



A regular meeting of the City of Delta Planning Commission was held on Monday, January 7, 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; Barry Singleton, Commissioner; Gerald Roberts, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

**ABSENT:** Gary Burnett, Commissioner; Ginni Selby, Commissioner.

**GUESTS:** Cliff Ulman, Justin Clifton, City Manager, Mark Hatton, Edward (Bud) & Estelle Holmes, Gaylan Turner, Joel Turner, Linda & Robert Campbell,

**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 meeting held on Monday, December 3, 2012 as written. All voted yes. Motion passed.

**CITIZEN COMMENTS**

There were no citizen comments.

**REZONE OF PORTIONS OF VISTA DEL MONTE PLAZA EXPANSION**

Chairman Simmons opened the public hearing on the rezone request for 1527, 1529, 1531, 1533, 1535, 1541 N. Highway 50 from B-2 to B-3. Parcel numbers: 345712201007; 345712201008; 345712201005; 345712201004; 345712201003; 345712201002; 345712200007; 345712200008; 345712200009; 345712200010.

Glen Black, Community Development Director, reviewed the staff report with the Planning Commission. Additionally, Mr. Black reviewed the criteria for Conditional Use and Variances with the Planning Commission. Mr. Black stated that the current use of the property is not an approved conditional use in the B-2 zoning district and that the request does not meet the criteria for a variance because the variance cannot be for a use of the property.

Additionally, staff and the Planning Commission reviewed pictures of the proposed rezone area. There are two properties that are not included in the Vista Del Monte Plaza Expansion rezone request and those two properties are currently being used for residential purposes. The B-2 and B-3 zoning districts do allow for residential use. Mr. Black informed the Planning Commission that there have been two responses received from the neighboring property owners and that one of the responses was in favor of the rezone and one was opposed.

The Planning Commission questioned staff if leaving those two properties as B-2 would be considered spot zoning. Staff stated that there was some concern that leaving those two properties as B-2 could be considered spot zoning. Mr. Black informed the Council that the future land use map shows very limited B-3 zoning areas and that currently there are large pieces of property along the north US Highway 50 corridor that are zoned as B-3.

Cliff Ulman, property owner at 1529 Highway 50, presented the applicants testimony for the rezone application. Mr. Ulman is the spokesman for the landowners, because one of the owners is on vacation and one lives in Arizona. Mr. Ulman stated that his business has been in the Vista Del Monte Plaza for twenty-one years. Mr. Ulman gave a brief history of the property. Mr. Ulman stated that over the years there have been businesses that could not locate in the subdivision because of the B-2 zoning designation. Mr. Ulman stated that the businesses needed to have more flexibility than the B-2 zoning district allows, such as light manufacturing and machine shops. Additionally, Mr. Ulman stated that more flexibility is required for future growth of the area and for continued use of some of the businesses in the subdivision. Mr. Ulman stated that the property owners in the area have spent money to improve their properties and to stay in compliance with the comprehensive plan and that future growth in the area is related to the energy industry, which requires more flexibility with the B-3 zoning designation. Mr. Ulman stated that the area has changed over time with the changing economy. Mr. Ulman informed the Planning Commission that 90% of the properties along north US Highway 50 are currently zoned B-3 because businesses need more flexibility.

The Planning Commission asked if some of the lots were for sale in the area and the Planning Commission was informed that there are some lots that are for sale. Additionally, the Planning Commission asked if there were fire hydrants in the area and it was noted that there are two fire hydrants along 1525 Rd, one at the northwest corner and one across Vista Street on the northeast corner. The Planning Commission had some concerns about fire flows, because of the welding that would be allowed in the proposed B-3 zone. Mr. Black clarified later in the meeting that during the building permit, site development process the issue of fire flows/fire hydrants would be addressed and that typically the developer pays for the water line upgrades.

Mark Hatton, resident at 1550 Vista Dr., stated that he is okay with the way that the neighborhood is currently, however he is hesitant to expand the business zoning mainly because of the impact on residential property values.

Linda Campbell, resident at 1548 Vista Street, stated that she was concerned about outdoor storage and property values. Additionally, Ms. Campbell stated that she did not receive a notice in the mail. It was determined that the notice was mailed to an incorrect address. Ms. Campbell stated that it may make more sense for her property to be part of the rezone request.

Mr. Black informed the Planning Commission that according the Delta Municipal Code section 17.04.270 the area may be enlarged by Planning Commission's motion. Additionally, Mr. Black informed the applicants and property owners that the steps in the process would be that the Planning Commission would make a recommendation to the City Council to either approve or deny the rezone request and that then the City Council would consider the recommendation from the Planning Commission and either accept the recommendation or take no action if no change is recommended, unless an appeal is filed or the Council may decide in its discretion to hear the matter de novo.



Ms. Campbell directed the Planning Commission to include her property, 1548 Vista Street, in the rezone request to change the zoning from B-2 to B-3.

There were no further comments; therefore Chairman Simmons closed the hearing.

A motion was made by Barry Singleton, seconded by Terry Osborne to recommend approval to the City Council of the request to change the zone district of portions of Vista Del Monte Plaza Expansion including addresses 1527, 1529, 1531, 1533, 1535, 1541 N. Highway 50 and 1548 Vista Street from B-2 to B-3. (see vote after discussion below)

The Planning Commissioners discussed the request. Some concerns raised were the following: allowing more uses in the area, the area has changed because the businesses were pushing the envelope and that the request did not meet the criteria for a rezone. Items in favor of the request included the following: the fire flows/fire hydrants would be addressed during the building permit process; the area had changed since it was last zoned; and that the businesses in the area need more flexibility in order to compete in the changing economy.

The Chairman called for the vote. Barry Singleton, Terry Osborne, Carl Jahn and Richard Simmons voted yes. Gerald Roberts voted no. Motion passed.

### **COMMISSIONER COMMENTS**

Carl Jahn requested information on snow removal on sidewalks within the City of Delta. Staff stated that snow removal is the responsibility of adjacent property owners, as required by the municipal code. Mr. Jahn was concerned specifically about the sidewalks along US Highway 50 near 1525 Rd. Staff will look into it.

Chairman Simmons suggested that it may be time to take a look at the comprehensive plan, specifically where future B-3 zones are allowed. Additionally, the Planning Commission suggested that staff review uses in the B-3 zone and present suggested changes to the Planning Commission for further review and recommendations to the City Council.

Justin Clifton, City Manager, expressed his concern that the City has an adopted master plan, while the City has residents that keep asking for deviations to the master plan with divergent opinions to the master plan. Mr. Clifton stated that the worst case scenario would be that the City would have a patchwork of higher impact zones scattered throughout the City that would be a deterrent to future residential zones. Mr. Clifton agreed that it may be time to review the master plan.

### **STAFF COMMENTS**

Sharleen Walker, Planning Technician, informed the Planning Commission that Commissioner Gary Burnett had submitted an email today stating that he was moving and that he was resigning from the Planning Commission. Ms. Walker stated that staff would advertise the opening.

Glen Black, Community Development Director, thanked the Planning Commission for their efforts and the thought that they had put into the rezone request.



**ADJOURNMENT**

A motion was made by Carl Jahn, seconded by Barry Singleton to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 8:12 p.m. with no further action taken.

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Sharleen R. Walker, Planning Technician