



TOWN OF WIGGINS

**PLANNING & ZONING COMMISSION MEETING
March 8, 2022 AT 7:00 P.M.**

**304 CENTRAL AVENUE
WIGGINS, CO 80654**

***NOTE: DUE TO THE LIMITED SEATING CAPACITY, THE PUBLIC IS HIGHLY
ENCOURAGED TO ATTEND THE MEETING VIA ZOOM***

Use the following link <https://us06web.zoom.us/j/87699382513> for the meeting.

MEETING AGENDA

I. INTRODUCTIONS

1. Call the Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda

II. Approval of Minutes

1. Approval of the Minutes from the meeting held on December 7, 2021

III. PUBLIC HEARINGS (Public Comment will be taken during the hearings)

1. Public Hearing and consideration of a Final Plat for the Emerald Minor Subdivision
 - a. P&Z RESOLUTION 01-2022: A RESOLUTION RECOMMENDING APPROVAL OF THE EMERALD MINOR SUBDIVISION PLAT
 - b. Emerald Minor Subdivision Plat
2. Public Hearing and Consideration of Rezoning portions of the Woods First Addition Subdivision to Industrial (ID) Zoning District
 - a. P&Z Resolution 02-2022: A Resolution of the Planning & Zoning Commission Recommending that Portions of the Woods First Addition Subdivision be Rezoned to the Industrial (ID) Zoning District
 - b. Draft Ordinance 04-2022: An Ordinance Rezoning Portions of the Woods First Addition Subdivision to the Industrial (ID) Zoning District.
3. Public Hearing and Consideration of Amendments to the Town of Wiggins Land Development Code
 - a. P&Z Resolution 03-2022: A Resolution Recommending Approval of an Ordinance Amending the Wiggins Land Development Code Concerning Building Permits and Boundary Line Adjustments
 - b. Draft Ordinance 05-2022: An Ordinance Amending the Wiggins Land Development Code Concerning Building Permits and Boundary Line Adjustments

IV. ADJOURNMENT:

1. Closing Remarks by Chairman and/or Commissioners, and Adjournment of the Meeting.



MINUTES OF MEETING

TOWN OF WIGGINS PLANNING AND ZONING COMMISSION

December 7, 2021 at 7:00 p.m.

CALL TO ORDER & ROLL CALL

A regular meeting of the Planning and Zoning Commission for the Town of Wiggins, Colorado was held on Tuesday, December 7, 2021 in person. Chairman Jeff Palmer called the meeting to order at 7:03 p.m. The following Commissioners answered roll call: Chairman Jeff Palmer, Commissioners JoAnn Rohn-Cook and Jerry Schwindt. Commissioner Stan Baumgartner was absent. Staff present were Town Manager, Tom Acre; Town Clerk, Deb Lee and Planning and Zoning Administrator, Hope Becker. Melinda Cully, Town Attorney joined through Zoom.

APPROVAL OF AGENDA

Motion was made by Commissioner Jerry Schwindt to approve the agenda as written. Second was made by Commissioner JoAnn Rohn-Cook. Roll Call: Unanimously approved.

APPROVAL OF MINUTES FROM NOVEMBER 9, 2021

Motion was made by Commissioner Jerry Schwindt to approve the minutes from November 9, 2021. Second was made by Commissioner JoAnn Rohn-Cook. Roll Call: Unanimously approved.

PUBLIC HEARING – CONSIDERATION OF A SPECIAL REVIEW USE - DUPLEX

The Public Hearing was opened by Chairman Jeff Palmer AT 7:04 p.m.

Planning and Zoning Administrator Hope Becker provided the staff report and information on the application to the Commissioners regarding the special review use for a duplex. The land is zoned R-1 Single-Family. Duplexes are listed as a Special Review Use item; therefore, the Land Development Code dictates that the application is reviewed by the Planning & Zoning Commissioners and final approved by the Board of Trustees. Hope went over the criteria listed in the Land Development Code that the Commissioners must use when determining a Special Review Use application. She also went through excerpts of the Comprehensive Plan and the Land Development Code. The applicant was reported as having met most of the requirements of both planning tools. The few things that needed to be amended would be done prior to the issuance of a building permit or a Certificate of Occupancy and were built in as conditions of the resolution.

Francisco Vasquez, the applicant, was at the meeting. His son, Diego Vasquez, provided interpretation from Spanish to English to the Commissioners. They reside at 539 Locos Ave in Lochbuie, CO. He explained that constructing the duplexes was a better investment for his family. He was interested in providing more housing for the families in Wiggins.

The Public Comment was opened at 7:20 pm. Comments from the public were as follows:

Karol Kopetzky and her husband, Bob, are opposed to the allowance of a duplex. They are not opposed to a single family home. She is the sixth generation living in the home. They are active members of the

community. She's asking the Commissioners to help them to preserve their property value. There are already duplexes near the property and they are in bad shape. They wished they had opposed the previous duplexes when they went in. They did not realize how bad they would deteriorate. There are multi-family properties currently located in Kiowa Park and she thinks this property should remain zoned single family. She provided parcel maps of the area and pictures of the other duplexes displaying uncut weeds and a junk car.

Leslie Beery and her husband Christopher reside at 317 Curry. They agreed with Karol Kopetzky's statements.

Martha Vasquez, applicant, responded to the public's concerns. She said they had considered renting or selling the perspective duplex. In their experience, renters tend to not care for a place as well as a homeowner. Their intent is to sell each unit and provide more housing for Wiggins.

Antonio Vazquez, applicant's son. They have built and rented many houses. Tenants tend to destroy things. Tenants usually have little financial stake in the property. Homeowners tend to take care of things better because they are more financially invested.

Chris Beery, 317 Curry, asked what materials would be used to build the duplex and what it will look like. Chairman Palmer gave him a copy of the plans from the Commissioners' packet. The Vasquezes provided a description of building materials and landscaping plans. Karol Kopetzky asked why they were not building a couple of single-family home. The Vasquezes answered because it was a better investment for his family. The lot was platted to one lot versus two due to budget concerns. Hope said the minimum lot size required for single family is 7,850 square feet. Chairman Palmer went over the dimensions. He stated the lot size is too small for two homes.

No comments were received from the Zoom audience.

The Public Hearing was closed at 7:52 pm.

The Commissioners deliberated regarding the duplex application.

CONSIDERATION OF PLANNING AND ZONING RESOLUTION 08-2021: A Resolution Recommending Approval of a Special Review Use for a Duplex on Lot 1 of the Vasquez Minor Subdivision on Johnson Street.

Motion was made by Commissioner Jerry Schwindt to adopt Resolution 08-2021 with the exception of number 4 on the draft. Seconded by Commissioner JoAnn Rohn-Cook. Roll Call: Commissioner Jo Ann Rohn-Cook, No; Commissioner Jerry Schwindt, Yes; Chairman Jeff Palmer, Yes. Motion Passes

ADJOURNMENT

Chairman Jeff Palmer, upon receiving no further comments or concerns from the Commissioners, adjourned the meeting at 8:32 pm.

Respectfully submitted:



Deborah Lee, Town Clerk



STAFF REPORT

Planning and Zoning Commission
March 8, 2022

DATE: March 4, 2022

AGENDA ITEM NUMBER: 3-1

TOPIC: Public Hearing and Consideration of P&Z Resolution 01-2022- Consideration and approval of a resolution recommending approval of the Emerald Minor Subdivision Plat

STAFF MEMBER RESPONSIBLE: Hope Becker, Planning & Zoning Administrator

BAKGROUND:

309 Emerald Street is located at the end of Emerald Street and across the road from the Town's sewer plant. It consists of approximately nine lots with one single family home located on the far north lots. The southern two-thirds of the lots are vacant. The satellite picture below exhibits other buildings; however, the applicant has already removed them with a demolition permit in preparation of building new residential homes.



SUMMARY:

The applicant, Kyle Doney, is proposing to replat Lots 27 thru 35 in block 13 located in original Town Corona, into three new lots. The proposed lots will be approximately 10,125 square feet, 9,000 square feet and 9,000 square feet in size. The three lots are shown below. Two of the proposed lots are currently vacant. The subject properties are located in the Multi-Family Residential (R-2) Zone district.



STAFF ANALYSIS:

COMPREHENSIVE PLAN:

The Comprehensive Plan supports the development of Wiggins’ vacant lots. It encourages the construction of “residential areas in Wiggins to maintain [its] quality of life and overall low-density development pattern.” (Comprehensive Plan, VI-25)

LAND DEVELOPMENT CODE (LDC):

The applicant’s lots are currently zoned Multi-Family Residential (R2). The LDC requires residential lots to be a minimum of 8,750 square feet to meet minimum requirements for construction. Individually, the lots do not meet minimum LDC requirements for residential construction. Per the LDC, construction also cannot occur across lot lines.

No new public infrastructure is required in conjunction to one of the projected lots with this replat because it has an existing house on the lot. The applicant will be responsible for the cost of water and sewer taps for the two newly created vacant lots when building permits are approved. Per the Land Development Code (LDC), a 10-foot public utility easement is located along the rear of the subject properties.

STAFF RECOMMENDATION

The proposed repat complies with all applicable state and local requirements. The applicant has two minor corrections that need to be made prior to recording. The conditions are listed in Exhibit A of the resolution. Staff recommends the Planning and Zoning Commission approve P & Z Resolution 01-2022 recommending approval with the conditions in Exhibit A to the Board of Trustees.

**TOWN OF WIGGINS
P & Z RESOLUTION NO. 01-2022**

A RESOLUTION RECOMMENDING APPROVAL OF THE EMERALD MINOR SUBDIVISION PLAT

WHEREAS, Kyle Doney of LVN Real Estate has submitted a Land Use application for a Minor Subdivision - Final Plat to the Planning & Zoning Commission for the property located on 307 Emerald Street, Wiggins, CO 80654 (the "Property"); and,

WHEREAS, the legal description for the Property is currently lots 27 thru 35, block 13, Original Town of Corona, situated in the S.E. 1/4 Section 10, T3N, R60W of the 6TH P.M. Town of Wiggins, County of Morgan, State of Colorado; and,

WHEREAS, the Property is zoned Multi-Family Residential (R2) and consists of more than three (3) lots; and,

WHEREAS, the Wiggins Land Development Code requires a minimum lot size of 8,750 square feet in the Multi-Family Residential (R2) zone district; and,

WHEREAS, the proposed plat will replat lots 27 thru 35 into three (3) lots; and,

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Wiggins Planning and Zoning Commission finds that the proposed Minor Subdivision and Final Plat should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF WIGGINS, COLORADO, AS FOLLOWS:

Section 1. The Planning and Zoning Commission hereby recommends approval of the Minor Subdivision - Final Plat for the Emerald Minor Subdivision, subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

INTRODUCED, RECOMMENDED, AND RESOLVED THIS 8TH DAY OF MARCH, 2022.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairman

ATTEST:

Deborah Lee, Town Clerk

Exhibit A

The Minor Subdivision -Final Plat is recommended to the Wiggins Board of Trustees for approval with the following conditions:

- Make changes to the Town signature block by changing "Town Manager" to "Town of Wiggins"
- Make changes to the Town signature block by adding "Town Clerk" under the "Attest" Signature line.



Town of Wiggins
Planning & Zoning Department
 304 E Central Avenue * Wiggins, CO 80654
 Phone: (970) 483-6161 * Fax: (970) 483-7364
www.wigginsco.com

LAND USE APPLICATION

Please fill form out completely. Incomplete applications will not be processed.

STAFF USE ONLY		
FILE NAME: EMERALD STREET MINOR SUBDIVISION		
FILE NO: P&Z 01-2022	DATE SUBMITTED: 11/1/2021	FEES PAID: \$3,000

Project Name: 309 EMERALD ST

Project Physical Address (if applicable): 309 EMERALD ST WIGGINS, CO 80654-5016

Project Description:

We will be subdividing the lot in order to split it into 3 separate parcels. Parcel 1A will retain the current home and garage. Parcel 2A and 3A will be developed with manufactured homes and garages on each lot.

Legal Description: (Attach legal description if Metes & Bounds)

Subdivision Name: (If applicable) SUBD CORONA ORIGINAL TOWN WI
 SUBD CORONA ORIGINAL TOWN WI BLOCK 13 LOT 27 THRU- LOT 35 ALL LTS 27 - 34 & PT LT 35

Filing No. _____ **Lot No.** _____ **Block No.** _____ **Section** _____ **Township** _____ **Range** _____

PROPERTY OWNER (Attach separate sheets if multiple)	AUTHORIZED REPRESENTATIVE
Name/Company: FC INVESTMENTS LLC SERIES 8	Company/Firm:
Contact Person: Kyle Doney	Contact Person:
Address: PO Box 353	Address:
City/State/Zip: Golden CO 80401	City/State/Zip:
Phone: 303 359 4617	Phone:
Email: Kyle@Lvnrealestate.com	Email:
MINERAL RIGHTS OWNER (Attach separate sheets if multiple)	MINERAL LEASE OWNER (Attach separate sheets if multiple)
Name/Company:	Name/Company:
Address:	Address:
City/State/Zip:	City/State/Zip:
LAND-USE & SUMMARY INFORMATION	
Present Zoning: r2	Gross Site Density (du/ac):
Proposed Zoning: r2	# Lots/Units Proposed:
Gross Acreage: .63 / 27,456 sf	

SERVICE PROVIDERS	
Electric: <u>REA</u>	Gas: <u>Xcel</u>
Special District:	Fire District: <u>Wiggins</u>
Water: (If other than Town)	Sewer: (If other than Town)

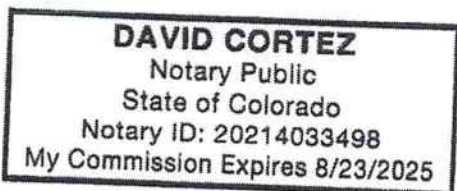
DEVELOPMENT REVIEW FEES			
ANNEXATION		SITE SPECIFIC (COMMERCIAL)	
<input type="checkbox"/> Annexation	\$3,500.00	<input type="checkbox"/> Commercial Infill Final Dev Plan	\$3,500.00
<input type="checkbox"/> Disconnection	\$500.00		
MAJOR SUBDIVISION		ZONING/REZONING/SPECIAL REVIEW	
<input type="checkbox"/> Preliminary Development Plan	\$3,500.00	<input type="checkbox"/> Rezoning	\$3,500.00
<input checked="" type="checkbox"/> Final Development Plan (Res)	\$3,000.00	<input type="checkbox"/> Special Use	\$250.00
<input type="checkbox"/> Final Development Plan (Comm)	\$4,000.00	<input type="checkbox"/> Conditional Use	\$250.00
MINOR SUBDIVISION		VACATION	
<input type="checkbox"/> Minor Subdivision	\$2,500.00	<input type="checkbox"/> Vacation of Easement/R.O.W.	\$1,000.00
VARIANCE		BOUNDARY LINE/LOT MERGERS	
<input type="checkbox"/> Residential	<input type="checkbox"/> Residential Variance Application	<input type="checkbox"/> Boundary Line Adj / Lot Merger	\$350.00
<input type="checkbox"/> Commercial	<input type="checkbox"/> Commercial Variance Application		

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understands that the application must be found to be complete by the Town of Wiggins before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Wiggins. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Property Owner Signature: [Signature] Date: 10/25/2021
 Property Owner Signature: _____ Date: _____

STATE OF COLORADO)
) ss.
 County of Jefferson)
 The foregoing instrument was acknowledged before me this 25 day of October, 2021.
 By DAVID CORTEZ

My commission expires: 08/27/2025
 Witness my hand and official seal. [Signature]

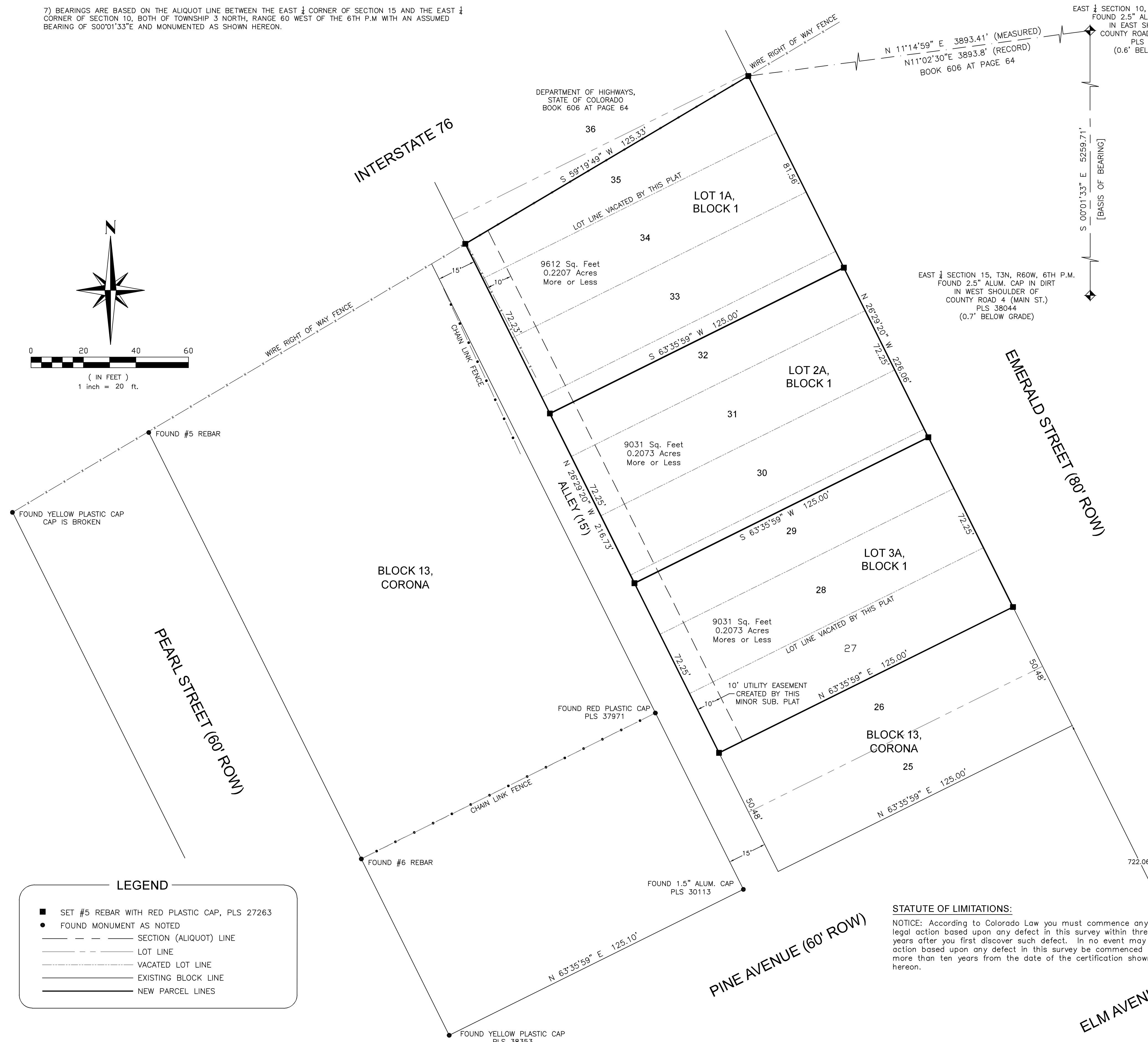
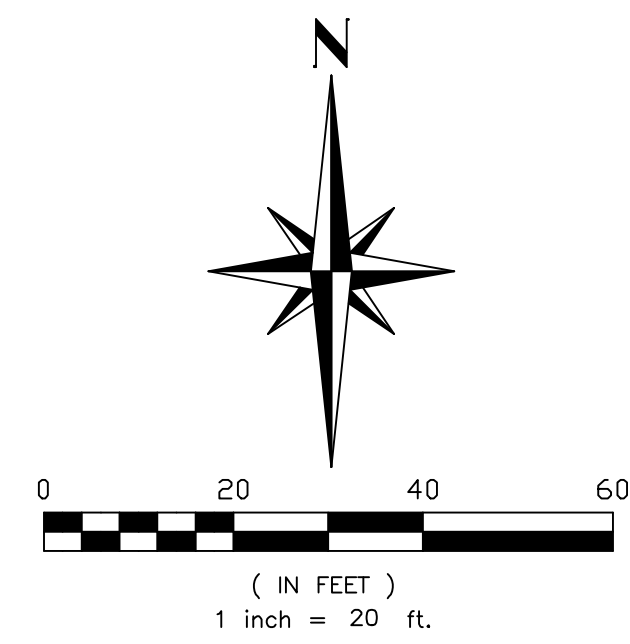


Notary Public

EMERALD SUBDIVISION
MINOR SUBDIVISION - FINAL PLAT
A RE-SUBDIVISION OF LOTS 27 THROUGH 35, BLOCK 13, ORIGINAL TOWN OF CORONA,
SITUATED IN THE S.E. 1/4 OF SECTION 10, T3N, R60W OF THE 6TH P.M.
TOWN OF WIGGINS, COUNTY OF MORGAN, STATE OF COLORADO
SHEET 1 OF 1

GENERAL NOTES:

- DATE OF SURVEY FIELD WORK FOR THE BOUNDARY WAS SEPTEMBER 2021.
- UTILITY LINES MAY EXIST, INCLUDING BELOW GROUND, ABOVE GROUND AND OVERHEAD.
- DIMENSIONS SHOWN HEREON ARE FIELD MEASURED UNLESS NOTED AS RECORD.
- DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND ARE REPRESENTED AS FEET AND DECIMAL FEET.
- SEE CORONA PLAT AS ONE OF THE MANY REFERENCE DOCUMENTS USED IN THE SURVEYING PROCESS TO DETERMINE THE BOUNDARY OF THE PROPERTY DESCRIBED HEREON.
- STREET AND AVENUE RIGHT-OF-WAY IS FROM THE RECORDED PLAT OF CORONA PLAT.
- BEARINGS ARE BASED ON THE ALIQUOT LINE BETWEEN THE EAST 1/4 CORNER OF SECTION 15 AND THE EAST 1/4 CORNER OF SECTION 10, BOTH OF TOWNSHIP 3 NORTH, RANGE 60 WEST OF THE 6TH P.M. WITH AN ASSUMED BEARING OF S00°01'33"E AND MONUMENTED AS SHOWN HEREON.



PURPOSE:

THE PURPOSE OF THIS MINOR SUBDIVISION PLAT IS TO CREATE THREE (3) NEW PARCELS FROM THE EXISTING LOTS 27 THROUGH 35, BLOCK 13, ORIGINAL TOWN OF CORONA..

OWNERSHIP AND DEDICATION

KNOWN BY ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED _____ BEING THE OWNER OF THE LAND SHOWN IN THIS FINAL PLAT AND DESCRIBED AS FOLLOWS:

LOTS 27, 28, 29, 30, 31, 32, 33, 34 AND 35, EXCEPT THAT PART OF LOT 35 SOLD TO COLORADO STATE HIGHWAY DEPARTMENT RECORDED IN BOOK 606 AT PAGE 64 BLOCK 13, ORIGINAL TOWN OF CORONA, NOW WIGGINS, COUNTY OF MORGAN, STATE OF COLORADO.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF THE EMERALD SUBDIVISION, A SUBDIVISION OF A PART OF THE TOWN OF WIGGINS, COUNTY OF MORGAN, STATE OF COLORADO, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE TOWN OF WIGGINS THE STREETS, AVENUES (AND OTHER PUBLIC PLACES, TRACTS/OUTLOTS) AS SHOWN ON THE ACCOMPANYING PLAT FOR THE PUBLIC USE THEREOF FOREVER AND DOES FURTHER DEDICATE TO THE USE OF THE TOWN OF WIGGINS AND ALL SERVING PUBLIC UTILITIES (AND OTHER APPROPRIATE ENTITIES) THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE SO DESIGNATED AS EASEMENTS AS SHOWN. IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS INVOLVED IN CONSTRUCTING AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE WORKS AND LINES, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OR ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE TOWN OF WIGGINS, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE TOWN OF WIGGINS, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE TOWN OF WIGGINS SHALL BECOME THE SOLE PROPERTY OF SAID TOWN OF WIGGINS, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALITY FRANCHISED UTILITIES, OTHER SERVING PUBLIC UTILITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME THE PROPERTY OF SUCH MUNICIPALITY FRANCHISED UTILITIES, OTHER SERVING PUBLIC UTILITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF WIGGINS, COLORADO.

OWNER:
 FC INVESTMENTS, LLC, SERIES 8

BY: _____

ITS: _____

STATE OF COLORADO }
 COUNTY OF _____ } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

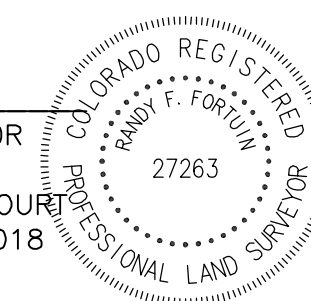
MY COMMISSION EXPIRES

SURVEYORS CERTIFICATE

I, RANDY FORTUIN, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

FOR REVIEW

LICENSED LAND SURVEYOR
 CBM SURVEYS, INC.
 1418 SOUTH ADDISON COURT
 AURORA, COLORADO, 80018
 720-373-8376



TOWN MANAGER

THIS IS TO CERTIFY THAT THE FINAL PLAT OF THE EMERALD SUBDIVISION WAS APPROVED ON THIS ____ DAY OF _____, 2022 BY RESOLUTION NO. _____ AND THAT THE MAYOR OF THE TOWN OF WIGGINS ON BEHALF OF THE TOWN OF WIGGINS, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

 ATTEST:
 MAYOR

CLERK AND RECORDER CERTIFICATE

THIS DOCUMENT WAS FILED FOR RECORDS IN THE OFFICE OF THE CLERK AND RECORDER OF

MORGAN COUNTY AT _____ M. ON THE ____ DAY OF _____, 2022 IN
 BOOK ____ PAGE ____ , RECEPTION NO. _____

COUNTY CLERK AND RECORDER

BY: _____
 DEPUTY

STATUTE OF LIMITATIONS:

NOTICE: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover 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 the certification shown hereon.

LEGEND

- SET #5 REBAR WITH RED PLASTIC CAP, PLS 27263
- FOUND MONUMENT AS NOTED
- SECTION (ALIQUOT) LINE
- LOT LINE
- VACATED LOT LINE
- EXISTING BLOCK LINE
- NEW PARCEL LINES

CBM SURVEYS, INC. LAND SURVEYING SERVICES		1418 S. Addison Ct. Aurora, CO 80018 720-373-8376 cbmsurveys@comcast.net	
EMERALD SUBDIVISION / MINOR SUBDIVISION PLAT ORIGINALLY LOTS 27-35, BLOCK 13, ORIGINAL TOWN OF CORONA S.E. 1/4, SECTION 10, T3N, R60W, 6TH P.M. COUNTY OF MORGAN, STATE OF COLORADO			
Drawn: RF	Date: 02-28-2022	Scale: 1"=20'	
Check: JF	Job No.: 21-2720	212720MSP.DWG	



STAFF REPORT

Planning and Zoning Commission

March 8, 2022

DATE: March 3, 2022

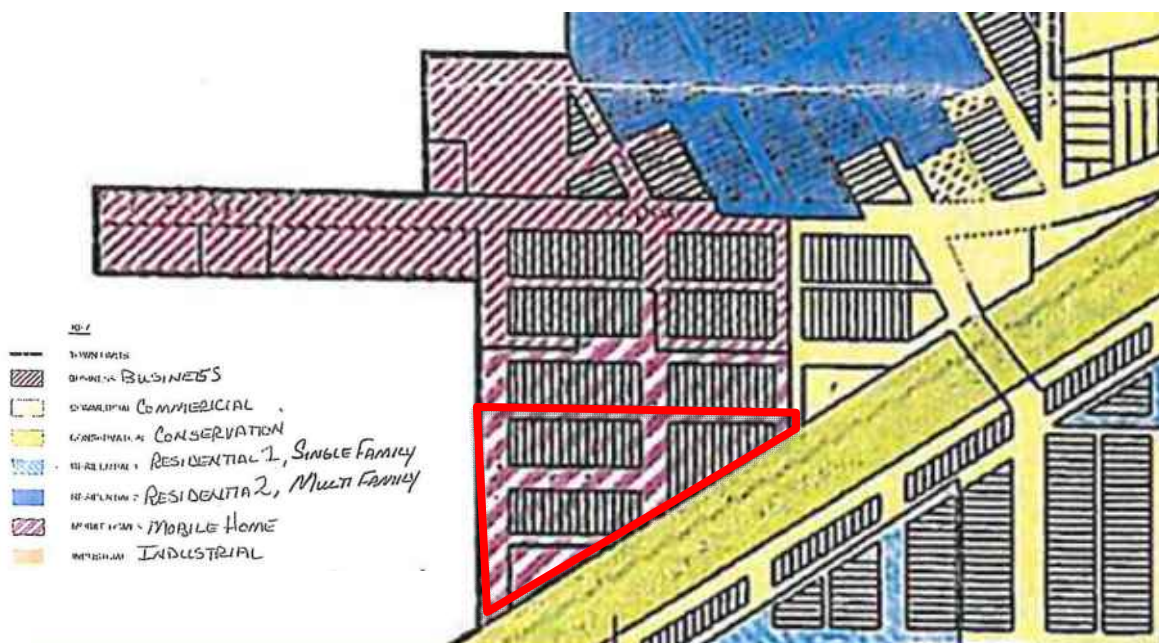
AGENDA ITEM NUMBER: 3-2

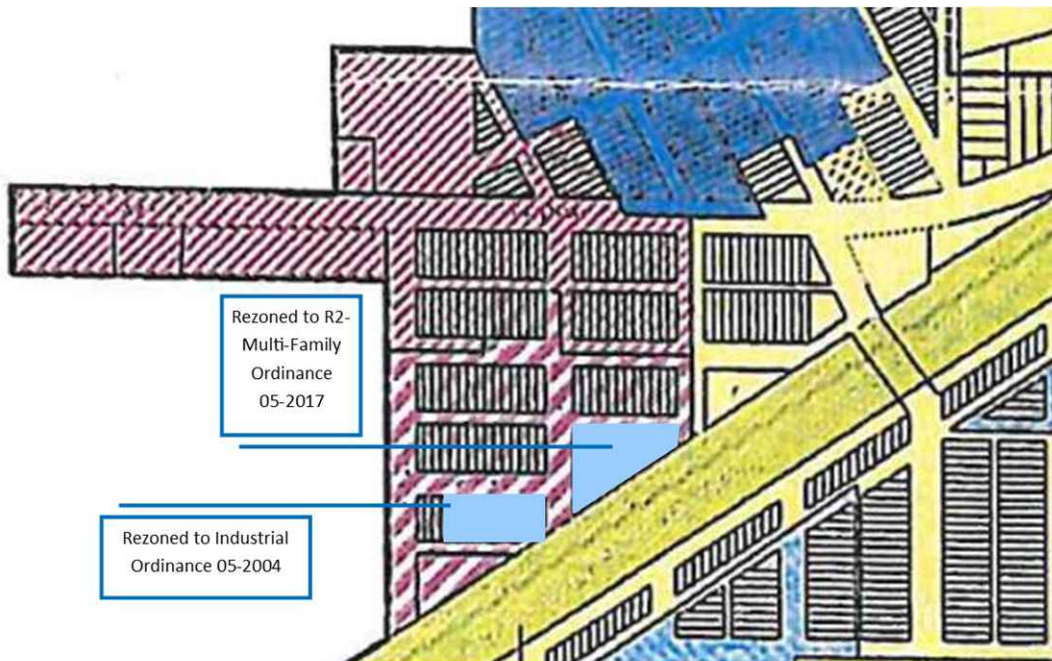
TOPIC: Public Hearing and Consideration of P&Z Resolution 02-2022: A Resolution of the Planning & Zoning Commission Recommending that Portions of the Woods First Addition Subdivision be Rezoned to the Industrial (ID) Zoning District

STAFF MEMBER RESPONSIBLE: Hope Becker, Planning & Zoning Administrator

BACKGROUND:

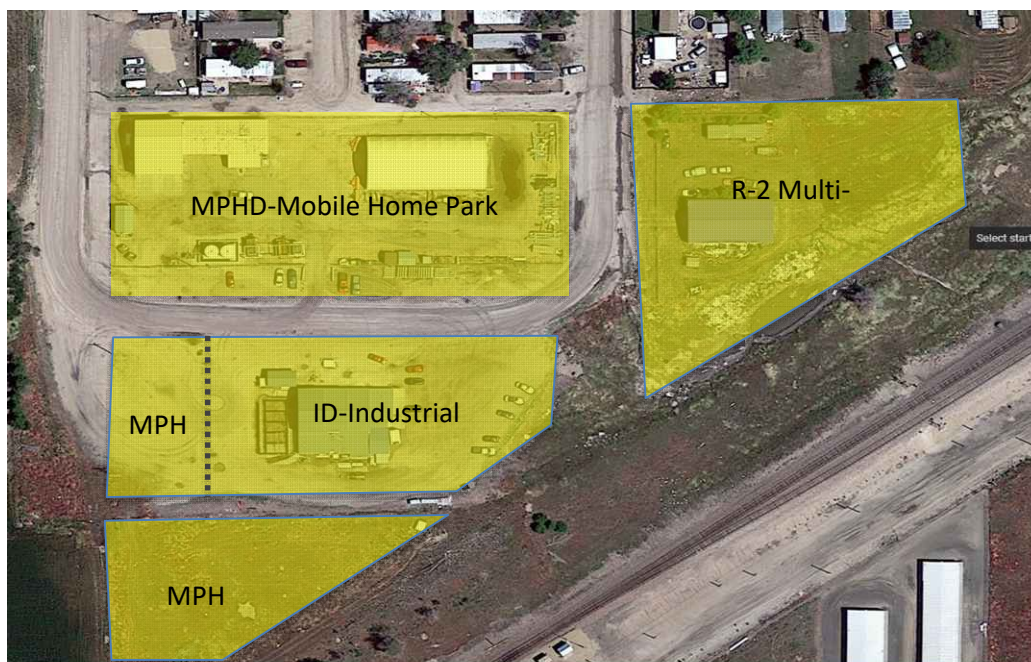
The section of Woods First Addition Subdivision in Wiggins bounded by Granite Street on the west, Agate Street in the east, Third Avenue on the north and the BNSF Railroad on the south is a mixture of structures and businesses that are of industrial nature. The current 2003 Zoning Map used by the Town depicts the area as being zoned as MHPD. Staff researched town records and discovered zoning amendments that are not reflected on this zoning map. The current zoning map and the amendments are shown in the following two illustrations. For example, the 1991 Town of Wiggins Comprehensive Plan Zoning Map shows the CDOT property as zoned Industrial.





SUMMARY:

Staff is requesting a zoning map amendment for the area encompassing approximately three-acres. The impacted properties are zoned a mix of Industrial District (ID), Mobile Home Park District (MPHD), and Multi-Family (R-2) zones.



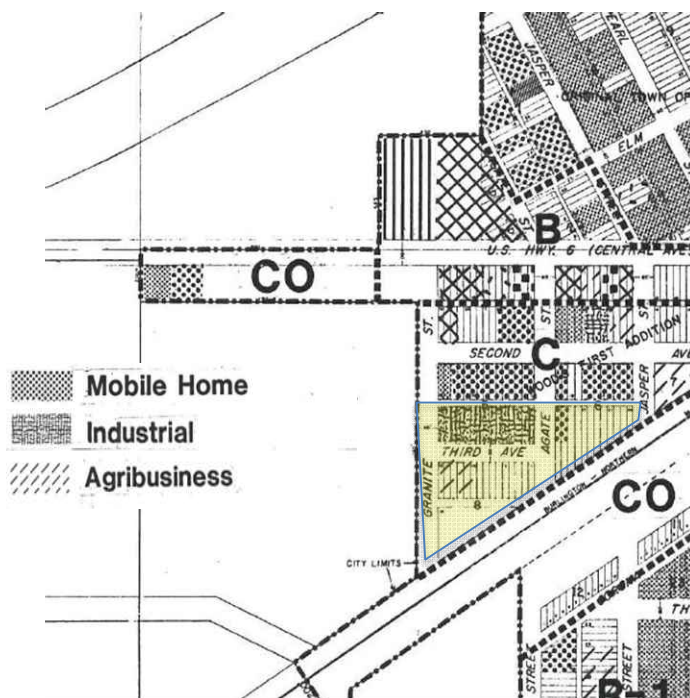
Stagecoach Meats is a growing business located on Third Avenue that provides meat processing services. The previous property owners went through a Rezoning hearing for lots 1-12 to rezone from MHPD to ID. The previous owners also requested a Special Review Use approval for the establishment of a meat processing business. Both applications were approved in April of 1998.

CDOT has its maintenance buildings located on the corner of Granite Street and Third Avenue and spans the entire length of Third Avenue. Their first building was placed at this location in 1947 which was prior to the Town of Wiggins' incorporation in 1974. The property is zoned MHPD in the 2003 Zoning Map with pre-existing industrial like activities present. The 1991 Comprehensive Plan also displays this property as Industrial.

The oversized building constructed on the property at the southeast corner of Agate Street and Third Avenue was rezoned Multi-Family (R-2) District in 2017. The property owner at that time was also approved for a Special Review Use for dorm style housing for Work-Force employees.

There is a vacant piece of land to the South of Stagecoach Meats that is also being included in the Industrial re-zoning. It is currently zoned MHPD. The property has not been developed and is currently accessible only by Granite Street.

STAFF ANALYSIS



COMPREHENSIVE PLAN:

The Existing Land Use & Zoning Map from the Town of Wiggins 1991 Comprehensive Plan shows the properties zoned Agri-Business, Mobile Home, and Industrial. Development patterns within this area include commercial and industrial. The Comprehensive Plan encourages Wiggins to “promote the sound and orderly development of Wiggins in a manner that will provide a well-balanced land use pattern and which will preserve and enhance the qualities and characteristics that make Wiggins a desirable place to live.” (Wiggins Comprehensive Plan, VI-23). The goal is to make appropriate transitions from these areas and to industrial uses to

match what have already been allowed in this district and what the Comprehensive Plan sets.

The Comprehensive Plan encourages Wiggins to “promote the sound and orderly development of Wiggins in a manner that will provide a well-balanced land use pattern and which will preserve and enhance the qualities and characteristics that make Wiggins a desirable place to live.” (Wiggins Comprehensive Plan, VI-23).

Objectives for Consideration:

Please note that the criteria below are from the Town of Wiggins Zoning Comprehensive Plan as overall objectives for future Industrial land uses (Page VI-27). They are numbered here for ease of use.

Objectives:

1. Encourage the expansion of the existing commercial core area along Highway 6; establish a “Town Center” utilizing a mix of public and commercial uses.
2. Promote a positive political and regulatory environment to encourage growth and development of the tax base.
3. Promote integrated, multi-use development on commercial sites.
4. Facilitate coordination between town-sponsored economic development efforts and the Morgan County Economic Development Corporation.
5. Support industrial development that mitigates negative impacts on the environment and adjacent land uses.
6. Encourage concentrated or clustered arrangements of commercial development and the location of commercial activity centers at the intersections of arterials or collectors and arterials.
7. Promote small business and industry retention and development within Wiggins.

LAND DEVELOPMENT CODE (LDC):

What is zoning and how is zoning important to communities? Assigning zoning districts is the action or process of assigning land or property to a different category of restrictions on use and development. Zoning laws are the necessary rules that dictate how we can and can’t use our property. They help minimize conflict between landowners and users by ensuring industrial zones are a safe distance from residential areas thereby minimizing the negative impact of industrial zones to residents. It helps protect the local environment and keeps property values stable. Zoning needs in communities may change over time to accommodate the needs of residents and provide better uses for the land as the community changes.

Three of the four impacted properties exhibit existing Industrial like businesses, services, or structures. The fourth property, the vacant lot to the south of Stagecoach Meats, has been included in this re-zoning request so that it is not landlocked by industrial zones.

The Residential zoning district regards the building of residential structures, including single-family residences, multi-family residences, and mobile homes. Since there are so many different types of dwellings that people call home, a municipality will typically have multiple residential districts so that the varying differences can be regulated within the LDC. The LDC provides a description or purpose for each zone district as follows:

2.08 Mobile Home Park District (MPHD)

- A. Purpose. The Mobile Home (MH) District provides a residential zone for mobile home parks within the Town of Wiggins. This district allows the use/siting of the types of mobile homes and manufactured homes that may not qualify for location in other

residential zone districts. For the purposes of the Mobile Home Park District (MHPD), the term “mobile home(s)” shall include “manufactured homes(s)”.

2.07 Residential District (R-2)

A. Purpose. This zone district provides areas for low- to moderate-density residential development and allows for two-family housing units.

Similar to commercial zoning, industrial zoning focuses on business. However, the difference is that industrial zoning regulates companies based on environmental factors, such as noise, air quality, and use. Typical businesses designated to industrial sectors include airports, manufacturing plants, emergency response facilities, and heavy equipment businesses.

2.11 Industrial District (ID)

A. Purpose. Land areas to be used primarily for research and development, warehousing, product assembly and manufacturing and other service, distribution, and industrial uses that conform with local, state, and federal environmental standards.

The LDC requires the Planning Commission to review proposed changes to rezoning requests and make recommendations to the Board of Trustees after considering the goals and objectives of the Comprehensive Plan. It is also the responsibility of the Planning Commission to advise the Board of Trustees if the adoption of the proposed amendment would necessitate a comprehensive plan amendment. (Land Development Code, page 2-36)

STAFF RECOMMENDATION

Over the years, the use of the properties proposed for rezoning have undergone changes in their use. These uses support the requested zoning change to benefit the public. Staff considers this rezoning request as being in harmony with the Town’s Comprehensive Plan, Land Development Code, and the community’s growth patterns. Staff makes its recommendation based on the following:

- The rezoning allows conformity of land use that is compatible with Wiggins Comprehensive Plan.
- The rezoning will be more suitable with the existing and potential future land use.
- The change in zoning classification will not have an adverse impact on public facilities including schools, transportation network or utilities.
- The zoning change may encourage industrial development of the empty lots.

Staff does not see a negative result to rezoning these four lots to the Industrial District since the majority of them already have existing industrial natured businesses and structures.

Staff recommends the Planning & Zoning Commission approve P & Z 02-2022 recommending approval of rezoning a portion of the Woods First Addition Subdivision from Mobile Home Park zone district to Industrial zone district to the Board of Trustees.

**WIGGINS PLANNING AND ZONING COMMISSION
RESOLUTION NO. 02-2022**

**A RESOLUTION OF THE WIGGINS PLANNING AND ZONING COMMISSION
RECOMMENDING THAT PORTIONS OF THE WOODS FIRST ADDITION
SUBDIVISION BE REZONED TO THE INDUSTRIAL (ID) ZONING DISTRICT**

WHEREAS, there has been submitted to the Wiggins Planning and Zoning Commission a request for approval for rezoning for those lots and blocks of the Woods First Addition Subdivision described in Section 1, below, from the zoning districts identified in Section 1 to the Industrial (ID) zoning district; and

WHEREAS, all materials related to the proposed rezonings have been reviewed by Town Staff and found to be in compliance with Town ordinances, regulations, and policies; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds that the proposed rezonings should be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING
COMMISSION OF THE TOWN OF WIGGINS, COLORADO:**

Section 1. The Planning and Zoning Commission of the Town of Wiggins recommends the following parcels be rezoned to the Industrial (ID) zoning district:

Parcel #1

Owner: Douglas J & Karen S Chalk
Property Address: Vacant Lot – Granite Street
Legal Description Woods First Add, WI Block: 08 Lot: 16
Lot Size: 22,340 sq ft
Current Zoning: MHPD
New Zoning: Industrial
General Location: Vacant lot at the end of Granite St.–3 blocks south of Central Ave.

Parcel #2

Owner: Colorado Department of Transportation
Property Address: 200 Granite Street
Legal Description: Woods First Add, WI Block: 05 Lot: 16 thru Lot: 30
Lot Size: 52,500 sq ft
Current Zoning: MHPD
New Zoning: Industrial
General Location: Located on Granite Street – 2 blocks south of Central Avenue

Parcel #3

Owner: Stage Coach Meats
Property Address: 600 W 3rd Avenue
Legal Description: Woods First Add, WI Block: 08 Lot: 13 thru Lot: 15
Lot Size: 9,375 sq ft

Current Zoning: MHPD
New Zoning: Industrial
General Location: Located on West 3rd Avenue

Parcel #4

Owner: Scott Ira Peter
Property Address: Lot on Agate Street
Legal Description: Woods First Add, WI Block: 06 Lot: 13 thru Lot: 24
Lot Size: 43,400 sq ft
Current Zoning; R2-Multifamily
New Zoning: Industrial
General Location: Located on corner of W 3rd Avenue & Agate Street

INTRODUCED, READ, AND ADOPTED THIS 8TH DAY OF MARCH, 2022.

Jeffrey Palmer, Chairperson

ATTEST:

Deborah Lee, Town Clerk

**TOWN OF WIGGINS
ORDINANCE NO. 04-2022**

**AN ORDINANCE REZONING PORTIONS OF THE WOODS FIRST ADDITION
SUBDIVISION TO THE INDUSTRIAL (ID) ZONING DISTRICT**

WHEREAS, there has been submitted to the Board of Trustees a request for approval for rezoning for those lots and blocks of the Woods First Addition Subdivision described in Section 1, below, from the zoning districts identified in Section 1 to the Industrial (ID) zoning district; and

WHEREAS, these requests for rezoning have been submitted by the Town of Wiggins as part of a legislative rezoning of certain properties to update old zoning designations that no longer reflect current or anticipated uses on the properties; and

WHEREAS, the Wiggins Planning and Zoning Commission held a properly noticed public hearing on the application, at which the applicant and other interested persons presented testimony to the Commission and at which a number of documents were made a part of the record; and

WHEREAS, all materials related to the proposed rezoning have been reviewed by Town staff and the Wiggins Planning and Zoning Commission and found with conditions to be in compliance with the Town of Wiggins Land Development Code and related Town ordinances, regulations, and policies; and

WHEREAS, the Board of Trustees considered the proposed rezonings at a duly noticed public hearing held; and

WHEREAS, the Board of Trustees finds that the proposed rezonings are consistent with the applicable criteria of the Town of Wiggins Land Development Code and related Town ordinances, regulations, and policies and that the application should be approved; and

WHEREAS, no protests were received by the Town pursuant to C.R.S. § 31-23-305.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Board of Trustees of the Town of Wiggins, Colorado does hereby rezone the following parcels to the Industrial (ID) zoning district:

Parcel #1

Owner: Douglas J & Karen S Chalk

Property Address: Vacant Lot – Granite Street

Legal Description Woods First Add, WI Block: 08 Lot: 16

Lot Size: 22,340 sq ft

Current Zoning: MHPD

New Zoning: Industrial

General Location: Vacant lot at the end of Granite St.–3 blocks south of Central Ave.

Parcel #2

Owner: Colorado Department of Transportation
Property Address: 200 Granite Street
Legal Description: Woods First Add, WI Block: 05 Lot: 16 thru Lot: 30
Lot Size: 52,500 sq ft
Current Zoning: MHPD
New Zoning: Industrial
General Location: Located on Granite Street – 2 blocks south of Central Avenue

Parcel #3

Owner: Stage Coach Meats
Property Address: 600 W 3rd Avenue
Legal Description: Woods First Add, WI Block: 08 Lot: 13 thru Lot: 15
Lot Size: 9,375 sq ft
Current Zoning: MHPD
New Zoning: Industrial
General Location: Located on West 3rd Avenue

Parcel #4

Owner: Scott Ira Peter
Property Address: Lot on Agate Street
Legal Description: Woods First Add, WI Block: 06 Lot: 13 thru Lot: 24
Lot Size: 43,400 sq ft
Current Zoning; R2-Multifamily
New Zoning: Industrial
General Location: Located on corner of W 3rd Avenue & Agate Street

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2022.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Mayor

ATTEST:

Deborah Lee, Town Clerk

I, Deborah Lee, Town Clerk of the Town of Wiggins, Colorado, hereby certify and attest that the foregoing Ordinance No. 04-2022 was introduced, read, adopted and ordered published by title only, at a regular meeting of the Board of Trustees of the Town of Wiggins, Colorado on the ____ day of _____, 2022. This Ordinance was published in The Fort Morgan Times on _____, 2022.

DRAFT



STAFF REPORT

Planning and Zoning Commission

March 8, 2022

DATE: March 3, 2022

AGENDA ITEM NUMBER: 3-3

TOPIC: Public Hearing and Consideration of P&Z Resolution 03-2022: A resolution recommending approval of an ordinance amending the Wiggins Land Development Code concerning building permits and boundary line adjustments.

STAFF MEMBER RESPONSIBLE: Hope Becker, Planning & Zoning Administrator

BACKGROUND

Lots located in the older parts of Wiggins have developed over the years, predominantly with single-family homes. However, the lots were never merged and combined to create one lot prior to the construction of these homes and some businesses. It has not been a high concern until recently with interest from developers to construct new homes on vacant lots scattered through-out town. The Land Development Code (LDC) provides language that describes a strict process to merge more than 3 lots. Staff is seeking a more streamlined approach for property owners to attain a lot size that meets minimum requirements in the LDC in order for them to proceed with construction without building across lot lines.

Fee Schedules are typically updated and approved by the Board of Trustees from time to time. The Board of Trustees updated much of the building departments fee schedule, including fees for new driveways and walkways. An adjustment has been made in the fee schedule and the building codes to exempt the replacement of driveways and sidewalks from the building permit process. Staff is recommending the same change be made in the LDC to maintain conformity.

SUMMARY

Staff has received multiple inquiries and building permit requests pertaining to development on vacant lots within the Town. Many of Wiggins' vacant properties consist of multiple lots that are (on average) approximately 25-feet by 125-feet. The lot sizes vary depending on which subdivision one is looking at. Combined, these lots meet the minimum requirements for development; however, the LDC is clear that construction may not occur across lot lines. This prevents property owners from moving forward with new construction without going through a formal re-platting process.

Staff is also recommending amendment to the LDC's definition and requirements for Building Permits. The Board of Trustees recently adopted the 2018 International Building Codes with amendments and also approved changes to the Town's Fee Schedule based on Staff recommendations. One such change pertained to alterations to existing driveways and sidewalks. The new change does not require these projects to have a building permit.

STAFF ANALYSIS

COMPREHENSIVE PLAN:

Lot Mergers / Boundary Line Adjustments: The Comprehensive Plan encourages property owners to develop their vacant lots. It also encourages property owners to maintain their properties through home and business additions or demolishing structures that are in poor condition and replacing with newer structures. The Comprehensive Plan states that preserving land uses will enable areas in Wiggins to maintain their character, quality of life and overall low-density development pattern.

Building Permit Amendments: The Comprehensive Plan does not address building permit requirements and guidelines. It is predominately used for guidance for Boards and Staff with land uses.

LAND DEVELOPMENT CODE (LDC):

Lot Mergers / Boundary Line Adjustments:

The purpose of boundary line adjustments and lot mergers is to provide property owners the ability to merge lots together or to make "minor boundary line adjustments to adjoin parcels of land without requiring the processing of the entire subdivision plat application." (LDC, 5-22). In section 5.16 of the LDC, the language requires property owners with more than 3 lots to proceed with a minor subdivision plat process, including public hearings with the Planning and Zoning Commissioners and the Board of Trustees. This can be a discouraging and costly process for the property owner as they have to then provide a professional survey and pay for the cost of the re-plat.

Staff is recommending a streamlined process by allowing property owners to combine lots into one lot and have the process approved administratively for the purpose of building on that lot. Property owners would be required to submit an application, supporting documents, go through a staff review process, and record the final approval with Morgan County Clerk & Recorder.

Building Permit Amendments:

The LDC clearly defines building permits being required for "driveways and walkways constructed or altered". (LDC, page 1-4). Due to recent changes approved by the Board of Trustees in regards to driveways and walkways in the Building Codes and the Fee Schedule, Staff is recommending this change also be reflected in the LDC to provide consistency between all documents used by the Town.

STAFF RECOMMENDATION

Staff feels that the proposed amendments are consistent with the Wiggins Comprehensive Plan. Implementation of the simpler boundary line adjustment / lot merger process for property owners to develop vacant lots within Town may provide encouragement to property owners to move forward with development of these lots.

Providing further clarification of building permits in the LDC will result in less confusion among staff, contractors, and property owners. All documents will reflect the same information.

Staff recommends the Planning and Zoning Commission approve P & Z Resolution 03-2022 recommending approval of making Land Development Code amendments for boundary line adjustments and building permits for driveways and sidewalks to the Board of Trustees. Staff recommends the Planning and Zoning Commission adopt Resolution 03-2022: A resolution recommending approval of an ordinance amending the Wiggins Land Development Code concerning building permits and boundary line adjustments.

**WIGGINS PLANNING COMMISSION
RESOLUTION NO. 03-2022**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
THE WIGGINS LAND DEVELOPMENT CODE CONCERNING BUILDING PERMITS
AND BOUNDARY LINE ADJUSTMENTS**

WHEREAS, there has been proposed an ordinance amending the Wiggins Land Development Code concerning building permits and boundary line adjustments; and

WHEREAS, the Wiggins Planning Commission has held a duly-noticed public hearing to consider such amendments to the Wiggins Land Development Code; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Wiggins Planning Commission finds that the proposed ordinance should be approved in essentially the same form as accompanies this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Wiggins Planning Commission hereby recommends approval of the proposed ordinance amending the Wiggins Land Development Code concerning building permits and boundary line adjustments.

INTRODUCED, READ, and ADOPTED this 8th day of March, 2022.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairperson

ATTEST:

Deborah Lee, Town Clerk

**TOWN OF WIGGINS
ORDINANCE NO. 05-2022**

**AN ORDINANCE AMENDING THE WIGGINS LAND DEVELOPMENT CODE
CONCERNING BUILDING PERMITS AND BOUNDARY LINE ADJUSTMENTS**

WHEREAS, the Board of Trustees desires to amend the Wiggins Land Development Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS, COLORADO:

Section 1. Section 01.16.A of the Wiggins Land Development Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

01.16 Building Permits.

- A. No Building shall be erected, moved (mobile or manufactured home), remodeled (exterior or interior) or structurally altered and no fence erected, roof replaced, or new driveways or walkways constructed ~~or altered~~ unless a permit thereof has been issued by the Zoning Administrator, and no permit shall be issued unless the building or structure proposed is in full conformance with the ordinance.

Section 2. Section 05.16.A of the Wiggins Land Development Code is hereby amended to read as follows (words added are underlined):

05.16 Boundary Line Adjustments

A. Definitions.

Boundary line adjustment means either a lot merger or minor changes in the boundary lines of two or more adjacent platted lots of record (or parcels) where such adjustment does not create additional lots.

Lot merger means the merging of two or more ~~not more than three~~ contiguous lots into one lot for the purpose of building on that lot. ~~a lesser number of lots than had originally existed.~~

Section 3. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED
BY TITLE ONLY, BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS,
COLORADO THIS _____ DAY OF _____, 2022.**

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer., Mayor

ATTEST:

Deborah Lee, Town Clerk

I, Deborah Lee, Town Clerk of the Town of Wiggins, Colorado, hereby certify and attest that the foregoing Ordinance No. 05-2022 was introduced, read, adopted and ordered published by title only, at a regular meeting of the Board of Trustees of the Town of Wiggins, Colorado on the _____ day of _____, 2022. This Ordinance was published in The Fort Morgan Times on _____, 2022.