

PLANNING AND ZONING COMMISSION MEETING
Tuesday, August 26, 2014
6:00 P.M.
COUNCIL CHAMBERS
CITY HALL, 200 NORTH DAVID STREET

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

PLANNING AND ZONING POLICY
PUBLIC STATEMENTS

- I. Use of Cellular Telephones is Not Permitted, and Such Telephones Shall Be Turned Off or Otherwise Silenced During the Planning and Zoning Commission Meeting.

- II. Speaking to the Planning and Zoning Commission (These Guidelines Are Also Posted at the Podium in the Council Chambers)
 - Clearly State Your Name and Address.
 - Please Keep Your Remarks Pertinent to the Issue Being Considered by the Planning and Zoning Commission.
 - Please Do Not Repeat the Same Statements that Were Made by a Previous Speaker.
 - Please Speak to the Planning and Zoning Commission as You Would Like to Be Spoken To.
 - Please Do Not Address Applicants or Other Audience Members Directly.
 - Please Make Your Comments at the Podium and Directed to the Planning and Zoning Commission.

- III. The City of Casper Planning and Zoning Commission is a volunteer body composed of members of the Casper Community, and appointed by the Casper City Council. The Commission acts as a quasi-judicial panel, making final decisions on some specific items, and recommendations to the City Council on others as dictated by law. The Commission may only consider evidence about any case as it relates to existing law. The Commission cannot make or change planning or zoning laws, regulations, policies or guidelines.

AGENDA

- I. **CALL TO ORDER.**

- II. **MINUTES:**

- III. **PUBLIC HEARINGS:**
 - A. **PLN-14-032-C – (Continued from July 22, 2014) Petition for a Conditional Use Permit for a detached garage, with 18’ walls, in excess of 12’ maximum wall height permitted, and to allow an accessory dwelling unit in an R-2 (One**

Unit Residential) zoning district; on Lot 228, Fairdale Addition, located at 1545 South Wilson Street. Applicant: Caleb Middleton.

- B. **PLN-14-039-C – Petition for a Conditional Use Permit to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, on Lot 9, Block 16, Eastgate III Addition, located at 2031 Brighton. Applicant: Justin J. Scott.**
- C. **PLN-14-040-C – Petition for a Conditional Use Permit for a “Family Child Care Center-Zoning Review” to allow a childcare facility for up to 15 children, on Lot 139 All & 140 N 35’, Kenwood Addition, located at 903 South Jackson Street. Applicant: David Lake and Minda Hazelton, DBA Building Bridges Child Care.**
- D. **PLN-14-041-R – Petition to vacate and replat Lots 2 and 3, Blackmore Marketplace Addition No. 8, to create Blackmore Marketplace Addition No. 10, comprising 4.063-acres, more or less, located at the southeast intersection of Pay It Forward Drive and East 2nd Street. Applicant: Blackmore Marketplace Shops, LLC.**
- E. **PLN-14-042-R – Petition to vacate and replat Lots 2 and 4, Blackmore Marketplace Addition No. 5, to create Blackmore Marketplace Addition No. 11, comprising 3.838-acres, more or less, located at east of Blackmore Road and south of East Second Street. Applicant: Blackmore Marketplace Shops, LLC.**
- F. **PLN-14-043-RS – Petition to plat a portion of SW1/4 and the SE1/4NW1/4, Section 13, T33N, R79W, 6th P.M., Natrona County Wyoming, to create the Cambridge Addition, comprising 51.80-acres, more or less; and review of the accompanying PUD site plan, located to the north of the SE Wyoming Boulevard and Country Club Road intersection. Applicant: 402, LLC.**
- G. **PLN-14-044-ARZ – Petition to annex, vacate and replat Tracts 37 & 38, Dowler No. 3 Subdivision, comprising 5.43-acres, more or less, to create the DMK Subdivision, located at 5300 CY Avenue; and rezoning of said property from Natrona County Classification C (Commercial) to City Zoning Classification C-4 (Highway Business). Applicant: J & J Enterprises.**
- H. **PLN-14-045-AZ – Petition to annex Tracts No. 8, 8B, 9, 10, 11 and 12 of Rocky Mountain Packing Subdivision, excepting the north 109.47 feet, of Tracts No. 8 and 9, to the City of Casper, comprising 6.09-acres, more or less, located east of Hereford Lane and south of Bryan Evansville Road; and rezoning said property, from Natrona County Zoning Classifications LI (Light Industrial) and HI (Heavy Industrial), to City Zoning Classification M-2 (General Industrial). Applicant: T/K Investments.**

- I. **PLN-14-046-ARZ – Petition to annex the northerly 109.47 feet of Tracts 8 and 9 of Rocky Mountain Packing Subdivision; and a vacation and replat of all of Tract 7B of Shoshone Addition to the City of Casper, to create the Kinco Addition to the City of Casper, comprising 7.84-acres, more or less, located at the southeast intersection of Hereford Lane and Bryan Evansville Road; and rezoning the northerly 109.47 feet of Tracts 8 and 9 of Rocky Mountain Packing Subdivision from County zoning classifications Light Industrial (LI) and Heavy Industrial (HI) to City zoning classification M-2 (General Industrial). Applicant: Kinco Investments, LLC.**

- J. **PLN-14-038-AZ – Petition to annex the North 703 Feet of Tract 13, of the Rocky Mountain Packing Subdivision, comprising 3.939-acres, more or less, located at 700 Hereford Lane; and rezoning said property from Natrona County Zoning Classification (HI) Heavy Industrial to City Zoning Classification M-2 (General Industrial). Applicant: Kevin Kalies.**

IV. COUNCIL ACTIONS:

V. SPECIAL ISSUES:

VI. COMMUNICATIONS:

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

VIII. ADJOURNMENT

**PLANNING AND ZONING MEETING
TUESDAY, JULY 22, 2014
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at www.casperwy.gov on the Planning Commission web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Tuesday, July 22, 2014, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: James Holloway
Monte Henrie
Don Redder
Gary Richards

Absent Members: Fred Maguire
Ryan Waterbury
Mary England

Others Present: Craig Collins, Associate Planner
Dee Hardy, Administrative Assistant II
Wallace Trembath, Assistant City Attorney
Caleb Middleton, 1545 South Wilson Street
Lon Middleton, 2520 South Jefferson Street
Cliff Rogers, 1534 South Fenway Street
Bill Harlow, 1524 South Wilson Street

II. MINUTES OF THE PREVIOUS MEETING

Vice Chairman Holloway asked if there were additions or corrections to the minutes of the June 24, 2014 Planning & Zoning Commission meeting.

There being none, Vice Chairman Holloway called for a motion to approve the minutes of the June 24, 2014 Planning & Zoning Commission.

Mr. Henrie made a motion to approve the minutes of the June 24, 2014 meeting. The motion was seconded by Mr. Redder. All those present voted aye. Minutes approved.

III. PUBLIC HEARING

The Vice Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public

hearing until next month in anticipation of more Planning Commission members being present, if they so desire.

Vice Chairman Holloway explained to the applicant that there were only four (4) Planning Commissioners present this evening and a single no vote would result in the denial of his application.

Caleb Middleton, 1545 South Wilson Street, stated he understood the process and ordinances, and that he would like to proceed.

Vice Chairman Holloway asked for the staff report.

PLN-14-032-C – Petition for a Conditional Use Permit for a detached garage, with 18’ walls, in excess of 12’ maximum wall height permitted, and to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district; on Lot 228, Fairdale Addition, located at 1545 South Wilson Street. Applicant: Caleb Middleton.

Craig Collins, Associate Planner, presented the staff report which recommends that the Planning and Zoning Commission approve the Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, located on the subject property, with the following conditions:

1. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property, or an immediate family member of the property owner.
2. A total of four (4) off-street parking spaces shall be provided to meet the Casper Municipal Code’s requirement of two (2) parking spaces per dwelling unit.

Mr. Collins entered seven (7) exhibits into the record for this case.

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

Caleb Middleton, 1545 South Wilson Street, spoke in favor of this case.

Mr. Collins entered the photos provided by the applicant as Exhibit “H”.

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

Lon Middleton, 2520 South Jefferson Street, spoke in favor of this case.

Cliff Rogers, 1534 South Fenway Street, spoke in opposition to this case.

Bill Harlow, 1524 South Wilson Street, spoke in opposition to this case.

There being no others to speak, Vice Chairman Holloway closed the public hearing and entertained a motion to approve and forward to City Council with a “do pass” recommendation, deny, or table case PLN-14-012-S.

Mr. Richards made a motion to continue case PLN-14-032-C to the August 26, 2014, Planning and Zoning Commission Meeting. The motion was seconded by Mr. Redder. All those present voted aye. Motion carried.

Vice Chairman Holloway advised the applicant that his Conditional Use Application has been continued to the August 26, 2014, Planning and Zoning Commission Meeting.

IV. COUNCIL ACTIONS:

There were none.

V. SPECIAL ISSUES:

There were none.

VI. COMMUNICATIONS:

A. Commission:

There were none.

B. Community Development Director:

There were none.

C. Other Communications:

There were none.

D. Council Liaison:

There were none.

VII. ADJOURNMENT

Vice Chairman Holloway called for a motion for the adjournment of the meeting. A motion was made by Mr. Redder and seconded by Mr. Henrie to adjourn the July 22, 2014 meeting of the Planning and Zoning Commission. All present voted aye. Motion carried. The meeting was adjourned at 6:35 p.m.

Chairman

Secretary

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director
Craig Collins, AICP, Associate Planner
Aaron Kloke, Planner I

SUBJECT: **PLN-14-032-C** – Petition for a Conditional Use Permit for a detached garage, with eighteen (18) foot walls, in excess of the twelve (12) foot maximum wall height permitted; and to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district; on Lot 228, Fairdale Addition, located at 1545 South Wilson Street. Applicant: Caleb Middleton.

Recommendation on the accessory dwelling unit:

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

1. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property, or an immediate family member of the property owner.
2. A total of four (4) off-street parking spaces shall be provided to meet the Casper Municipal Code's requirement of two (2) parking spaces per dwelling unit.

Recommendation on accessory building with eighteen (18) foot wall height:

In the absence of information that may be presented at the public hearing, staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit for the construction of a detached accessory building with eighteen (18) foot walls, in excess of the twelve (12) foot maximum wall height permitted under Section 17.12.121(G) of the Casper Municipal Code.

Code Compliance:

Staff has complied with all requirements of Section 17.12.240 of the Casper Municipal Code pertaining to Conditional Use Permits, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. Staff has received two (2) letters of opposition to the Conditional Use Permit citing concerns with the impact of the large building to their properties.

Section 17.12.240(G) of the Casper Municipal Code states that no conditional use permit shall be granted unless the Commission finds the following:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

When making the decision for a Conditional Use Permit, the Commission shall consider the scale of the operation and relationship to other similar issues as expressed in the six (6) considerations outlined in Section 17.12.240(H) as listed below.

- a. Area and height to be occupied by buildings or other structures.
- b. Density of the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three.
- c. Volume of business in terms of the number of customers per day.
- d. Increased traffic congestion or hazard caused by the use which may be over and above normal traffic for the area, as determined by the City Engineer and Community Development Director.
- e. Location of use with respect to the same or similar uses within a three hundred foot (300') radius of the perimeter of the described property.
- f. Any other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

Pursuant to Section 17.12.240(I) of the Casper Municipal Code, the Commission may impose reasonable conditions on a Conditional Use Permit, including, but not limited to, time limitations, requirements that one or more things be done before construction is initiated, or conditions of an ongoing nature. By way of illustration, not limitation, the following limitations or modifications can be placed upon a Conditional Use Permit, to the extent that such conditions are necessary to insure compliance with the criteria of Section 17.12.240(G) and (H):

1. Size and location of site;
2. Street and road capacities in the area;
3. Ingress and egress to adjoining public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation systems;
6. Fencing, screening, and landscaped separations;
7. Building bulk and location;
8. Usable open space;

9. Signs and lighting; and,
10. Noise, vibration, air pollution and other environmental influences.

Summary:

Caleb Middleton has applied for a Conditional Use Permit to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, located at 1545 South Wilson Street. The property consists of a single platted lot, approximately eight thousand five hundred (8,500) square feet in total area. The minimum lot size in the R-2 (One Unit Residential) district is four thousand (4,000) square feet. Land uses in the surrounding area are all single-family residential. Section 17.32.030 of the Casper Municipal Code lists “accessory dwelling unit” as a conditional use in the R-2 (One Unit Residential) zoning district.

According to the definition of an accessory dwelling unit found in Title 17 of the Casper Municipal Code, either the principal dwelling unit, or the accessory dwelling unit must be occupied by the owner of the property, or an immediate family member. The definition also specifies that the accessory dwelling unit cannot be sold or otherwise separated from the principal dwelling unit. The reasoning behind these standards is to prevent the general introduction of multi-family residential development into a single-family residential zoning district. Accessory dwelling units were added to the R-2 (One Unit Residential) zoning district as conditional uses with the intent to address the changing housing needs of our society, such as the needs of young and/or single-parent households, or the needs of an aging population. Staff has included a recommended condition that reiterates the requirement that the owner of the property, or immediate family member, occupy either the principal or the accessory dwelling. The second recommended condition of approval requires that the applicant provide a minimum of four (4) off-street parking spaces. Per Section 17.12.080 of the Casper Municipal Code, a minimum of two (2) parking spaces must be provided, per dwelling unit. Parking spaces located both within a garage, and in a driveway, may be used to satisfy the minimum parking requirement.

The second portion of the Conditional Use Permit request is a request to allow a detached accessory building with an exterior wall height of eighteen (18) feet. Section 17.12.121(G) of the Casper Municipal Code states that a Conditional Use Permit is required for detached accessory buildings that exceed twelve (12) feet in exterior wall height. The proposed structure will have a twenty-five by thirty foot building (25’x30’) footprint, or a total area of seven hundred fifty feet (750’). The allowable footprint/size of a detached accessory building is up to fifteen (15) percent of the lot area, or in this case, a maximum of one thousand two hundred seventy five (1,275) square feet. The minimum setback requirements for the structure are three (3) feet in the rear, and five (5) feet on the sides. It is noted that an eighteen (18) foot public alley abuts the property along its rear property line, which will provide additional separation between the accessory building and the residences to the east.

The staff recommendation is to approve both portions of the Conditional Use Permit request, with the two (2) conditions listed. Should the Planning and Zoning Commission desire to approve the request, a recommended motion has been provided below.

Recommended Motion:

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

The Planning Commission finds that case number **PLN-14-032-C**, a Conditional Use Permit for a detached garage, with eighteen (18) foot walls, in excess of the twelve (12) foot maximum wall height permitted; and to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district; on Lot 228, Fairdale Addition, located at 1545 South Wilson Street, should be granted, with Conditions #1 and #2, listed in the staff report, for the following reasons:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

Furthermore, with respect to the necessary findings for the approval of a Conditional Use Permit outlined in Section 17.12.240(H) of the Municipal Code, the Planning and Zoning Commission finds that:

- a. The seven hundred fifty (750) square foot footprint of the proposed accessory building is five hundred twenty five (525) square feet less than the one thousand two hundred seventy five (1,275) square foot building footprint allowed for an accessory building, by right. The eighteen (18) foot high walls are only six (6) feet higher than the twelve (12) foot height permitted by right. The additional height of the structure will be adequately mitigated by the minimum setback requirements of the Casper Municipal Code, and the alley along the rear property line.
- b. The requested Conditional Use Permit is to allow for the addition of a single dwelling unit, for a total of two (2) dwelling units, to be located on the property. The property is approximately eight thousand five hundred (8,500) square feet in size, and the minimum lot size in the R-2 (One Unit Residential) zoning district is four thousand (4,000) square feet. The addition of a dwelling unit to the property would not be of a higher density than would otherwise be allowed if the property were split into two (2) conforming R-2 (One Unit Residential) lots.
- c. The volume of business is not applicable because the property is not being proposed to be used as a business.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed accessory dwelling unit, as determined by the City Engineer and the Community Development Director.

- e. There are no known accessory dwelling units or oversized accessory buildings located within three hundred (300) feet of the subject property.
- f. There are no other criteria, affecting public health, safety, and welfare, as provided for by the written rules of the Commission.

1545 SOUTH WILSON



Legend
Subject Property





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Caleb Middleton
 ADDRESS: 1545 south Wilson St. Casper, WY 82601
 TELEPHONE: 307-254-1585 EMAIL: Bigc198387@gmail.com

LOCATION OF REQUEST:

ADDRESS: 1545 south Wilson St. Casper, WY 82601

LEGAL DESCRIPTION:

Number of Lots: 1 Size of Lots: _____
 Current Zoning: _____ Current Use: My Residence
 Purpose for which the property is proposed to be used: Residence/Garage exterior wall height is 18'
 Prior restrictions placed on the property: _____

Floor area square footage: 750 sq. feet Number of Occupants or Employees: 2
 Building Footprint: _____ Number of off-street parking spaces: 3

**A PLOT PLAN IS REQUIRED SHOWING:
(WHERE APPROPRIATE)**

- | | | |
|-------------------------------|--------------------------------|-------------------------------------|
| lot size and dimensions | size and location of buildings | off-street parking spaces |
| routes for ingress and egress | Internal traffic control | fencing, screening, and landscaping |
| signs and lighting | setback distances | |

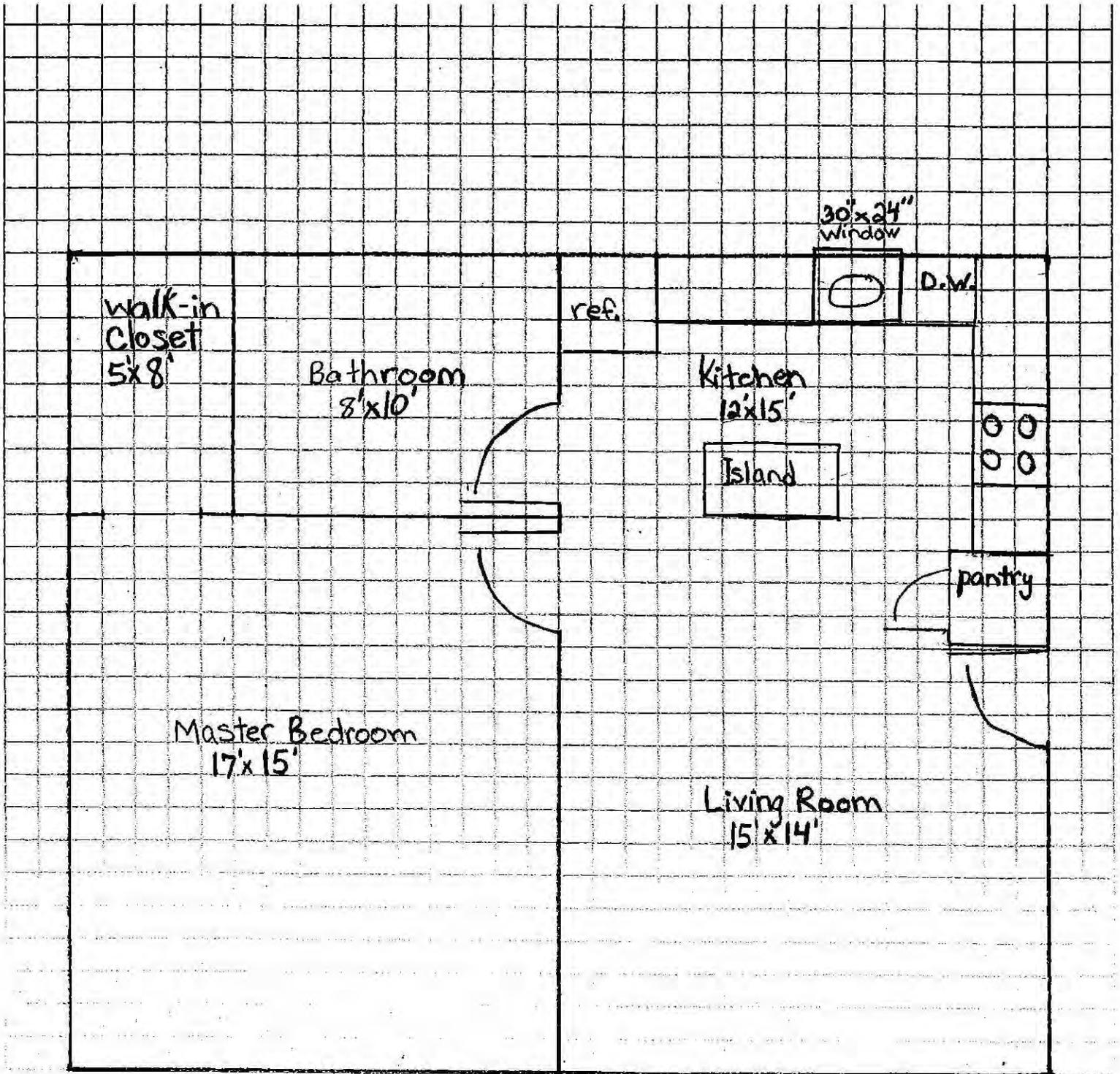
The following owner's signature, or agent, signifies that all information on the application is accurate and correct to the best of the owner's knowledge, and that the owner has thoroughly read and understands all application information and requirements.

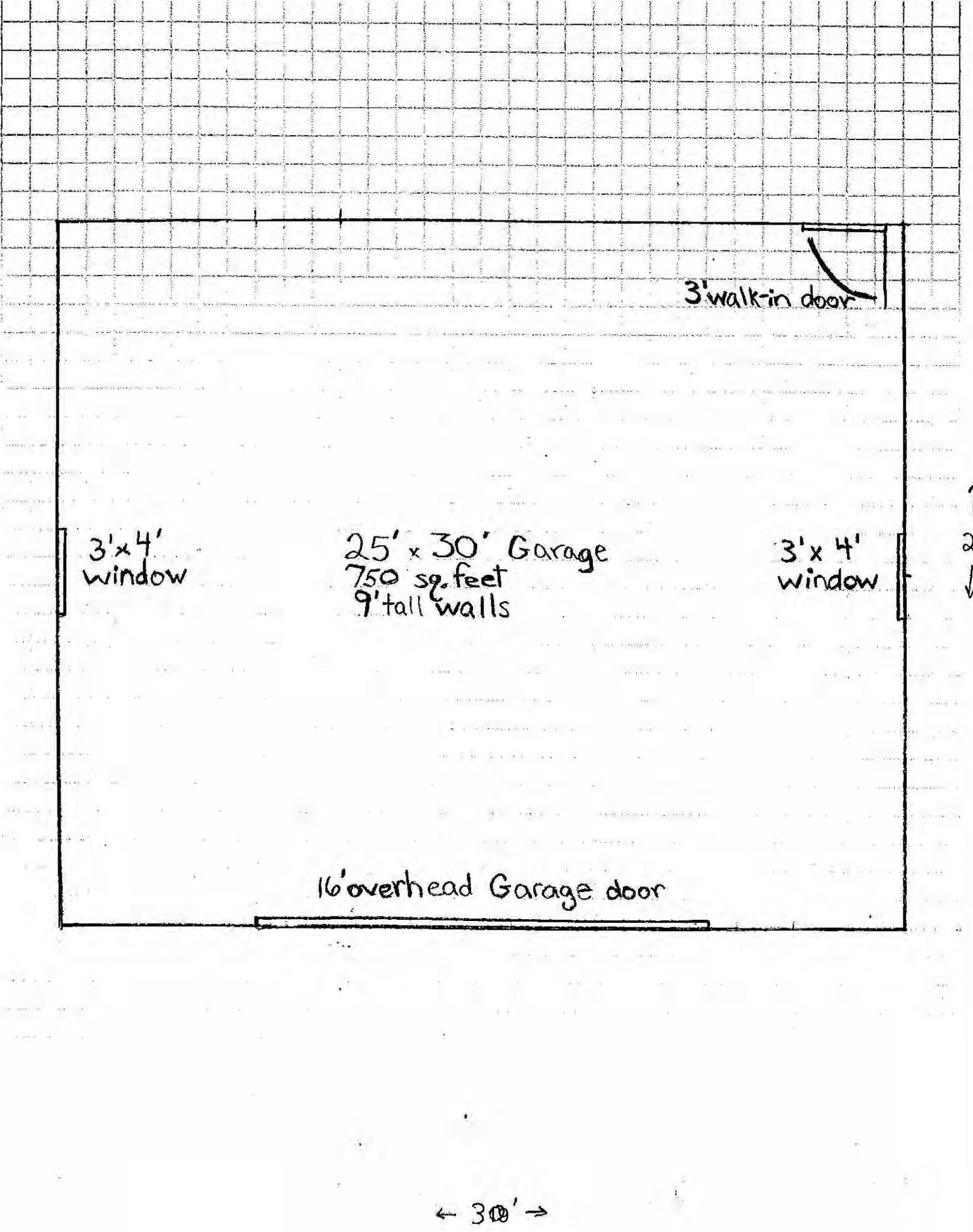
SIGNATURE OF PROPERTY OWNER: [Signature]
 DATE: 6-5-14

SUBMIT TO:
 Community Development Department
 Planning Division
 200 N Dayld, RM 203
 Casper, WY 82601
 Phone: 307-235-8241
 Fax: 307-235-8362
 www.casperwy.gov
 E-mail: dharry@cityofcasperwy.com

- COMPLETE SUBMITTAL NEEDS TO INCLUDE:**
- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
 - PROOF OF OWNERSHIP
 - \$275 APPLICATION FEE (NON-REFUNDABLE)
 - PLOT PLAN

FOR OFFICE USE ONLY:
 DATE SUBMITTED:
6/5/14
 REC'D BY: [Signature]





3' walk-in door

3' x 4' window

25' x 30' Garage
750 sq. feet
9' tall walls

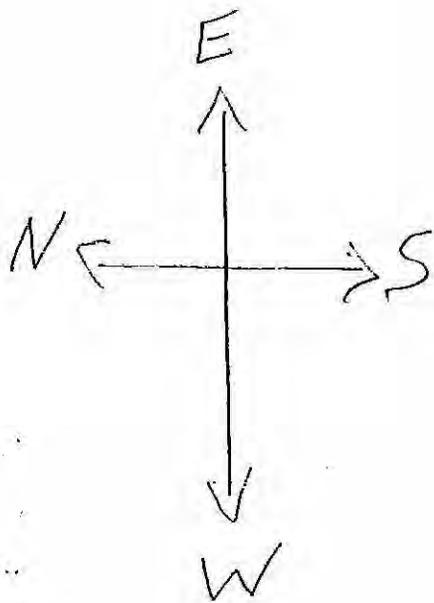
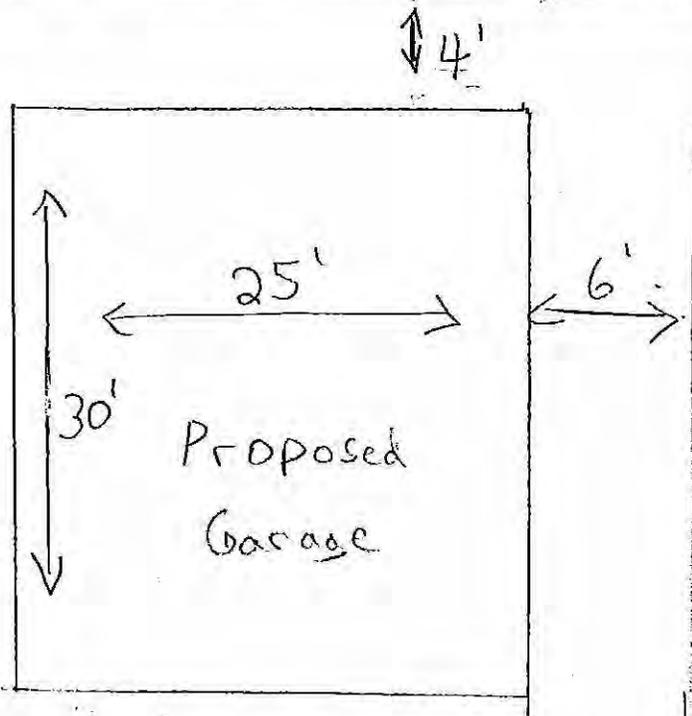
3' x 4' window

↑
25'
↓

16' overhead Garage door

← 30' →

117'



JUL 15 2014

RE: PETITION FOR A CONDITIONAL USE PERMIT FOR A DETACHED
ACCESSORY DWELLING UNIT AND GARAGE AT 1545 ~~WILSON~~ WILSON
STREET, CASPER SOUTH
APPLICATION NUMBER PLN-14-032-C
APPLICANT: CALEB MIDDLETON

Our names are Edward and Jan Whitney, and we are the property owners of 1544 S. Fenway, which is the residence immediately adjacent to the subject property across the alley to the east. We object to the proposed construction of a separate accessory residence as a conditional use, as contemplated in the application referenced above (hereinafter the "Middleton Application"), on numerous grounds as set forth at length herein.

THE BUILDING DESCRIBED IN THE MIDDLETON APPLICATION DOES NOT COMPLY WITH EITHER THE LETTER OR THE SPIRIT OF THE ZONING STATUTES OF THE STATE OF WYOMING OR THE ZONING ORDINANCES OF THE CITY OF CASPER

The Middleton Application proposes the construction of a two-story above-ground detached accessory building consisting of a garage on the ground level, and an accessory residence on the second level. This proposal does not meet the requirements of either the Wyoming statutes governing local land use, nor the ordinances adopted by the City of Casper pursuant to said statutes.

Section 15-1-601 of the Wyoming State Statutes deals with local zoning ordinances, and states in pertinent part (emphasis supplied):

- (d) All regulations shall be made:
- (i) In accordance with a comprehensive plan and designed to:
 - (A) Lessen congestion in the streets;
 - (B) Secure safety from fire, panic and other dangers;
 - (C) Promote health and general welfare;
 - (D) Provide adequate light and air;
 - (E) Prevent the overcrowding of land;
 - (F) Avoid undue concentration of population; and
 - (G) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.
 - (ii) With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses;
 - (iii) With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town * * *.

Casper has in fact adopted such a zoning and planning ordinance as contemplated by Section 15-1-601. The preamble to the zoning ordinance is contained in Section 17.04.010 of the

General Ordinances of the City of Casper (hereinafter the "Casper Ordinances"), entitled "Authority, purpose and title," and states in pertinent part (emphasis supplied):

B. Purpose. The purpose of this title is to lessen congestion in the streets; secure safety from fire and other danger; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; and, foster preservation of historical sites. * * * These regulations have been made with reasonable consideration, among other things, to the character of the district and its particular suitability for particular uses, with a view to conserving and improving the living quality of buildings, and encouraging the most appropriate use of land throughout the city. * * *

Title 17 of the Casper Ordinances continues to set forth zoning requirements for various land uses, including the R-2 zone where both the subject property and our property are located. With regard to the R-2 zone, the Casper Ordinances state in pertinent part:

The purpose of the R-2 district is to establish and maintain a conventional, site-built single-family... residential neighborhood characterized by moderate-sized lots with adequate space provided for openness, landscaping and play. The district shall be free from other uses except those which are compatible with this purpose.

[Casper Ordinances, §17.32.010 (emphasis supplied).]

With regard to accessory buildings such as that in the Middleton Proposal, the Casper Ordinances state in pertinent part:

F. Detached garages and/or accessory buildings shall:

1. Maintain a minimum rear setback of five feet; with the exception of garages and/or accessory buildings abutting alleys, which shall have a three-foot minimum rear setback. * * *

2. Maintain a minimum side yard setback of five feet in all zoning districts...;

* * *

6. Buildings greater than one hundred twenty square feet in area as measured at the maximum exterior wall dimension shall be similar in design, exterior residential materials, and roof pitch to the principal and/or surrounding residential neighborhood buildings. * * *

G. A conditional use permit shall be required for detached garages and/or accessory buildings that exceed twelve feet in an exterior wall building height above the finished floor, measured at the primary access to the building.

[Casper Ordinances, §17.12.121 (**emphasis supplied**).]

It is easily noted from the plain language of these laws that both the statutes and the ordinances recognize that the zoning laws are in place to:

- provide adequate light and air;
- prevent the over-crowding of land;
- avoid undue concentration of population;
- maintain the character of the district;
- conserve and improve the living quality of buildings; and
- conserve the value of buildings.

Because the building and use proposed in the Middleton Application is unlike every single other structure in the neighborhood for a distance of blocks in any direction because of its immense bulk and introduction of rental apartment living to a neighborhood of single family houses occupied by the homeowners, it fails to advance these goals. The statutory points outlined above will be analyzed in turn.

First, the building proposed in the Middleton Application is enormous compared to the other buildings in the neighborhood, and if constructed as proposed, it would tower over the skyline, and would block out the sun and views of the sky on the surrounding properties. This can be nothing but detrimental to the light and air afforded to the nearby properties, including both our property and the applicant's own property.

Although an elevation drawing of the proposed building was not included in the Middleton Application, the materials supplied note that the applicant is proposing a structure with two stories above ground, a wall height of 18 feet for the building, and that the proposed building is 25 feet by 30 feet in exterior dimensions. The proposed wall height is already significantly greater than those of the houses in the neighborhood, which have wall heights of about 10 feet above grade and roof peaks of around 14 to 15 feet. Moreover, all the houses in the neighborhood, including applicant's house, are ranch style homes that have only one story above ground and have peaked roofs. Since the proposed building is greater than 120 square feet in area measured by the exterior wall dimensions, §17.12.121(F)(6) of the Casper Ordinances requires that the proposed accessory residence must be similar in, *inter alia*, roof pitch. By way of reference, our house has a roof pitch such that the peak is 4 feet taller than the edges, and is 25 feet wide in the dimension that the peak is built; all other houses in the neighborhood are of similar design, including applicant's. Therefore, the accessory building must also have a peaked roof, and since the minimum exterior dimension proposed is 25 feet, it stands to reason that the peak of the roof would be at least 22 feet above grade to be similar in roof pitch to the surrounding buildings.

Outline of Objections to Middleton Conditional Use Permit for Accessory Dwelling

Issues

- Accessory dwelling as proposed will impede light and air for adjacent properties
 - Will block Whitney residence view to the west almost completely, and Rogers and _____ substantially
 - Will substantially shade Whitney yard, including rendering garden essentially unusable
- Accessory dwelling will substantially eliminate backyard privacy for Whitney, Rogers, _____
 - Windows in living space are designed to overlook to the east, rather than the west
- Huge departure from bulk of existing buildings in neighborhood
 - Peak of roof of dwellings is around 15 feet, which is 3 feet less than non-peaked wall height of proposed accessory dwelling, and an additional several feet would be added for a peaked roof to conform with the style of the neighborhood as required by ordinance
- Roof runoff from building will increase possibility of ice in alley during winter, especially given shading
- Parking situation will be created in the alley if 3 off street spaces are created, as at least one must be outside the garage
 - They have already created 2 parking spaces in the alley and parked a derelict car in one of them
- Traffic will be increased in the alley from the presumed renters' vehicles
- No idea where the building will be located on the premises

This extraordinary height poses a problem for the maintenance of light and air for the applicant's property and the surrounding properties, including ours. Annexed hereto as Exhibit A is an analysis of the shading of our property that would occur in the afternoon from the proposed structure during the summer. This shading would severely limit the potential of our vegetable garden, which is located along the alley on the west end of our property, i.e. closest to applicant's property. Moreover, this shading would likely contribute to ice formation in the alley in the winter, especially if the accessory residence is equipped with gutters that drain to the alley.

Another potential problem regarding light and air is in the evenings, when light pollution from the accessory building would invade our property. The Middleton Application calls for three windows in the apartment. Light from these windows would stream down largely unhindered into our backyard and onto our house, which could interfere with our ability to use our backyard for stargazing or just enjoyment of the dark. Additionally, if the windows were opened, the noise from the apartment would likewise travel directly into our backyard. As the applicant has proposed placing the family room and kitchen on the east side of the accessory residence, it is likely that all the sounds from the television, stereo, entertaining guests, etc. would be concentrated on the east side of the apartment, and it is our property that would suffer the most from this increase in light and noise.

Second, while it is true that merely having a single rental apartment in the neighborhood would not by itself increase the population density immensely or lead to overcrowding in the zone, it would change the way the population uses the alley. There are several properties along the alley that have detached rear garages that are used by the residents, but that usage is transient. By way of comparison, the apartment dwellers would be in the alley every single time they entered or exited the apartment, which would increase pedestrian traffic in the alley. Moreover, the proposed stairwell descends down the north side of the building right to the alley level, but it is completely obscured by the building from any traffic traveling down the alley from south to north. This creates a hazardous condition for the renters, who are essentially egressing from their dwelling directly into a thoroughfare. Thus, it is not so much the absolute increase in population, but where the additional residents would be located, that creates the issue.

However, it is also worth considering that allowing this conditional use in the neighborhood would cause the other property owners to proceed likewise to set up accessory apartments along the alley, as there would be precedent to allow them to do so. This could result in a condition where a lot of additional residents come into the neighborhood, which could then result in potential overcrowding of land and an undue concentration of residents along the alley.

I Clefton D. Rogers 1534 So. Fenway
Casper way 82601 DISAPPROVE OF THAT KIND
OF STRUCTURAL BUILDING

July 16, 2014

JUL 16 2014

VIA HAND DELIVERY

City of Casper, Wyoming
Planning and Zoning Commission
c/o Community Development Department
200 North David, Room 205
Casper, WY 82601

**RE: PETITION FOR A CONDITIONAL USE PERMIT FOR A DETACHED
ACCESSORY DWELLING UNIT AND GARAGE AT 1545 SOUTH WILSON
STREET, CASPER
APPLICATION NUMBER PLN-14-032-C
APPLICANT: CALEB MIDDLETON**

To Whom It May Concern:

Our names are Edward and Jan Whitney, and we are the property owners of 1544 S. Fenway, which is the residence immediately adjacent across the alley to the east to the property that is the subject of the above referenced application (hereinafter the "Application"). We object to the proposed construction of a separate accessory residence above a backyard garage as a conditional use, as contemplated in the Application, as set forth at length herein. These comments are being submitted without prejudice for us to appear and give further comments at the meeting of the Commission where the Application will be considered, or to submit comments in any other forum or method as may be approved by the Commission.

At the outset, we note that we have spoken to the applicant about the Application, and while we feel that he is sincere in wanting to mitigate the effects of his proposed development, we nonetheless feel that the accessory residence as proposed is inappropriate for this neighborhood. We would not object to the applicant building a garage of normal size and height, of the type located on several of the properties along our alley and throughout the neighborhood. But the much taller proposed building, and its proposed use as an additional residence, is so out of character with the neighborhood that it is inappropriate for construction, and we are asking that the Application be rejected insofar as it proposes any second aboveground story of the outbuilding containing an accessory residence.

*The Building and Use Proposed in the Application Does Not
Comply with the Letter or the Spirit of the Zoning Ordinances
or the State Land Use Laws*

Stated simply, the building and use described in the Application does not comply with either the letter or the spirit of the zoning ordinances of the City of Casper, nor the Wyoming statutes from which they are derived. The Application proposes the construction of a two-story above-ground detached accessory building consisting of a garage on the ground level, and an accessory residence on the second level. This proposal does not meet the requirements of either

General Ordinances of the City of Casper (hereinafter the "Casper Ordinances"), entitled "Authority, purpose and title," and states in pertinent part (emphasis supplied):

B. Purpose. The purpose of this title is to lessen congestion in the streets; secure safety from fire and other danger; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; and, foster preservation of historical sites.
* * * These regulations have been made with reasonable consideration, among other things, to the character of the district and its particular suitability for particular uses, with a view to conserving and improving the living quality of buildings, and encouraging the most appropriate use of land throughout the city. * * *

Title 17 of the Casper Ordinances continues to set forth zoning requirements for various land uses, including the R-2 zone where both the subject property and our property are located. With regard to the R-2 zone, the Casper Ordinances state in pertinent part:

The purpose of the R-2 district is to establish and maintain a conventional, site-built single-family... residential neighborhood characterized by moderate-sized lots with adequate space provided for openness, landscaping and play. The district shall be free from other uses except those which are compatible with this purpose.

[Casper Ordinances, §17.32.010 (emphasis supplied).]

With regard to accessory buildings such as that in the Middleton Proposal, the Casper Ordinances state in pertinent part:

F. Detached garages and/or accessory buildings shall:

1. Maintain a minimum rear setback of five feet; with the exception of garages and/or accessory buildings abutting alleys, which shall have a three-foot minimum rear setback. * * *

2. Maintain a minimum side yard setback of five feet in all zoning districts...;

* * *

6. Buildings greater than one hundred twenty square feet in area as measured at the maximum exterior wall dimension shall be similar in design, exterior residential materials, and roof pitch to the principal and/or surrounding residential neighborhood buildings. * * *

shall be similar in design, exterior residential materials, and roof pitch to the principal and/or surrounding residential neighborhood buildings. * * *

G. A conditional use permit shall be required for detached garages and/or accessory buildings that exceed twelve feet in an exterior wall building height above the finished floor, measured at the primary access to the building.

[Municipal Ordinance, §17.12.121 (**emphasis** supplied).]

It is easily noted from the plain language of these laws that both the statutes and the ordinances recognize that the zoning laws are in place to:

- provide adequate light and air;
- prevent the over-crowding of land;
- avoid undue concentration of population;
- maintain the character of the neighborhood;
- conserve and improve the living quality of property; and
- conserve the value of property.

Because the building and use proposed in the Application is unlike every single other structure in the neighborhood because of its bulk and introduction of rental apartment living to a neighborhood of single family houses occupied by the homeowners, it fails to advance these goals and comply with the ordinance.

The Proposed Accessory Residence will Negatively Impact Access to Light and Air for Our Property and Others

The building proposed in the Application is enormous compared to the other buildings in the neighborhood, as it would be approximately 35% taller than the surrounding houses, and at 25 feet by 30 feet, it would be almost as large as the surrounding houses. If constructed as proposed, it would tower over the skyline, and would block out the sun and views of the sky on the surrounding properties. This can be nothing but detrimental to the light and air afforded to the nearby properties, including our property.

Although an elevation drawing of the proposed building was not included in the Application, the materials supplied note that the applicant is proposing a structure with two stories above ground, a wall height of 18 feet for the building, and that the proposed building is 25 feet by 30 feet in exterior dimensions. The proposed wall height is already significantly greater than those of the houses in the neighborhood, which have wall heights of around 10 feet above grade, and roof peaks of around 14 to 15 feet.¹ Moreover, all the houses in the neighborhood, including applicant's house, are ranch style homes that have only one story above ground and have peaked roofs. §17.12.121(F)(6) of the Municipal Ordinance requires that the

¹ For reference, our house has an approximate roof height of 122 inches (10 feet 2 inches) above grade at the corners, and 171 inches (14 feet 3 inches) above grade at the peak.

proposed accessory residence must be similar in, *inter alia*, roof pitch. Our house has a roof that peaks at an angle of 4 inches in 12; all other houses in the neighborhood are of similar design, including applicant's. Therefore, the accessory building must also have a peaked roof, and since the minimum exterior dimension proposed is 25 feet, it stands to reason that the peak of the roof would be at least 22 feet above grade to be similar in roof pitch to the surrounding buildings, as a 4 inch in 12 peaked roof would rise a little more than 4 feet above the maximum wall height. If peaked along the opposite dimension, it would rise 5 feet from the wall to the peak.

This extraordinary height poses a problem for the maintenance of light and air for the applicant's property and the surrounding properties, including ours. Annexed hereto as Exhibit A is an analysis of the shading that would occur in the afternoon from the proposed structure during the summer. This shading would severely limit the potential of our vegetable garden, which is located along the alley on the west end of our property, i.e. closest to applicant's property. Moreover, this shading could contribute to ice formation in the alley in the winter, especially if the accessory residence is equipped with gutters that drain to the alley. The Application does not indicate the proposed siting of the accessory building on the lot; while placing it further back from the alley would mitigate some shading issues, its size makes them impossible to eliminate entirely.

Another potential problem regarding light and air is with the use of the second story as a residence. The Application calls for three windows in the apartment on the east-facing wall. Light from these windows would stream down largely unhindered into our backyard and onto our house in the evening, which could interfere with our ability to use our backyard for stargazing or just enjoyment of the dark. Additionally, if the windows were opened, the noise from the apartment would likewise travel directly into our backyard. As the applicant has proposed placing the family room and kitchen on the east side of the accessory residence, it is likely that all the sounds from the television, stereo, entertaining guests, etc. would be concentrated on the east side of the apartment, and it is our property that would suffer the most from this increase in light and noise.² This is in addition to privacy issues that would result from the residents of the apartment being able to peer down into our backyard unhindered. There is no way for us to prevent such problems other than completely enclosing our backyard in walls and trees, and thereby foregoing the benefits of light and air for ourselves as well.

Finally, there is the matter of view. While there are currently large trees on several of the lots surrounding our property, including applicant's, they are not so numerous and bulky so as to prevent us from being able to observe the sky, including appreciation of sunsets, views of approaching weather, and other observations to the west. However, a wide, tall building would substantially obscure our view of the sky to the west. Other properties in the area (including applicant's) will also suffer from similar occlusion in various directions. As with the other light and air issues, siting of the building can only mitigate this problem, not eliminate it.

² We note that in our conversation with the applicant, he indicated that the eastward facing windows might not be built, and that he was conciliatory with regard to eliminating other lights on the exterior of the building such as porch or flood lights. However, this point is at best uncertain at this time, given the Application as submitted.

The Accessory Residence Will Negatively Affect the Character of the Neighborhood, and Will Create Precedent for Further Negative Effects from Overcrowding and Conversion of the Neighborhood Into a Concentration of Short Term Rental Units

While it is true that merely having a single rental apartment in the neighborhood would not by itself increase the population density immensely or lead to overcrowding in the zone, it would create a negative precedent for the character of the neighborhood, allowing it to become a high density area crowded with buildings and populated with numerous short-term renters, rather than the moderate density area it is now, with owner-occupied buildings on large lots. It would also change the way the population uses the alley.

As it stands now, our neighborhood is well-kept and orderly. With modestly sized homes on relatively spacious lots, nearly all of which are owner-occupied, we enjoy a high standard of living in an affordable and quiet neighborhood, with individual privacy and good relationships among neighbors who typically occupy the residences for many years at a time. There is significant greenery afforded by the large yards, which allows for habitat for birds and small wildlife, as well as for gardening and any other outdoor recreations that homeowners may pursue.

If the Application is approved, it would create precedent for other property owners to obtain approval for their own accessory residences. There are 14 lots on our block alone (including applicant's, and out of 18 total lots on the block) that could accommodate an accessory residence of the type proposed in the Application. Many of the residents in the area are elderly retirees, and several have moved away in recent years to be replaced by younger owners seeking starter homes, as homes in our neighborhood are more modestly priced than those in other areas of town. As this pattern continues, if these younger owners decide to also pursue the erection of rental units on their properties, we will end up with a neighborhood with double the residential density, consisting of numerous short-term renters who all will be crowding into the alley. Given the shortage of housing in Casper and the high value of rental units, this is not a farfetched scenario by any means. Every issue identified in this letter would be compounded each time such an accessory use is approved.

Accessory residences such as that proposed in the Application would also change the use of the alley. There are several properties along the alley that have detached rear garages that are used by the residents, but that usage is transient. By way of comparison, the apartment dwellers would be in the alley every single time they entered or exited the apartment, which would increase pedestrian traffic in the alley. Moreover, the proposed stairwell descends down the north side of the building right to the alley level, but it is completely obscured by the building from any traffic traveling down the alley from south to north. This creates a hazardous condition for the renters, who are essentially egressing from their dwelling directly into a thoroughfare. Thus, it is not so much the absolute increase in population, but where the additional residents would be located, that creates the issue.

In short, these issues are created even if applicant is the only owner who ever decides to construct such an accessory residence in our neighborhood, and would be compounded with each additional approval of such a use. Such uses do nothing to advance the goals of preventing the

over-crowding of land, avoid undue concentration of population, maintaining the character of the neighborhood, conserving and improving the living quality of property, or conserving the value of property. Accessory uses such as that proposed actually work directly against these goals.

In closing, we are not opposed to limited development of accessory buildings in the neighborhood, including garages along the alley. Had applicant only sought to build such a garage, we would have had no objection, provided there were no issues with light or noise pollution or other nuisances that would prevent us from enjoying our own property. But the quality of life possessed by the property owners and residents of this neighborhood should be protected from the construction of large two story buildings and the proliferation of short-term rental units. These are uncharacteristic of, and detrimental to, the neighborhood and its residents. Because the Application advances such uses, it should be rejected by the Planning and Zoning Commission.

Sincerely,

Edward Whitney
Jan Whitney

Owners and Residents, 1544 S. Fenway, Casper

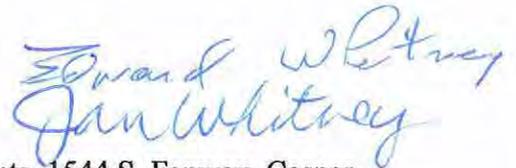


EXHIBIT A – SOLAR SHADING

The attached tables show the following information:

1. The Solar Altitude and Azimuth table shows the altitude (angle above the horizon) and the azimuth (angle from north) (both in degrees) for the Sun on various dates for Casper. The altitude shows the angle that the sun makes with a level horizon at various times of the day. The azimuth shows the direction that the sun is shining from, measured clockwise from due north (so, e.g., an azimuth of 90 degrees would be due east, 180 degrees would be due south, and 270 degrees would be due west).
2. Azimuth was not considered in detail, because the Application does not disclose where on the applicant's property the proposed building would be situated, and therefore what exact portions of our property or the alley would be shaded cannot be determined. However, it is apparent that the direction of a shadow is opposite that of the sun, so by subtracting 180 degrees from the azimuth, the direction of the shadow is obtained. Although there is some arc to the track of the azimuth over the course of the day, it is clear that the shadow is cast largely eastward throughout the entire afternoon, and that it would therefore fall either on, or in the direction of, our property and the alley.
3. The other two tables respectively show the length of the shadow cast on flat ground by an object 18 feet tall (proposed wall height in Application) or 22 feet tall (total height of proposed building assuming roof peaking along 25 foot exterior walls and a roof pitch of 4 inches in 12). This is determined by the trigonometric relationship between the angle of the sun and the height of the object. Briefly, the tangent of the angle of the sun (represented as θ) above the horizon is equal to the height of the object divided by the length of the shadow:

$$\tan \theta = \text{height/length}$$

So by rearranging the equation we get:

$$\text{length} = \text{height}/\tan \theta$$

4. The alley right-of-way is 18 feet wide between the properties on the east and west sides of the alley. In addition, by §17.12.121(F)(1) of the Municipal Ordinances of the City of Casper, detached accessory buildings must be set back at least 3 feet from the alley right-of-way. So subtracting 21 feet from the numbers shown in the lower two tables would give the worst case result as to the number of feet of our property shaded by the proposed building on various summer dates and at various times of the day. Similarly, subtracting just the setback would show how many feet of the alley and beyond would be shaded. **Therefore, this shows that significant portions of our yard could be shaded by the building proposed in the Application.** The shading effects would be even worse in the late and early months, when the sun is lower in the sky, and the shadows cast would therefore be even longer.

Solar Altitude and Azimuth Information for Casper, WY, obtained from United States Naval Observatory <http://aa.usno.navy.mil/data/docs/altaz.php>

Time	May 1		May 15		June 1		June 15		July 1		July 15		August 1		August 15		September 1		September 15		
	Altitude (E of N)	Azimuth																			
13:30	61.8	194.2	65.4	196.3	68.5	197.2	69.9	196.3	69.8	193.9	68.2	191.8	64.7	190.3	60.7	190.1	54.8	190.7	49.5	191.4	
14:00	59.8	208.5	63.2	211.8	66.1	214.2	67.5	214.2	67.6	216.1	66.3	209.2	63.0	206.1	59.1	204.3	53.2	203.1	47.8	202.5	
14:30	56.6	220.9	59.7	224.9	62.5	228.0	63.9	228.4	64.1	226.6	63.0	223.7	60.0	219.7	56.3	216.9	50.6	214.3	45.3	212.7	
15:00	52.7	231.4	55.5	235.6	58.1	238.8	59.4	239.5	59.7	238.1	58.8	235.2	56.1	231.0	52.6	227.7	47.1	224.3	41.9	222.0	
15:30	48.1	240.2	50.8	244.3	53.2	247.6	54.5	248.3	54.9	247.1	54.1	244.5	51.5	239.3	48.2	236.8	42.9	233.0	38.0	230.3	
16:00	43.2	247.8	45.7	251.7	48.0	254.8	49.2	255.6	49.7	254.5	49.0	252.1	46.5	248.2	43.4	244.7	38.3	240.7	33.5	237.7	
16:30	38.0	254.4	40.4	258.2	42.6	261.1	43.9	261.9	44.3	260.9	43.6	258.7	41.4	255.0	38.3	251.6	33.4	247.5	28.7	244.4	
17:00	32.6	260.4	34.9	264.0	37.2	266.7	38.4	267.4	38.8	266.5	38.2	264.5	36.0	261.0	33.0	257.7	28.2	253.4	23.6	250.6	
17:30	27.2	265.9	29.5	269.3	31.7	271.8	32.9	272.5	33.3	271.7	32.7	269.8	30.5	266.5	27.6	263.3	22.9	259.4	18.3	256.3	
18:00	21.7	271.1	24.0	274.3	26.2	276.7	27.4	277.3	27.9	276.6	27.2	274.8	25.0	271.6	22.1	268.6	17.4	264.8	13.0	261.7	
18:30	16.2	276.1	18.5	279.1	20.8	281.4	22.0	282.0	22.4	281.3	21.8	279.5	19.6	276.6	16.6	273.7	11.9	270.0	7.5	266.9	
19:00	10.8	281.0	13.2	283.9	15.5	286.1	16.7	286.6	17.1	285.9	16.4	284.3	14.1	281.4	11.2	278.6	6.5	275.0			
19:30	5.6	285.9	7.9	288.8	10.3	290.8	11.5	291.3	11.9	290.6	11.2	289.0	8.8	286.2	5.8	283.6					
20:00			5.3	295.6	6.5	295.6	6.5	296.1	6.9	295.3	6.1	293.8									

Shadow Lengths from 18 foot Building Height

Time	May 1		May 15		June 1		June 15		July 1		July 15		August 1		August 15		September 1		September 15		
	tan(Altitude)	Shadow Cast (ft)																			
13:30	1.9	9.7	2.2	8.2	2.5	7.1	2.7	6.6	2.7	6.6	2.5	7.2	2.1	8.5	1.8	10.1	1.4	12.7	1.1	15.4	
14:00	1.7	10.5	2.0	9.1	2.3	8.0	2.4	7.5	2.4	7.4	2.3	7.9	2.0	9.2	1.7	10.8	1.3	13.5	1.0	16.3	
14:30	1.5	11.9	1.7	10.5	1.9	9.4	2.0	8.8	2.1	8.7	2.0	9.2	1.7	10.4	1.5	12.0	1.2	14.8	1.0	17.8	
15:00	1.3	13.7	1.5	12.4	1.6	11.2	1.7	10.6	1.7	10.5	1.7	10.9	1.5	12.1	1.3	13.8	1.1	16.7	0.9	20.1	
15:30	1.1	16.2	1.2	14.7	1.3	13.5	1.4	12.8	1.4	12.7	1.4	13.0	1.3	14.3	1.1	16.1	0.9	19.4	0.8	23.0	
16:00	0.9	19.2	1.0	17.6	1.1	18.2	1.2	15.5	1.2	15.3	1.2	15.6	1.1	17.0	0.9	19.0	0.8	22.8	0.7	27.2	
16:30	0.8	23.0	0.9	21.1	0.9	23.7	1.0	18.7	1.0	18.4	1.0	18.9	0.9	20.4	0.8	22.8	0.7	27.3	0.5	32.9	
17:00	0.6	28.1	0.7	25.8	0.8	28.6	0.8	22.7	0.8	22.4	0.8	22.9	0.7	24.8	0.6	27.7	0.5	33.6	0.4	41.2	
17:30	0.4	35.0	0.6	31.8	0.6	37.8	0.6	27.8	0.7	27.4	0.6	28.0	0.6	30.6	0.5	34.4	0.4	42.6	0.3	54.4	
18:00	0.5	45.2	0.4	40.4	0.5	46.6	0.5	34.7	0.5	34.0	0.5	35.0	0.5	38.6	0.4	44.3	0.3	57.4	0.2	78.0	
18:30	0.3	62.0	0.3	53.8	0.4	47.4	0.4	44.6	0.4	43.7	0.4	45.0	0.4	50.5	0.4	50.5	0.3	60.4	0.2	85.4	
19:00	0.2	94.4	0.2	76.7	0.3	64.9	0.3	60.0	0.3	58.5	0.3	61.2	0.3	71.7	0.2	90.9	0.1	136.7			
19:30	0.1	183.6	0.1	129.7	0.2	99.0	0.2	88.5	0.2	85.4	0.2	90.9	0.2	116.3	0.1	177.2					
20:00			0.1	194.0	0.1	158.0	0.1	158.0	0.1	148.7	0.1	168.4									

Shadow Lengths from 22 ft Building Height

Time	May 1		May 15		June 1		June 15		July 1		July 15		August 1		August 15		September 1		September 15		
	tan(Altitude)	Shadow Cast (ft)																			
13:30	1.9	11.8	2.2	10.1	2.5	8.7	2.7	8.1	2.7	8.1	2.5	8.8	2.1	10.4	1.8	12.3	1.4	15.5	1.2	18.8	
14:00	1.7	12.8	2.0	11.1	2.3	9.7	2.4	9.1	2.4	9.1	2.3	9.7	2.0	11.2	1.7	13.2	1.3	16.5	1.1	19.9	
14:30	1.5	14.5	1.7	12.9	1.9	11.5	2.0	10.8	2.1	10.7	2.0	11.2	1.7	12.7	1.5	14.7	1.2	18.1	1.0	21.8	
15:00	1.3	16.8	1.5	15.1	1.6	13.7	1.7	13.0	1.7	12.9	1.7	13.3	1.5	14.8	1.3	16.8	1.1	20.4	0.9	24.5	
15:30	1.1	19.7	1.2	17.9	1.3	16.5	1.4	15.7	1.4	15.5	1.4	15.9	1.3	17.5	1.1	19.7	0.9	23.7	0.8	28.2	
16:00	0.9	23.4	1.0	21.5	1.1	19.8	1.2	19.0	1.2	18.7	1.2	19.1	1.1	20.8	0.9	23.3	0.8	27.9	0.7	33.2	
16:30	0.8	28.2	0.9	25.8	0.9	23.9	1.0	22.9	1.0	22.5	1.0	23.1	0.9	25.0	0.8	27.9	0.7	33.4	0.5	40.2	
17:00	0.6	34.4	0.7	31.5	0.8	29.0	0.8	27.8	0.8	27.4	0.8	28.0	0.7	30.3	0.6	33.9	0.5	41.0	0.4	50.4	
17:30	0.5	42.8	0.6	38.9	0.6	35.6	0.6	34.0	0.7	33.5	0.6	34.3	0.5	37.3	0.5	42.1	0.4	52.1	0.3	66.5	
18:00	0.4	55.3	0.4	48.4	0.5	44.7	0.5	42.4	0.5	41.6	0.5	42.8	0.4	47.2	0.4	54.2	0.3	70.2	0.2	95.3	
18:30	0.3	75.7	0.3	65.8	0.4	57.9	0.4	54.5	0.4	53.4	0.4	55.0	0.4	61.6	0.3	73.8	0.2	104.4	0.1	167.1	
19:00	0.2	115.3	0.2	93.8	0.3	79.3	0.3	73.3	0.3	71.5	0.3	74.7	0.3	87.6	0.2	111.1	0.1	193.1			
19:30	0.1	224.4	0.1	158.5	0.2	121.1	0.2	108.1	0.2	104.4	0.2	111.1	0.2	147.1	0.1	167.1					
20:00			0.1	237.2	0.1	193.1	0.1	193.1	0.1	181.8	0.1	205.9									







August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members of the Planning and Zoning Commission

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

SUBJECT: **PLN-14-039-C** – Petition for a Conditional Use Permit to allow an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, on Lot 9, Block 16, Eastgate III Addition, located at 2031 Brighton. Applicant: Justin J. Scott.

Recommendation:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, located at 2031 Brighton, with the following condition:

1. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property, or an immediate family member of the property owner.

Code Compliance:

Staff has complied with all requirements of Section 17.12.240 of the Casper Municipal Code pertaining to Conditional Use Permits, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star Tribune. Staff has not received any public comments regarding this case.

Section 17.12.240(G) of the Casper Municipal Code states that no conditional use permit shall be granted unless the Commission finds the following:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

When making the decision for a Conditional Use Permit, the Commission shall consider the scale of the operation and relationship to other similar issues as expressed in the six (6) considerations outlined in Section 17.12.240(H) as listed below.

- a. Area and height to be occupied by buildings or other structures.
- b. Density of the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three.
- c. Volume of business in terms of the number of customers per day.
- d. Increased traffic congestion or hazard caused by the use which may be over and above normal traffic for the area, as determined by the City Engineer and Community Development Director.
- e. Location of use with respect to the same or similar uses within a three hundred foot (300') radius of the perimeter of the described property.
- f. Any other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

Pursuant to Section 17.12.240(I) of the Casper Municipal Code, the Commission may impose reasonable conditions on a Conditional Use Permit, including, but not limited to, time limitations, requirements that one or more things be done before construction is initiated, or conditions of an ongoing nature. By way of illustration, not limitation, the following limitations or modifications can be placed upon a Conditional Use Permit, to the extent that such conditions are necessary to insure compliance with the criteria of Section 17.12.240(G) and (H):

1. Size and location of site;
2. Street and road capacities in the area;
3. Ingress and egress to adjoining public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation systems;
6. Fencing, screening, and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting; and,
10. Noise, vibration, air pollution and other environmental influences.

Summary:

Justin Scott has applied for a Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, located at 2031 Brighton. The subject property is a corner lot, approximately 9,300 square feet in size, and is occupied by a single-family residential structure. Uses in the surrounding area are all single-family residential. The minimum lot size in the R-2 (One Unit Residential) zoning district is 4,000 square feet. The applicant is proposing to construct an accessory dwelling unit in the basement of the home for the purpose of providing housing for his grandparents. The Casper Municipal Code requires a minimum of two (2) off-street parking spaces per dwelling unit, or four (4) spaces in this case. The existing three (3) car garage and driveway exceed the minimum required parking.

An “accessory dwelling unit” is listed in Section 17.32.030 as a conditional use in the R-2 (One Unit Residential) zoning district, upon the approval of the Planning and Zoning Commission. Per the definition of an accessory dwelling unit in Title 17 of the Casper Municipal Code, either the principal dwelling unit, or the accessory dwelling unit must be occupied by the owner of the property, or an immediate family member. The reasoning behind this requirement is to prevent the general introduction of multi-family residential development into a single-family residential zoning district. Accessory dwelling units were added to the R-2 (One Unit Residential) zoning district by the City Council, as conditional uses, in order to address the changing housing needs of our society, such as the needs of young and/or single-parent households, or the needs of an aging population.

Recommended Motion:

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

Case number **PLN-14-039-C**, a Conditional Use Permit for an accessory dwelling unit in an R-2 (One Unit Residential) zoning district, located at 2031 Brighton, be granted, with Condition #1 listed above, for the following reasons:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

Furthermore, the Planning and Zoning Commission finds that:

- a. Neither the area, nor the height of the structure will change as a result of the addition of the accessory dwelling unit in the basement of the existing structure.
- b. The requested Conditional Use Permit is for the addition of a single dwelling unit, for a total of two (2) dwelling units on the property. The lot is approximately 9,300 square feet in total area, which is more than twice the minimum required size of a lot in the R-2 (One Unit Residential) zoning district. The addition of an accessory dwelling unit will not increase the overall density of the neighborhood above what would be permitted if the lot had been designed as two (2) separate conforming lots, with a dwelling unit on each.
- c. The volume of business is not applicable because the property is not being proposed to be used as a business.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed apartment, as determined by the City Engineer and the Community Development Director.

- e. There are no known accessory dwelling units, located within a three hundred (300) foot radius of the subject property.
- f. There are no other criteria, affecting public health, safety, and welfare, as provided for by written rules of the Commission.

2031 BRIGHTON



Legend

- Ownership selection



2031 Brighton

Surrounding Land Uses:
One Unit Residential
Residential Estate
Park

300' Notification Zone

Subject Property

Legend

- 300' Notification Zone
- Subject Property
- Buildings
- Park Historic(PH)
- Residential Estate(R1)
- One Unit Residential(R2)



NOT TO SCALE



City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: JUSTIN J. SCOTT
 ADDRESS: 2031 BRIGHTON
 TELEPHONE: 307-267-7559 EMAIL: turbo5mpire@hotmail.com

LOCATION OF REQUEST:

ADDRESS: 2031 BRIGHTON
 LEGAL DESCRIPTION: BLK 16 LOT 9 EASTGATE III
 Number of Lots: 1 Size of Lots: 9364 sq ft
 Current Zoning: R2 Current Use: RESIDENTIAL - PRIMARY
 Purpose for which the property is proposed to be used: IN-LAW SUITE WITH FULL KITCHEN FOR GRANDPARENTS (BASEMENT) - ACCESSORY DWELLING UNIT
 Prior restrictions placed on the property: NONE

Floor area square footage: 3500 Number of Occupants or Employees: 7 *→ PRIMARY RESIDENTS 2 ADULTS + 3 KIDS*
 Building Footprint: 2676 Number of off-street parking spaces: 3 *→ SECONDARY RESIDENTS 2 GRANDPARENTS*

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 | |

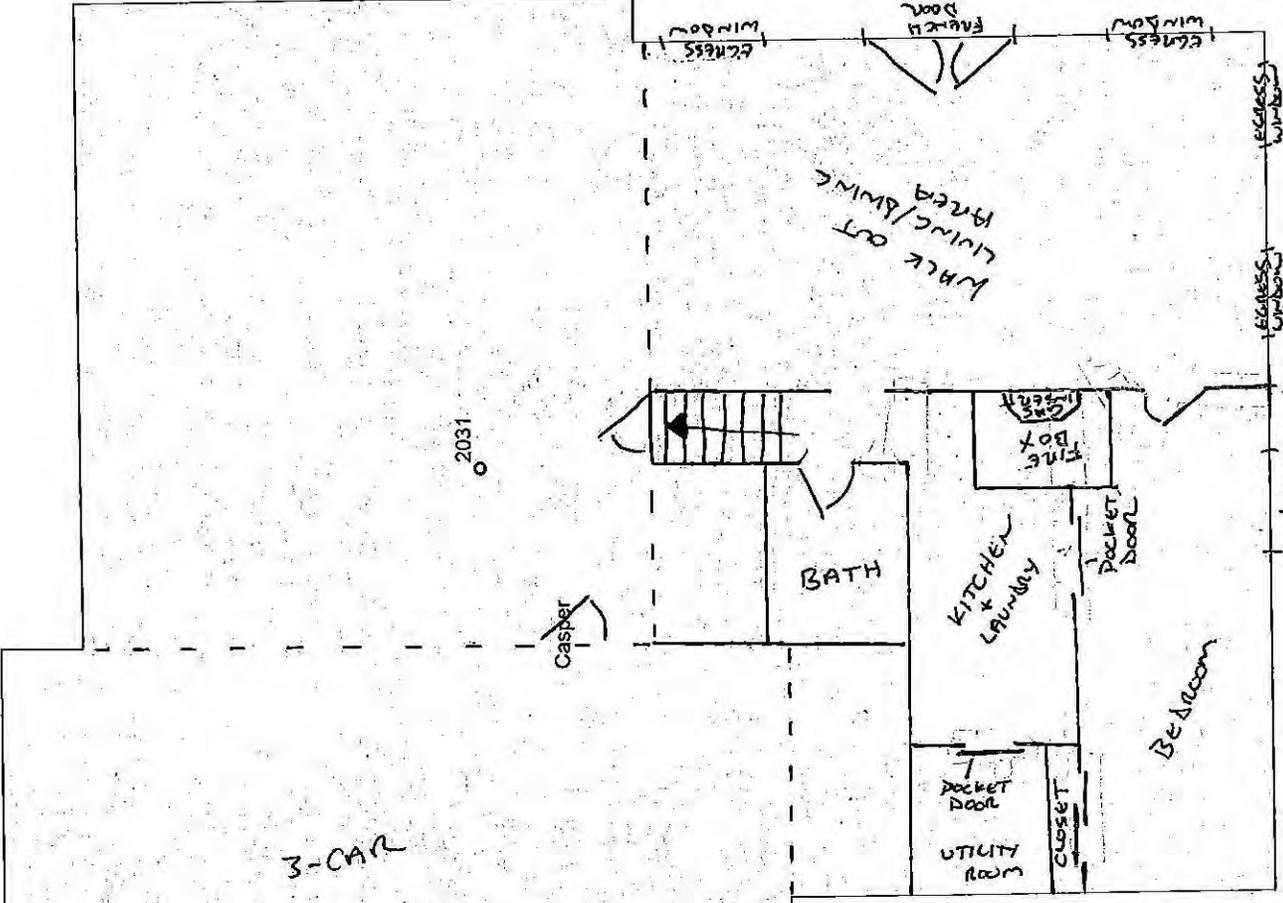
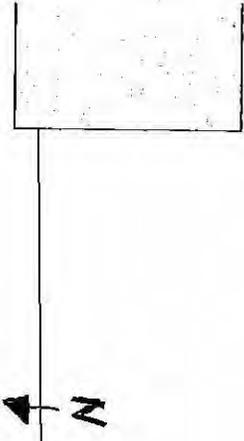
The following owner's signature, or agent, signifies that all information on the application is accurate and correct to the best of the owner's knowledge, and that the owner has thoroughly read and understands all application information and requirements.

SIGNATURE OF PROPERTY OWNER: *Justin J. Scott*
 DATE: 7/8/14

SUBMIT TO:
 Community Development Department
 Planning Division
 200 N David, RM 203
 Casper, WY 82601
 Phone: 307-235-8241
 Fax: 307-235-8362
 www.casperwy.gov
 E-mail: dhardy@cityofcasperwy.com

- COMPLETE SUBMITTAL NEEDS TO INCLUDE:
- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
 - PROOF OF OWNERSHIP
 - \$275 APPLICATION FEE (NON-REFUNDABLE)
 - PLOT PLAN

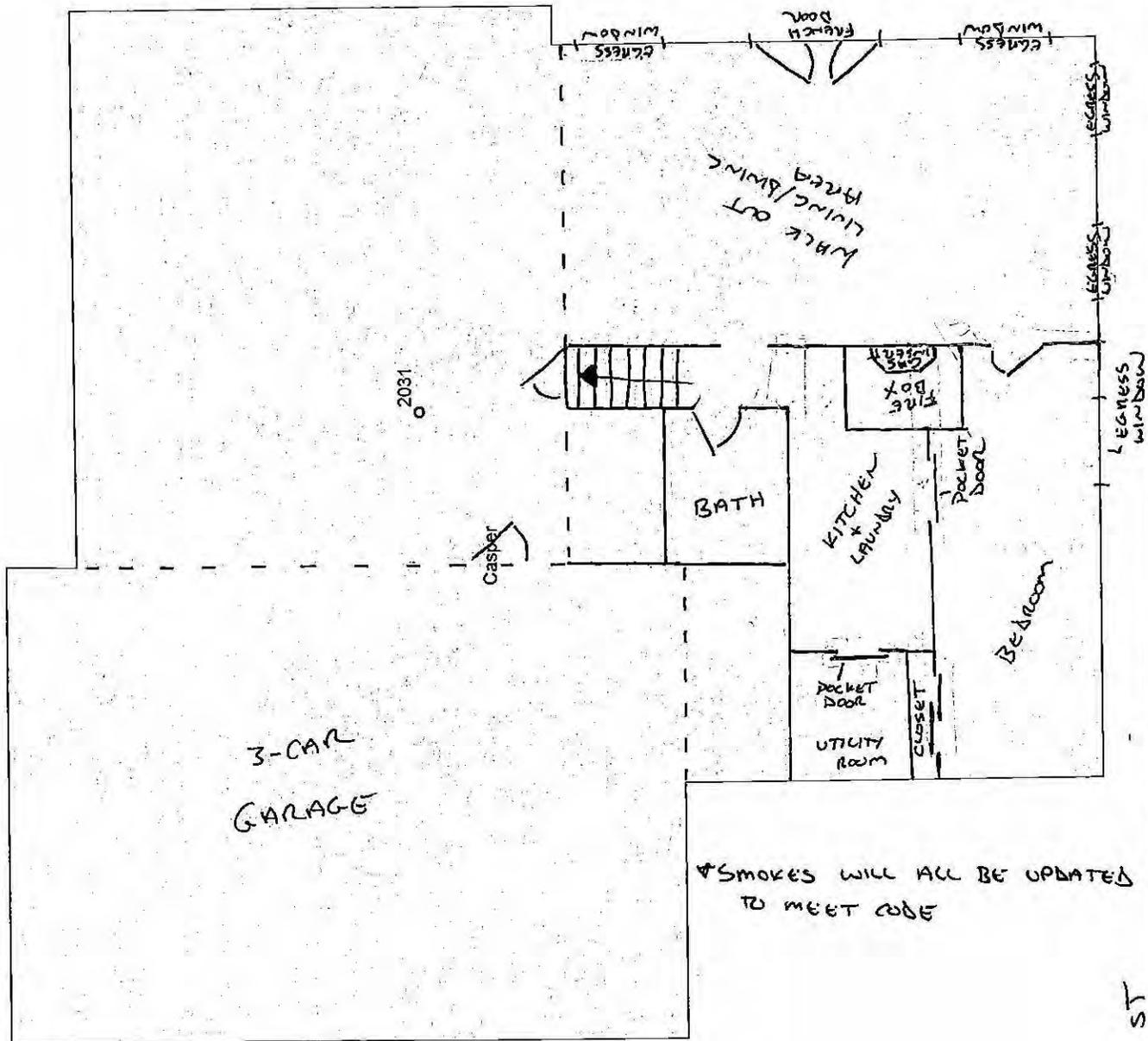
FOR OFFICE USE ONLY:
 DATE SUBMITTED:
 REC'D BY: _____



* SMOKE'S WILL ALL BE UPDATED TO MEET CODE



N



2031

Casper

BATH

KITCHEN + LAUNDRY

UTILITY ROOM

Bedroom

3-CAR GARAGE

3-CAR DRIVEWAY

SMOKES WILL ALL BE UPDATED TO MEET CODE

E 21ST ST

AUG 15 2014

August 13, 2014

City of Casper
200 N David St
Casper, WY 82601

To Whom It May Concern,

As new neighbors to the neighborhood, I would like to take this opportunity to introduce my family and me to you. My name is Justin Scott and I have been married to my beautiful wife Reagan for 8 years. We have three children Jordynn (6), Josslyn (3), and Layne (7 weeks). I was born and raised in Casper and have worked for the City of Casper for the last 11 years. I also operate a landscaping and deck building business when I'm not working with the City. My wife is from Douglas and is an Occupational Therapist with North Platte Physical Therapy who has started and maintained a successful pediatric program there.

We moved into 2031 Brighton in May as part of a downsizing plan that we have put into place to assist my grandparents in maintaining their self-sufficient lifestyle. My family and I lived next door to my grandparents (Herb and Dorothy Tholl) on approximately 9 acres of riverfront property off of Hat Six/Cole Creek Rd. We had lived out there for the last 7 years and my grandparents for the last 40 years. However, recently their health has declined to the point that they can't safely maintain or live in their current home which was requiring them to consider alternate housing options. With my wife and I's busy lifestyle, we just don't have the time to help them as much as we need to. Therefore, the decision was made as a family to move into "town" and have them live with us.

It took approximately 6 months for us to find a home that was in our desired location of the East side that was set up sufficiently for my grandparents and us to each have "separate" spaces so that our kids weren't constantly bothering them. The Brighton house met all of our needs and has the space to suit our family now and for years to come when my grandparents are no longer with us. However, in order to make my grandparents space suitable for them we will need to remodel their space which will be located in the basement. Their remodel will include the following items:

- Separate kitchen area which requires a conditional use permit (This will eliminate the need for them to negotiate stairs when they are cooking meals)
- Stair chair leading out of the basement
- Walk in bathtub
- Updated heating and cooling system
- Updated smoke/fire detection

As I'm sure you're aware we have applied for a conditional use permit that will allow us to have an accessory dwelling unit within the R2 zoning that we are currently zoned. The reasoning behind this permit is basically due to the City's definition of a family. The City states that a family is any group of people who share a kitchen or cooking facilities. The minute we add a second kitchen we technically

won't be "sharing" a kitchen and their space will turn into an accessory dwelling unit, so in an attempt to proceed with this transition legally we applied for the permit. I want to stress that we will not be creating completely separate living quarters within our home as there will still be a basement door for us and them to enter/exit as we please. We also have no intention of renting this space out when my grandparents are gone. The space will transition into our wet bar/entertainment space with a guest bedroom as we will need the extra space as our kids get older as we intend for 2031 Brighton to be our family home for years to come.

I would like to thank you in advance for giving us the opportunity to pay it forward so to speak and assist my grandparents as they get older, as well as for allowing us to live amongst you in the beautiful Eastgate III subdivision. Please feel free to call or stop by with questions or concerns about our plans.

Justin -- (307) 267-7559
Reagan -- (307) 351-1425

Sincerely,

A handwritten signature in black ink, appearing to read "Justin J. Scott", with a long horizontal flourish extending to the right.

Justin J. Scott

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members of the Planning and Zoning Commission

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

SUBJECT: **PLN-14-040-C** – Petition for a Conditional Use Permit for a “Family Child Care Center-Zoning Review” to allow a childcare facility for up to 15 children, on Lot 139 All & 140 N 35’, Kenwood Addition, located at 903 South Jackson Street. Applicant: David Lake and Minda Hazelton, DBA Building Bridges Child Care.

Recommendation:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit to operate a “Family Child Care Center-Zoning Review” for up to fifteen (15) children, located at 903 South Jackson Street, with the following conditions:

1. The applicants shall maintain a minimum of two (2) open off-street parking spaces for use by daycare customers, during the hours when the daycare is in operation.
2. Pursuant to Section 17.12.140(A)(2) of the Municipal Code, signage for all “home occupations” shall be limited to only signage that is non-illuminated, attached flush with the dwelling, and not exceeding one square foot in area.
3. The Family Child Care Center is approved as a secondary, accessory use of the property. The primary use of the property shall remain single-family residential, which is a permitted use in the R-2 (One Unit Residential) zoning district. Therefore, the operator of the Family Child Care Center must live at the subject property. If the operator of the Family Child Care Center is found not to be residing on the premises, the Conditional Use Permit may be immediately revoked by the City, pursuant to Section 17.12.240(J) of the Casper Municipal Code.

Code Compliance:

Staff has complied with all requirements of Section 17.12.240 of the Casper Municipal Code pertaining to Conditional Use Permits, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. Staff has not received any public comment on this case.

When making the decision for a Conditional Use Permit, the Commission shall consider the scale of the operation and relationship to other similar issues as expressed in the six (6) considerations outlined in Section 17.12.240 (H) as listed below:

- a. Area and height to be occupied by buildings or other structures.
- b. Density of the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three.
- c. Volume of business in terms of the number of customers per day.
- d. Increased traffic congestion or hazard caused by the use which may be over and above normal traffic for the area, as determined by the City Engineer and Community Development Director.
- e. Location of use with respect to the same or similar uses within a three hundred foot (300') radius of the perimeter of the described property.
- f. Any other criteria affecting public health, safety, and welfare, as provided for by written rules of the commission.

Summary:

Sheila Davis, as operator of Building Bridges Childcare, and David M. Lake, as property owner, have applied for a Conditional Use Permit to operate a “Family Child Care Center – Zoning Review” with a maximum capacity of fifteen (15) children, located at 903 South Jackson Street. The subject property is zoned R-2 (One Unit Residential), and is located in a single-family residential neighborhood. A “Family Child Care Center – Zoning Review” is defined in the zoning ordinance as a child care facility in which care is provided for not more than fifteen (15) unrelated children, for part of a day, in the home of the provider.

The issue before the Planning and Zoning Commission is whether the proposed conditional use request meets the parameters of the six (6) conditions listed above, in the Code Compliance section of the staff report. The property has a driveway that can accommodate two (2) parked vehicles, meeting the City’s minimum parking requirements for a daycare of this size. Staff has included a recommended condition of approval that requires the applicant to maintain two (2) off-street parking spaces, open for use by daycare customers during the hours when the daycare is in operation. Staff has also included a recommended condition of approval regarding signage. As is the case with all “home occupations,” including daycares, free standing signage is prohibited. The Casper Municipal Code allows “home occupations” to have one non-illuminated sign, no larger than one (1) square foot in area, affixed to the home. The hours of operation will be from 7:30 a.m. to 5:30 p.m., Monday through Friday. It is staff’s opinion that the proposed child care for up to fifteen (15) children will not substantially increase traffic congestion or cause a traffic hazard in the area.

The Department of Family Services (DFS) handles licensing, evaluates the adequacy of the area within the house and yard for play and other activities, and regulates the nature and quality of the care provided. To the best of the City's knowledge, based on the information provided by the Department of Family Services, there are nine (9) other licensed childcare facilities located within a half mile of the subject property.

The previous child care provider, immediately preceding the current applicant, was granted a Conditional Use Permit at this location in 2013. A standard Conditional Use Permit typically attaches to the property and runs in perpetuity, as long as the conditions of approval are complied with on a continuing basis. Conditional Use Permits for day-cares are different. Section 17.12.240(M)(3) of the Casper Municipal Code specifies that permits for day-cares are issued to the provider, and do not attach to the land.

A previous child-care provider was granted a Conditional Use Permit at this location in February of 2010. Shortly thereafter it was determined that the child-care provider was not residing on the premises, as is required, and the Conditional Use Permit was revoked by the City Manager. The utilization of a residentially zoned property for a Child Care Facility when the operator does not live on the premises is an introduction of a non-permitted commercial use into a residential area, and is a zoning violation. Another Conditional Use Permit was issued to a different child-care provider at the same address in 2011, and again in 2013, and since that time the facility has, to the best of the City's knowledge, been in compliance. Staff has included a recommended condition of approval that reiterates the requirement for the child care provider to reside on-site.

Recommended Motion:

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

That case number PLN-13-015-C, a Conditional Use Permit to allow a childcare facility with fifteen (15) children located at 903 South Jackson Street be granted with Conditions #1, #2, and #3 for the following reasons:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

Furthermore, the Planning and Zoning Commission finds that:

- a. Neither the area, nor the height of the home will change as a result of the approval of the proposed daycare.
- b. The density of the proposed use, as primarily a single-family home and secondarily a child care facility, will not be detrimental to the neighborhood.

- c. The volume of business attributable to the proposed childcare center is minor, and the area's street network is capable of handling the additional trips.
- d. There will not be an increase in 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. To the best information available, there are nine (9) other licensed childcare facilities located within a half-mile radius of the subject property.
- f. There are no other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

903 S Jackson



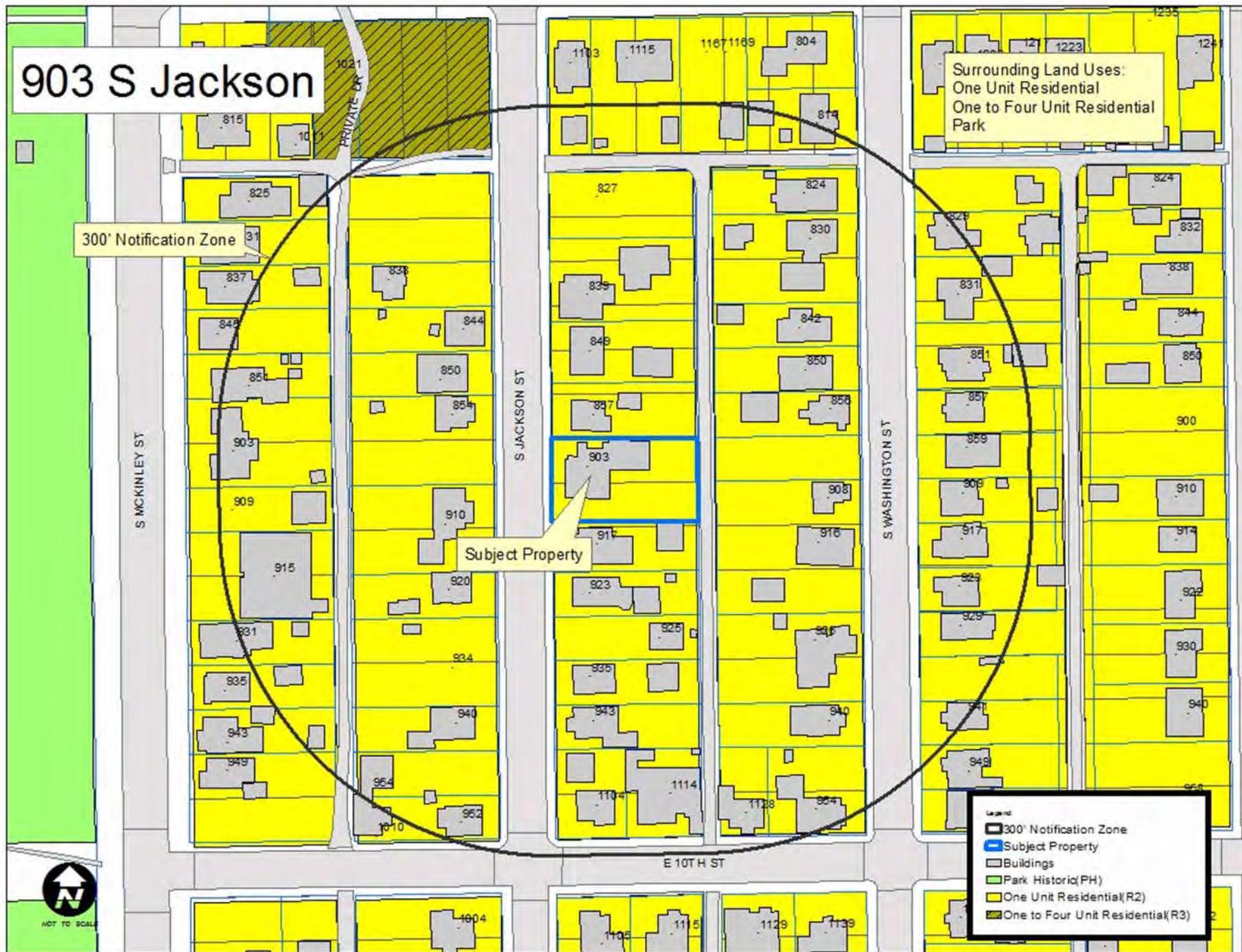
Washington Park

Subject Property

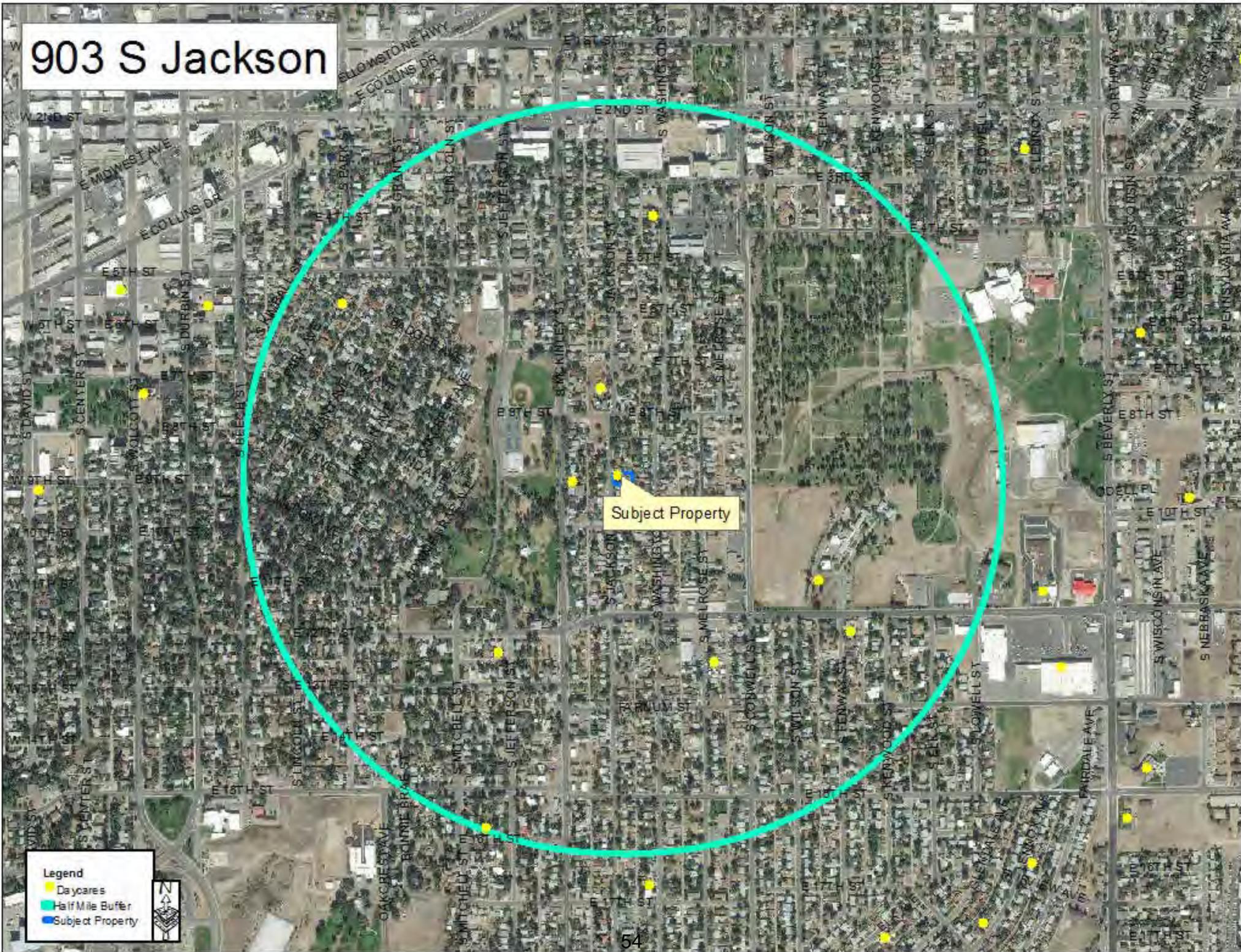
Legend

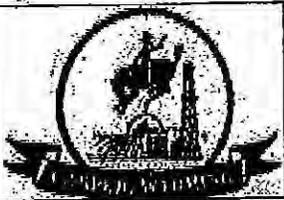
- Subject Property





903 S Jackson





City of Casper Planning Division

Conditional Use Permit Application-Daycare

APPLICANT'S INFORMATION:

NAME: Minda Hzelton
 BUSINESS NAME: Building Bridges Childcare
 ADDRESS: 903 S. Jackson
 LEGAL DESCRIPTION: childcare
 TELEPHONE: 407 10955 EMAIL: _____

TYPE OF FACILITY APPLYING FOR (please check one):
 Family Child Care Home/Zoning Review- A facility in which care is provided for nine (9) or ten (10) unrelated children from more than one immediate family for part of a day in the home of the provider, where a Conditional Use hearing with the Planning & Zoning Commission is required in residential districts.
 Family Child Care Center/Zoning Review- A facility in which care is provided for not more than fifteen (15) unrelated children for part of a day. A Family Child Care Center shall be the principle residence of the provider when such a facility is located in a residential zoning district. A Conditional Use hearing with the Planning & Zoning Commission is required in residential districts.

Maximum number of children cared for in this daycare (including your own): Current 15
 Days of the week this daycare is operated: Mon - Fri Hours of operation: 730 - 530
 Is the outdoor play area fenced? No: _____ Yes: If Yes, type and height of fence: chain link
 Number of off-street parking spaces available for daycare customers/staff: 2
 Number of employees or additional staff at this daycare: 2
 Name of Department of Family Services (DFS) caseworker: Teddie Schroyer Phone: _____

The use of a residence for a daycare shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the home or the neighborhood. The care and supervision of children shall be conducted in a manner, which does not create a nuisance to the neighborhood. The outdoor play area shall be fenced and off-street parking shall be provided in accordance with Section 17.12.080 of the Casper Municipal Code. All Family Child Care Homes/Centers shall be approved by the Casper Fire Department.

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 understood all application information and requirements.

SIGNATURE OF PROPERTY OWNER: _____
 SIGNATURE OF APPLICANT: [Signature]
 DATE: 7/27/14

SUBMIT TO:
 Community Development Department
 Planning Division
 200 N David, RM 203
 Casper, WY 82601
 Phone: 307-235-8241
 Fax: 307-235-8362
 www.casperwy.gov
 E-mail: dhardy@cityofcasperwy.com

- COMPLETE SUBMITTAL NEEDS TO INCLUDE:
- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
 - PROOF OF OWNERSHIP
 - \$275 APPLICATION FEE (NON-REFUNDABLE)

FOR OFFICE USE ONLY:
 DATE SUBMITTED:
7/23/14
receipt 50070
 REC'D BY: Ram Jones

#275 money order 100701952

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members of the Planning and Zoning Commission

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

SUBJECT: **PLN-14-041-R** – Petition to vacate and replat Lots 2 and 3, Blackmore Marketplace Addition No. 8, to create Blackmore Marketplace Addition No. 10, comprising 4.063-acres, more or less, located at the southeast intersection of Pay It Forward Drive and East 2nd Street. Applicant: Blackmore Marketplace Shops, LLC.

Recommendation:

In the absence of information that may be presented during the public hearing, staff's recommendation is that the Planning and Zoning Commission approve the replat creating Blackmore Marketplace Addition No. 10, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 16.24 of the Casper Municipal Code pertaining to replats, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. At the time the staff report was prepared, staff had not received any public comment on this case. The Commission is responsible for reviewing replats, and making a recommendation to the City Council to approve, approve with conditions, deny, or table the proposal.

Summary:

Blackmore Marketplace Shops, LLC, has applied to vacate and replat Lots 2 and 3, Blackmore Marketplace Addition No. 8 to create the Blackmore Marketplace Addition No. 10. The property involved in the replat comprises 4.063-acres, more or less, and is zoned C-2 (General Business). Land uses in the surrounding area are a mix of multi-family residential and commercial. The proposed replat is splitting two (2) lots to create five (5) new lots. In that all platted lots are required to have direct access to a public street, proposed Lots 3, 4 and 5 are all configured as flag lots, with frontage on East Second Street. Although each of the five (5) lots being created have frontage on East Second Street, primary access to the development will be located off of the private road immediately to the west. The Casper Municipal Code specifies that flag lots must be designed to have a minimum of a twenty four (24) foot wide “flagpole” portion of the lot, and proposed Lots 3, 4 and 5 are all twenty five (25) foot wide. The requested replat creating the

Blackmore Marketplace Addition No. 10 meets or exceeds all City requirements; therefore, staff is recommending in favor of its approval.

Blackmore Marketplace Addition No. 10



US INTERSTATE I-25

US INTERSTATE I-25

E 2ND ST

LANDMARK DR

NEWPORT

PAY IT FORWARD DR

Legend
■ Subje at Property



Blackmore Marketplace Addition No. 10

Surrounding Land Uses:
General Business
PUD

E 2ND ST

300' Notification Zone

Subject Property

Legend

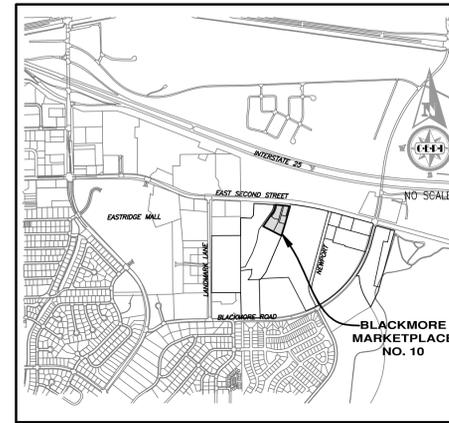
- 300' Notification Zone
- Subject Property
- Buildings
- General Business(C2)
- Planned Unit Development(PUD)

LANDMARK DR

NEWPORT

PAY-IT FORWARD DR





VICINITY MAP

CERTIFICATE OF DEDICATION

STATE OF WYOMING }
 COUNTY OF NATRONA }SS

THE UNDERSIGNED, BLACKMORE MARKETPLACE SHOPS, LLC, DOES HEREBY CERTIFY THAT THEY ARE THE OWNERS AND PROPRIETORS OF THE FOLLOWING DESCRIBED PARCELS OF LAND KNOWN AS LOTS 2 AND 3, BLACKMORE MARKETPLACE ADDITION NO. 8, TO THE CITY OF CASPER, WYOMING, SITUATE WITHIN THE W $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 7, T.33N., R.78W., 6TH P.M., NATRONA COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 7, MONUMENTED BY A BRASS CAP;

THENCE N35°15'00"E, A DISTANCE OF 1333.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, BEING THE SOUTHEAST CORNER OF THE PARCEL ALSO BEING THE NORTHEAST CORNER OF LOT 4, BLACKMORE MARKETPLACE ADDITION NO. 8 AND BEING THE POINT OF BEGINNING, MONUMENTED BY A BRASS CAP;

THENCE N63°33'40"W, ALONG THE SOUTH LINE OF SAID LOT 3 AND THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 405.31 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE N34°15'40"E, ALONG THE WEST LINE OF SAID LOT 3 AND THE EAST LINE OF SAID LOT 4, A DISTANCE OF 317.01 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE WEST LINE OF SAID LOT 3, THE EAST LINE OF SAID LOT 4 AND A CURVE TO THE LEFT HAVING A RADIUS OF 298.50 FEET, THROUGH A CENTRAL ANGLE OF 33°05'43", A DISTANCE OF 172.42 FEET, HAVING A CHORD BEARING OF N17°42'49"E, A DISTANCE OF 170.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 3 AND THE NORTHEAST CORNER OF SAID LOT 4, LOCATED ON THE SOUTH LINE OF EAST SECOND STREET;

THENCE IN A SOUTHEAST DIRECTION ALONG THE NORTH LINE OF SAID LOTS 2 AND 3, THE SOUTH LINE OF EAST SECOND STREET AND A CURVE TO THE RIGHT HAVING A RADIUS OF 5655.00 FEET, THROUGH A CENTRAL ANGLE OF 02°58'48", A DISTANCE OF 294.11 FEET, HAVING A CHORD BEARING OF S84°59'54"E, A DISTANCE OF 294.08 FEET TO THE NORTHEAST CORNER OF THE PARCEL, MONUMENTED BY A BRASS CAP;

THENCE S14°50'00"W, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 347.49 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE S16°21'16"W, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 253.13 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 4.063 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES 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 OWNERS AND PROPRIETORS. THE NAME OF THE SUBDIVISION SHALL BE "BLACKMORE MARKETPLACE ADDITION NO. 10" AND THE OWNERS HEREBY GRANT 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 AND ALONG THE STRIPS OF LAND MARKED "UTILITY EASEMENT" AND "UTILITY AND PUBLIC ACCESS EASEMENT" AS SHOWN ON THIS PLAT. EAST SECOND STREET AS SHOWN HEREON HAS BEEN PREVIOUSLY DEDICATED TO THE USE OF THE PUBLIC. THE UTILITY AND PUBLIC ACCESS EASEMENT AS SHOWN HEREON IS DEDICATED TO THE USE OF THE PUBLIC FOR ACCESS AND INSTALLATION OF PUBLIC UTILITIES.

BLACKMORE MARKETPLACE SHOPS, LLC
 P.O. BOX 2390
 CASPER, WYOMING 82602

NEIL A. McMURRY - MANAGER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY NEIL A. McMURRY ALSO KNOWN AS MICK McMURRY, MANAGER OF BLACKMORE MARKETPLACE SHOPS, LLC, THIS _____ DAY OF _____, 2014.

WITNESS MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES _____

NOTARY PUBLIC

APPROVALS

APPROVED BY THE CITY OF CASPER PLANNING AND ZONING COMMISSION OF CASPER, WYOMING THIS _____ DAY OF _____, 2014.

ATTEST: _____ SECRETARY _____ CHAIRMAN

APPROVED BY THE CITY COUNCIL OF CASPER, WYOMING BY RESOLUTION NO. _____ DULY PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2014.

ATTEST: _____ CITY CLERK _____ MAYOR

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2014.

INSPECTED AND APPROVED THIS _____ DAY OF _____, 2014.

CITY SURVEYOR

RECORDED

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF NATRONA COUNTY, WYOMING THIS DAY OF _____, 2014.
 INSTRUMENT NO. _____

NOTES

1. ERROR OF CLOSURE EXCEEDS 1:135,301.
2. BASIS OF BEARINGS IS THE WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/86.
3. THE CONVERGENCE ANGLE AT THE NORTHEAST CORNER OF THE PLAT IS 00°44'00.041", AND THE COMBINED FACTOR IS 0.9997864.
4. DISTANCES: U.S. SURVEY FEET/GROUND.

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }
 COUNTY OF NATRONA }SS

I, WILLIAM R. FEHRINGER, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSE NO. 5528, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE UNDER MY DIRECT SUPERVISION IN FEBRUARY, 2013, AND THAT THIS PLAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, CORRECTLY AND ACCURATELY REPRESENTS SAID SURVEY. ALL DIMENSIONS ARE EXPRESSED IN FEET AND DECIMALS THEREOF. COURSES ARE REFERRED TO THE WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/86, CITY OF CASPER GIS SYSTEM. ALL BEING TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY WILLIAM R. FEHRINGER THIS DAY OF _____, 2014.
 WITNESS MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES _____

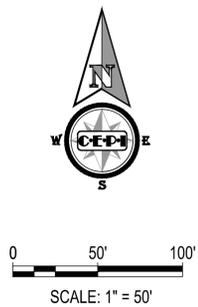
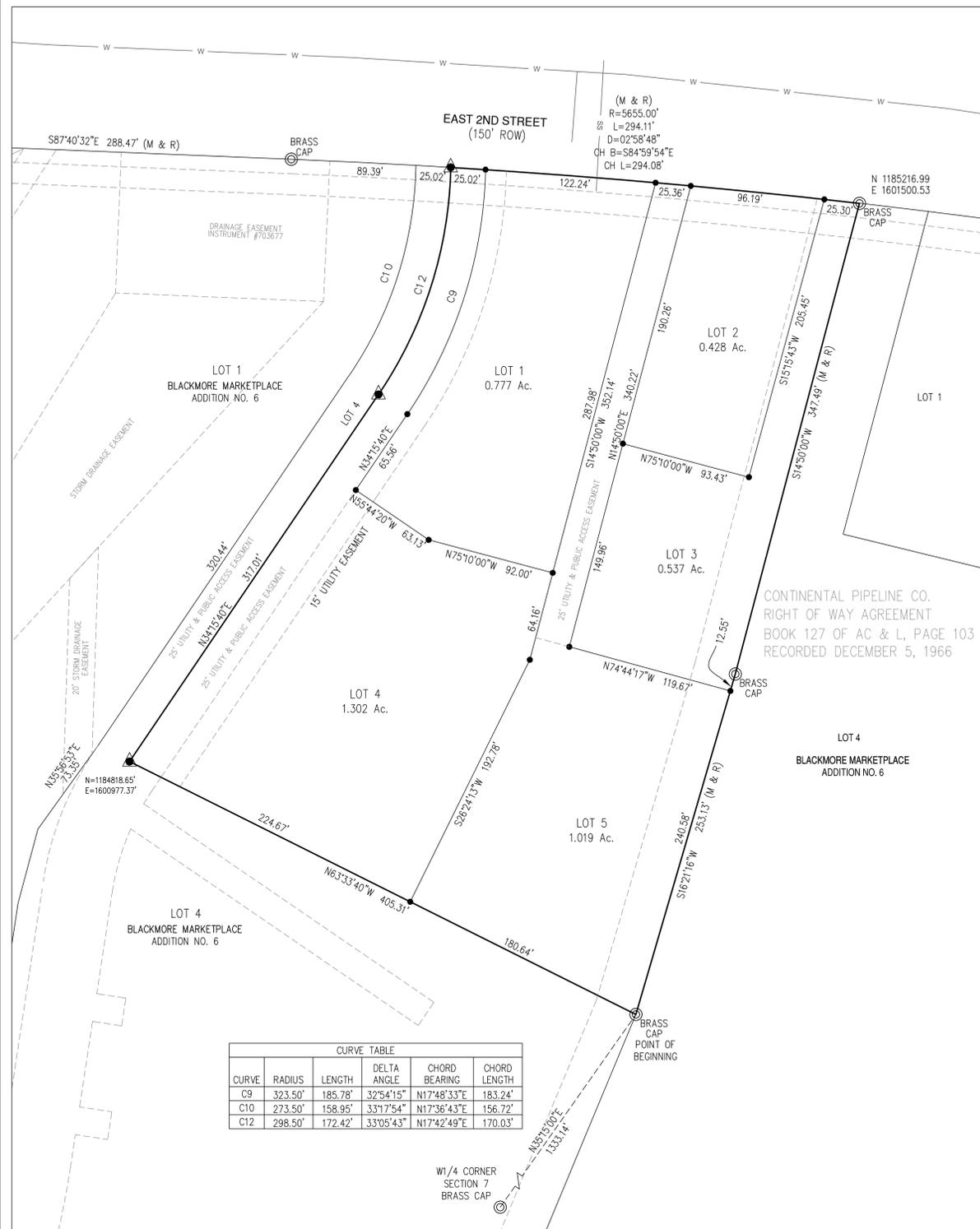
NOTARY PUBLIC

VACATION AND REPLAT OF
 LOTS 2 AND 3
 BLACKMORE MARKETPLACE
 ADDITION NO. 8

AS

BLACKMORE MARKETPLACE ADDITION NO. 10

AN ADDITION TO THE CITY OF CASPER, WYOMING
 BEING A PORTION OF THE W $\frac{1}{2}$ NW $\frac{1}{4}$
 SECTION 7 T.33N., R.78W., 6TH P.M.
 NATRONA COUNTY WYOMING
 JULY, 2014
 W.O. #14-251



LEGEND

- ▲ SET BRASS CAP
- SET MONUMENT 5/8" REBAR & ALUMINUM CAP
- ◎ FOUND MONUMENT AS NOTED



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

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members, Planning and Zoning Commission

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

SUBJECT: **PLN-14-042-R** – Petition to vacate and replat Lots 2 and 4, Blackmore Marketplace Addition No. 5, to create Blackmore Marketplace Addition No. 11, comprising 3.838-acres, more or less, located at east of Blackmore Road and south of East Second Street. Applicant: Blackmore Marketplace Shops, LLC.

Recommendation:

Staff recommends that the Planning and Zoning Commission acknowledge the withdrawal of Case #PLN-14-042-R by the applicant.

Summary:

Blackmore Marketplace Shops, LLC applied for a replat to create a new subdivision, the Blackmore Marketplace Addition No. 11, located east of Blackmore Road and south of East Second Street. The applicant has withdrawn their replat request because of a change in the configuration of the subdivision that reduced the total number of lots being created from three (3) to two (2). A two (2) lot subdivision can be approved administratively as a Minor Boundary Adjustment Plat, which does not require public hearings, or review by the Planning and Zoning Commission and the City Council, thereby reducing the approval process by approximately three (3) months.

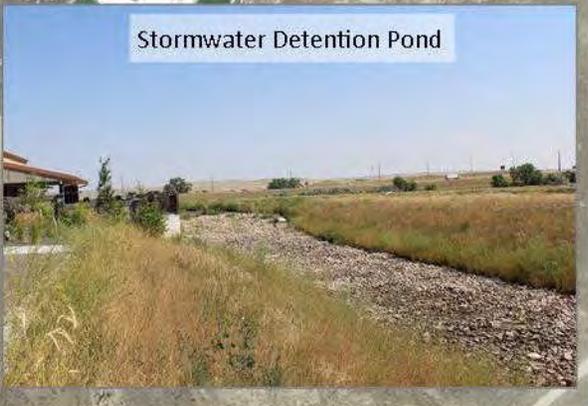
Blackmore Marketplace Addition No. 11



Looking towards Keg & Cork



Looking West



Stormwater Detention Pond

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members, Planning and Zoning Commission

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

SUBJECT: **PLN-14-043-RS** – Petition to plat a portion of SW1/4 and the SE1/4NW1/4, Section 13, T33N, R79W, 6th P.M., Natrona County Wyoming, to create the Cambridge Addition, comprising 51.80-acres, more or less; and review of the accompanying PUD site plan, located to the north of the SE Wyoming Boulevard and Country Club Road intersection. Applicant: 402, LLC.

Recommendation:

Staff recommends that the Planning and Zoning Commission continue Case # PLN-14-043-RS to the September 23, 2014 public hearing.

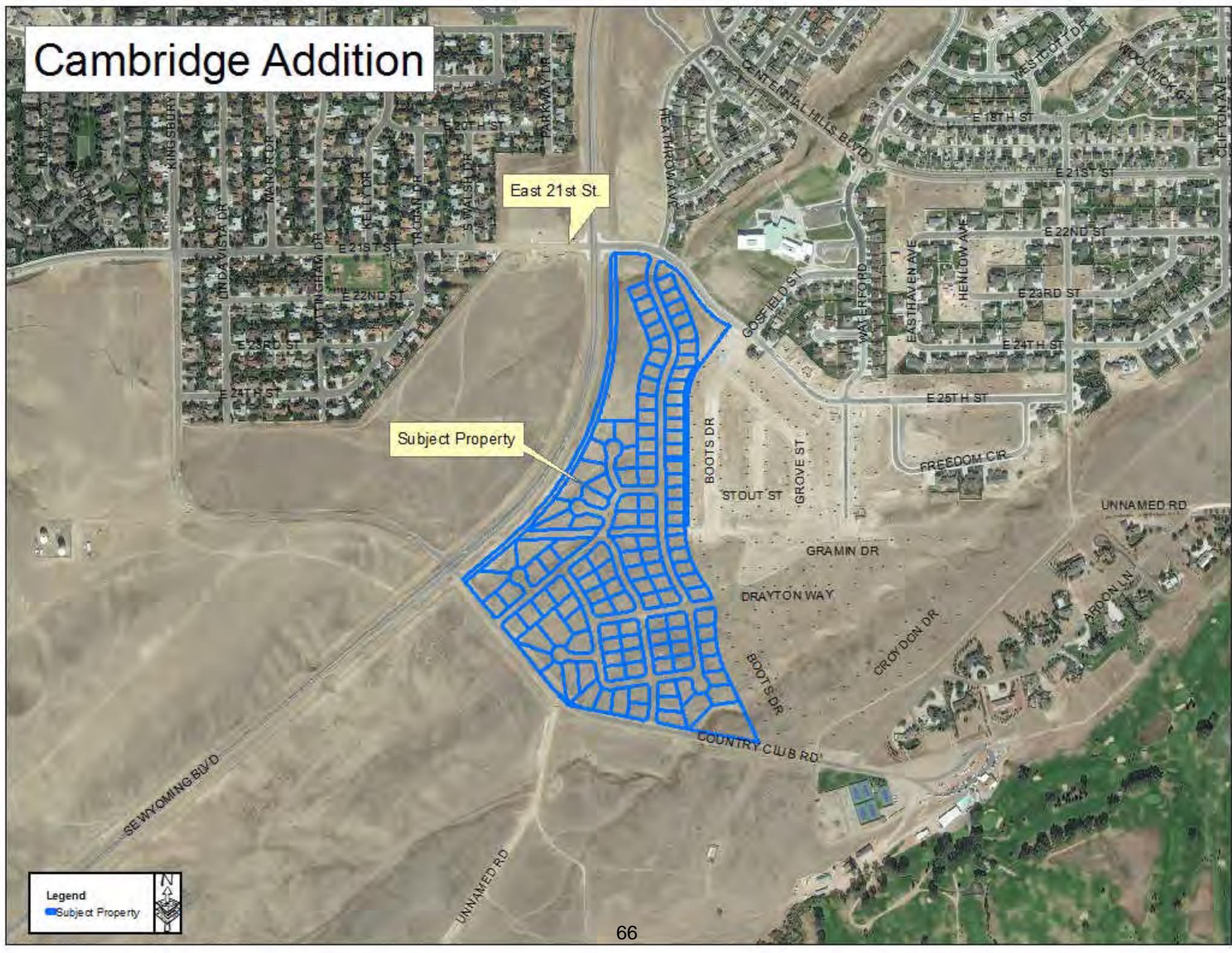
Summary:

402, LLC has applied for plat approval to create the Cambridge Addition, a sub-area of the Centennial Hills PUD (Planned Unit Development). The Centennial Hills PUD was approved by the City in 2003 and originally encompassed approximately 250-acres. The PUD has gone through several revisions since its original inception, with the most recent revision having been approved in March of 2011. The PUD now encompasses approximately 229-acres consisting of fifteen (15) different “villages,” or development parcels. At the time that each development parcel is platted for development, the developer is required to submit a sub-area plan which establishes building envelopes, street types and locations, park and trail locations, and the overall lot/subdivision design.

The proposed Cambridge Addition is located in a portion of the PUD (Planned Unit Development) that is currently designated for commercial development in the PUD Guidelines. The developer has now decided to change the land use in the subject area from commercial to single-family residential; therefore, the PUD Guidelines must be amended to change the land use designation of the area, and to adjust the total allowable dwelling units and overall density for the development. Staff is recommending that the Planning and Zoning Commission continue Case #PLN-14-043-RS at the September 23, 2014 public hearing so that the creation of the Cambridge Addition and the associated

sub-area plan can be considered concurrent with an amendment to the Centennial Hills PUD Guidelines.

Cambridge Addition



Subject Property

East 21st St

Legend

- Subject Property



August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members, Planning and Zoning Commission

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

SUBJECT: **PLN-14-044-ARZ** – Petition to vacate, replat, and annex Tracts 37 & 38, Dowler No. 3 Subdivision, comprising 5.43-acres, more or less, to create the DMK Subdivision, located at 5300 CY Avenue, and zoning of said property from Natrona County Classification C (Commercial), to City Zoning Classification C-4 (Highway Business). Applicant: J & J Enterprises

Recommendation on the Annexation:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request to annex the subject property and forward a “do pass” recommendation to the City Council for the following reasons:

1. The annexation of the area will serve to protect the health, safety, and welfare of the persons residing in the area and in the City.
2. The urban development of the area to be annexed constitutes a natural, geographical, economical, and social part of the City because the subject property is adjacent to the corporate limits of the City of Casper.
3. The area sought to be annexed is a logical and feasible addition to the City of Casper, and the extension of basic and other services customarily available to the residents of the City shall be made available to the area proposed to be annexed.
4. The proposed annexation is contiguous with and adjacent to the City of Casper.
5. The proposed zoning is compatible with the zoning and existing and proposed land uses in the surrounding area.

Recommendation on the Plat:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the plat creating the DMK Subdivision, and forward a “do pass” recommendation to the City Council with the following conditions:

1. South Magnolia (road) shall be constructed to City standard specifications, to the northern extent of the DMK Subdivision, concurrent with the development of proposed Lot 1 and/or Lot 2.
2. A traffic study is in progress, at the request of the Wyoming Department of Transportation. Necessary traffic improvements, if any, will be imposed at the conclusion of the study, and shall be incorporated into the Subdivision Agreement.
3. Grandview Road is a platted, but undeveloped County road located north of the proposed DMK Addition. Until such time as Grandview Road is vacated in the future, the owners of the DMK Addition shall be responsible for half the cost of constructing Grandview Road, for the portion immediately adjacent to Lots 1 and 2. The owners’ participation in the construction of Grandview Road shall occur at such time as directed by the City.

Recommendation on the Zone Change:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the C-4 (Highway Business) zoning of the DMK Addition, and forward a “do-pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 16.24, 16.36, and 17.12.170 of the Casper Municipal Code pertaining to annexations, plats, and zone changes, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. At the time the staff report was prepared, staff had not received any public comments regarding this case. The Commission is responsible for reviewing annexations, plats, and zone changes, and making a recommendation to the City Council on each.

Summary:

An application has been received to annex, vacate and replat 5.43-acres, more or less, located at 5300 CY Avenue, to create the DMK Subdivision. The applicants have applied for C-4 (Highway Business) zoning for the subdivision. The subject property is surrounded by unincorporated (County) properties to the north, east, and across CY Avenue to the south, and by City properties zoned C-2 (General Business) to the west. Land uses in the surrounding area include predominantly single-family residential within the Paradise Valley PUD to the west; and commercial and industrial uses along the CY Avenue corridor. The proposed DMK Addition consists of two (2) lots, with proposed Lot 1 being approximately 1.79-acres in size, and proposed Lot 2 being approximately 2.92-acres in size. The purpose of the annexation, replat and rezoning creating the DMK Addition is to prepare the property for the development of a retail store on the site.

Staff included three (3) recommended conditions of approval for the Planning and Zoning Commission's consideration. The first condition requires that the platted, but undeveloped roadway, South Magnolia, be constructed to City standards to the north end of the proposed DMK Addition. The second condition acknowledges that there is a traffic study that is under way, at the request of the Wyoming Department of Transportation. Any recommendations or requirements of the traffic study will be discussed with the applicant, and will be incorporated into the Subdivision Agreement that will be executed by the City Council. The City Engineer does not anticipate any significant traffic improvements will be required as a result of the traffic study. The third and final condition is regarding the construction of Grandview Road. Grandview Road is a platted, but undeveloped County road located directly north of proposed Lot 2. The western portion of Grandview Road has been vacated by the County previously, and the remaining portion of the road serves only a single property to the north (Tract 48 of the Dowler No. 3 Subdivision). The applicant plans to approach the property owner to the north to discuss vacating the remaining portion of Grandview Road at some point in the future. Should the vacation of Grandview Road occur, it would relieve both adjacent property owners from the obligation to construct the road to municipal standards. Until the vacation occurs, the property owner(s) of the DMK Addition will be obligated to pay for half the cost of constructing Grandview Road at such time as it becomes necessary.

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

and provide a recommendation to the Planning and Zoning Commission based on whether the zoning proposal conforms to the Plan.

The Future Land Use Plan is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as "highway commercial." The Comprehensive Land Use Plan states that areas shown in the plan as highway commercial should be oriented towards the needs of area residents, as well as travelers. Highway commercial areas should generally accommodate uses which require large floor areas and outdoor display and not include commercial uses that would be better located for convenience in neighborhood serving commercial centers or general commercial areas. The proposed C-4 (Highway Business) zoning of the subject property is appropriate and fulfills the vision of the Future Land Use Plan.

The Comprehensive Land Use Plan establishes a list of visions, principles and goals to guide the City's land use policies and decisions. With regard to the current proposal, the development of the area as proposed is supported by the following visions, principles and goals:

Vision 1: Diverse Economy –An expanded, more diversified, and stable economy that continuously grows new jobs that pay a higher wage than the current average.

Principle A – Promote Space for Industry, Commercial Development, and Employment.

Goal 1 – Provide an adequate supply of both serviced and raw industrial and commercial land for expanding the Casper Area's economic base.

Vision 3: Compact Development – A compact development pattern of cohesive neighborhoods and corridors.

Principle K – Direct Growth to Encourage Infill and Redevelopment.

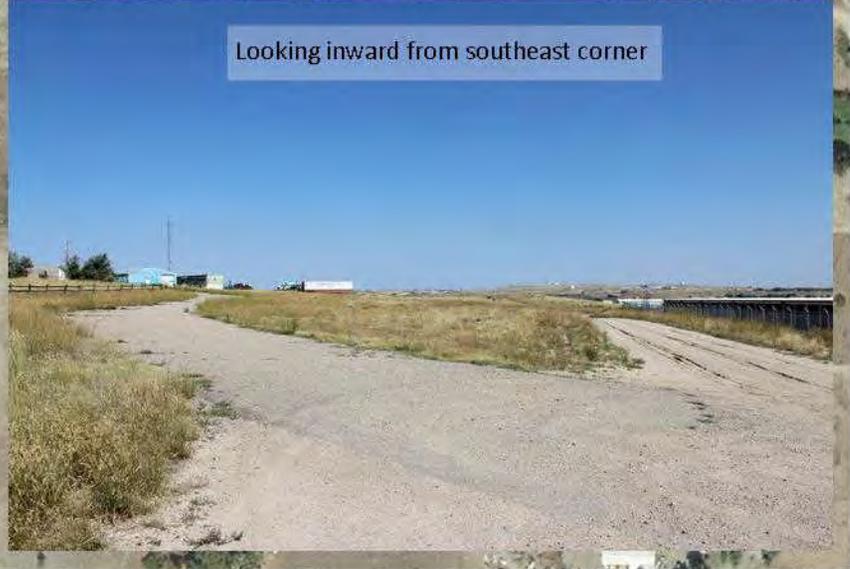
Goal 20 – Direct future development to underutilized or vacant parcels within the developed urban area where City services and infrastructure already exist.

The proposed C-4 (Highway Business) zoning district allows for the development of any and all of the following permitted uses:

1. Animal shelters, animal clinics, and animal boarding and treatment centers;
2. Assembly of devices or instruments, or packaging of products from previously prepared materials;
3. Automobile parks;
4. Automobile sales and repair areas and shops;
5. Automobile service stations, automobile service centers, and public garages;
6. Bed and breakfast;
7. Bed and breakfast homestay;
8. Bed and breakfast inn;
9. Builders' supply yards;
10. Churches;
11. Clubs and lodges;
12. Commercial dairies (excluding dairy farms);
13. Commercial laundries;
14. Convenience establishment, high volume;
15. Dance studios;
16. Day-care, adult;
17. Child care center;
18. Family child care center - zoning review;
19. Family child care home;
20. Family child care home - zoning review;
21. Drive-in/through facilities such as restaurants, package liquors, branch banks, etc.;
- 22. Farm implement sales and service;**
23. Frozen food lockers;
24. Greenhouses;
25. Grocery stores;
26. Group homes;
27. Heliports;
28. Homes for the homeless (emergency shelters);
29. Hotels, motels;
30. Kennels;
31. Manufactured home (mobile) sales;
32. Medical laboratories, clinics, health spas, rehabilitation centers, real estate brokers, insurance agents, and public health facilities;
33. Nurseries;
34. Offices, general and professional;
35. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities;
36. Pawn shops;

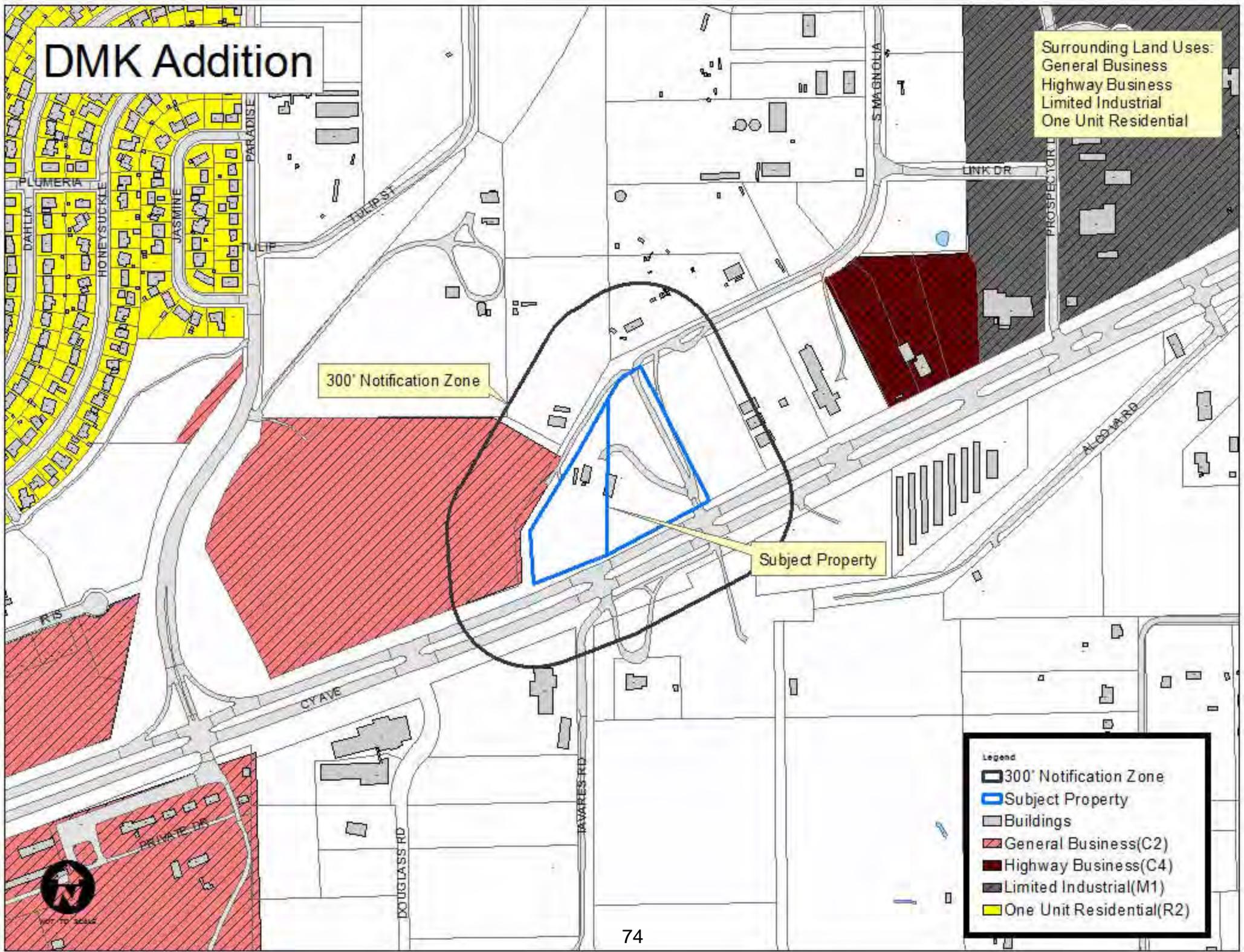
37. Personal service shops;
38. Pet supplies;
39. Plumbing, welding, electrical supply, service shops, and fabrication shops;
40. Printing and newspaper houses;
41. Public utility and public service installations and facilities, including repair and storage facilities;
42. Radio and television stations, including transmitting and receiving towers;
43. Recreation centers, restaurants, cafes, coffee shops, and retail business;
44. Retail businesses;
45. Sale barns;
46. Trade or business schools;
47. Transportation depots;
48. Truck/car stops;
49. Warehouses, indoor and outdoor storage;
50. Sexually oriented businesses, pursuant to all regulations set forth in Section 9.24.110 of the municipal code;
51. Neighborhood assembly uses;
52. Regional assembly uses;
53. Branch community facilities;
54. Neighborhood grocery.

DMK Subdivision



DMK Addition

Surrounding Land Uses:
General Business
Highway Business
Limited Industrial
One Unit Residential



300' Notification Zone

Subject Property

Legend

- 300' Notification Zone
- Subject Property
- Buildings
- General Business(C2)
- Highway Business(C4)
- Limited Industrial(M1)
- One Unit Residential(R2)

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members, Planning and Zoning Commission

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

SUBJECT: **PLN-14-045-AZ** – Petition to annex Tracts No. 8, 8B, 9, 10, 11, and 12 of Rocky Mountain Packing Subdivision, excepting the north 109.47 feet, of Tracts No. 8 and 9, to the City of Casper, comprising 6.09-acres, more or less, located east of Hereford Lane and south of Bryan Evansville Road; and rezoning said property, from Natrona County Zoning Classifications L1 (Light Industrial) and HI (Heavy Industrial), to City Zoning Classifications M-2 (General Industrial). Applicant: T/K Investments

Recommendation on the Annexation:

In the absence of information that may be presented during the public hearing, staff's recommendation is that the Planning and Zoning Commission approve the request to annex the subject property and forward a "do pass" recommendation to the City Council for the following reasons:

1. The annexation of the area will serve to protect the health, safety, and welfare of the persons residing in the area and in the City.
2. The urban development of the area to be annexed constitutes a natural, geographical, economical, and social part of the City because the subject property is adjacent to the corporate limits of the City of Casper.
3. The area sought to be annexed is a logical and feasible addition to the City of Casper, and the extension of basic and other services customarily available to the residents of the City shall be made available to the area proposed to be annexed.
4. The proposed annexation is contiguous with and adjacent to the City of Casper.
5. The proposed zoning is compatible with the zoning and existing and proposed land uses in the surrounding area.

Staff's favorable recommendation on the requested annexation is subject to the following condition:

1. At such time as directed by the City, the owner(s) shall be required to participate financially in a proportionate share of the cost of constructing, to City standard specifications, the adjacent platted roads (Hereford Lane, Angus Street), as depicted on the Rocky Mountain Packing Subdivision plat.

Recommendation on the Zone Change:

In the absence of information that may be presented during the public hearing, staff's recommendation is that the Planning and Zoning Commission approve the zoning of the subject property as M-2 (General Industrial), and forward a "do-pass" recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 16.24 and 17.12.170 of the Casper Municipal Code pertaining to annexations and zone changes, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star Tribune. At the time the staff report was prepared, staff had not received any public comment regarding this case. The Commission is responsible for reviewing annexations and zone changes, and making a recommendation to the City Council on each.

Summary:

T/K Investments has applied to annex 6.09-acres, more or less, located east of Hereford Lane and south of Bryan Evansville Road, and to zone said property as M-2 (General Industrial). Surrounding City zoning classifications in the area are all M-2 (General Industrial). The property is accessed via Hereford Lane, connecting by either East F Street to the south, or Bryan Evansville Road to the north. Staff's recommendation of approval is conditioned on the requirement that, at such time as directed by the City, the owner shall participate financially in the construction of the adjacent streets, to bring the streets up to City standard specifications. The streets that will require improvement at some point in the future are Hereford Lane on the west and Angus Street on the east. The City does not have an estimate of when in the future the streets will need to be improved.

The Comprehensive Land Use Plan is the planning document that describes the values and ideals expressed by the community for its future. The Plan was created in 2000 and was based on approximately two (2) years of citizen meetings and visioning intended to create a set of goals and policies regarding land use in the Casper area. Whenever a zone

change is proposed, the Planning and Zoning Commission should base its decision on whether to approve it on the criteria expressed in the Comprehensive Land Use Plan. Furthermore, Section 17.12.170 of the Casper Municipal Code specifies that staff must review zoning applications in context with the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission based on whether the zoning proposal conforms to the Plan.

The Future Land Use Plan is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as Heavy Industrial; therefore, the proposed M-2 (General Industrial) zoning of the property is consistent with the long-range plan for this area.

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

1. Animal shelters, treatment centers, animal clinics, and animal boarding centers;
2. Assembly of devices or instruments, or packaging of products from previously prepared materials;
3. Automobile and vehicular sales and/or repair;
4. Automobile and vehicular service stations and public garages;
5. Automobile wrecker services;
6. Bed and breakfast;
7. Bed and breakfast homestay;
8. Bed and breakfast inn;
9. Bottling factories or plants;
10. Builders' supply yards;
11. Bulk plants with underground/above ground storage;
12. Commercial processing dairies and creameries, including depots (excluding dairy farms);
13. Commercial greenhouses and nurseries;
14. Commercial kennels;
15. Commercial laundries;
16. Convenience establishments;
17. Day-care, adult;
18. Child care center;
19. Family child care center - zoning review;
20. Experimental or testing laboratories and research facilities;
21. Fabrication plants (steel or wood);

22. Farm implement sales and services;
23. Frozen food lockers;
24. Grocery stores;
25. Manufactured home (mobile) sales and service;
26. Manufacturing, assembly, or packing of products from previously prepared materials;
27. Manufacturing of devices or instruments;
28. Manufacturing and processing of food or food products;
29. Motels and hotels;
30. Offices, general and professional;
31. Open sales lots;
32. Pet supplies;
33. Parks, playgrounds, historical sites, and other similar recreational facilities;
34. Pawnshops;
35. Personal service shops;
36. Plumbing, welding, electrical supply, and service shops;
37. Printing and newspaper houses;
38. Public utilities and public service installations, including repair and storage facilities;
39. Recycling businesses;
40. Restaurant, cafes, and coffee shops;
41. Retail businesses;
42. Transportation depots;
43. Veterinary clinics with boarding outside pens;
44. Warehouses, including both indoor and outdoor storage;
45. Neighborhood assembly uses;
46. Regional assembly uses;
47. Custodial care facility;
48. Branch community facilities;
49. Neighborhood grocery;
50. Church;
51. Asphalt (hot mix) plants;
52. Concrete plants;
53. Gypsum manufacturing;
54. Helistops, airports, heliports, or aircraft landing fields;
55. Large equipment sales and repair;
56. Manufacture and storage of explosives;
57. Refineries;
58. Rock quarrying and crushing;
59. Warehouses, indoor and outdoor storage, and retail sales;
60. Sexually oriented businesses, pursuant to all regulations set forth in Section 9.24.110 of the municipal code.

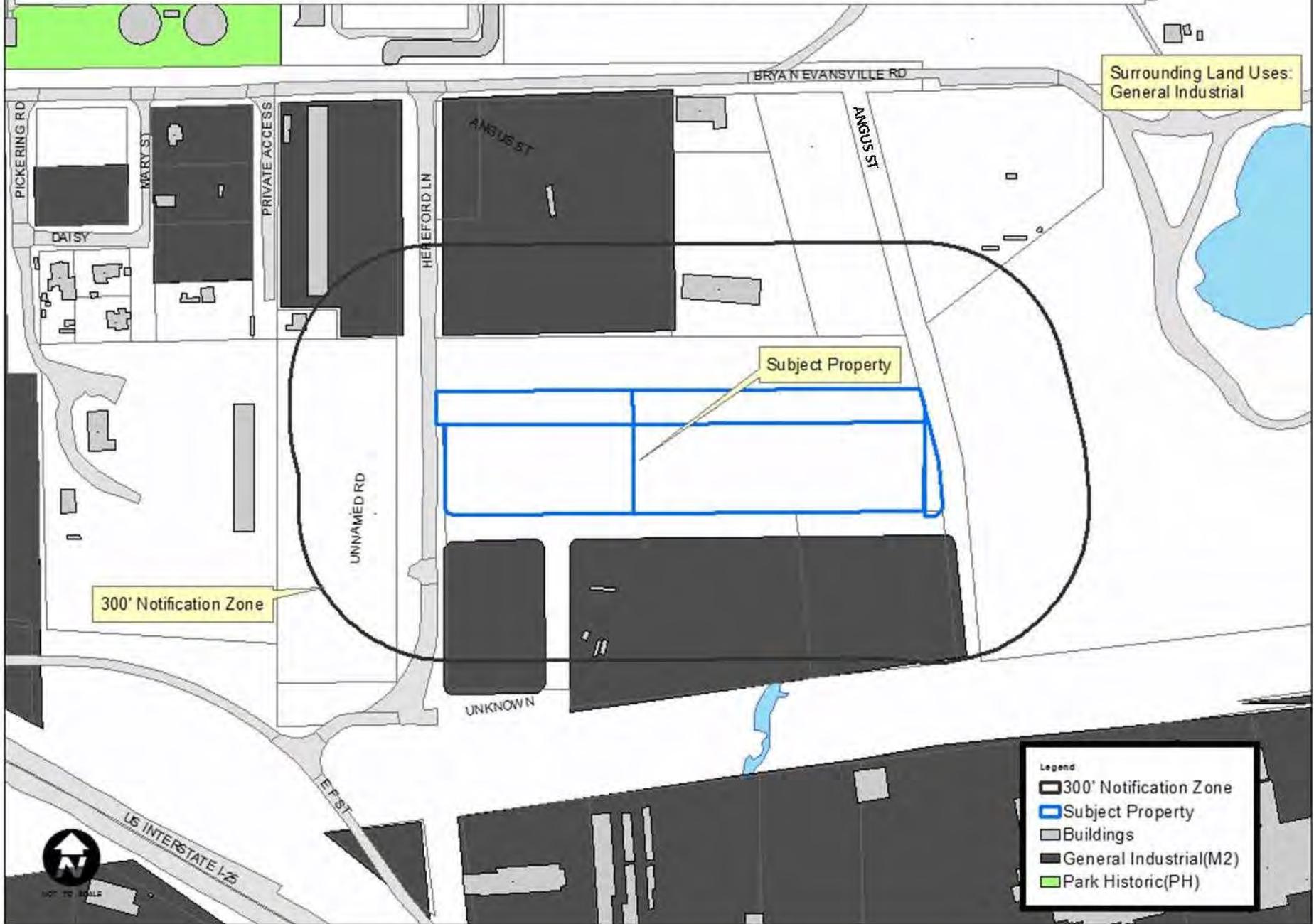
Rocky Mount. Packing Subdivision - T/K Investments



Legend
■ Subject Property



Rocky Mount. Packing Subdivision - T/K Investments



August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members, Planning and Zoning Commission

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

SUBJECT: **PLN-14-046-ARZ** – Petition to annex the northerly 109.47 feet of Tracts 8 and 9 of Rocky Mountain Packing Subdivision; and a vacation and replat of all of Tract 7B of Shoshone Addition to the City of Casper, to create the Kinco Addition to the City of Casper, comprising 7.84-acres, more or less, located at the southeast intersection of Hereford Lane and Bryan Evansville Road; and rezoning the northerly 109.47 feet of Tracts 8 and 9 of Rocky Mountain Packing Subdivision from County zoning classifications Light Industrial (LI) and Heavy Industrial (HI) to City zoning classification M-2 (General Industrial). Applicant: Kinco Investments, LLC.

Recommendation on the Annexation:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request to annex the subject property and forward a “do pass” recommendation to the City Council for the following reasons:

1. The annexation of the area will serve to protect the health, safety, and welfare of the persons residing in the area and in the City.
2. The urban development of the area to be annexed constitutes a natural, geographical, economical, and social part of the City because the subject property is adjacent to the corporate limits of the City of Casper.
3. The area sought to be annexed is a logical and feasible addition to the City of Casper, and the extension of basic and other services customarily available to the residents of the City shall be made available to the area proposed to be annexed.
4. The proposed annexation is contiguous with and adjacent to the City of Casper.
5. The proposed zoning is compatible with the zoning and existing and proposed land uses in the surrounding area.

Recommendation on the Plat:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the plat creating the Kinco Addition, and forward a “do pass” recommendation to the City Council with the following conditions:

1. At such time as directed by the City, the owner(s) shall be required to participate financially in a proportionate share of the cost of constructing, to City standard specifications, the adjacent platted roads (Hereford Lane, Bryan Evansville Road, and Angus Lane), as depicted on the Rocky Mountain Packing Subdivision plat.

Recommendation on the Zone Change:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the M-2 (General Industrial) zoning of the Kinco Addition, and forward a “do-pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 16.24, 16.36, and 17.12.170 of the Casper Municipal Code pertaining to annexations, plats, and zone changes, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. At the time the staff report was prepared, staff had not received any public comments regarding this case. The Commission is responsible for reviewing annexations, plats, and zone changes, and making a recommendation to the City Council on each.

Summary:

An application has been received to annex and replat 7.84 acres, more or less, located at the southeast intersection of Hereford Lane and Bryan Evansville Road, to create the Kinco Addition. The applicants have applied for M-2 (General Industrial) zoning for the subdivision. The subject property is surrounded by unincorporated (County) properties on the north and the east, and by City properties zoned M-2 (General Industrial) to the west and south. Land uses in the immediate area are all general industrial. The proposed plat is creating four (4) lots ranging in size from approximately 1.79-acres, up to 2.45-acres in size.

Access to the subdivision will be via Hereford Lane, connecting by either East F Street to the south, or Bryan Evansville Road to the north. Staff’s recommendation of approval is

conditioned on the requirement that, at such time as directed by the City, the owner(s) shall participate financially in the construction of the adjacent streets, to bring said streets up to City standard specifications. The adjacent roadways that will eventually require improvement include Hereford Lane on the west, Bryan-Evansville Road on the north, and Angus Street on the east. The City does not have an estimate of when in the future the streets will need to be improved.

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

The Future Land Use Plan is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as Heavy Industrial; therefore, the proposed M-2 (General Industrial) zoning of the property is consistent with the long-range plan for this area.

The Comprehensive Land Use Plan establishes a list of visions, principles and goals to guide the City's land use policies and decisions. With regard to the current proposal, the development of the area as proposed is supported by the following visions, principles and goals:

Vision 1: Diverse Economy –An expanded, more diversified, and stable economy that continuously grows news jobs that pay a higher wage than the current average.

Principle A – Promote Space for Industry, Commercial Development, and Employment

Goal 1 – Provide an adequate supply of both serviced and raw industrial and commercial land for expanding the Casper Area's economic base.

Vision 3: Compact Development – A compact development pattern of cohesive neighborhoods and corridors.

Principle K – Direct Growth to Encourage Infill and Redevelopment.

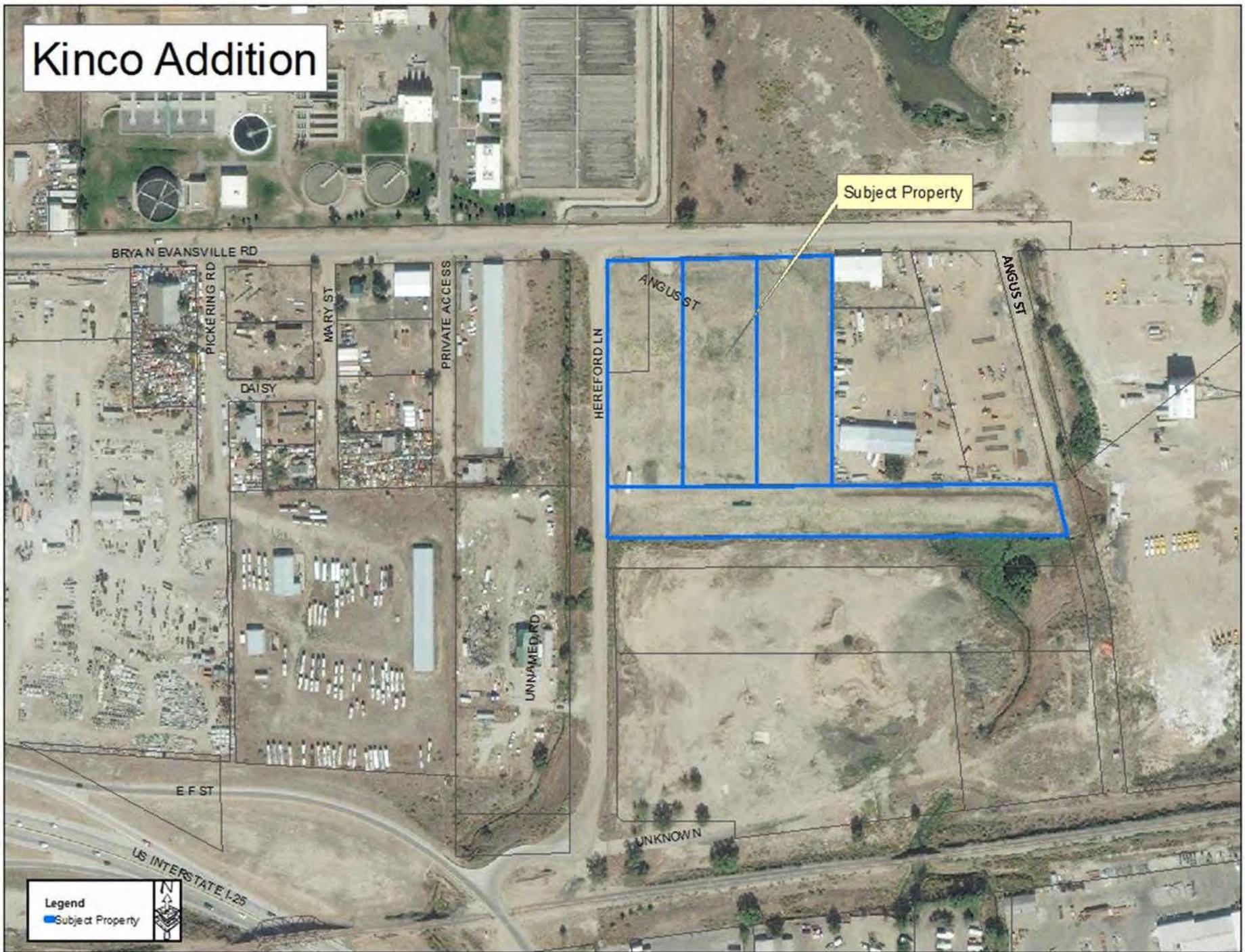
Goal 20 – Direct future development to underutilized or vacant parcels within the developed urban area where City services and infrastructure already exist.

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

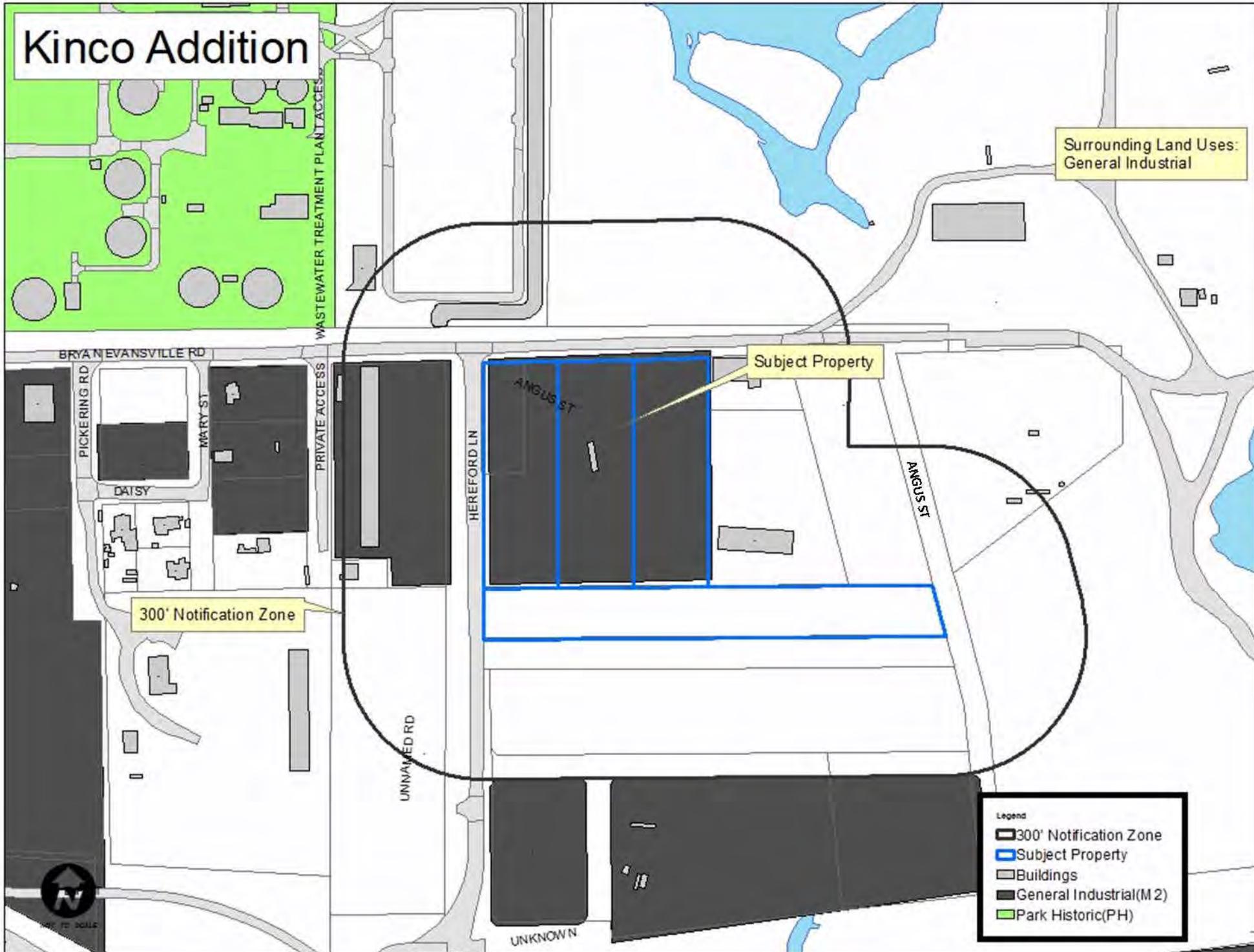
1. Animal shelters, treatment centers, animal clinics, and animal boarding centers;
2. Assembly of devices or instruments, or packaging of products from previously prepared materials;
3. Automobile and vehicular sales and/or repair;
4. Automobile and vehicular service stations and public garages;
5. Automobile wrecker services;
6. Bed and breakfast;
7. Bed and breakfast homestay;
8. Bed and breakfast inn;
9. Bottling factories or plants;
10. Builders' supply yards;
11. Bulk plants with underground/above ground storage;
12. Commercial processing dairies and creameries, including depots (excluding dairy farms);
13. Commercial greenhouses and nurseries;
14. Commercial kennels;
15. Commercial laundries;
16. Convenience establishments;
17. Day-care, adult;
18. Child care center;
19. Family child care center - zoning review;
20. Experimental or testing laboratories and research facilities;
21. Fabrication plants (steel or wood);
22. Farm implement sales and services;
23. Frozen food lockers;
24. Grocery stores;
25. Manufactured home (mobile) sales and service;
26. Manufacturing, assembly, or packing of products from previously prepared materials;
27. Manufacturing of devices or instruments;
28. Manufacturing and processing of food or food products;
29. Motels and hotels;
30. Offices, general and professional;
31. Open sales lots;

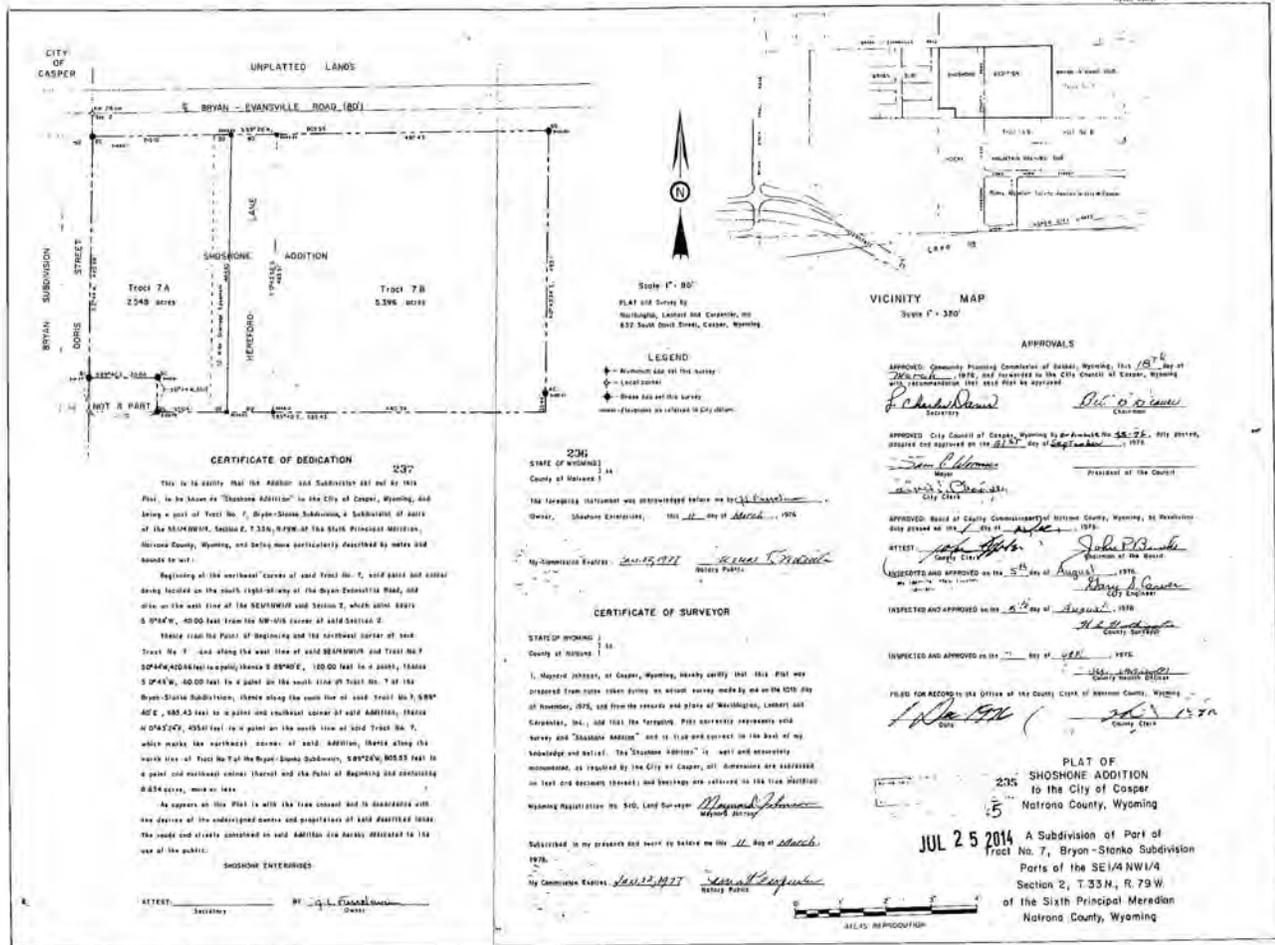
32. Pet supplies;
33. Parks, playgrounds, historical sites, and other similar recreational facilities;
34. Pawnshops;
35. Personal service shops;
36. Plumbing, welding, electrical supply, and service shops;
37. Printing and newspaper houses;
38. Public utilities and public service installations, including repair and storage facilities;
39. Recycling businesses;
40. Restaurant, cafes, and coffee shops;
41. Retail businesses;
42. Transportation depots;
43. Veterinary clinics with boarding outside pens;
44. Warehouses, including both indoor and outdoor storage;
45. Neighborhood assembly uses;
46. Regional assembly uses;
47. Custodial care facility;
48. Branch community facilities;
49. Neighborhood grocery;
50. Church;
51. Asphalt (hot mix) plants;
52. Concrete plants;
53. Gypsum manufacturing;
54. Helistops, airports, heliports, or aircraft landing fields;
55. Large equipment sales and repair;
56. Manufacture and storage of explosives;
57. Refineries;
58. Rock quarrying and crushing;
59. Warehouses, indoor and outdoor storage, and retail sales;
60. Sexually oriented businesses, pursuant to all regulations set forth in Section 9.24.110 of the municipal code.

Kinco Addition



Kinco Addition





CERTIFICATE OF DEDICATION

This is to certify that the Addition and Subdivision set out in this Plat, to be known as "Shoshone Addition" in the City of Casper, Wyoming, and being a part of Tract No. 7, Bryan-Stonka Subdivision, a Subdivision of parts of the NE 1/4 of Section 2, T. 33N., R. 79W. of the Sixth Principal Meridian, Natrona County, Wyoming, and being more particularly described by notes and bounds hereon:

Beginning at the northeast corner of said Tract No. 7, said parcel and corner being located on the south right-of-way of the Bryan-Evansville Road, and also on the west line of the NE 1/4 of Section 2, which corner bears S 07°45' W., 40.00 feet from the NW-1/4 corner of said Section 2.

Thence read the Point of Beginning and the northeast corner of said Tract No. 7, and along the west line of said NE 1/4 of Section 2 and Tract No. 7 20°14'40.00 (N) (S) (E) (W) (S) 28°40' E., 100.00 feet to a point, thence S 07°45' W., 40.00 feet to a point on the south line of Tract No. 7 of the Bryan-Stonka Subdivision, thence along the south line of said Tract No. 7, S 89°45' 40.00 (N) (S) (E) (W) (S) 100.00 feet to a point and southeast corner of said Addition, thence N 07°45' 40.00 (N) (S) (E) (W) (S) 100.00 feet to a point on the north line of said Tract No. 7, which marks the northeast corner of said Addition, thence along the north line of Tract No. 7 of the Bryan-Stonka Subdivision, S 89°22' W., 805.55 feet to a point and northeast corner thereof and the Point of Beginning and containing 0.834 acres, more or less.

As appears on this Plat in with the true course and is designated with the names of the underlying owners and proprietors of said described lands. The roads and streets contained in said Addition are hereby dedicated to the use of the public.

SHOSHONE ENTERPRISES

ATTEST: Secretary BY: G. L. Farnsworth Clerk

CERTIFICATE OF SURVEYOR

I, Raymond Johnson, a Master Surveyor, of Casper, Wyoming, hereby certify that this Plat was prepared from these plans during an actual survey made by me on the 10th day of November, 1914, and from the records and plans of Washington, Lambert and Carpenter, Inc., and that the foregoing Plat correctly represents said survey and "Shoshone Addition" and is true and correct to the best of my knowledge and belief. The "Shoshone Addition" is laid and accurately monumented, as required by the City of Casper, and Subdivisions are indicated on the Plat and become thereof and bearings are referred to the true North Star Wyoming Registration No. 510, Land Surveyor Raymond Johnson without delay.

Subscribed to in presence and view of before me this 11 day of March, 1914.

My Commission Expires Jan 22, 1917 Raymond Johnson Surveyor

APPROVALS

APPROVED: County Planning Commission of Natrona County, Wyoming, this 18 day of March, 1914, and forwarded to the City Council of Casper, Wyoming with recommendations that said Plat be approved.

APPROVED: City Council of Casper, Wyoming, by Resolution No. 38, City Clerk, dated and approved on the 18 day of March, 1914.

APPROVED: Board of County Commissioners of Natrona County, Wyoming, by Resolution No. 10, City of Casper, 1914.

ATTEST: John P. Bensch Secretary of the Board

CERTIFICATE AND APPROVED on the 5 day of August, 1914.

INSPECTED AND APPROVED on the 5 day of August, 1914.

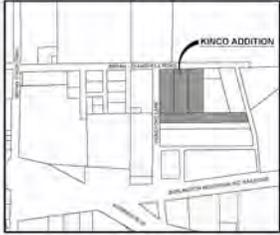
INVESTED AND APPROVED on the 11 day of July, 1914.

FILED FOR RECORD in the Office of the County Clerk of Natrona County, Wyoming.

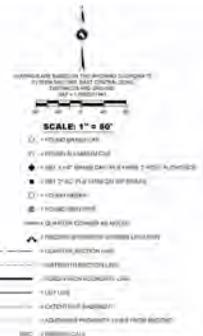
PLAT OF SHOSHONE ADDITION to the City of Casper Natrona County, Wyoming

JUL 25 1914

A Subdivision of Part of Tract No. 7, Bryan-Stonka Subdivision Parts of the SE 1/4 NW 1/4 Section 2, T. 33N., R. 79W. of the Sixth Principal Meridian Natrona County, Wyoming



VICINITY MAP
CITY OF CASPER, WYOMING



NOTES

1. PUBLISHED COORDINATES REFER TO THE CITY OF CASPER'S GIS DATUM OF WYOMING STATE PLANE COORDINATE EAST CENTRAL ZONE, NAD 83. THE VERTICAL DATUM IS NAVD 83.
2. ERROR OF CLOSURE IS 1/228.84.
3. ALL BEARINGS AND DISTANCES ARE AS FOUND DURING FIELD SURVEY.
4. THE TOTAL AREA OF LAND IS APPROX 0.148 ACRES.

APPROVALS

APPROVED: PLANNING AND ZONING COMMISSION (PZC) SPECIAL MEETING ON _____ DAY OF _____ 2014. APPROVED BY THE CITY OF CASPER, WYOMING: _____

APPROVED: CITY COUNCIL OF THE CITY OF CASPER, WYOMING: _____

APPROVED: CITY CLERK: _____

INSPECTED AND APPROVED ON THIS _____ DAY OF _____ 2014.

CITY SURVEYOR: _____

CERTIFICATE OF RECORDER

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN OFFICE AT _____ DAY OF _____ 2014 AS FOLLOWS:

BOOK: _____

PAGE: _____

NATRONA COUNTY CLERK: _____

CERTIFICATE OF SURVEYOR

I, AARON L. MONEY, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF WYOMING, AND THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF KINCO ADDITION, IN ACCORDANCE WITH THE RECORDS AND BOUNDARIES, AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED THEREIN. I HAVE BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS AND I HAVE BEEN DULY LICENSED BY THE BOARD OF SURVEYORS. I HAVE BEEN DULY LICENSED BY THE BOARD OF SURVEYORS AND I HAVE BEEN DULY LICENSED BY THE BOARD OF SURVEYORS. I HAVE BEEN DULY LICENSED BY THE BOARD OF SURVEYORS AND I HAVE BEEN DULY LICENSED BY THE BOARD OF SURVEYORS.

A VACATION AND REPLAT OF ALL OF TRACT 7B OF SHOSHONE ADDITION TO THE CITY OF CASPER, WYOMING ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 272 ON PAGE 235 OF THE NATRONA COUNTY, WYOMING RECORDS AND AN ANNEXATION, VACATION AND REPLAT OF THE NORTHERLY 109.47 FEET OF TRACTS 8 AND 9 OF ROCKY MOUNTAIN PACKING SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 194 ON PAGE 456 OF THE NATRONA COUNTY, WYOMING RECORDS TO BE KNOWN AS

KINCO ADDITION

TO THE CITY OF CASPER, WYOMING SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 2, TOWNSHIP 32 NORTH, RANGE 79 WEST, 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING

CERTIFICATE OF DEDICATION

THE UNDERSIGNED, KINCO INVESTMENTS, L.L.C., STATE OF WYOMING, HEREBY CERTIFIES THAT KINCO INVESTMENTS, L.L.C. IS THE OWNER AND PROPRIETOR OF THE PHYSICAL KINCO ADDITION, SUBJECT OF TRACT 7B OF SHOSHONE ADDITION TO THE CITY OF CASPER, WYOMING, ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 272 ON PAGE 235 OF THE NATRONA COUNTY, WYOMING RECORDS AND THE NORTHERLY 109.47 FEET OF TRACTS 8 AND 9 OF ROCKY MOUNTAIN PACKING SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 194 ON PAGE 456 OF THE NATRONA COUNTY, WYOMING RECORDS. SAID TRACTS 7B, 8 AND 9 ARE HEREBY DEDICATED TO THE CITY OF CASPER, WYOMING, ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 272 ON PAGE 235 OF THE NATRONA COUNTY, WYOMING RECORDS. SAID TRACTS 7B, 8 AND 9 ARE HEREBY DEDICATED TO THE CITY OF CASPER, WYOMING, ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 272 ON PAGE 235 OF THE NATRONA COUNTY, WYOMING RECORDS. SAID TRACTS 7B, 8 AND 9 ARE HEREBY DEDICATED TO THE CITY OF CASPER, WYOMING, ACCORDING TO THE PLAT THEREOF, RECORDED IN BOOK 272 ON PAGE 235 OF THE NATRONA COUNTY, WYOMING RECORDS.

NOTARY PUBLIC

NOTARY PUBLIC: _____

DATE: _____ 2014.



OWNER: KINCO INVESTMENTS
P.O. BOX 51555
CASPER, WY 82505

SURVEYOR: JEFF CORLEY
REVIEW: AARON L. MONEY, P.L.S.

DATE DRAWN: 02.26.14
BY: ALM
REV: 05.20.14

August 22, 2014

MEMO TO: Fred Maguire, Chairman
Members, Planning and Zoning Commission

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

SUBJECT: **PLN-14-038-AZ** – Petition to annex the North 703 Feet of Tract 13, of the Rocky Mountain Packing Subdivision, comprising 3.939-acres, more or less, located at 700 Hereford Lane; and rezoning said property from Natrona County Zoning Classification (HI) Heavy Industrial to City Zoning Classification M-2 (General Industrial). Applicant: Kevin Kalies.

Recommendation on the Annexation:

In the absence of information that may be presented during the public hearing, staff's recommendation is that the Planning and Zoning Commission approve the request to annex the subject property and forward a "do pass" recommendation to the City Council for the following reasons:

1. The annexation of the area will serve to protect the health, safety, and welfare of the persons residing in the area and in the City.
2. The urban development of the area to be annexed constitutes a natural, geographical, economical, and social part of the City because the subject property is adjacent to the corporate limits of the City of Casper.
3. The area sought to be annexed is a logical and feasible addition to the City of Casper, and the extension of basic and other services customarily available to the residents of the City shall be made available to the area proposed to be annexed.
4. The proposed annexation is contiguous with and adjacent to the City of Casper.
5. The proposed zoning is compatible with the zoning and existing and proposed land uses in the surrounding area.

Staff's favorable recommendation on the requested annexation is subject to the following condition:

1. At such time as directed by the City, the owner(s) shall be required to participate financially in a proportionate share of the cost of constructing, to City standard specifications, the adjacent platted road (Hereford Lane), as depicted on the Rocky Mountain Packing Subdivision plat.

Recommendation on the Zone Change:

In the absence of information that may be presented during the public hearing, staff's recommendation is that the Planning and Zoning Commission approve the zoning of the subject property as M-2 (General Industrial), and forward a "do-pass" recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 16.24 and 17.12.170 of the Casper Municipal Code pertaining to annexations and zone changes, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star Tribune. At the time the staff report was prepared, staff had not received any public comment regarding this case. The Commission is responsible for reviewing annexations and zone changes, and making a recommendation to the City Council on each.

Summary:

Kevin Kalies has applied to annex 3.939-acres, more or less, described as the North 703 Feet of Tract 13, of the Rocky Mountain Packing Subdivision, located west of Hereford Lane; and to zone said property as M-2 (General Industrial). Surrounding City zoning classifications in the area are all M-2 (General Industrial). The property is accessed via Hereford Lane, connecting from either East F Street to the south, or Bryan Evansville Road to the north. Staff's recommendation of approval is conditioned on the requirement that, at such time as directed by the City, the owner shall participate financially in the construction of the adjacent street, Hereford Lane, to bring the street up to City standard specifications. The City does not have an estimate of when in the future Hereford Lane will need to be improved.

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

review zoning applications in context with the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission based on whether the zoning proposal conforms to the Plan.

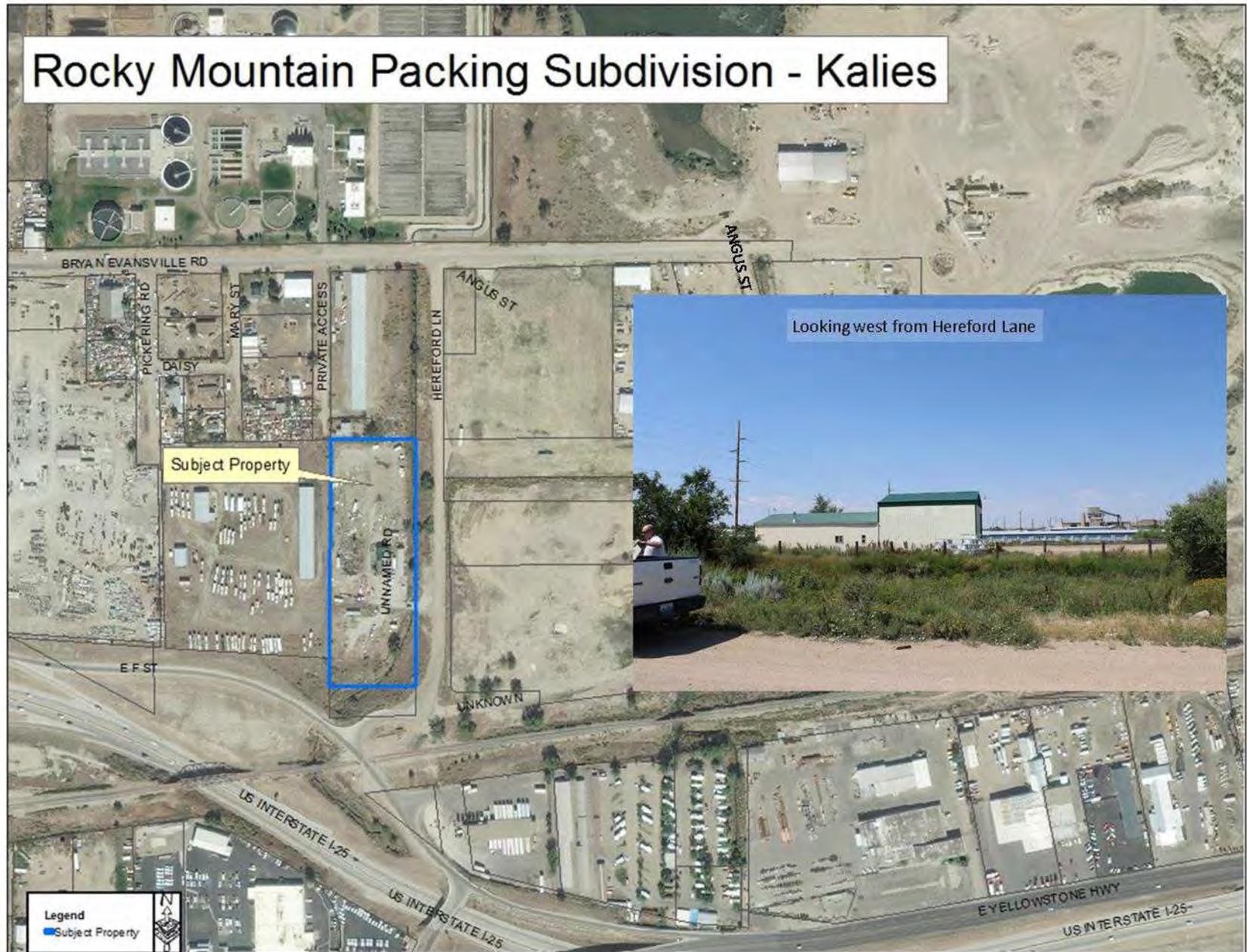
The Future Land Use Plan is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as Heavy Industrial; therefore, the proposed M-2 (General Industrial) zoning of the property is consistent with the long-range plan for this area.

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

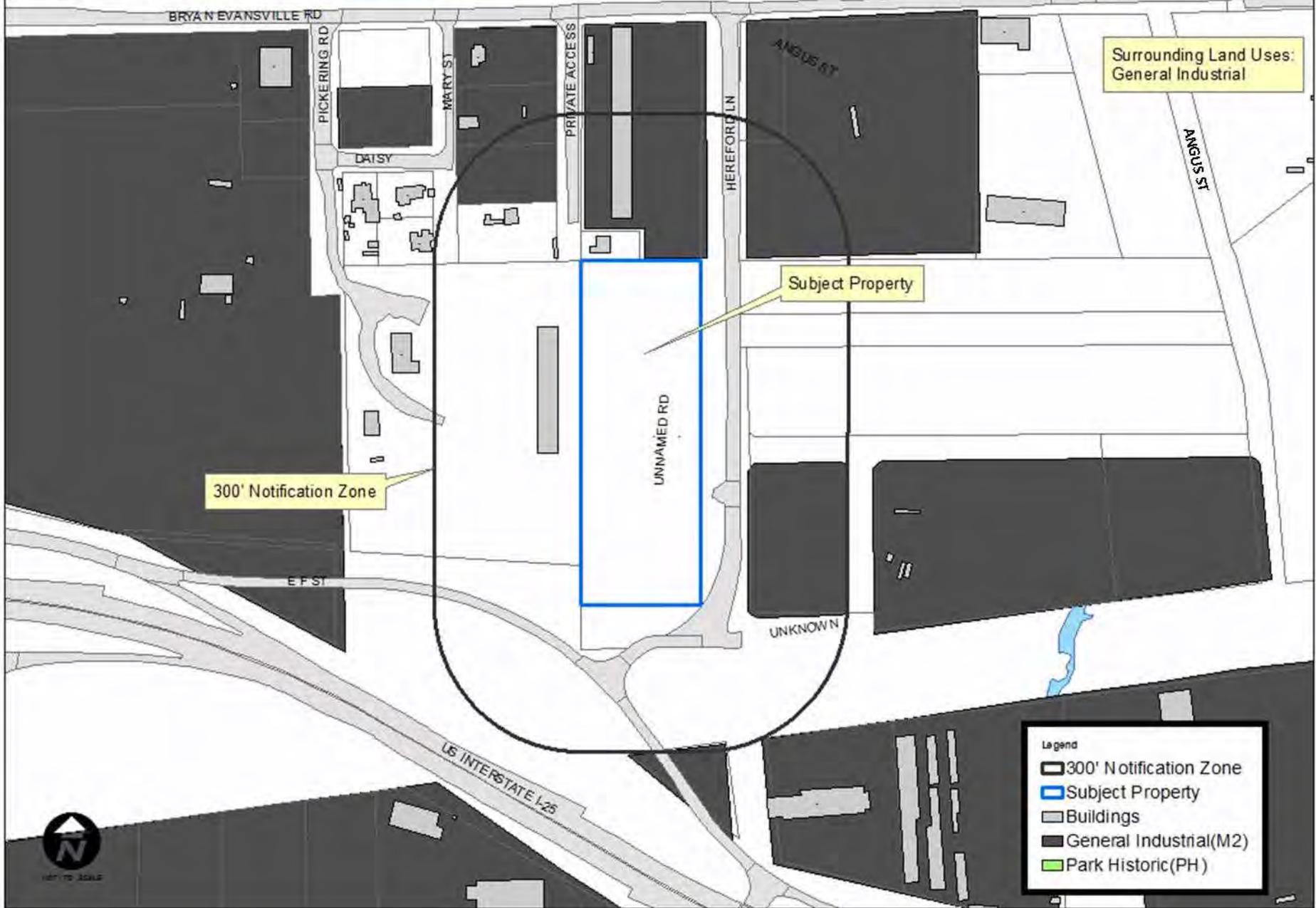
1. Animal shelters, treatment centers, animal clinics, and animal boarding centers;
2. Assembly of devices or instruments, or packaging of products from previously prepared materials;
3. Automobile and vehicular sales and/or repair;
4. Automobile and vehicular service stations and public garages;
5. Automobile wrecker services;
6. Bed and breakfast;
7. Bed and breakfast homestay;
8. Bed and breakfast inn;
9. Bottling factories or plants;
10. Builders' supply yards;
11. Bulk plants with underground/above ground storage;
12. Commercial processing dairies and creameries, including depots (excluding dairy farms);
13. Commercial greenhouses and nurseries;
14. Commercial kennels;
15. Commercial laundries;
16. Convenience establishments;
17. Day-care, adult;
18. Child care center;
19. Family child care center - zoning review;
20. Experimental or testing laboratories and research facilities;
21. Fabrication plants (steel or wood);
22. Farm implement sales and services;
23. Frozen food lockers;
24. Grocery stores;

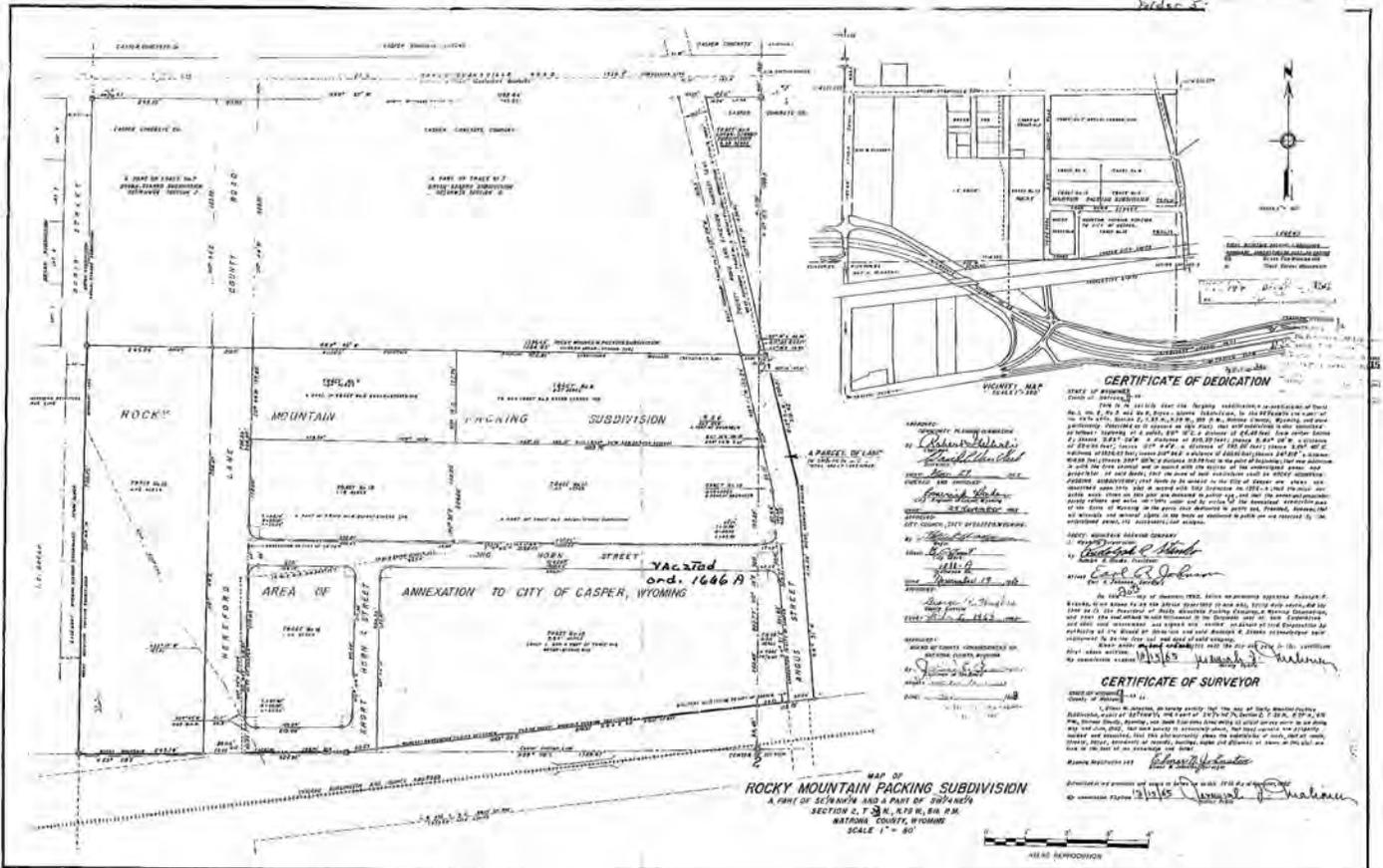
25. Manufactured home (mobile) sales and service;
26. Manufacturing, assembly, or packing of products from previously prepared materials;
27. Manufacturing of devices or instruments;
28. Manufacturing and processing of food or food products;
29. Motels and hotels;
30. Offices, general and professional;
31. Open sales lots;
32. Pet supplies;
33. Parks, playgrounds, historical sites, and other similar recreational facilities;
34. Pawnshops;
35. Personal service shops;
36. Plumbing, welding, electrical supply, and service shops;
37. Printing and newspaper houses;
38. Public utilities and public service installations, including repair and storage facilities;
39. Recycling businesses;
40. Restaurant, cafes, and coffee shops;
41. Retail businesses;
42. Transportation depots;
43. Veterinary clinics with boarding outside pens;
44. Warehouses, including both indoor and outdoor storage;
45. Neighborhood assembly uses;
46. Regional assembly uses;
47. Custodial care facility;
48. Branch community facilities;
49. Neighborhood grocery;
50. Church;
51. Asphalt (hot mix) plants;
52. Concrete plants;
53. Gypsum manufacturing;
54. Helistops, airports, heliports, or aircraft landing fields;
55. Large equipment sales and repair;
56. Manufacture and storage of explosives;
57. Refineries;
58. Rock quarrying and crushing;
59. Warehouses, indoor and outdoor storage, and retail sales;
60. Sexually oriented businesses, pursuant to all regulations set forth in Section 9.24.110 of the municipal code.

Rocky Mountain Packing Subdivision - Kalies



Rocky Mountain Packing Subdivision - Kalies





Report of
 Order 5

CERTIFICATE OF DEDICATION
 STATE OF WYOMING
 COUNTY OF NATIONAL

I, the undersigned, Surveyor, do hereby certify that the foregoing subdivision is a subdivision of the
 No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.