



**TOWN OF WELLINGTON
PLANNING COMMISSION**

**May 2, 2022
6:30 PM**

Regular Meeting

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to birdca@wellingtoncolorado.gov. The email must be received by 4:00 p.m. Monday, May 2, 2022. The comments will be provided to the Commissioners and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

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<https://us06web.zoom.us/j/89995170046?pwd=Z29ycUlwM2JtQjR6bEJQcUYwdGtJdz09>

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-
1. CALL TO ORDER
 2. ROLL CALL
 3. ADDITIONS TO OR DELETIONS FROM THE AGENDA
 4. PUBLIC FORUM
 5. CONSIDERATION OF MINUTES
 6. NEW BUSINESS
 - A. Consideration of Annexation and Zoning Request - Lamb Annexation - 7840 Sixth Street
 7. ANNOUNCEMENTS
 8. ADJOURNMENT

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Planning Commission Meeting

Date: May 2, 2022
Submitted By: Cody Bird, Planning Director
Subject: Consideration of Annexation and Zoning Request - Lamb Annexation - 7840 Sixth Street

EXECUTIVE SUMMARY

The owner of a property approximately 0.57 acre in size located east of Sixth Street at the intersection of Sveta Lane has submitted a petition for annexation to incorporate the property into the Town of Wellington. The same property was previously considered for annexation in 2020, and following recommendations from the Planning Commission and a public hearing by the Board of Trustees, the annexation was approved. After the approval, the Town was not provided with a signed annexation map to be recorded with the Larimer County Clerk and Recorder, and having not been recorded within 180 days from the date of approval, the annexation became void and of no effect. The owner has petitioned to again have the property annexed into the Town of Wellington.

The Board of Trustees on April 12, 2022 passed Resolution No. 14-2022 finding the annexation petition to be in substantial compliance with State and local requirements and found that the property meets the eligibility requirements of State Statutes. The resolution also established the date for a public hearing to consider the annexation on May 24, 2022. The Board of Trustees referred the proposed annexation to the Planning Commission for review and to form a recommendation on the annexation. If annexation is recommended, a recommendation for zoning is also needed.

BACKGROUND / DISCUSSION

The property owner, Linda Lamb, has submitted a petition for annexation to incorporate approximately 0.57 acre of land at 7840 Sixth Street into the Town of Wellington.

1. Existing Conditions:

- The property is approximately 0.57 acre in size and has an existing 1,300 sq. ft. modular home originally established in 1976. The building has been vacant for a number of years, and was previously used for a professional office.
- The property is located at the south end of the Sixth Street commercial corridor. Interstate 25 is adjacent to the east side of the property. North of the property is a hotel, and west of Sixth Street is a veterinary clinic, floodplain/open space, a single-family residence, and a mixed use commercial development.
- Vacant parcels west of Sixth Street are likely to continue to be developed for commercial uses or mixed uses.
- Sixth Street is narrow adjacent to this parcel and to the south. The street section is in need of being widened. Coal Creek drainage also intersects at Sixth Street, and the south portion of the annexation property is impacted by floodplain. Additional drainage and floodplain impacts will require future consideration as part of a site plan review and development proposal.

2. Proposed Development:

- The owner is requesting the property be zoned C-3 Mixed Use Commercial District (formerly C-3 Highway Commercial District prior to recent updates to the Land Use Code).

- The size and shape of the property will limit development to a single lot. The applicant has provided a conceptual only site plan to demonstrate the ability to develop the site for uses allowed within the C-3 zoning district. The Concept Site Plan is attached.
- The site and existing building may be redeveloped following site plan review approval and proper building permits.

3. Planning Considerations:

- The property is within the Town's Growth Management Area (GMA) and is within the identified 3-mile plan adopted by the Town. Land within the GMA and 3-mile plan are areas which are likely to be incorporated into the Town and urban services provided.
- Urban services including Town water and sanitary sewer can be extended to serve the property. There is sufficient capacity within the adjacent public utilities to serve the site. Public utilities necessary to serve the site can be designed and installed at the time of site plan review or building permits.
- There are adequate public roads to provide access to the property. Additional right-of-way and easements along Sixth Street are required to be dedicated at the time of annexation. The owner has agreed to make the dedications and is preparing documentation necessary for right-of-way and easement dedications.
- Road widening and turn lanes in accordance with applicable Town standards will be a consideration at the time of site plan review.
- Re-use or redevelopment of the property will bring a new commercial property into the Town and contribute to commercial property tax and sales tax revenues.
- Re-investment into the existing property will help to improve the appearance of a highly visible property near the entrance to the community.

4. Zoning Considerations:

- The applicant has requested the property be zoned C-3 Mixed Use Commercial District (formerly C-3 Highway Commercial District prior to recent updates to the Land Use Code).
- When the Board of Trustees considered and approved annexation of this property in 2020, the property was assigned a zoning district designation of C-1 Community Commercial District. Considerations for assigning the C-1 zoning designation was based on the lot size and shape not being suitable to accommodate the scale of development generally located within the C-3 zoning district (then Highway Commercial District) and also meet required parking, circulation and landscaping requirements. The applicant has provided the attached Concept Site Plan to illustrate how the property could be redeveloped to meet requirements.
- A zoning map is included with this report identifying the existing zoning of adjacent and surrounding properties.
- The zoning Table of Allowable Uses (Section 4.02 of the recently updated Land Use Code) is attached for reference.
- The applicant has also provided a brief narrative explaining their desire for the requested C-3 zoning district (Applicant Narrative, attached).

When evaluating the appropriateness of zoning for an annexation property, the Planning Commission should consider findings of fact. The below findings are provided as a guideline for matters which may be considered by the Planning Commission. Matters that are determined by the Commission to be important will be the basis for the Commission's recommendation to the Board of Trustees.

1. CHARACTER OF THE NEIGHBORHOOD: *(Factual description of the application area and surrounding property as to general nature, conditions, age of structures, etc.).*

- The annexation property is a 0.57 acre property located east of Sixth Street near the intersection with Sveta Lane.
- Sixth Street is a major collector roadway. The annexation property has direct access to Sixth Street.
- The site is located adjacent to Interstate 25 and is visible from Interstate 25.
- Properties north of the annexation property on the east side of Sixth Street are developed for commercial uses and primarily support highway travelers. Existing businesses include a hotel, fast food establishments with drive thrus, an urgent care facility and a banking/lending institution.
- Properties on the west side of Sixth Street are developed for a mix of residential uses and businesses that largely support local residents. Existing developments west of Sixth Street include single-family attached townhomes, medical offices, dentist offices, a veterinary clinic and small scale retail.
- There is a farmhouse west of Sixth Street across from the annexation property built in 1916 and is in fair condition.
- South and west of Jefferson Avenue and Sixth Street is a commercial center that includes a neighborhood grocery store, a general merchandise store, and a number of smaller retail, service and dining establishments.

2. ZONING AND USES OF PROPERTIES NEARBY: *(Factual description of surrounding property as to existing zoning and land uses).*

- Existing zoning and land uses adjacent to the proposed rezoning area are as follows:

Surrounding Zoning and Land Uses

Direction	Zoning	Land Use
North	C3 – Mixed Use Commercial District	Hotel Fast Food with drive thrus Urgent Care Facility
East	N/A	Interstate 25
South	N/A – Frontage Road C3 – Mixed Use Commercial District	Grocery and general merchandise Retail, Service and Dining
West	TR – Transitional District C1 – Community Commercial District	Farmhouse Veterinary Clinic Floodplain/Open Space Vacant C1 parcels

3. SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: *(How is the property currently zoned and what uses are allowed on the property? Are there uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones that might be appropriate for this property?)*

- The property is presently in unincorporated Larimer County and is zoned O – Open Zone District.
- The property is an enclave (completely surrounded by Town of Wellington). The County does not provide utility services to this property to a level of service that supports commercial development.

- Restricting the property to the County O – Open Zone District limits the ability of the property to be developed for commercial uses that may otherwise be suitable for the location.
- Properties north of the area along Sixth Street include quick-serve restaurants, drive-thrus, fuel sales, lodging and other uses that support vehicle traffic traveling on Interstate 25.
- The requested C3 – Mixed Use Commercial District designation would allow additional uses intended to support highway traffic and visitors to the community that are currently restricted on the property.

4. EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: *(Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address)*

- The requested C3 – Mixed Use Commercial District zoning allows a wide range of business uses that are intended for automobile-oriented uses and to preserve multiple modes of transportation. Uses are intended to transition down to lower intensity neighborhood districts.
- The property is adjacent to Sixth Street and has direct access to Sixth Street. Improvements are needed for Sixth Street to ensure traffic needs are satisfied in accordance with Town standards. However, vehicular traffic entering and exiting the site will have limited impacts on adjacent properties. Traffic generated by development of the property would have a southbound left turn lane to access the site and primarily right turns exiting the site to get back onto Sixth Street and back to Interstate 25.
- The lot size and shape of the annexation property will limit the size of development. There are some uses allowed with the C3 zone district that would not be possible to locate on the property.
- Uses that generate significant traffic may result in vehicles parking on the adjacent hotel parking lot to the north. A cross-lot access and shared parking agreement could help to alleviate potential adverse impacts to the property to the north.

5. LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS

ZONED: *(Factual information, but its importance may be somewhat subjective. A property may be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, land speculation, fragmented ownership, lack of available public services, or other development problems.)*

- Being in unincorporated Larimer County, the property has always had a County zoning designation. The site was formerly used as a business office for Northern Colorado Water Association, and was established under the County zoning and building regulations. The building has been vacant for many years, estimated to have been vacated around 2004-2005 when Northern Colorado Water Association moved their office location north to near Owl Canyon Road.
- Zoning may not be the only reason the property has remained vacant. Redevelopment of the site could be limited by the size and shape of the property.
- Other development/redevelopment factors that could contribute to the length of time the property has been vacant may include no water connection (Northern Colorado Water Association previously served, but has since abandoned the line to this location), private septic system, limited parking area and no paved parking lot and no sidewalks.

- The existing building would also likely need renovations to be suitable for most commercial uses and the cost to rehabilitate or remove may be a contributing factor to the length of time the property has remained vacant.
- The south portion of the property is impacted by floodplain and will need to be resolved for the property to develop. Mitigating floodplain and addressing needed drainage can be a deterrent to development.
- Improvements to Sixth Street and drainage are anticipated in order to redevelop this site. Since developers are responsible for financing improvements necessitated by their site, the costs of public improvements may be an additional factor in the length of time the property has remained vacant.

6. GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE POSSIBLE DIMINUATION IN VALUE OF THE APPLICANT'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED ON THE APPLICANT IF THE REQUEST IS DENIED: *(The protection of public health, safety, and welfare is the primary basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the Town's responsibility to its citizens should be weighed.)*

- If the zoning is approved for C3 – Mixed Use Commercial District and allowed uses result in increased vehicle traffic, the adverse impacts of traffic will have to be mitigated by making improvements to the roadway.
- Applying a different zoning designation may have the effect of allowing uses that do not generate the same volume of traffic as uses allowed in the C3 zone district.
- Changing the zoning to allow a wider range of commercial uses could increase opportunities for expanding the town's commercial tax base which can in turn support overall town fiscal health.
- Changing the zoning of the property could also facilitate redevelopment of the site to improve the overall appearance at a highly visible location.

7. IMPACT OF THE PROPOSED DEVELOPMENT ON COMMUNITY FACILITIES: *(Are water and sewer available for extension? How are roads impacted? Can other community facilities handle the increased development? Should be based on factual information referencing standards used to make the determination.)*

- Municipal water and sewer infrastructure are currently available near the site, and are capable of being extended to accommodate uses permitted within the C3 District.
- Sixth Street improvements, stormwater conveyance and pedestrian sidewalk connections have been identified as needed adjacent to this property. Impacts of increased commercial development will need to address these concerns as part of a site plan review and development approval process.
- Police and fire protection are already provided to serve the site. Allowing C3 zoning may allow some uses that could result in increased need for emergency services. A redevelopment proposal may need to evaluate the emergency services needs for the specific use at the time of site plan review.
- Parks and library services are not expected to experience a significant increase in use as a result of the rezoning.
- Development of commercial uses permitted within the C3 District would not be expected to result in an increase in school enrollment.

8. OPPOSITION OR SUPPORT OF NEIGHBORHOOD RESIDENTS: *(Neighborhood support or opposition is just one of the factors to be considered in a decision to approve or deny a zoning request. Other applicable factors should also be considered.)*

- The Planning Commission will need to consider any public testimony presented to it at the public meeting.
- The Board of Trustees also has a scheduled public hearing for May 24, 2022 and will need to consider public testimony provided during the public hearing.

9. CONFORMANCE OF THE REQUESTED CHANGE TO THE TOWN'S COMPREHENSIVE PLAN: *(Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?)*

- The future land use component of the Comprehensive Plan identifies the area around the subject property as Downtown Neighborhoods. At the time the Comprehensive Plan was adopted (August 2021), the intent of the Downtown Neighborhoods was to allow limited business uses which would have been suitable to be intermixed with residential properties. Through the course of updating the Land Use Code, it was determined that business uses should be further restricted within the Downtown Neighborhoods District.
- Due to the changes in Land Use Code update process, the future land use designation identified for the subject property may not be appropriate. The Commercial or Mixed Use categories as identified in the Comprehensive Plan may be found to be more suitable for the subject property.

10. RECOMMENDATION OF PROFESSIONAL PLANNING STAFF: *(Should be based on the preceding factors, adopted plans and policies, other technical reports which speak to the topic and staff's best professional judgement.)*

- Town staff suggests that the preceding findings can support the owners request for zoning the property C-3 Mixed Use Commercial District, and in particular:

Finding 1: The existing neighborhoods along Sixth Street are primarily commercial. Properties on the west side of Sixth Street are zoned C-1 Community Commercial District and properties east of Sixth Street are zoned C-3 Mixed Use Commercial District (formerly C-3 Highway Commercial District before recent updates to the Land Use Code). Existing developed sites north of the annexation property are generally compatible with the automobile-oriented nature of the C-3 zone district. Sixth Street is a major collector roadway intended to accommodate a higher volume of traffic. The annexation property has direct access to Sixth Street, so increased traffic to the site would not be expected to detrimentally impact surrounding properties provided any Sixth Street improvements needed are improved at the time of site development.

Finding 2: Existing zoning and land uses adjacent to the property and surrounding the property are generally compatible. Properties east of Sixth Street are generally more intensive C-3 zoning uses. Properties west of Sixth Street are zoned C-1 and includes a mix of business and mixed use developments that provide a transition from the higher intensity C-3 uses to the residential neighborhoods further west.

Finding 5: Zoning alone may not be the only reason the property has remained vacant. Allowing a new zoning district that could facilitate redevelopment of the site could have positive benefits to clean up the site, improve the Sixth Street roadway, and increase the community's commercial tax base.

STAFF RECOMMENDATION

Move to forward a recommendation of approval to the Board of Trustees to annex the Lamb Annexation into the Town of Wellington and to amend the official zoning map of the Town to include the annexation as C3 – Mixed Use Commercial District based on the analysis and findings contained in the staff report.

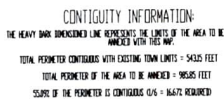
ATTACHMENTS

1. Location Map
2. Annexation Map
3. Master Plan
4. Concept Site Plan
5. Zoning Map
6. Zoning Table of Allowable Uses
7. Applicant Narrative
8. Annexation Petition - Lamb Annexation

Location Map
Lamb Annexation



A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO



THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 68 WEST OF THE 6TH P.M. IS ASSUMED TO BEAR NORTH 01°20'38" EAST AND IS MONUMENTED AS INDICATED.

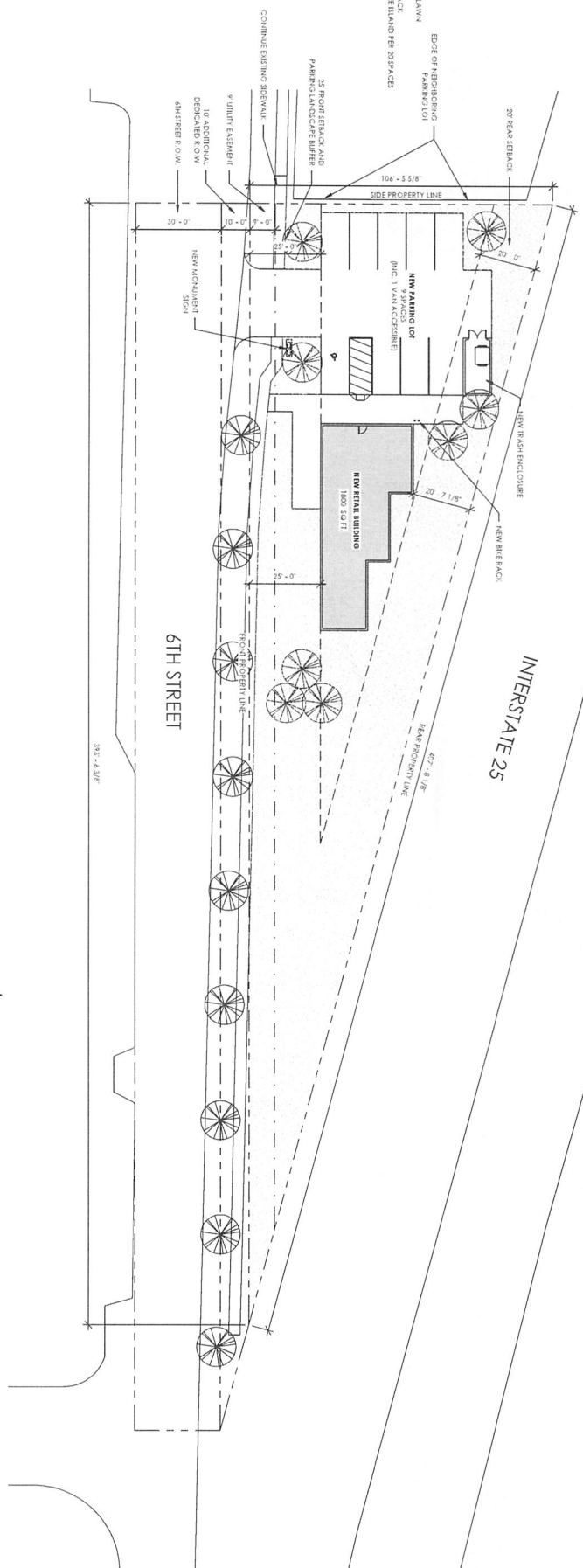
ROBERT J. THOMAS
COLORADO PROFESSIONAL LAND SURVEYOR #38353

**A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO**



ROBERT L. THOMAS
COLORADO PROFESSIONAL LAND SURVEYOR #38353

FRONT REBACK: 25
 REAR REBACK: 20
 SIDE REBACK: 0
 MAXIMUM YAW: 11
 MAXIMUM BUILDING HEIGHT: 45
 PARKING: RETAIL = 200SF
 ACCESSIBLE: 1 PER 25
 MAXIMUM PARKING: 100
 BICYCLE: 25 PER 100
 MAXIMUM: 1
 LANDSCAPE DESIGN:
 45% MIN. OPEN TREE CANOPY
 MIN. 20% LANDSCAPE AREA
 PARKING LOT SCREENING: 25% REBACK
 PARKING LOT LANDSCAPING: 1 TREE PER 20 SPACES
 TREE PLANTING: 1 PER 10 SPACE
 EDGE OF HIGHWAY
 PARKING



1 CONCEPT SITE PLAN

SCALE: 1" = 20'-0"

N

A-O-O



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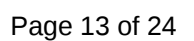
PRECUT # : 220010	
DRAWING TITLE:	
SITE PLAN	
DATE:	1-16-22
DRAWN: LGS	CHECKED: JVS
ISSUE RECORD	DATE
Contract No.	-
#	REVISION DATE

COMMERCIAL SITE DEVELOPMENT

NEW RETAIL BUILDING

7840 SIXTH STREET
WELLINGTON, COLORADO

Lamb Annexation



4.02 Table of Allowable Uses

This article shall follow the requirements established in **Table 4.02-1, Table of Allowable Uses**.

Table 4.02-1 Table of Allowable Uses													
Use	Zoning District												
	Open	Residential					Commercial			Industrial		Misc.	Use Specific Standards
	A	R-1	R-2	R-3	R-4	MH	C-1	C-2	C-3	LI	I	P	
Residential													
Manufactured Home	P	P	P		P	P							Y
Mixed-Use Dwelling					C		P	P	P				
Multi-Family Dwelling				P					P				Y
Single-Family Attached Dwelling	C		P	P	P								Y
Single-Family Detached Dwelling	P	P	P	P	P								
Group Living / Lodging													
Bed and Breakfast	C	C		C	C		C						
Boarding and Rooming House				C	C				P				Y
Group Home		P	P	P	P	P			P				
Hotel/Motel							P	C	P	P			
Long-Term Care Facilities				C			C		P				
Agriculture													
Agriculture	P	P									C		
Greenhouse/Nursery									P	P			
Stable	P	P											Y

Use	Zoning District												
	Open	Residential					Commercial			Industrial		Misc.	Use Specific Standards
	A	R-1	R-2	R-3	R-4	MH	C-1	C-2	C-3	LI	I	P	
Commercial / Office													
Animal Services													
Kennel	C								P	P			Y
Veterinary Facilities, Large animals	P								C	C	P		Y
Veterinary Facilities, Small animals	P						P		P	P			Y
Food													
Brew Pub, Distillery Pub, or Limited Winery							P	P	P	P			Y
Food Catering									P	P			
Grocery Store							P	C	P	C			Y
Restaurant, Fast Food							P		P	C			Y
Restaurant, Fast Food with Drive-Thru							C		P	C			Y
Restaurant, Sit-down							P	P	P	P			Y
Entertainment / Recreation													
Adult Entertainment Establishments											P		Y
Art Studio					C		P	P	P	P	P		
Bar/Tavern							P	P	P	P	P		Y
Club/Lodge							P	C	P				
Entertainment Facility							P		P				
Golf Course	P	P	P						C			P	Y
Nightclub									P	P	P		Y
Recreational Entertainment, Indoor							P		P	P		P	
Recreational Entertainment, Outdoor							P		P	P			Y
Tourist Facilities								P	P			P	

Use	Zoning District												
	Open	Residential					Commercial			Industrial		Misc.	Use Specific Standards
	A	R-1	R-2	R-3	R-4	MH	C-1	C-2	C-3	LI	I	P	
Retail Sales / Personal Services													
Building and Landscaping Materials Supply							C		C	P	P		
Child Care Center					C		P	P	P				
Convenience Store							P	P	P	P			Y
Convenience Store with fuel sales							P		P	P			Y
Financial Institution							P	C	P				Y
Health and Membership Club							P	C	P	P			
Pawn Shop							P		P	P			Y
Personal Services					C		P	P	P	C			
Print Shop									P	P			
Retail Store							P	P	P				Y
Office													
Professional Office					C		P	P	P	P			
Automotive													
Car Wash							P		P	P			Y
Heavy Equipment Sales and Rental	C										P		Y
Motor Vehicle Dealership									P	P			Y
Motor Vehicle Repair, Heavy											P		Y
Motor Vehicle Repair, Light							P		P	P	P		Y
Motor Vehicle Storage										P	P		
Service Station							C		P	P	P		Y
Marijuana													
Medical Marijuana Store									P				Y
Retail Marijuana Store									P				Y

Use	Zoning District												
	Open	Residential					Commercial			Industrial		Misc.	Use Specific Standards
	A	R-1	R-2	R-3	R-4	MH	C-1	C-2	C-3	LI	I	P	
Industrial / Natural Resources													
Auction	C									P	P		
Brewery, Distillery, or Winery							C	C	P	P	P		Y
Commercial Dry Cleaning Facility										C	P		
Contractor and Contractor Storage										C	P		Y
Industrial and Manufacturing, Heavy											P		Y
Industrial and Manufacturing, Light									C	P	P		Y
Mini-Storage Facility									C	P	P		Y
Research and Development									C	C	P		
Resource Extraction	C										P	C	Y
Wholesale Distribution, Warehousing, and Storage										P	P		
Workshop							C	C	P	P	P		Y
Institutional / Civic / Public													
Death Care Services													
Cemetery	P	P										P	Y
Funeral Services							C		P	P			Y
Education													
College							P	C	P	P		P	
School												P	
Technical School							P	C	P	P		P	Y
Assembly													
Community Facility		P	P	P	P		P		P	P		P	
Religious Land Use	C	P	P	P	P		P		P	P			
Government / Non-Profit													
Civic Space	P	P	P	P	P		P	P	P	P		P	
Public Facilities	C						C	C	C	C	C	P	

Use	Zoning District												
	Open	Residential					Commercial			Industrial		Misc.	Use Specific Standards
	A	R-1	R-2	R-3	R-4	MH	C-1	C-2	C-3	LI	I	P	
Medical													
Medical Care Facility									P	P			
Medical Office							P	C	P				Y
Infrastructure													
Transportation / Parking													
Airport											C	C	Y
Off-Street Parking Facility							C	P	C	P	P	P	Y
Transit Facilities									P			P	
Communications													
Communication Facility	C									C	C	C	Y
Wireless Telecommunications Facility	C									C	C	C	Y
Waste-Related													
Recycling Facility											P		
Salvage Yard											C		Y
Solid Waste Facility											C	C	Y
Accessory Uses													
Accessory Building	P	P	P	P	P	P							Y
Accessory Dwelling Unit	P	P	P		P				P				Y
Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	Y
Home Occupation	P	P	P	P	P	P		P	P				Y

This property, located at 7860 W 6th St., is currently going through the annexation process in the Town. The applicant requests that the property be zoned C-3 Highway Commercial. The applicant believes that zoning classification is appropriate based on following reasons:

- 1) The entire block on the east side of 6th, from Cleveland Ave south, is zoned C-3. This is not a situation where zoning would be feathering to ensure a transition from more intense to less intensive use. The subject property would be an outlier if that consistent C-3 zoning pattern were not continued.**
- 2) Per the Wellington zoning code, the C-3 zoning district is useful in “transitioning from the highway to adjacent lower density neighborhoods”. The subject property is one of the closest properties to the Interstate in the entire Town. It has no frontage road or access ramp which distances it from the roadway. The C-3 zoning designation on this property helps the Town maintain this stated objective of the code. There is no proximity to residential units west of 6th street.**
- 3) The C-1 zoning designation has been used by the Town as the de facto transitional zoning to transition between more intensive Commercial C-3 uses and Residential uses in the town. All property directly across 6th Street is actually zoned C-1. There is not a single Residentially zoned property on 6th Street south of Roosevelt.**
- 4) The lot has configuration and size limitations but this is true regardless of the zoning designation assigned to the property. The onus is on the applicant to meet the design standards of the Town with any proposed use. The envisioned use is a convenience type use not requiring a drive through. A preliminary, conceptual site plan has been developed and is included with this application.**

**PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF LAIRMER, STATE OF COLORADO
TO THE TOWN OF WELLINGTON, COLORADO**

LAMB ANNEXATION

The undersigned, in accordance with Article 12, Title 31, CRS, as amended, hereby petition the Town Board of the Town of Wellington, Colorado, for annexation to the Town of Wellington the incorporated territory more particularly described below, to be known as **Lamb Annexation**, and in support of said Petition, the Petitioners allege that:

1. It is desirable and necessary the following described territory be annexed to the Town of Wellington, Colorado;

See Attached Exhibit "A"

2. Not less than one-sixth (1/6) of the perimeter of each of the parcel(s) proposed to be annexed are contiguous with the Town of wellington, Colorado;
3. A community of interest exists between the territory proposed to be annexed and the Town of Wellington, Colorado;
4. The territory to be annexed in urban or will be urbanized in the near future;
5. The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Wellington, Colorado;
6. The signature of the Petition: (i) comprise of the landowners of more than fifty percent (50%) of the territory in the area proposed to be annexed, exclusive of streets, alleys and/or rights of way; and (ii) and hereby request that the Town of Wellington approve the annexation of the area proposed to be annexed;
7. No land help in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless said tracts or parcels are separated by a dedicated street, road or other public way;

(b) Comprising of .87 acre and which, together the building and improvements situated thereon has an assessed value in excess of One Hundred Ninety Thousand and Seven Hundred Dollars (\$190,700) for ad valorem tax purposes for the year preceding the annexation, is included within the territory proposed to be annexed without the written consent of the landowner or landowners.

8. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
9. The area proposed to be annexed is located within Larimer county, the Poudre R-1 school District, Wellington Fire Protection District, the Northern Colorado Water Conservancy District, Boxelder Stormwater District, and the Health District of Northern Larimer County;
10. The mailing address of each signer, the legal description of the land owner by each signer and the date of signing of each signature are all shown on this petition;
11. Accompanying this petition are four (4) copies of the annexation map containing the information required under the Town of Wellington Annexation Submittal Checklist.
12. The territory to be annexed is not presently a part of any incorporated city, city and county, or town;
13. The undersigned and the Town intend on entering into and Annexation and Development Agreement with the Town of wellington prior to the effective date of this annexation, the terms and conditions of which agreement shall be additional conditions as effectively as if set forth in full in this petition.
14. Unless otherwise agreed upon by petitioners and the Town of Wellington in the Annexation and Development Agreement, the undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map;

- a. Water rights shall be provided pursuant to Town ordinance;
 - b. The territory to be annexed shall be included in the Municipal Sub-district of the Northern Colorado Water Conservancy district;
 - c. The owners shall participate in providing drainage plans and improvements and payment of a unit drainage fee as may be required by the Town for the area;
 - d. Future development of the property shall be subject to payment of the capital expansion fees pursuant to the Wellington Municipal code;
 - e. The undersigned and the Town may enter into a Pre-Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effective as if set forth in this petition;
 - f. Future provision of electrical services within the annexed territory are subject to a surcharge as provided in the Wellington Municipal Code; and
 - g. Any development within annexed territory shall comply with the Town of Wellington Comprehensive Master Plan.
15. Petitioners reserve the right to withdraw the Annexation Petition at any time prior to the effective date of the ordinance annexing the property.
16. The Petition of annexation may be executed in multiple counterparts, each of which shall constitute an original but all of which, taken together, shall constitute one and the same document.

Therefore, the undersigned hereby request that the Town of Wellington approve the annexation of the area described.

In addition of the annexation, the undersigned request the zoning of C-3 Highway Commercial for the above described property.

EXECUTED this 15th day of March, 2022

Owner(s):

Linda Lamb

By: 
Linda Lamb

Title: _____

Address: PO Box 37
Wellington, CO 80549

STATE OF COLORADO)

) SS

COUNTY OF LARIMER)

The foregoing Petition of Annexation was subscribed and sworn to before me this 15th day of March A.D., 2022, by Linda Lamb as owner of property.

Witness my hand and official seal.

My commission expires: June 14, 2023


Notary Public

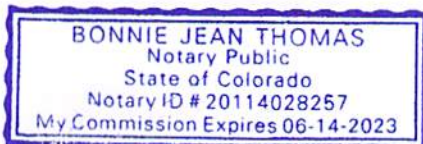


Exhibit "A"
Property Description
Lamb Annexation
To the Town of Wellington

TR IN SW OF 34-9-68, BEG 452.93 FT N OF SW COR SD SEC; TH N 430.48 FT; TH
E 146.47 FT; TH S 15 08' 20" W 445.96 FT; TH W 30 FT TPOB; LESS CNTY RD
ROW ON W 30 FT