



A regular meeting of the City of Delta Planning Commission was held on Monday, October 3, 2011 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Gerald Roberts, Chairperson; Tish Oelke, Vice-Chairperson; Ginni Selby, Commissioner; Gary Burnett, Commissioner; Patrick Dearmin, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Executive Secretary.

ABSENT: Carl Jahn, Commissioner; Richard Simmons, Commissioner.

GUESTS: Fred Sabin, John Welfelt, Gregg Kuta, Che Bou-Matar, Gary Kension, Lorella McCombs, Nancy Sturgill.

CHANGES TO THE AGENDA

A motion was made by Pat Dearmin, seconded by Tish Oelke to switch the agenda items, so that the Industrial District zoning discussion was first and the Business District zoning was second. All voted yes. Motion passed.

MINUTES

A motion was made by Pat Dearmin, seconded by Ginni Selby to approve the minutes of the Planning Commission held on Monday, August 1, 2011 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

NONE.

PUBLIC HEARING – ZONING AMENDMENTS “I-1” TO “I”

The Planning Commission held a public hearing regarding amendments to the official zoning map of the City of Delta, Colorado changing the zoning from “I-1” to “I” for the following properties: Parcel Number 345701100079 on 1575 Rd, Parcel Number 345709202002 located in the 1200 Blk of Hwy 50, 695 Industrial Blvd, 697 Industrial Blvd, 1745 Gunnison Ave, 1755 Gunnison Ave, 1760 Gunnison Ave, 675 Industrial Blvd, 681 Industrial Blvd, 685 Industrial Blvd, 693 Industrial Blvd, 696 Industrial Blvd, 690 Industrial Blvd, 686 Industrial Blvd, 680 Industrial Blvd, 1770 Gunnison Ave, 1775 Gunnison Ave, 1820 1600 Rd, 1860 1600 Rd, 2353 Pioneer Rd and 2231 Pioneer Rd.

Chairman Roberts opened the public hearing. Chairman Roberts informed the Planning Commission that he had attended the City Council meeting where this item was discussed at a work session.

Glen Black, Community Development Director, reviewed the proposed zoning amendments with the Planning Commission. Mr. Black stated that there are 21 parcels that are currently zoned I-1 and the City is proposing that the parcels zoning designation be changed from I-1 to the proposed new I zoning designation. Mr. Black informed the Planning Commission that the I-1 zoning designation does not allow for outdoor storage of materials unless a variance or conditional use request is granted.

Additionally, Mr. Black stated that several citizens have expressed concerns regarding requirements of I-1 zone and therefore the City Manager is the applicant for the various zoning proposed amendments. Mr. Black informed the Planning Commission that the proposed I zone designation will be a combination of the current I-1 and I-2 zoning designations. Mr. Black stated that one significant change is that the new zone would allow more uses on the current properties that are currently zoned I-1, however some uses would still require a conditional use process. Another significant change would be that any outdoor storage would require screening. This would mainly affect the property that is currently zoned I-2. Mr. Black stated that the screening is not specified; normally screening includes fencing or landscaping that would have to be maintained.

Mr. Black and the Planning Commission reviewed the proposed properties. Mr. Black stated that several properties in the Industrial Park are currently using outdoor manufacturing, which is not currently allowed in the I-1 zone. Mr. Black stated that some of the legally non-conforming uses have been grandfathered. Additionally, Mr. Black stated that there are currently offices located in some of the buildings in the Industrial Park, which are not allowed in the I-1 zone.

Mr. Black stated that there are several issues driving the proposed change of the Industrial zone, including but not limited to non-compliance, better utilization of the properties and the proposed change would simplify the code. Mr. Black stated that overall the regulations would be less stringent, except for the impact of screening on the properties currently zoned I-2.

Chairman Roberts opened the public comment section of the public hearing.

Several of the business and property owners of property currently zoned I-1 voiced their concerns regarding the proposed required screening for financial and security reasons. Additional concerns of the property owners included protecting their investments in their property and businesses.

Mr. Black suggested that the language for the proposed screening requirements could be changed to “may” instead of “shall” and possibly include no requirements for screening between like zones. Planning Commissioners stated that regulations should be less restrictive, as the proposed changes generally are, instead of more restrictive, except for the screening requirement.

The business and property owners were generally in support of the proposed changes and informed the Planning Commission that with similar businesses located in one Industrial Park, the businesses were stronger and gave each other support. Additionally, the business and property owners liked the idea of being able to see other businesses at work, as it provided a vibrant business environment. The business and property owners also stated that there has been an evolution of the type of businesses in the Industrial Park over the years.

Mr. Black reminded the property and business owners that if the proposed zoning changes are not adopted, if a legally non-conforming use is expanded, the request would have to go through the conditional use process. Additionally, if the use of the property is discontinued for a period of six months, the non-conforming use would not be allowed unless the non-conforming use was approved again. However, Mr. Black stated that there are some grandfathered uses that would not be allowed if the use was stopped for more than six months.

Chairman Roberts closed the public hearing.



The Planning Commission discussed the proposed changes to the official zoning map of the City of Delta. The Planning Commission agreed that the required fencing/screening needed to be addressed and that the wording should be changed to from “shall” to “may” and that item 17.04.190.C.5 needed to be separated into two separate items. The Planning Commission stated that the criteria for zoning changes have been met, as the use of the area has changed.

A motion was made by Tish Oelke, seconded by Pat Dearmin to approve the request to change the zoning of the following properties: Parcel Number 345701100079 on 1575 Rd, Parcel Number 345709202002 located in the 1200 Blk of Hwy 50, 695 Industrial Blvd, 697 Industrial Blvd, 1745 Gunnison Ave, 1755 Gunnison Ave, 1760 Gunnison Ave, 675 Industrial Blvd, 681 Industrial Blvd, 685 Industrial Blvd, 693 Industrial Blvd, 696 Industrial Blvd, 690 Industrial Blvd, 686 Industrial Blvd, 680 Industrial Blvd, 1770 Gunnison Ave, 1775 Gunnison Ave, 1820 1600 Rd, 1860 1600 Rd, 2353 Pioneer Rd and 2231 Pioneer Rd. from I-1 zone to the proposed I zone and that the proposed I zone section 17.04.190.C.5 should be changed to create a separate item 6 starting with “additionally” and that item 6 should read “Additionally, all outdoor storage may require screening to prevent industrial blight.” and forward the recommendation to City Council. All voted yes. Motion passed.

PUBLIC HEARING – ZONING AMENDMENTS “B-4” TO “B-2”

The Planning Commission held a public hearing regarding amendments to the official zoning map of the City of Delta, Colorado changing the zoning from “B-4” to “B-2” for the following properties: 685 Riley Lane, 477 1600 Rd, Parcel Number 345518204003 on Crawford Ave (Drive In), 1302 Crawford Ave, 1306 Crawford Ave, 1310 Crawford Ave, 1340 Crawford Ave, Parcel Number 345518400058 Crawford Ave, 1360 Crawford Ave and 1390 Crawford Ave.

Chairman Roberts opened the public hearing. Chairman Roberts informed the Planning Commission that he had attended the City Council meeting where this item was discussed at a work session.

Glen Black, Community Development Director, reviewed the proposed changes with the Planning Commission. Mr. Black stated that the City is applicant and that the request is to eliminate the B-4 zone. Additionally, Mr. Black stated that there are 10 properties in the B-4 zone and that the proposed changes would simplify the zoning designations.

Mr. Black reviewed the properties with the Planning Commission. Additionally, Mr. Black stated that automobile body shops, farm implement sales, automobile sales and service and small animal veterinary clinics would be allowed on the properties that are currently zoned B-4 if the zone was changed to B-2. Other uses that were not allowed in the B-4 and would still not be allowed in the B-2 are feed storage and sales, large animal veterinary clinics, construction contractors, machine and welding shops, above ground storage facilities, warehouses and manufacturing, except for inside manufacturing. Mr. Black also stated that trailer home and mobile home sales are not allowed in the B-2 zone, or the B-4 zone, only in the B-3 zone

Chairman Roberts opened the public comment section of the hearing.

Lorella McCombs, 1080 E. 7th Street, expressed concerns regarding allowed taverns, parking and traffic. Ms. McCombs stated that these issues would impact the value of property in the area.



Mr. Black informed Ms. McCombs that approval of any liquor license requires public hearing and is subject to State licensing procedures. Additionally, Mr. Black stated that the building's use, at 685 Riley Lane, has been discontinued for a period of at least six months and that any use would have to go through the City review process to make sure that the use is compatible with City regulations, which would address several of the issues that Ms. McCombs has raised.

Chairman Roberts informed Ms. McCombs that her concerns would be addressed when the property is developed.

The Planning Commission requested that staff submit a request to City Council regarding adding the designation of Bulk (Feed Storage) to Section 17.04.150.D.1. Mr. Black stated that staff would add that to the proposed ordinance for Council consideration.

Chairman Roberts closed public hearing.

The Planning Commission discussed the proposed changes.

A motion was made by Pat Dearmin, seconded by Ginni Selby to approve the amendments to the official zoning map of the City of Delta, Colorado changing the zoning from "B-4" to "B-2" for the following properties: 685 Riley Lane, 477 1600 Rd, Parcel Number 345518204003 on Crawford Ave (Drive In), 1302 Crawford Ave, 1306 Crawford Ave, 1310 Crawford Ave, 1340 Crawford Ave, Parcel Number 345518400058 Crawford Ave, 1360 Crawford Ave and 1390 Crawford Ave and forward the recommendation to the City Council. All voted yes. Motion passed.

COMMISSIONER COMMENTS

Chairman Roberts expressed concerns regarding weed enforcement. Chairman Roberts noted that weed enforcement appeared to be non-existent in some areas of the City.

STAFF COMMENTS

NONE

ADJOURNMENT

A motion was made by Pat Dearmin, seconded by Ginni Selby to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 8:11 p.m. with no further action taken.

Sharleen R. Walker, Executive Secretary