

AGENDA
PLANNING AND ZONING MEETING
August 18, 2016
6:00 P.M.
COUNCIL CHAMBERS
CITY HALL, 200 NORTH DAVID

Meetings can be viewed online at www.casperwy.gov on the Planning Commission web page.

PLANNING AND ZONING POLICY
PUBLIC STATEMENTS

1. Use of Cellular telephones is not permitted, and such telephones shall be turned off or otherwise silenced during the Planning and Zoning Meeting.
2. Speaking to the Planning and Zoning Commission (These guidelines are also posted at the podium in the Council Chambers).
 - Clearly state your name and address.
 - Please keep your remarks pertinent to the issue being considered by the Planning and Zoning Commission.
 - Please do not repeat the same statements that were made by a previous speaker.
 - Please speak to the Planning and Zoning Commission as you would like to be spoken to.
 - Please do not address Applicants or other audience members directly.
 - Please make your comments at the podium and directed to the Planning and Zoning Commission.
3. The City of Casper Planning and Zoning Commission is a volunteer body composed of members of the Casper Community, and appointed by the Casper City Council. The Commission acts as a quasi-judicial panel, making final decisions on some specific items, and recommendations to the City Council on others as dictated by law. The Commission may only consider evidence about any case as it relates to existing law. The Commission cannot make or change planning or zoning laws, regulations, policies or guidelines.

AGENDA

- I. CALL TO ORDER**
- II. MINUTES: July 21, 2016 Meeting**
- III. PUBLIC HEARINGS:**

- A. **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, 6th 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.
- B. **PLN-16-033-R** – *(Tabled July 21, 2016)* A petition to vacate and replat Lots 23-29, all of Tracts B, C, D, and E, of the Back Nine, a subdivision of the City of Casper, to create The Back Nine, Lots 30-72 and Tracts G & H, comprising 18.61-acres, more or less, generally located south of West 29th Street and east of Casper Mountain Road. Applicant: Becker Development, LLC.
- C. **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.
- D. **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 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.
- E. **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.

VI. COUNCIL ACTIONS:

The following item(s) have been approved by the City Council since the last Planning and Zoning Commission meeting.

V. SPECIAL ISSUES:

VI. COMMUNICATIONS:

- A. Commission**
- B. Community Development Director**
 - 1) Old Business Items**
 - 2) New Business Items**
- C. Council Liaison**
- D. Other Communications**

VII. ADJOURNMENT

**PLANNING AND ZONING MEETING
THURSDAY, JULY 21, 2016
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at www.casperwy.gov on the Planning Commission web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Thursday, July 21, 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
 Don Redder
 Randy Hein

Absent Members: None

Others present: Craig Collins, City Planner
 Aaron Kloke, Planner I
 Dee Hardy, Administrative Support Technician
 Wallace Trembath, Assistant City Attorney
 Steve Cathey, Council Liaison
 Randy Hall, 550 North Poplar Street
 Shawn Gustafson, 111 East 2nd Street, Suite 600
 Brad Hopkins, 771 West 54th Street
 Peter Nicolaysen, 140 North Center Street

II. MINUTES OF THE PREVIOUS MEETING

Chairman King asked if there were additions or corrections to the minutes of the June 16, 2016 Planning & Zoning Commission meeting. Ms. Frank stated that on page 4, item D, first sentence should state “Mr. Collins advised that,” instead of “Mr. Collins advised the.”

Chairman King called for a motion to approve the minutes of the June 16, 2016 Planning & Zoning Commission meeting as amended.

Ms. Frank made a motion to approve the minutes of the June 16, 2016 meeting as amended. The motion was seconded by Mr. Feth. All those present voted aye with the exception of Mr. King who abstained. 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-16-026-RZ – *(Continued from June 16, 2016)* A petition to vacate and replat Lots 3 and 4, and West 37th Street in Mountain Plaza Addition No. 5; and Lot 11 in Mountain Plaza Addition No. 6, to create the Wolf Creek Eight Addition, comprising 18.107-acres, more or less; and rezoning of the proposed Wolf Creek Eight Addition from PUD (Planned Unit Development), C-2 (General Business), and OB (Office Business) to R-2 (One Unit Residential). Said property is located generally west of Aspen Place and south of Talon Drive. Applicant: Mesa Development, Inc.

Aaron Kloke, Planner I, presented the staff report and recommended that if the requested replat meets the minimum requirements of the Casper Municipal Code, staff recommends the Planning and Zoning Commission approve the requested replat and forward it to the City Council with a “do pass” recommendation with the following conditions:

1. Vehicular access to the lots with frontage on Aspen Place shall be prohibited.
2. Prior to the issuance of a Certificate of Occupancy for any structure in Wolf Creek Eight, the west side of Aspen Place shall be completed, to City standards as a collector street, including, but not limited to, asphalt, curb, gutter, detached sidewalk, and street lights.

And, if, after the required public hearing, the Planning and Zoning Commission finds that the requested rezone of the Wolf Creek Eight Addition to R-2 (One Unit Residential) 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 zone change, and forward it to the City Council with a “do pass” recommendation.

Mr. Kloke entered seven (7) 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.

Randy Hall, 550 North Poplar Street, spoke in favor of this case and stated that he would like to visit about Condition #2 listed in the staff report. He stated that the City should install the sidewalk, curb and gutter along the west side of Aspen Place.

Mr. Collins, advised that the City did build the street because an additional access was needed for the school, however, it was not fully constructed. Another way to view the situation is the City paved the street saving the applicant money, so the applicant just needs to finish with sidewalk, curb and gutter.

Mr. Redder noted the future Wolf Creek Nine, the second phase, appeared to be quite a large area of land with only one access.

Mr. Hall, advised that there were two (2) access points Aspen Place in the east, and Talon Drive on the west end of the subdivision.

Mr. King stated he understood there had been a slight modification to this proposed plat.

Mr. Hall advised there had been a slight change from the first submittal to line up offset streets.

Ms. Frank inquired if the sidewalk would go to Talon Drive.

Mr. Collins advised that there would be a second phase to this project that would address the sidewalk.

Mr. Hein inquired about the triangular piece of land on the western side and if it would be added to the second phase plat.

Mr. Hall advised that it would be included as part of Wolf Creek Nine.

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

Shawn Gustafson, 111 East 2nd Street, Suite 600, spoke in favor of this case and clarified that the cul-de-sac located on the end of Talon Drive will be removed and turn into Dancing Wolf Drive creating two (2) points of access to the subdivision.

There being no one to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-026-RZ, regarding the proposed Wolf Creek Eight Addition and forward a “do pass” recommendation to City Council.

Mr. Holloway made a motion to approve case PLN-16-026-RZ, a replat for the proposed Wolf Creek Eight Addition, with Conditions #1-2 listed in the staff report and forward a “do pass” recommendation to council. The motion was seconded by Mr. Waterbury. All those present voted aye. Motion passed.

Chairman King entertained a motion to approve, deny, or table PLN-16-026-RZ, regarding the rezoning of the proposed Wolf Creek Eight Addition to R-2 (One Unit Residential) and forward a “do pass” recommendation to City Council.

Mr. Holloway made a motion to approve case PLN-16-026-RZ, rezoning of the proposed Wolf Creek Eight Addition from PUD (Planned Unit Development), C-2 (General Business), and OB (Office Business) to R-2 (One Unit Residential) and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Redder. 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-16-027-RZ – *(Continued from June 16, 2016)* A petition to vacate and replat Lots K-T, Block 59 of the Eddings Subdivision, to create Central Wyoming Rescue Mission Addition, comprising 0.964-acres, more or less, and rezoning the area of the proposed Central Wyoming Rescue Mission Addition formerly described as Lots Q, R, S, and T, Block 59 of the Eddings Subdivision, from M-1 (Limited Industrial) to C-3 (Central Business), generally located at the northwest corner of North Park and East A Streets. Applicant: Central Wyoming Rescue Mission, a Non-Profit Corporation.

Aaron Kloke, Planner I, presented the staff report and recommended that if, the Planning and Zoning Commission finds that the requested replat meets the minimum requirements of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission approve the replat and forward it to the City Council with a “do pass” recommendation.

And 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 seven (7) 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.

Shawn Gustafson, 111 West 2nd Street, Suite 600, spoke in favor of this case.

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

Brad Hopkins, 771 West 54th Street, spoke in favor of this case.

There being on others to speak, Chairman King entertained a motion to approve, approve with conditions, deny, or table PLN-16-027-RZ, regarding Central Wyoming Rescue Mission Addition.

Mr. Redder made a motion to approve case PLN-16-027-RZ regarding the replat of the Central Wyoming Rescue Mission Addition, and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Waterbury. All those present voted aye. Motion carried.

Chairman King entertained a motion to approve, deny, or table PLN-16-027-RZ, regarding the rezoning of the proposed Central Wyoming Rescue Mission Addition to C-3 (Central Business) and forward a “do pass” recommendation to City Council.

Mr. Waterbury made a motion to approve case PLN-16-027-RZ, regarding the zoning of Lots Q, R, S, T, Block 59, Eddings Subdivision, from M-1 (Limited Industrial) to C-3 (Central Business), and forward a “do pass” recommendation to City Council. 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-16-028-S – *(Continued from June 16, 2016)* Site plan approval for a 1-story, 38,975 square foot, indoor shooting and training facility, on Lot 5, Village Addition, No. 2, located at 580 Landmark Drive. Applicant: East Valley Investments, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that if, the Planning and Zoning Commission finds that the site plan meets the minimum requirements of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission approve the site plan. Staff has provided three (3) recommended conditions of approval for the Planning and Zoning Commission’s consideration.

1. All on-site lighting shall be designed to reduce off-site glare and light pollution. All exterior lighting fixtures, including building and parking lot lighting, shall be shielded (full-cutoff). Pursuant to the Casper Municipal Code, no light pole may be taller than thirty (30) feet in height.
2. A public access easement shall be provided for the shared driveway access located north of the building. Said easement shall be provided in a form acceptable to the City prior to the issuance of a certificate of occupancy.
3. A solid privacy fence, constructed of either wood or vinyl, shall be constructed along the entire length of the south property line, on top of the retaining wall, in

order to buffer the site from the adjacent multi-family development immediately to the south. The remainder of the fencing on-site may be chain-link, or other materials.

Mr. Kloke entered seven (7) exhibits into the record for this case.

Mr. Collins noted that Ms. Frank has left the meeting for a declared conflict of interest at 6:35 p.m. He stated that the staff report was written prior to the buffering plan being resubmitted, and Condition number 3 listed in the staff report is no longer needed.

Mr. Holloway asked staff if parking and open space requirement were adequate should the project be phased over time.

Mr. Collins advised that both parking and landscaping assume full build out. He stated that the applicant could best answer how they plan to phase the project.

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

Peter Nicolaysen, 140 North Center Street, spoke in favor of this case on behalf of the applicant. He thanked Mr. Collins for clarification of the staff report from the original writing in June. He noted a public comment submitted by Mr. Higginson, pertaining to the suitability of this site and safety concerns. He advised that both suitability and safety were addressed during the public hearing for the Conditional Use Permit and at that time not one member of the public spoke in opposition. He pointed out the landscaping shows evergreen trees as the buffer between the parking lot and grass of the multi-family facility located to the south and a wood fence to the north. He stated that he had concerns with the wording of Condition #2 public access easement shall be provided for the shared access driveway north of the building. He would prefer the word "public" is not necessary or appropriate and suggested language such as an easement or other acceptable use agreement between owners.

Chairman King asked if Condition #1 was acceptable.

Mr. Nicolaysen advised Condition #1 was acceptable.

Chairman King asked staff to address the proposed change regarding the easement.

Mr. Trembath stated that he was not made aware any issue with the easement.

Mr. Holloway asked Mr. Nicolaysen if the objection was to the word public and why.

Mr. Nicolaysen stated that was correct. He advised that according to the plat of record there is access to all lots. He stated that he discussed the matter with Mr. Collins and not Mr. Trembath.

Mr. Collins, advised that he vaguely remembers a conversation, on the first rendition there appeared to be a street on the North border of the plat, and they discussed dedicating it and public access. He advised that the ultimate goal was to accomplish shared access, and in the past this has been accomplished in a variety of ways with a cross parking agreement, an access easement labeled shared access and/or public access easement. Mr. Collins deferred the wording question to Mr. Trembath.

Mr. Holloway asked staff if there was any intention on the part of the City to have this dedicated as a street.

Mr. Collins stated the City did not request a dedicated street. He advised that it should be classified as a driveway access that multiple lots are sharing.

Chairman King asked Mr. Nicolaysen for clarification of the proposed wording.

“Prior to the issuance of a certificate of occupancy, a private easement or other acceptable use agreement between the subject property, lot 5, and the lot immediately to the north will be entered into with a copy provided to the city.”

Mr. Trembath indicated that as long as there is access to all of the lots it was acceptable, but he had concerns that the word perpetual or recorded are not included in the language.

Mr. Nicolaysen advised that twenty years from now the word permanent may or may not be appropriate. He suggested adding the word “recorded” before “private easement....”

Chairman King advised there would be a ten (10) minute recess so Mr. Nicolaysen and Mr. Trembath can discuss the issue with the wording of Condition #2 listed in the staff report.

Chairman King asked Mr. Nicolaysen and Mr. Trembath to share the results of their conversation.

Mr. Nicolaysen advised that he and Mr. Trembath agreed upon the following wording “prior to a certificate of occupancy a platted shared access is recorded.”

Chairman King asked staff if the wording was acceptable.

Mr. Collins replied that it was acceptable.

Chairman King asked if there were further questions for Mr. Nicolaysen. There were none.

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

There being no others to speak, Chairman King entertained a motion to approve, approve with conditions, deny, or table PLN-16-028-S, regarding the proposed indoor shooting and training facility.

Mr. Hein made a motion to approve Case No. PLN-16-028-S with Conditions #1 listed in the staff report, Condition No. 2 “prior to a certificate of occupancy a platted shared access is recorded,” and eliminate Condition No. 3 listed in the staff report. The motion was seconded by Mr. Redder. All those present voted aye. Motion passed.

Ms. Frank returned to the meeting at 7:17 p.m.

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 – 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, 6th P.M., Natrona County Wyoming, to create Eastgate Ranch Addition, comprising 25.605-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 continue **Case # PLN-16-031-ARZ** to the regularly scheduled August 18, 2016 Planning and Zoning Commission public hearing.

Chairman King entertained a motion to continue Case No. PLN-16-031-ARZ to the August 18, 2016 Planning and Zoning Commission public hearing.

Mr. Waterbury made a motion to continue Case No. PLN-16-031-ARZ to the August 18, 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-16-033-R – A petition to vacate and replat Lots 23-29, all of Tracts B, C, D, and E, of the Back Nine, a subdivision of the City of Casper, to create The Back Nine, Lots 30-72 and Tracts G & H, comprising 18.61-acres, more or less, generally located

south of West 29th Street and east of Casper Mountain Road. Applicant: Becker Development, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that the Planning and Zoning Commission table Case PLN-16-033-R.

Chairman King entertained a motion to table Case PLN-16-033-R.

Mr. Holloway made a motion to table Case No. PLN-16-033-R. The motion was seconded by Ms. Frank. All those present voted aye. Motion passed.

IV. COUNCIL ACTIONS:

An appeal of a Conditional Use Permit for an Accessory building (Garage) located at 2850 East 5th Street.

V. SPECIAL ISSUES:

There were none.

VI. COMMUNICATIONS:

A. Commission:

Chairman King thanked Vice Chairman Holloway for covering the June Planning and Zoning Commission meeting on short notice.

B. Community Development Director:

Mr. Kloke gave an update on the Comprehensive Land Use Plan. He advised there had been an event held at the Central Wyoming Fair and Rodeo on July 12, 2016 where input from approximately 350 people was gathered. He stated that the Generation Casper website was up and running with a survey for citizens. He asked the Commission to encourage their family and friends to take the survey.

Mr. Waterbury noted a flyer enclosed with City of Casper water bills pertaining to the Comp Plan looked nice.

Chairman King encouraged everyone to participate in this process the information is valuable.

C. Other Communications:

There were none.

D. Council Liaison:

Steve Cathey stated that City Council had approved a Conditional Use Permit located at 2850 East 5th Street due to the absence of Planning and Zoning Commission members at the regular June meeting. He advised that the Permit had been denied on a 3-2 vote, and Council had concerns regarding what would have happened if there had been a 4th vote. He noted that the applicant had a structural engineer check the integrity of the existing garage and eliminated windows per the P&Z Commission recommendation.

Mr. Cathey stated that there would be a Public Hearing August 2, 2016 regarding the six (6) acres of land that the City purchased from the railroad located off West Midwest Street. The State of Wyoming is interested in purchasing the land for a future office building.

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 7:38 p.m.

Chairman

Secretary

August 11, 2016

MEMO TO: Bob King, Chairman
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner
Aaron Kloke, Planner I

SUBJECT: **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, 6th 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.

Recommendation:

Staff recommends that the Planning and Zoning Commission acknowledge withdrawal of **Case # PLN-16-031-ARZ** by the applicant.

Summary:

After a public hearing on July 21, 2016, the Planning and Zoning Commission continued this case to allow the applicant time to complete additional engineering and design for the subdivision. Staff received an email from Bill Fehringer, Civil Engineering Professionals, Inc. (CEPI) on Thursday, August 11, 2016, notifying the City that the applicant would like to withdraw the application at this time. He is looking at options and may reapply at a later date. Staff requests that the Planning and Zoning Commission acknowledge the withdrawal of the application.

August 12, 2016

MEMO TO: Bob King, Chairman
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner
Aaron Kloke, Planner I

SUBJECT: **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.

Recommendation:

If, after the required public hearing, the Planning and Zoning Commission finds that the requested zone change 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 zone change, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 17.12.170 of the Casper Municipal Code pertaining to zone changes including notification of property owners within 300 feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. Staff has not received any public comments on this case.

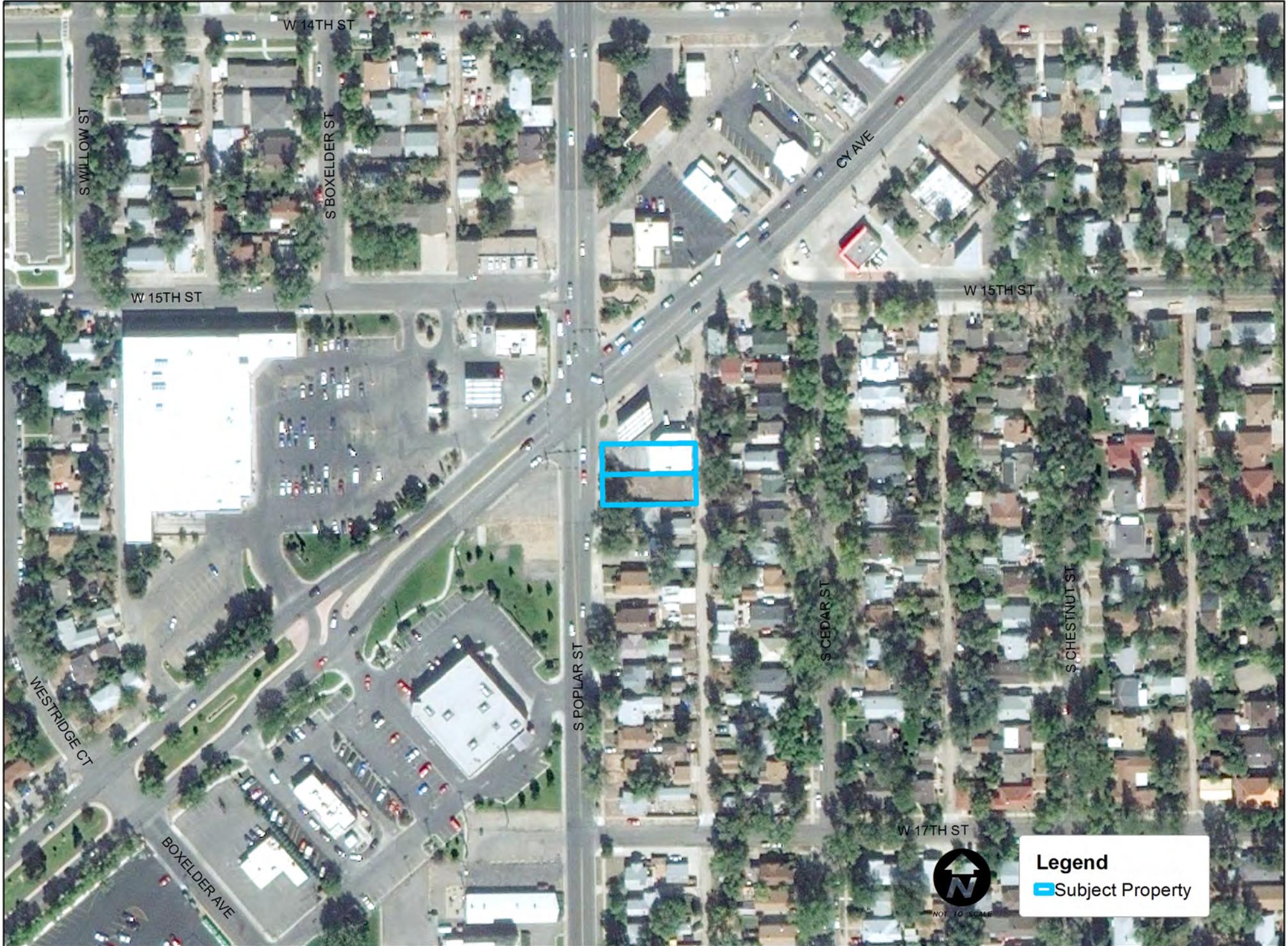
Summary:

Cornerstone Commercial Partners, LLC has applied for a zone change of two (2) lots located immediately south of the former Shell gas station at the corner of CY Avenue and Poplar Street. The gas station was purchased and closed by the Wyoming Department of Transportation (WYDOT) when the recent construction improvements to the intersection occurred. The gas station property consists of two (2) different zoning classifications, C-2 (General Business) and R-2 (One Unit Residential), with the structure straddling the division between the two. Commercial uses are not listed as permitted uses in the R-2 (One Unit Residential) zoning district. The applicant has applied for a zone change of the two (2) southern-most lots from R-2 (One Unit Residential) to C-2 (General Business) to clean up the zoning of the property and bring it into conformance. Zoning surrounding the subject property is OYDSPC (Old

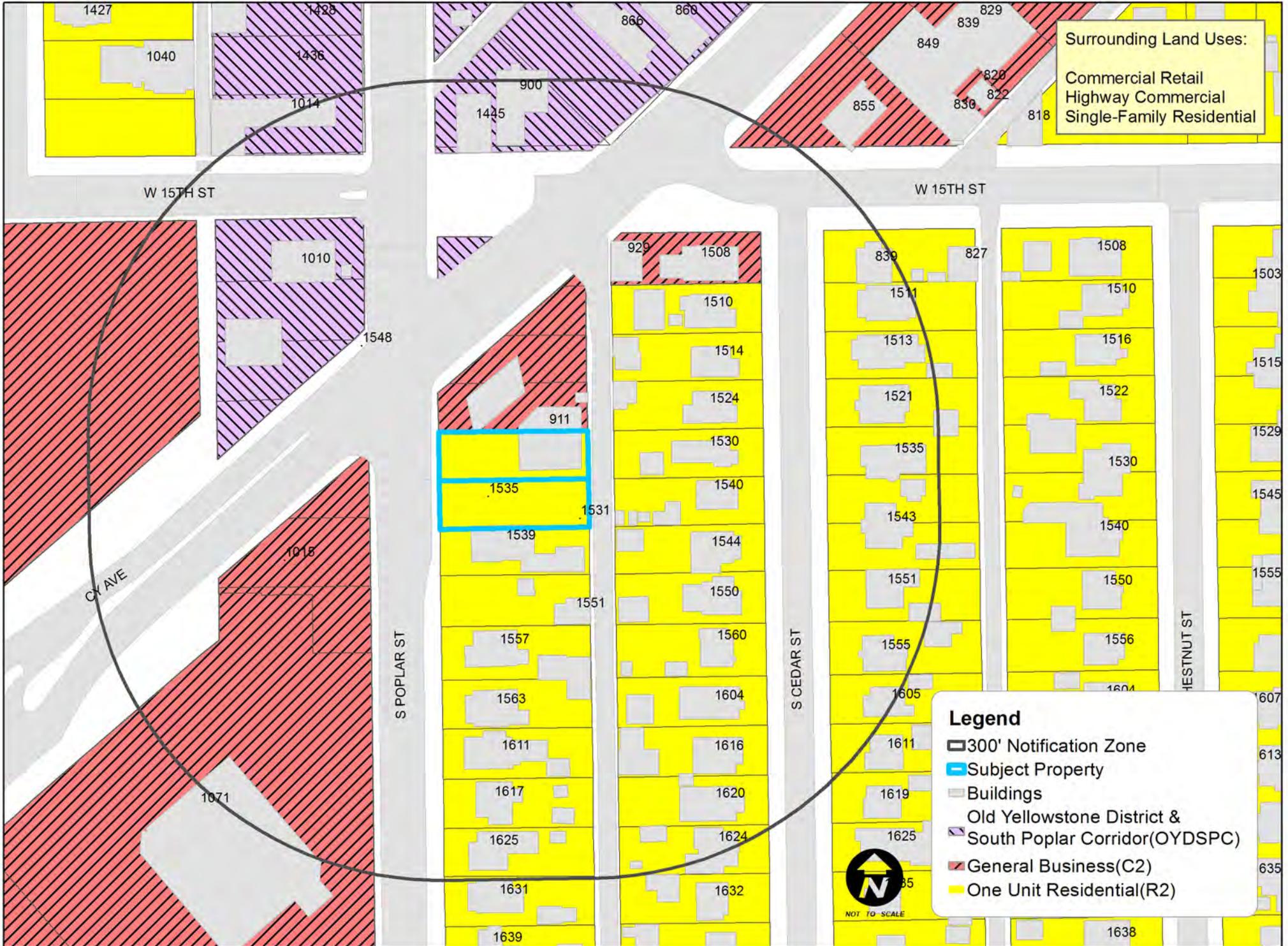
Yellowstone District and South Poplar Street Corridor Form Based Code) to the north; C-2 (General Business) to the west; R-2 (One Unit Residential) to the south; and R-2 (One Unit Residential)/C-2 (General Business) to the east. Land uses in the surrounding area are a mix of residential and commercial.

The Future Land Use Concept Map element of the Comprehensive Land Use Plan shows the desired future land use classification of the area east of Poplar Street and south of CY Avenue to be “Single-Family (Moderate Density).” The area surrounding the subject property, along CY Avenue is designated as “General Commercial.” It is unlikely that the former gas station would be redeveloped as single-family residential because of the surrounding land uses and heavy traffic on both CY Avenue and Poplar Street. The Comprehensive Land Use Plan states, as a repeated theme throughout the document, that infill on vacant or underutilized sites should be encouraged. A rezoning of the property to C-2 (General Business) would not preclude single-family residential from constructing on the property, as single-family residential is a listed permitted use in the C-2 zone. However, the rezone would allow for the property to go back to a productive commercial use, rather than sitting vacant. Any commercial development of the vacant portion of the property immediately south of the gas station structure would require adequate buffering from the adjacent residential property.

911 CY Avenue and 1535 S. Poplar Lot



911 CY Avenue and 1535 S. Poplar Lot



911 CY Avenue & 1535 S Poplar Street

Facing east from Poplar Street



August 12, 2016

MEMO TO: Bob King, Chairman
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner
Aaron Kloke, Planner I

SUBJECT: **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 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Recommendation:

Staff recommends 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.

Summary:

Gregory and Patricia Cunningham have applied for a Conditional Use Permit to allow for the construction of an accessory detached garage with 14' high walls, which is in excess of the 12' maximum wall height permitted. During the review of the project, it was realized that the proposed detached garage was also oversized. Section 17.12.121(F)(4) states that detached garages shall not exceed 1,500 square feet in area as measure at the maximum exterior wall dimension nor cover more than 15% of the total area of the lot or lots associated with the primary residence, whichever is less. The proposed detached garage is 896 square feet in area and the subject property is approximately 4,477 square feet in area, leading the proposed detached garage to cover approximately 20% of the subject property.

This detail was not included in the case's public notice; therefore staff is recommending that the Planning and Zoning Commission continue this case in order to renotify the public with details concerning the oversized aspect of the proposed detached garage.

August 12, 2016

MEMO TO: Bob King, Chairman
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner
Aaron Kloke, Planner I

SUBJECT: **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: Jacob Hoopes.

Recommendation:

If, after the 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, as outlined below, staff recommends that the Planning and Zoning Commission articulate its findings, 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.

Code Compliance:

Staff has complied with all requirements of Section 17.12.240 of the Casper Municipal Code pertaining to Conditional Use Permits, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. Staff has not received any comments regarding this application.

Section 17.12.240(G) of the Casper Municipal Code states that no conditional use permit shall be granted unless the Commission finds the following:

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;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

When making the decision for a Conditional Use Permit, the Commission shall consider the scale of the operation and relationship to other similar issues as expressed in the six (6) considerations outlined in Section 17.12.240(H) as listed below.

- a. Area and height to be occupied by buildings or other structures.
- b. Density of the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three.
- c. Volume of business in terms of the number of customers per day.
- d. Increased traffic congestion or hazard caused by the use which may be over and above normal traffic for the area, as determined by the City Engineer and Community Development Director.
- e. Location of use with respect to the same or similar uses within a three hundred foot (300') radius of the perimeter of the described property.
- f. Any other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

Pursuant to Section 17.12.240(I) of the Casper Municipal Code, the Commission may impose reasonable conditions on a Conditional Use Permit, including, but not limited to, time limitations, requirements that one or more things be done before construction is initiated, or conditions of an ongoing nature. By way of illustration, not limitation, the following limitations or modifications can be placed upon a Conditional Use Permit, to the extent that such conditions are necessary to insure compliance with the criteria of Section 17.12.240(G) and (H):

1. Size and location of site;
2. Street and road capacities in the area;
3. Ingress and egress to adjoining public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation systems;
6. Fencing, screening, and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting; and,
10. Noise, vibration, air pollution and other environmental influences.

Summary:

Jacob Hoopes has applied for a Conditional Use Permit for an accessory building located at 305 Upper Aster Road. The property is located on the west side of Upper Aster Road, northeast of the intersection of Robertson Road and CY Avenue and consists of a platted lot totaling approximately 1.41 acres in area in an R-1 (Residential Estate) zoning district. Land uses in the immediate area are predominately single family residential. In 2014 the applicant was granted a Conditional Use Permit by the Planning and Zoning Commission; however, the Conditional Use Permit was not exercised within the one year following approval, and became void as a result. The applicant is now reapplying with the identical request as he was approved for in 2014.

Section 17.12.121(F)(4) of the Casper Municipal Code requires a Conditional Use Permit for any detached garage that exceeds either fifteen percent (15%) of the lot area, or a maximum of 1,500 square feet in size. Based on this requirement, and the size of the property, the applicant would be permitted to construct a detached accessory building up to 1,500 square feet in size (footprint), by right. The proposed accessory building is to be 1,800 square feet, three hundred (300) square feet larger than the 1,500 square foot maximum. Section 17.12.121(G) of the Casper Municipal Code also states that a Conditional Use Permit is required for detached accessory buildings that exceed twelve (12) feet in exterior wall height. The proposed accessory building is proposed to be constructed with sixteen (16) foot high walls.

The minimum setback that the structure must maintain from Upper Aster Road is twenty-five (25) feet while the minimum side and rear setbacks for the structure are both five (5) feet. The proposed structure is to be constructed at least eight (8) feet from any side or rear setback and approximately one hundred fifty (150) feet from Upper Aster Road; therefore, the proposed accessory building is in compliance with all minimum R-1 (Residential Estate) zoning district setback requirements.

As stated in the Code Compliance section of this staff report, the Planning and Zoning Commission should base its decision on whether to approve or deny the requested Conditional Use Permit based on the two (2) findings and six (6) considerations outlined in Section 17.12.240 (G) and (H). These two (2) findings and six (6) considerations are meant, in simplified terms, to ensure that the request is compatible with the surrounding area. Should the Planning and Zoning Commission decide to approve the Conditional Use Permit; staff has provided two (2) recommended conditions of approval for consideration. The Planning and Zoning Commission can amend the conditions, impose additional conditions, or remove any of the conditions it wishes. For illustrative purposes, staff has provided a sample motion to assist the Planning and Zoning Commission with making a proper motion to approve the Conditional Use Permit, if the Commission so desires.

Illustrative Recommended Motion to approve:

Case number **PLN-16-038-C**, a Conditional Use Permit for an 1,800 square foot, oversized, detached garage, in excess of the 1,500 square foot maximum permitted; and with sixteen (16) foot walls, in excess of the twelve (12) foot maximum wall height permitted; on Lot 34, Block 20, Paradise Valley, located at 305 Upper Aster Road, be granted, with Conditions #1 and #2, listed above, for the following 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;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

Furthermore, the Planning and Zoning Commission finds that:

- 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.

305 Upper Aster Rd



Surrounding Land Uses:
Single-Family Residential
Mobile Home Residential

Legend
Subject Property



NOT TO SCALE

305 Upper Aster Rd



305 Upper Aster Road

Facing west from Upper Aster Road



Facing west towards the North Platte River from property



Facing west from property driveway





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Jacob Hoopes
 ADDRESS: 305 Aster St. Casper, WY 82604
 TELEPHONE: 307-679-2113 EMAIL: Jhoopes01@yahoo.com

LOCATION OF REQUEST:

ADDRESS: 305 Aster St. Casper, WY 82604
 LEGAL DESCRIPTION: Paradise Valley BLK: 20 LOT: 34
 Number of Lots: 1 Size of Lots: 61224
 Current Zoning: Residential Current Use: Residence

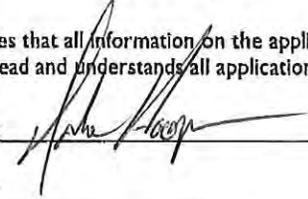
Purpose for which the property is proposed to be used: Residence. Requesting a height increase from 12' to 16' for accessory structure.
 Prior restrictions placed on the property: 12' maximum wall height.

Floor area square footage: 1,800 Number of Occupants or Employees: _____
 Building Footprint: _____ Number of off-street parking spaces: _____

**A PLOT PLAN IS REQUIRED SHOWING:
(WHERE APPROPRIATE)**

- | | | |
|-------------------------------|--------------------------------|-------------------------------------|
| lot size and dimensions | size and location of buildings | off-street parking spaces |
| routes for ingress and egress | internal traffic control | fencing, screening, and landscaping |
| signs and lighting | setback distances | |

The following owner's signature, or agent, signifies that all information on the application is accurate and correct to the best of the owner's knowledge, and that the owner has thoroughly read and understands all application information and requirements.

SIGNATURE OF PROPERTY OWNER: 
 DATE: July 12, 2016

SUBMIT TO:
 Community Development Department
 Planning Division
 200 N David, RM 203
 Casper, WY 82601
 Phone: 307-235-8241
 Fax: 307-235-8362
 www.casperwy.gov
 E-mail: dhardy@cityofcasperwy.com

- COMPLETE SUBMITTAL NEEDS TO INCLUDE:**
- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
 - PROOF OF OWNERSHIP
 - \$275 APPLICATION FEE (NON-REFUNDABLE)
 - PLOT PLAN

FOR OFFICE USE ONLY:
 DATE SUBMITTED:
7/12/16
 REC'D BY: dh

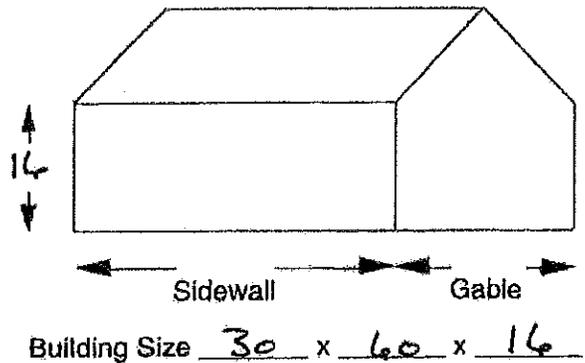
#7518

STEEL STRUCTURES AMERICA, INC.

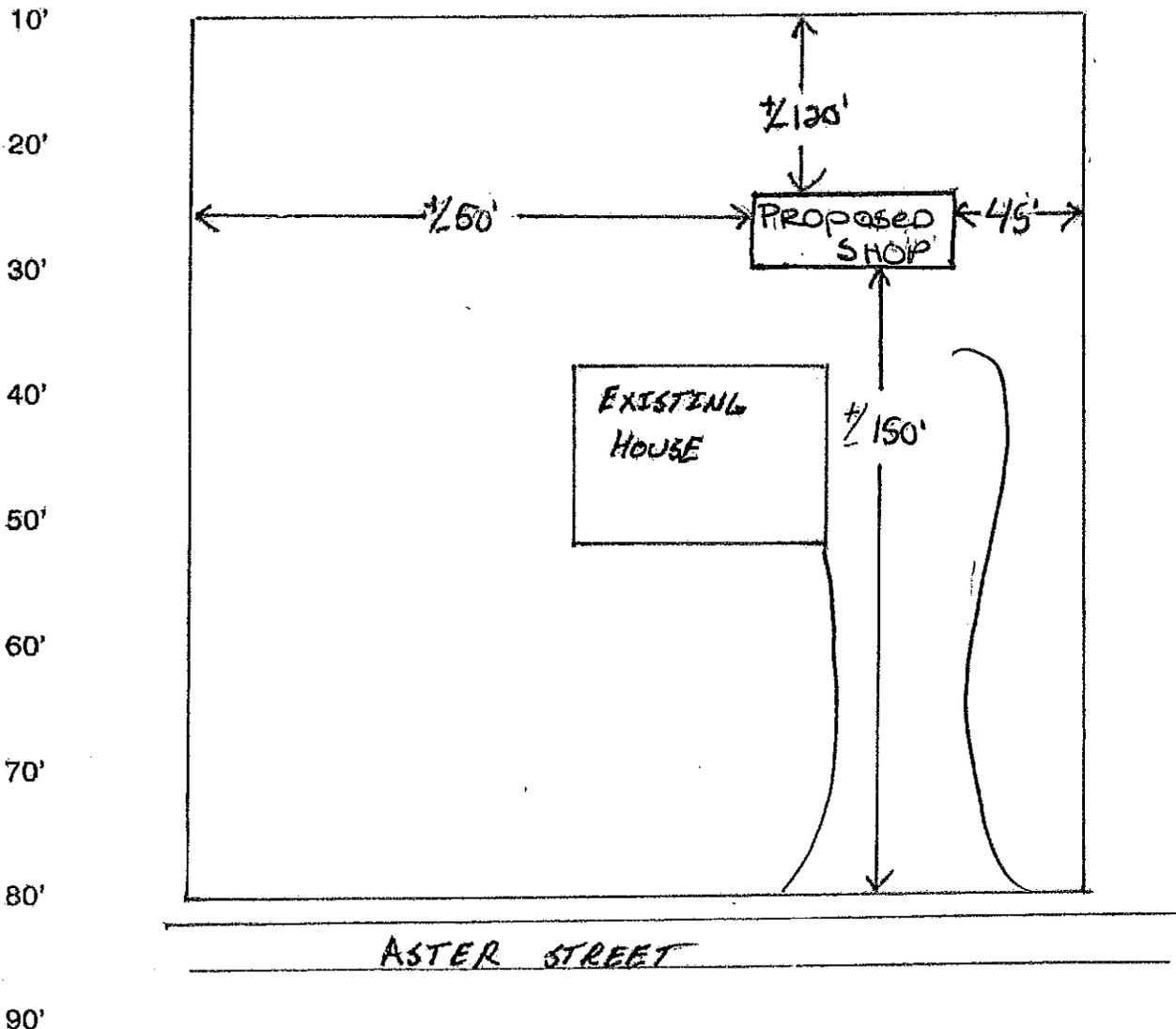
1-800-833-9997

Appt. Time _____
Date _____

Name JAKE Hoopes
Mailing Address 305 ASTER STREET
City CASPER State WY Zip 82604
Job Address SAME
City _____ State _____
County NATRONA Zip _____
Telephone Home _____ Work _____



0 10' 20' 30' 40' 50' 60' 70' 80' 90'



Customer Signature _____

Sales Signature _____

Scale: 3/4" = 10'