

**MINUTES OF MILFORD CITY
PLANNING AND ZONING COMMISSION MEETING
26 South 100 West, MILFORD, UTAH
WEDNESDAY, DECEMBER 14, 2022 7:00 PM**

The Milford City Planning and Zoning Commission meeting was called to order by Chairman Les Whitney at 7:01 p.m.

Present: Chairman Les Whitney; Commissioner(s) Michelle Craw, Patricia Stewart, Luke Ambrose and Garland Walker, Lisa Thompson

Absent: Chancey Carter, Nick Schofield

Visitors: Peter Brown

Consent Issues

MOTION: Commissioner Garland Walker made a motion to approve the minutes from August 15, 2022 Regular Meeting. Commissioner Michelle Craw seconded the motion, all were in favor. The motion passed unanimously.

New Business

Ordinance 08-2022 Improvement Exemptions

- Lisa explained that this ordinance was previously discussed in the August meeting. Lisa asked if anyone had any questions.
- Commissioner Patricia Stewart asked if Lisa would explain. Lisa explained that this ordinance would have exempt street pavement for specific subdivisions that were approved years ago without all the improvements. The following streets:
 - 600 West from 600 South to 900 South
 - 800 South from 700 West to 550 West
 - 700 West from Center Street to 100 North
 - 100 North from 700 West to 600 West

MOTION: Commissioner Garland Walker made a motion to recommend ordinance 08-2022 to the City Council. Commissioner Luke Ambrose seconded the motion, all were in favor. The motion passed unanimously.

Site Plan Review-428 South Main Street

- Lisa explained that Pete Brown has recently purchased the old Derailed Bar north to the Horn Silver Hotel. He is going to be completing this in phases.
- Phase 1 includes the Sports Grill which is a permitted use and the old Dolly's Country Floral into a family-friendly entertainment place for kids. A Conditional Use Permit will be required for this part when he gets to that point.
- Lisa went over the drawings with the commission and pointed out a building that is currently behind the bar that was known as an old fire station. Mr. Brown would like to turn this into an Event Center that can be rented out.

- Les asked if this would be rented out by the public or if it would be for use for the sports grill etc. Pete explained that the primary purpose of this building would be for groups of people that play buncos and different games to use this room. He also explained that families in town have demonstrated some interest in having a place to rent for family gatherings. Pete plans on having some grills and shuffleboard, a deck on top. Restrooms will be available and tables down in the basement part.
- Pete explained that there is currently an apartment in the back located between the bar and the old fire station. It seems odd to have living quarters between the two so they would like to use part of it as a food prep room with tables, fridges, and ovens to be used at the event center. There will be no open flames or grills. The other part of the apartment will be used as part of the kitchen for the bar.
- Lisa explained that the second phase will be the offices that are located upstairs. The entrance to the offices will be in the old hair salon. Included are nine offices, restrooms, and a conference room that will be open to rent for anyone. Lisa confirmed that this is a permitted use in this district.
- Lisa explained that the last phase of this project is the Horn Silver Hotel.
- Lisa explained that included in their packets is an agreement that Mr. Brown currently has obtained with Jesse and Jodi Rowley to use their property in the back adjacent to the bar to accommodate parking. Les asked if he has talked with the other property owners. Pete answered that he has spoken with Brian McCarty as well but there is property in between that he has not spoken with the owners yet. Pete explained that this is temporary and they are looking for a more permanent solution.
- Lisa explained that between the Horn Silver and Fire Station which will become the "Event Center," there is an old building. Pete has plans to demolish it and make a patio in this area. Also, in this area, Pete has measured it out and can put 3 parking spots in this area for employees.
- Pete explained to the commission that the brick structure that he is going to demolish he plans to use the bricks to build the brick patio. With the building being demolished it will also allow for an operatable fire escape way.
- Luke asked if the parking stalls will go from east to west. Lisa felt the parking spots should be at an angle. Luke asked if the parking spots were required to be paved. Lisa said yes. One of the stalls will need to be marked as handicap.
- Les asked if a handicap spot was going to be required where the sports grill is going to park. Lisa said you could mark a spot but the challenge is that its not Pete's property. Pete only has 40' of property that he owns in that area.
- Pete asked about wheelchair accessibility and the city's consideration. Lisa replied that will fall in with the building department.
- Lisa explained that parking is going to be the biggest problem. Main street can be used for some parking. Pete feels that most of their night patrons will be visiting after all other main street businesses are closed.
- Lisa explained that in the commissions' packet is a discussion agreement with Michael Mayer. Pete is currently looking at purchasing the vacant property at the south end of the block. Patricia asked if this would be paved. Pete answered that is their intent and Lisa answered it would be required.
- Lisa feels that for the sports grill and arcade, the current parking proposals shall do. The parking for the offices, hotel and event center there is going to have to be some parking installed.

- Because the Horn Silver is in his final stage, Lisa feels like he is okay to start moving forward with the sports grill and arcade.
- Patricia asked when he gets to the final stage if Pete will need to come back to the commission. Luke answered that because it requires a Conditional Use Permit it can be addressed at that time.
- Lisa explained that her and Pete had discussed the lighting. He will have lighting behind the bar and at all exits. Luke asked if the lighting was regulated by the building department. Lisa said it will fall under the site plan review but our code doesn't give a lot of detail-it just says adequate lighting. Pete said they would like it adequately lit so people feel safe but not too bright that it bothers neighbors.
- Lisa explained that her and Pete also discussed the use of the alley. Pete is aware that it is used by all neighboring businesses. Lisa said it would be best to have the delivery trucks enter from the south.
- Luke asked who owns the alley. Les answered that it is a easement.
- Lisa asked if anyone had any questions or concerns.
- Patricia asked about any laws stating that a bar had to be so far away from any children's center. Lisa said she researched it and the law states that it has to be within 600 feet by pedestrian travel of a public library, public park or playground, public or private school.
- Luke asked about the office spaces. Lisa explained that they are across the top of the buildings.
- Luke said the main concern is parking.
- Luke asked if they could approve the site plan for all phases tonight. Lisa said you can but put in your motion that when he gets to phase for the horn silver he will come back to the commission.
- Lisa feels moving forward the commission should do a business operating agreement like they have done for the last couple businesses that summarizes everything that was discussed tonight. The commission agreed.
- Michelle asked about an elevator. Pete explained they are working with a historical registry and want to keep as much as possible historical. Handicap access will have to be accommodated on the main floor.
- Lisa clarified to the commission that are good with the site plan that has been presented, Pete will use the parking behind Jesse and Jodi's property for parking at the bar, parking between the old fire house and horn silver will have 3 paved parking spots, lighting looks good. When Mr. Brown gets to the Horn Silver phase more parking is going to have to be obtained.
 - Les asked Pete where the 3 parking spots will be located in the back how is the rain run off going to be handled. Pete said he will have to put in a storm drain.
- **MOTION:** Commissioner Garland Walker made a motion to approve the site plan as presented and discussed. Commissioner Michelle Crow seconded the motion, all were in favor. The motion passed unanimously.

Discussion Items

Tiny Homes

- Lisa explained during the August meeting we discussed tiny homes. I have reached out to multiple cities asking them about tiny homes. Ephraim city was the only city I was able to get some good information from. They have approved some tiny home developments in their city. They process them under a multifamily like a duplex. They were approved on a case-by-case situation but it went through planning and zoning and final approval was made by the city council.
- Lisa asked the commissions a couple of questions.
 - Do we want to allow tiny homes into our community?
 - Patricia asked about the pros and cons. Lisa answered she can't give any pros and cons; however, she got positive feedback from Ephraim City. Lisa said she has reached out to some cities in Colorado and they said they to just do them on a case-by-case situation.
 - Michelle commented she doesn't see any cons.
 - Patricia commented that with the geo-thermal stuff that will be coming, it would allow for some housing.
 - Lisa explained that most likely they would be used for rentals.
 - Lisa explained if yes, then we should put some restrictions on them. In the RM District we already allow for mobile home parks and trailer parks. They have a lot of restrictions and we could do something similar. The RM District is the majority of our town. It allows for duplexes as well. The MR District allows for the same uses allowed in the RM District as well as apartments, and condominiums. If we do want to allow them, do we want to put a minimum square footage on them?
 - Les asked if Kyle has any info on them. Lisa said she has spoken with Kyle a lot regarding tiny homes. From a building standpoint, you can't stop them. Les asked if they have done any in the county. Lisa doesn't know for sure but they have interest in them.
 - Lisa asked if you do want to allow them, how many do you want to allow per lot? What setbacks do you want on them? Lisa said they need to be on a permanent foundation otherwise they are considered a travel trailer and they are not allowed in city limits. Parking, and landscaping need to be considered as well. If you allow a cluster of them, do you want to require a common space?
 - Patricia asked what our requirements are for a duplex. Lisa answered they are treated the same as any dwelling.
 - Lisa feels if we do allow for clusters, they would have to have a site plan review with guidelines. Lisa also feels like a public hearing would need to be held and then to the city council for final approval. A public hearing would allow for neighbors to voice their opinions and concerns.
 - Les asked if the state has any guidelines developed. Lisa said no.
 - Lisa explained that a tiny home is just a small dwelling. The question is, do we want to allow clusters of them?
 - Luke feels what would be best is if we set up a standard setback and require a certain amount of footage between the homes. Les stated that would be a fire code anyway. Luke would prefer if they are going to build them to not have

clusters of them. A little subdivision would be ok but not trying to put 3 of them on a tiny lot.

- Lisa was thinking maybe we could allow for one tiny home on a lot that has at least a 50' frontage. A tiny home is normally just a 24x24' structure.
- Trish asked if we had already discussed mother-in-law suites. Lisa explained that is a state code that passed where we have to allow accessory dwelling units; however, there are regulations that state that the owner of the main dwelling has to be living there.
- Garland expressed that Pleasant Grove has some good guidelines and starting points. Lisa explained that Pleasant Grove's code only allows them as accessory buildings which means they would have to be on the same lot as the main dwelling.
- Luke expressed that if you did per lot and required a certain number of footage/setbacks on the front and side they would have to have a bigger frontage some of the smaller 25' lots.
- Trish asked if we have anything in our code for trailer parks. Lisa answered we do but as it stands right now there is not even a place in town that could be developed as a trailer park due to the regulations.
- Lisa reported that in the RM District, the front setbacks are 15', the rear is 20' and the sides are 5'. If you require a lot with a 50' frontage it would still leave a big area in between the dwellings.
- Trish expressed she doesn't have a problem with them as long as we have some rules and regulations in place.
- Lisa explained that we could also do something that says if someone wants to do tiny homes, they have to have the area for at least 3 of them. That would help eliminate tiny homes being placed sporadically throughout town. Luke asked if you could create your own zoning district to allow them. Lisa explained that we don't want to spot zone in town.
- Garland asked if someone has a lot that has a 50' frontage and they want to put a tiny home on it what is wrong with that? Why should we limit it? Lisa explained that when you explain it like that there isn't anything wrong with it. Lisa explained that state code says you cannot require a dwelling to be larger than 1,000 square feet. Our code conflicts with that and we need to fix it.
- Les asked if in Lisa's research if she has found anything that defines a tiny home by size. Lisa explained that when she talked to a gentleman from Ephraim they define them as a stick-built home that is roughly 24x24 or 28x28 footprint, normally with 1-2 bedrooms.
- Les feels we need to define a tiny home and then build upon it.
- Lisa expressed that first, we need to determine whether we want to allow a cluster of homes. An example would be if someone approached us with a big lot and wanted to put several homes on it we could say well our code states it doesn't matter how big your lot is you can only have a maximum of 3 on the property; however, you still have to meet all the requirements. Garland, Trish, and Michelle all feel this is a good place to start.
- Chairman Whitney feels everyone has good points but we first need to determine what qualifies as a tiny home.

- Luke expressed that because the state code says you cannot require anything larger than a 1,000-square-foot home then a tiny home should be considered anything under 1,000 square feet. After that, it should go off of frontages and setbacks. A permanent structure, stick-built, with no wheels. Luke would prefer not to go with the clusters. If you have someone with a large lot, they could subdivide them and build tiny homes. It wouldn't be a cluster it would just be tiny homes built on a lot.
- Lisa is going to gather more information.

Cell Tower at 200 North 200 West

- Lisa explained to the commission that the current cell tower that is located here has a Conditional Use Permit that states the tower can not be above 99 feet. They have contacted our office and want to do some upgrades and this includes extending the existing tower 10 feet. There is a federal law that states that state and local governments cannot deny and shall approve modifications. Lisa just wanted to let the commission know that they will be moving forward on these upgrades.

COMMISSION REPORTS AND COMMENTS

- Les Whitney- None
- Michelle Craw- None
- Garland Walker- None
- Patricia Stewart- None
- Luke Ambrose
- Lisa Thompson- None

ADJOURNMENT

As there was no further business, the meeting was adjourned at 8:20pm

APPROVED by **PLANNING & ZONING** this _____ day of June, 2023.

LISA THOMPSON, Planning Administrator