

TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, OCTOBER 5, 2016 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 5th Day of October, 2016. Those present were: Chair Tim Woodcock, Vice-Chair Dave Bernhardt Commissioners: Shellie Satterfield, Mitchell Portella, Dave Watson, Andrew Hladik and Ron Blackmer. Also present: Town Administrator Kent Brown, Community Development Director Martha Perkins and Town Clerk Cheryl Powell.

Absent:

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 requested that Action Item 2 be presented as the first item on the Action Agenda. Staff indicated that they did not have any changes to the Agenda.

Consensus from the Commission was to approve the request by Chair Woodcock.

Citizens Comments

None.

Minutes of Previous Meeting

Minutes for the September 21, 2016 meeting approved as distributed.

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

All in favor, none opposed.

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. 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 3rd Subdivision

Chair Woodcock gave instruction on Quasi-Judicial Procedures.

Commissioner Hladik stated that he works for a company that does business with Kinetic Energy, but has no personal nor financial interest.

Commissioner Satterfield recused herself from the vote.

Commissioner Blackmer stated he has worked for the Frank Brothers, but does not feel he has a conflict.

Public Hearing Opened at: 7:04 pm

A map of the three (3) parcels were displayed on the large monitors in the Meeting Room.

Mr. Gary Frank, who resides at 18030 CR 15, owns the parcels with his two (2) brothers. He stated that these parcels had previously been used for their farming. Kinetic Energy has utilized one (1) parcel for the past two (2) years. Mr. Frank indicated that the Town contacted him regarding the business on the property addressed as 1169 S. Quentine Avenue, or Lot 3 of the Dove Valley Subdivision., and indicated that it was not zoned appropriately for the type of use by Kinetic Energy. Mr. Frank said that the I-2 zoning will still allow for Agricultural use if they choose to do so at a later date. They do not plan to sell the property.

Commissioner Blackmer asked what the business schedule is for Kinetic Energy. Mr. Frank was not sure what hours the business kept. He indicated that there are lights on in the shop and there is also a yard light. Mr. Frank disclosed that the lights were on when they farmed and worked on equipment late in the evening.

Community Development Director Perkins asked the Commission to consider for approval a request from the Frank Brothers, Gary, Roger and Ronald, to amend the Town of Milliken's Official Zoning District Map for their three (3) lots on the NW and NE corner of Quentine Avenue and Inez Boulevard, also known as Lot 31 and 32, Block 12 of the Wal-Mar 3rd Subdivision, from a R-1 "Single Family Residential" Zoning District to I-2 "Medium Industrial" Zoning District and Lot 3 of the Dove Valley Subdivision from an A "Agricultural" Zoning District to I-2 "Medium Industrial" Zoning District. The area is just over 2.5 acres in size. A Power Point Presentation was shown to the Commission and audience.

The presentation followed with discussion on the ditch easement and possible other easements along the property lines. Perkins explained the Comprehensive Plan and

the future land use map that coincides with the Plan.

Perkins indicated that Staff recommended continuing this Public Hearing until a date and time certain due to some additional issues that have come up since writing the staff report on this item. She explained that the Commission should allow those that are present to speak, even though she suggests a continuation.

Mr. Bryon Fisher who resides at 998 S. Rachel Ct., Milliken is within 300 feet of the site. Mr. Fisher explained that no one realized that the use was changed from Ag to another use. Mr. Fisher indicated that Kinetic Energy is open 24 hours a day and lights from the business and trucks shine into everyone's homes. The business power washes pumper trucks right by the properties ditch and they are using Industrial Cleaners. There was not a Site Plan on the property or any information regarding what the property would be used for, etc. There are nine (9) trucks at the business early in the morning around 4-5am. His biggest concern is that this property is asking to be rezoned to Industrial without a Site Plan. There is concern of damage to the road due to the amount of heavy equipment going up and down the road, the home values with an Industrial area in close proximity, and safety for children attending the elementary school.

Commissioner Hladik asked if Kinetics employees are washing the outside or inside of the trucks. Mr. Fisher indicated that chemicals are being used to clean these trucks. Mr. Fisher provided the Commission with an example of what occurred with the land values where he opened his motorcycle shop in Greeley. He indicated that the values of those homes around the shop dropped approximately 30%. His background in Commercial Real Estate affords him the estimation that home values could drop 10-15%.

Commissioner Hladik asked Mr. Fisher if this Industrial business diminished his pleasure and enjoyment of his home due to the noise. Mr. Fisher indicated yes it did.

Ms. Eloise Derrera, who resides at 1161 Robin Lane, which is located in the Senior Housing Community called Dove Valley. Mrs. Derrera addressed the Commission stating that the Franks have been kind and generous to her and her family. She also indicated that during the time that the property was used as Agriculture, she did not have problems with the few times they worked late.

Mrs. Derrera explained to the Commission that she had called the number on the Kinetic Truck asking what is being dumped into the ditch. They spoke to her and let her know that the Franks knew that this was occurring and what was being dumped in the ditch was safe. She is also concerned with the fumes that enter into the homes from this business. She would not like it to be zoned as Industrial.

Commissioner Blackmer asked what percentage of the traffic is caused by this business. She indicated that trucks run quite frequently. She has also smelled a burning wire type of smell coming from the property.

Ms. Susan Jensen, who resides at 1151 Robin Lane in the Dove Valley Subdivision, indicated that the business operation was running 24 hours a day this past summer.

They can hear the backing of the trucks (beeping) and the washing of the trucks. She is also concerned with a zoning change.

Mr. Brian Gaylord, who resides at 21692 CR 21, and who is outside of the 300 feet of legally noticed property owners, indicated that the noise is loud in the middle of the night. He has spoken to a lot of people and handed out flyers. Last weekend he had to buy a white noise machine in order to sleep due to how loud it is. He is concerned about the road conditions on CR 21 and indicated they are already washboarded. He is also concerned about the types of chemicals being used. He would like to know if there are hazardous materials being used. He asked the Commission if the oil & gas trucks get a pollution exemption.

Commissioner Hladik asked how long Mr. Gaylord has lived in his residence. Gaylord responded 25 years. He also stated that when the business was being used for Ag it was not as much a problem.

Ms. Maxine Burg, who resides at 1185 Sandpiper in the Dove Valley subdivision, said there is a lot of noise going over the pavement. She doesn't mind if it is Agricultural use but does mind Industrial use.

Mr. Randy Mann, who resides at 61 E. Lilac, has a problem with the 24 hours a day 7 days a week operation. He indicated that there is a pump that makes a screaming sound and you can hear it all night long. The extra truck traffic on Quentine Ave. has diminished the road. The heavy truck traffic on the road, shakes a mirror that is in his home. He indicated that Oil field support is a 24/7 operation, it is not the same as Agricultural use. He has safety concerns for children who are playing on or near Quentine Avenue.

Mr. Gary Frank indicated that he would be willing to enforce rules on this tenant. Mr. Fisher indicated that if the property is rezoned then the next property owner could change the use.

Mr. Neil Bowers, who resides at 180 Mountain Ash Court, is concerned about the 24/7 operation and that rules need to be put in place regarding hours of operation. He questioned whether there is a limit on the number of truck trips per day. Quentine Ave. is being damaged and there should be some sort of stipulation. He believes this could affect those who want to sell their home.

Additional advertising of these hearings has been requested by some members of the Public.

Mr. Jerimiah Gardner, who resides at 61 Katsura Circle, indicated that this area was formed on Agriculture and he is afraid that this change in use on the property could ruin this concept.

Public Hearing Closed at: 8:14 P.M.

Commissioner Portella motioned to continue this Public Hearing until November 2, 2016 at 7:00 P.M. Commissioner Watson seconded.

Roll Call Vote: Chair Woodcock – yes, Vice Chair Bernhardt – yes, Commissioners Blackmer – yes, Watson – yes, Portella – yes, Hladik – yes.

Chair Woodcock requested a five (5) minute recess.

2. Consideration and Approval of Ordinance 733 Regarding Temporary Uses

Community Development Director Martha Perkins asked the Commission to consider and approve Ordinance 733, amending Section 16-1-150 "Definitions" and adding Section 16-3-550 "Temporary Uses" to Chapter 16 of the Land Use Code of the Milliken Municipal Code to allow for the Administrative approval of Temporary Uses.

Commissioner Bernhardt motioned that The Planning and Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact, finds the application meets the provisions of Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and approves Ordinance 733, amending Section 16-1-150 "Definitions" and adding Section 16-3-550 "Temporary Uses" to Chapter 16 of the Land Use Code of the Milliken Municipal Code to allow for the Administrative approval of Temporary Uses, in Weld County, Colorado. Commissioner Satterfield seconded.

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

DISCUSSION AGENDA

There were not any items.

INFORMATION AGENDA

Change in Town Board's regular meeting and work session starting times on the 2nd and 4th Wednesdays of every month. The Town Board will hold their regular meeting session to 6:30pm and their Work Sessions at 5:00pm.

Unfinished Business

Adjournment

There being no further business, the meeting adjourned at: 8:51 P.M.

Prepared by:

Approved by:

Cheryl Powell, Town Clerk

Tim Woodcock, Chair