

ORDINANCE NO. 776

AN ORDINANCE OF THE TOWN OF MILLIKEN REZONING 9333 COUNTY ROAD 52, MILLIKEN, CO, FROM SINGLE FAMILY RESIDENTIAL (R-1) TO AGRICULTURAL ESTATES (AE), AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, Jennifer Therrien and Levi Luman (collectively the “Owners”) are the owners of the property located at 9333 County Road 52, Milliken, legally described in Exhibit A, Town of Milliken, County of Weld, Colorado (Referred to herein as the “Property”); and

WHEREAS, the Owners have made an application to change the zoning of the Property from R-1 Single Family Residential to AE Agricultural Estates; and

WHEREAS, the Milliken Planning and Zoning Commission considered the zoning proposal at a duly noticed public hearing conducted on October 16, 2019, and forwarded its recommendation to Board of Trustees; and

WHEREAS, public notice has been properly given of the proposed rezoning of the Property by publication in the Greeley Tribune on October 2, 2019, a newspaper of general circulation within the Town of Milliken, posting, and by mail notification of adjacent property owners in accordance with the applicable provisions of the Land Use Code; and

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

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

WHEREAS, the Comprehensive Plan adopted in February 2016 by Resolution No.16-03 contains a Framework Plan, which designates this area of land as Estate Residential; and

WHEREAS, one of the Comprehensive Plan goals is to promote a diverse mix of housing types; and

WHEREAS, the Comprehensive Plan provides that a diverse mix of housing types would encourage a specific emphasis on filling identified gaps in Milliken’s housing stock, which include: rental, senior and estate or “move up” housing; and

WHEREAS, the Comprehensive Plan states that to ensure Milliken has neighborhoods and development sites that are available and attractive for estate housing that allows for existing residents to remain in the community as their needs and preferences change; and

WHEREAS, the proposed rezoning is warranted by extension of a boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees has determined that the proposed rezoning of the Property, subject to any conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with

the Town's Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Municipal Code.

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

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

Section 2: Rezoning Approved. The Board hereby approves the rezoning of 9333 County Road 25, Milliken CO from R-1 "Single Family Residential" to AE "Agricultural Estate." The Town staff is directed to amend the Town's official zoning map to reflect the Property's AE zoning district classification consistent with this Ordinance.

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

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

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

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2019.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Matt Gould, Town Attorney

Published: _____

CHANGE OF ZONE FOR 9333 COUNTY ROAD 52, MILLIKEN CO

EXHIBIT A

Property Description

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6TH P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation South 89°49'31" West 391.34 feet to the TRUE POINT OF BEGINNING; thence continuing along said North right of way and the North line of Mill Iron 5 Second Annexation South 89°49'31" West 496.65 feet; thence departing said North right of way and North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89°38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING.

Said parcel contains 2.36 acres, more or less, and is subject to all existing easements and/or rights of way of record.