



City of Evanston

Planning & Zoning Commission Board of Adjustment

1200 Main Street, Evanston, Wyoming 82930

Ph.# (307) 783-6470 Fax: (307) 783-6490

Email: jcampbell@evanstonwy.org Web: www.evanstonwy.org



Planning and Zoning Commission Meeting Minutes September 12, 2016 6:00 p.m.-City Hall

Commissioners Present:

Kevin Adams, Chairperson
Robert E. Smith
Colton Ellingford
Kimberly Begalla
Rowdy Dean
Heath Beaudry

Staff Present:

Dennis Boal, City Attorney
DuWayne Jacobsen, Associate Planner
Janel Campbell, Administrative Assistant

Chairperson Adams called the meeting to order at 6:00 p.m.

Chairperson Adams asked for a motion to approve the agenda for the September 12, 2016 meeting. A motion was made by Commissioner Smith, seconded by Commissioner Beaudry. ***Motion carried.***

With no old business to address, Chairperson Adams proceeded to new business.

Attorney Boal opened the hearing with **CP 16-07** A request by Alice Hughes for a Conditional Use Permit to allow the total size of all accessory buildings to exceed the 75% size limitation of the footprint area of the principal building for property located at 136 Lincoln Avenue which is zoned Medium Density Residential-Established (MR-E). The applicant is proposing to construct a carport measuring 18 feet by 21 feet (378 square feet). The carport and other existing accessory buildings total approximately 89% of the footprint area of the principal building. (Section 24-26 C.)

Attorney Boal explained the legalities of the hearing stating that the applicant(s) would be heard from first, followed by those who were in favor of the applicant(s), and finally, from those who were opposed. He explained that these public hearings are contested

case hearings and that anyone who wished to contest the Commission's decisions must make it known to him at the closing of the hearings.

Ms. Alice Hughes, who mailing address is PO Box 752, Evanston, Wyoming 82931, was sworn in. Ms. Hughes explained that she wants a carport to get their vehicles out of the yard and off the streets.

Attorney Boal asked if she is ok with staff recommendations.

Ms. Hughes stated that she understands the staff recommendations.

Attorney Boal asked if the audience had questions. With no other questions, he asked if the Commissioners had any questions.

Commissioner Begalla questioned if setback requirements were met for the carport.

Ms. Hughes stated it is within 5 feet from the rear property line.

Mr. Jacobsen stated that the proposed structure meets all required setback distances.

With no further questions from the Commission, Attorney Boal closed the hearing.

Chairperson Adams asked for a motion. Commissioner Beaudry made a motion to approve CP 16-07, Commissioner Dean seconded the motion. Chairperson Adams called for a vote. ***The motion carried unanimously.***

Attorney Boal moved to hearing **CP 16-08** A request by Altitude Evanston, LLC for a Conditional Use Permit to allow vehicle sales for property located at 130 North 3rd Street (formerly Sonic restaurant) which is zoned Regional Business-Developing (RB-D). The applicant is proposing a satellite vehicle sales lot at 130 North 3rd Street. Altitude Evanston, LLC will continue to operate its primary car dealership at 100 Wasatch Drive. (Section 24-15 (22.1)) and **BA 16-02** A request by Altitude Evanston, LLC for a Variance to the minimum lot size requirement of 2.5 acres for vehicle sales on property located at 130 North 3rd Street (formerly Sonic restaurant) which is zoned Regional Business-Developing (RB-D). The lot size at 130 North 3rd Street is 0.92 acres. The applicant is proposing a satellite vehicle sales lot at 130 North 3rd Street. Altitude Evanston, LLC will continue to operate its primary car dealership at 100 Wasatch Drive. (Section 24-15 (22.1))

Mr. Timothy Allread, whose mailing address is 10609 Highway 238 Afton, Wyoming 83110, was sworn in. Mr. Allread stated that they are applying for a Conditional Use Permit and Variance at the old Sonic location that has been vacant for 7 years. The business recently purchased the Cowboy Motor Company a few months back and have made nice changes including a name change to Altitude Motors. They are hoping to capture business that usually goes to Utah at the proposed former Sonic location and keep revenue here. Used car sales have a ratio of 2 used cars to 1 new car. They

have obtained 5 new locations across Wyoming and have doubled and tripled sales at these locations.

Altitude Evanston, LLC has met and comply with all 20 criteria which is reviewed for a conditional use permit. They have talked about picking up the corner lot but will come back in for another hearing. They are proposing to update and improve the former Sonic property. There will be 5 employees. Hours of operation will be 8 am – 7 pm. Site and infrastructure are adequate for what they need. They will not exceed the customer traffic that was generated by Sonic.

Mr. Allread explained that the variance complies with the intended use of the property. This will be a satellite dealership. They already have a full service dealership in town.

Attorney Boal asked if there was anyone the audience who was in favor of the applicant. There was no one.

Attorney Boal asked if the Commission had any questions.

Chairperson Adams questioned if subject property was to be used for the display of vehicles only.

Mr. Allread stated that no vehicle service or detail services would be offered at this location. Fueling and washing vehicles would be done at either the existing dealership location or at nearby gas stations and car washes.

Commissioner Dean questioned the development timeframe for the adjacent undeveloped corner lot if the applicant purchases this property.

Mr. Allread stated that if the property is purchased, they will move as quickly as possible.

Chairperson Adams questioned if the undeveloped lot would be paved.

Mr. Allread stated that it would be paved.

Commissioner Smith asked if they plan on landscaping.

Mr. Allred answered yes.

Commissioner Smith questioned if they would participate in helping with road maintenance on the privately maintained section of North 2nd Street.

Mr. Allred stated that they may consider participation in maintenance costs. He noted that car dealerships typically generate high tax revenues in communities.

Attorney Boal asked if there was anyone in the audience who was in opposition of the applicant.

Mr. Craig Dearden, whose mailing address is 624 Front Street, was sworn in. Mr. Dearden presented evidence to Attorney Boal. Attorney Boal marked this evidence as Castle Rock Exhibit 1. Mr. Dearden, who represents Autofarm Castle Rock Chevrolet opposes the variance to the minimum lot size requirement. Regardless if the use is a full dealership or a satellite sales lot, the minimum lot size requirement has always been 2.5 acres. Mr. Dearden reviewed the 20 criteria considered for a conditional use permit. He feels that roads were not properly designed to handle traffic in this area and are congested. He believes that the lot is too small for a dealership. Building appearance and signage were not addressed by Mr. Allread. Mr. Dearden stated that the State of Wyoming addresses building appearance and signage for dealerships.

Attorney Boal asked if the Commission or Board had any questions for Mr. Dearden. There were none.

Mr. Jay Welling, located at 101 Bear River Drive, was sworn in. Mr. Welling stated that he had tried to apply for a dealership at this commercial location on three different occasions. He claims that he was not allowed to submit an application for a dealership. He stated that out-of-town businesses are treated better than local businesses. He questioned why the Commission was considering a variance and conditional use permit applications when he was denied the opportunity to submit applications.

With no one else to speak in opposition, Attorney Boal asked if the Commission or Board had any questions.

Chairperson Adams stated that the Commission is new. He will vote what is best for the community.

Mr. Allread spoke to the Commission that this was not a new dealership. It is an extension of the existing dealership located at 100 Wasatch Drive. They will support nearby carwashes and gas stations. Servicing and detailing of vehicles will be done at their Wasatch Drive location. There will be low impact on traffic. Signage will comply with the Evanston City Code. They are only proposing vehicle sales at the former Sonic location. There will be no vehicle rentals.

With no further questions from the Commission, Attorney Boal closed the hearing.

Chairperson Adams asked the Commissioners for a motion to approve CP 16-08. Commissioner Dean made a motion to approve the application, Commissioner Begalla seconded the motion. Chairman Adams asked for a discussion.

Commissioner Begalla stated that she feels the former Sonic property is too small for a dealership. She would like to see site development plans for the adjoining undeveloped property located to the west.

Mr. Jacobsen mentioned that the undeveloped corner property is not part of the application submittal. If Altitude Evanston, LLC expands its vehicle sales operation to include the corner lot, a site plan and conditional use permit will be reviewed by the Commission at a later time as an expansion of the use.

Commissioner Smith asked if the Commission could impose a probationary period for the use.

Attorney Boal stated that a probationary period could be considered by the Commission.

Chairperson Adams stated that subject property is an eyesore. He feels that the proposed use will have less of an impact as a dealership versus a drive-thru.

With no more discussion, Chairperson Adams called for a vote on CP 16-08. There were 2 aye votes to 3 nay votes. Chairperson Adams and Commissioner Dean voted in favor. ***The motion failed.***

Chairperson Adams asked for a motion to approve BA 16-02. Commissioner Dean made a motion to approve the application, Commissioner Ellingford seconded the motion. Chairperson Adams asked for discussion. With no discussion, he called for a vote. There were 2 aye votes to 3 nay votes. Chairperson Adams and Chairperson Dean voted in favor. ***The motion failed.***

Attorney Boal moved to hearing **CP 16-10** A request by Tami Brooks-Gomez for a Conditional Use Permit to allow a miniature horse within a Medium Density Residential-Established (MR-E) zoning district located at 230 and 280 Greek Court. The applicant is proposing to keep three miniature horses. (Section 24-27.1)

Ms. Tami Gomez who resides at 99 County Road was sworn in. She is asking permission for a Conditional Use Permit for 3 miniature horses that will be located at 230 and 280 Greek Court. She claims that they are not noisy. Miniature horse waste is like a dog. Miniature horses do not require to be walked. She will abide by city rules. The miniature horses are for her kids who participate in 4-H. Her residence is located near subject properties.

Commissioner Dean asked if the pictures on the PowerPoint were current.

Mr. Jacobsen indicated that the pictures were taken at the time the public hearing signs were posted.

Ms. Gomez stated that she brought current pictures. They have been cleaning out 230 and 280 Greek Court to provide space for the horses. Ms. Gomez submitted the pictures to Attorney Boal. Attorney Boal marked these pictures collectively as Gomez Exhibit 1.

Commissioner Begalla questioned if a barn or enclosed space is available for the horses.

Ms. Gomez stated that they are getting a fence permit as we speak. A trailer on the property is proposed to be used as a barn.

Chairperson Adams questioned if the horses are currently located on the property.

Ms. Gomez stated no.

Commissioner Ellingford questioned if any neighbors had expressed concerns.

Ms. Gomez answered that there have been no concerns expressed for the horses. There have been concerns expressed regarding the junk and debris.

Commissioner Smith questioned if the property could be cleaned up within the next month or so.

Ms. Gomez answered yes.

Commissioner Begalla expressed her concern for the safety of the horses and for the continued nuisance condition of the property.

Ms. Gomez stated that she was unaware of the nuisance reports. She has only lived at 99 County Road for 2 ½ years. Property located at 230 Greek Ct. has several owners. Historically, the property at 230 Greek Ct. was used as a trailer court. Her and her husband would like to use the property to maintain miniature horses vs. operating a trailer court.

Commissioner Begalla stated that she wants to see an effort to clean the property up.

Attorney Boal asked if anyone in the audience wanted to speak in favor of the applicant.

Ms. Peggy Ducharme, who resides at 241 County Road, was sworn in. Ms. Ducharme donated the horses to Tammi's kids for the 4-H experience and has seen wonderful progress. She has a similar setup for miniature horses. She realizes that there is a nuisance issue with the property. Ms. Ducharme offered a letter from Lori Frazier, her neighbor, which states that her neighbor has no issues with Ms. Ducharmes horses. Attorney Boal entered the letter into evidence as Ducharme Exhibit 1. She also mentioned that Russ Heward, a neighbor of 14 years, has not had any problems with her horses.

Attorney Boal mentioned that Ms. Ducharme was instrumental in crafting the miniature horse ordinance.

Ms. Ducharme stated that knowing what she knows now, she would address registering horses in a different manner.

Attorney Boal asked if the Commissioners had any more questions for the applicant. With no questions, he asked if there was anyone in the audience who wished to speak in opposition to the application.

Ms. Jessica Murray, who resides at 201 Greek Street, was sworn in. She provided Attorney Boal with photographs that were marked Murray Exhibit 1. Ms. Murray expressed concern for the horses and current nuisance condition of the property. Ms. Murray lives across the street from subject property. The neighborhood has dealt with dead cats. Manure and grass clippings have also been dumped at the end of Greek Ct. She would like to have the nuisance addressed before horses are approved at this location.

Ms. Collene Moon, who resides at 1913 West Sage Street, was sworn in. She states that her mother used to live at 91 County Road. Back when she was younger there was a big field to play in, and now it's a huge mess. She also stated that neighbors to this property cannot plant flowers due to the overpopulated cat problem. Animal feces from all animals is a problem. Adding miniature horses will make it worse.

Ms. Gomez stated that she realizes there is a cat problem. There are feral cats, but they are not her cats. She has one cat and would like to see the cat problem fixed. As for the dogs, the whole neighborhood has dogs. Barking is not just from her dogs. Grass clippings were placed near the river to fill a hole.

With no further questions, Attorney Boal closed the hearing.

Chairperson Adams asked for a motion to approve CP16-10.

Commissioner Begalla made a motion not to approve the request until such time that the applicant can show the property will remain cleaned up. Commissioner Smith seconded the motion.

Chairperson Adams asked for discussion. With no discussion, Chairperson Adams called for a vote. ***Motion failed unanimously.***

Attorney Boal moved to hearing **HE 16-02** A request by Evanston Child Development Center (ECDC) for a Height Exception to allow a fence to exceed the maximum height limitation of four feet within the front yard setback areas for property located at 336 Summit Street, Evanston, Wyoming which is zoned Public-Established (P-E). This property is considered to be a through lot having front property lines located along both 3rd Street and 4th Street. The applicant is proposing to construct a 6 foot tall privacy fence which will encroach into portions of the 20 foot front yard setback areas located along 3rd Street and 4th Street. (Sections 24-22 and 33)

Ms. Kendra West, who resides at 1912 West Center, was sworn in. Ms. West explained that ECDC has been in operation since 1981 and at their current facility since 2001. They have recently become an Early Head Start Program. They currently have a 4' foot fence but would like a 6' foot fence around their playground area for safety considerations.

Commissioner Begalla asked if she would be replacing the 4' foot fence with the 6' foot fence.

Ms. West stated that the fence will be located in the same place with the exceptions of the visibility triangle corners. The fence will be constructed with Trex material and not chain link. Early Head Start will be paying for it. They have already put a lot of money into the building and feel it will enhance the property.

Commissioner Adams referred to the drawings on the PowerPoint and questioned if the fence was going to follow the yellow lines or be located around the perimeter of the property.

Ms. West answered that it would be installed around the perimeter of the playground areas.

Commissioner Dean questioned if there will be security cameras.

Ms. West stated that it is a requirement for Early Head Start. A full security system will be installed in the next 2 weeks for both buildings.

Chairperson Adams asked if there will be access from Summit Street.

Ms. West answered yes. Gates will be in place for equipment, etc.

Commissioner Beaudry questioned if there will be adequate lighting.

Ms. West stated that the area is very well lit.

With no further questions either for or against the application and no further questions from the Planning Commission, Attorney Boal closed the hearing.

Chairperson Adams asked for a motion to approve HE 16-02. Commissioner Beaudry made a motion to approve and was seconded by Commissioner Begalla. Chairperson Adams asked for discussion. With no discussion, Chairperson Adams called for a vote. ***Motion carried unanimously.***

Attorney Boal continued to **HE 16-03** A request by Uinta County School District #1 for a Height Exception to allow a proposed wind generator to exceed the maximum height limitation of twenty five feet for an accessory structure for property located at 2234

Yellow Creek Road, Evanston, Wyoming (Bus Barn) which is zoned Agricultural-Established (A-E).

Mr. Pat Rooney, who resides at 179 Toponce Drive, was sworn in. Mr. Rooney is asking for a wind turbine to be located at the bus barn location. He stated that it was approved at the Evanston High School location in 2010, but they lacked the funds for installation. He didn't realize the original application was void after a 2 year period. The Uinta County School District (UCSD) again applied for a height exception application at the Evanston High School. This request was not approved due to aesthetic considerations. The wind turbine will be 44' feet in height. Surrounding street lights at the bus barn are 33' feet in height. The sound diminishes from the wind turbine with distance. There will be an additional costs to install the wind turbine at the bus barn site.

Attorney Boal asked if there was anyone in the audience with questions for the applicant.

Mr. Todd Gomez, who resides at 99 County Road, was sworn in. He asked if there would be noise to surrounding residence.

Mr. Rooney answered that the radius of sound would not affect anyone. You would only hear the wind.

Attorney Boal asked if the Commission had any questions.

Commissioner Dean questioned if Mr. Rooney had an estimate on the additional costs.

Mr. Rooney answered the approximate extra cost will be \$5000.00.

Commissioner Beaudry commented that the wind is horrible here and doesn't think it will be an issue.

With no further questions, Attorney Boal closed the hearing.

Chairperson Adams asked for a motion to approve HE 16-03, Commissioner Smith made a motion to approve and was seconded by Commissioner Beaudry. Chairperson Adams asked for discussion. With no discussion, Chairperson Adams called for a vote. ***Motion carried unanimously.***

Chairperson Adams asked about future meetings. Future meetings are scheduled for October 3rd, November 7th, and December 5th. Commissioner Beaudry said that he would not be able to attend the October 3rd meeting.

With no further business, Chairperson Adams adjourned the meeting at 8:47 p.m.