

**PLANNING AND ZONING MEETING  
THURSDAY DECEMBER 16, 2021  
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at [www.casperwy.gov](http://www.casperwy.gov) on the Meetings and Agendas web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Thursday November 18, 2021, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Susan Frank  
Fred Feth  
Terry Wingerter  
Carol Johnson  
Ken Bates  
Vickery Fales-Hall  
Mike McIntosh

Absent Members: Bruce Knell, Council Liaison

Others present:  
Liz Becher, Community Development Director  
Craig Collins, City Planner  
Kristie Turner, Administrative Assistant III  
Wallace Trembath, Deputy City Attorney

**I. MINUTES OF THE PREVIOUS MEETING**

Chairperson Frank asked if there were additions or corrections to the minutes of the November 18, 2021 Planning & Zoning Commission meeting.

Chairperson Frank called for a motion to approve the minutes of the November 18, 2021, Planning & Zoning Commission meeting.

Mr. McIntosh made a motion to approve the minutes of the November 18, 2021, meeting. The motion was seconded by Mr. Wingerter.

All those present voted aye. Motion carried.

**II. PUBLIC HEARINGS**

**Our first case this evening:**

- A. **SUB-104-2021** A vacation and replat of Lot 7 in Wolf Creek Eight Addition and Lot 43 in Wolf Creek Nine Addition, to create "Wolf Creek Ten Addition", located at 3714 and 3720 Dancing Wolf Drive. Applicants: B1 Properties, LLC & Iliana Adler, Administrator JJSN Living Trust.

Craig Collins, City Planner presented the staff report and entered 7 exhibits into the record for this case.

Chairperson Frank opened the public hearing and asked for the person representing the case to come forward and explain the application.

Shawn J. Gustafson, 111 West 2nd Street, Suite 600, spoke as representative for this case.

Ms. Frank asked which lot was increasing and which lot was decreasing.

Mr. Gustafson stated that Lot 1 was decreased and Lot 2 was increased. The increase and decrease is 3 feet. The replat of lot lines is necessary due to the lots are in two separate subdivision plats.

Ms. Frank asked if there was already a house on the lot that is increasing.

Mr. Gustafson stated there was a house on the Lot 2 that is being increased

Ms. Fales-Hall asked if there were two separate owners or one owner for the two lots.

Mr. Gustafson there are two separate owners. Lot 1 is owned by the developer. Lot 2 is privately owned.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor or opposition of this case?

Donald Gilmore Jr., 3708 Dancing Wolf Drive, spoke in opposition to the case.

Mr. Gilmore stated that his lot was reduced by 7.5 ft. due to the addition of a pedestrian pathway which he found out about after having installed a fence, sod, and sprinkler.

Ms. Frank stated that the only thing the commission can address was the replat for Lot 1 and Lot 2 for the 3-foot adjustment.

Mr. Gilmore shared more information regarding adjustments for pedestrian pathway and loss of use of that portion of lot, 7.5 ft.

Mr. Bates stated that he was sorry for the difficulties; however, the commission could only review the 3-foot adjustment.

Mr. Gilmore also shared concerns that Wolf Creek Ten would have different covenant rules.

Tyler Batt, 3711 Dancing Wolf Drive, spoke in opposition to the case.

Mr. Batt stated that he wanted to purchase additional land or lot and was told no by developer. He stated he believed there is some favoritism at play and shared concern that the covenant rules would be different for Wolf Creek Ten. Mr. Batt also stated that not all the neighbors had received public notices.

Ms. Frank stated that although they may not have received letters in the mail; there was a sign posted in the neighbor for the last few weeks.

James Pena 3685 Red Wolf Dr., spoke in opposition to the case.

Mr. Pena stated that he believes favoritism is applied in this replat and lot adjustment. He also stated that he has had difficulty with the developer over lot and fence install. Mr. Pena stated he feels the developer is fraudulent and is reporting the developer to the VA.

Ms. Frank expressed disappointment that the developer was not present to address this replat.

Ms. Fales-Hall asked about HOA or rules are currently in use for the current subdivisions. Mr. Gilmore stated nothing was provided regarding HOA at closing.

Christina Batt, 3711 Dancing Wolf Dr., spoke in opposition to the case.

Ms. Batt stated that this replat is giving opportunities to one homeowner that were denied to others. Ms. Batts requested to purchase additional lot and was denied with the explanation that the developer makes more money selling house on the lots vs. selling additional lots.

Ms. Frank asked if Batts were giving HOA information at closing.

Ms. Batt stated yes, they were given HOA at closing but that it is inactive.

Ms. Frank stated that an inactive HOA does not always mean that by-laws and convents are not enforceable.

Ms. Batt stated that she feels that favorites are being played in this replat.

There being no others to speak, Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table SUB-104-2021 to the January 20, 2022, meeting regarding the replat.

Mr. Bates made a motion to postpone case SUB-104-2021. The motion was seconded by Mr. Wingerter.

#### Discussion

Ms. Frank would like to hear from developer regarding the replat.

Mr. Bates would like to have additional letters sent out to neighbors.

Mr. Collins stated that there would be no change in the list of residents who receive letters due to the fact that owner information is collected through the county assessor office which gets updated annually.

Ms. Frank stated the houses that have been built within the last year would not receive notices.

Mr. Collins stated that the notices are also published in the newspaper, on the city website, and there is a sign in the yard providing multiple avenues for public notice.

Mr. Wingerter asked how subdivision changes happen in the planning process.

Mr. Collins stated that lot line adjustments are generally an administrative process.

Mr. Wingerter asked about the pedestrian pathway.

Ms. Frank stated that the pedestrian pathway was always a part of the subdivision.

Mr. Collins clarified that the pedestrian pathway is part of an easement and is part of the homeowner's lot but available for the public to use and in this case the City is responsible for maintaining the pedestrian pathway.

Mr. Bates asked about updated maps.

Mr. Collins stated the maps are updated every three years.

Mr. Bates called a Point of Order to redirect the discussion.

Ms. Johnson asked about the purpose of the postponing the case.

Ms. Frank stated the purpose of postponing was to hear and understand from the developers about why they are adjusting lots.

Ms. Johnson stated that the commission has no control over the developer's reasons.

Mr. Bates stated that he wanted to postpone the case in order to hear from developer and to give others parties a chance to voice their concerns.

Mr. McIntosh, Mr. Feth, Mr. Bates, and Mr. Wingerter voted aye. Ms. Johnson, Ms. Fales-Hall, and Ms. Frank voted nay. Motion carried.

**Our second case this evening:**

**ZOC-106-2021** – A Zone change of 104 and 110 South Beverly Street, described as Portions of Lots 13, 14 and a vacated strip of former Beverly Street right-of-way, Block 2, Beverly Addition. The existing zoning of the properties is R-2 (One Unit Residential) and the proposed zoning is C-2 (General Business). Applicants: Case N Point, LLC/James McBride.

Craig Collins, City Planner presented the staff report and entered 5 exhibits into the record for this case.

Chairperson Frank opened the public hearing and asked for the person representing the case to come forward and explain the application.

Paul Case, 1130 Surry St. spoke as representative for this case.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor or opposition of this case?

There being no others to speak, Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table **ZOC-106-2021** regarding the replat.

Mr. McIntosh made a motion to approve case **ZOC-106-2021**. The motion was seconded by Ms. Fales-Hall.

Discussion

Mr. Bates asked why there are no conditions attached to the rezoning.

Mr. Collins stated that conditional zoning is not a legal practice.

Mr. Trembath stated that according to Wyoming statutes each district has to be uniform under each class or zone that is being considered.

All those present voted aye. Motion carried.

**III. SPECIAL ISSUES:**

Liz Becher acknowledged Ms. Frank and Mr. Feth for their years of service on the Planning and Zoning Commission and their service to the community.

Ms. Becher shared a message of gratitude for Ms. Frank and Mr. Feth's time of community service and presented both of them with a letter signed by the Mayor on behalf of the City Council and an engraved photo of Casper.

**IV. COMMUNICATIONS:**

- A. Commission:  
Commission Training will be held in January, a poll will be sent out for availability.
  
- B. Community Development Director:  
Liz Becher introduced Joe Hutchison and Maribeth Plocek as new Commissioners for 2022. Mr. Wingerter and Ms. Johnson will continue with the commission for the next term.
  
- C. Council Liaison:  
Not Present - No Report
  
- D. OYD and Historic Preservation Commission Liaisons:  
No Report
  
- E. Other Communications:  
No Report

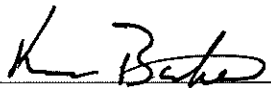
Chairperson Frank stated that the next Planning and Zoning Commission meeting will be held Thursday, January 20, 2022.

**V. ADJOURNMENT:**

Chairperson Frank called for a motion for the adjournment of the meeting. A motion was made by Mr. Feth and seconded by Mr. Wingerter to adjourn the meeting.

All present voted aye. Motion carried.

The meeting was adjourned at 7:15pm.

  
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Chairperson

  
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Secretary