

**TOWN OF MILLIKEN  
PLANNING COMMISSION  
MEETING HOUSE, 1201 BROAD STREET**

**WEDNESDAY, October 17, 2012**

**7:00 P.M. Regular Meeting**

**Call to Order**

Pledge of Allegiance

**Agenda Approval**

Additions/Deletions to Agenda

**Citizens Comments**

*This portion of the agenda is provided to allow members of the audience to provide comments to the Planning Commission on items that are not being considered on the current agenda. If your comments or concerns require an action, the item(s) will need to be placed on a later agenda. Please limit the time of your comments to three (3) minutes. Planning Commission will make no decision nor take action, except to direct the Town Staff.*

**Minutes of Previous Meeting**

**Attach 1**

Minutes for the August 15, 2012 meeting

**CONSENT AGENDA**

*Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Planning Commission member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Action Agenda.*

There are no items on the Consent Agenda





## **ACTION AGENDA**

- 1. Public Meeting for Consideration of a Minor Subdivision to create two lots in the Peregrine Creek Second Minor Subdivision** **A Attach 1**

Staff presentation: Steve House, Community and Economic Development Director

## **END OF ACTION AGENDA**

## **DISCUSSION AGENDA**

- 1. Change to Accessory Building Setbacks** **D Attach 1**
- 2. Weld County Referral RES12-0001 – Resubdivision at 49<sup>th</sup> St. and Hill - N. Park Drive** **D Attach 2**
- 3. Notice of Annexation – Town of Mead at I-25 and CR 40** **D Attach 3**

## **END OF DISCUSSION AGENDA**

**Other Business**

**Unfinished Business**

**Adjournment**



TOWN OF MILLIKEN  
PLANNING COMMISSION  
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, August 15, 2012 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 15th day of August, 2012 at 7:00 p.m. Those present were: Chairman Linda Measner, Vice-Chair Tim Woodcock, Commissioners; James Anthony, Dave Bernhardt, Dave Watson, Janet Carter and Richard Hillier. Also present: Community & Economic Development Director Steve House, and Management Associate Philip Waggoner.

Chairman Measner called the meeting to order and led the audience in the pledge of allegiance.

**Agenda Approval**

Agenda approved as presented.

**Citizens Comments**

There were none.

**Minutes of Previous Meeting**

July 18 Minutes were approved as distributed.

**CONSENT AGENDA**

**No Items**

**ACTION AGENDA**

**1. Action Item 1 – Public Hearing to Consider a Request to Rezone the Western International Grain Property From C-2 to I-2**

Opening comments and background on the property and proposed rezoning were given by Steve House, Community and Economic Development Director.

There was an initial question from Chairman Measner about what exactly is allowed in the zone of I-2. Director House replied by reading all permitted uses in the I-2 zone district from the Land Use Code.

There was a follow up question regarding the actual location on the map of the site and zoning area. Director House answered the question by referencing the map.

There were then several questions about the current and future use of the property.

Bret Hall (1845 Homestead, Greeley, CO) provided the necessary background and fielded all questions from the Commission. Mr. Hall then discussed the reality of potential buyers and future landscaping development that is already underway on the property.

Commissioner Carter had three specific questions regarding septic (old vs. new), not building in the flood plain and traffic impact as a result of new business at the proposed property. Mr. Hall answered each question to the satisfaction of Commissioner Carter, illuminating that the existing septic will serve a new user and there are construction drawings being done for a sewer line to serve the property and the property west of Highway 257; they would not build in the flood plain; and his company is already in contact with CDOT and Weld County in regard to a traffic impact study. The existing access permit from CDOT may be adequate for an initial user of the property.

The chairman asked for further questions and/or comments. There were none and the public hearing was closed.

Commissioner Watson moved to approve the rezoning and Commissioner Bernhardt seconded.

The proposed rezoning was passed unanimously to the Town Board for approval.

## **2. Action Item 2 – Public Hearing for Consideration of Amendments to the Land Use Code Regarding Child Care Centers**

Director House gave opening remarks.

There was an initial question from Chairman Measner regarding clarification for the special review requirements. Director House answered.

Being no further comments or questions, the Chairman closed the public hearing.

There was a motion from Commissioner Bernhardt and a second from Commissioner Watson.

The action item passed unanimously to the Town Board for approval.

**END OF ACTION AGENDA**

## DISCUSSION AGENDA

### No Items

#### Other Business

Commissioner Bernhardt requested that the clock be reset.

Commissioner Carter noted that there was an update regarding the confirmation of securing the \$94,000 from the MPO as per Director House's and her diligence. This money is the first bit of seed money for the Johnstown/Milliken trail along Highway 60.

Director House had two brief points. The first was to expect on future agendas the request for a minor subdivision from Peregrine. The second was to expect on a future agenda the Daniel's annexation.

Commissioner Woodcock requested a bit of further clarification on the levels of permitted uses in both the C and I zoning districts.

Commissioner Woodcock also requested a current list of PC, Board and Staff member for the Town as well as contact information.

#### Unfinished Business

**There was none.**

#### Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

Prepared by:

Approved by:

\_\_\_\_\_  
Philip Waggoner, Management Associate

\_\_\_\_\_  
Chairman, Linda Measner





TOWN OF MILLIKEN  
PLANNING COMMISSION  
AGENDA MEMORANDUM

To: Chairman Measner and Planning Commissioners	Meeting Date:
From: Steve House, Community and Economic Development Director	October 3, 2012

Agenda Item #	Action:	Discussion:	Information:
	X		
Agenda Title: Request for Minor Subdivision-Peregrine Creek Second Minor Subdivision			
Attachments: Surface Use Agreement with Noble Energy, pages 4 & 5 Peregrine Creek Second Minor Subdivision-Sheets 1 & 2			

**PURPOSE**

To review and approve, approve with conditions, or deny, the proposed Peregrine Creek Second Minor Subdivision.

**BACKGROUND**

The Peregrine Creek Subdivision was originally subdivided in 2006 containing a total of 10 lots. The applicant, Mr. Doug Krehbiel, has requested that two additional lots be added to the subdivision thereby allowing for future locations for 2 homes. The surface use agreement for the subdivision prohibits the creation of any lot lines within the operation areas (present or future) for oil and gas wells. Mr. Krehbiel has been in contact with Noble Energy, asking for relief of this prohibition, and hopes to have a resolution to this problem prior to the meeting date. If a resolution is not reached in time the Planning Commission may wish to continue the meeting to a later date, allowing more time for resolution.

The proposed minor subdivision includes the relocation of the north to south trail segment onto the new Lot #4. The site plan for Peregrine Creek Subdivision requires that "Ped/Equestrian trail surface shall be maintained by HOA to Town standards as 'walkable' surface." The new, relocated trail should be built by the HOA and subject to the same aforementioned condition.

The proposed subdivision meets the Land Use Code criteria in the following ways:

(d) Minor Subdivision Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:

- a. The proposed development promotes Milliken's small-town rural character;
- b. Proposed residential development adds diversity to Milliken's housing supply;

- c. Proposed commercial development will benefit Milliken's economic base;
- d. Parks and open space are incorporated into the site design;
- e. The proposed project protects Milliken's environmental quality; and
- f. The development enhances cultural, historical, educational and/or human service opportunities.

*Staff comment: The proposed minor subdivision meets intent of all criteria that apply to this minor subdivision.*

(2) The minor subdivision plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the Milliken Comprehensive Plan, the Transportation Plan, the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the Community Design Principles and Development Standards in Division 2 of the Milliken Land Use Code.

*Staff comment: The proposed minor subdivision meets this criterion.*

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

*Staff comment: The minor subdivision is not intended to facilitate new development. The utility and transportation needs of any future homes on the two lots have been met by the existing utilities and streets in place within the subdivision.*

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

*Staff comment: There are no new negative impacts as a result of this minor subdivision and existing impacts are minimal.*

(5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

*Staff comment: The Town can benefit from additional residential development, even development for two single family residences, because of an incremental demand for retail services and because the two in-fill, future homes will help to make the neighborhood more compact.*

The Minor Subdivision regulations allow for the Planning Commission to "...forward an application to the Town Board of Trustees if they deem it necessary".

### **STRATEGIC PLAN GOAL(S) IMPLEMENTED**

The existing and intended future use of the property is consistent with the Framework Plan of the Envision Milliken Comprehensive Plan which designates this land for 'Low Density Residential' uses.

### **BUDGET IMPLICATIONS**

The fiscal model estimates the total cost for Town services for two single family homes at \$946 and total revenues at \$502, for a net loss of \$444 per year.

## **STAFF RECOMMENDATION**

Staff recommends approval of the proposed minor subdivision with the following condition: The relocated trail on Lot 4 shall be installed by the HOA and the Ped/Equestrian trail surface shall be maintained by HOA to Town standards as 'walkable' surface.

## **SUGGESTED MOTION**

"I move that the Peregrine Creek Second Minor Subdivision plat be approved with the condition that:

The relocated trail on Lot 4 shall be installed by the HOA and the Ped/Equestrian trail surface shall be maintained by HOA to Town standards as 'walkable' surface."





3484510 06/19/2007 03:08P Weld County, CO  
4 of 18 R 91.00 D 0.00 Steve Moreno Clerk & Recorder

shall install and maintain such roads or portions of roads to those state and local standards that apply to oil and gas operations.

3. Pipelines, Flowlines and Pipeline Easements.

2. a. Flowlines and pipeline easements shall be at the locations identified on Exhibit

b. Locations of pipelines, flowlines and such easements may be changed by mutual agreement of Surface Owner and the appropriate oil and gas interest owners; provided, however, all costs and expenses of such relocations shall be borne by the party which requests the relocation. In the event that Surface Owner requests the relocation of a pipeline or flowline, the applicable Oil Company shall provide Surface Owner with a written estimate of the relocation costs which Surface Owner shall thereafter promptly remit to the Oil Company. The payment shall be adjusted up or down upon completion of the work and after an itemized statement is provided to Surface Owner.

c. Pipeline easements shall be fifty (50) feet in width during construction activities and thirty (30) feet in width for all operations, maintenance and transportation activities. Flowline easements shall be thirty (30) feet in width for all operations.

d. Pipeline and flowline easements shall be for the exclusive use of oil and gas production operations; provided, however, the easements may be shared by the Oil Companies and their lessees, assignees of lessees and successors and assigns.

e. Surface Owner shall be entitled to reserve the right to cross the pipeline easements at approximately right angles, and Surface Owner shall also have the right to install and maintain easements that are adjacent to, but not within, the easements identified herein for utility lines, including those for water, gas, sewer, electric, telephone, cable, television, and fiber optic and other pipelines; provided, however; i) any new underground facilities which travel along a pipeline easement identified herein shall be located a distance horizontally of at least ten (10) feet from parallel existing pipelines; ii) any new underground facilities shall have at least twenty-four (24) inches of vertical clearance between such new facility and a pipeline provided for herein; and iii) any overhead power lines shall be at least twenty (20) feet above the ground.

f. Surface Owner shall grant the pipeline easements (for production from the Property and/or other lands) to the Oil Companies at the time the Oil Companies request them and at no cost to them.



4. Plats and Local Applications. Surface Owner shall identify the Oil and Gas Operations Areas and the Production Facility Location and all access routes and pipeline easements on her plats and in all applications for development she files with a local jurisdiction, and the plats shall include restrictions that no property line or temporary or permanent building, structure or other improvement related to the surface development shall be located, constructed or installed within the Oil and Gas Operations Areas or the Production

Facility Location except as otherwise provided in section 1. d. Surface Owner shall record the plats in the Office of the Clerk and Recorder of Weld County and provide written evidence to the Oil Companies of the recording.

5. Waiver of Setback Requirements. Surface Owner understands and acknowledges that the COGCC has rules and regulations that apply to the distance between a wellhead and public roads, production facilities, building units and surface property lines, among other things. Surface Owner hereby waives all setback requirements in COGCC Rule 603, or any successor rule or amendment to the COGCC setback rules, and to any other state or local setback requirements that are or become inconsistent with this Agreement or that would prohibit or interfere with the rights of the Oil Companies to explore for and produce the oil and gas in accordance with this Agreement. Surface Owner understands that the Oil Companies may cite the waiver in this section 5 in order to obtain a location exception or variance under COGCC rules or from a local jurisdiction.

6. Governmental Proceedings.

a. Surface Owner Will Not Object. Surface Owner agrees that she will not object in any forum to the use by the Oil Companies of the surface of the Property consistent with this Agreement and hereby waives any such right to object. Surface Owner also agrees that she will not request inspections by the COGCC for the purpose of attaching conditions to a permit to drill a well being drilled on the Property. Surface Owner further agrees that she will provide such other written approvals and waivers which are requested by an Oil Company and consistent with this Agreement, including, but not limited to, all approvals and waivers to drill a well or to conduct oil and gas operations on the Property because of any law or regulation, including any local ordinance and regulations of the COGCC, and including, for example, waivers to state and local setback requirements and to any setback requirements from a surface property line or for an exception location.

b. Oil Companies Will Not Object. The Oil Companies agree that they will not object in any forum to a request by Surface Owner to annex, zone, rezone, plat or replat all or any portion of the Property to extent such request is consistent with this Agreement.

7. Notices of Hearings. Surface Owner shall provide the Oil Companies with written notice not less than thirty (30) days before each hearing for consideration of a plat application or other land use application for the Property or portions of the Property to be held before a local jurisdiction.

8. Notice to Homeowners and Builders. Surface Owner shall furnish all builders and developers which purchase all or any portion of the Property and each person or entity who proposes to enter into a contract to purchase a lot which is adjacent to, or any part of which is within, 350 feet from an Oil and Gas Operations Area, the Production Facility Location, or a flowline or pipeline easement, with a plat that shows the locations of the Oil and Gas Operations Areas, the Production Facility Location and the flowlines and pipeline easements. In addition, Surface Owner shall provide written notice to all such purchasers that includes the following:



TOWN OF MILLIKEN  
TOWN BOARD  
AGENDA MEMORANDUM

To: Mayor Tokunaga and Board of Trustees	Meeting Date:
From: Steve House, Community Development Director	Wednesday, October 10, 2012
Via: Jim Burack, Town Administrator	

Agenda Item #	Action:	Discussion:	Information:
	<b>x</b>		
Agenda Title: Approval of an Amendment to the Zoning Ordinance-Accessory Building Setbacks			
Attachments: Accessory Buildings-setback chart Survey of Setback Requirements in Other Municipalities Ordinance # 670			

**PURPOSE**

To consider for approval an ordinance to amend the Zoning Ordinance to change the setback requirements for accessory buildings in the R-1, R-1E, R-2, and R-3 zone districts.

**BACKGROUND**

In a related agenda item, Mr. Mollette, who resides at 111 E. Juneberry, has requested a waiver from the setback requirements of the Zoning Ordinance for a storage building. The present setback requirement would mean the storage building would have to be placed in the center of the back yard, something Mr. Mollette finds would prohibit other improvements in his back yard, such as a deck. A setback survey is enclosed which shows that the Milliken standards for setback distances are, in some cases, double and quadruple those required in other municipalities.

In order to expeditiously deal with Mr. Mollette's setback problem and to deal with setback issues that will inevitably arise with other homeowners in the future, the Town Attorney has suggested that the Town Board consider an amendment to the Zoning Ordinance that would become effective immediately upon passage of Ordinance # 670. Because the amendment would correct possible typos and would be a very minor change, the typical amendment process which includes publishing notice of a public hearing 30 days prior to the hearing date and review by the Planning Commission, would not be required.

## **COMPREHENSIVE PLAN GOAL(S) IMPLEMENTED**

No particular relevance to the Comprehensive Plan.

## **BUDGET IMPLICATIONS**

There are no budget implications to changing the zoning regulations.

## **STAFF RECOMMENDATION**

Staff recommends approval of the amendment to allow a decrease in the setbacks distances for accessory buildings.

## **SUGGESTED MOTION**

"I move to approve Ordinance # 670 amending the Zoning Ordinance, thereby reducing the required setbacks for accessory buildings in the R-1, R-1E, R-2, and R-3 zone districts."

(1) General statements. An accessory building or structure shall be considered an integral part of the principal building if it is connected to the principal building; this includes being connected by a covered passageway.

(2) Time of construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, unless otherwise approved by the Planning Commission.

(3) Location. No detached accessory building other than a private garage shall be located within a front or corner side yard.

(4) Height. No accessory building in a residential district shall be taller than the principal building on the lot, with the exception of the AE Agricultural Estate District, in which the height may exceed the height of the principal building, but it may not be greater than twenty-one (21) feet tall. The building height shall be measured from the lowest point of the base of the building to the highest structural point of the building and shall not include nonstructural additions to the building which themselves are not more than five (5) feet in height, such as antennas, lightning rods or weather vanes.

(5) Setbacks and location.

a. Accessory building setbacks are as follows:

District	Side, Interior	Side, Corner	Rear	Rear With Alley
A Agricultural	15 ft.	15 ft.	20 ft.	10 ft.
AE Agricultural Estate	15 ft.	15 ft.	20 ft.	10 ft.
E-1 Estate	15 ft.	15 ft.	20 ft.	10 ft.
R-1 Single-Family Residential	<del>5</del> 10 ft.	15 ft.	<del>5</del> 20 ft.	5 ft.
R-1E Single-Family Estate Residential	<del>5</del> 15 ft.	15 ft.	<del>5</del> 20 ft.	<del>5</del> 10 ft.
R-2 Two-Family Residential	<del>5</del> 10 ft.	15 ft.	<del>5</del> 20 ft.	5 ft.
R-3 Multi-Family Residential	<del>5</del> 15 ft.	15 ft.	<del>5</del> 20 ft.	5 ft.
MU-C-D, when accessory to a residential use	5 ft.	5 ft.	5 ft.	5 ft.

b. Buildings shall not be located within a utility easement.

(6) Number. The number of accessory buildings shall be limited as follows:

a. In cases where a garage is part of the principal building, one (1) additional accessory building is allowed, provided that the total floor area of the accessory building does not result in total lot allowed per the chart below.

b. In cases where a garage is not part of the principal building, two (2) accessory buildings are allowed, provided that the total floor area of the accessory buildings do not result in a total lot coverage allowed per the chart below:

District	Attached Garage	Detached Garage
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## Accessory Buildings Survey – Setbacks in Single Family Zone Districts

October, 2012

Municipality	Side Yard	Side Yard (Corner Lot)	Rear Yard	Rear Yard (With Alley)
Johnstown	5 ft.	20 ft.	5 ft.	5 ft.
Greeley	5 ft.	15 ft. (or at leading edge of house)	5 ft.	5 ft. (10ft. with alley loaded garage)
Berthoud	5 ft.	15 ft.	5 ft.	4 ft.
Loveland	5 ft.	15 ft.	5 ft.	--
Milliken	10 ft.	15 ft.	20 ft.	10 ft.

**ORDINANCE NO. 670**

**AN ORDINANCE AMENDING ARTICLE III OF THE MILLIKEN MUNICIPAL CODE BY AMENDING SECTIONS 16-3-225 REGARDING ACCESSORY BUILDINGS**

**WHEREAS**, the Town Board finds that updates to Article III of the Milliken Municipal Code (“Code”) are necessary and required in the interest of the health, safety and welfare of the people; and

**WHEREAS**, Section 16-3-540 of the Code allows the Board of Trustees to initiate amendments to Article III as deemed necessary; and

**WHEREAS**, Section 16-3-530 of the Code further allows the Board of Trustees to authorize waivers from regular procedures to Chapter 16 of the Code where practical difficulties have been found; and

**WHEREAS**, town staff has found inadvertent technical errors regarding accessory building setbacks in Section 16-3-225 of the Code which pose an unnecessary hardship upon landowners; and

**WHEREAS**, the corrections necessary will not alter the essential character of the neighborhoods affected, nor diminish the value, use or enjoyment of adjacent property, but will in fact set forth the intended criteria for setback requirements; and

**WHEREAS**, the Board of Trustees finds that it is in the best interests of the citizens to correct typographical or technical errors in the Code in the most expedient manner available and finds that regular code amendment procedures would cause an unnecessary delay and undue hardship upon the citizens of Milliken; and

**WHEREAS**, the Milliken Board of Trustees desires to correct these technical errors in order to promote ease of development for the citizens of Milliken:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF THE TOWN OF MILLIKEN, COLORADO:**

**Section 1.** Article 3 Section 16-3-225(5)(a) of the Milliken Municipal Code is revised to read as follows:

(5) Setbacks and location.

a. Accessory building setbacks are as follows:

District	Side, Interior	Side, Corner	Rear	Rear with Alley
A Agricultural	15 ft.	15 ft.	20 ft.	10 ft.

AE Agricultural Estate	15 ft.	15 ft.	20 ft.	10 ft.
E-1 Estate	15 ft.	15 ft.	20 ft.	10 ft.
R-1 Single-Family Residential	<del>10</del> 5 ft.	15 ft.	<del>20</del> 5 ft.	5 ft.
R-1E Single-Family Estate Residential	<del>15</del> 5 ft.	15 ft.	<del>20</del> 5 ft.	<del>10</del> 5 ft.
R-2 Two-Family Residential	<del>10</del> 5 ft.	15 ft.	<del>20</del> 5 ft.	5 ft.
R-3 Multi-Family Residential	<del>15</del> 5 ft.	15 ft.	<del>20</del> 5 ft.	5 ft.
MU-C-D, when accessory to a residential use	5 ft.	5 ft.	5 ft.	5 ft.

**Section 2.** That as provided in Milliken Municipal Code Section 2-2-100, requirements for adoption of this Ordinance shall be deemed satisfied if the title of the proposed ordinance is read and the entire text of the proposed ordinance or of any code which is to be adopted by reference is submitted in writing to the Board of Trustees before adoption.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTESTED:

TOWN OF MILLIKEN, COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney



# Weld County Referral

October 01, 2012

The Weld County Department of Planning Services has received the following item for review:

Applicant: WEST HILL N PARK INC

Case Number: RES12-0001

Please Reply By: October 29, 2012

Planner: Chris Gathman

Project: Resubdivision for a lot line adjustment between lots 4, 5 and 6 of MJF-1062 (Replat of Lot "B" Hill-N-Park Subdivision).

Location: North of and adjacent to 49th Street and west of and adjacent to Hill-N-Park Drive.

Parcel Number: 095926335005-R3578105

Parcel Number: 095926355004

Parcel Number: 095926335006

Legal: LOTS 4, 5, AND 6 HILL N PARK RPLT LOT B; PART OF SECTION 26, T5N, R66W of the 6th P.M., Weld County, Colorado.

The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the Department of Planning Services. If you have any further questions regarding the application, please call the Planner associated with the request. **Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please call the Department of Planning Services.**

- We have reviewed the request and find that it does / does not comply with our Comprehensive Plan because: \_\_\_\_\_
- We have reviewed the request and find no conflicts with our interests.
- See attached letter.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Agency \_\_\_\_\_

## RESUBDIVISION FOR LOT LINE CHANGE APPLICATION

FOR PLANNING DEPARTMENT USE RECEIPT/AMOUNT # _____ /\$ _____ APPLICATION RECEIVED BY _____	DATE RECEIVED: _____ CASE # ASSIGNED: <u>RES12-0001</u> PLANNER ASSIGNED: _____
--------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

Parcel Number 0 9 5 9 2 6 3 3 5 0 0 5

(12 digit number - found on Tax I.D. information, obtainable at the Weld County Assessor's Office, or [www.co.weld.co.us](http://www.co.weld.co.us))  
 (Include all lots being included in the application area. If additional space is required, attach an additional sheet)

Legal Description Lot 5 Replat of B, Section 26, Township 5 North, Range 66 West

Property Address (If Applicable) 4832 Everest Place

Existing Zone District: \_\_\_\_\_ Proposed Zone District: \_\_\_\_\_ Total Acreage: 8464 sq. Proposed #/Lots \_\_\_\_\_

Average Lot Size: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_ Proposed Subdivision Name: Hil-N-Park

FEE OWNER(S) OF THE PROPERTY (If additional space is required, attach an additional sheet)

Name: West Hil-N-Park Inc.  
 Work Phone # 970-339-8730 Home Phone # \_\_\_\_\_ Email Address \_\_\_\_\_  
 Address: 2015 Clubhouse Drive  
 City/State/Zip Code Greeley Co. 80634

APPLICANT OR AUTHORIZED AGENT (See Below: Authorization must accompany applications signed by Authorized Agent)

Name: Elmer Lundvall  
 Work Phone # 970-339-8730 Home Phone # \_\_\_\_\_ Email Address \_\_\_\_\_  
 Address: 2015 Clubhouse Drive  
 City/State/Zip Code Greeley Co 80634

UTILITIES: Water: Evans  
 Sewer: Evans  
 Gas: Atmos  
 Electric: Exel  
 Phone: \_\_\_\_\_

DISTRICTS: School: \_\_\_\_\_  
 Fire: Milliken  
 Post: Evans

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. Signatures of all fee owners of property must sign this application. If an Authorized Agent signs, a letter of authorization from all fee owners must be included with the application. If a corporation is the fee owner, notarized evidence must be included indicating the signatory has the legal authority to sign for the corporation.

Elmer Lundvall 9/19/12      John L. Lange 9-19-12  
 Signature: Owner or Authorized Agent      Date      Signature: Owner or Authorized Agent      Date



September 19, 2012

Tom Parko  
Planning and Building Department  
1555 North 17<sup>th</sup> Ave.  
Greeley Co 80631

Subject: Lot Line Adjustment 4832 Everest Place Evans Co

Dear Tom,

This letter accompanies the submission of the application for a lot line adjustment for Replat of Block B Hill-N-Park Subdivision. Because this lot line adjustment only affects a single owner who is Hill-N-Park Inc., and both owners John Schupe and Elmer Lundvall fully support the adjustment, we respectfully ask that we are able to resume scheduled inspections on the home we all have under construction in this development at this time, address 4832 Everest Place Evans Co.

While the lot line adjustment is a relatively simple procedure, it has taken a considerable amount of time to complete and as a result the home under construction, which is currently on the market, has suffered from a loss of momentum, has been forced to endure negative market exposure resulting in additional risk to the capital investment of Mr. Schupe and Mr. Lundvall.

Respectfully,

John Clarkson  
Benchmark Custom Homes

---

1705 32 St. Evans Co. 80620 970-353-1331



September 25, 2012

Tom Parko  
Chris Gatham  
Planning and Building Department  
1555 North 17<sup>th</sup> Ave.  
Greeley Co 80631

**Subject: Resubdivision for Lot Line Adjustment Application**

We are seeking a lot line adjustment to the common line between Lots 4 and 5 and Lots 5 and 6 of the Correction to the Replat of Lot B of Hill n Park Subdivision. During construction of a house on Lot 5, several problems were encountered:

1 - there was a scrivener's error involving mislabeling of the common line between Lots 4 and 5  
2 - due to the error on the plat and a misunderstanding regarding set back distances; the structure was laid out such that it does not meet the setback as required by Weld County Code.

As provided by Weld County Code, a correction plat was submitted to the Department of Planning Services to deal with the scrivener's errors and this Lot Line Adjustment application is being submitted to deal with the setback issues. The following adjustments have been made to Lots 4, 5, and 6:

1 - The line common to Lots 4 and 5 has been offset north 2.00 feet  
2 - The line common to Lots 5 and 6 has been offset south 2.00 feet  
3 - The easement along the common line to Lots 5 and 6 has been adjusted to 7 feet on the north side (Lot 5) and 5 feet on the south side (Lot 6). This assures that any infrastructure that may have been constructed in the original will still be covered by the easement  
4 - Areas and dimensions for all lines have been recalculated for Lots 4, 5, and 6 as necessitated by the moving of the 2 lot lines.

Weld County Code provides for corrections for scrivener's errors and a Lot Line Adjustment process. Lots 4, 5, and 6, will meet or exceed minimum requirements for frontage and area.

Respectfully,



John Clarkson

# LOT LINE ADJUSTMENT LOTS 4, 5, AND 6

CORRECTION TO MJF-1062  
REPLAT OF LOT "B",  
HILL-N-PARK SUBDIVISION MFR-1062

LOT "B", HILL-N-PARK SUBDIVISION  
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5  
NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY  
OF WELD, STATE OF COLORADO.

LEGAL DESCRIPTION  
LOTS 4, 5, AND 6 CORRECTION TO MJF-1062 REPLAT OF LOT "B", HILL-N-PARK  
SUBDIVISION MFR-1062, A PORTION OF THE SOUTHWEST QUARTER OF SECTION 26,  
TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF WELD, STATE OF COLORADO, IS PLAT IN THE RECORDS OF THE WELD COUNTY CLERK AND  
CORRECTS ERROR APPEARING ON LOTS 4, 5, AND 6.

PROPERTY ADDRESS: \_\_\_\_\_  
THE UNDERSIGNED, BEING THE SOLE OWNER IN FEE OF THE ABOVE DESCRIBED  
PROPERTY, DOES HEREBY WARRANT THE SAME AS SHOWN ON THE ATTACHED MAP.

STATE OF COLORADO )  
COUNTY OF WELD )  
I, \_\_\_\_\_, CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE  
FORGING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_, COLORADO.

WITNESSES MY HAND AND SEAL  
AT \_\_\_\_\_, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

NOTARY PUBLIC

SUBJECTING CERTIFICATE  
I, MICHAEL T. WILSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE  
STATE OF COLORADO, DO HEREBY CERTIFY THAT THE MAP AND INSTRUMENT  
HEREON SUBMITTED TO ME FOR RECORDATION AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS  
OF WELD COUNTY, STATE OF COLORADO, IS A TRUE AND CORRECT REPRESENTATION OF THE  
ACTUAL SURVEY AND THE PLAT CORRECTS THE ERROR IN THE ORIGINAL PLAT.  
I HEREBY CERTIFY THAT THE MAP AND INSTRUMENT HEREON SUBMITTED TO ME FOR  
RECORDATION AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY,  
STATE OF COLORADO, IS A TRUE AND CORRECT REPRESENTATION OF THE  
ACTUAL SURVEY AND THE PLAT CORRECTS THE ERROR IN THE ORIGINAL PLAT.

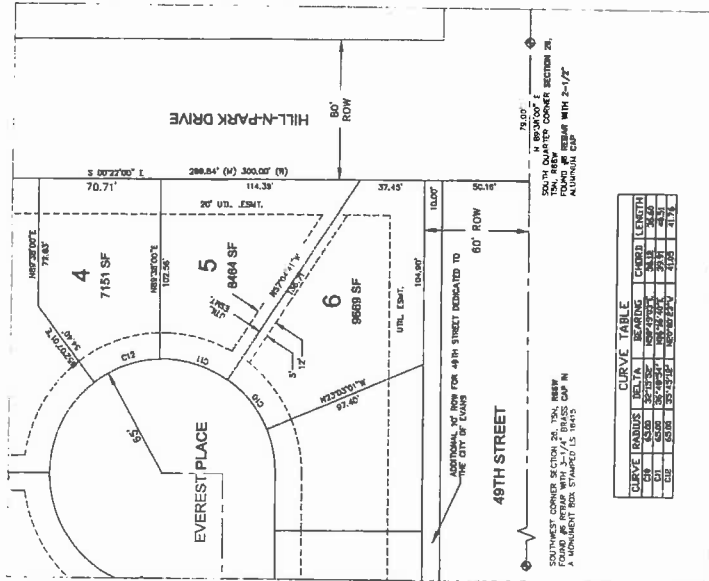
BY: \_\_\_\_\_ REGISTERED LAND SURVEYOR 16459 DATE COMPLETED  
\_\_\_\_\_  
RECORDATION # \_\_\_\_\_ DATE COMPLETED

GENERAL STATE OF WELD COUNTY COMMISSIONERS  
CERTIFICATE OF APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF WELD, STATE OF COLORADO  
I, \_\_\_\_\_, CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE  
FORGING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_, COLORADO.

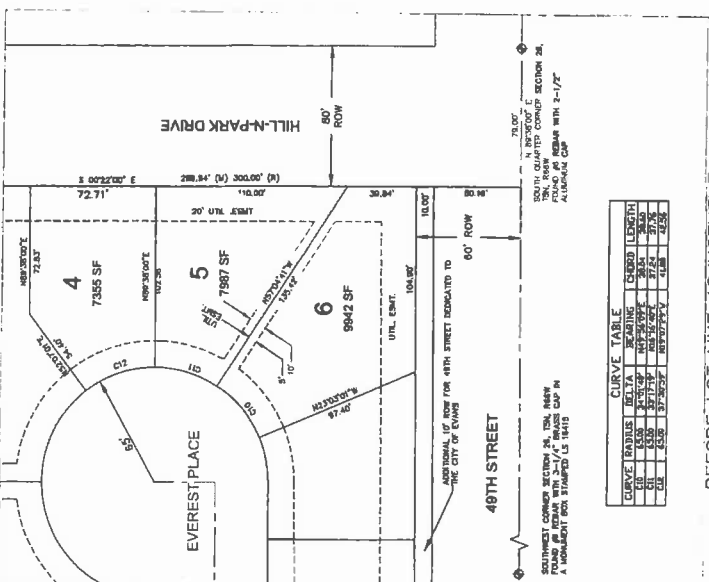
WITNESSES MY HAND AND THE CORPORATE SEAL OF WELD COUNTY THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_, COLORADO.

CHIEF, BOARD OF COUNTY COMMISSIONERS  
ATTEST:  
WELD COUNTY CLERK TO THE BOARD

BY: \_\_\_\_\_ COUNTY CLERK TO THE BOARD DATE



NOTE:  
THE FOLLOWING LINES HAVE BEEN ADJUSTED:  
1 - EAST LINE OF LOT 4 AND 5 HAS BEEN MOVED TO NORTH  
2 - LINE COMMON TO LOTS 5 AND 6 HAS BEEN MOVED TO  
3 - CURVES 10, 11, AND 12 HAVE BEEN ADJUSTED TO AGREE WITH  
4 - EAST LINES OF LOTS 4, 5, AND 6 HAVE BEEN ADJUSTED TO  
AGREE WITH LINES MOVED IN ITEMS 1 AND 2



NOTE:  
THE FOLLOWING LINES HAVE BEEN ADJUSTED:  
1 - EAST LINE OF LOT 4 AND 5 HAS BEEN MOVED TO NORTH  
2 - LINE COMMON TO LOTS 5 AND 6 HAS BEEN MOVED TO  
3 - CURVES 10, 11, AND 12 HAVE BEEN ADJUSTED TO AGREE WITH  
4 - EAST LINES OF LOTS 4, 5, AND 6 HAVE BEEN ADJUSTED TO  
AGREE WITH LINES MOVED IN ITEMS 1 AND 2

BASE OF BEARING - N 87°52'00" W - SOUTH LINE OF THE  
SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH,  
RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN.





## Town of Mead

P.O. Box 626  
441 Third Street  
Mead, Colorado 80542-0626  
(970) 535-4477

CERTIFIED MAIL # 7011 0470 0000 1870 3283

September 27, 2012

Town of Milliken  
Atten: Steve House, Community Development Director  
P.O. Box 290  
Milliken, CO 80543

RE: Notice of Public Hearing - High Point Annexation - Rezoning  
Planning Commission - 7:00 P.M., Wednesday, October 17, 2012

Dear Steve:

Please be advised that a public hearing before the Mead Planning Commission has been set to review and consider the rezoning of the High Point Annexation from AG - Agricultural zoning, to RSF-4, Residential Single-Family and HC - Highway Commercial zoning. The property is owned by HD Path of Growth Partners, LTD and I-25 and 389 Partners, LTD. This property was annexed to the Town of Mead in 2008. At the time of annexation, it was zoned AG - Agricultural, as a holding zone, pending the adoption of the **2009 Mead Land Use Code** update.

In accordance with the *Mead Municipal Code*, this notice has been sent to the Board of County Commissioners and County Attorney for Weld County, and to each special district or school district encompassing the subject property. This notice has also been sent to service providers and those holding a franchise with the Town.

Attached is a copy of the published public hearing notice, the application, and a map of the requested rezoning of the property. Copies of the full application, as well as the full-sized maps submitted with the application are available for review in the Mead Town Hall, 441 - 3<sup>rd</sup> Street, Mead, Colorado. Written comments may be sent to Dan Dean, Town Manager, Box 626, Mead, CO 80542.

Very truly yours,

Linda Blackston, CMC  
Town Clerk

**NOTICE OF PUBLIC HEARING  
MEAD PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the Town of Mead has received an application from HD Path of Growth Partners, LTD and I-25 and 389 Partners, LTD for the rezoning of the land included within the High Point at Mead Annexation from AG - Agricultural zoning, to RSF-4, Residential Single-Family and HC - Highway Commercial zoning. The High Point at Mead Annexation is generally located at the northeast corner of the intersection of WCR 38 and the I-25 Frontage Road.

The Planning Commission of the Town of Mead will hold a Public Hearing commencing at 7:00 p.m., Wednesday, October 17, 2012, at the Mead Town Hall, 441 - 3<sup>rd</sup> Street, Mead, Colorado 80542, for the purpose of reviewing the application for rezoning and making a recommendation to the Board of Trustees regarding whether the property proposed to be rezoned conforms to the requirements of the ***Mead Land Use Code***.

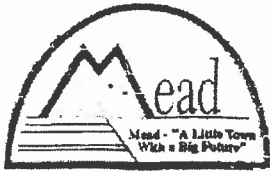
Any person may appear at the Public Hearing and be heard regarding the matters under consideration.

Copies of the petition and supporting material submitted to the Town are on file and available for public inspection in the Office of the Town Clerk, at the Mead Town Hall, 441 - 3<sup>rd</sup> Street, Mead, Colorado 80542.

Dated this September 25, 2012.

TOWN OF MEAD, COLORADO

By:           /s/Linda Blackston, CMC            
Town Clerk



# Town of Mead

441 Third Street  
P.O. Box 626  
Mead, CO 80542

970-535-4477  
[www.townofmead.org](http://www.townofmead.org)

## LAND USE APPLICATION

### PAGE TWO MUST BE SIGNED AND NOTARIZED

**Project/Business Name** High Point at Mead

**Project Address** Northeast corner of the intersection of County Road 38 and the I-25 Frontage Road

**Project Description** High Point at Mead is a 600.88 acre mixed use development that includes single family detached, multi-family, office, light industrial and retail uses.

### Legal Description (Provide Subdivision, Lot #, Block # or Attach Metes and Bounds)

Please see attached Legal Description (Attachment A)

### Owner

**Name/Company** (Attach Separate Sheets if Multiple) HD Path of Growth Partners Ltd, I25 and 389 Partners Ltd

**Contact Person** (If Different) Bill Haney

**Address/City/State/Zip** 5953 Dallas Parkway, Ste 200-A Plano Tx 75093

**Phone** 214-696-8100

**Fax** \_\_\_\_\_

**Email** bhaney@avexgroup.com

### Authorized Representative

**Name/Company** Bonner Gilmore / Enertia Consulting Group LLC

**Address/City/State/Zip** 1437 Larimer St Denver CO 80202

**Phone** 303-875-7131

**Fax** \_\_\_\_\_

**Email** bonner.gilmore@enertiagc.com

Mineral Rights Owner/Lease Holder

Name/Company (Attach Separate Sheets if Multiple) Pan American Petroleum Corp, Champlin Petroleum Company, United States Exploration, Inc.

Address/City/State/Zip

Service Providers

Gas Source Gas Electric United Power
Water Little Thompson Water District Sewer Town of Mead
Metro District Fire Mountain View Fire Protection District

Land Use Information

Current Zoning AG Proposed Zoning RSF 4 & Highway/Commercial
Acres 600.88 Density (DU/Acre) Varies
# Lots/Units Proposed 1,436 Units; 1,235,000 SF

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understand that the application must be found to be complete by the Town of Mead before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Mead. Applicants shall pay all costs billed by the Town for legal, engineering and planning costs incurred by staff, including consultants acting on behalf of staff, necessary for project review. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

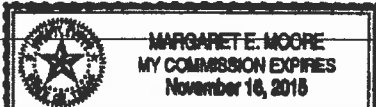
Owner: J-25 and 389 Partners Ltd. Date: 8/30/12
By: Lanterra Interests, LLC, IT'S: General Partner
Owner: HD Path of Growth Partners Ltd. Date: 8/30/12
By: HDC Partners GP, LLC, IT'S: General Partner
Applicant: Frank Babb Date: 8/30/12
By: Frank Babb, Senior Vice President

STATE OF COLORADO Texas ) SS.
County of Collin )

The foregoing instrument was acknowledged before me this 30th day of August, 2012, by Frank Babb

My commission expires: Nov. 16, 2015
Witness my hand and official seal.

Margaret E. Moore
Notary Public





# HIGH POINT AT MEAD ZONING MAP

A PORTION OF SECTION 35 AND SECTION 26, TOWNSHIP 4 NORTH AND A PORTION OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

SHEET 2 OF 3

TOTAL AREA = 600.88 ACRES MORE OR LESS

**Zone Area A: Highway/Commercial**  
 A PORTION OF SECTION 35 AND SECTION 26, TOWNSHIP 4 NORTH AND A PORTION OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35 TO BEAR NORTH 10° 00' 00" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERN BOUNDARY LINE OF COUNTY ROAD 40, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 89° 53' 30" EAST, A DISTANCE OF 1033.32 FEET;

THENCE LEAVING SAID NORTHERN RIGHT-OF-WAY, NORTH 89° 47' 02" EAST, A DISTANCE OF 1033.32 FEET;

THENCE SOUTH 89° 53' 30" WEST, A DISTANCE OF 1033.32 FEET;

THENCE SOUTH 89° 53' 30" WEST, A DISTANCE OF 1033.32 FEET;

THENCE SOUTH 27° 07' 33" WEST, A DISTANCE OF 198.86 FEET TO A POINT OF CURVATURE;

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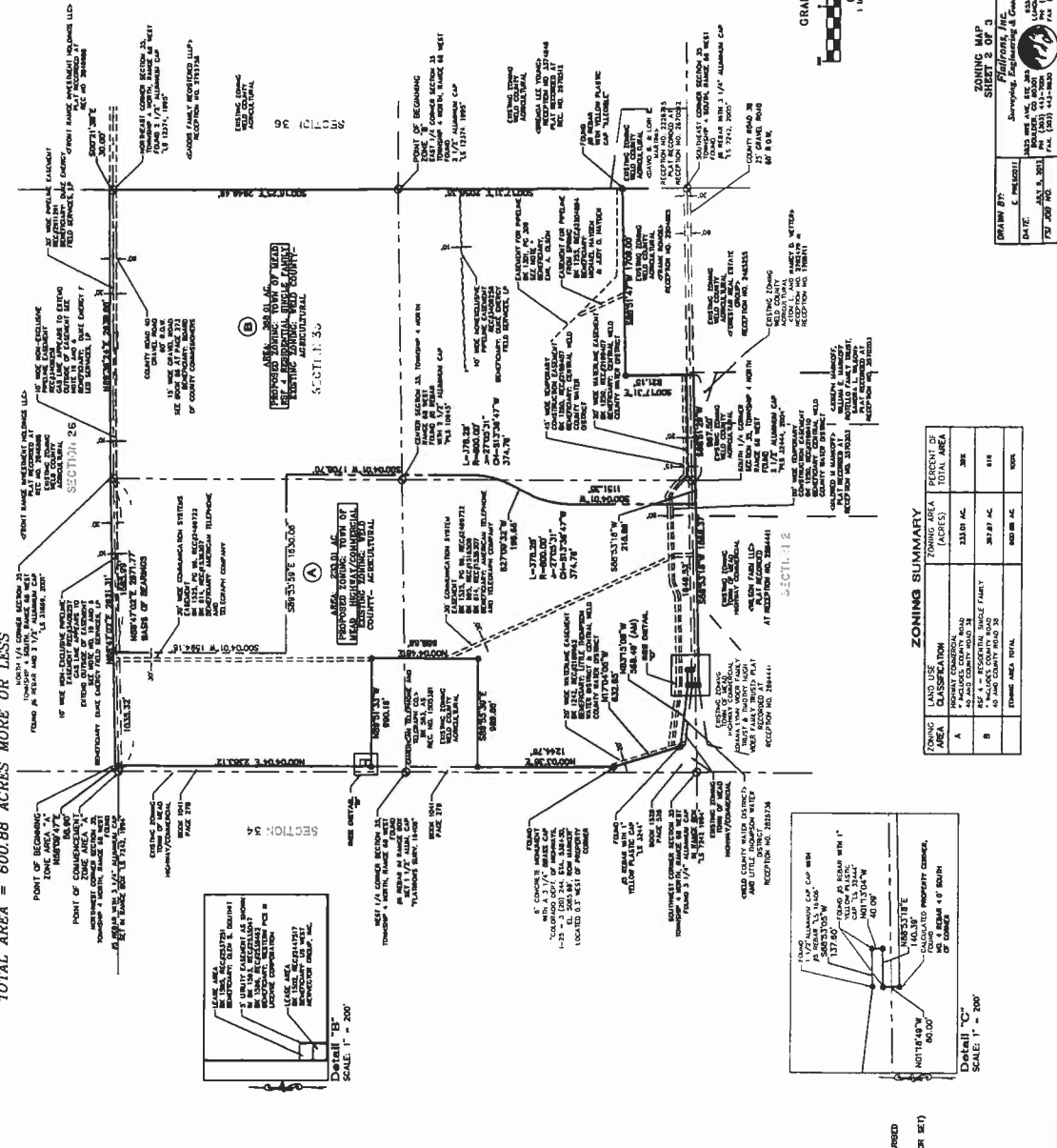
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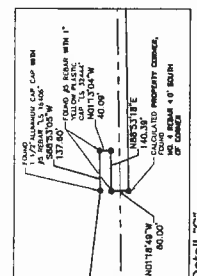
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THENCE SOUTH 27° 07' 33" WEST, A DISTANCE OF 198.86 FEET TO A POINT OF CURVATURE;



**ZONING SUMMARY**

ZONING AREA	LAND USE PERCENTAGE	ZONING AREA (ACRES)	PERCENT OF TOTAL AREA
A	Highway/Commercial	33.81 AC.	5.6%
B	Residential Single-Family	567.07 AC.	94.4%
<b>TOTAL</b>		<b>600.88 AC.</b>	<b>100%</b>



**Boundary Closure Report Area A**

Legend:  
 ○ FOUND ALMOST MONUMENT AS DESCRIBED  
 ● FOUND MONUMENT AS DESCRIBED  
 ○ CALCULATED POSITION (NOT FOUND OR SET)  
 --- ZONING BOUNDARY LINE  
 --- SECTION LINE

SAID PARCEL CONTAINS 10,140.815 SQ. FT. OR 233.01 AC. MORE OR LESS

**ZONING MAP SHEET 2 OF 3**

DATE: 11/15/2011  
 DRAWN BY: J. HENNING  
 COUNTY OF WELD, COLORADO  
 533 MAIN AVE. STE. 200  
 WY. VALLEY, CO. 80550  
 TEL: (303) 733-7000  
 FAX: (303) 733-1555



