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: July 15, 2015
Agenda Item #	Action:	Discussion:	Information: X
Agenda Title: Request to modify the required rear setback of 20 feet for two lots in Settlers Village PUD			
Attachments: Plot plans for 1813 Sunset Circle and 1913 Sunset Circle in Settlers Village			

PURPOSE

To consider a request from Windmill Homes to modify the required rear setback on 1813 Sunset Circle (Lot 24, Block 1) and 1913 Sunset Circle (Lot 14, Block1), a cul-de-sac, in Settlers Village Planned Unit Subdivision (PUD) to accommodate the code requirement for building diversity. The required rear yard setback is 20 feet and the requested rear setback for 1813 Sunset is 18.75 feet and for 1913 Sunset is 19.04 feet. The two lots requiring a setback modification are for less than 10% of the required rear setback of 20 feet.

The request is due to a hardship created by the Code's requirement for building diversity in combination with very narrow cul-de-sac lots that are exactly the same size. Because these lots are on the cul-de-sac, they have a narrower frontage than the same lot does on a regular street. The houses on the cul-de-sac need to be set back farther from the road creating larger front yards. It is hard to place some of Windmill's model homes on these lots without encroaching into the required rear setback as defined as part of the Planned Unit Development (PUD) subdivision final plat approval. The problem was not foreseen until a couple of home buyers choose house models that after being placed on these cul-de-sac lots don't quite fit within the setbacks. The builder in this case was also the applicant for the Settlers Village PUD subdivision.

COMPLIANCE WITH TOWN LAND USE CODE

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)

Division I General
Sec. 16-2-10. General provisions.

(a) Applicability. All development applications and building permit applications shall comply with the applicable standards contained in this Article.
(b) Relation to Zone District Standards (Section 16-3-490 of this Code). In the event of a conflict between a standard or requirement contained in Section 16-3-490 and this Article, the standard in Section 16-3-490 shall prevail. (Ord. 480 §2.1, 2003)

Sec. 16-2-15. Vision and intent.

(a) The intention of the Town of Milliken in enacting this Article is to clearly describe the Town's vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens' goals as identified in the *Milliken Comprehensive Plan* ("Comprehensive Plan").

. . . Visions for Community is an attempt to bring into the city a new form of urban design, one which predicts a shift in the ways a community attempts to consider its physical city, its environment, its traditions, ritual life and mores and how they all cohere into patterns we call city. This "new" form of urban design is in truth quite old. It reflects one of humankind's most primordial activities – the making of "space" into "place." It is considered new in this particular time because it is counter to the way cities have evolved during the twentieth century, by responding to the marketplace. It is considered new because it emphasizes "community" as its guiding imperative instead of economic gain, and "vision" as its principal operative rather than opportunism.

– Dallas Visions for Community, Dr. Gail Thomas

(b) The Town has many attributes, but its greatest source of pride is its small-town character. This character is readily apparent and forms the foundation of the community. As the Town grows, the elements that contribute to this character must be strengthened and nurtured. As part of the comprehensive planning process, the citizens of the Town described these elements and their collective intentions for development of the community. Their vision and intentions are outlined below:

(1) Community.

a. The Town will continue to be peaceful, quiet and safe with citizens who know, respect and care for each other and have a general concern for the community as a whole.

b. Milliken will continue to be a wonderful place to raise a family. Residents will represent a broad diversity of people in terms of age, income, interests and activities. Special attention will be given to the youth and seniors of the community.

c. The Town's western and cultural heritage needs to be preserved through historic preservation efforts of its significant buildings and cultural events.

d. The architectural styles used for new businesses will provide interesting, high-quality buildings while maintaining the small-town charm of Milliken.

e. The development of new schools in the Town, as demand warrants, will be an important component of providing exceptional educational opportunities to the youth in the community.

f. A spirit of cooperation will be fostered with the surrounding communities and the County.

(2) Housing.

a. Neighborhoods will each have unique character and will be designed with pedestrian access and linkages to parks, schools, public facilities, downtown, commercial areas and the Milliken trail system.

b. Additional variety of housing types will be available to reflect the diversity within the community. New development will include varying housing types, such as: single-family homes, row houses, small clusters of multi-family units and apartments, terraced town homes, senior housing and some

manufactured homes. The diversity of product types available will accommodate a variety of lifestyles and income levels.

c. New residential developments will reflect the diversity of existing neighborhoods and incorporate a variety of housing styles and types. Large-scale, "cookie-cutter" developments will not be allowed.

d. Affordable housing will be dispersed among the mixture.

e. Incentives will be investigated in order to upgrade existing housing that is in need of repair.

(3) Public facilities.

a. Educational opportunities for all ages will be provided in many of the parks and public facilities throughout the community.

b. The development of a new Community Center will be pursued to provide a pool, recreation and cultural center, fine arts theater and outdoor concert facility.

c. The Thompson River corridor will be developed as a primary greenway over time, in order to highlight the scenic corridor and provide recreational opportunities.

d. Newdevelopmentwillpayforitsinfrastructurecostsandrequiredservices.

e. There must be adequate capacity in water and wastewater facilities prior to approval of new development. Water storage will be achieved without causing unnecessary negative visual impact.

f. Convenient public transit will ultimately be made available to nearby urban areas. This includes the possibility of a connection to the commuter rail system that may one day be built between Fort Collins and Denver.

(4) Environment.

a. The natural environment, the Town's most distinguishing feature, will be preserved and integrated into all aspects of community design. Special attention will be given to the design of the Town's entryways, as well as open space preservation at the outskirts of the Town limits.

b. Development will not be allowed on the bluffs, which are located north of the Big Thompson River and along ridgelines.

c. New developments will be built in harmony with the natural environment and take into consideration the physical constraints of the site, as well as aesthetic and ecological values of the land. Steep hillsides, drainageways and riparian areas will be protected.

(5) Economic vitality.

a. Downtown redevelopment will be an ongoing process to continue to strengthen the core community as an activity center and economic base.

b. Incentives will be investigated to encourage the development and expansion of local businesses in order to continue to create jobs within the community so that people can work and live in Town.

c. The Town's economic vitality will be achieved by allowing appropriate new development that enhances the community as a visitor destination and encourages small local businesses to thrive. A strong economy, combined with creative funding strategies, will enable the Town to invest in a number of desired amenities.

(c) Overall, Milliken will continue to be a wonderful place to call "home," with an unsurpassed quality of life. (Ord. 480 §2.2, 2003)

Sec. 16-3-460. PUD Planned Unit Development District.

(a) Intent.

(1) The intent and purpose of the Planned Unit Development (PUD) District is to permit and encourage innovative design and high quality, master-planned developments. This district is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. The PUD District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUDs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.

(2) This Article is intended to supersede the provisions of, and prevent the application in this Town of, the Planned Unit Development Act of 1972 (Title 24, Article 67, C.R.S.), except that this Article shall not be deemed to supersede the Planned Unit Development Act of 1972, appearing as Article 67 of Title 24, C.R.S., with respect to the provisions of that act pertaining to the continued maintenance and upkeep of open space and other commonly owned areas and the consequences of failing to maintain such areas.

(b) Permitted Uses.

(1) Any combination of uses may be permitted in a PUD District so long as the Board of Trustees determines that such uses are compatible with one another and with any property that could reasonably be impacted by the development of any proposed PUD. Compatibility shall be determined based on the extent to which any proposed use of land within the PUD would unreasonably interfere with the use and enjoyment of any other use of land within the PUD. Factors which may be considered include the type and intensity of uses, the extent to which uses complement one another, the bulk of structures associated with use, and the noise, light, traffic, vibrations and other similar external impacts associated with each use.

(2) The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the PUD as well as the impact of the proposed development on Town services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography and geological and environmental limitations of the land proposed for development. Notwithstanding the foregoing, residential development shall not exceed a gross density of twelve (12) units per acre; commercial development shall not exceed a floor area ratio of 0.5; office development shall not exceed a floor area ratio of 4.0; industrial development shall not exceed a floor area ratio of 1.0. In a mixed-use PUD, the gross density shall be calculated based on the gross land area devoted to each type of use.

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD District shall be subject to the following:

(1) All PUD applications shall include a gross land area of not less than two (2) acres, except in the R-M and R-MH Districts, where the gross land area shall not be less than six (6) acres. Upon the specific request of the landowner or upon the recommendation of the Board of Trustees, the two-acre requirement set forth in this Section may be waived if, after considering the land use requested, the Board of Trustees finds that such waiver would be beneficial to the Town and foster the objectives of this Code.

(2) The area of land for the PUD may be controlled by one (1) or more landowners and must be developed under unified control or a unified plan of development.

(3) Areas designated as private streets and/or common open space including land, an area of water or a combination of land and water within the site designated for a PUD shall be designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD; and provisions shall be made for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the Town.

(4) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space or other standards within the existing land use regulations, except those development standards that are not open to modification (see Section 16-4-530 of this Code).

(5) No PUD may be approved by the Town without the written consent of the landowner whose property is included within the PUD.

(d) PUD Approval Procedure.

(1) All PUD District applications shall be submitted and processed simultaneously with the processing of subdivision applications for the property. The processes set forth in Sections 16-4-160 through 16-4-190 of this Code for major subdivisions shall be followed, including all preapplication conferences, Planning Commission visioning meetings, sketch plan, preliminary plat and final plat applications, and all required public hearings. Scheduling requirements for PUD applications shall match those specified for sketch plans and preliminary and final plats. In addition, an application for a PUD District amendment to the official zoning map shall be processed and subject to public hearings in the same manner as for other amendments to the official zoning map, as outlined in Section 16-3- 540 of this Code.

(2) Rezoning to a PUD District shall occur concurrently with a preliminary plat/ preliminary PUD development plan. Public hearings for the zoning of a property as a PUD District and for Preliminary PUD development plan approval may be combined or can occur separately. Development within a PUD District cannot occur unless and until a final plat for the portion of the property to be developed has been approved and recorded as provided in Article IV of this Chapter.

(3) Upon approval of a final PUD development plan, the Town, through its Board of Trustees, shall adopt an ordinance establishing the PUD District for the property in accordance with that plan.

(4) In addition to all of the information required as part of the sketch plan, preliminary plat and final plat application packages (as specified in Sections 16-4-160 through 16-

4-190 of this Code), applications for a PUD development plan and PUD District shall include additional information as outlined below.

(e) Sketch PUD Development Plan Application Submittal Requirements.

(1) PUD application fee.

(2) Written PUD description as part of the general development information which includes:

a. List all subdivision regulation and community design and development standards exceptions proposed for the PUD and how the PUD complies with Section 16-2-20 of this Chapter.

b. Identify the underlying zoning districts for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the districts. If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 16- 3-500 of this Article) will be addressed.

c. Identify and explain the benefits which will be provided by the PUD to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of- way is decreased by eliminating on-street parking, then there will be designated parking areas within five hundred (500) feet of all residences, etc.). All proposed benefits must offset the proposed modifications.

d. Explain how the proposed PUD will be compatible with adjacent neighborhoods that now exist or are proposed in the future. Describe any proposed buffering techniques that serve to achieve such compatibility.

e. Provide any additional relevant information that the Town may deem necessary.

Preliminary PUD Development Plan Application Submittal Requirements.

(1) PUD application fee.

(2) Written PUD description as part of the general development information which includes:

a. List all subdivision regulations, community design and development standards and community design principle exceptions being proposed for the PUD and explain why such exceptions are justified.

b. Identify the underlying zoning districts for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the districts. Provide a comparison between the proposed preliminary PUD plan to the elements and standards of the underlying zone districts as contained in this Code. If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 16-3-530 of this Article) will be addressed.

c. Describe how the proposed PUD rezoning satisfies one or more of the criteria for amendments to the official zoning map (Section 16-3-530 of this Code).

d. Identify and explain the benefits that will be provided by the PUD to offset the impact of the modifications requested. The proposed benefits must offset the proposed modifications.

e. Explain how the proposed PUD will be compatible with adjacent neighborhoods that now exist or are proposed in the future. Describe buffering techniques that serve to achieve such compatibility.

f. An explanation of how the preliminary PUD development plan is consistent with the sketch PUD development plan, or if there are differences, the rationale for the changes.

g. Draft copies of owners' association documents (covenants, conditions, restrictions and any architectural design guidelines) that provide an acceptable program for the continuing maintenance of open space, recreational areas, walkways and private streets within the PUD; that detail the type of organizational structure responsible for such ongoing maintenance; and that provide for architectural review based on the design guidelines.

h. Provide any additional relevant information that the Town may deem necessary.

(3) Preliminary PUD Development Plan Map. Prepare the preliminary PUD development plan map using the preliminary plat map as the base. Refer to Section 16-4-170 of this Code for drawing standards and format. Include on the base a clear graphic and/or written representation of:

a. All principal, conditional and accessory uses within each land use category within the PUD; i.e., single-family, multi-family, commercial, etc., either listed specifically or by reference to the zoning districts within the Town. In particular, note any modifications to the principal, conditional and accessory uses of the underlying zone districts.

b. Standards for principal and accessory uses within each land use category to include:

1. Minimum lot area.
2. Maximum lot coverage.
3. Maximum floor area ratio (total floor area to total lot area).
4. Maximum building height.
5. Parking requirements for principal, accessory and conditional uses.
6. Provide any additional relevant information that the Town may deem necessary.

(4) Proposed phasing for the development.

(g) Final PUD Development Plan Application Submittal Requirements.

(1) PUD application fee.

(2) Written PUD description as part of the general development information, based on the materials submitted for the preliminary PUD development plan and on comments received from the Town at the time of preliminary plan review. Include all of the items listed above for the preliminary PUD development plan, in finalized form. Also include an explanation of how the final PUD development plan is consistent with the preliminary PUD development plan, or if there are differences, the rationale for the changes.

(3) Final PUD Development Plan Map. Prepare the final PUD development plan map using the final plat map as the base. Refer to Section 16-4-180 of this Code for drawing standards and format. See the Workbook for sample certificates for the owner, Planning Commission, Board of Trustees and Clerk and Recorder. Include on the base a clear graphic and written representation of all of the information/items required for a preliminary PUD development plan as listed above, in finalized form.

(4) Provide any additional relevant information that the Town may deem necessary.

(h) PUD Review Criteria.

(1) Sketch PUD Development Plan Review Criteria. The following review criteria will be used by the Staff, Planning Commission and Board of Trustees to evaluate all PUD applications at the time of sketch PUD plan/sketch plan review:

a. The proposed benefits offset the proposed exceptions to the zoning and subdivision standards, and that such exceptions are in the best interest of the public health, safety and welfare.
b. The proposed PUD conforms to the PUD restrictions, and the proposed zoning is compatible with the surrounding land uses.
c. The PUD proposes creative and innovative design and high quality development, thereby protecting and promoting public safety, convenience, health and general welfare.
d. The uses and densities in the proposed PUD are compatible, and will be effectively integrated with adjacent neighborhoods that now exist or are proposed in the future.
e. The proposed PUD is in general conformance with the Comprehensive Plan, Community Design and Development Standards and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the criteria as set forth in Section 16-2-20 of this Code.
f. One (1) or more of the criteria for amendment of the official zoning map has been satisfied.

(2) Preliminary PUD Development Plan Review Criteria. In addition to all of the review criteria for a sketch PUD development plan, the following review criteria will be used by the Town Staff and Board of Trustees to evaluate all PUD applications at the time of preliminary PUD plan/preliminary plat:
a. The preliminary PUD development plan is substantially consistent with the sketch development plan as approved by the Board of Trustees.
b. All sketch PUD development plan conditions of approval have been adequately addressed on the preliminary PUD development plan.

(3) Final PUD Development Plan Review Criteria. In addition to all of the review criteria for a preliminary PUD development plan, the following review criteria will be used by the Town Staff and Board of Trustees to evaluate all PUD applications at the time of final PUD plan/final plat:
a. The final PUD development plan is substantially consistent with the preliminary PUD development plan as approved by the Board of Trustees.
b. All preliminary PUD development plan conditions of approval have been adequately addressed on the final PUD development plan.

(i) Compliance with PUD District/Final Development Plan. The Board of Trustees may initiate the process to repeal the ordinance establishing the PUD District if:
(1) The project for which the PUD zone was established is not carried out pursuant to the approved final PUD development plan; provided, however, that the Board of Trustees may approve appropriate modifications to the final PUD development plan from time to time prior to completion of the proposed development; or
(2) Building activity for the PUD District has not commenced within a period of one (1) year after the effective date of the creating ordinance, unless otherwise approved by the Board of Trustees.

(j) Land Previously Zoned PUD. Any land previously zoned PUD, and partially developed prior to the date of adoption of this Code, may continue and complete such development under the terms and conditions of approval for that PUD; subject, however, to the provision that any major modifications, as determined by the Town, to that PUD shall require review and approval under the new requirements of this Code. (Ord. 480 §3.4, 2003)

COMPREHENSIVE PLAN GOALS IMPLEMENTED

The Framework Plan of the 2009 Comprehensive Plan Update designated this area for medium density residential housing in an effort to provide housing for a variety of lifestyles and income levels. Milliken's 2010 Comprehensive Plan and Land Use Code goals encourage new residential development with a variety of housing styles and types in neighborhoods. Large-scale, "cookie-cutter" developments are not be allowed. Thus, the request to allow minor modifications to the original Settlers Village PUD supports the Comprehensive Plan.

STAFF RECOMMENDATION

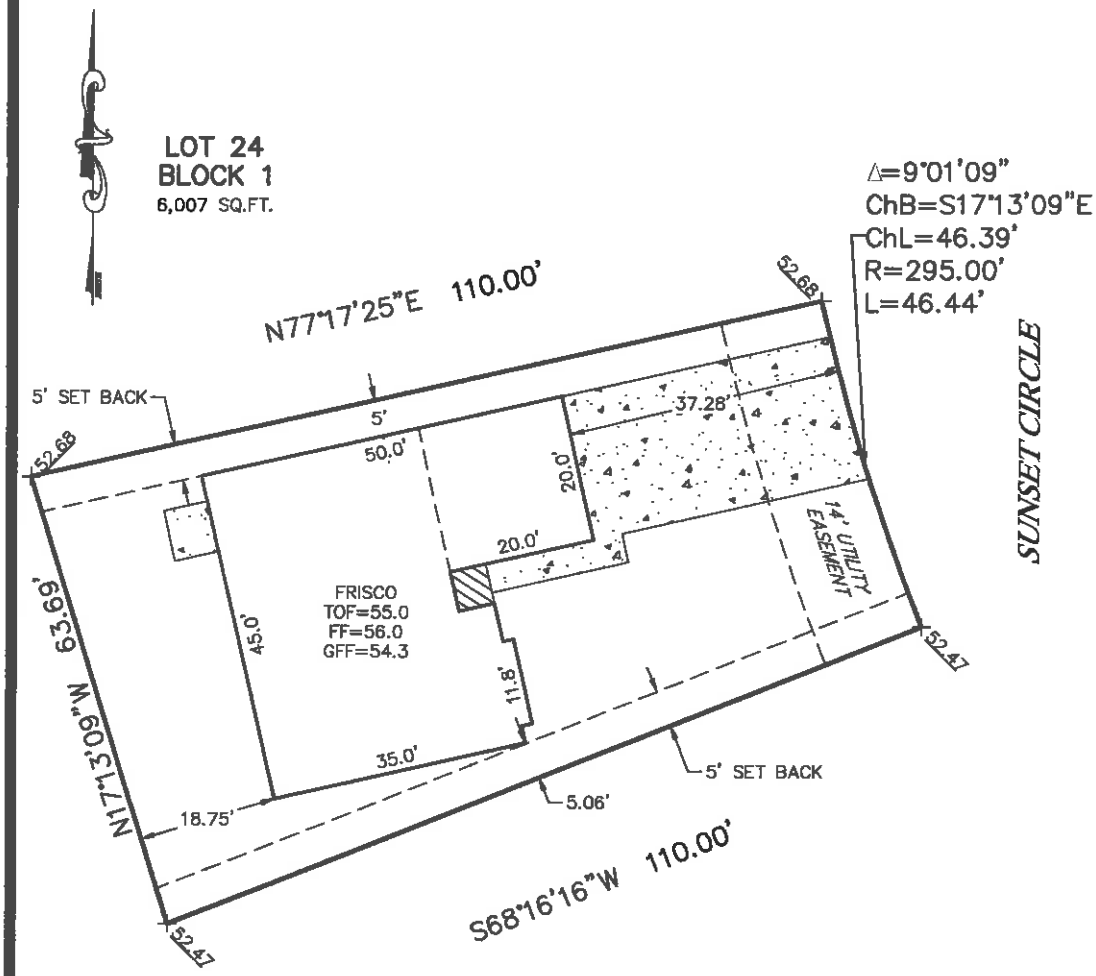
Staff recommends that the Board approve the minor modification to the Settlers Village PUD providing a waiver to the required rear setback for1813 Sunset Circle (Lot 24, Block 1) and 1913 Sunset Circle (Lot 14, Block 1) in Settlers Village for less than 10% of the required 20 foot rear setback as defined in the Settler's Village PUD final plat. The Land Use Code Section 16-3-460 "PUD Planned Unit Development District" allows the Board of Trustees to approve appropriate modifications to the final PUD development plan from time to time prior to completion of the proposed development. Staff believes the request to modify a rear yard setback for 2 lots is a minor modification to the Settlers Village PUD, which can be approved by the Board. Staff is taking this request to the Planning & Zoning Commission as an informational item before taking the request formally to the Board on July 22, 2015 for their review and possible approval.

PLOT PLAN

LOT 24 BLOCK 1 SUBDIVISION SETTLERS VILLAGE

COUNTY OF WELD STATE OF COLORADO

ADDRESS 1813 SUNSET CIRCLE, MILLIKEN



*NOTE: IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY ALL DIMENSIONS, ELEVATIONS AND HEIGHT REGULATIONS (WHICH MAY AFFECT BUILDING SETBACKS) PRIOR TO CONSTRUCTION.

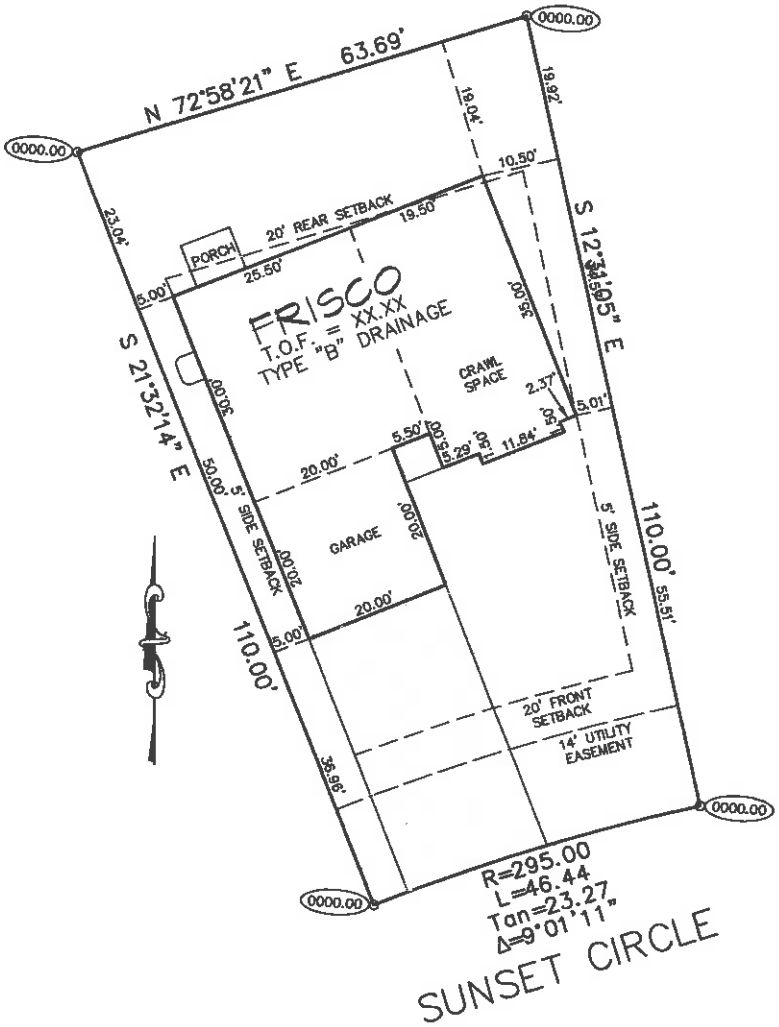
KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
www.kingsurveyors.com

DRAWN BY: MRG
SCALE: 1"=20'
DATE: 6/17/15
JOB NO. 2010464
CLIENT: WINDMILLS

PLOT PLAN

LOT 14, BLOCK 1, SETTLERS VILLAGE
1913 SUNSET CIRCLE, MILLIKEN COLORADO
(XXXX.XX) = LOT CORNER ELEVATION PER GRADING PLAN
XXX.XX x = EXTERIOR GRADE ELEVATION PER GRADING PLAN
T.O.F. = PROPOSED TOP OF FOUNDATION ELEVATION
NOTE: FINISHED GRADE AT FOUNDATION SHALL BE 8" LOWER THAN T.O.F.

LOT 14
6,007 SQ. FT.



NOTES:
1. THIS PLOT PLAN IS BASED ON INFORMATION PROVIDED BY THE OWNER/CONTRACTOR. THE OWNER/CONTRACTOR SHALL VERIFY ALL LOT DIMENSIONS, SETBACK INFORMATION, EASEMENT WIDTHS, GRADING ELEVATIONS AND THE PROXIMITY TO EXISTING STRUCTURES WITH THE GOVERNING AUTHORITY AND OR COVENANTS.
2. DIMENSIONS SHOWN AROUND THE PERIMETER OF THE STRUCTURE ARE TO EXTERIOR FOUNDATION CORNERS.
3. THE CONTRACTOR SHALL VERIFY ELEVATIONS AND DIMENSIONS PRIOR TO CONSTRUCTION. ANY VARIATION TO THIS PLAN SHALL BE REPORTED TO LANDMARK ENGINEERING LTD. IMMEDIATELY.
4. THE CONTRACTOR SHALL NOT ENCROACH ON ADJACENT PROPERTY WITHOUT PERMISSION FROM THE AFFECTED PROPERTY OWNERS.
5. PROVIDE AND MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL FOUNDATION WALLS: A MINIMUM SLOPE OF 10% SLOPE OF 10% IS REQUITED FOR THE FIRST 10 FEET AND THEN A MINIMUM SLOPE OF 2% IS REQUIRED THEREAFTER.

Landmark Engineering
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www.landmarkltd.com

TITLE: LOT 14, BLOCK 1, SETTLERS VILLAGE	
CLIENT: WINDMILL HOMES	SCALE: 1"=20'
DATE: 9 JULY 2015	JOB #: TBD

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