



A regular meeting of the City of Delta Planning Commission was held on Monday, June 1, 2015 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; Tish Oelke, Vice-Chairman; Lynn Williams, Commissioner; Carl Jahn, Commissioner; Ginni Selby, Commissioner; Richard Simmons, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: one vacant planning commission member

GUESTS: Mike Weldon, Larry Fritzman.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Ginni Selby seconded by Lynn Williams to approve the minutes of the Planning Commission held on Monday, April 6, 2015 as amended. All voted yes. Motion passed.

CITIZEN COMMENTS

None

PUBLIC HEARING REZONE REQUEST (ZONING AMENDMENT) FOR 791 15.50 ROAD FROM A-1 TO R-1A

Chairman Roberts opened the public hearing for the rezone request (zoning amendment) for 791 15.50 Road from A-1 to R-1A.

Glen Black, Community Development Director, reviewed the zoning amendment requirements and the staff report with the Planning Commission.

Request:

The applicant is requesting that the above property's zoning designation be amended (rezoned) from A-1 to R-1A. The R-1A zone is intended to provide a quiet, low-density development for single family residences, site built or factory built homes. Delta Municipal Code 17.04.070.

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 9 petitions mailed out and currently there has been 1 petition turned in approving of the rezone.

Staff Recommendations:

Staff is in support of the rezone. The 2008 Comprehensive Master Plan Future Land Use Map shows the area to be zoned Medium Density Residential, which includes the current zoning designations of R1, R-1A and R2. There is a 46.4 acre piece of property across the road and a .26 acre piece of property located to the south of the property (not adjacent) that are currently zoned R-1A. Both of these properties were initially zoned R-1A at the time of annexation.

Mr. Black informed the Planning Commission that there is a shared driveway for a separate parcel and home directly to the east of the property being considered for the rezone. Additionally, Mr. Black stated that if the property's zoning is changed to R-1A the new zoning would allow for approximately 10 more single family homes. Currently there is a four-plex on the property and multi-family homes are not allowed in the R-1A zone, but this four-plex is currently a legally non-conforming use.

Mike Weldon, applicant's representative and manager of the property, answered questions from the Planning Commission. The questions included access for the new house, drainage, plans for any additional improvements and parking. Mr. Weldon stated that they will use the same access and that they plan to upgrade the road, but there will be no paving and that the new house will have its own parking. Mr. Weldon stated the new house will not be close to the edge of the property, so drainage will not be an issue.

Larry Fritzlan, 789 15.50 Road, questioned if the new house will be on septic or city sewer, because sewer gas smells were an issue when the existing house was converted into a four-plex. City staff stated that the new house will be required to be hooked up to city sewer.

Additionally, staff stated that the new house will have to use the existing driveway for access, that according to the City regulations parking spaces will have to be provided for the new residence and that drainage will be addressed at the building permit time. Staff informed the Planning Commission that the future land use map does look at this area as being medium density, which contemplates the zoning designation of R-1A.

Chairman Roberts closed the public hearing and reconvened the regular meeting of the Planning Commission. The Planning Commission concurred that the rezone request is not adverse to public health, safety and welfare and that the request is in conformity with the master plan. Additionally, the Planning Commission members stated that the rezone fits in with the other parcels in the area and that the future trend will be to go in this direction.

A motion was made by Ginni Selby, seconded by Carl Jahn to recommend approval of the rezone request to the City Council based upon the request meeting the criteria that the request is not adverse to the public health, safety and welfare and that the request is in substantial conformity with the master plan. All voted yes. Motion passed.

COMMISSIONER COMMENTS

Chairman Roberts informed the Planning Commission that the City council overturned the last Planning Commission rezoning decision. Mr. Black stated that he will address this issue in his comments.



STAFF COMMENTS

Mr. Black stated that there are three finalists for the opening of City Manager and that interviews have been set up for June 11 and 12. Additionally, there will be an open house and reception on June 11 at 5:30 p.m. at the Bill Heddles Recreation Center.

Mr. Black stated that staff appreciates the work that the Planning Commission does and that the criteria for zoning issues are subjective. Mr. Black reviewed what the Council looked at regarding the last rezone of Orval Proctor's property on Main Street. The Council determined that since the residences were demolished on the property several years ago, that the area has changed and that nothing had happened in the area since the houses were removed, and that removing the houses had not benefited the area.

Sharleen Walker, Planning Technician, stated that currently there are no items for the July Planning Commission meeting.

ADJOURNMENT

A motion was made by Richard Simmons, seconded by Ginni Selby to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 6:58 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician