



MINUTES OF THE 2ND OF NOVEMBER 2023 MILLS PLANNING & ZONING BOARD MEETING

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

City Staff in Attendance: Megan Nelms, City Planner, Sabrina Kemper, Community Development Director

Others in Attendance: Ron McMurry, Applicant, Shawn Gustafson, ECS Engineering, Clayton Howell, Applicant

Chairman Leon Norvell called the meeting to order at 5:02 PM on November 2, 2023, as a quorum was present.

Chairman Norvell asked board members if everyone had read the minutes of the October 5, 2023, P&Z Board meeting and if there were any noted changes. There were none. Board Member Chris Volzke made a motion to approve the minutes. Bob Greenley seconded the motion. Chairman Norvell called for a vote to pass the minutes of the October 5, 2023, P&Z meeting. All ayes, motion passed.

Chairman Norvell asked Megan to present the first agenda item. Megan introduced case number 23.01 SKC, the Wyoming Classical Academy Site Plan.

Background:

The applicants propose to construct a new K-12 school on Lot 1, Mountain Meadows No 2. Subdivision. It is a phased development, with Phase I consisting of a two-story classroom building for grades K-6.

Planning Considerations:

1. Final approval by staff will be for the Master Site Plan and the Phase I site plan.
2. Submit a signed Site Plan Agreement
 - a. The agreement will include a provision that the Traffic Study, along with current traffic control measures and conditions, be reviewed and updated, if necessary, at the time of Phase II construction. All recommendations of the updated traffic analysis shall be met at that time.
 - b. The City will supply a final agreement to be signed by the applicant and City Council.

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3. Final Drainage Plan approval by the City Engineer

Staff Recommendation: Staff recommends the Planning and Zoning Board approve the site plan for Wyoming Classical Academy, pending completion of all planning considerations.

Chairman Norvell thanked Megan and asked if there were any questions from the Board. Board Member John Gudger inquired about the parking lot lighting, as well as the wall pack lighting that will be placed on the building. He wants to ensure that any lighting elements are pointing downward, away from the neighboring residential areas. Clayton Howell, the applicant's representative, stated that they are more than willing to ensure that the lighting does not shine off site, and that is not an unusual request that they could easily comply with.

Megan recommended that the Planning Commission could add a consideration to the planning considerations that they be required to provide a lighting plan at the time of construction.

Board Member Greenley stated that now would be a good time to start thinking about the traffic signal at Robertson Road and Poison Spider Lane and getting ahead of that project. Shawn Gustafson, the applicant's agent stated that a Traffic Impact Study had been completed for this property and indicated that a signal would be needed at the intersection at full-buildout. Megan noted to Mr. Gustafson that the language on the case sheet had been slightly modified and that it now stated that the TIS will be reviewed, along with current traffic conditions, at the time of full build out and updated as necessary and that all requirements of the TIS would need to be met at that time. Megan explained to the Commission that the city wanted to ensure that costs for installation of the traffic signal are shared if other areas around the school and intersection develop in the future, prior to full build out of the school.

There was general discussion about where any crosswalks would be located on Roberston Road, or if there would be one. There was discussion about the lack of sidewalks on the other side of Roberston Road. Board Member Volzke then inquired about the narrow width of Poison Spider Lane and if there would be any widening or turn lanes added? Megan responded that yes, Poison Spider Lane will be widened, and a left turn lane added at the far western end of the property, near the student drop off entrance.

Board Member Volzke then asked about the adjacent neighborhood and its lack of curbs, gutter, and sidewalks. He inquired if anyone had considered impacts to those homeowners and if any no parking signs or regulations had been considered for that neighborhood, as there is no parking on the side of the streets within the subdivision. There was general discussion about the number of parking spaces required. Megan stated that the school plans on installing all required parking spaces on site, within the designated parking lot.

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Member Volzke then inquired about drainage on the site was going to work, as he is very familiar with the area and knows that some of the homes on the same side of the road as the school cannot have basements because of the level of ground water in the area. He wondered what the plan was to address this.

Mr. Gustafson stated that a full drainage study was done for the drainage basin when the Platte View Estates subdivision was constructed. The ditching system in place takes all the water to the west and dumps it into a detention pond that is currently oversized. With the school being added to other elements included in the study, there is still enough room within the drainage system to accommodate the impact of the school. The detention pond was sized adequately so that future development could occur without the need to expand the drainage pond.

Chairman Norvell asked if there was any further discussion on the site plan. There was none so he called for a motion. Board Member Bob Greenley made a motion to approve the Wyoming Classical Academy Site Plan, pending completion of all planning considerations. Board Member Dale Smith seconded the motion. Board Member John Gudger abstained from the vote. All others voted in favor; motion carried 4/0.

Chairman Norvell asked Megan to present the next agenda item. Megan introduced case number 23.08 FSP, the 257 Business Park Preliminary Plat.

Background:

The applicants are proposing to subdivide approximately 23-acres into a 4-lot commercial/industrial subdivision, with lots ranging in size from 2.30 to 13.88 acres in size.

Planning Considerations:

1. All roads within the subdivision must be dedicated as 60' public rights-of-way.
2. Receive an approved Access Permit from WYDOT for the approaches off HWY 20/26 and HWY 257
 - a. Comply with all requirements of the WYDOT access permits
3. Add road names to all streets within the subdivision
 - a. The access between Lots 1 & 3 should be named Chapman
 - b. Provide a name for the access road between Lots 1 & 2
4. Submit infrastructure plans, including:
 - a. Water distribution system plans
 - b. Sewage collection system plans
 - c. Road plan, profile and construction drawings
 - d. Drainage plan

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5. Discuss plans for construction of subdivision infrastructure, including roads and water & sewer infrastructure.
 - a. Timeline for Permit to Construct
6. All cul-de-sacs shall have a radius of no less than 96' in diameter.
7. Add 5' general utility easements on the interior of all lots
8. Delineate the drainage easement/retention area on one of the lots.
9. Submit organizational documents for 2R Investments, LLC, showing who is authorized to sign on behalf of the corporation.
10. Survey Review:
 - a. The bar scale needs to read 1"=100'
 - b. Add State Plane Coordinates, northing, easting, elevation, Convergence and Combined Factor to two (2) of the exterior corners.
 - c. The coordinates are in grid but the distances are in ground
 - d. The measured bearings and distances need to be bolded, as indicated in the legend.
 - e. Verify the north corner(s) of the plat and Lot 1. Review Instrument #866007 as excepted in Instrument #1143765, with regard to the WYDOT parcel.
 - f. There is a mis-closure of Lot 4 by 1.63 feet
 - g. There are not bearings on the north line of Tract A
 - h. Provide the distance for the portion of the northern lot line of Lot 5 that is east of the Lot 3/Lot 4 divide.
 - i. Provide a curve table
11. Cosmetic Revisions to the Plat:
 - a. Add TO THE CITY OF MILLS under "Plat of 257 Business Park" in the title block on both plat sheets.
 - b. In the legal description, 3rd paragraph, the word reservation should be reservationS
 - c. Make the adjacent subdivision and road names gray
 - d. Add a line above the City Engineer's signature for "Inspected and approved this ___ day of ____ 20__.

Staff Recommendation: Staff recommends DENIAL of the final plat. Section 17.18.020(e)(10)(c) requires dedication of streets, alleys, public sites, and easements to the public.

The proposed subdivision is zoned Established Industrial with parcels of adequate size for a variety of commercial and industrial businesses. Public traffic on the streets will occur and is allowed, and the streets should be of adequate size and properly dedicated for future vehicular traffic, installation of utilities and future maintenance by the City of Mills.

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Chairman Norvell thanked Megan and asked if there were any questions from the Board. There were none at the time.

The applicant's representative, Shawn Gustafson first spoke to the request for the shared access easements. He put forth an example from the area in Casper around Wyoming Blvd and 2nd Street, stating that all the roads highlighted on the map were in-fact, public access easements that he says are encouraged by the City of Casper and WYDOT. He explained that the access between businesses is maintained by the businesses through cross access agreements. That is what Mr. McMurry envisions with this development.

Board Member Bob Greenley first asked about snow removal. People are going to utilize the roads to go through to other sites. Who is going to ensure the roads are clear and stay maintained? He stated that the area in front of the west side Wal-Mart to in front of Sutherlands comes to mind, and what poor condition that road is in. Ron McMurry, the applicant, stated that is because they don't have the proper cross access agreements in place to ensure maintenance. Mr. McMurry stated that the landowners will be the ones responsible for clearing the snow and maintaining the accesses.

Board Member Volzke said that he appreciates the example from Casper, but wonders if they is anything similar existing in Mills currently, or is this something new that we would be trying to look at doing in Mills?

Megan stated staff's recommendation comes from the fact that when residents move into city limits, they expect a certain level of service, which is why the city requires publicly dedicated streets. Residents expect roads within city limits to be maintained by the city.

There was then general discussion about the existing approaches and the proposed subdivision access and WYDOT's recommendations for the development. WYDOT has stated that the change of use of the existing approaches from residential and field to commercial will necessitate them being re-permitted. WYDOT has said they are willing to permit the subdivision access proposed to be installed at less than the required 660' from the intersection of Highways 257 and 20/26 if the existing approaches are removed. There are currently five (5) approaches across the frontage of this property onto Highway 20/26.

Mr. Gustafson comments that from his viewpoint, it is a busy intersection already and that by making the subdivision roads public, city streets, that will encourage more traffic onto them and encourage more traffic onto the already busy highway. Megan then commented that if the roads were city streets and connectivity was provided to the south and east, that would work to keep traffic from having to return to the highways to move to other businesses to the east. Mr. Gustafson and Mr. McMurry both then stated that they were opposed to providing connection to other lands to the east and south of the proposed subdivision property.

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Board member Greenley inquired about where infrastructure was going to be placed within the easements if they were only 35' feet wide and who would take responsibility for the infrastructure lines going onto properties. If it would be from a water valve in the easement onto the property, or how that would work? There was then general discussion about city infrastructure, its maintenance and where it could be located within the easements.

Board Member Volzke then asked if the streets were going to be private, how will it be dealt with in the future as landowners change? What will happen when the road is deteriorating and needs maintenance? If they are anticipating a gas station on Lot 1, which will obviously generate traffic on the streets, what will they do to ensure the roads are maintained? What enforcement mechanisms are there?

Mr. McMurry stated that with the cross-access agreements, the landowners in the subdivision will be required to complete the maintenance and if they don't, then the city would go in and shut down the road into the subdivision until it is completed.

Megan then noted that in the dedication statement on plat sheet 1, it states that the shared access easements, as shown on the plat, are being dedicated to the public. She stated that she still recommends that they be shown as dedicated right-of-way, with the acreage taken out of the lot size. Mr. McMurry said he objects to this because of the reduction in his lot sizes and it makes them unmarketable in Casper. With an easement, he has more land to market because he can still include the land covered by the easement in the acreage of the lot, where he cannot do that with right-of-way. He can still say it is a 3.23-acre lot, even though the access easement covers a portion.

There was general discussion about easement/right-of-way size. Mr. McMurry stated he could live with 30' or 40' public easements, but 50' or 60' are too large. Megan then stated that the driving surface of the road is not going to be 50', just the right of way. The driving surface is typically a 22' wide road with ditches.

Board Member Volzke stated there is going to be traffic in this subdivision, especially with the proposed gas station. He is not comfortable with the private ownership of roads. He then made a motion to deny the subdivision application. The motion died for lack of a second.

Mr. McMurry then asked Board Member Volzke if he would be comfortable with a 40' wide public right of way. Board Member Volzke stated no.

Board Member John Gudger asked Mr. Volzke why he would not be for granting an exception when they had just granted special exceptions to the SIPS coffee hut? Megan then stated that the Commission did not grant any special exceptions to the SIPS site plan. Mr. Volzke then withdrew his motion and offered a point of discussion of a 50' right of way.

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Megan stated that the Mills regulations currently state that the city follows the City of Casper design guidelines, which currently call for a 50' public right of way. Staff's recommendation for a 60' right-of-way is being provided, as that is what is currently included in the draft amendments to Title 17. She stated that both the Commission, the Council and the public would have the opportunity to comment on the draft amendments, but that is where the 60' is coming from. Mr. Gustafson noted that the 50' that Casper uses in their design guidelines comes straight from the AASHTO manual.

Board Member Greenly then stated that the applicant could leave things just the way they are currently and there is nothing that would stop him from building a road and structure wherever they want. Megan stated that was not entirely accurate, as a change of use to the existing approaches on the property would still require a new access permit from WYDOT.

Mr. Gustafson reiterated that if the roads are allowed to be private access easements, Mills will not be responsible for the maintenance of them. There was more general discussion regarding street maintenance and city infrastructure in relation to easements and road rights-of-way.

Board Member Volzke then made a motion to allow a 50' right-of-way and to deny the subdivision until the revisions are made to the plat. The motion died for lack of a second.

Megan stated that if anything less than a 50' wide public right of way is contemplated, then the applicant would need to apply for a variance from the City Council.

Board Member Gudger then made a motion to direct the applicant to apply for an exception for a 40' wide roadway easement. That motion died for lack of a second.

Megan stated that staff's recommendation at this point would be to table the case until next month. She will then invite City Engineer Williams and City Attorney Holscher to the December meeting as they can more informatively answer questions related to city infrastructure needs and legal questions.

Chairman Norvell then asked for a motion. Board Member Bob Greenley made a motion to table case number 23.08 FSP, 257 Business Park until the next regular meeting. Board John Gudger seconded the motion. All voted in favor, motion carried.

With no further business, Chairman Norvell declared the meeting adjourned at 6:22 PM.

Leon Norvell, Chairman

Attested: Christine Trumbull