

2. All structures and displays shall meet the setback requirements for the proposed site, which include:

Front yard setback	15-feet from Airport Road; and 15-feet from Wapiti Court.
Side yard setback	10-feet from east property line.
Rear yard setback	15-feet from north property line.

3. All structures and displays shall be located outside of all required parking spaces.
4. Rifle Planning and Zoning Commission shall review CUP 2008-6 two years from approval – November 25, 2010 in order to verify compliance with current Code guidelines.
5. Due to Chicago Italiano having approval of CUP 2008-3 through December 31, 2008 the subject CUP shall not begin until January 1, 2009.
6. If the City approves a mobile vendor permitting process, the Conditional Use Permit shall become null and void and the applicant shall thereafter be permitted based on that permitting process.
7. If the City denies a mobile vendor permitting process, the Conditional Use Permit shall become null and void.
8. The approval of the CUP does not constitute approval of a building permit. The applicant will need to adhere fully to the City's building permit process for any improvements made to the building.
9. Any new signage must adhere to the requirements of the sign code.

Staff explained in the zoning code when there is a listed use the Planning Director gets to make the calls to whether or not it is eligible for a conditional use permit. Staff felt it appropriate that a conditional use permit be allowed for application for planning commission, I don't think it is no more intense or less intent other commercial activities accruing in the commercial zone districts (CS). Staff thinks the applicant had the right to apply and ask for this type of use. Under section 16.7.2.30:5 which is general reviews design standards of the zoning code there is a paragraph that says manufactured homes or other pre-manufactured structures for nonresidential uses shall not be permitted as permanent structures in the CBD, CS, TC, LI or I Zone districts with the exceptions of construction offices. In lieu of a variance Staff thought since a CUP was required that this paragraph meant structures that were occupied, not unoccupied structures. Staff allowed this conditional use permit to go forward as well. I need planning commission understand that when they are ruling to accept that interpretation.

Commissioners Questions and Comments:

Commissioners shared the following concerns:

- Great idea, wrong location.
- Agreed the appearance of the unit does not fit location.
- Does not meet the sign code.
- Screening the unit to conform to the site and surrounding area.
- Would like to see it in the Light Industrial Zoning – Gilco west of town would be a better location.
- How long is temporary.

Public Comments:

Mr. Wernsman explained he is the owner of Choice Liquors and Tom Slappey and him has visited about the screening the unit with the sandstone with a canvas awing overt the top to match the building. Keeping up with the ice demand has been hard, having the Ice Vending unit on the property will element ice delivery truck and provide


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ice for the motels, business and recreation use. See's this as a good opportunity. The traffic this would bring in would be beneficial for the business and other business in the area.

Closing Comments:

Mr. Slappey replied they can screen the unit work with Staff on the sign code, and they are hoping to put in a total of three (3) units in the Rifle area. The actual size is 8'4" X 24' X 10'3" with condensers.

Staff asked for the Commissioners to make a motion to for eligibility for the CUP and if Commissioners agree with Staff's interpretation of the code.

Motion Made:

Commissioner Giard moved to **AGREE** that Commissioners agree with Staff's interpretation of the code to allow eligibility for a conditional use permit *Commissioner Bascom* seconded the motion. The motion **FAILED** with the following vote:

ROLL CALL: Yes- Giard, and Rogers

No- Plum, Bascom, Gallagher, Osier and Mead

PRELIMINARY PLAN 2008-3 WESTSIDE MOBILE HOME PARK PUD

The Chair called up the applicant (s) Mark Chain, Britt Kelly and Michael Gamba

The Chair verified public notice requirements had been met.

Purpose:

The applicants seek preliminary plan approval in order to expand the Westside Mobile Home Park and accommodate seventeen (17) new mobile home units. Thirteen (13) mobile homes shall be moved from the Northway Mobile Home Park across from City Market, which has been purchased for redevelopment. Four (4) spaces will be available for other HUD compliant mobile homes. The Park will receive upgrades in the form of improved streets, upgraded infrastructure, and a play area. The applicants request MDR-PUD zoning for both the annexation property and the existing mobile home park, which is currently, zoned Tourist Commercial.

Staff Report:

Staff recommends that Planning Commission APPROVE Preliminary Plan 2008-3 with the following conditions that shall be accomplished to the City's satisfaction before approval for Final Plan is granted:

1. Westside Mobile Home Park shall reserve 13 mobile home spaces from Northway Mobile Home Park.
2. The landscaping plan shall demonstrate adequate landscaping to act as a buffer between the mobile home units and Access Road. The PUD standards shall include landscaping requirements as a buffer between Westside Mobile Home Park and the Access Road.
3. The applicant shall screen the dumpster with a six-foot opaque fence.
4. Western Avenue shall be constructed using chip-and-seal and shall be privately maintained by the applicant.
5. The applicant shall deed to the City ROW for the new section of Western Avenue that connects it to the Access Road.
6. Ted Avenue shall be constructed according to the comments made by Public Works and SGM and shall be publicly maintained.
7. The applicant shall install no parking signs along the property's border with West Second Street.


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8. The applicant shall obtain a license from the city to allow driveways to encroach in the right of way of Western Avenue.
9. The applicant shall clearly demonstrate in the plans that the new mobile home units shall be visibly numbered to assist emergency response.
10. No units within the existing park shall be moved without first notifying the City of Rifle.
11. Unit 4 in the existing park shall be moved so that it does not sit in the ROW of Ted Avenue.
12. The shed adjacent to Unit 12 shall be removed from the ROW of Ted Avenue.
13. The applicant shall complete the Development Program as represented in their application.
14. The applicant shall meet all requirements by public works, engineering, the fire district and other agencies.

Commissioners Questions and Comments:

Commissioners thanked applicant for lessening and bringing back a better project.

Public Comments:

Mr. Schreiner explained this win win situation is not a win win; any other project asking for this kind of density would not be allowed. What about the property value of the surrounding lots. The over flow parking will be on the street most people have 3 to 4 cars. What is being allowed is not what was shown last time, where is the curb and gutters? The streets should be paved and brought up to City standards not chip and sealed.

Mr. Melby explained there should not be parking on the public right-of-way. With the sewer line change how do the properties above connect in and the line should be 8 inch not a 6 inch line.

Ms. Potvin explained for us it is a win win it locates the people form the park and is an upgrade for them and the community. Westside is also upgrading from its current stage.

Closing Comments:

Commissioners shared the following:

- There is parking on all public streets unless other wise marked by signs.
- This upgrade of the park will help property values in the area.
- Vehicles parked on public streets do need to be moved every 72 hours.
- Confirming all the units will be HUD approved.
- The density is not more than code allows for mobile home parks; the lots meet the regulation spacing between units per Mobile Home Parks regulations. The length is where the encroachment comes into the public right of way. The trade off is 13 residents get to be relocated and remain citizens of the community.

Staff replied that the license to encroach will off set the 72 hour rule.

Commissioner Bascom moved to **RECOMMEND** to City Council to **APPROVE** Westside Mobile Home Park Preliminary Plan with all Staff's recommendations *Commissioner Mead* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Plum, Mead, Bascom, Giard, Gallagher, Rogers and Osier

No-

TEXT AMENDMENT 2008-3 A-FRAME SIGNS

The Chair verified public notice requirements had been met.


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- If this does not pass will this issues continue to come as to Planning Commission as a conditional use permit
- Change the 4,000 feet to 3,000 feet.

Public Comments: No Comments

Closing Comments:

Staff replied Central Business District will not be exempt from this Text Amendment. This goes to City Council they have final say. If the Text Amendment does not pass there will be an Ordinance written to clean up the code. If the Text Amendment passes these uses will no longer be a conditional use permit, and will be processed with the new permitting process at Staff level.

Motion Made:

Commissioner Mead moved to **RECOMMEND** to City Council to **APPROVE** the Exemptions listed in section 4 of the Text Amendment 2008-4 for Temporary / Mobile Uses, while **PROHIBITING** the prepared food temporary uses that are described in Section 3. *Commissioner Osier* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Plum, Mead, Bascom, Gallagher, and Osier

No- Giard, Rogers

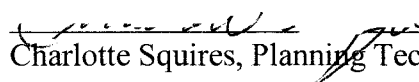
MEMBER COMMENT AND ADJOURNMENT

Reminder there will be no December 2008 Meeting.

Chairman Rogers adjourned the meeting at 9:10 p.m.


Helen Rogers -Chairman

1/30/09.
Date


Charlotte Squires, Planning Technician

1/30/09
Date



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