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## A G E N D A

**Planning Commission  
Regular Meeting**

**March 5, 2018  
6:30 p.m.**

**A. Changes to the Agenda**

**B. Minutes of the February 5, 2018 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 for a portion of property located near the intersection of 1725 Road and H Road part of the MTN Subdivision and Church of the Nazarene Boundary Adjustment.**

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

**E. Three Mile Plan/SB 45 Plan**

**F. Commissioner Comments**

**G. Staff Comments**



A regular meeting of the City of Delta Planning Commission was held on Monday, February 5, 2018 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: Jay Stooksberry, Vice-Chairman; Carl Jahn, Commissioner; Richard Simmons, Commissioner; Mark Lee, Commissioner; Arla Nelson, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician. Mary Cooper arrived at 6:43 p.m.

ABSENT: None – One vacancy

GUESTS: Levi Branham, Bill Slaughter, Mike Lance.

### **WELCOME TO NEW PLANNING COMMISSION MEMBER**

Vice-Chairman Jay Stooksberry welcomed new Planning Commission member, Arla Nelson.

### **CHANGES TO THE AGENDA**

There were no changes to the agenda.

### **MINUTES**

A motion was made by Carl Jahn, seconded by Richard Simmons to approve the minutes of the Planning Commission held on Monday, January 8, 2018 as written. All voted yes. Motion passed.

### **CITIZEN COMMENTS**

None

### **SLAUGHTER MINOR SUBDIVISION**

Jay Stooksberry, Vice-Chairman, introduced the Slaughter Minor Subdivision for review. Glen Black, Community Development Director, reviewed the staff report with the Planning Commission. The proposed Slaughter subdivision is located at 1565 Highway 50 and is proposed to create two lots. There is currently a residence and a business on the property and the applicant wants to sell the two properties separately. The proposed subdivision meets the criteria of the Municipal Code. The residence will have access from H38 Road to 1560 Road, not off of the highway. The B-2 zone allows for residential as a use by right.

Bill Slaughter, applicant, stated that both neighbors to the north have agreed to quit claim the property that historically has been used by the Slaughter property. Mr. Slaughter has agreed to remove the storage building and the porch roof to allow for the side setbacks to be met.

A motion was made by Mark Lee, seconded by Carl Jahn to recommend approval of the Slaughter Minor Subdivision to the City Council with no conditions. All voted yes. Motion passed.



**PUBLIC HEARING CHANGE IN NON-CONFORMING USE AT 742 1600 ROAD**

Jay Stooksberry, Vice-Chairman, opened the public hearing. Glen Black, Community Development Director, reviewed the staff report with the Planning Commission. Mr. Black stated that the applicant wants to add a second story to the home and the house appears to be encroaching into the front and side setback. The house is a legal non-conforming use, but the use can't be increased without approval of a change in non-conforming use.

Levi Branham, applicant, informed the Planning Commission that he has had an engineer look at the house and see if a second story can be added. Additionally, Mr. Branham stated that he would like to go straight up with an 8 foot second story with a traditional roof line.

Mike Lance, engineer, stated that he had looked at the integrity of the building and that he can work with the existing structure, by adding reinforcements, to add a second story.

Vice-chairman Stooksberry closed the hearing.

A motion was made by Mary Cooper, seconded by Richard Simmons to approve a change in non conforming use at 742 1600 Road to allow a second story on the existing house. All voted yes. Motion passed.

**COMMISSIONER COMMENTS**

Mary Cooper apologized for being late to the meeting.

**STAFF COMMENTS**

None.

**ADJOURNMENT**

A motion was made by Mary Cooper, seconded by Richard Simmns to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 6:59 p.m. with no further action taken.

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Sharleen R. Walker, Planning Technician



## Staff Report

### Zoning Amendment

**Staff:** Glen L. Black                      **Date:** 3-5-2018  
**Owner:** Cedar Creek Estates, LLC      **Applicant:** Jim Renfrow  
**Location:** MTN Sub. 1725 Rd & H Rd.      **Parcel #** 3455-172-000-02  
**Zone District:** R1-A                      **Parcel Size:** 3.5 acres  
**Subject:** Zoning Amendment (Rezone) from R1-A (Residential) to A-1 (Agricultural)

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#### **Request:**

The applicant requests a Zoning Amendment (Rezone) of a portion of the MTN Subdivision, located near the corner of 1725 Rd and H Rd be rezoned from R1-A to A-1. The applicant is in the process of completing a Boundary Adjustment between two parcels with two different zone districts. This Zoning Amendment will allow the newly formed parcel to have the A-1 zone over the entire parcel.

#### **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 changed 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.

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.

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### **Discussion**

The surrounding property is currently zoned B-2 and A-1. The applicant has a prospective buyer that would like to build a church on the property. The A-1 zone allows churches as a use by right.

There were 5 petitions mailed to surrounding property owners and there has been 0 petition returned approving the request and 0 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**

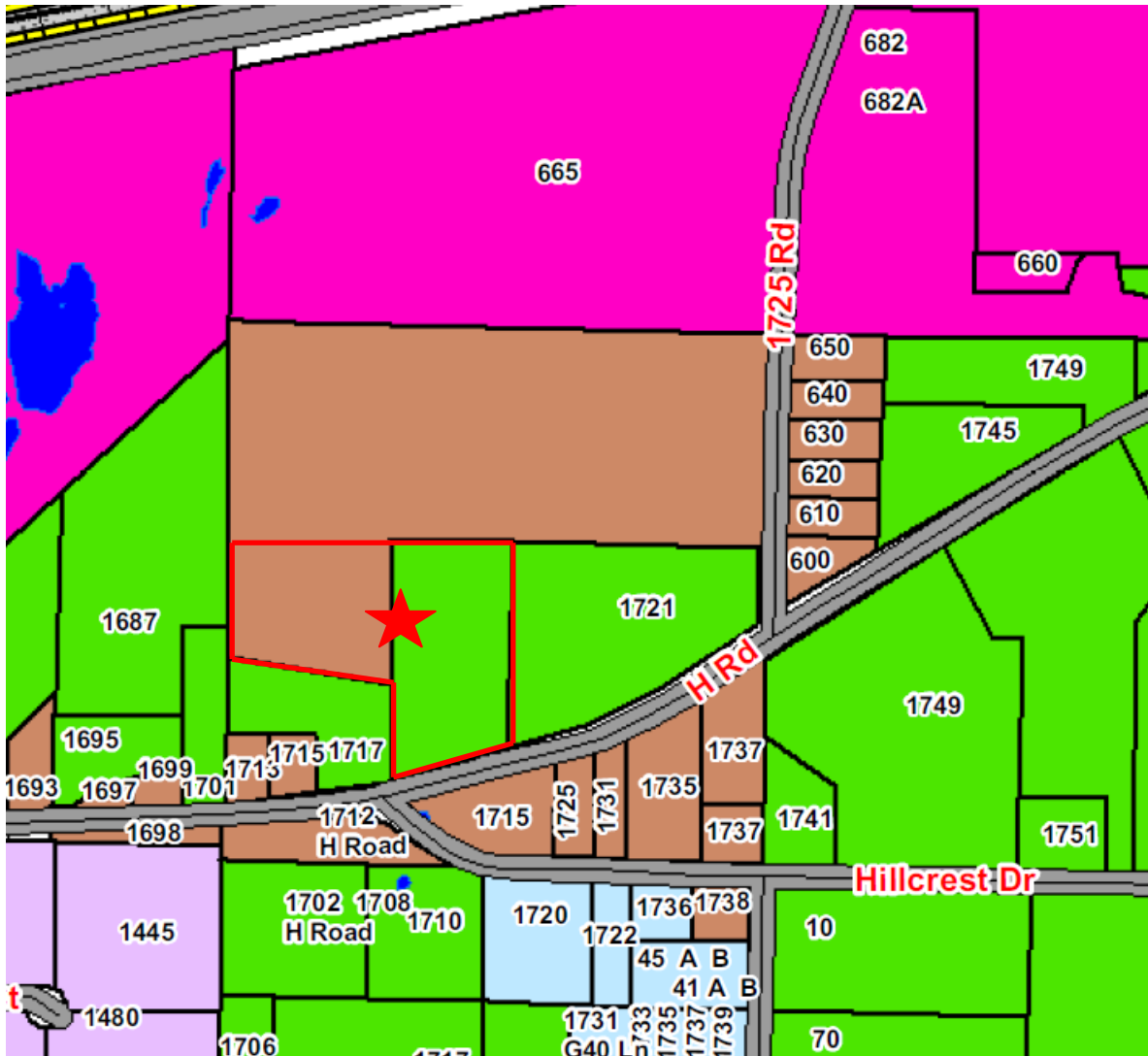
Staff recommends approval of the rezone request, contingent on recording the Boundary Adjustment Plat. This will give a single zone district over the newly created parcel.

### **Example Motion**

I move that Planning Commission **recommend/not recommend** the zoning amendment for a portion of the MTN Subdivision from R1-A to A-1, contingent on recording of the Boundary Adjustment Plat.

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Zoning Map



### Aerial Map





## Three Mile Plan - 2018

### Overview

The following plan is hereby developed to comply with C.R.S. 31-12-105 (e)(I), which states the following:

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year..... Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually.....

### The Plan

The City of Delta's Three Mile Plan includes the following:

1. A boundary map showing a three mile area around the City.
2. The City of Delta Comprehensive Plan, including the Future Land Use Plan map.
3. The Growth Management Agreement between the City and Delta County recorded January, 2007 in the Delta County Records.
4. The Delta County Road and Bridge Map, incorporated to the extent of the three mile area shown on the boundary map.
5. The Capital Improvement Plans.
6. The Major Street Plan which was updated in 2016.

Public utilities in the three mile area include the following:

- a. Power providers: Include the City of Delta and Delta-Montrose Electric Association within their respective service areas.
- b. Sewer: Available in and near the City from the City of Delta. City sewer is extended as per City ordinances at the cost of the applicant, or pursuant to special financial projects. Other areas are planned for agricultural or low density residential until City sewer is extended. Individual Sewage Disposal Systems (ISDS) are authorized under certain circumstances in the City.
- c. Water service: Domestic water services are provided in the area by the City of Delta and Tri-County Water Conservancy District within their respective service areas





- d. Trash collection: City trash service is provided within the City. Private collection services operate outside and within the City. Delta County operates the Delta County Landfill.
- e. Telephone: Century Link Communications and TDS as per their certified service areas.
- f. Natural Gas: Black Hills Energy provides service available in the City, in fringe areas of the City, and along the main pipeline only.
- g. Cable TV: Available in and near the City only, pursuant to Spectrum CATV permit.

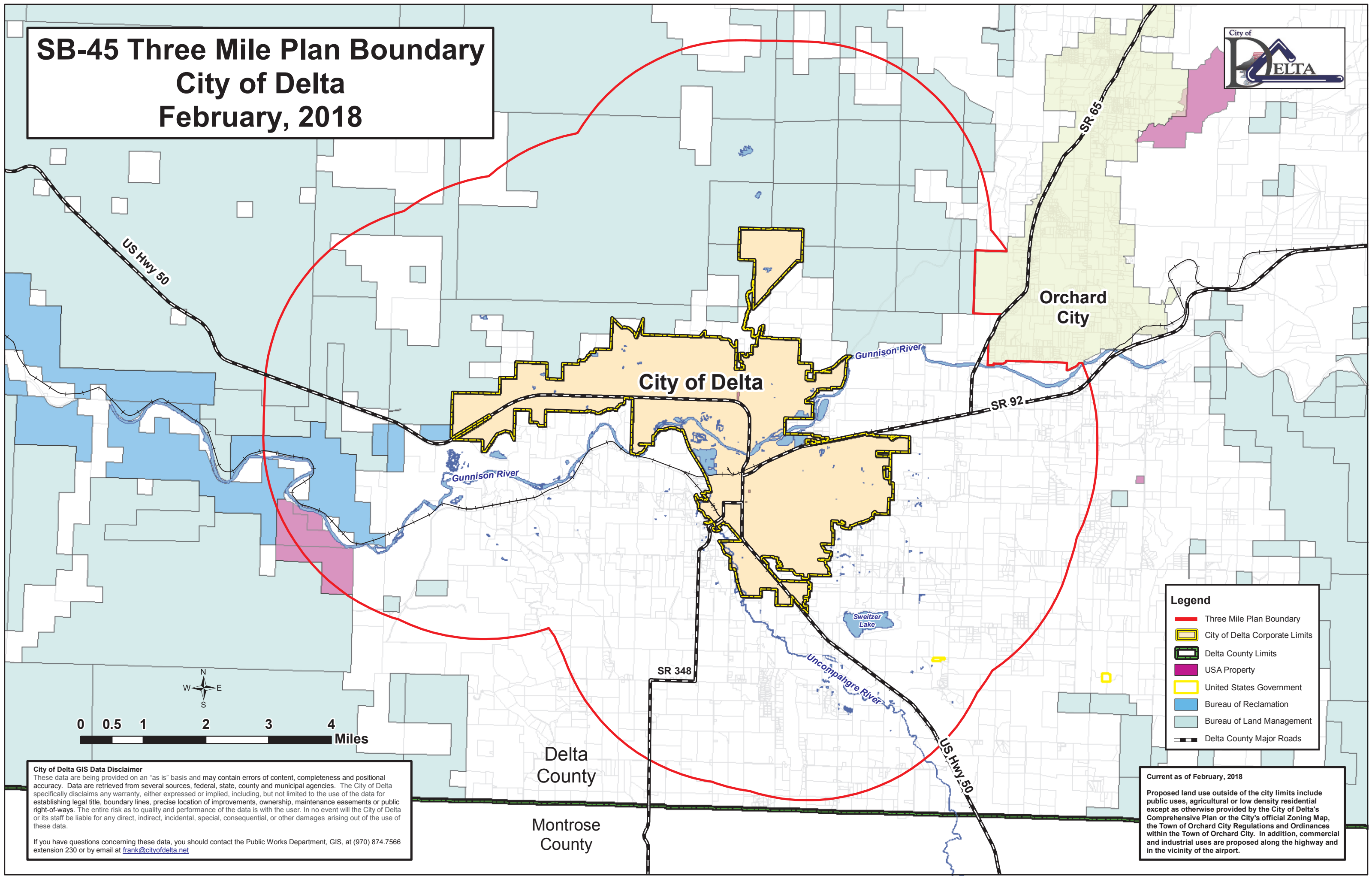
The proposed land uses of the area consist of public land, agricultural uses, and low-density residential uses, except to the extent specifically provided otherwise by the City's Zoning Map, Comprehensive Plan, and Future Land Use Plan map.

No transportation services are proposed to be provided by the City other than streets, alleys or bikeways, and recreation pathways.

To the extent that any item mentioned in C.R.S. 31-12-105 (1) (e) is not reflected in the items of this Plan, the Plan should be construed to mean that no such facilities are contemplated to be provided.

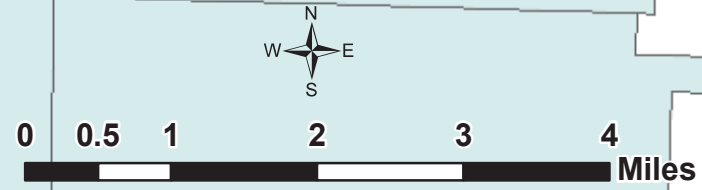
In the event of any conflict between anything in the foregoing elements of the Three Mile Plan and City ordinances or regulations, the City ordinances and regulations shall control. The City of Delta Comprehensive Plan and other city elements of the above documents shall control with respect to any conflicts with provisions of the plan incorporated from other "non-City" entities.

# SB-45 Three Mile Plan Boundary City of Delta February, 2018



**Legend**

- Three Mile Plan Boundary
- City of Delta Corporate Limits
- Delta County Limits
- USA Property
- United States Government
- Bureau of Reclamation
- Bureau of Land Management
- Delta County Major Roads



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If you have questions concerning these data, you should contact the Public Works Department, GIS, at (970) 874.7566 extension 230 or by email at [frank@cityofdelta.net](mailto:frank@cityofdelta.net)

Current as of February, 2018

Proposed land use outside of the city limits include public uses, agricultural or low density residential except as otherwise provided by the City of Delta's Comprehensive Plan or the City's official Zoning Map, the Town of Orchard City Regulations and Ordinances within the Town of Orchard City. In addition, commercial and industrial uses are proposed along the highway and in the vicinity of the airport.

Delta County  
 Montrose County