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A G E N D A

**Planning Commission
Regular Meeting**

**September 9, 2013
6:30 p.m.**

A. Changes to the Agenda

B. Minutes

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. Maverik-Delta Subdivision Sketch Plan

E. Commissioner Comments

F. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, August 5, 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; Ginni Selby, Commissioner; Tish Oelke, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: None

GUESTS: Verlin Ray Williams, Glenda Smith, Jiro Yoshita, Linda Tullis.

CHANGES TO THE AGENDA

A motion was made by Gerald Roberts, seconded by Carl Jahn to add election of officers to the agenda. All voted yes. Motion passed.

ELECTION OF OFFICERS

A motion was made by Gerald Roberts, seconded by Ginni Selby to elect Richard Simmons as chairman of the Planning Commission. Nominations were closed. All voted yes. Motion passed.

A motion was made by Carl Jahn, seconded by Gerald Roberts to elect Terry Osborne as Vice-Chairman of the Planning Commission. All voted yes. Motion passed.

MINUTES

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

WELCOME TO NEW PLANNING COMMISSION MEMBERS

Chairman Simmons welcomed new Planning Commission members Carl Jahn and Tish Oelke.

CITIZEN COMMENTS

There were no comments.

PUBLIC HEARING ZONING AMENDMENT (REZONE) 1570 G 86 RD

Chairman Simmons opened the public hearing regarding the rezoning of 1570 G 86 Road from R-1A to B-2.

Glen Black, Community Development Director, reviewed the staff report and recommendation with the Planning Commission. Pictures of the area and property were reviewed by the Planning Commission. Mr. Black stated that the request appears to be in conformity with the Master Plan. Staff informed the Planning Commission that the property is currently leased to Panther Motors and is currently being used to park cars that are for sale. The Panther Motors property is a legal non-conforming use, it is zoned R-1A but is currently being used for vehicle sales. Staff stated that vehicle sales are a use by right in the B-2 zone.



Linda Tullis, applicant, informed the Planning Commission that she did not have a presentation, but that she would answer any questions the Planning Commission might have. The Planning Commission asked if there was a building on the property, Ms. Tullis stated that there was a small storage shed and that all utilities are located on the property. Ms. Tullis stated that she has leased the property to Panther Motors for about a year and that when she purchased the property she thought the property was zoned commercial.

Verlin Ray Williams, owner of Panther Motor Company, informed the Planning Commission that all of the vehicles except one are operable. Additionally, Mr. Williams stated that some vehicles have title problems; some will be used for parts. Mr. Williams informed the Planning Commission that he buys cars from auctions and some of the vehicles only have bill of sales. Mr. Williams stated that he sold about six vehicles last month and that he has about 70 vehicles total.

The Planning Commission questioned vehicles parking in the highway right of way and that the long term solution for both properties may be zoning of B-2. Staff informed the Planning Commission that the Planning Commission or the City Manager may request a rezoning of property per Delta Municipal Code 17.04.270.A.2; however the rezoning could not be considered tonight because it would have to be noticed. Mr. Williams stated that he had concerns about rezoning his property to B-2 because of the mobile home that is currently being used as a rental on the property.

Gerald (Jiro) Yoshita, 1562 G86 Road, questioned the Planning Commission if the property tax would increase because the neighboring property would be zoned commercial? Staff and Planning Commission informed Mr. Yoshita that property taxes are determined by the County and that the property tax is determined by the use of the property because the County does not have zones.

Chairman Simmons closed the public hearing.

The Planning Commission discussed the criteria for rezoning. Chairman Roberts had concerns about health, safety and welfare because of the weeds as a fire hazard. Members of the Planning Commission stated that the request is in conformity with the Master Plan and that the current zoning is erroneous. The Planning Commission suggested that the weeds should be taken care of through the Code Enforcement officer.

A motion was made by Lynn Williams, seconded by Carl Jahn to recommend approval of the zoning amendment for 1570 G 86 Road from R-1A to B-2 to the City Council stating that the criteria has been met. All voted yes. Motion passed.

Staff informed the applicant and residents that the recommendation will go to the City Council on August 20, 2013 at 7:00 p.m. in the form of an ordinance.

COMMISSIONER COMMENTS

Carl Jahn, Commissioner, stated that he was glad to be back on the Planning Commission.

Terry Osborne, Vice-Chairman, stated that he was glad to have a full Planning Commission.

Richard Simmons, Chairman, thanked Commissioner Jahn and Commissioner Oelke for applying to serve on the Planning Commission again.

Ginni Selby welcomed the new Planning Commission members.



STAFF COMMENTS

None.

ADJOURNMENT

A motion was made by Carl Jahn, seconded by Ginni Selby to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:14 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



MAVERIK-DELTA SUBDIVISION

Sketch Plan

Staff Report

Planner:	Glen L. Black	Date:	9/9/2013
Owner:	Maverik, Inc.	Representative:	Don Lilyquist
Location:	101 Highway 92	Parcel #:	3457-134-00-003
Zone District:	B-2	Property Size:	6.371 acres

Request

The applicant is requesting that Planning Commission recommend approval of the Maverik-Delta Subdivision Sketch Plan, which proposes to subdivide approximately 6.371 acres into 6 parcels.

The property is currently zoned B-2 which “is intended for a large variety of uses to conveniently serve customers”, contains a convenience store, mobile home sales, and vacant lumber yard buildings.

Required Improvements, Dedications, and Minimum Design Standards

The following requirements for sketch plan have been met:

1. Application, deed, fees and plat have been received
2. Conforms with the Comprehensive Plan and zoning regulations
3. Utilities are available
4. Plat includes the vicinity map, boundaries, name of the subdivision, drawings of the lots and dimensions, total acreage, existing zoning, proposed easements, drainage, existing utilities. There are some minor issues with easements that can be addressed at preliminary plat and not all existing infrastructure is shown on the plat.
5. The City has an interest in purchasing lot 6; however the lot should be platted to be a buildable/sellable lot. This lot has a natural drainage retention area.
6. The Payment in Lieu of Parks fee has been paid for the five additional lots

For Planning Commission information the following will need to be addressed at preliminary plat:

1. CDOT access and improvements.
2. Cross access/maintenance agreements
3. Utility easement issues (one is shown as abandoned, but not relocated)
4. Curb, gutter and sidewalk installed
5. Utility profiles
6. Water tapping fees for two lots, currently there are three available water taps on the property and two available sewer taps



7. Electrical infrastructure installed
8. Show what buildings are going to be demolished or removed
9. The full intersections at Meeker and Grand need to shown on the plat
10. Clarification of traffic study / when is a traffic light warranted at the intersection of Crawford Avenue and Highway 92?

Staff Recommendations

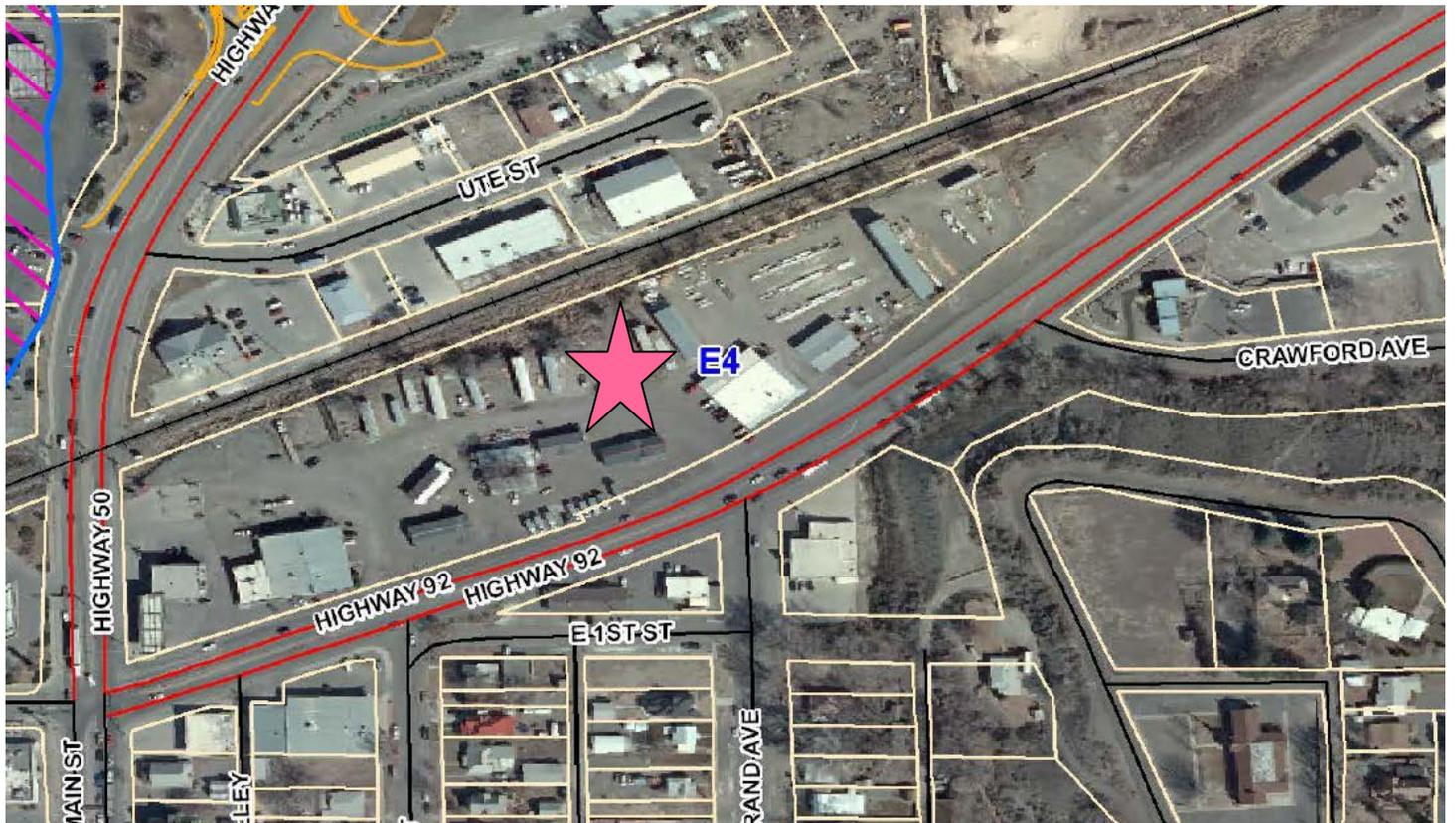
Staff review has found the plat to substantially comply with the sketch plan requirements of 16.04.050.C

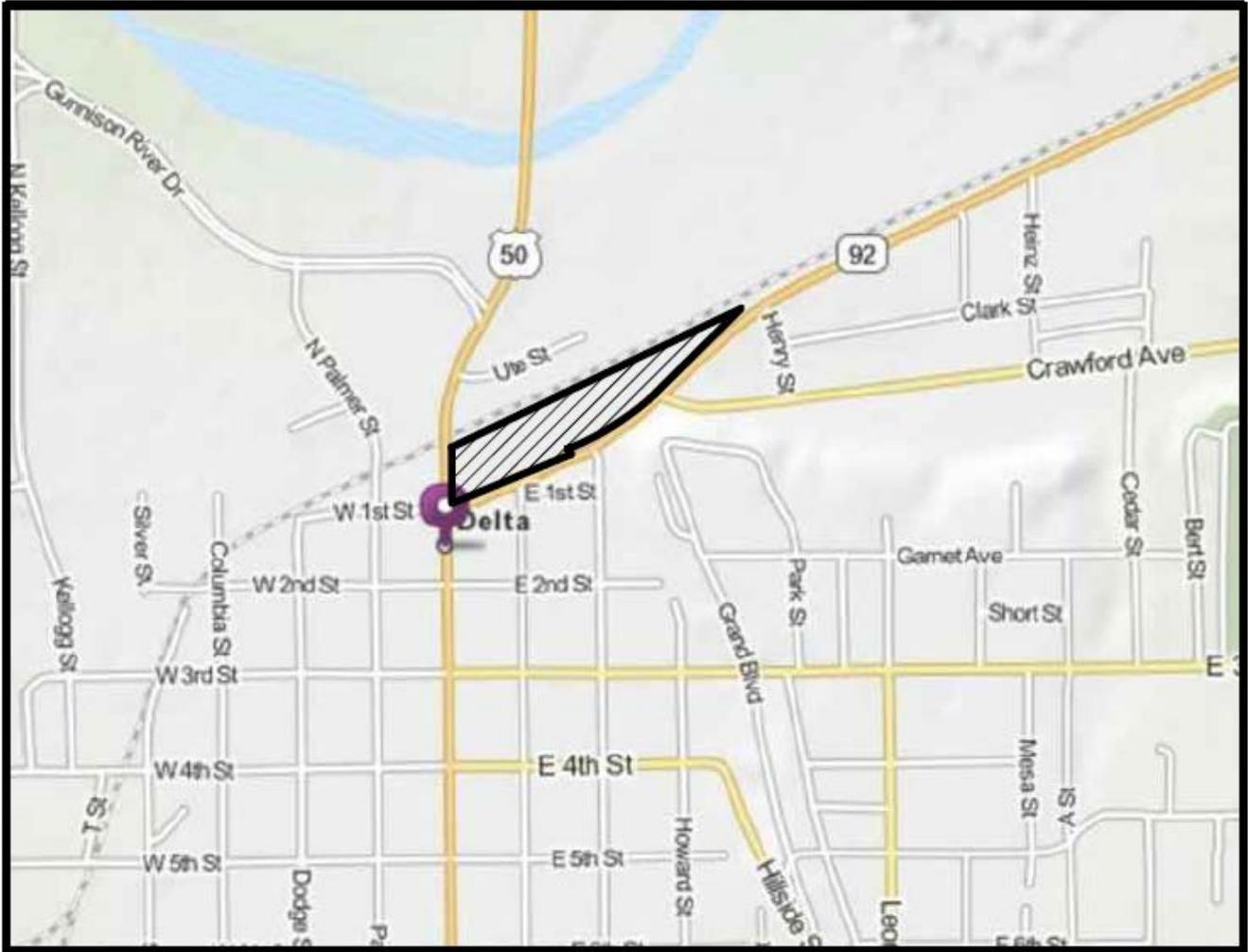
Staff recommends **approval** of the Maverik-Delta Subdivision sketch plan.

Example Motion

I move that Planning Commission **approve/disapprove** of the Maverik-Delta Subdivision sketch plan.

Aerial Photo





VICINITY MAP

NO SCALE

