



**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

August 9, 2017 at 7:00 p.m.

ROLL CALL

APPROVAL OF MINUTES

1. Review and approval of the July 12, 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 HEARING

1. Petition for a Master Plan Amendment and Rezone from High Density Residential (HDR) to Low Density Residential (LDR) and from Light Industrial (I-1) to Low Density Residential (R-2) for two parcels located off Moore Avenue near G Street. Submitted by Debbra McNalley, property owner (Project #: PZ-17-00115, Staff Representative: Amy Cox, Planning Technician)

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Request for Conditional Use Permit approval to increase the days and hours of operation of a childcare/preschool, Sweetwater County Child Development Center, Niki McKenzie applicant (Project#: PZ-17-00121, Staff Representative: Amy Cox, Planning Technician)

NOTIFICATION OF MINOR SITE PLANS AND STAFF APPROVED CONDITIONAL USE PERMITS

1. Minor Site Plan approval for Airgas LLC, 1891 Foothill Boulevard, Clint Eddy applicant. (Project #: PZ-17-00089, Staff Representative: Amy Cox, Planning Technician)
2. Minor Site Plan approval for Goodwill Industries, 1254 Dewar Drive, Jana Conine applicant. (Project #: PZ-17-00102, Staff Representative: Amy Cox, Planning Technician)
3. Conditional Use Permit for a special purpose fence at 2507 Cripple Creek Drive, Trevor Benboe applicant. (Project #: PZ-17-00122, Staff Representative: Amy Cox, Planning Technician)
4. Minor Site Plan approval for YWCA Accessory Structure, 1327 Jackson Street, Lauren Schoenfeld applicant. (Project #: PZ-17-00124, Staff Representative: Amy Cox, Planning Technician)

PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.
 - a. *Update on City Council actions*
 1. *July 18th Council:* 3rd Reading and Approval of An Ordinance amending Article 13-601, 13-809C, 13-810C and 13-811C, entitled "Zone District Regulations," of the ordinances of the City of Rock Springs, (allowing Indoor Shooting Ranges).
 2. *July 18th Council:* 2nd Reading of Ordinance – Subdivision language amending Article 16-202 of the Ordinances of the City of Rock Springs (35 Acre Parcels).
 3. *July 18th Council:* A Public Hearing and tabled a resolution accepting and approving the Preliminary and Final Plat for Gino Subdivision.
 4. *August 2nd Council:* Removed from table and approved a resolution accepting and approving the Preliminary and Final Plat for Gino Subdivision.

5. *August 2nd Council: 3rd Reading of Ordinance and approval – Subdivision language amending Article 16-202 of the Ordinances of the City of Rock Springs (35 Acre Parcels).*

2. Petitions and communications from the floor.

ADJOURNMENT

**PLANNING AND ZONING
COMMISSION MINUTES**

**July 12, 2017
Wednesday, 7:00 p.m.
City Hall, Rock Springs, Wyoming**

Commissioners Present:	Vice-Chairman Mike Shaw Mark Erickson Tim Sheehan	Sue Lozier Lauren Schoenfeld
Commissioners Absent:	Chairman Joe Drnas Gabe Bustos	Rosa Avalos Matthew Jackman
Staff Present:	Cathy Greene, Senior Administrative Assistant Amy Cox, Planning Technician Amy M. Allen, Director of Public Services	

CALL TO ORDER

Vice-Chairman 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.

APPROVAL OF MINUTES

Vice-Chairman Shaw asked the Commission for any corrections or additions to the Minutes from the June 14, 2017, Planning and Zoning Commission Meeting.

With no corrections or additions, Vice-Chairman Shaw asked for a motion to accept the Minutes as presented.

Commissioner Erickson: Motion to approve the Minutes as presented.

Commissioner Lozier: Second.

Vote: All in favor. Motion carried unanimously.

ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

Vice-Chairman Shaw asked for a motion to accept all correspondence and Staff Reports into the record.

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

Commissioner Erickson: Second.

Vote: All in favor. Motion carried unanimously.

CHANGES TO THE AGENDA

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- 1) **Request for Conditional Use Permit approval for a Family Child Care Home (FCCH) for up to 10 children at a time, M- F from 7:30 a.m. to 4:30 p.m., to be conducted at 2400 Cache Valley Drive, submitted by Jennifer Wharton. (Project #: PZ-17-00059, Staff Representative: Amy Cox, Planning Technician)**

Staff Report

Ms. Cox presented the Staff Report dated July 6, 2017, to the Commission.

Commissioner Questions for Applicant

Vice-Chairman Shaw asked the applicant or a representative for the project to come forward.

Ms. Jennifer Wharton came forward and introduced herself.

Commissioner Questions for Staff

There were none.

Vice-Chairman Shaw then asked for a staff recommendation.

Staff Recommendation

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

1. Approval is for the provider, Ms. Jennifer Wharton, to conduct childcare services at 2400 Cache Valley Avenue. FCCH may not commence operations prior to an Occupancy Certificate being issued by the City of Rock Springs for the residence.
2. Conditional Use Permit approval for Ms. Jennifer Wharton to operate a FCCH at 3317 Brickyard Avenue shall expire once final approval for a FCCH to be operated at 2400 Cache Valley Drive has been granted.
3. Approval from the City's Chief Building Official to operate a FCCH.
4. Approval from the City's Fire Inspector to operate a FCCH.
5. Approval is for Ms. Jennifer Wharton to conduct childcare services at 2400 Cache Valley Drive only. Should the provider, Ms. Jennifer Wharton, move to a new location, a new FCCH Conditional Use Permit shall be required.
6. Conditional Use Permit approval is for the hours from 7 a.m. to 4:30 p.m., Monday through Friday for up to a maximum of ten (10) children at any given time. Should Ms. Jennifer Wharton 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.

7. Ms. Jennifer Wharton shall notify all her clients in writing that they must abide by the City of Rock Springs traffic & parking ordinances when dropping off and picking up their children. Please submit a copy of the notification to the City of Rock Springs Planning and Zoning Department.
8. FCCH Conditional Use Permits shall not run with the land. Subsequent providers on the same property (2400 Cache Valley Drive) shall require a separate FCCH Conditional Use Permit.
9. Should Ms. Jennifer Wharton 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.
10. 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.
11. The Planning & Zoning Commission shall have the right and authority to revoke this FCCH Conditional Use Permit for failure to comply with the above conditions of approval.

Public Comments

Vice-Chairman Shaw stated he got a little ahead of himself and asked for anyone who was in favor of the project and would like to comment on the project to come forward, or anyone who is not in favor.

There were none; however Vice-Chairman Shaw asked Ms. Cox to read the comment that was received about the project. The letter referenced that fences aren't allowed for the first two years after construction; Vice Chairman Shaw asked if this was correct. Ms. Cox stated it was, but she called the lady at the State and she said they won't grant the License until a safe play area is provided.

Commissioner Erickson asked Ms. Wharton what her anticipated date was to move into the new location. Ms. Wharton said they have not been given a date, the house was supposed to be completed in April, they are hoping for September. Ms. Wharton stated that she is required to have ten square feet of outside play area per child, for a total of 750 square feet that she will meet. She said they are building on a 10,000 square foot lot and her existing place is on a 7,000 square foot house. She will do a temporary fence until she can install her permanent fence.

Commission Vote

Commissioner Shoenfeld: Motion to approve with staff recommendations.

Commissioner Erickson: Second.

Vote: All in favor. Motion carried unanimously.

- 2) **Request by Jamie Rideoutt representing Lamar Outdoor Advertising for conditional use permit approval for an existing Billboard located at 2518 Foothill Boulevard. (Project #: PZ-17-00111, Staff Representative: Amy Allen, Acting City Planner)**

3) Request by Jamie Rideoutt representing Lamar Outdoor Advertising for conditional use permit approval for a new digital billboard located at 2518 Foothill Boulevard. (Project #: PZ-17-00110, Staff Representative: Amy Allen, Acting City Planner)

Staff Report

Ms. Allen presented a combined Staff Report dated July 7, 2017, to the Commission.

Commissioner Questions for Applicant

Vice-Chairman Shaw asked the applicant or a representative for the project to come forward.

Matthew Devitt from JFC Engineers & Surveyors came forward representing Lamar.

Mr. Devitt asked the commissioners if they received the color plan, specifically page two, which is a blow up of the lot split area. Ms. Allen clarified that they can discuss the lot split; however that decision won't be decided tonight, only the review and vote on the two billboards (existing & proposed).

Vice-Chairman Shaw asked why a Building Permit was issued for 2518 Foothill Blvd.; Ms. Allen said she wasn't with the City at the time, possibly a lack of communication as it was during the boom of 2004 and 2005. The laundry mat wasn't there at the time; it was all vacant land and got built close to where it was approved, she clarified she is just speculating.

Vice-Chairman Shaw then asked if Lamar was aware of this, Mr. Devitt said normally when someone wants to build, they come to the City and ask what the process is, they went through the process to build the sign on lot 8A and it was approved, then the decision was made to change it to lot 8 and a building application was filled out and approved for lot 8, which is the hotel lot. When they built it, they should have gone back through the process of the site plan and conditional use approval, but it didn't happen, somehow they got their building permit and built the sign where the address showed on the permit. Somehow maybe a miscommunication, which is why they are applying for a conditional use permit today, Mr. Devitt doesn't believe there was any mal-intention, just somehow it got missed. So the first CUP is for the existing sign, to correct what went wrong in 2005.

Mr. Devitt stated he was a bit confused, as he thought the Lot Split was being reviewed as well, as you can't have more than one billboard on one property. They went through the Utility Review process for the lot split and everything has been corrected and addressed, they will get necessary utility easements. Mr. Devitt referred to the Lot Split plan, with a gray area showing the buildable area calculated at 1,749 SF and the lot is 35' x 50', for something like a small coffee shop or drive thru hamburger or taco stand. Mr. Devitt explained the proposed lot meets the subdivision regulations regarding set-backs, along with parking over an easement area. The owner of the hotel is present and he has been wanting to split the lot for some time now, he has been approached by people before.

Mr. Devitt said they emailed the previous City Planner, Jennifer Shields and she recommended to JFC and Lamar that they go through a "lot split" application process as you aren't allowed to have more than one billboard per lot.

Piyush was present, the owner of the Clarion Hotel and property. Over the years, he has had a lot of people approach him about this property. He now has something figured out and Lamar came to him as a partner and will do some of the work and it will benefit both of them.

Mr. Devitt said right now the area is only being used by tractor trailer parking. There is no parking in the area, so the lot split won't affect the parking for the hotel.

Commissioner Erickson asked what the sizes of the sign and the height;

Joe Lustik with Lamar came forward and first off confirmed that they didn't know about the problem from 2005 and unfortunately none of the people involved then are still around. So, they want to get it right, the first billboard is 10' 6" tall, by 22' 10" wide, it's a standard poster size billboard, advertisers love them as they are the same size. Advertisers keep asking for more locations and they are very selective where they build, they haven't built a new sign in Rock Springs in over 9 years. They converted an existing sign on Dewar to a digital billboard. They have removed a lot of signs, but this is the first request for a new billboard and they have had a lot of requests for the area over by the mall. They worked with Red Horse Oil by Kmart, but couldn't get that to work out. So knowing there is an existing sign on Piyush's property, it is hard to talk about the 2nd billboard without the lot split. So hypothetically if the lot split moves forward, is how we will get here. Piyush knew there would be a lot of surveying and paperwork to be done, so Lamar agreed to front the cost of it. Lamar's interest is a 2nd billboard; Piyush's interest is a second lot he can sell off. The second sign, proposed billboard will be a 2 sided sign located on Dewar Drive, in an existing triangular curbed area which is located within the "green banner" area that JFC has shown on the plans as the area a billboard would be allowed. This triangular area falls within that allowable area, and height and all would work out great. It wouldn't block existing signs and existing signs won't block the billboard. One side will be a static poster 10'6" by 22' 10", the other side is the digital face and it 10' by 21' (it's just a little bit smaller). Discussed the 40' height limit in the ordinance.

Matt Devitt then asked; since the lot split wasn't on the agenda today if it was possible to get the 2nd Billboard approved on the condition that the lot split is approved. Ms. Allen said they will talk about conditions of approval after they have more discussion and that the lot split approval is at staff level, it can be pushed back to the Commission, she put its approval on hold as it would be contingent upon the approval of the billboard approvals.

Commissioner Lozier asked what the triangle was for where they were proposing the new billboard. Mr. Devitt thinks there was a monument sign there, which was removed and relocated.

Ms. Allen stated that the Clarion had recently gone through the sign process and approvals for all the sign changes.

Public Comment

Mark Cowan came forward, the owner of the carwash next door, he is in support of the proposed billboard and the lot split.

Vice Chairperson Shaw then asked for a staff recommendation.

Staff Recommendation

Ms. Allen stated since she is a property owner and is involved and mentioned in the report, she would prefer not to make a recommendation and let it be the Commissions' decision so there is no conflict of interest.

Commissioner Sheehan had a few questions for staff. To go back in history, a conditional use permit was granted for 8A; Ms. Allen said yes for the laundry lot. Second question, was WYDOT involved with the proposed Dewar Drive sign, any requirements from WYDOT; Ms. Allen said there is an elevation requirement from their interchange and it meets the setbacks. Third question, if Mr. Piyush sells the lot, does the conditional use go with that lot; Ms. Allen said the condition will go with the sign.

Vice-chairman Shaw asked if he had a motion, since we don't have a staff recommendation. Ms. Allen suggested voting on the existing sign first and vote on each separately.

Commission Vote

Commissioner Schoenfeld: Motion to move forward with the approval of the existing sign with typical staff recommendations for a billboard application such as this, PZ-17-00111.

Commissioner Sheehan Second.

Vote: All in favor. Motion carried unanimously.

Commission Vote

Commissioner Erickson: Motion to accept PZ-17-00110, with staff recommendations.

Commissioner Sheehan: Second.

Vote: All in favor. Motion carried unanimously.

Ms. Allen said they will process and get back to JFC on the Lot Split.

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

1. Conditional Use Permit for a special purpose fence at 4102 Madison Drive, submitted by Robert May. (Project #: PZ-17-00106, Staff Representative: Amy Cox, Planning Technician)
2. Minor Site Plan approval for Rocky's Auto Sales, 2481 Foothill Boulevard, Ric Sigihara applicant. (Project #: PZ-17-00107, Staff Representative: Amy Cox, Planning Technician)

PETITIONS AND COMMUNICATIONS

1) Written petitions and communications.

a. Update on City Council Actions

1. *June 20th Council*: 2nd Reading of An Ordinance amending Article 13-601, 13-809C, 13-810C and 13-811C, entitled "Zone District Regulations," of the ordinances of the City of Rock Springs, (allowing Indoor Shooting Ranges).
2. *July 5th Council*: Public Hearing and 1st Reading of Ordinance – Subdivision language amending Article 16-202 of the Ordinances of the City of Rock Springs (35 Acre Parcels).
3. *July 5th Council*: Public Hearing and Approval of a Replat of the northerly Part of Lot 1 Mountaineer Subdivision, 4th Section Amended in Sweetwater County, Wyoming within a mile of the City of Rock Springs.
4. *July 5th Council*: Approval of a Resolution approving and accepting a financial guarantee for the remaining improvements for Northpark Village, Phase II, a new subdivision within the City of Rock Springs.

5. *July 5th Council:* 3rd Reading and Approval of an Ordinance amending Article 13-601, 13-809C, 13-810C and 13-811C, entitled "Zone District Regulations," of the ordinances of the City of Rock Springs (allowing Indoor Shooting Ranges).

2) Petitions and communications from the floor.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:52 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: McNalley Master Plan Land Use Amendment (HDR to LDR) and Rezone (I-1 to R-2)
Project Number: PZ-17-00115
Report Date: August 4, 2017
Meeting Date: August 9, 2017

Applicant / Property Owner

Ms. Debbra McNalley
506 Moore Ave.
Rock Springs, WY 82901

Project Location

506 Moore Ave. near G St.

Existing Master Plan Designation

HDR (High Density Residential)

Existing Zoning

I-1 (Light Industrial)

Public Notification

- Public Hearing Notice – published 7/25/17
- Mailed to owners in 200' radius on 7/28/17

Ordinance References

- §13-801, §13-810

Staff Representative

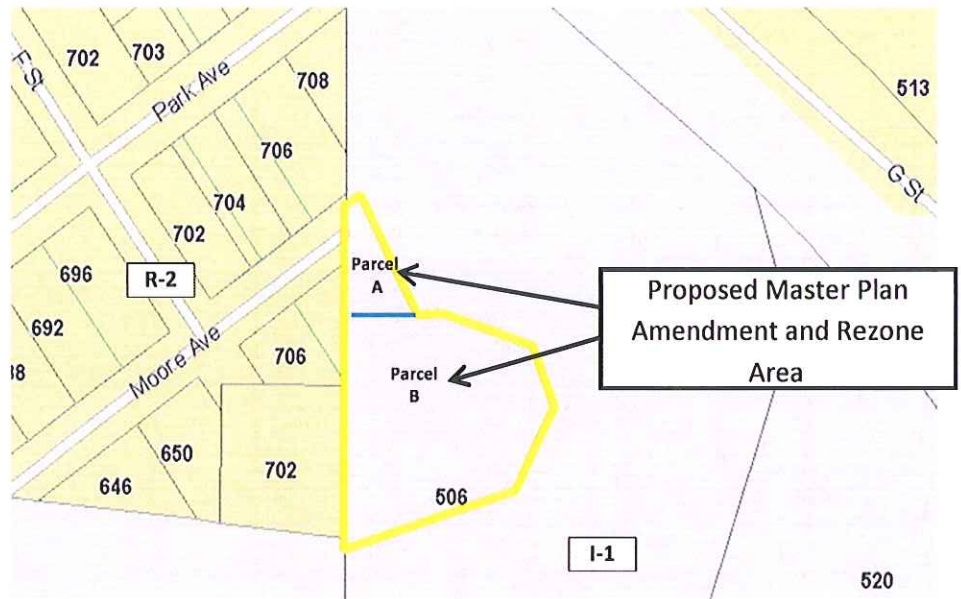
Amy Cox
Planning Technician

Attachments

- Application with Amendment Justification
- Public Hearing Notice
- Property Owner Notification Letters and Mailing List
- MPA/Rezone Map

Request

Petition for Master Plan Amendment from HDR (High Density Residential) to LDR (Low Density Residential) and Rezone from I-1 (Light Industrial) to R-2 (Low Density Residential) for two parcels of land totaling 0.65 acres, located off Moore Avenue overlooking Debernardi Construction that is located off of Park Avenue and G Street.



Background Information

On July 10, 2017, Ms. Debbra McNalley submitted an application for rezone of her property (two parcels, located off Moore Avenue overlooking Debernardi Construction that is located off of Park Ave. and G St.) from I-1 to R-2. She is also the property owner of 706 Moore Ave., that is zoned R-2, and is adjacent to the property she is requesting be rezoned.

The purpose of this request is to allow the property owner to add an addition to the existing home under the proper zone designation.

Size and Location

PARCEL A

A piece, parcel or tract of land located in the City of Rock Springs, Sweetwater County, Wyoming, being a portion of the Sweetwater Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 36, Township 19 North, Range 105 West, 6th Principal Meridian., Sweetwater County, Wyoming, more particularly described as follows:

Beginning at a point Seven Hundred Thirty-five and Nine Tenths (735.9) feet North No degrees Twelve minutes West (N 0°-12' W) of the West Quarter Corner of said section Thirty-six (36), said point of beginning on the West line of said Section Thirty-six (36); thence North No degrees Twelve minutes West (N 0°-12' W) along the West line of said section Thirty-six, a distance of One Hundred Sixty-seven and Fifteen Hundredths (167.15) feet to a point; thence North Eighty-seven degrees Forty-nine minutes East (N 87°-49' E), a distance of Seventy-eight

Project Name:
McNalley MPA and Rezone

Project Number:
PZ-17-00115

and Eighty-nine Hundredths (78.89) feet to a point; thence South Seventy-one degrees Thirty-four minutes Thirty seconds East (S 71°-34'-30" E), a distance of Seventy-four and Thirteen Hundredths (74.13) feet to a point; thence South Twenty degrees Fifty-five minutes Thirty seconds East (S 20°-55'-30" E), a distance of Forty-six and Ninety-six Hundredths (46.96) feet to a point; thence South Twenty-seven degrees Two minutes West (S 27°-02' W), a distance of Sixty-eight and Eighteen Hundredths (68.18) feet to a point, thence South Seventy-two degrees Thirty-five minutes, Thirty seconds West (S 72°-35'-30" W), a distance of One Hundred Forty and Eight-two Hundredths (140.82) feet, more or less to appoint of beginning; containing an area of .5 acres, more or less, and marked Tract 2 on the map attached hereto and made a part hereof.

Together with all Improvements thereon, and easements, appurtenances and incidents belonging and appertaining thereto, or used in connection therewith; subject, however, to all mining, mineral and other exceptions, reservations, easements, rights of way, and conditions of record.

PARCEL B

A parcel of land situated in Northwest Quarter (NW ¼) of Section 36, Township 19 North, Range 105 West, 6th Principal Meridian, City of Rock Springs, County of Sweetwater, State of Wyoming, being more particularly described as follows:

Commencing at the quarter section corner common to Sections 35 and 36, Township 19 North, Range 105 West, 6th Principal Meridian, County of Sweetwater, State of Wyoming, being found brass plug monument, thence N.00°12'00"W., a distance of 903.05 feet along the section line common to said Sections 35 and 36 to the Point of Beginning, the northwesterly corner of a parcel of land deeded to Oliver Moore from Wyoming Broadcasting Company and filed in the Sweetwater County Recorder's office in Book 0887 Page 1457, and the southwesterly corner of the parcel being described, being and iron bar monument;

Thence N.00°12'00"W., distance of 81.16 feet along the common boundary line of DeBernardi Construction Company, Inc. land with the Kendall Addition to the City of Rock Springs, and the section line common to said Sections 35 and 36 to an Iron bar monument set this survey;

Thence N.57°55'44"E., a distance of 15.00 feet to an Iron bar monument set this survey;

Thence S.27°38'53"E., a distance of 98.12 feet to a point on the northerly boundary of said parcel deeded to Oliver Moore, being an iron bar monument set this survey;

Thence S.87°48'59"W., a distance of 58.00 feet along the northerly boundary of said parcel deeded to Oliver Moore to the Point of Beginning.

Surrounding Land Use

North -	I-1, Hillside to Debernardi Construction
South -	I-1, Hillside to Debernardi Construction, Vacant Land
East -	I-1, Residential, Kendall Addition
West -	R-2, Hillside to Debernardi Construction, mostly Vacant Land

EXISTING Master Plan Land Use Designation – HDR (High Density Residential)

In the *Master Plan*, the HDR (High Density Residential) land use designation is defined as, "High intensity residential development at densities ranging from 7.1 dwelling units per acre to 22 dwelling units per acre, as well as supporting small commercial development." Compatible zoning districts within the HDR land use designation include R-4, R-5, R-6, and B-1.

EXISTING Zoning - I-1 Zoning Districts - §13-810:

The purpose of the Light Industrial Zone (I-1) is to provide for the development of industrial, warehousing, and office facilities in a manner which does not cause adverse off-site environmental impacts. Uses allowed in the I-1 Zone are those whose activities (including storage) take place entirely within enclosed buildings, which have little or no emission of noise, smoke, dust, odor, vibration, or glare, and which pose little or no danger to the public

Project Name:
McNalley MPA and Rezone

Project Number:
PZ-17-00115

health and safety.

PROPOSED Master Plan Land Use Map Designation – LDR (Low Density Residential)

In the *Master Plan*, the LDR (Low Density Residential) land use designation is defined as, "Low intensity residential development at densities ranging from 0.5 to 7 dwelling units per acre." Compatible zoning districts within the LDR land use designation include R-E, R-1, R-2 & R-3.

As section ES.6 of the *Master Plan* states, amendments to the plan or accompanying maps may be made from time to time, provided that the following findings can be made:

- (1) The proposed amendment represents an overall improvement to the character of the community and meets the general intent of the plan; and
- (2) The proposed amendment benefits the community at large and not an individual party or parties; and
- (3) The proposed amendment will not cause adverse impacts on the general health, safety and welfare of the community, nor of neighboring residents; and
- (4) The proposed amendment is in keeping with the plan's vision, mission and goals; and
- (5) The proposed amendment is the minimum amendment necessary and is not of such a scope that an extensive update of the plan is required.

The property owner has submitted an Amendment Justification with his application (see attached), and in addition staff can make the following findings:

PROPOSED Zoning - R-2 Zoning Districts - §13-801:

The purpose of the R-2 Low Density Residential Zone is to provide for the development, at a low density, of single-family detached dwellings, accessory dwelling units, and directly related complementary uses. The R-2 Zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

Utility Review

Once all Utility Review comments have been received, approval will be based on all utility review conditions being met.

Analysis

Master Plan Required Findings

- (1) The proposed amendment represents an overall improvement to the character of the community and meets the general intent of the plan; the proposed amendment changes an existing residential property that is I-1 to R-2 which complies with the adjacent residential zoning.
- (2) The proposed amendment benefits the community at large and not an individual party or parties; it reduces the overall Industrial property adjacent to a residential neighborhood.
- (3) The proposed amendment will not cause adverse impacts on the general health, safety and welfare of the community, nor of neighboring residents; it rezones existing residential land to its existing use.
- (4) The proposed amendment is in keeping with the plan's vision, mission and goals; it rezones existing residential land to its existing use
- (5) The proposed amendment is the minimum amendment necessary and is not of such a scope that an extensive update of the plan is required; it rezones just a minimal amount of land that is presently used for residential.

Project Name:
McNalley MPA and Rezone

Project Number:
PZ-17-00115

Public Hearing Notification

A Public Hearing Notice was duly published in the Rock Springs *Rocket Miner* on July 25, 2017 and. Notices were also mailed to property owners located within 200 feet of the boundaries of the subject property on July 28, 2017. To date, no comments have been received. Staff will advise the Commission of any comments received after the date of this report.

Staff Recommendation

Staff will provide a recommendation following the Public Hearing on this item.

Next Steps

Following Commission action, this item will be advertised for Public Hearing before the City Council and will be considered for first reading on September 5, 2017. (The Master Plan amendment request shall be decided by Resolution, and the Rezone request will be decided by Ordinance.)



2017
CITY OF ROCK SPRINGS
MASTER PLAN LAND USE MAP
AND
ZONING MAP
AMENDMENT APPLICATION

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

City Use Only:

Date Received 7.10.17 File Number: P2-17-00115
Payment Information:
Amount Received: \$300 - Received by: [Signature]
Cash or Check Number: 118 Receipt Number: _____
Date Certified as Complete Application: 7.12.17 By: [Signature]

A. PROPERTY ADDRESS: 506 Moore Ave.

(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: Debbra McNalley
Company Name: _____
Street Address: 506 Moore Ave.
City: Rock Springs State: WY Zip Code: 82901
Email Address: mcnalleyda@gmail.com
Phone Number: 720-212-3224 Fax Number: _____
(including area code) (including area code)

Property Owner Information:

Name: Debbra McNalley
Company Name: _____
Street Address: 506 Moore Ave.
City: Rock Springs State: WY Zip Code: 82901
Email Address: mcnalleyda@gmail.com
Phone Number: 720-212-3224 Fax Number: _____
(including area code) (including area code)

Engineer / Surveyor Information: Name: _____

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

C. PLEASE ANSWER THE FOLLOWING ON THE SPACE PROVIDED:

1. Existing *Master Plan* Land Use Map Designation: Industrial - HDR
2. Requested *Master Plan* Land Use Map Designation: Residential - LDR
3. Existing Zoning Map Designation: Industrial - I-1
4. Requested Zoning Map Designation: Residential - R.2
5. Square footage and/or acreage of property to be rezoned: 0.6508 acres
(if rezoning to multiple zoning districts, provide acreage of each proposed new zoning district)
6. Current Use of Land: Residential
7. Proposed Use of Land: Residential
8. Reason for requested *Master Plan* Land Use Map and Zoning Map Amendment:
add addition to existing home.

D. AMENDMENT JUSTIFICATION:

In order to justify the request, the following statements **MUST** be addressed. Please do so with typewritten text and submit separately as an attachment to this application. The current Rock Springs *Master Plan* Land Use Map and Zoning Map are available on the Rock Springs website at www.rswy.net.

1. The proposed amendment represents an overall improvement to the character of the community and meets the general intent of the plan; and
2. The proposed amendment benefits the community at large and not an individual party or parties; and
3. The proposed amendment will not cause adverse impacts on the general health, safety and welfare of the community, nor of neighboring residents; and
4. The proposed amendment is in keeping with the plan's vision, mission and goals; and
5. The proposed amendment is the minimum amendment necessary and is not of such a scope that an extensive update of the plan is required.

SEE
ATTACH
ED

E. SUBMITTAL REQUIREMENTS:

NOTE: The following items are required for submitting a complete application and must be submitted in accordance with the submittal deadlines listed on Page 3 of this application. Applications submitted after the submittal deadlines as listed will be postponed until the following month.

An incomplete application will not be reviewed and will be returned to the petitioner.

- ☐ Filing Fee (\$300.00).
- ☐ 20 copies of an accurately drawn map of property requested for *Master Plan* Land Use Map and Zoning Map amendment. If the full-size scaled drawing is on a size larger than 11" x 17", then in addition to the 20 full size copies, one reduced copy no larger than 11" x 17" must also be submitted. A survey may be required.
- ☐ Electronic version of *Master Plan* Land Use Map and Zoning Map amendment provided in PDF format either on thumb drive or emailed to: city_planner@rswy.net.
- ☐ Legal description of the property provided on a typed sheet and also supplied electronically in Word format and emailed to: city_planner@rswy.net.
- ☐ Petitioner shall post the property within 10 days of the first public hearing. Sign shall state the nature of the request and time and date of the public hearing. (See Section F for suggested posting language.)

F. SAMPLE PROPERTY POSTING NOTICE

(Lettering should be sufficiently sized so as to be visible from the adjacent public street.)

NOTICE OF PROPOSED *MASTER PLAN* LAND USE MAP AND ZONING MAP AMENDMENT

Please take notice that this property owned by _____ and totaling _____ acres is proposed for *Master Plan* Land Use Map Amendment from _____ to _____ and Zoning Map Amendment from _____ to _____ and that a Public Hearing will be held before the City of Rock Springs Planning & Zoning Commission on _____ at 7 p.m. in the City Council Chambers to consider said action. Interested parties may obtain more information by attending the meeting or

G. SUBMITTAL SCHEDULE:

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	12/7/2016*	1/16/2017	2/13/2017	3/20/2017	4/17/2017	5/22/2017	6/19/2017	7/17/2017	8/21/2017	9/18/2017	10/16/2017	11/20/2017
Public Hearing Ad	A Public Hearing Notice is prepared by the City of Rock Springs and published in the Rock Springs <i>Rocket Miner</i> Newspaper a minimum of fifteen (15) days prior to the Planning and Zoning Commission Public Hearing.											
Property Posted by Petitioner	1/1/2017	1/29/2017	2/26/2017	4/2/2017	4/30/2017	6/4/2017	7/2/2017	7/30/2017	9/3/2017	10/1/2017	10/29/2017	12/3/2017
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 ten (10) days prior to the Planning and Zoning Commission Public Hearing.											
P&Z Public Hearing	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
City Council Hearing Ad	After the Planning and Zoning Commission Public Hearing, a second Public Hearing Notice is prepared by the City of Rock Springs and published in the Rock Springs <i>Rocket Miner</i> Newspaper a minimum of fifteen (15) days prior to the City Council Public Hearing.											
**Council Public Hearing	2/7/2017	3/7/2017	4/4/2017	5/2/2017	6/6/2017	7/11/2017	8/1/2017	9/5/2017	10/3/2017	11/7/2017	12/5/2017	1/3/2018

* Deadline moved due to Holiday.

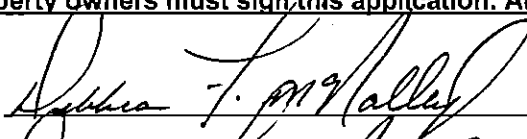
**** BE ADVISED:** Ordinances amending the Rock Springs Zoning Map must be read at three consecutive meetings of City Council prior to being accepted. The above-listed dates represent the anticipated first reading only. Master Plan amendments are approved by Resolution during the third reading of the Zoning Map amendment. ******

H. SIGNATURE(S) REQUIRED:

I acknowledge that I have read and understand this application and the pertinent Zoning Map amendment regulations (Section 13-902 of the Rock Springs City Ordinances). I further agree if the *Master Plan* Land Use Map and Zoning Map amendment 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.

All petitioners and property owners must sign this application. Attach a separate sheet if necessary.

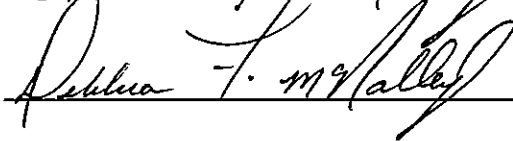
Signature of Applicant



Date

7-8-17

Signature of Owner



Date

7-8-17

Signature of Engineer/Surveyor

Date

Part D: Amendment Justification

1. The proposed amendment represents an overall improvement to the character of the community and meets the general intent of the plan; and open the doorways to continue with permits of 506 Moore Ave., to build on to the already established home. This will in turn welcome the owner as new residents to Rock Springs.
2. The proposed amendment benefits the community at large and not an individual party or parties; and allows for a family to reside in a home that will keep the property at 506 Moore Ave., as a beautiful/groomed addition to the neighborhood. In additionally, not allow for the owner to simply use it as storage land.
3. The proposed amendment will not cause adverse impacts on the general health, safety and welfare of the community, nor of neighboring residents; and 506 Moore Ave., will continue to be as non-impacting to the neighborhood as it has been for the last 22 as a family owned property.

4. The proposed amendment is in keeping with the plan's vision, mission and goals; and do to the natural geographical boundaries of 506 Moore Ave., it would make sense rezoning this property to the same zone as the neighborhood you must go through to acquire access to it.

5. The proposed amendment is the minimum amendment necessary and is not of such a scope that an extensive update of the plan is required.

July 28, 2017

Dear Property Owner or Interested Party:

This letter is to inform you that a petition has been made by Debbra McNalley (property owner), requesting that the Rock Springs Master Plan Official Land Use Map be amended from High Density Residential (HDR) to Low Density Residential (LDR) AND the Official Zoning Map of the City of Rock Springs be amended from Light Industrial (I-1) to Low Density Residential (R-2) for the following property:

PARCEL A

A piece, parcel or tract of land located in the City of Rock Springs, Sweetwater County, Wyoming, being a portion of the Sweetwater Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 36, Township 19 North, Range 105 West, 6th Principal Meridian, Sweetwater County, Wyoming, more particularly described as follows:

Beginning at a point Seven Hundred Thirty-five and Nine Tenths (735.9) feet North No degrees Twelve minutes West (N 0°-12' W) of the West Quarter Corner of said section Thirty-six (36), said point of beginning on the West line of said Section Thirty-six (36); thence North No degrees Twelve minutes West (N 0°-12' W) along the West line of said section Thirty-six, a distance of One Hundred Sixty-seven and Fifteen Hundredths (167.15) feet to a point; thence North Eighty-seven degrees Forty-nine minutes East (N 87°-49' E), a distance of Seventy-eight and Eighty-nine Hundredths (78.89) feet to a point; thence South Seventy-one degrees Thirty-four minutes Thirty seconds East (S 71°-34'-30" E), a distance of Seventy-four and Thirteen Hundredths (74.13) feet to a point; thence South Twenty degrees Fifty-five minutes Thirty seconds East (S 20°-55'-30" E), a distance of Forty-six and Ninety-six Hundredths (46.96) feet to a point; thence South Twenty-seven degrees Two minutes West (S 27°-02' W), a distance of Sixty-eight and Eighteen Hundredths (68.18) feet to a point, thence South Seventy-two degrees Thirty-five minutes, Thirty seconds West (S 72°-35'-30" W), a distance of One Hundred Forty and Eight-two Hundredths (140.82) feet, more or less to appoint of beginning; containing an area of .5 acres, more or less, and marked Tract 2 on the map attached hereto and made a part hereof.

Together with all improvements thereon, and easements, appurtenances and incidents belonging and appertaining thereto, or used in connection therewith; subject, however, to all mining, mineral and other exceptions, reservations, easements, rights of way, and conditions of record.

And the additional property:

PARCEL B

A parcel of land situated in Northwest Quarter (NW ¼) of Section 36, Township 19 North, Range 105 West, 6th Principal Meridian, City of Rock Springs, County of Sweetwater, State of Wyoming, being more particularly described as follows:

Commencing at the quarter section corner common to Sections 35 and 36, Township 19 North, Range 105 West, 6th Principal Meridian, County of Sweetwater, State of Wyoming, being found brass plug monument, thence N.00°12'00"W., a distance of 903.05 feet along the section line common to said Sections 35 and 36 to the Point of Beginning, the northwesterly corner of a parcel of land deeded to Oliver Moore from Wyoming Broadcasting Company and filed in the Sweetwater County Recorder's office in Book 0887 Page 1457, and the southwesterly corner of the parcel being described, being and iron bar monument;

Thence N.00°12'00"W., distance of 81.16 feet along the common boundary line of DeBernardi Construction Company, Inc. land with the Kendall Addition to the City of Rock Springs, and the section line common to said Sections 35 and 36 to an iron bar monument set this survey;

Thence N.57°55'44"E., a distance of 15.00 feet to an iron bar monument set this survey;

Thence S.27°38'53"E., a distance of 98.12 feet to a point on the northerly boundary of said parcel deeded to Oliver Moore, being an iron bar monument set this survey;

Thence S.87°48'59"W., a distance of 58.00 feet along the northerly boundary of said parcel deeded to Oliver Moore to the Point of Beginning.

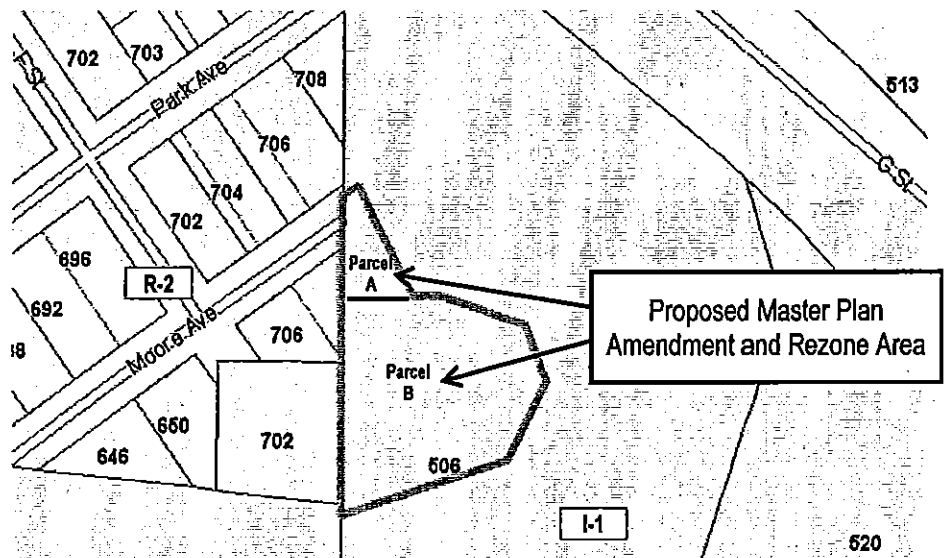
Records show that this property is adjacent to or near property you own. Please refer to the attached map.

The Rock Springs Planning and Zoning Commission shall hold a public hearing for the petition on Wednesday, August 9, 2017 at 7:00 pm in the Rock Springs City Hall Council Chambers, 212 'D' Street. Interested persons or parties are encouraged to attend the meeting or submit written comments. Written comments will be accepted no later than noon on August 9, 2017.

Sincerely,



Amy Cox
Planning Technician



AMBROSE DAVID
702 WENDT AVE
ROCK SPRINGS, WY 82901-6344

PITTS DAN J & GAIL C
180 HILLCREST LN
ROCK SPRINGS, WY 82901-3177

MCNALLEY DEBBRA
6685 DEFRAME CT
ARVADA, CO 80004-2051

PRIVITT JUNE L
702 PARK AVE
ROCK SPRINGS, WY 82901-6338

CITY OF ROCK SPRINGS
212 D ST
ROCK SPRINGS, WY 82901-6235

MCNALLEY RICK L & DEBBRA F
6685 DEFRAME CT
ARVADA, CO 80004-2051

BERKEL JOLYNN & FOLEY BRANDY
703 PARK AVE
ROCK SPRINGS, WY 82901-6337

FREDERICK GLORIA J
646 MOORE AVE
ROCK SPRINGS, WY 82901-6328

DEBERNARDI CONST CO INC
514 G ST
ROCK SPRINGS, WY 82901

BENDER TIMOTHY B
228 WASHAKIE DR
ROCK SPRINGS, WY 82901-3134

NOBLE K INVESTMENTS LLC
1993 DEWAR DR UNIT 1-274
ROCK SPRINGS, WY 82901-5780

MOORE TONY L & FRANCINE R
704 MOORE AVE
ROCK SPRINGS, WY 82901-6330

MOSES NEVA L LIVING TRUST &
MOSES ROBERT W & WEST KAREN L
1516 COLLINS ST
ROCK SPRINGS, WY 82901-6611

UNION PACIFIC RAILROAD CO
ATTN MICHAEL BATKO PROPERTY TAXES
1400 DOUGLAS STOP 1640
OMAHA, NE 68179-1001

PORTER AUSTIN & FERGUSON MARY
730 WENDT AVE
ROCK SPRINGS, WY 82901-6344

COVOLO JUSTIN G
718 WENDT AVE
ROCK SPRINGS, WY 82901-6344

MILLER CHRISTOPHER P
712 WENDT AVE
ROCK SPRINGS, WY 82901-6344

WINTER CHARLES R
706 PARK AVE
ROCK SPRINGS, WY 82901-6338

MCNALLEY DEBBRA
506 MOORE AVE
ROCK SPRINGS, WY 82901

PUBLIC HEARING NOTICE

TAKE NOTICE that a request has been filed by Debbra McNalley (property owner), requesting that the Rock Springs Master Plan Official Land Use Map be amended from High Density Residential (HDR) to Low Density Residential (LDR) AND the Official Zoning Map of the City of Rock Springs be amended from Light Industrial (I-1) to Low Density Residential (R-2) for the following property:

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Together with all improvements thereon, and easements, appurtenances and incidents belonging and appertaining thereto, or used in connection therewith; subject, however, to all mining, mineral and other exceptions, reservations, easements, rights of way, and conditions of record.

And the additional property:

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A parcel of land situated in Northwest Quarter (NW ¼) of Section 36, Township 19 North, Range 105 West, 6th Principal Meridian, City of Rock Springs, County of Sweetwater, State of Wyoming, being more particularly described as follows:

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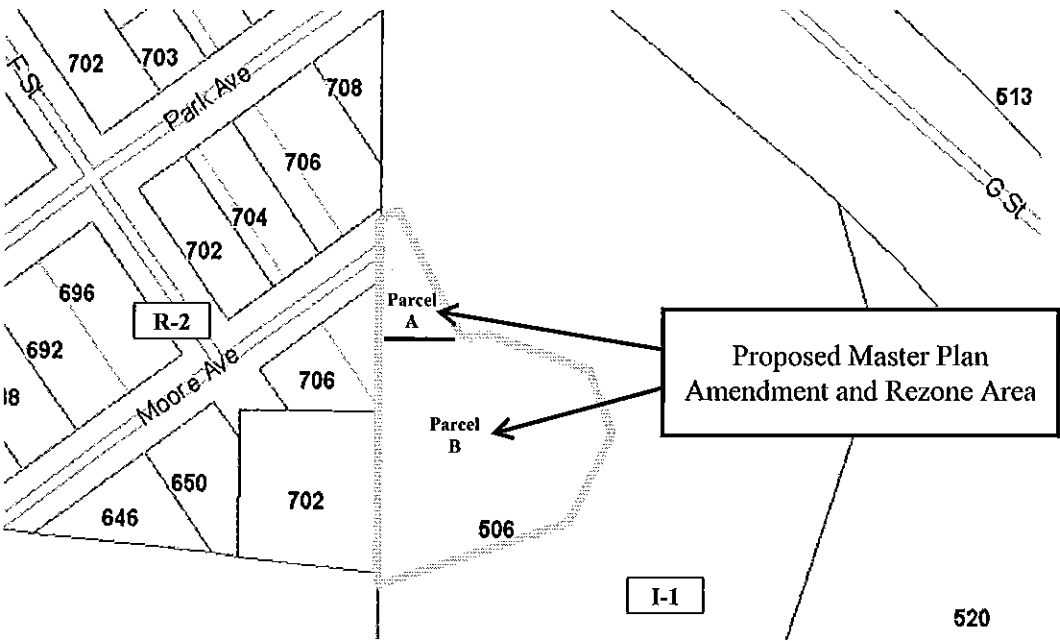
Thence S.27°38'53"E., a distance of 98.12 feet to a point on the northerly boundary of said parcel deeded to Oliver Moore, being an iron bar monument set this survey;

Thence S.87°48'59"W., a distance of 58.00 feet along the northerly boundary of said parcel deeded to Oliver Moore to the **Point of Beginning**.

And that a public hearing for the petition will be held before the Rock Springs Planning and Zoning Commission August 9, 2017 at 7:00 p.m. in the Rock Springs City Hall Council Chambers. The public is invited to attend.

Dated this 21st day of July 2017.

Amy Cox
Planning Technician, City of Rock Springs





Planning & Zoning Commission Staff Report

Project Name: Sweetwater County Child Developmental Center
Modified Conditional Use Permit – Child Care Center (CCC)
Project Number: PZ-17-00121
Report Date: August 4, 2017
Meeting Date: August 9, 2017

Applicant

Sweetwater County CDC
 c/o Niki McKenzie
 4509 Foothill Boulevard
 Rock Springs, WY 82901

Property Owner

Sweetwater County
 80 W. Flaming Gorge Way
 Green River, WY 82935

Project Location

4509 Foothill Boulevard

Zoning

B-2 (Community Business)

Public Notification

Adjacent Property Owners within
 200' of property – 7/25/17

Ordinance References

- §13-808.C(8)
- §13-816

Staff Representative

Amy Cox
 Planning Technician

Attachments

- Application
- Adjacent Property Owners
 Letter and Address List

Request

Request for Modified Conditional Use Permit approval for a Child Care Center (CCC), to increase the days and hours of operation of the childcare/preschool to Monday through Friday, 7:00 a.m. to 5:30 p.m.

Background Information – Summarized

On October 14, 2009 the Planning and Zoning Commission granted a **Temporary** Conditional Use Permit approval to the CDC for use of the second floor only of the SWRC building for a one-year time period. The temporary approval was based upon the unknown future of the CDC at the site, the limited amount of existing parking, and no outdoor play area.

In 2010 the CDC purchased the property from SWRC and submitted a Site Plan showing numerous outdoor improvements to the site, including additional paved parking, a playground, and the relocation of an existing fire hydrant on the property into the public right-of-way, a requirement of both the Joint Powers Water Board, Rock Springs Water Department, and Rock Springs Fire Department. At that time the applicant agreed to relocate the existing fire hydrant into the public right-of-way in conjunction with future remodeling work planned for the building.

On September 8, 2010 the Planning and Zoning Commission extended the original Temporary Conditional Use Permit until all conditions of the Utility Review Committee were met, including the resolution of the fire hydrant issue.

On January 12, 2011 the Planning and Zoning Commission considered a third request from the CDC for use of both floors of the building. Following discussion and recommendations by staff, **Temporary** Conditional Use Permit approval was again granted, subject to the following conditions:

- 1) Use of both floors of the building is permitted
- 2) Maximum number of children allowed on site (entire property) per session and at any given time is 72
- 3) Maximum of 2 sessions per day
- 4) Maximum of 33 employees on site at any given time

At that time the Commission also granted **Permanent** Conditional Use Permit approval once all of the following conditions of approval were met:

- 1) All conditions of the Utility Review Committee are met, including the following:
 - a) Per the Rock Springs Fire Department, Water Department, Engineering Department, and Joint Powers Water Board: Resolution of the existing fire hydrant issue. *Not complete.*
 - b) Per the Rock Springs Engineering Department: Storm water calculations are required to show that drainage will not over tax the existing storm sewer located on Foothill Blvd. *Not complete.*

Project Name:
Sweetwater County CDC –
Modified C.U.P.

Project Number:
PZ-17-00121

- 2) The additional paved parking areas (including all spaces striped and/or restriped), as shown on the Amended Site Plan, shall be installed and inspected by the City. *Inspected and Approved 10/4/11.*
- 3) Approval for a maximum of 33 employees at any given time, and 72 children per session and at any given time, with a total of 2 sessions per day.
- 4) Subject to the requirements of the State of Wyoming for Day Care Centers.
- 5) Should the CCC provider move to a new location, a new CCC Conditional Use Permit shall be required.
- 6) Any changes in the originally approved permit, including increase in the number of children; movement, relocation, expansion or reduction in the size of the child care operation within the structure; or increase in the number of staffing, shall require review of the Conditional Use Permit application and may require modification of the existing permit or issuance of a new permit, if so deemed necessary by the Zoning Administrator.
- 7) The Planning & Zoning Commission shall have the right to revoke or revise the CCC Conditional Use Permit should legitimate complaints be lodged by property owners located within 200 feet of the CCC, or by the public, that the Child Care Center has adverse impacts on the health, safety and/or welfare of the neighborhood.
- 8) The Planning & Zoning Commission shall have the right and authority to revoke the CCC Conditional Use Permit for failure to comply with the conditions of approval established therein.

On March 13, 2013, the Rock Springs Planning and Zoning Commission met to consider a fourth request from the CDC for a Modified Conditional Use Permit approval to increase the number of children. Care will be provided for up to 170 children at any given time, Monday through Thursday from 8:00 a.m. until 2:45 p.m. and to increase the number of employees to 35 at any given time.

By that time the applicant had also received additional funding through a successful 6th cent tax request, and the building had been purchased by Sweetwater County. The applicant indicated that the funding would be used to satisfy the outstanding hydrant issues along with remodeling and improvements for the building.

Following discussion and recommendations by staff, the following approvals were given:

- 1) Permanent Conditional Use Permit approval shall be automatically granted (*at staff level*) once all of the conditions of approval have been met.

Then on November 8, 2013, it was noted that all outstanding conditions of approval had been met & FINAL Conditional Use Permit approval was granted, subject to the following:

- 1) Approval is for a maximum of 170 children at any given time and a maximum of 35 employees at any given time. Any changes in the originally approved permit, including increase in the number of children; movement, relocation, expansion or reduction in the size of the child care operation within the structure; or increase in the number of staffing, shall require review of the Conditional Use Permit application and may require modification of the existing permit or issuance of a new permit, if so deemed necessary by the Zoning Administrator.
- 2) The Planning & Zoning Commission shall have the right to revoke or revise the CCC Conditional Use Permit should legitimate complaints be lodged by property owners located within 200 feet of the CCC, or by the public, that the Child Care Center has adverse impacts on the health, safety and/or welfare of the neighborhood.
- 3) The Planning & Zoning Commission shall have the right and authority to revoke the CCC Conditional Use Permit for failure to comply with the conditions of approval established therein.

Project Name:
Sweetwater County CDC –
Modified C.U.P.

Project Number:
PZ-17-00121

Current Request

The applicant is now requesting **Modified** Conditional Use Permit approval to increase the days and hours of operation of the childcare/preschool to Monday through Friday, 7:00 a.m. to 5:30 p.m.

Child Care Center (CCC) is defined by §13-816.B of the Rock Springs Zoning Ordinance as:

“Any business operated by a private person, partnership, association or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more children receive care for part of the day.”

Per §13-816.E. of the Ordinance, the following conditions must be met in order for a Child Care Center (CCC) to be located within a B-2 (Community Business) Zoning District:

- (1) Child Care Centers shall be approved via a Conditional Use Permit, as set forth in §13-905, and shall also obtain Occupation Tax Application approval from the City of Rock Springs prior to commencement of use.
- (2) Child Care Centers shall obtain all required licenses from the State of Wyoming and shall also be approved by the City of Rock Springs Building Division and Fire Department.
- (3) Child Care Centers shall comply with the following requirements, regardless of the Zoning District in which they are located:
 - a. CCCs shall provide 0.25 off-street parking spaces per child per maximum session, plus 1 space per each employee. Required parking shall be installed, inspected and approved prior to commencement of the use. CCCs located in the B-3 Zoning District may be exempted from this requirement if the applicant can demonstrate there is adequate on-street or public parking located within 300 feet of the main entrance of the CCC building to meet the City’s parking standard.
 - b. CCC Conditional Use Permits shall be issued to a specific property. Should the CCC provider move to a new location, a new CCC Conditional Use Permit shall be required.
 - c. CCC Conditional Use Permits shall run with the land, provided:
 - i. All personnel employed within a CCC shall obtain the required permits from the State of Wyoming prior to commencement of use, and
 - ii. Any changes in the originally approved permit, including increase in the number of children; movement, relocation, expansion or reduction in the size of the child care operation within the structure; or increase in the number of staffing, shall require review of the Conditional Use Permit application and may require modification of the existing permit or issuance of a new permit, if so deemed necessary by the Zoning Administrator.
 - d. The Planning & Zoning Commission shall have the right to revoke or revise any CCC Conditional Use Permit should legitimate complaints be lodged by property owners located within 200 feet of the CCC, or by the public, that the child care facility/preschool has adverse impacts on the health, safety and/or welfare of the neighborhood.
 - e. The Planning & Zoning Commission shall have the right and authority to revoke any CCC Conditional Use Permit for failure to comply with the conditions of approval established therein.

Project Name:
Sweetwater County CDC –
Modified C.U.P.

Project Number:
PZ-17-00121

Analysis

Parking:

There are no changes in the parking requirements, 78 spaces are needed and 90 spaces exist.

Based upon the Site Plan submitted on September 7, 2010 and verified by inspection on October 4, 2011, the property has 90 available parking spaces, thereby meeting the requirements.

Property Owner Notification

Adjacent property owners were notified of this application on July 25, 2017 and were invited to comment. At the time this report was written, no written or verbal comments were received from adjacent property owners. 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 recommendation following public comment at the meeting. At a minimum, staff recommends that Permanent Conditional Use Permit approval is contingent upon the following:

- 1) Subject to approval by the Rock Springs Building Department.
- 2) Subject to approval by the Rock Springs Fire Department.
- 3) Subject to approval by the State of Wyoming for Child Care Centers.
- 4) Should the CCC provider move to a new location, a new CCC Conditional Use Permit shall be required.
- 5) Approval is for the childcare/preschool to operate Monday through Friday, from 7:00 a.m. to 5:30 a.m. with a maximum of 170 children at any given time and a maximum of 35 employees at any given time. Any changes in the originally approved permit, including increase in the number of children; movement, relocation, expansion or reduction in the size of the child care operation within the structure; or increase in the number of staffing, shall require review of the Conditional Use Permit application and may require modification of the existing permit or issuance of a new permit, if so deemed necessary by the Zoning Administrator.
- 6) The Planning & Zoning Commission shall have the right to revoke or revise the CCC Conditional Use Permit should legitimate complaints be lodged by property owners located within 200 feet of the CCC, or by the public, that the Child Care Center has adverse impacts on the health, safety and/or welfare of the neighborhood.
- 7) The Planning & Zoning Commission shall have the right and authority to revoke the CCC Conditional Use Permit for failure to comply with the conditions of approval established therein.



2017
CITY OF ROCK SPRINGS
FAMILY CHILD CARE CENTER (FCCC)
OR CHILD CARE CENTER (CCC)
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 7-20-17 File Number: PZ-17-00121
Payment Information: Amount Received: \$60 Received by: [Signature]
Cash or Check Number: 10582 Receipt Number: _____
Date Certified as Complete Application: 8-1-17 By: [Signature]

A. PROPERTY ADDRESS: 4509 Foothill Blvd. Rock Springs, WY 82901
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: Niki McKenzie
Company Name: Sweetwater County Child Developmental Center
Street Address: 1715 Hitching Post
City: Green River State: WY Zip Code: 82935
Email Address: mckenzie@sweetwatercdcwy.org
Phone Number: 307-875-0268 Fax Number: 307-875-0268
(including area code) (including area code)

Property Owner Information:
(if different from Petitioner)

Name: Sweetwater County Board of Commissioners
Company Name: Sweetwater County Child Developmental
Street Address: 80 West Flaming Gorge Way Center
City: Green River State: WY Zip Code: 82935
Email Address: _____
Phone Number: 307-922-5420 Fax Number: _____
(including area code) (including area code)

C. DEFINITIONS:

The following definitions will assist you in completing this application. Please consider them carefully prior to submitting your request for Conditional Use Permit approval.

- ☐ **Family Child Care Center (FCCC)** – A child care facility in which care is provided for a maximum of fifteen (15) children for part of a day, which may be in a residential or commercial type structure. **(NOTE: In the City of Rock Springs, FCCCs shall be permitted only in non-residential structures).**
- ☒ **Child Care Center (CCC)** - Any business operated by a private person, partnership, association or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more children receive care for part of the day.
- ☒ **Preschool** – Pre-Kindergarten instruction provided for children aged 3 years to 5 years and normally conducted for a two-to-four-hour period of time (session), said instruction designed to be preparatory for Kindergarten. [Note: In the City of Rock Springs, preschools may be conducted in a Child Care Center (CCC), Family Child Care Center (FCCC), or Family Child Care Home (FCCH).]



D. PLEASE ANSWER THE FOLLOWING ON THE SPACES PROVIDED:

Please be advised that your application will be reviewed based upon this submittal. Family Child Care Center (FCCC) or Child Care Center (CCC) Conditional Use Permits shall be restricted based upon the answers below, as well as the City's regulations. Should you want to increase the number of sessions, children, days, or hours of operation following approval, an amended application shall be required.

1. Proposed use is (mark only one):

☐ Child Care Only ☐ Preschool Only ☒ Child Care / Preschool Combination

2. Maximum number of employees on site at any given time:

35

3. Maximum number of children to be cared for on site at any given time:

170

4. Number of sessions per day:

2

5. If more than one session per day, list the separation time between sessions (ex. 1 hour):

2 Hours

6. Days and times of sessions (example: MWF, 9 a.m. - 11 a.m.):

m-TH

8:45am-11:15am 1st session

1:15pm-3:45pm 2nd session

7. Number of available parking spaces on site:

79

Daycare: m-F
7:00am-5:30pm

E. SUBMITTAL REQUIREMENTS:

The following items are required for submitting a complete Family Child Care Center (FCCC) or Child Care Center (CCC) Conditional Use Permit Application, and must be submitted in accordance with the submittal deadlines listed on this application. Applications submitted after the submittal deadlines, as listed, will be postponed until the following month. An incomplete application will not be reviewed and will be returned to the petitioner.

- ☒ Filing Fee - \$60.00
- ☐ 2 - Full-size Site Plan drawings drawn to scale (folded).
- ☐ 1 - 11x17 Site Plan drawing drawn to scale (if full-size drawing is larger than 11x17).
- ☐ 1 - PDF scanned at full-size of Site Plan drawing (submitted electronically to city_planner@rswy.net)
- ☐ If the FCCC or CCC is proposed for an existing building or property with other businesses / uses, provide a parking analysis or breakdown of parking needs for each business / use.
- ☐ Building Elevations / Architectural Drawings (to scale), if a new structure is proposed.

F. SITE PLAN CHECKLIST:

The following items shall be shown on your site plan (check them off as you consider each one). Failure to include these items could result in delays/denials:

- ☐ Project Address
- ☐ Location map
- ☐ Names and mailing addresses of developer / owner and engineer / architect
- ☐ Boundary line of property with all dimensions
- ☐ Adjacent streets and street rights-of-way
- ☐ Gross square footage of existing and proposed structures, including number of floors
- ☐ All paved and unpaved surfaces
- ☐ Parking facilities (including handicap parking) - including dimension of parking stalls, aisles, etc.
- ☐ Buildings and structures (existing and proposed), including setbacks from property lines for all structures
- ☐ Easements (access, utility, drainage, pedestrian, etc.)
- ☐ Utilities
- ☐ Landscaping
- ☐ Exterior signs
- ☐ Trash enclosures
- ☐ Surface water drainage arrows

G. SUBMITTAL DEADLINES:

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 <u>at 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

H. SIGNATURE(S) REQUIRED:

I acknowledge that I have read and understand this application and the pertinent Family Child Care Center (FCCC) or Child Care Center (CCC) Conditional Use Permit approval regulations of the City of Rock Springs. I further agree that if the permit is approved, I will comply with all pertinent regulations and conditions as set forth by the City of Rock Springs. I also 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 City's Zoning Ordinance shall be reason to deny or revoke any application or permit.

Signature of Applicant Wendi L. McKinzie Date 7/18/17

Signature of Property Owner See Attached Date 8.1.17

G. SUBMITTAL DEADLINES:

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H. SIGNATURE(S) REQUIRED:

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Signature of Applicant Whitl d McKinnis Date 7/18/17

Signature of Property Owner Reif O. West Date 8-1-17



City of Rock Springs, Wyoming

Department of Public Services
212 D Street, Rock Springs, WY 82901
Office [307] 352-1540 • FAX [307] 352-

*** Local Zoning Approval Receipt ***

APPLICANT:

Please complete the top portion of this form and have it available at the time of your Building and Fire inspections. You must contact the Chief Building Official and the Fire Inspector at the numbers provided to schedule your inspections. Once signed by the Chief Building Official AND the Fire Inspector, return this form to the City Planner's Office (address listed below). For questions regarding State of Wyoming approval, contact the Facility Licensing Officer, Department of Family Services, at (307) 362-5630.

Applicant's Name: Niki mckenzie
Child Care Facility Address: 4509 Foothill Blvd Rock Springs, WY 82901
Contact Phone Number: 307-875-0268

CITY REPRESENTATIVES:

The above-listed provider wishes to have a child care license. The State of Wyoming must have approval from the City of Rock Springs to consider the request. As a City representative, please sign the following area that applies to you if the provider has satisfied your department's requests.

1) **BUILDING:**

Jeff Tuttle, Chief Building Official
212 'D' Street
Rock Springs, WY 82901
(307) 352-1540

(Signature of Approval)

(Date)

2) **FIRE:**

David Rhoades, City Fire Inspector
212 'D' Street
Rock Springs, WY 82901
(307) 352-1540

(Signature of Approval)

(Date)

3) **ZONING:**

Amy Allen, Acting City Planner or Amy Cox, Planning Technician
212 'D' Street
Rock Springs, WY 82901
(307) 352-1540

Planning & Zoning Commission Meeting Date

Max. # Children Permitted at Any Given Time

Max. # Employees Permitted at Any Given Time

(Signature of Approval)

(Date)

After all signatures are received, this form will be forwarded to the State of Wyoming to provide documentation of the City of Rock Springs approval.

STATE OF WYOMING:

Once signed by all representatives listed above, this form serves as the applicant's receipt of "Local Zoning Approval". If you have any questions regarding this approval, please contact the City Planner at the address and phone number listed above.

July 25, 2017

Dear Property Owner / Interested Party:

This letter is to inform you that a request has been made by Niki McKenzie, representing the Sweetwater County Child Developmental Center, for **MODIFIED** Conditional Use Permit approval to operate a Child Care Center (CCC) on property located at 4509 Foothill Boulevard, Rock Springs, Wyoming. Records show that this property is adjacent to or near property you own (see map below). The following summarizes the application:

The applicant is requesting Modified Conditional Use Permit approval for the operation of a Child Care Center (CCC) to be located at 4509 Foothill Boulevard, Rock Springs, Wyoming. [This facility was approved by the Rock Springs Planning and Zoning Commission on November 8, 2013 for up to 170 children and 35 employees at any given time, M-TH from 8:00 a.m. to 2:45 p.m.] The applicant is requesting to add & operate a Preschool M-F from 7:00 a.m. to 5:30 p.m. The current approved number of children & employees will remain the same.

In accordance with Sections 13-808.C.(8) and 13-816.E.(1) of the Rock Springs Zoning Ordinance, Child Care Centers (CCC) are conditionally permitted uses which require approval from the Rock Springs Planning and Zoning Commission. In addition, §13-816.E.(3)(c)(ii) of the Ordinance states, "Any changes in the originally approved permit, including increase in the number of children; movement, relocation, expansion or reduction in the size of the child care operation within the structure; or increase in the number of staffing, shall require review of the Conditional Use Permit application and may require modification of the existing permit or issuance of a new permit, if so deemed necessary by the Zoning Administrator.

The Rock Springs Planning and Zoning Commission will consider this request at a public meeting held on Wednesday, August 9, 2017 at 7:00 p.m. in the Rock Springs City Hall Council Chambers, 212 'D' Street, Rock Springs, Wyoming. Interested persons or parties are encouraged to attend the meeting or submit written comments. Written comments will be accepted no later than Noon on August 9, 2017.

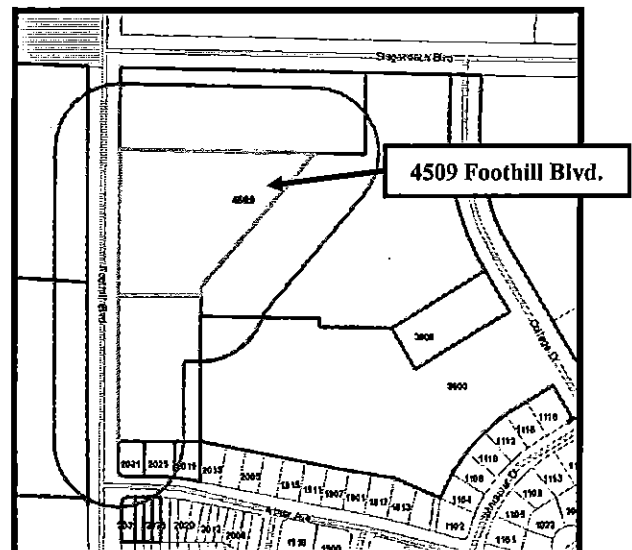
Sincerely,



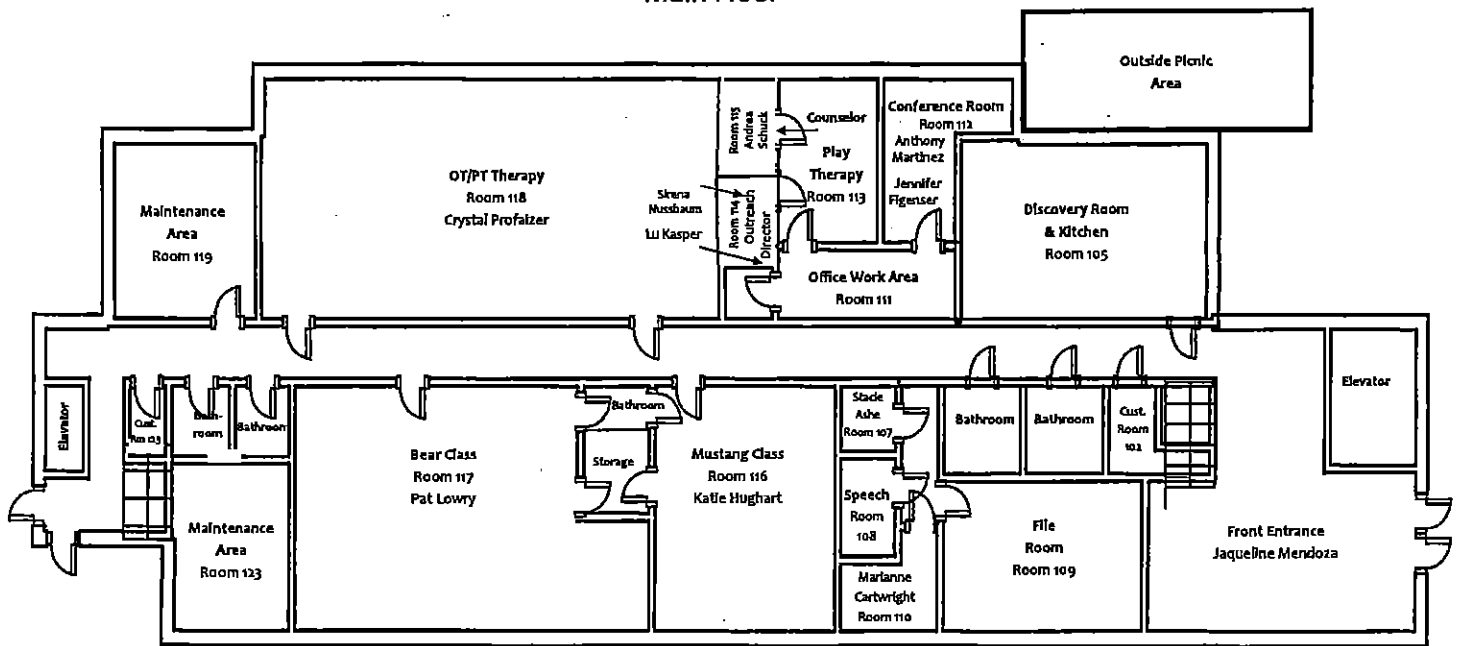
Amy Cox
Planning Technician

Cc: Planning File, City of Rock Springs
Ms. Niki McKenzie, Sweetwater County CDC,
1715 Hitching Post, Green River, WY 82935

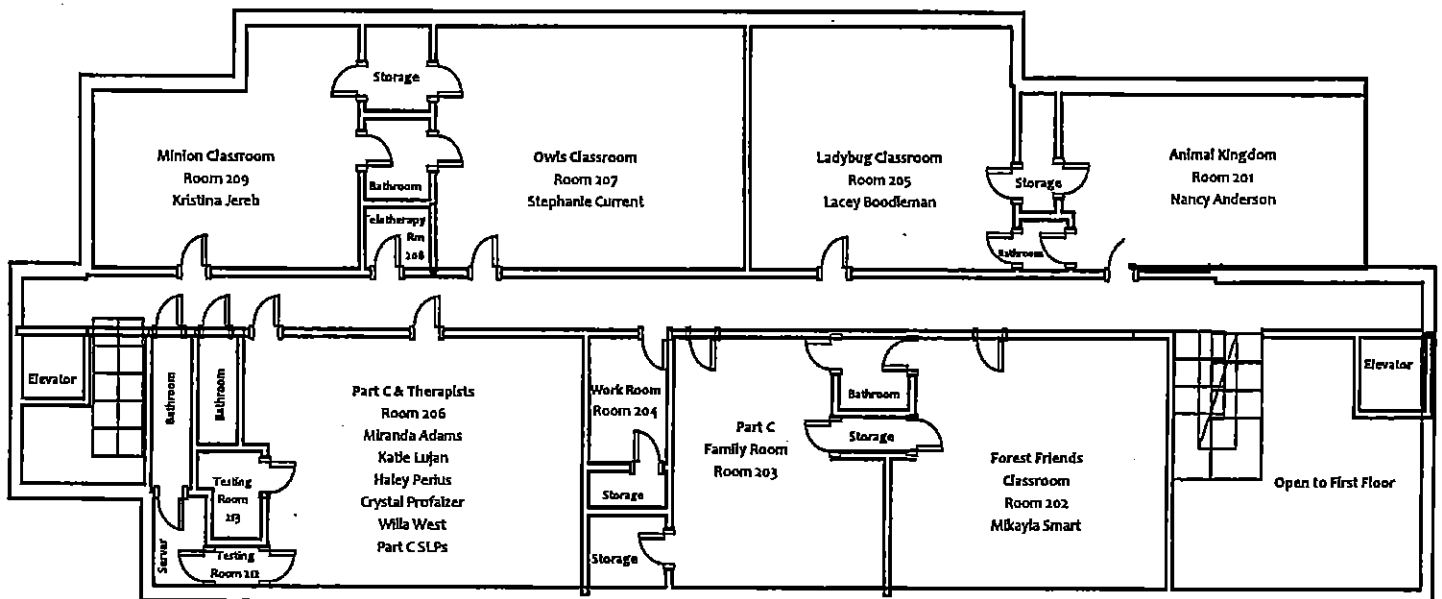
Enc.



Sweetwater County CDC Rock Springs Center Main Floor



Sweetwater County CDC Rock Springs Center Upper Level



DEAN JAMES
2032 ARTHUR AVE
ROCK SPRINGS, WY 82901-4451

CITY OF ROCK SPRINGS
212 D ST
ROCK SPRINGS, WY 82901-6235

BROWER DENISE P LIVING TRUST
BROWER DENISE & DALE TRUSTEES
PO BOX 211
GARDEN CITY, UT 84028-0211

RUFFINI CANDICE E & JACKSON STACEY A
2019 ARTHUR AVE
ROCK SPRINGS, WY 82901-4467

WILKERSON CLAYTON & TAMARA J
2031 ARTHUR AVE
ROCK SPRINGS, WY 82901-4467

MILLS KEITH R & JENSON JANET I
4410 J CROSS AVE
GILLETTE, WY 82718-4168

SWEETWATER COUNTY
80 W FLAMING GORGE WAY STE 109
GREEN RIVER, WY 82935-4252

DIOCESE OF CHEYENNE THE
PO BOX 468
CHEYENNE, WY 82003

FHP2 LLC ATTN: HIGH COUNTRY REALTY
1471 DEWAR DR STE 132
ROCK SPRINGS, WY 82901-5815

VOLCIC FRANK J & DENISE M
2025 ARTHUR AVE
ROCK SPRINGS, WY 82901-4467

1ST ARROW CORP
6905 S 1300 E # 277
MIDVALE, UT 84047-1817

GILL AMANDA E
2028 ARTHUR AVE
ROCK SPRINGS, WY 82901-4451

DONCASTER DENNIS L REVOCABLE TRUST
2030 ARTHUR AVE
ROCK SPRINGS, WY 82901-4451

MS. NIKI MCKENZIE
SWEETWATER COUNTY CDC
1715 HITCHING POST
GREEN RIVER, WY 82935