

AGENDA
PLANNING AND ZONING MEETING
October 20, 2016
6:00 P.M.
COUNCIL CHAMBERS
CITY HALL, 200 NORTH DAVID

Meetings can be viewed online at www.casperwy.gov on the Planning Commission web page.

PLANNING AND ZONING POLICY
PUBLIC STATEMENTS

1. Use of Cellular telephones is not permitted, and such telephones shall be turned off or otherwise silenced during the Planning and Zoning Meeting.
2. Speaking to the Planning and Zoning Commission (These guidelines are also posted at the podium in the Council Chambers).
 - Clearly state your name and address.
 - Please keep your remarks pertinent to the issue being considered by the Planning and Zoning Commission.
 - Please do not repeat the same statements that were made by a previous speaker.
 - Please speak to the Planning and Zoning Commission as you would like to be spoken to.
 - Please do not address Applicants or other audience members directly.
 - Please make your comments at the podium and directed to the Planning and Zoning Commission.
3. The City of Casper Planning and Zoning Commission is a volunteer body composed of members of the Casper Community, and appointed by the Casper City Council. The Commission acts as a quasi-judicial panel, making final decisions on some specific items, and recommendations to the City Council on others as dictated by law. The Commission may only consider evidence about any case as it relates to existing law. The Commission cannot make or change planning or zoning laws, regulations, policies or guidelines.

AGENDA

- I. CALL TO ORDER**
- II. MINUTES: September 15, 2016 Meeting**
- III. PUBLIC HEARINGS:**

- A. **PLN-16-033-R** – *(Tabled July 21, 2016)* A petition to vacate and replat Lots 23-29, all of Tracts B, C, D, and E, of the Back Nine, a subdivision of the City of Casper, to create The Back Nine, Lots 30-72 and Tracts G & H, comprising 18.61-acres, more or less, generally located south of West 29th Street and east of Casper Mountain Road. Applicant: Becker Development, LLC.

- B. **PLN-16-037-C** – *(Tabled September 15, 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 12’1” 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 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

- C. **PLN-16-047-Z** – Petition for a Zone Change of Lot 1, of Lots 1 through 10 of “Eastward Heights III,” located at 2300 East 15th Street, from R-4 (High Density Residential) to C-2 (General Business). Applicant: Prince of Peace Lutheran Church of Casper.

- D. **PLN-16-048-Z** – Petition for a Zone Change of North Casper Addition, Block 22, Lot 199-200 & TR ADJ 200, located at 702 North Jefferson Street, from R-3 (One to Four Unit Residential) to C-2 (General Business). Applicant Marilyn Davidson.

VI. COUNCIL ACTIONS:

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

Replat and rezoning to create Wolf Creek Eight Addition.

Replat and rezoning to create Central Wyoming Rescue Mission Addition.

V. SPECIAL ISSUES:

VI. COMMUNICATIONS:

- A. Commission
- B. Community Development Director
 - 1) Old Business Items
 - 2) New Business Items

- C. Council Liaison**
- D. Other Communications**

VII. ADJOURNMENT

**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 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
 Ryan Waterbury
 Randy Hein
 Don Redder

Absent Members: Ryan Waterbury
 Susan Frank

Others present: Liz Becher, Community Development Director
 Craig Collins, City Planner
 Aaron Kloke, Planner I
 Dee Hardy, Administrative Support Technician
 Wallace Trembath, Assistant City Attorney
 Steve Cathey, Council Liaison
 Greg Cunningham, 1441 East 2nd 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 2nd 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 2nd 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 2nd 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 2nd 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 6th 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 6th 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 6th 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, 4401Freedom 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

October 14, 2016

MEMO TO: Bob King, 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-16-037-C** – (*Tabled September 15, 2016*) Petition for a Conditional Use Permit for the construction of a detached accessory building (garage) with fourteen (14) foot high walls, in excess of the twelve (12) foot maximum wall height permitted, in a C-2 (General Business) zoning district; and with a lot coverage which exceeds the fifteen percent maximum permitted (896 square foot building), on the west 40' of Lots 13 and 14, Block 82, Butler's Addition, located at 1441 East 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Recommendation:

If, after the 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.

Summary:

The Planning and Zoning Commission voted to table the requested Conditional Use Permit at the public hearing on September 15, 2016. The previous staff report and packet materials have been provided for the Commission's reference.

The applicants have submitted a revised plan to address the Commission's requests with regard to the building. Those requests were as follows:

- Change the structure from a flat roof to a pitched roof;
- Eliminate the T-111 siding and utilize residential-style lap siding;
- Consider enclosing the front of the structure and providing garage doors.

The plans have been revised as follow:

- The roof of the structure has been changed to a 4/12 pitch;
- The wall height of the structure has been reduced from the initial request to twelve feet one inch (12'1"). In that the wall height still exceeds twelve feet (12') a Conditional Use Permit is still required;
- Residential-style horizontal lap siding has been proposed.

The applicants have decided that they do not prefer to enclose the front of the structure or provide garage doors at this time. However, they have expressed a willingness to do whatever is required if this is still requested by the Commission. The footprint of the structure has not changed from the initial request.

As stated in the Code Compliance section of the previous staff report, the Planning and Zoning Commission should base its decision on whether to approve or deny the requested Conditional Use Permit based on the two (2) reasons and six (6) findings outlined in Section 17.12.240 (G) and (H). These two (2) reasons and six (6) findings are meant, in simplified terms, to ensure that the request is compatible with the surrounding area. Should the Planning and Zoning Commission decide to approve the Conditional Use Permit; staff has provided two (2) recommended conditions of approval for consideration. The Planning and Zoning Commission can amend the conditions; impose additional conditions, or remove conditions, provided the conditions are not explicit code requirements. For illustrative purposes, staff has provided a sample motion to assist the Planning and Zoning Commission with making a proper motion to approve the Conditional Use Permit, if the Commission so desires.

Illustrative Recommended Motion to approve:

That case number **PLN-16-037-C**, a Conditional Use Permit for the construction of a detached accessory building (garage) with twelve foot, one inch (12'1") high walls; and with a lot coverage which exceeds the fifteen (15) percent maximum permitted (896 square foot building); be granted with recommended Conditions #1 - #2, listed in the "recommendation" section of the staff report, 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 Planning and Zoning Commission finds that:

- a. The footprint of the proposed detached garage is not significantly larger in size than surrounding detached garages, and the wall height of the structure will not be obtrusive, or out of character with the surrounding area
- b. A detached garage is a permitted accessory use and will not affect the area's density or be detrimental to the neighborhood.
- c. The volume of business is not applicable because the property is not being proposed to be used as a business.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed oversized accessory building, as determined by the City Engineer and the Community Development Director.
- e. To the best of the planning staff's knowledge, there have not been any Conditional Use Permits issued for oversized accessory buildings within three hundred (300) feet of the subject property.
- f. There are no other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

There will be no windows in building

Building Dia. 32' wide by 28' Deep

In side Height 12'1"

Gable Height 17'9"

1/12 Pitch

7/16" OSB Decking

Pro boild Metal Roof

Manufactured w Truss

west Roof

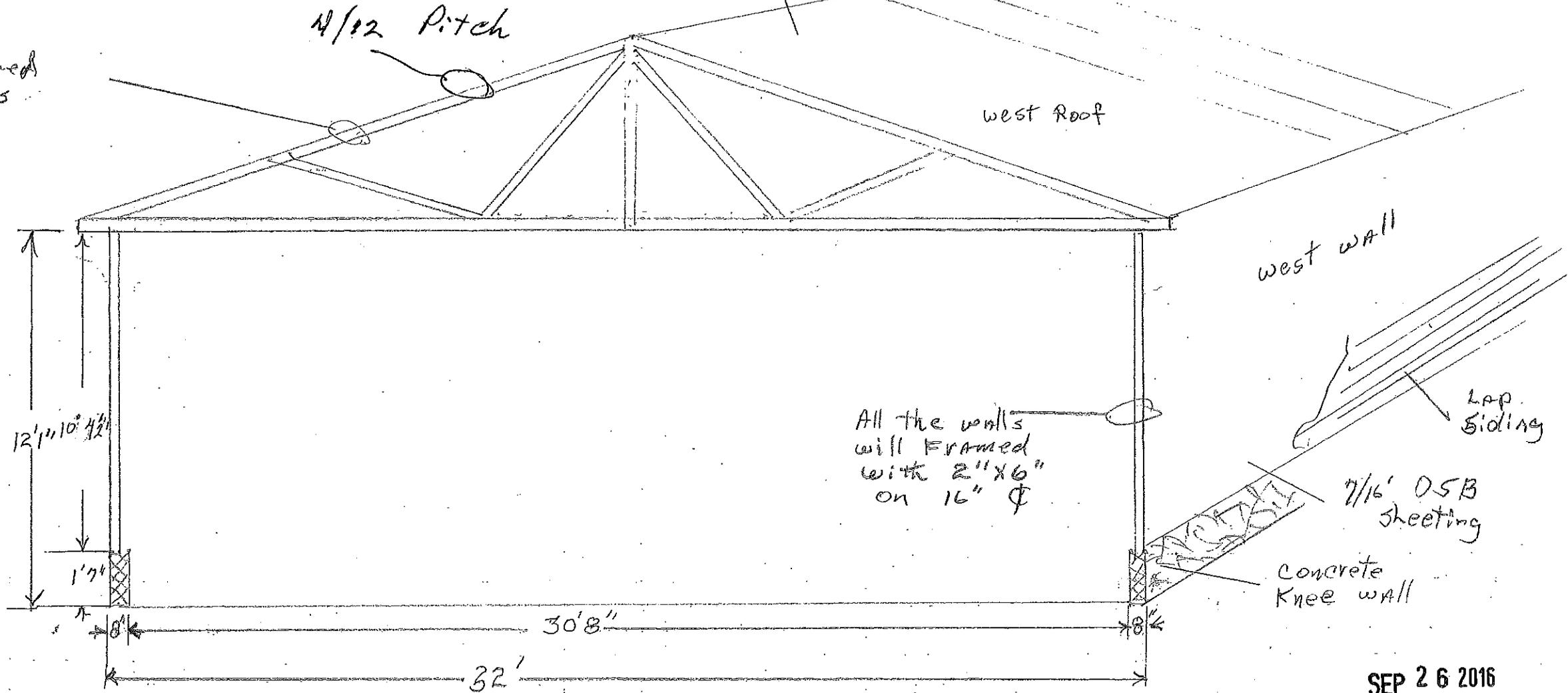
west wall

All the walls will Framed with 2"X6" on 16" ϕ

Lap Siding

7/16" OSB Sheeting

Concrete Knee wall



SEP 26 2016

North Entrance

September 9, 2016

MEMO TO: Bob King, 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-16-037-C** – (*Continued August 18, 2016*) Petition for a Conditional Use Permit for the construction of a detached accessory building (garage) with fourteen (14) foot high walls, in excess of the twelve (12) foot maximum wall height permitted, in a C-2 (General Business) zoning district; and with a lot coverage which exceeds the fifteen percent maximum permitted (896 square foot building), on the west 40' of Lots 13 and 14, Block 82, Butler's Addition, located at 1441 East 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Recommendation:

If, after the 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.

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 comments regarding this application.

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:

Gregory and Patricia Cunningham have applied for a Conditional Use Permit to allow for the construction of an accessory detached garage with in fourteen (14) foot high walls, and with a lot coverage which exceeds the fifteen percent (15%) maximum permitted. The subject property is zoned C-2 (General Business) zoning district, is occupied by a single-family residence, and is located at 1441 East 2nd Street. Surrounding land uses in the immediate area include commercial, offices, medical facilities, and single-family residential.

While, garages that are attached to the main structure do not have height or size limitations and are constrained only by minimum setbacks and building code separation requirements, detached accessory structures like the one proposed are limited to a maximum footprint and height. The proposed structure has fourteen (14) foot high walls. Section 17.12.121(G) of the Casper Municipal Code states that a Conditional Use Permit is required for detached accessory buildings (garages) that exceed twelve (12) feet in exterior wall height.

Section 17.12.121(F)(4) of the Casper Municipal Code requires a Conditional Use Permit for any detached garage that exceeds either fifteen percent (15%) of the lot area, or a maximum of 1,500 square feet in size. The subject property is 4,477 square feet in size. The proposed detached garage is 896 square feet in size, covering approximately twenty percent (20%) of the surface of the property. The City's Geographic Information System (GIS) was utilized to obtain approximate footprints of detached accessory buildings in the same block. The footprints of the surrounding detached garages ranged between 300 and 663 square feet. Based on the size of the lot, the fifteen (15) percent size limitation for a detached garage on the subject property equates to 672 square feet.

As stated in the Code Compliance section of this staff report, the Planning and Zoning Commission should base its decision on whether to approve or deny the requested Conditional Use Permit based on the two (2) findings and six (6) considerations outlined in Section 17.12.240 (G) and (H). These two (2) findings and six (6) considerations are meant, in simplified terms, to ensure that the request is compatible with the surrounding area. Should the Planning and Zoning Commission decide to approve the Conditional Use Permit; staff has provided two (2) recommended conditions of approval for consideration. The Planning and Zoning Commission can amend the conditions; impose additional conditions, or remove conditions, provided the conditions are not explicit code requirements. For illustrative purposes, staff has provided a sample motion to assist the Planning and Zoning Commission with making a proper motion to approve the Conditional Use Permit, if the Commission so desires.

Illustrative Recommended Motion to approve:

That case number **PLN-16-037-C**, a Conditional Use Permit for the construction of a detached accessory building (garage) with fourteen (14) foot high walls; and with a lot coverage which exceeds the fifteen (15) percent maximum permitted (896 square foot building); be granted with

recommended Conditions #1 - #2, listed in the “recommendation” section of the staff report, 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 Planning and Zoning Commission finds that:

- a. The footprint of the proposed detached garage is not significantly larger in size than the surrounding detached garages, and the wall height of the structure will not be obtrusive, out of character with the surrounding area
- b. A detached garage is a permitted accessory use and will not affect the area’s density or be detrimental to the neighborhood.
- c. The volume of business is not applicable because the property is not being proposed to be used as a business.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed oversized accessory building, as determined by the City Engineer and the Community Development Director.
- e. To the best of the planning staff’s knowledge, there have not been any Conditional Use Permits issued for oversized accessory buildings within three hundred (300) feet of the subject property.
- f. There are no other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

1441 E. 2nd Street



E 2ND ST

S WILSON ST

S FENWAY ST

S KENWOOD ST

S CONWELL ST

E 3RD ST



Legend
■ Subject Property

1441 E. 2nd Street



1441 E 2nd Street

Facing south from E 2nd Street



Facing north from alley



Facing south from alley





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Gregory S Cunningham
ADDRESS: 1441 E. 2nd St.
TELEPHONE: (307) 333-5502 EMAIL: No Computer

LOCATION OF REQUEST:

ADDRESS: 1441 E 2nd ST
LEGAL DESCRIPTION: NE 1/4 Sec. 10 T. 33 N R 79 W Block 82 Butler Addition
Number of Lots: W. 40' 13 & 14 Size of Lots: _____
Current Zoning: C2 Current Use: Residence
Purpose for which the property is proposed to be used: Detached Garage
Material To be used is attached Estimate
Prior restrictions placed on the property: None

Floor area square footage: 896 sq ft. Number of Occupants or Employees: 2
Building Footprint: _____ Number of off-street parking spaces: 3

*over 12' walls

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: Gregory S Cunningham

DATE: July 7, 2016

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:

7.7.16

REC'D BY: [Signature]

Property Line

Retaining wall
Roughly 2' High

Set Back
5'

Tie back to
old Retaining
wall 4" drains
at Bottom

Set backs
5'

12" x 12" x 12"

Set Back
on Alley 3'

#4 Rebar
on 4' ϕ
6 sack

28'

32'

20'

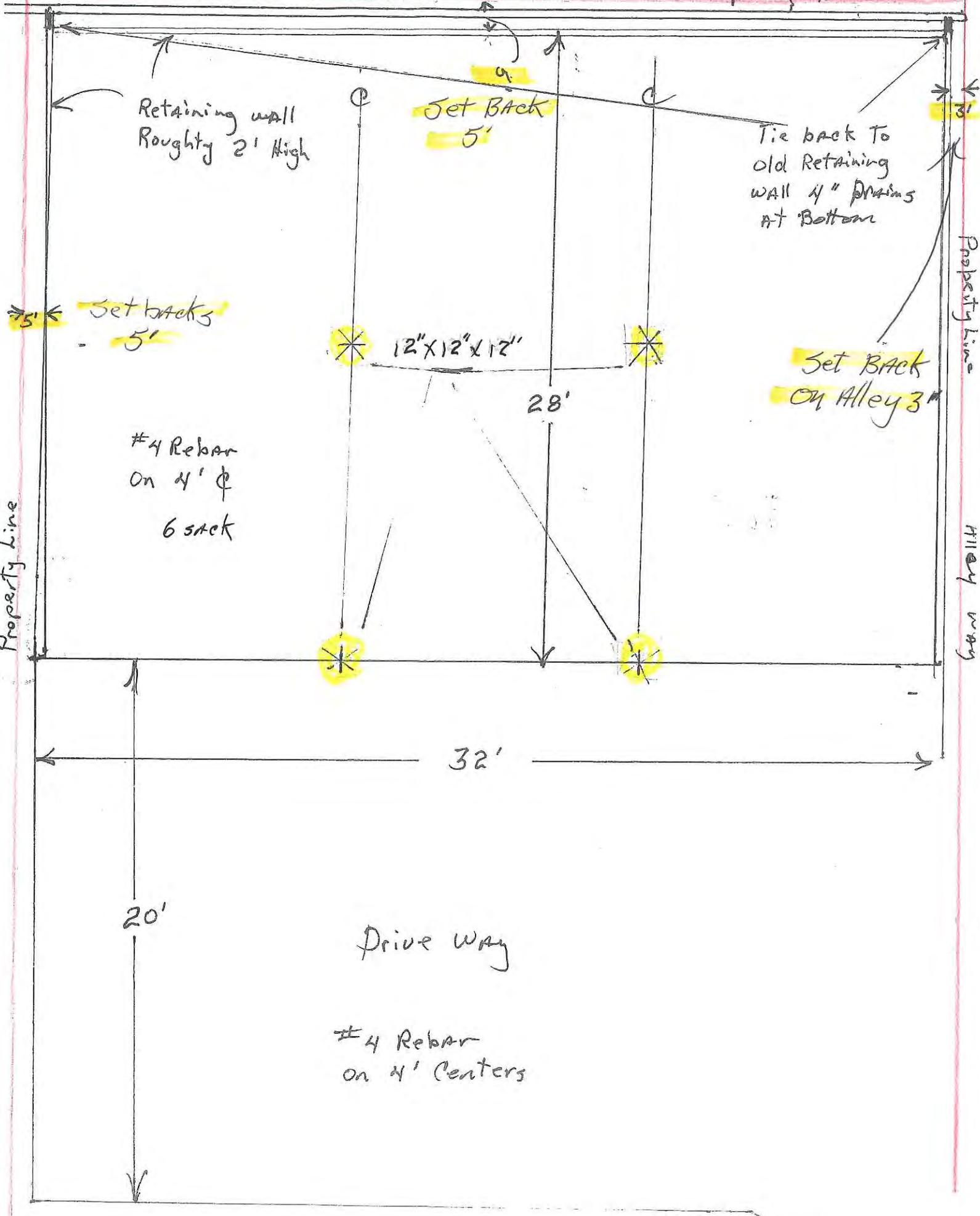
Drive way

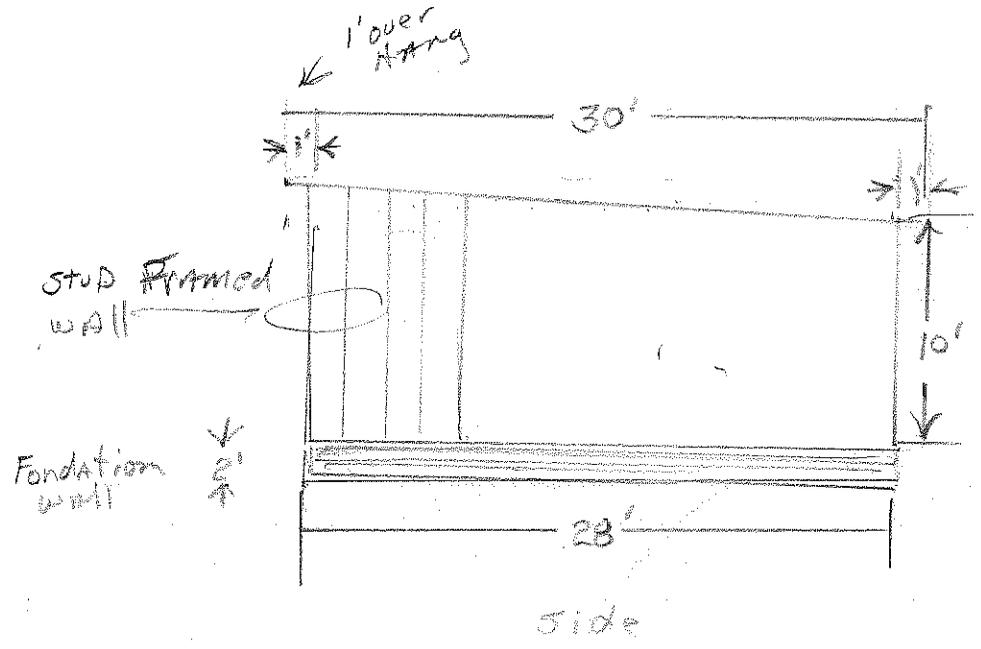
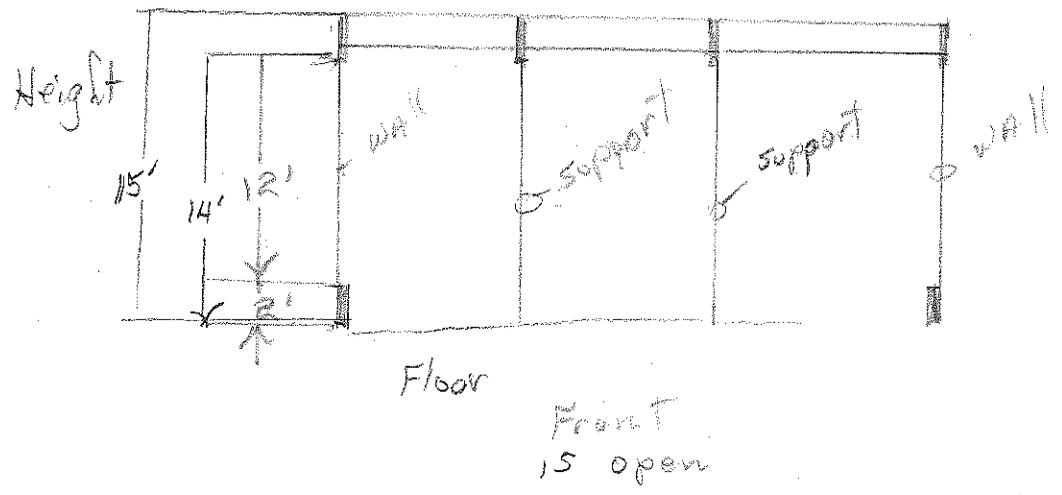
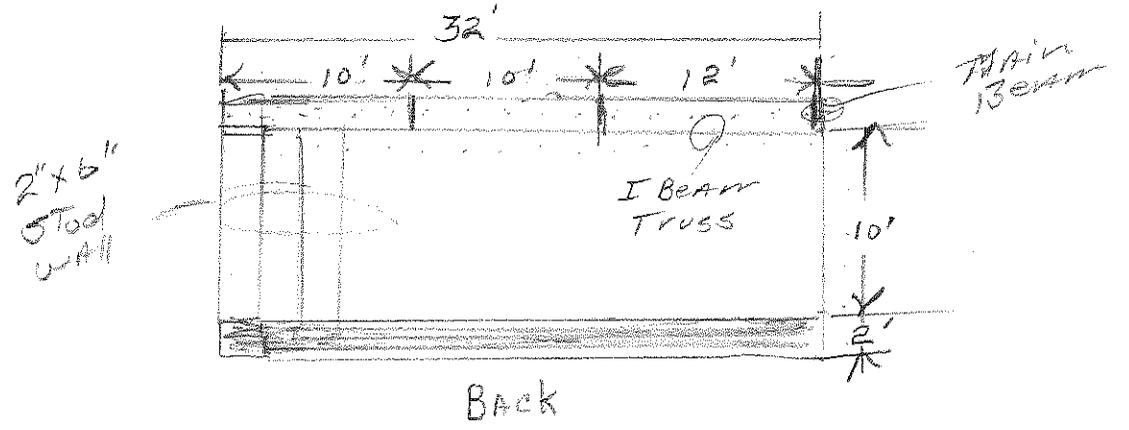
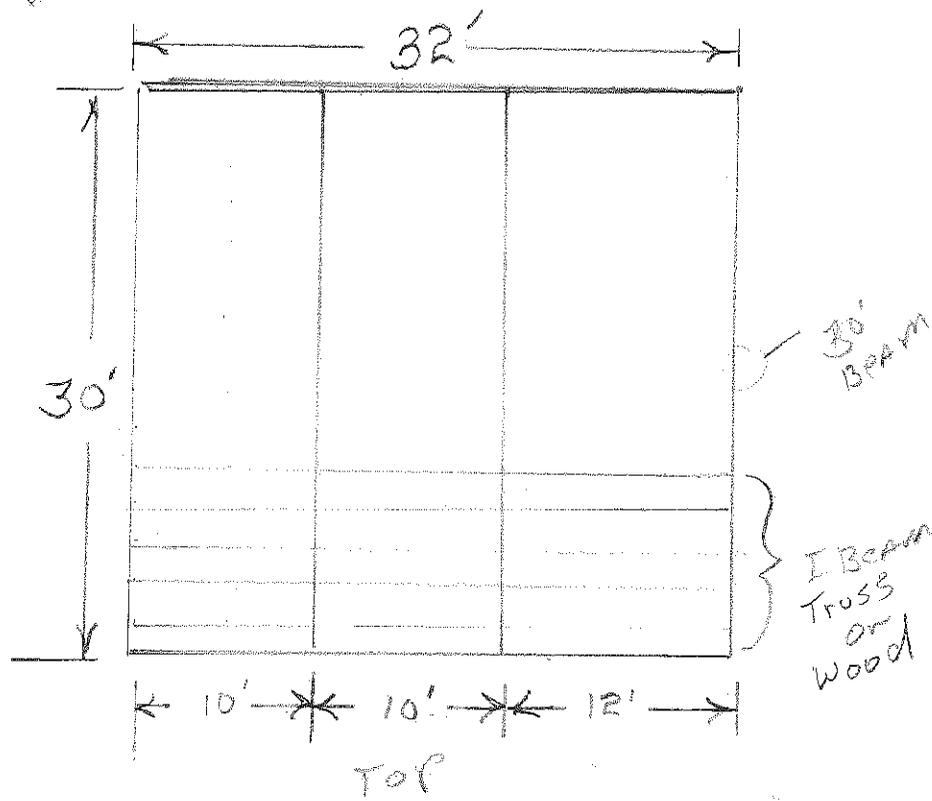
#4 Rebar
on 4' Centers

Property Line

Property Line

Alley way







PRO-BUILD

ESTIMATE

4800 E YELLOWSTONE
 P.O. BOX 530
 EVANSVILLE, WY 82636-0530
 (307) 237-8788

DATE	SALESMAN
6/16/16	0008 BOB A.

ESTIMATE NO.	PAGE
002765	001

PLEASE REFER TO THIS NUMBER
 IN YOUR CORRESPONDENCE

920-00100013-000

GREG CUNNINGHAM

C O D CASH ON DELIVERY

PRICES SUBJECT TO CHANGE AFTER	7/16/16
F.O.B.	

printed on: 6/16/16 at 10:18

LINE	ITEM NUMBER	QTY	DESCRIPTION	UNIT EX/UM	UNIT PRICE	EXT. PRICE
PACKAGE/REVISION # -- 0001-0001			DESC:FRAMING & METAL	STATUS:		
101	29037	6	2X6X16 TMBRSTRND LSL	6.000 EA	30.50	183.00
202	HF20610	40	2X6X10 #2 & BTR HEM FIR	40.000 EA	5.95	238.00
302	HF20612	70	2X6X12 #2 & BTR HEM FIR	70.000 EA	7.35	514.50
401	2316	120	1-3/4"X14" RL LVL 4-30'	120.000 LF	5.60	672.00
50.	SE21013	2	11/8 TO 11/11 SCH 40 FHA POS	2.000	185.00	370.00
55	122982	16	11-7/8"X30' PRI-400 I-JOIST	16.000 EA	50.70	811.20
60	2131471	96	ITS2.06/11.88 T/F EWP HGR	96.000 EA	3.29	315.84
70	OSB58	37	4X8X5/8 ORIENTED STRAND BOAR	37.000 EA	17.60	651.20
80	2HF20416	20	2X4X16 STD & BTR HEM FIR	20.000 EA	6.75	135.00
90	2HF20616	40	2X6X16 #2 & BTR HEM FIR	40.000 EA	9.80	392.00
100	OSB716	16	4X8X7/16 ORIENTED STRAND BOA	16.000 EA	12.99	207.84
110	SFP40858	24	4X8X5/8 FIR T111 8"OC SIDING	24.000 EA	46.60	1,118.40
115.	SE33071	34	4'-0" PPII	34.000	11.66	396.44
116.	SE33071	10	10'-6" DRIP CAP	10.000	8.32	83.20
120.	SE33071	11	30'-0" PPII	11.000	77.70	854.70
130.	SE33071	7	10'-6" DENVER EAVE	7.000	9.20	64.40
140.	SE33071	6	10'-6" GABLE TRIM	6.000	18.20	109.20
150	21148	12	SL6 SNWMST TEXT FASCIA COVER	12.000 EA	13.95	167.40
160	211160	12	E SNWMST UTILITY TRIM	12.000 EA	5.00	60.00
170	211286	10	SYS3-16 SNWMST SOLID SOFFIT	10.000 EA	20.50	205.00
180.	SE33071	22	2'-0" PPII	22.000	6.50	143.00
190.	SE33071	7	10'-6" BASSE MOLDING	7.000	8.32	58.24
200.	SE33071	156	BOTTOM CLOSURE	156.000	.99	154.44
210.	SE33071	1500	1" FAT BOY SCREWS	1500.000	.12	180.00
Total Weight: 21,935.550						
PACK NET TOTAL:						8,085.00
SALES TAX: 5.000%						404.25

TOTAL	8,489.25
-------	----------

SIGNATURE

DATE

THIS IS AN ESTIMATE ONLY. PLEASE EXAMINE CAREFULLY AS WE AGREE TO FURNISH ONLY THE ARTICLES AND QUANTITIES NAMED AND DESCRIBED HEREON. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR OTHER CAUSES OF DELAY BEYOND OUR CONTROL. ALL SALES ARE SUBJECT TO TERMS AND CONDITIONS AS SPECIFIED AT TIME OF SALE. PRO-BUILD WILL NOT GUARANTEE THIS ESTIMATE TO BUILD OR COMPLETE ANY SPECIFIC JOB OR CONTRACT. ANY SALES TAX, IF APPLICABLE, IS NOT INCLUDED.

October 14, 2016

MEMO TO: Bob King, 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-16-047-Z** – Petition for a Zone Change of Lot 1, of Lots 1 through 10 of “Eastward Heights III,” located at 2300 East 15th Street, from R-4 (High Density Residential) to C-2 (General Business). Applicant: Prince of Peace Lutheran Church of Casper.

Recommendation:

If, after the required public hearing, the Planning and Zoning Commission finds that the requested zone change meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff recommends that the Planning and Zoning Commission approve the zone change, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 17.12.170 of the Casper Municipal Code pertaining to zone changes including notification of property owners within 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 comments on this case.

Summary:

Prince of Peace Lutheran Church of Casper has requested a zone change of their property located at 2300 East 15th Street, from R-4 (High Density Residential) to C-2 (General Business). The property is located at the northeast corner of South Beverly and East 15th Streets, is approximately five (5) acres in size, and is surrounded by properties zoned R-4 (High Density Residential) on all sides, with the exception of several smaller properties zoned C-1 (Neighborhood Convenience) and C-2 (General Business) immediately to the north. Land uses in the area are a mix of commercial and multifamily residential. Churches are listed as permitted uses in both the R-4 (High Density Residential) and C-2 (General Business) zoning districts.

The reason for the requested zone change of the property is to allow adequate signage for the church. Under the current R-4 (High Density Residential) zoning of the property, the church is permitted to have one (1) identification sign, not to exceed one hundred (100) square feet, pursuant to Section 17.96.030(C)(2) of the Municipal Code. The church has expressed that, given the large size of the site, with multiple public street frontages, the limitation of only one (1) sign, in conjunction with allowing only one hundred (100) square feet of signage, is too restrictive. Under C-2 (General Business) zoning, the allowable signage would be six hundred (600) square feet, total, on-site, and could consist of multiple signs, both building-mounted and freestanding.

Two options are available to the applicant to accommodate their desire for additional signage. The first option would be to apply for an exception/variance. This option is not favored by Staff because of the difficulty in meeting the necessary findings for the approval of an exception/variance; in particular, there is no hardship that denies them of the use of the property. The second option is to apply for a zone change of the property to a zoning classification with more liberal signage allowances.

The Future Land Use Concept Map element of the Comprehensive Land Use Plan shows the desired future land use classification of the subject property to be "Multi-Family." Areas designated as "Multi-Family" are for apartment, condominiums, and similar higher density types of dwelling units to meet area wide demand for this type of housing. A rezoning of the property to C-2 (General Business) would not necessarily preclude multi-family residential from being constructed on the property in the future, as multi-family residential is a listed permitted use in the C-2 (General Business) zone, but a C-2 (General Business) zoning would allow for a variety of commercial uses not allowed in a Multi-Family zoning district.

The proposed C-2 (General Business) zoning district allows for the development of any and all of the following permitted uses:

- A. Animal clinics and animal treatment centers;
- B. Apartments located within a business structure;
- C. Arcades/amusement centers;
- D. Assisted living;
- E. Automobile park, sales area or service center;
- F. Automobile service stations;
- G. Banks, savings and loans, and finance companies;
- H. Bars, taverns, retail liquor stores, and cocktail lounges;
- I. Bed and breakfast;
- J. Bed and breakfast homestay;
- K. Bed and breakfast inn;
- L. Business, general retail;
- M. Chapels and mortuaries;
- N. Churches;**

- O. Clubs or lodges;
- P. Convenience establishment, medium volume;
- Q. Dance studios;
- R. Day care, adult;
- S. Child care center;
- T. Family child care center - zoning review;
- U. Family child care home;
- V. Family child care home - zoning review;
- W. Electrical, television, radio repair shops;
- X. Grocery stores;
- Y. Group homes;
- Z. Homes for the homeless (emergency shelters);
- AA. Hotels, motels;
- BB. Neighborhood groceries;
- CC. Offices, general and professional;
- DD. Pet shops;
- EE. Medical laboratories, clinics, health spas, rehabilitation centers, real estate brokers, insurance agents;
- FF. Parking garages and/or lots;
- GG. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities;
- HH. Pawn shops;
- II. Personal service shops;
- JJ. Pharmacies;
- KK. Printing and newspaper houses;
- LL. Reception centers;
- MM. Recreation centers;
- NN. Restaurants, cafes, and coffee shops;
- OO. Retail business;
- PP. Sundry shops and specialty shops;
- QQ. Theaters, auditoriums, and other places of indoor assembly;
- RR. Thrift shops;
- SS. Vocational centers, medical and professional institutions;
- TT. Neighborhood assembly uses;
- UU. Regional assembly uses;
- VV. Branch community facilities;
- WW. Neighborhood grocery;
- XX. Conventional site-built and modular single and multifamily dwellings and "manufactured homes" meeting the definition and standards set forth in Section 17.08.010.

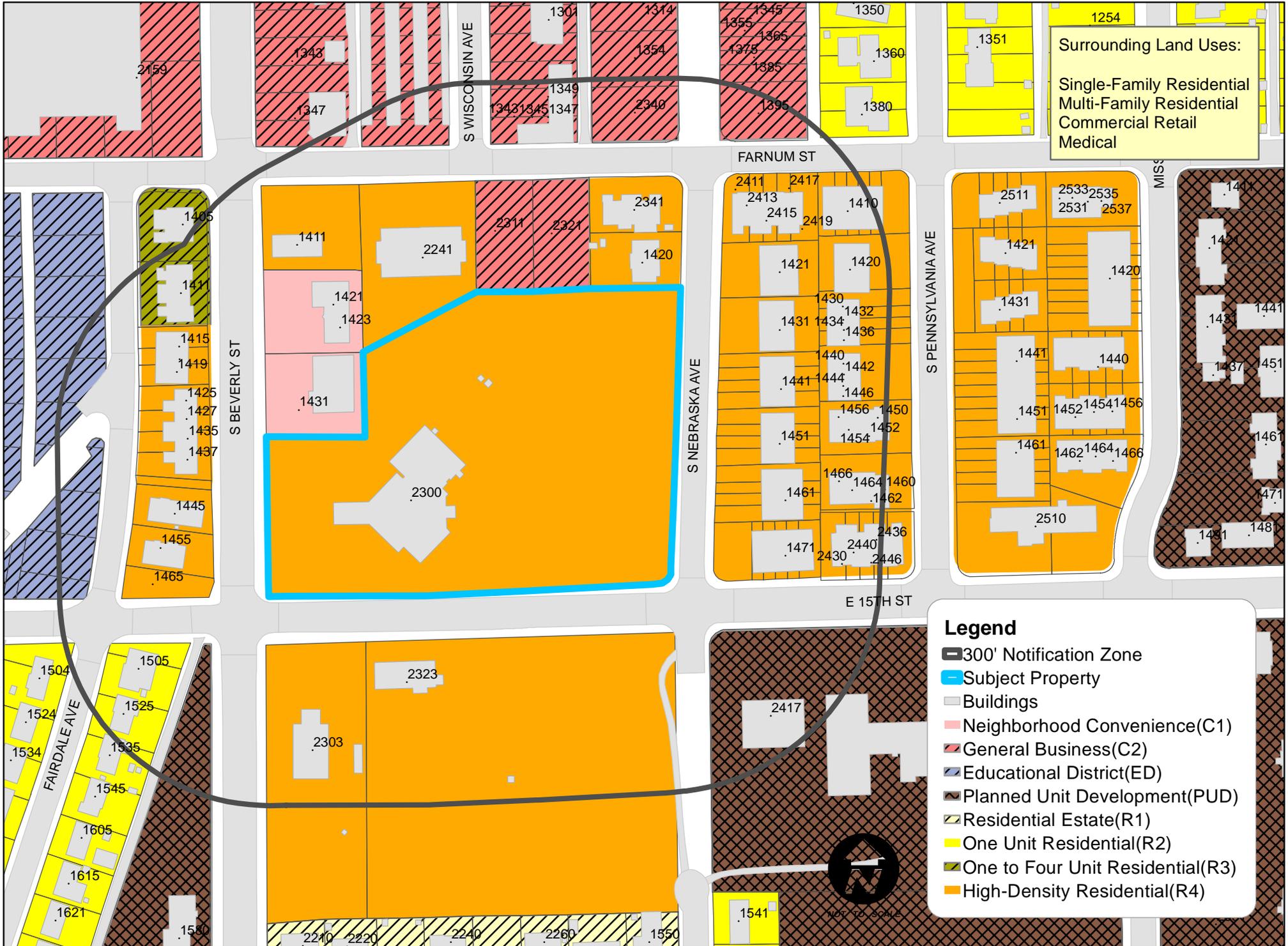
Prince of Peace Lutheran Church



Legend
■ Subject Property



Prince of Peace Lutheran Church



Prince of Peace Lutheran Church

Facing west from site parking lot



Facing west from E 15th Street

Facing north from E 15th Street



October 14, 2016

MEMO TO: Bob King, 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-16-048-Z** – Petition for a Zone Change of North Casper Addition, Block 22, Lot 199-200 & TR ADJ 200, located at 702 North Jefferson Street, from R-3 (One to Four Unit Residential) to C-2 (General Business). Applicant Marilyn Davidson.

Recommendation:

If, after the required public hearing, the Planning and Zoning Commission finds that the requested zone change meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff recommends that the Planning and Zoning Commission approve the zone change, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 17.12.170 of the Casper Municipal Code pertaining to zone changes including notification of property owners within 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 comments on this case.

Summary:

Marilyn Davidson has applied for a zone change of the property located at 702 North Jefferson Street, from R-3 (One to Four Unit Residential) to C-2 (General Business). The subject property is located at the northwest corner of North Jefferson and East “F” Streets, is approximately 7,700 square feet in size, and is surrounded by properties zoned R-3 (One to Four Unit Residential) to the north and east; and C-2 (General Business) to the west. The purpose of the requested zone change is to convert the property to a boat sales and service business. The proposed use of the property for sales and service would be a permitted use under C-2 (General Business) zoning; however, storage is not. Prior to the conversion of the property to a sales and service business, the applicant will be required to submit a site plan to the City for review and approval.

The Casper Area Comprehensive Land Use Plan is the planning document that describes the values and ideals expressed by the community for its future. The adopted plan was created in 2000 and was based on approximately two (2) years of citizen meetings and visioning intended to create a set of goals and policies regarding land use in the Casper area. Whenever a zone change is proposed, the Planning and Zoning Commission must base their decision on whether to approve the zone change on the criteria expressed in the Comprehensive Land Use Plan. Furthermore, section 17.12.170 of the Casper Municipal Code specifies that staff must review zone change applications in context with the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission based on whether the zone change proposal conforms to the Comprehensive Land Use Plan.

The Future Land Use Plan (page 121 of the Casper Area Comprehensive Plan) is the map element of the Comprehensive Land Use Plan that visibly depicts the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to current property owners and future property owners with respect to the desired land use of specific areas. Current property owners are assured, through the Future Land Use Plan, that a certain neighborhood character will be maintained. Purchasers of property can view the Future Land Use Plan to determine whether a property is zoned appropriately as-is, or whether the area is intended to change and transition in land use over time. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately zoned as "General Commercial."

The proposed C-2 (General Business) zoning district allows for the development of any and all of the following permitted uses:

- A. Animal clinics and animal treatment centers;
- B. Apartments located within a business structure;
- C. Arcades/amusement centers;
- D. Assisted living;
- E. Automobile park, sales area or service center;**
- F. Automobile service stations;**
- G. Banks, savings and loans, and finance companies;
- H. Bars, taverns, retail liquor stores, and cocktail lounges;
- I. Bed and breakfast;
- J. Bed and breakfast homestay;
- K. Bed and breakfast inn;
- L. Business, general retail;
- M. Chapels and mortuaries;
- N. Churches;
- O. Clubs or lodges;
- P. Convenience establishment, medium volume;
- Q. Dance studios;
- R. Day care, adult;

- S. Child care center;
- T. Family child care center - zoning review;
- U. Family child care home;
- V. Family child care home - zoning review;
- W. Electrical, television, radio repair shops;
- X. Grocery stores;
- Y. Group homes;
- Z. Homes for the homeless (emergency shelters);
- AA. Hotels, motels;
- BB. Neighborhood groceries;
- CC. Offices, general and professional;
- DD. Pet shops;
- EE. Medical laboratories, clinics, health spas, rehabilitation centers, real estate brokers, insurance agents;
- FF. Parking garages and/or lots;
- GG. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities;
- HH. Pawn shops;
- II. Personal service shops;
- JJ. Pharmacies;
- KK. Printing and newspaper houses;
- LL. Reception centers;
- MM. Recreation centers;
- NN. Restaurants, cafes, and coffee shops;
- OO. Retail business;
- PP. Sundry shops and specialty shops;
- QQ. Theaters, auditoriums, and other places of indoor assembly;
- RR. Thrift shops;
- SS. Vocational centers, medical and professional institutions;
- TT. Neighborhood assembly uses;
- UU. Regional assembly uses;
- VV. Branch community facilities;
- WW. Neighborhood grocery;
- XX. Conventional site-built and modular single and multifamily dwellings and "manufactured homes" meeting the definition and standards set forth in Section 17.08.010.

702 N Jefferson

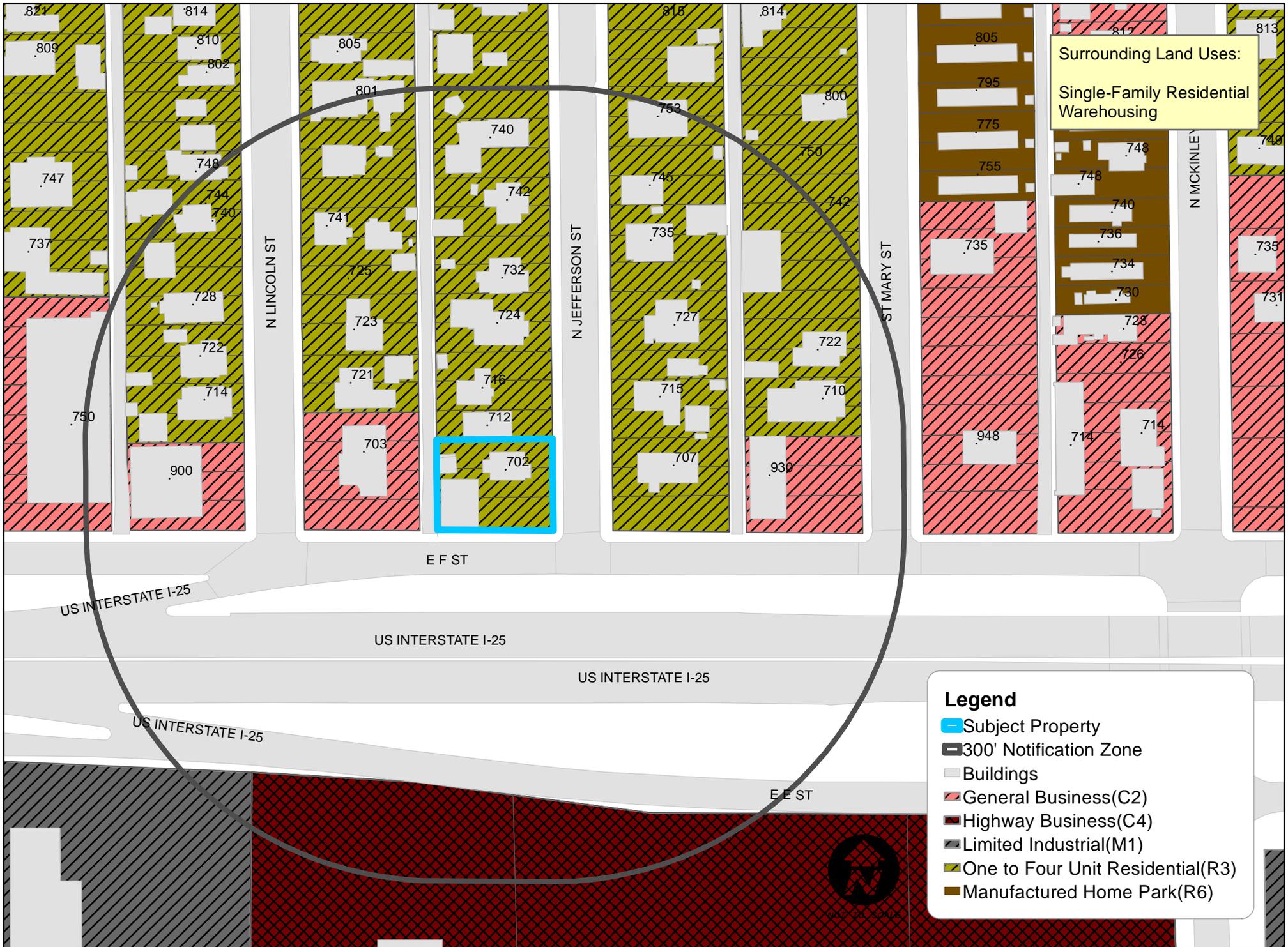


Legend
■ Subject Property



NOT TO SCALE

702 N Jefferson



702 N Jefferson



Facing southwest from Jefferson St.

Facing northwest from the corner of Jefferson and E F St.



Facing north the corner of Jefferson and E F St.

