



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**

**April 7, 2014
6:30 p.m.**

A. Changes to the Agenda

B. Election of Chairman and Vice-Chairman

C. Minutes of the December 2, 2013 Planning Commission meeting.

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. Dairy King Minor Subdivision

F. 3-Mile Plan

G. Commissioner Comments

H. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, September 9, 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; Lynn Williams, Commissioner; Carl Jahn, Commissioner; Ginni Selby, Commissioner; Tish Oelke, Commissioner; Gerald Roberts, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: None.

GUESTS: Jo Rosenquist, Don Lilyquist, Skip Hudson.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Carl Jahn, seconded by Gerald Roberts to approve the minutes of the Planning Commission held on Monday, September 9, 2013 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

None.

MAVERIK-DELTA SUBDIVISION PRELIMINARY PLAT

Glen Black, Community Development Director, reviewed the Maverik-Delta Subdivision Preliminary Plat and staff report with the Planning Commission. Staff noted that the subdivision will be a three lot subdivision, instead of the six lots proposed at sketch plan. Additionally, staff reviewed the conditions of approval of the preliminary plat and the conditions that will need to be met before final plat approval.

The drainage ditch was discussed and the fact that the drainage ditch is located primarily on railroad property.

Skip Hudson, Traffic Engineer with Turn Key Consulting, reviewed the drainage easements with the Planning Commission. Mr. Hudson stated that drainage from the Maverik property cannot be discharged into the drainage ditch near the property, but that the drainage is discharged into storm drains located just into the highway right of way. Additionally, Mr. Hudson informed the Planning Commission that the Colorado Department of Transportation is working with the railroad to make improvements to the railroad crossing on Highway 50 near the Maverik property.

Staff discussed the traffic signal and stated that the issue of the traffic signal would have to be resolved before final plat approval. There are a couple of questions to be answered: where is the best location for a future light and how will the improvements be paid for? Staff stated that the city has approached the funding for traffic lights in different ways.

Skip Hudson reviewed the history of the partial traffic studies for Highway 92. Mr. Hudson stated that a complete study of where traffic signals should be located on Highway 92 has not been completed. Additionally, Mr. Hudson stated that Crawford Avenue and the Maverik property is designed to be a four leg intersection, but CDOT has not determined where the best location for a proposed traffic signal would be. There are three possible locations: Crawford Avenue, Henry Street or Heinz Street. There are issues such as drainage and right of way at Henry and Heinz Streets.



A motion was made by Gerald Roberts, seconded by Ginni Selby to recommend approval of the Maverik-Delta Subdivision Preliminary Plat to the City Council with the following conditions: corrections to be made to the construction drawings prior to a preconstruction meetings, the development must comply with all City of Delta requirements and other regulatory/permitting agency requirements and the preliminary plat expires two years from the date of approval. All voted yes. Motion passed.

VILLAS AT THE BLUFF, RESUBDIVISION OF LOT 2B, LOT SPLIT

Glen Black, Community Development Director, reviewed the Villas at the Bluff, Resubdivision of Lot 2B, Lot Split and staff report with the Planning Commission. Mr. Black stated that lot splits are normally approved administratively; however this proposed lot split does not meet all of the criteria for a lot split. The second lot does not have access to a dedicated public street. Staff stated that the Delta Municipal Code does allow for a deviation from the minimum design standards set forth in 16.04.070.10, "All lots shall have direct access to a dedicated street, except that reciprocal access easements may be approved to accommodate subdivision with multiple commercial unites with contiguous parking areas in commercial zoning districts." The property is not in a commercial zoning district; however the project is a multiple commercial apartment unit. Apartments are allowed in the R-3 zoning district. Oak Way is not a dedicated public street; however it is noted on the plat the Oak Way shall be a public access and the maintenance of Oak Way is to be shared with the owners of both lots.

Additionally, staff informed the Planning Commission that phase 2 of the Villas at the Bluff was approved along with phase 1 in 2008. The reason that the Housing Authority is asking for a lot split is to use lot 2B2 to secure funding for phase 2 of the project.

Jo Rosenquist, executive director for the Housing Authority, informed the Planning Commission that the project was split into two phases for funding purposes and that all of the investors that were involved in the first phase of the project are not investing in the second phase of the project, therefore the Housing Authority is asking for the lot split to secure funding. Ms. Rosenquist stated that there are tax credits available for the project and that there will be 32 units in phase 2.

Staff informed the Council that the City Attorney submitted an additional comment after the packets and staff report were distributed, therefore there is an additional plat note to add to the conditions of approval.

Vice Chairman Osborne disclosed to the Planning Commission that he is a member of the Housing Authority Loan Committee, but this committee does not loan money to the Housing Authority; the committee loans money to individuals.

A motion was made by Gerald Roberts, seconded by Lynn Williams to recommend approval of the Villas at the Bluff, Resubdivision of Lot 2B, Lot Split to the City Council with the following conditions: with the deviation from the minimum design standards that all lots shall have direct access to a dedicated street, add the language as suggested by the City Attorney to the Ownership and Dedication language and that the plat shall not be recorded before February 3, 2014. All voted yes. Motion passed.

COMMISSIONER COMMENTS

Chairman Simmons reviewed a letter he had received from Richard Weldon regarding building a new state of the art facility in Delta.

The commissioners wished everyone a happy holiday season.

STAFF COMMENTS

The staff reminded the Commissioners about the City Christmas Party that will be on December 13, 2013.



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 7:16 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-6931 • www.cityofdelta.net

Community Development

Date: April 7, 2014
To: Planning Commission
From: Glen L. Black
Re: Dairy King Minor Subdivision

Owner: Verla Huffington
Location: NW corner of H25 Rd and 1550 Rd
Zoned: B-2 and A-1
Parcel size – 5.91 acres

Request:

The applicant is requesting to divide this 5.91-acre parcel into two (2) lots. The existing parcel currently has two zoning designations, the old Dairy King restaurant and a single wide trailer are located on a portion zoned B-2 and the remaining lot containing a residence, shop and barn is zoned A-1.

Required Improvements, Dedications and Minimum Design Standards for Minor Subdivision:

Staff has reviewed the proposed subdivision and application and has found the proposal in substantial compliance with the requirements of the Delta Municipal Code. All fees have been received including the payment in lieu of parks fee. The lot sizes will conform to the existing zoning designations. Additional street dedication and utility easements will be secured by the final plat.

The existing single wide trailer will encroach into the newly created set back line. The trailer is a legally nonconforming use and would not be allowed to be replaced. Staff is in favor of allowing the encroachment to occur, since the trailer will eventually be removed from the property. We are adding a plat note for clarity to potential purchasers.

Staff Recommendations:

Staff recommends approval of the minor subdivision contingent upon all corrections being made and compliance with all City of Delta requirements and any other regulatory/permitting agency requirements.

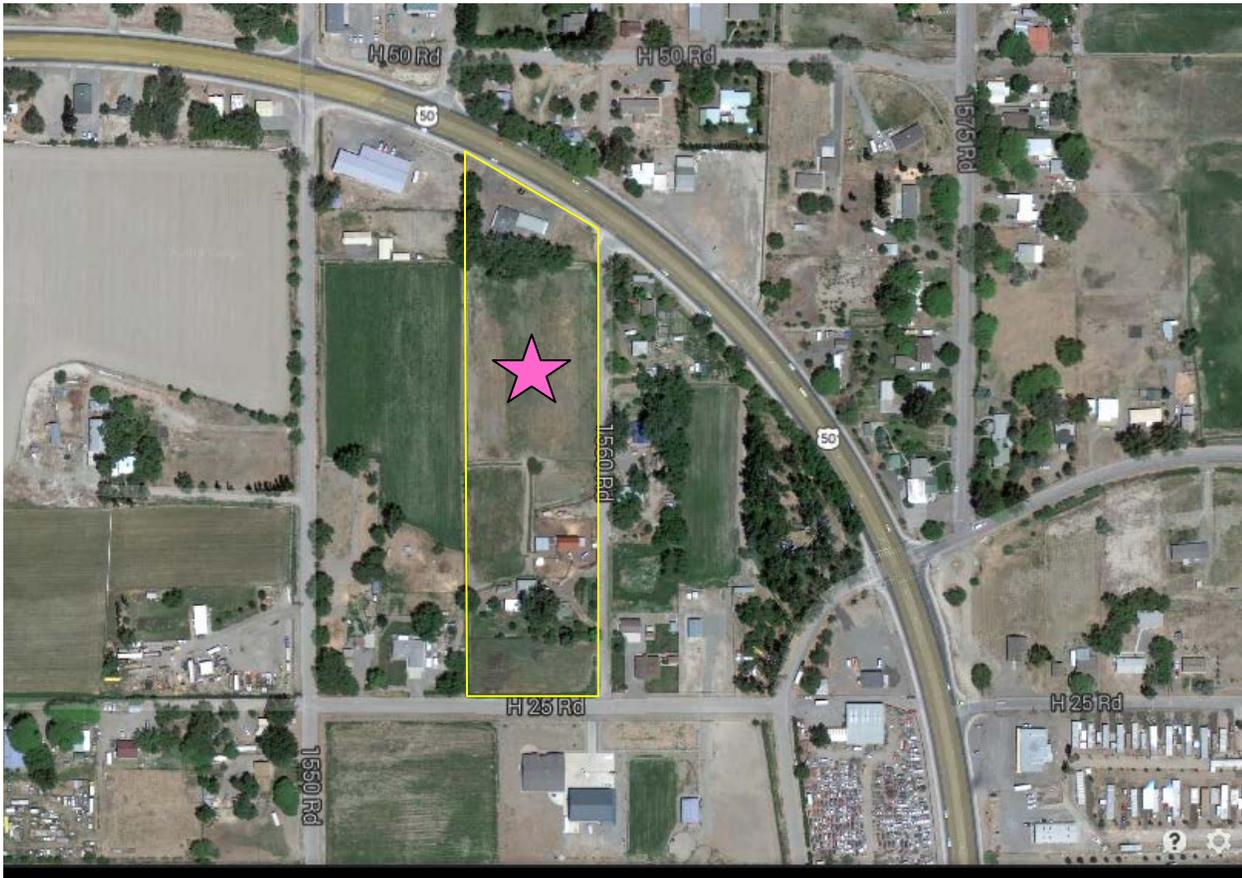
Expiration Information:

Applicant must provide two reproducible mylars of the plat in final form fully executed by all required parties except the City. Final plat approval shall expire if the requirements are not met and the plat submitted to the City of Delta for recording within 90 days of approval by City Council.

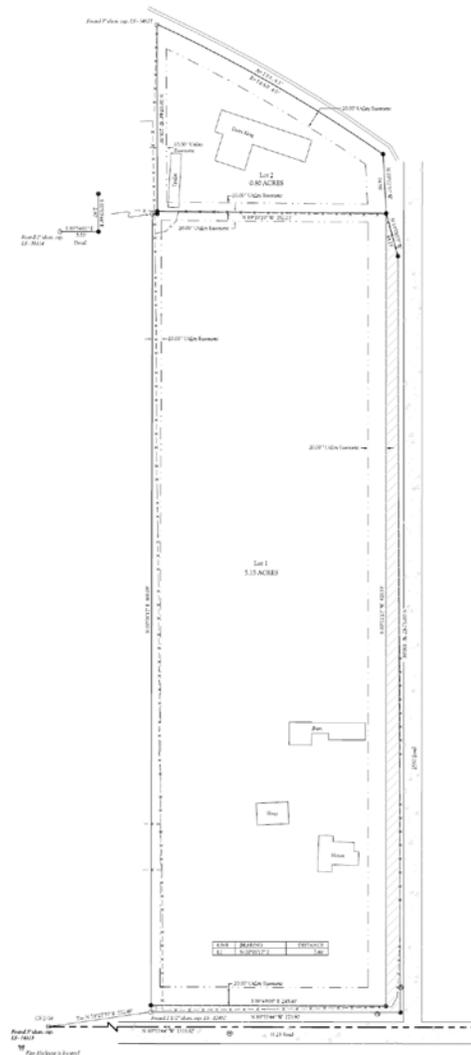
Example Motion:

I would move that Planning Commission recommend **(approval, disapproval or conditional approval)** to City Council of the Dairy King Minor Subdivision **(with the following conditions if any):**

Aerial Map



Dairy King Minor Subdivision Located in NW 1/4 SE 1/4 Section 12, Township 15 South, Range 96 West, of the 6th Principal Meridian Delta County, Colorado



Certificate of Dedication and Ownership:
KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner(s) of certain lands in the City of Delta, Colorado, to-wit:

Legal Description:
Part of the NW 1/4 SE 1/4 of Section 12, Township 15 South, Range 96 West, 6th Principal Meridian, Delta County, Colorado. More particularly described as follows:
Beginning at a point which is the Southeast corner of the NW 1/4 SE 1/4 of said section 12, thence S. 70°17'37" W., 272.48 ft. (to), thence N. 00°00'00" E., 476.51 ft. (to), thence S. 89°44'17" E., 258.25 ft. (to), thence S. 00°00'00" E., 218.18 ft. (to), thence along a curve to the right, being an arc length of 284.01 ft., 614.11 ft. (to), thence of 190.43 ft. (to), and a closed 954.83 ft. (to), thence S. 48°17'17" E., 246.25 ft. (to), thence S. 00°00'00" E., 243.18 ft. (to), thence S. 19°00'00" E., 48.73 ft. (to), thence S. 90°19'47" E., 83.64 ft. (to), thence S. 00°00'00" E., 273.93 ft. (to), thence S. 89°44'17" E., 258.25 ft. (to), and a closed 954.83 ft. (to), more or less to the point of beginning. Containing 27 acres, more or less.

Has Effect: by these presents, the said owner(s) and authorized the same into lots, as shown on this plat, under the name of Dairy King Subdivision, and does (the lands, buildings, grant and survey) to the City of Delta, State of Colorado, for the use of the public. **EDM and A. Hill** read Terms above. Also: the following easements are dedicated, granted and conveyed to the City of Delta, Colorado as shown: (1) the easement for the City to install and maintain storm drainage and public utilities; (2) the easement for the City to install and maintain storm drainage easements for City street drainage basins and basins.

Witnessed this _____ day of _____, A.D. 2014.

Yvonne Marie Hoffmann
STATE OF COLORADO)
COUNTY OF DELTA)

The foregoing Certificate of Ownership and Dedication was acknowledged before me this _____ day of _____, A.D. 2014, by Yvonne Marie Hoffmann. Witness my hand and official seal.

My Commission expires _____
Notary Public _____
(S&A)

Attorney's Certificate: I, _____, an attorney at law duly licensed to practice before the courts of record of Colorado, do hereby certify that I have examined the title of all said lands granted and that said title is correct in the abstracts and correct, true and clear of all liens and incumbrances.

Dated this _____ day of _____, A.D. 2014.

Attorney at Law

Surveyor's Certificate: I, Kenneth E. Schaefer, hereby certify that this plat accurately represents a survey, performed either by me or under my supervision and based on my knowledge, information and belief, and that it conforms with the current "standards for land surveys" of the A.S.S. Board of Registration, as well as with related survey regulations of the current version of the Colorado Revised Statutes and the City of Delta regulations. This certificate is not intended to be an opinion or implied warranty or guarantee of any nature except those stated in the preceding sentences. Date: _____ License No. 88114

City Manager Certificate: Approved for recording this _____ day of _____, A.D. 2014, by _____ City Manager.

Certificate of Improvement Completion:
I, _____, Director of Community Development, for the City of Delta, do certify that all improvements and utilities required by the current Subdivision Regulations of the City of Delta have been installed in this Subdivision in accordance with the specifications of the City except for the following:
Date: _____
Community Development Director

Certificate of Record of Security:
I, _____, City Clerk for the City of Delta, Colorado, do certify the security has been provided to the City, paying for and securing the construction and installation of the following utilities and improvements:
Date: _____
City Clerk

Planning Commission:
Approved by the Delta City Planning Commission this _____ day of _____, A.D. 2014, by _____ Chairman.

City Council:
Approved by the Delta City Council this _____ day of _____, A.D. 2014, by _____ Mayor.

City Attorney's Certificate: Approved for recording this _____ day of _____, 2014, _____ City Attorney.

Recorder's Certificate: I hereby certify that this plat was filed for record in the office of the Clerk and Recorder of Delta County, Colorado. Delta County Clerk & Recorder

Maintenance Notes:
1. The owners of Lots 1 & 2 within this subdivision shall be jointly and severally liable for the following:
A. Operation and maintenance of the irrigation system, ditches and pipelines located on said lots.
In the event that said maintenance is not properly performed, the City of Delta may cause the work to be done, assess the cost to the said owners, may certify such charges as delinquent charges to the County treasurer to be collected similarly to taxes, may request a lien on said City which shall be filed with any delinquent tax, or may pursue any other remedy available in order to collect such charges.
2. No structure or improvement shall be placed within any easement, tract, or public right-of-way for the use or purpose prohibited by applicable laws, rules, regulations, codes, ordinances, or other laws of the State of Colorado.
3. Fences on corner lots within front building setbacks shall be enclosed in height, color, and use as set forth in the applicable zoning ordinance.
4. Obligations set forth in all plat notes shall run with the land and be binding upon all successors in interest to the said lots.

SD NOTES:
Lots 1 and 2 are shown being met by the City of Delta for the cost of each gutter and sidewalk along E. 24th St. and E. 25th St. and for the improvements along E. 24th St. and E. 25th St. Lots 1 and 2 may also be eligible for storm drainage facilities, and piping of irrigation ditches, upon the property platting notice or within the platting boundaries of E. 24th St. and E. 25th St. (Planning Lots 1 and 2, as well as the cost of maintenance of said ditches and irrigation pipelines).

The Delta City Clerk is irrevocably appointed as the attorney-in-fact of the owners of said Lots for the purpose of signing improvement ditches positions and voting in any election to approve improvement ditches financial obligations and for all other purposes related to the formation of such ditches and construction of such improvements.



Legal Description: Area to be Dedicated:
Part of the NW 1/4 SE 1/4 of Section 12, Township 15 South, Range 96 West, 6th Principal Meridian, Delta County, Colorado. More particularly described as follows:
Beginning at a point which is the Southeast corner of the NW 1/4 SE 1/4 of said section 12, thence S. 70°17'37" W., 272.48 ft. (to), thence N. 00°00'00" E., 476.51 ft. (to), thence S. 89°44'17" E., 258.25 ft. (to), thence S. 00°00'00" E., 218.18 ft. (to), thence along a curve to the right, being an arc length of 284.01 ft., 614.11 ft. (to), thence of 190.43 ft. (to), and a closed 954.83 ft. (to), thence S. 48°17'17" E., 246.25 ft. (to), thence S. 00°00'00" E., 243.18 ft. (to), thence S. 19°00'00" E., 48.73 ft. (to), thence S. 90°19'47" E., 83.64 ft. (to), thence S. 00°00'00" E., 273.93 ft. (to), thence S. 89°44'17" E., 258.25 ft. (to), and a closed 954.83 ft. (to), more or less to the point of beginning. Containing 10.02 acres, more or less.

Plan Note: Middle house located on Lot 2, may be replaced if owned or destroyed. If the middle house is replaced the setbacks it shall be revised.

General Notes:
All lines shown always herein are for graphical purposes only. They are not to be relied upon to establish property boundaries.
This survey was performed without the benefit of a title policy or commitment and does not constitute a title search by Southwest Land Surveying, LLC.
The surveyor's certificate is based on data not only to the present but also on data that was prepared and used by the applicant including the City of Delta based on their files. Certificate is not responsible for additional deficiencies or subsequent errors.
No guarantee as to the accuracy of the information contained on the attached drawing is either stated or implied unless this map bears an original signature of the professional land surveyor named.
Only pages of this survey marked with an original seal and signature by the surveyor shall be considered true, valid copies.
Advisees names, books and pages are given for informational purposes only and are according to the Delta County Assessor records in the date of this plat.

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS IN COLORADO		SOUTHWEST LAND SURVEYING LLC 1115 S. 2nd St., Silverton, CO 81433 (970) 574-0900, Silverton (970) 574-2000, Delta (970) 574-2623, Fax	
PLAN SCALE 1"=60' FIELD CREW KESJ KESJ KESJ	RESUBDIVISION DRAFTING KESJ	Dairy King Minor Subdivision Located in the NW 1/4 SE 1/4 Sec. 12, T. 15 S., R. 96 W., 6th P.M. Delta County, Colorado	Scott Hillington 1304 W. 21st St. Delta County, Colorado
SHEET 1 of 1		DATE: 10/17/13	DATE: 07/13

NETP 24.14.13.00001
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE AND IS AVAILABLE TO THE PUBLIC THROUGH THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND. DATE OF DECLASSIFICATION IS INDEFINITE. THIS DOCUMENT IS IN THE PUBLIC DOMAIN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



Three Mile Plan

Overview

The following plan is hereby developed to comply with C.R.S. 31-12-105 (e)(I), which states the following:

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year..... Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually.....

The Plan

The City of Delta's Three Mile Plan includes the following:

1. A boundary map showing a three mile area around the City.
2. The City of Delta Comprehensive Plan, including the Future Land Use Plan map.
3. The Growth Management Agreement between the City and Delta County recorded January, 2007 in the Delta County Records.
4. The Delta County Road and Bridge Map, incorporated to the extent of the three mile area shown on the boundary map.
5. The Capital Improvement Plans.
6. The Major Street Plan.

Public utilities in the three mile area include the following:

- a. Power providers: Include the City of Delta and Delta-Montrose Electric Association within their respective service areas.
- b. Sewer: Available in and near the City from the City of Delta. City sewer is extended as per City ordinances at the cost of the applicant, or pursuant to special financial projects. Other areas are planned for agricultural or low density residential until City sewer is extended. Individual Sewage Disposal Systems (ISDS) are authorized under certain circumstances in the City.
- c. Water service: Domestic water services are provided in the area by the City of Delta and Tri-County Water Conservancy District within their respective service areas



- d. Trash collection: City trash service is provided within the City. Private collection services operate outside and within the City. Delta County operates the Delta County Landfill.
- e. Telephone: Century Link Communications and TDS as per their certified service areas.
- f. Natural Gas: Source Gas provides service available in the City, in fringe areas of the City, and along the main pipeline only.
- g. Cable TV: Available in and near the City only, pursuant to Charter CATV permit.

The proposed land uses of the area consist of public land, agricultural uses, and low-density residential uses, except to the extent specifically provided otherwise by the City's Zoning Map, Comprehensive Plan, and Future Land Use Plan map.

No transportation services are proposed to be provided by the City other than streets, alleys or bikeways, and recreation pathways.

To the extent that any item mentioned in C.R.S. 31-12-105 (1) (e) is not reflected in the items of this Plan, the Plan should be construed to mean that no such facilities are contemplated to be provided.

In the event of any conflict between anything in the foregoing elements of the Three Mile Plan and City ordinances or regulations, the City ordinances and regulations shall control. The City of Delta Comprehensive Plan and other city elements of the above documents shall control with respect to any conflicts with provisions of the plan incorporated from other "non-City" entities.

Staff Recommendation

Staff recommends approval of the Three Mile Plan.

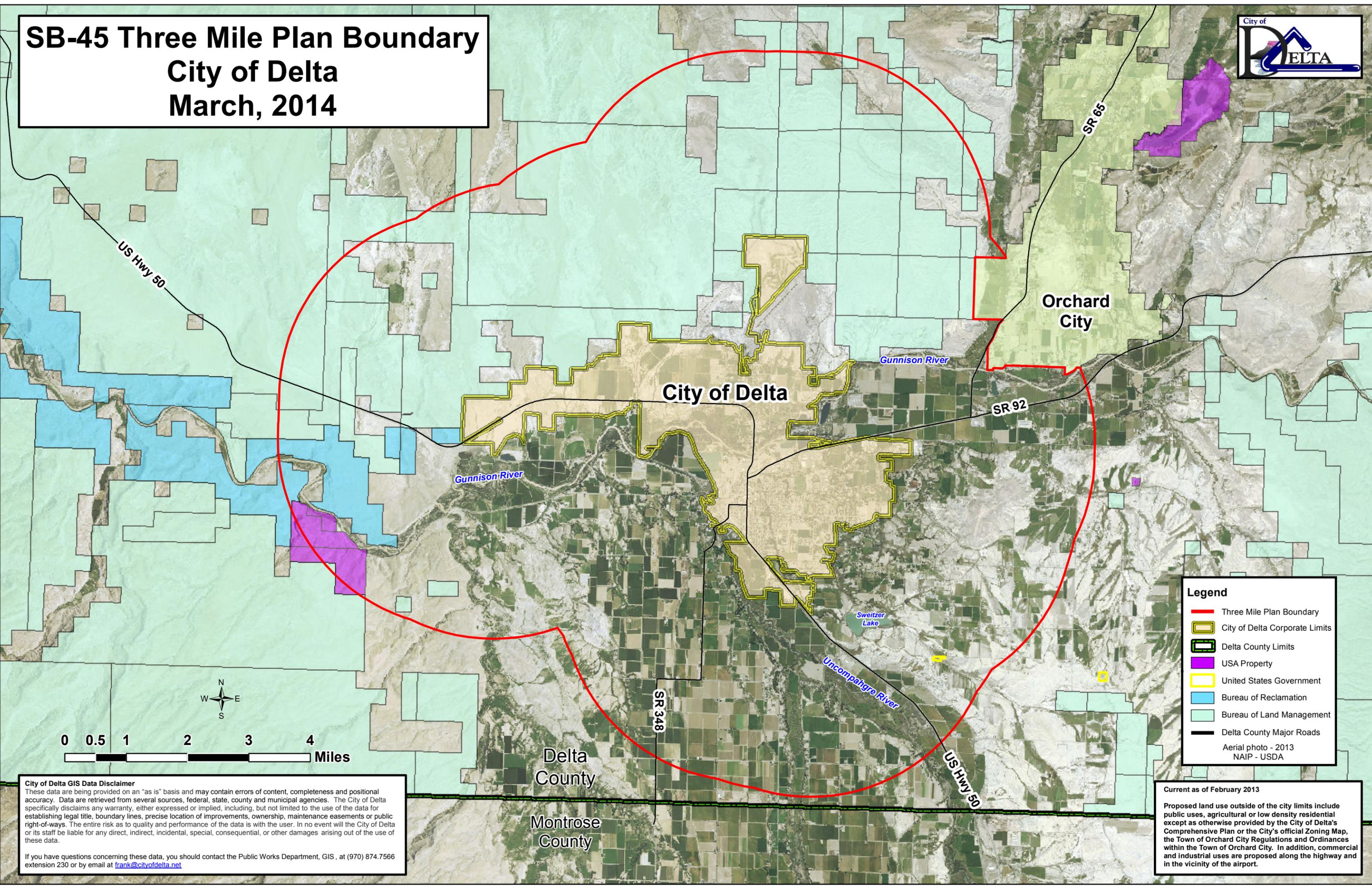
Example Motion

I move that Planning Commission recommend **approval/disapproval** of the Three Mile Plan to the City Council.

SB-45 Three Mile Plan Boundary

City of Delta

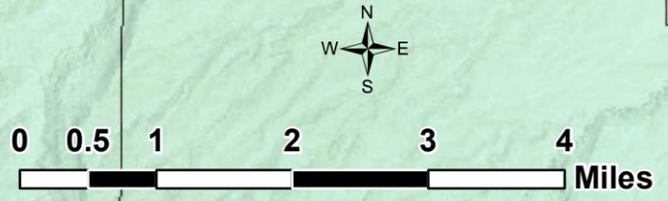
March, 2014



Legend

- Three Mile Plan Boundary
- City of Delta Corporate Limits
- Delta County Limits
- USA Property
- United States Government
- Bureau of Reclamation
- Bureau of Land Management
- Delta County Major Roads

Aerial photo - 2013
NAIP - USDA



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 These data are being provided on an "as is" basis and may contain errors of content, completeness and positional accuracy. Data are retrieved from several sources, federal, state, county and municipal agencies. The City of Delta specifically disclaims any warranty, either expressed or implied, including, but not limited to the use of the data for establishing legal title, boundary lines, precise location of improvements, ownership, maintenance easements or public right-of-ways. The entire risk as to quality and performance of the data is with the user. In no event will the City of Delta or its staff be liable for any direct, indirect, incidental, special, consequential, or other damages arising out of the use of these data.

If you have questions concerning these data, you should contact the Public Works Department, GIS, at (970) 874.7566 extension 230 or by email at frank@cityofdelta.net

Current as of February 2013

Proposed land use outside of the city limits include public uses, agricultural or low density residential except as otherwise provided by the City of Delta's Comprehensive Plan or the City's official Zoning Map, the Town of Orchard City Regulations and Ordinances within the Town of Orchard City. In addition, commercial and industrial uses are proposed along the highway and in the vicinity of the airport.