



TOWN OF WIGGINS

**PLANNING & ZONING COMMISSION MEETING
October 19, 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/84148011389> for the meeting link.

AGENDA

I. INTRODUCTIONS

1. Call the Meeting to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the Minutes from the previous meeting held on September 14, 2021

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

1. Review and consideration of a Special Review Use located at 221 Main Street.
 - a. P&Z RESOLUTION 04-2021: A RESOLUTION RECOMMENDING DISAPPROVAL OF A SPECIAL REVIEW USE FOR ARROWHEAD TRASH LOCATED AT 221 MAIN STREET.

III. DISCUSSION AND REVIEW OF LAND DEVELOPMENT CODE AMENDMENT

1. Discussion of a proposed amendment to the Wiggins Land Development Code reestablishing guidelines for preliminary planned development plans, preliminary plats, final plats, site plans, and submission requirements into the Land Development Code, (previously repealed appendices 5 & 9 and previously repealed sections of Sections 2 & 5).

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

September 14, 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, September 14, 2021 via video conferencing. Chairman Jeff Palmer called the meeting to order at 7:03 p.m. The following Commissioners answered roll call: Chairman Jeff Palmer, Commissioners Stan Baumgartner, Jerry Schwindt and JoAnn Rohn-Cook. Staff present were Town Manager, Tom Acre; Town Clerk, Deb Lee, and Planning and Zoning Administrator, Hope Becker.

APPROVAL OF CONSENT 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 MARCH 9, 2021

Motion was made by Commissioner Stan Baumgartner to approve the minutes from March 9, 2021. Second was made by Commissioner Jerry Schwindt. Roll Call: Unanimously approved.

PUBLIC HEARING – CONSIDERATION OF PLANNING AND ZONING RESOLUTION 03-2021

The Public Hearing was opened by Chairman Jeff Palmer. Planning & Zoning Administrator, Hope Becker provided a staff report and information to the commissioners. No comments from the public in attendance were presented. The public meeting was closed. A Resolution Recommending Approval of a Final Plat for High Plains Bank Located at 401 Central Avenue. The Planning & Zoning Commissioners commented the requested change was agreeable. The CEO of High Plains Bank, Sam Creighton, said he was available for questions. The public hearing was closed.

Motion was made by Commissioner Stan Baumgartner to approve Planning and Zoning Resolution 03-2021. Seconded by Commissioner Jerry Schwindt. Roll Call: Unanimously approved.

REPORTS

The Town Manager, Tom Acre let the commission know that he has submitted a grant to assist funding an update to the Comprehensive Plan. He is also proposing a change in the composition of the Planning and Zoning Commission such that the membership would not include the Mayor and a Town of Wiggins Trustee.

ADJOURNMENT

Chairman Jeff Palmer, upon receiving no further comments or concerns from the Commissioners, adjourned the meeting at 7:26 pm.

Respectfully submitted by:

Deborah Lee, Town Clerk



STAFF REPORT

Planning and Zoning Commission
October 19, 2021

DATE: October 15, 2021

AGENDA ITEM NUMBER: 2

TOPIC: Public Hearing and Consideration of P&Z Resolution 04-2021- Review and Consideration of a Special Review Use located at 221 Main Street, Wiggins, CO

STAFF MEMBER RESPONSIBLE: Hope Becker, Planning & Zoning Administrator

SPECIAL REVIEW APPLICATION:

Arrowhead Trash is a local waste management company currently located outside of Wiggins in Morgan County. They recently purchased the old ambulance bay building owned by Morgan County. The building is located at 221 Main Street with oversized bay doors facing Main Street. 221 Main Street is located in the Commercial Zone District.

Arrowhead Trash intends to use the building for trash compactor truck storage. In addition, there may be minor maintenance work performed on the trucks such as oil changes, fluid replacements, and changing of hoses and/or spark plugs. All major repairs are taken to their preferred mechanic; off premises.

The applicant met with staff prior to purchasing the building and was informed the use he is proposing for the building may not fit within the Commercial Zone District on Main Street. Staff offered an alternative location that would be better suited for his business. He was also informed that he would have to go through a special review hearing for his intended use at this location. The intended use was then modified by the applicant in hopes of having a use more in line with the Comprehensive Plan and the Land Development Code.

Arrowhead's current location does not currently have large facilities in which to keep the trucks warm in cold weather. Cold weather has adverse effects on older, large trucks, making them difficult to start. The company intends to use the building as a way to prevent delayed route starts and potentially prevent breakdowns. This would assist the company in maintaining routes in a timely manner and provide good customer service.

There are no plans for adding business signage or updating the front elevations of the building as the company does not intend to attract business to this location. The building would be used strictly for the storage of the trash compactor trucks. Arrowhead's main office and storage of trash containers will remain at their current location in the country.

The usage of the building on main street will be limited to a couple of employees arriving in early morning hours in personal vehicles to pick-up trucks. The trucks will depart for their routes until late afternoon at which time they will return and be stored in the building. The trucks will enter and depart from the building via main street.

COMPREHENSIVE PLAN NOTES:

The Town of Wiggins uses the Comprehensive Plan and Land Development Code as tools to guide and direct staff, Planning and Zoning Commissioners, and Board of Trustees on to determine what type of businesses and activities are allowed in each zoning district.

The Comprehensive Plan sets forth a vision and goals for a town's future, and provides the overall foundation for all land use regulation in the town. The Wiggins Comprehensive Plan functions as a general policy to guide land use decisions. Comprehensive plans guide future development to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public development.

The Wiggins Comprehensive Plan defines commercial as the provision of "land for a range of commercial uses including wholesale businesses, services, and sales that will respond to both the needs of the Town and the surrounding agricultural community." (Wiggins Comprehensive Plan, page VI-9) The commercial district is envisioned to provide for a variety business and commercial uses including retail, office, and service establishments, and supportive activities such as restaurants and other complementary uses.

The industrial and agribusiness zones of the Comprehensive plan is more designed for light or medium intensity development such as manufacturing, processing, distribution activities, assembly and large-scale warehousing and storage operations. (Comprehensive Plan, VI-17)

The Comprehensive Plans goal is to provide fundamental design schemes that assist planning & zoning department and boards to maintain an appeal that will attract community members to the center of town. (Comprehensive Plan, VI-16) It is important to provide a safe, attractive, and healthy environment which has no adverse impact upon the surrounding areas of the Commercial Zone. "Commercial development is encouraged to strengthen it tax base, increase revenue sources and provide employment opportunities for its residents." (Comprehensive Plan, VI-27)

The Town Center should be comprised of a mix of "office, business, and retail uses shall be encouraged, or emphasized on businesses oriented to the specific needs of the Town residents." (Comprehensive Plan, VI-29) The Town Center is considered the Town's focal point and identity.

LAND DEVELOPMENT CODE NOTES:

The Land Development Code (LDC) is an implementation tool for the Town's Comprehensive Plan. Regulation governing areas and activities of Town interest apply to certain land uses and developments in addition to other required land use approvals. The LDC contains detailed descriptions of the zoning districts and specifies what uses are allowed, prohibited, and conditionally approved in each zone district.

The intent of the LDC is to ensure an orderly, efficient, and integrated development of the Town in a way that encourages growth, while providing protection guidelines to promote health, safety, and general welfare of all residents. (LDC, 1-1) The LDC is intended to implement the goals and polices of the Comprehensive Plan. It regulates zoning, subdivisions, annexations, infill development, impact fees,

public hearing processes, and permitting processes. Furthermore, the LDC provides guidance in construction matters related to setback requirements, landscaping, and parking requirements.

The Wiggins LDC lists a number of zoning districts within the Town of Wiggins. The Commercial Zone District is described as “a range of commercial uses including wholesale businesses, services, and sales that will respond to both the needs of the Town and the surrounding agricultural community.” (LDC, 2-20)

The Wiggins LDC lists a number of uses allowed by right within the Commercial Zone District. Waste management (Trash) companies are not listed as a use in any zoning district. Staff reviews the other uses by right in all zones to determine if there is a use listed that may be similar to waste management (trash) companies or similar to the intended use projected in the application.

The applicant does intend to do minor truck repairs as they are needed. This draws attention to Auto & Truck Repairs listed as a Use-By-Right in the Commercial zoning. However, this category is usually pertaining to businesses that provide auto & truck repairs as a service to the public on a regular basis.

Commercial Storage Areas is listed under a special review use in Commercial Zoning. Commercial Storage can be defined as a number of things. However, this specific storage use is not listed.

Truck terminals is also listed under Commercial Zoning as a special review use. Again, the LDC does not clearly define what truck terminals are.

The LDC allows Commercial Zoning Districts to also use the Use-By-Rights listed in the Business Zone District. The Business District focuses on establishing a variety of business activities to be the core of Town and encourage pedestrian traffic. Again, Waste Management is not listed in this zone district. There are two similar categories within the Business zoning; however, they are only similar when comparing the size of the trash trucks compared to RVs in storage buildings, and farm equipment sales and repair shops. Although farm equipment and sales/repair shops house large pieces of farm equipment, these types of businesses draw community members in for a service that will then generate sales tax revenue.

Section 2.02.F of the LDC includes the following discussion of special review uses:

A special review use is a specific use of land or structures or both which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. . . . These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved.

Per Ordinance 02-2009 amending the LDC, the Planning Commission and the Board of Trustees shall consider the following criteria in reviewing an application for special review use:

1. Will the proposed use be in harmony and compatible with the character of the surrounding neighborhood;
2. Will the proposed use be consistent with the Town’s comprehensive plan;
3. Will the proposed use have a material adverse effect on Town capital improvement programs;

4. Will the proposed use result in an over-intensive use of the land;
5. Will the proposed use result in undue traffic congestion or hazards;
6. Will the proposed use cause significant air, water or noise pollution;
7. Will the proposed use require a level of community facilities and services greater than that available; and
8. Will the proposed use be detrimental to the health, safety or welfare of current or future inhabitants of the Town?

The Planning & Zoning Commission and Board of Trustees shall consider and may impose modifications or conditions concerning by way of illustration and not limitation, the following development features, to the extent such modifications or conditions are necessary to ensure compliance with the criteria:

1. Size and location of improvements on the site;
2. Internal traffic circulation and access to adjoining public streets;
3. Location and amount of off-street parking;
4. Fencing, screening and landscaped separations, including open space;
5. Building bulk and location;
6. Signs and lighting; and
7. Measures to mitigate or address noise, vibration, air pollution and other environmental influences.

The Land Development Code provides guidelines for commercial zoning districts that must be taken into account. Section 3.02 provides use performance standards pertaining to:

- Glare & Heat
- Vibration
- Light
- Smoke
- Odors
- Noise
- Fugitive Dust
- Electromagnetic, Electrical Interface
- Industrial & commercial Wastes

These performance standards are provided to give residents peace of mind that a small manufacturing company or small business may not be easily placed into a zone district causing potential disruptions to the peace with its loud noises and/ or excessive environmental disruptions.

- Does the company dispose of liquid and solid waste in the appropriate removal process?
- Does the applicant's company cause excessive noise; disrupting the businesses that are already established on either side of Arrowhead Trash?

These are things that the Commissioners will need to consider.

STAFF ANALYSIS

The Town of Wiggins' LDC and Comprehensive Plan are designed to promote health, safety and the general public welfare. Together they provide a structural foundation on how the Town should be put together to encourage growth without causing discomfort to community members and neighbors.

The LDC does not clearly define Commercial Storage Areas and Trucking terminals. When there is no definitive answer, the applicant still has the right to a hearing.

Multiple definitions online describe commercial storage as a facility designed for storing goods, materials, merchandize, and equipment. An online definition describes commercial storage as “a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods; or a facility used exclusively to store bulk goods of a non-hazardous nature.” (www.lawinsider.com) and another Law Insider definition is “a place in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage.”

Most definitions depict commercial storage as the use of a building for storing items on a commercial level, not much different than household goods storage. It is a place of storing items that are not in use.

Trucking terminals may be considered “a building, structure or place where, for the purpose of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched.” (www.lawinsider.com) In looking into other definitions from other municipalities, trucking terminals may also be defined as “A freight, bus and truck terminal is a facility used for the storage and dispatch of larger scale vehicles including but not limited to semi-trailers, waste haulers, cement trucks, tow trucks and buses with a capacity greater than fifteen (15) persons. This may also include vehicle maintenance, repair, and fueling to service the fleet.” (Municode, Santa Ana)

The Comprehensive Plan is specific on where light industrial services should be placed and / or allowed. The vision for commercial and business areas is to promote pedestrian-based traffic and businesses which provide services. Providing service-based businesses on Main Street vitalizes the Town of Wiggins to thrive; encouraging more community members to shop locally.

Although the LDC does not clearly define commercial storage and trucking terminals, the Comprehensive Code does provide the vision that the town should be considering to keep its commercial and business districts cohesive.

Past staff and boards may not have taken the time to address zoning issues and/or have not paid special attention to the details of the Comprehensive Plan nor the Land Development Code. This has allowed non-compliant development to occur throughout the Town’s Main Street and Central Avenue. Despite the age of the Comprehensive Plan and the LDC, the Town cannot continue to disregard the standards and guidelines that have been set forth for the Town’s future commercial growth projections.

The Town of Wiggins possesses a unique two street “center” to its Town limits. Main Street and Central Avenue will continue to be the “Center” of the town regardless if the Comprehensive Plan and the LDC are updated. Therefore, the Planning & Zoning Commission and the Board of Trustees must bear that in mind when new hearings are brought forth.

The Commercial Zone of Main Street begins at 3rd and Main, and loops around to cross the railroad tracks connecting to Central Avenue. It currently has a mix of rental homes, commercial, real estate, and vacant buildings. Central Avenue has a mix of multi-family, commercial, and then blends into more industrial type businesses before heading out to Stubs Gas & Oil. The Town needs to consider what it wants to see on

Main Street and Central Avenue in the future for the Town to prosper. Especially when it is unknown how long certain businesses may remain or move on.

STAFF RECOMMENDATION

Staff recommends disapproval of the Special Review Application for the following reasons:

- The proposed use is not in harmony and compatible with the character of the surrounding neighborhood.
- The proposed use is not consistent with the Town's Land Development Code.
- The proposed use will have a material adverse effect on Town capital improvement programs.

**WIGGINS PLANNING & ZONING COMMISSION
P & Z RESOLUTION NO. 04-2021**

**A RESOLUTION RECOMMENDING DISAPPROVAL OF A SPECIAL REVIEW USE FOR ARROWHEAD
TRASH LOCATED AT 221 MAIN STREET**

WHEREAS, Arrowhead Trash has submitted a Special Review Use application to the Planning & Zoning Commission for a waste management compactor truck storage at 221 Main Street, Wiggins, CO 80654 (the "Property"); and,

WHEREAS, the legal description for the Property is currently lots 25 thru 32, block 24, Wiggins Original Town, County of Morgan, State of Colorado; and,

WHEREAS, the Property is zoned Commercial (C); 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 disapproval of the Special Review Use for the Arrowhead Trash located for a waste management compactor truck storage, at 221 Main Street because it fails to meet the criteria set forth in Section 2.02.F.2 of the Land Development Code. Specifically:

- a. The proposed use is not in harmony and compatible with the character of the surrounding neighborhood;

- b. The proposed use is inconsistent with the Town's comprehensive plan;
- c. The proposed use will have a material adverse effect on Town capital improvement programs.

INTRODUCED, RECOMMENDED, AND RESOLVED THIS 19TH DAY OF OCTOBER, 2021.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairman

ATTEST:

Deborah Lee, Town Clerk



Special Review Use Application

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

Filing Fee: \$250.00	RESOLUTION #:	Date:	APPROVED:
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APPLICANT INFORMATION

Name of Applicant	Name:	Troy & Jodi Freauff		Title:	
	Company	Arrowhead Trash S			
	Address:	221 Main St	City, State Zip: Wiggins CO		
	Phone:	(970) 747-8007	Email:	troy@arrowheadtrash.com 80654	
Wiggins Contractors License #					

Name of Property Owner	Name:	Troy Freauff		Title:	
	Address:	12749 CR 2	City, State Zip: Wiggins CO		
	Phone:	(970) 747-8007	Email:	same as above 80654	

Property Information	Address:	221 Main St.	City, State Zip: Wiggins, CO		
	Property Size (acres):		Existing Use:	Existing Zone District: 80654	
			Vacant		

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: 8/16/21

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.

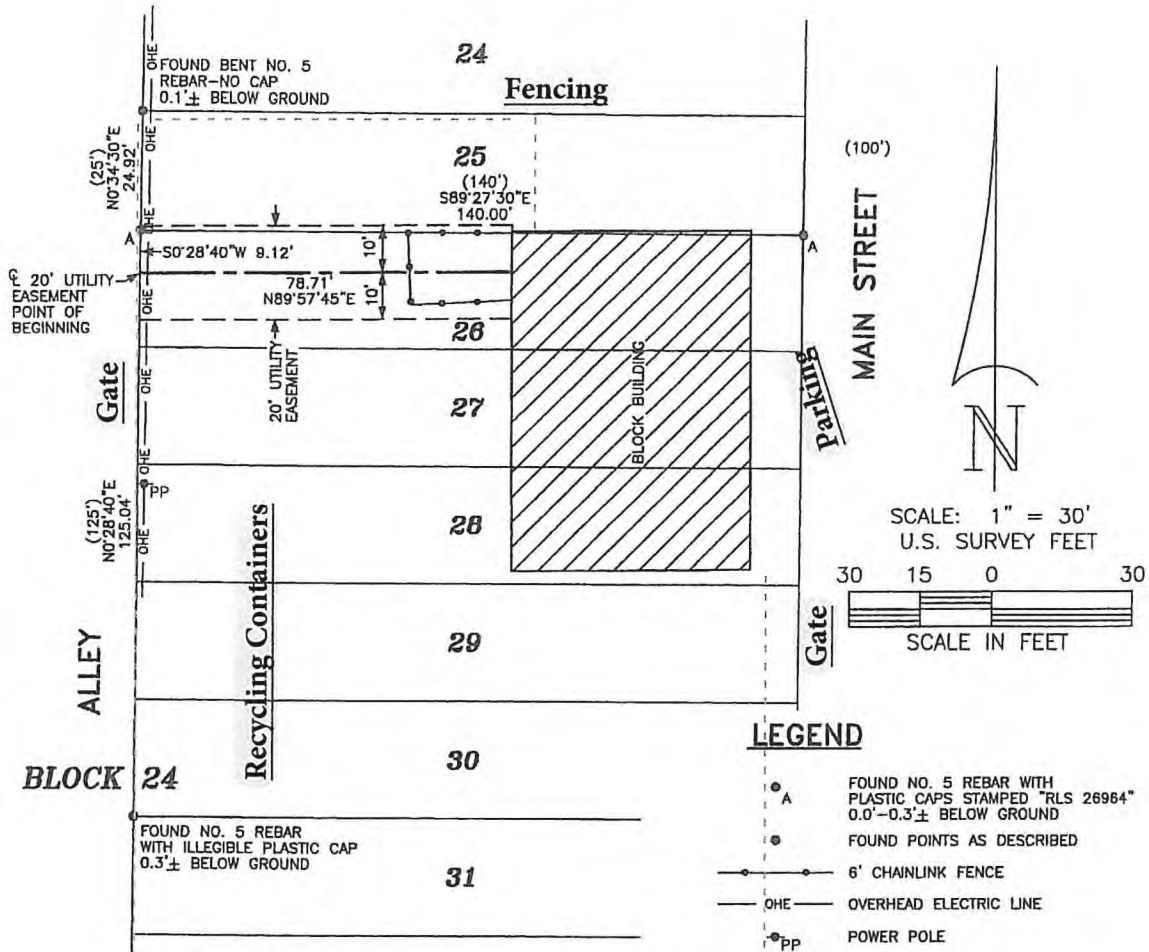
X Troy Freauff
Signature of Applicant

9-20-21
Date

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. *It will be used as a maintenance location & garage to house trucks. Routine maintenance will be conducted. 7am - 5pm*
- B) Will the special use be conducted in an existing structure? What part of the structure will the special use be in? *Yes - The whole building will be used as stated above.*
- 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. *No*
- 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. *Yes - 3-5 possible employees will be working where the special use is located.*
- 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) *Trucks, tools, maintenance materials and any chemicals will be stored inside the location.*
- 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? *Yes, 3-4 trucks will be parked inside the shop. One possibly parked outside behind the building on the west.*
- G) Will clients be coming to the property? How often? Where will clients park? *No.*

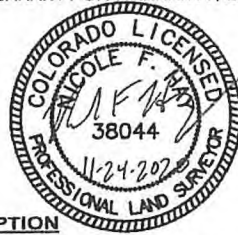
EASEMENT EXHIBIT



SURVEYOR'S STATEMENT

I, NICOLE F. HAY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY BASED UPON MY KNOWLEDGE, INFORMATION, AND BELIEF. I FURTHER STATE 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 EXPRESSED OR IMPLIED.

BY: NICOLE F. HAY
FOR AND ON BEHALF OF
LEIBERT-McATEE & ASSOCIATES, INC.
P.L.S. NO. 38044



EASEMENT DESCRIPTION

A 20 FOOT UTILITY EASEMENT IN LOTS 25 AND 26, BLOCK 24, ORIGINAL TOWN OF WIGGINS, COLORADO, SAID EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER SAID LOT 26; THENCE SOUTH 0°28'40" WEST ALONG THE WEST LINE OF SAID LOT 26 A DISTANCE OF 9.12 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°57'45" EAST A DISTANCE OF 78.71 FEET. THE SIDELINES OF SAID EASEMENT TO BE SHORTENED OR EXTENDED TO TERMINATE ON THE WEST LINES OF SAID LOTS 25 AND 26.

NOTES

A TITLE SEARCH WAS NOT REQUESTED OR CONDUCTED BY ME FOR THIS PARCEL. THEREFORE, ALL RECORDED RIGHTS-OF-WAY OR EASEMENTS MAY NOT BE SHOWN.

BEARINGS FOR THIS SURVEY ARE BASED ON THE ASSUMPTION THAT THE NORTH LINE OF LOT 26, BLOCK 24, ORIGINAL TOWN OF WIGGINS, COLORADO BEARS SOUTH 89°27'30" EAST. FOUND NO. 5 REBAR WITH PLASTIC CAP STAMPED "RLS 26964" AT THE NORTHWEST AND NORTHEAST CORNER OF SAID LOT 26.

DISTANCES IN PARENTHESES ARE PLATTED DISTANCES.

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 CERTIFICATION SHOWN HEREON.

PROPERTY DESCRIPTION

General Description:

The *Old Ambulance Property* was originally constructed in 1969. It is a retail building which includes office and warehouse storage plus bays. This property is in a commercial district of Wiggins with other commercial properties in the area. The following grid describes the building site and site improvements.

Building Site Description:	
Site Size	28,000 +/- sf
Shape	Rectangular
Site Location	Interior Building Site with commercial to west. Residential to the north, south and east.
Topography	Level Building Site
Front Footage	200' along Main Street
Site Entrance	Main Street
Access	Paved Streets
Parking	Some Concrete, Some Gravel Off-Street Parking
Utilities & Provider	Town of Wiggins Water Tap
	Town of Wiggins Sewer
	(1) Gas Meter - Xcel Energy
	(1) Electric Meter - REA
Zoning	CD-Commercial District Town of Wiggins Planning and Zoning
Flood Hazard	FEMA Special Flood Hazard Area: No: Zone X500
	Map No. 08087C0552D; Date: April 04, 2018
Visibility	Main Street
Off Site Improvements:	
Main Intersections	Corona Avenue and Main Street
	W. 3rd Avenue and Main Street
Street Improvements	Paved Road, Curb, Gutter, Sidewalk
Alley Access	Gravel Alley Access

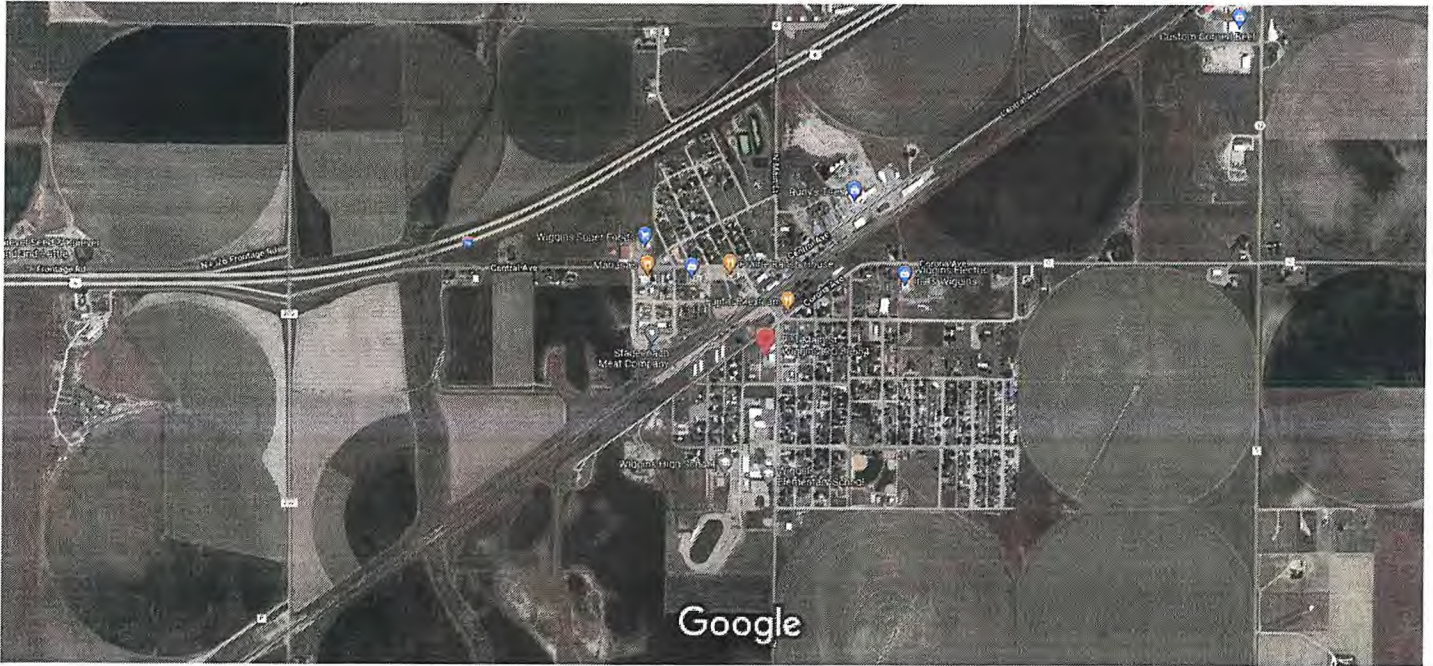
Improvement Description:

The subject is a steel-framed, metal-skinned building originally built in 1969 with 3,600 +/- sf of gross building area. The building is comprised of a small office space and warehouse storage. The building has electric baseboard heat in the office and suspended heat in the warehouse.

The subject property has metal siding, a metal roof, and metal gutters with down spouts. There is exterior lighting and concrete aprons in the front. The interior of the office space is finished with vinyl flooring, finished drywall walls and ceiling with fluorescent lighting. There is one restroom with vinyl flooring, vanity with sink, and stool. There is an additional storage closet. Above the office space is loft storage.

The rear of the building is warehouse used space. The warehouse has a concrete floor, ceiling insulation, suspended heat, and overhead lighting. There are three electric overhead doors and two access doors.

Overall, the building is in average condition for its age with signs of deferred maintenance on the exterior and warehouse interior. The deferred maintenance is considered cosmetic.



Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 500 ft



221 Main St

Building



Directions



Save



Nearby



Send to your phone



Share



221 Main St, Wiggins, CO 80654

Photos

000015



- [Searching](#)
 - [Account Search](#)
 - [Sale Search](#)
- [View Created Report\(s\)](#)
- [Help?](#)
- [Logout Public](#)

Account: R022307

1 of 2 Results [Next->](#)

Location	Owner Information	Assessment History
Situs Address 221 MAIN ST	Owner Name ARROWHEAD TRASH SERVICE INC	Actual Value (2021) \$46,970
Account Type 2000 - COMMERCIAL	Owner Address 12749 CO RD 2	Assessed \$13,620
Neighborhood 2300 - WI,HI,LL C/I	WIGGINS, CO 80654	Tax Area: 097 Mill Levy: 103.493000
Tax Area 097 - RE 50J WI		
Parcel Number 1223-151-13-016		Type Actual Assessed
Legal Summary Subd: WIGGINS ORIGINAL TOWN, WI Block: 24 Lot: 25 THRU:- Lot: 32		Improvement \$17,460 \$5,060
Sibling Acc. Number		Land \$29,510 \$8,560
BA Code		

[Transfers](#)

Sale Date	Sale Price	Doc Description
05/12/1908	\$0	SUBDIVISION PLAT
10/31/1994	\$3,000	QUIT CLAIM DEED
11/17/2000	\$6,000	JOINT TENANCY DEED
12/19/2003	\$105,000	WARRANTY DEED
05/26/2005	\$0	LAND SURVEY/EXEMPTION PLAT
11/23/2009	\$4,500	WARRANTY DEED
04/14/2010	\$0	LAND SURVEY/EXEMPTION PLAT
08/19/2021	\$0	SPECIAL WARRANTY DEED

[Tax History](#)

[Images](#)

Tax Year	Taxes
*2021	\$1,409.56
2020	No Tax Values

- [Photo](#)
- [Sketch](#)
- [GIS](#)

* Estimated





STAFF SUMMARY

Planning & Zoning Commission

October 19, 2021

Date: October 15, 2021

AGENDA ITEM NUMBER: 3

TOPIC: Amendment to Land Development Code

Responsible Staff Member: Hope Becker, Planning & Zoning Administrator

BACKGROUND

The Wiggins Land Development Code (LDC) provides guidelines and the framework of where and what type of development can occur within the town's corporate limits. These codes guide the Town of Wiggins with permissible land uses to building locations, setbacks, and parking requirements, and more. When written well, codes make it easier for a community to implement its vision.

On October 11, 2017 the Board of Trustees approved an amendment to the LDC repealing certain sections of the Subdivision submission requirements and repealing Appendix 5. However, the repealed sections have important guidelines that help staff and the Town to properly maintain existing subdivisions and bring forth new subdivisions in the future.

SUMMARY

The repealed sections of Section 5 pertained to Subdivision sketch plans, preliminary plans, and certain sections of preliminary planned development plans. The previously repealed sections provide the guidelines necessary to for staff to process conditions that were attached to the approval of the Preliminary Planned Development for Roberts 81. The proposed amendments to the LDC that reestablish previously repealed sections that are required for Town staff to consider and approve future developments.

Attached is a draft ordinance for your review amending the LDC to reestablish the previously repealed sections. The ordinance will be presented to the Board of Trustees at the Board of Trustees meeting on October 27, 2021 in a public hearing.

RECOMMENDATION

Staff recommends the approval of the amendments to the Land Development Code.

ORDINANCE NO. XX-2021

AN ORDINANCE AMENDING THE WIGGINS LAND DEVELOPMENT CODE CONCERNING, SITE PLANS, PLANNED DEVELOPMENT DISTRICTS, AND OTHER MATTERS

WHEREAS, the Board of Trustees previously adopted the Land Development Code, which establishes several residential and non-residential zone districts, within which zone districts certain permitted uses are specified; and

WHEREAS, the Board of Trustees finds this ordinance is authorized by the Town's police power and local land use and zoning authority pursuant to C.R.S. § 29-20-101, et seq; C.R.S. § 31-23-101, et seq; C.R.S. § 31-15-103; C.R.S. § 31-15-401, and is consistent with the authorization provided by C.R.S. § 31-23-301; and

WHEREAS, the Board of Trustees provided notice of the public hearing on this ordinance by publication as provided by law; and

WHEREAS, the Wiggins Planning & Zoning Commission has held a public meeting on this ordinance and forwarded its recommendation to the Board of Trustees, and the Board of Trustees has duly considered that recommendation; and

WHEREAS, it is the specific intent of the Board of Trustees in passing this ordinance to allow existing structures not in compliance with the amendments set forth in this ordinance to continue within the Town as non-conforming situations.

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

Section 1. Section 05.03 and 5.04 of the Land Development Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are stricken through):

5.03 Sketch Plan.

A. The purpose of the sketch plan is to allow a review of the concept for development and the overall feasibility of the project. The review at this stage also allows the staff and Planning & Zoning Commission to judge the level of appropriateness of the proposed use, as well as identify potential problems which must be resolved prior to final approval of the plan. Submission requirements for Sketch Plans are found in Appendix 9.

B. Review Procedure.

1. **Zoning Administrator and Staff Review.** All applications shall be referred to the Planning & Zoning Commission by the Zoning Administrator. Copies of proposed plans may be sent to other agencies and utility companies for comment. Within fifteen (15) days

following the filing deadline, the Zoning Administrator and Staff shall meet to review the application and compile written comments and recommendations to the Planning & Zoning Commission.

If the comments and recommendations reveal that the application has deficiencies which require significant additional work or further discussion between the Zoning Administrator and the applicant, the Administrator may defer sending the matter to the Planning & Zoning Commission until the outstanding issues have been addressed adequately by the applicant.

2. **Planning & Zoning Commission.** At the next regular meeting following the filing date for applications, the Planning & Zoning Commission shall consider the sketch plan and the comments and recommendations of the Zoning Administrator pertaining to the application. The Planning & Zoning Commission, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, shall approve the application, grant approval with modifications, or deny the application.

3. **Appeal to Town Board.** Decisions of the Planning & Zoning Commission may be appealed to the Board of Trustees. A written appeal of any action by the Planning & Zoning Commission shall be filed within fourteen (14) calendar days following the Planning & Zoning Commission decision.

4. **Town Board Action on Sketch Plan.**

a. **Appeals to the Town Board.** Decisions of the Planning & Zoning Commission appealed to the Town Board shall be heard after giving ten (10) day written notice to the applicant at a regularly scheduled meeting. The Town Board shall, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, approve the application, grant approval with modifications, or deny the application.

b. **Town Board Review.** The Town Board may call up for review any sketch plan acted upon by the Planning & Zoning Commission. Notice of such review must be requested in writing from three (3) or more Board members, or a majority decision of the Board members at a regularly scheduled Board meeting within fourteen (14) days following the Planning & Zoning Commission decision.

c. Approval of the Sketch Plan does not bind the Planning & Zoning Commission or Town Board to accept the Preliminary Plan or Final Plat.

5.04 Preliminary Plan

A. **Purpose.** The purpose of the preliminary plan is to allow a full review of all technical aspects of the subdivision. Submission requirements for preliminary plans are found in Appendix 9.

B. **Review Procedure.**

1. **Zoning Administrator and Staff Review.** All applications shall be referred to the Planning & Zoning Commission by the Zoning Administrator. Copies of proposed plans may be sent to other agencies and utility companies for comment. Within fifteen (15) days following the filing deadline, the Zoning Administrator and Staff shall meet to review the application and compile written comments and recommendations to the Planning & Zoning Commission.

If the comments and recommendations reveal that the application has deficiencies which require significant additional work or further discussion between the Zoning Administrator and the applicant, the Administrator may defer sending the matter to the Planning & Zoning Commission until the outstanding issues have been addressed adequately by the applicant.

2. **Planning & Zoning Commission.** At the next regular meeting following the filing date for applications, the Planning & Zoning Commission shall consider the sketch plan and the comments and recommendations of the Zoning Administrator pertaining to the application. The Planning & Zoning Commission, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town

Ordinances, shall approve the application, grant approval with modifications, or deny the application.

3. **Appeal to Town Board of Trustees.** Decisions of the Planning & Zoning Commission may be appealed to the Board. A written appeal of any action by the Planning & Zoning Commission shall be filled within fourteen (14) calendar days following the Planning & Zoning Commission decision.

4. **Town Board Action.**

a. **Appeals to the Town Board.** Decisions of the Planning & Zoning Commission appealed to the Town Board shall be heard after giving ten (10) day written notice to the applicant at a regularly scheduled meeting. The Town Board shall, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, approve the application, grant approval with modifications, or deny the application.

b. **Town Board Review.** The Town Board may call up for review any preliminary plan acted upon by the Planning & Zoning Commission. Notice of such review must be requested in writing from three (3) or more Board members, or a majority decision of the Board members at a regularly scheduled Board meeting within fourteen (14) days following the Planning & Zoning Commission decision.

5. Approval of the Preliminary Plan does not bind the Planning & Zoning Commission or Town Board to accept the Final Plat.

Section 2. Section 05.05.B.1 of the Land Development Code is hereby repealed and reenacted with amendments to read as follows (words to be added are underlined; words to be deleted are stricken through):

05.05 Final Plat.

B. Review Procedure. In connection with any request for subdivision, a Final Plat shall be submitted in accordance with the requirements of Appendix 9. Upon a finding by the Administrator that a complete plan has been submitted, reviewed and approved by all applicable departments, and after consultation with potentially impacted public agencies, the Final Plat will be scheduled for consideration at a public hearing before the Planning & Zoning Commission and the Board of Trustees. The Planning & Zoning Commission shall review the Final Plat and send its recommendations to the Board of Trustees. The Board of Trustees shall approve, approve with conditions, or deny the Final Plat in accordance with the criteria set forth in the Land Development Code. Notice of the public hearing(s) shall be provided in accordance with Section 05.10.

Section 3. Appendix 5 of the Land Development Code (Submission Requirements for Planned Development District Amendments) is hereby repealed in its entirety and to be read as follows (words to be added are underlined; words to be deleted are stricken through):

APPENDIX 5

SUBMISSION REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT AMENDMENTS

A. The applicant shall submit ten (10) large format hard copies and an electronic version of graphic documents similar in format for PD Plans with specific approval signature blocks for ownership of the PD amendment area, Planning & Zoning Commission approval, Board of Trustees approval and Clerk and Records Certificate, plus the legal description of the amendment area and the dates when the original Preliminary PD Plans or ODPs were recorded and the particular file, map, and recording page numbers. The word "amendment" shall appear under

the PD title at the top of the page. The staff will indicate the level of detail necessary for the graphic and narrative submissions.

- B. The proposed amendment(s) shall be clearly indicated on a site plan and a written narrative explaining in detail the changes from the original Preliminary or ODP approval must accompany the site plan.
- C. A list of property owners both within and external to the PD amendment area and up to three hundred (300) feet from the boundary of the PD amendment area. The Town will notice these owners within fifteen (15) days of the hearings before the Planning & Zoning Commission and the Board of Trustees by mail, return receipt requested. The Planning & Zoning Administrator will determine which properties within the entire or original planned unit development would be affected by the proposed change, and all owners of such property shall also receive notice.
- D. A land use chart showing all originally approved residential densities, numbers of units, nonresidential densities or Floor Area Ratio's (FARs), and nonresidential square footage compared to the new densities, unit numbers, FARs and square footage.
- E. Development Plan Sheet showing:
 - 1. Use list for all planning areas and maximum heights of uses;
 - 2. Major circulation system;
 - 3. Planning area acreage and densities;
 - 4. Open space areas/trails/parks/ recreation facilities;
 - 5. Utility facilities (water, sewer, drainage, etc., on a generalized engineering level);
 - 6. Public facilities and proposed dedication areas
 - 7. Initial development phasing Timetable
 - 8. Legal descriptions of amendment area tied to original boundary survey
 - 9. Title insurance commitment or policy dated a maximum of 15 days prior to the date of application.

Section 4. Appendix 9 of the Land Development Code (Submission Requirements for Subdivisions) is hereby amended by the addition of a new Section II (Sketch Plan Submission Requirements) and Section III (Preliminary Plat Submission Requirements) to read as follows:

II. Sketch Plan Submission Requirements - Developers should submit five (5) hard copies and one (1) electronic copy of the sketch plan to the Administrator. The sketch plan should include the following items:

- 1. A map showing the general location of the proposed subdivision, its property boundaries, and the direction of True North;
- 2. The name and address of the developer;

3. The proposed name and location of the subdivision;
4. The approximate total acreage of the proposed subdivision;
5. The tentative street and lot arrangement;
6. Topographic contours from available data, such as United States Geological Survey topographic maps;
7. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
8. Evidence that prior to the subdivision of any unsubdivided land or the re-subdivision of any land within the corporate limits of the Town of Wiggins or prior to the annexation of any land to the Town for the purpose of subdividing, the developer shall be able to convey, transfer or assign to the Town adjudicated water rights of sufficient priority that the rights will yield annually to the Town a quantity of water equal to 1.5 times the water required to serve the proposed development.
 - a. In lieu of the conveyance of such water to the Town of Wiggins, the developer, with the consent of the Board of Trustees, shall be prepared to pay to the Town the money equivalent of such water. The money equivalent shall be that amount determined by the Board of Trustees as being equal in value to the water required herein.
 - b. This evidence shall be provided by the developer to the Planning & Zoning Commission at the sketch plan stage to prove that the water rights described above are available for conveyance and sufficient in terms of quality, quantity, and dependability to satisfy the requirements of this Ordinance. Such evidence may include, but shall not necessarily be limited to:
 - 1) evidence of ownership or rights of acquisition of or use of existing or proposed water rights.
 - 2) historic use and estimated yield of claimed water rights.
 - 3) amenability of existing rights to a change in use.
 - 4) evidence concerning the potability of the claimed water rights.
9. The sketch plan shall contain a description of the water distribution system contemplated for the proposed development.
10. The sketch plan shall contain a description of the sewer collection system contemplated for the proposed development.
11. A report and map showing all the significant natural and man-made features on the site and within one-half mile of any portion of the site. This report will include streams, canals, lakes, -vegetation and geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision. Specific emphasis should be placed on those portions of the site located in designated flood plain or undermined areas.
12. A map showing soil types and their boundaries, as shown on Soil Survey Maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of all interpretations for the soil types shown on the soil map

prepared by the Soil Conservation Service. (Requests for these maps and tables are made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the map and table or have them prepared).

13. The scale of the Sketch Plan shall be not less than one inch (1") equals two hundred feet (200'). Some variation from this will be acceptable in the case of large subdivisions provided the plans and design are clearly legible. The sketch plan shall include the name of the subdivision, and block and lot numbers. In the case of large subdivisions requiring more than two sheets at such a scale, an area plan showing the total area on a single sheet and an appropriate scale shall also be submitted.
14. Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this chapter.

III. Preliminary Plat Submission Requirements- The Preliminary Plat application shall contain the following:

- A. One copy of an Application for Approval of a Preliminary Plat and all required supporting documents.
- B. Certified check payable to the Town for filing fees as established by the Town Clerk.
- C. A minimum of ten (10) black on white or blue on white prints of the Preliminary Plat and required supporting documents and one (1) electronic copy.
- D. One additional set of materials is required when the property being subdivided abuts a state highway.
- E. Summary Statement of Proposal including the following:
 1. Total acres to be subdivided.
 2. Total number of proposed dwelling units.
 3. Total number of square feet of non-residential floor space.
 4. Total number of off-street parking spaces, including those associated with single family residential use.
 5. Estimated total number of gallons of water per day required.
 6. Estimated total number of gallons per day of sewage to be treated.
 7. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other facilities as may be necessary to complete the development plan.
- F. List prepared by a licensed title or abstract company of all owners of record of property adjacent to and within 300 feet of the area of the proposed subdivision, including their addresses. This information will be utilized for notification of meeting time and date.
- G. Such other preliminary information as may be required by the Planning & Zoning Commission in order to adequately review the plat. Preliminary data should be prepared in graphic form avoiding time consuming final drafting procedures and detailed calculations.

H. The minimum data required for preliminary review are as follows:

1. Location Map - Select a scale from 1" = 500' to 1" = 1000', sufficient to show the proposed internal and the existing external road systems. Significant topographic features should be shown.
2. Preliminary Street Plans - 1" = 50' with two (2) foot contours with alignment, graphic dimensions of right-of-way widths, curve radii, and tangent lengths. The proposed typical structural and geometric cross sections, location, type and approximate size of appurtenant structures, such as bridges, culverts, traffic control devices, lot lines and other design features should all be shown.
3. Preliminary Street Profile Preliminary profiles based upon the contours and the sketched alignments should be provided showing graphic grades, proposed lengths of vertical curves, limits of horizontal curves, and locations of bridges and major culverts. Where streets are to be temporarily stubbed at site or plat boundaries, the profiles should extend sufficiently beyond the boundary to assure the feasibility of a future extension that can conform to standards.
4. Preliminary Drainage Plan and Report - The preliminary plan and report should contain the following minimum data. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with rough estimates of contributory acreage and runoff amounts. A sketch of the proposed land development showing the consequent changes in the drainage patterns, concentration points and flooding limits with estimates of acreage, runoff coefficients and runoff amounts for the areas to be developed both now and the future within each basin. A narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes.
5. Preliminary Design of Utilities - Preliminary plans and profiles of the proposed water and sewer facilities should be provided showing the location of all existing and/or proposed water and sewer and other utilities relative to the development. Indicate the size, type and other pertinent data for all existing and proposed utility improvements.
6. Preliminary Landscaping Plan - A preliminary landscaping plan shall be submitted which shall show the approximate size and types of proposed planting and the location of the planting and its spacing. The plan shall also show the approximate location, type, height, spacing, and physical health of existing vegetation. A statement will be required explaining the intent of the preliminary landscaping plan, as for screening purposes and specimen tree plantings.
7. Letter from the fire district concerning fire protection and fire flow requirements for the proposed subdivision.

Section 5. 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 6. 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 27th day of October 2021.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Mayor

ATTEST:

Deborah Lee, Town Clerk

WIGGINS PLANNING & ZONING COMMISSION

P & Z RESOLUTION NO. 05-2021

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE WIGGINS LAND DEVELOPMENT CODE CONCERNING, SITE PLANS, PLANNED DEVELOPMENT DISTRICTS, AND OTHER MATTERS

WHEREAS, there has been proposed an ordinance amending the Wiggins Land Development Code concerning site plans, planned development district and other matter; and

WHEREAS, the Wiggins Planning & Zoning Commission has held a public meeting to consider such amendments to the Wiggins Land Development Code; and

WHEREAS, the Wiggins Planning & Zoning 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 & ZONING COMMISSION OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Wiggins Planning & Zoning Commission hereby recommends approval of the proposed ordinance amending the Wiggins Land Development Code concerning site plans, planned development district and other matters.

INTRODUCED, READ, and ADOPTED this 19th day of October, 2021.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairperson

ATTEST:

Deborah Lee, Town Clerk