



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

WEDNESDAY, November 7, 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 October 17, 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 of the Daniels School House Annexation Petition and Resolution #12-26** **A Attach 1**

Staff presentation: Steve House, Community and Economic Development Director

- 2. Public Hearing for Consideration of Proposed Zoning of the Daniels School House Annexation to C-1, Office District and Resolution #12-27** **A Attach 2**

Staff presentation: Steve House, Community and Economic Development Director

- 3. Public Hearing for Consideration of a Use by Special Review for a Residence at the Daniels School House** **A Attach 3**

Staff presentation: Steve House, Community and Economic Development Director

- 4. Public Hearing for Consideration of a Request for a Variance at 1109 Broad St. for Exceeding the Maximum Number of Wall Signs** **A Attach 4**

Staff presentation: Steve House, Community and Economic Development Director

END OF ACTION AGENDA

DISCUSSION AGENDA

- 1. Weld County Referral RECX12-0104 – 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, October 17, 2012 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 17th day of October, 2012 at 7:00 p.m. Those present were: Chairman Linda Measner, Vice-Chair Tim Woodcock, Commissioners; James Anthony, Dave Bernhardt, Janet Carter. Also present: Community & Economic Development Director Steve House, and Management Associate Philip Waggoner. Commissioners Dave Watson and Richard Hillier were absent.

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

August 15 Minutes were approved as distributed.

CONSENT AGENDA

No Items

ACTION AGENDA

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

Opening comments and were given by Steve House, Community and Economic Development Director.

The applicant, Mr. Krehbiel was present to field any questions.

Beginning with Commissioner Woodcock, there was discussion amongst the Commissioners in regard to status of the current road construction, landscaping, and the definition of a "walkable area" as noted in the memo from staff.

Commissioner Carter made a motion to approve the Action item. The motion was seconded by Commissioner Woodcock.

There were additional comments from the Commissioners and a request for Director House to send a memo to the Board informing them of their action on this item. Director House agreed.

The vote was then taken and the item was approved and passed unanimously.

END OF ACTION AGENDA

DISCUSSION AGENDA

1. Change to Accessory Building Setbacks

Steve House, Community and Economic Development Director, informed the Planning Commission that the Town Board amended the Zoning Ordinance to reduce side and rear yard setbacks to make them more practical and consistent with other communities.

There was discussion amongst the Commissioners regarding alleys and other items.

2. Weld County Referral RES12-0001 – Resubdivision at 49th St. and Hill - N. Park Drive

Opening comments and were given by Steve House, Community and Economic Development Director.

There were no conflicts from the Commissioners.

3. Notice of Annexation – Town of Mead at I-25 and CR 40

Opening comments and were given by Steve House, Community and Economic Development Director.

There was minimal discussion amongst the Commissioners.

Other Business

There was an additional comment from Director House in regard to a status update on the GOCO grant for the South Platte River Corridor grant. Director House informed the commissioner as to the updated communication with the partnerships in the grant and ensured ongoing updates as the process continues. Director House also noted that the project would likely be around 12 months in duration.

Chairman Measner requested an update as to the status of the Anna Flood house. Director House noted that is currently be situated for the winter, repairs and also for the renovation process. Director House also noted that these repairs and preparation should be completed within the next few weeks.

Unfinished Business

There was none.

Adjournment

There being no further business, the meeting adjourned at 7:24 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, November 7, 2012
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Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing for Zoning of the property known as the Daniels School House Annexation			
Attachments: Resolution # 12-27 Vicinity Map Zoning Map			

PURPOSE

To review and recommend to the Board of Trustees the zoning for the Daniels School House Annexation.

BACKGROUND

BACKGROUND INFORMATION	
Type of Application	Zoning
Location:	The annexation area is addressed at 12257 Highway 60.
Applicant:	Madeline and Harold Daniels
Land Owner:	Madeline and Harold Daniels
Existing Land Use:	Vacant and unused
Proposed Land Use:	Events center and residence
Surrounding Land Use:	North, Residential and Agriculture; East, Agriculture; South, Agriculture; West, Vacant and Industrial
Existing Zoning:	Agriculture, Weld County
Proposed Zoning:	C-1, Office District
Future Land Use Designation	Business/Industrial

The applicant, Madeline and Harold Daniels, have requested the annexation and zoning of their property that lies within the Milliken Urban Growth Area. The proposed zoning, C-1, Office District, will allow for the expected future use of the property as an event center and residence.

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*

BUDGET IMPLICATIONS

The fiscal model estimates the expected revenues to exceed the expected expenditures by approximately \$200 per year based on the proposed 'office' and residential use of the property.

STAFF RECOMMENDATION

Staff recommends approval of the zoning of the annexed property to C-1, Office District with the condition that technical corrections be made to the zoning map prior to submittal to the Board of Trustees.

SUGGESTED MOTION

"I move to approve Resolution # 12-27, thereby recommending approval to the Town Board of Trustees the zoning of the annexed property, known as the Daniels School House Annexation, to C-1, Office District with the condition that technical corrections be made to the zoning map prior to submittal to the Board of Trustees."

RESOLUTION NO. 12-27

A RESOLUTION OF THE PLANNING COMMISSION FOR THE TOWN OF MILLIKEN RECOMMENDING APPROVAL OF THE DANIELS SCHOOL HOUSE INNIAL ZONING TO THE TOWN OF MILLIKEN BOARD OF TRUSTEES.

WHEREAS, the Planning Commission held a public hearing on Wednesday, November 7, 2012 to hear public input on the Daniels School House Initial Zoning; and

WHEREAS, the Planning Commission has reviewed the zoning application for the parcels known as the Daniels School House Initial Zoning; and

WHEREAS, the Planning Commission finds the Daniels School House 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 12-27 recommending approval of the Daniels School House Initial Zoning of C-1, Office District to the Town of Milliken Board of Trustees.

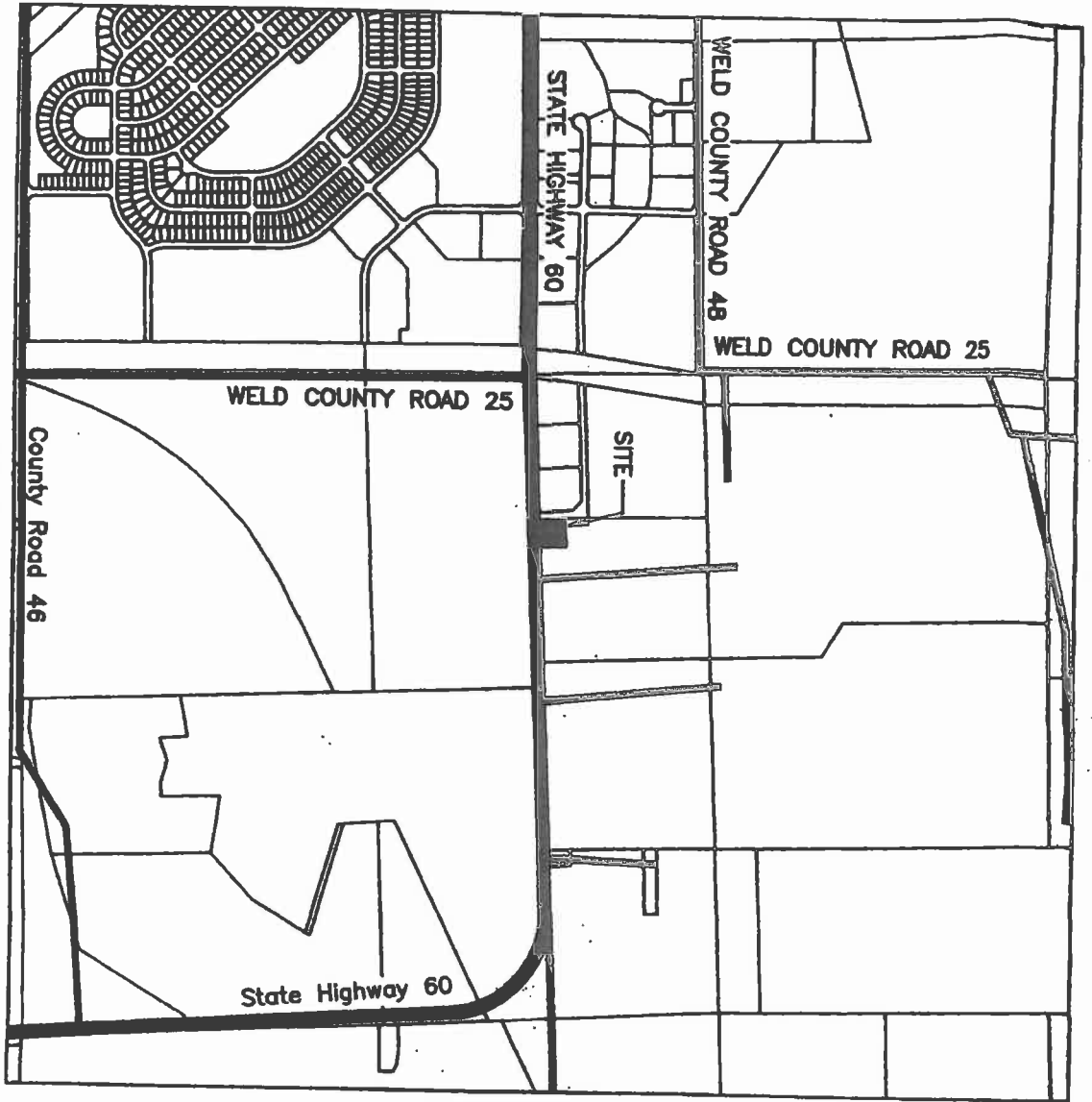
APPROVED AND ADOPTED BY THE TOWN OF MILLIKEN PLANNING COMMISSION THIS 7th DAY OF NOVEMBER, 2012.

ATTEST:

Linda Measner, Chairperson

Cheryl Powell, Town Clerk

VICINITY MAP
(NOT TO SCALE)



SHEET 1 OF 1



PROJECT #:
2011506

DANIELS SCHOOL HOUSE ANNEXATION
FOR
HAROLD AND MADELYN DANIELS
1931 HILLROSE DRIVE
LOVELAND, CO 80538

R

DANIELS SCHOOL HOUSE ZONING MAP

Part Of The Northeast Quarter Of Section 7, Township 4 North, Range 66 West Of The 6th P.M.,
County Of Weld, State Of Colorado

DATE: 8/6/2012
FILE NAME: 2011506ANX
SCALE: 1"=20'
DRAWN BY: CSK
CHECKED BY: MCD

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



REVISIONS:	DATE:

DANIELS SCHOOL HOUSE ZONING MAP
FOR
HAROLD AND MADELINE P. DANIELS
1931 HILLOUSE DRIVE
LOVELAND, CO 80538

PROJECT #:
2011506

1
SHEET 1 OF 1

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that being the Owner(s), Mortgagee or Lien holder of certain lands in Milliken, Colorado, described as follows:

A portion of the Northwest Quarter (NW1/4) of Section Seven (7), Township Four North (T.4N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), Weld County, Colorado, described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of the NW1/4 of Section 7; THENCE running due East 16 rods; THENCE North 10 rods; THENCE due West 16 rods; THENCE South 10 rods to the place of beginning.

These described tract contains 1.000 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Executed this _____ day of _____ A.D. 20____

Owner _____

Mortgage or Lien holder _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument of ownership was acknowledged before me this _____ day of _____ A.D., 20____.

Witness my hand and seal _____

My Commission Expires _____

Notary Public _____

SURVEYING CERTIFICATE

I, Michael Chad Dilka, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the Annexation Map shown herein is a correct delineation of the above described parcel of land and that at least one-sixth (1/6) of the peripheral boundary of said parcel is contiguous to the present boundary of the Town of Milliken, 159.02 feet contiguous, perimeter 655.00 feet.

I further certify that this map and legal description were prepared under my personal supervision.

Michael Chad Dilka - On Behalf Of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106

PLANNING COMMISSION CERTIFICATE

Approved by the Milliken Planning Commission this _____ day of _____, A.D. 20____

Chairman _____

Planning Commission Secretary _____

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

This annexation map is to be known as "Daniels School House Annexation to the Town of Milliken" and is approved and accepted by Ordinance No. _____, passed and adopted at the regular (special) meeting of the Board of Trustees of Milliken, Colorado, held on _____, 20____, and recorded on _____, 20____, as Reception No. _____ in the records of the Clerk and Recorder of Weld County, Colorado, by the Board of Trustees of Milliken, Colorado.

Mayer _____

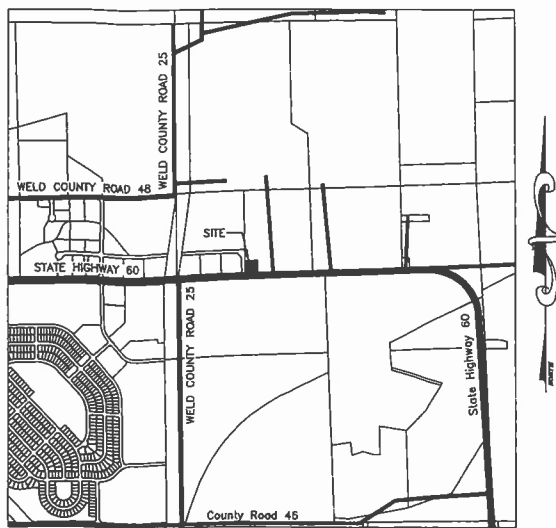
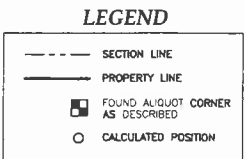
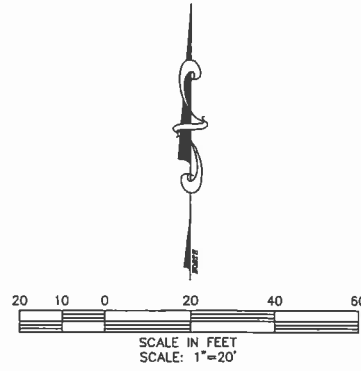
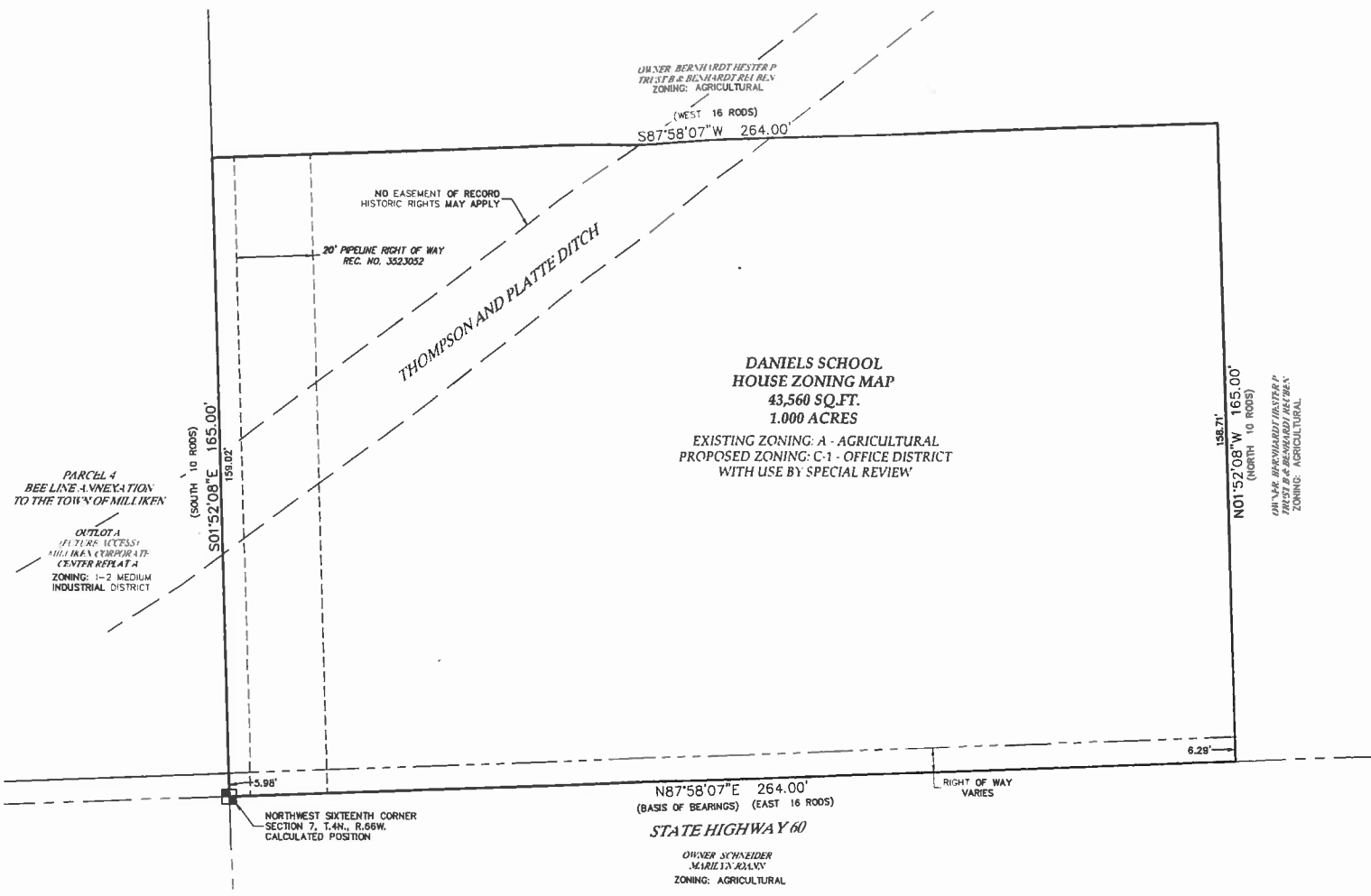
ATTEST: _____
Town Clerk

RECORDER'S CERTIFICATE

This Annexation Map was filed for record in the office of the County Clerk and Recorder of Weld County at _____ o'clock _____ M., on the _____ day of _____, A.D. 20____, in the Book _____ Page _____, Map _____, Reception No. _____.

Weld County Clerk and Recorder _____

By: _____ Deputy



BASIS OF BEARINGS AND LINEAL UNIT DEFINITION
Assuming the South line of the Northeast Quarter of the Northwest Quarter of Section 7, T.4N., R.66W., as bearing North 87°58'07" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, with all other bearings contained herein relative thereto.
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

NOTES
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-60-105 C.R.S.)

TITLE COMMITMENT NOTE
This survey does not constitute a title search by King Surveyors Inc. to determine ownership or easements of records. For all information regarding easements, rights-of-way and title of records, King Surveyors Inc. relied upon Title Commitment Number 01330-10955, dated July 18, 2012 as prepared by Stewart Title Guarantee Company to delineate the aforesaid information.

FLOODPLAIN NOTE
Entire property is in flood zone "C", "areas of minimal flooding" per FEMA flood map 080286 0750 C revised September 28, 1982.



TOWN OF MILLIKEN
 PLANNING COMMISSION
 AGENDA MEMORANDUM

To: Chairman Measner and Members of the Planning Commission	Meeting Date:
From: Steve House, Community and Economic Development Director	Wednesday, November 7, 2012

Agenda Item #	Action:	Discussion:	Information:
	x		
Agenda Title: Public Hearing and Action on Resolution No. 12-26 Regarding Recommendation of Daniels School House Annexation			
Attachments: Resolution No. 12-26 Letter of Request from Eric Carlson Petition for Annexation Vicinity Map Annexation Impact Report Annexation Map			

PURPOSE

To review and consider for adoption Resolution No. 12- 26 recommending approval of the Daniels School house 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 development of the property can be served by the extensions of nearby water lines, sewer lines and streets.

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 one acre.

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.

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 all streets (Hwy 60) 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, sewer lines, and streets are near and adjacent to the annexation site and can be extended at time of development/use.

(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.

See Budget Implications Section herein.

(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.

This annexation petition is accompanied by a request to zone the property to C-1, Office District, and by a request for a Use by Special review to allow a residence in the teacherage building on the property.

BUDGET IMPLICATIONS

The fiscal model estimates the expected revenues to exceed the expected expenditures by approximately \$200 per year based on the proposed 'office' and residential use of the property.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Resolution No. 12-26, recommending approval of the Daniels School House Annexation with the condition that technical corrections are made to the annexation map prior to submittal to the Board of Trustees.

SUGGESTED MOTION

"I move to approve Resolution No. 12-26 recommending approval of the Daniels School House Annexation with the condition that technical corrections are made to the annexation map prior to submittal to the Board of Trustees."

RESOLUTION NO. 12-26

A RESOLUTION OF THE PLANNING COMMISSION FOR THE TOWN OF MILLIKEN RECOMMENDING APPROVAL OF THE DANIELS SCHOOL HOUSE ANNEXATION TO THE TOWN OF MILLIKEN BOARD OF TRUSTEES.

WHEREAS, the Planning Commission held a public hearing on Wednesday, November 7, 2012 to hear public input on the Daniels School House Annexation; and

WHEREAS, the Planning Commission has reviewed the annexation application for the parcels known as the Daniels School House Annexation; and

WHEREAS, the Planning Commission finds the Daniels School House 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 12-26 recommending approval of the Daniels School House Annexation to the Town of Milliken Board of Trustees.

APPROVED AND ADOPTED BY THE TOWN OF MILLIKEN PLANNING COMMISSION THIS 7th DAY OF NOVEMBER, 2012.

ATTEST:

Linda Measner, Chairperson

Cheryl Powell, Town Clerk

Eric Carlson
Attorney At Law
1109 13th Street
Greeley, CO 80631
970-352-6467
970-352-1667 fax

August 9, 2012

Town of Milliken
1101 Broad Street
Milliken, CO 80543

RE: Daniels Schoolhouse Annexation

Dear Mayor Tokunaga and Milliken Board of Trustees:

Please accept this application to annex the property owned by Harold and Madeline Daniels on which the Daniels' Schoolhouse stands. The Daniels family emigrated from England in the mid 19th century and settled in Weld County before the Town of Milliken was founded. School District 21 was established in 1873 and the first school was a wood-frame building that stood on the land donated to the School District in 1879 by James Daniels. The Daniels' Schoolhouse was built in 1911 on that same one-acre piece of land. The Daniels' Schoolhouse met the educational needs of the community until 1959 and is now on the National Register of Historic Places.

Harold and Madeline Daniels, the current owners of the Daniels' Schoolhouse, plan to use the building as an events center providing a place for gatherings in the Milliken community. The Daniels believe the Annexation will promote economic development and help to preserve some of Milliken's heritage and rural small town character.

Thank you for your consideration.



Eric Carlson

**TOWN OF MILLIKEN
P.O. BOX 290
MILLIKEN, CO 80543**

PETITION FOR DANIELS ANNEXATION

We represent that we are the landowners of 100% of the land described in this Petition, excluding public streets, alleys, roads and easements, which is legally described on Exhibit "A", and affirm the following to be true and correct as of 8-2-12. Our petition for annexation is filed with the Town of Milliken.

CONTIGUITY:

1. The perimeter of the proposed Annexation has a distance of 858 linear feet of which 159.02 linear feet are contiguous to the existing Town Limits of Milliken. This contiguity results in more than 1/6 of the proposed annexation being contiguous to the Town of Milliken.
2. The requirements of §31-12-104 and §31-12-105 C.R.S., exist or have been met.
3. We further allege:
 - 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 territory is urban or will be urbanized in the near future.
 - e. 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.
 - f. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.
4. The Petitioners have submitted the petition with the intention that the property will be developed in accordance with Milliken's *Land Use Code, Comprehensive Plan, Municipal Code*, resolutions and ordinances.
5. The Petitioners are aware that Milliken has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Milliken's include fees for: building, electric, construction meter, plan review, building permit administration, parks, trails and open space, public facilities infrastructure, streets, drainage, police facility infrastructure, general administration facility infrastructure, water administration, water meter, water tap, sewer tap, raw water, and other supplemental fees as appropriate.
6. The Petitioners agree to dedicate free and clear of all liens and encumbrances of any kind, and at no charge to the Town, all easements and rights-of-way for streets and other public ways and for other public purposes, within the Property as outlined in a Subdivision Improvements Agreement (approved at the time of final subdivision plat).

8-2-12
Date Signed

Harold Daniels
Harold Daniels, P O Box 180, Milliken, CO 80543

8-2-12
Date Signed

Madeline Daniels
Madeline Daniels, P O Box 180, Milliken, CO 80543

STATE OF COLORADO)
)SS
COUNTY OF WELD)

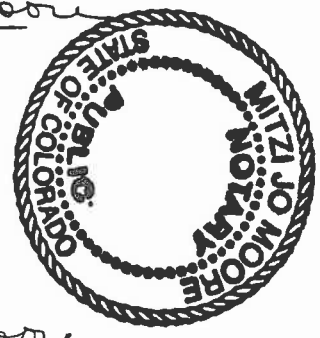
CIRCULATOR'S AFFIDAVIT

Harold Daniels and Madeline Daniels, being first duly sworn, upon oath deposes and says that he/she was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Mitzi Jo Moore
Signature

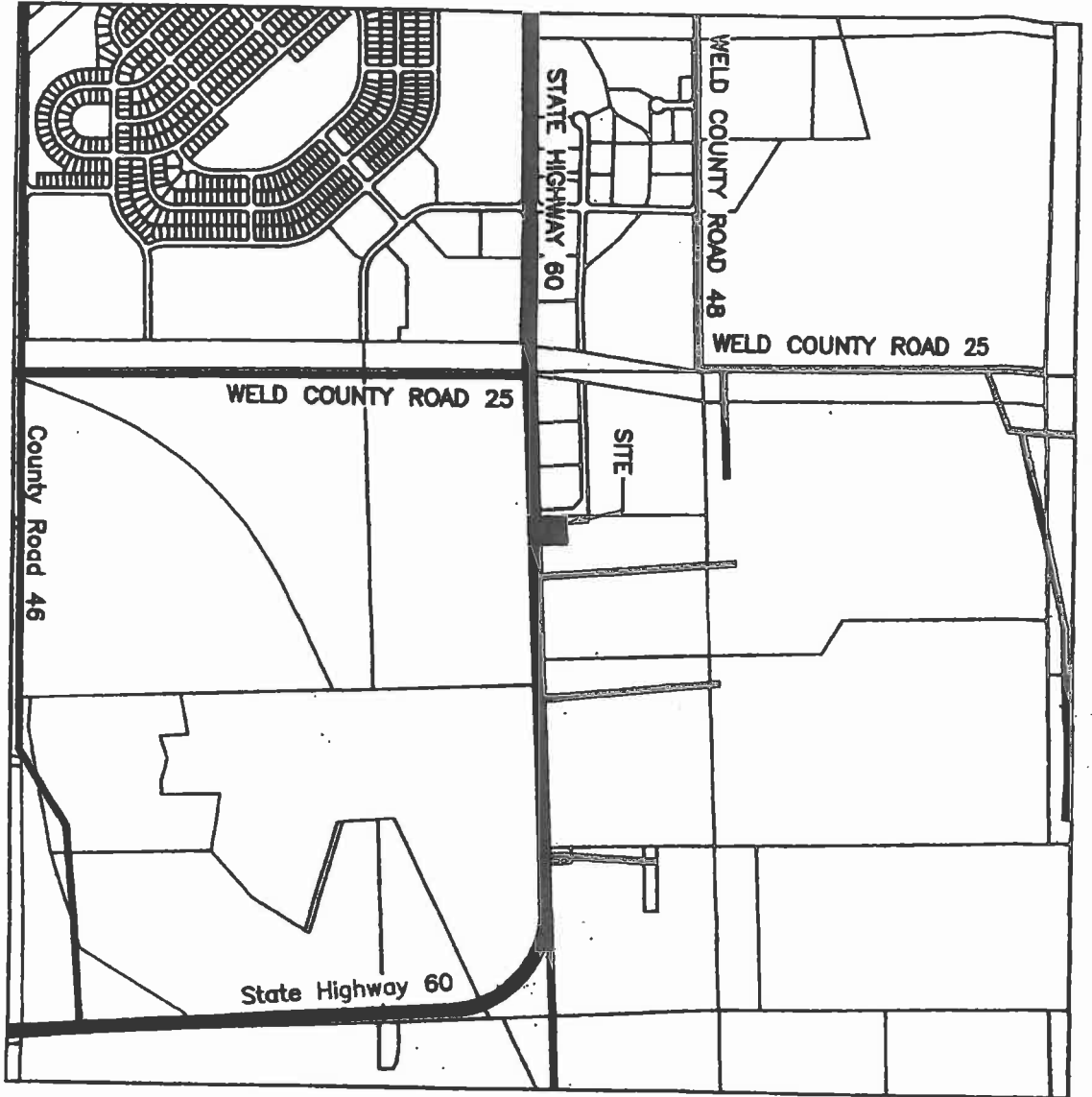
Subscribed and sworn to before me this 2 day of August, 2012.

WITNESS my hand and official seal.
My Commission Expires 09/26/2014
My Commission expires: _____



Notary Public Mitzi Jo Moore
Mitzi Jo Moore

VICINITY MAP
(NOT TO SCALE)



SHEET 1 OF 1



PROJECT #
2011506

DANIELS SCHOOL HOUSE ANNEXATION
FOR
HAROLD AND MADELYN DANIELS
1931 HILLROSE DRIVE
LOVELAND, CO 80538

R

ANNEXATION IMPACT REPORT

for the

DANIELS SCHOOLHOUSE ANNEXATION

Prepared for:

**Town of Milliken
P.O. Box 290
Milliken, CO 80543**

This Annexation Impact Report has been prepared pursuant to C.R.S. § 31-12-108.5. Annexation impact report – requirements. Exhibit A includes the Vicinity Map and maps depicting proposed sewer and water utility services to the property and the proposed annexation.

I. Project Purpose and Description

The purpose of the Daniels' Schoolhouse Annexation is to bring the Daniels' Schoolhouse into the city limits and make it a part of the city. The property proposed for annexation is approximately one acre in area and has on it the historic Daniels' Schoolhouse. The property meets the 1/6 contiguity requirement. The Daniels' Schoolhouse will be used as an events center for weddings and other community events.

The Daniels' Schoolhouse Annexation is consistent with some of the fundamental objectives of the Milliken Comprehensive Plan by promoting economic development and helping to preserve Milliken's history and rural small town character. The Daniel's Schoolhouse Annexation promotes those objectives through the preservation and inclusion of one of Milliken's most noteworthy historic buildings into the town. In this way, the Daniels' Schoolhouse Annexation helps promote and preserve Milliken's unique community identity while providing residents with an excellent resource for recreation and community events.

II. Municipal Services

While there are no existing Municipal Services to the property, the Daniels' Schoolhouse will have a minimal impact on the City's Municipal Services.

A. Sanitary Sewer

The Daniels' Schoolhouse Annexation will have minimal impact on the City's existing sewer system. The Daniels are paying the extension of sewer services to the buildings. The service will include one sewer line which will tie into Milliken's existing sewer line located in Center Drive and proceed along the city's utility easement to the West of the Annexation and then across the Annexation to the buildings. See Exhibit A.

B. Water

The Daniels' Schoolhouse Annexation will have no impact on the City's existing water system. The Daniels' Schoolhouse Annexation will tie into the Little Thompson water line just to the south of the buildings. See Exhibit A.

C. Fire

The Daniels' Schoolhouse Annexation will have minimal impact on the City's fire protection services. Fire protection will be provided by the Town of Milliken.

D. Police

The Daniels' Schoolhouse Annexation will have minimal impact on the City's police protection services. Police protection will be provided by the Town of Milliken.

E. Street Maintenance

The Daniels' Schoolhouse Annexation will have minimal impact on the City's street maintenance services. Street maintenance will be provided by the Town of Milliken.

III. Special Districts

The Area to be annexed is included within the following special districts:

AIMS JUNIOR COLLEGE
CENTRAL COLORADO WATER (CCW)
CENTRAL COLORADO WATER SUBDISTRICT (CCS)
HIGH PLAINS LIBRARY
LITTLE THOMPSON WATER (LTW)
MILLIKEN FIRE
MILLIKEN FIRE (BOND 2024)
NORTHERN COLORADO WATER (NCW)
SCHOOL DIST RE5J
THOMPSON RIVER REC
WELD COUNTY
WEST GREELEY CONSERVATION

IV. School District Impact

The Annexation will have minimal impact on the local-public school district systems. The annexation only provides for one small residence. No capital construction will be required.

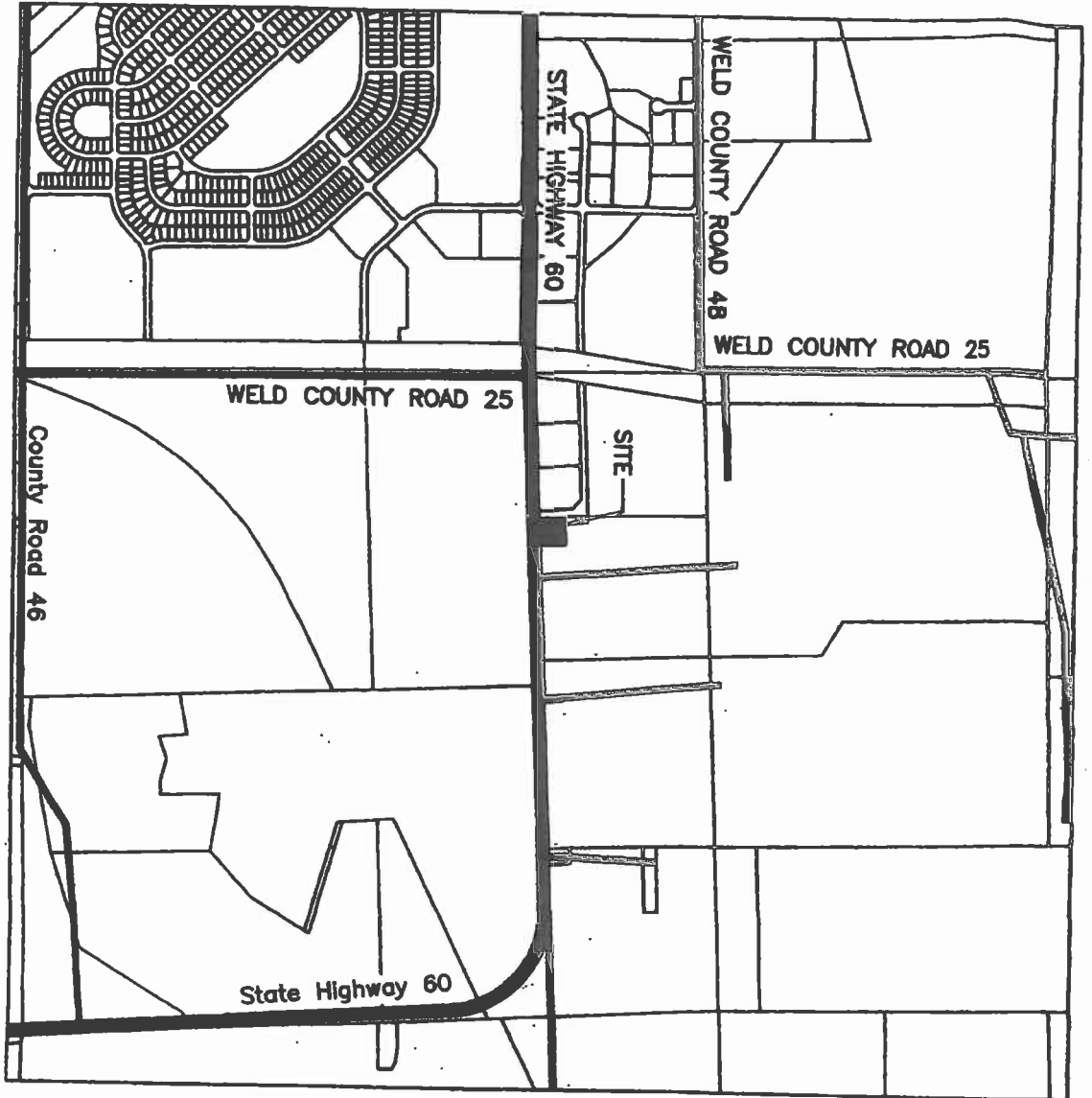
V. Exhibits

- A. Vicinity Map and Maps Depicting Proposed Sewer and Water Utility Services**
- B. Daniels' Schoolhouse Annexation/Zoning/Concept Plan Map**

Exhibit A

Vicinity Map and Maps Depicting Proposed Sewer and Water Utility Services

VICINITY MAP
(NOT TO SCALE)



SHEET 1 OF 1



PROJECT #:
2011506

DANIELS SCHOOL HOUSE ANNEXATION
FOR
HAROLD AND MADELYN DANIELS
1931 HILLROSE DRIVE
LOVELAND, CO 80538

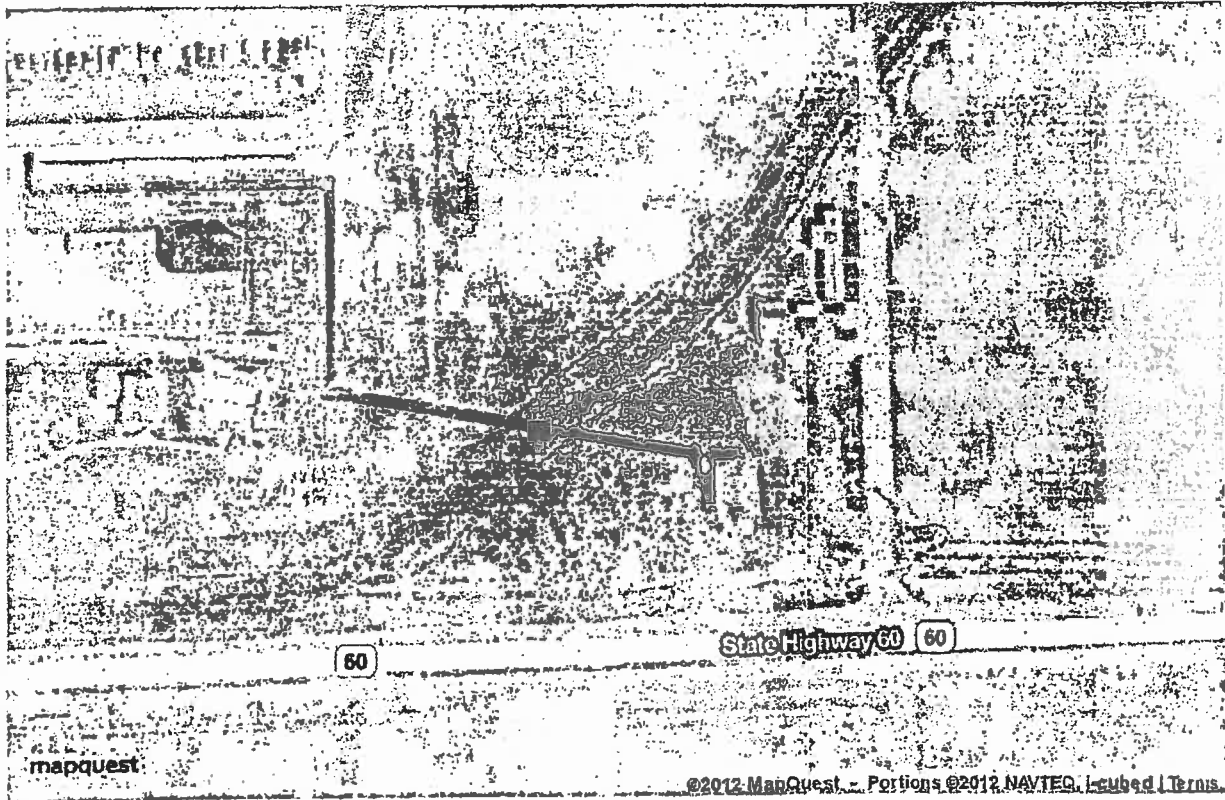
R

mapquest

Map of:
Milliken, CO

Notes

Sewer to School if tapped
into main on Center dr.



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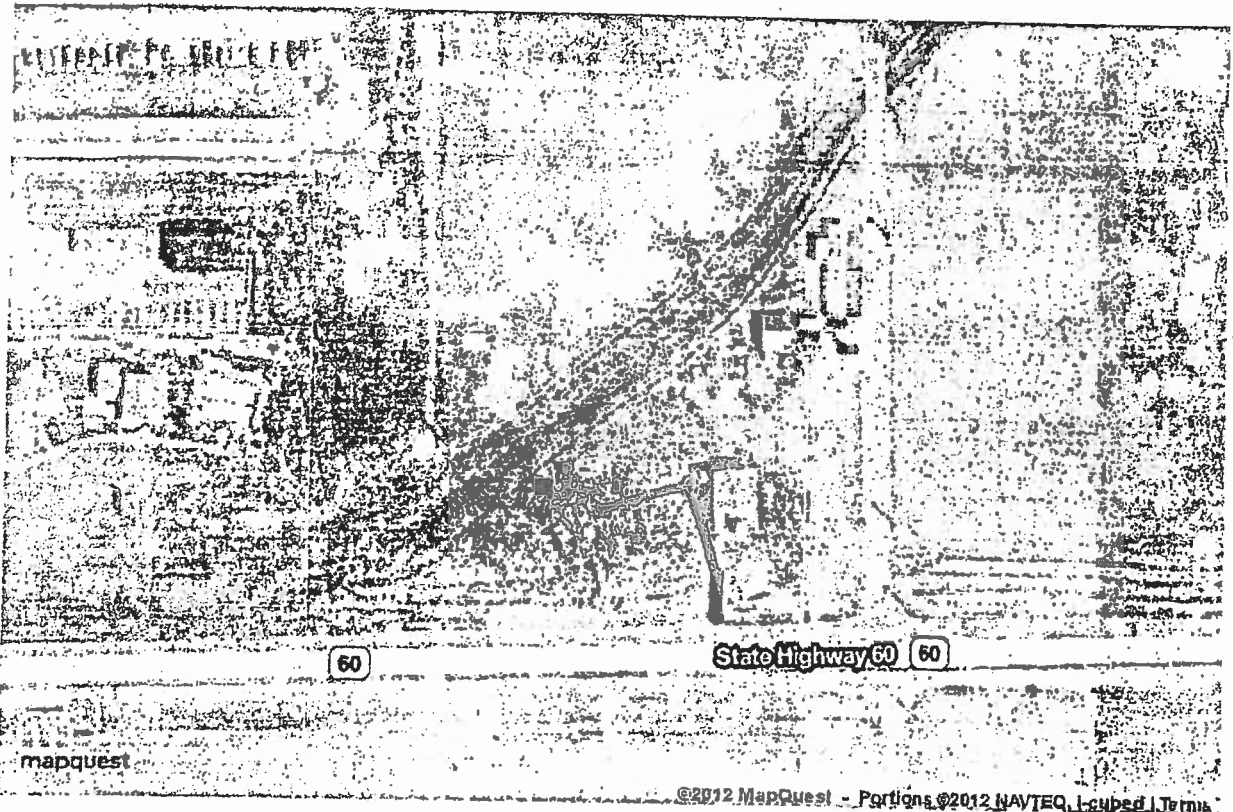
6

mapquest

Map of:
Milliken, CO

Notes

waterline route if water comes
from Little Thompson



©2011 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)

DANIELS SCHOOL HOUSE ANNEXATION TO THE TOWN OF MILLIKEN

Part Of The Northeast Quarter Of Section 7, Township 4 North, Range 66 West Of The 6th P.M.,
County Of Weld, State Of Colorado

DATE: 11/22/2011
FILE NAME: 2011506ANX
SCALE: 1"=20'
DRAWN BY: CSK
CHECKED BY: MCD

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



REVISIONS:	DATE:	BY:
REVISED PER COMMENTS	8/6/2012	CSK

DANIELS SCHOOL HOUSE ANNEXATION
FOR
HAROLD AND MADELINE P. DANIELS
1931 HILLROSE DRIVE
LOVELAND, CO 80538

PROJECT #
2011506

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that being the Owner(s), Mortgagee or Lien holder of certain lands in Milliken, Colorado, described as follows:

A portion of the Northwest Quarter (NW1/4) of Section Seven (7), Township Four North (T.4N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), Weld County, Colorado, described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of the NW1/4 of Section 7; THENCE running due East 16 rods; THENCE North 10 rods; THENCE due West 16 rods; THENCE South 10 rods to the place of beginning.

Thus described tract contains 1.000 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Executed this _____ day of _____, A.D. 20____

Owner _____

Mortgage or Lien holder _____

STATE OF _____

COUNTY OF _____

The foregoing instrument of ownership was acknowledged before me this _____ day of _____, A.D., 20____

Witness my hand and seal _____

My Commission Expires _____

Notary Public _____

SURVEYING CERTIFICATE

I, Michael Chad Dika, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the Annexation Map shown hereon is a correct delineation of the above described parcel of land and that at least one-sixth (1/6) of the peripheral boundary of said parcel is contiguous to the present boundary of the Town of Milliken, 159.02 feet contiguous, perimeter 858.00 feet.

I further certify that this map and legal description were prepared under my personal supervision.

Michael Chad Dika - On Behalf Of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38108

PLANNING COMMISSION CERTIFICATE

Approved by the Milliken Planning Commission this _____ day of _____, A.D. 20____

Chairman _____

Planning Commission Secretary _____

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

This annexation map is to be known as "Daniels School House Annexation to the Town of Milliken" and is approved and accepted by Ordinance No. _____, passed and adopted at the regular (special) meeting of the Board of Trustees of Milliken, Colorado, held on _____, 20____, and recorded on _____, 20____, as Reception No. _____, in the records of the Clerk and Recorder of Weld County, Colorado, by the Board of Trustees of Milliken, Colorado.

Meyer _____

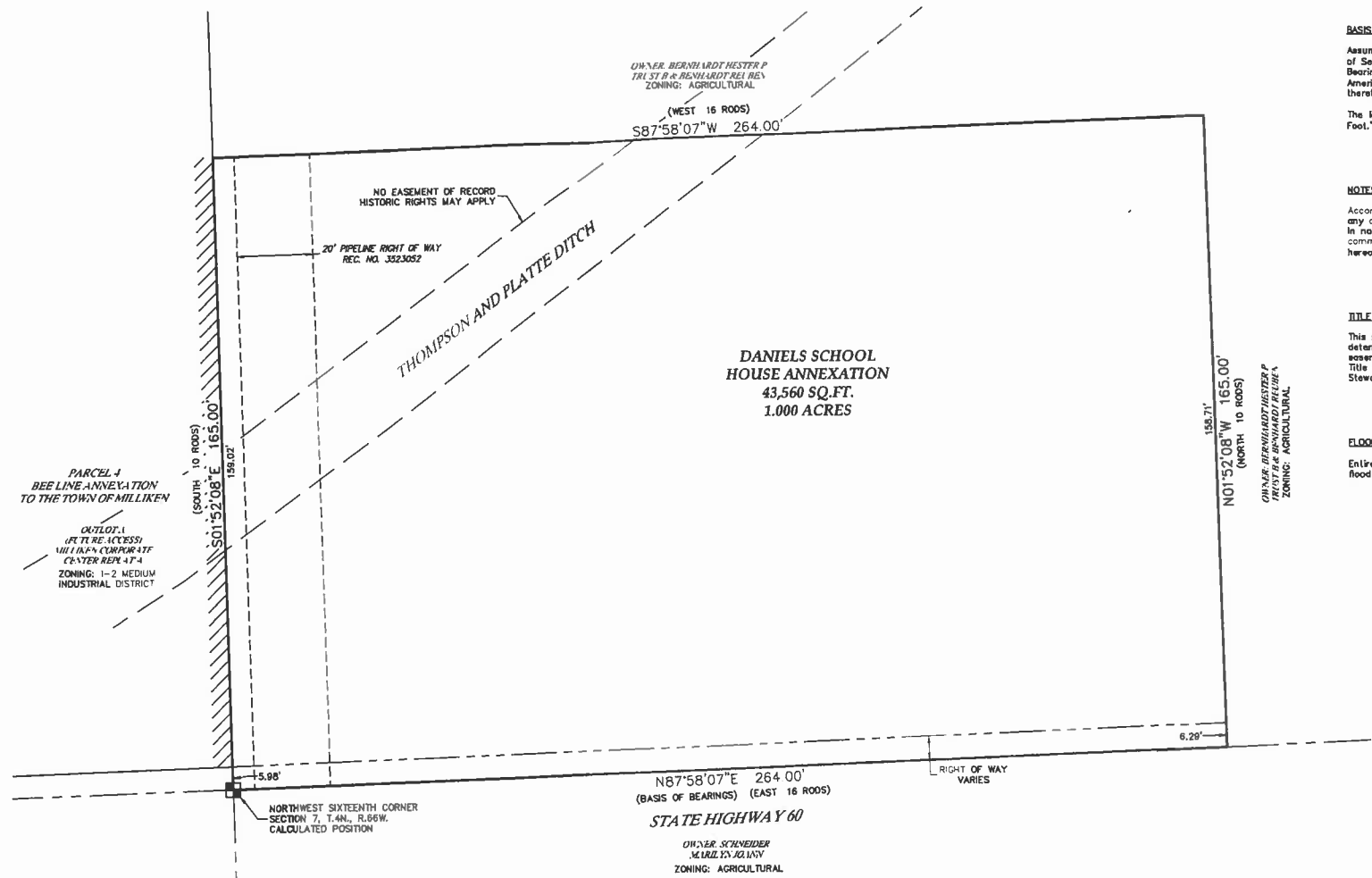
ATTEST: _____
Town Clerk

RECORDER'S CERTIFICATE

This Annexation Map was filed for record in the office of the County Clerk and Recorder of Weld County at _____ o'clock _____ M., on the _____ day of _____, A.D. 20____, in the Book _____ Page _____, Map _____, Reception No. _____

Weld County Clerk and Recorder _____

By: _____
Deputy

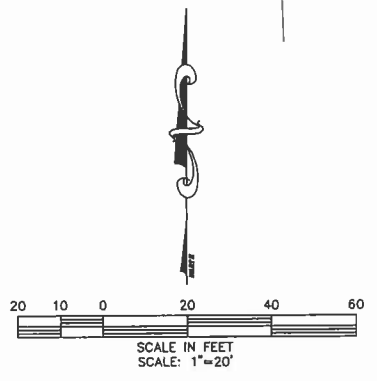


BASIS OF BEARINGS AND LINEAL UNIT DEFINITION
Assuming the South line of the Northeast Quarter of the Northwest Quarter of Section 7, T.4N., R.66W., as bearing North 87°58'07\"/>

NOTES
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-80-105 C.R.S.)

TITLE COMMITMENT NOTE
This survey does not constitute a title search by King Surveyors Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors Inc. relied upon Title Commitment Number 01330-10955, dated July 16, 2012 as prepared by Stewart Title Guarantee Company to delineate the aforesaid information.

FLOODPLAIN NOTE
Entire property is in flood zone "C", areas of minimal flooding per FEMA flood map 080268 0750 C revised September 28, 1982.



LEGEND

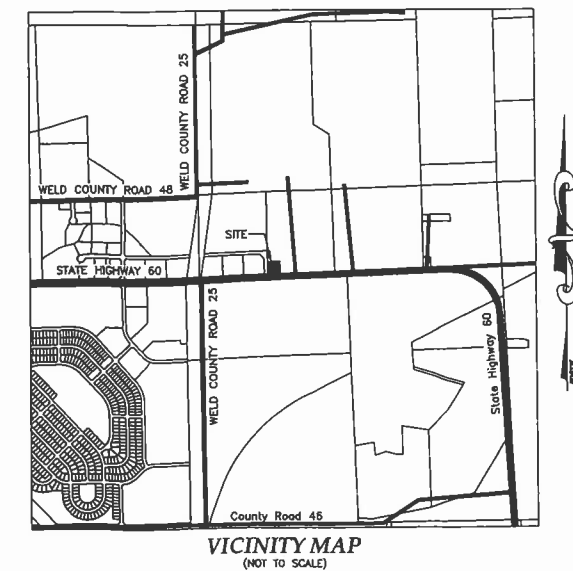
---	SECTION LINE
—	PROPERTY LINE
■	FOUND ALIQUOT CORNER AS DESCRIBED
○	CALCULATED POSITION

CONTIGUITY

Total Boundary = 858.00 L.F.
Contiguous Boundary = 159.02 L.F.
1/6 Total Perimeter of Property = 1:5.396

Total Area being annexed = 43,560 sq.ft. and 1.000 acres

////// DENOTES CONTIGUOUS BOUNDARY





**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, November 7, 2012
---	--

Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing for a Use by Special Review Permit (USR) for a Residence in a C-1, Office District			
Attachments: Request for Residence Vicinity Map Picture of Teacherage Structure Concept Plan Map			

PURPOSE

To review and recommend to the Board of Trustees a request for a Use by Special Review for a residence at 12,257 Highway 60.

BACKGROUND

BACKGROUND INFORMATION	
Type of Application	Residence - Use By Special Review
Location:	12,257 Highway 60
Applicant:	Madeline and Harold Daniels
Property Owner:	Madeline and Harold Daniels
Existing Land Use:	Vacant and unused.
Proposed Land Use:	Residence in the teacherage building
Surrounding Land Use:	West, Vacant and Industrial South, Agriculture East, Agriculture North, Residence and Agriculture
Existing Zoning:	Current Zoning -Agriculture, Weld County. Upon annexation, zoning becomes C-1

Section 16-3-250 of the zoning ordinance allows for "Uses by special review in commercial districts, as follows:

One (1) or more of the following uses may be made of land in any commercial zoning district if special approval is given by the Board of Trustees, pursuant to the procedures and standards set forth in Section 16-3-500 of this Article: (1) Uses by right in the residential districts, not including R-M and R-MH Districts."

The applicant has requested that the historic teacherage structure be used as a residence on a temporary, or permanent, basis, and has made this request as part of a companion request to annex and zone the property. The structure is 331 square feet in floor space size and the minimum floor space size required for a single family residence by the zoning ordinance is 1100 square feet. If the USR is approved the floor space minimum of 1100 square feet could be waived (a variance granted) by virtue of approval of the USR.

The Building Official has recommended that an inspection be done for the structure prior to occupancy and that improvements be made to the structure to bring it up to code (IRC and related codes) prior to occupancy.

(c) Use by Special Review Application Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The use by special review will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.

The zoning code allows a residence in a commercial zone district if a USR for a residence is approved. The requirement for a minimum floor space of 1100 square feet can be lowered to 331 square feet by means of the USR process and with an approval of the USR.

(2) The use by special review will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan, Community Design Standards and Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan. Applications for gravel resource extraction shall also comply with the Gravel Mining Reclamation Standards (Appendix III) of the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.

The proposed residential use in a commercial district meets or exceeds these goals, policies, and strategies.

(3) The use by special review will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

The proposed residential use can be adequately served and will not place undue burdens.

(4) The use by special review will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

The proposed residence is consistent with the character of the commercial district within which it will be located and may encourage new development in the community.

(5) The use by special review will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

The proposed residence will not have adverse impacts or pose a hazardous condition.

(6) Potential negative impacts of the use by special review on the rest of the neighborhood or of the neighborhood on the use by special review have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;
- c. Light;
- d. Noise;
- e. Odor;
- f. Building type, style and scale;
- g. Hours of operation;
- h. Dust;
- i. Erosion control; and
- j. Effect on neighborhood character.

The impacts will be minimal to non-existent.

(7) The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

The applicant can so attest during the hearing.

BUDGET IMPLICATIONS

The expected fiscal impacts, both revenues and expenditures, due to the residence are minimal.

STAFF RECOMMENDATION

Staff recommends approval of Use by Special Review for a residence at 12,257 Highway 60 conditioned on an inspection of the structure to determine what improvements shall be made to structure to bring it into compliance with the applicable Town building codes prior to occupancy .

SUGGESTED MOTION

"I move to recommend approval to the Board of Trustees of Use by Special Review for a residence to be located in the teacherage at 12,257 Highway 660 conditioned on an inspection of the structure to determine what improvements shall be made to structure to bring it into compliance with the applicable Town building codes prior to occupancy."

VII. USGS Topographic Map



Daniels'
Schoolhouse

VIII. Zoning

A. Existing Zoning

The existing zoning is Weld County Agricultural A

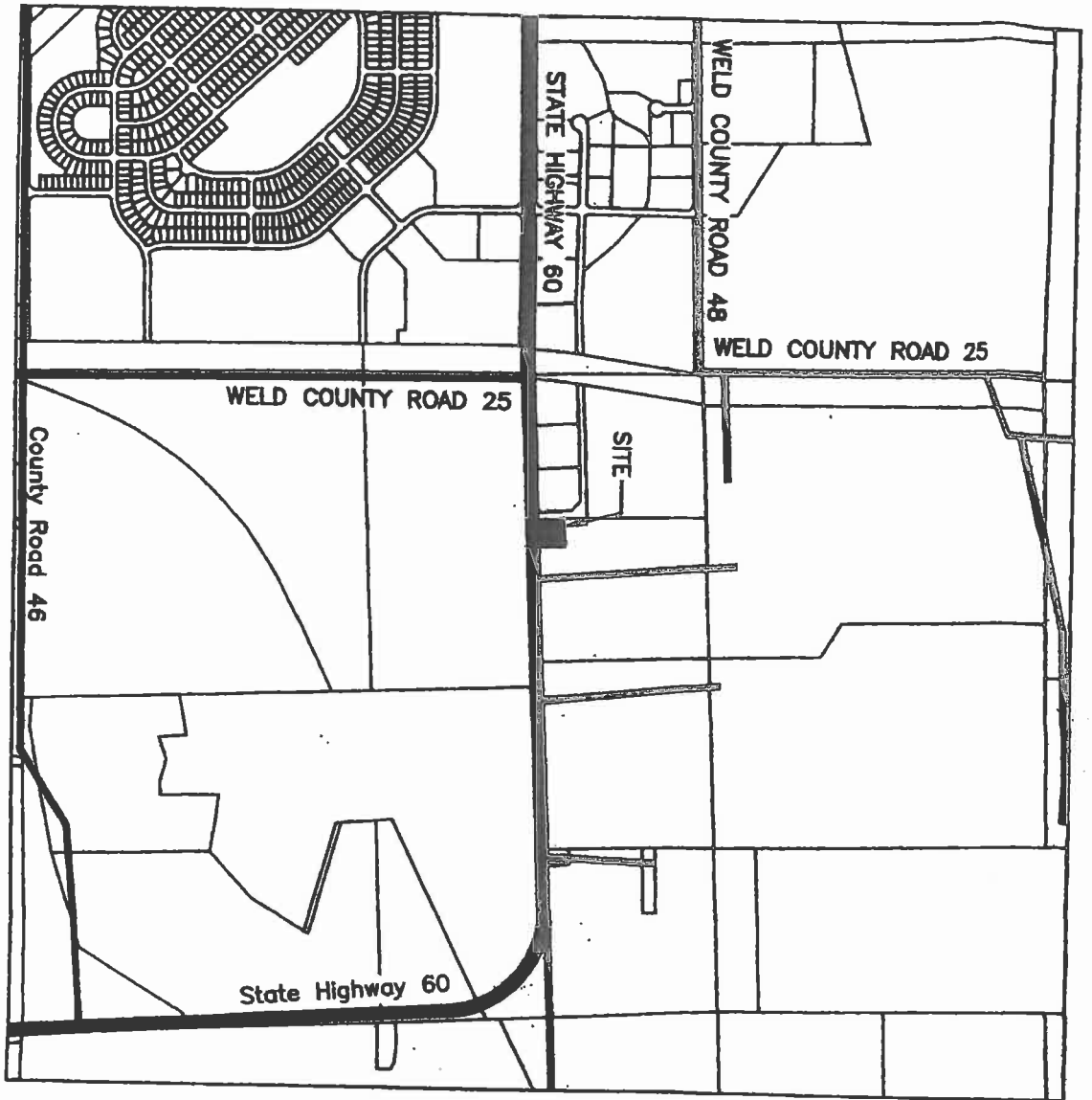
B. Proposed Zoning

The annexation will be zoned C1 with use by special review to allow residential use of the Teacherage. 

C. Need

Three of the fundamental objectives of the Milliken Comprehensive Plan are to promote economic development and to preserve Milliken's history and rural small town character. The Daniel's Schoolhouse Annexation allows the property owner to accomplish those objectives through the preservation and inclusion of one of Milliken's most noteworthy historic buildings into the town while providing residents with an excellent resource for recreation and community events.

VICINITY MAP
(NOT TO SCALE)



SHEET 1 OF 1



PROJECT #
2011506

DANIELS SCHOOL HOUSE ANNEXATION
FOR
HAROLD AND MADELYN DANIELS
1931 HILLROSE DRIVE
LOVELAND, CO 80538

R



DANIELS SCHOOL HOUSE CONCEPT PLAN

Part Of The Northeast Quarter Of Section 7, Township 4 North, Range 66 West Of The 6th P.M.,
County Of Weld, State Of Colorado

DATE: 8/6/2012
FILE NAME: 2011506ANX
SCALE: 1"=20'
DRAWN BY: CSK
CHECKED BY: MCD

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



DATE: _____
REVISIONS: _____

DANIELS SCHOOL HOUSE - Concept Plan
FOR
HAROLD AND MADELINE P. DANIELS
1931 HILLROSE DRIVE
LOVELAND, CO 80538

PROJECT #: 2011506

1
SHEET 1 OF 1

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that being the Owner(s), Mortgagee or Lien holder of certain lands in Milliken, Colorado, described as follows:

A portion of the Northwest Quarter (NW1/4) of Section Seven (7), Township Four North (T.4N), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), Weld County, Colorado, described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of the NW1/4 of Section 7; THENCE running due East 16 rods; THENCE North 10 rods; THENCE due West 16 rods; THENCE South 10 rods to the place of beginning.

Thus described tract contains 1.000 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Executed this _____ day of _____, A.D. 20____

Owner _____

Mortgage or Lien holder _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument of ownership was acknowledged before me this _____ day of _____, A.D. 20____

Witness my hand and seal _____

My Commission Expires _____

Notary Public _____

SURVEYING CERTIFICATE

I, Michael Chad Dilka, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the Annexation Map shown hereon is a correct delineation of the above described parcel of land and that at least one-sixth (1/6) of the peripheral boundary of said parcel is contiguous to the present boundary of the Town of Milliken, 159.02 feet contiguous, perimeter 858.00 feet.

I further certify that this map and legal description were prepared under my personal supervision.

Michael Chad Dilka - On Behalf Of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106

PLANNING COMMISSION CERTIFICATE

Approved by the Milliken Planning Commission this _____ day of _____, A.D. 20____

Chairman _____

Planning Commission Secretary _____

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

This annexation map is to be known as "Daniels School House Annexation to the Town of Milliken" and is approved and accepted by Ordinance No. _____, passed and adopted at the regular (special) meeting of the Board of Trustees of Milliken, Colorado, held on _____, 20____, and recorded on _____, 20____, as Reception No. _____ in the records of the Clerk and Recorder of Weld County, Colorado, by the Board of Trustees of Milliken, Colorado.

Mayor _____

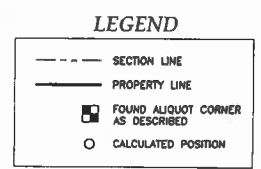
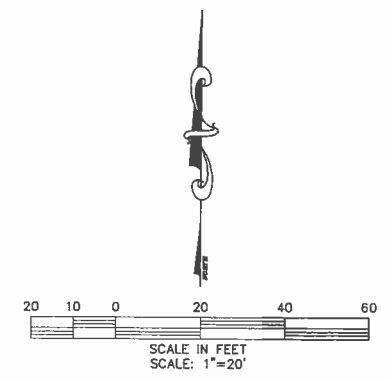
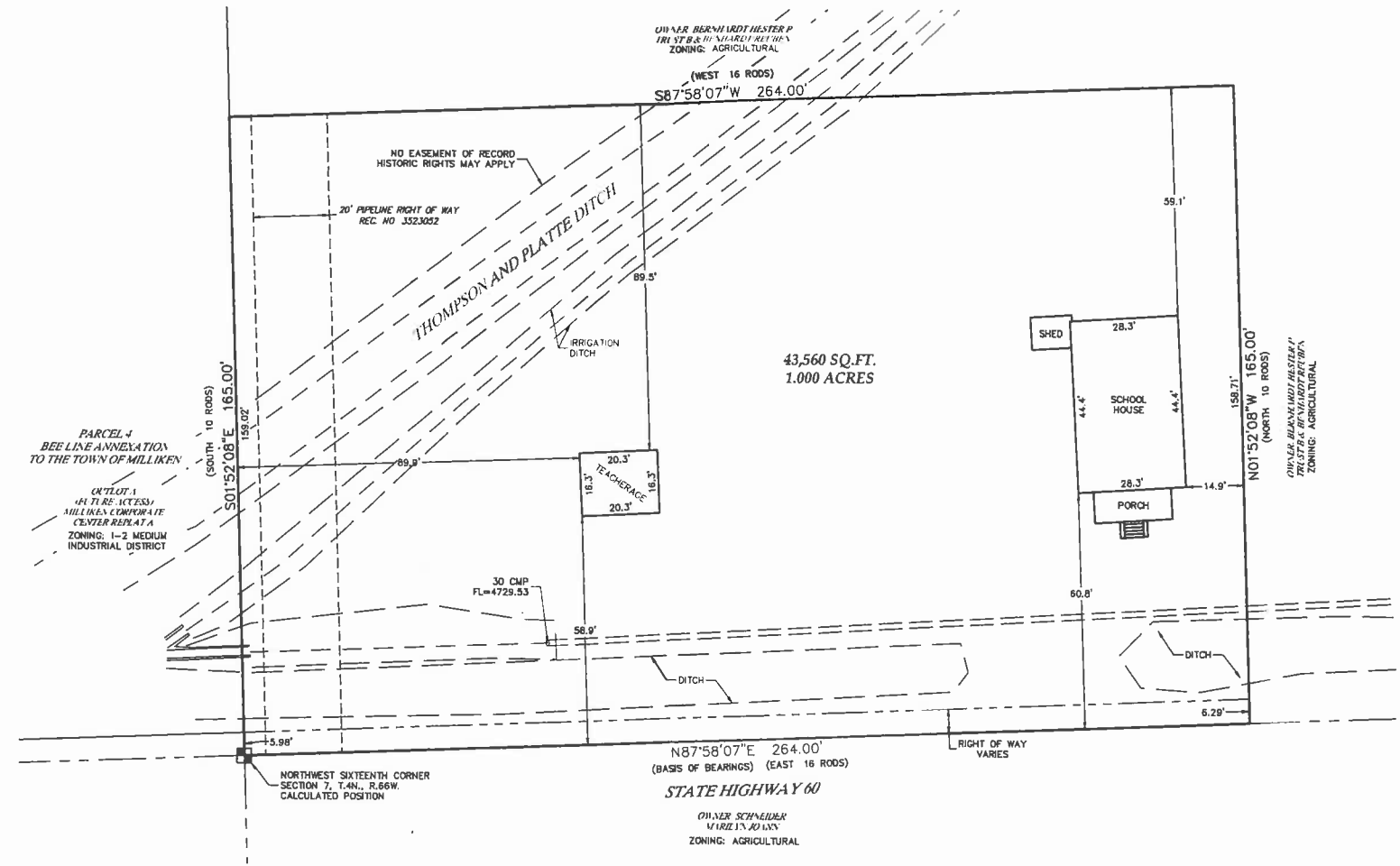
ATTEST: Town Clerk _____

RECORDER'S CERTIFICATE

This Annexation Map was filed for record in the office of the County Clerk and Recorder of Weld County at _____ o'clock _____ M., on the _____ day of _____, A.D. 20____, in the Book _____ Page _____, Map _____, Reception No. _____

Weld County Clerk and Recorder _____

By _____ Deputy



BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Northeast Quarter of the Northwest Quarter of Section 7, T.4N., R.66W., as bearing North 87°58'07" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

NOTES

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-80-105 C.R.S.)

TITLE COMMITMENT NOTE

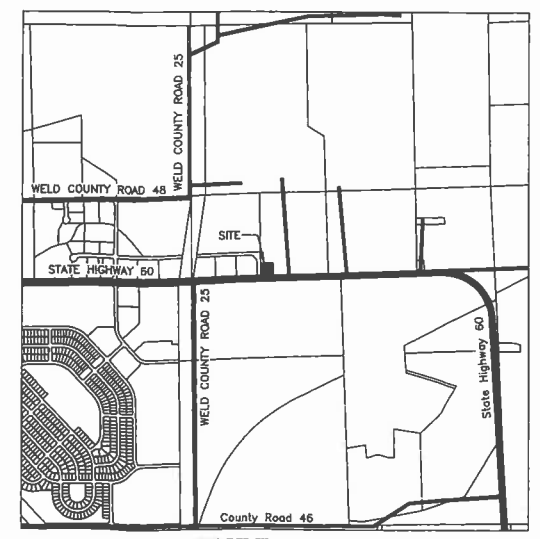
This survey does not constitute a title search by King Surveyors Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors Inc. relied upon Title Commitment Number 01330-10955, dated July 16, 2012 as prepared by Stewart Title Guarantee Company to delineate the aforesaid information.

FLOODPLAIN NOTE

Entire property is in flood zone "C", "areas of minimal flooding" per FEMA flood map 080266 0750 C revised September 28, 1982.

DENSITIES

1. School House is approximately 28' x 44' with a maximum density of 150 people at any one time. Most likely use would be 50 a 75 people at any one time.
2. Teacherage is the only proposed residence use. Its dimensions are approximately 20' x 16' and would house one to two people.





TOWN OF MILLIKEN
 PLANNING COMMISSION
 AGENDA MEMORANDUM

To: Chairman and Members of the Planning Commission	Meeting Date:
From: Steve House, Community and Economic Development Director	Wednesday, November 7, 2012

Agenda Item #	Action:	Discussion:	Information:
	x		
Agenda Title: Public Meeting for Review and Recommendation of a Variance Request for Number of Signs and Waiver of Application Fee at 1109 Broad Street			
Attachments: E-mail from Raul Cruz Requesting a Variance to the Sign Code and Waiver of the Application Fee Photograph of Proposed Sign Locations			

PURPOSE

To consider a request from 3 Coffee & Roastery for a variance to the sign code to allow for two awning signs and two wall signs (menu boards) exceeding the maximum allowed of one awning sign and one wall sign, and a request to waive the \$300 application fee.

BACKGROUND INFORMATION	
Type of Application	Variance to the sign code. The Planning Commission determines if the application complies with the application review criteria
Location:	1109 Broad Street
Applicant:	3 Coffee & Roastery – Mr. Raul Cruz
Existing Land Use:	Coffee shop and computer library
Surrounding Land Use:	North: Town Square parking and residences
	West: Town Hall and Grace Avenue
	South: 7-11 Store and residences
	East: Town Square parking and Police/Meeting House
Zoning:	MU-C-D, Mixed Use Commercial-Downtown District
Comprehensive Plan	The Comprehensive Plan designates the site and the Town Square as Mixed Use- residential, institutions, and commercial/retail uses

BACKGROUND

The 3 Coffee and Roastery opened for business in the Historic Police building in July of 2011. It occupies space with the satellite computer center which is operated by the High Plains Library District. 3 Coffee and Roastery leases part of the building from the Town of Milliken. The owner of 3 Coffee has applied for a variance to the sign code in order to "provide needed advertisement" and raising the visibility of signage on the east side of the building and thereby attracting the attention of westbound motorists on Broad Street. The business currently has one projecting sign on south frontage of the building, a menu board on the east façade, window signs, and an A-Frame sign. The library district has two hanging signs on either sides of the front porch.

The variance request, if approved, would allow for two awning signs, or a variance for one additional sign and would allow for two wall signs, or a variance of one additional sign. For the awning signs the applicant is requesting that the awning closest to Broad Street have 'Coffee' on the front hanging trim and the awning closest to the rear of the building to have 'Chai' and 'Smoothies' on the front hanging trim. All signs would be in white color on hunter green colored awnings.

Section 16-3-520(j) of the Land Use Code states the Variance Criteria as follows:

Permits a land use not allowed in the zoning district in which the property is located.

Is in the public right-of-way or on public property.

Alters any definition of this Chapter.

Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this Chapter.

Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to this Chapter.

Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.

Section 16-3-520(j)(2) states that "In order to grant a variance to this Land Use Code, the Board of Adjustment (the Board of Trustees) shall find that all the following have been satisfied:

That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property.

That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter.

That due to such unique physical circumstances or conditions, the strict application of this Chapter would create a demonstrated hardship.

That the demonstrable hardship is not self-imposed.

That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood.

That the variance, if granted, will not change the character of the zoning district in which the property is located.

That the variance, if granted, is in keeping with the intent of this Chapter.

That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town."

The applicant has also requested a waiver of the requirement for a \$300 application fee.

COMPREHENSIVE PLAN GOALS IMPLEMENTED

The Envision Milliken-An Update to the Comprehensive Plan has two principles that encourage support of business activity downtown:

Principle LU-4: Encourage mixed-use development, especially in the downtown area, to support commercial uses, promote walkability, and provide for a variety of housing options.

Principle ED-1.4: Local Business Support. The Town recognizes the significant contribution of existing businesses in the local economy. The Town will support the retention, expansion and entrepreneurial activities of existing local businesses and maintain a positive business climate.

BUDGET IMPLICATONS

The budget implications would be minimal or non-existent if the variance was granted.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that the variance request is consistent with the variance criteria and that the variance request be approved to allow for one additional wall sign (menu board) and one additional awing sign on the east façade of the building at 1109 Broad Street. The variance procedures section of the land use code do not address fees and requests by applicants for a waiver of the fee.

SUGGESTED MOTION

"I recommend approval of a variance allow for one additional wall sign (menu board) and one additional awing sign on the east façade of the building at 1109 Broad Street."



Variance details

Raul Cruz <raul@3coffee.biz>

Tue, Oct 16, 2012 at 9:28 AM

To: Steve House <shouse@town.milliken.co.us>

To Whom It May Concert:

This is a letter explaining the details of the requested variance for 3 Coffee & Roastery in connection with the MBA Storefront program .

I am proposing two hunter green **pull-up awnings** over the two east windows. They will have printing over the front hanging trim that say "Coffee", "Chai" and "Smoothies" in white lettering. The first awning will also have clearance measurements on the south facing trim in white lettering. Concept, pricing and measurements are included in the bid by Peterson Canvas and Awning. The awnings will provide needed advertising that will attract westbound traffic on Hwy 60. I believe they are complimentary to the aesthetics of the building and will enhance both the appearance as well as the marketability of 3 Coffee.

I am also proposing a **menu board** to be installed on the southeast window (mirroring our existing menu board). Bid includes mounting.

I would also like to request an exemption from the variance fees. Every little bit helps.

Thanks for your time.

--
Raul Cruz
3 Coffee & Roastery
1109 Broad St
Milliken, CO 80543
www.3coffee.biz
"Every cup tells a story"





Weld County Referral

October 15, 2012

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

Applicant: LJR Farms

Case Number: RECX12-0104

Please Reply By: November 12, 2012

Planner: Tiffane Johnson

Project: 2 LOT RECORDED EXEMPTION

Location: EAST OF CR 13; NORTH OF CR 38

Parcel Number: 105931200055-R2227003 Legal: PT NW4 SECTION 31, T4N, R67W AND PT S2S2 SECTION 30, T4N, R67W LOT A AMD REC EXEMPT RE-2842 (.34R) of the 6th P.M., Weld County,

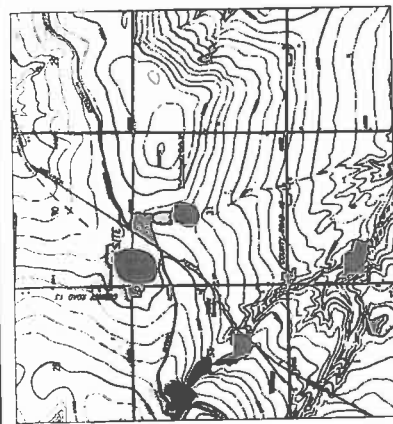
The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this 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 _____

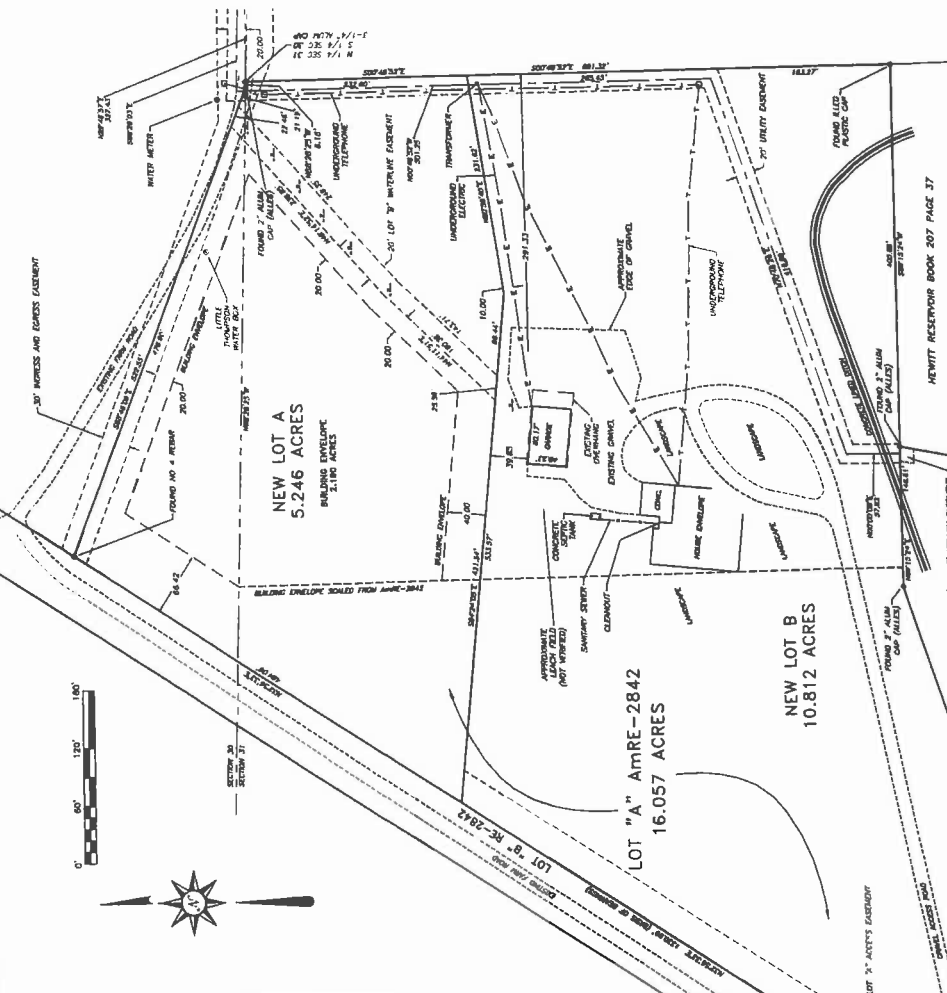
Date _____

Agency _____



VICINITY MAP 1" = 2000'
 NOTES: EXAMPLE ONLY, WILL CHANGE

- All proposed or existing structures will be shown to the extent necessary to show the location of structures in the Weld County Code, the required setback is measured from the 1/2" spot height of the structure.
- The location of structures on and around the site is shown in the vicinity map.
- The location of structures on and around the site is shown in the vicinity map.
- The location of structures on and around the site is shown in the vicinity map.



Weld County Right to Farm Statement

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top five counties in the country in total market value of agricultural products sold. The vast majority of the land in Weld County is used for agriculture, and the vast majority of the population of Weld County is employed in agriculture. The vast majority of the population of Weld County is employed in agriculture. The vast majority of the population of Weld County is employed in agriculture.

People are required to adhere to the rules of the County when it comes to agricultural practices. From equipment and soil application, people and animals are required to follow the rules of the County when it comes to agricultural practices. From equipment and soil application, people and animals are required to follow the rules of the County when it comes to agricultural practices.

NOTES (CONT): EXAMPLE ONLY, WILL CHANGE

- Effective April 25, 2011, existing permits issued on the project site will be required to adhere to the rules of the County Health Department. (Ordinance 2011-2)
- Effective April 25, 2011, existing permits issued on the project site will be required to adhere to the rules of the County Health Department. (Ordinance 2011-2)
- Effective April 25, 2011, existing permits issued on the project site will be required to adhere to the rules of the County Health Department. (Ordinance 2011-2)
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WELD COUNTY RECORDED EXEMPTION NO.
 LEGAL DESCRIPTION:
 LOT 1, AMRE-2842, COUNTY OF WELD, STATE OF COLORADO
 PROPERTY OWNER'S CERTIFICATE:
 I, MICHAEL M. HOSKAY, being the sole owner of the above described property do hereby acknowledge the same as shown on the attached plat, and I also intend to provide access for the benefit of other users by right.

FOR FILING:
 I, MICHAEL M. HOSKAY, being the sole owner of the above described property do hereby acknowledge the same as shown on the attached plat, and I also intend to provide access for the benefit of other users by right.
 LAR Farms LLC (LAR Farms, Manager)
 My Commission Expires _____
 My Commission Expires _____
 My Commission Expires _____

NOTICE:
 THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ALBERT M. HOSKAY OF THE PROPERTY SHOWN AND DESCRIBED HERETO. TO DETERMINE:
 1) THE EXACT BOUNDARIES OF THE PROPERTY SHOWN AND DESCRIBED HERETO.
 2) THE EXISTENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS IN THE TRACT OF LAND.
 3) RIGHTS-OF-WAY, EASEMENTS, AND ENCUMBRANCES OF RECORD AFFECTING THIS TRACT OF LAND.

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 3) RIGHTS-OF-WAY, EASEMENTS, AND ENCUMBRANCES OF RECORD AFFECTING THIS TRACT OF LAND.

DATE: _____
 A. MICHAEL M. HOSKAY, COLORADO PLS 33300
 SURVIVOR'S CERTIFICATE:
 I, A. MICHAEL M. HOSKAY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE AND THIS PLAT IS AN ACCURATE REPRESENTATION OF THE TRUTH AND FACTS OF THE SURVEY AND THAT THIS PLAT IS IN ACCORDANCE WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO AND THE COUNTY OF WELD AND WELD COUNTY.

RECORDED EXEMPTION (RE) APPLICATION

FOR PLANNING DEPARTMENT USE RECEIPT/AMOUNT # _____ /\$ _____ APPLICATION RECEIVED BY _____	DATE RECEIVED: _____ CASE # ASSIGNED: <u>FECX 12-0104</u> PLANNER ASSIGNED: _____
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Parcel Number 1 0 5 9 - 3 1 - 2 - 0 0 - 0 5 5

(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 A AmRE 2842, Section 31, Township 4 North, Range 6 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: LJR Farms (Jeff Nissen, Manager)
 Work Phone # 303 447 8450 Home Phone # _____ Email Address jeff@tcs-co.com
 Address: 4462 Hilltop Road
 City/State/Zip Code Longmont CO 80504

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

Name: Argoscan LLC
 Work Phone # 303-709-0047 Home Phone # _____ Email Address rascalls@comcast.net
 Address: 1052 Sixth Street Court
 City/State/Zip Code Berthoud CO 80513

	Lot A Smaller Parcel	Lot B	Lot C	Lot D
Water Source	PROPOSED LT	LITTLE THOMPSON		
Type of Sewer	PROPOSED SEPTIC	SEPTIC		
Proposed Use	SINGLE FAMILY RES	SINGLE FAMILY RES		
Acreage	5.246	10.812		
Existing Dwellings? YES B NO A	If Yes, list address below:	If Yes, list address below: 18756 CR 13	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: Owner or Authorized Agent	9-24-12 Date	Signature: Owner or Authorized Agent	Date
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RECORDED EXEMPTION (RE) QUESTIONNAIRE

Please type or print your responses to the following questions on a separate sheet of paper.

1. Water supply statements addressing the following:
 - a. Domestic use. The statement will include evidence that a water supply of sufficient quality, quantity and dependability will be available to serve all proposed lots. A letter from a water district, municipality, or a well permit are examples of evidence for domestic use. (Example - "Water will be provided by the 123 Water Company, a tap agreement has been purchased and a copy of the receipt is attached," or "Water will be provide by a well (Well Permit # 12345 is attached.")
 - b. Irrigation water. The statement will include the type and quantity of irrigation water to the site, whether irrigation water has been removed from the site and, if so, when. (Example - "Four (4) shares of ABC Ditch Company Water will remain with the site, a copy of the purchase agreement addressing this item is attached," or "The parcel was purchased with no water rights.")
2. A statement explaining that the proposed lots will have an adequate means for the disposal of sewage in compliance with the requirements of the underlying zone district and the Weld County Department of Public Health and Environment. A copy of the septic permit or a letter from the sewage disposal facility must accompany the application. (Example - "Sewer service will be provided by Anytown Sewer and a "Commitment to serve" letter from Anytown is attached." or "An engineered Septic system will be designed, constructed and permitted according to Weld County ISDS requirements." or "A copy of the existing Septic Permit and appropriate copies (#123456789) are included with the application.")
3. A description of how the property is being used. When the parcel(s) is located in the agricultural zone district, the number and types of livestock and any existing improvements such as the principal residence, labor home, mobile home, manufactured home, barn, outbuildings, and oil/gas well production facilities on the property. If the property is being farmed the location of any pivot sprinklers and irrigation ditches as well as types of crops being produced. (Example - "The parcel has one farmhouse, one mobile home for the hired hand (permitted under Mobile Home Permit # ZPMH-123), two barns, a one loafing shed. The north half is currently used for pasture for approx. One hundred head of cattle and six to ten horses. There is an oil and gas well head and tank battery in the northeastern corner. The south half of the property is flood irrigated and currently planted in alfalfa.")
4. A description of the location, size, present and future use of the area where the proposed new lot(s) will be created. (Example - "The new lot will be approx five acres in size and located west of and adjacent to CR. ___ and the north boundary of the property. It is being created to be sold for a single family dwelling site.")
5. A statement describing any unique physical characteristics on the site, if applicable such as rock outcroppings, hills, ditches. (Example - "The ABC ditch runs diagonally across the southeastern quarter of the property.")
6. A statement indicating where a primary building envelope and/or alternative building envelope will be designated on any of the lots. Building envelopes may not be necessary on lots that are smaller than thirty-five acres. The Department of Planning Services reserves the right to recommend building envelopes on smaller acreage. (Example - "No building envelopes are requested")
7. Is there a Business or Use by Special Review permit on the property? If so, will it be vacated or remain on the Recorded Exemption lot(s)? (Example - "USR 1234 for my concrete business will be vacated as I am retiring. My son is moving the business and equipment to his property outside of Weld County.")

QUESTIONNAIRE RESPONSE

09/05/2012

1. Water supply statements.

A water supply of sufficient quality, quantity and dependability will be available to serve the proposed new lot. A letter from Little Thompson Water District is attached hereto.

There are no irrigation or water rights attached to this property.

2. An engineered Septic System will be designed, constructed and permitted according to Weld County ISDS requirements for the new 5.2 acre lot. A copy of the existing Septic Permit for the existing house on the 10.8 acre lot is attached hereto.

3. Presently the property is being used as a single family residential site. There is one existing two story with basement and garage brick house, and one detached garage.

4. The site is presently a 16.06 acre lot. It will be divided into two new lots. The south lot (new lot B) will include the existing residential improvements and will be approximately 10.8 acres. The north lot (new lot A) will be for a future single family dwelling and is approximately 5.2 acres.

5. There is a Railroad slightly west of the existing property. In the southeast corner of the property there is a concrete lined ditch used for irrigation by adjacent property owners.

6. A building envelope on the new 5.246 acre lot will be configured to address current building envelope requirements as well as any new restrictions required.

7. There are no Use by Special Review permits on the existing property.