



**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 continued to November 2, 2016	
Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing/Meeting for the Review and make a Recommendation for the Frank Brothers request to amend the Town of Milliken's Official Zoning District Map and rezone 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 and pages 46-53 Draft Ordinance No. 737 and Ordinance No. 738 Staff Recommendation: None provided.			

PURPOSE

To consider a request to amend the Town of Milliken's Official Zoning District Map for three (3) separate lots located on the NW and NE Corner of Quentine Ave and Inez Blvd also known as Lots 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 total area of all three parcels is just over 2.5 acres in size. Gary Frank is acting as the agent for all of the Frank Brothers.

BACKGROUND INFORMATION

Type of Application:	Rezoning of Lot 3, Dove Valley Subdivision
Location:	Lot 3 of the Dove Valley Subdivision;
Applicants:	Gary Dean Frank, Roger Allen Frank and Ronald Lee 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 (Currently used as Agricultural)

Zoning:	East: R-1 Single Family Residential Agricultural to I-2 Medium Industrial
Comprehensive Plan:	The Comprehensive Plan designates the intersection of S. Quentine Ave. and Inez Blvd. 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

Type of Application:	Rezoning of Lots 31 and 32, Block 12, Wal-Mar 3 rd Subdivision
Location:	East of S. Quentine Ave. and North of Inez Blvd
Applicants:	Gary Dean Frank, Roger Allen Frank and Ronald Lee Frank
Existing Land Use:	Agricultural on both Lot 31 and 32
Surrounding Land Use:	North: R-1 Single Family Residential West: Agricultural zoning (Lot 3, Dove Valley) South: Planned Unit Development (Currently used as Agricultural) East: R-1 Single Family Residential
Zoning:	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 S. Quentine Ave and Inez Blvd as commercial/mixed use nodes or centers. The subject parcels are designated with red stars. The parcel on the west side of S. Quentine Avenue is zoned A "Agricultural" and the two parcels on the east side of S. Quentine Avenue are zoned R-1 "Single-Family Residential". The properties' current uses have evolved from agricultural uses to some industrial/commercial related uses, so 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 asking to rezone 1169 S. Quentine Avenue, 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 the Applicant. The Applicant is 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 or Inez and west of S. Quentine Avenue.

The Applicant claims that the industrial use is similar to an agricultural use and that the rezoning will have a minimal impact on the property's characteristics and functionality. According to the Applicant, 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 than 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 tap has not been installed 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 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 consists of .32 acres and .26 acres, which totals .58 acres on the north side of CR 46 and east of Quentine Avenue. These lots do not have utilities.

CRITERIA FOR AMENDMENTS TO OFFICIAL ZONING MAP

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. This request is for a rezoning and the applicant must apply and obtain approval for a commercial site plan for each commercial use or business on these parcels if this rezoning request is approved.

Section 16-3-540 of the Land Use Code requires that certain criteria be met for the purpose of establishing and maintaining sound, stable and desirable development within the Town with a request to rezone property. If the rezoning is approved, it amends the Town’s Official Zoning Map. The Town Board and the Planning and Zoning Commission need to review the following four criteria when deciding whether or not to approve a rezoning. The Planning and Zoning Commission and Board must find that at least one criterion is met; however, conformance with the Comprehensive Plan should be considered in all cases in order to avoid legal challenge based on “spot-zoning”.¹

¹ Spot zoning is prohibited in Colorado on the theory that a local government cannot act merely to benefit a single landowner, but must act to benefit the general public. The test for determining whether a particular action constitutes spot zoning is whether the action is designed to relieve a certain piece of property from zoning restrictions in spite of – rather than in conformance with- the jurisdiction’s comprehensive plan. *Colorado Land Planning & Development Law*, 9th Ed., at p. 10.

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

This criterion appears inapplicable. 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, rezoning to I-2, medium industrial, would not correct any error in the existing zoning of each of the parcels as industrial uses have not been allowed historically.

- (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 and industrial space and equipment storage space. The Owners 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 Applicant/Owners believe the uses and physical characteristics of the land with the I-2 "Medium Industrial" zoning will remain the same as they were when the land was zoned agricultural. However, neighbors have voiced concerns with noise related to diesel trucks running and other-related environmental concerns that are normally associated with heavy equipment.

- (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;**

As stated under criterion 1, two of the parcels east of S. Quentine Ave and north of CR46 may have been zoned "residential" in error. These parcels have been historically zoned for agricultural uses and were rezoned to single family residential as part of the Wal-Mar 3rd Subdivision even though these two lots are separated from the rest of the subdivision by a ditch. However, even if it is found that Lots 31 and 32 were rezoned in error, the corrective action would be to rezone the parcels consistent with the mixed use/commercial designation set forth in the 2016 Comprehensive Plan. Rezoning the parcels to a medium industrial zoning district is inconsistent with the policies and goals of the very recently adopted 2016 Comprehensive Plan.

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

The requested rezoning of properties does not appear to support the 2016 Comprehensive Plan. As stated previously, the Comprehensive Plan Framework Plan Map adopted in 2016 identifies this area as Commercial/Mixed Use Node. According to the Comprehensive Plan's "Future Land Use Categories" in Chapter 7 of the Plan, the characteristics of a commercial/mixed use node include traditional retail and commercial centers, as well as mixed use centers that include supporting residential uses and are integrated as part of larger planned communities. Mixed use centers "should incorporate pedestrian-friendly design elements through management of location, scale and orientation of parking facilities, driveways, connective sidewalks and trails, public plazas, and storefronts." The corresponding zoning districts appropriate for the commercial/mixed use node centers are C-

1, C-2, C-3, and C-4. Multi-family residential is expected to serve as secondary uses. Moreover, in looking at the Framework Plan which identifies future planned development patterns, the commercial mixed use nodes are surrounded by residential uses. Industrial uses are not specifically identified within the Commercial/Mixed Use nodes and instead are designated to areas of employment along Highway 60.

A table in the 2016 Comprehensive Plan (pp. 49-53), provides the current zoning categories and how these relate to the zones depicted on the 2016 Framework Plan map. Under the Land Use Category “Commercial/Employment/Mixed Use” the current zoning under C-1, C-2, C-3, and C-4 applies. Under the Land Category “Business Industrial” the current zoning I-1 and I-2 apply.

The uses allowed by right under the C-3 “General Business District” and C-4 “Service Business District” allow for a wide range of commercial goods and services requiring convenient vehicular access from major streets such as wholesale merchandise establishments, automobile-related services and sales including commercial storage facilities; transportation headquarters; auto, recreational vehicle, boat and truck sales; professional offices; retail sales; the rental of equipment and vehicles; commercial recreational facilities; supermarkets; gasoline service stations, repair garages and car washes; and small equipment repair facilities. Thus, the asterisks on the Framework Plan depicting commercial uses are not only intended to serve the residents in the area as a neighborhood center, but “heavier” commercial uses too.

The uses allowed by right under the I-1 “Light Industrial District” and I-2 “Medium Industrial District” allow for commercial recreational facilities; commercial storage facilities; parking lots and parking garages; private recreational facilities; wholesale merchandise establishments; gasoline service stations, repair garages and car washes; establishments for the rental of tools, equipment and vehicles; professional offices; laboratories; small equipment repair facilities, public recreation facilities; utility service facilities with buildings and/or storage structures; storage facilities; transportation headquarters; machine shops; agricultural service establishments; and farming, ranching, gardening, and keeping of livestock.

The Owners have used this land historically for agriculture. They are reluctant to give up that use by asking to rezone the land to a commercial zoning district.

FINDINGS OF FACT

1. Gary, Roger and Ronald Frank (The Owners) 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 Owners 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 is on the north side of CR 46 and west of Quentine Avenue.
4. Amendments to the Town’s official zoning map, or rezoning, is governed by Section 16-3-540 of the Land Use Code.

5. The 2016 Comprehensive Plan adopted by the Town identifies this area as Commercial/Mixed Use Node, which allows for retail and mixed uses, including commercial and multi-family residential uses.
6. The Comprehensive Plan designates business and industrial uses to areas adjacent to Highway 60 on the east end of Town.
7. The request for a rezoning must be approved before a commercial site plan can be approved. The Owners shall be required to request site plan approval, if the rezoning is approved.
8. The testimony in the public hearing on October 5, 2016 from adjacent residential property owners identified specific concerns related to parking, truck noise, lighting, etc. of the existing use on Lot 3, Dove Valley Subdivision parcel.

PLANNING AND ZONING COMMISSION – POSSIBLE MOTIONS

Lot 3, Dove Valley Subdivision:

** _____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application to rezone Lot 3, Dove Valley Subdivision from Agricultural zone district to I-2 Medium Industrial zone district MEETS the provisions of Section 16-3-540(d) of the Land Use Code and 2016 Comprehensive Plan and RECOMMENDS APPROVAL of the request to amend the Town of Milliken's Official Zoning District Map with the conditions that:

1. At Owners' sole cost and expense, the Owners install a fire hydrant about 200 feet north of the intersection on the west side of Quentine Avenue as determined by the Town to meet life/safety regulations; and
2. A commercial site plan application be submitted and approved before the existing energy-related business, Kinetic Energy, can use or continue to use Lot 3, Dove Valley 1169 S Quentine Avenue.

_____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application to rezone Lot 3, Dove Valley Subdivision from Agricultural zone district to I-2 Medium Industrial zone district, DOES NOT MEET any of the criteria for approval of a map amendment set forth in Section 16-3-540 (d) of the Land Use Code and RECOMMENDS DENIAL of the rezoning request. The proposed rezoning is not in conformance with the 2016 Comprehensive Plan, particularly the Framework Plan and the Plan's designation of commercial/mixed use for the area in which the properties are located.

Lots 31 and 32, Block 12, Wal-Mar 3d Subdivision:

** _____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application to rezone Lots 31 and 32, Block 12, Wal-Mar 3rd Subdivision from R-1 residential zone district to I-2 Medium Industrial zone district MEETS the provisions of Section 16-3-540(d) of the Land Use Code and 2016 Comprehensive Plan and RECOMMENDS APPROVAL of the request to amend the Town of Milliken's Official Zoning District Map.

_____ The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application to rezone Lots 31 and 32, Block 12, Wal-Mar 3rd Subdivision from R-1 residential zone district to I-2 Medium Industrial zone district DOES NOT MEET any of the criteria for approval of a map amendment set forth in Section 16-3-540 (d) of the Land Use Code and RECOMMENDS DENIAL of the rezoning request. The proposed rezoning is not in conformance with the 2016 Comprehensive Plan, particularly the Framework Plan and the Plan's designation of commercial/mixed use for the area in which the properties are located.

**** - In the event the Planning & Zoning Commission decides to recommend approval of the application, it should consult with the Town Attorney on findings of fact in support of the decision.**

Relevant Land Use Code Sections for Reference

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								
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 ³	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 adjacent to a major arterial street ³	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) blue-line 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 is 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)

BUILDOUT CAPACITY

LAND USE	AVERAGE DENSITY	ACRES	UNITS	POPULATION ¹
Residential²				
Estate Residential (ER)	0.05 DU/ac	2,989	149 DUs	477
Residential Neighborhood (RN)	4.5 DU/ac	3,857	13,885 DUs	44,294
Downtown (DT) ³	12 DU/ac	39	378 DUs	1,205
Commercial/Mixed Use (CMU) ³	8 DU/ac	333	2,131	6,799
<i>Residential Subtotal</i>	--	7,218	16,544	52,774
Non-Residential⁴				
Downtown (DT) ³	1.00 FAR	10	342,734 sqft	--
Commercial/Mixed Use (CMU) ³	0.65 FAR	83	1,880,050 sqft	--
Business Industrial (BI)	0.50 FAR	1,164	20,281,536 sqft	--
<i>Non-Residential Subtotal</i>	--	1,257	22,504,320 sqft	--
Other				
Agriculture (AG)	--	3,798	--	--
Parks and Recreation (PR)	--	343	--	--
Greenways	--	6,534	--	--
Public/Quasi-Public	--	63	--	--
Urban Reserve	--	1,830	--	--
<i>Other Subtotal</i>	--	12,568	--	--

Source: Clarion Associates, 2015

Notes:

- ¹ Existing Residential acreage reduced by 20 percent to account for development inefficiencies except for ER.
- ² Downtown and Commercial/Mixed Use acreages assume 20 percent will be used for non-residential uses, while 80% will be used for residential uses.
- ³ Existing Residential acreages reduced by 20 percent to account for development inefficiencies except for ER.
- ⁴ Downtown and Commercial/Mixed Use acreages assume 20 percent will be used for non-residential uses, while 80% will be used for residential uses.
- ⁵ Existing Non-Residential acreages reduced by 20% to account for development inefficiencies.



FUTURE LAND USE CATEGORIES

The table below summarizes each of the land use categories identified on the Framework Plan map. The table is intended as a quick reference guide to be used in conjunction with the Framework Plan and the policies contained in this comprehensive plan.

LAND USE CATEGORY	DENSITY RANGE	USES	CHARACTERISTICS/NOTES	CURRENT ZONING
Residential				
Estate Residential (ER)	Typically 1 dwelling unit per 20 acres; although lots as small as 5 acres may be approved with a conservation density bonus or 6 acres as part of a factory built housing development.	Primary: Detached single-family homes on large lots. Secondary: Minor accessory uses and buildings and agricultural uses.	<ul style="list-style-type: none"> • Clustering on smaller lots is strongly encouraged to provide for preservation of agricultural land, sensitive natural areas, and common open space. • Typically found in rural settings both within and outside of Town limits. • Large portions of the lot remain undeveloped, reinforcing rural character. • Generally not served by Town utilities; although utilities may be extended to serve some areas in the future. • Keeping of livestock may be permitted, based on underlying zoning. 	R-1E, E-1, AE, R-FH
Residential Neighborhood (RN)	Typical 3-7 dwelling units per acre, however, may be as high as 20 dwelling units per acre in some locations.	Primary: Detached single-family homes on smaller lots; attached units (duplex, triplex, townhomes); mobile homes; and multifamily apartments or condominiums exist in limited locations. Secondary: Parks, trail, recreational facilities, schools, places of worship, and other public/quasi-public uses are typically integrated within each neighborhood.	<ul style="list-style-type: none"> • Includes Old Town neighborhood as well as other established neighborhoods near Downtown. • A mix of housing types is encouraged to serve the community. • Includes areas identified for future residential development where municipal services are currently available or are planned. • Where higher density multifamily dwellings are provided, transitions to adjacent single-family development should be provided either through changes in height and building massing or by placing lower-intensity housing types (e.g., duplexes, townhomes) along shared edge. • As new neighborhoods are developed, pedestrian and bicycle connections to schools, parks, recreational facilities and other facilities and services in established parts of Town should be provided. 	R-1, R-2, R-3, R-M

CHAPTER 7: FISCALLY SUSTAINABLE DEVELOPMENT

LAND USE CATEGORY	DENSITY RANGE	USES	CHARACTERISTICS/NOTES	CURRENT ZONING
Commercial/Employment/Mixed Use				
Downtown (DT)	Typical floor area ratios (FARs) of between 0.25 and 2.	<p>Primary: Mix of civic, retail/commercial, and office.</p> <p>Secondary: Medium/high density housing.</p>	<ul style="list-style-type: none"> • Intended to provide for a mixture of uses that will strengthen and expand the Downtown central business district and reinforce its character and vitality as the central “hub” of the community. • Ground floor of buildings fronting on Broad Street should be retained for retail/commercial uses. Higher density residential is encouraged Downtown to increase activity, support local businesses, and increase housing options; however, housing should be limited to either the upper floors of buildings fronting on Broad Street or as part of a larger development off of Broad Street. • Includes portions of established residential areas to the north and south of Broad Street, where existing homes may be converted to office and retail and/or where a transition to higher intensity uses is encouraged to occur over time. 	MU-C-D
Commercial/Mixed Use	Typical floor area ratios (FARs) of between 0.35-1.0 FAR.	<p>Primary: Retail, commercial services, and professional offices.</p> <p>Secondary: Multifamily residential, including live-work units.</p>	<ul style="list-style-type: none"> • Intended to accommodate traditional retail and commercial centers, as well as mixed use centers that include supporting residential uses and are integrated as part of larger planned communities. • Mixed use centers may include a horizontal or vertical mix of uses (i.e., residential or office above retail uses) and will tend to have a more compact land use pattern. • Regardless of the overall mix of uses, Commercial/Mixed Use centers should incorporate pedestrian-friendly design elements through management of location, scale and orientation of parking facilities, driveways, connective sidewalks and trails, public plazas, and storefronts. 	C-1, C-2, C-3, C-4



LAND USE CATEGORY	DENSITY RANGE	USES	CHARACTERISTICS/NOTES	CURRENT ZONING
Business Industrial (BI)	Typical floor area ratios (FARs) of between 0.15-1.0 FAR.	<p>Primary: Employment facilities, such as professional offices, research and development, manufacturing, indoor storage, warehousing and distribution, and a wide range of other industrial services and operations.</p> <p>Secondary: Retail and/or outdoor storage permitted as an ancillary use with a primary employment or industrial use.</p>	<ul style="list-style-type: none"> • Concentrated areas of employment along Highway 60 and railroad lines. • May include smaller office complexes consisting of a single building or several buildings not located in an office park setting. • Activities generally take place indoors, and outdoor storage or other higher intensity industrial types of uses should be screened from residential neighborhoods and public rights-of-way. • Supporting retail should be concentrated to the extent feasible. 	I-2; I-1
Public/Open Lands				
Agriculture (AG)	N/A	<p>Primary: Farming, ranching, and other agriculturally related uses.</p> <p>Secondary: Low density (rural) residential.</p>	<ul style="list-style-type: none"> • Areas are not anticipated to be developed within the 20-year planning horizon. • Continuation of agricultural uses is encouraged within the context of both market demand and the desires of individual property owners. • Residences are typically limited to those for owners/operators of the agricultural enterprise. 	A
Parks and Recreation (PR)	Varies	Parks, trails, and other recreational facilities.	<ul style="list-style-type: none"> • Provides for the active and passive recreational needs of the community, in coordination with the Johnstown/Milliken Parks, Trails, Recreation, and Open Space Master Plan. • Generally provided by public agencies, such as the Town of Milliken, Thompson River Parks and Recreation District, Weld County, or others; however private parks and open space and privately operated golf courses are also included. 	Varies

CHAPTER 7: FISCALLY SUSTAINABLE DEVELOPMENT

LAND USE CATEGORY	DENSITY RANGE	USES	CHARACTERISTICS/NOTES	CURRENT ZONING
Greenways	N/A	Limited uses with low flood damage potential and that will not obstruct flood flows, such as farming, ranching, and other agriculturally related uses, as well as parks, open space, trails and other recreational uses.	<ul style="list-style-type: none"> Includes areas within the 100 and 500-year floodplain (as identified by official FEMA mapping) as well as steep slopes and other environmentally sensitive or hazard prone areas suitable for future conservation. 	CD
Public/Quasi-Public (PUB)	Varies	<p>Primary: Government offices, schools, community centers, fire stations, libraries, cemeteries, churches, and other places of worship. Also includes facilities needed for essential public services (e.g. wastewater treatment plant), and other industrial uses.</p>	<ul style="list-style-type: none"> Only existing facilities are shown on the Future Land Use Plan. Future locations will vary depending on the type of facility 	Varies



LAND USE CATEGORY	DENSITY RANGE	USES	CHARACTERISTICS/NOTES	CURRENT ZONING
Other				
Floodplain/Flood Hazard Overlay	N/A	Limited uses with low flood damage potential and that will not obstruct flood flows, such as farming, ranching, and other agriculturally related uses, as well as trails, parks, open space, trails and other recreational uses.	<ul style="list-style-type: none"> • Identifies areas within the 100 and 500-year floodplain (as identified by official FEMA mapping) • Also identifies areas that were inundated during the 2013 flood. 	
Urban Growth Area	N/A	N/A	Includes areas where utilities, access and other public services can be reasonably provided and where growth and development will be encouraged.	N/A
Influence Area	N/A	N/A	Land now under Weld County jurisdiction, which has a rural character and may potentially become developed with urban uses as services become available (likely beyond the current planning horizon). The Influence Area boundary constitutes the Town's three-mile limit as required by CRS 31-12-105. (1) (e) (I).	N/A

ORDINANCE NO. 737

AN ORDINANCE OF THE TOWN OF MILLIKEN REZONING LOT 3, DOVE VALLEY SUBDIVISION, FROM AGRICULTURAL (A) TO I-2 MEDIUM INDUSTRIAL, AND AMENDING THE OFFICIAL ZONING MAP

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

WHEREAS, the Owners have made an application to change the zoning of the Property from A Agricultural District to I-2 Medium Industrial Zoning District; and

WHEREAS, the Milliken Planning and Zoning Commission considered the zoning proposal at a duly noticed public hearing conducted on October 5, 2016, and continued to November 2, 2016, and forwarded its recommendation to Board of Trustees; and

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

WHEREAS, in accordance with Chapter 16 ("Land Use Code") of the Milliken Municipal Code, a public hearing was held before the Milliken Board of Trustees, at which time evidence and testimony were presented to the Board concerning said rezoning proposal; and

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

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

WHEREAS, the corner of S. Quentine Avenue 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 goal of the Comprehensive Plan is to identify and invest in infrastructure improvements that will create new locations for businesses and residents to locate within Milliken;

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

WHEREAS, the I-2 Medium Industrial zoning is consistent with the long range economic development and growth of the Town as set forth in the 2016 Comprehensive Plan; and

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

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

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

Section 2: Rezoning Approved. The Board hereby approves rezoning of Lot 3, Dove Valley Subdivision, Town of Milliken, from A “Agricultural District” to I-2 “Medium Industrial District.” The Town staff is directed to amend the Town’s official zoning map to reflect the Property’s I-2 zoning district classification consistent with this Ordinance.

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

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

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

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2016.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Linda Michow, Town Attorney

Published: _____

DRAFT

ORDINANCE NO. 738

AN ORDINANCE OF THE TOWN OF MILLIKEN REZONING LOTS 31 AND 32, BLOCK 12, WAL MAR 3RD SUBDIVISION PLAT FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO I-2 MEDIUM INDUSTRIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, Roger Allen Frank, Gary Dean Frank and Ronald Lee Frank are the owners (Collectively referred to herein as the "Owners") of the property legally described as Lots 31 and 32, Block 12, Wal Mar 3rd Subdivision (Collectively referred to herein as the "Property") in Milliken

WHEREAS, the Owners have made an application to the Town to change the zoning of the Property from R-1 Residential Single Family to I-2 Medium Industrial Zoning District; and

WHEREAS, the Milliken Planning and Zoning Commission considered the zoning proposal at a duly noticed public hearing conducted on October 5, 2016, and continued to November 2, 2016 and forwarded its recommendation to Board of Trustees; and

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

WHEREAS, in accordance with Chapter 16 ("Land Use Code") of the Milliken Municipal Code, a public hearing was held before the Milliken Board of Trustees, at which time evidence and testimony were presented to the Board concerning said zoning proposal; and

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

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

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

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

WHEREAS, another goal of the Comprehensive Plan is to identify and invest in infrastructure

improvements that will create new locations for businesses and residents to locate within Milliken; and

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

WHEREAS, the I-2 Medium Industrial zoning is consistent with the long range economic development and growth of the Town as reflected in the 2016 Comprehensive Plan; and

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

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

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

Section 2: **Rezoning Approved.** The Board hereby approves rezoning of Lots 31 and 32, Block 12, Wal Mar 3rd Subdivision from R-1 “Single Family Residential” to I-2 “Medium Industrial District.” The Town staff is directed to amend the Town’s official zoning map to reflect the Property’s I-2 zoning district classification consistent with this Ordinance.

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

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

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

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2016.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Linda Michow, Town Attorney

Published: _____

DRAFT

