



## REGULAR PLANNING COMMISSION MINUTES

Tuesday, March 25, 2008

Chairman Helen Rogers called the Regular Planning Meeting to order at 7:04 p.m.

### MEMBERS PRESENT AT ROLL CALL:

**ROLL CALL: Plum, Mead Bascom, Osier, Giard, Gallagher, Rogers and Burgess**

**ABSENT: Bartels**

Commissioner Bascom moved to EXCUSE Commissioner Bartels from the meeting Commissioner Gallagher seconded the motion. The motion CARRIED with the following vote:

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

### OTHERS PRESENT:

Planning Director Matt Sturgeon, Planner Nathan Lindquist, Planning Technician Charlotte Squires, Assistant City Attorney Jim Neu, City Television Station Michael Churchill, Shane Fowler, A.J. Sandquist, Clara Smith, Robert Smith, Julie Wensman, Michael Bert Redd, Gene & Fay Rockwell, Mariane Maynard, Glen Ault, Kari Belstra, Dahn John, Layne Potvin, Mark Chain, Gene Rockwell, Ken Melby, Charles Kauffman, Shane Slinger, Carolyn Hutchison, Phil Merar, T. Carter Page, Brent Kelly, Clay Crossland.

### APPROVAL OF FEBRUARY 26, 2008 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Giard moved to APPROVE the February 26, 2008 Minutes. Commissioner Mead seconded the motion. The motion CARRIED with the following vote:

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

### 715 MEGAN AVENUE (CUP 2008-1)

*The Chair* called up the applicant (s) Shane Fowler

*The Chair* verified public notice requirements had been met.

*Audience sworn in* Clay Crossland

### Purpose:

The applicant seeks a conditional use permit to go above the height limit of 35 feet and build a 4-story hotel with 88 rooms at a maximum height of 46 feet at the top of the columnnade (above the Hampton Inn and Suites sign). The general roof-line is at 42 feet.

  
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**Staff Report:**

1. If approved, this Conditional Use Permit shall only be used for the construction of a hotel.
2. The applicant shall submit with the site plan a list of green building technologies that shall be incorporated into the project.
3. The height of the hotel shall not exceed 46 feet without new architectural elevations submitted to the city for its approval.
4. The architectural features of the hotel shall be designed to reduce the perceived height of the structure. Any changes from the architectural elevations submitted with this conditional use permit shall increase rather than decrease the variations in the façade and roofline to reduce the boxiness of the architecture and assist in making the building look and feel shorter than the proposed 46 feet.
5. The applicant shall obtain a Lot Line Dissolution between Lots 14 and 15 before going to the building permit stage.

*Staff* added that the height should be approved at 47 feet instead of 46 feet to make sure the height is covered and the applicant would not have to come back for a few inches.

**Commissioners Questions and Comments:**

*Commissioners* liked the green build idea.

**Public Comments:**

*Mr. Crossland* explained they interviewed 3 groups and Shane and his group had demonstrated that they had the financial capability and expertise by his presentation here tonight. I am proud of the fact they chose the Hampton Inn. The other owners and tenants in Wapiti Park are in favor of this project.

**Closing Comments:** No Comments

**Motion Made:**

*Commissioner Bascom* moved to **APPROVE** 715 Megan Avenue with all Staff's recommendations and the height not to exceed 47 feet. *Commissioner Osier* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: Yes- Plum, Mead, Bascom, Osier, Giard, Gallagher, Rogers                      No-

**680 WAPITI COURT (CUP 2008-3)**

*Commissioner Burgers* excused himself

*The Chair* called up the applicant (s) Clara Smith and Robert Smith

*The Chair* verified that the public notice requirements had been met.

*Audience sworn in* Mike Gridd, Julie Wensmen, Kari Belstra

**Purpose:**

The applicant seeks a Conditional Use Permit that will allow the temporary use of a mobile retail food establishment. In March 2006, the applicant received such a conditional use permit with the understanding that the long-term goal was to establish a permanent location in Rifle. That CUP expired on December 31, 2008. The applicant has been financially unable to establish a permanent location in that time. The applicant requests a new CUP to operate their business for this season. The City of Rifle's zoning code does not anticipate food vendors operating out of mobile structures and, therefore, this application is presented as a Conditional Use under the "Uses not listed" classification.



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Another issue is that planning staff has been working on establishing a mobile vending permit process for Rifle. A workshop with Planning Commission and City Council is still necessary to see if this is desirable for the city. If such a process, were established, DA Beef would fall under the process, and this CUP would become null and void.

Applicants presented the Commissioners with a book of signed letters showing support and requesting DA Beef to stay in business.

**Staff Report:**

If the Planning Commission approves the Conditional Use Permit, staff recommends they do so with the following conditions:

1. A sales tax license shall be received from the City of Rifle if such a license has not already been obtained.
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. If for some reason in the future a lack of parking at 680 Wapiti court becomes an issue, an off street parking alternative in conformance with the Rifle municipal Code must be provided by DA Beef or DA Beef must vacate the site.
5. The proposed use is intended as a transitional use and any Conditional Use permit shall be valid for a temporary period only – through December 31, 2009 or under the conditions of condition #6, whichever comes first.
6. If the City approves a mobile vendor permitting process, the Conditional Use Permit shall become null and void and the applicant thereafter be permitted based on that permitting process.

It was brought to attention to add condition number 7. If the City would deny the mobile vendor permitting process than the CUP would be null and void at that time.

**Commissioners Questions and Comments:**

*Commissioners* agreed on one more year not for two years. Asked to know the time the establishment would be operating. When does the establishment become mobile?

*Ms. Smith* replied the operations are when the weather warms up in April and starts to get to cold around November or December. They attended the Air Show last year and that was all.

**Public Comments:**

*Mr. Gridd* explained he works at the liquor store. When DA Beef went to the Air Show, the customers asked what happened to them and when will they back. Their food is liked and offers a variety to the town.

*Ms. Wensmen* explained she is the owner of Choice Liquors and feels the establishment brings customers to the other businesses in the area. It would be sad not to have them at the site.

*Ms. Belstra* explained she is the manager at the La Quinta and the guests enjoys the establishment.

**Closing Comments:**

  
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Ms. Smith asked for approval to give more time to find an affordable solution and to be permitted to continue where they are.

**Motion Made:**

Commissioner Bascom moved to **APPROVE** 680 Wapiti Court with Staff's conditions with the following changes to condition #5 the permit shall be valid for a temporary period only through December 31, 2008, and to add condition #7 to read as "If the City denies a mobile vendor permitting process, the Conditional Use Permit shall become null and void" Commissioner Osier seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Plum, Bascom, Giard, Gallagher, Rogers**

**No- Osier, Mead**

Commissioner Burgess returned to his seat

**WESTSIDE MOBILE HOME COURT ANNEXATION PUD (ANNEX 2008-2/PUD 2008-3)**

The Chair called up the applicant (s) Mark Chain, Brent Kelly

The Chair verified that the public notice requirements had been met.

Audience sworn in Gene Rockwell, Ken Melby, Charles Kauffman, Shane Slinger,

Exhibit of the park Pre-HUD Units was presented and entered into record as Exhibit 1

**Purpose:**

The applicants seek to annex 0.67 acres of currently vacant land into the city in order to expand the Westside Mobile Home Park. This will allow them to accommodate up to 16 mobile home units that will be moved from the Northway Mobile Home Park, which has been purchased for redevelopment. In August of 2007 the city held a workshop with the applicant and determined that it would be beneficial to the residents of Northway to have an opportunity to relocate within Rifle. The applicants will make upgrades to the mobile home park including road paving and a children's playground.

The applicants request PUD zoning for both the annexation property and the existing mobile home park, which is currently, zoned Tourist Commercial. They are asking for a ten (10) foot setback off Access Road and a CDOT Access Permit has been approved.

**Staff Report:**

The Planning and Zoning Commission must act on the following: 1) recommend to City Council what action should be taken regarding the annexation; 2) recommend to City Council how the property should be zoned.

**ANNEXATION**

The subject property is eligible for annexation. It is bordered on two sides by property already within the City's corporate boundaries. The portion of Western Avenue that is not currently within city boundaries shall be annexed as well. Staff requests that Planning Commission recommend City Council APPROVE this annexation with the following conditions:

1. The applicant shall provide a list of pre-HUD mobile home units that currently exist in Westside Mobile Home Park and, along with the pre-HUD units being moved into the Park, agree to remove them by 2010 as required by city ordinance.
2. Provide street sections that address how the streets will function adequately without conforming to the Public Works Manual.
3. The landscaping plan shall demonstrate adequate landscaping to act as a buffer between the mobile home units and Access Road.

  
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4. Western Avenue shall be privately maintained by the applicant, and the applicant shall install no parking signs on the street.
5. The applicant shall obtain a license from the city to allow driveways to encroach within the right of way of Western Avenue.
6. The applicant shall meet all requirements by public works, engineering, the fire district and other agencies.
7. The applicant shall complete the Development Program as represented in their application.
8. The applicant shall initially only accept the units from Northway Mobile Home Park that have been represented in their application, with an exception being if there are replacements for pre-HUD units available.

## ZONING

Staff recommends that the property be zoned *Medium Density Residential—PUD*, with the PUD standards proposed by the applicant serving as the development standards for the mobile home park. The applicant has proposed two separate zoning districts within the PUD, each with its own development standards.

Staff recommends that Planning Commission forward a recommendation to City Council to APPROVE zoning as *Medium Density Residential—PUD* with the following condition:

1. The applicant shall change any PUD standard necessary to comply with city agency requirements before annexation and the PUD are approved by City Council.

### Commissioners Questions and Comments:

*Commissioners* agreed the spaces per unit are small; the buildings encroaching in the right of way will need to be moved back onto the property. There was discussion in regards to the up grading of non HUD homes. The homes that are not HUD approved must be replaced. The PUD Regulations need to cover the whole park and not just the new section.

### Public Comments:

*Gene Rockwell*, explained he has concerns 1) drainage coming off the hillside through his property 2) that the sewer lines run through the property 3) with the zoning and the amount of people and vehicles (where will they all park for 2<sup>nd</sup> Street is narrow and unsafe) and 4) will there be any upgrades to the area.

*Ken Melby* explained he was not able to see or hear what was going at this public hearing. He shared concerns with the parking.

*Charles Kauffman* explained he had concerns about his taxes, the trash and noise that adding more units will bring to the neighborhood, parking and added traffic.

*Shane Slinger* explained he owns lot 3 & 4; he hauls gooseneck trailers and if this becomes a private drive and I have to stop by my house or whatever, I have no room to park the trailer or my truck. He already has trouble with the noise coming from the current park, he has reported break-ins, when the cops are called they say there is nothing can do. What is protecting me, the people driving down the frontage road and if you put in all those new lots I am totally hidden.

### Closing Comments:

*Staff* recommended there be a meeting with the developer and joining property owners to go over the concerns and work out some solutions to the issues presented.

*Mr. Chain* explained they will work with the property owners and Staff.

  
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**Motion Made:**

Commissioner Mead moved to **RECOMMEND** to City Council to **APROVE** Westside Mobil Home Court Annexation with all Staff's recommendations including the City's review and approval of rules and regulations for the Park. Commissioner Osier seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Plum, Mead, Bascom, Osier, Giard, Gallagher, Rogers                      No-**

Commissioner Bascom moved to **RECOMMEND** to City Council to **APROVE** Westside Mobil Home Court Annexation with clarification that Pre HUD must be replaced, parking needs a better plan, park regulations need to be updated and reviewed by Staff, all structures encroaching on the right of way must be moved, work with the density and with all Staff's recommendations. Commissioner Giard seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Plum, Mead, Bascom, Osier, Giard, Gallagher, Rogers                      No-**

**AFFORDABLE HOUSING PILOT PROGRAM**

The Chair verified public notice requirements had been met.

**Staff Report:**

This is a draft Ordinance implementing a one-year Affordable Housing Incentive Pilot Program. Because of the temporary nature of this Program, there will be no text amendment to the Rifle Municipal Code. Staff created this Program with input from local developers, financing institutions and the Garfield County Housing Authority. Tackling affordable housing with a comprehensive program is a large task, and we see this Pilot Program as a first step in the process. Please review this as such, because we are in no way stating this is a final solution. Once we see how the Ordinance is accepted by the development community at large, we can formulate a more permanent program.

The Ordinance essentially provides certain incentives to participating developers that are willing to deed restrict their product as "affordable." The City's incentives are fee waivers, not including water and sewer tap waivers because of the demands on those two enterprises, and minor zoning variances. Those variances include a 10% reduction of minimum lot sizes, essentially a density bonus, and setback variances to allow for more creative and attractive design. The Developer, in return, must reduce its profit of the project by 25% with full disclosure to the City, and cap the initial sale price of the unit at \$240,000. Eligible purchasers must meet income and asset limitations and work in the City limits, or be employed by the school district, federal or county government within 15 miles of the City. Resale of affordable units may not exceed 5% appreciation for a period of 10 years. The Garfield County Housing Authority will administer the Program for the City. If the Developer cannot sell the units to an eligible purchaser within 6 months of active marketing, the Developer may pay the waived fees and sell the unit at a market rate, unless zoning variances were utilized, in which case a 10% profit reduction will be required.

**Commissioners Questions and Comments:**

How does this work with approved PUD's, present subdivisions or what ever, than all of a sudden we throw this on top it. Does this ordinance automatically supersede if we accept approved PUD's into the proposal?

City Attorney replied yes.

With the developer donating 25% of his profits, with the City cutting back on fees and such, that comes from the community. Staff replied that's right. I am not sure we need to take a big chunk out of the developer as well. Set a actual profit margin and I think that would be effective.

Where in the City is this being looked at is it going to be spread out or a certain area you are going to locate all the units. How does this affect the value of the neighborhood?

  
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Staff replied this will be in the North Pastures, Promontory or some of the new subdivisions coming into the City. By right this type of home could be built anywhere, we are trying to encourage some lower cost homes.

The 15 mile for school and government employees, what about extending this out to the School District, there are a lot of teachers that live in Rifle and work at Bea Underwood or New Castle Elementary and Middle Schools.

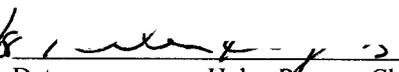
Staff replied if they want help support and pays some costs we will be happy to extend the radius. The City perspective is that our obligation is to create housing for the work force that lives and resides in the City of Rifle. If the other jurisdictions that benefit from having teachers in our district provide an important function for their communities they should also be looking at affordable housing projects. Rifle shouldn't be paying the bill to have quality teachers working in other districts. This is very complex and lets put the ordinance out there and see what happens.

Commissioner Osier moved to **RECOMMEND** to City Council to **APROVE** Affordable Housing Pilot Program and to re-word the percentage regarding the builder and with all Staff's recommendations. Commissioner Mead seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Plum, Mead, Bascom, Osier, Giard, Gallagher, Rogers**                      **No-**

**MEMBER COMMENT AND ADJOURNMENT**

Chairman Rogers adjourned the meeting at 10:15 p.m.

5/9/08   
Date                      Helen Rogers -Chairman



5/9/08 C.L.  
Date                      Charlotte Squires, Planning Technician



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