



360 Main St • Delta, Colorado 81416 • Phone (970) 874-7903 • Fax (970) 874-6931 • Website: www.cityofdelta.net

A G E N D A

**Planning Commission
Regular Meeting**

**May 2, 2016
6:30 p.m.**

A. Changes to the Agenda

B. Minutes of the April 4, 2016 Planning Commission meeting.

C. Citizen Comments

Citizens who have comments on items that do not appear on the agenda are asked to make their comments at this time. Comments on an agenda item will be taken at the time that item is under discussion.

D. Election of Chairman and Vice Chairman.

E. Public Hearing – Zoning Amendment (Rezone) for 618 and 620 Bridge Street from MHR (Mobile Home Residential to I (Industrial)

- **Open the Public Hearing**
- **Staff Report and Recommendations**
- **Public Comment**
- **Close Public Hearing**
- **Planning Commission Recommendation**

F. Public Hearing – Conditional Use at 618 and 620 Bridge Street for a Junk Yard.

- **Open the Public Hearing**
- **Staff Report and Recommendations**
- **Public Comment**
- **Close Public Hearing**
- **Planning Commission Motion**

G. Public Hearing - Variance at 618 and 620 Bridge Street for fence height.

- **Open the Public Hearing**
- **Staff Report and Recommendations**
- **Public Comment**
- **Close Public Hearing**
- **Planning Commission Motion**

H. Commissioner Comments

I. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, April 4, 2016 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Gerald Roberts, Chairman; Lynn Williams, Commissioner; Carl Jahn, Commissioner; Richard Simmons, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: Mark Lee, Commissioner; Ginni Selby, Commissioner; one vacancy.

GUESTS: none.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Lynn Williams, seconded by Carl Jahn to approve the minutes of the Planning Commission held on Monday March 7, 2016 (continued on March 14, 2016), as written. All voted yes. Motion passed.

CITIZEN COMMENTS

None

PUBLIC HEARING ZONING AMENDMENT FOR WEST WINDS PLANNED UNIT DEVELOPMENT, HAWKINS COMMERCIAL LOT 1 AND LOT 2 FROM B-2 TO B-3

Chairman Roberts opened the public hearing regarding the zoning amendment for West Winds Planned Unit Development, Hawkins Commercial Lot 1 and Lot 2 from B-2 to B-3. Sharleen Walker, Planning Technician, informed the Planning Commission that one more comment had been received in approval of the rezone.

Glen Black, Community Development Director, reviewed the criteria for rezoning and pictures of the area to be rezoned. Mr. Black informed the Planning Commission that this planned unit development had been approved by Delta County, and then was subsequently annexed into the City of Delta. Additionally, Mr. Black stated that staff is in support of the rezone because it appears that from the plat that a fueling area was intended for the lot to begin with and that the zoning designation should have been B-3 from the beginning.

Planning Commission questioned if the zoning of the commercial lots were zoned B-2 to begin with and staff thought that they were. Additional questions from Planning Commission included if the fuel storage tanks would be above or below ground and fire safety.

Nick Barrett, Del-Mont Consultants, owner's representative, stated that the applicant would like to move his aircraft maintenance business to this property and to provide a fueling area for aircraft in the airpark and those aircraft that land at the airstrip.



Charles Clemon, resident of the airpark, stated that he is in favor of the rezoning because the community would benefit from the facility. Mr. Clemon questioned if the fuel facility would have to remain as located on the plat. Staff stated that the fuel facility would not be tied to a specific location, but that regulations regarding quantities and distances would be considered.

Chairman Roberts closed the public hearing.

The Planning Commission discussed the request and determined that the previous zoning was erroneous.

A motion was made by Richard Simmons, seconded by Carl Jahn to recommend approval of the zoning amendment for West Winds Planned Unit Development Hawkins Commercial Lot 1 and 2 to the City Council from B-2 to B-3. All voted yes. Motion passed.

Staff informed the applicant representative that the next step would be the City Council would consider the recommendation from the Planning Commission at the City Council meeting to be held on April 19, 2016 at 7:00 p.m.

COMMISSIONER COMMENTS

Commissioner Jahn asked what planning commission terms were up. Staff informed him that Tish Oelke and Lynn Williams's terms were up and that Ms. Williams applied for reappointment and that Ms. Oelke had not, but there was a new person applying. Both appointments would be considered by Council on April 15, 2016.

Chairman Roberts stated that he is running unopposed for City Council and the election is tomorrow night, so this will be his last meeting. The Planning Commission and staff thanked Chairman Roberts for his service. Commissioner Williams stated that Chairman Roberts has been involved in City government for at least 40 years. Chairman Roberts stated that he moved here 39 years ago and has been involved in some way the entire time.

STAFF COMMENTS

Staff stated that there will be an additional vacancy on the Planning Commission when Chairman Roberts is officially elected to the Council. Additionally, staff stated that at the next meeting the Planning Commission will elect the Chairman and Vice-Chairman.

ADJOURNMENT

A motion was made by Richard Simmons, to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 6:51 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



DEVELOPMENT & LAND USE APPLICATION

Subdivision	Fee	X	Land Use Requests	Fee	X	Other	Fee	X
Boundary Adjustment	250		Cond'l Use/Change in Non-Conf. Use	200		Site Development	-	
Lot Split	250		Variance	200		Annexation	300	
Minor Sub	250		Zoning Amend/Add	300		Mbl/Trvl Park	250+10/lot	
Replat/Amendment	250					Mbl/Trvl License	10/lot	
Sketch Plan	100+10/lot					Temporary Use	-	
Preliminary Plat	500+20/lot							
Final Plat	250+10/lot							

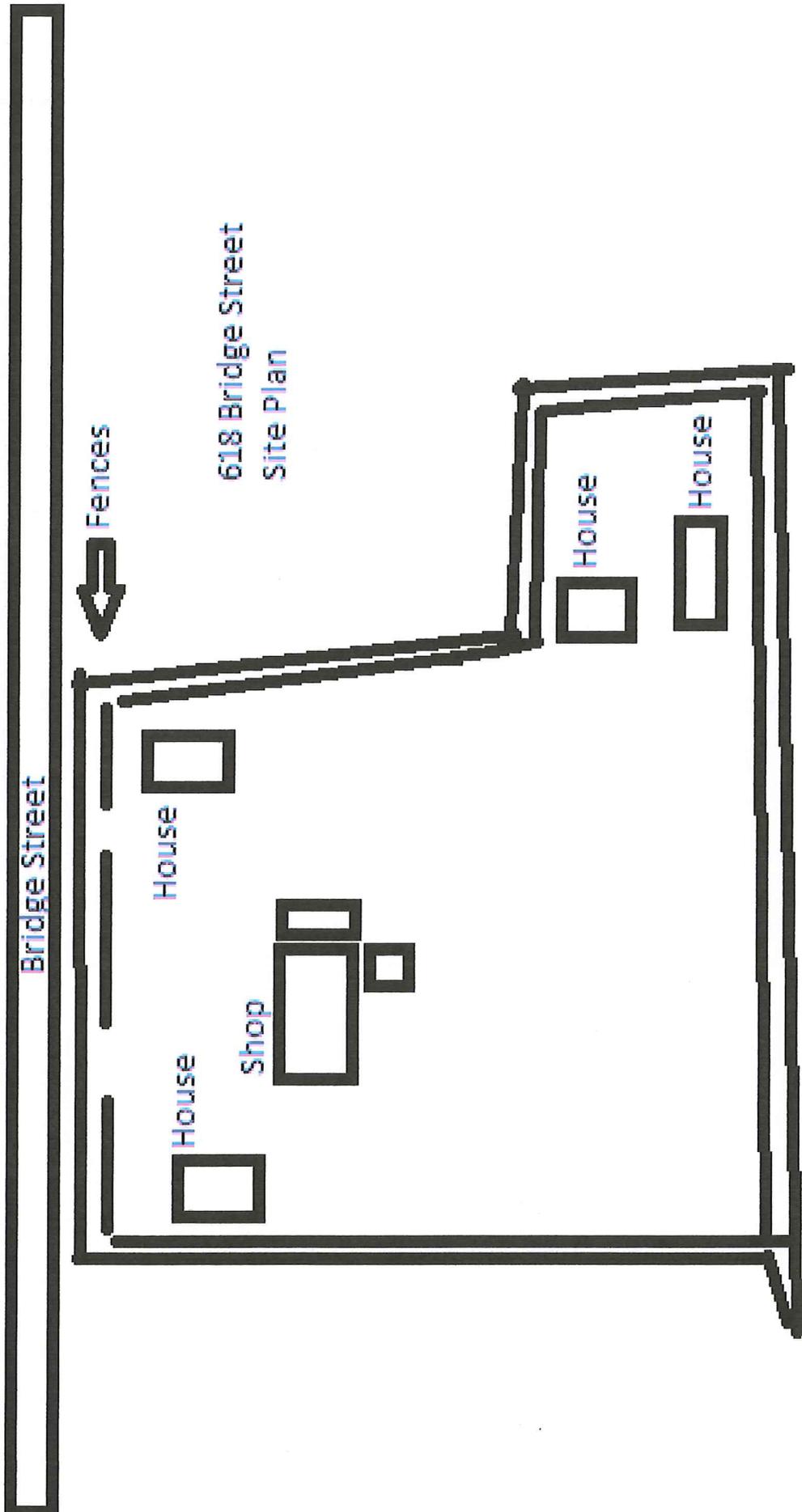
Project Name:		Application Date:	
Site Location:	618 and 620 Bridge St	Current Land Use:	
Assessor Parcel #:	345724200020	Current Zoning:	MH
Proposed # of Lots:		Size - Acres/Sq Ft:	2.25 Acres
Project Description:	Request zoning change from MH to Industrial		

	Property Owner	Developer	Representative
Name	David Triantos	self	self
Address	1795 Pioneer Rd		
City/State/Zip	Delta, CO 81416		
Phone	(970) 874-5589		
Fax			
E-mail	daveandsarahkay@aol.com		

Signature:  Date: 3/15/16

It is the applicant's responsibility to provide complete submittals, meet all deadlines, and monitor the progress of the application. Refer to the appropriate checklist for submittal requirements.

By signing above, the applicant petitions the City for the requested review, certifies that the information provided is correct to the best of his/her knowledge, and agrees to allow City Staff to enter the project site.



618 Bridge Street
Site Plan

Fences

Bridge Street

House

House

Shop

House

House

City of Delta Community Development Department

We are requesting a zoning change on our property located at 618 and 620 Bridge Street, in Delta, from Mobile Home to Industrial for the following reasons:

- A. The amendment is not adverse to the public health, safety, and welfare.
- B. The existing zoning is erroneous and conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

We believe the existing zoning is erroneous because it has been used in an automotive-related way since the 1960s, and was never intended to become a mobile home community at this location. We were unaware the area was classified as mobile home until recently, and are seeking a Zone Change for this property, which we believe is zoned incorrectly. There are two industrial zones in the vicinity of Bridge Street, and believe that Industrial should be the correct zoning for this location, as well. If the parcel of land directly behind this property is not zoned Industrial, the City may want to consider a change for that parcel, as well, in order to open it to development on the new Truck Route.

I have researched the zoning changes of this property back to the 1950s and have found that neither myself, nor the City of Delta can find who established the mobile home change, or why it was done at all. I believe that a mistake was made when the property was changed from industrial to mobile home some time in the past and that the requested change from mobile home back to industrial will make the zoning correct.

We are requesting a fence variance in order to enter compliance with City of Delta fence regulations. The fence surrounding this property was erected under the understanding that the zoning was industrial, which allows for an 8' fence height. This fence is out of compliance under the current zoning, and we are requesting an allowance for the existing fence in the event that the zoning change is denied. Getting this fence into 6' compliance would be cost prohibitive to our family.

Thank you for your consideration.

TaxPIN	NAME	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
345724200018	ASHBY BETTY O	10428 PAISLEY RD		YUKON	OK	73099-7860
345724200021	MORNINGSIDE FUNDING LLC	2370 RICE BLVD, SUITE 200		HOUSTON	TX	77005-0000
345724200023	HUFF RICKY N	PO BOX 194		DELTA	CO	81416-0194
345724200024	TRANTOS TAMMRA L	5403 SUNDOWN RD		DELTA	CO	81416-0201
345724200036	CD'S LLC	21037 FRUITGROWERS ROAD		AUSTIN	CO	81410-0000
345724200050	ASHBY BETTY O	10428 PAISLEY RD		YUKON	OK	73099-7860
345724206002	GOMEZ JOSE J	957 VINE ST		DELTA	CO	81416-1528
345724206003	CARLSON REX E	PO BOX 806		DELTA	CO	81416-0806
345724206004	CARLSON REX E	PO BOX 806		DELTA	CO	81416-0806



CERTIFICATION OF NOTICE TO PROPERTY OWNERS

I, Sarah Triantos, applicant, hereby certify that I personally mailed or hand delivered to the required property owners notice of public hearing before the City of Delta Planning Commission/City Council regarding the request. Notices were mailed or hand delivered on the 8th day of April, 2016.

Applicant's Signature

+++++

CERTIFICATION OF SIGN POSTING

I, Sarah Triantos, applicant, hereby certify that I personally posted notice of public hearing before the City of Delta Planning Commission/City Council on the property under consideration on the 22nd day of April, 2016.

Applicant's Signature



NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

() Variance

Zoning Amendment/Addition

() Other: _____

Description of action to be considered: Zoning Amendment (rezone) from MHR (Mobile Home Residential) to I (Industrial) and Conditional Use for the operation of a salvage yard and possibly a fence variance to allow for a 10' fence.

Address of property under consideration: 618 and 620 Bridge St.

Date of Public Hearing: May 2, 2016 Time: 6:30 p.m.

This letter is addressed to you as an adjacent property owner, within 100 feet of the area under consideration, to inform you that the City of Delta Planning Commission will review the above application on the date and time shown. You are invited to attend and comment at the public hearing, which will be held at the City Council Chambers at 360 Main Street, Delta Colorado.

I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

() Approve no committed () Object

SIGNATURE

NAME (print)

STREET ADDRESS

Ricky & Carmen Huff / Ricky & Carmen Huff 604 Bridge St.

COMMENTS:

We believe that it is the City's right to decide if the salvage yard should be in city limit or not we are concern about all the skunks and wild cat that we have around here. they were told before to put a fence up but never did. *Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing. We would like a privates fence.



NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

() Variance

Zoning Amendment/Addition

() Other: _____

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I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

() Approve

() Object

SIGNATURE

NAME (print)

STREET ADDRESS

Rex Carlson Rex Carlson 641 + 651 Bridge Street

COMMENTS: I have tenants that work nights + sleep during the day. They need sleep so they can work safely. More traffic on highway + noise from crushing autos. There is enough property in north Delta for a salvage business.

*Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing.



NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

() Variance

Zoning Amendment/Addition

() Other: _____

Description of action to be considered: Zoning change from mobile home to industrial

Address of property under consideration: 618 and 620 Bridge St

Date of Public Hearing: 5-2-2016 Time: 6:30 p.m.

This letter is addressed to you as an adjacent property owner, within 100 feet of the area under consideration, to inform you that the City of Delta Planning Commission will review the above application on the date and time shown. You are invited to attend and comment at the public hearing, which will be held at the City Council Chambers at 360 Main Street, Delta Colorado.

I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

() Approve

Object

SIGNATURE

NAME (print)

STREET ADDRESS

Rex CARLSON 621 + 631 Bridge St/Keel

COMMENTS: MORE TRAFFIC ON Hwy 348. MORE noise FROM a salvage yard/ crushing autos. I have tenants who work night shifts + sleep during the day. They need to sleep to work safely. There is enough property in ^{north} Delta FOR a salvage business.

*Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing.



Staff Report Zoning Amendment

Staff: Glen L. Black **Date:** 05-01-2016
Owner: David Triantos **Applicant:** David Triantos
Location: 618 and 620 Bridge Street **Parcel #** 3457-242-20-0020
Zone District: Mobile Home Residential **Parcel Size:** 2.25 Acres
Subject: Zoning Amendment (Rezone) from MHR (Mobile Home Residential) to I (Industrial)

Request:

The applicant requests a Zoning Amendment (Rezone) of 618 and 620 Bridge Street from MHR (Mobile Home Residential) to I (Industrial).

17.04.190 I District.

17.04.190 I District.

A. INTENT: The purpose of the I District is to accommodate manufacturing, commercial, and most industrial uses which need adequate space, light, and air, and whose operations are quiet and clean provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, vibrations or other adverse effects which cannot be effectively confined on the premises. This promotes the creations and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial area.

B. USES BY RIGHT:

1. Uses which meet the intent of Subsection (A) and the performance standards of Subsection (C) of this Section, not including residential uses, are uses by right. Typical examples of such manufacturing and nonmanufacturing uses include warehouses, wholesalers, and manufacturing contained within buildings and accessory retail sales.

2. Industrial uses, including those with accessory retail sales operations such as:

- a. Manufacturing of any product.
 - b. Wholesaling of any product.
 - c. Warehousing and storage. (Excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions)
 - d. Bulk storage.
 - e. Processing of any manufactured product.
 - f. General service and repair of automobiles, trucks, farm implements and construction equipment.
-



- g. Parking lots.
 - h. Fabrication of any product.
 - i. Agricultural products processing.
 - j. Offices.
 - k. Freight hauling facilities.
 - l. Sawmills or planing mills.
 - m. Aboveground fuel storage facilities for hazardous fuels.
3. Parks and open spaces.
 4. Government buildings and facilities.
 5. Public utility service facilities.
 6. Electronic and telecommunications antennas, receivers and transmitters.
 7. Accessory uses.
 8. Sexually oriented business complying with the provisions of Chapter 8.32.

C. CONDITIONAL USES:

1. Any commercial or industrial use other than the uses by right which comply with the performance standards of Subsection D and are consistent with the intent of Subsection A above.
2. Automobile wrecking and salvage yards.
3. Junk yards.
4. Animal sales yards.
5. Mineral extraction and processing.
6. Trash disposal and recycling facilities.
7. Quarries and gravel operations.
8. Storage of non-fuel hazardous materials including explosives. (Ord. 4, §1, 1999; Ord. 8, §4, 2004; Ord. 4, §4, 2011; Ord. 19, §2, 2012)

D. PERFORMANCE STANDARDS:

1. No use shall be established, maintained or conducted in any I District that will result in any public or private nuisance.
2. No industrial structure shall be constructed within one hundred feet (100') of any existing Residential District, unless effectively buffered by landscaping, berms, fencing, or screening.
3. No use shall be established in the I District which results in an unreasonable hazard to the community or creates a public or private nuisance.
4. No noise, dirt, smoke, or odor shall be observable off of the premises.
5. Automobile wrecking and salvage yards and junk yards shall have screening.
6. Additionally, all outdoor storage may require screening to prevent industrial blight.
7. With regard to storage of explosives, chemicals and other allowed hazardous materials (excepting stored fuels), the following additional performance standards shall apply:
 - a. No materials shall be allowed other than those that are identified, classified and regulated by a State or Federal Agency.
 - b. No materials shall be allowed where a regulatory agency is found to lack significant and regular oversight adequate to ensure compliance with respective regulations.



- c. No materials shall be allowed without adequate separation from existing and/or potential future habitable sites or structures.
- d. In all cases, conditional use approvals shall be limited to the specified owner and the specific location, type and operation of all facilities approved for the conditional use. Any change in ownership, location of or specified type or operation of facilities will constitute revocation of the conditional use. (Ord. 4, §1, 1999; Ord. 8, §4, 2004; Ord. 4, §4, 2011; Ord. 19, §2, 2012)

Criteria for Approval of a Zoning Amendment (Rezone):

17.04.270 Amendments and additions to the Zoning Regulations and Map.

A. Rezoning:

- 1. Amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed only upon findings as follows:
 - a. The amendment is not adverse to the public health, safety and welfare; and
 - b.
 - i. The amendment is in substantial conformity with the Master Plan; or
 - ii. The existing zoning is erroneous; or
 - iii. Conditions in the area affected or adjacent areas have change materially since the area was last zoned.

2. Rezoning may be requested or initiated by the City Manager, the Planning Commission, or the owner of any legal or equitable interest in the property or the owner's representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedure of Section 17.04.290. The area considered for rezoning may be enlarged by the Planning Commission on its own motion over the area requested in the application with proper notice. The applicant shall provide an adequate legal description of the proposed zoning.

B. Zoning of additions:

1. The Planning Commission shall recommend to the Council a use designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 17.04.290 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter.

2. The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare.

C. Legislative zoning: Comprehensive review and re-enactment of all or a significant portion of the Zoning Map shall be a legislative action, and shall not be subject to the review procedure of Section 17.04.290 or any criteria set out in this Section.

D. No amendment, addition to or re-enactment of the Zoning Map shall become effective until enacted by ordinance approved by at least three Councilmembers.

E. Amendments to these regulations shall be made by an ordinance. (Ord. 4, §1, 1999)



Discussion

The Comprehensive Master Plan future land use map shows the area to be parks and open space. The 1961 zoning map of the City of Delta shows the area zoned I (Industry). The 1996 zoning map of the City of Delta shows the area zoned MH (Mobile Home). The property has been Mobile Home Residential since that time.

There were 9 petitions mailed to surrounding property owners and there has been 1 petition returned objecting to the application and 1 petition returned with no preference but does have a written comment.

The request was properly noticed in the newspaper, the neighbors were notified of the hearing and a poster was posted on the property.

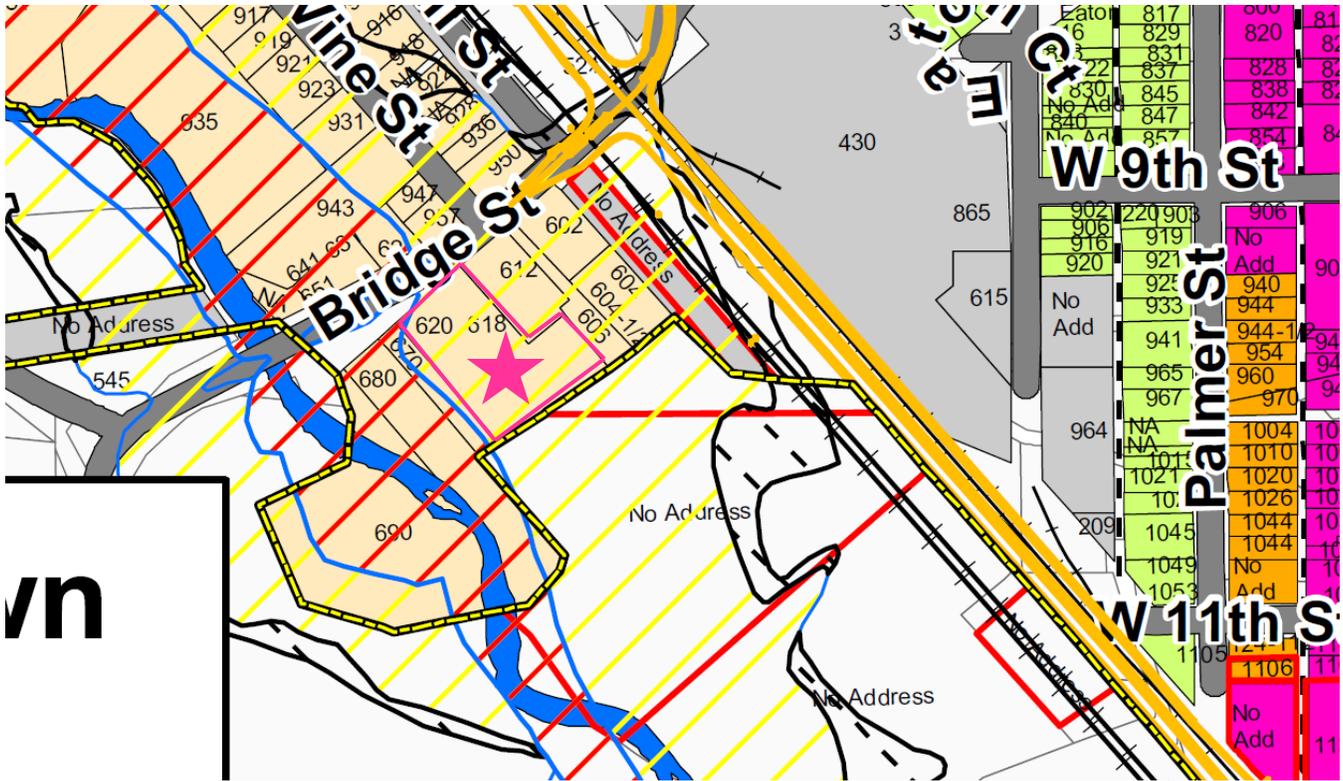
Staff Recommendation

Staff recommends that Planning Commission not recommend the zoning amendment for 618 and 620 Bridge Street from MHR (Mobile Home Residential) to I (Industrial) to the Delta City Council.

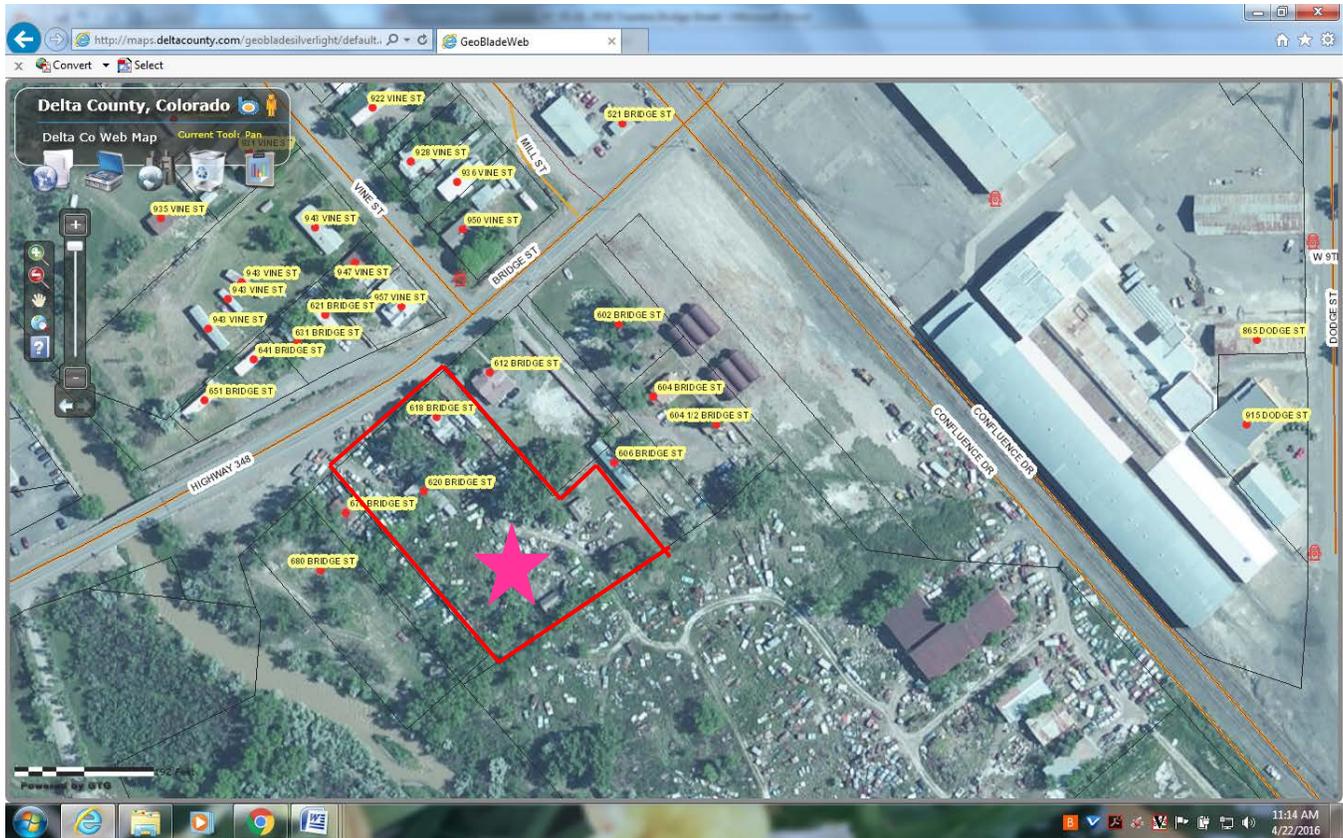
Example Motion

I move that Planning Commission **recommend/not recommend** the zoning amendment for 618 and 620 Bridge Street from MHR (Mobile Home Residential) to I (Industrial) to the Delta City Council.

Zoning Map



Aerial Map





Staff Report

Conditional Use

Staff:	Glen L. Black	Date:	05-01-2016
Owner:	David Triantos	Applicant:	David Triantos
Location:	618 and 620 Bridge Street	Parcel #	3457-242-20-0020
Zone District:	Pending request from MHR to I	Parcel Size:	2.25 Acres
Subject:	Junk Yard		

Request:

The applicant requests a conditional use for a junk yard at 618 and 620 Bridge Street. This request is based upon a request on this same date for a rezone of the subject property from MHR (Mobile Home Residential) to I (Industrial).

17.04.190 I District.

C. CONDITIONAL USES:

1. Any commercial or industrial use other than the uses by right which comply with the performance standards of Subsection D and are consistent with the intent of Subsection A above.
2. Automobile wrecking and salvage yards.
3. Junk yards.
4. Animal sales yards.
5. Mineral extraction and processing.
6. Trash disposal and recycling facilities.
7. Quarries and gravel operations.
8. Storage of non-fuel hazardous materials including explosives. (Ord. 4, §1, 1999; Ord. 8, §4, 2004; Ord. 4, §4, 2011; Ord. 19, §2, 2012)

D. PERFORMANCE STANDARDS:

1. No use shall be established, maintained or conducted in any I District that will result in any public or private nuisance.
 2. No industrial structure shall be constructed within one hundred feet (100') of any existing Residential District, unless effectively buffered by landscaping, berms, fencing, or screening.
 3. No use shall be established in the I District which results in an unreasonable hazard to the community or creates a public or private nuisance.
 4. No noise, dirt, smoke, or odor shall be observable off of the premises.
 5. Automobile wrecking and salvage yards and junk yards shall have screening.
 6. Additionally, all outdoor storage may require screening to prevent industrial blight.
-

7. With regard to storage of explosives, chemicals and other allowed hazardous materials (excepting stored fuels), the following additional performance standards shall apply:

- a. No materials shall be allowed other than those that are identified, classified and regulated by a State or Federal Agency.
- b. No materials shall be allowed where a regulatory agency is found to lack significant and regular oversight adequate to ensure compliance with respective regulations.
- c. No materials shall be allowed without adequate separation from existing and/or potential future habitable sites or structures.
- d. In all cases, conditional use approvals shall be limited to the specified owner and the specific location, type and operation of all facilities approved for the conditional use. Any change in ownership, location of or specified type or operation of facilities will constitute revocation of the conditional use. (Ord. 4, §1, 1999; Ord. 8, §4, 2004; Ord. 4, §4, 2011; Ord. 19, §2, 2012)

Criteria for Approval of a Conditional Use Section 17.04.260:

No conditional use or change in a non-conforming use will be allowed unless the Planning Commission determines the following criteria are substantially met with respect to the type of use and its dimensional features:

1. The use will not be adverse to the public health, safety or welfare.
2. The use is not inconsistent with the City's Master Plan.
3. Streets, pedestrian facilities, water, sewer and other public improvements in the area are adequate.
4. The use is compatible with existing uses in the area and other allowed uses in the district and the type, bulk, height and location of any buildings or structures is compatible with other buildings, structures and the character of the area.
5. The use will not have an adverse effect upon other property values.
6. Adequate off-street parking will be provided for the use.
7. The location of curb-cuts and access to the premises will not create traffic hazards.
8. The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property.
9. Landscaping of the grounds and architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
10. Any other criteria specified by other City ordinances or regulations are met.

The Planning Commission may impose conditions as necessary to ensure that the above criteria are met.



Discussion

Staff has received complaints about the use of the property and all of the junk cars with concerns about environmental hazards. A salvage yard is not the best use of the property. The property has not been an active salvage yard for years.

There were 9 petitions mailed to surrounding property owners and there has been 1 petition returned objecting to the application and 1 petition returned with no preference either way, but they do have a written comment.

The request was properly noticed in the newspaper, the neighbors were notified of the hearing and a poster was posted on the property.

Staff Recommendation

Staff recommends that Planning Commission deny the conditional use request based upon the fact that it is adverse to the public health, safety and welfare and that the use is not compatible with the neighborhood.

Example Motion

I move that Planning Commission **approve/deny** the conditional use request for a junk yard at 618 and 620 Bridge Street.



Staff Report Variance Request

Staff:	Glen L. Black	Date:	05-01-2016
Owner:	David Triantos	Applicant:	David Triantos
Location:	618 and 620 Bridge Street	Parcel #	3457-242-20-0020
Zone District:	MHR	Parcel Size:	2.25 Acres
Subject:	Fence Height		

Request:

The applicant requests a variance to the fence height at 618 and 620 Bridge Street for screening.

Delta Municipal Code 17.04.280:

B. The following fence, hedge, and wall regulations shall apply in addition to those requirements set forth in Delta Municipal Code Section 15.04.060:

1. No fence or free-standing wall shall exceed a height of six (6) feet in any residential zoning district of the City, including the present A-1, R-R, R-1, R-1A, R-2, R-3, R-4, MHR, MR and OR zones. No fence or free standing wall shall exceed a height of ten (10) feet in any other zoning district of the City including the present B-1, B-2, B-3, B-4, I-1, I-2 and I-R zones.

2. Barbed wire may be used in fences that are necessary and appurtenant to lawful agricultural use within the City. Up to three strands of barbed wire may be installed at the tops of fences allowed in the business and industrial districts within the City, provided that such wire is located no less than six (6) feet above the ground level along the length of each pertinent fence.

3. Electrically charged fences shall be allowed within the City only if another fence or structure located outside of the electrified fence makes the latter inaccessible to all persons except the fence owners and their authorized lessees, employees, licensees and agents.

Delta Municipal Code 15.04.060:

A. All fences shall be constructed so that all exterior surfaces exposed to the weather are constructed of weather-resistant materials or adequately treated or painted for weather resistance. Any components in contact with the ground shall be of rot resistant materials or adequately treated to resist rot. Provided, however, this shall not be construed to apply to the Fort Uncompahgre fences.

B. Plywood, pressboard, waferboard, chipboard, cardboard, pallets and other similar materials shall not be used for fences.

C. No fence, free-standing wall, hedge or other plantings shall be located, constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets. The City Manager may adopt regulations and guidelines as necessary for the interpretation and administration of this provision.

D. All fences shall be constructed and maintained so they do not create a safety hazard.

E. All fences shall be maintained in good repair. It shall be prima facie evidence that a fence is not being maintained in good repair if any of the following conditions exist:

1. Missing, broken or loose boards.
2. Chipped, faded or peeling paint or stain.
3. Warped or delaminated boards.
4. Chain link fencing which is not properly attached to supports.
5. Leaning fences, or fences which are inadequately braced to resist wind, or support the weight of persons climbing them. (Ord. 12, §1, 1994; Ord. 31, §7, 2000)

17.04.260 Criteria for approval of a variance.

A. The Planning Commission may approve a variance from the provisions of this Chapter other than the uses specified for any District or restrictions on the location of factory built housing only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:

1. The variance will not adversely affect the public health, safety and welfare.
2. Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
3. The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.
4. The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
5. The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

B. The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.

C. The City Manager or designee may approve *di minimus* variances from the dimensional requirements of Section 17.04.220, fence height requirements, 17.04.240(B)(1), sign height and sign area requirements in Section 17.68 which meet the following criteria:

1. The variance is unnoticeable off the premises or would take a survey or measurements to detect;
2. The variance is not more than 5% of the applicable measurement; and
3. No practical alternative exists.

D. The burden shall be on the applicant to show that the applicable criteria are met. (Ord. 4, §1, 1999)



Discussion

Staff has received complaints about the use of the property and all of the junk cars with concerns about environmental hazards. A fence will not block the view of the junk cars from the road right of ways.

There were 9 petitions mailed to surrounding property owners and there has been 1 petition returned objecting to the application and 1 petition returned with no preference either way but it does have a written comment.

The request was properly noticed in the newspaper, the neighbors were notified of the hearing and a poster was posted on the property.

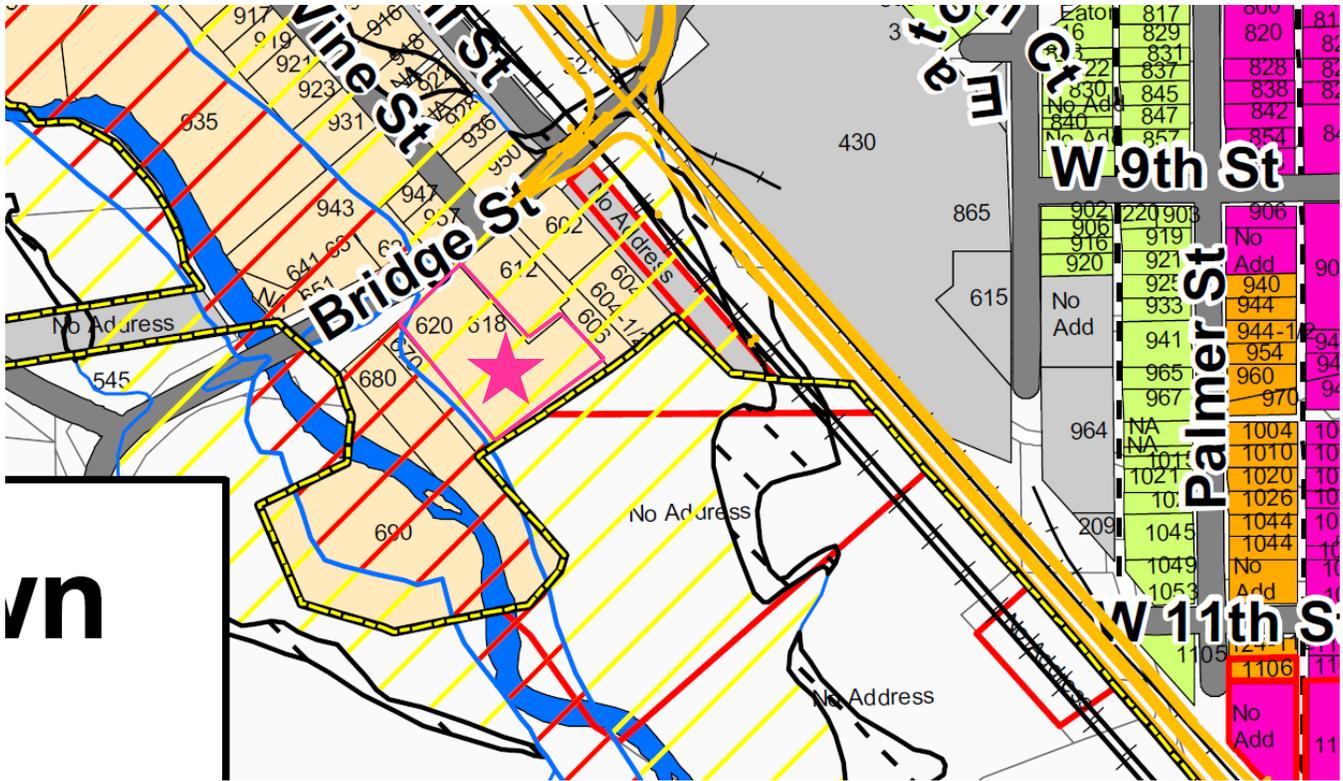
Staff Recommendation

Staff recommends that Planning Commission deny the variance request based upon the fact that it is adverse to the public health, safety and welfare and the request is incompatible with the neighborhood.

Example Motion

I move that Planning Commission **approve/deny** the variance request for fence height at 618 and 620 Bridge Street.

Zoning Map



Aerial Map

