



## MINUTES OF THE 6<sup>th</sup> OF APRIL 2023 MILLS PLANNING & ZONING BOARD MEETING

**Board Members Present:** Pattie Gould, Bob Greenley, Ed Greenwood and Leon Norvell were all present for this P&Z Meeting.

**Others in Attendance:** Megan Nelms, City Planner, Kevin O’Hearn, Building Official, Leo Maddox, Lewis James, JKC Engineering, Steve Loftin, Albon Shaw, Kammi Shaw, applicants were also in attendance.

Chairman Pattie Gould called the Meeting to order at 5:05 PM on April 6, 2023, as a quorum was present.

Chairman Pattie Gould asked board members if they had read the minutes of the March 16, 2023, P&Z Board meeting. Board Member Ed Greenwood made a motion to approve the minutes. Board Member Leon Norvell seconded the motion. Chairman Pattie Gould called for a vote to pass the minutes of the 6<sup>th</sup> of April 2023 P&Z meeting. All ayes, motion passed.

Pattie asked Megan to present the first agenda item. Megan introduced case number 23.01 FSP, the Maddox Resubdivision request.

### **Background:**

The applicant is proposing to resubdivide a portion of Lot 1 and all of Lot 2, Block 21, Mountain View Suburb to remove the interior lot line and create one, singular parcel, for the purpose of building a shop for storage.

No comments were received from external and internal staff reviews. Megan provided an overview of the request:

### **Planning Considerations:**

1. Revise the plat title, all legal descriptions, and the dedication to except out that 12’ x 24’ portion in the SW corner of Lot 1. It should read:
  - a. “Vacation & Replat of a portion of Lot 1 & all of Lot 2, Block 21, Mountain View Suburb to be known as Lot 1A, Block 21, Mountain View Suburb...”
2. Add at 5’ general utility easement around the interior boundary of the subdivision.
3. Survey Reviews:
  - a. Add elevations with the given coordinates and a note with vertical datum
  - b. Verify the survey date of April 2022

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4. Submit organizational documents for Maddox Family Living Trust showing who is authorized to sign on behalf of the Trust.

**Staff Recommendation:** Staff recommends the Planning and Zoning Board approve the Maddox Resubdivision request, pending completion of all planning considerations.

Chairman Gould thanked Megan and asked if there were any questions from the Board. Board Member Greenley inquired about the survey changes and Megan explained they were very minor, mostly cosmetic changes to the plat. Mr. Maddox stated he would get the Trust documents as soon as possible.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Bob Greenley made a motion to provide the City Council with a “Do Pass” recommendation for the Maddox Resubdivision request. Board Member Leon Norvell seconded the motion. All voted in favor, motion carried.

Megan presented the next case, 23.02 FSP for the Freden Addition No. 3.

### **Background:**

The applicant is proposing to resubdivide/adjust the boundary lines between three (3) lots within the Freden Addition for the purposes of cleaning up parcel ownership.

No comments were received from external and internal staff reviews. Megan provided an overview of the request:

### **Planning Considerations:**

1. The Title Block should read “Vacation and Replat of Lots 2 & 3, Block 5, Freden Addition and Lot 4B, Block 5, Freden Addition City of Mills...”
2. Survey Reviews:
  - a. There is a mis-closure on Lot 2 of 9.30’. The west line is short
  - b. Label the widths of Pendell Blvd (80’) and Freden Blvd (50’)
  - c. Verify the survey date of April 2022
3. Cosmetic Changes to the Plat
  - a. In the Approvals, change the date on the City Council approval from 2022
  - b. In the Engineer’s Approval, change the year from 2013
  - c. In the Notary Block for the Surveyor’s Certificate, change the year from 2013
  - d. In the Notary Block for the owner’s signature, change the year from 2022
4. Submit organizational documents for Bonander Properties, LLC showing who is authorized to sign on behalf of the LLC.

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**Staff Recommendation:** Staff recommends the Planning and Zoning Board approve the final plat for the Freden Addition No. 3, pending completion of all planning considerations.

Chairman Gould thanked Megan and asked if there were any questions from the Board. The applicant was not in attendance at the meeting and there was no discussion regarding the case.

Chairman Gould then called for a motion. Board Member Ed Greenwood made a motion to provide the City Council with a “Do Pass” recommendation for the Freden Addition No. 3 request. Board Member Bob Greenley seconded the motion. All voted in favor, motion carried.

Megan presented then presented the next case, 23.03 FSP the final plat of the Shawville Addition.

### **Background:**

The applicant is proposing to resubdivide four (4) lots within the Evergreen Park Subdivision to create five (5) lots for the purposes of redevelopment and clean-up of the area.

No comments were received from external and internal staff reviews. Megan provided an overview of the request:

### **Planning Considerations:**

1. Modify the plat to include the vacation of that portion of S. 5<sup>th</sup> Avenue and
  - a. Revise the plat title & description to include the vacation of that portion of S. 5<sup>th</sup> Avenue and Lot 1, Blk 8, Evergreen Park No. 2
  - b. Modify Lot 1 and Lot 2, Blk 8 to include that vacated portion of S. 5<sup>th</sup> Avenue
  - c. Ensure all standards are met including:
    - i. Minimum lot width of 40’
    - ii. All lots have access to publicly dedicated right of way
  - d. Submit a revised plat for review
2. Verify the location of all utilities and the need for any applicable utility easements
  - a. Verify the needed 15’ utility easements
  - b. Ensure only needed easements are provided for the vacated portion of right of way
3. Cosmetic Changes to the Plat
  - a. The owner name across the plat needs to be “Shaw Investments, LLC” per the warranty deed.
  - b. Change the name of the neighboring landowner joining the subdivision to Kimberly Perez not Sylvester Graham
  - c. In the notary block, add “Managing Member” after Albon Shaw’s name
  - d. Remove the word “Attest” from the Mayor & Engineer’s signatures
4. Submit organizational documents for Shaw Investments, LLC showing who is

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authorized to sign on behalf of the organization.

5. Add a legend for the lines – easements property boundaries, etc.

**Staff Recommendation:** Staff recommends the Planning and Zoning Board approve the final plat for the Shawville Addition, pending completion of all planning considerations.

Megan stated that the applicants had turned in a revised plat the day before, showing the unbuilt portion of S. 5<sup>th</sup> Avenue being vacated. They also added the neighboring property owner so that the vacated portion of right of way is equally distributed between the lots and have reconfigured the lots so all have the required amount of street frontage. The City will also now sign the plat as owner since they represent the public in the vacation of the right of way.

There was general discussion regarding the right of way vacation. All agreed that it was a good thing and the resubdivision plat is a good opportunity to get rid of it and clean up the lot lines.

Albon Shaw, applicant, discussed the work he has been doing on the property to clean it up. He has also had various discussions with the neighboring property owners about their future plans for the area, as he is looking at purchasing more lots in the future to clean up and re-develop. He stated the area has been like it is now for a number of years and things have just been left untouched.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Leon Norvell made a motion to provide the City Council with a “Do Pass” recommendation for the proposed Shawville Addition. Board Member Bob Greenley seconded the motion. All voted in favor, motion carried.

The next case on the agenda had been tabled at the January 2023 meeting. Megan informed the Chairman that they need to make a motion to remove the case from the tablet to consider it. Chairman Gould then asked for a motion to the remove case 22.01 PSP from the table to consider it. Board Member Bob Greenley moved to remove the case from the table for consideration. Board Member Ed Greenwood seconded. All voted in favor, motion carried.

Megan then presented case 22.01 PSP, the preliminary plat for proposed Midway Subdivision. She stated that the plat had been tabled back in January so that the applicant could revise the plat based on comments provided by the commission. She then provided an overview of the case.

### **Background:**

The applicants are proposing to subdivide approximately 39.69-acres into an 18-lot industrial subdivision. Each lot averages approximately 1.50-acres in size.

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### Planning Considerations:

1. There is no legal access to proposed Lot 8 or Tract A
  - a. Only the south 30' of the MJB Rd. right of way touches the subject
  - b. Must provide 60' of access & construct the roadway
  - c. There is a 60' wide electrical easement and a power structure in the area where the right of way could be extended
  - d. Revise the plat to provide 60' of access to proposed Lot 8 and Tract A
2. All cul-de-sacs shall have a radius of no less than 96' in diameter.
3. Verify and ensure all easements are properly labeled.
  - a. Add 5' general utility easements to each side of all interior lots lines.
4. The 75' wide powerline (WAPA easement) shall be crosshatched on the plat face and add language "RESTRICTED BUILDING AND VEGETATION AREA".
5. Add the following as a notes section on the plat face with regard to the WAPA easement:

*The United States Government (US) holds an access and a 75-foot-wide Casper-Glendo N transmission line easement (37.5 feet on either side of centerline) for the right to operate, patrol, repair, maintain, use, construct, and reconstruct an electrical transmission line across Tract A and Lots 8 and 11. The following activities are prohibited within the transmission line easement:*

- a. Structures are not allowed on the easement. Structures, by way of example, not by limitation, shall mean buildings, sheds, mobile homes, signs, storage tanks, septic systems, swimming pools, tennis courts, basketball courts, gazebos or similar facilities.*
- b. All vegetation on the easement shall not exceed a maximum height of 3 feet at maturity.*
- c. Excavation is not permitted within 27 feet of any tower footings. A minimum of 30 feet of ground to conductor clearance must be maintained at all times.*
- d. Wells and mining operations are not allowed within the easement.*
- e. WAPA shall review fence plans affecting the easement area prior to installation. If fences are placed across the easement, 14-foot-wide gates are required for access along the easement.*
- f. All improvement plans affecting the easement must be reviewed and approved by WAPA prior to development. Requests for permission to use the transmission line easement should be submitted to: Western Area Power*

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*Administration, Attn: Lands Department, 5555 East Crossroads Boulevard, Loveland, Colorado 80538.*

6. All lots must show adequate buildable area:
  - a. Provide site plans showing buildable area, including the access drive, a shop/structure and parking area for proposed Lots 4, 5 & 6.
7. Submit organizational documents for Tetral Corporation of Casper, showing who is authorized to sign on behalf of the corporation.
8. Survey Review:
  - a. Change the label in the vicinity map to “Midway Subdivision” instead of “Property Location”
  - b. Verify the monument recovered at the CN1/16. The symbol indicates recovered corner as noted.
  - c. Provide the date(s) of survey in the Certificate of Surveyor
  - d. Add “An Addition to the City of Mills” under Midway Subdivision in the Title Block and across the face of the plat
  - e. There is no interior monumentation shown on the plat. All lot corner monuments shall be set now or after construction of infrastructure. Set and label or add a note to the plat face stating otherwise
9. Cosmetic Revisions to the Plat:
  - a. Remove the language in the lower right titled “Recorded”, that will go in the box in the upper right.
  - b. The surrounding property is labeled incorrectly. At the SW corner, it should be Lot 19, B&B Subdivision, not Lot 10.
  - c. The lot line is missing between Lots 12 & 13
  - d. Revise the Approval signatures:
    - i. Add the statement “Approved by the City Council of Mills, WY by Resolution No. \_\_\_\_, duly passed, adopted and approved this \_\_ day of \_\_\_\_\_ 20 \_\_.”
    - ii. Revise the signature lines to Mayor, City Clerk and City Engineer
    - iii. Just have a signature line for the Clerk to attest the Mayor’s signature
    - iv. REMOVE the signature lines for the City of Casper.

**Staff Recommendation:** Staff recommends APPROVAL of the preliminary plat upon all preliminary planning considerations being completed. The applicant will then submit a Final Plat for review & consideration.

Chairman Gould thanked Megan and asked if there were any questions from the Board. Megan stated that one of the concerns with the previous version of the plat was the number of lots that were unbuildable, mainly because of easements or topography. Board Member Greenley made the suggestion that perhaps the applicant could tract the property into 4-5 10-acre lots, then as

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purchasers came, they could further subdivide down to the size they were needing. There was discussion about how much money would be spent installing the infrastructure to numerous smaller lots when you don't really know what potential purchasers are going to want. It could also help with the access issues and eliminate some infrastructure construction costs.

Steve Loftin, the developer, stated that he is way out ahead of putting anything up for sale right now and he doesn't have anyone in line to buy anything right now. They have planned out the utilities for the layout as it is now, and it will work. Bob stated that he would still suggest subdividing larger tracts and planning for minimal utilities. He thought the likelihood of someone coming in and wanting more than one of the very small lots is very high. Steve replied that his plan right now is to rent them out, versus selling.

There was general discussion about what can go underneath the WAPA powerlines, in that easement. It is pretty basic and limited to storage of movable items.

The lack of access to proposed Lot 8 and Tract A was discussed. There is only 30' of dedicated right of way touching this parcel from MJB Road, so they will need to provide an alternate access. Mr. Loftin stated that he owns all the property to the north. Megan stated that was good as it provides a way that the plat can be revised to allow MJB Road to continue through and provide the 60' of required right of way.

There was also discussion about water infrastructure. They are currently served by Wardwell, and Wardwell is going away by the end of the year. Bar Nunn is supposed to take over all Wardwell infrastructure, however, Mills will be taking over everything south of the highway, including serving this property. Lewis James, the applicant's agent, stated they had already approached Wardwell about servicing the new development and had preliminary approval. Megan asked that he send a copy of the letter or meeting minutes showing the approval.

A general discussion was had about the property and the future of Mills water system infrastructure. There is a hill on this property that is of good elevation for Mills to install a water storage tank in the future, if needed.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Bob Greenley made a motion to provide the City Council with a "Do Pass" recommendation for the preliminary plat for Midway Subdivision. Board Member Ed Greenwood seconded the motion. All voted in favor, motion carried.

There were no further agenda items for the evening. Staff then passed out a copy of pages from Title 17, the City's Zoning Code. He stated that Mike Roden had resigned from the commission, so the city needs to appoint someone to fill his unexpired term. In reviewing that process, City staff noted that none of the commission members had been re-appointed for a number of years,

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and all of them were serving in expired terms. The City would like to start following the requirements for appointment of commission members found in Title 17 and go through the appointment process each year. There was discussion on the application process, how long everyone has been on the commission, any qualifications to serve on the commission and transparency.

The commission stated they really would like someone from Council to come to a meeting occasionally. Megan said she would reach out to invite Mayor Juarez to the next regular meeting.

Kevin asked that everyone check their personal emails to ensure that the City still has their good addresses as staff is looking at providing monthly meeting informational packets via email. Ed stated he would still like to receive a paper packet.

With no further business, Chair Pattie Gould declared the meeting adjourned at 6:20 PM.

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Pattie Gould, Chair

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Attested: Christine Trumbull