

**PLANNING AND ZONING MEETING
THURSDAY, September 19, 2019
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 September 19, 2019, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Bob King
 Fred Feth
 Chuck Davis
 Susan Frank
 Terry Wingerter

Absent Members: Randy Hein
 Erik Aune

Others present: Liz Becher, Community Development Director
 Craig Collins, City Planner
 Dee Hardy, Administrative Support Technician
 Wallace Trembath, Assistant City Attorney
 Bob Hopkins, Council Liaison
 Ken Bates, Councilman
 Tassma Powers, 441 Landmark Drive, Suite 100
 Michelle Thompson, 721 La Hacienda
 Kent Katz, 911 Stafford
 Tyler Currence, 2575 Clark Fork Lane, Missoula, Montana

I. MINUTES OF THE PREVIOUS MEETINGS

Chairman King asked if there were additions or corrections to the minutes of the August 15, 2019 Planning & Zoning Commission meeting.

Chairman King called for a motion to approve the minutes of the August 15, 2019 Planning & Zoning Commission meeting.

Mr. Davis made a motion to approve the minutes of the August 15, 2019 meeting. The motion was seconded by Mr. Wingerter. All those present voted aye. Motion carried.

II. PUBLIC HEARING

The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their Public Hearing until next month in anticipation of more Planning Commission members being present, if they so desire.

PLN-19-025-Z- Petition for a zone change of a 2.8-acre portion of Tract 4, North Platte River Park Addition, generally located at the corner of Events Drive and North Poplar Street, north of Wilkins Way, from PH (Park Historic) to C-4 (Highway Business). Applicant: East Elkhorn Ranch, LLC.

Tassma Powers, 441 Landmark Drive, Suite 100, asked Chairman King if the case could be postponed at any time during the presentation.

Chairman King deferred the question to Wallace Trembath, Assistant City Attorney.

Mr. Trembath advised Chairman King that was at his discretion.

Chairman King advised the applicant that the decision to postpone should be made before the presentation.

Ms. Powers stated they will go ahead with the request for a zone change this evening.

Craig Collins, City Planner presented the staff report and entered eight (8) 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.

Michelle Thompson, 721 La Hacienda, spoke in favor of this case.

Mr. Wingerter asked if the land was currently for sale, and if there had been any discussions about what type of business would be located on the property.

Ms. Thompson advised that a medical facility would be the applicant's preferred choice. She stated that the land cannot be sold until the zoning is changed from Park Historic (PH) to another zoning classification.

Mr. Davis stated that the City owns the Event Center and National Historic Trails Center, and asked what preservation will be taken to keep the land use compatible. Are there covenants to back up what you would like to put in there?

Ms. Thompson stated that there are not any covenants, currently the land is undeveloped and zoned Park Historic (PH). She advised that she would defer to the future owners to follow the rules.

Chairman King asked if there was anyone wishing to speak in favor or opposition to this case.

Kent Katz, 991 Stafford, spoke in opposition to this case. He made the suggestion of C-3 (Central Business) zoning for the property.

Mr. Wingerter asked for examples of businesses that are permitted in the C-3 (Central Business) zoning district.

Mr. Katz stated that C-3 (Central Business) allows restaurants, hotels, offices including professional and medical. He stated any one of those would be compatible with existing businesses located in the area.

Chairman King asked that the map showing the current zoning be put up on the screen.

Mr. Davis asked Ms. Thompson for clarification regarding covenants, and was her answer "no" there are not any?

Ms. Thompson replied that there were not any covenants.

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, deny, or table PLN-19-025-Z a request for a zone change of a 2.8-acre portion of Tract 4, North Platte River Park Addition, generally located at the corner of Events Drive and North Poplar Street, north of Wilkins Way, from PH (Park Historic) to C-4 (Highway Business).

Mr. Wingerter made a motion to deny case PLN-19-025-Z.

Mr. Trembath asked if motions could be framed in the affirmative for discussion purposes. The Planning and Zoning Commission rules requires affirmative votes to pass something.

Mr. Wingerter withdrew his motion.

Mr. Feth asked staff if there was another zoning classification that would be appropriate at this location.

Mr. Collins advised that C-4 (Highway Business) exists in the area, C-2 (General Business), HM (Hospital Medical) or OB (Office Business). He noted that C-3 (Central Business) is a downtown zoning classification. He recommended that if the Commission wants to head in the direction of a different zoning classification, he would ask that they continue the case to allow for proper notification.

Ms. Frank made a motion to approve case PLN-19-025-Z, a request for a zone change of a 2.8-acre portion of Tract 4, North Platte River Park Addition, generally located at the corner of Events Drive and North Poplar Street, north of Wilkins Way, from PH (Park Historic) to C-4 (Highway Business) for discussion purposes. The motion was seconded by Mr. Davis.

Chairman King asked staff if the zoning for this property must change because it cannot remain Park Historic (PH), as it is privately owned?

Mr. Trembath stated that the zoning could remain PH (Park Historic), but that would limit the uses for the property.

Chairman King advised the Commissioners to be cautious of a spot zoning. Zoning an area for a specific reason as opposed to what fits in the area according the comprehensive land use plan.

Mr. Collins stated that he anticipated the spot zoning question being discussed, and he handed out the Municipal Code definition of spot zoning.

Mr. Trembath asked Chairman King to read the definition into the record.

Chairman King read “spot zoning” means the singling out of a particular property or small groups of properties for different treatment from that accorded to similar surrounding land; which is contrary to the general pattern of zoning in the surrounding geographic area and is not in accordance with the comprehensive plan; and, which is designed solely for the economic benefit of the owner of the property receiving special treatment.

Chairman King asked for comments or discussion. There were none.

Chairman King asked members of the Commission to cast their vote. Chairman King and Ms. Frank voted aye. Mr. Feth, Mr. Wingerter and Mr. Davis voted nay. Motion failed.

Mr. Collins advised that in the case of zoning, a denial ends with the Planning and Zoning Commission. He stated that the applicant has ten (10) days to file an appeal with City Council.

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-19-026-Z – Petition for a zone change of 1.65-acres, generally located at the northwest corner of SW Wyoming Blvd and South Coffman Avenue,

described as Tract A, Garden Creek Square Addition, from Planned Unit Development (PUD) to General Business (C-2). Applicant: Housing Solutions, LLC, and JVG, LLC.

Craig Collins, City Planner presented the staff report and 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.

Tyler Currence, Housing Solutions, 2575 Clark Fork Lane, Missoula, Montana, spoke in favor of this case, and made a presentation about the project.

Mr. Davis asked if the square footage of a one (1) bedroom apartment would be 600 square feet and a two (2) bedroom would be 762 square feet.

Mr. Currence replied that Mr. Davis was correct.

Mr. Wingerter inquired if the apartments would be low income, but stated that it would not affect his decision whether they were or not.

Mr. Currence stated the apartments would be for the 55 and up age group, and have 4-5 ADA Units.

Ms. Frank clarified that they would be income-based apartments and not market rate.

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

There being no one to speak, Chairman King closed the public hearing and entertained a motion to approve, deny, or table PLN-19-026-Z a request for a zone change of 1.65-acres, generally located at the northwest corner of SW Wyoming Blvd and South Coffman Avenue, described as Tract A, Garden Creek Square Addition, from Planned Unit Development (PUD) to General Business (C-2).

Mr. Wingerter made a motion to approve case PLN-19-026-Z, a request for a zone change of 1.65-acres, generally located at the northwest corner of SW Wyoming Blvd and South Coffman Avenue, described as Tract A, Garden Creek Square Addition, from Planned Unit Development (PUD) to General Business (C-2). The motion was seconded by Mr. Feth. All those present voted aye. Motion carried.

III. COUNCIL ACTIONS:

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

Zone Change of 442 North Lennox to C-2 (General Business)

Zone Change of 1014 Glenarm Street (former North Casper Elementary School) to C-2 (General Business)

IV. SPECIAL ISSUES:

There were none.

V. COMMUNICATIONS:

A. Commission:
There were none.

B. Community Development Director:
Liz Becher invited the Commission to attend the Coffee Talk, scheduled for Wednesday, October 2, 2019, 7:00 a.m., Council Chambers. Mayor, Charlie Powell and Carter Napier, City Manager will give a presentation about Opportunity Zone Funding. They have been in Washington D.C., meeting with the State of Wyoming congressional delegates as well as other federal agencies. She mentioned the CENSUS officially begins March 2, 2020 and the local CENSUS office will be hosting an open house Friday, October 4, 2019. She advised that the City uses CENSUS information daily.

Chairman King stated that the Community benefits from a complete count.

C. Council Liaison:
Councilman Hopkins had no update.

D. OYD and Historic Preservation Commission Liaisons
Fred Feth stated that the last meeting held September 26, 2019, there was an update on the Midwest Avenue street reconstruction. A Build Grant will be submitted for the Walnut to South Poplar Street. The former Plains Furniture building proposal shows there will be retail and residential. Final approval by City Council has been postponed to Tuesday, October 15, 2019. The livery stable will be torn down.

Casper Historic Preservation


Mr. Wingerter stated that at the last meeting the Strategic Plan was reviewed and changes were discussed with the consultant.

- E. Other Communications:
There were none.

Chairman King stated that the next Planning and Zoning Commission meeting will be held Thursday, October 17, 2019.

VI. ADJOURNMENT

Chairman King called for a motion for the adjournment of the meeting. A motion was made by Ms. Frank and seconded by Mr. Wingerter to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned 6:59 p.m.



Chairman



Secretary