TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, MAY 20, 2015 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 20th Day of May 2015. Those present were: Chair Tim Woodcock, Vice-Chair Dave Bernhardt Commissioners: Ron Blackmer, Richard Hiller and Dave Watson. Also present: Community Development Director Martha Perkins, Town Administrator Kent Brown and Town Clerk Cheryl Powell.
Absent: Commissioners: Mitchell Portella and Shellie Satterfield and Community Engagement Specialist/Planner Seth Hyberger

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

Director Perkins indicated there were no changes from staff.

Citizens Comments

None.

Minutes of Previous Meeting

Minutes for the May 6, 2015 meeting approved.

Commissioner Blackmer motioned and Commissioner Watson 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/Meeting for the Purpose Consider a Request from Lot Holding Investments, LLC to Approve the Final Plat of the Fossil Park Subdivision**

Community Development Director Perkins explained the quasi-judicial procedures.

Chairman Woodcock read the quasi-judicial procedures to the Commission and the Public.

The Commission was asked if any of them had any conflict with this quasi-judicial item. All Commissioners replied they did not have any conflicts.

Public Hearing opened at 7:11 P.M

Robert Fields, Bret Hall and Russell Lee were sworn in by the Town Clerk.

Community Development Director Perkins asked the Commission to consider a request from Lot Holding Investments, LLC to approve the final plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 (Parcel ID# 105912441002) of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat (Parcel ID #105912019001) in Milliken, Colorado. The area is approximately 50 acres in size and sits vacant.

Mr. Bret Hall explained the development that there is approximately 70 large lots. This subdivision is on the east side of Milliken. The reason they are requesting that the zone be changed to residential from industrial is due to the Recreation Center that will be built nearby. A residential housing development is feasibly suitable for an area with a recreation center. Commissioner Blackmer asked if anything significant has changed in the plat from the hearing prior to this one. Mr. Hall indicated that there hasn't been any significant changes.

Discussion from the Commission was lot sizes and landscaping in the open space areas. Mr. Hall explained that there will be some sod, but approximately 60-70% will be native. An emergency access area will be incorporated into the plan, but Mr. Hall explained that Clint Dudley who is the Executive Director with Thompson Rivers Parks and Recreation (TRPR) will be able to address that more during the discussion about the Field House. Mr. Hall did explain that all standards have been met and it has been approved by the Fire District.

Mr. Robert Fields, who resides at 9190 WCR 52, Milliken explained he has concerns about weed control, particularly noxious weeds. He is also concerned about prairie dogs and the mitigation of prairie dogs. He is mainly concerned with this issue when the Martinez-Hahn property is annexed into Milliken. Chairman Woodcock suggested that a meeting could be setup with Town Staff and Mr. Fields to address these concerns. Town Clerk Powell indicated that a meeting could be scheduled. Clerk Powell explained that the Town does have a prairie dog ordinance that went into effect a few years ago and there are processes in regard to this that are required to take

place on any properties that are in Milliken Town limits. She also explained that the Town hired a full-time Code Enforcement Officer this year and it has proven to be successful, but it will take a few years in order for the Town to have a firm handle on all the different issues around Town. Commissioner Blackmer asked Mr. Fields how he mitigates prairie dogs on his property and what the different processes are used to illuminate the prairie dogs. Mr. Fields replied that he shots the prairie dogs, which is illegal within Town limits. Different types of poisons and vacuuming are also options that are used. Clerk Powell suggested that Mr. Fields make an appointment to speak to the Town Administrator regarding his concern. Chairman Woodcock also suggested that Mr. Fields speak to the Town Board since this is an issue that would be addressed through them and not the Planning Commission.

Public Hearing closed at 7:27 P.M.

Commissioner Blackmer moved that after hearing testimony, examination of the documents presented and the findings of fact the application meets the provisions of the Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and Approves the request for the approval of Final Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat in Milliken, Colorado with a recommendation for approval to the Town Board of Trustees. Commissioner Watson seconded.

Discussion: None.

Roll Call Vote: Commissioners: Bernhardt, Watson, Blackmer, Hillier and Chair Woodcock in favor, none opposed. Motion passed.

2. **Public Hearing for the Review and Recommendation for Approval of Ordinance # 711, to Approve an Annexation of 152 Acres known as the Martinez-Hahn Annexation**

The Commission was asked if any of them had any conflict with this quasi-judicial item. All Commissioners replied they did not have any conflicts.

Public Hearing opened at 7:30 P.M

Community Development Director Martha Perkins asked the Commission to review and consider Ordinance 711, for the purpose of annexing approximately 152 acres of the land 100% owned by the Martinez Family into the Town of Milliken, located at 9333 CR 52. The annexation will take place in three (3) separate applications known as the Martinez-Hahn Annexation 1, 2 and 3. In addition, with the annexation, the Martinez family is requesting to zone the land R-1 "Single Family Residential".

The Martinez family was present during the hearing, but would not comment since their attorney was not present at the meeting.

Commissioner Hillier asked why the property owners decided to annex into the Town

of Milliken. Director Perkins replied that it was requested in the Will of the deceased parents.

Commissioner Blackmer asked who would be responsible for maintaining the land. Perkins replied that the property owner would need to maintain the land as stated in the Milliken Municipal Code. Commissioner Bernhardt explained that the County is more relaxed in weed management than the Town.

Commissioner Hillier asked when the parcel is rezoned to residential, could it still be used as agricultural. Perkins replied that uses by right would not allow it. Perkins indicated that the ordinance can be separated to split the annexation from the zoning.

Mr. Fields who resides across from the proposed annexation explained that he owns the water rights.

Mr Fred Martin, who resides at 3540 Mill Iron Court, Milliken was sworn in by the Town Clerk. Mr. Martin is objecting to the R-1 zoning of the Martinez-Hahn property, he believes that placing a large number of homes on property that is mainly surrounded by agricultural lands would be excessive and a detriment to the area. He is interested in keeping a rural aspect to this area. He is also concerned about the prairie dogs that may migrate to lands that are adjacent to the Martinez-Hahn land. He would like to see Agricultural Estates placed in the proposed area, this would make this a lower density development. He is also concerned about police and fire services with the addition of all these residences.

Commissioner Blackmer asked about the water to service these homes. The Towns stance is whoever develops the property needs to bring enough water to serve.

Commissioner Blackmer asked if residential property uses more water than agricultural property. Perkins indicated that agricultural property uses more water. Perkins indicated that her understanding is the land does not come with water, but the Town policy specifies that a developer needs to bring the water to the Town.

Mr. Ron Roberts, who resides in Mill Iron was sworn in by the Town Clerk, He is concerned about the traffic that will impact the area. He would like to see this property become residential estates.

Perkins indicated that any area annexed (section 16-3-10), proposed zoning ordinance should not be passed before the date when the annexation ordinance is passed. Any area annexed shall be brought under provisions of this section and the map under 90 days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such 90 day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

Public Hearing closed at: 7:48

Commissioner Hillier motioned that after hearing testimony, examination of the

documents presented and the findings of fact finds the application does not meet the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code" and recommends the Town Board does not approve Ordinance 711 for annexat5ion of certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn" Continuous Annexations No. 1-3. Commissioner Bernhardt seconded.

Discussion: Commissioner Bernhardt indicated he would have liked the annexations to come before them on an individual basis and he does not feel that R-1 zoning is appropriate. Commissioner Hillier expressed the same feelings.

Commissioner Blackmer felt that questions he had, could not be answered by the family since their attorney was not present.

Town Administrator Brown responded that the Commission could review this again if it was brought back in a different format. If the Commission would like it brought back as two (2) separate items, one being the annexation and the other as the zoning for the property it could be done this way. From the property owners view it is easier to have both of these issues together in order for them to sell the property.

Discussion among the Commission was that the Commission could amend the motion and separate the annexation from the zoning. The Commission indicated that they would leave the motion as it stands.

Roll Call Vote: Commissioners: Bernhardt, Watson, Blackmer, Hillier and Chair Woodcock in favor, none opposed. Motion passed.

Chair Woodcock explained to the Martinez Family to schedule a meeting with Community Director Perkins and the attorneys.

3. **Public Hearing/Meeting for the Purpose to Consider a Request from Thompson River Parks and Recreation (TRPR) to Approve the Site Plan for the Construction of the Milliken Field House**

The Commission was asked if any of them had any conflict with this quasi-judicial item. All Commissioners replied they did not have any conflicts.

Public Hearing opened at 8:01 P.M

Clint Dudley who is the Executive Director of Thompson Rivers Parks and Recreation (TRPR) asked the Commission to consider a request from TRPR to approve the site plan for the construction of a 21,607 square foot building for the Milliken Field House on the property located at 320 Centennial Drive in Milliken, Colorado and a Use by Special Review for the Field House to be used as a Community Center presented visual depictions of the Field House project and explained what the property and Field House will be used for. He also explained the Boys and Girls Club will also have a presence at the facility.

Mr. Dudley provided plans for the Commission and audience to view.

Discussion from the Commission was the size of the basketball courts and the age groups that it would serve. Mr. Dudley explained that this courts are a smaller size to meet the needs for the vast majority of the youth in their programs. Larger courts are available at the Middle school to serve the older youth.

Commissioner Hillier asked about the oil well that is in the near vicinity. Mr. Dudley explained that the Field House was moved over slightly due to the well.

Commissioner Blackmer asked what else the Field House would be used for. Mr. Dudley explained that the Boys and Girls club will have dedicated space for an office and an area to use for various functions.

Commissioner Blackmer asked if TRPR will be moving to the new building. Mr. Dudley replied yes.

Commissioner Hillier asked when this building will be completed. Mr. Dudley replied that the completion will occur approximately at the end of April 2016.

Director Perkins indicated that the building is higher (38 feet) than what is typically allowed in an R-1 zoned district. They would like to have black vinyl coated fence that will surround the equipment area to match the tennis court area that is close to the Tennis Courts.

Troy Spraker with Lamp Rynearson spoke and explained that the building height is higher than what is allowed in the R-1 zone district. The fencing will be galvanized that has a black vinyl coating that will hold up for approximately 15-20 years.

Spraker explained that there will be a sidewalk for connectivity from Centennial Drive to the Field House and a loading and unloading zone to drop off and pick up children. There will also be a regional trail along CR 25 to CR 46 and to Hwy 66 at some point in time.

Perkins explained that the cul de sac will actually depict more of a round-about in order to maintain any traffic congestion and to keep the flow going in an orderly manner. Spraker also spoke about the access points for emergencies.

Commissioner Hillier asked if it will be easy for people to walk from parking areas to the soccer fields. Mr. Dudley explained that there is a sidewalk area.

Perkins explained that there may be a development agreement to address any potential issues.

Public Hearing closed at 8:19 p.m.

Commissioner Bernhardt motioned that 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 for a commercial site plan and a use by special review for the Milliken Field House as a recreational and a community facility with a development agreement to address any potential negative impacts on the neighborhood and ensure quality public improvements and landscaping are obtained in the R-!, Residential Single Family Zoning District for property located at 320 Centennial Drive in Milliken, Colorado. Commissioner Watson seconded.

Discussion: Commission agreed that this will be a good amenity to the community. Hillier asked if a traffic study will be done on this area. Bret Hall explained that the old traffic study predicted a higher traffic count than what is presently there.

Roll Call Vote: Commissioners: Bernhardt, Watson, Blackmer, Hillier and Chair Woodcock in favor, none opposed. Motion passed.

DISCUSSION AGENDA

1. **Weld County Referral for USR15-0028**

   Applicant Spaur, LLC C/O Mark Spaur requested to amend Lot B and D of RE-4330 (in conjunction with RECX15-0072 & RECX15-0073). The location is East of and adjacent to CR 19, North of and adjacent to CR 45 & South of and adjacent to CR 46.5.

   Discussion among the Commission was in regard to the Town supplying the water infrastructure. Perkins explained that the Dove Valley subdivision is near and the Spaurs would need to pay for the infrastructure to the property that it would serve. The Spaurs are investigating costs in regard to the water.

   No conflict with the Milliken Planning Commission.

2. **Weld County Referral for RECX15-0072**

   Applicant Spaur, LLC C/O Mark Spaur requested to amend Lot D of RECX15-0072 (in conjunction with RECX15-0071 & RECX15-0073). The location is East of and adjacent to CR 19, North of and adjacent to CR 45 & South of and adjacent to CR 46.5.

   No conflict with the Milliken Planning Commission.

3. **Weld County Referral for RECX15-0073**

   Applicant Spaur, LLC C/O Mark Spaur requested to amend Lot B of RE-2512 (in conjunction with RECX15-0071 & RECX15-0072). The location is East of and adjacent to CR 19, North of and adjacent to CR 45 & South of and adjacent to CR 46.5.

No conflict with the Milliken Planning Commission.

4. **Weld County Referral for USR15-0017**

Applicant WPD Storage, LLC requested a Site Specific Development Plan and Special Review Permit for a Use by Right, an Accessory Use, or a Use by Special Review in the commercial or industrial zone districts (storage and sales of new oilfield equipment, primarily gas/oil separators and combustors and limited equipment maintenance, primarily oil/tire changes and minor mechanical maintenance).; Town (2) warehouse/storage buildings; Two (2) modular offices and a 25 foot in height communications tower in the A (Agricultural) Zone District.

No conflict with the Milliken Planning Commission.

INFORMATION AGENDA

There were not any items.

Other Business

Unfinished Business

Adjournment

There being no further business, the meeting adjourned at 8:37 p.m.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Tim Woodcock, Chair