

**PLANNING AND ZONING MEETING
THURSDAY, MARCH 18, 2021
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 March 18, 2021, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Susan Frank
Fred Feth
Terry Wingerter
Chuck Davis
Mike McIntosh
Kenneth Bates
Vickery Fales-Hall

Absent Members: None

Others present: Craig Collins, City Planner
Dee Hardy, Administrative Support Technician
Wallace Trembath, Deputy City Attorney
Bruce Knell, Council Liaison
Martin Axlund, 2171 West 40th Street
Chris Bradfield, 1800 Elkhorn Valley Drive
John Neuroth, 1414 Heathrow Avenue
Ryan Rivera, 1432 Heathrow Avenue
Lori Barager, 1426 Heathrow Avenue
Harold Berg, 1438 Heathrow Avenue
Denise Steffens, 77 Dahlia
Carter Britt, 111 West 2nd Street, Suite 600
Lisa Burrridge, 421 South Center, Suite 101

I. MINUTES OF THE PREVIOUS MEETINGS

Chairperson Frank asked if there were additions or corrections to the minutes of the February 18, 2021 Planning & Zoning Commission meeting.

Chairperson Frank called for a motion to approve the minutes of the February 18, 2021 Planning & Zoning Commission meeting.

Mr. Davis made a motion to approve the minutes of the February 18, 2021 meeting. The motion was seconded by Mr. Bates. All those present voted aye. Motion carried.

II. PUBLIC HEARING

The first case this evening.

PLN-20-022 – (Tabled – June 18, 2020) Proposed Amendment to the New Delta Addition Subdivision Agreement, dated August 3, 1999, to remove all land use restrictions identified in Sections 2.1 and 2.2 of the New Delta Addition Subdivision Agreement, located generally at the northeast corner of East 15th Street and Wyoming Boulevard. Applicant: True Land Realty, LLC and Wyoming Orthopaedic Institute, LLC. *(Scheduled to be reviewed in March)*

Ms. Fales-Hall declared a conflict with this case and left the meeting at 6:05 p.m.

Craig Collins, City Planner presented the staff report and entered eighteen (18) exhibits into the record for this case.

Chairperson Frank entertained a motion to remove PLN-20-022 from the table for consideration.

Mr. Wingerter made a motion to remove PLN-20-022 from the table for consideration. The motion was seconded by Mr. McIntosh. All those present voted aye. Motion carried.

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

Martin Axlund, 2171 West 40th Street, representing True Land and Realty, LLC spoke in favor of this case. He stated that a boutique wine and liquor store has approached them about going into the strip mall, and the restrictions listed in the subdivision agreement would not allow this business. He provided four (4) letters of support to the Planning and Zoning Commission.

Mr. Collins entered the four (4) letters provided by Mr. Axlund as Exhibit “S.”

Chairperson Frank asks if the business would be on the lot where Hilltop Bank and Metro Coffee are located?

Mr. Axlund replied that the business would be at the same location as Hilltop Bank and Metro Coffee.

Mr. Collins pointed out that the subdivision agreement covers three (3) lots, and shows the lot that Mr. Axlund is referencing with Hilltop Bank, Metro Coffee and a chiropractic office. He noted that there are two (2) property owners.

Mr. Davis asked if the restrictions covered developed and undeveloped land?

Mr. Collins replied that the restrictions did cover developed and underdeveloped land.

Mr. Bates inquired about the number of restrictions and why are there restrictions at this location if the zoning in the area is C-1 (Neighborhood Convenience) or C-2 (General Business)?

Mr. Collins advised that in the late 1990's the neighborhood had concerns about the convenience store going in at the corner of East 15th Street and SE Wyoming Boulevard, a controversial project. Council imposed the restrictions in an attempt to allow development and alleviate the neighborhood concerns.

Mr. Davis asked the City Planner or City Attorney when the original agreement was completed and zoned did we infringe upon the various contract zoning?

Mr. Trembath, Deputy City Attorney, stated that in 1999 the subdivision agreement was a political solution. The development was stuck and would not continue without passing the subdivision agreement. He advised that zoning could differ from one district to another, but should be uniform for each class of building. Imposing conditions on zoning would create a spot zoning, which is not acceptable. He advised the Planning and Zoning Commission to consider what they hear today and make their recommendation to forward to Council.

Mr. Bates asked Mr. Axlund if he received any negative comments when he reached out to the neighbors?

Mr. Axlund stated that he had reached out to the Home Owners Association (HOA) and had not heard anything from them.

Mr. Collins pointed out on a photo that the Home Owners Association (HOA) Mr. Axlund was referring to would be for citizens living on or near Stafford Court. He advised that most of the letters received were from citizens living on Heathrow Avenue adjacent to a vacant lot in the subdivision.

Chairperson Frank stated that according to information in the memo the vacant lot near Heathrow Avenue would be lot 2, zoned C-1 (Neighborhood Convenience) and lot 1, zoned C-2 (General Business) are they wanting the restrictions removed from the C-2 (General Business) zoning only?

Mr. Collins stated that is a great clarifying question and that it has been unclear throughout the process. He stated that he understood they wanted to remove the restrictions from the subdivision agreement which would include all of the lots in the subdivision. If that was incorrect, he apologized to the Commission. He noted that the application process requires

all property owners to sign the application, and he asked Mr. Axlund to please clarify his request.

Mr. Axlund advised that he was only asking for lot 1 which is zoned C-2 (General Business). He stated that the party he represents does not own lot 2.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor of this case?

Chris Bradfield, 1800 Elkhorn Valley Drive, spoke in favor of this case and asked the Planning and Zoning Commission to forward a do pass recommendation to Council.

Chairperson Frank asked if there was anyone in the audience wishing to speak in opposition of this case?

John Neuroth, 1414 Heathrow Avenue, spoke in opposition to this case.

Ryan Rivera, 1432 Heathrow Avenue, spoke in opposition to this case. He stated concerns of a liquor establishment being in close proximity to schools. He stated that should the liquor establishment be allowed what business would be next adult video stores, tattoo, and massage parlors? He noted that there was currently a drive through window, which was a violation of the subdivision agreement.

Chairperson Frank stated that an amendment was done to the agreement in 2018 to allow for the drive through window.

Mr. Bates commented that Council has licensing requirements in place for tattoo and massage establishments. If those businesses do not belong in that area, where should they go with all of the schools in the City of Casper? He noted that the Keg and Cork was located east of this location and he asked if Mr. Rivera had seen any negative behavior.

Mr. Rivera stated that was a good question, and he did not have an answer as to where the businesses should be located. He advised that Keg and Cork was a restaurant with a liquor license, and considerably further away from this location.

Mr. Wingerter advised that he had counted the number of businesses located in that area and there are twenty-five (25). He asked if Mr. Rivera had an issue with any of those businesses? He noted that when the convenience store went in the 1990's the neighborhood had concerns, and now many of those neighbors trade at the business.

Mr. Rivera stated he did not have any issues with those businesses. He advised his concerns are with vagueness and lack of community outreach on the part of the applicant.

Mr. Collins advised that adult video and adult book store were mentioned earlier and Council has addressed those businesses which are only allowed in limited number and in specific locations within the City.

Lori Barager, 1426 Heathrow Avenue, stated that the location of the liquor store was new information and she was not opposed to it being at that proposed location. She asked the Commission to make a recommendation to Council to remove the restrictions on Lot 1 and keep them on Lot 2, the lot adjacent to her home on Heathrow Avenue.

Harold Berg, 1438 Heathrow Avenue, spoke in opposition to this case. He stated he was opposed to several of the businesses located in that area.

There being no others to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table PLN-20-022.

Mr. Davis made a motion to approve removing the restrictions in the New Delta Addition Subdivision agreement. There was not a second. Motion failed.

Mr. Bates made a motion to approve case PLN-20-022, to remove all land use restrictions to the New Delta Addition Subdivision, Lot 1 and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Wingerter.

There was discussion on:

- Issuing a Conditional Use Permit to remove the restrictions, not best alternative
- Difference between Conditional Use Permit and Subdivision Agreement
- Amending Subdivision Agreement best way to remove restrictions

All those present voted aye with the exception of Mr. Davis who voted nay. Motion carried.

Chairperson Frank called for a five (5) minute recess.

Ms. Fales-Hall returned to the meeting at 6:55 p.m.

Mr. McIntosh declared a conflict with the next case and left the meeting at 6:55 p.m.

The next case this evening.

PLN-21-011-C - – Petition for a Conditional Use Permit to increase the capacity of a home-based childcare from eight (8) children to a maximum of fifteen (15) children (Family Child Care Center/Zoning Review), on Lot 14, Block 7, Paradise Valley, located at 77 Dahlia. Applicant: Denise Steffens, dba Tender Hearts Learning Daycare.

Craig Collins, City Planner presented the staff report and entered four (4) exhibits into the record for this case. The staff report recommends the following Conditions:

1. The applicants shall maintain a minimum of two (2) open, paved, off-street parking spaces for use by daycare customers to load and unload children off-street, during the hours when the daycare is in operation.
2. Pursuant to Section 17.12.140(A)(2) of the Municipal Code, signage for all home-based childcares shall be limited to only signage that is non-illuminated, attached flush with the dwelling, and not exceeding one square foot in area.
3. The family childcare center is approved as a secondary, accessory use of the property. The primary use of the property shall remain single-family residential, which is a permitted use in the R-1 (Residential Estate) zoning district. Therefore, the operator of the family childcare center must live at the subject property. If the operator of the family childcare center is found not to be residing on the premises, the Conditional Use Permit may be immediately revoked by the City, pursuant to Section 17.12.240(J) of the Casper Municipal Code.
4. Pursuant to Section 17.12.240(M)(3) of the Casper Municipal Code, the Conditional Use Permit shall be granted to the childcare provider, and shall not attach to the land. The Conditional Use Permit shall not be transferred from one location to another, and shall not be transferrable from one childcare provider to another.

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

Denise Steffens, 77 Dahlia, spoke in favor of this case. She cited a need for daycare in the residential area.

Mr. Wingerter asked how many daycares were in Paradise Valley?

Ms. Steffens stated that there were two (2) home daycares and a daycare center.

Mr. Bates asked Ms. Steffens if she had read the four (4) Conditions listed in the staff report and were they acceptable.

Mr. Steffens asked to have the four (4) Conditions read to her. She advised that they were acceptable.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor of or opposition to this case?

There being no one to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table PLN-21-011-C.

Mr. Wingerter made a motion to approve case PLN-21-011-C with Conditions #1-4, for the two (2) Reasons, and Findings A-F listed in the staff report. The motion was seconded by Ms. Fales Hall. All those present voted aye with the exception of Mr. Davis who voted nay. Motion Carried.

Mr. McIntosh returned to the meeting at 7:08 p.m.

The next case this evening.

PLN-21-007-R – A replat creating Mountain Plaza Pathway Addition, consisting of a vacation and replat of Tract A, Mountain Plaza Addition No. 2; a portion of Lot 4, Mountain Plaza Addition, and a portion of Lot 6, Mountain Plaza Addition No. 4. Applicant: City of Casper.

Craig Collins, City Planner presented the staff report and entered six (6) exhibits into the record for this case. He stated that he would answer questions on behalf of the City of Casper.

Mr. Wingerter asked if the pedestrian pathway to Morad Park would be an overpass or underpass? He stated concerns for pedestrians crossing CY Avenue with the volume of traffic. He mentioned pets getting loose and wandering into traffic on CY Avenue.

Mr. Collins stated that the existing traffic light at the intersection would be used for pedestrians to access Morad Park. He advised that an overpass or underpass would be costly.

Mr. Bates former Councilman advised that a leash law Ordinance that has been put in place by City Council. He noted that there are other dog parks located in Casper.

Chairperson Frank stated that this would make the neighborhood more walkable, and at this time the property is being set aside for the pathway.

There being no one to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table PLN-21-07-R, regarding the plat.

Mr. Davis made a motion to approve case PLN-21-007-R and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Bates.

Mr. Wingerter stated that the pedestrian pathway should be an overpass or underpass for the safety of citizens and their pets.

All those present voted aye with the exception of Mr. Wingerter who voted nay. The Motion carried.

The next case.

PLN-21-008-R – A replat creating Park School Addition, consisting of a vacation and replat of Block 33, (Lots 1-10 inclusive, including the alley) of Park Addition and the vacated portion of West Eighth Street. Applicant: Natrona County School District No. 1.

Craig Collins, City Planner presented the staff report and entered six (6) exhibits into the record for this case. The staff report recommends the following Condition:

1. The applicant shall provide signed/executed easement releases from all utility companies for the alley vacation, prior to the replat being placed on a City Council agenda for review/approval.

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

Carter Britt, ECS Engineering, 111 West 2nd Street, Suite 600 spoke on behalf of the applicant, in favor of this case. He advised that he was getting signed/executed easements from all utility companies for the alley vacation. He stated that the approval/signature block has been changed to the correct format.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor of or opposition to this case?

There being no one to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table PLN-21-008-R.

Ms. Fales-Hall made a motion to approve case PLN-21-008-R and forward a “do pass” recommendation to Council with Condition #1 listed in the staff report. The motion was seconded by Mr. Mcintosh. All those present voted aye. The Motion carried.

The next case.

PLN-21-009-R A replat creating Harmony Hills Addition No. 3, consisting of a vacation and replat of Lots 1-27, Block 7; Lots 1-14, Block 8, Tracts 4 and 5, and portions of Walnut Street and Harmony Road, Harmony Hills Addition No. 2, Phase 1. Applicant: Harmony Development, LLC.

Craig Collins, City Planner presented the staff report and entered six (6) exhibits into the record for this case.

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

Lisa Burridge, 421 South Center Street, Suite 101, spoke in favor of this case.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor of or opposition to this case?

There being no one to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table PLN-21-009-R.

Mr. Davis made a motion to approve case PLN-21-09-R and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Wingerter. All those present voted aye. The Motion carried.

The next case.

PLN-21-010-R– A replat creating Kensington Heights Addition No. 3 consisting of a vacation and replat of Tract A, Kensington Heights Addition No. 1. Applicant: Kensington Heights Development, LLC.

Craig Collins, City Planner presented the staff report and entered six (6) exhibits into the record for this case.

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

Lisa Burridge, 421 South Center Street, Suite 101, spoke in favor of this case.

Chairperson Frank asked if there was anyone in the audience wishing to speak in favor of or opposition to this case?

There being no one to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table PLN-21-010-R.

Mr. Wingerter made a motion to approve case PLN-21-010-R and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Feth. All those present voted aye. The Motion carried.

III. COUNCIL ACTIONS

There have not been any items approved by the City Council since the last Planning and Zoning Commission meeting.

Annexation of East Robertson Road Addition and 3489 South Robertson Road.

Plat of The Highland park Cemetery Addition No. 2.

IV. SPECIAL ISSUES:

There were not any special issues.

V. COMMUNICATIONS:

- A. Commission:
Mr. Wingerter stated that he would like the Planning and Zoning Commission to recognize projects when it has been completed. He mentioned the Old Yellowstone District (OYD) does annual awards. Mr. Collins advised Mr. Wingerter to think about how to recognize project, when they are finished. He noted this would be a good training session topic.
- B. Community Development Director:
There were none.
- C. Council Liaison:
There were none.
- D. OYD and Historic Preservation Commission Liaisons
Ms. Fales Hall stated at the last Old Yellowstone District Advisory Committee meeting new members were welcomed, officers were elected for the coming year and there was discussion about upcoming projects.

Chairperson Frank advised at the Casper Historic Preservation Commission meeting there was a presentation of ghost signs. Mr. Bates stated that he liked serving on this board and is interested in the African-American Cultural Resource Survey that the Commission just received grant funding from the State Historic Preservation Office (SHPO).
- E. Other Communications:
There were none.

Chairperson Frank stated that the next Planning and Zoning Commission meeting will be held Thursday, April 15, 2021.

VI. ADJOURNMENT

Chairperson Frank called for a motion for the adjournment of the meeting. A motion was made by Mr. Davis and seconded by Ms. Fales-Hall to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned 7:53 p.m.

Chairperson

Secretary