



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

## A G E N D A

**Planning Commission  
Regular Meeting**

**August 5, 2013  
6:30 p.m.**

**A. Changes to the Agenda**

**B. Minutes**

**C. Welcome to new Planning Commission members Tish Oelke and Carl Jahn**

**D. 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.**

**E. Planning Commission will hold a Public Hearing regarding a request for a Zoning Amendment (Rezone) for 1570 G 86 Lane. The request is to rezone the property from R1-A to B-2.**

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

**F. Commissioner Comments**

**G. Staff Comments**



A regular meeting of the City of Delta Planning Commission was held on Monday, March 4, 2013 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:** Richard Simmons, Chairman; Terry Osborne, Vice-Chairman; Carl Jahn, Commissioner; Gerald Roberts, Commissioner; Lynn Williams, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

**ABSENT:** Ginni Selby, Commissioner.

**GUESTS:** Dave Schaaf, Ernie Schaaf, Jack & Carolyn Hawkins, Jason Cooley, Pat Sunderland, Ward Family, Walid Bou-Matar.

### **CHANGES TO THE AGENDA**

There were no changes to the agenda.

### **MINUTES**

A motion was made by Gerald Roberts, seconded by Carl Jahn to approve the minutes of the Planning Commission held on Monday, February 4, 2013 as written. All voted yes. Motion passed.

### **WELCOME TO NEW PLANNING COMMISSION MEMBER**

Chairman Simmons welcomed new Planning Commission member Lynn Williams.

### **CITIZEN COMMENTS**

There were no comments.

### **CONDITIONAL USE REQUEST FOR TK HOLDINGS TO STORE EXPLOSIVES AT 1265 H 25 ROAD**

Chairman Simmons opened the public hearing on the Conditional Use Request for TK Holdings to store explosives at 1265 H 25 Road. Glen Black, Community Development Director, reviewed the staff report, performance criteria for the B-3 zone designation and the Conditional Use criteria with the Planning Commission.

Additionally, Mr. Black read the applicant's narrative in support of the conditional use. Mr. Black informed the Planning Commission that staff has reviewed the Alcohol Tobacco and Firearms regulations regarding explosives and summarized them in the power point presentation. Additionally, Mr. Black read the written objection of Rudy and Joyce Rodriquez into the record.

Dave Schaaf, applicant and one of the owners of TK Mining, informed the Planning Commission that he has been involved in the mining industry for 28 plus years and that over the course of those years he has dealt with a lot of explosives. Mr. Schaaf stated that TK Holdings has expanded into rock mitigation along the highways and that TK Holdings needs a location to store the explosives. Mr. Schaaf stated that fireworks are explosives that have to be stored according to ATF regulations. Additionally, Mr. Schaaf stated that the powder and



detonators will be stored in separate magazines according to ATF regulations and that powder will not explode unless ignited. Mr. Schaaf stated that he is currently licensed to buy powder but that the business needs a place to store the powder. TK Holdings is asking for permission to store 500 pounds of powder. There are different types of powder, but TK holdings will be storing mainly rock buster powders. Additionally, Mr. Schaaf stated that of the 180 employees of TK Mining that 40 or 50 are qualified to handle the powder, as ATF rules are very stringent as to who can handle the powder.

The Planning Commission questioned why the applicants did not provide a plan on where the magazines will be located on the property. Mr. Schaaf stated that the current plans are to locate the magazines across the Hartland Ditch in the natural hillside on the property. After the magazines are located, the GPS coordinates will be given to ATF and that the magazines are not allowed to be moved without permission from ATF.

Ernie Schaaf, 33 percent owner of TK Mining, which is a subsidiary of TK Holdings and owner of the property, informed the Planning Commission that placing the magazine in the natural dirt bank will be well protected and will be allowed under guidelines set by ATF.

Walid Bou-Matar, owner of nearby property, West Mountain Ranch, stated his concern over property owner liability insurance.

Ernie Schaaf, stated that TK Holdings has a 7 million dollar insurance policy that will cover the property.

A member of the Planning Commission expressed concern that the local Fire Department does not have to be notified before the conditional use is approved, however according to ATF regulations the local fire authority is notified orally and by written form after the magazines are set. Staff informed the Planning Commission that Dan Reardon, the Building Official, is the local Fire Marshall.

Jason Cooley, Fire Department, informed the Planning Commission that if there were a fire or explosion at the site, the Fire Department would not try to put out the fire, they would man the site and contain the fire from spreading to adjacent properties.

A member of the Planning Commission asked if other communities allow storage of explosives and staff reported that during the research of explosives for the City Council it was found that other communities do allow storage of explosives, but specific communities were not identified.

The Planning Commission asked what the other property uses were in the area and they were informed that the property surrounding 1265 H 25 Road are mainly vacant or farm ground. There are some mobile homes about 1100 feet away from the property.

Chairman Simmons closed public hearing.

The Planning Commission discussed their concerns regarding defining the local fire authorities in the motion and requiring proof of liability insurance before the explosives are stored on the property.

A motion was made by Lynn Williams, seconded by Carl Jahn to approve the conditional use request to allow TK Holdings to store 500# of explosives at 1265 H 25 Road according to Federal and State regulations and that staff review a copy of the Federal and State explosive storage permit before storage of explosives commences and that local fire district #1 and the city fire marshal be notified and that proof of insurance be provided before storage of explosives commences. All voted yes. Motion passed.



### **3-MILE PLAN**

The Planning Commission reviewed the 3-Mile Plan. A motion was made by Gerald Roberts, seconded by Carl Jahn to recommend approval of the 3-Mile Plan to the City Council. All voted yes. Motion passed.

### **COMMISSIONER COMMENTS**

Commissioner Gerald Roberts questioned why the Fire Department is not notified of zoning changes or conditional uses as they have been in the past. Staff stated that there are notices during the subdivision process, and the public notices for zoning and conditional uses has not changed.

Additionally, Commissioner Roberts requested that the Planning Commission look into initiating changing the Municipal Code to only take payment in lieu of parks for small neighborhood parks because the small neighborhood parks are not being well maintained. Staff informed the Planning Commission that the current regulations allow the City flexibility in park dedication or payment in lieu of for small parks 1 acre in size or smaller and that parks that are 2 acres in size or larger require restrooms.

Commissioner Roberts requested that staff enforce landscape maintenance at City Market and Weather Port. Staff will notify Code Enforcement of Commissioner Roberts concerns.

The Planning Commission thanked Commissioner Jahn for his service on the Planning Commission. Commissioner Jahn informed the Planning Commission and staff that he has enjoyed the experience and that he had learned a lot and felt like he had contributed to the process.

Commissioner Lynn Williams stated that she was glad to be on the Planning Commission.

### **STAFF COMMENTS**

Staff welcomed Commissioner Lynn Williams and stated that she will be a great asset to the Planning Commission with her many years of service to the City of Delta as City Clerk.

Staff informed Commissioner Jahn that Council will present him with a plaque at the City Council meeting on March 19, 2013. Staff thanked Commissioner Jahn for his service to the citizens of the City of Delta.

### **ADJOURNMENT**

A motion was made by Gerald Roberts, seconded by Carl Jahn to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:49 p.m. with no further action taken.

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Sharleen R. Walker, Planning Technician



## 1570 G86 Road Rezone Request

**Community Development Director:** Glen L. Black

**Date:** August 5, 2013

<b>Owner:</b> Linda Tullis, 9235 3000 Rd, Hotchkiss, CO 81419	<b>Applicant:</b> Linda Tullis, 9235 3000 Rd., Hotchkiss, CO 81419
<b>Location:</b> 1570 G86 Road, Delta, CO	<b>Parcel #:</b> 345713100023

**Zone District:** R1-A

**Parcel Size:** .34 approx.

### Request:

The applicant is requesting that the above property’s zoning designation be amended (rezoned) from R1-A to B-2. The B-2 zone is intended for a large variety of uses to conveniently serve customers. Please see section 17.04.150 for further clarifications regarding Uses by Right, Conditional Uses and Performance Standards.

### Criteria for Rezoning:

According to section 17.04.270 of the City Municipal Code, 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:

1. The amendment is not adverse to the public health, safety, and welfare; **and**
2. a. The amendment is in substantial conformity with the Master Plan; **or**
- b. The existing zoning is erroneous; **or**
- c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

**Petitions:** There were 9 petitions mailed out and currently there has been 1 petition returned in favor of the rezone and 0 petitions returned opposed to the rezone.

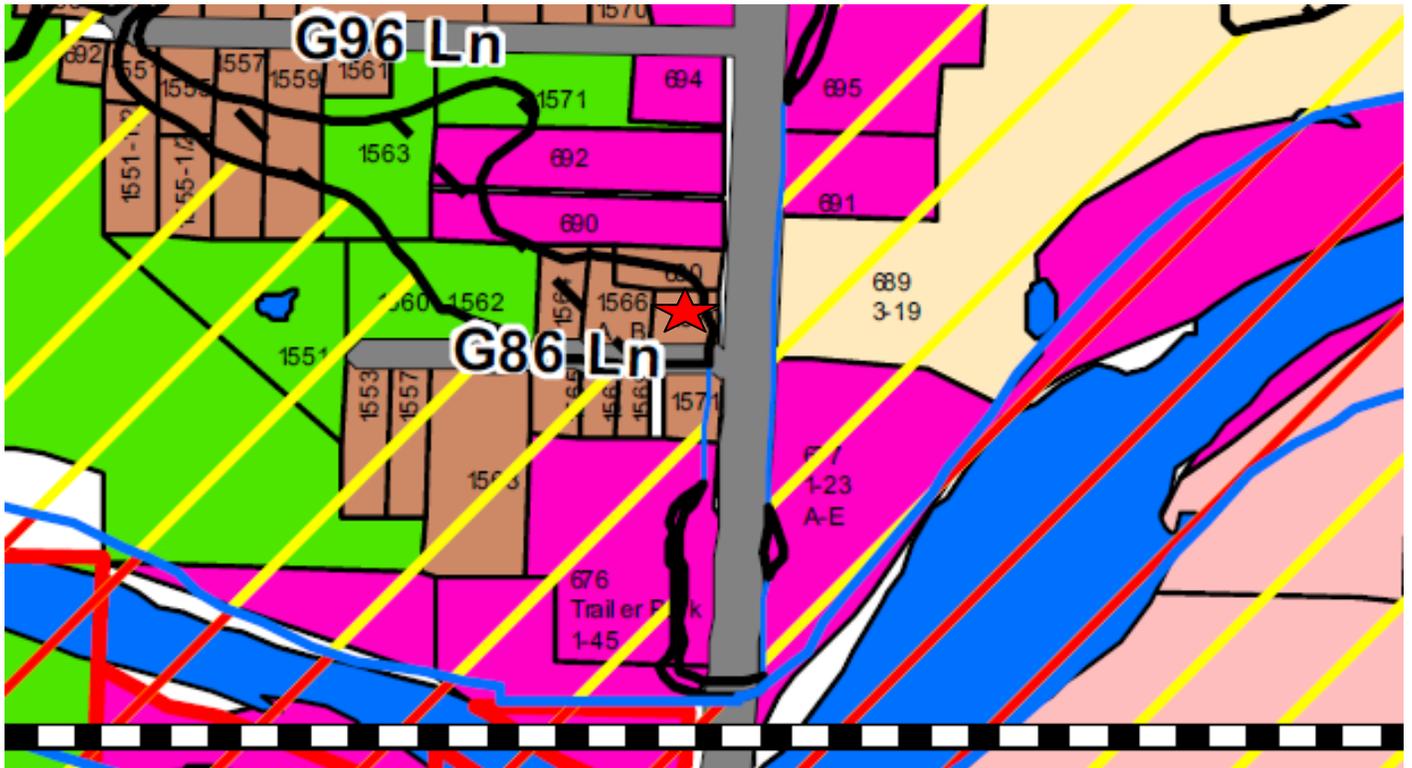
### Staff Recommendations:

Staff recommends that the Planning Commission consider the criteria for rezoning. The Master Plan calls for commercial growth along Highway 50 to the North and South, designated as the Highway Commercial Design District, which includes the current zoning district designations B-2, OR, R-3 and R-4.

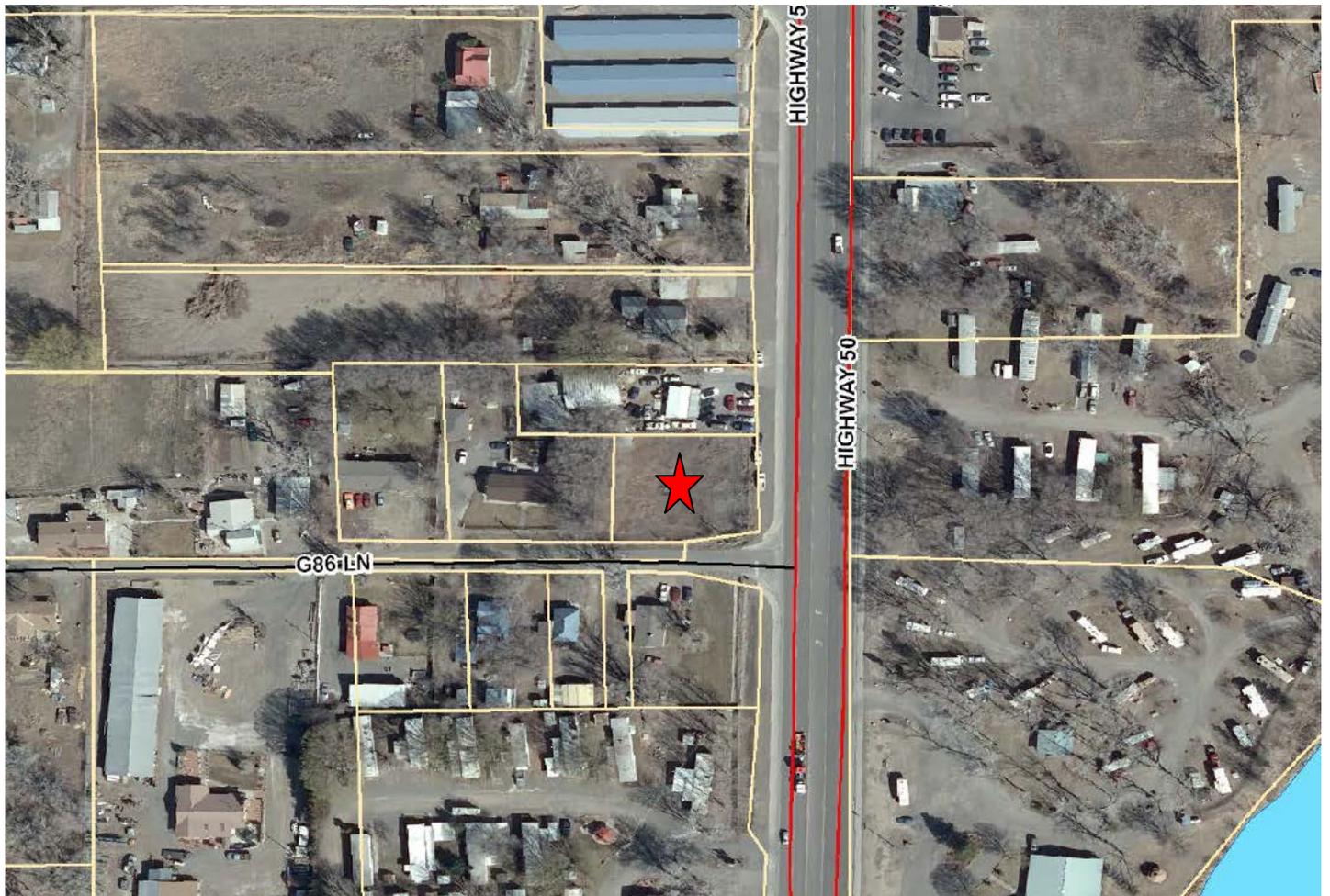
### Example Motion:

I move that Planning Commission **recommend/not recommend** approval to City Council the request to change the zone district of 1570 G86 Road from R1-A to B-2.

### Zone Map



### Aerial Photo





### 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	<input checked="" type="checkbox"/>	Zoning Amend/Add	300	<input checked="" type="checkbox"/>	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							

<b>Project Name:</b>		<b>Application Date:</b>	5/31/13
<b>Site Location:</b>	1570 G816 Rd.	<b>Current Land Use:</b>	STORAGE FOR CAR LOT
<b>Assessor Parcel #:</b>	345713100023	<b>Current Zoning:</b>	R1-A
<b>Proposed # of Lots:</b>	_____	<b>Size - Acres/Sq Ft:</b>	16,625 sq.ft.
<b>Project Description:</b>	AMENDMENT TO B-2 IN CONFORMITY w/ MASTER PLAN ; TO CONTINUE CURRENT USAGE		

	Property Owner	Developer	Representative
Name	LINDA G TULLIS		
Address	9235 3000 RD		
City/State/Zip	HOTCHKISS, CO 81419		
Phone	872-7715		
Fax			
E-mail	lgatullis@gmail.com		

Signature: Linda G Tullis Date: 5/31/13

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.

**PERMIT**  
**City of Delta - Building Department**  
**360 Main ST, Delta, CO 81416-1837**  
**P: (970)874-7903 x 226 / F: (970)874-6931**

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Number: 201300176  
Permit Type: RZ / Rezone  
Property Address: 1570 G 86 LN, Delta, CO 81416  
Job Description Rezone 1570 G-86 Lane from R1-A to B-2

Issue Date: 06/03/2013  
Expiration Date: 11/30/2013

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Parcel Code: PARC2011476  
Subdivision: UA / UNASSIGNED  
Property Zoning: R1A / Residential 1A  
Construction Type: /  
Occupancy Type: U /

Lot:  
Block:  
Filing:  
Project Valuation: 0.00

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**Contacts**

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<u>Code</u>	<u>Contact</u>	<u>Address</u>	<u>Telephone</u>
OWNER	LINDA TULLIS	9235 3000 RD, Hotchkiss, CO 81419-8903	(970)872-7715

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**Fee Summary**

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<u>Fee Code</u>	<u>Description</u>	<u>Valuation</u>	<u>Charged</u>	<u>Paid</u>	<u>Due</u>
ZON	ZONING	0.00	300.00	300.00	0.00
	<b>Grand Total</b>		<b>300.00</b>	<b>300.00</b>	<b>0.00</b>

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**Permit Conditions**

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Signature of **OWNER, CONTRACTOR OR AGENT (Circle one)**

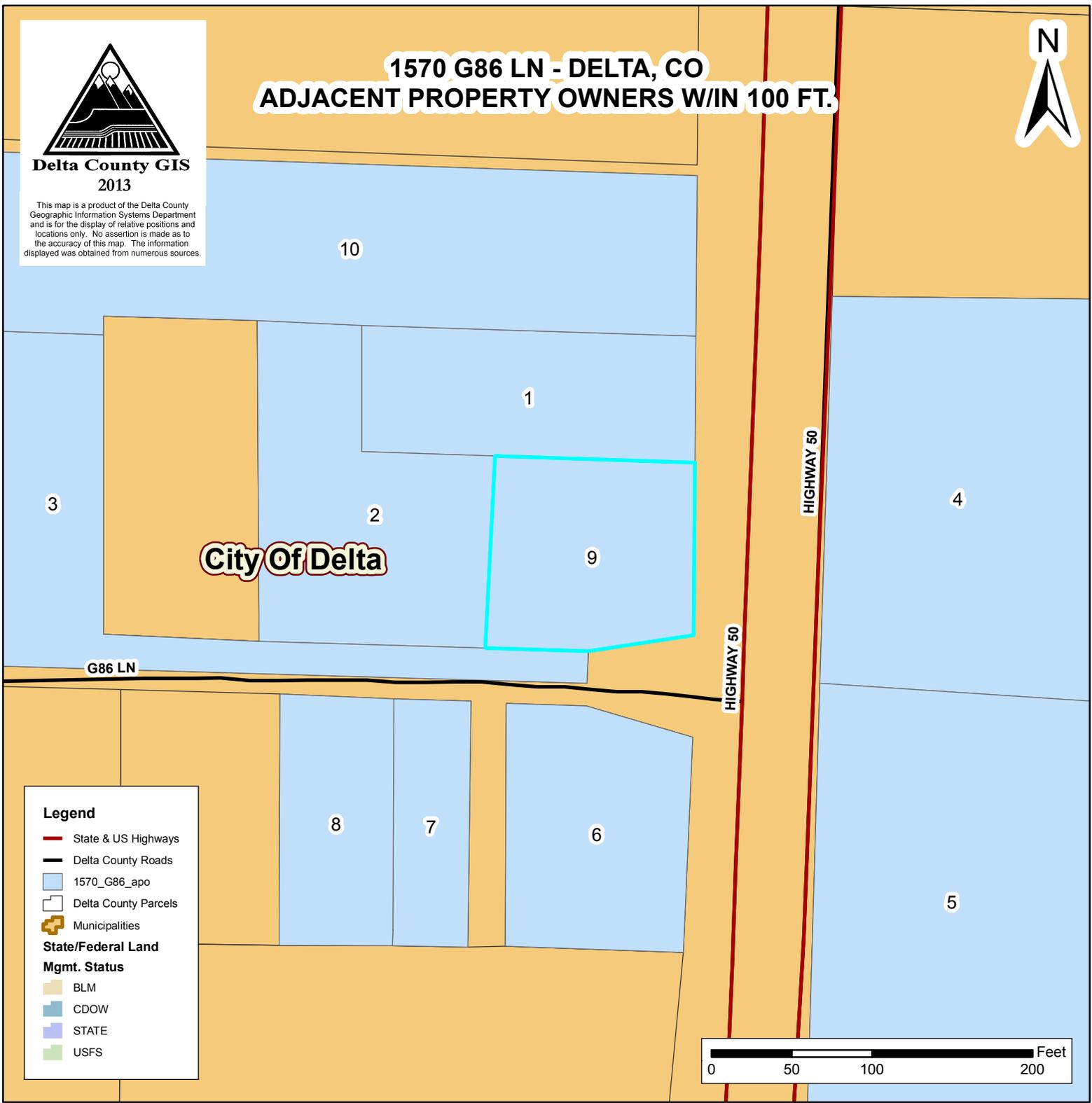
Date



**Delta County GIS**  
2013

This map is a product of the Delta County Geographic Information Systems Department and is for the display of relative positions and locations only. No assertion is made as to the accuracy of this map. The information displayed was obtained from numerous sources.

**1570 G86 LN - DELTA, CO**  
**ADJACENT PROPERTY OWNERS W/IN 100 FT.**



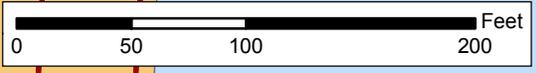
**Legend**

- State & US Highways
- Delta County Roads
- 1570\_G86\_apo
- Delta County Parcels
- Municipalities

**State/Federal Land**

**Mgmt. Status**

- BLM
- CDOW
- STATE
- USFS



NO.	TaxPIN	ACRES	NAME	ADDRESS1	CITY	STATE	ZIPCODE
1	345713100022	0.38	WILLIAMS VERLIN R	680 HIGHWAY 50	DELTA	CO	81416-3252
2	345713100024	0.52	ORONA JOSE M	PO BOX 162	DELTA	CO	81416-0162
3	345713100026	1.93	YOSHIDA JIRO	1562 G86 RD	DELTA	CO	81416-3206
4	345713107001	10.19	POGUE LOREN D FAMILY TRUST	689 HIGHWAY 50 #14	DELTA	CO	81416-1859
5	345713107002	10.41	GRYGLAK STEFAN	677 N HIGHWAY 50	DELTA	CO	81416-1854
6	345713100033	0.38	PALOMINO JOSE C	1571 G86 LN	DELTA	CO	81416-3205
7	345713100032	0.17	RHODES RICHARD L	3371 2100 RD	DELTA	CO	81416-8212
8	345713100031	0.25	TRANTOS CRAIG	5403 SUNDOWN RD	DELTA	CO	81416-9186
9	345713100023	0.34	TULLIS LINDA G	9235 3000 ROAD	HOTCHKISS	CO	81419-8903
10	345713100021	1.36	FEDERAL HOME LOAN MORTGAGE	5000 PLANO PARKWAY	CARROLLTON	TX	75010-0000

**NOTICE OF PUBLIC HEARING**

Notice of Public Hearing  
Notice is hereby given that the City of Delta Planning Commission will hold a public hearing on August 5, 2013, at 6:30 p.m. in the City Council Chambers, 360 Main St., to consider a rezone request from R1-A to B-2 request for the property located at 1570 G 86 Rd.

Published in the Delta County Independent July 24, 2013.

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**NOTICE TO PROPERTY OWNERS**

- Conditional Use/Change in Non-Conforming Use
- Variance
- Zoning Amendment/Addition
- Other: \_\_\_\_\_

This hearing has been moved to August 5, 2013 at 6:00 pm. in the city Council chambers.

Description of action to be considered: rezone request - zone change  
from R1-A to B-2

Address of property under consideration: 1570 G86 Rd.

Date of Public Hearing: AUGUST 5, 2013 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

<u>SIGNATURE</u>	<u>NAME (print)</u>	<u>STREET ADDRESS</u>
<u>Jose Orona</u>	<u>Jose M. Orona</u>	<u>1566 G-86 Lane</u>

**COMMENTS:**

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