

# TOWN OF SARATOGA

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Councilman Michael Cooley      Councilwoman Kathy Beck  
Councilman Jerry Fluty      Councilman Bub Barkhurst

## DRAFT DECISION OF RECORD

### TOWN OF SARATOGA PLANNING AND ZONING COMMISSION

#### DAVID ROUSA ZONE CHANGE APPLICATION

In the Matter of:	)	APPLICATION NUMBER ZC-24-1
	)	
Zone Change Application	)	FINDINGS OF FACT
Property owned by David Rousa	)	CONCLUSIONS OF LAW,
<u>Saratoga, Carbon County, Wyoming</u>	)	<u>AND RECOMMENDATION</u>

**This Matter**, came before the Town of Saratoga Planning and Zoning Commission for consideration on August 13, 2024. The Planning and Zoning Commission reviewed the Zoning Change application ZC-24-1. The application submitted was a proposal to change a piece of property **currently zoned RB-Retail Business District to RD-7200 Low Density Residential District**. The Commission also reviewed the materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

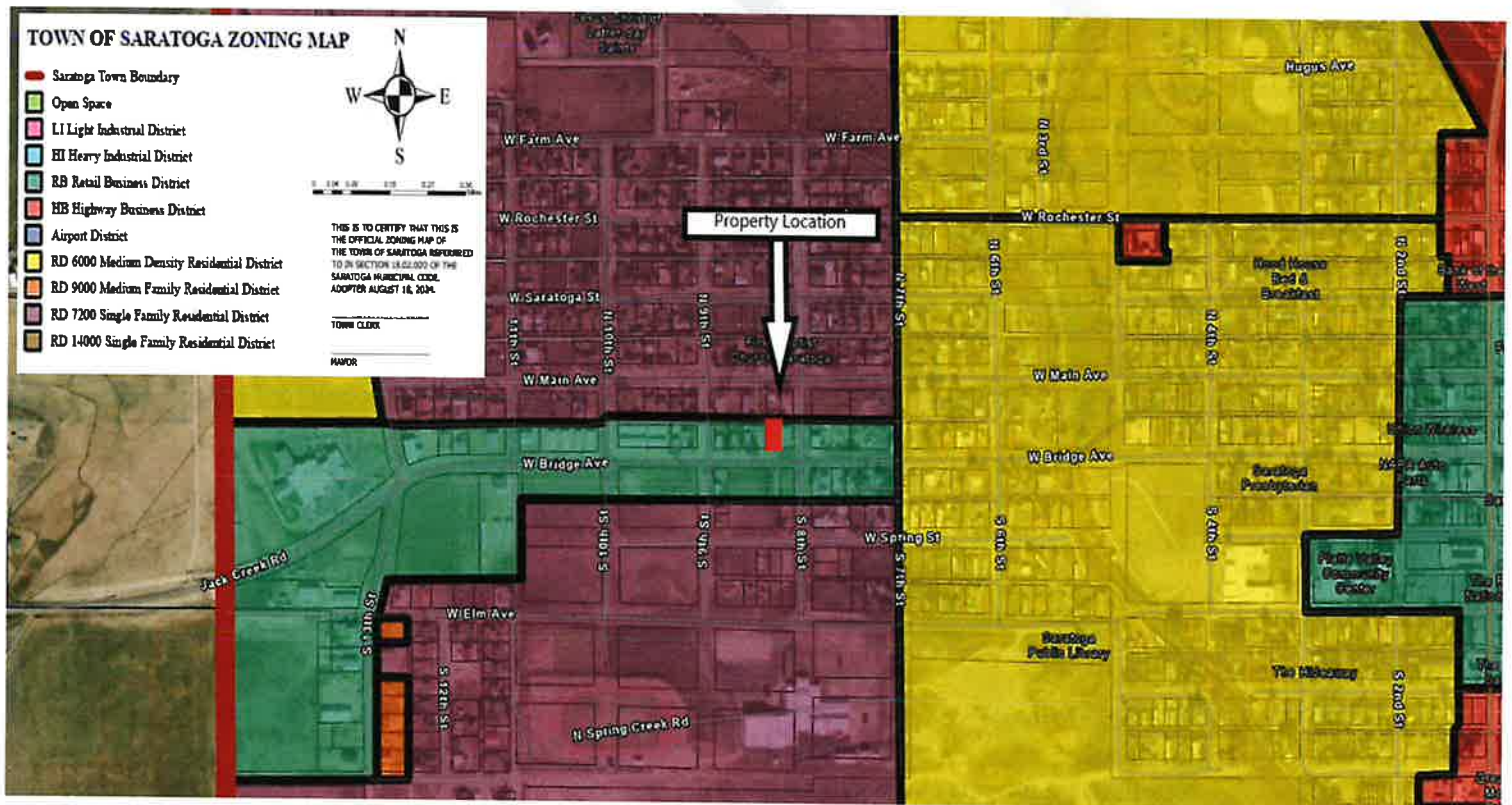
#### FINDINGS OF FACT

1. The Applicant is: David Rousa  
423 E. Honda Bow Rd.  
Pheonix, AZ 85086
2. Submitted Documents.
  - a. Application
  - b. Neighboring property signatures
3. The property owner is David Rousa.
4. The location of the property is: Lot 11 Block 29 SRE and Improvement District Subdivision. Generally known as undeveloped land on West Bridge Avenue between 8<sup>th</sup> Street and 9<sup>th</sup> Street in Saratoga Wyoming, currently addressed as 804 W. Bridge Avenue.

Zone Change Application, David Rousa  
804 West Bridge Avenue  
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5. The subject property is .17 acres (7200 sq. ft.)
6. The proposed property is currently zoned RB-Retail Business
7. The property is not in the floodplain
8. The property is not a wetland
9. The property is not a historical site
10. The property will have access to the Town of Saratoga Water and Sewer System
11. The property will have direct access to underground power
12. Access to the lot is from W. Bridge Avenue



13. Surrounding uses are:

- a. North- Residential/empty ground
- b. West-Residential
- c. South-Empty ground, Residential and Storage Sheds
- d. East-Private Shop

14. The development is not in conflict with the operation of the local municipal airport.

15. No excess noise or pollution will be produced with the development.

16. On August 13, 2024, a public hearing before the Planning and Zoning Commission was held.

17. Notices for the hearing were published in accordance with Wyoming Code

- i. Newspaper notices July 25, 2024 (Legal #8962)  
August 1st, 2024 (Legal #8962)

18. On site notice was published by staff on July 26, 2024





19. Signatures of approval were received from of neighboring property owners within 300 ft.

List of property owners within 300 ft			Approve	Dissapprove
Name	Address	Address		
ANDREWS BERT Z AND HELEN I C/O NALDER TAMMIE	811 W. Main	Saratoga, WY 82331		
BENNETT DONALD L AND CYNTHIA KAY	811 W. Bridge	Saratoga, WY 82332	x	
DRAGONFLY PROPERTIES LLC	720 W. Main	Saratoga, WY 82333		
FIEDOR CRAIG T AND CARLA MAE JEAN	808 W. Main	Saratoga, WY 82334	x	
FIRST BAPTIST CHURCH	802 W. Main	Saratoga, WY 82335	x	
HALL MARY ALICE	808 W. Bridge	Saratoga, WY 82336	x	
HAMEL JERRY L AND JUDY L	810 W. Main	Saratoga, WY 82337	x	
HOWE MARVIN E	807 W. Bridge	Saratoga, WY 82338		
HUHTA PAYTON JAMES AND IOANA	Lots 8 and 9 Blk 36 SRE & I West	Saratoga, WY 82339		
LEISETH MAX	803 W. Bridge	Saratoga, WY 82340		
MANSFIELD THOMAS R	116 S. 8th St.	Saratoga, WY 82341		
MC HALE JUDY ADAMS	Lots 10 and 11 Blk 36 SRE & I West	Saratoga, WY 82342		
MILLER MACKLIN R AND DIANA D	118 N. 8th	Saratoga, WY 82343	x	
OXFORD CORY EUGENE	801 W. Bridge	Saratoga, WY 82344		
PURE DIXIE LLC	715 W. Bridge	Saratoga, WY 82345	x	
REDMOND DAVID BRIAN AND PATRICIA M	812 W. Bridge	Saratoga, WY 82346	x	
SHEPARD CONSTRUCTION SOLUTIONS LLC	Lots 7 through 12 Blk 30 SRE & I West	Saratoga, WY 82347		
SJODEN RANDAL C AND DONNA M	802 W. Bridge	Saratoga, WY 82348		
STOLNS DAVID A	722 W. Bridge	Saratoga, WY 82349	x	
STOLNS VICKIE M	710 W. Spring	Saratoga, WY 82350	x	
WAGNER VERNON D AND	810 W. Bridge	Saratoga, WY 82351	x	
WEBER CURTIS AND MELINDA	Lot 10 Blk 24 SRE & I West	Saratoga, WY 82352		

20. Written Comments were received from:

21. Agency Comments were received from:

22. Public Testimony in favor received from:

23. Public Testimony neutral received from:

24. Public Testimony against received from:

25. The following sections of the Wyoming State Code, Saratoga Town Code, and Saratoga Comprehensive Master Plan that apply to this proposal:

- a. Wyoming State Code, Title 15
- b. Saratoga Town Code, Title 17
- c. Saratoga Town Code, Title 18
- d. Saratoga Comprehensive Master Plan Land Use Goals and Future Land Use Map

26. The Town of Saratoga Planning and Zoning Commission has made the following findings:

Legal Document Conclusions			
Conclusion			Standard
Compliant	n/a	Not Compliant	
			<p><b>Finding:</b> Wyoming State Code has granted authority to the Town of Saratoga to regulate development including this proposal.</p> <p><b>Fact:</b> Authority is granted cities and towns by Wyo. Stat. Sections 15-1-502 through 512 to establish a planning commission to assist the governing body with a review and recommendation process concerning land and transportation planning and development, and public improvements. Further authority pursuant to Wyo. Stat. Section 15-1-101(a)(v) allows for the establishment of planning regulations and policies through city ordinances, resolutions and rules and regulations.</p>
			<p><b>Finding:</b> Saratoga Town Code requires that:</p> <p>18.24.050 Lots in RD7200 zoning district be of a certain size and shape.</p> <p><b>Fact:</b> The proposed lot meets the required:</p> <p>Min. lot area of 7200 sq. ft.  Min lot width of 60 ft.  Min corner lot width of 75ft.  Min lot depth of 100 ft.</p>

			<p><b>Finding:</b> Zoning change(s) will not create situations where potentials uses are incompatible with existing uses.</p> <p><b>Fact:</b> The proposed zoning change wouldn't be incompatible with surrounding uses because all of the current uses are allowed within the newly proposed zone.</p>
			<p><b>Finding:</b> Saratoga Town Master Plan has a future land use map that should be used to guide long term land use decisions.</p> <p><b>Fact:</b> The proposal will not create the need for a major update to the Future Land Use Map as it still maintain the use areas as they are currently defined. It is a minor adjustment of a current boundary between two zoning districts.</p>
			<p><b>Finding:</b> Saratoga Town Master Plan identifies infill housing development as a primary goal.</p> <p><b>Fact:</b> The proposed zoning designation is congruent with Goals identified in the Master Plan.</p> <ul style="list-style-type: none"> <li>• Locate new developments in close proximity to areas where public services already exist and can be provided efficiently.</li> <li>• Allow for infill housing where applicable</li> <li>• Ensure that any new development does not place undue burden on the existing system or greatly diminish the quality of existing levels of service.</li> <li>• Approval of the Zone Change would allow an opportunity for an existing lot surrounded by similar uses to be developed for residential purposes.</li> </ul>

			<p><b>Finding:</b> ADDITIONAL FINDINGS MAY BE ADDED FOR APPROVAL OR DISSAPROVAL DURING THE DELIBERATION PROCESS.</p> <p><b>Fact:</b></p>
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### CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application in regard to, the Town of Saratoga Zoning Ordinance Title 17 and Title 18, The Town of Saratoga Master Plan, Wyoming State Code and based on the conditions required herein, concludes the zone change application (IS OR IS NOT) in compliance with all three documents.

### RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Town of Saratoga Planning and Zoning Commission hereby recommends APPROVAL OR DISSAPROVAL of APPLICATION NUMBER ZC-24-1 for the zone change of the property described heir in from RB-Retail Business to RD-7200 Low Density Residential District. Subject to the following conditions:

\_\_\_\_\_  
Planning and Zoning Commission Chairman

Date: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me the day and year first above written.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
Expires: \_\_\_\_\_