

# City of Ashton Minutes Planning and Zoning Commission

**Thursday, August 17, 2023**  
**7:00 p.m.**

**In Attendance:** Rosie Owens, John Finley, Trena Howell and Dallas Hill.

**Also, in attendance:** Administrator Sara Bowersox, Deputy Clerk Jan Warnke, Kirk Teske and Christi Teske.

Chairman Hill welcomed everyone and opened the meeting at 7:00 pm

## **1. Approve Minutes from July 20, 2023: ACTION ITEM**

Commissioner Rosie Owens made a motion to approve the minutes as submitted. Commissioner John Finley seconded the motion. The motion passed unanimously.

Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the P & Z Commission

## **2. Public Hearing for Conditional Use Permit: ACTION ITEM**

Deputy Clerk Warnke was the hearing officer. She explained that the purpose of the hearing was for the Commission to receive public comments and testimony concerning a conditional use permit requested by Kirk & Christi Teske, owner of the property located at 83 N 2<sup>nd</sup> Street. Clerk Warnke asked Administrator Bowersox if the proposed property was posted and if the hearing notice was published? Administrator Bowersox replied that the property had been posted and the hearing was published. Clerk Warnke then asked the Commissioners if any of them had a conflict of interest. None of the commissioners had a conflict of interest. Next, she asked Administrator Bowersox to present her report on the proposed conditional use permit. The Administrator explained that she had received an application for a Conditional Use Permit to allow one building of storage units on the property that is behind the laundromat building. Warehousing and storage is an allowable conditional usage by the Ashton City Code for the Community Core Zoning District. By her interpretation of the law, it fits the purpose of the Community Core Zone which is to provide for the day-to-day needs of the people who live around this area. The property they are talking about is not directly on Main Street and is close to property that is currently zoned industrial. The street where people would access the storage units is designated a truck route although she doesn't believe it would increase the traffic that that street is currently getting. Because it is a storage building it will not need water or sewer, so it won't add to the city capacity for those. The applicant's plans are to build a building that is consistent in appearance with the existing building. The community including these property owners for their own commercial operation have need for storage. The administrator feels that this would be a good conditional use to grant and allow for this usage. She explained that the way the process works is that the commission will vote to recommend to the City Council to approve or disapprove this Conditional Use Permit. The city council will have to vote on it unless they specifically ask for more information or if there are a lot of questions that come up. They could ask for another public hearing, but

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another public hearing is not required without special request. The administrator's recommendation would be to approve this request and to recommend to the council that they approve the Conditional Use Permit. The commission did not have any questions for Administrator Bowersox, so the time was turned over to the applicant, Kirk Teske. Mr. Teske stated that as the administrator had said they wanted the building to be consistent with their other building. They haven't decided yet on how many units they would have. Some of their ideas have been to build 10'x20' units or 10'x30' units. There may be storage units on both sides or just one side. They want to make sure there is adequate space for snow removal. He will use some of the units for their business and the rest will be rented out. The commission asked what direction the back would face, and he told them the back was to the east. Next, he was asked if these units would be accessed from inside a building or outside. He replied that they would be accessed from outside with roll up doors. They have plans to install power to the building for outside lighting and cameras. The commission had no more questions. Administrator Bowersox wanted to clarify that this won't be the last time the city will look at what is being planned for this property. They will have to have a building permit approved by Blake and she will have to make sure that he has good building separation and traffic flow. Deputy Clerk Warnke announced that this would have been the time for public comment but there was no public at the meeting. She then closed the hearing and turned the time back over to the commission for discussion. Commissioner Hill asked for some clarification on where storage units were allowed. They are allowed in the Industrial Zone and the property next to Mr. Teske's property is zoned industrial. Commissioner Howell asked if there were any stipulations about what kind of things can be stored, like chemicals. The administrator will do some research. The Ashton City Code states that a Class II permit is required for creating a new usage to store chemicals. Mr. Teske said that his contracts can state that there will be no hazardous materials. Commissioner Hill asked if the storage units would have to abide by Industrial Zone or Community Core Zone. The administrator stated that they must abide by the zone they are in, which is the Community Core Zone. The code has traffic regulations and the storing of hazardous materials regardless of what zone it's in. Commissioner Owens asked if they would follow Community Core setbacks or Industrial setbacks. The administrator replied that it would be Community Core setbacks. Commissioner Hill asked what the setbacks were on the back of the building. The administrator told him it was 6 feet. The commission ended their discussion. Deputy Clerk asked if someone would like to make a motion.

Commissioner John Finley made a motion to recommend that the Ashton City Council approve this Conditional Use Permit for storage units. Commissioner Rosie Owens seconded the motion. The motion passed unanimously.

### **3. Next Steps for Changes to Impact Area Zone – Sara Bowersox ACTION ITEM**

#### **a. Roundtable with Impacted Property Owners**

Chairman Hill turned the time over to Administrator Bowersox. She reminded the commission that she had met with the Fremont County Planning and Zoning. They are on board with the changes to the Impact Area Zone. Both the county and city planning and zoning boards will have to hold a public hearing. Then they will each have to take the recommendation to their governing body to change the official zoning map. She will work on the questions that the county has asked her and present her

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findings to the county's public hearing. Before going any further, she wants to have a public discussion with the people who own property in the proposed zone change area. She wants the property owners to hear the proposal from her first about what the commission is looking to do and what the changes would mean to them. She included the draft letter in their packets for the commissions review. The letter explains what the commission would like to achieve and will invite them to a roundtable meeting. The property owners need to be able to give their input. This would not be a regular meeting with the commission. The commission would decide if one or two of them would like to attend but it would have to be at different intervals. At first, the commission had discussed designating the first 500 ft. as Highway Commercial but maybe that is not the right distance. We need to reassure the property owners who have a home in this area that it will not impact their home. They also need to be assured that there are no plans to put something commercial in that area. There is someone that would like to put some storage units in the area and that is an appropriate use for that zone. Commissioner Howell asked if it would be considered a meeting if one of them came in as part of the gathering. The administrator will find out and let them know. The administrator then turned their attention to the data about traffic counts she gathered from ITD. She instructed the commission on how to read and understand the information.

### **b. Code Changes for HCZD definition and buffers**

Administrator Bowersox reminded the commission that commissioner Finley as well as herself had found that the current HCZD Code specifically refers to Hwy 20. The code needs to be changed to any State or US Hwy. The change will require a public hearing. In the HCZD does not require a buffer between a new commercial business and an existing house. They could add verbiage to the code that requires buffers between existing homes and new commercial buildings. Commissioner Howell asked if a homeowner could rebuild after a fire. The administrator responded that a home could be rebuilt after any natural disaster or catastrophe using the same footprint. She then asked the commission how they felt about the approach to having the roundtable discussion and getting the code changed with the definition and the buffers. Afterwards proceed to change the zoning. The commission agreed with the plan that the administrator came up with. The commission briefly discussed the reason for the county's question on traffic flow.

Administrator Bowersox advised the commission that she and Deputy Clerk Warnke would be at a training in September, the week that the next meeting is scheduled. She proposed that the commission schedule the roundtable meeting on September 7, 2023, and the regular meeting on September 28, 2023. Then in October the meetings would be for public hearings. Commissioner Howell pointed out that September 7<sup>th</sup> is the week of homecoming. It was decided to change the roundtable to September 14, 2023, from 6-8 pm. The roundtable will be an open forum for those owning property in the suggested area to come and go as they choose.

Commissioner Rosie Owens made a motion to hold a roundtable discussion on September 14, 2023, with the property owners along Hwy 47 & 32 and to reschedule the regular P & Z meeting to September 28, 2023. Commissioner John Finley seconded the motion. The motion passed unanimously.

Administrator Bowersox asked the commission if they would be ready to have a public hearing for the purpose of changing the code to add buffers to Highway Commercial Zoning District and that HCZD included any State or US highway on September 28, 2023. The commission agreed that they were ready to hold the public hearing.

### **4. Administrator's Report – Sara Bowersox**

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Administrator Bowersox reported that the City Council had passed the ordinance on the ramp exception. The Mayor and Council sent their thanks to the commission for all their hard work. The Administrator also thanked the commission. She reiterated that changing ordinances takes time and effort. None of it happens fast. Sometimes the public gets frustrated with how slowly the government functions but there are good reasons for it not moving very fast. She will take the Conditional Use Permit that was just presented to the commission to the next City Council meeting. The City Council will then vote to approve or deny it. If the City Council approves the permit, then she will write up the actual Conditional Use Permit. The applicant will still have to get a building permit through the building inspector, and she will have to make sure he is meeting the appropriate setbacks. The Hess apartments have been approved by her for zoning and the building inspector for building. There has been a permit approved for a garage. There also has been construction going on with a permit for a garage that was issued in 2019. Once he started building the structure it was obvious that he was building something different than what his submitted plans were. He was given a stop work order and the building inspector is trying to work through that with him. He will need new engineered plans and a new permit for what he is doing. It is not unusual for someone to start building and then change their mind about something. Nevertheless, they need to come back and bring the building inspector their updated plans.

### **5. Comprehensive Plan Updates**

Chairman Hill stated that it was 8:00 pm and asked the commission if they could work on the Comprehensive Plan after they are finished with the public hearings. The commission agreed and the meeting was adjourned.

Minutes respectfully submitted by Deputy Clerk Jan Warnke