

**ORDINANCE NO. 743**

**AN ORDINANCE OF THE TOWN OF MILLIKEN REZONING LOT 3, DOVE VALLEY SUBDIVISION, FROM AGRICULTURAL (A) TO C-4 SERVICE BUSINESS DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP**

**WHEREAS**, Roger Allen Frank, Gary Dean Frank and Ronald Lee Frank (collectively the "Owners") are the owners of the property located at 1169 S. Quentine Avenue, Milliken, legally described as Lot 3, Dove Valley Subdivision, Town of Milliken, County of Weld, Colorado (Referred to herein as the "Property"); and

**WHEREAS**, the Owners have made an application to change the zoning of the Property from A Agricultural District to C-4 Service Business District; 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 to 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, and by mail notification of adjacent property owners in accordance with the applicable provisions of the Land Use Code; and

**WHEREAS**, in accordance with Chapter 16 ("Land Use Code") of the Milliken Municipal Code, a public hearing was held 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 Owners and Owners' 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**, the Comprehensive Plan adopted in February 2016 by Resolution No.16-03 contains a Framework Plan, which designates the corner of S. Quentine Avenue or County Road 21 and County Road 46 as mixed use/commercial; and

**WHEREAS**, the corner of S. Quentine Avenue and County Road 46 contains the subject Property; and

**WHEREAS**, one of the Comprehensive Plan goals is to attract new businesses and retain existing ones in downtown and other employment centers in order to expand the tax base and increase opportunities for residents to work and meet their daily needs in Milliken; and

**WHEREAS**, another goal of the Comprehensive Plan is to identify and invest in infrastructure improvements that will create new locations for businesses and residents to locate within Milliken; and

**WHEREAS**, the Comprehensive Plan focuses economic development efforts and public improvements on amenities and infrastructure needed for Milliken's target industries in agricultural, manufacturing, and energy; and



WHEREAS, the proposed C-4 zoning designation for the Property is consistent with the long range economic 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; generally conforms with 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 Lot 3, Dove Valley Subdivision, Town of Milliken, County of Weld from A "Agricultural District" to C-4 "Service Business District." The Town staff is directed to amend the Town's official zoning map to reflect the Property's C-4 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.

4383846      Pages: 2 of 3  
03/19/2018 01:35 PM R Fee:\$23.00  
Carly Koppes, Clerk and Recorder, Weld County, CO

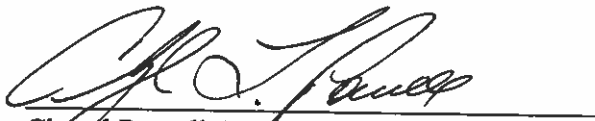


Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this 8<sup>th</sup> day of February, 2017.

**TOWN OF MILLIKEN**

  
Beau Woodcock, Mayor

ATTEST:

  
Cheryl Powell, Town Clerk

APPROVED AS TO FORM:

  
Linda Michow, Town Attorney

Published: March 2, 2017

4383846 Pages: 3 of 3  
03/19/2018 01:35 PM R Fee:\$23.00  
Carly Koppes, Clerk and Recorder, Weld County, CO  
