

**PLANNING AND ZONING MEETING  
THURSDAY, DECEMBER 15, 2011  
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 Planning Commission web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Thursday, December 15, 2011, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Erich Frankland  
Fred Maguire  
C. Paul Stober  
Monte Herie

Absent Members: Mary England  
Jim Saylor  
Joel Burdess

Others present: Craig Collins, Associate Planner  
Constance Lake, Planning Technician  
Dee Hardy, Administrative Secretary  
Bill Luben, City Attorney  
Andrew Beamer, City Engineer  
Shelley LeClere, Code Enforcement Supervisor  
Kim Holloway, Council Liaison  
Alden G. Loraas, 3489 South Robertson Road  
Bill Fehringer, CEPI, 6080 Enterprise Drive  
Ron Nemitz, 302 South David Street, Suite 210  
Myron Miller, 112 University Court  
Miranda Nelson, 1728 South Elk Street  
Brian Soffe, 62 Gardenia  
Angelia Soffe, 62 Gardenia  
Kevin Hoff, 82 Calypso  
Mandy Sepeda, 1515 South Jefferson Street  
John Schamber, 78 Calypso  
Randall Amen, 74 Calypso

**II. MINUTES OF THE PREVIOUS MEETING**

Chairman Frankland asked if there were additions or corrections to the minutes of the October 25, 2011 Planning & Zoning Commission meeting.

Chairman Frankland called for a motion to approve the minutes of the October 25, 2011 Planning & Zoning Commission.

Mr. Stober made a motion to approve the minutes of the October 25, 2011 meeting. The motion was seconded by Mr. Maguire. All those present voted aye. Motion carried.

### III. PUBLIC HEARING

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

PLN-11-068-ARZ – Petition to annex, and plat a portion of the SW1/4NW1/4 Section 23, T33N, R80W, 6<sup>th</sup> P.M., Natrona County, Wyoming, comprising 1.50-acres, more or less, to create the Loraas Addition to the City of Casper, consisting of a single lot and located at 3489 South Robertson Road; and approving a rezoning of same from Natrona County zoning classification UA (Urban Agriculture) to City zoning classification R-2 (One Unit Residential). Applicant: Alden G. and Marilyn J. Loraas.

Constance Lake, Planning Technician, presented the staff report and recommended that the Planning and Zoning Commission, approve the request to annex the subject property, the plat creating the Loraas Addition, and zoning as R-2 (One Unit Residential) of the subject property and forward a “do-pass” recommendation to the City Council.

Ms. Lake entered eight (8) exhibits into the record.

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

Alden G. Loraas, 3489 South Robertson Road, spoke in favor of this case.

Chairman Frankland asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Frankland closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-11-068-ARZ, regarding annexation.

Mr. Henrie made a motion to approve PLN-11-068-ARZ regarding the annexation to create the Loraas Addition, and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Stober. All those present voted aye. Motion carried.

Chairman Frankland entertained a motion to approve, approve with conditions, deny or table PLN-11-068-ARZ, regarding platting.

Mr. Maguire made a motion to approve PLN-11-068-ARZ regarding the plat to create the Loraas Addition, and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Henrie. All those present voted aye. Motion carried.

Chairman Frankland entertained a motion to approve, approve with conditions, deny or table PLN-11-068-ARZ, regarding zoning.

Mr. Stober made a motion to approve PLN-11-068-ARZ regarding the zoning of the Loraas Addition to R-2 (One Unit Residential), and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Henrie. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-11-073-R** – Petition to vacate and replat Lots 8-14, Block 1, Lots 9-10, Block 3, and Track B, of Mountain Heights Addition #2, portion of NW1/4SW1/4 and NE1/4SW1/4 Section 28, T33N, R79W, 6<sup>th</sup> P.M., Natrona County, Wyoming, as Mountain Heights Addition #3, generally located at East 59<sup>th</sup> Street and Casper Mountain Road, comprising 2.49-acres, more or less, creating 9 lots and 1 tracts. Applicant: R.L. Development, Inc.

Constance Lake, Planning Technician, presented the staff report and recommended that the Planning and Zoning Commission approve the replat creating Mountain Heights Addition #3, and forward a do-pass recommendation to the City Council with the following condition: No transfer of title from RL Development, Inc. will take place on any of the lots in Mountain Heights Addition #2 involved in this replat or proposed Mountain Heights Addition #3 prior to the approval and recording of this plat.

Ms. Lake entered six (6) exhibits into the record.

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

Bill Fehringer, CEPI, 6080 Enterprise Drive, spoke in favor of this case.

Chairman Frankland asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Frankland closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-11-073-R.

Mr. Henrie made a motion to approve PLN-11-073-R replat creating Mountain Heights Addition #3 with Condition #1 listed in the staff report, and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Maguire. All those present voted aye. Motion carried.

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PLN-11-74-R – Petition for final plat and vacation of Lots 1 and 2 of the Northern Utilities Addition No. 1, and a portion of the W1/2NW1/4 of Section 9, T33N, R79W, 6<sup>th</sup> P.M., Natrona County, Wyoming, as OYD No. 1 Subdivision, generally located on West Midwest Avenue at South Walnut Street, comprising 3.49-acres, more or less, creating 3 lots. Applicant: AMOCO Reuse Agreement Joint Powers Board.

Constance Lake, Planning Technician, presented the staff report and recommended that the Planning and Zoning Commission approve the plat creating the OYD No. 1 Subdivision, and forward a “do pass” recommendation to the City Council.

Ms. Lake entered six (6) exhibits into the record.

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

Ron Nemitz, 302 South David, Suite 210, spoke in favor of this case.

Chairman Frankland asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Frankland closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-11-074-R.

Mr. Stober made a motion to approve case PLN-11-074-R, the plat creating the OYD NO. 1 Subdivision, and forward a “do pass” recommendation to the City Council. The motion was seconded by Mr. Maguire. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

PLN-11-071-C – Petition for a Conditional Use Permit for an 1,216 square foot addition to an existing 1250 square foot garage in excess of the 1,500 square foot maximum permitted size in an R-2 (One to Four Unit Residential) zoning district, on Lots 1-2, PT S of N Line of 79-33-11 and 14 All, Block 4, East Terraces Addition, located at 112 University Court. Applicant: Myron Miller.

Constance Lake, Planning Technician, presented the staff report and recommended that the Planning and Zoning Commission approve a Conditional Use Permit for the construction of an oversized detached garage located at 112 University Court, with the following condition: The accessory building shall only be utilized for allowable uses in the R-2 (One Unit Residential) zoning district. No commercial use of the structure will be permitted.

Ms. Lake entered six (6) exhibits into the record.

Ms. Lake entered the photos provided by the applicant as exhibit “G.”

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

Myron Miller, 112 University Court, spoke in favor of this case.

Chairman Frankland asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Frankland closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-11-071-C.

Mr. Henrie made a motion to approve case PLN-11-071-C, the request for a Conditional Use Permit for the construction of an oversized detached garage located at 112 University Court, for the two (2) Reasons, Findings A through F, and with Condition #1 listed in the staff report. The motion was seconded by Mr. Stober. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less**

than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.

PLN-11-072-C – Petition for a Conditional Use Permit for a “Family Child Care Home-Zoning Review” to allow a childcare facility with 10 children, on Lot 393, Fairdale Addition, located at 1728 South Elk Street. Applicant: Miranda & Doug Nelson.

Constance Lake, Planning Technician, presented the staff report and recommended that the Planning and Zoning Commission approve a Conditional Use Permit to operate a “Family Child Care Home-Zoning Review” for up to 10 children, located at 1728 South Elk Street, with the following conditions:

1. The applicant shall maintain a minimum of two open off-street parking spaces for use by daycare customers, during the hours when the daycare is in operation.
2. Pursuant to Section 17.12.140(A)(2) of the Municipal Code, signage for all “home occupations” shall be limited to only signage that is non-illuminated, attached flush with the dwelling, and does not exceed one square foot in area.

Ms. Lake entered five (5) exhibits into the record.

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

Miranda Nelson, 1728 South Elk Street, spoke in favor of this case.

Chairman Frankland asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Frankland closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-11-072-C.

Mr. Maguire made a motion to approve case PLN-11-072-C, the request for a Conditional Use Permit for the a “Family Child Care Home-Zoning Review” to allow a childcare facility with 10 children, located at 1728 South Elk Street, for the two (2) Reasons, Findings A through F, and with Conditions #1-2 listed in the staff report. The motion was seconded by Mr. Stober. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less**

than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.

PLN-11-075-E – Petition for an Exception to reduce the rear yard set-back from 5' to 1' and the front yard set-back from 25' to 20' 5'' for an accessory building on Lot 1, Block 44, Paradise Valley Addition, located at 62 Gardenia Street. Applicant: Brian D. & Angelia C. Soffe.

Constance Lake, Planning Technician, presented the staff report and recommended that the Planning and Zoning Commission deny the exception request, based on the following finding: Under the circumstances presented, strict compliance with Title 17 of the Zoning Code would not create an undue hardship on the applicant because; there are no unique physical limitations of the lot or building which do not apply generally to land or buildings in the neighborhood, and that would deny the applicants the reasonable use of the property.

Ms. Lake entered seven (7) exhibits into the record.

Ms. Lake entered the petition submitted by the applicant as exhibit "H."

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

Brian Soffe, 62 Gardenia, spoke in favor of this case.

Angelia Soffe, 62 Gardenia, spoke in favor of this case.

Chairman Frankland asked for anyone wishing to comment in favor of or opposition to this case.

Kevin Hoff, 82 Calypso, spoke in favor of this case.

Mandy Sepeda, 1515 South Jefferson Street, spoke in favor of this case.

John Schamber, 78 Calypso, spoke in opposition to this case. He stated the setback listed in the City Code should be strictly followed by all citizens.

Randall Amen, 74 Calypso, spoke in opposition to this case. He advised that the City Code must be followed by everyone.

There being no others to speak, Chairman Frankland closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-11-075-E.

Mr. Maguire made a motion to deny case PLN-11-075-E, exception to the minimum rear yard set-back requirement, from 5' to 1', and the minimum front yard set-back

requirement, from 25' to 20' 5'', for an accessory building (detached garage) located at 62 Gardenia Street. The motion was seconded by Mr. Stober. All those present voted aye with the exception of Chairman Frankland who voted nay. Motion failed.

Mr. Stober made a motion to approve case PLN-11-075-E, exception to the minimum rear yard set-back requirement, from 5' to 1', and the minimum front yard set-back requirement, from 25' to 20' 5'', for an accessory building (detached garage) located at 62 Gardenia Street, stating that an undue hardship does exist due to the applicant's reliance upon the City's current Code, which leads a reasonable person to believe he was in compliance at the time he built the structure, based upon his reliance of the City's representations the exception does not conflict with the land use plan, and strict compliance with the City's Code would create an undue hardship, the applicant did not cause the hardship to exist due to his reliance and expectations of the City's Code. The motion was seconded by Mr. Maguire. All those present voted aye with the exception of Mr. Maguire who voted nay. Motion Failed.

The exception has been denied.

#### IV. COUNCIL ACTIONS:

#### V. SPECIAL ISSUES:

#### VI. COMMUNICATIONS

##### A. Commission.

Mr. Maguire advised he had received an e-mail from a citizen regarding blowing dirt issues from construction on West 58<sup>th</sup> Street. He stated he forwarded the e-mail to Craig Collins, Associate Planner, for further investigation, and a few days later Mr. Maguire received another e-mail from the citizen stating the issue had been corrected by the developer.

##### B. Community Development Director.

Craig Collins, Associate Planner, asked the Planning & Zoning Commission about changing the meeting time from 6:00 p.m. to 5:30 p.m. All of the Commissioner's present were agreeable to the time change, but only wanted to try it for a four (4) month period to see if it will work. He presented Mr. Stober with a gift and thanked him for his dedication and service to the Planning & Zoning Commission.

##### C. Other Communications.

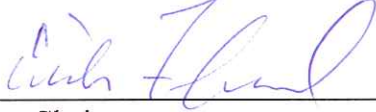
There were none.

##### D. Council Liaison.

There were none.

**VII. ADJOURNMENT**

Chairman Frankland called for a motion for the adjournment of the meeting. A motion was made by Mr. Maguire and seconded by Mr. Stober to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 7:59 p.m.



Chairman



Secretary