

ORDINANCE NO. 741

AN ORDINANCE OF THE TOWN OF MILLIKEN REZONING CERTAIN PROPERTY NOW KNOWN AS MEADOW FARMS, FORMERLY KNOWN AS DUTTON ANNEXATION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO AE (AGRICULTURAL ESTATE) ZONING DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, Milliken Investors, LLC (the "Owner") is the owner of the property located at southeast corner of County Road 19 and County Road 44, legally described in Exhibit A, attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owner has made an application to change the zoning of the Property from R-1 (Single Family Residential) to AE (Agricultural Estate) pursuant to Section 16-3-540 of the Milliken Land Use Code ("Land Use Code"); and

WHEREAS, the Milliken Planning and Zoning Commission considered the zoning proposal at a duly noticed public hearing conducted on January 18, 2017, and forwarded its recommendation of approval to the Board of Trustees; and

WHEREAS, public notice has been properly given of the proposed rezoning of the Property by publication in the Johnstown Breeze, a newspaper of general circulation within the Town of Milliken, posting of the Property and by mail notification of adjacent property owners in accordance with the applicable provisions of the Land Use Code; and

WHEREAS, in accordance with the Land Use Code, a public hearing was held on January 25, 2017 before the Milliken Board of Trustees, at which time evidence and testimony were presented to the Board concerning said rezoning proposal; and

WHEREAS, the administrative record for this case includes, but is not limited to, the Land Use Code, the Town of Milliken 2016 Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with the submittals of the Owner and Owner's designated representative(s), as applicable, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the Community Development Department pertaining to the application; and

WHEREAS, one of the primary goals of the Town of Milliken 2016 Comprehensive Plan is to "build on our strengths and traditions" and rezoning this Property to AE maintains a strong tie to the rural nature of the Milliken Community; and

WHEREAS, Goal H-3.3 of the Comprehensive Plan further seeks to "ensure that Milliken has neighborhoods and development sites that are available and attractive for estate housing"; and

WHEREAS, rezoning the Property to AE zoning is consistent with the long range development and growth of the Town as set forth in the 2016 Comprehensive Plan; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees has determined that the proposed rezoning of the Property, subject to any conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; conforms to the Town's Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Municipal Code.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY COLORADO:

Section 1: Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Town Board of Trustees.

Section 2: Rezoning Approved. The Board hereby approves rezoning of the Property, as legally described in Exhibit A, attached hereto and incorporated herein, from R-1 "Single Family Residential" to AE "Agricultural Estate District." The Town staff is directed to amend the Town's official zoning map to reflect the Property's AE zoning district classification consistent with this Ordinance.

Section 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 4: Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance of the Milliken Municipal Code are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this 20th day of JANUARY, 2017.

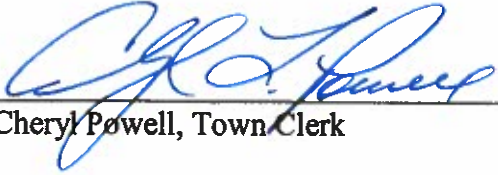


TOWN OF MILLIKEN



Beau Woodcock, Mayor

ATTEST:



Cheryl Powell, Town Clerk

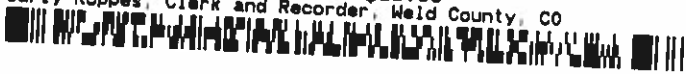
APPROVED AS TO FORM:



Linda Michow, Town Attorney

Published: February 2, 2017

4383845 Pages: 3 of 4
03/19/2018 01:35 PM R Fee:\$28.00
Carly Koppes, Clerk and Recorder, Weld County, CO



**EXHIBIT A
LEGAL DESCRIPTION**

LOT 2, 9102 COUNTY ROAD 44 MINOR SUBDIVISION AS RECORDED IN THE RECORDS OF WELD COUNTY, COLORADO AT RECEPTION NUMBER 3762964 TOGETHER WITH THAT PARCEL OF LAND DESCRIBED IN THE QUIT CLAIM DEED DATED MAY 15, 2009 RECORDED AT RECEPTION NO. 3628520 IN THE RECORDS OF SAID COUNTY. SAID PARCELS BEING LOCATED IN THE NORTH 1/2, NW 1/4, SECTION 22, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN IN THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO
SAID PARCELS CONTAIN A TOTAL AREA OF 3,351,019 SQUARE FEET OR 76.93 ACRES, MORE OR LESS

4383845 Pages: 4 of 4
03/19/2018 01:35 PM R Fee:\$28.00
Carly Koppas, Clerk and Recorder, Weld County, CO

