

PLANNING AND ZONING COMMISSION MEETING
Thursday, December 11, 2014
6:00 P.M.
COUNCIL CHAMBERS
CITY HALL, 200 NORTH DAVID STREET

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

PLANNING AND ZONING POLICY
PUBLIC STATEMENTS

- I. Use of Cellular Telephones is Not Permitted, and Such Telephones Shall Be Turned Off or Otherwise Silenced During the Planning and Zoning Commission Meeting.
- II. 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.
- III. 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:**
- III. **PUBLIC HEARINGS:**
 - A. **PLN-14-072-C – Petition for a Conditional Use Permit to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, on Lot 28,**

**Block 7, Casper View, located directly north of 1212 South Fenway Street.
Applicant: Lyndon Lach.**

IV. COUNCIL ACTIONS:

V. SPECIAL ISSUES:

VI. COMMUNICATIONS:

- A. Commission**
- B. Community Development Director**
- C. Council Liaison**
- D. Other Communications**

VIII. ADJOURNMENT

**PLANNING AND ZONING MEETING
TUESDAY, NOVEMBER 25, 2014
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, November 25, 2014, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Fred Maguire
James Holloway
Monte Henrie
Ryan Waterbury
Don Redder
Gary Richards

Absent Members: Mary England

Others Present: Craig Collins, City Planner
Dee Hardy, Administrative Assistant II
Wallace Trembath, Assistant City Attorney
Jason Knopp, City Engineer
Chris Driscoll, 1905 CY Avenue

II. MINUTES OF THE PREVIOUS MEETING

Chairman Maguire asked if there were additions or corrections to the minutes of the October 28, 2014 Planning & Zoning Commission meeting.

There being none, Chairman Maguire called for a motion to approve the minutes of the October 28, 2014 Planning & Zoning Commission.

Mr. Henrie made a motion to approve the minutes of the October 28, 2014 meeting. The motion was seconded by Mr. Holloway. 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.

PLN-14-066-R – Petition to replat a portion of Lot 7B of the Park Ridge Medical Campus No. 2 Addition, Lots 7A and 7B, to create Park Ridge Medical Campus No. 2 Addition, Lots 14, 15, and 16 comprising 13.80-acres, more or less, generally located north of East 2nd Street on Granite Peak Drive. Applicant: Granite Peak Development, LLC.

Craig Collins, City Planner, presented the staff report which recommended that the Planning and Zoning Commission acknowledge the withdrawal of this case.

Chairman Maguire entertained a motion to acknowledge the withdrawal of case PLN-14-066-R regarding the annexation.

Mr. Richards made a motion to acknowledge withdrawal of PLN-14-066-R. The motion was seconded by Mr. Waterbury. 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-14-067-R – Petition to vacate and replat all of Lots 16 – 32, inclusive, Tract H and portions of Tract G and Yosemite Parkway, Cloud Peak Lane, Greenway Park II, to create Greenway Park III, comprising 18.569-acres, more or less, generally located north of East 21st and east of South Missouri Streets. Applicant: Haystack Properties, LLC.

PLN-14-068-S – Planned Unit Development (PUD) site plan amendment for the Greenway Park PUD (also known as “The Preserve”), for all of Lots 16-32, inclusive, Tract H and portions of Tract G and Yosemite Parkway, Greenway Park II Addition, thereby creating Phase III, “The Enclave at Greenway Park,” Said amendment to the PUD proposes to increase the allowable site density from a maximum of 450 dwelling units to a maximum of 530 dwelling units, and is reconfiguring the overall site and street layout. The Greenway Park PUD is generally located north of East 21st Street and east of South Missouri Avenue. Applicant: Haystack Properties, LLC.

Craig Collins, City Planner, presented the staff report which recommends that the Planning and Zoning Commission continue the replat request to create Greenway Park III and the PUD (Planned Unit Development) site plan amendment to the Greenway Park PUD (also known as “The Preserve”), to the January 27, 2015 public hearing.

Chairman Maguire entertained a motion to continue Case # PLN-14-067-R, replat to create Greenway Park III and PLN-14-068-S the PUD (Planned Unit Development) site plan amendment to the Greenway Park PUD (also known as “The Preserve”), to the January 27, 2015 public hearing.

Mr. Waterbury made a motion to continue Cases # PLN-14-067-R and PLN-14-08-S to the January 27, 2015 public hearing. The motion was seconded by Mr. Redder. 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-14-070-R – Petition to vacate and replat a portion of West Garden Creek Addition No. 2, Block 5, Lots 6 and 7, to create “West Garden Creek Addition No. 2, Block 5, Lots 6A and 6B,” , (*name changed to LCC Addition, Lots 1 and 2*), comprising 9,486 square feet, more or less, located at 1905 CY Avenue. Applicant: Chris Driscoll.

Mr. Collins, City Planner, presented the staff report which recommended that the Planning and Zoning Commission approve the replat creating the LCC Addition, Lots 1 and 2, and forward a “do pass” recommendation to the City Council.

Mr. Collins entered six (6) exhibits into the record for this case.

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

Chris Driscoll, 1905 CY Avenue, spoke in favor of this case.

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

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-070-R.

Mr. Holloway made a motion to approve case PLN-14-070-R, a replat creating LCC Addition, Lots 1 and 2, and forward a “do pass” recommendation to the City Council. The motion was seconded by Mr. Waterbury. All those present voted aye. Motion carried.

IV. COUNCIL ACTIONS:

There were none.

V. SPECIAL ISSUES:

Appointment of two (2) Planning and Zoning Commissioners to the OYD (Old Yellowstone District) Advisory Board, for a one-year term ending December 31, 2015.

Chairman Maguire entertained a motion for appointment of two (2) Planning and Zoning Commissioners to the OYD (Old Yellowstone District) Advisory Board.

Mr. Waterbury made a motion to appoint Monte Henrie and Mary England to the OYD (Old Yellowstone District) Advisory Board, for a one-year terms ending December 31, 2015. The motion was seconded by Mr. Holloway. All those present voted aye. Motion carried.

VI. COMMUNICATIONS:

A. Commission:
There were none.

B. Community Development Director:
New Business.

Mr. Collins stated the December Planning & Zoning Commission will be held Thursday, December 11, 2014, with one case on the Agenda. He advised there would be a training Wednesday, December 17, 2014.

Old Business:
There were none.

C. Other Communications:
There were none.

D. Council Liaison:
There were none.

VII. ADJOURNMENT

Chairman Maguire called for a motion for the adjournment of the meeting. A motion was made by Mr. Redder and seconded by Mr. Henrie to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 6: 15 p.m.

Chairman

Secretary

December 5, 2014

MEMO TO: Fred Maguire, 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-14-072-C** – Petition for a Conditional Use Permit to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, on Lot 28, Block 7, Casper View, located directly north of 1212 South Fenway Street. Applicant: Lyndon Lach.

Recommendation:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, located north of 1212 South Fenway, with the following condition:

1. Pursuant to the Casper Municipal Code, either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property, or an immediate family member of the property owner. This requirement shall run with the land perpetually. If at any time the Owner allows or is in non-compliance with this residency requirement, the City may immediately revoke the certificate of occupancy, and proceed with revocation of the Conditional Use Permit in accordance with the procedures set forth in Section 17.12.240. Upon revocation, the Owner, at its sole cost and expense, shall immediately bring the property into compliance with then-current zoning requirements, which may include, but is not limited to, converting the structure to, or replacing the entire structure with a single-family dwelling.
2. A minimum of four (4) off-street parking spaces shall be provided for the two (2) proposed dwelling units.

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 received one (1) letter of opposition to the requested Conditional Use Permit.

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:

Lyndon Lach has applied for a Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, to be located on Lot 28, Block 7, Casper View Addition, on the vacant lot directly north of 1212 South Fenway Street. The subject property is approximately 4,800 square feet in size, and the minimum lot size in the R-2 (One Unit Residential) zoning district is 4,000 square feet. Land uses in the area are predominantly single-family residential to the south, east and west; and there is an existing office building located directly to the north of the subject property. Surrounding zoning is R-2 (One Unit Residential) to the south, east and west; and R-4 (High Density Residential) to the north.

The applicant is proposing to construct a two (2) story structure on the property consisting of two (2) dwelling units. The R-2 (One Unit Residential) zoning district does not list multi-family structures as a permitted use; however, “accessory dwelling units” are listed under Section 17.32.030 as a potential conditional use in the R-2 zoning district, upon the approval of the Planning and Zoning Commission. Per the definition of an accessory dwelling unit in Title 17 of the Casper Municipal Code, either the principal dwelling unit, or the accessory dwelling unit must be occupied by the owner of the property, or an immediate family member. The reasoning behind this requirement is to prevent the general introduction of multi-family residential development into a single-family residential zoning district. Accessory dwelling units were added to the R-2 (One Unit Residential) zoning district by the City Council as conditional uses in order to provide housing opportunities that address the changing housing needs of our society, such as the needs of young and/or single-parent households, or the needs of an aging population. The applicant has stated that his intention is that one (1) of the proposed dwelling units will be occupied by his father.

Staff has included two (2) recommended conditions of approval. The first condition reiterates the requirement that either the owner, or an immediate family member, must occupy one (1) of the units. Should the Conditional Use Permit receive approval from the Planning and Zoning Commission, staff will record the Permit at the Natrona County Clerk’s office, and it will attach to the property perpetually, so that all subsequent property owners are aware of the restriction. Should it be determined at any point in the future that the property is out of compliance with the conditions of approval, the Certificate of Occupancy and the Conditional Use Permit will be revoked and the property will be forced to comply with then-current zoning requirements, which may include converting the structure to, or replacing the entire structure with a single-family dwelling. The second recommended condition of approval is that the applicant must provide a minimum of four (4) off-street parking spaces to satisfy the Municipal Code’s requirement of two (2) parking spaces per dwelling unit. Parking spaces within a garage satisfy the parking requirement, as well as driveway parking spaces.

Recommended Motion:

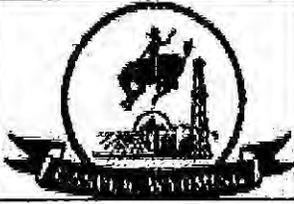
Staff has prepared the following motion for the Commission's consideration:

Case number **PLN-14-072-C**, a Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, to be located on Lot 28, Block 7, Casper View Addition, on the vacant lot directly north of 1212 South Fenway Street, shall be approved with the two (2) conditions stated above, 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. A two (2) story structure is not excessively tall, or out of character with the surrounding residential neighborhood.
- b. The requested Conditional Use Permit will increase the total density above what would be normally permitted in an R-2 (One Unit Residential) zoning district. The subject property is approximately 4,800 square feet in area, and the minimum lot size in the R-2 (One Unit Residential) zoning district is 4,000 square feet.
- 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 apartment, as determined by the City Engineer and the Community Development Director.
- e. There are no known accessory dwelling units that have been approved by the Planning and Zoning Commission 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 Commission.



City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Lyndon Lach
 ADDRESS: 413 S Grant
 TELEPHONE: 307-267-6549 EMAIL: Lyndonlach2@hotmail.com

LOCATION OF REQUEST:

ADDRESS: 1212 S Fern Way
 LEGAL DESCRIPTION: Casper View Blk LOT 27-28 (vacant lot)
 Number of Lots: 1 Size of Lots: 40' x 120' 4,800 sqft.
 Current Zoning: R-2 Current Use: Vacant "empty" lot
 Purpose for which the property is proposed to be used: 17.32.030 Conditional use J. Accessory dwelling unit.
 Prior restrictions placed on the property: _____

Floor area square footage: 2,940 sqft Number of Occupants or Employees: 2
 Building Footprint: 1,220 sqft Number of off-street parking spaces: 6

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 | |

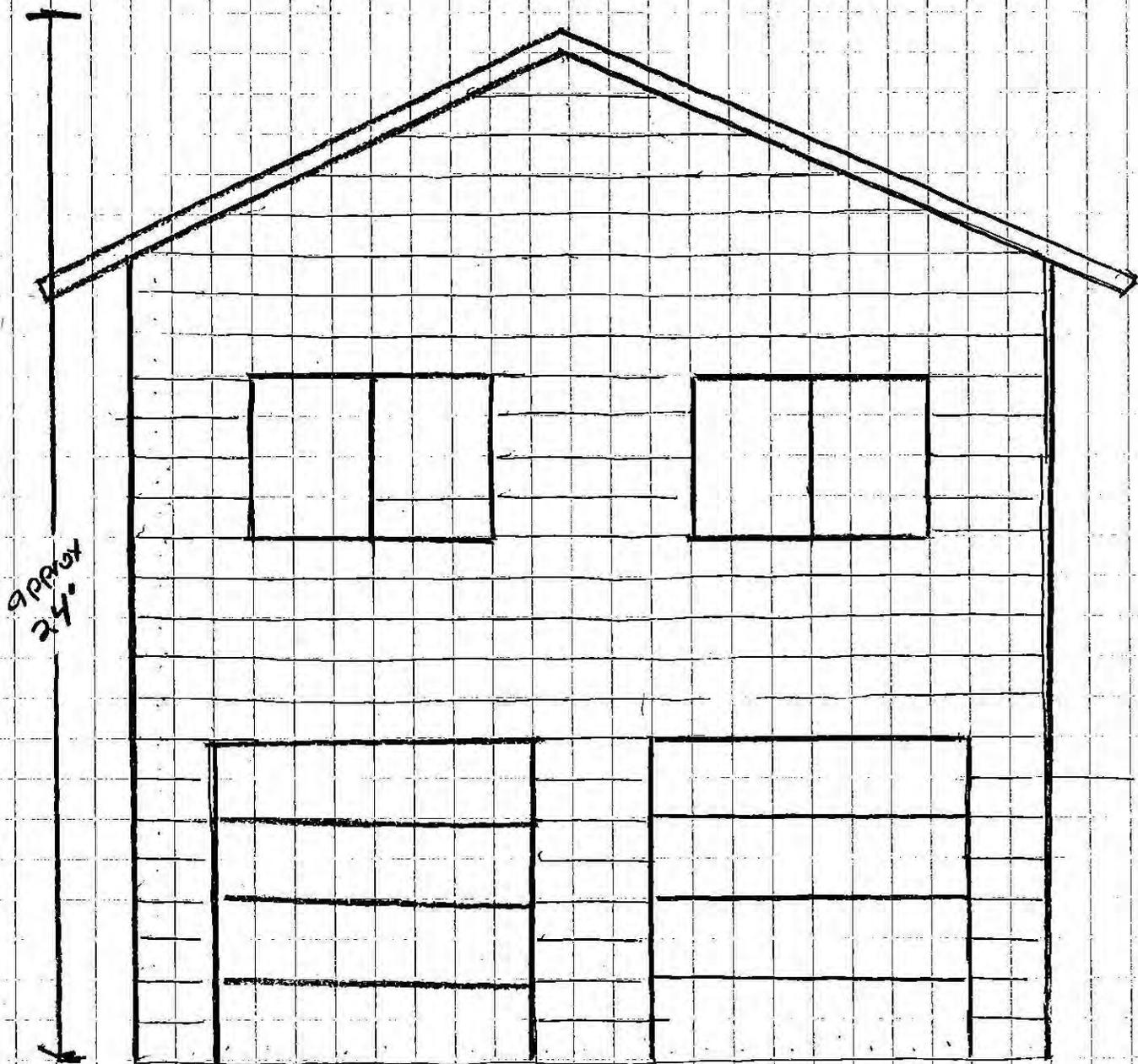
The following owner's signature, or agent, signifies that all information on the application is accurate and correct to the best of the owner's knowledge, and that the owner has thoroughly read and understands all application information and requirements.

SIGNATURE OF PROPERTY OWNER: [Signature]
 DATE: 10-10-14

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:
11/10/14
 REC'D BY: CC



DEC - 1 2014

Dear Planning Commission

I would like to share my comments concerning the property at 1212 South Fenway. I was informed that this proposed conditional zoning would be for the purpose of housing re-entry of inmates into community life. I feel that this location does not lend itself to this type of housing. I am concerned about the impact it will have on the neighborhood and the value of my property.

What is most concerning to me is my elderly cousin resides in the home. She has already been approached by occupants of the property soliciting yard work. I have also already experienced parking issues and debris blocking the entrance to the garage, so I am concerned about the owners commitment to regulate and rectify issues that will arise from the this type of housing. My cousin as I said is elderly, Vision impaired and not of good health. To expose her to the issues these tenants have will bring unhealthy stress to her. Her quality of living will be impaired if this is allowed to pass. I also know that across the street from this location is a daycare which is always of concern, introducing this type of housing to such a close proximity.

I feel this neighborhood has in recently begun to improve and the addition of this rezoned property would only impede the progress this neighborhood has begun. I did not object to the youth crisis center when the city proposed it's construction, I felt that they will stringently regulate all activities surrounding it's structure. This owner has not shown the concern or commitment to the neighborhood to the level I feel is necessary for housing such as this. I believe Mr. Lach would be more successful at another location.

Thank You

A handwritten signature in black ink, appearing to read 'Mark Phillips', written in a cursive style.

Mark Phillips.



1212 South Fenway



Subject Property



Legend
[Blue Box] Subject Property



NOT TO SCALE

1212 South Fenway

Surrounding Land Uses:
Single-family Residential
Commercial
LifeSteps Campus

E 12TH ST

S WILSON ST

S FENWAY ST

Subject Property

Legend

-  Subject Property
-  Buildings
-  Planned Unit Development(PUD)
-  One Unit Residential(R2)
-  High-Density Residential(R4)



NOT TO SCALE
1244

