

**ORDINANCE NO. 7-2019**

**AN ORDINANCE RELATING TO MINOR SUBDIVISION APPROVAL AND CONDITIONAL USE APPROVAL FOR A DRIVE THROUGH FACILITY ON LOT 7, 6<sup>TH</sup> STREET BUSINESS PARK PHASE 3, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO, FOR THE PURPOSE OF ESTABLISHING A NEW COMMERCIAL DEVELOPMENT.**

**WHEREAS**, Chad Decklever, 1127 Nassau Way, Fort Collins, CO 80525 has requested approval of a minor subdivision and approval of a conditional use to allow a mixed-use commercial development with a drive through facility on Lot 7, 6<sup>th</sup> Street Business Park Phase 3; and

**WHEREAS**, the property is zoned C1 Community Commercial District; and

**WHEREAS**, Drive through facilities proposed within the C1 District require conditional use approval; and

**WHEREAS**, the notices have been given and the public hearings required by the Wellington Municipal Code have been held; and

**WHEREAS**, the Planning Commission by motion and vote on June 3, 2019 recommended approval of the minor subdivision and conditional use for the requested drive through facility; and

**WHEREAS**, the Board of Trustees of the Town of Wellington has found the application to be in substantial compliance with the requirements of the Wellington Municipal Code.

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

**SECTION 1:** The minor subdivision plat of Lot 7, 6<sup>th</sup> Street Business Park Phase 3, located in the Southeast Quarter of Section 33, Township 9 North, Range 68 West of the 6<sup>th</sup> Principal Meridian, Town of Wellington, County of Larimer, State of Colorado, is hereby approved as a final plat in accordance with the Wellington Municipal Code, except as may be specifically modified by this ordinance.

**SECTION 2:** Prior to recording the plat for this property, dedication language on the plat shall be approved by the Town Attorney.

**SECTION 3:** The conditional use allowing a drive through facility on Lot 7, 6<sup>th</sup> Street Business Park Phase 3, located within the C1 zoning district, is hereby approved with the following conditions:

- a) A grease interceptor designed and installed to the specifications of the Town shall be provided for the drive through use; and
- b) No sales or dispensing of liquor or alcoholic beverages from the drive through will be permitted; and

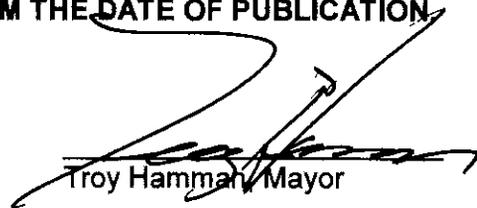
- c) Only uses which are permitted by the zoning district standards for the zoning assigned to the property shall be permitted within the unit with the drive through unless other approval is granted by the Town; and

**SECTION 4: Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

**SECTION 5: Necessity.** In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

**SECTION 6: Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours. Furthermore, the Mayor's signature shall be affixed to the plat and attested by the Town Clerk.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON AND ORDERED TO BECOME PUBLISHED THIS 25<sup>th</sup> DAY OF June, 2019 AND ORDERED TO BECOME EFFECTIVE 30 DAYS FROM THE DATE OF PUBLICATION.**

  
Troy Hamman, Mayor

ATTEST:

  
Ed Cannon, Town Administrator/Clerk

PUBLISHED BY TITLE THIS 27<sup>th</sup> DAY OF June, 2019 IN "THE COLORADOAN."

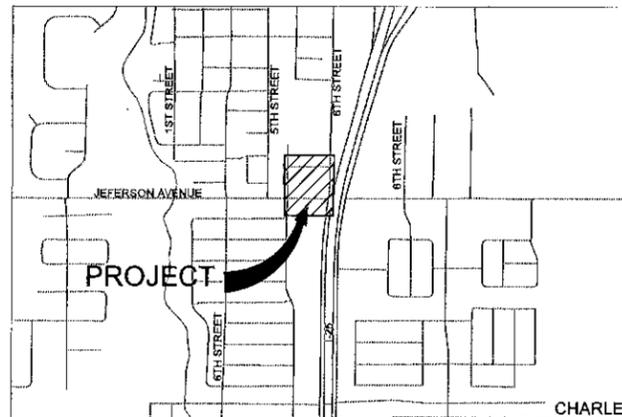
APPROVED AS TO FORM

March, Olive & Pharris, LLC

By,   
J. Brad March

# REPLAT 6TH STREET BUSINESS PARK PHASE 4

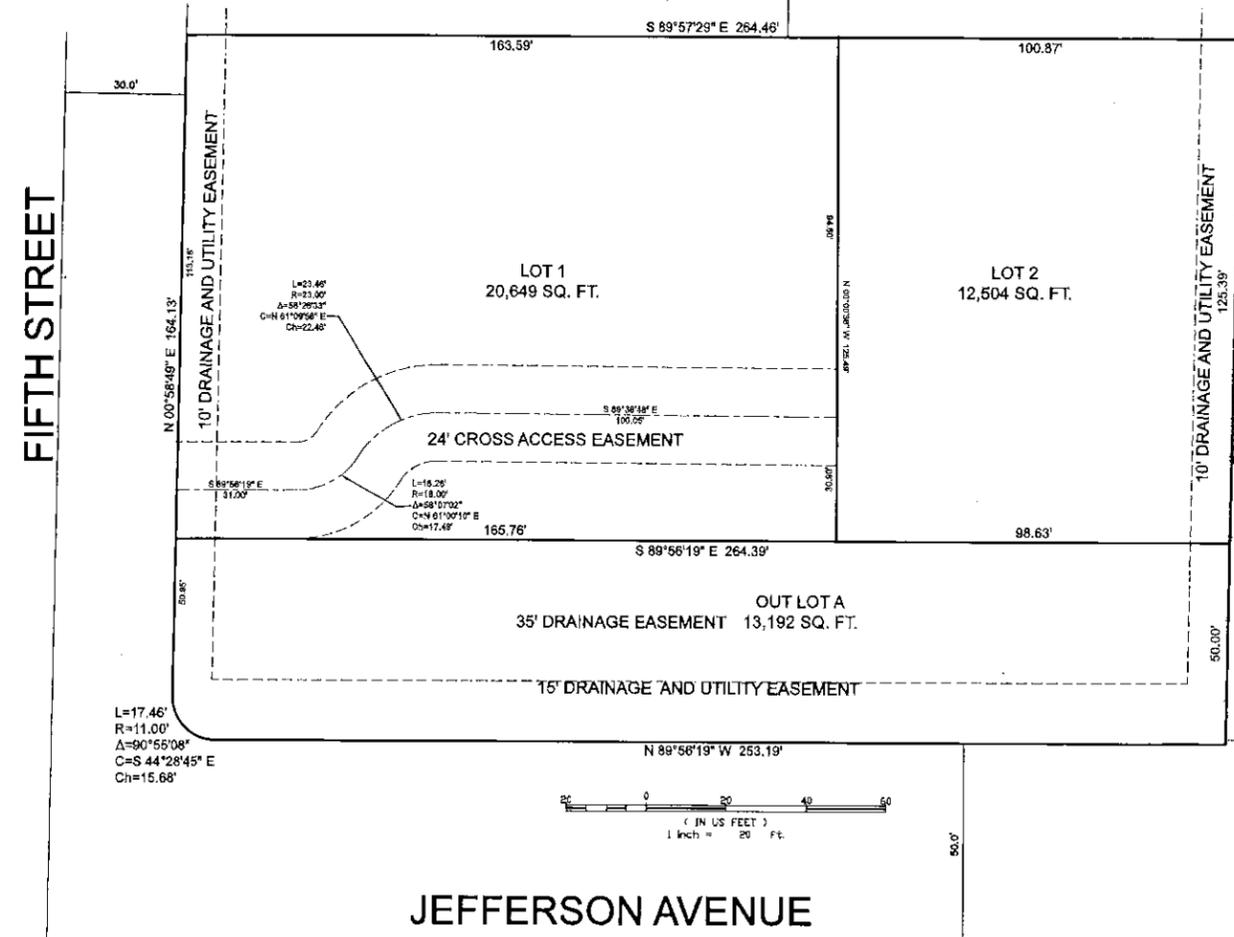
BEING A REPLAT OF LOT 7, 6TH STREET BUSINESS PARK PHASE 3, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO



VICINITY MAP  
SCALE: 1" = 800'

CHARLES AKINS  
THOMAS/HEATHER LYNN  
3588 POLK CIR E  
WELLINGTON, CO 80549

JIM SENN  
DAVE HUIZINGA  
6326 W 93RD AVE  
WESTMINSTER, CO 80031



BRET LARIMER LTD  
1600 W HORSETOOTH RD  
FORT COLLINS, CO 80526



### ATTORNEY CERTIFICATE

I, \_\_\_\_\_, an attorney licensed to practice law in the State of Colorado, certify that I have examined the title to the above described land being subdivided and being dedicated to the Town of Wellington, Colorado, and that all owners and proprietors as defined by C.R.S. §31-23-111 have signed this plat.

Attorney Registration Number \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

by \_\_\_\_\_

SEAL

Notary Public  
My commission expires \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

I, Terry G. Everett, being a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of the REPLAT 6TH STREET BUSINESS PARK PHASE 4, Town of Wellington, Colorado, was made by me or under my supervision and that the survey is accurately represented on this plat and that the statements contained hereon were read by me and the same are true to the best of my knowledge.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Terry G. Everett, P.L.S. 17483  
for and behalf of  
CDS Engineering Corp.

### CERTIFICATION OF OWNERSHIP AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS that Murphy Erikseb Enterprises, being all the owners and lien holders of the following described property, except any existing public streets, which property is located in the Southeast Quarter of the Northwest Quarter of Section 33, Township 9 North, Range 68 West of the 6th Principal Meridian, Town of Wellington, County of Larimer, State of Colorado, being more particularly described as follows:

Lot 7, 6th Street Business Park Phase 3, Town of Wellington, County of Larimer, State of Colorado, as recorded at Reception No. 20070916764;

The above described tract of land contains 46,346 square feet, or 1.064 acres, more or less, and is subject to all easements and rights of way on record or existing and do hereby designate the same as REPLAT 6TH STREET BUSINESS PARK PHASE 4, Wellington, Colorado.

Owners:

Murphy Erikseb Enterprises  
Manager: Murphy Erikseb

State of \_\_\_\_\_ )

) SS

County of \_\_\_\_\_ )

The foregoing dedication was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Murphy Erikseb, as Manager of Murphy Erikseb Enterprises

SEAL

Notary Public

My commission expires \_\_\_\_\_

### DEDICATION PUBLIC PROPERTY

The owners of the real property described in this Plat have caused the real property to be surveyed, laid out and subdivided under the name and style of REPLAT 6TH STREET BUSINESS PARK PHASE 4, and does hereby sell, grant, dedicate and convey to the Town of Wellington in fee simple, free and clear of all liens and encumbrances, all of the easements as shown on the accompanying plat to the use of the public forever. The owner or assignor shall be responsible for construction and maintenance of all improvements of said easements and public ways.

### NOTES:

Basis of bearings assuming the North line of Lot 1, Block 11, of the Replat of Lot 1, Block Ten and Lot 1, Block Eleven, Wellington Pointe as bearing South 89°52'27" East, according to the recorded plat of said Replat of Lot 1, Block Ten and Lot 1, Block Eleven, Wellington Pointe, recorded at Reception No. 2001037379 with all bearings contained herein relative thereto.

Lineal units used in the preparation of this plat are based upon the U.S. Survey Foot.

Recorded easement and rights-of-way within the subject property, if shown on this plat are according to said Replat of Lot 1, Block Ten and Lot 1, Block Eleven, Wellington Pointe, according to the Final Plat thereof.

NOTICE: According to Colorado law, you MUST commence any legal action based on any defect in this survey within THREE years after you first discovered 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.

The lots and outlots created by this Amended Plat are subject to the same restrictions, covenants, and regulations as set forth on aforementioned Replat of Lot 1, Block Ten and Lot 1, Block Eleven, Wellington Pointe, Town of Wellington, County of Larimer, State of Colorado.

The Town of Wellington does not accept the obligation to provide maintenance to access easements dedicated to the public by this plat and maintenance obligations are the responsibility of the property owners. The property owners may establish a homeowners' association to perform the maintenance obligations. All owners, their guests and invitees and emergency and Town personnel shall have a private right of access over all outlots.

### PLANNING COMMISSION CERTIFICATE

This plat is hereby approved by the Planning Commission of the Town of Wellington, Larimer County, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for filing with the Clerk and Recorder of Larimer County.

Chairperson, Wellington Planning Commission

### CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

This plat is hereby approved by the Board of Trustees of the Town of Wellington, Larimer County, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, Town of Wellington, Colorado

No.	Reviser's	By	Date

**CDS Engineering Corporation**  
185 2nd St, SW, Loveland, Colorado 80537, Tele: (970) 667-8010  
CDS ENGINEERING CORPORATION, PROFESSIONAL ENGINEERING AND SURVEYING  
COMMISSIONED ENGINEER - LICENSED PROFESSIONAL ENGINEER AND SURVEYOR

PROJECT:	DATE:	SCALE:	DESIGNED BY:	RESULTED BY:
9600	04/12/2019	1"=20'	T. EVERETT	T. EVERETT

REPLAT 6TH STREET  
BUSINESS PARK PHASE 4

Sheet  
PLAT  
1 Of 1 Sheets