



**TOWN OF MILLIKEN
PLANNING COMMISSION
AGENDA MEMORANDUM**

To: Chairman Woodcock and Planning Commissioners From: Martha Perkins, Community Development Director Via: Kent Brown, Town Administrator		Public Hearing Date: October 5, 2016	
Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing/Meeting for the Review and make a Recommendation for a request to amend the Town of Milliken’s Official Zoning District Map for Frank Brothers Lots on the NW and NE Corner of Quentine Ave and Inez Blvd also known as Lot 31, Block 12 of the Wal-Mar 3 rd Subdivision and Lot 32, Block 12 of the Wal-Mar 3 rd Subdivision from a R-1 “Single Family Residential” Zoning District to I-2 “Medium Industrial” Zoning District and Lot 3 of the Dove Valley Subdivision from an A “Agricultural” Zoning District to I-2 “Medium Industrial” Zoning District			
Attachments: Application Comprehensive Plan Framework Maps Draft Ordinance 709			
Staff Recommendation: Staff recommends approval by the Planning & Zoning Commission.			

PURPOSE

To consider a request from the Frank Brothers, Gary, Roger and Ronald, to amend the Town of Milliken’s Official Zoning District Map for their three (3) lots on the NW and NE Corner of Quentine Ave and Inez Blvd also known as Lot 31 and 32, Block 12 of the Wal-Mar 3rd Subdivision from a R-1 “Single Family Residential” Zoning District to I-2 “Medium Industrial” Zoning District and Lot 3 of the Dove Valley Subdivision from an A “Agricultural” Zoning District to I-2 “Medium Industrial” Zoning District. The area is just over 2.5 acres in size.

BACKGROUND INFORMATION

Type of Application:	Rezoning
Location:	Lot 31, Block 12 of the Wal-Mar 3 rd Subdivision, Lot 32, Block 12 of the Wal-Mar 3 rd Subdivision and Lot 3 of the Dove Valley Subdivision
Applicant:	Gary, Roger and Ronald Frank
Existing Land Use:	Agricultural with a Utility Service Facility & Storage
Surrounding Land Use:	North: R-1 Single Family Residential West: Planned Unit Development – R-2 Dove Valley Senior Housing

	South: Planned Unit Development (Used as Agricultural)
	East: R-1 Single Family Residential
Zoning:	Agricultural and R-1 Single Family Residential to I-2 Medium Industrial
Comprehensive Plan:	The Comprehensive Plan designates the intersection as a Commercial/Mixed Use Node
Notice:	Notice was mailed to Surrounding Property Owners within 300' of the proposed development via Certified/Return Receipt mail on August 11, 2016. The hearing was published in the <i>Johnstown Breeze</i> on August 18, 2016. Referral notices were mailed/emailed on August 11, 2016

The 2016 Comprehensive Plan Update Framework Map designates the intersection of CR21 and CR46 or Quentine Ave and Inez Blvd as a commercial/mixed use node or center. The parcels designated with red stars are zoned A "Agricultural" and R-1 "Single-Family Residential". The current use of the property has evolved from agricultural uses to industrial uses and thus, the property owners are requesting to rezone all three parcels to I-2 "Medium Industrial".



APPLICANT'S REQUEST

Lot 3 of the Dove Valley Subdivision

The applicant is requesting is asking to rezone 1169 S. Quentine Avenue or Lot 3 of the Dove Valley Subdivision from an A "Agricultural" District to an I-2 "Medium Industrial" District. Kinetic Energy, an existing business, has a lease for this land with Roger, Gary, and Ron Frank. The Franks are asking for this rezoning to allow an energy-related company to use the property for an industrial use. Lot 3 of the Dove Valley Subdivision consists of 1.95 acres and sits on the north side of CR 46 and east of Quentine Avenue.

The applicant is arguing that the industrial use is similar to an agricultural use. The rezoning will have a minimal impact on the property's characteristics and functionality. The industrial use should not disrupt the physical appearance of the property and the surrounding area. In addition, the rezoned industrial property will have the same or even less of a traffic impact then when the property was used for an agricultural use. There is less equipment being kept on the property now than before.

The impact of the commercial use on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit should be the same with a minimal impact on these services. The existing property has water and sewer taps that have been paid for. Two water taps exist with only one of them in use. The sewer has not been accessed at this time, but it has been paid for.

Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision

The applicant is requesting is asking to rezone Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision from R-1 "Single-Family Residential" District to an I-2 "Medium Industrial" Zoning District in an effort to implement the 2016 Comprehensive Plan's Chapter 3: "A Strong Diversified Economic Base" for the Town of Milliken. The applicant believes the rezoning will include, but not be limited to, employment and business related opportunities. Together Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision consist of .32 acres and .26 acres totaling .58 acres on the north side of CR 46 and east of Quentine Avenue.

COMPLIANCE WITH TOWN LAND USE CODE

This staff memorandum is prepared in accordance with the Land Use Code attached to the back of the staff report. Staff compiled the most relevant sections of the Code for the Planning and Zoning Commission's and Town Board's review of the application.

REVIEW CRITERIA

The Milliken Envision Comprehensive Plan is implemented through the Town's Land Use Code. Linking the Land Use Code or Chapter 16 of the Town's Municipal Code ordinances to the goals of the Comprehensive Plan provides the Town with the municipal land-use controls and the structure necessary to withstand legal challenge. This connection ensures too that the goals identified in the Comprehensive Plan are linked to standards for implementing the Community's Vision as provided below:

"Milliken's vision is founded on the premise that the vitality and future growth of the Town and the quality of life of its residents are dependent upon the balancing of

multiple contributing factors. These contributing factors are embodied in eight guiding principles, which build on Milliken's strengths and traditions and represent specific outcomes that the community wishes to strive for over the next ten to twenty years. These guiding principles provide an organizing structure for the Plan and set the stage for more specific goals and policies that will guide the Town in its efforts to implement the ideals expressed by the community."

The 2016 Comprehensive Plan's guiding principles include: a strong, diversified economic base; a vibrant downtown that functions as the heart of the community; a complete and highly accessible system of parks, open space, trails and recreational opportunities; a district community identity that reflects Milliken's cultural, archaeological, historic, and agricultural resources; a fiscally sustainable pattern of development; and a diverse mix of housing types to meet the needs of residents of all ages, incomes, and abilities; a safe and disaster resilient community; and a well-connected community.

Each of the Comprehensive Plan's guiding principles are chapters in the Comprehensive Plan. The applicant cites the rezoning supports the Comprehensive Plan's Chapter 3: "A Strong, Diversified Economic Base", which has this vision:

"Milliken will maintain a clear focus on the need to diversify jobs, services, and business and to transition from being a bedroom community, to one with a more balanced economic base. Milliken will focus its infrastructure improvements and economic development efforts on attracting new industries, employers and jobs to the community that are drawn to Milliken's small-town character, views of the mountains and the South Platte River, proximity to major freight rail corridors, access to Denver International Airport via Highway 85, vibrant downtown, and high quality of life."

One of the specific goals in building a strong, diversified economic base is to take steps 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. Economic development efforts should focus on amenities and infrastructure needed to target and attract companies involved in agriculture, manufacturing, and energy with the opportunity to take advantage of Milliken's Enterprise Zone. Economic development efforts include supporting the retention, expansion, and entrepreneurial activities of local businesses and residents while attracting new businesses/services to the community that do not currently exist such as a grocery store and medical offices.

In addition, the guiding principle for a fiscally sustainable pattern of growth focuses on proactive planning and investment in utility infrastructure in emerging portions of the development and in reinvestment of the downtown's aging infrastructure to make sure that future growth can be accommodated in the most efficient, cost-effective manner possible. The Plan states the Town will work with property owners and developers to encourage cohesive new neighborhoods, which will be designed to meet the varying needs of residents. In addition, the Town will encourage infill and redevelopment in the downtown area and surrounding neighborhoods as well as Greenfield development in the larger planning area.

The Franks' property is right on the edge of the downtown core, where many infrastructure improvements will need to be planned proactively to allow for additional growth of the Town in the most efficient, cost-effective manner possible. This request for a zone change should not impact the need for these infrastructure improvements, except that the Fire Marshal requests that

an additional hydrant be installed on the 1169 S. Quentine Avenue parcel about 200 feet north of the intersection.

CRITERIA FOR AMENDMENTS TO OFFICIAL ZONING MAP

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property;

The previous 2010 Comprehensive Plan Framework Plan Map shows a small commercial area south of CR46 by the Frank Brother's property. The more recent 2016 Comprehensive Plan Framework Plan Map shows an asterisk at the intersection of County Road 21 and County Road 46 as a Commercial/Mixed Use Node. The 2016 Comprehensive Plan plans for business development at this intersection. The asterisk may have been intended for commercial uses to serve the residents in the area as a neighborhood center instead of focusing on the "heavier" industries that the 2016 Comprehensive Plan proposes targeting. These industries include agricultural, manufacturing, and energy.

The existing zoning of land parcels is A "Agricultural" and R-1 "Single Family Residential". Traditionally, the use of all three land parcels was agricultural, which included a lot of heavy machinery. Thus, the zoning to I-2 "Medium Industrial" is not that much different from the actual use of the property in the past.

- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;

The rezoning of these parcels is requested due to the changing needs of the community. With the growth of oil and gas production facilities in and around Milliken, the industry desires office space and equipment storage space. The Frank brothers are requesting to rezone 1169 S. Quentine Avenue or Lot 3 of the Dove Valley Subdivision from an A "Agricultural" District to an I-2 "Medium Industrial" District to comply with the existing use of the land, which is currently leased to an energy-related company, Kinetic Energy.

The Frank brothers believe the uses and physical characteristics of the land with the I-2 "Medium Industrial" zoning will remain the same. The applicants believe that the existing business is similar in functionality as that of an agricultural use and will have less of an impact on traffic and the surrounding neighborhood.

The neighbors have voiced concerns with noise related to diesel trucks running and other-related environmental concerns that are normally associated with heavy equipment. Any additional commercial businesses that propose to use the Frank's land must request a commercial site plan under the Town's Land Use Code for land zoned I-2 "Medium Industrial", so that these type of neighborhood concerns can be specifically addressed.

One of the goals or guiding principles in the 2016 Comprehensive Plan is building a strong, diversified economic base. The Comprehensive Plan states that economic development efforts should focus on amenities and infrastructure needed to target and attract companies involved in agriculture, manufacturing, and energy. The applicant is requesting to rezone Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision from R-1 "Single-Family Residential" District to an I-2 "Medium Industrial" District in an effort to implement the

2016 Comprehensive Plan's Chapter 3 "A Strong Diversified Economic Base" for the Town of Milliken.

The change of zone would allow the existing use of the property to continue while meeting the Comprehensive Plans goals.

- (3) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan;

The land was not zoned in error. The land was being used for agricultural activities, but the Frank brothers were so successful that they needed to move to a larger site. To be successful in today's economy, farmers must use large tracks of land. Smaller parcels close to town are best used for new commercial businesses, which use and incrementally build onto existing infrastructure close to the center of town. One of the Comprehensive Plan's goals is to encourage a fiscally sustainable pattern of development.

- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The Comprehensive Plan Framework Plan Map adopted in 2016 identifies this area as Commercial/Mixed Use Node. The rezoning to I-2 Medium Industrial allows this property to meet to implement the 2016 Comprehensive Plan's Chapter 3 "A Strong Diversified Economic Base" and Chapter 7 "Fiscally Sustainable Development" or guiding principles by allowing agricultural land that used a lot of heavy equipment to be rezoned to an I-2 "Medium Industrial" zoning district. Northern Colorado has lots of businesses looking for land with access to basic town services. As the Town grows to the south and to the east, the demand for this area to be commercial will probably grow. In the interim the change in zone meets the current Comprehensive Plan's vision, guiding principles, and goals to allow for additional business to locate near the Town's center with access to utilities and other infrastructure.

FINDINGS OF FACT

1. Gary, Roger and Ronald Frank (The Frank Brothers) own Lot 31, Block 12 of the Wal-Mar 3rd Subdivision, Lot 32, Block 12 of the Wal-Mar 3rd Subdivision and Lot 3 of the Dove Valley Subdivision.
2. The applicants are requesting that Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision be rezoned from a R-1 "Single Family Residential" Zoning District to a I-2 "Medium Industrial" Zoning District and Lot 3 of the Dove Valley Subdivision from an A "Agricultural" Zoning District to I-2 "Medium Industrial" Zoning District.
3. The three parcels are just over 2.5 acres in size. Together Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision consists of .32 acres and .26 acres totaling .58 acres on the north side of CR 46 and east of Quentine Avenue. Lot 3 of the Dove Valley Subdivision consists of 1.95 acres and on the north side of CR 46 and east of Quentine Avenue.
4. The 2016 Comprehensive Plan adopted by the Town identifies this area as Commercial/Mixed Use Node.
5. One of the Comprehensive Plan's guiding principles is encouraging "A Strong, Diversified Economic Base" with the focus on amenities and infrastructure needed to target and attract companies involved in agriculture, manufacturing, and energy. Economic development efforts include supporting the retention, expansion, and entrepreneurial activities of local businesses and residents while attracting new businesses/services to the community.

6. The change of zone would allow the use of this area to continue to meet the demands of the regional area as it relates to business and industrial growth.

STAFF RECOMMENDATION

Town staff recommends approval of the request to amend the Town of Milliken's Official Zoning District Map for Lot 31, Block 12 of the Wal-Mar 3rd Subdivision and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision from a R-1 "Single Family Residential" Zoning District to I-2 "Medium Industrial" Zoning District and Lot 3 of the Dove Valley Subdivision from an A "Agricultural" Zoning District to I-2 "Medium Industrial" Zoning District with the installation of at least one fire hydrant per the Fire Marshal's request to meet life/safety reasons. The three parcels are just over 2.5 acres in size.

PLANNING AND ZONING COMMISSION APPROVAL

_____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application MEETS the provisions of Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and Comprehensive Plan and APPROVES the request to amend the Town of Milliken's Official Zoning District Map for:

- a. Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision of the Wal-Mar 3rd Subdivision from a R-1 "Single Family Residential" Zoning District to I-2 "Medium Industrial" Zoning District; and
- b. Lot 3 of the Dove Valley Subdivision from A "Agricultural" Zoning District to I-2 "Medium Industrial" Zoning District.

with the condition that:

1. a commercial site plan will be required for Kinetic Energy.
- 2.

or:

_____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application MEETS the provisions of Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and Comprehensive Plan and APPROVES the request to amend the Town of Milliken's Official Zoning District Map for:

- a. Lot 3 of the Dove Valley Subdivision from A "Agricultural" Zoning District to I-2 "Medium Industrial" Zoning District,

but:

_____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application DOES NOT MEETS the provisions of Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and Comprehensive Plan and DENIES the request to amend the Town of Milliken's Official Zoning District Map for:

- a. Lot 31 and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision of the Wal-Mar 3rd Subdivision from a R-1 "Single Family Residential" Zoning District to I-2 "Medium Industrial" Zoning District;

or:

_____The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application DOES NOT MEET the provisions of Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and DENIES the request to amend the Town of Milliken's Official Zoning District Map for Lot 31, Block 12 of the Wal-Mar 3rd Subdivision and Lot 32, Block 12 of the Wal-Mar 3rd Subdivision from a R-1 "Single Family Residential" Zoning District to I-2 "Medium Industrial" Zoning District and Lot 3 of the Dove Valley Subdivision from a Ag "Agricultural" Zoning District to I-2 "Medium Industrial" Zoning District.

Town of Milliken Code Sections *for reference*

Sec. 16-1-50. Purpose.

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

- (1) Encourage the most appropriate use of land through the Town;
- (2) Encourage innovative, quality site design, architecture and landscaping;
- (3) Encourage new developments to relate to Milliken's historic development pattern;
- (4) Promote compact, well-defined, sustainable neighborhoods that enhance Milliken's character;
- (5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- (6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- (7) Provide a variety of lot sizes and housing types in every neighborhood;
- (8) Protect sensitive natural and historic areas and Milliken's environmental quality;
- (9) Integrate a high-quality natural environment into the developed portions of the community;
- (10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- (11) Provide protection from geologic, flood and fire hazards and other dangers; and
- (12) Promote the health, safety, morals and general welfare of Milliken residents. (Ord. 480 §1.5, 2003)

Sec. 16-1-60. Interpretation.

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Ord. 480 §1.6, 2003)

Sec. 16-1-90. Relationship to Comprehensive Plan.

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan ("Comprehensive Plan") for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

- (1) **Requirement for Comprehensive Plan Amendment.** Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.
- (2) **Criteria for Evaluating Amendment Proposals.** Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan. (Ord. 480 §1.9, 2003)

Sec. 16-1-150. Definitions.

Terms used in this Code are defined as follows:

Agricultural land means land that is being used for agricultural activities.

Applicant is the owner of land, the owner's authorized representative or the optionee of the land, as well as mineral owners and lessees.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Block Diversity Plan is a plan provided by an applicant that demonstrates that an adequate mix of housing models and styles are offered within a neighborhood and within each block face. The intent is to ensure that diverse and quality design elements are integrated into the character of residential homes and streets.

A Block Diversity Plan shall be required for the following:

- a. Single-family detached and duplex housing; and
- b. Multi-family stacked units, including condominiums and apartments. The submittal requirements for the Block Diversity Plan are specified in Section 16-2-520, Residential Architecture (Single-Family Detached and Duplex Dwellings) of this Code; and Section 16-2-605, (Multi-Family Stacked Units, including Condominiums and Apartments) of this Code.

Block face means one (1) side of a street between two (2) consecutive intersections. For example, a *block face* can be one (1) side of a city block.

Board of Trustees (Board) means the governing board of the Town of Milliken.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, including fences, which is governed by the following characteristics:

- a. Is permanently affixed to the land; and
- b. Has one (1) or more floors and a roof.

Building code means and includes any law, ordinance or code which is in force in the Town and which pertains to the design and construction of buildings and other structures, including swimming pools or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height means the vertical distance above median grade, as defined below, and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, to the average height of the highest gables of a pitched or hipped roof, or to the top of the smokestack of an industrial building. The measurements may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of any exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above median grade.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Commercial storage facility means cold storage plants and other such establishments renting storage.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

Community Design Principles and Development Standards means the standards in the Town of Milliken *Land Use Code* set forth in Article II of this Chapter.

Community facility means a facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole, such as churches, museums, libraries, concert halls and similar establishments serving a public or quasi-public purpose, but excluding schools as defined herein.

Compatibility means the characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan means the Town of Milliken Comprehensive Plan.

Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also Section 38-30.5-102, C.R.S. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards means the standards that set forth specific improvements requirements.

Detention basin means a manmade or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;

- b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- d. The use of any land for an *agricultural activity* as defined in this Section.
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; and common open space and other public facilities.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, town home dwellings and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Ease Dwelling, single-family detached means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family.

Dwelling, town home means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned along with the land area that constitutes the lot on which the town home dwelling is located.

Dwelling, two-family means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building and served by no more than one (1) gas meter and one (1) electric meter.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

Employees means the total number of persons to be employed in a building during normal periods of use.

Environmentally sensitive areas mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities and ridgelines.

Floodplain or flood hazard area means areas that have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

Flood-prone means areas subject to flooding that have not been designated by the Board of Trustees, the Colorado Water Conservancy Board or FEMA.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Flow lines is used with reference to streets and means the curb lines, or if no curbs have been installed, the natural water-flow lines at the outside edge of the traveled portion of the street.

Footprint, also called *ground level footprint*, means the outline of the total area that is covered by a building's perimeter at ground level.

Freestanding sign means a sign which is not attached to any building and which is supported by a structure extending from the ground, or from an object on or in the ground.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Grade means:

- a. The lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before manmade alterations.

Ground or monument sign means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with or is close to the ground and is independent of any other structure.

Home occupation means a business use of the house that is conducted inside the premises of the house or garage, does not change the basic residential character of the neighborhood and is subordinate to the residential use of the dwelling unit.

Homeowners association means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as *Owners Association*.

Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. *Heavy industrial* also means those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

Industrial, medium means a variety of uses, including warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations, establishments for food and beverage processing, for the sale and repair of farm machinery and diesel trucks and buses, lumberyards and builders supply facilities (with outdoor storage), machine shops, mini-storage facilities, outside storage facilities, railroad yards and stations, recycling facilities, transportation headquarters with incidental repair and servicing facilities, and utility service facilities with buildings and/or storage structures.

Infrastructure means those manmade structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.

Inter-neighborhood connections mean connections (such as trails and roads) between neighborhoods.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests, and also each and every person who has the right to occupy all or a portion of a lot or all or a portion of a structure on a lot, under a lease or a tenancy. The word *landowner* is used in this Chapter synonymously with *owner* and *property owner*.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Lane means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot*.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot*.

Lot width means the distance parallel to the front lot line, measured at the front building setback line.

Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mixed use dwelling unit means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half ($\frac{1}{2}$) dwelling unit.

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a *model home*.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints and peripheral open space areas.

Municipality means an incorporated city or town.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter ($\frac{1}{4}$) acre in size.

Neighborhood means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A *neighborhood* may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Neighborhood commercial center means a shopping center that contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a *recreational vehicle, boat or truck storage* use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

Open space, common means an area permanently set aside for the common use and enjoyment of residents of a multifamily development.

Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

Owner means the person or entity that owns the property under consideration.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking lot means an off-street parking area or vehicular use area.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Phase means a portion of property that is being platted and engineered for development at the same time.

Plan means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Planned unit development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning Area Boundary means the area surrounding the Town of Milliken that the Town of Milliken will consider annexing and developing. The Planning Area Boundary is delineated on the *Land Use Map* in the Town of Milliken Comprehensive Plan. *Plan* means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado.

Property means all real property subject to land use regulation by the Town of Milliken.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Public means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.

Public areas mean streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town of Milliken and fee title is vested in the Town of Milliken, other public body or a special district as defined in Section 32-1-103, C.R.S.

Public facilities mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility that benefits the public.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Raw water means water rights acceptable to the Town of Milliken for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

Recreational facilities: The following classes of recreational facilities have these meanings:

- a. *Commercial recreational facilities* includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for use by the paying public.
- b. *Private recreational facilities* includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them;
- c. *Public recreational facilities* means public parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public* as defined above.

Replat (resubdivision) means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Setback means the required unoccupied open space between the nearest wall of a structure and the property line of the lot on which the structure is located.

Setback, front means the distance between the front lot line and the front wall of the main structure.

Setback, rear means the distance between the rear lot line and the back wall of the main structure.

Setback, side means the distance between any wall and the lot line other than the front and rear setbacks.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sign permit means a permit issued by the Town Building Official and which is required for any sign specified in this Code.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

Site-built dwelling means a dwelling that is predominately constructed on-site and is not a factory built home or dwelling.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (planned unit development) when approved by the Board of Trustees pursuant to Article V of this Chapter.

Street means a public way other than an alley that is capable of use by motor vehicles and which affords the principal means of access to abutting property.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

Streetscape means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

Structure means anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, reservoirs, pipelines, telephone, telegraph or electrical power poles, and public walks or curbs.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Temporary use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

Town means the Town of Milliken located in Weld County, Colorado.

Town of Milliken Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town of Milliken, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Transportation headquarters means headquarters and parking areas for ambulance services, taxi services, bus services and other services involving the transportation of persons but not property.

Use means the type of activity for which land or a building is designated, arranged or intended and also means the activity which in fact regularly takes place upon the land.

Utility service facilities mean utilities substations and public lift-up pumping stations for domestic water and sanitary sewer service, microwave towers and other such installations; does not include any such installations which contain buildings or storage structures; and does not include transportation headquarters.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including but not limited to trees, shrubs, vines, grasses and groundcover.

Walkable means a distance of one-quarter ($\frac{1}{4}$) mile or within a five-to-ten-minute walk.

Walkway means:

- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
- b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and distribution means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business that stores or stocks merchandise or commodities.

Wholesale merchandise establishment means establishments for the sale of merchandise at the wholesale level, including those that warehouse merchandise in covered buildings.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district means a zone district of the Town of Milliken as established in Article III of this Chapter, unless the term is used in a context that clearly indicates that the term is meant to include both the zone

districts of the Town of Milliken and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.

Zoning map means the official zoning map adopted by the Town of Milliken by ordinance, as amended. (Ord. 480 §1.15, 2003; Ord. 507 §1, 2005; Ord. 623 §1, 2010; Ord. 666 §§1, 2, 2012; Ord. 686 §1, 2013)

Sec. 16-3-110. - Zoning districts.

In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

DR	Developing Resource
A	Agricultural
AE	Agricultural Estates
CD	Conservation
E-1	Estate Zoning - Rural Subdivision
R-1	Single-Family Residential
R-1E	Single-Family Estate Residential
R-2	Two-Family Residential
R-3	Multi-Family Residential
R-FH	Factory Built Housing District
R-M	Mobile Home Community
C-1	Office
C-2	Local Business
C-3	General Business
C-4	Service Business
MU-C-D	Mixed Use Commercial - Downtown
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
PUD	Planned Unit Development
HSP	Hillside/Ridgeline Protection Overlay

(Ord. 480 §3.3, 2003)

Sec. 16-3-120. - Zoning district map.

The boundaries and classifications of districts established are as depicted on a map entitled Town Zoning District Map, as may from time to time be revised, updated or redrafted. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication that has been signed by the Town Clerk and the Mayor.

(1) Interpretation of Boundary Lines.

- a. *Zoning District Boundaries* - In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this section or by subsequent amendments to that ordinance or this Article, either zone requirements may be extended within the lot for a distance of not more than twenty-five (25) feet. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the line shall be determined by the Town Clerk in a reasonable manner, considering the history of the Town's zoning ordinances and amendments, and other factors he or she deems relevant; his or her decision shall be subject to review by the Board of Trustees.
- b. *Floodplain District Boundaries* - Floodplain district boundaries, as depicted by separate maps, are estimates based upon data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Board of Trustees on flood-prone areas.

(2) Amendment Upon Zoning or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(3) Cost for Amending Zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and fee agreement form.

(4) Public Inspection; Storage of Original. The official zoning district map shall be available and on display at the Town Hall during normal business hours. In addition, one (1) original duplicate Mylar copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk.

(Ord. 480 §3.3, 2003)

Sec. 16-3-280. - A Agricultural District.

(a) Intent. Agriculture in the Town is considered a valuable resource that must be protected from adverse impacts resulting from uncontrolled and undirected business, industrial and residential land uses. The A District is established to maintain and promote agriculture as an essential feature of the Town. The A District is intended to provide areas for the conduct of agricultural activities and activities related to agriculture and agricultural production without the interference of other incompatible land uses. The A District is also intended to provide areas for the conduct of uses by special review which have been determined to be more intense or to have a potentially greater impact than uses allowed by right. The A District regulations are established to promote the health, safety and general welfare of the present and future residents of the Town.

(b) Uses by Right. Uses by right in the A District shall be as follows:

- (1) Accessory buildings and accessory uses.

- (2) Animal boarding, including kennels, as restricted.
 - (3) Borrow pits used temporarily and exclusively for the completion of a public road improvement project.
 - (4) Cemeteries.
 - (5) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
 - (6) Disposal of domestic sewage sludge subject to the additional requirements of Section 48 of the Weld County Zoning Ordinance.
 - (7) Disposal of domestic septic sludge subject to the additional requirements of Section 49 of the Weld County Zoning Ordinance.
 - (8) Farming, ranching and gardening.
 - (9) Grazing and keeping of livestock, as restricted (animal units).
 - (10) Home occupations.
 - (11) Horseback riding stables and arenas.
 - (12) Open air farmers' markets.
 - (13) Police and fire stations or facilities.
 - (14) Public recreational facilities.
 - (15) Public schools and public school extension classes.
 - (16) Single-family detached dwelling, as restricted.
 - (17) Utility service facilities.
 - (18) Veterinary facilities, small animal clinics.
 - (19) Veterinary facilities, large animal clinics.
- (c) Uses by Special Review. Uses by special review in the A District shall be as follows:
- (1) Accessory dwelling when associated with a use by right.
 - (2) Accessory buildings with gross floor area larger than one thousand five hundred (1,500) square feet per building on lots in an approved or recorded subdivision plat or lots part of a map or plan filed prior to adoption of any regulations controlling subdivisions.
 - (3) Agricultural service establishments.
 - (4) Airports and airstrips.
 - (5) Child care centers.
 - (6) Churches.
 - (7) Commercial mineral extraction, processes and sales.
 - (8) Community facilities.
 - (9) Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
 - (10) Home occupations.
 - (11) Keeping, raising and boarding of exotic animals.
 - (12) Livestock confinement operations.
 - (13) Multi-family dwellings, as restricted.
 - (14) Private recreational facilities.
 - (15) Signs not meeting the requirements of Article VII of this Chapter.
 - (16) Utility service facilities, with buildings or storage structures.
 - (17) Wireless telecommunication facilities, as restricted.
- (Ord. 480 §3.4, 2003)

Sec. 16-3-430. I-1 Light Industrial District.

- (a) Intent. This zoning district is intended to provide locations for a variety of light industrial uses, research and development offices and institutions.
- (b) Uses by Right. Uses by right in the I-1 District shall be as follows:
 - (1) Accessory uses and accessory buildings.
 - (2) Agricultural services establishments.
 - (3) All uses by right in the A District.
 - (4) Auto, recreational vehicle, boat and truck sales.
 - (5) Churches.
 - (6) Commercial recreational facilities.

- (7) Commercial storage facilities.
 - (8) Community facilities.
 - (9) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
 - (10) Entertainment facilities and theaters, seating capacity over one thousand (1,000).
 - (11) Establishments for the rental of tools, equipment and vehicles.
 - (12) Farming, ranching and gardening.
 - (13) Gasoline service stations, repair garages and car washes.
 - (14) Grazing and keeping of livestock.
 - (15) Lumberyards, not including those with outside storage areas.
 - (16) Manufacturing, assembly packaging or processing from previously prepared materials.
 - (17) Mini-storage facilities.
 - (18) Newspaper plants.
 - (19) Parking lots and parking garages.
 - (20) Police and fire stations and facilities.
 - (21) Print shops.
 - (22) Private recreational facilities.
 - (23) Professional offices.
 - (24) Research, experimental or testing laboratories.
 - (25) Small equipment repair facilities.
 - (26) Transportation headquarters, without repair and servicing facilities or capability.
 - (27) Wholesale merchandise establishments.
 - (28) Water treatment and wastewater treatment plants.
 - (29) Wireless telecommunications facilities (as permitted in Section 16-3-610 of this Article).
 - (30) Workshops and custom small industry uses.
 - (31) Utility service facilities.
- (c) Uses by Special Review. Uses by special review in the I-1 District shall be as follows:
- (1) One (1) or more uses by right in commercial districts that are not specifically permitted as uses by right in the industrial districts. 16-3-30
 - (2) Establishments for food and beverage processing.
 - (3) Establishments for the sale and repair of farm machinery and diesel trucks and buses.
 - (4) Public recreation facilities.
 - (5) Signs not meeting the requirements of Article VII of this Chapter.
 - (6) Utility service facilities with buildings and/or storage structures.
 - (7) Mini-storage facilities. (Ord. 480 §3.4, 2003; Ord. 659 §1, 2012)

Sec. 16-3-440. I-2 Medium Industrial District.

- (a) Intent. This zoning district is intended to provide a location for a variety of medium industrial uses, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations.
- (b) Uses by Right. Uses by right in the I-2 District shall be as follows:
 - (1) Agricultural services establishments.
 - (2) All uses by right in the I-1 District.
 - (3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
 - (4) Establishments for food and beverage processing.
 - (5) Establishments for the sale and repair of farm machinery and diesel trucks and buses.
 - (6) Farming, ranching and gardening.
 - (7) Grazing and keeping of livestock.
 - (8) Lumberyards and builders supply facilities (with outdoor storage).
 - (9) Machine shops.
 - (10) Mini-storage facilities.
 - (11) Outside storage facilities.
 - (12) Railroad yards and stations.
 - (13) Recycling facilities.

- (14) Transportation headquarters, with incidental repair and servicing facilities.
- (15) Utility service facilities with buildings and/or storage structures.
- (c) Uses by Special Review. Uses by special review in the I-2 District shall be as follows:
 - (1) Establishments for bulk storage of flammable liquids and gases.
 - (2) Radio towers over sixty (60) feet in height.
 - (3) Signs not meeting the requirements of Article VII of this Chapter. (Ord. 480 §3.4, 2003; Ord. 659 §1, 2012)

Commercial and Industrial Density and Dimensional Standards								
Zones	I-1	I-2	I-3	MU-C=D	C-1	C-2	C-3	C-4
Minimum front yard setback (feet) ¹	30, or 50 if adjacent to a major arterial street	Sec I-1	Sec I-1	0	As provided in any applicable building code ²	Sec C-1	Sec C-1	Sec C-1
Maximum front yard setback (feet)				15				
Minimum rear yard setback (feet)	As provided in any applicable building code ²	Sec I-1	Sec I-1	0 ⁴	As provided in any applicable building code ²	Sec C-1	Sec C-1	Sec C-1
Required side yard setback (on-street) ²	30, or 50 if the adjacent to a major arterial street ²	Sec I-1	Sec I-1	—	As provided in any applicable building code ²	Sec C-1	Sec C-1	Sec C-1

Sec. 16-3-540. Amendments.

- (a) Initiation of Amendments to Text or Official Zoning Map. The Board of Trustees may from time to time amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of this Code may be initiated by the Board of Trustees, Town Staff or Planning Commission, or by written application of any property owner or resident of the Town. Amendments to the zoning district map may be initiated by the Board of Trustees, Town Staff or the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.
- (b) General Rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in, the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.
- (c) Zoning Amendment Application Process.
 - (1) Step 1: Optional Preapplication Conference. The applicant may attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.
 - (2) Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Note: In the case of text amendments, only Items a and b are required.
 - a. Completed Land Use Application Form, Zoning Amendment – Technical Criteria Form (see Workbook), application fee and fee agreement.

- b. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord format.
- d. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
- e. A written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rationale of the proposed change. Particular attention should be given to addressing the criteria listed in Subsection (d) below.
- f. A legal description for all property to be considered for rezoning.
- g. Current proof of ownership in the form of title insurance issued with thirty (30) days of submission of the application (for zoning map amendments only).
- h. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:
 - 1. North arrow, scale 1" = 100' or 1" = 200', and date of preparation.
 - 2. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
 - 3. Legal description of the area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.
 - 4. Location and boundaries, including dimensions, of the property proposed for rezoning. Note: Zone boundaries are to be the centerlines of physical streets, roads, highways, alleys, railroad rights-of-way and channelized waterways, or such lines extended.
 - 5. The acreage or square footage contained within the property proposed for rezoning.
 - 6. All existing land uses in the proposed rezoning area.
 - 7. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
 - 8. The location and dimensions for all existing public rights-of-way, including streets, and centerlines of watercourses within and adjacent to the rezoning.
 - 9. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
 - 10. Certificate blocks for the Surveyor, Planning Commission, Board of Trustees, and County Clerk and Recorder (see Workbook for examples).
 - 11. An AutoCAD™ drawing file (Release 12 or higher) of the zoning amendment map on 3½" IBM-formatted disk or by other acceptable electronic transfer shall also be provided.
- i. A written statement describing the proposal and addressing the following points:
 - 1. Need for the proposed rezoning.
 - 2. Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area.
 - 3. Impact of the proposed zone on area accesses and traffic patterns.
 - 4. Availability of utilities for any potential development.
 - 5. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit.
 - 6. The relationship between the proposal and the Comprehensive Plan.
 - 7. Public benefits arising from the proposal.
- j. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the

- surrounding property owners (within three hundred (300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- k. Public Hearing Notification Envelopes. Two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.
 1. It is the applicant's responsibility to ensure that accurate and complete information is provided.
- (3) Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Zoning Amendment Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
 - (4) Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.
 - (5) Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies no less than twenty-one (21) days before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. The Town Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The applicant shall furnish to the Town an affidavit of posting on a form provided by the Town Clerk. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the zoning amendment request is accompanying another application that is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.
 - (6) Step 6: Planning Commission Public Meeting and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the zoning amendment application.
 - (7) Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on the Planning Commission's comments and submit it to the Town.
 - (8) Step 8: Notify Parties of Interest. Not less than twenty-one (21) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. Such notice shall not be required for text amendments.
 - (9) Step 9: Set Board of Trustees Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

- (10) Step 10: Board of Trustees Public Hearing and Action on the Zoning Amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board of Trustees shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the criteria listed below and approve, approve with conditions or deny the application, in whole or in part. No petition for rezoning shall be granted where, within one (1) year preceding the date of filing of such petition with the Town Clerk, a petition for the same changes of the zoning district on the property described in such petition has been denied.
- (11) Step 11: Post Approval Actions.
- a. Upon approval of an amendment to the official zoning map by the Board of Trustees, the Town Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map.
 - b. Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the Town Clerk shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Article.
 - c. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Board of Trustees to submit to the Town Clerk two (2) Mylar copies and three (3) blueline copies of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment. A licensed surveyor or engineer shall prepare the zoning amendment map. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one (1) eleven (11) inch by seventeen (17) inch Mylar reduction of the zoning amendment map and an AutoCAD™ drawing file (Release 12 or higher) of the zoning amendment map on 3½" IBM-formatted disk, or by other acceptable electronic transfer.
 - d. Within thirty (30) days of receipt of the zoning amendment map, the Town Clerk shall review the documents for compliance with the Board of Trustees' approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the County Clerk and Recorder's Office for recordation.
- (d) Criteria for Amendments to Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:
- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property;
 - (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;
 - (3) The land to be rezoned was zoned in error and as presently zoned in inconsistent with the policies and goals of the Comprehensive Plan;
 - (4) To further the implementation of the goals and objectives of the Comprehensive Plan.
- (f) Map – Amendment upon Zoning Establishment or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map. (Ord. 480 §3.11, 2003; Ord. 522, 2005)

Town of Milliken
July 12, 2016
Rezoning Proposal for MIL DV LOT 3 DOVE VALLEY
1169 S. Quentine Ave.; Milliken, CO 80543

Consider this as a request to rezone MIL DV LOT 3 DOVE VALLEY (address being 1169 S. Quentine, Milliken, CO 80543), MIL 3WM L31 BLK12 WAL MAR 3RD SUB and MIL 3WM L32 BLK12 WAL MAR 3RD SUB from an agricultural zone to a I-2: Medium Industrial District zone. The need for this proposal is to come into compliance with the existing business, Kinetic Energy, that is currently under lease with Roger Frank, Gary Frank, and Ron Frank, owners.

The uses and physical characteristics of the current property are presently that of an agricultural setting. With the rezoning of this property, there will be minimal impacts, present and future, on the property in the uses and characteristics. The current business is similar in functionality as that in agriculture and should not disrupt the physical appearance of the property and the surrounding area.

The impact of the proposed rezoning property with regards to area access and traffic patterns, will be the same and in most cases, even less than when the property was zoned as agricultural. There is less equipment being kept on the property at the current time as there was when the property was being used to store farm equipment and agricultural business related items. In addition, the availability of utilities for any potential development should not change and should be recognized as "grandfathered". The property currently has water/sewer taps, that have been paid for, which the Town of Milliken has acknowledged. However, the sewer taps have not been accessed as of this time.

Any present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit, should be the same, or have minimal effect on said services.

The proposal to rezone MIL DV LOT 3 DOVE VALLEY, MIL 3WM L31 BLK12 WAL MAR 3RD SUB and MIL 3WM L32 BLK12 WAL MAR 3RD SUB to a I-2: Medium Industrial District zone and the relationship it will have to the Comprehensive Plan, supports Chapter 3. This rezoning will provide a strong, diversified economic base for the Town of Milliken. The benefits arising from this proposal will include, but not limited to, employment and business related opportunities.

We thank you for your consideration of this rezoning proposal for 1169 S. Quentine Ave. Milliken, CO 80543.

Roger Frank

Gary Frank

Ronald Frank



1: 1,715



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site an reference only. Data layers that appear on this map may or may not be ac current, or otherwise r
THIS MAP IS NOT TO BE USED FOR NAVIG.



Town of Milliken Land Use Application Form

PROJECT NAME: Frank Brothers CO2 for Par # 105910419003

DATE SUBMITTED: _____ APPLICATION FEE: 500 APPLICATION DEPOSIT: 1500

TYPE OF APPLICATION: I-2 COZ

- | | | |
|---|--|--|
| <input type="checkbox"/> ANNEXATION | <input checked="" type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> SKETCH PLAN | <input type="checkbox"/> USE BY SPECIAL REVIEW - MAJOR | <input type="checkbox"/> WAIVER |
| <input type="checkbox"/> PRELIMINARY PLAT | <input type="checkbox"/> USE BY SPECIAL REVIEW - MINOR | <input type="checkbox"/> AMEND TO REG. PLAT |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> USE BY SPECIAL REVIEW - GRAVEL | <input type="checkbox"/> FLOOD PLAIN DEV. PERMIT |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> USE BY SPECIAL REVIEW - OIL & GAS | <input type="checkbox"/> COMP PLAN AMENDMENT |
| <input type="checkbox"/> MAJOR SUBDIVISION | <input checked="" type="checkbox"/> CHANGE OF ZONE | <input type="checkbox"/> HOME OCCUPATION |
| <input type="checkbox"/> MINOR SUBDIVISION/RE-SUBDIVISION | <input type="checkbox"/> OTHER: _____ | |
| <input type="checkbox"/> RURAL SUBDIVISION | | |

PRE-APPLICATION CONFERENCE WAS HELD WITH: _____ Date: _____

PROJECT INFORMATION

Applicant's Name: GARY FRANK Project Location: 1169 S. Quentine

Address: 18030 W.R. 15 Existing Use: Incy & Quentine

Johnstown CO 80534 Proposed Use: _____

Phone/Fax: 970-539-1772 Existing Zoning: Ag

Relation to Property Owner: one of Proposed Zoning: I-2

Is site within Flood Plain? FEMA TOWN NO

Is site within Milliken's Planning Area? YES NO

Legal Description of Property (location within section, section, township and range): See attached

Total Acreage of Property under Consideration: 2 MIL DV LOT 3 Dove Valley NE 1/4 Sec 10 Twp 4 R 67

Number of Existing Residential Lots: _____ Number of Proposed Residential Lots: _____

Number of Existing Commercial Lots: _____ Number of Proposed Commercial Lots: _____

Number of Existing Industrial Lots: _____ Number of Proposed Industrial Lots: 1

ADDITIONAL CONTACTS

Property Owner: Roger Frank Consultant: _____

Address: 6505 CR 38 Address: _____

City/State/Zip: Johnstown, CO 80534 City/State/Zip: _____

Phone/Fax: 970-539-1770 Phone/Fax: _____

Property Owner: Ronald Frank Consultant: _____

Address: 18426 W.R. 15 Address: _____

City/State/Zip: Johnstown, CO 80534 City/State/Zip: _____

Phone/Fax: 970-539-1771 Phone/Fax: _____

Town of Milliken Land Use Application Form



COMPREHENSIVE PLAN MAP DESIGNATIONS: Business/Industrial/Greenways/Residential

LAND USE & PUBLIC FACILITIES

Land Use Designations:

Public Facilities:

IMAGE AND DESIGN

Gateway: YES NO

Important Connection: YES NO

TRANSPORTATION

Street Connections:

UTILITY AND SPECIAL DISTRICTS

Water:

Sewer:

Fire Protection:

Other:

PARKS, OPEN SPACE AND RECREATION

Proposed park and/or trail:

ENVIRONMENTAL ISSUES

Property in floodplain: YES NO

Sensitive wildlife habitat area: YES NO

Soil Type:

OIL AND GAS

Oil and/or gas wells: YES NO

CERTIFICATION

I certify that I am the lawful owner of the parcel(s) of land which this application concerns and consent to this action.

Owner: Ray Frank Van Hook Roy Ed Date: 8/8/16

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Milliken must be submitted prior to having this application processed. (Please fill out an Owner's Affidavit form if you wish to have someone act on your behalf for this application.)

Applicant: Ray Frank Roy Ed Van Hook Date: 8/8/16

STAFF USE ONLY

APPLICATION ACCEPTED:

Date: _____

By: _____

Fee: _____



Town of Milliken Land Use Application Form

APPLICANT(S)/OWNER(S)-

(All Owners/Applicants must sign this application)

By: Ray S. S.

By: Darryl Frank

As: _____

As: _____

Date: July 7, 2016

Date: July 7, 2016

Address: 16505 CR 38

Address 18030 WCR 15

Johnstown, CO 80534

Johnstown, CO 80534

TOWN OF MILLIKEN

By: _____

Date: _____

Copies to:

Town Planner _____

Finance Dept _____

Town Clerk _____

(Original)

Attachments:

Land Use Form _____

Development Fee Schedule _____

Fee Ordinance _____

APPLICANT

By: Tom Frank

As: _____

DATE: July 7, 2016

Address: 18426 WCR 15

Johnstown, CO 80534



Town of Milliken Land Use Application Form

OWNER'S AFFIDAVIT

(To be completed only when applicant has an agent)

STATE OF COLORADO

COUNTY OF WELD

} ss.
}

We
I Roger Frank Gary Frank, Ronald Frank
being duly sworn,

depose and say that (I am) (we are) the owner(s) of property located at: MIL 3WM L31 BUK12 WALMAI
1169 S. Quentine Ave., legally described as: MIL 3WML32 BUK12 WALMAI
MIL Dr, Lot 3 Dove Valley 3rd SUB
3rd SUB

for which (I am) (we are) requesting a (special use permit, site plan, variance, zone
change, subdivision, minor subdivision, annexation, Zone Change)
through the Town of Milliken, Colorado.

Furthermore, (I) (we) hereby appoint:

N/A [Signature] of
as our agent to act in
our behalf on all matters pertaining to this application.

Signed: [Signature]

Signed: [Signature]

Address: 18426 WCR 15

Address: 6505 CR 38

Johnstown CO 80534

Johnstown CO 80534

Phone: 970-539-1771

Phone: 970-539-1770

Subscribed and sworn to before me this

8th day of August 2016

[Signature]
Notary Public

GAREE MICHELLE RINEBARGER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20044023913
MY COMMISSION EXPIRES AUGUST 25, 2016

My Commission Expires: August 29, 2016



Town of Milliken Land Use Application Form

AFFIDAVIT OF INTEREST OWNERS MINERAL SURFACE ESTATE

Application:

Property Legal Description: MIL 3WM L31 BLK12 WAL MAR 3rd SUB
 MIL 3WM L32 BLK12 WAL MAR 3rd SUB
 MIL DV Lot 3 Dove Valley

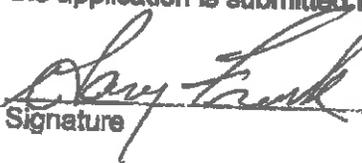
Situs or Application Submittal Address:

1169 S. Quentine Ave

Milliken, CO 80543

THE UNDERSIGNED, being first duly sworn, states that to the best of his or her knowledge the attached list is a true and accurate list of the names and addresses of the owners of property (the surface estate) within three hundred (300) feet of the property being considered.

This list was compiled from the records of the Weld County Assessor, or a person qualified to do the task, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Town of Milliken.


 Signature

(attach property owner list)

Cherie Garner
 3016 70th Ave
 Greeley, CO 80634

Gary Frank
 18030 WCR 15
 Johnstown, CO 80534

Roger Frank
 6505 CR 38
 Johnstown, CO 80534

Ronald Frank
 18426 WCR 15
 Johnstown, CO 80534



**NOTICE OF PUBLIC HEARING
TOWN OF MILLIKEN**

NOTICE is hereby given of a public hearing before the Planning Commission of the Town of Milliken, Colorado at 7:00 P.M. on the 5th of October 2016. A public hearing before the Town Board of Trustees may be heard at 7:00 P.M. on the 12th day of October 2016. Both meetings will be held at 1201 Broad Street in the Meeting House for the purpose of considering a request to amend the Town of Milliken's Official Zoning District Map for three (3) separate parcels:

Parcel One: Parcel ID#: 105910419003 whose legal description is MIL DV LOT 3 DOVE VALLEY; From A "Agricultural District" to I-2 "Medium Industrial District"; and

Parcel Two: Parcel ID#: 105911312032 Lot 32 Block 12 of the Wal Mar 3rd Phase II Subdivision whose legal description is MIL 3WM L32 BLK12 WAL MAR 3RD SUB, and;

Parcel Three: Parcel ID#: 105911312031 Lot 31 Block 12 of the Wal Mar 3rd Subdivision whose legal description is MIL 3WM L31 BLK32 WAL MAR 3RD SUB from R-1 "Single Family Residential" to I-2 "Medium Industrial District".

A copy of the proposed zoning amendment application with a map may be reviewed at the Town Hall, 1101 Broad St. between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday on or after August 12, 2016.

This notice given and published by order of the Town Board of the Town of Milliken, Colorado.

TOWN OF MILLIKEN, COUNTY OF WELD, COLORADO

By: Cheryl Powell, Town Clerk

Published in the Johnstown Breeze, August 18, 2016

DRAFT

ORDINANCE NO. 709

AN ORDINANCE OF THE TOWN OF MILLIKEN'S TO AMEND THE OFFICIAL ZONING DISTRICT MAP FOR THREE PARCELS LEGALLY DESCRIBED AS DOVE VALLEY SUBDIVISION LOT 3 FROM A "AGRICULTURAL DISTRICT" TO I-2 "MEDIUM INDUSTRIAL DISTRICT" CONSISTING OF APPROXIMATELY 1.953 ACRES, WAL MAR 3RD SUBDIVISION BLOCK 12 LOT 32 FROM R-1 "SINGLE-FAMILY RESIDENTIAL DISTRICT" TO I-2 "MEDIUM INDUSTRIAL DISTRICT" CONSISTING OF .26 ACRES AND WAL MAR 3RD SUBDIVISION BLOCK 12 LOT 32 FROM R-1 "SINGLE-FAMILY RESIDENTIAL DISTRICT" TO I-2 "MEDIUM INDUSTRIAL DISTRICT" CONSISTING OF .26 ACRES. TOGETHER THE AREA IS APPROXIMATELY 2.533 ACRES OF LAND ON THE CORNER OF WELD COUNTY ROAD 21 AND WELD COUNTY ROAD 46 IN THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO.

WHEREAS, the owners and applicants of the property located at Dove Valley Subdivision Lot 3 addressed 1169 S Quentine Ave in Milliken have made an application to change the zoning of the property from A Agricultural District to I-2 Medium Industrial Zoning District;

WHEREAS, the owners and applicants of the property located at the Wal Mar 3rd Subdivision Block 12 and Lots 31 and 32 in Milliken have made an application to change the zoning of the property from R-1 Residential Single Family to I-2 Medium Industrial Zoning District;

WHEREAS, the Comprehensive Plan adopted in February 2016 by Resolution No.16-03 contains a Framework Plan, which designates the corner of Quentine Avenue or County Road 21 and County Road 46 as mixed use/commercial;

WHEREAS, the corner of Quentine Avenue or County Road 21 and County Road 46 contains these three parcels on north side of County Road 46 on both corners;

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;

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

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.

WHEREAS, the application has been reviewed and approved by the Planning Commission of the Town of Milliken and;

DRAFT

WHEREAS, the I-2 Medium Industrial zoning is consistent with the long range economic development and growth in the Town’s economic development and the adjoining area growth; and

WHEREAS, the application for rezoning meets the applicable requirements of the Land Use Code for a change in zoning.

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

Section 1: Dove Valley Subdivision Lot 3 addressed 1169 S Quentine Ave zone shall be hereby rezoned from A “Agricultural District” to I-2 “Medium Industrial District” consisting of approximately 1.93 acres and

Section 2: Wal Mar 3rd Subdivision Block 12 Lots 31 and 32 shall be hereby rezoned from from R-1 “Single Family Residential” to I-2 “Medium Industrial District”

for the development of targeted industries involved in agricultural, manufacturing, and energy.

The three parcels consist of approximately 2.533 (+/-) acres of land.

Section 2: This ordinance was introduced, read and passed at the regular meeting of the Milliken Board of Trustees on the _____ day of _____, 2016.

This ordinance will go into effect and be in force thirty days after publication.

TOWN OF MILLIKEN

ATTEST

By _____
Beau Woodcock
Mayor of the Town of Milliken

Cheryl Powell
Town Clerk

Date of Publication: _____