

Mills Planning & Zoning Board Meeting Minutes

April 4, 2024

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

City Staff in Attendance: Megan Nelms, City Planner, Leah Juarez, Mayor, Building Inspector, Kevin O'Hearn and Sarah Osborn, City Clerk

Chairman Leon Norvell called meeting to order at 5:01pm on April 4, 2024, as a quorum was present.

Chairman Norvell asked if everyone had read the minutes from the previous meeting on March 7th. The Chairman did note an error in the minutes about which member's terms expired when. Megan noted the correction. With that, Board Member Chris Volzke made a motion to approve the minutes with Chairman Norvell's change. Board Member Dale Smith seconded the motion. Chairman Norvell called for a vote to pass the minutes of the March 7, 2024, P&Z meeting. All ayes, motion passed.

Chairman Norvell asked Megan to present the first agenda item. Megan stated the only agenda item for the evening was to receive comments from the Commissioners about the proposed Title 17 amendments. She provided an overview of the amendments and explained that they were modeled off Casper and other cities. She has included a spreadsheet of significant amendments to the regulations. She concluded that after discussion and comments tonight, the final version will be submitted to the City Council in May. Megan then asked for any comments or discussion from the Commission.

Board Member Volzke brought up child care facilities. He stated that they currently do not have enough childcare facilities in Mills. He feels that the notification requirement of 140' and 30% of those notified is too high and should be lowered. Megan stated that the 140 feet comes from the current Title 17, that's the notification standard. A hearing is then only required if 30% or more of those notified protest the permit or request a hearing, then the applicant would have a hearing in front of the Commission. If no one voices any concerns, then the daycare permit would be issued. Board Member Volzke just wanted to make sure that it wasn't an issue. Kevin stated that a question came up in the legislature about how many employees are in a facility, based on how many kids are permitted, which creates more vehicles in a permanent time frame, instead of just dropping and picking up. Megan replied that the zoning regulations define daycare by how DFS does, with a family childcare center, family childcare home and childcare center. A home is only allowed in a residential district where a center is only allowed in a commercial district. The type of daycare would be limited by the zoning district. A child care center is 17 or more, where a family child care home is fewer. That would dictate how many children they could have. There was consensus that the regulations were okay as written.

Board Member John Gudger had two questions regarding lighting standards and buffering. Board Member Gudger was confused regarding the buffering levels and requirements. Megan provided an overview of the table and each level of buffering that could be required. Board Member Gudger had questions regarding the 'D' standard and Megan stated that would mean the Applicable Director would decide what standard of buffer should apply for that application.

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Board Member Gudger asked about the chart and how it would address if a property were currently zoned industrial and adjacent to a residential zoning district, what would happen? He wanted to know what kind of assurances do we have in the zoning code? Megan stated that if there is a vacant lot already zoned for industrial next to residential and someone wants to improve it, they would first need to start with a zoning certificate. It is at that point that they would have to meet the buffering standards as part of the approval of their zoning certificate. Megan stated that the chart currently says Industrial is not permitted next to residential, but since it is existing, it would be in the 'D' category. Board Member Gudger asked why it would not fall under the H category. Megan informed Board Member Gudger that we say industrial next to residential is not permitted, so the Director would need to use discretion in requiring the appropriate buffering. Board Member Gudger thought there should be more clarity to the chart.

Megan asked if he wanted stronger language. She detailed Section 40.3 and stated all development must meet the buffering standards; it is required. Megan stated that H is for High buffering standards and D is for director, but asked if they Commission would feel more comfortable taking out director determination, then we could put a standard for every type of use adjacent to each other? Board Member Gudger stated he is more worried about residential going in next to industrial or commercial. He asked what if a developer wants to develop a residential lot adjacent to an industrial, how would that be addressed? Would it be up to the developer? Megan responded that they would have to come before planning and zoning and that staff would make the recommendation that it not be permitted, as that is what we are trying to avoid utilizing zoning. We do not want to purposefully put residential adjacent to industrial.

Board Member Gudger next had comments on the lighting standards. He stated that lighting should be measured in foot candles. Megan stated that the section as currently written does have a foot candle standard for measurement and lights shining off of a property. Board Member Gudger reviewed the section and stated he was okay with that. He next stated that he would like, under general requirements, that wall pack lighting should be shielded. Megan confirmed just specific to wall packs? Board Member Gudger confirmed. Megan also pointed out the section specific to commercial lighting within 50' of a residential zone which has additional requirements. Board Member Gudger feels that 50 ft within residential zone for lighting is not enough, he thinks it should be 500 ft.

Megan asked Board Member Gudger to read the title more in-depth and ask questions next month. Board Member Gudger just wants the rules to be enforceable. Megan concurred.

Chairman Norvell asked if they had the current ability to measure foot candles. Megan stated the city would have to get a light meter. Norvell asked if they would have to get a lighting engineer. Megan said they don't have to have a lighting engineer. Board Member Gudger said it wouldn't cost much for a developer to have a simple photometric lighting plan completed. He is going to look into pricing and get back to the board with what he finds. Megan could add language as to when a lighting plan would need to be completed by an engineer.

Megan detailed the proposed adoption schedule for Title 17. The next work session with Council is scheduled for May 13th and first reading would be May 14th, second reading would be May 28th and final

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on June 11th. That would be ideal to start the new fiscal year and new planning commission terms with the amended regulations.

Board Member Volzke questioned the max height of apartment building. As a developer standpoint, if you are building 3 stories then it is more affordable to add the 4th story when building. There was general discussion on whether the City's fire fighting apparatus were tall enough for four story buildings. Megan stated that the current height limit for the district is 35'. Board Member Volzke asked if it was due to fire safety. Board Member Gudger and Kevin responded and detailed that these buildings would have an interior sprinkler system. By code it's required when you go up to 3 story. Kevin continued that it also comes down to the studs, cannot create a 2 story house and decide to rip the roof off and add another story onto it. Chairman Norvell also commented that Mills does not have a ladder truck.

Mayor Juarez confirmed that the City of Mills does not have a ladder truck, there is only one for the county, so would we want to put language in there that upon updating the infrastructure, we could have four story buildings as we do need the addition housing, so 4 stories would be good. Megan agreed and stated it would be best practice to leave the regulations as is and when the infrastructure catches up, we can go in and amend the appropriate sections. She stated that Jackson is currently amending their rules to allow up to 48 feet, the height level for a 4-story apartment. The Mayor also confirmed with Kevin that we do require fire sprinklers for the apartment complexes. Kevin confirmed and as long as they have a 2-hour firewall.

Norvell brought up annexations. Many years ago he lived in Mountain View and wanted to be part of Mills because of the water/sewer rates. He stated that the residents had to put in all the infrastructure themselves before Mills would consider annexation. A year or 2 ago, the city annexed the Hanley Addition, and he feels they pretty much got a free ride. Megan stated that the subdivision and zoning regulations isn't the place for that, it would be more of an Administration level decision. Right now, Title 17 doesn't have great clarity or procedures for annexations so she tried to follow statute the best she could, following the process and making sure that the annexation report is submitted and adequately reviewed the impact to the city. She stated it must explain to people what they are getting and not getting. Norvell thinks there should be some rules in place for annexing.

Megan then discussed the recent winery permit and the Urban Agriculture district. She wanted to know what the board thinks of Urban Agriculture Residential (UA-R). Board Member Gudger asked about livestock in the Urban Agriculture district. Megan responded that the section on accessory uses defines how many animals you can have per acre in Urban Agriculture. However, no animals or agriculture uses are currently permitted in the Urban Agriculture Residential District. Megan asked if they thought light agriculture uses should be permitted in Urban Agriculture Residential, things like a greenhouse or similar uses. Board Member Gudger asked if we are restricting the use of putting a greenhouse up in UA-R? Megan responded that a greenhouse is allowed in UA-R, but they wouldn't be allowed to sell produce on site. There was some general discussion on the differences between R-1 and UA-R. Megan explained that right now, UA-R has a minimum lot size of one-half acre versus a 4,000 sq. ft minimum for R-1. Megan asked if there were any opinions from anyone about permitted uses in UA-R. There was general discussion about animals, such as chickens, horses or other animals. Board Member Smith asked if agriculture must be animals? Could it be corn or grapes? Or would it restrict how large a garden can be? Board Member



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Gudger said that we don't want to make restrictions on greenhouses or gardens. Board Member Volzke detailed what he is doing on his property, growing grapes and making a winery business. The acreage restricts how many grapes. This is not a full time job, just a hobby. The consensus was that Megan will take a look at the light agriculture definition and make some adjustments to the use table for UR-A.

Board Member Gudger inquired about the Wyoming Classical Academy and asked if they were putting anything in to alleviate traffic congestion. Megan confirmed that a traffic study was completed and recommendations from the report to mitigate the traffic impacts are being implemented. The site plan approved by the Commission and Council shows that they are extending the drop off line and that area is being paved. Kevin said traffic will not be a problem at the new school.

Board Member Volzke asked about 20 ft setbacks on a 4000 sq ft lot. Does this allow enough room on the lot for development? Megan stated that she has reduced the front yard setbacks in all residential districts from 25 feet to 20 feet. She deferred to Kevin regarding the large front yard setbacks. Kevin responded that the 25' setbacks were put in place because large, long box trucks with a hitch will stick out into the sidewalk, so a large front yard setback to allow for enough space was put in the zoning regulations. It allows people enough room to pull off the street and park in front of their homes.

Megan summarized the discussion and stated that she would make a few edits to bring back to the Commission for their final recommendation to Council at the May meeting.

Chairman Norvell then asked if there was any further discussion. There was none. With no further business, Chairman Norvell declared the meeting adjourned at 6:14 PM.

Leon Norvell, Chair

Attested: Sarah Osborn