



MINUTES OF THE 3RD OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

Board Members Present: Bob Greenley, Leon Norvell, Dale Smith and Chris Volzke were all present for this P&Z Meeting. Board Member John Gudger was present via telephone.

City Staff in Attendance: Megan Nelms, City Planner, via teleconference, Kevin O’Hearn, Building Official, Sabrina Kemper, Community Development Director, Patrick Holscher, City Attorney, Leah Juarez, Mayor.

Others in Attendance: Remy Larson, Mary Larson, Dennis Bond, Ken Sthele, Mary McMillan, Enoch Hart, Kellee Schuerman, Pamela Bowen, Vicki Jammerman, Robert Creason, Melissa Kobernick, Rocky Carlson, Kristen Carlson, Bob Hubbard, Sam McNare, Dell Johnston.

Chairman Leon Norvell called the meeting to order at 5:03 PM on August 6, 2023, as a quorum was present.

Chairman Norvell asked board members if everyone had read the minutes of the July 6, 2023, P&Z Board meeting and if there were any noted changes. There were none. Board Member Bob Greenley made a motion to approve the minutes. Chris Volzke seconded the motion. Chairman Norvell called for a vote to pass the minutes of the July 6, 2023, P&Z meeting. All ayes, motion passed.

Chairman Norvell asked Megan to present the first agenda item. Megan introduced case number 23.03 COZ, the Downtown Commercial River Front Corridor District rezoning proposal.

Background:

The City of Mills is proposing to rezone certain lots and blocks within the original Mills townsite from ER (Established Residential District) and MU (Mixed Use District) to EB (Established Business District) to further implement the goals outlined in the 2017 Comprehensive Plan and the 2016 River Front Concept Development Plan, which include creation of a downtown district within the City of Mills, as well as development of the Downtown Riverfront Corridor. Megan provided the legal descriptions and proposed zoning for the properties included in the rezoning proposal. She stated that letters had been sent out to all property owners, as well as surrounding properties within 140’ of the properties being rezoned.

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Legal Description	Current Zoning District	Proposed Zoning District
Lots 9-16, Block 49, Town of Mills	ER (Established Residential)	EB (Established Business)
Lots 4-12, Block 44, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 1-14, Block 45 excluding ROW, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lot 3-7, Block 55, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 8-11, Block 55 excluding ROW, Town of Mills	ER (Established Residential)	PLI (Public Land – Institutions)

She explained that currently, there are varying uses on the properties proposed for rezoning. These include single family residences, mobile homes, and a (4)-unit multi-family complex. There are also several vacant parcels. She stated that the average lot size for all parcels included in the rezoning is 5,600 square feet, however, many properties are multiple lots owned by the same entity, essentially creating larger “tax parcels.” The current minimum lot size in the EB District is 4,000 square feet.

Megan provided information regarding the City’s Comprehensive Plan and Future Land Use Map and said that the Future Land Use Map designates this area as Commercial use and therefore the proposed re-zoning is in accordance with the future land use map. She also stated that implementation actions identified in the 2017 Comprehensive Plan, include, “Develop a unique downtown destination for residents and visitors to gather and celebrate the community” and “Define and establish a specific Downtown Riverfront Corridor District...with guidelines for future commercial development.”

Megan summarized the proposal and said that all future development would be subject to the EB (Established Business) zoning district requirements and that staff recommends approval of the proposed rezoning.

Chairman Norvell thanked Megan and asked if there were any questions from the Board.

Board Member Volzke asked Megan about the continuation of current uses on the property and what this rezoning would change if anything. Megan stated that the rezoning changes nothing except the zoning designation of the property. No one is being required to move or change the use of their property. She stated that if they are living in their house now and wish to continue to do that, no one will prevent that. The uses on the parcels will become “permitted non-conforming uses”. The current use of the property may continue in perpetuity until a substantial change is proposed. A substantial change would be a change in use, such as starting a new business on the

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property, or, for instance, removing a manufactured home and not replacing it within the time specified in Title 17, or a desire to physically alter the existing structure on the property.

There was a question from the public about constructing a shop on a property. Megan asked if it would be accessory to an existing residential home or use, or if it would be stand alone. There was general discussion about the ability to construct an accessory garage for an existing residence in the EB District versus constructing a stand-alone shop. Megan stated that if the shop building was to be used for commercial business; that would be a permitted use in the EB District. She stated that it would be best to have an actual application or proposal to make specific recommendations or decisions on instead of “what-if” scenarios but said that she believes the City is willing to work with property owners in the area as the Downtown River Front Corridor develops into the future.

There was a question from the public regarding the removal of mobile homes from the parcels. Megan stated that mobile homes are not permitted in the EB District. As existing non-conforming uses, per Title 17, an owner would have 180 days to replace a mobile home removed from the lot. If the home was not replaced within that time frame, the use would cease, and a mobile home would not be allowed to be placed back on the lot. There was general discussion about rented mobile homes and it was explained that renters are at the mercy of the landlord, regardless of whether the property is rezoned. The landlord/property owner is the one responsible for ensuring the non-conforming use status is maintained or if homes are removed from properties.

The next question asked by the public was regarding structures destroyed or damaged by fire or other “acts of God.” Megan stated that Title 17 already provides for this, and additional time is given to reconstruct buildings affected. She read aloud the applicable section, stating that in that situation, an owner has six months to begin construction and have up to 17 months to complete it. Board Member John Gudger inquired about adjacent residential uses and how they might be affected by the commercial redevelopment in this area of Mills, which has traditionally been residential in nature. Megan stated that the City is currently working on amendments to Title 17, which will include buffering standards. Those standards will be used to mitigate the impacts of adjacent land and will have provisions for preventing incompatible uses being adjacent to one another.

Board Member John Gudger also asked about lighting, stating that lighting from commercial and industrial uses around Mills affecting residential landowners has been an issue in the past. Megan stated that lighting standards will also be included in the upcoming Title 17 amendments and will include provisions such as ensuring that lighting is shielded and does not shine off the property.

Chairman Norvell then asked if there was any further discussion. There was none so he called for a motion. Board Member Chris Volzke made a motion to provide the City Council with a “Do Pass” recommendation for the Downtown Commercial River Front Corridor District re-zoning proposal. Board Member John Gudger seconded the motion. All voted in favor, motion carried.

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Chairman Norvell then asked Megan to present the next case on the agenda. Megan introduced case number 23.02 SKC, the SIPS Coffee Hut Site Plan.

Background:

The applicants propose to enter into a lease agreement with the City of Mills to operate a coffee shop on City owned property, legally described as the remainder of Block 54, Town of Mills, excluding highway right-of-way. The parcel is approximately 4,000 square feet and currently zoned EB (Established Business). The coffee hut structure will not be constructed on site and may be removed; however, the business will not be mobile and will be fixed to the site for the term of the lease.

Megan explained the review process for Site Plans and provided the following planning considerations:

Planning Considerations:

1. Enter into an approved Site Plan Agreement upon approval of the proposed Site Plan.
2. Submit a completed Site Plan Application
3. Section 17.12.010 – Required Parking
 - a. Revise the site plan to show space for five (5) spaces for stacking vehicles at each drive-up window.
 - b. No additional parking is required as there is no floor area used for assembly or seating.
 - c. The applicant may submit a waiver request, to be heard and acted on by the City Council, for a reduction of the number of required parking spaces.
4. Per WYDOT, no new access permits are required for the proposed use.
 - a. Applicant may not let traffic back up onto Wyoming Blvd. from Johnson Avenue.
5. Provide a summary table on the site plan that includes all general notes as required per item 21 of the Site Plan Application Checklist.
6. Label each item on the site plan to the corresponding requirement in the Site Plan Application Checklist.
7. Submit a pavement design report.
8. Submit a sign permit for any signage to be placed on the property.

Staff Recommendation: Staff recommends approval of the Site Plan pending completion of all planning considerations.

Chairman Norvell thanked Megan and asked if there were any questions from the Board. Board Member John Gudger stated that he had sent Megan and Sabrina a copy of the site plan with some revisions he wanted to suggest. These included revisions to the accesses/approaches and concerns

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about landscaping and the appearance of the parcel, especially with the City trying to develop the River Front area across the street.

Megan stated that she could not get Zoom to share her screen to display Board Member Gudger's site plan comments, however, upon review, she noted that he had proposed to move the existing approach onto Wyoming Blvd further to the east. She stated that based on her experience, it was highly unlikely that WYDOT would permit a new approach or allow the existing approach to be relocated. City Attorney Holscher concurred with Megan regarding WYDOT and the approach. He also stated that the City was not in a position to make improvements or infrastructure changes on the parcel. He stated that the City is merely trying to get some kind of use out of the property, with no intention of utilizing funds to make improvements.

There was general discussion regarding the queuing of cars at the drive-up windows and the potential for traffic backing up. Kaylynn Henson, the applicant, provided an overview of the proposed operations. She stated that one drive up window is solely for the pickup of mobile pre-orders. No one will be queuing up at that window because they will have already made their order and paid for it online, they are just picking it up. The window on the south side of the property would be for drive-up customers to make orders at the business.

There was further discussion from the Board regarding traffic control and the potential to make one exit a right-turn only. Ms. Henson stated that she did not object to that, however, she has coffee hut businesses in both Glenrock and Douglas that front onto busy streets, and she has never had any problems with traffic backing up or causing an issue. She stated that her business in Glenrock fronts right on Glenrock Highway.

Chairman Norvell asked if there were any comments from others in attendance. Bob Hubbard, the neighboring property owner, and his representatives provided comments. Kristen Carlson stated that she feels the size of the lot is too small and does not meet the zoning minimums. Rocky Carlson pointed out the site plan calls out 3,117 square feet and said that he spoke with a surveyor on the property one day a while back and that the surveyor said the lot was less than 4,000 square feet. Ms. Henson and her contractor, Brian Augustine, addressed this stating the surveyor was on the property to complete the site plan and that the area shown and stated on the site plan is for the developed area only.

Megan addressed the question to the Chairman stating that the EB (Established Business District) minimum lot size is 4,000 square feet. This is an odd parcel, as it was small to begin with and then a portion has been removed to accommodate the highway right of way. Megan stated that she believes the 3,117 square feet on the site plan shows the footprint of development for the coffee hut. In making her recommendation for the Site Plan application, she stated that she reviewed the site plan as well as the land records and Assessor Parcel data. Based on her research, the parcel is .09-acres, which is approximately 3,920 square feet and her application of Title 17 and the zoning regulations, she would consider the parcel meeting the required lot size for the EB district.

The Carlsons also stated that they felt the business was going to cause too much additional traffic on 6th Street. They stated that it is already difficult to make a turn onto Wyoming Blvd from 6th St.

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and that people in the area frequently take alternate routes so that they don't have to try to make a turn at that intersection. They also had concerns with cars backing up into the street and affecting surrounding residential property owners and businesses.

There was general discussion about traffic control and a suggestion to make both exits, onto 6th Street and Wyoming Blvd right turn only exits. Ms. Henson stated that the site of her business in Douglas is even smaller than this property and is also located on a busy road. She said she is surrounded by other businesses there as well and has never had an issue. City Attorney Holscher stated that the City has the ability to control the traffic and signage.

Board Member John Gudger asked Ms. Henson if her intent is to always have customers enter the drive-thru from Wyoming Blvd. She explained again that the north side, entering from Wyoming Blvd would be only for mobile pre-orders and the south side, entering from 6th Street would be for drive-up customers who need to place an order on site. Board Member Gudger clarified that there would be signage directing customers to the appropriate window. Ms. Henson stated that was correct.

There was further discussion between the board, the applicant, and the public in attendance regarding the potential for traffic to back up and where people would stop or park while they were waiting. The surrounding property owners suggested that traffic may start backing up on Johnson Avenue and out on to 6th Street. Megan suggested that the Board place a condition on the site plan that states the applicant must return for a review hearing in six or 12 months based on public comments or feedback as well as any potential impacts from the business.

Board Member Bob Greenley asked if WYDOT had been consulted and if they had any comments about the project. Megan stated that WYDOT had been consulted and had reviewed the proposed site plan. Their only comment had been to ensure that traffic did not back up onto Wyoming Blvd. Megan stated she could forward the correspondence from WYDOT if the Board desired to review it. Board Member Chris Volzke commented that he would agree with making the exit onto Wyoming Blvd from Johnson Avenue a right turn only, and asked if perhaps a traffic study could be completed.

Megan addressed the question and stated that the Board was well within their review authority to add considerations to the site plan recommendation to Council regarding traffic control. She went on to state that staff review ensures that the minimum requirements of the regulations are met and that considerations are added to ensure that effects of the new development are properly mitigated. Additional items that the Board thinks with help with mitigating the effects of the new development can always be added.

Board Member Chris Volzke also asked about landscaping potentially blocking the site triangle. Megan responded that the materials used in the landscaping plan are not set in stone and that the regulations allow a lot of flexibility in types of landscaping used. She stated that before the building can be occupied, City Staff would conduct a site inspection to ensure all considerations are met and that the appropriate materials have been placed correctly and will not block the site triangle for the intersection. Board Member John Gudger stated he felt it was very important to ensure the

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site triangle was not impacted. He then made a motion to add a consideration to the case sheet to require that the site plan be revised to show the site triangle dimensions to ensure nothing is placed within the site triangle. Board Member Chris Volzke seconded. All voted in favor, motion carried.

Board Member Chris Volzke then made a motion to add a consideration to the case sheet that the exit on to Wyoming Blvd be a right-hand turn only. Board Member John Gudger seconded the motion. All voted in favor, motion carried.

Chairman Norvell then asked if there was any further discussion. Enoch Hart with Wyoming Signs, the neighboring property owner, wanted to state on record that as a neighboring property, he sees both sides and understands the concerns the other neighbors have. However, he is also an advocate for development in Mills and whether it be Ms. Henson, Mr. Hubbard or another business, he is in favor of seeing this lot being developed. He thinks that change can be a good thing and he is for development in Mills.

Chairman Norvell then called for a motion. Board Member Chris Volzke made a motion to provide the City Council with a “Do Pass” recommendation for the SIPS Coffee Hut site plan, with the two added considerations regarding the right-turn only onto Wyoming Blvd and adding the site triangle dimensions to the site plan. Board Member John Gudger seconded the motion. Members Volzke, Gudger, Smith and Norvell voted aye. Board Member Greenley abstained. Motion Carried.

With no further business, Chairman Norvell declared the meeting adjourned at 6:52 PM.

Leon Norvell, Chairman

Attested: Alyssa Hartmann