

TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, November 5, 2014 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 5th Day of November 2014. Those present were: Chair Tim Woodcock, Vice-Chair Dave Bernhardt Commissioners: Dave Watson, Ron Blackmer, Shellie Satterfield, and Richard Hillier. Also present: Interim Town Administrator Cheryl Powell, Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger, and Administrative Assistant Ashley Cummins. Absent: Town Attorney Bruce Fickel and Commissioner Mitchell Portella.

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

Agenda Approval

Community Engagement Specialist Hyberger had a revised to map for Action Item 1.

Citizens Comments

None.

Minutes of Previous Meeting

October 15, 2014 Minutes were approved as distributed.

CONSENT AGENDA

There were not any items.

ACTION AGENDA

1. Public Hearing to Consider for Approval a Use by Special Review to Allow for More Than One-Building/Accessory Structure and Second Driveway on a Lot Zoned AE at 100 Bobcat Drive

To consider a request from Shane and Michelle Krusmark for a Use by Special Review application to allow more than one additional accessory structure and a second driveway on their AE Zoned residential property located at 100 Bobcat Drive in the Wildcat Acres Subdivision.

After the initial application was given to the Commission, the Krusmark's discovered that the site map submitted to the Town was incorrect. Community Engagement

Specialist Hyberger provided the Commission and Staff with the updated map during the meeting. The new map showed the 50' Drainage, Utility and Access Easement on the southern portion of their property. Since this easement was not indicated on the original site plan, the owners have been instructed to contact all utility companies on and surrounding their home to make sure the accessory structure does not encroach on any utility easements and if so, receive permission to build. The rear yard near where the easement is located is a wetland area and not anticipated to have any utilities. The Planning Commission may approve this site development with the special conditions that a waiver is requested and approved by the Town Board for any encroachment to the rear yard 50' easement and all aforementioned utility providers have been contacted to verify that no utilities will be impacted due to the 2nd accessory structure location.

Public Hearing Opened 7:06 at p.m.

Community Engagement Specialist Hyberger asked the Commission to grant a waiver to allow the Krusmarks some encroachment in the rear yard easement and to approve the Use by Special Review for the additional accessory structure and second driveway.

Discussion among the commissioners included the size of the encroachment, ownership of the easement, accountability if the easement needs to be utilized, surrounding property owner interests and written permission of encroachment.

Owner Michelle Krusmark informed the Commission that the encroachment is more on the side yard than the rear yard so the structure should not interfere with any future utility construction and that all surrounding property owners had to be notified of the addition as part of the application process.

Public Hearing Closed 7:25 at p.m.

Commissioner Watson said 33 feet is enough room to do any utility placement.

Commissioner Blackmer motioned "Due to the shape of the lot I find that the Krusmark's request for more than one Accessory Structure and a second driveway is consistent with the Approval Criteria for a Use by Special Review found in Sections 16-3-500 (c), 16-3-225, and 16-2-596 of the Town's Land Use Code. My recommendation is accompanied by the following Special Conditions of Approval:

1. The applicant will work with utility companies (Baja, Xcel, Century Link) and the Town's Public Works Director to ensure that final placement of the structure does not interfere with any utility lines or sanitary sewer lines.
2. If the location of the shed encroached on the 50' rear yard easement, a request and approval of a waiver by Town Board will be required in accordance with Section 16-3-530.
3. The applicant will submit a building permit for the proposed structure."

Commissioner Bernhardt seconded and also added to have an agreement between the Town and the Applicant for encroachment into the easement.

Vote: Commissioners Woodcock, Satterfield, Bernhardt, Watson, Blackmer yes.
Commissioner Hillier opposed.

2. Public Hearing and Consideration and Approval of Ordinances 699, Amending Chapter 16-4-130(2) of the Milliken Municipal Code

To consider for approval Ordinance 699, which amends Section 16-3-130(2) of the Milliken Municipal Code to establish the administrative process for the creation of a minor subdivision.

Public Hearing Opened at 7:35 p.m.

Community Engagement Specialist Hyberger explained to the Commission that Ordinance 699, if approved, allows the Minor Subdivision Approval to be done on an Administrative level to include the Town Administrator and the Community Development Director. The approval could only be made if all the required criteria as stated in the Milliken Land Use Code are met. This draft of the Ordinance includes additional changes as requested when the first draft was sent to the Commission and Board prior to.

Discussion among the Commission included questions to clarify the 20 (twenty) day period the Planning Commission and Town Board is given to object or approve, if the 20 (twenty) day period event needs to be included. The point of this Ordinance is alleviate the time frame for applicants to get approval and allows Administration that ability. Questions from the Commission regard to when the 20 (twenty) day period starts and if the Planning Commission Chair and a representative from the Town Board can decide if the application needs to follow a full approval process and bring the application before both for approval.

Interim Town Administrator Powell informed the Commission that Town Staff will inform the Commission and Board of all Administrative Approvals in the meeting packets and if there is a concern or any red flag in an application Staff will require the applicant to complete a full approval process. The 20 day period allow both the Commission and the Board a chance to see what has been approved and to allow for an additional check system for Town Staff. She suggested the Commission continue the public hearing to the next meeting and request Town Attorney Bruce Fickel be in attendance to answer questions.

Public Hearing Closed at 7:57 p.m.

Commissioner Watson motioned to continue the Public Hearing for the next meeting. Commissioner Blackmer seconded.

All in Favor. Motion Carried.

3. Public Hearing and Consideration and Approval of Ordinances 702, Amending Chapter 16 of the Milliken Municipal Code

To consider for approval Ordinance 702, which amends Section 16-4-540 of the Milliken Municipal Code to establish the administrative process for the vacation of interior lot lines, rights-of-way, easements, or real property.

Public Hearing Opened at 8:02 p.m.

Community Engagement Specialist Hyberger explained to the Commission that Ordinance 702, if approved, allows for the Vacation of Interior Lot Lines be done on an Administrative level to include the Town Administrator and the Community Development Director. The approval could only be made if all the required criteria as stated in the Milliken Land Use Code are met. This draft of the Ordinance includes additional changes as requested when the first draft was sent to the Commission and Board prior to.

Public Hearing Closed at 8:07 p.m.

Commissioner Watson motioned to continue the Public Hearing for the next meeting. Commissioner Blackmer seconded.

All in Favor. Motion Carried.

Discussion

1. Informational Session Regarding E-1 Estate District – Rural Subdivision Parcel

David Zito is looking into purchasing a 40 acre parcel that is zoned R-1 on the current Town of Milliken's Zoning Map. His plans are to build a new home and have a small family farm to include a small number of livestock. The historical use of the property has been agricultural and is surrounded by agricultural and agricultural estates properties. The property location borders both CR 52 and HWY 257 north of the Mad Russian Subdivision.

David Zito said he had a contract on the property and wants to know the steps to take to have the parcel go back from R-1 to Ag before he closes and has 40 acres that does not allowed livestock.

Town Clerk Powell said Town Staff is conducting research to determine if the current zoning map may have a typo or if it is correct and if the property will need to be rezoned for AG use.

The Commissioners requested Staff to send them an update once the research is completed.

Unfinished Business

None.

Adjournment

There being no further business, the meeting adjourned at 8:24 p.m.

Prepared by:



Ashley Cummins, Administrative Assistant

Approved by:



Tim Woodcock, Chair