

**PLANNING AND ZONING MEETING
THURSDAY, April 16, 2020
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at www.casperwy.gov on the Meetings and Agendas web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Thursday April 16, 2020, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Bob King
 Randy Hein
 Fred Feth
 Susan Frank
 Terry Wingerter

Absent Members: Erik Aune

Others present: Craig Collins, City Planner
 Dee Hardy, Administrative Support Technician
 Wallace Trembath, Deputy City Attorney
 Andrew Beamer, Public Services Director
 Jesse Morgan, 3630 Ermine Circle
 John Bryson, 111 West 2nd Street, Suite 420
 Connie Rodgers, 4511 Moose
 Cheryl Hackett, 4441 Moose
 Fred Kuck III, 5865 Bell Valley Road

I. MINUTES OF THE PREVIOUS MEETINGS

Chairman King asked if there were additions or corrections to the minutes of the March 19, 2020 Planning & Zoning Commission meeting.

Chairman King called for a motion to approve the minutes of the March 19, 2020 Planning & Zoning Commission meeting.

Mr. Wingerter made a motion to approve the minutes of the March 19, 2020 meeting. The motion was seconded by Mr. Feth. All those present voted aye. Motion carried.

II. 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-20-012-R – A vacation and replat of Lot 1, Block 1, Cemetery Addition, to create Gorgan Hills Addition, comprising 31.52-acres, more or less, generally located south of West 46th Street, and east of Moose Street. Applicant: Gorgan, LLC.

Craig Collins, City Planner presented the staff report and entered fifteen (15) exhibits into the record for this case. The staff report recommends the following two (2) Conditions:

1. The plat shall be amended to add cross streets through the subdivision, from Moose Street to the eastern boundary, to comply with the City's maximum block length requirements found in Section 16.16.020.
2. The plat shall be amended to dedicate the necessary right-of-way at the south end of Moose Street for the construction of a standard City cul-de-sac or turnaround, and the applicant/owner shall construct said cul-de-sac or turnaround prior to the issuance of any Certificates of Occupancy for any structures in the subdivision.

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

Jesse Morgan, 3630 Ermine Circle, spoke in favor of this case. He stated that he was going to let John Bryson with JKC Engineering speak about the replat.

John Bryson, 111 West 2nd Street, Suite 420, advised that the replat would create large rural type lots for four (4) residences. He noted materials had been provided in the packet pertaining to the cost of constructing streets. The topography of the land is not conducive for street construction.

Mr. Wingerter asked if there would be another entrance to the subdivision besides Moose street, and would there be a Home Owners Association (HOA)?

Mr. Morgan replied there would not be another entrance, and there would be covenants but not a Home Owners Association (HOA).

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

Mr. Morgan stated that he objects to the construction of streets. He mentioned the grade limitation required by Municipal Code and it being cost prohibitive to the project.

Chairman King asked Andrew Beamer, Public Services Director to address the Municipal Code requirements for street construction.

Andrew Beamer, Public Services Director stated that the Municipal Code does allow for a 15% grade in areas deemed "hilly."

Mr. Morgan advised that he still objects to cross streets in the development.

Chairman King asks staff to educate the Commission regarding the benefits of cross streets.

Mr. Collins advised that the cross streets would allow future access when development occurs adjacent to the proposed project multiple points of access, redundant utility connections. He noted that this is the only one opportunity to ensure adequate future access.

Mr. Feth mentioned receiving a letter with concerns about drainage.

Mr. Bryson advised the area would be developed for residential homes and the drainage would not be impacted.

Mr. Beamer stated he agrees with Mr. Bryson's assessment that drainage would not be impacted by this development.

Mr. Wingerter reiterated his concern for another access into the area. He notes the area is used for exercise by the neighborhood and asks if the Fire Department has any concerns with the proposed replat.

Mr. Collins advised that the Fire Department is involved in the review process and the Planning Office did not receive any comments from them.

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

Connie Rodgers, 4511 Moose, states she has a concern about the access to State Public Land. She suggests the applicant could place an access walkway along the power line easement.

Mr. Hein suggested that should the Planning Commission require a cross street as required by code, that would provide access to the State Land. He asked staff to clarify street and block length requirements.

Mr. Collins stated that per Municipal Code maximum block length would be 750 feet with a midblock pedestrian trail, or 500 feet without a midblock pedestrian trail. The street is approximately 2000 feet in length.

Ms. Frank asked staff if the upgrade to Moose Street would be the expense of the developer.

Mr. Collins replied, no the City of Casper would be responsible for the upgrade/improvements to Moose Street, as it is a developed, and dedicated City right of way.

Cheryl Hackett, 4441 Moose, stated the following concerns:

- Preserving access to State Land along the north end of Lot 1. She mentioned the fence line along West 46th Street could be used to preserve a trail that could be used to access State Land.
- A significant increase in traffic on Wolf Creek Road with the addition of six (6) homes. She noted that there are several children in the area.
- A need for additional streets in the proposed area.
- Cited that Moose is in need of repaving, and now understands that would be the responsibility of the City.
- Dust and dirt coming from the construction site.
- Asked to go on record that she believes that Mr. Morgan acquired the property while he served on the City Council. She noted that this was not the forum to address this concern, and will take it up with City Council.

Mr. Wingerter asked if she is against the proposed project, or would just like an additional access.

Ms. Hackett advised she is not opposed to development, but would like to have a trail to the State land and an additional access street, and street connectivity per City Code requirements.

Mr. Hein regarding dust and dirt, stated construction is a temporary situation and it would be different if there were going to be 20-30 homes instead of the proposed six (6).

Ms. Frank asked if a condition could be made to recommend connectivity?

Mr. Trembath addressed the Commission regarding the unusual circumstances for the hearing this evening, and advised that everyone that spoke should be called, again, to give them a chance for a rebuttal. He advised that the Commission is considering a land use case with a legal land owner this evening.

Ms. Rodgers did not have a rebuttal, but did state she likes Mr. Hein's suggestion requiring a street within the subdivision for connectivity.

Mr. Morgan stated he would let Mr. Bryson, surveyor, address comments.

Mr. Bryson advised that placing a street near the middle of the property would be the most challenging to build, and cost prohibitive for the applicant.

Mr. Morgan stated they had no problem with the requirement to build a cul-de-sac at the end of Moose Street.

Mr. Morgan stated that the majority of the concerns were about access to State Land. He noted that Whitney Drive is an additional access to the State Land. He advised that having to add a street would affect his plans for development. To address the comment that he purchased the property while serving on the City Council, he stated that the sale occurred between two (2) private property owners, not directly from the City to him.

Chairman King advised that the Planning and Zoning Commission is not the venue to address the issue of a sitting Council member acquiring property. He stated that would be best for City Council to address.

There being no others to speak Chairman King closed the public hearing and entertained a motion to approve, deny or table PLN-20-012-R.

Mr. Wingerter made a motion to approve case PLN-20-013-R, a replat creating Gorgan Hills Addition with Conditions #1-2 listed in the staff report, and forward a "do pass" recommendation to City Council. The motion was seconded by Mr. Hein.

There was discussion on:

- Placing a condition that would require the construction of three (3) streets that would go nowhere.
- Whitney Drive and Camelback having connectivity to State Land.
- The current proposal only having one ingress/egress on Moose Street.
- Does the recommendation have to require a certain number of cross streets? Mr. Collins advised that it does not. The recommendation in the staff report was taken from the Municipal Code. He noted that a different recommendation could strike a balance between the Code and the reality of the ground.
- Placement of a cross street should occur somewhere in the middle of the proposed development.

Chairman King asked Mr. Wingerter, if the motion currently on the floor could be amended. Mr. Wingerter stated an amended motion would be acceptable.

Mr. Hein made a motion to amend the original motion to locate a cross street in (approximately) between Lots 4 and 5. The motion was seconded by Mr. Feth. All those present voted aye. The motion was amended.

Chairman King called for a vote on the motion on the floor with the two (2) Conditions as amended. All those present voted aye. 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-20-013-Z – Petition for a zone change of Lots, 344 and 345, Kenwood Addition, located at the southwest corner of East 12th and South Melrose Streets, from zoning classification R-2 (One Unit Residential), to zoning classification C-2 (General Business), to allow for the construction of a coffee shop. Applicant: Grit Line, LLC.

Craig Collins, City Planner presented the staff report and 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.

Fred Kuck, 5865 Bell Valley Road, explained that he was requesting a zone change of the lots for a drive-thru coffee shop.

Mr. Wingerter asked if the coffee shop would be a trailer?

Mr. Kuck replied that it would be a building, similar to the Starbucks located on North Center Street.

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 PLN-20-013-Z.

Mr. Wingerter made a motion to approve case PLN-20-013-Z, zone change Lots, 344 and 345, Kenwood Addition, to zoning classification C-2 (General Business) and forward a “do pass” recommendation to City Council. The motion was seconded by Ms. Frank.

Discussion:

Mr. Wingerter asked staff how the zoning could be R-2 (One Unit Residential). He noted previously a Mini-Mart convenience store had been at that location.

Mr. Collins stated that he was not certain how the zoning came to be R-2 (One Unit Residential).

Mr. Hein advised that this was the Planning Commission's opportunity to be historically correct and change the zoning to C-2 (General Business).

All those present voted aye. Motion Carried.

IV. COUNCIL ACTIONS:

The following item(s) have been approved by the City Council since the last Planning and Zoning Commission meeting.

A plat creating Garden Creek Square Addition No. 2.

A replat creating the Greenway Park III Addition and rezoning to PUD (Planned Unit Development) for Lot 1, Block 6; R-3 (One to Four Unit Residential) Blocks 1 & 5; and R-2 (One Unit Residential) for Blocks 2, 3 & 4.

A replat creating Kensington Heights Addition No. 1, and rezoning to R-2 (One Unit Residential).

V. SPECIAL ISSUES:

None.

VI. COMMUNICATIONS:

A. Commission:
Chairman King asked the Commissioners if they had any comments to share. There were none.

B. Community Development Director:
There were none.

C. Council Liaison:
There were none.

D. OYD and Historic Preservation Commission Liaisons
There were none.


Casper Historic Preservation
There were none.

E. Other Communications:
There were none.

Chairman King stated that the next Planning and Zoning Commission meeting will be held Thursday, May 21, 2020.

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. Hein to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned 7:43 p.m.



Chairman



Secretary