



TOWN OF WIGGINS

PLANNING & ZONING COMMISSION MEETING
December 7, 2021 AT 7:00 P.M.

304 CENTRAL AVENUE
WIGGINS, CO 80654

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

Use the following link <https://us06web.zoom.us/j/89069545028> for the meeting.

AGENDA

I. INTRODUCTIONS

1. Call the Meeting to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the Minutes from the meeting held on November 9, 2021

II. PUBLIC HEARING (Public Comment will be taken during the hearing)

1. Review and consideration of a Special Review Use – Duplex
 - a. P&Z 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

III. ADJOURNMENT:

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



MINUTES OF MEETING

TOWN OF WIGGINS PLANNING AND ZONING COMMISSION

November 9, 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, November 9, 2021 in person. Chairman Jeff Palmer called the meeting to order at 7:02 p.m. The following Commissioners answered roll call: Chairman Jeff Palmer, Commissioners Stan Baumgartner and Jerry Schwindt. Staff present were Town Clerk, Deb Lee and Planning and Zoning Administrator, Hope Becker.

APPROVAL OF AGENDA

Motion was made by Commissioner Jerry Schwindt to approve the agenda as written. Second was made by Commissioner Stan Baumgartner. Roll Call: Unanimously approved.

APPROVAL OF MINUTES FROM October 19, 2021

Motion was made by Commissioner Stan Baumgartner to approve the minutes from October 19, 2021. Second was made by Commissioner Jerry Schwindt. Roll Call: Unanimously approved.

PUBLIC HEARING – CONSIDERATION A PLAT FOR THE VASQUEZ MINOR SUBDIVISION

The Public Hearing was opened by Chairman Jeff Palmer. Commissioner Stan Baumgartner disclosed to the Board that he has property within 300 feet of the proposed lots. No one had objections with his disclosure.

Planning and Zoning Administrator Hope Becker provided the staff report and information on the application to the Commissioners regarding the minor subdivision plat. This minor subdivision plat will combine four lots into one lot enabling the applicant to build without going across lot lines.

The applicant was not present to present information and answer questions from the Commissioners. The Public Hearing was opened at 7:10 pm. Comments from the public were as follows:

Karol Kopetzky provided comment regarding the special review application for a duplex which follows the current hearing on the agenda. Karol and her husband, Bob, are against a duplex. There are already duplexes near the property and they are in bad shape. There are multi-family properties currently located in Kiowa Park and she thinks this property should remain zoned single family.

Christopher and Leslie Beery agreed with the Kopetzky's.

No comments were received from the Zoom audience.

The Public Hearing was closed at 7:21 pm.

The Commissioners deliberated regarding the plat application.

CONSIDERATION OF PLANNING AND ZONING RESOLUTION 07-2021: A Resolution Recommending Approval of the Vasquez Minor Subdivision Plat

Motion was made by Commissioner Jerry Schwindt to approve Planning and Zoning Resolution 07-2021. Seconded by Commissioner Stan Baumgartner. Roll Call: Unanimously Approved.

PUBLIC HEARING – CONSIDERATION OF SPECIAL REVIEW USE - DUPLEX

The Public Hearing was opened by Chairman Jeff Palmer. Commissioner Stan Baumgartner disclosed to the Board that he has property within 300 feet of the proposed lots. No one had objections to his disclosure.

Planning and Zoning Administrator, Hope Becker provided a staff report and information to the Commissioners regarding the application for the special use review-duplex. Staff provided information to Planning and Zoning Commission that the applicant did not have all proper documents submitted to for staff to review and for the Planning and Zoning Commission hold a proper hearing. Request was made for the Commissioners to table the hearing until the next Planning and Zoning meeting.

CONSIDERATION OF PLANNING AND ZONING RESOLUTION 08-2021: A Resolution Recommending Approval of a Special Review Use for Constructing One Duplex at the Vacant Lot on Johnson Street Owned by Francisco Vasquez.

Motion was made by Commissioner Jerry Schwindt to table the Special Review Use agenda item until the next Planning and Zoning Commission meeting. Seconded by Commissioner Stan Baumgartner. Roll Call: Unanimously Approved.

ADJOURNMENT

Chairman Jeff Palmer, upon receiving no further comments or concerns from the Commissioners, adjourned the meeting at 7:34 pm.

Respectfully submitted:



Deborah Lee, Town Clerk



STAFF REPORT

Planning & Zoning Commission December 7, 2021

Date: December 3, 2021

Agenda Item No: 02

Topic: Public Hearing and Consideration of Resolution 08-2021- Consideration of a Special Review Use located at Vasquez Minor Subdivision, Johnson Street, Wiggins, CO

Staff Member Responsible: Hope Becker, Planning & Zoning Administrator

SPECIAL REVIEW APPLICATION:

The Town received an application for a Special Review Use duplex development for one duplex unit proposed to be located on Johnson Street on recently merged lots. The applicant is Francisco Vasquez.

Mr. Vasquez is requesting approval to construct a duplex in the R1 – single family zone district. Mr. Vasquez owns an approximately 14,000 square foot lot and would like to construct a two-family dwelling facing Johnson Street. The lot would be developed with a newly constructed building, landscaping, and off-street parking.

Information from Applicant: The applicant has provided:

- Land Use Application
- Vicinity Map
- Site plan (Exhibiting set-backs)
- The Landscaping plan (Exhibits how the subject property will be developed for a more finished look.)

These documents are attached.

Background:

The property in question was originally known as Lots 9 thru 12, Block 22, Wiggins Original Town Subdivision. The Planning & Zoning Commission held a Public Hearing on November 9, 2021 and the Board of Trustees held Public a Hearing on November 17, 2021 for a Land Use application to merge four (4) non-conforming lots into one lot meet the minimum requirements for home construction. The Commission and Board of Trustees approved the minor subdivision plat with no conditions so the property is now described as Lot 1 of the Vasquez Minor Subdivision. The approved plat allows Mr. Vasquez to build on the lot without crossing lot lines.

CODE ANALYSIS:

Comprehensive Plan: From a land use standpoint, the location is shown on the comprehensive plan as vacant and appears to have been vacant since 1991 when the Comprehensive Plan was created. This property and other adjacent properties did not have an assigned zone district attached to it on the “Existing Zoning” map of the Comprehensive Plan. The “Future Land Use Map” also does not designate a zone district to these vacant parcels.

The surrounding properties to the east of the subject property were zoned Agribusiness or Single Family Residential in the Comprehensive Plan on the “Existing Zoning” map. As time has continued, these properties have evolved primarily into single family homes. The vacant lot to the south of the subject property developed two duplexes that sit perpendicular to Johnson Street. Staff was unable to determine if a proper hearing was held for these duplexes.

In 2003, the Town of Wiggins updated the Zoning map to reflect the subject property and surrounding lots as being zoned R-1 Single Family.

Land Development Code:

The Land Development Code (LDC) defines duplexes as a “Dwelling, Two-Family. Also called duplex, a detached building designed exclusively for the occupancy of two (2) families living independently of each other; such dwellings may be either attached sided by side or one above the other, and each unit having a separate or combined entrance or entrances.” (LDC, 1.14)

The applicant is requesting a special review to construct a duplex. A Special Review is required as the subject property is currently zoned R1-Single Family which does not allow duplexes by right. The applicant is requesting a special review to approve the duplex construction. The LDC requires duplexes in a single-family residential zone district to be reviewed and approved by the Planning & Zoning Commissioners and final approved by the Board of Trustees. (LDC, 2.06.C.10)

The LDC provides guidelines for the Commissioners to consider for approving a special review use item. These are items that assist the Commissioners in determining if building a duplex would be detrimental to the health, safety, and environment of the surrounding area.

- a. Will the proposed use be in harmony and compatible with the character of the surrounding neighborhood;
- b. Will the proposed use be consistent with the Town’s comprehensive plan;
- c. Will the proposed use have a material adverse effect on Town capital improvement programs;
- d. Will the proposed use result in an over-intensive use of the land;
- e. Will the proposed use result in undue traffic congestion or hazards;
- f. Will the proposed use cause significant air, water or noise pollution;
- g. Will the proposed use require a level of community facilities and services greater than that available; and
- h. Will the proposed use be detrimental to the health, safety or welfare of current or future inhabitants of the Town.

STAFF ANALYSIS:

The subject property is located on Johnson Street, just northwest of the Wiggins High School and east of The Farm Subdivision. It is bordered by two duplexes to the south, a vacant lot to the north, and single-family residential homes to the east. There will be no future development to the immediate west of the subject property due to the construction of The Farm’s retention ponds. There may be future commercial/business or residential use beyond the ponds.

In meetings with the applicant, the applicant has indicated that the duplex will either be a stick built home or a manufactured home, landscaping will be completed in its entirety, and driveways will be completed.

Staff sent notices of this application to the property owners within 300 feet of the subject property. Staff received comments communicated by telephone from Carol Kapetsky and Angela Rutenbeck. They did not feel comfortable with the addition of multi-family construction in their area due to the lack of upkeep that multi-family homes tend to bring to residential areas. Staff did advise both callers to write to the Town Clerk via email or letter and/or to attend the meetings to voice their concerns to the board during the public comment section of the hearing. Staff has not received any other comments about the application.

Zoning District: The Property in question is located in the Residential Single Family (R-1) Zone District. The Applicant is proposing to construct a building with two separate units. Duplex residential developments in R-1 zone district require a Special Use Review. The Application complies with the Land Development Code for consideration under a Special Review Use.

Lot Coverage: Lot Coverage is the size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by the size of the parcel. The table provided in the LDC (LDC, 2-31) R-1 zone does not have a minimum for lot coverage. Mr. Vasquez provides 2,280 square feet of lot coverage over a 14,000 square foot lot, which equates to a 16% proposed lot coverage. These leaves plenty of room to meet the setback requirements. The application complies with the LDC.

Yards: Setbacks, are required in most zone districts from the side of a building to a property line. The R-1 zone requires the following yard (setbacks):

LDC-Criteria

Front Yard: 25 feet

Side Yard: 7 feet

Rear Yard: 3 feet

The applicant is proposing the following setbacks:

Front Yard: 23 feet

Side Yard 17 feet

Rear Yard 75.5 feet

Mr. Vasquez’s application does not comply with the front yard setback of the LDC as it relates to setbacks. Staff will require a new site plan with minimum front yard setbacks indicated prior to the

issuance of a building permit. The recently approved plat also designates a 10' utility at the rear of the property to protect the existing utilities.

Building Height: To determine the building height, the Wiggins Land Development Code requires that height is measured from foundation to peak. This height does not include basements and crawl space spaces. The maximum building height in the R-1 zone is 40'. The application is for a single-story duplex construction with slab on grade.

Off-Street Parking: Parking is provided in front of the units. There are two separate driveway cuts proposed, one driveway for each of the two units. There is also a landscaping median to separate the two driveways. The LDC requires two (2) parking spaces per unit. The application provides adequate width per driveway to accommodate 3 parking spaces per drive. Each space an average of 9' wide.

Landscaping & Open Space: The R-1 zone requires that single family residential dwellings provide usable private open space at a rate of 20 percent per square feet of yard per dwelling unit. Mr. Vasquez provides 11,720 square feet of open space. This is equivalent to 5,860 square feet per unit or 42 percent of open space per unit. The application provides more than the minimum required open space in yard space.

The LDC does not specify the number of trees required in a landscape plan. It indicates that all landscaping must be completed within 6-12 months of the Certificate of Occupancy. Trees shall be planted in accordance to the Town's Tree Ordinance 2-80 which specifies what types of trees may be planted.

1. In regard to landscaping, Staff recommends a condition of the special review approval to include the entire open space of the duplex dwelling site shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants or some type of xeriscaping. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided. All landscaping must be completed prior to the issuance of a Certificate of Occupancy.

STAFF RECOMMENDATION:

The community may benefit from an additional housing source. These lots have been vacant for more than 30 years. The applicant has provided a site plan and landscaping plan that shows that the building, landscaping, and parking will be adequate to meet the parameters addressed in the Comprehensive Plan and the Land Development Code without harm to the community or environment of Wiggins. The recently implemented Health & Safety Ordinances will help keep the current and future homeowners responsible for properly maintaining the premises.

The proposed use is a duplex which is considered two single family "attached" homes. Additional construction in The Farm Subdivision to the west may include multi-family, duplexes, or commercial/business in the future. Allowing duplexes may help the transition from one zone to another without a visible zoning shift.

Staff recommends that the Planning and Zoning Commission consider approval of the request from Francisco Vasquez to construct a duplex in the R1-single family residential district with the following conditions:

1. The front yard setback on the site plan must be changed to at least 25' to comply with the LDC guidelines. The site plan must be approved prior to the issuance of a building permit.
2. All off street parking shall be hard surfaced or graveled prior to the issuance of a Certificate of Occupancy
3. The applicant shall resubmit the landscaping plan with further details naming types of trees, bushes and landscaping to be in compliance with ordinance 02-80. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants or some type of xeriscaping. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided. All landscaping must be completed prior to the issuance of a Certificate of Occupancy.
4. The applicant shall submit a title commitment prior to the recording of the previously approved plat and prior to receiving an approved building permit.



Special Review Use Application

304 CENTRAL AVE - WIGGINS, CO 80654 - PH: 970.483.6161 - FAX: 970.483.7364 - WWW.WIGGINSCO.COM

Filing Fee: \$250.00	RESOLUTION #:	Date:	APPROVED:
----------------------	---------------	-------	-----------

APPLICANT INFORMATION

Name of Applicant	Name:	Francisco Vazquez		Title:	Mr.
	Company:				
	Address:	539 Locust Ave Lochbuie		City, State Zip:	Lochbuie CO 80603
	Phone:	303 219 7571	Email:	martha.ceja.v@gmail.com	
Wiggins Contractors License #					

Name of Property Owner	Name:	Francisco Vazquez		City, State Zip:	Lochbuie CO 80603
	Address:	539 Locust Ave		City, State Zip:	Lochbuie CO 80603
	Phone:	303 219 7571	Email:	martha.ceja.v@gmail.com	

Property Information	Address:	Johnson St WI Block 22 Lots 9~12		City, State Zip:	Wiggins CO 80654
	Property Size (acres):	Existing Use:	Existing Zone District:		
	0.321	Vacant Residential	Residential (R-1)		

Please **AND** sign below to indicate you have read the attached document, the statements below and understand all that apply to this Permit Application.

*Please note: Applications will be placed on the Planning & Zoning Commissioners and Board of Trustees agendas when application is completed and returned to the Town Hall a minimum of 30 days prior to any one board meeting. Commissioner meetings are held the 2nd Tuesday of the month when there is an agenda item and the Board meetings are held every 2nd Wednesday of each month.

- Filing fee: \$250.00 PAYABLE TO: TOWN OF WIGGINS
- Names and addresses (within 300 feet) of all property owners adjacent to the subject property from the Morgan County Assessor, or an ownership update, derived from Morgan County Clerk & Recorder, from a title company or attorney.
- Legal description of the property obtained from Morgan County Clerk & Recorder, from a title company or attorney.
- Vicinity Map
- Site Plan (in accordance with Land Development Code Appendix 2).
- Certified boundary survey, monumented with legal descriptions.
- Please answer **ALL** questions from the back. (A separate sheet of paper may be used if necessary.)
- A soil survey (if applicable)
- Consultation Meeting or Discussion with the Town Manager. This is required prior to submitting a Special Review Use Application.

Meeting Date: _____

By my signature affixed hereto, I certify that I have read and examined this application and know the same to be true and correct. I understand that the granting of an approved application does not presume to give authority to violate or cancel any provisions of any state or local laws regulating a Special Review Use request.

x *Francisco Vazquez*
 Signature of Applicant
Martha P Ceja V 10/3-2021

Date 10/03/2021

PLEASE PROVIDE ANSWERS TO ALL QUESTIONS. Questions may also be answered on a separate sheet of paper.

- A) Give a description of the Special Review Use being requested. Please include type of work and working hours that will be conducted.

Duplex 2 unit new construction in a zone (R-1)

- B) Will the special use be conducted in an existing structure? What part of the structure will the special use be in?

N/A

- C) Does the structure / property require changes to the outside appearance? This includes outdoor advertising signs/displays that may solicit or direct persons to this address. If yes, please provide a diagram and specs for the sign plan. This may be done on a separate sheet of paper.

New Construction

- D) Will there be employees? How many employees will you have? (Please include yourself as an employee.) Please explain if your employee(s) will be working from another location, or if your employee(s) will be working from where the special use is located.

N/A

- E) Does the special use require storage of any equipment, materials, and/or chemicals? If so, where will these items be stored at? Will additional storage/buildings be needed/added to the premises? (i.e. storage sheds, new additions, trailers, port-a-pots)

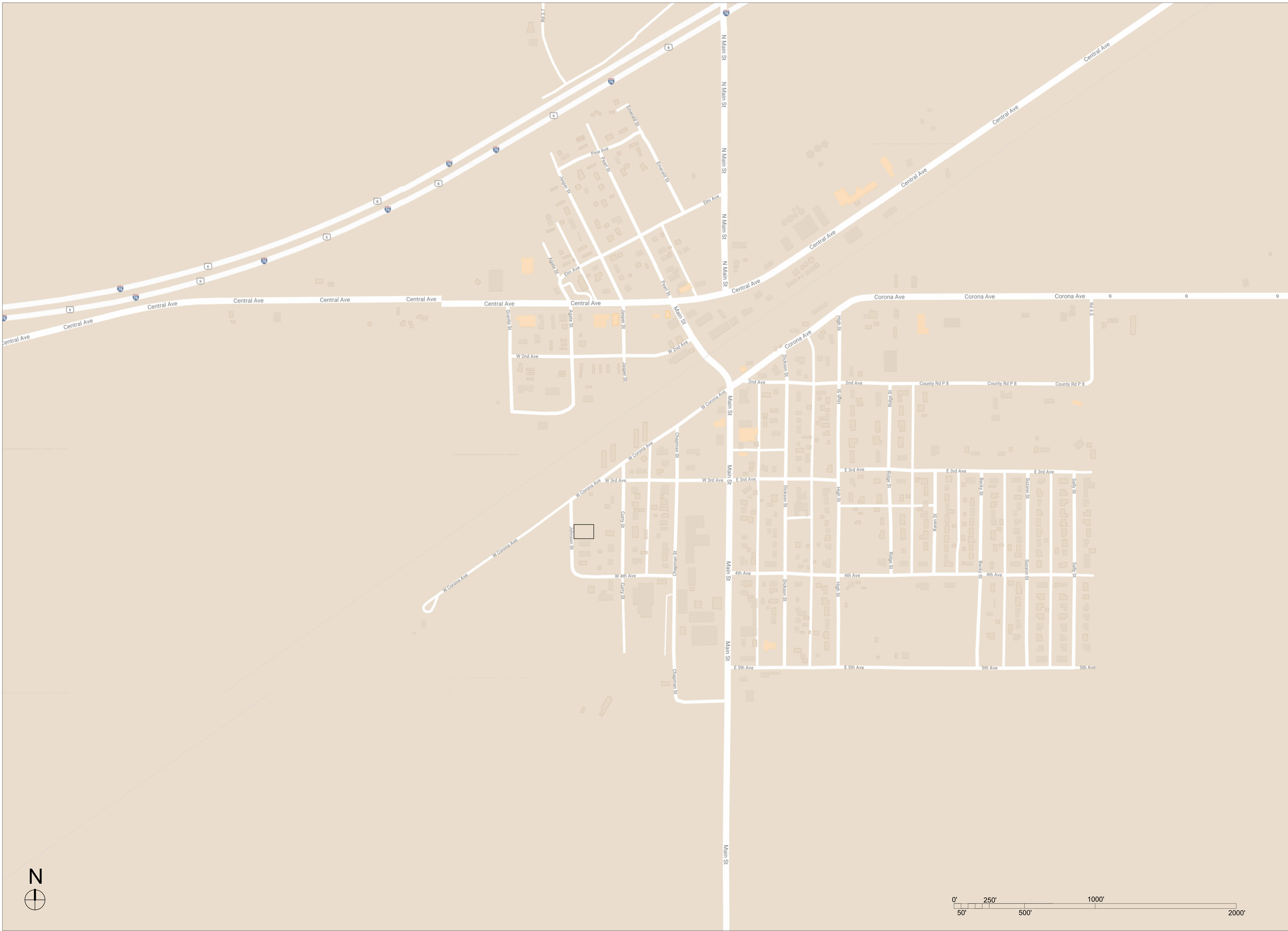
Material storage will be kept to a minimum and remain on the premises while under construction

- F) Will there be commercial vehicles used for the special use? If so, how many commercial vehicles will be used, and where will these vehicles be parked and/or stored?

Construction vehicles while under construction only

- G) Will clients be coming to the property? How often? Where will clients park?

N/A



NOTES

WORK TO FIGURED DIMENSIONS ONLY

REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
Cejia all rights reserved

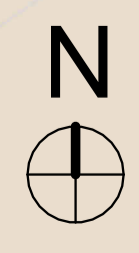
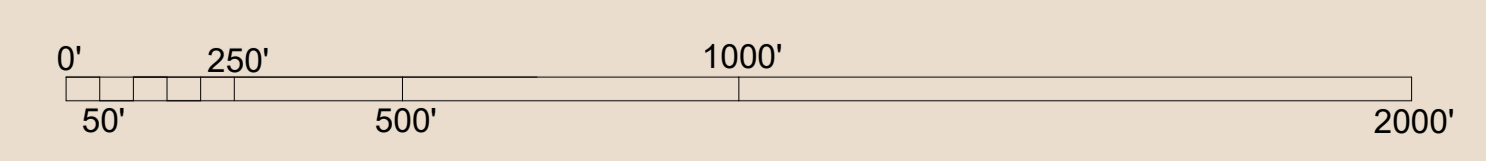
CLIENT
Francisco Vazquez 539
Locust Ave Lochbuie CO

DESIGNER
DVC

SITE
Wiggins Original Town Block 22
Lots 9-12 Wiggins CO

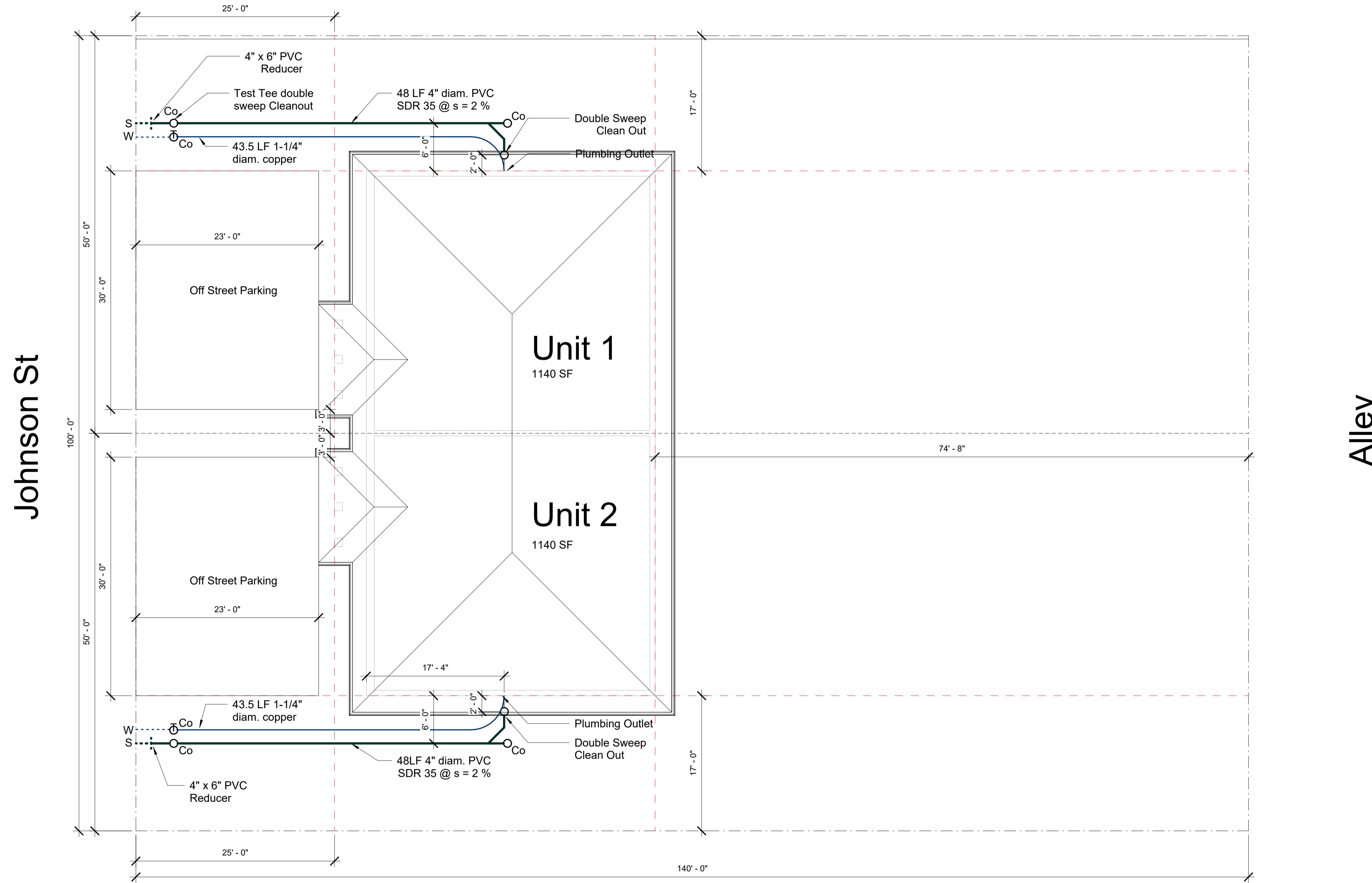
TITLE
Vicinity Map

SCALE	DRAWN
DATE	CHECKED
11/23/2021 7:47:34 AM	DVC
PROG No	PAGE No
001	V101
	REVISION



NOTES

WORK TO FIGURED DIMENSIONS ONLY



REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
Ceja all rights reserved

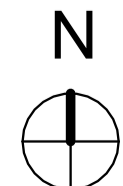
CLIENT
Francisco Vazquez 539
Locust Ave Lochbuie CO

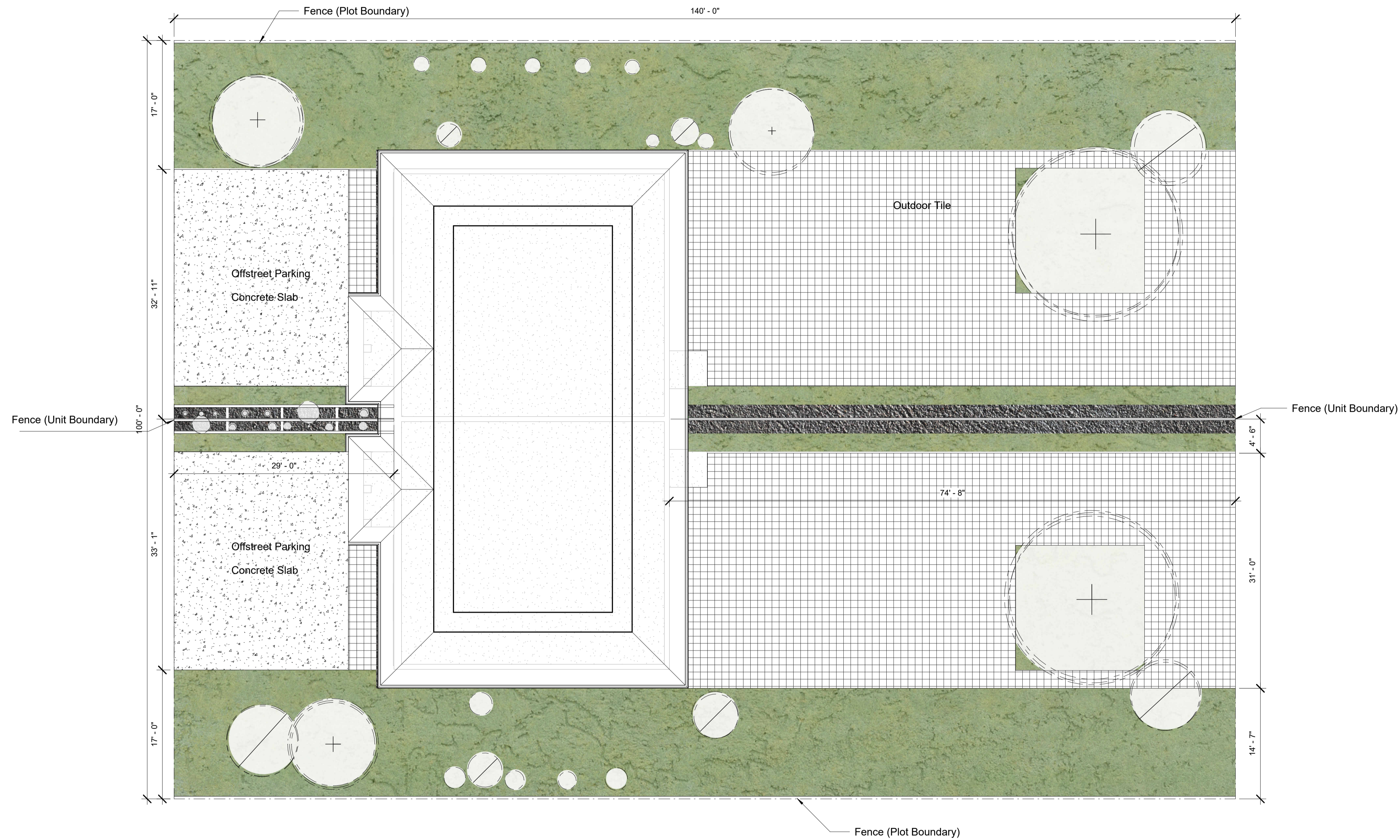
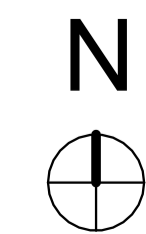
DESIGNER

SITE
Wiggins Original Town Block 22
Lots 9-12 Wiggins CO

TITLE
Site Plan

SCALE 1/8" = 1'-0"	DRAWN DVC
DATE 11/23/2021 7:47:35 AM	CHECKED Checker
PROG No 001	PAGE No V402
	REVISION





NOTES

WORK TO FIGURED DIMENSIONS ONLY

REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
Ceja all rights reserved

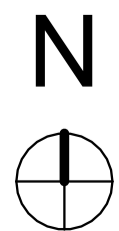
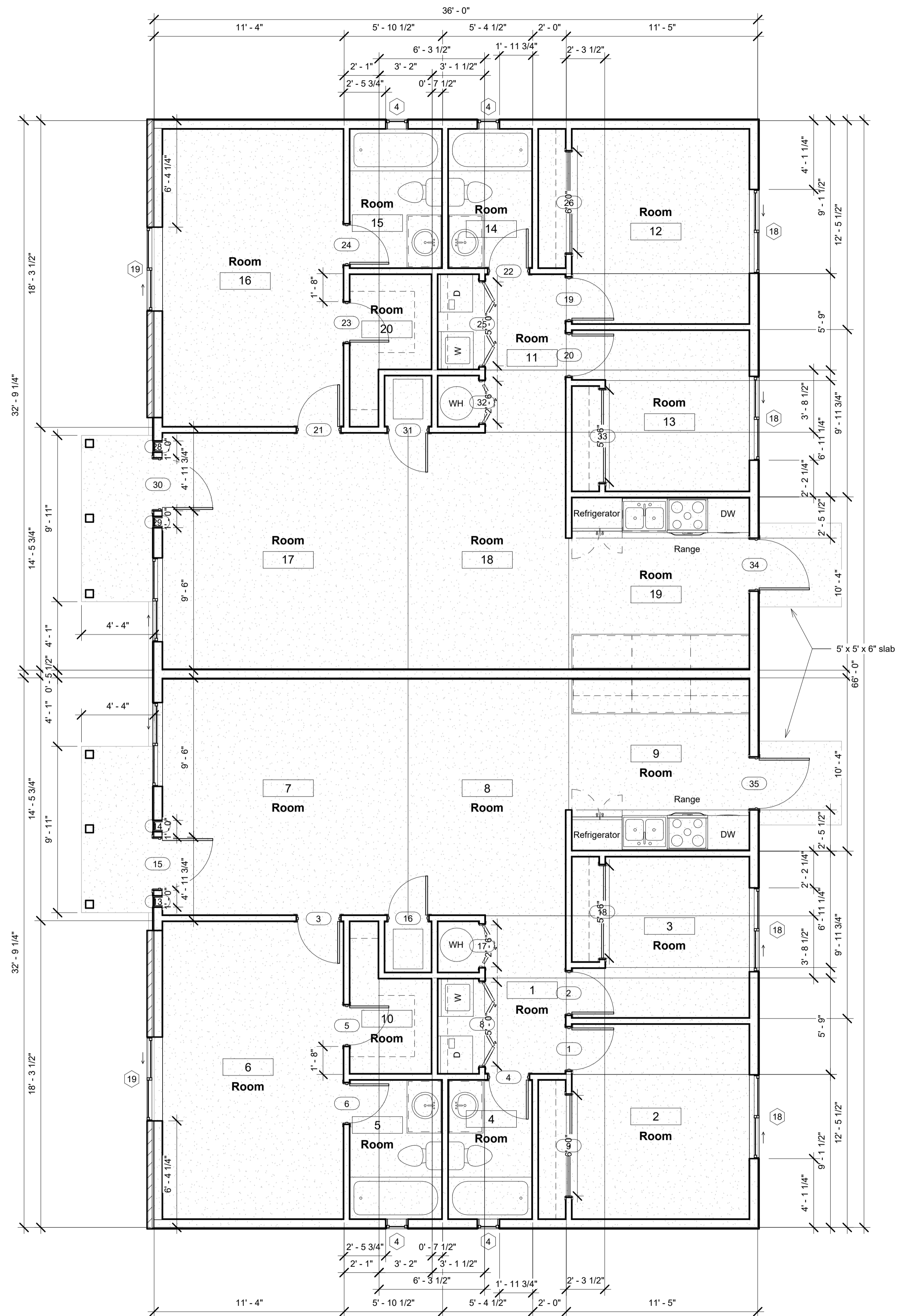
CLIENT
Francisco Vazquez 539
Locust Ave Lochbuie CO

DESIGNER
Designer

SITE
Wiggins Original Town Block 22
Lots 9-12 Wiggins CO

TITLE
Landscape Plan

SCALE 1/8" = 1'-0"	DRAWN Author
DATE 11/23/2021 7:47:30 AM	CHECKED Checker
PROG No 001	PAGE No L401
	REVISION



NOTES

WORK TO FIGURED DIMENSIONS ONLY

REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
Cejala all rights reserved

CLIENT
Francisco Vazquez 539
Locust Ave Lochbuie CO

DESIGNER
Designer

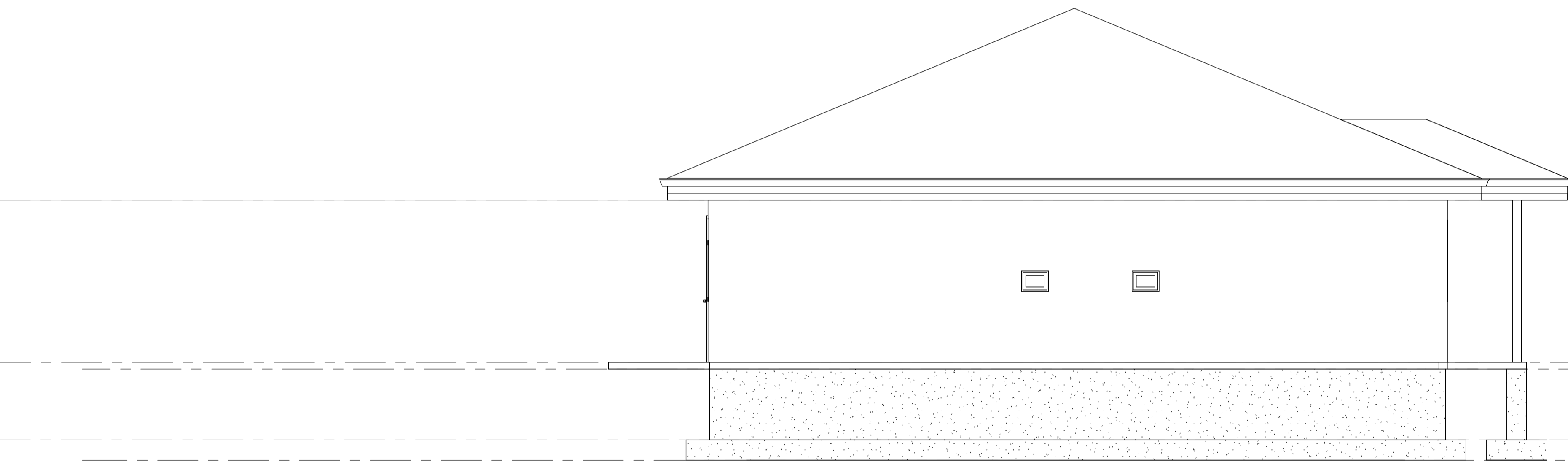
SITE
Wiggins Original Town Block 22
Lots 9-12 Wiggins CO

TITLE
Floor Plan

SCALE 1/4" = 1'-0"	DRAWN DVC
DATE 11/23/2021 7:47:25 AM	CHECKED Checker
PROG No 001	PAGE No A101
	REVISION

NOTES

WORK TO FIGURED DIMENSIONS ONLY



Roof Plane
108' - 0"

Level 1
100' - 0"

Slab
99' - 8"

Foundation
96' - 2"

Footing
95' - 2"

REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
Ceja all
rights reserved

CLIENT
Francisco Vazquez 539
Locust Ave Lochbuie CO

DESIGNER
Designer

SITE
Wiggins Original Town Block 22
Lots 9-12 Wiggins CO

TITLE
North Elevation

SCALE
1/4" = 1'-0"

DRAWN
DVC

DATE
11/23/2021 7:47:26 AM

CHECKED
Checker

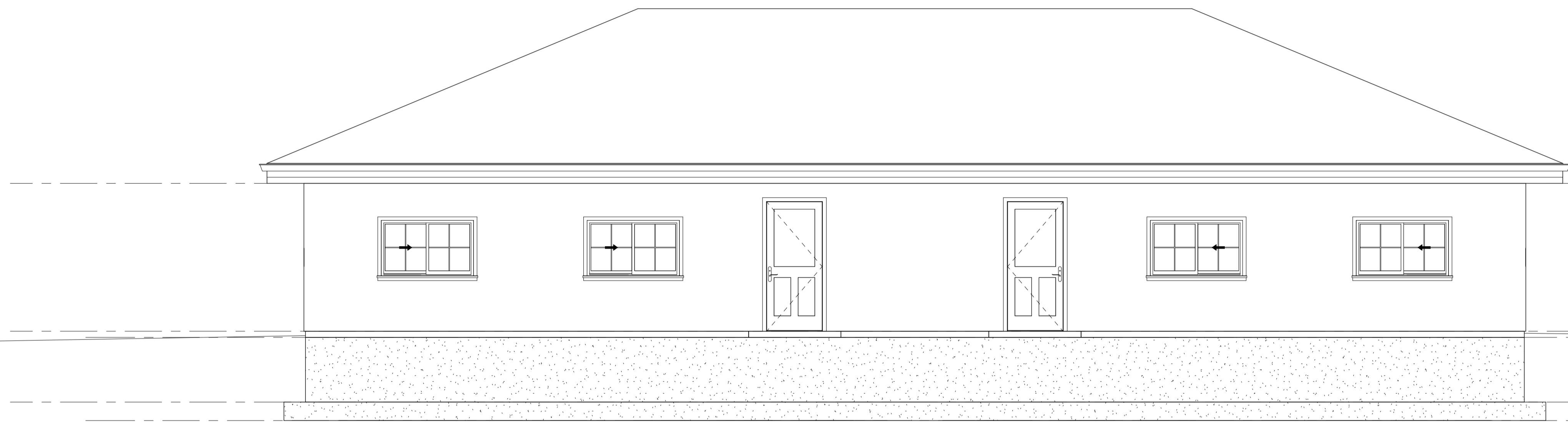
PROG No

PAGE No

REVISION

001

A201



NOTES
 WORK TO FIGURED DIMENSIONS ONLY

REV	DESCRIPTION	DATE
	STATUS Schematic Design	

Duplex Block 22 Lots 9 - 12
 Roof Plane 108' - 0"
 Slab 9' - 8"
 Footing 5' - 2"

Copyright 2021 Diego Vazquez
 Ceja all rights reserved

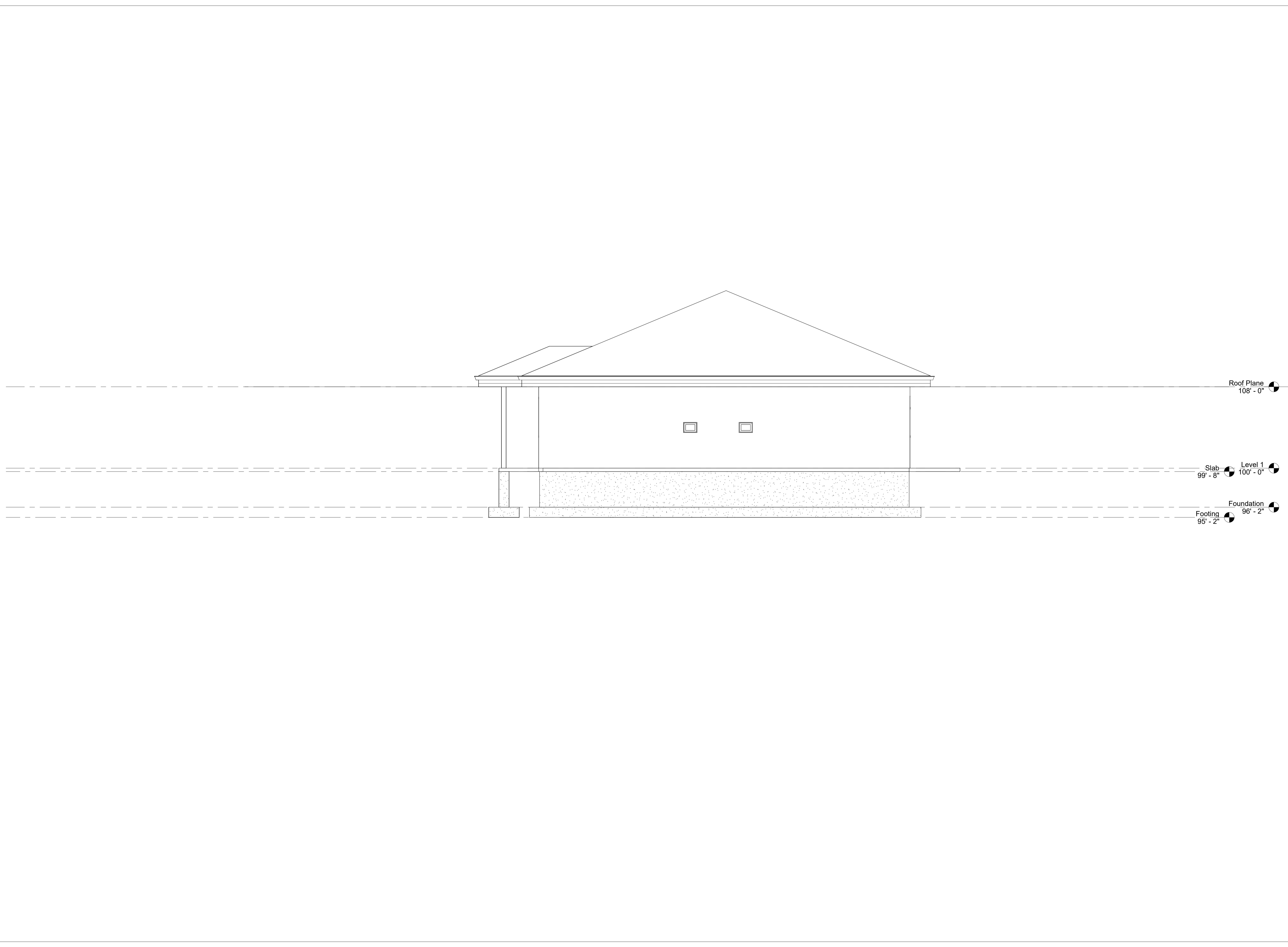
CLIENT
 Francisco Vazquez 539
 Locust Ave Lochbuie CO

DESIGNER
 Designer

SITE
 Wiggins Original Town Block 22
 Lots 9-12 Wiggins CO

TITLE
 East Elevation

SCALE 1/4" = 1'-0"	DRAWN Author
DATE 11/23/2021 7:47:27 AM	CHECKED Checker
PROG No 001	PAGE No A202
REVISION	



NOTES
 WORK TO FIGURED DIMENSIONS ONLY

REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
 Ceja all rights reserved

CLIENT
 Francisco Vazquez 539
 Locust Ave Lochbuie CO

DESIGNER
 Designer

SITE
 Wiggins Original Town Block 22
 Lots 9-12 Wiggins CO

TITLE
 South Elevation

SCALE 1/4" = 1'-0"		DRAWN Author
DATE 11/23/2021 7:47:34 AM		CHECKED Checker
PROG No 001	PAGE No V203	REVISION



NOTES	
WORK TO FIGURED DIMENSIONS ONLY	

REV	DESCRIPTION	DATE
	Schematic Design	

Duplex Block 22 Lots 9 - 12

Copyright 2021 Diego Vazquez
 Ceja all rights reserved

CLIENT
 Francisco Vazquez 539
 Locust Ave Lochbuie CO

DESIGNER
 Designer

SITE
 Wiggins Original Town Block 22
 Lots 9-12 Wiggins CO

TITLE
 West Elevation

SCALE 1/4" = 1'-0"	DRAWN DVC
DATE 11/23/2021 7:47:27 AM	CHECKED Checker
PROG No 001	PAGE No A204
	REVISION

RESOLUTION NO. 41-2021

**A RESOLUTION APPROVALING THE FINAL PLAT FOR THE VASQUEZ MINOR
SUBDIVISION LOCATED ON JOHNSON AVENUE, WIGGINS, CO 80654**

WHEREAS, there has been submitted to the Board of Trustees of the Town of Wiggins a request for approval of a final plat for Francisco Vasquez; and

WHEREAS, the legal description for the Property is currently lots 9 thru 12, block 222, Original Town of Wiggins, located in the northwest quarter of section 15, Township 15 North, Range 60 West of the 6th P.M., Town of Wiggins, County of Morgan, State of Colorado; and,

WHEREAS, the Property is zoned Single Family Residential (R1) 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 Single Family Residential (R1) zone district; and,

WHEREAS, the Wiggins Land Development Code allows lots to be re-platted into one lot to accommodate the minimum lot size requirement; and,

WHEREAS, the proposed plat will replat lots 9-12 into one lot; and,

WHEREAS, all materials related to the proposed final plat have been reviewed by the Town Staff and the Wiggins Planning commission and found to be in compliance with the Town of Wiggins subdivision and zoning ordinances and related Town ordinances, regulations and policies; and

WHEREAS, the Wiggins Planning Commission has held a properly noticed public hearing on the application, and has forwarded to the Board of Trustees a recommendation of approval; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Wiggins Board of Trustees finds that the proposed resolution should be approved.


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

Section 1. The Board of Trustees of the Town of Wiggins hereby approves the final plat for the Vasquez Minor Subdivision.

INTRODUCED, RECOMMENDED, AND ADOPTED THIS 17TH DAY OF NOVEMBER, 2021.


TOWN OF WIGGINS, COLORADO





Jeffrey Palmer, Chairman

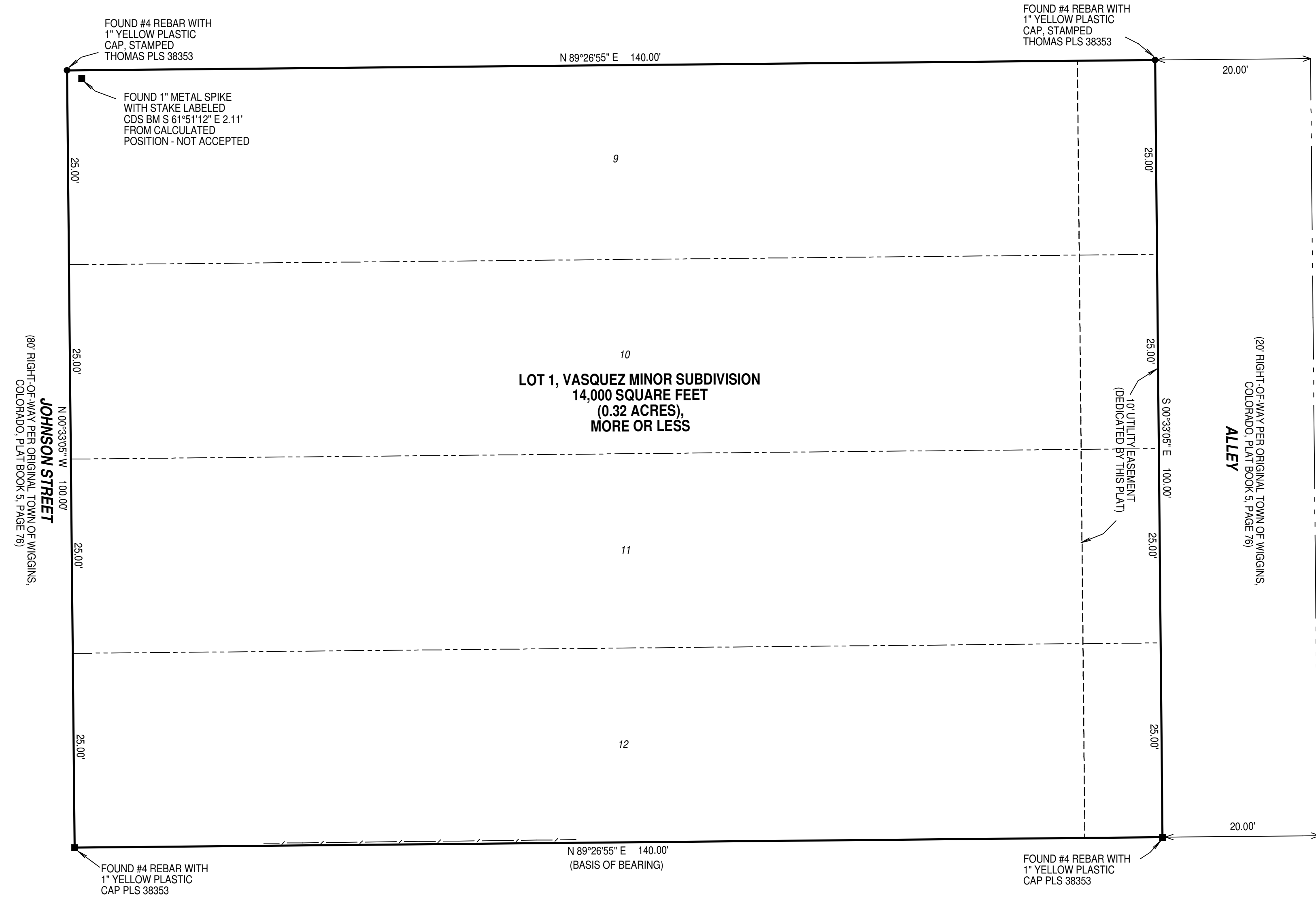
ATTEST:



Deborah Lee, Town Clerk

VASQUEZ MINOR SUBDIVISION

**BEING A REPLAT OF LOTS 9, 10, 11, AND 12, BLOCK 22, ORIGINAL TOWN OF WIGGINS,
BEING A PART OF THE NORTHEAST QUARTER OF SECTION 15,
TOWNSHIP 3 NORTH, RANGE 60 WEST OF THE 6TH P.M.,
TOWN OF WIGGINS, COUNTY OF MORGAN, STATE OF COLORADO**



LEGAL DESCRIPTION

(PROVIDED BY EQUITY TITLE ASSOCIATES II, LLC TITLE COMMITMENT FILE NO. 56578, DATED SEPTEMBER 3, 2021)

LOTS 9 THROUGH 12 INCLUSIVE IN BLOCK 22 OF ORIGINAL TOWN OF WIGGINS, COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF MORGAN, STATE OF COLORADO.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 14,000 SQUARE FEET (0.32 ACRES), MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNERSHIP AND DEDICATION:

KNOWN BY ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, FRANCISCO VASQUEZ AND MARTHA P CEJA VELASCO, BEING THE OWNER OF THE LAND SHOWN IN THIS FINAL PLAT AND DESCRIBED AS FOLLOWS:

LOTS 9 THROUGH 12 INCLUSIVE IN BLOCK 22 OF ORIGINAL TOWN OF WIGGINS, COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF, 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 VASQUEZ MINOR 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 ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME THE PROPERTY OF SUCH MUNICIPALITY FRANCHISED UTILITIES, OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF WIGGINS, COLORADO.

OWNER:
BY: FRANCISCO VASQUEZ

STATE OF COLORADO)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ , 20__ , WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES

OWNER:
BY: MARTHA P CEJA VELASCO

STATE OF COLORADO)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ , 20__ , WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES

LENDER CONSENT

THE UNDERSIGNED, _____, A _____ BANKING CORPORATION AS THE BENEFICIARY OF A DEED OF TRUST RECORDED WITH THE MORGAN COUNTY CLERK AND RECORDER AT _____ AND THAT CONSTITUTES A LIEN UPON THE OWNER'S PROPERTY, HEREBY CONSENTS TO THE DEDICATION OF THE STREETS, AVENUES, EASEMENTS, OUTLOTS, TRACTS AND OTHER PUBLIC PLACES AS SHOWN ON THIS FINAL PLAT, AND HEREBY FOREVER RELEASES SAID LANDS FROM SUCH LIEN.

LENDER:

BY: _____

STATE OF COLORADO)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ , 20__ .

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES

TOWN APPROVAL:

THIS IS TO CERTIFY THAT THE PLAT OF VASQUEZ MINOR SUBDIVISION, WAS APPROVED ON THIS ____ DAY OF ____ , 20__ 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.

MAYOR _____

ATTEST: TOWN CLERK _____

CLERK AND RECORDER'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT ____ O'CLOCK ____ M., THIS ____ DAY OF ____ , 20__ AND IS RECORDED UNDER RECEPTION NO. ____ .
CLERK AND RECORDER _____
DEPUTY _____

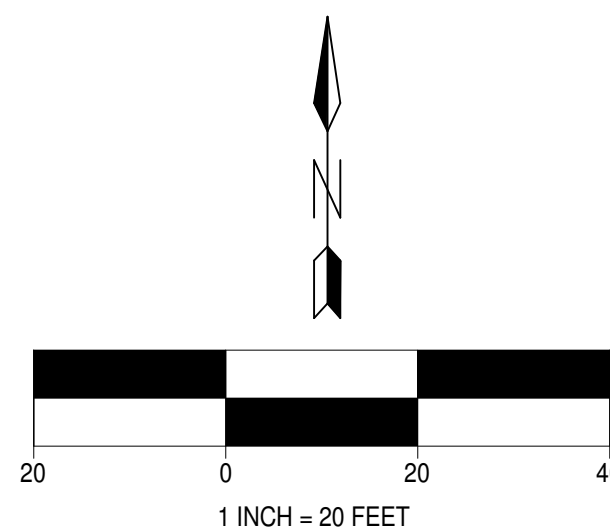
NOTES:

- THIS SURVEY WAS PREPARED WITH EQUITY TITLE ASSOCIATES II, LLC TITLE COMMITMENT FILE NO. 56578, DATED SEPTEMBER 3, 2021 AND DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC. TO DETERMINE EASEMENTS OR TITLE OF RECORD. THOMAS LAND SURVEYING, LLC RELIED ON SAID TITLE COMMITMENT, EXCLUSIVELY, FOR ALL EASEMENTS AND RIGHTS OF WAY OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN THOSE SHOWN, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 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. IN THE EVENT LEGAL ACTION IS COMMENCED, THOMAS LAND SURVEYING, LLC WILL NOT BE LIABLE FOR DAMAGES EXCEEDING THE COST OF THIS SURVEY AND THEN ONLY TO THE CLIENT SPECIFICALLY SHOWN HEREON OR TO ANY PERSON, OR ENTITY, GIVEN SPECIFIC AUTHORIZATION BY THOMAS LAND SURVEYING, LLC.
- THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

SURVEYOR'S CERTIFICATE:

I, ROBERT D. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO FRANCISCO VASQUEZ AND MARTHA P. CEJA VELASCO THAT THIS MINOR SUBDIVISION WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESS OR IMPLIED.

ROBERT D. THOMAS _____ DATE _____
COLORADO PROFESSIONAL LAND SURVEYOR #38353
ON BEHALF OF THOMAS LAND SURVEYING, LLC



BASIS OF BEARING

THE SOUTH LINE OF LOT 12, BLOCK 22, WIGGINS, COLORADO, IS ASSUMED TO BEAR NORTH 89°26'55" EAST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/2007, AND IS MONUMENTED AS INDICATED.

P & Z RESOLUTION NO. 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

WHEREAS, Francisco Vasquez has submitted a Special Review Use application to the Planning & Zoning Commission for a duplex construction on Johnson Street (the "Property"); and,

WHEREAS, the legal description for the Property is Lot 1 of the Vasquez Minor Subdivision (formerly lots 9 thru 12, block 22, Wiggins Original Town, County of Morgan, State of Colorado); and,

WHEREAS, the Property is zoned Residential Single Family (R-1) and duplexes are a special review use in the R-1 district; and,

WHEREAS, pursuant to Section 2.02.F.2 of the Land Development Code, the Planning and Zoning Commission shall consider the following criteria in reviewing an application for special review use:

- a. Will the proposed use be in harmony and compatible with the character of the surrounding neighborhood;
- b. Will the proposed use be consistent with the Town's comprehensive plan;
- c. Will the proposed use have a material adverse effect on Town capital improvement programs;
- d. Will the proposed use result in an over-intensive use of the land;
- e. Will the proposed use result in undue traffic congestion or hazards;
- f. Will the proposed use cause significant air, water or noise pollution;
- g. Will the proposed use require a level of community facilities and services greater than that available; and
- h. Will the proposed use be detrimental to the health, safety or welfare of current or future inhabitants of the Town; 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 special review use should be disapproved.

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 Special Review Use for the construction of a duplex on Lot 1 of the Vasquez Minor Subdivision (formerly lots 9 thru 12, block 22, Wiggins Original Town, County of Morgan, State of Colorado) on Johnson Street with the following conditions:

1. The front yard setback on the site plan must be changed to at least 25' to comply with the Wiggins Land Development Code guidelines. The site plan must be approved prior to the issuance of a building permit.

2. All off street parking shall be hard surfaced or graveled prior to the issuance of a certificate of occupancy
3. The applicant shall resubmit the landscaping plan with further details naming types of trees, bushes and landscaping to be in compliance with ordinance 02-80. All required yards and the entire open space of the duplex dwelling site shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants with sufficient irrigation to properly maintain all vegetation or some type of xeriscaping. Revegetation of the site is required. All surface areas designated on the approved site plan that will not be a hard surface shall be planted with adequate ground cover as approved by the Town. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided. All landscaping must be completed prior to the issuance of a Certificate of Occupancy.
4. The applicant shall submit a title commitment prior to the recording of the previously approved plat and prior to receiving an approved building permit.

INTRODUCED, RECOMMENDED, AND RESOLVED THIS 7TH DAY OF DECEMBER, 2021.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairman

ATTEST:

Deborah Lee, Town Clerk