

TOWN OF MILLIKEN  
PLANNING COMMISSION  
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, June 4, 2014, 2014 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 4th Day of June 2014. Those present were: Vice-Chair Tim Woodcock, Commissioners: Dave Bernhardt, Ron Blackmer, and Shellie Satterfield. Also present: Community Development Director Anne Johnson, Town Clerk Cheryl Powell, Town Attorney Bruce Fickel and Administrative Assistants: Ashley Hunt and Gale Amaya. Absent: Commissioners: Dave Watson and Richard Hillier.

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

**Agenda Approval**

None.

**Citizens Comments**

None.

**Minutes of Previous Meeting**

May 7, 2014 Minutes were approved as distributed.

**CONSENT AGENDA**

There were not any items.

**ACTION AGENDA**

**1. Public Hearing and Consideration for Recommendation of a Site Plan Review for Tennis Courts for Thompson Rivers Parks & Recreation District**

Community Development Director asked the Commission to consider a request from Thompson Rivers Parks and Recreation District in the PUD Zone District for property located south of 110 South Centennial Drive, west of Weld County Road 25 and north and adjacent to South Centennial Drive in Milliken, Colorado.

Public hearing opened at 7:05 p.m.

Applicant Pam Wolsey asked for approval.

Public hearing closed at 7:11 p.m.

Commissioner Bernhardt Motioned "The applicant has read and approved the Agenda Memo and agrees to the Conditions of Approval. I find no need to forward the application to the Town Trustees as the Applicant's request for a Site Plan Review to allow tennis courts is consistent with the Approval Criteria for a Site Plan Review as found in Section 16-4-430 of the Land Use Code. I further find the request supports the goals and objectives of the Comprehensive Plan. I move to approve the request with the Conditions of Approval." Commissioner Blackmer seconded.

Vote: All in favor. None opposed.

**2. Public Hearing and Consideration of a Recommendation of a Minor Subdivision for Milliken Mini Storage, a Property Zoned Industrial, I-2**

Community Development Director asked the Commission to consider a request from Milliken Mini Storage owners Linda Kramer and Dan Bowman for a Minor Subdivision in the I-2, Industrial Zone District for property located 1,740' north of State Highway 60 and adjacent to and west of State Highway 257.

Public hearing opened at 7:15 p.m.

The applicant's representative, Zeljko Spiric presented the power point presentation to the commission as an over view to answer the concerns and questions about the original site plan. Tim Solomon, owner of the Evergreen Mobile Home Park, asked questions about the site in relationship to the flood plain. Spiric stated the north east portion of the property is affected by flood plain map.

Commissioner Bernhardt asked if the ditch companies were contacted. Community Development Director Johnson responded that they were contacted by mail. Commissioner Bernhardt wanted to make sure Gene Kammerzell was contacted. Johnson noted the Ditch Companies will sign the plats.

Public hearing closed at 7:32 p.m.

Commissioner Blackmer Motioned "I find the Applicants request for a Minor Subdivision is consistent with the approval criteria for a Minor Subdivision as found in Section 16-4-130 and 16-4-410 of the Milliken Land Use Code. I move to approve the applicant's request for a Minor Subdivision subject to the Conditions of Approval and Development Standards set forth above in Staff's agenda memo dated June 4, 2014, as accepted by the Applicant. Two sets of mylar plats shall be provided to the Town of Milliken office of Community Development for recording in the office of the Weld County Clerk and Recorder." Commissioner Satterfield seconded.

Vote: All in favor. None Opposed.

### **3. Public Hearing for Review and Recommendation of an Amended Site Plan Review for a Mini Storage Facility in the I-2, Industrial Zone District**

Community Development Director Johnson asked the Commission to consider a request from Milliken Mini Storage for an amended Site Plan Review for a Mini Storage facility in the I-2 Industrial Zone District. The resulting parcel after approval of the Minor Subdivision submitting in conjunction with this application will be 6.051 acres in size.

Public hearing opened at 7:34 p.m.

Discussion from the Commission was in regard to the detention ponds impact on the irrigation ditch as well as the type of landscaping that will be incorporated. Questions were answered by Rick Benning, the applicant's representative from Baseline Engineering.

Public hearing closed at 7:52 p.m.

Commissioner Bernhardt Motioned "I find the Applicants request for a Site Plan Review to allow a mini-storage facility for their business, Milliken Mini Storage is consistent with the Approval Criteria for a Site Plan Review as found in Section 16-4-430 of the Town's Land Use Code, and further find that the application does not need to be forwarded to the Town Board for final approval as provided in Section 16-4-430(b)(8) of the Land Use Code. I move to approve the application subject to the Conditions of Approval and Development Standards listed above in Staff's memo dated June 4, 2014, as accepted by the Applicant, which conditions and standards shall be placed on the plat and recorded in the office of the Weld County Clerk and Recorder." Commissioner Blackmer seconded.

Vote: All in favor. None opposed.

#### **4. Public Hearing for Review and Recommendation of a Site Plan Review for a Transportation Facility in the I-2, Industrial Zone District**

Commissioner Bernhardt led the meeting. Commissioner Woodcock recused himself.

Community Development Director Johnson asked the Commission to consider a request from Bronco Oilfield Services for a Transportation Facility in the I-2, Industrial Zone District.

Public hearing opened at 7:55 p.m.

Commissioner Blackmer asked for clarification on the location of the property. Stan Welch with Heartland Structures explained where it was on the map provided. Commissioner Bernhardt questioned the impact on the ditches. Mr. Welch explained that additional mapping will be completed with the requested drainage report.

Robert Hughes, a representative from Bronco, also let the Commission know that Bronco will use that site for transportation headquarters for staging equipment and materials that will go into the field. They will have five (5) to ten (10) employees with company vehicles plus a couple of semi-trucks that will come through town.

Public hearing closed at 8:07 p.m.

Commissioner Satterfield Motioned "I find the Applicants request for a Site Plan Review to allow a Transportation Facility for Bronco Oilfield Services is consistent with the Approval Criteria for a Site Plan Review as found in Section 16-4-430 of the Town's Land Use Code, and further find that the application does not need to be forwarded to the Town Board for final approval as provided in Section 16-4-430(b)(8) of the Land Use Code. I move to approve the application subject to the Conditions of Approval and Development Standards listed above in Staff's memo dated June 4, 2014, as accepted by the Applicant, which conditions and standards shall be placed on the plat and recorded in the office of the Weld County Clerk and Recorder." Commissioner Blackmer seconded.

Vote: All in favor. None opposed.

#### **5. Consideration of Ordinance 695, Code Additions and Amendments Including Clarification to the Definitions of Factory Built Home, Manufactured Home, Mobile**

**Home; Adding a Provision to the Architectural Standards Prohibiting Structures from Becoming in a Dilapidated State**

Community Development Director Johnson asked the Commission to consider Code additions and amendments including clarification to the definitions of Factory Built Home, Mobile Home; and adding a provision to the architectural standards prohibiting structures from becoming in a dilapidated state.

Public hearing opened at 8:12 p.m.

Commissioner Blackmer would like more discussion on Amendment 16-12-20(c). Planning Commissioners agreed to further discuss this section at a future work session but to keep the progress moving forward.

Public hearing closed at 8:24 p.m.

Commissioner Bernhardt Motioned "I find that the recommended changes to the Milliken Land Use Code including Section 16-1-150 regarding the definition of Factory Built Housing, Manufactured Home and Mobile Home; additions and amendments to Section 16-2-610; Addition of Sections 16-2-611 and 16-2-612; and an Amendment to Section 16-12-20 are consistent with the Comprehensive Plan and the Municipal Code. Further, I recommend the Town Board of Trustees support the development of a Mobile Home Park Zone District that supports the inclusion of Mobile Homes. I recommend the proposed amendment be sent to the Town Trustees for consideration and approval. Commissioner Satterfield seconded.

Vote: All in favor. None opposed.

**6. Consideration of Ordinance 696, Amending Section 16-2-485 of the Land Use Code to allow Painted Picket Fences in the Downtown Milliken Area**

Community Development Director Johnson asked the Commission to consider for approval, Ordinance 696, an amendment to the Land Use Code to allow painted fences in the Downtown District of Milliken.

Public hearing opened at 8:26 p.m.

Discussion with Commissioners was to review the entire fence code at later date during a future work session.

Public hearing closed at 8:46 p.m.

Commissioner Bernhardt Motioned "I find that the recommended change to Section 16-2-485(d)(2) of the Land Use Code is consistent with the Comprehensive Plan and the Municipal Code. I recommend that the proposed amendment be sent to the Town Trustees for consideration and approval." Commissioner Satterfield seconded.

Vote: All in favor. None opposed.

Town Attorney Fickel requested the opportunity to elaborate on items discussed during the Work Session. DOLA representative, Andy Hill, provided a refresher session on the roles and responsibilities of the Planning Commission, Town Board and Staff. Ms Hill also discussed ex-parte communication, due process, and open meetings. Attorney Fickel reiterated the importance of maintaining the appearance of an open process where applicants have been provided due process. By maintaining a transparent land use process, the Planning Commissioners will be protected in law suits.

When citizens are placed in the role of public service, such as on the Planning Commission, communication with the public needs to be tempered appropriately. Planning Commissioners are instructed to not have ex parte communication with citizens. Planning Commissioners are encouraged to call Attorney Fickel to ask questions. Planning Commissioners are encouraged to direct the public to staff. Planning Commissioners are also encouraged to suggest to citizens that they come to the Town Board and voice their opinions too.

Planning Commissioners are charged with providing legislative advice.

Milliken is a small community and Planning Commissioners neighbors, friends, etc. may want to discuss future land use cases with them. Planning Commissioners are encouraged not to fall into this scenario. The best defense from future litigation is to maintain an appearance of impartiality and transparency. Attorney Fickel guided the Planning Commissioners to not take sides, present a biased opinion, etc. in land use matters.

It is best to separate from land use issues and remain an impartial 'judge' as a Planning Commissioner. This is the most difficult thing the Town asks of a Planning Commissioner or a Town Trustee. Your knowledge and interest in the Town is what placed you in your role. The Town wants to keep you in your role.

## DISCUSSION AGENDA

**1. Weld County Referral # RECX14-0051**

Ram Land Company, c/o Mark Drouhard has submitted an Amendment to Recorded Exemption, RECX11-0036 Weld County Department of Planning Services to amend the lot sizes of Lots C and D on a parcel of land located north and adjacent to Weld County Road 40 and east of and adjacent to Weld County Road 25.5.

Community Development Director Johnson has no conflicts.  
The Commission also has no conflict

**2. Weld County Referral # USR14-0024**

Terry Wiedeman, c/o AKA Energy Group, LLC has submitted a Site Specific Development Plan and Use by Special Review Permit for an Oil and Gas Support and Service Facility (Compressor Station Facility) in the A (Agricultural) Zone District. The location of this property is east of and adjacent to State Highway 60 and north of and adjacent to County Road 40.

Community Development Director Johnson indicated no conflicts with the Comprehensive Plan or Zoning Ordinance.

The applicant Terry Wiedeman, was present to answer any questions the commission had. Wiedeman noted the application was for a gas compression facility.

The Commission has no conflicts.

**3. Weld County Referral # USR14-0027**

Michael Decker has submitted a Site Specific Development Plan and Use by Special Review Permit for Mineral Resource Development facilities including Oil and Gas Support and Service (an oil and gas roustabout to include a 16,500 square foot shop, parking for employee vehicles and 60 semi-trucks) in the A (Agricultural) Zone District. The location of this property is south of and adjacent to County Road 38 and approximately 075 miles west of County Road 25.

Community Development Director Johnson will send a letter to Weld County indicating that due to the intensity if use and the amount of traffic being generated, the use would be better suited for the development within the communities of either Platteville or Milliken.

**Other Business**

None.

**Unfinished Business**

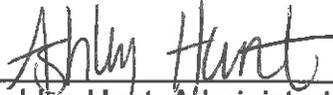
None.

**Adjournment**

There being no further business, the meeting adjourned at 9:23 p.m.

Prepared by:

Approved by:

  
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Ashley Hunt, Administrative Assistant

  
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Tim Woodcock, Vice Chair