



A regular meeting of the City of Delta Planning Commission was held on Monday, August 1, 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, Chairman; Mark Lee, Vice-Chairman; Carl Jahn, Commissioner; Ginni Selby, Commissioner; Richard Simmons, Commissioner; Virginia Alexander, Commissioner (arrived at 6:56 p.m.); Mary Cooper, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: none

GUESTS: Elizabeth Lauby, Rex Halterman, Carlton Mason, Teresita Adame, Duane Frey, Frank Dicamillo, Mike and Sue Worthington.

CHANGES TO THE AGENDA

There were no changes to the agenda.

WELCOME TO MARY COOPER

The Planning Commission members welcomed Mary Cooper to the Planning Commission. Chairman Williams stated that Ms. Cooper had previously served on the City Council and has been Mayor of the City of Delta.

MINUTES

A motion was made by Richard Simmons, seconded by Carl Jahn to approve the minutes of the Planning Commission held on Monday, June 6, 2016 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

None

PUBLIC HEARING 1651 I ROAD FENCE HEIGHT VARIANCE

Chairman Williams introduced the agenda item and opened the public hearing for a fence height variance at 1651 I Road to allow a 10 foot high fence.

Glen Black, Community Development Director, reviewed the staff report with the Planning Commission and citizens. Mr. Black stated that the property is a 20 acre piece located between I Road and H75 Road. Mr. Black informed the Planning Commission that the fence is proposed to be installed to mitigate wildlife issues. Staff and Planning Commission reviewed the criteria for a variance.

The Planning Commission asked what the reasoning behind limiting fence height in the Municipal Code. Staff stated that the main concern was in the higher density areas, not the agricultural areas. Mary Cooper, Commissioner and former City Council member, stated that it was also a safety concern with police officers



trying to catch suspects and not being able to get over fences that are higher than 6 feet. Staff also stated that the Planning Commission can set forth conditions regarding the fence, such as what type of fence it can be.

Teresita Adame, applicant, stated that they use the property to grow a commercial garden and that the deer come in and eat the produce and plants. This year the applicant only planted half of the property into garden, because the fence was not complete, but if the fence is allowed to be installed, they will plant the entire property into a commercial garden. Additionally, Ms. Adame stated that the Division of Wildlife recommended the 10 foot fence, which includes 8 foot wire mesh and barbed wire on top to make the fence 10 feet.

Kay and Leland Chadwick, 1684 H 75 Rd, stated that they had concerns regarding access to irrigation water for their property through the proposed fence. Staff stated that the City does not have any authority over ditch issues or property line disputes.

Ms. Adame stated that they are intending to put up gates so the neighbors can access the irrigation water.

Chairman Williams closed public hearing. The Planning Commission discussed the matter, stating that there is more and more wildlife in the area and that since the use of the property included a commercial garden, the owners should be able to protect their property.

A motion was made by Mary Cooper, seconded by Richard Simmons to approve the variance to the fence height to allow a 10 foot high fence at 1651 I Road. All voted yes. Motion passed.

PUBLIC HEARING ZONING AMENDMENT 755 CRAWFORD AVENUE

Chairman Williams introduced the agenda item and opened the public hearing for a zoning amendment at 755 Crawford Avenue. The request is to rezone the property from MHR (Mobile Home Residential) to B-2 (Business).

Glen Black, Community Development Director, reviewed the staff report. Mr. Black stated that there are other B-2 zoned properties near 755 Crawford, but not adjacent to the property. Additionally, Mr. Black informed the Planning Commission that the future land use map shows the property to be high density residential, which can be in the B-2 zone. Residential uses are allowed in the B-2 zone.

Carlton Mason, applicant, stated that CASA (Court Appointed Special Advocates) was approached by Delta County Health and Human Services to provide supervised visitation in Delta County. Mr. Mason reviewed some of the services provided by CASA. Additionally, Mr. Mason stated that the proposed location would work well for what is needed, the backyard has privacy fencing, they could use the building as it is now and it would be a good fit for Delta County residents. Mr. Mason stated that the hours of operation would not be past 6:30 p.m. or 7:00 p.m. and include mornings, after school and some weekends.

Rex Halterman, property owner, asked when the property was last zoned. Staff did not research that issue prior to the meeting. Mr. Halterman stated that the area had substantially changed in the last few years, with Wal Mart coming in and the area has become more of a business zone. The proposed use would be a small office, low traffic use.

David Frey, neighbor, agreed that the entire neighborhood has changed and that the entire area should be zoned business.

Susan Worthington, 720 Clark Street, expressed concerns about safety for the children, regarding traffic, sidewalks, the open ditch, safety for the daycare children across the street (from visitors to CASA) and adequate parking. Ms. Worthington stated that she understands the need for a place for visitation, because she has volunteered for CASA in the past.

Carlton Mason, applicant addressed the parking issue, he stated that most of the time there would only be three or four cars at a time at the location. Mercedes Wright, CASA employee, stated that there are about two visits during the morning and 2 or 3 visits in the afternoon during the weekdays, and some visits on the weekends. She also reiterated that the backyard is fenced so the children would be safe in the yard.

Elizabeth Lauby, property owner, stated that property has access by both Crawford Avenue and Heinz Street, so visitors would not have to back out onto the streets.

Chairman Williams closed public hearing. The Planning Commission discussed the matter. The Planning Commission stated that the daycare use at 724 Crawford was a similar use. Staff stated that the parking requirements would be considered as a second step, if the property is rezoned. There were concerns about spot zoning. Staff clarified what spot zoning means. Staff stated that can you do spot zoning, but it recommended that it not be done. If the zoning amendment is questioned, the zoning change has to be shown that it was warranted according to the zoning change criteria. Staff clarified some other questions for the Planning Commission regarding how the future land use map is changed, if zoning changes are permanent and that if the property is rezoned to B-2 how any use in the B-2 zone is allowed. Additionally, staff stated that contract zoning is not allowed.

A motion was made by Mark Lee, seconded by Mary Cooper to make a recommendation to the City Council of not approving the rezone of 755 Crawford Avenue from MHR to B-2. All voted yes. Motion passed.

Staff clarified for the applicants that the recommendation of denial would proceed to the City Council on August 16, 2016 and that the City Council has two options, either to accept the denial of the rezone request or to set a de novo hearing to consider the rezone at a future City Council meeting. Additionally, the applicants can request a de novo hearing to the City Council.

COMMISSIONER COMMENTS

Mary Cooper, Commissioner, expressed her appreciation to be able to serve on the Planning Commission.

STAFF COMMENTS

Staff stated that there were new Master Street Plan maps distributed to the Planning Commission so that the maps could be inserted into the Comprehensive Master Plan for reference by the Planning Commission members.



ADJOURNMENT

The meeting was adjourned at 7:33 p.m. with no further action.

Sharleen R. Walker, Planning Technician