

**PLANNING AND ZONING MEETING
THURSDAY, MAY 19, 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, May 19, 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

Absent Members: Don Redder
 Randy Hein

Others present: Craig Collins, City Planner
 Aaron Kloke, Planner I
 Dee Hardy, Administrative Support Technician
 Wallace Trembath, Assistant City Attorney
 Jason Knopp, City Engineer
 Steve Cathey, Council Liaison
 Bill Fehringer, CEPI, 6080 Enterprise Drive
 Jon Cardenas, 2850 East 5th Street
 Shannon Briggs, 2850 East 5th Street
 Ted Sellers, 2819 East 5th Street
 Letitia Abromats, 750 U.S. Highway 14, Greybull, WY

II. MINUTES OF THE PREVIOUS MEETING

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

There being none, Chairman King called for a motion to approve the minutes of the April 21, 2016 Planning & Zoning Commission meeting.

Mr. Holloway made a motion to approve the minutes of the April 21, 2016 meeting. The motion was seconded by Mr. Feth. All those present voted aye with the exception of Mr. Waterbury 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.

Chairman King entertained a motion to remove Case No. PLN-16-019-C from the table for consideration.

Mr. Holloway made a motion to remove case PLN-16-019-C from the table for consideration. The motion was seconded by Mr. Waterbury. All those present voted aye. Motion passed.

PLN-16-019-C – *(Tabled April 21, 2016)* Petition for a Conditional Use Permit for the construction of an oversized detached accessory building (garage) in an R-1 (Residential Estate) zoning district. Said garage consists of a 2,196 square foot addition to an existing detached garage, for a total footprint of 2,580 square feet. Per the Municipal Code, the maximum size of an accessory building (garage) is 1,500 square feet. The subject property is located on Lots 72 and 73, Sunrise Hills No 8 Addition, at 6200 South Chestnut Street. Applicant: Rick and Judy Binks.

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

Chairman King entertained a motion to acknowledge withdrawal of Case No. PLN-16-019-C.

Mr. Waterbury made a motion to acknowledge withdrawal of Case No. PLN-16-019-C. The motion was seconded by Ms. Frank. All those present voted aye. Motion passed.

Chairman King noted that Vice Mayor Cathey was in attendance this evening.

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-16-022-R – Petition to vacate and replat Lots 5 and 6, Harmony Hills Addition No. 2 – Phase 2, and Lot 4A, Harmony Hills Addition No. 2 – Phase 2, Lots 3A and

4A, to create Harmony Hills Addition No. 2 Phase 2A, comprising 0.46-acres, more or less, generally located at the southeast intersection of Wyoming Boulevard and Tranquility Way. Applicant: Harmony Hills Holdings, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that if, after the public hearing, 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.

Mr. Kloke entered six (6) 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.

Bill Fehringer, CEPI, 6080 Enterprise Drive, presented the case and advised he was available to answer questions.

Mr. Holloway asked Mr. Fehringer about the walls of the constructed building not aligning with the plat.

Mr. Fehringer stated that there were five (5) units designed to be sold as separate parcels, and as the walls went up they were shifted. He advised this could have been due to a client wanting a different square footage within their space or the actual construction being off.

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-16-022-R, regarding the proposed Harmony Hills Addition No. 2 Phase 2A and forward a “do pass” recommendation to City Council.

Ms. Frank made a motion to approve case PLN-16-022-R, a replat for the proposed Harmony Hills Addition No. 2 Phase 2A, and forward a “do pass” recommendation to council. The motion was seconded by Mr. Waterbury. All those present voted aye. Motion passed.

Ms. Frank recused herself and left the meeting at 6:13 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-16-023-R – Petition to vacate and replat of Eastward Heights VIII, Lots 11-15, to create Eastward Heights VIII, Lot 16, comprising 0.260-acres, more or less, located at 1460, 1462, 1464, 1466 Missouri Avenue. Applicant: Langdon Investments, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that if, after the public hearing, 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.

Mr. Kloke entered six (6) 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.

Bill Fehringer, CEPI, 6080 Enterprise Drive, presented the case and stated he was available to answer questions.

Mr. Holloway asked if the driveway would remain the same.

Mr. Fehringer replied that the driveway would remain as it is.

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-16-023-R, regarding the proposed Eastward Heights VIII, Lot 16 and forward a “do pass” recommendation to City Council.

Mr. Waterbury made a motion to approve case PLN-16-023-R, replat creating Eastward Heights VIII, Lot 16 and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Holloway. All those present voted aye. Motion carried.

Ms. Frank returned to the meeting at 6:20 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-16-024-C – Petition for a Conditional Use Permit for an accessory building (garage), with 19’ high walls, in excess of the 12’ maximum wall height permitted; in an R-2 (One Unit Residential) zoning district on Lot 8, Block 7, Pineview Meadows Addition No. 2, Subdivision No. 1, located at 2850 East 5th Street. Applicant: Jon Cardenas.

Aaron Kloke, Planner I, presented the staff report and recommended that if, after the public hearing, the Planning and Zoning Commission finds that the 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, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. Per Section 17.12.121(F)(6) of the Casper Municipal Code, the accessory building, once completed, shall be similar in exterior design, with comparable exterior residential materials and roof pitch, to the principal residential building and surrounding neighborhood residential structures. In addition, vertical metal siding is expressly prohibited.

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.

Jon Cardenas, 2850 East 5th Street, presented the case and stated he was available to answer questions.

Chairman King asked the applicant if the Condition listed in the staff report was acceptable.

Mr. Cardenas replied that the Condition listed in the staff report was acceptable.

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

Shannon Briggs, 2850 East 5th Street, spoke in favor of this case.

Ted Sellers, 2819 East 5th Street, spoke in 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-16-024-C, Conditional Use Permit for an accessory building (garage), with 19’ high walls, in excess of the 12’ maximum wall height permitted; in an R-2 (One Unit Residential) zoning district on Lot 8, Block 7, Pineview Meadows Addition No. 2, Subdivision No. 1, located at 2850 East 5th Street.

Ms. Frank made a motion to approve case PLN-16-024-C for the construction of an accessory building (garage), with 19' high walls, in excess of the 12' maximum wall height permitted; in an R-2 (One Unit Residential) zoning district on Lot 8, Block 7, Pineview Meadows Addition No. 2, Subdivision No. 1, located at 2850 East 5th Street, with Conditions #1, for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Holloway.

Ms. Frank inquired about amending the motion with the added Condition of prohibiting windows on the west side of the structure that overlooks the adjacent neighboring yard.

Mr. Trembath, Assistant City Attorney, advised that the Planning and Zoning Commission could add reasonable conditions, and to do so would require an amended motion.

There was discussion on:

- Structural integrity of the existing garage.
- Architectural design of the project.
- Building permit process and what plans would be required, would structural be included, difference between commercial projects and residential.
- Safety always a concern in consideration of building permitting.

Ms. Frank made an amended motion to include a second Condition that would not allow windows on the west side of the addition. The motion was seconded by Mr. Feth. All those present voting aye, with the exception of Mr. Holloway, and Mr. Waterbury who voted nay. The amended motion passes.

Ms. Frank made a motion to approve case PLN-16-024-C for the construction of an accessory building (garage), with 19' high walls, in excess of the 12' maximum wall height permitted; in an R-2 (One Unit Residential) zoning district on Lot 8, Block 7, Pineview Meadows Addition No. 2, Subdivision No. 1, located at 2850 East 5th Street, with Condition #1 listed in the staff report, and Condition #2 to not allow windows on the west side of the addition, for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Holloway. Chairman King, Ms. Frank, and Mr. Feth voted aye. Mr. Holloway and Mr. Waterbury voted nay. Motion failed.

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-16-025-Z - Petition for a Zone Change of Casper Block 122, Lot 1-3 Commercial, and Casper Block 122 Lot 4-5 All, located at 901 and 909 South Cedar Street, from OYDSPC (Old Yellowstone District and South Poplar Corridor) to C-2 (General Business). Applicant: Chetan Patel.

Aaron Kloke, Planner I, presented the staff report and recommended that if, after the 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 Casper Area Comprehensive Land Use Plan and the West Central & South Poplar Street Corridor Plan, staff recommends that the Planning and Zoning Commission approve the zone change of Lots 1-5, Block 122, Casper Addition located at 901 and 909 South Cedar Street, and forward a “do pass” recommendation to the City Council. If however, the Commission determines that the zone change does not meet the minimum requirements of the Casper Municipal Code, or is not in conformance with the Casper Area Comprehensive Land Use Plan or the West Central & South Poplar Street Corridor Plan, staff recommends that the Commission deny the requested zone change.

Mr. Kloke entered eleven (11) 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.

Letitia Abromats, 750 U.S. Highway 14, Greybull, WY, representing the applicant, presented the case and spoke in favor of the petition.

Mr. Kloke entered City of Casper electrical permit dated March 22, 2007, and City of Casper Building permit dated November 23, 2005, submitted by Ms. Abromats as exhibit “L” two (2) pages.

Steve Cathey, Vice Mayor, Council Liaison, asked for clarification of the appeal process and appropriate use determination.

Mr. Trembath, advised that whether the use is appropriate would be determined under the OYD guidelines. He stated the matter would need to go to the Architectural Review Committee and they would render a decision. Under Municipal Code 17.94.020 an appeal can be made to the Council Committee Board of Appeals. He advised that this was a two (2) step process.

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, deny, or table the Zone Change of Casper Block 122, Lot 1-3 Commercial, and Casper Block 122 Lot 4-5 All, located at 901 and 909 South Cedar Street, from OYDSPC (Old Yellowstone District and South Poplar Corridor) to C-2 (General Business).

There was discussion on:

- Spot zoning.
- Previous planning efforts in the area that have been adopted as the OYD.

Mr. Holloway made a motion to approve the Zone Change of Casper Block 122, Lot 1-3 Commercial, and Casper Block 122 Lot 4-5 All, located at 901 and 909 South Cedar Street, from OYDSPC (Old Yellowstone District and South Poplar Corridor) to C-2 (General Business). The motion was seconded by Mr. Waterbury. All those present voted nay. Motion failed.

Chairman King advised the applicant to work with City staff to determine their next step.

IV. COUNCIL ACTIONS:

Mr. Kloke advised that a contract has been approved with Logan Simpson for the Comprehensive Land Use Plan update.

Mr. Collins thanked Council for their support on this project and endeavor to get public involvement. He stated that Council stressed how important the Comprehensive Land Use Plan is in planning for the City of Casper.

V. SPECIAL ISSUES:

There were none.

VI. COMMUNICATIONS:

A. Commission:

Chairman King stated that a Planning and Zoning training was held on Tuesday, May 17, 2016. In attendance were Mr. Waterbury, Mr. Redder, Ms. Frank, and himself.

B. Community Development Director:

There were none.

Other Communications:

C. There were none.

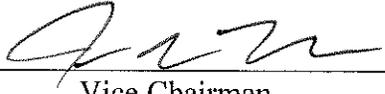
D. Council Liaison:

Steve Cathey, advised that there were two (2) items approved by Council Tuesday, May 17, 2016, the replat of the McKinley Heights Subdivision and a Sub-area plan for the Church of Latter Day Saints. He asked for clarification that the Architectural Review Committee would make the determination of whether the use of the business on South Cedar Street was appropriate.

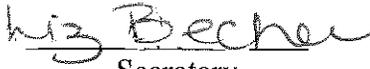
Mr. Collins advised that either the Architectural Review Committee or the Community Development Director could make that determination.

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 7:43 p.m.



Vice Chairman



Secretary