



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**

**December 4, 2017
6:30 p.m.**

A. Changes to the Agenda

B. Resignation of Planning Commission Chairman Lynn Williams

C. Election of Officers

D. Minutes of the November 6, 2017 Planning Commission meeting.

E. 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.**

F. Public Hearing – Zoning Amendment (Rezone) for 1726, 1728 and 1730 E 3rd Street from R1-A to MR – Medical Residential

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

G. Commissioner Comments

H. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, November 6, 2017 at 6:38 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: Mary Cooper, Vice-Chairman; Jay Stooksberry, Commissioner; Richard Simmons, Commissioner; Mark Lee, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: Lynn Williams, Chairman; Carl Jahn, Commissioner.

UNEXCUSED ABSENCE: Virginia Alexander, Commissioner.

GUESTS: Christy Prettyman,

CHANGES TO THE AGENDA

Added 1732 E 3rd Street Rezone.

MINUTES

A motion was made by Richard Simmons, seconded by Jay Stooksberry to approve the minutes of the Planning Commission held on Monday, October 2, 2017 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

None

1732 E 3RD STREET REZONE

Glen Black, Community Development Director, informed the Planning Commission that this item was scheduled to be on the agenda tonight, however the public notice did not get to the newspaper before the deadline, but the notices were mailed to the residents within 100'. Staff is requesting that the item be tabled until December 4, 2017 because the required public notice was not completed.

MARIJUANA ZONING DISCUSSION

Mary Cooper, Vice-Chairman, opened the discussion on marijuana zoning. Glen Black, Community Development Director, informed the Planning Commission that he had talked with the school district regarding two buildings that they have purchased, the old City Market/Chaco building 124 E 6th and the old Bank of Colorado Building, 145 W 4th that will have class rooms and be considered school buildings. The 1000' radius from school buildings takes out most of Main Street.

Mr. Black also reminded the Planning Commission of the four different types of marijuana licenses that are being proposed on the petition.



The Planning Commission discussed the different zones of the City of Delta and where the different types of marijuana licenses would possibly fit. The discussion included zoning that would be appropriate for the long term; current uses in the different zones; self limiting number of licenses depending on the market for the marijuana products; location of larger parcels for cultivation etc.

A motion was made by Richard Simmons, seconded by Jay Stooksberry to recommend to the City Council the proposed zones for the four different types of marijuana licenses: B-1, B-2 use by right: retail marijuana stores; B-3 uses by right: retail marijuana stores, retail marijuana products manufacturing, retail marijuana testing facilities; Industrial uses by right: retail marijuana stores, retail marijuana products manufacturing, retail marijuana testing facilities; B-1, B-2, B-3, I, A-1 as Conditional Use: retail marijuana cultivation. All voted yes. Motion passed.

Staff stated that Council will consider the recommendation at the November 21, 2017 City Council meeting. Additionally, Council will discuss excise taxes. Staff thanked the Planning Commission members for all of their time and effort into the marijuana research and recommendation.

COMMISSIONER COMMENTS

The commissioners stated that the vote on the petition will be the test if the people of Delta want retail marijuana sales in the City of Delta.

STAFF COMMENTS

Sharleen reminded Planning Commission that the deadline to RSVP for the Christmas party is Thursday, December 9th.

ADJOURNMENT

A motion was made by Jay Stooksberry, seconded by Richard Simmons to adjourn the regular Planning Commission meeting. The meeting was adjourned at 7:57 p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



Staff Report Zoning Amendment

Staff: Glen L. Black **Date:** 12-04-2017
Owner: Diamond Lazy L Ranch Ent. **Applicant:** Pat Stroud
Location: 1726, 1728 & 1730 E. 3rd St. **Parcel #** 3455-173-000-39
Zone District: R1-A **Parcel Size:** 12362 sq ft approx
Subject: Zoning Amendment (Rezone) from R1-A to MR – Medical Residential

Request:

The applicant requests a Zoning Amendment (Rezone) of 1726, 1728 and 1730 E 3rd Street from R1-A to MR – Medical Residential.

17.04.120 MR District

A. INTENT: The MR District provides for a mixture of medically oriented activities, clinics, pharmacies, and hospitals along with residences.

B. USES BY RIGHT:

1. Doctors' and dentists' offices, clinics, and pharmacies.
2. Hospitals (not including animal hospitals).
3. Single family homes, duplexes and multi-family residences.
4. Government buildings and facilities.
5. Churches, including accessory child care facilities and schools.
6. Parks and recreation facilities owned or operated by a homeowners' association.
7. Public utility service facilities.
8. Floral shops.
9. Nursing homes and sanitariums for the aged, invalid, or mentally ill or impaired.
10. Bed and breakfast operations.
11. Child care facilities.
12. Assisted living facilities.
13. Accessory uses.
14. Sales and distribution of medical supplies substantially focused within Western Colorado.
15. Cemeteries.
16. Medically oriented retail or service businesses, excluding manufacturing.
17. Adult care facilities.

C. PERFORMANCE STANDARDS: No Factory Built Housing, except for Allowed Modular Housing as defined in Section 17.04.020(A)(9), shall be authorized. Any Allowed Modular Unit(s) must



be permanently attached to an engineered foundation and properly connected, completed and inspected on site in accord with the reasonably applicable provisions of Chapter 15.04 of the Delta Municipal Code as outlined in the pertinent building permit. (Ord. 4, §1, 1999; Ord. 44, 2000; Ord. 9, §7, 2004; Ord. 7, §10, 2005; Ord. 4, §7, 2008)

Criteria for Approval of a Zoning Amendment (Rezone):

17.04.270 Amendments and additions to the Zoning Regulations and Map.

A. Rezoning:

1. 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:

- a. The amendment is not adverse to the public health, safety and welfare; and
- b.
 - i. The amendment is in substantial conformity with the Master Plan; or
 - ii. The existing zoning is erroneous; or
 - iii. Conditions in the area affected or adjacent areas have change materially since the area was last zoned.

2. Rezoning may be requested or initiated by the City Manager, the Planning Commission, or the owner of any legal or equitable interest in the property or the owner's representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedure of Section 17.04.290. The area considered for rezoning may be enlarged by the Planning Commission on its own motion over the area requested in the application with proper notice. The applicant shall provide an adequate legal description of the proposed zoning.

B. Zoning of additions:

1. The Planning Commission shall recommend to the Council a use designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 17.04.290 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter.

2. The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare.

C. Legislative zoning: Comprehensive review and re-enactment of all or a significant portion of the Zoning Map shall be a legislative action, and shall not be subject to the review procedure of Section 17.04.290 or any criteria set out in this Section.

D. No amendment, addition to or re-enactment of the Zoning Map shall become effective until enacted by ordinance approved by at least three Councilmembers.

E. Amendments to these regulations shall be made by an ordinance. (Ord. 4, §1, 1999)



Discussion

The Comprehensive Master Plan future land use map shows the area to be zoned MR - Medical Residential. The applicant wishes to build an additional house on the property to replace the trailer that was removed. The applicant has a water and sewer tap that is not being utilized since the trailer has been removed.

There were 8 petitions mailed to surrounding property owners and there has been 1 petition returned approving the request and one petition returned opposing the request.

The request was properly noticed in the newspaper, the neighbors were notified of the hearing and a poster was posted on the property.

Staff Recommendation

Staff recommends approval of the rezone request because the request is in substantial conformity with the Comprehensive Master Plan.

Example Motion

I move that Planning Commission **recommend/not recommend** the zoning amendment for 1726, 1728 and 1730 E 3rd Street from R1-A to MR – Medical Residential to the Delta City Council.

Zoning Map



Aerial Map





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		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:	1720 & 1728 &	Application Date:	10-10-17
Site Location:	1730 E 3 rd	Current Land Use:	multiple residential/3 units
Assessor Parcel #:	3455173 00039	Current Zoning:	duplex + trailer
Proposed # of Lots:	No change	Size - Acres/Sq Ft:	.29

Project Description:
 There are all ready 3 sewer taps & 3 water taps. The city has sent notice they want the old trailer removed. I have been trying for 6 months to get all the inspections & notifications done to comply. Now I would like a change in zone to medical/residential so I can replace the trailer with a small "travelling nurses" unit.
 RIA to MR

	Property Owner	Developer	Representative
Name	Diamond Lazy L Ranch Enterprises	Same	Patricia K. Strong
Address	825 Main St.		
City/State/Zip	Delta Co. 81416		
Phone	970-874-4401		
Fax	970-874-7636		
E-mail	patinterwestre@aquesto@rice.net		

Signature: Patricia K. Strong Date: 10/13/2017

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.

October 5, 2017

Diamond Lazy L. Ranch Enterprises LLP
825 Main Street
Delta, Colo. 81416

I am requesting a change of zoning on this parcel of ground. It has had three dwellings on it for many years. There are three water taps and three City of Delta sewer taps. It has natural gas and electricity to each of the units.

It has been used as a rental along with the duplex on the same property. At one point I wanted to take the old trailer off and replace it with a newer one. Mr. Black and I had met and he agreed I could do that as long as the replacement trailer was of an equal size to the existing one. I looked and looked for a replacement but was not able to get one of the same size so I continued to rent it out.

Although we kept the trailer in good condition for a long time it did need some maintenance so I let one renter move in with the agreement he was to take off the paneling in the living room and replace it with new. Between him and the one just before him who painted it black and fusia I was so disgusted with the renters I closed it up, shut the utilities off and have left it for two years.

The City sent me notice to remove the trailer. I have obtained the asbestos check as well as all the other required permits and will have the trailer removed soon.

This property is so close to the hospital I would like a change to Medical/Residential so I can build an attractive – small two bedroom rental unit which I plan to rent to residents of the medical staff working at our hospital.

Respectfully,



Patricia K. Stroud
manager