



**PLANNING AND ZONING COMMISSION  
MEETING AGENDA**

January 10, 2018 at 7:00 p.m.

---

ROLL CALL

APPROVAL OF MINUTES

1. Review and approval of the December 13, 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

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

NOTIFICATION OF MINOR SITE PLANS AND STAFF APPROVED CONDITIONAL USE PERMITS

1. Minor Site Plan approval for Iron Cowboy Crossfit, 701 2<sup>nd</sup> Street, submitted by Dave Palmer of Palmer Construction, Inc., applicant. (Project #: PZ-17-00198, Staff Representative: Amy Allen, Acting City Planner)

PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.
  - a. *Update on City Council actions*
  - b. *Selection of Nominating Committee for 2018 Chairman and Vice Chairman.*
2. Petitions and communications from the floor.

ADJOURNMENT

---

**PLANNING AND ZONING  
COMMISSION MINUTES  
December 13, 2017  
Wednesday, 7:00 p.m.  
City Hall, Rock Springs, Wyoming**

---

Commissioners Present:	Vice-Chairman Mike Shaw Keaton West Mark Erickson	Sue Lozier Matthew Jackman Gabe Bustos Tim Sheehan
Commissioners Absent:	Joe Drnas Lauren Schoenfeld	
Staff Present:	Amy Cox, Planning Technician Amy M. Allen, Director of Public Services Cathy Greene, Sr. Admin. Assist.	

**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 November 8, 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 Jackman: 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 Jackman: 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**

There were none.

### **PUBLIC HEARINGS**

- 1. Petition for a Rezone from Light Industrial (I-1) to Central Business (B-3) property located at 701 2<sup>nd</sup> Street, submitted by Dave Palmer, petitioner, property owner is High Desert Investment, LLC, Heather Anderson. (Project #: PZ-17-00197, Staff Representative: Amy Allen, PE, Acting City Planner)**

#### **Staff Report**

Ms. Allen presented the Staff Report dated December 8, 2017, to the Commission. Ms. Allen added that the developer will repave the parking lot across from Broadway Burger on the City leased property from the Union Pacific Railroad and the City will then maintain it, as discussed and agreed to during Utility Review.

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

Heather Anderson, the property owner and Dave Palmer, the contractor came forward to answer questions.

Commissioner Jackman asked based off the attached site plan how many parking spots were required. Ms. Allen said the B-3 wouldn't require onsite parking; however there will be 12 spaces in the lot they are repaving. The applicant stated Ms. Allen and the Mayor were both in agreement that the 12 spaces would be sufficient. Commissioner Jackman's concern was that the proposed high school couldn't get built do to the parking requirements.

Commissioner Erickson asked what sort of timeframe they were proposing; the applicant said it will be about 4 months, he has submitted the plans to Matt Bider in the building department and they are all set, he just needed to get the zoning approval.

The applicant stated the final paving will be pushed off until school is out and a sewer line project and curb and sidewalk replacement projects are completed by the City.

Vice-Chairman Shaw asked if the entrance was off 2<sup>nd</sup> Street; Ms. Allen explained where the entrance will be located referring to the site plan.

Commissioner Jackman asked how many clients they anticipated at a time; Cooper Palmer came forward and said approximately 16 to 25 for each class, with a couple of big gatherings a year.

The applicant added that there was additional parking in the City lot across Broadway.

Commissioner West said parking is tight as it is there, with Broadway Burger at lunch time as an example and there is no street parking in the vicinity, so that would be his concern.

#### **Public Hearing**

Vice-Chairman Shaw opened the Public Hearing and asked for any in favor of the proposal to come forward. There were none.

Vice-Chairman Shaw asked for any opposed to the proposal to come forward. There were none.

Vice-Chairman Shaw then closed the Public Hearing and asked for a staff recommendation.

Staff Recommendation

Ms. Allen recommended approval.

Commission Vote

Commissioner West: Motion to approve with staff recommendations.

Commissioner Sheehan: Second.

Vote: All in favor. Motion carried unanimously.

- 2. Petition for an Exemption for the Memorial Hospital of Sweetwater County Foundation, submitted by Tiffany Marshall, to operate in an R-2 Zoning District which is not an accepted use in an R-2. Project location at 305 College Lane. (Project #: PZ-17-00189, Staff Representative, Amy Allen, PE, Acting City Planner)**

Staff Report

Ms. Allen presented the Staff Report dated December 8, 2017, to the Commission.

Vice-Chairman Shaw asked the applicant or a representative for the project to come forward. Tiffany Marshall, Executive Director of the Foundation came forward.

Commissioner West asked why this was a request for an exemption instead of a conditional use permit. Ms. Allen stated that this use was not allowed in the R-2 and a conditional use permit would require it to be listed as an allowed use.

Commissioner Lozier asked if there was a house manager 24 hours a day; the applicant said the house manager is as needed, they check in on guests in the morning and in the evening and are available on call. If no one is occupying the home they check on it a couple times a week.

Commissioner Sheehan asked about the 27 visitors since it opened and what the parking has been like. The applicant stated that they do have a three car driveway and the most vehicles they have had at once has been three.

Commissioner Jackman asked what the maximum number of residents is; the applicant said they limit it to two families, one upstairs and one downstairs, if non-family situations they allow up to three patients as they have 5 bedrooms. In March they had 4 out of the 5 rooms occupied and that was the busiest they have ever been.

Public Hearing

Vice-Chairman Shaw opened the Public Hearing and asked for any in favor of the proposal to come forward. There were none.

Vice-Chairman Shaw asked for any opposed to the proposal to come forward. There were none.

Vice-Chairman Shaw then closed the Public Hearing and asked for a staff recommendation.

Staff Recommendation

Ms. Allen recommended approval.

Commission Vote

Commissioner Jackman: Motion to approve with staff recommendations.

Commissioner West: Second.

Vote: All in favor. Motion carried unanimously.

**UNFINISHED BUSINESS**

There was none.

**NEW BUSINESS**

- 1. Request for Conditional Use Permit approval for a Family Child Care Home (FCCH) for up to 10 children at 1104 Whitewater Drive and submitted by Tara Hyatt. (Project#: PZ-17-00200, Staff Representative: Amy Cox, Planning Technician)**

Staff Report

Ms. Cox presented the Staff Report dated December 11, 2017, to the Commission.

Vice-Chairman Shaw asked the applicant or a representative for the project to come forward. Applicant Tara Hyatt, applicant came forward to answer questions.

Commissioner Jackman asked if she has ever run a previous facility or has experience with childcare, the applicant stated she did not.

Commissioner Erickson asked if her target group was before and after school would lead to buses picking up and dropping kids off; the applicant stated that she is hoping to have kids from Stagecoach and have a walking routine to get the kids to and from school and her application is to operate for the full time frame of 7:00 a.m. to 5:30 p.m.

Commissioner Lozier asked what type of Group Home was there; Ms. Cox and Ms. Allen said it was a NOWCAP home.

Commissioner Jackman asked if there were any complaints about the schools in the area and the noise from them; Ms. Allen said yes, with Stagecoach there were and the others were designed and located differently.

Commissioner Sheehan asked if in the past a realtor had stated that having an FCCH would devalue the neighborhood; Commissioner Erickson said that it has come up however there were no hard facts to support that claim.

Commissioner Jackman asked the applicant if she had any clients lined up; the applicant said maybe one.

Commissioner Jackman asked the applicant why her decision to get into daycare; the applicant explained she had to have her husband come home and take a job here and for her to not work with the expectant baby she needs to get approval for up to 10 kids for it to financially work for them. She also has two step kids and one with ADHD that her husband also had to help handle.

The applicant stated that she knows parking is a concern, but she knows not all kids will come at once and she is sure some will be families with siblings.

Commissioner Jackman asked if there were any reports of traffic in neighborhoods; Ms. Cox said she didn't come across any.

Commissioner Sheehan brought up the parking, traffic plan that was required by previous applicants that had to be distributed and agreed to by all families of children in the facility. There was further discussion on this.

Commissioner Lozier asked if she planned to operate in the summer too; the applicant stated she'd like to just do the school year, but she might have to take maybe 3 kids in over the summer, she doesn't want to restrict herself and have more kids than her vehicle can transport and be stuck at home.

Commissioner West asked what sort of timeframe she planned to operate, the applicant said maybe two years, it all depends they also have some investment properties, so those could take off.

#### Public Comments

Vice-Chairman Shaw asked for anyone who would like to comment on the project to come forward.

Steve Wilson – 1103 Whitewater Drive across from the subject property, he stated the applicants are nice people, but he does object to the granting of the conditional use permit for a home daycare.

Mr. Wilson believes the demand for high quality daycare is there and believes the 10 spots will always be filled and if you do the math, 20 additional car trips a day is an additional 5,200 additional cars on Whitewater Drive and that is unacceptable.

Mr. Wilson gave a little background on the previous NOWCAP home; it was for men with developmental issues from 2006 until the summer of 2016. During that time they dealt with traffic issues with employees and buses, people parking on sidewalks, sprinkler heads being run over, boyfriends, girlfriends, and visitors all hours of the day and night. He stated the employees always seemed to be running late and always in a hurry racing in and out, he had one instance where a car came close to crashing into his home, slid right across his lawn in the snow. He stated if you are looking for an example go sit and watch traffic come and go from the YWCA. This is a huge concern as people walk, the cross country team trains, kids and adults ride bikes all through their neighborhood and it is a safety factor. He asked the commissioner to please look at this from a "what if" or "worst case scenario".

Mr. Wilson closed with two statements: One; do to the fact that NOWCAP was covered by ADA they couldn't do anything about it and dealt with it for 10 years. Two; he was told by a realtor the resale value of his home two years ago when the NOWCAP home was there was \$100,000 less. He doesn't think it would be that much less, but still feels this will affect his home value. He also referred to language in his deed stating, single family residential use only.

Commissioner Jackman asked what type of street Whitewater Drive is considered; Ms. Allen said residential.

Kelly Pruitt 1103 Stillwater – shares the back lot line with 1104 Whitewater Drive, he said they (he and his wife) moved in 9 years ago and have seen it all. They are in opposition and don't want the playground / daycare center. The school is about half a mile away and you can hear the kids there and that is fine, however this would be directly in their backyard, they have attached a picture to their letter showing the proximity. Tina Pruitt stated they are 50 feet from the backdoor to the fence; they have invested in the home they purchased. When the NOWCAP home came up for sale, they were excited and in hopes for new quiet neighbors, she stated "you wouldn't believe the noise". They have invested a lot of money into their yard to be able to enjoy their property coming into retirement. Mr. Pruitt added that both houses on either side of them built garages in their back yards to block the noise and problems from the former group home, so they still have that. He stated a residential neighborhood should be quiet with regular neighborhood sounds, not a commercial sized daycare.

Commissioner Erickson asked if the neighbors if they have personally discussed these issues and concerns with the applicant, and the applicant if she had talked to the neighbors about her plans. He stated it seems like the group home left a lot of negative issues and was wondering if there had been any communication to such. He also mentioned the conditions that have been placed on other home daycares as brought up by Commissioner Sheehan, regarding driving and parking.

Commissioner Jackman asked staff if we have ever done a temporary approval; Ms. Cox said yes, one she found was for a four month approval, then a year.

Robyn Hopwood 2916 Sun Dance Lane – had concerns that if the applicant is successful it will just increase and be busy with employees, buses, etc. and that is a big safety concern. Ms. Hopwood said they haven't met the two new tenants yet.

Mark Babel 2916 Sun Dance Lane – the street is very short and the increase traffic in the neighborhood is his biggest opposition.

Mr. Wilson added he can appreciate the other side, however pretend you bought a house next door or across the street and they plan to have as many clients as they can.

Mr. Pruitt added that it was a welcome change to see the group home leave. Ms. Pruitt can't believe it won't be a year round operation.

Mrs. Hyatt (the applicant) thinks the letter about traffic and parking is a great idea and would be happy to do it.

Commissioner Jackman questioned her not starting until March or April; the applicant said she doesn't know exactly and she wants to get quality children. Commissioner Jackman questioned the number of kids to adult ratio, employees, and City and State requirements. Ms. Cox and Ms. Allen both reviewed the ordinance and State requirements.

Commissioner West asked about lesser kids in the approval; Ms. Cox said the temporary approval she found was for the four month license approved for up to six kids; the one year license approved for up to ten kids.

Vice-Chairman Shaw asked if there was anyone in favor of the project that wished to come forward. There were none.

Ms. Cox and Ms. Allen read the letters into the record, both in support of and opposed to the project.

Commissioner Sheehan asked about someone else who might run a business from their home in the area and had further questions about Mr. Wilson's reference to single family residential only language reference in his deed.

Ms. Allen wasn't aware of any covenants in her neighborhood.

Commissioner Jackman asked how many complaints the City receives in a year regarding home daycares; staff said none.

Ms. Hyatt stated she feels like the opposition is based off the former group home, and addressed a few of the concerns mentioned, but she can't go with a lesser number of kids.

Ms. Cox stated the Commission could put any conditions on the approval they wanted.

Commissioner Lozier mentioned an earlier application that was heavily opposed and conditions that went with it.

Commissioner Jackman mentioned the possibility of a temporary approval till the last day of school.

Ms. Pruitt asked if they are looking at something even temporary could they at least consider something for a sound barrier requirement.

Commissioner Jackman asked Ms. Pruitt if she had a cell phone and if so recommended she record the noise to go along with noise complaints.

Ms. Pruitt further explained issues they dealt with on the group home and how there were multiple employees and aides and here we are looking at one person watching 10 kids in a single dwelling home and yard.

Commissioner Lozier asked what if a family with 10 kids moved in; she said she has issues with a neighbor that has barking dogs and can't do anything. Ms. Pruitt explained that she has asked herself that several times, not only does she have kids and grandkids as well as most of the neighbors. The difference is daycare kids are brought and left, these kids generally have no ownership, care, or respect for someone else's property or neighborhood. A family is vested in their home and neighborhood, so families generally have greater respect for their places.

Commissioner West stated it wasn't fair to the applicant that the neighbors have all had to deal with this for years, but they have.

Commissioner Sheehan mentioned that maybe they could hold off until the Commission could see the covenants or deed language that was spoken of.

Vice-Chairman Shaw stated for a point of clarification the Commissioner can make a motion to approve or deny said application.



Vice-Chairman Shaw closed the Public Comment period.

There is a need for a motion possibly a temporary basis with conditions from the Commissioner, but not less than 4 months to give it a fair chance.

The applicant asked if she could speak to clarify that she would be looking to start in the middle of February or beginning of March, not March or April as has been stated.

Commissioner Erickson referred to a FCCH application and staff report that was reviewed in June of 2017; there was discussion and review of said staff report conditions of approval.

Vice-Chairman Shaw asked for a staff recommendation.

Staff Recommendation

Ms. Cox stated that it was up to the Commission.

Commission Vote

Commissioner Erickson: Made a motion to accept PZ-17-00200 with conditions on a trial basis to expire on June 30, 2018, the conditions referred to in the July 9, 2017, FCCH staff report, with all 11 conditions.

Ms. Cox read conditions of approval into record to reflect the current application, which were:

Conditions of Approval:

1. Approval is for the provider, Ms. Tara Hyatt, to conduct childcare services at 1104 Whitewater Drive on a trial basis, not less than 4 months.
2. Conditional Use Permit approval is for the hours from 7:00 a.m. to 5:30 p.m., Monday through Friday for up to a maximum of ten (10) children at any given time. Should Ms. Tara Hyatt 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.
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. Ms. Tara Hyatt 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 and provide neighbors within a 200' radius of your residence, a copy of the letter also.
6. Approval is for Ms. Tara Hyatt to conduct childcare services at 1104 Whitewater Drive only. Should the provider, Ms. Tara Hyatt, move to a new location, a new FCCH Conditional Use Permit shall be required.
7. FCCH Conditional Use Permits shall not run with the land. Subsequent providers on the same property (1104 Whitewater Dr.) shall require a separate FCCH Conditional Use Permit.

8. Should Ms. Tara Hyatt 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.
9. 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.
10. 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.
11. Subject to approval by the State of Wyoming Department of Family Services.

Commissioner Sue Lozier: Second.

Vote done by roll call;

Commissioner West – nay

Commissioner Bustos – nay

Commissioner Erickson – yea

Commissioner Jackman – yea

Commissioner Sheehan – nay

Commissioner Lozier – yea

Commissioner Shaw – nay

3 – Yeas

4 - Nays

Motion failed.

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

- 1) Minor Site Plan approval for JoGee's Juice Bar LLC, 1695 Sunset Drive, submitted by Jo Lynn Emerson of JoGee's Juice Bar LLC, applicant. (Project #: PZ-17-00182, Staff Representative: Amy Cox, Planning Technician)
- 2) Minor Site Plan approval for Square State Brewing, submitted by Mike Hulen of Square State Brewing, applicant. (Project #: PZ-17-00192, Staff Representative: Amy Cox, Planning Technician)
- 3) Minor Site Plan approval for Parking area, 2417 Bitter Creek Trail, submitted by Darren Martin, 2417 Bitter Creek Trail. (Project #: PZ-17-00201, Staff Representative, Amy Allen, Acting City Planner)

**PETITIONS AND COMMUNICATIONS**

**1) Written petitions and communications.**

**a. Update on City Council Actions**

Ms. Allen said there were none.

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

Commissioner West thanked Ms. Allen for her time with the City and wished her well.

Ms. Greene informed the Commissioners they each had a list of the 2018 meeting dates for their record.

Commissioner Sheehan asked if we could get realtors or appraisers involved with the next master plan review and update to address some of these concerns about property values.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 8:56 p.m.

---

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

\_\_\_\_\_ day of \_\_\_\_\_ 2018.

---

Secretary, Planning & Zoning Commission