



CITY OF RIFLE PLANNING COMMISSION REGULAR MEETING PUBLIC HEARING

**Tuesday April 26, 2016
Rifle City Hall – Council Chambers**

- 6:00 PM Workshop ~ Storage Regulations and Zoning Powers
- 7:00 PM Convene Regular Planning Commission Meeting
- 7:01 PM Roll Call
- 7:02 PM March 29, 2016 Regular Planning Commission Meeting Minutes
- 7:03 PM Map Amendment 2016-3 North Rifle Center – Light Industrial (public hearing continued)
Rezone ten (10) properties in North Rifle from Light Industrial (LI) to Community Service (CS) properties
- 7:30 PM Election of Chair and Vice Charir.
- 7:40 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: May 31, 2016





REGULAR PLANNING COMMISSION MEETING

Tuesday, March 29, 2016

Chair Helen Rogers called the Regular Planning Meeting to order at 7:05 p.m.

MEMBERS PRESENT AT ROLL CALL:

ROLL CALL: Rogers, Fuller, Pettinger, Caldwell, Marantino, Strode and Barnett

OTHERS PRESENT:

Planning Director Nathan Lindquist, Planner Hannah Klausman, Administrative Assistant Charlotte Squires, City Attorney Jeff Conklin, City Television Station Salvador Tovar-Guzman, Scott Brynildson, Larry Schmueser, Eric Brynildson, Jim Suminski and Matt Morgan.

APPROVAL OF FEBRUARY 23, 2016 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Pettinger moved to **APPROVE** February 23, 2016 Regular Planning Commission Meeting Minutes with some grammar changes. *Commissioner Marantino* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Rogers, Fuller, Pettinger, Caldwell, Marantino, Strode and Barnett

MAP AMENDMENT 2016-3 NORTH RIFLE

The Chair called applicant – City of Rifle Planning Staff

The Chair verified public notice requirements had been met.

Purpose:

Rezone 18 parcels in North Rifle from Light Industrial Zoning (LI) to Community Service Zoning (CS) and a rezoning of one (1) parcel (the fire station) from Light Industrial Zoning (LI) to Public Zone District (PD). The Rifle Comprehensive Plan, which guides future development and growth in the City, envisions this area as a Mixed Use Community Commercial Zone and as an important neighborhood on a highly visible thoroughfare into the City of Rifle.

The major effect of this rezoning would be to no longer allow industrial uses such a scrap metal processing, slaughter houses and rendering plants, adult entertainment establishments, asphalt or concrete batch plants, storage yards, outside storage, contractor yards and heavy equipment storage yards in this area. The Comprehensive Plan desires these types of uses to occur in designated Light Industrial areas away from the commercial and residential neighborhoods of North Rifle.

Staff Report:

Staff recommends Planning Commission recommend City Council APPROVE Map Amendment 2016-3.

Public Comments:

Mr. Scott Brynildson asked if the letters sent from the property owners were submitted. If the property gets down zoned, this would affect the tow yards. The buildings are not big enough to store the items in. The church had a semi-tractor trailer setting on their property and moved it to the property just north of it to store items do to zoning issues. With the new zoning, the semi-tractor trailer will not be allowed on the adjoining lot. Scott explained that Larry Schmueser had previously asked the city to have a contractor yard and was told no, so he took his business to Grand Junction and Rifle lost jobs for local residents. Scott explained that the setbacks on his property at Hwy 13 and Whiteriver Avenue leave very little building area. Part of the

conditional use permit for the tow yard there was putting up an opaque fence. If the fence needs repair let him (Scott Brynildson) know and he will fix it, but don't down rezone the area. *Mr. Brynildson* asked about the lumber yard and the outside storage. *Mr. Brynildson* recommended to the Planning Commission to decline the map amendment.

Mr. Suminski explained that he owns the storage units and the little shop with vacant lot; the property has a conditional use permit for a tow yard and was leased out and running as a tow yard. Mr. Suminski read through the list of uses allowed between the light industrial and community service stating that the city would lose about 30% of the possible business that could operate on the properties. Sixteen (16) uses would be prohibited completely, eight (8) would be changed to conditional use and there would be a gain of five (5) except the options will not work in the current existing structures. The chances of renting the building and lot space will be impacted if the zoning change goes through, limiting the options. Mr. *Suminski* shared he is opposed to the zoning change and would like Planning Commission to consider the impact this would have on the property owners.

Mr. Schmueser explained he owns the property east of the property being rezoned, and would like to have an understanding what he can do with his property that is zoned community service. He asked if he put his property up for sale and represented it based on City Code, what could go there potentially? A few years back he tried to do a steel fabrication business on the property and was told to apply for a conditional use permit, however the landscaping and other requirements were cost prohibitive, and so he built the shop in Grand Junction. It was a business decision and was discouraging not being able to use the property.

Mr. Morgan shared he opposes the map amendment. Mr. Morgan drives by the area daily and has no problem with the looks and knows it is part of the current business on site. Mr. Morgan shared if the issue is cleaning up the area, then address each property per their issues.

Mr. Scott Brynildson shared that the property owners of the vacant lots south of 18th Street oppose the map amendment per conversations Scott had with each property owner. The outside storage will not be okay with the map amendment and that is not ok. When the zoning changes the City will come in and say no more and remove the outdoor storage and he is opposed to that..

Staff explained the definition for outdoor storage is very broad and very difficult to define. Maybe part of the map amendment is better defining what is okay for the normal operations of a glass business or auto body and find the line between those and a storage yard.

Mr. Eric Brynildson explained as a civil engineer, he understands the concept of keeping the same land uses in one area. As a land owner there are concerns restricting the use. My question is with the City's Comprehensive Plan what is the City's long term vision for this area? What business do they want to see there?

Staff replied for the most part the comprehensive plan is saying general commercial uses, not just retail, restaurant, office but everything that is allowed in the community services zone.

With the code and zoning in place it becomes a virtuous circle, one improvement encouraging the next. This would encourage capital improvements from both City and private business owners and perhaps even a mill levy or business improvement district toward beautification, sidewalk or street improvements or what the current need would be.

Mr. Eric Brynildson asked if the City believes Light Industrial Zoning encourages the wrong interest, and if in the near future would the Light Industrial Zoning allow uses the City doesn't want there. Eric wondered if that is the primary reason for the change. .

Staff replied that there are current issues with the storage happening on the properties, however that the main reason was to prevent any further expansion of more industrial uses in that area that is envisioned for commercial uses in the comprehensive plan.

Commissioners Questions and Comments:

Commissioner Barnett asked about what uses currently existing in the area are allowed in Community Service, such as the lumber yard. Asked if the heavy equipment storage yard on 21st street Texam is retail storage.

Staff replied that Valley Lumber Yard is zoned community service, and a lumber sales yard is an allowed use in CS. There is also wording in the code for a sales yard over a storage yard. Texam is not retail storage – they store the items for service calls.

Commissioner Caldwell asked if a retaining wall structure built from the corner of Whiteriver and Hwy 13 wrapping the corner could be a solution? And if so, would it be a city project, a private individual project, or shared with all parties.

Staff replied that it would require a permit from CDOT. In general, private or business initiated improvement would be the preferred route. The more interest from the private sector then the more the City would be willing to do a partnership.

Commissioner Strode shared that he appreciates the audience that came to express their concerns. The appearance of the area in question is fairly desolate looking. You have the police station, fire station some open space then some business and then into residential. Knowing it was the north end of Rifle at one time, I am wondering how we can work together and come to a good solution to improve the area with a growing community.

Commissioner Rogers commented that the property where the church left their trailer is an eyesore and noticing more graffiti on the trailers.

Staff explained there has been code violation letters sent out to property owners to address violation issues.

Commissioner Fuller explained how the area is depressed with very few food options for those who don't drive their only options being Kum& Go, KFC and Mexican place. If this area changed to community service zoning it would allow business to be better utilized within the community and that would be great. Since half the business owners of the area are present tonight, perhaps a business improvement district is the answer if they are interested. Or we can just leave it as it is and wait for Rifle to start growing again and solve the problem on its own.

Commissioner Strode shared the City is gaining more walkability and with all the residential north, and the path that goes around the east, it would be nice to see improvements done to allow the north of town be able to walk to the middle of town. The current light industrial area does not encourage pedestrian traffic.

Commissioner Marantino shared he understands the City's goals and trying to understand the impact on the current business owners.

Staff explained there are three (3) categories, going through; let's take each one separately to see what response there is.

- 1) The larger vacant properties, where there are no businesses, would you be interested in a zone change for those?

Commissioner Caldwell asked if a business comes in and purchases a piece of property and it is zoned light industrial, they are assuming they can do that kind of use, they are not going to come and ask for the use. Example, I am going to put in a saw mill on this piece of property because it is allowed, after they have purchased the land then they are going to learn they may not be allowed due to a conditional use process. If the zoning is changed, then the saw mill is not allowed then we don't have the loud dusty facility in the middle of a community we want that is the reason for the zoning change. It is not to prohibit anyone with a current business it is more to prohibit certain quality of business from being installed within this area of our city, that are noise producing, pollution style business.

Commissioner Strode explained looking at the list and allowable uses that there are certainly some businesses that don't belong in this part of town such as concrete batch plant, bulk petroleum storage or quite a few of

other business that are not operating in this area. This could be the reason the planning commission is saying this is a good time to look at this property because right now there are not those business.

Commissioner Marantino shared it makes sense to rezone the vacant lots and therefore not impacting the current businesses.

Commissioner Caldwell asked whether the current conditional use permits in place could be extended.

Staff explained if you want to extend the Conditional Use Permits, it would need to be done prior to zoning.

City Attorney agreed with staff if the conditional use expiration date is not changed prior to the code change, then at time of expiration the conditional use will no longer be valid.

Commissioner Rogers agreed with changing the zoning on the vacant lots only at this time. Address the code violations. Look into a sidewalk and make it a walkable street.

Staff suggested with the information given at this time it might be best to table the map amendment and for Staff to go back and work through the discussion.

Motion Made:

Commissioner Pettinger moved to **TABLE** Map Amendment 2016-3 North Rifle, until April or May Meeting. *Commissioner Barnett* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Rogers, Fuller, Pettinger, Caldwell, Marantino, Strode and Barnett

MEMBER COMMENT AND ADJOURNMENT

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

Helen Rogers, 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; Hannah Klausman, Planner
DATE: April 26, 2016
SUBJECT: MAP AMENDMENT 2016-3: NORTH RIFLE REZONING
APPLICANT: City of Rifle
PROPERTY OWNER: Multiple

2nd MEETING UPDATE:

After the first public hearing with Planning Commission on March 29, 2016, Staff has taken direction from Planning Commission and amended the recommendation to rezone ten (10) Light Industrial parcels instead of eighteen (18) Light Industrial parcels. The Staff Report below has been amended to reflect this and to demonstrate the criteria that this recommendation is based on.

I. REQUEST

The City of Rifle Planning Commission recommends a rezoning of ten (10) parcels in North Rifle: nine (9) parcels from Light Industrial zoning to Community Service zoning, and one (1) parcel from Light Industrial zoning to Public Zone District (the Fire District Office). The Rifle Planning and Zoning Commission has directed City Staff to consider the rezoning of these properties to fit with the intended future use of the area as described in the Comprehensive Plan.

II. SITE LOCATION

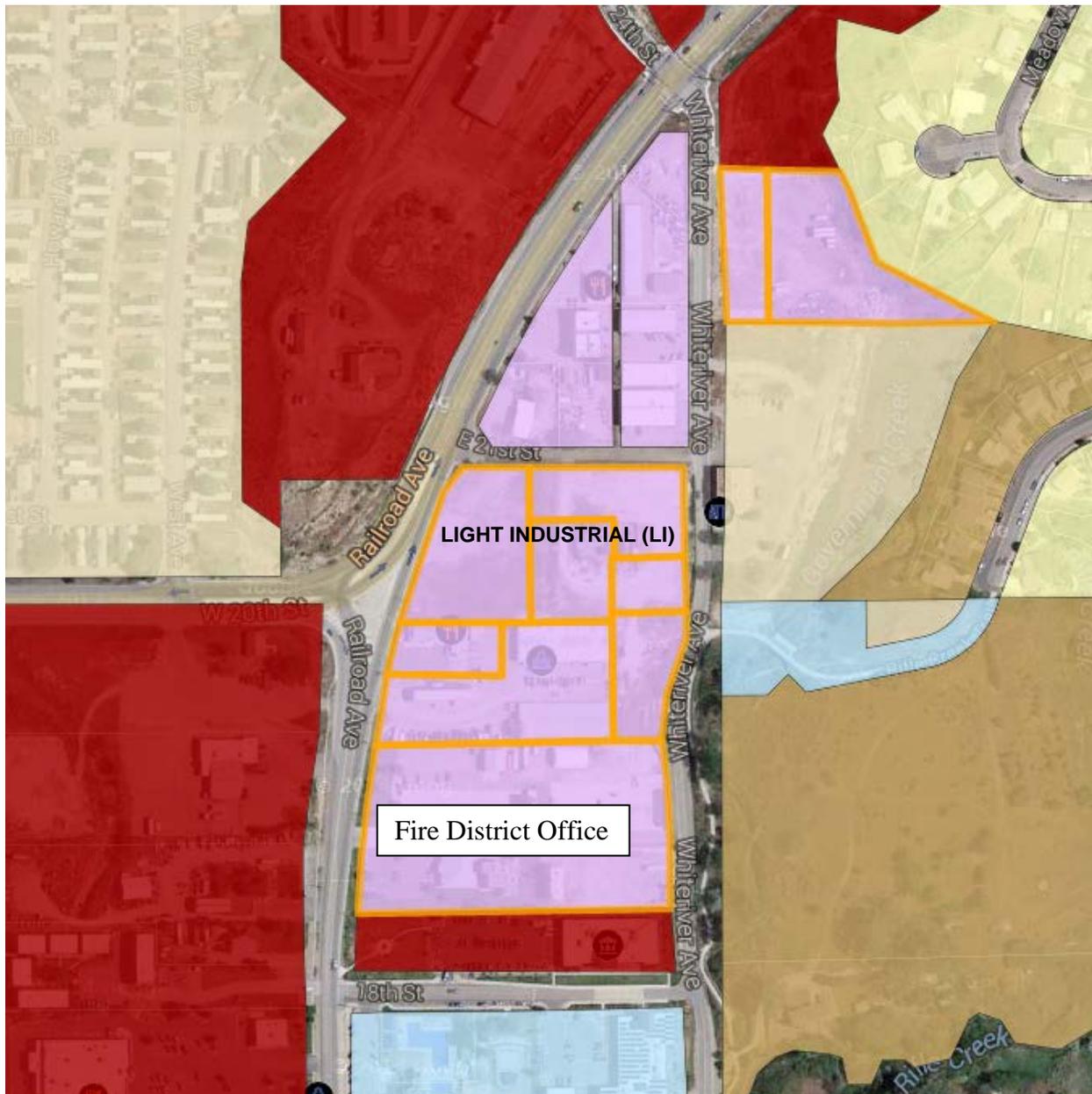
The ten (10) properties recommended for rezoning are highlighted in orange on the map below. They include eight parcels north of 18th Street and south of 21st Street between Railroad Avenue and Whiteriver Avenue, as well as two parcels east of Whiteriver Avenue adjacent to Government Creek.

Properties in orange are proposed to be rezoned to Community Service, except for the Fire District Office which is proposed to be rezoned Public Zone.

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III. BACKGROUND – COMPREHENSIVE PLAN

The 2009 Rifle Comprehensive Plan identifies the area in question as part of the “North Rifle Center” neighborhood. The Comprehensive Plan recommends that the area be rezoned from Light Industrial to Community Service zoning (page 61):

North Rifle Center Objective #1: Over the next 20 year planning period, highly visible and centrally located light industrial properties in the North Rifle Subarea will likely be rezoned to a retail/commercial land use similar to adjacent zoning.

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On page 59-60, the Comprehensive Plan goes into more detail on the vision for the North Rifle Center neighborhood:

The North Rifle Center is currently the main commercial destination area north of Downtown Rifle....The area serves as a shopping node for the residential development on Graham Mesa that accesses the area via 16th Street. Major public services are located in the neighborhood, including the Garfield County Health and Human Services building, the County Courthouse and the City/County Justice Center. Metro Park, with a swimming pool and skate park, is located here. While some areas of the North Rifle Center are built-out, many parcels are ripe for redevelopment. For example, there is great potential for commercial redevelopment where light industrial and older commercial currently exist near the triangle of land formed by Whiteriver Avenue and State Highway 13.

IV. NEIGHBORHOOD CONTEXT

The area surrounding the properties in question is composed of Community Service zoning to the north, west and south, and Medium Density Residential zoning to the east. Surrounding land uses include commercial, residential, and public uses. Most existing uses within the area in question are of a commercial or civic character, with several large vacant properties and one (1) residential use. There are no existing light industrial uses in the area proposed for rezoning. Adjacent to the north are three (3) outdoor storage/tow yards in an area proposed to remain zoned Light Industrial.

Staff finds that the Light Industrial zoning of this area does not conform with the existing character of the neighborhood, nor with the desired vision of the neighborhood as described in the Comprehensive Plan. Decades ago this area was on the outskirts of Rifle and an appropriate location for light industrial uses. However Rifle's growth has surrounded this area with commercial and residential uses. The area is no longer compatible with light industrial uses, and it has transitioned to commercial use over time. The area is located along a key transportation corridor (Highway 13 and Railroad Avenue) that is a major entrance to the Rifle community. Formalizing the transition of the area from Light Industrial to Commercial uses would assist in meeting the Comprehensive Plan's objective to "protect key corridors from unsightly land uses and ensure these thoroughfares protect the City's image." (page 99)

The properties that are recommended for rezoning share one or more of the following criteria:

1. Properties in the block that borders Railroad Avenue and is part of that walkable commercial corridor.
2. Properties in the block that is directly adjacent to a residential neighborhood.
3. Properties in two blocks where current uses do not currently exhibit a light industrial character and have transitioned to uses compatible with Community Service zoning.

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V. EFFECTS OF REZONING ON EXISTING BUSINESSES AND PROPERTIES

The major effect of this rezoning would be to no longer allow industrial uses such as Scrap Metal Processing, Slaughter Houses and Rendering Plants, Adult Entertainment Establishments, Asphalt or Concrete Batch Plants, Storage Yards, Outside Storage, and Contractor and Heavy Equipment Storage Yards in this area. The Comprehensive Plan desires these types of uses to occur in designated Light Industrial areas away from the commercial and residential neighborhoods of North Rifle.

Properties and businesses affected by the proposed rezoning can be put into two categories:

1. **Properties that are larger and mostly vacant.** There are several larger vacant properties in the area that are suitable for development. Rezoning the property would encourage commercial or mixed-use development and prevent industrial development. The effect on property owners would be to limit the types of uses that may be developed in the future. The advantage of the rezoning would be to protect existing commercial and residential uses from being negatively impacted by new industrial neighbors.
2. **Properties with existing businesses compatible with Community Service zoning.** All existing businesses in the area can be permitted under Community Service zoning and thus will not be affected by the rezoning. This includes restaurants, retail establishments, auto body shops, indoor fabrication shops, equipment rental facilities (U-Haul), indoor warehouses, and offices. The rezoning would prevent these properties from changing into industrial uses in the future, which limits the options of property owners but also protects existing commercial uses from incompatible industrial neighbors.

In addition, some standards for new development in the Community Service zoning district are higher than those in Light Industrial zoning. For example, the front façade of a new building in a Light Industrial area may be 75% metal or flat concrete block, but in the Community Service zoning district 100% of the front façade must be of a more attractive material such as brick, split-face block, stone, or stucco.

VI. FINDINGS

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

1. Conformance of the proposal with the City of Rifle Municipal Code;

The proposal conforms with the Code, which permits the City of Rifle Planning Commission to initiate a rezoning.

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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;

The proposed rezoning would ensure that future development is compatible with the character of the surrounding area, as discussed above, by encouraging high-value and more attractive commercial uses and prohibiting lower-value and less attractive industrial uses that are not compatible with surrounding residential and commercial uses.

3. The desirability for the proposed use in the specific area of the City;

Commercial uses are desirable in the “North Rifle Center” area, as described by the Comprehensive Plan.

3. The potential for adverse environmental effects that might result from the proposed use;

The proposed rezoning may prevent adverse environmental effects that may arise from industrial uses in close proximity to residential and commercial areas.

4. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;

The proposal fulfills an objective of the Comprehensive Plan.

5. The potential impact of the proposed use upon the value of property and buildings within the surrounding area;

Long-term positive impacts on the value of property and buildings can be projected as the existing commercial, civic, and residential uses are protected from potential industrial neighbors as the area develops over time.

6. 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.

N/A

VII. RECOMMENDATION

Staff recommends that Planning Commission recommend to City Council approval of Map Amendment 2016-3.

ATTACHMENT 1

Sec. 16-3-420. - Schedule of uses for commercial and industrial districts.

Green uses are those that become allowable with the proposed rezoning.

Red uses are those that become prohibited with the proposed rezoning.

LAND USES BY ZONING (C= Conditional, P= Permitted, *=Prohibited)	COMMUNITY SERVICE (Proposed)	LIGHT INDUSTRIAL (Current)
Accessory dwelling unit - residential	C	*
Adult entertainment establishments	*	C
Artisan galleries or studios	P	*
Asphalt or concrete batch plants	*	C
Assembly, service and repair as an accessory use to a retail or wholesale business	P	P
Auto body shops/painting booths	C	P
Automobile washing facility	P	P
Automotive sales and service	P	P
Bed and breakfast lodging	P	*
Boardinghouse, rooming house	P	*
Bottling/breweries	C	P
Bulk petroleum storage	*	C
Carpentry, plumbing and electrical shops	C	P
Churches	P	P
Cold storage	C	P
Commercial automobile parking lot or garage	P	P
Commercial Communications tower	*	C
Commercial laundry or dry cleaning plant	C	P

Contractor yard/heavy equipment storage	*	C
Crop production, orchards, flower production	P	P
Drive-up banks/savings and loans/drive-in restaurants	P	C
Dwellings in the same building as a business	C	*
Electric power generation/cogeneration facilities	*	C
Equipment leasing	C	P
Feed mill	*	C
Filling (gas) station/convenience store	P	P
Food processing	*	C
Furniture repair/refinishing and upholstery	P	P
Group Child Care Center (up to 9 children)	P	P
Group Child Care Center (10 or more children)	C	C
Golf courses (with or without clubhouse)	C	C
Hospitals	C	C
Hotel, motel	P	P
Indoor commercial recreation facilities	P	P
Kennels	*	P
Lumber sales and enclosed storage	P	P
Manufactured homes	P	*
Manufacturing and processing, assembly, fabrication, service, repair, packaging or preparation of articles or merchandise	C	C
Meat packing/processing associated with retail sales	C	C
Medical and dental clinics	P	P

Mobile home sales and service	C	P
Mortuary (with or without crematory)	P	C
Motor freight service center (truck stop)	C	P
Motor freight shipping center	C	P
Multiple-family dwellings	P	*
Offices for the conduct of a business or profession	P	P
Oil and natural gas exploration, development, production, pumping, compressor facilities and pipelines	*	C
Outdoor commercial entertainment	C	C
Personal service establishments, including but not limited to: barber and beauty shops, shoe repair shops, tailors, self-service laundries, dry cleaning outlets, travel agencies and photography shops	P	P
Personal storage units/mini-storage units	C	P
Printing and publishing	P	P
Private membership clubs	P	P
Processing of natural resources	*	C
Public and private schools	C	C
Public services and utilities	C	P
Railroad transfer yards	*	P
Research facilities, testing laboratories	*	C
Restaurants, taverns, micro-breweries	P	P
Retail establishments	P	P
Row houses, town houses	P	*
Sawmill	*	C

Scrap metal processing/recycling	*	C
Single-family dwellings	P	*
Slaughter houses and rendering plants	*	C
Small animal hospital or clinic	C	P
Storage yard, outside storage	*	P
Theaters, auditoriums and places of assembly	P	P
Transportation centers: bus, taxi, train	C	C
Vocational schools	C	C
Warehouse	P	C
Wholesale establishments	C	P

Dear Planning and Zoning Commissioners,

Hannah Klausman, City Planner, forwarded the live streaming video information so that I was able to watch the March 29th Planning and Zoning proceedings. I appreciate the commission's willingness to table the decision until such things as "outside storage" are clarified. It seemed to me there was one aspect of the use of the vacant properties that was not considered last night, an aspect that trumps even the zoning, that is the economic highest and best use.

I don't know how property sales are today, but the last properties I have dealt with in Rifle have been on a price per square foot basis. The two businesses that were used as examples in the discussion last night, a potential saw mill or a potential batch plant, both would not be interested in these in town properties, they would buy property on an acreage basis, not a per square foot basis. Those larger undeveloped parcels, because of their high values, will be developed as properties that return a certain capitalization rate to the buyer developer. Yes, if Rifle continues in the commercial doldrums, the values will, drop inviting lesser desirable development. I'm guessing that the development plans for Rifle are hoping for renewed economic vigor. If the new vigor comes as it has for the past 70 years via energy development, Rifle's engine will be natural gas field or shale field which is usually results in Cinderella with a dirty face. I believe that the zoning left as is coupled with enforcement of existing code is the reasonable way to proceed. Economics will eliminate slaughterhouse plants, rendering plants, salvage yards, and sawmills.

Sincerely,

Bob Cross

Property Owner

1934 Railroad Avenue