TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, SEPTEMBER 7, 2016 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 7th Day of September, 2016. Those present were: Chair Tim Woodcock, Vice-Chair Dave Bernhardt Commissioners: Dave Watson, Shellie Satterfield, Mitchell Portella, Andrew Hladik and Ron Blackmer. Also present: Town Administrator Kent Brown, Community Development Director Martha Perkins and Town Clerk Cheryl Powell.

Absent:

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

Staff indicated that they did not have any changes to the Agenda.

Citizens Comments

None.

Minutes of Previous Meeting

Minutes for the August 17, 2016 meeting approved as distributed.

Commissioner Watson motioned to approve the minutes. Commissioner Bernhardt 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. **Front Yard Setback Variance Request**

Public Hearing Opened at: 7:04 P.M.

Community Development Director Martha Perkins explained to the Planning Commission a request for a Variance has been made for a front yard setback located at 417 Broad Street. The agent is John Bailey with 2 Valley Builders, Inc. and the property owners are Brent M. Coddington and Chesea Babb. Perkins explained that the applicant apologized for not attending due to a prior commitment he could not reschedule.

Director Perkins explained that the plot plan for the construction of the new residential dwelling unit was prepared by the Rocky Mountain Group. The zoning of the property R-1 "Single Family Residential" requires a 20-foot front setback. Staff reviewed the plot plan as part of the building permit and based on this plot plan approved the building permit. The builder built the house according to this plot plan.

Perkins reviewed the process with the Commission explaining how the LUCD defines the criteria of a Variance. A Variance requires a hardship and there is not a hardship in this case.

Perkins further explained that with the sale of the house, the builder retained a surveyor, Edmonds Land Surveying, Inc., to prepare an Improvement Location Certificate (ILC). The ILC showed the front setback as 11 feet and 2 inches, rather than the 21 feet. It appears that the pins were set incorrectly along Broad Street. The right-of-way on Broad Street is 80 feet rather than 60 feet. Mr. Bailey is requesting a front yard setback variance for 8 feet and 10 inches. Perkins explained that she believes that this was an honest mistake.

Commissioner Bernhardt explained that these types of mistakes need to be corrected. With all the building occurring in Town this information should be verified prior to building. Perkins explained that the surveyors actually moved the pins since the pins were placed in the wrong place.

Commissioner Blackmer explained that a survey should have been done prior to the building of the house. Administrator Brown spoke about the right-of-way perhaps being re-determined from the current 80 feet to 60 feet, since this street is no longer a main arterial. Bernhardt suggested narrowing the right-of-way accordingly for a residential street. Commissioner Portella asked if there are utilities in place that could create a problem with narrowing the right-of-way. Commissioner Watson explained that there are not any other homes to be built in this area. Bernhardt explained that in other Towns, old homes are being torn down and new structures erected.

Chair Woodcock suggested bringing the suggestion of the narrowing of the right-of-way to the Town Board.

Satterfield mentioned this is the second Variance request brought to the Commission due to a "mistake". That a survey should be done prior to the foundation being poured.

Public Hearing closed at 7:23 P.M.

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 does not meet the provisions of the Town of Milliken's Land Use Development Code (LUDC) Chapter 16 Section 16-3-520 relating to satisfying all the criteria necessary to grant a variance, but recommends the Board of Adjustment approve the variance request for the required front yard setback of approximately 8 feet and 10 inches for 417 Broad Street in the Town of Milliken, Lots 12, 13, and the East ¾ of Lot 14, Block 45, in the County of Weld, Colorado with the condition that a mistake was made with the initial plot plan forcing the applicant to request a front yard setback variance be granted. Commissioner Watson seconded.

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

Commissioner Bernhardt made a recommendation that the right-of-way on this area of Broad Street from Kathleen to Quentine be narrowed.

Commissioner Blackmer recommended that a survey should be done before the foundation is poured.

DISCUSSION AGENDA

1. **Weld County Referral ZPHC16-0009** **D Attach-1**

Weld County Referral# ZPHB16-0009: Property Owners James and Cynthia Franklin (Parcel# 1057-01-0-00-042) are requesting a Zoning Permit for a Home Occupation-Class II. The owners would like to have a Massage Therapy Office in their home and a Gun-Smithing Shop in the Existing Detached Shop on the Property located at 23522 County Road 35 in LaSalle, County of Weld, State of Colorado.

The Planning Commissioners did not have a conflict.

2. **Weld County Referral PUDK16-0003** **D Attach-2**

Weld County Referral# PUDK16-0003: Property Owners Wayne Howard and Sharyn Frazer (Parcel 0957-30-3-00-049) are Requesting a Sketch Plan Application for 5225 Estates PUD (Planned Unit Development) Subdivision consisting of Three (3) Single Family Agricultural Residential Lots. The Proposed 18-Acre Subdivision would

include three lots varying in size from 3-Acres to 4-Acres and located at 6450 CR 52.25 in Johnstown, County of Weld, Colorado.

The Planning Commissioners did not have a conflict.

3. **Weld County Referral COZ16-0003** **D Attach-3**

Weld County Referral# COZ16-0003: Property Owners Jacob and Laura Owens (Parcel 0959-27-1-07-005) are Requesting a Change of Zone from A (Agricultural) Created in the Sixties when this10.47 Acres was Developed as a Residential Subdivision and Left Undeveloped and Maintained to E (Estate) Zoning (in Conjunction with Referral# RES16-0001) for Two Single Family Residential Lots Consisting of 5.15-Acres and 5.23 Acres in Tract A of the Arrowhead 4th Filing Subdivision with the Addresses of 5300 Kiowa Drive and 5101 Pawnee Drive in Evans, County of Weld, Colorado.

The Planning Commissioners did not have a conflict.

4. **Weld County Referral RES16-0001** **D Attach-4**

Weld County Referral# RES16-0001: Property Owners Jacob and Laura Owens (Parcel 0959-27-1-07-005) are requesting a Replat (in Conjunction with Referral# COZ16-0003) for Tract A of the Arrowhead 4th Filing Subdivision with Addresses of 5300 Kiowa Drive and 5101 Pawnee Drive in Evans, County of Weld, Colorado. The 10.47 Acres will be divided into 2 Lots consisting of 5.15-Acres and 5.23 Acres. The Surrounding Development is comprised of Single Family Residential Dwelling Units averaging just over Two and One-half Acres.

The Planning Commissioners did not have a conflict.

Other Business

Perkins explained that the Town's Attorney is reviewing the areas of the Code that have been suggested. Temporary Use Permit, Fences and Walls, Accessory Structures and the MUCD. The Attorney will be reviewing the Fence Code.

Commissioner Satterfield asked if the Commissions comments from the prior meeting were brought to the Town Board. Brown explained that some issues had been discussed.

Satterfield asked about the Land Use Code and having the entire Code reviewed. Brown indicated that there was a positive response from the Town Board but it will be a budgetary discussion for 2017.

Woodcock asked if a joint Work Session has been scheduled. Brown indicated a date has not been determined yet.

Woodcock asked about Home Occupations and stated that currently the Town is placed in a liability situation.

Brown explained that the Board will probably not be in favor of spending money to have an outside source come in to write the Land Use Code. There will funds asked for in the budget. Discussion between the Commission and staff were the parameters that the Code will be reviewed, and how it will be approached. The Commission has reviewed the recently written Lakewood Land Use Code and suggested this may be a starting point in rewriting/correcting the Town's Code. Perkins explained that the Town Board is aware that the Town's Code needs correcting. The Lakewood Code and various other options have been provided to the Town Board.

Brown suggested that perhaps Perkins could bring some procedure to the Town Board showing Lakewood's Code versus Milliken's Code, such as a Commercial Site Application.

Further discussion was the difference in the length of notice process and the simplicity for others to comprehend. A Work Session will be scheduled and these items will be discussed. Commissioner Bernhardt suggested that his attorney is willing to present free of charge, but would like to confer with the Town's attorney prior to doing a presentation.

Unfinished Business

Adjournment

There being no further business, the meeting adjourned at: 8:15 P.M.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Tim Woodcock, Chair