

## Mills Planning & Zoning Board Meeting Minutes

May 2, 2024

**Board Members Present:** Mandi Mosher, Chris Volzke, Dale Smith, and John Gudger were present for the P&Z Meeting.

**City Staff in Attendance:** Megan Nelms, City Planner, Building Inspector Kevin O’Hearn and Sarah Osborn, City Clerk

Vis Chairman John Gudger called meeting to order at 5:33pm on May 2, 2024, as a quorum was present.

Megan Nelms stated Commissioner Bob Greenley had submitted his resignation after last month’s meeting. She then introduced and welcomed Mandi Mosher as a new member on the Planning and Zoning Commission.

Vice Chairman Gudger asked if everyone had read the minutes from the previous meeting on April 4th. Board Member Chris Volzke made a motion to approve the minutes. Board Member Dale Smith seconded the motion. Vice Chairman Gudger called for a vote to pass the minutes of the April 4, 2024, P&Z meeting. All ayes, motion passed.

Vice Chairman Gudger asked Megan to present the first agenda item. Megan discussed the T-Lee Annexation and subdivision plat. Todd & Terry Lee are purposing to subdivide approximately 5.93 acres into two lots, one 1.25-acres and the other 4.68-acres in size. It is located right on the curve on the southeast side where First Street changes to Van Horn Avenue. It is currently zoned ER, Established residential. Half of the property is in Mills, the other half is not. They have requested to annex into the city. There is an existing multi-family apartment structure on proposed Lot 2. There is a 1/16 line that bisects the property and is the city’s municipal boundary limit. Half of the Lee’s property is within Mills and half is not, so the annexation petition will rectify the situation. All the required notifications to surrounding property owners and utility providers were sent via certified mail. We have not yet received any comments. A public hearing for this is scheduled for the May 28<sup>th</sup> City Council meeting. Staff recommends approval of the proposed annexation plat and recommends the planning commission provide a “do pass” recommendation to City Council.

Megan asked if there were any questions. Member Dale Smith had a question regarding updates to the zoning in regard to the county industrial zoning currently in place for the property. Megan stated they were going to wait on changing the zoning until the new LDRs are adopted. It doesn’t make sense to rezone now before the LDRs are adopted and then have to go back and change it again in a few months. She stated that the contemplated zone district would be the Urban Ag Residential district. Board Member Volzke also wanted to clarify who the utility providers were. Megan responded that the existing multi-family structure is already served by city water/sewer. Kevin added that 5 years ago, when the Lee’s first came in to discuss the development, they wanted all the property to go into Natrona County, because they wanted to put horses and miniature horses on the lot for the grandchildren.

Vice Chairman Gudger asked if there were any further questions. There were none. He then asked for a motion. Board Member Smith made a motion recommend a DO Pass to City Council to approve the T-LEE Addition Annexation and Final Subdivision Plat. Board Member Volzke seconded the approval. Vice Chairman Gudger called for a vote to approve the motion. All ayes, motion passed.

Vice Chairman Gudger asked Megan to present the second agenda item, the amendments to the Mills Title 17 Land Development Regulations and recommendation to the city Council. Megan started by telling the board she made edits to the latest Title 17 with the comments from last month's meeting. She made modifications to the buffering standards and took out the Director decision/approval based on feedback from the Commission.

She informed the board that Chairman Gudger has some comments about the lighting standards that was discussed and changed. Megan noted that are still a few comments and highlights in the draft that she is working with the city attorney on wording. She stated the amendments are on the agenda for first reading at the May 14<sup>th</sup> Council Meeting.

Vice Chairman Gudger asked Megan if the comments he added for lighting would be in the draft by first reading. Megan confirmed they would be in the first reading and stated that any comments given, or changes suggested would be in the version for first reading. Vice Chairman Gudger then discussed his comments regarding photometric lighting plans. He said it's a standard for commercial developments, with 10 or more parking spaces and 2 or more light poles.

He stated that currently, the new rules state that no light can shine off of its property more than .02 foot candles and he is concerned is how do we enforce that? A photometric lighting plan would address this issue. He reached out to Todd Wagner to get his input. He forward the email to everyone. A medium-sized firm would be charged about \$1500-2000 for a photometric lighting plan. That fee is very small when compared to the design fee that is required by the applicant.

Vice Chairman Gudger then stated that he would like clarification on section 5 of the lighting standards. Megan stated that in the lighting section, she added extra requirements for all commercial, multi-family and industrial uses, within 50 feet of a residential district. Vice Chairman Gudger felt this was not an adequate distance and recommends changing it to somewhere between 350-500 feet. He stated that an average residential lot in Mills is about 100 feet. So, you are talking about 5 lots away, anything in that would be subject to the photometric lighting plan. He mention 350 feet for churches because he personally has worked with churches and they are found in residential areas. However, in general, he doesn't think we should go less than 500 feet.

Megan stated that her only comment would be to keep the distance the same for all uses, and not calling different distances for certain uses, like churches. Vice Chairman Gudger said 350 feet is being lenient to the churches since they can be right next to residential properties. He feels that having the lighting shielded would take care of any problems. He then recommended just keeping the distance at 500 feet.

Megan noted that the general lighting standards in the regulations do have requirements for a typical lighting plan that that the lighting standards for uses within whatever distance you recommend of residential is just those three extra requirements which state that poles can be no taller than 15 feet and installed at maximum of 17 feet above grade and that they shall be shielded in a manner that doesn't directly illuminate nearby residential property. Those are the only extra requirements of a use within a certain distance of the residential district.

Board Member Chris agreed with Megan's comment about not specifically calling out churches. Vice Chairman Gudger agreed that if they meet the shielding requirements, then the 500 feet won't be as much of an issue. He would purpose to change the distance from 50 feet to 500 feet. He would like to speak to council about this. There is an industrial project right behind where he resides and lighting has been a pretty big issue. They didn't have anything shielded until he had brought it up. Both Vice Chairman Gudger and Board Member Mandi agreed to do research and bring it to council. Megan clarified what exactly needed to be researched. Megan recommended they come to the council work session Tuesday May 14<sup>th</sup> to discuss the lighting and distance.

Vice Chairman Gudger wanted to go back to the lighting section and add an additional subsection. He would like to require a photometric lighting plan for significant developments. He would like to require a photometric lighting plan for significant commercial development, not mom and pop shops. Examples would be like a Wendy's, a grocery store, or anything significant. Applicants would be required to submit the lighting plan based on the following criteria. 1) 2 or more light poles within 100 feet of residential property, 2) poles equal or greater than 12 feet high.

Vice Chairman Gudger requested feedback on his proposed changes. Board Member Chris asked about the availability of services, is there anyone locally that can do this type of plan? Vice Chairman Gudger responded that there are local resources. Board Member Volzke also asked about the 2 or more light poles? Vice Chairman Gudger said he will look at that section again.

Megan reminded the Commission that the rules do require a standard lighting plan for all commercial/industrial and multi-family developments. She suggested deciding on what the "cut-off" would be for when a photometric plan would be necessary. Board Member Mosher believes a photometric plan should be completed for all commercial and industrial. Megan responded that every commercial/industrial and multi-family have to have an exterior lighting plan that provides information on the type of fixtures that will be used, the luminous intensity of each light source, wattage, manufacturer specs, proposed location mounted, height, shielding details, and aiming point of all the fixtures. It also requires that if the building elevations are proposed for illumination, a drawing showing all building elevations and their lighting will be required. Kevin commented that they should go off of price of project. Megan agreed we could do it by value or number of poles.

Vice Chairman Gudger suggested a minimum valuation of \$500,000 as when the requirement for a photometric plan would be required. Board Member Chris talked about renovation values? Megan stated that they should use the valuation of whatever work is being completed, whether it is a new development

## Mills Planning & Zoning Board Meeting Minutes

May 2, 2024

or remodel. Vice Chairman recommended going with the \$500k. He stated that he feels we are making significant improvements to the code we had before.

Vice Chairman Gudger made a motion to recommend approval to council to add lighting requirements to section 5 40.3. Requiring a photometric lighting plan be required for all developments with a valuation of \$500k with the distance within residential to be determined. Board Member Mosher seconded the motion. Vice Chairman Gudger called for a vote to approve the motion. All ayes, motion passed.

Vice Chairman Gudger wanted to clarify that under General Requirements of 4A sub item 4, there is a sentence regarding architectural lighting and that it can be waived by the Applicable Director. Megan stated that would be for purely for lighting used aesthetic lighting, or landscape lighting. She gave an example that if Mountain View Baptist Church came in and wanted to put some lighting that shines on the building, the director could wave the lighting plan requirement. Vice Chairman Gudger agreed, as long as the lighting is shielded.

Board Member Chris asked about Section 22, the Downtown Riverfront design overlay district. He is curious if any of the language would adversely impact the residents that currently live there or not. He didn't have any changes, just wanted to make sure it was brought up. There was a lot of public input and we want to make sure to use it as discussed. Megan responded that was the intent, everyone would be rezoned to commercial, and then the overlay will be put on the blocks that are grandfathered in. Chris also spoke about the color schemes and requirements. He wants people to be able to express themselves with colors. Megan responded that she borrowed much of the language from City of Casper and the old Yellowstone district zoning overlay, and so tried not to be too overly restrictive.

Megan recommended that the decision on the Title 17 amendments be tabled, based on the ongoing discussion regarding the lighting standards. She stated that changes could still be made at the meeting on June 6<sup>th</sup> and the commission could make a recommendation at that meeting as well.

Vice Chairman Gudger then asked if there was any further discussion. There was no one. Board Member Volzke made the motion to table the discussion on Title 17. Board Member Mosher seconded the motion. Vice Chairman Gudger called for a vote to approve the motion. All ayes, motion passed.

Vice Chairman Gudger opened the floor for public comments.

Darla Ives – 1325 Granite Court – Her neighbor is wanting to put a garage up. She knows that there is 20' easement right where her neighbor wants to put the garage. Wanted to make sure that someone was aware of the easement. Kevin and Dale were very aware of the easement. Kevin stated that no building permits have been put in for the location yet.

Vice Chairman Gudger then asked if there was any further discussion. There was none. With no further business, Vice Chairman Gudger declared the meeting adjourned at 6:41 PM.



Mills Planning & Zoning  
Board Meeting Minutes

May 2, 2024

---

John Gudger, Vice-Chair

---

Attested: Sarah Osborn

DRAFT