



# CITY OF RIFLE PLANNING COMMISSION REGULAR MEETING And Board of Adjustment PUBLIC HEARING

March 30, 2021  
Rifle City Hall – Council Chambers

6:00 PM Workshop ~ Introductions for new Planning Director,

## Regular Meeting

7:00 PM Convene Regular Planning Commission Meeting and Board of Adjustment

7:01 PM Roll Call

7:02 PM Approve October 27, 2020 Regular Planning Commission Meeting Minutes

7:05 PM 2021-010 Zoning Variance TBD Vacant Lot corner of E 12<sup>th</sup> and Ute Ave **(Public Hearing)**  
(A request to allow a variance for the rear yard setback due to the hillside)

7:05 PM 2021-009 Conditional Use Permit 310 Airport Road **(Public Hearing)**  
(A request for a conditional use permit to allow cannabis cultivation facility for medical and recreational license).

7:30 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: April 27, 2021*



CITY OF RIFLE  
202 RAILROAD AVENUE • P.O. BOX 1908 • RIFLE, CO 81650  
WWW.RIFLECO.ORG



## REGULAR PLANNING COMMISSION MEETING

Tuesday, October 27, 2020

Chair Marantino called the Regular Planning Meeting to order at 7:03p.m.

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

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

**Marantino, Caldwell, Rogers, Villasenor, and via zoom Pettinger, Damuth**

*Commissioner Caldwell* moved to **EXCUSE** Commissioner Steffen and Commissioner Roberts from the October 27, 2020 meeting; *Commissioner Rogers* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes: Marantino, Caldwell, Villasenor, Pettinger, Rogers and Damuth**

**Damuth will be a voting member**

### **OTHERS PRESENT**

Planner Brian Rusche, Planning Administrative Assistant Charlotte Squires, City Attorney Richard Peterson-Cremer by Zoom, Ch. 10 Salvador Tovar-Guzman, Juan Solis, Kate Andreatta, Ray Erku  
Others present via Zoom, Neil Ross, Grady Hazelton, Dan Sullivan, Paige Haderlie, Austin Drews, Andrew Opatik, Mark Sills, David Laferriere

### **APPROVAL OF MINUTES**

*Commissioner Caldwell* moved to **APPROVE** minutes from the September 29, 2020 Regular Planning Meeting and Board of Adjustment Commissioner; with one change on page one at the bottom to change Mr. Phillips to Mrs. Phillips, *Villasenor* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes: Marantino, Caldwell, Villasenor, Pettinger, Rogers and Damuth**

**No:**

### **2020-028 RE-ZOINGING 2128 RAILROAD AVENUE**

The Chair called the Applicant(s) Juan Solis

Confirmed Public Notice was met

### **PURPOSE**

A request to rezone the property at 2128 Railroad Avenue, consisting of 16,988 square feet (0.39 acres) on two lots (Lot 5 and Lot 6, Block I, North Rifle Addition) with a 13,923 square foot, 3 story building from the Light Industrial (LI) to the Community Service (CS)

### **STAFF REPORT**

*Planner Brian Rusche* went over the staff report and explained Staff's recommendations and shared the applicant wants to create some residential apartments. In the light industrial zone residential is not allowed. The comprehensive plan

Staff recommends that Planning Commission recommend to City Council approval of Rezone 2020-028.

## **APPLICANT PRESENTATION**

*Mr. Solis* explained he is looking at purchasing the building if allowed to convert some of the building into residential units and commercial.

*Mr. Ross* explained visiting with Brian Rusche regarding the zoning for the building and the history of the LI zoning. With our conversations there is a need for additional residential, and the applicant coming forward wanting to do mixed commercial and residential use seems like a great services for the City of Rifle. Mr. Ross asks for approval for the rezoning.

## **PUBLIC COMMENT:** opened 7:15pm

*Ms. Andreatta* asked what the occupancy percentage is already in Rifle at this time.

*Planner Rusche* replied that is a relevant question and at this time Planning does not know.

*Mr. Hazelton* asked what all does Community Service Zoning (CS) include and is residential is the goal of this application. The other question is how many units and how will the parking look. Mr. Hazelton shared he is satisfied with the Community Service Zoning.

*Planner Rusche* explained Community Service is a general service purpose zone it does allow residential, it allows for art galleries, a lot of automobile uses; if you look at Rifle most of Railroad Avenue is zoned Community Services and south of Rifle on Airport Road is zoned Community Services, the hospital and Walmart is zoned Community, your quintessential business like a hair salon etc. is allowed in Community Service zoning. Say if this zone passes Hemp drying is only allowed in the industrial zone, the marijuana is allowed in Industrial zone south of Rifle, so there will be some of those uses that will be zoned out.

## **COMMISSION QUESTIONS AND COMMENTS**

*Commissioner Rogers* commented that Mr. Hazelton had a parking question that was not answered

*Planner Rusche* replied the parking would be addressed at time of site plan, and the parking would be calculated per bedrooms and commercial use. There is more parking than it looks for if you drive in the Alley there is those spaces too.

*Commissioner Villasenor* asked if residential is only for the upper floor in Community Service Zoning

*Planner Rusche* replied no – multi family is allowed in Community Service Zoning; you might be thinking of the downtown area where it does have the differential of the structure.

*Mr. Ross* explained he had the property re-striped in the last few years and there are 27 designated parking spaces currently to accommodate the building.

*Chair Marantino* replied it seems right now we are essentially figuring out if the property can be reused in its current state or potentially be built upon.

*Planner Rusche* replied not exactly Mr. Chair your task is to decide what would be the best zone for the property.

*Chair Marantino* replied right but after the zoning has been approved.

*Planner Rusche* replied that would be administrative in nature. The reason the rezone is before the commission is because Industrial Zone prohibits residential; the purpose for this request to re-zone to Community Services is before you and it is only applicable only to this parcel/property.

*Commissioner Rogers* replied she would like to see some life put back into the building - there are a few unknowns but in favor of the zoning change

*Commissioner Villasenor* replied she agreed to get some more rental apartments.

*Commissioner Pettinger* replied she agrees and would like to see the building put back to use.

Closed the public hearing 7:26 pm

### **COMMISSION DISCUSSION**

No other comments

### **MOTION MADE:**

*Commissioner Caldwell* moved to **RECOMMEND** to City Council to **APPROVE** 2020-028 Re-Zoning 2128 Railroad Avenue from Light Industrial (LI) to Community Service (CS) *Commissioner Pettinger* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes: Marantino, Caldwell, Villasenor, Pettinger, Rogers and Damuth**

**No:**

### **2020-026 CONDITIONAL USE PERMIT 2187 10<sup>TH</sup> STREET SOUTH**

The Chair called the Applicant(s) Dan Sullivan

Confirmed Public Notice was met

### **PURPOSE**

The applicant requests approval of a Conditional Use Permit to expand a retail marijuana cultivation facility into a 6912 square foot greenhouse (with a 608 square foot connection to the existing building) in the Light Industrial (LI) zone district.

### **STAFF REPORT**

*Planner Brian Rusche* went over the staff report and explained Staff's recommendations and shared there are a limited number of licenses. This property received the first conditional use permit back in 2013 for a grow facility and with the State Laws changing this property changed with those Laws.

Staff recommends that the following conditions be attached to an approval of Conditional Use Permit 2020-10 subject to:

1. The Conditional Use Permit shall only be valid in conjunction with a Retail Marijuana Cultivation Operation license (or amendment thereof) awarded by the City Manager. If a license is not awarded within 1-year of approval by the P&Z, the permit shall become null and void;
2. No construction of the proposed addition shall occur until a building permit is issued.
3. The Conditional Use Permit shall become null and void if the grow operation is discontinued for 12 consecutive months;

4. Failure to comply with any and all licenses required by the City of Rifle and/or the State of Colorado for the purpose of growing retail marijuana, shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.

**APPLICANT PRESENTATION**

*Mr. Sullivan* thanked the commissioners for their time. It is noted in the documents submitted they are the longest family owned and in this facility since 2013. Mr. Sullivan explained this is really to increase our capacity to cultivate and grow cannabis; they are one of the leading brands and providers of tourism and folks locally like to have us. Demands continue to increase and we are looking to increase production but to increase our green factor by lowering our utility use by using 67% to 75% by the current studies by using the sun. Mr. Sullivan shared the location is a perfect place to for the growing and cultivating of cannabis the joining properties are MRI a trash company, Gas and Oil that stores chemicals, and another marijuana cultivator We are in a good spot, planning and Council did a good job planning and zoning out the land to work for industrial uses. With the addition add on it will create jobs for about another 6 people. The City would get approximately additional marijuana excise tax from cultivation in addition to the state about a \$75,000 dollar annual increase.

**PUBLIC COMMENT:** opened 7:38pm

*Ms. Haderlie* shared she is representing Rifle Holdings One , this is the building directly across the street at 2195 S 10th Street, (known as the Flint Energy Building) and her clients would like for the applicant to expand on the construction type and material that the green house would be built out of.

*Mr. Sullivan* asked Brian to bring up the renderings of the green houses. Detail of how the flow and layout would operate. 14 foot high solid structure, translucent for the sun and air to enter into the structures and will be adding a taller fence. Fire suppression system is for more of the electrical factor, we will meet all the state electrical, fire and state codes.

*Chair Marantino* asked Brian if he knew about the fire supersession and if one would be required.

*Planner Rusche* replied that Mr. Sullivan has engaged into an architect and has had preliminary discussions with our building official. The structures will meet the standards.

*Ms. Kate* - asked you if you won't be increasing your crops then what will you be doing with the original building.

*Mr. Sullivan* replied they will be using the facility for the current grow operations that they have been doing since 2013. The green house will allow additional grow and product on the property.

Closed the public hearing 7:50 pm

**COMMISSION QUESTIONS AND COMMENTS**

*Commissioner Rogers* asked have there been any security issues at this address

*Planner Rusche* replied he is not aware of any, as indicated this is one of the longest running facility, if they have or have not that will be addressed at the licensing stage.

*Mr. Sullivan* replied there have not been any security issues at this time

*Commissioner Rogers* replied the green house will be much more visible with lights on during the winter.

*Mr. Sullivan* replied there are two cycles the first is the vegetation and needs up to 18 hour of light a day, and this is in the springs and summer during the natural day of light and in September the days start getting shorter and the plants say winter is coming and the start to produce the flowers that can be replicated and start the cycle over. The second is the procedural growth and we run 5 to 6 cycles a year. It is about a five (5) month from seed to harvest.

*Commissioner Rogers* asked if the entire property be fenced.

*Mr. Sullivan* replied the front of the building facing the east is not fenced and has the parking spots, the sides and back of the property is fenced.

### **COMMISSION DISCUSSION**

No other comments

### **MOTION MADE:**

*Commissioner Rogers* moved to **APPROVE** 2020-026 Conditional Use Permit 2187 10<sup>th</sup> Street South to expand a retail marijuana cultivation facility into a 6912 square foot greenhouse with all of Staff's recommendations *Commissioner Villasenor* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes: Marantino, Caldwell, Villasenor, Pettinger, Rogers and Damuth**

**No:**

### **2020-029 CONDITIONAL USE PERMIT 2185 10<sup>TH</sup> STREET SOUTH**

The Chair called the Applicant(s) Mark Sills, Andrew Opatik, David Laferriere,

Confirmed Public Notice was met

### **PURPOSE**

The applicant requests approval of a Conditional Use Permit to manufacture and process hand sanitizer within an existing building in the Light Industrial (LI) zone district.

### **STAFF REPORT**

*Planner Brian Rusche* went over the staff report and explained Staff's recommendations. Explained there are many types of chemicals involved to make hand sanitizer and in large volumes, and some of the chemicals do involve risk in large quantities. The applicant is working on modifications to the building and working with the Building Official and Fire District.

Staff recommends that the following conditions be attached to an approval of Conditional Use Permit 2020-029 subject to:

1. Use of the building shall not commence unless and until approval by the Building Department and the Colorado River Fire Protection District.
2. The Conditional Use Permit shall become null and void if the operation is discontinued for 12 consecutive months.

### **APPLICANT PRESENTATION**

*Mr. Sills* explained trying to provide a service for the Corona Virus, making the sanitizer and want to expand into wipes as well. There is quite a bit of chemicals to make the product. There is an extensive fire suppression system in the building, and a backup generator to make the fire pump work. Mark shared they are meeting all the requirements for the outside storage. Mark asked for the Commissioners to approve the use.

*Mr. Opatik* explained with the company they got into making hand sanitizers to help fight the virus and supplying government agency with enough PPE to supply workers and other people in the area. We have added about twenty (20) jobs to the area, along with supplying the town with PPE – hand sanitizer, gloves, and other safety equipment. This also added more tax revenue to the City of Rifle. We have been setting up general manufacturing practices following OSHA and everyone will be trained to handle the product safely and currently we have been injury free.

*Mr. Sills* asked if they could temporarily set up outside until they are able to get into the building, this would keep the product moving forward and keep people in jobs. The biggest hold back on the building is Xcel Energy the earliest to get a three (3) phase power is December or even January. Their crews are working on damage due to the fires and due to budget cuts they are short staffed. Mark shared they do have a generator that will operate their system and do everything correctly.

*Chair Marantino* replied at this time we will take this one step at a time and he did write the question down.

*Mr. Laferriere* shared he is the CFO of the company and they do take safety very seriously, and they plan on sending out internal auditors to the site and making sure everyone is following the safety procedures, this will drive employee reviews. OSHA guidelines will be put into place for all safety measures and once we are in compliance that seems to decrease accidents rapidly. In the history of our company we have not had any work place accidents as of this date. They will be going for their GMP certification; once we do this everything will be done the same every day. They are working very closely with the fire department and have had two (2) separate fire engineers working on this project. The benefits the company can provide to the City are, paying the property taxes and be able to create twenty (20) jobs along with sales tax and donate PPE equipment to the City. They got into the business to help America fight the virus, they are supplying government agencies, hospitals and schools all over the country, and without our product some of these places cannot be opened.

*Chair Marantino* asked what a GMP certification was.

*Mr. Opatik* replied GMP is General Manufacturing Practices; the FDA really likes people to file these when they are backing a product that is being produced in an FDA registered facility. This will lay out how to keep everything clean, keeping your employee's safe and it is a guideline for the FDA likes to see.

**PUBLIC COMMENT:** opened 8:13pm

*Mr. Drews* asked if they will still be emptying truckloads of alcohol in totes the parking lot or is that not going to be happening anymore.

*Mr. LaFerriere* replied they are looking at bulk storage verses the IBC Codes and more of the GMP compliance and looking at bulk storage of ethanol.

*Mr. Drews* replied he did not know what was being produced on the property and did not see any signs.

*Mr. LaFerriere* replied following the OSHA compliance they will have signs up all over the property and letting everyone know there is ethanol and flammable liquids on the property and not allowing smoking on the property.

*Mr. Sills* replied all the totes are marked.

*Mr. Sullivan* shared he is a good neighbor and applaud the applicant to make a product to help in this crazy COVID environment. Mr. Sullivan shared it can't tolerate is processing; with the fire department involved, Mr. Sullivan does not want his property to be in jeopardy because they have flammable material that is not properly being handled. Mr. Sullivan has concerns of safety and hopes there is local along with state oversight on the business. Mr. Sullivan shared that until he got the public notice he didn't even know what was happening next door.

*Mr. Sills* replied they are working with 2 fire engineers, and they are working them through the steps on the safety and they will be following the procedures. What is on site is following procedures.

*Ms. Haderlie* explained her client was concerned regarding the hazardous material. Station 43 that is located on Last Chance Drive just recently closed and response call outs will take longer.

*Mr. Opatik* replied they are working with Mr. Moon from the fire department and he is aware of the business and they want to be compliant all around and want to make sure everybody feels safe to be in the area. They are not out to practice unsafe procedures and everything they are doing to get this up back up and running.

*Mr. LaFeriere* explained with the fire department being aware with what is going on the premise will be make frequently visits and we don't have much other option but to follow all the rules they have laid out for us.

Closed Public Hearing 8:23pm

### **COMMISSION QUESTIONS AND COMMENTS**

*Commissioner Villasenor* asked Brian to share the difference of Industrial and Light Industrial

*Planner Rusche* replied the difference between industrial and light industrial is the fact the process, as it relates to this request we discovered it does require a conditional use permit, and in an industrial zone it would not require the conditional use permit. That does not change anything about the physicality of the building. All buildings and uses must meet both the zoning and building code.

*Commissioner Villasenor* shared concerns from the neighbors that use is pushing the Light Industrial Zoning and this feels like it is pushing the light industrial uses.

*Chair Marantino* shared his concern is that this is not a new process, this business, property has applied for conditional use permits in the past and are aware of the code. The concerns of the neighboring properties not knowing the process was accruing, the handling of chemicals, the concerns of the properness of the building. Is there mixed use, is the building still being used for growing and a warehouse.

*Planner Rusche* replied the building is no longer being used for growing. This warehouse has been used for a number of different things and remodeled as the use dictates.

*Mr. Sills* shared in the same are there are two (2) big chemical places both in light industrial working with the oil fields. When the building was going to be an extraction facility there would have been a lot of alcohol that would have been on site for that project.

*Commissioner Villasenor* asked Mr. Sills if those other facilities mixing or just storing

*Mr. Sills* replied he believes they do both.

*Commissioner Rogers's* replied the storing of the alcohol inside or outside would that be commissioner's call.

*Mr. Sills* explained there has to be special protection in rooms to store more, but the whole building could store up to 240 gallons. The mixing is being done in the special protection room. There is an outside tank that can hold up to 2500 gallons.

*Mr. Opatik* explained that is a fire proof room and can have up to 2500 gallons at any time in that fire rated room. As Mark was saying in the rest of the building you can have 240 gallons but if you create control areas you could have four (4) more rooms that could store 2500 gallons per room.

*Commissioner Rogers's* asked Mr. Laferriere where the other facilities are located that was mentioned doing this type of use.

*Mr. Laferriere* replied they have a warehouse they will be storing the finish product that this is the only facility.

*Commissioner Caldwell* asked what their estimated sales would be.

*Mr. Laferriere* replied since March they have done around 8 million dollars in sales and targeting around 12 million by the end of the year.

*Mr. Sills* replied they are purchasing other product and selling as well as making hand sanitizer.



*Mr. Laferriere* replied yes we do sell face masks, gowns, gloves and other safety equipment to protect from COVID.

*Chair Marantino* asked are there any direct sales in Rifle or is the products going to a warehouse and disturbed from there.

*Mr. Laferriere* replied most of the sales are in Colorado at this time. There are not any direct to Rifle, however based on the production and revenue the plan is to donate to the City to help everyone out with this virus.

*Commissioner Pettinger* shared she had an issue that business didn't get a conditional use permit prior to start up, it's not like the first time down this road.

*Mr. Laferriere* replied they understand and will not overlook that step again. When the virus first hit the united sated the Federal Government rolled down most of the restrictions to produce the hand sanitizer, people were making this in their garages. I am not making any excuses we will be 100 percent diligent that we are following all the regulations of the City and State. There was a need this product to be produced and get in the hands of Americans, so business could open back up.

*Attny Richard Peterson-Cremer* replied for the commissioners to review their packets and look at what Brian has outlined reviewing the application.

*Commissioner Rogers* asked the applicant has seen and understands Staff's Recommendations, number one especially. "Use of the building shall not commence unless and until approval by the Building Department and the Colorado River Fire Protection District".

*Mr. Sills* replied they have.

*Planner Rusche* explained the use and all activities at this site is at a standstill until a permit is issued and the use will not be allowed until a certificate of occupancy for this type of use is issued from the City of Rifle Building Department.

*Chair Marantino* asked if this should be built into the conditions at time of motion, will the conditional use permit still be allowed if the building changes hands.

*Planner Rusche* explained a conditional use is specific to the use and the use being requested is the making and packaging of hand sanitizer. If a new owner of the business or even a new building owner came in and use continued from staff's prospective that would not be an issue. The issue would be it that should the use that production, was to cease for a twelve months than it is concerned abandoned. If the use is in violation of city or fire code that would be another stop.

*Attny Richard Peterson-Cremer* explained it is for the use on the property.

*Commissioner Rogers* replied she feels okay about the project and feel there is enough procedures in place to make people accountable. She is delighted there are the possibilities of 20 more jobs in the community and feels that is a good thing.

*Chair Marantino* shared he feels the location and the product are needed. The location is right for it and all the regulations being put in place. The frustration this project is here as an afterthought, as opposed to it being addressed properly initially.

*Chair Marantino* asked for a motion

**MOTION MADE:**

*Commissioner Caldwell* moved to **APPROVE** 2020-029 Conditional Use Permit 2185 10<sup>th</sup> Street South to manufacture and process hand sanitizer within an existing building in the Light Industrial (LI) zone district with all Staff's Recommendations. *Commissioner Rogers* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes: Marantino, Caldwell, Villasenor, Pettinger, Rogers and Damuth**

No:

**COMBINE NOVEMBER AND DECEMBER MEETINGS**

*Planner Rusche* explained November 24, 2020 and the December 29, 2020 meeting are both close the holidays and would like to see if December 1, 2020 or December 8<sup>th</sup> would be accepted to have a combined meeting for any new cases that may come in.

*Chair Marantino* asked for a motion

**MOTION MADE:**

*Commissioner Damuth* moved to **APPROVE** combining the November and December on December 1, 2020.

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

**ROLL CALL: Yes: Marantino, Caldwell, Villasenor, Pettinger, Rogers and Damuth**

**No:**

**COMMENTS & ADJOURNMENT**

*Planning Administrative Assistant Squires* shared there is still a vacancy on the Planning and Zoning Board if interested contact the City of Rifle 970-665-6491.

*Commissioner Villasenor* shared with the zoom if you do connect the video it helps to engage with people over the phone than just looking at a black screen. If using zoom please connect to video.

*Commissioner Rogers* shared they are trying to increase programing at the UTE Theater. There will be shows Friday and Saturday night and encouraged people to go to UTE Theater.com the web site to find other programing and updates. Hopefully we can move forward with public gatherings. Commissioner Rogers shared there was a River visualizing meeting that was very interesting; there was a variety of people there visualizing what the river corridor could look like in coming years. We can share that with the rest of the commissioners when staff gets the feedback form the Community Builders.

The meeting was adjourned at 8:50p.m.

\_\_\_\_\_  
Dustin Marantino, Chairman

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



**MEMORANDUM**

**TO:** CITY OF RIFLE BOARD OF ADJUSTMENT  
**FROM:** NATHAN LINDQUIST, PLANNING DIRECTOR  
**DATE:** MARCH 12, 2021  
**SUBJECT:** VARIANCE 2021-1  
REAR YARD SETBACK FOR TBD E 12<sup>TH</sup> STREET

**REQUEST**

The applicant, Adalberto Saucedo Chavez, requests a variance from the rear yard setback requirement for a new single-family home at TBD E 12<sup>th</sup> Street. The request is for a 10'-3" setback, reduced from the 20' setback required by code.



**BACKGROUND**

**DEPARTMENT OF PLANNING & DEVELOPMENT**

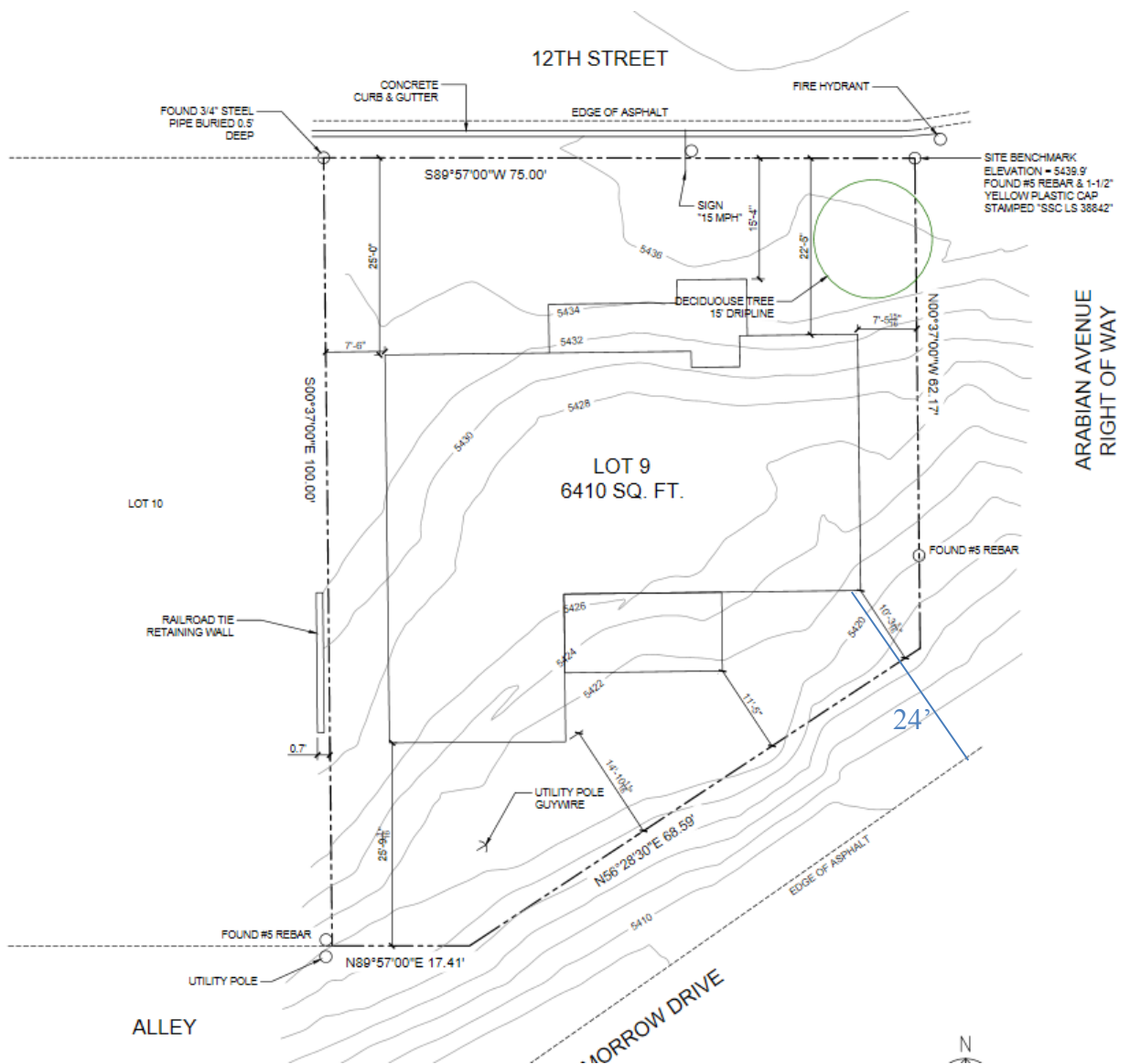
202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



The lot in question is on the edge of a steep slope above Morrow Drive. The lot is irregularly shaped and was subdivided before modern planning codes were adopted by the City. The east side of the lot tapers down to an unusually narrow width.

As shown in the site plan below, the house will be approximately 24' from the edge of asphalt on Morrow Drive. In most cases this would allow the home to meet the 20' setback requirement. However, Morrow Drive has an unusually wide right-of-way that extends up the hillside towards the lot. This ROW is not necessary, nor would it be feasible, for the City to build additional width onto the street. Due to these factors, a variance is appropriate for this property and will not negatively impact neighbors or the City.



**RECOMMENDATION**

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



Staff recommends that the Board of Adjustment APPROVE Variance 2021-1.

**FINDINGS**

The Board of Adjustment shall consider the following findings in granting or not granting a variance (staff comments shown in ***bold italics***):

- a. At least one of the two following criteria exists:
  - 1. Minor additions or structural or cosmetic changes to existing structures, the result of which will be in harmony with the land use and existing structures in the neighborhood; or

***N/A***

- 2. A practical difficulty has been demonstrated, based on:
  - a. Size, shape, or dimension of a site;
  - b. Location of existing structures;
  - c. Topographic or physical conditions on the site or in the immediate vicinity; and;
  - d. Other physical limitations such as street locations or traffic conditions in the immediate vicinity;

***The property in question meets this criteria for a practical difficulty due to the irregular size and shape of the lot as well as the difficult topographic conditions of the site.***

- b. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the City of Rifle Comprehensive Plan or this Chapter;

***The variance will not detrimentally affect the public good or the intent of the Comprehensive Plan.***

- c. The granting of the variance will not be detrimental to the public health, safety, or welfare; and

***The proposed variance does not detrimentally affect public health, safety, or welfare.***

- d. The proposed variance will not adversely affect adjacent properties or the surrounding neighborhoods; and

***Adjacent properties will not be negatively affected.***

**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  
**DATE:** March 12, 2021  
**SUBJECT:** CONDITIONAL USE PERMIT 2021-1  
3010 AIRPORT ROAD Marijuana Cultivation

**REQUEST**

The applicant requests approval of a Conditional Use Permit for a Medical and Retail Marijuana Cultivation (MMC) Operation. A previous Conditional Use Permit was approved for 3010 Airport Road in 2013, but due to the vacation of the operation for more than 12 months a new CUP is required per Rifle Municipal Code.

**BACKGROUND**

A Marijuana Cultivation Operation is a facility where marijuana is grown and processed, and then transported to a dispensary. No sales or use of the product may occur on site for the operation.

To operate in the City of Rifle, MC Operations must obtain a business license from the City Clerk’s office. The Code regulates background checks, security, waste disposal, signage, and ventilation. Before the license can be issued, the applicant must undergo a Conditional Use Permit hearing in order to determine whether the proposed location of the operation is appropriate. The only zoning district in which MC Operations may be considered is Light Industrial.

The State of Colorado also regulates marijuana. The state must issue the operation a business license that imposes requirements on security, waste disposal, background checks, and other requirements. For example, the state requires that security cameras cover the entire area of the facility, and video feeds are sent to the enforcement agency in the Colorado Department of Revenue.

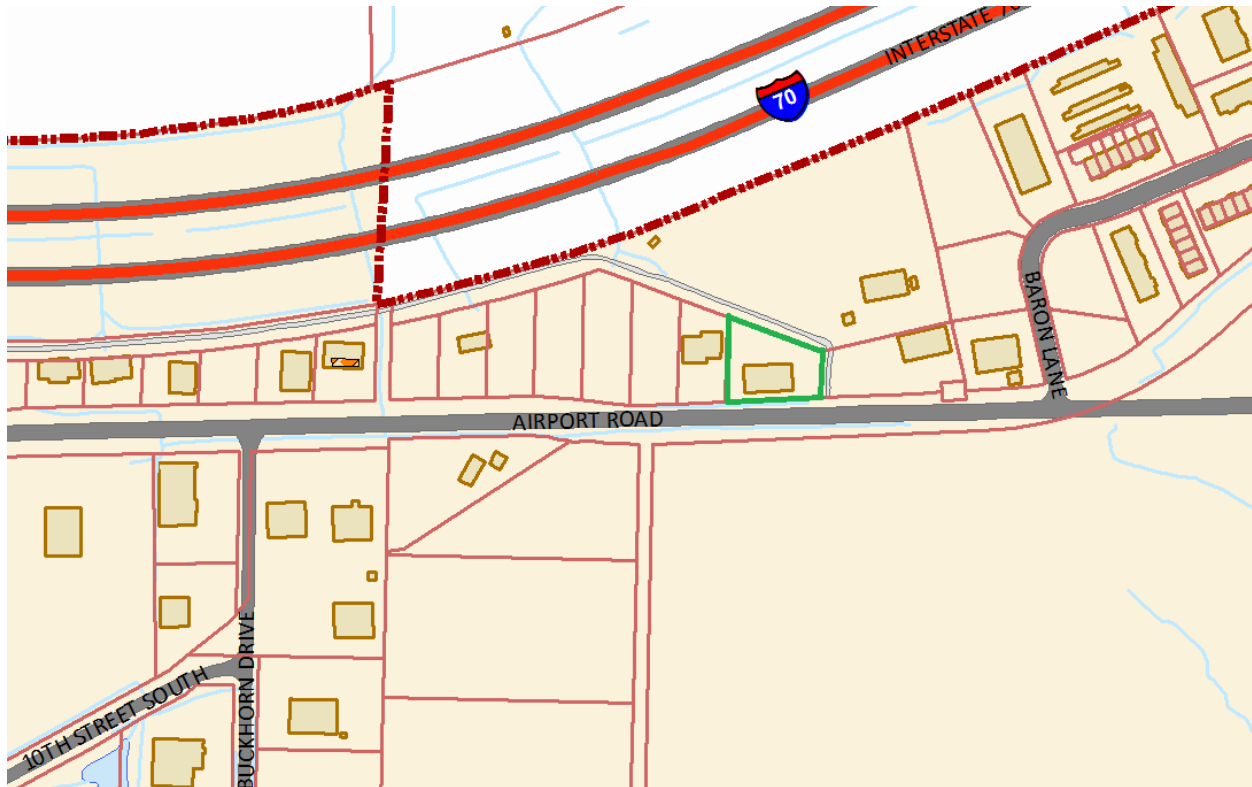
The state gives the Local Licensing Authority (the City) the ability to place additional requirements that go beyond state requirements.

**VICINITY MAP**

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



**FINDINGS**

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

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

***The proposal conforms to the Rifle Municipal Code Section 6-8-60(5) which states that Conditional Use Permits may be granted for Marijuana Cultivation operation. The use must also obtain a license issued by the City Clerk as well as a state license and conform to all requirements therein.***

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 use is compatible with surrounding properties. It is proposed for an existing warehouse building that is of similar size, appearance, and value to surrounding buildings.***

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

**DEPARTMENT OF PLANNING & DEVELOPMENT**

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***The light industrial zoning district is the only area in the City where this use is permitted. The location is on Airport Road in South Rifle and surrounded by light industrial uses far from residential areas.***

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

***State and local licensing includes standards on the disposal of waste.***

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

***The Comprehensive Plan identifies this area as appropriate for light industrial uses including greenhouses. Nothing in the Comprehensive Plan is incompatible with the proposed use.***

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

***Adherence to state and local standards should ensure that the proposed use does not affect property values in the surrounding area.***

7. 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.

***Not applicable.***

**RECOMMENDATION**

Staff recommends that Planning Commission APPROVE Conditional Use Permit 2021-1 subject to the following conditions:

1. The Conditional Use Permit shall only be valid in conjunction with a Marijuana Cultivation Operation license awarded by the City Clerk and City Manager.
2. No improvements for this operation shall occur within the building until a license is granted by the City Manager. If a license is not awarded within 1-year of approval by the P&Z, the permit shall become null and void;
3. The Conditional Use Permit shall become null and void if the grow operation is discontinued for 12 consecutive months;
4. Failure to comply with any and all licenses required by the City of Rifle and/or the State of Colorado for the purpose of growing medical marijuana shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.