



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**

**June 6, 2016
6:30 p.m.**

A. Changes to the Agenda

B. Minutes of the May 2, 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. Public Hearing – Zoning for 2125 and 2127 Pioneer Road also known as the Niels Addition

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

E. Commissioner Comments

F. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, May 2, 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: Lynn Williams, Commissioner; Carl Jahn, Commissioner; Virginia Alexander, Commissioner; Mark Lee, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: Richard Simmons, Commissioner; Ginni Selby Commissioner; one vacancy.

GUESTS: Richard William Kramer, Sarah Triantos, Tammra Triantos, Craig Triantos, David Triantos, Rebecca Kramer, Jessyca Woods Barker, Dennis Barker, Jessica Gallob, Rex Carlson, Lu Carlson, Jody K Wilson, Carla Halle, Carmen Huff, Eunice Mendiola, Alice Marie Slanen-Emond.

CHANGES TO THE AGENDA

Election of Chairman and Vice-Chairman was moved to beginning of the meeting.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Commissioner Williams introduced the agenda item to elect the Chairman of the Planning Commission and called for nominations. A motion was made by Mark Lee, seconded by Carl Jahn to elect Lynn Williams as Chairman of the City of Delta Planning Commission. Commissioner Williams accepted nomination. All voted yes. Motion passed.

Chairman Williams introduced the agenda item to elect the Vice-Chairman of the City of Delta Planning Commission. A motion was made by Carl Jahn, seconded by Virginia Alexander to elect Mark Lee as the City of Delta Planning Commission Vice-Chairman. Commissioner Lee accepted the nomination. All voted yes. Motion passed.

WELCOME TO NEW PLANNING COMMISSION MEMBER

The Planning Commission welcomed Virginia Alexander to the Planning Commission.

MINUTES

A motion was made by Carl Jahn, seconded by Mark Lee to approve the minutes of the Planning Commission held on Monday April 4, 2016 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

None



PUBLIC HEARING ZONING AMENDMENT FOR 618 AND 620 BRIDGE STREET FROM MHR TO I

Chairman Williams opened the public hearing for the zoning amendment at 618 and 620 Bridge Street from MHR (Mobile Home Residential) to I (Industrial).

Glen Black, Community Development Director, informed the Planning Commission that there is one application for three different processes. Mr. Black reviewed the criteria for a zoning amendment and photos of the area requested to be rezoned. Mr. Black stated that staff has received complaints regarding the number of inoperable vehicles at the location. Mr. Black gave some history of the area and stated that it was zoned Industry in 1961 and that at one point there may have been an auto repair or salvage yard operated at the location, but the use had been discontinued for more than six months, so according to the Delta Municipal Code that use is no longer allowed. Staff had contacted the applicants about discontinuing the current use of the property. The applicants chose to submit a zoning amendment request to continue to operate the business at the location.

Mr. Black stated that the Planning Commission should consider the zoning amendment first. If the Planning Commission chooses to recommend the rezone to the City Council, the Planning Commission would then consider the conditional use of the junk yard.

Staff recommends that the zone not be changed.

Sarah Triantos, applicant, stated that she would like to clarify that the property will not be used as a junk yard, it would only be used for storage of the vehicles, for vehicle repair and then for sale at a different location. The Bridge Street property is used only for storage and repair of vehicles.

Residents of the area were concerned about the eyesore of the junk vehicles, rodents, mosquitoes, skunks, feral cats, safety of children, environmental hazards, and abandoned houses.

Rex Carlson, property owner on Vine and Bridge Streets, stated that he did not have a problem with the cars; however he did not want a junk yard. He does want the weeds taken care of and a fence installed. The Planning Commission asked if the cars had a negative effect on his rental business and he stated that it did not.

Mr. Black stated that since the applicant is not asking for a junk yard, a conditional use would not be required because storage of vehicles is allowed in the Industrial zone as a use by right. The Planning Commission could require fencing as part of the performance criteria and place that in the motion. Mr. Black clarified that a junk yard would have to be a conditional use for anyone at anytime.

There was a comment from the Planning Commission that the property does not look like a storage place, it looks like a salvage yard.

Chairman Williams closed public hearing. Chairman Williams stated that the Planning Commission will make a recommendation to the City Council and that City Council will make the final decision. Additionally, Chairman Williams stated that the Planning Commission cannot take any new information at this time. Ms. Williams informed the residents that the Planning Commission members would discuss the item and make a motion.



The Planning Commission discussed that storage of the vehicles would be allowed, but that there should be specific criteria regarding fencing/screening.

A motion was made by Mark Lee, seconded by Carl Jahn to recommend approval to the City Council the zoning amendment for 618 and 620 Bridge Street from MHR (Mobile Home Residential) to I (Industrial) with the requirement that the boundaries on the streets and other residential areas have privacy fencing. All voted yes. Motion passed.

PUBLIC HEARING CONDITIONAL USE FOR 618 AND 620 BRIDGE STREET OPERATION OF A JUNK YARD

Sarah Triantos, applicant – requested that the Planning Commission withdraw the request for the conditional use.

The item was withdrawn.

PUBLIC HEARING VARIANCE FOR 618 AND 620 BRIDGE STREET FOR FENCE HEIGHT

Glen Black, Community Development Director, stated that a variance is not required in Industrial Zone for a 10' fence.

Additionally, Mr. Black informed the Planning Commission and the applicant that the City Council will consider the zoning amendment at the May 17, 2016 City Council meeting.

COMMISSIONER COMMENTS

Mr. Black answered general questions about enforcement of the sign code and other nuisances. Mr. Black stated that the goal is to get compliance and that as long as there is progress the City tries to work with the property owners.

STAFF COMMENTS

The Planning Commission members congratulated Chairman Williams and Vice-Chairman Lee on their appointments

ADJOURNMENT

A motion was made by Carl Jahn to adjourn the regular Planning Commission meeting. The meeting was adjourned at 7:27 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



Staff Report

Zoning

Staff: Glen L. Black **Date:** 06-06-2016
Owner: Delta Pioneer LLC **Applicant:** City of Delta
Location: 2125 and 2127 Pioneer Rd **Parcel #** 3455-301-000-25
Zone District: Unzoned **Parcel Size:** .79 acre
Subject: Initial Zoning of the Niels Addition – Zoning Requested R-3

Request:

The applicant requests that the property be zoned R-3.

17.04.090 R-3 District.

A. INTENT: The R-3 District is intended to provide an area which is suitable for single family homes, duplexes and multi-family residences with intermediate overall density. This District provides for other uses which are compatible with such residential uses.

B. USES BY RIGHT:

1. Single family homes, duplexes, multi-family residences.
2. Public utility service facilities.
3. Government buildings and facilities.
4. Parks and recreation facilities owned or operated by a homeowners' association.
5. Churches.
6. Assisted living facilities.
7. Bed and breakfast operations.
8. Child care facilities.
9. Accessory uses.
10. Adult care facilities.

C. CONDITIONAL USES:

1. Nursing homes for the aged, invalid, ill, or mentally impaired.

D. PERFORMANCE STANDARDS: No Factory Built Housing, except for Allowed Modular Housing as defined in Section 17.04.020(A)(9), shall be authorized. Any Allowed Modular Unit(s) must be permanently attached to an engineered foundation and properly connected, completed and inspected on site in accord with the reasonably applicable provisions of Chapter 15.04 of the Delta Municipal Code as outlined in the pertinent building permit. (Ord. 4, §1, 1999; Ord. 7, §7, 2005; Ord. 4, §5, 2008)



Criteria for Zoning

17.04.270.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.

Discussion

The property is set for a public hearing regarding the annexation at the City Council meeting to be held on June 20, 2016. The property currently has six apartments. The property owner applied for a sewer tap to service the property over a year ago. The property was provided sewer and the property owner was requested to start the annexation property at the end of the year. The property owner has applied for annexation and the City has applied for zoning of the property.

There were 5 petitions mailed to surrounding property owners and there has been 0 petitions returned.

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

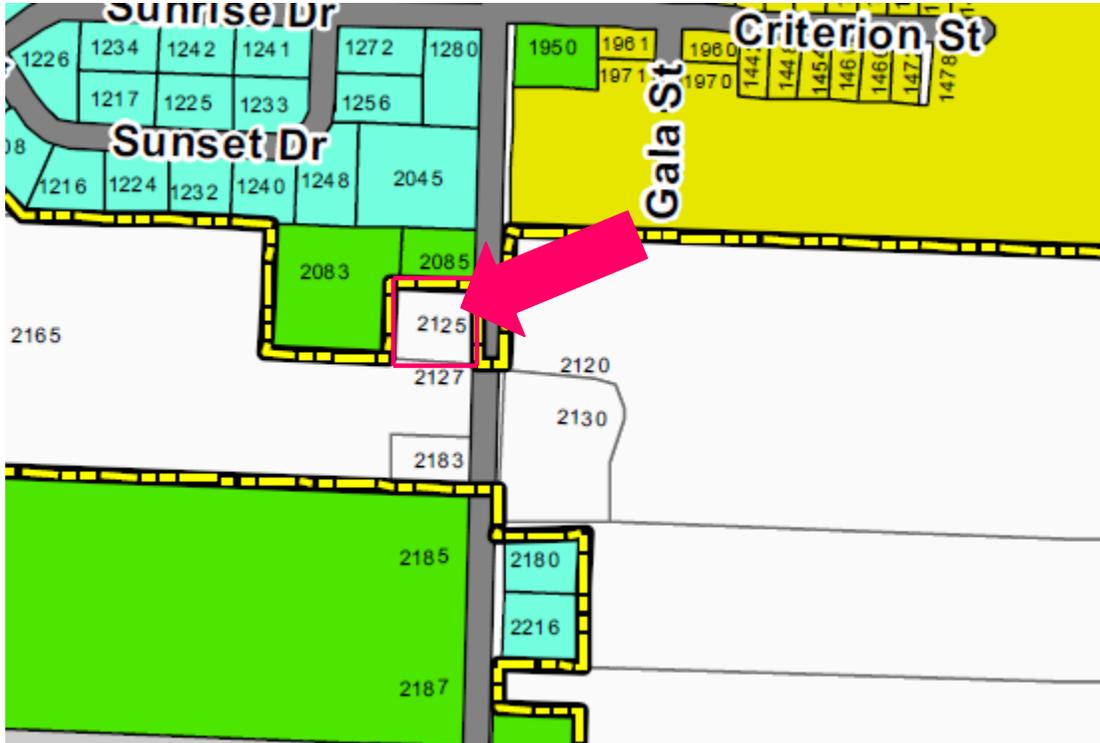
Staff Recommendation

Staff recommends that Planning Commission approve the zoning of the Niels Addition as R-3.

Example Motion

I move that Planning Commission **recommend/not recommend** to the Delta City Council the zoning of the Niels Addition be set as R-3.

Zoning Map



Aerial Map

