



**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

October 12, 2022 at 7:00 p.m.

ROLL CALL

APPROVAL OF MINUTES

1. Review and approval of the September 14, 2022 Planning & Zoning Commission Meeting Minutes. – [Packet Report Page #2](#)

ACCEPTANCE OF ANY STAFF REPORTS OR CORRESPONDENCE

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

PUBLIC HEARINGS

1. None

UNFINISHED BUSINESS

1. None

NEW BUSINESS

1. None

NOTIFICATION OF MINOR SITE PLANS AND STAFF APPROVED CONDITIONAL USE PERMITS

1. Brad & Kiera Bettolo – Attached Garage Exceeding 3 bays – CUP at 1970 Masters Drive (Project #: PZ-22-00346)
2. Homax Tank Expansion with gravel surface – CUP & Minor Site Plan at 1781 Blairtown Road (Project #: PZ-22-00339)
3. Vanlandingham Special Purpose Fence – CUP at 429 C Street (Project#: PZ-22-00340)
4. Rogue Plumbing LLC – Minor Site Plan – Change of Use at 110 Elk Street (Project #: PZ-22-00319)
5. Walmart Addition – Minor Site Plan at 201 Gateway Blvd (Project #: PZ-22-00317)
6. Boys ‘n Berrys – Minor Site Plan Change of Use at 1539 Foothill Blvd (Project #: PZ-22-00281)

Total of 49 new projects input in September, and 43 approved or closed out. These are a combination of: CUP, Residential Site Plans, Signs, Administration, Research, Occupation Tax Applications, Home Occupations, Minor Site Plans, Zoning Certifications, and Preliminary Application Reviews.

PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.
 - a. Update Business Licenses – [Packet Report Page # 10](#)
 - b. Update on City Council actions - [Packet Report Page # 11](#)
2. Petitions and communications from the floor.

OPEN DISCUSSION

1. Planning and Zoning Ordinances, sections that need adjustments, and prioritization.

ADJOURNMENT

**PLANNING AND ZONING
COMMISSION MINUTES**
September 14, 2022
Wednesday, 7:00 p.m.
City Hall, Rock Springs, Wyoming

Commissioners Present:	Chairman Justin Lemon Vice Chairman Cody Wylie Dan Kennedy Lacey Brown	Blake Manus Kevin Hardesty Emily Lopez Ken Fortuna
Commissioners Absent:	Zane Isaacson	
Staff Present:	Cathy Greene, City Planner Amy Clark, Senior Administrative Planning Technician	

CALL TO ORDER

Chairman Lemon called the meeting to order at 7 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

Chairman Lemon asked the Commission for any corrections or additions to the Minutes from the August 10, 2022, Planning and Zoning Commission Meeting.

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

Commissioner Lopez: Motion to approve the Minutes as presented.

Commissioner Fortuna: Second.

Vote: All in favor. Motion carried unanimously.

ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

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

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

Commissioner Lopez: Second.

Vote: All in favor. Motion carried unanimously.

CHANGES TO THE AGENDA

None.

PUBLIC HEARING

1. Request to amend the Master Plan Land Use Map from I, C and HDR to LDR and amend the Official Zoning Map from I-1 to R-3, filed by 1st Arrow Corp (Project # PZ-22-00338)

Staff Report

Ms. Greene presented the Staff Report to the Commission.

Notifications were mailed August 25, 2022 and the Public Hearing Notice was published Wednesday, August 31, 2022 in the Rock Springs Rocket Miner.

Commissioner Questions for Staff

None

Commissioner Questions for Applicant

Chairman Lemon asked the applicant or a representative for the project to come forward.

Eric Harris, engineer with WHS reviewed his client's proposed reasons for the zone change and master plan amendment. His client feels it will alleviate a hardship, the parcel is located within residential land, and we are proposing to change it all to R-3 low-density residential. There is a lot of industrial land available in this town right now and there aren't enough people to work it. Therefore, the solution is to develop residential land so people can move here to work, because there is a huge labor shortage. The 2012 Master Plan, it includes switching a lot of this land to residential land, but not all of it, and that is what we are hoping to change here.

Commissioners discussed concerns to the adjacent industrial properties. The I2 parcel was recently denied, and was basically stated that is to be industrial property, and we are basically limiting the use of his property. Are the surrounding landowners aware of how this change will affect their properties? This is the same concern that we had before in this area, we did have letters and people speaking about their property use prior, and this proposal still has an adverse impact on those property owners.

Public Comments

Chairman Lemon asked for anyone who would like to comment on the project to come forward.

Brian Marincic spoke in favor of this proposal for the same reasons he spoke in favor of the previous request. Yes, zone changes would affect neighboring property owners, but that is part of having zoning ordinances, if you are going to ask to change them, it is going to impact the neighbors. We still have demand for residential and limited demand for industrial, and yes it is going to have an impact. If we could build houses, we could fill them.

Commissioners discussed if the proposal has changed enough to obtain a different result once this request gets to City Council. Why the little corner, south of stagecoach, is being rezoned to R3 when it's questionable if you'll be able to put a lot there.

Chairman Lemon asked Ms. Greene if she knew if these changes have to follow property lines. Ms. Greene noted that the request was submitted by the entire section numbers with what the current legal description is. Chairman Lemon asked if it could be amended to exclude. Ms. Greene confirmed yes.

Commissioner Lopez asked if they would have to subdivide that little piece if they were to exclude. Ms. Greene noted no, the zone change could follow the right-of-way.

Bruce Macy, industrial property owner to the east, I do realize we do need developable residential in the city, the reason the previous request was shut down, because it is being built next to industrial one and two properties. Why isn't the property owner absorbing the buffer zone to reduce the impact to the neighboring properties? The industrial properties should be closer to the interstate, so that this traffic has access to interstate without going through residential areas where there are children playing. He owns a lot of that property in front of that and adjacent to Stagecoach and he wants to go back and rezone these other pieces, prior to developing the existing property that he has. Which I don't think is intelligent for the City to do, because he is going to rezone that and not do anything. If he wants to prove to us that he is going to do something, he should do something with the acres and acres he already has rather than go that far back and that deep into the community and destroy other people's prospects on their property.

Commissioner Lopez asked for clarification on the road, Mr. Macy's setbacks, and how they relate to the property lines. Ms. Greene noted the setbacks are from the residential zone boundary. Commissioner Kennedy added that going off of map server that the right-of-way width seemed to be forty feet, but that is map server distance that wasn't pulling documents, so it could be larger, but that was one of my concerns.

Chairman Lemon closed the public hearing at 7:34 pm.

Chairman Lemon then asked for a staff recommendation.

Staff Recommendation

Ms. Greene noted recommendation is; staff is not in support of this based off of City Council's decision last time. City Council was pretty firm with everything to the west of Elk Street and everything to the east of Foothill that is industrial to remain industrial. That is where they want the industrial land to stay focused. After hearing some of the comments and input, I think there could be some possible redesign done and the applicant could chose to come back with alternative plans to address some of the issues. The buffers from the remaining industrial land and get a little bit more creative with the zoning and what they're asking for. Address the triangular piece that is cut off, not just by Stagecoach, but also, you'll see on the other side, the property by foothill. At this time, staff would recommend tabling or referring it back to the applicant if they so choose to redesign.

Commission and Public reviewed the history of zoning in the City, the originally planning and zoning map for the City of Rock Springs, basically the areas that were already set up as residential, were brought in as residential, to their different degrees. There was no allotment for industrial or for anything else in the area at the time and as land was annexed it was brought in as agricultural. What that did, is it forced the people that owned the property to approached the city and get zoning done at that time. Another version is the City on the outskirts, zoned everything R-1, because that was the most restrictive. That's why you have huge blocks of R-1 and it's changed over time, but that was the default zone. Which means, probably, a good chunk of land was zoned R-1 just based off that and not on any other sort of evaluation.

Mr. Harris added that he recently moved to the community; my wife has an MBA and I have an engineering degree and we have to live in our folk's basement, because there is nowhere to live. We've tried to buy land, we have tried to do anything, and we can't. My wife works for the University of Wyoming and I work for an engineering firm, and we can't. Yes, there is other land that this individual owns and he has tried to change the zones on those too. He doesn't own residential, he wants to get rid of it at this point. He is eighty-seven years old, he is wanting to retire, and we would try to work with anybody that we can. As a person that lived here my whole life, then moved and came back, because I want to live here. But the feasibility is getting harder and harder to imagine myself here in ten years.

Commissioners discussed the changes that have been made from the previous application to now, potential problems with the location, and made recommendations of working with the surrounding property owners and the Planning Division to Mr. Harris. Mr. Harris added that he thought it would be a good idea to sit down and figure out what those changes are, so that we can get this developed. We can talk to adjacent landowners. Vice Chairman Wylie added, that a possible solution could be, first of all absorbing the buffer zone around all these disputed areas and incorporating that into the design. Then if you do that it could be a possible outcome for all parties to be happy and that way you won't adversely affect any adjacent property and at the same time, you'll have a better shot at getting the rezoning and actually moving through City Council this time.

Chairman Lemon asked if there was a motion and Ms. Greene did note that the Commission has the option to table the item. Commissioner discussed tabling and the related timeline. Ms. Greene added to meet the deadlines of the two month tabling deadline it would be difficult with advertising and getting the work done. Commissioner Lopez added logistically its best to let it die and then they can bring it back when they are ready.

Commission Vote

Commissioner Hardesty: Motion to deny.

Commissioner Lopez: Second.

Vote: Hardesty, Kennedy, Brown, Lopez, and Fortuna for the motion to deny. Manus and Wylie opposed the motion to deny. Motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- 1. Rogue Plumbing – Conditional Use Permit request for a “contractor office, shop, and yard” in the B-3 Central Business District at 110 Elk Street (Project # PZ-22-00331)**

Staff Report

Ms. Greene presented the Staff Report to the Commission.

Notifications were mailed August 18, 2022.

Commissioner Questions for Staff

None

Commissioner Questions for Applicant

Chairman Lemon asked the applicant or a representative for the project to come forward.

Josh Bearden, partial owner of Rogue Plumbing, any questions?

Chairman Lemon asked if clients are coming to this location or is it a dispatch location. Mr. Bearden answered it is a dispatch location with the possibility of clients coming in to pay.

Public Comments

Chairman Lemon asked for anyone who would like to comment on the project to come forward.

None

Chairman Lemon then asked for a staff recommendation.

Staff Recommendation

Ms. Greene recommended approval with the following conditions:

1. All Utility Review comments shall be met.
2. Applicant must update their Contractor Registration and Insurance with the Building Department.
3. Approved site plan must be followed, any modification will require an amended application.
4. No outdoor storage of new or used products or materials.

Commission Vote

Commissioner Kennedy: Motion to approve Project PZ-22-00331.

Commissioner Hardesty: Second.

Vote: All in favor. Motion carried unanimously.

2. Conditional Use Permit request for an “oversized detached garage”, submitted by Patrick Bettolo (homeowner) (Project #: PZ-22-00336)

Staff Report

Ms. Greene presented the Staff Report to the Commission.

Notifications were mailed August 24, 2022.

Commissioner Questions for Staff

None

Commissioner Questions for Applicant

Chairman Lemon asked the applicant or a representative for the project to come forward.

Patrich Bettolo, property owner, asked if there were any questions. Chairman Lemon asked if Mr. Bettolo could tell the Commission more about the project. Mr. Bettolo added he has a weird shaped lot, the garage is bigger than 1,200 square feet, going to kind of be behind it, I think we are about forty wide by forty-six, so a lot of it you won't really see. I'd like to get it tall enough to where I can pull my camper in. So that is the reason for the mean height being a little too much. That's basically all there is to it, I was hoping to put a bathroom in it if I could, but we will see what happens.

Public Comments

Chairman Lemon asked for anyone who would like to comment on the project to come forward.

None

Chairman Lemon then asked for a staff recommendation.

Staff Recommendation

Ms. Greene recommended approval with the following conditions, at a minimum:

1. Construction shall conform to the approved site plan and application, including required setbacks from property lines.
2. Pin inspection will be required prior to concrete pour to confirm it meets the setback shown on the approved site plan.
3. Any additional requested accessory structures will require modification to this Conditional Use Permit.
4. Drainage shall not impact adjacent properties and appropriate erosion control measures shall be utilized, both during construction and when construction is complete.
5. The use of the garage shall be limited to typical residential uses, such as storage of personal vehicles; any Home Occupations within the garage shall comply with the City's Home Occupation Requirements.
6. Planning approval does not constitute building permit approval, the applicant shall contact the City of Rock Springs Building Department to obtain a building permit for the garage.

Commission Vote

Commissioner Hardesty: Motion to approve PZ-22-00336 with staff recommendations.

Commissioner Kennedy: Second.

Vote: All in favor. Motion carried unanimously.

3. Conditional Use Permit and Major Site Plan Review submitted by Dan Kennedy, PE with JFC Engineers & Surveyors for Steed Metals. A request for a "scrap metal or used materials processing, handling, and storage facilities". (Project # PZ-22-00343)

Commissioner Kennedy excused himself from the item to represent his client.

Staff Report

Ms. Greene presented the Staff Report to the Commission.

Notifications were mailed September 7, 2022.

Commissioner Questions for Staff

None

Commissioner Questions for Applicant

Chairman Lemon asked the applicant or a representative for the project to come forward.

Dan Kennedy, engineer with JFC, representing Steed Metals on this project; basically the major site plan is for the use of scrap metals and material re-fabrication for the site. The site plan is basically staying the same. The other conditional use for the gravel parking is, because there is going to be large equipment on that, tracked equipment on that to load and unload large materials, that's not conducive to pavement, so there is no need to pave that, because it is going to get tore up. This site is in the center

of an I-2 zone, heavy industrial. It is pretty well buffered from any other site visible to that area. There is not a lot being added to the existing site, on the former Francis Drilling Fluids, the only addition is including the trash enclosure, because currently there isn't one there. I will try to answer any other questions you can come up with.

Public Comments

Chairman Lemon asked for anyone who would like to comment on the project to come forward.

None

Chairman Lemon then asked for a staff recommendation.

Staff Recommendation

Ms. Greene recommended final major site plan conditional use approval contingent upon the following:

1. All Utility Review conditions shall be met.
2. No structures are proposed or permitted on Lots 1, 2 or 3 situated on Dines Way.
3. Submittal and approval of drainage and storm sewer information by the City's Engineering Department.
4. Development plans shall conform to site plan specifications; any substantial changes to the Site Plan shall require review and approval by the Rock Springs Planning and Zoning Commission.
5. Dust Control Plan submitted shall be strictly adhered to.
6. All site improvements, including paved access apron off Killpecker Drive, gravel access apron off Dines Way, fencing, gates, trash enclosure, grading and drainage shall be installed prior to Planning and Engineering Departments sign off on the Business License/Occupation Tax Application.

Commission Vote

Commissioner Manus: Motion to approve PZ-22-00343 with staff recommendations.

Commissioner Wylie: Second.

Vote: All in favor. Motion carried unanimously.

NOTIFICATION OF MINOR SITE PLANS / STAFF APPROVED CONDITIONAL USE PERMITS

1. Billie Vanlandingham – Special Purpose Fence – CUP at 429 C Street (Project #: PZ22-00340)

Total of 40 new projects input in August, and 34 approved or closed out. These are a combination of: CUP, Residential Site Plans, Signs, Administration, Research, Occupation Tax Applications, Home Occupations, Minor Site Plans, Zoning Certifications, and Preliminary Application Reviews.

PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.

- a. Update Business Licenses
- b. Update on City Council Actions

Date of Council Meeting	P&Z Item	Council Action
<i>August 16, 2022</i>	A request filed by Travis Manus and Craig Knudsen to amend the Master Plan Use Map and the Official Zoning Map of the City of Rock Springs, for property located near Marchant and Thompson Streets (For Resolution #2022-118 and Ordinance #2022-11)	<i>Public Hearing</i>
<i>August 16, 2022</i>	Resolution 2022-118: A Resolution amending the “Official Land Use Map” of the Rock Springs Master Plan from Low Density Residential Density Residential, for property located near Marchant and Thompson Streets.	<i>Approved</i>
<i>August 16, 2022</i>	An Ordinance amending the “Official Zoning Map” of the City of Rock Springs from R-3 (Medium Density Residential) to R-5 (High Density Residential) for property located near Marchant and Thompson Streets	<i>1st Reading</i>

2. Petitions and communications from the floor.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:17 p.m.

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

_____ day of _____ 2022.

Cathy Greene, Secretary, Planning & Zoning Commission

September 2022

*Planning & Zoning approved the following business licenses.
Also see: Approved Mobile Vendors*

Lourdes Housekeeping

Residential and Commercial Cleaning Services

Lourdes Jauregui at 307-350-0084 or lourdesvillegas1104@yahoo.com

New Perspective Counseling

Mental Health Counseling Services

Julie Shockey at 307-389-8894 or jshockey4@gmail.com

AJ's Hauling and Trailer Rental

Trailer leasing and rentals

Andrew Cuentas at 307-696-1153 or haulingandrental@gmail.com

SUPPORT LOCAL BUSINESSES



Department of Public Services

212 D Street, Rock Springs, WY 82901
Tel: [307] 352-1540 • FAX [307] 352-1545
www.rswy.net

September 7, 2022

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

Re: August 2022 City Council Action Report

Dear Honorable Commissioners:

Please find a City Council Action Report for the following City Council meeting(s):

Date of Council Meeting	P&Z Item	Council Action
August 16, 2022	A request filed by Travis Manus and Craig Knudsen to amend the Master Plan Use Map and the Official Zoning Map of the City of Rock Springs, for property located near Marchant and Thompson Streets (For Resolution #2022-118 and Ordinance #2022-11)	Public Hearing
August 16, 2022	Resolution 2022-118: A Resolution amending the “Official Land Use Map” of the Rock Springs Master Plan from Low Density Residential Density Residential, for property located near Marchant and Thompson Streets.	Approved
August 16, 2022	An Ordinance amending the “Official Zoning Map” of the City of Rock Springs from R-3 (Medium Density Residential) to R-5 (High Density Residential) for property located near Marchant and Thompson Streets	1st Reading

Sincerely,

Cathy Greene

City Planner