



*Town of Alpine
Planning & Zoning Commission Minutes*

DATE: August 13, 2019

TIME: 7:00 p.m.

PLACE: Town Hall

TYPE: Regular Meeting

1. **CALL TO ORDER:** Meeting called to order at 7:24 p.m.

2. **ROLL CALL & ESTABLISH QUORUM:** Ms. Christine Wagner, Planning and Zoning Commission Secretary established roll call; members present were Mr. Floyd Jenkins, Mr. Tim Hartnett and Mr. Rex Doornbos. Also present was Dan Halstead, Building Inspector/Municipal Enforcement Officer. A quorum was established.

3. **APPOINTMENTS/NEW BUSINESS:**

- **{ Sandner, James: Lot #125 Alpine Grid Area, 125 Morning Star Drive – (#REZ-01-19) {Property Rezone Discussion}** - Mr. James Sandner addressed the Commission members regarding his rezone request for the property located at 125 Morning Star Drive; Mr. Sandner addressed the property boundaries and proposed use for the property, in which rental facilities is not an allowable use in the mixed residential and commercial district. It was identified that Mr. Sandner is the adjacent property owner and he could enter into a shared agreement for the rental facility, but that is not his intention. Mr. Sandner stated that he could like to be able to use all of the land/property and comply with the allowances of the commercial district which allows commercial contracting establishment, such as: rental facilities, landscaping services and supplies, excavation equipment and vehicles associated with said businesses. Mr. Sandner also stated that he feels this is in line with the other commercial businesses that are in the immediate area and/or have been established as the commercial corridor. Also reiterating that the Town is actively pursuing the relocation and/or building of businesses within the incorporated boundaries. Mr. Sandner does not feel that rezoning this property would be detrimental to the area. Commission members discussed the rezone and reviewed the presented staff report for the proposal. Ms. Christine Wagner, Zoning Administrator read the staff report into the record. Identifying the followed procedure for the rezone and the items that needed to be addressed for the Commission review. The staff report is as follows:

Zone Change Application Form and Supplemental Information were submitted on June 21st, 2019; All related filing fees have been submitted; Application has been reviewed and evaluated by the Zoning Administrator. "Attachment #1"

All required advertising has been submitted and ran consecutively in the Star Valley Independent on publications dates of: July 3rd, 10th, 17th 24th and 31st, 2019; in anticipation for the August 13th, 2019 scheduled Planning & Zoning Commission Meeting. "Attachment #2"

All property Owners within a five hundred (500) foot radius of the proposed property rezone have been notified via supplied information; with ample opportunity to provide comment and/or give a response to the mailing, either in person or in writing. A generous response deadline is as of the meeting date of: August 13th, by 7:00 PM. "Attachment #3"

A total of twenty-two (22) mailings were sent out; of those twenty-two (22) mailings, approximately eight (8) of the mailings are held by property owners having more than one (1) property within the given mailing radius. Of those owners the applicant holds six (6) properties within the mailing radius. Thereby making the total of thirty-six (36) property notifications made.

Please note that the US Bureau of Reclamation has two (2) mailing contacts.

Out of the potential of thirty-six (36) properties; the Town has received a couple of verbal responses. Comments were as follows:

1. "What are they doing?"
2. "Where is this located?"; and
3. "Isn't this already zoned Commercial?"

The Planning & Zoning Administrator has verbally spoken with a couple of the property owners within the mailing radius. With those owners identifying that they have no problems with the proposed rezone located at 125 Morning Star Drive. **As of August 10, 2019; the Town of Alpine has received one (1) written notification of a formal opposition to the request for the rezone. That written documentation will be made available on the meeting date. It should be noted that the property owner that officially opposes the rezone has three (3) properties within the notification radius. It is my understanding that the property owner will be present at the meeting, nonetheless the property owner would like to be put on record that they are "against" the proposed rezone.** A copy of the area zoning map is attached, further referred as "Attachment #4"; as depicted the contiguous properties to the South that are already zoned "**Commercial**", with the adjacent properties to the North zoned "**Mixed Residential Commercial**".

The "Commercial" properties are identified as: Gas Station with a Convenience Store; Retail Shops; a four (4) Unit Apartment Complex; a five (5) unit Business Complex (Offices); Pharmacy; Lumber/Hardware Store; Rental Store; Post Office; Hair/Nail Salon; Motel Complex comprised of twenty-two (22) units. The other "Commercial" properties located across the highway are Motel Complex comprised of twenty-one (21) rental units, Bar/Saloon with liquor store, Town Community/Civic Center, a commercial complex housing a "Donut Shop and Gun Store" along with three (3) rental apartments and a Day Care Facility.

The "Mixed Residential Commercial" properties are identified as: a Single Family Residential Home; Lumber Yard {Storage}, Community Church and three (3) Apartments/Townhouses Complexes, one (1) of them housing four (4) units each, one (1) housing six (6) units each and one (1) housing eleven (11) units.

It should be noted that, in addition to the established businesses there is five (5) vacant lots in the notification zone. Four (4) of which are zoned "Mixed Residential Commercial" and one (1) zoned "Commercial".

Request for Rezone; as stated by the Applicant: (Refer to Attachment #1)

The conceptual site plan includes a new code compliant structure/building to be built on the property; this conceptual plan is in the "draft" stage right now; any additional drawings, floor plans and/or blue prints will be submitted with the building application packet; the conceptual site plan is subject to slight changes, depending upon the outcome of the zoning determination. By requesting a zone change this would give allowance for the utilization of a "Commercial Contracting Establishment, such as: rental facilities, landscaping services and supplies, excavation equipment and vehicles associated with said businesses", as state in the Land Use and Development Code. Rental equipment on site would include but not be limited to: heavy construction and/or excavation equipment, forklifts, platforms/scaffolding, rollers/compactors, heaters/fans, large generators and/or air compressors, etc. Housed inside the building would be smaller equipment and tools including but not limited to: lawn and garden tools/equipment, hand tools, floor and tile equipment, etc.

Additional Comments By Planning & Zoning Administrator: The "Black Mountain Rental" business is leasing the building and land where they are currently occupied. The owner of the "Black Mountain Rental" business now owns the parcel of land, where the proposed rezone is requested. This zone change request would further allow "Black Mountain Rental" to be compliant within the current zoning district allowances that have been established by the Town of Alpine.

Land Use and Development Code

Section 2-205 – Zone Change Process

Sub-Section (e):

a. Merits:

The intrinsic value of rezoning this property is to allow the applicant the proper zoning for their intended use. It has been stated that this property will be upgrading the current site to allow for construction and/or equipment rentals and sales known as "Black Mountain Rental" in which rentals and sales are an allowable use in the "Commercial Zoning District". The Town of Alpine has already established a commercial corridor, the need of "Commercial" property availability is in high demand; this rezone would allow the stated business to be in the proper zoning for this

type of business establishment; thereby creating the lease and/or availability of an additional "Commercial" business opportunity.

b. Disadvantages:

As I see it, the only disadvantage that is relevant to the rezoning project would be to that vacant lot (#10) that is located directly adjacent to the proposed rezone property. However, this vacant lot is owned by the rezone applicant; at the time of submission, it is unknown what the property owner has in mind for any future buildings and/or uses for that parcel.

c. Potential Impacts of Proposed Zone Change upon Adjoining Land Uses:

Again, the only foreseeable impact I see would be the adjacent land use (Lot #10); the other bordering property has an established Gas Station with a Convenience Store, in which is accessed off of US Highway 89; however there is always a potential impact for increased traffic volume along the short distance of Star Lane; with the slight potential for increased volume for a minimal portion of Morning Star Drive. However, some of the neighboring businesses are already utilizing these portions of Star Lane and Morning Star Drive, in which should be noted residents/businesses in that area already has two (2) established accesses in which can and will be utilized for current and future development.

- Additional impacts, if any, which could occur at a later development date is any building development of the vacant parcels that are zoned "mixed residential commercial" in the notification radius; should there be a desire to build more multi unit apartment complexes.

d. Municipal Infrastructure:

This rezone would not readily impact the existing municipal infrastructure; upon construction of a project (building) on this property there is the potential to upgrade the water service lines to the existing property, in which are old and outdated with an approximate installation timeline of the late 1970's. There will be no impact to the sewer services, as that service already exists.

e. Public Health and Safety:

This rezone would not readily impact any public health of the surrounding properties. However, it is noted that the potential removal of a non-compliant forty (40) plus year old structure would be a beneficial to the applicant rather than trying to complete any type of retro-fit to the existing structure.

As with any business and/or storage facility there could be safety concerns for moving equipment and/or loading equipment around the property; any additional concerns would be trespassing on the property. It is suggested that the business owner prepare a directional system for entering and exiting the "rental yard" property, so that the safety of the public and/or neighboring properties are aware of any imminent dangers in the surrounding area. It would be further suggested that the property owner keep all equipment securely locked and posting notification of "No Trespassing" on the aforementioned property. This is only a suggestion and should not be a requirement of the rezone decision.

f. Community Land Use Relationships:

Most of the properties in the immediate area have been identified as "Commercial" therefore; I feel that the land use relationships are compatible in this area, since this is located in the middle of the Town which appears to have the most "Commercial" visibility. I would strongly encourage the utilization of the commercial corridor rather than identifying and/or allowing the non compliant use of land, in which would set precedence for any and all future businesses and/or business owners.

Recommendation from the Planning and Zoning Administrator is:

In closing, I have conducted a review of the application and the associated paperwork for this rezone application and have found all the paperwork is in order. I have taken the written opposition (consisting of three {3} lots) into consideration; upon researching the ownership of the subject parcel, it appears that there is a sixty (60) foot tract of land that separates the opposing property owners and the subject rezone property; as best as I can determine Mountainview Townhomes was platted in 2003. With the subject property going back to approximately 1994. It is believed that the proposed zone change would not impede the properties in the immediate area. In addition, the rezone would prove to an advantageous to the Town and to the Applicant to have van already established business in the correct zoning district.

It is the recommendation of the Planning and Zoning Administrator to approve the rezone for the property located at 125 Morning Star Drive, the .40 AC. PT. NE4SW4 parcel of land located in the Alpine Grid Area, within the incorporated limits of the Town of Alpine, Lincoln County, Wyoming, owned by the applicant: James Sandner.

Among the discussion items was the size of the rezone property, in which the size was identified as a .40 AC. PT. NE4SW4 parcel. Also submitted as of the meeting date; an additional letter was received that stated: **"If this zoning change is ONLY for 125 Morning Star Drive, I have no objection. However, if this zoning change EFFECTS my property, WHATSOEVER, I am 100% against this change.**

Chairman Doornbos took public comment from Mr. Chad Jackson, who is the adjacent property owner. In which Mr. Jackson stated his opposition to the proposed rezone. Mr. Jackson stated that he had purchased the property in 2007, in which were both zoned "mixed residential and commercial" properties; he has three (3) building pad for Townhomes to be placed on the adjacent parcel. Mr. Jackson further stated that he is against the type of business that will be conducted on that parcel; his contention is the noise of the loud rental equipment; the traffic, (large trucks and/or rental equipment) along with the parking of that equipment on that portion of Morning Star Drive. Mr. Jackson stated that having this type of business next to his property will significantly drop the curb appeal of his Townhomes, when they are constructed. However, at the current time there is no proposed construction dates. Also discussed was the installation of a fence to help with the rental noise and the hours of operation of the rental facility.

Chairman Doornbos stated that Mr. Sandner has demonstrated his request for rezoning and with the minimal amount of responses; rezoning the property would be in the best interest of the Town and of the applicant. With that said Mr. Tim Hartnett made the following recommendation.

- **Recommendation to Town Council on Rezone Application** – Mr. Tim Hartnett moved to make the following recommendation.

Mr. Tim Hartnett moved to send a recommendation to the Mayor and Town Council for their consideration and subsequent approval to rezone the property located at 125 Morning Star Drive, inclusive of all property further referred to as: Tract A, a .40 AC. PT. NE4SW4 parcel of land located in the Alpine Grid Area, within the incorporated limits of the Town of Alpine, Lincoln County, Wyoming; into the Commercial Zoning District of the incorporated boundaries of the Town of Alpine. Mr. Floyd Jenkins seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

- **O'Donnel, Katrina & Eric: Lot #17 Greys River Valley, 323 Greys River Road – (#MC-12-19) {Window Installation}** - Ms. Christine Wagner, Zoning Administrator requested this item be removed from the agenda, as the applicant is not ready at this time.

Mr. Floyd Jenkins moved to remove this item from the agenda. Mr. Tim Harnett seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

- **Brown, Bryant: Lot #92 Riverview Meadows, 501 Snake River Drive – (#MC-13-19) {Re-Roof}** - Ms. Christine Wagner, Zoning Administrator addressed this permit application stating that this is a roof warranty issue and the Building Official has reviewed the permit application, along with the replacement materials. There was no additional information that was needed.

Mr. Tim Hartnett moved to approve the minor construction permit application for Bryant Brown, permit #MC-13-19, Lot #92 Riverview Meadows, 501 Snake River Drive. Mr. Floyd Jenkins seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

- **McDonald, Joseph: Lot #36 Forest Meadows, 503 Three Rivers Drive – (#MC-14-19) {Shed Installation}** - Mr. Dan Halstead addressed this permit application. Mr. Halstead is working with Mr. McDonald and the manufacture on the shed requirements for the snow

load requirements and the engineering size.

Mr. Floyd Jenkins moved to approve the minor construction permit application with the following contingency that the applicant brings the permit application into compliance with the required hundred (100) pound or greater snow load and town code requirements for engineering of the structure greater than three (300) square feet. Mr. Tim Hartnett seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

4. TABLED ITEMS:

- **Broulim Supermarkets: Lot #36 Snake River Junction, 118400 US Highway 26/89 – Commercial Building – (#C-01-19)** {Application Extension Date – 9/27/2019} The application submittal was briefly discussed and determined that a draft letter be prepared and available for discussion and review for the September Commission meeting.
- **Three Rivers Motel (Briggs Roofing Company): Lot #60 Alpine Grid Area, 60 US Highway 89 – (#MC-09-19)** - {Commercial Re-Roof} Mr. Dan Halstead addressed the permit application along with the requested information to be submitted from the inspector's identification review. All requested items have been submitted and deemed acceptable. Permit application is good to move forward.

Mr. Tim Hartnett moved to approve the minor construction permit application for Three Rivers Motel – Briggs Roofing Company; permit #MC-09-19, Lot #60 Alpine Grid Area, 60 US Highway 89. Mr. Floyd Jenkins seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

- **Alpine Apartment – Tyler Davis (Teton Roofing, LLC): Lot #26 Alpine Grid Area, 26 US Highway 89 – (#MC-10-19)** - {Multi Unit/Commercial Re-Roof} Mr. Dan Halstead addressed this permit application. Mr. Halstead stated that he is working with the contractor on the requirements of the re-roofing; and that this project has started and so far has had the required inspection.

Mr. Tim Hartnett moved to approve the minor construction permit application for Alpine Apartments {Tyler Davis} – Teton Roofing, LLC; permit #MC-10-19, Lot #26 Alpine Grid Area, 26 US Highway 89. Mr. Floyd Jenkins seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

- **Town of Alpine/Melvin Brewing Co: Melvin Brewing Property, 624 County Road #101 – (#MC-08-19)** {Pergola Installation} – As previously discussed this project was started without an approved permit. Pictures of the constructed pergola were distributed to the Commission members for review and discussion. Commission members discussed the identified procedures that were obviously not followed. There was much discussion on this subject. The size of the structure was also identified as massive and well above the non-engineered requirement for the square footage; in addition this property is owned by the Town of Alpine, in which there has not been approval given for the structure, by the Town. A letter has been hand delivered and also a certified letter has sent, with no response received at the current time. A timeline of August 12th was given for response to the letter. Commission members discussed this structure and/or installation procedures. Mr. Dan Halstead addressed the pergola and the installation; in which was originally address when the Town was notified about the pergola. It was determined that a recommendation is to be sent to the Town Council that they remove the pergola, since there has been not permit issued, no engineering has been received for such a structure, no fee have been paid and foremost important it is a life safety issue on Town property.

Mr. Floyd Jenkins moved to send a recommendation to the Town Council that they remove the

pergola, unless they can demonstrate that there is engineering for this size of project, a complete application is submitted and the permit fees are paid. Foremost important it is a life safety issue located on Town property. Mr. Tim Hartnett seconded the motion. All in favor; Vote: 2 yes 0 no, 1 abstain (Doornbos), 0 absent. Motion carried.

5. DISCUSSION AND/OR CORRESPONDENCE ITEMS:

- **Planning/Zoning Correspondence, Questions, Concerns and/or Public Comments:**

- Correspondence from Brett Bennett was submitted prior to the meeting. Commission members reviewed the presented correspondence; Mr. Bennett is asking for a clarification on the setback for the northwest corner on the Jenkins Lumber property, which is at the intersection of Morning Star Drive and Morning Star Lane. His questions are:
 - ❖ 1. Does the Zero set back apply to the west lot line along Morning Star Lane? The answer is: **NO**, the twenty-five (25) foot setback would apply, unless there is specific verbiage on the recorded plat map which states otherwise and/or the applicant can apply for a variance.
 - ❖ 2. Does the zero set back apply to the north lot line along Morning Star Drive? The answer is: **NO**, the twenty-five (25) foot setback would apply, unless there is specific verbiage on the recorded plat map which states otherwise and/or the applicant can apply for a variance.

The Commission stated any structures installed on that side of the property would need to adhere to the established setback as stated in the Land Use and Development Code. The Zoning Administrator will reply to Mr. Bennett with the Commission's answers.

- **Planning/Zoning Discussion:**

- **Demolition Affidavits** – It was suggested that this item can be discussed in the winter time, when the Commission has more time to prepare and draft an affidavit.

6. UNFINISHED / ONGOING BUSINESS:

- **Active Building Permits, Affidavit & Banner Lists:** See Handouts, Ongoing - Due to the meeting length that this item will be tabled until the next meeting date.

Mr. Floyd Jenkins moved to table the unfinished/ongoing business until the next Commission meeting. Mr. Tim Hartnett seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

7. APPROVAL OF MINUTES:

- **P&Z MINUTES:** July 23rd, 2019 – Commission members reviewed the draft minutes that were provided prior to the meeting.

Mr. Floyd Jenkins moved to approve the minutes of the Planning and Zoning Commission Meeting of July 23rd, 2019, as written. Mr. Tim Hartnett seconded the motion. All in favor; Vote: 2 yes 0 no, 1 abstain (Doornbos), 0 absent. Motion carried.

- 8. TOWN COUNCIL ASSIGNMENT:** August 20th, 2019 – Mr. Tim Hartnett will be the next representative at the Town Council meeting.

- 9. ADJOURN MEETING:** Mr. Floyd Jenkins moved to adjourn the meeting. Mr. Tim Hartnett seconded the motion. All in favor; Vote: 3 yes 0 no, 0 abstain, 0 absent. Motion carried.

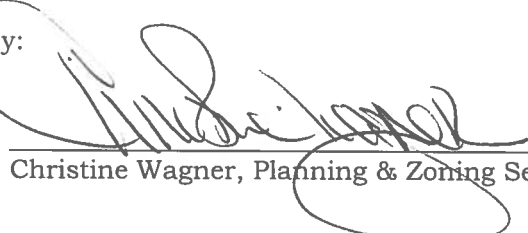
Meeting Adjourned at 9:11 pm.



Rex Doornbos, Chairman

8-27-19
Date

Transcribed By:



Christine Wagner, Planning & Zoning Secretary

August 27, 2019
Date

** Minutes are a brief summary of a recorded meeting **