



A regular meeting of the City of Delta Planning Commission was held on Monday, January 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; Tish Oelke, Vice-Chairman; Lynn Williams, Commissioner; Ginni Selby, Commissioner; Richard Simmons, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician. Carl Jahn, Commissioner arrived at 6:40 p.m.

ABSENT: None – one Planning Commissioner position vacant

GUESTS: Connie Rosengren,

### **CHANGES TO THE AGENDA**

There were no changes to the agenda.

### **MINUTES**

A motion was made by Ginni Selby, seconded by Tish Oelke to approve the minutes of the Planning Commission held on Monday, October 5, 2015 as written. All voted yes. Motion passed.

### **CITIZEN COMMENTS**

None

### **PUBLIC HEARING CHANGE IN NON-CONFORMING USE AT 810 15.25 ROAD**

Planning Commission and staff reviewed the public hearing procedure and clarified the public notice procedure for both hearings.

Chairman Roberts introduced the agenda item and opened the public hearing.

Glen Black, Community Development Director, stated that there are two different issues for the same property, and that the change in non-conforming use involves two buildings, one that has been constructed and one that is proposed to be constructed.

Mr. Black reviewed the history of the property. He stated that the property was annexed into the city in 2006 as a legally non-conforming use and that the Municipal Code states that the non-conforming use can't be enlarged or substantially altered unless approved by the Planning Commission. The Planning Commission reviewed pictures of the property and the criteria for a change in non-conforming use. Sharleen Walker, Planning Technician, informed the Planning Commission that nine petitions were mailed out and nine petitions were returned all in approval of the change in non-conforming use.

Carl Jahn, Commissioner, arrived at 6:40 p.m. and recused himself from the public hearing, due to a conflict of interest.



Connie Rosengren, applicant and owner of C & R Powder Coating addressed the Planning Commission. Ms. Rosengren apologized for the building that was erected without a building permit. Ms. Rosengren stated that she didn't think about getting a building permit, because when they were in the County building permits were not required. The Planning Commission asked what size the building is and Ms. Rosengren stated that the building is 16 x 20. Ms. Rosengren stated that they would like to have another new structure on the property to be used for sand blasting to keep any nuisance dust totally enclosed within a building on the property. Additionally, Ms. Rosengren stated that when the property was annexed they had requested B-3 zoning, but the Council denied the request. The property is considered commercial for County property tax purposes. The new building is proposed to be 20 x 20.

The Planning Commission had questions regarding room to turn truck and trailers around and what the old sand blasting building would be used for. It was noted by Ms. Rosengren that there would be room to turn trucks and trailers around and that the old sand blasting building would be used for storage and that the 16 x 20 building and the new 20 x 20 building would be used for sand blasting. Ms. Rosengren stated that all of these issues came about because of a complaint by a neighbor to the south of the property, but that that neighbor approves of the construction of the new building.

Chairman Roberts closed public hearing.

The Planning Commission discussed the two change in non-conforming issues.

A motion was made by Richard Simmons, seconded by Ginni Selby to approve the change in non-conforming for the already constructed building. Richard Simmons, Ginni Selby, Lynn Williams, Tish Oelke, Gerald Roberts voted yes. Carl Jahn abstained. Motion passed.

A motion was made by Lynn Williams, seconded by Ginni Selby to approve the change in non-conforming use for the proposed new commercial building. Richard Simmons, Ginni Selby, Lynn Williams, Tish Oelke, Gerald Roberts voted yes. Carl Jahn abstained. Motion passed.

### **PUBLIC HEARING VARIANCE REQUEST FOR SETBACKS AT 810 15.25 ROAD**

Chairman Roberts introduced the agenda item and opened the public hearing.

Glen Black, Community Development Director, informed the Planning Commission that the building that is built in the setbacks was built awhile ago and that no complaints have been received on the building. Additionally, several of the other grandfathered outbuildings are also in the setbacks. Mr. Black stated that if the Planning Commission approves the variance then the applicant will have to get a building permit and bring the building up to codes and pay the permit fee and an investigation fee. Regardless of approval or not, the investigation fee will have to be paid.

Connie Rosegren, applicant and owner, reviewed the variance with the Planning Commission and answered questions from Planning Commission. The Planning Commission stated that the lot size is irregular.

Chairman Roberts closed public hearing.



A motion was made by Lynn Williams, seconded by Ginni Selby to approve the variance for the side setbacks for the building as constructed. Lynn Williams, Ginni Selby, Tish Oelke, Richard Simmons and Gerald Roberts voted yes. Carl Jahn abstained. Motion passed.

**COMMISSIONER COMMENTS**

Commissioner Richard Simmons stated that he is looking forward to 2016. Commissioner Carl Jahn apologized for being late.

**STAFF COMMENTS**

Staff and Planning Commission discussed the schedule for the proposed sign code changes. The sign code revisions are scheduled to be considered at a new public hearing at the February Planning Commission meeting.

**ADJOURNMENT**

A motion was made by Richard Simmons, seconded by Tish Oellke to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:16 p.m. with no further action taken.

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Sharleen R. Walker, Planning Technician