

**PLANNING AND ZONING MEETING  
THURSDAY, SEPTEMBER 15, 2016  
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at [www.casperwy.gov](http://www.casperwy.gov) on the Planning Commission web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Thursday, September 15, 2016, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present:            Bob King  
                                     James Holloway  
                                     Fred Feth  
                                     Randy Hein  
                                     Don Redder

Absent Members:        Ryan Waterbury  
                                     Susan Frank

Others present:        Liz Becher, Community Development Director  
                                     Craig Collins, City Planner  
                                     Dee Hardy, Administrative Support Technician  
                                     Wallace Trembath, Assistant City Attorney  
                                     Steve Cathey, Council Liaison  
                                     Greg Cunningham, 1441 East 2<sup>nd</sup> Street  
                                     Irene Cook, P.O. Box 423, Tabernash, Colorado  
                                     Lisa Burrige, 5820 South Walnut Street  
                                     Matthew Jackson, 4401 Freedom Circle

**II. MINUTES OF THE PREVIOUS MEETING**

Chairman King asked if there were additions or corrections to the minutes of the August 18, 2016 Planning & Zoning Commission meeting.

Chairman King called for a motion to approve the minutes of the August 18, 2016 Planning & Zoning Commission meeting.

Mr. Feth made a motion to approve the minutes of the August 18, 2016 meeting. The motion was seconded by Mr. Holloway. All those present voted aye with the exception of Mr. Redder 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-16-037-C – (Continued August 18, 2016) 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; and with a lot coverage which exceeds the 15% maximum permitted (896 square foot building), on the west 40' of Lots 13 and 14, Block 82, Butler's Addition, located at 1441 East 2<sup>nd</sup> Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Craig Collins, City Planner, presented the staff report and recommended, that if after the required public hearing, the Planning and Zoning Commission finds that the requested Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, 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. 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.
2. The accessory building (garage) shall be completed within one (1) year from the date of approval of the Conditional Use Permit. If said accessory building is not completed within a year, the Conditional Use Permit shall become null and void.

Mr. Collins 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.

Greg Cunningham, 1441 East 2<sup>nd</sup> Street, spoke in favor of this case.

Chairman King asked the applicant if Conditions #1-2 listed in the staff report were acceptable.

Mr. Cunningham stated that the Conditions listed in the staff report were acceptable.

Mr. Holloway stated that the applicant's home has character and the proposed accessory dwelling is not consistent with the home or the surrounding area. He asked if he would consider a gable roof.

Mr. Cunningham advised that the garage will be an addition to his property, the neighborhood, and a gable roof would make the structure awfully high.

Mr. Hein asked about the roof and materials, and if the applicant had checked with Rocky Mountain Power about moving a power pole.

Mr. Cunningham replied that the roof would be flat and constructed with tin. He advised that in the past he provided Rocky Mountain Power with an easement to move a power pole, however, it was not the one that Mr. Hein is referring to.

Mr. Hein advised that he was trying to give Mr. Cunningham better room to get in and out of the alley. That is why he mentioned moving the pole.

Mr. Cunningham advised that Rocky Mountain Power has been hard to work with in the past.

Mr. Feth asked about the possibility of garage doors.

Mr. Cunningham stated that the contractor was getting a quote for garage doors.

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-16-037-C, 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; and with a lot coverage which exceeds the 15% maximum permitted (896 square foot building), on the west 40' of Lots 13 and 14, Block 82, Butler's Addition, located at 1441 East 2<sup>nd</sup> Street.

Mr. Holloway made a motion to approve case PLN-16-037-C 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; and with a lot coverage which exceeds the 15% maximum permitted (896 square foot building), on the west 40' of Lots 13 and 14, Block 82, Butler's Addition, located at 1441 East 2<sup>nd</sup> Street, with Conditions #1-2, for the two (2) Reasons and Findings A-F listed in the staff report.

There was discussion on.

- Roof style, gable was preferred.
- Siding similar to the existing home.
- Contacting Rocky Mountain Power about moving a power pole.

Mr. Holloway withdrew the previous motion.

Mr. Holloway made a motion to table PLN-16-037-C to allow the applicant time to address Condition #1 listed in the staff report. The Commission gave direction to the applicant that they want to see a gable roof, lap siding, and garage doors. The motion was seconded by Mr. Hein. All those present voted aye. The motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-16-040-C** – Petition for a Conditional Use Permit for the placement of a 100’ monopole cell tower, and associated equipment, in a PH (Park Historic) zoning district, on the SW1/4SW1/4SW1/4 of Section 16, T33N, R79W, of the 6<sup>th</sup> P.M., Natrona County, located at 795 College Drive (adjacent to BMX track in Mike Sedar Park). Applicant: City of Casper/Verizon Wireless.

Craig Collins, City Planner, presented the staff report and recommended, that if after the required public hearing, the Planning and Zoning Commission finds that the requested Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, 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 cell tower/light pole shall be completed and in place within one (1) year from the date of approval of the Conditional Use Permit. If said cell tower/light pole is not completed and in place within a year the Conditional Use Permit shall become null and void.
2. A detailed site plan, meeting all minimum code requirements, shall be approved by the City prior to the commencement of construction.

Mr. Collins advised that he had added the following condition.

3. Approval of the Conditional Use Permit shall be contingent upon final approval of the Lease, Conditional Use Permit and Site Plan by the City Council. Should the Lease, Conditional Use Permit and Site Plan not be approved by the Council within six (6) months of the date of Planning and Zoning Commission approval, the Conditional Use Permit, then the Conditional Use Permit approval shall become void.

Mr. Collins 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.

Irene Cook, P.O. Box 425, Tabernash, CO, spoke in favor of this case.

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

Mr. Hein expressed a desire for a stealth pole to blend with surrounding area.

Ms. Cook stated that the three (3) Conditions were acceptable.

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-16-040-C, Conditional Use Permit for the placement of a 100' monopole cell tower, and associated equipment, in a PH (Park Historic) zoning district, on the SW1/4SW1/4SW1/4 of Section 16, T33N, R79W, of the 6<sup>th</sup> P.M., Natrona County, located at 795 College Drive (adjacent to BMX track in Mike Sedar Park).

Mr. Redder made a motion to approve case PLN-16-040-C for the for the placement of a 100' monopole cell tower, and associated equipment, in a PH (Park Historic) zoning district, on the SW1/4SW1/4SW1/4 of Section 16, T33N, R79W, of the 6<sup>th</sup> P.M., Natrona County, located at 795 College Drive (adjacent to BMX track in Mike Sedar Park), with Conditions #1-2, and Condition #3 (approval of the Conditional Use Permit shall be contingent upon final approval of the Lease, Conditional Use Permit and Site Plan by the City Council, should the Lease, Conditional Use Permit and Site Plan not be approved by the Council within six (6) months of the date of Planning and Zoning Commission approval of the Conditional Use Permit, then the Conditional Use Permit approval shall become void) for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Holloway. All those present voted aye with the exception of Mr. Hein who voted nay. The motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-16-041-Z** – Petition for a Zone Change of Lots 1 - 3, Block 3; Lot 1, Block 4; and Lot 1 Block 2; Harmony Hills Addition No. 2 – Phase 2; located at 1725, 1625, 1575, 1525, and 4911 Yesness Court, from C-2 (General Business) to R-2 (One Unit

Residential). Applicant: Mountain View Builders, Inc. & Harmony Development, LLC, & Success Properties, LLC.

Mr. Collins, City Planner, presented the staff report, 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. Collins 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.

Lisa Burridge, spoke in favor of this case.

Mr. Holloway asked why not apply for zoning for the larger area now.

Ms. Burridge stated that the project was being done in phases, and until this phase is done she cannot begin another.

Mr. Collins advised that the area to the south is not ready to be developed and at that time it will have to be replatted and rezoned.

Matthew Jackson, 4401 Freedom Circle, spoke in favor of this case.

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, deny, or table PLN-16-041-Z, regarding rezoning of 1725, 1625, 1575, 1525, and 4911 Yesness Court, from C-2 (General Business) to R-2 (One Unit Residential).

Mr. Holloway made a motion to approve case PLN-16-041-Z regarding the rezoning of 1725, 1625, 1575, 1525, and 4911 Yesness Court, from C-2 (General Business) to R-2 (One Unit Residential), and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Redder. All those present voted aye with the exception of Mr. Holloway who voted nay. Motion carried.

#### **IV. COUNCIL ACTIONS:**

There were none.

#### **V. SPECIAL ISSUES:**

There were none.

## VI. COMMUNICATIONS:

A. Commission:

There were none.

B. Community Development Director:

Liz Becher, Community Development Director, thanked Commissioner Feth and Chairman King for attending the WYOPASS conference. She advised that there were outstanding speakers, and in future trainings we will showcase those presentations. She stated that there will be Coffee Talk, Thursday, September 22, 2016, 7:00 a.m. held in the Council chambers, and invited them to attend.

Chairman King stated that the presentation facilitated by Wallace Trembath, Assistant City Attorney, regarding ethics was one of the best at the WYOPASS conference. He found it to be informative and entertaining.

Mr. Trembath Wallace thanked Chairman King for the compliment.

C. Other Communications:

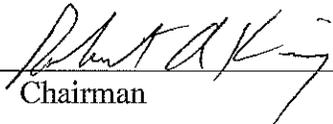
There were none.

D. Council Liaison:

Steve Cathey commended and thanked Mr. Collins for his negotiations on the cell tower lease. He advised that in a work session Council considered rezoning more of the current OYDSPC (Old Yellowstone District South Poplar Street Corridor) district.

## VII. ADJOURNMENT

Chairman King called for a motion for the adjournment of the meeting. A motion was made by Mr. Feth and seconded by Mr. Hein to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 7:30 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Secretary