

TOWN OF MILLIKEN  
PLANNING COMMISSION  
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, NOVEMBER 2, 2016 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 2nd day of November, 2016. Those present were: Chair Tim Woodcock, Vice-Chair Dave Bernhardt Commissioners: Shellie Satterfield, Andrew Hladik and Ron Blackmer. Also present: Community Development Director Martha Perkins, Town Clerk Cheryl Powell and Town Attorney Linda Michow.

Absent: Commissioner Dave Watson and Mitchell Portella, and Town Administrator Kent Brown

**Call to Order** Pledge of Allegiance

Chair Woodcock called the meeting to order and led the audience in the Pledge of Allegiance.

**Agenda Approval** Additions/Deletions to Agenda

Chair Woodcock indicated that there were no changes to the Agenda by the Commission. Staff indicated that they did not have any changes to the Agenda.

**Citizens Comments**

None.

**Minutes of Previous Meeting**

Minutes for the October 5, 2016 meeting approved as distributed.

Commissioner Bernhardt motioned to approve the minutes. Commissioner Blackmer seconded.

All in favor, none opposed.

**Executive Session**

Chair Woodcock motioned to go into Executive Session.

Town Attorney Michow explained for the record, that this Executive Session is under C.R.S. 24-6-402(4)(b) to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions. Attorney Michow explained that this is

in regard to the change in zoning for the Frank Brothers Property.  
Roll Call Vote: Commissioner Satterfield - yes, Chair Woodcock - yes, Vice-Chair Bernhardt - yes, Commissioner Blackmer – yes and Hladik - yes. Motion carried.

The Executive Session commenced at: 7:03 p.m.

### **Regular Meeting**

The Regular Meeting resumed at: 7:22 P.M.

### **CONSENT AGENDA**

*Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Planning Commission member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Action Agenda.*

There were not any items.

### **ACTION AGENDA**

- 1. Continuation of the Public Hearing and Consideration and Approval of Change of Zone for the Frank Brothers Properties Legally Known as Lot 3 of the Dove Valley Subdivision, Lot 31 & 32, Block 12 of the Wal-Mar 3<sup>rd</sup> Subdivision**

Chair Woodcock gave instruction on the Quasi-Judicial Procedures.

Chair Woodcock polled the Commission for any conflicts.

Commissioner Satterfield recused herself from this item.

Commissioner Hladik works for a company that does business with Kinetic Energy, but he has no financial interest.

Commissioner Blackmer has done work for the Frank Brothers in the past.

Commissioner Bernhardt disclosed knowing the Frank Brothers in the farming business and having done business with them in the past.

Chair Woodcock does conduct business with the Frank Brothers and asked the Town Attorney for her recommendation. Attorney Michow asked Chair Woodcock if he has any current business transactions with the applicant. Chair Woodcock indicated that he did. Chair Woodcock has recused himself and turned the meeting over to Vice-Chair Bernhardt.

Attorney Michow explained that under the rules of the Board and the Commission in the Meeting Procedures 13.1. that a quorum of Commissioners need to be present for this Public Hearing. Therefore, since a quorum is not present, the Public Hearing will need to be continued.

Byron Fisher suggested that the other Commissioners be contacted to ensure that they are present at the next meeting.

Commissioner Blackmer motioned to continue to the Public Hearing until November 16 at 7:00 p.m. Commissioner Hladik seconded.

Roll Call Vote: Vice Chair Bernhardt – yes, Commissioners Blackmer – yes, Hladik – yes. Motion passed.

## **2. Brookstone Filing 2**

Public Hearing Opened at approximately 7:30 P.M.

Community Development Director Martha Perkins asked the Commission to consider and approve a request from Lot Holding Investments, LLC for a sketch/preliminary plat for Filing 2 of the Brookstone Multi-Housing Project totaling 38 lots or townhouse units covering 3.93 acres. The subdivision application is amending the original Planned Unit Development (PUD) Centennial Master Plan, which proposed high density multi-family housing, known as Hacienda Villas and later as Brookstone.

Bret Hall, who resides at 1845 Homestead Rd., Greeley, CO spoke to the Commission about this phase of the project. He explained that there was an issue with the Subcontractors obtaining insurance to work on Condominiums, therefore he would like to change Phase 1 to Townhomes. He also explained that there was a delay with the power utility company, Xcel Energy, due to a boring under Highway 60.

Mr. Hall showed depictions of the property and explained the trail system that will go around the property. Perkins indicated that within the Commissioners packets, is the Comprehensive Plan and the Planned Unit Development. She explained how this development ties into the Town's Comprehensive Plan.

Vice Chair Bernhardt asked about parking for the Townhomes. Mr. Hall explained that the parking is behind the units, on a concrete alley with garages and the front of the buildings will be landscaped. The additional parking that can be utilized for the trail, could also be used for additional guest parking at these units.

Vice Chair Bernhardt asked about why on phase 3 there is not additional parking. Mr. Hall explained that the purpose of the garages is to minimize any on-street parking.

Public Hearing closed at 7:59

Perkins explained that originally, the Brookstone Subdivision consisted of approximately 24.025 acres after being recorded on June 8, 2009 under Reception Number 3628109 as a Replat of Lot 2, Block 2, Settlers Village Subdivision Fifth Filing, located in the Northeast Quarter of Section 12, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M. In 2015, another request was made to split approximately

24.025 acres through a minor subdivision process into two parcels consisting of approximately 11.621 acres and was recorded on December 8, 2015 under Reception Number 4163771 as a Plat of Lot 1, Block 1, Brookstone Subdivision located in the Northeast Quarter of Section 12, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M.

Commissioner Bernhardt after hearing testimony, examination of the documents presented and the findings of fact, finds the application meets the provisions of the Town of Milliken's Land Use Development Code (LUDC) Chapter 16, Sections et.seq. and approves the request and recommends approval of the sketch/preliminary proposed Brookstone Subdivision Filing No. 2 plat consisting of 38 lots or townhouse units covering 3.93 acres, which will be amending the site specific PUD Centennial Master Plan in Milliken, Colorado. Commissioner Satterfield seconded.

Roll Call Vote: Chair Woodcock – yes, Vice Chair Bernhardt – yes, Commissioners Blackmer – yes, Hladik – yes and Satterfield – yes. Motion passed.

## **DISCUSSION AGENDA**

### **1. Weld County Referral TSU-0007 – Temporary Seasonal Use Permit    D Attach-1**

Applicant Kielian Property Management, LLC has requested a Temporary Seasonal Use Permit for a Christmas Tree Lot. The location of this Use is South and Adjacent to Highway 60, West and Adjacent to CR 15. The start date on this Temporary Use will be November 22, 2016 and the end date will be December 31, 2016. The hours of operation will be Monday-Thursday 12pm-8pm, Friday-Sunday 10am-9pm.

The Planning Commissioners did not have a conflict.

## **INFORMATION AGENDA**

Perkins wanted to follow-up on the joint meeting held on Oct. 19, 2016 with the Town Board. This meeting addressed infrastructure planning, open space, revisions to the Municipal Code, and other issues related to the Comprehensive Plan. Perkins explained a Grant has been applied for and if awarded there will be public meetings, etc. Chair Woodcock spoke about ordinances that have not been forwarded on to the Town Board such as the beekeeping and home occupations.

The Temporary Use Ordinance went before the Town Board for approval on October 26, 2016. Perkins explained the only issue the Town Board had is the definition of tent. The Town Attorney and herself will work on the definition for the Code book.

Vice-Chair Bernhardt went to a meeting on 37/54/402 highway extension. Weld County Commissioner Julie Cozad was also present. There will be a follow-up meeting and a name for this road will be discussed.

## **Unfinished Business**

**Adjournment**

There being no further business, the meeting adjourned at: 8:17 P.M.

Prepared by:

Approved by:

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Cheryl Powell, Town Clerk

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Tim Woodcock, Chair