

COUNCIL WORK SESSION
Tuesday, August 11, 2015, 4:30 p.m.
Casper City Hall
Council Meeting Room

AGENDA

1. Penny Plaza Ribbon Cutting
2. Discussion About Dead Trees Throughout the City and Potential Removal Strategies
3. Timeline for Contract Reinstatement
4. Conditional Use Permit Appeal, 1134 N. Lincoln St.
5. Future Agenda Review
6. Around the Table

July 27, 2015

MEMO TO: John C. Patterson, City Manager

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

SUBJECT: Appeal of decision of Planning and Zoning Commission to deny a Conditional Use Permit for a detached accessory structure (carport), in an R-3 (One to Four Unit Residential) zoning district, on Lots 139-140, Block 24, North Casper Addition, located directly north of the principal building at 1134 North Lincoln Street.

Recommendation:

Staff recommends that the City Council review the Planning and Zoning Commission's decision to deny a Conditional Use Permit for a detached accessory structure (carport), in an R-3 (One to Four Unit Residential) zoning district, on Lots 139-140, Block 24, North Casper Addition, located directly north of the principal building at 1134 North Lincoln Street, and either uphold or overturn the Planning and Zoning Commission's decision.

Code Compliance:

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 City Council 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 City Council 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:

Enrique Jimenez applied for a Conditional Use Permit to allow for the construction of an accessory building (carport) on two (2) platted lots adjacent to the two (2) platted lots on which the principal building (home) is located. Section 17.12.121(H) of the Casper Municipal Code requires the approval of a Conditional Use Permit to construct accessory buildings on separate lots, "where multiple lots of record have continuous frontage and are under single ownership." The purpose of the restriction is to prevent the construction of accessory buildings on lots that could be sold independently of the principal dwelling to someone who doesn't live in the area. Section 17.12.121 (D) requires that there must be a residential building on-site before any detached garage or accessory building may be constructed.

The subject property is zoned R-3 (One to Four Unit Residential) and is surrounded by properties zoned the same. Land uses in the surrounding area are predominantly residential. The four (4) platted lots involved in this request are all twenty-five (25) feet in width and one hundred (100) feet in depth, for a total land area of 10,000 square feet. The applicant has already begun construction on the proposed three (3) stall carport, which was discovered as a result of a complaint received by the City's Code Enforcement Division. The applicant was directed to halt construction of the carport and apply for the required Conditional Use Permit.

The proposed carport is approximately five hundred seventy (570) feet in size, and the maximum permitted size of a detached accessory dwelling on this property is one thousand five hundred (1,500) feet. The carport is one (1) story in height. Neither the Community Development Director nor the City Engineer have expressed any concerns with traffic congestion or hazards, should the carport be permitted. According to the plot plan provided by the applicant, access to the carport will be via a gate in the fence along North Lincoln Street.

The Planning and Zoning Commission voted four (4) to deny, and three (3) to approve, on a motion to approve the Conditional Use Permit, with the recommended conditions of approval. Lacking the fourth vote necessary for an approval, the motion failed, and the Conditional Use Permit was denied. The applicant and one (1) citizen spoke in favor of the Conditional Use Permit, and there was one (1) public comment written in favor of the Conditional Use Permit. Those on the Planning and Zoning Commission on the prevailing side who did not support the approval of the requested Conditional Use Permit voiced concerns over the lack of ability to ensure that the applicant does not sell Lots 139-140 separately from the principal dwelling unit. Section 17.12.240(L) of the Casper Municipal Code allows any person aggrieved or adversely affected by the final decision of the Commission to appeal the decision to the City Council within ten (10) calendar days. The City received a request from the applicant to appeal the decision within the statutory ten-day appeal period.

In the case that the Planning and Zoning Commission would have approved the application, Staff suggested several conditions of approval for the Planning and Zoning Commission's consideration to address staff's concerns about the proposal. Those conditions are listed below, and **should the City Council decide to overturn the Planning and Zoning Commission's decision, and approve the Conditional Use Permit, staff requests that the five (5) conditions below be included.**

1. The proposed carport (detached accessory dwelling) shall adhere to all minimum setback requirements as outlined in the Casper Municipal Code.
2. Lots 139 and 140, Block 24, North Casper Addition shall never be separated, or sold separately from Lots 141-142, Block 24, North Casper Addition, on which the principal dwelling unit is located. Separation of the carport from the principal

dwelling unit shall necessitate the immediate removal of said carport, with or without notice from the City.

3. In that only one garage or carport is permitted on the property, the applicant shall immediately remove the existing one-car carport currently located on the property, and apply for a building permit prior to the commencement of further construction on the carport.
4. Pursuant to Section 17.12.070(A)(12)(a), all parking surfaces, including driveways to garages or carports, shall be paved with either asphalt or concrete in accordance with the City's standard specifications for street construction.
5. Pursuant to Section 17.12.240(I), if the Conditional Use Permit has not been exercised, and the work completed within one (1) year from the date of issuance, such Conditional Use Permit shall be void, and have no further force or effect.

Recommended Motion:

Should the City Council decide to overturn the Planning and Zoning Commission's decision, and approve the Conditional Use Permit, staff has prepared the following motion for the Council's consideration:

Case number **PLN-15-034-C**, a Conditional Use Permit for a detached accessory structure (carport), in an R-3 (One to Four Unit Residential) zoning district, on Lots 139-140, Block 24, North Casper Addition, located directly north of the principal building at 1134 North Lincoln Street, should be granted, with Conditions #1 - #5 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 City Council finds that:

- a. The proposed detached accessory structure (carport) is one (1) story in height and not out of character with the surrounding neighborhood.
- b. The density of the proposed accessory building will not affect the current density of the neighborhood.

- c. The volume of business in terms of customers per day is not a consideration and is not applicable to the proposed accessory building.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed mobile home on the subject property, as determined by the City Engineer and the Community Development Director.
- e. The general area surrounding the subject property is a mix of residential and park land uses. Based on available information, there are no active Conditional Use Permits for accessory buildings within a three hundred (300) foot radius of the subject property.
- f. There are no other criteria, affecting public health, safety, and welfare, as provided for by written rules of the Planning and Zoning Commission.

1134 North Lincoln St

N GRANT ST

GLENARM ST

N LINCOLN ST

N JEFFERSON ST

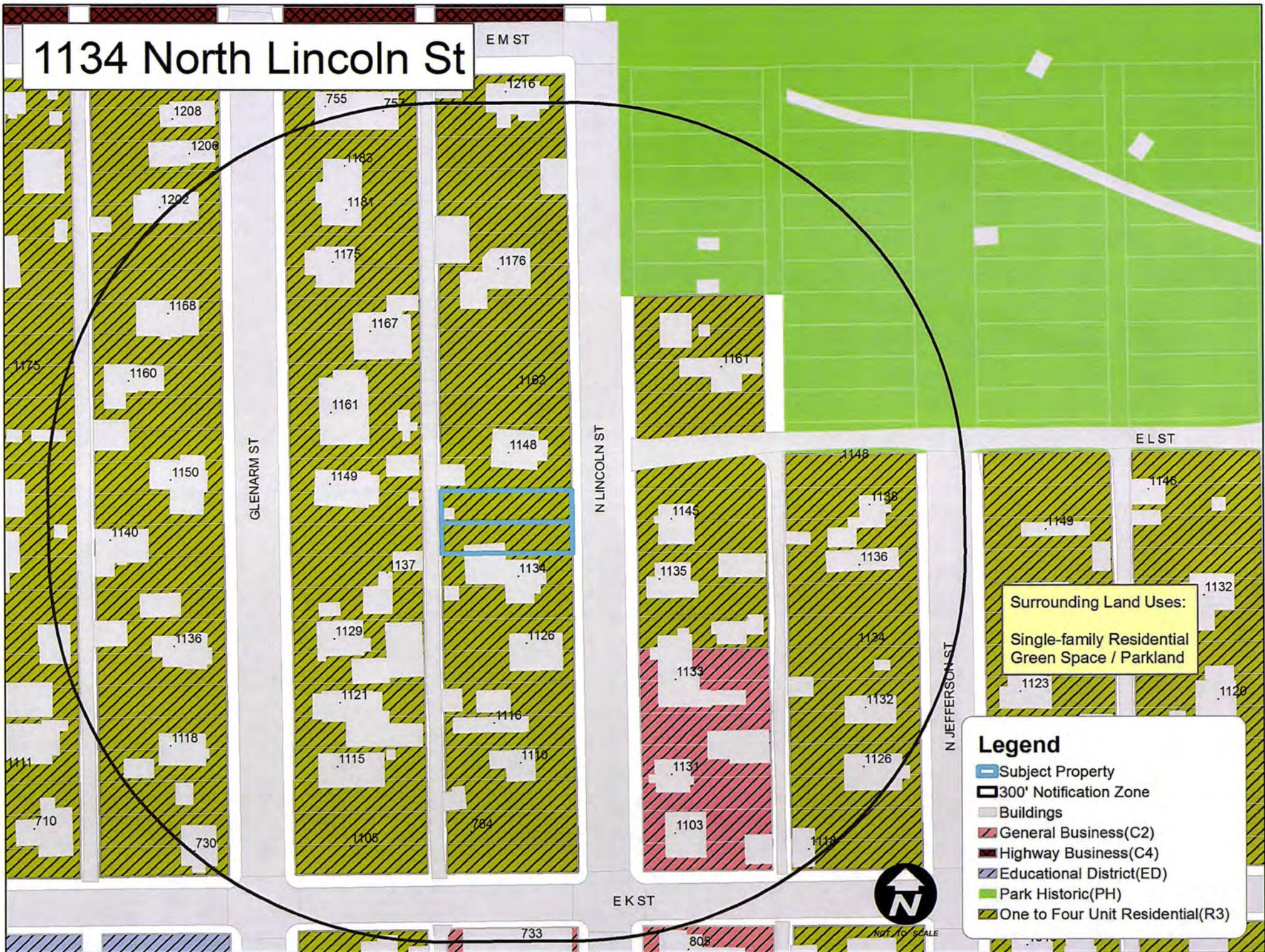
EL ST

E K ST



Legend
 Subject Property

1134 North Lincoln St

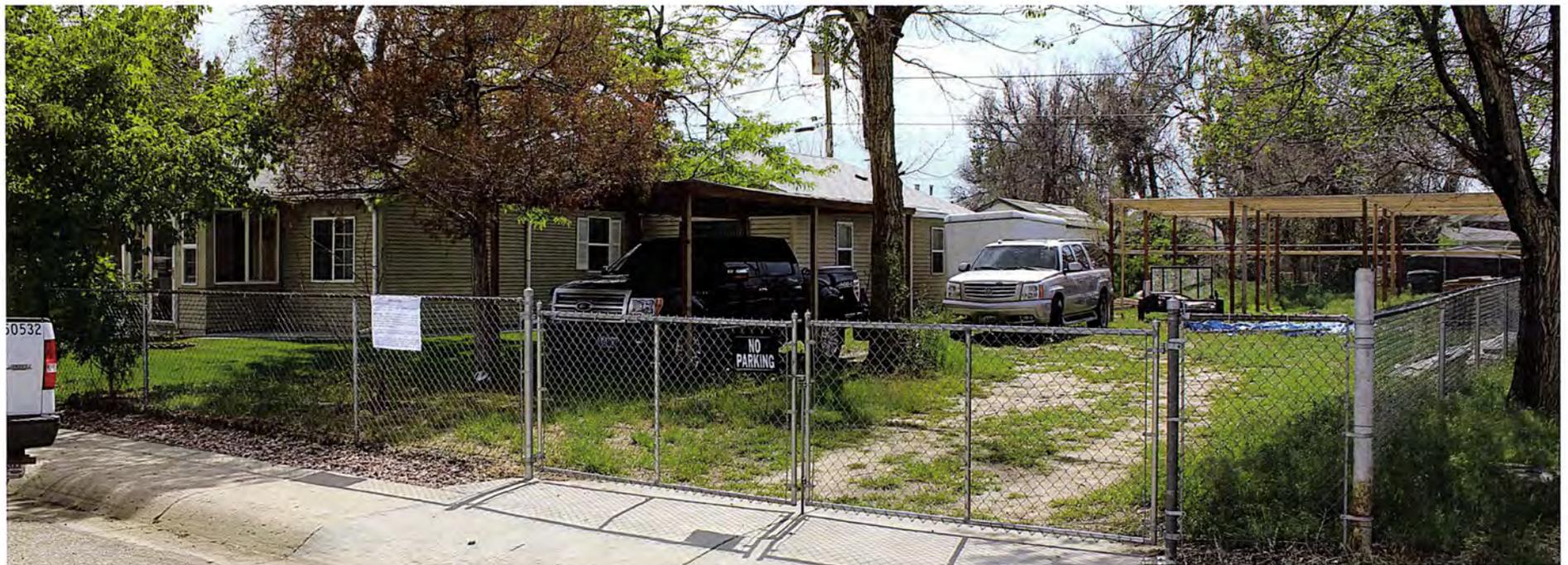


Surrounding Land Uses:
Single-family Residential
Green Space / Parkland

Legend

- Subject Property
- 300' Notification Zone
- Buildings
- General Business(C2)
- Highway Business(C4)
- Educational District(ED)
- Park Historic(PH)
- One to Four Unit Residential(R3)

1134 N Lincoln



June 21, 2015

Craig Collins
City Planner
200 N David
Casper, WY 82601

JUN 25 2015

Dear Mr. Collins:

I, Enrique Jiménez, 1134 N. Lincoln, in regards to Case # PLN-15-034-C, would like to appeal the decision of the Planning Commission to construct a carport on my property. Please let me know what my next step is.

Thank you.
Enrique Jiménez



(307) 267-2667

CITY OF CASPER, WYOMING
PLANNING AND ZONING COMMISSION
PUBLIC HEARING

CONDITIONAL USE PERMIT

JUNE 23, 2015

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case PLN-15-034-C

The Planning and Zoning Commission of the City of Casper held a public hearing at 6:00 p.m., June 23, 2015, in the City Council Chambers, City Hall, 200 North David, Casper, Wyoming, to consider the following:

PLN-15-034-C – Petition for a Conditional Use Permit for a detached accessory structure (carport) to be located on two (2) separate and adjacent lots from the principal building (home), in an R-3 (One to Four Unit Residential) zoning district, on North Casper Addition, Block 24, Lots 139-140, located directly north of the principal building (home) at 1134 North Lincoln Street. Applicant: Enrique Jimenez.

Having considered the evidence and testimony presented at the hearing, the Planning and Zoning Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT:

1. Enrique Jimenez has applied for a Conditional Use Permit for a detached accessory structure (carport) to be located on two (2) separate and adjacent lots from the principal building (home) in an R-3 (One to Four Unit Residential) zoning district, North Casper Addition, Block 24, Lots 139-140, directly north of the principal building (home) at 1134 North Lincoln Street.
2. Section 17.12.121 (D) requires that there must be a residential building on-site before any detached garage or accessory building may be constructed.
3. Section 17.12.121(H) of the Casper Municipal Code requires the approval of a Conditional Use Permit to construct accessory buildings on separate lots, “where multiple lots of record have continuous frontage and are under single ownership.”
4. The proposed carport is approximately five hundred seventy (570) feet in size, and the maximum permitted size of a detached accessory dwelling on this property is one thousand five hundred (1,500) feet.
5. The proposed detached accessory structure (carport) is one (1) story in height.

6. Section 17.12.121(I) of the Municipal Code allows a single detached “garage” plus two (2) accessory buildings (sheds), not exceeding a combined total of four hundred (400) square feet, in association with the principal building (home). In that the property already has an existing carport (garage), it would need to be demolished and removed prior to the completion of the newly proposed carport.
7. The principal building (home) is located on Lots 141-142, Block 24, North Casper Addition. The proposed accessory building (carport) would be located on Lots 139 and 140, Block 24, North Casper Addition.
8. The applicant initiated construction of the carport without applying for a building permit, as is required. A citizen complaint was received, and the Code Enforcement Division ordered the applicant to halt construction.
9. The carport is partially constructed, and is located in violation of both the side yard and rear yard setback requirements of the Casper Municipal Code.
10. The petition for the Conditional Use Permit was submitted at least thirty (30) days prior to the Planning and Zoning Commission public hearing, as required by the Casper Municipal Code.
11. Property owners within a three hundred (300) foot radius of the perimeter of the property were notified by first class mail, of the date, time, and place of the public hearing, as required in Section 17.12.240(D) of the Casper Municipal Code.
12. The property was posted, and a public notice was published as required in Section 17.12.240(D) of the Casper Municipal Code.
13. The Planning and Zoning Commission made a motion to approve the proposed Conditional Use Permit for 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, and with the five (5) conditions of approval listed in the staff report. The motion to approve failed by a vote of three (3) for approval, and four (4) against approval.

CONCLUSIONS OF LAW:

Based on the foregoing findings, the Commission has jurisdiction over the proposed Conditional Use pursuant to Section 17.12.240 of the Casper Municipal Code Zoning Ordinance of the City of Casper. NOW, THEREFORE, the Planning and Zoning Commission hereby **denies** a Conditional Use Permit for a detached accessory structure (carport) to be located on two (2) separate and adjacent lots from the principal building (home), in an R-3 (One to Four Unit Residential) zoning district, on North Casper

Addition, Block 24, Lots 139-140, located directly north of the principal building at 1134 North Lincoln Street.

DATED this 23rd day of June, 2015.

APPROVED AS TO FORM:

Walter Trumbull

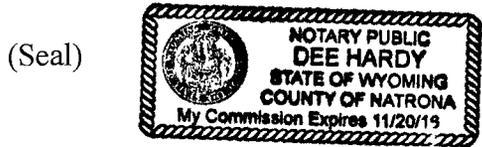
CITY OF CASPER
PLANNING AND ZONING COMMISSION

By: [Signature]
James Holloway, Chairman

By: [Signature]
Liz Becher, Secretary

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this 30th day of June, 2015 by James Holloway as Chairman of the Planning and Zoning Commission of the City of Casper.



[Signature]
(Signature of notarial officer)
Notary
Title (and Rank)

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this 1st day of July,
2015 by Liz Becher as Secretary of the Planning and Zoning Commission of the City of Casper.

(Seal)

Dee Hardy
(Signature of notarial officer)
Notary
Title (and Rank)

**PLANNING AND ZONING MEETING
TUESDAY, JUNE 23, 2015
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 Tuesday, June 23, 2015, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: James Holloway
Don Redder
Bob King
Randy Hein
Monte Henrie
Ryan Waterbury
Mary England

Absent Members: None

Others present: Craig Collins, City Planner
Aaron Kloke, Planner I
Dee Hardy, Administrative Assistant II
Wallace Trembath, Assistant City Attorney
Jason Knopp, City Engineer
Travis Rodriguez, 1064 South Boxelder Street
Carol Hawkey, 1748 South Jackson Street
David Reid, 611 Shannon Drive
Jim Jones, 6080 Enterprise Drive
Enrique Jimenez, 1134 North Lincoln Street
Keith Rowe, 1148 North Lincoln Street

II. MINUTES OF THE PREVIOUS MEETING

Chairman Holloway asked if there were additions or corrections to the minutes of the May 26, 2015 Planning & Zoning Commission meeting.

Chairman Holloway noted the word "Vice" should be changed to "Chairman" on page 5 and page 6. Mr. King noted that the Assistant Attorney attending the meeting was Will Chambers instead of Wallace Trembath.

Chairman Holloway called for a motion to approve the minutes of the May 26, 2015 Planning & Zoning Commission as amended.

Mr. King made a motion to approve the minutes of the June 26, 2015 meeting as amended. The motion was seconded by Mr. Henrie. All those present voted aye. 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 Holloway entertained a motion to remove Case PLN-15-027-Z from the table for consideration.

Mr. Redder made a motion to remove case PLN-15-027-Z from the table for consideration. The motion was seconded by Ms. England. All those present voted aye. Motion carried.

Chairman Holloway asked for the staff report.

PLN-15-027-Z – (*Tabled May 26, 2015*) Petition for a Zone Change of Lots 11, 13, and 14 and Lots 16-17, Block 139, and Lots 7-9, and Lot 13 S 25', Block 154, Casper Addition, located at 1016, 1043, 1049, 1050, 1063, 1064 South Boxelder Street, from R-6 (Manufactured Home (Mobile) Park) to R-5 (Mixed Residential). Applicant: Stefanie Strang, Carol Hawkey, Patricia Collesano, Jaime Morales.

Aaron Kloke, Planner I, presented the staff report and stated staff considers the requested zone changes to be in general conformance with the comprehensive land use plan. The Planning and Zoning Commission has the option to either approve, deny, table, or continue the property owners' petition to rezone the lots listed above from R-6 (Manufactured Home (Mobile) Park) to R-5 (Mixed Residential), and will forward its recommendation to the City Council.

Mr. Kloke entered six (6) exhibits into the record.

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

Travis Rodriguez, 1064 South Boxelder Street, spoke in favor of this case.

Chairman Holloway opened the public hearing and asked for anyone wishing to comment in favor of or opposition to this case.

Carol Hawkey, 1748 South Jackson Street, spoke in favor of this case.

David Reid, 611 Shannon Drive, spoke in opposition of this case.

There being no others to speak, Chairman Holloway closed the public hearing and entertained a motion to approve, deny, or table the rezoning.

Mr. Henrie made a motion to approve the zone change of Lots 11, 13, and 14 and Lots 16-17, Block 139, and Lots 7-9, and Lot 13 S 25', Block 154, Casper Addition, located at 1016, 1043, 1049, 1050, 1063, 1064 South Boxelder Street, from R-6 (Manufactured Home (Mobile) Park) to R-5 (Mixed Residential) and forward a "do pass" recommendation to Council. The motion was seconded by Mr. King. All those present voted aye with the exception of Chairman Holloway who voted nay. 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-15-033-R – Petition to vacate and replat Lots 3, 4 & the North 25' of Lot 5, Block 19, Nelson's Addition, to create Nelson's Addition, Lots 15, 16, 17 and 18, Block 19, comprising 0.467-acres, more or less, located at 1125, 1129, 1131, and 1135 North Beech Street. Applicant: Gramma's Properties, LLC.

Aaron Kloke, Planner I, presented the staff report and stated that should the Planning and Zoning Commission find that the replat meets the requirements of the Casper Municipal Code and approve, with a "do-pass" recommendation to the City Council, the replat creating Nelson's Addition, Lots 15, 16, 17 and 18, Block 19, staff does not have any recommended conditions of approval for the Planning and Zoning Commission's consideration; however, should the Planning and Zoning Commission wish to recommend conditions of approval to the City Council, it is within the Commission's authority to do so.

Ms. Kloke entered six (6) exhibits into the record.

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

Jim Jones, CEPI (Civil Engineering Professionals), 6080 Enterprise Drive, spoke in favor of this case.

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

There being no one to speak, Chairman Holloway closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-15-033-R, regarding the proposed Nelson's Addition, Lots 15, 16, 17 and 18, Block 19, and forward a "do pass" recommendation to City Council.

Mr. Redder made a motion to approve case PLN-15-033-R, replat creating Nelson's Addition, Lots 15, 16, 17 and 18, Block 19, 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-15-034-C – Petition for a Conditional Use Permit for a detached accessory structure (carport) to be located on two (2) separate and adjacent lots from the principal building (home), in an R-3 (One to Four Unit Residential) zoning district, on North Casper Addition, Block 24, Lots 139-140, located directly north of the principal building at 1134 North Lincoln Street. Applicant: Enrique Jimenez.

Aaron Kloke, Planner I, presented the staff report and stated that should the Planning and Zoning Commission find 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, staff recommends that the Planning and Zoning Commission include the following conditions of approval:

1. The proposed carport (detached accessory dwelling) shall adhere to all minimum setback requirements as outlined in the Casper Municipal Code.
2. Lots 139 and 140, Block 24, North Casper Addition shall never be separated, or sold separately from Lots 141-142, Block 24, North Casper Addition, on which the principal dwelling unit is located. Separation of the carport from the principal dwelling unit shall necessitate the immediate removal of said carport, with or without notice from the City.
3. In that only one garage or carport is permitted on the property, the applicant shall immediately remove the existing one-car carport currently located on the property, and apply for a building permit prior to the commencement of further construction on the carport.
4. Pursuant to Section 17.12.070(A)(12)(a), all parking surfaces, including driveways to garages or carports, shall be paved with either asphalt or concrete in accordance with the City's standard specifications for street construction.

5. Pursuant to Section 17.12.240(I), if the Conditional Use Permit has not been exercised, and the work completed within one (1) year from the date of issuance, such Conditional Use Permit shall be void, and have no further force or effect.

Ms. Kloke entered five (5) exhibits into the record.

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

Enrique Jimenez, 1134 North Lincoln Street, spoke in favor of this case.

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

Keith Rowe, 1134 North Lincoln Street, spoke in favor of this case.

There being no one to speak, Chairman Holloway closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-15-034-C, Conditional Use Permit for a detached accessory structure (carport) to be located on two (2) separate and adjacent lots from the principal building (home), in an R-3 (One to Four Unit Residential) zoning district, on North Casper Addition, Block 24, Lots 139-140, located directly north of the principal building at 1134 North Lincoln Street.

Ms. England made a motion to approve case PLN-15-034-C finding it met 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, and with Conditions #1-5 listed in the staff report. The motion was seconded by Mr. Redder. All those present voted nay with the exception of Mr. Henrie, Mr. King and Mr. Redder who voted aye. 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-15-037-Z – Petition for a Zone Change of proposed Lot 1, YMCA Addition, located at 315 East 15th Street, from R-4 (High Density Residential) and PH (Park Historic) to R-4 (High Density Residential). Applicant: City of Casper.

Aaron Kloke, Planner I, presented the staff report and stated that staff considers the requested zone change to be in general conformance with the comprehensive land use plan. The Planning and Zoning Commission has the option to approve, deny, table, or continue the rezone request, and will forward its recommendation to the City Council.

Ms. Kloke entered five (5) exhibits into the record.

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

Craig Collins, City Planner, spoke in favor of this case.

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

There being no one to speak, Chairman Holloway closed the public hearing and entertained a motion to approve, deny, or table PLN-15-037-Z, regarding the rezoning.

Ms. England made a motion to approve case PLN-15-027-Z, the rezoning of proposed Lot 1, YMCA Addition, located at 315 East 15th Street, from R-4 (High Density Residential) and PH (Park Historic) to R-4 (High Density Residential), and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Hein. All those present voted aye. Motion carried.

IV. COUNCIL ACTIONS:

There were none.

V. SPECIAL ISSUES:

There were none.

VI. COMMUNICATIONS:

A. Commission:

Chairman Holloway stated overall he was pleased with the revisions of the staff reports, however, he felt the staff report for the Conditional Use Permit needed some refining. He apologized to Ms. England for what she went through making the motion for this particular case, and filled her in on his concerns with the way staff reports had been written. Mr. Collins advised that the staff reports for Conditional Use Permits could be discussed in a future training session.

B. Community Development Director:

Craig Collins, City Planner, stated that it had come to staff’s attention there was some confusion regarding the time for Planning and Zoning Training on Wednesday, June 24, 2015, and it is scheduled to begin at 11:30 a.m. He mentioned that it would be a joint training with Natrona County Planning and Zoning Commissioners.

Other Communications:

There were none.

- C. Council Liaison:
There were none.

VII. ADJOURNMENT

Chairman Holloway called for a motion for the adjournment of the meeting. A motion was made by Mr. Hein and seconded by Mr. Henrie to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 7:38 p.m.


Chairman


Secretary

June 19, 2015

MEMO TO: James Holloway, 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-15-034-C** – Petition for a Conditional Use Permit for a detached accessory structure (carport) to be located on two (2) separate and adjacent lots from the principal building (home), in an R-3 (One to Four Unit Residential) zoning district, on North Casper Addition, Block 24, Lots 139-140, located directly north of the principal building at 1134 North Lincoln Street. Applicant: Enrique Jimenez.

Staff Recommendation:

Should the Planning and Zoning Commission find 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 include the following conditions of approval:

1. The proposed carport (detached accessory dwelling) shall adhere to all minimum setback requirements as outlined in the Casper Municipal Code.
2. Lots 139 and 140, Block 24, North Casper Addition shall never be separated, or sold separately from Lots 141-142, Block 24, North Casper Addition, on which the principal dwelling unit is located. Separation of the carport from the principal dwelling unit shall necessitate the immediate removal of said carport, with or without notice from the City.
3. In that only one garage or carport is permitted on the property, the applicant shall immediately remove the existing one-car carport currently located on the property, and apply for a building permit prior to the commencement of further construction on the carport.
4. Pursuant to Section 17.12.070(A)(12)(a), all parking surfaces, including driveways to garages or carports, shall be paved with either asphalt or concrete in accordance with the City's standard specifications for street construction.
5. Pursuant to Section 17.12.240(I), if the Conditional Use Permit has not been exercised, and the work completed within one (1) year from the date of issuance, such Conditional Use Permit shall be void, and have no further force or effect.

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 public comment regarding this case.

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:

Enrique Jimenez has applied for a Conditional Use Permit to allow for the construction of an accessory building (carport) on two (2) platted lots adjacent to the two (2) platted lots on which the principal building (home) is located. Section 17.12.121(H) of the Casper Municipal Code requires the approval of a Conditional Use Permit to construct accessory buildings on separate lots, “where multiple lots of record have continuous frontage and are under single ownership.” The purpose of the restriction is to prevent the construction of accessory buildings on lots that could be sold independently of the principal dwelling to someone who doesn’t live in the area. Section 17.12.121 (D) requires that there must be a residential building on-site before any detached garage or accessory building may be constructed.

The subject property is zoned R-3 (One to Four Unit Residential) and is surrounded by properties zoned the same. Land uses in the surrounding area are predominantly residential. The four (4) platted lots involved in this request are all twenty-five (25) feet in width and one hundred (100) feet in depth, for a total land area of 10,000 square feet. The applicant has already begun construction on the proposed three (3) stall carport, which was discovered as a result of a complaint received by the City’s Code Enforcement Division. The applicant was directed to halt construction of the carport and apply for the required Conditional Use Permit. The proposed carport is approximately five hundred seventy (570) feet in size, and the maximum permitted size of a detached accessory dwelling on this property is one thousand five hundred (1,500) feet. The carport is one (1) story in height. Neither the Community Development Director nor the City Engineer have expressed any concerns with traffic congestion or hazards, should the carport be permitted. According to the plot plan provided by the applicant, it appears that access to the carport will be via a gate in the fence along North Lincoln Street.

Section 17.12.121(I) of the Municipal Code allows a single detached “garage” plus two (2) accessory buildings (sheds), not exceeding a combined total of four hundred (400) square feet, in association with the principal building (home). In that the property already has an existing carport (garage), it will need to be demolished and removed prior to the completion of the newly proposed carport, should the Planning and Zoning Commission vote to approve this request.

1134 North Lincoln St

N GRANT ST

GLENARM ST

N LINCOLN ST

N JEFFERSON ST

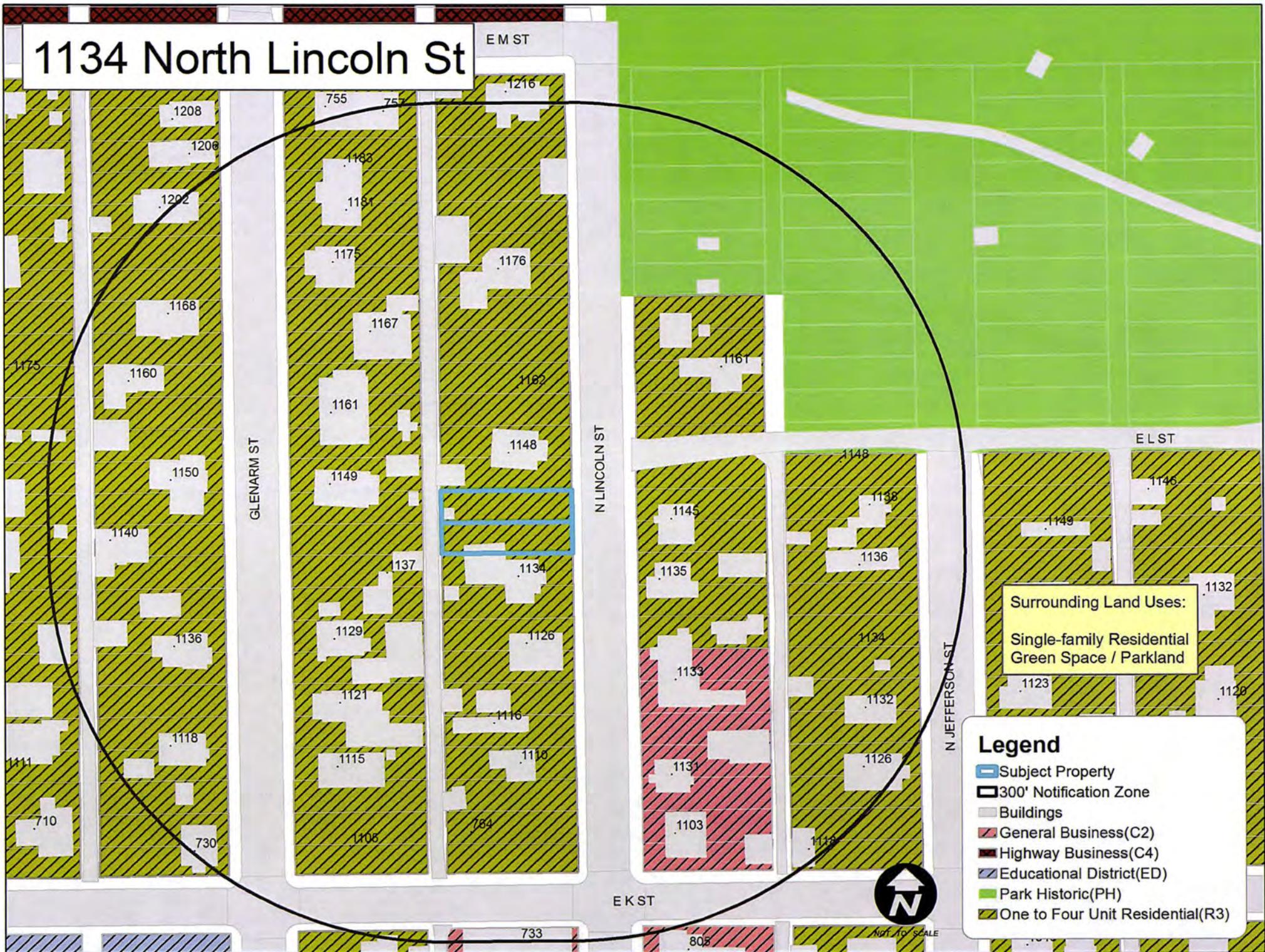
EL ST

E K ST

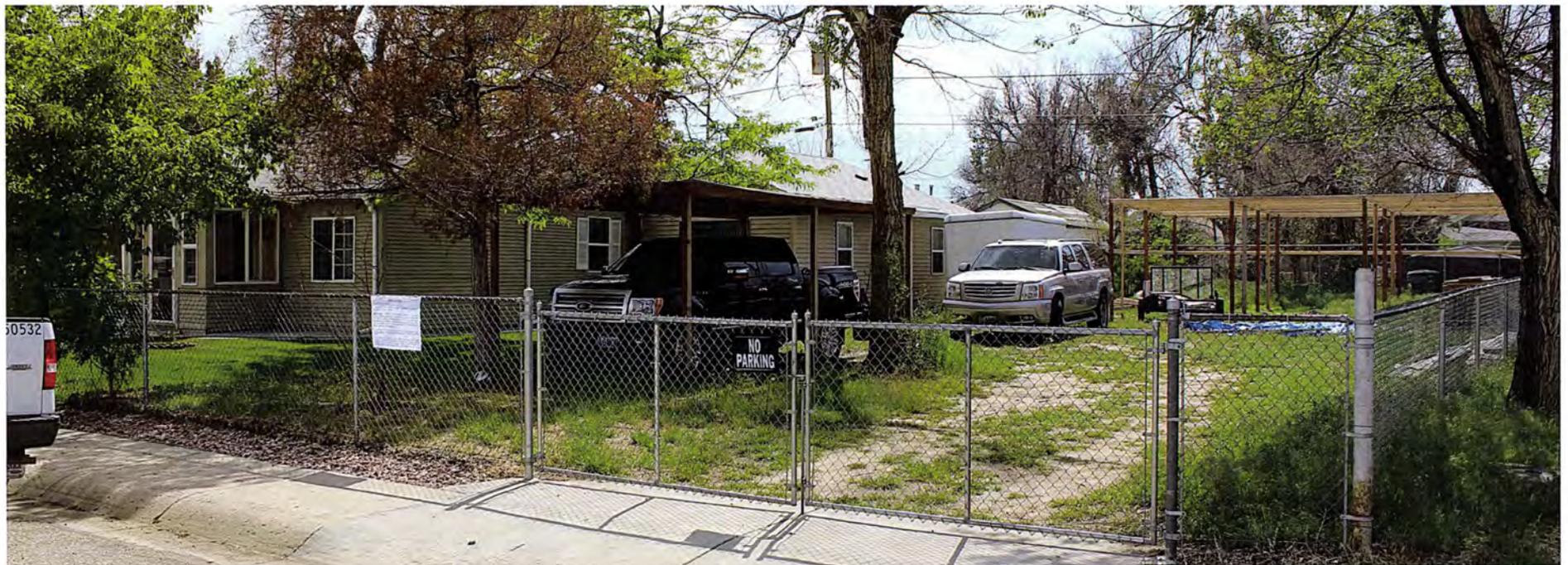


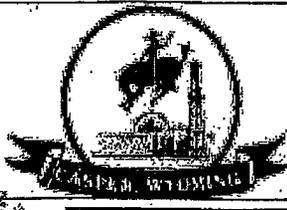
Legend
 Subject Property

1134 North Lincoln St



1134 N Lincoln





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Enrique A. Jimenez
ADDRESS: 1134-W-Lincoln
TELEPHONE: (307) 267-2667 EMAIL: _____

LOCATION OF REQUEST:

ADDRESS: 1134-W-Lincoln
LEGAL DESCRIPTION: North Casper Addition - Block 24 - Lot 139-140
Number of Lots: 2 Size of Lots: 25' X 100'
Current Zoning: R3 Current Use: Vacant
Purpose for which the property is proposed to be used: Car Port (3 stalls)
Prior restrictions placed on the property: _____

Floor area square footage: _____ Number of Occupants or Employees: NA
Building Footprint: 29' X 30' 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: [Signature]
DATE: 05-14-15

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

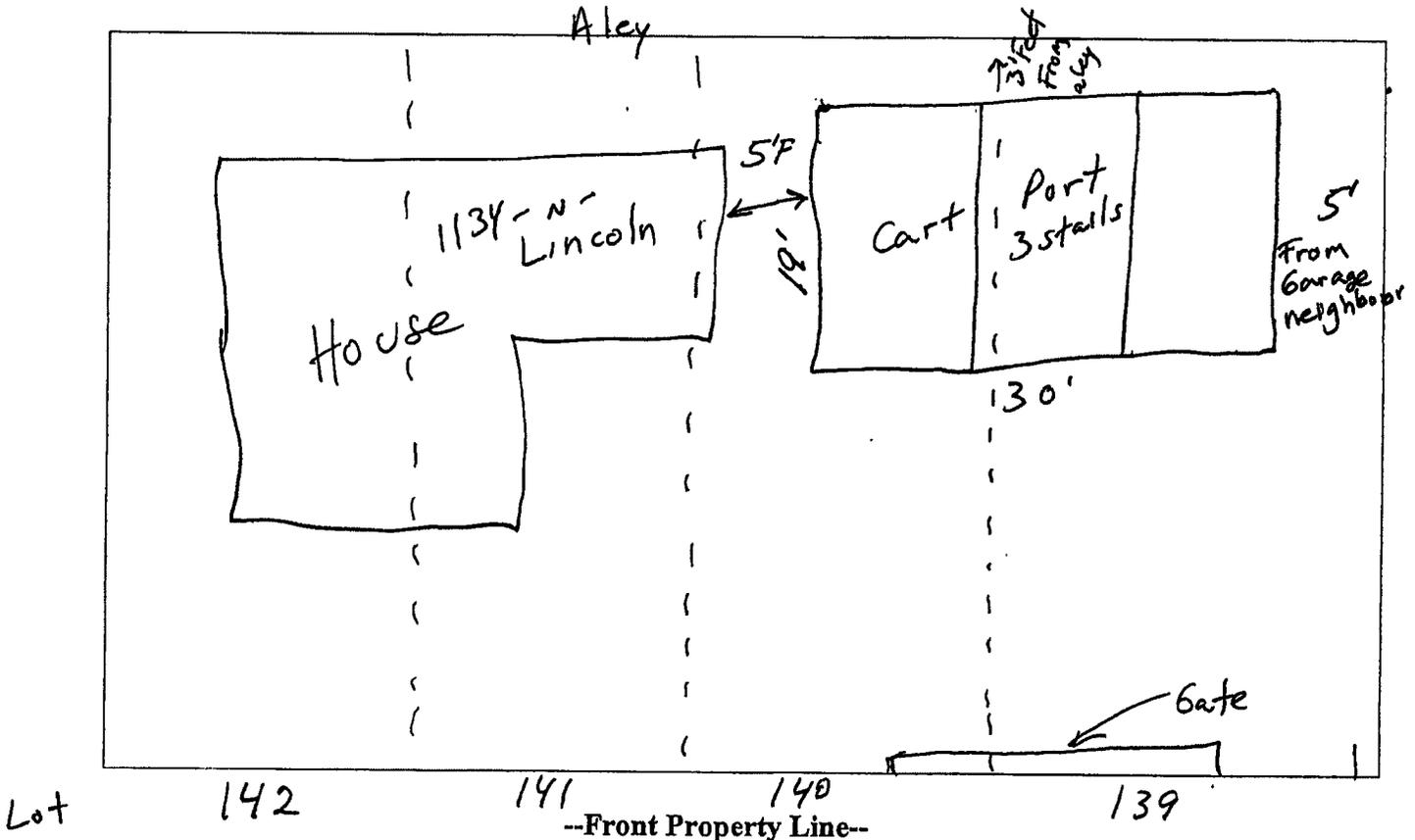
FOR OFFICE USE ONLY:
DATE SUBMITTED:
5/14/15
REC'D BY: AK

**PLOT PLAN FOR NEW STRUCTURES, ADDITIONS
AND DETACHED ACCESSORY BUILDINGS**

All structures, which includes additions and detached garages, carports, storage buildings, sheds, etc., over 120 square feet require a building permit. A building permit application requires that the following information be provided, in addition to a plot plan that illustrates the front, side, and rear yard setbacks. Note: The front yard setback is measured from the property line which may or may not be the sidewalk.

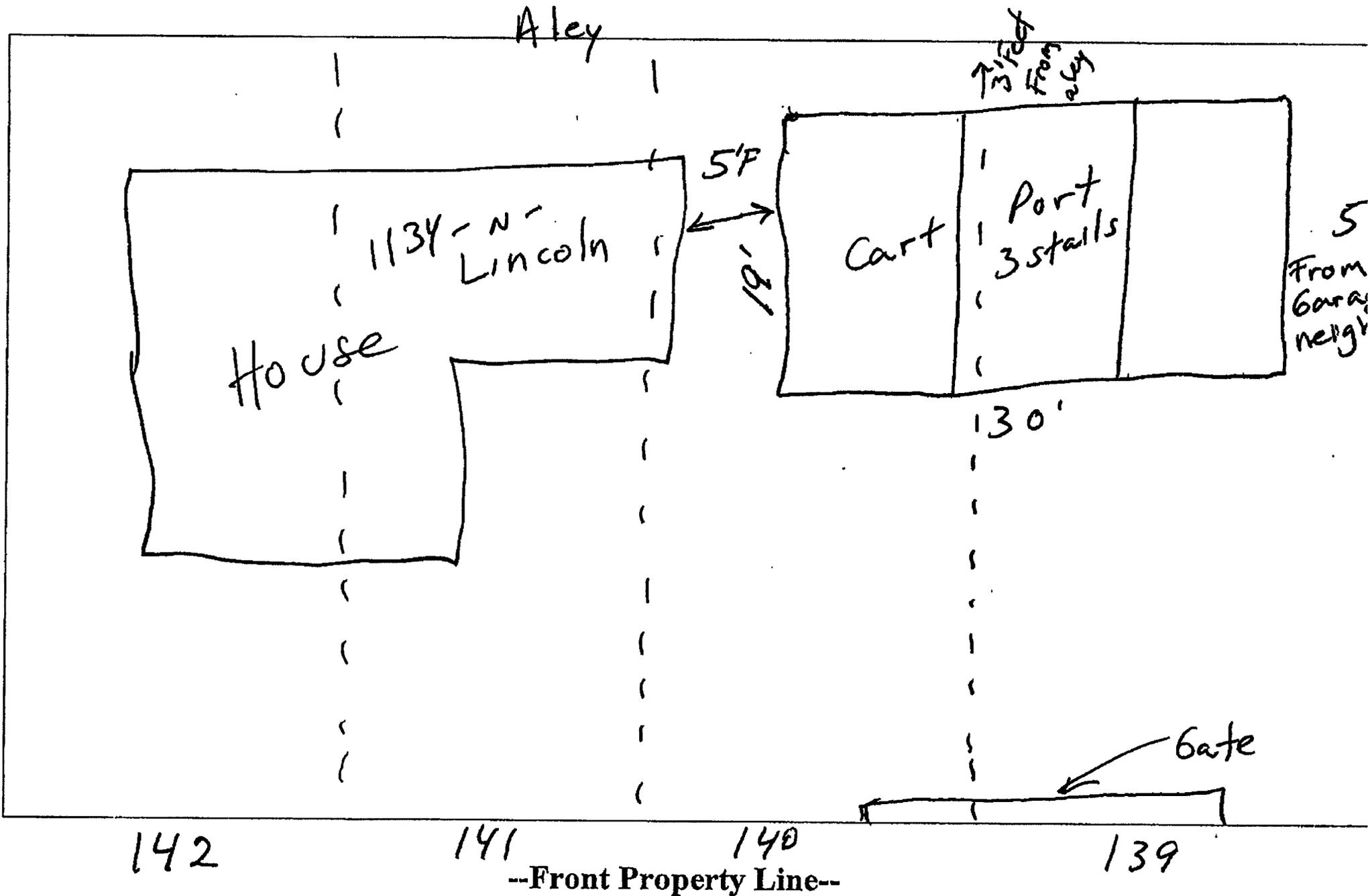
1. Type of foundation: Spread Footings Monolithic Slab Other (specify) _____
2. Type of exterior siding: Lap T-III Masonry Other (specify) _____
Note: Vertical metal siding is expressly prohibited.
3. Wall height to the lowest adjacent ground level: _____
Note: Wall heights taller than 12' require a Conditional Use Permit.
4. Type of roofing material: Asphalt Metal Other (specify) _____
5. Roof pitch: Sloped Flat Other (specify) _____

Plot Plan

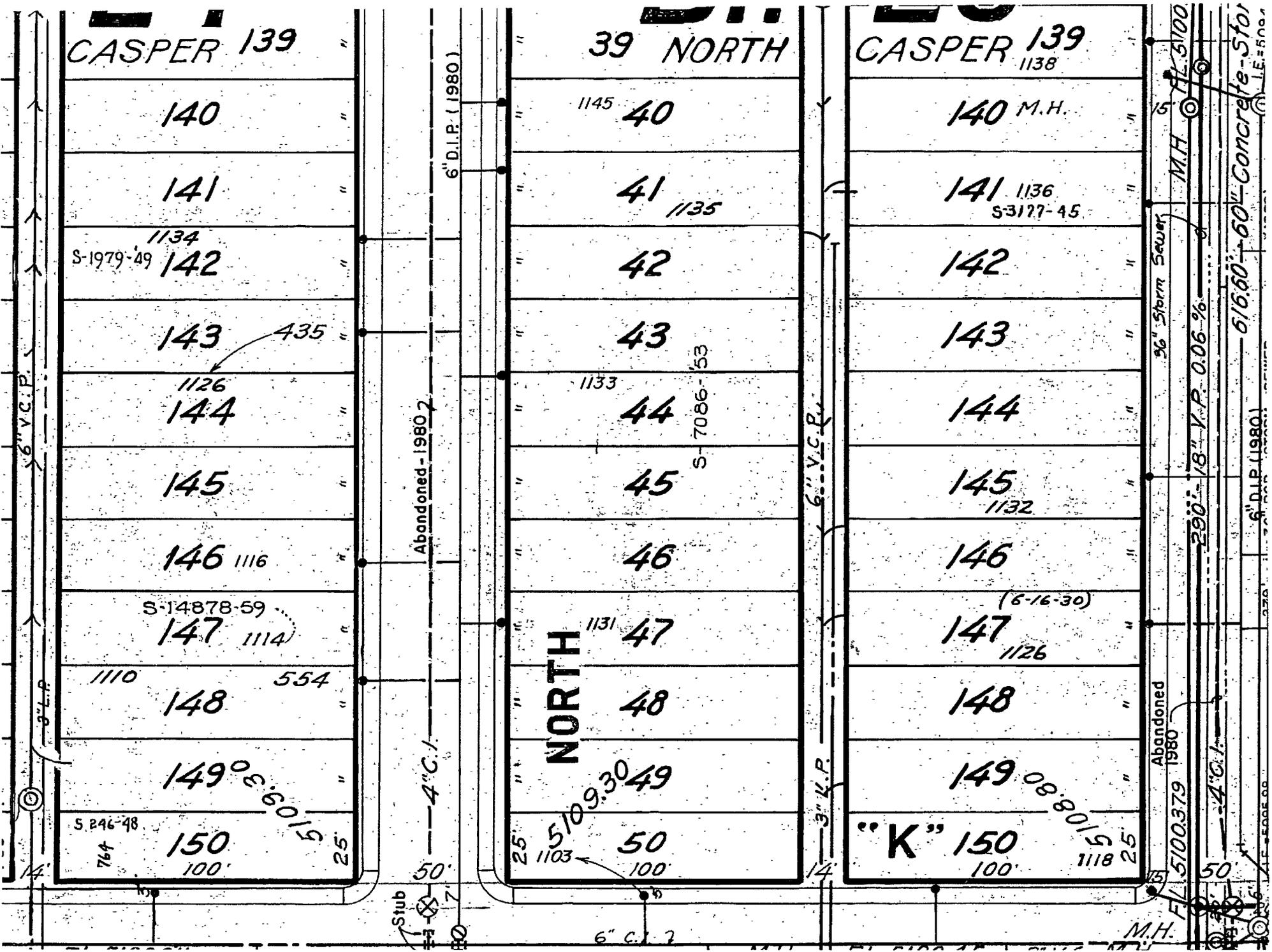


--Front Property Line--
(Indicate street name and for corner lot, indicate both street names)

Plot Plan



(Indicate street name and for corner lot, indicate both street names)



CASPER 139

39 NORTH

CASPER 139
1138

140

1145 40

140 M.H.

141

41
1135

141 1136
S3177-45

1134
S-1979-49 142

42

142

143 435

43

143

1126
144

1133
44
S-7086-53

144

145

45

145
1132

146 1116

46

146

S-14878-59
147 1114

1131 47

(6-16-30)
147
1126

1110 148 554

NORTH
48

148

149 08.80/5
25

5109.30 49

149 08.80/5

S 246-48
764 150
100

25 1103 50
100

"K" 150
100 1118 25

6" D.I.P. (1980)

Abandoned - 1980

4" C.I.

Stub

6" V.C.P.

3" K.P.

96" Storm Sewer

Abandoned 1980

M.H.

FL 5100

290' 18" V.P. 0.06%

6" D.I.P. (1980)

60" Concrete-Storm

FL 5100



N. Casper
 BIK 24
 Lots
 139-140
 Incl
 Lots
 141-142

→ 139
 → 140
 → 141
 → 142

Enrique A. Jimenez
 1134 N. Lincoln
 Casper, WY

Side yard
 3' - Barz

EL ST

1118

RESOLUTION NO. 15-226

A RESOLUTION UPHOLDING THE DECISION OF THE CASPER, WYOMING PLANNING AND ZONING COMMISSION IN DENYING A CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY STRUCTURE (CARPORT), IN AN R-3 (ONE TO FOUR UNIT RESIDENTIAL) ZONING DISTRICT, ON LOTS 139-140, BLOCK 24, NORTH CASPER ADDITION, CITY OF CASPER, WYOMING, LOCATED DIRECTLY NORTH OF THE PRINCIPAL BUILDING AT 1134 NORTH LINCOLN STREET.

WHEREAS, Enrique Jimenez (the “Applicant”) applied for a Conditional Use Permit for a detached accessory structure (carport), in an R-3 (One to Four Unit Residential) zoning district, on Lots 139-140, Block 24, North Casper Addition, located directly north of the principal building at 1134 North Lincoln Street; and,

WHEREAS, following a public hearing before the City of Casper, Wyoming Planning and Zoning Commission (the “Commission”), the Applicant’s Conditional Use application was denied, said denial being set forth in the Findings of Fact and Conclusions of Law of the Commission in Case No. PLN-15-034-C; and,

WHEREAS, the Applicant’s timely perfected an appeal of the Commission’s decision to the Casper City Council pursuant to Section 17.12.240(L) of the Casper Municipal Code; and,

WHEREAS, the subject property was posted, and a public notice was published as required in Section 17.12.240(D) of the Casper Municipal Code for the public hearing before the Casper City Council on the Applicant’s Appeal in this matter; and,

WHEREAS, pursuant to Section 12.17.121(H) of the Casper Municipal Code, the approval of a Conditional Use Permit is necessary to construct accessory buildings on separate lots where multiple lots of record have continuous frontage and are under single ownership; and,

WHEREAS, based upon a review of the record in this matter, as well as the comments received at the Public Hearing on the Applicant’s Appeal, the Casper City Council finds that the decision of the Commission should be upheld, and that the application for the Conditional Use Permit should be denied.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the Casper City Council hereby upholds the decision by the City of Casper Planning and Zoning Commission in denying the application for a Conditional Use Permit in Case No. PLN-15-034-C, and that the Application for a Conditional Use Permit in said matter is denied on Lots 139-140, Block 24, North Casper Addition to the City of Casper, Wyoming, located directly north of the principal building at 1134 North Lincoln Street.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2015.

APPROVED AS TO FORM:

Walker Thoms

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Charlie Powell
Mayor

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this _____ day of _____, 2015 by Charlie Powell, as the Mayor of the City of Casper, Wyoming.

Notary Public

My commission expires: _____.

RESOLUTION NO. 15-227

A RESOLUTION REVERSING THE DECISION OF THE CASPER, WYOMING PLANNING AND ZONING COMMISSION IN DENYING A CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY STRUCTURE (CARPORT), IN AN R-3 (ONE TO FOUR UNIT RESIDENTIAL) ZONING DISTRICT, ON LOTS 139-140, BLOCK 24, NORTH CASPER ADDITION, CITY OF CASPER, WYOMING, LOCATED DIRECTLY NORTH OF THE PRINCIPAL BUILDING AT 1134 NORTH LINCOLN STREET.

WHEREAS, Enrique Jimenez (the “Applicant”) applied for a Conditional Use Permit for a detached accessory structure (carport), in an R-3 (One to Four Unit Residential) zoning district, on Lots 139-140, Block 24, North Casper Addition, located directly north of the principal building at 1134 North Lincoln Street; and,

WHEREAS, following a public hearing before the City of Casper, Wyoming Planning and Zoning Commission (the “Commission”), the Applicant’s Conditional Use application was denied, said denial being set forth in the Findings of Fact and Conclusions of Law of the Commission in Case No. PLN-15-034-C; and,

WHEREAS, the Applicants timely perfected an appeal of the Commission’s decision to the Casper City Council pursuant to Section 17.12.240(L) of the Casper Municipal Code; and,

WHEREAS, the subject property was posted, and a public notice was published as required in Section 17.12.240(D) of the Casper Municipal Code for the public hearing before the Casper City Council on the Applicant’s Appeal in this matter; and,

WHEREAS, pursuant to Section 12.17.121(H) of the Casper Municipal Code, the approval of a Conditional Use Permit is necessary to construct accessory buildings on separate lots where multiple lots of record have continuous frontage and are under single ownership; and,

WHEREAS, the Casper City Council has considered the following criteria under Section 17.12.240(H) of the Casper Municipal Code reviewing the decision of the Commission:

- 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.

WHEREAS, based upon a review of the record in this matter, as well as the comments received at the Public Hearing on the Applicant's Appeal, the Casper City Council finds that the decision of the Commission should be reversed, and that the application for the Conditional use permit should be granted with the following findings:

- a. The conditional use is consistent with the spirit, purpose, and intent of Title 17 of the Casper Municipal Code, will not substantially impair the appropriate use of neighboring property, will serve the public need, convenience, and welfare; and
- b. The conditional use is designed to be compatible with adjacent land uses and the area of its location.

WHEREAS, the City Council hereby approves the Conditional Use Permit subject to the following conditions:

1. The proposed carport (detached accessory dwelling) shall adhere to all minimum setback requirements as outlined in the Casper Municipal Code.
2. Lots 139 and 140, Block 24, North Casper Addition shall never be separated, or sold separately from Lots 141-142, Block 24, North Casper Addition, on which the principal dwelling unit is located. Separation of the carport from the principal dwelling unit shall necessitate the immediate removal of said carport, with or without notice from the City.
3. In that only one garage or carport is permitted on the property, the applicant shall immediately remove the existing one-car carport currently located on the property, and apply for a building permit prior to the commencement of further construction on the carport.
4. Pursuant to Section 17.12.070(A)(12)(a), all parking surfaces, including driveways to garages or carports, shall be paved with either asphalt or concrete in accordance with the City's standard specifications for street construction.

5. Pursuant to Section 17.12.240(I), if the Conditional Use Permit has not been exercised, and the work completed within one (1) year from the date of issuance, such Conditional Use Permit shall be void, and have no further force or effect.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the Casper City Council hereby reverses the decision by the City of Casper Planning and Zoning Commission in denying the application for a Conditional Use Permit in Case No. PLN-15-034-C, and that the Application for a Conditional Use Permit in said matter is hereby approved and granted for Lots 139-140, Block 24, North Casper Addition to the City of Casper, Wyoming, located directly north of the principal building at 1134 North Lincoln Street, with the findings and conditions of the Council as set forth above.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2015.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Charlie Powell
Mayor

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this _____ day of _____, 2015 by Charlie Powell, as the Mayor of the City of Casper, Wyoming.

Notary Public

My commission expires: _____.