



## PLANNING AND ZONING COMMISSION MEETING AGENDA

July 15, 2020

7:00 p.m., Rock Springs City Council Chambers

---

### ROLL CALL

### APPROVAL OF MINUTES

1. Review and approval of the June 10, 2020 Planning & Zoning Commission Meeting Minutes.

### ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

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

### PUBLIC HEARINGS

1. Consideration of Language Amendments to the Rock Springs Zoning Ordinance, Section 13-819 (Dining Decks), filed by the City of Rock Springs. (Staff Representative: Laura Leigh, City Planner)

### UNFINISHED BUSINESS

1. None

### NEW BUSINESS

1. Request for Conditional Use Permit approval for an oversized detached garage to be located at 313 I Street, filed by Jose Gonzalez. (Project PZ-20-00179, Staff Representative: Laura Leigh, City Planner)

### NOTIFICATION OF MINOR SITE PLANS AND STAFF APPROVED CONDITIONAL USE PERMITS

1. 6/26/2020 – PZ-20-00167 – 231 Sheep Creek Drive – Conditional Use Permit, Staff Level – Special Purpose Fence (six foot fence within corner yard) - filed by Chase Erickson.

### PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.
  - a. City Council Updates
2. Petitions and communications from the floor.

### ADJOURNMENT

---

**PLANNING AND ZONING  
COMMISSION MINUTES**  
**June 10, 2020**  
**Wednesday, 7:00 p.m.**  
**City Hall, Rock Springs, Wyoming**

---

Commissioners Present:	Chairman Matt Jackman Vice Chair Sue Lozier Gary Collins Dan Kennedy Blake Manus	Justin Lemon Kevin Hardesty Emily Lopez Ken Fortuna (arrived late)
Staff Present:	Laura Leigh, City Planner Cathy Greene, Senior Administrative Planning Technician	

**CALL TO ORDER**

Chairman Jackman 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**

Chairman Jackman asked the Commission for any corrections or additions to the Minutes from the May 13, 2020, Planning and Zoning Commission Meeting via video conferencing.

Add Commissioner Sue Lozier as the 2<sup>nd</sup> to move the motion in question.

With corrections or additions, Chairman Jackman asked for a motion to accept the Minutes as presented.

Commissioner Lemon: Motion to approve the Minutes as presented.

Commissioner Kennedy: Second.

Vote: All in favor.

**ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE**

Chairman Jackman 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 Lozier: Second.

Vote: All in favor.

**CHANGES TO THE AGENDA**

None.

**UNFINISHED BUSINESS**

None.

## **PUBLIC HEARINGS**

None.

## **NEW BUSINESS**

- 1) Request for Conditional Use Permit approval for an oversized detached garage to be located at 313 I Street, filed by Jose Gonzalez. (Project PZ-20-00140, Staff Representative: Laura Leigh, City Planner)**

### **Staff Report**

Ms. Leigh presented the Staff Report dated June 10, 2020, to the Commission along with Utility Review Comments from May 12, 2020, which are accepted into the record.

### **Commissioner Questions for Staff**

There were none.

### **Commissioner Questions for Applicant**

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

Applicant, Jose Gonzalez came forward to answer any questions.

*\*Commissioner Lozier asked if it was for personal use, Mr. Gonzalez said yes it is, he likes cars.*

*Commissioner Kennedy asked about fire department comments, Mr. Gonzalez said not yet.*

*Commissioner Lopez recused herself as she lives nearby.*

### **Public Comments**

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

Letter from B. Jackson in favor.

Letter from D. Tate opposed.

Letter from B. Toucher opposed.

Chairman Jackman then asked for a staff recommendation.

### **Staff Recommendation**

Ms. Leigh does not recommend approval for a garage this size to protect the residential character of the neighborhood.

### **Commission Vote**

Commissioner Kennedy: Motion to deny.

Commissioner Lemon: Second.

Vote: All in favor. Motion carried unanimously.

Ms. Leigh stated that even though this request was denied if the applicant comes back with something substantially different, he is more than welcome to submit that for review.

*\*Italicized font taken from notes and not recording, as there were issues with the recording.*

**2) Request for PUD Final Development Plan and Subdivision Final Plat approval for the Sweetwater Station, Phase 2 PUD Subdivision, filed by 4D Development. (Project PZ-20-00150 (Final Development Plan) and PZ-20-00151 (Final Plat), Staff Representative: Laura Leigh, City Planner)**

Staff Report

Ms. Leigh presented the Staff Report dated June 10, 2020 to the Commission.

Notification letters were sent out May 28, 2020, which included all additional people that previously commented in favor of or against the proposed plan.

Commissioner Questions for Staff

Dan Kennedy recused himself from any discussion as he is the engineer on this project.

Commissioner Questions for Applicant

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

*\*Mr. John Eddins with JFC representing 4D Development, he thanked the Commission for the opportunity to be here and that they do meet the criteria for Final Plat, PUD, and the City's Master Plan.*

Public Comments

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

*Mr. Jay Schneider of Lot 19, Sweetwater Station Phase One came forward and reiterated the information included in his two letters that were submitted and are part of the packet.*

*Mr. Fred Von Ahrens of Lot 15, Sweetwater Station Phase One came forward distributed a letter and read it into the record.*

*Mayor Tim Kaumo came forward and wanted to clarify a few things; that Mr. Schneider was speaking on the Council's behalf. The Council did vote to move forward, which the developer did move forward. He thinks it's a great subdivision, he supports it fully, and it does meet the requirements of the City.*

Additional Questions for Staff:

Commissioner Lemon asked the City Attorney about legal basis, he didn't see anything about the HOA and his understanding is the CCR's are a civil matter. Attorney Rick Beckwith stated that is correct, it is a civil matter between the HOA and the developer, the City doesn't enforce covenants. In response to the notion that the City will become mired in litigation, if we fail to let it lay until they get through with their litigation is not a realistic threat. What would really happen, if we didn't process the application as we are required to do by ordinance, is we could in fact open ourselves up for litigation and the developer could potentially seek a writ of mandamus against the City for not following its ordinances. The only thing this Commission needs to be concerned with is whether or not the applicant meets the criteria. One of the reasons that has been presented for you not to approve this application is because of the insistence that the covenants are enforceable. In Mr. Beckwith's opinion that is not our call to make, that will be up to a Court of law to decide whether or not those covenants are enforceable. He believes that litigation is probably what is needed here as it is the only way this issue is going to be resolved.

*\*Italicized font taken from notes and not recording, as there were issues with the recording.*

Commissioner Collins asked if the future residents of the next phase are subject to the current HOA regulations and CCR's that are currently enacted; Mr. Beckwith stated his legal opinion to that question is his own and not relevant to this proceeding.

Chairman Jackman then asked for a staff recommendation.

Staff Recommendation

Ms. Leigh stated she'd been taking notes during the meeting and we are here tonight because we received an application and we are required to process it.

Ms. Leigh recommends approval of PUD and Final Development Plan.

Commission Vote

Commissioner Lemon: Motion to approve PZ-20-00150 and PZ-20-00151 with staff recommendations.

Commissioner Manus: Second.

Vote: All in favor. Motion carried unanimously.

Mr. Ryan Greene started speaking from audience and was asked to come down to the podium. Chairman Jackman informed the Commissioners they could answer Mr. Greene's questions if they wanted to, however they didn't have to. Mr. Greene questioned some of the Commissioners on how they voted.

Commissioner Lopez thinks part of our struggle is that we are limited to what our ordinances are. She sees that they have a fight before them and when you have an expectation going into something, we weren't there from the beginning and this is the authority we have and it doesn't reach beyond that.

Mr. Ryan Greene stated the Commissioner Lopez is exactly right, he further stated during the process the communication keeps changing, Mr. Greene said the City Council stated the City would not approve anything and it keeps going further and further, they are under the impression that building permits can't be issued, Commissioner Lopez said it sounds like they have a lot of civil issues, and this will not be resolved "here".

Mr. Beckwith stated the dispute has to be resolved in a court of law.

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

- 1) 5/20/2020 – PZ-20-00144 – 402 Broadway – Minor Site Plan for Change of Use, Staff Level – change of use from office to massage for Modern Massage - filed by Kacey Cummins.
- 2) 6/3/2020 – PZ-20-00148 – 1965 Blairtown Road – Wireless Communication Facility Administrative Review – 100' monopole for co-location, filed by Horizon Tower, LLC.

**PETITIONS AND COMMUNICATIONS**

**1) Written petitions and communications.**

**a. Update on City Council Actions**

There were no actions.

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

With tighter budgets, we would like to know who actually wants hard copies of the staff report packets.

Ken Fortuna –	No
Emily Lopez –	No
Gary Collins –	Yes
Matt Jackman –	Agenda Only
Justin Lemon –	No
Dan Kennedy –	Agenda Only
Kevin Hardesty-	Agenda Only
Blake Manus –	Agenda Only
Sue Lozier –	Yes

**ADJOURNMENT**

With no further business, the meeting was adjourned at 8:09 p.m.

---

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

\_\_\_\_\_ day of \_\_\_\_\_ 2020.

---

Laura Leigh, Secretary, Planning & Zoning Commission



**PLANNING & ZONING COMMISSION**  
**STAFF REPORT**  
**July 15, 2020**  
**7:00 p.m., Rock Springs City Hall**

REPORT SUMMARY			
<b>Agenda Item:</b>	Public Hearing #1	Project Number:	PZ-20-00158
<b>Project Name:</b>	Dining Deck Ordinance Amendment (Move Out of Zoning Ordinance)		
<b>Project Location:</b>	Street rights-of-way within the B-3 Zoning District		
<b>Project Description:</b>	Petition filed by the City of Rock Springs to remove the Dining Deck Ordinance (Article 13-819) from the Zoning Ordinance to relocate ordinance to Chapter VI (Streets, Alleys, and Sidewalks)		
<b>Applicant:</b>	Richard Beckwith, City Attorney City of Rock Springs 212 D Street Rock Springs, WY 82901	<b>Property Owner:</b>	N/A
<b>Engineer:</b>	N/A		
<b>Public Notification:</b>	Adjacent Property Letters Mailed: N/A Public Hearing Notice: 6/27/2020 and 7/11/2020		
<b>References:</b>	Chapter 13 - Zoning Ordinance - §13-819 Dining Decks Chapter 6 – Streets, Alleys and Sidewalks – Article 6-1 Regulation of Use		
<b>Exhibits:</b>	A – Chapter 13 - Zoning Ordinance - §13-819 Dining Decks B – Chapter 6 – Streets, Alleys and Sidewalks – Article 6-1 Regulation of Use C – Redline Ordinance D – Public Hearing Notice		

**PETITION:**

In 2018, the City of Rock Springs added Section 13-819 Dining Decks to the Rock Springs Zoning Ordinance (**Exhibit A**). The purpose of the ordinance is stated to “establish requirements and guidelines for restaurants in the B-3 Zone that wish to add dining decks as an accessory use to their existing restaurant.” Dining Decks, by definition, are located on the abutting parking spaces in front of the establishment for patrons and other persons. Additionally, by definition, the dining deck can only be accessed from the sidewalk.

Due to the COVID-19 pandemic, to maintain social distancing standards, the City has received an increase in inquiries from bars, in addition to restaurants, to establish outdoor dining/seating areas on their private properties and within the public street rights-of-way. It was requested by the City Council to review the current dining deck ordinance to clarify the language as it pertains to bars as well as restaurants.

During review of the existing ordinance, it was noted that the dining deck ordinance pertains only to decks that are located within the city's street rights-of-way. In general, Zoning Ordinances regulate private properties. Public lands, such as those located in the street right-of-way, are governed by other Chapters of the municipality's ordinance. In the case of Rock Springs, this would be Chapter VI which is titled "Streets, Alleys and Sidewalks". Section 6-601 of this chapter (**Exhibit B**) outlines the "Regulations of Use" within streets, alleys and sidewalks, including, but not limited to:

- 6-101 Buildings, Signs and Obstructions
- 6-102 Goods in Street
- 6-104 Excavation in Streets
- 6-111 Building Material In Streets Prohibited
- 6-113 Dangerous Sidewalks
- 6-114 Cleaning Sidewalks; and,
- 6-117 Signs, Awnings, Canopies, Marquees along Highways

It is the intent of this amendment to repeal all of Section 13-819 from the Zoning Ordinance and move it to Chapter 6, Article 1 "Regulations of Use" as a new section, Section 6-120. The language will be similar in that the application process will follow the general procedures of a minor site plan review, and that it will continue to be required that dining decks within the rights-of-way are permitted only in the B-3 Zoning District.

Adding the new language to Chapter 6 will be handled through the City Attorney's Office and the City Council. The Planning and Zoning Commission will only be providing a recommendation to repeal the Dining Deck Ordinance from the umbrella of the Zoning Ordinance for the purpose of placing the ordinance where it belongs (see **Exhibit C** for the redline copy showing the repeal).

#### **PUBLIC NOTIFICATION:**

A Public Hearing Notice was duly published in the Rock Springs *Rocket Miner* on June 27, 2020 and July 11, 2020 (**Exhibit D**). At the time of this report, staff had not received any public comments on the proposed amendment. Staff will advise the Commission of any comments received.

#### **STAFF RECOMMENDATION:**

It is staff's recommendation to repeal §13-819 Dining Decks from the Rock Springs Zoning Ordinance for the purpose of transferring the ordinance to Chapter VI titled Streets, Alleys and Sidewalks.



# EXHIBIT A

## §13-819 Dining Decks

### 13-819. Dining Decks

#### A. Purpose

The purpose of this section is to establish requirements and guidelines for restaurants in the B-3 Zone that wish to add dining decks as an accessory use to their existing restaurant.

#### B. Definitions

Dining Deck: means a platform(s) operated by an existing restaurant or food establishment which sells food, beverages or alcoholic beverages for immediate consumption, subject to design guidelines established herein, located on the abutting parking spaces in front of the establishment for patrons and other persons. The dining deck can only be accessed from the sidewalk.

#### C. Application

An application for Dining Deck approval shall follow the submittal and review process as a Minor Site Plan in accordance with Section 13-904. Information required under D. General Provisions of this Section shall be included. The site plan shall be stamped by a Wyoming Licensed Professional Engineer. Due to City Street Right-of-Way involved, a Lease Agreement with the City of Rock Springs must also be submitted.

#### D. General Provisions

(1) Size: Dining deck area shall be limited to the linear street frontage of the restaurant. The encroachment of the proposed decks into the street will not exceed 9 feet from the curb. The dining deck shall be situated in a

manner to provide safe vehicle movement for the adjacent street parking spaces. The encroachment of the proposed decks into the sidewalk shall be minimized to provide a minimum of 6 feet clearance between the deck and the building. The dining deck shall not be more than 4 feet above the sidewalk level.

(2) Application: A dining deck application shall be valid for one (1) year

(3) Material: Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The dining deck shall have a perimeter railing, barrier, or similar structure which shall provide protection and enclosure for the dining deck. The railing or barrier shall be determined by the City on a case by case basis.

(4) Drainage: Design of the dining deck and its skirting shall not interfere with existing drainage and shall allow storm water to run adjacent to the curb unobstructed. A drainage plan must be provided and stamped by a Wyoming Licensed Professional Engineer.

(5) Utilities: Location of all utilities shall be shown on the Site Plan. Dining decks shall not be placed on top of manholes, water valves, or storm drains. Access to utilities including fire hydrants shall not be hindered by the dining deck.

(6) Street: Bonding shall be included under the Lease Agreement for potential damage to the

- infrastructure (pavement, sidewalk, curb/gutter, etc)
- (7) Umbrellas: Umbrellas are allowed but are prohibited from extending beyond the dining area.
  - (8) Duration: Dining decks are permitted from May 1<sup>st</sup> and shall terminate on October 30<sup>th</sup>, each year, and must be completely removed by November 7.
  - (9) Licensing: The applicant shall adhere to applicable City and State licensing ordinances including alcoholic beverage permits.
  - (10) Alcoholic Beverages: All alcoholic beverages to be served on the dining deck shall be prepared within the restaurant and shall only be served to patrons seated at tables on the dining deck
  - (11) Food Service: all food to be served on the dining deck shall be prepared by the restaurant
  - (12) Maintenance: the maintenance of the dining deck shall be the responsibility of the establishment including but not limited to, surface treatment and cleaning, litter control, sweeping, and snow and ice removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
  - (13) Storage: All equipment and other associated materials must be removed and stored on private property during the off season.

#### E. Review and Approval

The Dining Deck Application shall be reviewed as a Minor Site Plan under Section 13-904. Final Approval shall be by the City Council along with a Lease of City Street Right-of-Way.

(Ord. 2018-08, 6/5/18)

# EXHIBIT B

## Article 6-1 Regulation of Use

## Article 6-1

### REGULATION OF USE

#### Sections:

- 6-101 Buildings, Signs and Obstructions.**
- 6-102 Goods in Street.**
- 6-103 Removing Earth, Stone or Gravel From Streets.**
- 6-104 Excavation In Streets.**
- 6-105 Interfering With the Construction or Repair of Streets or Sidewalks.**
- 6-106 Moving Buildings.**
- 6-107 Pools of Water on Streets or Sidewalks.**
- 6-108 Throwing Material From Roofs.**
- 6-109 No Nails, Glass, Etc., to Be Placed on Streets.**
- 6-110 Erection of Telephone, Telegraph or Electric Light Poles on Streets.**
- 6-111 Building Material In Streets Prohibited.**
- 6-112 Coal-Holes, Cellar Doors and Vaults.**
- 6-113 Dangerous Sidewalks.**
- 6-114 Cleaning Sidewalks.**
- 6-115 Spitting on Sidewalk.**
- 6-116 Penalty.**
- 6-117 Signs, Awnings, Canopies, Marquees Along Highways.**
- 6-118 Track Construction Pavement Interference With Other Use of Streets.**
- 6-119 Creosote Treated Ties and Timbers Prohibited.**

**6-101 Buildings, Signs and Obstructions.**

It shall be unlawful for any person to erect, build, set up or maintain, in whole or in part, any fence, sign, shop, post or any building or obstruction whatever in or upon any street, avenue, alley or sidewalk or other public ground within this City; nor shall any

sign, awning or other obstruction be suspended from any building, or in any other manner, into or over any sidewalk or street or alley, so as to obstruct in any manner the free passage of people, or in any manner obstruct travel; nor shall any sign, awning or other obstruction be suspended in or over any portion of a street other than the sidewalk line. All awnings, including the aprons thereof, and all other suspensions from any building, and all suspensions whatever, over any sidewalk, shall not come nearer to the sidewalk than six and one-half feet. (Ord. No. 27, 8-12-04; 25-1, Rev. Ord. 1938; Rev. Ord. 1963).

**6-102 Goods in Street.**

It shall be unlawful for any person to place or permit to be placed upon or over any sidewalk in the said City, or suspend over or place or deposit in any street or sidewalk in said City any goods, wares or merchandise for sale, show or otherwise beyond the front line of the lot where such goods may be placed or suspended. (Ord. No. 27, Sec. 2, 8-12-04; 25-2, Rev. Ord. 1938; Rev. Ord. 1963).

**6-103 Removing Earth, Stone or Gravel From Streets.**

It shall be unlawful for any person to dig, remove, or carry away, or cause or procure the same to be done, any sod, stone, earth, sand or gravel from any street, alley or other public ground in this City; provided, however, that the right to do so may be granted by the Mayor and Council of this City in cases where no injury, public or private is done thereby, provided that this section is not intended to apply to public work done upon such places. (25-3, Rev. Ord. 1938; Rev. Ord. 1963).

**6-104 Excavation In Streets.**

(a) Permit and Bond Required.

It shall be unlawful for any person, persons, company, co-partnership, or corporation to dig or excavate any hole, drain, ditch, or any other excavation in or upon any street or alley in this City, without first having obtained from the Department of

Public Services, a written permit, and filed a good and sufficient bond with the City of Rock Springs, with security approved by the City Clerk, conditioned to hold the City harmless and free from all damages that might be caused thereby, and further conditioned that said person, persons, company, co-partnership or corporation shall repair said street or alley at his or their own expense, and under the supervision of the Director of Engineering and Operations, and shall replace and leave said street or alley in its former state, and shall replace its surface and leave the same in the same condition as before commencement of the digging or excavating. The Director of Engineering and Operations shall approve or disapprove all digging, excavating and repairing, and filling in of all such excavations, and may at his discretion repair such streets and charge the cost thereof to the holder of the permit. The amount of the bond in each case shall be fixed by said Assistant City Engineer, which amount shall be not less than twice the estimated total cost of repair. Any such permit shall be granted only for temporary and necessary purposes, and the permit shall state when it expires. In no case shall such a permit be granted within 90 days after completion of a street overlay project at the site of the proposed excavation, except in the case of an emergency, in which case a permit may be granted after filing with the City Clerk of an Affidavit setting forth the nature of the emergency. The cost of such permit shall be the sum of Five (\$5.00) Dollars, which shall be paid to the City Treasurer. (Ord. No. 148, Sec. 1, 11-5-17; 25-4(a), Rev. Ord. 1938; Amend. Ord. 707, 4-7-41; Rev. Ord. 1963; Ord. No. 76-22, 7-6-76).

(b) Warning Public of Excavation.

Any person making any such excavation, or digging any such drain, or ditch, or causing the same to be done, under written permit of the Director of Engineering and Operations, shall provide and maintain during the night, between dusk and daylight, and at all times when no person is left for guard, a temporary fence or suitable obstruction, around and in front of

the same, and place and keep at or near such place between dusk and daylight a suitable light, in order to serve as a warning and prevent persons, animals or vehicles from falling into the same, and such light, fence or obstruction shall not, during the same time the same is required to be placed, be removed therefrom by anyone. The person, company, or corporation obtaining such permit and causing such excavation to be made shall post a sign at the site of the excavation, listing the name of the permittee. (Ord. No. 20, Art. I, Sec. 24, 8-4-04; 25-4(b), Rev. Ord. 1938; Amend. Ord. 707, 4-7-41; Rev. Ord. 1963; Ord. 76-22, 7-6-76).

(c) Filling Excavation.

Promptly after such excavation, hole, ditch, or drain has served its intended purpose, such person or persons making or causing to be made such excavation, hole, ditch, or drain, shall fill the same in a proper and workmanlike manner and such filling shall be accomplished by the time of the expiration of the permit granted, as herein contemplated, according to the City of Rock Springs Standard Specifications for back filling excavations, and a surface of equal quality to the surfacing of the street shall be applied within seventy-two (72) hours of the completion of the excavation project. Such surfacing shall be extended beyond the actual excavation to a sufficient extent so that the street surface is restored to a continuous unbroken overlay. In event of any future settling of such area because of such excavation, hole, ditch, or drain, it shall be the duty and responsibility of the permittee to repair such site forthwith, on notice by the Director of Engineering and Operations. Each day of delay in completion of such street surface overlay shall be considered a separate violation of this ordinance and subject to the penalties provided for violation hereof. (Ord. No. 148, Sec. I, 11-5-17; 25-4(c), Rev. Ord. 1938; Amend. Ord. 707, 4-7-41; Rev. Ord. 1963; Ord. 76-22, 7-6-76).

**6-105 Interfering With the Construction or Repair of**

### **Streets or Sidewalks.**

It shall be unlawful for any person to hinder or obstruct the making or repairing of any pavement, sidewalk or crosswalk in this City, which is or may be in the course of construction pursuant to any ordinance, resolution or order of the City Council, or to hinder or obstruct any person employed in making or repairing any public improvement or work ordered by the City Council. (Ord. No. 25-5, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-106 Moving Buildings.**

It shall be unlawful for any person to move any building or frame of any building into or upon or along any of the public streets, alleys or other public grounds or places, or to cause the same to be upon any of said places, or otherwise to obstruct the free passage of the streets and public thoroughfares, without the written permission of the City Marshal. Such permit shall state the streets, or parts of streets, or alleys, or parts thereof, in, through or upon which such building or part thereof may be moved, confining the obstruction to be caused to such streets or parts thereof, as to cause the least inconvenience to travel and to public convenience. It shall be unlawful for any person to leave any such building or frame of a building upon any of the public streets or alleys during night, unless from dusk to daylight, there is placed on or about such buildings or frame of building, on all sides, a red light properly secured, to serve as a sign of danger. It shall be unlawful for any person, during such time, to remove any of such lights, so placed. (Ord. No. 25-6, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-107 Pools of Water on Streets or Sidewalks.**

It shall be unlawful for any person to cause a pool of water, or to cause any standing water to be in or upon any street, sidewalk, alley or other public ground, or to throw, or to let flow, or to deposit any water in or upon the same, so as to cause the same to be wet, muddy, slippery, or otherwise dangerous or obnoxious. It shall be unlawful for any person to permit water to flow, run,

or trickle from any premises, buildings, or grounds owned or occupied by him or her, so as to cause any sidewalk, alley, street, or other public ground, or any part thereof, to become wet, muddy, slippery, or otherwise inconvenient, dangerous or obnoxious; provided, however, that this section shall not be construed to interfere with the proper extinguishment of fires, or the use of water in any manner in other cases of like necessity, nor with the proper irrigation of tree or park lines in this City. (Ord. No. 25-7, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-108 Throwing Material From Roofs.**

It shall be unlawful for any person or persons to throw gravel, tar, paper, shingles, or other roofing material from the roof of any building when the roof is being constructed or repaired, or at any other time, into any street, sidewalk, alley, or other public ground in this City. (Ord. No. 25-8, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-109 No Nails, Glass, Etc., to Be Placed on Streets.**

It shall be unlawful for any person to place, throw or deposit, upon any street, alley or driveway, nails, tacks, glass, crockery, bottles, thorns or other articles likely to injure the tires of any vehicle. (Ord. No. 25-9, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-110 Erection of Telephone, Telegraph or Electric Light Poles on Streets.**

It shall be unlawful for any person or corporation to construct, erect or place any telephone, telegraph or electric light pole, guy wire, "dead man" or any other post or device to be used for the purpose of supporting such pole, in any street of this City, without first having obtained a written permit therefor from the City Council of this City. The application for such permit shall be in writing and may be made at any regular meeting of the City Council, and such application shall set forth with certainty the exact location where it is proposed to construct, erect or place such pole, guy wire,

post or device. Any permit which may be issued by the City Council, upon such application, shall also set forth with certainty the exact location at which such construction or erection is allowed. (Ord. No. 83, Sec. 3, 8-17-08; 25-10, Rev. Ord. 1938; Rev. Ord. 1963).

#### **6-111 Building Material In Streets Prohibited.**

It shall be unlawful for any person to throw, place or deposit upon any street, alley or sidewalk any earth, sand, dirt, plaster, lime, lumber, wood or other building material, without the permission of the City Marshal. (Ord. No. 25-11, Rev. Ord. 1938; Rev. Ord. 1963).

#### **6-112 Coal-Holes, Cellar Doors and Vaults.**

It shall be unlawful for any person to keep open or permit to be left open or unguarded any cellar door, grating or other covering of any coal-hole, cellar or vault in any street or alley or sidewalk, or to permit any such covering or door of any premises owned, used or occupied by him to be left open or out of repair, or in any manner to be insecure. (Ord. No. 25-12, Rev. Ord. 1938; Rev. Ord. 1963).

#### **6-113 Dangerous Sidewalks.**

It shall be unlawful for any owner or occupant of any premises knowingly to allow any sidewalk abutting on or in front of any building or premises owned or occupied by him, to be or to remain out of repair, so as to be in any way unsafe or dangerous for travelers thereon. It shall be unlawful for any person to violate any of the foregoing provisions of this section, and, after having received notice from the Street Commissioner that such sidewalk is out of repair and in unsafe or dangerous condition, to fail, neglect or refuse to comply with the requirements of such notice, or to fail, refuse or neglect to put the same in a safe condition. (Ord. No. 25-13, Rev. Ord. 1938; Rev. Ord. 1963).

#### **6-114 Cleaning Sidewalks.**

(a) It shall be the duty of the occupant (or the owner, if the premises are not occupied) of any premises within the limits of this City, to keep the sidewalks in front thereof free from accumulation of snow and ice, mud, waste and offensive material, and to remove the same with reasonable dispatch.

(b) It shall be unlawful for any person to allow or permit snow, ice, mud, waste or offensive material to remain or be upon the sidewalk in front of his residence or place of business in this City, for a period of more than two hours after being notified by the Marshal or Deputy Marshal to remove the same from said sidewalk. (Ord. No. 121, 1-2-12; 25-14(a & b), Rev. Ord. 1938; Rev. Ord. 1963).

(c) It shall be unlawful for any person to deposit any snow, ice, mud, waste, or offensive material into a public right-of-way except under the following conditions:

(i) Snow and ice removed from sidewalks, driveways, and other portions of a private property shall, to the extent possible, remain on that same private property.

(ii) Snow and ice may be moved into the street right-of-way adjoining that same private property only if storm drains, intersections, driveways, and travel ways are not impeded.

Drainage and access issues caused by depositing of snow and ice from private properties into the public right-of-way will not become the responsibility of the city to mitigate. (Ord. No. 2011-13, 12/20/11)

#### **6-115 Spitting on Sidewalk.**

It shall be unlawful for any person to spit upon any sidewalk or street crossing within the City of Rock Springs, or in or upon the floors or walls of any public building therein. (Ord. No. 108, Sec. 1, 6-6-10; 25-15, Rev. Ord. 1938; Rev. Ord. 1963).

#### **6-116 Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon



conviction thereof, shall be fined in any sum not more than One Hundred (\$100.00) Dollars, to which may be added the costs at the discretion of the Court. (Ord. No. 20, Art. I, Sec. 25 and 26, 8-4-04; Amend. Ord. 148, Sec. 2, 11-5-17; 25-16, Rev. Ord. 1938; Rev. Ord. 1963).

#### **6-117 Signs, Awnings, Canopies, Marquees Along Highways.**

(a) No person, firm, company, corporation or association shall permit, erect or cause to be erected any awnings, canopies, marquee, advertising signs or similar installation that extends into, over or across any primary, secondary, urban or other classes of Federal-aid highways within the City of Rock Springs. All awnings, canopies, marquee, advertising signs shall not be less than two (2) feet behind the curb line with a minimum clearance of ten (10) feet from the sidewalk to the bottom of the sign. All supports, braces, guy-wires or similar supporting devices shall not be in or on any established highway right-of-way.

(b) All awnings, canopies, marquee, advertising signs or similar installations which are in place prior to the date of this ordinance, which are supported entirely from outside the highway right of way, may be permitted to remain under a revocable permit from the City of Rock Springs in accordance with the limitations and restrictions contained therein, but subject, however, to compliance with this ordinance in the event extensive repair or maintenance of such awnings, canopies, marquee and advertising signs is instituted by the owner.

(c) Application for such permits must be made within ninety (90) days after the passage of this ordinance.

(d) Any person convicted of a violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Two Hundred (\$200.00) Dollars. If any violation be continuing, each day's violation shall be deemed a separate violation. (Ord. No. 75-11, 4-15-75).

#### **6-118 Track Construction Pavement**

#### **Interference With Other Use of Streets.**

(a) Interference with other use of streets. Any railroad company which operates upon or occupies any public street, or alley, thoroughfare or other public property of this City will so operate engines and cars thereon, as not to deprive the public of the use and enjoyment of such part of said street, or alley, thoroughfare or other public property of this City, and so as to interfere as little as possible with the flow and free travel thereon, and so as not to interfere with or damage any manhole or sewer, or drainage or sewage of said street, or alley, thoroughfare or other public property of this city.

(b) Track Construction and Pavement. All tracks which enter upon or occupy any street, or alley, thoroughfare or other public property of this City shall be constructed in accordance with the grade of said street, or alley, thoroughfare or other public property of this City as may be determined by the Director of Engineering and Operations. Railroad companies shall be required to make, reconstruct, maintain and repair all paving between the rails of their tracks and six (6) feet from the center line thereof in both directions, except when more than one set of tracks exists, the center lines of which are sixteen (16) or fewer feet apart at their closest point on the public right-of-way then the railroad companies shall in addition be required to make, reconstruct, maintain and repair all paving between such multiple tracks. All track grades and pavement surfacing materials shall be approved by the Director of Engineering and Operations prior to undertaking the construction or repair work. All pavements required to be made, reconstructed, maintained or repaired by this section shall be so made, reconstructed, maintained or repaired in the manner, and with the materials, equal to or better than that utilized in the existing abutting pavement, and shall have the same cross-section as the existing abutting pavement.

(c) Reconstruction of Tracks and Pavement or Re-pavement Between or

Outside the Rails. Whenever the Director of Engineering and Operations determines that any railroad tracks which enter upon or occupy any street, alley, thoroughfare or other public property of this City need rebuilding, that the areas specified in subsection (b) hereof need to be paved, reconstructed, maintained or repaired to provide a safe and smooth operation for vehicle traffic or pedestrian traffic on a street, alley, thoroughfare or other public property of this City on which the rails lie, he shall notify the railroad company or the owner responsible for the rails of the needed repairs, pavement reconstruction or maintenance. If the repairs have not been completed within thirty (30) calendar days from such notice, and the Director of Engineering and Operations has not granted a further extension or relief, if the same is requested by the railroad company, then the Director of Engineering and Operations is authorized to make the necessary repairs either by City forces, or by contract. The cost of making these repairs, including the actual cost of City engineering and administrative expenses, shall then be assessed against the railroad in the manner as such assessments are equalized, levied and collected as otherwise provided by law for the equalization, levying and collection of special assessments. (Ord. No. 78-33, 10-17-78).

#### **6-119 Creosote Treated Ties and Timbers Prohibited.**

The use of creosote-treated ties or timbers will be limited to landscaping purposes only. Specifically prohibited will be the use of creosote-treated ties for constructing decking, patios, driveways, walkways, walls, fences or property barriers, or such uses which could reasonably be construed as such.

The City of Rock Springs will reserve the right to limit landscaping use of creosote-treated ties if odors or creosote running off the ties results in complaints from neighbors. (Ord. No. 93-17, 9-7-93).

#### **6-120 Construction Debris**

It shall be unlawful for any person or entity to cause or permit any sod, stone, earth, mud, sand, gravel, or any other debris to be deposited on any street, sidewalk, gutter, alley, or public right-of-way.

If material from a construction site is deposited or permitted or deposited on any street, sidewalk, gutter, alley, or public right-of-way, the responsible person or entity shall remove such material completely, as approved by the City, within twelve (12) hours of the occurrence or receipt of notice by the City. If the debris is not removed within this twelve (12) hour period, a Stop Work Order may be issued by the Department of Engineering & Operations until such time as the debris is removed and approved by the City. If no action occurs within twelve (12) hours of the issuance of a Stop Work Order, City equipment and operators may be used to clean the debris and the responsible party will be charged for the services at the current equipment and operator rates. (Ord. No. 2011-13, 12/20/11)

# EXHIBIT C

## Redlined Ordinance

### 13-819. Dining Decks Reserved

#### ~~A. Purpose~~

~~The purpose of this section is to establish requirements and guidelines for restaurants in the B-3 Zone that wish to add dining decks as an accessory use to their existing restaurant.~~

#### ~~B. Definitions~~

~~Dining Deck: means a platform(s) operated by an existing restaurant or food establishment which sells food, beverages or alcoholic beverages for immediate consumption, subject to design guidelines established herein, located on the abutting parking spaces in front of the establishment for patrons and other persons. The dining deck can only be accessed from the sidewalk.~~

#### ~~C. Application~~

~~An application for Dining Deck approval shall follow the submittal and review process as a Minor Site Plan in accordance with Section 13-904. Information required under D. General Provisions of this Section shall be included. The site plan shall be stamped by a Wyoming Licensed Professional Engineer. Due to City Street Right of Way involved, a Lease Agreement with the City of Rock Springs must also be submitted.~~

#### ~~D. General Provisions~~

~~(1) Size: Dining deck area shall be limited to the linear street frontage of the restaurant. The encroachment of the proposed decks into the street will not exceed 9 feet from the curb. The dining deck shall be situated in a~~

~~manner to provide safe vehicle movement for the adjacent street parking spaces. The encroachment of the proposed decks into the sidewalk shall be minimized to provide a minimum of 6 feet clearance between the deck and the building. The dining deck shall not be more than 4 feet above the sidewalk level.~~

~~(2) Application: A dining deck application shall be valid for one (1) year~~

~~(3) Material: Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The dining deck shall have a perimeter railing, barrier, or similar structure which shall provide protection and enclosure for the dining deck. The railing or barrier shall be determined by the City on a case by case basis.~~

~~(4) Drainage: Design of the dining deck and its skirting shall not interfere with existing drainage and shall allow storm water to run adjacent to the curb unobstructed. A drainage plan must be provided and stamped by a Wyoming Licensed Professional Engineer.~~

~~(5) Utilities: Location of all utilities shall be shown on the Site Plan. Dining decks shall not be placed on top of manholes, water valves, or storm drains. Access to utilities including fire hydrants shall not be hindered by the dining deck.~~

~~(6) Street: Bonding shall be included under the Lease Agreement for potential damage to the~~

- infrastructure (pavement, sidewalk, curb/gutter, etc)
- (7) ~~Umbrellas: Umbrellas are allowed but are prohibited from extending beyond the dining area.~~
- (8) ~~Duration: Dining decks are permitted from May 1<sup>st</sup> and shall terminate on October 30<sup>th</sup>, each year, and must be completely removed by November 7.~~
- (9) ~~Licensing: The applicant shall adhere to applicable City and State licensing ordinances including alcoholic beverage permits.~~
- (10) ~~Alcoholic Beverages: All alcoholic beverages to be served on the dining deck shall be prepared within the restaurant and shall only be served to patrons seated at tables on the dining deck~~
- (11) ~~Food Service: all food to be served on the dining deck shall be prepared by the restaurant~~
- (12) ~~Maintenance: the maintenance of the dining deck shall be the responsibility of the establishment including but not limited to, surface treatment and cleaning, litter control, sweeping, and snow and ice removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.~~
- (13) ~~Storage: All equipment and other associated materials must be removed and stored on private property during the off season.~~

#### ~~E. Review and Approval~~

~~The Dining Deck Application shall be reviewed as a Minor Site Plan under Section 13-904. Final Approval shall be by the City Council along with a Lease of City Street Right of Way.~~

~~(Ord. 2018-08, 6/5/18)~~

# EXHIBIT D

## PUBLIC HEARING NOTICE

## **PUBLIC HEARING NOTICE**

**TAKE NOTICE** that the City of Rock Springs is considering an amendment to the Rock Springs Zoning Ordinance, Section 13-819 Dining Decks. The amendment will repeal the Dining Deck requirements from the Zoning Ordinance (Chapter 13 of the Ordinances of the City of Rock Springs) with the intent to relocate the Dining Deck requirements to the chapter pertaining to “Streets, Alleys and Sidewalks” (Chapter 6 of the Ordinances of the City of Rock Springs). The following Public Hearings will be held to consider the amendment to the Section 13-819:

**Planning & Zoning Commission:** The Rock Springs Planning and Zoning Commission will hold a public hearing in the Rock Springs City Hall Council Chambers at 7:00 p.m. on Wednesday, July 15, 2020, where all interested parties will have the opportunity to appear and be heard regarding the amendment.

**Rock Springs City Council:** The Rock Springs City Council will hold a public hearing in the Rock Springs City Hall Council Chambers at 7:00 p.m. on Tuesday, July 21, 2020, where all interested parties will have the opportunity to appear and be heard regarding the amendment.

For further information regarding the amendment, to obtain a copy of the proposed amendment, or to submit written comments regarding the amendment, please contact the City Planner’s Office at the Rock Springs City Hall, 212 D Street, Rock Springs, Wyoming. You may also reach the City Planner by calling 307-352-1540 or via email at [laura\\_leigh@rswy.net](mailto:laura_leigh@rswy.net).

Dated this 24th day of June 2020.

(s) Laura Leigh, City Planner, Secretary to the Planning & Zoning Commission

Bill to: City of Rock Springs  
Publish: 6/27/2020 and 7/11/2020



**PLANNING & ZONING COMMISSION**  
**STAFF REPORT**  
**July 15, 2020**  
**7:00 p.m., Rock Springs City Hall**

REPORT SUMMARY			
<b>Agenda Item:</b>	New Business #1	<b>Project Number:</b>	PZ-20-00179
<b>Project Name:</b>	Gonzalez - Oversized Detached Garage (Revised Plan)		
<b>Project Address:</b>	313 I Street		
<b>Property Legal Description:</b>	Lot 4, Block 8, Central Coal & Coke Co's (CCCC) First Addition		
<b>Project Description:</b>	Consideration of a Conditional Use Permit Application to allow for the construction of a detached garage exceeding 1,200 square feet.		
<b>Applicant:</b>	Jose A. Gonzalez P.O. Box 434 Rock Springs, WY 82902	<b>Property Owner:</b>	Jose A. Gonzalez P.O. Box 434 Rock Springs, WY 82902
<b>Engineer:</b>	N/A	<b>Surveyor:</b>	N/A
<b>Public Notification:</b>	Adjacent Property Letters Mailed 6/24/2020; Public Hearing Notice – Not Required for Conditional Use Permits		
<b>Current Master Plan Land Use Designation:</b>	LDR (Low Density Residential)	<b>Proposed Master Plan Land Use Designation:</b>	N/A
<b>Current Zoning District</b>	R-2 (Low Density Residential)	<b>Proposed Zoning District</b>	N/A
<b>References:</b>	<ul style="list-style-type: none"> <li>• Rock Springs Zoning Ordinance §13-801 Residential Zoning Districts</li> <li>• Rock Springs Zoning Ordinance §13-815.E. Accessory Buildings, Uses and Equipment</li> <li>• Rock Springs Zoning Ordinance §13-905 Procedure for Conditional Use Permit Approval</li> </ul>		
<b>Exhibits:</b>	A. Application B. Site Plan and Elevation Drawings C. Adjacent Property Owner Letter		



## REQUEST:

The applicant, Jose A. Gonzalez, is requesting Conditional Use Permit approval for the construction of a 2,000 square foot detached accessory garage (40' x 50') to be located at 313 I Street, Rock Springs, Wyoming. The application is included as **Exhibit A**. The applicant is requesting Conditional Use Permit to be granted by the Planning & Zoning Commission to allow the size of the accessory structure to exceed 1,200 square feet.

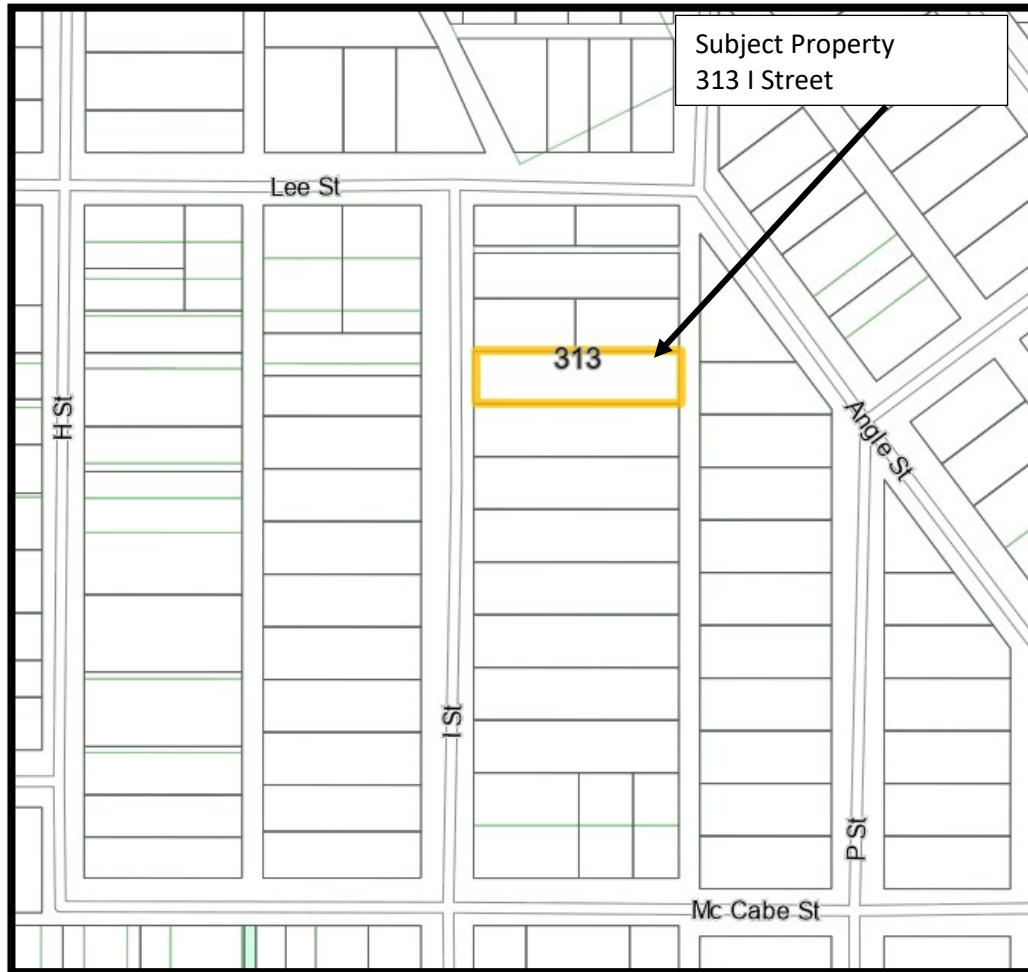


Figure 1: Location Map

## ANALYSIS OF PETITION:

In accordance with §13-815.E(4) of the Rock Springs Zoning Ordinance, “No residential accessory building or garage shall exceed 1,200 square feet of floor area unless granted a Conditional Use Permit” by the Rock Springs Planning and Zoning Commission. The proposed 40' x 50' structure exceeds the maximum allowable square footage by 800 square feet. The site plan is included in **Exhibit B**.

On June 10, 2020 the Rock Springs Planning and Zoning Commission denied Mr. Gonzalez' original request to construct a 40' x 100' (4,000 square foot) detached accessory structure. On June 16, 2020, the applicant submitted a new Conditional Use Permit Application for a substantially smaller, 40' x 50' (2,000 square foot) detached accessory structure.

Detached accessory structures have a required setback of 3 feet from side and rear property lines and a required 6 foot separation requirement between the principal structure and the accessory structure. The required 3' side and rear yard setback is measured from eaves, gutters, and awnings. As shown on the Site Plan (**Exhibit B**), the proposed structure will still be located five (5) feet from the side property lines. To help prevent vehicles from protruding into the alley, the applicant has moved the proposed structure so that it will now be twenty (20) feet from the rear property line instead of twenty (20) feet. With the reduced size, the proposed structure will now be located 72 feet from the principal structure.

The property is legally described as Lot 4, Block 8 of the Central Coal and Coke Co's First Addition. The subject property has a lot width of 50 feet and a lot depth of 194.9 feet. Total lot area is 9,745 square feet with an allowable lot coverage of 4,872.5 square feet. Based on the measurements provided on the site plan, the proposed lot coverage with the smaller sized garage will be approximately 2,913.5 square feet, which is will be only 30% lot coverage. This complies with the city's lot coverage maximum of 50%.

As shown in the aerial photo in **Figure 2**, the property is located adjacent to an alley. The proposed garage will have an access door in the front and the rear of the structure. The property located to the south (317 I Street) contains one residential structure that sits toward the back of the property and appears to be located close to, or on, the property line. North of the subject property sits two smaller residential lots, 309 and 309.5 I Street. The residential structures on these two lots sit further away from the subject property, but the detached garage located at 309.5 I Street sits close, or on, the shared property line.



Figure 2: Aerial Photo of Property



As noted in the previous meeting, staff looked back through the history of approved oversized garage Conditional Use Permits. It was found that the largest oversized residential detached garage approved within the City of Rock Springs was 50' x 60' (3,000 square feet) located in the Sweetwater Station PUD. It was further found that all approved detached garages exceeding 2,000 square feet in size are only located within the Sweetwater Station PUD. The approved Conditional Use Permits within all other residential areas of Rock Springs range between 1,200 square feet and 1,920 square feet.

**PROPERTY PHOTOS:**

The following photos (**Figures 3 - 5**) show the project site:



*Figure 3: Taken from front/side – circled area is the approximate location*





*Figure 4: Property View from Alley*



*Figure 5: Property View from Alley*

## **UTILITY REVIEW:**

With the changes being made to the original site plan, the new site plan was distributed to the members of the Utility Review Committee that commented on the original submittal. Staff will update the Planning and Zoning Commission at the meeting of any comments that are received by the committee.

## **PUBLIC NOTIFICATION:**

Adjacent Property Owner Notice letters were mailed to property owners located within 200 feet of the boundaries of the subject property on June 24, 2020. Refer to **Exhibit C**. Adjacent property owners were advised if they had comments regarding this request, that written comments may be submitted up to 4:00 p.m. on Wednesday, July 15, 2020 and all comments that are received prior to the scheduled meeting will be presented to the Planning and Zoning Commission.

Staff will advise the Commission of any comments received after the date of this report.

## **PROCEDURE:**

Conditional Use Permits are reviewed in accordance with §13-905. The Planning and Zoning Commission grants the final determination of the Conditional Use Permit. They are not forwarded to the City Council for review. As noted in §13-905.D., the Commission “shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on the Comprehensive Plan. The Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.”

Staff will provide a formal recommendation after public comment at the Planning & Zoning Commission Meeting. At a minimum, staff recommends the following conditions of approval be attached:

1. Construction shall conform to the approved site plan and application, including required setbacks from property lines.
2. The driveway from the alley to the garage shall be paved (concrete or asphalt). If a driveway access from the front of the property is proposed, the driveway shall be paved up to the front building line of the house. Pavement may end at the front of house, however, the driveway from the front of the house to the garage shall contain gravel, crushed asphalt, or other suitable material. Dirt is not considered a suitable material. Prior to issuance of site plan approval, the driveway(s) and surfacing materials shall be shown on the site plan.
3. Height of the garage shall not exceed the height of the principal structure.
4. Drainage shall not impact adjacent properties and appropriate erosion control measures shall be utilized.
5. The use of the garage shall be limited to typical residential uses (i.e. storage of personal vehicles). Any Home Occupations within the garage shall comply with the City’s Home Occupations Requirements.
6. All other conditions of the Utility Review Committee (please see the attached comment sheets) shall be met.
7. Planning approval does not constitute building permit approval. Contact the City of Rock Springs Building Department to obtain a building permit for the garage.

# EXHIBIT A

# APPLICATION



2020  
CITY OF ROCK SPRINGS  
CONDITIONAL USE PERMIT  
APPLICATION

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

Laura Leigh, City Planner  
Email: laura\_leigh@rswy.net

STAFF USE ONLY:

Date Received: 6/16/2020 Project Number: PZ-20-00179

A. PROPERTY ADDRESS: 313 ± Street Rock Springs WY 82902

(NOTE: IF NO ASSIGNED ADDRESS, PROVIDE PROPERTY TAX NUMBER OR LEGAL DESCRIPTION)

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.

Primary Contact Person (Applicant):

Jose A Gonzalez 307-389-9658 JAGZ49@yahoo.com  
Name Phone Number Email Address  
P.O. Box 434 Rock Springs WY 82902  
Mailing Address City State Zip

Property Owner Information:

\_\_\_\_\_  
Name Phone Number Email Address  
\_\_\_\_\_  
Mailing Address City State Zip

Engineer Information (if applicable):

\_\_\_\_\_  
Engineer's Name Email  
\_\_\_\_\_  
Company Name Phone Number Fax Number  
\_\_\_\_\_  
Mailing Address City State Zip

Surveyor Information (if applicable):

\_\_\_\_\_  
Surveyor's Name Email  
\_\_\_\_\_  
Company Name Phone Number Fax Number  
\_\_\_\_\_  
Mailing Address City State Zip



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

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

- ☐ Adjusted Front Setback
- ☐ Bed and Breakfast Inn
- ☐ Corner Side Yard Attached Carport
- ☒ Detached Garage Exceeding 1,200sf
- ☐ Gas Pumps & Fueling Stations
- ☐ Lot Coverage Exceeding 50%
- ☐ Off-Site Parking
- ☐ Unpaved Parking Area (B-2 Zoning District)
- ☐ Use of Explosives
- ☐ WCF in Residential Zoning District (Requires Separate WCF Application)
- ☐ Other, please specify: \_\_\_\_\_

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

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

**D. PLEASE ANSWER THE FOLLOWING ON THE SPACES PROVIDED:**

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

*Construct a 40x50' detached car garage  
on a 412 roof patch*

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

*One house*



## E. SUBMITTAL REQUIREMENTS:

The following items are required for submitting a complete Conditional Use Permit / Site Plan Application and must be submitted in accordance with the submittal deadlines listed in Section G 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 - \$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)
- ☐ Building Elevations / Architectural Drawings (drawn to scale)

## F. SITE PLAN CHECKLIST

If a Site Plan Application is required for your project in addition to the Conditional Use Permit Application, the same Site Plan may be used. 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, drive aisle widths, 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
- ☐ Location of Floodplain and/or Floodway on property, if applicable (separate Floodplain Development Permit Application also required)

## G. APPROVAL PROCESS AND SUBMITTAL DEADLINES

### CONDITIONAL USE PERMITS - STAFF LEVEL APPROVALS

Application submittal...	Will be considered complete per Section E of this application.
Within 5 working days after application submittal...	Planning staff will notify all neighboring properties located within 200 feet of request.
At least 6 calendar days after application submittal...	A Utility Review meeting may be scheduled, dependent upon the type of application submitted.
<u>No sooner</u> than 10 calendar days after neighbor notification...	A Permit Determination shall be made. Permit Determination shall include such conditions as are deemed necessary to protect the health, safety and welfare of the community and surrounding neighborhood.
Within 10 working days of Permit Determination...	The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission via written request. Appeals to the Planning & Zoning Commission will following the Planning and Zoning Commission review process listed below.

## CONDITIONAL USES REQUIRING PLANNING & ZONING COMMISSION REVIEW

**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.

**The Rock Springs Planning & Zoning Commission reserves the right to table an application. The meeting dates provided below are for reference only and are subject to change.**

	January P&Z Meeting	February P&Z Meeting	March P&Z Meeting	April P&Z Meeting	May P&Z Meeting	June P&Z Meeting	July P&Z Meeting *Rescheduled*	August P&Z Meeting	September P&Z Meeting	October P&Z Meeting	November P&Z Meeting	December P&Z Meeting
<b>Application Deadline</b>	12/23/2019	1/27/2020	2/24/2020	3/23/2020	4/27/2020	5/22/2020*	6/16/2020*	7/27/2020	8/24/2020	9/28/2020	10/26/2020	11/23/2020
<b>Utility Review Committee Meeting (if required)</b>	Utility Review Meetings are held at least 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 only be sent to the parties listed on the application. <u>The petitioner or an assigned representative is required to attend the meeting.</u>											
<b>Adjacent Owner Notice</b>	Property Owner Notices will be prepared by the City of Rock Springs and 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.											
<b>P&amp;Z Meeting**</b>	1/8/2020	2/12/2020	3/11/2020	4/8/2020	5/13/2020	6/10/2020	7/15/2020*	8/12/2020	9/9/2020	10/14/2020	11/11/2020 * Date TBD	12/9/2020

\*Dates may be changed due to Holiday/City Hall Closures.

7:00 pm

**\*\*It is necessary that the applicant or assigned representative attend the Planning & Zoning Commission meeting. Failure to attend may result in your application being tabled or denied.**

### **H. SIGNATURE(S) REQUIRED:**

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

Petitioner Signature & Date: *Jane A. H. S.*

Property Owner Signature & Date: *Jane A. H. S.*

# EXHIBIT B

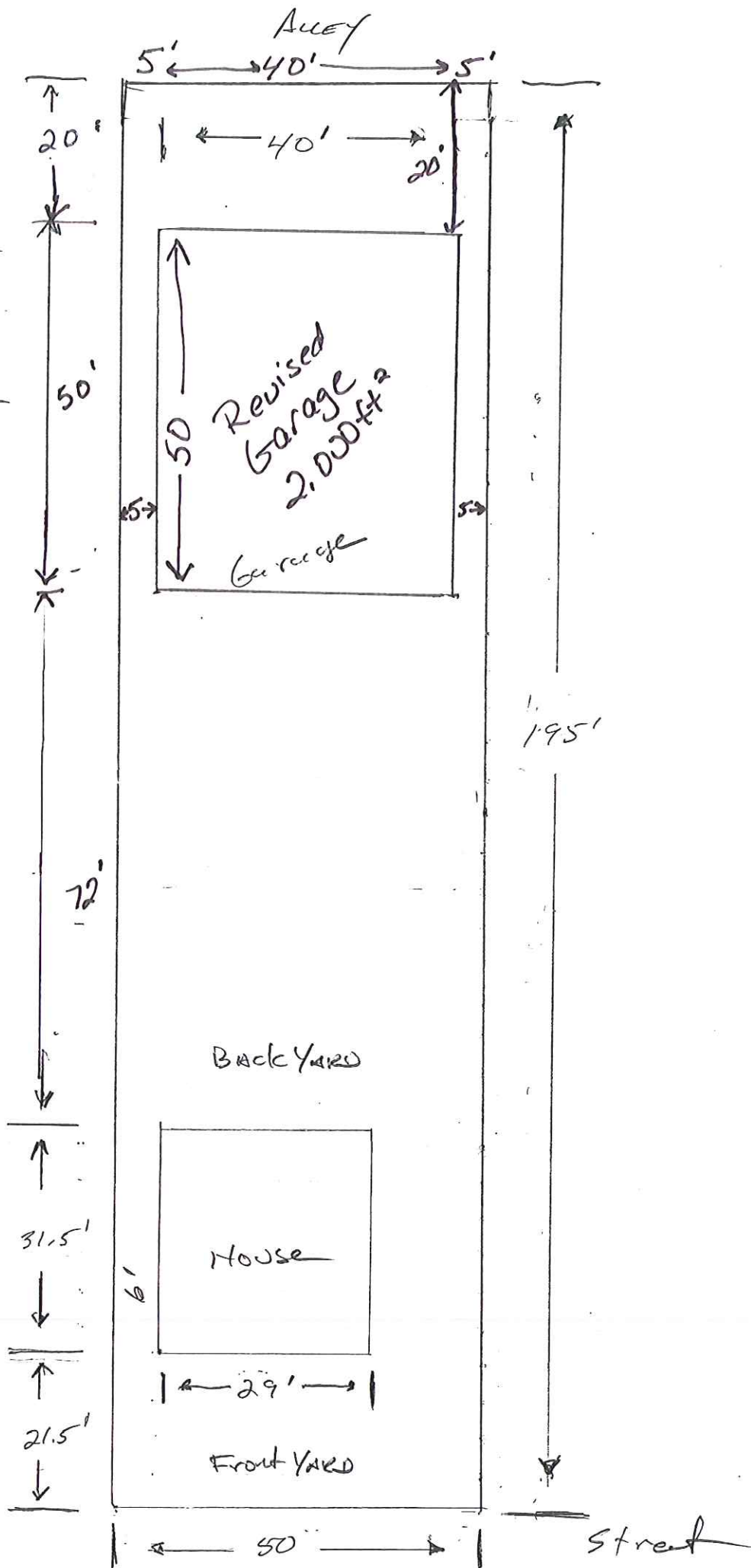
## SITE PLAN AND ELEVATION DRAWINGS



313 I. Street

JOSE GONZALEZ

307-389-9658

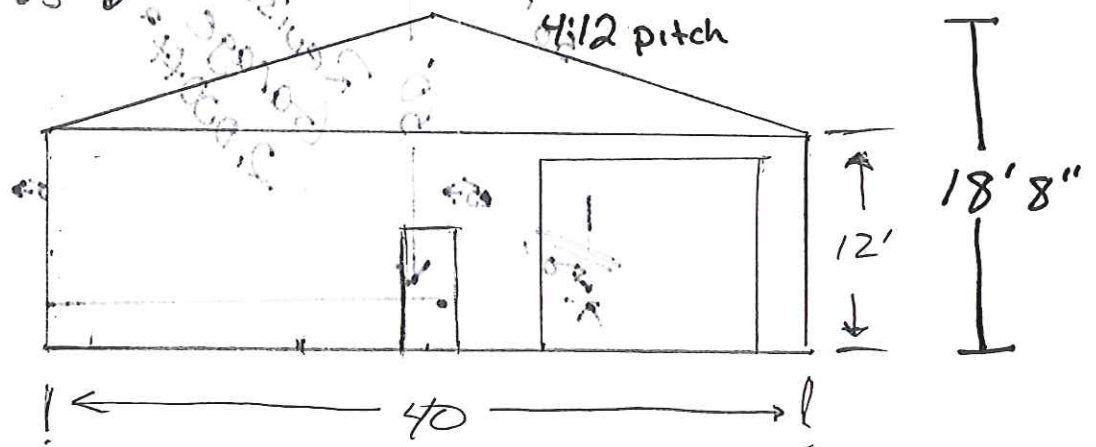


313 E Street

JOSE GONZALEZ

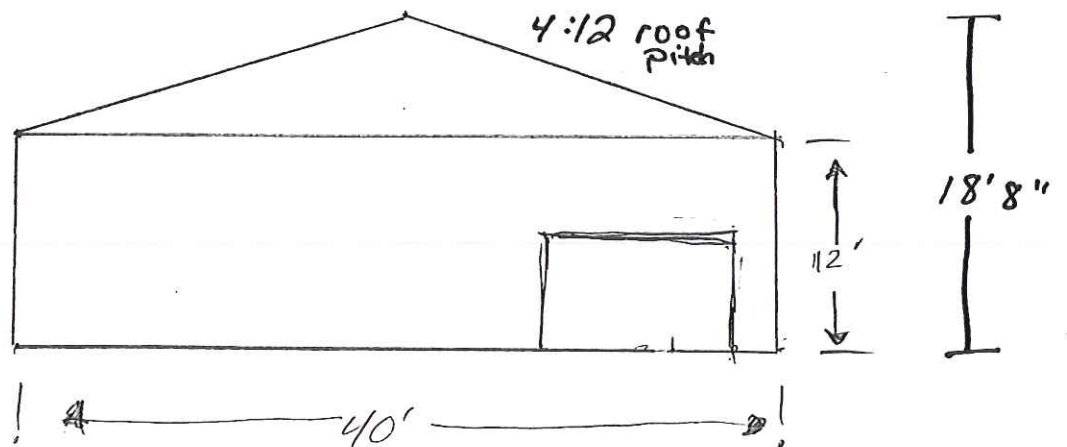
307-389-4658

Alley View



House View

RECEIVED  
CITY OF LOS ANGELES  
PLANNING DEPARTMENT  
JAN 10 2012



# EXHIBIT C

## ADJACENT PROPERTY OWNER LETTER

June 24, 2020

Dear Property Owner and/or Interested Party:

On June 10, 2020 the Rock Springs Planning and Zoning Commission denied a request filed by property owner Jose Gonzalez to construct a 40' x 100' (4,000 square foot) detached accessory structure for property located at **313 I Street**, Rock Springs, Wyoming. Records show that this property is adjacent to or near property you own (see map below).

This letter is to inform you that Mr. Gonzalez has submitted a new Conditional Use Permit application for a substantially smaller, 40' x 50' (2,000 square foot) detached accessory structure to be located on the property addressed as **313 I Street**, Rock Springs, Wyoming. The following summarizes the new Conditional Use Permit request:

- 1) The applicant is requesting Conditional Use Permit approval for the construction of a 2,000 square foot detached accessory building (see enclosed revised site plan). In accordance with §13-815.E(4) of the Rock Springs Zoning Ordinance, "No residential accessory building or garage shall exceed 1,200 square feet of floor area unless granted a Conditional Use Permit" by the Rock Springs Planning and Zoning Commission.

The Rock Springs Planning and Zoning Commission will consider the new application for the above described request at a public meeting held on **Wednesday, July 15, 2020, 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 may be submitted up to 4:00 p.m. on Wednesday, July 15, 2020. Please address all written comments to the Rock Springs Planning and Zoning Commission. Comments may be mailed or delivered to: City of Rock Springs, Attn: Planning & Zoning, 212 D Street, Rock Springs, WY 82901. Comments may also be emailed to the Rock Springs City Planner at [laura\\_leigh@rswy.net](mailto:laura_leigh@rswy.net).

**All written comments (mailed, delivered or emailed) must be received by 4:00 p.m. on Wednesday, July 15, 2020.** All written comments that are received by this time will be made a part of the Planning and Zoning Commission meeting record.

If you have any questions regarding this information, please contact the Planning and Zoning Office at (307) 352-1540.

Sincerely,



Laura Leigh, AICP  
City Planner

Enc.



ARELLANO JESSICA & JORGE  
732 PILOT BUTTE AVE  
ROCK SPRINGS, WY 82901-5346

BAKER RENEE ROBERTS  
1111 N 2000 W UNIT 415  
FARR WEST, UT 84404-9466

BLAMIRE BEAU A  
301 I ST  
ROCK SPRINGS, WY 82901-6436

BLUE RIBBON FLEXIBLE LTD LIAB CO  
1680 BLAIR AVE # D  
ROCK SPRINGS, WY 82901-7655

BOTNAN INNOVATIVE MECHANICAL  
INC  
624 B ST  
ROCK SPRINGS, WY 82901-6215

CHRISTENSEN LESLIE G & JOHNNE L  
320 P ST  
ROCK SPRINGS, WY 82901-6453

CORTEZ CHELSEA M  
322 I ST  
ROCK SPRINGS, WY 82901-6437

COX BILLY J & BEVERLY A  
514 ASHLEY ST  
ROCK SPRINGS, WY 82901-6608

FARLESS GALE S  
1109 LEE ST  
ROCK SPRINGS, WY 82901-6446

FLOR BOB JOE M & FLOR DANNY K  
318 P ST  
ROCK SPRINGS, WY 82901-6453

FROLIC STANLEY JR  
1111 LEE ST  
ROCK SPRINGS, WY 82901-6446

GALLAS ROBERT J  
327 I ST  
ROCK SPRINGS, WY 82901-6436

GONZALEZ JOSE A  
PO BOX 434  
ROCK SPRINGS, WY 82902-0434

HRUSKA VENTURES LLC  
PO BOX 1786  
ROCK SPRINGS, WY 82902-1786

JACKSON STEVEN R  
326 I ST  
ROCK SPRINGS, WY 82901-6437

JOHNSON AMBER M  
PO BOX 3131  
ROCK SPRINGS, WY 82902-3131

JOYNER CRYSTAL A  
310 I ST  
ROCK SPRINGS, WY 82901-6437

KLEIN ARIEL  
330 I ST  
ROCK SPRINGS, WY 82901-6437

MARCY JASON S  
215 ANGLE ST  
ROCK SPRINGS, WY 82901-6401

NICHOLAS GARY  
1016 LEE ST  
ROCK SPRINGS, WY 82901-6213

PERNICH AMY  
952 E NORTH FORK CIR  
SANDY, UT 84094-5526

PETERNELL CARL W & JUDITH A  
223 ANGLE ST  
ROCK SPRINGS, WY 82901-6401

PETERS NORMA J  
1104 LEE ST  
ROCK SPRINGS, WY 82901-6447

PROPERTY PROS LLC  
505 ASHLEY ST  
ROCK SPRINGS, WY 82901-6607

ROICH NICK P & KARLA J  
2100 PRAIRIE AVE  
ROCK SPRINGS, WY 82901-6763

RONICK CATHY C & THOMAS  
COLLEEN  
314 I ST  
ROCK SPRINGS, WY 82901-6437

SANDEL LARRY J  
1107 LEE ST  
ROCK SPRINGS, WY 82901-6446

STRUCK VIRGINIA  
PO BOX 223  
ROCK SPRINGS, WY 82902-0223

TATE DAVID M  
1020 LEE ST  
ROCK SPRINGS, WY 82901-6445

TAUCHER BEN T LIVING TRUST  
660 SIX MILE RD  
CASPER, WY 82604-1802



TRAUTMAN TODD C  
211 ANGLE ST  
ROCK SPRINGS, WY 82901-6401

VALDEZ JOSE  
219 ANGLE ST  
ROCK SPRINGS, WY 82901-6401

VALDEZ JUAN & LOUISE  
845 RIDGE AVE  
ROCK SPRINGS, WY 82901-5040

WIGGEN FAMILY LIV TRUST ETAL  
WIGGEN JOHN & MARY TRUSTEES  
511 BROADWAY ST  
ROCK SPRINGS, WY 82901-6345

CITY OF ROCK SPRINGS  
212 D STREET  
ROCK SPRINGS, WY 82901