

**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 no 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.

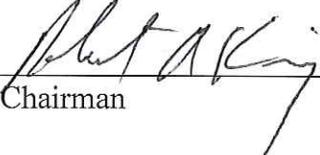
D. Council Liaison:

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.

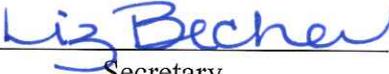
Mr. Cathey stated that there would be a Public Hearing August 2, 2016 regarding the six (6) acres of land that the City purchased from the railroad located off West Midwest Street. The State of Wyoming is interested in purchasing the land for a future office building.

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