



# Planning & Zoning Commission Board of Adjustment

Evanston, Wyoming  
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Board of Adjustment/Planning Commission Meeting Minutes  
March 4, 2019  
6:00 PM at City Hall

## Board Members Present:

Maryl Thompson – Chairperson  
Robert Smith  
Michael Day  
Rowdy Dean  
Heath Beaudry

## Staff Present:

Dennis Boal, Evanston City Attorney  
DuWayne Jacobson, Senior Planner  
Dean Barker, Evanston City Engineer  
Dawn Worley, Administrative Assistant III

Chairperson Thompson called the meeting to order at 6:02 p.m.

Chairperson Thompson asked for a motion to approve the agenda for the March 4, 2019 meeting. A motion was made by Commissioner Day, seconded by Commissioner Smith. ***The motion carried unanimously.***

Chairperson Thompson asked for a motion to approve the minutes from the February 4, 2019 meeting of the Planning Commission/Board of Adjustment. A motion was made by Commissioner Day, seconded by Commissioner Beaudry. ***The motion carried unanimously.***

## **Old Business:**

Attorney Boal opened the meeting by explaining this is not a contested case hearing. This meeting will be a legislative hearing.

Senior Planner Jacobsen opened the meeting by introducing **TA 11**, A request by the City of Evanston for a Text Amendment to Section 24-15 B. of the Evanston City Code (Schedule of Permitted Land Uses in Commercial Districts and Business/Light Manufacturing District). Possible changes with this Text Amendment include permitting some land uses as a use by right which currently require conditional use review, conditionally permitting some uses which are currently prohibited, adding new commercial and service related land uses in general which are currently not listed in the Schedule of Land Uses for commercial districts, and providing definitions of land uses for clarification purposes. (Section 24-107)

Mr. Jacobsen continued by reviewing the options offered at the February 4<sup>th</sup> meeting of the Planning and Zoning Commission. Senior Planner Jacobsen explained in detail the addition of small tool rentals as well technology to include cryptocurrency. He additionally reviewed the addition of a specific definition for “office”. Mr. Jacobsen explained clear definitions assist in decision making and improve consistency. Senior Planner Jacobsen also explained the addendum addition.

Chairperson Thompson asked why small tools are limited to electrical, not including other items such as lawnmowers, yard tools or small gas-powered tools.

Senior Planner Jacobsen explained those items had previously been reviewed by the Planning Commission and City Council with a text amendment request in 2010.

Chairperson Thompson asked if “provided that only administrative, bookkeeping, and clerical types of activities” within the definition of “Office” applies to items 1 thru 7 or just item 7.

Mr. Jacobsen explained it was specific to item 7.

Hearing no further questions or comments from the Commission, Chairperson Thompson opened the meeting for public comments.

Mark Anderson, Superior Rental, 460 Washington Avenue, Evanston, WY, addressed the Commission. Mr. Anderson expressed concerns regarding the addition of small tool rental to the potential approval list for the RB-E district. He advised he agreed with the previous City Council and Planning Commission ruling which did not allow for equipment rental in this area. Mr. Anderson questioned the process of review. He asked how enforcement would be managed and who would be responsible for the enforcement. Mr. Anderson explained the requirements of maintenance on gas powered engines which results in oil and chemicals being introduced into the area. He stated he does not feel this is the proper image to set for in the RB-E district.

Clarence Vranish, Evanston, WY, spoke to the Commission. Mr. Vranish stated he feels requiring a Conditional Use Permit for a business that has not changed other than ownership is not necessary. He continued to express to the Commission his view that restricting business results in empty buildings. Mr. Vranish pointed out areas that he believes could be developed if few restrictions were in place. Mr. Vranish encouraged the Commission not to copy other communities but to do what is best for Evanston. He stated the need for revenue in Evanston and that businesses bring revenue. Mr. Vranish explained he believes that protectionism ideology is destructive to growth.

Commissioner Smith addressed Mr. Varnish’s comments by clarifying the role zoning plays in protecting communities. He additionally expressed the desires of the current Commission to encourage growth and be open to new business opportunities.

Chairperson Thompson additionally added that the current review is specific to the RB-E zone and encouraged Mr. Vranish to speak to the Mayor and City Council regarding creating a new committee to review other zoning districts of the City. Chairperson Thompson explained she feels all zoning districts need to be reviewed and public input results in a comprehensive evaluation of the changes necessary in each district.

David Anderson, Superior Rental, 106 Rimrock, Evanston, WY, stated to the Commission he encourages competition and that protectionism is not the goal. He explained that prior to building the current facility, he had approached the Planning Department with a proposal to locate his business in the RB-E district and was told his business was not compatible with the zoning requirements. He echoed previously expressed concerns of enforcement, specifically, how will businesses be monitored or reviewed. Mr. Anderson spoke to the decline in the economy. He mentioned the impacts it has had on his business and is concerned for the future of his and other businesses in the community.

With no other discussion heard, Chairperson Thompson called for a motion from the Commission.

Commissioner Dean moved to table **TA 11** to the April 8<sup>th</sup> meeting of the Planning and Zoning Commission. Commission Day seconded the motion. ***The motion passed unanimously.***

#### **New Business:**

With no new business, Chairperson Thompson moved on to Other Business.

#### **Other Business:**

Senior Planner Jacobsen introduced the final plat proposal by Yellow Creek Ranch Company for a major subdivision, the **Ridgecrest 5<sup>th</sup> Addition**, located north of Ridgecrest 4<sup>th</sup> Addition. The land is zoned Low Density Residential-Developing. The Ridgecrest 5<sup>th</sup> Addition proposes to terminate Red Hawk Avenue at an existing cul-de-sac located at the northern end of the street and create three lots. Lot 1 is 0.502 acres, Lot 2 is 0.486 acres and Lot 3 is 0.114 acres in size.

A new permanent detention basin will be constructed on Lot 3, replacing the temporary basin currently located on Lots 2 and 3. The new basin area will include the installation of storm drain lines, a release control box and a graded 15-foot wide driveway and turnaround area. The outlet pipe for the basin is proposed to be installed under the irrigation canal to the west. A stormwater plan will be required to be submitted to the City Engineer for review. Concerns over the pond include a potential requirement of paving a portion of the approach area. This will be worked out between the developer and City staff.

Snow removal has been reviewed by the City Public Works Director and Streets Supervisor. The driveways will be pre-designated for each lot.

Commissioner Day asked how future development will be impacted north of the subdivision with Red Hawk Avenue proposed to end with a cul-de-sac.

Senior Planner Jacobsen explained that development can continue as a result of Gage Avenue extending to Yellow Creek Road. Two additional cul-de-sacs will likely occur north and south of the Gage Avenue extension.

The developer shall convey 5 percent of the total land area in the subdivision or pay the City 11 percent cash-in-lieu of the raw land value of the total area in the subdivision. The detention pond and surrounding area will be conveyed to the City and covers this requirement.

Chairperson Thompson asked if Lot 3 will belong to the City and if paving will be required.

Senior Planner Jacobsen stated Lot 3 will be conveyed to the City. Paving will be worked out between the developer and City.

Chairperson Thompson asked how many residents would be affected by the proposed address change and explained how that requirement could affect title companies, mortgagors and others.

Senior Planner Jacobsen answered 5 or 6 in the area could be affected and stated City staff would review the proposal with emergency responders and the developer as well.

Gareth Powell, Forsgren Associates, addressed the Commission speaking in favor of the proposal. He stated he has worked closely with City Staff to design a cul-de-sac which will be favorable to the property owners and City. Mr. Powell expressed certainty that the remaining minor concerns can be worked out between the City and the developer.

Chairperson Thompson called for a motion to recommend approval of the **Ridgecrest 5<sup>th</sup> Addition Subdivision** to the City Council with Staff Recommendations.

Commission Smith so moved, seconded by Commissioner Day.

The Commission ***unanimously voted to recommend*** approval to the City Council with Staff Recommendations.

Senior Planner Jacobsen introduced the final plat proposal by Herb Weston for a major subdivision, the **Sterling Addition**, located south of Purple Sage Municipal Golf course, east of Westview Village townhomes, west of the Shell gas station and north of Rocky

Mountain Yeti Automotive dealership on Harrison Drive. The land area is zoned Highway Business-Established.

The developer proposes to subdivide Lot 1, Block 1 of the Weston Addition into a five-lot subdivision. Lots will range in size from 0.392 acres to 3.567 acres. Fill material was added to the site over last summer to create development pads for the proposed lots. As a result, an existing section of the City water main was buried at a depth that cannot be maintained. The developer will relocate this section of water main line to a 36-foot wide cross lot access, drainage and utility easement and a small section of an existing 20-foot wide City of Evanston waterline easement. The 20-foot wide easement, which the water main line will be relocated from, is proposed to be vacated.

Utility easements are located around the perimeter of the subdivision boundaries and vary in width between fifteen and thirty-five feet. The existing forced sewer line located along the north property lines of Lots 1 thru 4 will be abandoned by the City and conveyed to the developer.

Site development plans were submitted after the staff report was completed. The proposed site development was presented to the Commission.

City Engineer, Dean Barker, stated to the Commission that the property lines are based on the existing plans submitted. He also advised that an addition of a retaining wall along the back portions of the lots could allow for additional development space.

Attorney Boal advised that a lease agreement would also be required between the developer and YESCO prior to proceeding to the City Council.

Chairperson Thompson called for a motion to recommend approval of the Sterling Addition subdivision to the City Council with Staff Recommendations.

Commissioner Day so moved, seconded by Commissioner Dean.

The Commission ***unanimously recommended the Sterling Addition Subdivision be approved*** by the City Council with Staff Recommendations.

Chairperson Thompson announced future Planning Commission and Board of Adjustment meeting dates of April 8, May 6 and June 3.

The meeting adjourned at 7:10 PM.

Respectfully Submitted,

Dawn Worley