



TOWN OF WELLINGTON

3735 CLEVELAND AVENUE
P.O. BOX 127
WELLINGTON, CO 80549
TOWN HALL (970) 568-3381
FAX (970) 568-9354

PLANNING COMMISSION

July 12, 2010 MEETING
7:00 P.M.

Leeper Center, 3800 Wilson Ave., Wellington

AGENDA

CALL TO ORDER / ROLL CALL

ADDITIONS OR DELETIONS FROM THE AGENDA

PUBLIC COMMENT

Public invited to be heard on (items not on Agenda)

PRESENTATIONS

CONSENT AGENDA

Planning Commission Meeting Minutes from May 3, 2010

NEW BUSINESS

1. Prima Minor Subdivision – 4006 Cleveland Ave. – Lou Kinzli
2. Public Hearing – Setbacks for Decks and Patio Covers
3. Cancellation of August Meeting

TOWN ADMINISTRATOR UPDATE

SCHEDULE WORK SESSION

OTHER

ADJOURN

**PLANNING COMMISSION MEETING
MINUTES
May 3, 2010**

The Planning Commission for the Town of Wellington, Colorado, met on May 3, 2010 at the Leeper Center, 3800 Wilson Ave., Wellington, Colorado at 7:00 p.m.

COMMISSIONERS PRESENT: BERT MCCAFFREY, JACK BRINKHOFF, DAVID NOE, TRAVIS VIEIRA, WAYNE STERLER and BARRY FRIEDRICHS

COMMISSIONERS ABSENT: NONE

PRESIDING: CHUCK MAYHUGH, CHAIRMAN

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK

Additions or Deletions from the Agenda

None

Public to be heard on non-agenda items

None

Presentations

None

Consent Agenda:

Planning Commission Meeting minutes from April 5, 2010.

COMMISSIONER VIEIRA MOVED AND COMMISSIONER NOE SECONDED to approve the meeting minutes for April 5, 2010. Roll call was taken and the motion passed unanimously.

NEW BUSINESS

1. Final Plat for Pieper Subdivision

No discussion.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER FRIEDRICHS SECONDED to adopt the final plat for major subdivision of Pieper Subdivision. Roll call was taken and the motion passed unanimously.

Mr. Lorentzen said this could be placed on the next Board of Trustees meeting on May 11, 2010.

2. Discussion – Decks, Porches, Arbors and Pergolas in Setbacks.

Mr. Lorentzen explained of the few variance request we received most are due to setback issues. He said the problem is mostly with decks. In the new subdivisions the homes are built close to or right on the rear setback. This does not give the owner the ability put on covers or decks if they are attached to the home based on our definition of structure. He said the definition of a yard is the opening from ground to sky. He asked the Commission if they would consider modifying the code to allow exceptions to the rear yard setback without the owner having to request a variance.

The main items of concern were minimum setback needed; % of back yard space that could be covered; and back yard only no side yard exceptions.

Mr. Lorentzen said he would put together some diagrams and definitions for the next meeting. Then we would need to set a public hearing on the changes.

Town Administrators Update

Mr. Lorentzen updated the Commission on the following items.

- Work session with Board next Tuesday to review BHA revised plans for Buffalo Creek Park
- Miramont moving forward with new building
- Advance Tank moving forward with new building
- Building Permits – Cynthia said we are ahead of the budget for this year. She thought that we had issued 14. Most of those are in Columbine Estates.

Schedule Work Session

No work session was scheduled.

Other

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER FRIEDRICHS SECONDED to adjourn at 7:25pm. Roll call was taken and the motion passed unanimously.

ATTEST:

Cynthia Sullivan, CMC
Deputy Town Clerk

AGENDA ITEM SUMMARY SHEET

Planning Commission Meeting- July 12, 2010

ITEM: #1

SUBJECT: Prima Minor Subdivision – Replat South 112 Feet, Lot 3, Block 4, Benders Addition, into two lots

SUMMARY:

Proposal

Ou Kinzli, Prima Land and Investment, Inc. 4006 Cleveland Ave., is requesting approval for the subdivision of the parcel at 4006 Cleveland containing two commercial buildings into two separate lots.

Issues:

The Plat as Submitted appears complete and in conformance with Town Standards as to layout, necessary information , signature blocks etc.

Town Code requires all lots have access to public streets. The existing access on Cleveland Avenue is a right turn onto Cleveland only. Access into both buildings is from Fifth Street. The area outside the building footprints needs to be a common access, utility and drainage easement. A “Do Not Enter” should be posted at the Cleveland access.

Currently both buildings are served by one water tap. Additionally it appears both buildings may be served by one electric meter. Separate services for all utilities need to be supplied to the buildings.

The Town requires applicants for land use changes and development to sign a D-5 form agreeing to cost for engineering review and legal expenses. The applicant is in arrears on the Creekside Village development.

Staff Recommendation

Staff recommends the Planning Commission recommend approval to the Town Board subject to the following conditions being completed prior to recording of the plat.

1. Provide Separate utility services to buildings.
2. Be current with all developer receivable billings.
3. Install a “Do Not Enter” sign on the exit to Cleveland Avenue.

TOWN OF WELLINGTON

LAND USE CODE

Land Use Application Form

APPLICATION AND DECISION RECORD

FOR A MINOR SUBDIVISION

A. Conceptual Plan Submission Requirements.

1. Applicant's name, address, mailing address, email and telephone number:
Lou Kinzli, 11150 N. CO. RD. 15, Ft. Collins, CO 80524 - 970-568-3800
2. Legal description of the property proposed for the land use change:
Lot 3, Block 4, Benders Add. Wellington

3. Existing Zoning District Commercial
Proposed Zoning District _____
4. Give a brief nonlegal description of the existing land use of the site and of the general character of the use of adjacent lands.
Two separate buildings are in place - Real Estate office and
Chiropractic office - conforming to adjacent land

5. Give a brief nonlegal description of the proposed land use.
Office space or anything else allowed under existing zoning

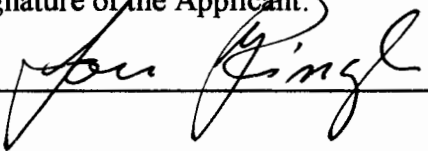
6. Provide a sketch plan of the proposed land use change, including a site analysis consisting of a map, plot plan or diagram showing the total acreage, abutting landowners and land uses, streets, highways, utilities that will service the proposed development: and major physical features, including drainage and the location of natural hazards. [attach maps and sketches as necessary]
7. Provide an elevation drawing of the propose structure(s) showing height and

describing the exterior materials. [attach drawings as necessary]

8. Provide other information that the applicant believes will assist the Planning Commission and the Board of Trustees in making a fair decision. [attach additional sheets as necessary]

Applicant wants to retain the smaller building
and sell the larger building - condominiumizing access & parking area only.

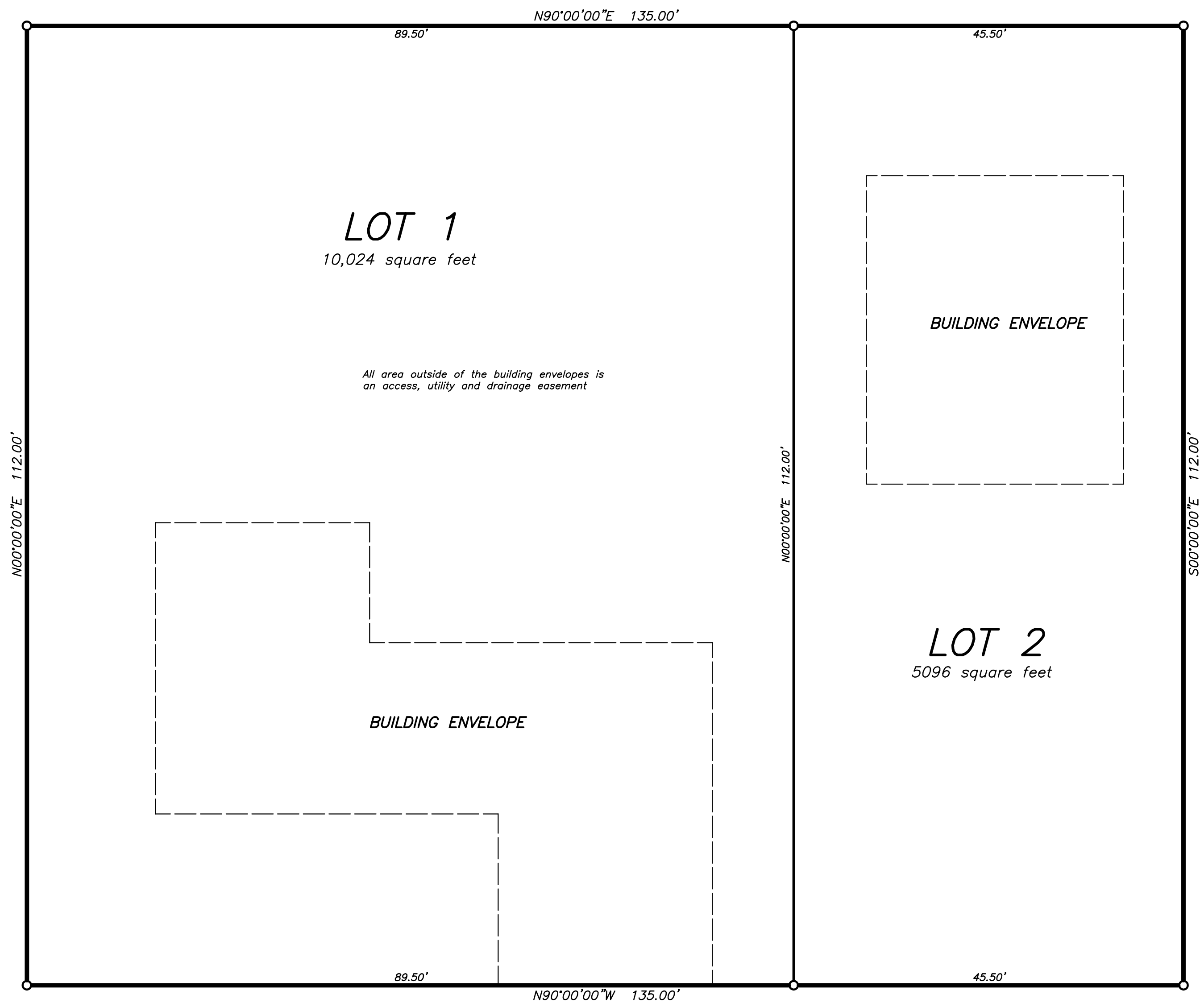
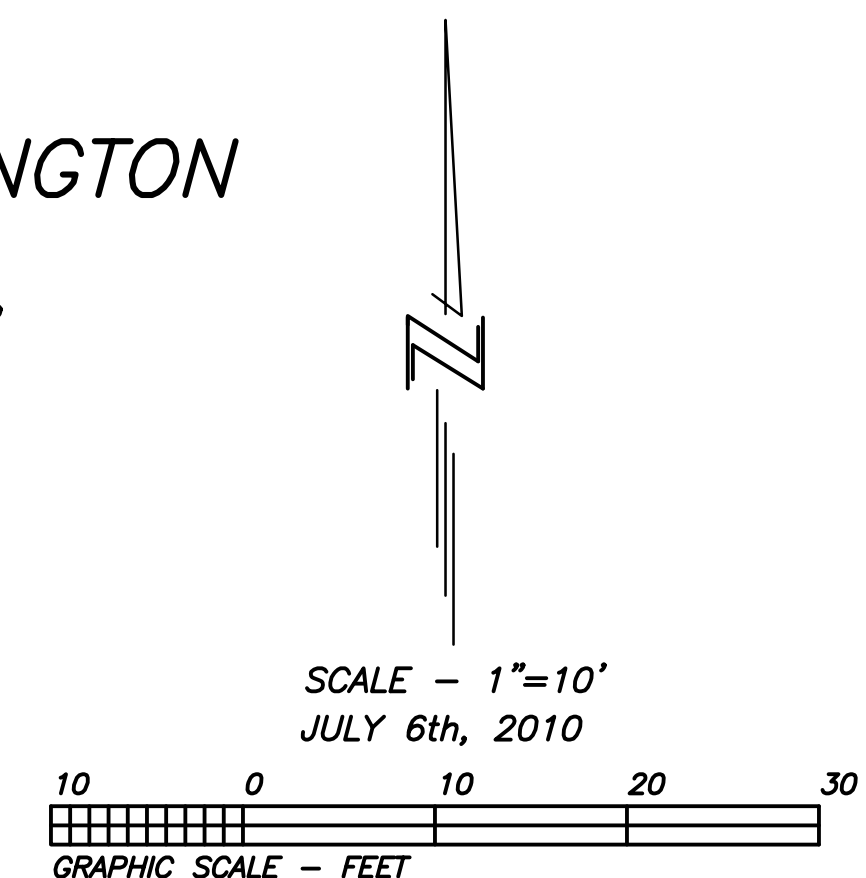
9. Signature of the Applicant:



Date 5-13-2010

PRIMA MINOR SUBDIVISION

BEING A REPLAT OF THE SOUTH 112 FEET OF LOT 3, BLOCK 4, BENDER'S ADDITION TO THE TOWN OF WELLINGTON
 SITUATE IN THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 68 WEST OF THE SIXTH P.M.,
 TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO



DEDICATION OF PUBLIC PROPERTY

The owner of the real property described in this Plat has caused the real property to be surveyed, laid out and subdivided under the name of PRIMA MINOR SUBDIVISION, and does hereby sell, grant, dedicate, and convey to the Town of Wellington in fee simple, free and clear of all liens and encumbrances, and set apart all of the streets, roads, alleys, easements, and other public ways and places as shown on the accompanying plat to the use of the public forever. The owner shall be responsible for construction and maintenance of all improvements of said streets, alleys, easements, public ways and places, until acceptance of maintenance therefore by the Town as provided in the Wellington Municipal Code.

CERTIFICATE OF TITLE

I, _____, an attorney licensed to practice law in the State of Colorado, certify to the Town of Wellington, Colorado, that I have examined the title to the property being subdivided and being dedicated to the Town of Wellington, Colorado, and that all owners and proprietors as defined by CRS '31-23-111 have signed this plat. The language of this certification may be altered, including allowing certification by a title insurer licensed to do business in the State of Colorado, with approval of the Town Attorney.

by _____
 State of Colorado } S.S.
 County of Larimer }
 The foregoing dedication was acknowledged before me this _____ day of _____ A.D., 20____ by _____
 My notarial commission expires _____ NOTARY PUBLIC _____

CERTIFICATE OF OWNERSHIP

I/We certify that _____ is/are the owners of the property, _____ are all of the mortgagees and holders of liens upon the property, and each and all hereby consent to this plat and join in the conveyance and dedication of all streets, roads, alleys, easements, public ways, and places shown hereon.

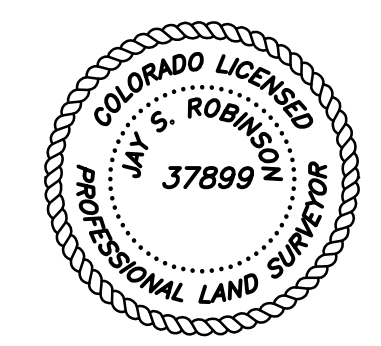
PRIMA LAND AND INVESTMENT, INC.
 by _____
 LUDWIG L. KINZLI, _____
 State of Colorado } S.S.
 County of Larimer }
 The foregoing dedication was acknowledged before me this _____ day of _____ A.D., 20____ by Ludwig L. Kinzli as _____ of Prima Land and Investment, Inc.
 My notarial commission expires _____ NOTARY PUBLIC _____

SOUICIE CHIROPRACTIC AND MASSAGE
 by _____
 State of Colorado } S.S.
 County of Larimer }
 The foregoing dedication was acknowledged before me this _____ day of _____ A.D., 20____ by _____ as _____ of Soucicie Chiropractic and Massage.
 My notarial commission expires _____ NOTARY PUBLIC _____

SURVEYOR'S CERTIFICATE

I, Jay S. Robinson, PLS #37899, a duly registered land surveyor in the State of Colorado, do hereby certify that this Plat of PRIMA MINOR SUBDIVISION was performed by me or under my direct supervision, and that this plat has been prepared in compliance with all applicable laws of the State of Colorado at the time of this survey and within my control and is accurate to the best of my knowledge, information and belief.

 JAY S. ROBINSON
 Colorado licensed P.L.S. No. 37899
 Date _____



PLANNING COMMISSION CERTIFICATE

Approved this _____ day of _____, 200____, by the Town Planning and Zoning Commission, Wellington, Colorado.

BOARD OF TRUSTEES CERTIFICATE

Approved this _____ day of _____, 200____, by the Board of Trustees, Wellington, Colorado. This approval is conditioned upon all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, street lights, street signs and sidewalks shall be financed by others and not the Town.

REVISIONS	
No.	REMARKS

STEWART & ASSOCIATES
 CIVIL ENGINEERS AND LAND SURVEYORS
 103 SOUTH MELDRUM STREET, FORT COLLINS, COLORADO 80521
 PHONE: (970)462-9331, FAX: (970)462-9382, EMAIL: stewart@stewartandassociates.com

SCALE: 1"=10'
 SURVEY: D.H.K.
 CHECKED: J.S.R. 1
 DRAWN: J.S.R. 1
 DESIGNED: J.S.R. 1
 P.E. / L.S. J.S.R. 1

CLIENT: PRIMA LAND AND INVESTMENT, INC. c/o Lou Kinzli
 4006 CLEVELAND AVENUE, WELLINGTON, CO 80549
 PROJECT: SOUTH 112' OF LOT 3, BLOCK 4, BENDERS ADDITION
 WELLINGTON, COLORADO
 TYPE: SUBDIVISION PLAT

JOB NUMBER SNDRS-MS sub-dplat disk #10	DATE 07/06/10 PLAT No.
---	------------------------------

SHEET NUMBER
 ONE OF ONE

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.

TOWN OF WELLINGTON

LAND USE CODE

Form D-5

AGREEMENT

FOR PAYMENT OF REVIEW EXPENSES

THIS AGREEMENT, made and entered into this 13 day of May, A.D. _____ by and between the TOWN OF WELLINGTON, COLORADO, a municipal Corporation, hereinafter referred to as "the Town," and Lon Kinzli hereinafter, referred to as "the Applicant,"

WITNESSETH:

WHEREAS, the Applicant is the owner of certain property situated in the County of Larimer, State of Colorado, and legally described as follows, to-wit:

WHEREAS, the Applicant desires to develop said property and has made application to the Board of Trustees of the Town of Wellington for approval of Prima Manor
Subdivision : and

WHEREAS, the Parties hereto recognize that the land use fees as specified by the Municipal Code of the Town of Wellington may not be adequate to fully cover the Town's expenses in considering the referenced application, including, but not limited to, legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. FULL AND SEPARATE ACCOUNTING OF REVIEW EXPENSES.

The Town will maintain separate accounts of all monies expended as a result of the review of the above referenced application. Statements of expenses incurred will be made available to the Applicant monthly throughout the time the application is being reviewed by the Town. Expenses charged to the applicant's account shall include, but shall not be limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

2. EXPENDITURE OF FEES PAID BY THE APPLICANT.

The Town shall expend the monies collected from the Applicant in the form of land use fees, in the payment of expenses incurred in the review of the Applicants request, including, but not limited to, fees charged to the Town for legal publications, engineering services, attorney services, consultant services, reproduction of material and public hearing expenses. Only after all expenses incurred in the review of the Applicant's request have been paid, may these monies be used for other purposes as determined by the Town.

3. PAYMENT OF REVIEW COSTS BY THE APPLICANT.

In the event that the Town incurs expenses for the review of the Applicant's request greater than the monies collected from the Applicant in the form of land use fees, the Applicant shall reimburse the Town for the additional expenses. Said reimbursement shall be made within ten (10) days of the Town submitting an invoice for the expenses. Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application and/or deny approval of the application.

4. APPLICATION TERMINATION.

Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate his application at any time by giving written notice to the Town. The Town shall immediately take all reasonable steps necessary to terminate the accrual of costs to the applicant. e.g. notify newspapers to cancel publications, etc. The Applicant will continue to be liable for all costs reasonably incurred by the Town prior to, and after, submitting a notice of termination.

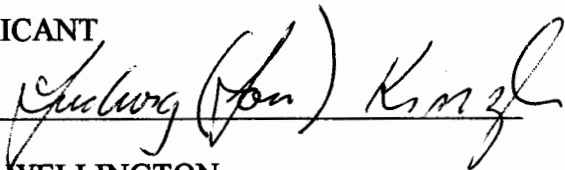
5. COLLECTION OF FEES AND COSTS.

If the Applicant fails to pay the fees required herein when due, the Town may take those steps necessary and authorized by law to collect the fees due. The Town shall also be entitled to all court and attorneys fees, other costs incurred in collection and interest on the amount due at the rate of 18% per annum.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed on the day and year first above written.

THE APPLICANT

Signature

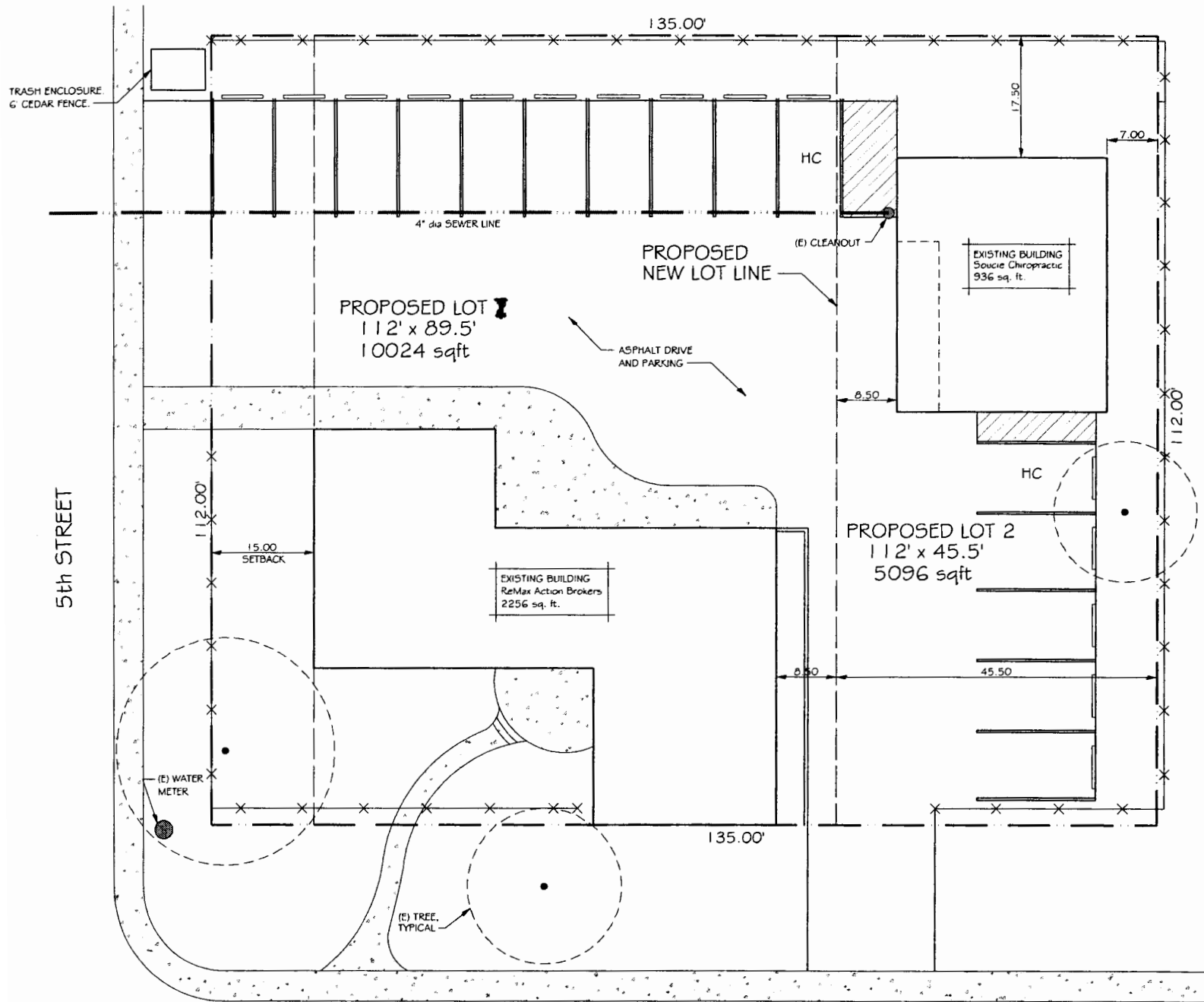


TOWN OF WELLINGTON

Signature _____

ATTEST:

Town Clerk

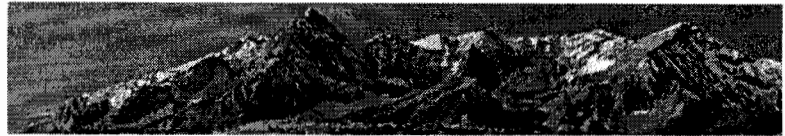
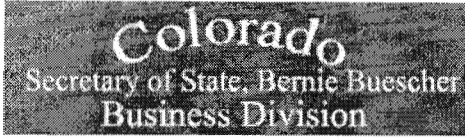


CLEVELAND AVENUE



SITE PLAN

SCALE FACTOR: 1" = 20'



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For this Record...

- History & Documents
- Cert of Good Standing
- File a Document
- Subscribe Email Notification
- Unsubscribe Email Notification

Summary

ID Number: 19931035959
 Name: PRIMA LAND & INVESTMENT, INC.

- Business Home
- Business Information
- Business Search

Registered Agent: LUDWIG L. KINZLI
 Registered Agent Street Address: POB 1260, WELLINGTON, CO 80549, United States
 Registered Agent Mailing Address:

- FAQs, Glossary and Information

Principal Street Address: POB 1260, WELLINGTON, CO 80549 , United States
 Principal Mailing Address: 11150 N CO RD 15, FORT COLLINS, CO 80524, United States

Status: Good Standing
 Form: Corporation
 Jurisdiction: Colorado
 Formation Date: 04/05/1993
 Term of Duration: Perpetual
 Annual Report Month: February

You may:

- View History and Documents
- Obtain Certificate of Good Standing
- File a Document
- Subscribe to E-mail Notification Regarding this Record
- Unsubscribe from E-mail Notification Regarding this Record

[Previous Page](#)

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Assessor Property Information

Property Tax Year 2010

Parcel Number: 89331-38-005

Tax District: 1500

Schedule Number: R1244302

Current Mill Levy: 97.710

General Information

Owner Name & Address

PRIMA LAND and INVESTMENT, INC
PO BOX 1261
WELLINGTON, CO 80549

Property Address

4006 CLEVELAND AVE
WELLINGTON 80549-0000

Subdivision #: 6000 - BENDER'S ADD TO WELLINGTON

Neighborhood #: 160

Legal Description

S 112 FT OF LOT 3 BLK 4, BENDERS ADD, WELLINGTON

Sales Information

Reception #	Sale Price	Deed Type	Sale Date
2001007764	\$195,000	WARRANTY DEED	01/30/2001
98045571	\$60,000	WARRANTY DEED	06/01/1998

Value Information (as of May 1, 2010)

Abstract Code/Description	Value Type	Actual Value	Assessed Value	Net Acres	Net Sq Ft	
2221L	Offices	Land	\$151,200	\$43,850	0.35	15,120
2221	Offices	Improvement	\$194,200	\$56,320	0.00	0
		Totals:	<u>\$345,400</u>	<u>\$100,170</u>	<u>0.35</u>	<u>15,120</u>

Property Attributes and Descriptions

Attribute	Attribute Description
Utilities	Electricity
Water	Public
Improvements	Paved Streets
Improvements	Curb Gutter
Heat	Natural Gas
Topography/Shape	Level

AGENDA ITEM SUMMARY SHEET

Planning Commission Meeting- July 12, 2010

ITEM: #2

SUBJECT: Setbacks for decks and covered patios

SUMMARY:

Issue:

Wellington's Town Code requires a 20 foot rear yard setback for the Principle Structure a "setback" is defined as follows:

"Setback means the required open space unoccupied and unobstructed between the nearest projection of a structure and the property line of the lot on which the structure is located, with the exception of eaves which may project a maximum of eighteen (18) inches into the setback."

A deck is a structure requiring a foundation of footers, railing if over 30" high, steps and landings to building code and thus a building permit. If attached to a house it is an addition to the house and required to meet the setback requirement. A patio surface is allowed in the setback but a roof over a patio has to meet the setback with the exception of an 18" eave.

In the newer subdivisions ranch style houses have typically been built close to the rear yard setback with a concrete patio adjacent to the back door. In these cases, the ability of the property owner cover the patio or eliminate the patio and add a deck has been eliminating.

A public hearing has been advertised to consider modifications to the municipal code to change setback requirements to allow more leeway in installing decks and covered patios. Based upon Planning Commission recommendations after public input, staff will prepare an ordinance to go to the Town Board at the July 27th meeting.

Staff Recommendation

Staff believes some setback needs to be in place for decks to provide privacy for the neighbor behind, particularly with a deck of a second story. Staff is recommending a minimum 10 foot setback.

Following are two options for consideration.

The first just reduces the rear yard setback for covered patios and decks (covered or uncovered) to 10 feet. No walls are allowed.

The second option allows in addition to the above a walled in (glass or screen) sun porch.

Option 1:

Add the following definitions to the Chapter 16 of the Municipal Code.

Deck means an exterior raised platform attached to the principle structure which may be covered by roof or uncovered, but has no walls other than an open hand rail no more than 40 inches high.

Patio Cover means an exterior paved surface covered by a roof, but no walls higher than 24 inches.

Amend the Residential Density Standards to include setbacks for decks and patio covers:

Zones Standards	A Agriculture	R-1 Residential 1 Single- family Rural Density	R-2 Residential Single- family Medium Density	R-3 Residential 1 Single- family senior housing	R-4 Residential Multi-family	MH Mobile/ Manufactured Home Park
<i>Minimum rear yard setback (feet)</i>						
<i>Principal building</i>	20	20	20	10	15	10
<i>Accessory building or structures</i>	5	5	5	5	5	5
<i>Deck</i>	10	10	10	10	10	10
<i>Patio Cover</i>	10	10	10	10	10	10

Option 2:

Add the following definitions to the Chapter 16 of the Municipal Code.

Deck means an exterior raised platform attached to the principle structure which may be covered by roof or uncovered, but has no walls other than an open hand rail no more than 40 inches high.

Patio Cover means an exterior paved surface covered by a roof attached to the principle structure, but no walls higher than 24 inches.

Sun Porch means a covered exterior screened or glassed in patio or deck attached to the principle structure and accessed from the principle structure by single exterior door. Solid Walls to be no more than 24 inches high. All walls to be a minimum of 50% glass or screen.

Amend the Residential Density Standards to include setbacks for decks, patio covers and sun porches:

Zones Standards	A Agriculture	R-1 Residential 1 Single- family Rural Density	R-2 Residential Single- family Medium Density	R-3 Residential 1 Single- family senior housing	R-4 Residential Multi-family	MH Mobile/ Manufactured Home Park
<i>Minimum rear yard setback (feet)</i>						
<i>Principal building</i>	20	20	20	10	15	10
<i>Accessory building or structures</i>	5	5	5	5	5	5
<i>Deck</i>	10	10	10	10	10	10
<i>Patio Cover</i>	10	10	10	10	10	10
<i>Sun Porch</i>	12	12	12	10	15	10