

**TOWN OF MILLIKEN
PLANNING COMMISSION
TOWN HALL, 1101 BROAD STREET**

MINUTES

WEDNESDAY, JANUARY 5, 2011 7:05 P.M.

The Planning Commission of Milliken convened into regular session on the 5th day of January, 2011 at 7:05 p.m. Those present were: Chairman Dave Bernhardt, Vice-Chairman Tim Woodcock, Commissioners: James Anthony, Jordan Jemiola, Linda Measner, and Dave Watson. Also present: Community Development Director Steve House, Town Co-Clerk Betty Rangel and Building Official Ken Kidd.

Chairman Bernhardt called the meeting to order and led the audience in the pledge of allegiance.

Agenda Approval

The agenda was approved as presented.

Citizens Comments

There were none.

Minutes of Previous Meeting

December 1, 2010, minutes approved as distributed.

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 are no items

ACTION AGENDA

1. Proposed Amendments to the Land Use Code Regarding Landscaping and Fencing

Steve House, Community Development Director commented that this action item was a continuation from the last meeting. Staff has worked on a survey that Building Official Ken Kidd started a couple of months ago. A power point presentation was presented. Director House explained the survey included asking a total of 23 communities what their process is in regard to landscaping on a new single family home. The questions that were asked are as follows:

1. Do you require landscaping with new residential construction?
2. Do you require front yard landscaping?
3. What percentage of growing materials do you require in front yards?
4. Do you require side yard landscaping?
5. Do you require rear yard landscaping?
6. Who installs the landscaping? Builder or Home owner?
7. Do you require an irrigation system?
8. Does the landscaping have to be in prior to issuance of a Certificate of Occupancy?

Director House went on to note the amendments to the language in the Landscaping requirements, a couple of changes include:

1. There shall be a minimum of fifty percent (50%) live material, instead of the 75% required live material in the front yard.
2. Five (5) shrubs in the front yard are no longer required for new homes.

Chairman Bernhardt commented that according to the survey chart, very few towns require landscaping. Building Official Kidd replied that they all require landscaping but the towns do not regulate it, the HOA enforces the landscaping requirements.

Commissioner Measner asked what if there is no HOA, what is the process then. Building Official replied that he did not know what the process would be if there is no HOA to enforce the landscaping requirements. A good example would be Old Town.

Building Official Ken Kidd said he had a concern in regard to the side yard landscaping. He explained that most of the new subdivisions in the Town of Milliken have a minimum five foot side yard setback. The town requires a grading certificate for every lot before issuance of an occupancy certificate. The requirement of landscaping the side yard has created

issues. He read a letter that was sent from AXIOM Structural Engineering, to H. J. Bell Construction, in regard to the grading elevations. The main issue was that irrigation systems and plants that require significant watering should not be installed within 5 feet of the foundation and should be located outside of all backfill zones.

Commissioner Measner suggested striking out paragraph C in regard to the side and rear yard requirements. She also requested that the landscape requirement prior to issuance of a certificate of occupancy also be removed from the landscaping requirements, and she explained that she sees no relationship between the landscaping requirements and certificate of occupancy. Commissioner Measner suggested there be a specified amount of time that the landscaping is completed but not prior to a certificate of occupancy. She explained the main focus is to have friendlier requirements so builders have an incentive to come and build in Milliken instead of being driven away by all the restrictions and requirements the Town currently has.

Herb Bell, 1590 SW 26th Street, Loveland Colorado, representing H.J. Bell Construction, explained that he understands that the Town's intent is to make the Town look nicer, however, he believes that the landscaping requirements that exist discourage building in Milliken and believes that there has to be a better process.

Tony Belfiore representing Belfiore Construction, 4615 21st Street Circle, Greeley, explained that due to the economic times some of the issues the builders are facing with banks are they no longer allow escrows or temporary certificate of occupancies. Builders are not landscapers, there is competition between builders, and builders will go where there are fewer restrictions. He said that building new residential homes include selling to a young family/couple trying to buy a home, the landscaping requirements or deposit could influence their decisions. It is important that the landscaping restrictions and or requirements not be tied to the certificate of occupancy. Mr. Belfiore explained that he has never worked with a town that has landscaping requirements that are tied to the certificate of occupancy.

Lynn Bell, 1590 SW 26th Street, Loveland Colorado, made a suggestion that the town have a landscaping master plan with the landscaping guidelines and or requirements and for the HOA's to enforce.

Commissioner Measner moved that the proposed Amendments to Chapter 16 of the Milliken Municipal Code, including removal of the language that requires landscaping requirements prior to issuance of a certificate of occupancy, and eliminating Section C entirely, be

recommended to the Town Board of Trustees for their consideration and action. Commissioner Jemiola seconded the motion.

Discussion: Director House clarified amendments. Commissioner Watson would like to see changes that can encourage growth for the Town of Milliken. Commissioner Woodcock commented in the past the direction had been to promote a desirable community and that influenced the current landscaping requirements. Commissioner Jemiola asked for the difference in cost for permits between Milliken and Johnstown.

Vote: All in favor, none opposed. Motion carried.

2. Proposed Amendments to the Land Use Code Regarding Fences

Director House explained at the last meeting the commission discussed the issue of prohibited chain link fencing in the Land Use Code and how, in some neighborhoods of Town, there is a need to allow it on a limited basis.

Commissioners requested the word "replacement" in the new drafted language be struck out.

Commissioner Measner moved to send the proposed Amendments to the Land Use Code regarding fences be sent to the Town Board of Trustees for their consideration and action.

Director House commented that he will make the changes to the language as suggested by the commission and he will send a copy of the changes to the commission by e-mail.

Discussion: There was none.

Vote: All in favor, none opposed. Motion carried.

DISCUSSION AGENDA

END OF DISCUSSION AGENDA

Other Business

Director House commented that there is a joint meeting with Johnstown attentively February 16, 2011. Director House will send out an e-mail to confirm.

Commissioners asked about next meeting with the Town Board. Town Administrator Burack suggested a guest speaker or maybe inviting local builders.

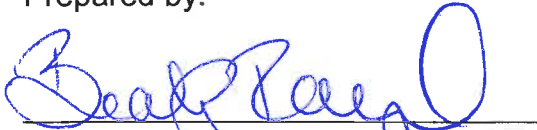
Unfinished Business

There was none.

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Prepared by:


Beatriz Rangel, Town Co-Clerk

Approved by:


Chairman, Dave Bernhardt