



**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

March 8, 2017
7:00 p.m.

ROLL CALL

APPROVAL OF MINUTES

1. Review and approval of the February 8, 2017, Planning & Zoning Commission Meeting Minutes.

ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

1. Review and acceptance of all staff reports and correspondence into the record.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Request for Conditional Use Permit approval for a Contractor Office in the B-3 Zone for Flat Rock LLC, to be located at 639 Pilot Butte Ave, submitted by Brian Marincic.
(Project #: PZ-17-00020, Staff Representative: Amy Allen, Acting City Planner)

NOTIFICATION OF MINOR SITE PLANS AND STAFF APPROVED CONDITIONAL USE PERMITS

1. Approved Family Child Care Home (FCCH) Conditional Use Permit at Staff level to care for up to five (5) children, to be located at 521 Dinwoody Drive, submitted by Priscilla Tolhurst of Mama Bear's Daycare. (Project #: PZ-17-00019, Staff Representative: Amy Allen, Acting City Planner).

PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.
 - a. *Update on City Council actions*
2. Petitions and communications from the floor.

ADJOURNMENT

**PLANNING AND ZONING
COMMISSION MINUTES**

**February 8, 2017
Wednesday, 7:00 p.m.**

City Hall, Rock Springs, Wyoming

Commissioners Present:	Vice-Chairman Mike Shaw Rosa Avalos Mark Erickson Cindy Duck	Sue Lozier Matthew Jackman Joe Drnas Taylor Jones
Commissioners Absent:	Lauren Schoenfeld	
Staff Present:	Cathy Greene, Senior Administrative Assistant Amy M. Allen, Director of Public Services	

CALL TO ORDER

Vice Chairperson Shaw 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.

2017 Election of Officers

Nominee for the 2017 Planning and Zoning Commission Chairman is: Joe Drnas

Commission Motion and Vote:

Commissioner Erickson: motion to elect Chairman

Commissioner Taylor: second

All in favor, motion passes.

Nominee for the 2017 Planning and Zoning Vice Chairman is: Mike Shaw

Commission Motion and Vote:

Commissioner Erickson: motion to elect Vice-Chairman

Commissioner Drnas: second

All in favor, motion passes.

Nominee for the 2017 Board of Adjustment representative is: Mark Erickson

Commission Motion and Vote:

Commissioner Jackman: motion to appoint

Commissioner Lozier: second

All in favor, motion passes.

Chairperson Drnas took over the meeting.

APPROVAL OF MINUTES

Chairperson Drnas asked the Commission for any corrections or additions to the Minutes from the January 11, 2017, Planning and Zoning Commission Meeting.

With no corrections or additions, Chairperson Drnas asked for a motion to accept the Minutes as presented.

Commissioner Shaw: Motion to approve the Minutes as presented.

Commissioner Taylor: Second.

Vote: All in favor. Motion carried unanimously.

ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

Chairperson Drnas 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 Shaw: Second.

Vote: All in favor. Motion carried unanimously.

CHANGES TO THE AGENDA

There was none.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

1. Review of a 2013 Rezone from R-1 (Low Density Residential) to B-2 (CD) (Community business Parallel Conditional).

Staff Report

Ms. Allen presented information regarding the history of the approval in 2013 and the recommendation from the City Attorney.

Commissioner Questions for Staff

Commissioner Jackman confirmed it was only parcel A as shown on the site plan, Ms. Allen confirmed and explained they left a residential area there as a buffer.

Commissioner Duck asked if we didn't already do a zoning change for the proposed nursing home lot; Ms. Allen said yes and that is B-2, but they don't have enough parking, however part of their parcel is still zoned R-1, which they will need to rezone.

Commissioner Erickson explained that it was approved for Dr. Iliya and his wife to build an office building for their practices, and there was a lot of concern from the neighbors; he, Commissioner Shaw, and Commissioner Duck were involved with this approval back in 2013.

Commissioner Jackman asked if they convert it back to residential will it be a problem for them to get it changed again; Ms. Allen said it is possible that it could be difficult. Commissioner Jackman asked if they could recommend an extension instead; Ms. Allen said Dr. Iliya would have been the one to ask for an extension within two years of their approval and it's now been over three years.

Ms. Greene read the language from the ordinance; "Therefore, two years from the date of approval, the Planning and Zoning Commission shall examine progress made to develop in accordance with approved plans. If it is determined that active efforts to so develop are neither proceeding nor have been completed, it shall be the responsibility of the property owner to justify to the Planning and Zoning Commission any delay in development." Therefore, Dr. Iliya would have had to come before the board within two years to justify why there was no construction and request an extension.

Commissioner Drnas asked if we really needed to vote on it; Ms. Allen said yes so she can recommend an action to Council as the ordinance reads "Governing Body which may recommend that proceedings to rezone the subject property to its former designation be initiated."

Staff Recommendation

Ms. Allen recommends reverting the conditional use back to R-1, then if Mesa Spirit wants to pursue a parking lot on this parcel they will have to rezone back to B-2 with a deed restriction tying it to the proposed nursing home parcel for offsite parking.

Commission Vote

Commissioner Jackman: Motion to revert zoning back to R-1, low density residential.

Commissioner Shaw: Second.

Vote: All in favor. Motion carried unanimously.

NOTIFICATION OF MINOR SITE PLANS / STAFF APPROVED CONDITIONAL USE PERMITS

1. Conditional Use Permit approval to construct an oversized detached garage approximately 2,400 square feet, submitted by Jason and Jackie Frericks, property owner, and Dave Johnson of Uinta Engineering & Surveying, Inc. (Project #PZ-17-00010) Here is a chart of what was processed at staff level:

Quantity	Project Type
2	Single Family Residential Site Plans
5	Home Occupation Applications
1	Sign Permits
1	Lot Line Adjustment
1	Preliminary Site Plan Review

PETITIONS AND COMMUNICATIONS

1) Written petitions and communications.

a. Update on City Council Actions

January 17, 2017, there were no Actions.

February 7, 2017, there were no Actions.

2) Petitions and communications from the floor.

Ms. Allen stated it was Taylor Jones last meeting and thanked him for his three years of service on the board.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:21 p.m.

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

_____ day of _____ 2017.

Amy M. Allen, Secretary, Planning & Zoning Commission



Planning & Zoning Commission Staff Report

Project Name: Flat Rock LLC Contractor Office

Project Number: PZ-17-00020

Report Date: March 1, 2017

Meeting Date: March 8, 2017

Applicant

Brian Marincic
Flat Rock LLC
639 Pilot Butte Avenue
Rock Springs, WY 82901

Property Owner

Brian Marincic
PO Box 489
Rock Springs, WY 82902

Project Location

639 Pilot Butte Avenue

Zoning

B-3 (Central Business)

Public Notification

- Adjacent Property Owners within 200' of property – 3/1/17

Ordinance References

- §13-601, §13-809.C(9), §13-905.A

Staff Representative

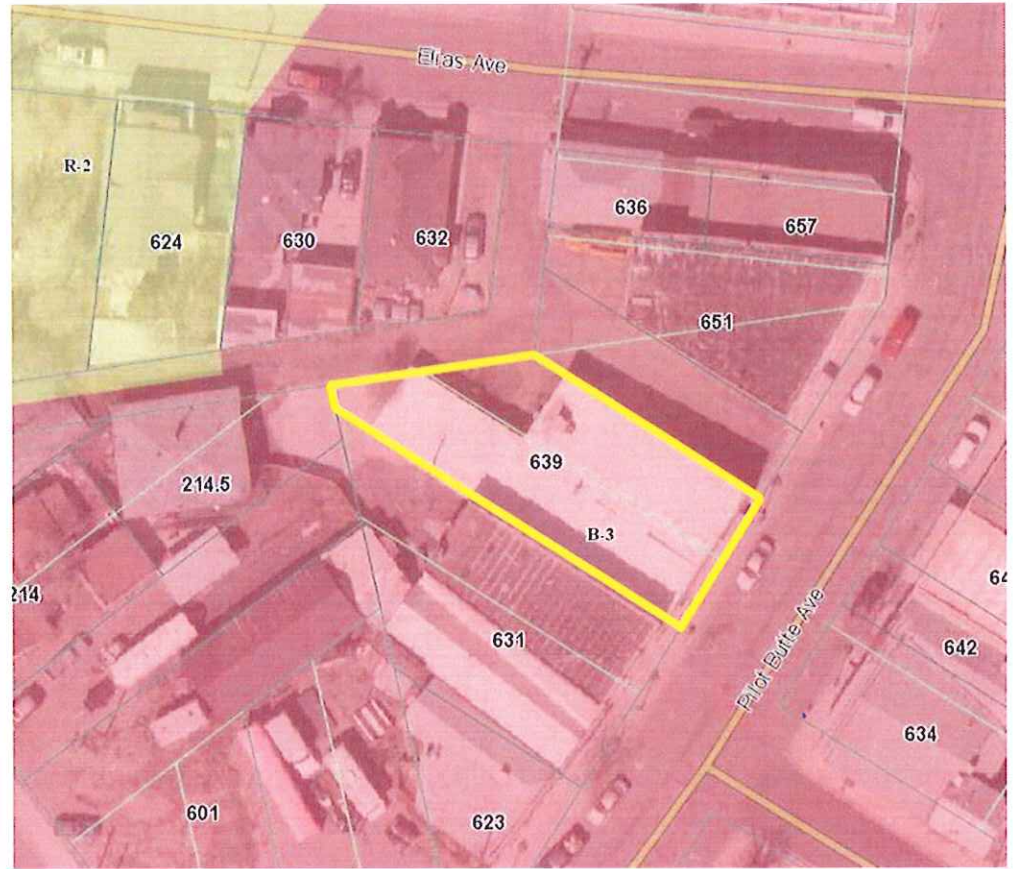
Amy M. Allen
Acting City Planner

Attachments

- Application
- Adjacent Property Notification / Owners
- Drawing of Property

Request

Conditional Use Permit approval for property located at 639 Pilot Butte Avenue to be used for a contractor office.



Background

The petitioner, Mr. Brian Marincic, is the owner of Flat Rock LLC and is a registered contractor. Mr. Marincic purchased property at 689 Pilot Butte Avenue Center Street in order to operate his real estate Business, Marincic Company LLC out of a commercial location.

Analysis

In accordance with §13-601 of the Rock Springs Zoning Ordinance, "Contractor, Subcontractor or Builder" is defined as: "Any person, firm, corporation or other organization who or which is in the pursuit of an independent business undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish, for another, any building structure, highway, road, lot or area within the City of Rock Springs."

In addition, §13-809.C now lists "Contractors Offices, Shops, and Yards" as a Conditionally Permitted Use in the B-3 (Central Business) Zoning District requiring approval from the Rock Springs Planning and Zoning Commission, with several conditions of approval required. **Following is an analysis of the conditions of approval, taking into account the unique location and existing site conditions of the proposed development.**

Flat Rock LLC
Contractor Office

Project Number:
PZ-17-00020

<u>Ordinance Conditions of Approval</u>	<u>Status</u>
(a) Unpaved parking areas or storage areas are strictly prohibited.	The entire site is built on, so this condition is met. Any off street parking utilized must be paved. Off street parking must take place on owner's property.
(b) Contractor businesses involving the use or storage of industrial vehicles, industrial equipment, industrial materials, or heavy machinery including earth moving, road building, and excavation machinery, are strictly prohibited.	The applicant is not planning on having any outdoor storage and the construction vehicles will be taken to the driver of that vehicle's home every evening. If they are occasionally left at the Pilot Butte location they will be parked in the paved area off of the street.
(c) Hazardous materials storage is prohibited unless approval is first obtained from the City of Rock Springs Fire Inspector.	The applicant has stated that he does not own or have need of hazardous materials to conduct his business activities.
(d) Fabrication, welding or similar activities causing noise, smoke, dust, odor, vibration or glare are prohibited.	The applicant has stated that these types of activities will not occur on the site, although they may be conducted as part of their work at various client sites.
(e) Screening fencing made of either vinyl, wood, or masonry materials for the entire perimeter of all exterior, outdoor storage yards shall be required. Chain link fencing with slats will not be considered an acceptable screening material.	The applicant has stated that there will be no outdoor yard or storage on the site.

Please note the following when considering this application:

§13-601 defines "Use, Conditional" as: "Either a public or private use as listed herein which, because of its unique characteristics, cannot be properly classified as a Permitted Use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such Conditional Use may or may not be granted pursuant to the requirements of this Ordinance. A Conditional Use may be a Principal Use or an Accessory Use."

Also, §13-905.A states, "Generally. Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances, be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. The Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person or firm.

Utility Review

A Utility Review meeting for this application will not be scheduled for this project.

Flat Rock LLC
Contractor Office

Project Number:
PZ-17-00020

Property Owner Notification

Adjacent property owners were notified of this application on March 1, 2016 and were invited to comment. At the time this report was written, no written comments had been received from adjacent property owners. One verbal comment was received concerning parking. Any comments received after the preparation of this report shall be submitted to the Planning and Zoning Commission at the time of the scheduled meeting.

Staff Recommendation

Staff will provide a formal recommendation after public comment at the Planning & Zoning Commission Meeting. At a minimum all staff recommendations shall be met.



2017
CITY OF ROCK SPRINGS
CONDITIONAL USE PERMIT
APPLICATION

Planning & Zoning Division
212 D Street
Rock Springs WY 82901
307.352.1540 (phone)
307.352.1545 (fax)

City Use Only:

Date Received 2-24-17 File Number: P2-17-00020
Payment Information: Amount Received: \$160 Received by: AA
Cash or Check Number: 1233 Receipt Number: _____
Date Certified as Complete Application: 3-1-17 By: AA

A. PROPERTY ADDRESS: 639 Pilot Butte

(NOTE: IF THE PROPERTY DOES NOT HAVE AN EXISTING ASSIGNED ADDRESS, LEGAL DOCUMENTATION OF THE LOCATION MUST BE SUBMITTED – i.e. Property Tax ID Number, Legal Description, etc.)

B. CONTACT INFORMATION:

NOTE: The City of Rock Springs will only send correspondence to the names and mailing addresses provided on this application. Attach a separate sheet if necessary.

Petitioner Information: Petitioner Name: Brian Marincic
Company Name: Flat Rock LLC
Street Address: 639 Pilot Butte
City: Rock Springs State: WY Zip Code: 82901
Email Address: brian@southwestrealestate.com
Phone Number: 307-371-3308 Fax Number: 307-382-9181
(including area code) (including area code)

Property Owner Information: Name: Brian Marincic
Company Name: Marincic Property Company LLC
Street Address: P.O. Box 489
City: Rock Springs State: WY Zip Code: 82901
Email Address: brian@southwestrealestate.com
Phone Number: 307-371-3308 Fax Number: 307-382-9181
(including area code) (including area code)

Engineer / Architect Information: Name: _____
Company Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Email Address: _____
Phone Number: _____ Fax Number: _____
(including area code) (including area code)

C. CONDITIONAL USE PERMIT(S) REQUESTED (check all that apply):

**C.U.P. Requiring
Planning and Zoning Commission Approval**

- ☐ Adjusted Front Setback
- ☐ Bed and Breakfast Inn
- ☐ Corner Side Yard Attached Carport
- ☐ Detached Garage Exceeding 1,200sf
- ☐ Gas Pumps & Fueling Stations
- ☐ Lot Coverage Exceeding 50%
- ☐ Off-Site Parking
- ☐ Use of Explosives
- ☐ Other, please specify: Contractor in B-3 Zone

**C.U.P. Requiring
Staff Level Approval**

- ☐ Accessory Structure Exceeding Height of Primary Structure
- ☐ Special Purpose Fence
- ☐ Unpaved Parking Area
- ☐ Land Reclamation, Mining, & Soil Processing
- ☐ Garage Exceeding Three (3) Doors
- ☐ Driveway Access Exceeding 65% Street Frontage

D. PLEASE ANSWER THE FOLLOWING ON THE SPACES PROVIDED:

1. Provide a detailed description of the intended Conditional Use, including proposed use, length of use (permanent or temporary), hours of operation, etc.

Office for a general maintenance/handyman business. The onsite use will be for scheduling maintenance, taking maintenance calls, billing, bookkeeping, payroll processing. The maintenance techs will have company.

The techs will take the trucks home at night. On occasions the trucks would be left at the office they would be parked next to the building on the north and north west end of the building and not on the street.

Flat Rock would not store supplies or materials on site and would not store or park any equipment on site.

Busintess hours - Monday - Friday 8-5.

Duration - Indefinate

2. Describe all structures located on this property, including existing and proposed structures. **A site plan shall accompany this application.** Please refer to the enclosed Site Plan Checklist.

Existing building

PLANNING AND ZONING COMMISSION APPROVALS

NOTE: Applications that are not RECEIVED by **Noon** on the Application Deadline will be postponed until the following month's meeting. If a deadline falls near a City holiday, please contact the Planning Department to verify the days City Hall will be closed to ensure that your application is submitted on time.

	January Meeting	February Meeting	March Meeting	April Meeting	May Meeting	June Meeting	July Meeting	August Meeting	September Meeting	October Meeting	November Meeting	December Meeting
Application Deadline	12/21/2016*	1/27/2017	2/24/2017	3/31/2017	4/28/2017	6/2/2017	6/30/2017	7/28/2017	9/1/2017	9/29/2017	10/27/2017	12/1/2017
Utility Review Meeting	Utility Review Meetings are held at <u>least</u> 6 days after application submittal. Utility Review Meetings are generally held on Tuesday afternoons and are scheduled in the order in which applications are submitted. A memo will <u>only</u> be sent to the parties listed on the application. <u>The petitioner or an assigned representative is required to attend the meeting.</u>											
Adjacent Owner Notice	Property Owner Notices are prepared by the City of Rock Springs and are mailed to property owners within 200' of the effected property a minimum of seven (7) days prior to the Planning and Zoning Commission Public Meeting.											
P&Z Public Meeting Date	1/11/2017	2/8/2017	3/8/2017	4/12/2017	5/10/2017	6/14/2017	7/12/2017	8/9/2017	9/13/2017	10/11/2017	11/8/2017	12/13/2017

*Deadline moved due to Holiday.

H. SIGNATURE(S) REQUIRED:

I acknowledge that I have read and understand this application and the pertinent Ordinances of the City of Rock Springs. I further agree if the permit is approved, I will comply with all pertinent regulations and conditions as set forth by the City of Rock Springs. I certify that the information provided with this application is true and correct and false or inaccurate information used by an applicant to secure compliance with the Zoning Ordinance shall be reason to deny or revoke any application or permit. I understand that it the responsibility of the developer and/or property owner to secure any and all required Local, Federal and State Permits (i.e. DEQ permits, County Permits, etc.) and I agree to contact those agencies accordingly.

Signature of Applicant Brian Marincic Date 2-22-2017

Signature of Owner Brian Marincic Date 2-22-2017

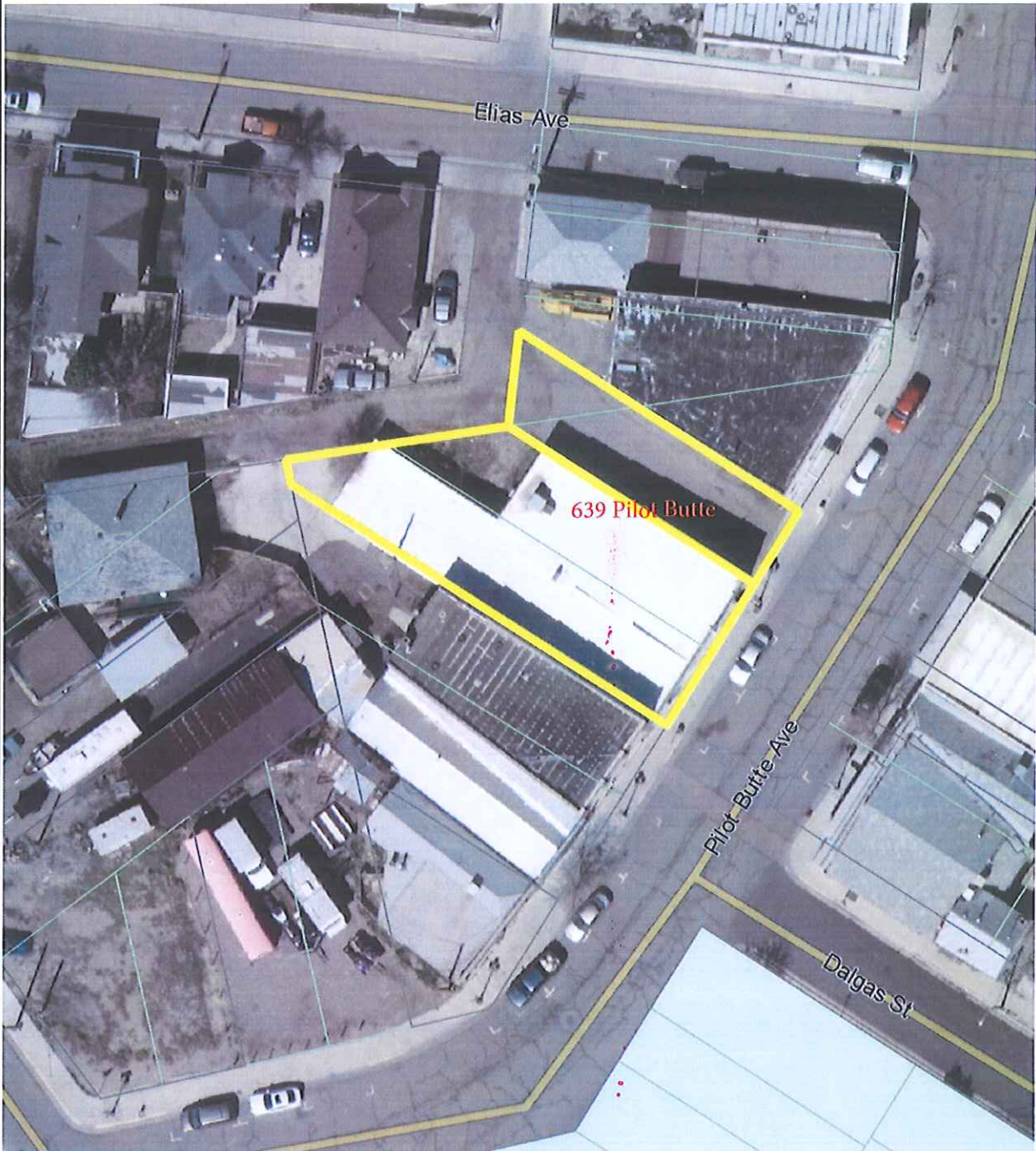
Signature of Engineer/Architect (if applicable) _____ Date _____

1 Parcel(s)

[Zoom to parcel\(s\)](#)

- Parcel: 1905-26-4-51-020-00
- Account#: R0119055 [Property Detail](#)
- Property Taxes: R0119055 [Treasurer](#)
- Map Number: 37 [Scanned Map](#)
- Lot: 3-4
- Owner: MARINCIC PROPERTY CO LLC
- Mail Addr: PO BOX 489
- Mail Addr: ROCK SPRINGS, WY 82902-0489
- St Addr: 639 PILOT BUTTE AVE
- Deed: 1212 WD 4 2015-10-21
- Location: NORTH BLK 06 LOT 03-04
- Tax Classification: Commercial
- Tax Roll Acreage: 0.118

Sweetwater County Wyoming MapServer



Sweetwater County provides this map for illustrative purposes only and assumes no liability for actions taken by users based on information shown.

0 23 46 69 ft

2/22/2017

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Detail of R0119055

Parcel							
PIDN: 1905-26-4-51-020-00							
Tax District: 0151							
Property Owner(s): MARINCIC PROPERTY CO LLC							
Mailing Address: PO BOX 489							
ROCK SPRINGS, WY 82902-0489							
Street Address: 639 PILOT BUTTE AVE							
Deed: 1212 WD 4, 10/21/2015							
Location: NORTH BLK 06 LOT 03-04							
2016 Market Value: \$ 150,324 (\$ 13,364 Land + \$ 136,960 Improvements)							
2016 Assessed Value: \$ 14,281							
The 2017 characteristics shown below may not be reflected in the values shown above.							

Commercial	1	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built*	Adj Year
Retail Store		1.0	4515			0	1935	1935

*Year built may not be original year built due to remodeling and additions.



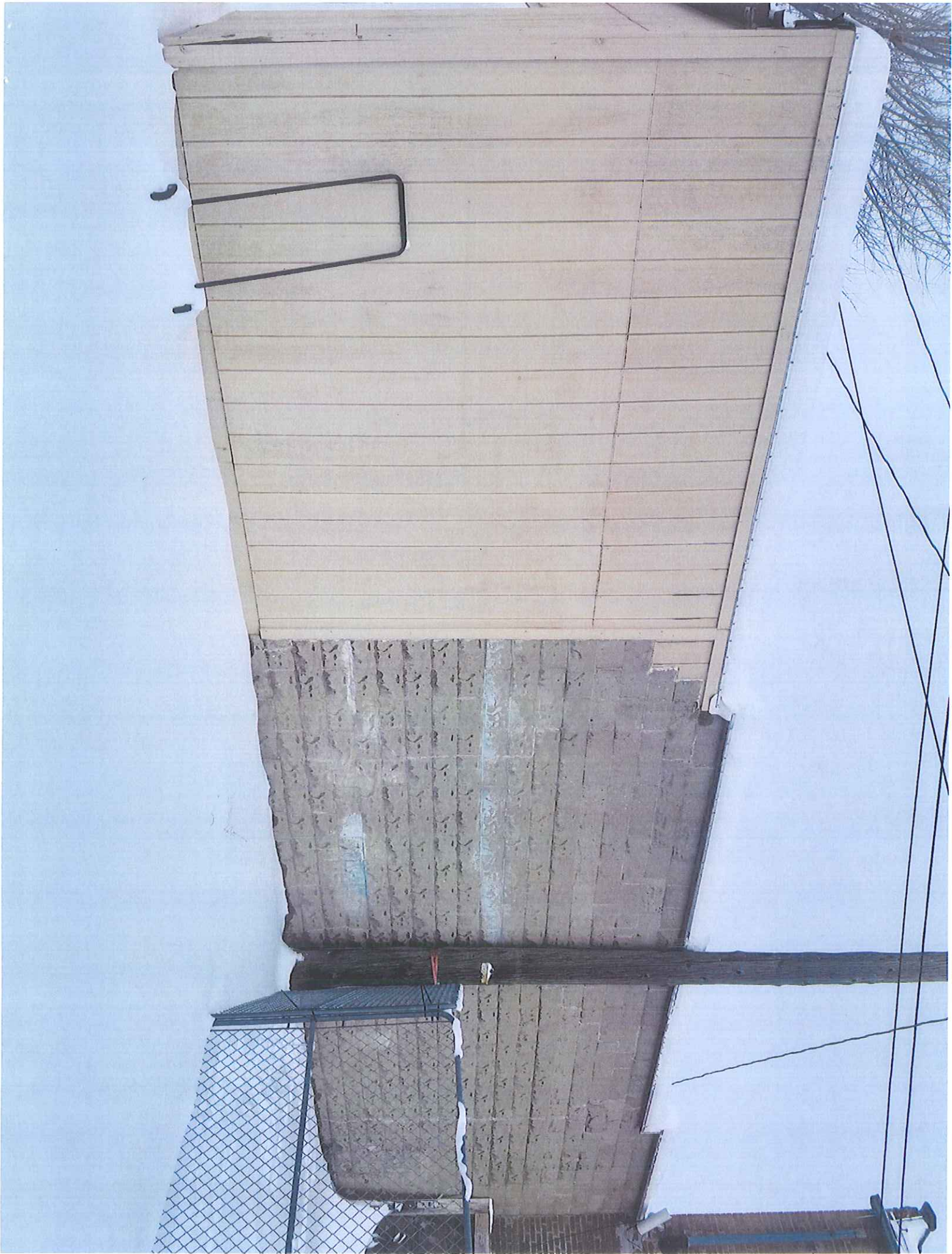


ROPER
Home Appliances

Whirlpool

ENCHANTED LEARNING
PRESCHOOL
LOADING & UNLOADING
ONLY
PLEASE NO PARKING
M-F 8AM-10-3PM









Department of Public Services

212 D Street, Rock Springs, WY 82901

Tel: 307-352-1540 Fax: 307-352-1545

www.rswy.net

March 6, 2017

Planning & Zoning Commission
City of Rock Springs
212 D Street
Rock Springs, WY 82901

Re: City Council Action Report

Dear Honorable Commissioners:

Please find a City Council Action Report for the following City Council meetings:

Council Mtg.	P&Z Item	Council Action
02/21/2017	1. None	
03/07/2017	1. Recommendation to Rezone Iliya Parcel back to R-1	Update at P & Z meeting

Please contact me if you have any questions regarding the foregoing.

Sincerely,

Amy M. Allen, PE
Acting City Planner