conditions recommended by Staff.

Motion Made:

Commissioner Marantino moved to **CONTINUE** Conditional Use Permit 2014-2 2090 Whiteriver Avenue to July 29, 2014 when the applicant can be present. *Commissioner Fuller* seconded the motion. The motion **CARRIED** with the following vote:

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

**MAP AMENDMENT REZONE 2014-2 WATER TREATMENT FACILITY AND
CONDITIONAL USE PERMIT 2014-5 Parcel 2177152001002 and 21771520100; address to be
determined, parcels are located east of the Veterans Nursing Home on 5th Street and north of
Highway 6 and 24 in Rifle**

The Chair called applicant up City Staff Jim Miller and City Manager Matt Sturgeon

The Chair verified public notice requirements had been met.

Purpose: Staff requests the Rifle Planning Commission grant a rezoning of the site of the water treatment plant from Developing Resource (DR) to a Public Zone (PZ) district. The property is owned by the City of Rifle.

Staff Report: Staff recommends Planning Commission recommend APPROVAL of Map Amendment 2014-2 to City Council.

Staff explained due to the hardship of the current proposed location the new proposed location will cut cost. The site is chosen for financial reasons.

Public Comments:

Mr. Miller asked about the open space and encouraged bikers and hikers to continue to use the property for the great topography of the land for outdoor use.

Mr. Penwell shared he is the owner of adjoining property north of the proposed site. Any development on his property will look down at the roof, the solar panels, etc. Mr. Penwell stated if the water plant is built it will reduce his property value. The water line that currently exists goes up through his property, a little over a year ago the City inquired in expanding the easement to include other utilities. On April 24, 2013 Mr. Penwell signed an easement agreement with the understanding the facility was to be located down the hill and would not interfere with his view from his property. With

the change of location of the facility now blocking the view, he needs to reevaluate his options. Mr. Penwell encouraged the project to go back out for re-bid.

Staff, City Manager Sturgeon explained there is no time or money to go back out for a re-bid. There is not a lot of companies out there to bring down the costs. City Council will be holding a special meeting Wednesday June 25, 2014 at 7:00 p.m. There has been money spent to reevaluate the project and cost, and the plant needs to be relocated. The City has to move forward and is unable to wait any longer.

Mr. Scalzo explained he was the Mayor when Union Carbide shut down the mill. He was the one that went to Grand Junction and got the parcel for the City use in the early 1970's. Mr. Scalzo asked how much of the land is being developed of the 65 acres. Mr. Scalzo also explained change, change change is going to continually happen and plans need to be made. Encouraged the City to further plan out the rest of the property, if a road needs to be developed, do it now and not come back a year later.

Staff, Mr. Miller explained one third (1/3) of the property will be used.

Mr. Schmueser explained that he would prefer the water treatment plant to remain at the first site. We are going to be above the plant on the new site looking down on the roof. Mr. Schmueser is concerned about all the mechanical equipment, solar panels, HVAC etc. It will be in the line of site from his property. The other concern is area lighting and he would appreciate that being mitigated. The landscaping is also a concern. As an adjacent landowner he would like consideration be given to screening elements. Mr. Schmueser is also concerned about the noise level from the proposed water treatment plant. Asking the City to please keep these details in mind when considering design.

Ms. Hoest Ms. Hoest resides on Birch Court to the west of the proposed property. Ms. Hoest expressed her questions regarding the electric/gas/sewer lines through her neighborhood. She just would like to know what planned, no specific concern with underground utilities is.

Staff, Mr. Miller explained that the potential options for utilities to the plant are Hospital Hill Rd, off of 5th St, and one from 7th Street. Sewer options include a gravity sewer towards 5th, and the other is a lift station up the pipeline easement to 7th. Also explained that water plants do not generate odors. The intent for truck traffic is to come up through hospital hill road.

Staff, City Manager Sturgeon asked what is the concern with running underground utilities.

Staff, Mr. Miller explained that all the options are still undecided, and have not been vetted. He also explained that the land use itself is fairly benign, other than the size of the structure itself.

Mr. Harper explained concern over value of property going down. Suggests take a step back and decide exactly what the water treatment plant is going to look like before bringing this motion. Also suggests going out for more bids on the previous property.

Staff, Mr. Miller Asked what property Bruce Harper is located on.

Mr. Penwell Asking about the meeting tomorrow regarding the water treatment plant.

Staff, City Manager Sturgeon The earlier meeting is not a public meeting. The City Council workshop will start at 6; the public part will be at 7:00pm.

Commissioners Questions and Comments:

Commissioner Pettinger what is the address of the current water treatment plant? It didn't make property values go down in that neighborhood, Highlands East, so it should not in this case as well.

Commissioner Caldwell Are we considering some kind of berm at the site, property line?

Staff, City Manager Sturgeon we would consider screening offsite as well after the structure itself has been built. It might be more successful screening at the location of adjacent home, as opposed to screening the water treatment building at its site. We can't make that condition tonight but we will make a good faith effort to do so.

Commissioner Elliot asking whether the old site was annexed in through the same process, resulting in receiving bids etc. Are there parts of the plan that the City will have a choice in, such as lighting, screening, etc. The first thing that the City is trying to do here tonight is plan the site and approve a conditional use, to lay the ground for continuing the building plans.

Commissioner Rogers there is also a financial aspect to moving forward with this, is that correct?

Staff, Mr. Miller Yes. The Colorado Water Resources & Power Development Authority is reminding us that we are not drawing down funds on the timeline that has been mutually established. That state agency is also getting pressure from the Federal Agency who provides the funds. We have been told that we are putting their operation at risk by not drawing down on the allocated funds.

Commissioner Rogers is the City anticipating fencing the entire perimeter, will there be an opportunity for the public to walk their dogs or ride their bikes on the adjacent land around the treatment plant.

Staff, City Manager Sturgeon explains that the staff is advocates for multiple uses. Our preference is to try to fence the least amount of land as possible. Keeping people out of the waste areas is important but there is a chance to incorporate the recreational open space and public access that exist today.

Commissioner Marantino with regards to the budget, is it possible in the budget currently to address some of these view shed concerns.

Staff, Mr. Miller we would have to find the budget to do that, it is not currently in the budget for those measures. There are some funds from the other plant location that could be used possibly. Decisions will be made on priority funding.

Commissioner Fuller has there been any conversation regarding what will happen to the old site? Will it remain zoned Public Use?

Staff, City Manager Sturgeon no not yet. It will still remain Public Use zone.

Commissioner Rogers what will happen to the old water treatment site? The Grand Mesa water site.

Staff, City Manager Sturgeon we do not know yet. We will be starting with asbestos removal. The City is focusing on the new site at the moment to ensure clean water.

Public Comment Mr. Penwell if the Commission approves this motion, can the approval be subject to another budget analysis. What I would hate to see happen is that the new treatment plant site comes out the same price due to unforeseen circumstances. Can the site be moved back to the old location if the pricing will be the same.

Staff, City Manager Sturgeon considerable thought and planning has been conducted regarding price and cost of the new site. Staff has done everything in its power to not have to relocate. If there were a less costly option in the old location, staff would be recommending staying there. There are many variables.

Staff, Mr. Miller it is not conceivable that the cost would be the same. I have been involved with 40-50 water plants over the years. We are in market conditions now that present great risk to the city. Other projects are only getting two bids as well. Costs are rising faster than inflation. We are trying to close the gap and not widen it, which is why we need to move quickly.

Mr. Gary Miller what is going to happen to 5th street? Will it run through, dead end, or what? Also the recreational opportunities there are incredible for mountain biking and hiking. I would encourage you, should this take place, to incorporate some form of recreation into the plan. It is an underrated open space area.

Staff Mr. Miller the options are that it would dead end but utilities would be continued on a platform. It is not an option at this point that 5th street would be continued as a thoroughfare.

Staff, Planner Klausman for the record, staff recommended a height provision for the water treatment building of 45 feet.

Conditional use permit is only valid with the zone change to public use.

Staff, City Manager Sturgeon Jim do we need the 45 foot condition for the building.

Staff, Jim Miller the building does not necessarily need to be 45 feet. It can drop by one story, or 8-10 feet. The height has not been set yet. A 45 foot height would limit possible future processes. The building as constructed for the foreseeable future, would be within 35 feet, so the 45 foot limitation is not necessary.

Staff, City Manager Sturgeon recommends removing the 45 foot condition as the building will be within the zone standards of 35feet.

Commissioner Sieber the building height is the building itself and does not include solar panels or anything else on the top of the building.

Commissioner Rogers why don't we do the rezoning first. Do I hear a motion to rezone the property.

Motion Made:

Commissioner Mead moved to **RECOMMEND** to City Council to **APPROVE** Map Amendment Rezone 2014-22. *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

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

Motion Made:

Commissioner Elliott moved to **APPROVE** Conditional Use Permit 2014-5 Water Treatment Facility amending Staff's recommendations to discard condition #2 regarding the 45 foot building height restriction, and keep the first staff recommendation.

Commissioner Fuller wishes to discuss the motion regarding mitigation efforts of the site. Would like to add language to the conditions of the site plan.

Commissioner Elliot can there be an additional public hearing once the site conditions have been decided upon?

Staff, Mr. Miller we are planning on changing the project bid route to a CMGC approach. That includes arriving at a guaranteed maximum price, and work down towards something that the City can afford.

Staff, City Manager Sturgeon it would be better to indicate in the conditions that going forward the City Staff will work with the property owners to mitigate the visual impacts. As a property owner it might be beneficial to approach the mitigation after the structure has been built. The zone allows for a three story building of 35 feet. We don't know how to best screen the facility until the actual facility is built and finished.

Commissioner Rogers that is what the adjacent landowners are concerned about. When people don't know what it is going to look like, that is when issues arise.

Commissioner Marantino if we are not contractually obligated in some way, there is some concern that if staff changes, or commission changes, will they still get taken care of.

Commissioner Fuller concern over approving this now and then getting a paved 40 acre lot instead of what was intended.

Staff, Attorney Conklin as the staff has expressed, they intend to make a good faith effort to work with land owners to mitigate visual impacts. Perhaps that is the condition you attach, directing staff to work with adjacent landowners regarding mitigating visual impacts of the water treatment plant.

Motion Made:

Commissioner Elliott moved to **APPROVE** Conditional Use Permit 2014-5 Water Treatment Facility with staff recommendation #1, discarding recommendation #2, and adding the condition that City Staff work with adjacent landowners to mitigate visual impacts. *Commissioner Mead* seconded the motion. The motion **CARRIED** with the following vote:

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

MEMBER COMMENT AND ADJOURNMENT

Chair Rogers adjourned the meeting at 8:55 p.m.

Helen Rogers, Chairman

Date

SIGNED COPY ON FILE

Charlotte Squires, Planning Technician

Date