

**PLANNING AND ZONING MEETING
THURSDAY, JUNE 15, 2017
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, June 15, 2017, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

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

Absent Members: James Holloway
 Don Redder

Others present: Liz Becher, Community Development Director
 Craig Collins, City Planner
 Aaron Kloke, Planner I
 Dee Hardy, Administrative Support Technician
 Shelley LeClere, Code Enforcement Supervisor
 Amber Jividen, Code Enforcement Officer
 Wallace Trembath, Assistant City Attorney
 Bob Hopkins, Council Liaison
 Lindsey Grant, 519 East 3rd Street
 Norita and Ron Trussell, 2030 Walsh Drive
 Matt Galloway, 4017 West 38th Street

II. MINUTES OF THE PREVIOUS MEETING

Chairman King asked if there were additions or corrections to the minutes of the May 18, 2017 Planning & Zoning Commission meeting.

Chairman King called for a motion to approve the minutes of May 18, 2017 Planning & Zoning Commission meeting.

Mr. Waterbury made a motion to approve the minutes of the May 18, 2017 meeting. The motion was seconded by Mr. Hein. All those present voted aye with the exception of Ms. Frank 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.

Casper Comprehensive Plan Update – Public hearing for consideration of an update to the Casper Comprehensive Plan and gathering of public input.

Aaron Kloke, Planner I, presented the staff report and recommended that the Planning and Zoning Commission hold a public hearing to obtain any final public input, and make a recommendation to the City Council to approve the plan, with or without suggested changes. The Comprehensive Plan serves as a decision-making guide for the next 10-20 years with regard to future City policies and investments, land use and transportation planning, economic development forecasting, and capital improvement planning. As a policy document, with a focus on land use and transportation, this Plan will help ensure efficient city services, key infrastructure, and managed growth while maintaining Casper's unique quality of life. Generation Casper began approximately one (1) year ago and was intended to be developed for the citizens of Casper and created by the citizens of Casper. The process was heavily based on gathering public input with staff managing several outreach efforts such as open houses, workshops, listening sessions, surveys, focus groups or group presentations, steering committee meetings, e-newsletters, mailings in water bills, and attending community events such as Art Walk, Farmer's Market, and a back to school bash.

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

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

Lindsey Grant, 519 East 3rd Street, spoke in favor of the Comp Plan. She stated she was on the Steering Committee and she commented on how hard everyone involved worked on the plan.

Chairman King noted that many hours were put into the plan and commended everyone involved for their efforts.

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table the Casper Comprehensive Plan Update as proposed.

Ms. Frank made a motion to approve the Casper Comprehensive Plan Update as proposed, and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Waterbury. 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-17-025-C – Petition for a Conditional Use Permit for construction of a parking lot in a C-2 (General Business) zoning district, located at 1425 South Poplar Street, more particularly described as Lot 4, Block 166, Casper Addition, Excepting the Southwestern Corner to the City Street. Applicant: M&T Enterprises, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that if, 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 in the staff report, staff recommends that the Planning and Zoning Commission articulate its findings; and apply the following conditions of approval:

1. Pursuant to Section 17.12.240(I) of the Casper Municipal Code, the Conditional Use Permit shall be “exercised,” and all conditions shall be met within one (1) year of the date of approval, or the Conditional Use Permit shall become null and void.
2. Prior to the construction of the parking lot, the applicant shall submit a formal site plan application to the Community Development Department for review and approval.
3. The applicant shall apply for a new access permit from the Wyoming Department of Transportation (WYDOT), prior to the submittal of a site plan to the City. The site plan shall be designed in keeping with the location and configuration of a single point of access onto South Poplar Street, per WYDOT’s requirements.

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.

Norita and Ron Trussell, 2030 Walsh Drive, spoke in favor of this case.

Chairman King asked the applicant if the three (3) Conditions listed in the staff report were acceptable.

Mr. Trussell advised that the three (3) Conditions listed in the staff report were acceptable.

Ms. Frank inquired if the parking lot would be for the brick building located to the south of the subject property.

Mr. Trussell stated that was correct. The brick building has a need for parking.

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

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-17-025-C.

Mr. Hein asked if he should abstain from voting on this item since he was involved in a study for this building regarding parking. He stated that he did not recognize the company name on the application and that it has been several years ago.

Mr. Trembath your decision should be made regarding whether you have a real conflict of interest. If not, feel free to vote.

Mr. Hein replied no I do not have a conflict of interest.

Mr. Waterbury made a motion to approve case PLN-17-025-C for the construction of a parking lot in a C-2 (General Business) zoning district, located at 1425 South Poplar Street, more particularly described as Lot 4, Block 166, Casper Addition, Excepting the Southwestern Corner to the City Street, with Conditions #1-3, for the two (2) Reasons and Findings A-F listed in the staff report. 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-17-026-C – Petition for a Conditional Use Permit to allow gaming/gambling (off-track wagering) in a C-2 (General Business) zoning district, on Lot 648 of Subdivision No. 2, Commercial Tract No. 1, Westwood No. 2, located at 2800 CY Avenue. Applicant: Galloway's, LLC dba El Marko Lanes/Galloway's Pub.

Aaron Kloke, Planner I, presented the staff report and recommended that if, 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 in the staff report, staff recommends that the Planning and Zoning Commission articulate its findings; and apply the following conditions of approval:

1. Pursuant to Section 17.12.240(I) of the Casper Municipal Code, the Conditional Use Permit shall be “exercised,” and all conditions shall be met within one (1) year of the date of approval, or the Conditional Use Permit shall become null and void.
2. The applicant shall comply with all applicable State and Local laws regarding the location of gaming/gambling within licensed liquor establishments.

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.

Matt Galloway, 4017 West 38th Street, spoke in favor of this case. He advised that they were before City Council last Tuesday and received unanimous support.

Chairman King asked if the off track wagering establishment was relocating from Evansville, Wyoming to 2800 CY Avenue.

Mr. Galloway stated that they were relocating.

Ms. Frank stated that the staff report indicates gaming cannot be done in a bar. When talking to City Council did you discuss changing the Ordinance that prohibits that now? Will this be located in the existing structure or are you adding on?

Mr. Galloway stated that Council gave their approval for changing the Ordinance. He advised that it would be located within the existing structure.

Chairman King asked if the two (2) Conditions listed in the staff report were acceptable.

Mr. Galloway advised that the two (2) Conditions were acceptable.

Mr. Trembath stated for clarification of record that the applicant indicated that Council gave their approval for changing the Ordinance at the Work Session on Tuesday, June 13, 2017. Actually they gave a thumbs up to proceed for approval.

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

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-17-026-C, Conditional Use Permit.

Mr. Waterbury made a motion to approve case PLN-17-026-C to allow gaming/gambling (off-track wagering) in a C-2 (General Business) zoning district, on Lot 648 of Subdivision No. 2, Commercial Tract No. 1, Westwood No. 2, located at 2800 CY Avenue. Applicant: Galloway’s, LLC dba El Marko Lanes/Galloway’s Pub, with Conditions #1-2, for the two

(2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Hein. All those present voted aye. Motion passed.

IV. COUNCIL ACTIONS:

V. SPECIAL ISSUES:

Municipal Code Text Amendments to Chapters 10 and 17 pertaining to parking.

Aaron Kloke presented the staff report and defined a parkway to be an area of land located between the back of the street curb and the property line including any sidewalk or landscaping located there in. Parkway are City property retained for future utilities, roadway expansion, buffering of pedestrian pathways, and provision of space for landscaping. The Municipal Code, Chapter 10.36, currently allows for a petition process that requires the unanimous signatures of owners of the lots on each side of the applicant and owners of the three lots located immediately across the street, agreeing to the parking of such vehicle or recreational vehicle in the parkway in front of the lot owned by the applicant with approval by City Staff. Once approved there are applicable fees of a one-time, non-refundable \$25 application fee and an annual \$25 parkway permit fee. Upon payment of the fees a permit is issued to the applicant to park a vehicle or recreational vehicle in the parkway. Code Enforcement enforced these regulations with a notice of violation. Within the last six (6) months enforcement of the parkway was transferred to the Casper Police Department. A public education campaign was conducted through traditional and social media continuing through April, 2017. Beginning May 1, 2017 they began issuing citations and fifty (50) have been issued. There have been six (6) formal complaints from citizens regarding the citations issued to them for violation of this ordinance. An increase in traffic, speed and larger vehicles traveling on the streets makes residents fear having their vehicles hit while parked on busy streets such as McKinley, 12th, 13th and 15th as well as narrow streets. Citizens find parking on the parkway a safer alternative. Throughout the years residents have been parking in the parkway legally (with permits) and illegally (without permits). At the May 23, 2017, Work Session it was expressed that the fee associated with a parkway permit was not a cost-efficient way to enforce the Ordinance and the resources to enforce the code could be put to better use. Therefore, Council has directed Staff to develop text amendments for its consideration.

To remain consistent several different chapters/sections must be amended. An example, the section of the code referencing recreational vehicle are found in multiple locations, and require clarification to prohibit recreational vehicles and trailers from being parked in the parkways. In the discussion it was recognized that trailers, recreational vehicles, inoperable vehicles, and other items would present a sight distance hazard if allowed to be placed in the parkway.

Amendments propose the use of gravel/rotomill surfaces to prevent erosion, deterioration of the parkway and sediment transfer into the public street right of way

and storm sewer drainage system. Should a curb become damaged or deteriorated due to vehicle access onto the parkway, the property owner would be responsible for the repair of said curb as per City Code. Staff has recommended that parkway trees may not be altered or damaged to provide parkway parking, and no parkway tree may be removed without prior approval from the City of Casper Parks Department.

The Planning and Zoning Commission must review the proposed changes which have been attached in ordinance form and provide a recommendation to Council.

Chairman King asked Councilman Hopkins to address the Commission and explain where Council is on this issue and what they are looking for from the Commission.

Bob Hopkins, Council Liaison, stated that this issue was brought to Council after ticketing had been done by the Police Department. He mentioned that 12th, 13th, 15th and McKinley are narrow streets. Council would like Planning and Zoning to review Parking in the Parkway and make a recommendation to Council.

Chairman King opened the public hearing and asked for anyone in the audience wishing to give comments regarding Municipal Code Text Amendments to Chapters 10 and 17 pertaining to parking.

Liz Becher, Community Development Director introduced Shelley LeClere, Code Enforcement Supervisor, and Amber Jividen, Code Enforcement Officer. Ms. Becher asked Mr. Kloke to display the flow chart staff had put together regarding this issue. She stated that this item came to Council in the month of May after the Police Department issued citations. During a work session council had a discussion and directed staff to look at Ordinance language. Ms. Becher stated that staff put together a flow chart and asked Ms. LeClere to step through the options.

Ms. LeClere stated that the Planning Commission had three (3) options, keep the Ordinance as is, change it per staff recommendation, or not have parkway parking at all.

Using the flow chart she explained, if parkway parking will be allowed everywhere with no restrictions, then a motion may be made and passed.

Should parkway parking be allowed with amendments, the following considerations should be made: which streets; will there be a requirement for some type of material such as asphalt, concrete, gravel, rotomill, or mulch to cover the parkway; will tree removal be allowed; will it include boats, RV's and trailers; will residents be required to maintain the curb; should a permitting process be included, if so, what would the fee and term be for the permit.

Finally, should the Commission decide that parkway parking not be allowed within the City, a motion may be made and passed.

Chairman King asked about placing campaign signs during elections in the parkway.

Ms. LeClere advised that there is a section in the Municipal Code addressing campaign signs.

Wallace Trembath, Assistant City Attorney, recommended that they do not get into the issues about political signs as they are protected by the first amendment.

Chairman King asked why the change in enforcement from Code Enforcement to the Police Department.

Ms. LeClere that sometime during the fall she had learned through the media the Police Department began enforcement. They have been directed by City Council or, because there was a street issue.

Mr. Waterbury asked how many streets have parkways, and how many permits have been issued.

Ms. LeClere stated there are several parkways throughout the City and currently three (3) valid permits have been issued.

Ms. Frank stated that she lived on South McKinley Street, for thirteen (13) years, with a shared driveway and never once parked in the parkway. She advised that cars parked on the parkway with a vehicle parked next to it on the street is extremely unsightly. She asked if passing this Ordinance would allow anyone to park on the parkway.

Ms. LeClere replied yes, if passed, it would allow anyone to park on the parkway.

Mr. Hein stated parkways create a buffer between the street and sidewalk. He noted staff provided some photos showing nice spacing and upkeep of parkways.

Chairman King asked if there was anyone in the audience wanting to give comments regarding amending Chapters 10 and 17 of the Municipal Code relating to parking.

There being no one to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table the Municipal Code Text Amendments to Chapters 10 and 17 pertaining to parking.

Mr. Waterbury made a motion to approve the Municipal Code Text Amendments to Chapters 10 and 17 pertaining to parking, for discussion purposes. For discussion purposes, the motion was seconded by Ms. Frank.

There was discussion on:

- Roads are for cars, parkways provide space for grass and buffering trees, and sidewalks are for pedestrians.
- Allowing this parking eliminates the buffer.

- Just because a vehicle is equipped to drive over a curb, doesn't mean it should.
- Parking in the parkways does not fit into the Generation Casper Comprehensive Plan to improve the livability or visibility it want to attain.
- Parking should not be allowed in the parkways anywhere within the City limits.
- Only three (3) valid parking permits issued versus the number of vehicles you see parked in the parkway all over town.
- Living with a parkway for thirteen (13) years and never parking in the parkway.
- Sediment in the gutter and street.
- Other options are available – parking in the rear, off the alley. Conversion of front yard to parking.
- People bought the properties knowing the parking situation. Self-imposed issue.
- The cost of paying for storage/parking off-site vs. using City parkway for free.

Chairman King asked the Commissioners to please cast their vote, and record the vote. With all members voting nay. The motion failed.

Councilman Hopkins thanked the Planning and Zoning Commission for their input and good discussion.

Mr. Waterbury asked if it would be appropriate to make a motion that the Commission recommend to City Council there be no Parkway Parking within the City.

Mr. Trembath stated it would help clarify what the intent of the Planning and Zoning Commission is.

Mr. Waterbury made a motion to recommend that City Council make the necessary changes in the Ordinances to do away with all parkway parking in the City of Casper. The motion was seconded by Mr. Hein. All those present voted aye. The motion carried.

VI. COMMUNICATIONS:

A. Commission:
There were none.

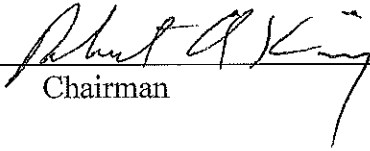
B. Community Development Director:
Liz Becher, thanked Chairman King for attending the OYD (Old Yellowstone District) Oscar ceremony. A celebration of the success in the neighborhood this past year. Chairman King noted Liz's role in that goes

beyond something you consider a job, you have a passion for the OYD (Old Yellowstone District) and it shows!

- C. Other Communications:
There were none.
- D. Council Liaison:
There were none.

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. Feth to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 7:39 p.m.



Chairman



Secretary