



REGULAR PLANNING COMMISSION MEETING & BOARD OF ADJUSTMENT

Tuesday, July 30, 2019

Chair Marantino called the Regular Planning Meeting to order at 7:00 p.m.

Chair Marantino led the Planning Commission and audience in the Pledge of Allegiance.

MEMBERS PRESENT AT ROLL CALL

Marantino, Caldwell, Pettinger, Rogers, Steffen, Roberts, and Damuth

Commissioner Pettinger moved to **EXCUSE** Commissioner Villasenor from the July 30, 2019 meeting; *Commissioner Roger* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Marantino, Caldwell, Rogers, Steffen, Roberts, Pettinger and Damuth

Commissioner Damuth will be a voting member for this meeting.

OTHERS PRESENT

Planner Brian Rusche, Planning Administrative Assistant Charlotte Squires, City Attorney Richard Peterson-Cremer, Ch. 10 Salvador Tovar-Guzman, Danny and Taani Martinez

APPROVAL OF MINUTES

Commissioner Rogers moved to **APPROVE** minutes from the May 25, 2019 Meeting with amending *Commissioner Pettinger* roll call to the approval of minutes as abstained *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Marantino, Caldwell, Rogers, Steffen, Roberts, Pettinger and Damuth

ZONING VARIANCE 2019-1 3174 AIRPORT ROAD & 3125 BARON LANE

The Chair called applicant – Danny Martinez

Confirmed Public Notice was met

PURPOSE

The applicant requests approval of a variance to permit a six foot (6') fence within the front yard setback(s) surrounding the property located at 3174 Airport Road and 3125 Baron Lane.

STAFF REPORT

Planner Brian Rusche went over the staff report with the findings and conditions.

Staff recommends the Board of Adjustment approve ZV- 2019-1 to allow a six foot (6') fence within the front yard setback(s) at 3174 Airport Road / 3125 Baron Lane, as shown in the exhibit provided by the applicant.

APPLICANT PRESENTATION

Mr. Martinez explained due to the easements and the current code most of the property would be outside the fence and he would like to set the fence at a 5 foot setback along Baron Lane. The fence would be made of wood and galvanized steel, the rustic not the shiny sheets. This would enclose the area from view and be attractive to look at.

COMMISSION QUESTIONS AND COMMENTS

Commissioner Rogers asked about the triangle visibility and asked what would be done with the five (5) foot section between the fence and Barron Lane.

Planner Rusche explained the corner is lower and there is still some property that belongs to the county between Martinez lot and Airport Road. There would be no impact on the triangle visibility.

Mr. Martinez replied he would put grass in. There is a hydrant on the property and he would take care of the grass area.

Commissioner Caldwell shared he is not a fan of chain-link and mesh, and glad to see something else.

Commissioner Pettinger shared her concern about the up keep of the fence.

Mr. Martinez replied he would keep it maintained and looking good, it does represent his business too.

PUBLIC COMMENT:

Opened at 7:12 p.m. there was no one was present closed public hearing at 7:18 p.m.

COMMISSION DISCUSSION

No further comments.

Motion Made:

Commissioner Steffen moved to **APPROVE** Zoning Variance 2019-1 3174 Airport Road and 3125 Baron Lane with Staff's recommendation, *Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Marantino, Caldwell, Rogers, Steffen, Roberts, Pettinger and Damuth

CUIP 2018-1 3174 AIRPORT ROAD & 3125 BARON LANE EXPANSION

Applicant is the same for the CUP as the ZV – Danny Martinez

Public Notice was included with the ZV.

PURPOSE

The applicant request an extension for the conditional use permit approved June 26, 2018 to be able to comply with the City Municipal Code Section 16-3-430(e).

Over the past year, the applicant has graded the lot(s) and moved equipment onto the property. Staff has requested that the applicant comply with Section 16-3-430(e), but to no avail. Only upon threat of CUP revocation did a third attempt at a fencing scheme come to the City for review, in the form of a variance request (ZV-2019-1).

STAFF REPORT

Planner Rusche went over the Staff Report explained the conditions findings and shared a time line that would need to be followed that is outlined as the conditions of the approval for the conditional use permit.

While the applicant has verbally indicated his intention to 1) fence the property (preferably with a reduced setback as proposed by ZV-2019-1), 2) construct a building along Baron Lane, and 3) landscape the property (in conjunction with the building), these promises were not included as "conditions" within the final recorded

CUP. Regardless, they remain requirements of the Rifle Municipal Code, and it would be unfair and inconsistent to not hold the applicant to these standards.

Therefore, in consideration of the efforts the applicant has made in establishing the use of the property, staff recommends that the Planning Commission grant an extension of the conditional use permit for one (1) year from the date of this hearing (July 23, 2020), with the following conditions:

- 1) The applicant shall provide an opaque screen fence along Airport Road and Baron Lane within 30 days. The location of said fencing shall meet the standards of the Code OR the provisions of the zoning variance (ZV-2019-1), if granted.**
- 2) The applicant shall, at the entrance to the storage yard from Baron Lane, provide a hard surface and/or CDOT standard tracking pad within 30 days. This surface must be maintained for the duration of the property use as a contractor storage yard.**
- 3) The applicant shall obtain a building permit within six (6) months. The building shall meet all standards of the Code (no additional variances will be considered). The applicant must obtain a Certificate of Occupancy (CO) within one (1) year.**
- 4) The applicant shall, either separately or in conjunction with the building permit, provide a landscaping plan for both parcels, which must be found satisfactory to the City. Landscaping shown on this plan must be completed prior to receiving CO on the building or within one (1) year, which ever comes first.**
- 5) Failure to comply with the conditions of this renewed CUP shall result in immediate revocation of the Permit, and will necessitate the removal of any and all vehicles, equipment, or other materials associated with the Contractor Storage Yard.**

Staff recommends renewing the approval of Conditional Use Permit 2018-1, subject to the above conditions.

APPLICANT PRESENTATION

Mr. Martinez replied everything is due able, except getting the building permit and building built. He does not have that kind of money; he has the fence moving forward and going through the process in the six months, but does not want to be held to a year for the building or lose everything. Then fencing and the pads for the entrance and exit and a plan on how the building would set on the property can be done within a year.

PUBLIC COMMENT:

Opened at 7:26 p.m. and Closed at 7:27 p.m. with no one present.

COMMISSION QUESTIONS AND COMMENTS

Commissioner Rogers asked if a building is not completed by the deadline can the applicant come back and ask for another CUP (Conditional Use Permit).

Planner Rusche replied that if the Commission desires to modify the conditions, that could be the effective date; otherwise the default is a year. If two (2) years is appropriate that would be up to the commission and that would then allow Staff to enforce the condition.

Commissioner Steffen asked Mr. Martinez if he could get it done in eighteen (18) months.

Mr. Martinez replied he could try.

Chair Marantino asked Mr. Martinez what his expectation was.

Mr. Martinez replied he visited with Nathan Lindquist, Planning Director about it. Mr. Martinez explained he was trying to find a way to put the building on the west section, the lower end of the lot where the utilities are located and unable to due to the radius on the triangle portion with a 45 foot building. We came up with a decision; actually Charlotte said why not move it toward the back of the lot, laying it that away it looks there is enough room to drive around the building and the exit and entrance would work. He went on to explain they were ready to purchase a building, the deal fell through. Putting the building up is nothing it is the funding.

Commissioner Damuth asked Mr. Martinez what time frame he would felt comfortable with.

Mr. Martinez replied two (2) years, it allows time to get the funding and put a site plan together that would work for the building and yard.

Chair Marantino asked if the thirty (30) days good to get the fence up.

Commissioner Pettinger asked Mr. Martinez if he is not able to get the fence up in thirty (30) days if he could let the Planner know and work with the Planning Department on a time frame.

Mr. Martinez replied he would keep in touch with the Planning Department.

Commissioner Steffen asked Mr. Martinez he would only need two (2) years to complete the building and do everything else the City is asking for in the time frame in the conditions of the fence, concrete for entrance and exit along with landscaping with the building moved out to a CO by two (2) years.

Mr. Martinez replied yes that would be due able.

Commissioner Steffen asked about obtaining a building permit within six months.

Planner Rusche explained if the Commission wants to allow two (2) years Staff does not object to that, what we would do is look at the time line relative to the two (2) year CO, for the building permits do have expiration dates. If we amend the condition to have a site plan in six (6) months that allows the planning department to approve the location for the building and landscape plan, we won't be approving the building; there is a structural detail the building department has to approve. The site plan is good for one (1) year. As long as there is a drop dead date for the CO, Mr. Rusche would ask Commission to give staff direction when the project needs to be wrapped up.

Commissioner Steffen replied what he was doing is seeing what items on the conditions would need to be adjusted.

Planner Rusche went through the recommended conditions: items 1) does not need to change 2) does not need to change, the applicant has offered to put in asphalt and will work directly with Public Works on that. 3) The applicant shall obtain Site Plan approval building permit, within six months and obtain a Certificate of Occupancy (CO) within two (2) years ~~one (1) year~~. 4) Will need to say Landscaping must be completed within six (6) months, it would have to be before then due to winter. 5) Would remain the same.

Commissioner Caldwell asked so only provide a landscaping plan and not do the landscaping.

Planner Rusche replied provide a landscaping plan and the landscaping shown on the plan should be completed within six (6) months would be Staff's suggestion.

Commissioner Caldwell asked if he is putting in grass where is he getting his water

Mr. Martinez replied there is a tap and there is water on the property.

Planner Rusche replied the landscaping plan would be at the discussion of Staff, what to expect is a portion of the property un-landscaped and un-built for that is the building pad site. We don't want to water dead space, but landscaping along the fence will need to be completed.

Mr. Martinez replied the whole front section.

COMMISSION DISCUSSION

No further comments.

Motion Made:

Commissioner Steffen moved to **APPROVE** CUP 2018-1 Extension 3174 Airport Road and 3125 Baron Lane with amendments to Staff's recommendations

- 1) The applicant shall provide an opaque screen fence along Airport Road and Baron Lane within 30 days. The location of said fencing shall meet the standards of the Code OR the provisions of the zoning variance (ZV-2019-1), if granted.
- 2) The applicant shall, at the entrance to the storage yard from Baron Lane, provide a hard surface and/or CDOT standard tracking pad within 30 days. This surface must be maintained for the duration of the property use as a contractor storage yard. Will need to work directly with Public Works Department.
- 3) The applicant shall obtain a Site Plan within six (6) months. The building shall meet all standards of the Code (no additional variances will be considered). The applicant must obtain a Certificate of Occupancy (CO) within two (2) years.
- 4) The applicant shall provide a landscaping plan for both parcels, which must be found satisfactory to the City. Landscaping for the front property along the fence needs to be in place within six (6) months and the rest of the landscaping with the building must be completed prior to receiving CO on the building or within two (2) years.
- 5) Failure to comply with the conditions of this renewed CUP shall result in immediate revocation of the Permit, and will necessitate the removal of any and all vehicles, equipment, or other materials associated with the Contractor Storage Yard.

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

ROLL CALL: Yes- Marantino, Caldwell, Rogers, Steffen, Roberts, Pettinger and Damuth

COMMENTS & ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Dustin Marantino, Chairman

Date

SIGNATURE ON FILE

Charlotte Squires, Planning Administrative Assistant

Date