



# Planning & Zoning Commission Board of Adjustment

Evanston, Wyoming  
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Board of Adjustment/Planning & Zoning Commission Meeting Minutes  
April 8, 2019  
6:00 PM at City Hall

Board Members Present:

Maryl Thompson – Chairperson  
Robert Smith  
Rowdy Dean  
Heath Beaudry  
Kim Begalla  
Dave Huggins

Staff Present:

Dennis Boal, Evanston City Attorney  
DuWayne Jacobson, Senior Planner  
Dean Barker, Evanston City Engineer

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

Chairperson Thompson asked for a motion to approve the agenda for the April 8, 2019 meeting with the addition of approving the Minutes of the March 25, 2019 Work Session. A motion was made by Commissioner Dean, seconded by Commissioner Begalla. ***The motion carried unanimously.***

Chairperson Thompson asked for a motion to approve the minutes from the March 4, 2019 meeting of the Planning Commission/Board of Adjustment with the correction “tabled until the April 1st meeting”. A motion was made by Commissioner Beaudry, seconded by Commissioner Begalla. ***The motion carried unanimously.***

Chairperson Thompson asked for a motion to approve the minutes from the March 25, 2019 work session of the Planning Commission/Board of Adjustment. A motion was made by Commissioner Begalla, seconded by Commissioner Smith. ***The motion carried unanimously.***

Old Business:

Chairperson Thompson called for a motion to remove **TA 11** from the table.

Commissioner Begalla moved to remove **TA 11** from the table, seconded by Commissioner Beaudry. ***The motion carried unanimously.***

Attorney Boal opened the hearing by advising **TA 11** is a non-contested hearing. The hearing will be conducted in a more open forum and not require anyone to be sworn in prior to testimony.

Senior Planner DuWayne Jacobsen began by reviewing the conclusions from the March 25, 2019 work session. Mr. Jacobsen presented Option 5 as per the request of the Commission. He reviewed the existing land uses provided by the current Code. Land use additions were also specified. A definition of light duty rental equipment was additionally provided to the Commission. Light manufacturing processing and assembly were presented as a use. Definitions for “office” and “light rental service” were presented.

Chairperson Thompson called for questions or concerns.

Paul Knoff, 259 High ridge Point, Evanston, WY spoke to the Commission regarding light manufacturing being an addition in the Regional Business-Established district. He expressed his disagreement in it being added in this area.

Mark Anderson, 460 Washington, Evanston, WY expressed his concerns regarding tool rental and dog kennels in this area. Mr. Anderson specifically pointed out noise impacts, odors and maintenance requirements that can affect neighboring businesses. He also addressed concerns regarding enforcement of any stipulations/limits.

Paul Knoff spoke regarding maintenance and the possibility of chemicals being washed into the sewer system.

Travis ,107 Revolution, Evanston, WY spoke in support of light rental service. He stated he is interested in less than two percent of his business being rental of equipment.

Commissioner Huggins asked Travis if he had an issue with the rental equipment being kept in and enclosed building.

Mr. Hogman stated he sees no issue with have the equipment in an enclosed space.

Commissioner Huggins asked if he had concerns regarding disposal of chemicals as well as size and type of party rental equipment.

Mr. Hogman stated he does not anticipate issue with that regard and will have training specific to the requirements.

Chairperson Thompson asked if anyone else in the audience would like to speak in favor of or against **TA 11**.

Dave Anderson, 106 Rimrock, Evanston, WY spoke to the Commission regarding **TA 11**, specifically regarding light rental service. He asked the Commission to consider the masterplan as they make their decision.

Attorney Boal asked if there was anyone else in the public wishing to speak regarding **TA 11**. Hearing none, he turned discussion over to the Commission.

Chairperson Thompson asked for a motion to approve **TA 11, Option 5**, as their recommendation to City Council. Commission Smith so moved, seconded by Commissioner Beaudry.

Chairperson Thompson clarified the information regarding the kennels.

Commissioner Dean stated he still would like to see the reports from 2010 in and effort to do more research and have more information.

Chairperson addressed the question regarding light manufacturing. This could include bakeries, screen printing shops or other similar uses.

Commissioner Huggins suggested changing the number of employees to 10.

Chairperson Thompson called for a vote to recommend TA 11, Option 5, to City Council for approval. **5 Commissioners voted in favor, with Commission Dean voting opposed. The motioned to recommend TA 11, Option5, to the City Council for approval carried by a majority vote.**

### **New Business:**

Attorney Boal began the public hearings by explaining the legalities of the hearing, and how it would be conducted. Applicants would be heard from first, followed by those in favor of the proposal and finally hearing from those who are opposed to the proposal. He asked each person speaking to clearly state their name and home address for the record prior to being sworn in to testify. Attorney Boal additionally explained that public hearings are contested case hearings and that anyone who wishes to contest the Commission's decision must make it known to him at the closing of the hearing.

Attorney Boal opened the hearing with **CP 15** - A request by Wyoming Horse Racing, LLC for a Conditional Use Permit to allow an indoor entertainment use (Off-Track Betting - OTB) for property located at 1945 Harrison Drive, Evanston, WY (TC's Steakhouse) which is zoned Highway Business-Established (HB-E). Wyoming Horse Racing, LLC currently operates an OTB use at Porters TNT Fireworks located at 755 Prospector Drive, Evanston, WY. The indoor entertainment OTB use at Porters TNT Fireworks is proposed to be relocated within the existing commercial building previously occupied by TC's Steakhouse. In addition to the indoor entertainment OTB use, the building will accommodate a food and beverage service use. (Section 24-15 B (20)).

Eugene Joyce, 130 Fox Point Loop, Evanston, WY was sworn in and spoke on behalf of the application. Mr. Joyce advised he is seeking to move to expand the OTB and offer amenities to customers.

Attorney Boal asked for questions from the audience and Commission.

Commissioner Huggins asked about parking striping and how he plans to accommodate the small lot.

Mr. Joyce advised they plan to use the rear of the building and will work with Lincoln Highway Tavern to share parking.

Chairperson Thompson asked if OTB would be offering a Bar & Grill or food and beverages.

Mr. Joyce stated they are working out the logistics on a liquor license and food and beverage operation.

Commission Smith asked if the area behind the location would potentially become a future development option.

Mr. Joyce stated this had been discussed but this is something that is a potential after the next 3-5 years. He stated he feels the location lends itself to more customer traffic.

Commissioner Begalla expressed concerns regarding the size of the building and the impression the business will leave with potential visitors to the community.

Chairperson Thompson explained there will be CCR's in place between the two businesses allowing for shared parking.

Attorney Boal asked Mr. Joyce if he has had the opportunity to review the staff recommendations regarding paving the rear section of the lot.

Mr. Joyce stated he has concerns regarding putting asphalt in during the summer hours.

Chairperson Thompson asked Mr. Joyce if he has considered speaking to the company who is doing the asphalt for the City to see if they might be able to do the work.

Mr. Joyce stated he had not but will work with the City to find a solution.

Paul Knoff, 259 High ridge Point, was sworn in and spoke on behalf of the application. He stated the subdivision seeks to fix the current non-conforming situation and the parking plan will clean up the current traffic flow issues and parking will be identified.

Attorney Boal asked if anyone else would like to address the Commission, hearing none, the hearing was closed.

Chairperson Thompson asked for a motion to approve **CP 15**. Commission Dean moved to approve CP 15 with staff recommendations changing the date to October 1, 2019 for completion of the parking lot and striping. Seconded by Commission Beaudry.

Commissioner Begalla expressed concern over that type of business being located there.

Chairperson Thompson asked what would be considered required for the parking lot.

City Engineer Barker advised the owner would have to submit a plan for striping and the plan would be reviewed at staff level to include any improvements and updates.

Commissioner Begalla asked if the existing sign will be replaced.

Mr. Joyce advised that the sign would be replaced with their logo.

Chairperson Thompson advised that she needed to disclose her office was handling the sale of the property, but she is not involved in the process.

Mr. Joyce advised to the Commission that they only allow individuals 21 and over into the establishment.

Chairperson Thompson asked if there would be other improvements to the exterior of the building.

Mr. Joyce stated they are remodeling the interior completely but will not be doing much to the outside.

Hearing no further discussion, Chairperson Thompson called for a vote. ***The motion passed unanimously.***

Attorney Boal introduced **BA 12** A request by Maverik, Inc. for a Variance to allow paved vehicle circulation areas to encroach 20 feet into the minimum 20-foot landscaped front yard setback area for all principal and accessory uses and to allow paved vehicle circulation areas and a RV dump station to encroach up to 30 feet into the minimum 30-foot rear yard setback area for all uses for properties located at 527 and 535 County Road, Evanston, WY. Property located at 527 County Road is zoned Industrial-Established (I-E); property located at 535 County Road is zoned Highway Business-Established (HB-E). Maverik is proposing to construct additional fuel pump islands and a RV dump station at 527 County Road. (Section 24-16 C. (5) and (8)), (Section 24-36 E.), and (Section 24-103).

Paul Heywood, 481 South, Farmington, UT, was sworn in and spoke on behalf of the application. Mr. Haywood explained to the Commission that Maverik has been surprised by the traffic at the site and feels it can best serve it's customers by

expanding. He expressed concerns over safety for customers as well given the difficulties with traffic flow. Mr. Heywood stated Maverik is seeking to improve the traffic flow issues. He additionally stated adding the RV dump will provide an additional service to customers.

Chairperson Thompson asked if there is enough room between the RV Dump station and fuel island.

Mr. Heywood stated there is sufficient space for both to occur at the same time, given approval of the variance. He explained that increasing the asphalt area in the back will provide space for large vehicles to pull around without impeding existing traffic.

Attorney Boal asked the audience if anyone wanted to speak for or against the application.

Chairperson Thompson asked Mr. Heywood if the zoning would change once the subdivision was complete.

Senior Planner stated it would stay the same.

Chairperson Thompson asked if Maverik would be willing to place a larger buffer between the location and the neighbors.

Mr. Heywood explained they are planning a vinyl fence between the two properties with the possibility of trees.

Nola Cutts, 525 County Road, Evanston, WY, was sworn in and spoke against the application. She explained her concern is regarding the RV dump and the maintenance of it. She expressed issues with traffic flow and concern regarding the fence currently being hit by drivers. Ms. Kutts asked about a plan for snow removal. She did agree with the proposed landscaping will be an improvement.

Commissioner Huggins asked if there are any other options for the RV Dump.

Mr. Heywood advise there are no other options.

Commissioner Smith asked if more trees would be an improvement.

Ms. Cutts expressed concerns about the Dump not being maintained. She wants a guarantee it will be cleaned regularly.

Chairperson Thompson asked what type of training would be implemented to make certain the dump station is maintained.

Mr. Heywood stated the design of the dump station and maintenance is a reflection on Maverik and keeping it in the best possible care is the goal.

Chairperson Thompson asked about snow removal.

Mr. Heywood stated he isn't certain and will review the processes.

Chairperson Thompson asked if the Dump station ties into the sewer system.

City Engineer Barker advised it does tie directly into the sewer system and will go directly to the sewer.

Commissioner Begalla asked about the lid.

Mr. Heywood advised the lid will close by itself if not in use and that it's all self-contained.

Commissioner Begalla encourage more landscaping to the side by the neighboring property.

Paul Cutts, 513 Hathaway Ave., Evanston, WY, was sworn in and spoke against the application. He asked about Semi-truck traffic and diesel services and how they are going to prevent trucks filling at this site. Mr. Cutts also expressed concern about noise and snow removal.

Attorney Boal asked if anyone else wanted to speak either for or against the application. Hearing none, the hearing was closed.

Chairperson Thompson asked for a motion to approve **BA 12** Commissioner Huggins so moved with staff recommendations, seconded by Commissioner Beaudry.

Commissioner Huggins asked if the expansion will happen without the RV dump.

Mr. Heywood stated it was an amenity to customers and desire to keep this as part of their services.

Chairperson Thompson called for a vote to approve **BA 12** with staff recommendations. ***The motion passed unanimously.***

### **Other Business:**

Chairperson stated there will be an upcoming text amendment regarding the transferability of a conditional use permit.

Senior Planner Jacobsen advised the Commission he will prepare information for the next meeting.

Chairperson Thompson announced future meeting dates of May 6, June 3 and July 6.

The meeting adjourned at 8:00 PM.

Respectfully Submitted,

Dawn Worley