

TABLE OF CONTENTS

CHAPTER 1 GENERAL PROVISIONS

<u>Section No.</u>	<u>Subject</u>	<u>Page Nos.</u>
1	Authority	1
2	Statement of Purpose	1

CHAPTER II ADMINISTRATION

1	Organization	1
2	Officers	2

CHAPTER III MEETINGS

1	Regularly Scheduled Meetings	3
2	Provision for Meetings That Fall on Holidays	3
3	Procedure for Meetings	3
4	Rules of Parliamentary Practice	6
5	Public Inspection of Proposals	6
6	Notice of Public Hearings	6

CHAPTER IV ETHICS

1	Statement of Purpose	6
2	Incorporation of the Code of Ethics	6
3	Duty to Serve the Public Interest	6
4	Ex Parte Communications	7

CHAPTER 1

GENERAL PROVISIONS

Section 1 - Authority:

The Commission shall have the authority as provided in Sections 15-1-501 through 15-1-512 and 15-1-601 through 15-1-611 of the Wyoming State Statutes 1977, as amended, governing planning, and the Casper Municipal Code. Pursuant to the same, the Planning and Zoning Commission of the City of Casper, Wyoming, adopts the following Rules of Procedure.

Section 2 - Statement of Purpose:

The purpose of the Commission is to promote the health, safety and general welfare of the community and foster the most appropriate development of land within the community. The Planning and Zoning Commission shall, in accordance with the public interest, oversee the development of and updates to a community comprehensive plan. The Commission shall submit recommendations to the City Council on the adoption of ordinances and codes established to enact the community development policies of the comprehensive plan, and rule on matters pertaining to the enforcement of said adopted codes and ordinances, specifically the zoning ordinance and subdivision regulations.

CHAPTER II

ADMINISTRATION

Section 1- Organization:

A. The Commission shall elect a Chairperson from the members of the Commission and with the exception of the Secretary, shall create and fill such other of its offices as it may determine. The Chairperson shall be elected from among the members of the Commission at the first regular Commission meeting in January of each year. The election shall be conducted by nomination and ballot. Each member of the Commission shall have one vote, and the Chairperson shall be the person who receives the majority of the votes.

B. The Chairperson shall be eligible for re-election. The Chairperson shall have the general authority and responsibility in the administration of the Rules and Regulations of the Planning and Zoning Commission. The Director shall serve as the Secretary to the Commission and shall cause a record of all proceedings before the Commission to be kept.

C. Term of Office: The term of a member of the Commission shall be three (3) years. All members may serve no more than two (2) successive terms, in addition to

not more than 35 months of an unexpired term. Members shall hold office until their successors are qualified and appointed by the Council.

D. Meeting Attendance: Members of the Commission are to attend meetings on a regular basis to insure that a quorum can be achieved and business conducted. Members who miss four (4) meetings in a single calendar year will no longer be considered in good standing and may be asked to resign or may be removed by the City Council. A new member to fill the vacancy on the Commission will be appointed by the City Council.

E. No Compensation: As provided in Section 15-1-502 of the Wyoming Statutes, the members shall serve without compensation, except for reasonable expenses.

F. Quorum: A quorum shall consist of a majority of the members of the Commission, and a quorum is required for the transaction of all official business of the Commission.

Section 2 - Officers:

The officers of the Commission shall consist of a Chairperson, Vice Chairperson, and Secretary.

A. Chairperson: The Chairperson's duties generally include: presiding over and calling to order all regular and special meetings; announcing business to be conducted; providing for swift, orderly, and pertinent discussion of questions arising during proceedings and putting them to a vote. He/she shall also announce the result of the votes and authenticate by his/her signature, when necessary, all acts, orders, and proceedings of the Commission.

B. Vice Chairperson: The Vice Chairperson in the absence of the Chairperson shall automatically become the Presiding Officer of the Commission and have all of the powers of the Chairperson.

C. Secretary: The Secretary shall be responsible for: records and minutes of each meeting or hearing of the Commission; a roll of the members and calling roll when required; notification of officers and committees of their appointment and furnishing committees with all papers referred to them; signing with the Chairperson all fiscal appropriations authorized by the indication of any absences or disqualifications from voting when a question is put to vote; and such other duties as may be assigned from time to time.

D. Substitute Presiding Officer: Where both the Chairperson and Vice Chairperson are absent, those members present, through a majority vote, shall select a member to preside over the meeting as Chairperson. If a special meeting is to be called and the Chairperson and Vice Chairperson are not available, then the Secretary shall have the authority to call the meeting.

CHAPTER III

MEETINGS

Section 1 - Regularly Scheduled Meetings:

- A. The Commission shall hold at least one (1) regularly scheduled meeting per month, at a time established by the Commission, in City Council Chambers, 200 North David Street, Casper, Wyoming.
- B. Special meetings may be called by the Chairperson and at such other times as the Commission determines in compliance with state statutes.
- C. Regularly scheduled meetings may be canceled or postponed by a majority vote of the Commission members for just cause.
- D. All meetings of the Commission shall be open to the public. Minutes of meetings are public records.

Section 2 - Provision for Meetings that Fall on Holidays:

If a regularly scheduled meeting falls on a holiday, Saturday or Sunday, then the Commission shall meet on the following day, excluding a holiday, Saturday or Sunday, at the time and place designated in Section 1, or as otherwise rescheduled by majority vote of the Commission.

Section 3 - Procedure for Meetings:

All meetings, including special meetings, shall adhere to the following procedure:

- A. The meeting will be called to order by the Chairperson. If the Chairperson is not present, then the Vice Chairperson, or in his or her absence, then a member as provided in Chapter II, Section 2D will preside, and call the meeting to order.
- B. Minutes of the previous meeting shall be considered, and approved or amended as necessary.
- C. The Presiding Officer or Secretary will read the items which will be considered as stated on the agenda.
- D. Consideration of those items not involving a public hearing shall be as follows:

1. The Presiding Officer or Secretary will state all primary and basic facts relating to the matter being considered and enter into the record all written documents, maps, and other data relating to the item.
2. The Presiding Officer will call for testimony from those submitting the item under consideration by the Commission and any other person present to be heard on the matter.
3. The Presiding Officer will call for a motion and a second to approve, approve with conditions, table, or postpone the matter to a time definite and certain.
4. Upon receipt of a motion, the Presiding Officer will then call for any comments from the members of the Commission. If no motion and second are received, the matter is denied, and the Presiding Officer will move to the next item on the agenda.
5. After all testimony and comments of the Commission have been completed, the Presiding Officer will then call for the question.
6. A roll call vote shall be taken and the vote of each member in attendance recorded.
7. For a motion on any regular item to be declared passed, four (4) affirmative votes must be cast on the motion.
8. Items requiring Council action will be forwarded to the Council for consideration along with the vote and recommendation of the Commission.

E. Items which involve a public hearing shall be conducted as follows:

1. The public hearing will be opened by the Chairperson, Vice Chairperson, or Presiding Officer.
2. The Presiding Officer or Secretary will read the petition(s) or proposal(s) set for hearing.
3. The Presiding Officer will ask the applicant if they wish to proceed with the hearing or continue the hearing to the next regular Commission meeting. If the applicant wishes to continue the hearing, the Presiding Officer shall call for a motion and a second to continue the hearing. Once a motion has been received the Presiding Officer shall call for discussion on the motion to continue. After the Commission has concluded its discussion on the motion to continue, a roll call vote shall be taken and the vote of each member in attendance recorded. The Commission may continue a hearing item two (2) times. Action must be taken on an item at the third meeting at which it appears as a public hearing agenda item.

4. The Presiding Officer or Secretary will call for the Community Development director's report which will state all primary and basic facts relating to the matter, and shall be included in the record of the proceeding. All maps and other written documents concerning the matter shall be included in the record.
 5. The Presiding Officer will call for public testimony from:
 - a. The person representing the matter.
 - b. Those desiring to speak in favor of the petition or proposal.
 - c. Those desiring to speak in opposition to the petition or proposal.
 6. The Presiding Officer based upon the number of people waiting to give testimony before the Commission, may establish the maximum time that each person will be given for their presentation. The time limit established for each person on any particular matter shall be the same for each person testifying.
 7. If requested by the proponent or opponent, the Presiding Officer, after reviewing the facts of the petition or proposal, shall permit rebuttal by the previous speakers.
 8. After each presentation from those speaking for (proponents) or those speaking against (opponents), the Presiding Officer shall ask the members of the Commission if they have any questions.
 9. After hearing testimony from those present and after all questions have been answered to the Commission's satisfaction, the Presiding Officer shall then close the public hearing.
 10. The Presiding Officer will call for a motion and a second to approve, approve with conditions, table, or continue the matter to a time definite and certain.
 11. After the Commission has concluded its discussion on the petition or proposal, a roll call vote shall be taken and the vote of each member in attendance recorded.
 12. For a motion on any public hearing item to be declared passed, four (4) affirmative votes must be cast on the motion.
- F. If there is more than one proposal, the Chairperson, upon motion and approval by a majority of the Commission, may take each item under advisement. Each subsequent item will follow the above procedures.
- G. Reports from the Director and Commission members will be read.

H. Communications from persons with comments will be presented.

I. Upon completion of all items on the agenda, the Presiding Officer will call for a motion for adjournment; and upon approval of majority of the members present, the meeting will be adjourned.

J. Items requiring Council action will then be forwarded to the Council for Consideration along with the vote and recommendation of the Commission.

Section 4 - Rules of Parliamentary Practice:

The rules of parliamentary practice set forth in the most recent edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable and in which they are consistent with these rules, any Wyoming State Statutes, and the Casper Municipal Code.

Section 5 - Public Inspection of Proposals:

Agenda packet items before the Commission shall be available for public inspection in the office of the Director at least four (4) calendar days prior to the meeting at which such items will be considered.

Section 6 - Notice of Public Hearings:

Notice of meetings and public hearings shall be given in accordance with Wyoming State Statutes and Casper City Ordinances.

CHAPTER IV

COMMISSION ETHICS

Section 1 - Statement of Purpose: This Chapter is intended to guide Commission members in the proper discharge of their public duties. Commission members are agents of public purpose and hold office for the benefit of the public. They are bound to carry out impartially the laws of the nation, state and municipality and thus to foster respect for city government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern.

Section 2 – Incorporation of the Code of Ethics: Casper Municipal Code Chapter 2.60, the *Public Service Code of Ethics*, as it may be from time to time amended, is incorporated at this point at though fully set forth.

Section 3 – Duty to Serve the Public Interest: Commission members shall continuously pursue and faithfully serve the public interest as follows:

- A. Recognize the rights of citizens to participate in planning decisions;
- B. Strive to give citizens full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
- C. Assist in the clarification of community goals, objectives and policies in plan-making;
- D. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public sufficiently in advance of any decision.

Section 4 – Ex Parte Communications:

- A. No Commission member shall encourage, make, or accept an ex parte or other unilateral application or communication that excludes the interests of other parties in a matter under consideration, particularly when such application or communication is designed to influence official decisions.
- B. All interested parties should have equal opportunity for a hearing, including the opportunity to rebut opposing communications at the hearing. If an ex parte communication should occur, the substance of the communication shall be made part of the record by the recipient of such communication. A communication concerning only the status of a pending matter is not regarded as an ex parte communication.

AGENDA
PLANNING AND ZONING MEETING
June 17, 2021
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: May 20, 2021**
- III. PUBLIC HEARINGS:**

- A. **PLN-21-017-RZ** – A vacation and replat of Lots 48-56, Block 40, All of Block 41, Lots 13-49, Block 42, and all of Blocks 43, 44, 45, 46, 47, 48, & 49, to create Trails West Estates No. 5 Addition, comprising 116-acres, more or less, generally located north of Whispering Springs Road and Village Drive. A rezone of the area from multiple zoning classifications to AG (Urban Agriculture) and PH (Park Historic) is also requested. Applicant: Rocking K Properties, LLC. **(Tabled April 15, 2021, scheduled for June 17, 2021)**
- B. **SUB-000019-2021** – A vacation and replat of Lots 18, 19 and 20, Block 1, Glendale Addition, to create Glendale Addition No. 2, comprising 14,955 square feet, more or less, located at 1302 and 1308 S. Lowell Street. Applicant: Grant Marsh.
- C. **ZOC-000010-2021** – Petition for a zone change of the Back Nine Addition Planned Unit Development (PUD), all properties being located north of West 29th Street. Said zone change will amend the zoning classification of the subdivision from PUD (Planned Unit Development) as follows:
- 2906-2957 (Inclusive) Palmer Drive – R-3 (One to Four Unit Residential);
 - 2904-2968 (Inclusive) Player Drive – R-3 (One to Four Unit Residential);
 - Tract F (southeast corner of Casper Mountain Road and W. 29th St.) – C-2 (General Business);
 - Balance of the Subdivision – R-2 (One Unit Residential).

Authorized Representatives: Colby Fronterio and Doug Tille, on behalf of all property owners in the subdivision.

- D. **CUP-000020-2021** – Conditional Use Permit to allow manufacturing, storage and distribution of metal products (jewelry, coins, bars) on the northerly Pt of Lot 3 and all of Lot 4, Evergreen Business Park (Currently the Star Tribune Building), located at 170 Star Lane. Applicant: Lee Publications, Inc. and Glamis Capital, Inc.

IV. SPECIAL ISSUES:

V. COMMUNICATIONS:

- A. Commission**
- B. Community Development Director/Staff**
- C. Council Liaison**
- D. OYD and Historic Preservation Commission Liaisons**
- E. Other Communications from those present**

VI. ADJOURNMENT

**PLANNING AND ZONING MEETING
THURSDAY, May 20, 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 May 20, 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
Vickery Fales-Hall

Absent Members: Ken Bates

Others present: Craig Collins, City Planner
Dee Hardy, Administrative Support Technician
John Henley, City Attorney
Bruce Knell, Council Liaison
Bill Fehringer, 6080 Enterprise Drive

I. MINUTES OF THE PREVIOUS MEETINGS

Chairperson Frank asked if there were additions or corrections to the minutes of the April 15, 2021 Planning & Zoning Commission meeting.

Chairperson Frank called for a motion to approve the minutes of the April 15, 2021 Planning & Zoning Commission meeting.

Mr.Feth made a motion to approve the minutes of the April 15, 2021 meeting. The motion was seconded by Mr. Wingerter. All those present voted aye. Motion carried.

II. PUBLIC HEARING

Chairperson: I would like to advise all of the Applicants that it takes four (4) affirmative votes to carry any motion, not just a simple majority of those 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.

SUB-009-2021 - A vacation and replat of Tract A, Kensington Heights Addition No. 3 as Kensington Heights Addition No. 4, comprising 29.05-acres, more or less, generally located north of Country Club Road and east of Wyoming Boulevard. 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.

Bill Fehringer, 6080 Enterprise Drive, spoke in favor of this case, on behalf of the applicant.

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

There being no others to speak Chairperson Frank closed the public hearing and entertained a motion to approve, deny or table **SUB-009-2021**.

Mr. Wingerter made a motion to approve case **SUB-009-2021** and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Davis. All those present voted aye. Motion Carried.

III. COUNCIL ACTIONS

IV. SPECIAL ISSUES:

There were no special issues.

V. COMMUNICATIONS:

- A. Commission:
Mr. Wingerter stated that the Casper Historic Preservation Commission had placed posters in the windows of downtown businesses to celebrate Historic Preservation month during May.
- B. Community Development Director:
There were none.
- C. Council Liaison:
Bruce Knell stated that he appreciated the work this Commission does and noted that Council has approved all items sent to them.
- D. OYD and Historic Preservation Commission Liaisons
Minutes from the Monday, April 12, 2021, Historic Preservation Commission meeting were attached.

Minutes from the Monday, April 26, 2021 Old Yellowstone District Advisory Committee meeting were provided a the meeting.
- E. Other Communications:
There were none.

Chairperson Frank stated that the next Planning and Zoning Commission meeting will be held Thursday, June 17, 2021.

VI. ADJOURNMENT

Chairperson Frank called for a motion for the adjournment of the meeting. A motion was made by Ms. Fales-Hall and seconded by Mr. Davis to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned 6:10 p.m.

Chairperson

Secretary

June 11, 2021

MEMO TO: Susan Frank, Chairperson
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner

SUBJECT: **PLN-21-017-RZ** – A vacation and replat of Lots 48-56, Block 40, All of Block 41, Lots 13-49, Block 42, and all of Blocks 43 ,44, 45, 46, 47, 48, & 49, to create Trails West Estates No. 5 Addition, comprising 116-acres, more or less, generally located north of Whispering Springs Road and Village Drive. A rezone of the area from multiple zoning classifications to AG (Urban Agriculture) and PH (Park Historic) is also requested. Applicant: Rocking K Properties, LLC.

Recommendation on the replat:

If, after hearing public testimony and considering the facts of the case, the Planning and Zoning Commission finds that the vacation and replat creating Trails West Estates No. 5 Addition meets the minimum requirements of the Municipal Code, staff recommends approval, with a “do pass” recommendation to City Council.

Recommendation on the zone change:

If, after hearing public testimony and considering the facts of the case, the Planning and Zoning Commission finds that the proposed zone change meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff would recommend approval of the zone change, with a “do pass” recommendation to the City Council.

- Tracts 1, 2 and 3 – AG (Urban Agriculture)
- Tract 4 – PH (Park Historic)

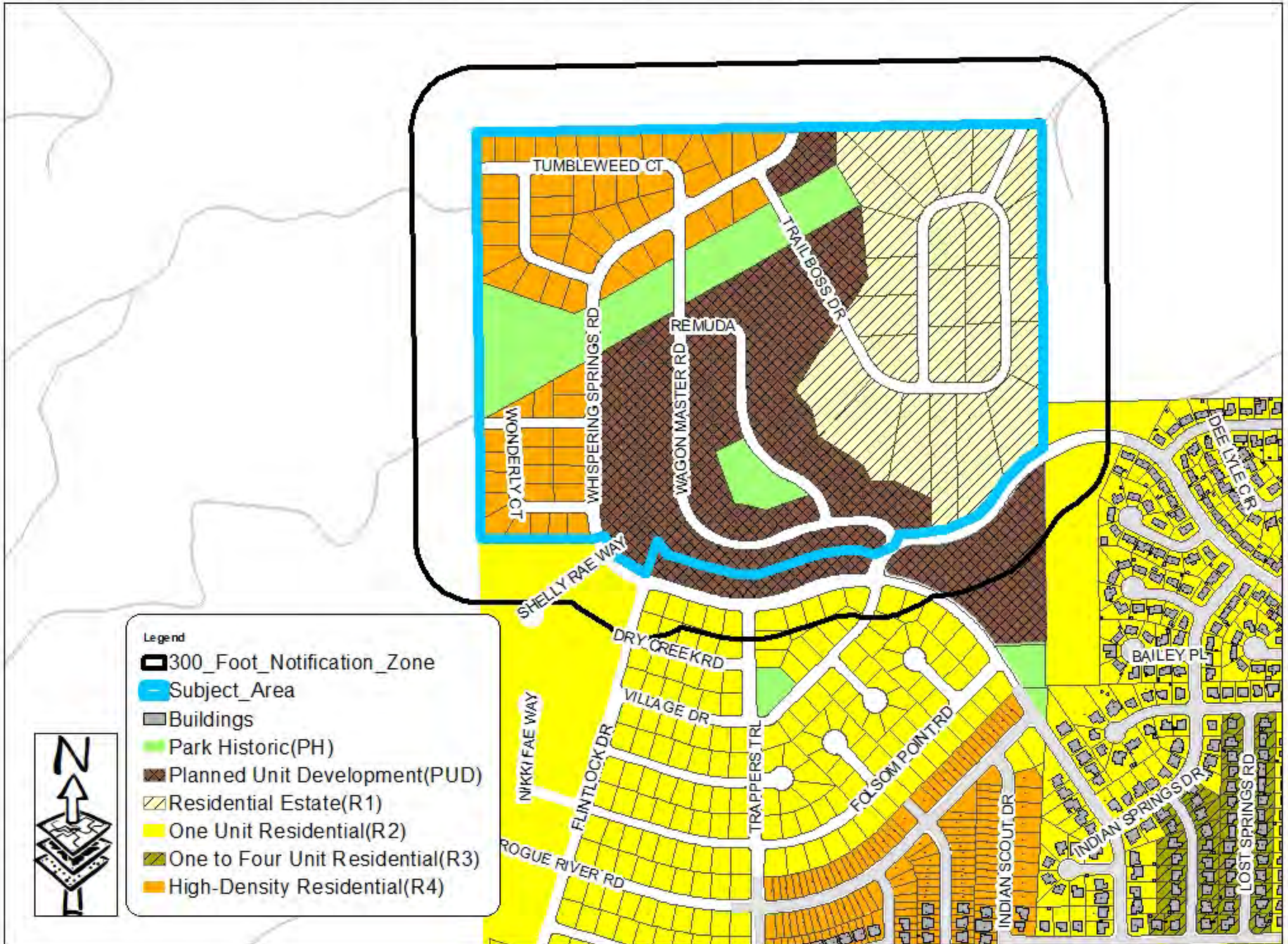
Code Compliance:

Staff has completed all public notice requirements of Section 16.24 and 17.12.170 of the Casper Municipal Code pertaining to plats and zone changes, including notification of property owners within three hundred (300) feet by first class mail, posting a sign on the property, and publishing a legal notice in the Casper Star-Tribune. **There were no public comments submitted at the time the staff report was prepared.**

Summary:

Application has been made to vacate and replat 116-acres, more or less, located north of Whispering Springs Road and Village Drive. The area is currently platted as a residential subdivision, but is undeveloped. The purpose of the replat is to vacate all the existing lots, in order to reduce carrying costs (property taxes) on the property, in that development of the area is not will not be undertaken in the near future. The replat is creating four (4) newly configured tracts, all of which have frontage on existing public streets to the south. Tract 4 consists of dedicated City parkland, and is proposed to be zoned PH (Park Historic). The remaining three (3) tracts are proposed to be zoned AG (Urban Agriculture).

Trails West Estates No. 5 Addition (Vacation of Current Plat)



Trails West Estates No. 5 Addition (Vacation of Current Plat)



CERTIFICATE OF DEDICATION

STATE OF WYOMING }SS
COUNTY OF NATRONA

THE UNDERSIGNED, ROCKING K PROPERTIES, LLC, AND CITY OF CASPER DO HEREBY CERTIFY THAT THEY ARE THE OWNERS AND PROPRIETORS OF THE FOLLOWING DESCRIBED VACATION AND REPLAT OF LOTS 48 - 56, OF BLOCK 40, ALL OF BLOCK 41, PARK NO. 3 AND LOTS 13 - 49, OF BLOCK 42 AND ALL OF BLOCKS 43, 44, 45, 46, 47, 48 AND 49, TRAILS WEST ESTATES (INSTRUMENT NO. 274024). THIS VACATION AND REPLAT SITUATE WITHIN A PORTION OF THE SW 1/4 OF SECTION 15, T.33N., R.80W., 6TH P.M., NATRONA COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 1/4 SECTION CORNER COMMON TO SECTION 15 AND 16, MONUMENTED BY A BRASS CAP AND BEING THE POINT OF BEGINNING;

THENCE N88°23'01"E, A DISTANCE OF 1320.41 FEET TO THE CENTER WEST 1/16 CORNER OF SAID SECTION 15;
THENCE N88°23'52"E, A DISTANCE OF 1317.93 FEET TO THE CENTER 1/4 OF SAID SECTION 15;
THENCE S00°35'27"E, A DISTANCE OF 1309.23 FEET TO THE CENTER SOUTH 1/16 CORNER OF SAID SECTION 15;
THENCE S00°37'12"E, A DISTANCE OF 207.46 FEET TO A POINT ON THE NORTH SIDE OF THE EXISTING VILLAGE DRIVE;
THENCE S62°56'54"W, COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF SAID VILLAGE DRIVE, A DISTANCE OF 29.64 FEET, TO THE POINT OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY;

THENCE 267.57 FEET COINCIDENT WITH SAID CURVE AND NORTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 440.00 FEET, A DELTA ANGLE OF 34°50'34" AND A CHORD BEARING OF S45°35'56"W WITH A DISTANCE OF 263.47 FEET, TO A POINT OF A NON-TANGENT REVERSE CURVE CONCAVE NORTHWESTERLY;

THENCE 436.89 FEET COINCIDENT WITH SAID CURVE AND NORTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 375.00 FEET, A DELTA ANGLE OF 66°45'08" AND A CHORD BEARING OF S61°32'35"W WITH A DISTANCE OF 412.60 FEET, TO A POINT OF A NON-TANGENT REVERSE CURVE CONCAVE SOUTHEASTERLY;

THENCE 232.21 FEET COINCIDENT WITH SAID CURVE AND NORTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 210.00 FEET, A DELTA ANGLE OF 63°21'20" AND A CHORD BEARING OF S63°14'16"W WITH A DISTANCE OF 220.56 FEET, TO A POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1 BLOCK 42 TRAILS WEST ESTATES;

THENCE N67°20'03"W, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 49.54 FEET, TO A POINT OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY;

THENCE 362.05 FEET COINCIDENT WITH SAID CURVE AND THE NORTH LINE OF LOTS 1 THRU 4 BLOCK 42 TRAILS WEST ESTATES, HAVING A RADIUS OF 830.00 FEET, A DELTA ANGLE OF 24°59'35" AND A CHORD BEARING OF S78°24'46"W WITH A DISTANCE OF 359.19 FEET, TO A POINT OF A NON-TANGENT REVERSE CURVE CONCAVE NORTHWESTERLY;

THENCE 356.20 FEET COINCIDENT WITH SAID CURVE AND THE NORTH LINE OF LOTS 5 THRU 9 BLOCK 42 TRAILS WEST ESTATES, HAVING A RADIUS OF 500.00 FEET, A DELTA ANGLE OF 40°49'05" AND A CHORD BEARING OF S86°23'21"W WITH A DISTANCE OF 348.72 FEET, TO A POINT;

THENCE N73°11'55"W, COINCIDENT WITH THE NORTH LINE OF LOTS 9 THRU 12 BLOCK 42 TRAILS WEST ESTATES, A DISTANCE OF 234.36 FEET, TO AN ANGLE POINT;

THENCE N36°53'04"W, COINCIDENT WITH THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 87.55 FEET, TO AN ANGLE POINT BEING THE NORTHWEST CORNER OF SAID LOT 12;

THENCE S16°48'49"W, COINCIDENT WITH THE WEST LINE OF SAID LOT 12, A DISTANCE OF 161.75 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WHISPERING SPRINGS ROAD;

THENCE N73°11'55"W, COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF WHISPERING SPRINGS ROAD, A DISTANCE OF 18.06 FEET, TO A POINT OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY;

THENCE 240.14 FEET COINCIDENT WITH SAID CURVE AND NORTH RIGHT-OF-WAY LINE HAVING A RADIUS OF 270.00 FEET, A DELTA ANGLE OF 50°57'36" AND A CHORD BEARING OF N47°46'09"W WITH A DISTANCE OF 232.31 FEET, TO AN ANGLE POINT;

THENCE S89°24'21"W, ACROSS WHISPERING SPRINGS ROAD, A DISTANCE OF 63.65 FEET, TO A POINT BEING THE NORTHEAST CORNER OF LOT 47 BLOCK 40 TRAILS WEST ESTATES;

THENCE S89°20'52"W, COINCIDENT WITH THE NORTH LINE OF LOTS 43 THRU 47 BLOCK 40 TRAILS WEST ESTATES, A DISTANCE OF 535.28 FEET, TO THE WEST LINE OF SECTION 15;

THENCE N00°38'57"W, COINCIDENT WITH THE SECTION LINE COMMON TO SECTIONS 15 AND 16 T.33N., R.80W., 6TH P.M., A DISTANCE OF 1873.85 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS APPROXIMATELY 115.96 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY AND/OR EASEMENTS, RESERVATIONS AND ENCROACHMENTS WHICH HAVE BEEN LEGALLY ACQUIRED.

THE TRACT OF LAND, AS IT APPEARS ON THIS PLAT, IS DEDICATED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR: THE NAME OF THE SUBDIVISION SHALL BE "TRAILS WEST ESTATES NO. 5 ADDITION" AND THE OWNERS HEREBY VACATE ALL ROADS AND STREETS, AND GRANT TO THE PUBLIC AND PRIVATE UTILITY COMPANIES A 30' GAS LINE EASEMENT, A 20' GAS LINE EASEMENT, A 20' CITY OF CASPER WATERLINE EASEMENT AND AN EASEMENT AND LICENSE TO LOCATE, CONSTRUCT, USE AND MAINTAIN CONDUITS, LINES, WIRES AND PIPES, ANY OR ALL OF THEM, UNDER AND ALONG THE STRIPS OF LAND MARKED "UTILITY EASEMENT" AS SHOWN ON THIS PLAT. TRACT 4, AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CITY OF CASPER FOR USE AS PUBLIC PARK LAND. ALL ROADS AND STREETS AS SHOWN HEREON HAVE BEEN PREVIOUSLY DEDICATED TO THE USE OF THE PUBLIC.

CITY OF CASPER
200 NORTH DAVID STREET
CASPER, WYOMING 82601

ROCKING K PROPERTIES, LLC
P.O. BOX 2671
CASPER, WYOMING 82602

STEVEN K. FREEL - MAYOR

KEITH P. TYLER - MANAGING MEMBER
ROCKING K PROPERTIES, LLC

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY STEVE FREEL,
MAYOR OF CITY OF CASPER, THIS _____ DAY OF _____, 2021.

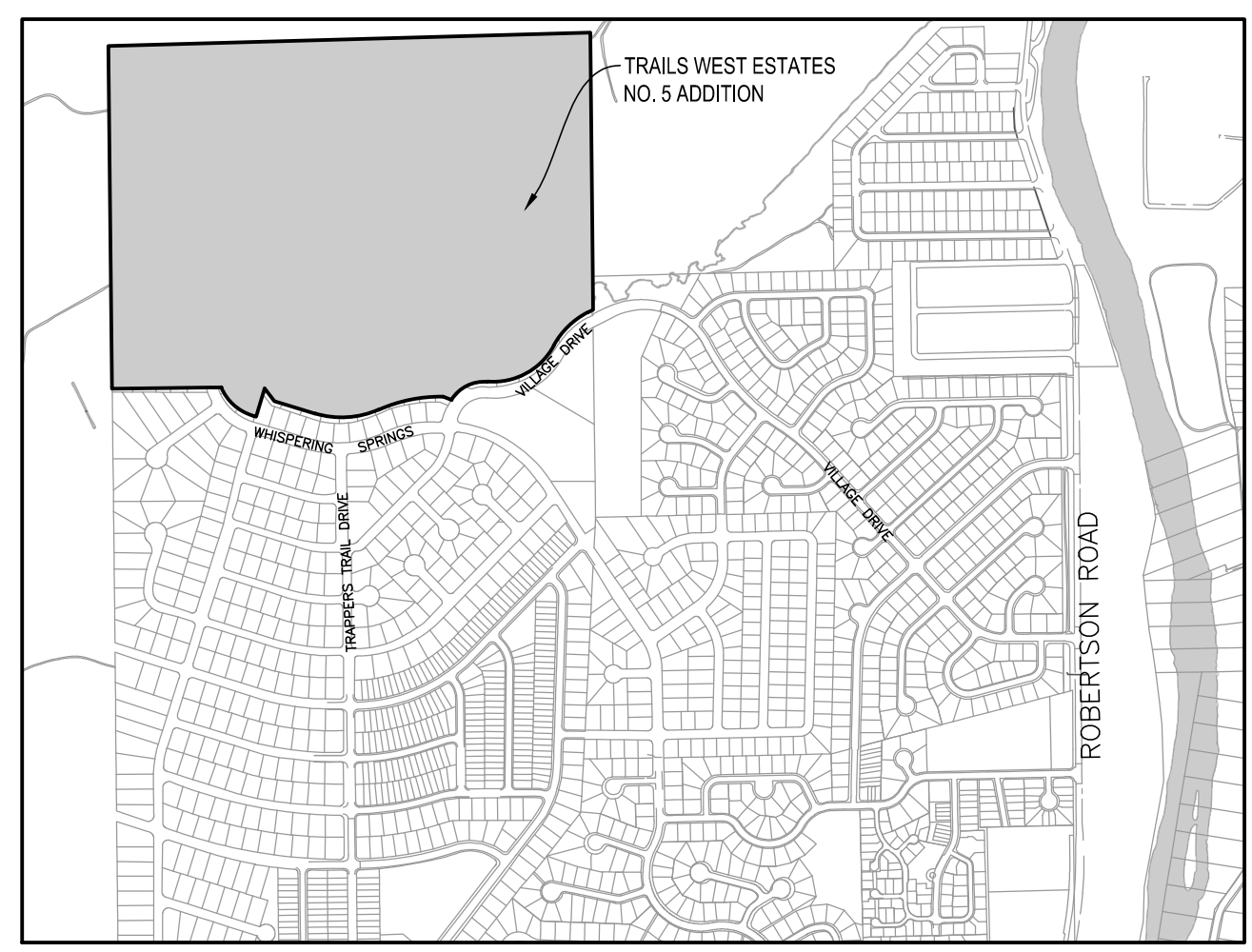
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY KEITH P. TYLER,
MANAGING MEMBER OF ROCKING K PROPERTIES, LLC, THIS _____ DAY OF _____, 2021.

WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES _____

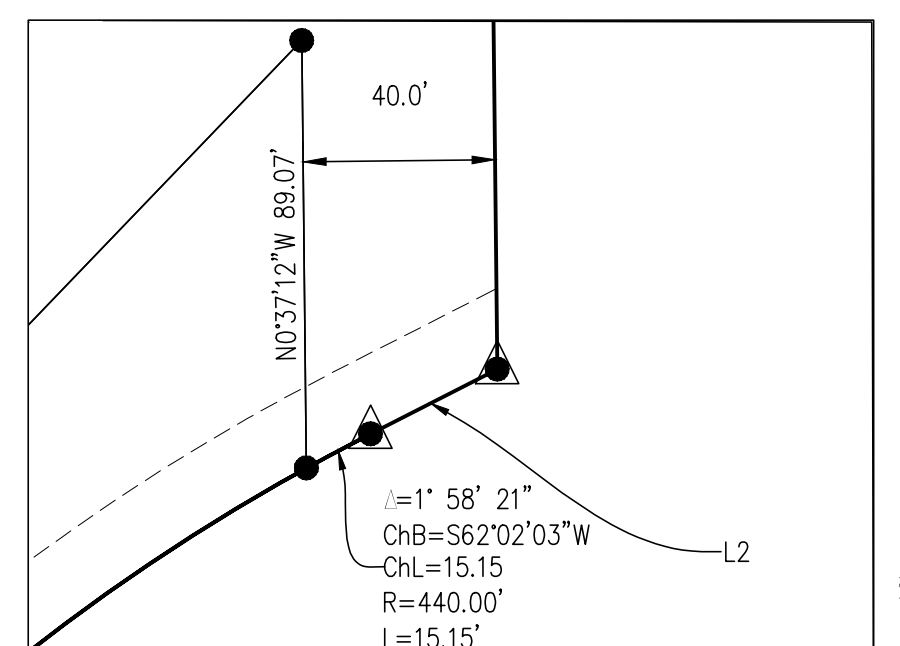
NOTARY PUBLIC

NOTARY PUBLIC

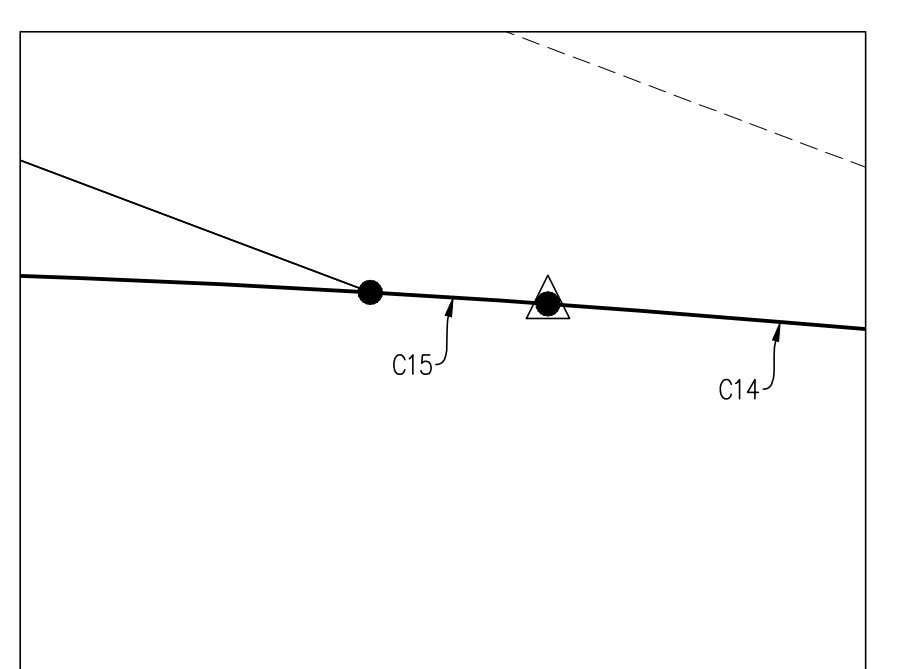


VICINITY MAP
NO SCALE

LINE TABLE			CURVE TABLE					
Line #	Bearing	Length	CURVE #	RADIUS	ARC LENGTH	DELTA	CH B	CH L
L1	S0°37'12"E	207.46'	C1	440.00'	267.57'	34°50'34"	S45°35'56"W	263.47
L2	S62°56'54"W	29.64'	C2	375.00'	436.89'	66°45'08"	S61°32'35"W	412.60
L3	S16°48'49"W	161.75'	C3	210.00'	232.21'	63°21'20"	S63°14'16"W	220.56
L4	N73°11'55"W	234.36'	C4	830.00'	362.05'	24°59'35"	S78°24'46"W	359.19
L5	N36°53'04"W	87.55'	C5	500.00'	356.20'	40°49'05"	S86°23'21"W	348.72
L6	N73°11'55"W	18.06'	C6	270.00'	240.14'	50°57'36"	N47°46'09"W	232.31
L7	S89°24'21"W	63.65'	C12	250.00'	121.96'	27°57'06"	S53°03'36"E	120.76
L8	N67°20'03"W	49.54'	C13	400.00'	292.53'	41°54'05"	S46°05'06"E	286.05
L15	N64°51'42"E	22.05'	C14	375.00'	63.68'	94°3'46"	N89°56'44"W	63.60
L16	N69°19'38"W	397.86'	C15	210.00'	5.64'	1°32'15"	S85°51'12"E	5.64
L17	S69°19'38"E	465.69'						
L18	S83°06'52"E	112.84'						
L19	S74°02'17"W	67.83'						
L20	S68°43'09"W	107.15'						
L21	N79°00'12"W	150.69'						
L22	N20°39'02"W	257.89'						
L23	N64°51'42"E	123.33'						
L24	N83°06'52"W	166.90'						



DETAIL MAP 1
NO SCALE

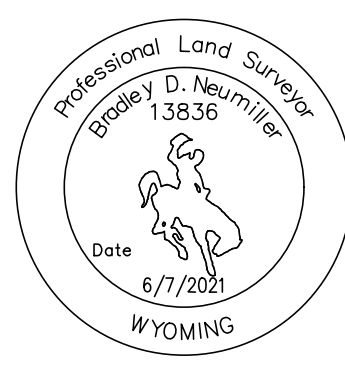


DETAIL MAP 2
NO SCALE

CERTIFICATE OF SURVEYOR

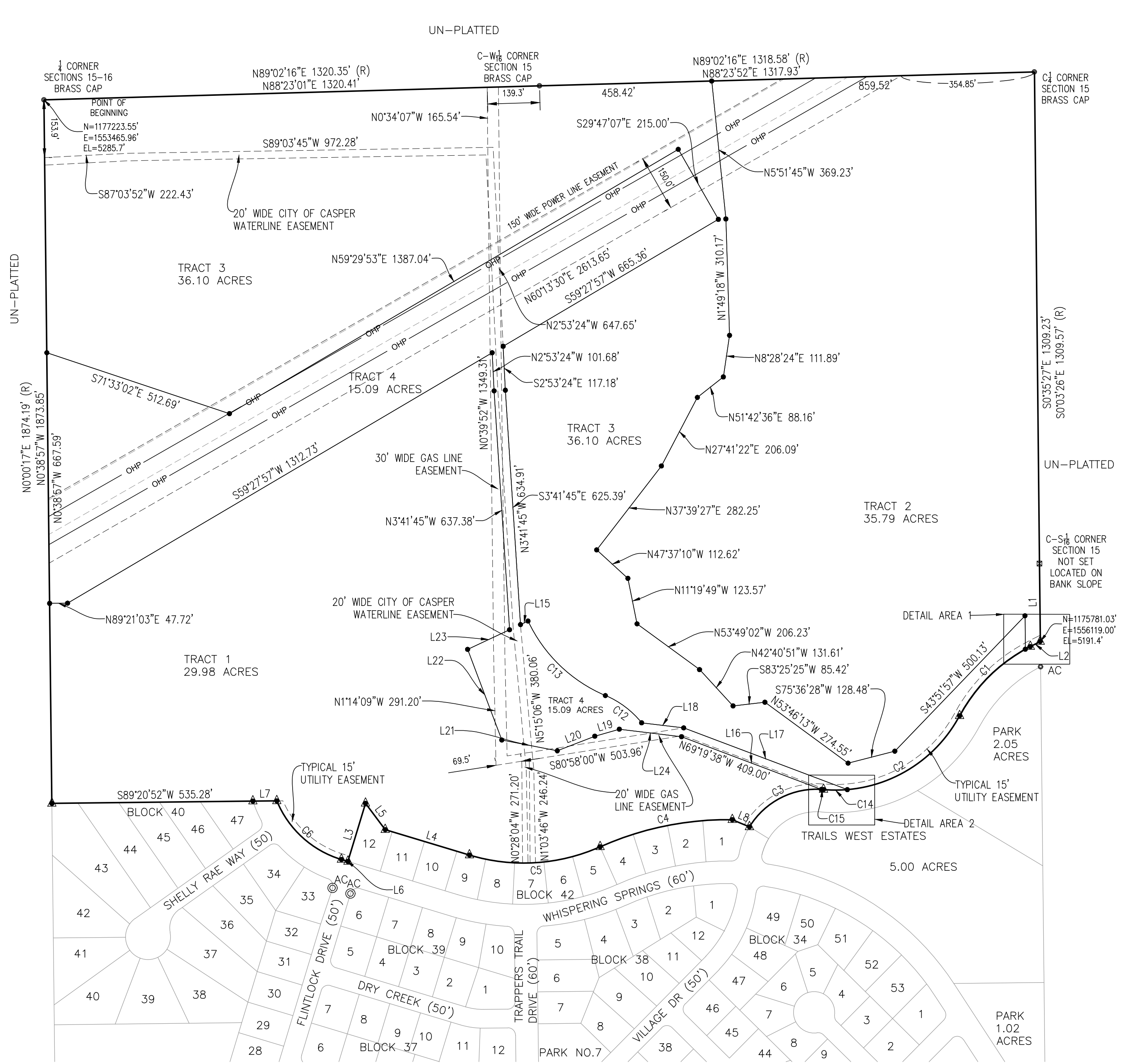
STATE OF WYOMING }SS
COUNTY OF NATRONA

I, BRADLEY D. NEUMILLER, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSE NO. 13836, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE UNDER MY DIRECT SUPERVISION IN FEBRUARY AND MARCH, 2021, AND THAT THIS PLAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, CORRECTLY AND ACCURATELY REPRESENTS SAID SURVEY. ALL BEING TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY BRADLEY D. NEUMILLER
THIS DAY OF _____, 2021.
WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES _____

NOTARY PUBLIC



NOTES

- ERROR OF CLOSURE EXCEEDS 1:350,000.
- BASIS OF BEARINGS IS THE WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/2011.
- ELEVATIONS ARE FOR REFERENCE ONLY, DISTANCES ARE GRID.
- AT THE POINT OF BEGINNING THE CONVERGENCE IS 0°36'39.89" AND THE COMBINED FACTOR IS 0.99975133

APPROVALS

APPROVED BY THE CITY OF CASPER PLANNING AND ZONING COMMISSION OF CASPER, WYOMING
THIS _____ DAY OF _____, 2021.

ATTEST: _____ SECRETARY _____ CHAIRMAN

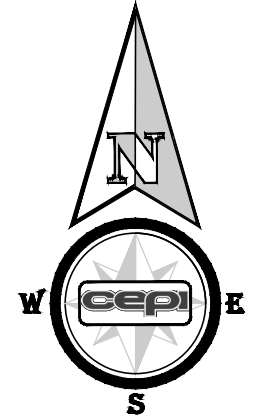
APPROVED BY THE CITY COUNCIL OF CASPER, WYOMING BY ORDINANCE NO. _____ DULY PASSED,
ADOPTED AND APPROVED THIS _____ DAY OF _____, 2021.

ATTEST: _____ CITY CLERK _____ MAYOR

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2021.

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2021.

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2021.



0 200' 400'
SCALE: 1" = 200'

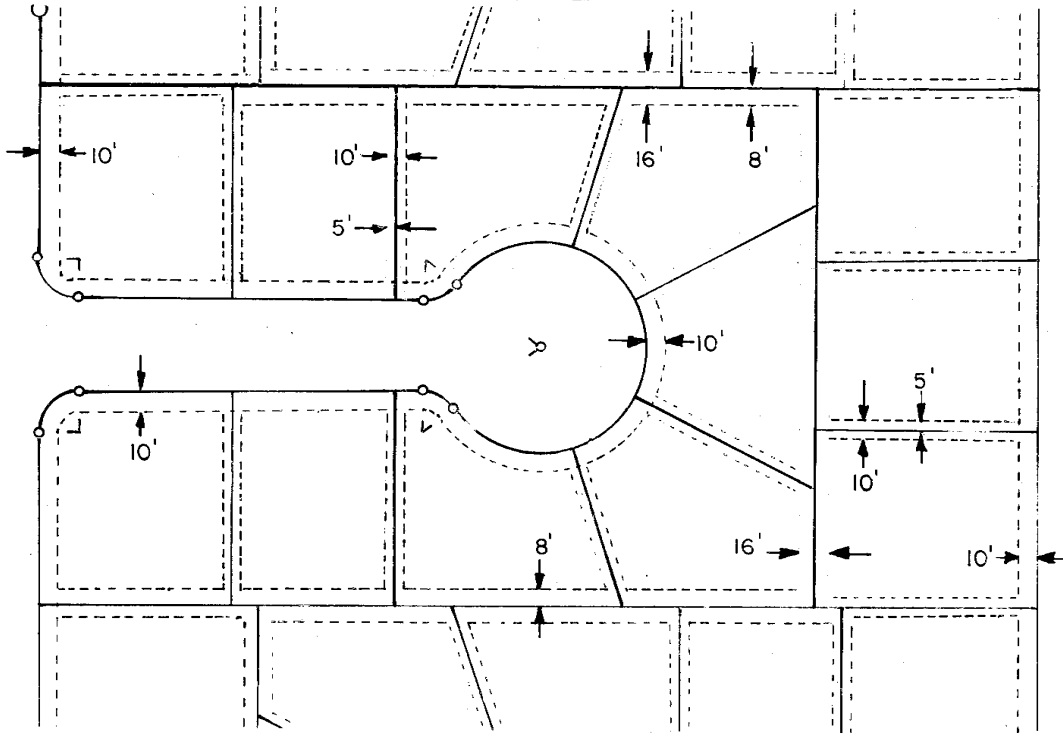
CEPI
Civil Engineering Professionals, Inc.
6080 Enterprise Drive, Casper, WY 82609
Phone 307.266.4346 Fax 307.266.0103
www.cepi-casper.com

LEGEND

- POSITION CALCULATED / NOT SET
- SET MONUMENT 5/8" REBAR & ALUMINUM CAP
- FOUND MONUMENT AS NOTED
- SET BRASS CAP

M:\Land 2021\Surveying\21-120 Trails West Vacation\Survey\Plate\Trails West Vacation REV.dwg, 6/7/2021, Survey

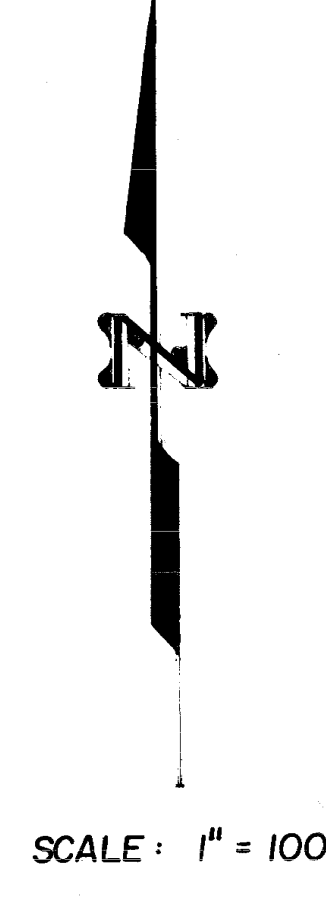
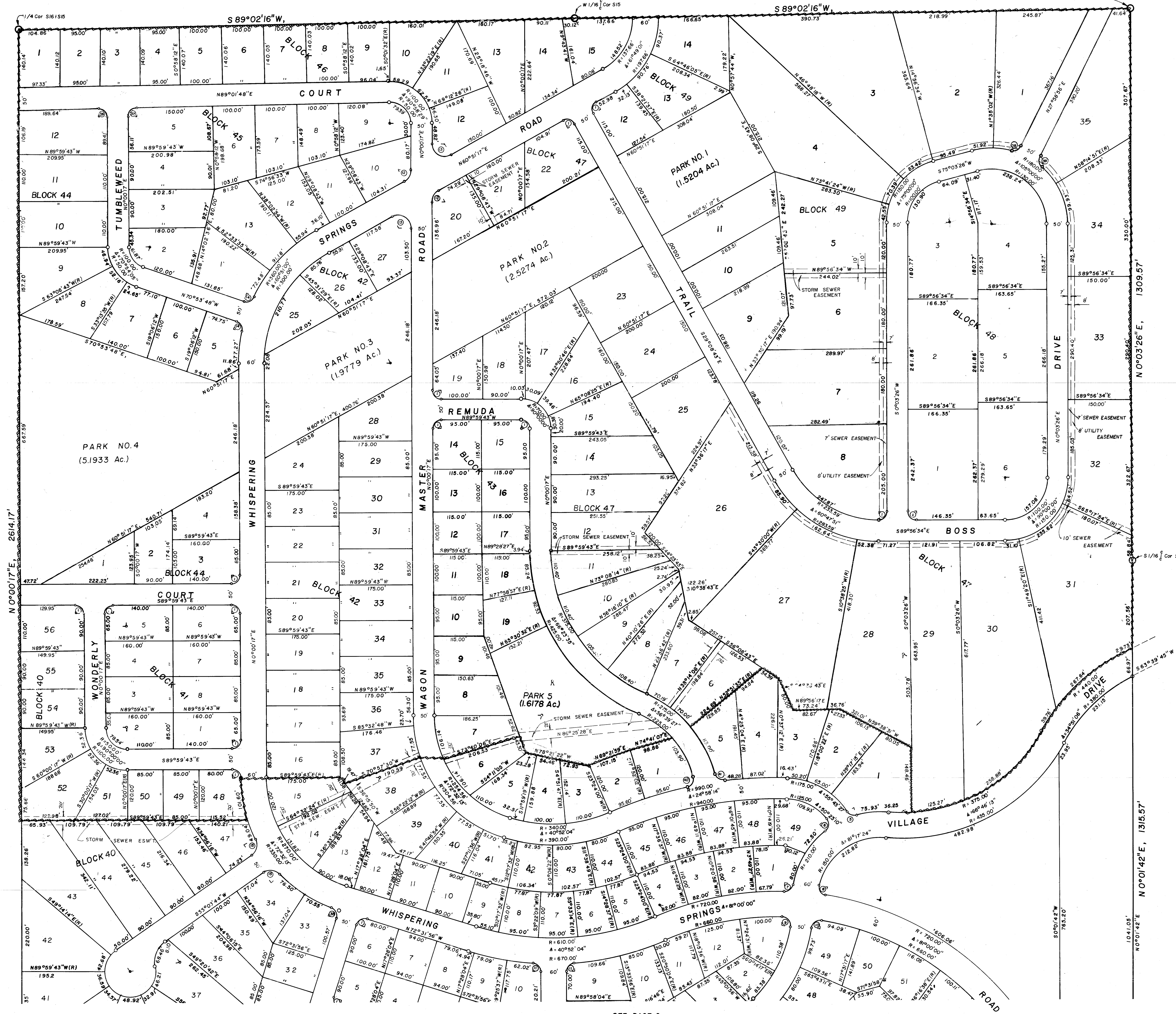
DETAIL
UTILITIES EASEMENTS
TYPICAL



LEGEND

- INDICATES POINT OF CURVE FOR CURB RETURNS.
- INDICATES POINT AS CURB RETURN AND POINT OF CURVE.
- INDICATES POINT OF CURVE P.C. OR P.T.
- INDICATES POINT OF RADIUS FOR CURB RETURN.
- INDICATES POINT OF RADIUS FOR ROADWAY CURVE.
- INDICATES MAJOR BOUNDARY POINT SET.
- CONSTRUCTION PHASE LINE.
- (R) AFTER BEARING INDICATES A RADIAL BEARING.

TRAILS WEST ESTATES NO. 2163 C
(SHEET 3 OF 5)
RECORDED OCTOBER 1, 1979
INSTRUMENT NO. 274024



BLOCK RETURNS
CURVE DATA TABLE

Ref. No.	Radius	Delta (A)	Arc Length	Tangent Length	Chord Length
1	2000'	90°00'00"	3142'	20.00'	26.28'
2	2000'	100°00'33"	3437'	23.91'	30.68'
3	2000'	77°22'04"	2301'	16.01'	25.00'
4	2000'	102°27'26"	3585'	24.26'	31.22'
5	2000'	72°25'46"	2528'	14.65'	23.63'
6	2000'	90°05'37"	3145'	20.03'	28.31'
7	2000'	81°07'40"	2832'	17.12'	26.01'
8	2000'	94°55'11"	3313'	21.60'	23.47'
9	2000'	98°13'20"	3433'	23.14'	30.26'
10	2000'	90°45'48"	3168'	20.27'	28.47'
11	2000'	85°50'40"	2997'	18.60'	27.24'
12	3000'	60°51'00"	3186'	17.67'	30.38'
13	3000'	119°00'00"	62.39'	51.08'	51.74'
14	2000'	83°11'56"	2904'	17.76'	26.56'
15	3000'	81°12'43"	42.52'	23.72'	39.05'
16	2000'	92°21'20"	32.30'	20.90'	28.90'
17	2000'	87°28'40"	30.54'	19.14'	27.65'
18	2000'	97°33'44"	34.03'	22.87'	30.11'
19	2000'	53°07'48"	18.55'	10.00'	17.89'
20	2000'	89°07'49"	31.12'	19.70'	28.07'
21	2000'	92°33'57"	32.35'	20.95'	28.93'
22	2000'	87°50'16"	30.66'	19.26'	27.75'
23	2000'	123°00'00"	45.03'	41.93'	36.10'
24	2000'	30°42'11"	31.66'	20.24'	28.46'
25	2000'	84°47'03"	23.60'	18.26'	26.37'
26	2000'	98°51'00"	34.51'	23.36'	30.38'
27	2000'	99°00'33"	33.16'	21.83'	29.49'
28	2000'	82°40'38"	28.86'	17.53'	26.42'
29	2000'	29°55'35"	10.45'	5.35'	10.33'
30	2000'	91°49'33"	32.05'	20.65'	28.73'
31	3000'	107°30'00"	56.29'	40.31'	48.39'
32	3000'	72°30'00"	37.96'	22.00'	35.48'
33	3000'	77°22'15"	40.64'	24.13'	35.60'
34	2000'	87°55'13"	30.68'	19.23'	27.77'
35	2000'	86°43'27"	30.27'	18.83'	27.46'
36	2000'	90°58'29"	31.76'	20.34'	28.52'
37	2000'	89°01'31"	31.08'	19.66'	28.04'
38	2000'	74°00'39"	23.86'	15.09'	24.09'
39	2000'	79°52'59"	27.88'	16.75'	25.66'
40	2000'	92°42'02"	32.36'	20.97'	28.94'
41	2000'	83°47'02"	29.25'	17.94'	28.71'
42	2000'	94°05'51"	32.85'	21.49'	29.28'
43	2000'	85°54'09"	29.99'	18.62'	27.26'

SEE PAGE 2

June 11, 2021

MEMO TO: Susan Frank, Chairperson
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner

SUBJECT: **SUB-000019-2021** – A vacation and replat of Lots 18, 19 and 20, Block 1, Glendale Addition, to create Glendale Addition No. 2, comprising 14,955 square feet, more or less, located at 1302 and 1308 S. Lowell Street. Applicant: Grant Marsh.

Recommendation:

If, after hearing public testimony and considering the facts of the case, the Planning and Zoning Commission finds that the vacation and replat creating the Glendale Addition No. 2 meets the minimum requirements of the Municipal Code, staff recommends approval, with a “do pass” recommendation to City Council.

Code Compliance:

Staff has completed all public notice requirements of Section 16.24 of the Casper Municipal Code pertaining to plats, including notification of property owners within three hundred (300) feet by first class mail, posting a sign on the property, and publishing a legal notice in the Casper Star-Tribune. **There were no public comments submitted at the time the staff report was prepared.**

Summary:

Grant Marsh has applied for a vacation and replat creating the Glendale Addition No. 2. The subject property is currently platted as three (3) lots totaling approximately 14,995 square feet, and is occupied by two (2) multifamily residential structures. The proposed subdivision will consolidate the three (3) lots into two (2) lots (Lot 32 and Lot 33), each approximately 7,500 square feet in size. The properties are zoned R-3 (One to Four Unit Residential), and the minimum lot size required for a four (4) unit multifamily structure is 6,000 square feet.

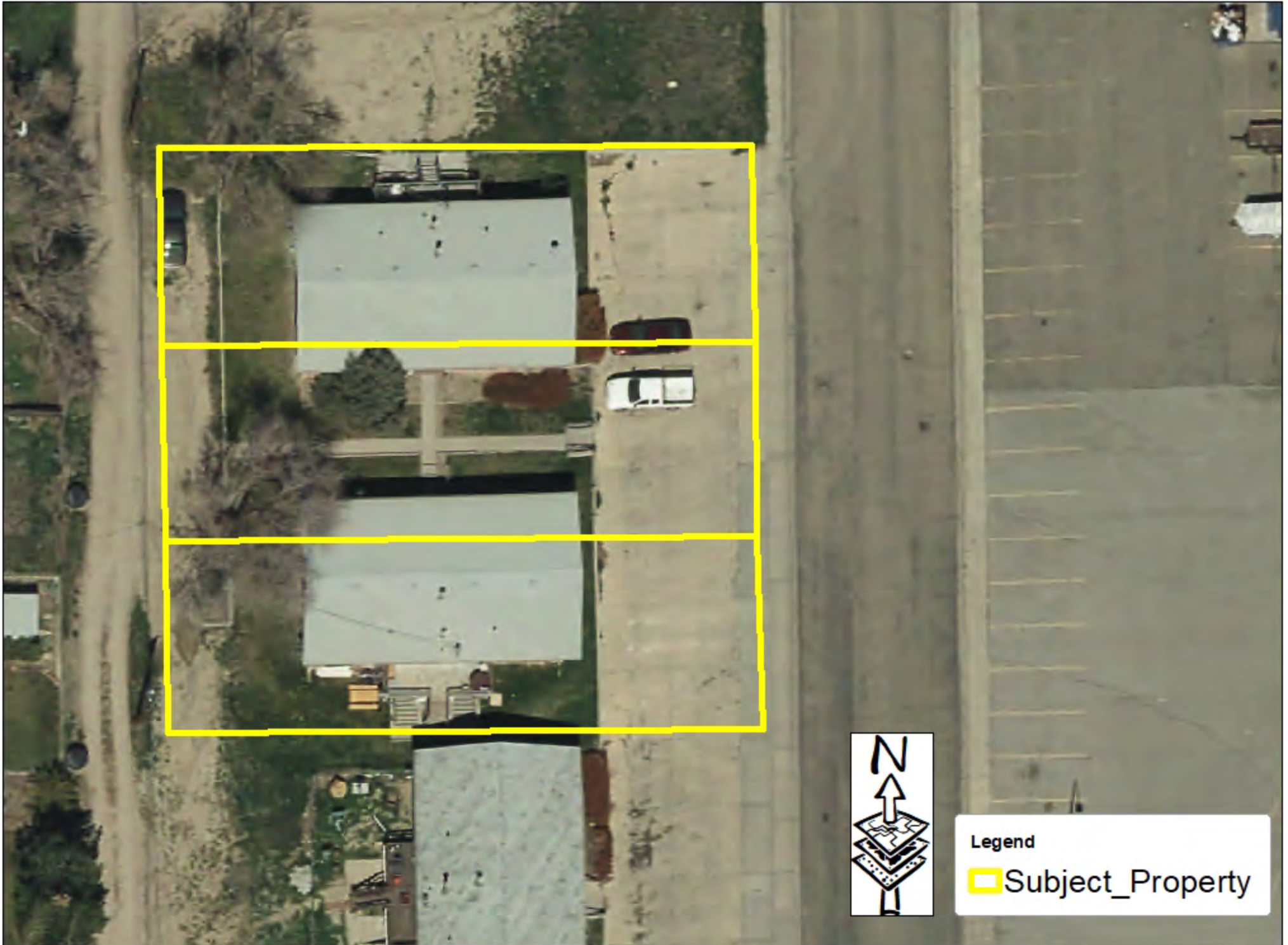
Proposed Glendale Addition No. 2



Proposed Glendale Addition No. 2



Proposed Glendale Addition No. 2



Legend
Subject_Property

875

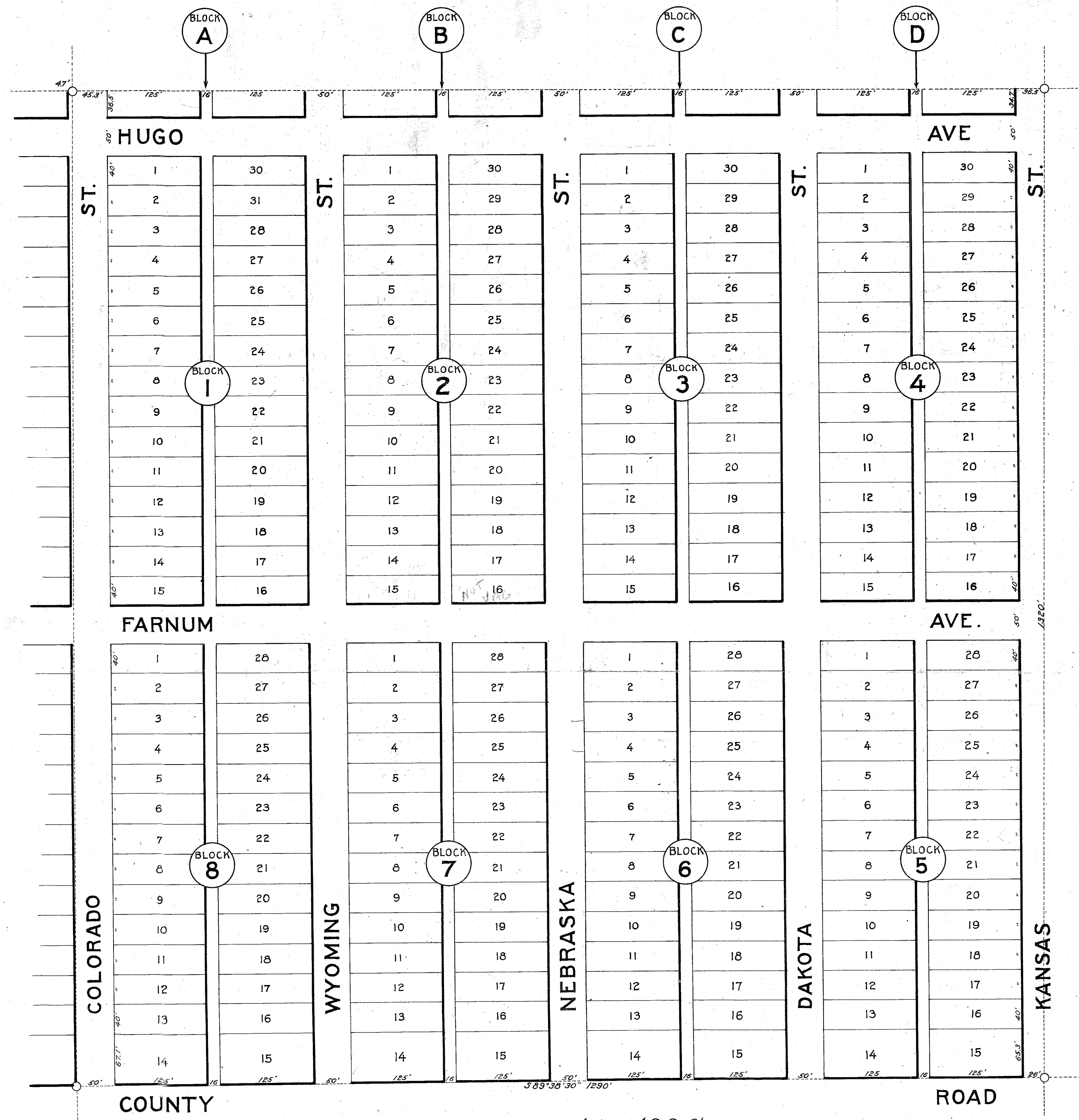
GLENDALE ADDITION
Blks 1-8
Pocket 5
Folder 3

GLENDALE ADDITION

TO THE CITY OF CASPER, WYOMING.

Platted By
The Dobbin Realty Co.

76107
J.W.D.
STATE OF WYOMING
COUNTY OF NATRONA
This instrument was filed for Record
July 13-1920
in the County of Natrona, State of Wyoming
and duly Recorded
in the County of Natrona, on page 1221
M.C. Walker, County Clerk
Details



I, Walter R. Dobbin do hereby certify that I am the present and sole owner of forty acres of land situated in and being the S.E. 1/4 of the S.E. 1/4 of Section 10, Township 33 North, Range 79 West of the 6th Principal Meridian, which said tract is situated in the County of Natrona, State of Wyoming; the subdivision of said tract of land, as the same appears upon this plat, is with my free consent and in accordance with my desire, and that said subdivision shall be known as GLENDALE ADDITION to the City of Casper, Wyoming.

In witness whereof, I Walter R. Dobbin have hereunto set my hand this 12th day of July A.D. 1920.

Witness: *James H. Cody*

Walter R. Dobbin

STATE OF WYOMING } S.S.
COUNTY OF NATRONA }

I James. H. Cody a Notary Public in and for the County in the State aforesaid do hereby certify that on this 12th day of July A.D. 1920 before me personally appeared Walter R. Dobbin to me known to be the person who executed the foregoing instrument & acknowledged that he executed the same as his free act and deed.

Witness my hand and Notarial Seal this 12th day of July A.D. 1920.

James H. Cody
NOTARY PUBLIC
My commission expires Feb. 24th 1921

STATE OF WYOMING } S.S.
COUNTY OF NATRONA }

Marion N. Wheeler, of Casper, Wyoming of lawful age and first duly sworn according to law, on his oath says that he is a licensed surveyor in the State of Wyoming, that he made the survey of a tract of land consisting of forty acres situated in and being the S.E. 1/4 of the S.E. 1/4 of Section 10, Township 33 North, Range 79 West of the 6th Principal Meridian, situated in the County of Natrona, State of Wyoming, at the request of Walter R. Dobbin, owner of said land, that he subdivided said land into lots, blocks, streets and alleys as shown by the plat to which this certificate is attached and of which it forms a part and that said plat is a true and correct representation of said survey.

Marion N. Wheeler
SURVEYOR

Subscribed in my presence and sworn to before me this 12th day of July A.D. 1920

James H. Cody
NOTARY PUBLIC
My Commission expires Feb. 24, 1921

June 11, 2021

MEMO TO: Susan Frank, Chairperson
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner

SUBJECT: **ZOC-000010-2021** – Petition for a zone change of the Back Nine Addition Planned Unit Development (PUD), all properties being located north of West 29th Street. Said zone change will amend the zoning classification of the subdivision from PUD (Planned Unit Development) as follows:

- 2906-2957 (Inclusive) Palmer Drive – R-3 (One to Four Unit Residential);
- 2904-2968 (Inclusive) Player Drive – R-3 (One to Four Unit Residential);
- Tract F (southeast corner of Casper Mountain Road and W. 29th St.) – C-2 (General Business);
- Balance of the Subdivision – R-2 (One Unit Residential).

Authorized Representatives: Colby Fronterio and Doug Tille, on behalf of all property owners in the subdivision.

Recommendation:

If, after hearing public testimony, and considering the facts of the case, the Planning and Zoning Commission finds that the proposed zone change meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff would recommend approval of the zone change, with a “do pass” recommendation to the City Council.

Code Compliance:

Staff has completed all public notice 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 a sign on the property, and publishing legal notice in the Casper Star-Tribune. **At the time that the staff report was prepared (6/11/2021), staff had received four (4) written responses in opposition to this request, which have been included with the Planning and Zoning Commission’s packet. Any written comments submitted after the completion of the staff report will be presented to the Commission, at the meeting, in hardcopy format.**

Summary:

An application has been submitted requesting a change of the zoning classification of The Back Nine Addition from PUD (Planned Unit Development), to R-2 (One Unit Residential), R-3 (One to Four Unit Residential) and C-2 (General Business).

Subject Property Existing Conditions:

- Size - 44.5-acres, more or less
- Zoning – PUD (Planned Unit Development) approved June 2011 (*see The Back Nine Subdivision Agreement/PUD Guidelines*)
- Current permitted uses under PUD zoning – Two (2) commercial structures and 82 residential dwellings consisting of 78 twinhomes and four (4) detached single-family residential structures. (*see The Back Nine Subdivision Agreement/PUD Guidelines*)
- Player Drive has been constructed. Palmer and Hogan have only been partially constructed to the limit of Phase I.
- Phase I has been platted and structures completed, including one (1) commercial/office building (Tract F) and residential twinhomes along Player and Palmer Drives. Phase II has not yet been subdivided into individual development lots, and is currently undeveloped/vacant. Extension/construction of Palmer Drive, Hogan Drive and Trevino Drive will be required in order to construct lots at the south end of the subdivision, beyond the terminus of the existing paving. (*See The Back Nine Plat of Record*)

Existing zoning adjacent to the subject property is as follows:

- North – R-2 (One Unit Residential);
- South – R-2 (One Unit Residential);
- East – Unincorporated County Land
- West – R-4 (High Density Residential).

The developer of the area is requesting a zone change to adjust to the current real estate market that has changed since the PUD (Planned Unit Development) was initially envisioned a decade ago. The current PUD locked in the type of structures that could be built as only twinhomes, defined as a single-structure, sharing a common wall and lot line between them. Moving forward, the developer would like to depart from the twinhome concept, and instead construct standard, detached single-family dwellings on the property. Unfortunately, the PUD Guidelines that were approved in 2011 do not allow for more than four (4) total single-family detached structures in the subdivision. There are two (2) options available to the developer in order to move forward:

1. Amend the PUD Guidelines; or,
2. Request a zone change to vacate the PUD zoning, and develop the subdivision under standard zoning regulations.

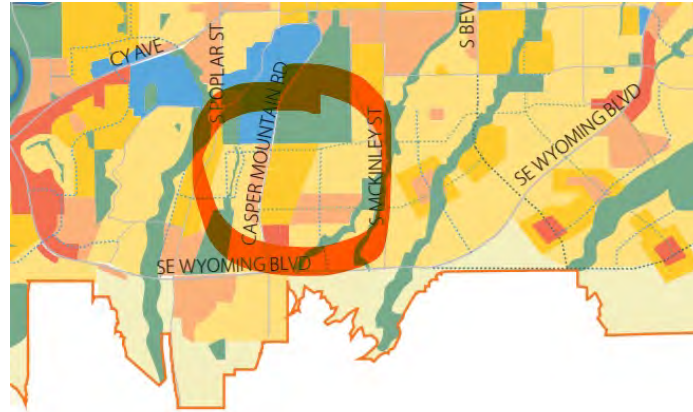
The downside for the developer to continue to develop under PUD (Planned Unit Development) zoning is that it is inflexible, once approved by Council, and requires an extensive process to amend the guiding document (PUD Guidelines). In addition, the PUD zoning classification also requires a set-aside of twenty percent (20%) of the area of the subdivision for “usable open space” for the enjoyment of the residents, whereas traditional zoning does not. According to the

stated “Purpose” of the PUD zoning classification (*see Section 17.52.010*), PUD zoning is intended to be a flexible zoning district, used to encourage the application of new techniques and new technology to community development, which will result in superior living or development arrangements with lasting values. In this case, it is the opinion of the City Planner that there is nothing unique or extraordinary about this particular subdivision that warrants the “flexible” standards provided for under PUD zoning, and which cannot be accommodated under traditional zoning. Unfortunately, the Planned Unit Development (PUD) zoning classification is widely misunderstood, and has rarely been used in Casper for its intended purpose. Neither has PUD zoning generally resulted in a development pattern or enhanced quality of development that differs significantly from areas that fall under traditional zoning classifications. In fact, PUD (Planned Unit Development) zoning has most often resulted in an impediment to efficient and timely development, with developers being unable to adjust to market pressures over time.

Property owners outside of the PUD are understandably concerned about the development of The Back Nine Addition; however, their concerns must be put in perspective. The purpose of the PUD zoning classification should not be distorted or misconstrued as somehow protecting, or giving property owners outside the subdivision any assurances, authority, or means of control over how the area is developed, above-and-beyond the typical level of influence surrounding property owners enjoy with any proposed zone change. Unfortunately, the common and mistaken perception that PUD zoning classification confers extra assurances to neighbors is a strong deterrent to its use/adoption by the development community. As is the case with all proposed zone changes, the Planning and Zoning Commission’s primary considerations must be its conformity with the adopted Comprehensive Land Use Plan and the overall benefit to the welfare of the community.

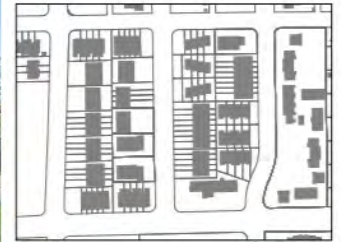
Comprehensive Land Use Plan Conformity:

As with all proposed zone changes, Section 17.12.170 of the Casper Municipal Code requires that staff review zoning applications in the context of the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission and City Council as to how the zone change is either supported, or not supported. The Generation Casper Comprehensive Plan provides a Future Land Use Plan (FLU), which is found in Chapter Four (4), on Page 4-26. The FLU is an illustrative map that identifies the physical distribution of land uses, and forms the basis for future zoning and land use regulations. The subject property is located in an area designated as “Neighborhood 3.” Page 4-31 of the Plan provides general characteristics of areas designated as a Neighborhood 3, which typically includes a mix of single and multi-family dwellings, as well as small offices, civic uses and community uses that support the surrounding residential. A rezone of the property, as proposed, would be in keeping with the land uses envisioned under the “Neighborhood 3” FLU (future land use) designation.



- Neighborhood 1
- Neighborhood 2
- Neighborhood 3
- Neighborhood Centers
- Community Centers
- Employment Mixed Use
- Employment Centers
- Urban Center
- Parks + Open Space
- Urban Growth Boundary
- North Platte River
- Railroad
- Proposed Principal Arterials
- Proposed Minor Arterials
- Proposed Collector Roads

Neighborhood 3



GENERAL CHARACTERISTICS	PRIMARY USES	RES. DENSITY	NON-RES. FAR	BUILDING HEIGHT
Higher density neighborhoods near commercial centers and major corridors. Housing is built adjacent to sidewalks. To meet the needs of people in all stages of life, these neighborhoods are supported by a multimodal network, pocket parks, and public gathering spaces. Small offices, civic uses, and community uses (churches, daycare, etc.), that support the surrounding residential, would be acceptable, as necessary. Neighborhood 3 serves as a transition between Neighborhood 2 and Neighborhood Centers and Mixed Use areas.	Attached, single- and multifamily dwellings, including duplexes, townhomes, and other similar types of dwellings, at higher densities. Small format office and community uses.	8 - 30 DU/Acre	2.0	2 - 8 Stories

Land Uses Permitted Under PUD Zoning:

17.52.030 Permitted uses.

Except as otherwise permitted or restricted, all uses permitted in the R-1, R-2, R-3, R-4, R-5, R-6, C-1, C-2, M-1, and M-2 districts are permitted in a PUD, provided that when residential uses are proposed for a specific PUD, any commercial uses proposed for the PUD must be shown to be primarily for the service and convenience of the residents of the development and the immediate neighborhood and that such uses, if any, shall not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD.

Land Uses Permitted under proposed R-2, R-3 and C-2 Zoning Classifications:

17.32.020 Permitted uses.

Except as otherwise provided, in an R-2 district, no building, structure, or other land use shall be erected or used except for the following:

- A. Conventional site-built **single-family dwellings** and manufactured homes with siding material consisting of wood or wood products, stucco, brick, rock, or horizontal lap wood, steel or vinyl siding;
- B. Day-care, adult;
- C. Family child care home;
- D. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities used during daylight hours;
- E. Schools, public, parochial, and private elementary, junior and senior high;
- F. Neighborhood assembly uses;
- G. Neighborhood grocery;
- H. Group home;
- I. Church.

17.36.020 Permitted uses.

Except as otherwise provided, in an R-3 district, no building, structure, or land use shall be erected or used except for the following:

- A. Conventional site-built single-family dwellings and manufactured homes with siding material consisting of wood or wood products, stucco, brick, rock, or horizontal lap wood, steel or vinyl siding;
- B. **Conventional site-built and modular two-family dwellings;**
- C. Conventional site-built and modular multifamily dwellings consisting of not over four individual dwelling units;
- D. Conventional site-built and modular condominiums for residential use consisting of not over four individual dwelling units;
- E. Conventional site-built and modular townhomes for residential use consisting of not over four individual dwelling units;
- F. Day-care, adult;

- G. Family child care home;
- H. Reserved;
- I. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities used during daylight hours;
- J. Schools, public, parochial, and private elementary, junior and senior high;
- K. Neighborhood assembly uses;
- L. Branch community facilities;
- M. Neighborhood grocery;
- N. Group home;
- O. Church.

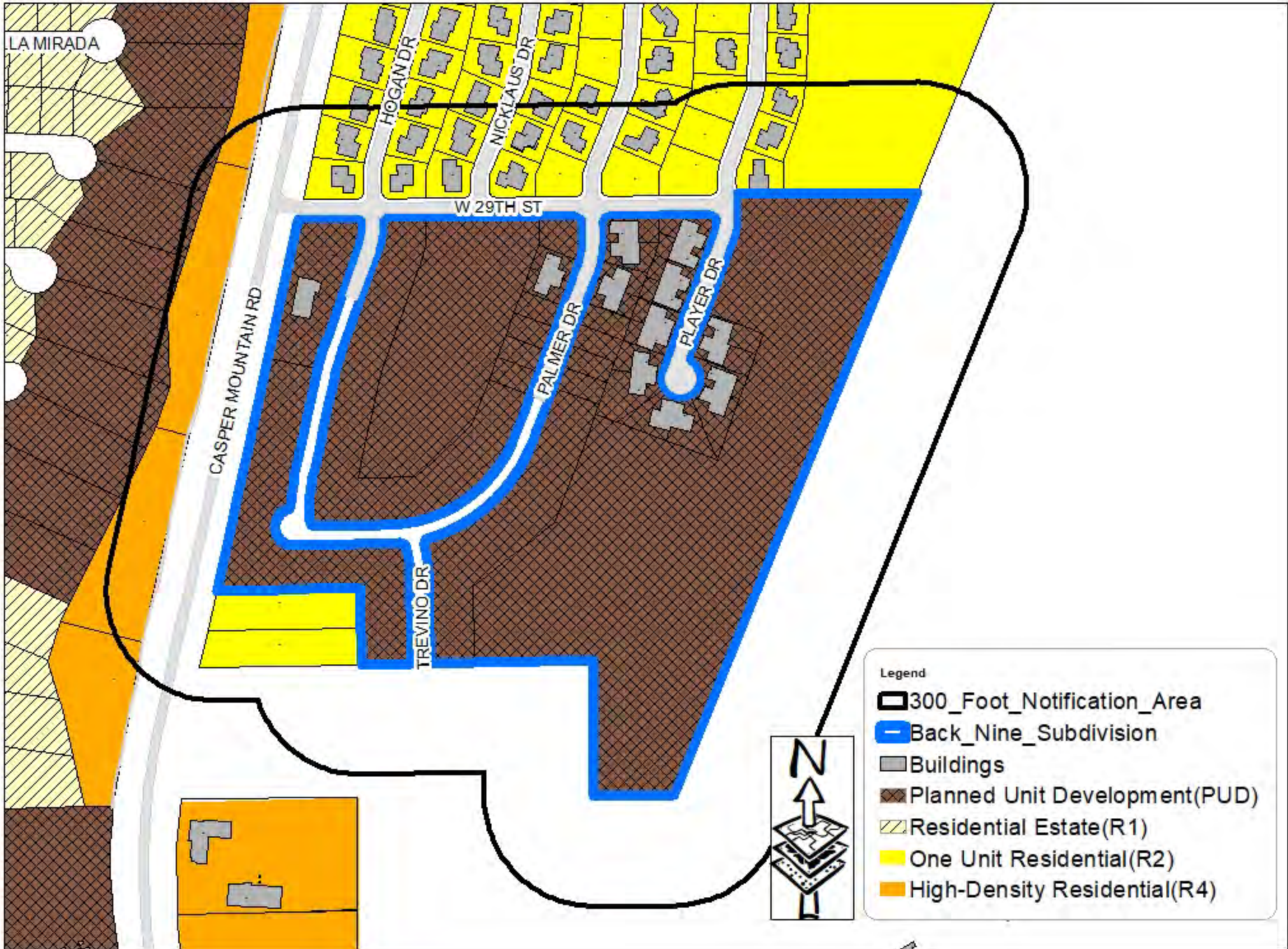
17.68.020 Permitted uses.

Except as otherwise provided, no new building, structure or land use shall be erected or used in a C-2 district except:

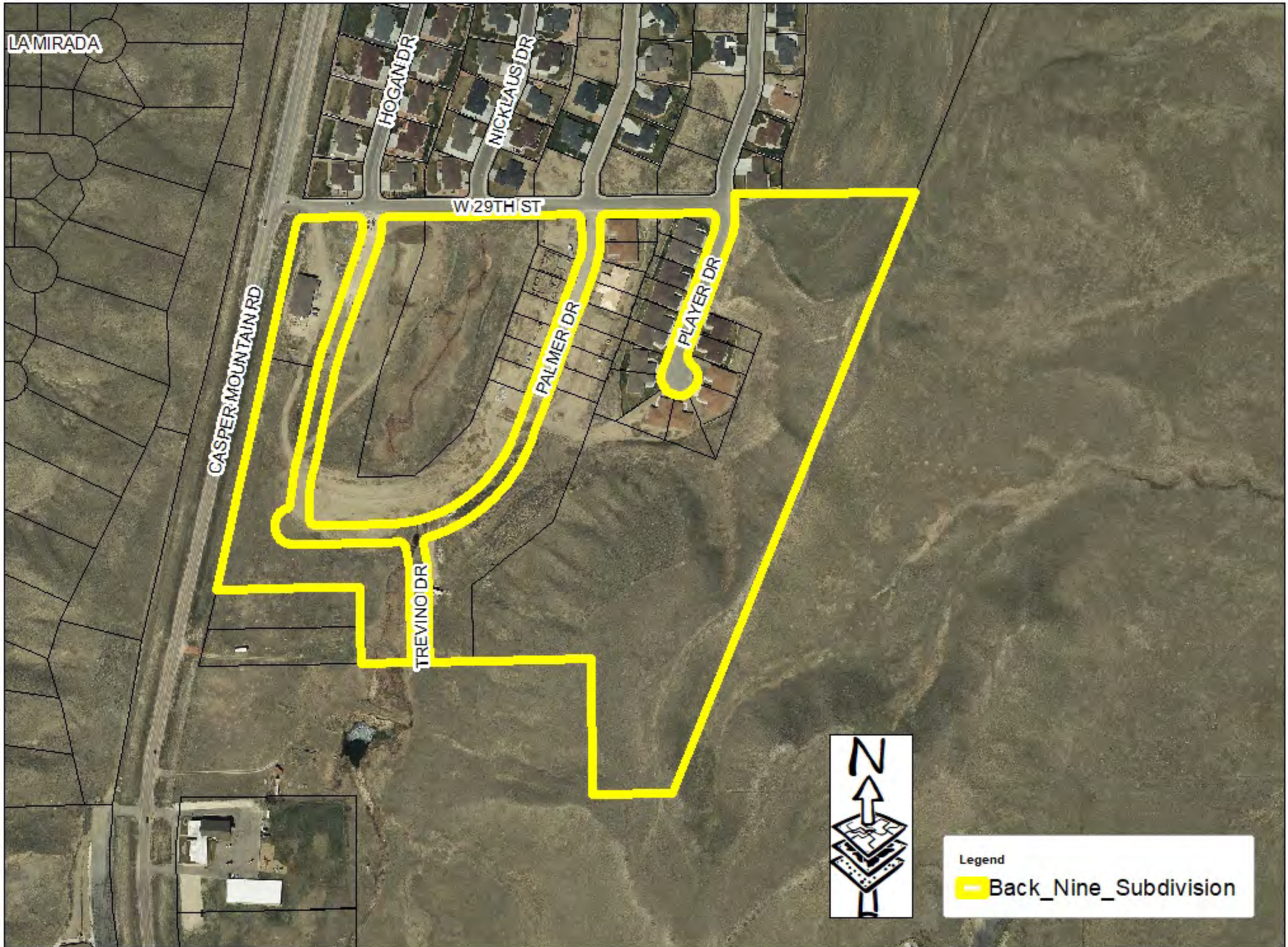
- 1. Animal clinics and animal treatment centers;
- 2. Apartments located within a business structure;
- 3. Arcades/amusement centers;
- 4. Assisted living;
- 5. Automobile park, sales area or service center;
- 6. Automobile service stations;
- 7. Banks, savings and loans, and finance companies;
- 8. Bars, taverns, retail liquor stores, and cocktail lounges;
- 9. Bed and breakfast;
- 10. Bed and breakfast homestay;
- 11. Bed and breakfast inn;
- 12. Business, general retail;
- 13. Chapels and mortuaries;
- 14. Churches;
- 15. Clubs or lodges;
- 16. Convenience establishment, medium volume;
- 17. Dance studios;
- 18. Day care, adult;
- 19. Child care center;
- 20. Family child care center—zoning review;
- 21. Family child care home;
- 22. Family child care home—zoning review;
- 23. Electrical, television, radio repair shops;
- 24. Gaming/gambling;
- 25. Grocery stores;
- 26. Group homes;
- 27. Homes for the homeless (emergency shelters);
- 28. Hotels, motels;
- 29. Neighborhood groceries;

30. **Offices, general and professional;**
31. Pet shops;
32. Medical laboratories, clinics, health spas, rehabilitation centers, real estate brokers, insurance agents;
33. Parking garages and/or lots;
34. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities;
35. Pawn shops;
36. Personal service shops;
37. Pharmacies;
38. Printing and newspaper houses;
39. Reception centers;
40. Recreation centers;
41. Restaurants, cafes, and coffee shops;
42. Retail business;
43. Sundry shops and specialty shops;
44. Theaters, auditoriums, and other places of indoor assembly;
45. Thrift shops;
46. Vocational centers, medical and professional institutions;
47. Neighborhood assembly uses;
48. Regional assembly uses;
49. Branch community facilities;
50. Neighborhood grocery;
51. Conventional site-built and modular single and multifamily dwellings and "manufactured homes" meeting the definition and standards set forth in Section 17.08.010.

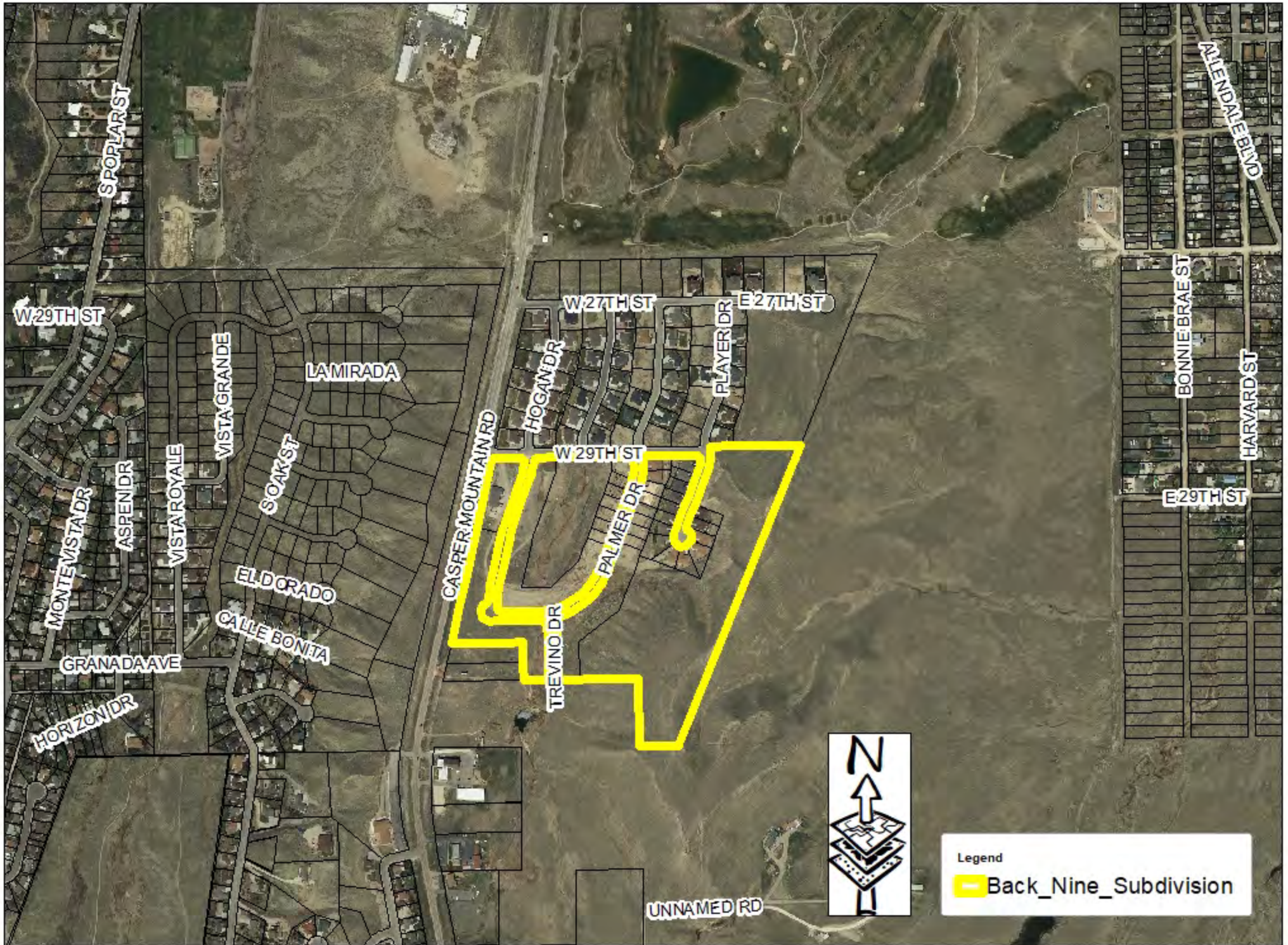
Back Nine Subdivision - Rezone



Back Nine Subdivision - Rezone



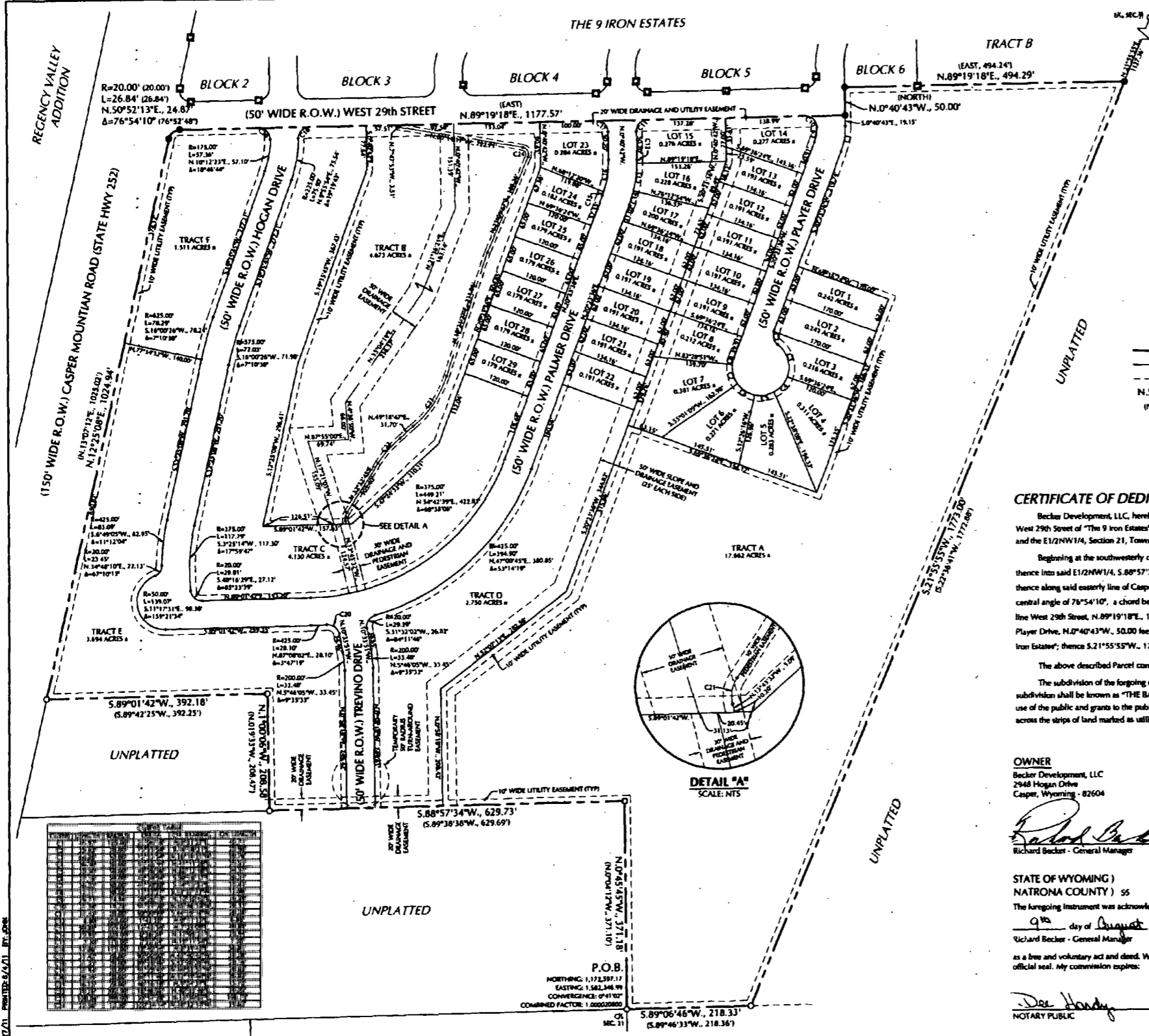
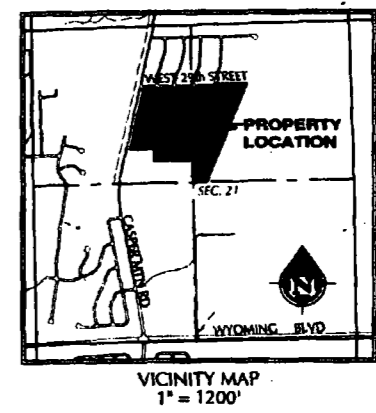
Back Nine Subdivision - Rezone



PLAT OF
"THE BACK NINE"
 AN ADDITION TO THE CITY OF CASPER, WYOMING

BEING A VACATION AND REPLAT OF A PORTION OF TRACT C AND PORTIONS OF WEST 29th STREET OF "THE 9 IRON ESTATES", ALL OF "THE 9 IRON ESTATES II", BEING LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

SCALE: 1"=100'



- LEGEND**
- RECOVERED BRASS CAP
 - RECOVERED CORNER AS NOTED
 - SET 5/8" REBAR WITH ALUMINUM CAP
 - SET BRASS CAP
 - PLAT BOUNDARY
 - LOT LINES
 - EASEMENT LINES
 - MEASURED
 - RECORDED
 - RECOVERED ALUMINUM CAP

CERTIFICATE OF DEDICATION

Becker Development, LLC, hereby certifies that they are the owner and proprietor of the foregoing subdivision located in and being a vacation and replat of a portion of Tract C and portions of West 29th Street of "The 9 Iron Estates II", an addition to the City of Casper, Wyoming, the foregoing subdivision being located in the W1/2NE1/4 and the E1/2NW1/4, Section 21, Township 33 North, Range 79 West of the Sixth Principal Meridian, Natrona County, Wyoming, being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said W1/2NE1/4, said point being the C1/4 corner of said Section 21; thence along the westerly line of said W1/2NE1/4, N.0°45'45"W., 371.16 feet; thence into said E1/2NW1/4, S.88°57'34"W., 629.73 feet; thence N.1°00'06"W., 208.58 feet; thence S.89°01'42"W., 392.18 feet to a point in the easterly right-of-way line of Casper Mountain Road; thence along said easterly line of Casper Mountain Road, N.12°25'08"E., 1024.94 feet to a point of curvature; thence 26.84 feet along the arc of a true curve to the right having a radius of 20.00 feet, a central angle of 78°54'10", a chord bearing of N.50°52'13"E., and a chord length of 24.87 feet to a point of tangency in the southerly right-of-way line of West 29th Street; thence along said southerly line West 29th Street, N.89°19'18"E., 1177.57 feet to the point of intersection of said southerly line of West 29th Street and the easterly right-of-way line of Player Drive; thence along said easterly line of Player Drive, N.0°40'43"W., 50.00 feet to the southwest corner of Lot 7, Block 6, of said "The 9 Iron Estates"; thence N.89°19'18"E., 494.29 feet to the southeasterly corner of Tract B of said "The 9 Iron Estates"; thence S.21°55'55"W., 1773.00 feet to the southeasterly corner of the said "The 9 Iron Estates" subdivision; thence S.89°06'46"W., 218.33 feet to the Point of Beginning.

The above described Parcel contains 44.579 acres, more or less, and is subject to any and all rights-of-way, easements, reservations, and encumbrances which have been legally acquired.

The subdivision of the foregoing described land as it appears on this plat is with the free consent and in accordance with the desire of the above named owner and proprietor. The name of said subdivision shall be known as "THE BACK NINE", an addition to the City of Casper, Wyoming. The above named owner and proprietor does hereby dedicate all streets and roads shown hereon to the use of the public and grants to the public and private utility companies an easement and license to locate, construct, use and maintain conduits, lines, wires and pipes, any or all of them, under, along or across the strips of land marked as utility easements as shown on this plat.

OWNER
 Becker Development, LLC
 2948 Hogan Drive
 Casper, Wyoming - 82604

Richard Becker
 Richard Becker - General Manager

STATE OF WYOMING)
 NATRONA COUNTY) ss
 The foregoing instrument was acknowledged before me this
 9th day of August, 2011, by:
 Richard Becker - General Manager
 as a free and voluntary act and deed. Witness my hand and
 official seal. My commission expires:

Dee Hardy
 NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

I, Chris Asbury do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of "THE BACK NINE" as laid out, plotted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me or under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Casper regulations governing the subdivision of land.

STATE OF WYOMING)
 NATRONA COUNTY) ss
 The foregoing instrument was acknowledged before me this
 9th day of August, 2011, by:
 Chris Asbury, L.S.
 as a free and voluntary act and deed. Witness my hand and
 official seal. My commission expires:

Chris Asbury
 NOTARY PUBLIC

NOTES

1. ERROR OF CLOSURE = 1:518,026
2. BASIS OF BEARING: WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/86
3. DISTANCES: U.S. SURVEY FOOT (GROUND)
3. LOT CORNERS TO BE SET CONCURRENT WITH CONSTRUCTION USING 5/8" REBAR & ALUMINUM CAP

RECORDED

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF NATRONA COUNTY, WYOMING THIS 18th DAY OF November, 2011.
 INSTRUMENT NO. 918470 My term of office expires January 6, 2016

Reena Vitto
 COUNTY CLERK

WYOSDA ADDITION

APPROVALS

APPROVED BY THE CITY OF CASPER PLANNING AND ZONING COMMISSION OF CASPER, WYOMING THIS 31st DAY OF August, 2011.

ATTEST: *Frank J. Walker*
 SECRETARY

Earl Fralich
 CHAIRMAN

APPROVED BY THE CITY COUNCIL OF CASPER, WYOMING BY RESOLUTION NO. 11-152, DULY PASSED, ADOPTED AND APPROVED THIS 31st DAY OF August, 2011.

ATTEST: *Paul C. Bertoglio*
 CITY CLERK

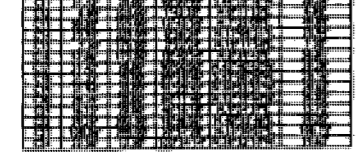
Paul C. Bertoglio
 MAYOR

INSPECTED AND APPROVED THIS 9th DAY OF September, 2011.

James D. Demers
 CITY ENGINEER

INSPECTED AND APPROVED THIS 9th DAY OF September, 2011.

Russell K. French
 CITY SURVEYOR



P.O.B.
 NORTHING: 1,172,597.12
 EASTING: 1,562,348.99
 CONVERSION FACTOR: 0.91107
 CH. SEC. 21

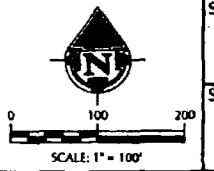
5830 East 2nd Street
 Casper, Wyoming 82609
 Phone: 307-265-4601
 Fax #: 307-265-4672

J.K.C.
 ENGINEERING

PLAT OF
"THE BACK NINE"
 AN ADDITION TO THE CITY OF CASPER, WYOMING

BEING A VACATION AND REPLAT OF A PORTION OF TRACT C AND PORTIONS OF WEST 29th STREET OF "THE 9 IRON ESTATES II", BEING LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

DATE: AUGUST 4, 2011
 PROJECT NO: 10-67
 DRAWN BY: J. BRYSON
 SHEET TITLE: RECORD OF SURVEY
 SHEET NUMBER: 1 OF 1



**THE BACK NINE
SUBDIVISION AGREEMENT**

This Subdivision Agreement ("Agreement") is made and entered into this 21st day of June, 2011 by and between the following parties:

1. The City of Casper of Casper, Wyoming, a Wyoming municipal corporation, 200 North David Street, Casper, Wyoming 82601 ("City").

2. Becker Development, LLC, 2948 Hogan Drive, Casper, Wyoming 82601 ("Owner").

Throughout this Agreement, City and Owner may be individually referred to as a "party" or collectively referred to as the "parties."

RECITALS

- A. Whenever the Public Services Director, City Engineer, Community Development Director, or other City official is mentioned in this Agreement, it shall be deemed to include their designees.

- B. Owner has been made to replat a portion of Tract C and portions of West 29th Street, The 9 Iron Estates Addition, and The 9 Iron Estates II as The Back Nine, located east of Casper Mountain Road and north of Wyoming Boulevard, comprising 44.58-acres, more or less, and creating 29 lots and 6 Tracts..

- C. A plat of The Back Nine ("Addition") has been prepared by the Owner, and approved by the City of Casper, and shall be signed and recorded at the Natrona County Clerk's Office concurrently with this Agreement.

- D. The accompanying PUD site plan of The Back Nine, dated April 21, 2011, has been prepared by the Owner, and approved by the City of Casper, and is attached hereto as Exhibit "A".

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

SECTION 1 – INCORPORATION OF RECITALS

The recitals set forth above are incorporated at this point as if fully set forth as part of this Agreement.



SECTION 2 - OBLIGATIONS OF OWNER

Upon written demand of the Council or the City Manager, the Owner, its heirs, successors, grantees or assigns, at their sole cost and expense, shall do, or cause to be done, the following:

2.1 Surveying:

- a. All subdivision corners and 1/16 corners shall be marked with 2" brass caps. These caps shall be set in concrete and shall show the number of the corner, elevation of the corner, identifying initial of the surveyor or company making the survey, and the license number of the surveyor making the survey or certifying the survey. The 1/16 corner shall be properly marked and verified as to the location, true elevation, and reference.
- b. Block and Lot corners, points of tangency (PT's) and points of curve (PC's) of all curves shall be marked by an iron pin not less than five-eighths inches in diameter and not less than twenty-four inches in length, unless otherwise impractical. All survey monuments shall include a permanent attached identifying marker.
- c. Upon completion of construction of the sidewalks, the points of intersection (PI's) and the points of return (POR's) of all blocks shall be marked with an iron pin. Also, the PC's and PT's of all curves shall be marked by an iron pin. Said markers shall be in place for final inspection by the Public Services Director upon completion of the sidewalk (curbwalk), or curb and gutter.
- d. A record of all elevation data for the Addition of the 1/16 corner(s) shall be submitted to the Public Services Director prior to the issuance of any building permit.
- e. A digital copy of the Final Subdivision Plat shall be provided to the City, as required by the Casper Municipal Code ("Code"). No building permit shall be issued prior to the recording of the plat.

2.2 Construction Sequence:

Main water lines, sewer lines, storm sewer, streets, sidewalks, pavement overlays, and access drives shall be constructed in an orderly sequence, as the Addition is developed and built upon, so that there will be no gaps left in the paving, sidewalks, and other off-site improvements. Streets shall not be paved until all water lines, storm sewers, and property water and sewer services are in place and the ditches thereof properly backfilled and compacted, in accordance with City requirements. The Owner shall receive the approval of the Public Services Director prior to commencing any and all phases of construction.

2.3 Certification of Construction; Repair Obligations:

- a. All improvements shall be designed and inspected by a Wyoming registered professional engineer, who shall certify that the improvements, including, but not limited to, streets, curbs, gutter, sidewalks, paving, parkways, utility systems, storm sewers, street lighting, street signs and striping, etc., have been constructed in accordance with plans and specifications approved by the Public Services Director. The certification by the engineer and approval by the City shall be in writing. Approval of the construction plans by the Public Services Director is required before a building permit will be issued by the City.
- b. The Owner shall maintain, repair, and replace all improvements that fail within the warranty period as provided by the Code. This obligation includes maintenance, repair or replacement for any cause during such period, including acts of subcontractors. In the event the Owner fails to maintain, repair, or replace said improvements, City shall have the right but not the obligation, at its option, to maintain, repair, or replace the same and Owner agrees to pay for any cost incurred thereby. Maintenance, repair, or replacement by the City does not relieve the Owner from its obligation under this paragraph and shall not be construed to be an acceptance of the improvements by the City.

Upon issuance of a "letter of acceptance" by the Public Services Director pursuant to the Code, the City will assume ownership and the responsibility for the maintenance of the improvements. The Owner shall be responsible for the maintenance, repair and replacement of the improvements until the City issues its "letter of acceptance."

2.4 Underground Utilities and Street Lights:

All new utilities shall be located underground. All street lights shall be installed in compliance with Code street-lighting standards at the Owner's sole expense. Streetlight pole materials shall be as approved in writing by the Public Services Director.

2.5 Soils Analysis:

The Owner shall provide the Public Services Director with a soils analysis concurrently with the submittal of subdivision construction plans. Individual lot test bores may be required on each lot, with a soil analysis for the foundation design at the sole discretion of the Public Services Director. Test results, soil analyses and foundation designs shall be submitted to the Community Development Director.

2.6 Erosion Control Program:

The Owner shall submit, and have approved by the Public Services Director, a comprehensive erosion control program for the area disturbed during construction activities to mitigate the adverse effects of blowing dirt or dust, and water erosion on other properties in the immediate area before the issuance of an earthwork, road cut or grading permit pursuant to the Code. An erosion and sediment control permit shall be obtained from the Public Services Director prior to any earthwork taking place in the Addition.

The Owner shall post security for its erosion control as required by the Code, and in a form acceptable to the City. It shall be the obligation of the Owner to keep any security in full force and effect, as required by the Code. In addition, the Owner shall furnish proof of the same to the Public Services Director upon demand of the City.

2.7 Retaining Walls and Fences:

Any retaining walls constructed within the subdivision by the Owner shall be designed and certified by a Wyoming registered professional engineer. The design(s) shall be submitted to the Public Services Director and Community Development Director for written approval before a building permit will be issued. Said walls shall be constructed within the boundaries of each lot and not on the property lines. Maintenance of said walls shall be the responsibility of each individual lot owner. Provided, however, retaining walls and fences shall not be constructed on any drainage easements, or on any other ways depicted on any other recorded instrument without the approval of the Public Services Director.

2.8 Water and Sewer:

All water and sewer improvements shall be constructed in full compliance with the Code as it exists at the time of construction, including, but not limited to the following requirements:

- a. Curb boxes shall be left behind the sidewalk in front of each lot and the Owner shall protect, during the subsequent course of developing the Addition, valve boxes and curb boxes from damage, and be wholly responsible for the repair and replacement to the Public Services Director's satisfaction of such that are damaged or destroyed. If the Owner shall fail or refuse to promptly repair or replace such boxes as required, the City may do so and charge the Owner directly for said cost. The Owner shall adjust said valve and curb boxes to finished grade, at the time the paving work is completed in the Addition.
- b. The Owner shall construct the necessary water lines and appurtenances up to and through the Addition. All work shall be in accordance with plans and specifications to be prepared by the Owner's engineer and approved in writing by

the Public Services Director. Water line sizes shall be as determined by the Public Services Director.

- c. The Owner, at its cost, shall install water service lines in accordance with Code specifications to the property line so as to serve each lot or building site in the Addition.
- d. The Owner shall construct the necessary sewer lines up to and through the Addition. All work shall be in accordance with plans and specifications to be prepared by the Owner's engineer and approved in writing by the Public Services Director. Sewer sizes shall be as determined by the Public Services Director.
- e. The Owner, at its own cost, shall install sewer service lines, in accordance with Code specifications, to the property line so as to serve each lot or building site in the Addition.
- f. The Owner shall protect manhole covers and rings from damage in the course of constructing the line, and shall be solely responsible for repair or replacement to the Public Services Director's satisfaction. The Owner shall adjust such manhole rings and covers to finished grade. The Owner agrees to protect and save the City harmless from any loss or claim suffered by other sewer users to their real or personal property, and from personal injury or damages by reason of obstruction or damage to the sewer lines or any part thereof occasioned by present or future construction work on said Addition by the Owner. Said obligation shall continue until the sewer line and the system within the Addition is accepted by the Public Services Director by issuance of a "letter of acceptance." Provided, however, that acceptance of part of the system shall not relieve the Owner of the obligations herein imposed for the remaining improvements that have not been accepted within said Addition.
- g. Prior to the issuance of a building permit for any new structure, or prior to the issuance of a plumbing permit to connect existing buildings to the water and sewer systems, the then-existing water system investment charge (connection charge), sewer system investment charge (connection charge) and water meter charge shall be paid to the City. The Owner will also pay to the Central Wyoming Regional Water System Joint Powers Board the then current Regional Water System investment charge for each building to be served with water.
- h. All necessary water and sewer easements, in forms acceptable to the City, up to and through the subdivision shall be obtained by the Owner, which grant to the City the right of ingress and egress thereto for purposes of laying out, constructing, inspecting, maintaining and replacing water lines, sewer lines, its fire hydrants and other appurtenances.
- i. The Owner agrees to abide by all federal, state and local laws, rules and regulations regarding the use of its water and sewer facilities, and water and

sewer service, including, but not limited to, the Federal Pretreatment Regulations and all the Code sections relating to industrial pretreatment.

- j. At such time as said water and/or sewer mains are installed by the Owner and a "letter of acceptance" is issued by the Public Services Director, the City shall pursuant to the Code, reimburse the Owner twice the difference in material cost between an 8-inch water and/or sewer main, or larger size if required by the development, and the required oversized main pursuant to the Code, as amended. Such reimbursement will be determined by the City based upon its most recent applicable material costs at the time of the Agreement execution. Reimbursement will only be based on oversizing of water and sewer mains larger than the size required by system analysis and approved by the Public Services Director.

2.9 Easements for all Utilities, Bikeways and Pedestrian Pathways:

Easements for all utilities and future bikeway/pedestrian pathways and access, in recordable forms acceptable to the City, must be provided prior to application for a permit to construct being made to City.

2.10 Street and Traffic Signs and Controls:

Owner shall pay for the cost and installation of all necessary on and off-site street and traffic control signage, signs signifying the street names, street striping, crosswalk striping, and traffic calming devices, as determined by the Public Services Director in his sole discretion.

2.11 Security Requirements:

In addition to and separate from the security required for erosion control, Owner shall comply with all Code requirements for all other security and surety requirements as set forth in the Code, including, but not limited to the financial surety and security for the project, landscaping and warranty period.

2.12 Record Drawings:

- a. Owner shall submit "as-built" record documents for paving, drainage, water and sewer to City prior to the issuance of the certificate of occupancy. Reproducible hard copy drawings shall be in the form of one (1) set of 4 mil Mylar, 24" x 36" labeled as "Record Drawings" and dated. Record Drawings shall also be provided on electronic media in Adobe (pdf) format and in AutoCAD format or other format specified by Owner. Record documents shall be submitted on CDs, or other media as directed by Owner, labeled as "Record Drawings" and include the project name, City of Casper project number and date.

- b. All digital files necessary for correct plotting of the final record drawings in the AutoCAD version, such as external references, pen assignments, images, etc. shall be provided. Any x-refs or other files that can be, shall be incorporated into the final drawings to minimize the manipulation necessary for plotting.

2.13 Completion of Infrastructure Improvements Prior to Certificate of Occupancy:

All required on-site and off-site improvements shall be completed and approved by the Public Services Director prior to the issuance of the first certificate of occupancy unless otherwise designated in this Agreement.

2.14 Other Costs in Separate Agreements:

If any recapture costs, costs for a drainage basin or sub-basin wide stormwater management program are applicable to this Subdivision, those costs shall be allocated in a separate exhibit attached to this agreement. Failure of any such exhibit to be attached to this agreement shall not relieve the Owner of its obligation to pay its proportionate share of those costs.

2.15 Stormwater, Flooding and Letters of Map Revisions:

a. Owner shall comply with and pay for all costs associated with any Stormwater Pollution Prevention Plan, Letter of Map Revision (LOMR), or other related requirements of Wyoming DEQ, Federal Emergency Management Agency (FEMA) or any other agency that has jurisdiction over the real property in impacted by this Agreement.

b. Owner shall provide the City with copies of all Stormwater Pollution Prevention Plan elements as reviewed and approved by Wyoming DEQ; any LOMR, along with the necessary submittals to update flood mapping in accordance with FEMA requirements, and documentation of Base Flood Elevations.

c. All requirements of this section shall be met prior to issuance of a permit to construct subdivision improvements.

2.16 Other Requirements:

a. Prior to the issuance of a permit to construct public improvements in the Addition, the Owner shall provide a bond or other approved surety to the City Engineering Department for 125% of the estimated cost of a continuous left turn bay along Casper Mountain Road per the approved WYDOT access permit and The Nine Iron Estates II Subdivision Agreement. Said left turn bay shall be completed prior to the issuance of any building permit in the Addition.

- b. The Owner shall obtain the City Engineer's approval of a drainage study for the Addition prior to the issuance of any building permit in the Addition.
- c. Prior to the issuance of a permit to construct public improvements for the Addition, the Owner shall correct, subject to the City Engineer's approval, the deficiencies in the public improvements in The Nine Iron Estates Addition, identified in a written punch list from the City Engineering Office and attached hereto as Exhibit "B".
- d. Concurrent with the construction of Trevino Drive, the Owner shall extend water and sewer mains to the south end of the Addition.
- e. Prior to the recording of the replat, the Owner shall provide the City with proof of the creation of a Homeowner's Association for the PUD. The Homeowner's Association shall be responsible for owning and maintaining all designated open space, including the proposed pedestrian pathways.
- f. Prior to the issuance of building permits for any structures in the Addition, the Owner shall provide a site plan and landscaping plan, meeting all minimum City requirements, for the existing commercial building located on proposed Tract "F".
- g. Prior to the issuance of a building permit for the proposed 5,000 square foot commercial structure in Tract F, the Owner shall develop enhanced architectural design standards for commercial structures in The Back Nine PUD, which requires the approval of an amendment to the PUD site plan by the City Council.

SECTION 3 - OBLIGATIONS OF CITY

The City shall issue a building permit and certificate of occupancy for the buildings in the Addition upon performance by the Owner of the conditions set forth herein, and upon Owner's compliance with all applicable Code requirements. All building permits will be issued by the Community Development Director in accordance with the Code.

SECTION 4 - REMEDIES

In the event the Owner fails to do, or fails to cause to be done, any of the requirements set forth in this Agreement in an expeditious manner, the City may, at its option, do any or all of the following:

- a. Refuse to issue any building permits or certificates of occupancy to any person, including the Owner, or its heirs, successors, assigns and grantees.
- b. After written notice to the Owner of any public improvements which have not been completed or properly completed, and upon Owner's failure to

cure the same within a reasonable period of time, the City may complete any and all of the public improvements required by this Agreement by itself or by contracting with a third party to do the same. In the event the City elects to complete said improvements, or contracts with a third party to do so, the Owner agrees to pay any and all costs resulting therefrom upon demand by the City.

The remedies provided in this section are in addition to any other remedies specifically provided for in this Agreement, or which the City may otherwise have at law or in equity, and are not a limitation upon the same. The Owner further agrees to pay all reasonable attorneys' fees, court costs, and litigation costs in the event the City is required to enforce the provisions of this Agreement in a court of law.

SECTION 5 – GENERAL PROVISIONS

- a. Successors and Assigns: The terms and conditions of this Agreement shall be binding upon the parties hereto, and shall inure to the benefit of all parties hereto and their respective heirs, successors, assigns, and grantees and shall bind and run with the real property that is the subject matter of this Agreement. The Owner shall not assign this Agreement or otherwise sub-contract its duties and responsibilities as set forth in this Agreement without the prior written consent of the City.
- b. Wyoming Governmental Claims Act: The City does not waive any right or rights it may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statute Sections 1-39-101, et seq. The City specifically reserves the right to assert any and all immunities, rights, and defenses it may have pursuant to the Wyoming Governmental Claims Act.
- c. Governing Law and Venue: This Agreement, its interpretation and enforcement shall be governed and construed in accordance with the laws of the State of Wyoming. Any litigation regarding this Agreement shall be resolved in a court of competent jurisdiction situated in Natrona County, Wyoming.
- d. Complete Agreement: This Agreement shall constitute the entire understanding and agreement of the parties, and supersedes any prior negotiations, discussions or understandings.
- e. Amendment: No amendment or modification of the terms of this Agreement shall be valid or enforceable unless made in writing and executed by all parties hereto.
- f. Waiver: Failure on the part of either party to enforce any provision of this Agreement, or the waiver thereof, in any instance, shall not be construed

as a general waiver or relinquishment on its part of any such provision, but the same shall nevertheless be and remain in full force and effect.

- g. No Third Party Beneficiary Rights: The parties to this Agreement do not intend to create in any other individual or entity the status of third-party beneficiary, and this Agreement shall not be construed so as to create such status. The rights, duties and obligations contained in this Agreement shall operate only between the parties to this Agreement, and shall inure solely to the benefit of the parties to this Agreement. The parties to this Agreement intend and expressly agree that only parties signatory to this Agreement shall have any legal or equitable right to seek to enforce this Agreement, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this Agreement, or to bring an action for the breach of this Agreement.
- h. Severability: If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid, illegal or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement.
- i. Notices: Notices required or permitted to be given by a Party to the others must be in writing and either delivered in person or sent to the address shown below (or such subsequent address as may be designated by either party in writing) by certified mail, return receipt requested and postage prepaid (or by a recognized courier service, such as Federal Express, UPS, or DHL), or by facsimile with correct answerback received, and will be effective upon receipt:

Becker Development, LLC
Attn: Richard Becker
2948 Hogan Drive
Casper, WY 82601

City of Casper
Attn: Community Development Director
200 North David
Casper, WY 82601
Fax: 307-235-8362

- j. Headings: The section headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation thereof.
- k. Survival: All representations, indemnifications, warranties and guarantees made in, required by or given in accordance with this Agreement, as well as all continuing obligations indicated in this Agreement, will survive final payment, completion and acceptance of the services and termination or completion of the Agreement.

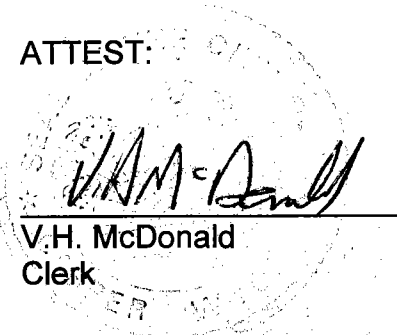
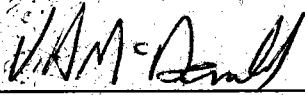
- I. Copies: This Agreement may be executed in more than one copy, each copy of which shall serve as an original for all purposes, but all copies shall constitute but one and the same Agreement.
- m. Authority: Each individual executing this Agreement for and on behalf of their principals hereby state that they have the requisite power and authority to enter into this Agreement and to consummate the transactions contemplated and intended hereby. Owner further states that it is authorized to transact business in the State of Wyoming, properly registered and not delinquent with the Secretary of State.
- n. Term: At the time the Owner files for a permit to construct, the then applicable code provisions shall apply for the life of the permit or under an extension that is approved by the Public Services Director. If the Owner fails to file for a permit to construct at the time of platting, all applicable provisions of the Code that have changed since the execution of this Agreement shall be required of the Owner at the time of permit application, and the City at its sole discretion may require a new Subdivision Agreement and/or the replatting of property. Provided, however, Code amendments pertaining to the health and safety of the public shall be complied with by the Owner during the term of this Agreement, regardless of the validity of the permit to construct.

The parties hereby enter into this Agreement on the day and year first written above.

APPROVED AS TO FORM:



ATTEST:

V.H. McDonald
Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation



Paul C. Bertoglio
Mayor

WITNESS:

OWNER
BECKER DEVELOPMENT, LLC

By: Dee Hardy

By: Richard Becker

Printed Name: Dee Hardy

Printed Name: Richard Becker

Title: Administrative Secretary

Title: Gen. Mgr.

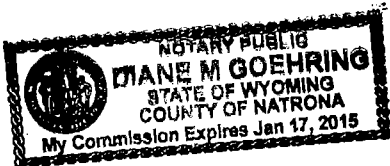
STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this 21st day of June, 2011 by Paul C. Bertoglio as the Mayor of the City of Casper.

(Seal, if any)

Diane M. Goehring
(Signature of notarial officer)

Notary Public
Title (and Rank)

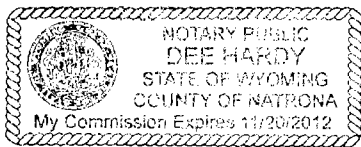


[My Commission Expires: _____]

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this 22nd day of June, 2011 by Richard Becker as the General Manager of BECKER DEVELOPMENT, LLC.

(Seal, if any)



Dee Hardy
(Signature of notarial officer)

Administrative Secretary
Title (and Rank)

[My Commission Expires: 11/20/12]

EXECUTIVE SUMMARY
"THE BACK NINE"

Objective

The objective of the PUD is to allow the flexibility of development of single family twin homes that are affordable to the potential buyers entering the Casper home market.

Abutting Land/Home Owners (See PUD Site Plan for Property Owner Locations)

➤ Jaynes Corp.	P.O. Box 26841	Albuquerque, NM	87125
➤ Ihli, Troy	2450 W. 39 th	Casper, WY	82604
➤ Akin, Steve	2924 Hanway	Casper, WY	82604
➤ Hansuld, William	680 E. 18 th St.	Casper, WY	82601
➤ Stutte, Nathan	2838 Hogan Dr.	Casper, WY	82601
➤ Vigil, Marshall	2839 Hogan Dr.	Casper, WY	82601
➤ McJunkin, Patrick	2840 Nicklaus Dr.	Casper, WY	82601

Architectural Theme

- ❖ Residential Dwellings
 - Number of Housing Units
 - 39 Twins + 4 Singles = 82 Residential Dwellings/Lots
 - Phase I = 29 Residential Dwellings/Lots
 - Phase II = 53 Residential Dwellings/Lots
 - Size of Each Unit
 - 1,600 to 2,000 s.f.±
 - Typical Configuration of Each Unit
 - 3 Bedrooms, 2 Bathrooms
 - Fire Place Optional
 - Two Car Garage - Three Car Optional
 - Common Siding Type
 - Combination of Lap and Stucco
 - Roof Structure
 - 3:12 Slope Gable on Garage
 - 5:12 Slope Gable on Main Structure
 - Architectural Shingle
- ❖ Commercial Buildings
 - Number of Commercial Units
 - Two Commercial Units
 - Size of Each Unit
 - Up to 5000s.f. ±
 - Parking Requirements
 - 29 Spaces
 - 2 Handicap Spaces
 - Typical Configuration of Each Unit
 - Office/Maintenance/Shop (Existing Building)
 - Office (Future Building)
 - Common Siding Type
 - Steel Siding
 - Roof Structure
 - Gable
 - Architectural Shingle



APR 21 2011

- Signage
 - Business Signs
 - Each office building shall be permitted one façade or projecting sign not to exceed four square feet for each lineal front foot.
 - Freestanding Signs
 - Each office building shall be permitted one freestanding sign per public street frontage.
 - All signage shall conform to the City of Casper's Municipal Codes (Chapter 17.96 Signs)

Land Use Areas

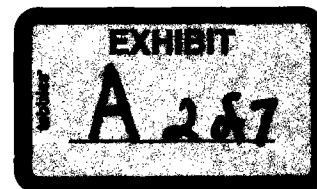
- Residential Use = 16.984 acres ±
 - Min. Residential Lot Size = 0.179 acres ±
 - Max. Residential Lot Size = 0.381 acres ±
- Open Space = 22.335 acres ±
- Commercial Use (1 Tract) = 1.511 acres ±
 - Floor space shall not exceed 25% of tract.

Setbacks and Height Limitations

- ❖ Residential
 - Setbacks
 - Front = 20' Min.
 - Side = 5' Min.
 - Rear = 20' Min.
 - Height Limitation
 - Maximum Height shall be 22'
- ❖ Commercial
 - Setbacks
 - Front = 20 ' Min. (25' Typical)
 - Side = 0' unless abutting Residential 10' Min.
 - Rear = 20 ' Min. (25' Typical)
 - Height Limitation
 - Maximum Height shall be 30'

Construction Phase Summary

- Phase I (Est. Completion in 2012)
 - 29 Residential Lots = 6.41 acres ±
 - 1,052 Linear Feet of Street Construction ±
- Phase II (Est. Completion in 2014)
 - 53 Residential Lots = 10.574 acres ±
 - Commercial Tract = 1.511 acres ±
 - 1,120 Linear Feet of Pedestrian Pathway Construction ±
 - Pedestrian Pathway we be constructed after Palmer Drive is complete from 29th St to Trevino Drive.
 - 2,080 Linear Feet of Street Construction ±



Landscaping

- All landscaping shall conform with the City of Casper Zoning Regulations regarding landscaping (Chapter 17 of the Municipal Code, Appendix B)

Water Main Connection

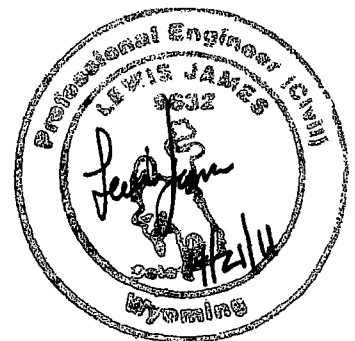
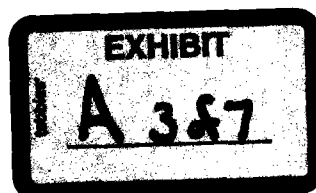
Currently 8" PVC water main stub-outs are located at Hogan Dr., Palmer Dr. and Player Dr.. The planned development will connect to these stub-outs. On Hogan Dr. the water main will continue to loop around to Palmer Dr. On Player Dr the water main will dead-end into the cul-de-sac. An 8" PVC water main will be stubbed-out Trevino Dr. The planned water usage for the entire area is estimated at 36,000 gallons/day

Sanitary Sewer Connection

Currently 8" PVC sanitary sewer main stub-outs are located at Hogan Dr., Palmer Dr. and Player Dr. The planned development will connect to these stub-outs. On Hogan Dr. the sanitary sewer main will terminate at the end. On Palmer Dr. the sanitary sewer will continue up Trevino Dr. for future development. On Player Dr. the sanitary sewer main will terminate at the end.

Storm Drainage

This site is not located in any FEMA regulated floodwater streams. However, there is a well defined stormwater channel that runs thru the area. The stormwaters begins at Wyoming Boulevard and will continue to be channeled thru the area and connect to the existing 48-inch storm system at Nicklaus Drive. The existing stormwaters from the south will be collects at the end on Trevino Dr. and will be conveyed under ground thru a 48-inch storm piping to Tract B and will then surface drain to the existing system. All roadways and lot grading within the developed area will be directed to this system via curb and gutter, underground piping and/or V-ditch drainage channels.

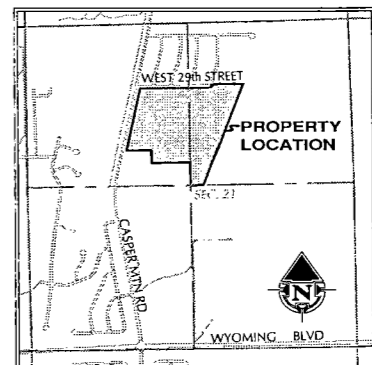


PLAT OF
"THE BACK NINE"

AN ADDITION TO THE CITY OF CASPER, WYOMING

BEING A VACATION AND REPLAT OF A PORTION OF TRACT C AND PORTIONS OF WEST 29th STREET OF "THE 9 IRON ESTATES", ALL OF "THE 9 IRON ESTATES II", BEING LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

SCALE: 1"=100'



VICINITY MAP
1" = 1200'

- LEGEND**
- RECOVERED BRASS CAP
 - RECOVERED CORNER AS NOTED
 - SET 5/8" REBAR W/ALUMINUM CAP
 - SET BRASS CAP
 - PLAT BOUNDARY
 - LOT LINES
 - - - EASEMENT LINES
 - MEASURED
 - RECORD

CERTIFICATE OF DEDICATION

Becker Development, LLC, hereby certifies that they are the owner and proprietor of the foregoing subdivision located in and being a vacation and replat of a portion of Tract C and portions of West 29th Street of "The 9 Iron Estates", an addition to the City of Casper, and all of "The 9 Iron Estates II", an addition to the City of Casper, the foregoing subdivision being located in the W1/2NE1/4 and the E1/2NW1/4, Section 21, Township 33 North, Range 79 West of the Sixth Principal Meridian, Natrona County, Wyoming, being more particularly described by metes and bounds as follows:

Beginning at the southwesterly corner of said W1/2NE1/4, said point being the C1/4 corner of said Section 21; thence along the westerly line of said W1/2NE1/4, N.0°45'45"W., 371.18 feet; thence into said E1/2NW1/4, S.88°57'34"W., 629.73 feet; thence N.1°00'06"W., 208.58 feet; thence S.89°01'42"W., 392.18 feet to a point in the easterly right-of-way line of Casper Mountain Road; thence along said easterly line of Casper Mountain Road, N.12°25'08"E., 1024.94 feet to a point of curvature; thence 26.84 feet along the arc of a true curve to the right having a radius of 20.00 feet, a central angle of 76°54'10", a chord bearing of N.50°52'13"E., and a chord length of 24.87 feet to a point of tangency in the southerly right-of-way line of West 29th Street; thence along said southerly line West 29th Street, N.89°19'18"E., 1177.57 feet to the point of intersection of said southerly line of West 29th Street and the easterly right-of-way line of Player Drive; thence along said easterly line of Player Drive, N.0°40'43"W., 50.00 feet to the southwesterly corner of Lot 7, Block 6, of said "The 9 Iron Estates"; thence N.89°19'18"E., 494.29 feet to the southeasterly corner of Tract B of said "The 9 Iron Estates"; thence S.21°55'55"W., 1773.00 feet to the southeasterly corner of the said "The 9 Iron Estates" subdivision; thence S.89°06'46"W., 218.33 feet to the Point of Beginning.

The above described Parcel contains 44.579 acres, more or less, and is subject to any and all rights-of-way, easements, reservations, and encumbrances which have been legally acquired.

The subdivision of the foregoing described land as it appears on this plat is with the free consent and in accordance with the desire of the above named owner and proprietor. The name of said subdivision shall be known as "THE BACK NINE", an addition to the City of Casper, Wyoming. The above named owner and proprietor does hereby dedicate all streets and roads shown hereon to the use of the public and grants to the public and private utility companies an easement and license to locate, construct, use and maintain conduits, lines, wires and pipes, any or all of them, under, along or across the strips of land marked as utility easements as shown on this plat.

OWNER
Becker Development, LLC
2948 Hogan Drive
Casper, Wyoming - 82604

CERTIFICATE OF SURVEYOR

I, Chris Asbury do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of "THE BACK NINE" as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me or under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Casper regulations governing the subdivision of land.

STATE OF WYOMING)
NATRONA COUNTY) ss
The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by:
Richard Becker - General Manager
Chris Asbury, L.S.

as a free and voluntary act and deed. Witness my hand and official seal. My commission expires: _____

NOTARY PUBLIC

Richard Becker - General Manager

STATE OF WYOMING)
NATRONA COUNTY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by:
Richard Becker - General Manager

as a free and voluntary act and deed. Witness my hand and official seal. My commission expires: _____

NOTARY PUBLIC

NOTES

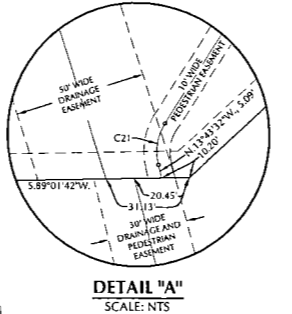
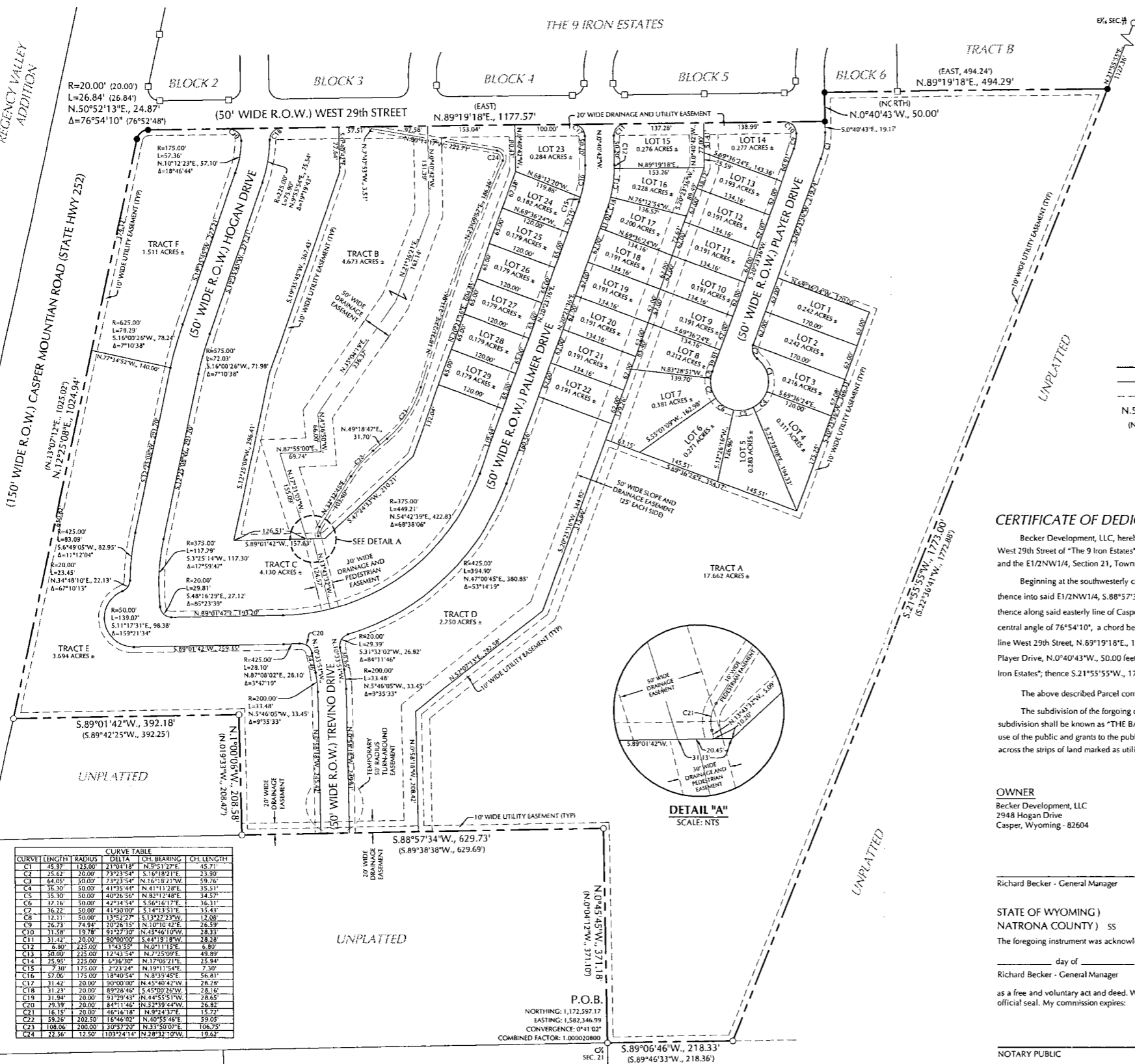
1. ERROR OF CLOSURE = 1:518,026
2. BASIS OF BEARING: WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/86
3. DISTANCES: U.S. SURVEY FOOT (GROUND)
3. LOT CORNERS TO BE SET CONCURRENT WITH CONSTRUCTION USING 5/8" REBAR & ALUMINUM CAP

RECORDED

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF NATRONA COUNTY, WYOMING THIS _____ DAY OF _____, 2011.

INSTRUMENT NO. _____

COUNTY CLERK



DETAIL "A"
SCALE: NTS

CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	45.97	128.00	21°04'18"	N.9°51'27"E.	45.71
C2	25.62	20.00	73°23'54"	S.1°18'21"E.	23.30
C3	44.05	50.00	72°33'54"	N.16°18'11"W.	59.76
C4	16.30	50.00	41°35'44"	N.41°11'28"E.	15.31
C5	35.30	50.00	40°26'50"	N.82°12'48"E.	34.57
C6	37.16	50.00	42°14'54"	S.56°16'17"E.	36.31
C7	16.22	50.00	41°30'00"	S.14°13'51"E.	15.43
C8	12.11	50.00	13°52'27"	S.13°22'23"W.	12.08
C9	26.73	74.84	30°26'15"	N.10°10'41"E.	26.59
C10	31.58	19.78	61°27'30"	N.45°46'10"W.	28.33
C11	31.42	20.00	90°00'00"	S.44°19'19"W.	28.28
C12	6.80	225.00	15°43'50"	N.82°11'12"E.	6.80
C13	30.00	225.00	12°43'54"	N.7°25'09"E.	49.89
C14	25.95	225.00	0°36'30"	N.17°05'21"E.	25.94
C15	7.10	125.00	2°21'24"	N.19°11'54"E.	7.30
C16	57.06	175.00	18°40'54"	N.8°39'45"E.	56.81
C17	31.42	20.00	90°00'00"	N.45°40'42"W.	28.28
C18	31.23	20.00	89°28'40"	S.45°00'36"W.	28.16
C19	31.84	20.00	91°29'43"	N.44°55'51"W.	28.65
C20	29.39	20.00	84°11'46"	N.32°39'44"W.	26.92
C21	16.15	20.00	48°26'18"	N.89°24'37"E.	15.72
C22	39.26	202.50	16°46'00"	N.40°55'46"E.	39.05
C23	108.06	200.00	30°37'20"	N.33°50'07"E.	106.75
C24	22.36	12.50	110°32'41"	N.38°31'09"W.	19.82

P.O.B.
NORTHING: 1,172,597.17
EASTING: 1,582,346.99
CONVERGENCE: 0°41'02"
COMBINED FACTOR: 1.000020800

WYOSDA ADDITION

APPROVALS

APPROVED BY THE CITY OF CASPER PLANNING AND ZONING COMMISSION OF CASPER, WYOMING
THIS _____ DAY OF _____, 2011.

ATTEST: SECRETARY _____ CHAIRMAN _____

APPROVED BY THE CITY COUNCIL OF CASPER, WYOMING BY RESOLUTION NO. _____, DULY PASSED, ADOPTED AND APPROVED
THIS _____ DAY OF _____, 2011.

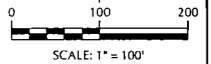
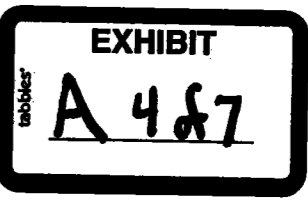
ATTEST: CITY CLERK _____ MAYOR _____

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2011.

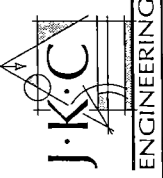
CITY ENGINEER _____

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2011.

CITY SURVEYOR _____



5830 East 2nd Street
Casper, Wyoming 82609
Phone: 307-265-4601
Fax #: 307-265-4672



PLAT OF
"THE BACK NINE"
AN ADDITION TO THE CITY OF CASPER, WYOMING

BEING A VACATION AND REPLAT OF A PORTION OF TRACT C AND PORTIONS OF WEST 29th STREET OF "THE 9 IRON ESTATES", ALL OF "THE 9 IRON ESTATES II", BEING LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

DATE: APRIL 20, 2011

PROJECT NO: 10-67

DRAWN BY: J. BRYSON

SHEET TITLE: RECORD OF SURVEY

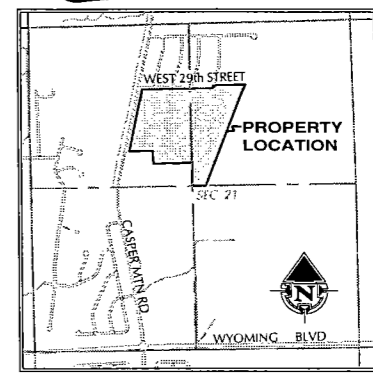
SHEET NUMBER

1 OF 1

APR 21 2011

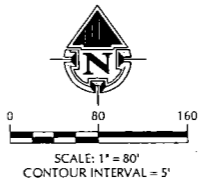
S:\LAND2010\10-67\DWG\PLAT\10-67_PLAT.dwg, SAVED: 4/20/11, PRINTED: 4/21/11, BY: JDN

EXHIBIT
A 5 & 7

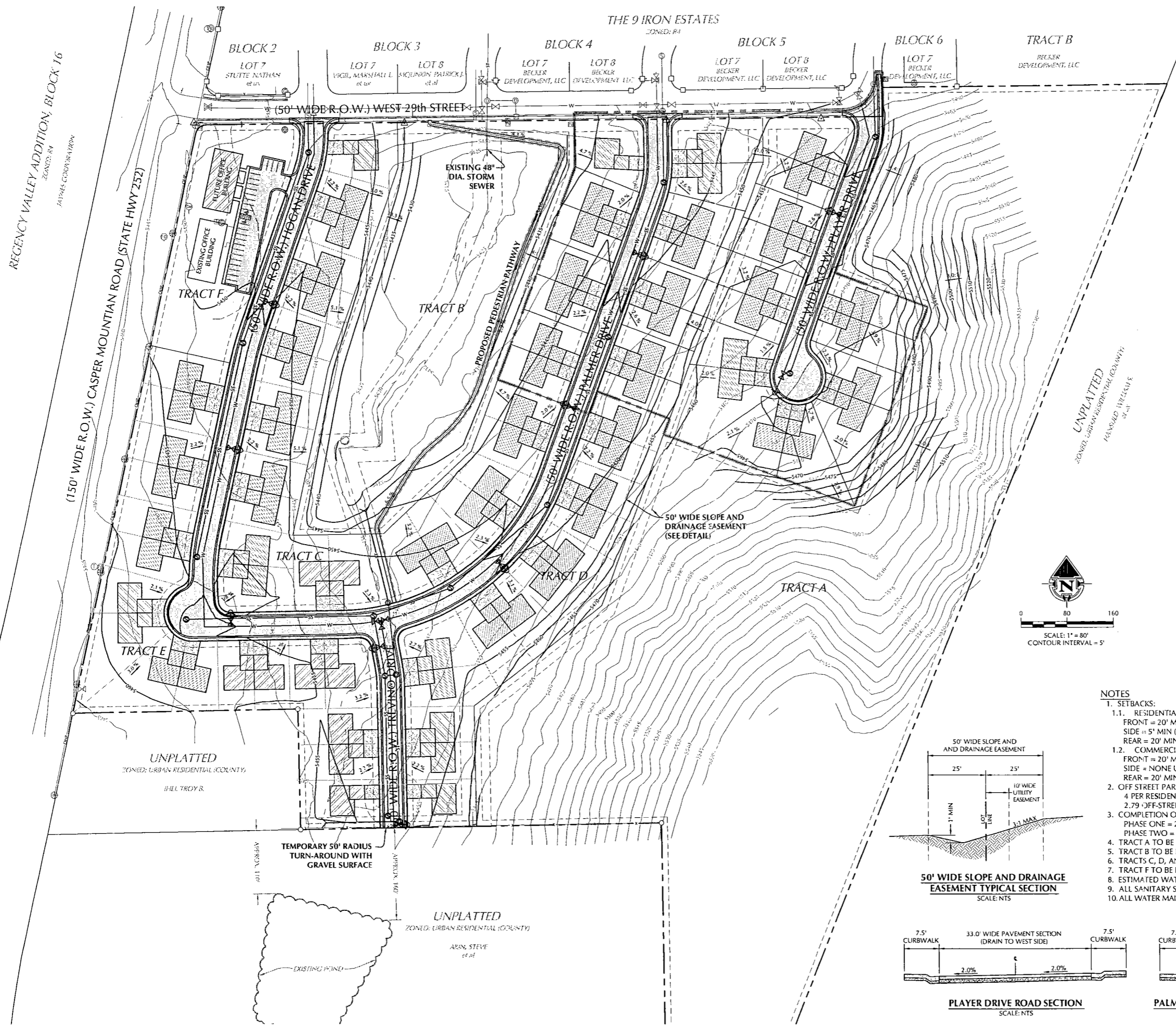
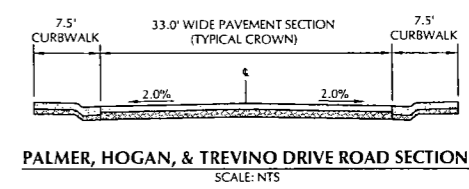
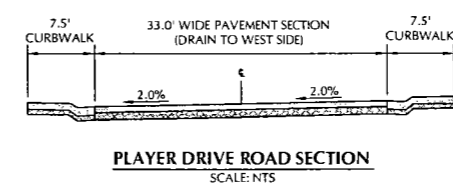
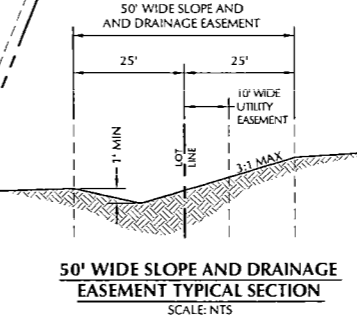


LEGEND

	RECOVERED BRASS CAP
	RECOVERED ALUMINUM CAP
	CONTROL POINT
	EX. UTILITY POLE
	EX. ELECTRICAL TRANSFORMER
	EX. TELEPHONE PEDESTAL
	EX. FIBER OPTICS MARKER
	EX. TELEPHONE MANHOLE
	EX. CABLE TV PEDESTAL
	EX. GAS METER
	EX. GAS MARKER
	EX. WATER VALVE
	EX. FIRE HYDRANT
	EX. SANITARY SEWER MANHOLE
	EX. STORM SEWER CURB INLET
	EX. STORM SEWER AREA INLET
	EX. STORM MANHOLE
	EX. WATER LINE
	PROPOSED WATER LINE
	EX. SANITARY SEWER LINE
	PROPOSED SANITARY SEWER LINE
	EX. STORM SEWER LINE
	PROPOSED STORM SEWER LINE
	SITE BOUNDARY
	PHASE ONE BOUNDARY
	LOT LINES
	PHASE TWO LOT LINES
	EASEMENT LINES
	PHASE TWO EASEMENT LINES
	PROPOSED ASPHALT PAVING
	PROPOSED CONCRETE PAVING
	EX. CONTOUR
	PROPOSED CONTOUR



- NOTES**
- SETBACKS:
 - RESIDENTIAL
 - FRONT = 20' MIN (25' TYPICAL)
 - SIDE = 5' MIN (10' TYPICAL)
 - REAR = 20' MIN (35' TYPICAL)
 - COMMERCIAL
 - FRONT = 20' MIN (25' TYPICAL)
 - SIDE = NONE UNLESS ABUTTING RESIDENTIAL USE THEN 10'
 - REAR = 20' MIN (35' TYPICAL)
 - OFF STREET PARKING:
 - 4 PER RESIDENTIAL UNIT (TWO CAR GARAGE + DRIVEWAY)
 - 2.79 OFF-STREET PER 1000 SQUARE FEET OF OFFICE SPACE
 - COMPLETION OF PHASES:
 - PHASE ONE = 2012 (APPROX)
 - PHASE TWO = 2014 (APPROX)
 - TRACT A TO BE RESERVED FOR FUTURE CONSERVATION EASEMENT.
 - TRACT B TO BE RESERVED AS OPEN SPACE.
 - TRACTS C, D, AND E TO BE SUBDIVIDED AS SHOWN IN PHASE TWO.
 - TRACT F TO BE RESERVED FOR COMMERCIAL USE.
 - ESTIMATED WATER USAGE = 36,000gal/day
 - ALL SANITARY SEWER MAINS SHALL BE 8" PVC SDR 35 @MIN. SLOPE OF 0.5%.
 - ALL WATER MAINS SHALL BE 8" PVC C900 CL235.



REGENCY VALLEY ADDITION, BLOCK 16
ZONED: R4
JANVAS CORPORATION

(150' WIDE R.O.W.) CASPER MOUNTAIN ROAD (STATE HWY 252)

BLOCK 2
LOT 7
STUTE NATHAN et al

BLOCK 3
LOT 7
VIGIL, MARSHALL L. et al

BLOCK 4
LOT 7
BECKER DEVELOPMENT, LLC

BLOCK 5
LOT 7
BECKER DEVELOPMENT, LLC

BLOCK 6
LOT 7
BECKER DEVELOPMENT, LLC

TRACT B
BECKER DEVELOPMENT, LLC

UNPLATTED
ZONED: URBAN RESIDENTIAL (COUNTY)
BILL TROY R.

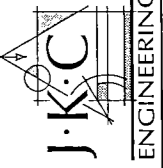
UNPLATTED
ZONED: URBAN RESIDENTIAL (COUNTY)
AKIN, STEVE et al

TEMPORARY 50' RADIUS TURN-AROUND WITH GRAVEL SURFACE

50' WIDE SLOPE AND DRAINAGE EASEMENT (SEE DETAIL)

UNPLATTED
ZONED: URBAN RESIDENTIAL (COUNTY)
FRANKS, BRYAN et al

5830 East 2nd Street
Casper, Wyoming 82609
Phone: 307-265-4601
Fax #: 307-265-4672



PUD SITE PLAN
"THE BACK NINE"
AN FUTURE ADDITION TO THE CITY OF CASPER, WYOMING,
LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH,
RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

DATE:
APRIL 21, 2011

PROJECT NO:
10-67

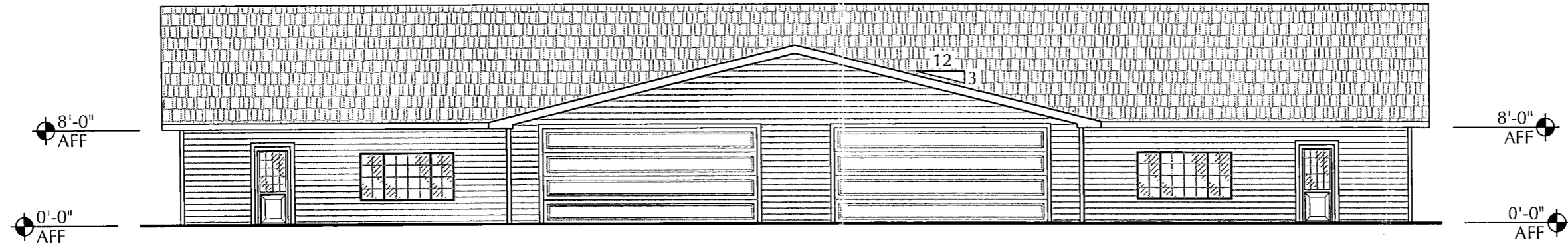
DRAWN BY:
J. BRYSON

SHEET TITLE:
PUD SITE PLAN

SHEET NUMBER

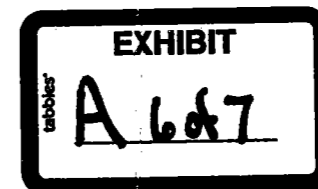
S:\LAND\2010\10-67\Back9\Design\10-67_PUD_SIT-PLAN.dwg - SAVER: 4/21/11 - PRINTED: 4/21/11 - BY: JBN

S:\LAND2010\10-67\dwg\Arch\JOINED.dwg SAVED: 4/19/11 PRINTED: 4/20/11 BY: JOHN



ARCHITECTURAL THEME

- NUMBER OF HOUSING UNITS:
-39 TWINS + 4 SINGLES = 82 HOMES TOTAL
- SIZE OF EACH UNIT:
-1,600 to 2,000 s.f. ±
- TYPICAL CONFIGURATION:
-3 BEDROOM, 2 BATHROOM
-FIRE PLACE OPTIONAL
-TWO CAR GARAGE, THREE CAR OPTIONAL
- COMMON SIDING TYPE:
-COMBINATION OF LAP AND STUCCO
- ROOF STRUCTURE:
-3:12 SLOPE GABLE ON GARAGE
-5:12 SLOPE GABLE ON MAIN STRUCTURE
-ARCHITECTURAL SHINGLE



SHEET SIZE = 11"x17"
SCALE: 3/32" = 1'-0"

5830 East 2nd Street
Casper, Wyoming 82609
Phone: 307-265-4601
Fax #: 307-265-4672

J.K.C.
ENGINEERING

TYPICAL FRONT ELEVATION
"THE BACK NINE"

DATE:	4/20/2011
PROJECT NO:	10-67
DRAWN BY:	J. BRYSON
SHEET TITLE:	TYPICAL TWIN ELEVATION
SHEET NUMBER	1 OF 2

S:\LAND2010\10-67\dwg\Arch\JOINED.dwg SAVED: 3/25/11 PRINTED: 3/25/11 BY: JOHN

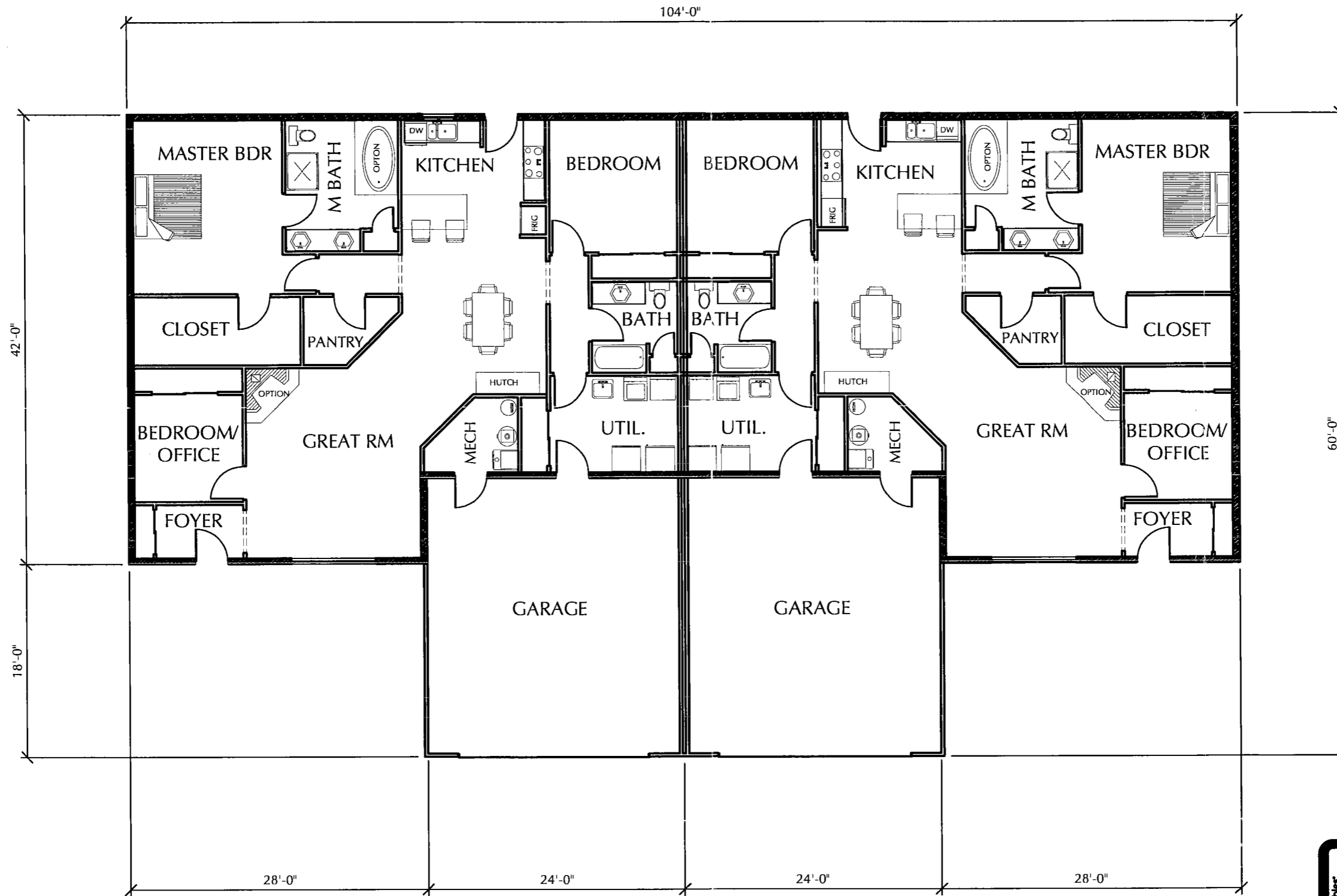


EXHIBIT
A 7&7

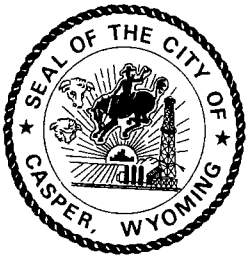
SHEET SIZE = 11"x17"
 SCALE: 3/32" = 1'-0"

5830 East 2nd Street
 Casper, Wyoming 82609
 Phone: 307-265-4601
 Fax #: 307-265-4672

J.K.C.
 ENGINEERING

TYPICAL FLOOR PLAN
 "THE BACK NINE"

DATE:	3/23/2011
PROJECT NO:	10-67
DRAWN BY:	J. BRYSON
SHEET TITLE:	TYPICAL FLOOR PLAN
SHEET NUMBER	2 OF 2



City of Casper
Public Services Department
Casper, Wyoming
82601



May 6, 2011

Becker Development, LLC
Attn: Richard Becker
2948 Hogan Dr.
Casper, WY 82601

RE: 9 Iron Estates; Warranty Period

Dear Mr. Becker:

I walked The 9 Iron Estates addition this afternoon with Shane Porter with WLC. The following items need to be corrected:

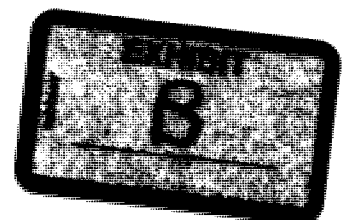
- Correct settlement around sanitary sewer manhole no.7, adjacent to lot 1, block 3, and lot 2, block 1, of The 9 Iron Estates Addition.
- Correct settlement around inlet on Hogan Drive adjacent to lot 1, block 3 of The 9 Iron Estates Addition.
- Skin patch around sanitary sewer manhole no.2, adjacent to Tract 'B' of The 9 Iron Estates Addition.
- Skin patch around sanitary sewer manhole no.22 and manhole 21, adjacent to lot 4 and lot 7 respectively, block 2 of The 9 Iron Estates Addition.
- Correct settlement around storm sewer manholes in Nicklaus Drive adjacent to lot 7 and lot 5 of The 9 Iron Estates Addition.
- Correct settlement along Nicklaus Drive adjacent to lots 1 – 3, block 4 of The 9 Iron Estates Addition.

Upon acceptance of the repairs by the City, the City will assume ownership and maintenance responsibility for the improvements.

Sincerely,

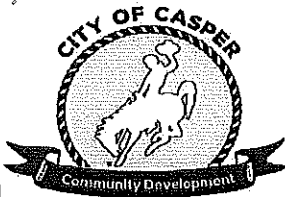
Andrew Beamer, P.E.
City Engineer

cc: Shane Porter, P.E., WLC
Craig Collins, Associate Planner
Andrew Colling, Senior Engineering Technician



\\g1\subdiv\9 Iron Estates\9 Iron Estates acceptance observation

Fleet Maintenance 1800 E. K Street 307-235-8245 Fax-235-8417	Parks 1800 E. K Street 307-235-8281 Fax-235-8417	Streets 1800 E. K Street 307-235-8283 Fax-235-8417	Public Utilities 200 N. David 307-235-8213 Fax-234-0709	Engineering 200 N. David 307-235-8341 Fax-234-0709	Solid Waste 200 N. David 307-235-8246 Fax-235-7553
---	---	---	--	---	---



City of Casper Planning Division

Zone Change Application

OWNER/PETITIONER'S INFORMATION:

NAME: Colby Frontiero, Doug Tille
ADDRESS: 1231 30th St. Casper WY 82601
TELEPHONE: 307-267-0549 EMAIL: c7frontiero@gmail.com
Dtille@gmail.com

PETITION THE CITY TO REZONE THE FOLLOWING DESCRIBED REAL PROPERTY:

LEGAL DESCRIPTION: PUD "The Back Nine"
STREET ADDRESS: Back Nine Lots (north of 29th Street) east of Casper Mountain Road.
FROM EXISTING ZONING DISTRICT: PUD
TO PROPOSED ZONING DISTRICT: R-3, R-2, C2

UPON THE REZONING OF THE ABOVE DESCRIBED REAL PROPERTY, I (WE) PROPOSE TO USE THE PROPERTY FOR THE FOLLOWING PURPOSES (BRIEF STATEMENT OF FACTS AND JUSTIFICATION FOR REZONING):

See Attached Packet - property owners in the area of Payer and Palmer streets to R-3, the remainder of undeveloped property to R-2. Tract F will be rezoned to C2, Lot number 33792121501400.

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]

SIGNATURE OF PROPERTY OWNER: Doug Tille

DATE: 4-26-21

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
- \$750 APPLICATION FEE (NON-REFUNDABLE)

FOR OFFICE USE ONLY:
DATE SUBMITTED:

REC'D BY: _____

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

Dear Homeowners,

We would like to take the opportunity to introduce ourselves and share with you our vision for the Back Nine Estates.

In March 2017 Richard Becker deeded the remaining undeveloped lots in the subdivision to Tri-Max Builders. This company is owned and operated by Delania Witt, Doug Tille and Kurt Tille.

We would like to change the Zoning in the twin home area of Player and Palmer streets from PUD to an R-3 zoning. The goal of this zoning change will negate the Home Owner's Association in the twin home area of the Back Nine which is a requirement of the PUD zoning. The remainder of the undeveloped area we want to change to R2 zoning. This change will require single family homes only to be constructed. The change would reduce the overall number of housing units from 41 to 28.

Our plan in the R-2 zoning is to build homes that are similar in pricing and construction to maintain pricing and values of existing homes in this area. We wish to maintain the consistent property values already established in the Back Nine development.

To accomplish our goal and complete this project we are asking for your support in changing the zoning from PUD to R3 in the twin homes section and R-2 zoning in the undeveloped areas. We have started the process of completing the gas lines and continuing the power lines to the remaining lots. We feel this new zoning will benefit all in the Back Nine Estates-this change will allow us to build single family homes that have proven to sell. This will also allow us to develop the area in a much more timely fashion.

We need 100 percent of current twin home owners to sign the zone change form that will then be submitted to the city council for approval. Without 100 percent approval the rezoning to R-3 and R-2 will not be an option and existing PUD will remain in effect. Tri-Max Builders is unable to continue building twin homes due to the low demand for these homes in the Casper area. We strongly believe single family homes would be the best way to bring the Back Nine Estates to completion and would truly appreciate your support in this endeavor.

Thank you for your time and assistance in this matter,
Tri-Max Builders

Please see enclosed stamped envelope
included for your convenience

During the Back 9 subdivision rezone/replatte effort FSQD Properties LLC, owners of what is commonly known as Tract F, described legally by the city of Casper as 2948 Hogan Drive Parcel #33792121501400 to be rezoned to C-2 from the current PUD zoning status. This aligns the zoning of the parcel with the current building on the property. FSQD will develop and complete the current platte of already platted second commercial building to be used as small office space, (no apartments, gas stations, or multi-level buildings). This construction conforms to current PUD zoning and C-2 Zoning Change.

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

2922 Palmer

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Gary R. Umms *Eric W. Cole*

Signature

4/16/21

Date+

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Lawrence P. Heim

Signature

4-17-21

Date =

May Heim

4-17-21

2914 Palmer Dr
Casper, WY 82601

2901 Palmer

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Jessie Buchanan Jessie Buchanan
Signature

4-23-2021
Date+

Tri-Max Builders
1948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Allan Olsen *Irene Olsen*

Signature

9-1-18

Date+

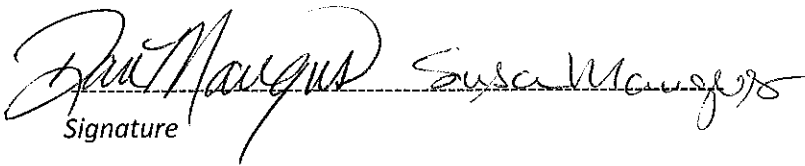
2920 Player Dr.

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-2 Zoning Change Approval Form

For Back Nine Estates HOMEOWNERS

Sign and Date below:

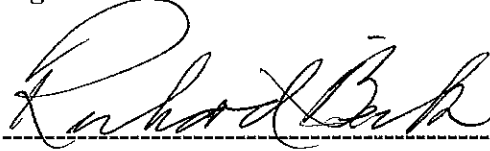

Signature

1-7-2021
Date

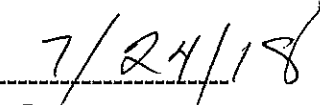
Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature



Date+

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

George H. Stewart

Signature

7-26-2018

Date+

Ronda K. Stewart

7-26-2018

2925 Palmer

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Melvin C. Johnson

Signature

April 24, 2015

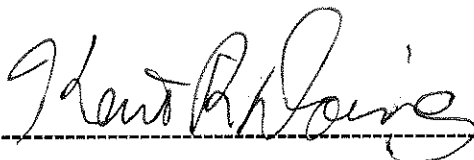
Date+

2904 Playas

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature

3-14-18

Date+

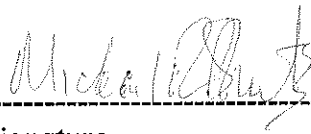
Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

2944

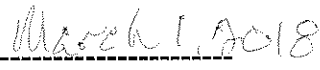
Prayer

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature



Date+

2968 Player

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Bonnie Golovich
Signature


4-4-18
Date+

2935 player


Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature




Date+

2936 Ployer

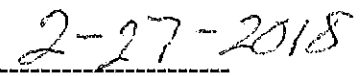
Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature



Date+

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Mark A. Williams

Signature

Chad Sedgwick

2951 Player Drive

3/10/18

Date+

3/10/18

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature

2/25/18
Date+

2928 Platte Dr.

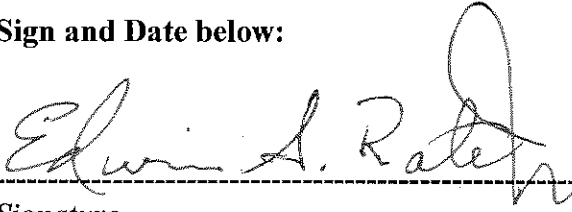
Grant Wilson

2960 Player

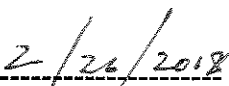
Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature



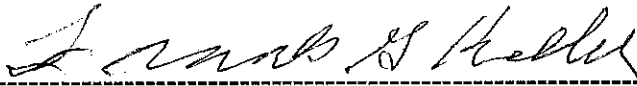
Date+

2917 Palmer

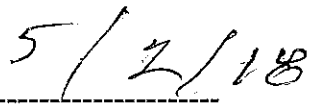
Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature



Date+

2909 Palmer

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Richard D. Rogers
Signature
Roe M. Rogers

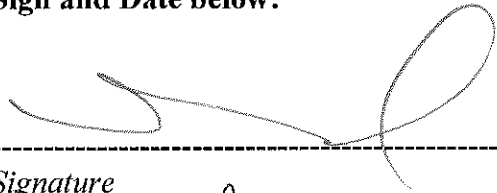
4-23-2018
Date+
4/23/2018

2906 Palmer

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature

Kristine Lee Hold 4.23.18

4/23/18

Date+

Tri-Max Builders
2948 Hogan Dr.
Casper, WY 82601

C2 Zoning Change Approval Form
For Back Nine HOMEOWNERS

Sign and Date Below:



Signature

4-26-21

Date+

2948 Hogan Dr.

Tri-Max Builders
1948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:

Raymond K. Wallace

8-1-2018

Colleen Dickinson

8-1-2018

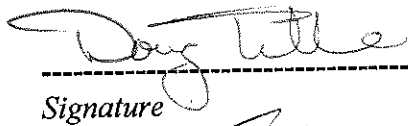
Signature

Date+

Tri-Max Builders
1948 Hogan Dr.
Casper, WY 82601

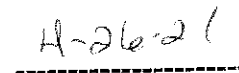
R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature

Tri-Max




Date+

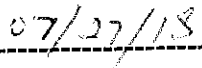
Tri-Max Builders
1948 Hogan Dr.
Casper, WY 82601

R-3 and R-2 Zoning Change Approval Form
For Back Nine Estates HOMEOWNERS

Sign and Date below:



Signature



Date+

From: [REDACTED]
To: [Craig Collins](#)
Cc: [REDACTED]
Subject: FW: ZOC-000010-2021 Back Nine Addition etc.
Date: Friday, June 11, 2021 9:56:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Craig,

I'm forwarding my email I had sent early this morning.
I had inadvertently had your email wrong. (Normally I would not forward, however, I am today!)

Thank you for your understanding!
Sandra Martinez

From: [REDACTED]
To: "ccolins@casperwy.gov", "dhardy@cityofcasperwy.com"
Cc: [REDACTED]
Sent: Friday June 11 2021 5:05:05AM
Subject: ZOC-000010-2021 Back Nine Addition etc.

RE: ZOC-000010-2021- Petition for Zone Change of the Back Nine-

We, Gustavo & Sandra Martinez own our home at: 2838 Hogan Dr., Casper, WY.
We live at the cross-intersection of: Casper Mt. Rd. & W. 29th St.

We would like the current Zoning to be upheld & that the home owner's association in the twin home area of the Back Nine be left as PUD not go to an R-3 zoning or R-2 zoning. Leave it as is.

We are very concerned of the value, pricing & construction of said projects within the immediate area of our home & those of our neighbors. It must to remain consistent with the the already established Back Nine & Nine Irons Development.

We do not agree with the statement that you are unable to build twin homes in the area due to low demand in the Casper area.

RE: 2948 Hogan Dr Parcel #33792121501400 to be rezoned to C-2:

We, Gustavo & Sandra Martinez own our home at: 2838 Hogan Dr., Casper, WY.
We live at the cross-intersection of: Casper Mt. Rd. & W. 29th St.
We live immediately to the North of the area that is requested to be developed.
The Zoning request that you are making would directly affect our interests, home value & traffic in the immediate area.

We do not want any commercial or second commercial buildings or small office spaces,

apartments, gas stations or multi-level buildings constructed or zoned for this or any commercial use.

We see that the Request for the Zoning does state that they would not develop the area as the above mentioned sites, however, in Chapter 17.68 C-2 General Business forms, The 17.68.010 Purpose & 17.68.020 Permitted Uses; The above is included in the Purpose, Permitted Uses, Conditional Uses & Minimum Standards.

The above listed commercial buildings or sites we are concerned with going in & many more are listed on the General Business forms.

Property owners & builders may say one thing for zoning change, however, the General Business terms say another. This is very concerning to us.

We are both Completely Opposed to a change to the Zoning of the tract to C-2.

Please, hear our voice & our concerns.

Sincerely,
Sandra & Gustavo Martinez Jr.
2838 Hogan Dr.
Casper, WY 82601

GUNSIGHT, LLC

A Wyoming limited Liability Company

Stuart D. Atnip
Managing Member

(307) 266-4672

114 E. 27th Street
Casper, WY 82601

June 10, 2021

JUN 10 2021

City of Casper Planning and
Zoning Commission
C/O: Craig Collins, City Planner
200 N. David, Room 205
Casper, WY 82601

Re: Filing of Protest and Objection to Zone Changes being proposed in Case Number ZOC-000010-2021 before the City of Casper Planning and Zoning Commission.

Dear Mr. Collins:

Please find enclosed the following documents for filing in and for consideration by the City of Casper Planning and Zoning Commission in Case Number ZOC-000010-2021, which matter is to be considered by the Commission at its meeting on Thursday, June 17, 2021:

1. Protest and Objection of Gunsight, LLC to the proposed zone changes in the above matter (Case Number ZOC-000010-2021).
2. Twelve copies of this Protest and Objection for inclusion in the Commission's packets for this hearing with the additional copies for your staff's use.

I am also requesting that the original copy of this Protest and Objection be included as an exhibit in the record for this hearing and any appeal that is taken therefrom.

Please feel free to contact me with any questions or concerns you may have. Your attention to this matter is greatly appreciated.

Sincerely,



Stuart D. Atnip
Managing Member
Gunsight, LLC

Enc.

CITY OF CASPER, WYOMING, PLANNING AND ZONING COMMISSION

CASE NUMBER ZOC-000010-2021

PROTEST AND OBJECTION BY GUNSIGHT, LLC, A WYOMING LIMITED LIABILITY COMPANY, AS THE OWNER OF MORE THAN TWENTY PERCENT (20%) OF THE AREA OF THE REAL PROPERTY LOCATED WITHIN "THE BACK NINE", AN ADDITION TO THE CITY OF CASPER, WYOMING, TO THE ZONE CHANGES BEING PROPOSED FOR THIS SUBDIVISION IN CASE NUMBER ZOC-000010-2021.

THIS PROTEST AND OBJECTION BEING FILED PURSUANT TO WYOMING STATUTE SECTION 15-1-603 AND SECTION 17.12.160 C. OF THE CASPER MUNICIPAL CODE.

1. Gunsight, LLC is a Wyoming limited liability company and is in good standing under and pursuant to the laws of the State of Wyoming.
2. The "Zone Change Application" filed in this matter is hereby incorporated herein at this point as if fully set forth. "The Back Nine", an addition to the city of Casper, Wyoming, is hereinafter referred to as "The Back Nine Subdivision".
3. Gunsight, LLC is the fee title owner of Tract "A" of "The Back Nine Subdivision" comprising 17.662 acres thereof. Tract "A" being highlighted on a copy of the plat of this subdivision attached hereto as Exhibit "I" which exhibit further sets forth the square footage of the lots and tracts contained in this subdivision as obtained from the Natrona County Assessor's Office. **Gunsight, LLC owns 43.25%** of the total area of all of the lots and tracts of this subdivision by its ownership of Tract "A" as follows:

Total area of all lots and tracts of the Subdivision: 1,778,609.20 square feet

Total area of Tract "A" owned by Gunsight, LLC: 769,356.72 square feet

Percentage ownership of Gunsight, LLC of the area of the lots comprising "The Back Nine Subdivision": $769,356.72 \text{ (square feet of Tract "A")} \div 1,778,609.20 \text{ (subdivision total square feet)} = 43.25\% \text{ ownership interest therein.}$

4. Gunsight, LLC, pursuant to Wyoming Statute Section 15-1-603 and Section 17.12.160 C. of the Casper Municipal Code, hereby **PROTESTS AND OBJECTS** to the proposed zone changes to the lots and tracts of "The Back Nine Subdivision" as filed in this matter in Case number ZOC-000010-2021.
5. **DUE TO THIS PROTEST AND OBJECTION, PURSUANT TO W.S. 15-1-603 AND SECTION 17.12.160 C. OF THE CASPER MUNICIPAL CODE, THE PROPOSED ZONE CHANGES AS SET FORTH IN THE "ZONE CHANGE APPLICATION" FILED IN THIS MATTER WILL, AND CANNOT BE, EFFECTIVE EXCEPT UPON THE AFFIRMATIVE VOTE OF THREE-FOURTHS (3/4ths) OF ALL OF THE MEMBERS OF THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING.**

6. Gunsight, LLC protests and objects to the zone change application filed in this matter for the following, but not limited to, reasons:
 - A. “The Back Nine Subdivision” was zoned as a Planned Unit Development (PUD) for the purpose of allowing flexibility in its development and site plans as this subdivision was and is being built out under the supervision and control of the city of Casper.
 - B. Substantial development of this subdivision has occurred under its current PUD zoning and the undersigned relied on this zoning in its purchase of Tract “A”.
 - C. The applicant for these zone changes was well aware of the PUD zoning for, and of the subsequent development of, this subdivision under its PUD zoning at the time the applicant purchased its property.
 - D. The applicant for these zone changes now seeks to change the zoning which would allow for commercial development under the City’s C-2 zoning classification for Tract “F” of this subdivision located along Casper Mountain Road. C-2 zoning will allow commercial uses within this subdivision that will greatly exceed the uses for this real property as set forth in the “Future Land Use Plan” of the Generation Casper Comprehensive Plan (dated Summer, 2017), the same being incorporated herein as if fully set forth.
 - E. Casper Municipal Code Section 17.52.030 only allows commercial use in a PUD zoning district that is **primarily** for the service and convenience of the residents of the subdivision and the immediate neighborhood, and provided that a commercial use does not change, injure, or destroy, temporarily or permanently, the **predominantly residential character** of the PUD. By maintaining the current PUD zoning the City of Casper can ensure that any future commercial development plan for this subdivision complies with this ordinance, as all site and development plans shall be submitted to and approved by the city pursuant to Municipal Code Sections 17.52.010 through 17.52.130.
 - F. C-2 Zoning, due to its broad uses, in this subdivision along Casper Mountain Road will neither provide adequate buffering of the lots and tracts contained in this subdivision nor for the R-4 zoning of the land adjacent to this subdivision and on the west side of Casper Mountain Road, which is categorized to be “Neighborhood 2”, being Single and multifamily neighborhoods under the “Future Land Use Plan” as set forth in the Generation Casper Comprehensive Plan. Buffering is required pursuant to Casper Municipal Code Section 17.12.130 and Appendix C thereof.
 - G. C-2 zoning along Casper Mountain Road will result in “spot zoning” of commercial developments within this subdivision which area is for residential development pursuant to the “Future Land Use Plan” as set forth in the Generation Casper Comprehensive Plan. There are no other commercial development zones in or around this subdivision.
 - H. The current commercial use of a building located along Casper Mountain Road in Tract “F” of this subdivision is a grandfathered use that existed prior to the PUD zoning of this subdivision, which use cannot be enlarged, expanded or extended under the Casper

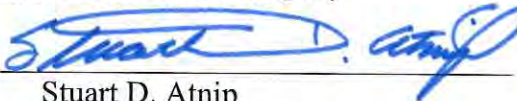
Municipal Code Sections 17.12.010 through 17.12.040. The presence of this grandfathered building is not a justification for commercial zoning of this area.

- I. The proposed changes from the PUD zoning to the C-2, R-2, and R-3 zoning classifications will galvanize the future uses of this property thereby eliminating the controls that the City currently has over future development plans for this subdivision as a PUD under Casper Municipal Code Sections 17.52.010 through 17.52.130.
 - J. If these proposed zone changes are adopted, the city of Casper will lose its ability to control the development of this area under the City's PUD Ordinances, which would otherwise allow the city to approve or disapprove site and development plans for the subdivision as it builds out in the future under the PUD zoning classification.
 - K. Casper Municipal Code Section 17.12.170 and Wyoming Statute Section 15-1-601(d) specifically require that all zoning decisions shall be made in accordance with the comprehensive plans developed by the city of Casper. As noted above, the proposed zoning changes are not in accordance with the Future Land Use Plan of the Generation Casper Comprehensive Plan for this subdivision and, if adopted, will adversely affect and impact future development of the lands to the west and south as well as within this subdivision.
 - L. The applicant for these zone changes is proposing to negate the Homeowners' Association as was required by the city of Casper under the PUD zoning classification for this subdivision. The Homeowners' Association guidelines as well as the "Declaration of Conditions, Covenants, Restrictions, Easements and Charges" are recorded respectively as Instrument Number 997419 on August 6, 2015, and as Instrument Number 973868 on June 27, 2014, with the clerk of Natrona County, Wyoming. These provisions were developed to allow the homeowners of this subdivision, through their homeowners' association, to protect their property values which will be lost if the proposed zone changes are adopted. As noted above, this subdivision has been built out to date in reliance on these provisions.
7. The applicant for the zone changes in this matter will not be prevented from developing its property in this subdivision as the applicant, under the current PUD zoning of this subdivision, has the ability to develop its property by submitting appropriate development plans to the city for its consideration pursuant to Section 17.52.130, which provides the process for making alterations to the final development plan of a PUD.
8. The undersigned hereby request that this protest and objection be included in the record for any and all hearings before the City of Casper Planning and Zoning Commission and be made part of the record of any appeal that may be taken from any decision of the Commission.

Respectfully Submitted:

Dated this 10TH day of June, 2021.

GUNSIGHT, LLC, A Wyoming
Limited LIABILITY Company:

By: 

Stuart D. Atnip
Managing Member
114 East 27th Street
Casper, Wyoming 82601
(307) 266-4672

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

The foregoing instrument was acknowledged before me this 10th day of June, 2021, by
Stuart D. Atnip as the Managing Member of Gunsight, LLC, a Wyoming limited liability company.


Notary Public

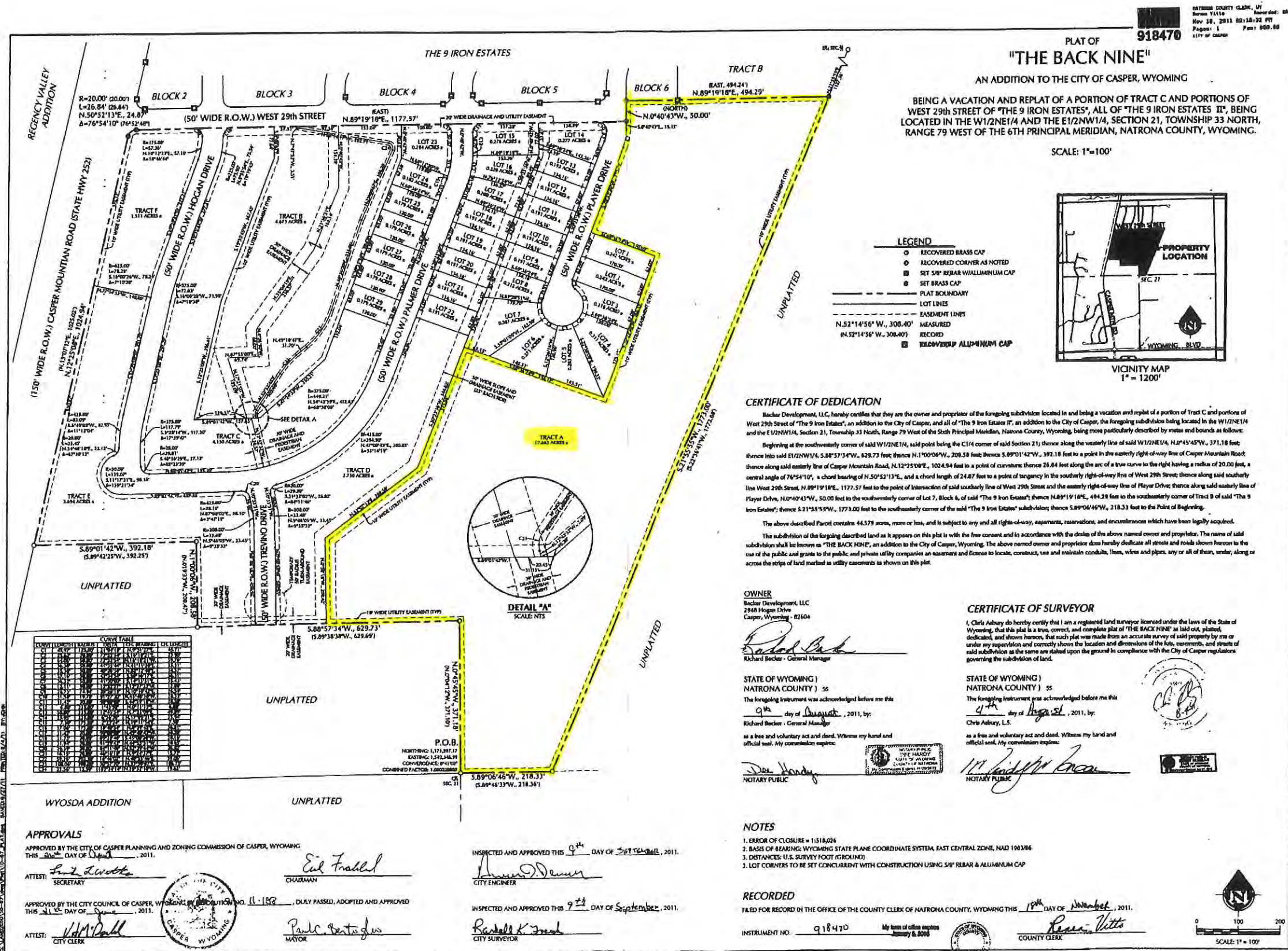
My commission expires: 01/09/25.



**GUNSIGHT LLC'S PERCENTAGE OWNERSHIP INTEREST IN THE TRACTS AND LOTS
OF THE "BACK NINE SUBDIVISION"**

<u>TRACT/LOT</u>	<u>SQUARE FOOTAGE</u>	
A	769,356.72	OWNED BY GUNSIGHT, LLC
B	203,555.88	
C	179,902.80	
D	119,790.00	
E	160,910.64	
F	65,819.16	
1	10,540.00	
2	10,540.00	
3	9,388.00	
4	13,534.00	
5	12,323.00	
6	11,822.00	
7	16,577.00	
8	9,240.00	
9	8,318.00	
10	8,318.00	
11	8,318.00	
12	8,318.00	
13	8,428.00	
14	12,066.00	
15	12,011.00	
16	9,932.00	
17	8,712.00	
18	8,318.00	
19	8,318.00	
20	8,318.00	
21	8,318.00	
22	8,318.00	
23	12,371.00	
24	7,928.00	
25	7,800.00	
26	7,800.00	
27	7,800.00	
28	7,800.00	
29	7,800.00	
	1,778,609.20	TOTAL SQUARE FEET OF ALL TRACTS AND LOTS

THE OWNERSHIP PERCENTAGE INTEREST OF GUNSIGHT, LLC IN THE TOTAL AREA OF THE TRACTS AND LOTS OF "THE BACK NINE SUBDIVISION" = THE SQUARE FOOTAGE OF TRACT "A" OWNED BY GUNSIGHT, LLC DIVIDED BY THE TOTAL AREA OF ALL OF THE TRACTS AND LOTS THEREOF = 769,356.72 SQUARE FEET ÷ 1,778,609.20 SQUARE FEET = A 43.25% INTEREST HELD BY GUNSIGHT, LLC IN THE TOTAL AREA OF THE TRACTS AND LOTS OF THIS SUBDIVISION.

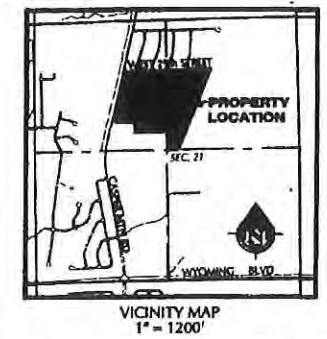


NATRONA COUNTY CLERK, WY
 Bureau 14110
 Nov 10, 2011 02:16:28 PM
 Page: 1
 City of Casper

PLAT OF
"THE BACK NINE"
 AN ADDITION TO THE CITY OF CASPER, WYOMING

BEING A VACATION AND REPLAT OF A PORTION OF TRACT C AND PORTIONS OF WEST 29th STREET OF "THE 9 IRON ESTATES", ALL OF "THE 9 IRON ESTATES" II, BEING LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

SCALE: 1"=100'



- LEGEND**
- RECOVERED BRASS CAP
 - RECOVERED CORNER AS NOTED
 - SET 5/8" REBAR WALL MOUNTED CAP
 - SET BRASS CAP
 - PLAT BOUNDARY
 - - - LOT LINES
 - - - EASEMENT LINES
 - MEASURED
 - - - RECORD
 - RECOVERED ALUMINUM CAP

CERTIFICATE OF DEDICATION

Becker Development, LLC, hereby certifies that they are the owner and proprietor of the foregoing subdivision located in and being a vacation and replat of a portion of Tract C and portions of West 29th Street of "The 9 Iron Estates", an addition to the City of Casper, and all of "The 9 Iron Estates II", an addition to the City of Casper, the foregoing subdivision being located in the W1/2NE1/4 and the E1/2NW1/4, Section 21, Township 33 North, Range 79 West of the 6th Principal Meridian, Natrona County, Wyoming, being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said W1/2NE1/4, said point being the C1/4 corner of said Section 21; thence along the westerly line of said W1/2NE1/4, N.2°45'45"W., 371.18 feet; thence into said E1/2NW1/4, S.89°57'34"W., 629.73 feet; thence N.1°00'06"W., 208.58 feet; thence S.89°01'42"W., 392.18 feet to a point in the easterly right-of-way line of Casper Mountain Road; thence along said easterly line of Casper Mountain Road, N.12°25'08"E., 102.634 feet to a point of curvature; thence 24.84 feet along the arc of a true curve to the right having a radius of 20.00 feet, a central angle of 76°54'10", a chord bearing of N.50°52'13"E., and a chord length of 24.87 feet to a point of tangency in the southerly right-of-way line of West 29th Street; thence along said southerly line West 29th Street, N.89°19'18"E., 1177.57 feet to the point of intersection of said southerly line of West 29th Street and the easterly right-of-way line of Hogan Drive; thence along said easterly line of Hogan Drive, N.0°40'43"W., 50.00 feet to the southwest corner of Lot 7, Block 6, of said "The 9 Iron Estates"; thence N.89°19'18"E., 494.29 feet to the westerly corner of Tract B of said "The 9 Iron Estates"; thence S.21°53'59"W., 1773.00 feet to the southwest corner of the said "The 9 Iron Estates" subdivision; thence S.89°06'46"W., 218.33 feet to the Point of Beginning.

The above described Parcel contains 44.579 acres, more or less, and is subject to any and all rights-of-way, easements, reservations, and encumbrances which have been legally acquired.

The subdivision of the foregoing described land as it appears on this plat is with the free consent and in accordance with the desires of the above named owner and proprietor. The name of said subdivision shall be known as "THE BACK NINE", an addition to the City of Casper, Wyoming. The above named owner and proprietor does hereby dedicate all streets and roads shown hereon to the use of the public and grants to the public and private utility companies an easement and license to locate, construct, use and maintain conduits, lines, wires and pipes, any or all of them, under, along and across the strips of land marked as utility easements as shown on this plat.

OWNER
 Becker Development, LLC
 2848 Hogan Drive
 Casper, Wyoming 82404

Richard Becker
 Richard Becker - General Manager

STATE OF WYOMING)
 NATRONA COUNTY) ss
 The foregoing instrument was acknowledged before me this
 9th day of August, 2011, by:
 Richard Becker - General Manager
 as a free and voluntary act and deed. Witness my hand and
 official seal. My commission expires:

Don Hardy
 NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

I, Chris Aubrey do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of "THE BACK NINE" as laid out, plotted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me or under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are stated upon the ground in compliance with the City of Casper regulations governing the subdivision of land.

STATE OF WYOMING)
 NATRONA COUNTY) ss
 The foregoing instrument was acknowledged before me this
 9th day of August, 2011, by:
 Chris Aubrey, L.S.
 as a free and voluntary act and deed. Witness my hand and
 official seal. My commission expires:

Chris Aubrey
 NOTARY PUBLIC

NOTES

1. ERROR OF CLOSURE = 1:518,024
2. BASIS OF BEARING: WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/84
3. DISTANCES: U.S. SURVEY FOOT (GROUND)
4. LOT CORNERS TO BE SET CONCURRENT WITH CONSTRUCTION USING 5/8" REBAR & ALUMINUM CAP

RECORDED

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF NATRONA COUNTY, WYOMING THIS 19th DAY OF November, 2011.
 INSTRUMENT NO. 918470 My term of office expires January 8, 2016
Rena Vittu
 COUNTY CLERK

APPROVALS
 APPROVED BY THE CITY OF CASPER PLANNING AND ZONING COMMISSION OF CASPER, WYOMING
 THIS 30th DAY OF August, 2011.
 ATTEST: *Paul Swartz* SECRETARY
Erl Fraded CHAIRMAN

APPROVED BY THE CITY COUNCIL OF CASPER, WYOMING BY RESOLUTION NO. 11-158, DULY PASSED, ADOPTED AND APPROVED
 THIS 11th DAY OF August, 2011.
 ATTEST: *Val Dault* CITY CLERK
Paula Santiago MAYOR

INSPECTED AND APPROVED THIS 9th DAY OF September, 2011.
Amund Danner
 CITY ENGINEER

INSPECTED AND APPROVED THIS 9th DAY OF September, 2011.
Russell K. Zund
 CITY SURVEYOR

5830 East 2nd Street
 Casper, Wyoming 82609
 Phone: 307-265-4601
 Fax #: 307-265-4672



BEING A VACATION AND REPLAT OF A PORTION OF TRACT C AND PORTIONS OF WEST 29th STREET OF "THE 9 IRON ESTATES", ALL OF "THE 9 IRON ESTATES" II, BEING LOCATED IN THE W1/2NE1/4 AND THE E1/2NW1/4, SECTION 21, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

PLAT OF
"THE BACK NINE"
 AN ADDITION TO THE CITY OF CASPER, WYOMING

DATE: AUGUST 4, 2011
PROJECT NO: 10-67
DRAWN BY: J. BRYSON
SHEET TITLE: RECORD OF SURVEY
SHEET NUMBER 1 OF 1

From: [REDACTED]
To: [Craig Collins](#); [Dee Ann Hardy](#)
Subject: Zone Change Application PUD "The Back Nine"
Date: Sunday, June 6, 2021 8:36:04 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Community and Development Department, Planning Division,

We are writing to voice our opposition to the zoning changes proposed by Tri-Max Builders to "The Back Nine."

We live 4 houses down the street from Tract F, 2948 Hogan Drive, and are adamantly opposed to a change in the zoning to C2. This would increase traffic in and out of our neighborhood, making it dangerous for our children to ride their bikes near our home. Currently our neighborhood is small and relatively quiet, making it a great place to raise a family. So the prospect of getting a retail liquor store, or a convenience station, 4 lots down from our family home is upsetting. We bought our home in 2011 and were advised by the Becker family themselves that the covenants in place would forever protect the integrity of the neighborhood and the investment in the property. So you can imagine our distrust in their upcoming plans given their prior promises, and now this application. In their letter to residents of our neighborhood they note that there will be no apartments or gas stations with this change. However Chapter 17.68, Section 17.68.020 clearly allows both. As seasoned developers it's hard to imagine they didn't understand what a C2 zone allows, so their assertion otherwise seems dishonest and nefarious.

I have to note that I question how this would even work with the current turn-in to our neighborhood. For traffic moving north on Casper Mountain Road and turning east on 29th street into the proposed commercial business zone there is no turn lane, there is only the one lane of traffic, and the speed limit is 50 mph. The road is in poor condition on that corner and caution is needed while making that turn. Meanwhile the traffic following is moving at 50 mph. Without road construction and an additional lane added I'm concerned this is not a safe turn-in for business traffic. It's actually concerning at times for the residential traffic that it currently accommodates.

Furthermore, the change to C2 zoning undermines the authority of the Community Development Department, if the zoning is changed to accommodate the current building use, as asserted on the letter local residents received. If not in compliance with the current zoning, the current owners of 2948 Hogan Drive should correct the issue and obey the current restrictions. Changing the zoning to offset their lack of respect for the rules sets a precedent of "shoot first, apologize later" with regard to the rules the Committee sets and enforces. Given that the building itself demonstrates their lack of regard for the authority and rules of the Committee, we implore you not to give in any further to this group.

The proposed changes would also negatively impact our property values. Certainly the property

values of everyone on Hogan Drive will drop if some of those businesses permitted in a C2 zone open on our little (only 8 lots total length) street. But additionally, one of the reasons people like ourselves purchased in this neighborhood was actually *because of* the covenants. We appreciate that we are all held to a predefined standard with regard to our properties, ensuring we will all collectively preserve our property values. Abolishing the covenants in "The Back Nine" would affect all the homes in the adjoining Nine Iron Estates development. We welcome the opportunity for the builders to develop homes in "The Back Nine," as long as they are in keeping with the current standards and restrictions.

Please, for the best interest of residents of "The Back Nine" and Nine Iron Estates, do not allow the zoning changes proposed to PUD "The Back Nine" and Tract F, 2948 Hogan Drive. Please protect, preserve, and enforce the restrictions currently in place.

Respectfully,

Christy and Dan Davis
2802 Hogan Drive
Casper, WY 82601
(307) 247-1650

From: [REDACTED]
To: [Dee Ann Hardy](#); [Craig Collins](#)
Subject: Zone Change Application/ PUD The Back Nine
Date: Monday, June 7, 2021 9:09:11 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The City of Casper Planning Division,

I am a new resident of Nine Irons Development and after reading through the Zone Change Application to the City of Casper from Colby Frontiero and Doug Tille, I wish to express my objection to allowing this change in zoning. Our home is located on the south corner of 29th and Nicklaus and this change would allow business traffic, smaller homes, and a loosening of the covenants that attracted us to the area. We cherish our quiet, safe streets, "lack" of visible RVs, ATVs, boats, and "whatnot" that litter the view in other neighborhoods. Our homes are all built to a high standard of style and custom design that maintain the value and desirability of living in this development and I do not want to see any changes that will allow smaller cheaper homes with fewer restrictions. I am told by neighbors who have lived here since the beginning of the development that the area in question was promised to include a green space by the developers and now they want to go back on that promise and simply sell that land so they can cash out without any responsibility due back to the homeowners. We moved down off the mountain and the appeal of this area was the strongest in the city due to the abovementioned covenants, restrictions, and the high resale value which has been outstanding. There has not been lower demand for any of the homes, twin included, the appeal of our area is strong, let's keep it that way. Commercial development would be a devastating blow to our resale values and there are just too many "unknowns" to allow this to pass.

I do not believe for a second that Tri-Max Builders will build the same size or quality of homes with the exact same covenants as the existing homes in the Nine Irons area therefore they will diminish the value of my home should this change be allowed by the city planning division. There was to be a green space and no commercial development, and that is what I will fight for should we need to commit ourselves to save our development.

Feel free to read this at the June 17th meeting which I would attend if not for a pre-planned family vacation at that time.

Sincerely,
Becke Dixon
2840 Nicklaus Dr.
Casper, WY

[REDACTED]
Becke Dixon
[REDACTED]

Resentment is like taking poison and hoping the other person dies. -St Augenstein

June 11, 2021

MEMO TO: Susan Frank, Chairman
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, City Planner

SUBJECT: **CUP-000020-2021** – Conditional Use Permit to allow manufacturing, storage and distribution of metal products (jewelry, coins, bars) on the northerly Pt of Lot 3 and all of Lot 4, Evergreen Business Park (Currently the Star Tribune Building), located at 170 Star Lane. Applicant: Lee Publications, Inc. and Glamis Capital, Inc.

Recommendation:

The Planning and Zoning Commission **may** approve the requested Conditional Use Permit after consideration of public testimony and the facts of the case, as presented during the public hearing:

1. If all minimum regulations/standards of the Municipal Code are satisfied; and,
2. After consideration of any relevant factors, including, but not limited to those articulated in Section 17.12.240(H) (*outlined on page 3*), and upon finding that the request is in keeping with the two (2) required findings listed in Section 17.12.240(G), (*outlined on page 3*).

Code Compliance:

Staff has completed all public notice 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 a sign on the property, and publishing legal notice in the Casper Star-Tribune. **Staff has not received any public comments on this case.**

APPLICABLE REGULATIONS & STANDARDS

- Section 17.68.030 – Conditional Uses – Lists workshop-scale manufacturing, assembling, or packaging of products from previously prepared materials as a potential Conditional Use in the C-2 (General Business) zoning district.
- Section 17.12.080 – Off Street Parking Requirements: Light Industrial uses require a minimum of 1.55 parking spaces per 1,000 gross square feet of building area.
- Section 17.12.070(A)(12) – Parking surfaces shall be covered with concrete or asphalt concrete pavement materials in accordance with the City’s standard specifications for street construction.

- Section 17.12.240(I) – In any case in which a Conditional Use Permit has not been exercised and the work completed within one (1) year from the date of issuance, such permit shall be void, and have no further force or effect.

RELEVANT FACTORS

Section 17.12.240(H) - In making its findings, the Commission shall consider any relevant factors, including, but not limited to, the following, if applicable to the proposed use:

- 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.

REQUIRED FINDINGS

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.

GUIDANCE ON CONDITIONS

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 ensure 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:

An application has been submitted for a Conditional Use Permit to allow for the use of the existing, Star Tribune building, located at 170 Star Lane, as a light industrial/manufacturing business in a C-2 (General Business) zoning district. The property is currently for sale, and a potential purchaser of the property would like to utilize it for the manufacturing, storage and distribution of precious metal products, such as jewelry, coins, and bars. The C-2 (General Business) district does not allow for light industrial uses without the approval of a Conditional Use Permit by the Planning and Zoning Commission.

Although long term, the potential purchaser of the property has indicated that they may be interested in doing a zone change of the property, in the interim, and to facilitate the sale of the property, they are requesting approval of a Conditional Use Permit. Surrounding land uses in the area are a mix of industrial and commercial/retail. The property is bordered by the Burlington Northern Railroad on the north, and by properties zoned C-2 (General Business) on the south and west; and by property zoned C-4 (Highway Business) on the east. Access to the property is via Star Lane, a dead end street fed from West 1st Street on the south. The property has significant available off-street parking available on the north, east and west portions of the property. Traffic generation for the proposed light-industrial use should be comparable to the existing business, and will not cause a noticeable increase in traffic congestion.

Sample Motion to Approve:

I note that the Planning and Zoning Commission has considered all relevant factors, including, but not limited to, those set forth in Casper Municipal Code Section 17.12.240(H), and find that the conditional use permit meets the two (2) findings required by Casper Municipal Code Section 17.12.240(G). On that basis, I move to **approve** Case #CUP-000020-2021.

Sample Motion to Deny:

I move to **deny** Case # CUP-000020-2021, because the Conditional Use does not meet the two (2) findings required for approval under Section 17.12.240(G).


Conditional Use Permit - Former Star Tribune Building



Conditional Use Permit - Former Star Tribune Building



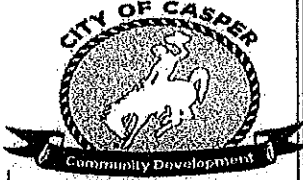
Legend

 Subject_Property

STARLIN

Conditional Use Permit - Former Star Tribune Building





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Lee Publications, Inc. Glamis Capital, Inc.
 ADDRESS: 4600 E 53rd St, Davenport, Iowa 52807 20701 N Scottsdale Rd, Ste 107-266, Scottsdale, AZ 85255
 TELEPHONE: 804-467-9192 / 307-234-2385 EMAIL: koquinn@bhmginc.com / rshall@ccim.net

LOCATION OF REQUEST:

ADDRESS: 170 Star Lane, Casper, Wyoming 82604
 LEGAL DESCRIPTION: The Northerly Pt of Lot 3 and all of Lot 4, Evergreen Business Park
 Number of Lots: Pt of 1 and all of 1 Size of Lots: 4.16 Acres, +/-
 Current Zoning: C-2 Current Use: Newspaper publishing
 Purpose for which the property is proposed to be used: MANUFACTURING, STORAGE, +
DISTRIBUTION OF METAL PRODUCTS (JEWELRY, COINS, BARS)
 Prior restrictions placed on the property: None

Floor area square footage: 47,036 sf Number of Occupants or Employees: 50
 Building Footprint: 38,403 sf Number of off-street parking spaces: 120+

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: Lee Publications, Inc.: [Signature]
 DATE: 5/7/21 Glamis Capital, Inc.: _____ Date: _____

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
 - \$600 APPLICATION FEE (NON-REFUNDABLE)
 - PLOT PLAN

FOR OFFICE USE ONLY:
 DATE SUBMITTED:
 REC'D BY: _____