

**PLANNING AND ZONING MEETING  
THURSDAY, AUGUST 18, 2016  
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, August 18, 2016, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present:            Bob King  
                                     James Holloway  
                                     Susan Frank  
                                     Fred Feth  
                                     Ryan Waterbury  
                                     Randy Hein

Absent Members:        Don Redder

Others present:            Craig Collins, City Planner  
                                     Aaron Kloke, Planner I  
                                     Dee Hardy, Administrative Support Technician  
                                     Wallace Trembath, Assistant City Attorney  
                                     Steve Cathey, Council Liaison  
                                     Dennis Baker, 550 North Poplar Street  
                                     Kristian Kelly, 9518 I-25 Frontage Road, Longmont, CO

**II. MINUTES OF THE PREVIOUS MEETING**

Chairman King asked if there were additions or corrections to the minutes of the July 21, 2016 Planning & Zoning Commission meeting.

Chairman King called for a motion to approve the minutes of the July 21, 2016 Planning & Zoning Commission meeting.

Mr. Hein made a motion to approve the minutes of the July 21, 2016 meeting. The motion was seconded by Mr. Feth. All those present voted aye. Minutes approved.

### 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-16-031-ARZ – (Continued from July 21, 2016) Petition to annex and plat portions of SE1/4SW1/4 and SW1/4SE1/4 of Section 8, NE1/4NW1/4 and NW1/4NE1/4 of Section 17, T33N, R78W, 6<sup>th</sup> P.M., Natrona County Wyoming, to create Eastgate Ranch Addition, comprising 10.60-acres, more or less, located east of the intersection of Venture Way and Morado Drive; and establish the zoning of the proposed Eastgate Ranch Addition as City Zoning Classification AG (Urban Agriculture). Applicant: Eastgate Ranch, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that the Planning and Zoning Commission acknowledge withdrawal of the case by the applicant.

Chairman King entertained a motion to acknowledge withdrawal of Case No. PLN-16-031-ARZ.

Mr. Feth made a motion to acknowledge withdrawal of Case No. PLN-16-031-ARZ. The motion was seconded by Mr. Hein. All those present voted aye. Motion passed.

**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-16-036-Z – Petition for a Zone Change of Lots 5 & 6, Standard Oil Co. Subdivision, located at 911 CY Avenue and 1535 South Poplar Street, from R-2 (One Unit Residential) to C-2 (General Business). Applicant: Cornerstone Commercial Partners, LLC.

Aaron Kloke, Planner I, presented the staff report, stating that if after the required public hearing, the Planning and Zoning Commission finds that the requested rezone meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff recommends that the Planning and Zoning Commission approve the rezone and forward it to the City Council with a “do pass” recommendation.

Mr. Kloke entered five (5) exhibits into the record for this case.

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

The applicant or a designated representative were not in attendance to explain their case.

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

Dennis Baker, 550 North Poplar Street, spoke in favor of this case.

There being no others to speak, Chairman King entertained a motion to approve, deny, or table PLN-16-036-Z, regarding rezoning of 911 CY Avenue and 1535 South Poplar Street to C-2 (General Business).

Ms. Frank made a motion to approve case PLN-16-036-Z regarding the rezoning of 911 CY Avenue and 1535 South Poplar Street to C-2 (General Business), and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Waterbury. 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-16-037-C – Petition for a Conditional Use Permit for the construction of a detached accessory building (garage) in a C-2 (General Business) zoning district, with 14’ high walls, in excess of the 12’ maximum wall height permitted in a C-2 (General Business) zoning district, on the west 40’ of Lots 13 and 14, Block 82, Butler’s Addition, located at 1441 East 2<sup>nd</sup> Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Aaron Kloke, Planner I, presented the staff report and recommended that the Planning and Zoning Commission continue Case # PLN-16-037-C to the regularly scheduled September 15, 2016 Planning and Zoning Commission public hearing.

Chairman King entertained a motion to continue Case No. PLN-16-037-C to the September 15, 2016 Planning and Zoning Commission public hearing.

Mr. Holloway made a motion to continue Case No. PLN-16-037-C to the September 15, 2016 Planning and Zoning Commission meeting. The motion was seconded by Mr. Feth. All those present voted aye. Motion passed.

**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-16-038-C – Petition for a Conditional Use Permit for an oversized accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16’ in height, in excess of 12’ maximum wall height permitted, in an R-1 (Residential Estate) zoning district, on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road. Applicant: Jake Hoopes.

Aaron Kloke, Planner I, presented the staff report and stated that if after the required public hearing, the Planning and Zoning Commission finds that the requested Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission articulate its findings in the staff report, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. The accessory building (garage) shall be similar in design to the principal residential structure and surrounding neighborhood buildings, with comparable exterior residential siding materials and a similar roof pitch.
2. The accessory building (garage) shall be completed within one (1) year from the date of approval of the Conditional Use Permit. If said accessory building is not completed within a year, the Conditional Use Permit shall become null and void.

Mr. Kloke entered five (5) exhibits into the record for this case.

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

Kristian Kelly, 9518 I-25 Frontage Road, Longmont, CO, spoke, on behalf of the applicant, in favor of this case.

Chairman King inquired if materials had changed for the proposed garage from the original application in 2014.

Mr. Kelly replied that he was not part of the original 2014 case, but that comparable siding would be used and he would match roof pitch of the residence.

Chairman King asked if the Conditions listed in the staff report were acceptable.

Mr. Kelly replied that the Conditions listed in the staff report were acceptable.

Mr. Holloway asked if the roof pitch would be similar to the existing structure and what type of roofing material would be used.

Mr. Kelly advised that there would be a metal roof. He asked if the roofing material had to be comparable to existing materials.

Mr. Collins advised that the materials should be comparable to the existing structure as well as the surrounding area.

Mr. Hein asked Mr. Kelly if he knew the pitch of the roof on the existing house.

Mr. Kelly stated that he did not know the roof pitch of the house, he had not been on site to take measurements. He advised that the pitch of the proposed structure would match the pitch of the existing residence.

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

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-038-C, Conditional Use Permit for an accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16' in height, in excess of 12' maximum wall height permitted, in an R-1 (Residential Estate) zoning district, on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road.

Mr. Holloway made a motion to approve case PLN-16-038-C for the construction of an accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16' in height, in excess of 12' maximum wall height permitted, in an R-1 (Residential Estate) zoning district, on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road, with Conditions #1-2, listed in the staff report, for the following two (2) reasons: 1) The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare; and 2) The Conditional Use is designed to be compatible with adjacent land uses and the area of its location; and with findings A-F: a) The oversized footprint and height of the detached accessory building are mitigated by the larger-than-average size of the applicant's property. At approximately one hundred sixty (160) feet, the setback of the building from Upper Aster Road is larger than the twenty-five (25) foot minimum required. The nearest adjacent residences are approximately sixty (60) and ninety (90) feet away from the proposed accessory building. b) The proposed use, as a detached garage, is a permitted accessory use in the R-1 (Residential Estate) zoning district, and will not affect the area's density or be detrimental to the neighborhood. c) The volume of business is not applicable because the property is not being proposed to be used as a business. d) There will not be unreasonable congestion or a traffic hazard caused by the proposed oversized accessory building, as determined by the City Engineer and the

Community Development Director. e) To the best of the planning staff's knowledge, there has not been any Conditional Use Permits issued for oversized accessory buildings within three hundred (300) feet of the subject property, with the exception of the applicant's previous permit, which expired in 2015. f) There are no other criteria, affecting public health, safety, and welfare, as provided for by written rules of the Commission. The motion was seconded by Mr. Hein. All those present voted aye. Motion carried.

#### IV. COUNCIL ACTIONS:

There were none.

#### V. SPECIAL ISSUES:

There were none.

#### VI. COMMUNICATIONS:

##### A. Commission:

There were none.

##### B. Community Development Director:

Aaron Kloke, Planner I, gave an update, on the progress of the Comprehensive Land Use Plan. He advised that the first survey received 281 responses, and that he was very pleased to get that many. He stated that public engagement included attending neighborhood and community events, and this weekend they would be at back to school and river fest. He challenged the Planning and Zoning Commissioners to invite him to attend an event to talk about the Comprehensive Land Use Plan. He mentioned examples of Rotary, Elks Club, and Kiwanis. He advised that through emails, on the Generation Casper web page, 627 had subscribed to receive the newsletter. He stated that his goal by the end of August was to have 750 signed up for the newsletter.

##### C. Other Communications:

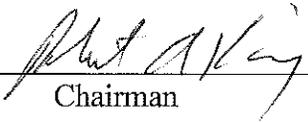
There were none.

##### D. Council Liaison:

Steve Cathey advised that the first survey for the Comprehensive Land Use Plan had closed, and the second survey starts tomorrow, Friday, August 19, 2016. He encouraged everyone in attendance to take the survey. He advised that Council had passed a Zone Change for a portion of the Old Yellowstone District, South Poplar Corridor area, and in a future work session Council would review the OYDSPC zoning district to determine if there may be a need for more rezoning.

**VII. ADJOURNMENT**

Chairman King called for a motion for the adjournment of the meeting. A motion was made by Ms. Frank and seconded by Mr. Waterbury to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 6:48 p.m.

  
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Chairman

  
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Secretary