
**PLANNING AND ZONING
COMMISSION MINUTES**
March 11, 2015
Wednesday, 7:00 p.m.
City Hall, Rock Springs, Wyoming

CALL TO ORDER

Chairperson Manatos called the meeting to order at 7:00 p.m.

Jennifer Shields gave an introduction and welcome of Denise Boudreault as the new Assistant Planner.

Commissioners Present:	Chairperson Mary Manatos Vice-Chairman Paul Legerski Cindy Duck Mark Erickson Taylor Jones	Mike Shaw Kimberly Steele Matthew Jackman Gary Watkins
Staff Present:	Jennifer Shields, AICP, City Planner Denise Boudreault, Assistant City Planner	

ROLL CALL

After roll call it was determined that a quorum was present to proceed.

APPROVAL OF MINUTES

Chairperson Manatos asked the Commission for any corrections or additions to the Minutes from the February 11, 2015, Planning and Zoning Commission Meeting. With no corrections or additions, Chairperson Manatos asked for a motion to accept the Minutes as presented.

Commissioner Shaw: Motion to approve the Minutes as presented.

Commissioner Jones: Second.

Vote: All in favor. Motion carried unanimously.

ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

Chairperson Manatos asked for a motion to accept all correspondence and Staff Reports into the record.

Commissioner Legerski: Motion to accept all correspondence and Staff Reports into the record.

Commissioner Jackman: Second.

Vote: All in favor. Motion carried unanimously.

CHANGES TO THE AGENDA

There were no changes to the agenda.

PUBLIC HEARINGS

- Petition for Amendments to the Rock Springs Zoning Ordinance to allow for Contractor Offices/Shops/Yards as a Conditionally Permitted Use in the B-2 (Community Business) Zoning District, submitted by Don Skorcz representing Globe Electric.
(Project #: PZ-15-00036, Staff Representative: Jennifer Shields, City Planner)**

Staff Report

Ms. Shields presented the Staff Report dated March 3, 2015, to the Commission.

Commissioner Questions for Staff

Commissioner Jones asked if the applicant of the petition, Mr. Skorcz, would have to pave the back parking lot of his property and would he have to provide screening fencing, even against the cliff. Ms. Shields said that he would have to pave the back parking lot and that screening fencing made of wood or vinyl, not chain link with slats, would be required out from the sides of the building but due to the specific geography of Mr. Skorcz's site, screening fencing would not be required where the cliff is at it provides natural screening.

Commissioner Jackman asked if the applicant would have to get a Conditional Use Permit if the language amendment gets passed. Ms. Shields said Mr. Skorcz would still need to submit a Conditional Use Permit request if this language amendment went through all City Council readings and was approved. At that time specific site conditions would be addressed, such as paving the rear and screening fencing.

Commissioner Watkins asked if the plan was to asphalt the entire area of the rear yard, kind of an "L" shape. Ms. Shields said Mr. Skorcz would have to answer that, because it is a very large area and she would have to work with him on how much he planned to use and how much would need to be paved.

Commissioner Jackman asked if once a Conditional Use Permit is granted, did a change in tenant mean that they would have to get a new Conditional Use Permit. Ms. Shields said that Conditional Use Permits run with the land, so if another contractor of a similar nature wanted to move in there they would be permitted.

Chairperson Manatos then asked the applicant or a representative for the project to come forward. Mr. Donald Skorcz with Globe Electric addressed the amount of usage of the rear yard, stating that they are a small company and didn't plan to use the entire rear area. He said he has previously worked with Ms. Shields on the front of the lot and is just looking to use the rest of the property as well. He has worked in Rock Springs for 40 years and would never have the lot look like it used to.

Commissioner Watkins said he is familiar with the property and appreciates everything that Mr. Skorcz has done to improve the lot and building.

Commissioner Jackman asked if Mr. Skorcz if he had looked for a Light Industrial zoned lot and Mr. Skorcz said not really because he was had originally been looking for a spot to open his thrift store as he is retired mostly and just wanted something to keep himself busy. He stated that he is still a Master Electrician and does a lot of the contracts; however, his boys do most of the work now for Globe Electric.

Commissioner Jackman stated that he had also been in the store a few times and liked it.

Public Hearing

Chairperson Manatos opened the Public Hearing and asked for any in favor or opposed to the proposal to come forward. There were no public comments.

Chairperson Manatos then closed the Public Hearing and asked for a staff recommendation.

Staff Recommendation

Ms. Shields stated that, as in the past, she tries to take a cautious approach to making changes to language amendments allowing new uses in new zones.

Ms. Shields then recommended approval of the changes to the Zoning Ordinance as listed on page three of the staff report.

Commissioner Duck then asked where the other B-2 areas are in the City besides along Elk Street? Ms. Shields said the main B-2 zoning areas were along Dewar Drive, 9th Street, Pilot Butte Avenue, Center Street, Foothill Boulevard, and Gateway Boulevard.

Commission Vote

Commissioner Jackman: Motion to approve with staff recommendations.

Commissioner Shaw: Second.

Vote: All in favor with Commissioner Legerski abstaining as he is a licensed contractor.

Motion carried.

- 2. Petition for Preliminary Plat approval of Foothill Crossing, a new subdivision consisting of 167 lots and totaling 53.404 acres to be developed in 9 phases, submitted by Jacob Ballstaedt (Garbett Homes) and represented by Gareth Powell (Uinta Engineering and Surveying Inc.) (Project #: PZ-15-00039, Staff Representative: Jennifer Shields, City Planner)**

Staff Report

Ms. Shields stated that there has been a request by the applicant to table this item, but since public notices were sent out prior to that request, the City is still obligated to hold the public hearing and accept any comments from the public.

Commissioner Questions for Applicant

Chairperson Manatos asked the applicant or a representative for the project to come forward.

Jacob Ballstaedt with Garbett Homes thanked the Commission for their time and stated that they are trying to work through some of the issues that came up during the initial review of the project, including the requirement for a large road to be built which they have met with the City Engineer over.

Commissioner Jackman asked what their time frame was for the project? Mr. Ballstaedt said that there is a long history with the property, and Ms. Shields directed the Commission to look at Attachment A in their packet, which shows the history of the property. Mr. Ballstaedt said that one of the biggest challenges occurred several years ago when one of the main partners passed away, and they have since been dealing with his children. For the most part they are good to work with; it's just a different type of deal now. What really spurred their motivation recently was that they were approached by the Church of Jesus Christ of Latter Day Saints for a new site, so they agreed to donate a piece of land to them. The first phase of the subdivision would therefore include the church site and a dozen or so lots.

Chairperson Manatos asked if their company was building on all of the lots? Mr. Ballstaedt didn't know if they would build the homes or sell the finished lots.

Commissioner Jackman asked where they were on correcting the issues from the Utility Review Committee meeting, and Mr. Ballstaedt said that they are making progress but some of the issues will require additional dialog. One of the big reasons for the request to table the project was the request from City Engineering to develop a road to the east of the property. Ms. Shields clarified that Mr. Ballstaedt was referring to the request from the Engineering Department to extend College Drive from where it currently intersects with Stagecoach Boulevard, to the north to connect with Industrial Drive, built to major collector standards. There is a road easement in place that was recorded several years ago and is part of the City's Master Transportation Plan.

Chairperson Manatos asked why they would have to improve and pay for a road that would never even touch their property. Ms. Shields said that she would see if someone from the Engineering Department would be present to answer these questions at next month's meeting. Generally speaking, Ms. Shields said it has to do in part because of the impact of the development causing increased traffic. Mr. Ballstaedt said it was a concern of theirs and they are trying to figure it out.

Commissioner Watkins asked what the price range of the homes might be; Mr. Ballstaedt said he thinks the houses would probably be in the mid-200's. However, he stated that if they have to pay for the road they won't do the subdivision as it would not financially be feasible for them to continue.

Commissioner Jackman asked if they have done a lot of other subdivisions around? Mr. Ballstaedt said not in Rock Springs, but they have in other places. In the Salt Lake area they develop and build about 300 units a year. Their partner brought them to this area about 8 years ago, and then they lost that partner about 3 or 4 years ago, the market was a little tough and it's been a long process. They know they have put the City through a lot, but Ms. Shields has been very helpful.

Public Hearing

Chairperson Manatos opened the Public Hearing and asked for any in favor or opposed to the proposal to come forward.

Cameron Young, adjacent property owner of 1121 Morningside Drive, said that he received the notice in the mail from Ms. Shields. He is very much in support of the subdivision moving forward, however when reviewing the plat his home is on the corner where they are dead-ending the road for the park, and his concern is with the drainage. The other dead-end has a storm drain that removes the water; he didn't see that proposed here. Mr. Young asked if the developer could do a curb, gutter and storm drain connecting to the existing system? He also stated that he hopes a compromise can be reached on the road as he would like to see this project move forward.

Chairperson Manatos then closed the Public Hearing and asked for a staff recommendation.

Staff Recommendation

Ms. Shields said that normally she doesn't like to table items, but in this case it's a good idea not to rush a subdivision with this many things going on with it. She also asked the applicant to please take note of the public comment tonight and address those concerns as much as possible.

Ms. Shields then asked that the Commission table this item.

Commission Vote

Commissioner Jones: Motion to table.

Commissioner Erickson: Second.

Vote: All in favor. Motion carried unanimously.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- 1. Request for Conditional Use Permit approval for a paved driveway access to exceed 50% of the public street frontage AND request for Conditional Use Permit approval for a 1,380 total square foot detached accessory building for residential property located at 301 Tate Way, submitted by property owner Jordan Plant.
(Project #: PZ-15-00030, Staff Representative: Jennifer Shields, City Planner)**

Staff Report

Ms. Shields presented the Staff Report dated March 4, 2015, to the Commission.

Commissioner Questions for Staff

Commissioner Watkins asked about the no more than 50% of the lot having driveway access, and asked if the adjacent lots were granted a Conditional Use Permit. Ms. Shields said that it happens all the time, people get an RV, have concrete poured and never think about getting approval for the extra driveway paving. She also pointed out the list of Conditional Use permits that have been issued for this type of request in the past included in the staff report; as the list shows, neither of the two adjacent lots on Via Spoleto received a permit if their driveways are in fact over 50% paved.

Chairperson Manatos asked for confirmation if the entire area from the car down to the boat would be paved. Ms. Shields said that the existing paving is outlined in purple on the graphic shown on page four of the staff report. Ms. Manatos asked about access to the garage, and Ms. Shields explained the requirements for setbacks and location of a garage on the site to prevent the vehicle from pulling or backing into the right of way before it is fully out of the garage. Ms. Shields said that she would let Mr. Plant further explain the plan and use of his property and access to his garage.

Chairperson Manatos also asked Ms. Shields about the second bullet point on page 3 of the staff report, "it could potentially be converted into an accessory dwelling", Manatos asked isn't that allowed now? Ms. Shields said that accessory dwelling units are only permitted in the R-2 zone, and this property is zoned R-3.

Commissioner Jones asked Ms. Shields if they wouldn't even be looking at this if the size of the loft area was 300' instead of 400'? Ms. Shields said that was right if the garage was under 1,200 total square feet, but she appreciated the applicant being forthright with the design of the garage and requesting approval to do so.

Commissioner Jackman asked if there is an Ordinance on fire protection based upon the size of a secondary dwelling. Ms. Shields said that is covered by building codes when they are reviewed during the permit process.

Commissioner Questions for Applicant

Chairperson Manatos asked the applicant or a representative for the project to come forward.

Mr. Jordan Plant came forward to answer any questions; again a commissioner thanked him for his honesty since part of his application only depended upon the size of the loft. Mr. Plant said that he had wanted to put a whole second story on it, but that quickly went by the wayside.

Commissioner Jackman asked if he had thought of other storage options, like a garden shed? Mr. Plant said yes they had. Mr. Plant also explained about the trailer and boat located in front of the garage entrance, stating his plan is to put the boat in the garage and the trailer will be in front, but realigned.

Commissioner Jackman asked if Mr. Plant thought the detached garage would increase his property value. Mr. Plant said absolutely.

Public Comments

Chairperson Manatos asked for anyone who would like to comment on the project to come forward.

Shawna O'Brien, adjacent property owner of 308 Via Spoleto, came forward to state that she was concerned about the view behind her house. She said that she knows the staff report said it's not completely in the line of her site, but she wanted to point out that it is from every window. She understands there is not a big difference in what is allowed and what's not under the conditional use permit requirement, but she is also concerned with how congested everything will look with the Plant's house, the garage structure, and her house.

Chairperson Manatos then asked for a staff recommendation.

Staff Recommendation

Ms. Shields recommended, at a minimum:

1. Construction shall conform to the approved site plan and application, including required setbacks from property lines.
2. Mean height of the garage shall not exceed the mean height of the principal structure (house). Maximum height in the R-3 Zone is 28 feet.
3. No part of the structure shall be located within an easement.
4. Garage shall be separated from the principal structure (house) by a minimum distance of 6 feet as measured from the building line.
5. Planning approval does not constitute building permit approval. Contact the City of Rock Springs Building Department to obtain a building permit for the garage.

Commissioner Duck confirmed that the conditional use permit was for excess of the 1,200 square feet and had nothing to do with height. Ms. Shields confirmed that she was correct, as Mr. Plant has not requested to go higher than permitted.

Commission Vote

Commissioner Erickson: Motion to approve with staff recommendations.

Commissioner Jones: Second.

Vote: All in favor. Motion carried unanimously.

**NOTIFICATION OF MINOR SITE PLANS /
STAFF APPROVED CONDITIONAL USE PERMITS**

1. Minor Site Plan approval of a 14' x 14' pergola to be located in Bank Court (between Broadway and South Main Street), submitted by Mark Lyon on behalf of the URA.
(Project #: PZ-15-00032, Staff Representative: Jennifer Shields, City Planner)
2. Conditional Use Permit approval for a 37sf Electronic Message Board for the Star Stadium Movie Theater located at 2441 Foothill Boulevard Suite 7, submitted by Nix Sign Co.
(Project #: PZ-15-00016, Staff Representative: Jennifer Shields, City Planner)

PETITIONS AND COMMUNICATIONS

1) Written petitions and communications.

a. Update on City Council Actions

Council Mtg.	P&Z Item	Council Action
02/17/15	1. none	
03/03/15	1. none	

2) Petitions and communications from the floor.

There were none.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:25 p.m.

These minutes approved by the Rock Springs Planning and Zoning Commission by vote this

_____ day of _____ 2015.

Jennifer Shields, AICP, Secretary, Planning & Zoning Commission