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**PLANNING AND ZONING  
COMMISSION MINUTES**  
**May 13, 2015**  
**Wednesday, 7:00 p.m.**  
**City Hall, Rock Springs, Wyoming**

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

**CALL TO ORDER**

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

**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 April 8, 2015, Planning and Zoning Commission Meeting. With no corrections or additions, Chairperson Manatos asked for a motion to accept the Minutes as presented.

Commissioner Watkins: Motion to approve the Minutes as presented.

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

Commissioner Watkins: Second.

Vote: All in favor. Motion carried unanimously.

**CHANGES TO THE AGENDA**

None.

## **PUBLIC HEARINGS**

None.

## **NEW BUSINESS**

- 1) Request for Final Plat AND Final Development Plan approval of Northpark Village, Phase Two Subdivision (PUD), to be developed with 40 lots and totaling 10.742 acres, submitted by Richard Norris (Northpark, LLC) and represented by Matt Devitt (JFC Engineers & Surveyors). (Project # PZ-15-00037 and PZ-15-00038, Staff Representative: Jennifer Shields, City Planner)**

### **Staff Report**

Ms. Shields presented the Staff Report dated May 6, 2015, to the Commission.

### **Commissioner Questions for Staff**

There were none.

### **Commissioner Questions for Applicant**

Chairperson Manatos asked the applicant or a representative for the project to come forward. Richard Norris with Northpark, LLC gave a summary of Phase II.

There were no questions for applicant.

### **Public Comments**

Chairperson Manatos asked for anyone who would like to comment on the project to come forward. There were none.

Chairperson Manatos then asked for a staff recommendation.

### **Staff Recommendation**

Ms. Shields recommended approval with a minimum of the following:

1. All utility Review conditions shall be met.
2. Dust Control Plan submitted on February 13, 2015 shall be strictly adhered to. Any valid dust complaints from nearby residents shall result in a Stop Work Order being placed on the property.

In addition, staff has advised the applicant that the plat will not be scheduled for City Council approval until the following remaining items are provided:

1. Submit revised Construction Drawings per the requirements of City Engineering.
2. Submit recorded off-site drainage easement on BLM property to the south, with Book/Page information also shown on the Final Plat and Final Development Plan.
3. Mylar signed by mortgagor/mortgagee and surveyor.

### **Commission Vote**

Commissioner Watkins: Motion to approve with staff recommendations.

Commissioner Jones: Second.

Vote: All in favor. Motion carried unanimously.

- 2) **Request for Conditional Use Permit approval for a paved driveway access to exceed 50% of the public street frontage for residential property located at 1521 Kari Lane, submitted by Mike Haden representing property owner Pam Anderson. (Project #:PZ-15-00076, Staff Representative: Denise Boudreault, Assistant City Planner)**

Staff Report

Ms. Boudreault presented the Staff Report dated May 4, 2015 to the Commission.

Commissioner Questions for Staff

Mr. Watkins commented on getting approval in advance before pouring the concrete. He thinks it's better to have the off street parking instead of having them parking on gravel or out in the street.

Mr. Jackman commented on updating ordinance language. Ms. Shields said that it is on her list of things to do.

Commissioner Questions for Applicant

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

Mike Haden, contractor, summarized the need for extra concrete width.

Ms. Manatos asked if concrete would be where gravel is shown on plan. Mr. Haden said yes.

Public Comments

Chairperson Manatos asked for anyone who would like to comment on the project to come forward. There were none.

Chairperson Manatos then asked for a staff recommendation.

Staff Recommendation

Ms. Boudreault recommended approval.

Commission Vote

Commissioner Jones: Motion to approve.

Commissioner Steele: Second.

Vote: All in favor. Motion carried unanimously.

- 3) **Request for Major Site Plan and Conditional Use Permit (staff level) approval for a new 26,795 square foot FedEx distribution facility, with deposition of more than 1,000 cubic yards of imported fill, to be constructed at 2830 Killpecker Drive, submitted by Walt Harder of the Harder-Diesslin Development Group and represented by Matt Devitt of JFC Engineers and Surveyors. (Project # PZ-15-00089, Staff Representative: Jennifer Shields, City Planner)**

Staff Report

Ms. Shields presented the Staff Report dated May 7, 2015 (and Update Report dated May 13, 2015) to the Commission.

Commissioner Questions for Staff

Mr. Jackman asked if a traffic study was done. Ms. Shields said one was not required. The only access is off of Killpecker, not off Yellowstone, so that might have eliminated the need for one.

Commissioner Questions for Applicant

Chairperson Manatos asked the applicant or a representative for the project to come forward. Matt Devitt with JFC Engineers came forward.

Mr. Watkins asked if it would consolidate other FedEx sites. Mr. Devitt didn't know.

#### Public Comments

Chairperson Manatos asked for anyone who would like to comment on the project to come forward. There were none.

Chairperson Manatos then asked for a staff recommendation.

#### Staff Recommendation

Ms. Shields recommended that at a minimum, Major Site Plan approval is contingent upon the following:

1. All utility review conditions shall be met.
2. A drainage report shall be submitted to and approved by the City's Engineering Department.
3. The floodplain shall be staked and inspected by City Planning prior to issuance of a grading permit by the City's Building Department. No development materials of any kind, including stockpiles of dirt, construction equipment, storage containers or debris shall be permitted within the staked floodplain area without prior City approval.
4. Development plans shall conform to site plan specifications. Any substantial changes to the Site Plan, including but not limited to vehicular circulation and parking, shall require review and approval by the Rock Springs Planning and Zoning Commission.
5. Building permits shall be obtained within one (1) year of the date of Major Site Plan approval. Failure to obtain a Building Permit within the one-year timeframe shall require submittal of a new Major Site Plan application for review.
6. All site improvements, including parking lot paving, perimeter curb and gutter, and striping, shall be installed prior to Planning Division sign off on the Occupancy Permit.

#### Commission Vote

Commissioner Erickson: Motion to approve with staff recommendations.

Commissioner Jones: Second.

Vote: Mr. Jackman abstained. All others in favor and motion carried.

- 4) Request for Major Site Plan approval of a new 3-story, 63 unit Microtel Inn & Suites to be located at 1515 Elk Street, submitted by Trent D'Ambrosio and represented by Gene Legerski of Choice Engineering Services, Inc. (Project # PZ-15-00092, Staff Representative: Jennifer Shields, City Planner) \*SUBJECT TO LOT SPLIT APPROVAL\***

#### Staff Report

Ms. Shields presented the Staff Report dated May 7, 2015 (and Update Report dated May 13, 2015) to the Commission.

#### Commissioner Questions for Staff

None.

#### Commissioner Questions for Applicant

Chairperson Manatos asked the applicant or a representative for the project to come forward. Gene Legerski with Choice Engineering came forward and explained they are working with Rocky Mountain Power on the power issue. He stated that they have two options.

Ms. Manatos stated that she thinks it's a good development, terrific location, but wanted to know why a lot split. Mr. Legerski stated the owners can't come to an agreement right now on the second use on the property.

#### Public Comments

Chairperson Manatos asked for anyone who would like to comment on the project to come forward. There were none.

Chairperson Manatos then asked for a staff recommendation.

#### Staff Recommendation

Ms. Shields recommends at a minimum, that FINAL Major Site Plan approval is contingent upon the following:

- (1) All Utility Review conditions shall be met.
- (2) **Approval AND recordation of the proposed Lot Split, including the following items to be completed:**
  - **Add the Book/Page information for the 30' wide utility easement on the entire side of the property on the Site Plan.**
  - **Add the Book/Page information for the "Shared Access Easement" between the two tracts on the Site Plan.**
- (3) **Location of the electrical service and easement shown on the Site Plan, per Rocky Mountain Power's approval.**
- (4) Landscaping materials such as trees and boulders located within the 30' utility easement on the eastern side of the property must be approved by the utility companies.
- (5) All site improvements, including parking lot paving, perimeter curb and gutter, and striping, shall be installed prior to Planning Division sign off on the Occupancy Permit.
- (6) Floodway shall be staked by the developer and inspected by City Planning prior to issuance of a Building Permit. No development materials of any kind, including stockpiles of dirt, construction equipment, storage containers or debris, shall be permitted within the staked Floodway area. All floodway stakes shall remain in place until such time as Planning has approved the Occupancy Certificate for the development.
- (7) Submit an Elevation Certificate stamped by a licensed Wyoming Surveyor certifying that the hotel will be built at or above the Base Flood Elevation.
- (8) An As-Built Elevation Certificate shall be provided at the time of Occupancy inspection showing that the top of the bottom floor is elevated at or above the Base Flood Elevation level. All vertical measurements shall be on the NGVD 1929 Datum.
- (9) Development plans shall conform to site plan specifications. Any substantial changes to the Site Plan, including but not limited to vehicular circulation and parking, shall require review and approval by the Rock Springs Planning and Zoning Commission.

- (10) Building permits shall be obtained within one (1) year of the date of Major Site Plan approval. Failure to obtain a Building Permit within the one-year timeframe shall require submittal of a new Major Site Plan application for review.

Commission Vote

Commissioner Erickson: Motion to approve with staff recommendations.

Commissioner Jones: Second.

Vote: All in favor. Motion carried unanimously.

- 5) Request for Conditional Use Permit to operate a Family child Care Home (FCCH) located at 3354 Sierra Circle for up to 10 children at a time, M-F from 6:45 am to 5:30 pm, submitted by Christina West. (Project #: PZ-15-00100, Staff Representative: Denise Boudreault, Assistant City Planner)**

Staff Report

Ms. Boudreault presented the Staff Report dated May 7, 2015 to the Commission.

Commissioner Questions for Staff

There were none.

Commissioner Questions for Applicant

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

Ms. West came forward.

Ms. Manatos asked if she was the owner of the property. Ms. West said no, her boyfriend was the property owner.

Public Comments

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

There were none.

Chairperson Manatos then asked for a staff recommendation.

Staff Recommendation

Ms. Boudreault recommended at a minimum, the following conditions of approval should be attached:

1. Conditional Use Permit approval is for the hours from 06:45 a.m. to 5:30 p.m., Monday through Friday for up to a maximum of ten (10) children at any given time. Should Ms. West wish to modify this approval, including changes to the number of children and/or the hours of operation, a new Application shall be submitted to the City of Rock Springs Planning & Zoning Division, 212 D Street, Rock Springs, WY 82901.
2. Approval is for Ms. West to conduct childcare services at 3354 Sierra Circle only. Should she move to a new location, a new FCCH Conditional Use Permit shall be required.
3. FCCH Conditional Use Permits shall not run with the land. Subsequent providers on the same property (3354 Sierra Circle) shall require a separate FCCH Conditional Use Permit.
4. Should Ms. West fail to operate a FCCH at this address for a period more than 365 consecutive calendar days, the Permit shall be deemed expired. A new permit application, including any and all

fees and notifications, and approval shall be required prior to recommencement of the FCCH operation.

5. The Planning & Zoning Commission shall have the right to revoke or revise any FCCH Conditional Use Permit, should legitimate complaints be lodged by property owners located within 200 feet of the FCCH that the child care facility has adverse impacts on the health, safety and/or welfare of the neighborhood.
6. The Planning & Zoning Commission shall have the right and authority to revoke the FCCH Conditional Use Permit for failure to comply with the above conditions of approval.

#### Commission Vote

Commissioner Jackman: Motion to approve with staff recommendations.

Commissioner Jones: Second.

Vote: All in favor. Motion carried unanimously.

- 6) **Request for Conditional Use Permit approval for a detached garage exceeding 1,200 square feet (proposed is 1,920 sf) for property located at 801 Rose Crown Circle, submitted by Edward Markham (property owner). (Project #: PZ-15-00111, Staff Representative: Denise Boudreault, Assistant City Planner)**

#### Staff Report

Ms. Boudreault presented the Staff Report dated May 6, 2015 (and Update Report dated May 12, 2015) to the Commission.

#### Commissioner Questions for Staff

Ms. Manatos asked if Planning and Zoning Commission could approve the application, but the Home Owners Association could then turn around and deny it. Ms. Boudreault said yes.

#### Commissioner Questions for Applicant

Chairperson Manatos asked the applicant or a representative for the project to come forward. Mr. Ed Markham came forward and said he would like to add onto his garage. He has met with each neighbor and reviewed his plan, which they have approved.

Mr. Watkins asked if the roof line and height would match. Mr. Markham said yes.

Ms. Manatos asked about access. Mr. Markham said access would be from doors on the east side of the garage.

#### Public Comments

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

Keith Hayes, a neighbor to Mr. Markham, came forward and wanted to say the applicant came by twice which he appreciated very much and is okay with it.

Chairperson Manatos then asked for a staff recommendation.

#### Staff Recommendation

Ms. Boudreault recommended at a minimum, the following conditions of approval be attached:

1. Construction shall conform to the approved site plan and application, including required setbacks from property lines and driveway paving.
2. Height of the accessory structure (garage) shall not exceed the height of the principal structure (house). Maximum building height in the R-1 and R-2 zones is 28 feet.
3. Planning approval does not constitute building permit approval. Contact the City of Rock Springs Building Department to obtain a building permit for the garage.

Mr. Jackman asked if the garage wasn't attached and it was a separate structure it wouldn't be in front of them for approval as it would be less than the square footage. He was told that is correct.

Commission Vote

Commissioner Erickson: Motion to approve with staff recommendations.

Commissioner Steele: Second.

Vote: All in favor. Motion carried unanimously.

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

1) None

**PETITIONS AND COMMUNICATIONS**

**1) Written petitions and communications.**

**a. Update on City Council Actions**

<b>Council Mtg.</b>	<b>P&amp;Z Item</b>	<b>Council Action</b>
04/21/15	1. Board of Adjustment Appointment	Tim Sheehan, 1 <sup>st</sup> Term
	2. PZ-15-00036 Contractor Yards in B-2 Zone Language Amendment	Ord. 2015-04 & 2015-05 2 <sup>nd</sup> Reading
05/05/15	1. Master Plan Progress Report	[presentation]
	2. PZ-15-00039 Foothill Crossing Preliminary Plat	Res. 2015-69
	3. PZ-15-00036 Contractor Yards in B-2 Zone Language Amendment	Ord. 2015-04 & 2015-05 3 <sup>rd</sup> /Final Reading

**2) Petitions and communications from the floor.**

Wednesday May 27<sup>th</sup> at 4:00 p.m. will be P&Z training at City Hall.

A copy of the Master Plan letter update that was given to the City Council with an attached progress report.



Mr. Watkins commented on the landscaping along Dewar and stated some additional landscaping like that would be nice. Ms. Manatos asked if there was any word on the bank building.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 8:12 p.m.

Ms. Shields did an introduction of Amy Allen, the new Director of Public Services.

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

\_\_\_\_\_ day of \_\_\_\_\_ 2015.

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Jennifer Shields, AICP, Secretary, Planning & Zoning Commission