

TOWN OF MILLIKEN  
PLANNING COMMISSION  
MEETING HOUSE, 1201 BROAD STREET

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

The Planning Commission of Milliken convened into regular session on the 2nd Day of March, 2016. Those present were: Chair Tim Woodcock, Vice-Chair Dave Bernhardt Commissioners: Dave Watson, Shellie Satterfield, Ron Blackmer. Also present: Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger, Town Administrator Kent Brown and Town Clerk Cheryl Powell

Absent: Mitchell Portella

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

**Call to Order** Pledge of Allegiance

**Agenda Approval** Additions/Deletions to Agenda

Community Development Director Perkins indicated there were no changes from staff.

**Citizens Comments**

None.

**Minutes of Previous Meeting**

Minutes for the February 17, 2016 meeting approved as with the correction. Commissioner Blackmer was absent from that meeting.

Commissioner Watson motioned and Commissioner Satterfield 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. **Continuation of a Public Hearing on Ordinance 724, Amending the Town of Milliken's Land Use Code, Chapter 16 of the Municipal Code to Provide a Process Whereby Expired Site Plans and Subdivision Plats may be Ratified and Reinstated**

Community Development Director Perkins indicated that this was a quasi-judicial hearing and asked if there was anyone on the Commission who has a conflict. The Commission indicated there was no conflicts.

Public Hearing opened at: 7:05 P.M.

Town Staff is recommending to not continue the public hearing until further review is done on this item. This item was to amend the Town of Milliken's Land Use Code, Chapter 16 of the Municipal Code to provide a process whereby expired site plans and subdivision plats may be ratified and reinstated upon request of an applicant and subject to approval of the Town based on specified criteria and to reduce legal notification timeframes to conform with state laws.

Director Perkins stated that the consensus of the Town Board was that they did not want to revisit these agreements due to their age.

Commissioner Blackmer asked what Staff's opinion is on having the expiration date. Perkins replied that if there is not an expiration it holds up the land for any development, etc. Developers may hang on to the land knowing that the price of the property will increase and they can sell it later at a profit. Discussion from the Commission and staff is that not having an expiration date may hold up the contiguity of the services to other properties. Further Discussion was in regard to the zoning on the property and can that be changed. Perkins indicated that the zoning will remain, unless a zoning change is brought in.

Chair Woodcock suggested that the type of infrastructure size may need to be altered, due to other development that has occurred around this property. Perkins indicated that yes these types of things can happen, but they will be addressed in the Development Agreement which would then go before the Town Board for their approval.

Commissioner Blackmer asked if the developer could ask for an extension. Town Administrator Brown indicated that may depend on what the extension is for. Some communities approve them some do not.

Further discussion was that a lot of the items with developers and their development would be addressed through a Development Agreement.

Elizabeth Austin who resides at 777 Saddleback Dr., Milliken, asked if there are areas of a development that occurred in the first phase that are less than desirable by subpar sidewalks, streets, etc., would the developer be required to repair these

areas. Perkins replied that yes these items would be addressed. Austin indicated an area by her home that has a large crack and worries about a child being injured while riding a bike if they hit this crack while bike riding, etc.

Public Hearing closed at: 7:30 P.M.

Commissioner Bernhardt moved to table this item. Commissioner Satterfield seconded.

Discussion: None.

Vote: Commissioner Bernhardt – yes, Commissioner Watson – yes, Blackmer – yes, Commissioner Satterfield - yes and Chair Woodcock – yes.

## **DISCUSSION AGENDA**

### **1. Beekeeping Ordinance 725**

The Town Board requested that a code change be made to the Town of Milliken's Municipal Code to allow for beekeeping. Because beekeeping may be considered a land use related issue, Staff is presenting the Commission with a draft of Ordinance 725 to amend the Town's Municipal Code Chapter 7 "Health, Sanitation and Animals". Perkins handed out a draft Ordinance to the Commissioners. She explained that she is not an expert on this issue and explained that an expert spoke to the Town Board at a Work Session. She indicated that language within this Ordinance/code has changed where anyone who has bees would be permitted and reviewed on an annual basis.

Blackmer questioned bee colonies and asked if this could be changed to hives that occur naturally.

Discussion from the Commission was on lot size. The Beekeepers Association indicated that bees could be kept on an apartment balcony. Town Administrator Brown indicated that they also indicate there should be two (2) hives so you can tell the health of the bees.

Chair Woodcock indicated that professionals should be brought in and speak at a Work Session.

Liberty Gerold who resides at 774 Saddleback Dr., Milliken, indicated that her son is allergic to bees. She is not excited about having bees. She is also a realtor and these types of things need to be disclosed to any potential buyers. She indicated that perhaps larger lot areas that allow, cows, horses, etc. be the ones where bees are allowed. Town Administrator Brown explained that bees are already in town, they don't know town limits. He explained that bees help beautify areas due to pollination. Liberty asked if additional insurance would be required by the bee keepers.

Janet Lundquist who lives in Settler Village, Milliken, indicated that she has a concern that if someone is going to be raising bees it should be on a lot size that is large enough. Those who are maintaining their hives won't be a problem, it will be those who aren't maintaining their hives. She likes having the permit process to keep people accountable.

Elizabeth Austin 777 Saddleback Dr., she does not have an issue with bees, but with potential hives and is there going to be a size limit. Currently it is a fade, but what about those who do not keep their interest in their hive three (3) months later. She spoke about high privacy fences that force the bees upward. She is concerned about the safety of the residents.

Commissioner Satterfield indicated there are associations that will come and remove the bees if they are not being maintained.

John Kindsfather Jr. who lives in Perrigrine Creek, indicated that he and his wife built their dream house in Milliken. He has had a problem with a neighbor who had bees that were aggressive and have attacked them and their animals. He had to contact the Town and spoke to the Code Enforcement Officer and the bees were removed in June and there has not been an issue since then. Mr. Kindsfather indicated that bees are important, but there are other insects that pollinate. His concern is if bees are allowed and the bees he had a problem with come back, that he is in the same situation again. He is also allergic to bees and each time a person is stung the problem becomes worse. He spoke to someone in Fort Collins and received information about sound beekeeping practices.

Mr. Kindsfather indicated that he has read another article about how important bees are, but if the hive possess danger to you or others the hive must be removed. He would like to be able to continue enjoying his yard and his animals.

Director Perkins advised the Commission that this is going to the Board next week as an Ordinance. She will let the Board know that the Commission would like a Joint Work Session and that additional professionals should be brought in.

## **2. Weld County Referral for SUBX16-0002**

**D-Attach 2**

Applicant Jeffrey Sobeski has requested a Subdivision Exemption for a Telecommunications Tower Site. The location is approximately 0.2 miles west of County Road 21 ¾ and approximately 0.33 miles northeast of the intersection of State Highway 257 and State Highway 60. Staff handed out an aerial map indicating the area. This Tower will work with four (4) different communication providers. This area had been impacted during the 2013 flood and recommends to the owners that they raise any items that could be flooded.

The applicant Kala Crisp with Atlas Tower explained to the Commission the items that would be placed on this property. The equipment will be put up on concrete blocks to elevate. This location will be outside of the floodplain, but they are taken additional precautions just in case.

The Commission had no conflict.

3. **Weld County Referral for ZPTT16-0001**

**D-Attach 3**

Applicant Jeffrey Sobeski has requested a Zoning Permit of a Telecommunication Antenna Tower (70 foot monopole tower). The location is approximately 0.2 miles west of County Road 21 ¾ and approximately 0.33 miles northeast of the intersection of State Highway 257 and State Highway 60.

The Commission had no conflict.

**Other Business**

**Unfinished Business**

**Adjournment**

There being no further business, the meeting adjourned at 8:44 P.M.

Prepared by:

Approved by:

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Cheryl Powell, Town Clerk

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Tim Woodcock, Chair