

TOWN OF MILLIKEN  
PLANNING COMMISSION  
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, JANUARY 4, 2012 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 4th day of January, 2012 at 7:00 p.m. Those present were: Chairman Linda Measner, Vice-Chairman Tim Woodcock, Commissioners; James Anthony, Dave Bernhardt, Janet Carter, Jordan Jemiola and David Watson. Also present: Town Attorney Bruce Fickel, Community Economic & Development Director Steve House, Building Official Ken Kidd and Town Co-Clerk Betty Rangel.

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

**Agenda Approval**

Agenda approved as presented.

**Citizens Comments**

There were none.

**Minutes of Previous Meeting**

December 21, 2011 minutes approved as distributed.

**CONSENT AGENDA**

**No Items**

**ACTION AGENDA**

**1. Continued Public Hearing for a Use by Special Review for Foster Care Home.**

Community Economic & Development Director Steve House explained this is a continued public hearing from the December 21, 2011 meeting, a request for Use by Special Review for a foster care home in a single family district. Director House distributed information that was not included in the Planning Commission packets provided by Commissioner Jordan Jemiola. The information distributed included Colorado Fair Housing Act, A Survey from other Communities in regard to Foster Care Homes, Milliken Police Calls-For-Service for 108 Eagle Drive form, and an e-mail from Linden McClure in regard to the application for the Foster Care Home at 108 Eagle Drive. Director House reviewed the December 21, 2011 meeting and commented staff has some ideas on conditions for approval in regard to the concerns and issues addressed by the residents at the December 21, 2011 meeting if the Commissioners request. An example of a condition was an annual review of the application.

Ed Hopkins, 105 Eagle Drive, Milliken said he has been in contact with Mary Griffin, Program Director for the State of Colorado and read one of her e-mails which stated the following;  
*“General Family Foster Care Homes do not have to meet zoning requirements in counties or*

*towns, but must meet the States requirements. This is the first time she had heard of a town having zoning requirements for a foster care home."*

Carol Gates, Assistant Director with Frontier Family Services, Inc. located at 1290 Boston Avenue, Longmont, Colorado said she never had a foster home be required to have a special permit and she has been working with foster care homes since 1976. Ms. Gates explained Group homes must comply with zoning requirements, Fire Department requirements and Health Department requirements.

Chairman Measner asked for clarification on Group Homes vs. Foster Care Homes.

Carol Gates clarified Group Homes are a larger facility; they include six (6) to 12 kids and must comply with zoning requirements, Fire Department requirements, and Health Department requirements. There is also more traffic involved due to the one on one care for each child. The Case Workers and County workers are there more often than at foster homes. In foster homes anytime there is a runaway the police have to be notified within half an hour and that is the reason for all the service calls to the Police department.

Town Attorney Fickel read the State Statute; *the department (State) shall require any childcare facility seeking licensure pursuant to this statute to comply with any applicable: zoning regulations of the Municipality City or County where the facility is located and failure to comply with the applicable zoning regulations shall constitute grounds for revocation of license.* He stated the State statute is very clear.

Carol Gates replied they were notified just six (6) months ago that they are required to meet zoning requirements. Attorney Fickel replied that the statute has been in place since 2000.

Commissioner Jemiola commented City of Aspen, City and County of Denver, Lakewood, Larimer County and Pueblo all require special use permits for foster care facilities.

Commissioner Carter explained it is not that there are no zoning requirements for foster care homes in other municipalities, but that the definition defining the difference between a group home facility and a foster care home in Milliken's Town code is not clarified for zoning requirements. She said Eaton, Evans, Greeley, La Salle and Windsor state in their code that eight (8) children or less is a use by right; eight (8) children or more would be considered a group home facility which would trigger a use by special review permit. The flaw in the Town's code is there is no definition (clarity) defining group home facility vs. foster home. It is not that the Town's code is not fair.

Other discussion, comments, questions and concerns included the following;

Dolly Mauk 3620 Dilley Circle, Johnstown said she has been a foster home parent for nine (9) to 10 years in Weld County. She is upset in regard to the use by special review process required. She has been a foster home parent for over 30 kids. She asked if anyone knew how many foster care homes are in Milliken.

Katherine Vault, 108 Eagle, Milliken, explained that the Use by Special Review was required due to the phone calls from the Police department. She explained that trespassing issues and killing of rabbits are concerns she was not aware of and believes those issues are not created by her foster care kids.

Becky Danielson, 120 Jennings Lane in Carlson Farms, Johnstown, asked if anyone had asked what education or background is required in order to become a foster home parent. She suggested people be educated in what the requirements and what the process is in order to have a foster home.

The public hearing was closed at 7:45 p.m.

Commissioner Carter moved to recommend approval of Use by Special Review for the Foster Care Home, located at 108 Eagle Drive, to the Board of Trustees. Commissioner Watson seconded the motion.

Discussion: There was none.

Vote: Six (6) in favor, none opposed. Commissioner Anthony recused himself. Motion carried.

Commissioner Carter moved to recommend to the Board of Trustees the code language be amended to consider a foster home a Use by Right when it meets State requirements. Commissioner Watson seconded the motion.

Discussion: There was none.

Vote: Six (6) in favor, none opposed. Commissioner Anthony recused himself. Motion carried.

## **2. Public Hearing for Site Plan for the Relocation of the property at 417 Broad Street**

Community Development Director, Steve House explained that this public hearing is to review and approve, approve with conditions or deny the application for a site plan for the relocation of the structure at 417 Broad Street to Town Square.

Other discussion, comments, questions and concerns included the following;

- What is the cost estimate for moving the structure and remodeling, referring to the budget implications. Director House replied staff is still updating the cost analysis.
- There was a concern about public safety, mold, lead base paint, and asbestos issues due to the property flooding. Project Manager and Building Official Ken Kidd said he has not been in the structure since the flooding.
- There was a suggestion the costs to the Town for moving and remodeling the structure be discussed before approval. Director House replied the costs are not part of the review criteria.

Louis Fabrizio 113 N. Grace, Milliken, would like to see a park instead of the museum. He also was concerned with the cost for the renovation. He commented the Avila family donated the land to the Town for a park and asked if the Town had discussed the proposed site plan with the Avila family.

Town Attorney Bruce Fickel replied he has sent copies of the plans, and the Avila family is fine with the plans as long as the Avila name remains in place.

Charles Martin, 100 S. Grace, Milliken, asked who is paying for the moving expense. This is the biggest waste of taxpayer's money he has ever seen in Milliken. Director House commented the remodeling of the structure and making it a museum (Milliken Historical Society) will add value and a point of interest to the Town Square.

Other discussion, comments, questions and concerns included the following;

- Historical Society will renovate the inside of the structure with volunteer labor and donations.
- Once renovated there will be no historical value to the structure.
- Improvements to the structure will be funded by CIRSA, the Town's Insurance Company.
- No cost for electrical rewiring, and the plumbing needed is minimal.
- Relocation of the gazebo.
- No design standards for public uses.

Building Official Kidd explained he did an assessment of the property in September of 2009 and the only concerns he had was remodeling the bathroom, the plumbing has been updated and the roof shingles were replaced in 2008. He has not been in the property since the pipes froze and broke; the property has been off limits to everyone.

Commissioner Anthony asked what the State requirements are when you take a private residence and it becomes public use. Building Official Ken Kidd referred to the 2003 International Building Code page 568 section 3407.1, and explained *the change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.*

Linda Fabrizio, 113 N. Grace, Milliken said she has lived across the street for 42 years and considers that area "Residential" and would like to see the structure conform to residential standards and would like to have the residential area respected. She has seen great plans come in to the Town but some of those plans have not been successful. Mrs. Fabrizio said she would like to see the safety issues addressed before moving the structure.

Director House replied residential standards are what the Town is requiring to fit with the neighborhood.

A suggestion was made staff contact Environmental Public Health and Safety and ask the structure be tested for black mold, asbestos, and lead base paint.

Commissioner Jemiola moved to table the public hearing until the testing of black mold, asbestos, and lead base paint is processed and those safety issues are mitigated before moving the structure to Town Square. Commissioner Anthony seconded the motion.

Discussion: Commissioner Carter asked what the process would be if there was an issue with black mold for an example. Building Official Ken Kidd replied there were residents living in the property until 2009. The Town would mitigate those issues before moving the structure.

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

3. **Continued Public Hearing on Amendments to Chapter 16, Article VII of the Milliken Municipal Code regarding the Sign Code.**

Town Attorney Bruce Fickel distributed proposed language for regulating of murals in the proposed amendments to the Sign Code.

Commissioner Bernhardt moved to continue public hearing for the proposed amendments to the Sign Code to the next meeting. Commissioner Watson seconded the motion.

Discussion: There was none.

All in favor, none opposed. Motion carried.

**DISCUSSION AGENDA**

**END OF DISCUSSION AGENDA**

**Other Business**

Director House announced the tentative date for discussing parking with the Town Board is January 25, 2012.

**Unfinished Business**

None


**Adjournment**

There being no further business, the meeting adjourned at 8:50 p.m.

Prepared by:

Approved by:

  
Beatriz Rangel, Town Co-Clerk

  
Chairman, Linda Measner

