



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 4, 2016
6:30 p.m.**

A. Changes to the Agenda

B. Minutes of the March 7, 2016 (continued on March 14, 2016) Planning Commission meeting.

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. Public Hearing – Zoning Amendment (Rezone) for West Winds Planned Unit Development, Hawkins Commercial Lot 1 and Lot 2 from B-2 to B-3.

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

E. Commissioner Comments

F. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, March 7, 2016 at 6:40 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; Lynn Williams, Commissioner; Mark Lee, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: Carl Jahn, Commissioner; Tish Oelke, Vice-Chairman; Ginni Selby, Commissioner; Richard Simmons, Commissioner.

GUESTS: none

NOT A QUORUM

Chairman Roberts opened the meeting and determined that there was not a quorum of the Planning Commission present, therefore there was consensus to continue the regular meeting of the Planning Commission until Monday, March 14, 2016.

Staff will repost the meeting and notify the Planning Commission members of the meeting continuation.

CONTINUATION OF THE MARCH 7, 2016 PLANNING COMMISSION UNTIL MARCH 14, 2016

The March 7, 2016 regular meeting of the City of Delta Planning Commission was continued until Monday, March 14, 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; Richard Simmons, Commissioner; Lynn Williams, Commissioner; Mark Lee, Commissioner; David Torgler, City Manager; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: Carl Jahn, Commissioner; Tish Oelke, Vice-Chairman; Ginni Selby, Commissioner.

GUESTS: none

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Richard Simmons, seconded by Lynn Williams to approve the minutes of the Planning Commission held on Monday, February 1, 2016 as written. All voted yes. Motion passed.



CITIZEN COMMENTS

None

MAJOR STREET PLAN

The Planning Commission reviewed the Major Street Plan. Glen Black, Community Development Director, informed the Planning Commission how the proposed major street plan had been developed. Mr. Black stated that Delta County, City of Delta and Stolphus Consultants have been working on an Access Control Plan for the last several months and that the proposed major street plan is an overlay of the Access Control Plan. The Council and County Commissioners held several public meetings and individual meetings with land owners. Additionally, Mr. Black reviewed the highlights of the changes to the major street plan from the 2015 version. The changes include a south frontage road and more proposed roads at ¼ mile intervals on both sides of Highway 50. Chairman Roberts stated that he had attended the public meetings and stated “that nothing will happen until something happens”, which means until development occurs; the roads will not be constructed. Mr. Black informed the Planning Commission that this is an in depth study on accesses in the City and County of Delta along Highways 50 and 92. The County is also looking to adopt the Access Control Plan.

Mr. Black explained that staff is looking for a recommendation from the Planning Commission to the City Council regarding the Major Street Plan, which is has been developed from the Access Control Plan. The Council will hold a public hearing on the Major Street Plan at the April 5, 2016 City Council meeting. The Council will consider the Access Control Plan at the City Council meeting tomorrow night, March 15, 2016.

A motion was made by Richard Simmons, seconded by Lynn Williams to recommend approval of the Major Street Plan to the City Council. All voted yes. Motion passed.

3-MILE PLAN

The Planning Commission reviewed the 3-Mile Plan. Glen Black, Community Development Director, answered questions about the 3-Mile Plan (SB45 Plan). Additionally, Mr. Black stated that next year the 3 Mile Plan would include a reference to the Intergovernmental Agreement with the County regarding the Access Control Plan.

A motion was made by Richard Simmons, seconded by Lynn Williams to recommend approval of the 3-Mile Plan to the City Council. All voted yes. Motion passed.

COMMISSIONER COMMENTS

The progress of the sign code ordinance was reviewed. Mr. Black stated that the ordinance is up for second reading tomorrow night and that the ordinance was amended to include enforcement through Delta Municipal Code Title 8, Nuisances.

Chairman Roberts stated that he will be on Council in April, so there will be an opening for another Planning Commission member.



STAFF COMMENTS

Mr. Black thanked the Planning Commission for holding the meeting tonight to keep the agenda items moving through the process.

MUNICIPAL CODE UPDATES

Sharleen Walker, Planning Technician, informed the Planning Commission that if they need help updating their code books, to bring them in and she would help get the code books updated.

ADJOURNMENT

A motion was made by Richard Simmons, seconded by Mark Lee to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:06 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



1193 Hwy 50 & TBD Falcon Road (West Winds Residential Air Park Development Lots 1 and 2 Hawkins Commercial Lots) Rezone Request

Community Development Director: Glen L. Black

Date: April 4, 2016

Owners:	Applicants:
Rich Burdick	Rich Burdick
Location:	Parcels #:
1193 Hwy 50 & TBD Falcon Road	345708305001 & 345708306001

Zone District: B-2

Parcel Size: 5.46 acre

Request:

The applicant is requesting that the above property’s zoning designation be amended (rezoned) from B-2 to B-3. The B-3 zone is intended for a large variety of uses that require large storage areas to conveniently serve customers. Delta Municipal Code 17.04.160.

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 six petitions mailed out and currently there has been two petitions turned in approving of the rezone.

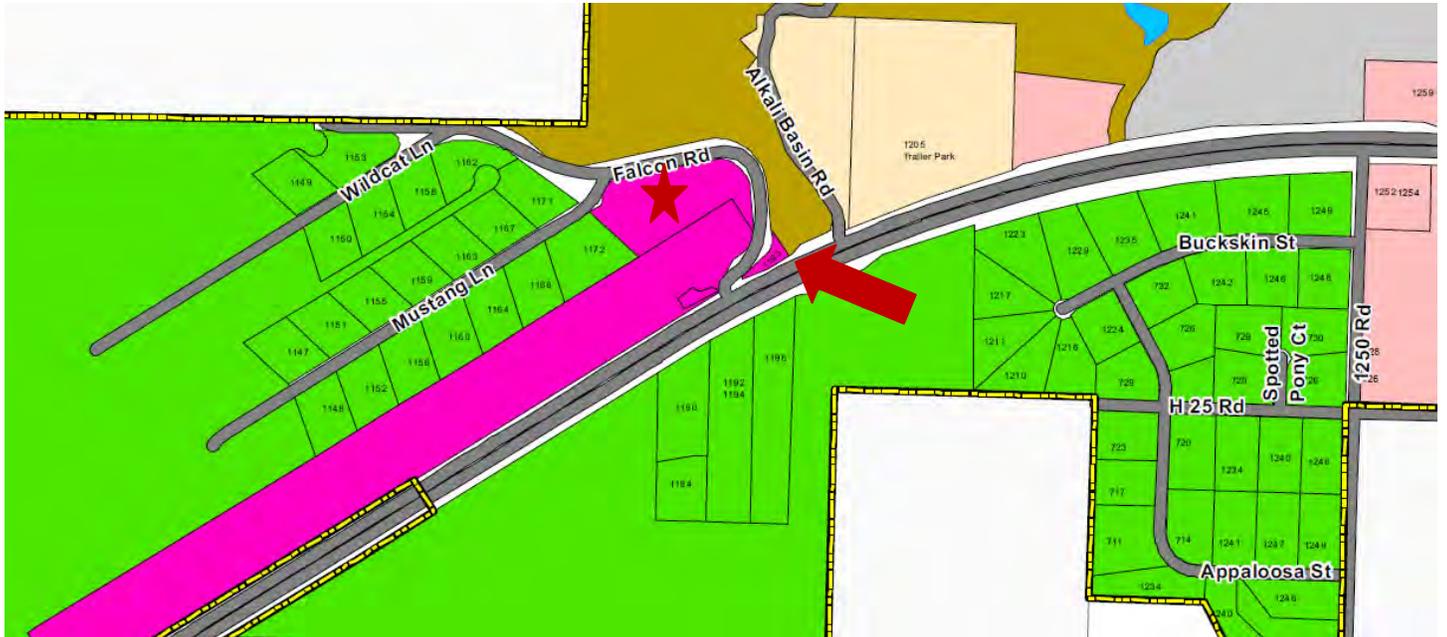
Staff Recommendations:

Staff is in support of the rezone. The plat of the subdivision was approved through the County process and then subsequently annexed to the City. The initial zoning of the designated lots was B-2. The plat has a fuel farm designated on Hawkins Commercial Lot 1, above ground storage of hazardous fuels are not allowed in the B-2 zone.

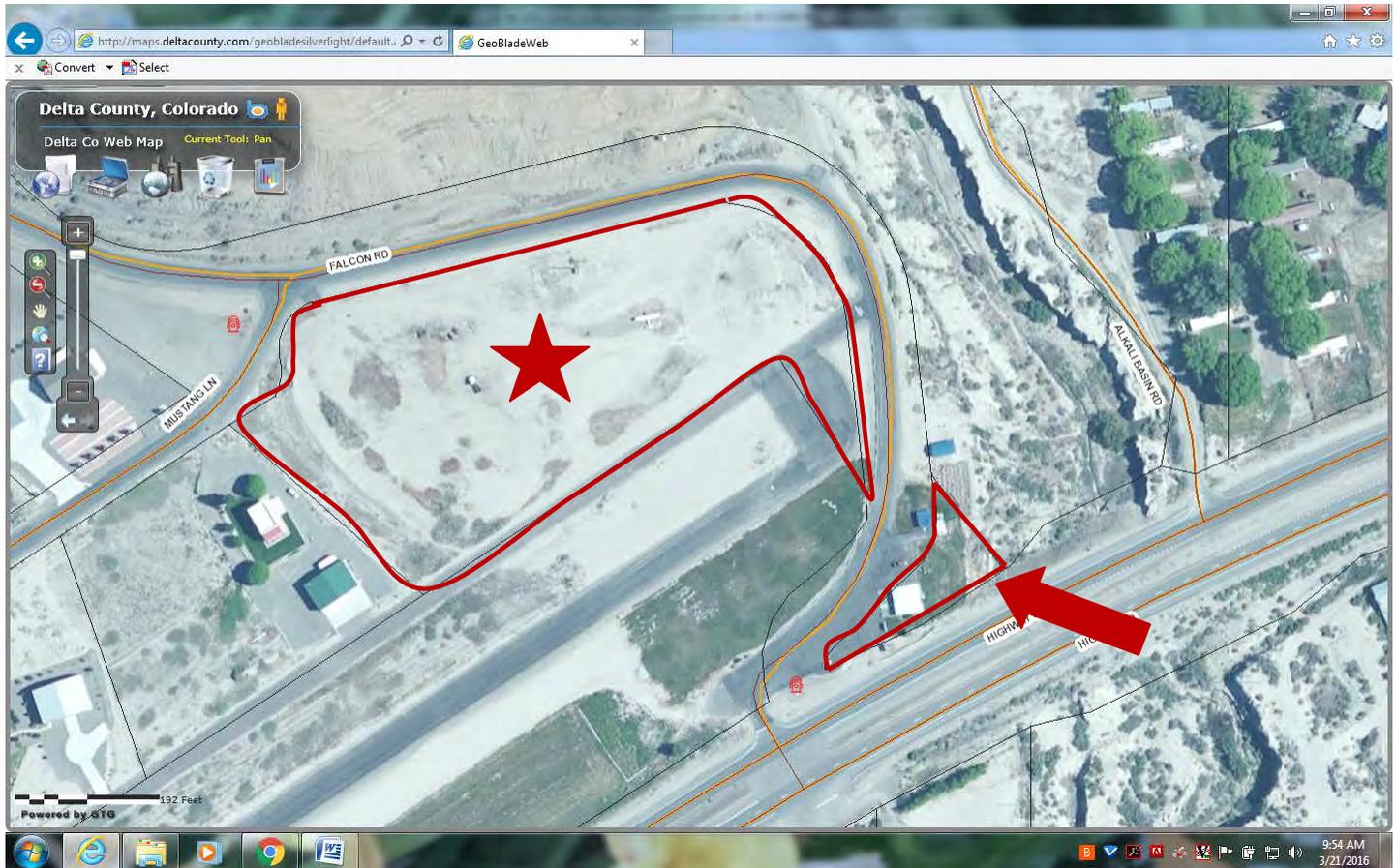
Example Motion:

I move that Planning Commission **recommend/not recommend** approval to City Council the request to change the zone district of

Zone Map



Aerial Photo





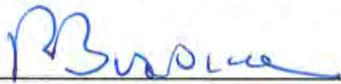
DEVELOPMENT & LAND USE APPLICATION

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		Zoning Amend/Add	300	X	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							

Project Name:	Westwinds Air Park	Application Date:	03/14/16
Site Location:	North Delta	Current Land Use:	Business/Vacant
Assessor Parcel #:	345708305001 & 345708306001	Current Zoning:	B-2
Proposed # of Lots:		Size – Acres/Sq Ft:	5.46 Acres

Project Description: Rezone Hawkins Commercial Lots 1 & 2 from B-2 to B-3.

	Property Owner	Developer	Representative
Name	Rich Burdick		Del-Mont Consultants, Inc.
Address	1156 Mustang Lane		125 Colorado Ave.
City/State/Zip	Delta, CO 81416		Montrose, CO 81401
Phone	970-209-3024		970-249-2251
Fax			970-249-2342
E-mail	RICH@BURDICK.WS		nbarrett@del-mont.com

Signature:  Date: 3/16/16

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

Number: 201600047
Permit Type: RZ / Rezone
Property Address: 1193 Highway 50, Delta, CO 81416-9616
Job Description zoning amendment 1193 Hwy 50

Issue Date: 02/16/2016

Parcel Code: PARC2008183
Subdivision: UA / UNASSIGNED
Property Zoning: UA / UA
Construction Type: VA / V-A
Occupancy Type: R3 / R-3

Lot:
Block:
Filing:
Project Valuation: 0.00

Contacts

<u>Code</u>	<u>Contact</u>	<u>Address</u>	<u>Telephone</u>
OWNER	CRAIG/ELAINE DRAKE	7301 Winslow DR, Waxhaw, NC 28173	(303) 495-0747
OTHER	Rich Burdick	1156 Mustang LN, Delta, CO 81416	(970) 209-3024

Fee Summary

<u>Fee Code</u>	<u>Description</u>	<u>Valuation</u>	<u>Charged</u>	<u>Paid</u>	<u>Due</u>
ANX	ANNEXATION	1.00	300.00	300.00	0.00
	Grand Total		300.00	300.00	0.00

Permit Conditions

changed from disconnect to rezone and address changed

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

Date



March 17, 2016

City of Delta
Community Development
360 Main Street
Delta, CO 81416

Re: Zone Change Request for Westwinds Residential Air Park

Staff;

On behalf of the owner I am writing this request to change the zoning of the Hawkins Commercial Lots 1 & 2 as shown on the Westwinds Residential Air Park PUD plat recorded at Reception No. 482869. These lots are currently zoned B-2 and we are requesting that they be rezoned to B-3. The reason for this request is to allow the owner, Rich Burdick, to operate his business on these lots, which includes maintenance and repair of airplanes. One of the main reasons for this requested change has to do with fueling the airplanes. The current B-2 zoning doesn't allow for fuel tanks while the B-3 zoning will. Also with Mr. Burdick's business a B-3 zoning will be more compliant.

This requested amendment is not adverse to the public health, safety and welfare and will actually allow the existing airport to function as it was intended. This is an area that was already set aside for commercial/business uses and is separated from the residential portion of this subdivision. The owners of the residential lots who own airplanes will benefit from this zoning change and the ability to fuel their planes onsite.

It is our opinion that these lots were incorrectly zoned when they were annexed into the City. On the original plat it clearly shows on Hawkins Commercial Lot 1 that there is a "Future Fuel Farm" planned. These lots should have been given a B-3 zoning to allow for this future fuel farm but instead they were zoned B-2. Also the majority of the properties zoned business along Highway 50 north of Delta are zoned B-3. This would bring this property into conformance with the rest of these properties.

In conclusion it is our belief that this request meets the criteria for a zoning change based on the above mentioned items. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Barrett', is written over a large, stylized blue scribble.

Nick Barrett, PE/PLS



CERTIFICATION OF NOTICE TO PROPERTY OWNERS

I, Rich Bursick, applicant, hereby certify that I personally mailed or hand delivered to the required property owners notice of public hearing before the City of Delta Planning Commission/City Council regarding the request. Notices were mailed or hand delivered on the 16 day of March, 2016.

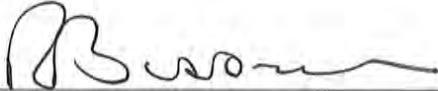


Applicant's Signature

+++++

CERTIFICATION OF SIGN POSTING

I, Rich Bursick, applicant, hereby certify that I personally posted notice of public hearing before the City of Delta Planning Commission/City Council on the property under consideration on the 25 day of MARCH, 2016.



Applicant's Signature

DELTA COUNTY
INDEPENDENT

401 Meeker St.
P.O. Box 809
Delta, CO 81416

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO }
COUNTY OF DELTA } ss.

I, Randal Sunderland, do solemnly swear that I am managing editor of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterruptedly in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one consecutive insertion; that the first publication of said notice was in the issue of said newspaper dated March 23rd, A.D., 2016, and that the last publication of said notice was in the issue of said newspaper dated March 23rd, A.D., 2016.

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 April 4, 2016, at 6:30 p.m. in the City Council Chambers, 360 Main St. to consider a rezone request for the property located at 1193 Hwy 50 & Hawkins Commercial Lot 1.
Published in the Delta County Independent March 23, 2016.

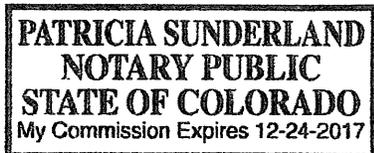
In witness whereof I have hereunto set my hand this 23rd day of March, A.D., 2016.

Randal Sunderland
General manager of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 23rd day of March A.D., 2016.

Patricia Sunderland
Notary Public

My commission expires 12/24/2017
900 Cypress Wood Lane
Delta, CO 81416





NOTICE TO PROPERTY OWNERS

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

Description of action to be considered: rezoning

Address of property under consideration: 1193 Hwy 50 Hawkins Commercial

Date of Public Hearing: April 4, 2016 **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>PAGE FAMILY TRUST</u>		<u>1196 Hwy 50, Delta, Co, 81416</u>
<u>Mrs. Shirley L. PAGE</u>		

COMMENTS:
We cannot attend this meeting due to health problems

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



NOTICE TO PROPERTY OWNERS

- () Conditional Use/Change in Non-Conforming Use
- () Variance
- (X) Zoning Amendment/Addition
- () Other: _____

Description of action to be considered: rezoning

Address of property under consideration: 1193 Hwy 50 Hawkins Commercial

Date of Public Hearing: April 4, 2016 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:

- (X) Approve
- () Object

<u>SIGNATURE</u>	<u>NAME (print)</u>	<u>STREET ADDRESS</u>
<u>[Signature]</u>	<u>EMMETTE MAIN</u>	<u>1171 MUSTANG LANE</u>
<u>[Signature]</u>	<u>JANICE E MAIN</u>	<u>1171 MUSTANG LANE DELTA CO</u>

COMMENTS:

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

Falcon Road addresses

MAIN EMMETT E 1171 MUSTANG LANE DELTA, CO 81416-9142

HANCOCK JEFFREY D 1172 MUSTANG LN DELTA, CO 81416-9142

ABBOTT ROLAND L 1184 HIGHWAY 50 DELTA, CO 81416-9615

CLARK THOMAS J III 1190 N HIGHWAY 50 DELTA, CO 81416-9615

PAGE RONALD O 1194 HIGHWAY 50 DELTA, CO 81416-9615

PAGE FAMILY TRUST 1196 HIGHWAY 50 DELTA, CO 81416-9615