

May 24, 2022
6:00 pm

**MEETING LOCATION: NEW ANNEX BUILDING, 512 CHERRY AVE.,
BUILDING C, DACONO, CO, 80514. THIS MEETING WILL BE HELD IN
PERSON. THERE WILL BE NO REMOTE ACCESS.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.I. APPROVAL OF MINUTES FOR THE March 22, 2022 MEETING

Documents:

[PCMM 3.22.22.PDF](#)

4. GENERAL BUSINESS
 - 4.I. Public Hearing For A Resolution Recommending Approval Of An Initial Zoning Request For Property Proposed To Be Annexed To The City And Known As The Ridge Lands IV Annexation

Documents:

[PC RES 22-01 RIDGE LANDS IV INITIAL ZONING STAFF REPORT.PDF](#)

5. CITIZENS TO ADDRESS COMMISSION
6. STAFF REPORTS
7. COMMISSIONER REPORTS

Shelly Kettering Kevin Plain Andrew Martinez

Stan Owens Joseph Westbrook

8. ADJOURNMENT

**CITY OF DACONO
PLANNING COMMISSION MEETING MINUTES
Tuesday, March 22nd, 2022**

Members present: Kevin Plain, Chairperson
Shelly Kettering
Andrew Martinez
Don Clark
Joseph Westbrook
Stan Owens

Members absent: Derrick Breier

Staff present: Jennifer Krieger, Community Development Director
Donna Case, Community Development Technician
Kathleen Kelly, City Attorney

Member Kettering moved to approve the minutes of the February 22nd, 2022, Planning Commission Meeting. The vote was unanimous and Chairperson Plain declared the motion carried.

GENERAL BUSINESS

Outline Development Plan-Carbon Valley Market PUD-ODP

Chris Lee 209 E 4th St., Loveland, CO, 80537, presented his Planned Unit Development Plan and proposed PUD/ODP for 801 Flying Circle Blvd.

Jennifer Krieger, Community Development Director, presented her report and was available for questions.

Jean Ross 525 Short Drive, Dacono, CO, 80514, stated that the residents felt that their neighborhood didn't need more traffic she stated it was congested enough.

Commissioner Reports: None.

Staff Reports: No additional staff reports at this time.

With no further business the meeting adjourned at 6:26 p.m.

Approved this 24th day of May, 2022.

May 24, 2022

To: City of Dacono Planning & Zoning Commission
From: Jennifer Krieger, AICP, Community Development Director
Agenda Item: PC Resolution 22-01, a Resolution Recommending Approval of an Initial Zoning Request for Land Proposed to be Annexed to the City and known as the Ridge Lands IV Annexation.

Request	<p>The purpose of the public hearing is to consider a request for initial zoning of property proposed to be annexed to the City and known as the Ridge Lands IV Annexation. The requested zoning for the Ridge Lands Annexation is Civic Open Space (COS).</p> <p>The role of the Planning and Zoning Commission is to recommend initial zoning for the petitioned annexation location. The Planning and Zoning Commission does not recommend if the land should be annexed. The City Council is tasked with the legislative authority to review and determine the eligibility of a voluntary annexation petition.</p>
Applicant/ Owner	<p>Stars and Stripes 4B LLC 1123 Zonolite Rd NE, Ste 30 Atlanta, GA 30306-2016</p>
Items to be entered into Record	<ul style="list-style-type: none">• Petition to Zone & Zoning Exhibit• Dacono Municipal Code & Zoning Map• Staff Report dated May 24, 2022• Proof of mailing providing notice by Applicant
Location	<p>The strip of land is commonly known as WCR 11.5, located just west of the Sharpe Subdivision, south of SH-52.</p>



Background

The Boulder Coal Company initially owned this property. In 1945, the property was sold to Andrew Sharpe and ownership changed over several years. In 2000, the land was purchased by Sharpe LLC. The land was to be annexed into the City of Dacono as part of the Sharpe Subdivision. For unknown reasons, the annexation did not occur. The strip of land has been informally known as WCR-11.5 and provided an oil and gas facility access.

In 2021, the Petitioner took title to the flagpole strip by a treasurer's deed. The Petitioner filed the quiet title action and recorded the Bargain and Sale Deed, conveying the property to the correct entity. In February 2022, an Amended Decree Quietinting Title was issued by the Weld County District Court.

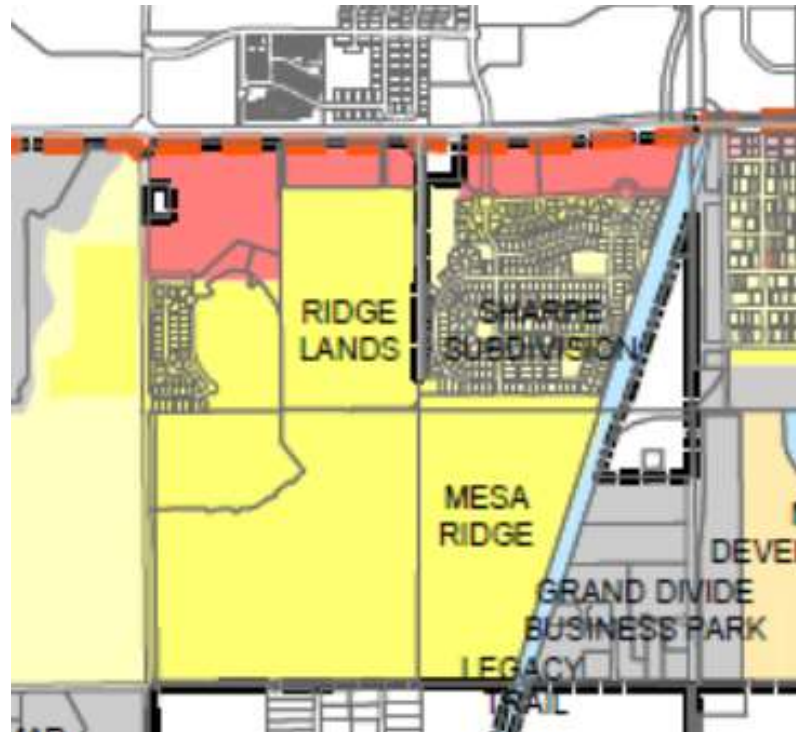
Current Zoning

Weld County "A" Agriculture



Surrounding Land Use

- North: Town of Frederick
- South: PUD- Proposed Mesa Ridge
- East: Unincorporated Weld County-Hazardous Household Waste Facility (Agriculture), Sharpe Farms Subdivision (R-2, R-1)
- West: Hobbs/Riggans property (C-2), proposed Ridge Lands (C-2, R-2)



Proposed Zoning

The Petitioner has requested an initial zoning designation of Civic Open Space (COS). The purpose of the COS district is to promote the health, safety, and general welfare of the City and its residents by facilitating, preserving, and ensuring the long-term, continued designation of land used or to be used for public parks, playgrounds, schools, recreation facilities, public and quasi-public buildings, dedicated open space, trails and other similar civic and open space uses, whether owned by public or private entities or persons.

Comprehensive Plan

The petitioned site is located in the Multi-Generational Living District. The Multi-Generational Living District will be host to neighborhoods that accommodate a wide range of age groups and product types, allowing younger residents to stay in the community and older residents to “age in place.” Homes of varying sizes and densities will be co-located so that extended families can live independently yet in the same neighborhood community.

The addition of land zoned as COS advances the Comprehensive Plan goal of balancing development with the natural landscape.

Staff Recommendation

Staff recommends approval PC Resolution 22-01, recommending an initial zoning request of Civic Open Space (COS) for the Ridge Lands IV annexation finding:

1. Land zoned COS will not have a negative impact on adjacent residents as this zone district facilitates reserving and ensuring the long-term, continued designation of land used or to be used for dedicated open space, trails, and other similar civic and open space uses, whether owned by public or private entities or persons.
2. The requested COS zoning is consistent adopted City of Dacono Comprehensive Plan and advances the goal of balancing development with the natural landscape.
3. There are no plans to develop the site beyond providing critical right-of-way connections and supporting area drainage purposes.

DACONO PLANNING AND ZONING COMMISSION

**RESOLUTION NO. PC 22-01
SERIES 2022**

A RESOLUTION RECOMMENDING APPROVAL OF AN INITIAL ZONING REQUEST FOR PROPERTY PROPOSED TO BE ANNEXED TO THE CITY AND KNOWN AS THE RIDGE LANDS IV ANNEXATION.

WHEREAS, there has been submitted to the Planning and Zoning Commission of the City of Dacono a request for approval of initial zoning for property proposed to be annexed to the City and known as the proposed Ridge Lands IV Annexation; and

WHEREAS, all materials related to the proposed initial zoning have been reviewed by City staff and found with conditions to be in compliance with City of Dacono subdivision and zoning ordinances and related City ordinances, regulations, and policies; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds that the initial zoning request to zone the property Civic/Open Space District (COS) should be approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DACONO, COLORADO:

Section 1. The Planning and Zoning Commission hereby recommends approval of the request for initial zoning for the proposed Ridge Lands IV Annexation as Civic/Open Space District (COS).

PASSED AND ADOPTED this 24th day of May, 2022.

Chairperson

ATTEST:

Secretary

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO

We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Dacono and its City Council for annexation to the City of Dacono of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the County Road 11 1/2 Annexation to the City of Dacono.

As part of this petition, your petitioners further state to the City Council that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Dacono.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Dacono or will be contiguous with the City of Dacono within such time as required by Section 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the City of Dacono.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Dacono.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty acres or more, and which, together with the buildings and

improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.

- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
 - h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
 - i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Dacono more than three miles in any direction from any point of the boundary of the City of Dacono in any one year.
 - j. The territory proposed to be annexed is 2.0 acres in total area.
 - k. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105(1)(e), C.R.S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Dacono; and the proposed land uses for the area; such plan to be updated at least once annually.
 - l. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the City of Dacono but is not bounded on both sides by the City of Dacono.
 - m. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S.
3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.

The signatures on this petition comprise one-hundred percent (100%) of the

landowners of the territory to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election.

4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared by and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Dacono and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Dacono, except for general property taxes of the City of Dacono, which shall become effective as of the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is COS _____.

The petitioners agree that said annexed land shall be brought under the provisions of Chapter 16 of the Dacono Municipal Code within ninety (90) day from the effective date of the annexation ordinance.

7. There shall be no duty or obligation upon the City of Dacono to furnish water or sanitary sewer facilities to the area proposed to be annexed. Such services will be provided at such time, in the sole discretion of the City, when such services for water and sanitary sewer can be economically and reasonably installed to service a sufficient number of inhabitants within the area so as to make the construction and establishment of such services feasible and at no additional cost for the same or similar type of services provided to inhabitants within the existing corporate limits of the City.
8. If required by the City, an annexation agreement has been or will be executed by the

petitioners herein and the City of Dacono relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.

9. The petitioners agree to the following terms and conditions, which shall be covenants running with the land, and which may, at the option of the City, appear on the annexation map:
 - a. Water rights shall be provided pursuant to City ordinance.
 - b. All conditions set out in the annexation agreement executed by the petitioner.
 - c. Other:

WHEREFORE, the petitioners, whose signatures are on the signature sheet on the next page, respectfully request that the City of Dacono, acting through its City Council, approve the annexation of the area proposed to be annexed:

