



## REGULAR PLANNING COMMISSION MEETING AND BOARD OF ADJUSTMENT

Tuesday August 29, 2017

Chair Fuller called the Regular Planning Meeting and Board of Adjustment to order at 7:04 p.m.

### **MEMBERS PRESENT AT ROLL CALL**

**Fuller, Strode, Pettinger, Caldwell, Marantino, Rogers and Villasenor**

Commissioner Pettinger moved to **EXCUSE** Commissioner Steffen from the August 29, 2017 meeting

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

**ROLL CALL: Yes – Fuller, Strode, Pettinger, Caldwell, Marantino, Rogers and Villasenor**

### **OTHERS PRESENT**

Planning Director Nathan Lindquist, Administrative Assistant Charlotte Squires, Administrative Assistant Misty Williams, City Attorney Jeff Conklin, Ch. 10 Salvador Tovar-Guzman, Jim and Marge Gerloff, Chris Manera, Laura Achappt, David See and Jarrid Hadland

### **APPROVAL OF MINUTES**

Commissioner Rogers moved to **APPROVE** minutes from the July 25, 2017 meeting. Commissioner Strode seconded the motion. The motion **CARRIED** with the following vote:

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

### **ADDITIONS OR DELELTIONS TO THE AGENDA**

None

### **PUBLIC MEETING OPENED: 7:03 P.M. CONDITIONAL USE PERMIT 2017-8 101 RAILROAD AVENUE**

Applicant – David See

Confirmed Public Notice was met

### **PURPOSE**

Applicant requests approval for a Conditional Use Permit for a drive-through window.

### **STAFF REPORT**

*Planning Director Nathan Lindquist* began this session with a brief background of the subject property, and the reasoning for why it had been presented to the Commission. This particular property requires Conditional Use Permit because a drive-through in not allowed in this zoning district. He also noted that the design of the proposed structure is considered a “discouraged element”, based on criteria set forth in the River Gateway Neighborhood vision statement, due to its single-story construction.

## **APPLICANT PRESENTATION**

*Mr. See* began by thanking the staff of the City of Rifle for being so great to work with, and then went on to explain how he had grown up in the area, raised his kids here, and how this development would not be simply a big corporation building a new store and then leaving, but rather a business with hometown ties to the community.

He pointed out that the large glass windows and metal features of the building are aesthetically pleasing, and somewhat resembles the look of the Rifle Library. He explained how the drive-through has been modified to be located behind the building, and will not be visible from Railroad Avenue. He went on to explain how the traffic flow would be handled both to the restaurant, and once on the property in the parking lot. He also indicated a location for a patio and outdoor dining, as well as ideas for landscaping.

*Planning Director Lindquist* presented to the Commission that since the location of this property is one of the first things a visitor sees when coming into town, that it would be an appealing addition. He pointed out that the structure and proposed property upgrades possess a unique configuration in regards to the building being located at the front of the property and the drive-through will be behind the building, giving the property a more “Main Street” feel.

*Mr. See* indicated that he felt that the patio and outdoor dining area would work best at the back of the property, away from the intersection of Railroad Avenue and Centennial Parkway. He suggested that perhaps the area near the alley could be a possible patio location, because of the layout of that particular corner of the property. The applicant (Wendy’s) intends to make improvements to the alleyway as part of this project, to make the property easier for delivery trucks, customers leaving the establishment in their vehicles and foot traffic to negotiate.

He also pointed out that all mechanical fixtures, as well as trash dumpsters, will be surrounded by fencing structures that will have finishes that match the building. All rooftop equipment will be covered, and not visible to passing traffic.

*Planning Director Lindquist* pointed out to the Commission that the applicant has agreed to set aside a fairly large (30’x30’) corner portion of the property to allow Xcel Energy to make improvements to transformers and switch pads that supply all of the power to the large customer base on the West end of Rifle. Substantial underground lines need to be installed as part of this project. These improvements have been put on hold for quite a while, until a property owner on one side of the alley or the other would agree to allow these changes to be made, knowing that a large portion of their property would need to be used.

*Mr. See* confirmed that they were happy to be able to assist with accomplishing the utility improvements goal.

*Commissioner Villasenor* cited the River Gateway code, Table 16.18530 Section C, regarding the permanent surface lot covering more than 50% listed as a “discouraged element”. She directed her question to Mr. Lindquist, wanting to know if this was something that needed to be addressed as well.

*Planning Director Lindquist* explained to the Commission what is considered a “discouraged element”. He noted that if an element is “Conditional”, that in general, is considered OK. If an element is “Prohibited”, then it is prohibited. And if an element “Discouraged”, it means that the applicant needs to show why the subject property would be a good addition, and what benefits that it would be able to provide. In this case, benefits would include the removal of two gas stations, being able to get the power lines underground, and the main street style of the building.

*Mr. See* explained that there could be a possibility for more landscaping and fewer parking spots, but the idea of reciprocal parking for the downtown area had been discussed with the City, and if it was still desired, they were open to that idea. He went on to describe that their parking spots would be largely used during peak-time (lunch), whereas there would be other times where the restaurant’s drive-through would be more frequently used, therefore allowing for reciprocal downtown parking during those times. The reciprocal parking would be a trade-off for less landscaping and more concrete and paved areas on the property, as well as the utility pads. He assured the Commission that they would utilize all possible available space to plant trees, shrubs, etc. to help beautify the lot and create a “green space”.

*Planning Director Lindquist* pointed out that while the public parking was not necessarily needed right now, that with potential future development of the surrounding lots, it would be a good thing to have, so it makes sense to go ahead and implement the parking now, for future use.

*Commissioner Fuller* asked if there would need to be an additional CUP issued, because more than 50% of the property would be paved/concrete.

*Planning Director Lindquist* pointed out that if the Commission were to approve the current CUP (drive-through), that they would need to indicate that it was being approved with the “discouraged elements” (i.e. one-story building and more than 50% paved) acknowledged and accepted.

*City Attorney Conklin* clarified that the CUP in question was for the drive-through window only, and that design elements (building height and pavement coverage) would need to be addressed as part of a Level Two design review.

*Commissioner Rogers* questioned the construction and layout of the delivery area, wanted to know if there would be a retaining wall built between the alley and the drive-through.

*Mr. See* confirmed that site improvements that take the slope on the property into consideration would be done, though he was not able to site specific changes at the time of the meeting. He indicated that their architects and engineers would be working on the slope challenges to find a solution that best fits the property.

*Commissioner Strode* asked where the main entrance for the restaurant would be.

*Mr. See* indicated that the main entrance would be on the front (south facing) part of the building, rather than on the side, as the building photo shows. There will be a secondary door (Emergency Exit) on the side of the building as well.

*Commissioner Fuller* asked if it was a normal practice to have customers walking across the path of the drive-through to be able to gain access to the restaurant.

*Mr. See* confirmed that it is common that customers will walk across the drive-through area, either through the path of the drive-through itself, or across the lane directed towards the drive-through. He further explained the timing involved with customers picking up orders at the drive-through window, v.s. crossing the drive-through path. He explained why it was better for customers to cross near the pick-up window, because cars are naturally stopping there anyway, to pick up their order. These intermittent lulls (every 30 to 60 seconds) in the flow of traffic allow for safe crossing of pedestrians. He also described the traffic flow through the parking lot, and the options motorists will have once they leave the parking lot.

*Commissioner Marantino* asked about the location of the dumpsters.

*Mr. See* confirmed that they were in the corner indicated on the drawings, and further explained that particular location was best for aesthetics for the property, while remaining accessible to the garbage collection trucks.

*Planning Director Lindquist* explained that the “Front of the House” would be considered Railroad Avenue, and so the appearance of the property is very important to maintain the curb appeal. “Back of the House” is considered West Avenue, and is a better choice for the location of dumpsters and the utility pad.

*Commissioner Pettinger* inquired about the accessibility for delivery trucks, and pointed out that some changes would need to be made to the current street configuration (on Railroad) in order for the trucks to be able to turn out of the alley and back onto Railroad.

*Planning Director Lindquist* and *Mr. See* both confirmed that changes would be made to the current driveway, to allow for easier access for delivery trucks.

*Planning Director Lindquist* continued by reiterating to the Commission that if the CUP is approved, they would receive updates as they came available regarding the design of the property, access and other items that pertain to questions asked during this meeting.

*Commissioner Villasenor* brought up two more items in the code, pertaining to Franchise Structure and a provision regarding bright primary colors that are predominant on the façade of the building.

*Planning Director Lindquist* responded to her queries, stating that the stipulations for Franchise Structure were rather vague, and though the structure has a red accent on the front, it is not technically a predominant feature.

**PUBLIC COMMENT OPENED 7:47 pm**

No comments.

**PUBLIC COMMENT CLOSED 7:49 pm**

**COMMISSION QUESTIONS AND COMMENTS**

*Commissioner Rogers* inquired about the time frame involved with starting and completing the project.

*Mr. See* explained that it would take an estimated 8 to 12 months to complete the project, due to site work (removing the gas stations and tanks) that needs to be done first, and also because of water table challenges.

*Planning Director Lindquist* ended the discussion by adding that not only would this new structure help with the appearance of the existing property, but it is also causing improvements to take place in the intersection itself. He cited a grant the City of Rifle received from Colorado Department of Transportation that had not been utilized yet, and described how the grant would be used to make improvements to the intersection pavement and surrounding sidewalks.

**COMMISSION DISCUSSION**

No discussion was had.

**Motion Made:**

*Commissioner Marantino* moved to **APPROVE** Conditional Use Permit 2017-18 101 Railroad Avenue with the following staff recommendations: 1) The project shall be constructed with the site plan and building architecture submitted to the City and discussed herein. Minor modifications may be made with Staff approval to account for site specifics. Staff shall have the ability to bring to Planning Commission any modification that may alter the intent of this approval, which was made in accordance with the vision of the Downtown Master Plan. 2) Mechanical equipment and storage areas at the rear of the building shall be enclosed in a manner architecturally harmonious with the rest of the building. 3) The outdoor patio shall be placed at the back of the building unless site dimensions make this impossible.

Although the single-story building design falls under the category of “a discouraged element” per the criteria outlined in the River Gateway Neighborhood vision statement, the Commission granted their approval for the construction of the business.

*Commissioner Pettinger* seconded the motion.

The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Fuller, Strode, Pettinger, Caldwell, Rogers Marantino  
No-Villasenor**

**PUBLIC HEARING: CLOSED 8:04 P.M.**

**PUBLIC MEETING OPENED: 8:05 P.M. ZONING TEXT AMENDMENT 2017-2**

Applicant – Planning Director Nathan Lindquist on behalf of the City of Rifle

**PURPOSE**

This is a proposal made by the City of Rifle to investigate making multiple changes to the zoning standards of the Rifle Municipal Code.

**STAFF REPORT**

*Planning Director Lindquist* began this session by explaining that the Municipal Code requires changes and updates, based on items that are brought up throughout the year. The purpose of this discussion is to simply bring to light some of the changes that he would like to see changed, discuss them with the Commission, and then continue the conversation at the next Planning Meeting, where resolutions could be made to change those code items.

One of these items is to eliminate some of the restrictions that developers face when planning a new neighborhood. Planning Director Lindquist explained that people’s needs and desires are changing, and that not everyone is wanting a large home and yard anymore. Smaller “patio” homes with less yard space are becoming more and more appealing, and he feels that the code should reflect those requests.

*Commissioners Marantino and Rogers* asked about if developments would be a mix of different types of homes, or if certain neighborhoods would be a single style of home exclusively.

*Planning Director Lindquist* responded by saying that it would all depend on the neighborhood, what structures were already built there, and what types of structures were proposed. He suggested leaving the decision up to the developers, if they wanted to have a mix they could do so, since they have the information as to what the market is wanting.

He went on to explain that the same would apply to commercial buildings. In the past, buildings in certain commercial districts could not build right at the sidewalk, but he feels that if an owner wants a new building, and wants it right near the street, that they should be able to have the option to do so.

*Commissioners Caldwell, Marantino and Fuller* voiced concerns about too much flexibility given to developers that it would become a free for all.

*Planning Director Lindquist* agreed that too much flexibility would not be a good thing, but a certain amount of leeway could be beneficial for the continued growth and vitality of the community.

**PUBLIC COMMENT OPENED 8:15 pm**

*Chris Manera* of Colorado River Engineering offered praise for the suggestion of changing the Code to better meet the needs of developers and their clients, while still keeping a good handle on how things are developed. He believed that if a midway point could be found, that the code changes would be beneficial for all parties involved.

Commissioner Caldwell asked Planning Director Lindquist if there was a standard size of home that is listed in the Code currently, and touched on a conversation he had previously with him about tiny homes, and if they meet Code.

Planning Director Lindquist confirmed that there was no set size for a new home; only the lot size is stipulated. He continued to explain what makes a home considered “habitable” (i.e. must have a bedroom, must have a bathroom, etc.). Homes that meet the criteria will generally be approximately 300-500 square feet in size.

The second item up for discussion was a provision in the Code that states any single-family home in the downtown area that is vacant for more than 12 months would lose its residential status, and be re-zoned to be identified as commercial. While the general idea of this provision was to help clean up the downtown area and promote new businesses, the reality is that residential is in higher demand than commercial. Also, in a few instances of residential-turned-commercial, the commercial tenants turned out to be detrimental to both the property and its owner, and with the current Code in place, the property could not be re-established as residential. It is recommended that the old Code for downtown homes be re-written, and adjusted for present-day needs.

The third item dealt with allowing light industrial operations near residential areas. At the moment, there is no provision in the Code that deals with this situation. It is recommended that a section of the Code be established for this, to create a buffer zone between residential areas (and those commercial areas that the general public frequents) and the light industrial operations.

**COMMISSIONER COMMENTS**

Commissioner Fuller asked if Planning Director Lindquist would be providing updates to the Code to the Commission at a later date.

**STAFF COMMENTS**

Planning Director Lindquist confirmed that he would be working on the updated verbiage for the Code, and would present that to the Commission once it was completed.

Commissioner Caldwell moved to continue public hearing to September 26, 2017. Commissioner Rogers seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Fuller, Strode, Pettinger, Caldwell, Rogers Marantino, Villasenor**

**REGULAR MEETING ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

\_\_\_\_\_  
Steven Fuller, Acting Chairman

\_\_\_\_\_  
Date

SIGNATURE ON FILE

\_\_\_\_\_  
Charlotte Squires, Planning Administrative Assistant

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Date