



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

WEDNESDAY, December 5, 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 November 21, 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 Hearing for Consideration Alice Avenue and Inez Boulevard Annexation Petition and Resolution #12-33**

A Attach 1

Staff presentation: Steve House, Community and Economic Development Director

- 2. Public Hearing for Consideration of Proposed Zoning of the Alice Avenue and Inez Boulevard Annexation to R-1, Single Family Residential and Resolution #12-34**

A Attach 2

Staff presentation: Steve House, Community and Economic Development Director

END OF ACTION AGENDA

DISCUSSION AGENDA

- 1. Weld County Referral RECX12-0118 – Two Lot Recorded Exemption**

D Attach 1

END OF DISCUSSION AGENDA

Other Business

Unfinished Business

Adjournment

TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, NOVEMBER 21, 2012 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 7th day of November, 2012 at 7:04 p.m. Those present were: Chairman Linda Measner, Vice-Chair Tim Woodcock, Commissioners: Dave Bernhardt, Richard Hillier, Janet Carter, Jim Anthony, and Dave Watson. Also present: Community & Economic Development Director Steve House, and Planning Commission Clerk 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

November 7 Minutes were approved as distributed.

CONSENT AGENDA

No Items

ACTION AGENDA

1. Public Hearing for the Daniels School House Annexation

Commissioner Bernhardt first excused himself from the Commission for the annexation, zoning and Use-by –Special Review action items, due to a potential conflict of interest.

The Public Hearing was opened and there were no public comments. The public hearing was closed.

General questions and comments from Commissioners were made. There was a motion from Commissioner Watson and seconded by Commissioner Hillier to recommend to the Board of Trustees and approval of the annexation.

The motion passed unanimously (6-0) to the Board of Trustees.

2. Public Hearing for the Proposed Zoning of the Daniels School House Annexation

The public hearing was opened. Commissioner Carter requested a brief overview of the proposed item before the Commission, from Director House.

Commissioner Carter requested that the applicant pursue an access permit request from CDOT. The Commissioners agreed.

Commissioner Bernhardt, as a member of the public, stated that they would be willing to work with the applicant to facilitate a common access to the Daniels School House property.

The public hearing was closed and Commissioner Anthony requested a date change on the resolution to reflect November 21, 2012, instead of November 7, the date of the previous meeting.

Commissioner Watson moved to approve the resolution and Commissioner Anthony seconded the motion.

The item was passed unanimously (6-0) to the Board of Trustees.

3. Public Hearing on the Proposed Use By Special Review for a Residence in the Teacherage Building

Director House gave introductory remarks.

There were questions of the applicant, and comments and questions amongst the Commissioners regarding the issues of the sewer and water lines crossing easements, health and building codes, access to Highway 60, availability of water service and the level to which the Commission thought these issues should of concern to the Town. The Commission agreed on the following motion.

The Planning Commission recommended approval to the Town Board of the Use By Special Review conditioned upon any necessary utility easements or access easements from adjoining property owners, the Big Thompson and Platte River Ditch Company, and DCP; compliance with health and building codes; an access permit from CDOT; a boring license agreement with Ditch companies; and proof of water tap with the Little Thompson Water District.

The item was moved by Commissioner Carter and seconded by Commissioner Watson. The item passed unanimously (6-0) to the Board of Trustees.

4. Public Hearing for Consideration of a Request for a Variance at 2156 Country Club Dr. for a Side Yard Setback

Mr. Clark was not present at the meeting, thus Director House suggested the public hearing to consider the variance be continued to the next meeting that Mr. Clark could certainly attend.

Commissioner Bernhardt also noted that he was absent from the Water Commission meeting at which he was supposed to attend as well.

The public hearing was continued.

5. Public Hearing for the Re-Adoption of the Three-Mile Plan

Introductory remarks were given by Director House.

There was general discussion and comments amongst the Commissioners.

The public hearing was closed.

Commissioner Bernhardt made a motion and Commissioner Watson seconded the motion. The item passed unanimously (6-0).

END OF ACTION AGENDA

DISCUSSION AGENDA

There were no items in the Discussion Agenda.

END OF DISCUSSION AGENDA

Other Business

Director House noted that DCI was putting on a webinar on downtown development. He also noted that he would attempt to broadcast it in the meeting house.

Unfinished Business

There was none.

Adjournment

There being no further business, the meeting adjourned at 8:30 p.m.

Prepared by:

Approved by:

Philip Waggoner, Planning Commission Clerk

Chairman, Linda Measner



TOWN OF MILLIKEN
PLANNING COMMISSION
AGENDA MEMORANDUM

To: Chairman Measner and Members of the Planning Commission From: Steve House, Community and Economic Development Director	Meeting Date: Wednesday, December 5, 2012
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Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing and Action on Resolution No. 12-33 Regarding Recommendation of Alice Avenue and Inez Boulevard Annexation			
Attachments: Resolution No. 12-33 Petition for Annexation Annexation Map and Zoning Map Letter from Weld County			

PURPOSE

To review and consider for adoption Resolution No. 12-33 recommending approval of the Alice Avenue and Inez Boulevard Annexation to the Board of Trustees.

BACKGROUND

Annexations are guided by Colorado Revised Statutes, specifically the Colorado Annexation Act as amended, and Article 13, Chapter 16 of the Town of Milliken Municipal Code and certain requirements are necessary. The following two sections of the C.R.S. are stated, followed by staff comments in italics:

Colorado Revised Statutes (CRS 31-12-104 Eligibility Requirements)

1. Contiguity - That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
The annexation meets this requirement.
2. Community Interest - That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.

The annexation is within the Town of Milliken's existing Growth Area and the paved roadway is part of the urbanized area of the Town.

Colorado Revised Statutes (CRS 31-12-105. Limitations. (Paraphrased))

1. In establishing the boundaries of any territory to be annexed, no land held in identical ownership, shall be divided.

No land parcels are divided by this annexation.

2. No land of 20 acres or more, or in excess of \$200,000 for ad valorem tax purposes shall be annexed without the land owners' signature.

Does not apply. Proposed annexation size is 7.55 acres.

3. No annexation shall commence if annexation proceedings have begun with another municipality.

No proceedings have begun with another municipality.

4. Any annexation that detaches part of a school district and attaches part to another shall not be valid without a resolution from the school district.

No school district is being divided with this annexation. The annexation is wholly within the RE5J school district.

5. No annexation shall extend the municipal boundary more than 3 miles in one year.

Extension of the Milliken municipal boundary is less than three miles.

6. The entire width of streets or alleys shall be annexed.

No street or alley is divided. The entire width of both streets are being annexed.

7. The municipality shall not deny access to owners not a part of the annexation and having frontage onto an annexed street or alley.

No land owner adjoining such street or alley is denied access to public right-of-way.

8. The execution by any municipality of a power of attorney for real estate located within an unincorporated area shall not be construed to comply with the election provisions of this article for purposes of annexing such unincorporated area. Such annexation shall be valid only upon compliance with the procedures set forth in this article.

Persons with power of attorney are not signers to the petition.

Article 13, Chapter 16 of the Town of Milliken Municipal Code
Annexation review criteria (Sec. 16-13-20):

(a) All annexations to the Town shall comply with the Colorado Municipal Annexation Act of 1965 (Sections 31-12-104 and 31-12-105, C.R.S.)

See above.

(b) All Annexations shall comply with the annexation policies of the Town's Comprehensive Plan, including:

(1) Annexation of enclaves may be accomplished for the purpose of improving the continuity of the Town's boundary and to provide more efficient and effective delivery of services.

Does not apply.

(2) Annexation of unincorporated land may be accomplished in situations where the Town has the ability to serve, or will have the ability to serve in the near future, the annexed land.

Water lines and sewer lines or within the annexed streets and service is provided, or may be provided to adjoining land.

(3) Annexation of land should be limited to the Urban Growth Area of the Town as defined by the Framework Map.

The proposed annexation is within the Framework Map area.

(4) The fiscal impact of the annexation, if any, shall be determined by applying the Town's fiscal impact model to the present and proposed land use of the annexed area. The fiscal impact shall not be the sole determinant of annexation approval, but shall be one of the determinants in a decision to annex land.

No development exists or is proposed within the annexation.

(5) At the time of annexation action on the part of the Town, all adjoining landowners and any landowners within three hundred feet shall be notified.

The landowners within three hundred feet have been notified.

The proposed annexation of Alice Avenue and Inez Boulevard is located within the Town's comprehensive planning area and 3 mile planning area. The rights-of-way for these two streets are presently located within the jurisdiction of Weld County. Weld County presently collects Highway User Trust Fund (HUTF) monies from the State for Inez Boulevard and the Town collects HUTF monies for Alice Avenue. Annexation of both streets will help to clarify the issues of HUTF monies, ownership and maintenance of the streets. See the attached letter from Weld County.

The annexation regulations of the Town require a statement of community need for the annexation and zoning. The community need is met by the fact that the collection of additional HUTF monies will be possible with the annexation of Inez Boulevard and annexation of Alice Avenue and Inez Boulevard will clarify the ownership and maintenance responsibilities of the Town.

The petition for annexation was accepted by the Board of Trustees at their November 14, 2012 meeting. This request for annexation is accompanied by a request to zone the property to R-1, Single Family Residence District.

BUDGET IMPLICATIONS

The budget implications are minimal. Weld County presently collects Highway User Trust Fund (HUTF) monies from the State for Inez Boulevard and the Town collects HUTF monies for Alice Avenue. The annexation of Inez Boulevard will increase the amount of HUF monies from the state which can be used to pay for cost of maintenance of the street.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Resolution No. 12-33, recommending approval of the Alice Avenue and Inez Boulevard Annexation with a condition that minor technical corrections be made and the addition of the R-1, Single Family Residential Zone District be made to the annexation map prior to filing of the annexation map with the Weld County Clerk and Recorder.

SUGGESTED MOTION

"I move to approve Resolution No. 12-33 recommending approval of the Alice Avenue and Inez Boulevard Annexation with the condition that that minor technical corrections be made and the addition of the R-1, Single Family Residential Zone District be made to the annexation map prior to filing of the annexation map with the Weld County Clerk and Recorder."

RESOLUTION NO. 12-33

A RESOLUTION OF THE PLANNING COMMISSION FOR THE TOWN OF MILLIKEN RECOMMENDING APPROVAL OF THE ALICE AVENUE AND INEZ BOULEVARD ANNEXATION TO THE TOWN OF MILLIKEN BOARD OF TRUSTEES.

WHEREAS, the Planning Commission held a public hearing on Wednesday, December 5, 2012 to hear public input on the Alice Avenue and Inez Boulevard Annexation; and

WHEREAS, the Planning Commission has reviewed the annexation application for the parcels known as the Alice Avenue and Inez Boulevard Annexation; and

WHEREAS, the Planning Commission finds the Alice Avenue and Inez Boulevard Annexation application to be complete and in substantial compliance with both the requirements of the Colorado Municipal Annexation Act of 1965 as amended and Chapter 16, Article 13 of the Milliken Municipal Code.

NOW THEREFORE BE IT RESOLVED that the Town of Milliken Planning Commission hereby approves Resolution 12-33 recommending approval of the Alice Avenue and Inez Boulevard Annexation to the Town of Milliken Board of Trustees.

APPROVED AND ADOPTED BY THE TOWN OF MILLIKEN PLANNING COMMISSION THIS 5th DAY OF DECEMBER, 2012.

ATTEST:

Linda Measner, Chairperson

Cheryl Powell, Town Clerk

PETITION FOR ANNEXATION OF PARCEL OF LAND
Alice Avenue and Inez Boulevard Annexation

As the landowner of more than 50% of the territory, which includes public highways and utilities, which is legally described on Exhibit "A" state the following is true and correct:

1. The perimeter of the proposed annexation has a perimeter distance of 5,487.24 feet of which at least one-sixth of the perimeter is contiguous to the existing Town Limits of Milliken. Attached to this petition is Exhibit A, the annexation and zoning map, which contains the following information: A written legal description of the boundaries of the area proposed to be annexed; a map showing the boundary of the area proposed to be annexed; the annexation boundary map, which shows the location of each ownership tract in unplatted land identified by a diagram and legal description, and, if part or all of the area is platted and the plat numbers of plots or lots and blocks; the boundaries of the area proposed to be annexed; and, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
2. The above results in a minimum of 1/6th of the perimeter of proposed annexation being contiguous to the Town of Milliken.
3. The proposed annexation contains approximately 7.55 acres with the acreage devoted to the existing use as a roadway.

It is further alleged:

- a. It is desirable and necessary that the territory be annexed to the Town of Milliken.
- b. A community of interest exists between the territory and the Town of Milliken.
- c. The territory is integrated or capable of being integrated with the Town of Milliken.
- d. The requirements of Sections 31-12-104 and 31-12-105, Colorado Revised Statutes, exist or have been met.
- e. The territory is urban or will be urbanized in the near future.
- f. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.
- g. No land held in identical ownership which comprises 20 acres or more and together with improvements has an assessed valuation in excess of \$200,000 in the year preceding the filing of this Petition is included in this petition for annexation, unless the owner of said tract has consented in writing or joins in this Petition.
- h. No proceedings for annexation of the territory have been commenced for annexation to another municipality.
- i. The signers hereof comprise the landowners of more than 50% of the territory proposed to be annexed exclusive of streets and alleys, and are in fact owners of 100 % of the hereinafter described property.
- j. Upon passage of the annexation ordinance the annexation shall become effective.

k. The owner acknowledges that the use of the Property at the time of annexation is as a public right-of-way. Because no development plans are being proposed by the Petitioner in conjunction with this annexation, the public right-of-way use of the property may continue for the foreseeable future. Notwithstanding the foregoing, the owner further acknowledges that the Petitioner is concurrently petitioning to have this annexation zoned residential. Accordingly, the Petitioner agrees that the appropriate long-term use for the Property is for public right-of-way.

l. This petition is binding on the heirs, successors, and assigns of the Petitioners.

The annexation map entitled Alice Avenue and Inez Boulevard Annexation to the Town of Milliken, which includes a legal description of the land, is also attached to this petition and incorporated herein by reference.

11/8/12
Date

[Signature]
Jim Burack, Town Administrator, Town of Milliken

COUNTY OF WELD

ATTEST:

11-8-12
Date

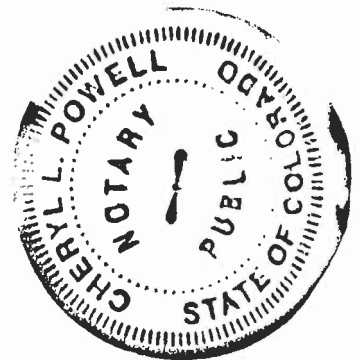
Courtney A. Diller / Accounting Tech.
Name/Title
Mailing Address: 1101 Broad St.
Milliken, CO 80543

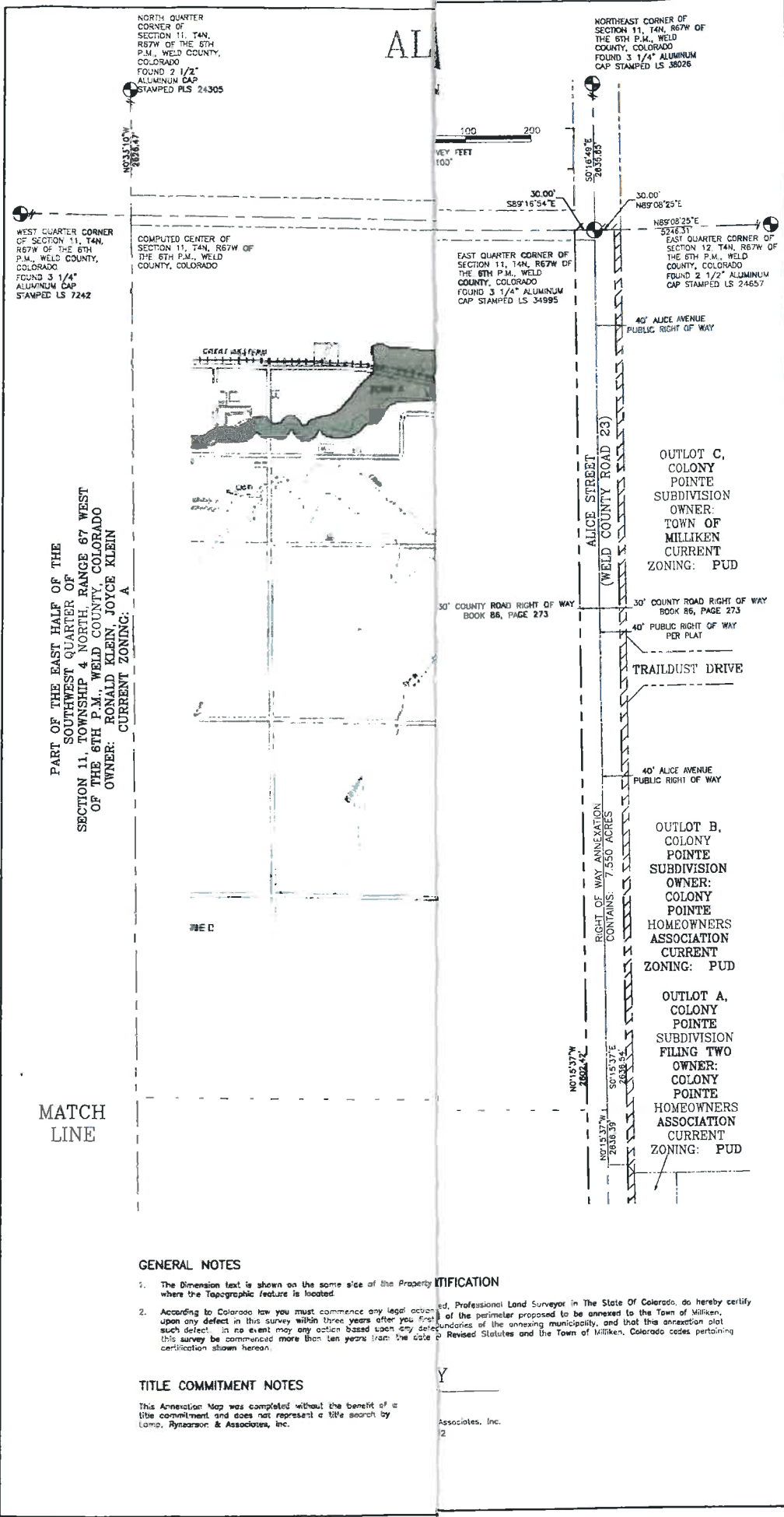
The foregoing instrument was acknowledged before me this 8 day of November, 2012,
by [Signature]

WITNESS my hand and official seal.

My Commission expires: 9-24-2014

[Signature]
Notary Public





drawn by DJB	reference
designed by	
reviewed by FAX	
Surveyor 0212004-06-420	
redlines	

This document is a PRELIMINARY version which has never been sealed. This map should not be considered a certified document.

4715 Innovation Drive 970.226.0342 | P
 Fort Collins, CO 80525 970.226.0879 | F
 www.LRA-inc.com

LAMP RYNEARSON & ASSOCIATES

PART OF SECTIONS 11, 12, 13 AND 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO

ANNEXATION MAP

job number-tasks
0212004.06-420
book page
MILLIKEN 1, 20-28
date
NOVEMBER 7, 2012

sheet
1 of 2

GENERAL NOTES

- The Dimension text is shown on the same side of the Property where the Topographic feature is located.
- According to Colorado law you must commence any legal action upon any defect in this survey within three years after you first such defect, in no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown herein.

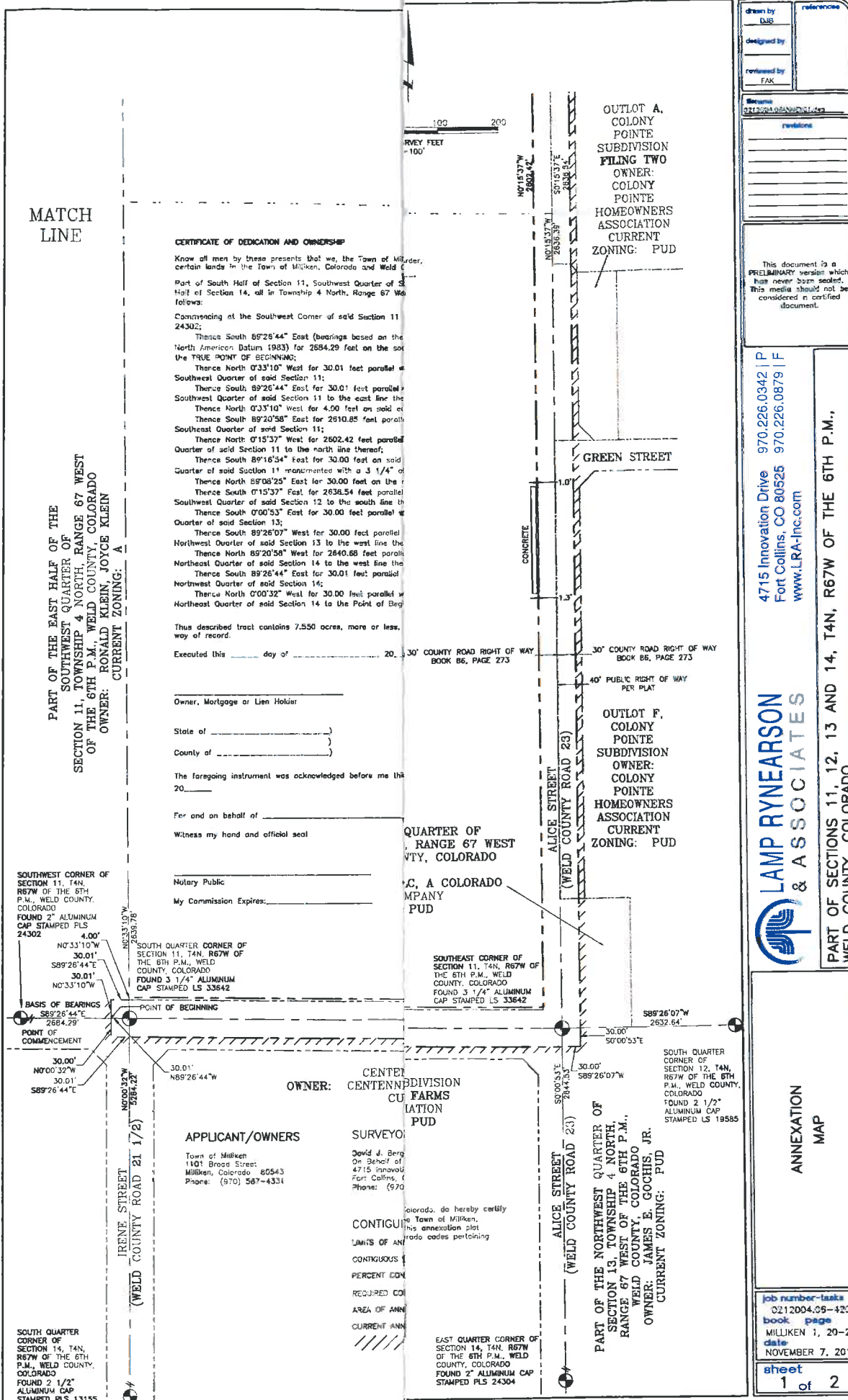
ANNEXATION CERTIFICATION

I, _____, Professional Land Surveyor in the State of Colorado, do hereby certify that the boundaries of the perimeter proposed to be annexed to the Town of Milliken, Colorado, are correct and true to the best of my knowledge and belief, and that the annexation complies with the Revised Statutes and the Town of Milliken, Colorado codes pertaining to annexation.

TITLE COMMITMENT NOTES

This Annexation Map was completed without the benefit of a title commitment and does not represent a title search by Lamp, Rynearson & Associates, Inc.

Lamp, Rynearson & Associates, Inc.
 2



MATCH LINE

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO
 OWNER: RONALD KLEIN, JOYCE KLEIN
 CURRENT ZONING: A

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that we, the Town of Milken, certain lands in the Town of Milken, Colorado and Weld County, Colorado, to-wit:

Part of South Half of Section 11, Southwest Quarter of Section 11, and South Half of Section 14, all in Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, as follows:

Commencing at the Southwest Corner of said Section 11 24302;

Thence South 89°26'44" East (bearings based on the North American Datum 1983) for 2684.29 feet on the so the TRUE POINT OF BEGINNING;

Thence North 0°33'10" West for 30.01 feet parallel to the Southwest Quarter of said Section 11;

Thence South 89°26'44" East for 30.01 feet parallel to the Southwest Quarter of said Section 11 to the east line thereof;

Thence North 0°33'10" West for 4.50 feet on said Section 11 to the east line thereof;

Thence South 89°20'58" East for 2610.85 feet parallel to the Southeast Quarter of said Section 11;

Thence North 0°15'37" West for 2602.42 feet parallel to the Northwest Quarter of said Section 11 to the north line thereof;

Thence South 89°16'54" East for 30.00 feet on said Quarter of said Section 11 monumented with a 3 1/4" of Thence North 89°08'25" East for 30.00 feet on the Southwest Quarter of said Section 12 to the south line thereof;

Thence South 0°00'53" East for 30.00 feet parallel to the Northwest Quarter of said Section 13;

Thence South 89°26'07" West for 30.00 feet parallel to the Northwest Quarter of said Section 13 to the west line thereof;

Thence North 89°20'58" West for 2640.68 feet parallel to the Northeast Quarter of said Section 14 to the west line thereof;

Thence South 89°26'44" East for 30.01 feet parallel to the Northwest Quarter of said Section 14;

Thence North 0°00'32" West for 30.00 feet parallel to the Northeast Quarter of said Section 14 to the Point of Beginning.

This described tract contains 7.550 acres, more or less, way of record.

Executed this _____ day of _____, 20____

Owner, Mortgage or Lien Holder _____
 State of _____
 County of _____

The foregoing instrument was acknowledged before me this 20____

For and on behalf of _____
 Witness my hand and official seal _____

Notary Public _____
 My Commission Expires: _____

SOUTHWEST CORNER OF SECTION 11, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
 FOUND 2" ALUMINUM CAP STAMPED PLS 24302

SOUTH QUARTER CORNER OF SECTION 11, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
 FOUND 3 1/4" ALUMINUM CAP STAMPED LS 33642

SOUTHWEST CORNER OF SECTION 11, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
 FOUND 3 1/4" ALUMINUM CAP STAMPED LS 33642

SOUTHWEST CORNER OF SECTION 12, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
 FOUND 2 1/2" ALUMINUM CAP STAMPED LS 19585

BASIS OF BEARINGS
 30.01' N0°33'10"W
 30.01' S89°26'44"E
 30.01' N0°33'10"W

POINT OF BEGINNING
 30.01' N0°00'32"W
 30.01' S89°26'44"E

30.00' S0°00'53"E
 30.00' S89°26'07"W

SOUTH QUARTER CORNER OF SECTION 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
 FOUND 2 1/2" ALUMINUM CAP STAMPED PLS 13155

POINT OF COMMENCEMENT
 30.00' N0°00'32"W
 30.01' S89°26'44"E

APPLICANT/OWNERS
 Town of Milken
 1101 Broad Street
 Milken, Colorado 80543
 Phone: (970) 567-4331

SURVEYOR
 David J. Berg
 On Behalf of
 4715 Innovation
 Fort Collins, CO
 Phone: (970)

CONTIGUOUS
 LIMITS OF AN
 CONTIGUOUS
 PERCENT CON
 REQUIRED CO
 AREA OF ANN
 CURRENT ANN

OWNER: CENTER DIVISION FARMS CULTIVATION PUD

OWNER: JAMES E. GOCHIS, JR.
 CURRENT ZONING: PUD

EAST QUARTER CORNER OF SECTION 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
 FOUND 2" ALUMINUM CAP STAMPED PLS 24304

OUTLOT A, COLONY POINTE SUBDIVISION FILING TWO
 OWNER: COLONY POINTE HOMEOWNERS ASSOCIATION
 CURRENT ZONING: PUD

GREEN STREET

OUTLOT F, COLONY POINTE SUBDIVISION
 OWNER: COLONY POINTE HOMEOWNERS ASSOCIATION
 CURRENT ZONING: PUD

drawn by DJS	reference
designed by	
reviewed by FAK	
revision	

This document is a PRELIMINARY version which has never been sealed. This media should not be considered a certified document.

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 Fort Collins, CO 80525 970-226-0879 | F
 www.LRA-Inc.com



ANNEXATION MAP

job number-tsats
 0212004-05-423
 book page
 MILLIKEN 1, 20-28
 date
 NOVEMBER 7, 2012
 sheet
 1 of 2

PART OF SECTIONS 11, 12, 13 AND 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO



PUBLIC WORKS DEPARTMENT
1111 H STREET
P.O. BOX 758
GREELEY, COLORADO 80632
WEBSITE: WWW.CO.WELD.CO.US
PHONE (970) 304-6496
FAX: (970) 304-6497

October 15, 2012

Jim Burack
Town Administrator & Chief of Police
Town of Milliken
1101 Broad Street, PO Box 290
Milliken, CO 80543

Dear Mr. Burack:

Thank you for coming and meeting with Public Works Staff on September 14, 2012. As a follow up to that meeting; I meet with the Board of County Commissioners on October 8, 2012 concerning Inez (CR 46) and Alice (CR 23). The Commissioners gave the direction that the Town of Milliken can begin construction on their roadway projects with the condition that the Town correction the following errors within the next 6 months:

1. Annex the half mile segment of Inez adjacent to the Centennial Farms subdivision. This segment of roadway is currently in the county's jurisdiction.
2. Annex the 30 foot section of Alice south of the railroad tracks. This segment of roadway is still in the county's jurisdiction although the town has collected HUTF funds for the segment for the past 20 years.

The Commissioners are waiving the requirement of a Right-of-Way Use permit. I have reviewed the submitted Traffic Control Plan and Pavement Design and they appear to be adequate. If you have any further questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Janet Carter'. The signature is written in a cursive, flowing style.

Janet L Carter
Traffic Engineer
Weld County Public Works Dept.
P.O. Box 758, Greeley, CO 80632
Tele-970.356.4000 ext 3726
Fax- 970.304.6497



**TOWN OF MILLIKEN
PLANNING COMMISSION
AGENDA MEMORANDUM**

To: Chairman Measner and Members of the Planning Commission From: Steve House, Community and Economic Development Director	Meeting Date: Wednesday, December 5, 2012
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Agenda Item #	Action:	Discussion:	Information:
	x		
Agenda Title: Public Hearing for Zoning of the property known as the Alice Avenue and Inez Boulevard Annexation			
Attachments: Resolution # 12-34 Annexation and Zoning Map			

PURPOSE

To review and recommend to the Board of Trustees the zoning for the Alice Avenue and Inez Boulevard Annexation.

BACKGROUND INFORMATION	
Type of Application	Zoning
Location:	The annexation area is Alice Avenue from UPRR to CR 46 and Inez Boulevard from Alice Avenue to Irene Avenue.
Applicant:	Town of Milliken
Land Owner:	Town of Milliken
Existing Land Use:	Public roadway
Proposed Land Use:	Public roadway
Surrounding Land Use:	Residential and agriculture
Existing Zoning:	Agriculture, Weld County
Proposed Zoning:	R-1, Single Family Residential District
Future Land Use Designation	Residential and agriculture

The applicant, the Town of Milliken, has requested the annexation and zoning of their property that lies within the Milliken Urban Growth Area. The proposed zoning, R-1, Single Family Residential District, will allow for the expected future use of the property a public roadway.

The criteria for amendments to the official zoning map are as follows. Most of the criteria do not apply to annexations, but criteria # 2 is relevant:

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

(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; *Staff comment: The annexation of land into the Town can be considered an extension of a boundary and the annexation is a 'changed condition'.*

(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; 16-3-62 *NA*

(4) The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; *NA*

(5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or *NA*

(6) A rezoning to a Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development. *NA*

At the November 7, 2012 meeting of the Planning Commission, questions were raised about access to the property from State Highway 60. A copy of an e-mail from CDOT is enclosed which suggests that an access permit be obtained as part of the process to re-use of the property.

BUDGET IMPLICATIONS

The budget implications are minimal. Weld County presently collects Highway User Trust Fund (HUTF) monies from the State for Inez Boulevard and the Town collects HUTF monies for Alice Avenue. The annexation of Inez Boulevard will increase the amount of HUF monies from the state which can be used to pay for cost of maintenance of the street.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Resolution No. 12-34, recommending approval of the Alice Avenue and Inez Boulevard Annexation with a condition that minor technical corrections be made and the addition of the R-1, Single Family Residential Zone District be made to the annexation map prior to filing of the annexation map with the Weld County Clerk and Recorder.

SUGGESTED MOTION

"I move to approve Resolution # 12-34, thereby recommending approval to the Town Board of Trustees the zoning of the annexed property, known as the Alice Avenue and Inez Boulevard Annexation, to R-1, Single Family Residential District with the condition that technical corrections be made to the zoning map prior to submittal to the Board of Trustees."

RESOLUTION NO. 12-34

A RESOLUTION OF THE PLANNING COMMISSION FOR THE TOWN OF MILLIKEN RECOMMENDING APPROVAL OF THE ALICE AVENUE AND INEZ BOULEVARD INNITIAL ZONING TO THE TOWN OF MILLIKEN BOARD OF TRUSTEES.

WHEREAS, the Planning Commission held a public hearing on Wednesday, December 5, 2012 to hear public input on the Alice Avenue and Inez Boulevard Zoning; and

WHEREAS, the Planning Commission has reviewed the zoning application for the parcels known as the Alice Avenue and Inez Boulevard Initial Zoning; and

WHEREAS, the Planning Commission finds the Alice Avenue and Inez Boulevard Zoning application to be complete and in substantial compliance with the requirements of Chapter 16, Article 3 of the Milliken Municipal Code.

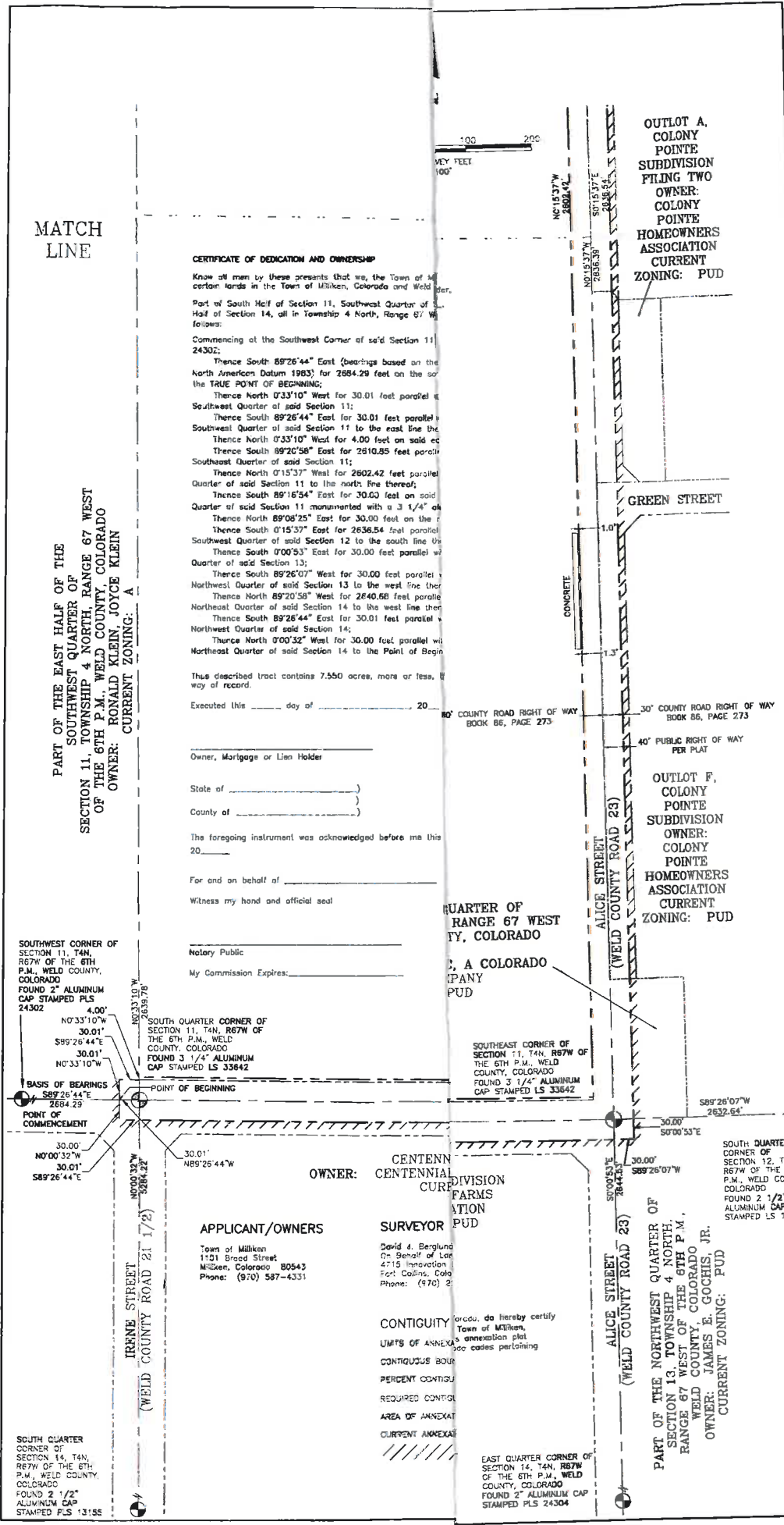
NOW THEREFORE BE IT RESOLVED that the Town of Milliken Planning Commission hereby approves Resolution No.12-34 recommending approval of the Alice Avenue and Inez Boulevard Initial Zoning of R-1, Single Family Residential District to the Town of Milliken Board of Trustees.

APPROVED AND ADOPTED BY THE TOWN OF MILLIKEN PLANNING COMMISSION THIS 5th DAY OF DECEMBER, 2012.

ATTEST:

Linda Measner, Chairperson

Cheryl Powell, Town Clerk



MATCH LINE

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO
OWNER: RONALD KLEIN, JOYCE KLEIN
CURRENT ZONING: A

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that we, the Town of Milliken, certain lands in the Town of Milliken, Colorado and Weld County.

Part of South Half of Section 11, Southwest Quarter of Half of Section 14, all in Township 4 North, Range 67 West, follows:

Commencing at the Southwest Corner of said Section 11 24302;

Thence South 89°26'44" East (bearings based on the North American Datum 1983) for 2684.29 feet on the south line to the TRUE POINT OF BEGINNING;

Thence North 0°33'10" West for 30.01 feet parallel to the Southwest Quarter of said Section 11;

Thence South 89°26'44" East for 30.01 feet parallel to the Southwest Quarter of said Section 11 to the east line thereof;

Thence North 0°33'10" West for 4.00 feet on said east line to the Southeast Quarter of said Section 11;

Thence South 89°26'44" East for 2810.85 feet parallel to the Southeast Quarter of said Section 11;

Thence North 0°15'37" West for 2602.42 feet parallel to the Northwest Quarter of said Section 11 to the north line thereof;

Thence South 89°16'54" East for 30.00 feet on said Quarter of said Section 11 monumented with a 3 1/4" aluminum cap;

Thence North 89°08'25" East for 30.00 feet on the Northwest Quarter of said Section 11 to the east line thereof;

Thence South 0°15'37" East for 2636.84 feet parallel to the Southwest Quarter of said Section 12 to the south line thereof;

Thence South 0°00'53" East for 30.00 feet parallel to the Northwest Quarter of said Section 13;

Thence South 89°26'07" West for 30.00 feet parallel to the Northwest Quarter of said Section 13 to the west line thereof;

Thence North 89°20'58" West for 2640.68 feet parallel to the Northwest Quarter of said Section 14 to the west line thereof;

Thence South 89°26'44" East for 30.01 feet parallel to the Northwest Quarter of said Section 14;

Thence North 0°00'32" West for 30.00 feet parallel to the Northeast Quarter of said Section 14 to the Point of Beginning.

This described tract contains 7.550 acres, more or less, by way of record.

Executed this _____ day of _____ 20__

Owner, Mortgage or Lien Holder

State of _____

County of _____

The foregoing instrument was acknowledged before me this 20__

For and on behalf of _____

Witness my hand and official seal

Notary Public

My Commission Expires: _____

SOUTHWEST CORNER OF SECTION 11, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
FOUND 2" ALUMINUM CAP STAMPED PLS 24302

N0°33'10"W 4.00'
N0°00'32"W 30.01'
S89°26'44"E 30.01'
N0°33'10"W 30.01'

POINT OF BEGINNING
BASIS OF BEARINGS
S89°26'44"E 2684.29'

SOUTH QUARTER CORNER OF SECTION 11, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
FOUND 3 1/4" ALUMINUM CAP STAMPED LS 33642

N0°33'10"W 4.00'
S89°26'44"E 30.01'
N0°33'10"W 30.01'

POINT OF BEGINNING
N0°00'32"W 30.01'
S89°26'44"E 30.01'

OWNER: CENTENNIAL CURVE DIVISION FARMERS ASSOCIATION
CURRENT ZONING: PUD

APPLICANT/OWNERS

Town of Milliken
1101 Broad Street
Milliken, Colorado 80543
Phone: (970) 587-4331

SURVEYOR

David A. Berglund
On Behalf of Lan
4715 Innovation
Fort Collins, Colo
Phone: (970) 2

CONTIGUITY

UNITS OF ANNEXATION

CONTIGUOUS BOUNDARIES

PERCENT CONTIGUOUS

REQUIRED CONTIGUOUS

AREA OF ANNEXATION

CURRENT ANNEXATION

I hereby certify that this is an annexation plat and does not conform to the provisions of the Colorado Revised Statutes.

EAST QUARTER CORNER OF SECTION 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
FOUND 2" ALUMINUM CAP STAMPED PLS 24304

SOUTH QUARTER CORNER OF SECTION 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO
FOUND 2 1/2" ALUMINUM CAP STAMPED PLS 13155

drawn by DJR	reference
designed by	
reviewed by FAK	
filename 0212004.06-420	
revision	

This document is a PRELIMINARY version which has never been sealed. This map should not be considered a certified document.

4715 Innovation Drive | P
Fort Collins, CO 80525 | F
www.LRA-Inc.com



LAMP RYNEARSON & ASSOCIATES

PART OF SECTIONS 11, 12, 13 AND 14, T4N, R67W OF THE 6TH P.M., WELD COUNTY, COLORADO

ANNEXATION MAP

job number-tasks 0212004.06-420
book page MILLIKEN 1, 20-28
date NOVEMBER 7, 2012
sheet 1 of 2



Weld County Referral

November 26, 2012

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

Applicant: BRUCE SANDAU

Case Number: RECX12-0118

Please Reply By: December 24, 2012

Planner: Diana Aungst

Project: TWO (2) LOT RECORDED EXEMPTION

Location: NORTH AND ADJACENT TO CR 12 AND 0.25 MILES EAST OF CR 29

Parcel Number: 105721300030-R2812604 Legal: PT S2 SECTION 21, T4N, R66W PT LOT B AMD REC EXEMPT RE-2657 LYING IN SW4 SEC of the 6th P.M., Weld County, Colorado.

Parcel Number: 105721400029-R2812504 Legal: PT S2 SECTION 21, T4N, R66W LOT B AMD REC EXEMPT RE-2657 EXC PT LYING IN SW4 SEC 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 _____

RECEIVED

RECORDED EXEMPTION (RE) APPLICATION

NOV 21 2012

FOR PLANNING DEPARTMENT USE 180 from
 RECEIPT/AMOUNT # _____ /\$ 820.00
 APPLICATION RECEIVED BY DA
 DATE RECEIVED: 11/21/12 Weld County Planning Department
 CASE # ASSIGNED: RECYD-GREELY OFFICE
 PLANNER ASSIGNED: DA -0118

Parcel Number 1 0 5 7 . 2 1 . 4 . 0 0 . 0 1 - 2 29 + 1057 - 21 - 3 - 00 - 030

(12 digit number - found on Tax I.D. information, obtainable at the Weld County Assessor's Office, or www.co.weld.co.us)

Legal Description Lot B RE 2657, Section 21, Township 6 North, Range 66 West

Has the property been divided from or had divided from it any other property since August 30, 1972? Yes No

Is this parcel of land, under consideration, the total contiguous land owned by the applicant? Yes No

FEE OWNER(S) OF THE PROPERTY:

Name: Bruce D. Sandau
 Work Phone # (970) 539-3170 Home Phone # n/a Email Address n/a bruce@green
 Address: 18444 CR 31 earth.colo.com
 City/State/Zip Code Platteville, CO 80651

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

Name: _____
 Work Phone # _____ Home Phone # _____ Email Address _____
 Address: _____
 City/State/Zip Code _____

	Lot A Smaller Parcel	Lot B	Lot C	Lot D
Water Source	Proposed water tap	Existing Central Weld		
Type of Sewer	Proposed septic sys.	Septic		
Proposed Use	Additional land	Irrigated Farm		
Acreage	1.6 acs. M/L	72.4 acs. M/L		
Existing Dwellings?	If Yes, list address below: <u>14679 CR 42</u>	If Yes, list address below: <u>14369 CR 42</u>	If Yes, list address below:	If Yes, list address below:

* If the property is vacant or unimproved write proposed water source and proposed sewer system for each parcel in the blanks above. For example, if a well and septic is proposed state: proposed well, proposed septic.

I (We) request that the following described property be designated a Recorded Exemption by the Weld County Board of County Commissioners. 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 showing the signatory has the legal authority to sign for the corporation.

[Signature] 11-21-12
 Signature: Owner or Authorized Agent Date

 Signature: Owner or Authorized Agent Date

1.)

a.) A letter from Central Weld County Water is herewith enclosed stating that there is an existing tap on the property.

b.) The larger parcel will remain as an irrigated farm with a rural residence. An irrigation well, plus 8 ½ shares of the Farmer's Independent Ditch will remain with the parcel.

2.) There is an existing septic system on the rural residence. Statement of the existing septic permit is included with this application. Any new construction on the smaller parcel will require a new septic system be installed in accordance with the Weld County Health Department regulations. The smaller parcel will most like be used as a storage area for the Fire department's equipment so it is unlikely that any septic will be needed.

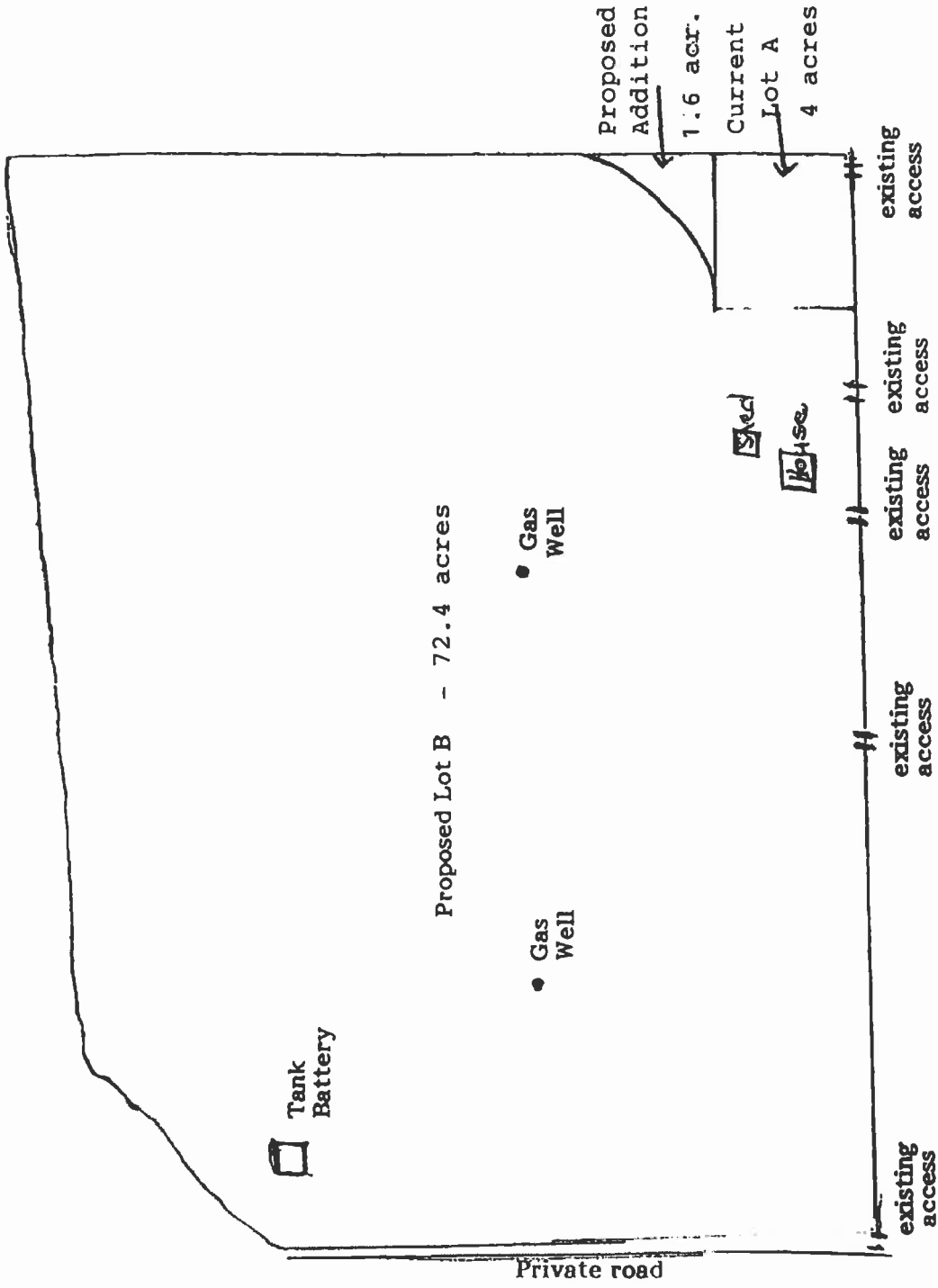
3.) The larger parcel (Lot B) is currently a sprinkler irrigated farm with one rural residence.

4.) The proposed smaller lot will be approximately 1.6 acres, located ½ mile west of Highway 85 at Gilcrest on Weld County Rd 42. It is being created for the Platteville/Gilcrest Fire Department for use as a storage and/or training facility. The larger parcel will remain as irrigated farm.

5.) To the best of our knowledge there are no unique physical characteristics on this site.

6.) No building envelopes are requested.

7.) There is no Use by Special Review permit on this property.



Proposed Lot B - 72.4 acres

Tank Battery

Gas Well

Gas Well

Shed

House

Proposed Addition
1.6 acr.

Current Lot A
4 acres

existing access

existing access

existing access

existing access

Weld Co. Rd. 42

Private road



CENTRAL WELD COUNTY WATER DISTRICT

November 20, 2012

Kreps Wiedeman
2221 2nd Avenue
Greeley, CO 80631

RE: Additional Water Service for Bruce D. Sandau

Dear Kreps Wiedeman:

This letter is in response to a request for water service to serve the following property described as follows:

Lot B of Recorded Exemption No. 2657, being a part of the SW $\frac{1}{4}$ of Section 21, Township 4 North, Range 66 West of the 6th P.M., County of Weld, State of Colorado.

Water service is presently available to the above described property by tap number 76 located at Weld County Road 42 between Weld County Roads 29 & 31. Additional water service can be made available to this property, provided all requirements of Central Weld County Water District, Northern Colorado Water Conservancy District and the Bureau are satisfied. Please note that it is your responsibility to contact Northern Colorado Water Conservancy District at 970-532-7700 for petitioning confirmation into the Northern Colorado Water Conservancy District and the Subdistrict of Northern Colorado Water Conservancy District (Windy Gap). Central Weld cannot issue a tap until all requirements are satisfied. This is in accordance with the Rules and Regulations of Northern Colorado Water Conservancy District.

Central Weld County Water District requires that contracts be consummated within one (1) year from the date of this letter or this letter shall become null and void unless extended in writing by the District. Please contact the Central Weld office for further information about water service. Due to the rapid cost increase of raw water, existing tap fees may not apply for water service to this property. The District will not notify, by separate letter, any prospective landowners or land purchasers of tap fee or line extension cost increases. The cost of a tap fee and/or improvements will have to be paid in advance to the District by the prospective customer in accordance with District policy.

It is your responsibility to confirm with your local Fire Protection Authority if fire flow water capacity is required for your project.

If you have any questions regarding the above, please contact this office.

Sincerely,
CENTRAL WELD COUNTY WATER DISTRICT


John W. Zadel, General Manager
JWZ/rg

