



Chair: Les Whitney  
Commission:  
Luke Ambrose      Chancey Carter  
Lynae Malchus      Garland Walker  
Nick Schofield      Wayne Lounsbury

**Planning and Zoning Meeting Agenda  
December 10, 2025  
7:00 PM  
Milford City Office 26 South 100 West**

**PUBLIC NOTICE** is hereby given that the Milford City Planning and Zoning Commission will hold a Regular Meeting at 7:00 PM at the Milford City Administrative Office, 26 South 100 West, Milford, Utah on Wednesday, November 12, 2025.

- I. CALL TO ORDER and ROLL CALL**
- II. APPROVAL OF MINUTES**
  - a. November 12, 2025 Regular Meeting
- III. DISCUSSIONS/ORDINANCES/NEW BUSINESS**
  - a. Ordinance 01-2026 Alley Vacate
- IV. COMMISSION REPORTS AND COMMENTS**
- V. ADJOURNMENT**

I, *Lisa Thompson*, hereby certify that the above notice was posted to the state public notice website and the following locations:

1. Milford City Office-26 South 100 West
2. Milford Post Office-458 South Main
3. Milford City Library-401 South 100 West

*Lisa Thompson*

*In compliance with the Americans with Disabilities Act, the City of Milford will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Requests for assistance can be made by contacting the City Recorder at 435.387.2711 at least 24 hours in advance of the meeting to be held.*

**MINUTES OF MILFORD CITY  
PLANNING AND ZONING COMMISSION MEETING  
26 South 100 West, MILFORD, UTAH  
WEDNESDAY, NOVEMBER 12, 2025 7:00 PM**

***The Milford City Planning and Zoning Commission meeting was called to order by Chairman Les Whitney at 7:00 p.m.***

**Present:** Chairman Les Whitney; Commissioner(s) Wayne Lounsbury, Lynae Malchus, Luke Ambrose, Chancey Carter City Administrator Makayla Bealer and Zoning Administrator Lisa Thompson

**Absent:** Garland Walker, Nick Schofield

**Visitors:** Dave and Angie Myers, Alex Mayer

**Consent Issues**

***MOTION:*** Commissioner Luke Ambrose made a motion to approve the minutes of September 10, 2025 Regular Meeting. Commissioner Chancey Carter seconded the motion; all were in favor. The motion passed unanimously.

**New Business**

**Site Plan Review-Dave and Angie Myers 825 South 100 West**

Dave and Angie Myers explained to the commission that they are wanting to open up a drive through soda shop. We have purchased the property at 825 South 100 West and we plan on putting a Hickory Barn on the property. It will sit parallel with 100 west. We will serve out of the center window. We will enter and exit from 100 West. We are looking to build it up 4-6 inches due to the drainage and place gravel over most of the lot. We will be tie into the city water and sewer and be hooked up to power. We will have a mobile trailer that is available for events and different activities. We will store it on the lot.

Administrator Bealer mentioned that in previous conversations with Dave and Angie, it was discussed that before you get the building done, using the trailer to serve out of. Angie explained that they are currently at a stand still waiting for Pepsi to install the machines. weeks out. Makayla asked in the event that Pepsi gets the machines installed, are you planning on opening your trailer up and putting it at another business location? Dave and Angie confirmed that is the plan. Makayla asked if they will be placing it at this site to open and Angie confirmed they will not.

Dave further explained that they are at a stand still with Pepsi so if they can get the dirt work done, get the building here, the electrical and plumbing don't before the trailer is ready then that is the route they will take. Whichever happens first.

Administrator Bealer explained they will go through a list of items that is required for their site plan review and if anyone has questions please ask.

- Dave and Angie Myers have submitted an application for a Site Plan Review for their Drive Through Soda Shop at 825 S 100 W. This location is zoned Main Street Commercial and this is a permitted use.
- The following items will be discussed as part of their review:
  - Setbacks:
    - They meet all the required setbacks
  - Landscaping:
    - They are planning to install decorative rock between the drive through and the front sidewalk and possibly gravel the entire lot.
  - Lighting:
    - They are proposing 4 lights on the building. One on each side.
  - Sidewalk, Curb and Gutter:
    - There is a sidewalk along the front of this property but not on the north side of property. This is something that as a commission will need to be discussed. 800 South dead ends. It is platted on the city's map as a road but at one time that roadway was used to get to a homeowner's property. (before the overpass was installed and main street was extended) When the state extended main street and installed the overpass this road was dead ended. We will discuss this further later on in the meeting.
  - Drainage:
    - Today we had our foreman go onsite and open the hydrant on the corner of 850 South 100 West to conduct a flow test and see where the water goes. The water eventually drains onto this property. The water can't get past Family Dollar and it just backs up on this lot. Makayla explained that she doesn't feel this is 100% Dave and Angie's responsibility or the Planning Commission's responsibility to make a judgement call on this. She recommends that when the planning commission goes over the conditions, Dave and Angie will come before the city council and figure out a plan for drainage. Makayla's and City Foreman Ben Stewart's recommendation is to build up this lot to protect your investment. An option to look into is installing a drain in the middle of 800 South (dead ended area). This would be similar to what was done at the Senior Citizens Center. It is a brick system that takes the water on. However, this is something the city council will need to discuss.
    - Chairman Whitney asked if there were culverts along main street in this area? Makayla explained that there is a culvert at Family Dollar that goes under the sidewalk, but our Foreman mentioned today that it doesn't take on the water because it is too high.
    - Makayla asked Dave and Angie if they would come before the council to discuss this on November 18<sup>th</sup>. She explained that the commission could still move forward with the site plan and just put a stipulation on there about the drainage.
    - Dave Myers asked about installing a canal along the back side of his property. Makayla commented that we could look at something like that.
    - Commissioner Lynae Malchus asked the Myer's if this is going to be a permanent building and if so have you talked with the county about

getting your soil permits? Dave and Angie mentioned that they are just getting ready to start that process. Lynae explained that you will have to go through a Geo Technical Engineer and there are a couple over in Ceda City and they will most likely have to bring fill in. She suggests that your lot is at least as high as main street.

- Dumpster:
  - MMC 7.08.050 All dumpsters shall be screened or fenced off from public ways, sidewalks and adjoining properties.
- Signage:
  - Signage is proposed to be on the building.
- Traffic Circulation:
  - Entrance and Exit will be on 100 West. Site plan shows the drive through to be 12 feet wide. The corner will have a 20-foot unobstructed site clearance. Code requires this area to be asphalted.
  - Pedestrian Traffic: Dave and Angie said they anticipate only car traffic. They will continue to keep the icy shack at its current location by the caboose.
- Parking:
  - They are proposing one parking spot. Parking is determined on a case-by-case basis in the main street commercial zone.
  - 13.32.040 (7) All areas used for the movement, parking, loading, repair or storage of vehicles shall be paved.

Administrator Bealer explained that this covers what we need to discuss for a site plan review. For these businesses the city will go into an operating agreement to allow time for them to install in the improvements. So for right now you could put in a temporary graveled drive through but within a year you will have to have your asphalt completed. We will give you a water connection form tonight so you have it. You will be required to put in a zenner meter. Your contractor will put in the setter and the city will install the meter which will be at the property owners costs. A business license will also be required before opening.

Administrator Bealer explained that we have a draft operating agreement that we can go over tonight. The draft agreement is as follows:

- An agreement permitting the applicant to operate their business following completion of the required improvements listed below within the specified timelines:
  - The following conditions must be met prior to opening establishment:
    - Install road base and/or gravel for the drive through area.
    - Install decorative rock between the front sidewalk and drive through.
    - Install bollards along the front of the building to protect the building from oncoming traffic.
    - Install road base and/or gravel for parking area.
    - Dumpsters shall be screened or fenced off from public ways, sidewalks and adjoining properties.
    - Lighting shall be installed on all sides of proposed building.
    - It is highly recommended that material be imported and compact fill to raise the elevation of the site.
  - The following items must be installed within 12 months of opening establishment:
    - Install asphalt or concrete drive-through.
    - Install asphalt or concrete parking area.

- Further discussion with the City Council is required regarding the drainage canal along 900 South and 100 West to 800 South. The City Council and the property owners shall meet to determine an appropriate drainage plan to handle the water at the intersection of 800 South. Sidewalk, curb, and gutter improvements along the north side of this property shall be addressed as part of this drainage plan.
- The property shall be maintained in a clean, orderly, and safe condition at all times. Property owners shall ensure the property remains free of weeds, debris, junk and conditions that generate excessive dust.
- The following letter is attached from Foreman Stewart that addresses the drainage. The attached letter states: To Whom It may Concern: On Wednesday, November 12, 2025, I was asked to evaluate the drainage pattern at 825 South 100 West to determine how surface water flows along this section of the street. While onsite, I conducted a flow test by opening the fire hydrant located at the corner of 850 South 100 West. During this test, it was observed that the water traveled north at a slop pace, quickly overtopping the sidewalk due to the low elevation and draining onto the subject property as well as the adjacent parcel. I also noted that there does not appear to be a defined gutter along this section of sidewalk, which likely contributes to the drainage problem. These conditions indicate that the property lies below street grade, resulting in poor drainage and an increased risk of localized flooding. Based on these findings, I recommend that the property owner import and compact fill material to raise the elevation of the side to be consistent with the existing roadway. Bringing the property up to road grade will not only improve drainage but also allow the property owner the option to replace the existing sidewalk with new sidewalk, curb, and gutter in the future, further enhancing long-term stormwater management along this corridor. I also recommend that in the near future the city looks into a water way at this intersection. However, pushing the water towards Family Dollar would also add to the drainage problem in that area. Another option would be to look into having a french drain engineered. Sincerely, Ben Stewart, Milford City Foreman.
- This agreement is between the City of Milford Planning and Zoning Commission and Dave and Angela Myers. This agreement will be reviewed by the Planning and Zoning Commission. Upon review all required improvements must be completed for business to remain in operation.

Commissioner Chancey Carter asked for clarification on the bollards. Zoning Administrator Lisa explained that they are required to have them placed in front of the building for protection but not along the drive through pulling in.

Commissioner Chancey Carter inquired about the sidewalk, curb and gutter along the north end. Makayla explained that she doesn't feel the sidewalk is necessary because it will go to nowhere; however, if we do something my thought would just be gutter but that would be something with the drainage. Chancey reiterated that we aren't locking them into it, we are just saying we will look at it. Makayla confirmed.

Commissioner Wayne Lounsbury inquired where the closest storm drain is. Makayla explained that the dollar store has drainage but it doesn't drain well. There is a drain at 500 South/Main.

Chairman Whitney asked about the lighting. He asked if it was necessary to have lighting all the way around the building where there is lighting along main street. He asked if it was going to conflict with traffic?

- Dave Myers commented that he questioned that as well but assumed that it has to be on all 4 sides.
- Chairman Whitney commented that main street is lit up pretty well so if we could get by with 3 and not add a hazard to main street then he feels that's the way we should go.
- Commissioner Lynae Malchus commented that she would wire one just in case and then have it if you need it.
- Commissioner Luke Amrbose commented that you could aim the light, so it projects downward. Administrator Bealer commented that's what she would recommend so you don't have any dark sites on your building.

City Administrator Bealer asked the commission if they had any comments or concerns with what has been placed in the operating agreement. Makayla also summarized that the sidewalk, curb and gutter along the north side would be a conversation with the council to go along with the drainage plan. She said her thought would be just to have curb and gutter to help feed the drainage to the drain if that's what is decided; however, engineers will need to be involved to give their opinion on the best way to make this work. The commission felt everything was covered and had no concerns.

Dave Myers asked if the dumpster area had to be concrete or pavement. Makayla explained it does not it just needs to be fenced.

**MOTION:** *Commissioner Lynae Malchus moved that the commission approve the site plan and operating agreement as presented for Fizz and Freeze located at 825 South 100 West conditioned to further discussion on the drainage. Chancey Carter seconded the motion, and all were in favor. Motion passed unanimously.*

### **Discuss Alley Vacate Ordinance 07-2025**

The council has asked the Planning Commission to consider putting an ordinance into place that outlines the process of vacating alleyways. The draft ordinance in your packet outlines the process as per state code but it has a section in it that prohibits an alleyway from being vacated if there are utility lines that exist within the alleyway. This is to ensure that all utility companies have access to their lines.

- Commissioner Luke Ambrose commented that most lots just have easement and no alley. Zoning Administrator Lisa confirmed that newer developments do have the utilities run along the front of the property. In the older parts of town there were alleyways and that is where utilities were ran. Luke explained that before they brought the fiber in, his phone line was at the back of his property. Luke asked if it is just a phone line or a power line could we still vacate the alley because he doesn't see any issues with that.
- Zoning Administrator Lisa explained that we recently recommended to the council to vacate an alleyway. When the council reviewed this, they tabled it until the office staff could make contact with the utility companies. When contact was made with South Central they felt very strong that this alleyway not be vacated due to their lines being there. When South Central installed their fiber lines, they followed the existing

phone lines. Since then, South Central has had this particular alleyway surveyed and it was confirmed that their lines were on personal property so they will be moving the fiber lines into the platted alleyway. South Centra's Engineers have reached out again and asked Milford City not to vacate any alleyway that has their utilities in it because they want to be able to access them when they need to.

- Zoning Administrator explained that this ordinance will come back to the Planning and Zoning Commission next month for a formal recommendation to the council.

### **COMMISSION REPORTS AND COMMENTS**

- Les Whitney- None
- Luke Ambrose-None
- Nick Schofield- Absent
- Garland Walker- Absent
- Lynae Malchus- None
- Chancey Carter-None
- Wayne Lounsbury-None
- Lisa Thompson-None

### **ADJOURNMENT**

As there was no further business, the meeting was adjourned at 7:52 pm

**APPROVED** by **PLANNING & ZONING** this \_\_\_\_\_ day of **December 2025**.

*Lisa Thompson*

**LISA THOMPSON, Planning Administrator**

**CITY OF MILFORD  
ORDINANCE 01-2026**

**ALLEY VACATE**

**WHEREAS**, Milford City was established with alleyways designed to provide access for public utilities and infrastructure and at one time for garbage pickup; and

**WHEREAS**, these alleyways have historically serviced an essential role in maintaining and extending utility services throughout the community; and

**WHEREAS**, it is intent of Milford City to ensure continued access to all existing and future utility lines located within alleyways.

**NOW THEREFORE**, be it ordained by the Council of the City of Milford, in the State of Utah, as follows:

**SECTION 1:** **ADOPTION** “13.49 Alley Vacate Process” of the Milford Municipal Code is hereby *added* as follows:

**ADOPTION**

13.49 Alley Vacate Process(*Added*)

**SECTION 2:** **ADOPTION** “13.49.010 Purpose” of the Milford Municipal Code is hereby *added* as follows:

**ADOPTION**

13.49.010 Purpose(*Added*)

The purpose of this chapter is to provide an orderly process for the vacation of any alleyway located within Milford City, consistent with the procedures and standards set forth in Utah State Code, as amended. The intent of these provisions is to ensure that any proposed vacation serves the public interest, maintains adequate access for property owners and emergency services, and protects all existing public and private utilities.

**SECTION 3:** **ADOPTION** “13.49.020 Applicability” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.49.020 Applicability(*Added*)

This chapter shall apply to the vacation of any alley in Milford City, whether or not such right-of-way has been improved or maintained by the city.

**SECTION 4:** **ADOPTION** “13.49.025 Prohibition” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.49.025 Prohibition(*Added*)

No alleyway shall be considered for vacation where:

1. Utility lines exist within the alleyway;
2. The alleyway provides current or potential future access for the maintenance, repair, or installation of utility lines.

**SECTION 5:** **ADOPTION** “13.49.030 Initiation Of Request” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.49.030 Initiation Of Request(*Added*)

1. A request to vacate an alley may be initiated by:
  - a. A property owner whose property abuts the area proposed for vacation; or
  - b. The Milford City Council or Planning Commission when determined to be in the public interest.
2. The request shall be submitted in writing on the application provided by the city and shall include:
  - a. A description and map of the are proposed for vacation;
  - b. The names and mailing addresses for all abutting property owners; and
  - c. Signatures of each owner who consents to the vacation.

**SECTION 6:** **ADOPTION** “13.49.040 Review” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.49.040 Review(*Added*)

1. Upon receipt of a petition to vacate an alleyway, the city shall conduct an administrative review to ensure the following has been completed:
  - a. The petition has been properly completed;
  - b. The applicable filing fee had been paid; and
  - c. Send written notice of the petition to all utility companies located within the bounds sought to be vacated
2. Upon verification, the petition shall be forwarded to the Planning and Zoning Commission for their review.
3. The Planning Commission shall, during its review and prior to making its recommendation, consider the following:
  - a. Whether the proposed vacation is consistent with the public interest;
  - b. Whether the vacation will create landlocked property or otherwise deprive any property owner of access;
  - c. Whether the area is required for current or future public access, drainage, or development; and
  - d. Whether any utilities, easements, or other public facilities are located within the proposed area.

**SECTION 7:** **ADOPTION** “13.49.060 Public Hearing And Notice” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.49.060 Public Hearing And Notice(*Added*)

1. Prior to acting on a request for vacation, the City Council shall hold a public hearing.
2. Notice of the hearing shall be given as required by Utah Code and Milford City noticing procedures.
3. Written notice shall be mailed to all abutting property owners and affected entities not less than ten days prior to the hearing date.

**SECTION 8:** **ADOPTION** “13.49.070 City Council Action” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.49.070 City Council Action(*Added*)

1. After receiving the recommendation of the Planning Commission and considering public comment, the City Council may:
  - a. Approve the vacation by ordinance;
  - b. Approve the vacation with conditions; or
  - c. Deny the request.
2. An approved vacation shall not take effect until the adopting ordinance is executed and deeds have been recorded with the Beaver County Recorder's Office.

**SECTION 9:            EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval from the Milford City Council and after notice of the ordinance has been published as required by law.

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Russell Smith	_____	_____	_____	_____
Les Whitney	_____	_____	_____	_____
Scott Symond	_____	_____	_____	_____
Ian Spaulding	_____	_____	_____	_____
Terry Wiseman	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Nolan Davis, Mayor, City of Milford

\_\_\_\_\_  
Monica D. Seifers, City Recorder,  
City of Milford